

ORDINANCE NO. _____
File No. Z1123-0338

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL AND AMENDING THE MESQUITE ZONING ORDINANCE BY CHANGING THE ZONING FROM AGRICULTURAL TO PLANNED DEVELOPMENT – TOWNHOMES WITH MODIFIED DEVELOPMENT STANDARDS TO ALLOW AN AGE-RESTRICTED TOWNHOME DEVELOPMENT ON PROPERTY LOCATED AT 2795 CLAY MATHIS ROAD; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the City Council, in compliance with the Charter of the City of Mesquite, state laws and the zoning ordinance, have given the required notices and held the required public hearings regarding the rezoning of the subject property; and

WHEREAS, the City Council finds that it is in the public interest to grant this change in zoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. The subject property consists of approximately 4.2940 acres described in Exhibit A, attached hereto and incorporated herein by reference, and located at 2795 Clay Mathis Road, Mesquite, Dallas County, Texas (the “**Property**”).

SECTION 2. The Mesquite Comprehensive Plan, dated October 7, 2019, as amended, is hereby amended by changing the Property’s future land use designation from Low Density Residential to Medium Density Residential.

SECTION 3. The Mesquite Zoning Ordinance is amended by changing the zoning for the Property from Agricultural to Planned Development – Townhomes to allow an age-restricted townhome development subject to the following conditions and stipulations:

- A. the modified Planned Development Standards and Concept Plan, attached hereto as Exhibits B and C, respectively, and incorporated herein by reference; and
- B. submission to the City of restrictive covenants, to be agreed upon by the City Manager, that restrict residency of the townhomes to persons 55 years of age or older, name the City as a third-party beneficiary of the covenants with enforcement rights, and includes such other conditions, restrictions and covenants deemed appropriate by the City Manager; and

- C. the filing of the foregoing and agreed upon covenants in the Dallas County property records.

SECTION 4. All other ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.

SECTION 5. The Property shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

SECTION 6. Should any word, sentence, clause, paragraph, or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 7. Any violation of the provisions or terms of this Ordinance by any “person,” as defined in Mesquite City Code, Chapter 1, [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine, or any other general penalties, as provided in Mesquite Zoning Ordinance, Part 5, 5-100, [Section 5-103](#) (General Penalties), or successor and as amended.

SECTION 8. This Ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#).

SECTION 9. This Ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 7th day of April 2025.

Daniel Alemán, Jr.
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Sonja Land
City Secretary

David L. Paschall
City Attorney

2829 Clay Mathis Road

Being a tract of land situated in the John P. Anderson Survey, Abstract No. 1, Isaac Edwards Survey, Abstract No. 445 and the S. Houston Survey, Abstract No. 655 in the City of Mesquite, Dallas County, Texas, same being a portion of that tract of land conveyed to Bruton Road Baptist Church, Inc., a Texas non-profit corporation, by deed recorded in Volume 95160, Page 4249, Deed Records, Dallas County, Texas, Save and Except that tract of land conveyed to the City of Mesquite, by deed recorded in Volume 2003109, Page 10338, Deed Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for corner, said corner being in the Northeast line of that tract of land conveyed to Cynthia G. Hurst, by deed recorded in Instrument Number 20080196546, Official Public Records, Dallas County, Texas and being the South corner of that tract of land conveyed to River of Life Church Dallas, by deed recorded in Instrument Number 201200384242, Official Public Records, Dallas County, Texas;

THENCE North 44 degrees 48 minutes 33 seconds East, along the Southeast line of said River of Life Church tract, a distance of 380.60 feet to a 1/2 inch iron rod found for corner, said corner being the East corner of said River of Life Church tract;

THENCE North 45 degrees 00 minutes 00 seconds West, along the Northeast line of said River of Life Church tract, a distance of 74.51 feet to a point for corner, said corner being the South corner of that tract of land conveyed to Shawn Michael Lovett, by deed recorded in Volume 2004043, Page 10218, Deed Records, Dallas County, Texas, from which a "X" found for bears North 43 degrees 50 minutes 56 seconds West, a distance of 2.37 feet for witness;

THENCE North 36 degrees 01 minutes 10 seconds East, along the Southeast line of said Lovett tract, a distance of 187.91 feet to a point for corner, said corner being in the Southwest line of Clay Mathis Road (public right-of-way);

THENCE South 44 degrees 58 minutes 41 seconds East, along the Southwest line of said Clay Mathis Road, a distance of 378.39 feet to a point for corner, said corner being the North corner of the remainder of said Bruton Road Baptist Church tract;

THENCE South 45 degrees 01 minutes 10 seconds West, along the Northwest line of said Bruton Road Baptist Church tract, a distance of 686.93 feet to a point for corner, said corner being the West corner of the remainder of said Bruton Road Baptist Church tract and being in the Northeast line of that tract of land conveyed to C. Greg Dyer and wife, Karen L. Dyer, by deed recorded in Volume 96178, Page 2166, Deed Records, Dallas County, Texas, from which a 1/2 inch iron rod found bears North 32 degrees 33 minutes 56 seconds West, a distance of 1.66 feet for witness;

THENCE North 44 degrees 28 minutes 10 seconds West, along the Northeast line of said Dyer tract, a distance of 116.99 feet to a point for corner, said corner being the South corner o said Hurt tract;

THENCE North 36 degrees 01 minutes 10 seconds East, along the Southeast line of said Hurst tract, a distance of 120.00 feet to a point for corner, said corner being the East corner of said Hurst tract;

THENCE North 44 degrees 28 minutes 33 seconds West, along the Northeast line of said Hurst tract, a distance of 137.34 feet to the POINT OF BEGINNING and containing 186,979 square feet or 4.29 acres of land.

SURVEYOR'S CERTIFICATE

This survey is made relying on information provided by McKnight Title Company in connection with the transaction described in GF# 18-03-13695. The undersigned Registered Professional Land Surveyor (Bryan Connally) hereby certifies to McKnight Title that, (a) this plat of survey and the property description set forth hereon were prepared from an actual on-the-ground survey of the real property Angel Drive described in Volume 95160, Page 4249, and shown hereon; (b) such survey was conducted by the Surveyor, or under his direction; (c) all monuments shown hereon actually existed on the date of the survey, and the location, size and type of material thereof are correctly shown; (d) except as shown hereon there are no observable protrusions on to the Property or observable protrusions there from, there are no observable discrepancies, conflicts, shortages in area or boundary line conflicts; (e) the size, location and type of improvements, are shown hereon, and all are located within the boundaries of the Property and setback from the Property lines the distances indicated; (f) the distance from the nearest intersection street or road is as shown; (g) the Property has apparent access to and from a public roadway; (h) recorded easements listed hereon have been labeled and platted hereon; (i) the boundaries, dimensions and other details shown hereon are shown to the appropriate accuracy standards of the State of Texas; (j) the Property is located in Zone X (N.F.H.A.) and is not located in a 100 Year Flood Plain or in an identified "Flood Prone Area" as defined by the U. S. Department of Housing and Urban Development (Flood Insurance Rate Map No. 48113C0535K, with a date of 07/07/2014) pursuant to the Flood Disaster Protection Act of 1973.

The surveyor expressly understands and agrees that McKnight Title Company are entitled to rely on this survey as having been performed to the appropriate standards of the current Texas Society of Professional Surveyors Standards and Specifications for a Texas Land Title Survey as set forth by the Texas Board of Professional Land Surveying.

Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned.

Executed this 30th day of November, 2018.

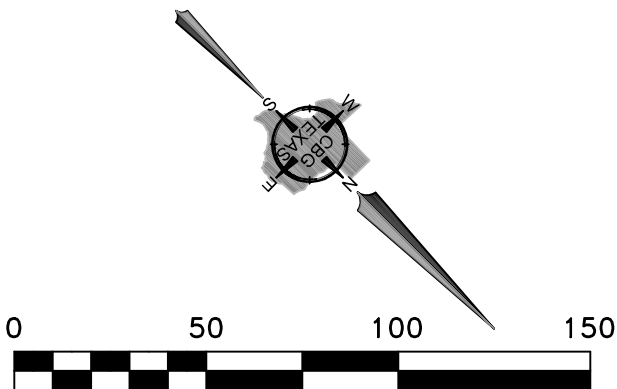
Bryan Connally
Bryan Connally
Registered Professional Land Surveyor No. 5513



ACCEPTED BY: _____ SIGNATURE _____ DATE _____ SIGNATURE _____ DATE _____

NOTE: PROPERTY SUBJECT TO TERMS, CONDITIONS, AND EASEMENTS CONTAINED IN INSTRUMENTS RECORDED IN VOL. 2702, PG. 400
EASEMENTS RECORDED IN THE FOLLOWING VOLUMES AND PAGES DO NOT AFFECT THE ABOVE DESCRIBED PROPERTY VOL. 2004011, PG. 8295, VOL. 2004011, PG. 8301, VOL. 96225, PG. 1792

NOTES:
BEARINGS ARE BASED ON DEED RECORDED IN INST. NO. 201200384242.



NOTE: According to the F.I.R.M. in Map No. 48113C0535K, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.

REVISIONS		
DATE	BY	NOTES

CONTROLLING MONUMENT		LEGEND	
○	1/2" IRON ROD FOUND	PE	POOL EQUIPMENT
⊗	1/2" IRON ROD SET	■	BRICK COLUMN
○	1" IRON PIPE FOUND	AC	AIR CONDITIONING
⊠	FENCE POST CORNER	⊠	FIRE HYDRANT
⊠	"X" FOUND / SET	—	OVERHEAD ELECTRIC SERVICE
▲	UNDERGROUND ELECTRIC	—	OVERHEAD POWER LINE
●	POWER POLE	—	ASPHALT PAVING
■	ASPHALT PAVING	■	GRAVEL/ROCK ROAD OR DRIVE
■	GRAVEL/ROCK ROAD OR DRIVE	■	CONCRETE PAVING

		12025 Shiloh Road, Ste. 240 Dallas, TX 75228 P 214.349.9485 F 214.349.2216 Firm No. 10168800 www.cbgxllic.com	
SCALE	DATE	JOB NO.	G.F. NO.
1" = 50'	11/30/18	1824777	SEE CERT.
			BG

TEXAS LAND TITLE SURVEY	
JOHN P. ANDERSON SURVEY, ABST. NO. 1/ ISAAC EDWARDS SURVEY ABST. NO. 445/ S. HOUSTON SURVEY, ABST. NO. 655	
CITY OF MESQUITE, DALLAS COUNTY, TEXAS	
2795 CLAY MATHIS RD	

EXHIBIT B for File No. Z1123-0338

PLANNED DEVELOPMENT STANDARDS

This Planned Development – Townhome (“PD-TH”) District must adhere to all conditions of the Mesquite Code of Ordinances, including but not limited to the Mesquite Zoning Ordinance (“MZO”), as amended, and adopts the Townhome (“TH”) District as the base district standards consistent with the Concept Plan attached hereto and incorporated herein as Exhibit C and the standards identified below, which apply to this PD-TH district. Where these regulations conflict with or overlap another ordinance, this PD ordinance will control.

1. **Permitted Land Uses.** All uses permitted in the Townhome District are allowed on the Property except as modified in Subsection "a" of this paragraph. The uses permitted in the Townhome District are subject to the same requirements applicable to the uses in the Townhome District, as set out in the MZO.
 - a. The following uses are permitted on the Property.
 - i. Townhomes, which include duplex, triplex, or quadplex structures, as shown on Exhibit C.
 - ii. The townhomes shall remain age restricted, and occupants shall be limited to individuals 55 years of age and older. This restriction shall be implemented and governed by the Home Owners Association in addition to restrictive covenants filed in the Dallas County real property records.
2. **Development Standards.** In addition to the requirements of the TH base zoning district, the PD-TH is subject to the following.
 - a. **Site Plan.** A site plan for the Property shall be in general conformance with the Concept Plan in Exhibit C. The site plan may differ from the Concept Plan without requiring a PD amendment to comply with the adopted Building and Fire Codes and Mesquite Engineering Design Manual.
 - b. **Homeowner’s Association.**
 - i. Before issuance of building permits for a project containing and common areas or community facilities, it shall be necessary to assure the City that provisions have been made for adequate upkeep and maintenance of such areas and facilities through the creation of a homeowners or maintenance association established to maintain and manage all such common areas and community facilities.
 - ii. All common areas and community features shown on Exhibit C, including open space, landscaping, entry sign, and visitor parking, shall be maintained by the HOA.
 - c. **Signage.** An entry feature/monument sign for the Townhome development shall be erected and maintained along Clay Mathis Road.

d. **Parking.**

- i. One covered off-street space per unit is required. The required one-car enclosed garage may not be converted into living space.
- ii. No recreation vehicle, motorhome, watercraft, or other equipment greater than six (6) feet in height when mounted on its transporting trailer shall be parked or stored on any lot with a dwelling unit. Regardless of height, no such equipment shall be parked or stored on any street for longer than twenty-four (24) hours.
- iii. 18 visitor parking spaces shall be provided as shown on Exhibit C.

e. **Open Space.** The open space and amenities provided shall be as shown on Except C.

f. **Lot, setback, height, and unit size requirements.**

Minimum Lot Area	2,500 sq. ft.
Minimum Lot Depth	100 ft.
Minimum Lot Width	25 ft.
Minimum Front Yard Setback	20 ft.
Minimum Exterior Side Yard Setback	10 ft.
Minimum Interior Side Yard	Per Fire Code
Minimum Rear Yard	10 ft.
Maximum Density	8 units per acre
Minimum Living Area	1,400 sq. ft.
Maximum Height	2 stories, with up to 36 ft. on interior lots
Maximum Separation Between Buildings	10 ft.
Maximum Number of Units per Building	5 units

g. **Anti-Monotony.** Townhome elevations shall not be duplicated more than five times within the development. In addition, an elevation shall not be permitted to be duplicated within two lots from one another.

h. **Landscaping.**

- i. All lots with dwelling units and each five hundred (500) square feet of open space, including rights-of-way, shall be landscaped with turf grass, irrigated, and planted with trees in accordance with Section 1A-203(A) of the MZO. Not less than twenty (20) percent of the required open space and pervious area of each lot with a dwelling unit shall be improved with landscape beds.

- ii. The developer shall provide a minimum of 1 tree per townhome lot from the approved list of tree species in Section 1A-500 of the MZO.
- iii. The property lines through the shared driveways shall be clearly delineated with a median or landscape bed to separate the parking spaces between the dwelling units.

i. Screening.


- i. A 6-foot masonry wall shall be provided and maintained along Clay Mathis Road.
- ii. An 8-foot precast wall shall be provided along the southwestern property line of the Property as shown on Exhibit C.
- iii. A 6-foot wrought iron fence shall be provided and maintained along the rear property line of all townhome lots, which are adjacent to the external boundary of the subdivision.
- iv. A 6-foot wrought iron fence and living screen shall be provided and maintained at the exterior of all open space/public areas that are adjacent to an external property line.
- v. No screening or fencing shall be erected to obstruct vehicle visibility.

35 RESIDENTIAL LOTS

KEY POINTS TO PROJECT:

1. EXISTING ZONING FOR TRACT 61 IS AGRICULTURAL, THE MISSION IS TO CHANGE THE ZONING TO A PLANNED DEVELOPMENT.
2. TRACT 1A & TRACT 1B WILL BE USED AS A COMMUNITY PARK USED FOR RECREATION AND WILL BE MAINTAINED BY AN ESTABLISHED HOA.
3. ALL STORM WATER DRAINAGE WILL BE REDIRECTED TOWARDS THE EXISTING DETENTION POND ON THE CHURCH'S PROPERTY. SOUTHWEST OF THE SUBDIVISION.
4. WATER MAIN TO BE LOOPED AND CONNECTED TO WATER MAIN ON CHURCH PROPERTY.



SHEET DATA:		PROJECT DATA:	
S-1	MASTER PLAN		LEGAL DESCRIPTION: J P ANDERSON ABST 1 PG 025 TR 61 ACS 4.2941 ZONING: AG
	SCALE:	ADDRESS:	
I" = 30'-0"	2795 CLAY MATHIS RD Mesquite, TX 75181		
DATE:			
02/14/25			
SUBMISSIONS:		OWNER:	
ORIGINAL: 11.15.23		----	
DESIGNER: (469) 394-8059 luisp1959@gmail.com 1111 W MOCKINGBIRD LN #470 DALLAS, TX 75247		 INNOVA DESIGN GROUP	