

ORDINANCE NO. \_\_\_\_\_  
File No. Z0119-0084

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM R-1 AND R-3 SINGLE FAMILY RESIDENTIAL TO PLANNED DEVELOPMENT - GENERAL RETAIL ON PROPERTY LOCATED AT 340 STATE HIGHWAY 352; ALLOWING THE USES PERMITTED IN THE GENERAL RETAIL DISTRICT SUBJECT TO CERTAIN STIPULATIONS AND EXCLUSIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; 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. That the Mesquite Zoning Ordinance is amended by approving a change of zoning from R-1 and R-3 Single Family Residential to Planned Development - General Retail to allow a commercial development subject to the following stipulations:

1. Except as otherwise provided in Stipulation No. 2 of this section, the uses permitted in the General Retail ("GR") zoning district are permitted in this Planned Development subject to the same requirements applicable to those uses in the GR district in the Mesquite Zoning Ordinance. For example, a use permitted in the GR District only by conditional use permit ("CUP") is permitted in this Planned Development only by CUP.
2. The following uses are prohibited on the Property:

SIC 553     Auto Supply Stores

SIC 554     Limited Fuel Sales

SIC 75     Automotive Repair, Services – all, including:

          SIC 7514     Passenger Car Rental

          SIC 7515     Passenger Car Leasing

          SIC 752     Automobile Parking (Lots and Structures)

          SIC 753     Automobile Repair Shops

SIC 7542 Car Washes, including Detail Shops  
SIC 7549 Other Automotive Services

SECTION 2. That the subject property is located at 340 State Highway 352 and described as being approximately 2.54 acres in the Thomas Scott Survey, Abstract No. 1353, City of Mesquite, Dallas County, Texas, and more fully described in the legal description attached hereto as Exhibit "A."

SECTION 3. That all 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 4. That the property described in Section 2 of this ordinance shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

SECTION 5. That 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 6. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

SECTION 7. That 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 18th day of March 2019.

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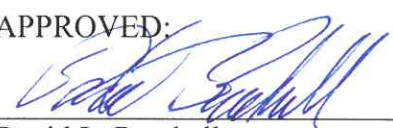
Stan Pickett  
Mayor

ATTEST:

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Sonja Land  
City Secretary

APPROVED:



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David L. Paschall  
City Attorney

**METES & BOUNDS DESCRIPTION**

OF A 2.54 (CALLED 2.5385) ACRE TRACT OF LAND SITUATED IN THE THOMAS SCOTT SURVEY, ABSTRACT NO. 1353, DALLAS COUNTY, TEXAS, BEING PART OF A TRACT OF LAND CONVEYED TO MINNIE AMBERN BY DEED RECORDED IN VOLUME 3277, PAGE 312, DEED RECORDS OF DALLAS COUNTY, TEXAS, BEING THE SAME TRACT OF LAND AS CONVEYED FROM LINDA DARLENE SUAREZ, ET AL TO DEBRA ANN MARTIN RECORDED IN DOCUMENT NO. 200900164995, OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** at a found highway monument in the southeasterly R.O.W. line of State Highway No. 352 (a minimum 100' Variable Width Public R.O.W.) for the north corner of the herein described tract, the northwest corner of Lot 1, Block A, Amburn Subdivision, as recorded in Vol. 78007, Pg. 370, Map Records of Dallas County, Texas;

**THENCE** along and with the common boundary of the herein described tract and said Lot 1, South 54°44'19" East, a distance of 270.32 feet (called South 50°16'30" East, a distance of 269.98 feet) to a found ½" iron rod for the northeast corner of the herein described tract, the south corner of said Lot 1, a point in the westerly boundary line of a tract known as the remaining portion of Lot 1, Block B, Harris Industrial Park Subdivision Section 2, as recorded in Vol. 85169, Pg. 2618, Map Records of Dallas County, Texas;

**THENCE** along and with the common boundary of the herein described tract and said Harris Industrial Tract, South 04°35'32" East, a distance of 236.17 feet (called South 00°11'30" East, a distance of 236.39 feet) to a set ½" iron rod for the southeast corner of the herein described tract, an angle point of said Harris Industrial Tract;

**THENCE** continuing along and with the said boundary, North 86°29'02" West, a distance of 464.49 feet (called North 82°01'13" West, a distance of 464.49 feet) to a set ½" iron rod for the southwest corner of the herein described tract, the most southerly northwest corner of said Harris Industrial Tract, a point in the southeasterly R.O.W. line of said State Highway No. 352;

**THENCE** along and with said R.O.W., the following courses and distances:

North 51°46'35" East, a distance of 24.94 feet (called North 56°14'24" East, a distance of 24.94 feet) to a set ½" iron rod for an angle point;

North 34°18'45" East, a distance of 103.49 feet (called North 38°46'34" East, a distance of 103.49 feet) to a point of reference in a pond for an angle point;

North 24°48'16" East, a distance of 176.54 feet (called North 29°16'05" East, a distance of 176.54 feet) to a set ½" iron rod for an angle point;

**THENCE** North 35°15'41" East, a distance of 124.70 feet (called North 39°43'30" East, a distance of 124.70 feet) to the **POINT OF BEGINNING** and containing 2.54 acres, more or less.

Basis of Bearing: Texas North Central NAD 83.

STATE OF TEXAS       §

June 4, 2015

COUNTY OF COLLIN   §

It is hereby certified that the above description was prepared from an actual survey on the ground of the described tract made under my supervision.



Donald Edward Smith, Sr.  
Registered Professional Land Surveyor  
Registration No. 2465





