

ORDINANCE NO. 4998  
File No. Z0822-0250

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM GENERAL RETAIL TO GENERAL RETAIL WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 1700 OATES DRIVE TO ALLOW A TUNNEL CARWASH WITHIN THE 100-FOOT RESIDENTIAL BUFFER REQUIREMENT SUBJECT TO CERTAIN STIPULATIONS; 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. The subject property is approximately 2.860 acres and located at 1700 Oates Drive, Mesquite, Dallas County, Texas (the “**Property**”).

SECTION 2. The Mesquite Zoning Ordinance (“**MZO**”) is amended by approving a change of zoning for the Property from General Retail to General Retail with a Conditional Use Permit (“**CUP**”) to allow a tunnel carwash within the 100-foot residential buffer requirement with the following stipulations to address concerns of noise and overflow stacking:

- A. Activities on the Property shall comply with the City’s Noise Ordinance, Article III of Chapter 10 of the Mesquite City Code as may be amended, and, if necessary for compliance, noise mitigation methods shall be utilized.
- B. Site Plan approval is conditioned on the proposed stacking driveways being designed so that overflow stacking does not encroach into the public right of way.

SECTION 3. 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed; otherwise, they shall remain in full force and effect.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. The Property shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

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SECTION 5. 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. 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 7. This Ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#).

SECTION 8. 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 19th day of December 2022.

DocuSigned by:  
*Daniel Aleman Jr.*  
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\_\_\_\_\_  
Daniel Alemán, Jr.  
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

DocuSigned by:  
*Sonja Land*  
C2518095973F46A...  
\_\_\_\_\_  
Sonja Land  
City Secretary

DocuSigned by:  
*David L. Paschall*  
666E18891208434...  
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David L. Paschall  
City Attorney