

ORDINANCE NO. 4760
File No. Z1219-0121

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING AN AMENDMENT TO PLANNED DEVELOPMENT ORDINANCE NO. 1643 TO ALLOW A CARWASH AS A PERMITTED USE LESS THAN 100 FEET FROM A RESIDENTIAL ZONING DISTRICT SUBJECT TO CERTAIN STIPULATIONS ON PROPERTY LOCATED AT 4414 NORTH GALLOWAY AVENUE; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00 FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

WHEREAS, the Planning and Zoning Commission and the City Council, in compliance with the Charter of the City of Mesquite, state law 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 amending Planned Development Ordinance No. 1643 to allow a carwash as a permitted use less than 100 feet from a residential zoning district subject to the following stipulations:

1. Uses shall be limited to those permitted by right in the Commercial Zoning District as provided in the Mesquite Zoning Ordinance with the following additions and exclusions:
 - a. Additional Uses Permitted:

SIC Code 7542	Car Washes, including Detail Shops
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 - b. Prohibited Uses:

SIC Groups 15-17	Construction
SIC Group 751-753	Automobile Repair Services
SIC Code 7549	Other Automotive Services
2. Development of the site shall conform generally to the Concept Plan, attached hereto as Exhibit "A."
3. The parking screen shown on the Concept Plan shall be provided in accordance with Section 1A-301.C.3 of the Mesquite Zoning Ordinance.

4. A four-foot tall opaque wood fence shall be installed long the west property line. The fence should continue and match the similar fence along the west property line of the property adjacent to the north.

SECTION 2. That the subject property is a 1.59 acre site located at 4414 North Galloway Avenue and more fully described in the approved field notes in Exhibit "B" attached hereto.

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. To the extent that such ordinances or portions thereof not in conflict herewith, the same 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.

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 \$2,000.00 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.

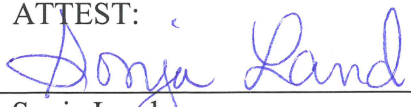
SECTION 7. That this ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 3rd day of February 2020.



Bruce Archer
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

"Exhibit B"
FIELD NOTES

1.59 ACRES

T. THOMAS SURVEY

PART OF LOT 2, BLOCK A
COUNTRY MEADOWS 3 ADDITION

ABSTRACT NO. 1461

CITY OF MESQUITE
DALLAS COUNTY, TEXAS

BEING ALL THAT CERTAIN LOT TRACT OR PARCEL OF LAND LOCATED IN THE T. THOMAS SURVEY, A-1461, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, BEING DESCRIBED AS PART OF LOT 2, BLOCK A, OF COUNTRY MEADOWS 3 ADDITION ACCORDING TO THE PLAT RECORDED IN INSTRUMENT 201400068137 OF THE PLAT RECORDS DALLAS COUNTY, TEXAS. SAID LOT TRACT OR PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at an "X" mark found in the southwest line of Galloway Avenue, at the east corner of Lot 1, being the most northern corner of Lot 2;

THENCE, S 45°58'18" E (Control Line), 261.44 feet along the southwest line of Galloway Avenue to a 5/8" iron rod found at the corner clip of the southwest line of Galloway Avenue and the northwest line of Childress Avenue;

THENCE, S 05°05'19" W, 25.14 feet along the above-mentioned corner clip to a 5/8" iron rod found in the northwest line of Childress Avenue at the east corner of Lot 2;

THENCE, S 56°08'55" W, 261.27 feet northwest line of Childress Avenue to a 1/2" iron rod set with a plastic cap labeled #4207 at the south corner of this tract;

THENCE, N 45°58'18" W, 222.38 feet through Lot 2, being the southwest line of this tract to a 1/2" iron rod found at the south corner of Lot 1, a re-entry corner of Lot 2, being the west corner of this tract;

THENCE, N 44°01'42" E, 275.00 feet along the common line of Lot 1 and Lot 2 to the POINT OF BEGINNING and CONTAINING 1.59 ACRES OF LAND MORE OR LESS.

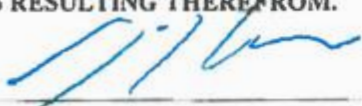
BASIS OF BEARINGS: TEXAS COORDINATE SYSTEM NORTH CENTRAL ZONE NAD 83

SURVEYOR'S CERTIFICATE

DATE: OCTOBER 29, 2019

TO: FIDELITY NATIONAL TITLE COMPANY

I, Gary L. Hardin, Registered Professional Land Surveyor No. 4207, do hereby certify to FIDELITY NATIONAL TITLE INSURANCE CO., Q HOTELS LLC, and FIRST NATIONAL TITLE INSURANCE that the field notes hereon represent the results of a survey made on the ground under my direction and supervision, the lines and dimensions of said property being as indicated. This survey is based on deeds, easements and/or recorded plats and other records when furnished by the client or the client's representative, as well as significant and visible monuments found on the subject property and adjacent properties, field measurements and evidence of boundaries found on the ground. However, this certification is not a representation of warranty of title or guarantee of ownership. This survey was performed EXCLUSIVELY for the above mentioned parties. USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR RISK AND THE UNDERSIGNED IS NOT RESPONSIBLE FOR ANY LOSS RESULTING THEREFROM.


GARY L. HARDIN, RPLS NO. 4207
FIRM REGISTRATION NO. 10114700
W.O.# 1910057 (SEE SURVEY)

