

ORDINANCE NO. 5013
File No. Z0123-0283

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM GENERAL RETAIL TO GENERAL RETAIL WITH A CONDITIONAL USE PERMIT TO ALLOW AN ALTERNATIVE FINANCIAL ESTABLISHMENT WITH MODIFICATIONS ON PROPERTY LOCATED AT 3301 GUS THOMASSON ROAD 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; PROVIDING FOR PUBLICATION; 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 (“**Property**”) is described as being approximately 1.78 acres, platted as East Town Plaza, Block 1, Lot 3, and located at 3301 Gus Thomasson Road, Mesquite, Dallas County, Texas.

SECTION 2.

- 2.01. 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 an alternative financial establishment with modifications to requirements that permit it to:
 - (1) Be located within 200 feet of any lot zoned or used for residential purposes; and
 - (2) Be co-located within the same structure as other uses; and
 - (3) Be located within 1,000 feet of another lot which contains an alternative financial establishment.
- 2.02. The alternative financial establishment shall be limited to check cashing, money transfers, and any other lawful general retail activities, and shall not include payday advance or other financial loan services included in the MZO definition of “*alternative financial establishment.*”
- 2.03. The alternative financial establishment must be associated with and incidental to a grocery store.

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2.04. The CUP is approved solely for Barri Financial Group, and the CUP shall not be transferrable or assignable to a different owner or business. A different business applicant desiring to continue this use must submit a new application requesting to continue the CUP and any such application shall require the procedures outlined in the MZO for initial approval of a CUP.

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 described in Section 1 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. 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 20th day of March 2023.

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 Paschall
666E18891208434...
David L. Paschall
City Attorney