

ORDINANCE NO. 5173
File No. Z0425-0393

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM PLANNED DEVELOPMENT - COMMERCIAL (ORDINANCE NO. 4653) WITHIN THE TOWN EAST RETAIL AND RESTAURANT AREA (“TERRA”) OVERLAY DISTRICT TO PLANNED DEVELOPMENT - COMMERCIAL (ORDINANCE NO. 4653) WITHIN THE TERRA OVERLAY DISTRICT WITH A CONDITIONAL USE PERMIT (“CUP”) TO ALLOW THE SALE OF USED CLOTHING AS A PERMITTED USE ON PROPERTY LOCATED AT 1645 NORTH TOWN EAST BOULEVARD, UNIT 503, WITH CERTAIN STIPULATIONS; REPEALING ALL OTHER 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 is approximately 2.89 acres, platted as Emporium Phase 2 Replat, Block C, Lot 2, and located at 1645 North Town East Boulevard, Unit 503 (the “**Property**”).

SECTION 2. The Mesquite Zoning Ordinance (“**MZO**”) is amended by approving a change of zoning from Planned Development - Commercial (Ordinance No. 4653) within Town East Retail and Restaurant Area (“**TERRA**”) Overlay District to Planned Development - Commercial (Ordinance No. 4653) within TERRA Overlay District with a Conditional Use Permit (“**CUP**”) for the Property to allow the sale of used clothing as a permitted use with the following stipulations:

1. The used merchandise shall be limited to gently used clothing and accessories. It shall not include the sale of any other used merchandise.

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2. Merchandise display shall be orderly and similar in style to typical displays at general merchandise and department stores.
3. No display of used merchandise shall be permitted outside the establishment.
4. All display merchandise shall be clean and operational. The display of severely damaged items is prohibited.
5. Handwritten labels shall not be used or permitted.
6. Previously-owned merchandise shall be marked as such.
7. Three convictions for violation of this CUP during any 12-month period shall result in the automatic revocation of this CUP. In this event, prior to revocation of the CUP, the Building Official shall revoke the Certificate of Occupancy (“CO”) for the use due to repeated violations. All applicable procedures shall be completed for revocation of the CO before the owner is notified that the sale of used merchandise is no longer authorized under this CUP.
8. The CUP is approved solely for John Droblyn and Droblyn Holdings, LLC, conducting business as an Uptown Cheapskate franchisee, and the CUP shall not be transferable 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.

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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 16th day of June 2025.

Signed by:

Daniel Alemán, Jr.

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Daniel Alemán, Jr.
Mayor

ATTEST:

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Sonja Land

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Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:

Signed by:

David L. Paschall

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David L. Paschall
City Attorney