

ORDINANCE NO. 2288  
File No. 74-17

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, DULY PASSED BY THE CITY COUNCIL ON SEPTEMBER 4, 1973, SO AS TO GRANT A CHANGE OF ZONING FROM COMMERCIAL TO A CONDITIONAL USE IN COMMERCIAL FOR INDOOR RECREATION, A BOWLING ALLEY AND FOR A PRIVATE CLUB WITH CERTAIN STIPULATIONS ON A TRACT LOCATED WEST OF HICKORY TREE ROAD AND NORTH OF RODEO DRIVE; CITY OF MESQUITE, DALLAS COUNTY, TEXAS; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE; BY REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE AND RETAINING IN FULL FORCE AND EFFECT ALL REGULATIONS OF THE 1973 ZONING ORDINANCE TO THE LAND HEREWITH ZONED; BY PROVIDING THAT THE FOREGOING CHANGES ARE GRANTED SUBJECT TO ANY DEVELOPMENT OF THE LAND BEING DEVELOPED IN CONFORMITY WITH THE REQUIREMENTS OF CURRENT AND/OR FUTURE DRAINAGE IMPROVEMENT ORDINANCES; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY:

WHEREAS, the City Planning Commission of the City of Mesquite and the governing body of the City of Mesquite in compliance with the Charter of the City of Mesquite and State laws with reference to granting of zoning change under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to the persons interested and situated in the area, the City of Mesquite is of the opinion that the change of zoning may be granted herein:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of 1973, duly passed by the City Council of the City of Mesquite, Texas, on the 4th day of September, 1973, be and the same is hereby amended by amending the Zoning Map of the City of Mesquite so as to grant a change of zoning from Commercial to a Conditional Use in Commercial for Indoor Recreation, a bowling alley and for a private club with the following stipulations:

1. Prohibiting Happy Hour
2. Prohibiting signs indicating the sale of alcoholic beverages or a bar
3. The bar area must be screened
4. Prohibiting dancing
5. Site plan approval by the City Council for the entire center

SECTION 2. 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 3. That the property described in Section 1 of this ordinance, shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of 1973.

SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal, or unconstitutional and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Hundred (\$200.00) Dollars for each offense.

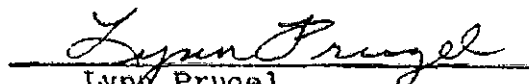
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 21st day of April A.D., 1986.

  
 Mrs. Brunhilde Nystrom  
 Mayor

ATTEST:

APPROVED AS TO FORM:

  
 Lynn Prugel  
 City Secretary

  
 Elland Archer  
 City Attorney

## ZONING DESCRIPTION

BEING a tract of land situated in the Job Badgley Survey, Abstract No. 74, City of Mesquite, Dallas County, Texas, being part of three tracts of land conveyed by deed from Henry H. Kyle to Neal Gay, as recorded in Volume 84081, Page 0852, Deed Records of Dallas County, Texas, and from Neal Gay to Western Hills Partnership, as recorded in Volume 85145, Page 1610, Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found for the most easterly southeast corner of a tract of land conveyed by deed to LBJ East Joint Venture, as recorded in Volume 84187, Page 4810, Deed Records of Dallas County, Texas, said rod being in the west right-of-way line of Hickory Tree Lane (40' to centerline);

THENCE South  $00^{\circ} 19' 40''$  East along said west right-of-way line a distance of 772.42 feet to a point for corner in the north right-of-way line of Rodeo Drive (60' width);

THENCE South  $89^{\circ} 30' 24''$  West along said north right-of-way line a distance of 166.28 feet to the POINT OF BEGINNING;

THENCE South  $89^{\circ} 30' 24''$  West continuing along said north right-of-way line a distance of 545.97 feet to a point for corner;

THENCE North  $00^{\circ} 19' 40''$  West a distance of 497.71 feet to a point in the south line of aforementioned LBJ East Joint Venture tract;

THENCE North  $89^{\circ} 30' 24''$  East along said south line a distance of 366.00 feet to a point for corner;

THENCE South  $00^{\circ} 19' 40''$  East a distance of 223.00 feet to a point for corner;

THENCE North  $89^{\circ} 30' 24''$  East a distance of 179.97 feet to a point for corner;

THENCE South  $00^{\circ} 19' 40''$  East a distance of 274.71 feet to the POINT OF BEGINNING and CONTAINING 5.3168 acres or 231,599 square feet of land.

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