

ORDINANCE NO. 2354  
File No. 74-18

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, ESTABLISHING A MESQUITE ARENA/RODEO ENTERTAINMENT OVERLAY DISTRICT; SETTING OUT PERMITTED AND REQUIRED CONDITIONS FOR USES WITHIN SUCH DISTRICT; THE DISTRICT IS LOCATED SOUTH AND WEST OF THE MILITARY PARKWAY AND HICKORY TREE ROAD INTERSECTION; CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE, 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; 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; PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE AND DECLARING AN EMERGENCY.

WHEREAS, in April 1986, a new enlarged, relocated Mesquite Arena was opened in the southwestern segment of the I-635/Military Scyene Freeway Node; and

WHEREAS, the larger arena facility is appropriate to host a variety of activities, and will create impacts, influences and potential for adjacent development not previously present; and

WHEREAS, land use planning has traditionally set out special objectives and policies for areas with unique features within the City's context or which present unique development opportunities, such as Central Business, Civic Center, fine arts, historic and similar districts; and

WHEREAS, the Mesquite Arena offers such a unique facility in Mesquite due to its historical value as the home of the Mesquite Rodeo; due to the attraction of patrons from throughout the metropolitan area and the region; due to the nature and variety of recreation, entertainment, and cultural activities which can be offered in the facility; and due to its potential to attract complementary activities; and

WHEREAS, it is deemed desirable to encourage additional recreation, entertainment, and cultural uses within the City for the use and benefit of the citizens of the City and the region; and

WHEREAS, it is deemed appropriate to encourage the concentration of such complementary recreational, entertainment and cultural uses in the Mesquite Arena/Rodeo area to emphasize its uniqueness and because of the compatibility of such additional uses with the existing character of the area; and

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 as follows, in all other respects to remain in full force and effect:

There is hereby adopted a new article called Article 49A Mesquite Arena/Rodeo Entertainment Overlay District to read as follows and the Use Regulation Schedule is hereby amended to conform herewith.

**ARTICLE 49A  
MESQUITE ARENA/RODEO ENTERTAINMENT  
OVERLAY DISTRICT**

PURPOSE AND SCOPE: The Mesquite Arena/Rodeo Entertainment Overlay District is designed to encourage the concentration of recreational, entertainment and cultural uses to complement the Mesquite Arena; to provide additional recreational, entertainment and cultural activities within the City for the use and benefit of the citizens of the City and region; and to strengthen the role of the Mesquite Arena area as a regional entertainment district, emphasizing establishments attracting a regional patronage and complementary community-oriented establishments, generally of a family-oriented nature.

**49A.00 MESQUITE ARENA/RODEO ENTERTAINMENT PREFIX TO DISTRICT**  
**DESIGNATION:**

The MA/RE prefix designation constitutes a zoning overlay district, and the addition or removal of the MA/RE prefix constitutes zoning action requiring due process required under State law. The City shall have only one contiguous Mesquite Arena/Rodeo Entertainment District.

49A.01 PERMITTED USES: In this District, no land shall be used except for one or more of the following uses to the extent that they are not prohibited by other regulations and ordinances.

1. All uses permitted in the existing zoning district for which the land is zoned. (All land in the overlay district shall retain its existing zoning designation and all characteristics of such existing zoning, except for the additional uses permitted herein.)
2. Private clubs and dancing, subject to specific approval of each use in conjunction with a site plan review, subject to compliance with required conditions, and subject to a determination that the use complies with the intent and objectives of the MA/RE district and adheres to the following guidelines:
  - a) The activity is family-oriented, generally to mean the use, attracts a range of age groups.
  - b) The activity will not conflict with or hinder development of other desired uses within the district due to the particular location proposed or the establishments' operating characteristics.
  - c) The activity is not so prevalent within the district to dominate the district and prevent the development of a variety and diversity of entertainment-recreation uses.
  - d) Any private club is incidental to and in conjunction with a use otherwise permitted in the district, the primary purpose of the establishment is not the sale of alcoholic beverages, and the consumption of alcohol over longer periods of time is not encouraged by the nature of the activity.

FOR CLARIFICATION:

Uses may include, but do not necessarily include private clubs in conjunction with restaurants and other uses as determined appropriate. Dancing is generally acceptable when in conjunction with a restaurant which has as an integral part of its operation a dance floor. Outdoor commercial recreation is not included, nor are concession sales of alcoholic beverages.

Bingo parlors, dance halls, night clubs, taverns, billiard parlors, video arcades and similar uses are prejudged to be non-family oriented and/or to encourage alcohol consumption.

Adult entertainment/sex related entertainment activities are specifically prohibited.

49A.02 REQUIRED CONDITIONS: Establishments including private clubs and/or dancing, unless otherwise approved under the Conditional Use permit provisions of this ordinance, shall meet the following conditions and any additional stipulations or conditions of the specific approval:

1. A site plan/floor plan of any proposed establishment shall be submitted and approved by the City Council prior to the issuance of a building permit or Certificate of Occupancy. The site plan approval shall identify (a) the specific activities approved, (b) any added stipulations or conditions for development or operation, and (c) any modification or variance of required conditions authorized.
2. Establishments including a private club should comply with the following:
  - a) The establishment has a minimum seating capacity of 125 persons.
  - b) The establishment is housed separately in a freestanding building. (No other business establishment in the same structure).
  - c) The bar area has no exterior entrance and is not visible from the entry foyer or the main activity area of the establishment.
  - d) No signs advertising the sale of alcoholic beverages are permitted.
  - e) Drinks are not offered for sale at a price reduced from the customary price during a specific period for promotional purposes. (Sometimes called "Happy Hour" or similar promotional activities designed to stimulate the sale of alcohol).
  - f) The maximum revenue from the sale of alcoholic beverages does not exceed thirty (30%) percent of the gross revenue of the establishment. The City Council or its designated agent may promulgate reasonable rules and regulations for enforcement of this provision and may require books and records for examination. Failure to provide such records reasonably shall constitute a violation of this ordinance.

Provided, however, that modifications of or variances from the above conditions may be considered and authorized as part of the site plan approval when conditions are not applicable due to the nature of the proposed activity, if sufficient evidence is presented to determine that the establishment can meet the intent and

objectives of this district without meeting the above conditions. The above conditions shall be required unless specifically modified or varied on the site plan approval.

3. All establishments shall meet the minimum parking standards as set out in the Mesquite Zoning Ordinance; however, no joint use of parking spaces as otherwise allowed, shall be allowed in this district to meet required parking for an establishment. Should the Mesquite Zoning Ordinance contain no parking standard for a specific use, then the Dallas Development Code standards shall be used as a guideline. No parking on an unpaved surface shall be permitted in the district.
4. Noise generated by any use within the district shall not exceed the maximum level set out in Article 60, Performance Standards, of the Comprehensive Zoning Ordinance.

Section 2. Prior to approval of any site plan/floor plan pursuant to the provisions of Article 49A, the property owners within the MA/RE overlay district shall:

- a) Present for review and approval a traffic analysis, prepared by a qualified traffic engineer, including area generation studies. The analysis must identify potential problems and identify effective improvements to alleviate problems. The traffic analysis stipulated to fulfill the Planned Development Site Plan requirements for the Mesquite Bowling Center may suffice to meet this requirement. In addition, a phasing plan for completion of improvements which are the responsibility of the property owners (i.e., extension of Rodeo Drive) shall be presented and approved by the City Council.
- b) Present for review and approval a binding agreement assuring the property owners' assumption of 100% of the cost of constructing a fifth lane (right turn/stacking lane), based on the relation which \$135,199 bears to \$521,199, on the west side of Hickory Tree Road from Military Parkway to Neal Gay Drive, 90% of the four lane reconstruction of Hickory Tree Road from Military Parkway to Neal Gay Drive, and dedication of a 10-foot utility easement on the west side of Hickory Tree Road from Military Parkway to Neal Gay Drive.
- c) Present for review and approval by the Staff a detailed landscape/screening plan, prepared by a registered landscape architect, for a landscape buffer strip along the eastern edge of The Town Ridge subdivision and the northern edge of The Valley View subdivision. The landscape/screening proposal must address noise, view, security and aesthetic issues. In addition, the plan must present a phasing plan for installation of the buffer, and such

phasing plan shall provide for completion of the landscape buffer strip prior to approval of any site plan within the district, and must include proposed methods and assurances guaranteeing continued maintenance of the landscape buffer and the adjacent drainage easement.

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 are not in conflict herewith, the same shall remain in full force and effect.

SECTION 4. 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 5. 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 6. 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 7. 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 Dollars (\$200.00) for each offense.

SECTION 8. 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

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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 20th day of October, A.D., 1986.

*Mrs. Brunhilde Nystrom*  
Mrs. Brunhilde Nystrom  
Mayor

ATTEST:

APPROVED AS TO FORM:

*Lynn Prugel*  
Lynn Prugel  
City Secretary

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Elland Archer  
City Attorney

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DESCRIPTION OF ENTERTAINMENT DISTRICT  
MESQUITE, TEXAS

Being a tract or parcel of land situated in the Daniel Tanner Survey HRS A-1462 and the Job Badgley HRS A-74, City of Mesquite, Dallas County, Texas and being a portion of the tracts of land from Skyline Investex Joint Venture to LBJ East Joint Venture recorded in Volume 84187 at Page 4810, and from Arland L. Ward to Neal Gay recorded in Volume 84081 at Page 0852, and from Henry H. Kyle to Country Club Management, Inc. recorded in Volume 74225 at Page 1236, and a portion of Rodeo Centre Addition as recorded in Volume 85101 at Page 2067, all Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point in the west line of Interstate Highway 635, said point being S 18°21'33" E 246.30 feet from the intersection of said Interstate Highway 635 and the south line of Military Parkway, said point being the southeast corner, Lot 2B of Replat of Lots 2 & 3 of Rodeo Centre Addition as recorded in Volume 85186 at Page 2020 of Dallas County Deed Records;

THENCE S 18°21'33" E with said Interstate Highway 635 west line a distance of 378.15 feet, for a corner;

THENCE S 00°19'18" E continuing with said west right-of-way a distance of 87.12 feet to the point of intersection with the west right-of-way line of Hickory Tree Road, for a corner;

THENCE S 00°22'15" E with the west line of said Hickory Tree Road a distance of 418.18 feet, for a corner;

THENCE S 11°03'28" W with said west line a distance of 50.72 feet, for a corner;

THENCE S 00°48'34" E continuing along said west line a distance of 4.97 feet, for a corner;

THENCE S 00°19'40" E continuing along west line of Hickory Tree Road to the centerline of a 60 foot ingress, egress, and utility easement, a distance of 1239.39 feet, for a corner;

THENCE S 89°23'42" W with said centerline, departing the west right-of-way line of Hickory Tree Road, a distance of 1138.15 feet to a point, said point being the centerline of a 30 foot firelane easement, for a corner;

THENCE N 00°29'36" W with said firelane easement a distance of 703.89 feet to a point, said point being the corner of intersecting centerlines of 30.0 foot firelane easements, for a corner;

THENCE N 89°30'24" E with said firelane easement a distance of 179.33 feet to the point of intersection with the centerline of Rodeo Drive, 60 foot right-of-way, for a corner;

THENCE N 00°29'36" W along said centerline of Rodeo Drive a distance 279.33 feet to a point, said point being on the common survey line between the Daniel Tanner Survey, Abstract No. 1462 and the Job Badgley Survey, Abstract No. 74, for a corner;

THENCE N 44°42'11" E with said Survey line a distance of 59.51 feet, for a corner;

THENCE N 04°48'11" E departing said survey line, a distance of 561.79 feet to the beginning of a curve to the left, for a corner;

THENCE along the arc of a curve to the left 829.97 feet, said curve having a central angle of 95°06'28" and a radius of 500.0 feet, and a chord bearing N 42°45'03" W 737.91 feet, for a corner;

THENCE S 89°41'43" W a distance of 450.31 feet to a point, said point being in the south right-of-way of Soyene Road, for a corner;

THENCE N 69°31'10" E with said right-of-way a distance of 7.26 feet, for a corner;



THENCE N 76°44'11" E with said right-of-way a distance of 100.00 feet, for a corner;

THENCE N 81°06'27" E continuing along said south right-of-way a distance of 51.36 feet, for a corner;

THENCE N 80°55'56" E with said south right-of-way a distance of 295.57 feet, for a corner;

THENCE N 77°25'38" E with said south right-of-way a distance of 310.06 feet, for a corner;

THENCE N 63°09'58" E with said right-of-way a distance of 160.48 feet to the beginning of a curve to the right, for a corner;

THENCE along the arc of said curve to the right 180.36 feet, said curve having a central angle of 6°29'35" and a radius of 1591.54 feet, to a point in the west line of Lot 3A of said Replat of Lots 2 & 3 of Rodeo Centre Addition, for a corner;

THENCE S 00°24'13" E departing the south right-of-way of Soyene Road and with the west line of said Lot 3A a distance of 142.60 feet, for a corner;

THENCE S 45°20'14" W with the west line of said Lot 3A a distance of 43.41 feet, for a corner, said corner being the southeast corner of said Lot 3A;

THENCE S 87°23'43" E with the south line of said Replat a distance of 668.33 feet to the Point of Beginning and containing 52.0629 acres of land.

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$\Delta = 6^{\circ}29'35''$   
 $R = 1591.54'$   
 $L = 180.36'$

