

ORDINANCE NO. 2432
File No. CV16-17

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 GENERAL RETAIL WITH A SPECIAL EXCEPTION IN GENERAL RETAIL TO ALLOW INDOOR RECREATION, SPECIFICALLY FOR A REMOTE CONTROL MINIATURE CAR RACETRACK WITH CERTAIN STIPULATIONS; THE SUBJECT 20,000 SQUARE FOOT LEASE SPACE IS LOCATED SOUTH OF THE OATES DRIVE AND GUS THOMASSON ROAD INTERSECTION IN THE MESQUITE VILLAGE SHOPPING CENTER, SUITE 220, AS SHOWN ON THE FILED PLAT OF THE CASA VIEW HEIGHTS #16 ADDITION, BLOCK A PART OF TRACT 4.1, RECORDED IN THE DALLAS COUNTY RECORDS, JANUARY 19, 1960; CITY OF MESQUITE, DALLAS COUNTY, TEXAS; 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 General Retail with a special exception in General Retail to allow Indoor Recreation, specifically for a remote control miniature car racetrack, subject to the following stipulations:

1. Approval of this use is for a period of two (2) years, with extensions approved by City Council,
2. No juke boxes, pin ball machines, video games or live entertainment are allowed,
3. No gasoline powered cars are allowed,
4. Smoking and non-smoking areas should be designated, and
5. The rear door shall not be utilized as a primary entrance or exit, but for emergency use only.

The subject 20,000 square foot lease space is located south of the Oates Drive and Gus Thomasson Road intersection in the Mesquite Village Shopping Center, Suite 220, as shown on the filed plat of the Casa View Heights #16 Addition, Block A part of Tract 4.1, recorded in the Dallas County Records, January 19, 1960; City of Mesquite, Dallas County, Texas.

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

ORDINANCE/PAGE 3

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 1st day of June, A.D., 1987.


George A. Venner, Sr.
Mayor

ATTEST:

APPROVED AS TO FORM:


Lynd Prugel
City Secretary


Elizabeth A. Lunday
Assistant City Attorney

