

ORDINANCE NO. 2787
File No. TC-7

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO ALLOW CONDITIONAL USE PERMITS FOR A GAMEROOM AND INDOOR AND OUTDOOR RECREATION WITH CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND DECLARING AN EMERGENCY.

WHEREAS, the Planning and Zoning 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 Mesquite Zoning Ordinance adopted on September 4, 1973, and recodified on November 21, 1988, be and the same is hereby amended by amending the Zoning Map of the City of Mesquite so as to allow Conditional Use Permits for Gameroom and Indoor and Outdoor Recreation, with the following stipulations:

1. Recreation activities may include miniature golf, bumper boats, batting cages, kiddie rides, go-cart tracks and Grand Prix track.
2. The gameroom shall have a maximum of 200 coin-operated amusement games.
3. A drive for ingress-egress shall be provided onto the U.S. Hwy. 67 service road.
4. No alcoholic beverages shall be served on the premises in conjunction with the recreation and gameroom use.
5. A development site plan shall be approved by the City Council prior to the issuance of building permits. The site plan should show the layout of all drives, parking, buildings, and site improvements, including the location of the various recreation facilities and proposed buffering for adjacent uses.

The subject 8.00 acre tract located southwest of the IH 635 and U.S. Hwy. 67 interchange; City of Mesquite, Dallas County, Texas, and being more fully described in Exhibit "A" attached hereto.

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 Mesquite Zoning Ordinance.

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 Mesquite 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 Mesquite Zoning Ordinance as amended, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2,000.00) 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 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.

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DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 20th day of January, 1992.



Cathye Ray
Mayor

ATTEST:

APPROVED:



Lynn Prugel
City Secretary



B.J. Smith
City Attorney

FIELD NOTE DESCRIPTION

Exhibit "A"
Page 1 of 3

BEING a 8.003 acre tract of land situated in the T. Thomas League Survey, Abstract Number 1461, in the City of Mesquite, Dallas County, Texas and being a portion of Lot 1, Block 8 of the Towne Crossing Addition, an addition to the City of Mesquite according to the plat recorded in Volume 83086, Page 8844 of the Deed Records of Dallas County, Texas (DRDCT) and being more particularly described as follows:

BEGINNING at a 3/8 inch iron rod found in the northerly line of said Lot 1 and being the northeast corner of a 1.253 acre tract of land described as Release Tract No. VI in a deed to First Interstate Bank of Texas, N.A. as recorded in Volume 89155, Page 1327 (DRDCT) and being located in the southerly right-of-way line of Interstate Highway No. 30 (U.S. Highway 67) (a variable width right-of-way):

THENCE along the southerly right-of-way line of said Interstate Highway No. 30 (U.S. Highway 67) as follows:

North 71°11'49" East a distance of 243.60 feet to a 5/8 inch iron rod set for corner:

South 79°31'32" East a distance of 86.22 feet to a 5/8 inch iron rod set for corner:

North 70°46'33" East a distance of 306.53 feet to a concrete monument with a brass disk found for the northeast corner of said Lot 1 and being located in the westerly right-of-way line of Interstate Highway No. 635 (L.S.J. Freeway) (a variable width right-of-way):

THENCE along the westerly right-of-way line of said Interstate Highway No. 635 (L.S.J. Freeway) as follows:

South 50°16'06" East a distance of 142.55 feet to a concrete monument with a brass disk found for corner:

South 27°19'11" East a distance of 344.37 feet to a 5/8 inch iron rod set for corner:

THENCE departing the westerly right-of-way line of said Interstate Highway No. 635 (L.S.J. Freeway) South 72°19'13" West a distance of 845.87 feet to a 5/8 inch iron rod set for corner in the easterly right-of-way line of Towne Crossing Boulevard (a 60 feet wide right-of-way at this point) and being located in a curve to the right having a radius of 360.00 feet, a chord bearing of North 34°24'55" West and a chord length of 199.16 feet:

THENCE along the easterly right-of-way line of said Towne Crossing Boulevard with said curve to the right through a central angle of 20°29'10" for an arc length of 200.23 feet to a 60d Nail found for the southwest corner of said 1.253 acre tract of land:

THENCE departing the easterly right-of-way line of said Towne Crossing Boulevard North 45°49'40" East a distance of 213.97 feet to a 1/2 inch iron rod found for the southeast corner of said 1.253 acre tract of land:

THENCE along the easterly line of said 1.253 acre tract of land North 24°10'20" West a distance of 270.00 feet to the POINT OF BEGINNING:

CONTAINING within these sites and bounds 8.000 acres or 348,480 square feet of land, more or less, all according to that survey prepared by Kurtz - Bedford Associates, Inc., dated November, 1991 and signed by Austin J. Bedford, Registered Professional Land Surveyor No. 4110; to which reference for all purposes is hereby made.

Kurtz - Bedford
 Associates, Inc.
 Consulting Engineers - Surveyors
 1800 Perimeter Center
 Suite 1030
 Richardson, Texas 75080
 Office / (214) 940-8811
 Fax / (214) 940-3741

NO.	DATE	APP.

T. THOMAS LEAGUE SURVEY ABST. NO. 1461
 CITY OF MESQUITE
 DALLAS COUNTY, TEXAS
 CLAIM: FIRST INTERSTATE BANK
 6301 GASTON AVE., W. TOWER-ORED DEPT.
 DALLAS, TEXAS 75214

AND
 SURVEY
 BY

00257

FIELD NOTE DESCRIPTION

BEING a 8.000 acre tract of land situated in the T. Thomas League Survey, Abstract Number 1481, in the City of Mesquite, Dallas County, Texas and being a portion of Lot 1, Block 8 of the Towne Crossing Addition, an addition to the City of Mesquite according to the plat recorded in Volume 83684, Page 0844 of the Deed Records of Dallas County, Texas (DROCT) and being more particularly described as follows:

BEGINNING at a 3/8 inch iron rod found in the northerly line of said Lot 1 and being the northeast corner of a 1.253 acre tract of land described as Release Tract No. 97 in a deed to First Interstate Bank of Texas, N.A. as recorded in Volume 88155, Page 1327 (DROCT) and being located in the southerly right-of-way line of Interstate Highway No. 30 (U.S. Highway 47) (a variable width right-of-way):

THENCE along the southerly right-of-way line of said Interstate Highway No. 30 (U.S. Highway 47) as follows:

North 71°13'49" East a distance of 243.40 feet to a 5/8 inch iron rod set for corner:

South 79°31'38" East a distance of 86.23 feet to a 5/8 inch iron rod set for corner:

North 70°46'33" East a distance of 206.53 feet to a concrete monument with a brass disk found for the northeast corner of said Lot 1 and being located in the westerly right-of-way line of Interstate Highway No. 635 (L.S.J. Freeway) (a variable width right-of-way):

THENCE along the westerly right-of-way line of said Interstate Highway No. 635 (L.S.J. Freeway) as follows:

South 50°16'04" East a distance of 142.55 feet to a concrete monument with a brass disk found for corner:

South 27°19'11" East a distance of 164.37 feet to a 5/8 inch iron rod set for corner:

THENCE departing the westerly right-of-way line of said Interstate Highway No. 635 (L.S.J. Freeway) South 72°19'13" West a distance of 843.47 feet to a 5/8 inch iron rod set for corner in the easterly right-of-way line of Towne Crossing Boulevard (a 60 feet wide right-of-way at this point) and being located in a curve to the right having a radius of 140.00 feet, a chord bearing of North 14°34'45" West and a chord length of 199.18 feet:

THENCE along the easterly right-of-way line of said Towne Crossing Boulevard with said curve to the right through a central angle of 20°29'10" for an arc length of 200.23 feet to a 40d Nail found for the southwest corner of said 1.253 acre tract of land:

THENCE departing the easterly right-of-way line of said Towne Crossing Boulevard North 65°49'40" East a distance of 313.97 feet to a 1/2 inch iron rod found for the southeast corner of said 1.253 acre tract of land:

THENCE along the easterly line of said 1.253 acre tract of land North 28°10'20" West a distance of 270.00 feet to the POINT OF BEGINNING:

CONTAINING within these waves and bounds 8.000 acres or 144,480 square feet of land, more or less, all according to that survey prepared by Kurtz - Bedford Associates, Inc., dated November, 1991 and signed by Austin J. Bedford, Registered Professional Land Surveyor No. 4112; to which reference for all purposes is hereby made.

STATE HIGHWAY NO. 635
L.S.J. FREEWAY



SURVEYOR'S CERTIFICATE

I, Austin J. Bedford, a Registered Professional Land Surveyor in the State of Texas do hereby certify that an on the ground survey of the property shown was made under my supervision and that this map correctly represents the facts found at the time of survey and that there are no visible encroachments or protrusions, except as shown hereon, and that all corner monuments are correct as described hereon.

NOVEMBER 14th 1991

Kurtz - Bedford Associates, Inc.
 Consulting Engineers & Surveyors
 1000 Ross Avenue, Suite 1000
 Richardson, Texas 75080
 Phone: (214) 340-3443
 Fax: (214) 340-3743

T. THOMAS LEAGUE SURVEY ABST. NO. 1481
 CITY OF MESQUITE
 DALLAS COUNTY, TEXAS
 CLAIM: FIRST INTERSTATE BANK
 6301 GASTON AVE., W. TOWER - OHED DEPT.
 DALLAS, TEXAS 75214

**BOUNDARY AND
 IMPROVEMENT SURVEY
 8.000 ACRES**