

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 APPROVE A CHANGE IN ZONING FROM A PLANNED DEVELOPMENT MULTIFAMILY TO COMMERCIAL WITH A CONDITIONAL USE PERMIT FOR OUTDOOR RECREATION (A GOLF DRIVING RANGE) WITHIN 200 FEET OF A RESIDENTIAL DISTRICT; SUBJECT TO 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 approve a change of zoning from Planned Development Multifamily to Commercial with a Conditional Use Permit for Outdoor Recreation (a golf driving range) within 200 feet of a Residential District, subject to the following stipulations:

1. That the golf driving range shall conform to the conditions set out in Garland Ordinance No. 4784, Garland Zoning File No. 94-20, attached hereto as "Exhibit B".
2. That lighting at the residential district line be limited to 0.25 foot candles.
3. That operation of the facility's lighting be limited to 11:00 p.m.

The subject property is a 2.14 acre tract located south of U.S. Hwy. 67 adjacent to Palos Verdes Landing Apartments; 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

Page 2

repealed.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.

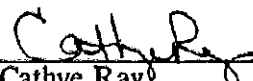
**SECTION 4.** That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

**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.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 21st day of November, 1994.

  
Cathye Ray  
Mayor

ATTEST:

  
Lynn Prugel  
City Secretary

APPROVED:

  
B.J. Smith  
City Attorney

Field Notes - File No. 1157-22

STATE OF TEXAS:  
COUNTY OF DALLAS:

A tract of land out of the JOSIAH PHELPS SURVEY, ABSTRACT NO. 1157, in the City of Mesquite, Dallas County, Texas and being more particularly described as follows:

COMMENCING at the intersection of the Southeast line of U.S. Highway No. 67 (I.H.30) and the Northeast line of Northwest Drive (a 100' ROW);

THENCE along said Southeast line of U.S. Highway No. 67 (I.H.30) the following:

N 50° 17' 53" E, 293.65 feet along the Southeast line of U.S. Highway No. 67 to a point for curve to the Right, having a Central Angle of 3° 23' 16", a Radius of 11,269.16 feet;

Around said curve an Arc Distance of 666.30 feet to a point; (Long cord bearing N 63° 19' 15" E, 666.20 feet)

N 65° 00' 53" E, 522.50 feet to a point;

N 66° 55' 26" E, 252.03 feet to a point;

THENCE continuing with said Southeast line of U.S. Highway No. 67 (I.H.30) the following:

N 66° 55' 26" E, 48.14 feet to a point for angle;

N 65° 00' 53" E, 100.00 feet to a point for angle;

N 55° 33' 09" E, 236.54 feet to a point for corner;

THENCE S 23° 06' E, 509.97 feet to a point for corner in the common line between the Cities of Mesquite and Dallas; The Place of Beginning;

THENCE along said common line the following:

N 55° 33' 09" E, 77.00 feet to a point for angle;

THENCE N 67° 52' E, 283.12 feet to a point for corner;

THENCE S 33° 20' 42" E, 286.70 feet to a point for corner;

THENCE S 78° 37' W, 418.28 feet to a point for corner;

THENCE N 23° 06' W, 186.81 feet to the Place of Beginning and containing 2.14 acres of land.

## ZONING FILE NO. 94-20

800 Block of West Interstate Highway 30,  
Between Northwest Highway and Broadway Boulevard

SPECIFIC USE PERMIT FOR AN  
OUTDOOR COMMERCIAL AMUSEMENT

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to permit an outdoor golf driving range having a two-story driving area with electronic evaluation and instructional equipment, as well as putting and chipping greens and supporting off-street parking, office building and lighting for night use.
- II. **Statement of Effect:** This Specific Use Permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this Specific Use Permit, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Freeway (FW) District as set forth in Section 31 of the Zoning Ordinance shall apply, and the following exceptions and additions shall apply to the use.
- IV. **Specific Regulations:**
  - A. This Specific Use Permit shall be in effect for a period of ten (10) years, and shall apply only to Danny Hughes and Luciano Benavidez, Jr.
  - B. Prior to the issuance of a building permit for development covered by this Specific Use Permit, proof of appropriate zoning by the Cities of Dallas and Mesquite for related development of the remaining portions of the property shall be provided to the Building Official.
  - C. A chain link fence and evergreen plant screen shall be installed and maintained in accordance with Section 5.4 of the Screening and Landscape Standards along the west property line beginning at a point approximately in line with the tee line and extending southwardly the full length of the property line. The fence material and posts shall be painted black.
  - D. A barrier of dark-colored synthetic fabric mesh shall be installed and maintained along the western edge of the driving range beginning at a point in line with the tee line and extending southwardly the full length of the property. This net shall be maintained tight and in a vertical position at all times in a manner appropriate to create a barrier extending to a height of not less than thirty (35) feet above finished grade beginning at a point lower than the height of the shrub screen at planting. Openings in the mesh fabric shall be sufficiently in

SUP Requirements  
File 94-20  
Page 2

size to prohibit the passage of a golf ball through it. The City Council shall have reason to reevaluate the height and material of this barrier safety netting at any point during the lifetime of this Specific Use Permit if complaints are reported of golf balls being driven beyond the property.

- E. Shank boards shall be installed and maintained at each driving tee station.
- F. Light poles shall be erected to any legal height. Luminaries shall be shielded so that the light source is not directly visible at the property line of any residential use, and so the light intensity produced at the property line of a residential use does not exceed one-half (0.5) foot candles.
- G. One off-street parking space shall be provided and maintained for each tee box. All required parking shall be paved according to specifications of Sections 12-710 and 12-770 of the Zoning Ordinance.
- H. There shall be no outdoor storage of equipment or materials on this site.
- I. There shall be no other outdoor or indoor commercial amusements allowed on this site.
- J. No exterior signs, other than that for the trade or proprietary name of the establishment, the target greens markers and instructional information, as permitted by a future Sign Permit, shall be allowed on the site.
- K. A final plat of the subject property shall be approved by the Plan Commission prior to issuance of a building permit.
- L. Development shall generally conform to that shown on the illustrative site plan attached as Exhibit C, except that in the event of conflict between the site plan and these written conditions the written conditions shall prevail.

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