

ORDINANCE NO. 3084

File No. EMP-8

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 CONDITIONAL USE PERMIT FOR INDOOR RECREATION, SUBJECT TO CERTAIN CONDITIONS; 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 Conditional Use Permit for indoor recreation, subject to the following conditions:

1. The only additional use allowed by this conditional use permit is multifaceted entertainment venue. In order to qualify as a multifaceted entertainment venue, no fewer than eight (8) of the following eleven (11) entertainment uses must be included in the facility: laser tag team game, laser tag for kids, bowling, miniature billiards, virtual reality games, video simulator games, redemption games, soft play children's equipment and games, video games, food court, party rooms/areas, and entertainment related retail.
2. Maximum of ten (10) miniature billiard tables (3/4 size pool table) allowed in the building. There shall be at least one security person on duty in the billiard area when customers are in the billiard area.
3. Bowling shall not make up more than 50% of the gross floor area of the building.
4. Parking lot lighting shall be adjusted so as to minimize light spillover in the adjacent residential neighborhood with appropriate lighting adjustments to enhance visibility of the parking lot itself.

5. Parking lot lighting shall be off no later than 60 minutes following the close of business of the entertainment venue to allow staff members lighted access to their vehicles.
6. Six (6) security personnel will be on duty inside the facility from 6:00 p.m. until close of business on Friday and Saturday nights.
7. No less than two (2) uniformed security personnel shall be on duty patrolling the parking area from 6:00 p.m. until close of business on Friday and Saturday nights; no less than one (1) uniformed security personnel shall be on duty patrolling the parking area from 6:00 p.m. until close of business on Sunday through Thursday nights.
8. Internal and external security requirements at other times shall be based upon patron volume and apparent demand.
9. Internal and external security cameras must be installed and monitored on a regular basis. The security cameras must have video tape or digital image capture capability and at least 24 hours of memory.
10. Entertainment venue staff and security personnel shall assist in the enforcement of the City of Mesquite juvenile curfew. Announcements shall be made at 10:45 p.m. and 11:00 p.m. on Sunday through Thursday evenings, and at 11:45 p.m. and 12 midnight on Friday and Saturday evenings that youths under 17 years of age, unless accompanied by parent or guardian, must leave the building in order to comply with the City's regulations. Venue staff will escort underage patrons to the exit at the curfew's effective time with the exception of lock-ins and similar private events. Entertainment venue staff, security and management will be continually vigilant to potential loitering on the premises. Security personnel will exercise their authority to avoid loitering. Management will develop a plan of enforcement with the Mesquite Police Department to ensure compliance with the no loitering provisions of this conditional use permit and the teen curfew requirements. Signs will be posted advising the reader of the no loitering standards of the business.
11. The entertainment venue shall require the acquisition of a membership card for first time patrons. The card shall be required to gain admission to the facility and shall be scanned into a computer data base that is on-line while the facility is in operation. The operator shall be able to determine which patrons have entered the facility on a daily basis. In addition to the membership card, a digital photograph of the member shall be retained in the on-line computer date base for easy access and viewing.

- 12. Exterior noise levels related to the entertainment venue shall be controlled to be in compliance with City environmental standards not to exceed 75 decibels. Also, double entrance doors will be installed for noise control.
- 13. Hours of operation will be from 10:00 to 1:00 a.m. Sunday through Thursday, and from 10:00 to 2:00 a.m. Friday and Saturday, during non-school periods and from 11:00 to 1:00 a.m. Sunday through Thursday, and from 11:00 to 2:00 a.m. Friday and Saturday, during the school year, except lock-ins and similar private events.
- 14. The Dress Code and Code of Conduct including no smoking, no alcohol and zero tolerance to inappropriate behavior will be strictly enforced and posted at all times.
- 15. On or before 30 days after discontinuance of the conditional use permit for the premises, the owner of the property shall initiate zoning to remove the conditional use permits.

The subject property is a 48,500 square foot lease space being part of Lot 8, Block A, The Emporium, Phase I Addition (3544 Emporium Circle); 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 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.

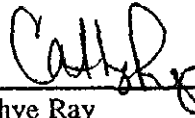
SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided 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 1st day of April, 1996.



Cathye Ray  
Mayor

ATTEST:

APPROVED:



Ellen Williams  
City Secretary



B.J. Smith  
City Attorney