

ORDINANCE NO. 3906
File No. 1059-61

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 OF ZONING FROM COMMERCIAL AND TERRA OVERLAY TO COMMERCIAL AND TERRA OVERLAY WITH A CONDITIONAL USE PERMIT THEREBY ALLOWING A PRIVATE CLUB SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; 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 changes 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 Commercial and TERRA Overlay to Commercial and TERRA Overlay with a Conditional Use Permit to allow a private club subject to the following stipulations:

1. The establishment shall be a sit-down restaurant and must obtain and maintain a Food and Beverage Permit from the TABC. Cafeteria-style service shall be prohibited.
2. The restaurant shall have an exterior entrance. Entrances from the interior of the mall will be allowed but are optional.
3. The bar area shall not be required to be screened from any entrance or foyer areas.
4. Game machines and game tables shall be prohibited.
5. No alcoholic beverages shall be allowed beyond the confines of the restaurant. Utilizing the mall as a waiting area after alcoholic beverages have been served shall be prohibited.

6. If the building footprint is expanded for this use, foundation landscaping shall be provided in the vicinity of the proposed restaurant at appropriate locations between the structure and the parking lot. Such landscaping may consist of trees, shrubs and/or flowers. Landscaping shall be subject to approval by the Director of Community Development.
7. A sidewalk shall be maintained for use by mall patrons that will allow pedestrians to move past the proposed establishment without having to cross or step into areas designed for vehicular traffic.
8. An outdoor waiting area may be provided and may include benches, landscaping, decorative lighting, sidewalks and/or a patio. Alcohol shall be prohibited in any outdoor waiting area and such an area shall not obstruct any sidewalk. The design of an outdoor waiting area is subject to approval by the Director of Community Development.
9. No new pole or monument signs shall be permitted.
10. There shall be no on-site advertising of alcoholic beverages (including brands of alcohol or terminology associated with alcohol) visible from outside of the restaurant except on a permitted sign where a beverage term is part of the established trade name (e.g. "Steak and Ale").

That the subject property is located at 2063 Town East Mall along the west edge of Town East Mall (facing IH-635) as shown in the location map 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. 3042, codified in Chapter 11 of the Code of the City of Mesquite.

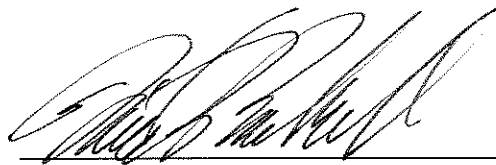
SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

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

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. That 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 15th day of October, 2007.




David Paschall
Mayor Pro Tem

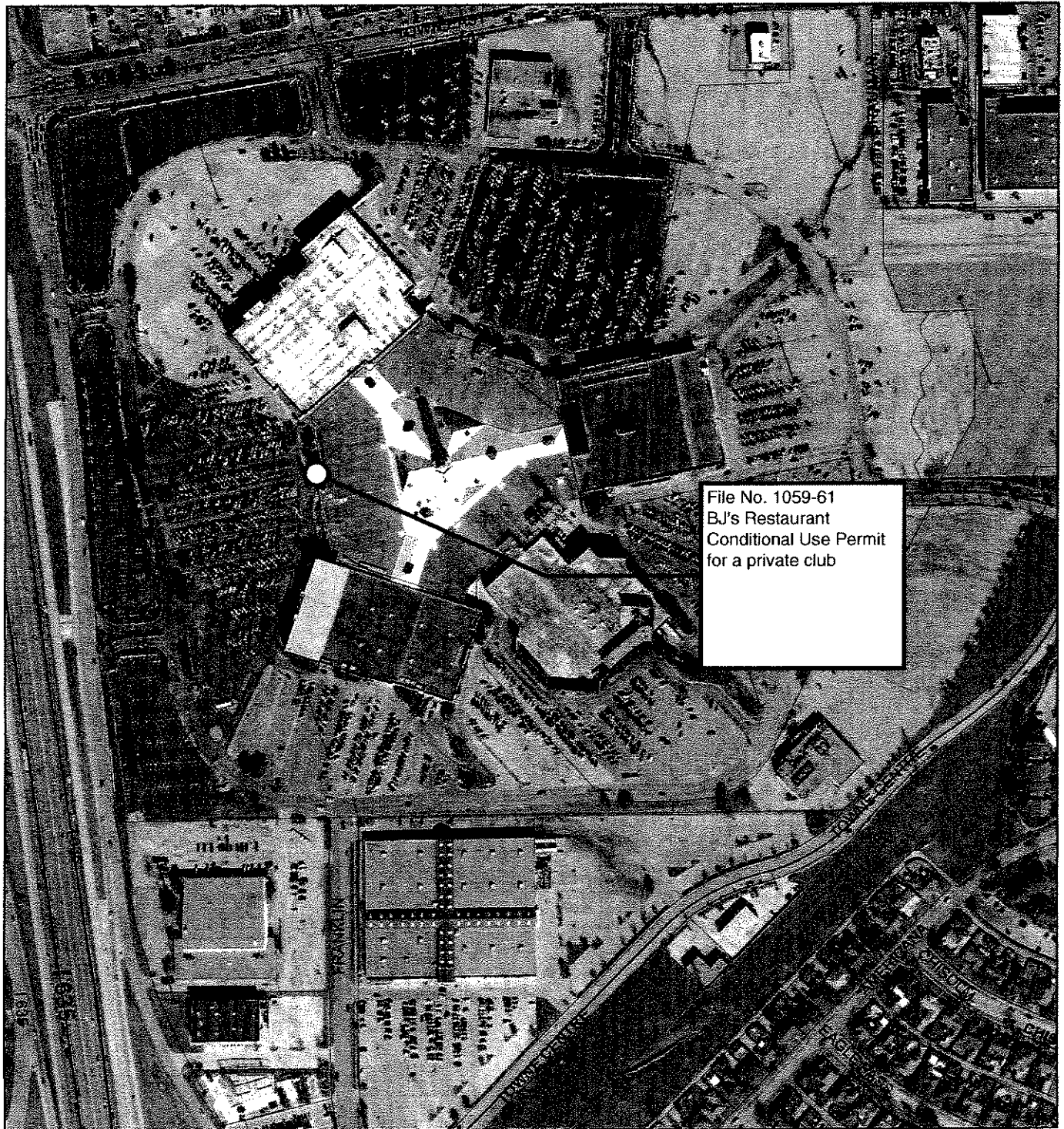
ATTEST:

APPROVED:



Judy Womack
City Secretary

B. J. Smith
City Attorney



File No. 1059-61
BJ's Restaurant
Conditional Use Permit
for a private club

File No. 1059-61
Request: Zoning change from Commercial to Commercial with a CUP to allow a Private Club
Location: Town East Mall
Applicant: Pam Goodwin, Goodwin Commercial Properties for BJ's Restaurants, Inc

