

ORDINANCE NO. 4898
File No. Z0721-0205

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL WITHIN TOWN EAST RETAIL AND RESTAURANT AREA (“TERRA”) OVERLAY TO COMMERCIAL WITHIN TERRA OVERLAY WITH A CONDITIONAL USE PERMIT (“CUP”) ON PROPERTY LOCATED AT 2021 NORTH TOWN EAST BOULEVARD, SUITE 1100 TO ALLOW A MAJOR RECEPTION FACILITY WITH MODIFICATIONS TO THE 500-FOOT SEPARATION REQUIREMENT FROM A RESIDENTIAL DISTRICT AND TO THE PERMITTED HOURS OF OPERATION SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the City Council, in compliance with the Charter of the City of Mesquite, state laws and the zoning ordinance, have given the required notices and held the required public hearings regarding the rezoning of the subject property; and

WHEREAS, the City Council finds that it is in the public interest to grant this change in zoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. The subject property is approximately 0.7491 acres, with a legal description as being in the Town East Crossing, Part of Lot 2, and located at 2021 North Town East Boulevard, Suite 1100 (the “**Property**”).

SECTION 2. The Mesquite Zoning Ordinance is amended by approving a change of zoning from Commercial within Town East Retail and Restaurant Area (“**TERRA**”) overlay to Commercial within TERRA overlay with a Conditional Use Permit (“**CUP**”) for the Property to allow a major reception facility with modifications to the 500-foot separation requirement from a residential district and to the permitted hours of operation subject to the following stipulations:

1. The CUP is approved solely for the business owned by the applicant. It shall not be transferable to a different owner or business.
2. The tenant space shall be properly sealed and insulated to prevent sound from impacting adjacent businesses and residences. The tenant space is properly sealed and insulated only if an engineered design bearing the seal of a registered professional engineer or architect is (a) submitted to the Building Official, (b) approved by the Building Official, and (c) constructed.

3. In relation to the surveillance camera requirements in Mesquite Zoning Ordinance section 3-508, the “parking areas” required to be surveilled shall consist of the parking areas in Lots 1 and 2 of the Town East Crossing Addition as depicted in Exhibit A hereto.
4. For all events, the facility owner or owner’s agent shall be present at the facility for the duration of the event and while attendees remain on the Property and related parking areas. This does not apply to attendees patronizing other businesses after an event.
5. The CUP is approved for a period of two years from September 7, 2021, provided, however, that at the City Council meeting following March 7, 2022, the Director of Planning and Development Services shall present the City Council with a report on the conduct of the business operating under the CUP to include all reported incidents and the City Council may, at its discretion, direct that at its next regular meeting in compliance with the Texas Open Meetings Act consideration of termination of the CUP be placed on the City Council’s agenda and at such meeting the City Council may terminate the CUP or allow it to continue for the remaining two year period under such conditions as the City Council may impose. The CUP shall thereafter be subject to renewal upon review by the City Council for compliance with these stipulations and ordinances of the City.
6. Permitted operating hours on Friday through Sunday are allowed to extend to 2:00 a.m.

SECTION 3. 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; otherwise, they shall remain in full force and effect.

SECTION 4. 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, as amended.

SECTION 5. 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. Any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed \$2,000.00 for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

SECTION 7. This ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 7th day of September 2021.



Bruce Archer
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

Town East Crossing Addition
Lots 1 and 2

