

ORDINANCE NO. 5162  
File No. Z0325-0390

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL WITHIN THE TOWN EAST RETAIL AND RESTAURANT AREA (“TERRA”) OVERLAY DISTRICT TO COMMERCIAL WITHIN THE TERRA OVERLAY DISTRICT WITH A CONDITIONAL USE PERMIT (“CUP”) TO ALLOW A FAMILY ENTERTAINMENT CENTER THAT WILL INCLUDE INDOOR AMUSEMENT, GAMES, AND ACTIVITIES, COIN-OPERATED AMUSEMENT GAME ROOM, BOWLING CENTERS, AND MAJOR RECEPTION FACILITY IN THE FORMER SEARS BUILDING LOCATED AT 1738 NORTH TOWN EAST BOULEVARD (AKA 3000 TOWN EAST MALL); REPEALING ALL OTHER ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING PUBLICATION OF THE CAPTION HEREOF; 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 18.66 acres, platted as Town East Mall Phase 2, Block A, Lot 1, and located in the former Sears building at 1738 North Town East Boulevard (aka 3000 Town East Mall) (the “**Property**”).

SECTION 2. The Mesquite Zoning Ordinance (“**MZO**”) is amended by approving a change of zoning from Commercial within Town East Retail and Restaurant Area (“**TERRA**”) Overlay District to Commercial within TERRA Overlay District with a Conditional Use Permit (“**CUP**”) for the Property to allow a family entertainment center that will include indoor amusement, games, and activities (SIC 7999b), coin-operated amusement game room (SIC 7993), bowling centers (SIC 793), and major reception facility.

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.

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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 violation of the provisions or terms of this Ordinance by any “person,” as defined in Mesquite City Code, Chapter 1, [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine, or any other general penalties, as provided in Mesquite Zoning Ordinance, Part 5, 5-100, [Section 5-103](#) (General Penalties), or successor and as amended.

SECTION 7. This Ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#).

SECTION 8. 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 5th day of May 2025.

Signed by:

*Daniel Alemán, Jr.*

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Daniel Alemán, Jr.

Mayor

ATTEST:

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*Sonja Land*

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Sonja Land

City Secretary

APPROVED AS TO LEGAL FORM:

Signed by:

*David L. Paschall*

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David L. Paschall

City Attorney