

ORDINANCE NO. _____
File No. Z1025-0423

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM PLANNED DEVELOPMENT – GENERAL RETAIL, ORDINANCE NO. 3962 TO PLANNED DEVELOPMENT – SERVICE STATION TO ALLOW A CONVENIENCE STORE WITH FUEL SALES (SIX FUELING POSITIONS) LOCATED WITHIN 500 FEET OF A RESIDENTIAL ZONING DISTRICT AND A PUBLIC OR PRIVATE SCHOOL ON PROPERTY LOCATED AT 3225 NORTH TOWN EAST BOULEVARD; PROVIDING A REPEALER CLAUSE; 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 0.53 acres, platted as Vickers Rev, Block A, Lot 1, described in **EXHIBIT A**, attached hereto and incorporated herein by reference, and located at 3225 North Town East Boulevard in the City of Mesquite, Dallas County, Texas (the “**Property**”).

SECTION 2. The Mesquite Zoning Ordinance (“**MZO**”) is amended by approving a change of zoning from Planned Development – General Retail, Ordinance No. 3962 to Planned Development - Service Station to allow a convenience store with fuel sales (six fueling positions) located within 500 feet but no closer than 300 feet from a residential zoning district or a public or private school subject to modified Planned Development Standards (**EXHIBIT B**) and the Concept Plan (**EXHIBIT C**), and said exhibits are attached hereto and incorporated herein by reference.

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.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 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 2nd day of February 2026.

Daniel Alemán, Jr.
Mayor

ATTEST:

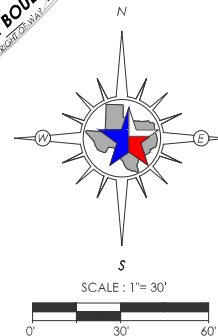
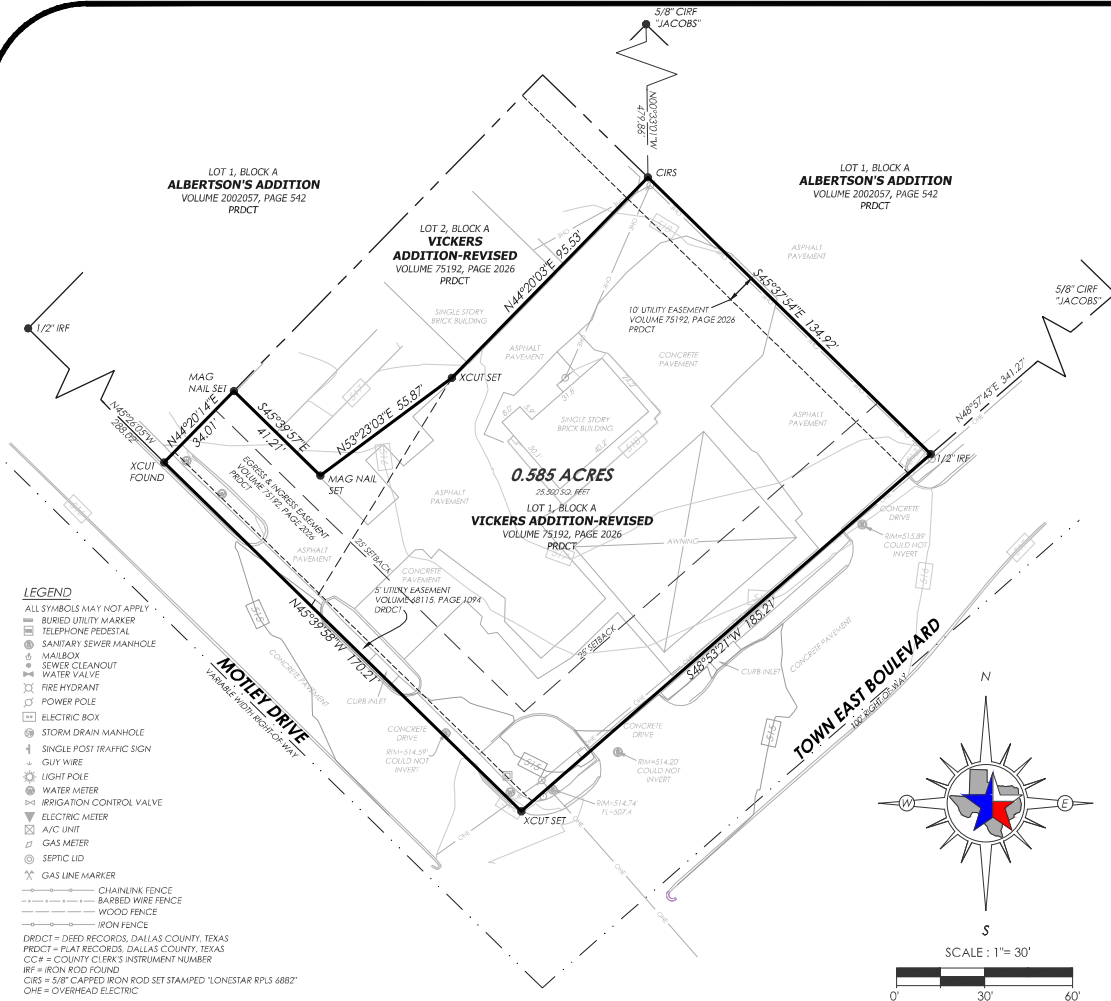
APPROVED AS TO LEGAL FORM:

Sonja Land
City Secretary

David L. Paschall
City Attorney

LEGAL DESCRIPTION

BEING ALL OF LOT 1, BLOCK A, VICKERS ADDITION-REVISED, AN ADDITION TO THE CITY OF MESQUITE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 75192, PAGE 2026, PLAT RECORDS, DALLAS COUNTY, TEXAS.



BOUNDARY SURVEY

OF

LOT 1, BLOCK A

VICKERS ADDITION-REVISED

BEING 0.585 ACRES OF LAND SITUATED IN THE
T.D. SACKETT SURVEY, ABSTRACT NO. 1362,
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

GENERAL NOTES

1. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF THE COMMITMENT FOR TITLE INSURANCE. THIS SURVEYOR HAS NOT PERFORMED ANY RESEARCH IN REGARDS TO EASEMENTS AFFECTING THE PROPERTY.
2. THE BEARINGS SHOWN HEREON ARE IN REFERENCE TO THE TEXAS COORDINATE SYSTEM - NORTH CENTRAL ZONE, 4202
3. ALL CORNERS CALLED CIRS ARE 5/8 INCH CAPPED IRON RODS SET STAMPED 'LONESTAR RPLS6882'.
4. THIS SURVEY REFLECTS THE ABOVE GROUND INDICATIONS OF UTILITIES. THE SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE, OR ABANDONED. FURTHER, THE SURVEYOR DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR HAS NOT PHYSICALLY LOCATED ALL THE UNDERGROUND UTILITIES, OR OTHER BURIED FEATURES, BUT HAS MADE AN ATTEMPT TO LOCATE THOSE VISIBLE OR INDICATED AS ACCURATELY AS POSSIBLE.

FLOOD STATEMENT

ACCORDING TO COMMUNITY PANEL NUMBER 48113C0370K, DATED JULY 7, 2014, THIS PROPERTY LIES WITHIN ZONE "X" WHICH IS NOT A SPECIAL FLOOD HAZARD AREA. IF THIS SITE IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA, THIS STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN MADE OR NATURAL CAUSES. THIS STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

SURVEYOR'S CERTIFICATION

I, MARSHALL W. MILLER, REGISTERED PROFESSIONAL LAND SURVEYOR NUMBER 6882, STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS SKETCH WAS PREPARED FROM THE PUBLIC RECORDS, AND FROM AN ACTUAL AND ACCURATE SURVEY OF THE PROPERTY PERFORMED ON THE GROUND UNDER MY DIRECTION AND SUPERVISION ON SEPTEMBER 22, 2023. THE VISIBLE IMPROVEMENTS ARE AS SHOWN HEREON, EXCEPT AS SHOWN HEREON, THERE ARE NO APPARENT ENCROACHMENTS ONTO THE PROPERTY OR APPARENT PROTRUSIONS THEREFROM. I DID NOT ABSTRACT THE TITLE TO THIS PROPERTY, NOR DID I SEARCH THE PUBLIC RECORDS FOR EASEMENTS, ADVERSE CLAIMS, OR OTHER ENCUMBRANCES THAT MIGHT AFFECT THIS PROPERTY.

EXECUTED THIS THE 26TH DAY OF SEPTEMBER, 2023.

Marshall Miller

MARSHALL W. MILLER
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6882



PROJECT NUMBER: 230805 DATE: SEPTEMBER 26, 2023
REVISED DATE:
REVISION NOTES:

SHEET 1 OF 1



—LONESTAR—
LAND SURVEYING, LLC
TBPELS FIRM# 10194707
3521 SW WILSHIRE BLVD.,
JOSHUA, TX 76058
817-935-8701

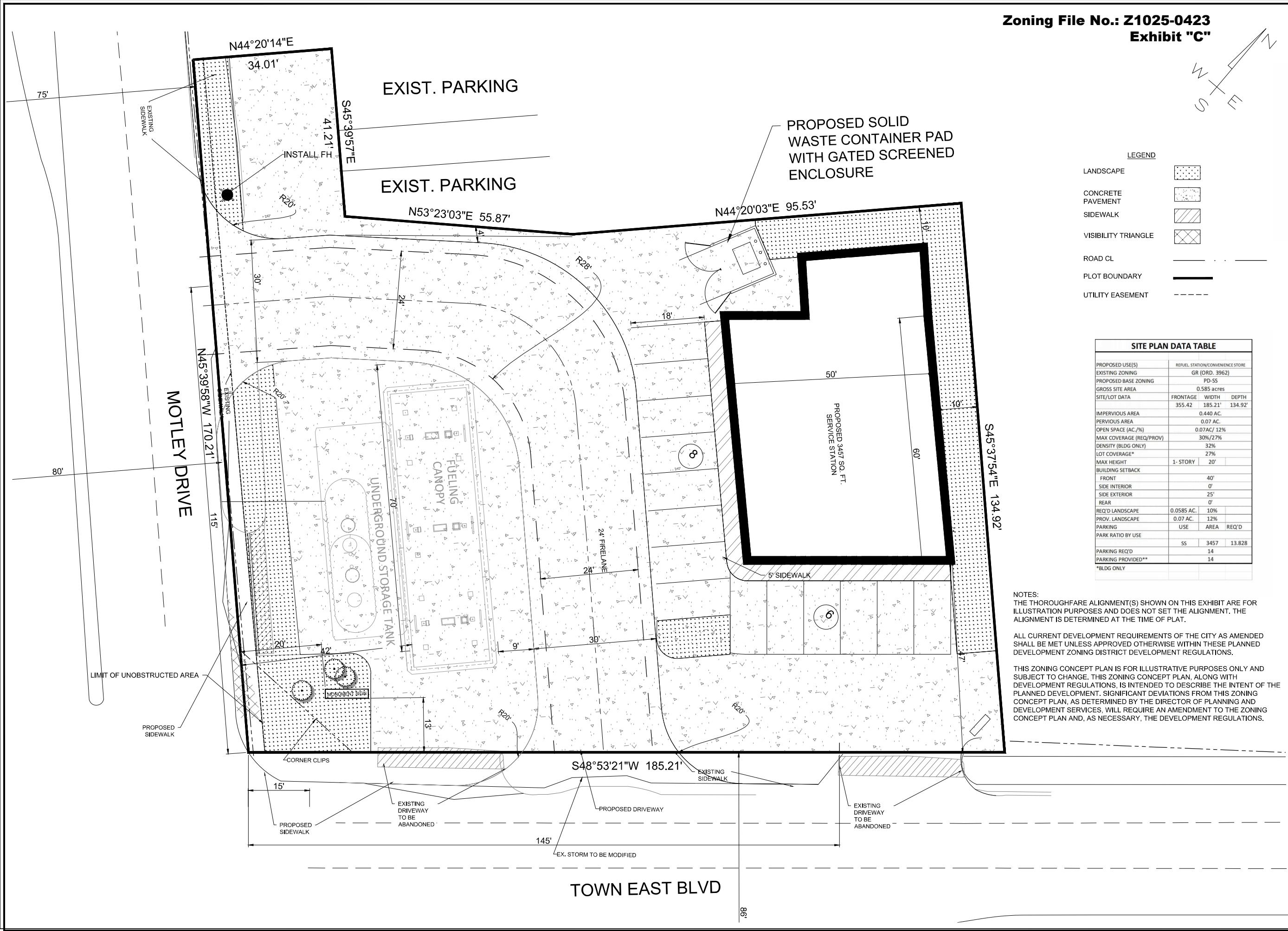
MARSHALL.MILLER@LONESTARLANDSURVEYING.COM

Exhibit “B” – Development Standards
Zoning File No.: Z1025-0423

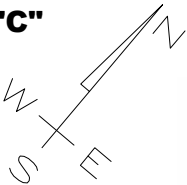
This Planned Development – Service Station district (“**PD-SS**”) must adhere to all conditions of the Mesquite Code of Ordinances, including but not limited to the Mesquite Zoning Ordinance (“**MZO**”), as amended, and adopts the Service Station (“**SS**”) zoning district as the base district standards consistent with the Concept Plan attached hereto and incorporated herein as Exhibit C and the standards identified below, which apply to this PD-SS district. Where these regulations conflict with or overlap another ordinance, this PD-SS ordinance will control.

1. Permitted Land Uses. The permitted uses on the PD-SS district property include the permitted uses in the SS District classification as set out in the MZO, and those permitted uses on the Property are subject to the same requirements as set out in the MZO.
 - a. Any land use requiring a Conditional Use Permit (“**CUP**”) in the C Zoning District, as amended, is only allowed if a CUP is issued for the use unless permitted in subsection b. below.
 - b. The following uses are permitted on the Property in addition to those outlined under the SS District classification:
 - i. SIC Code 549a: Convenience Store in conjunction with self-service fuel sales
 - ii. SIC Code 554 Refueling Station with the following stipulations:
 1. Up to six fueling positions
 2. Heavy Load Vehicle refueling is not permitted
 - c. Any land use prohibited in the SS Zoning District, as amended, is also prohibited on the Property unless expressly permitted in subsection 1.b above. All other uses not expressly permitted in this PD-SS shall be prohibited. The following uses are also prohibited:
 - i. SIC Code 5947: Gift Novelty, Souvenir Shops
 - ii. SIC Code 5993: Tobacco Stores
 - iii. SIC Code 5999g: Paraphernalia Shop
 - iv. SIC Code 61: Alternative Financial Institutions
 - v. SIC Code 7215: Coin-Operated Laundries
 - vi. SIC Code 7299a: Massage Parlors, Turkish and Steam Bath
 - vii. SIC Code 7549b: Towing/Wrecker Service
 - viii. Outdoor Storage as Principal or Accessory Use
 - ix. Heavy Load Vehicle Parking

2. **Development Standards.** In addition to the requirements of the MZO applicable to the SS Zoning District, the Planned Development is subject to the following:
- a. **Site Plan.** The site plan for the Property shall be consistent with Exhibit C. The site plan may differ from the Concept Plan without requiring a PD amendment to comply with the adopted Building and Fire Codes and the Mesquite Engineering Design Manual.
 - b. **Landscaping.** The minimum required amount of landscaping shall be 12% of the lot.
 - c. **Use Separation.** Pump islands and convenience store may be placed less than 500 feet but no closer than 300 feet from any residentially zoned district or a public school building.



Zoning File No.: Z1025-0423
Exhibit "C"



LEGEND	
LANDSCAPE	
CONCRETE PAVEMENT	
SIDEWALK	
VISIBILITY TRIANGLE	
ROAD CL	
PLOT BOUNDARY	
UTILITY EASEMENT	

SITE PLAN DATA TABLE			
PROPOSED USE(S)	REFUEL STATION/CONVENIENCE STORE		
EXISTING ZONING	GR (ORD. 3962)		
PROPOSED BASE ZONING	PD-SS		
GROSS SITE AREA	0.585 acres		
SITE/LOT DATA	FRONTAGE	WIDTH	DEPTH
	355.42	185.21'	134.92'
IMPERVIOUS AREA	0.440 AC.		
PERVIOUS AREA	0.07 AC.		
OPEN SPACE (AC.%)	0.07AC/ 12%		
MAX COVERAGE (REQ/PROV)	30%/27%		
DENSITY (BLDG ONLY)	32%		
LOT COVERAGE*	27%		
MAX HEIGHT	1-STORY	20'	
BUILDING SETBACK			
FRONT	40'		
SIDE INTERIOR	0'		
SIDE EXTERIOR	25'		
REAR	0'		
REQ'D LANDSCAPE	0.0585 AC.	10%	
PROV. LANDSCAPE	0.07 AC.	12%	
PARKING	USE	AREA	REQ'D
PARK RATIO BY USE			
	SS	3457	13.828
PARKING REQ'D	14		
PARKING PROVIDED**	14		
*BLDG ONLY			

NOTES:
THE THOROUGHFARE ALIGNMENT(S) SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DOES NOT SET THE ALIGNMENT. THE ALIGNMENT IS DETERMINED AT THE TIME OF PLAT.

ALL CURRENT DEVELOPMENT REQUIREMENTS OF THE CITY AS AMENDED SHALL BE MET UNLESS APPROVED OTHERWISE WITHIN THESE PLANNED DEVELOPMENT ZONING DISTRICT DEVELOPMENT REGULATIONS.

THIS ZONING CONCEPT PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY AND SUBJECT TO CHANGE. THIS ZONING CONCEPT PLAN, ALONG WITH DEVELOPMENT REGULATIONS, IS INTENDED TO DESCRIBE THE INTENT OF THE PLANNED DEVELOPMENT. SIGNIFICANT DEVIATIONS FROM THIS ZONING CONCEPT PLAN, AS DETERMINED BY THE DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES, WILL REQUIRE AN AMENDMENT TO THE ZONING CONCEPT PLAN AND, AS NECESSARY, THE DEVELOPMENT REGULATIONS.