



T E X A S  
Real. Texas. Service.

PLANNING AND ZONING DIVISION

**FILE NUMBER:** Z0822-0252  
**REQUEST FOR:** Conditional Use Permit to allow a Coin-Operated Amusement Gameroom  
**CASE MANAGER:** John Cervantes

## PUBLIC HEARINGS

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Planning and Zoning Commission: Monday, September 12, 2022  
City Council: Monday, October 3, 2022

## PLANNING AND ZONING ACTION

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**Decision:** On September 12, 2022, the Planning and Zoning Commission recommended approval of the request by a vote of 6 to 1 with the following condition:

A maximum of two game machines.

## GENERAL INFORMATION

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**Applicant:** Shahbaz Ali Syed  
**Requested Action:** Rezone from "C", Commercial with Special Permit, Ord. No. 1027, within the Skyline Logistics Hub Overlay to "C", Commercial with Special Permit, Ord. No. 1027, and a Conditional Use Permit to allow a coin-operated amusement gameroom with three (3) coin-operated game machines within the Skyline Logistic Hub Overlay District.  
**Location:** 3828 E US Highway 80 Mesquite, Texas 75149

## SITE BACKGROUND

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**Platting:** Associated Business Park, Lot 1, Block B  
**Size:** 0.83 Acres  
**Zoning:** C – Commercial with Special Permit (Ord. No. 1027) within the Skyline Logistics Hub Overlay  
**Future Land Use:** Commercial  
**Zoning History:** 1954: Annexed into City of Mesquite and zoned Residential.  
1972: Rezoned to C, Commercial with Special Permit, Ord. No. 1027  
**Surrounding Zoning and Land Uses (see attachment 3):**

### ZONING

### EXISTING LAND USE

<b>NORTH:</b>	C – Commercial & PD-C – Planned Development Commercial (Ord. No. 2196)	Deluxe Inn Mesquite Hotel & Undeveloped
<b>SOUTH:</b>	I – Industrial with Skyline Logistics Hub Overlay	Fuel City, Restaurant, & Car Wash
<b>EAST:</b>	PD-GR - Planned Development General Retail (Ord. No. 4554) with Skyline Logistics Hub Overlay	Restaurant
<b>WEST:</b>	C – Commercial with CUP (Ord. No. 1482) & Skyline Logistics Hub Overlay	Warehouse & Distribution

## **CASE SUMMARY**

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On October 19, 2020, the City Council amended (Ordinance No. 4820) the Mesquite Zoning Ordinance (MZO) regarding coin-operated amusement machines. Ordinance No. 4820 identified that “coin-operated amusement devices such as eight-liners can have adverse effects on nearby properties, compromising the quality of life, property values and the character of surrounding neighborhoods.” To address these concerns, the amendment reduced the number of coin-operated amusement machines permitted as an accessory use from four to two and established 300-ft separation requirements from churches, schools, or hospitals. The new ordinance also prohibited coin-operated amusement machines as an accessory use within convenience stores. Under the new ordinance, the MZO classifies having three or more coin-operated amusement machines as a primary use called Coin-operated Amusement Gameroom, which is permitted through a Conditional Use Permit (CUP).

The applicant is requesting a CUP to allow a coin-operated amusement gameroom at 3828 E. US Highway 80 with three (3) coin-operated game machines. The applicant also operates a convenience store with limited fuel sales (Chevron) as a primary use at the same location. Coin-operated game machines are not permitted as an accessory use at a convenience store; however, they may be permitted as a primary use (three or more) through a CUP.

Ricardo Nunez, with Alchemi Development Partners, applied for a CUP (Z1120-0160) to allow a coin-operated amusement gameroom at 3828 E US Highway 80 in the year 2020. His case was heard and denied by the Planning and Zoning Commission on December 14, 2020. The applicant at that time did not file an appeal to City Council. . The required time restriction of one year from the date denial for re-application for a CUP for the same request has elapsed.

Special Conditions are special requirements for specific uses noted in 3-203 Section of the Mesquite Zoning Ordinance under “Special Conditions.” The MZO further states:

The designated use is permitted only when in compliance with the special conditions listed. When a use is authorized as a conditional use or as a special exception, the authorizing body may approve modification of the special conditions by specifying the allowed modification in its approval, provided that proposed modifications must be identified in the required notices as part of the request. Modifications may be approved if it is determined that the use can be accommodated under modified conditions without creating adverse impact on adjacent properties and that it will be compatible with the neighborhood.

Special Conditions for Coin-operated Amusement Gameroom include the following requirements:

- Customer restroom each for male and female;
- State license; and
- 300-ft separation from church, hospital, or school.

## **STAFF COMMENTS:**

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There are two restrooms that are located on the property. The men's restroom is accessible only from the outside of the building and the women's restroom is accessible only through a storage closet door. The requested coin-operated amusement machines are not currently on the premises. If the CUP is approved, the coin-operated amusement machines will be required to obtain a license for each machine. The place of business is at least 300 feet from any church, hospital, or school.

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## **MESQUITE COMPREHENSIVE PLAN**

The *Mesquite Comprehensive Plan* designates the future land use of the subject property as Commercial and within the Corridor Development area. The Commercial land use designation represents a broad range of goods and services for a community or region. Developments in this category are larger and more intense than those in the Neighborhood Retail category. The Corridor Development designation represents commercial development that is located along a major corridor. Developments within these corridors are highly visible and enhanced landscaping and public art is encouraged in this area. Compatible land use types for this area include retail, hotels, restaurants, big box retailers, entertainment, and personal services.

### **STAFF COMMENTS:**

The CUP to allow a coin-operated amusement gameroom may be compatible with the *Mesquite Comprehensive Plan's* Commercial designation as entertainment uses are more appropriate in areas near major thoroughfares that may support higher intensity land uses. The Corridor Development area encourages enhanced landscaping or public spaces as these areas are highly visible from the major thoroughfares.

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## **MESQUITE ZONING ORDINANCE**

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### **SECTION 5-503: REVIEW CRITERIA FOR CONDITIONAL USE PERMITS**

#### **1. Existing uses**

The Conditional Use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

### **STAFF COMMENTS:**

It is staff's opinion that the proposed CUP will be injurious to the surrounding uses. Having a coin-operated amusement gameroom at a convenience store would encourage patrons to remain for an extended period. Given the small physical size, convenience stores are suited for quick transactions and are not suited for patrons to congregate for an extended period.

#### **2. Vacant Properties**

The Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

### **STAFF COMMENTS:**

Staff does not anticipate the request to impact the normal and orderly development and improvement of any nearby vacant property negatively.

### 3. Services

Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.

#### STAFF COMMENTS:

The subject property has two restrooms on the premise; however, they do not meet the intent of the requirements of the MZO. Two customer restrooms are required; one for each male and female. The subject property has one men's restroom facility, accessible only from the outside of the structure, and the women's restroom facility may only be accessed through a storage room door. Therefore, the subject property does not have a sufficient number of restrooms accessible for the proposed primary uses. The current customer restroom arrangements are not suitable to serve a primary use that encourages customers to stay at the location for an extended period.

### 4. Parking

Adequate measures have been or will be taken to provide sufficient off-street parking and loading spaces to serve the proposed uses.

#### STAFF COMMENTS:

The structure on the subject site is 1,115 square feet. Per the parking requirements found in the MZO, a total of four (4) parking spaces are required for the proposed uses. All parking standards are shown in the table below. The subject property is proposed to have 13 parking spaces, which is adequate to serve the proposed primary uses.

3828 E. US Hwy 80 Parking Requirements			
Land Use	Building Square Footage	Parking Requirement	# of Required Parking Spaces
Public Assembly (Coin-operated amusement device)	75 s.f.	1 per 50 s.f.	1.5
Convenience Store	495 s.f.	1 per 250 s.f.	1.98
Other (storage, restrooms, utility, etc.)	545 s.f.	1 per 750 s.f.	0.73
Total			4.21 (4 space)

### 5. Performance Standards

Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbances to neighboring properties will result.

#### STAFF COMMENTS:

Staff anticipates the request will create a nuisance because of the prolonged stay of clientele. Disturbances to neighboring businesses or residences as a result of the devices could

compromise the quality of life, property values, and the character of the surrounding area. The property in question was not designed to be a coin-operated amusement gameroom.

## **CONCLUSIONS**

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It is City staff's opinion that the request does not meet the criteria for a CUP.

## **PUBLIC NOTICE**

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Staff mailed notices to all property owners within 200 feet of the subject property. As of the date of this writing, Staff has not received any returned notices for the request.

## **CODE CHECK**

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The property passed an inspection (Attachment 8) on September 7, 2022, conducted by the Police Department to determine compliance with the Convenience Store and Late Hour Business Regulations in Chapter 8 of the City Code.

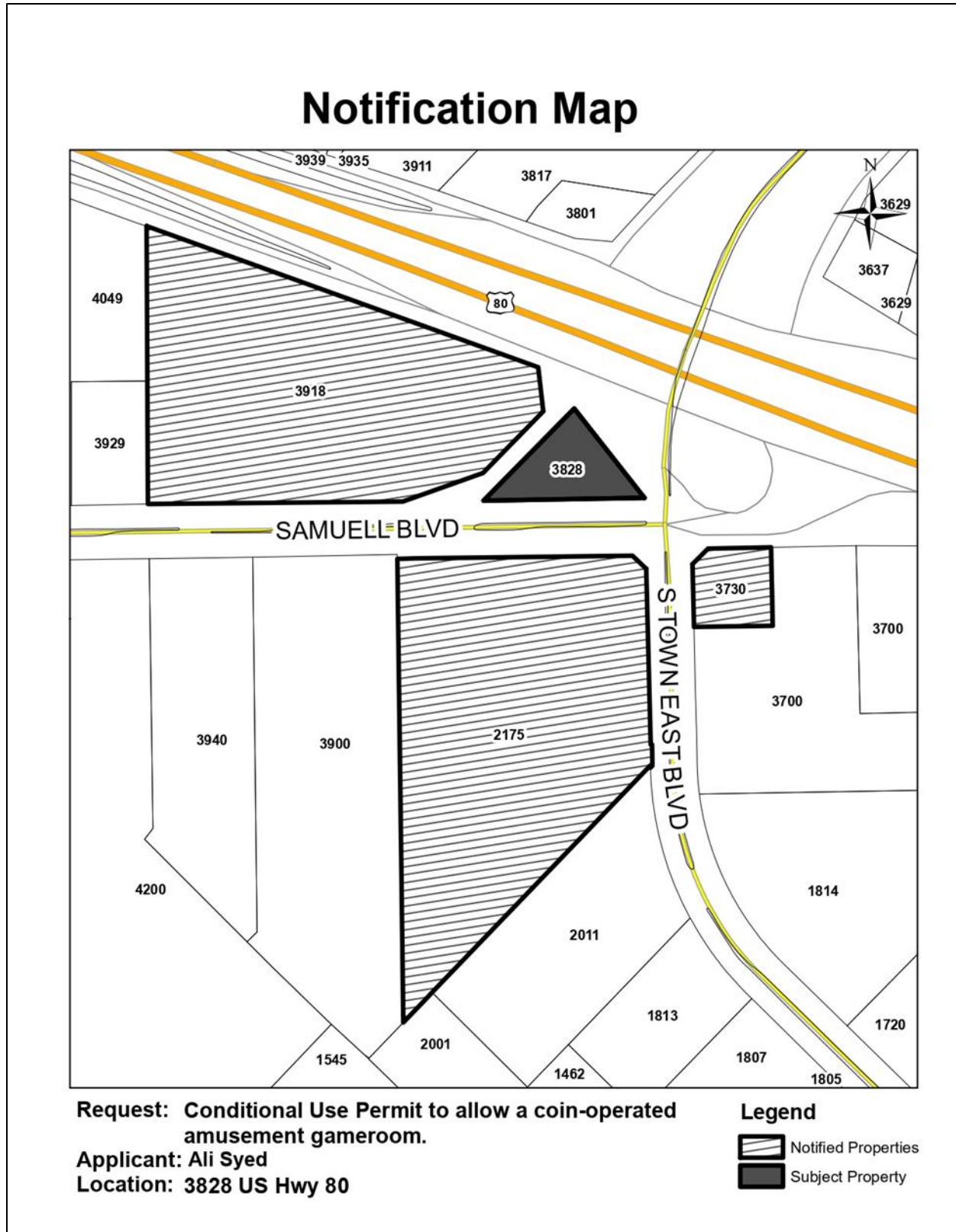
## **ATTACHMENTS**

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1. Aerial Map
2. Public Notification Map
3. Zoning Map
4. Future Land Use Map
5. Application Materials
6. Concept Plan
7. Site Photos
8. Police Department Inspection Form

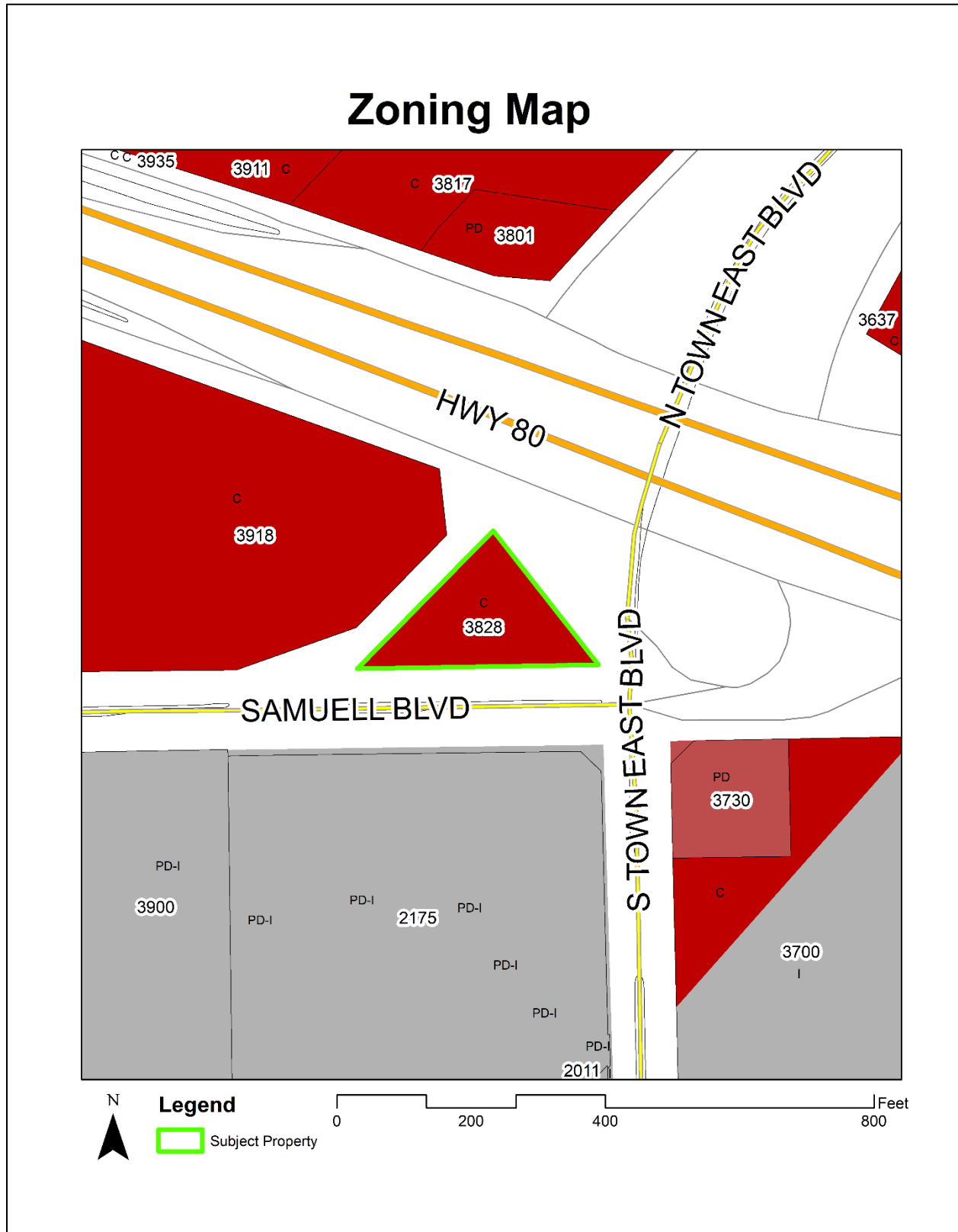


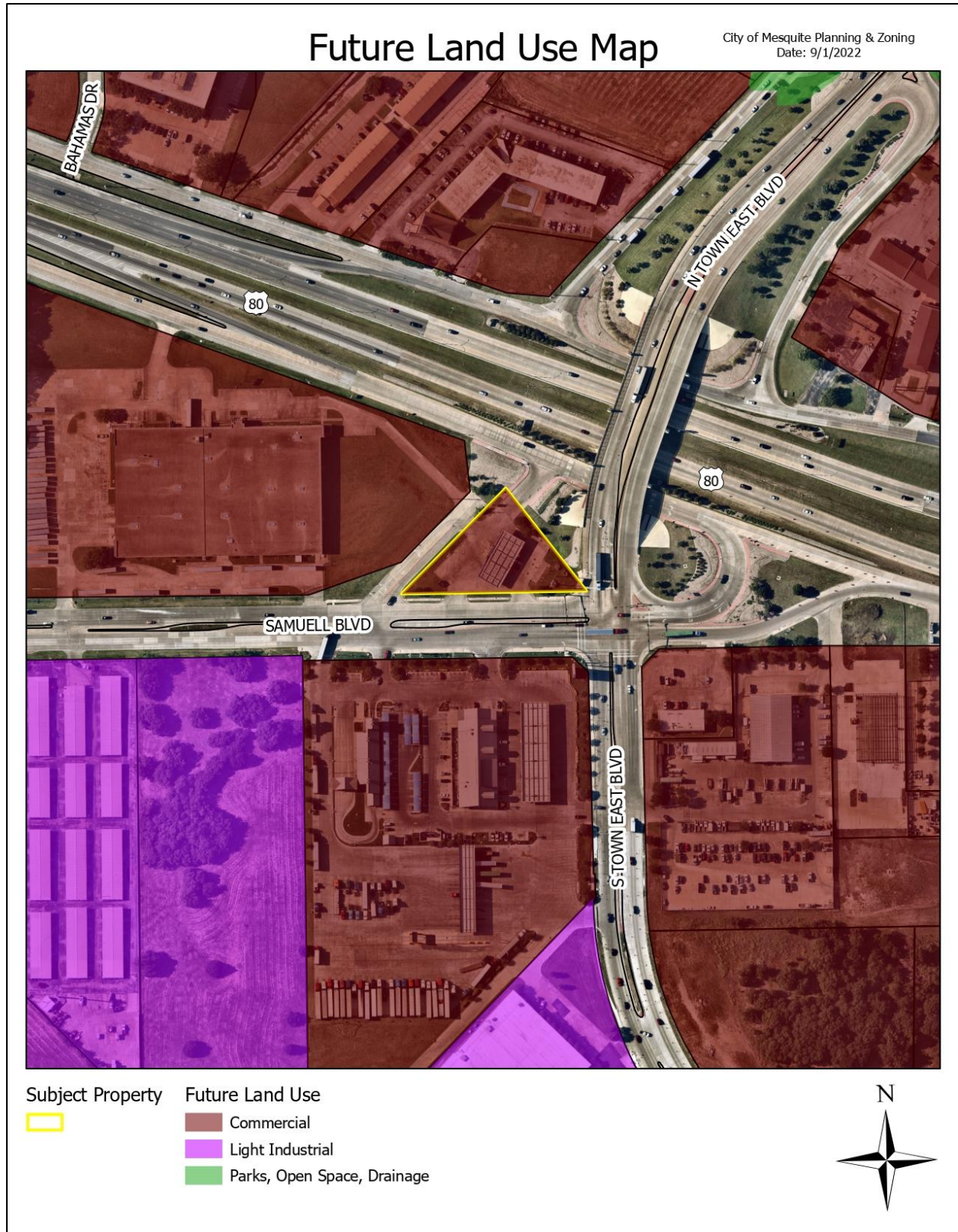






ATTACHMENT 3 – ZONING MAP





August 4, 2022

To,

The city of mesquite

Subject: Proposed Conditional Use Permit for Coin operated machines address  
3828 US HWY 80 E MESQUITE TX 75149

Respected City of Mesquite Planning Department,

We are applying conditional use permit for the coin-operated machine. As of now, we don't have any coin amusement machines. We are requesting Conditional use permit for 3 coin-operated machines. We have attached documents like floor plan, statement of intent and purpose, last police inspection report after all upgrades, affidavit of measurement, etc. please let me know what other documents are required.

There is no church, school, or hospital around 300 feet from my business. We have two restrooms in our floor plan already. We also attached a passed inspection, conducted by the Police Department to determine compliance on 12-10-20 with the Convenience Store and Late Hour Business Regulations in Chapter 8 of the City Code.

The property is currently developed and operating as a convenience store without any coin-operated machines.



Signed by Syed Khalid ali  
CHEVRON  
4694220883



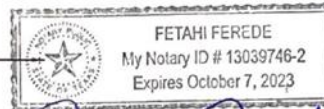
ATTACHMENT 5 – APPLICATION MATERIALS

OWNER AUTHORIZATION

1. I hereby certify that I am the owner of the subject property or the duly authorized agent of the owner of the subject property for the purpose of this application.
2. I hereby designate the person named as the applicant on page 1 of this application, if other than myself, to file this application and to act as the principal contact person with the City of Mesquite.
3. I hereby authorize the City of Mesquite, its agents or employees, to enter the subject property at any reasonable time for the purpose of taking photographs, documenting current use and current conditions of the property; and further, I release the City of Mesquite, its agents or employees from liability for any damages which may be incurred to the subject property in taking of said photographs.
4. I have read and understand the information contained in the City of Mesquite Conditional Use Permit Application.

Property Owner: ZarinZ inc ( DBA CHEVRON) Phone Number: 4604220883  
Address: 2000 Murphy Dr  
Bedford TX 76021 Email Address: shaby98@hotmail.com

Signature: [Signature]  
(President)



Each property owner must complete a separate authorization form

State of Texas  
County of DALLAS  
The foregoing instrument was acknowledged before me  
this 04 day of Aug. 2022  
By SYED CHALID ALI  
Personally known OR produced identification ✓  
Type identification produced TX DL  
Fetahi Ferede  
Notary Public

October 2020

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P.O. Box 850137 • Mesquite, Texas 75185-0137 • www.cityofmesquite.com

## ATTACHMENT 5 – APPLICATION MATERIALS

**1. Description of project uses.**

**2. If the property is currently developed, list all active businesses on the property with a brief description of each.**

**3. Address how the requested conditional use permit complies with the Mesquite Comprehensive Plan.**

The business desire to have 3 coin-operated amusement machines. To have that business required conditional use permit. Such machines are only used for amusement purposes. It attracts customers from the neighborhood especially retired and senior citizens at my location. In a competitive business environment, it is almost impossible for my small business to make a profit in the current situation. My small business doesn't have any promotional budget. We use the traditional old-school way of marketing to bring the customer into business and coin amusement machines are most important in that. As customers come to play and buy stuff at the same time. In recent years we have worked with mesquite city to eliminate the criminal element by upgrading the camera system, making counter secure, and doing window sales at night and it worked best in favor of business. At the same time, my struggling small business can not afford two employees at one time so most of the time neighbors playing at coin amusement machines bring extra protection and life to the business. It helps us to better serve the community with confidence. My store has two doors which we open around 7 am, we only operate from one door after sunset and at night we only operate from the window. If the city gives me CUP it help me to stay in business. Removal of coin amusement machines affect my business financially and it also made my business less secure as empty stores attract more criminal elements in store that can cause an additional adverse effect on the business. There is no immediate neighborhood next to my business but I promise coin amusement machines at my business never violate or affect any surrounding business/ neighborhood/ community around my business.

My property is currently developed as a gas station with a convenience store. My Gas station sells branded gas at unbranded prices mostly so we can remain in business. Sometimes we sell gas at the whole sale buying price. The convenience store is the main source of income where we sell general groceries, beer, and wine, tobacco, fountain drink, coffee, frozen snacks, etc. for customer convenience we have two restrooms and a microwave oven inside the store.

My request for conditional use permit complies with the mesquite comprehensive plan. Such as in slide 5 of mesquite comprehensive plan 02.11.2019, I believed the requested CUP helps in better utilization of existing entertainment as it's a convenient entertainment at a convenience store. On slide 6 second thing that can make a plan successful is "engagement" and coin amusement machines play important role in the engaging area of neighborhood and community it plays the role of therapy for the majority of the people. They come to relax, eat, play and talk. I have personally seen many people getting employment while playing at my store in the past as people get a chance to know each other. As in slide 6 two of the favorite part of mesquite are the small-town feel and friendly people. Coin amusement machines give stores a small town feel and also create a friendly environment. As per slide 9, I believe my small business is also a family-friendly business as it's family own business and our customers love us as we are approachable for them to understand their needs. On same slide 9, the most missing element in mesquite is entertainment venues and the request of CUP for coin amusement machines brings that element to the neighborhood store. Amusement machines are purely for entertainment and amusement. As per slide 10, 54% of people belong from age 45 to 64 and my majority of customers are from the same

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## **ATTACHMENT 5 – APPLICATION MATERIALS**

age group and they love to spend their free time in-store at amusement machines. As per slide 13 and the vision board coin amusement machines are an entertainment venue for various ages, especially senior and retired citizens. Also, we can post and share local employment opportunities on the store board. Citizens come to play and get a chance to see local opportunities around the area. From slide 15 and 17, I believed that my store with requested CUP for coin amusement machines fall 4 out of 7 guiding principle such as identity ( as it helps to sustain historic small business and communities), safe ( as it Promotes community safety and crime prevention as more neighborhood people in the store always bring an element of safety for business and surrounding community), lastly connectivity and entertainment.

2/2

Address how the request meets the approval criteria in Section 5-303 of the Mesquite Zoning Ordinance,  
outlined below.

1. Existing Uses: That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate area for purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

The requested CUP will not be injurious to the use and enjoyment of other property in the immediate area for purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity. As a business owner, I can tell the reality of the measurement taken to keep the surrounded property secure and valuable as per Section 5-303. My Business noticed a dense growth of trees especially next to highway 80 immediately next to business ( State property ) and some on city premises. Both premises of landscape were acting injuriously for my business. As those trees become homeless shelter homes that cause problems for my business also surrounding businesses. I worked with the city park department to highlight the problem to the state, as the landscape next to the highway belongs to the state of texas. Even one homeless shelter got the fire that cause wildfire just next to my business. Thanks to the mesquite fire department that they acted efficiently and protected my store from burning. As a responsible business owner, I went to the city and made the state look into this matter, within a week officials came and took care of it. They trim all the trees from the bottom which solved our problem as homeless people had to move to some other place. As a responsible business owner, I also work hard with the mesquite police department we made calls and took some criminal trespasses on the homeless people around the area. I also volunteer to help mesquite detectives by chasing criminals in my area and helping the police department to identify their locations. So, police can arrest them easily. I understand I used to call and bothered the police department but I intended to build a better community not only around my store but all over the mesquite. In all the reports we made there is none of them had a connection to coin amusement machines as our customers are mostly senior citizens and retired citizens of the time. The city can view past 911 calls but it is for the betterment of the community. It is now a clean and peaceful neighborhood as there are no more homeless on city property or state property as we work together to get rid of them. The requested CUP will not injurious to any property and surrounding at all even if it brings extra security to my business also sales.



On 11/4/21 city officials and state officials inspected their premises and planned to clear this area from homeless shelters. This is after that fire incident occur.

1/5



After the complaint, they trimmed the trees from the bottom and that bring positive change to the neighborhood.

2. Vacant Properties: That the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in area.

**Aerial Map**

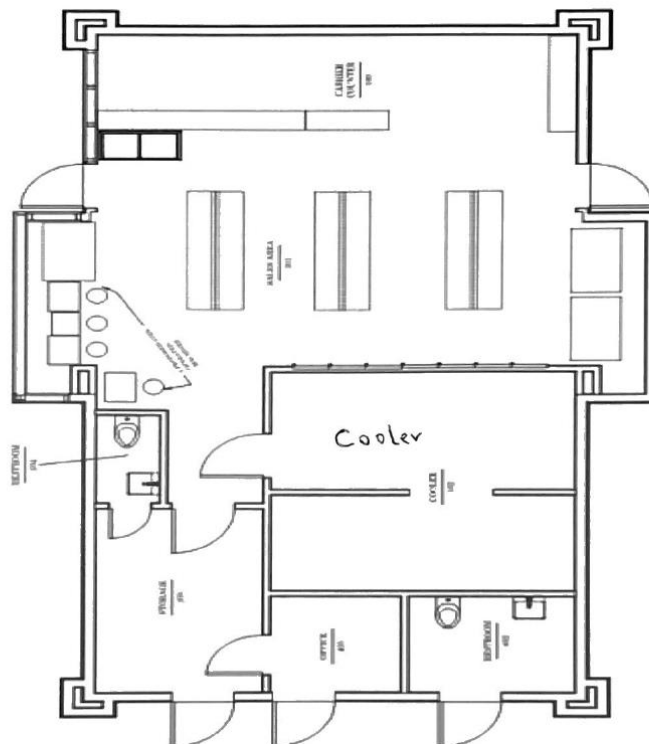


That the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominantly in the area as you see my property is surrounded by Samuel Blvd, S Town East Blvd, and HWY 80 E. The only vacant property is on my left side which is an empty lot. My gas station with a convenience store with requested CUP will never impact any property nearby or in the future negatively as I intend to make a positive impact not negative the area as a negative impact on properties around the area also directly affect my small business. If anything comes up that impacts negatively, we can always work together and improve it to value-added such developments with the city and stakeholders.

2/5

3. Services: That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided. Conditional uses in residential districts shall generally require direct access to an arterial street.

As Per conditional use permit supposedly has two restrooms on the premise; however, as I mentioned in point 1 Existing uses that homeless people use are a significant concern for my business, and we worked with government officials to get rid of this trouble. The restrooms become the victim of damage all the time. The measure we took to discourage the homeless was by temporarily closing the door of one restroom. We removed the employee-only sign and allow everyone to use the inside restroom as we value our customers, we temporarily put a unisex sign but as per MZO, we can always use both restrooms efficiently one for males and the other for females if the city approved Requested CUP. We can always work together for our city and the betterment of the small business.







We removed the employee-only sign as the restroom should be accessible for everyone. We can put male-only and female-only signs once we got approved for a CUP permit.

4. Parking: That adequate measures have been or will be taken to provide sufficient off-street parking and loading spaces to serve the proposed uses.

We believed we have enough parking available (13 parking spaces) because we are located at the exit of the highway and the rest area are not available that frequently on HWY 80. so sometimes my business also helps families traveling from one state to another and if they need to rest, they can park at our property for rest, take a quick coffee break and go.

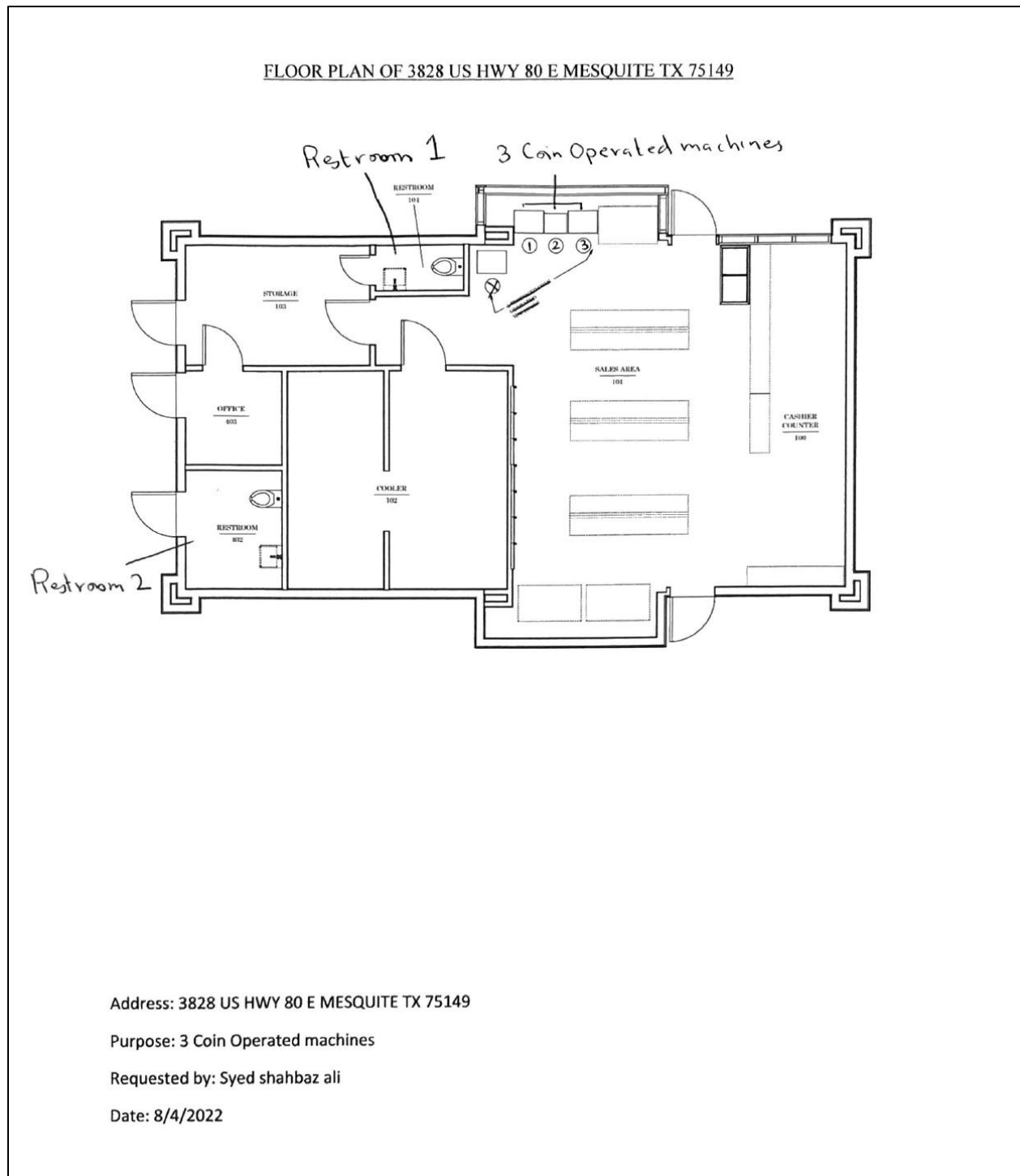
5. Performance Standards: That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

We keep the right to refuse service to any customer who engages in any nuisance behavior and we don't allow smoking and drinking inside the store and around the property. As it bothers our peaceful coin amusement customers and employees. We never have any issues related to performance standards. Since we don't have any immediate neighborhood, we are surrounded by two roads and one high way, however, we have one empty lot next to our business but still, we never have any issues with performance standards as we value our customers and believed anything that can bother to our neighbor can directly affect us also so we make sure to follow performance standards to keep the things straight.

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**ATTACHMENT 6 – CONCEPT PLAN**





**Subject property from N. Town East Blvd., facing west**

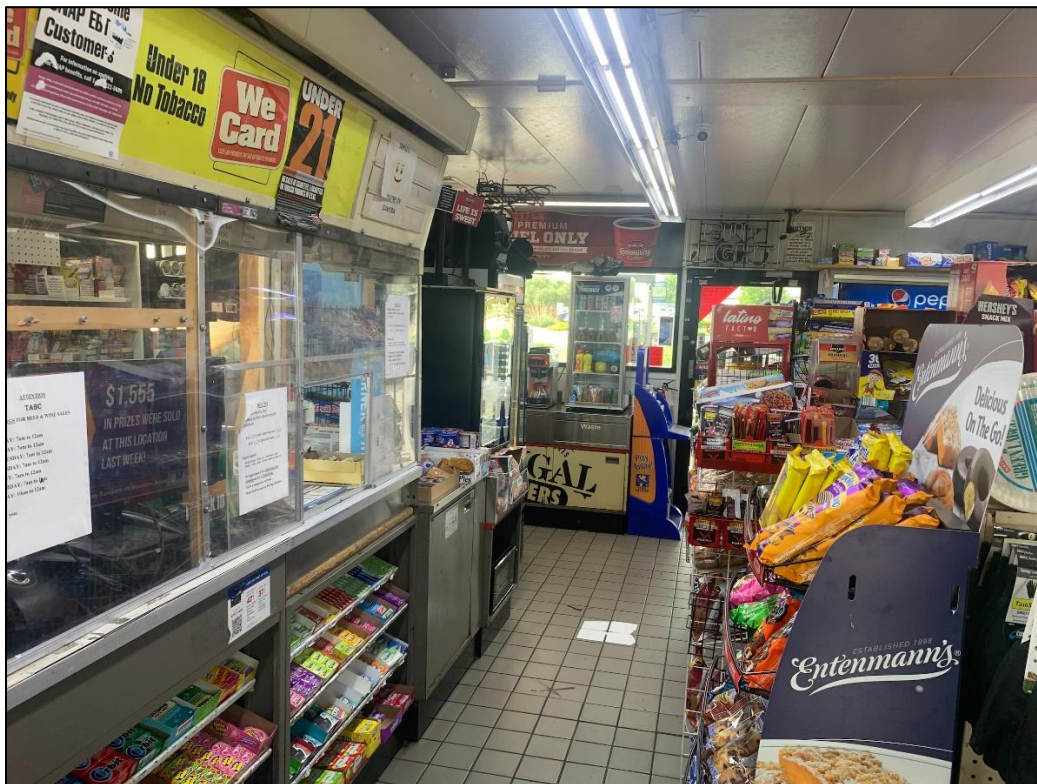


**Subject property from Samuell Blvd., facing north**

**ATTACHMENT 7 – SITE PHOTOS**



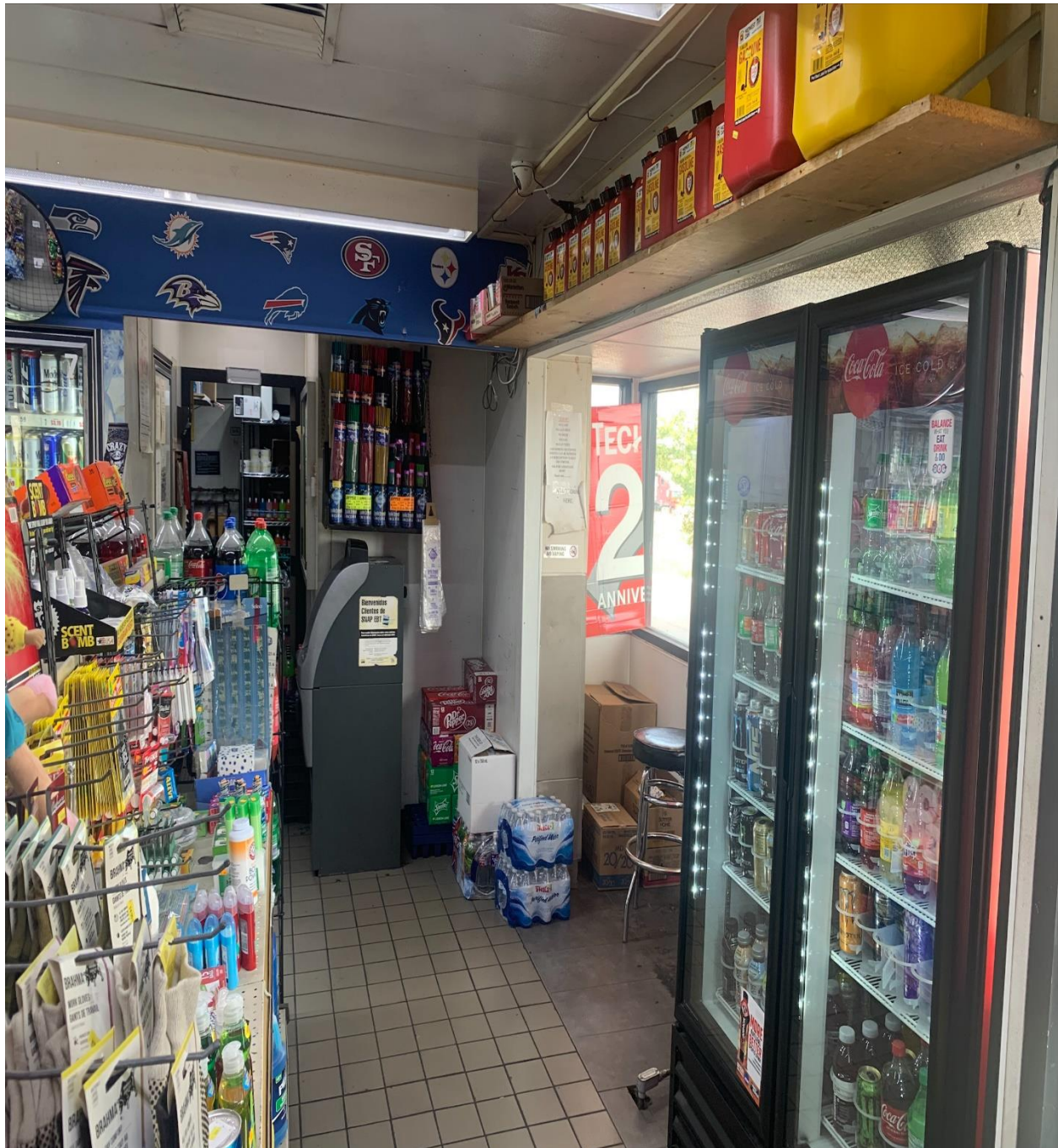
**Men's restroom facility at the subject property, facing southeast**



**Interior of the subject property**



ATTACHMENT 7 – SITE PHOTOS



The proposed site for three coin-operated amusement devices



Alternate view of the proposed site for three coin-operated amusement devices





Employee only storage room & access to women's restroom facility

ATTACHMENT 8 – POLICE DEPARTMENT INSPECTION

MESQUITE POLICE CONVENIENCE STORE AND LATE HOURS BUSINESS INSPECTION FORM		
Business Name: <u>GULLO INVESTING INC</u>	Date: <u>9-7-22</u>	
Address: <u>CHGVZON 3228 Hwy 80</u>	Business Hours: <u>24</u>	
Registered <input checked="" type="checkbox"/> Y <input type="checkbox"/> N (Register at <a href="https://apps.cityofmesquite.com/police_web/partnership.php">https://apps.cityofmesquite.com/police_web/partnership.php</a> )		
PDF FILES OF THE CITY ORDINANCE AND THE MPD TRAINING MATERIAL ARE AVAILABLE ON THE REGISTRATION PAGE AT WWW.MESQUITEPOLICE.ORG		
<b>Sec 8-915 Surveillance System</b>	Yes No	Notes
At least four cameras	<input checked="" type="checkbox"/> <input type="checkbox"/>	
At least 1080P	<input checked="" type="checkbox"/> <input type="checkbox"/>	
Entrance Covered	<input checked="" type="checkbox"/> <input type="checkbox"/>	
Exit Covered	<input checked="" type="checkbox"/> <input type="checkbox"/>	
Registers Covered	<input checked="" type="checkbox"/> <input type="checkbox"/>	
Retention of at least 7 days	<input checked="" type="checkbox"/> <input type="checkbox"/>	
Continuous Recording (not motion based)	<input checked="" type="checkbox"/> <input type="checkbox"/>	
Is the DVR clock accurate?	<input checked="" type="checkbox"/> <input type="checkbox"/>	
Known Password	<input checked="" type="checkbox"/> <input type="checkbox"/>	
Accessible	<input checked="" type="checkbox"/> <input type="checkbox"/>	
Video Surveillance Sign on Door	<input checked="" type="checkbox"/> <input type="checkbox"/>	
<b>PASS</b>		<b>FAIL</b>
<b>Sec 8-916 Requirements at all times</b>	Yes No	Notes
Line of sight to register? (Windows clear 3' - 6'; If above is "no", next line must be "yes"	<input type="checkbox"/> <input checked="" type="checkbox"/>	
Two employees on site at ALL times OR Controlled access window	<input checked="" type="checkbox"/> <input type="checkbox"/>	
<b>PASS</b>		<b>FAIL</b>
<b>Sec 8-917 Requirements between 22:00-05:00</b>	Yes No	Notes
Two Employees OR Controlled Access Window	<input checked="" type="checkbox"/> <input type="checkbox"/>	
In addition to above, must have ONE of the following:		
Covert Theft Detection Device	<input type="checkbox"/> <input type="checkbox"/>	
Drop Safe with required decals at entry/exits	<input checked="" type="checkbox"/> <input type="checkbox"/>	
Silent Police Alarm w/str. panic button and required decals at entry/exits	<input type="checkbox"/> <input type="checkbox"/>	
<b>PASS</b>		<b>FAIL</b>
<b>Sec 8-914 Signage &amp; Height Strips</b>	Yes No	Notes
All: "No Loitering" & "No Trespassing" signs (in English and Spanish) at all public entrances and exits	<input checked="" type="checkbox"/> <input type="checkbox"/>	
C-Store: "No Loitering" & "No Trespassing" signs (in English and Spanish) on all sides of the business	<input checked="" type="checkbox"/> <input type="checkbox"/>	
All: Height Strips on all public exits	<input checked="" type="checkbox"/> <input type="checkbox"/>	
<b>PASS</b>		<b>FAIL</b>
PDF FILES OF THE CITY ORDINANCE AND THE MPD TRAINING MATERIAL ARE AVAILABLE ON THE REGISTRATION PAGE AT WWW.MESQUITEPOLICE.ORG		
Inspecting Officer: <u>GRUBIN</u>	Business Representative: <u>SHAHBAZ</u>	
469-422-0883		