

ORDINANCE NO. 5257
File No. Z0326-0446

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM AGRICULTURAL WITHIN THE K-20 FLOATING OVERLAY DISTRICT TO PLANNED DEVELOPMENT – GENERAL RETAIL, TO ALLOW A CONVENIENCE STORE WITH FUEL SALES, INCLUDING 12 FUELING POSITIONS, WITHIN THE REQUIRED 500-FOOT SEPARATION DISTANCE FROM A RESIDENTIAL ZONING DISTRICT, ALONG WITH MODIFIED DEVELOPMENT STANDARDS LOCATED AT THE EAST CORNER OF FM 740 AND FM 2757 (KCAD PROPERTY ID 234837); 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 2.100 acres, described in **EXHIBIT A**, attached hereto and incorporated herein by reference, and located at the east corner of FM 740 and FM 2757 (KCAD Property ID 234837), in the City of Mesquite, Kaufman County, Texas (the “**Property**”).

SECTION 2. The Mesquite Zoning Ordinance (“**MZO**”) is amended by approving a change of zoning from Agricultural within the K-20 Floating Overlay District to Planned Development – General Retail to allow a convenience store with fuel sales, including 12 fueling positions, located within the required 500-foot separation distance from a residential zoning district 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.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.

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East Corner of FM 740 and FM 2757
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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 6th day of July 2026.

Signed by:

Daniel Alemán, Jr.

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Daniel Alemán, Jr.
Mayor

ATTEST:

DocuSigned by:

Sonja Land

C2518095973F46A...

Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:

Signed by:

David L. Paschall

666E18891208434...

David L. Paschall
City Attorney

EXHIBIT "A"

BEING A TRACT OF LAND IN THE MARTHA MUSICK SURVEY ABSTRACT NO. 312, CITY OF MESQUITE, KAUFMAN COUNTY, TEXAS, AND BEING PART OF A CALLED 55.09 ACRE TRACT OF LAND DESCRIBED IN A DEED RECORDED IN VOLUME 1088, PAGE 726, DEED RECORDS OF KAUFMAN COUNTY, TEXAS (D.R.K.C.T.), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CONCRETE MONUMENT FOUND AT THE SOUTH END OF A RIGHT-OF-WAY CORNER CLIP AT THE INTERSECTION OF THE NORTHEAST RIGHT-OF-WAY LINE OF FM 2757 WITH THE SOUTHEAST RIGHT-OF-WAY LINE OF FM 740 (EAST MALLOY BRIDGE ROAD), BEING A NORTHWEST CORNER OF SAID 55.09 ACRE TRACT;

THENCE N 07° 45' 15" W, WITH SAID CORNER CLIP AND A WESTERLY LINE OF SAID 55.09 ACRE TRACT, A DISTANCE OF 76.47 FEET TO A 5/8" IRON ROD FOUND FOR THE SOUTHERNMOST CORNER OF A CALLED 0.3116 ACRE TRACT OF LAND CONVEYED TO THE STATE OF TEXAS DESCRIBED IN A DEED RECORDED IN VOLUME 7582, PAGE 527, OFFICIAL PUBLIC RECORDS OF KAUFMAN COUNTY, TEXAS (O.P.R.K.C.T.) FOR RIGHT-OF-WAY WIDENING OF SAID FM 740, AND AT THE NORTH END OF SAID CORNER CLIP;

THENCE N 39° 37' 41" E, WITH THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID FM 740, A DISTANCE OF 280.02 FEET TO A 5/8" IRON ROD SET WITH A CAP STAMPED "TOPOGRAPHIC" FOR THE WESTERNMOST CORNER OF LOT 1, BLOCK 1, LAKESIDE RV PARK ADDITION, AN ADDITION TO THE CITY OF MESQUITE, KAUFMAN COUNTY, TEXAS ACCORDING TO THE PLAT RECORDED IN INSTRUMENT NO. 2023-0033389, PLAT RECORDS OF KAUFMAN COUNTY, TEXAS (P.R.K.C.T.);

THENCE OVER AND ACROSS SAID 55.09 ACRE TRACT AS FOLLOWS:

S 53° 12' 10" E, A DISTANCE OF 266.59 FEET TO A 5/8" IRON ROD SET WITH A CAP STAMPED "TOPOGRAPHIC" FOR A CORNER;

S 38° 41' 30" W, A DISTANCE OF 362.21 FEET TO A 5/8" IRON ROD SET WITH A CAP STAMPED "TOPOGRAPHIC" FOR A CORNER IN THE NORTHEAST RIGHT-OF-WAY LINE OF SAID FM 2757 AND IN THE SOUTHWESTERLY LINE OF SAID 55.09 ACRE TRACT;

THENCE N 45° 49' 04" W, WITH THE NORTHEAST RIGHT-OF-WAY LINE OF SAID FM 2757 AND THE SOUTHWESTERLY LINE OF SAID 55.09 ACRE TRACT, A DISTANCE OF 216.60 FEET TO THE PLACE OF BEGINNING AND CONTAINING 2.100 ACRES OF LAND.

Exhibit B – Development Standards

This Planned Development – General Retail district (“**PD-GR**”) 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 General Retail (“**GR**”) 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-GR district. Where these regulations conflict with or overlap with another ordinance, this PD-GR ordinance will control.

1. **Permitted Land Uses.** The permitted uses on the Property include the permitted uses in the GR 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 GR Zoning District, as amended, is only allowed if a CUP is issued for the use unless permitted in subsection 1.c. below.
 - b. Any land use prohibited in the GR Zoning District, as amended, is also prohibited unless permitted in subsection 1.c. below. The following uses are also prohibited:
 - i. SIC Code 40: Railroad Passenger Terminal
 - ii. SIC Code 61: Alternative Financial Institutions
 - iii. SIC Code 593: Used Merchandise
 - iv. SIC Code 593a: Pawnshops
 - v. SIC Code 5947: Gift, Novelty, Souvenir Shops
 - vi. SIC Code 5993: Tobacco Stores
 - vii. SIC Code 5999g: Paraphernalia Shops
 - viii. SIC Code 753 Auto Repair Shops
 - ix. SIC Code 754 Auto Services
 - c. The following uses are permitted on the Property by right, without requiring a CUP, in addition to those outlined under the GR District classification:
 - i. SIC Code 554 Refueling Station with the following stipulations:
 1. Up to 12 fueling positions
 - ii. SIC Code 549 Miscellaneous Food Stores, including
 1. Convenience Stores
2. **Development Standards.** Uses permitted on the Property are subject to the development standards set out in the GR District classification and the MZO and subject to the following:
 - a. **Site Plan.** The site plan shall comply with the Concept Plan in all material respects. Material deviations from the Concept Plan (such as building, fuel pumps and driveway placement) may be permitted to ensure compliance with the Mesquite Engineering Design Manual, as well as Building and Fire Codes, as amended, and TxDOT driveway standards provided that the development continues to meet all requirements of this ordinance.

- b. **Cross Access.** Cross-access easements shall be provided between abutting lots to the northeast and to the southeast, to be recorded prior to or concurrent with the platting of those adjacent tracts.
- c. **Fencing.** Any fencing on the Property shall consist of wrought iron. In this PD ordinance, wrought iron refers to black tubular steel or aluminum commonly used in commercial fencing, spaced 3 to 6 inches on center. Fencing may not be located in front of the building.
- d. **Landscaping Standards.** All general landscaping requirements shall conform to the MZO Section 1A and with the following:
 - i. The development will have cohesive landscaping to create a harmonious streetscape edge that will contain native plant materials and drought-tolerant shrubs and trees. A variety of species shall be required such that no single species shall exceed 25% of the total number of trees.
 - ii. A landscape area equal to a minimum of 35% of the Property shall be provided by the time of full development of the Property. The adjacent areas in the right-of-way shall be landscaped and maintained by the property owner..
 - iii. A landscape buffer with a minimum depth of 35 feet shall be provided along the rights-of-way of FM 740 and FM 2757.
 - iv. A minimum of one tree shall be provided for every 3,000 square feet of lot area.
 - v. One large shade tree shall be provided for every 35 linear feet of frontage along the rights-of-way of FM 740 and FM 2757. Such trees shall be planted within the required 35-foot landscape buffer and spaced no more than 35 feet apart.
 - vi. Ten evergreen shrubs shall be provided for every 30 linear feet of frontage along the rights-of-way of FM 740 and FM 2757.
 - vii. When a parking area contains 20 or more parking spaces, the interior of the area shall be landscaped by providing a minimum of one tree for every 12 parking spaces or fraction thereof and the terminus of all rows of parking. Such islands shall contain at least one tree. The remainder shall be landscaped with shrubs, turf, ground cover or other appropriate material not to exceed three feet in height.
 - viii. Trees provided in the parking areas and landscaped buffers may count toward meeting the minimum overall tree requirement.
 - ix. All trees and shrubs shall be installed in accordance with the minimum planting and installation requirements in Section 1A of the MZO.

- e. **Screening.** District screening in Section 1A-300 is not required when the adjacent residentially zoned property is not being used for residential purposes.
- f. **Sidewalks.** Sidewalks shall be provided along or within the right-of-way of FM 740 and FM 2757.
- g. **Signage.** All signage shall comply with the Mesquite Sign Ordinance except as modified below:
 - i. **Wall Signs.** Wall signs are permitted on all building facades.
 - ii. **Canopy Signs.** Signs on the canopy may only face the street.
- h. **Lighting.** In addition to meeting the lighting standards in the MZO, the site shall use shielded, downward-directed fixtures only.
- i. **EV charging stations.** A minimum of two electric vehicle charging stations will be located on site. Location of the electric vehicle charging stations is to be clearly delineated on the site plan.

[illegible]

7-ELEVEN
9960 F.M. 740
MESQUITE, TEXAS



2.100 ACRE TRACT OF LAND IN THE MARTHA
MUSICK SURVEY, ANSTRACT NO. 312
CITY OF NESQUITE, KAUFMAN COUNTY, TEXAS
6/15/2026

CAUTION NOTICE TO CONTRACTORS
 THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL 811 AT LEAST 72 HOURS BEFORE ANY EXCAVATION OR FIELD EVIDENCE OF EXISTING FIELD UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS.