

RESOLUTION NO. 38-2001

A RESOLUTION OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE TEMPORARY SUSPENSION OF THE ACCEPTANCE AND FILING OF APPLICATIONS FOR ZONING, PLATS, SITE PLANS, BUILDING PERMITS AND OTHER DEVELOPMENT APPLICATIONS FOR MULTI-FAMILY DEVELOPMENT FOR A PERIOD OF TIME EXTENDING THROUGH DECEMBER 31, 2001; PROVIDING FOR DISCRETIONARY EXEMPTION AUTHORITY; PROVIDING FOR AN EXTENSION OF THE TEMPORARY SUSPENSION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and City Council are currently reviewing and analyzing all multifamily zoned properties, including planned development zoned properties that include multifamily uses or multifamily components (hereinafter referred to collectively as "Multifamily Properties"), within the City to determine if the zoning classifications on the Multifamily Properties, including design, construction and development standards, are consistent with the City's Development Guide and/or whether such classifications and standards are adequate to protect planned or existing neighboring uses, including compatibility with existing and planned residential developments, and whether such classifications and standards currently are in the best interest of the community and the general welfare of the City; and

WHEREAS, the City Council has determined that it is in the best interest of the public to temporarily suspend the acceptance and filing of zoning applications, plat applications, site plans, applications for building permits and other development applications for all Multifamily Properties pending the City Council's review of all Multifamily Properties within the City and to determine their compliance and conformity with the City's current standards and the City's Development Guide and/or whether such Multifamily Properties are compatible with existing and planned residential developments and neighborhoods; and

WHEREAS, the temporary suspension is for the purpose of allowing the City Council to study, in conjunction with the City's planning and administrative officials and consultants, the zoning, growth and development related issues and concerns presented by the nonconformity of the City's Multifamily Properties with the City's Development Guide, and/or the compatibility of such properties with their surroundings, and, if desired, to implement comprehensive plan amendments and/or zoning changes to address the results of such study.

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

SECTION 1. That all of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and they are hereby approved and incorporated into the body of this resolution as if copied in their entirety.

SECTION 2. That the acceptance and filing of applications for zoning, plats, site plans, applications for building permits and other development applications are hereby temporarily suspended for a period of time beginning from the effective date of this resolution and extending through December 31, 2001. Although it presently is anticipated that the review and actions contemplated by this resolution will be completed by December 31, 2001, in the event that such review and/or actions have not been fully completed and implemented by said date the City Council may extend that period in thirty (30) day increments by further resolution extending the effect of this resolution.

SECTION 3. That the conditions necessitating the temporary suspension of accepting and filing zoning, plats, site plans and other development applications include the following:

1. The temporary suspension will allow the City Council the opportunity to continue to review, study and consider, in conjunction with planning professionals, the City Attorney and other City administrative staff, the zoning, growth and development related issues and concerns of the City Council regarding certain aspects of the Multifamily Properties in as expeditious a manner as possible, which will ultimately benefit the development community.
2. The temporary suspension will provide the City staff with additional time necessary to study, review and analyze the zoning categories and classifications currently in place on Multifamily Properties within the City, identify all undeveloped lands affected by such zoning, and determine whether such zoning is in compliance with the City's Development Guide and/or whether such zoning is currently compatible with surrounding properties.
3. The temporary suspension will allow City staff to devote adequate time and attention to the zoning, growth and development related issues and concerns of the City Council regarding the Multifamily Properties and to determine the need for any additional studies and/or consultant reports necessary to adequately fulfill the City Council's commitment to review and analyze the Multifamily Properties and to conform the zoning on such properties with the City's Development Guide and/or to ensure neighborhood compatibility.
4. The temporary suspension will allow the City Council, should it desire, to schedule, sequence and provide a method of tracking the implementation of all City-initiated comprehensive plan amendments and/or rezoning efforts.
5. The temporary suspension will allow the City Council, if it desires, to amend the City's comprehensive plan and/or zoning ordinances and development policies and the City's official zoning district map to effectuate any City-initiated comprehensive plan amendments and/or rezoning of properties.
6. The temporary suspension will permit the posting of adequate, legally mandated public notices regarding the Planning and Zoning Commission's and City Council's

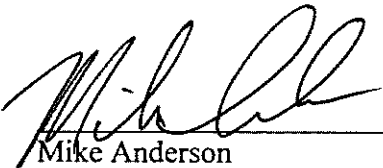
consideration of any comprehensive plan amendments and/or City-initiated rezonings.

7. The temporary suspension will allow the City Council, City staff and the public to become familiar with the zoning, growth and development related issues and concerns that may necessitate City-initiated comprehensive plan, amendment and/or the rezoning of the Multifamily Properties.

SECTION 4. That the City Council may consider and grant an exception or waiver from the terms of this resolution in such cases where the City Council determines that a proposed multifamily project or development may be permitted without significant impact on surrounding properties, the general welfare of the City of Mesquite and the goals and purposes of this resolution.

SECTION 5. That this resolution shall take effect from and after its passage.


DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 6th day of August, 2001.




Mike Anderson
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B. J. Smith
City Attorney