

RESOLUTION NO. 22-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING A TEMPORARY MORATORIUM TO TAKE EFFECT ON APPLICATIONS AND PLANS FOR DEVELOPMENT FOR PERMITS, PLATS, VERIFICATIONS, REZONINGS, SITE PLANS AND NEW OR REVISED CERTIFICATES OF OCCUPANCY FOR TRUCK STOPS AND OTHER DEVELOPMENT THAT INCLUDES THE PARKING OF HEAVY LOAD VEHICLES AS A PRINCIPAL USE OR AS AN ACCESSORY USE WITHIN THE CORPORATE CITY LIMITS OF MESQUITE.

WHEREAS, the City of Mesquite's proximity to an extensive interstate highway system and the presence of a large industrial sector makes the City an ideal location for the development of truck stops and businesses that attract, utilize and accommodate heavy load commercial vehicles; and

WHEREAS, the City's existing zoning and development regulations for truck stops and other businesses that use heavy load commercial vehicles may be inadequate to prevent such development from being detrimental to the public health, safety or welfare of the residents of the municipality; and

WHEREAS, the Texas Local Government Code ("LGC"), Subchapter E, Moratorium on Property Development in Certain Circumstances, authorizes a municipality to adopt a moratorium on property development after proper notice and public hearings; and

WHEREAS, on June 15, 2017, notice was published in newspapers of general circulation in Dallas and Kaufman Counties of the time and place of public hearings to be held for the purpose of determining whether a moratorium should be imposed on truck stops and other development that includes the parking of heavy load vehicles as a principal use or as an accessory use until adequate regulations are revised and enacted to prevent such uses from being detrimental to the public health, safety or welfare of the residents of the municipality; and

WHEREAS, in accordance with LGC, Section 212.134(c), a temporary moratorium shall take effect by operation of law on the fifth business day after the date a notice is published.

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

SECTION 1. That the City Council of the City of Mesquite finds that recent applications for new or expanded businesses, which attract or accommodate a large volume of interstate-class trucks, have demonstrated that current regulations may be inadequate to control the negative impacts of such businesses on the surrounding street network, on the ability of the City to attract more diverse employment centers in the same geographic sector of the community, and on the quality of life in nearby residential areas.


SECTION 2. That pending the receipt of testimony and other evidence at public hearings to be held on June 26, June 29 and July 3, 2017, it is prudent to allow a temporary moratorium to take effect and remain in force for the period prescribed by Texas Local Government Code, Section 212.134(f) until the City Council makes a final determination on the

imposition of a moratorium. The City Secretary having published notice in newspapers of general circulation in Dallas and Kaufman Counties on June 15, 2017, the temporary moratorium shall take effect on Thursday, June 22, 2017, and shall remain in force until the date the City Council adopts an ordinance imposing a moratorium in accordance with law, or July 8, 2017, whichever is the earlier.

SECTION 3. That for the duration of the temporary moratorium, the Director of Planning and Development Services (the "Director") shall ensure that all applications and plans for development for permits, plats, verifications, rezonings, site plans and new or revised certificates of occupancy for truck stops and other development that includes the parking of heavy load vehicles as a principal use or as an accessory use within the corporate city limits of Mesquite are not accepted for processing. Any application or plan for development so submitted shall be rejected, regardless of completeness, and shall be returned to the person or entity attempting to file the same.

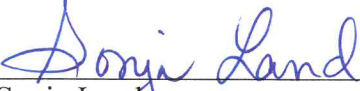
SECTION 4. That no later than June 22, 2017, the Director shall publish on the City of Mesquite website an advisory, which announces the temporary moratorium and provides information on the duration and applicability of the temporary moratorium.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 19th day of June, 2017.



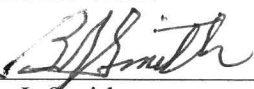
Jeff Casper
Mayor Pro Tem

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney