

RESOLUTION NO. 04-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE PROCESS FOR THE CREATION OF A MORATORIUM TO TAKE EFFECT ON APPLICATIONS AND PLANS FOR DEVELOPMENT FOR PERMITS, PLATS, VERIFICATIONS, REZONINGS AND SITE PLANS FOR CONVENIENCE STORES WITHIN THE CORPORATE CITY LIMITS OF MESQUITE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, convenience stores are often popular targets for a variety of crimes, most notably shoplifting and robbery; and

WHEREAS, according to an ABC news affiliate report, working as a convenience store clerk is ranked with being a peace officer when it comes to job danger; and

WHEREAS, the Mesquite City Council is committed to protecting the health, safety, and welfare of the citizens of the City by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the City; and

WHEREAS, the Texas Local Government Code (“LGC”), Subchapter E, “Moratorium on Property Development in Certain Circumstances,” of Chapter 212, “Municipal Regulation of Subdivisions and Property Development,” authorizes a municipality to adopt a moratorium on property development after proper notice and two public hearings; and

WHEREAS, at the request of the City Council, City staff is currently reviewing and analyzing all properties with zoning permitting convenience store uses, including planned development zoned properties that include convenience store uses or convenience store components (hereinafter referred to collectively as “Convenience Store Developments”) to determine whether current classifications and standards are in the best interests of the public health, safety and welfare of the City; with focus upon how best to address the safety issues and other secondary effects created by Convenience Store Developments as required for a moratorium adopted under LGC Section 212.1352; and

WHEREAS, the Mesquite City Council desires that staff explore effective regulatory initiatives to improve the safety of convenience stores, with consideration given to the effectiveness of a registration program for convenience stores and requirements relating to surveillance camera systems, video recording and storage systems, alarm systems, drop safes, security signs, height markers, store visibility, safety training programs, and trespass affidavits; and

WHEREAS, before adoption of a moratorium, the City Council shall be provided an initial report, working plan and time schedule for the implementation of regulations to address the safety issues and other secondary effects created by Convenience Store Development, including comprehensive plan amendments and zoning or other ordinance changes to effectuate staff’s recommendations; and

WHEREAS, two public hearings are expected to be scheduled as follows: City Planning and Zoning Commission on January 27, 2020, and City Council on January 28, 2020; and

WHEREAS, in connection with the public hearings, notice shall be published, in accordance with the law, of the time and place of public hearings to be held for the purpose of determining whether a moratorium should be imposed on Convenience Store Development until adequate regulations are enacted to prevent such uses from being detrimental to the public health, safety or welfare of the residents of City; and

WHEREAS, pursuant to the 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 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 City Council hereby instructs City staff to institute the process of creating a moratorium as authorized by Subchapter E of the LGC and to provide at the public hearings an initial report on its study of the impacts of Convenience Store Development on public safety and other impacts related to the City's police power.

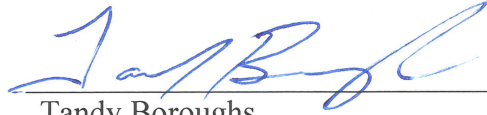
SECTION 3. That pending the receipt of testimony and other evidence at public hearings to be held on January 27, 2020, and January 28, 2020, the City Council will determine whether it is prudent to allow a moratorium to take effect in accordance with, and remain in force for the period prescribed by, Sections 212.134 and 212.1362 of the LGC.

SECTION 4. That upon commencement of the temporary moratorium, the Director shall publish on the City of Mesquite website an advisory which announces the temporary moratorium and provides information on its duration and applicability.

SECTION 5. That the acceptance and filing of applications and plans for development for permits, plats verifications, rezonings and site plans for convenience store uses and developments within the corporate City limits of Mesquite shall be temporarily suspended for a period of time beginning from the effective date of the temporary moratorium for the period prescribed by Section 212.134 of the LGC. 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.

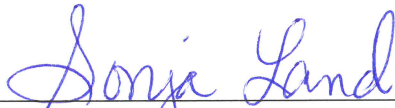
SECTION 6. That this resolution shall take effect immediately from and after its passage.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 21st day of January 2020.




Tandy Boroughs  
Mayor Pro Tem

ATTEST:



Sonja Land  
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall  
City Attorney