

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, REQUESTING THAT THE BOARD OF ADJUSTMENT CONSIDER ESTABLISHING A COMPLIANCE DATE FOR NONCONFORMING HOTEL/MOTEL USES LOCATED AT 4405 EAST U.S. HIGHWAY 80, 3911 EAST U.S. HIGHWAY 80, 3601 EAST U.S. HIGHWAY 80, 3817 EAST U.S. HIGHWAY 80 AND 3629 EAST U.S. HIGHWAY 80.

WHEREAS, on April 2, 1990, the City Council adopted Ordinance No. 2668, which authorized the Board of Adjustment ("Board") to require the discontinuation of nonconforming uses through an amortization process; and

WHEREAS, on April 16, 2018, by adoption of Ordinance No. 4553, the City Council updated the amortization process with the purpose of ensuring due regard for the property rights of the persons affected, the public welfare and the character of the surrounding area; and

WHEREAS the City Council effectuated that purpose by creating a two-step analysis by the Board: First, the Board evaluates whether continued operation of a nonconforming use will have an adverse effect on nearby properties, and if the Board concludes nonconforming use will have an adverse effect; Second, the Board proceeds to provide a compliance date for the nonconforming use; and

WHEREAS, the compliance date, based upon a financial analysis, is established by a plan whereby the owner's actual investment in the use before the time that the use became nonconforming is amortized within a definite time period; and

WHEREAS, concerns have been expressed by citizens regarding the condition and operation of the nonconforming hotel/motel uses located at 3601 East U.S. Highway 80, 3629 East U.S. Highway 80, 3817 East U.S. Highway 80, 3911 East U.S. Highway 80 and 4405 East U.S. Highway 80; and

WHEREAS, these uses became nonconforming on February 3, 1997, by adoption of Ordinance No. 3137; and

WHEREAS, code violations and criminal activity have been reported in connection with these nonconforming uses, resulting in significant enforcement costs; and

WHEREAS, the City Council is authorized to request the Board to consider establishing a compliance date for nonconforming uses; and

WHEREAS, these concerns and reports compel the City Council to exercise this authority by requesting a complete and objective evaluation of these uses by the Board.

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

SECTION 1. That the findings set forth in the recitals of this Resolution are found to be true and correct, and are hereby adopted as the findings of the City Council.

SECTION 2. That the City Council requests that the Board consider establishing a compliance date for nonconforming hotel/motel uses located at (1) 4405 East U.S. Highway 80, known as Tejas Motel; (2) 3911 East U.S. Highway 80, known as Budget Inn; (3) 3601 East U.S. Highway 80, known as Luna Lodge; (4) 3817 East U.S. Highway 80, known as Delux Inn; and (5) 3629 East U. S. Highway 80, known as Meri Best.

SECTION 3. That the City Council requests that the cases be taken up by the Board as soon as is feasible, preferably in the order listed in Section 2.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 4th day of June, 2018.

Stan Pickett
Mayor

ATTEST:

Sonja Land
City Secretary

APPROVED:


Paula Anderson
Interim City Attorney