

ORDINANCE NO. 9363-2012

AN ORDINANCE OF THE CITY OF GRAND PRAIRIE, TEXAS AMENDING THE ZONING MAP AND ORDINANCE BY SHOWING THE LOCATION, BOUNDARY AND USE OF CERTAIN PROPERTY FOR THE RENEWAL OF SPECIFIC USE PERMIT 872 (SUP-872) FOR A SPECIFIC USE PERMIT FOR A METAL RECLAMATION AND SHIPPING COMPANY WITH OUTSIDE STORAGE IN A LIGHT INDUSTRIAL (LI) DISTRICT, TO WIT: BEING SITE 15, BLOCK 7 OF INDUSTRIAL COMMUNITY NO. 1 OUT OF THE GREAT SOUTHWEST INDUSTRIAL DISTRICT, IN THE MICAJAH GOODWIN NO. T584, IN THE CITY OF GRAND PRAIRIE, TARRANT COUNTY, TEXAS, AND BEING ADDRESSED AS 1210 AVENUE J EAST; SAID ZONING MAP AND ORDINANCE BEING NUMBERED 4779 AND PASSED ON NOVEMBER 20, 1990; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; CONTAINING A SAVINGS CLAUSE; AND TO BECOME EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

WHEREAS, March 15, 2011, the owner of the property described herein below filed application with the City of Grand Prairie, Texas, petitioning an amendment of the Zoning Ordinance and map of said city so as to amend the zoning designation of said site to a **Specific Use Permit for a Metal Reclamation and Shipping Company with Outside Storage in a Light Industrial (LI) District**; and

WHEREAS, the Planning and Zoning Commission of Grand Prairie, Texas, held a public hearing on said application on May 2, 2011, after written notice of such public hearing before the Planning and Zoning Commission on the proposed Specific Use Permit had been sent to owners of real property lying within 300 feet of the property on which the creation of a **Specific Use Permit for a Metal Reclamation and Shipping Company with Outside Storage in a Light Industrial (LI) District** was proposed, said Notice having been given not less than ten (10) days before the date set for hearing to all such owners who rendered their said property for City taxes as the ownership appears on the last approved City Tax Roll, and such Notice being served by depositing the same, properly addressed and postage paid, in the City Post Office; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Grand Prairie, Texas voted 7 to 1 to recommend to the City Council of Grand Prairie, Texas, that said Zoning Ordinance and Map be amended to allow a **Specific Use Permit for a Metal Reclamation and Shipping Company with Outside Storage in a Light Industrial (LI) District**; and

WHEREAS, Notice was given of a further public hearing to be held by the City Council of the City of Grand Prairie, Texas, in the City Hall Plaza Building at 6:30 o'clock P.M. on May 17, 2011 to consider the advisability of amending the Zoning Ordinance and Map as recommended by the Planning and Zoning Commission, and all citizens and parties at interest were notified that they would have an opportunity to be heard, such Notice of the time and place of such hearing having been given at least fifteen (15) days prior to such hearing by publication in the Fort Worth Star Telegram, Fort Worth, Texas, a newspaper of general circulation in such municipality; and

WHEREAS, after consideration of said application, the City Council of the City of Grand Prairie, Texas voted 9 to 0 to adopt **Ordinance Number 9208-2011** establishing **Specific Use Permit Number 872 for a Metal Reclamation and Shipping Company with Outside Storage in a Light Industrial (LI) District**, and all citizens and parties at interest had been given an opportunity to be heard on all the matter of the Specific Use Permit and the City Council of the City of Grand Prairie, Texas, being informed as to the location and nature of the specific use proposed on said property, as well as the nature and usability of surrounding property, have found and determined that the property in question, as well as other property within the city limits of the City of Grand Prairie, Texas, has changed in character since the enactment of the original Zoning Ordinance to the extent that a specific use may be made of said property as herein provided and by reason of changed conditions, does consider and find that **Ordinance Number 9208-2011** should be enacted since its provisions are in the public interest and will promote the health, safety and welfare of the community; and

WHEREAS, on February 21, 2012, as required by **Ordinance Number 9208-2011**, the City of Grand Prairie, Texas initiated inspections of the subject property for the purpose of reviewing and renewing **Specific Use Permit No. 872 (SUP-872)** as **Specific Use Permit No. 872A for a Specific Use Permit for a Metal Reclamation and Shipping Company with Outside Storage in a Light Industrial (LI) District**; and

WHEREAS, the Planning and Zoning Commission of Grand Prairie, Texas, held a public hearing on said renewal application on May 7, 2012, after written notice of such public hearing before the Planning and Zoning Commission on the proposed Specific Use Permit had been sent to owners of real property lying within 300 feet of the property on which the renewal of **Specific Use Permit No. 872A for a Specific Use Permit for a Metal Reclamation and Shipping Company with Outside Storage in a Light Industrial (LI) District** is proposed, said Notice having been given not less than ten (10) days before the date set for hearing to all such owners who rendered their said property for City taxes as the ownership appears on the last approved City Tax Roll, and such Notice being served by depositing the same, properly addressed and postage paid, in the City Post Office; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Grand Prairie, Texas voted 6 to 0 to recommend to the City Council of Grand Prairie, Texas, that said Zoning Ordinance and Map be amended to allow the renewal of **Specific Use Permit Number 872A for a Specific Use Permit for a Metal Reclamation and Shipping Company with Outside Storage in a Light Industrial (LI) District** be renewed; and

WHEREAS, notice was given of a further public hearing to be held by the City Council of the City of Grand Prairie, Texas, in the Grand Prairie ISD Administration Building, 2602 S. Belt Line Road at 6:30 o'clock P.M. on May 15, 2012 to consider the advisability of renewing **Specific Use Permit Number 872A for a Specific Use Permit for a Metal Reclamation and Shipping Company with Outside Storage in a Light Industrial (LI) District** as recommended by the Planning and Zoning Commission, and all citizens and parties at interest were notified that they would have an opportunity to be heard, such Notice of the time and place of such hearing having been given at least fifteen (15) days prior to such hearing by publication in the Fort Worth Star Telegram, Fort Worth, Texas, a newspaper of general circulation in such municipality; and

WHEREAS, all citizens and parties at interest have been given an opportunity to be heard on all the matter of the Specific Use Permit Renewal and the City Council of the City of Grand Prairie, Texas, being informed as to the location and nature of **Specific Use Permit 872 (SUP-872)** on said property, as well as the nature and usability of surrounding property, have found and determined that the property in question, as well as other property within the city limits of the City of Grand Prairie, Texas, has not changed in character since the approval of **Specific Use Permit 872 (SUP-872)** was enacted by the City Council of the City of Grand Prairie, Texas, to the extent that the renewal of **Specific Use Permit 872 (SUP-872)** may be made on said property as herein provided and by reason of unchanged conditions, does consider and find that this amendatory Ordinance should be enacted since its provisions are in the public interest and will promote the health, safety and welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS:

SECTION 1. THAT Ordinance Number 4779, being the Unified Development Code of the City of Grand Prairie, Texas, showing the locations and boundaries of certain districts, and said Zoning Ordinance and Map having been made a part of an Ordinance entitled:

"THE UNIFIED DEVELOPMENT CODE OF THE CITY OF GRAND PRAIRIE, TEXAS, AS PASSED AND APPROVED BY THE CITY COUNCIL ON THE 20th DAY OF NOVEMBER, 1990, TOGETHER WITH ALL AMENDMENTS THERETO AND ENACTING A REVISED ORDINANCE ESTABLISHING AND PROVIDING FOR ZONING REGULATIONS; CREATING USE DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN..."

Being passed and approved on November 20, 1990, as amended, is hereby further amended so as to establish a Specific Use Permit numbered 872A for the property location described as follows:

Being Site 15, Block 7 of Industrial Community No. 1 out of the Great Southwest Industrial District, in the Micajah Goodwin Abstract No. T584, in the City of Grand Prairie, Tarrant County, Texas, and being addressed as 1210 Avenue J East, being 3.774 acres, and as shown on the approved site plan labeled as Exhibit 'B', which is incorporated herein by reference.

SECTION 2. SPECIFIC USE PERMIT

FOR OPERATION OF A METAL RECLAMATION AND SHIPPING COMPANY WITH OUTSIDE STORAGE IN A LIGHT INDUSTRIAL (LI) DISTRICT. The following definitions and conditions are hereby established as part of this ordinance:

2.1 PERMITTED USE DEFINITION

Metal Reclamation and Shipping Company: A facility where post industrial metals are sorted and transported into logistics containers for the efficient transport to an

end user. These sites do not manufacture or alter the products, with the exception of bundling them into larger loads for transit.

Outside Storage (Accessory): Accessory outside storage, or outside storage (accessory), shall be outside storage that is accessory and ancillary to a primary use on the property. Such storage shall not exceed 30% (percent) of the area of all structures on a site or 15 % (percent) of the site itself, whichever is greater.

2.2 CONDITIONS FOR A CERTIFICATE OF OCCUPANCY

The following conditions must be satisfied prior to issuance of a Certificate of Occupancy (CO) for a Metal Reclamation and Shipping Company with Outside Storage on the subject property at 1210 Avenue J East:

1. The building address shall be posted on the site per Municipal Ordinance 29-20.
2. The parking areas on the subject property will need to be stripped as reflected on the approved site plan depicted in Exhibit 'B' of this document.
3. The construction of a non-transparent masonry dumpster screening wall, designed to the city's required specifications, and situated in the position reflected on the approved site plan depicted in Exhibit 'B' of this document is required on the subject property.
4. Knox-Box Rapid Entry Systems are required to be installed on the gates reflected on the approved site plan depicted in Exhibit 'B' of this document.

2.3 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a Metal Reclamation and Shipping Company with Outside Storage on the subject property at 1210 Avenue J East and conformance to these stipulations are required for continued operations:

1. A valid city approved Certificate of Occupancy (CO) is required prior to any outside storage activity on the site.
2. All operations on the subject property must conform to the Planning and Zoning Commission and City Council signed and approved site plan and operational plan as provided in the final submittal under case number SU110503.
3. All operations on the subject property must maintain compliance with all applicable federal, state and local regulations and environmental laws.
4. This site is not permitted to be open to the general public and no drop-off recycling will be permitted by individual operators.

5. The storage of flammable liquids, perishables, toxic substances or hazardous materials shall not be permitted.
6. No liquid recyclables can be accepted or stored on this site.
7. No materials containing oils, greases or other chemicals shall be stored on this site.
8. A spill kit will be required to be stored on site at all times.
9. At no time shall waste materials be stored outside the designated dumpster enclosure.
10. The manufacturing, remanufacturing or alteration of metals, with the exception of bundling the metal materials into larger loads for transit, shall be permitted.
11. Gaylord boxes or other types of cardboard constructed containers will be required to be stored inside the warehouse facility or under roof protected from the elements.
12. All operations on this site will be required to be performed under roof or in an enclosed space with the exception of the outside storage yard, which may be utilized to store wooden pallets, forklifts and other machinery used for operations, logistics crates, and metal roll off containers only. Metal roll off containers with lids that prevent materials stored inside them from exposure to outside elements will be permitted to be placed in the outside storage area after being filled inside the warehouse facility.
13. No metal products shall be stored in the outside storage yard or in areas that are not protected from the weather.
14. No operations except as permitted above shall take place in the outside storage yard.
15. The placement or stacking of merchandise, inventory, equipment, machinery and/or any other materials may not exceed one (1') foot below the total height of the fence that surrounds the property.
16. No inventory nor any other materials being stored in the interior of the building may be stacked at a height taller than twelve (12') feet measured from the finished floor to the tallest point of the stacked materials.
17. All gates located on the subject property, which restrict the Fire Departments access to the property, shall have a Knox-Box Rapid Entry System. Application forms are available at the Fire Administration building.
18. No inventory, equipment, machinery or any other materials shall be placed in a position where it will obstruct the use of any entrances or exits to the building.

SECTION 3. COMPLIANCE

All development must conform to the approved site plan labeled as Exhibit 'B', which is incorporated herein by reference.

1. The Specific Use Permit (SUP) shall automatically terminate in accordance with Article 5, "Specific Uses," Section 4, "Termination of Specific Use Permit," Subsection 1.C of the Unified Development Code if no building permit is issued for an Metal Reclamation and Shipping Company with Outside Storage within one (1) year after City Council adoption of this Ordinance, or upon cessation of the use for a period of six (6) months or more.
2. Furthermore, by this SUP Ordinance, the Specific Use Permit shall automatically terminate if no certificate of occupancy is issued for a Metal Reclamation and Shipping Company with Outside Storage within six (6) months after the issuance of a building permit. If a building permit is not required for a Metal Reclamation and Shipping Company with Outside Storage, the Specific Use Permit shall automatically terminate if no certificate of occupancy is issued for an Environmental Remediation Contractor with Outside Storage within six (6) months after City Council adoption of this Ordinance.
3. Furthermore, by this SUP Ordinance, the City Council shall conduct a public hearing six (6) months after City Council adoption of this Ordinance to confirm compliance with all applicable codes which shall include, but not be limited to, the requirements of this SUP Ordinance, the Unified Development Code, the City of Grand Prairie Code of Ordinances, city adopted building codes, city adopted fire codes and with other applicable regulatory requirements administered and/or enforced by the state and federal government.
4. **Addendum:** As required by Ordinance 9208-2011 establishing Specific Use Permit Number 872, the City Council reviewed the request for renewal for case SU110503A on May 15, 2012. The City Council voted 9 to 0 to renew Specific Use Permit Number 872A, and no further review shall be required by the City Council unless recommended by staff.

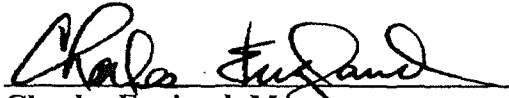
SECTION 4. It is further provided that in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are specifically repealed.

SECTION 6. That this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS, THIS THE 15TH DAY OF MAY 2012.

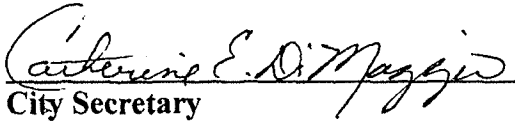
APPROVED:




Charles England, Mayor

ATTEST:

APPROVED AS TO FORM:



Catherine E. DiMaggio
City Secretary

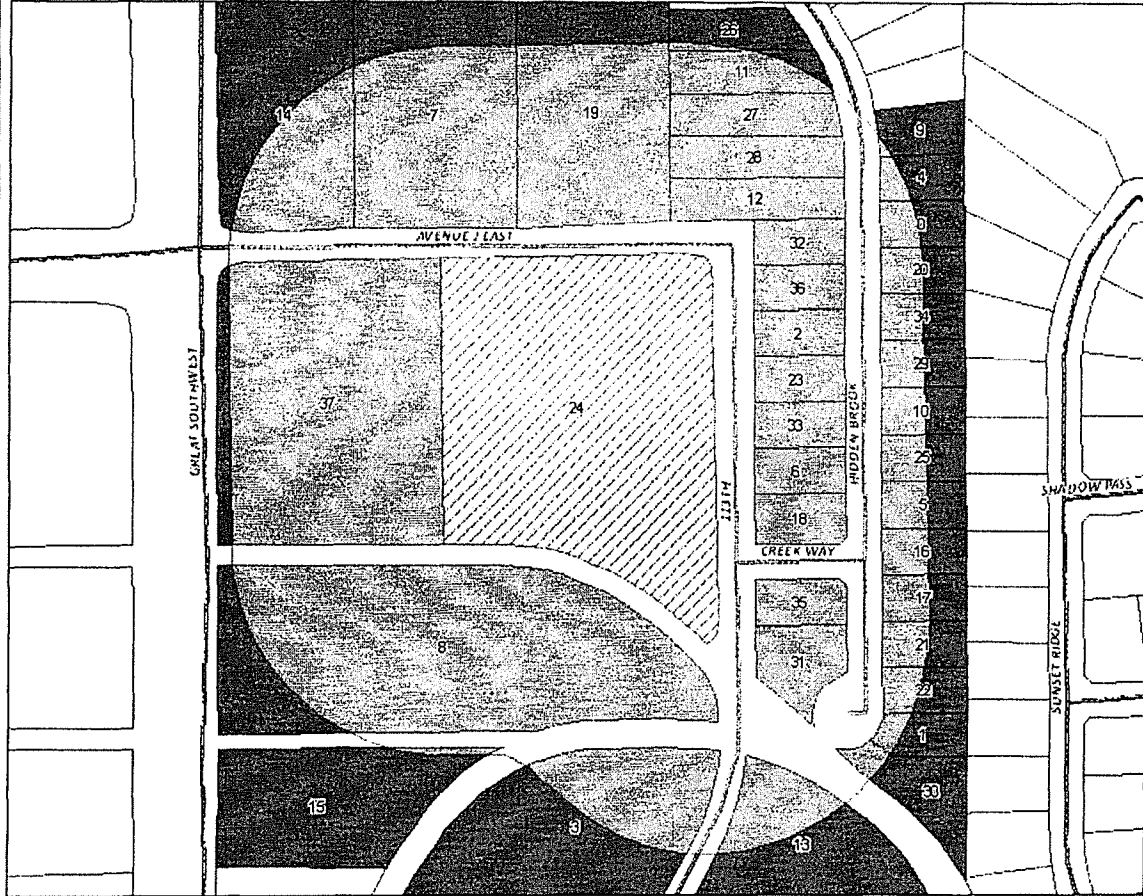


City Attorney

CASE NO. SU110503A
SPECIFIC USE NO. 872A
ORDINANCE NO. 9363-2012



PROPERTY OWNER NOTIFICATION LOCATION MAP



Case Number: SU110503
Case Type: Specific Use Permit
Case Name: 1210 Avenue J East

Current Zoning: LI



Request: Consideration of a request for the approval of a Specific Use Permit for a scrape metal exporter on 4.586 acres.

Notes:
 Shaded Area Indicates
 Notification Boundary
 if Available
 Cross Hatched Area Indicates
 Property Under Review

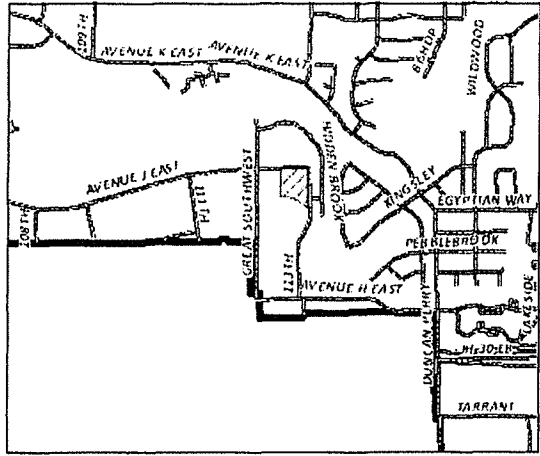
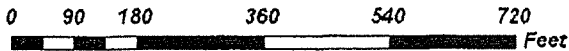


EXHIBIT 'B'
 SITE PLAN
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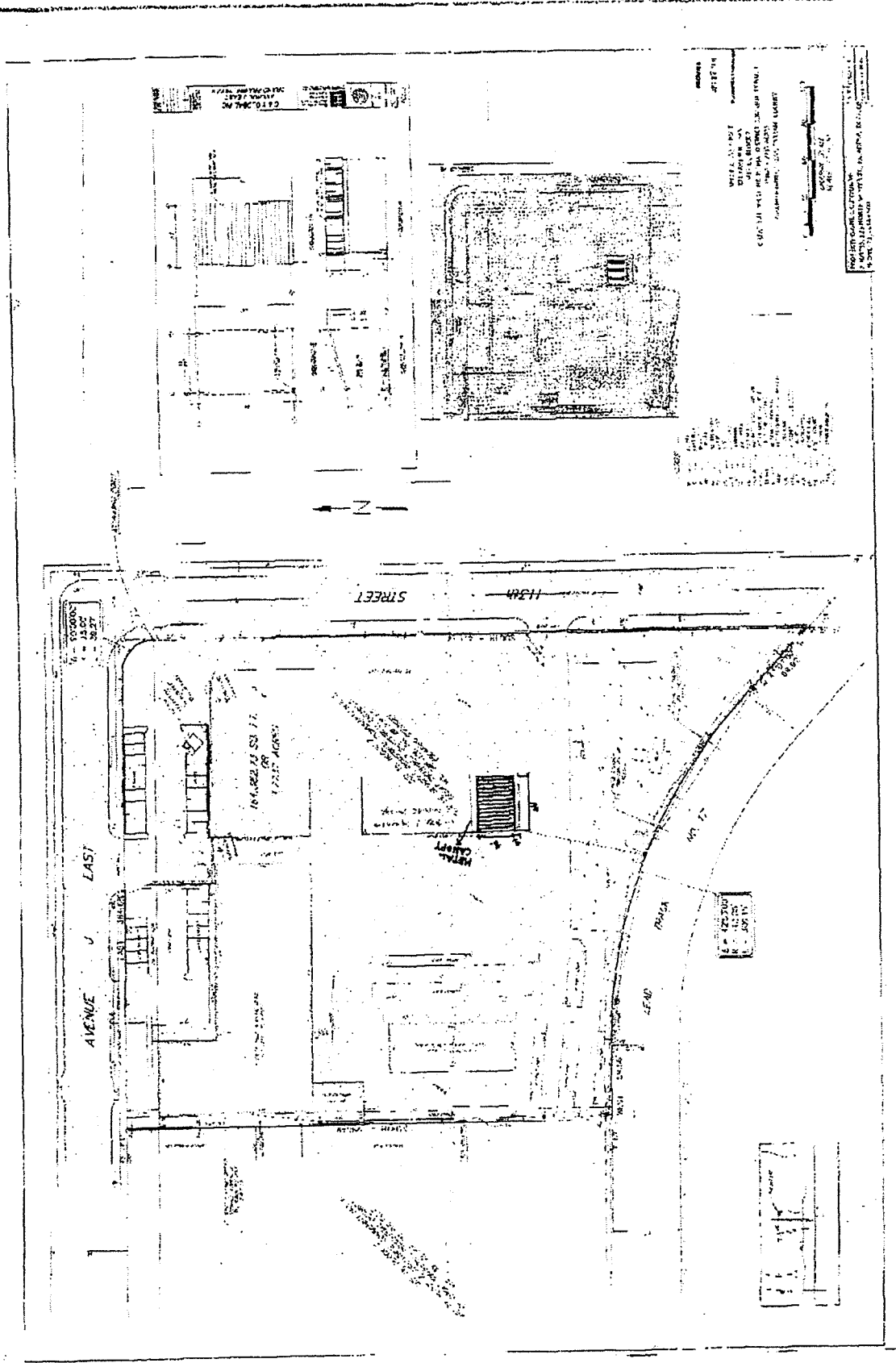


EXHIBIT 'C'
OPERATIONAL PLAN
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Coherent Metal Operational Plan

Friday, April 15, 2011

City of Grand Prairie
206 W. Church Street
Grand Prairie, Texas 75053

RE: Coherent Metal Operational Plan

Coherent Metal Inc. specializes in purchasing a wide variety of metals, which include copper, brass, aluminum, non-ferrous material, such as electric motors, insulated copper wire, radiators, transformers, etc. All material comes in well-packed, either in boxes or baled, which are supplied from different metal recyclers and industrial accounts. Please note we are NOT scrap metal recycler, we are NOT processing any material in our facility, and we are NOT buying any material from the public. We are just buying wholesale metals, receiving and loading in our overseas containers.

We have AQSIQ (Administration of Quality Supervision, Inspection and Quarantine) certification issued by the Chinese authority to allow material ship to China.

Operations in Dallas were established by Cunyun Ye in 2007. In August of 2010, the company relocated to 1210 E. Avenue J in Grand Prairie. Currently there are 8 employees at the Grand Prairie facility. The facility consists of 5400 sq. ft. of office space, and 11482 sq. ft. of warehouse space, on a 4 acre concrete paved lot with 5 loading docks.

Business Plan

The goal of Coherent Metal is to establish business relationships with metal working and recycling facilities throughout Northern Texas. We are seeking to buy their material and transport it to the processing facilities in China.

In order to accomplish this we fill 20' and 40' shipping containers mounted on rolling chassis' and truck them to local Intermodal Terminals to be placed on rail lines. Complete loads are handled off site, but for suppliers with partial loads the material is brought to the Grand Prairie facility and stored until a container can be filled.

EXHIBIT 'C'
OPERATIONAL PLAN
Page 4 of 5

Operation Procedures

Step 1: Receive material from Metal Recycler and industrial accounts.

Note: We don't buy any material from the public. Everything is well-processed. (Baled, boxed, and wrapped on the pallets)

Type of material: Electrical Motor, AL BKG, Auto Coil (alternator, starter, stator), Copper, Brass, Copper Wire, A/C Reefer, Radiator, etc.

If some suppliers deliver loose material, we will check first before they dump in our under roof storage. We double check nothing containing oil or chemical hazard. If there is oil, we will ask them take it back and process, then send to us.

Step 2: Unload to our warehouse.

Note: We store most of materials inside our warehouse. Most are in boxes and baled when received. The only thing we will dump under roof like AL, Electrical Motor. (Nothing has oil). But we will ship out at the same day we receive.

Step 3: Load into container.

Note: We will have our driver to get container from shipping company. And, we load container in boxes, baled and some loose

Step 4: Ship out.

Note: We will return the container back to rail.

The following equipment is used in Grand Prairie in order to complete this process:

- 5000 lb. capacity floor scale
- 10000 lb. capacity floor scale
- Truck Scale
- Diesel Bobcat
- Diesel Forklift
- Propane Forklift
- Wood Pallets
- Plastic Pallets
- Gaylord Boxes
- Electric Bailer

All equipment undergoes regularly scheduled maintenance by professional organizations in order to ensure proper functionality.

EXHIBIT 'C'
OPERATIONAL PLAN
Page 5 of 5

Operations

- * Monday through Friday, 8:00am to 5:00pm
- * 8 employees
- * Equipment and materials will be kept clean and organized at all times
- * No hazardous material will be stored in our facility
- * All material will be stored inside the warehouse and under covered
- * Upon close all equipment is stored inside the building, the building is locked, the grounds are locked, and security system is set.

We hope that City of Grand Prairie understands and accepts our commitment as a property and business owner. Our focus is to be a responsible and professional receiving and shipping company. Coherent metal is willing to support the City in any program or with any assistance or resources. We see the City of Grand Prairie as our good neighbor.

Sincerely,

Cunyun Ye
Owner - Coherent Metal