

AN ORDINANCE OF THE CITY OF GRAND PRAIRIE, TEXAS, AMENDING THE ZONING ORDINANCE AND MAP BY SHOWING THE LOCATION, BOUNDARY AND USE OF CERTAIN PROPERTY **FOR THE RENEWAL OF A SPECIFIC USE PERMIT FOR AN AUTO BODY AND PAINT SHOP, MAJOR AUTO REPAIRS, AUTOMOTIVE RE-BUILDER WITH AN INOPERABLE VEHICLE HOLDING YARD AND USED AUTO SALES**, TO WIT: BEING LOT 1, BLOCK 2, D.W. KLEIN ADDITION, GRAND PRAIRIE, DALLAS COUNTY, TEXAS, SAID ZONING MAP AND ORDINANCE BEING NUMBERED ORDINANCE NUMBER 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, on September 15, 2015, the Grand Prairie City Council approved, via Ordinance No. 9913-2015 (Planning Case File No. SU141101/S141101), a **Specific Use Permit for an Auto Body and Paint Shop, Major Auto Repairs, Automotive Re-Builder with an Inoperable Vehicle Holding Yard and Used Auto Sales**; and

WHEREAS, said Ordinance stipulated that as a condition of approval, the applicant shall complete all Phase II improvements to the property within two (2) years of approval of said Ordinance No. 9931-2015; and

WHEREAS, Staff has verified that the required improvements to the subject property are incomplete as of the required deadline of September 15, 2017 and furthermore the property is and has been in non-compliance with the approved development standards and applicable codes and hereby recommends that the required deadline not be extended for completion of the site improvements required in Ordinance No. 9913-2015; and

WHEREAS, the Planning and Zoning Commission of Grand Prairie, Texas, held a public hearing on said application on October 2, 2017, following legal notice of such public hearing before the Planning and Zoning Commission has been published in the paper of record, for the proposed renewal of Ordinance No. 9913-2015 and extension of the required deadline therein; said Notice having been given not less than ten (10) days before the date set for hearing, and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Grand Prairie, Texas voted 8 to 0 to deny a deadline extension and to recommend restrictions be put in place on Specific Use Permit authorized in Ordinance No. 9913-2015 to the City Council of Grand Prairie, Texas; 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 P.M. on October 17, 2017 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, all citizens and parties at interest have 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 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; and

WHEREAS, after consideration of said application, the City Council of the City of Grand Prairie, Texas voted 9 to 0 to authorize a two (2) year extension with regard to the Specific Use Permit authorized in Ordinance No. 9913-2015 to the City Council of Grand Prairie, Texas;

WHEREAS, the Planning and Zoning Commission of Grand Prairie, Texas, held a public hearing on said application on December 3, 2018, following legal notice of such public hearing before the Planning and Zoning Commission has been published in the paper of record, for approval of the proposed site plan amendment associated with the Specific Use Permit, authorized by Ordinance No. 10398-2017; said Notice having been given not less than ten (10) days before the date set for hearing, and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Grand Prairie, Texas voted 7 to 0 to approve a **site plan amendment** on the Specific Use Permit authorized in Ordinance **No. 10398-2017** to the City Council of Grand Prairie, Texas; 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 P.M. on December 11, 2018 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, all citizens and parties at interest have 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 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; and

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..."

and passed and approved November 20, 1990, as amended, is hereby further amended so as to establish a Specific Use Permit for the property addressed as 1629 E. Main Street, as shown in Exhibit A – Location Map and as legally described as Lot 1, Block 2, D.W. Klein Addition, Grand Prairie, Dallas County, Texas.

SECTION 2: Definitions

For the purposes of this ordinance, the following terms are defined:

Automotive Re-Builder: An automotive repair facility where the principle purpose is the rebuilding of complete used cars, trucks, motorcycles, or their individual mechanical components such as engines or transmissions. The Automotive re-builder use would permit major auto repair, body shop and paint shop uses.

Body Clip/Front End Clip/Rear End Clip: A partial vehicle containing a complete assembly of the front end or rear end of a vehicle.

Inoperable Vehicle Holding Yard: A place or property is being used for the parking, storage, or holding of 3 or more whole inoperable vehicles for the purpose of retail or wholesale sales of said vehicles; or short or long term storage of said vehicles; provided however; that no repairs, dismantling, or partial dismantling, crushing, or compacting of said vehicles shall take place on said yard.

Salvaging: The any motor vehicle or any vehicle component for the purpose of resale or reuse of any part thereof.

SECTION 3: Specific Use Permit

For the operations of a **Specific Use Permit for an Auto Body and Paint Shop, Major Auto Repairs, Automotive Re-Builder with an Inoperable Vehicle Holding Yard and Used Auto Sales:**

1. All operations must conform to the amended site plan, attached as Exhibit B – Site Plan.
2. The additional building as shown in Exhibit B – Site Plan may be constructed with a metal façade.
3. **Concrete paving of all parking areas shall be completed by November 21, 2019.**
4. The development shall adhere to the following operational standards:
 - a. All vehicles must be parked within clearly marked parking spaces, as shown on the approved site plan. There shall be no parking within drive aisles or fire lanes. The use of the public rights-of-way for parking, loading, or unloading shall be prohibited.
 - b. No salvaging activities shall take place onsite. Complete automobiles, body clips, or any other vehicle component shall not be salvaged for parts.
 - c. No vehicle parts may be stored outside. Front clips and rear clips may be stored within a designated vehicle parking space for no longer than 90 days. All body clips must be purchased. No vehicle may be disassembled, dismantled, or cut for the purpose of creating a body clip;
 - d. All repairs or maintenance to vehicles must be performed indoors. Carports and canopies shall not be used to store inoperable vehicles. No repairs of any kind are to be performed under a carport or canopy.
 - e. A ledger shall be kept on-site and be maintained by the business operator and shall be presented upon request by the Police Department and/or Code Enforcement during

inspections or investigations. The ledger shall maintain information and documentation for each vehicle receiving repairs or services and for each car clip stored onsite. Items maintained and contained in this ledger shall include:

- i. Date the vehicle or body clip entered the site for services, repairs, or storage.
 - ii. Customer Name.
 - iii. Vehicle Identification Number, Make, Model and Year. Body clips must be identified and marked in the event that a Vehicle Identification Number is not available.
 - iv. Type of services or repairs needed and/or performed.
 - v. Estimated time of completion.
 - vi. Date the vehicle or body clip was removed from site.
- f. All operations shall maintain compliance with all federal, state, and local environmental regulations.
 - g. All operations shall maintain compliance with City Ordinance No. 7408, Automotive Related Business (ARB) regulations.
 - h. Must practice all best management practices listed in its storm water pollution prevention plan.

SECTION 4: Compliance

All development must conform to the approved Development Plans, which are herein incorporated by reference.

1. By this Ordinance, this **Specific Use Permit for an Auto Body and Paint Shop, Major Auto Repairs, Automotive Re-Builder with an Inoperable Vehicle Holding Yard and Used Auto Sales**; shall automatically terminate, in accordance with Section 5.4.1 of the Unified Development Code, upon cessation of said use for a period of six (6) months or more.
2. The operation of this site shall be in strict compliance with 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.
3. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Grand Prairie. Violation of this provision may be punishable in accordance with Section 1-8 of the Code of Ordinances of the City.
4. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy.
5. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its SUP number and title.

SECTION 5.

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 6.

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

SECTION 7.

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 11ST OF DECEMBER, 2018.**

**ORDINANCE NO. 10572-2018
SPECIFIC USE PERMIT NO. 978D
CASE NO. SU141101D/S141101D**