

ORDINANCE NO. 10426-2018

AN ORDINANCE AMENDING THE ZONING MAP AND ORDINANCE BY SHOWING THE LOCATION, BOUNDARY AND USE OF CERTAIN PROPERTY FOR A SPECIFIC USE PERMIT FOR MAJOR AUTO REPAIR AND AUTO BODY AND PAINT USES, TO WIT: BEING LOTS 5, 6, 7 AND NORTH ½ OF LOT 8, BLOCK C, PENMAN ADDITION, CITY OF 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, the owners 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 for a Specific Use Permit for Major Auto Repair and Auto Body and Paint uses;

WHEREAS, on October 13, 2015, the Grand Prairie City Council did approve, via Ordinance No. 9954-2015 (Planning Case File No. SU151004) the above request on the condition that the City Council conduct a public hearing in six (6) months AND one (1) year after City Council approval of the Site Plan 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;

WHEREAS, on June 21, 2016, the Grand Prairie City Council did approve the renewal, via Ordinance No. 10086-2016 (Planning Case File No. SU151004A), of Ordinance No. 9954-2015 authorizing a Specific Use Permit for Major Auto Repair and Auto Body and Paint Uses;

WHEREAS, said approval, being Ordinance No. 10086-2016 stipulated that the Grand Prairie City Council shall conduct a public hearing in ninety (90) days after approval of said Ordinance to confirm continued compliance with adopted development standards and all applicable codes;

WHEREAS, on January 10, 2017, the Grand Prairie City Council did approve the renewal, via Ordinance No. 10214-2017 (Planning Case File No. SU151004B), of Ordinance No. 9954-2015 authorizing a Specific Use Permit for Major Auto Repair and Auto Body and Paint Uses;

WHEREAS, said approval, being Ordinance No. 10214-2017 stipulated that the Grand Prairie City Council shall conduct a public hearing in one (1) year, if the property owner(s)/tenant(s) have any unresolved code enforcement violations or other unresolved issues related to full compliance of this specific use permit, following 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;

WHEREAS, the Planning and Zoning Commission of Grand Prairie, Texas, held a public hearing on said application on January 8, 2018, following legal notice of such public hearing before the Planning and Zoning Commission had been published in the paper of record, for the proposed renewal of the existing Specific Use Permit for Major Auto Repair and Auto Body and Paint Uses, said Notice having been given not less than ten (10) days before the date set for hearing;

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Grand Prairie, Texas voted 8 to 0 to recommend to the City Council of Grand Prairie, Texas, that a Specific Use Permit for Major Auto Repair and Auto Body and Paint uses not be renewed on the subject property;

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 January 23, 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.

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 numbered 978 for the property location described as follows:

309 SE 14TH St., also being further described as being Lots 5, 6, 7 and the north ½ of Lot 8, Block C, Penman Additions, Grand Prairie, Dallas County, Texas, as shown in Exhibit B - Legal Description.

SECTION 2: Specific Use Permit

FOR OPERATION OF MAJOR AUTO REPAIR AND AUTO BODY AND PAINT USES (items completed are indicated by a strikethrough line):

1. All operations shall conform to the site plan package, attached hereto as Exhibit "A" and the operational plan as approved by City Council under case number SU151004.
2. 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.
3. No parking or storing of inoperable vehicles in the six (6) parking spaces abutting the public street.

4. No more than eight (8) vehicles may be parked or stored in the designated rear parking spaces, inclusive of the small outbuilding.
5. As outlined within the Operational Plan contained within the Specific Use Permit Application File No. SU151004, and as more specifically stated and codified herein, the development shall adhere to the following operational standards:
 - a. Only one active certificate of occupancy shall be issued. Before a new certificate of occupancy can be issued, either:
 - i. Previous certificate of occupancy is returned; or
 - ii. A signed and dated letter from the owner, declaring the previous use is no longer occurring; and
 - b. All repair, maintenance, and inspection of vehicles shall be performed indoors;
 - c. A ledger shall be kept on-site and maintained by the business operator and shall be presented upon request by the Police Department and Code Enforcement during inspections or investigations. The ledger shall maintain information and documentation for each vehicle receiving repairs or services. Items maintained and contained in this ledger shall include:
 - i. Date the vehicle entered the site for services or repairs;
 - ii. Customer Name;
 - iii. Vehicle Identification Number, Make, Model and Year;
 - iv. Type of services or repairs needed and/or performed;
 - v. Estimated time of completion;
 - vi. Date work completed;
 - vii. Date vehicle was removed from site.
 - d. All operations shall maintain compliance with all federal, state, and local environmental regulations;
 - e. Except for scheduled solid waste pick-up times, the dumpster shall remain indoors in accordance with the approved site plan;
 - f. All operations shall maintain compliance with City Ordinance No. 7408, Automotive Related Business (ARB) regulations; and
 - g. Must practice all best management practices listed in its storm water pollution prevention plan.
6. ~~A Type 1 screening wall shall be installed along the western property line, as shown on the approved site plan.~~ If the detached garage is ever removed, the wall shall extend for the full length of the property line.
7. ~~A Site Plan Mylar must be submitted to the planning department for review and approval.~~ Future changes to the parking or expansions to this facility, regarding this Specific Use Permit, will require the submittal of a revised site plan for review and approval to the Planning Department.
8. ~~Must address and comply with any outstanding Development Review Committee comments for the Specific Use Permit found in File No. SU151004.~~

SECTION 3: Compliance

All development must conform to the approved Development Plans, which are herein incorporated by reference (additional requirements in bold).

1. By this SUP Ordinance, this Specific Use Permit shall automatically terminate if a Certificate of Occupancy is not issued for a **Specific Use Permit for Major Auto Repair and Auto Body and Paint uses** 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, City staff shall conduct an inspection of the property in six (6) months to confirm compliance with all applicable codes;**
3. **Should the inspection conducted after six (6) months from the date of approval determine that the property or operation thereupon is not in 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, staff shall refer the SUP back to the City Council for consideration of revoking the Specific Use Permit authorized by Ordinance No. 9954-2015;**
4. **Should a citation be issued by the City at any point within the one (1) year extension period for failure to comply with applicable codes listed above, staff may refer the SUP back to the City Council for consideration of revoking the Specific Use Permit authorized by Ordinance No. 9954-2015;**
5. Should the six (6) month inspection confirm compliance, the City Council shall conduct a public hearing one (1) year after City Council approval of the SUP via 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;
6. 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;
7. **The owner of the property referenced in Exhibit B shall certify in writing prior to a Certificate of Occupancy being issued that he has furnished a copy of this ordinance and these regulations to the business owner and operator, if separate persons, and the business owner and operator, if separate persons, shall certify in writing that they have received a copy of this ordinance and understand the requirements therein;**
8. **The requirements of this Ordinance shall at all times be posted in a conspicuous place within the building so long as this SUP is in effect;**
9. 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;
10. 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;
11. **The Certificate of Occupancy shall note the existence of this Specific Use Permit by its SUP number and title and list the requirements and regulations contained in this Ordinance thereupon.**

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,
ON THIS THE 23RD OF JANUARY 2018.**

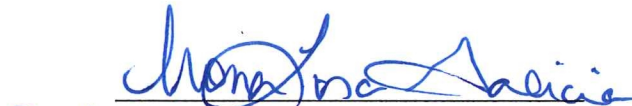
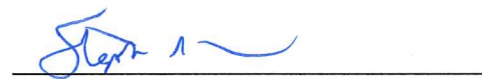
APPROVED:



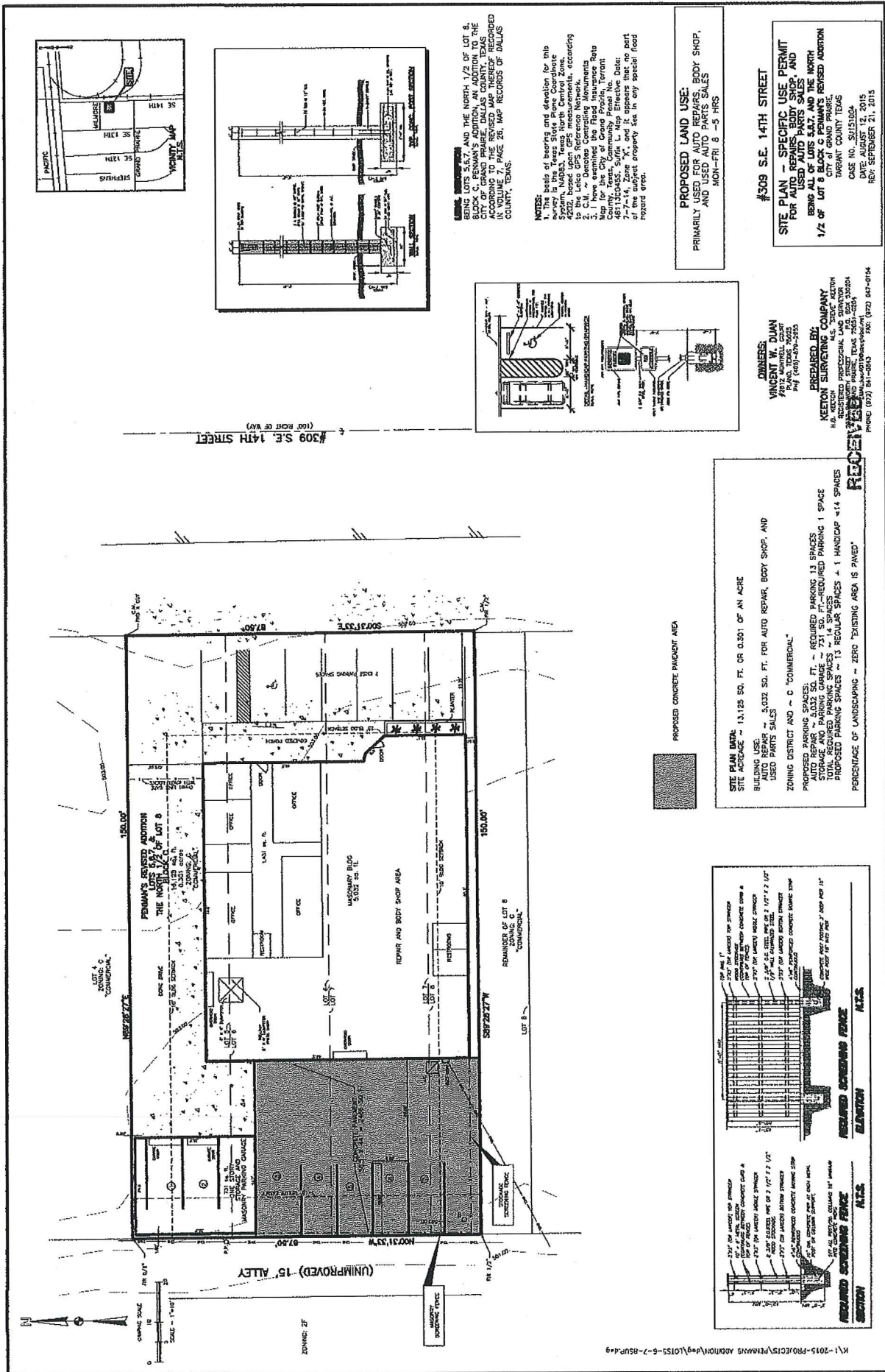
Ron Jensen, Mayor

ATTEST:

APPROVED AS TO FORM:


City Secretary
City Attorney

**SPECIFIC USE PERMIT NO. 978D
CASE NO. SU151004D**



SEP 29 2015

PLANNING DEPARTMENT