

PLANNED DEVELOPMENT 160
ORDINANCE NO. 3790
PLANNING UNIT NO. Z852LS31

AN ORDINANCE AMENDING THE ZONING MAP SHOWING THE LOCATION, BOUNDARY AND USE OF CERTAIN PROPERTY SO AS TO REZONE PART OF THE THOMAS J. TONE SURVEY, ABSTRACT NO. 1460, GENERALLY LOCATED ON 746 HOMESTEAD TRAIL (PRIVATE STREET) FROM THE (A), AGRICULTURE ZONING DISTRICT TO: THE (PD) PLANNED DEVELOPMENT ZONING DISTRICT FOR GENERAL RETAIL USES. SAID ZONING MAP AND ORDINANCE PASSED ON JANUARY 27, 1971 AND RECORDED IN BOOK 8, PAGES 405 to 509 OF THE ORDINANCE RECORDS OF THE CITY OF GRAND PRAIRIE, TEXAS; 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 hereinafter described property filed application with the City of Grand Prairie, Texas, petitioning an Amendment of the Zoning Ordinance and Map of said City so as to rezone and reclassify said property from its ~~classification~~ of (A) Agriculture to (PD) Planned Development No. 160 for **General Retail Uses**; and

WHEREAS, the Zoning Commission of Grand Prairie, Texas, held a public hearing on said application on May 13, 1985 after written Notice of such public hearing before the Zoning Commission on the proposed change in ~~classification~~ had been sent to owners of real property lying within 200 feet of the property on which the change in ~~classification~~ 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 Zoning Commission of the City of Grand Prairie, Texas voted 6 to 0 to recommend to the City Council of Grand Prairie, Texas, that the hereinafter described property be rezoned so as to change its ~~classification~~ from (A) Agriculture to (PD) Planned Development No. 160 for **General Retail Uses**; and

WHEREAS, subsequent to the public hearing of the Zoning Commission, Notice was given of a further public hearing to be held by the City Council of the City of Grand Prairie, Texas, in the Municipal Building at 7:00 o'clock p.m. on May 21, 1985, to consider the advisability of amending the Zoning Ordinance and Map as recommended by the 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 Grand Prairie Daily News, Grand Prairie, 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 the matter of the proposed rezoning; and the City Council of the City of Grand Prairie, Texas, being informed as to the location and nature of the property sought to be rezoned, as well as the nature and utilization 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 from the classification of (A) Agriculture 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:

I.

That the Zoning Ordinance and Map 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:

"AN ORDINANCE AMENDING IN ITS ENTIRETY CHAPTER 36 OF THE CODE OF ORDINANCES KNOWN AS THE ZONING ORDINANCE OF THE CITY OF GRAND PRAIRIE, TEXAS, AS PASSED AND APPROVED BY THE CITY COUNCIL ON THE 27TH DAY OF JANUARY, 1971, 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 January 27, 1971, recorded in Ordinance Book 8, Pages 405 to 509 inclusive, as amended, so as to establish and rezone the following described area from (A) Agriculture to Planned Development for General Retail uses.

LEGAL DESCRIPTION

BEING all that certain lot, tract or parcel of land situated in the Thomas J. Tone Survey, Abstract No. 1460, City of Grand Prairie, Dallas County, Texas, and also being a part of that certain tract of land conveyed to James H. Posey, recorded in Volume 246, Page 199, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod set for corner that is East 264.52 feet and South 99.44 feet from the Southeast corner of the N.B. Owen Survey, Abstract No. 1107 and the Northwest corner of said Posey tract;

THENCE South a distance of 59.94 feet to an iron rod set for corner;

THENCE West a distance of 40.00 feet to an iron rod set for corner;

THENCE South a distance of 40.00 feet to an iron rod found for corner on the North line of an apparent 30-foot road easement;

THENCE East along the North Line of said apparent 30-foot road easement, 40 feet to an iron rod found for corner;

THENCE South a distance of 30 feet to a P.K. Nail set in asphalt in the apparent centerline of Homestead Trail;

THENCE West along the apparent centerline of Homestead Trail, 169.28 feet to a P.K. Nail set in asphalt in the East line of Belt Line Road;

THENCE North 03° 58' 20" West, along the East line of Belt Line Road, passing an iron rod set at 30 feet at the North line of said apparent 30-foot road easement, and continuing for a total distance of 140.28 feet to an iron rod found for corner;

THENCE East, a distance of 179 feet to the PLACE OF BEGINNING and containing 22,368 square feet or .513 Acre of Land.

II. GENERAL RETAIL

1. BOUNDARY DESCRIPTION:

As shown on the 0.513 acre tract attached hereto as Exhibit "A".

2. PERMITTED USES:

In areas designated for general retail uses, pursuant to Exhibit "A", attached hereto, no land shall be used and no building shall be erected or converted to any use other than:

A. PRIMARY RESIDENTIAL USES:

Hotel or motel.

B. EDUCATIONAL, INSTITUTIONAL AND SPECIAL USES:

College or University, Private Primary or Secondary School, Farm, Ranch, Garden or Orchard, Fraternal Organization, Lodge or Civic Club, Golf Course, Private or Country Club, Hospital (General Acute Care), Hospital (Chronic Care), Institutions of Religious or Philanthropic Nature, Park, Playground or Public Community Center, Residence Home for Aged, School, (Public or Parochial), Tennis or Swim Club.

C. UTILITY, ACCESSORY AND INCIDENTAL USES:

Accessory Building, Electrical Substation, Electrical Transmission Line, Field or Construction Office (Temporary), Gas Transmission Line and Metering Station, Home Occupation, Local Utility Distribution Lines, Off-Street Parking Incidental to Main Use, Private Club, Railroad Track and Right-of-Way, Swimming Pool (Private), Telephone Exchange, Water Reservoir, Water Pumping Station and Well.

D. SIGN AND IDENTIFICATION USES:

Temporary Signs, Portable Signs, Electric Signs, Commercial Signs, Official Signs, all subject to the requirements as prescribed in Section E-300 of the Comprehensive Zoning Ordinance of the City of Grand Prairie.

E. RETAIL AND SERVICE TYPE USES:

Antique Shop, Bakery or Confectionerys Shop (Retail), Cleaning and Pressing, Small Shop and Pickup, Custom Personal Service Shop, Discount Variety or Department Store, Drapery, Needlework or Weaving Shop, Florist or Garden Shop, Greenhouse or Plant Nursery (Retail), Handcraft Shop, Household Appliance Service and Repair, Laundry or Cleaning, Self-Service, Mimeograph, Stationery or Letter Shop, Mortuary or Funeral Parlor, Furniture or Appliance Store, Offices (Professional and Administrative), Pawn Shop, Pet Shop, Restaurant or Cafeteria Without Drive-in Service, Restaurant with Drive-in Service, Retail Stores and Shops other than listed, Studio for Photographer, Musician or Artist, Theater (Indoor).

F. AUTOMOBILE AND RELATED SERVICE USES:

Commercial Auto Parklot, New Auto Part Sales Store, Used Auto Parts Sales (In Building).

G. COMMERCIAL TYPE USES:

Trade or Commercial School, Veterinarian Office Only (No Outside Pens), Upholstery Shop.

H. SPECIFIC USE PERMIT REQUIRED:

Additional uses shall be allowed in this district, as prescribed in Section B-100 of the Comprehensive Zoning Ordinance of the City of Grand Prairie for the (GR) General Retail District, upon approval of a Specific Use Permit in accordance with Section B-500 of the Grand Prairie Zoning Ordinance.

3. AREA REQUIREMENTS:

- A. Minimum depth of front setback: 25 feet
(From front property line to face of structure)
- B. Minimum width of side setback:
(Distance between structure and any property line that is not deemed a front or rear yard.)
 - 1. Internal lot 0 feet
 - 2. Sideyard setback abutting a street 15 feet
 - 3. Sideyard abutting residentially zoned or used property 10 feet
- C. Minimum depth of rear setback:
 - 1. From rear property line to any structure 0 feet
 - 2. Rear yard abutting residentially zoned or used property 22 feet

- D. Maximum height of structures:2 stories
- E. Maximum floor area ratio:2:1
- F. Off-Street Parking:

Off-street loading and parking space shall be provided in accordance with applicable sections in the (GR) General Retail District of the Comprehensive Zoning Ordinance of the City of Grand Prairie.

4. SPECIAL FRONT, SIDE AND REAR YARD REGULATION - NO BUILDING OR STRUCTURE SHALL HEREAFTER BE LOCATED, ERECTED OR ALTERED TO HAVE A FRONT, REAR OR SIDE YARD SMALLER THAN HEREINAFTER REQUIRED.

- A. Every part of a required side or rear yard shall be open and unobstructed to the sky from a point thirty (30) inches above the general ground level of the graded lot, except for accessory buildings as permitted in Section E-200 of the Grand Prairie Zoning Ordinance and the usual landscape planting and lighting. The ordinary projections of window sills, belt courses, cornices, roof overhangs, and other architectural features may project not more than four (4) feet into the required yard.
- B. Gasoline service station pump islands may not be located nearer than 20 feet to the front property line. The outer edge of the canopy shall not be nearer than 10 feet to the front property line.

5. SCREENING REQUIREMENTS:

Non-residential uses shall be screened from residentially zoned or used land in accordance with Section E-400 of the Comprehensive Zoning Ordinance of the City of Grand Prairie.

III.
SPECIAL CONDITIONS

1. ALLEYS:

All tracts shall have alleys except in areas that are physically restricted (cul-de-sacs, etc.)

2. SIDEWALKS:

Sidewalks shall be provided in all tracts, unless physically restricted, next to public streets.

3. UTILITIES:

All utilities servicing this development (other than perimeter utilities) shall be installed underground, except for any major transmission lines, either existing or proposed, located within the boundaries of this development.

4. GENERAL REQUIREMENTS AND STIPULATIONS:

- A. All proposed uses are subject to the approval of a development plan, site plan, or preliminary plat by the City Council after recommendation by the Planning and Zoning Commission and prior to the issuance of a building permit or occupancy certificate on the premises. Development plans, site plans, and preliminary plats are to be prepared in accordance with existing City Ordinances. When a variety of land uses are proposed on a single tract of land, the development plan shall delineate the area proposed for each use.
- B. No use shall be located or operated in any district which involves the emission of odorous material, smoke or particulate matter or noise.
- C. The mobile home currently on the site must be removed by Thursday, November 21, 1985.
- D. The site plan or development plan that will be finally adopted by the City Council shall be marked as Exhibit "A", attached hereto and made part hereof as if fully set out herein.

IV.
CITY PARTICIPATION

- 1. The City of Grand Prairie will participate in the cost of any street installations (including all engineering costs covering design, layout and construction supervision) up to fifty (50%) percent of the total cost, for any street installed adjacent to a dedicated and accepted public park. All other street, bridge and utility participation by the City will be in accordance with existing City Policy.
- 2. Nothing contained herein shall require the City to construct or contract to construct any project referred to herein if money is not available in the form of bond funds.
- 3. Nothing contained herein shall be construed to require the City to appropriate money or submit to the vote of the electorate any bonds or to diminish or alter the discretion of the City Council in the issuance of bonds.

V.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

VI.

That nothing contained herein shall be construed as relieving the owner of the land described hereinabove of compliance with all other ordinances or charter of the City of Grand Prairie, Texas or laws of the State of Texas relating to the development of land or construction of buildings in said City, nor shall this ordinance be construed as relieving the owner of said land of compliance with all other provisions of Ordinance No. 2299 and its amendments, same being the Comprehensive Zoning Ordinance of said City, unless specifically modified by the passage of this ordinance.

VII.


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 21ST DAY OF MAY, A.D., 1985.



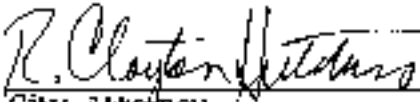
MAYOR, City of Grand Prairie, Texas

ATTEST:



City Secretary

APPROVED AS TO FORM:



City Attorney

BEING all that certain lot, tract or parcel of land situated in the Thomas J. Tson Survey, Abstract No. 1469, City of Grand Prairie, Dallas County, Texas, and also being a part of that certain tract of land conveyed to James H. Posey, recorded in Volume 246, Page 199, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod set for corner that is Past 264.52 feet and South 99.44 feet from the Southeast corner of the N.B. Owen Survey, Abstract No. 1107 and the Northwest corner of said Posey tract;

HENCE South, a distance of 59.94 feet to an iron rod set for corner;

HENCE West, a distance of 40.00 feet to an iron rod set for corner;

HENCE South, a distance of 40.00 feet to an iron rod found for corner on the North line of an apparent 30 foot road easement;

HENCE East, along the North line of said apparent 30 foot road easement, 40 feet to an iron rod found for corner;

HENCE South, a distance of 30 feet to a P.K. Nail set in asphalt in the apparent centerline of Homestead Trail;

HENCE West, along the apparent centerline of Homestead Trail, 169.28 feet to a P.K. Nail set in asphalt in the East line of Belt Line Road;

HENCE North 03 deg. 58 min. 20 sec. West, along the East line of Belt Line Road, passing an iron rod set at 30 feet at the North line of said apparent 30 foot road easement, and continuing for a total distance of 140.28 feet to an iron rod found for corner;

HENCE East, a distance of 179 feet to the PLACE OF BEGINNING and containing 22,368 Square feet or .513 Acre of land.

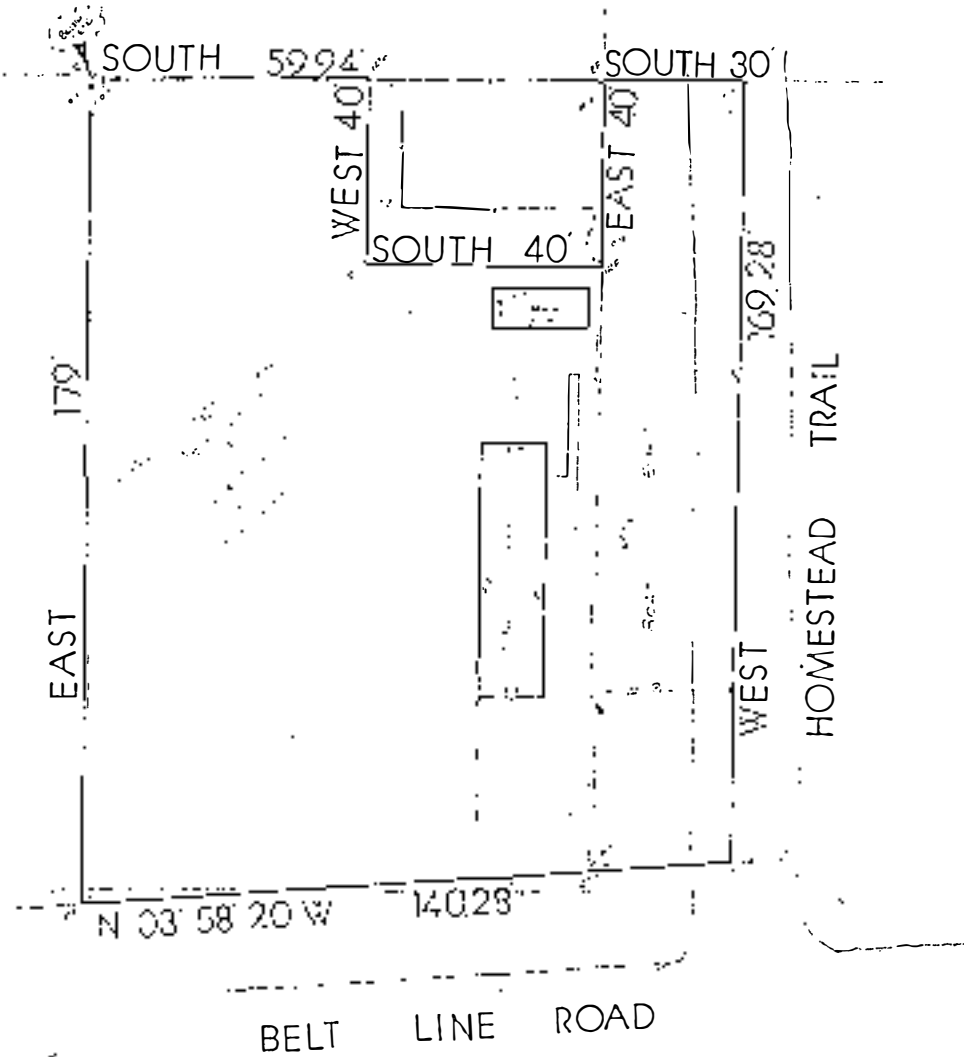


EXHIBIT A