

PLANNED DEVELOPMENT
ORDINANCE NO.
PLANNING UNIT NO.

163
3743
Z851SW14

AN ORDINANCE AMENDING THE ZONING MAP SHOWING THE LOCATION, BOUNDARY AND USE OF CERTAIN PROPERTY SO AS TO REZONE A 0.69 ACRE TRACT OF LAND OUT OF THE CHARLES GIBBS SURVEY, ABSTRACT NO. 534, GENERALLY LOCATED AT 918 WEST MARSHALL DRIVE FROM THE COMMERCIAL-ONE (C-1) ZONING DISTRICT TO THE PLANNED DEVELOPMENT ZONING DISTRICT FOR RETAIL SALES AND EQUIPMENT LEASING 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 Commercial-One (C-1) to Commercial (C); and

WHEREAS, the Planning and Zoning Commission of the City of Grand Prairie, Texas, held a public hearing on said application on February 11, 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 Planning and Zoning Commission of the City of Grand Prairie, Texas voted 5 to 0 to recommend to the City Council of Grand Prairie, Texas, that the application be denied without prejudice; 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 February 19, 1985, to consider the advisability of not 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 Commercial-One (C-1) 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, be amended so as to establish and rezone the following described area from Commercial-One (C-1) to **Planned Development for retail sales and equipment leasing.**

LEGAL DESCRIPTION

BEING a tract of land out of the CHARLES GIBBS SURVEY, ABSTRACT NO. 534, situated in the City of Grand Prairie, Texas, and being more particularly described as follows:

BEGINNING at a point on the Northerly line of Marshall Street, South 86 degrees 42 minutes West 325.35 feet from the intersection of said line of Marshall Street with the Westerly line of Carrier Parkway;

THENCE South 86 degrees 42 minutes West along said Northerly line of Marshall Street, 132.0 feet to a point for corner, said point being the most Southwest corner of that tract of land conveyed to Mid-Tex Properties, Inc., by Midway Park, Inc.;

THENCE North 00 degrees 16 minutes east along the westerly line of the Mid-Tex tract, 228.0 feet to a point for corner, said point being the northwest corner of the Mid-Tex Tract;

THENCE North 86 degrees 42 minutes East along the North line of the Mid-Tex tract 132.0 feet to point for corner;

THENCE South 00 degrees 16 minutes West 228.0 feet to the PLACE OF BEGINNING and containing 30,036 square feet or 0.69 acres of land, more or less.

II.
RETAIL SALES AND EQUIPMENT LEASING

1. BOUNDARY DESCRIPTION:

As reflected in Section I of this ordinance.

2. PERMITTED USES:

No land shall be used and no building shall be erected or converted to any use other than retail sales and equipment leasing.

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.

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.

- A. A 7'0" screening fence constructed in accordance with Section E-400 of the Comprehensive Zoning Ordinance shall be erected on both sides and rear of the property.

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 street.

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 site plan 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. Site plans 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. If ownership of the property changes, zoning will revert back to Commercial-One (C-1).
- D. No storage of materials is permitted.

- E. Equipment shall be stored behind the 7'-0" fence on both sides and at the rear of the property.
- F. A review of this case shall occur in 36 months. (Note: If residential development has begun in this neighborhood within 36 months, then the zoning will revert back to Commercial-One (C-1).
- G. The site or development plan finally adopted by City Council shall be marked as Exhibit "A", attached hereto, and made a 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 thirty (30%) 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.
DEVELOPMENT PLAN

The development plan will be the finally approved site plan for this tract as described in Section I. No permits will be issued for construction unless in conformance with said development plan.

VI.

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.

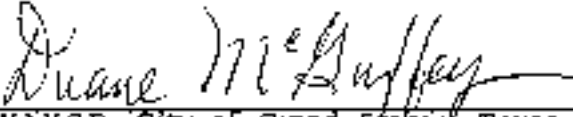
VIII.

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.

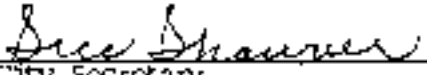
IX.

That this ordinance shall be in full force and effect from and after its passage and approval.

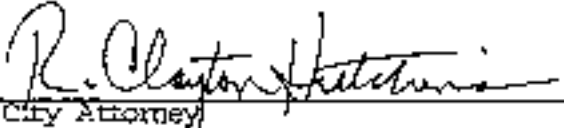
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS, THIS THE 19TH DAY OF FEBRUARY, A.D., 1985.


MAYOR, City of Grand Prairie, Texas

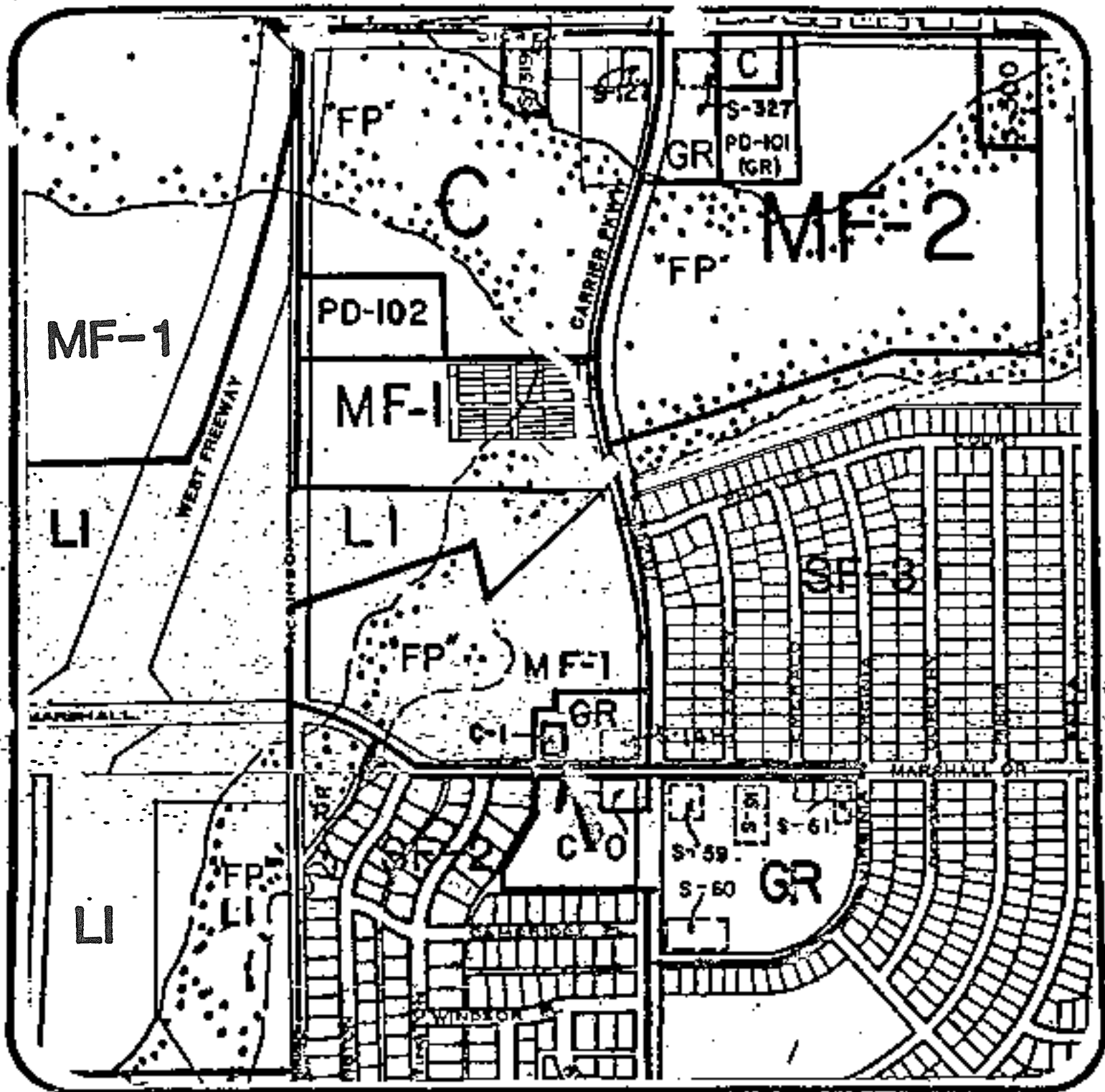
ATTEST:


City Secretary

APPROVED AS TO FORM:


City Attorney

Zoning Case No. Z851SW14



**LOCATION MAP FOR A ZONING
REQUEST FROM COMMERCIAL-1 TO
COMMERCIAL**

**APPLICANT: R W ATKINS INC
CASE NO: Z851SW14**

