

AN ORDINANCE AMENDING THE ZONING MAP SHOWING THE LOCATION, BOUNDARY AND USE OF CERTAIN PROPERTY SO AS TO REZONE PART OF THE J.C. REED SURVEY, ABSTRACT NO. 1729, AND PART OF THE P.H. FORD SURVEY, ABSTRACT NO. 1711, GENERALLY LOCATED ON BOTH SIDES OF AN EXTENSION OF JANUARY LANE FROM (PD-108) PLANNED DEVELOPMENT NO. 108 FOR SI14GLE-FAMILY-ATTACHED USES TO: THE (PD) PLANNED DEVELOPMENT ZONING DISTRICT NO. 196 FOR COMMERCIAL AND 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 ITSPASSAGE 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 (PD-108) Planned Development No. 108 for Single FamilyAttached uses to (PD-196) Planned Development No. 196 for **Commercial and General Retail uses**.

WHEREAS, the Planning and Zoning Commission of Grand Prairie, Texas, held a public hearing on said application on September 26, 1988 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 7 to 0 with 1 abstention to recommend to the City Council of Grand Prairie, Texas, that the hereinafter described property be rezoned so as to change its classification from (PD-108) Planned Development No. 108 for Single Family-Attached uses to (PD-196) Planned Development No. 196 for **Commercial and General Retail uses**.

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 October 4, 1988, 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

page 1

Planned Development 196

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 PD-108 Planned Development No. 108 for

Single Family-Attached uses 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:

page 2

Planned Development 196

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 (PD-108) Planned Development 108 for Single Family-Attached uses to (PD-196) Planned Development No. **196 for Commercial and General Retail** uses.

ATTACH CERTIFIED LEGAL DESCRIPTION OF ENTIRE TRACT HERE

SITUATED in Dallas County, Texas in the J.C. Reed Survey, Abstract No. 1729, and the P.H. Ford Survey, Abstract No. 1711 being described by metes and bounds as follows:

BEGINNING at the Northwest corner of Lot 1, Block 170 of the Dalworth Park Addition as recorded in Volume 1, Page 346 of the M.R.D.C.T., said point also being in the east line of the said P.H. Ford Survey and in the west line of the said J.C. Reed Survey;

THENCE North 89 degrees 11 minutes 50 seconds West a distance of 7.60 feet to a point for corner;

THENCE North 00 degrees 35 minutes 41 seconds East a distance of 19.84 feet to a point for corner;

THENCE North 89 degrees 19 minutes 36 seconds West a distance of 117.30 feet to a point for corner;

THENCE North 57 degrees 39 minutes 07 seconds West a distance of 58.75 feet to a point for corner;

THENCE North 89 degrees 17 minutes 26 seconds West a distance of 140.65 feet to a point for corner,

THENCE South 38 degrees 48 minutes 48 seconds West a distance of 124.29 feet to a point for corner;

THENCE North 51 degrees 12 minutes 09 seconds West a distance of 3.06 feet to a point for corner in the beginning of a curve to the left with a radius of 212.5 feet and a **central angle of 38 degrees 52 minutes 42 seconds**;

page 3

Planned Development 196

THENCE with said curve to the left a distance of 144.20 feet to a point for comer;

THENCE South 89 degrees 55 minutes 02 seconds West a distance of 85.00 feet to a point for comer;

THENCE South 81 degrees 45 minutes 09 seconds West a distance of 60.88 feet to a point for comer; 5

THENCE South 89 degrees 56 minutes 41 seconds West a distance of 131.92 feet to a point for comer;

THENCE North 00 degrees 17 minutes 25 seconds East a distance of 314.14 feet to a point for comer;

THENCE North 00 degrees 15 minutes 14 seconds West a distance of 719.88 feet to a point for comer;

THENCE North 88 degrees 28 minutes 39 seconds East a distance of 799.31 feet to a point for comer;

THENCE North 89 degrees 54 minutes 39 seconds East a distance of 410.61 feet to a point for comer, said comer being in the west right-of-way line of Future State Highway 161,

THENCE South 16 degrees 56 minutes 34 seconds East a distance of 203-31 feet to a point for comer;

THENCE South 22 degrees 02 minutes 55 seconds East a distance of 20-83 feet to a point for comer;

THENCE South 00 degrees 19 minutes 53 seconds East a distance of 500-41 feet to a point for comer, said comer being in the north right-of-way of proposed January Lane;

THENCE South 89 degrees 40 minutes 17 seconds East a distance of 193.02 feet to a point for comer;

THENCE South 86 degrees 48 minutes 27 seconds East a distance of 6.21 feet to a point for comer;

THENCE South 21 degrees 54 minutes 17 seconds East a distance of 66.24 feet to a point for comer;

THENCE North 86 degrees 48 minutes 27 seconds West a distance of 32-82 feet to a point for comer;

THENCE North 89 degrees 40 minutes 17 seconds West a distance of 191.76 feet to a point for comer;

THENCE South 16 degrees 45 minutes 25 seconds West a distance of 300-91 feet to a point for comer;

page 4

Planned Development- 196

THENCE North 88 degrees 40 minutes 08 seconds West a distance of 384.87 feet to the PLACE OF BEGINNING AND CONTAINING 30.287 ACRES OF LAND MORE OR LESS.

page 5

Planned Development 196

**II.
COMMERCIAL**

1. BOUNDARY DESCRIPTION:

Shown as Tract 1 on the cdte plan attached hereto as Exhibit "A".

2.

PERMITTED USES:

In areas designated for commercial 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, Local Utility Distribution Lines, Off-Street Parking Incidental to Main Use, Private Club, Swimming Pool (Private), Telephone Exchange.

D. SIGN AND IDENTIFICATION USES:

Temporary Signs-, Portable Signs, Special Signs, Electric 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 Confectionery 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), 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), Tool Rental.

page 6

Planned Development 196

GENERAL RETAIL

1. BOUNDARY DESCRIPTION:

Shown as Tract 2 -on the site plan 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 Confectionery 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), Pet Shop, Restaurant or Cafeteria Without Drive

Planned Development 196

in Service, Restaurant with Drive-in Service, Retail Stores and Shops other than listed, Studio for Photographer, Musician or Artist, Theater (Indoor), **TOOL** Rental.

F. AUTOMOBILE AND RELATED SERVICE USES:

Commercial- Auto Parkot, 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).

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 25 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: 1 story
- E. Maximum floor area ratio: - 1:1
- F. Maximum lot coverage: **40** **40%**

G. Off-Street Parking:

page 10
Planned Development 196

Off-street loading and parking space shall be provided in accordance with applicable provisions of Section C-2600 "Parking Standards" 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.

page 11
Planned Development 196

IV.
 SPECIAL CONDITIONS

1.

USE-EXCLUSIONS

Uses that are to be specifically excluded from the Commercial portion of the property are: Plumbing Contractors Shop, Storage or warehouse NonCommercial (Mini-Warehouses), Flea Market, Welding Shops, Pawn Shop, Second-hand Store, Used Furniture, Rummage Sale, and Reverse Vending Machine.

2.

LANDSCAPING STRIP:

The designated 40' landscaping 'strip as shown on the cAte plan attached hereto as Exhibit "A" shall be held in reserve for future right-of-way provisions for January Lane. No improvements other than drive approaches or landscaping will be permitted in this area. The 25' building line shall be established from behind this 40' strip.

3.

SIDEWALKS:

Six foot wide sidewalks are to be provided on both sides of January Lane at the time of street construction by the developer/property owner.

4.

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.

5.

STREETS, ENGINEERING AND THOROUGHFARE REQUIREMENTS:

A. Must construct January Lane concurrent with development of this site (Section 14-4, Subsection A). Any off site right-of-way shall be secured to allow **complete construction** over to N.W. 19th Street.

B. Must submit a site grading and drainage plan to the Engineering Division for approval prior to issuance of building permit (Section 14-4, Subsection B).

C. A Traffic Impact Study detailing the amount of trips in and out of this site and their distribution shall be done and submitted prior to any plat approvals on this property.

6.

GENERAL REQUIREMENTS AND STIPULATIONS:

A. All proposed uses are subject to the approval of a development 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 Certificate of Occupancy on the premises. Development 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.

Planned Development 196

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 site or development plan finally adopted by the City Council shall be marked, as Exhibit "A," attached hereto, and made a part hereof as if fully set out herein.

7.

USE MATRIX:

The use matrix, attached hereto as Exhibit "B", shall be deemed to be a part of this ordinance.

8.

V.
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.

VI.

DEVELOPMENT PLAN

All proposed uses are subject to the approval of a development 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 Certificate of Occupancy on the premises. Development 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.

VII.

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.

page 13

Planned Development 196

VIII.

That nothing contained herein shall be construed as relieving the owner of the land described hereinafter 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 4TH DAY OF OCTOBER, A.D., 1988.

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney

7

City of Grand Prairie, Texas

MAY

page 14