

**ORDINANCE NO. 7601
PLANNED DEVELOPMENT NO. 236B
CASE NO. Z070103B**

AN ORDINANCE AMENDING ORDINANCE NO. 7562, BEING PLANNED DEVELOPMENT NO. 236A PASSED AND APPROVED BY THE CITY COUNCIL ON MARCH 6, 2007, TO AMEND THE LAND USE REQUIREMENTS AND RENUMBER PLANNED DEVELOPMENT DISTRICT NO. 236A TO PLANNED DEVELOPMENT DISTRICT NO. 236B; 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 May 16, 2000, the City Council approved Ordinance No. 6267, being Planned Development No. 236 for mixed uses; and,

WHEREAS, on March 6, 2007, the City Council approved Ordinance No. 7562 establishing Planned Development District No. 236A, being an amendment to Planned Development District No. 236 to amend the boundary description, land use requirements and landscaping requirements for parking areas; and,

WHEREAS, the City of Grand Prairie is petitioning to **amend Planned Development District No. 236A to amend the land use requirements and renumber Planned Development District No. 236A to Planned Development District no. 236B**; and,

WHEREAS, the Planning and Zoning Commission of Grand Prairie, Texas, held a public hearing on said application on June 11, 2007 after written notice of such public hearing before the Planning and Zoning Commission on the proposed rezoning had been sent to owners of real property lying within 300 feet of the property on which the change of 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 7 to 0 to recommend to the City Council of Grand Prairie, Texas, that certain amendments to Planned Development No. 236A be approved; 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 o'clock P.M. on June 19, 2007 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 proposed rezoning and the City Council of the City of Grand Prairie, Texas, being informed as to the location and nature of the 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 Planned Development No. 236 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: (with additions/deletions shown in *shaded and/or bold italics*)

I.

That the legal description in Section I of Ordinance Number 6267, being Planned Development District No. 236A, *shall remain as adopted under Ordinance No.7562*, with said description being depicted on map attached as Exhibit "A" incorporated herein by reference:

Theater and Adjoining Parking Areas

A 25.5071 acre tract, being a tract of land out of the John C. Read Survey, Abstract No. 1184 and the Perry Linney Survey, Abstract No. 778, City of Grand Prairie, Dallas County, Texas, being part of a 28.5817 acre tract of land conveyed to Texas NextStage, L.P. according to the Special Warranty Deed recorded in Volume 98215, Page 3619 of the Deed Records of Dallas County Texas (DRDCT) and being part of a 40.9271 acre tract of land conveyed to Lone Star Race Park, Ltd. according to the deed recorded in Volume 95211, Page 3867 of the DRDCT and being more particularly described as follows:

BEGINNING at a found ½-inch iron rod at the intersection of a south line of Grand Prairie Metropolitan Utility and Reclamation District (GPMURD) Tract 7, a 4.8786 acre tract of land conveyed to GPMURD by deed recorded in Volume 87004, Page 2931 of the DRDCT and a west line of GPMURD Tract 1, a 384.7458 acre tract of land conveyed to GPMURD by deed recorded in Volume 87004, Page 2931 of the DRDCT;

THENCE South 20 degrees 28 minutes 40 seconds West, along a common line between said GPMURD Tract I and said Texas NextStage, L.P. 28.5817 acre tract, for a distance of 813.29 feet to a found ½-inch iron rod for the point of curvature of a circular curve to the right having a radius of 427.50 feet;

THENCE southwesterly, continuing along said common line and along said curve to the right through a central angle of 68 degrees 56 minutes 58 seconds and an arc distance of 514.45 feet to a found ½-inch iron rod for the point of tangency;

THENCE South 89 degrees 25 minutes 38 seconds West for a distance of 1211.89 feet to a found concrete monument with brass cap for the point of curvature of a circular curve to the right having a radius of 427.50 feet;

THENCE westerly, and along said curve to the right through a central angle of 09 degrees 22 minutes 50 seconds and an arc distance of 69.99 feet to a set ½-inch iron rod with yellow plastic cap stamped “HALFF ASSOC. INC.” hereinafter referred to as “with cap” for a corner;

THENCE North 00 degrees 34 minutes 22 seconds West for a distance of 421.24 feet to a set ½-inch iron rod with cap for a corner in the south right-of-way line of Midway Drive, a 152-foot wide right-of-way at this point, according to the plat filed for record in Volume 87040, Page 6182 of the DRDCT;

THENCE North 89 degrees 25 minutes 38 seconds East, passing the southwest corner of a 3.1322 acre tract of land, formerly Midway Drive right-of-way abandoned by City of Grand Prairie Ordinance No. 5959 and quitclaimed to Lone Star Race Park, Ltd by deed recorded in Volume 98176 Page 1009 of the DRDCT, at a distance of 44.74 feet and continue in all distance of 549.33 feet to a found ½-inch iron rod for a point of curvature of a circular curve to the left having a radius of 676.00 feet and whose long chord bears North 72 degrees 11 minutes 23 seconds East a distance of 400.64 feet;

THENCE northeasterly, along said curve to the left through a central angle of 34 degrees 28 minutes 29 seconds and an arc distance of 406.74 feet to a found ½-inch iron rod for the point of tangency;

THENCE North 54 degrees 57 minutes 09 seconds East, continue along the south or southeast line of said 3.1322 acre tract for a distance of 443.81 feet to a found ½-inch iron rod for the point of curvature of a circular curve to the left having a radius of 676.00 feet and whose long chord bears North 37 degrees 42 minutes 54 seconds East a distance of 400.64 feet;

THENCE northeasterly, along said curve to the left through a central angle of 34 degrees 28 minutes 29 seconds and an arc distance of 406.74 feet to a found ½- iron rod for the point of tangency;

THENCE North 20 degrees 28 minutes 40 seconds East for a distance of 77.40 feet to a found ½-inch iron rod for a corner in the south right-of-way line of Midway Drive for the most northerly northeast corner of said 3.1322 acre tract and the most westerly southwest corner of GPMURD Tract 7;

THENCE South 69 degrees 31 minutes 20 seconds East for a distance of 33.15 feet to a found ½-inch iron rod on a circular curve to the left having a radius of 45.00 feet

and whose long chord bears South 31 degrees 31 minutes 39 seconds East for a distance of 82.85 feet;

THENCE southeasterly, along said curve to the left through a central angle of 134 degrees 00 minutes 00 seconds and an arc distance of 105.24 feet to a found ½-inch iron rod for the point of reverse curvature of a curve to the right having a radius of 75.00 feet and whose long chord bears South 58 degrees 01 minutes 38 seconds East for a distance of 97.42 feet;

THENCE southeasterly, along said curve to the right through a central angle of 81 degrees 00 minutes 00 seconds and an arc distance of 106.03 feet to a found ½-inch iron rod for a point of reverse curvature of a curve to the left having a radius of 100.00 feet and whose long chord bears South 40 degrees 01 minutes 38 seconds East for a distance of 76.54 feet;

THENCE southeasterly, and along said curve to the left through a central angle of 45 degrees 00 minutes 00 seconds and an arc distance of 78.54 feet to a ½-inch iron rod found for the point of compound curvature of a curve to the left having a radius of 125.00 feet and whose long chord bears South 84 degrees 46 minutes 39 seconds East for a distance of 94.66 feet;

THENCE southeasterly, and along said curve to the left through a central angle of 44 degrees 30 minutes 00 seconds and an arc distance of 97.08 feet to a found ½-inch iron rod found for the point of compound curvature of a curve to the left having a radius of 140.00 feet and whose chord bears North 51 degrees 43 minutes 22 seconds East for a distance of 101.48 feet;

THENCE northeasterly, and along said curve to the left through a central angle of 42 degrees 30 minutes 00 seconds and an arc distance of 103.85 feet to a found ½-inch iron rod for a corner;

THENCE South 69 degrees 31 minutes 20 seconds East for a distance of 21.52 feet to the POINT OF BEGINNING and containing 1,111,088 square feet or 25.5071 acres of land more or less.

Over-Flow Parking and Special Events Area

Being a tract of land out of the John C. Read Survey, Abstract No. 1184 and the Perry Linney Survey, Abstract No. 778, City of Grand Prairie, Dallas County, Texas and being part of an 808.255 acre tract of land conveyed to 1-30 Partners, Ltd. by deed and recorded in Volume 85020, Pages 3605-36 14 of the Deed Records of Dallas County Texas (DRDCT) and being more particularly described as follows:

COMMENCING at a "X" in the concrete at the centerline intersection of Performance Drive formerly Midway Drive (a variable width right-of-way) and Pollock Place formerly Axis Drive (a 152 foot wide right-of-way) according to the plat filed for

records in Volume 87040, Page 6182-6205 of the Deed Records of Dallas County Texas; thence North $69^{\circ} 31' 20''$ seconds West for a distance of 106.00 feet to a point; thence South $20^{\circ} 28' 40''$ West for a distance of 76.00 feet to a set $\frac{1}{2}$ -inch iron rod with a yellow plastic cap in the south line of Pollock Place formerly Axis Drive right-of-way for the POINT OF BEGINNING; said point being the point of curvature of a circular curve to the right having a radius of 30.00 feet;

THENCE, Southerly, along the south or southwest right-of-way line of Performance Drive formerly Midway Drive, and along said curve to the right through a central angle of $90^{\circ} 00' 00''$, an arc distance of 47.12 feet to a found $\frac{1}{2}$ -inch iron rod with yellow plastic cap for the point of tangency on the northwest right-of-way line of Performance Drive formerly Midway Drive.;

THENCE, South $20^{\circ} 28' 40''$ West, continuing along the northwest right-of-way line of Performance Drive formerly Midway Drive for a distance of 136.69 feet to a found $\frac{1}{2}$ -inch iron rod with yellow plastic cap for a point of curvature of a curve to the right having a radius of 524.00 feet;

THENCE, Southwesterly, continuing along the northwest right-of-way line of Performance Drive formerly Midway Drive, through a central angle of $34^{\circ} 28' 29''$, an arc distance of 315.29 feet to a found $\frac{1}{2}$ -inch iron rod with yellow plastic cap for the point of tangency;

THENCE, South $54^{\circ} 57' 09''$ West for a distance of 443.81 feet to a found $\frac{1}{2}$ -inch iron rod with yellow plastic cap for the point of curvature of a curve to the right having a radius of 524.00 feet;

THENCE, Westerly and along said curve to the right through a central angle of $34^{\circ} 28' 29''$ and an arc distance of 315.29 feet to a found $\frac{1}{2}$ -inch iron rod with yellow plastic cap for the point of tangency;

THENCE, South $89^{\circ} 25' 38''$ West along the north line of Performance Drive formerly Midway Drive for a distance of 504.59 feet to a set $\frac{1}{2}$ -inch iron rod with yellow plastic cap for a point for a corner;

THENCE, North $00^{\circ} 34' 22''$ West for a distance of 100.00 feet to a set $\frac{1}{2}$ -inch iron rod with yellow plastic cap for a point for a corner;

THENCE, North $61^{\circ} 28' 39''$ East for a distance of 1027.09 feet to a set $\frac{1}{2}$ -inch iron rod with yellow plastic cap for a point for a corner;

THENCE, North $20^{\circ} 28' 40''$ East for a distance of 334.34 feet to a "X" chiseled in the concrete in the south line of Pollock Place formerly Axis Drive for a point for a corner;

THENCE, South 69° 31' 20" East, along the south line of Pollock Place formerly Axis Drive for a distance of 390.00 feet to the POINT OF BEGINING, and containing 505,320 square feet or 11.6006 acres of land more or less.

II.

That Section II of Ordinance Number 7562, being Planned Development District No. 236A, be amended (with additions/deletions shown in *shaded and/or bold italics*) as follows:

That the following development standards and conditions are hereby established as part of this ordinance.

1. Permitted Uses

- A. All uses as permitted in the Unified Development Code for the General Retail-One (GR-1) District.
- B. A performance hall, exhibition hall, convention center, outdoor staging facility incidental to the main use, outdoor festival/concert/fair uses, *sports stadium* and all Special Events as listed in Section 7.5 of the Code of Ordinances will be considered uses by right without the need for additional permits.
- C. On-premise consumption of alcoholic beverages shall be allowed as an incidental use in a performance hall, an exhibition hall, a convention center, *sports stadium* or outdoor festival/concert/fair use. Sales of alcoholic beverages for on-premise consumption may be conducted from a restaurant or from food and beverage concession areas located inside or outside a building.
- D. Any amusement, entertainment, retail, communication or office use accessory or ancillary to the uses specified in A. and B. above, excluding and prohibiting any entertainment use which could be classified as a sexually oriented business.
- E. Special Events - Special Events shall be allowed as permitted by Section 7.5 of the Code of Ordinances except that there shall be no limit on the number of occurrences of a special event by the same operator or sponsor in a single year.
- F. *The location of the sports stadium use shall only be permitted within the 2.491 acre tract depicted as "Tract A" on map attached as Exhibit "B" incorporated herein by reference, with said "Tract A" being situated within the Over-Flow Parking and Special Events Area.*

2. Dimensional Requirements

Density and Dimensional requirements shall be those established for the GR-1 district with the following exception.

- A. Maximum Building Height - 120 ft for a performance hall, exhibition hall or convention center structure. A maximum height of 50 ft for any other structure.

3. Building Facade Material Requirements

- A. For buildings 100,000 sq/ft and greater in area, all facade materials shall be subject to site plan approval by City Council after a review by the Planning and Zoning Commission.
- B. For buildings less than 100,000 sq/ft in area, at least 85% of exterior walls of buildings shall be composed of stone, cast stone, “split-face” concrete block, brick, stucco or glass.
 - 1. Brick material used for masonry construction shall composed of hard fired (kiln fired), stacked in place, mortared joints, faced or building brick with a minimum nominal depth of three (3”) inches.
 - 2. Stucco material may include synthetic stucco materials subject to the approval of the Chief Building Official.
- C. Exceptions to the building material requirements for buildings less than 100,000 sq/ft in area may be approved on a case by case basis by the Director of Planning and Development upon a determination that the proposed building facade is compatible in design and materials to other structures within this Planned Development zoning district and surrounding development.

4. Landscape Requirements

- A. Landscape Buffer - A 25-foot wide landscape buffer shall be provided adjacent to Showplace Drive.
- B. Total Landscape Area - A minimum of 10 percent of the entire site must be landscaped.
- C. Street Trees - A minimum of 1 tree shall be planted for each 40 linear feet of frontage on a public street.
- D. Parking Lot Trees - A minimum of 1 tree per 20 parking spaces is required except that no trees will be required in parking areas located north of Performance Place.
- E. Parking Lot Screening - All parking areas adjacent to a street must be screened by a minimum 3-foot tall berm with a minimum 3:1 slope except that no berm will be required adjacent to the parking area on the north side of Performance Place.
- F. Landscape Materials - All required landscape materials must meet the minimum size and spacing requirements of the UDC for required landscaping.

- G. Irrigation - All required and newly planted landscape materials shall be irrigated in accordance with the provisions of the UDC for required landscaping.

5. Signage

A. Detached Signs

- 1. Monument Signs - Lot 1 shall be entitled to one ground monument sign per access drive. Any additional lots shall be restricted to one ground monument sign per lot per street frontage. Ground monument signs may not exceed 10 feet in height and 8 feet in width (a maximum of 80 sq/ft).
- 2. Additional pole, pylon or monument signs on Lot 1 may be approved by the Planning and Zoning Commission upon a determination that the proposed sign is compatible in scale and design with development within this Planned Development zoning district and the surrounding area. This sign may include a sponsor logo or name.
- 3. Directional Signs - Directional signs a maximum of 32 sq/ft in area and 8 ft in height shall be permitted on site.

B. Attached Signs

- 1. Permanent Signs - The maximum area of attached wall signs shall not exceed 3 percent of the total area of a particular building elevation.
- 2. Skyward Sign - Sign or logo applied to the roof, visible from the air only.
- 3. Banner Signs - Temporary banner signs advertising an event on site may be attached to a performance hall, exhibition hall or convention center structure provided such signs do not exceed 3 percent of the total area of that building elevation.

C. Prohibited Signs

- 1. Off-premise signs or billboards
- 2. Portable signs
- 3. Roof Signs (Signs extending above the roof line, visible from the ground)
- 4. Pole signs, except as permitted above.

6. Parking and Paving Requirements

- A. All parking must be provided per the parking ratio requirements of Article X, "Parking and Loading Standards," of the Unified Development Code. For a

performance hall, exhibition hall or convention center use, one parking space shall be required for every 3 seats of maximum design capacity. An exception for up to 10 percent of the required parking may be authorized by the Director of Planning and Development. An exception of 179 spaces is specifically authorized by this ordinance for a 6,630 seat performance hall.

- B. Paving Requirements - All paving must comply with the requirements of Article X of the Unified Development Code except that upon submittal of a design and specification signed and sealed by a registered professional engineer, four inch (4") hot mix asphaltic concrete (HMAC) with six inch (6") thick lime stabilization or cement stabilization may be used for parking areas designated on the site plan as areas for patron parking, employee parking and emergency access provided; (a) that the last sub grade lift is a compacted thickness of 8 inches (8") with the material having a PI of twenty (20) or less and (b) that all sub grade areas are proof-rolled after compaction and prior to cement stabilization to identify any soft spots which must be re-excavated and re-compacted. In addition to the alternative set forth above, upon submittal of a design and specification signed and sealed by a registered professional engineer, Grass Crete™ or a similar alternative may be utilized for the parking lot located north of Performance Way. Prior to the acceptance of the paving, the owner shall submit a letter from the engineer of record stating that the project has been installed according to his plans and specifications. The use of this alternative method shall be at the discretion of the developer and/or contractor and at their expense. The implementation, construction and/or placement of said drives and parking facilities in conformance with and under these alternate design standards are entirely the responsibility of the developer and/or contractor. Testing for conformance of said alternate designs and standards and/or City minimum standards may be conducted by the City and if found to be substandard or in non-compliance to the alternate design specification or minimum City standards, costs for said tests shall be charged back to said developer and/or contractor. Non-conforming portions or areas of drives or parking areas shall be removed and replaced at the developer's and/or contractor's expense.
7. Site Plan Approval Required - All development requires site plan approval as provided for under Article XVI, "Site Plan Approval," of the Unified Development Code unless otherwise specified within this ordinance.
- A. For buildings 100,000 sq/ft and greater in area, all site plans must be approved by City Council after review by the Planning and Zoning Commission.
- B. For buildings less than 100,000 sq/ft in area, site plans may be administratively approved per the provisions of Article XVI of the UDC.
8. Utilities - All utilities servicing this development shall be installed underground, except for any major transmission lines, either existing or proposed, located within the boundaries of this development.
9. All other development standards, not specifically prescribed by this ordinance, shall be those required of development in the General Retail-One (GR-1) district.

III.

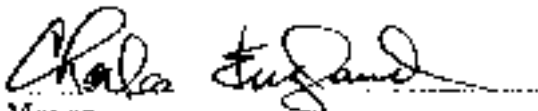
All ordinances or parts of ordinances in conflict herewith are specifically repealed.

VI.

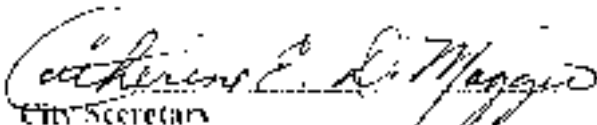
That this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS, THIS THE 19TH DAY OF JUNE, 2007.

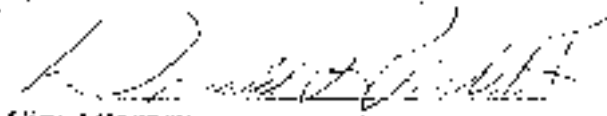
APPROVED:


Mayor

ATTEST:

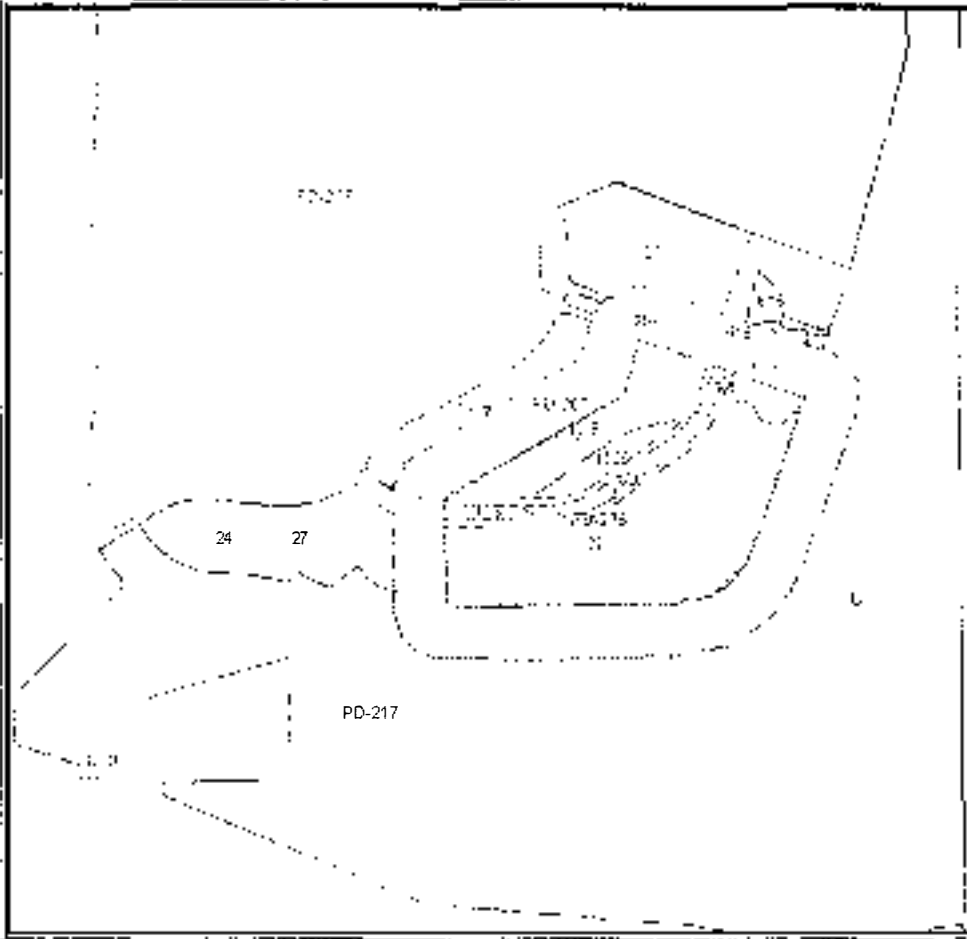

City Secretary

APPROVED AS TO FORM AND LEGALITY:


City Attorney

Zoning Case No. Z070103B

PROPERTY OWNER NOTIFICATION / LOCATION MAP

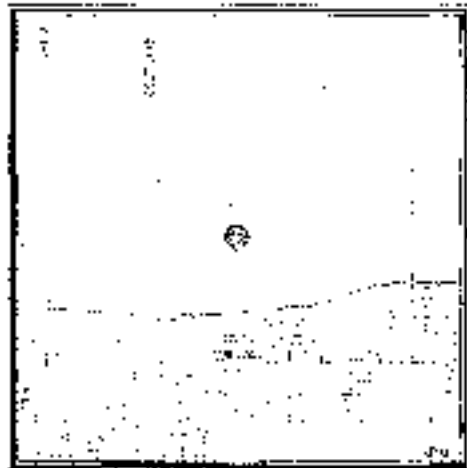
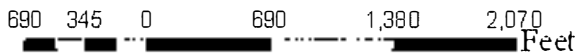


Cross Hatched Area
Indicates Property
Under Review

Shaded Area Indicates
Notification Boundary
(if applicable)

CASE NUMBER: Z070103
 ZONING CHANGE
 NOKIA THEATER
 CURRENT ZONING: PD-236/PD-207
 REQUEST:

A request for approval of an
 amendment to Planned Development 236



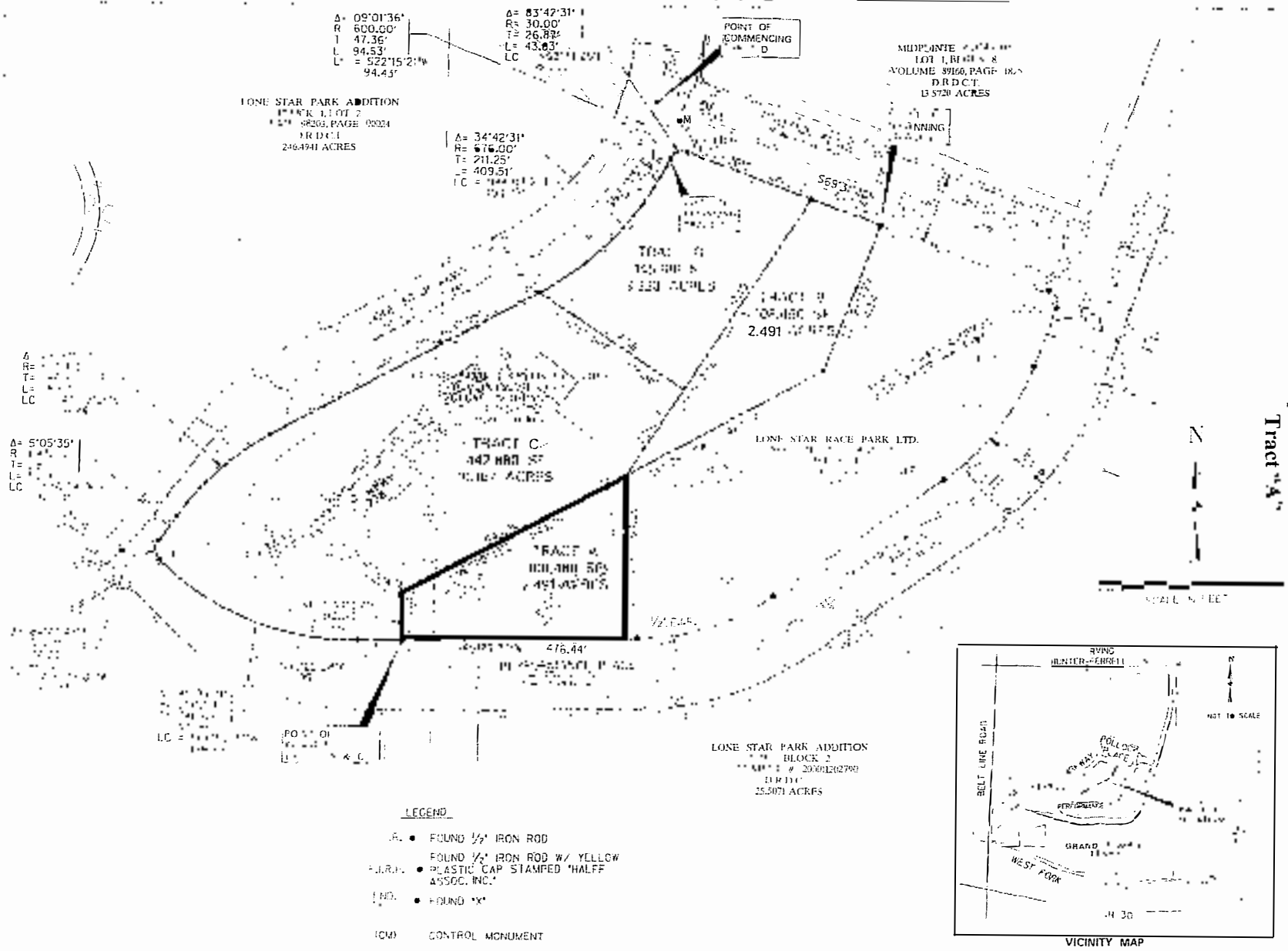


Exhibit "B"

Page 2 of 2

*** :

Being a tract of land out of the John C. Read Survey, Abstract No. 1184 and the Perry Linney Survey, Abstract No. 778, City of Grand Prairie, Dallas County, Texas and being a portion of that called 11.6006 acre tract of land described in Warranty Deed to Lone Star Race Park, LTD., as recorded in Volume 95211, Page 3687, of the Public Records of Dallas County, Texas (O.R.D.C.T.) and being more particularly described as follows:

BEGINNING at a 1/2-inch found iron rod with yellow plastic cap stamped "HALFF ASSOC. INC." (hereinafter referred to as "with cap") for the westernmost southwest corner of said 11.6006-acre tract, and being on the north right-of-way line of Performance Place (a variable foot right-of-way):

THENCE North 00 degrees 34 minutes 22 seconds West, departing said north right-of-way line and along the west line of said 11.6006 acre tract, a distance of 100.00 feet to a 1/2-inch found iron rod "with cap" for corner;

THENCE North 61 degrees 28 minutes 39 seconds East, along a northwest line of said 11.6006-acre tract, a distance of 543.36 feet to a point for corner;

THENCE Due South, departing said northwest line, over and across said 11.6006-acre tract, a distance of 354.69 feet to a point for corner on said north right-of-way line;

THENCE South 89 degrees 25 minutes 38 seconds West, along said north right-of-way line, a distance of 476.44 feet to the POINT OF BEGINNING AND CONTAINING 106,488 square feet or 2.491 acres of land, more or less.