

ORDINANCE NO. 7546
PLANNED DEVELOPMENT NO. 293B
CASE NO. Z060102A

AN ORDINANCE AMENDING THE ZONING MAP AND ORDINANCE, MORE PARTICULARLY TO AMEND THE BOUNDARIES OF THE 18.858 ACRE ZONING AREA ESTABLISHED BY ORDINANCE NO. 7348 ESTABLISHING PLANNED DEVELOPMENT DISTRICT NO. 293A, BY REMOVING 0.116 ACRES FROM THE SINGLE FAMILY-DETACHED RESIDENTIAL USE ZONE AND ADDING SAID ACREAGE TO THE GENERAL RETAIL (GR) USE ZONE, AND RENUMBERING PLANNED DEVELOPMENT DISTRICT NO. 293A TO PLANNED DEVELOPMENT DISTRICT NO. 293B, BEING AN 18.858 ACRE TRACT OF LAND (THE ZONING AREA) SITUATED IN THE JACOB HELM SURVEY, ABSTRACT NO. 608, DALLAS COUNTY, CITY OF GRAND PRAIRIE, TEXAS, AND MORE PARTICULARLY; 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 rezone and reclassify said property (the zoning area) from its classification as follows:

From Planned Development District No. 293A for Single Family Detached Residential Uses and General Retail (GR) Uses to Planned Development District No. 293B for Single Family Detached Residential Uses and General Retail (GR) Uses, and

WHEREAS, the Planning and Zoning Commission of Grand Prairie, Texas, held a public hearing on said application on January 29, 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 9 to 0 to recommend to the City Council of Grand Prairie, Texas, that the hereinafter described property (the zoning area) be rezoned from its classification as follows:

From Planned Development District No. 293A for Single Family Detached Residential Uses and General Retail (GR) Uses to Planned Development District No. 293B for Single Family Detached Residential Uses and General Retail (GR) Uses, 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 February 6, 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 Zoning Ordinance from its classification of **Planned Development District No. 293A for Single Family Detached Residential Uses and General Retail (GR) Uses to Planned Development District No. 293B for Single Family Detached Residential Uses and General Retail (GR) Uses**, 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 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 28 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 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 rezone the above described area within the zoning area as described as shown on the attached Exhibit "A" incorporated herein by reference.

SECTION 2.

- A. All development shall conform to the provisions contained in this ordinance for the Planned Development District. Standards not contained in this ordinance shall conform to those prescribed for the Single Family – Four (SF-4) District, the General Retail (GR) District, the IH-20 Corridor Overlay District, and to all other relevant development standards established in the Unified Development Code (UDC).

SECTION 3.

- A. Residential Landscaping and Screening Guidelines

Screening fences shall be coordinated throughout the residential subdivision. Screening shall consist of masonry walls, berms, landscaping, wrought iron, or a combination of these elements. Screening walls shall be designed to turn into the neighborhood to avoid uncoordinated fences at all entry points.

- 1. Six (6) foot high screening fences constructed of masonry with a mortar bond finish on each side shall be provided along Fish Creek Road and Beltline Road. Brick columns or pilasters shall be spaced at minimum 50 ft. centers or placed on residential lot corners. A wrought iron type fence shall be permitted along that section of Fish Creek Road that traverses the 100-foot wide T.P. & L. easement.
 - 2. Required screening fences shall extend (or wrap) into and along the side or rear lots lines, where such conditions exist, of residential lots that abut the local residential entry street(s) that extends into the subdivision from the arterial or collector street. The extended (or wrapping) portion of said screen fence shall not encroach into the required front yard set back for any residential lot.
 - 3. In those instances where a side or rear yard residential fence is constructed across two consecutive lots that are located across the street from a front yard condition, a Type 3 fence constructed of cement fiberboard, thin-wall, or an alternate material on metal posts shall be installed. A public improvement district (“PID”) shall maintain such fences.
 - 4. Private residential fences shall consist of cedar and steel posts - no pine allowed.
- B. Each residential subdivision shall have entry signage that is coordinated with the development screening wall. A plan shall be submitted for approval.
 - 1. One landscaped monument sign feature will be required at a minimum of one street entry along Fish Creek Road.

- C. Single-family lot landscaping shall include two (2)-3” caliper trees and a total of 30 gallons of shrubs
 - 1. Each house at the time of occupancy shall have the following minimum landscaping:
 - a. 1-three-inch caliper trees shall be planted in front of each house with the second tree to be located per homeowner/builder preference.
 - b. Tree and shrub species shall be in accordance with the City of Grand Prairie approved tree and plant list contained in Article 8 of the Unified Development Code.
 - c. Shrubs shall be provided for each house in any size increment totaling a minimum of 30-gallons per residential lot.
 - d. Residential lots shall be fully sodded in accordance with the requirements of the Unified Development Code with full irrigation for the front and fronting side yards. Home builder shall provide the home buyer with an irrigation option for the back yard.

SECTION 4.

A. Residential Architectural, Dimensional and Density Guidelines

- 1. Minimum lot size of 5,000 to 5,999 square feet shall be allowed for no more than 15% of all platted residential lots.
- 2. Minimum lot size of 6,000 to 7,799 square feet shall be allowed for no more than 30% of all platted residential lots.
- 3. Minimum lot size of 7,800 square feet or greater shall be required for at least 55% of all platted residential lots.
- 4. Minimum lot width of 50-feet shall be permitted for no more than 17 platted residential lots. Such lots shall not adjoin another lot containing a minimum lot width of 50-feet as measured at the front building line. All other lots shall contain a minimum lot width of 60-feet.
- 5. Maximum lot coverage not to exceed 50%.
- 6. Front yard setback for the main dwelling unit shall be 15-foot for 50% of those lots with front porches situated on a lot with a depth of 110-feet or less. Remaining lots shall have a 20-foot front yard setback. An alternating 15-foot to 20-foot front setback pattern shall be applied to all lots along the block face with said front

setbacks being designated accordingly on the final plat.

7. Interior side setbacks shall be a minimum of 5-feet for lots with a minimum width of 50-feet. All other interior side yard setbacks shall be 6-feet.
8. 20% of all platted residential lots to contain a minimum house size of 1,800 square feet or greater.
9. 80% of all platted residential lots to contain a minimum house size in excess of 2,000 square feet.
10. Minimum roof pitch for the main residential structure shall be 8:12. Roof pitch for the front porch structure shall be 4:12.
11. 3-tab type shingles are to be disallowed. Color variations in roof shingles are required in accordance with Section B.4. below.

B. Residential exterior construction to be predominately composed of masonry materials.

1. Minimum eighty percent (80%) of all exterior wall surfaces for 2-story structures or higher shall be structurally designed for and constructed of masonry and/or stone. This percentage will be applied as a total of all exterior walls measured below the fascia board at the roof line, excluding doors, windows, boxed or bay windows, dormers, areas under covered porches one-story in height, and other architectural projections. Masonry shall be defined as stone or standard-size full-width brick.
2. Minimum one-hundred percent (100%) of all exterior wall surfaces for 1-story structures shall be structurally designed for and constructed of masonry and/or stone. This percentage will be applied as a total of all exterior walls measured below the fascia board at the roof line, excluding doors, windows, boxed or bay windows, dormers, areas under covered porches one-story in height, and other architectural projections. Masonry shall be defined as stone or standard-size full-width brick.
3. Minimum one-hundred percent (100%) of all building elevations directly facing or backing up to a major arterial, collector street, or local residential street shall be structurally designed for and constructed of masonry and/or stone excluding doors, windows, boxed or bay windows, dormers, areas under covered porches one-story in height, and other architectural projections.
4. No use of the same brick color, color tone of roof shingle, or duplicate building elevation shall be allowed on a house built on a lot that is within 4 lots of a structure constructed with similar building elements and color that is located on the same side of a street in-between intersecting street(s). No house may be built with similar building elements or brick color as one located directly across the street.

5. All fireplaces and chimney flues shall be encased in 100% masonry for all chimney types and locations.
- C. Residential garage alternatives to be provided to the home owner/purchaser.
1. Minimum thirteen (13) lots with a width of 60-feet or greater shall have non-front entry garages.
 - a. Those units with front entry garages shall have a minimum 20-foot garage door setback on lots with a 15-foot front yard, and a 25-foot garage door setback on lots with a 20-foot front yard.
 - b. Front entry garages with two or more doors to have a minimum 12-inch offset between garage doors
 2. 2-car wide single garage doors to be disallowed for front entry garages.
- D. Public Improvement District (“PID”) required.
1. A Public Improvement District (“PID”) shall be created to maintain required masonry screening walls, street landscaping, monument signage, common irrigation, and other common areas within the development.
- E. Planned Development Site Plan Required for General Retail (GR) Uses.
1. Site Plan approval will be required for all development within the 3.150 acre General Retail area shown in the attached Exhibit “A”. Site and building design will be subject to all applicable requirements prescribed in the IH-20 Overlay District (Ordinance 6811) as amended.

SECTION 5.

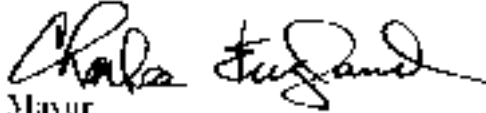
All ordinances or parts of ordinances in conflict herewith are specifically repealed.

SECTION 6.

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

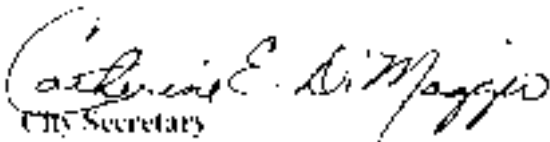
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS, THIS THE 6TH DAY OF FEBRUARY, 2007.

APPROVED:



Mayor

ATTEST:



City Secretary

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Zoning Case No. Z060102A

Exhibit "A"
Page 1 of 4
(The Zoning
Area)

LEGAL DESCRIPTION

BEING all that tract of land in the City of Grand Prairie, Dallas County, Texas, a part of the JACOB HELMS SURVEY, ABSTRACT No. 609, and being a part of that 19.857 acre tract of land conveyed to Tommy Joe Winn and John W. Arbogast as recorded in Volume 95038, Page 346, Dallas County Deed Records, and being further described as follows:

BEGINNING at a one-half inch iron rod found in the north line of Fish Creek Road (a variable width right-of-way), said point being the southwest corner of said 19.857 acre tract;

THENCE North 00 degrees 11 minutes 28 seconds East, 649.27 feet to a one-half inch iron rod found at the northwest corner of said 19.857 acre tract;

THENCE along the north line of said 19.857 acre tract as follows:

South 89 degrees 52 minutes 52 seconds East, 293.71 feet to a one-half inch iron rod found for corner;

South 89 degrees 42 minutes 37 seconds East, 755.44 feet to a one-half inch iron rod found at the northwest corner of a 1.00 acre tract of land conveyed to Donald Jim Fager, Jr. as recorded in Volume 2002108, Page 4875, Dallas County Deed Records;

THENCE South 01 degrees 04 minutes 54 seconds West, 149.78 feet to a one-half inch iron rod found at the southwest corner of said 1.00 acre tract;

THENCE South 89 degrees 37 minutes 32 seconds East, 290.39 feet to a one-half inch iron rod found at the southeast corner of said 1.00 acre tract, said point being in the east line of said 19.857 acre tract, said point also being in the west line of Belt Line Road (F.M. 1382) (a 100 foot wide right-of-way);

THENCE South 01 degrees 04 minutes 54 seconds West, 450.90 feet along the east line of said 19.857 acre tract and along the west line of Belt Line Road to TxDOT monument found for corner at the beginning of a corner clip in the north line of Fish Creek Road;

THENCE along the north line of Fish Creek Road and along the south line of said 19.857 acre tract as follows:

South 40 degrees 19 minutes 57 seconds West, 61.08 feet to a TxDOT monument found for corner;

North 89 degrees 48 minutes 50 seconds West, 1290.83 feet to the POINT OF BEGINNING and containing 821,434 square feet or 18.858 acres of land;

"This document was prepared under 22 AAC 663.23, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

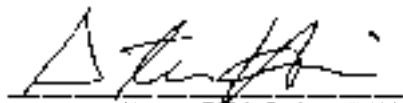

Steven E. Hines, R.P.L.S. No. 5380



Exhibit "A"
Page 2 of 4
(General Retail Area Being a 3.150 Acre
Portion of the 18.858 Acres of Land)

WHEREAS, Tommy Joe Winn and John W. Arbogast and Stephanie H Arbogast are the owners of all that tract of land in the City of Grand Prairie, Dallas County, Texas, a part of the Jacob Helms Survey, Abstract No. 609, and being part of that 19.857 acre tract of land conveyed to John W. Arbogast and Stephanie H Arbogast as recorded in Volume 95038, Page 346, Dallas County Deed Records, a 50% undivided interest in said 19.857 acres conveyed to Tommy Joe Winn by Deed recorded in Document No. 200503544465, Dallas County Deed Records and being further described as follows:

BEGINNING at a one-half inch iron rod set at the north corner of a corner clip at the intersection of the north line of Fish Creek Road (a variable width right-of-way), with the west line of Beltline Road (Farm-to-Market No. 1382, a variable width right-of-way);

THENCE along the north line of Fish Creek Road the following:

South 45 degrees 19 minutes 07 seconds West, 39.57 feet to a one-half inch iron rod set for corner;

North 89 degrees 55 minutes 13 seconds West, 239.53 feet to a one-half inch iron rod set for corner;

THENCE North 00 degrees 04 minutes 41 seconds West, 300.44 feet to a one-half inch iron rod set for corner;

THENCE North 34 degrees 28 minutes 05 seconds West, 47.12 feet to a one-half inch iron rod set for corner;

THENCE North 00 degrees 11 minutes 10 seconds East, 113.05 feet to a one-half inch iron rod set for corner;

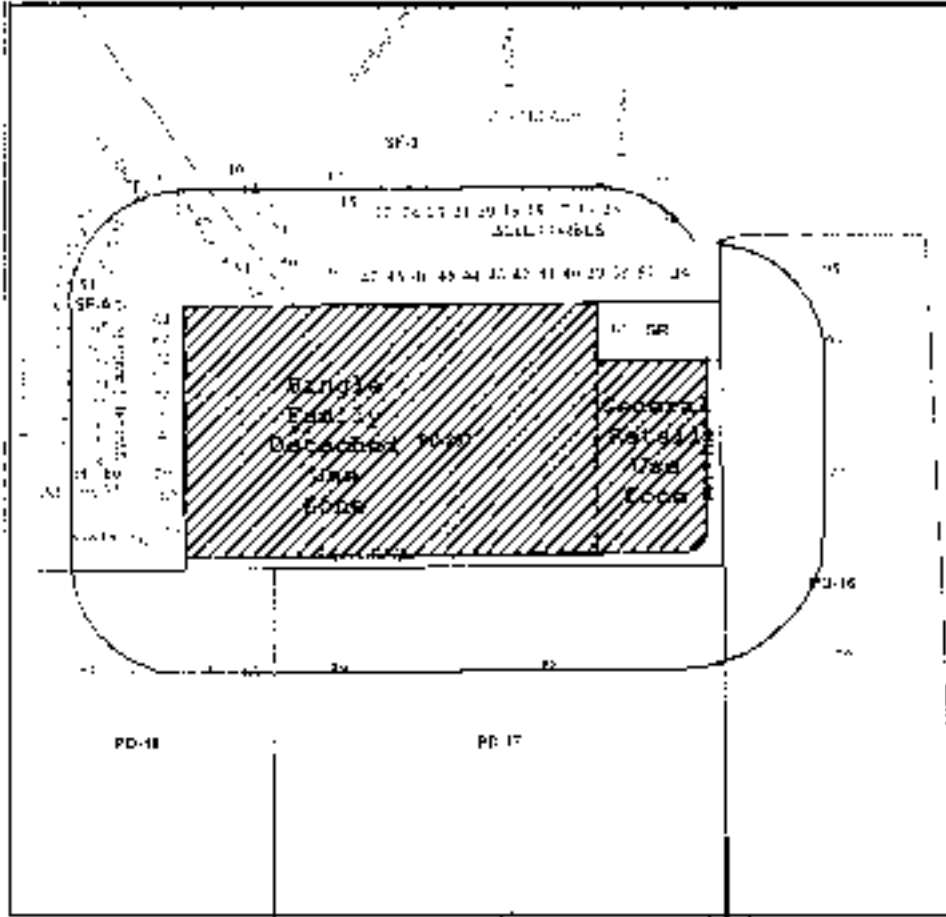
THENCE North 31 degrees 09 minutes 24 seconds East, 50.32 feet to a one-half inch iron rod set for corner;

THENCE North 89 degrees 54 minutes 16 seconds East, 271.25 feet to a one-half inch iron rod set for corner, said point being in the west line of Beltline Road;

THENCE South 00 degrees 21 minutes 20 seconds West, 468.37 feet along the west line of Beltline Road to the POINT OF BEGINNING and containing 137,227 square feet or 3.150 acres of land.

Exhibit "A"
Page 3 of 4
(The Zoning Area Established by PD-293A
19.595.2000)

PROPERTY OWNER NOTIFICATION / LOCATION MAP

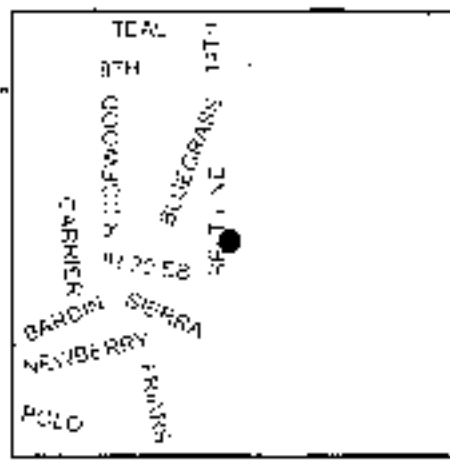
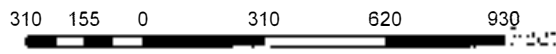


Cross Hatched Area
Indicates Property
Under Review

Shaded Area Indicates
Notification Boundry
(if applicable)

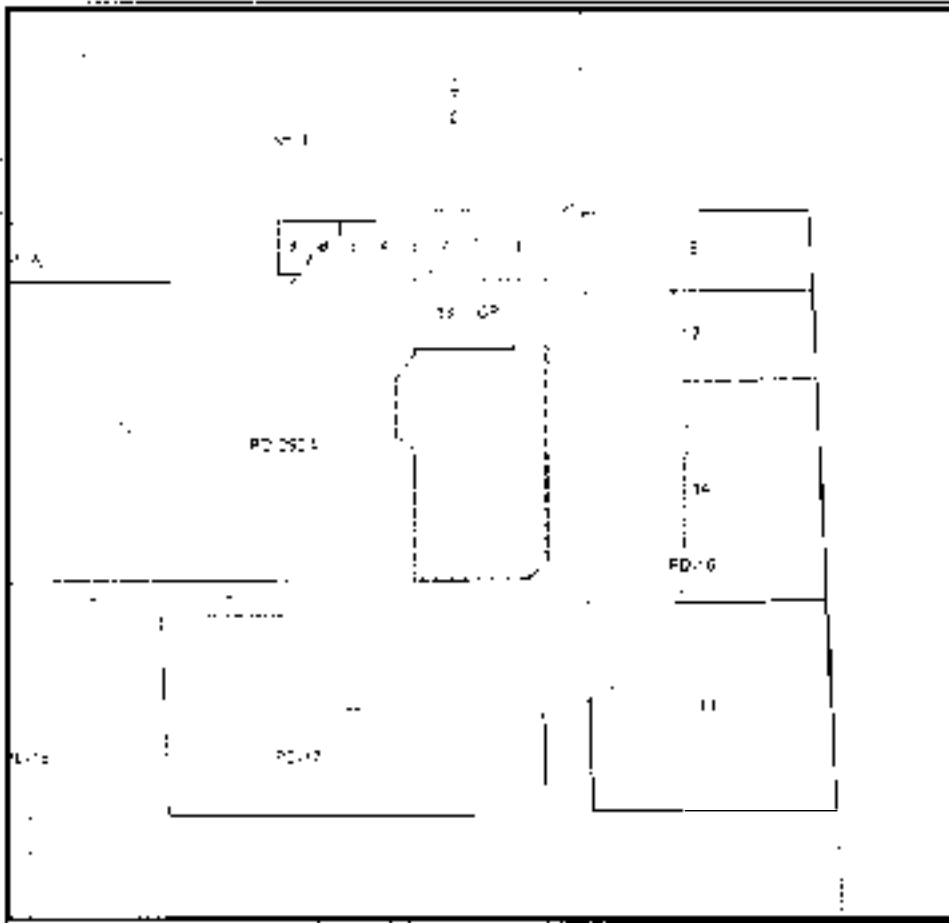
CASE NUMBER: SU060101-Z060102
 SPECIFIC USE PERMIT & ZONING CHANGE
 1440 FISH CREEK DRIVE
 CURRENT ZONING: PD-293
 REQUEST:

Consider a request for approval of a zoning change of approximately 3.03 acres from Planned Development-293 for single family detached residential uses to a Planned Development for General Retail uses plus a commercial car wash with Site Plan approval. The request also includes a request to amend the I-20 Corridor Plan to include a commercial car wash as a permitted use exclusively on this site.



(3.150 Acre General Retail Use Zone
Modified by PD-293B)

PROPERTY OWNER NOTIFICATION / LOCATION MAP



Cross Hatched Area
Indicates Property
Under Review

Shaded Area Indicates
Notification Boundary
(if applicable)

CASE NUMBER: SU060101/Z060102A

SPECIFIC USE PERMIT/
ZONING CHANGE AMENDMENT
1440 FISH CREEK RD.

CURRENT ZONING: PD-293A

REQUEST:

A request for approval of a
Specific Use Permit and Zoning Change
amendment for a car wash.

