

ORDINANCE NO. 7043
PLANNED DEVELOPMENT NO. 304
SPECIFIC USE PERMIT NO. 734
CASE NO. Z040501/SU040503

AN ORDINANCE AMENDING THE ZONING MAP TO REZONE 4.2414 ACRES, OUT OF THE STEPHEN B. McCOMMAS SURVEY, ABSTRACT NO. 887, IN THE CITY OF GRAND PRAIRIE, DALLAS COUNTY, TEXAS, BEING LOTS 1 AND 2, BLOCK A, WOODCREST ADDITION, PHASE THREE, **FROM PLANNED DEVELOPMENT DISTRICT NO. 27 FOR GENERAL RETAIL USES (PD-27) TO A PLANNED DEVELOPMENT FOR LIMITED COMMERCIAL (C) USES, AND TO GRANT A SPECIFIC USE PERMIT FOR A WINERY OPERATION** ON 1.0000 ACRES OUT OF THE STEPHEN B. McCOMMAS SURVEY, ABSTRACT NO. 887, IN THE CITY OF GRAND PRAIRIE, DALLAS COUNTY, TEXAS, BEING LOT 1, BLOCK A, WOODCREST ADDITION, PHASE THREE; 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 from its classification of **Planned Development District No. 27 (PD-27) for General Retail uses to a Planned Development for Limited Commercial (C) Uses, and to Grant a Specific Use Permit for a Winery Operation**; and

WHEREAS, the Planning and Zoning Commission of Grand Prairie, Texas, held a public hearing on said application on May 10, 2004 after written notice of such public hearing before the Planning and Zoning Commission on the proposed rezoning and specific use request 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 6 to 1 to recommend to the City Council of Grand Prairie, Texas, that the hereinafter described property be rezoned from its classification of **Planned Development District No. 27 (PD-27) for General Retail uses to a Planned Development for Limited Commercial (C) Uses, and to Grant a Specific Use Permit for a Winery Operation**; 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 May 18, 2004 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. 27 (PD-27)**; 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:

I.

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 following described area from its classification of **Planned Development District No. 27 (PD-27) for General Retail uses to a Planned Development for Limited Commercial (C) Uses**, and is hereby further amended so as to establish a **Specific Use Permit numbered 734 for a Winery Operation** at the property location described as follows;

Description of Land:

BEING 4.2414 ACRES, OUT OF THE STEPHEN B. McCOMMAS SURVEY, ABSTRACT NO. 887, IN THE CITY OF GRAND PRAIRIE, DALLAS COUNTY, TEXAS, AND AS FURTHER DESCRIBED BY CITY OF GRAND PRAIRIE PLAT FILE NO. P040305 FOR LOTS 1 AND 2, BLOCK A, WOODCREST ADDITION, PHASE THREE, ALL AS DEPICTED ON THE ATTACHED EXHIBIT A INCORPORATED HEREIN BY REFERENCE.

II.

Purpose and Intent

The intent of this Ordinance is to create a Commercial development with limited uses that encourages and supports higher standards usually found in a master planned community. The location and design of building areas shall conform to those depicted on an approved Planned Development Site Plan required by Section IV. A. of this Ordinance.

III.

Land Use

General

1. Except as otherwise listed below, development shall take place in accordance with the land use and development standards established for the “C” Commercial zoning district prescribed in the Grand Prairie Unified Development Code (UDC). Where these standards and provisions are in conflict with this Ordinance, the more restrictive requirements shall be applied.
2. The following uses shall be prohibited.

Parole-Probation Office	Hotel/Motel
Self Service Car Wash	Fast Food Restaurant (Drive in/thru)
Indoor Amusement Service – game rm.	Convenience Retail with Gasoline
Apartell Inns	Bowling Center
Major Appliance Sales and Repair	Outdoor Amusement Services
Check Cashing agency	Motion Picture Cinema
Radio Station and Tower	Plant Nursery
Cellular Communication Tower	Cellular Communication Equipment
Exterminator Service	Laundry/Dry Cleaning
Auto Dealer (new/used)	Consignment Shop
Auto Supply and Parts (new/used)	Bait and/or Tackle Shop
Gasoline and Auto Service Station	Gravestone/Tombstone Sales
Lawnmower Sales and/or Repair	Motorcycle Dealer
Used Merchandise Sales	Pawn Shop/Runmage Sales
Auto Repair (general and major)	Auto Body Repair
Auto Glass Repair and Tint	Auto Wrecker Service
Quick Lube/Oil Change	State Vehicle Inspection
Auto Tire Sales and Service	Regional Trucking and Logistical
Palm Reader	Distribution Facility
Construction Contractor Storage Yard	Boat Dealer (new/used) Recreational
Machine Shop	Manufacturing and Assembly Uses
Bingo Parlor	Mini storage facility
Body Piercing and Tattoo Parlor	Sports Bar Restaurant

IV.

Development Standards

A. Site Plan Approval Required

1. All non-residential development located within the Zoning Area shall require site plan approval from the Planning and Zoning Commission and the City Council at a public hearing. Completed submittals which are in strict conformance to the requirements of the Unified Development Code and this Ordinance may be approved administratively without a public hearing if authorized by the Director of Planning and Development or appointed designee. Alternative designs will be considered by the Planning and Zoning Commission and the City Council where a strict application of these standards may result in a physical hardship to the plans and design of site improvements.
2. **Submittal Requirements** - All site plan submittals shall conform to the requirements specified in Article 16 of the Unified Development Code. All building elevations submitted for site plan and building permit review shall include area and percentage tabulations for all exterior wall materials and articulation features proposed for each wall elevation.
3. **Incomplete Submittals** - The Director of Planning and Development or appointed designee, the Planning and Zoning Commission and the City Council reserve the right to table or deny any site plan application that does not meet submittal requirements.

B. Building Height

1. Maximum building height not to exceed 25-feet as measures to top plate of wall framing for buildings with pitched roofs, and to the top of roof deck for buildings with flat roofs.
2. All main and accessory buildings located within 120-feet of the east property line adjoining single family development shall not exceed one-story in height.

C. Building Articulation Required

All facades of a building which are adjacent to and face a roadway, public park or residential district shall comply with the following standards:

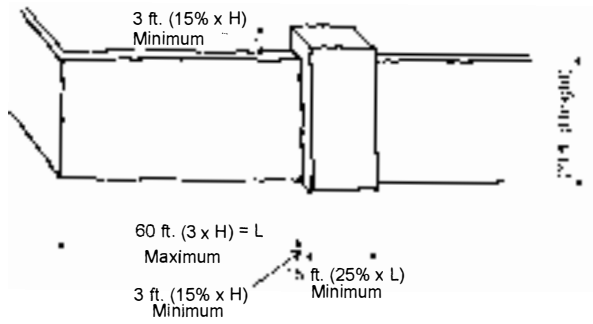
1. **Horizontal Articulation** – No building façade shall extend for a distance greater than three times the mean elevation of the wall's height without having an off-set of fifteen percent (15%) or more of the wall's height. This off-set shall extend for a distance equal to at least twenty-five percent (25%) of the maximum length of either adjacent plane.

2. **Vertical Articulation** – No horizontal wall shall extend for a distance greater than three times height of the wall without changing height by a minimum of fifteen percent (15%) of the wall's height. This height change shall continue for a minimum distance equal to at least twenty-five percent (25%) of the maximum length of either adjacent plane.

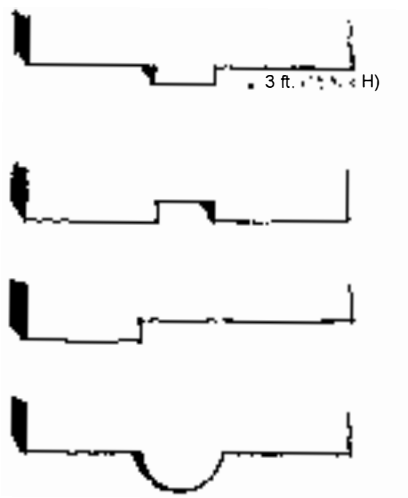
(Refer to Figures 1 and 2 on the following page for examples of Articulation Standards.)

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Figure 1
Articulation Standard Example



Possible Plans of Buildings:



Possible Elevations of Buildings:

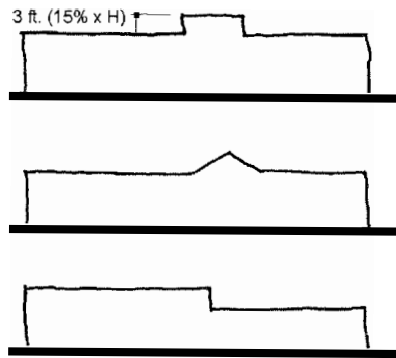


Figure 2

Samples of Articulation Standard



D. Exterior Building Material Requirements

1. **Masonry Requirement** - One hundred percent (100%) of the exterior of all new buildings (excluding doors and windows) shall be finished in one or more of the following materials indicated below.
 - a. Brick, stone, cast stone, rock, marble and granite.
 - b. Exterior Insulating Finishing System (EIFS). However, the use of EIFS shall not exceed 25% of the exterior walls of the building.
 - c. Architectural glass with less than twenty percent (20%) reflectance. However, only a maximum of twenty-five percent (25%) of a building façade may be constructed in architectural glass.
 - d. Split face concrete block, poured-in-place concrete, and tilt-wall concrete. Concrete products shall have an integrated color and be textured or patterned. Tilt-wall concrete structures shall include reveals, punch-outs, or other similar surface characteristics and adornments to enhance the façade on at least ten percent (10%) of each façade.
2. **Stone Requirement** - In addition, a minimum of 10% of the front façade shall be finished in stone, Austin stone or similar stone materials in order to establish a local architectural theme for the area.
3. **Accent Materials** – In addition, the following accent materials may be allowed up to 10% of a façade, excluding all windows, doors, and glass construction materials:
 - a. Corrugated galvanized metal,
 - b. Glass block,
 - c. Tile, and
 - d. Concrete board, such as Hardy Plank or other similar material, properly installed.
4. **Side and Rear Facades** - Side and rear facades shall be finished in a similar color and texture as the main front façade of the building.

E. Architectural Features**1. Facades**

- a. In addition to the features described in Section A above, the facades of all primary commercial structures which face a street shall also include the following key architectural features:

- i. All primary structures shall be designed with distinguishable architectural elements, such as a distinct base, wall and cornice or top.
- ii. The use of arcades, covered walkways, architectural awnings, canopies or porticos is required along 25% of the primary façade and/or street facing facades.
- iii. Windows, which may include see-through doors, shall be provided along all facades which face streets, such that they comprise at least 50% of the length of that façade for buildings under 10,000 square feet in size, and at least 25% for buildings over 10,000 square feet in size. The Council may approve alternative treatments; however, in no case shall there be less than 10% in windows and doors.

2. **Roofs**

- a. Roofline variations are required to reduce the visual scale of buildings, and to create visual interest. The roofs of non-residential buildings shall include at least two of the following elements:
 - i. Parapet walls that conceal flat roofs and rooftop equipment from eye level public view at adjacent public streets. Parapet walls shall vary in height, and will include architectural detailing, cornices, moldings, trims, variations in brick coursing, and other similar type detailing.
 - ii. Overhanging eaves, extending no less than three (3) feet past the supporting walls.
 - iii. Two or more roof slope planes.
 - iv. Sloping roofs that do not exceed the average height of the supporting walls, and that have an average slope of at least 8 in 12. Sloped roofs shall be finished with standing seam metal, corrugated metal, tile, or 30-year or better composite shingle.

3. **Color**

- a. All non-residential buildings shall comply with the standards in this section.
- b. Exterior colors shall be low reflectance, subtle, neutral or earth tone colors.
- c. The use of high intensity, primary, black, or fluorescent colors is prohibited, except as trim or accent areas. Where used as trim or accents, those colors shall not exceed ten percent (10%) of any single façade, excluding all windows, doors and glass construction materials.

F. Sign Regulations - Signage requirements of Article 9 of the Unified Development Code will apply to the subject property with the following exception:

- a. Individual tenant pole signs shall not be permitted.
- b. Multi-tenant pole signs shall not be permitted.

G. Landscaping Requirement - Landscape requirements of Article 8 of the Unified Development Code will apply to the subject property along with the following supplemental requirements.

1. Parking Lot Location and Screening Requirements

- a. All parking or drive areas shall be located a minimum of thirty (30) feet from right of way lines along public streets. The area inside the thirty (30) foot parking setback shall be credited towards the landscaping requirement prescribed by Article 8 of the Unified Development Code.
- b. All parking shall be screened from public rights-of-way and public park areas in accordance with Article 8, “Landscape and Screening” of the Unified Development Code, using a solid screen in the landscape strip. The screen shall be at least thirty six (36) inches in height, and be achieved through one of the following methods:
 - i. A berm;
 - ii. A planting screen (hedge);
 - iii. A wall, using masonry materials similar to those used in the main building façade; or
 - iv. A combination of the above.

2. Internal Parking Lot Landscaping Standards - Landscaped areas in a parking lot shall be provided in accordance with Article 8, “Landscape and Screening” of the Unified Development Code along with the following supplemental requirements.

- a. Perimeter parking lot screening shall be offset at least six (6) feet for every sixty (60) linear feet of screening area length.

H. Service Area Screening and Fencing Requirements

1. Screening of Mechanical Equipment

- a. Properties that may be viewed from residential uses, streets or public park areas shall screen all roof, ground and wall mounted mechanical equipment (e.g. air handling equipment, compressors, duct work, transformers and elevator equipment) from view at ground level on adjacent properties or public streets or parks.
- b. Roof-mounted mechanical equipment shall be shielded from view on four sides. Screening shall consist of materials consistent with the primary building materials.
- c. Screening shall result in the mechanical equipment blending in with the primary building, and not appearing separate from the building.
- d. Wall or ground-mounted equipment screening shall be constructed of:
 - i. Planting screens; or
 - ii. Brick, stone, reinforced concrete, or other similar masonry materials; or
 - iii. Redwood, cedar, preservative pressure treated wood, or other similar materials; and
 - iv. All fence posts shall be rust-protected metal, concrete-based masonry or concrete pillars.
 - v. A combination of the above.

2. Screening of Outside Storage

- a. Outside storage shall be located on the side or rear of the primary building and shall be screened from public view on public streets.
- b. Outside storage shall be screened with a minimum seven (7) foot tall screen or a screen that is a minimum of one (1) foot above the top of the storage materials, whichever is taller. Screening shall be:
 - i. A masonry wall or other material that is similar to the primary structure
 - ii. A berm.
 - iii. A planting enclosure of large evergreen shrubs planted a maximum of four (4) feet apart that shall create a solid screen to a minimum height of seven (7) feet within two (2) years as determined by a registered landscape architect, certified nurseryman or master gardener, or as determined by the Director of Planning and Development.
 - iv. A combination of the above.

3. **Screening of Non-Residential Uses**

- a. A masonry wall with a mortar bond finish, both exterior finishes being the same, shall be constructed along all property lines adjoining existing or proposed residential uses. Such walls shall have no vehicular access points into or from an alley or residential street except for those access points required for emergency access. All walls shall be a minimum of six feet in height and shall not encroach into the required front building line.

I. Lighting Standards

1. **Screening of Light Fixtures**

- a. In order to preserve the night sky and to reduce glare on roadways, pedestrian areas and adjacent development, light sources (e.g. light bulbs) shall be oriented toward the center of the site or shielded so as to not be visible from the nearest property line. This applies to refractory lenses that extend beyond the lighting fixture and are designed to redirect the lighting source horizontally. This does not apply to neon or internally lit signs, or to decorative lighting with 15 watts or less per bulb.
- b. Historic or antique-style pedestrian light fixtures approved by the city are excluded from this standard.

2. **Decorative Pedestrian Level Lighting**

- a. To accent entry areas and to enhance pedestrian safety, decorative pedestrian level pole or façade mounted lighting fixtures shall be used at entrances to the building and along major internal pedestrian routes.

J. Utilities

- a. All utilities shall be placed below ground, except for existing major high voltage transmission lines.
- b. Major utility access structures, which must be located above ground, shall be placed in unobtrusive locations, and shall be screened with landscaping that blends into the overall landscaping of the area.

V.

Conditions of Specific Use Permit:**A. Conditions Applied to Winery Operation for Lot 1, Block A, Woodcrest Addition, Phase Three.**

1. The Winery operation must comply with all local and state provisions regarding health and environmental requirements as follows:
 - a. In all wine production, processing and service areas, all equipment must be commercial grade and food service quality. There must be a wash area and equipment that will adequately wash, rinse, and sanitize all equipment to be used including the vats for wine making.
 - b. A reverse pressure backflow, cross connection assembly, will be required on the main water line to the building. Additional backflow assemblies may be required for different types of water use.
 - c. A process description and equipment floor plan layout will be required by the Environmental Services Department as a condition of building permit approval.
 - d. A City of Grand Prairie sample point structure must be installed on the sanitary sewer line from the building.
 - e. Food service, food manufacturing, and alcohol permits must be obtained from the City of Grand Prairie Environmental Services Department.
 - f. Pretreatment surcharges for sewer use will be assessed for this type of facility.
 - g. The Texas Alcohol and Beverage Commission will require necessary permits. Copies of these permits must be provided to the Environmental Services Department office.
 - h. The Texas Department of Health will also require manufacturing permits for this type of facility.
 - i. If the operation uses any water filtration system, the water filtration system will require a backflow preventer. If a lawn sprinkler system is used, a backflow preventer must be installed and tested by the Environmental Services Department.
 - j. The facility will need to comply with all storm water requirements for a food manufacturing facility.

- k. Additional requirements may be applied and identified during the building permit review process.
- 2. The applicant must comply with all local and state requirements for the production and sale of alcoholic beverages as a condition of approval for a certificate of occupancy.
 - a. If no certificate of occupancy is issued for a winery operation within one year, or if the use is discontinued for a period of 6 months or more, the Specific Use Permit shall be considered terminated.
 - b. The operation of this site shall be in strict compliance with all requirements of the Environmental Services Department and Fire Administration in addition to all other local, state, and federal requirements. Any unsafe or unauthorized operations or activities may be determined as grounds for revocation of the Specific Use Permit by the City Council.

VI.

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

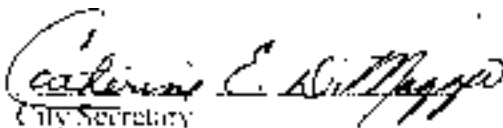
VII.

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 18th day of May, 2004.


Mayer, Grand Prairie, Texas

ATTEST:


City Secretary

APPROVED AS TO FORM:


Assistant City Attorney

Zoning Case No. Z040501/SU040503

