

**ORDINANCE NO. 7144
PLANNED DEVELOPMENT NO. 307
CASE NO. Z041102**

AN ORDINANCE AMENDING THE ZONING MAP TO REZONE A 32.168 ACRE TRACT OF LAND SITUATED IN THE JOSEPH STEWART SURVEY, ABSTRACT NO. 961, ELLIS COUNTY, TEXAS, GENERALLY LOCATED ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 287 AT ITS INTERSECTION WITH KIMBLE ROAD, FROM AGRICULTURE (A) DISTRICT AND UNZONED EXTRATERRITORIAL JURISDICTION (ETJ) TO A PLANNED DEVELOPMENT FOR COMMERCIAL (C) USES WITH ARCHITECTURAL CONTROLS; 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 Agriculture (A) District and Unzoned Extraterritorial Jurisdiction (ETJ) to a Planned Development for Commercial (C) Uses with Architectural Controls, and

WHEREAS, the owners of the property described herein below filed a petition for the annexation of an approximate 24.09 acre portion of said Zoning Area into the City of Grand Prairie, Texas, in accordance with the requirements of Section 43.063 of the Local Government Code of the State of Texas; and

WHEREAS, the Planning and Zoning Commission of Grand Prairie, Texas, held a public hearing on said zoning application on November 22, 2004 after written notice of 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 said 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 zoning 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 Agriculture (A) District and Unzoned Extraterritorial Jurisdiction (ETJ) to a Planned Development for Commercial (C) Uses with Architectural Controls, 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 December 7, 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 as follows:

From Agriculture (A) District and Unzoned Extraterritorial Jurisdiction (ETJ) to a Planned Development for Commercial (C) Uses with Architectural Controls.

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 above described area all within the zoning area as described as shown on the attached Exhibit "A" incorporated herein by reference.

II.

Land Use

A. Permitted land uses shall be those permitted for the Commercial (C) District as prescribed in the Unified Development Code (UDC) with the following uses to be prohibited.

- | | |
|---|---------------------------------------|
| Parole-probation office | Apartell inns (extended stay) |
| Bait and tackle shop | Self-service car wash |
| Bingo parlor | Palm reader |
| Auto wrecker service | Used auto dealer (as stand alone use) |
| Recreational vehicle sales | Trucking and distribution facility |
| Construction contractor storage yard | Used merchandise sales |
| Mini-storage facility (Prohibited as stand alone use, but shall be permitted in accordance with Sections II.A.1, II.A.2. and II.A.3. below) | |

1. A Watchman's or Manager's Quarters shall be permitted for a mini-storage facility, subject to compliance with all relevant residential and commercial building code requirements, and may be located along the frontage of a public street right-of-way. The Watchman's or Manager's Quarters shall be set back a minimum of 80-feet from a public street right-of-way.
2. Mini-storage buildings shall not directly front along a public street. Storage buildings directly attached to the rear of a Watchman's or Manager's Quarters building shall be set back a minimum of 125-feet from a public street right-of-way.
3. Detached mini storage buildings shall extend along the rear facing façade of adjacent retail and commercial buildings in a manner that causes the mini-storage structures to be substantially screened from eye level public view from a public street right-of-way. Detached storage buildings shall be set back a minimum of 255-feet from a public street right-of-way.

III.

DEVELOPMENT STANDARDS

The purpose of this Planned Development District is to provide the appropriate restrictions and development controls to permit the development of general retail and commercial uses in a manner compatible with the surrounding development and zoning in compliance with the City's Comprehensive Plan and the Unified Development Code. The Planning and Zoning Commission and City Council may approve alternative designs where a strict application of these standards will result in a physical hardship to the plans and designs for site development.

All development must meet the minimum requirements of the Commercial (C) zoning district prescribed in the Unified Development Code and adhere to additional architectural standards specified below.

A Planned Development Site Plan shall be reviewed and approved by the City prior to the issuance of any building permits. All site plan submittals shall conform to the requirements specified in Article 16 of the Unified Development Code. The Planning and Zoning Commission and City Council reserve the right to table or deny any site plan application that does not meet submittal requirements.

A. 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.

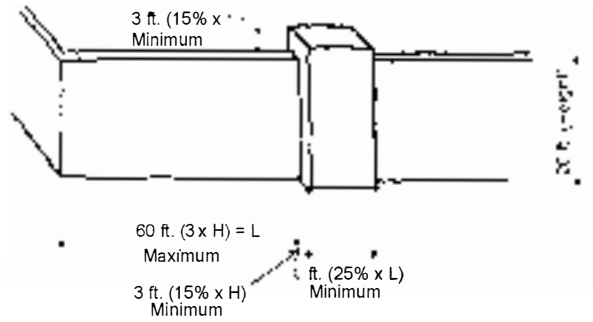
(Refer to Figures 1 and 2 on the following page for examples of Articulation Standards.)

B. Building Set Back along Public Street

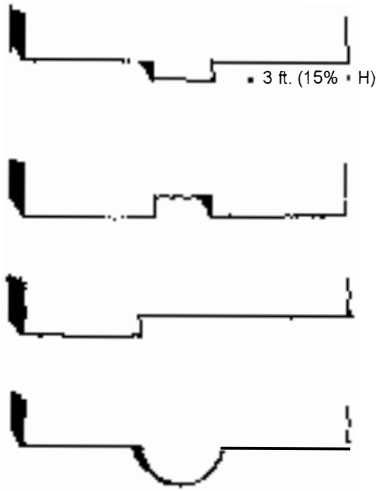
Minimum building setback for retail and commercial buildings along a public street right-of-way shall be 55-feet. This set back would include the required 30-foot landscaped parking lot buffer specified in Section III.F.2.a. below. This setback applies to all vertical structures (buildings and canopies) to be constructed for retail and commercial buildings within the Zoning Area.

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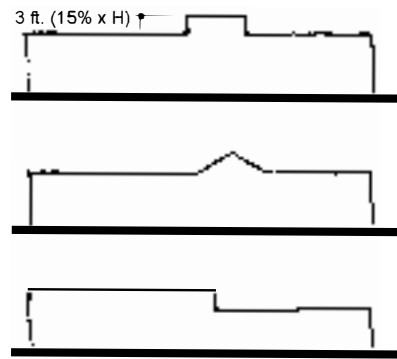
Articulation Standard Example



Possible Plans of Buildings:



Possible Elevations of Buildings:



Samples of Articulation Standard



FIGURES 1 AND 2

C. 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. 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.
 - 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 street facing 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.

D. 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 25% for buildings over 10,000 square feet in size. The City 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.

E. 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.

F. Landscaping Requirement - Landscape requirements of Article 8 of the Unified Development Code will apply to the Zoning Area along with the following supplemental requirements.

1. Tree Preservation Incentives

- a. The following credits shall be provided to the developer for each existing tree in excess of a 6-inch caliper width, as measured 4-feet and 6-inches (4'-6") above ground that is preserved and incorporated into the site plan design. This requirement applies to those species of trees listed in Exhibit 2 of Article 8, "Landscaping and Screening" of the Unified Development Code.
 - i. Parking requirement may be reduced by 6 paved parking spaces, including access drive paving that serve same spaces, for each tree preserved. Maximum parking reduction not to exceed 20% of total parking requirement; plus,
- b. A Tree Protection Plan shall be required at the time of building permit submittal and shall be approved by the Development Review Committee. Such plan shall include the following:
 - i. Identification of all existing trees to be preserved, including species type and size in caliper inches;
 - ii. Provide note prohibiting the storage of building materials, equipment and vehicles under the drip-line of all existing trees to be preserved;
 - iii. Indicate type of temporary fencing or barricade devices to be used to protect critical root zones (CRZ) of all existing trees to be preserved during the construction period. The CRZ shall be defined in accordance with Section 8.13.1 of Article 8, "Landscaping and Screening" of the Unified Development Code.
 - iv. Provide grading plan indicating both existing and new final grade elevation inside drip line of all existing trees to be preserved

- c. Replacement trees shall be required at a ratio (in caliper inches) of 1:1 for any tree designated for preservation on the Tree Protection Plan that is significantly damaged or destroyed during the construction period. Replacement trees shall be no less than 3-inches in caliper width.

2. 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.

3. 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.

G. 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, and may include metal screening or louvers that are painted to blend with the primary building.
- 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 or appointed designee.
 - iv. A combination of the above.

3. Screening of Garage Bays

- a. This section shall apply to all sites with garage bays.

- b. Garage bay doors shall be located at the side or rear of buildings.
- c. Garage bay door areas shall be screened from adjacent properties, streets or public areas by a 36" high screen.
- d. Screening materials shall be comprised of:
 - i A wall that has a similar finish to the primary structure, or
 - ii A combination of trees and shrubs that will result in solid screening to the required height within two (2) years as determined by a registered landscape architect, certified nurseryman or master gardener.

H. 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.

I. Utilities

- a. All utilities shall be placed below ground, except for 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.

IV.

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

V.


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 7TH DAY OF DECEMBER, 2004.


Mayor, Grand Prairie, Texas

ATTEST:

APPROVED AS TO FORM:


City Secretary


City Attorney

Zoning Case No. Z041102

<p>Exhibit "A" Page 1 of 4</p>

BEING a 32.168 acre tract of land situated in the Joseph Stewart Survey, Abstract No. 961, Ellis County, Texas, and being a portion of a tract of land as described in deed to Byblos Partnership One, as recorded in Volume 794, Page 810, Deed Records, Ellis County, Texas. Said 32.168 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with plastic cap stamped "RPLS 4818" set at the southeast corner of said Byblos Partnership One Tract;

THENCE North 29°20'37" West, along the east line of said Byblos Partnership One Tract, a distance of 511.53 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set along the east line of said Byblos Partnership One Tract, also being in the Westerly right-of-way line of State Highway No. 287, a variable width right-of-way;

THENCE along the east line of said Byblos Partnership One Tract and the westerly right-of-way line of State Highway No. 287 the following courses and distances:

North 46°17'36" West, a distance of 412.26 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

North 49°01'08" West, a distance of 140.10 Feet to a brass monument found;

North 66°17'38" West, a distance of 80.87 Feet to a concrete monument found;

North 50°58'27" West, a distance of 252.28 Feet to a concrete monument found;

North 85°10'35" West, a distance of 162.87 Feet to a concrete monument found;

North 5°18'14" West, a distance of 39.59 Feet to a concrete monument found;

North 6°07'26" East, a distance of 114.36 Feet to a wood monument found;

North 50°49'33" West, a distance of 224.15 Feet to a concrete monument found;

North 62°12'01" West, a distance of 93.67 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

North 44°23'23" West, a distance of 99.97 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

North 57°44'13" West, a distance of 400.91 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

Exhibit "A"
Page 2 of 4

North 37°26'07" West, a distance of 241.47 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

North 50°07'50" West, a distance of 59.61 Feet to a 5/8" iron rod found at the northeast corner of said Byblos Partnership One Tract;

THENCE South 60°05'21" West, departing the westerly right-of-way line of State Highway No. 287 and along the north line of said Byblos Partnership One Tract, a distance of 308.95 Feet;

THENCE departing the north line of said Byblos Partnership One Tract and over and across said Byblos Partnership One Tract the following courses and distances:

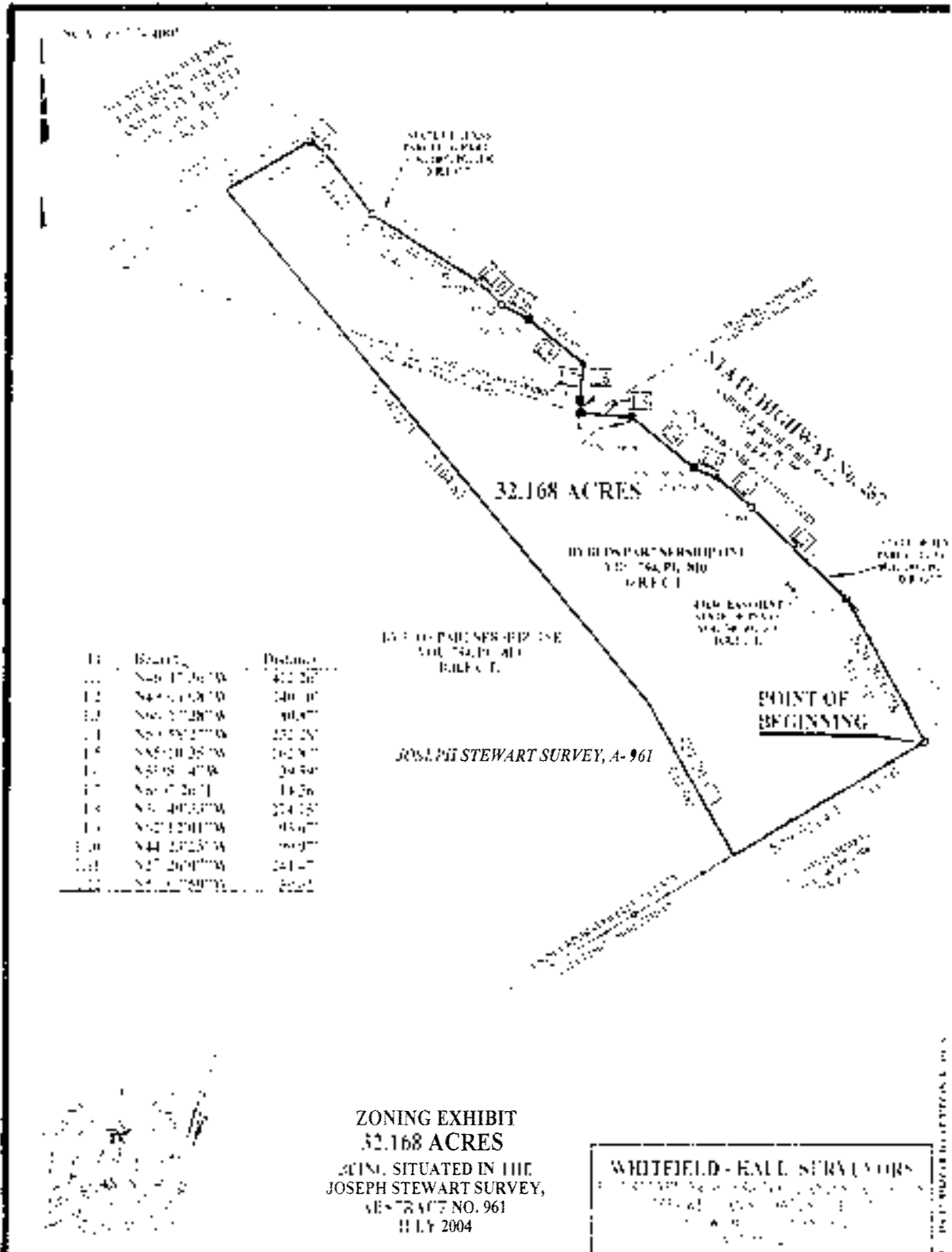
South 39°36'32" East, a distance of 2104.87 Feet;

South 29°20'37" East, a distance of 534.58 Feet to the south line of said Byblos Partnership One Tract;

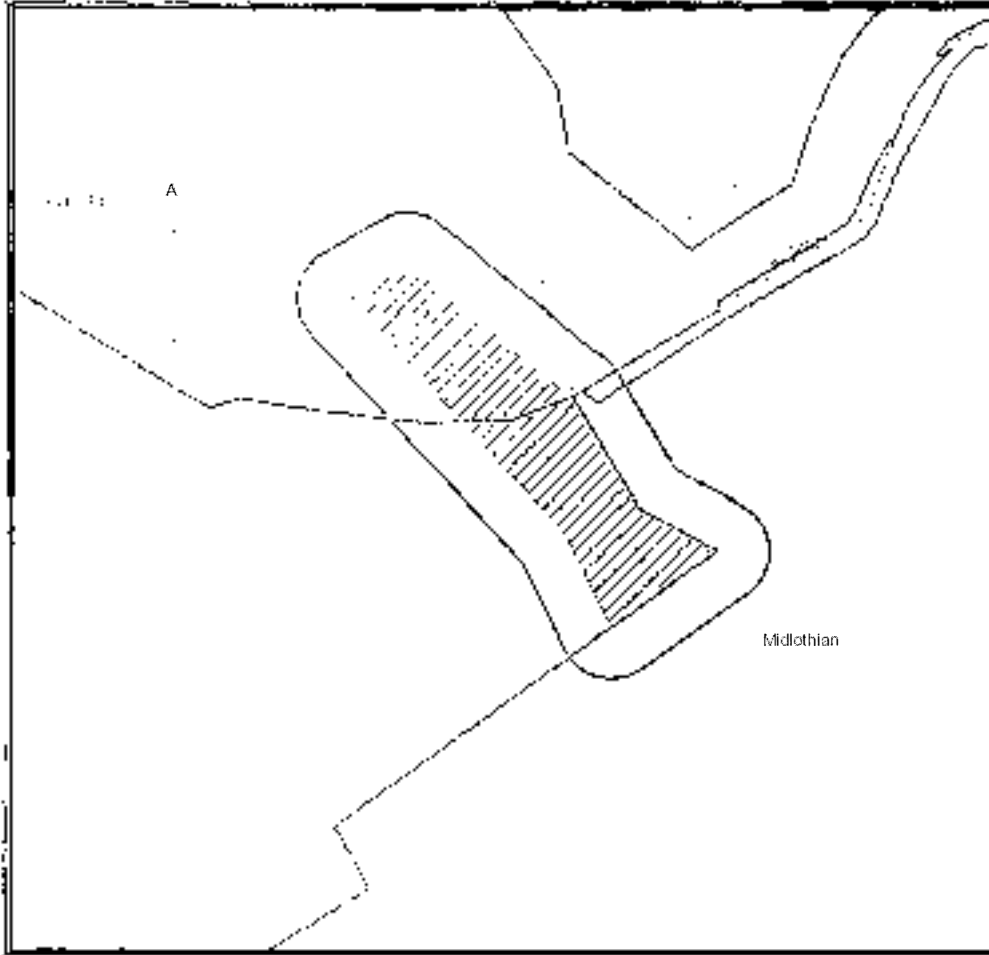
THENCE North 59°02'04" East, along the south line of said Byblos Partnership One Tract, a distance of 700.00 Feet to the POINT OF BEGINNING and containing a computed area of 32.168 Acres, more or less.

Compiled from field ties and record data on July 2004 by Whitfield-Hall Surveyors.

Exhibit "A"
Page 3 of 4



PROPERTY OWNER NOTIFICATION / LOCATION MAP



Shaded Area Indicates
Notification Boundary
(if applicable)

CASE NUMBER: Z041102
ZONING REQUEST -
CHARLES JOWELL

CURRENT ZONING: A

REQUEST:

From Agriculture (A) District and Unzoned Extraterritorial
Jurisdiction (ETJ) to a Planned Development for
Commercial (C) Uses with Architectural Controls

