

ORDINANCE NO. 9378-2012

**AN ORDINANCE OF THE CITY OF GRAND PRAIRIE, TEXAS, AMENDING THE ZONING MAP AND ORDINANCE BY SHOWING THE LOCATION, BOUNDARY AND USE OF CERTAIN PROPERTY TO GRANT ZONING CHANGE FROM GENERAL RETAIL (GR) DISTRICT TO A PLANNED DEVELOPMENT (PD) DISTRICT FOR GENERAL RETAIL USES, AND A SPECIFIC USE PERMIT FOR USED CAR SALES AND MAKE READY SERVICE AS AN ACCESSORY USE; BEING 0.47 ACRES DESCRIBED AS LOT 696R, IN THE BURBANK GARDENS REVISED ADDITION, IN THE CITY OF GRAND PRAIRIE, DALLAS COUNTY, TEXAS (THE SUP AREA), AND BEING ADDRESSED AS 710 MACARTHUR BOULEVARD; SAID ZONING MAP AND ORDINANCE BEING ORDINANCE NUMBER 4779 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**, on April 16, 2012, 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 approve a **Zoning Change from General Retail (GR) District to a Planned Development (PD) District for General Retail uses, and a Specific Use Permit for Used Car Sales and Make Ready Service as an Accessory Use**; and

**WHEREAS**, the Planning and Zoning Commission of Grand Prairie, Texas, held a public hearing on said application on July 2, 2012, in the City Council Chambers, Grand Prairie City Hall, 317 W. College Street, after written notice of such public hearing before the Planning and Zoning Commission on the proposed Specific Use Permit had been sent to owners of real property lying within 300 feet of the property on which the creation of a **Zoning Change from General Retail (GR) District to a Planned Development (PD) District for General Retail uses, and a Specific Use Permit for Used Car Sales and Make Ready Service as an Accessory Use** 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 said Zoning Ordinance and Map be amended to allow a **Zoning Change from General Retail (GR) District to a Planned Development (PD) District for General Retail uses, and a Specific Use Permit for Used Car Sales and Make Ready Service as an Accessory Use**; 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 Council Chambers, Grand Prairie City Hall, 317 W. College Street, at 6:30 o'clock P.M. on July 17, 2012 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 Specific Use Permit and the City Council of the City of Grand Prairie, Texas, being informed as to the location and nature of the specific 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 to the extent that a specific use may be made of said property as herein provided 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 Unified Development Code 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:

"THE UNIFIED DEVELOPMENT CODE 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 establish a Specific Use Permit numbered 894 for the property location described as follows:

The location being described as 0.47 acres, being Lot 696R, Burbank Gardens Revised Addition, in the City of Grand Prairie, Dallas County, Texas (the SUP Area). Being addressed as 710 MacArthur Boulevard and as shown on the SUP Site Plan labeled as Exhibit "A" incorporated herein by reference.

**SECTION 2.**

**Specific Use Permit**

FOR OPERATION OF A USED CAR SALES LOT AS AN ACCESSORY USE IN A PLANNED DEVELOPMENT (PD) DISTRICT FOR GENERAL RETAIL (GR) USES.

The following conditions are hereby established as part of this ordinance:

Definitions:

Used Car Sales/Used Auto Sales Retail: Means any retail sales facility of used automotive vehicles, such as cars, pick-up trucks, vans, and sport utility vehicles, etc. Acceptable accessory uses include Make Ready Service.

Make Ready Service: Means a repair or service procedure necessary to prepare a used vehicle for sale, which may include, but not be limited to, the replacement of wipers, headlights, light bulbs, clear water rinse, detailing, or tire inflation or repair.

Conditions:

1. All operations must conform to the Planning and Zoning Commission approved site plan and operational plan as included in the Exhibit "A" incorporated herein by reference. A Certificate of Occupancy must be obtained prior to initiation of business.
2. The facility must develop and implement an accidental spill plan. The Water Quality Division of the Environmental Services Department will provide spill plan development guidelines. A copy of the plan must be forwarded to the Water Quality Division of the Environmental Services Department for approval.
3. With the exception of make ready services, no repairs shall be done on site.
4. No body work or painting shall be done inside the SUP Area.
5. It shall be unlawful for any person, owner, tenant or employee to commit such acts as listed below:
  - a. Discharge or deposit, upon any public or private property, any industrial, chemical, hazardous or other regulated waste.
  - b. Permit crankcase or radiator drainage's, vehicle engine wash or other oils, greases, vehicle fuels or like material to be discharged or deposited to any area within the city.
6. The facility shall meet all requirements of the Auto Related Business Ordinance # 7408 (Chapter 13 "Health & Sanitation") of the Code of Ordinances.
7. No parking or storing of vehicles will be permitted on an unpaved surface.
8. No salvaging of any type shall be done inside the SUP Area.
9. Cross connection devices may be required under the provisions of City Code Chapter 13 Article X depending on how water will be used in the facility. Any

cross connection devices that are required must be shown on all plan submittals to building inspections. Applicant is required to provide the make model and location of the backflow preventer to be installed. This information is required for the first building permit submission. Testing fees for backflow prevention devices must be paid prior to issuance of building permits.

10. The Environmental Services Department may require a sample point be installed on the sanitary sewer line. The location and a sample point detail must be shown on the building plans submitted for review with an application for a building permit. Structure and location should meet the requirements of the department.
11. All waste disposal services shall be contracted with the City's solid waste contractor. Commercial-type refuse containers shall be placed at a location arranged in advance with the city's contractor. If materials are to be recycled, they shall not be co-mingled with trash. All property owners or facility owners shall contact Grand Prairie Disposal Company [city code 26-105(a)]. Mechanical garbage and trash compactors shall conform to city code sections 29-74 and 26-75. The general contractor shall be held responsible for ensuring compliance with these city codes.
12. No operations or activities may result in creation of a nuisance as defined in city code 29-68(12) to (29). Specifically, no building, road or construction activity may cause water to stand and result in mosquito harborage.
13. All noise created during the construction and subsequent operational activities conducted on the subject property must comply with City Code Chapter 13, Article XIII, Section's 13-275 to 13-286. Construction must be limited the daytime hours between six o'clock a.m. and ten o'clock p.m. when constructing a building with 300 feet of a residence.
14. All facilities must comply with current health and water quality standards before a certificate of occupancy can be issued. These issues will be verified during the building permit review process.
15. No public right-of-way may be used for off loading vehicles into the SUP Area.
16. No car washing other than clear water rinse will be allowed and shall not be shown on the CO until an approved car wash is installed.
17. Used car sales inventory stored on the site shall be limited to five (5) vehicles and shall be located behind the front building setback of MacArthur Boulevard at the specific location shown (in a cross-hatched shaded pattern) on the Site Plan in Exhibit "A" incorporated herein by reference.
18. A new Certificate of Occupancy must be obtained which lists the added used car sales use and SUP number prior to initiating business.

**SECTION 3. Compliance**

COMPLIANCE - All development must conform to the approved site plan labeled as Exhibit "A" incorporated herein by reference.

1. The Specific Use Permit (SUP) shall automatically terminate in accordance with Section 5.4.1 of the Unified Development Code if no building permit is issued for "*a used car sales lot*" within one (1) year after City Council adoption of this Ordinance, or upon cessation of the use for a period of six (6) months or more.
  - a. If a building permit is not required for "*a used car sales lot*", the Specific Use Permit shall automatically terminate if no certificate of occupancy is issued for "*a used car sales lot*" within six (6) months after City Council adoption of this Ordinance.
2. Furthermore, by this SUP Ordinance, the Specific Use Permit shall automatically terminate if no certificate of occupancy is issued for "*a used car sales lot*" within six (6) months after the issuance of a building permit.
3. Furthermore, by this SUP Ordinance, the City Council shall conduct a public hearing one (1) year after City Council adoption of this Ordinance to confirm compliance with all applicable codes which shall include, but not be limited to, the requirements of this SUP Ordinance, the Unified Development Code, the City of Grand Prairie Code of Ordinances, city adopted building codes, city adopted fire codes and with other applicable regulatory requirements administered and/or enforced by the state and federal government.

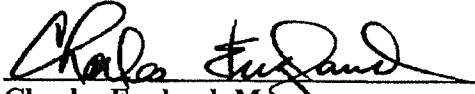
**SECTION 4.** It is further provided that in case a section, clause, sentence, or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this Ordinance.

**SECTION 5.** All ordinances or parts of ordinances in conflict herewith are specifically repealed.

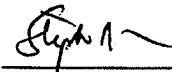
**SECTION 6.** That this Ordinance shall be in full force and effect from and after its passage and approval.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS, THIS THE 17<sup>TH</sup> OF JULY, 2012.**

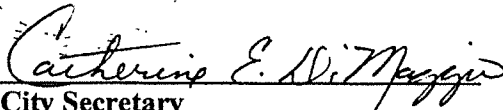
**APPROVED:**

  
Charles England, Mayor

**APPROVED AS TO FORM:**

  
City Attorney

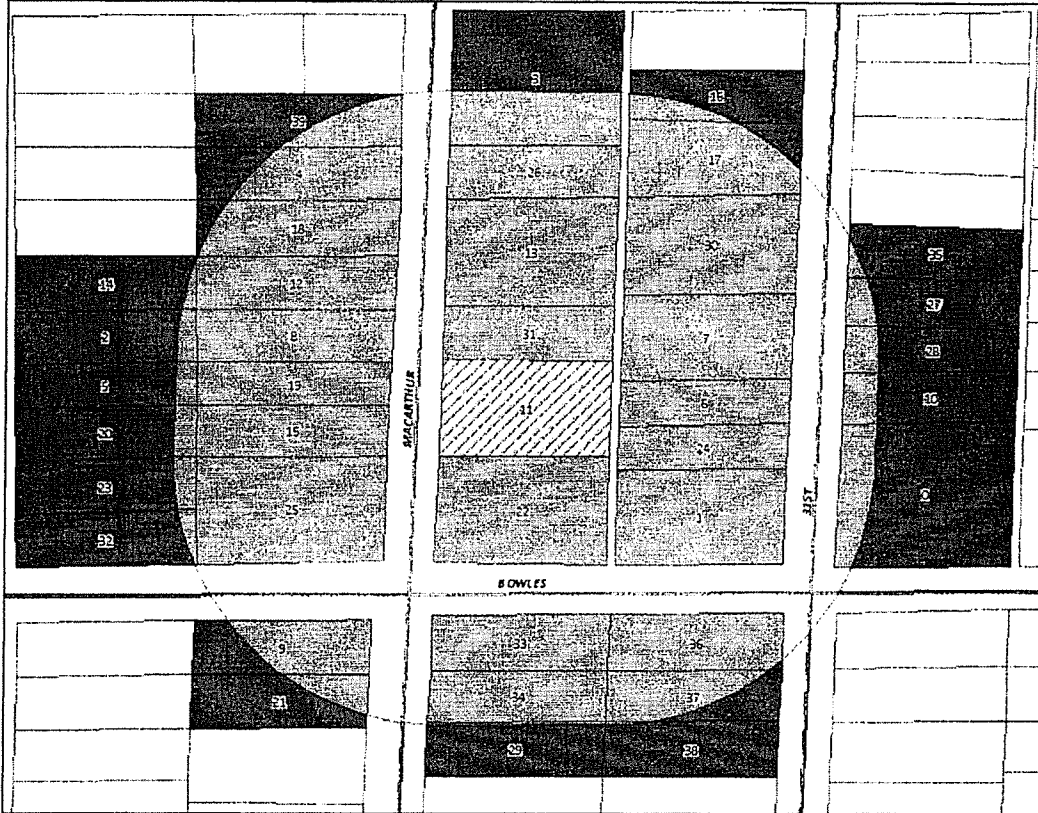
**ATTEST:**

  
City Secretary

**ORDINANCE NO. 9378-2012  
CASE NO. Z120701/SU120601  
SPECIFIC USE PERMIT NO. 894  
PLANNED DEVELOPMENT NO. 334**



# PROPERTY OWNER NOTIFICATION LOCATION MAP



**Case Number:** SU120601  
**Case Type:** Specific Use Permit  
**Case Name:** 710 MacArthur Boulevard

**Current Zoning:** GR  
**Request:** Consideration of a request for the approval of a Specific Use Permit for used automobile sales on 0.47 acres

0 65 130 260 390 520 Feet

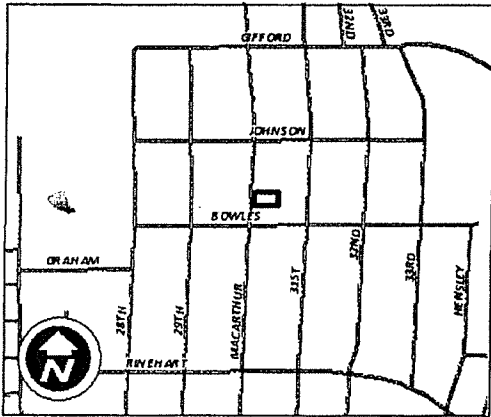


Exhibit "A"  
 Site Plan  
 Page 2 of 5

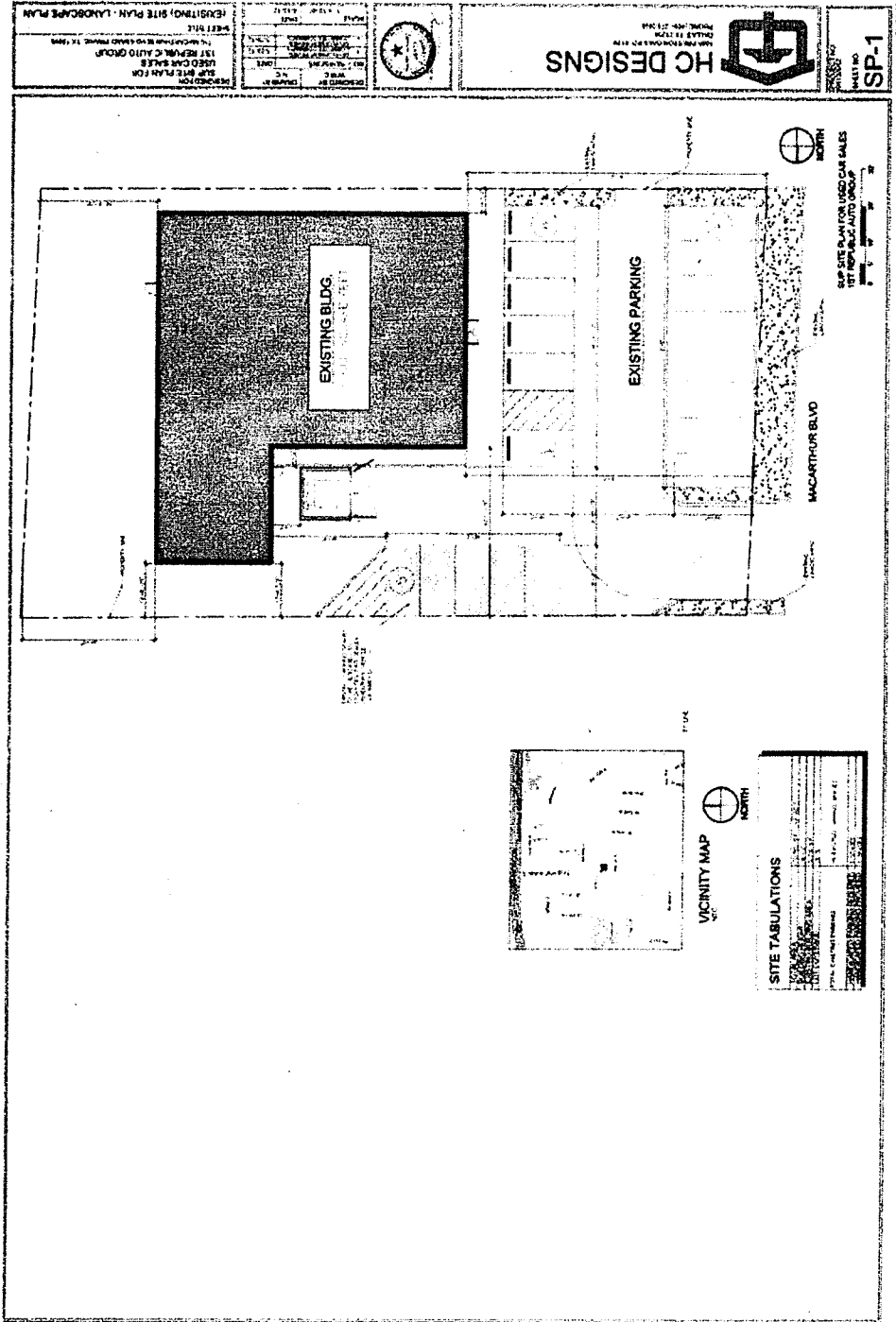




Exhibit "A"  
Building Elevations  
Page 3 of 5

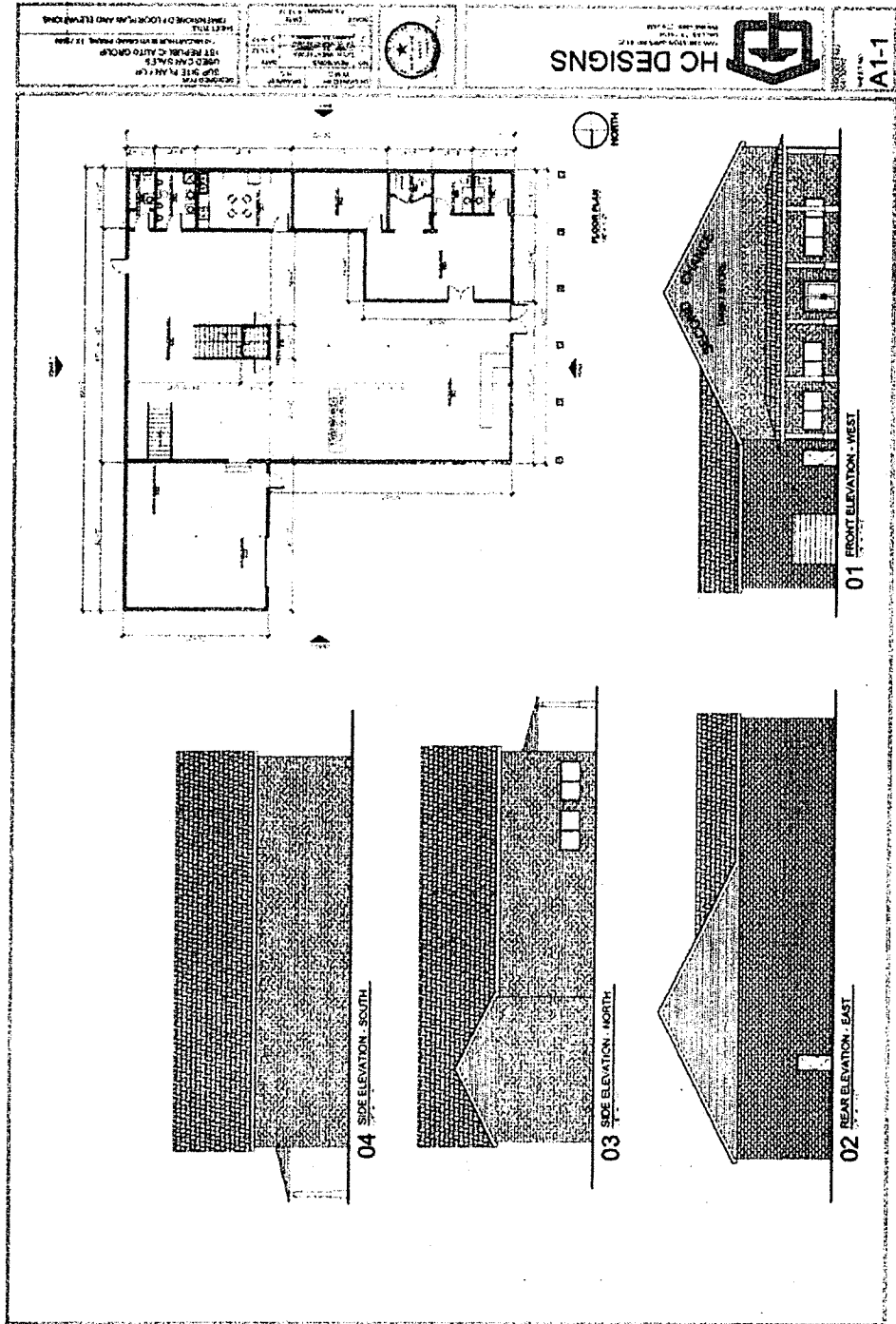


Exhibit "A"  
 Building Elevations & Details  
 Page 4 of 5



SUBJECT SITE – LOOKING EAST FROM MACARTHUR BOULEVARD

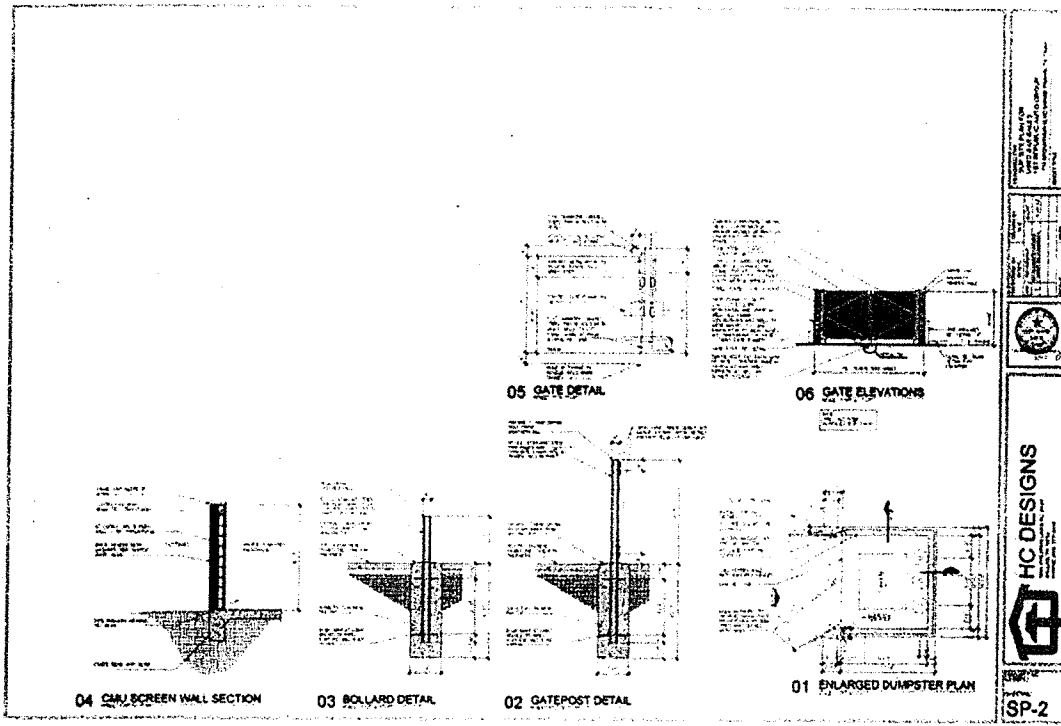


Exhibit "A"  
Operational Plan  
Page 5 of 5

710 MacArthur, Grand Prairie, TX  
Second Chance Thrift Store/ 1<sup>ST</sup> Republic Auto Insurance

**Operational Plan**

I Edgar Vasquez acting for the owner am requesting a Specific Use Permit for used car sales at the 710 MacArthur Boulevard address. This will be a limited car sales operation and we will limit the storage of cars to five (5) total inventory. These cars shall be located on the north side of the existing building behind the front building setback. The office will be located within the existing building and this business will operate in conjunction with the other businesses on the site. Only used car sales and make ready service shall be provided. No repairs will be conducted on site.

The existing businesses are the Second Chance Thrift Store, doing retail sales of semi new and used appliances, and home furnishings. The second business is 1<sup>ST</sup> Republic Auto Insurance, which provides title change service, vehicle registration, automobile plates, public notary and income tax services.

There will be two employees on the site in conjunction with the used car sales lot and the hours of operation will be from 9:00 am to 7:00 pm Monday through Saturday.

  
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Edgar Vasquez