



CITY OF GRAND PRAIRIE ORDINANCE

MEETING DATE: 06/04/2024

REQUESTER: Monica Espinoza, Administrative Supervisor

PRESENTER: Savannah Ware, AICP, Chief City Planner

TITLE: SUP-24-03-0015 - Specific Use Permit - 2818 E Main St (City Council District 5). Specific Use Permit for Auto Dealer (Internet Only) and Auto Repair (Minor) at 2818 E Main St. Lot 107, Burbank Gardens Addition, City of Grand Prairie, Dallas County, Texas, zoned Commercial (C), and addressed as 2818 E Main St (On May 13, 2024, the Planning and Zoning Commission recommended approval with conditions by a vote of 7-0)

APPLICANT: Kiarash Ghorbani

RECOMMENDED ACTION: Approve with conditions

SUMMARY:

Specific Use Permit for Auto Dealer (Internet Only) and Auto Repair (Minor) at 2818 E Main St. Lot 107, Burbank Gardens Addition, City of Grand Prairie, Dallas County, Texas, zoned Commercial (C), and addressed as 2818 E Main St.

PURPOSE OF REQUEST:

The applicant intends to operate an internet-only auto sales dealership with minor auto repair on site for vehicle inventory. Per Article 30 of the Unified Development Code, any accessory uses to an Online Auto Dealer must be approved individually per the use charts. Online auto dealers may sell vehicles primarily over the Internet to individual customers through a virtual storefront. No outdoor display of cars or sale of cars in inventory is permitted.

The purpose of the Specific Use Permit process is to identify those uses that might be appropriate within a zoning district, but due to either their location, functional or operational nature, could have a potentially negative impact on surrounding properties; and provide for a procedure whereby such uses might be permitted by further restricting or conditioning them to eliminate such probable negative consequences.

ADJACENT LAND USES:

The following table summarizes the zoning designation and existing use for the surrounding properties.

Table 1. Zoning and Land Use

Direction	Zoning	Existing Use
North	Commercial (C)	Retail
South	Light Industrial (LI)	Industrial
West	Commercial (C)	Auto Related Business
East	Commercial (C)	Auto Related Business

PROPOSED USE CHARACTERISTICS:

The applicant intends to use the existing building as an office, to store vehicles, and complete minor auto repairs to inventory.

- Hours of operation: Monday-Saturday: 10:00 AM to 6:00 PM, closed Sundays.

VARIANCES:

The applicant is not requesting any variances.

PUBLIC NOTICE:

Notice of this item was published in the Fort Worth Star Telegram and letters were provided to 20 surrounding properties meeting the distance requirements in the Unified Development Code. As of the writing of this staff memo, the following letters have been received:

In Support: None

In Opposition: None

RECOMMENDATION:

- On May 13, 2024, the Planning and Zoning Commission recommended approval with conditions by a vote of 7-0.
- The Development Review Committee (DRC) recommends approval with the following conditions:
 1. Any outdoor display of cars for sale or car inventory is prohibited.
 2. The business shall obtain a Certificate of Occupancy and Auto Related Business permit.
 3. A dumpster enclosure shall be provided per Environmental Services requirements.

BODY:

AN ORDINANCE OF THE CITY OF GRAND PRAIRIE, TEXAS AMENDING THE ZONING ORDINANCE AND MAP BY SHOWING THE LOCATION, BOUNDARY, AND USE OF CERTAIN PROPERTY FOR A SPECIFIC USE PERMIT FOR AUTO DEALER (INTERNET ONLY) AND MINOR AUTO REPAIR FACILITY: BEING 0.28 ACRES, LOT 107, BURBANK GARDENS ADDITION, CITY OF GRAND PRAIRIE, DALLAS COUNTY, TEXAS; 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; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION

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 amend the zoning designation of said site to include a Specific Use Permit for an Auto Dealer (Internet Only) and Minor Auto Repair Facility; and

WHEREAS, the Planning and Zoning Commission of Grand Prairie, Texas, held a public hearing on said application on May 13, 2024, 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 Specific Use Permit for an Auto Dealer (Internet Only) and Minor Auto Repair Facility 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 said Zoning Ordinance and Map be amended to allow a Specific Use Permit for an an Auto Dealer (Internet Only) and Minor Auto Repair Facility; 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 4, 2023, 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 THAT:

SECTION 1. 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..."

passed and approved November 20, 1990, as amended, is hereby further amended so as to establish a Specific Use Permit for an Auto Dealer (Internet Only) and Minor Auto Repair Facility on one lot on 0.28 acres. Lot 107, Burbank Gardens Addition, City of Grand Prairie, Dallas County, Texas, as depicted in Exhibit A – Location Map, attached hereto.

SECTION 2. The purpose of this Ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City's Comprehensive Plan and Unified Development Code.

SECTION 3. For development and operations of an Auto Dealer (Internet Only) and Minor Auto Repair Facility, the following standards and conditions are hereby established as part of this ordinance:

1. The development shall adhere to the City Council approved Exhibit B - Site Plan and Exhibit C – Operational Plan which are herein incorporated by reference.
2. Any outdoor display of cars for sale or car inventory is prohibited.
3. The business shall obtain a Certificate of Occupancy and Auto Related Business permit.
4. A dumpster enclosure shall be provided per Environmental Services requirements.

SECTION 4. The operation of a Facility shall comply with the following:

1. By this Ordinance, this Specific Use Permit shall automatically terminate in accordance with Section 5.4.1 of the Unified Development Code if a Certificate of Occupancy is not issued for said use within one (1) year after City Council adoption of this Ordinance, or upon cessation of said use for a period of six (6) months or more.
2. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Grand Prairie. Violation of this provision may be punishable in accordance with Section 1-8 of the Code of Ordinances of the City.
3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy.
4. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and

title.

5. The operation of the facility shall be in strict compliance with all requirements of the Public Health and Environmental Quality Department, Building Inspections, Police Department and Fire Administration.
6. Any unsafe or unauthorized operations or activities may be determined as grounds for revocation of the Specific Use Permit by the City Council.

SECTION 5. A violation of this Ordinance is a misdemeanor punishable in accordance with Section 1-8 of the Code of Ordinances of the City of Grand Prairie, Texas. The penalty provided herein shall be cumulative of other remedies provided by State law, and the power of injunction as provided in Texas Local Government Code Section 54.016, as amended, may be exercised in enforcing this ordinance whether or not there has been a complaint filed.

SECTION 6. The Unified Development Code of the City of Grand Prairie, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

SECTION 7. The terms and provisions of this Ordinance are severable and are governed by Section 1-4 of the Code of Ordinances of the City of Grand Prairie, Texas.

SECTION 8. All ordinances or parts of ordinances in conflict herewith are specifically repealed.

SECTION 9. This ordinance shall be in full force and effect from and after its passage, approval, and publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS, THIS 4TH DAY OF JUNE 2024.

SPECIFIC USE PERMIT NO. 1172

CASE NO. SUP-24-03-0015

ORDINANCE NO. 11555-2024