



CITY OF GRAND PRAIRIE ORDINANCE

MEETING DATE: 05/21/2024

REQUESTER: Monica Espinoza, Administrative Supervisor

PRESENTER: Savannah Ware, AICP, Chief City Planner

TITLE: SUP-24-02-0007 - Specific Use Permit - Registered Group Home at 326 Swallowtail Court (City Council District 6). Specific Use Permit for a registered group home on 0.16 acres. Lot 16, Block A, Westchester Glen Addition, City of Grand Prairie, Dallas County, zoned Planned Development (PD-245), and addressed as 326 Swallowtail Court (On April 22, 2024, the Planning and Zoning Commission recommended approval by a vote of 6-1)

APPLICANT: Olaleye Olowookere, Christabel LLC

RECOMMENDED ACTION: Approve with Conditions

SUMMARY:

Specific Use Permit a registered group home on 0.16 acres. Lot 16, Block A, Westchester Glen Addition, City of Grand Prairie, Dallas County, zoned Planned Development (PD-245), and addressed as 326 Swallowtail Court.

PURPOSE OF REQUEST:

The applicant is currently operating a Registered Group Home, which requires City Council approval of a Specific Use Permit when located within 2500 feet of another group living residential use. All Group Living Units are now required to register with the City per Ordinance No. 11382. A nearby group home registered before the applicant triggering a Specific Use Permit for this location.

The purpose of the Specific Use Permit process is to identify those uses which might be appropriate within a zoning district, but due to either their location, functional or operational nature, could have a potentially negative impact upon 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	PD-245	Single Family Residence
South	PD-245	Single Family Residence
West	PD-245	Single Family Residence
East	PD-172	Single Family Residence

HISTORY:

- January 18, 2000: City Council approved PD-245 for single family residential uses.
- June 20, 2023: City Council approved Ordinance No. 11382 requiring all Group Living Units to register with the city.

PROPOSED USE CHARACTERISTICS:

The applicant has been registered as a Home and Community-Based Services – Adult Mental Health (HCBS-AMH) provider with the State of Texas’ Health and Human Service Commission (HHSC) since 2015. The services provided by HCBS-AMH providers and client eligibility are regulated by the HHSC.

They have been operating a Registered Group Home at this location since 2021. Per the Unified Development Code (UDC), a Registered Group Home “refers to a facility licensed with the State of Texas and includes facilities that are referenced as group homes, community homes, assisted living facilities or residential treatment facilities as defined in the Texas Human Resources Code, Section 42.002, or the Texas Health and Safety Code, Chapters 123, 247 and 248.”

The Registered Group Home currently houses three clients with the capacity to serve five clients. It is a 24-hour operation with staff on site at all times. Some of the services provided includes community psychiatric support and treatment, assisted living, home delivered meals, employment assistance, nursing services, substance use disorder counseling, transportation, and respite care.

There are four house managers who work at this location. All staff undergo fingerprinting and a background check prior to employment. Staff help administer clients’ medication, provide meals, and manage the overall safety and cleanliness of the site.

PUBLIC NOTICE:

Notice of this item was published in the Fort Worth Star Telegram and letters were provided to 55 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: 5

RECOMMENDATION:

- On April 22, 2024, the Planning and Zoning Commission recommended approval by a vote of 6-1.

- The Development Review Committee (DRC) recommends approval of the request with the following conditions:
 1. The number of occupants shall not exceed 5.
 2. The applicant shall maintain all required state licenses.

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 A REGISTERED GROUP HOME WITHIN 2,500 FEET OF ANOTHER GROUP LIVING RESIDENTIAL USE: BEING 0.16 ACRES, LOT 16, BLOCK A, WESTCHESTER GLEN 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 a Registered Group Home within 2,500 feet of another Group Living Residential use; and

WHEREAS, the Planning and Zoning Commission of Grand Prairie, Texas, held a public hearing on said application on April 22, 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 a Registered Group Home within 2,500 feet of another Group Living Residential 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 6 to 1 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 a Registered Group Home within 2,500 feet of another Group Living Residential 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 Hall Plaza Building at 6:30 o'clock P.M. on May 07, 2024, 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, On May 07, 2024, City Council tabled this item to May 21, 2024; 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 a Registered Group Home within 2,500 feet of another Group Living Residential use on Lot 16, Block A, Westchester Glen 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 a Registered Group Home, 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 is herein incorporated by reference.

SECTION 4. The operations of a Registered Group Home 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 number of occupants shall not exceed 5.
6. The applicant shall maintain all required state licenses.

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. That 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 THE 21ST OF MAY 2024.

SPECIFIC USE PERMIT NO. #

CASE NO. SUP-24-02-0007

ORDINANCE NO. #-2024