



## CITY OF GRAND PRAIRIE ORDINANCE

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**MEETING DATE:** 09/03/2024

**REQUESTER:** Monica Espinoza, Administrative Supervisor

**PRESENTER:** Savannah Ware, AICP, Chief City Planner

**TITLE:** SUP-24-03-0014 - Specific Use Permit – Cigar Lounge at 2100 N Highway 360 (City Council District 1). Specific Use Permit for a smoking lounge in an existing commercial lease space. Tract 1, G.S.C. Development Corporation Addition, City of Grand Prairie, Tarrant County, Texas, zoned Light Industrial (LI) and addressed as 2100 N Hwy 360, Suite 2006 (On August 12, 2024, the Planning and Zoning Commission recommended approval by a vote of 7-0)

**APPLICANT:** Demetrius Davis

**RECOMMENDED ACTION:** Approve with Conditions

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### SUMMARY:

Specific Use Permit for a smoking lounge in an existing commercial lease space. Tract 1, G.S.C. Development Corporation Addition, City of Grand Prairie, Tarrant County, Texas, zoned Light Industrial (LI) and addressed as 2100 N Hwy 360, Suite 2006.

### PURPOSE OF REQUEST:

The applicant intends to operate an approximately 1,233 sq. ft. cigar lounge in an existing commercial lease space located at 2100 N Hwy 360. A smoking lounge requires a Specific Use Permit.

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 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	LI	Medical Office
South	LI	Office
West	GR-1 & LI	Hwy 360, Residential & Retail
East	LI	Industrial

**PROPOSED USE CHARACTERISTICS AND FUNCTION:**

The applicant intends to operate an approximately 1,233 sq. ft. cigar lounge in an existing commercial lease space located at 2100 N Hwy 360. According to the applicant's operational plan, the business will operate Wednesday through Sunday from 3:00 PM to 11:30 PM. The business will provide cigars for purchase. The applicant has provided fire extinguishers and plans to provide additional ventilation. No security measures have been proposed by the applicant at this time.

**ZONING REQUIREMENTS:**

*Parking Requirements*

According to the UDC, the minimum parking requirements for retail are calculated as one space per 275 sq. ft. of floor area. The site provides 53 spaces for the entire commercial development. Table 2 summarizes the parking requirements.

**Table 2. Parking Calculation**

	Required	Provided
Required Spaces (Retail: 1 space per 275 Sq. Ft.)	5	53*

\*Shared spaces for tenants of the retail center

**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 9 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 August 12, 2024, the Planning and Zoning Commission recommended approval with the following conditions by a vote of 7-0.

1. The development and operations shall adhere to the City Council approved Exhibit B - Site Plan and Exhibit C - Operations Plan.
  2. Eight Liners shall not be allowed on the premises.
  3. Operating hours shall be limited to daily from 10am until 12am.
  4. Individuals under the age of 21 will not be allowed in the establishment.
  5. Individuals under the age of 21 will not be allowed to smoke, possess, or purchase tobacco products, including e-cigarettes or vape devices.
  6. Identification of all patrons shall be checked by staff prior to patrons entering the establishment to confirm the patron is at least 21 years of age.
  7. At the time of purchase, staff shall check identification for all individuals purchasing tobacco products or other items which require the purchaser to be of a certain age.
  8. The business shall be operated in compliance with all state, federal, and local laws and regulations including those prohibiting or related to gambling, smoking, tobacco, and product packaging.
  9. A "Food Establishment" as defined by Section 13-131 of the Grand Prairie Code of Ordinances, as amended, shall not be operated in conjunction with the Smoking Lounge use.
  10. City Council shall conduct a public hearing in one year after City Council approval of the SUP ordinance to confirm compliance with all applicable codes which shall include, but not be limited to, the requirements of the SUP ordinance, the Unified Development Code and Code of Ordinances of the City of Grand Prairie, City adopted building codes, City adopted fire codes, and other applicable regulatory requirements.
- The Development Review Committee (DRC) recommended approval with the following conditions:
    1. The development and operations shall adhere to the City Council approved Exhibit B - Site Plan and Exhibit C - Operations Plan.
    2. Eight Liners shall not be allowed on the premises.
    3. Operating hours shall be limited to daily from 10am until 12am.
    4. Individuals under the age of 18 will not be allowed in the establishment.
    5. Individuals under the age of 21 will not be allowed to smoke, possess, or purchase tobacco products, including e-cigarettes or vape devices.
    6. Identification of all patrons shall be checked by staff prior to patrons entering the establishment to confirm the patron is at least 21 years of age.

7. At the time of purchase, staff shall check identification for all individuals purchasing tobacco products or other items which require the purchaser to be of a certain age.
8. The business shall be operated in compliance with all state, federal, and local laws and regulations including those prohibiting or related to gambling, smoking, tobacco, and product packaging.
9. A “Food Establishment” as defined by Section 13-131 of the Grand Prairie Code of Ordinances, as amended, shall not be operated in conjunction with the Smoking Lounge use.
10. City Council shall conduct a public hearing in one year after City Council approval of the SUP ordinance to confirm compliance with all applicable codes which shall include, but not be limited to, the requirements of the SUP ordinance, the Unified Development Code and Code of Ordinances of the City of Grand Prairie, City adopted building codes, City adopted fire codes, and other applicable regulatory 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 TO ALLOW A SMOKING LOUNGE: BEING A 1,233 SQUARE FOOT LEASE SPACE WITHIN A COMMERCIAL CENTER ADDRESSED AS 2100 N HIGHWAY 360 SUITE 2006, TRACT 1, G.S.C. DEVELOPMENT CORPORATION ADDITION, CITY OF GRAND PRAIRIE, TARRANT 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 to allow a Smoking Lounge;

**WHEREAS**, the Planning and Zoning Commission of Grand Prairie, Texas, held a public hearing on said application on August 12, 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 to allow a Smoking Lounge, 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 a Smoking Lounge;

**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 September 3, 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**, 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..."

**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 Smoking Lounge, the following standards and conditions are hereby established as part of this ordinance:

1. The development and operations shall adhere to the City Council approved Exhibit B - Site Plan and Exhibit C - Operational Plan.
2. Eight Liners shall not be allowed on the premises.
3. Operating hours shall be limited to daily from 10am until 12am.
4. Individuals under the age of 21 will not be allowed in the establishment.
5. Individuals under the age of 21 will not be allowed to smoke, possess, or purchase tobacco products, including e-cigarettes or vape devices.

6. Identification of all patrons shall be checked by staff prior to patrons entering the establishment to confirm the patron is at least 21 years of age.
7. At the time of purchase, staff shall check identification for all individuals purchasing tobacco products or other items which require the purchaser to be of a certain age.
8. The business shall be operated in compliance with all state, federal, and local laws and regulations including those prohibiting or related to gambling, smoking, tobacco, and product packaging.
9. A “Food Establishment” as defined by Section 13-131 of the Grand Prairie Code of Ordinances, as amended, shall not be operated in conjunction with the Smoking Lounge use.
10. City Council shall conduct a public hearing in one year after City Council approval of the SUP ordinance to confirm compliance with all applicable codes which shall include, but not be limited to, the requirements of the SUP ordinance, the Unified Development Code and Code of Ordinances of the City of Grand Prairie, City adopted building codes, City adopted fire codes, and other applicable regulatory requirements.

**SECTION 4.** The operations of a Smoking Lounge 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.

**SECTION 5.** 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 6.** 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 7.** All ordinances or parts of ordinances in conflict herewith are specifically repealed.

**SECTION 8.** 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 3RD OF SEPTEMBER 2024.**

**SPECIFIC USE PERMIT NO. #**

**CASE NO. SUP-24-03-0014**

**ORDINANCE NO. #-2024**