



**CITY OF GRAND PRAIRIE  
ORDINANCE**

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**MEETING DATE:** 06/21/2022

**REQUESTER:** Monica Espinoza, Administrative Supervisor

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

**TITLE:** SUP-22-04-0021 - Specific Use Permit - Mobility Partners USA (City Council District 5). Specific Use Permit for Auto Dealer (Non-Franchised Used) within 14,619 Sq. Ft. of tenant space. Lot 1, Block 2, I-30/MacArthur Business Center Addition, City of Grand Prairie, Dallas County, Texas zoned PD-41, within the IH-30 Overlay Corridor District, with an address of 2407 E IH 30, Suite 100 (On May 23, 2022, the Planning and Zoning Commission recommended approval by a vote of 8-0)

**APPLICANT:** Brian Hlavaty, Mobility Partners USA

**RECOMMENDED ACTION:** Approve

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**SUMMARY:**

Specific Use Permit for Auto Dealer (Non-Franchised Used) within 14,619 Sq. Ft. of tenant space. Lot 1, Block 2, I-30/MacArthur Business Center Addition, City of Grand Prairie, Dallas County, Texas zoned PD-41, within the IH-30 Overlay Corridor District, with an address of 2407 E IH 30, Suite 100.

**PURPOSE OF REQUEST:**

The applicant is seeking an approval for a Specific Use Permit (SUP) for Auto Dealer (Non-Franchised Used) within 14,619 Sq. Ft. of tenant space within the MacArthur Business Center. The purpose of the SUP 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. The SUP process executes a procedure where a use may be permitted. The process includes notifying property owners within 300 Ft. of the property along with adding site restrictions or conditions if necessary to eliminate 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**

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Direction	Zoning	Existing Use
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North	Light Industrial (LI)	TCC MacArthur Distribution Center
South	Light Industrial (LI)	JDS Industries
West	Light Industrial (LI)	MacArthur Business Center
East	Light Industrial (LI)	MacArthur Business Center

**HISTORY:**

- November 23, 2020: The Planning and Zoning Commission approved a Final Plat for the site.

**PROPOSED USE CHARACTERISTICS AND FUNCTION:**

The Light Industrial (LI) zoning requires a Specific Use Permit (SUP) for Auto Dealer (Non-Franchised Used). The indoor tenant space will be a used for sales and equipping handicapped accessible vehicles.

**ANALYSIS:**

Vehicles being sold or modified are kept indoors. This SUP is necessary due to the actual sale of the vehicles and the inventory being kept on-site.

**RECOMMENDATION:**

- On May 23, 2022, the Planning and Zoning Commission recommended approval with staff conditions by a vote of 8-0.
- The Development Review Committee recommends approval with the following condition:
  - All inventory shall be kept indoors, and no work shall be done outside.

**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 AN AUTO DEALER (NON-FRANCHISE, USED): BEING 14,619 SQ. FT. OF TENANT SPACE, LOT 1, BLOCK 2, I-30/MACARTHUR BUSINESS CENTER 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 (Non-Franchise, Used); and

**WHEREAS**, the Planning and Zoning Commission of Grand Prairie, Texas, held a public hearing on said application on May 23, 2022, 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 (Non-Franchise, Used) 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 8 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 Auto Dealer (Non-Franchise, Used); 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 21, 2022, 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 (Non-Franchise, Used) within 14,619 Sq. Ft. of tenant space. Lot 1, Block 2, I-30/MacArthur Business Center Addition, City of Grand Prairie, Dallas County, Texas, as depicted in Exhibit A – Property Description, 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 (Non-Franchise, Used), 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, which is herein incorporated by reference.
2. All inventory shall be kept indoors, and no work shall be done outside.

**SECTION 4.** That the operations of an Auto Dealer (Non-Franchise, Used) 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 Environmental Services 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.** It is further provided that in the case a section, clause, sentence, or part of this Ordinance shall be deemed or adjudicated by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of 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.** 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 8.** 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 9.** All ordinances or parts of ordinances not consistent or conflicting with the provisions of this Ordinance are hereby repealed. Provided that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this Ordinance.

**SECTION 10.** 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 21<sup>ST</sup> DAY OF JUNE 2022.**

**ORDINANCE NO. 11223-2022  
SPECIFIC USE PERMIT NO. 1135  
CASE NO. SUP-22-04-0021**