



**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-22-05-0023 - Specific Use Permit Review - Skyway Auto Related Businesses (City Council District 2). Review SUP No. 1124, a Specific Use Permit for Major Auto Repair, Retail Auto Parts (Used), Auto Sales (Non-Franchise, Used), and Auto Body and Paint Shop Uses, for compliance with SUP conditions, and modify, renew, or revoke if deemed appropriate based upon the review. Lots D1, D1A, and D2, of Airport Industrial Park, City of Grand Prairie, Tarrant County, Texas, zoned Light Industrial, and addressed as 2620 Skyway Dr (On June 13, 2022, the Planning and Zoning Commission recommended revocation by a vote of 5-0)

**APPLICANT:** The City of Grand Prairie

**RECOMMENDED ACTION:** Revoke

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**SUMMARY:**

Review SUP No. 1124, a Specific Use Permit for Major Auto Repair, Retail Auto Parts (Used), Auto Sales (Non-Franchise, Used), and Auto Body and Paint Shop Uses, for compliance with SUP conditions, and modify, renew, or revoke if deemed appropriate based upon the review. Lots D1, D1A, and D2, of Airport Industrial Park, City of Grand Prairie, Tarrant County, Texas, zoned Light Industrial, and addressed as 2620 Skyway Dr.

**PURPOSE OF REQUEST:**

The purpose of this request is to review SUP No. 1124, a Specific Use Permit for Major Auto Repair, Retail Auto Parts (Used), Auto Sales (Non-Franchise, Used), and Auto Body and Paint Shop Uses, for compliance with SUP conditions.

Uses authorized by approval of Specific Use Permit must comply with all applicable ordinances, codes, and regulations, as well as with all conditions imposed by the City Council pursuant to Article 5 of the Unified Development Code. It is unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by City Council when a SUP 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. City Council may revoke the SUP for failing to comply with conditions of approval.

**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	Light Industrial	Auto Related-Training Facility
South	Light Industrial	Industrial
West	Light Industrial	Industrial
East	Light Industrial	Auto Related Business

**HISTORY:**

- February 1, 2022: City Council approved a Specific Use Permit for Major Auto Repair, Retail Auto Parts (Used), Auto Sales (Non-Franchise, Used), and Auto Body and Paint Shop Uses (Case Number SUP-21-08-0001). The approved SUP includes conditions and the requirement that City Council review the SUP 120 days after the date of approval.

**SUP CONDITIONS:**

1. City Council shall conduct a public hearing 120 days after City Council adoption 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, the City of Grand Prairie Code of Ordinances, City adopted building codes, City adopted fire codes, and other applicable regulatory requirements.

*This item is scheduled for the June 21, 2022, City Council meeting.*

2. Owner/operators of existing businesses shall submit a completed application for and obtain an Auto-Related Business permit within 45 days of City Council approval of this request or cease operations until the appropriate permit is obtained.

*The property owner submitted some of the required ARB applications. Tenants without an approved ARB permit continue to operate.*

3. Owner/operators of existing businesses that are currently operating without an approved Certificate of Occupancy shall apply for and obtain a Certificate of Occupancy within 45 days of City Council approval of this request or cease operations until a Certificate of Occupancy is obtained. This includes resolving all building code issues needed to obtain a Certificate of Occupancy.

*None of the tenants have ceased operations.*

4. Owner/operators of existing businesses whose operations extend beyond what is allowed by their existing C.O. shall apply for and obtain a C.O. for the correct use within 45 days of City Council

approval of this request or cease operations until a C.O. is obtained. For example, the C.O. for L&K lists Auto Body Repair. The C.O. does not list Auto Body & Paint Shop.

*Only four of the tenants have obtained a C.O.*

5. All new businesses must obtain a Certificate of Occupancy and required permits prior to operating.
6. If an existing business relocates to another suite on the property, the business shall apply for and obtain a Certificate of Occupancy for the new suite before resuming operations in the new suite.
7. Auto salvaging and other auto-related uses not specifically authorized by this SUP shall be prohibited.

*Auto salvaging is still taking place on the property, specifically by L&K.*

8. Outside storage of any materials used in repair or vehicle parts shall be prohibited.

*Outside storage of parts on trailers, boats, wrecked or salvaged vehicles continue to occur on this property.*

9. Operations shall adhere to the approved parking plan. Parking spaces designated for a specific tenant shall only be used by that tenant. Parking spaces designated for employee parking shall only be used by employees. Parking spaces designated for customers shall only be used by customers. Storage and staging of vehicles are prohibited in the parking spaces designated for employees and customers. The owner/applicant shall stripe the parking spaces to reflect tenant and type.

*Parking spaces have not been striped to reflect tenant type, salvaged/inoperable vehicles are parked outside in undesignated parking spaces and are not screened.*

10. The parking or storage of vehicles in the fire lane or drive aisle shall be prohibited.

*Parking in the fire lane has not been observed in recent inspections.*

11. The owner/operators shall not stack vehicles in parking spaces or park vehicles in the right-of-way or drive aisle.

*Stacking of vehicles has not been observed in recent inspections.*

12. The property owner/applicant shall maintain a copy of the approved site plan. If tenant spaces are combined, subdivided, or reconfigured in any way, the applicant shall submit a revised site plan including parking space designations and obtain approval prior to implementing the changes.

13. When applying for a Certificate of Occupancy or Auto-Related Business permit, the owner/applicant shall include the approved site plan as an exhibit.

Section 4 of the SUP ordinance states that 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.

#### **ANALYSIS:**

Following City Council's approval of the SUP, staff from the Police Department, Code Enforcement Division, Public Health and Environmental Quality Department, Building Inspections Division and Planning Division conducted a joint inspection of the property. Since that first inspection, Code Enforcement and other staff have conducted weekly courtesy inspections in an effort to assist the property owner and operators with bringing the property into compliance with the SUP conditions.

As of 120 days after approval of the SUP, the property and operations are not in compliance with SUP conditions.

- The property owner submitted some of the required ARB applications 50 days after City Council approval of the SUP. Tenants without an approved ARB permit continue to operate.
- Only four of the tenants have obtained a C.O.
- Auto salvaging is still taking place on the property, specifically by L&K.
- Outside storage of parts on trailers, boats, wrecked or salvaged vehicles continue to occur on this property.
- Parking spaces have not been striped to reflect tenant type, salvaged/inoperable vehicles are parked outside in undesignated parking spaces and are not screened.
- Other code violations exist as documented in the attached photos.

Additionally, the joint inspection revealed significant building code violations, which would have to be addressed in order for several of the tenants to obtain a C.O.

#### **RECOMMENDATION:**

- On June 13, 2022, the Planning and Zoning Commission recommended revocation of the SUP by a vote of 5-0.
- Since the property and operations do not meet the conditions of the SUP and the property owner has not made substantive progress towards complying with the conditions, staff recommends that the SUP be revoked.

#### **BODY:**

**AN ORDINANCE OF THE CITY OF GRAND PRAIRIE, TEXAS AMENDING THE ZONING ORDINANCE AND MAP TO REVOKE SPECIFIC USE PERMIT NO. 1124, AS APPROVED BY CITY COUNCIL VIA ORDINANCE NO. 11158-2022, PERMITTING MAJOR AUTO REPAIR, RETAIL AUTO PARTS (USED), AUTO SALES (NON-FRANCHISE, USED) AND AUTO BODY AND PAINT SHOP USES, TO WIT: BEING LOTS D1, D1A, AND D2, OF AIRPORT INDUSTRIAL PARK, 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 UPON PASSAGE AND PUBLICATION**

**WHEREAS**, on February 1, 2022, City Council approved Specific Use Permit No. 1124 for Major Auto Repair, Retail Auto Parts (Used), Auto Sales (Non-Franchise, Used), and Auto Body and Paint Shop and established operational conditions via Ordinance No. 1158-2022.

**WHEREAS**, Specific Use Permit No. 1124 states that City Council shall conduct a public hearing 120 days after City Council adoption 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, the City of Grand Prairie Code of Ordinances, City adopted building codes, City adopted fire codes, and other applicable regulatory requirements.

**WHEREAS**, the Planning Division of the City of Grand Prairie initiated a review of Specific Use Permit No. 1124 as required by Ordinance No. 1158-2022.

**WHEREAS**, the Planning and Zoning Commission of Grand Prairie, Texas, held a public hearing to review Specific Use Permit No. 1124 on June 13, 2022, after written notice of such public hearing before the Planning and Zoning Commission had been sent to owners of real property lying within 300 feet of the property on which the Specific Use Permit is located, 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 petition, the Planning and Zoning Commission of the City of Grand Prairie, Texas voted 5-0 to recommend to the City Council of Grand Prairie, Texas that said Specific Use Permit be revoked; 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 revoke Specific Use Permit No. 1124 for Major Auto Repair, Retail Auto Parts (Used), Auto Sales (Non-Franchise, Used), and Auto Body and Paint Shop uses at 2620 Skyway Drive, legally described as Lots D1, D1A and D2, of Airport Industrial Park, addressed as 2620 Skyway Drive, City of Grand Prairie, Tarrant County, Texas, as depicted in Exhibit A - Location Map, attached hereto.

**SECTION 2.** The following conditions are hereby established as part of this revocation ordinance:

1. That Specific Use Permit No. 1124, permitting Major Auto Repair, Retail Auto Parts (Used), Auto Sales (Non-Franchise, Used), and Auto Body and Paint Shop to operate at 2620 Skyway Drive, is hereby revoked.
2. All on-site Major Auto Repair, Retail Auto Parts (Used), Auto Sales (Non-Franchise, Used), and Auto Body and Paint Shop operations shall cease within thirty (30) days from June 21, 2023.
3. From the effective date of this ordinance until operations are required to cease pursuant to provision 2 above, Major Auto Repair, Retail Auto Parts (used), Auto Sales (Non-Franchise Used), and Auto Body and Paint Shop uses are only permitted to the extent necessary to complete services for existing customers. Accepting new business or vehicles is strictly prohibited and unlawful.
4. A new Specific Use Permit may only be applied for after the parking lot is repaired and marked and all existing structures on the property are repaired to the extent they are in compliance with all applicable provisions of the City of Grand Prairie's Unified Development Code and Code of Ordinances, including international codes adopted thereunder. The building official shall make the final determination as to whether such repairs are sufficient based upon standards utilized for certificate of occupancy inspections.

**SECTION 3.** 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 4.** 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 5.** A violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Section 1-8 of the Code of Ordinances of the City of Grand Prairie, Texas.

**SECTION 6.** 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 7.** 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, ON THIS THE 21<sup>ST</sup> DAY OF JUNE 2022.**

**ORDINANCE NO. 11226-2022  
CASE NO. SUP-22-05-0023**