

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 AMENDMENT TO MODIFY THE OPERATIONAL PLAN OF A SMOKING LOUNGE, LOCATED AT 2410 BRADY LANE. LOT 11B, SHARPSTON HEIGHTS 2, 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 to allow a Smoking Lounge;

WHEREAS, the City Council of the City of Grand Prairie approved Specific Use Permit No. 1175 for a Smoking Lounge on August 6, 2024; and

WHEREAS, the City Council of the City of Grand Prairie, with the consent of the owner, desires to amend the SUP to modify the approved operational plan; and

WHEREAS, the Planning and Zoning Commission of Grand Prairie, Texas, held a public hearing on said SUP amendment on October 14, 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 Amendment to modify the operational plan of 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 6 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 November 5, 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..."

passed and approved November 20, 1990, as amended, is hereby further amended so as to amend Specific Use Permit No. 1175 to amend the approved operational plan for an existing Smoking Lounge at 2410 Brady Lane, Lot 11B, Sharpston Heights 2, 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. The following standards and conditions which are hereby established as part of this ordinance:

1. The development and operations shall adhere to the City Council approved Exhibit B - Site Plan, Exhibit C - Operations Plan and Exhibit D – Floor Plan. Eight Liners shall not be allowed on the premises.
2. Operating hours shall be limited to Monday through Thursday, from 5:00 PM to 2:00 AM, and Friday through Sunday, from 11:00 AM to 2:00 AM.
3. Individuals under the age of 21 will not be allowed in the establishment.
4. Individuals under the age of 21 will not be allowed to smoke, possess, or purchase tobacco products, including e-cigarettes or vape devices.
5. 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.
6. Staff shall issue a wristband to patrons that are at least 21 years of age to indicate that they are allowed to smoke.
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. A noise study is required prior to the issuance of any building permits.
11. 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 3. That, all development shall conform to the approved site plan.

1. 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.
2. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

SECTION 4. 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 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. All ordinances or parts of ordinances in conflict herewith are specifically repealed.

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, THIS THE 5TH OF NOVEMBER 2024.

**SPECIFIC USE PERMIT NO. 1175A
CASE NO. SUP-24-09-0041**

APPROVED:

A handwritten signature in black ink, appearing to read 'Ron Jensen', is written over a horizontal line.

Ron Jensen, Mayor

ATTEST:

APPROVED AS TO FORM:

City Secretary

City Attorney