

ORDINANCE NO. 7380

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING AN AMENDMENT TO PLANNED DEVELOPMENT (PD) DISTRICT 05-04 TO REDUCE THE MINIMUM RESIDENT AGE REQUIREMENT FOR AN ELDER CARE - INDEPENDENT LIVING USE ON A 10.171-ACRE TRACT OF LAND LOCATED AT 202 BELT LINE ROAD; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A NOTICE OF CONDITIONS OF COMPLIANCE CLAUSE; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 26th day of September, 2022, the Plan Commission did consider and make recommendations on a certain request for an amendment to Planned Development (PD) District 05-04 by **Garland Leased Housing Associates I**; and

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals, and general welfare:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS, THAT:

Section 1

The Garland Development Code is hereby amended by approving an amendment to Planned Development (PD) District 05-04 to reduce the minimum resident age requirement for an Elder Care - Independent Living Use on a 10.171-acre tract of land located at 202 Belt Line Road, and being more particularly described in Exhibit "A," attached hereto and made a part hereof.

Section 2

Development shall be in conformance with the conditions, restrictions, and regulations set forth in the Garland Development Code.

Section 3

That a violation of this Ordinance shall be a misdemeanor punishable in accordance with Section 10.05 of the Code of Ordinances, City of Garland, Texas.

Section 4

NOTICE OF CONDITIONS OF COMPLIANCE: Notwithstanding the provisions of any other ordinance of the City, the full, complete, and continuing compliance with all the conditions, restrictions, and regulations of this Ordinance is a condition to the issuance and continuation of any permit, approval, authorization or consent by the City, including without limitation the issuance or continuation of any certificate of occupancy for any building or structure located on any portion of the property described in Exhibit "A". All promises, representations, obligations and undertakings made or assumed by the applicant to the City Council at any public presentation in connection with the granting of this Ordinance are hereby incorporated into and made a part of this Ordinance as if expressly set forth herein at length. No substantial deviation from any material portion of the conditions, restrictions, and regulations contained within this Ordinance are allowed except as may be provided by the City Council after a public hearing.

Section 5

That the Garland Development Code, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 6

That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 7

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

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PASSED AND APPROVED this 1st day of November, 2022.

THE CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

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DESCRIPTION, of a 10.171 acre tract of land situated in the C. Atterberry Survey, Abstract No. 37, Dallas County, Texas; said tract being the same tract of land described in Special Warranty Deed with Vender's Lien to Garland Housing Finance Corporation recorded in Volume 2005013, Page 119 of the Deed Records of Dallas County, Texas; said 10.171 acre tract being more particularly described as follows:

BEGINNING, at a 1/2-inch iron rod found, said point being the northeast corner of Block 1 of Northview Estates Addition, an addition to the City of Garland, Texas, recorded in Volume 69028, Page 562 of the Deed Records of Dallas County, Texas, and being the southeast corner of a tract of land described in deed to Barbara K. Fellows recorded in Volume 99227, Page 1639 of the Deed Records of Dallas County, Texas;

THENCE, North 00 degrees, 02 minutes, 00 seconds East, along the east line of said Fellows tract, a distance of 315.00 feet to a 3/8-inch iron rod found for corner;

THENCE, North 89 degrees, 58 minutes, 00 seconds West, continuing along said Fellows tract, a distance of 278.70 feet to a 3/8-inch iron rod found for corner;

THENCE, North 00 degrees, 02 minutes, 00 seconds East, a distance of 145.19 feet to a 1 /2-inch iron rod wit□ "Pacheco Koch" cap found for corner;

THENCE, North 45 degrees, 02 minutes, 05 seconds West, a distance of 278.93 feet to a 1/2-inch iron rod found for corner;

THENCE, North 44 degrees, 57 minutes, 55 seconds East, a distance of 456.32 feet to a 1/2-inch iron rod found for comer in the southwest right-of-way line of Belt Line Road (a variable width right-of-way);

THENCE, South 45 degrees, 02 minutes, 05 seconds East, along said southwest right-of-way line of Belt Line Road, a distance

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of 402.19 feet to a 1/2-inch iron rod with "Pacheco Koch" cap found for corner; said point being the beginning of a non-tangent curve to the right;

THENCE, in a southeasterly direction, along said non-tangent curve to the right, having a central angle of 44 degrees, 41 minutes, 34 seconds, a radius of 991.74 feet, a chord bearing and distance of South 22 degrees, 34 minutes, 31 seconds East, 754.14 feet, an arc distance of 773.60 feet to a 1/2-inch iron rod with "Pacheco Koch" cap found for corner, said point being the northeast corner of aforesaid Northview Estates Addition;

THENCE, North 89 degrees, 58 minutes, 00 seconds West, departing said southwest right-of-way line of Belt Line Road and along aforesaid north line of Northview Estates Addition, a distance of 420.75 feet to the POINT OF BEGINNING;

CONTAINING: 443,049 square feet or 10.171 acres of land, more or less.

PLANNED DEVELOPMENT CONDITIONS

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202 Belt Line Road

- I. Statement of Purpose:** The purpose of this Planned Development amendment is to change the minimum resident age requirement from sixty (60) to fifty-five (55) years at an existing Elder Care-Independent Living Facility.
- II. Statement of Effect:** This Planned Development shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, and Multi-Family-1 (MF-1) District, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Multi-Family-1 (MF-1) District as set forth in Chapter 2 of the Garland Development Code, and Planned Development (PD) District 05-04 included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Development Plans:**

Detail Plan: Development shall conform to the Site Plan and Landscape Plan set forth in Exhibit C, Exhibit D, and Exhibit E in Planned Development (PD) District 05-04; however, in the event of conflict between the Detail Plan and the written conditions contained in this ordinance, the written conditions shall control.

V. Specific Conditions:

A. Elder Care - Independent Living Use and Residency Requirements: Only an Elder Care-Independent Living Use shall be permitted on the subject property. An Elder Care-Independent Living Facility is defined as a facility in which five or more elderly (over 55 years of age) persons, regardless of legal relationship, live a mostly ambulatory lifestyle but who may need limited assistance with daily living activities.