

ORDINANCE NO. 7366

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PROVISION AMENDMENT FOR AN ANTENNA, COMMERCIAL ON A 0.1564-ACRE TRACT OF LAND ZONED COMMUNITY RETAIL (CR) DISTRICT AND LOCATED AT 3162 SATURN 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 8th day of August, 2022, the Plan Commission did consider and make recommendations on a certain request for a Specific Use Provision Amendment for an Antenna, Commercial on a property zoned Community Retail (CR) District by **Crown Castle USA, Inc.**; 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 a Specific Use Provision Amendment for an Antenna, Commercial on a 0.1564-acre tract of land zoned Community Retail (CR) District and located at 3162 Saturn 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.

FILE NO. Z 22-40

PASSED AND APPROVED this 20th day of September, 2022.

THE CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 22-40

LEASE AREA (12' x 16.5')

BEING a tract of land situated in the Jessie Cox Survey, Abstract No. 274 and being part of the Orchard Hills Estates, Fourth Installment, an Addition to the City of Garland, Dallas County, Texas, according to the map or plat thereof recorded in Volume 24, Page 43, Map Records, Dallas County, Texas, also being our of and a portion of that certain tract of land conveyed to Kingsley Joint Venture by Special Warranty Deed dated January 20, 1998 and recorded in Volume 98017, Page 1190, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a ½ inch iron rod found for the northeast most corner of the said Kingsley Joint Venture tract, same being in the southern right-of-way line Kingsley Road (variable right-of-way width);

THENCE along the said southern right-of-way line of Kingsley Road, South 88 degrees 59 minutes 00 seconds West, a distance of 16.51 feet to a Point;

THENCE leaving the said southern right-of-way line through the interior of the said Kingsley Joint Venture tract the following three (3) courses;

1. South 01 degrees 11 minutes 53 seconds East, a distance of 503.95 feet to a Point;
2. South 49 degrees 22 minutes 07 seconds West, a distance of 19.24 feet to a Point;
3. South 88 degrees 55 minutes 51 seconds West, a distance of 12.42 feet to a Chiseled "x" set in concrete for the POINT OF BEGINNING hereof;

THENCE continuing through the interior of the said Kingsley Joint Venture tract the following four (4) courses:

1. South 88 degrees 55 minutes 51 seconds West, a distance of 16.50 feet to a Chiseled "x" set in concrete;

2. North 01 degrees 04 minutes 09 seconds West, a distance of 12.00 feet to a Chiseled "x" set in concrete;
3. North 88 degrees 55 minutes 51 seconds East, a distance of 16.50 feet to a Chiseled "x" set in concrete;
4. South 01 degrees 04 minutes 09 seconds East, a distance of 12.00 feet to the POINT OF BEGINNING hereof and containing 0.0045 acres or 198 square feet of land, more or less.

12' ACCESS EASEMENT

BEING a tract of land situated in the Jessie Cox Survey, Abstract No. 274 and being part of the Orchard Hills Estates, Fourth Installment, an Addition to the City of Garland, Dallas County, Texas, according to the map or plat thereof recorded in Volume 24, Page 43, Map Records, Dallas County, Texas, also being out of and a portion of that certain tract of land conveyed to Kingsley Joint Venture by Special Warranty Deed dated January 20, 1998 and recorded in Volume 98017, Page 1190, Deed Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at a ½ inch iron rod found for the northeast most corner of the said Kingsley Joint Venture tract, same being in the southern right-of-way line Kingsley Road (variable right-of-way width);

THENCE along the said southern right-of-way line of Kingsley Road, South 88 degrees 59 minutes 00 seconds West, a distance of 16.51 feet to the POINT OF BEGINNING hereof;

THENCE leaving the said southern right-of-way line through the interior of the said Kingsley Joint Venture tract the following seven (7) courses:

1. South 01 degrees 11 minutes 53 seconds East, a distance of 503.95 feet to a Point;
2. South 49 degrees 22 minutes 07 seconds West, a distance of 19.24 feet to a Point;

3. South 88 degrees 55 minutes 51 seconds West, a distance of 12.42 feet to a Chiseled "x" set in concrete;
4. North 01 degrees 04 minutes 09 seconds West, a distance of 12.00 feet to a Chiseled "x" set in concrete;
5. North 88 degrees 55 minutes 51 seconds East, a distance of 8.10 feet to a Point;
6. North 49 degrees 22 minutes 07 seconds East, a distance of 9.25 feet to a Point;
7. North 01 degrees 11 minutes 53 seconds West, a distance of 498.32 feet to a Point in the said southern right-of-way line of Kingsley Road,

THENCE along said southern right-of-way line, North 88 degrees 59 minutes 00 seconds East, a distance of 12.00 feet to the POINT OF BEGINNING hereof and containing 0.1448 acres or 6308 square feet of land, more or less.

5' UTILITY EASEMENT

BEING a tract of land situated in the Jessie Cox Survey, Abstract No. 274 and being part of the Orchard Hills Estates, Fourth Installment, an Addition to the City of Garland, Dallas County, Texas, according to the map or plat thereof recorded in Volume 24, Page 43, Map Records, Dallas County, Texas, also being out of and a portion of that certain tract of land conveyed to Kingsley Joint Venture by Special Warranty Deed dated January 20, 1998 and recorded in Volume 98017, Page 1190, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a ½ inch iron rod found for the northeast most corner of the said Kingsley Joint Venture tract, same being in the southern right-of-way line Kingsley Road (variable right-of-way width);

THENCE along an eastern exterior boundary line of the said Kingsley Joint Venture tract, South 01 degrees 03 minutes 08 seconds East, a distance of 507.28 feet to the POINT OF BEGINNING hereof;

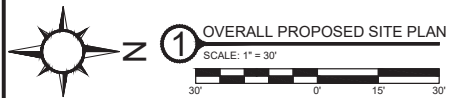
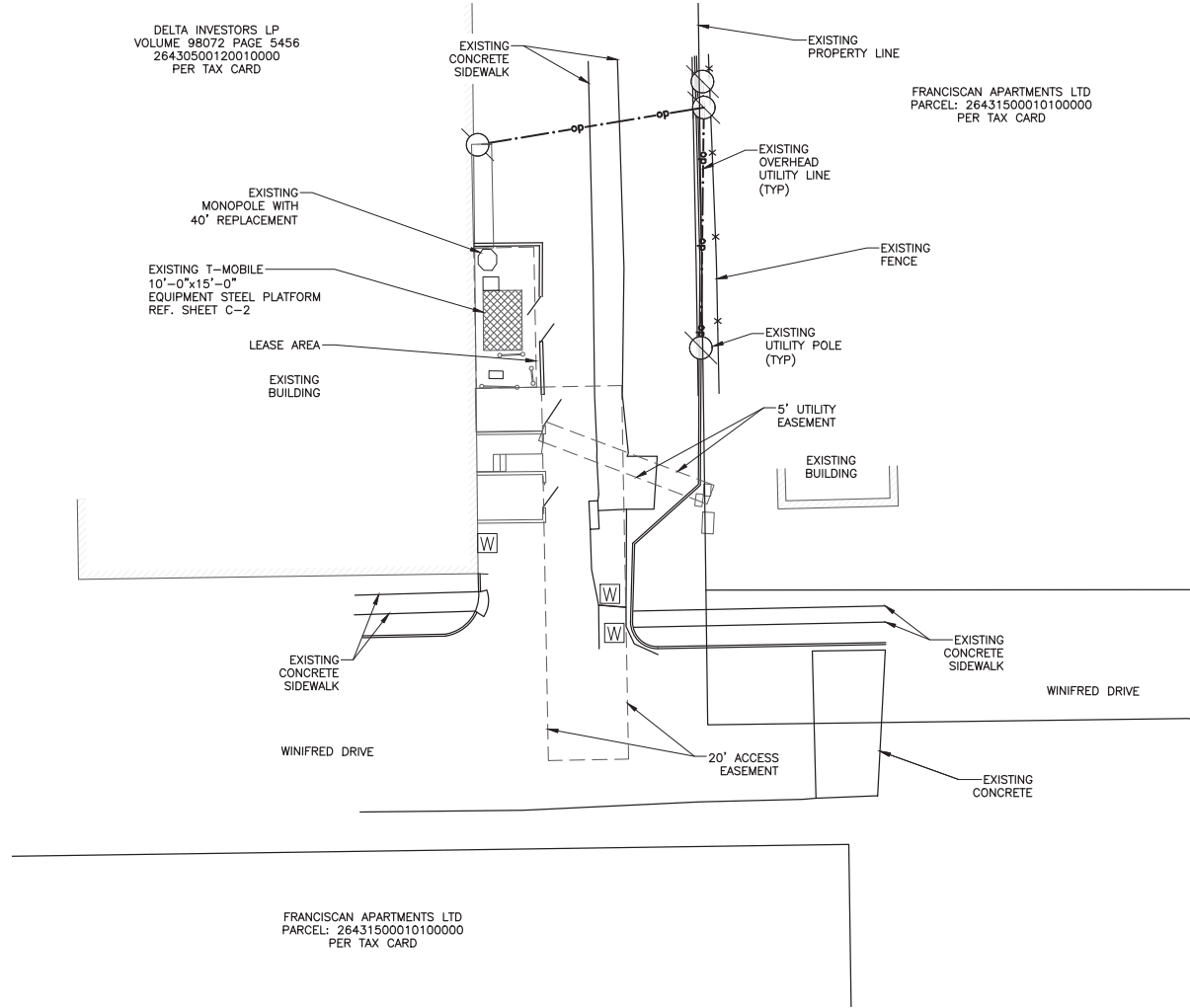
THENCE continuing along said eastern exterior boundary line of the said Kingsley Joint Venture tract, South 01 degree 03 minutes 08 seconds East, a distance of 6.45 feet of a Point;

THENCE leaving the said exterior boundary line, through the interior of the said Kingsley Joint Venture tract the following five (5) courses:

1. South 49 degrees 49 minutes 13 seconds West, a distance of 11.84 feet to a Point;
2. South 88 degrees 55 minutes 51 seconds West, a distance of 49.79 feet to a Point;
3. North 01 degrees 04 minutes 09 seconds West, a distance of 5.00 feet to a Chiseled "x" set in concrete;
4. North 88 degrees 55 minutes 51 seconds East, a distance of 48.01 feet to a Point;
5. North 49 degrees 49 minutes 13 seconds East, a distance of 14.13 feet to the POINT OF BEGINNING hereof and containing 0.0071 acres or 309 square feet of land, more or less.

SITE LAYOUT NOTE:
EXISTING SITE AND EQUIPMENT LAYOUT OBTAINED
FROM SURVEY BY SMW ENGINEERING GROUP.,
DATED 03/24/2022.

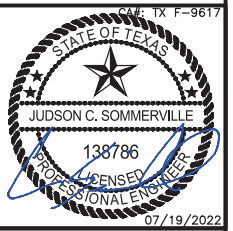
NO ADDITIONAL IMPERVIOUS MATERIAL IS BEING
ADDING UNDER THE PROPOSED SCOPE OF
WORK. WATER RUNOFF CONDITIONS AND TIME OF
CONCENTRATIONS WILL NOT CHANGE.



T-Mobile

CROWN CASTLE
CROWN CASTLE INTERNATIONAL
TWO CHASE CORPORATE DRIVE
SUITE 105
BIRMINGHAM, AL 35244

SMW ENGINEERING GROUP, INC.
ENGINEERING GROUP, INC.
SPECIALISTS IN ARCHITECTURE & SURVEYING



SITE INFORMATION:
DA01512G
3162 SATURN ROAD
GARLAND, TX 75041

#	DATE	DESCRIPTION
A	03/24/22	ISSUED FOR ZONING
0	07/12/22	REVISED PER CLIENT REQUEST
1	07/14/22	REVISED PER CLIENT REDLINES
2	07/19/22	REVISED PER CLIENT REDLINES

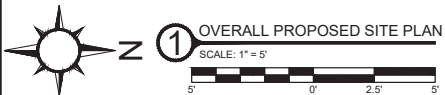
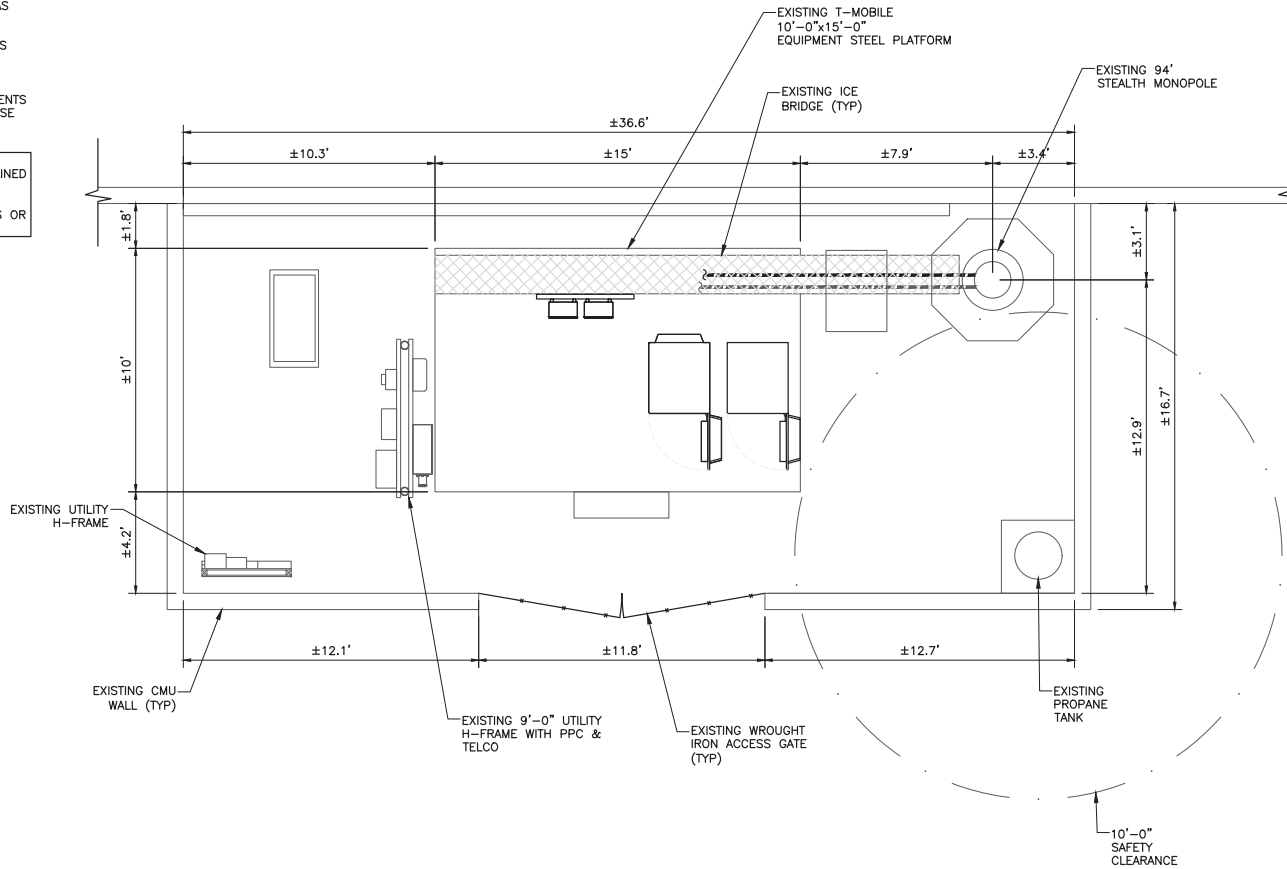
T-MOBILE SITE ID: DA01512G
CASE NUMBER: 220405-3
SHEET NAME:
OVERALL SITE PLAN

SMW #21-10786 SHEET NUMBER:
C-1
DESIGNER: OA
CHECKED BY: SA
ENGINEER: JCS

- SITE NOTES:**
1. DIGGING AND/OR TRENCHING INSIDE COMPOUND, MUST BE DONE BY HAND.
 2. IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO FIELD VERIFY THE EXACT LOCATIONS OF EXISTING UTILITIES WHICH MAY CONFLICT WITH PROPOSED IMPROVEMENTS.
 3. LOCATION OF UNDERGROUND UTILITIES WAS NOT PERFORMED.
 4. THE ADEQUACY OF EXISTING SITE UTILITIES TO ACCOMMODATE NEW CO-LOCATION LOAD(S) WAS NOT VERIFIED.
 5. ALL EXISTING VEGETATION AND IMPROVEMENTS SHOWN ARE TO REMAIN UNLESS OTHERWISE SHOWN IN THESE DRAWINGS.

SITE LAYOUT NOTE:
 EXISTING SITE AND EQUIPMENT LAYOUT OBTAINED FROM DRAWINGS BY CROWN CASTLE, DATED 03/04/2020. SMW ENGINEERING HAS NOT VISITED THIS SITE TO VERIFY MEASUREMENTS OR ANY EXISTING EQUIPMENT.

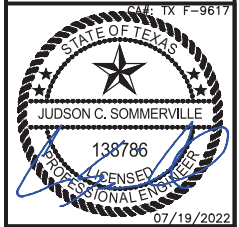
REFERENCE SHEET C-2 FOR DETAILED EQUIPMENT LAYOUT



T-Mobile

CROWN CASTLE
 CROWN CASTLE INTERNATIONAL
 TWO CHASE CORPORATE DRIVE
 SUITE 105
 BIRMINGHAM, AL 35244

SMW ENGINEERING GROUP, INC.
 ENGINEERING GROUP, INC.
 REGISTERED PROFESSIONAL ENGINEERS



SITE INFORMATION:
 DA01512G
 3162 SATURN ROAD
 GARLAND, TX 75041

#	DATE	DESCRIPTION
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2	07/19/22	REVISED PER CLIENT REDLINES

T-MOBILE SITE ID: DA01512G
 CASE NUMBER: 220405-3

SHEET NAME: **OVERALL SITE PLAN**

SMW #21-10786 SHEET NUMBER: **C-2**

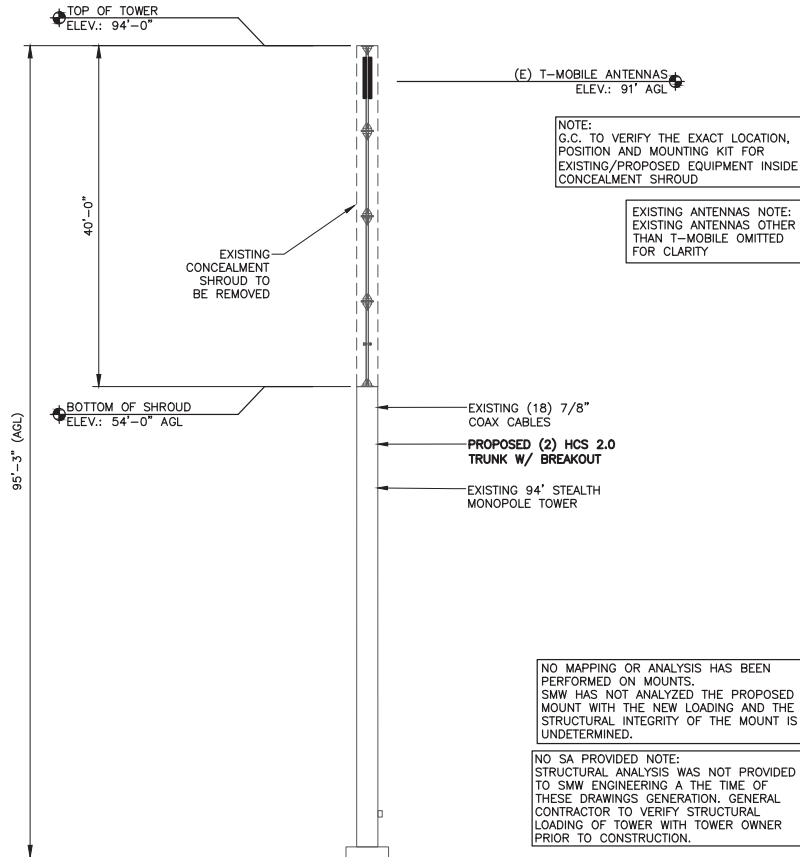
DESIGNER:	QA
CHECKED BY:	SA
ENGINEER:	JCS

STRUCTURAL NOTES:

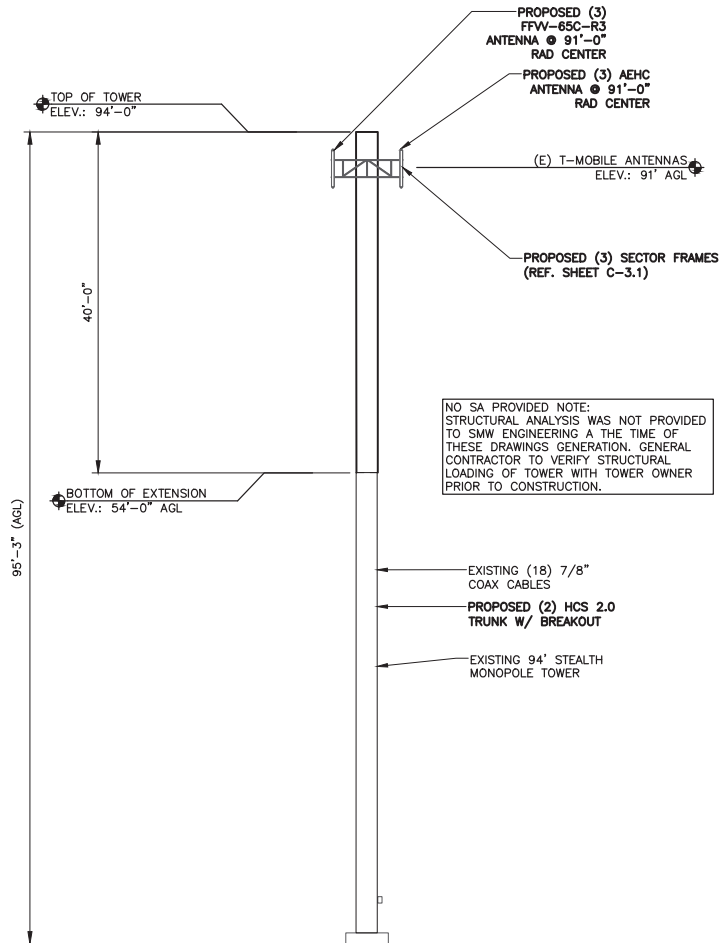
1. SMW HAS NOT PERFORMED A STRUCTURAL ANALYSIS OF THE EXISTING TOWER OR ANTENNA MOUNT. REFER TO STRUCTURAL ANALYSIS OR STRUCTURAL LETTER BY OTHERS FOR ADDITIONAL INFORMATION.
2. IF THE TOWER STRUCTURAL ANALYSIS SHOWS THE NEED FOR TOWER REINFORCEMENT REFER TO TOWER REINFORCEMENT DESIGN PRIOR TO THE INSTALLATION OF ANY PROPOSED EQUIPMENT.
3. REFER TO TOWER STRUCTURAL ANALYSIS FOR PROPOSED CABLE ROUTING AND ATTACHMENT DETAILS.
4. TOWER ELEVATION SHOWN IS NOT DRAWN TO SCALE AND IS INTENDED ONLY FOR REFERENCE PURPOSES. REFER TO ORIGINAL TOWER DESIGN FOR ADDITIONAL INFORMATION.

ANTENNA NOTES:

1. THE PRE-APPLICATION & LEASE DIRECTION OF THE ANTENNA SHALL BE ADJUSTED TO MEET SYSTEM REQUIREMENTS.
2. CONTRACTOR SHALL VERIFY HEIGHT OF ANTENNA WITH T-MOBILE PCS PM.
3. CONTRACTOR SHALL VERIFY HEIGHT AND DIRECTION OF MICROWAVE DISHES WITH T-MOBILE PROJECT MANAGER (WHEN APPLICABLE).
4. ALL ANTENNA AZIMUTHS TO BE FROM MAGNETIC NORTH.
5. CONTRACTOR TO USE EXISTING ANTENNA TOP HAT.



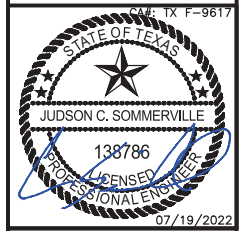
1 EXISTING TOWER ELEVATION
SCALE: N.T.S.



2 PROPOSED TOWER ELEVATION
SCALE: N.T.S.



CROWN CASTLE
CROWN CASTLE INTERNATIONAL
TWO CHASE CORPORATE DRIVE
SUITE 105
BIRMINGHAM, AL 35244



SITE INFORMATION:
DA01512G
3162 SATURN ROAD
GARLAND, TX 75041

#	DATE	DESCRIPTION
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1	07/14/22	REVISED PER CLIENT REDLINES
2	07/19/22	REVISED PER CLIENT REDLINES

T-MOBILE SITE ID: DA01512G
CASE NUMBER: 220405-3
SHEET NAME:
TOWER ELEVATION & DETAILS

SMW #21-10786 SHEET NUMBER:
C-3
DESIGNER: OA
CHECKED BY: SA
ENGINEER: JCS

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 22-40

3162 Saturn Road

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to allow an amendment to S 07-66 modifying the design of an existing Antenna, Commercial Use.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Community Retail (CR) District as set forth in Chapter 2 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Specific Use Provision:**
- A. Site Plan: The site layout shall be in general conformance with the approved Site Plan labeled Exhibit C.
- B. Height: The height of the tower shall not exceed 95 feet, except that Garland Development Code Section 2.65(L) applies regarding future collocation requests.
- C. Elevations: Building Elevations shall be in general conformance with the elevations labeled Exhibit D. However, the tower shall accommodate antennae for at least two (2) carriers for collocation purposes per the Garland Development Code Section 2.65(L).
- D. Security Fencing/Screening: The tower and ground equipment shall be entirely enclosed by a masonry screening wall with a minimum height of eight (8) feet. The new masonry screening wall shall match the adjacent wall located around the existing tower and equipment area.

- E. Removal of Pole and Associated Structures and Equipment: Should the tower cease providing telecommunications service, the owner of the property or the applicant shall be required to remove the pole and associated structures and equipment.
- F. SUP Time Period: The Specific Use Provision time period shall be unlimited.