

**ORDINANCE NO. 7434**

**AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING (1) A CHANGE IN ZONING FROM MULTI-FAMILY-1 (MF-1) DISTRICT, NEIGHBORHOOD OFFICE (NO) DISTRICT AND SINGLE-FAMILY-7 (SF-7) DISTRICT TO A PLANNED DEVELOPMENT (PD) DISTRICT FOR SINGLE-FAMILY ATTACHED USES AND (2) A DETAIL PLAN FOR SINGLE-FAMILY ATTACHED DEVELOPMENT ON A 9.713-ACRE TRACT OF LAND LOCATED AT 417 EAST CENTERVILLE ROAD, 402, 502 and 698 EAST KINGSLEY 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 24th day of April 2023, the Plan Commission did consider and make recommendations on a certain request for (1) a Change in Zoning from Multi-Family-1 (MF-1) District, Neighborhood Office (NO) District and Single-Family-7 (SF-7) District to a Planned Development (PD) District for Single-Family Attached Uses and (2) Detail Plan for Single-Family Attached (SFA) development by **McGinnis Development**; 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 (1) a Change in Zoning from Multi-Family-1 (MF-1) District, Neighborhood Office (NO) District and Single-Family-7 (SF-7) District to a Planned Development (PD) District for Single-Family Attached Uses and (2) Detail Plan for Single-Family Attached (SFA) development on a 9.713-acre tract of land located at 417 East Centerville Road, 402, 502 and 698 East Kingsley 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.

**PASSED AND APPROVED** this 6th day of June, 2023.

**THE CITY OF GARLAND, TEXAS**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Secretary

**Published:**

**EXHIBIT A**

**LEGAL DESCRIPTION**

**Zoning File Z 22-59**

BEING a 9.713-acre tract or parcel of land situated in the City of Garland, Dallas County, Texas and being a 2.9994 acre tract of land as described in a deed to Garland Foundation for Development Inc. and recorded in Instrument No. 201900076043 of the Deed Records of Dallas County, Texas (DRDCT) and a 0.60 acre tract of land as described in a deed to Garland Foundation for Development Inc. and recorded in Instrument No. 201900076043 (DRDCT) and a 2.9994 acre tract of land as described in a deed to Garland Foundation for Development Inc. and a 1.744 acre tract of land as described in a deed to Garland Foundation for Development Inc. Texas, recorded in Instrument No. 201900076043 (DRDCT), and a 1.586 acre tract of land as described in a deed to Garland Independent School District recorded in Volume 5462, Page 125 (DRDCT) and Lot 1 in Block 2 of Centerville Elementary School Addition, an Addition to the City of Garland, Texas and recorded in County Clerk's file No. 200600445747 of the Official Public Records of Dallas County, Texas (OPRDCT) and Lot 2, Block 1 of Agrawal Addition, an addition to the City of Garland, Texas and recorded in County Clerk's file No. 200600231157 (OPRDCT) and being more particularly described by metes and bounds as follows:

ZONING FILE NUMBER Z 22-59

BEGINNING at a 5/8" iron rod set for corner in the southwest right-of-way line of East Kingsley Street, said corner being the northwest corner of said City of Garland - 2.9994 acre tract and being the beginning of a curve to the right having a radius of 560.17 feet, a central angle of 22° 08'46", a chord bearing South 43°53'28" East at a distance of 215.18 feet;

THENCE southeasterly along said curve to the right and the southwest right-of-way line of said East Kingsley Street for an arc distance of 216.52 feet to a 5/8" iron rod set for corner, said corner being the beginning of a curve to the left having a radius of 641.00 feet, a central angle of 51°31'58", a chord bearing of South 58°22'36" East at a distance of 557.29 feet;

THENCE southeasterly along said curve to the left and the southwest right-of-way line of East Kingsley Street for an arc distance of 576.53 feet to a 5/8" iron rod set for corner;

THENCE South 75° 25' 14" East continuing along the southwest right-of-way line of said East Kingsley Street for a distance of 108.60 feet to a 5/8" iron rod set for corner, said corner being the beginning of a curve to the right having a radius of 1121.00 feet, a central angle of 05°33'14", a chord bearing of South 75°42'23" East at a distance of 108.62 feet;

THENCE southeasterly along said curve to the right and the southwest right-of-way line of East Kingsley Street for an arc distance of 108.66 feet to a 5/8" iron rod set for

**EXHIBIT A**

ZONING FILE NUMBER Z 22-59

corner at the north end of a corner clip at the intersection of the southwest right-of-way line of said East Kingsley Street and the northwesterly right-of-way line of East Centerville Road (110' right-of-way);

THENCE South  $13^{\circ} 51' 40''$  East along said corner clip for a distance of 15.71 feet to a 5/8" iron rod set for corner at the south end of said corner clip;

THENCE South  $44^{\circ} 49' 24''$  West along the northwesterly right-of-way line of said East Centerville Road for a distance of 94.38 feet to a 5/8" iron rod set for corner;

THENCE North  $89^{\circ} 51' 28''$  West departing the northwesterly right-of-way line of East Centerville Road for a distance of 305.82 feet to a 5/8" iron rod set for corner;

THENCE North  $89^{\circ} 17' 52''$  West for a distance of 55.96 feet to a 5/8" iron rod set for corner;

THENCE South for a distance of 357.73 feet to a 5/8" iron rod set for corner;

THENCE South  $45^{\circ} 18' 50''$  West along the northwesterly right-of-way line of said East Centerville Road for a distance of 410.74 feet to a 5/8" iron rod set for corner;

THENCE North  $44^{\circ} 40' 35''$  West for a distance of 167.14 feet to a 5/8" iron rod set for corner in the east line of a 10' alley right of way;

**EXHIBIT A**

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THENCE North along the east right of way line of said 10' alley for a distance of 1109.90 feet to the Point of Beginning and containing 9.713 acres or 423,083 square feet of land, more or less.

**EXHIBIT A**

**PLANNED DEVELOPMENT CONDITIONS**

**ZONING FILE Z 22-59**

**417 East Centerville Road, 402, 502 and 698 East Kingsley Road**

- I. Statement of Purpose:** The purpose of this Planned Development is to approve a Detail Plan for eight-eight (88) Single-Family Attached (Townhouse) and eight (8) HOA lots.
- II. Statement of Effect:** This Planned Development shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, and Single-Family-Attached (SFA) District, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Single-Family-Attached (SFA) District as set forth in Chapter 2 of the Garland Development Code 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; 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. Permitted Uses: Only Dwelling, Single-Family-Attached (SFA) units are permitted.
- B. Maximum Number of Lots: A total of eight-eight (88) single-family attached units shall be permitted. In addition, forty-three (43) of those lots shall be mews lots and forty-five (45) lots shall be front-loaded lots.
- C. Minimum Lot Area: The minimum lot area shall be 1,980 square feet and as reflected in Exhibit C.
- D. Minimum Dwelling Size: The minimum dwelling size shall be 1,200 square feet.

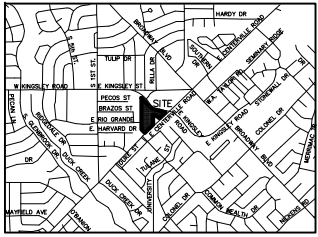
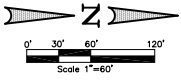
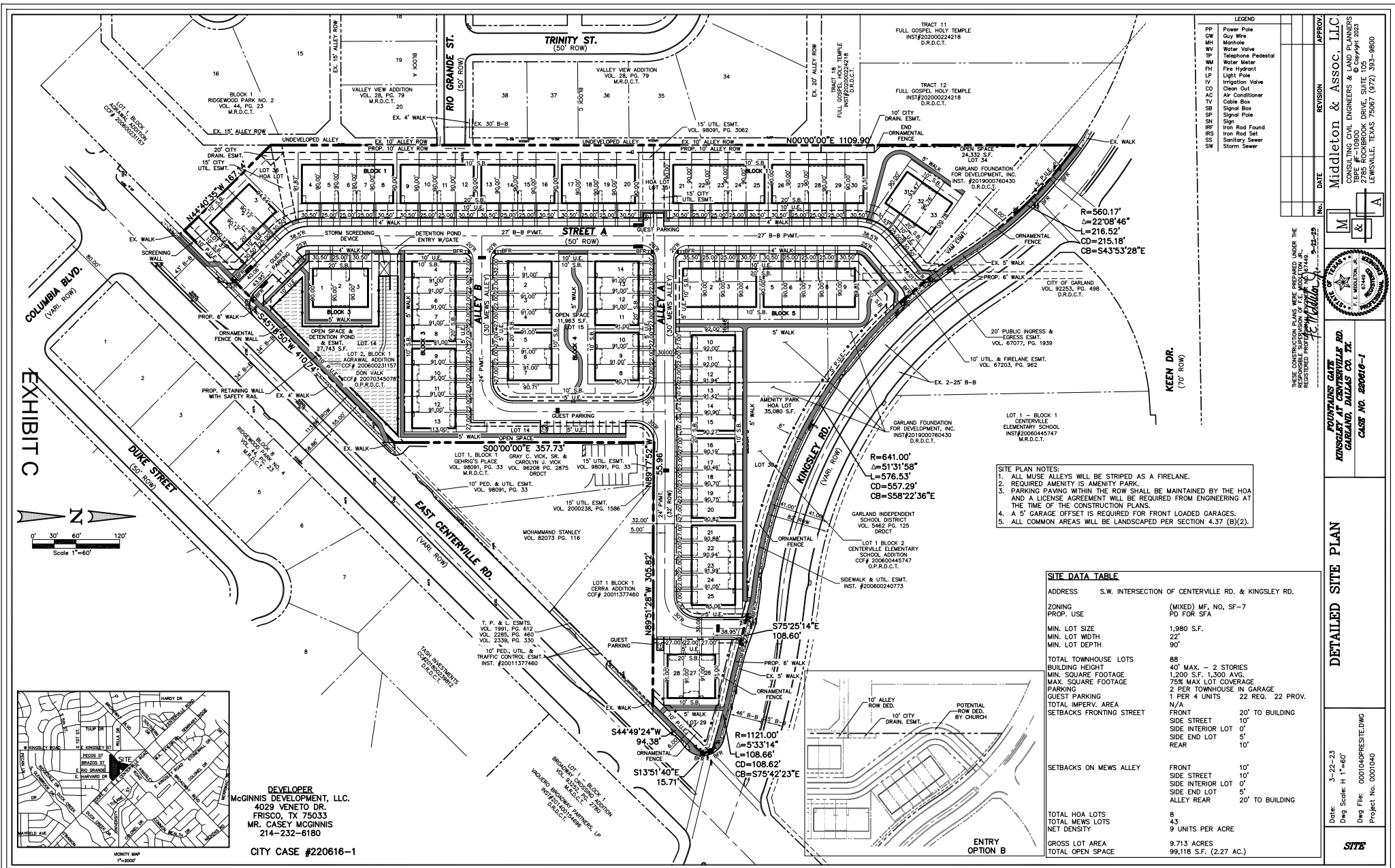
- E. Lot Width: The minimum end lot width for rear-loaded lots shall be twenty-seven (27) feet.
- F. Screening and Landscaping: Screening and landscaping shall be in conformance with the Landscape Plan set forth in Exhibit D.
- G. Open Space and Amenities: Open Space and Amenities shall be provided as shown in Exhibit D. All open spaces shall be landscaped per Section 4.37 (B) (2) of the Garland Development Code.
- H. Elevations: Building Elevations shall be in conformance per Section 4.84 of the Garland Development Code.
- I. Alley: Alleys shall be required for forty-three (43) single-family attached lots.
- J. Entry Option B: Entry Option B as shown on Exhibit C may be approved administratively.
- K. Homeowners Association: A Homeowners Association shall be incorporated, and each lot/homeowner shall be a mandatory member. The bylaws and/or declaration of this association shall establish a system of payment of dues; a system of enforcement of its rules and regulations; shall establish a clear and distinct definition of the responsibility of each member; shall obligate the association, through assessment of homeowners, to maintain all open space areas; and other provisions as deemed appropriate to secure a sound and stable association.
- L. Maintenance of Open/Common Space and Landscaped Areas, Entry Features, Access Easements, and Amenities in HOA Lots: Pursuant to the declaration for the Homeowner's Association, the Homeowners Association shall be obligated to repair and maintain all common areas of the community (including open/common space, landscaped areas, entry features, access easements, and amenities in HOA lots) and the bylaws and/or declaration for the association shall authorize the association to pay for the cost thereof through the assessment of homeowners within the community.
- M. Required Assessments and Reserves: The declaration for

## EXHIBIT B

the Homeowner's Association shall provide that each homeowner owning a real property interest in a residential lot within the community land shall be obligated to pay assessments to the Homeowners Association to pay for the operation and common expenses of the association, including, without limitation, the repair and maintenance of association common areas, including repairing, maintaining or replacing the association screening walls and perimeter fences. If the Homeowners Association fails to perform the above-described maintenance due to lack of funds, the Homeowners Association shall assess members on a pro rata basis for the cost of performing such maintenance and shall thereafter promptly and diligently perform the maintenance required. To help ensure that funds will be available to perform such maintenance, the Homeowners Association shall establish and maintain a reserve fund for the periodic maintenance, repair and replacement of association improvements, which shall include adequate reserves for the expected future costs to repair, maintain and replace association screening walls and perimeter fences.

- N. City's Right to Enforce: The declaration for the Homeowner's Association shall contain a provision stating that if the Homeowner's Association fails to maintain an association screening wall or perimeter fence in good repair, then the City may send written notice to the Homeowner's Association demanding the proper repair and maintenance of such screening wall or perimeter fence. If the Homeowner's Association has not repaired or replaced such screening wall or perimeter fence within 120 days after the date of the City's written notice to the Homeowner's Association, the City shall have the right, but not the obligation, to exercise all access easements and other rights of the Homeowners Association to repair and/or replace, as necessary, such screening wall or perimeter fence and to charge all reasonable costs incurred therefor to the Homeowners Association. The Homeowner's Association shall promptly pay such costs to the City upon completion of the repairs and/or replacement upon written demand by the City. If the reserves required by these conditions and the declaration are not sufficient to fully reimburse the City, the Homeowner's Association shall assess its members for

the funds necessary to fully reimburse the City and to re-establish its required reserves. Such provision in the declaration for the Homeowner's Association shall further state that such provision may not be amended or modified without the prior written consent of the City.



DEVELOPER  
 MCGINNIS DEVELOPMENT, LLC.  
 4029 VENETO DR.  
 FRISCO, TX 75033  
 MR. CASEY MCGINNIS  
 214-232-6180

CITY CASE #220616-1

- SITE PLAN NOTES:**
1. ALL MUSE ALLEYS WILL BE STRIPED AS A FIRELANE.
  2. REQUIRED AMENITY IS AMENITY PARK.
  3. PARKING PAVING WITHIN THE ROW SHALL BE MAINTAINED BY THE HOA AND A LICENSE AGREEMENT WILL BE REQUIRED FROM ENGINEERING AT THE TIME OF THE CONSTRUCTION PLANS.
  4. A 5' GARAGE OFFSET IS REQUIRED FOR FRONT LOADED GARAGES.
  5. ALL COMMON AREAS WILL BE LANDSCAPED PER SECTION 4.37 (B)(2).

SITE DATA TABLE	
ADDRESS	S.W. INTERSECTION OF CENTERVILLE RD. & KINGSLEY RD.
ZONING	(MIXED) MF, NO. SF-7
PROP. USE	PD FOR SFA
MIN. LOT SIZE	1,980 S.F.
MIN. LOT WIDTH	22'
MIN. LOT DEPTH	90'
TOTAL TOWNHOUSE LOTS	88
BUILDING HEIGHT	40' MAX. - 2 STORIES
MIN. SQUARE FOOTAGE	1,200 S.F. 1,300 AVG.
MAX. SQUARE FOOTAGE	75% MAX LOT COVERAGE
PARKING	2 PER TOWNHOUSE IN GARAGE
GUEST PARKING	1 PER 4 UNITS 22 REQ. 22 PROV.
TOTAL IMPERV. AREA	N/A
SETBACKS FRONTING STREET	FRONT 20' TO BUILDING SIDE STREET 10' SIDE INTERIOR LOT 0' SIDE END LOT 5' REAR 10'
SETBACKS ON MEWS ALLEY	FRONT 10' SIDE STREET 10' SIDE INTERIOR LOT 0' SIDE END LOT 5' ALLEY REAR 20' TO BUILDING
TOTAL HOA LOTS	8
TOTAL MEWS LOTS	43
NET DENSITY	9 UNITS PER ACRE
GROSS LOT AREA	9.713 ACRES
TOTAL OPEN SPACE	99,118 S.F. (2.27 AC.)

**LEGEND**

PR	Power Pole
GW	Guy Wire
MH	Manhole
WV	Water Valve
TP	Telephone Pedestal
WM	Water Meter
FL	Fire Hydrant
LP	Light Pole
IV	Irrigation Valve
CO	Cable Box
AC	Air Conditioner
TV	Transformer
SB	Signal Box
SN	Signal Pole
IR	Iron Rod Found
RS	Road Rod Set
SS	Sanitary Sewer
SW	Storm Sewer

THESE CONSTRUCTION PLANS WERE PREPARED UNDER THE RESPONSIBLE SUPERVISION OF THE PROFESSIONAL ENGINEER AND ARCHITECT:

**PROFESSORS GUYTON KINGSLEY AT CENTERVILLE RD. GARLAND, DALLAS CO. TX.**  
 CASE NO. 280016-1

**Middleton & Assoc., LLC**  
 CONSULTING CIVIL ENGINEERS & LAND PLANNERS  
 TYPE #1-10000 - ENGINEERING, SURVEYING, PLANNING  
 LEANSVILLE, TEXAS 75057 (972) 393-9800

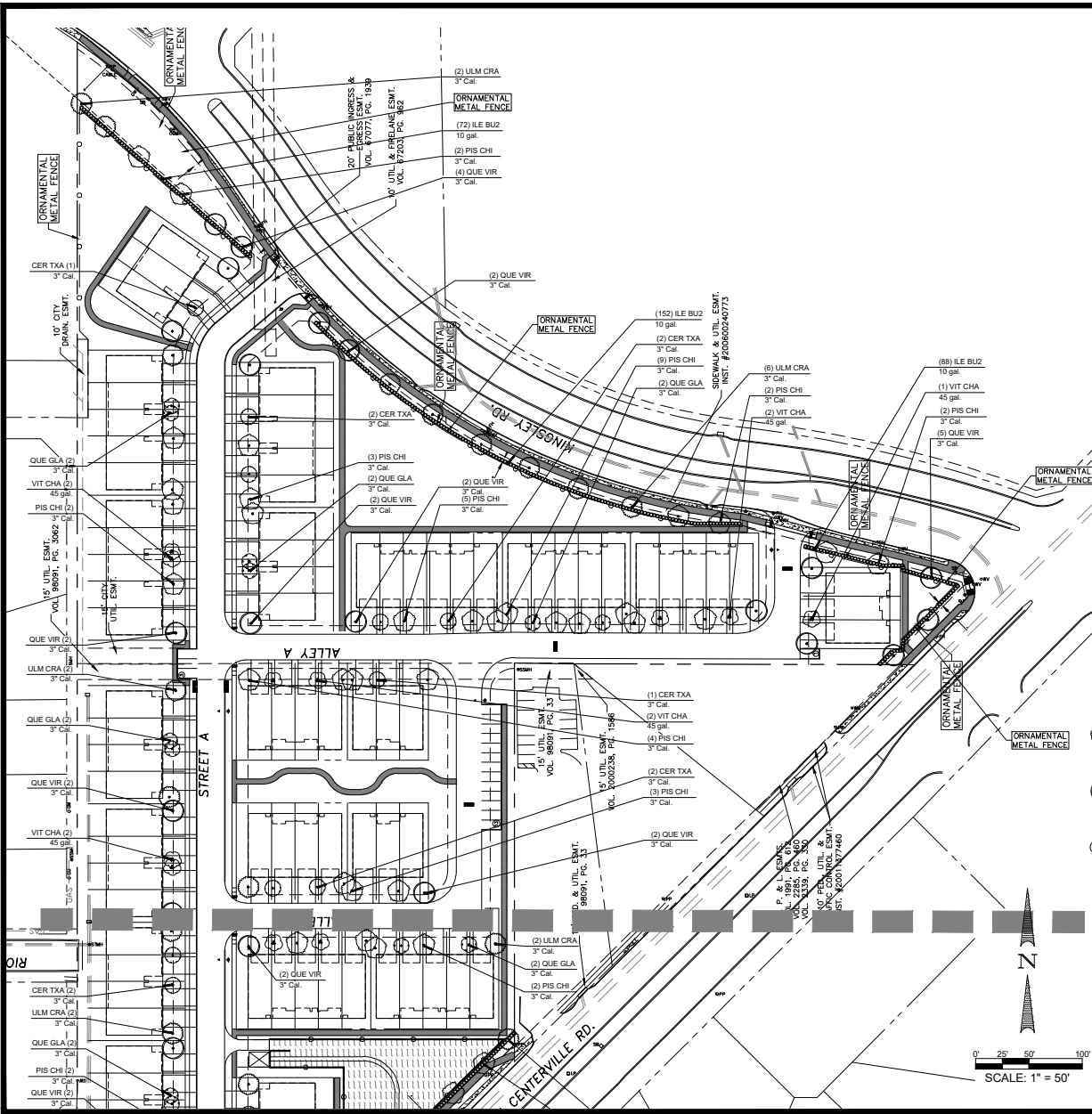
NO.	DATE	REVISION	APPROV.

**DETAILED SITE PLAN**

Date: 3-22-23  
 Dwg Scale: 1"=60'  
 Dwg File: 0001409RESITE.DWG  
 Project No. 0001040

**SITE**

01/19/2024 10:28 AM, ALL RIGHTS RESERVED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF GARLAND AND THE GARLAND POLICE DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF GARLAND AND THE GARLAND POLICE DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF GARLAND AND THE GARLAND POLICE DEPARTMENT.

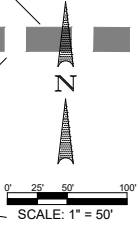


CITY OF GARLAND TOWNHOME LANDSCAPE REQUIREMENTS		
RESIDENTIAL DEVELOPMENT LANDSCAPING	ONE TREE IS REQUIRED PER LOT AND AT LEAST 50% OF WHICH MUST BE A CANOPY TREE WITHIN THE FRONT YARD	
	REQUIRED	PROVIDED
	1 TREE PER LOT	1 TREE PER LOT
PERIMETER SCREENING BETWEEN RESIDENTIAL DEVELOPMENT AND THOROUGHFARES	A MASONRY WALL IS REQUIRED IN ACCORDANCE WITH SECTION 4.39 (A) (1) WITH TREES 50' O.C. MAX. THE TREES AND SCREENING WALL MUST BE WITHIN A MINIMUM 5' WIDE BUFFER STRIP DEDICATED TO THE HOMEOWNERS ASSOCIATION FOR MAINTENANCE	
	REQUIRED	PROVIDED
	SCREENING MASONRY WALL + TREES 50' O.C.	SCREENING MASONRY WALL + TREES 50' O.C.

- PLANTING NOTES:**
- PLANT SIZE, TYPE, AND CONDITION SUBJECT TO APPROVAL OF OWNER'S REPRESENTATIVE.
  - ALL PLANT MATERIAL TO BE NURSERY GROWN STOCK.
  - CONTRACTOR RESPONSIBLE FOR MAINTENANCE OF ALL PLANT MATERIAL UNTIL PROJECT ACCEPTANCE.
  - ALL CONTAINER GROWN PLANTS TO HAVE FULL, VIGOROUS ROOT SYSTEM, COMPLETELY ENCOMPASSING CONTAINER.
  - ALL PLANTS WELL ROUNDED AND FULLY BRANCHED. ALL TREES WITH SPREAD 2/3 OF HEIGHT.
  - CONTRACTOR TO PROVIDE OWNER WITH PREFERRED MAINTENANCE SCHEDULE OF ALL PLANTS AND LAWN.
  - MAINTAIN/PROTECT VISIBILITY TRIANGLE WITH PLANT MATERIAL PER CITY STANDARDS AT ALL ENTRANCES TO SITE.
  - PREP ENTIRE WIDTH OF ALL DEFINED PLANTING BEDS WITH MIX AS OUTLINED IN SPECS. WHERE SHRUBS ARE LOCATED ALONG CURB, SET SHRUBS BACK FROM CURB 3 FT.
  - SEE DETAIL SHEET FOLLOWING FOR PLANTING DETAILS.
  - CONTRACTOR RESPONSIBLE FOR LOCATION OF ALL UTILITIES, INCLUDING BUT NOT LIMITED TO TELEPHONE, TELECABLE, ELECTRIC, GAS, WATER AND SEWER. ANY DAMAGE TO UTILITIES TO BE REPAIRED BY CONTRACTOR AT NO COST TO OWNER.
  - IF EXISTING TREES ARE SHOWN TO REMAIN, CONTRACTOR SHALL PRUNE AS DIRECTED BY OWNER'S REPRESENTATIVE. WORK TO INCLUDE REMOVAL OF ALL SUCKER GROWTH, DEAD AND DISEASED BRANCHES AND LIMBS, VINES, BRIBARS AND OTHER INVASIVE GROWTH, AND ALL INTERFERING BRANCHES. MAKE ALL CUTS FLUSH TO REMAINING LIMB. RETAIN NATURAL SHAPE OF PLANT. ALL WORK SUBJECT TO APPROVAL OF OWNER'S REPRESENTATIVE.
  - QUANTITIES ARE PROVIDED AS A COURTESY AND NOT INTENDED FOR BID PURPOSES. CONTRACTOR TO VERIFY PRIOR TO PRICING.
  - INSTALL EDGING BETWEEN LAWN AND PLANTING BEDS. REFER TO SPECIFICATIONS. FILE ALL CORNERS SMOOTH.
  - INSTALL CURLEX BLANKET (OR EQUAL) PER MANUFACTURER'S INSTRUCTIONS ON ALL GROUND COVER/SHRUB BEDS WITH A SLOPE OF 4:1 OR GREATER.
  - AT TIME OF PLAN PREPARATION, SEASONAL PLANT AVAILABILITY CANNOT BE DETERMINED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO SECURE AND RESERVE ALL B&B PLANTS WHEN AVAILABLE IN CASE ACTUAL INSTALLATION OCCURS DURING THE OFF-SEASON. PURCHASE AND HOLD B&B PLANTS FOR LATE SEASON INSTALLATION.
  - PRIOR TO PLANTING, CONTRACTOR SHALL STAKE TREE LOCATIONS FOR APPROVAL BY OWNER.

**PLANT SCHEDULE**

TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	SPACING	REMARKS
	CER TXA	11	<i>Cercis canadensis texensis</i>	Texas Redbud	3" Cal.			
	PIS CHI	38	<i>Pistacia chinensis</i>	Chinese Pistache	3" Cal.			
	QUE GLA	12	<i>Quercus glaucooides</i>	Lacey Oak	3" Cal.			
	QUE VIR	27	<i>Quercus virginiana</i>	Southern Live Oak	3" Cal.			
	ULM CRA	22	<i>Ulmus crassifolia</i>	Cedar Elm	3" Cal.			
	VIT CHA	11	<i>Vitex agnus-castus</i>	Chaste Tree	45 gal.			
SHRUBS	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	SPACING	REMARKS
	ILE BUZ	430	<i>Ilex cornuta 'Burfordi'</i>	Burford Holly	10 gal.	36" Min	36" O.C.	



Date: MAR 29, 2024  
 Drawn by: GAC  
 Checked by: GAC  
 Revisions:



THIS PLAN IS THE PROPERTY OF F&M-CARPENTERS LANDSCAPE ARCHITECTS, L.L.C. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF F&M-CARPENTERS LANDSCAPE ARCHITECTS, L.L.C. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF GARLAND AND THE GARLAND POLICE DEPARTMENT.

**FOUNTAIN GATE**  
**GARLAND, TEXAS**

Sheet No.  
**1-1**



