

ORDINANCE NO. 7439

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING AN AMENDMENT TO A SPECIFIC USE PROVISION FOR A FOOD PROCESSING AND STORAGE USE ON A 2.1866-ACRE TRACT OF LAND LOCATED AT 2960 MARKET STREET AND ZONED INDUSTRIAL (IN) DISTRICT; 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 May, 2023, the Plan Commission did consider and make recommendations on a certain request for an amendment to a Specific Use Provision for a Food Processing and Storage Use on a property zoned Industrial (IN) District, by **Ron Hobbs Architecture & Interior Design**; 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 a Specific Use Provision for a Food Processing and Storage Use on a property zoned Industrial (IN) District 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 23-09

PASSED AND APPROVED this 20th day of June, 2023.

THE CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 23-09

BEING a 2.1866 acre tract situated in the Henry Reid Survey, Abstract No 1197, and being all of Lot 1, Block 1, of Precision/Penske Addition, and Addition to the City of Garland, according to the plat thereof recorded in volume 98056, Page 001, Map Records, Dallas County, Texas, and also being part of that tract of land conveyed to Precision Solar controls, Inc. by deed recorded in volume 95178, Page 2140, and all of that tract of land in Deed recorded in Volume 98096, Page 8415, both of the Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a ½" iron rod found for corner in the East line of Market Street (50' R.O.W.) said corner also being the southwest corner of said Lot 1, Block 1, Precision/Penske Addition and the northwest corner of Lot 1, Block 1, Northeast Business Park No. 7;

THENCE N 00d08'51" E, along said East line, a distance of 266.95 feet to a ½" iron rod found for the corner at the southwest corner of Lot 2, Block 1 of said Precision/Penske Addition;

THENCE S 89d51'12" E departing said East line and along the common lot line between said Lot 1 and Lot 2 of said Precision/Penske Addition, a distance of 357.00 feet to a 5/8" iron rod set for corner in the west line of the Missouri Kansas and Texas Railroad (55' R.O.W.);

THENCE S 00d08'51" W along said west line, a distance of 266.66' to a ½" iron rod found for corner at the northeast corner of said Lot 1, Northeast Business Park No. 7;

THENCE N 89d54'00" W along the north line of said Northeast Business Park No. 7, a distance of 357 feet to the POINT OF BEGINNING and containing 95,249 square feet or 2.1866 acres of land, more or less.

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 23-09

2960 Market Street

- I. Statement of Purpose:** The purpose of this Specific Use Provision amendment is to allow the expansion of a Food Processing and Storage 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 Industrial (IN) District and Site Development Standards as set forth in Chapter 2 and 4 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Development Plans:**
- Site Layout: The site shall be in general conformance with the approved Site Plan, Landscape Plan, and Elevations labeled Exhibit C, Exhibit D, and Exhibit E. In the event of conflict between the conditions and the site plan, the written conditions listed below are to apply.
- V. Abandonment:** In the event the land use for which this Specific Use Provision was granted ("Land Use") is abandoned, the SUP and all rights to the Land Use are automatically terminated, and the premises must be used in conformance with the PD, GDC, federal, and state law.

For the purposes of this Specific Use Provision, Abandonment is any of the following acts:

- A. A failure to apply for a site or building permit on the premises, where applicable, within 180 days of the effective date of this SUP;
- B. A failure to obtain a certificate of occupancy for the Land use within 730 days of the effective date of this SUP;

- C. A failure to commence operating the Land Use on the premises within 90 days of receiving a final certificate of occupancy for the Land Use;
- D. Discontinuance of the Land Use for a period of 180 days;
- E. Applying for, and receiving, a new Certificate of Occupancy for a use other than the Land Use; or
- F. Operating a use on the premises, whether as a primary or secondary use, that is not allowed within the PD District, by the GDC, or by state or federal law.

The termination of utilities on the premises for a period of 180 calendar days is prima facie evidence of abandonment and the owner shall have the burden to prove that the Land Use has not been abandoned.

VI. Specific Regulations:

A. SUP Time Period: The Specific Use Provision for a Food Processing and Storage Facility shall be in effect for a period of twenty-five (25) years.

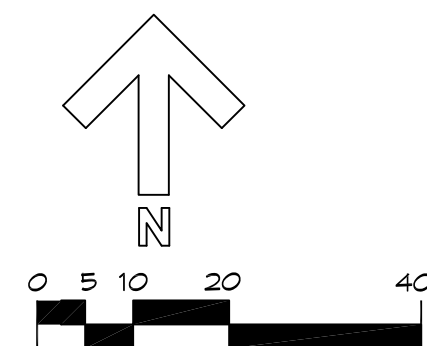
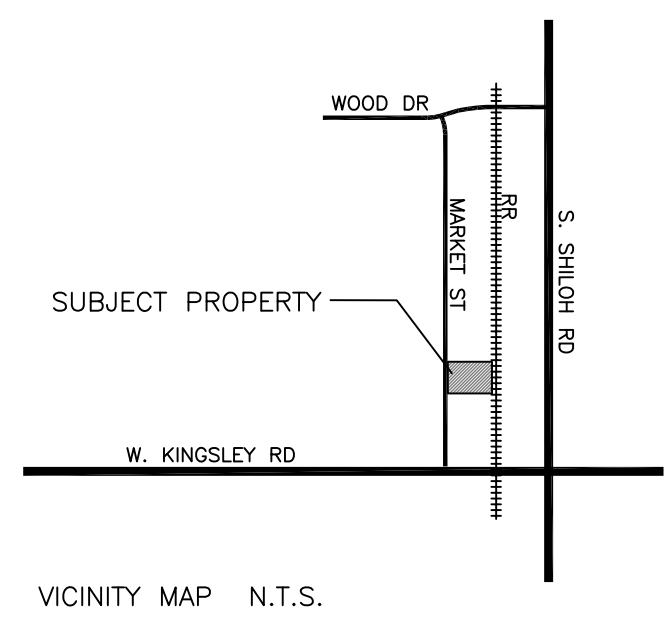
B. Maintenance requirements:

(1) Landscaping must be continuously maintained in a healthy, growing condition and in compliance with this ordinance, the Garland Development Code, the Code of Ordinances of the City of Garland, and the landscaping plan attached hereto at all times. The property owner is responsible for regular weeding, mowing of grass, irrigation, fertilizing, pruning, or other maintenance of all landscaping as promptly as needed to comply with the requirements of this subsection. All exposed ground surfaces shall be properly improved, covered with screening or other approved solid material, or protected with a vegetative growth that prevents soil erosion and ameliorates objectionable dust conditions.

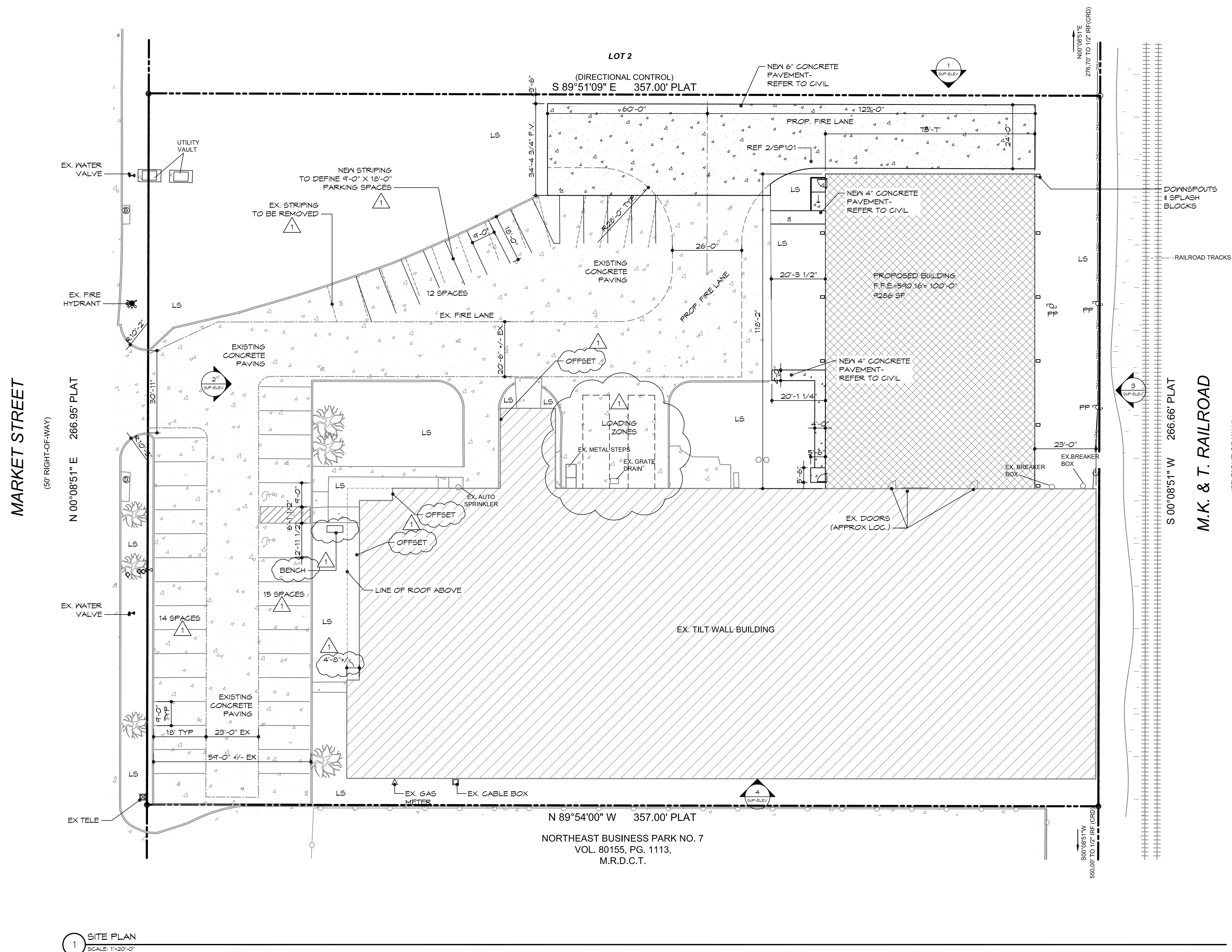
(2) Any dead or dying plant or vegetation, whether or not a component of required landscaping, must be promptly replaced with another approved plant or vegetation variety that complies with the approved landscape plan and in no event later than sixty days after notification by the City. In the event the property owner fails to remedy a violation of any landscaping maintenance regulation within sixty days of the City sending notice, the City may, in addition to any other remedy available by law, suspend, withhold, or revoke city permits, approvals, consents

and the certificate of occupancy. See Section 4 of the granting ordinance.

(3) Screening and paving must be installed and continuously maintained in compliance with this ordinance, the Garland Development Code, and the Code of Ordinances of the City of Garland at all times. The property owner is responsible for regular maintenance of all screening and paving as needed. In the event the property owner fails to remedy a violation of any screening or paving maintenance regulation within sixty days of the City sending notice, the City may, in addition to any other remedy available by law, suspend, withhold, or revoke city permits, approval, consents and the certificate of occupancy.



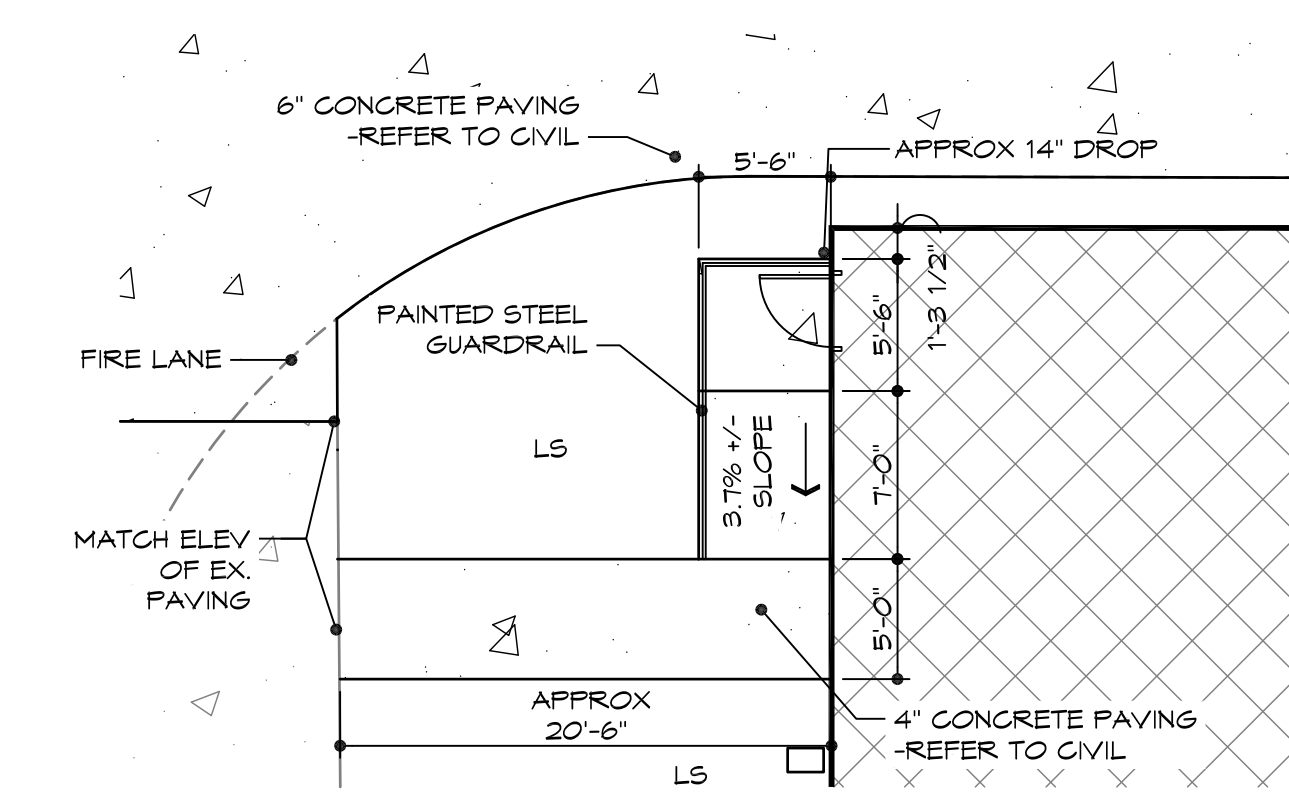
LS = LANDSCAPING
FP = POWER POLE



EXISTING ZONING: N
NO CHANGE PROPOSED
OWNER: BALLY PLUS INTERNATIONAL

SITE INFORMATION	
SITE AREA (SF)	95,248
FLOOR AREA RATIO	2.1 MAX (190,496 SF ALLOWED)
EXISTING BUILDING (SF)	31,140
PROPOSED ADDITION (SF)	1,286
TOTAL BUILDING COVERAGE	40,426
% LOT COVERAGE	42
BUILDING HEIGHT	EXISTING 24'-0" PROPOSED ADDITION 28'-9"
PARKING RATIO	FOOD PROCESSING & STORAGE 100% SFA
REQUIRED PARKING	40 SPACES
EXISTING PARKING	41 SPACES

HORIZONTAL ARTICULATION
OVERALL BUILDING WIDTH IS GREATER THAN 80 FT.
REQUIRED: ONE ARTICULATION THAT IS AT LEAST 30% OF WIDTH
AND AT LEAST 4 FT DEEP.
PROVIDED: OVERALL STREET FACING WIDTH = 231 FT
ADDITION IS 119 FT WIDE AND SET BACK MORE THAN 4 FT.
TWO ADDITIONAL EXISTING SET BACKS: AT ENTRY AND
ADDED NORTH SIDE ELEMENT IN FRONT OF LOADING ZONES
ARE MORE THAN 30 FT WIDE AND ARE SET BACK MORE THAN
4 FT FROM THE WESTERMOST FACE OF THE BUILDING.



1 SITE PLAN
SCALE: 1/8" = 1'-0"

2 SITE DETAIL PLAN
SCALE: 1/2" = 1'-0"

CASE # 220426-2

ISSUE DATE:
Feb. 27, 2023

REVISIONS:
TECH. REVIEW
COMMENT REVIS.
4-12-23

MARKET MISSION WAREHOUSE ADDITION
2960 MARKET ST., GARLAND, TEXAS 75042

RON HOBBS ARCHITECTURE & INTERIOR DESIGN, LLP
614 WEST MAIN STREET, SUITE 200 GARLAND, TEXAS 75040
PHONE: 972-494-0174



JOB NUMBER
2221

SHEET NUMBER
SITE PLAN - SUP

SP-SUP

