

ORDINANCE NO. 7449

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING A DETAIL PLAN FOR SINGLE-FAMILY DETACHED HOMES ON A 28.62-ACRE TRACT OF LAND ZONED PLANNED DEVELOPMENT (PD) DISTRICT 16-23 AND LOCATED AT 2675 EAST BRAND 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 June 2023, the Plan Commission did consider and make recommendations on a certain request for a Detail Plan for Single-Family Detached Homes on a property zoned Planned Development (PD) District 16-23 by **DDC, 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 Detail Plan for Single-Family Detached Homes on a property zoned Planned Development (PD) District 16-23 on a 28.62-acre tract of land zoned Planned Development (PD) District 16-23 and located at 2675 East Brand 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 21-07

PASSED AND APPROVED this 1st day of August, 2023.

THE CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 21-07

BEING a 28.62-acre tract of land situated in the E. H. Dodd Survey, Abstract Number 393, and being in the E.H. Dodd Survey, Abstract Number 281, being a portion of a tract of land conveyed to Gary Hearn as recorded in Volume 96120, Page 2275 of the Deed Records of Dallas and Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod set for corner, being a point in the West Right of Way line of Brand Road, being the Southeast corner of a tract of land conveyed to North Texas Municipal Water District as recorded in Volume 2978, Page 129 of the Deed Records, Collin County, Texas, and being the Northeast corner of said Hearn tract;

THENCE South 00 degrees 52 minutes 37 seconds East, a distance of 311.62 feet to a 1/2 inch yellow-capped iron rod set for corner;

THENCE South (directional control), a distance of 516.36 feet to a 1/2 inch yellow-capped iron rod set for corner;

ZONING FILE NUMBER Z 21-07

THENCE South 11 degrees 18 minutes 36 seconds West, a distance of 50.99 feet to a 1/2 inch yellow capped iron rod set for corner;

THENCE South, a distance of 100.00 feet to a ½ inch yellow capped iron rod set for corner, being a point in the West Right of Way line of said Brand Road;

THENCE South 11 degrees 18 minutes 36 seconds East, a distance of 50.99 feet to a 1/2 inch yellow-capped iron rod set for corner;

THENCE South, a distance of 48.94 feet to a 1/2 inch yellow-capped iron rod set for corner, being a point in the West Right of Way line of said Brand Road;

THENCE West, a distance of 630.00 feet to a 1/2 inch iron rod found for reference, continuing a total distance of 736.94 feet to point in creek for corner, being a point on the East line of a tract of land conveyed to City of Garland as recorded in Volume 99091, Page 6776 of the Deed Records, Dallas County, Texas;

THENCE North 71 degrees 56 minutes 00 seconds West, a distance of 210.42 feet to a point in creek for corner;

THENCE North 34 degrees 36 minutes 00 seconds West, a distance of 230.90 feet to a point in creek for corner;

THENCE North 05 degrees 20 minutes 00 seconds West, a distance of 344.60 feet to a point in creek for corner;

EXHIBIT A

ZONING FILE NUMBER Z 21-07

THENCE North 37 degrees 00 minutes 00 seconds West, a distance of 126.50 feet to a point in creek for corner;

THENCE West, a distance of 74.24 feet to a point in creek for corner, being the East corner of a tract of land conveyed to City of Richardson as recorded in Volume 78148, Page 2753 of the Deed Records, Dallas County, Texas;

THENCE North 31 degrees 00 minutes 00 seconds West, a distance of 429.98 feet to a 1/2 inch yellow-capped iron rod set for corner, being a point in the East line of said City of Richardson tract;

THENCE North 88 degrees 26 minutes 19 seconds East, a distance of 553.04 feet to a 1/2 inch yellow-capped iron rod set for corner;

THENCE North 89 degrees 39 minutes 30 seconds East, a distance of 280.76 feet to a 1/2 inch yellow capped iron rod set for corner;

THENCE South 89 degrees 13 minutes 59 seconds East, a distance of 633.67 feet to the PLACE OF BEGINNING, containing 28.62 acres of land.

EXHIBIT A

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 21-07

2675 East Brand Road

- I. Statement of Purpose:** The purpose of this Planned Development is to approve a Detail Plan for twelve (12) single-family detached 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-10 (SF-10) District, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Single-Family-10 (SF-10) 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 and Exhibit D; 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:

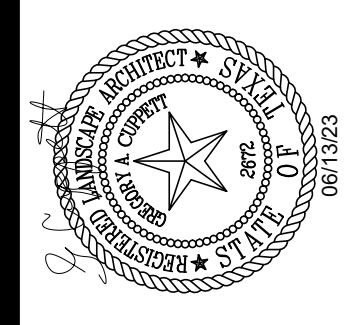
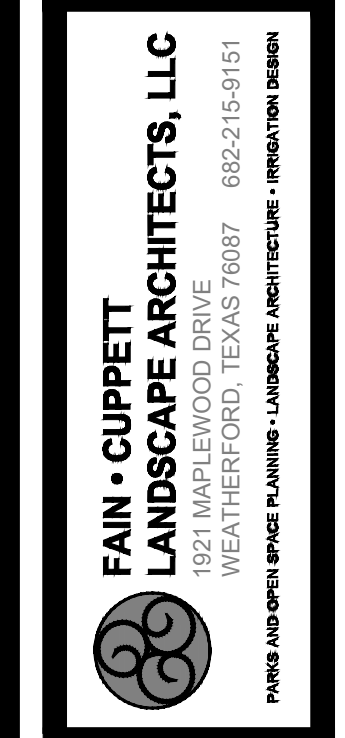
- A. Permitted Uses: Only Dwelling, Single-Family Detached units are permitted.
- B. Maximum Number of Lots: A total of twelve (12) single-family detached units shall be permitted.
- C. Minimum Lot Area: The minimum lot area shall be 10,000 square feet as reflected in Exhibit C.
- D. Minimum Dwelling Size: The minimum dwelling size shall be 3,000 square feet.
- E. Alleys: Alleys shall not be required for this development.
- 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.
- H. Signage: All signs shall meet the Garland Development Code requirements.
- I. Elevations: Building Elevations shall be in general conformance with the requirements in the GDC.
- J. 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.
- K. 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.
- L. Required Assessments and Reserves: The declaration for 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.

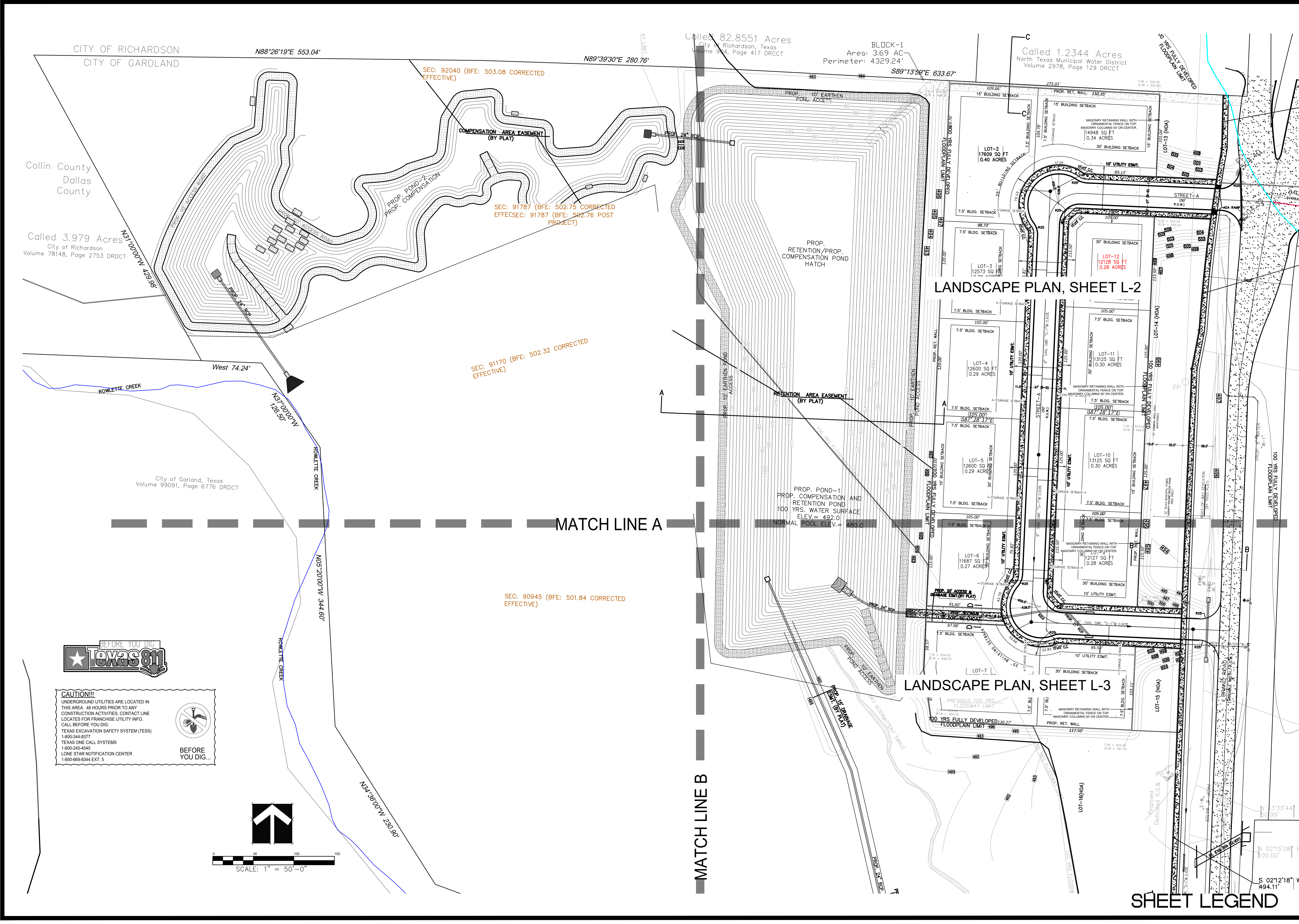
- M. City's Right to Enforce: The declaration for the Homeowner's Association shall contain a provision stating that if the Homeowner's Association fails to maintain an association screening wall or perimeter fence in good repair, then the City may send written notice to the Homeowner's Association demanding 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.



THIS ELECTRONIC DRAWING FILE IS RELEASED UNDER THE AUTHORITY OF GREG CUPPET, LANDSCAPE ARCHITECT REGISTRATION NUMBER 20720 ON 06/13/23, WHO MAINTAINS THE ORIGINAL FILE. THE USER OF THIS ELECTRONIC DRAWING FILE AGREES TO THE TERMS AND CONDITIONS OF THE ARCHITECTURAL AGREEMENT. THE USER OF THIS ELECTRONIC DRAWING FILE AGREES TO THE TERMS AND CONDITIONS OF THE ARCHITECTURAL AGREEMENT. THE USER OF THIS ELECTRONIC DRAWING FILE AGREES TO THE TERMS AND CONDITIONS OF THE ARCHITECTURAL AGREEMENT. THE USER OF THIS ELECTRONIC DRAWING FILE AGREES TO THE TERMS AND CONDITIONS OF THE ARCHITECTURAL AGREEMENT. THE USER OF THIS ELECTRONIC DRAWING FILE AGREES TO THE TERMS AND CONDITIONS OF THE ARCHITECTURAL AGREEMENT.

PRESERVE OF HEARN PLACE
 2675 EAST BRAND ROAD
 GARLAND, TEXAS

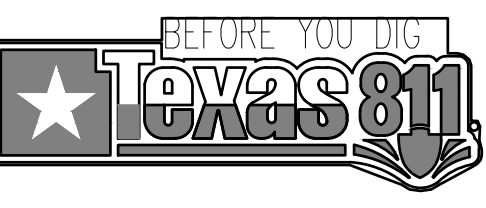
Sheet No.
L-1



LANDSCAPE PLAN, SHEET L-2

LANDSCAPE PLAN, SHEET L-3

SHEET LEGEND



CAUTION!!!
 UNDERGROUND UTILITIES ARE LOCATED IN THIS AREA. 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITIES, CONTACT LINE LOCATES FOR FRANCHISE UTILITY INFO. CALL BEFORE YOU DIG.
 TEXAS EXCAVATION SAFETY SYSTEM (TESS) 1-800-344-8377
 TEXAS ONE CALL SYSTEMS 1-800-245-4545
 LONE STAR NOTIFICATION CENTER 1-800-669-8344 EXT. 5

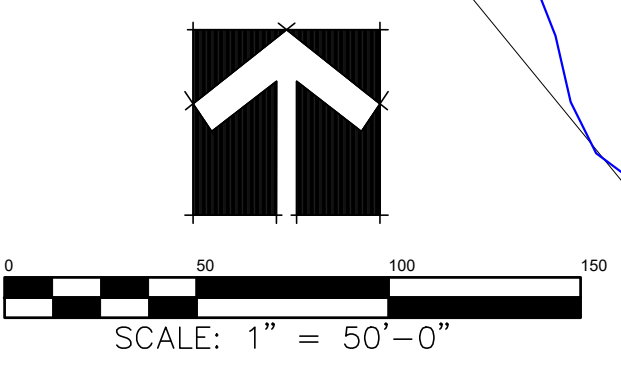


EXHIBIT D

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