

**ORDINANCE NO. 7490**

**AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PROVISION FOR A TRUCK/BUS REPAIR USE ZONED INDUSTRIAL (IN) DISTRICT WITH A SPECIFIC USE PROVISION (SUP) [21-15] FOR A TRUCK/BUS STORAGE USE ON A 3.421-ACRE TRACT OF LAND LOCATED AT 3877 MILLER PARK DRIVE 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 13th day of November 2023, the Plan Commission did consider and make recommendations on a certain request for a Specific Use Provision for a Truck/Bus Repair Use on a property zoned Industrial (IN) District with a Specific Use Provision (SUP) [21-15] for a Truck/Bus Storage Use by **Shearer, Monk, & Voigt**; 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 for a Truck/Bus Repair Use on a property zoned Industrial (IN) District with an existing Specific Use Provision (SUP) [21-15] for a Truck/Bus Storage Use 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 23-37

**PASSED AND APPROVED** this 12th day of December, 2023.

**THE CITY OF GARLAND, TEXAS**

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Mayor

**ATTEST:**

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City Secretary

**Published:**

**EXHIBIT A**

**LEGAL DESCRIPTION**

**Zoning File Z 23-37**

Whereas, Tewelde Abraham, an unmarried person, is the sole owner of a tract of land situated in the William D. Reed Survey, Abstract No. 1249, Dallas, Dallas County, Texas, and being part of Lot 4, Block 3, in Garland West Industrial Park, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof, recorded in Volume 551, Page 1680, Map Records, Dallas County, Texas, and being all of Tract 3 of land conveyed to Ribelin Distributors, Inc., by deed recorded in Volume 77248, Page 228, Deed Records of Dallas County, Texas, and being part of Tract 2 of land conveyed to Ribelin Distributors, Inc. by deed recorded in Volume 77086, Page 3033, Deed Records, Dallas County, Texas, same being a tract of land conveyed to Tewelde Abraham, an unmarried person, by Warranty Deed with Vendor's Lien, recorded in Instrument No. 201800309107, Official Public Records, Dallas County, Texas, Release of Lien being recorded in Volume 78157, Page 3476, Deed Records, Dallas County, Texas, more particularly described by metes and bounds as follows;

BEGINNING at a 1/2-inch iron rod with yellow cap stamped "CBG Surveying1" found for corner, said corner being the Southwest corner of Lot 1, Block 1, Ribelin-Miller Addition, an addition to the City of Dallas, Dallas County, Texas, according to the Map or Plat thereof recorded in Instrument

No. 201800030010, Official Public Records, Dallas County, Texas, and being in the North right-of-way line of Miller Park Drive (60-foot right-of-way), and being the beginning of a curve to the left, with a radius of 144.59 feet, a delta angle of 69 degrees 00 minutes 30 seconds, a chord bearing of South 33 degrees 24 minutes 12 seconds West, and a chord length of 163.81 feet:

THENCE along said curve to the left, along said northwesterly right-of-way line of

said Miller Park Drive, an arc length of 174.15 feet to a 1/2 iron rod found for corner, said corner being in the West right-of-way line of said Miller Park Drive;

THENCE South 01 degrees 00 minutes 48 seconds East, along said West

right-of-way line of said Miller Park Drive, passing at a distance of 116.74 feet, a

1/2 inch iron rod found in the northerly line of a Rail, Drainage and Utility easement, by deed recorded in Volume 551, Page 1680, Map Records, Dallas County, Texas, continuing a total distance of 136.04 feet to a 3 inch aluminum disk stamped "RMPA & RPLS 5513" found for corner, said corner being in said West right-of-way line of said Miller Park Drive, and also being in the Northeast corner of a Lot 3, Block 3, of Garland West Industrial Park, an addition to the City of Garland, Dallas County, Texas, according to the map or plat thereof recorded in Volume 551, Page 1691, Map Records, Dallas County, Texas,

THENCE along the Northerly lines of said Lot 3, Block 3, Garland West Industrial Park the following courses and distances and being the beginning of a non-tangent curve to the right, with a radius of 318.31 feet, a delta angle of 28 degrees 45 minutes 29 seconds, a chord bearing of North

ZONING FILE NUMBER Z 23-37

63 degrees 23 minutes 06 seconds West, and a chord length of 158.09 feet; and said curve to the right, an arc length of 159.77 feet to a 3-inch aluminum disk stamped "RMPA & RPLS 5513" found for corner;

South 68 degrees 54 minutes 05 seconds West, a distance of 22.45 feet to a 3

inch aluminum disk stamped "RMPA & RPLS 5513" found for corner, and being the beginning of a non-tangent curve to the right, with a radius of 338.31 feet, a delta angle of 19 degrees 19 minutes 52 seconds, a chord bearing of North 37 degrees 33 minutes 39 seconds West, and a chord length of 113.60 feet;

along said curve to the right, an arc length of 114.14 feet to a 3-inch aluminum disk stamped "RMPA & RPLS 5513" found for corner;

South 01 degrees 04 minutes 55 seconds East, a distance of 116.00 feet to a 3-inch aluminum disk stamped "RMPA & RPLS 5513" found for corner;

South 68 degrees 54 minutes 05 seconds West, a distance of 42.57 feet to a 3 inch aluminum disk stamped "RMPA & RPLS 5513" found for corner, said corner being in the East line of Lot 2, Block 1 /8060, Sixth Installment, Dallas Northeast Industrial Park, an addition to the City of Dallas, Dallas County, Texas, according to the map or plat thereof recorded in Volume 80250, Page 775, Map Records, Dallas County, Texas;

HENCE North 01 degrees 04 minutes 55 seconds West, along the East line of said Lot 2, Block 1 /8060, passing at a distance of 46.03 feet to the northeast corner of same, said corner being in the southeast corner of a called 12.5348 acre tract of land conveyed to Univar USA, Inc., a

**EXHIBIT A**

Washington Corporation, by deed recorded in Instrument No. 200600444369, Deed Records, Dallas County, Texas, continuing a total distance of 478.10 feet to a 3 inch aluminum disk stamped "RMPA & RPLS 5513" found for corner, said corner being the northeast corner of said Univar USA, Inc. tract, and being in the southeasterly line of a tract of land conveyed to Dallas Area Rapid Transit, by deed recorded Volume 90177, Page 4219, Deed Records, Dallas County, Texas;

THENCE North 68 degrees 54 minutes 05 seconds East, along said southeasterly line of said Dallas Area Rapid Transit tract, a distance of 259.72 feet to a 1/2-inch iron rod with a yellow cap stamped "CBG Surveying" found for corner, said corner

Being the Northwest corner of said Lot 1, Block 1, Ribelin-Miller Addition;

THENCE South 21 degrees 05 minutes 55 seconds East, along the West line of said Lot 1, Block 1, Ribelin-Miller Addition, a distance of 343.24 feet to the POINT OF BEGINNING and containing 148,999 square feet or 3.421 acres of land.

**SPECIFIC USE PROVISION CONDITIONS**

**ZONING FILE Z 23-37**

**3877 Miller Park Drive**

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to allow a truck repair facility and truck 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. Time Period: The Specific Use Provision shall have a twenty-five (25) year time period.

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 for the retail fuel

pumps and convenience store. 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 for the Car Truck/Bus Repair use.



LOT 1, BLOCK A,  
US STEEL SUBDIVISION  
VOL. 729, PG. 400  
M.R.D.C.T.

DALLAS AREA RAPID TRANSIT  
VOL. 90777, PG. 4219  
D.R.D.C.T.

RAIL, DRAINAGE  
AND UTILITY ESMT.  
DL. 551, PG. 1680  
M.R.D.C.T.

12.5348 ACRES (UNPLATTED)  
GARLAND WEST INDUSTRIAL PARK  
A WASHINGTON CORPORATION  
INST. NO. 20060044389  
O.P.R.D.C.T.

PROPOSED 6"  
CHAIN LINK FENCE  
W/LIVING SCREEN  
(SEE SECTION 4.41 OF  
THE GDC FOR STDS)

N 01°04'55" W 478.10'

S 07°04'55" E 116.0'

R=338.31'  
L=114.14'  
D=19°19'52"  
CB=N37°33'39"W  
CL=113.60'

LOT 3, BLOCK 3  
GARLAND WEST INDUSTRIAL PARK  
VOL. 551, PG. 1691  
M.R.D.C.T.

R=318.31'  
L=159.77'  
D=28°45'29"  
CB=N63°23'06"W  
CL=158.09'

LOT 12, BLOCK 1  
GARLAND WEST INDUSTRIAL PARK  
VOL. 551, PG. 1691  
M.R.D.C.T.

LOT 13, BLOCK 1  
GARLAND WEST INDUSTRIAL PARK  
VOL. 551, PG. 1691  
M.R.D.C.T.

LOT 1, BLOCK 1  
171,532 SQ. FT.  
3.938 ACRES

**\*\* NOTICE TO CONTRACTORS \*\***  
TOPOGRAPHIC INFORMATION TAKEN FROM A TOPOGRAPHIC SURVEY PERFORMED BY CBG SURVEYING, INC. OF DALLAS, TEXAS. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY, IN WRITING, OF ANY DISCREPANCIES OR OMISSIONS TO THE TOPOGRAPHIC INFORMATION. THE CONTRACTOR(S) SHALL BE RESPONSIBLE FOR CONFIRMING THE LOCATION (HORIZONTAL/VERTICAL) OF ANY BURIED CABLES, CONDUITS, PIPES, AND STRUCTURES (STORM SEWER, SANITARY SEWER, WATER, GAS, TELEVISION, TELEPHONE, ETC.) WHICH IMPACT THE CONSTRUCTION SITE. THE CONTRACTOR(S) SHALL NOTIFY THE OWNER AND ENGINEER IF ANY DISCREPANCIES ARE FOUND BETWEEN THE ACTUAL CONDITIONS VERSUS THE DATA CONTAINED IN THE CONSTRUCTION PLANS. ANY COSTS INCURRED AS THE RESULT OF NOT CONFIRMING THE ACTUAL LOCATION (HORIZONTAL/VERTICAL) OF SAID CABLES, CONDUITS, PIPES, AND STRUCTURES SHALL BE BORNE BY THE CONTRACTOR. ADDITIONALLY, THE CONTRACTOR(S) SHALL NOTIFY THE OWNER AND ENGINEER IF ANY ERRORS OR DISCREPANCIES ARE FOUND ON THE CONSTRUCTION DOCUMENTS, WHICH NEGATIVELY IMPACT THE PROJECT. ENGINEER AND OWNER SHALL BE INDEMNIFIED OF PROBLEMS AND/OR COST WHICH MAY RESULT FROM CONTRACTOR'S FAILURE TO NOTIFY ENGINEER AND OWNER.

- NOTES:
- 1) ALL WORK MUST CONFORM TO CITY OF GARLAND & NCTCOG STANDARDS AND DETAILS.
  - 2) ALL WORK IN PUBLIC RIGHT-OF-WAY SHALL CONFORM TO CITY OF GARLAND "RIGHT-OF-WAY MANAGEMENT ORDINANCE No.5504" STANDARDS AND DETAILS.
  - 3) SEE DETAILS SHEETS FOR PRIVATE DETAILS. ALL PRIVATE DETAILS ARE SUPERSEDED BY STANDARD CITY DETAILS.
  - 4) ALL DIMENSIONS ARE FACE OF CURB TO FACE OF CURB UNLESS OTHERWISE NOTED.
  - 5) ALL SCREENING WALLS SHALL COMPLY WITH THE SCREENING WALL DETAILS OF THE "CITY OF GARLAND ENGINEERING DEPT. STANDARD DETAILS, 2006" AS AN ALTERNATIVE, AN EQUIVALENT SCREENING WALL PLAN, DESIGNED BY A STATE OF TEXAS PROFESSIONAL ENGINEER, MAY BE SUBMITTED TO THE BUILDING INSPECTION DEPT. FOR REVIEW AND APPROVAL.

**LANDSCAPE DATA:**

LOT AREA:  
3.42 Acres, 148,999 sq. ft.  
LANDSCAPE AREA:  
Required: 14,899 sq.ft.  
Provided: 26,033 sq.ft.  
FRONTAGE TREES:  
Required: 9 (1/30LF)  
Provided: 9  
PARKING TREES:  
Required: 1/65' of parking  
Provided: 4  
LS BUFFER:  
Required: 10' along frontage

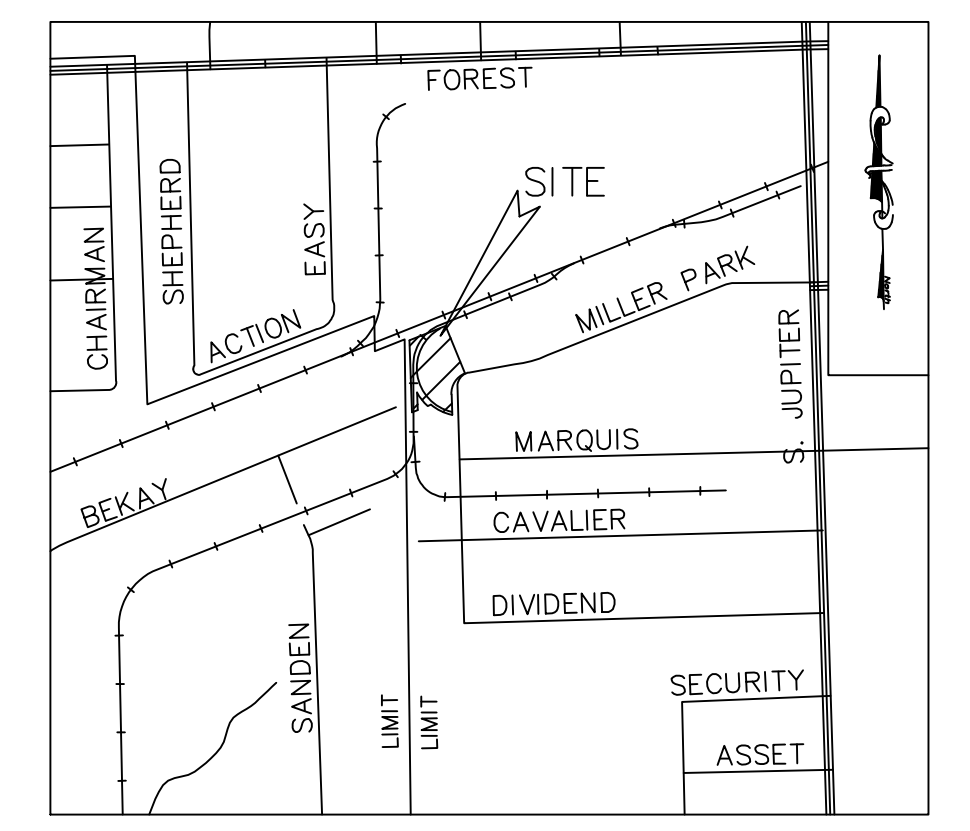
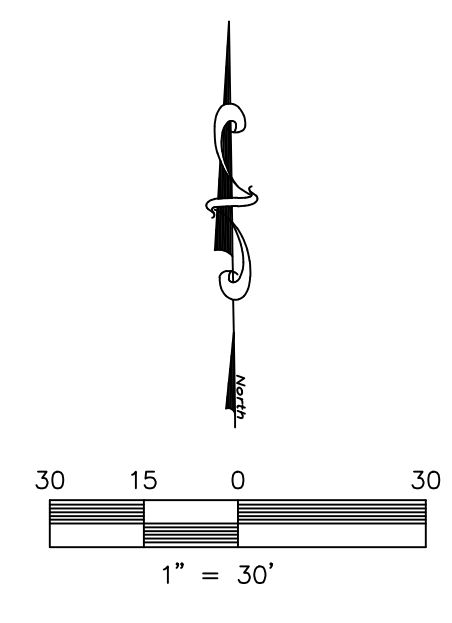
**PLANT LIST**

KEY	QTY.	COMMON NAME	BOTANICAL NAME	SIZE	REMARKS
RO	13	RED OAK	Quercus virginiana	Minimum 6" caliper; 10'-12' ht.	Nursery-grown B&B, full head, single trunk
BH	39	BURFORD HOLLY	Ilex cornuta "Burfordii"	Minimum 8' ht at time of planting	Full; plant 72" o.c.
LS		GRASS	Burmuda	FULL.	Irrigation.

WARNING:  
PRIOR TO THE BEGINNING OF ANY CONSTRUCTION OR CONSTRUCTION STAKING, IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE CIVIL ENGINEER TO ENSURE THAT ALL PARTIES ARE IN POSSESSION OF THE MOST CURRENT SET OF CONSTRUCTION DOCUMENTS.

NOTE:  
THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFYING THE LOCATION OF ALL EXISTING UTILITIES AND EASEMENTS PRIOR TO START OF OPERATIONS. CONTRACTOR WILL NOTIFY THE OWNER'S REPRESENTATIVE OF ANY DISCREPANCIES PRIOR TO STARTING THE WORK. EXISTING UTILITIES AND UNDERGROUND FACILITIES INDICATED ON THESE PLANS HAVE BEEN LOCATED FROM REFERENCE INFORMATION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY BOTH THE HORIZONTAL AND VERTICAL LOCATION OF ALL EXISTING UTILITIES AND UNDERGROUND FACILITIES PRIOR TO START OF CONSTRUCTION. TAKE THE NECESSARY PRECAUTIONS IN ORDER TO PROTECT ALL FACILITIES ENCOUNTERED. THE CONTRACTOR SHALL PRESERVE AND PROTECT ALL EXISTING UTILITIES FROM DAMAGE DURING CONSTRUCTION.

- 1) BENCHMARK:  
CITY OF GARLAND GPS  
MONUMENT NO. 225  
N=7021507.639  
E=2526082.896  
ELEV = 610.56
- 2) BENCHMARK:  
CITY OF GARLAND GPS  
MONUMENT NO. 32  
N=7011287.66  
E=2526697.41  
ELEV = 592.40



VICINITY MAP  
NOT TO SCALE  
**LEGEND**

- = PROPERTY LINE
- SS --- = EXISTING SANITARY SEWER LINE
- W --- = EXISTING WATER LINE
- ⊙ = EXISTING GAS MANHOLE
- ⊙ FH = EXISTING FIRE HYDRANT
- ⊙ WM = EXISTING WATER METER
- ⊙ PP = EXISTING POWER POLE
- ⊙ LP = EXISTING LIGHT POLE
- ⊙ = EXISTING STORM MANHOLE
- ⊙ = EXISTING SS MANHOLE
- ⊙ = PROPOSED SS MANHOLE
- ⊙ = PROPOSED FIRE HYDRANT
- EXIST. of EX. = EXISTING
- PROP. = PROPOSED
- LS = LANDSCAPE
- RCP = REINFORCED CONCRETE PIPE
- min = MINIMUM
- max = MAXIMUM
- [Pattern] = PROP. PERVIOUS ROCK
- [Pattern] = PROP. PERVIOUS PAVERS

ONLY DRAWINGS STAMPED "RELEASED FOR CONSTRUCTION" BY THE CITY OF GARLAND TO BE USED FOR CONSTRUCTION.

CASE #230810-3

LANDSCAPE PLAN

STAR MILLER PARK

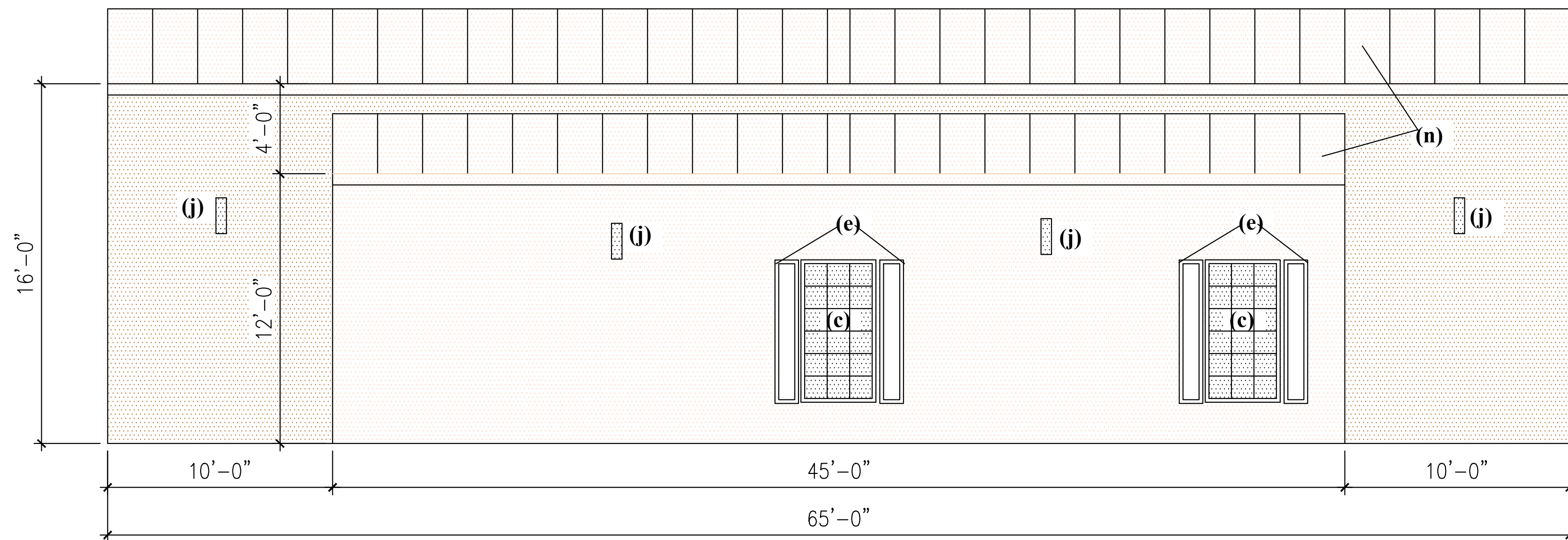
3877 MILLER PARK DRIVE  
STAR-MILLER PARK ADDITION  
LOT 2, BLOCK 1, 3.42 Acres  
City of Garland, Dallas County, Texas  
Developer/Contractor

37 STARS REALTY, LLC  
12101 Greenville Ave. Ste 102,  
Dallas, Texas 75243  
Contact: Moses NeGusse 972) 743-1223  
prepared by

MONK CONSULTING ENGINEERS  
CITY OF GARLAND GPS  
MONUMENT NO. 32  
1200 W. State Street, Garland Texas 75040  
972 272-1763 Fax 972 272-8761

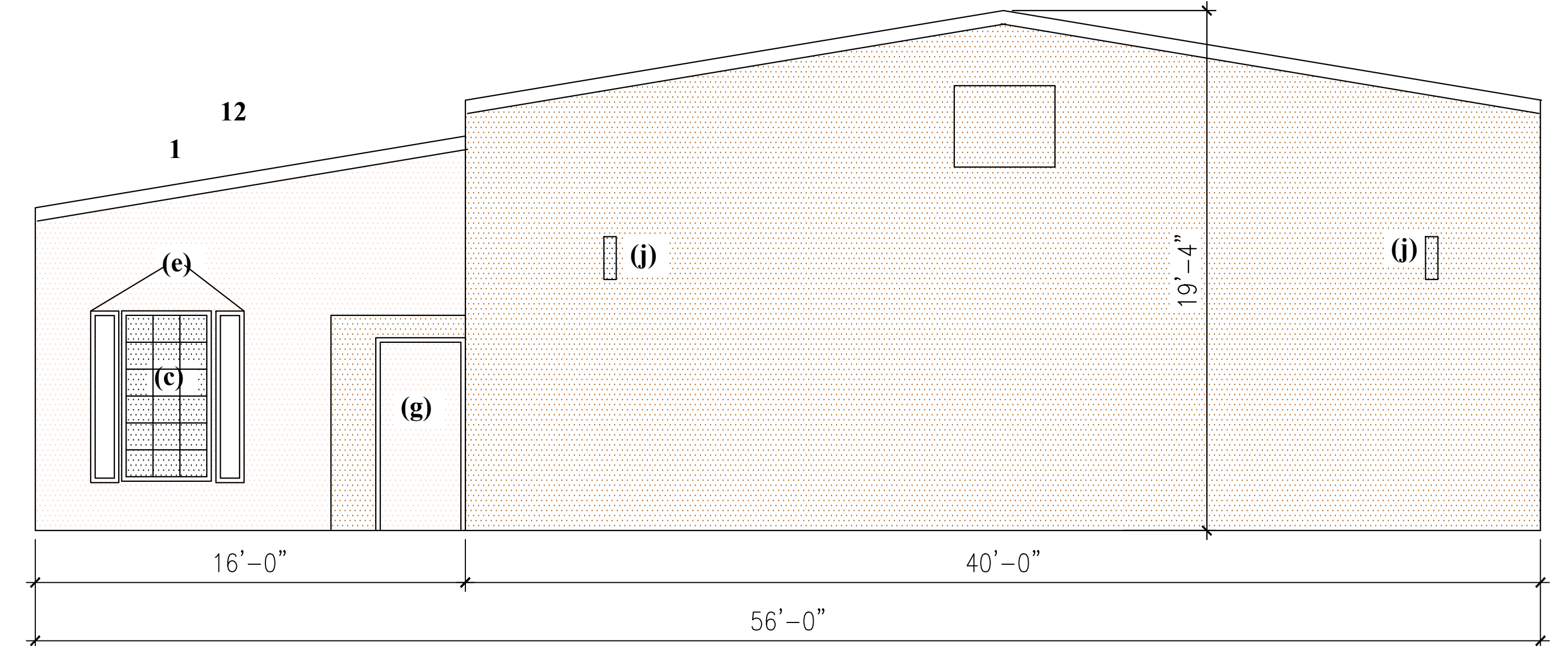
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PROJECT NO.: 2018-11 REG. NO.: F-2567

date: 8/14/23 scale: 1"=30' sheet: 1101  
9/13/23



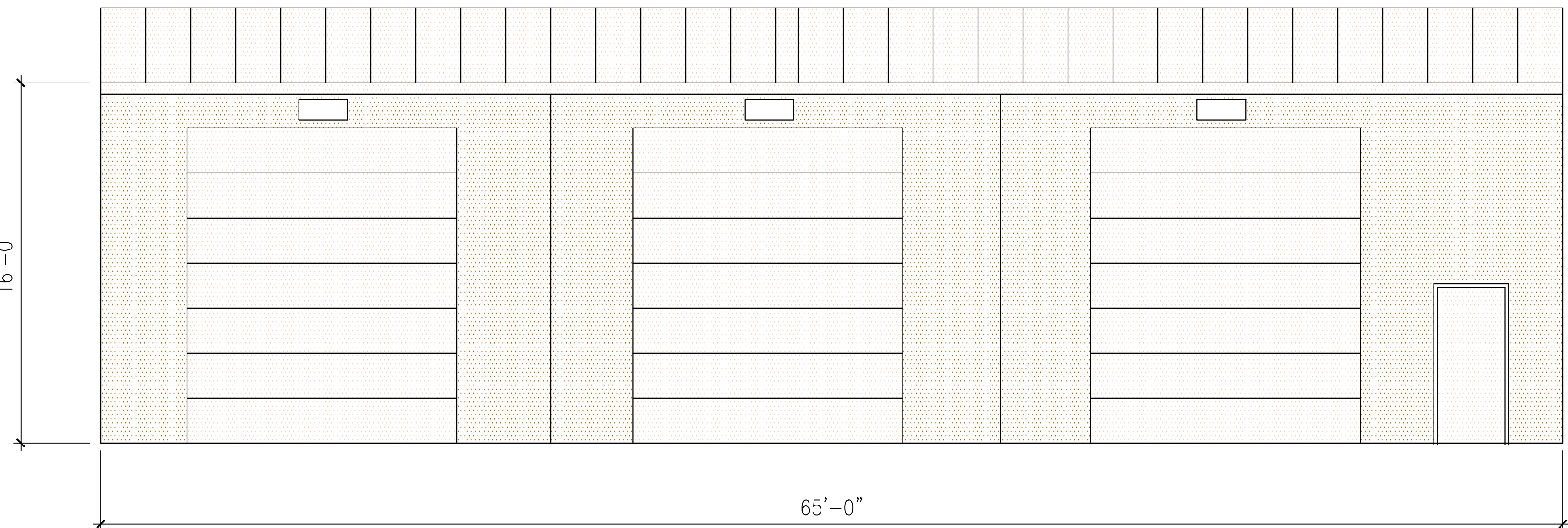
**1 East Elevation (Miller Park Drive)**

SCALE 1/4" = 1'-0"



**2 North Elevation**

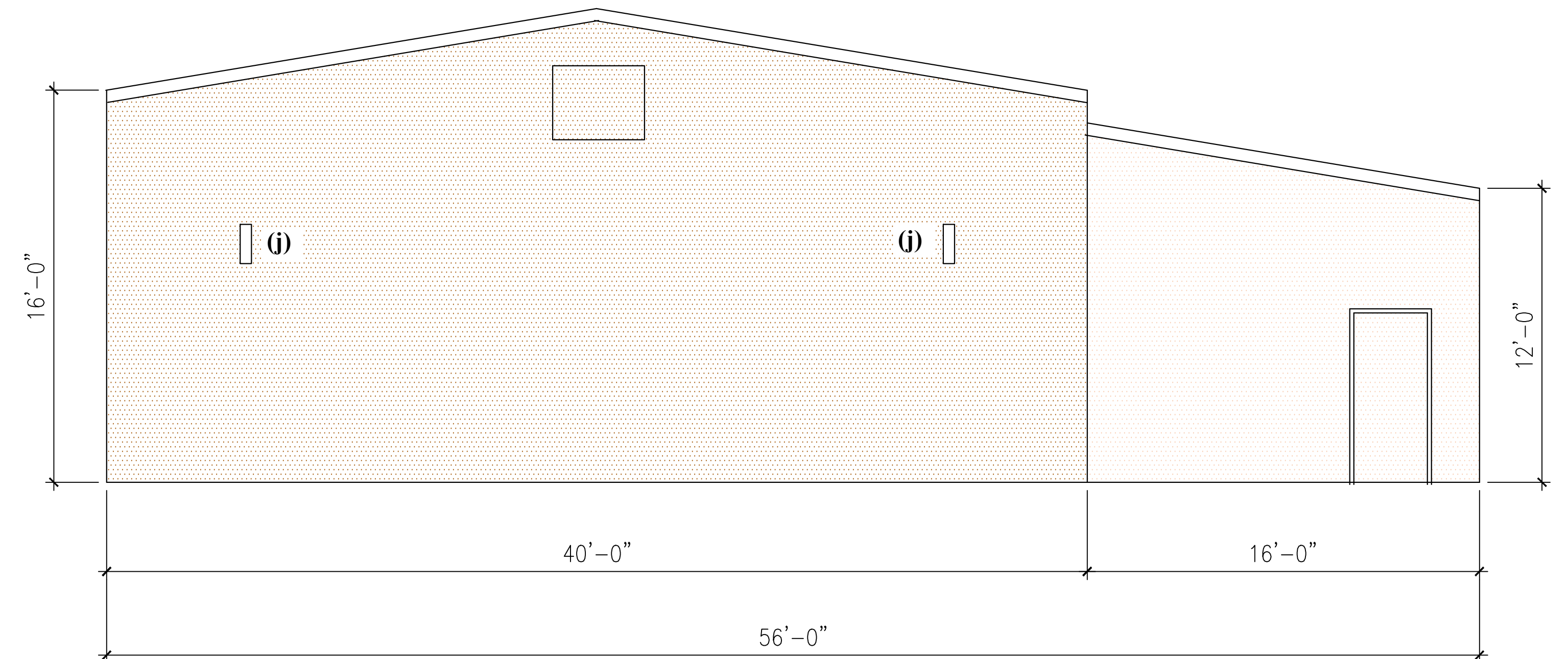
SCALE 1/4" = 1'-0"



DOORS FACE BACK OF PROPERTY

**3 West Elevation**

SCALE 1/4" = 1'-0"



**4 South Elevation**

SCALE 1/4" = 1'-0"

**Park Bench**  
Refer to site Plan for location (i)



**Articulations**

- Horizontal
  - Building Street Length 65 x 20% =13' Min. Provided 45'
  - Building Depth Articulation at least 2' Provided 16'
- Vertical
  - Building Height Articulation 4'

**Architectural Elementsm (6)**

- (c) Divided Light Windows
- (g) Recessed Entries
- (e) Shutters
- (i) Bench for outdoor seating
- (n) Varied Roof Heights
- (j) Distinctive Lighting Fixture

**Exterior Color**

Office  
Bridgersteel-Stone  
SRI 62-TSR 54-E.84



Maintenace  
Bridgersteel-Parchment  
SRI 71-TSR 60-E.88



CASE # 230810-3

**ELEVATIONS**

STAR MILLER PARK  
3877 MILLER PARK DRIVE

REBELIN-PARK ADDITION  
LOT 2, BLOCK 1, 3.42 Acres  
City of Garland, Dallas County, Texas

developer/contractor

37 STARS REALTY, LLC  
12101 Greenville Ave N. ste 102,  
Dallas, Texas 75243  
Contact: Moses NeGusse 972) 743-1223

prepared by

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1200 W. State Street, Garland Texas 75040  
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PROJECT NO.: 2018-11 REG. NO.: F-2567

date:	scale:	sheet:
8/14/23	1/4"=1'-0"	A301
9/13/23		