

ORDINANCE NO. 7498

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING A CHANGE IN ZONING FROM NEIGHBORHOOD OFFICE (NO) DISTRICT TO COMMUNITY RETAIL (CR) DISTRICT ON A 1.159-ACRE TRACT OF LAND LOCATED AT 2930 BROADWAY BOULEVARD 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 11th day of December 2023, the Plan Commission did consider and make recommendations on a certain request for a Change in Zoning from Neighborhood Office (NO) District to Community Retail (CR) District by **708 Studios, LLC/Clara M. Carlisle;** 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 Change in Zoning from Neighborhood Office (NO) District to Community Retail (CR) 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 23-45

PASSED AND APPROVED this 23rd day of January, 2024.

THE CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 23-45

BEING a 50,492 square foot tract of land situated in the James Mills Survey, Abstract No. 951, City of Garland, Dallas County, Texas, being all of that tract of land described to Upsilon Investments LLC, by Warranty Deed with Vendor's Lien, recorded in Instrument No. 202200301971, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a 3 inch aluminum disk stamped "Marcer Addition-2016" found for the south corner of Lot 1, Block 1, Marcer Addition, an addition to the City of Garland, Dallas County, Texas, according to the Map recorded in Instrument No. 201600151059, O.P.R.D.C.T., the west corner of a Right-of-Way (R.O.W.) dedication to the City of Garland, by deed recorded in Document No. 201300380356, O.P.R.D.C.T., and the north corner of a R.O.W. dedication to the City of Garland, by deed recorded in Document No. 201300380355, O.P.R.D.C.T., and being in the northwest R.O.W. line of Dairy Road, a variable width R.O.W., and also being the beginning of a non-tangent curve to the right, having a radius of 563.02 feet, a central angle of 13 degrees 45 minutes 00 seconds, and a chord bearing and distance of South 27 degrees 58 minutes 18 seconds West, 134.79 feet;

THENCE, with said northwest R.O.W. line of said Dairy Road, and said curve to the right, an arc distance of 135.11 feet to a 1/2 inch iron rod with plastic yellow cap stamped "PSI" for the most easterly south corner of said Upsilon Investments LLC tract, same being in the northeast line of that tract of land described to Emmanuel Osare Omo-Iyamu and Felicia E. Omo-Iyamu, by deed recorded in Instrument No. 202200111281, O.P.R.D.C.T.;

THENCE North 45 degrees 10 minutes 33 seconds West, with the northeast line of said Omo-Iyamu tract, a distance of 120.34 feet to a 1/2 inch iron rod with plastic yellow cap stamped "PSI" for the north corner of said Omo-Iyamu tract,

same being an inside ell corner of said Upsilon Investments LLC tract;

THENCE South 44 degrees 49 minutes 27 seconds West, with the northwest line of said Omo-Iyamu tract, and the northwest line of Lot 1, Block 35, Monica Park No. 8, an addition to the City of Garland, Dallas County, Texas, according to the Map recorded in Volume 72250, Page 1556, Map Records, Dallas County, Texas, a distance of 168.00 feet to a point for the west corner of said Lot 1, same being the most southerly west corner of said Upsilon Investment tract, and also being in the northeast R.O.W. line of Broadway Boulevard, a 100 foot R.O.W.;

THENCE North 45 degrees 10 minutes 36 seconds West, with the northeast R.O.W. line of said Broadway Boulevard, a distance of 125.00 feet to a 60D nail found for the south corner of Lot 2, Block 1, said Marcer Addition, same being the most northerly west corner of said Upsilon Investments tract;

THENCE North 44 degrees 49 minutes 27 seconds East, with the southeast line of said Lot 2 and said Lot 1, Block 1, Marcer Addition, a distance of 297.00 feet to a 1/2 inch iron rod with yellow cap stamped "TXHS" found for an inside ell corner of said Lot 1, Block A, Marcer Addition, same being the north corner of said Upsilon Investments tract;

THENCE South 45 degrees 10 minutes 37 seconds East, with the southwest line of said Lot 1, Block 1, Marcer Addition, a distance of 206.26 feet to the POINT OF BEGINNING, and containing 50,492 square feet or 1.159 acres of land.