

ORDINANCE NO. 7521

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PROVISION RENEWAL FOR A RESTAURANT, DRIVE-THROUGH USE ON A PROPERTY ZONED COMMUNITY RETAIL (CR) DISTRICT AND ON A 1.2697-ACRE TRACT OF LAND LOCATED AT 5959 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 March, 2024, the Plan Commission did consider and make recommendations on a certain request for a Specific Use Provision Renewal for a Restaurant, Drive-Through Use on a property zoned Community Retail (CR) District by **Texas Taco Cabana, LP**; 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 Renewal for a Restaurant, Drive-Through Use on a property zoned Community Retail (CR) District 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 24-09

PASSED AND APPROVED this 16th day of April 2024.

THE CITY OF GARLAND, TEXAS

Mayor

ATTEST:

Deputy City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 24-09

BEING all that certain lot, tract or parcel of land situated in. the E. T. Myers Survey, Abstract No. 944, Dallas County, Texas, and being a part of the. 4.591 acre tract of land described in Deed of Trust to J. D. Clark, Ill, recorded in Volume 94044 at Page 1852 of the Deed Records of Dallas County, Texas, and being known as Lots 4 and 5 of Broadway Wal-Mart Addition, an addition to the City of Garland, Texas, as recorded in Volume 2000111 at Page 4958 of the Map Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows;

COMMENCING at a ½" iron rod found for the Southeast comer of Lot 1 in Block 2, K-Mart Square Addition, an addition to the City of Garland, Dallas County, Texas, according to the plat thereof recorded in Volume 78227 at Page 12 of the Deed Records of Dallas County, Texas, said point also being in the West right of way line of Broadway Boulevard (100 foot wide at this point);

THENCE South 00° 42' 04" West along East line of the Broadway Wal-Mart Addition for a distance of 291.01 feet to a 5/8" iron rod set for comer, said point being the Northeast Corner of said Lot 4 of the Broadway Wal-Mart Addition;

THENCE South 09° 42' 00" West and continuing along the East line of said Lot 4 and being common to the West right of way line of Broadway Boulevard for a distance of 78.42 feet to an "x". set in concrete for corner;

THENCE South 07° 19' 36" West and continuing along the common line of Lot 4 and Broadway Boulevard for a distance of 21.67 feet to a 5/8" iron rod set for comer,

THENCE South 00° 42' 00" West and continuing along the common line of Lot 5 and' the West right of way line of Broadway Boulevard and passing the Southeast comer of Lot 4,

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same being the Northeast comer of Lot 5 at a distance of 60.17 feet and continuing along the East line of Lot 5 and the West right of way line of Broadway Boulevard for a total distance of 85,05 to the POINT OF BEGINNING for this tract;

THENCE South 00° 42' 00" West and continuing along the common line of Lot 5 and the West right of way line of Broadway Boulevard for a distance of 146.29 feet to a 5/8" iron rod set for corner;

THENCE South 45° 42' 43" West along the Southeast line of said Lot 5 for a distance of 33.94 feet to a 5/8" iron rod set for corner;

THENCE North 89° 17' 17" West along the South line of said Lot 5 for a distance of 43.89 feet to a 5/8" iron rod set for corner, said point being the beginning of a curve to the right having a central angle of 32° 36' 42" and a radius of 140.00 and whose chord bears South 74° 24' 22" West at a distance of 78.61 feet;

THENCE Southwesterly along said curve to the right and continuing along the South line of said Lot 5 for an arc distance of 79.69 feet to a 5/8" iron rod set for corner;

THENCE South 58° 06' 01" West and continuing along the South line of Lot 5 for a distance of 70.71 feet to a 5/8" iron rod set for corner;

THENCE North 76° 53' 59" West along the Southwest line of said Lot 5 for a distance of:21.21 feet to a 5/8" iron rod set for corner;

THENCE North 31° 53' 59" West along the West line of said Lot 5 for a distance of 128.45' feet to a 5/8" Iron rod set for corner, said point being the beginning of a curve to the right having a central angle of 32° 36' 03" and a radius of 90.00 feet and whose chord bears North 15° 35' 58" West at a distance of 50.52 feet;

THENCE Northwesterly along said curve to the right for an arc distance of 51.21 feet to a 5/8" iron rod set for corner;

THENCE North 0° 42' 04" East along the West line for a distance of 69.17 feet to a 5/8" iron rod set for corner;

EXHIBIT A

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THENCE. South 89° 17' 56" East for a distance of 307.02 feet to the POINT OF BEGINNING AND CONTAINING 1.2697 ACRES OF LAND, more or less.

EXHIBIT A

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 24-09

5959 Broadway Boulevard

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to renew the Specific Use Provision (S 02-36) for a Restaurant with a Drive-Through 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 Community Retail (CR) 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 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 Drive-Through, Restaurant Use shall be in effect for a period of twenty (20) years.

B. Maintenance requirements:

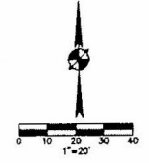
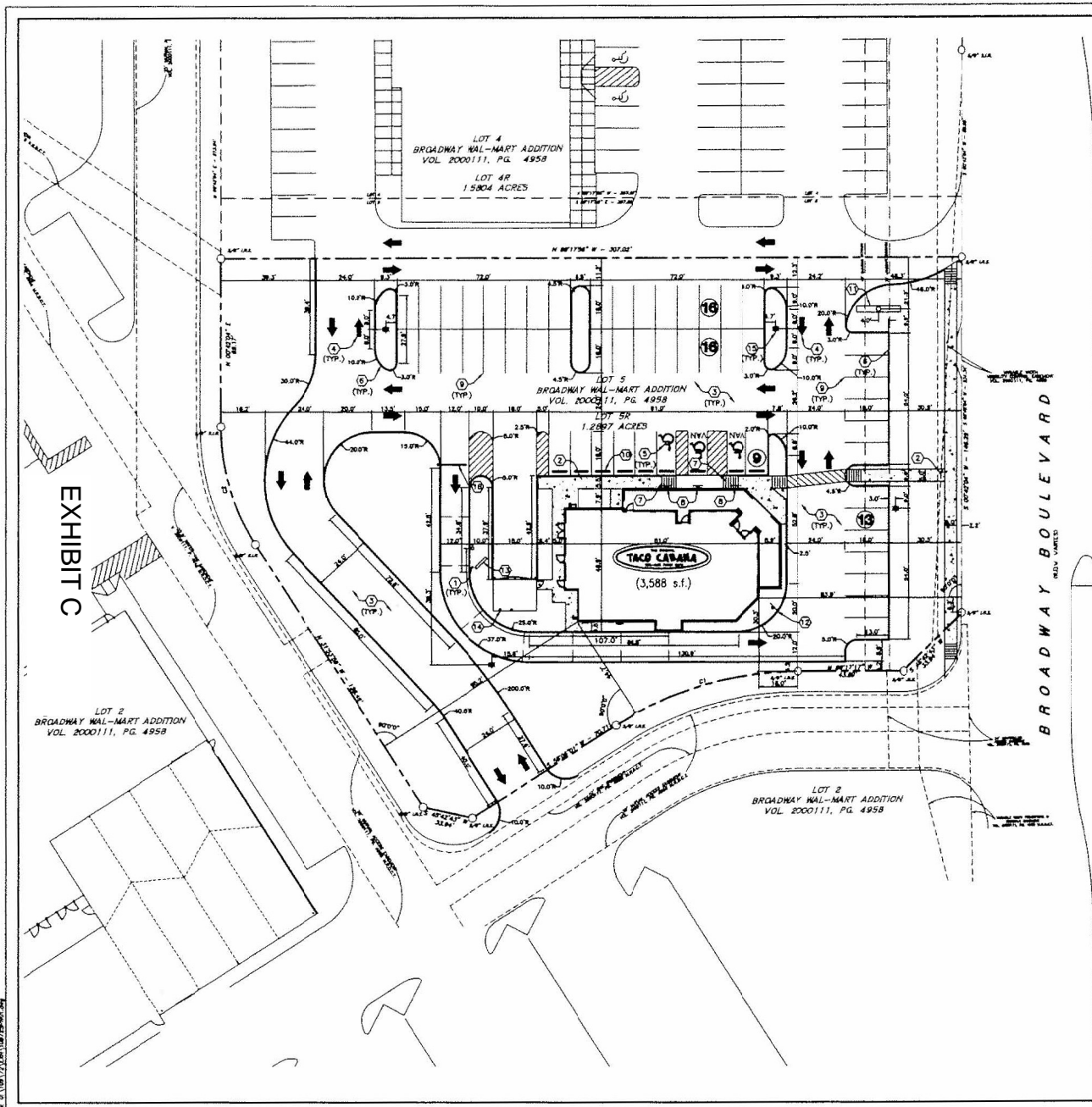
(1) Landscaping must be continuously maintained in a healthy, growing condition and in compliance with this ordinance, the Garland Development Code, the Code of Ordinances of the City of Garland, and the landscaping plan attached hereto at all times. The property owner is responsible for regular weeding, 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 for the Restaurant

with a Drive-Through Use. 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 Restaurant with a Drive-Through Use.

- C. Signage: One freestanding pole sign, 22 feet in height, 150 square feet in area and set back 25 feet from the property line may remain on the site.



VICINITY MAP
GARLAND, TEXAS

KEY NOTES:

- ① BOLLARD
- ② SIOCKALK
- ③ PAVEMENT
- ④ TRAFFIC FLOW ARROWS
- ⑤ HANDICAP PARKING
- ⑥ CURB
- ⑦ HANDICAP RAMP
- ⑧ HANDICAP SIGN
- ⑨ 4" STROPPING (YELLOW)
- ⑩ WHEEL STOP
- ⑪ TACO CABANA PYLON SIGN
- ⑫ "DO NOT ENTER" SIGN
- ⑬ MENU BOARD
- ⑭ DUMSTER ENCLOSURE
- ⑮ LIGHT POST
- ⑯ TRAFFIC CLEARANCE BAR

LEGEND

EXISTING	PROPOSED	DESCRIPTION
○	○	1/2" IRON ROD FOUND
○	○	1/2" IRON ROD SET
○	○	REIN. PIPE FOUND
○	○	WAL FOUND
○	○	CONCRETE FOOT
○	○	MOMENT FOUND
○	○	POINT OF BEGINNING
○	○	REMARKS
○	○	RECORD INFORMATION
○	○	LIGHT POLE
○	○	POWER POLE
○	○	SEWER DUCT
○	○	FIRE HYDRANT
○	○	WATER VALVE
○	○	WATER METER
○	○	ONE METER
○	○	SHOWING WELL
○	○	ONE WALK
○	○	WOOD FENCE
○	○	CHAIN LINK FENCE
○	○	WIRE FENCE
○	○	ELECTRICAL MANHOLE
○	○	WATERWORKS MANHOLE
○	○	STORMSEWER MANHOLE
○	○	SEWER MANHOLE
○	○	SEWER
○	○	STORM
○	○	CLEAN OUT
○	○	DRAINAGE INLET
○	○	CURB INLET
○	○	CURB & OUTLET
○	○	FIRE LINE
○	○	UNRECORDED
○	○	PARKING SPACE
○	○	IRON
○	○	VARIABLE HEIGHT
○	○	CALLS & SPOILING WALL
○	○	ELECTRIC PULL BOX
○	○	ELECTRIC METER
○	○	ELECTRIC TRANSFORMER
○	○	TELEPHONE SERVICE BOX
○	○	BOLLARD
○	○	OVER HEAD ELEC. LINE
○	○	OVER HEAD TELEPHONE
○	○	STORM SEWER LINE
○	○	WATER LINE
○	○	WASTEWATER LINE
○	○	FORCE MAIN
○	○	UNDERGROUND ELECTRIC
○	○	UNDERGROUND TELEPHONE
○	○	GAS LINE
○	○	PROPERTY LINE
○	○	LINE LINE
○	○	CONTOUR
○	○	SPOT ELEVATION
○	○	TOP OF CURB ELEVATION
○	○	EDGE OF PAVEMENT ELEVATION
○	○	OUT/PEL SLOPER
○	○	FLOW DIRECTION
○	○	CONCRETE SURFACE
○	○	LAND AREA (SHOW 2% SLOPE ANY DIRECTION)
○	○	NUMBER OF PARKING SPACES

PARKING SUMMARY

LEASE AREA:	1,289.7 ACRES
BUILDING AREA:	3,588 S.F.
DRIVING AREA:	1,856 S.F.
PARKING REQUIRED:	48 SPACES
PARKING AVAILABLE:	54 SPACES
HANDICAP PARKING REQ'D:	3 SPACES
HANDICAP PARKING PROVIDED:	3 SPACES
(TOTAL BUILDING AREA/TOTAL SPACES)	
STALL SIZE:	9.0' x 18.0'
ISLE WIDTH:	24.0'

- NOTES:**
1. ALL DIMENSIONS ARE TO FACE OF CURB.
 2. ALL RADII ARE 5.0' UNLESS OTHERWISE NOTED.
 3. ALL PROPOSED PARKING SHALL BE 9.0' x 18.0' UNLESS OTHERWISE NOTED.

CURVE TABLE

CURVE	DELTA	ANGLE	LENGTH	CHORD	CHORD
C1	90.00°	156.00'	79.84'	87.424'±0.00'	79.84'
C2	90.00°	90.00'	91.00'	91.000'±0.00'	91.00'

LEGAL DESCRIPTION:

A 1.2897 ACRE TRACT OUT OF LOT 5 BROADWAY WALMART ADDITION, AN ADDITION TO THE CITY OF GARLAND, TEXAS, AS RECORDED IN VOLUME 2000111 AT PAGE 4958 OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS.

ZONING

FW - (FREWAY) DISTRICT WITHIN THE INTERSTATE 30-OVERLAY DISTRICT

Bury+Partners
 Consulting Engineers and Surveyors
 10000 Preston Road, Suite 1000
 Dallas, Texas 75242

TACO CABANA
 THE ORIGINAL
 TACO CABANA
 1145 S. W. 10th Ave.
 GARLAND, TEXAS

SITE PLAN
 TACO CABANA
 1145 S. W. 10th Ave.
 GARLAND, TEXAS

PLOTTING SCALE: 1" = 1'
 DATE ISSUED: 09/17/02
 FILE NO: 108-127-109725P001.DWG
 DRAWN BY: JLD
 CHECKED BY: EES
 PROJECT NO.: 108-72.00

SHEET
 OF 1

