

ORDINANCE NO. 7525

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING (1) A CHANGE IN ZONING FROM PLANNED DEVELOPMENT (PD) DISTRICT 99-49 FOR NEIGHBORHOOD OFFICE USES TO COMMUNITY RETAIL (CR) DISTRICT AND (2) A SPECIFIC USE PROVISION FOR A RESTAURANT, DRIVE-THROUGH USE ON A 1.148-ACRE TRACT OF LAND LOCATED AT 2301 ARAPAHO 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 25th day of March, 2024, the Plan Commission did consider and make recommendations on a certain request for (1) a Change in Zoning from Planned Development (PD) District 99-49 for Neighborhood Office Uses to Community Retail (CR) District and (2) a Specific Use Provision for a Restaurant, Drive-Through Use by **Kimley Horn**; 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 (1) a Change in Zoning from Planned Development (PD) District 99-49 for Neighborhood Office Uses to Community Retail (CR) District and (2) a Specific Use Provision for a Restaurant, Drive-Through Use.

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 24-11

PASSED AND APPROVED this 7th day of May 2024.

THE CITY OF GARLAND, TEXAS

Mayor

ATTEST:

Deputy City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 24-11

BEING A 1.148 ACRE TRACT OF LAND LOCATED IN THE THOMAS MONTGOMERY SURVEY, ABSTRACT NO. 962, CITY OF GARLAND, DALLAS COUNTY, TEXAS, BEING A PORTION OF A CALLED 35.11 ACRE TRACT OF LAND AS DESCRIBED IN THE WARRANTY DEED WITH VENDOR'S LIEN TO WILLIAM F. CALLEJO, TRUSTEE, FILED FOR RECORD IN VOLUME 67197, PAGE 1530, DEED RECORDS, DALLAS COUNTY, TEXAS (DRDCT), SAID 1.148 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING AT A 1/2 INCH CAPPED IRON ROD FOUND STAMPED "AEC" FOR THE SOUTHEAST CORNER OF LOT 1, BLOCK 1, GRAUE ADDITION, AN ADDITION TO THE CITY OF GARLAND, DALLAS COUNTY TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 2003093, PAGE 113, PLAT RECORDS, DALLAS COUNTY, TEXAS (PRDCT), BEING ON THE NORTHEAST RIGHT-OF-WAY LINE OF ARAPAHO ROAD, A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY (100.00' WIDTH AT THIS POINT), FROM WHICH A 5/8 INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 1, BEARS NORTH 72 DEGREES 03 MINUTES 57 SECONDS WEST, A DISTANCE OF 272.15 FEET, SAID BEGINNING POINT HAVING A NAD83 - TEXAS COORDINATE SYSTEM POSITION (GRID) OF N:7036908.5 E:2531830.3, (BEARINGS & COORDINATE VALUES SHOWN HEREON ARE IN REFERENCE TO THE NAD 83 - TEXAS COORDINATE SYSTEM - NORTH CENTRAL ZONE, 4202, BASED ON GPS OBSERVATIONS UTILIZING THE LEICA GPS REFERENCE NETWORK);

THENCE NORTH 02 DEGREES 27 MINUTES 25 SECONDS EAST, DEPARTING SAID NORTHEAST RIGHT-OF-WAY LINE, AND ALONG THE EAST LINE OF SAID LOT 1, BLOCK 1, GRAUE ADDITION, A DISTANCE OF 58.61 FEET, TO A 1/2 INCH IRON ROD FOUND FOR AN ANGLE POINT IN THE EAST LINE OF SAID LOT 1, BLOCK 1, GRAUE ADDITION, SAME BEING SOUTHWEST CORNER OF LOT 9R, BLOCK 4, WOOD GLEN ADDITION NO. 1, AN ADDITION TO THE CITY OF GARLAND, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 86052, PAGE 5225, PRDCT, FROM WHICH AN 'X' CUT FOUND IN CONCRETE FOR THE NORTHWEST CORNER OF SAID LOT 9R, BEARS NORTH 42 DEGREES 15 MINUTES 25 SECONDS EAST, A DISTANCE OF 129.42 FEET;

THENCE NORTH 88 DEGREES 56 MINUTES 03 SECONDS EAST, DEPARTING SAID EAST LINE, AND ALONG THE SOUTH LINE OF BLOCK 4, OF SAID WOOD GLEN ADDITION NO. 1, AT A DISTANCE OF 426.5 FEET, PASSING A 1/2 INCH IRON ROD FOR THE SOUTHEAST CORNER OF LOT 1R, BLOCK 4, OF SAID WOOD GLEN ADDITION, AND CONTINUING IN ALL A TOTAL DISTANCE OF 440.60 FEET, TO A PK NAIL WITH SHINER SET IN A CONCRETE WING-WALL, BEING ON THE NORTHWEST RIGHT-OF-WAY LINE OF OLD HOLFORD ROAD, A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY, SAME BEING THE NORTHEAST CORNER OF A CALLED 0.568 ACRE TRACT OF LAND AS DESCRIBED IN THE QUITCLAIM DEED WITH RESERVATIONS, TO WILLIAM F. CALLEJO, TRUSTEE, FILED FOR RECORD IN VOLUME 95224, PAGE 3766, DRDCT;

THENCE SOUTH 43 DEGREES 44 MINUTES 57 SECONDS WEST, ALONG SAID NORTHWEST RIGHT-OF-WAY LINE, BEING COMMON WITH THE EAST LINE OF SAID CALLED 0.568 ACRE TRACT OF LAND, A DISTANCE OF 85.24 FEET, TO A POINT FOR CORNER (CORNER FALLS INTO EXISTING POWER POLE), BEING THE SOUTHEAST CORNER OF SAID CALLED 0.568 ACRE TRACT OF LAND;

THENCE SOUTH 89 DEGREES 13 MINUTES 31 SECONDS WEST, ALONG THE SOUTH LINE OF SAID CALLED 0.568 ACRE TRACT OF LAND, A DISTANCE OF 7.42 FEET, TO A PK NAIL WITH SHINER SET IN CONCRETE, BEING ON THE NORTHWEST RIGHT-OF-WAY LINE OF NEW HOLFORD ROAD, AN 80.00' PUBLIC RIGHT-OF-WAY, AND BEING THE NORTHWEST CORNER OF A RIGHT-OF-WAY DEED TO THE CITY OF GARLAND, FILED FOR RECORD IN VOLUME 87025, PAGE 4756, DRDCT, AND AS SHOWN ON CITY OF GARLAND RIGHT-OF-WAY AS-BUILT MAP FOR ARAPAHO ROAD (PROJECT: JUPITER ROAD TO NORTH STAR ROAD) DATED 07-10-1989;

THENCE SOUTH 44 DEGREES 05 MINUTES 55 SECONDS WEST, ALONG SAID NORTHWEST RIGHT-OF-WAY LINE, A DISTANCE OF 197.87 FEET, TO A PK NAIL WITH SHINER SET IN CONCRETE;

THENCE SOUTH 86 DEGREES 20 MINUTES 45 SECONDS WEST, CONTINUING ALONG SAID NORTHWEST RIGHT-OF-WAY LINE, A DISTANCE OF 9.14 FEET, TO A 5/8 INCH CAPPED IRON ROD SET STAMPED "MYCOSKIE MCINNIS", BEING THE WESTERNMOST CORNER OF SAID CITY OF GARLAND RIGHT-OF-WAY DEED, AND BEING ON THE NORTHEAST RIGHT-OF-WAY LINE OF SAID ARAPAHO ROAD, ALSO BEING ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 967.86 FEET, SAID POINT HAVING A NAD83 - TEXAS COORDINATE SYSTEM POSITION (GRID) OF N: 7036770.9 E: 2532060.2;

THENCE ALONG SAID CURVE TO THE LEFT AND IN A NORTHWESTERLY DIRECTION, THROUGH A CENTRAL ANGLE OF 15 DEGREES 54 MINUTES 37 SECONDS, AN ARC LENGTH OF 268.76 FEET, AND HAVING A LONG CHORD WHICH BEARS NORTH 59 DEGREES 05 MINUTES 38 SECONDS

ZONING FILE NUMBER Z 24-11

WEST, A CHORD LENGTH OF 267.90 FEET, TO THE POINT OF BEGINNING, AND CONTAINING 1.148 ACRES (50,000 SQUARE FEET) OF LAND, MORE OR LESS.

EXHIBIT A

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 24-11

2301 Arapaho Road

I. Statement of Purpose: The purpose of this Specific Use Provision is to allow a Restaurant, Drive-Through.

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. Time Period: The Specific Use Provision shall have a twenty-five (25) year time period.
- B. Menu Board: The menu board, as shown on Exhibit C, shall not have a speaker.



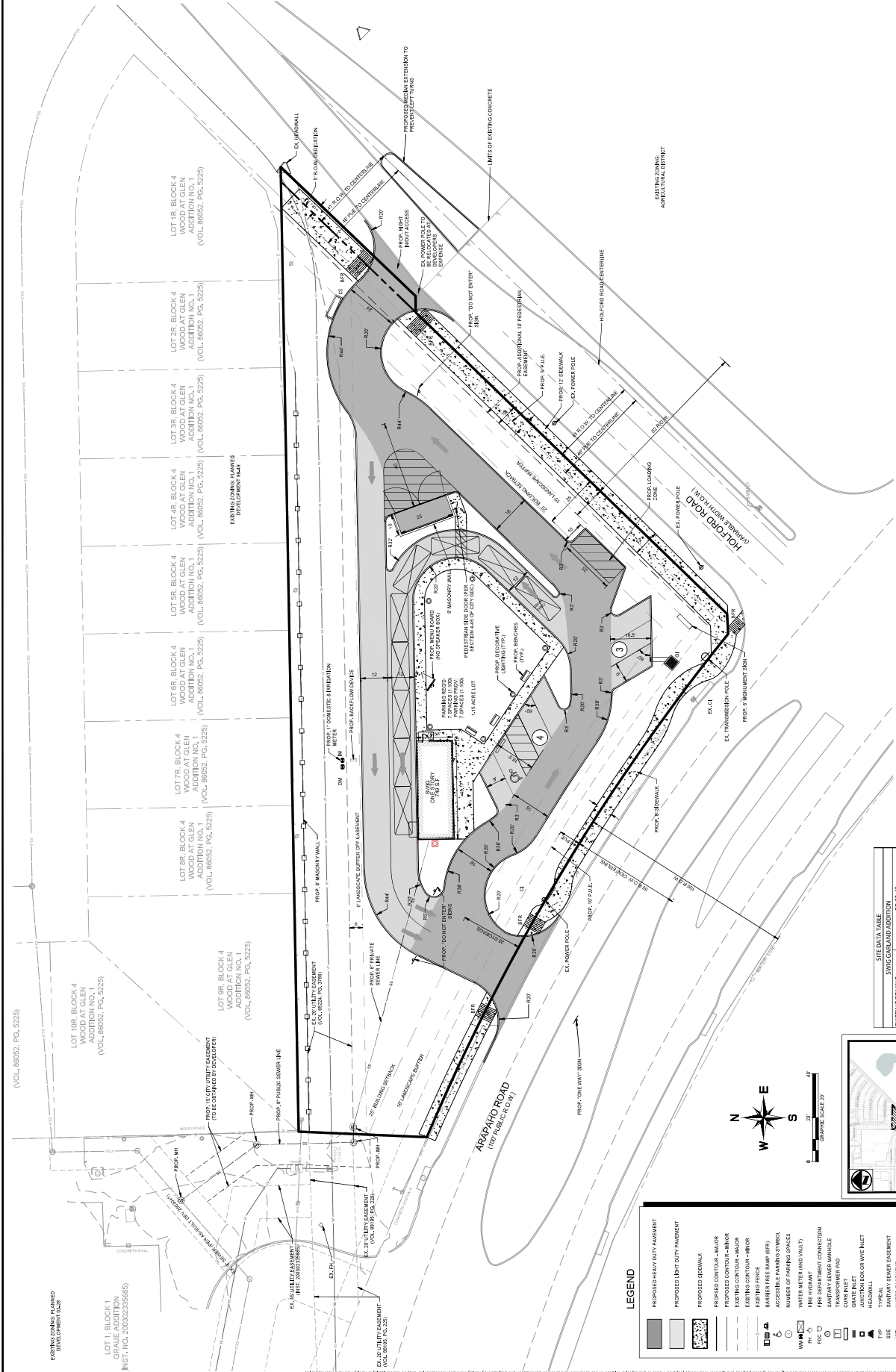
ARAPAHO RD. & HOLFORD RD.
GARLAND, TEXAS

REA PROJECT
DATE 02/27/2024
SCALE AS SHOWN
DESIGNED BY TM
DRAWN BY TM
CHECKED BY MD



Kimley-Horn
300 EAST DAVIS STREET, SUITE 100, MCKINNEY, TX 75069
PH: 972.562.2800 FAX: 972.562.8880
WWW.KIMLEY-HORN.COM TX 4528

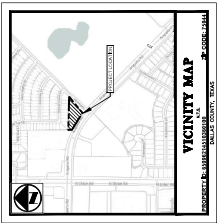
No.	REVISIONS	DATE	BY



NOTE
PER THE THROUGHFARE FOR ARAPAHO RD. PROGRAMMED TO BE EXPANDED IN THE FUTURE PER THE GDC, DEVELOPER SHALL PAY ADDITIONAL ROADWAY IMPACT FEES TO EXCEED THE DEVELOPERS PROPORTIONAL SHARE.

811
Know what's below.
Call before you dig.

SITE DATA TABLE	
EXISTING ZONING	RMG GENERAL RESIDENTIAL PD 96-49
PROPOSED ZONING	CR
PROPOSED USE	RESTAURANT, DRIVE THROUGH
BUILDING AREA	7283 S.F.
REQUIRED PARKING RATIO	1 SPACE : 200 S.F.
PROVIDED PARKING RATIO	1:100 S.F.
PARKING PROVIDED	7
MANICAP PROVIDED	1
BUILDING COVERAGE	3.14%



LEGEND

- PROPOSED HEAVY DUTY PAVEMENT
- PROPOSED LIGHT DUTY PAVEMENT
- PROPOSED SIDEWALK
- PROPOSED CONTOUR - MAJOR
- PROPOSED CONTOUR - MINOR
- EXISTING CONTOUR - MAJOR
- EXISTING CONTOUR - MINOR
- BARBER FREE RAMP (BFR)
- ACCESSIBLE PARKING SYMBOL
- NUMBER OF PARKING SPACES
- WATER METER AND VALVE
- FIRE HYDRANT
- FIRE DEPARTMENT CONNECTION
- PH - 1
- PH - 2
- TRANSFORMER PAD
- CURB INLET
- JUNCTION BOX OR WYE INLET
- HEADWALL
- TYPICAL CURB RISE ASSEMBLY
- WATER FURNISHMENT
- WATER FURNISHMENT
- DRAINAGE EASEMENT
- BARBER FREE RAMP
- BUILDING FOOTPRINT
- CURB INLET
- W
- M
- J
- JB
- MH
- MANHOLE
- PROPOSED

