

ORDINANCE NO. 7527

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PROVISION FOR A USED GOODS, RETAIL SALES (INDOORS) USE AT 5501 BROADWAY BOULEVARD, SUITE 105; 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 a Specific Use Provision for a Used Goods, Retail Sales (Indoors) Use by **Golden Bee Trove, LLC;** 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 Used Goods, Retail Sales (Indoors) 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 24-04

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 24-04

Being a 2.009-acre tract of land situated in the John Little League Survey Abstract No. 761 in the City of Garland Dallas County. Texas and being part of Lot 4, all of lot 5. Block 1 of Triangle Addition No. 2 an addition to the City of Garland according to the map thereof recording in Volume 80206. Page 0866, all of Lot 6. Block 1 of the Triangle Addition No. 4, an addition to the City of Garland according to the map thereof recorded in volume 82119. Page 1057 all of Lot 7. Block 1 of Triangle Addition No. 4 an addition to the City of Garland according to the map thereof recorded in volume 83077. Page 795, all additions of the Map Records, Dallas County. Texas, some being two (2) tracts of land conveyed to Armstrong Holden Broadway Center L.C. a Texas limited liability company by deed recorded in volume 95097. Page 04620. Deed Records. Dallas County. Texas and being all of a 0.3636-acre tract of land conveyed to Kenneth W. Blanton by deed recorded in Volume 85166. Page 4451, Deed Records, Dallas County. Texas and being all of lot 8, Block 1. Triangle Addition No. 6 an addition to the City of Garland according to the map thereof recorded in Volume 86088. Page 6215, Map Records Dallas County. Texas more particularly described by metes and bounds as follows.

BEGINNING a an "X" aet in concrete at the east corner of the Replat of Lot 10RR, Block R of the Triangle Addition No. 5 according to the map thereof recorded in Volume 96232. Page 2265. Map Records. Dallas County, Texas on the southwest right of way line of Broadway Boulevard (100 foot right - of - way):

THENCE South 27 degrees 30 minutes 00 seconds East along said Broadway Boulevard southwest right- of - way line and the northwest line of said Blanton tract the northeast line of said Lot 7 the northwest line of said Lot 6 and the northwest line of said Lot 5 passing the east corner of said Lot 5 and the north corner of said Lot 4 at a distance of 422.59 feet and continuing along said Broadway Boulevard

southwest right - of - way line and the northwest line of said Lot 4 a total distance of 436.62 feet to a ½ inch iron rod found.

THENCE South 62 degrees 25 minutes 45 seconds West a distance of 218.03 feet to a ½ inch iron rod found on the southwest line of said Lot4 and the northwest right - of - way line of Robin Road (50 foot right - of - way):

THENCE North 44 degrees 37 minutes 29 seconds West along said Lot 4 southwest line and said Robin Road northeast right- of - way line a distance of 14.60 feet to a ½ inch iron rod found at the west corner of said Lot 4 and the south corner of said Lot 5:

THENCE North 44 degrees 29 minutes 37 seconds West along said lot 5 southwest line and said Robin Road northeast right - of - way line a distance of 67.98 feet to a ½ inch iron rod found at the west corner of said Lot 5 and the south corner of said Lot 6:

THENCE North 42 degrees 51 minutes 08 seconds West along said Lot 6 southwest line and said Robin Road northeast right - of - way line a distance of 72.46 feet to a ½ inch iron rod found at the west corner of said Lot 6 and the south corner of said Lot 8:

THENCE North 44 degrees 38 minutes 49 seconds West along said Lot 8 southwest line and said Robin Road northwest right - of - way line a distance of 62.77 feet ½ inch rod found at the west corner of said Lot 8 and the south corner of a tract of land conveyed to Marvin L. Morris by deed recorded in Volume 87012. Page 5766. Deed Records Dallas County. Texas:

THENCE North 62 degrees 30 minutes 41 seconds East along the southeast line of said Morris tract a distance of 139.68 feet to a 5/8 inch iron rod said at the east corner of said Morris tract:

THENCE North 35 degrees 18 minutes 50 seconds West along the northwest line of said Morris tract, a distance of 230.22 feet to a 5/8 inch iron rod set at the south corner of said Lot 10RR:

THENCE North 62 degrees 30 minutes 00 seconds East along the southeast line of said Lot 10RR a distance of 171.52

ZONING FILE NUMBER Z 24-04

feet to the POINT OF BEGINNING and containing 87.519 square feet or 2.009 acres of land.

EXHIBIT A

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 24-04

5501 Broadway Boulevard, Suite 105

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to allow a Used Goods, Retail Sales (Indoors) 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 Planned Development (PD) District 18-40 for Community Retail (CR) District Uses 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 labeled Exhibit C. 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.

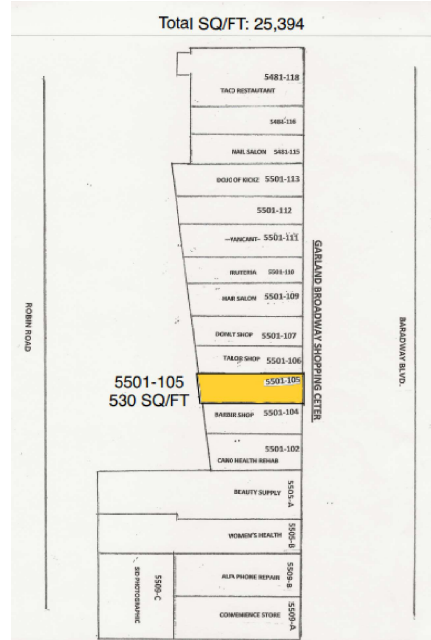
VI. Specific Regulations:

- A. SUP Time Period: The Specific Use Provision for a Used goods, Retail Sales Use shall be in effect for a period of twenty (20) years.
- B. Site Plan: The Used Goods, Retail Sales (Indoors) Use shall be limited to the approximately 530 square-foot tenant space as shown in Exhibit C.

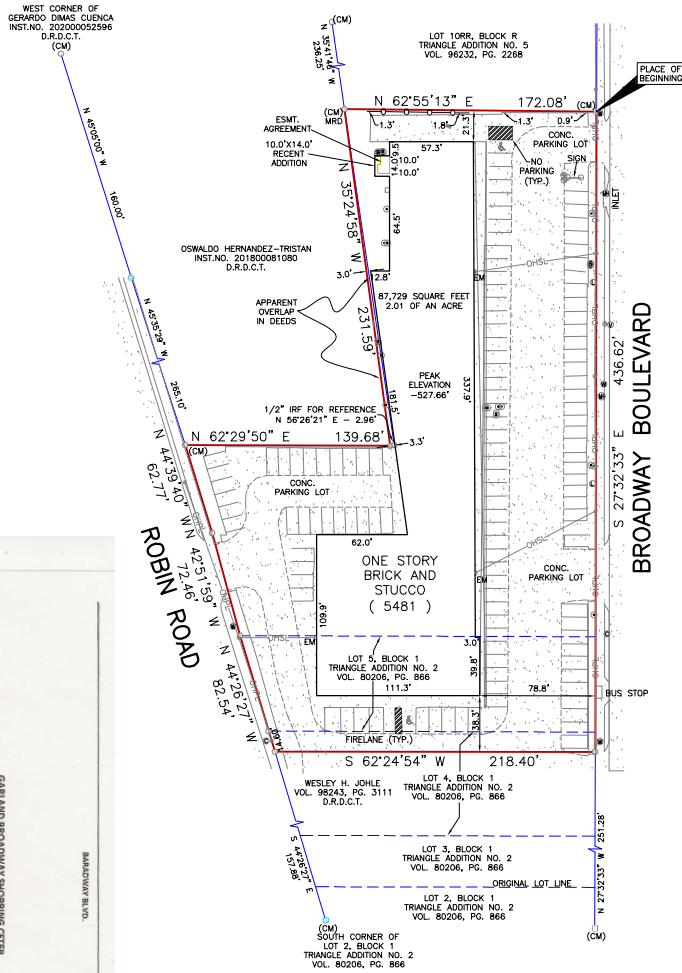


Suite	SQ/FT
5509-A	1,296
5509-B	1,540
5509-C	1,424
5505-A	4,285
5505-B	1,958
5501-102	1,040
5501-104	1,000
5501-105	530
5501-106	796
5501-107	1,117
5501-109	1,100
5501-110	860
5501-111	682
5501-112	1,060
5501-113	1,544
5481-115	1,569
5481-116	1,026
5481-118	2,567

Total 25,394 SQ/FT



TITLE AND ABSTRACTING WORK FURNISHED BY N/A



THIS SURVEY WAS PERFORMED EXCLUSIVELY FOR WON CHO

USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR OTHER PARTIES SHALL BE AT THEIR RISK AND UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM.

BEING all that certain lot, tract or parcel of land situated in the John Little League Survey, Abstract No. 761, City of Garland, Dallas County, Texas, being a part of Lot 4 and all of Lot 5, Block 1 of Triangle Addition No. 2, an Addition to the City of Garland, Dallas County, Texas, according to the Map thereof recorded in Volume 80206, Page 866, Map Records, Dallas County, Texas (M.R.D.C.T.), being all of Lot 6, Block 1 of Triangle Addition No. 4, an Addition to the City of Garland, Dallas County, Texas, according to the Map thereof recorded in Volume 82119, Page 1057 (M.R.D.C.T.), being all of Lot 7, Block 1 of Triangle Addition No. 4, an Addition to the City of Garland, Dallas County, Texas, according to the Map thereof recorded in Volume 83077, Page 795 (M.R.D.C.T.), being all of Lot 8, Block 1 of Triangle Addition No. 4, an Addition to the City of Garland, Dallas County, Texas, according to the Map thereof recorded in Volume 85088, Page 6215 (M.R.D.C.T.), being a tract of land described in deed to Garland Broadway Shopping Center, Inc., a Texas corporation, recorded under Instrument No. 201300308427, Deed Records, Dallas County, Texas (D.R.D.C.T.), and being more particularly described by the following metes and bounds description:

BEGINNING at an "X" found for corner in the Southwest line of Broadway Boulevard, at the East corner of Lot 10RR, Block R, Triangle Addition No. 5, an addition to the City of Garland, Dallas County, Texas, according to the Map thereof recorded in Volume 96232, Page 2268 (M.R.D.C.T.), being the North corner of herein described tract of land;

THENCE South 27 deg. 32 min. 33 sec. East, with the Southwest line of said Broadway Boulevard, a distance of 436.62 feet to a 1/2 inch iron rod found for corner at the North corner of a tract of land described in deed to Wesley H. Jöhle, recorded in Volume 98243, Page 3111 (D.R.D.C.T.);

THENCE South 62 deg. 24 min. 54 sec. West, a distance of 218.40 feet to a 1/2 inch iron rod found for corner in the Northeast line of Robin Road, at the West corner of said Jöhle tract;

THENCE North 44 deg. 26 min. 27 sec. West, with the Northeast line of said Robin Road, passing a 1/2 inch iron rod found at a distance of 14.60 feet, and continuing a total distance of 82.54 feet to a 1/2 inch iron rod found for corner;

THENCE North 42 deg. 51 min. 59 sec. West, with the Northeast line of said Robin Road a distance of 72.46 feet to a 1/2 inch iron rod found for corner;

THENCE North 44 deg. 39 min. 40 sec. West, with the Northeast line of said Robin Road a distance of 62.77 feet to a 1/2 inch iron rod found for corner at the South corner of a tract of land described in deed to Oswaldo Hernandez-Tristan, recorded under Instrument No. 201800081080 (D.R.D.C.T.);

THENCE North 62 deg. 29 min. 50 sec. East, a distance of 139.68 feet to a 1/2 inch iron rod found for corner at the East corner of said Hernandez-Tristan tract, from which a 1/2 inch iron rod found for reference bears North 56 deg. 26 min. 21 sec. East, a distance of 2.96 feet;

THENCE North 35 deg. 24 min. 58 sec. West, a distance of 231.59 feet to a 1/2 inch iron rod found for corner in the Northeast line of said Hernandez-Tristan tract, at the South corner of said Lot 10RR of said Block R of Triangle Addition No. 5;

THENCE North 62 deg. 55 min. 13 sec. East, a distance of 172.08 feet to the PLACE OF BEGINNING and containing 87,729 square feet or 2.01 acres of land.

Bearings shown hereon are referenced to the Texas Coordinate System of 1983, North Central Zone (4202), and are based upon the North American Datum of 1983 (NAD 83), 2011 Adjustment, Epoch 2010.

THIS CERTIFICATION DOES NOT TAKE INTO CONSIDERATION ADDITIONAL FACTS THAT AN ACCURATE TITLE SEARCH AND OR EXAMINATION MIGHT DISCLOSE.



LEGEND	
WOOD FENCE	—
CHAIN LINK	—
IRON FENCE	—
WIRE FENCE	—
CM	—
MRD	—
1/2" IRON ROD FOUND	○
1/2" YELLOW-CAPPED IRON ROD SET	○
FOUND "X"	×
5/8" IRON ROD FOUND	○
5/8" NAIL FOUND	○
○	BOLLARD
○	ELECTRIC
○	POOL EQUIP
○	POWER POLE
○	TELEPHONE
○	WATER METER
○	WATER VALVE
○	(UNLESS OTHERWISE NOTED)

BARRY S. RHODES Registered Professional Land Surveyor (214) 326-1090
This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 5481 BROADWAY BOULEVARD, in the city of GARLAND, Texas.

The plat hereon is true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat; the size, location and type of building and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distance indicated.

THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT AS SHOWN.

Scale: 1" = 60'
Date: 02-19-2024
C. F. No.: N/A
Job no.: 202106748-01
Drawn by: BM

2701 SUNSET RIDGE DRIVE, STE. 303
ROCKWALL, TEXAS 75032
FIRM REGISTRATION NO. 10194366

