ORDINANCE NO. 7532

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING (1) AN AMENDMENT TO PLANNED DEVELOPMENT (PD) DISTRICT 12-56 FOR COMMUNITY RETAIL (CR) USES; (2) A SPECIFIC USE PROVISION FOR A RESTAURANT, DRIVE-THROUGH AND 3) A DETAIL PLAN FOR RETAIL USE, RESTAURANT USE AND RESTAURANT WITH DRIVE-THROUGH USE ON A 2.67-ACRE TRACT OF LAND LOCATED AT 5203 NAAMAN FOREST 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 22nd day of April, 2024, the Plan Commission did consider and make recommendations on a certain request for (1) an Amendment to Planned Development (PD) District 12-56 for Community Retail (CR) Uses; (2) a Specific Use Provision for a Restaurant, Drive-Through Use and (3) a Detail Plan for Retail Use, Restaurant Use and Restaurant with Drive-Through Use by Triangle Engineering, 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 for (1) an Amendment to Planned Development (PD) District 12-56 for Community Retail (CR) Uses; (2) a Specific Use Provision for a Restaurant, Drive-Through Use and (3) a Detail Plan for Retail Use, Restaurant Use and Restaurant with 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 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.

PASSED AND APP	PROVED this	the	4th	dav	of	June	2024.
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	CITY OF GARLAND, TEXAS
	Mayor
ATTEST:	
Deputy City Secretary	Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 23-08

Being all of Lot 7, Block 1 of Mayor Foundation Addition No.2, an addition to the City of Garland, Dallas County a, Texas, according to the plat recorded thereof recorded under Clerk's File No.20130079042, Plat Records, Dallas County, Texas, being more particularly described as follows:

Beginning at "X" found for corner in the south line of Naaman Forest Boulevard (82' right-of-way), being the northeast corner of said Lot 7; Thence South 44°07'06" West with the east line of said Lot 7 a distance of 481.91 feet to a 1/2" iron rod found for corner, being the southeast corner of said Lot 7 and the southeast corner of Lot 5 of said addition; Thence North 45°34'10" West with the common line between said Lot 7 and said Lot 5 a distance of 346.82 feet to a "X" in concrete found for corner, being the northwest corner of said Lot 7 and northwest corner of Lot 5 of said addition and in a curve to the right; Thence In a northeasterly direction with said curve to the right having a central angle of 21°18'37" a radius of 24.50 feet, an arc length of 9.11 feet and chord bearing North 52°44'52" East, 9.06 feet and a chord distance of 9.06 feet to a "X" in concrete found for corner, being the end of said curve to the right; Thence North 63°24'15" East with the northwest line of said Lot 7 a distance of 90.36 feet to a "X" in concrete found for corner, being a corner of said Lot 7 and the beginning of a curve to the left; Thence In a northeasterly direction with said curve to the left having a central angle of 42°03'33" a radius of 130.50 feet, an arc length of 95.80 feet and chord bearing North 42°22'31" East feet and a chord distance of 93.66 feet to a "X" in concrete found for corner, being the end of said curve to the left; Thence North 21°20'48" East with the northwest line of said Lot 7 a distance of 49.77 feet to a "X" in concrete found for corner, being a corner of said Lot 7 and the beginning of a curve to the right; Thence In a northeasterly direction with said curve to the right having a central angle of 47°07'02" a radius of 29.50 feet, an arc length of 421.68 feet and chord bearing North

42°24'52" East feet and a chord distance of 21.20 feet to a "X" in concrete found for corner in the south line of said Naaman Forest Boulevard, being the end of said curve to the right and in a curve to the left; Thence In a easterly direction with the south line of said Naaman Forest Boulevard and said curve to the left having a central angle of 19°39'45" a radius of 1190.00 feet, an arc length of 408.38 feet and chord bearing South 79°30'50" East feet and a chord distance of 406.38 feet to the Point of Beginning and containing 116,339 square feet or 2.67 acres of land more or less, as surveyed in October, 2021 by Texas Surveyors.

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 23-08

5203 Naaman Forest Boulevard

- I. Statement of Purpose: The purpose of this Planned Development District is to allow a Restaurant, Restaurant, Drive-Through and Retail Uses.
- II. Statement of Effect: This Planned Development (PD) shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773 and Planned Development (PD) District 12-56, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations: All regulations of the Planned Development (PD) District 12-56 and Chapter 2 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.

IV. Development Plans:

A. Detail Plan: Development is to be in general conformance with the approved Detail Plan set forth in Exhibit C, Exhibit D and Exhibit E. In the event of conflict between the conditions and Detail Plan, the conditions listed below are to apply.

V. Specific Conditions:

- A. <u>Site Layout</u>: The development shall be in conformance with the site layout in Exhibit C.
- B. <u>Landscaping and Screening</u>: Landscaping and Screening shall be in conformance with Exhibit D.
- C. <u>Building Elevations</u>: Building elevations shall be in general conformance with Exhibit E.

SPECIFIC USE PROVISION CONDITIONS

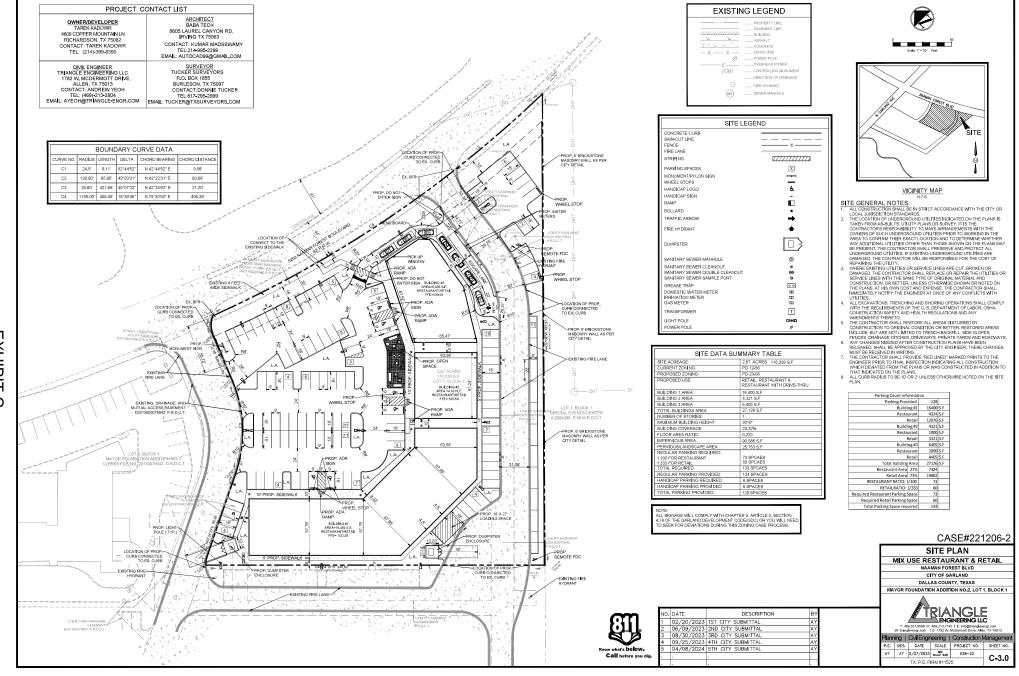
ZONING FILE Z 23-08

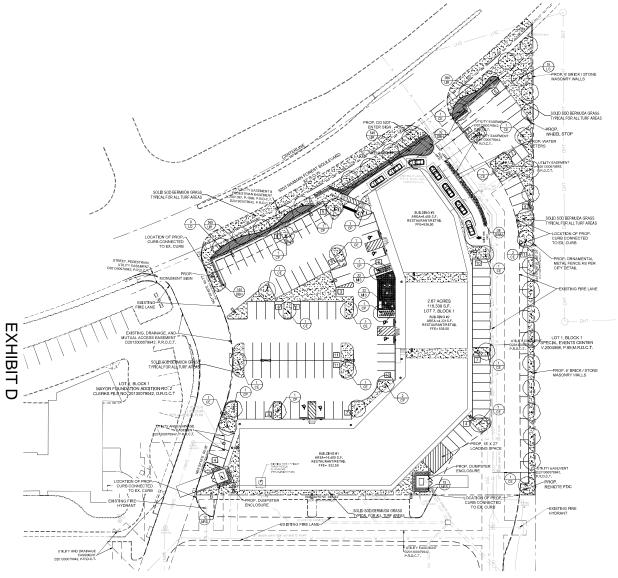
5203 Naaman Forest Boulevard

- I. Statement of Purpose: The purpose of this Specific Use Provision is to allow a Restaurant, 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 and Planned Development (PD) District 12-56, as amended prior to adoption of this ordinance, except as specifically provided herein.
- VI. General Regulations: All regulations of the Planned Development (PD) District 12-56 and Chapter 2 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.

VII. Specific Use Provision:

A. <u>SUP Time Period</u>: The Specific Use Provision the Restaurant, Drive-Through shall be in effect for a period of twenty-five (25) years.







GENERAL LAWN NOTES

- FINE GRADE AREAS TO ACHEVE FINAL CONTOURS INDICATED ON CIVIL PLANS.
- ADJUST CONTOURS TO ACHEVE POSITIVE DRAINAGE AWAY FROM BUILDINGS, PROVIDE UNFORM ROUNDING AT TOP AND BOTTOM OF SLOPES AND OTHER BREAKS IN GRADE, CORRECT IRREGULARITIES AND AREAS WHERE WAYER MAY STAND.
- ALL LAWN AREAS TO RECEIVE SOLID SCO SHALL BELEFT IN A MAXIMUM OF 1' BELOW FINAL FINSH GRADE. CONTRACTOR TO COORDINATE OPERATIONS WITH ON-SITE CONSTRUCTION MANAGER.
- IMPORTED TOPSOIL SHALL BE NATURAL, FRIABLE SOIL FROM THE REGION, KNOWN AS BOTTOM AND SOIL, FREE FROM LUMPS, CLAY TOM C SUBSTANCES, ROOTS, DEEPIS, VEGETATION, STONES, CONTAINING NO SALT AND BLACK TO BROWN IN COLOR.
- ALL LAWN AREAS TO BE FINE GRADED, IRRIGATION TRENCHES COMPLETELY SETTLED, AND FINISH GRADE APPROVED BY THE OWNER'S CONSTRUCTION MANAGER OR ARCHITECT PRIOR TO INSTALLATION.
- ALL ROCKS 34" DIAMETER AND LARGER, DIRT CLODS, STICKS, CONCRETE SPOUS, ETC. SHALL BE REMOVED PRIOR TO PLACING TOPSOIL AND ANY LAWN INSTALLATION
- CONTRACTOR SHALL PROVIDE (1") ONE INCH OF IMPORTED TOPSOIL ON ALL AREAS TO RECEIVE LAWN.

SOLID SOD NOTES

- FINE GRADE AREAS TO ACHIEVE RINAL CONTOURS INDICATED. LEAVE AREAS TO RECEIVE TOPSOL 3° BELOW RINAL DESIRED GRADE IN PLANTING AREAS AND 1° BELOW FINAL GRADE IN TURF AREAS.
- ADJUST CONTOURS TO ACHIEVE POSITIVE DRAPINGE AWAY FROM BULDINGS, PROVIDE UNIFORM ROUDING AT TOP AND BOTTOM OF SLOPES AND OTHER BREAKS IN GRADE. COPRECT IRREGULARITIES AND AREAS WHERE WATER MAY STAND.
- ALL LAWN AREAS TO RECEIVE SOLID SOD SHALL BE LEFT IN A MAXIMUM OF 1' BELOW FINAL RINSH GRADE. CONTRACTOR TO COORDINATE OPERATIONS WITH ON-SITE CONSTRUCTION MANAGER.
- CONTRACTOR TO COORDINATE WITH ON-SITE CONSTRUCTION MANAGER FOR AVAILABILITY OF EXISTING TOPSOIL.
- PLANT SOD BY HAND TO COVER INDICATED AREA COMPLETELY. INSURE EDGES OF SOD ARE TOUCHING. TOP DRESS JOINTS BY HAND WITH TOPSOIL TO FILL VOIDS.
- ROLL GRASS AREAS TO ACHIEVE A SMOOTH, EVEN SURFACE, FREE FROM UNNATURAL UNDULATIONS.
- PROMUNNATURAL UNDULATIONS.
- CONTRACTOR SHALL MAINTAIN ALL LAWN AREAS UNTIL FINAL ACCEPTANCE. THIS SHALL INCLUDE, BUT NOT LIMITED TO: MOMING, WATERING, WEEDING, CLATIVATING, CLEANING AND REPLACING DEAD OR REAR EASTO KEEP PLANTS IN A WIGOROUS, HEALTHY CONDITION.
- CONTRACTOR SHALL GUARANTEE ESTABUSHMENT OF AN ACCEPTABLE TURE AREA AND SHALL PROVIDE REPLACEMENT FROM LOCAL SUPPLY IF NECESSARY.
- IF INSTALLATION OCCURS BETWEEN SEPTEMBER 1 AND MARCH 1, ALL SOD AREAS TO BE OVER-SEEDED WITH WINTER RYCORASS, A A RATE OF (4) POUNDS PER ONE THOUSAND (1000) SQUARE FEET.

LANDSCAPE NOTES

- CONTRACTOR SHALL VERIFY ALL EXISTING AND PROPOSED SITE ELEMENTS AND NOTIFY ARCHITECT OF ANY DISCREPANCIES. SURVEY DATA OF EXISTING CONDITIONS WAS SUPPLIED BY OTHERS.
- CONTRACTOR SHALL LOCATE ALL EXISTING UNDERGROUND UTILITIES AND NOTIFY ARCHITECT OF ANY CONFLICTS. CONTRACTOR SHALL EXERGISE CAUTION WHEN WORKING IN THE WONLY OF UNDERGROUND UTILITIES.
- CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LANDSCAPE AND IRRIGATION PERMITS.
- CONTRACTOR TO PROVIDE A MINIMUM 2% SLOPE AWAY FROM ALL STRUCTURES.
- ALL PLANTING BEDS AND LAWN AREAS TO BE SEPARATED BY STEE EDGING. NO STEEL TO BE INSTALLED ADJACENT TO SIDEWALKS OF CURBS.
- ALL LANDSCAPE AREAS TO BE 100% IRRIGATED WITH AN UNDERGROUND AUTOMATIC IRRIGATION SYSTEM AND SHALL INCLUDE RAIN AND FREEZE SENSORS.
- ALL LAWN AREAS TO BE SOLID SOD BERMUDA GRASS, UNLESS OTHERWISE NOTED ON THE DRAWINGS.
- ALL SHRUBS SCREENING PARKING SPACES WILL REACH A MINIMUM HEIGHT OF 3 FEET WITHIN 2 YEARS OF PLANTING.

PLANT MATERIAL SCHEDULE

Required 2,636.94 s.f. (5%) (14) trees, 3" cal.

REQUIRED 6"ht. masonry wall (17) trees, 3" cal.

LANDSCAPE TABULATIONS

LANDSCAPE REQUIREMENTS
10% of total lot size to be landscape area
Lot SF: 116,337.87 S.F.
Required
(10%) 11,633.79 S.F.
(20%) 23,054.8 S.F.

STREET REQUIREMENTS
Requirements: (1) tree, 3° cal, per 30 Lt, (7) shrubs or ornamental grasses per tree required along landscape buffer. All parking spaces must be screened by a berm or shrubs, 24°ht.

ments: 5% of total parking area must be landscape.

(1) tree, 3* cal., per (10) parking spaces. All parking spaces shall be no further than 65 ft. of a required tre

Provided 5,878.80 s.f. (12%) (24) tree, 3" call.

PROMDED 6' ht masonry wall (17) trees, 3" cal.

 NAAMAN FOREST BLVD:
 408 Lf. (15" wide landscape buffer)

 Required
 Provided

 (14) trees, 3" cal.
 (14) trees, 3" cal.

 (95) shrubs
 (155) shrubs

ALL SHRUBS SCREENING PARKING SPACES MUST BE 36" TALL WITHIN 2 YEARS. PARKING LOT: (139 SPACES) 52 728 73 s.f.

TYPE		T			Temment
TYPE	QTY	COMMON NAME	BOTANICAL NAME	SIZE	REMARKS
_					
CE	16	Cedar Elm	Ulmus crassifolia	3" cal.	B&B, 12' ht., 5' spread min., 5' clear trunk
CP	9	Chinese Pistache	Chinenois chinenois	3" cal.	B&B, 12' ht., 5' spread min., 5' clear trunk
10	25	Live Cak	Querous virginiana	3" cal.	container, 12' ht., 5' scread, 5' clear straight trunk
	1 20	Circ out	Gottos inginara		container, i.e. inc. o spread, o take dought conte
SHRUBS		-			
TYPE	QTY	COMMON NAME	BOTANICAL NAME	SIZE	REMARKS
				\neg	
DBH	176	Dwarf Burford Holly	Nex comute Burfordi Ylane'	7 oaL	container, 30" ht., 28" spread
DWM	38	Dwarf Wax Myrtle	Myrica cestfera*	5 gal	container, 24" ht., 20" spread
MS	44	Adagio Maiden Grass	Miscanthus sinensis 'Adapio'	3 gat	container full, well rooted
NRS	27		Nex x Wellie R. Stevens		
NHS	27	Nellie R. Stevens Holly	Nex x "Nellie M. Stevens"	10 gal.	container, 36" ht., 35" spread
GROUND	COLETT				
TYPE	OTY	COMMON NAME	AOTANICAI NAME	SIZE	REMARKS
ITEC	UII	CUMMONINAME	BUTANGUAL NAME	Ster	KDMHKKS
					container, 3-12" runners min., 12" o.c.
LIR	1,460	Linope	Liriope musceri	4" pats	
		'419' Bermudagrass	Cyrrodon dectylon '419'		Solid Sod refer to notes
	1		1 1		1

NOTE: Plant list is an aid to bidders only. Contractor shall verify all quantities on plan. All heights and spreads are minimums. All plant material shall meet or a remarks as indicated. All trees to have straight trunks and be matching unblook provided.

thin varieties

LANDSCAPE ARCHITECT STUDIO GREEN SPOT, INC. CHRIS TRONZANO (469) 369-4448 CHRIS@STUDIOGREENSPOT.COM



RETAIL & RESTURANT
NAAMAN FOREST BLVD.
CITY OF GARLAND
DALLAS COUNTY, TEXAS

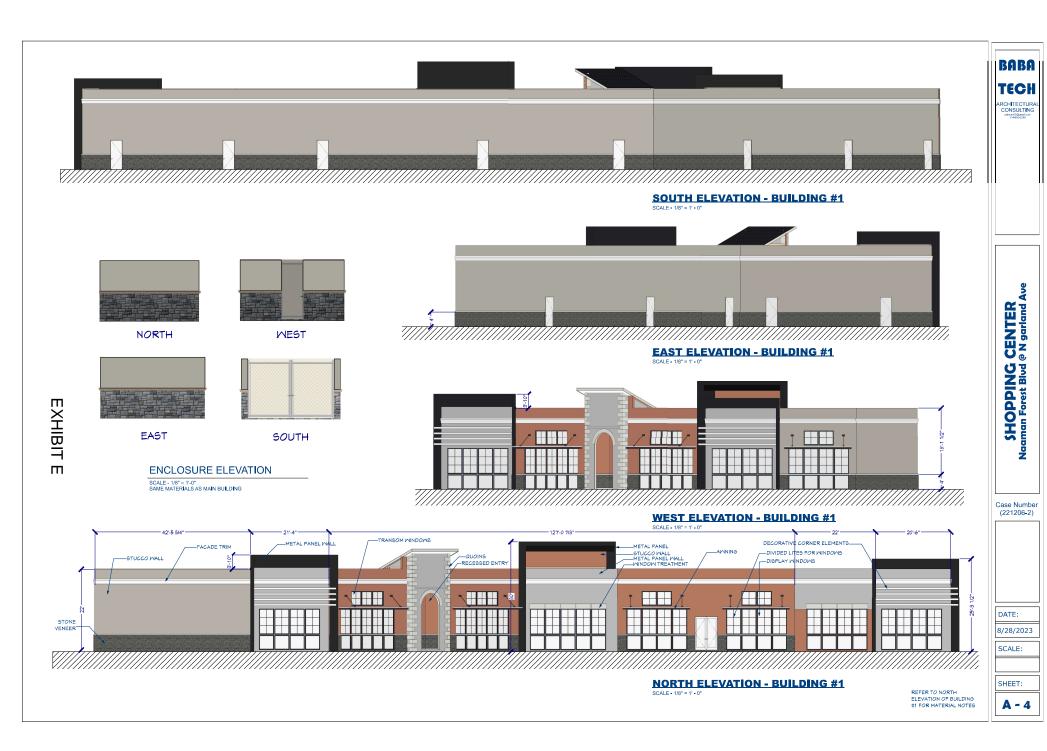
ISSUE: CITY COMMENTS 06.12.2023 CITY COMMENTS 06.15.2023 CITY COMMENTS 06.02.2024 CITY COMMENTS 06.02.2024

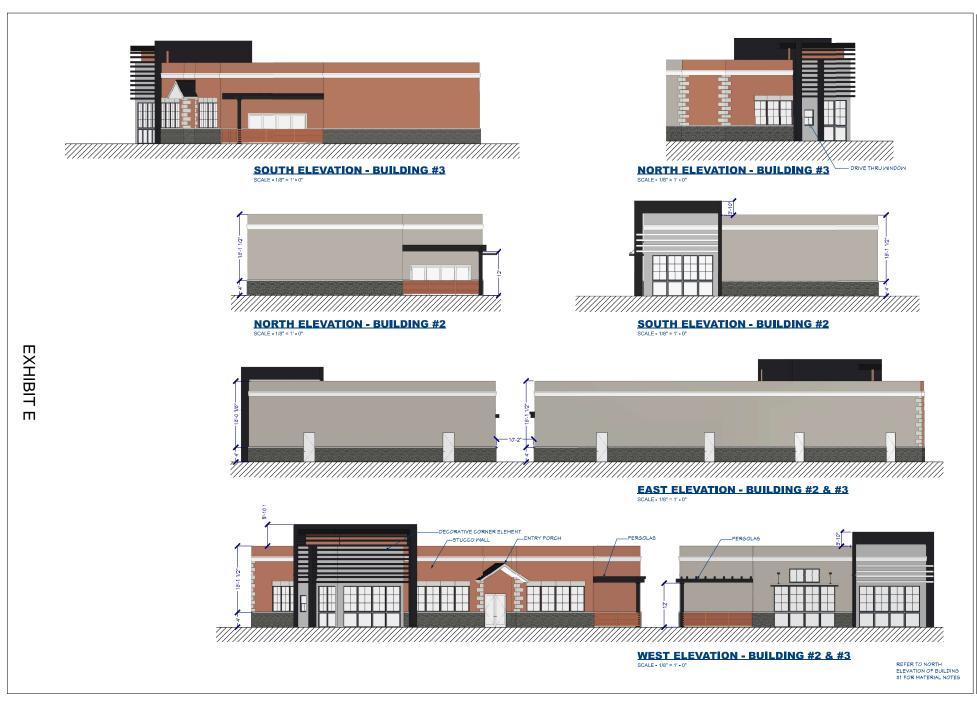
DATE: 05.03.2024

SHEET NAME:

SHEET NUMBER:

L 1 ZONING CASE # 221206-2





BABA TECH

ARCHITECTURAL CONSULTING matrice 27/00/granul com 2/14/200-2299

SHOPPING CENTER Naaman Forest Blvd @ N garland Ave

Case Number (221206-2)

DATE:

4/26/2024

SCALE:

SHEET:

A - 5

6 ARCHITECTURAL ELEMENTS ON THE BUILDING ELEVATIONS



04 - DISPLAY WINDOWS



06 - DIVIDED LITES

EXHIBIT E





05 - TRANSOM WINDOWS



04 - QUOINS



01 - ORNAMENTAL WINDOWS

SHOPPING CENTER
Naaman Forest Blvd @ N garland Ave

Case Number (221206-2)

DATE:

9/23/2023

SCALE:

SHEET:

A - 6