

ORDINANCE NO. 7540

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING (1) AN AMENDMENT TO PLANNED DEVELOPMENT (PD) DISTRICT 03-52 FOR COMMUNITY RETAIL USES; (2) A DETAIL PLAN FOR AN ANTENNA, COMMERCIAL USE AND (3) A SPECIFIC USE PROVISION (SUP) FOR AN ANTENNA, COMMERCIAL USE ON A 0.061-ACRE TRACT OF LAND LOCATED AT 1102 NORTH COUNTRY CLUB 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 24th day of June 2024, the Plan Commission did consider and make recommendations on a certain request for (1) an Amendment to Planned Development (PD) District 03-52 for Community Retail Uses; (2) a Detail Plan for an Antenna, Commercial Use and (3) a Specific Use Provision (SUP) for an Antenna, Commercial Use by **Hemphill, LLC (by Faulk & Foster)**; 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 (1) an Amendment to Planned Development (PD) District 03-52 for Community Retail Uses; (2) a Detail Plan for an Antenna, Commercial Use and (3) a Specific Use Provision (SUP) for an Antenna, Commercial Use 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 23-43

PASSED AND APPROVED this 20th day of August 2024.

THE CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 23-43

BEING A DESCRIPTION OF A PROPOSED LEASED PREMISES SITE LOCATED IN THE VAN TASSELL SURVEY, ABSTRACT NO. 36 AND BEING ON A TRACT OF LAND, DESCRIBED IN A WARRANTY DEED TO MORRIS SHWIFF & MITCHELL MEYERS AND RECORDED IN VOLUME 98207, PAGE 3858, OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS (D.R.D.C.T.), BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A CALCULATED POINT FROM WHICH A 1/2-INCH ROD FOUND IN NORTHWEST CORNER OF SAID SCHWIFF & MEYERS TRACT, SAME BEING AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, BEARS NORTH 89 DEGREES 53 MINUTES 27 SECONDS WEST, 132.71 FEET, SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N: 7023804.15, E: 2547423.52;

THENCE NORTH 89 DEGREES 53 MINUTES 27 SECONDS EAST, ALONG THE SOUTH PROPERTY LINE OF SAID LOT 1, BLOCK 1 TRACT, 42.39 FEET TO A CALCULATED POINT, SAME BEING THE NORTHEAST CORNER SAID SHWIFF & MEYERS TRACT;

THENCE SOUTH 01 DEGREES 06 MINUTES 41 SECONDS EAST, ALONG THE WEST PROPERTY LINE OF LOT 25R, A REPLAT OF LOT 25, BLOCK L NORTHLAKE ESTATES NO. 7 TRACT, RECORDED IN VOLUME 96146, PAGE 1092, SAME BEING ALONG THE EAST PROPERTY LINE

ZONING FILE NUMBER Z 23-43

OF SAID SHWIFF & MEYERS TRACT, 73.00 FEET TO CALCULATED POINT;

THENCE SOUTH 89 DEGREES 53 MINUTES 48 SECONDS WEST, 24.91 FEET TO A CALCULATED POINT;

THENCE NORTH 01 DEGREES 05 MINUTES 37 SECONDS WEST, 25.00 FEET TO A CALCULATED POINT;

THENCE SOUTH 89 DEGREES 53 MINUTES 48 SECONDS WEST, 17.50 FEET TO A CALCULATED POINT;

THENCE NORTH 01 DEGREES 05 MINUTES 37 SECONDS WEST, 48.00 FEET TO THE POINT OF BEGINNING.

THIS DESCRIPTION BEING A TOTAL OF 0.061 ACRES OF LAND (2,657 SQ FT), MORE OR LESS.

BEARING BASIS: BEARINGS, DISTANCES, AND COORDINATES SHOWN HEREON ARE GRID, BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83(2011), NORTH CENTRAL ZONE.

NOTE: AN EXHIBIT OF SAME DATE ACCOMPANIES THIS DESCRIPTION.

DATE OF SURVEY: 02-10-2023

EXHIBIT A

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 23-43

1102 NORTH COUNTRY CLUB ROAD

I. Statement of Purpose: The purpose of this Planned Development is to approve a Detail Plan for an Antenna, Commercial Use.

II. Statement of Effect: This Planned Development 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 Planned Development (PD) District 03-52 and Community Retail (CR) District as set forth in Chapter 2 of the Garland Development Code are included by reference and shall apply, except as otherwise specified by this ordinance.

IV. Development Plans:

Detail Plan: Development shall be in general conformance with the Detail Plan labeled Exhibit C through Exhibit E. In the event there is conflict between the approved Detail Plan and the Specific Regulations below, the Specific Regulations shall apply.

V. Specific Conditions:

A. Permitted Uses:

Land Uses are permitted as in Planned Development (PD) District 03-52.

B. Site Plan: The site layout shall be in general conformance with the approved Site Plan labeled Exhibit C.

C. Height: The maximum height shall be eighty-five (85) feet including the lightning rod.

E. Elevations: Building Elevations shall be in general conformance with the elevations labeled Exhibit D.

F. Screening: The screening shall be a six (6)-foot masonry wall as reflected in Exhibit D.

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 23-43

1102 NORTH COUNTRY CLUB ROAD

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to allow an Antenna, Commercial 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 03-52 and 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. 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

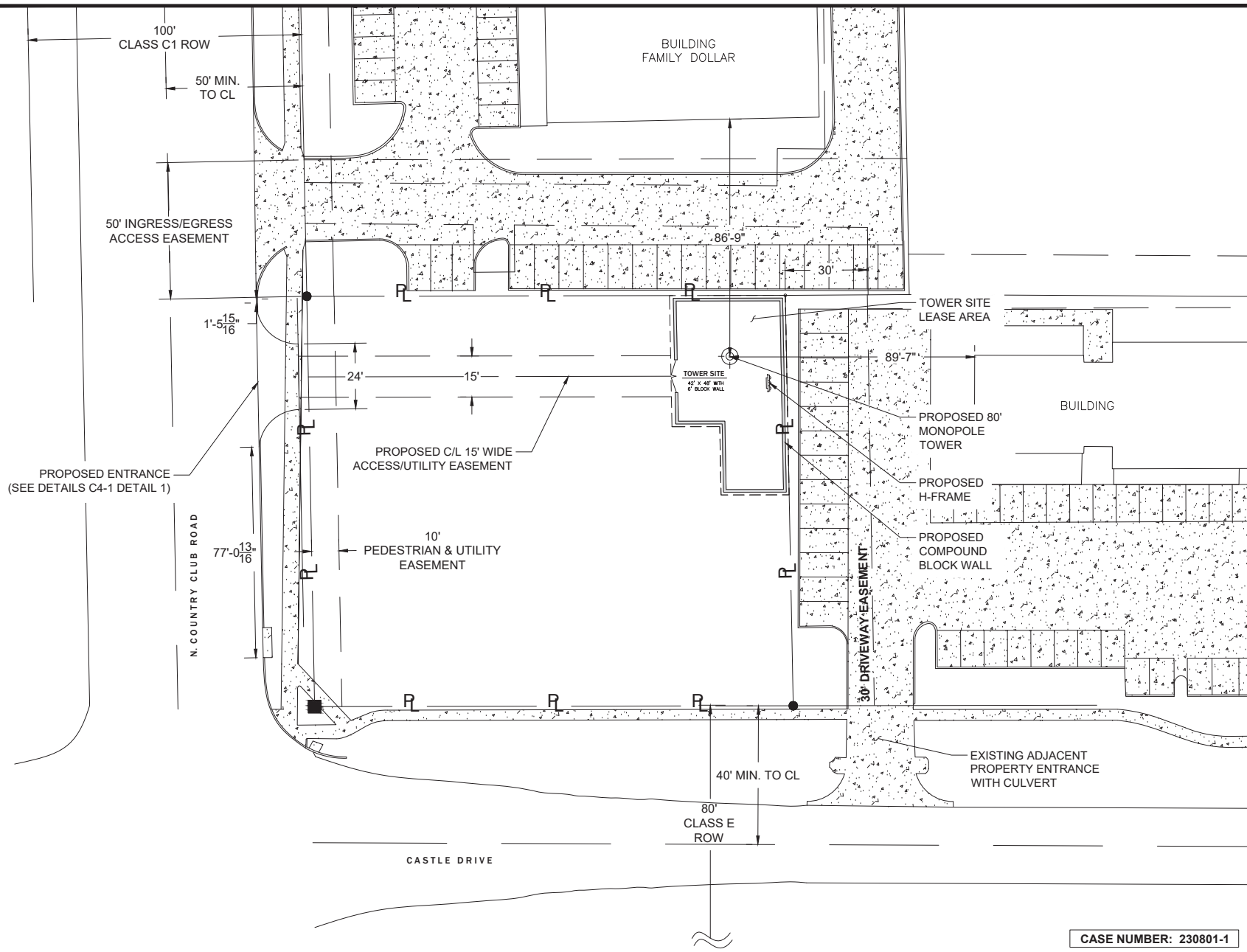
F. Operating a use on the premises, whether as a primary or secondary use, that is not allowed within the PD District, by the GDC, or by state or federal law.

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.

IV. Specific Regulations:

A. Time Period: The Specific Use Provision shall have a forty (40) year time period.

EXHIBIT C




HEMPHILL®
 1305 NORTH LOUISVILLE AVE
 TULSA, OK 74115
 (918) 834-2200


SPECIALTY TELECOMMUNICATIONS SERVICES, LLC
 FIRM NO.: F-16740
 13431 BROADWAY EXT., SUITE 120,
 OKLAHOMA CITY, OK 73114
 405-753-7167

PROJECT NO: 1764
 PROJECT NAME: CASTLE DRIVE
 911 ADDRESS: TBD
 DRAWN BY: LSV
 CHECKED BY: RGH/MK/SLT

ISSUED FOR:
 APPROVAL

REV	DATE	DESCRIPTION
0	05/21/24	FOR APPROVAL

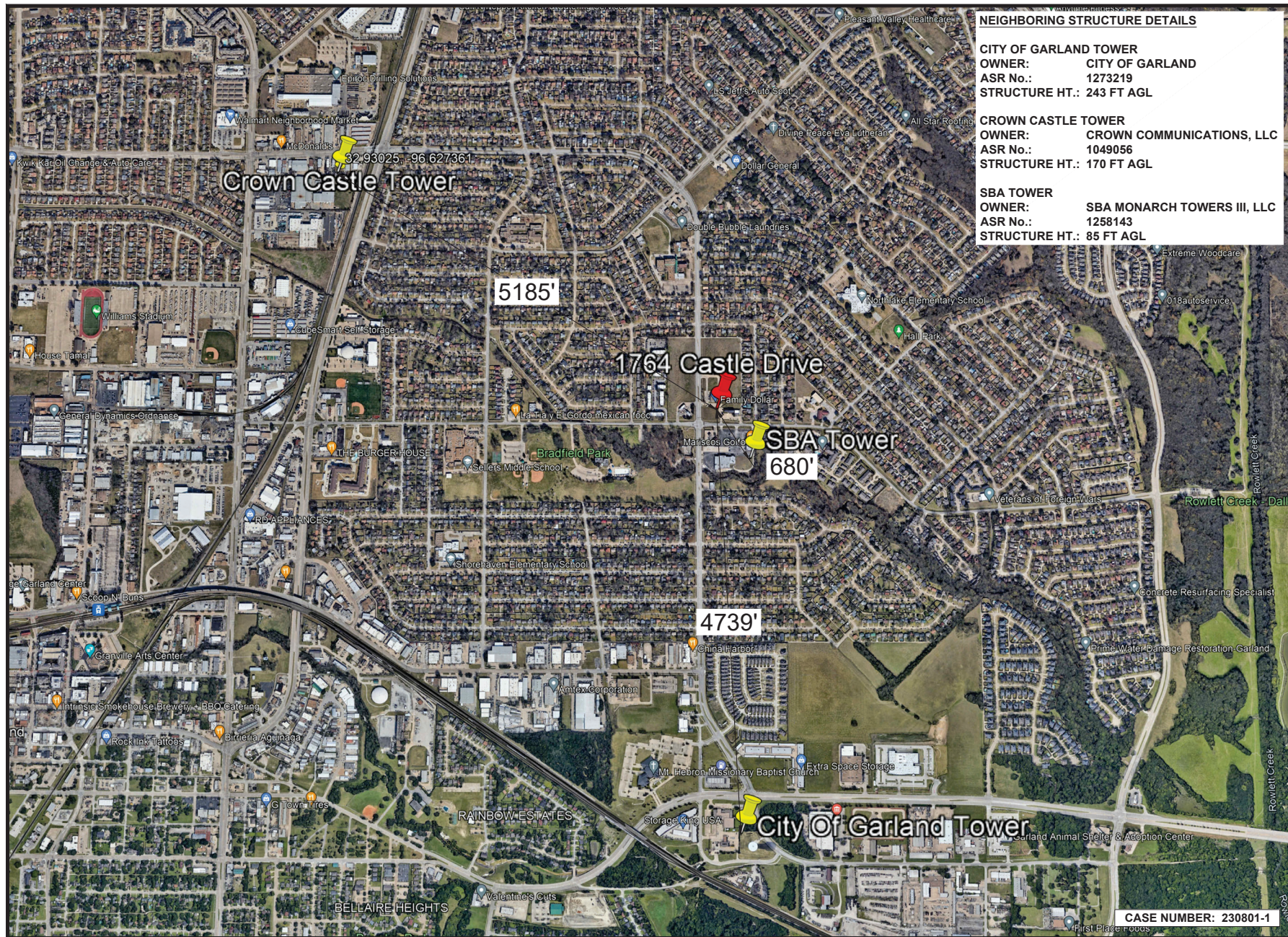
ETHAN T. VAN METER
 PROFESSIONAL ENGINEER - TEXAS
 REGISTRATION NO.: 149870
 FIRM NO.: F-16740

SCALE
 1/16" = 1'-0"

OVERALL
 SITE PLAN

SHEET NUMBER: C1-3
 REVISION: 0

CASE NUMBER: 230801-1



NEIGHBORING STRUCTURE DETAILS

CITY OF GARLAND TOWER
 OWNER: CITY OF GARLAND
 ASR No.: 1273219
 STRUCTURE HT.: 243 FT AGL

CROWN CASTLE TOWER
 OWNER: CROWN COMMUNICATIONS, LLC
 ASR No.: 1049056
 STRUCTURE HT.: 170 FT AGL

SBA TOWER
 OWNER: SBA MONARCH TOWERS III, LLC
 ASR No.: 1258143
 STRUCTURE HT.: 85 FT AGL



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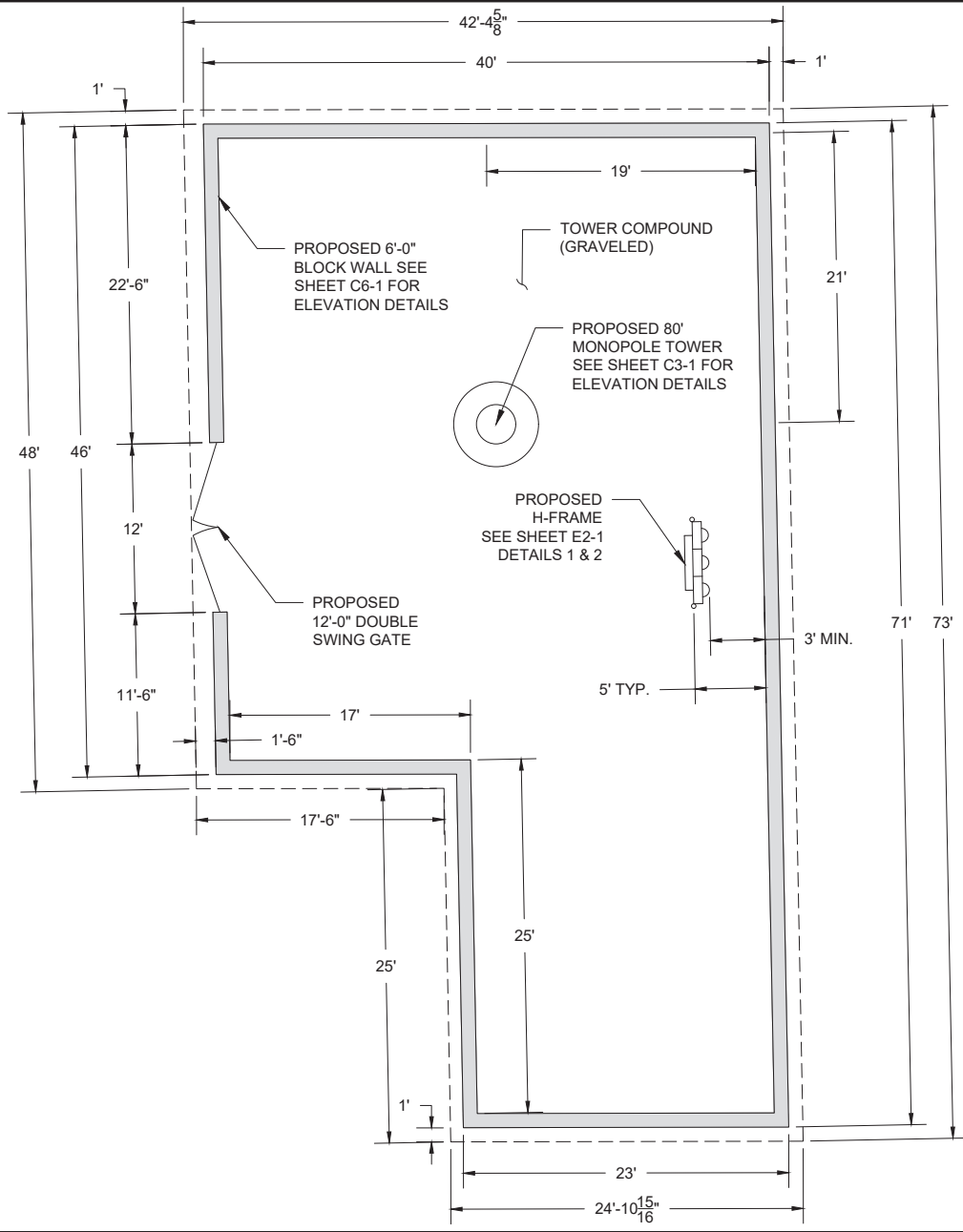
SCALE
 N.T.S.

NEIGHBORING STRUCTURES MAP

SHEET NUMBER:	REVISION:
C1-4	0

CASE NUMBER: 230801-1

EXHIBIT C



- NOTES:
1. ALL COMPONENTS SHOWN ARE NEW CONSTRUCTION
 2. PLACEMENT OF UNIQUE LEASE AREA, AND HEMPHILL H-FRAME, WITHIN THE COMPOUND IS APPROXIMATE AND MAY VARY DEPENDING ON SITE CONDITIONS AT TIME OF CONSTRUCTION
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION OF APPROPRIATE EROSION CONTROL MEASURES, INCLUDING SILT FENCES, ON THE DOWN SLOPE SIDES OF ALL SOIL DISTURBING ACTIVITIES. SEE SHEET C4-1 DETAIL 3

CASE NUMBER: 230801-1



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SCALE
 1/4" = 1'-0"

COMPOUND LAYOUT

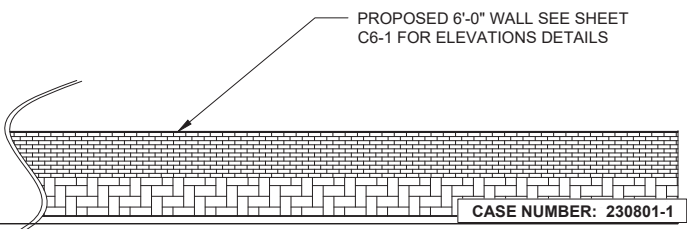
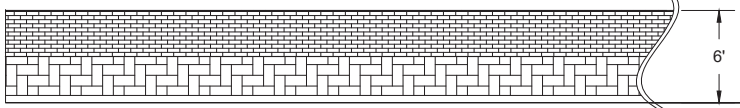
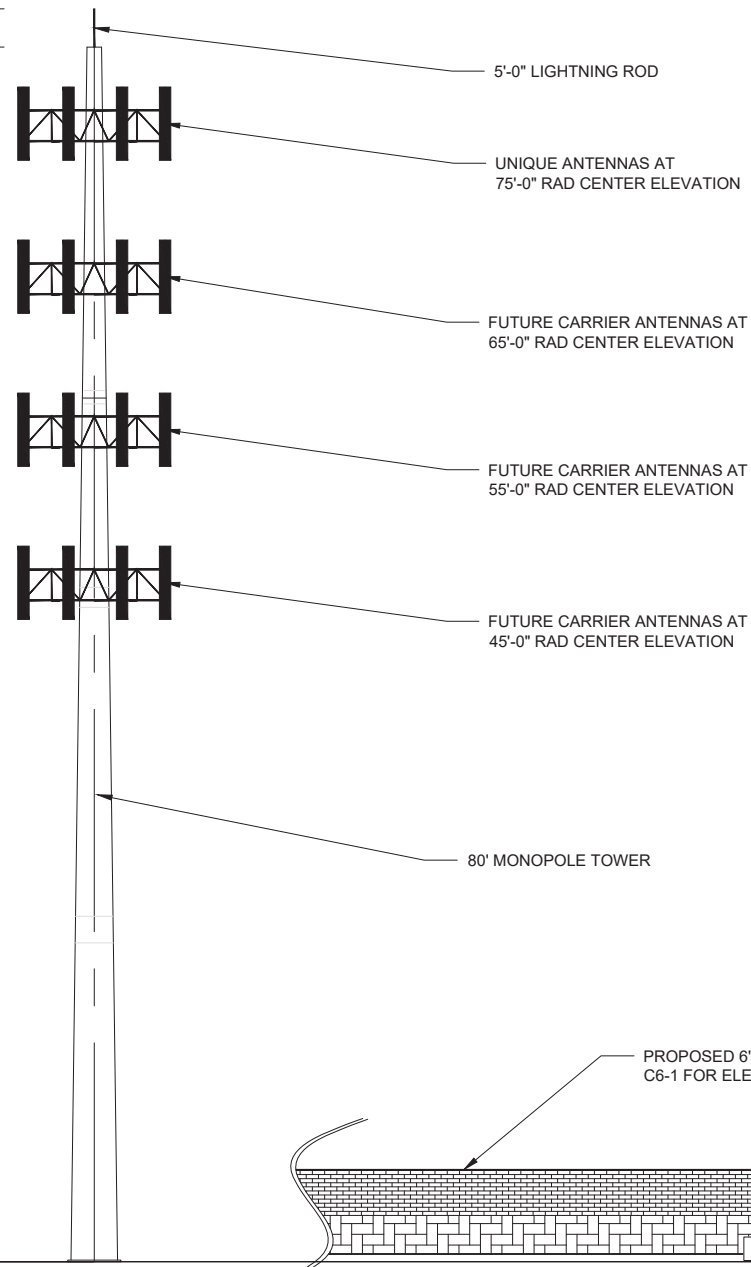
SHEET NUMBER:	REVISION:
C2-1	0

EXHIBIT C

85'-0" TOTAL HEIGHT WITH APPURTENANCES

80'-0" TOP OF TOWER

THESE DRAWINGS ARE NOT INTENDED TO REFLECT THE STRUCTURAL INTEGRITY OF THE TOWER. THE PROPOSED ANTENNAS AND TRANSMISSION LINES SHOWN ARE REPRESENTATIVE IN NATURE AND DO NOT REFLECT THE ACTUAL CONFIGURATIONS REQUIRED. THE CONTRACTOR SHALL REFER TO THE STRUCTURAL ANALYSIS OF THIS TOWER SITE FOR THE APPROVED LOCATION AND CONFIGURATION OF ALL ANTENNAS AND TRANSMISSION LINES. ALL ANTENNAS MUST BE MOUNTED AND THE TRANSMISSION LINES CONFIGURED IN STRICT ACCORDANCE WITH THE STRUCTURAL ANALYSIS.



CASE NUMBER: 230801-1



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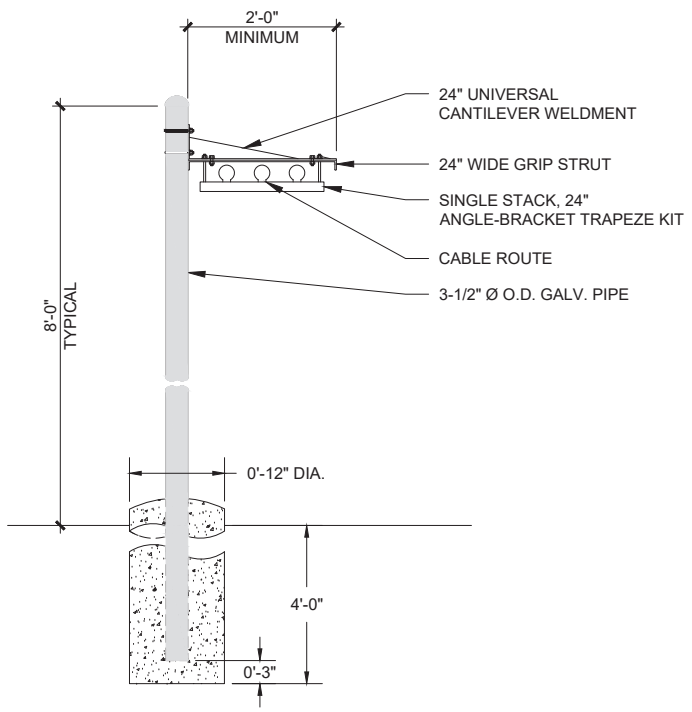
SCALE
 N.T.S.

TOWER
 ELEVATION

SHEET NUMBER: C3-1
 REVISION: 0

EXHIBIT D

POSTS TO BE SPACED MINIMUM 4'-0" O.C. AND MAXIMUM 10'-0" O.C.



WAVEGUIDE BRIDGE DETAIL

SCALE: N.T.S.

1
C3-3

CASE NUMBER: 230801-1



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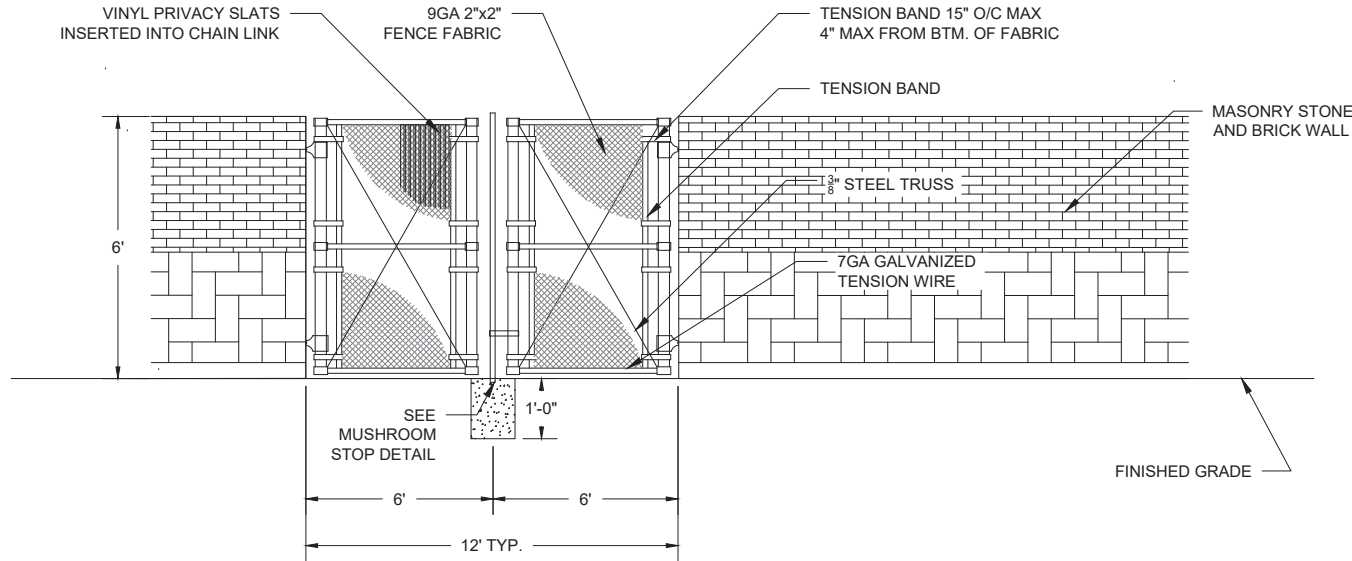
SCALE
N.T.S.

GROUND EQUIPMENT DETAILS

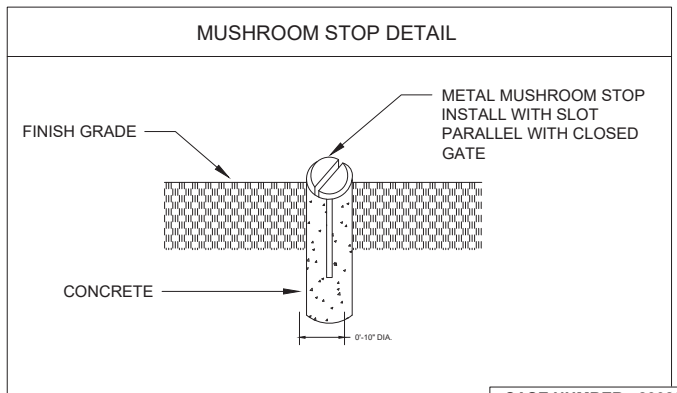
SHEET NUMBER: C3-3	REVISION: 0
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EXHIBIT D

- NOTES:**
- REFER TO SHEETS G1-1 AND G1-2 FOR ADDITIONAL INFORMATION
 - MATERIALS AND FINAL DIMENSIONS OF EACH WALL SECTION TO BE VERIFIED AND CHOSEN TO MATCH EXISTING ADJACENT ENTRANCE SIGNAGE



ELEVATION VIEW 1
SCALE: N.T.S. C6-1



CASE NUMBER: 230801-1

- NOTES:**
- PROPOSED WALL TO FEATURE 8" BLOCK WITH 4" FACADE TYPICAL.



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SCALE
N.T.S.

COMPOUND FENCE DETAILS

SHEET NUMBER:	REVISION:
C6-1	0

EXHIBIT D