

ORDINANCE NO. 7542

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING (1) AN AMENDMENT TO PLANNED DEVELOPMENT (PD) DISTRICT 04-45 FOR COMMUNITY RETAIL USES, (2) A SPECIFIC USE PROVISION FOR A DAY CARE, YOUTH - LICENSED CHILD-CARE CENTER USE ON A PROPERTY ZONED PLANNED DEVELOPMENT (PD) DISTRICT 04-45 AND (3) A DETAIL PLAN FOR A DAY CARE, YOUTH - LICENSED CHILD-CARE CENTER USE ON AN 1.50-ACRE TRACT OF LAND LOCATED AT 4802 NORTH PRESIDENT GEORGE BUSH TURNPIKE; 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 8th day of July 2024, the Plan Commission did consider and make recommendations on a certain request for (1) a Change in Zoning from Community Retail (CR) District to a Planned Development (PD) District for Community Retail Uses; and (2) a Concept Plan for a Hotel/Motel Full-Service development by **Triangle Engineering**; 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 04-45 for Community Retail Uses, (2) a Specific Use Provision for a Day Care, Youth - Licensed Child-Care Center Use on a property zoned Planned Development (PD) District 04-45 and (3) a Detail Plan for a Day Care, Youth - Licensed Child-Care Center Use on a 1.50-acre tract of land located at 4802 North President George Bush Turnpike 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.

FILE NO. Z 24-19

Section 7

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

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 24-19

BEING a 1.500 acre tract of land situated in the James Howard Survey, Abstract Number 542, City of Garland, Dallas County, Texas, same being a portion of C&M Villareal Family Limited Partnership recorded in Special Warranty Deed with Vendor's Lien Instrument Number 202200249682 of the Deed Records of Dallas County, Texas, also being a portion of Lot 5, Block 1, of the Brand/190 Addition recorded in Volume 2003207, Page 204, Plat Records Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a capped 5/8-inch iron rod stamped "KHA" found for corner in the most northwesterly corner of said portion of Lot 5, same being the most northeasterly corner of Lot 4R, Block 1 of Brand/190 Addition recorded in Instrument Number 201500333132 of the Official Public Records of Dallas County, Texas, also being a point in the most southwesterly Right-of-Way line of River Oaks Parkway (60' Right-of-Way);

THENCE South 53 degrees 23 minutes 22 seconds East, in a southeasterly direction along said River Oaks Parkway, a distance of 159.70 feet to a capped 5/8-inch iron rod stamped "TRAVERSE LS PROP COR" set for corner in the most

ZONING FILE NUMBER Z 24-19

northeasterly corner of said portion of Lot 5, same being the most northwesterly corner of said remainder of Lot 5;

THENCE South 44 degrees 39 minutes 45 seconds West, departing from said River Oaks Parkway in a southwesterly direction a distance of 401.86 feet to a capped 5/8 inch iron rod stamped "TRAVERSE LS PROP COR" set for corner in the most southeasterly corner of said portion of Lot 5, same being the most southwesterly corner of said remainder of Lot 5, also being a point in the most northeasterly Right-of-Way line of President George Bush Highway service road (variable width Right-of-Way);

THENCE North 61 degrees 13 minutes 16 seconds West, in a northwesterly direction along said service road a distance of 164.43 feet to a capped 1/2-inch iron rod stamped "TXHS" found for corner in the most southwesterly corner of said portion of Lot 5, same being the most southeasterly corner of said Lot 4R;

THENCE North 44 degrees 39 minutes 59 seconds East, departing from said service road in a northeasterly direction along the common line between said portion of Lot 5 and said lot 4R a distance of 424.50 feet to the POINT OF BEGINNING and containing 1.500 acres (65,339 square feet) of land, more or less.

EXHIBIT A

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 24-19

4802 North President George Bush Turnpike

- I. Statement of Purpose:** The purpose of this Planned Development (PD) is to allow and regulate the development of a Day Care, Youth - Licensed Child-Care Center 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 the Community Retail (CR) District and Planned Development (PD) District 04-45 as set forth in 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:**
- Detail Plan: Development is to be in conformance with the approved Detail Plan labeled Exhibit C. In the event of conflict between the conditions and Detail Plan, the conditions listed below are to apply.
- V. Detail Plan:**
- A. Site Layout: The site shall be in conformance to the site layout reflected on Exhibit C.
- B. Screening and Landscaping: Screening and landscaping shall be in conformance to the layout reflected on Exhibit D.
- C. Building Elevations: Building elevations shall be in conformance to the elevations as approved on Exhibit E.

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 24-19

4802 North President George Bush Turnpike

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to allow a Day Care, Youth - Licensed Child-Care Center 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 as set forth in Chapter 2 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 PD, GDC, federal, and state law.

For the purposes of this Specific Use Provision, Abandonment is any of the following acts:

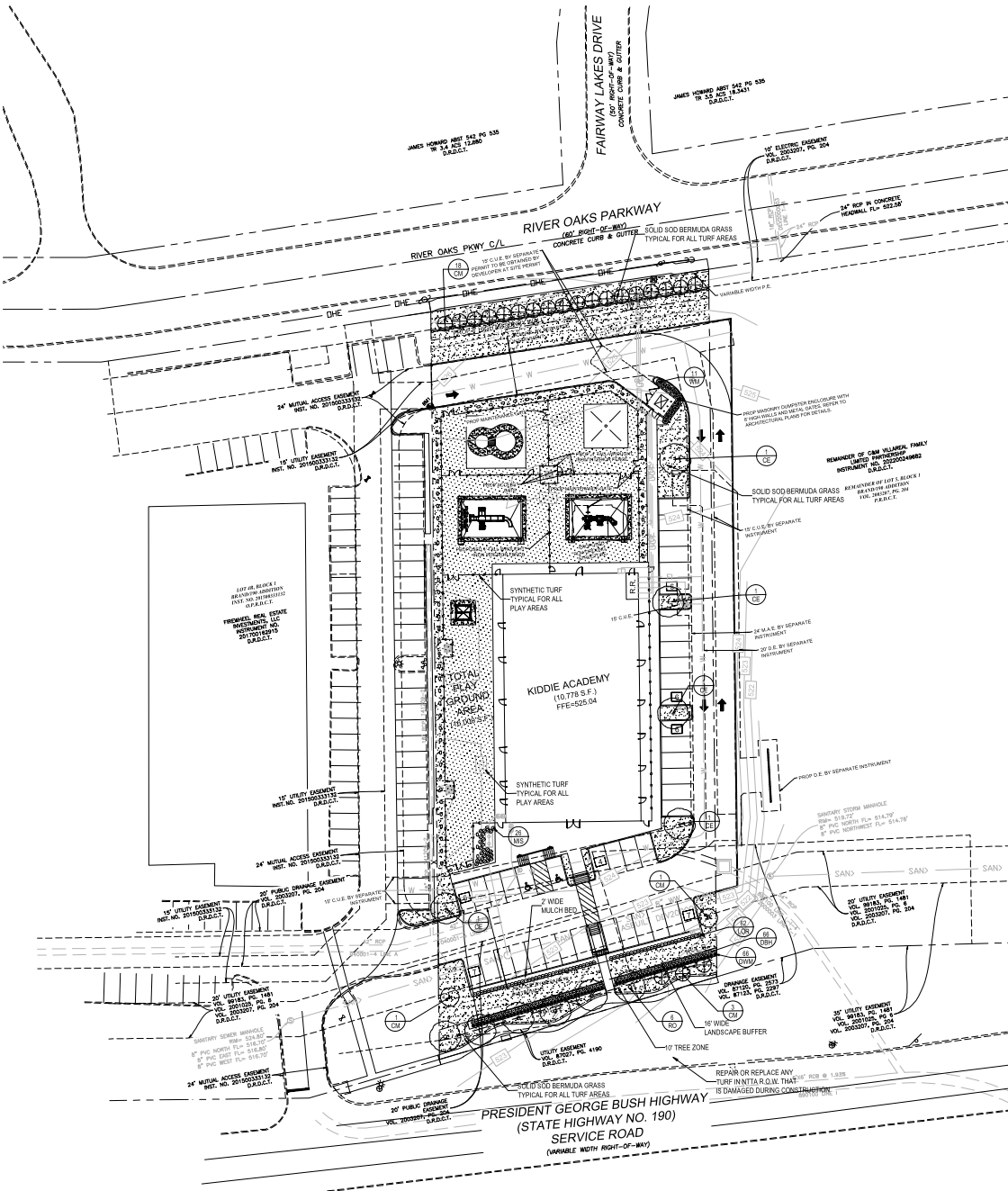
- A. A failure to apply for a site or building permit on the premises, where applicable, within 180 days of the effective date of this SUP;
- B. A failure to obtain a certificate of occupancy for the Land use within 730 days of the effective date of this SUP;
- C. A failure to commence operating the 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.

V. Specific Regulations:

Time Period: The Specific Use Provision shall have a twenty-five (25) year time period.



SOLID SOD NOTES

1. FINE GRADE AREAS TO ACHIEVE FINAL CONTOURS INDICATED; LEAVE AREAS TO RECEIVE TOPSOIL 3" BELOW FINAL DESIRED GRADE BY PLANTING AREAS AND 1" BELOW FINAL GRADE IN TURF AREAS.
2. ADJUST CONTOURS TO ACHIEVE POSITIVE DRAINAGE AWAY FROM BUILDINGS. PROVIDE UNIFORM ROUNDING AT TOP AND BOTTOM OF SLOPES AND OTHER BREAKS IN GRADE. CORRECT IRREGULARITIES AND AREAS WHERE WATER MAY STAND.
3. ALL LAWN AREAS TO RECEIVE SOLID SOD SHALL BE LEFT IN A MAXIMUM OF 1" BELOW FINAL FINISH GRADE. CONTRACTOR TO COORDINATE OPERATIONS WITH ON-SITE CONSTRUCTION MANAGER.
4. CONTRACTOR TO COORDINATE WITH ON-SITE CONSTRUCTION MANAGER FOR AVAILABILITY OF EXISTING TOPSOIL.
5. PLANT SOD BY HAND TO COVER INDICATED AREA COMPLETELY. INSURE EDGES OF SOD ARE TOUCHING. TOP PRESS JOINTS BY HAND WITH TOPSOIL TO FILL VOIDS.
6. ROLL GRASS AREAS TO ACHIEVE A SMOOTH, EVEN SURFACE. FREE FROM ANNUAL TURL UNDOULATIONS.
7. WATER SOD THOROUGHLY AS SOD OPERATION PROGRESSES.
8. CONTRACTOR SHALL MAINTAIN ALL LAWN AREAS UNTIL FINAL ACCEPTANCE. THIS SHALL INCLUDE, BUT NOT LIMITED TO: MOULING, WATERING, WEEDING, CULTIVATING, CLEANING AND REPLACING SOLO OR SHADE AREAS TO KEEP PLANTS IN A VIGOROUS, HEALTHY CONDITION.
9. CONTRACTOR SHALL GUARANTEE ESTABLISHMENT OF AN ACCEPTABLE TURF AREA AND SHALL PROVIDE REPLACEMENT FROM LOCAL SUPPLY, IF NECESSARY.
10. IF INSTALLATION OCCURS BETWEEN SEPTEMBER 1 AND MARCH 1, ALL SOD AREAS TO BE OVER-SEED WITH WINTER RYEGRASS, AT A RATE OF (4) POUNDS PER ONE THOUSAND (1000) SQUARE FEET.

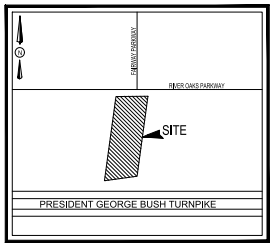
LANDSCAPE TABULATIONS

Site Area	65,346.74 S.F.
Total Parking Provided	42 Total Spaces
Total Site Landscaping Required	6,534.88 S.F. (10%)
Total Site Landscaping Provided	25,255.74 S.F. (39%)
100 STATE HWY REQUIREMENTS	
Landscape Setback Required	30 L.F. (30 L.F., provided)
34" Shumard Oaks per 30 L.F.	164.5 L.F./30 L.F. = 6 Trees Provided
Parking Lot Screen	Double Staggered Shrub Row Provided
RIVER OAKS PARKWAY REQUIREMENTS	
Landscape Setback Required	10 L.F. (16 L.F., provided)
1 Large or 3 Small Trees per 30 L.F.	160 L.F./30 L.F. = 18 Small Trees Provided
Parking Lot Screen	Masonry Wall Provided
INTERIOR PARKING LOT	
Parking Lot Area	18,278.50 S.F.
Parking Lot Landscape Required	913.93 S.F. (5%)
Parking Lot Landscape Provided	2,158.38 S.F. (12%)
1 Large Tree Required for 10 spots	4 Trees Required
Parking Lot Trees Provided	5 Trees Provided

PLANT MATERIAL SCHEDULE

TYPE	QTY	COMMON NAME	BOTANICAL NAME	SIZE	REMARKS
CE	5	Cedar Elm	Ulmus crassifolia	3" cal.	
RE	6	Red Oak	Quercus shumardii	3" cal.	
CM	23	Crape Myrtle	Lagerflorandra	3" cal.	
SHRUBS					
TYPE	QTY	COMMON NAME	BOTANICAL NAME	SIZE	REMARKS
DBH	66	Dwarf Burford Holly	Ilex cornuta Burfordi 'Nana'	7 gal.	container: 30" ht., 20" spread
DWARF	66	Dwarf Wax Myrtle	Mycopha carolinensis	5 gal.	container: 24" ht., 20" spread
LOR	62	Lonicera	Lonicera chlorocarpa	5 gal.	container: 20" ht., 20" spread
MES	28	Miscanthus	Miscanthus sinensis	5 gal.	container: 24" ht., 20" spread
WAX	11	Wax Myrtle	Mycopha carolinensis	10 gal.	container: 36" ht., 30" spread
GROUNDCOVERS					
TYPE	QTY	COMMON NAME	BOTANICAL NAME	SIZE	REMARKS
		*19 Bermuda Grass	Cynodon dactylon 419		Solid Sod refer to notes

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



VICINITY MAP
N.T.S.

GENERAL LAWN NOTES

1. FINE GRADE AREAS TO ACHIEVE FINAL CONTOURS INDICATED ON CIVIL PLANS.
2. ADJUST CONTOURS TO ACHIEVE POSITIVE DRAINAGE AWAY FROM BUILDINGS. PROVIDE UNIFORM ROUNDING AT TOP AND BOTTOM OF SLOPES AND OTHER BREAKS IN GRADE. CORRECT IRREGULARITIES AND AREAS WHERE WATER MAY STAND.
3. ALL LAWN AREAS TO RECEIVE SOLID SOD SHALL BE LEFT IN A MAXIMUM OF 1" BELOW FINAL FINISH GRADE. CONTRACTOR TO COORDINATE OPERATIONS WITH ON-SITE CONSTRUCTION MANAGER.
4. IMPORTED TOPSOIL SHALL BE NATURAL, FINISH SOIL FROM THE REGION, KNOWN AS BOTTOM AND SOIL, FREE FROM LIMES, SLAK, TOXIC SUBSTANCES, ROOTS, DEBRIS, VEGETATION, STONES, CONTAINING NO SALT AND BLACK TO BROWN IN COLOR.
5. 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.
6. ALL ROCKS 3/4" DIAMETER AND LARGER, DIRT CLODS, STICKS, CONCRETE SPELDS, ETC. SHALL BE REMOVED PRIOR TO PLACING TOPSOIL AND ANY LAWN INSTALLATION.
7. CONTRACTOR SHALL PROVIDE (1") ONE INCH OF IMPORTED TOPSOIL ON ALL AREAS TO RECEIVE LAWN.

LANDSCAPE NOTES

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

NO LANDSCAPING SUCH AS TREES, HEDGES ABOVE AND UNDERGROUND STRUCTURES SHALL BE LOCATED WITHIN EXISTING OR PROPOSED UTILITY EASEMENTS AND RIGHT OF WAY UNLESS APPROVED CITY'S REAL PROPERTY IMPROVEMENT AUTHORIZATION FORM OR CITY'S LICENSE AGREEMENT.

OWNER/DEVELOPER
CHILD HAVEN HOLDINGS, LLC
8079 SUNFLOWER LANE
DALLAS, TX 75225
CONTACT: HAMZA KHANANE
PHONE: 706-888-1670



LANDSCAPE ARCHITECT
STUDIO GREEN SPOT INC.
1782 W. MADRID AVE. DR.
ALLEN, TEXAS 75013
(469) 369-4448
CHRIS@STUDIOGREENSPOT.COM



KIDDE ACADEMY
STATE HWY 190
CITY OF GARLAND
DALLAS COUNTY, TEXAS

ISSUE:
FOR APPROVAL 03.22.2024
CITY COMMENTS 04.25.2024
CITY COMMENTS 05.09.2024
CITY COMMENTS 05.31.2024

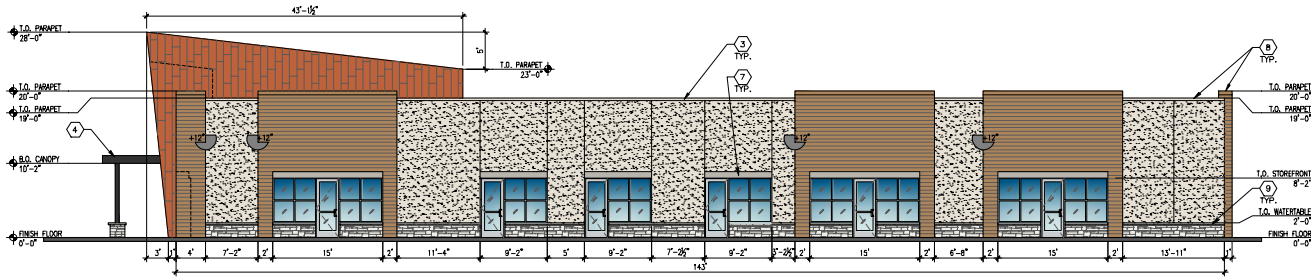
DATE:
05.31.2024

SHEET NAME:
LANDSCAPE PLAN

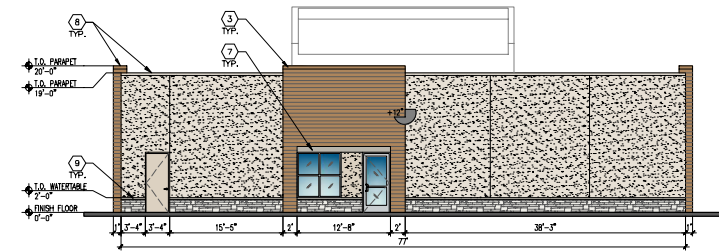
SHEET NUMBER:
L.2



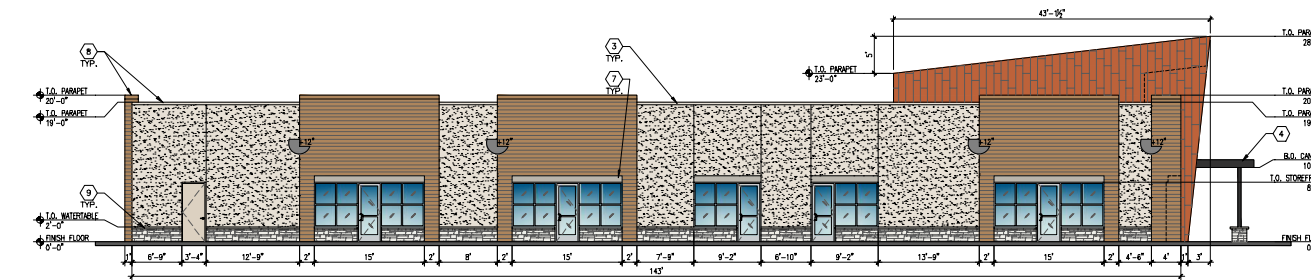
1 SOUTH ELEVATION (FRONT)
SCALE: 1/8" = 1'-0"



2 EAST ELEVATION (RIGHT SIDE)
SCALE: 1/8" = 1'-0"



3 NORTH ELEVATION (REAR)
SCALE: 1/8" = 1'-0"



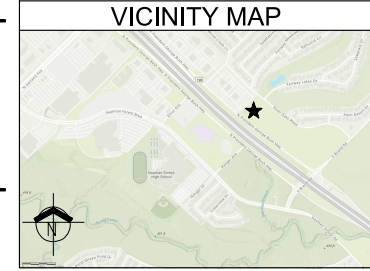
4 WEST ELEVATION (LEFT SIDE)
SCALE: 1/8" = 1'-0"

- KEYED NOTES:**
- BUILDING MOUNTED SIGNAGE TO BE PERMITTED SEPARATELY.
 - MONUMENT SIGN TO BE PERMITTED SEPARATELY.
 - METAL PARAPET CORING/PASCO - PAINTED TO MATCH ADJACENT WALL FINISH.
 - ENTRY CANOPY.
 - TRANSOMS.
 - RECESSED ENTRY.
 - CAST STONE WINDOW LINTEL.
 - VARIED ROOF HEIGHTS.
 - CAST STONE WATERTABLE.

STREET FACING (FRONT) FACADE ARTICULATION:

HORIZONTAL ARTICULATION:
20% OF BUILDING'S TOTAL STREET FACING FACADE LENGTH
79 FT. x 0.20 = 15.8 FT. REQUIRED
(2) 2 FT. DEEP PROJECTIONS @ 20'-2 1/2" = 40'-5" (51% TOTAL)

VERTICAL ARTICULATION:
20% OF BUILDING'S TOTAL STREET FACING FACADE LENGTH
79 FT. x 0.20 = 15.8 FT. REQUIRED
(1) 9' HIGH PROJECTION @ 29'-1" (37% TOTAL)



ARCH. ELEMENTS

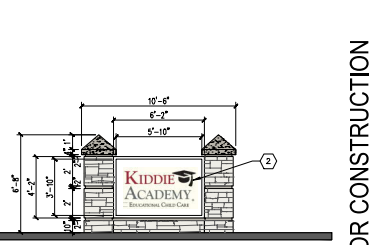
MARK	ELEMENT	GRAPHIC LEGEND	DESCRIPTION
4	AWNINGS OR CANOPIES	[Graphic]	ENTRY CANOPY
5	TRANSOMS	[Graphic]	TRANSOM WINDOW
6	RECESSED ENTRY	[Graphic]	RECESSED MAIN ENTRY
7	WINDOW LINELS	[Graphic]	CAST STONE LINELS
8	VARIED ROOF HEIGHTS	[Graphic]	VARIED ROOF HEIGHTS
9	ORNAMENTAL FACADE TRIM	[Graphic]	CAST STONE WATERTABLE

PROJECT CONTACTS

ENGINEER	OWNER/DEVELOPER
TRIANGLE ENGINEERING LLC 1782 W. McDERMOTT DRIVE ALLEN, TEXAS 75013 CONTACT: KARTIYAYA PATEL, P.E. PHONE: 469-331-8566	CHILD HAVEN HOLDINGS, LLC 8079 SUNFLOWER LANE DALLAS, TX 75252 CONTACT: HANAZA KHANAMNE PHONE: 706-888-1670
SURVEYOR	ARCHITECT
TRAVERSE LAND SURVEYING 14200 MIDWAY ROAD, SUITE 130 DALLAS, TEXAS 75244 CONTACT: GRAYSON CEBALLOS PHONE: 469-784-9321	MODULUS ARCHITECTS & LAND USE PLANNING, INC 8220 SAN PEDRO DRIVE, STE 520 ALBUQUERQUE, NEW MEXICO 87113 CONTACT: CRAIG CALVERT PHONE: 505-338-1499

EXTERIOR FINISHES

MARK	MATERIAL	COLOR	PRODUCT COLOR NAME
1	CAST STONE VENEER	WHITE	SW 7005 - PURE WHITE
2	CAST STONE WATERTABLE	LIGHT GRAY	SW 6002 - ESSENTIAL GRAY
3	STUCCO SYSTEM WITH ACRYLIC FINISH	CREAM	SW 6063 - NICE WHITE
4	FIBER CEMENT WALL PANELS	LIGHT BROWN	NICHHA WOOD SERIES - CEDAR
5	HEXAGON MOSAIC + METAL PANELS	TERRA COTTA	MISSION RED (08)
6	PAINTED METAL	BLACK	SW 6991 - BLACK MADIC
7	ALUMINUM STOREFRONT SYSTEM W/ CLEAR GLASS	SILVER	KANNEER - CLEAR ANODIZED



5 MONUMENT SIGN
SCALE: 1/4" = 1'-0"

REVISION

NO.	DATE	BY

MODULUS ARCHITECTS & LAND USE PLANNING
8220 SAN PEDRO DRIVE NE, SUITE 520
ALBUQUERQUE, NEW MEXICO 87113
PHONE: (505) 338-1499



NOT FOR CONSTRUCTION

PROJECT: THE KIDDIE ACADEMY AT GARLAND BRAND NEW ADDITIONAL BLOCK LOT B GARLAND, TEXAS
PROJECT MANAGER: STEPHEN DANBAR, AIA
JOB NO.: ...
DRAWN BY: CDC
DATE: 03/21/2024
SCALE: AS NOTED
SHEET NO.: A201
CITY CASE NO.: 231128-1

EXHIBIT E