

ORDINANCE NO. 7566

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING (1) A SPECIFIC USE PROVISION FOR A RESTAURANT, DRIVE-THROUGH USE ON A PROPERTY ZONED PLANNED DEVELOPMENT (PD) 00-39 DISTRICT AND (2) A CONCEPT PLAN FOR A RESTAURANT, DRIVE-THROUGH USE ON A 2.00-ACRE TRACT OF LAND LOCATED NEAR 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 9th day of December 2024, the Plan Commission did consider and make recommendations on a certain request for (1) a Specific Use Provision for a Restaurant, Drive-Through Use on a property zoned Planned Development (PD) 00-39 District and (2) a Concept Plan 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 (1) a Specific Use Provision for a Restaurant, Drive-Through Use on a property zoned Planned Development (PD) 00-39 District and (2) a Concept Plan for a Restaurant, Drive-Through Use on a 2.00-acre tract of land located near 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.

Section 7

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

PASSED AND APPROVED this 4th day of February, 2025.

THE CITY OF GARLAND, TEXAS



Mayor

ATTEST:



City Secretary



Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 24-35

BEING A TRACT OF LAND LOCATED IN THE JAMES HOWARD SURVEY, ABSTRACT NO. 542, DALLAS COUNTY, TEXAS, BEING A PORTION OF LOT 5, BLOCK 1, BRAND/190 ADDITION, AN ADDITION TO THE CITY OF GARLAND, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 2003207, PAGE 204, MAP RECORDS, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT 5/8-INCH REBAR FOUND IN THE SOUTHWEST RIGHT-OF-WAY LINE OF RIVER OAKS PARKWAY (A 60-FOOT RIGHT-OF-WAY), SAID REBAR BEING THE NORTH CORNER OF SAID LOT 5 AND THE EAST CORNER OF LOT 4R, BLOCK 1, OF SAID PLAT, THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 53°22'42" EAST FOR A DISTANCE OF 159.70 FEET TO A 1/2-INCH REBAR WITH CAP STAMPED "WIER & ASSOC." FOUND FOR THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE SOUTH 53°22'42" EAST FOR A DISTANCE OF 218.78 FEET;

THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 44°40'25" WEST FOR A DISTANCE OF 414.19 FEET TO THE NORTHEAST RIGHT-OF-WAY LINE OF NORTH PRESIDENT GEORGE BUSH HIGHWAY (A VARIABLE WIDTH RIGHT-OF-WAY);

ZONING FILE NUMBER Z 24-35

THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

- 1) NORTH $46^{\circ}19'02''$ WEST FOR A DISTANCE OF 162.12 FEET TO A FOUND 1/2-INCH REBAR WITH CAP STAMPED "JDJR";
- 2) NORTH $61^{\circ}12'37''$ WEST FOR A DISTANCE OF 56.69 FEET TO A 1/2-INCH REBAR WITH CAP STAMPED "WIER & ASSOC.";

THENCE DEPARTING SAID RIGHT-OF-WAY LINE NORTH $44^{\circ}40'25''$ EAST FOR A DISTANCE OF 401.87 FEET TO THE POINT OF BEGINNING, AND CONTAINING AN AREA OF 87,208 SQUARE FEET OR 2.002 ACRES, MORE OR LESS.

EXHIBIT A

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 24-35

Near 4802 North President George Bush Turnpike

- 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, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Planned Development (PD) 00-39 District and other regulations 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-year time period.

