

ORDINANCE NO. 7580

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING (1) AN AMENDMENT TO PLANNED DEVELOPMENT (PD) DISTRICT 00-39 FOR A LANDSCAPE NURSERY (RETAIL) USE AND (2) A CONCEPT PLAN FOR A LANDSCAPE NURSERY (RETAIL) USE ON A 4.00 ACRE TRACT OF LAND LOCATED AT 4400 NORTH PRESIDENT GEORGE BUSH HIGHWAY; 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 February 2025, the Plan Commission did consider and make recommendations on a certain request for (1) an Amendment to Planned Development (PD) District 00-39 for a Landscape Nursery (retail) Use and (2) a Concept Plan for a Landscape Nursery (retail) Use by **Development Engineering Consultants, 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 (1) an Amendment to Planned Development (PD) District 00-39 for a Landscape Nursery (retail) Use and (2) a Concept Plan for a Landscape Nursery (retail) Use on a 4.00 acre tract of land located at 4400 North President George Bush Highway 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.

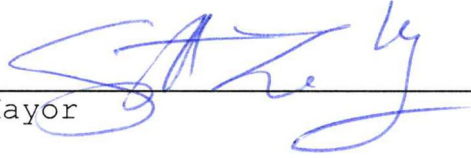
Section 7

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

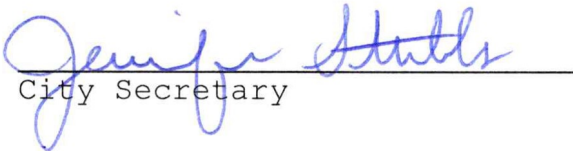
PASSED AND APPROVED this 15th day of April, 2025.

THE CITY OF GARLAND, TEXAS

Mayor



ATTEST:



City Secretary



Published: 5/29/2025
6/2/2025

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 24-41

BEING a tract of land situated in the James Howard Survey, Abstract No. 542, City of Garland, Dallas County, Texas, being part of a called 31.481 acre tract of land described in the Special Warranty Deed to Ameritrust Texas N.A., Trustee of the Oliver Dewey Mayor Foundation recorded in Volume 93010, Page 2883 of the Deed Records of Dallas County, Texas (DRDCT), being part of Lot 5, Block 1 of Replat of Lot 3, Block 1 Brand/190 Addition, an addition to the City of Garland, Texas according to the plat recorded in Volume 2003207, Page 204 DRDCT and being more particularly described as follows:

COMMENCING at a 4-inch Brass Disk in concrete stamped "TEXAS DEPARTMENT OF TRANSPORTATION" found for the most southerly southeast corner of said Lot 5, Block 1, and being at the intersection of the northwest right-of-way line of East Brand Road (a variable width right-of-way) and the northeast right-of-way line of State Highway No. 190 (President George Bush Turnpike) (a variable width right-of-way);

THENCE with said northeast right-of-way line of State Highway No. 190, the following courses and distances:

North 47°45'22" West, a distance of 206.59 feet to a 4-inch Brass Disk in concrete stamped "TEXAS DEPARTMENT OF TRANSPORTATION" found for corner;

North 59°17'47" West, a distance of 185.96 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for the POINT OF BEGINNING;

North 59°17'47" West, a distance of 223.10 feet to a 4-inch Brass Disk in concrete stamped "TEXAS DEPARTMENT OF TRANSPORTATION" found for corner;

ZONING FILE NUMBER Z 24-41

North $54^{\circ}14'07''$ West, a distance of 145.98 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for the southeast corner of a called 7.8642 acre tract of land described in the Special Warranty Deed with Vendor's Lien to C&M Villareal Family Limited Partnership recorded in Instrument No.202200249682, Official Public Records of Dallas County, Texas (OPRDCT);

THENCE North $36^{\circ}34'41''$ East, with the east line of said 7.8642 acre tract and over and across said Lot 5, Block 1, a distance of 436.75 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for the northeast corner of said 7.8642 acre tract and being in the south line of River Oaks Parkway (a 60-foot wide right-of-way);
THENCE with said south right-of-way line of River Oaks Parkway, the following courses and distances:

South $53^{\circ}23'20''$ East, a distance of 22.66 feet to a 5/8-inch iron rod with plastic cap (stamping illegible) found for the beginning of a curve to the left, having a central angle of $49^{\circ}20'12''$, a radius of 455.00 feet and a chord bearing and distance of South $78^{\circ}03'26''$ East, 379.80 feet;

Southeasterly, with said curve to the left, an arc distance of 391.79 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

THENCE South $36^{\circ}34'41''$ West, over and across said Lot 5, Block 1, a distance of 570.15 feet to the POINT OF BEGINNING and containing a computed area of 174,240 square feet or 4.0000 acres of land.

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 24-41

4400 North President George Bush Turnpike

I. Statement of Purpose: The purpose of this Planned Development (PD) amendment is to allow and regulate the development of a Landscape Nursery (retail) 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 00-39 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:

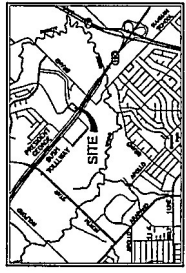
Concept Plan: Development shall be in general conformance with the Concept Plan labeled Exhibit C. In the event there is conflict between the approved Concept Plan and the Specific Regulations below, the Specific Regulations shall apply.

V. Specific Conditions:

A. Permitted Use: In addition to the uses permitted within Planned Development (PD) District 00-39, Landscape Nursery (retail) Use shall be permitted by right.

B. Concept Plan: The site layout, building placement, parking, walking paths, and other development proposed shall be in general conformance with the approved Concept Plan labeled Exhibit C.

Exhibit C



LEGEND

-  PROP BUILDING FOOTPRINT
-  PROP LANDSCAPE DISPLAY AREA
-  PROP DRIVE ANISLES
-  PROP PARKING/LANDING
-  PROP SIDEWALK
-  PROP PERMANENT LANDSCAPE AREA

Moon Valley Nursery - Concept Plan Data Table	
File: 13.2008.ec - Lot 5 Block 1 - Brandt/190 Addition	
Lot Area	5.00 ac / 217,000 ft ²
Zoning	RS-30-S
Proposed Zoning	RS-30-S
Proposed PD Amendment to add Landscape Nursery (retail) and a Nursery Use	
Proposed Level Use	Landscape Nursery
Proposed Building Area	1,800 ft ²
Proposed Outdoor Area	137,313 ft ²
Parking	
Required Parking - Landscape Nursery (Retail)	7 spaces
1 Space per 2,000 ft ² of outdoor display use	69 spaces
Total Required Spaces	76 spaces

NOTES: THIS PLAN IS A PRELIMINARY CONCEPT PLAN AND IS NOT TO BE USED FOR THE DESIGN AND DEVELOPMENT OF ANY STRUCTURE OR LANDSCAPE. THE CITY ENGINEER'S OFFICE HAS REVIEWED THIS PLAN FOR CONFORMANCE WITH THE CITY CODES AND HAS APPROVED IT FOR PRELIMINARY REVIEW ONLY. THE CITY ENGINEER'S OFFICE DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE CITY ENGINEER'S OFFICE IS NOT RESPONSIBLE FOR THE DESIGN OR CONSTRUCTION OF THE PROJECT. THE CITY ENGINEER'S OFFICE IS NOT RESPONSIBLE FOR THE DESIGN OR CONSTRUCTION OF THE PROJECT.

DESIGNER:
 JAMES EARLE-COPELAND, INC.
 DEVELOPMENT ENGINEERING CONSULTANTS, LLC
 1400 WESTERN AVENUE, SUITE 200
 FORT WORTH, TEXAS 76102
 PHONE: 817-343-9700
 FAX: 817-343-9701
 EMAIL: james@jearle-copeland.com

DEVELOPER:
 MOON VALLEY NURSERY
 4800 N. PRESIDENT GEORGE BUSH HWY
 GARLAND, TEXAS 75042
 PHONE: 972-261-1111
 FAX: 972-261-1112
 EMAIL: info@moonvallynursery.com

CONCEPT PLAN

MOON VALLEY NURSERY	
PART OF LOT 5, BLOCK 1, REPART OF LOT 3, BLOCK 1, BRANDT/190 ADDITION	
4800 N. PRESIDENT GEORGE BUSH HWY	
CITY OF GARLAND, TEXAS	
DESIGN	
PRELIMINARY FOR REVIEW ONLY	
NOT FOR CONSTRUCTION	
THIS CONCEPT PLAN IS NOT TO BE USED FOR THE DESIGN OR CONSTRUCTION OF THE PROJECT.	
ISSUE DATE	DEC. FILE NO.
12/16/24	11071
CITY CASE NO.	SHEET NO.
240827-1	1