AGENDA

REGULAR MEETING OF THE CITY COUNCIL
City of Garland
Council Chambers, City Hall
200 North Fifth Street, Garland, Texas
October 1, 2012
7:00 p.m.

The City Council extends to each visitor a sincere welcome. We value your interest in your community and your participation in the meetings of this governing body. Regular meetings of the City Council are held the 1st and 3rd Tuesdays of each month, beginning at 7:00 p.m.; the City Council meets regularly in work sessions at 6:00 p.m. the Monday preceding each regular meeting.

The Garland City Hall and Council Chambers are wheelchair accessible. Special parking is available on the north side of City Hall and the building may be accessed by a sloped ramp from the parking area to the door facing Fifth Street. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services must contact the City Secretary's Office at (972) 205-2403 at least two working days prior to the meeting so that appropriate arrangements can be made. BRAILLE IS NOT AVAILABLE.

CITY COUNCIL GOALS 2020
(Adopted by Resolution No. 9402 on December 20, 2005)

- **Sustainable quality development and redevelopment**
- **Financially stable government with tax base that supports community needs**
- **Defends rightful powers of municipalities**
- **Fully informed and engaged citizenry**
- **Consistent delivery of reliable City services**
- **Safe, family-friendly neighborhoods**
- **Embrace diversity**

CONSENT AGENDA

All items under this section are recommended for approval by a single motion of Council, without discussion. Council has been briefed on these items at a previous work session and approval of the consent agenda authorizes the City Manager to implement each item. The Mayor will announce the agenda and provide an opportunity for members of the audience and the City Council to request that an item be removed and considered separately.

1. **Consider approval of the minutes of the September 18, 2012 Regular Meeting.**

2. **Consider approval of the following bids:**

   a. **Voice and Network Data Cabling** **Bid No. 3135-12**

   Nouveau Construction and Technology Services **$115,225.00**

   This request is for the replacement of fiber and copper media cable at various facilities located at the Service Center complex.

   b. **Field Operations Complex Pipe Storage Building** **Bid No. 3143-12**

   Hill & Wilkinson General Contractors **$133,000.00**

   This request is for fabrication and erection of a pre-engineered metal storage building to be used by Water Utilities to protect PVC pipe from exposure to the sun and elements.

   c. **Engine and Hydraulic Repairs** **Bid No. 3156-12**

   Holt Cat **$184,737.80**

   This request is to provide repairs to the Caterpillar 963C Track Loader Unit No. 160-219 used at the Hinton Landfill in daily operations.

3. **A public hearing was previously conducted for the following zoning case. Council approved the request and instructed staff to bring forth the following ordinance for consideration.**

   Zoning File No. 12-40, GTE Southwest Inc. dba Verizon Southwest

   Consider an ordinance amending the zoning laws of the City of Garland by approving a change in zoning from Office 1 (O-1) District to a Planned Development (PD) District for Office-1 Uses with a Specific Use Permit (SUP) for Antenna, Commercial Type 2 on an 8.737-acre tract of land located north of Apollo Road and northeast of North Garland Avenue.

4. **Consider a resolution authorizing the City Manager to execute an interlocal agreement with Dallas County relating to the continued operation of a Household Hazardous Waste Disposal Program.**

   The City of Garland's Storm Water permit issued by the Texas Commission on Environmental Quality requires that Garland provide a Household Hazardous Waste Management Program. For the previous fifteen years, Garland has contracted with Dallas County to participate in a countywide collection and disposal network. The current contract expires September 30, 2012. This item was considered by Council at the September 17, 2012 Work Session.

5. **Consider approving by minute action the Council Rules of Order and Procedure.**

   In accordance with the City Charter, Council is required to annually adopt its own rules of order and procedure for meetings.

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

Anyone wishing to speak for, against, or on agenda items must fill out a speaker card and give it to the City Secretary before speaking (cards located at the entrance to the Council Chambers). The Mayor will recognize speakers; he may impose a time limit and may provide for rebuttal. All comments and testimony are to be presented from the podium.

6. Hold a public hearing on the following zoning case:

Consider the application of Wes Parnell requesting approval of a Specific Use Permit for Restaurant with Drive Through on property zoned Shopping Center (SC) District in the IH 635 Overlay District. The property is located at 2002 Eastgate Drive. (File 12-44)

The proposal is for approval of a Specific Use Permit for a Chicken Express Restaurant on property zoned Shopping Center. At the September 10, 2012 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the Specific Use Permit for a period of 25 years tied to Chicken Express.

7. Citizen comments.

Persons wishing to address issues not on the agenda may have three minutes to address Council at this time. Council is prohibited from discussing any item not posted according to the Texas Open Meetings Act.

8. Adjourn.

All Regular Council meetings are broadcast live on CGTV, Time Warner Cable Channel 16, and Verizon FIOS TV 44. Meetings are rebroadcast at 9:00 a.m. and 7:00 p.m. on Wednesday-Sunday and at 7:30 p.m. on Thursday. Live streaming and on-demand videos of the meetings are also available online at www.garlandtx.gov. Copies of the meetings can be purchased through the City Secretary's Office – audio CD's are $1 each and DVD's are $3 each.

The City Council of the City of Garland, Texas convened in regular session at 7:00 PM on Tuesday, September 18, 2012, in the Council Chambers at City Hall with the following members present:

Mayor	Ronald E. Jones
Mayor Pro Tem	John Willis
Deputy Mayor Pro Tem	Preston Edwards
Councilmember	Marvin 'Tim' Campbell
Councilmember	Anita Goebel
Councilmember	B.J. Williams
Councilmember	Lori Barnett Dodson
Councilmember	Rick Williams
Councilmember	Jim Cahill

STAFF PRESENT:

City Manager	William E. Dollar
City Attorney	Brad Neighbor
Interim City Secretary	Elaine Simpson
Recording Secretary	Yvonne Naser

CALL TO ORDER: The meeting was called to order by Mayor Ronald E. Jones. Councilmember Dodson led the invocation and the pledge of allegiance.

CEREMONIAL: Mayor Jones introduced the Garland Youth Council Members.

Proclamation: *Texting and Driving – 'It Can Wait'*.

CONSENT AGENDA: All items marked with asterisks (**) on the Consent Agenda were voted on at the beginning of the meeting. Motion was made by Councilmember Dodson, seconded by Councilman Rick Williams to approve items: 1, 2a, 2b, 2c, 2d, 2e, 2f, 3a, 3b, 4, 5, 6, 7 and 8, as presented. Motion carried unanimously with 9 Ayes; 0 Nays; and 0 Abstentions.

CONSENT AGENDA

1. Approved** Consider approval of the minutes of the August 30, 2012 Special Meeting and September 4, 2012 Regular Meeting.

2. a. Approved** Bid No. 3017-12; for all parts and labor necessary to repair Ray Olinger Unit No. 3 Generator awarded to Toshiba in the amount of $733,200, and to HPI in the amount of $116,306, with contingency amount of $71,123.40 for total amount of $920,629.40.

2.b. Approved** Bid No. 3018-12; Ray Olinger Unit No. 3 Turbine Maintenance to provide all labor and equipment necessary for the Ray Olinger Unit No. 3 Turbine major maintenance project awarded to HPI for $463,589.00 with contingency amount of $69,538.35 for total amount of $533,127.35.

2.c. Approved** Bid No. 3019-12 for Parts for Ray Olinger Unit No. 3 Turbine Maintenance Project.

Mechanical Dynamics	$50,030.00
Technical Hardfacing	$19,300.00
Fajon Machining	$12,770.00
Alin Machining	$7,285.00
Contingency	$18,500.00
TOTAL	$107,885.00

2.d. Approved** Bid No. 3048-12 - Old Wylie Switchyard Improvements to provide labor, equipment, and materials required to perform site improvements at the Old Wylie Switchyard awarded to Bass Site Solutions in amount of $333,419.40 with contingency amount of $35,000 for total of $368,419.40.

2.e. Approved** Bid No. 3089-12 – Aggregates awarded to DFW Materials In the amount of $132,700.00 for purchase of sandy loam and grade 6 rock for the rehabilitation, reconstruction, and maintenance of street and alley pavement.

2.f. Approved** Bid No. 3111-12 – awarded to Sam Pack's Five Star Ford in the amount of $114,830.26 for the purchase of two cutaway vans with service bodies for Garland Power & Light for use in daily operations.

3.a. Approved** Consider Ordinance #6570 amending the zoning laws of the City of Garland by approving a Specific Use Permit for Child Care Center on a 4.65-acre tract of land zoned Planned Development District (PD 78-87) for Retail Uses located at 2121 Northwest Highway, Suites 116 and 117. (Zoning File 12-38, Tiffany Enriquez; applicant)

3.b. Approved** Consider Ordinance #6571 amending the zoning laws of the City of Garland by approving a Specific Use Permit for Child Care Center on a 4.42-acre tract of land zoned Agriculture District located at 7502 North Garland Avenue. (Zoning File No. 12-39, Cornerstone United Methodist Church)

4. Approved** Consider Resolution #10071 abandoning, releasing, and quitclaiming a certain utility easement, abandoning an existing utility easement in an effort to help Garland Independent School District facilitate the expansion of South Garland High School.

5. Approved** Consider Resolution #10072 authorizing the Mayor to execute four easement agreements with Dallas Area Rapid Transit for grading, drainage, and fencing improvements in relation to the

Blueline Light Rail extension from the Downtown Garland Station to the Garland city limits. to allow the encroachment by DART onto four parcels of City-owned land in exchange for architectural enhancements to the DART bridge over the Kansas City Railway near the Downtown Garland Station and the enhancements to the Rainbow Estates neighborhood screening wall along the DART line extension.

6. Approved**

Consider Ordinance #6572 approving and authorizing the issuance of commercial paper notes, in an aggregate principal amount at any one time outstanding not to exceed $135,000,000 to provide interim financing to pay project costs for eligible projects and to refund obligations issued in connection with an eligible project; authorizing such short term obligations to be issued, sold and delivered in various forms, including commercial paper notes and a bank note, and prescribing the terms, features and characteristics of such instruments; approving and authorizing certain authorized officers and employees of the City to act on behalf of the City in the selling and delivery of such short term obligations, within the limitations and procedures specified herein; making certain covenants and agreements in connection therewith; providing for the payment of the commercial paper notes and a loan note; resolving other matters incident and related to the issuance, sale, security and delivery of commercial paper notes, including the approval of an issuing and paying agent agreement, a reimbursement agreement and a dealer agreement; approving the use of an offering memorandum in connection with the sale from time to time of such short term obligations.

7. Approved**

Consider Resolution # 10073 authorizing the City Manager to execute a Master Agreement with Dallas County for Major Capital Improvement Program Projects for joint participation on Major Capital Improvement Program (MCIP) projects to replace agreement that expired in July 2012. This will

establish the governing and general financial responsibilities for each agency with respect to MCIP projects.

8. Approved ** Consider Resolution #10074 appointing Lisa C. Palomba as City Secretary pursuant to Article IV, Section 5 of the City Charter.

ITEMS FOR INDIVIDUAL CONSIDERATION

9. Held & Approved Hold a public hearing and consider the application of GTE Southwest, Inc. d/b/a Verizon Southwest requesting approval of 1) a Planned Development (PD) District to allow Antenna, Commercial Type 2 by Specific Use Permit only and 2) a Specific Use Permit for Antenna, Commercial Type 2 on property zoned Office 1 (O-1) District. The property is located at 3618 North Garland Avenue. File No. #Z 12-40 (Council District #8 – Council Member Jim Cahill) for an existing cell tower for Verizon Southwest. At the August 27, 2012 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the Specific Use Permit for a period of 25 years tied to GTE Southwest, Inc. d/b/a Verizon Southwest as recommended by staff.

Addressing this item was Neil Montgomery, Senior Managing Director of Development Services.

Mayor Jones opened the public hearing at 7:11 pm.

Randal Browne, for Verizon, indicated he was available for questions. Council had no questions.

Councilman Cahill made a motion, seconded by Councilmember Dodson, to close the public hearing at 7:12 p.m. and to approve the item, as requested and as recommended by staff and the Plan Commission, to approve of 1) a Planned Development (PD) District to allow

Antenna, Commercial Type 2 by Specific Use Permit only and 2) a Specific Use Permit for Antenna, Commercial Type 2 on property zoned Office 1 (O-1) District on property located at 3618 North Garland Avenue.

Motion carried unanimously by a vote of 9 Ayes; 0 Nays; 0 Abstentions.

10. Citizen comments.

No citizen spoke.

There being no further business to come before the City Council, Mayor Jones adjourned the meeting at 7:13 p.m.

CITY OF GARLAND

Signed:

_____

Mayor Ronald E. Jones

Attest:

_____

Elaine Simpson, Interim City Secretary

GARLAND
PURCHASING

Bid No.:	3135-12
Agenda Item:	2a
Meeting:	Regular
Date:	10/01/12

Purchasing Report

VOICE AND NETWORK DATA CABLING
OPEN MARKET

PURCHASE JUSTIFICATION:

The purpose of this contract is to provide for the replacement of fiber and copper media cable at various facilities located at the Service Center complex. Nouveau Construction and Technology Services is an approved vendor on the Houston-Galveston Area Council (HGAC) Contract 09-2230.

AWARD RECOMMENDATION:

Vendor	*Item*	*Amount*
Nouveau Construction and Technology Services	ALL	$115,225.00
	TOTAL:	$115,225.00

BASIS FOR AWARD:

Cooperative Purchase

Submitted by:

Gary L. Holcomb, CPPO, C.P.M.
Director of Purchasing

Date: 9/24/12

Reviewed by:

William E. Dollar
City Manager

Date: 9/24/12

FINANCIAL SUMMARY:

Total Project/Account:	$ 500,000	
Expended/Encumbered to Date:	78,831	
Balance:	$ 421,169	
This Item:	115,225	
Proposed Balance:	$ 305,944	
Matt Watson	09/19/12	
Budget Analyst	Date	
Ron Young	09/19/12	
Budget Director	Date	

Operating Budget: ☐ **CIP:** ☒ **Year:** 2012

Document Location: Page M-14

Account #: 416-4599-2301911-9002

Fund/Agency/Project – Description:
MIS CO Fund / Network and Cabling Upgrades

Comments:

CITY OF GARLAND - BID RECAP SHEET
OPENED: 09/10/12
REQ. NO. 30544
BID NO. 3135-12
PAGE: 1 of 1
BUYER: Bob Bonnell, C.P.M., MCP

ITEM	QTY	UNIT	DESCRIPTION	Nouveau Construction UNIT PRICE	Nouveau Construction TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	lot	Voice and Data Recabling		$115,225.00						
			TOTAL GROSS PRICE		$115,225.00						
			CASH DISCOUNT								
			TOTAL NET PRICE		$115,225.00						
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DELIVERED	
			DELIVERY								

All bids submitted for the designated project are reflected on this bid tab sheet. However, the listing of a bid on this sheet should not be construed as a comment on the responsiveness of such bid or as any indication that the city accepts such bid as responsive. The City will notify the successful bidder upon award of the contract and, according to the law, all bids received will be available for inspection at that time.

Duval Sons, Inc.	Mueller Service Co.		
DELIVERED	DELIVERED	DELIVERED	DELIVERED

GARLAND

PURCHASING

Executive Summary
Bid 3135-12
Voice and Network Data Cabling

Recommended Vendor:

Nouveau Construction and Technology Services

Total Recommended Award:

$115,225.00

Basis for Award:

Cooperative Purchase

Purpose:

The purpose of this contract is to provide for the replacement of fiber and copper media cable at various facilities located at the Service Center complex.

Evaluation:

Nouveau Construction and Technology Services is an approved vendor on the Houston Galveston Area Council (HGAC) Contract 09-2230.

Recommendation:

Staff recommends awarding the contract to Nouveau Construction and Technology Services.

Funding Information:

416-4599-2301911-9002

Department Director:

Steve Niekamp, CIO IT Services, 972-781-7205

GARLAND
PURCHASING

Bid No.:	3143-12
Agenda Item:	2b
Meeting:	Regular
Date:	10/01/12

Purchasing Report

FIELD OPERATIONS COMPLEX PIPE STORAGE BUILDING
OPEN MARKET

PURCHASE JUSTIFICATION:

This contract is for the Pipe Storage Building to be used by Water Utilities to protect PVC pipe from exposure to the sun. The Construction Manager at Risk (CMAR) was selected as most qualified by evaluation from the short list of approved CMARs. This is an approved CIP project.

AWARD RECOMMENDATION:

Vendor	*Item*	*Amount*
Hill & Wilkinson General Contractors	1	$133,000.00
	TOTAL:	$133,000.00

BASIS FOR AWARD:

Best Value

Submitted by:

Gary L. Holcomb, CPPO, C.P.M.
Director of Purchasing

Date: 09/21/12

Reviewed by:

William E. Dollar
City Manager

Date: 9/24/12

FINANCIAL SUMMARY:

Total Project/Account:	$	329,808
Expended/Encumbered to Date:		194,940
Balance:	$	134,868
This Item:		133,000
Proposed Balance:	$	1,868

Matt Watson	09/21/12
Budget Analyst	Date
Ron Young	09/21/12
Budget Director	Date

Operating Budget: ☐ **CIP:** ☒ **Year:** 2009

Document Location: Pages W18 & WW25

Account #: 237-4149-3218200-9002 $93,575.00
227-4049-3022500-9002 39,425.00

Fund/Agency/Project – Description:
Water Utility Field Operations Complex – Building Remodel

Comments:

RFP #3143-12 - Field Operations Complex Pipe Storage Building

Selection Criteria Scores

8/29/12

Relative Weight Value	Selection Criteria	CF Jordan Construction	Harrison Walker & Harper	Hill & Wilkinson	Hunt Construction Group	Lee Lewis Construction	Vaughn Construction
40	The overall qualifications, experience and reputation of the firm to provide the services sought in this RFQ. This category includes but is not limited to the firm's: o Experience, reputation, and demonstrated with similar projects o Experience with government-entity clients; o Availability to respond to the needs of the City of Garland in a timely manner; ability to relate to project requirements; o Levels of conflict of interest between the firm and the City of Garland	35	38	38	35	35	35
30	Experience and qualifications of the firm, evaluation of assigned personnel	25	28	30	30	30	28
15	Satisfactory client references: budget, cost controls experience, and results.	15	15	15	15	15	15
15	Overall completeness of response	15	15	15	15	15	15
	Total Score	**90**	**96**	**98**	**95**	**95**	**93**

GARLAND

TEXAS MADE HERE

Executive Summary
RFP 3143-12
Field Operations Complex Pipe Storage Building

Recommended Vendor:

Hill & Wilkinson General Contractors

Total Recommended Award:

$133,000.00

Basis for Award:

Best Value

Purpose:

Award of a guaranteed maximum price (GMP) contract to Hill & Wilkinson General Contractors for the fabrication and erection of a pre-engineered metal storage building located at 2343 Forest Lane. The Pipe Storage Building will be used to protect PVC pipe used by Water Utilities from exposure to the sun and elements.

Evaluation:

Hill & Wilkinson General Contractors exhibited extensive experience with pre-engineered metal buildings. Hill & Wilkinson was selected as the most qualified from the six (6) short-listed Construction Managers at Risk (CMAR) companies following evaluations and ranking.

Sufficient funds for the contract were appropriated within the CIP; this is not a request for additional appropriation of funds.

Recommendation:

Facilities Management recommends award of GMP contract for construction services to Hill & Wilkinson General Contractors in the amount of $133,000.00.

Funding Information:

CIP Project Accounts 237-4149-32182-00-9002 and 227-4049-30225-00-9002

Department Manager:

Jennifer Shoulders, Facilities Construction Manager, 972-205-3108

GARLAND
PURCHASING

Bid No.:	3156-12
Agenda Item:	2c
Meeting:	Regular
Date:	10/01/12

Purchasing Report

ENGINE AND HYDRAULIC REPAIRS
OPEN MARKET

PURCHASE JUSTIFICATION:

The purpose of this contract is to provide for repairs to the Caterpillar 963C Track Loader Unit #160-219 used at the Hinton Landfill in daily operations. Holt Cat is the sole source provider for the Original Equipment Manufacturer (OEM) parts required to perform the necessary repairs. Funding was approved in the 2011-12 Operating Budget.

AWARD RECOMMENDATION:

Vendor	*Item*	*Amount*
Holt Cat	1	$184,737.80
	TOTAL:	$184,737.80

BASIS FOR AWARD:

Sole Source

Submitted by:

Gary L. Holcomb, CPPO, C.P.M.
Director of Purchasing

Date: 09/24/12

Reviewed by:

William E. Dollar
City Manager

Date: 9/25/12

FINANCIAL SUMMARY:

Total Project/Account:	$ 5,087,362	
Expended/Encumbered to Date:	4,847,391	
Balance:	$ 239,971	
This Item:	184,738	
Proposed Balance:	$ 55,233	
Ron Tiffany	09/24/12	
Budget Analyst	Date	
Ron Young	09/24/12	
Budget Director	Date	

Operating Budget: ☒ **CIP:** ☐ **Year:** 2011-12

Document Location: Page 128

Account #: 441-4851-7131

Fund/Agency/Project – Description:
Major Repairs to Track Loader at the Landfill

Comments:

CITY OF GARLAND - BID RECAP SHEET
OPENED: 09/24/12
REQ. NO. PR 30614
BID NO. 3156-12
PAGE: 1 of 1
BUYER: T. Smith

ITEM	QTY	UNIT	DESCRIPTION	Holt Cat UNIT PRICE	Holt Cat TOTAL						
				UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	ea.	Engine Rebuild and Hydraulic	$184,737.80	$184,737.80						
			repairs to the Hinton Landfill								
			Track Loader								
			TOTAL GROSS PRICE		$184,737.80						
			CASH DISCOUNT								
			TOTAL NET PRICE		$184,737.80						
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DELIVERED	
			DELIVERY								

NEXT LOW:
LOW:
SAVINGS: **$0.00**

0 # BidSync Notifications
0 # BidSync HUBS
0 # Direct Contact HUBS
0 # HUBS Responded

All bids submitted for the designated project are reflected on this bid tab sheet. However, the listing of a bid on this sheet should not be construed as a comment on the responsiveness of such bid or as any indication that the city accepts such bid as responsive. The City will notify the successful bidder upon award of the contract and, according to the law, all bids received will be available for inspection at that time.

Duval Sons, Inc.	**Mueller Service Co.**		
DELIVERED	DELIVERED	DELIVERED	DELIVERED

GARLAND

PURCHASING

Executive Summary
Bid 3156-12
Engine and Hydraulic Repairs

Recommended Vendor:

Holt Cat

Total Recommended Award:

$184,737.80

Basis for Award:

Sole Source

Purpose:

The purpose of this contract is to pay for repairs required on a Caterpillar 963C Trackloader Unit 160-219. This unit is used at the City of Garland Hinton Landfill and had to be repaired to minimize operational disruptions.

Evaluation:

Holt Cat is the sole source provider of Original Equipment Manufacturer (OEM) in parts required to perform the necessary repairs. The OEM parts are necessary in order to ensure that any subsequent warranty work will be honored.

Recommendation:

Staff recommends awarding the bid for repairs to Holt Cat.

Funding Information:

441-4851-7131

Department Director:

Terry Anglin, Fleet Director, 972-205-3524

City Council Item Summary Sheet

☐ **Work Session**

☒ **Agenda Item**

Date: **October 1, 2012**

Zoning Ordinance

Summary of Request/Problem
Zoning Ordinance 12-40 – GTE Southwest Inc d/b/a Verizon Southwest

Recommendation/Action Requested and Justification
Consider adoption of the attached ordinance.

Submitted By:	**Approved By:**
Neil Montgomery **Senior Managing Director of Development Services**	**William E. Dollar** **City Manager**

FILE NO. 12-40

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING A CHANGE IN ZONING FROM OFFICE 1 (O-1) DISTRICT TO A PLANNED DEVELOPMENT (PD) DISTRICT FOR OFFICE-1 USES WITH A SPECIFIC USE PERMIT (SUP) FOR ANTENNA, COMMERCIAL TYPE 2 ON A 8.737-ACRE TRACT OF LAND LOCATED NORTH OF APOLLO ROAD AND NORTHEAST OF NORTH GARLAND AVENUE; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 27th day of August, 2012, the City Plan Commission did consider and make recommendations on a certain request for a zoning change made by **GTE Southwest, Inc. d/b/a Verizon Southwest** 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.

Ordinance No. 4647 is hereby amended by approving a change in zoning from Office-1 (O-1) District to a Planned Development (PD) District for Office-1 Uses and a Specific Use Permit for an Antenna, Commercial Type 2 on a 8.737-acre tract of land located north of Apollo Road, northeast of North Garland Avenue, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2.

Development shall be in conformance with the Planned Development conditions, restrictions, and regulations set forth in Exhibit B, attached hereto and made a part hereof.

Section 3.

Ordinance No. 4647, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

Section 4.

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 5.

This Ordinance shall become and be effective on and after its adoption and publication as required by law.

PASSED AND APPROVED this_____ day of _____, 2012.

THE CITY OF GARLAND, TEXAS

By:

_____
Mayor

ATTEST:

_____
City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 12-40

Being an approximate 8.737-acre parcel shown as Lot 1R Block 1 of General Telephone Company Addition, an addition to the City of Garland as recorded in Volume 2005019, Page 237, of the Deed Records of Dallas, County, Texas. The property is located at 3618 North Garland Avenue, north of Apollo Road and northeast of North Garland Avenue.

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE 12-40

3618 North Garland Avenue

I. **Statement of Purpose:** The purpose of this Planned Development District is to allow Antenna, Commercial Type 2 subject to conditions.

II. **Statement of Effect:** This Planned Development District shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.

III. **General Regulations:** All regulations in Section 10-306.4 and the Office 1 (O-1) District as set forth in Section 20 and 32 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.

IV. **Specific Regulations:**

A. Permitted Uses: With the exception of Antenna, Commercial Type 2, no uses shall be permitted except for the uses listed under Office 1 (O-1) District in Section 10-200 of the Comprehensive Zoning Ordinance, Ordinance No. 4647. Antenna, Commercial Type 2 shall only be permitted with approval of a Specific Use Permit.

B. Site Plan: Development of the antenna tower shall be in accord with the site plan approved with Specific Use Permit 12-40.

EXHIBIT B

SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 12-40

3618 North Garland Avenue

I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow Antenna, Commercial Type 2 subject to conditions.

II. **Statement of Effect:** This permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, as amended, except as specifically provided herein.

III. **General Regulations:** All regulations in Section 10-306.4 and the Office 1 (O-1) District as set forth in Section 20 and 33 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.

IV. **Specific Regulations:**

A. Time Period: The Specific Use Permit shall be in effect for a period of 25 years from the date of passage and shall apply only to **GTE Southwest, Inc. d/b/a Verizon Southwest.**

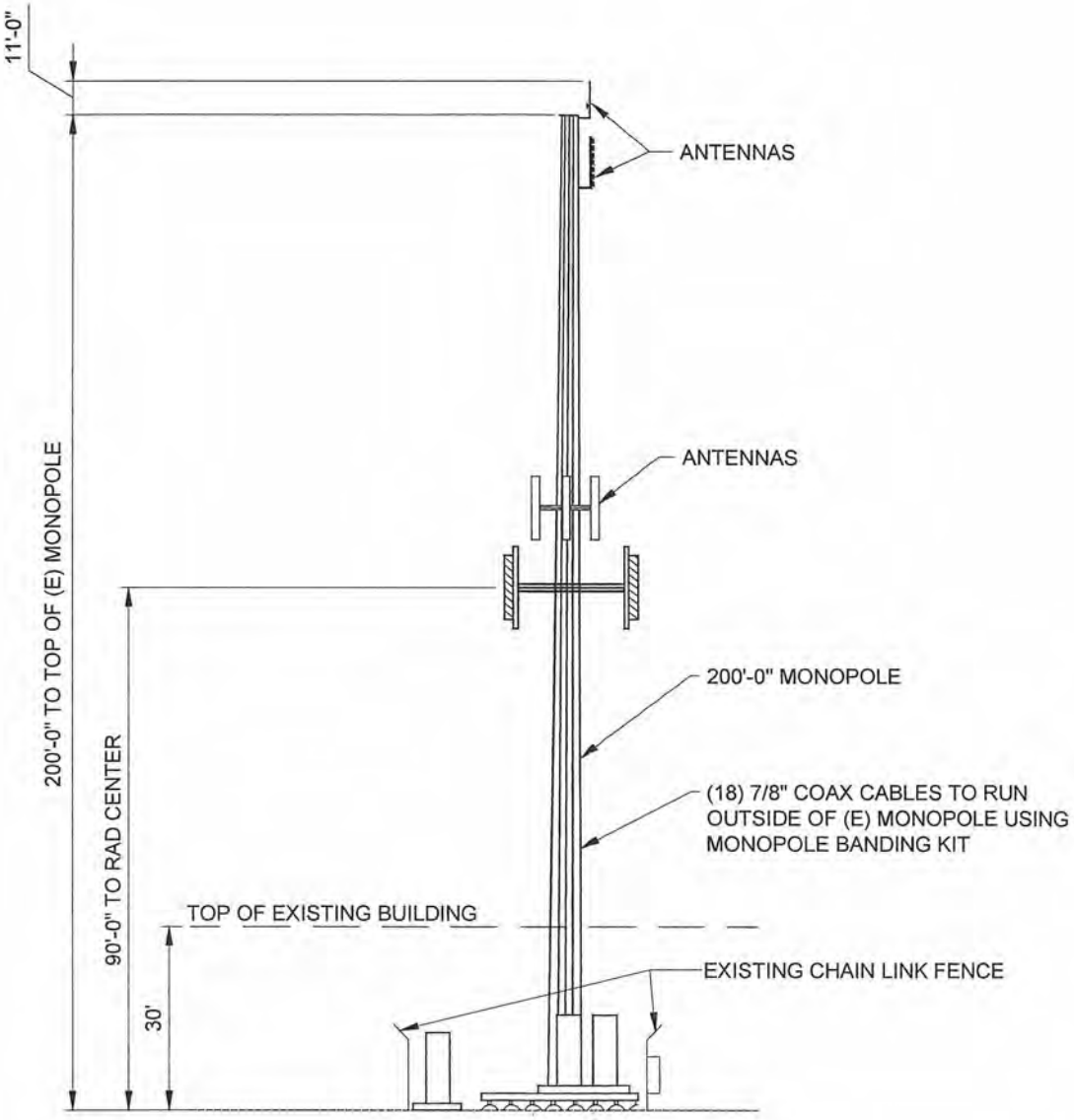
B. Antenna Tower (Exhibit C):

1. Height: Maximum height shall be 200 feet for the antenna tower plus 11 feet to accommodate the antenna for a total maximum height of 211 feet.

2. Antenna Type: The only type antenna tower authorized by this Specific Use Permit is a monopole type tower.

C. Site Plan: Development of the antenna tower shall be in accord with the site plan on Exhibit D.

EXHIBIT B



TOWER ELEVATION

SUP FOR AN EXISTING ANTENNA, COMMERCIAL TYPE 2

WTA, Inc.

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SCALE:

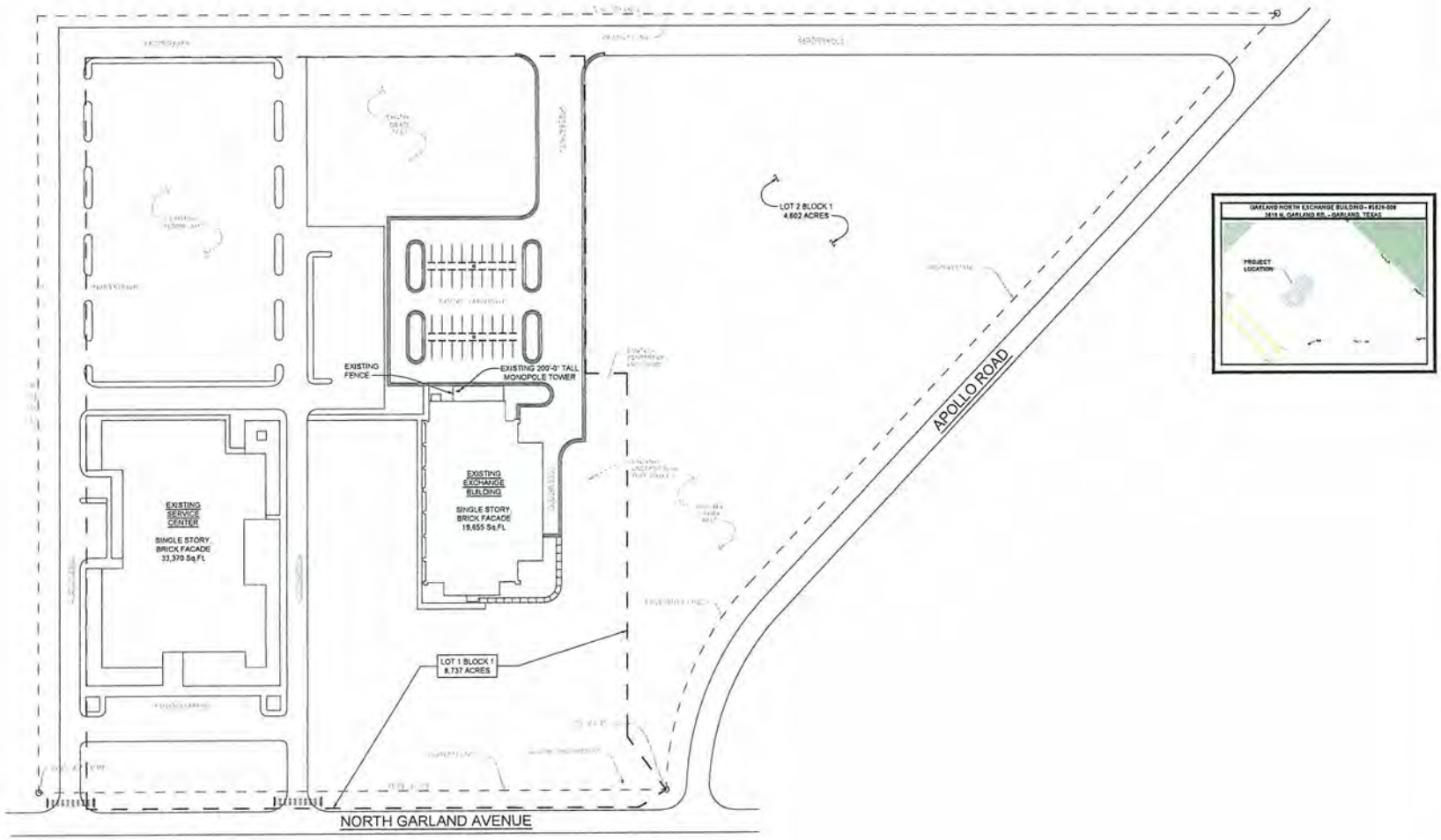
EXHIBIT C

S

Γ "A"

verizon

EXHIBIT D



SITE PLAN
SCALE: 1" = 50'-0"

EXISTING CONDITIONS NOTE:
EXISTING CONDITIONS WERE TAKEN FROM THE OWNERS RECORD DRAWINGS. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VISIT THE JOBSITE PRIOR TO BID DATE AND TO ASCERTAIN EXISTING CONDITIONS. AFTER BID DATE, IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE COMPLETE, OPERABLE SYSTEMS AND CONSTRUCTION PER PLANS AND SPECIFICATIONS. ALL AT NO ADDITIONAL COST TO OWNER OR ENGINEER.

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WTA, INC.
CONSULTING ENGINEERS
ABILENE, TEXAS

Project Design And Construction Administration By

WTA, INC.
TEXAS PROFESSIONAL FIRM REGISTRATION NUMBER F-3341

verizon
REGIONAL FACILITIES ENGINEERING AND CONSTRUCTION

MICROWAVE TOWER MODIFICATIONS AT THE NORTH EXCHANGE BUILDING
verizon GARLAND, TEXAS

ISSUE DATES:

NO.	DATE & DESCRIPTION

PROJECT NO:	T-12048
DRAWN BY:	MM
CHECKED BY:	LGT

SHEET
S-1

City Council Item Summary Sheet

☐ **Work Session**

☒ **Agenda Item**

Date: **October 1, 2012**

Household Hazardous Waste Resolution

Summary of Request/Problem

Garland's Storm Water permit issued by the Texas Commission on Environmental Quality (TCEQ) requires that Garland provide a Household Hazardous Waste (HHW) Management Program. For the previous fifteen years Garland has contracted with Dallas County to participate in a countywide collection and disposal network. The current contract expires September 30, 2012

This item was considered by Council at the September 17, 2012 Work Session.

Recommendation/Action Requested and Justification

Staff recommends that the Council approve a Resolution authorizing the City Manager to sign an Interlocal Agreement with Dallas County to participate in the Dallas Area HHW Network.

Submitted By:	**Approved By:**
Richard Briley **Managing Director of Health & Code Compliance**	**William E. Dollar** **City Manager**

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH DALLAS COUNTY RELATING TO THE CONTINUED OPERATION OF A HOUSEHOLD HAZARDOUS WASTE DISPOSAL PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:

Section 1

That the City Manager is hereby authorized to execute an Interlocal Agreement with Dallas County in the form and substance of that attached hereto.

Section 2

That this Resolution shall be and become effective immediately upon and after its adoption and approval.

PASSED AND APPROVED this the _____ day of _____, 2012.

CITY OF GARLAND, TEXAS

_____
Mayor

ATTEST:

_____
City Secretary

City Council Item Summary Sheet

☐ **Work Session**

☒ **Agenda Item**

Date: **October 1, 2012**

Council Rules of Order and Procedure

Summary of Request/Problem
In accordance with the City Charter, Council is required to annually adopt its own rules of order and procedure for meetings. This item was scheduled for Council discussion at the October 1, 2012 Work Session.

Recommendation/Action Requested and Justification
Approve by minute action the Council Rules of Order and Procedure.

Submitted By:	**Approved By:**
Brad Neighbor **City Attorney**	**William E. Dollar** **City Manager**

- DRAFT -
For Discussion Purposes Only

CITY COUNCIL
of the
CITY OF GARLAND, TEXAS

RULES OF ORDER AND PROCEDURE

August 2012

A. AUTHORITY - CHARTER

Article III, Section 9 of the City Charter provides that the City Council shall determine its own rules of order of business and procedures for meetings. These rules shall be in effect upon adoption by the City Council and until such time as amended, suspended or new rules are adopted in the manner provided.

B. COUNCIL MEETINGS

1. REGULAR MEETINGS

Article III, Section 8 of the City Charter provides that regular meetings of the City Council shall be held at least twice each month. Section 10.14 of the Code of Ordinances establishes the first and third Tuesdays of each month as the time for those regular meetings. The City Council may otherwise prescribe the date for such meetings by ordinance or resolution. The meetings are held in the City Council Chambers.

a. Other Locations

The City Council may, occasionally, elect to meet at other locations and, upon such election, shall give public notice of the change of location in accordance with provisions of State law and the City Charter.

b. Location During Local Emergency

If by reason of fire, flood or other emergency, it is unsafe to meet in the City Council Chambers, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor or, in the Mayor's absence by the Mayor Pro Tem or the City Manager.

2. PRE-COUNCIL MEETING WORK SESSION

Prior to each regular City Council meeting, the City Council may conduct a Work Session in order to allow the City Council to informally review items of interest that may be scheduled for formal presentation at future City Council meetings, or that are strictly informational in nature. The City Council may not take formal action on items presented at the Work Session unless specified in the posted agenda.

3. SPECIAL MEETINGS AND EMERGENCY MEETINGS

Pursuant to Article III, Section 7 of the City Charter special meetings may be called at any time by the Mayor or by two or more members of the City Council. The City Secretary shall post notice thereof as provided by State law. Special meetings may be held at any location as long as such meetings are conducted in accordance with State law and the City Charter. In case of emergency or urgent public necessity which shall be expressed in the notice of the meeting, an emergency meeting may be called by the Mayor or by two members of the City Council, and it shall be sufficient if the notice is posted two hours before the meeting is convened. Diligent effort to notify all Councilmembers shall be made prior to the emergency meeting. (Texas Government Code, Sec. 551.045)

4. ADJOURNED MEETINGS

The City Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment pursuant to the provisions of the Texas Open Meetings Act. (Texas Government Code, Section 551)

5. EXECUTIVE SESSIONS

The City Council may meet in Executive Session during any regular or special meeting, or anytime otherwise authorized by State law, to consider, hear or decide any matter which is authorized by State law to be heard or considered in Executive Session. The City Council may exclude from any such Executive Session any person or persons which it is authorized by State law to exclude from such sessions. The general subject matter for consideration shall be expressed in an open meeting before such session is held. Councilmembers may not reveal the nature of discussion from a closed session unless required by law.

6. NOTICE OF MEETINGS

Notice of meetings and the agenda for all City Council meetings shall be posted by the City Secretary on the City's Website and official bulletin board pursuant to the requirements of the Texas Open Meetings Act. (Texas Government Code, Section 551)

7. QUORUM

Article III, Section 6 of the City Charter provides that five (5) members of the nine member City Council shall constitute a quorum to do business and the affirmative vote of five (5) of those present shall be necessary to adopt any ordinance or resolution, except as required by City Charter or State law.

8. CHAIR

Article III, Section 4 of the City Charter provides that the Mayor shall preside at all meetings of the City Council. The Mayor may participate in the discussion of all matters coming before the City

Council. The Mayor shall be required to vote as a member on legislative and other matters. The Mayor shall have the authority to preserve order at all City Council meetings, to enforce the rules of the City Council and to determine the order of business under the rules of the City Council. The Mayor shall also have the power to administer oaths.

a. Absence of Mayor

Article III, Section 4 of the City Charter provides that the City Council shall elect from among the Councilmembers a Mayor Pro Tem who shall act as Mayor during the absence or disability of the Mayor. The City Council may elect from among the Councilmembers a Deputy Mayor Pro Tem who shall act as Mayor during the absence or disability of the Mayor and Mayor Pro Tem.

b. Absence of Mayor and Mayor Pro Tem

When the Mayor and Mayor Pro Tem are absent from any meeting of the City Council, the Deputy Mayor Pro Tem, if one has been elected, shall act as Mayor Pro Tem. If all three are absent, the members present shall choose another member to act as Mayor Pro Tem and that person shall, for the duration of the meeting, have the powers of the Chair.

9. ATTENDANCE BY THE PUBLIC

Article III, Section 10 of the City Charter requires that all meetings of the City Council shall be open and public in accordance with the terms of provisions of the Texas Open Meetings Act except the Executive Session or closed meetings allowed by State law. Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council.

10. MINUTES

In accordance with the provisions of Article III, Section 9, and Article IV, Section 5 of the City Charter, minutes of City Council meetings will be kept. Minutes will include final motions with votes. The minutes will also reflect the names of public speakers.

a. City Council Approval of Minutes

Minutes of meetings are generally submitted to the City Council within two weeks for approval.

b. Recording of Meetings

Tape recordings of proceedings, other than executive session proceedings, are maintained by the City Secretary as required by law. Tape recordings of executive session proceedings shall be maintained by the City Attorney.

C. ORDER OF BUSINESS

1. GENERAL ORDER

City Council meetings will be generally conducted in the following order, unless otherwise specified. An Executive Session may be held at any time during a meeting pursuant to applicable State law.

WORK SESSION AGENDA

EXECUTIVE SESSION (IF ANY)
WRITTEN BRIEFINGS
VERBAL BRIEFINGS
QUESTIONS REGARDING REGULAR AGENDA ITEMS
DISCUSS COMMITTEE REPORTS/ASSIGNMENTS
DISCUSS CONSENT AGENDA
IDENTIFY FUTURE AGENDA ITEMS
ADJOURN

REGULAR MEETING AGENDA

EXECUTIVE SESSION *(AS NEEDED)*
PLEDGE OF ALLEGIANCE/INVOCATION
CONSENT AGENDA/APPROVAL OF MINUTES
REGULAR AGENDA
CONSIDER APPOINTMENTS TO BOARDS AND COMMITTEES
CITIZEN COMMENTS ("OPEN MIKE")
ADJOURNMENT

2. NUMBERING AND INDEXING OF AGENDA ITEMS

All items of any nature shall be numbered consecutively for purposes of consideration on the agenda. Upon passage, the City Secretary shall separately index all ordinances and resolutions.

3. CONSENT AGENDA

The Consent Agenda shall contain routine, noncontroversial items that require City Council action but need little or no City Council deliberation. Agenda item(s) removed from the Consent Agenda by the request of a Councilmember, citizen or staff will be considered after approval of the remaining Consent Agenda.

D. RULES OF CONDUCT

1. GENERAL PROCEDURE

These rules, consistent with the City Charter and any applicable City ordinance, statute or other legal

requirement, shall govern the proceedings of the City Council. To the extent not inconsistent with these rules, the City Council proceedings shall follow the rules of procedure set out in Roberts Rules of Order, Newly Revised 10th Edition, published by Persus Publishing, Copyright 2000, (hereinafter "RONR (10th ed.)") a copy of which shall be retained by the City Secretary and made available for inspection by the public during normal business hours.

2. AUTHORITY OF THE CHAIR

The Chair shall make decisions on questions of procedure subject to review by the City Council as a whole. The Chair, with the consent of the City Council, may appoint a Parliamentarian from outside the City Council to assist the Chair in interpreting the rules of procedure governing City Council Meetings and shall offer advice to the Chair as requested by the Chair or any member of the City Council. The Chair, shall, upon request of a member of the City Council, inform the City Council as to the advice given by the Parliamentarian. Following a decision of the Chair on a question of procedure, any two members of the City Council shall be entitled to appeal the decision of the Chair by the making, and seconding of, an appeal. See RONR (10th ed.) § 24, p. 247 et seq.

3. COUNCIL DELIBERATION AND ORDER OF SPEAKERS

The Chair has been delegated the responsibility to control the debate and the order of speakers. Speakers will generally be called upon in the order of the request to speak. With the concurrence of the Chair, a Councilmember holding the floor may address a question to another Councilmember and that Councilmember may respond while the floor is still held by the Councilmember asking the question. A Councilmember may opt not to answer a question while another Councilmember has the floor.

4. LIMIT DELIBERATIONS TO ITEM AT HAND

After an agenda is announced by the Chair, the City Council may discuss the item without the need for a motion on the item. Councilmembers will limit their comments to the subject matter or motion being currently considered by the City Council. All discussions shall be germane to a posted agenda item.

5. OBTAINING THE FLOOR

Except as provided in RONR (10th ed.), any member of the City Council wishing to speak shall first obtain the floor by registering in the cue electronically and thereafter being recognized by the Chair. If the electronic cue is inoperative, members of the City Council shall obtain the floor by making a verbal request for the floor to the Chair. The Chair shall recognize any Councilmember who seeks the floor when appropriately entitled to do so.

6. MOTIONS

Motions may be made by any member of the City Council other than the Chair. Any member of the City Council, other than the Chair and the person offering the motion, may second a motion.

7. PROCEDURES FOR MOTIONS

The following is the general procedure for making motions:

a. Before a motion can be considered or debated it shall be seconded.

b. A Councilmember who wishes to make a motion, except as provided in RONR (10th ed.), shall first obtain the floor.

c. A Councilmember who wishes to second a motion shall do so through a verbal request to the Chair.

d. Unless otherwise required or provided by law, a motion (other than a procedural motion) made and seconded, unless stated otherwise, shall include, without necessity of reference, a motion to close the public hearing on the matter if the matter is one which includes a public hearing. A Councilmember wishing to continue the public hearing shall move to continue the public hearing and if seconded shall be voted upon before the main motion. No discussion shall be permitted on a motion to continue the public hearing.

e. Once the motion has been properly made and seconded, the Chair shall open the matter for discussion offering the first opportunity to the moving party and, thereafter, to any Councilmember properly recognized by the Chair.

8. MOTION AMENDMENTS

When a motion is on the floor and an amendment is offered, the amendment shall be acted upon prior to acting on the main motion. No motion of a subject different from that under consideration shall be admitted as an amendment. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be in order. Action shall be taken on the amended amendment prior to any other action to further amend the original motion.

9. VOTING

a. Abstention

(i) If a Councilmember abstains because of a legal conflict, that Councilmember is not counted as present for quorum purposes and is not deemed to be “voting” for purposes of determining whether there has been a “majority vote of those voting and present.”

(ii) When a Councilmember has a legal conflict and is required to abstain or excuse himself/herself from a portion of a City Council meeting, the Councilmember shall complete the necessary affidavit regarding the conflict.

b. Charter or Statute Voting Requirements

Some actions taken by the City Council require more than a simple majority vote for approval as required by either the Charter or State law, including:.

(i) *Charter Amendment — Two-thirds Vote*

An Ordinance submitting a proposed Charter amendment must be adopted by at least a two-thirds vote of the full City Council. (Texas Local Government Code, Section 9.002(a), Article XI, Section 5, Texas Constitution)

(ii) *Changing Paving Assessment Plan — Two-thirds Vote*

Changes in plans for paving assessments require a two-thirds vote of the full City Council. (Texas Transportation Code, Section 313.053)

(iii) *Protested Changes in Zoning Ordinance — Three-fourths Vote*

If a proposed change to a zoning regulation or boundary is protested by owners of twenty percent or more of the area of the lots or land included in such proposed change, or of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet therefrom, the affirmative vote of at least three-fourths of the full City Council is required for the proposed change to take effect. (Texas Local Government Code, Sec. 211.006(d); Garland Comprehensive Zoning Ordinance)

E. PUBLIC HEARINGS

1. GENERAL PROCEDURE

The City Council procedure for the conduct of public hearings is generally as follows:

a. Staff presents its report.

b. Councilmembers may ask questions of staff.

c. The Chair opens the public hearing.

d. The applicant or appellant then has the opportunity to present comments, testimony, oral arguments. In the case of an appeal when the appellant is different from the

applicant, the appellant shall be called upon first to provide comments or testimony. The applicant or appellant may have a total of 15 minutes for a presentation when recognized by the Chair. The initial comments or presentation shall be limited to ten minutes and the rebuttal or concluding comments shall be limited to five minutes.

e. Councilmembers may ask questions of the applicant/appellant.

f. Members of the public are provided with the opportunity for comments and testimony in accordance with City Council Rule E (3).

g. The appellant or the applicant is given the opportunity for closing comments.

h. The City Council deliberates on the issue.

i. If the City Council raises new issues through deliberation and a majority of the City Council seeks additional public testimony, additional public comment and testimony is permitted in accordance with City Council Rule E (3).

j. The City Council deliberates and takes action.

k. The Chair announces the final decision of the City Council.

2. CONTINUANCE OF HEARINGS

Any public hearing being held, noticed or ordered to be held by the City Council may, by order, notice or motion, be continued to any subsequent meeting subject to the provisions of the Texas Open Meetings Act.

3. PUBLIC TESTIMONY AT MEETINGS

When a matter comes before the City Council, the Chair will open the public hearing. Upon opening the public hearing, and before any motion is adopted related to the merits of the issue to be heard, the Chair shall inquire if there is anyone present who desires to speak on the matter which is to be heard or to present evidence regarding the matter.

a. Public Member Request to Speak

Any person wishing to address the City Council regarding a matter on the agenda shall complete and present a speaker card to the City Secretary before the close of the vote on the matter. Prior to speaking, the speaker shall either complete the speaker's card and sign the card under penalty of perjury, or shall, if so allowed by the Chair, be sworn by the City Attorney or other person authorized to administer oaths. Upon being recognized by the Chair, the person may speak or present testimony relevant to the matter being heard. No person may speak without first being recognized by the Chair. Each person wishing to speak

on the matter shall be limited to three minutes. Speakers are advised to obtain all information necessary for their presentations prior to the meeting: The opportunity to speak is given to provide testimony rather than to question the City Council or staff. The Chair may call a speaker out of order if the speaker presents questions or requests for information that will unduly delay the transaction of business at the meeting.

b. Identification of Speaker

When called upon, the person to speak shall come to the podium and state his or her name and address. If speaking for an organization or other group, the speaker shall identify the group represented. A ~~speaker~~ person who does not wish to testify may nonetheless register a position on an agenda item by completing a speaker's card. The person's position on the matter shall be read into the record but the person is not required to address the City Council.

c. Time Limits

The Chair, with the concurrence of the City Council, may alter any of the enumerated time allocations based on the complexity of the item and the number of persons wishing to speak on the item.

d. Designation of Spokesperson.

To expedite matters and to avoid repetitious presentations, the designation of a spokesperson is encouraged. Whenever any group of individuals wishes to address the City Council on the same subject matter, those individuals are encouraged to designate a spokesperson. Any person present at the meeting may, in lieu of speaking, designate a spokesperson by indicating the designation on his or her speaker card. With the consent of the City Council, the Chair may extend the time allocation for a designated spokesperson. In this regard, three or more speakers may yield their time to a single speaker and such speaker shall be given 2 minutes per speaker up to a maximum of 10 minutes.

e. Comments Addressed to City Council

All remarks shall be addressed to the City Council as a whole and not to individual members or other speakers. Questions, if any, shall be directed to the Chair who will determine whether, or in what manner, an answer will be provided. Questions shall not be address to individual members or to other speakers.

f. Questions of Speakers

Members of the City Council who wish to ask questions of the speakers or each other during the public hearing portion may do so, but only after first being recognized by the Chair. Interaction with the speaker shall be limited to a question or questions, rather than an ongoing dialogue. In fairness to all speakers, a question may not be presented solely for the purpose of providing the speaker with more than the allotted time for the speaker unless a

motion is made and approved extending the time for the speaker.

g. Materials for Public Record

All persons interested in the matter being heard by the City Council shall be entitled to submit written evidence or remarks. All such evidence presented will be retained by the City Secretary as part of the record of the hearing, in accordance with the requirements of State law.

h. Germane Comments

During the public hearing, no person will be permitted to speak about matters or present evidence which is not germane to the matter being considered. A determination of relevance shall be made by the Chair, but may be appealed to the full City Council.

4. STAFF PRESENTATIONS

Staff presentations will be concise and will provide factual background information on the item as well as a recommendation for the City Council. Written presentations shall, to the extent possible, be provided to the City Council before the meeting.

F. APPOINTMENTS TO BOARDS AND COMMISSIONS

Appointments to boards and commissions shall, unless otherwise required by law, be made by minute action reflecting the unanimous consent of the City Council unless a Councilmember requests that the appointment be deliberated by the City Council.

G. CITIZENS' COMMENTS – "OPEN MICROPHONE"

This portion of the regular City Council meeting is set aside for members of the public to address the City Council on any item of City business that is not formally scheduled on the agenda. Members of the public shall complete a speaker card prior to the close of the citizens' comment period and present it to the City Secretary.

1. Timing

Citizens' comments are generally permitted at the end of the regular City Council meeting, as specified on the agenda. Presentations shall be limited to three minutes each and the citizens' comment period shall not exceed thirty minutes. Speakers shall be allowed to speak on a first-come, first-to-speak basis as determined by the order in which the City Secretary receives the speaker's card. If at the end of the citizens' comment period all speakers who are still present and willing to speak are not offered an opportunity to speak at the meeting, those who have been allowed to speak at that meeting may not speak during the citizens' comment period at the next following meeting at which a citizens' comment period is offered.

2. No Council Deliberations

In compliance with the Texas Open Meetings Act, the City Council may not deliberate or vote on any matter raised in citizens' comments. The City Manager may request staff to provide information requested by a speaker or investigate a matter raised by the speaker.

H. ~~REPETITIOUS COMMENTS PROHIBITED~~ RULES OF DECORUM

1. A speaker shall not present the same or substantially the same items or arguments to the City Council repeatedly or be repetitious in presenting their oral comments. A speaker shall not present argument on a matter previously considered by the City Council at the same session

2. Persons attending City Council meetings should observe the same rules of propriety, decorum and good conduct as they would show in a courtroom, a place of worship, or at any other serious or solemn occasion during which matters of importance are being considered. Visitors will refrain from engaging in chatter, private conversations, and from making other distracting noises while the City Council is in session. Phones and other electronic devices should be set to off or silent mode. Visitors should not applaud, boo, clap, or otherwise audibly express approval or disapproval of the speech of another person in a loud and raucous manner calculated to disturb the meeting.

3. Visitors attending City Council meetings may not bring food or drink into the City Council chamber.

4. No person shall display or cause to be displayed any sign, placard, poster or banner within the City Council chambers in such a manner as to impede the use of the aisles or exits, interfere with the use of the seating area, obstruct the view of another or in any other manner disturb or interfere with the orderly conduct of the meeting. A sign, placard, poster or banner may not exceed more than six square feet in surface area and may not be attached to any stick, pole or other appurtenance that could be used as a club or deadly weapon.

5. Only one person at a time may stand at the speaker's podium unless the speaker is a child or requires an interpreter or other special assistance or unless the person is appearing as a group receiving a recognition or award presented by the Mayor or City Council.

6. No person may approach nearer the City Council than the front of the speaker's podium without leave of the Chair. A speaker may not bring to the podium any bag or other container. Recording equipment (including cameras, microphones, tripods and supporting equipment) may not be used within any seating area or aisle in such a manner as to impede the use of the aisles or exits, interfere with the use of the seating area or obstruct the view of another, but may be set up behind the public seating area or at the sides of the City Council chamber to the front of the public seating area, no nearer to the podium than the edge of the raised portion of the City Council seating area. For safety purposes, standing or sitting in any aisle used for ingress or egress into the City Council chamber is not allowed. The maximum occupancy limitation for the City Council chamber is ___ and will be

enforced by the Chair. Overflow crowds may stand in the public area outside the City Council chamber provided that hallways, exits, and elevator areas must remain unobstructed.

I. WAIVER OF RULES

As referenced in RONR (10th ed.) p. 254 et seq., certain procedural rules contained in federal law, state law or the City Charter cannot be suspended. As referenced in RONR (10th ed.) p. 256, certain rules of order can only be suspended by 2/3 vote. Other rules may be waived or suspended by a majority vote of the Councilmembers present (but not less than five votes) when it is deemed that there is good cause to do so, based upon the particular facts and circumstances involved.

J. NON-EXCLUSIVE RULES

The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the City Council, or of its presiding officer, to govern the conduct of City Council meetings as may be considered appropriate from time to time, or in particular circumstances, for purposes of orderly and effective conduct of the affairs of the City.

K. NON-OBSERVANCE OF RULES

Rules adopted by the City Council are solely to expedite and facilitate the transaction of the business of the City Council in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe any such rules shall not affect the jurisdiction of, or invalidate any action taken by, the City Council.

Planning Report

File No. 12-44/District 5

Agenda Item:

Meeting: City Council

Date: October 1, 2012

Wes Parnell

2002 Eastgate Drive

REQUEST

Approval of a Specific Use Permit for Restaurant, Drive-Through on property zoned Shopping Center (SC) District and in the IH 635 Overlay District.

OWNER

MR Butterworth Corp.

PLAN COMMISSION RECOMMENDATION

On September 10, 2012 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Permit for Restaurant, Drive-Through and approved variances related to the location of the dumpster enclosure and the attached signage as requested.

STAFF RECOMMENDATION

Approval of a Specific Use Permit for Restaurant, Drive-Through tied to Chicken Express for a period of 25 years; the proposed use would be adequately located within an area that is characterized by commercial activity. Furthermore, due to the orientation of the subject property towards IH 635 and the fact that the site can only be accessed from Eastgate Drive, the proposed use would not represent a nuisance to the surrounding properties.

BACKGROUND

The applicant is proposing to demolish the existing 2,450 square feet building which was previously used as a movie rental business and redevelop the subject property with a 3,240 square feet fast food restaurant.

SITE DATA

The subject property contains 0.78 acres with approximately 145 feet of frontage along Eastgate Drive. The site can only be accessed from Eastgate Drive.

USE OF PROPERTY UNDER CURRENT ZONING

The Shopping Center (SC) District provides for the establishment of convenient retail and personal service activities by grouping compatible uses in a single center which is designed in an integrated manner according to an overall site plan. Restaurant, Drive-Through is permitted in the Shopping Center (SC) District only with approval of a Specific Use Permit.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Community Centers for the subject property. Community Centers are areas with compact development, primarily non-residential, serving a collection of neighborhoods. This type of development consists of a mix of uses, including retail, services, office use, multi-family residential, and entertainment. Community centers may be developed at the intersections of major arterial streets and along major arterials, highways, and turnpike corridors. This type of area is served by numerous roads and transit routes, providing a variety of connections to adjacent residential neighborhoods, retail centers, and employment centers. The proposed fast food restaurant would be an integral use in the overall development of the area by providing a food service to the adjacent commercial facilities and the people transiting through the area.

SURROUNDING ZONING AND LAND USES

The immediate surrounding properties are zoned Shopping Center (SC) District and Planned Development (PD) District 69-31 for Office Uses with a Specific Use Permit for Commercial School. The properties are developed with multi-tenant commercial buildings for office uses, a funeral home, a restaurant, and two freestanding retail buildings, one of which is vacant.

CONSIDERATIONS

1. The applicant is requesting approval of a Specific Use Permit to build a 3,240 square feet fast food restaurant. The fast food restaurant would operate weekdays and weekends from 10:30 a.m. to 10:00 p.m.

2. The applicant requested approval of variances to the following sections of the IH 635 Development Standards: 1) section 34.19(A)(2)(a)(i) which establishes a minimum 15-foot setback from rear and side property lines and 2) section 34.21(C)(4)(b)(i) which establishes a maximum sign area for attached signs. The applicant proposed to place the dumpster enclosure approximately 5 feet from the west property line and 2 feet from the north property line; furthermore the applicant proposed to install 3 attached signs, each with a sign area of 30 square feet, for a total sign area of 90 square feet. The Plan Commission approved the variances related to the location of the dumpster enclosure and the attached signage as requested.

3. The proposed elevations comply with the Building Design regulations of the IH 635 Development Standards. The proposed site plan and landscape

plan comply with the Building Placement and Screening and Landscaping regulations of the IH 635 Development Standards.

4. The applicant is requesting approval of the Specific Use Permit for a period of 25 years and tied to Chicken Express**.**

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The proposed fast food restaurant will be adequately located in an area that is entirely zoned for commercial uses and developed for commercial activity. The subject property is suitably located adjacent to Interstate Highway 635, providing the desirable visibility for this type of service. Moreover, given that the subject property can only be accessed from Eastgate Drive, the traffic generated by the proposed use does not represent a negative impact to the surrounding properties.

Prepared By:

Josue De La Vega
Development Planner

Date: September 20, 2012

Reviewed By:

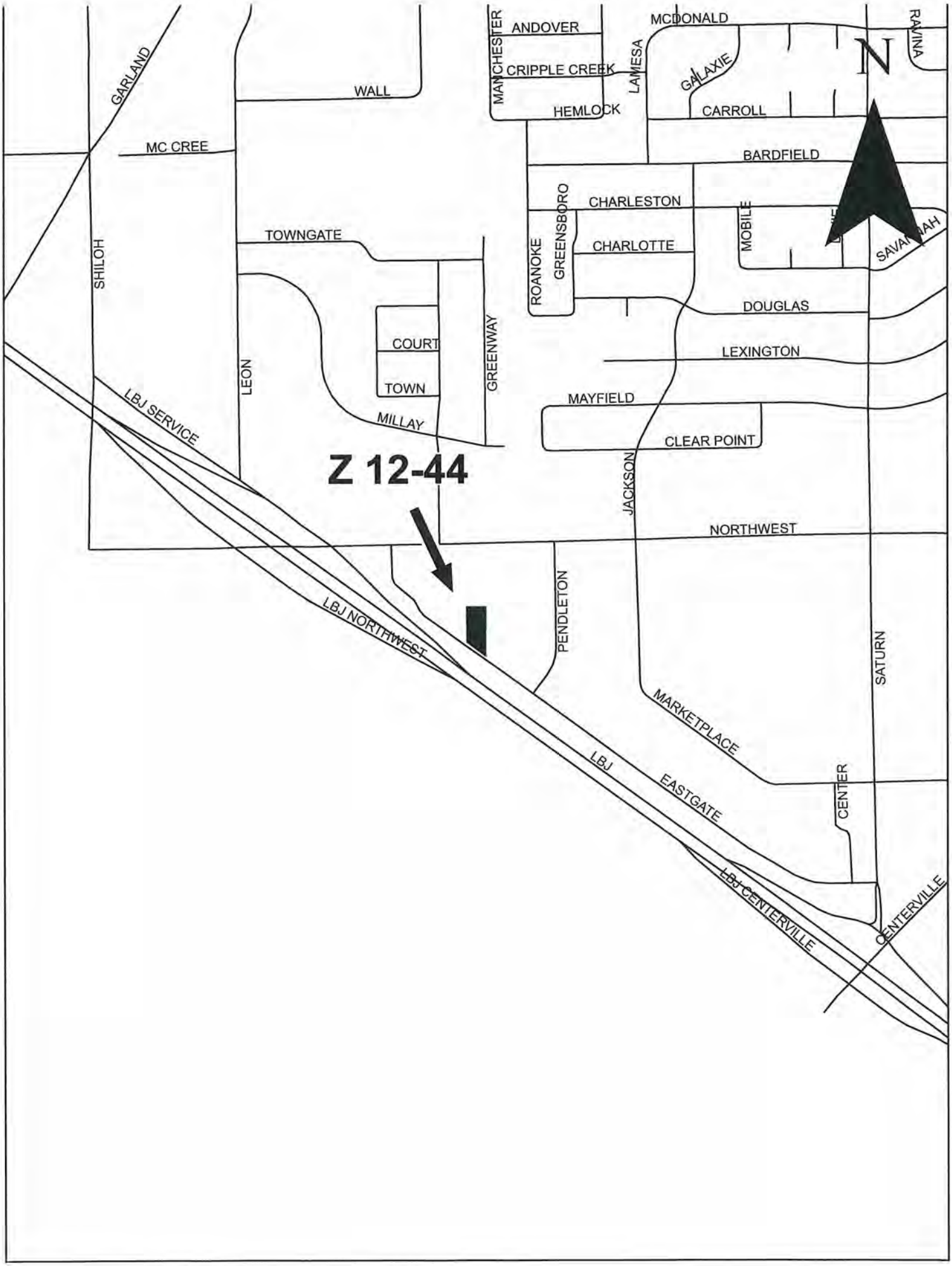
Neil Montgomery
Director of Planning

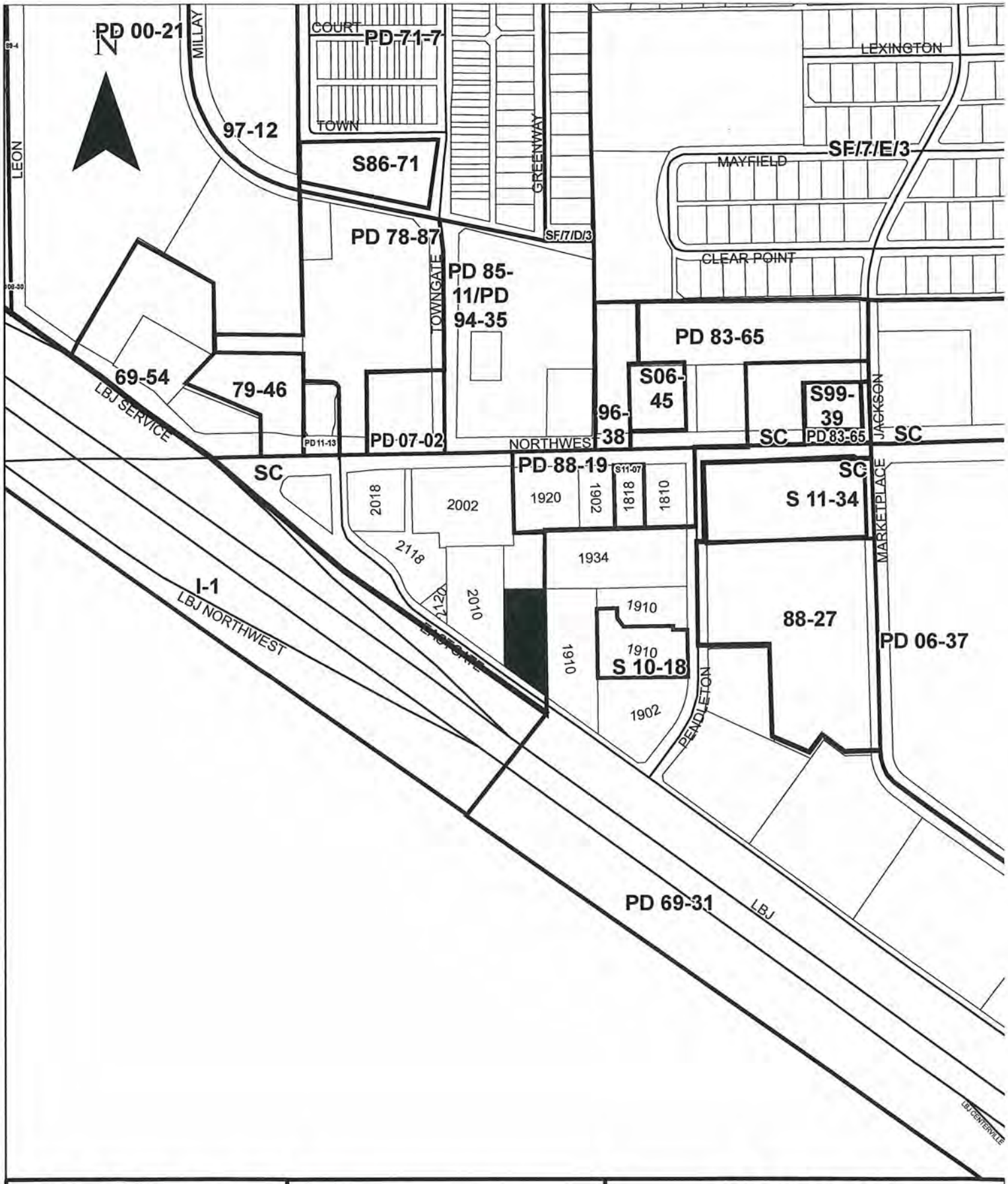
Date: September 21, 2012

Reviewed By:

William E. Dollar
City Manager

Date: September 25, 2012

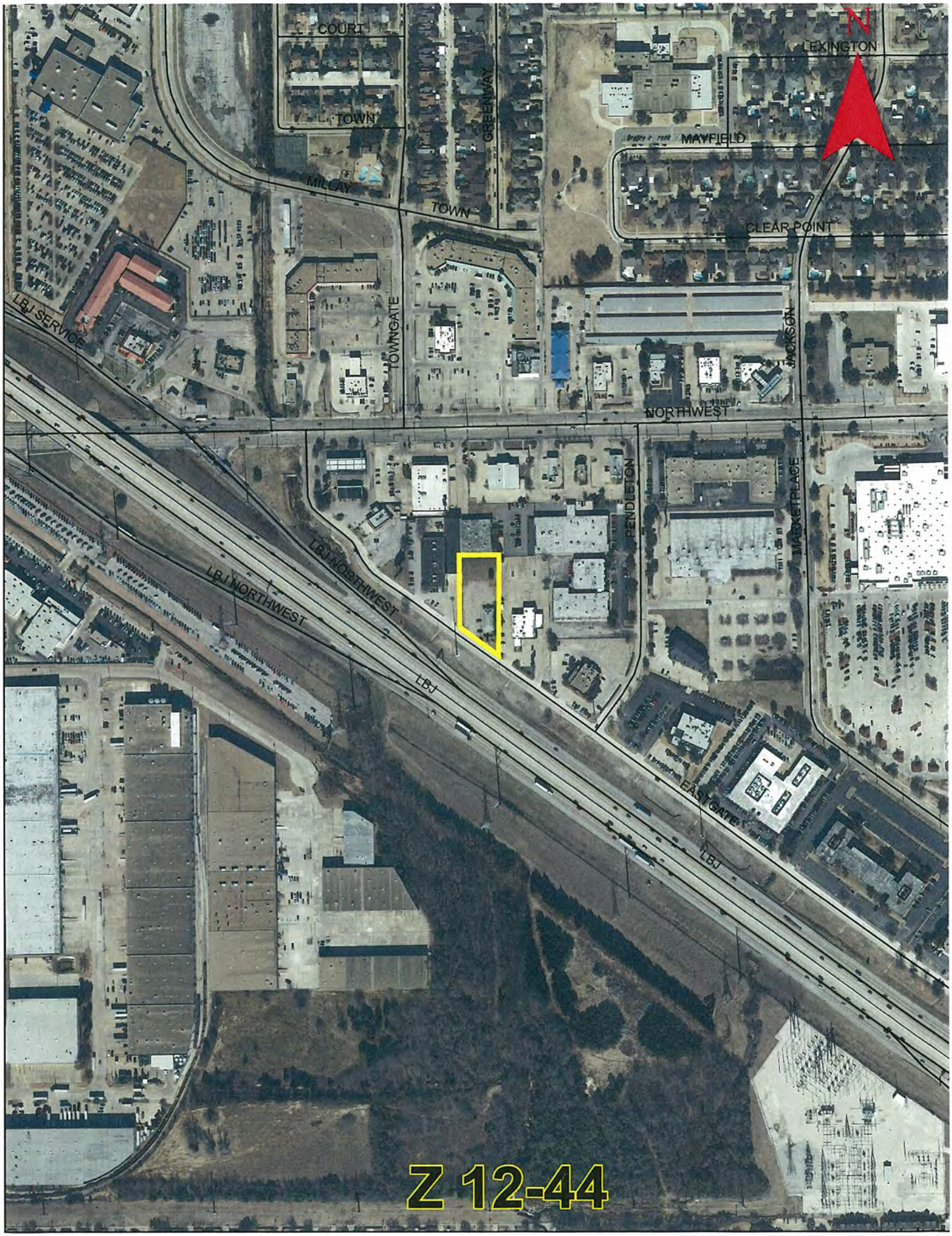

Z 12-44
N
GARLAND
WALL
MC CREE
SHILOH
TOWNGATE
LEON
COURT
TOWN
MILLAY
GREENWAY
MANCHESTER
ANDOVER
CRIPPLE CREEK
HEMLOCK
LAMESA
MCDONALD
GALAXIE
CARROLL
RAVINA
BARDFIELD
CHARLESTON
CHARLOTTE
GREENSBORO
ROANOKE
MOBILE
SAVANNAH
DOUGLAS
LEXINGTON
MAYFIELD
CLEAR POINT
JACKSON
NORTHWEST
PENDLETON
SATURN
MARKETPLACE
CENTER
EASTGATE
CENTERVILLE
LBJ SERVICE
LBJ NORTHWEST
LBJ
LBJ CENTERVILLE



SCALE IN FEET
0 200 400 Feet
1" = 400'

INDICATES AREA OF REQUEST

ZONING
Z 12-44


N
COURT
LEXINGTON
TOWN
GREENWAY
MAYFIELD
MILLAY
TOWN
CLEAR POINT
LBJ SERVICE
TOWNGATE
JACKSON
NORTHWEST
PENDLETON
MARKETPLACE
LBJ NORTHWEST
LBJ NORTHWEST
LBJ
EASTGATE
LBJ
Z 12-44

SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 12-44

2002 Eastgate Drive

I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow for Restaurant, Drive-Through subject to conditions.

II. **Statement of Effect:** This permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, as amended, except as specifically provided herein.

III. **General Regulations:** All regulations of the Shopping Center (SC) District set forth in Section 24, 33 and 47 of the Comprehensive Zoning Ordinance, Ordinance No. 4647 are included by reference and shall apply, except as otherwise specified in this ordinance.

IV. **Specific Regulations:**

A. Time Period: The Specific Use Permit shall be in effect for a 25 year time period and tied to **Chicken Express.**

B. Site Plan: Subject property shall remain in conformance with site plan labeled Exhibit C. The dumpster enclosure may be located five (5) feet from the west property line and two (2) feet from the north property line as depicted on Exhibit C.

C. Screening and Landscape: Screening and landscaping shall be in full compliance with the Screening and Landscaping regulations of the IH 635 Development Standards and in general conformance with the landscape plan in Exhibit D.

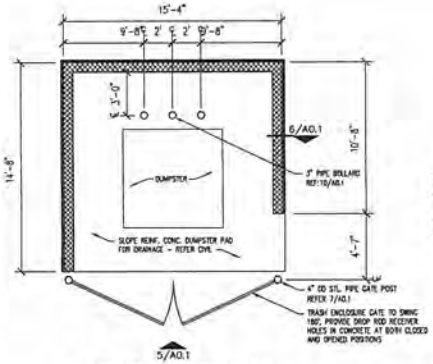
D. Elevations: Elevations shall be in full compliance with the Exterior Wall regulations of the IH 635 Development Standards and in general conformance with the elevations in Exhibits E and F.

E. Signage: A total of ninety (90) square feet of attached signage shall be permitted, as generally depicted on Exhibits E and F.

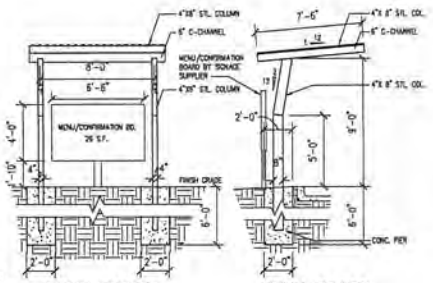
EXHIBIT B

NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION

EXHIBIT C

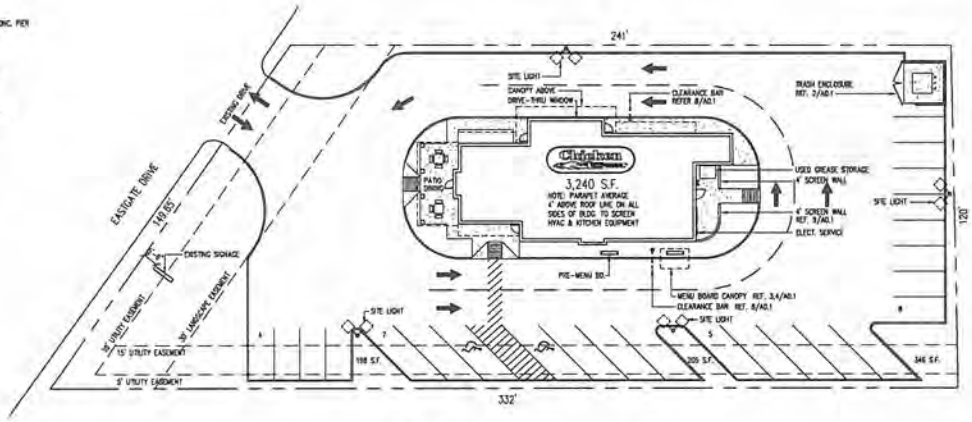


TRASH ENCLOSURE PLAN
SCALE: 1/4" = 1'-0"



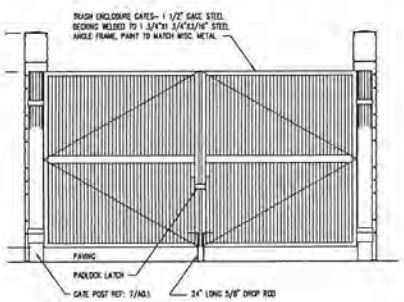
3 MENU BOARD CANOPY FRONT ELEV.
SCALE: 1/4" = 1'-0"

4 MENU BOARD CANOPY SIDE ELEV.
SCALE: 1/4" = 1'-0"

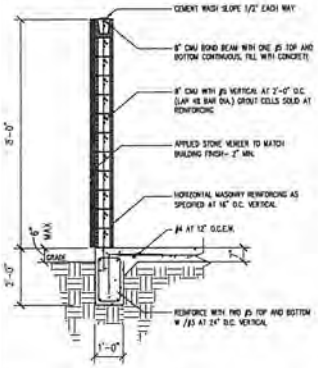


1 SITE PLAN
SCALE: 1"=20'

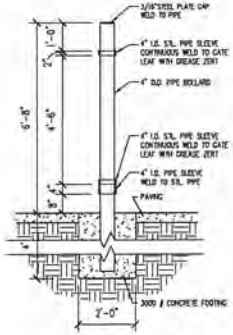
NOTE: REFER CIVIL ENGINEERING DRAWINGS FOR DIMENSIONS



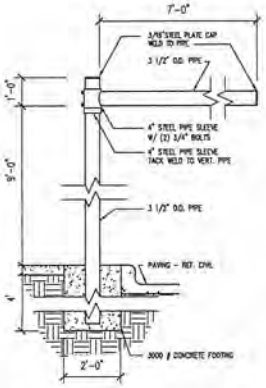
5 DUMPSTER ENCLOSURE ELEVATION
SCALE: 1/2" = 1'-0"



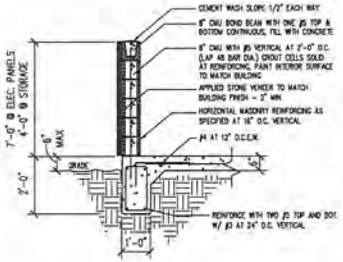
6 DUMPSTER ENCLOSURE SECTION
SCALE: 1/2" = 1'-0"



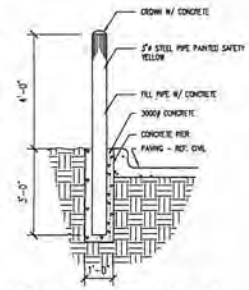
7 DUMPSTER ENC. GATE POST
SCALE: 1/2" = 1'-0"



8 CLEARANCE BAR DET.
SCALE: 1/2" = 1'-0"



9 SCREEN WALL SECTION
SCALE: 1/2" = 1'-0"



10 PIPE BOLLARD DETAIL
SCALE: 1/2" = 1'-0"

JAMES W.P. HOWARD
ARCHITECT N.C.A.R.B. A.I.A.
2416 STAGECOACH STREET
FORT WORTH, TEXAS 76133
(817) 377-3477

Chicken
2002 EASTGATE DRIVE
GARLAND, TX

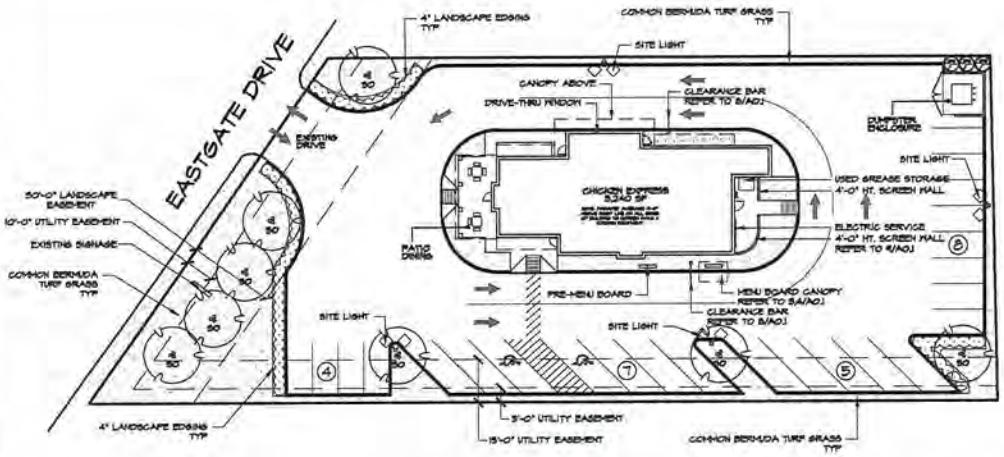
PROJECT: CE201216
DATE: 08/28/12
DRAWN BY: SS
CHECKED BY: JH
FILE: CE1216-A0.1

REVISIONS

CASE NUMBER
1207243

SHEET TITLE
SITE PLAN
SITE DETAILS

SHEET
A0.1



CAPE PLAN

SCALE: 1"=20'-0"

PLANT LIST

SYMBOL	COMMON/BOTANICAL NAME	SIZE	SPACING	QUANTITY	REMARKS
4 50	SHUMARD OAK / QUERCUS SHUMARDII	4" CALIPER	AS SHOWN	8	6' MINIMUM SPREAD, MINIMUM 7' HEIGHT, FULL ROUNDED HEAD 6' MINIMUM BRANCHING HEIGHT, NURSERY GROWN
	EASTERN RED CEDAR / JUNIPERUS VIRGINIANA	15 GALLON	AS SHOWN	3	5' MINIMUM SPREAD, MINIMUM 5' HEIGHT, 2" MIN. CAL., FULL HEAD NURSERY GROWN
	DWARF BURFORD HOLLY / ILEX CORNUTA 'DWARF BURFORD'	3 GALLON	AS SHOWN	55	FULL PLANTS
	COMMON BERMUDA TURF GRASS		SQUARE FEET	7170	MINIMUM 100% COVERAGE

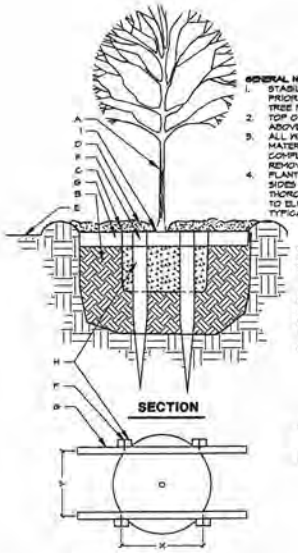
LANDSCAPE PROVIDED

EASTGATE DRIVE

A. MINIMUM THIRTY (30) FOOT LANDSCAPE BUFFER PROVIDED

B. TOTAL AREA OF SITE = 39,011 SF
LANDSCAPE AREA OF SITE = 7,170 SF
LANDSCAPE PROVIDED (39,011 SF / 7,170 SF)=21.1% OF TOTAL AREA

C. 1-4 CAL. IN. SHUMARD OAK / 50 LF OF STREET FRONTAGE
150 LF OF FRONTAGE / 50LF = 4-4 CAL. IN. SHUMARD OAKS REQUIRED.
PROVIDED: 8-4 CALIPER INCH SHUMARD OAKS PROVIDED

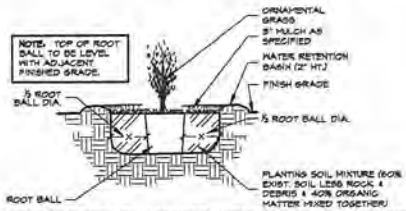


GENERAL NOTES:

1. STABILIZE SOIL BELOW ROOT BALL PRIOR TO PLANTING TO PREVENT TREE FROM SETTLING
2. TOP OF ROOTBALL SHALL 1" TO 2" ABOVE FINISHED GRADE.
3. ALL WIRE ROPE AND SYNTHETIC MATERIALS SHALL BE REMOVED COMPLETELY FROM ROOTBALL AND REMOVE TOP 1/3 OF BURLAP
4. PLANTING PITS SHALL BE SQUARE, SIDES OF PITS SHALL BE THOROUGHLY SCARIFIED/ROUGHENED TO ELIMINATE GLAZED AS SHOWN IN TYPICAL DETAIL

CONSTRUCTION NOTES:

A. TREE
B. LOOSEN NATIVE BACKFILL (NO SOIL AMENDMENTS IN CONTRACT)
C. WATER RETENTION BASIN
D. 3" DEPTH MULCH AS SPECIFIED
E. FINISH GRADE
F. 2 1/2 DRYWALL SCREW (UNFINISHED)
G. 2" X 2" X 4" CROSS MEMBER (UNTREATED LUMBER). NOTE: CROSS MEMBERS TO BE ORIENTED PARALLEL TO NORTH / SOUTH BEARING AND SHALL BE PROPORTIONAL IN LENGTH TO ROOT BALL (4' MIN.)
H. 2" X 2" X 4' STAKE WITH 18" MIN. TAPER (UNTREATED LUMBER)
I. REMOVE TOP 1/3 OF BURLAP SURROUNDING ROOTBALL AFTER INSTALLATION (TO PREVENT "WICKING" OF MOISTURE) X, DIMENSION EQUAL TO "Y", Y, DIMENSION EQUAL TO "X"



2 / L1 POCKET PLANTING ORNAMENTAL GRASS DETAIL

NOT TO SCALE

3 / L1 TREE PLANTING

NOT TO SCALE

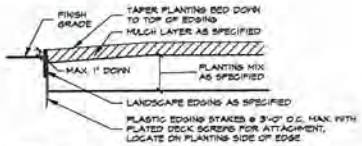
PE NOTES:

T IS REQUIRED FOR ALL REMOVAL OF ALL TREES, ND UNPROTECTED.
AL SHALL BE MEASURED AND SIZED ACCORDING TO THE N OF THE TEXAS NURSERY & LANDSCAPE ASSOCIATION ICATIONS, GRADES AND STANDARDS.
BSTITUTIONS ARE SUBJECT TO CITY APPROVAL AND MUST ON THE APPROVED LANDSCAPE PLAN.
RBS USED IN LIEU OF TURF GRASS MUST PROVIDE COMPLETE THIN ONE (1) YEAR OF PLANTING AND MAINTAIN ADEQUATE S APPROVED BY THE CITY OF GARLAND.
E PLANTED FOUR FEET (4') OR GREATER FROM CURBS, TILITY LINES, SCREENING WALLS AND/OR OTHER THE CITY OF GARLAND HAS FINAL APPROVAL FOR ALL ENTS.
ALL HAVE ROUNDED SIDES AND BE TWO TO THREE TIMES HE ROOT BALL OF THE TREE IN ORDER TO FACILITATE T GROWTH.
ALL BE TESTED FOR WATER PERCOLATION. IF WATER DOES T OF TREE PIT WITH IN A 24-HOUR PERIOD, THE SHALL PROVIDE BERMING, OR DEVISE DRAINAGE ND CONTACT THE CITY LANDSCAPE ARCHITECT PRIOR TO

NOT BE PLANTED DEEPER THAN THE BASE OF THE TRUNK

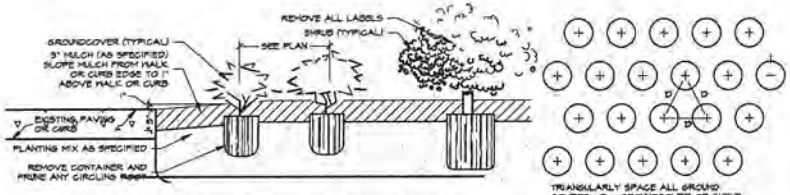
SHALL BE BACKFILLED WITH NATIVE TOPSOIL FREE OF THER DEBRIS.
AND WIRE BASKETS SHALL BE LOOSENED AND PULLED THE TRUNK OF TREE AS MUCH AS POSSIBLE.
NOT BE WATERED TO EXCESS THAT RESULTS IN SOIL IF SOIL BECOMES SATURATED, THE WATERING SCHEDULE JUSTED TO ALLOW FOR DRAINAGE AND ABSORPTION OF WATER.
E OF MULCH SHALL BE PROVIDED AROUND THE BASE OF TREE. THE MULCH SHALL BE PULLED BACK 1-2' FROM THE TREE.
OR ENTITY MAY USE IMPROPER OR MALICIOUS E OR PRUNING TECHNIQUES WHICH WOULD LIKELY LEAD TO THE DEATH OF THE TREE. IMPROPER OR MALICIOUS TECHNIQUES INCLUDE, BUT ARE NOT LIMITED TO, TOPPING OR OTHER UNSYMMETRICAL TRIMMING OF TREES, TRIMMING TREES WITH A BACKHOE, OR USE OF FIRE OR POISON TO CAUSE THE DEATH OF A TREE.

14. TOPSOIL SHALL BE A MINIMUM OF 6 INCHES IN DEPTH IN PLANTING AREAS. SOIL SHALL BE FREE OF STONES, ROOTS, AND CLODS AND ANY OTHER FOREIGN MATERIAL THAT IS NOT BENEFICIAL FOR PLANT GROWTH.
15. ALL PLANT BEDS SHALL BE TOP-DRESSED WITH A MINIMUM OF 2 INCHES OF FINE STRAW MULCH.
16. TREES OVERHANGING WALKS AND PARKING SHALL HAVE A MINIMUM CLEAR TRUNK HEIGHT OF 7 FEET. TREES OVERHANGING PUBLIC STREET PAVEMENT DRIVE AISLES AND FIRE LANES SHALL HAVE A MINIMUM CLEAR TRUNK HEIGHT OF 14 FEET.
17. A VISIBILITY TRIANGLE MUST BE PROVIDED AT ALL INTERSECTIONS. SHRUBS ARE NOT TO EXCEED 30 INCHES IN HEIGHT. TREES SHALL HAVE A MINIMUM CLEAR TRUNK HEIGHT OF 6 FEET.
18. TREES PLANTED ON A SLOPE SHALL HAVE THE SOIL STAIN AT THE AVERAGE GRADE OF SLOPE.
19. NO SHRUBS SHALL BE PERMITTED WITHIN AREAS LESS THAN 5 FEET IN WIDTH. ALL BEDS LESS THAN 5 FEET IN WIDTH SHALL BE GRASS, GROUNDCOVER OR SOME TYPE OF FIXED PAVING.
20. THE OWNER, TENANT, AND/OR THEIR AGENTS, IF ANY, SHALL BE JOINTLY AND SEVERALLY RESPONSIBLE FOR THE MAINTENANCE, ESTABLISHMENT, AND PERMANENCE OF PLANT MATERIAL. ALL LANDSCAPING SHALL BE MAINTAINED IN A NEAT AND ORDERLY MANNER AT ALL TIMES. THIS SHALL INCLUDE, BUT NOT LIMITED TO, MOWING, EDGING, PRUNING, FERTILIZING, WATERING, AND OTHER ACTIVITIES NECESSARY FOR THE MAINTENANCE OF LANDSCAPED AREAS.
21. ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY AND GROWING CONDITION AS IS APPROPRIATE FOR THE SEASON OF THE YEAR. PLANT MATERIAL THAT IS DAMAGED, DESTROYED, OR REMOVED SHALL BE REPLACED WITH PLANT MATERIAL OF SIMILAR SIZE AND VARIETY WITHIN 30 DAYS UNLESS OTHERWISE APPROVED IN WRITING BY THE CITY OF GARLAND.
22. LANDSCAPE AND OPEN AREAS SHALL BE KEPT FREE OF TRASH, LITTER AND WEEDS.
23. AN AUTOMATIC IRRIGATION SYSTEM SHALL BE PROVIDED TO IRRIGATE ALL LANDSCAPE AREAS. OVERSPRAY ON STREETS AND WALKS IS PROHIBITED. A PERMIT FROM THE BUILDING INSPECTION DEPARTMENT IS REQUIRED FOR EACH IRRIGATION SYSTEM.
24. NO PLANT MATERIAL SHALL BE ALLOWED TO ENCROACH ON RIGHT-OF-WAY, SIDEWALKS OR EASEMENTS TO THE EXTENT THAT THE VISION OR ROUTE OF TRAVEL FOR VEHICULAR, PEDESTRIAN, OR BICYCLE TRAFFIC IS IMPEDED.
25. NO PLANTING AREAS SHALL EXCEED 3:1 SLOPE. 3' HORIZONTAL TO 1' VERTICAL.
26. EARTHEN BERMS SHALL NOT INCLUDE CONSTRUCTION DEBRIS. CONTRACTOR MUST CORRECT SLIPPAGE OR DAMAGE TO THE SMOOTH FINISH GRADE OF THE BERM PRIOR TO ACCEPTANCE.
27. ALL WALKWAYS SHALL MEET A.D.A. AND T.A.S. REQUIREMENTS.
28. FINAL INSPECTION AND APPROVAL OF SCREENING WALLS, IRRIGATION AND LANDSCAPE IS SUBJECT TO ALL PUBLIC UTILITIES, INCLUDING BUT NOT LIMITED TO MANHOLES, VALVES, WATER METERS, CLEANOUTS AND OTHER APPURTENANCES, TO BE ACCESSIBLE, ADJUSTED TO GRADE AND TO THE CITY OF GARLAND'S STANDARDS.
29. PRIOR TO CALLING FOR A LANDSCAPE INSPECTION, CONTRACTOR IS RESPONSIBLE FOR MARKING ALL MANHOLES, VALVES, WATER METERS, CLEANOUTS AND OTHER UTILITY APPURTENANCES WITH FLAGGING FOR FIELD VERIFICATION BY THE PUBLIC WORKS DEPARTMENT.



4 / L1 TYPICAL BED EDGING DETAIL

NOT TO SCALE



TRIANGULARLY SPACE ALL GROUND COVERS. D = GROUNDCOVER OR SHRUB SPACING AS NOTED.

5 / L1 SHRUB AND GROUNDCOVER PLANTING DETAIL

NOT TO SCALE

EXHIBIT D

STUDIO 13 DESIGN GROUP

Studio 13 Design Group, P.L.L.C.
510 Avenue I, Ste. 72
Lubbock, Texas 79401
(806) 632-7192

STATE OF TEXAS

September 5, 2012

NORTH

20 10 0 20

1" = 20' - 0"

Use to size each on original drawing. If not one inch on this sheet, adjust scale as necessary.

One Inch

LANDSCAPE AND SCREENING

Landscape Plan

Chicken Express - Garland

City of Garland, Dallas County, Texas

PLAN REVIEW REVISIONS	BY	DATE

PROJECT: CE-Garland

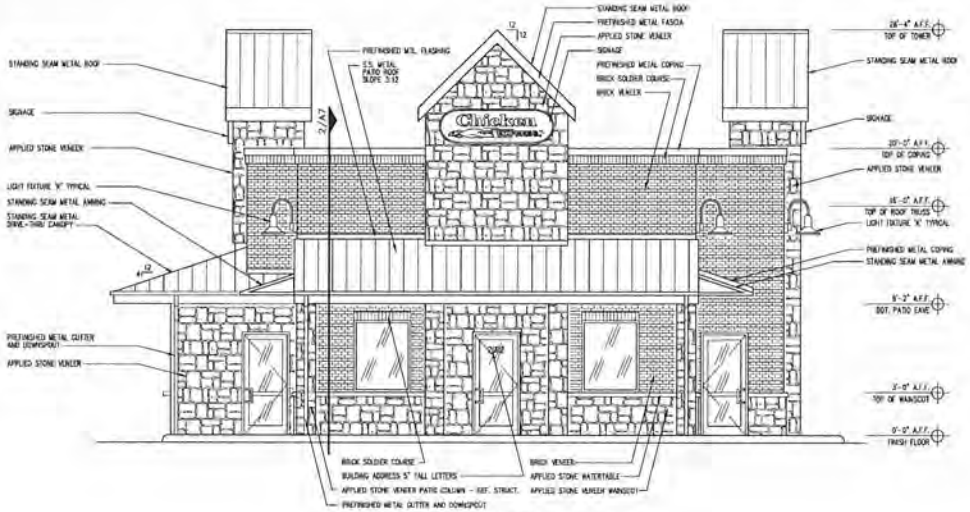
SHEET: L1

Drawing: S:\Temp Storage\Chicken Express - Garland\Ch

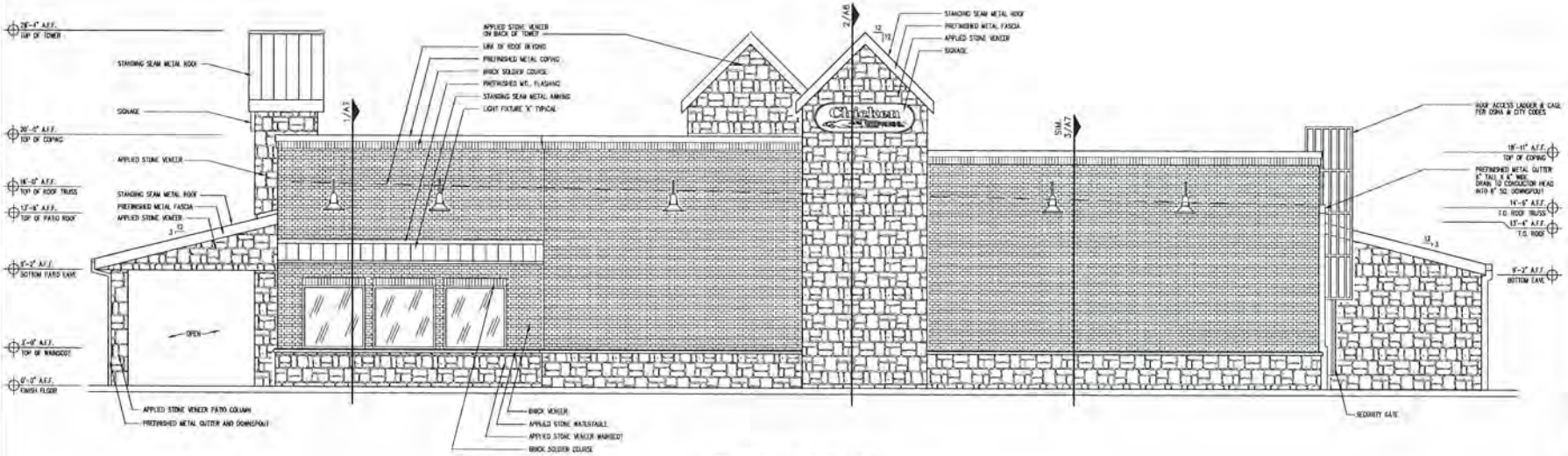
By: KStubbs Plot Date: 9/5/2012 1:44 PM

NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION

FINISH SCHEDULE		
MATERIAL	MANUFACTURER	DESCRIPTION / COLOR
BRICK VENEER	ACME BRICK	ARKANSAS ROSE
APPLIED STONE VENEER	LONE STAR	HILL COUNTRY CHALK
STANDING SEAM METAL ROOFING	MUELLER, INC.	CRIMSON RED
MISC. METALS	MUELLER, INC.	CRIMSON RED
SOFFIT PANEL 24 GAUGE	–	WHITE
STOREFRONT WINDOWS/DOORS	KAWNEER/VISTA WALL	DARK BRONZE
P-1	SHERWIN WILLIAMS	ENJOYABLE YELLOW SW6684
P-2	SHERWIN WILLIAMS	NAPERY SW6206



1 EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"



2 EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"
NOTE: 4' SCREEN WALL NOT INDICATED FOR CLARITY

JAMES W.P. HOWARD
ARCHITECT N.C.A.R.B.
2416 STAGECOACH STREET
FORT WORTH, TEXAS 76133
(817) 377-3477

EXHIBIT E

DATE: 08/13/12
DRAWN BY: SS
CHECKED BY: JH
FILE: CE1210-A4

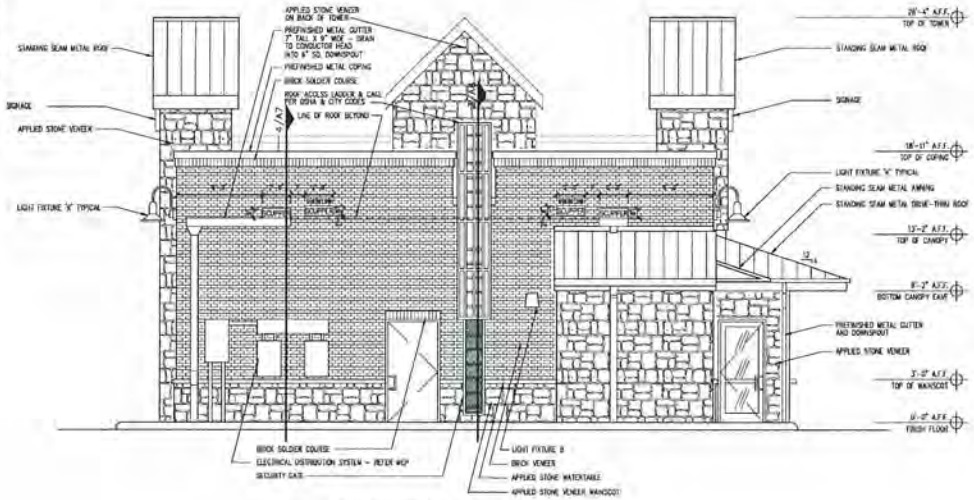
REVISIONS

SHEET TITLE
EXTERIOR ELEVATIONS

SHEET
A4

NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION

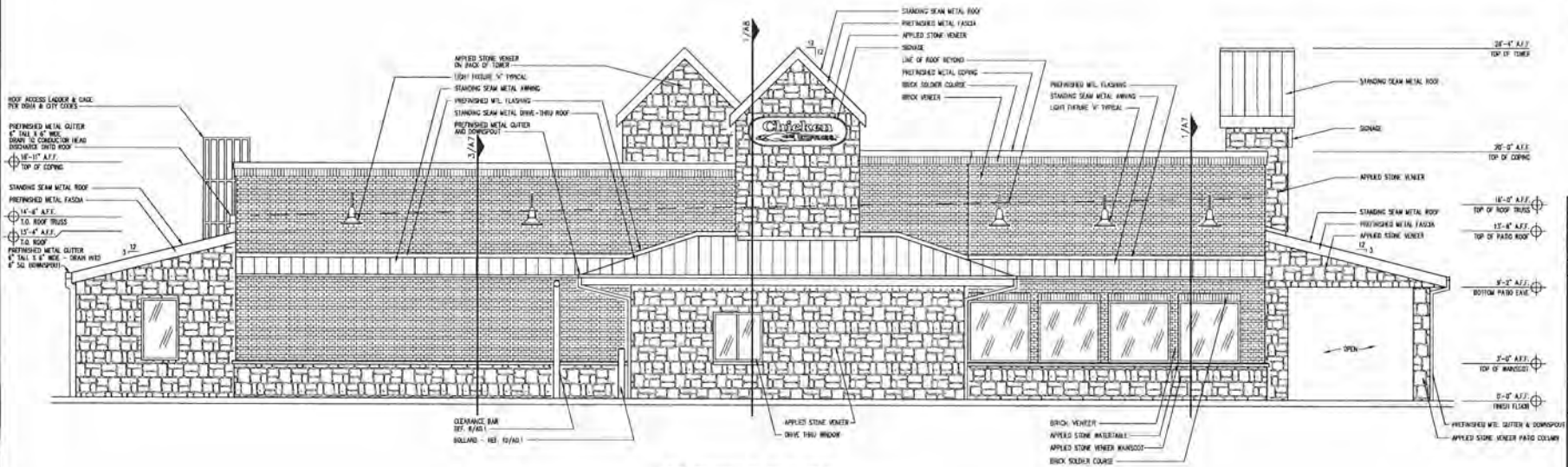
FINISH SCHEDULE		
MATERIAL	MANUFACTURER	DESCRIPTION / COLOR
BRICK VENEER	ACME BRICK	ARKANSAS ROSE
APPLIED STONE VENEER	LONE STAR	HILL COUNTRY CHALK
STANDING SEAM METAL ROOFING	MUELLER, INC	CRIMSON RED
MISC. METALS	MUELLER, INC	CRIMSON RED
SOFFIT PANEL 24 GAUGE	–	WHITE
STOREFRONT WINDOWS/DOORS	KAWNEER/VISTA WALL	DARK BRONZE
P-1	SHERWIN WILLIAMS	ENJOYABLE YELLOW SW6686
P-2	SHERWIN WILLIAMS	NAPERY SW6080



1 EXTERIOR ELEVATION

SCALE: 1/4" = 1'-0"

NOTE: 4' SCREEN WALL, BOLLARD, & CLEARANCE BAR NOT INDICATED FOR CLARITY



2 EXTERIOR ELEVATION

SCALE: 1/4" = 1'-0"

EXHIBIT F

JAMES W.P. HOWARD
ARCHITECT
N.C.A.R.B.
2415 STAGECOACH TRAIL
FORT WORTH, TEXAS 76133
(817) 377-3477
A.I.A.

PROJECT: CE201210
DATE: 08/13/12
DRAWN BY: SS
CHECKED BY: JH
FILE: CE1216-A5

REVISIONS:

SHEET TITLE: EXTERIOR ELEVATIONS

SHEET: A5

REPORT & MINUTES

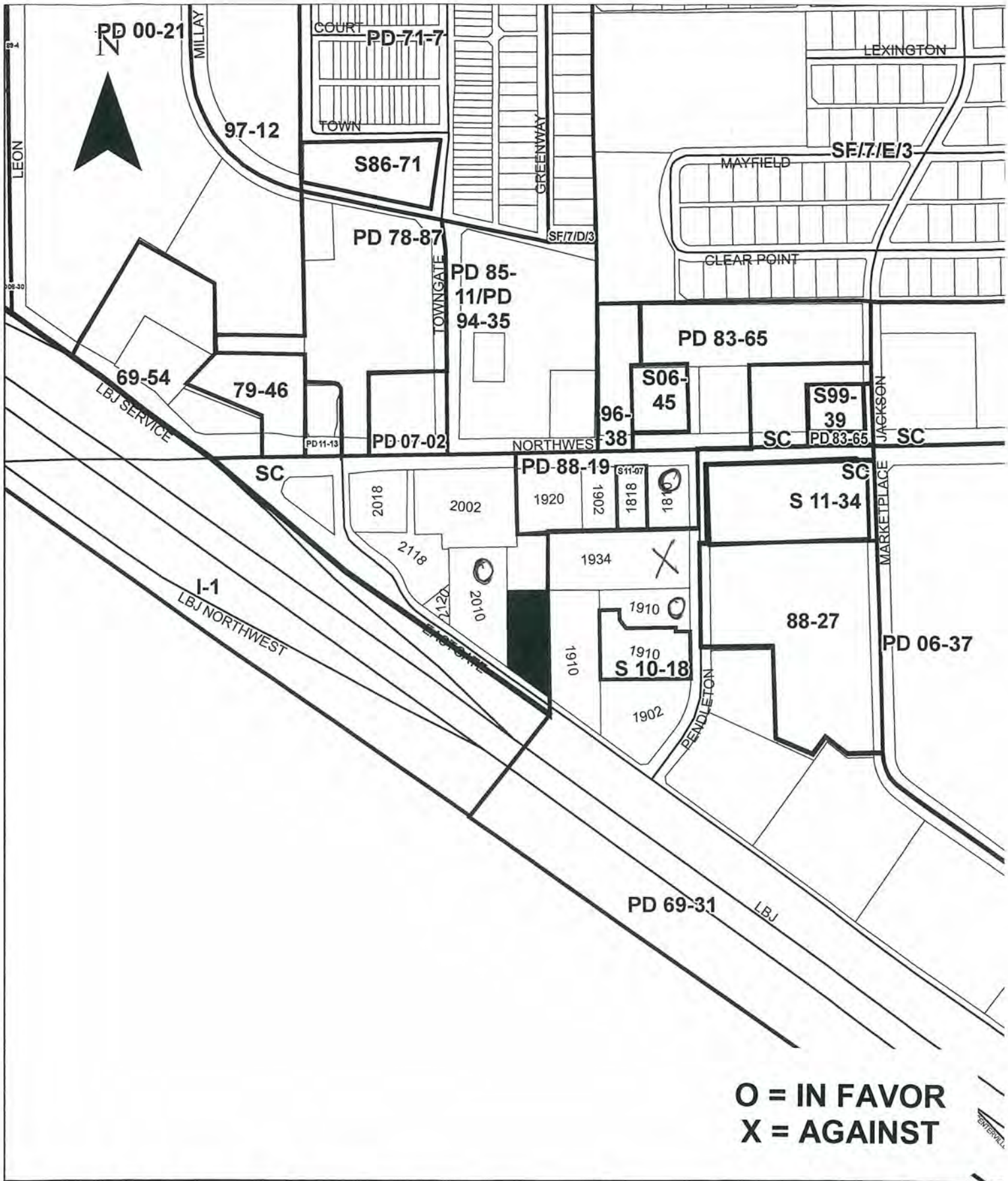
P.C. Meeting, September 10, 2012 (9 Members Present)

Consideration of the application of Wes Parnell, requesting approval of 1) a Specific Use Permit for Restaurant with Drive Through and 2) variances to Sections 34.19(A)(2)(a)(i), 34.21(C)(3)(b)(i), 34.21(C)(3)(c)(i), and 34.21(C)(4)(b)(i) of the IH 635 Development Standards regarding the required rear and side setbacks for structures, minimum setback and maximum height for freestanding signs, and maximum sign area for attached signs on property zoned Shopping Center (SC) District in the IH 635 Overlay District. The property is located at 2002 Eastgate Drive. (File 12-44)

The applicant, Wes Parnell, 5540 Ledgestone, outlined his need for the variances he has requested. With a new understanding of the legal, non-conforming status of the existing pole sign, he is withdrawing the request for the variances related to the freestanding sign.

The location of the dumpster requiring the rear and side setback variance was requested because it worked better for the parking and backing from the nearby parking spaces. The variance for attached signage is due to the new prototype requirements of the Chicken Express corporate branding being used nationwide.

Motion was made by Commissioner Welborn, seconded by Commissioner O'Hara to **approve** the Specific Use Permit for a period of 25 years tied to Chicken Express, noting that the variances related to the pole sign have been withdrawn by the applicant and approve the variances related to the location of the dumpster and the attached signage as requested. **Motion carried: 9** Ayes, 0 Nays.



SCALE IN FEET
0 200 400 Feet
1" = 400'

INDICATES AREA OF REQUEST

ZONING
Z 12-44

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

GARLAND

August 30, 2012

HEARING DATE/TIME: Plan Commission: September 10, 2012 – 7:00 PM

APPLICANT: Wes Parnell

File Z 12-44

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, September 10, 2012, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Wes Parnell** requesting approval of 1) a Specific Use Permit for Restaurant, Drive-Through and 2) a variance to section 34.19(A)(2)(a)(i), 34.21(C)(3)(b)(i), 34.21(C)(3)(c)(i), and 34.21(C)(4)(b)(i) of the IH 635 Development Standards regarding the required rear and side setbacks for structures, minimum setback and maximum height for freestanding signs, and maximum sign area for attached signs on property zoned Shopping Center (SC) District and in the IH 635 Overlay District. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 0.78-acre parcel shown as Lot 1 Block 1 of Pizza Hut Addition, an addition to the City of Garland. The property is located at 2002 Eastgate Drive. (District 5)

Note: The applicant is proposing to redevelop the subject property with a new building. The applicant is requesting approval of a Specific Use Permit to operate a restaurant with a drive-through. Additionally, the applicant seeks approval to variance requests regarding the required rear and side setbacks for structures, the minimum required setback and maximum height for freestanding signs, and the maximum allowable sign area for attached signs.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return to **City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002.** Should you have any questions, please contact Josue De La Vega at 972-205-2445.

(Please Check One Below)

___ I am in favor of the request.

✓ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

Concerned About Setbacks, Signs. Our Property is Attached At The Back. If Approved we would like Fencing & Screening.

(Please complete the following information)

Your Property Address

Guymon Holdings Inc.

Printed Name

1934 Pendleton Garland TX 75081

Address City, State Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

Signature President

Title

8-15-12

GARLAND

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

August 30, 2012

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(Please Check One Below)

✓ I am in favor of the request.

_____ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

(Please complete the following information)

Your Property Address
Dobson Floors, Inc.
Printed Name
2010 Eastgate Drive Garland, TX 75041
Address City, State Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

Suzanne Brown President
Signature Title

Date: 9/5/2012

GARLAND

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

August 30, 2012

HEARING DATE/TIME: Plan Commission: September 10, 2012 – 7:00 PM

APPLICANT: Wes Parnell

File Z 12-44

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(Please Check One Below)

_X_ I am in favor of the request.

_____ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

_____

_____

_____

(Please complete the following information)

Your Property Address 1810 NW Hwy, Garland, TX 75041

David Crouch c/o Northwest 5 Star Properties LLC.
Printed Name

1917 Stanford St. Greenville TX 75401
Address City, State Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

David Crouch Member
Signature Title

Date: 9/04/2012

GARLAND

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

August 30, 2012

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(Please Check One Below)

✓ I am in favor of the request.

_____ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

(Please complete the following information)

Your Property Address

Jon Klaus / Pendleton Plus LLC
Printed Name

1930 Pendleton Garland TX 75041
Address City, State Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

Owner
Signature Title

Date: 9/4/12