

# **AGENDA**

## **REGULAR MEETING OF THE CITY COUNCIL**

**City of Garland**

**Council Chambers, City Hall**

**200 North Fifth Street, Garland, Texas**

**February 19, 2013**

**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. **BRILLE 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 February 5, 2013 Regular Meeting.

2. Consider approval of the following bids:

- a. Walnut Utility Relocation Bid No. 3287-13

UtiliTex Construction, LLP	\$426,300.00
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*This request is to relocate overhead Verizon and Oncor utilities to underground in preparation for Downtown redevelopment.*

- b. Pavement Raising and Undersealing Bid No. 3336-13

Nortex	\$156,375.00
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*This request is for pavement raising by injection of polyurethane material beneath the concrete. This process will lift the pavement to eliminate standing water problems, improve the quality of the street, and prevent failures.*

- c. Turbine Turning Gear Assembly Bid No. 3360-13

GE International, Inc.	\$103,009.42
Contingency	<u>15,451.42</u>
TOTAL	<u>\$118,460.84</u>

*This request is for the purchase of the turning gear assembly clutch shaft and emergency governor for the Olinger Unit No. 3 Turbine.*

3. **Public hearings were previously conducted for the following zoning cases. Council approved the requests and instructed staff to bring forth the following ordinances for consideration.**

- a. **Zoning File No. 12-55, The Charter School Fund, LLC**

*Consider an ordinance amending the zoning laws of the City of Garland by approving a Specific Use Permit for a Charter School on property zoned Shopping Center (SC) District on a 13.237-acre tract of land located north of Belt Line Road and west of North Shiloh Road.*

- b. **Zoning File No. 13-02, Taco Bell**

*Consider an ordinance amending the zoning laws of the City of Garland by approving amendments to Planned Development (PD) 08-09 for Freeway Uses, a Concept Plan with conditions, a Detail Plan with conditions, and a Specific Use Permit for Restaurant with Drive-through on a 20.879-acre of land located on the 5300 block of North Garland Avenue.*

4. **Consider an ordinance authorizing an amendment to the 2012-13 Operating Budget (Budget Amendment No. 1), providing for supplemental appropriation of funds in the General Fund, the Infrastructure Repair and Replacement Fund, the Public Safety Grant Fund, and various funds associated with purchase order encumbrances.**

*At the February 4, 2013 Work Session, Council considered an amendment to the 2012-13 Adopted Budget for 1) projects approved in last year's Budget, but uncompleted by the fiscal yearend, 2) the rollover of open purchase orders from 2011-12 fiscal year, 3) the receipt of additional grants and other awards, and 4) expenditures not anticipated in the 2012-13 Adopted Budget.*

5. **Consider an ordinance ordering and providing notice of a general election for the City of Garland to be held on the 11<sup>th</sup> day of May, 2013.**

*In accordance with the charter of the City of Garland and the laws of the State of Texas, Council is requested to order and provide notice of a General Election to be held on May 11, 2013 for the purpose of electing a mayor and Council members for Districts 3, 6, 7, and 8.*

## **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 Juan Miguel Rodriguez requesting approval of a Specific Use Permit for Auto Repair, Minor on property zoned Shopping Center (SC) District within the Interstate Highway 635 Overlay District. The property is located at 1750 Northwest Highway, Suite 250B.**

*The proposal is for approval of a Specific Use Permit for Auto Repair, Minor on property zoned Shopping Center. At the January 28, 2013 meeting, the Plan Commission (by a 7 to 0 vote) recommended approval of the Specific Use Permit for a period of 15 years tied to Garland's 5 Star Custom Car Audio as recommended by staff.*

### **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](http://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, February 5, 2013, in the Council Chambers at City Hall with the following members present:

Mayor	Ronald 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 Dodson
Councilmember	Rick Williams
Councilmember	Jim Cahill

STAFF PRESENT:	City Manager	William E. Dollar
	Deputy City Attorney	Mark Dempsey
	City Secretary	Lisa Palomba

CALL TO ORDER: The meeting was called to order by Mayor Ronald Jones. Councilmember Rick Williams led the Invocation and the Pledge of Allegiance.

CEREMONIALS: Mayor Jones welcomed Cub Scout Troop 1978, Den 3. Mayor Jones also recognized James Hawkins and Chief Knight from the Garland Fire Department receiving Fire Fit Friendly Platinum Award; Rita White and Kerrah Pena from City of Garland receiving Fit Friendly Gold Award; Dorothy White, Dave Kuhn and Jim Harmon received Special Recognition for accomplishments related to The Garland Television Network (CGTV). Mayor Jones presented a proclamation to The Achievement Center of Texas proclaiming February 9, 2013 "Special Arts Festival Day" in the City of Garland.

CONSENT AGENDA: All items marked with asterisks (\*\*) on the Consent Agenda were voted on in a single motion at the beginning of the meeting. A motion was made by Mayor Pro Tem Willis and seconded by Councilwoman Anita Goebel, to approve Items: 1; 2a; 2b; 2c; 2d; 2e; 2f; and 3. as presented. A vote was cast. The motion carried with 8 Ayes; 0 Nays. (Dodson Absent)

1. Approved\*\* City Council Meeting minutes of the January 15, 2013 Special Meeting and January 22, 2013 Regular Meeting.

2a. Approved\*\* Award of Bid No. 3295-13 to Dallas Harley-Davidson in the amount of \$129,236.45 for the purchase of seven police motorcycles with accessories to be used by the Police Department in daily operations.

- 2.b. Approved\*\* Award of Bid No. 3303-13 to Reliable Chevrolet in the amount of \$1,043,266.55 for the purchase of seven Chevrolet Impala and thirty-three Chevrolet Caprice vehicles to be used by the Police Department in daily operations.
- 2c. Approved\*\* Award of Bid No. 3308-13 to Holt Cat (\$208,696.00), Landmark Equipment (\$81,500.00), and RDO Equipment (\$79,325.00) for a total amount of \$369,521.00 for the purchase of four backhoes to be used by the Water Department in daily operations.
- 2d. Approved\*\* Award of Bid No. 3345-13 to Hanson Pipe and Precast in the amount of \$400,000.00 to provide materials for various storm water management projects.
- 2e. Approved\*\* Award of Bid No. 3346-13 to RDO Equipment Co. (\$96,047.71) and Interstate Trailers, Inc. (\$22,690.00) for a total amount of \$118,737.71 for the purchase of two backhoe trailers, two excavators, and one skid loader with attachments to be used by GP&L in daily operations.
- 2f. Approved\*\* Award of Bid No. 3352-13 to Trastar, Inc. in the amount of \$130,919.10 to provide LED traffic signals to support the Transportation Department's upcoming replacement project.
3. Approved\*\* Approve Resolution No. 10093 approving the sale of real property, 219 Southwood; authorizing the Mayor to execute a deed conveying the property to Eileen Petroski.

#### ITEMS FOR INDIVIDUAL CONSIDERATION:

4. Public Hearing Held Mayor Jones opened the public hearing to provide the opportunity for all interested persons to be heard for or against the 2013 proposed Capital Improvement Program. The following persons provided oral testimony during the public hearing: Allison Lewis; Darren Lathen; Randall Dunning; Liz Moser; Ted Mumaw; Jamie Britain; Pamela Stoneham; Mattie Gray; and Lola Horton. The following person registered a position in favor of Item 4: Claud W. George. Mayor Jones closed the public hearing.
5. Approved Mayor Pro Tem Willis, seconded by Deputy Mayor Pro Tem Edwards moved to approve Ordinance No. 6588 approving and adopting the Capital Improvement Program for 2013; proving budgetary appropriations for the various capital funds

of the city, and providing an effective date. A vote was cast and the motion carried with 9 ayes, 0 nays.

6. Approved

The following citizens provided comment: Darren Lathen; Mary Anne Harper; The following persons registered a position against Item 6. J.D. Ross; Mike Ratcliff; Mattie Gray; Pamela Stoneham; and Lola Horton.

Councilwoman Goebel, seconded by Deputy Mayor Pro Tem Edwards, moved to approve Resolution No. 10094 authorizing the City Manager or his designee to enter into a Disposition and Development Agreement with Oaks Properties Development, L.L.C. regarding a Downtown Development Project; and providing an effective date. A vote was cast and the motion carried with 9 ayes, 0 nays.

7a. Held & Approved

Mayor Jones opened the Public Hearing to receive public input regarding the application of The Charter School Fund, LLC, requesting approval of 1) a Specific Use Permit for a Charter School on property zoned Shopping Center (SC) District and 2) a variance to Section 24-600 of the Comprehensive Zoning Ordinance 4647 regarding building height. The property is located north of Belt Line Road and west of North Shiloh Road. (File Z12-55)

Senior Managing Director of Development Services Neil Montgomery provided information related to both requests.

Brian Huffailer spoke on behalf of the applicant. The following persons provided oral testimony: Rosanna Sandlin; and Sherwood Blount. The following persons registered a position supporting Item 6. Jason Kotter; Julia Xeros; Reginald Marcellus; Chris Florance; James Holmberg; Maria Garca; Nadia Ayala; Roberto Ramirez; Angela Marcellus; Eddie Conger; Clif Sevier; Laura McCreight; Jerry McCreight; Christy McCreight; Myrna Apodaca; Adrian Apodea; Sarah McCroon; Frank Corte, Jr.; Connie Wallace; and Rebecca Conger.

Mayor Jones closed the public hearing. Councilman Rick Williams made a motion, seconded by Councilwoman Dodson, to approve the application of The Charter School Fund, LLC, requesting approval of 1) a Specific Use Permit for a Charter School on property zoned Shopping Center (SC) District and 2) a variance to Section 24-600 of the Comprehensive Zoning Ordinance 4647 regarding building

height. The property is located north of Belt Line Road and west of North Shiloh Road. (File Z12-55) A vote was cast and the motion carried with 9 ayes, 0 nays.

7b. Held & Approved

Mayor Jones opened the public hearing to consider the application of Taco Bell requesting approval of 1) amendments to the conditions in Planned Development (PD) 08-09, 2) a Concept Plan with conditions, 3) a Detail Plan with conditions, and 4) a Specific Use Permit for Restaurant with Drive-Through on property zoned Planned Development (PD) 08-09 District for Freeway Uses and in the SH 190 Overlay. The property is located at 5300 Block of North Garland Avenue, Garland, TX (File Z13-02)

Senior Managing Director of Developmental Services Neil Montgomery provided information related to the requests. David Gregory, applicant, also provided information. No one else spoke during the public hearing.

Mayor Jones closed the public hearing. Councilman Tim Campbell made a motion, seconded by Mayor Pro Tem Edwards, to approve the application of Taco Bell requesting approval of 1) amendments to the conditions in Planned Development (PD) 08-09, 2) a Concept Plan with conditions, 3) a Detail Plan with conditions, and 4) a Specific Use Permit for Restaurant with Drive-Through on property zoned Planned Development (PD) 08-09 District for Freeway Uses and in the SH 190 Overlay. The property is located at 5300 Block of North Garland Avenue, Garland, TX (File Z13-02) A vote was cast and the motion carried with 9 ayes, 0 nays.

8. Approved

Councilman Rick Williams nominated Maxwell James Fisher, AICP, to the Plan Commission A vote was cast and the nomination carried with 9 ayes; 0 nays.

CITIZEN COMMENTS:

The following persons spoke: Larry Jeffus; Jamie Brittain; and Lola Horton.

There being no further business to come before the City Council, Mayor Jones adjourned the meeting at 8:37 p.m.

CITY OF GARLAND

Signed:



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Mayor Ronald Jones

Attest:

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Lisa Palomba, City Secretary



**GARLAND**  
PURCHASING

Bid No.: 3287-13  
Agenda Item: 2a  
Meeting: Council  
Date: 02/19/13

## Purchasing Report

### WALNUT UTILITY RELOCATION OPEN MARKET

#### PURCHASE JUSTIFICATION:

The purpose of this project is to relocate overhead Verizon and Oncor utilities to underground in preparation for Downtown redevelopment. This will be achieved by construction of open cut PVC duct banks as well as conduit boring including all casing pipes, concrete paving, pull boxes, splices boxes, risers, and other incidentals. Funds were approved in the 2012 Capital Improvement Program.

#### AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
UtiliTex Construction, LLP	All	\$426,300.00
<b>TOTAL:</b>		<b>\$426,300.00</b>

#### BASIS FOR AWARD:

##### **Straight Low Bid**

Submitted by:

Reviewed by:

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

William E. Dollar  
City Manager

Date: 02/11/13

Date: 02/12/13

#### FINANCIAL SUMMARY:

Total Project/Account:	\$ 6,100,651
Expended/Encumbered to Date:	1,307,861
Balance:	\$ 4,792,790
This Item:	426,300
Proposed Balance:	\$ 4,366,490

Matt Watson 02/11/13  
Budget Analyst Date

Ron Young 02/11/13  
Budget Director Date

Operating Budget: ☐ CIP: ☒ Year: 2012

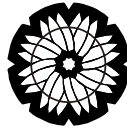
Document Location: Pages W01, ST21, & ST22

Account #: CW190-RB-1-9213 (227-4049-3019000-9213)  
CA4295-CO-3-9001 (692-1409-1429511-9011)  
CA5462-C5-3-9011 (692-1409-1546205-9011)

Fund/Agency/Project – Description:  
Sixth Street Extension, Walnut Utility Relocation,  
and Transmission Mains (16-Inch and Above)

Comments:





# **GARLAND**

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## **PURCHASING**

### **Executive Summary Bid 3287-13 Walnut Utility Relocation**

**Recommended Vendor:**

UtiliTex Construction, LLP.

**Total Recommended Award:**

\$426,300.00

**Basis for Award:**

Straight Low Bid

**Purpose:**

The purpose of this project is to relocate overhead Verizon and Oncor utilities to underground in preparation for downtown redevelopment. This will be achieved by construction of open cut PVC duct banks as well as conduit boring including all casing pipes, concrete paving, pull boxes, splices boxes, risers and other incidentals.

**Evaluation:**

Requests for bids were issued in accordance with Purchasing procedures. Three (3) bids were received and evaluated, with UtiliTex Construction, LLP. offering the lowest bid. The project is within the capabilities of UtiliTex Construction, LLP.

**Recommendation:**

Staff recommends that the project be awarded to UtiliTex Construction, LLP.

**Funding Information:**

CW190-RB-1-9213, CA4295-CO-3-9001, CA5462-C5-3-9011

**Department Director:**

Michael C. Polocek, P.E., Engineering Director, 972-205-2178



**GARLAND**  
PURCHASING

Bid No.: 3336-13  
Agenda Item: 2b  
Meeting: Council  
Date: 02/19/13

## Purchasing Report

### PAVEMENT RAISING AND UNDERSEALING TERM CONTRACT

#### PURCHASE JUSTIFICATION:

The purpose of this contract is to provide for pavement raising by injection of polyurethane material beneath the concrete. This is a term contract with two (2) optional renewals. The unit price quantities are estimated and may be more or less based on actual needs. Unit pricing will remain firm for the first year. Any subsequent price adjustments must be justified and mutually agreed upon.

#### AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Nortex	All	\$156,375.00
<b>TOTAL:</b>		<u>\$156,375.00</u>

#### BASIS FOR AWARD:

##### **Straight Low Bid**

Submitted by:

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

Reviewed by:

William E. Dollar  
City Manager

Date: 02/11/13

Date: 02/12/13

#### FINANCIAL SUMMARY:

Total Project/Account: \$ N/A

Expended/Encumbered to Date: N/A

Balance: \$ N/A

This Item:

Proposed Balance: \$ N/A

Budget Analyst

Date

Budget Director

Date

Operating Budget: ☐ CIP: ☐ Year: \_\_\_\_\_

Document Location: \_\_\_\_\_

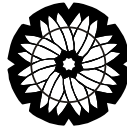
Account #: 451-6999

Fund/Agency/Project – Description:  
Term Contract –

#### **Comments:**

Term Contract sets price but does not commit funds. Expenses will be charged to accounts as incurred.





# **GARLAND**

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## **PURCHASING**

Executive Summary  
Bid 3336-13

### **Term Contract for Pavement Raising and Undersealing**

**Recommended Vendor:**

Nortex

**Total Recommended Award:**

\$156,375.00

**Basis for Award:**

Straight Low Bid

**Purpose:**

The purpose of this contract is to provide for pavement raising by injection of polyurethane material beneath the concrete. This process will lift the pavement to eliminate standing water problems, improve the quality of the street and prevent failures. This is a term contract with two (2) optional renewals.

**Evaluation:**

Request for bids were issued in accordance with Purchasing procedures. Two (2) bids were received and evaluated with Nortex offering the lowest bid. Nortex has previously completed this type of work the City and is qualified to fulfill the requirements of the contract.

**Recommendation:**

Staff recommends awarding the contract for pavement raising and undersealing to Nortex.

**Funding Information:**

451-6999 Blanket Account

**Department Director:**

Steven L. Oliver, P.E., Director, Street Department, 972-205-3558



**GARLAND**  
PURCHASING

Bid No.: 3360-13  
Agenda Item: 2c  
Meeting: Council  
Date: 02/19/13

## Purchasing Report

### **TURBINE TURNING GEAR ASSEMBLY OPEN MARKET**

#### **PURCHASE JUSTIFICATION:**

This Contract is for the purchase of the Turning Gear Assembly including clutch shaft and emergency governor for the Olinger Unit 3 Turbine. GE International is the original equipment manufacturer and sole supplier of replacement parts due to patents. An optional contingency is included for any unforeseen additional parts that may be required. Purchase will not exceed appropriated funds.

#### **AWARD RECOMMENDATION:**

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
GE International, Inc.	1-2	\$103,009.42
	Contingency	15,451.42
	<b>TOTAL:</b>	<b>\$118,460.84</b>

#### **BASIS FOR AWARD:**

##### **Sole Source**

Submitted by:

Reviewed by:

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

William E. Dollar  
City Manager

Date: 02/01/13

Date: 02/12/13

#### **FINANCIAL SUMMARY:**

Total Project/Account: \$	545,000
Expended/Encumbered to Date:	372,952
Balance: \$	172,048
This Item:	118,461
Proposed Balance: \$	53,587

Trent Schulze	02/04/13
Budget Analyst	Date

Ron Young	02/04/13
Budget Director	Date

Operating Budget: ☒ CIP: ☐ Year: FY 2012-13

Document Location: Page 207

Account #: 211-3434-6051

#### **Fund/Agency/Project – Description:**

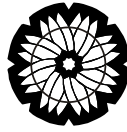
Electric Utility Fund / GP&L / Olinger Plant –  
Purchase of Parts for Olinger Unit 3 Turbine  
as well as Optional Contingency.

#### **Comments:**

Purchase will not exceed appropriated funds.







# **GARLAND**

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## **PURCHASING**

### **Executive Summary** **Bid 3360-13** **Turbine Turning Gear Assembly**

**Recommended Vendor:**

GE International, Inc.

**Total Recommended Award:**

\$118,460.84

**Basis for Award:**

Sole Source

**Purpose:**

The purpose of this contract is to purchase the turning gear assembly including clutch shaft and emergency governor for the Olinger Unit 3 Turbine.

**Evaluation:**

GE International, Inc. is the original equipment manufacturer and the sole source supplier of the turning gear assembly due to patents.

**Recommendation:**

Staff recommends awarding the contract to GE International, Inc. as the sole source vendor meeting all requirements of the specification.

**Funding Information:**

211-3434-6051

**Department Director:**

James Meriwether, Acting GP&L Production Director, 972-485-6454



# City Council Item Summary Sheet

☐ Work Session

☒ Agenda Item

Date: February 19, 2013

## Zoning Ordinance

### Summary of Request/Problem

Zoning Ordinance 12-55 – The Charter School Fund, LLC

### Recommendation/Action Requested and Justification

Consider adoption of the attached ordinance.

#### Submitted By:

Neil Montgomery  
Senior Managing Director of Development  
Services

#### Approved By:

William E. Dollar  
City Manager

**ORDINANCE NO.**

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PERMIT FOR A CHARTER SCHOOL ON PROPERTY ZONED SHOPPING CENTER (SC) DISTRICT, ON A 13.237-ACRE TRACT OF LAND LOCATED NORTH OF BELT LINE ROAD AND WEST OF NORTH SHILOH ROAD; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

**WHEREAS**, at its regular meeting held on the 14th day of January, 2013, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **The Charter School, 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.**

Ordinance No. 4647 is hereby amended by approving a Specific Use Permit for a Charter School on property zoned Shopping Center (SC) District, on a 13.237-acre tract of land located north of Belt Line Road and west of North Shiloh Road, 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 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.

FILE NO. 12-55

**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 \_\_\_\_\_, 2013.

**THE CITY OF GARLAND, TEXAS**

By:

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Secretary

Published:

## **EXHIBIT A**

### **LEGAL DESCRIPTION**

#### **Zoning File 12-55**

BEING a 13.237 acre tract of land located in the John Casey Survey, Abstract No. 256, in the City of Garland, Dallas County, Texas, being a portion of a called 10.948 acre tract of land, and a portion of a called 12.694 acre tract of land, as described in the Special Warranty Deed to Harold F. Peek et al, filed for record in Volume 97006, Page 1373, Deed Records, Dallas County, Texas (DRDCT), said 13.237 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at an "X" cut found in concrete for the southeast corner of Lot 2, Block 1, QT 907 Addition, an addition to the City of Garland, Dallas County, Texas, according to the plat recorded in County Clerk's Instrument No. 20080375230, Official Public Records, Dallas County, Texas (OPRDCT), being on the west right-of-way line of Shiloh Road (a 100' right-of-way) (NAD 83 grid coordinates – N 7,031,916.6 - E 2,531,239.6);

THENCE North 02 degrees 11 minutes 59 seconds West, along said west right-of-way line, being common to the east line of said called 10.948 acre tract of land, a distance of 226.45 feet, to the POINT OF BEGINNING;

THENCE over and across said called 10.948 acre tract of land, and said called 12.694 acre tract of land, the following calls:

South 89 degrees 33 minutes 10 seconds West, a distance of 863.53 feet, to a point for corner;

South 00 degrees 19 minutes 38 seconds East, along a line parallel with and 30.00 feet from the west line of said called 10.948 acre tract of land, a distance of 458.32 feet, to a point for corner;

South 10 degrees 57 minutes 55 seconds East, a distance of 81.25 feet;

South 00 degrees 19 minutes 38 seconds East, along a line parallel with and 45.00 feet from said west line, a distance of 30.00 feet, to a point for corner on the north right-of-way line of Belt Line Road (a 100' right-of-way), being common to the south line of said called 10.948 acre tract of land;

THENCE South 89 degrees 59 minutes 28 seconds West, along said common line, a distance of 45.00 feet, to a 1/2 inch iron rod found for the southwest corner of said called 10.948 acre tract of land;

THENCE North 00 degrees 19 minutes 38 seconds West, along the west line of said called 10.948 acre tract of land, and along the west line of said called 12.694 acre tract of land, a distance of 1197.53 feet, to a 1/2 inch iron rod found for the northwest corner of said called 12.694 acre tract of land, being on the south line of Brentwood Place, Phase II, an addition to the City of Garland, Dallas County, Texas, according to the plat recorded in Volume 82116, Page 1964, Map Records, Dallas County, Texas (MRDCT);

## **EXHIBIT A**

THENCE North 89 degrees 11 minutes 35 seconds East, along the north line of said called 12.694 acre tract of land, being common to said south line, a distance of 872.79 feet, to a 1/2 inch iron rod found for the northeast corner of said called 12.694 acre tract of land, being on the west right-of-way of said Shiloh Road;

THENCE South 02 degrees 11 minutes 59 seconds East, along the east line of said called 12.694 acre tract of land, being common to said west right-of-way line, a distance of 635.43 feet, to the POINT OF BEGINNING and containing 13.237 acres (576,615 square feet) of land, more or less.

## SPECIFIC USE PERMIT CONDITIONS

### ZONING FILE 12-55

#### North of Belt Line Road and west of North Shiloh Road

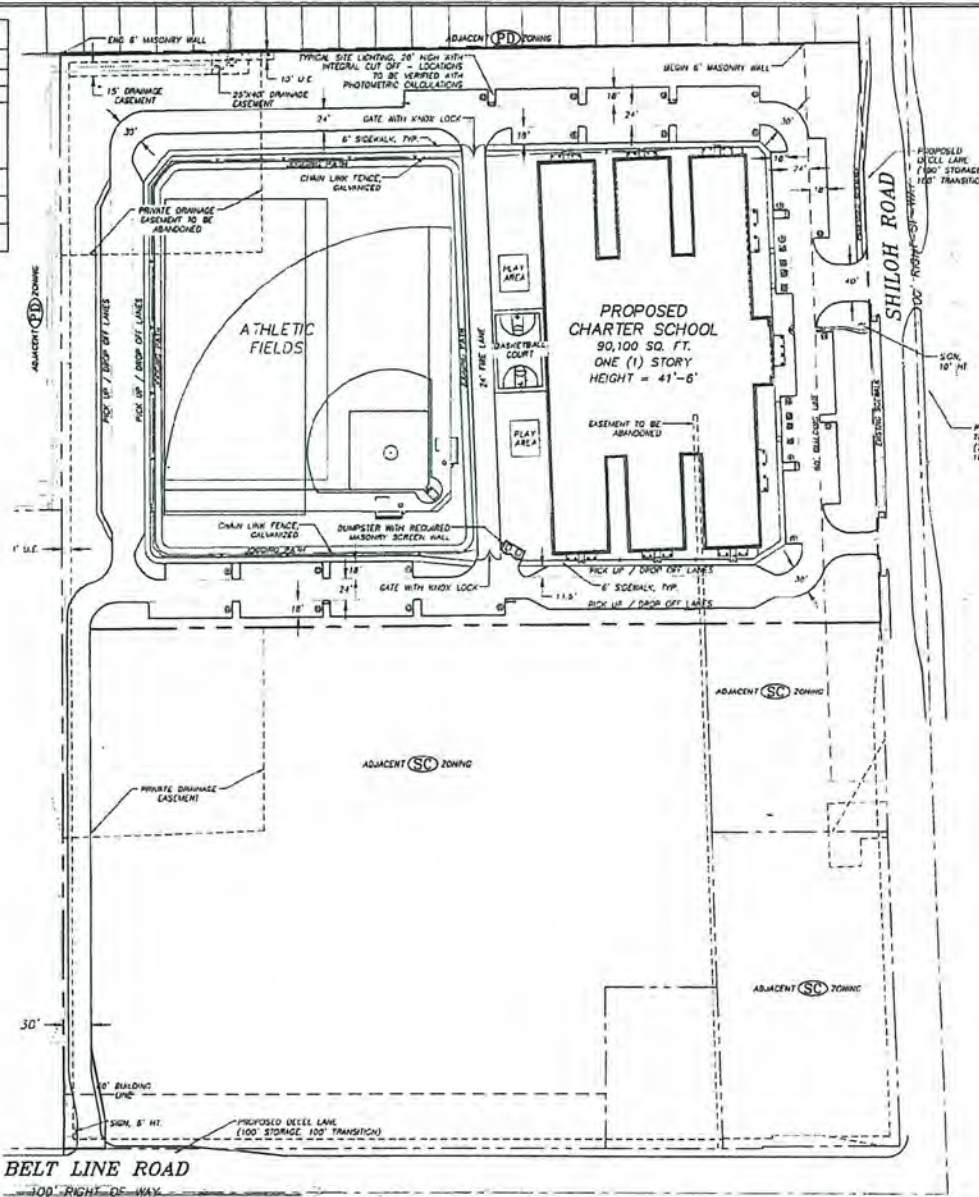
- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow a Charter School on the subject property subject to conditions.
- II. **Statement of Effect:** This permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Shopping Center (SC) District set forth in Section 24 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 thirty (30) year time period and shall be tied to The Charter School Fund, LLC.
  - B. Grade levels: Only grades kindergarten through eighth grade shall be permitted.
  - C. Site Plan: Development shall be in general conformance with the site plan as identified as Exhibit C.
  - D. Landscape Plan: Screening and landscaping shall be maintained as shown on Exhibit D.
  - E. Building Elevations: The exterior elevations shall be constructed in general conformance with Exhibit E. The majority of the building shall comply with the maximum height of thirty (30) feet, except the three specified elements: the peak of the gable feature over the main entrance at approximately 42 feet, the adjacent parapet at approximately 33 feet and the parapet around the gymnasium at 31 feet.
  - F. Illumination: There shall be no lighting on the outdoor athletic fields. All other lighting must meet the Glare and Lighting Standards.
  - G. Traffic Circulation Plan: In addition to the traffic circulation plan (Exhibit F) the charter school shall develop an operation procedure to include an on-site traffic circulation for morning drop-off and afternoon pick-up for the different grade levels, dismissal times, and during inclement weather; have on-site signage and pavement markings designating pick up/ drop off lanes; and a map of the traffic circulation and instructions for pick up/drop off will be included in the student/parent information package. Any deviation



from the approved pick up/drop off procedure will require approval from the Transportation Department.

## SITE DATA

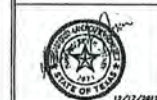
ELEMENT	REQUIRED	PROVIDED
LOT AREA	N/A	576,633 SQ. FT. (13.237 ACRES)
BUILDING S.F.	N/A	90,100 SQ. FT.
PARKING	1 PER 20 STUDENTS - GRADES K-4 1200 STUDENTS / 30 = 40 SPACES REQUIRED 1 PER 15 STUDENTS - GRADES 5-8 720 STUDENTS / 15 = 48 SPACES REQUIRED TOTAL SPACES REQUIRED = 108	197 PARKING SPACES PROVIDED
BUILDING HEIGHT	MAXIMUM BUILDING HEIGHT ALLOWED: 30'	41'-6"
LOT COVERAGE	LOT COVERAGE ALLOWED: 40% = 230,653 S.F.	LOT COVERAGE PROVIDED: 15.6% (90,100 S.F.)
OCCUPANCY CLASSIFICATION	N/A	E - CHARTER SCHOOL



VICINITY MAP

PROJECT DESCRIPTION  
NEW K THROUGH 8 CHARTER SCHOOLCURRENT ZONING  
SC (WITH SUP. 10-33 FOR COMMERCIAL AMUSEMENT ENTERTAINMENT)PROPOSED ZONING  
SC (WITH SUP. FOR CHARTER SCHOOL)OWNER  
THE CHARTER SCHOOL FUND R, LLC  
8500 MIDWAY DRIVE, SUITE 100  
DALLAS, TEXAS 75247  
TEL: 214-460-8505  
FAX: 214-460-8504  
CONTACT: BRIAN HOFFMEIER  
bhoffmeier@charterfund.comCIVIL ENGINEER /  
LANDSCAPE ARCHITECT  
MYCOSKE MCINNIS ASSOCIATES  
200 E. ABRAM  
ARLINGTON, TEXAS 76010  
TEL: 817-460-1671  
FAX: 817-214-8257  
CONTACT: JACOB SAMPTER  
jsampter@mycoske.comLEGAL DESCRIPTION  
BEING A 13.237 ACRE TRACT OF  
LAND LOCATED IN THE JOHN CASCY  
SQUARE, AN UNDIVIDED AND 200,000 SQ. FT.  
CITY OF DALLAS, DALLAS COUNTY,  
TEXAS.INTERNATIONAL LEADERSHIP  
OF TEXAS - GARLAND  
SPECIFIC USE PERMIT  
GARLAND, TEXASPROJECT NO.:  
INTERNATIONAL LEADERSHIP  
OF TEXAS - GARLAND  
SPECIFIC USE PERMIT

mima

mycoske-mcinnis-associates  
an operating company of mycoske-mcinnis-associates, llc  
10000 NORTH AVENUE 111, SUITE 100  
DALLAS, TEXAS 75243  
TEL: 817-460-1671  
FAX: 817-214-8257  
WWW.MYCOSKE-MCINNIS.COM12/17/2012  
PROJECT NUMBER: 1012-00-01  
PROJECT MANAGER: J. SAMPTER  
DESIGNED BY: B. JONES  
CHECKED BY: C. WOODRUFF  
DATE: 12/18/2012REV. DATE. DESCR. BY  
SHEET CONTAINS:  
SUP SITE PLANSHEET NO.  
1

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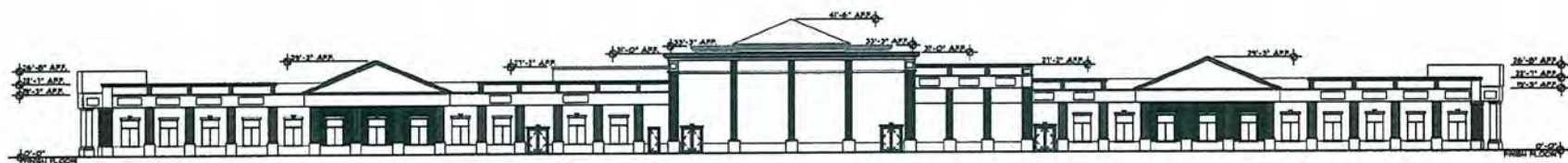




1 FRONT (EAST) ELEVATION



2 LEFT (NORTH) ELEVATION



3 BACK (WEST) ELEVATION  
SCALE: 1/8" = 1'-0"



4 RIGHT (SOUTH) ELEVATION

### MATERIALS LEGEND

	BRILLIANT BLUE PRINTER ARCHITECTURE AND GABLES
	STUCCO WITH LIGHT SAND FINISH TO MATCH
	CHALK EDWARDS DESIGN 076 GRAY
	GULFSTREAM GABLE HEADINGS, SILLS AND CORRIGES
	STUCCO WITH SMOOTH FINISH TO MATCH
	CHALK EDWARDS DESIGN 069 GOLD MORING
	STUCCO PORTION OF SHARP
	STUCCO WITH LIGHT SAND FINISH TO MATCH
	CHALK EDWARDS DESIGN 071 PUEBLO
	BRICK PORTION OF SHARP AND FAUX GROUND
	MARVEL RED BARR
	FEDESTALS AND BARS
	STUCCO WITH LIGHT SAND FINISH TO MATCH
	CHALK EDWARDS DESIGN 067 HAZEL JACQUE
	NOTE: DUE TO VARIATIONS IN PRINTER SETTINGS
	THESE ELEVATIONS MAY NOT DISPLAY PROPERLY.
	NOTE TO MANUFACTURERS: SAMPLES FOR ACCURATE
	COLOR SELECTION

**Larson Associates Architects, Inc.**  
33837 North 24th Street, Suite 100  
Phoenix, AZ 85016  
602.955.9929 602.954.4790 FAX  
design@larson-architects.com

Larson

INTERNATIONAL LEADERSHIP OF TEXAS  
KTHROUGH & CHARTER SCHOOL  
2551 BELT LINE ROAD  
GARLAND, TEXAS

**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

Drawing Name:  
EXTERIOR  
ELEVATIONS

Revelation

Date: 1/12/2013

Project Number

Drawing No.

FILE A2C

A2.0







# City Council Item Summary Sheet

☐ Work Session

☒ Agenda Item

Date: February 19, 2013

## Zoning Ordinance

### Summary of Request/Problem

Zoning Ordinance 13-02 – Taco Bell

### Recommendation/Action Requested and Justification

Consider adoption of the attached ordinance.

#### Submitted By:

Neil Montgomery  
Senior Managing Director of Development  
Services

#### Approved By:

William E. Dollar  
City Manager

**ORDINANCE NO.**

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING AMENDMENTS TO PLANNED DEVELOPMENT (PD) 08-09 FOR FREEWAY USES, A CONCEPT PLAN WITH CONDITIONS, A DETAIL PLAN WITH CONDITIONS, AND A SPECIFIC USE PERMIT FOR RESTAURANT WITH DRIVE-THROUGH ON A 20.879-ACRE TRACT OF LAND LOCATED ON THE 5300 BLOCK 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 14th day of January, 2013, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Taco Bell**; 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 amendments to Planned Development (PD) 08-09 for Freeway Uses, a Concept Plan with conditions, a Detail Plan with conditions, and a Specific Use Permit for Restaurant with Drive-Through on a 20.879-acre tract of land located on the 5300 Block 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 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 \_\_\_\_\_, 2013.

**THE CITY OF GARLAND, TEXAS**

By:

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Secretary

Published:



## **EXHIBIT A**

### **LEGAL DESCRIPTION**

#### **Zoning File 13-02**

BEING an approximate 20.879-acre parcel shown as Lot 2, Block 1, TBCW Addition, an addition to the city of Garland, as recorded in Volume 2001172, Page 34 of the Map Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at the Northeastern corner of Lot 2, Block 1 of the TBCW Addition along the South ROW line of North Garland Road;

THENCE: South 43 degrees 43 minutes 1 seconds East, 425.00 feet;

THENCE: North 46 degrees 16 minutes 58 seconds East, 381.43 feet;

THENCE: South 31 degrees 09 minutes 55 seconds West, 81.14 feet;

THENCE: South 43 degrees 16 minutes 12 seconds East, 436.85 feet;

THENCE: South 46 degrees 43 minutes 48 seconds West, 265.98 feet;

THENCE: South 45 degrees 05 minutes 53 seconds East, 101.05 feet;

THENCE: South 46 degrees 43 minutes 48 seconds West, 1265.79 feet;

THENCE: North 43 degrees 16 minutes 12 seconds West, 474.44 feet;

THENCE: South 46 degrees 16 minutes 59 seconds West, 47.85 feet;

THENCE: North 43 degrees 43 minutes 1 seconds West, 409.34 feet;

THENCE: South 46 degrees 14 minutes 56 seconds West, 103.91feet;

THENCE: North 43 degrees 43 minutes 1 seconds West, 92.52 feet;

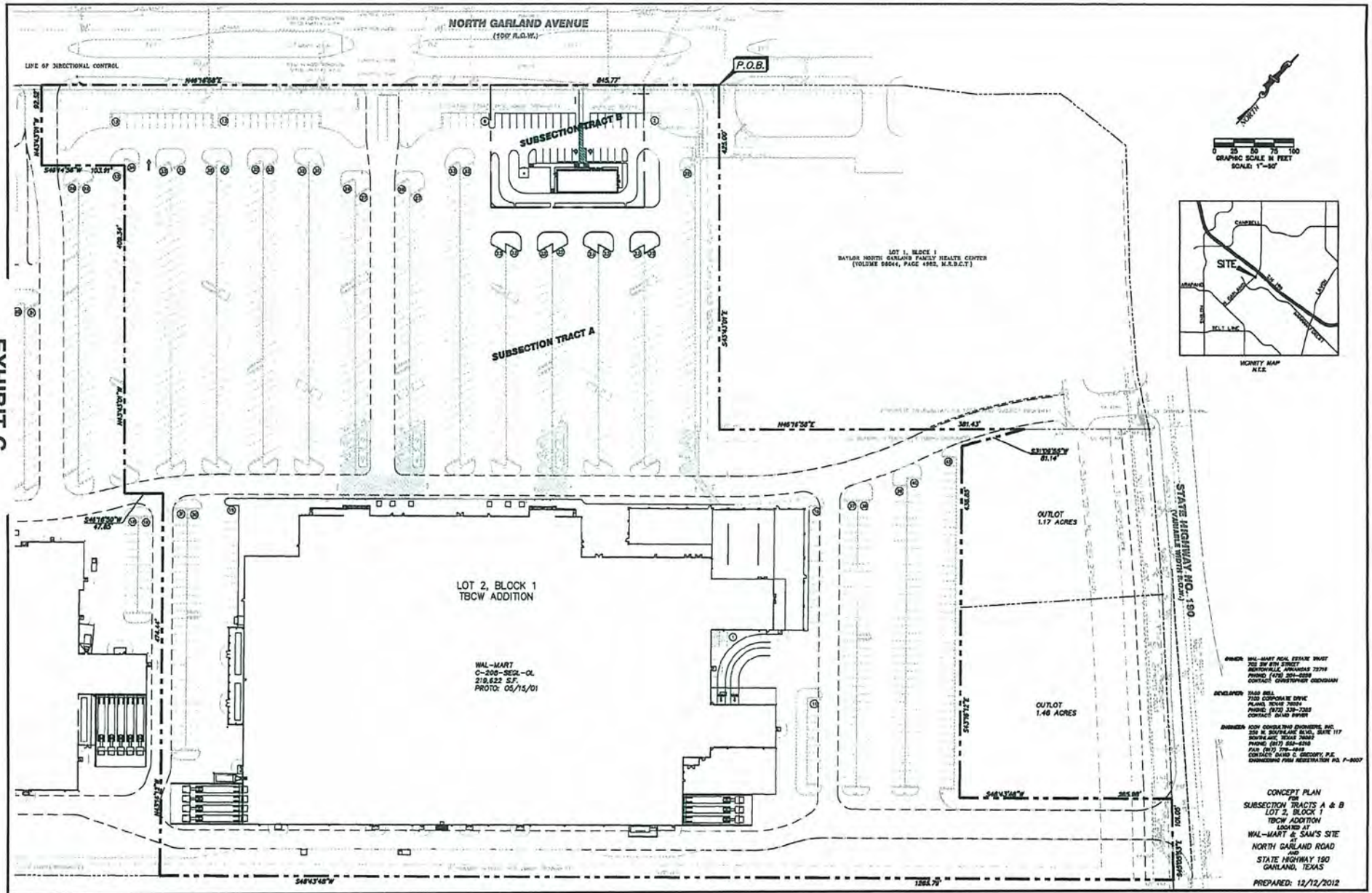
THENCE: North 46 degrees 16 minutes 58 seconds East, 845.77 feet along the South ROW line of North Garland Road to the PLACE OF BEGINNING and containing 20.879 acres of land. The property is located on the 5300 Block of North Garland Avenue, in Garland, TX.

## PLANNED DEVELOPMENT CONDITIONS

### ZONING FILE: 13-02

#### 5300 Block of North Garland Avenue

- I. **Statement of Purpose:** The purpose of this Planned Development District is to permit retail development 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 of the Freeway (FW) District set forth in Sections 31, 32, and 46 of the Comprehensive Zoning Ordinance and the SH 190 Development Standards are included by reference and shall apply, except as otherwise specified in this ordinance.
- IV. **Development Plans:**
  - A. Concept Plan: Development shall be in general conformance with the approved Concept Plan labeled as Exhibit C.
  - B. Detail Plan: Development shall be in general conformance with the approved Detail Plan labeled Exhibit D.
- V. **Specific Regulations:**
  - A. Permitted Uses: All uses allowed in the Freeway (FW) District, within the SH-190 Corridor, as specified by Section 46 of the Comprehensive Zoning Ordinance.
  - B. Wal-Mart Development: The Wal-Mart development shall be in accordance with the PD regulation approved with File 08-09 with the exception of the parking reduction of 95 spaces and reconfiguration of the landscape islands resulting from the Taco Bell development, as reflected on the Concept Plan.
- VI. **Detail Plan:**
  - A. Landscape Plan: Screening and Landscaping shall be in general conformance with the approved labeled as Exhibit E.
  - B. Building Elevations: Exterior building elevations shall be in general conformance with the approved elevations labeled as Exhibit F.
  - C. Attached Signage: The attached signage shall be in compliance with the State Highway 190 Development Standards.
  - D. Freestanding Signage: The site shall be allowed one monument sign with a maximum height of 7 feet, a maximum area of 50 square feet, and a minimum setback of 15 feet to the street right-of-way. The menu board sign shall have an area of no more than 67 square feet.





NORTH GARLAND AVENUE  
(100' ROW)



**NOTES**

1. MONOLITHIC CONCRETE CURB
2. P.A.C. CURBED EDGE DRAINAGE
3. P.A.C. DEPRESSSED RAMP
4. GUARD POST
5. PRECAST CONCRETE WALLSTOPS
6. 24" HIGH LETTERS - WHITE
7. 4" SIDE WELD STIRRE - WHITE
8. TYPICAL ARROWS - WHITE
9. HANDPAINT SYMBOLS - WHITE ON BLUE BACKGROUND
10. HANDPAINT SIGN
11. ARMY BOARD, BRONZE FEDERAL & WINDOW LOGO
12. CLEARANCE BAR
13. MONUMENT SIGN - TACO BELL
14. TRASH ENCLOSURE
15. EXISTING CURB

**SITE DATA FOR TACO BELL**

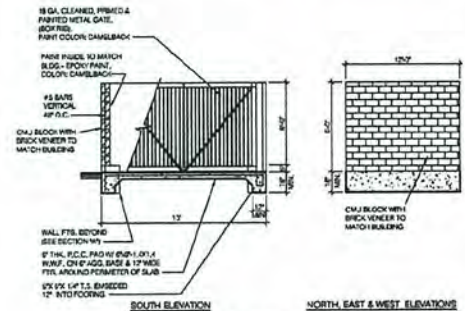
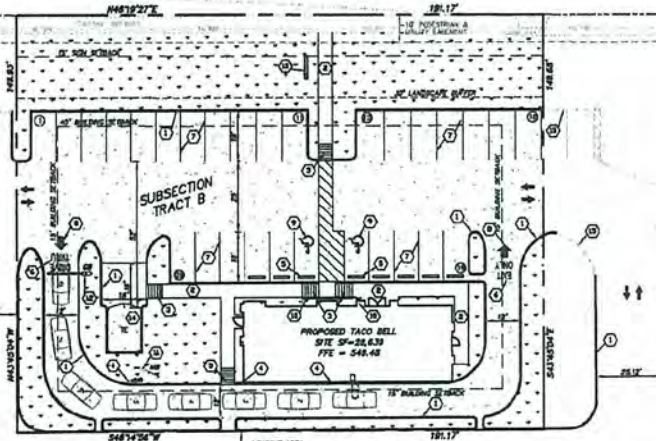
LOT LEASE AREA	26.43 AC
BUILDING AREA	2,838 SF (11.1% COVERAGE)
BUILDING HEIGHT	24'-4" (1 STORY)
EXISTING IMPERVIOUS AREA	18,884 SF (64.4% COVERAGE)
EXISTING LANDSCAPE AREA	4,789 SF (16.4% COVERAGE)
PROPOSED IMPERVIOUS AREA	18,162 SF (63.7% COVERAGE)
PROPOSED LANDSCAPE AREA	8,837 SF (31.3% COVERAGE)
EXISTING ZONING	PD 08-18 / 180 OVERLAY
PROPOSED ZONING	PD 13-08 / 180 OVERLAY
EXISTING USAGE	PARKING
PROPOSED USAGE	RESTAURANT W/ DRIVE THRU
REQUIRED PARKING	24 SPACES (241/2007 DRIVING ROOM)
PROPOSED PARKING	29 SPACES

**WALMART PARKING AREA TREES**

TREES TO BE REMOVED	TREES TO BE SAVED
1-4" CEDAR BLM	8-12" CEDAR BLM
1-4" CEDAR BLM	8-12" CEDAR BLM
8-12" CEDAR BLM	

**LEGEND - OBSERVATIONS**

- 15 - CLEARANCE BAR
- 16 - MENU BOARD
- 17 - TRASH ENCLOSURE
- 18 - FIRE LINE
- 19 - PROPOSED CONCRETE (SEE PARKING PLAN)
- 20 - LANDSCAPE AREA (SEE LANDSCAPE PLAN)
- 21 - PROPOSED CURB
- 22 - EXISTING CURB
- 23 - PARKING SPOT
- 24 - BOUNDARY LINE



TRASH ENCLOSURE ELEVATION

ALL LANDSCAPE SHALL BE PLANTED WITHIN 90 DAYS OF COMPLETION OF CONSTRUCTION. PLANTINGS SHALL BE LOCATED WITHIN 5 FEET OF PROPOSED CURB.

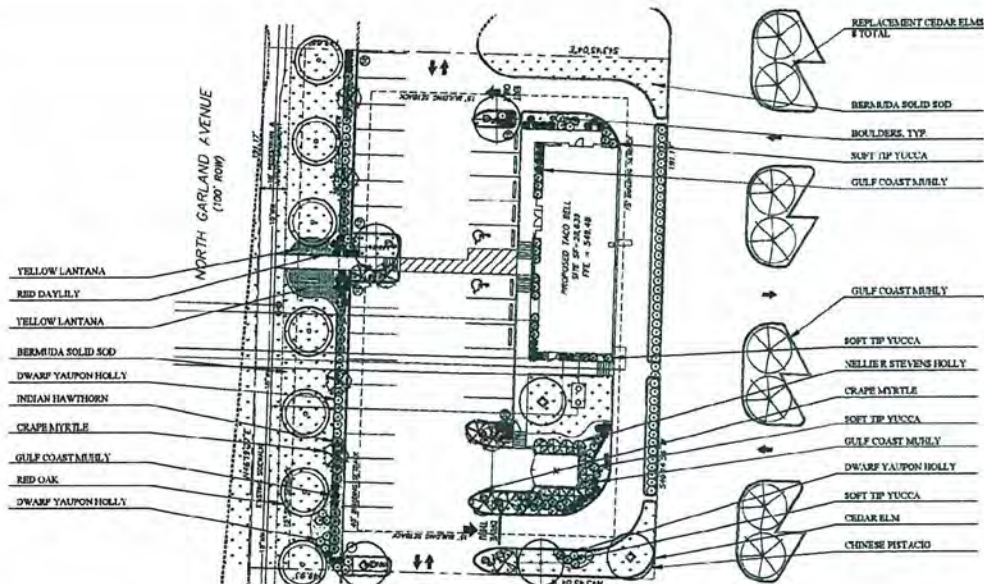
CITY OF GARLAND RESUME NAME: [REDACTED] ADDRESS: 100 NORTH-4TH STREET, GARLAND, TEXAS 75040

OWNER: WAL-MART STORES, INC. 200 N. GARDEN STREET, PLEASANTON, TEXAS 75074  
DEVELOPER: TACO BELL 7000 DOWNSIDE DRIVE, PLANO, TEXAS 75074  
CONTACT: CHRISTOPHER GREGORY

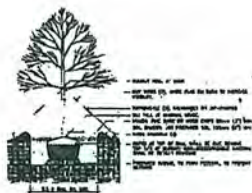
ENGINEER: KIM SCHOENBERG ENGINEERS, INC. 200 N. GARDEN STREET, SUITE 117, PLEASANTON, TEXAS 75074  
PHONE: (972) 255-4579  
FAX: (972) 278-4515  
CONTACT: RANDI C. GREGORY, P.E.  
ENGINEERING FIRM REGISTRATION NUMBER: F-007



DETAIL PLAN  
SUBSECTION TRACT B  
WAL-MART / TACO BELL SITE  
NORTH GARLAND AVENUE  
AND  
STATE HIGHWAY 180  
GARLAND, TEXAS  
PREPARED: 12/12/2012



1 PLANTING PLAN  
SCALE: 1"=20'-0"



2 TREE DETAIL  
SCALE: N.T.S.



3 SHRUB DETAIL  
SCALE: N.T.S.

#### TREES

SYN.	COMMON / BOTANICAL NAME	QTY	SIZE	SPACING	CONDITION / REMARKS
⊕	CEAR ELM ULMUS CRASSIFOLIA	3	3" CAL.		CENTRER GROWN ON BLS. FULL, MATCHING 10' HEIGHT SINGLE TRUNKED, FULL, 4" SPACED
⊙	CHINESE PISTACHIO PISTACHIA CHINENSIS	3	3" CAL.		CENTRER GROWN ON BLS. FULL, MATCHING 10' HEIGHT SINGLE TRUNKED, FULL, 4" SPACED
⊗	PURPLE CRAP MYRTLE LAMBETERNIA MYRTIL	10	8' HT.		CENTRER GROWN ON BLS. FULL, MATCHING MULTI TRUNKED 4'-6" HT.
⊖	RED DAF CERATIS STERNA	7	4" CAL.		CENTRER GROWN ON BLS. FULL, MATCHING SINGLE TRUNKED
⊗	CEDAR ELM (REPLACEMENT TREES) ULMUS CRASSIFOLIA	8	3" CAL.		CENTRER GROWN ON BLS. FULL, MATCHING 10' HEIGHT SINGLE TRUNKED, FULL, 4" SPACED

#### SHRUBS

SYN.	COMMON / BOTANICAL NAME	QTY	SIZE	SPACING	CONDITION / REMARKS
	RED PREP / COMPOST SANDSSED WOLFE	3117	S.F.		TILL 3' DEPTH
	RIVER ROCK	1000	S.F.		RED GRANITE 3" AGGREGATE
⊕	SOFT YUCCA YUCCA FLORIDANA	32	#3	24" D.C.	PLANT TO BE WELL ROOTED, FULL, MATCHING 24" HT. MIN.
⊙	SOFT ELMST HOLLY SILVERNERSIA LINDENHEDER	57	#3	33" D.C.	PLANT TO BE WELL ROOTED, FULL, MATCHING 24" HT. MIN.
⊗	HOSE ROCK BOLLER	16	1'-2' TON		1/2 OF BOLLERS TO BE 2 TON 1/2 OF BOLLERS TO BE 1 TON
⊖	STEEL EDGE	500	L.F.		GREEN IN COLOR
⊗	INDIAN HAWTHORN NOLANUS BIRCH	26	#5	24" D.C.	PLANT TO BE WELL ROOTED, FULL, MATCHING 24" HT. MIN.
⊗	BERMUDA SOLID SOO CYNODOR DACTYLOIDES	8,709	S.F.		
⊗	NELLIE R. STEVENS HOLLY NOLANUS BIRCH	10	4' HT.	36" D.C.	PLANT TO BE WELL ROOTED, FULL, MATCHING 24" HT. MIN.
⊗	YELLOW LANTANA LANTANA SP.	180	#1	24" D.C.	AT LEAST THREE BOLLERS YELLOW IN COLOR BOLLERS TO BE AT LEAST 8' LONG
⊗	RED BLUE LADPOPE LANTANA SP.	50	#1	24" D.C.	PLANT TO BE WELL ROOTED, FULL, MATCHING FULL CAN
⊗	DWARF YALPON HOLLY SILVERNERSIA LINDENHEDER	88	#3	33" D.C.	PLANT TO BE WELL ROOTED, FULL, MATCHING 24" HT. MIN.

#### SITE DATA

STREET TREES (1) 4" TREE PER 10 LF OF FRONTAGE  
FRONTAGE 191 LF  
REQUIRED 4.5 OR 5 TREES  
PROVIDED 7 TREES

10% OF SITE TO BE LANDSCAPE AREA  
SITE AREA 36,818 S.F.  
LANDSCAPE REQUIRED 3,682 S.F. OR 1,864 S.F.  
LANDSCAPE PROVIDED 18,672 S.F. OR 17%

PARKING LANDSCAPING  
(1) 3" TREE AND (1) ORNAMENTAL TREE PER 18 SPACES  
REQUIRED  
20 SPACES EQUALS (5) TREES AND (5) ORNAMENTAL TREES  
PROVIDED  
(1) TREES AND (12) ORNAMENTAL TREES

5% OF PARKING LOT TO BE LANDSCAPED  
PARKING LOT 11,100 S.F.  
LANDSCAPE REQUIRED 555 S.F.  
LANDSCAPE PROVIDED 600 S.F. OR 5%

(8) REPLACEMENT TREES CEDAR BLUM 3" CAL.

#### SPECIAL NOTE

ALL LANDSCAPING IS TO BE IRRIGATED IN  
ACCORDANCE WITH THE CITY STANDARDS.

#### SPECIAL NOTE

ALL IRRIGATION SYSTEMS ARE TO BE  
FITTED WITH RAIN AND FREEZE GAUGES.

LANDSCAPE PLAN  
FOR  
SUBSECTION TRACT B  
LOCATED AT  
WAL-MART / SAM'S SITE  
AT  
NORTH GARLAND ROAD  
AND  
STATE HIGHWAY 190  
GARLAND, TEXAS

PREPARED: 12/12/2012



DESIGNED BY: TxDOT  
DRAWN BY: TxDOT  
CHECKED BY: TxDOT  
APPROVED BY: TxDOT

EXHIBIT E

CONTRACT DATE  
BUDGET TYPE  
PLAN NUMBER  
SITE NUMBER  
STONE NUMBER

TACO BELL  
NORTH GARLAND ROAD  
GARLAND, TEXAS

TACO BELL  
SITE LANDSCAPE  
PLAN

L1.0

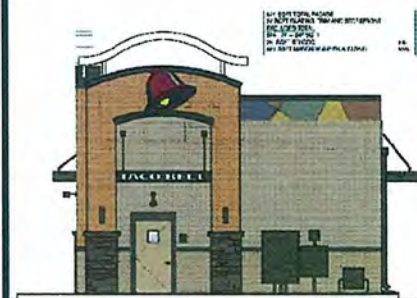
PLOT DATE:



# EXHIBIT F



RIGHT SIDE ELEVATION 31'0" x 14' 0" A



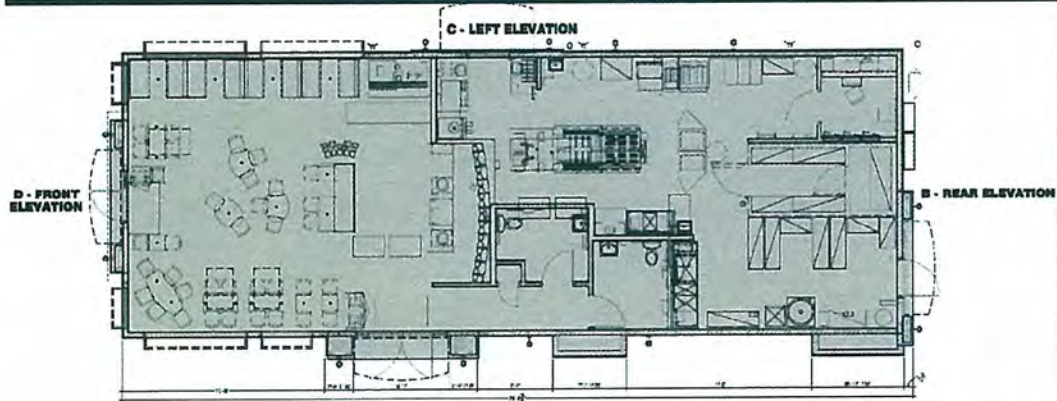
REAR ELEVATION 31'0" x 14' 0" B



LEFT SIDE ELEVATION 31'0" x 14' 0" C



FRONT ELEVATION 31'0" x 14' 0" D



A - RIGHT ELEVATION

REFERENCE PLAN 31'0" x 14' 0" E

NO.	DESCRIPTION	QUANTITY	UNIT
1	1" X 4" BRICK	1,000	EA
2	1" X 4" BRICK	1,000	EA
3	1" X 4" BRICK	1,000	EA
4	1" X 4" BRICK	1,000	EA
5	1" X 4" BRICK	1,000	EA
6	1" X 4" BRICK	1,000	EA
7	1" X 4" BRICK	1,000	EA
8	1" X 4" BRICK	1,000	EA
9	1" X 4" BRICK	1,000	EA
10	1" X 4" BRICK	1,000	EA
11	1" X 4" BRICK	1,000	EA
12	1" X 4" BRICK	1,000	EA
13	1" X 4" BRICK	1,000	EA
14	1" X 4" BRICK	1,000	EA
15	1" X 4" BRICK	1,000	EA
16	1" X 4" BRICK	1,000	EA
17	1" X 4" BRICK	1,000	EA
18	1" X 4" BRICK	1,000	EA
19	1" X 4" BRICK	1,000	EA
20	1" X 4" BRICK	1,000	EA

ELEVATION PLAN FOR SUBSECTION TRACT 3 LOCATED AT WAL-MART SAM'S SITE AT NORTH GATE AND ROAD AND STATE HIGHWAY 180 GARDLAND TX  
PREPARED: 12/12/2012

EXTERIOR FINISH SCHEDULE 31'0" x 14' 0" F



FORM STUDIOS INC.  
10000 N. GARDLAND  
SUITE 100  
GARDLAND, TEXAS 79424  
TEL: 409.486.1111  
WWW.FORMSTUDIOS.COM

DATE: 12/12/2012  
BY: J. B. BROWN  
CHECKED: J. B. BROWN  
APPROVED: J. B. BROWN

CONTRACT NO.: 100000  
BUILDING TYPE: TRUCKS  
PROJECT NO.: 100000  
SHEET NO.: 100000

GARDLAND, TX  
MEDIUM  
54 SEATS WITH BRB

EXTERIOR  
ELEVATIONS

A4.0

PLAT DATE: 12/12/2012

## **SPECIFIC USE PERMIT CONDITIONS**

**ZONING FILE: 13-02**

**5300 Block of North Garland Avenue**

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to permit Restaurant, Drive-Through on the subject property.
- 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 Freeway (FW) District set forth in Section 31, 33, and 46 of the Comprehensive Zoning 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 **Taco Bell**.



# City Council Item Summary Sheet

☐ Work Session

Date: 2/19/13

☒ Agenda Item

## 2012-13 Budget Amendment No. 1

### Summary of Request/Problem

At the February 4, 2013, Work Session, the City Council reviewed a Policy Report recommending the amendment of the 2012-13 Adopted Budget. The Council directed staff to prepare an Ordinance amending the Budget for (1) projects approved in last year's Budget but uncompleted by the fiscal year-end, (2) the rollover of open purchase orders from the 2011-12 fiscal year, (3) the receipt of additional grants and other awards, and (4) expenditures not anticipated in the 2012-13 Adopted Budget.

All funds required to cover the increase in appropriations are in the respective fund balances, or additional funds have been received as grants or awards to cover specific expenditures. As a result, Budget Amendment No. 1 has no financial impact to the City.

### Recommendation/Action Requested and Justification

Approval of the Ordinance amending the 2012-13 Adopted Budget.

**Submitted By:**

**Ron Young**  
**Director of Budget & Research**

**Approved By:**

**William E. Dollar**  
**City Manager**



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE 2012-13 OPERATING BUDGET (BUDGET AMENDMENT NO. 1), PROVIDING FOR SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL FUND, THE INFRASTRUCTURE REPAIR & REPLACEMENT FUND, THE PUBLIC SAFETY GRANT FUND, AND VARIOUS FUNDS ASSOCIATED WITH PURCHASE ORDER ENCUMBRANCES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council approved the 2012-13 Operating Budget and appropriated the necessary funds out of the general revenues and grants and other revenues for the maintenance and operation of various departments, activities, and improvements of the City; and

**WHEREAS**, the City Charter provides that the City Council may approve any amendments and supplements to the Budget as deemed necessary; and

**WHEREAS**, Council has reviewed and concurred with a Policy Report that establishes the need for changes to appropriations in the General Fund, the Infrastructure Repair & Replacement Fund, the Public Safety Grant Fund, and also various funds associated with purchase order encumbrances from the 2011-12 fiscal year;

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS, THAT:**

**Section 1**

The City Council of the City of Garland, Texas, hereby authorizes and approves an amendment to the 2012-13 Operating Budget (Budget Amendment No. 1) for the purposes and in the amounts as shown in Exhibit A (Policy Report), attached hereto and incorporated herein by reference.

**Section 2**

The City Council of the City of Garland, Texas, hereby amends Ordinance No. 6566, Section 1, adjusting operating appropriations in the General Fund, the Infrastructure Repair & Replacement Fund, the Public Safety Grant Fund, and also various funds associated with purchase order encumbrances from the 2011-12 fiscal year, in the amounts and for the purposes specified in Exhibit A (Policy Report), attached hereto.

### **Section 3**

This Ordinance shall be and become effective immediately upon and after its adoption and approval.

**PASSED AND APPROVED** this the 19<sup>th</sup> day of February, 2013.

**THE CITY OF GARLAND, TEXAS**

By: \_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Secretary



# Policy Report

**Report No:**

**Agenda Item:**

**Meeting: Work Session**

**Date: February 4, 2013**

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## **2012-13 BUDGET AMENDMENT NO. 1**

### **ISSUE**

Amend the 2012-13 Adopted Budget in order to appropriate available funds for the following:

- (1) Projects approved in last year's Budget but not completed by the fiscal year-end.
- (2) Rollover of open Purchase Orders from the 2011-12 fiscal year.
- (3) Grant and other funds recently awarded to the City.
- (4) Expenditures not anticipated in the 2012-13 Adopted Budget.

### **OPTIONS**

- (A) Approve Budget Amendment No. 1 as proposed.
- (B) Approve portions of Budget Amendment No. 1.
- (C) Do not approve Budget Amendment No. 1.

### **RECOMMENDATION**

Option (A) – Approve Budget Amendment No. 1 as proposed. Direct staff to prepare an ordinance amending the 2012-13 Adopted Budget for consideration and passage at the February 19, 2013, Regular Council meeting.

### **COUNCIL GOAL**

**“Financially Stable Government with Tax Base that Supports Community Needs”**

Budget amendments allow the City to respond to changing situations and needs in a manner that permits flexibility while ensuring financial integrity and controls.

## **BACKGROUND**

### **(1) Carry-Over of 2011-12 Incomplete Projects**

#### **Street Upgrades**

The FY 2011-12 Revised Budget for the Infrastructure Repair & Replacement Fund included \$325,000 in funding for concrete street repair projects to be completed in conjunction with sewer and water main improvements. Budget Amendment No. 1 proposes to increase FY 2012-13 operating appropriations by \$325,000 to complete the following projects: Colgate Lane from Forest Ridge Drive to Plano Road – \$30,000; Colgate Lane from Bradfield Drive to Purdue Drive – \$64,000; Birchwood Drive from Broadmoor Drive to Northwest Highway – \$50,000; Brookview Drive from Northwest Highway to Wildbriar Drive – \$71,000; Cove Drive from Country Club Road to High Meadow Drive – \$70,000; and Lake Hubbard Parkway from Chaha Road to Marvin Loving Drive – \$40,000.

A Budget Amendment is required due to the timing of the expenditures only. There is no additional financial impact.

### **(2) Rolled-Forward Encumbrances from Fiscal Year 2011-12**

When an order is placed for goods or services, a Purchase Order is issued that encumbers the budgeted funds. This has the effect of reserving the funds for future payment of the items covered in the Purchase Order. Every year on September 30<sup>th</sup> – when the fiscal year ends, there are open Purchase Orders related to goods or services that have been ordered but not yet received. Accordingly, the funds reserved for these open Purchase Orders are still in the year-end fund balances since the transactions are not yet completed.

Because the purchase of these open items was authorized by Council in the previous fiscal year (2011-12), the City's practice has been to roll these encumbrances forward into the current fiscal year (2012-13). This has the effect of increasing the current year's appropriation by the amount of the open Purchase Orders or encumbrances. The funding to cover the expenditures is available in the fund balance since payment was not made before the close of the fiscal year.

The projected fund balance for the current fiscal year is unaffected by the "roll-forward," because it was assumed in the 2012-13 Adopted Budget that the expenditures would be completed in the prior year. The presence of the funds in the fund balance is above and beyond what the Budget assumes for the 2012-13 year-end balance.

Budget Amendment No. 1 proposes that encumbrances totaling \$5,585,889 be rolled forward to 2012-13. Of the total rollover amount, \$618,913 is related to the General Fund. Attachment A provides a detailed listing by fund of individual outstanding encumbrances over \$25,000.

A Budget Amendment is required due to the timing of the expenditures only. There is no additional financial impact.

**(3) Grant and Other Funds Awarded to City**

**(a) Public Safety Grant Program – EKG Monitors**

Fire submitted to and received approval from Council at its October 12, 2012, meeting to purchase EKG monitors from Zoll Medical Corporation at a cost of \$476,160 with the majority of the purchase price, \$341,701, funded by a federal grant. The terms of the grant award require that the City pay \$134,459. Fire anticipates recovering the City's portion of the purchase price by selling the retired monitors. A Budget Amendment is required to allow these Federal grant funds and matching City funds totaling \$476,160 to be appropriated and spent.

**(b) Public Safety Grant Program – Interactive Training System**

Fire applied for and was awarded through the Assistance to Firefighters Grant (AFG) funding to purchase an interactive training system. The system allows Fire personnel to participate in interactive virtual training and continuing education opportunities without having to leave their respective stations and districts. Additionally, information, educational material, events, and other training may be recorded and accessed by all stations and personnel through the system. The grant is expected to pay \$237,965 of the total project cost estimated at \$321,263, and the City will contribute \$83,298 in matching funding as required by the terms of the grant. The City's match was budgeted in the IT Project Fund. A Budget Amendment is required to appropriate the grant funds and move the City's match to the Public Safety Grant Fund, allowing the \$321,263 to be appropriated.

**(c) Public Safety Grant Program – UASI-LETPA Grant**

Congressional approval of Homeland Security Grants at the Federal level was delayed this past year, and information needed by the Office of Emergency Management (OEM) to formulate its request for FY 2012-13 Public Safety Grants was unavailable during budget preparation. As a result, OEM grants adopted for FY 2012-13 reflect only those costs required to maintain personnel staffing with funding coming from available fund balance. The City of Garland has received notice that it has been awarded \$73,000 in additional Urban Areas Security Initiative – Law Enforcement Terrorism Prevention Activities (UASI-LETPA) funding for the current year. A Budget Amendment is required to allow these Federal grant funds to be appropriated and spent.

**(4) Expenditures Not Anticipated in the 2012-13 Adopted Budget**

**Office of City Attorney – Part-Time City Marshals**

The Garland City Marshals Office, part of the Office of City Attorney, has supplemented its staff with two additional Part-Time City Marshals. This was done to address security concerns at the City's Carver Center and provide full-time security at City Hall. Cost for these two part-time positions, including salaries, equipment, and uniforms, totals \$50,362.

**FINANCIAL CONSIDERATIONS**

The Street Upgrades projects and outstanding Purchase Orders carried forward were fully funded in the FY 2011-12 Budget, and the funds required to cover these expenditures remain within each fund's respective fund balance. As a result, there is no financial impact from approval of those items. Increased expenditures within the Public Safety Grant Program are fully funded through a combination of Federal grant revenue, current-year appropriations, and sales proceeds of retired equipment. The two additional Part-Time City Marshals will be fully funded by available fund balance in the General Fund.

2012-13 BUDGET AMENDMENT NO. 1

Page 5

Budget Amendment No. 1 proposes to appropriate funds as follows:

<u>General Fund</u>	
Office of City Attorney	\$ 50,362
<u>Infrastructure Repair &amp; Replacement Fund</u>	
Street Repair Projects	325,000
<u>Public Safety Grant Fund</u>	
EKG Monitors	476,160
Interactive Training System	321,263
UASI-LETPA Grant	73,000
<u>Various Funds</u>	
Rollover of Purchase Order Encumbrances	<u>5,585,889</u>
TOTAL SUPPLEMENTAL APPROPRIATION	<u><u>\$6,831,674</u></u>

**ATTACHMENT(S)**

Attachment A – Schedule of Open Encumbrances being Rolled Forward

Attachment B – Schedule of Proposed Amendments by Fund

Submitted By:

Ron Young  
Director  
Budget & Research

Date: January 28, 2013

Approved By:

William E. Dollar  
City Manager

Date: January 28, 2013

**ATTACHMENT A**  
**2011-12 Rollover**  
**(With Detail of PO's Over \$25,000)**

***Amount  
Outstanding  
9-30-12***

**Fund/Department**

**PO Description**

**General Fund**

Planning & Community Development	Unified Development Code	\$34,609
Parks, Recreation & Cultural Arts	Lawn Tractors (2)	\$118,716
	Dump Truck	82,082
	Aluminum Signage (4)	30,000
Police	Ammunition	\$55,999
Transportation	Cab and Chassis Motor Vehicle	\$124,744
Various	PO's Under \$25,000	\$172,763

**Sub-Total General Fund**

\$618,913

**Electric Utility Fund**

Equipment Lease	\$39,666
Turbine Parts and Service	90,200
Tower Repair Parts and Service	33,760
Professional Services	30,900
PO's Under \$25,000	217,013

**Sub-Total Electric Utility Fund**

\$411,539

**Equipment Replacement Fund**

Fire - Administration	Full-Size Van	\$31,330
Health - Animal Control	Cab & Chassis, 3/4-Ton Truck	37,234
Parks - Ground Maintenance	Trucks, Heavy Duty (2)	65,435
Parks - Facilities & Irrigation	Trucks, Heavy Duty (2)	61,128
Parks - Medians & ROW	Truck, Heavy Duty	34,589
GP&L - Distribution	Derrick & Pickups, Heavy Duty (2)	176,128
GP&L - Distribution	Pickups, 3/4-Ton, Extended Cab (7)	148,284
GP&L - Distribution	Cab & Chassis, 20,000 GVW Trucks (2)	262,444
GP&L - Distribution	Altec 201 Model TA50	116,817
GP&L - Distribution	Vans, Cut-A-Way with Service Bodies (2)	114,830
GP&L - Distribution	Chassis, 1-Ton Truck	69,624
GP&L - Substations	Cab & Chassis, 20,000 GVW Truck	114,043
Water - Distribution & Transmission	Cab & Chassis, 14,500 GVW Truck	36,398



**Amount  
Outstanding  
9-30-12**

**Fund/Department**

**PO Description**

**Equipment Replacement Fund (Continued)**

Water - Distribution & Transmission	Cab & Chassis, 1-Ton with Crane	\$87,734
Wastewater - Collection	Sewer Cleaner with Cab & Chassis	332,918
Wastewater - Duck Creek	Pickup, 8000 GVW, Heavy Duty	29,690
EWS - Brush Collection	Stake Bed Truck	25,309
EWS - Residential Collection	Stake Bed Trucks (2)	50,768
Firewheel Golf Park	Stake Bed Truck & Pickup	37,470
Facilities - Building Services	Van, Cargo, 3/4-Ton	32,858
Customer Service - Field Operations	Pickups, 1/2-Ton, Regular Cab (2)	31,692
Various Departments	PO's Under \$25,000	168,686

**Sub-Total Equipment Replacement Fund**

\$2,065,409

**Fleet Services Fund**

Engine Rebuild	\$184,738
PO's Under \$25,000	91,750

**Sub-Total Fleet Services Fund**

\$276,488

**Information Technology Fund**

Maintenance Contract	\$45,018
Software License Agreements	98,154
Desk Phones	26,908
Remote & Monitor	89,972
PO's Under \$25,000	177,437

**Sub-Total Information Technology Fund**

\$437,489

**Information Technology Replacement Fund**

Police	Tablet PCs	\$57,821
Police	Network/Server Hardware	225,245
IT	Network/Server Hardware	215,374
Fire	Desktop Replacements	79,000
Fire	New Mobile Units	198,000
Building Inspection	New Field Units	54,700
	PO's Under \$25,000	247,846

**Sub-Total Information Technology  
Replacement Fund**

\$1,077,986

<i><b>Fund/Department</b></i>	<i><b>PO Description</b></i>	<i><b>Amount Outstanding 9-30-12</b></i>
<b><u>Narcotic Seizure Fund</u></b>		
	Ammunition	\$40,000
	PO's Under \$25,000	19,652
	<b>Sub-Total Narcotics Seizure Fund</b>	<b>\$59,652</b>
<b><u>Self Insurance Fund</u></b>		
	Vehicle Replacement	\$130,994
	<b>Sub-Total Self Insurance Fund</b>	<b>\$130,994</b>
<b><u>Warehouse Fund</u></b>		
	Lift Truck	\$32,265
	PO's Under \$25,000	9,944
	<b>Sub-Total Warehouse Fund</b>	<b>\$42,209</b>
<b><u>Wastewater Utility Fund</u></b>		
	Professional Services	\$109,000
	Repair Services	31,274
	Coal	49,148
	PO's Under \$25,000	162,669
	<b>Sub-Total Wastewater Utility Fund</b>	<b>\$352,091</b>
<b><u>Water Utility Fund</u></b>		
	Professional Services	\$27,696
	PO's Under \$25,000	11,033
	<b>Sub-Total Water Utility Fund</b>	<b>\$38,729</b>
<b><u>All Other Funds</u></b>	PO's Under \$25,000	<b>\$74,390</b>
<b><u>TOTAL OUTSTANDING PO's</u></b>		<b>\$5,585,889</b>

## ATTACHMENT B

### Proposed Budget Amendment FY 2012-13 Operating Budget

	BA #1	BA #1 PO Rollover	Total Budget Amendment
<b>REVENUES AND EXPENDITURES</b>			
<b>Sources of Funds:</b>			
Additional Revenue			
Public Safety Program Grant	\$652,666	\$0	\$652,666
Retired EKG Monitors - Sale Proceeds	134,459	0	134,459
Transfer from Info. Technology Project Fund	83,298	0	83,298
Fund Balance - Prior Year	375,362	5,585,889	5,961,251
Total Funds Provided	<u>\$1,245,785</u>	<u>\$5,585,889</u>	<u>\$6,831,674</u>
<b>Use of Funds - Expenditures:</b>			
General Fund (See detail in Notes)	\$50,362	\$618,913	\$669,275
Electric Utility Fund	0	411,539	411,539
Environmental Waste Services Fund	0	2,287	2,287
Equipment Replacement Fund	0	2,065,409	2,065,409
Facilities Management Fund	0	48,489	48,489
Fleet Services Fund	0	276,488	276,488
Hotel/Motel Tax Fund	0	1,701	1,701
Information Technology Fund	0	437,489	437,489
Information Technology Replacement Fund	0	1,077,985	1,077,985
Infrastructure Repair & Replacement Fund	325,000	0	325,000
Narcotic Seizure Fund	0	59,652	59,652
Public Safety Grant Fund	870,423	0	870,423
Recreation Performance Fund	0	21,914	21,914
Self Insurance Fund	0	130,994	130,994
Warehouse Fund	0	42,209	42,209
Wastewater Utility Fund	0	352,091	352,091
Water Utility Fund	0	38,729	38,729
Total Expenditures	<u>\$1,245,785</u>	<u>\$5,585,889</u>	<u>\$6,831,674</u>
<b>Notes:</b>			
General Fund -			
City Attorney	\$50,362	\$5,746	\$56,108
Code Compliance	0	6,500	6,500
Engineering	0	16,297	16,297
EWS - Disposal	0	27,733	27,733
Fire	0	13,997	13,997
Library	0	1,845	1,845
Parks, Recreation & Cultural Arts	0	278,331	278,331
Planning & Community Development	0	59,038	59,038
Police	0	84,682	84,682
Transportation	0	124,744	124,744
Sub-Total General Fund	<u>\$50,362</u>	<u>\$618,913</u>	<u>\$669,275</u>



# City Council Item Summary Sheet

☐ Work Session

Date: February 19, 2013

☒ Agenda Item

## Ordering and Providing Notice of a General Election

### Summary of Request/Problem

In accordance with the charter of the City of Garland and the laws of the State of Texas, Council is requested to order and provide notice of a General Election to be held on May 11, 2013 for the purpose of electing a Mayor and Council members for Districts 3, 6, 7, and 8.

### Recommendation/Action Requested and Justification

Approve an ordinance ordering and providing notice of a General Election for the City of Garland to be held on the 11<sup>th</sup> day of May, 2013.

**Submitted By:**

**Lisa Palomba  
City Secretary**

**Approved By:**

**William E. Dollar  
City Manager**

**ORDINANCE NO.**

**AN ORDINANCE ORDERING AND PROVIDING NOTICE OF A GENERAL ELECTION FOR THE CITY OF GARLAND, TEXAS TO BE HELD ON THE 11th DAY OF MAY, 2013 AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:**

**Section 1**

**ELECTION ORDER FOR JOINT ELECTION AND NOTICE OF ELECTION**

There is hereby ordered a general election to be participated in by the qualified voters of the City of Garland, Texas, to be held on the second Saturday in May, being the 11th day of May, 2013, between the hours of 7:00 a.m. and 7:00 p.m., for the purpose of electing a Mayor for a two (2) year term, and for the purpose of electing one (1) Councilmember each for two (2) year terms to Districts 3, 6, 7 and 8.

Candidates for Districts 3, 6, 7 and 8 must reside in each respective District. Every qualified voter within Districts 3, 6, 7 and 8 may cast one (1) vote for a candidate for the respective district within which such voter resides. Every qualified voter within the City may cast one (1) vote for Mayor.

The candidate for each respective office who shall receive a majority of all votes cast for the office for which that person is a candidate shall be declared elected.

The election shall be held as a joint election pursuant to a joint election agreement by and between the City of Garland, Dallas County, and such other political subdivisions as may be participating in the joint election. Pursuant to the joint election agreement, the Dallas County Election Administrator shall serve as election administrator for the election and who shall appoint such election officials as may be required by law, according to the terms of the law and the joint election agreement.

**Section 2**

**RUN-OFF ELECTION**

In the event any candidate fails to receive a majority of all votes cast for the office for which that person is a candidate, a run-off election shall be held on the 15th day of June, 2013 between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of resolving the run-off for each office for which a candidate did not receive a majority of all votes cast at the general election as ordered by

Section 1, above.

**Section 3**  
**POSITIONS OF NAMES OF CANDIDATES ON BALLOTS**

The positions of the names of the candidates for the general election and, if necessary, for the run-off election, shall be determined by lot in an open meeting to be held in the City Council Chambers located at Garland City Hall. The City Secretary shall notify each candidate of the time of the meeting to draw lots and shall preside at the drawing.

**Section 4**  
**POLLING PLACES**

The polling places for the election shall be those established by the Dallas County Elections Administrator by virtue of the joint election agreement.

**Section 5**  
**EARLY VOTING**

The main early voting place is the Dallas County Records Building, 509 Main Street, Dallas, Texas 75202. Within the City of Garland, early voting by personal appearance shall be conducted locally at Richland College - Garland Campus, 675 W. Walnut Street, Garland, Texas 75040. Any qualified voter in the joint election may vote by personal appearance at either the main early voting place or any of the branch locations. Applications for ballot by mail shall be mailed to:

Toni Pippins-Poole, Early Voting Clerk  
Dallas County Elections Department, 8th Floor  
Health and Human Service Building  
2377 N. Stemmons Freeway  
Dallas, Texas 75207

**Early Voting for the General Election:**

Early voting by personal appearance for the general election as ordered by Section 1, above, shall be conducted on weekdays beginning on Monday, April 29, 2013 through Friday, May 3, 2013 between the hours of 8:00 a.m. and 5:00 p.m.; Saturday, May 4, 2013 between the hours of 8:00 a.m. and 5:00 p.m.; Sunday, May 5, 2013 between the hours of 1:00 p.m. and 6:00 p.m.; and Monday, May 6, 2013 through Tuesday, May 7, 2013 between the hours of 7:00 a.m. and 7:00 p.m. Applications for ballots by mail for the general election must be received no later than the close of business on

May 3, 2013.

**Early Voting for a Run-off Election:**

Early voting by personal appearance for the run-off election, if a run-off election is necessary, shall be conducted on Monday, June 3, 2013 through Friday, June 7, 2013 between the hours of 8:00 a.m. and 5:00 p.m.; Saturday, June 8, 2013 between the hours of 8:00 a.m. and 5:00 p.m.; Sunday, June 9, 2013 between the hours of 1:00 p.m. and 6:00 p.m.; and Monday, June 10, 2013 through Tuesday, June 11, 2013 between the hours of 7:00 a.m. to 7:00 p.m.

**Section 6**

**NOTICE OF ELECTION; PUBLICATION AND POSTING**

This election order shall constitute a notice of election and this notice shall be:

(1) published at least once, not earlier than the 30th day or later than the 10th day before the general election day, which publication shall include a complete listing of all polling places; and

(2) posted on the bulletin board used for posting notices of the meetings of the City Council, which copy shall also include a complete listing of all polling places, not later than the 21st day before the general election.

**PASSED AND APPROVED** this the \_\_\_\_\_ day of February, 2013.

**CITY OF GARLAND, TEXAS**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Secretary



# Planning Report

File No. 13-03/District 5

Agenda Item: 6

Meeting: City Council

Date: February 19, 2013

**Juan Miguel Rodriguez**

**1750 Northwest Highway, Suite 250B**

## **REQUEST**

Approval of a Specific Use Permit for Auto Repair, Minor on property zoned Shopping Center (SC) District within the Interstate Highway 635 Overlay District.

## **OWNER**

TPLP Office Park PPTIES

## **PLAN COMMISSION RECOMMENDATION**

On January 28, 2013 the Plan Commission, by a vote of 7 to 0, recommended approval of a Specific Use Permit for Auto Repair, Minor for a period of 15 years and tied to Garland's 5 Star Custom Car Audio as recommended by Staff.

## **STAFF RECOMMENDATION**

Approval of a Specific Use Permit for Automobile Repair, Minor for a period of 15 years and tied to Garland's 5 Star Custom Car Audio. The applicant is proposing to continue the same type of service that has operated from the subject property for the past 2 years without having a negative impact to the surrounding businesses. Furthermore, the SUP conditions will continue to require all work to be conducted inside the building in the designated service area, and restrict work to installation and service of audio equipment, car accessories and window tint only.

## **BACKGROUND**

The subject property, zoned Shopping Center (SC) District, was developed in 1981 with a multi-tenant retail building. Shopping Center (SC) District as amended by the Interstate 635 Overlay District permits Auto Repair, Minor only by Specific Use Permit. In January 2012 City Council granted a Specific Use Permit (File Z 11-34) tied to Audio Zone Garland, a business that sells and installs automotive accessories such as car alarms, radios, screens, lights, speakers, and GPS devices from the subject property. The sale of such equipment is permitted in the Shopping Center District, but its associated installation is classified as Automotive Repair, Minor by the Comprehensive



Zoning Ordinance. The business is going through a change of ownership but the operation will remain the same. The new owner is requesting approval of a Specific Use Permit for Auto Repair, Minor tied to a new name.

## **SITE DATA**

The subject property is a 2,292 square foot tenant space within a 36,458 square foot building constructed in 1981, located on a lot containing 2.891 acres. The lot possesses 473 feet of frontage along Northwest Highway and 250 feet of frontage along Marketplace and Pendleton Drives. Two points of vehicular access are provided from Marketplace and Pendleton Drives, for a total of four access drives.

## **USE OF PROPERTY UNDER CURRENT ZONING**

The subject property is restricted to the uses permitted by the Shopping Center (SC) District within the IH 635 Overlay District. This district permits a broad range of retail, office and personal service uses grouped in a single center which is designed in an integrated manner according to an overall site plan. The SC District permits Automobile Repair, Minor only with an approval of a Specific Use Permit.

## **COMPREHENSIVE PLAN**

The Future Land Use Map of the Envision Garland Plan recommends Community Centers for the subject site. 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 use has operated on the subject property since 2012, providing an auto related service within a building containing a mix of uses which includes retail, office use and personal service. The proposed use is in line with the recommendation of the Future Land Use Map.

## CONSIDERATIONS

1. The applicant is proposing to continue using the subject property for the sale and installation of automotive accessories such as radios, screens, alarm systems and lights as well as window tint but under a different ownership and name. The applicant indicates that 50 percent of the business is retail and 50 percent is installation. No typical automotive repair would be performed. The current Specific Use Permit 11-34 contains a regulation restricting the business operation to the sales, installation/modification and service of automotive audio, video or related car accessories and prohibiting the service or repair of automotive mechanical parts or frame or exterior repair. The aforementioned stipulation will be retained as a Specific Use Permit condition.
2. All work would be performed inside the building and only one car would be serviced at a time. Access to the service area would be from the parking lot behind the building. Testing of installed equipment would occur in the parking lot behind the building to minimize any noise impact on adjacent tenants. The current Specific Use Permit 11-34 stipulates that all work shall be conducted inside the building. The aforementioned stipulation will also be retained as a Specific Use Permit condition.
3. The tenant space has access to existing parking both in front of, and behind, the building. Customer parking will be provided in front of the building. The applicant has stated that customers will only be given access to the retail area and will not enter the service area accessed from the rear of the business.
4. The applicant is proposing 1 attached sign with an area that is in compliance with section 34.21(C)(4)(b)ii of the IH 635 Development Standards.
5. For an Automobile Repair, Minor use, 1 parking space is required for each 500 square feet of floor area along with 1 additional space per service bay. With 2,292 square feet plus 1 service bay, 6 parking spaces are required. The overall parking lot for the site contains 183 spaces. There is sufficient parking on site to meet the requirement for this use.
6. The applicant is requesting a Specific Use Permit for a period of 15 years and tied to **Garland's 5 Star Custom Car Audio**.

## COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

Properties to the north, across Northwest Highway, are zoned Planned Development (PD) District 83-65 for Business Uses and Shopping Center District. These properties are developed with a self-storage facility, a convenience store with gas pumps (S99-39), and a Chili's restaurant. Property to the east, across Marketplace Drive, is zoned Planned Development (PD)

District 06-37 for Freeway Uses and is developed with a Wal-Mart Supercenter. Property to the south is zoned in Planned Development (PD) District 88-27 for Office/Showroom and Indoor Commercial Amusement, and is developed with a bowling center. Property to the west, across Pendleton Drive, is zoned Planned Development (PD) District 88-19 for General Business Uses and is developed with various retail uses and fast food restaurants.

All of the uses within the subject building, and all of the properties immediately surrounding the overall site are developed with retail, office and personal service uses. 50 percent of the business will be retail sales while the other 50 percent will consist of the installation of audio equipment, accessories and window tint limited to one service bay inside the rear portion of the tenant space. By continuing to prohibit any outdoor work and restricting work to the installation of the audio equipment, car accessories and window tint, the use would continue to be compatible with the surrounding zoning and land uses.

Prepared By:

Josue De La Vega  
Development Planner

Date: February 7, 2013

Reviewed By:

Neil Montgomery  
Director of Planning

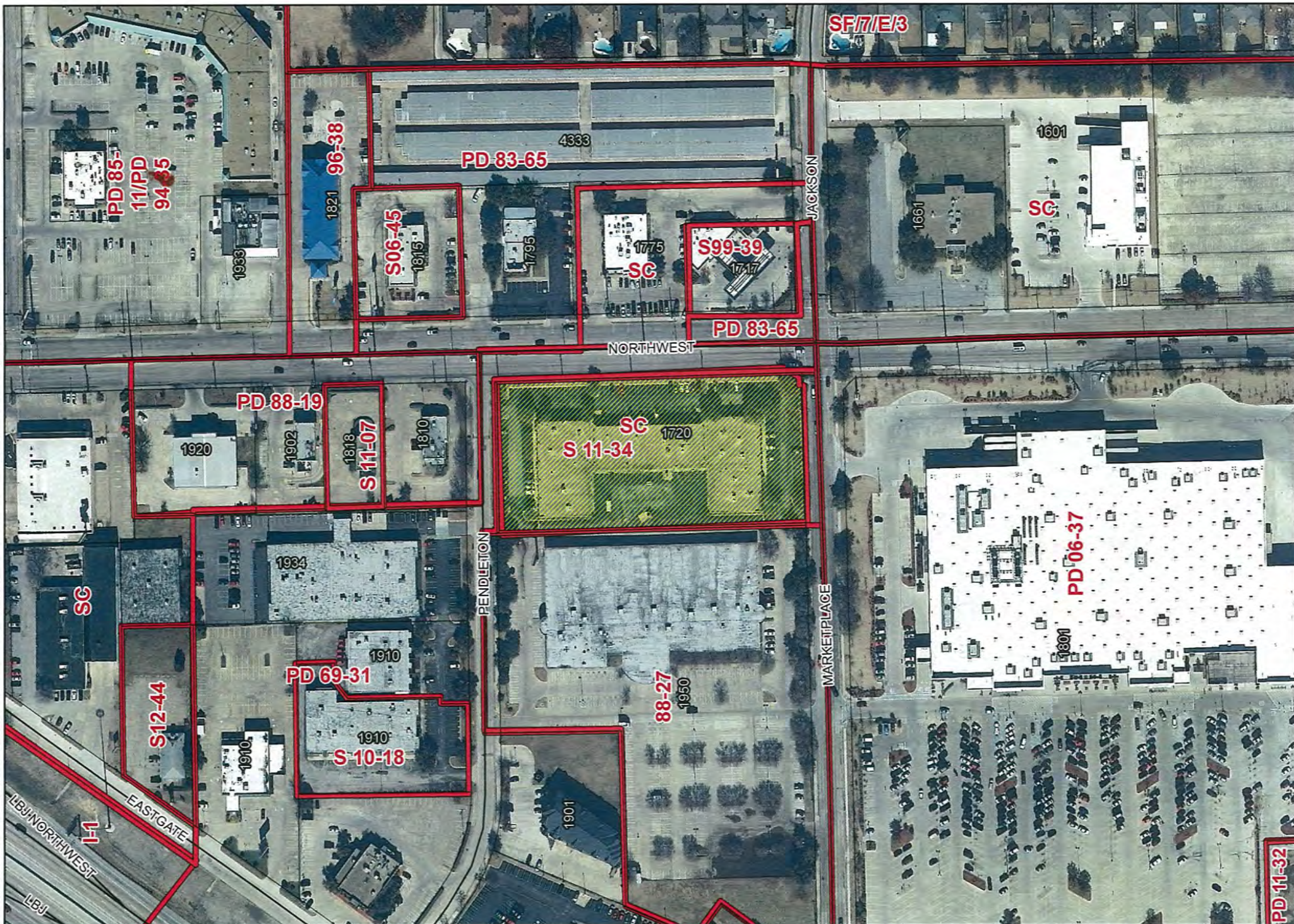
Date: February 8, 2013

Reviewed By:


William E. Dollar  
City Manager

Date: February 12, 2013





**ZONING Z 13-03**

 INDICATES AREA OF REQUEST



## **SPECIFIC USE PERMIT CONDITIONS**

### **ZONING FILE 13-03**

#### **1750 Northwest Highway, Suite 250 B**

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow for the operation of an Automotive Repair, Minor (Audio Automotive Installation) subject to conditions.
- II. **Statement of Effect:** This permit 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 of the Shopping Center (SC) District set forth in Sections 24 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 15 year time period and shall be tied to **Garland's 5 Star Custom Car Audio**.
  - B. Site Plan: Refer to Exhibit C for site plan.
  - C. Allowed Use: The operation shall be limited to the sales, installation/modification and service of automotive audio, video, window tint or related car accessories. The service or repair of automotive mechanical parts or frame or exterior repair shall not be allowed by this Specific Use Permit.
  - D. Installation Work: All installation and service work shall be conducted inside the building in the designated service area.



## **Z 13-03**

Specific Use Permit for Auto Repair, Minor on property zoned  
Shopping Center (SC) District;  
1750 Northwest Highway, Suite 250B



Looking north from the subject site across Northwest Highway (PD 83-65 for Business Uses and Shopping Center District).



Looking east from the subject site across Market Place Drive at the service side of Wal-Mart (PD District 06-37 for Freeway Uses).



Looking south from the subject site at the service side of the bowling center (PD District 88-27 Indoor Commercial Amusement).



Looking west from the subject site across Pendleton Drive at the adjacent property (PD District 88-19 for General Business Uses).

## REPORT & MINUTES

P.C. Meeting, January 28, 2013 (7 Members Present)

Consideration of the application of Juan Miguel Rodriguez, requesting approval of a Specific Use Permit for Auto Repair, Minor on property zoned Shopping Center (SC) District within the Interstate Highway 635 Overlay District. The property is located at 1750 Northwest Highway Suite 250B. (File 13-03)

This applicant was not present and there were no other speakers.

**Motion** was made by Commissioner Welborn, seconded by Commissioner O'Hara to **approve** the Specific Use Permit for a period of 15 years tied to Garland's 5 Star Custom Car Audio as recommended by staff. **Motion carried: 7 Ayes, 0 Nays.**



**Z 13-03 – Juan Miguel Rodriguez:**

**There were no replies received for this zoning case.**