AGENDA

REGULAR MEETING OF THE CITY COUNCIL
City of Garland
Council Chambers, City Hall
200 North Fifth Street, Garland, Texas
April 2, 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) 205-2404 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 March 19, 2013 Regular Meeting.**

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

   a. **Galvanized Steel Transmission Monopoles** **Bid No. 3378-13**

Techline, Inc.	**$291,714.14**
Contingency	**29,000.00**
	$320,714.14

   This request is for the purchase of five galvanized steel transmission monopoles and all associated materials needed for the Miller Road Bridge Relocation project.

   b. **Trailer Mounted Cable Puller/Tensioner** **Bid No. 3440-13**

   TSE International, Inc. **$301,435.00**

   This request is for the purchase of a trailer mounted single v-groove cable puller/tensioner with self-loading reel control to be used by Garland Power & Light in their daily operations.

   c. **CodeRED Emergency Notification System** **Bid No. 3475-13**

   Emergency Communications Network Network, Inc. **$121,391.16**

   This request will provide emergency telephone, text and email notification service to Garland residents who register to receive such notifications. This service, referred to as CodeRED, is for emergency notifications including automated severe weather warning notifications initiated by the National Weather Service.

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. 13-06, Total Pharmacy Ennis

Consider an ordinance amending the zoning laws of the City of Garland by approving an amendment to Planned Development (PD) 90-23 for Industrial Uses, including a Health Care Practitioner's Office to add Pharmacy as a Permitted Use, on a 6.887-acre tract of land located at 2046 Forest Lane, east of South Shiloh Road and south of Forest Lane.

b. Zoning File No. 13-07, Leonel Gonzalez

Consider an ordinance amending the zoning laws of the City of Garland by approving a change in zoning from Agriculture (AG) District to Single Family (SF/7/D/3) District, on 0.209-acre and 0.198-acre tracts of land located north of Rowlett Road and northeast of South Country Club Road.

4. Consider by minute action authorizing the City Manager to execute a design contract with R-Delta Engineers, Inc.

Funding for Fifth Street Improvements from Miller Road to Kingsley Road was included in the approved 2013 Capital Improvements Program. Staff has negotiated a contract with a local firm, R-Delta Engineers, Inc., in the amount of $154,340 for the survey and design of paving, drainage and utility improvements for Fifth Street from Ridgedale Drive to Kingsley Road. The remaining section of Fifth Street from Miller Road to Ridgedale is being designed by others.

5. Consider an ordinance naming streets located between Hebron Drive and Country Club.

Two small street segments linking Country Club Road and Hebron Drive are unnamed. Council was requested to consider naming these streets to expedite service by emergency vehicles at the March 5, 2013 Work Session. A public hearing was held at the March 19, 2013 Regular Meeting.

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 regarding the 2013-2014 CDBG, HOME, and ESG Funding.

At the April 1, 2013 Work Session, Council was provided information regarding the available funding and applications received for the CDBG, HOME, and ESG 2013-2014 budget year. As part of the review process, a public hearing is needed to obtain comments from any interested parties.

7. Hold public hearings on the following zoning cases:

a. Consider the application of Douglas Properties, Inc. requesting approval of 1) a change in zoning from Planned Development (PD) District 70-52 for Apartments, Retail, and Townhouses to a Planned Development (PD) District for Single Family Uses and 2) a Concept Plan. The property is a 51.85 acre tract of land located north of East Miller Road and east of East Centerville Road, Garland, Texas. (File Z13-01, 2013)

The proposal is for the approval of a change in zoning to allow the development of a single-family subdivision. At the March 11, 2013 meeting, the Plan Commission (by a 7 to 0 vote) recommended approval of the request as outlined with the addition of a tiered system for dwelling unit size outlined by staff.

b. Consider the application of Restoration Community Fellowship Church requesting approval of a Specific Use Permit for Kindergarten, Preschool or Child Care Center on property zoned Planned Development (PD) 78-87 District for Retail Uses and in the IH 635 Overlay District. The property is located at 2121 Northwest Highway, Suite 116, Garland, Texas. (File Z 13-08, 2013)

The proposal is for the approval of a Specific Use Permit to continue to operate a child care center, under new management within the existing tenant space. At the March 11, 2013 meeting, the Plan Commission (by a 7 to 0 vote) recommended approval of the request per staff recommendation.

c. Consider the application of Wal-Mart Real Estate Business Trust requesting approval of 1) a Specific Use Permit for Retail Sales with Gas Pumps and 2) a variance to section 10-200 of the Comprehensive Zoning Ordinance No. 4647 regarding the minimum required parking count on property zoned Shopping Center (SC) District. The property is located at 101 West Buckingham Road, Garland, Texas. (File Z 13-09, 2013)

The proposal is for approval of a Specific Use Permit for Gas Pumps and a Service Kiosk as part of the redevelopment of the site with a Wal-Mart Neighborhood Market. The applicant is also requesting a variance to accommodate the two required parking spaces for the gas station on the grocery store parking area. At the March 11, 2013 meeting, the Plan Commission (by a 7 to 0 vote) recommended approval of the request as presented by the applicant.

d. Consider the application of C1S Group requesting approval of a Specific Use Permit for a High Risk Use on property zoned Industrial-1 (I-1) District. The property is located at 3414 Hermann Drive, Garland, Texas. (File Z 13-10, 2013)

The proposal is for the approval of a Specific Use Permit for a High Risk Use which will allow the addition of manufacturing equipment that will utilize hazardous materials within the existing building. At the March 11, 2013 meeting, the Plan Commission (by a 7 to 0 vote) recommended approval of the request per staff recommendation.

8. 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.

9. 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, March 19, 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:	Deputy City Manager	Martin Glenn
	City Attorney	Brad Neighbor
	City Secretary	Lisa Palomba

CALL TO ORDER: The meeting was called to order by Mayor Ronald Jones. Councilwoman Anita Goebel led the Invocation and the Pledge of Allegiance.

CEREMONIALS: Mayor Jones recognized Library Board Chairperson Bettye Haynes and other Library Board members accepting the Texas Municipal Library Director's Association Achievement of Excellence Award for the Nicholson Library for 2012. Mayor Jones also awarded a proclamation to Gary Holcomb and members of the Purchasing Department Staff proclaiming March 2013 as Purchasing and Supply Management Month.

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 Councilwoman Goebel, seconded by Deputy Mayor Pro Tem Edwards, to approve Items: 1; 2a; 2b; 2c; 2d; 2e; 3; 4; 5; 6; 7; and 8 as presented. A vote was cast and the motion carried with 9 Ayes; 0 Nays.

1. Approved** City Council Meeting minutes of the March 5, 2013 Regular Meeting.

2a. Approved** Award of Bid No. 3353-13 to H-Tech Industrial Services, Inc. in the amount of $1,000,000.00 to provide boiler repairs on an as needed basis for the Olinger and Spencer Power Plants.

2b. Approved** Award of Bid No. 3386-13 to Hydraulic Mudpumps (Polyurethane Foam) in the amount of $95,475.00 and Hydraulic Mudpumps (Polyurethane System) in the amount of $53,149.20 for a total amount of $148,624.20 for the purchase

of Polyurethane Pavement Lifting System and a term contract for the required lifting foam for the Street Department to use in daily operations.

2c. Approved** Award of Bid No. 3438-13 to Reliable Chevrolet in the amount of $109,588.68 for the purchase of one Chevrolet Tahoe and three Chevrolet Caprice vehicles to be used by the Garland Police Department in daily operations.

2d. Approved** Award of Bid No. 3447-13 to Bond Equipment Company, Inc. in the amount of $165,192.00 for the purchase of a cab and chassis for a Crane Carrier Side Loader truck to be used by the Environmental Waste Services Department to use in daily operations.

2e. Approved** Award of Bid No. 3374-13 to Hughes Supply in the amount of $479,600.00 and to Techline, Inc. in the amount for 178,276.80 to provide underground primary cable for warehouse inventory to support Garland Power & Light's maintenance and repair projects.

3. Approved** Approve Resolution No. 10096 authorizing the publication of Notice of Intent to Issue Certificates of Obligation not to exceed a principal amount of $14 million. The issuance of Certificates of Obligation will fund various projects in the Capital Improvement Program approved on February 5, 2013.

4. Approved** Approve Resolution No. 10097 supporting House Bill 718 relating to optional annuity increases for certain retirees and beneficiaries of the Texas Municipal Retirement System.

5. Approved** Approve Resolution No. 10098 abandoning and approving the sale of a portion of City-owned right-of-way adjacent to 2318 Monarch Drive to Hung Pham in the amount of $1,189.00; authorizing the Mayor to execute a deed conveying the property to the buyer.

6. Approved** Approve Resolution No. 10099 authorizing the City Manager to execute an one-year Interlocal agreement in the amount of $107,674 with the City of Dallas for Bio-Tel System services for medical control and emergency medical services.

7. Approved** Approve by minute action authorizing the City Manager to execute a Transmission Operator, Maintenance, and Construction Service Agreement with Texas Municipal Power Agency. Garland Power & Light and Texas Municipal Power

Agency (TMPA) desire to replace the existing Transmission Operator Service Agreement that was entered into in May 2008 with a new agreement that expands the function to be performed by Garland Power & Light to include, among other functions, maintenance and construction management in relation to the TMPA transmission system.

8.Approved** Approve Ordinance No. 6596 amending the Annual Operating Budget for Fiscal Year 2012-2013 authorizing the appropriation of additional funds to the Electric Utility Fund for expenses associated with assumption of maintenance and operation of the Texas Municipal Power Agency Transmission System.

ITEMS FOR INDIVIDUAL CONSIDERATION:

9. Held and Approved Mayor Jones opened the public hearing to consider public input regarding unnamed street segments between Country Club Road and Hebron Drive. Senior Managing Director of Development Services Neil Montgomery provided background information. No citizens spoke during the public hearing. Mayor Jones closed the Public Hearing and Councilwoman Goebel made a motion, seconded by Deputy Mayor Pro Tem Edward to name the longer street “Power View” and the shorter street “Fedora”. A vote was cast and the motion carried with 9 ayes, 0 nays.

10. Held and Approved Mayor Jones opened the public hearing to receive citizen input in consideration of a request from Viking Fence Co., Ltd. for a waiver of the roadway impact fee for the development of property located at 2955 Industrial Lane. Neil Montgomery, Senior Managing Director of Development Services provided background information related to the request. The Applicant, Salvador Chavarria, spoke in favor of the request. Mayor Jones closed the public hearing. Mayor Pro Tem Willis made a motion, seconded by Councilman B.J. Williams, to approve the request for waiver of roadway impact fee for the development of property located at 2955 Industrial Lane. A vote was cast and the motion carried with 9 ayes, 0 nays.

11a. Held and Approved Mayor Jones opened the public hearing to consider the application of Total Pharmacy Ennis requesting approval of an amendment to Planned Development (PD) District 90-23 for Industrial Uses including a Health Care Practitioner’s Office to add Pharmacy as a permitted use. The property is located at 2046 Forest Lane. (File 13-06). Neil Montgomery provided

background information regarding the request. No citizens spoke during the public hearing. Mayor Jones closed the public hearing. Councilman Cahill made a motion, seconded by Councilwoman Dodson, to approve the application as recommended by the Plan Commission and directed staff to bring forth an ordinance for consideration. A vote was cast and the motion carried with 9 ayes, 0 nays.

11b.Held &Approved — Mayor Jones opened the public hearing to hear the request of Leonel Gonzales, requesting approval of a change in zoning from Agriculture (AG) District to Single-Family (SF/7/D/3) District. The property is located at 5010 - 5014 Country Club Drive, north of Rowlett Road and northeast of South Country Club Road (File 12-07). Senior Managing Director of Development Services Neil Montgomery provided background information regarding the request. No citizens spoke during the public hearing. Mayor Jones closed the public hearing. Deputy Mayor Pro Tem Edwards made a motion, seconded by Mayor Pro Tem Willis, to approve the request as recommended by the Plan Commission and directed staff to bring forth and ordinance for consideration. A vote was cast and the motion carried with 9 ayes, 0 nays.

12. Boards/Commissions — Councilwoman Goebel nominated Chester Johnson to the Plan Commission. A vote was cast and the nomination carried with 9 ayes, 0 nays.

13. CITIZEN COMMENTS — No one spoke.

There being no further business to come before the City Council, Mayor Jones adjourned the meeting at 7:29 p.m.

CITY OF GARLAND

Signed:

_____

Mayor Ronald Jones

Attest:

_____

Lisa Palomba, City Secretary

GARLAND
PURCHASING

Bid No.: 3378-13
Agenda Item:
Meeting: Council
Date: 04/02/13

Purchasing Report

GALVANIZED STEEL TRANSMISSION MONOPOLES
OPEN MARKET

PURCHASE JUSTIFICATION:

The purpose of this Contract is to provide five (5) Galvanized Steel Transmission Monopoles and associated materials required for the Miller Road Bridge Relocation project. Due to the size and complexity of the project, an optional contingency is included for unforeseen changes or additional materials that may be required. This is an approved Capital Improvement project. Expenses will not exceed appropriated funds.

AWARD RECOMMENDATION:

Vendor	*Item*	*Amount*
Techline, Inc.	All	$291,714.14
Contingency		29,000.00
	TOTAL:	$320,714.14

BASIS FOR AWARD:

Lowest Responsible Bid

Submitted by:

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

Date: 03/22/13

Reviewed by:

William E. Dollar
City Manager

Date: 3/26/13

FINANCIAL SUMMARY:

Total Project/Account: $ 800,000

Expended/Encumbered to Date: -0-

Balance: $ 800,000

This Item: 320,714

Proposed Balance: $ 479,286

Trent Schulze — Budget Analyst — 03/25/13 Date

Ron Young — Budget Director — 03/25/13 Date

Operating Budget: ☐ **CIP:** ☒ **Year:** 2013

Document Location: Page E01

Account #: 21-3599-3140801-6051
(EC-T5408-001-1-6051)

Fund/Agency/Project – Description:
Electric CIP Fund (Cash-Funded) /
Transmission Lines – Miller Road Bridge Relocation

Comments: Provides five (5) poles and associated materials required for Miller Road Bridge Relocation project. Amount includes optional contingency for unforeseen changes or additional materials that may be required.

CITY OF GARLAND - BID RECAP SHEET
OPENED: 03/07/2013
REQ. NO. 31134
BID NO. 3378-13
PAGE: 1 of 1
BUYER: R,Berger

ITEM	QTY	UNIT	DESCRIPTION	TECHLINE INC. UNIT PRICE	TECHLINE INC. TOTAL	HUGHES SUPPLY UNIT PRICE	HUGHES SUPPLY TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	ea	Line item 1-31 Pole Hardware		$63,469.90		no bid				
32	1	ea	BOM 80 100 ft monopole		$22,027.00		$31,897.00				
33	1	ea	BOM 81 105 ft monopole		$23,756.00		$33,130.00				
34	1	ea	BOM 83 95 ft monopole		$48,063.00		$53,611.00				
35	2	ea	BOM 84 105 ft monopole		$123,678.00		$123,110.00				
36	12	ea	BOM 91 vibration damper		$442.56		no bid				
37	4	ea	BOM 92 vibration damper		$78.48		no bid				
38	1	ls	Foundation Anchor Bolt Assy		$9,995.00		no bid				
39	90	ft	ML1012/0 copper ground wire		$198.00		no bid				
			TOTAL GROSS PRICE		$291,707.94		$241,748.00				
			CASH DISCOUNT								
			TOTAL NET PRICE		$291,707.94		$241,748.00				
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DELIVERED	
			DELIVERY								

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

$456.000 # BidSync Notifications
$21.000 # BidSync HUBS
$1.000 # Direct Contact HUBS
$0.000 # 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.

GARLAND

PURCHASING

Executive Summary
Bid 3378-13
Galvanized Steel Transmission Monopoles

Recommended Vendor:

Techline, Inc.

Total Recommended Award:

$320,714.14

Basis for Award:

Lowest Responsible Bid

Purpose:

The purpose of this bid is to purchase five (5) galvanized steel transmission monopoles and all associated materials needed for the Miller Road Bridge Relocation project.

Evaluation:

Notification of a Pending Request for Bids was issued per purchasing procedures. Two (2) bids were received and evaluated. Hughes Supply was low on one of the monopoles, but did not quote the associated materials required to complete the project.

Recommendation:

Techline, Inc. is the recommended lowest responsible bidder quoting all items.

Funding Information:

215-3599-3140801-6051 (EC-T5408-001-1-6051)

Department Director:

Tommy Weathersbee, Transmission and Distribution Director, 972-205-3532

GARLAND
PURCHASING

Bid No.:	3440-13
Agenda Item:	
Meeting:	Council
Date:	04/02/13

Purchasing Report

TRAILER-MOUNTED CABLE PULLER/TENSIONER
OPEN MARKET

PURCHASE JUSTIFICATION:

This request is for the purchase of a Trailer-Mounted Cable Puller/Tensioner to be used by Garland Power & Light in their daily operations. This equipment will be used for installing new conductor or reconductoring existing circuits without requiring the use of a crane. This unit was approved in the 2013 Capital Improvement Program.

AWARD RECOMMENDATION:

Vendor	*Item*	*Amount*
TSE International, Inc.	1	$301,435.00
	TOTAL:	$301,435.00

BASIS FOR AWARD:

Straight Low Bid

Submitted by:

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

Date: 03/22/13

Reviewed by:

William E. Dollar
City Manager

Date: 3/26/13

FINANCIAL SUMMARY:

Total Project/Account:	$ 375,000
Expended/Encumbered to Date:	-0-
Balance:	$ 375,000
This Item:	301,435
Proposed Balance:	$ 73,565

Trent Schulze	03/25/13
Budget Analyst	Date
Ron Young	03/25/13
Budget Director	Date

Operating Budget: ☐ **CIP:** ☒ **Year:** 2013

Document Location: Page E01

Account #: EC-T7412-00116051

Fund/Agency/Project – Description:
Electric CIP Fund (Revenue Bond Construction) / Transmission Lines – Trailer-Mounted Cable Puller/Tensioner

Comments:
Equipment to be used for installing new conductor or reconductoring existing circuits without requiring use of crane.

CITY OF GARLAND - BID RECAP SHEET
OPENED: 03/21/13
REQ. NO. PR 31221
BID NO. 3440-13
PAGE: 1 of 1
BUYER: T. Smith

ITEM	QTY	UNIT	DESCRIPTION	TSE International, Inc. UNIT PRICE	TSE International, Inc. TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	ea.	Trailer-Mounted cable puller/ tensioner	$301,435.00	**$301,435.00**						
			TOTAL GROSS PRICE		$301,435.00						
			CASH DISCOUNT								
			TOTAL NET PRICE		$301,435.00						
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DELIVERED	
			DELIVERY								

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

836 # BidSync Notifications
31 # BidSync HUBS
1 # 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. UNIT PRICE	Duval Sons, Inc. TOTAL	Mueller Service Co. UNIT PRICE	Mueller Service Co. TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
DELIVERED		DELIVERED		DELIVERED		DELIVERED	

GARLAND

PURCHASING

Executive Summary
Bid 3440-13
Trailer Mounted Cable Puller/Tensioner

Recommended Vendor:

TSE International, Inc.

Total Recommended Award:

$301,435.00

Basis for Award:

Straight Low Bid

Purpose:

The purpose of this contract is to purchase a trailer mounted single v-groove cable puller/tensioner with self-loading reel control to be used by Garland Power and Light in their daily operations.

Evaluation:

Request for bids were issued in accordance with Purchasing procedures. Although 836 requests were issued, only one bid was received due to the specialized nature of the equipment.

Recommendation:

Staff recommends awarding the trailer mounted cable puller/tensioner to TSE International, Inc.

Funding Information:

EC-T7412-00116051

Department Director:

Terry Anglin, Fleet Director, 972-205-3524

GARLAND
PURCHASING

Bid No.:	3475-13
Agenda Item:	
Meeting:	Council
Date:	04/02/13

Purchasing Report

CodeRED EMERGENCY NOTIFICATION SERVICE
TERM CONTRACT

PURCHASE JUSTIFICATION:

The purpose of this Contract is to provide emergency telephone, text, and email notification service to Garland residents who register to receive such notifications. This service, referred to as CodeRED, is to be used for emergency notifications and includes automated severe weather warnings initiated by the National Weather Service. The CodeRED service is available through a General Services Administration (GSA) contract. Pricing will remain consistent with the GSA contract.

AWARD RECOMMENDATION:

Vendor	***Item***	***Amount***
Emergency Communications Network, Inc.	ALL	$121,391.16
	TOTAL:	$121,391.16

BASIS FOR AWARD:

Cooperative Contract

Submitted by:

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

Date: 03/22/13

Reviewed by:

William E. Dollar
City Manager

Date: 03/26/13

FINANCIAL SUMMARY:

Total Project/Account:	$ 150,000
Expended/Encumbered to Date:	-0-
Balance:	$ 150,000
This Item:	121,391
Proposed Balance:	$ 28,609

Trent Schulze	03/25/13
Budget Analyst	Date
Ron Young	03/25/13
Budget Director	Date

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

Document Location: Electric – p. 207; Water – p. 274

Account #: 211-7777-7111
221-7777-7111

Fund/Agency/Project – Description:
Electric and Water Non-Departmental – CodeRED Emergency Notification Service

Comments:
Contract provides emergency telephone, text, and email notification service to Garland residents registered to receive such notifications.

CITY OF GARLAND - BID RECAP SHEET
OPENED: 03/01/13
REQ. NO.
BID NO. 3475-13
PAGE: 1 of 1
BUYER: Bob Bonnell, C.P.M., MCP

ITEM	QTY	UNIT	DESCRIPTION	Emergency Communication Network Inc. UNIT PRICE	Emergency Communication Network Inc. TOTAL						
1	1	LT	Emergency Notification Service		$121,391.16						
			GSA Contract GS-35F-0253W								
			TOTAL GROSS PRICE		$121,391.16						
			CASH DISCOUNT								
			TOTAL NET PRICE		$121,391.16						
			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 3475-13
Code Red Emergency Notification Service

Recommended Vendor:

Emergency Communications Network, Inc.

Total Recommended Award:

$121,391.16

Basis for Award:

Cooperative Purchase

Purpose:

The purpose of this contract is to provide emergency telephone, text and email notification service to Garland residents who register to receive such notifications. This service, referred to as CodeRED, is for emergency notifications including automated severe weather warning notifications initiated by the National Weather Service.

Evaluation:

The City has been using CodeRED successfully for approximately six (6) years. The new contract term is provided through the General Services Administration (GSA) contract GS-35F-0253W. The new contract term will expire February 2015.

Recommendation:

Staff recommends awarding the contract for the emergency notification service to Emergency Communications Network, Inc.

Funding Information:

451-6999 Blanket Contract Account

Department Director:

Dorothy White, Public & Media Affairs Manager, 972-205-2371

City Council Item Summary Sheet

☐ **Work Session**

☒ **Agenda Item**

Date: April 2, 2013

Zoning Ordinance

Summary of Request/Problem
Zoning Ordinance 13-06 – Total Pharmacy Ennis

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. 13-06

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING AN AMENDMENT TO PLANNED DEVELOPMENT (PD) 90-23 FOR INDUSTRIAL USES INCLUDING A HEALTH CARE PRACTIONER'S OFFICE TO ADD PHARMACY AS A PERMITTED USE, ON A 6.887-ACRE TRACT OF LAND LOCATED AT 2046 FOREST LANE, EAST OF SOUTH SHILOH ROAD AND SOUTH OF FOREST LANE; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 25th day of February, 2013, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Total Pharmacy Ennis**; 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 an amendment to Planned Development (PD) 90-23 for Industrial Uses including a Health Care Practitioner's Office to add Pharmacy as a Permitted Use, on a 6.887-acre tract of land located at 2046 Forest Lane, east of South Shiloh Road and south of Forest Lane, 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. 13-06

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 13-06

BEING all of Lot 2, Block 1, Kraft Foods Addition, recorded in Volume 86054, Page 781, Map Records, Dallas County, Texas. This property is located at 2046 Forest Lane, Suite 140, east of South Shiloh Road and south of Forest Lane.

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE 13-06

2046 Forest Lane

I. **Statement of Purpose:** The purpose of this Planned Development District is to permit industrial uses, medical office and pharmacy uses 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 Industrial 1 (I-1) District set forth in Section 29 and Section 32 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.

IV. **Development Plans:**

A. No Detail Plan is required as part of the Planned Development District.

V. **Specific Regulations:**

A. Permitted Uses: All uses of the Industrial-1 (I-1) District shall be permitted including medical office/clinic and pharmacy.

EXHIBIT B

City Council Item Summary Sheet

☐ **Work Session**

☒ **Agenda Item**

Date: April 2, 2013

Zoning Ordinance

Summary of Request/Problem
Zoning Ordinance 13-07 – Leonel Gonzalez

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. 13-07

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING A CHANGE IN ZONING FROM AGRICULTURE (AG) DISTRICT TO SINGLE FAMILY (SF/7/D/3) DISTRICT, ON 0.209-ACRE AND 0.198-ACRE TRACTS OF LAND LOCATED NORTH OF ROWLETT ROAD AND NORTHEAST OF SOUTH COUNTRY CLUB ROAD; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 25th day of February, 2013, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Leonel Gonzalez**; 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 Agriculture (AG) District to Single Family (SF/7/D/3) District, on 0.209-acre and 0.198-acre tracts of land located north of Rowlett Road and northeast of South Country Club Road, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2.

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

Section 3.

Violation of this Ordinance shall be a misdemeanor punishable in accordance with Section 10.05 of the Code of Ordinances, City of Garland, Texas.

Section 4.

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

FILE NO. 13-07

PASSED AND APPROVED this_____ day of _____, 2013.

THE CITY OF GARLAND, TEXAS

By:

_____
Mayor

ATTEST:

_____
City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 13-07

BEING a part of Lot 10, of North Rose Hill Addition, an addition to the City of Garland, Dallas County, Texas, according to the map or plat thereof recorded in Volume 10, Page 5, Map Records, Dallas County, Texas, and being the same tract of land described in deed to Victor Del Rosario and Leticia Del Rosario, recorded in Volume 98191, Page 627, Deed Records, Dallas County, Texas and being more particularly described as follows:

Beginning at a ½ inch diameter iron rod with a red plastic cap stamped "RPLS 4888" set for corner in the Northeast line of South Country Club Road, a 60-foot wide public right-of-way, at the South corner of Lot 12A, of North Rose Hill Addition, an addition to the City of Garland, Dallas County, Texas according to the plat thereof recorded in Volume 20000055, Page 386, Map Records, Dallas County Texas;

Thence North 45 deg. 34 min. 25 sec. East, a distance of 136.02 feet to a ½ inch diameter iron rod with a red plastic cap stamped "RPLS 4888" set for corner in the Southwest line of a replat of Seville Place, an addition to the City of Garland, Dallas County, Texas, according to the plat thereof recorded in Volume 98245, Page 6, Map Records, Dallas County, Texas, said point being the East corner of said Lot 12A;

Thence South 45 deg. 01 min. 10 sec. East along said Southwest line, a distance of 66.97 feet to a ½ inch diameter iron rod with a red plastic cap stamped "RPLS 4888" set for corner;

Thence South 45 deg. 34 min. 25 sec. West, a distance of 136.02 feet to a ½ inch diameter iron rod with a red plastic cap stamped "RPLS 4888" set for corner in the said Northeast line of South Country Club Road;

Thence North 45 deg. 01 min. 10 sec. West, a distance of 66.97 feet to the PLACE OF BEGINNING and containing 9,108 square feet or 0.209 of an acre of land; **AND**

BEING a part of Lots 8 and 10, of North Rose Hill Addition, an addition to the City of Garland, Dallas County, Texas, according to the map or plat thereof recorded in Volume 10, Page 5, Map Records, Dallas County, Texas, and being the same tract of land described in deed to Victor Del Rosario and Leticia Del Rosario, recorded in Volume 98191, Page 627, Deed Records, Dallas County, Texas and being more particularly described as follows:

Beginning at a ½ inch diameter iron rod with a red plastic cap stamped "RPLS 4888" set for corner at the intersection of the Northeast line of South Country Club Road, a 60-foot wide public right-of-way, with the Northwest line of a tract of land described in deed to Shelia Watkins, recorded in Volume 96192, Page 4088, Deed Records, Dallas County, Texas;

Thence North 45 deg. 01 min. 10 sec. West, along said Northeast line, a distance of 63.43 feet to a ½ inch diameter iron rod with a red plastic cap stamped "RPLS 4888" set for corner;

Thence North 45 deg. 34 min. 25 sec. East, a distance of 136.02 feet to a ½ inch diameter iron rod with a red plastic cap stamped "RPLS 4888" set for corner in the Southwest line of a replat of Seville Place, and addition to the City of Garland, Dallas County, Texas, according to the plat thereof recorded in Volume 98245, Page 6, Map Records, Dallas County, Texas;

Thence South 45 deg. 01 min. 10 sec. East along said Southwest line, a distance of 63.43 feet to a ½ inch diameter iron rod found at the North corner of said Watkins tract;

Thence South 45 deg. 34 min. 25 sec. West, a distance of 136.02 feet to the PLACE OF BEGINNING and containing 8,627 square feet or 0.198 of an acre of land.

EXHIBIT A

City Council Item Summary Sheet

☐ **Work Session**

☒ **Agenda Item**

Date: **April 2, 2013**

Design Contract – Fifth Street – Ridgedale Drive to Kingsley Road

Summary of Request/Problem

Funding for Fifth Street Improvements from Miller Road to Kingsley Road was included in the approved 2013 Capital Improvements Program.

Staff has negotiated a contract with a local firm, R-Delta Engineers, Inc., in the amount of $154,340 for the survey and design of paving, drainage and utility improvements for Fifth Street from Ridgedale Drive to Kinglsey Road. The remaining section of Fifth Street from Miller Road to Ridgedale is being designed by others.

Council action is required to authorize the City Manager to execute the contract.

Recommendation/Action Requested and Justification

Authorize the City Manager to execute the proposed contract by Minute Action

Attachments:
Proposed Contract
2013 CIP Sheet ST22

Submitted By:	**Approved By:**
Michael C. Polocek **Director of Engineering**	**William E. Dollar** **City Manager**

ENGINEERING SERVICES CONTRACT

This Engineering Services Contract ("Contract") is made and entered by and between the City of Garland, Texas (the "City") and R-Delta Engineers, Inc. (the "Engineer")

Section 1. Scope of Project.

Fifth Street

Provide surveying and engineering services as described herein and in the attached R-Delta Engineers, Inc. proposal dated March 4, 2013 (Attachment 'A') necessary to design approximately 1,500 linear feet of pavement, drainage, water, and wastewater along Fifth Street between Ridgedale Drive and Kingsley Road:

Estimated Design Fee: $154,340.00

Section 2. Description of Services.

(A) Preliminary Phase:

For the Preliminary Phase of the Project, Engineer shall:

(1) Arrange and attend preliminary conferences with interested parties regarding the project including, but not limited to, the various utility services of the City, including but not limited to Atmos Energy, ONCOR Electric, AT&T, Verizon, Garland Power and Light, North Texas Municipal Water District, Time Warner, and GISD as necessary to complete the preliminary design.

(2) Review previously prepared construction plans, land records, or other pertinent documents on file in the Engineering Department of the City and other appropriate agencies.

(3) Prepare a project layout sheet showing preliminary alignment, general utility and drainage structure locations, property lines and owners and submit in City approved micro station format as well as a hard copy.

(4) Prepare a preliminary engineering report for the project in sufficient detail to indicate generally the problems involved and alternate solutions available to the City. The report shall include, but not be limited to, the items contained in the Project Checklist included in Appendix "A" of this contract. A copy of the completed Project Checklist must be included in the preliminary engineering report. The report shall contain schematic layouts, sketches, or conceptual design criteria with appropriate exhibits, all in sufficient detail to indicate clearly the considerations involved including, but not limited to, construction cost, existing and proposed rights-of-way or easements, constructability, s ignificant stands of trees or other natural features, floodplain locations, city and franchise utility locations, investigation and analysis of all federal and state permits, and maintenance of traffic flow or other City services during construction. The report shall also include opinions of probable costs for the project and the recommendations of the Engineer. Include in the preliminary engineering report, a preliminary drainage area map showing drainage areas, run-off coefficients in accordance with the type of City zoning, major points of concentration, size of area in acres, and the

calculated quantity of run-off at each point of concentration in cubic feet per second.

(5) Furnish the City two (2) copies of the preliminary data, including preliminary layouts and cost estimates.

(6) Recommend the City in determining a final alternative for the design phase. Following the submittal of the preliminary engineering report, a plan review conference will be held to discuss and review the report. The Engineer will make necessary corrections and revisions resulting from the plan review conference and submit two (2) sets of Preliminary Plans to the City for review for substantial completion.

(B) Surveying Phase for Design and Construction:

In preparing and executing surveys for the design and construction of the project, the Engineer shall:

(1) Establish permanent monumentation for horizontal and vertical project control. The project shall be tied to the North Central Zone (4202) Texas Coordinate System of 1983, (NAD83 96, EPOCH 2002.000), using City established control monuments. NAVD88 datum shall be utilized for vertical control using National Geodetic Survey/Continuously Operating Reference Station (NGS/CORS) monuments or City of Garland geodetic monuments as specified and directed by the City Surveyor. At the discretion of the City Surveyor, static GPS control may be approved.

A) Locate right-of-way lines and corners, property lines and corners, buildings, fence lines, trees 3 inches in diameter and larger, edges of pavements and all other visible surface features with respect to the project control baseline. Existing utility structures shall be located and referenced by utility name (e.g. ONCOR Electric, TXU Gas, Verizon, Etc.)

B) Vertical topographic information tying pavement, drives, walls, manholes (top and inverts), storm drain inlets (top and inverts), and other improvements as needed within the project areas for the design.

(2) Research City, County, State, or other documents as necessary, and establish the location of existing boundary lines and easements for the project. Furnish copies of all real estates documents to the City.

(3) In cooperation with the City and other franchised utilities, determine the locations and elevations of existing underground utilities. In particular, locations of major underground franchise facilities shall be shown in all profiles.

(4) Incorporate aerial, topographic, and planimetric survey data provided by the City.

(C) Design Phase:

For the design phase of the project, Engineer shall:

(1) Establish the scope of any soil foundation investigations or any special surveys and tests which, in the opinion of the Engineer, may be required for a proper design of the project and arrange for such work to be done, after approval by the City, at the City's expense.

(2) Furnish to the City the engineering data necessary for applications for routine permits by local, state, and federal authorities (as distinguished from detailed applications and supporting documents for government grant-in-aid or for planning advances).

(3) Prepare detailed specifications and contract drawings for the project. This may include, but shall not be limited to, separate sheets for the following:

Title Sheet with Index and Project Location
Project Layout
R.O.W. Map indicating all existing and proposed R.O.W. & prepare a right-of-way deed map showing the existing right-of-way, lot numbers, subdivision names, volume and page of recorded instruments, street names, and existing proposed rights-of-way and easements easements for the project.
Typical Sections
Prepare Control/Geometric Layout indicating monuments found and set, the relationship of the project baseline or centerline to the monuments, and the benchmarks used and/or set.
Demolition Plan
Bid Item Quantities listed by sheet number and project total
Earthwork Summary
Roadway Plan & Profile
Intersection Layouts
Construction Sequencing and Traffic Control (Utilities)
Construction Sequencing and Traffic Control (Paving)
Final Pavement Markings
Street Light Bases & Conduit
Traffic Signalization & Conduit (Underground & Overhead)
Storm Water Pollution Prevention or Erosion Control Plans
Water Line Plan; and Profile (12" or larger)
Sanitary Sewer Plan and Profile
Drainage Area Map
Run-off Computations
Inlet and Storm Sewer Computations
Storm Sewer Plan & Profile
Culvert Layouts (Plan & Profile)
Storm Lateral Profiles
Drainage Details
Technical Specifications and/or Special Provisions for the project
Retaining Wall Layouts & Details
Roadway Cross-Sections at 50 feet intervals and the centerline of driveways.
Horizontal and vertical utility locations
All Construction Details

All contract drawings shall be submitted on 22" x 34" ('D' size) film mylar sepias **and** in City approved Microstation format. Prior to the start of design, the City

should approve the format. The Engineer shall correlate pay items on drawings with City of Garland Standard pay items in the contract proposal.

(4) During development of specifications the Engineer shall place primary reliance on the Standard Specifications for Public Works Construction -North Central Texas - issued by the North Central Texas Council of Governments, and the City's "Public Works Design Guidelines". During development of contract drawings, the Engineer shall place primary reliance on City approved standard drawings and bid items, (copies of which are available at the Engineering Department, the Texas Manual on Uniform Traffic Control Devices, and the Storm Water Quality Best Management Practices for Construction Activities as supplied by the North Central Texas Council of Governments). The Engineer shall develop the specifications and contract drawings in accordance with all Federal, State, or City specifications or regulations.

(5) A Registered Professional Land Surveyor (RPLS) must prepare, seal and sign the project Right-Of-Way Map(s) with a certification stating that the survey conforms to the minimum standards set forth by the Texas Board of Professional Land Surveying. All monuments located within the project corridor during the course of the survey must be illustrated on the right-of-way map with a project station and offset or coordinates that relate to the project control, whether or not such monuments are used for analysis and/or construction of the project Right-Of-Way. All monuments placed or perpetuating found objects must be reported to the minimum technical standards of the Texas Board of Professional Land Surveying ("TBPLS").

(6) Prepare all necessary property descriptions and 8 1/2 X 11-inch exhibits for needed additional right-of-way and easements. All descriptions and exhibits must conform to the minimum technical standards of the TBPLS and the requirements of the City Surveyor. Right-of-way and easements shall be delineated on and cross-referenced to the appropriate plans and profile sheets. The plan and profile sheets shall clearly indicate all private property that is in conflict with the proposed construction. Two (2) copies of each document sealed by a Texas Registered Professional Land Surveyor shall be submitted. For this project, the number of right-of-way or easement parcels to be compensated for under Basic Services, Section 5(A), shall not exceed two (2). Parcel descriptions beyond this number will be compensated at a rate of $400.00 per parcel.

(7) Submit two (2) sets of preliminary plans to the City (1 set 22"x34" and 1 set 11"x17")

(8) Prepare and include in plans detailed construction signing and barricade plans for traffic control and safety (if needed). Primary reliance shall be placed in the Texas Manual for Uniform Traffic Control Devices. Provisions for construction phasing shall be included.

(9) Prepare and Include Storm Water Pollution Prevention Plan (SWPPP) in accordance with the "Storm Water Quality Best Management Practices for Construction Activities" Manual as distributed by the North Central Texas Council of Governments.

(10) Include appropriate provisions for trench safety as determined by a soil investigation report prepared by separate geotechnical engineers.

(11) Revise and resubmit copies as needed upon review and comment by the City.

(12) Prepare a detailed Opinion of Probable Cost.

(13) Prepare and furnish to the City a mylar copy and five (5) prints of approved plans, specifications and proposal forms using City-approved documents.

(14) Attend Pre-Bid and Pre-Construction Conferences and assist the owner as needed to interpret, clarify, or expand the bid documents. Issue addenda as needed.

(15) Provide computer disks of the completed project files in approved Microstation format to the City.

(16) Submit all necessary documentation for review/approval required by any federal and/or state agency and obtain any permits that may be required. Federal and state agencies may include but not be limited to Texas Department of Licensing and Regulation, Texas Department of Transportation, Federal Emergency Management Agency, Texas State Historical Society, Environmental Protection Agency, Texas Commission for Environmental Quality, etc…Obtain approval under any federal or state general permits that may apply.

(17) Right-of-Way strip map is subject to review by the City Surveyor.

(D) Construction Phase:

For the construction phase of the project, Engineer shall:

(1) Provide complete horizontal and vertical control, which, in the opinion of the City, is adequate for the eventual contractor to re-establish the horizontal and vertical control network for the project.

(2) Provide limited construction phase engineering assistance. When requested by the City, the Engineer will visit the site and consult with the City and the contractor to resolve unusual or unexpected construction problems. The Engineer shall conduct a final project inspection with the City and prepare recommendations concerning items that the Engineer observes during the final inspection that require additional work or adjustment. Provide written responses to request for information on clarifications.

(3) Review the contractor's shop drawings and related submittals with respect to the applicability of the detailed work, when complete, to be a properly functioning integral element of the project designed by the Engineer.

(4) ***After final acceptance of construction by the City, and at the discretion of the City, the Engineer shall require an RPLS:***

(a) ***Establish "permanent" survey monumentation for control throughout the project***

(b) ***Establish right-of-way corridor permanent monumentation at all control points, points of intersection or deflection, points of curvature, points of tangency and intersecting street/block corners.***

(5) ***Definitions:***

(a) ***"Permanent" survey monumentation is described as a 3-1/4" aluminum domed top disc for 5/8" rebar (Berntsen #RBD5325) set in concrete per City specifications.***

(b) ***Control monumentation shall bear the inscription "CONTROL".***

(c) ***Right-of-Way monumentaion shall bear the inscription"RIGHT-OF-WAY".***

(6) Prepare Record Drawings based upon mark-ups and information provided by the City Inspector. Submit the Record Drawings with the as-built changes noted and the date and signature of the Engineer in PDF format to the City Inspector. The page size shall be 22" x 34" with a minimum resolution of 300 dpi. The PDF's must be free from objectionable background, rotated properly and stored in a separate folder on the CD/DVD. The submittal shall also include the record drawings in a Microstation format

Section 3. <u>Time of Completion</u>.

The prompt completion of this project is critical to the progress of the City of Garland Capital Improvements Program. Unnecessary delays to the project shall be grounds for dismissal of the Engineer and termination of this Contract without any or further liability to the City other than a prorated payment for necessary, timely and conforming work done on the project prior to the time of termination. Engineer proposes to complete the Preliminary Phase, Surveying and Design Phases for the entire project within <u>180</u> calendar days. Exhibit "A" is a Bar Graph Schedule showing a breakdown of the major tasks and associated time frames for completion. Upon receiving the notice to proceed, the engineer will submit a new Bar Graph Schedule and submittal dates shown. Upon request by the City, the engineer will prepare a revised schedule.

Section 4. <u>Professional Liability Insurance</u>.

Prior to the commencement of the design phase under this Contract, Engineer shall obtain standard comprehensive professional liability insurance coverage in an amount of at least $500,000.00 aggregate per year, covering the services provided under this Contract, including contractual liability as provided by Section 9 of this Contract. Engineer shall maintain such coverage during all phases of engineering services under this Contract and for one (1) year after substantial completion of the project. The City shall be supplied with a certificate of such coverage, which shall provide for a thirty- (30) day notice to the City, by certified or registered mail, of cancellation, non-renewal, or material alteration.

Section 5. <u>Compensation</u>.

(A) Basic Services:

The Engineer's percentage rate for computation of compensation for the Preliminary Phase, the Surveying Phase, the Design Phase, and the Construction Phase will be based on the negotiated Base Fee between the City and the Engineer as depicted below.

At the date of execution of this contract, the estimated design fees are as follows:

Base Survey and Engineering Fee:	$121,840
Special Services:	$7,500

Unforseen Items:	$25,000
Total Fee:	$154,340

The fee amount identified as Unforeseen Items shall be used at the discretion of the City to pay the Engineer for unforeseen Special Services (Section 5(B)) or Additional Work (Section 6(B)) necessary for the proper design of the construction documents in accordance with the intent of this contract. No portion of this item shall be paid to the Engineer, nor shall the Engineer perform extra work, without written authorization from the City. The City shall retain all Unforeseen Items funds not authorized during the design of the project.

Compensation shall be paid as follows:

1. Upon acceptance of Preliminary and Surveying Phases, 35% of the total compensation, less unforeseen item cost.

2. Upon acceptance of Preliminary Plans, 50% of total compensation, less unforeseen item cost. (Cumulative compensation equal to 85%).

3. Upon acceptance of Final Plans, 10% of total compensation, less unforeseen item cost. (Cumulative compensation equal to 95%).

4. The City shall retain the final 5% of total compensation, less unforeseen item cost, until completion of the final inspection of the Construction Phase of this contract ***and "permanent" monumentation has been established*** as described in Section ***(2(D)4)*** of this contract.

The Engineer may submit monthly, or less frequent, requests for payment based on the estimated completion of the described tasks and approved work schedule. This fee covers all typical cost associated with the project administration, design & development, including, but not limited to, mileage, copies, phone, labor, overhead, maintenance, printing, copying, and all other incidental costs. The Engineer must submit their request for payment using the City's forms as shown in Appendix "B" of this contract, or in a format approved by the City.

(B) Special Services:

The Engineer's compensation for "special services" shall be based on the "Engineer's Established Hourly Rates" a copy of which is attached hereto as Exhibit "B". Statements for special services may only be submitted on a monthly basis. The Engineer shall advise the City in advance when the Engineer contends that a particular service falls into the "special services" category. No service shall be compensated as a special service unless and until approved by the City. As used in this Contract, the term "special services" means:

1. Additional land surveys to establish project boundaries that require the surveyor to access properties beyond those adjacent to the project.

2. Preparation of any special reports required for marketing of bonds.

3. Appearances before regulatory agencies other than the City.

4. Assistance to the City as an expert witness in any litigation with third parties arising from the development or construction of the Project.

5. Special investigations involving detailed consideration of operation, maintenance and overhead expenses; preparation of rate schedules; earnings and expense statements; special feasibility studies, appraisals, valuations, and material audits or inventories required for certification of force account construction performed by the Owner.

6. Soil and foundation investigations, including field and laboratory tests, borings, related engineering analyses, and recommendations.

7. Detailed mill, shop and laboratory inspection of materials or equipment.

8. Preparation of estimates and Engineer's rolls necessary for assessments.

9. Additional copies of reports and specifications (over agreed number) and additional blueprint copies of drawings (over agreed number).

10. Preparation of applications and supporting documents for government grants or planning advances for public works projects.

11. Preparation of environmental statements and assistance to the City in preparing for and attending public hearings.

12. As a result of the creation of new right-of-way, the surveyor shall establish and monument right-of-way geometry and new property corners for adjoining parcels upon completion of project. New monumentation shall conform to the minimum technical standards of the Texas Board of Professional Land Surveying, or as specified by the City. A Registered Professional Land Surveyor must certify the following on the face of the project “As-Built” Right-Of-Way Map:

    A survey has been completed for the additional right-of-way shown on the accompanying map; and as of [insert completion date of survey here], all monuments found or placed defining the right-of-way geometry or right-of-way parcels have been field verified as to their existence and location as originally found or have been reset (if unstable/disturbed or destroyed) in accordance with the minimum technical standards of the Texas Board of Professional Land Surveying.

13. On projects where no new right-of-way is acquired, upon completion of the project the surveyor shall, verify existence of, or reset, found right-of-way monumentation and property corners for adjoining parcels. New monumentation shall conform to the minimum technical standards of the TBPLS and City specifications. A Registered Professional Land Surveyor must certify the following on the face of the project “As-Built” Right-Of-Way Map:

    A retracement survey has been completed of the right-of-way shown on the accompanying map; and as of [insert completion date of survey here], all monuments found or placed defining the right-of-way geometry or existing adjoining parcels have been field verified as to their existence and location as originally found or have been reset (if unstable/disturbed or destroyed) in

accordance with the minimum technical standards of the Texas Board of Professional Land Surveying.

14. Acquisition of individual federal or state permits that may be required. (Note: This does not apply to federal or state general permits.)

15 Easements or parcel descriptions in addition to those specified in Section 2(C)(6).

(C) Records of Expenses:

Engineer shall maintain reasonably detailed records of all work done on behalf of the City under this Contract and of all expenses incurred for which Engineer seeks payment or reimbursement and shall promptly provides such records to the City upon request.

Section 6. <u>Changes to the Project and Additional Compensation</u>.

(A) Changes to Work:

The Engineer shall make such revisions in the work included in this Contract, which has been completed as are necessary to correct any errors when required to do so by the City. No additional compensation shall be paid for such work. If the City finds it necessary to request changes to previously satisfactorily completed work or parts thereof, the Engineer shall make such revisions if requested and as directed by the City and such services will be considered as additional work and paid for as specified under following paragraph.

(B) Additional Work:

Work not within the description of the "Scope of Services" to be provided by the Engineer under this Contract and not otherwise constituting special services must be approved by supplemental agreement to this Contract by the City before the Engineer undertakes it. If the Engineer is of the opinion that any work is beyond the scope of this Contract and constitutes additional work, the Engineer shall promptly notify the City of that opinion, in writing. In the event the City finds that such work does constitute additional work, then the City shall so advise the Engineer, in writing, and shall provide extra compensation to the Engineer for the additional work on the same basis as covered under "Compensation" and as provided under a supplemental agreement. The fixed fee shall be adjusted if additional work is approved by supplemental agreement and performed by the Engineer.

Section 7. <u>Miscellaneous Provisions</u>.

(A) Subletting:

The Engineer shall not sublet or transfer any portion of the work under this Contract unless specifically approved in writing by the City. Subcontractors shall comply with all provisions of this Contract. The approval or acquiescence of the City in the subletting of any work under this Contract shall not relieve the Engineer of any responsibility for work done under this Contract.

(B) Ownership of Documents:

Upon completion or termination of this Contract, all documents prepared by the Engineer or furnished to the Engineer by the City shall be delivered to and become the property of the City. All sketches, charts, calculations, plans, specifications and other data prepared

under this Contract shall be made available, upon request, to the City without restriction or limitation on the further use of such materials. The Engineer may, at the expense of the Engineer, have copies made of the documents or any other data furnished to the City under this Contract.

(C) Engineer's Seal; Warranty:

The Engineer shall place the Texas Professional Engineer's seal of endorsement of the principal engineer on all documents and engineering data furnished by the Engineer to the City. Engineer warrants that all work and services provided under this Contract will be performed in a good and workmanlike fashion and shall conform to the accepted standards and practices of the engineering profession.

(D) Compliance with Laws:

The Engineer shall comply with all Federal, State and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies in any matter affecting the performance of this Contract, including, without limitation, worker's compensation laws, minimum and maximum salary and wage statutes and regulations, and licensing laws and regulations. When required, the Engineer shall furnish the City with satisfactory proof of compliance.

(E) Status of Engineer:

Engineer acknowledges that Engineer is an independent contractor of the City and that Engineer is not an employee, agent, official or representative of the City. Engineer shall not represent, either expressly or through implication, that Engineer is an employee, agent, official or representative of the City. Income taxes, self-employment taxes, social security taxes and the like are the sole responsibility of the Engineer.

(F) Non-Collusion:

Engineer represents and warrants that Engineer has not given, made, promised or paid, nor offered to give, make, promise or pay any gift, bonus, commission, money or other consideration to any person as an inducement to or in order to obtain the work to be provided to the City under this Contract. Engineer further agrees that Engineer shall not accept any gift, bonus, commission, money, or other consideration from any person (other than from the City under this Contract) for any of the services performed by Engineer under or related to this Contract. If any such gift, bonus, commission, money, or other consideration is received by or offered to Engineer, Engineer shall immediately report that fact to the City and, at the sole option of the City, the City may elect to accept the consideration for itself or to take the value of such consideration as a credit against the compensation otherwise owing to Engineer under this Contract.

(G) Right To Audit:

The City shall have the right to examine and audit the books and records of the Contractor at any reasonable time. Such books and records will be maintained in accordance with generally accepted principles of accounting and will be adequate to enable determination of: 1) the substantiation and accuracy of any payment required to be made under this agreement; and 2) compliance with the provisions of this agreement.

Section 8. <u>Termination of Contract</u>. This Contract may be terminated:

1. By mutual agreement and consent of both Engineer and City.

2. By the City, immediately upon notice in writing to the Engineer, as consequence of the failure of Engineer to perform the services contemplated by this Contract in a timely or satisfactory manner and within the limits provided, with proper allowances being made for circumstances beyond the control of the Engineer.

3. By either party, upon the failure of the other party to fulfill its obligations as set forth in the "Scope of Services".

4. By the City, for reasons of it's own and not subject to the mutual consent of the Engineer, upon not less than thirty- (30) days written notice to the Engineer.

5. By satisfactory completion of all services and obligations described herein.

Should the City terminate this Contract, the Engineer shall not be entitled to any fees or reimbursable expenses other than the fees and reimbursable expenses then due and payable as of the time of termination. In determining the value of the work performed by the Engineer prior to termination, the City shall be the sole judge. Payment for work at termination will be based on work satisfactorily completed at the time of termination.

If the Engineer defaults in performance of this Contract or if the City terminates this Contract for fault on the part of the Engineer, the City will give consideration to the actual costs incurred by the Engineer in performing work to date of default, the value of the work which is usable to the City, the cost to the City of employing another engineer to complete the work required and the time required to do so, and other factors which affect the value to the City of the work performed at time of default.

If the termination of this Contract is due to the failure of the Engineer to fulfill a contract obligation, the City may take over the project and prosecute the work to completion by contract or otherwise. In such case, the Engineer shall be liable to the City for any additional cost incurred by the City in completing such work.

Section 9. <u>Indemnification</u>

Engineer agrees to indemnify, hold harmless, and defend the City of Garland, Texas and all of its present, future and former agents, employees, officials and representatives in their official, individual and representative capacities from and against any and all claims, demands, causes of action, judgments, liens and expenses (including attorney's fees, whether contractual or statutory), costs and damages (whether common law or statutory, and whether actual, punitive, consequential or incidental), of any conceivable character, due to or arising from injuries to persons (including death) or to property (both real and personal) created by, arising from, or in any manner relating to the services or goods performed or provided by Engineer to the fullest extent BUT ONLY TO THE EXTENT allowed under Sec. 271.904(a) of the Texas Government Code.

Section 10. Notices

Any notice required or desired to be given from one party to the other party to this Contract shall be in writing and shall be given and shall be deemed to have been served and received (whether actually received or not) if (i) delivered in person to the address set forth below; (ii) deposited in an official depository under the regular care and custody of the United States Postal Service located within the confines of the United States of America and sent by certified mail, return receipt requested, and addressed to such party at the address hereinafter specified; or (iii) delivered to such party by courier receipted delivery. Either party may designate another address within the confines of the continental United States of America for notice, but until written notice of such change is actually received by the other party, the last address of such party designated for notice shall remain such party's address for notice.

Section 11. Attorney's Fees

Should either party to this Contract commence legal proceedings against the other to enforce the terms and provisions of this Contract, the party losing in such legal proceedings shall pay the reasonable attorneys' fees and expenses (including, but not limited to expert witness fees and deposition expenses) of the party prevailing in such legal proceedings.

Section 12. No Assignment

Neither party shall have the right to assign that party's interest in this Contract without the prior written consent of the other party.

Section 13. Severability

If any term or provision of this Contract is held to be illegal, invalid or unenforceable, the legality, validity or enforceability of the remaining terms or provisions of this Contract shall not be affected thereby, and in lieu of each such illegal, invalid or unenforceable term or provision, there shall be added automatically to this Contract a legal, valid or enforceable term or provision as similar as possible to the term or provision declared illegal, invalid or unenforceable.

Section 14. Waiver

Either City or the Engineer shall have the right to waive any requirement contained in this Contract which is intended for the waiving party's benefit, but, except as otherwise provided herein, such waiver shall be effective only if in writing executed by the party for whose benefit such requirement is intended. No waiver of any breach or violation of any term of this Contract shall be deemed or construed to constitute a waiver of any other breach or violation, whether concurrent or subsequent, and whether of the same or of a different type of breach or violation.

Section 15. Governing Law; Venue

This Contract and all of the transactions contemplated herein shall be governed by and construed in accordance with the laws of the State of Texas. The provisions and obligations of this Contract are performable in Dallas County, Texas such that exclusive venue for any action arising out of this Contract shall be in Dallas County, Texas.

Section 16. <u>Paragraph Headings; Construction</u>

The paragraph headings contained in this Contract are for convenience only and shall in no way enlarge or limit the scope or meaning of the various and several paragraphs hereof. Both parties have participated in the negotiation and preparation of this Contract and this Contract shall not be construed either more or less strongly against or for either party.

Section 17. <u>Binding Effect</u>

Except as limited herein, the terms and provisions of this Contract shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, devisees, personal and legal representatives, successors and assigns.

Section 18. <u>Gender</u>

Within this Contract, words of any gender shall be held and construed to include any other gender, and words in the singular number shall be held and construed to include the plural, unless the context otherwise requires.

Section 19. <u>Counterparts</u>

This Contract may be executed in multiple counterparts, each of which shall be deemed an original, and all of which shall constitute but one and the same instrument.

Section 20. <u>Exhibits</u>

All exhibits to this Contract are incorporated herein by reference for all purposes wherever reference is made to the same.

Section 21. <u>Entire Agreement</u>

It is understood and agreed that this Contract contains the entire agreement between the parties and supersedes any and all prior agreements, arrangements or understandings between the parties relating to the subject matter. No oral understandings, statements, promises or inducements contrary to the terms of this Contract exist. This Contract cannot be changed or terminated orally.

Section 22. <u>Relationship of Parties</u>

Nothing contained in this Contract shall be deemed or construed by the parties hereto or by any third party to create the relationship of principal and agent or of partnership or of joint venture or of any association whatsoever between the parties, it being expressly understood and agreed that no provision contained in this Contract nor any act or acts of the parties hereto shall be deemed to create any relationship between the parties other than the relationship of independent parties contracting with each other solely for the purpose of effecting the provisions of this Contract.

Section 23. <u>Dispute Resolution</u>.

Pursuant to subchapter I, Chapter 271, TEXAS LOCAL GOVERNMENT CODE, Contractor agrees that, prior to instituting any lawsuit or other proceeding arising from any dispute or claim of breach under this Agreement (a "Claim"), the parties will first attempt to

resolve the Claim by taking the following steps: (i) A written notice substantially describing the factual and legal basis of the Claim shall be delivered by the Contractor to the City within one-hundred eighty (180) days after the date of the event giving rise to the Claim, which notice shall request a written response to be delivered to the Contractor not less than fourteen (14) business days after receipt of the notice of Claim; (ii) If the response does not reasonably resolve the Claim, in the opinion of the Contractor, the Contractor shall give notice to that effect to the City whereupon each party shall appoint a person having authority over the activities of the respective parties who shall promptly meet, in person, in an effort to resolve the Claim; (iii) If those persons cannot or do not resolve the Claim, then the parties shall each appoint a person from the highest tier of managerial responsibility within each respective party, who shall then promptly meet, in person, in an effort to resolve the Claim.

EXECUTED on the dates indicated below but deemed to be effective as of the second day of April, 2013

CITY:	**ENGINEER:**
By:_____	**By:**_____
Name: William E. Dollar	**Name:**_____
Title: City Manager	**Title:**_____
Date:_____	**Date:**_____

ADDRESS FOR NOTICE:

CITY:	**ENGINEER:**
City of Garland Engineering Department P.O. Box 469002 Garland, Texas 75046-9002 972-205-2170	R-Delta Engineers, Inc 618 Main Street Garland, Texas 75040 972-494-5031

APPENDIX “A”

PROJECT CHECKLIST

PROJECT NO: _____
PROJECT NAME: _____
FROM: _____
TO: _____

ENGINEERING DEPARTMENT

- ❑ **TxDOT Requirements**
  - ❑ **Environmental Assessment or Categorical Exclusion**
    Comments:_____
    _____
  - ❑ **Noise Walls**
    Comments:_____
    _____
  - ❑ **Driveway Permit**
    Comments:_____
    _____
  - ❑ **Utility Permit**
    Comments:_____
    _____
- ❑ **Corps of Engineers**
  - ❑ **Nationwide Permit**
    Comments:_____
    _____
  - ❑ **Individual Permit**
    Comments:_____
    _____
  - ❑ **Letter of Permission**
    Comments:_____
    _____
- ❑ **Existing Utility Facilities (known)**
  - ❑ **Water**
    Comments:_____
    _____
  - ❑ **Sanitary Sewer**
    Comments:_____
    _____

PROJECT CHECKLIST

PROJECT NO: _____
PROJECT NAME: _____
FROM: _____
TO: _____

- ❑ **GP&L**
  Comments:_____
  _____
- ❑ **TXU Electric**
  Comments:_____
  _____
- ❑ **ONCOR Gas**
  Comments:_____
  _____
- ❑ **Verizon**
  Comments:_____
  _____
- ❑ **SBC**
  Comments:_____
  _____
- ❑ **North Texas Municipal Water District**
  Comments:_____
  _____
- ❑ **Comcast Cable**
  Comments:_____
  _____

❑ **<u>Drainage</u>**

- ❑ **New Storm Sewer**
  Comments:_____
  _____
- ❑ **Off-Site Storm Sewer**
  Comments:_____
  _____
- ❑ **Channelization**
  Comments:_____
  _____

PROJECT CHECKLIST

PROJECT NO: _____
PROJECT NAME: _____
FROM: _____
TO: _____

- ❑ **Flood Study, FEMA Submittal (CLOMR/LOMR)**
  Comments:_____
  _____
- ❑ **Halff Study Modification**
  Comments:_____
  _____
- ❑ **Detention**
  Comments:_____
  _____

❑ **Railroad Crossing**
Comments:_____
_____

❑ **Environmental Aspects**

- ❑ **Park Property**
  Comments:_____
  _____
- ❑ **Forest Preserve**
  Comments:_____
  _____

❑ **ROW/Easements**

- ❑ **Assessments**
  Comments:_____
  _____
- ❑ **GPS / Survey Monuments / Benchmarks**
  Comments:_____
  _____
- ❑ **Obstructions in existing or proposed ROW/Easements (sheds, fences, trees, etc)**
  Comments:_____
  _____

TRANSPORTATION DEPARTMENT

PROJECT CHECKLIST

PROJECT NO: _____
PROJECT NAME: _____
FROM: _____
TO: _____

- ❑ **Right turn lanes**
  Comments:_____
  _____

- ❑ **Sidewalks**

  - ❑ **One Side**
    Comments:_____
    _____

  - ❑ **Both**
    Comments:_____
    _____

- ❑ **Additional ROW**
  Comments:_____
  _____

- ❑ **Sight Distance Triangles**
  Comments:_____
  _____

- ❑ **Pedestrian and Utility Easements**
  Comments:_____
  _____

- ❑ **Signalization (Loops, pull boxes, conduit, etc…)**
  Comments:_____
  _____

- ❑ **Temporary Signalization (Loops, pull boxes, conduit, etc…)**
  Comments:_____
  _____

- ❑ **School Zone flashers**
  Comments:_____
  _____

PROJECT CHECKLIST

PROJECT NO: _____
PROJECT NAME: _____
FROM: _____
TO: _____

- ❑ **Lane markings**
  - ❑ **Striping**
    Comments:_____
    _____
  - ❑ **Buttons**
    Comments:_____
    _____
  - ❑ **Directional Indicators**
    Comments:_____
    _____

STREET DEPARTMENT

- ❑ **Coordinate Scheduled Replacements/Repairs**
  Comments:_____
  _____

PARKS DEPARTMENT

- ❑ **Adjacent to Parks Property**
  Comments:_____
  _____
- ❑ **Irrigation in Medians**
  Comments:_____
  _____
- ❑ **Landscaping**
  Comments:_____
  _____

WATER DEPARTMENT

- ❑ **New water main installation**
  Comments:_____
  _____

PROJECT CHECKLIST

PROJECT NO: _____
PROJECT NAME: _____
FROM: _____
TO: _____

- ❑ **Water main replacement**
  Comments:_____
  _____

- ❑ **New sanitary sewer installation**
  Comments:_____
  _____

- ❑ **Sanitary sewer replacement**
  Comments:_____
  _____

- ❑ **Off-Site Extension**
  Comments:_____
  _____

TELECOMMUNICATIONS DEPARTMENT

- ❑ **New fiber optic facilities**
  Comments:_____
  _____

GARLAND POWER AND LIGHT (GP&L)

- ❑ **New facilities**
  Comments:_____
  _____

- ❑ **Replace Facilities**
  Comments:_____
  _____

TXU ELECTRIC

- ❑ **New facilities**
  Comments:_____
  _____

- ❑ **Replace Facilities**
  Comments:_____
  _____

PROJECT CHECKLIST

PROJECT NO: _____
PROJECT NAME: _____
FROM: _____
TO: _____

ONCOR GAS

❑ **New facilities**
Comments:_____
_____

❑ **Replace Facilities**
Comments:_____
_____

COMCAST CABLE

❑ **New facilities**
Comments:_____
_____

❑ **Replace Facilities**
Comments:_____
_____

VERIZON

❑ **New facilities**
Comments:_____
_____

❑ **Replace Facilities**
Comments:_____
_____

SBC

❑ **New facilities**
Comments:_____
_____

❑ **Replace Facilities**
Comments:_____
_____

APPENDIX “B”

COMPANY LOGO

INVOICE

Name of Engineer
City of Garland
P.O. Box 469002
Garland, Texas 75046-9002

Invoice No.: ####

Date: Month, Date, and Year

Project No.: ####

Project:

Invoice Summary: From 00/00/0000 to 00/00/0000
****

BASIC SERVICES:

Base Fee		$000,000.00
(Excludes Additional Services)		
Total Due This Invoice	$000,000.00	
Total Previous Invoices	$000,000.00	
Total Billed To Date		$000,000.00
Less Payments/Credits	($000,000.00)	
Amount Due This Invoice >>>>>>		**$000,000.00**

****

Unforeseen Items		$000,000.00
(Must be approved by City)		
Total Due This Invoice	$000,000.00	
Total Previous Invoices	$000,000.00	
Total Billed To Date		$000,000.00
Less Payments/Credits	($000,000.00)	
Amount Due This Invoice >>>>>>		**$000,000.00**

SPECIAL SERVICES: **$000,000.00**

(Must be approved by City)

Total Due This Invoice	$000,000.00	
Total Previous Invoices	$000,000.00	
		_____
Total Billed To Date		$000,000.00
Less Payments/Credits	($000,000.00)	
		_____
Amount Due This Invoice >>>>>>		**$000,000.00**

****

ADDITIONAL SERVICES: **$000,000.00**

(Must be approved by City)

Total Due This Invoice	$000,000.00	
Total Previous Invoices	$000,000.00	
		_____
Total Billed To Date		$000,000.00
Less Payments/Credits	($000,000.00)	
		_____
Amount Due This Invoice >>>>>>		**$000,000.00**

****

TOTAL AMOUNT BILLED TO DATE: $000,000.00

TOTAL PERCENTAGE BILLED TO DATE: ##%
(Less unforeseen items fees)

TOTAL AMOUNT DUE THIS INVOICE: $000,000.00

PAGE NO: ST22	*New Project*	CITY OF GARLAND - 2013 CAPITAL PROJECT REQUEST	*Amounts in 000's $	COUNCIL DISTRICT(S) 2

DEPARTMENT	PROJECT TITLE	PROJECT NO(S).	ACCOUNT NO(S).
ENGINEERING	FIFTH STREET - MILLER TO KINGSLEY	14299	622-1409-1429904

PROJECT DESCRIPTION

Reconstruction of the paving and drainage of 2,900 linear feet of Fifth Street between Miller and Kingsley.

FUNDING SOURCE(S)

1997 Bond Fund	$ 1,840,000
TOTAL FUNDED	$ 1,840,000
UNFUNDED	$
PROJECT TOTAL	$ 1,840,000

IMPACT ON OPERATING BUDGET

☐ Will Impact
☐ Will Not Impact
# of Positions ____

Annual Cost/(Savings):
Personnel
Operations
Capital _____
Total _____

IMPACT EXPLANATION

STRIP MAP

*PROJECT COSTS	Thru 12-2012	2013	2014	2015	2016	2017	2018 to Completion	Total
Design		270						270
Land/Right-of-Way		20						20
Construction		650	900					1,550
Landscaping								
Equip. & Furnish.								
Other								
TOTAL COSTS		940	900					1,840

*SOURCE OF FUNDS	Thru 12-2012	2013	2014	2015	2016	2017	2018 to Completion	Total
Current Funds								
GO's/Com Paper Issued								
GO's Unissued		940	900					1,840
RB's/Com Paper								
Certificates of Obligation								
Other								
Unfunded								
TOTAL SOURCES		940	900					1,840

PROJECT SCHEDULE	START	FINISH
Design	1/2013	12/2013
Land/Right-of-Way	6/2013	9/2013
Construction	6/2013	12/2014
Finish Out		
Other		
TOTAL SCHEDULE	1/2013	12/2014

City Council Item Summary Sheet

☐ **Work Session**

☒ **Agenda Item**

Date: April 2, 2013

Ordinance Naming Streets

Summary of Request/Problem
An ordinance naming streets located between Hebron Drive and Country Club.

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**

ORDINANCE NO.

AN ORDINANCE NAMING STREETS WITHIN THE CITY OF GARLAND, TEXAS, AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS;

Section 1.

That the City Council of the City of Garland, Texas, hereby assigns names to the following unnamed streets, to wit:

From:	**To:**
Unnamed Street	**Fedora Way**

(The northernmost street, as illustrated on Exhibit A, between Hebron Drive and Country Club Road)

Unnamed Street	**Towerview Lane**

(The southernmost street, as illustrated on Exhibit A, between Hebron Drive and Country Club Road)

Section 2.

That the City Manager is hereby authorized and directed to place the appropriate street name signs at the customary and usual locations.

Section 3.

That this Ordinance shall take effect 90 days from and after its adoption, and it is so ordered.

PASSED AND APPROVED this 2nd day of April, 2013.

THE CITY OF GARLAND, TEXAS

By:

_____

Mayor

ATTEST:

_____

City Secretary

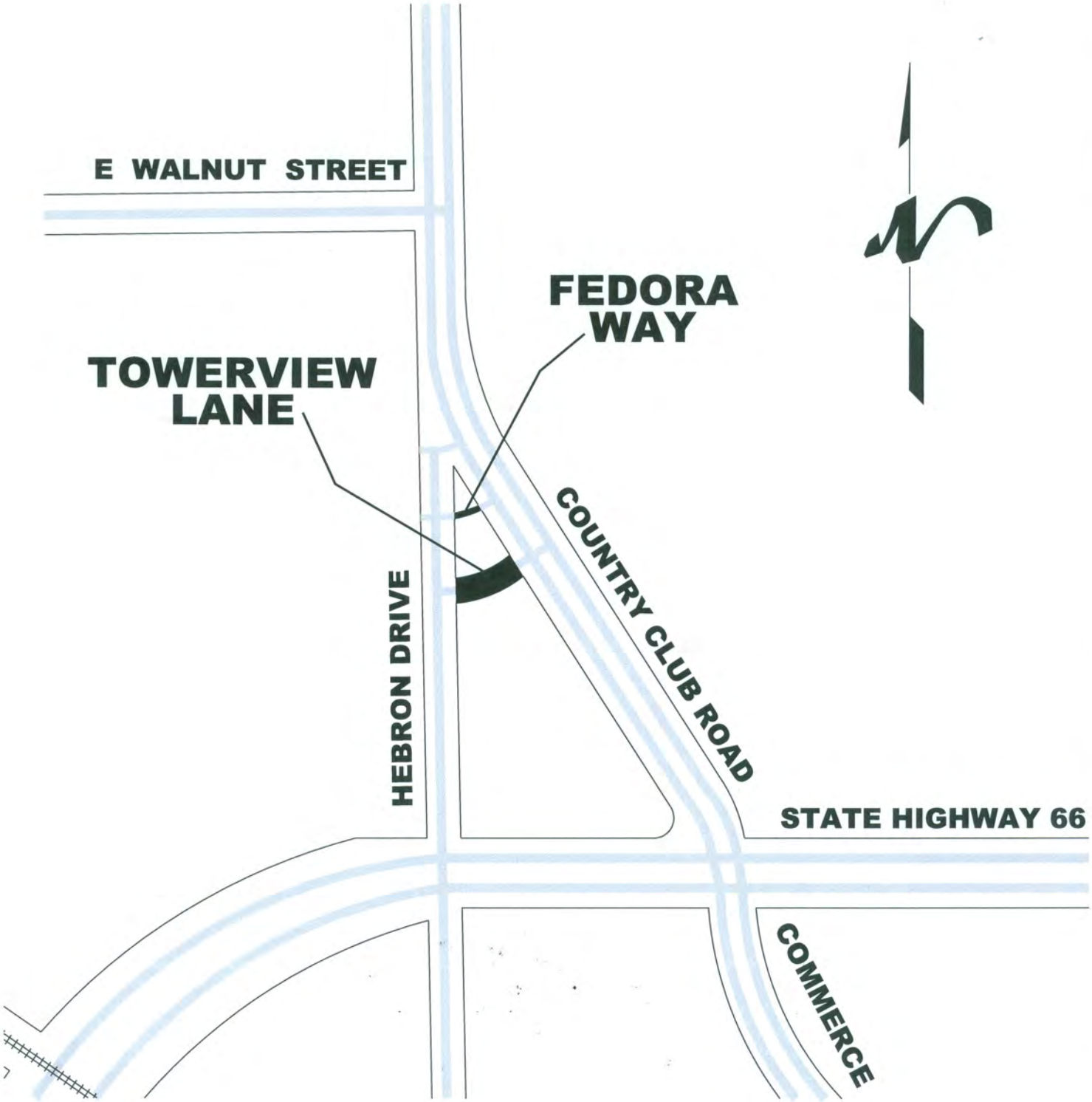

E WALNUT STREET
FEDORA WAY
TOWERVIEW LANE
COUNTRY CLUB ROAD
HEBRON DRIVE
STATE HIGHWAY 66
COMMERCE

EXHIBIT A

City Council Item Summary Sheet

☐ **Work Session**

Date: **April 2, 2013**

☒ **Agenda Item**

2013-2014 CDBG, HOME, ESG Budget

Summary of Request/Problem

At the April 1, 2013 Work Session, Council was provided information regarding the available funding and applications received for the 2013-2014 budget year. As part of the review process, a Public Hearing is needed to obtain comments from any interested party.

Recommendation/Action Requested and Justification

Conduct a Public Hearing

Submitted By:	**Approved By:**
Neil Montgomery **Planning Director**	**William E. Dollar** **City Manager**

Planning Report

File No. 13-01/District 2

Agenda Item:

Meeting: City Council

Date: April 2, 2013

Douglas Properties, Inc.

North of East Miller Road and east of East Centerville Road

REQUEST

Approval of 1) a change in zoning from Planned Development (PD) District 70-52 for Apartments, Retail, and Townhouses to a Planned Development (PD) District for Single Family Uses, 2) a Concept Plan and 3) a waiver to Section 31.27 of the Code of Ordinances regarding the requirement of alleys

OWNER

Burt Cowan Joint Venture

PLAN COMMISSION RECOMMENDATION

On March 11, 2013 the Plan Commission, by a vote of seven (7) to zero (0), recommended approval of 1) a change in zoning from Planned Development (PD) District 70-52 for Apartments, Retail, and Townhouses to a Planned Development (PD) District for Single Family Uses and 2) a Concept Plan. Plan Commission also recommended that the following dwelling unit size tier system be added as a condition of the PD:

- At least 25% at no less than 1,800 square feet in floor area
- At least 25% at no less than 2,000 square feet in floor area
- At least 25% at no less than 2,200 square feet in floor area
- At least 25% at no less than 2,400 square feet in floor area

Additionally, Plan Commission recommended that a minimum of one (1) tree be planted along the screening wall for every fifty (50) linear feet of frontage along both East Centerville and East Miller Road, per staff recommendation.

STAFF RECOMMENDATION

Approval of 1) a change in zoning from Planned Development (PD) District 70-52 for Apartments, Retail, and Townhouses to a Planned Development (PD) District for Single Family Uses, 2) a Concept Plan and 3) a waiver to Section 31.27 of the Code of Ordinances regarding alleys. Based on the constraints of the adjacent physical features and existing surrounding development pattern, the zoning request is appropriate and is compatible with surrounding zoning and land uses. Prior to development of the subject property, a Detail Plan must be approved through the public hearing process.

Staff recommends the above mentioned dwelling unit size tier system. This is consistent with similar recently adopted developments, will increase the average

minimum dwelling unit sizes in the area and will also raise the minimum building design standards to encourage similar future development.

BACKGROUND

The subject property is currently zoned Planned Development (PD) District 70-52 for Apartments, Retail and Townhouses. The property has never developed and is adjacent to a large portion of floodplain. The applicant is requesting a change in zoning to a Planned Development for Single Family Uses and a Concept Plan to develop the property with single family detached houses.

SITE DATA

The subject property contains 38.34 acres with approximately 833 feet of frontage along East Miller Road and approximately 850 feet of frontage on East Centerville Road. The site will be accessed from both thoroughfares.

USE OF PROPERTY UNDER CURRENT ZONING

The Planned Development (PD) District 70-52 for Apartments, Retail, and Townhouses was created to accommodate all three uses on separate tracts within the development. The apartments and townhouses are permitted within the northern and eastern side of the subject property. The retail uses are permitted north of the adjacent Shopping Center (SC) District at the corner of East Miller Road and East Centerville Road. The allowable density for apartments is 15 dwelling units per acre and the density for townhouses is 8.5 dwelling units to the acre. There is no detail plan approved under the existing zoning.

CONSIDERATIONS

1. Out of the total 38.34 acres, the applicant proposes 130 single family lots on 28.37 developable acres (excluding 9.97 acres of flood plain and floodway). The development plan would yield a residential density of approximately 4.583 units per acre. A 13.51 acre portion of the property along East Centerville Road, under the existing Planned Development District, is not a part of this zoning request. It is separated from the proposed single family district by floodplain.

2. The applicant proposes a Planned Development (PD) District for the flexibility it provides as the development would not meet certain development standards set forth in the Comprehensive Zoning Ordinance. The current ordinance does not provide a district which accommodates homes on smaller lots. Below you will find a chart comparing the proposal versus the City's standard SF-7, Set 3 zoning regulations:

Regulation	Proposed	Required
Minimum Lot Size:	6,000 square feet	7,000 square feet

Minimum Lot Width:	55 feet	60 feet
Minimum Lot Depth:	100 feet	100 feet
Minimum Dwelling Unit Size:	1,650; No more than 25% less than 1,800 square feet, no more than 50% less than 2,000 square feet	1,700 square feet
Minimum Front Yard Setback:	20 feet	20 feet
Minimum Side Yard Setback:	5 feet	6 feet
Minimum Side Yard (Adjacent to street)	20 feet	20 feet
Minimum Rear Yard Setback:	10 feet	10 feet
Maximum Lot Coverage:	55%	45%

As illustrated by the chart above, the applicant seeks a smaller lot size, lot width and smaller minimum dwelling unit size.

3. Dwelling Unit Size: Residential uses within proximity to the subject property have a variety of dwelling unit sizes. The single family houses to the west, across East Centerville Road in the Creekside Addition, are developed with homes ranging in size from approximately 1,500 square feet to 2,600 square feet. The properties further north, along East Centerville Road, are developed with duplexes ranging from approximately 1,350 square feet to 1,460 square feet. The applicant is proposing a minimum dwelling unit size of 1,650 square feet with no more than 25% less than 1,800 square feet, no more than 50% less than 2,000 square feet. In lieu of the proposed dwelling unit size regulation, Staff recommends the following dwelling unit size tier system:

   - At least 25% at no less than 1,800 square feet in floor area
   - At least 25% at no less than 2,000 square feet in floor area
   - At least 25% at no less than 2,200 square feet in floor area
   - At least 25% at no less than 2,400 square feet in floor area

   The above recommended tier system was approved by City Council on comparable single family residential subdivisions such as Hillside On The Lake Development (PD 11-31) and Planned Development (PD) District 12-43 located at Firewheel Parkway and Castle Drive. The recommended tier system establishes and guarantees a wider range of housing alternatives to a larger sector of the community.

4. Subdivision Access/Alleys: Access to the proposed residential development would be from East Miller Road and East Centerville Road. All lots within the subdivision would front a 50-foot right-of-way with access to each lot limited to the front. The applicant requests approval of an alley waiver for all 130 residential lots. Additional engineering plans and further determination will be made with the Detail Plan submittal, should this request be approved regarding accommodating drainage and utilities without alleys.

   The absence of alleys allows for the existing treed area to largely stay undisturbed and will be an additional amenity to the subdivision. It should also be known that four-foot sidewalks are proposed to provide pedestrian access throughout the development. In addition, a sidewalk will be provided along East Centerville Road and East Miller Road.

5. Development Standards: Several development standards have been added as conditions (see attached) to the proposed Planned Development to ensure the quality of the housing product is consistent with the City's vision for the area. These standards include a minimum of 80% masonry, additional design elements, and non-repetitive elevations in a row.

6. Screening/Landscaping: The Screening and Landscape Standards requires that all proposed subdivisions adjacent to a Type A-D Thoroughfare provide 6-foot tall perimeter screening consisting of either a 5-foot tall wrought iron fence with brick columns along with a 6-foot tall continuous row of shrubs, or a 6-foot tall masonry wall. The applicant proposes a 6-foot tall masonry wall along Centerville and Miller Road. The applicant has added a condition, per Staff recommendation, that at least one (1) tree be planted along the screening wall for every fifty (50) linear feet of frontage along both East Centerville and East Miller Road. This will soften the appearance of the masonry wall and aid in the tree mitigation requirements of the development. The applicant proposes a 6 foot tall tubular steel fence adjacent to all open space. The applicant will also plant two (2) large trees and at least 10 shrubs on each residential lot. Details of the screening wall, landscaping, entry features, tree survey and mitigation plan will be provided at the time of Detail Plan approval.

7. Common Areas: The Concept Plan indicates some common areas and access points to the larger common area near the lake to the north. Amenities that may be provided include pedestrian access, sitting area and walkway lighting for residents. Those details will be considered at the time of Detail Plan approval. The floodplain area will mostly stay undisturbed and access will only be pedestrian in nature. Maintenance of all open space, common areas, landscaped areas and all entry features including any allowed within the street medians, irrigation, perimeter fencing and other amenities shall be the responsibility of the Homeowner's Association.

8. Prior to issuance of a building permit, approval of a Detail Plan, Preliminary Plat, Final Plat and approval of the Tree Survey/Mitigation Plan is required.

COMPREHENSIVE PLAN

The Future Land Use Map of the Comprehensive Plan recommends Urban Neighborhoods for the subject property. Urban neighborhoods are higher density

residential developments, characterized by moderate to high density single-family attached and multi-family residential units, greater than 12 units per acre. Developments within this category are predominantly residential, but may include compatible non-residential uses. The recommended land use is consistent with the existing zoning on the property; however the surrounding area has developed with lower density single family detached houses. The established development pattern is one of Traditional or Compact Neighborhoods. The proposed request is not consistent with the recommended future land use; however the principles of neighborhood stability through compatible adjacent land uses is supported within Envision Garland and is evident in the proposed development.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The surrounding area is a mixture of low to medium density residential uses. The property immediately adjacent to the subject property to the southwest is zoned Shopping Center (SC) District and is undeveloped. The property to the south of East Miller Road is zoned Planned Development (PD) District 04-10 for Single Family Use and is undeveloped. The property to the west, across East Centerville Road, is zoned Planned Development (PD) District 01-17 and is developed with single family homes. The use of the property for low to medium density residential is consistent with the existing development pattern in the surrounding area. In addition, the development standards proposed will raise the minimum building design standards to encourage future development with increased aesthetic value. The compact nature of the lot layout allows for the natural floodplain area to remain primarily undisturbed.

Prepared By:

Chasidy Allen, AICP
Principal Planner

Date: March 13, 2013

Reviewed By:

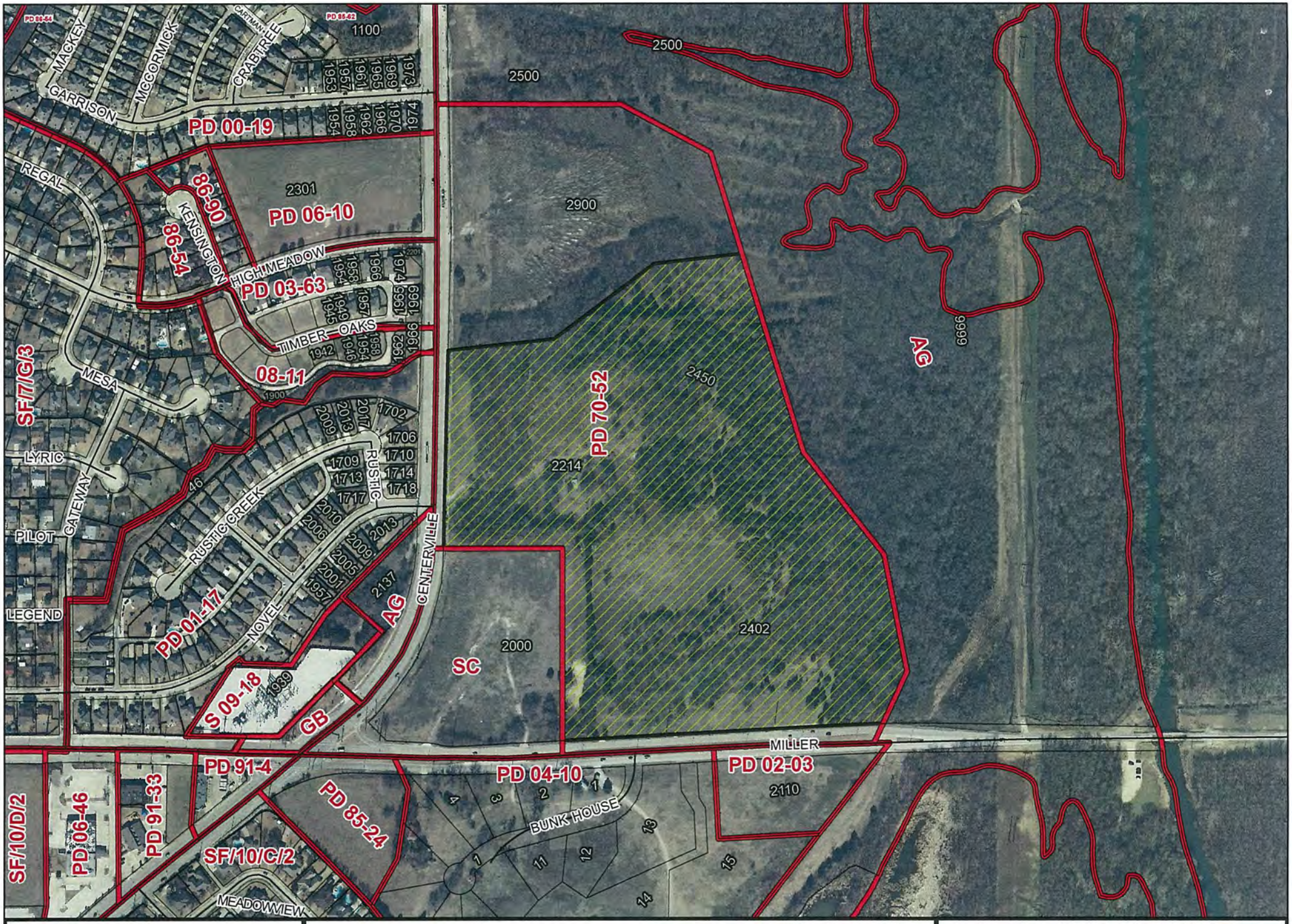
Neil Montgomery
Director of Planning

Date: March 15, 2013

Reviewed By:

William E. Dollar
City Manager

Date: March 18, 2013



0 225 450 Feet

ZONING Z 13-01

INDICATES AREA OF REQUEST

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE 13-01

North of East Miller Road and east of East Centerville Road

I. **Statement of Purpose:** The purpose of this Planned Development District is to permit the development of a single-family subdivision subject to conditions.

II. **Statement of Effect:** This Planned Development 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 Single Family Dwelling (SF/7/E/3) District set forth in Section 17-510, Section 18, 18-300 and 32 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as specified in this ordinance

IV. **Development Plans:**

Concept Plan: Development shall be in general conformance with the amended Concept Plan set forth in Exhibit C.

Detail Plan: Prior to development on the subject property or portion thereof, a Detail Plan and conditions shall be approved through the public hearing process.

V. **Specific Regulations:**

A. Permitted uses: Only a single-family residential development shall be permitted.

B. Minimum lot size: The minimum lot size is 6,000 square feet.

C. Minimum dwelling unit size: A minimum dwelling unit area of 1,650 square feet shall be required. No more than 25% shall be less than 1,800 square feet; no more than 50% shall be less than 2,000 square feet.

D. Minimum lot width: Fifty-five (55) feet at the building line.

E. Minimum lot depth: One hundred (100) feet.

F. Maximum lot coverage: 55%

G. Building setbacks:

Minimum front yard setback: Twenty (20) feet.

Minimum side yard setback (interior): Five (5) feet on each side.

EXHIBIT B

Minimum side yard setback adjacent to street: Twenty (20) feet.

Minimum rear yard setback: Ten (10) feet.

H. Minimum number of design elements: A minimum of three (3) of the following elements must be incorporated into the design of each dwelling unit:

a) Multiple pane (divided light and simulated divided light) windows;

b) Decorative columns (min. 6" diameter) and 30" minimum height railings enclosing the front porch area;

c) Gable with window;

d) Dormer;

e) Bay windows with a minimum projection of twenty-four inches (24");

f) Minimum 8:12 roof pitch;

g) Split garage doors (i.e., a separate door for each vehicle bay).

h) Coach lights

i) At least 100 square feet of natural stone on front elevations

j) Front or rear covered porch of at least 100 square feet

I. Minimum number of elevations: Repetition of elevation shall be described as 5 lots skipped on the same side of the street before repeating the same elevation; 2 lots skipped on the opposite side of the street before repeating the same elevation.

J. Garages: A minimum two-car garage shall be required for each dwelling unit.

K. Building materials: The minimum masonry requirement for houses within the subdivision shall consist of 80% masonry for each elevation. Masonry shall be defined as brick, stucco, cast stone or stone.

L. Screening: A 6-foot high masonry wall shall be installed along the perimeter of the property where all side or rear yards of residential lots abut Centerville Road and Miller Road. Masonry shall be defined as stone or brick and shall meet the City's construction standards. At

least one (1) tree shall be planted along the screening wall for every fifty (50) linear feet of frontage along both East Centerville and East Miller Road.

M. Landscaping: Each yard shall be fully irrigated and sodded. Each yard shall have at least ten (10) shrubs and at least two, 3-inch caliper trees or large in the front yard.

N. Alleys: Alleys shall not be required with this development.

O. Homeowners Association: A Homeowners Association shall be incorporated and each lot/homeowner shall be a mandatory member. The bylaws of this association shall establish a system of payment of dues; a system of enforcement of its rules and regulations; shall provide a clear and distinct definition of the responsibility of each member; and other provisions as deemed appropriate to secure a sound and stable association. The Bylaws for this association shall be submitted to the Director of Planning for review and approval prior to commencement of construction of any infrastructure improvements within the subdivision.

P. Maintenance of Open Space, Landscaped Areas, Entry Features and Other Amenities: Maintenance of all open space, common areas, landscaped areas and all entry features including any allowed within the street medians, irrigation, perimeter fencing and other amenities shall be the responsibility of the Homeowner's Association.

Q. Open Space Access and Amenities: There will be at least 1 single loaded street for access to open space. A hike/bike trail shall be provided in the open space at least six (6) feet wide and at least three (3) benches shall be installed.

R. Entry Features: Entry features will be faced with two tones of stone.

S. Fencing: All side/rear fencing on the residential lots will be an eight (8) foot maximum, wood with metal post and rails inside. There will be a six (6) foot tubular steel fence adjacent to all open space.

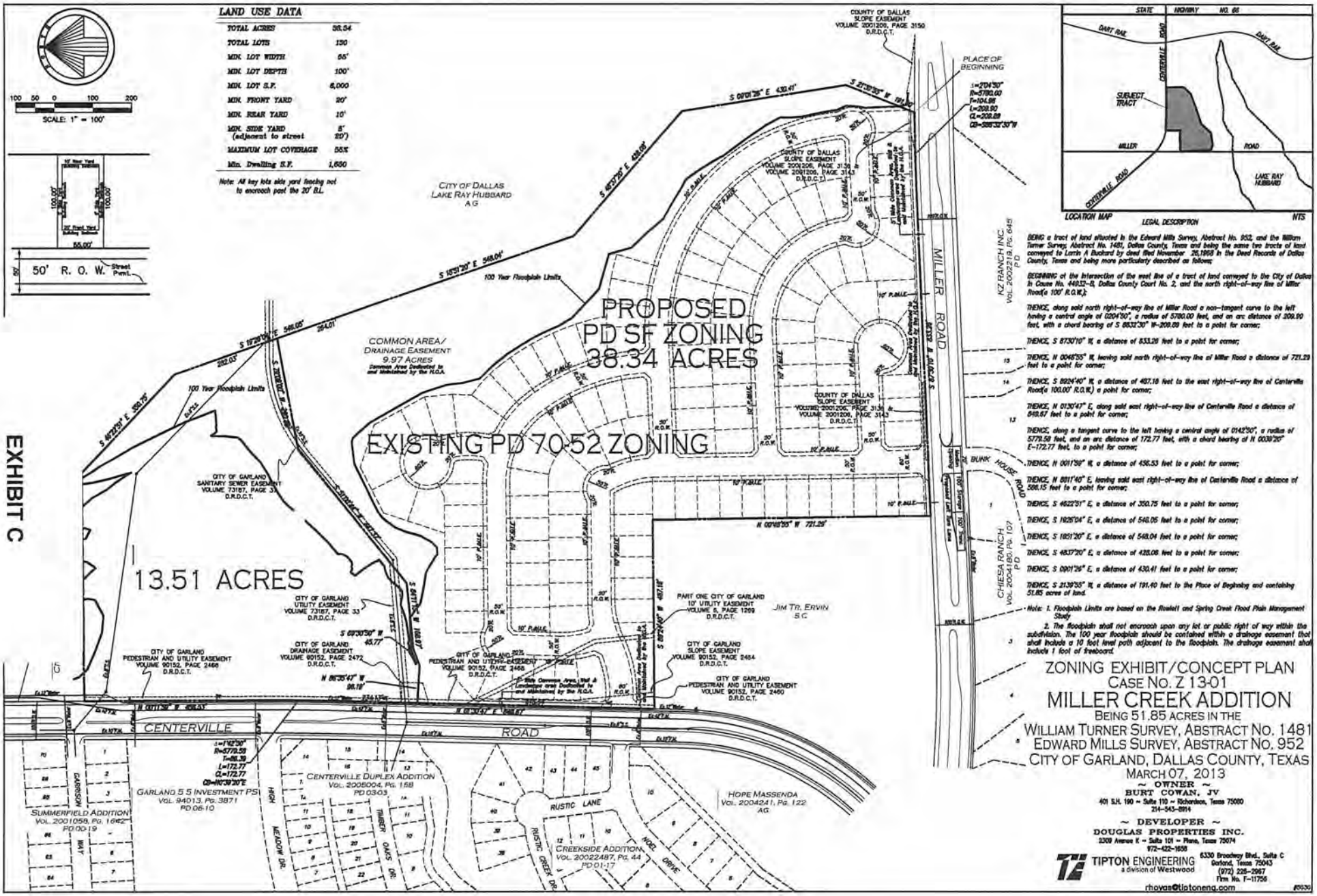
T. Retaining Walls: All retaining walls, wing wall, or other similar structures will be faced with rock/stone.

EXHIBIT C

LAND USE DATA

TOTAL ACRES	38.34
TOTAL LOTS	130
MIN. LOT WIDTH	55'
MIN. LOT DEPTH	100'
MIN. LOT S.F.	6,000
MIN. FRONT YARD	20'
MIN. REAR YARD	10'
MIN. SIDE YARD (adjacent to street	5' 20')
MAXIMUM LOT COVERAGE	55%
Min. Dwelling S.F.	1,650

Note: All key lots side yard footing not to encroach past the 20' B.L.



LEGAL DESCRIPTION

BEING a tract of land situated in the Edward Mills Survey, Abstract No. 952, and the William Turner Survey, Abstract No. 1481, Dallas County, Texas and being the same two tracts of land conveyed to Lorrin A Buckard by deed filed November 26,1968 in the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at the intersection of the west line of a tract of land conveyed to the City of Dallas in Cause No. 44832-B, Dallas County Court No. 2, and the north right-of-way line of Miller Road(a 100' R.O.W.);

THENCE, along said north right-of-way line of Miller Road a non-tangent curve to the left having a central angle of 0204'30", a radius of 5780.00 feet, and an arc distance of 209.90 feet, with a chord bearing of S 8832'30" W-209.89 feet to a point for corner;

THENCE, S 8730'10" W, a distance of 833.26 feet to a point for corner;

THENCE, N 0046'55" W, leaving said north right-of-way line of Miller Road a distance of 721.29 feet to a point for corner;

THENCE, S 8924'40" W, a distance of 487.18 feet to the east right-of-way line of Centerville Road(a 100.00' R.O.W.) a point for corner;

THENCE, N 0130'47" E, along said east right-of-way line of Centerville Road a distance of 649.67 feet to a point for corner;

THENCE, along a tangent curve to the left having a central angle of 0142'30", a radius of 5779.58 feet, and an arc distance of 172.77 feet, with a chord bearing of N 0038'20" E-172.77 feet, to a point for corner;

THENCE, N 0011'39" W, a distance of 456.53 feet to a point for corner;

THENCE, N 8811'40" E, leaving said east right-of-way line of Centerville Road a distance of 588.15 feet to a point for corner;

THENCE, S 4622'51" E, a distance of 350.75 feet to a point for corner;

THENCE, S 1926'04" E, a distance of 548.05 feet to a point for corner;

THENCE, S 1851'20" E, a distance of 548.04 feet to a point for corner;

THENCE, S 4837'20" E, a distance of 425.06 feet to a point for corner;

THENCE, S 0901'26" E, a distance of 430.41 feet to a point for corner;

THENCE, S 2139'55" W, a distance of 191.40 feet to the Place of Beginning and containing 51.85 acres of land.

Note: 1. Floodplain Limits are based on the Rowlett and Spring Creek Flood Plain Management Study

2. The floodplain shall not encroach upon any lot or public right of way within the subdivision. The 100 year floodplain should be contained within a drainage easement that shall include a 10 foot level path adjacent to the floodplain. The drainage easement shall include 1 foot of freeboard.

ZONING EXHIBIT/CONCEPT PLAN
CASE No. Z 13-01
MILLER CREEK ADDITION
BEING 51.85 ACRES IN THE
WILLIAM TURNER SURVEY, ABSTRACT No. 1481
EDWARD MILLS SURVEY, ABSTRACT No. 952
CITY OF GARLAND, DALLAS COUNTY, TEXAS
MARCH 07, 2013

~ OWNER ~
BURT COWAN, JV
401 S.H. 190 ~ Suite 110 ~ Richardson, Texas 75080
214-543-8914

~ DEVELOPER ~
DOUGLAS PROPERTIES INC.
2309 Avenue K ~ Suite 101 ~ Plano, Texas 75074
972-422-1658

TIPTON ENGINEERING
a division of Westwood
6330 Broadway Blvd., Suite C
Garland, Texas 75043
(972) 226-2967
Firm No. F-11756
rhovas@tiptoneng.com

REPORT & MINUTES

P.C. Meeting, March 11, 2013 (7 Members Present)

Consideration of the application of Douglas Properties, Inc., requesting approval of 1) a change in zoning from Planned Development (PD) District 70-52 for Apartments, Retail, and Townhouses to a Planned Development (PD) District for Single Family Uses and 2) a Concept Plan. The property is located east of Centerville Road and north of Miller Road. (File 13-01)

The applicant, Jim Douglas, 2309 Avenue K, Ste. 100, Plano gave a presentation of the Concept Plan with pictures of the types of homes to be constructed by the builder, Bloomfield Homes. He addressed the tiered system proposed by staff for the dwelling unit sizes and how difficult that would be for the builder in a demand driven by the market.

Two other speakers in support of the request were:
Matthew Cerralvo, 1909 Rustic Creek Drive, Garland
Jerry Carter, 2725 Country Valley Road, Garland

Mr. Carter was in support of the builder being free from the staff's recommended tiered system.

Motion was made by Commissioner Luckie, seconded by Commissioner Welborn to **approve** the request as outlined with the addition of a tiered system for dwelling unit size outlined by staff. **Motion carried: 7** Ayes, 0 Nays.

PD 86-54
PD 85-62
MACKEY
MCCORMICK
CARTMAN
CRABTREE
GARRISON
PD 00-19
REGAL
86-90
86-54
KENSINGTON
HIGHMEADOW
PD 06-10
PD 03-63
TIMBER OAKS
08-11
SF/7/G/3
MESA
LYRIC
GATEWAY
PILOT
RUSTIC CREEK
RUSTIC
NOVEL
PD 01-17
AG
CENTERVILLE
SC
S 09-18
GB
PD 91-4
PD 91-33
SF/10/C/2
MEADOWVIEW
PD 85-24
PD 04-10
BUNK HOUSE
MILLER
PD 02-03
PD 70-52
AG
2500
2900
2450
2214
2402
2000
2137
2301
1100
2110
O = IN FAVOR
X = AGAINST
0 225 450 Feet
ZONING Z 13-01
INDICATES AREA OF REQUEST

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

GARLAND

February 1, 2013

HEARING DATE/TIME: Plan Commission: February 11, 2013 – 7:00 PM

APPLICANT: Douglas Properties, Inc.

File 13-01

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, February 11, 2013, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Douglas Properties, Inc.**, requesting approval of 1) a change in zoning from Planned Development (PD) District 70-52 for Apartments, Retail, and Townhouses to a Planned Development (PD) District for Single Family Uses and 2) a Concept Plan. The property is shown on the enclosed sketch and is described as follows:

> BEING a 51.85 acre tract of land located in the Edward Mills Survey, Abstract No. 952, and the William Turner Survey, Abstract No. 1481, Dallas County, Texas and being the same two tracts of land conveyed to Lorrin A. Burkhard by deed recorded in Instrument Number 196800175784 of the Deed Records, Dallas County, Texas (DRDCT). This property is located north of East Miller Road and east of East Centerville Road. (District 2)

Note: The applicant requests approval of a change of zoning to a Planned Development for Single Family Uses and a Concept Plan to develop the property with single family homes with an approximate minimum lot size of 5,000 square feet.

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 or by fax to 972-205-2474.** Should you have any questions, please contact Chasidy Allen at 972-205-2445.

(Please Check One Below)

____ I am in favor of the request.

X I am opposed to the request.

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

this will create more traffic congestion, people visiting from other communities, increased crime.

(Please complete the following information)

Your Property Address 1961 Garrison Way

Printed Name Vernon Thornton

Address City, State Zip

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

Vernon Thornton Home Owner

Signature Title

Date: 2/5/13

GARLAND

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

February 1, 2013

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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
2301 Centerville Rd., Garland TX

Printed Name
FRED ANTONINI GARLAND D.5 Partnership

Address City, State Zip

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

Signature MANAGING PARTNER
Title

Date: 2-4-13

GARLAND

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

February 1, 2013

HEARING DATE/TIME: Plan Commission: February 11, 2013 – 7:00 PM

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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 2000 EAST CENTERVILLE ROAD

Printed Name CENTERVILLE RD. VENTURE (JIM ERVIN)

Address 2090 FM221 City, State POTTSVILLE, TX Zip 76565

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

Signature [signature] Title PARTNER CENTERVILLE RD. VENURE

Date: 2/11/13

GARLAND

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

February 1, 2013

HEARING DATE/TIME: Plan Commission: February 11, 2013 – 7:00 PM

APPLICANT: Douglas Properties, Inc.

File 13-01

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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.

I MISSED the meeting but I am in favor of the request. I have been trying to sell my property for some time.

(Please complete the following information)

Your Property Address 2137 E Centerville
Edward Mills Abstract No. 752 Dallas County, Texas.

Printed Name
Hope Masenda

Address: 2104 Bowie Lane, City, State: Corinth, Tx. Zip: 76210

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

Hope Masenda — Signature
HOLDER/OWNER — Title
Date: 2/25/13

Planning Report

File No. 13-08/District 5

Agenda Item:

Meeting: City Council

Date: April 2, 2013

Restoration Community Fellowship Church

2121 Northwest Highway, Suite #116

REQUEST

Approval of a Specific Use Permit for a Kindergarten, Preschool, or Child Care Center on property zoned Planned Development (PD) District 78-87 for Retail Uses in the IH 635 Overlay District

OWNER

L2Y2 LLC

PLAN COMMISSION RECOMMENDATION

On March 11, 2013 the Plan Commission, by a vote of seven (7) to zero (0), recommended approval of a Specific Use Permit for a Kindergarten, Preschool, or Child Care Center on property zoned Planned Development (PD) District 78-87 for Retail Uses in the IH 635 Overlay District, for a period of ten (10) years tied to Restoration Community Fellowship Church.

STAFF RECOMMENDATION

Approval of a Specific Use Permit for Child Care Center for a period of 10 years and tied to Restoration Community Fellowship Church. Given the location, the child care center would continue to provide a conveniently located service to nearby residents and patrons within the area.

BACKGROUND

Restoration Community Fellowship Church, which currently occupies a tenant space at 2121 Northwest Highway, Suite 114, is requesting approval of a Specific Use Permit to operate a child care center from Suite 116 within the same shopping center. In 2012 a Specific Use Permit was granted for a child care center in this location under a different operator. This request will change the operator to Restoration Community Fellowship Church.

SITE DATA

The subject property was developed in 1984 with a multi-tenant shopping center. The site contains approximately 4.65 acres and has frontage of approximately 250 linear feet along Millay Boulevard, 420 linear feet along Towngate Boulevard,

and approximately 100 linear feet along Northwest Highway. The property can be accessed from Towngate Boulevard and Northwest Highway.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Planned Development (PD) District 78-87 for Retail Uses and tied to the regulations of the General Business (GB) District. The General Business (GB) District accommodates a variety of retail, service and business establishments.

CONSIDERATIONS

1. The applicant is proposing to continue operation of a child care center in a 4,939 square foot tenant space in the shopping center. The child care center will operate Monday through Friday from 6:30 a.m. to 6:00 p.m. Enrollment would be open to children ranging in age from 2 ½ years old to 13 years old. There will be no drop-off area, as parents will be required to escort children into the building. The entrance to the child care center is on the south side of the building. Parking for parents will be served by any of the parking spaces on the site. The play area utilized by the previous child care centers remains in place behind the building and the applicant has the intention to continue the use of the existing play area.

2. The parking requirement for a Kindergarten, Preschool or Child Care Center is 1 parking space for every 10 students. The parking demand for the entire shopping center, including the child care center, is 262 parking spaces and there are 262 parking spaces on site. The previously approved Specific Use Permit limited the number of students to 60 to ensure the existing parking would accommodate the use. The same maximum number of students is proposed by the applicant.

3. Per Section 10-304.2 of the Comprehensive Zoning Ordinance No. 4647 the outdoor recreational area shall be enclosed at all times with a fence which shall be built and maintained with a minimum height of 4 feet. The existing outdoor play area is enclosed with an 8-foot chain link fence.

4. The applicant is requesting the Specific Use Permit for a period of 10 years tied to Restoration Community Fellowship Church.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends transit-oriented centers for the subject property due to its proximity to the South Garland Transit Center. Transit-oriented centers are areas of concentrated activity and increased density with maximum access to public transportation options. This type of center should be developed as mixed-use with live/work/play/shop opportunities. In addition, the Envision Garland Plan identifies seven catalyst areas for public and private reinvestment and redevelopment. The subject property is located within the South Garland Avenue Catalyst Area. The proposed child care center is consistent with the long-term vision set forth by the Envision Garland Plan and would continue to provide a valuable service to

nearby residents and possibly to commuters using public transportation in the area.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

Properties to the north are zoned Planned Development (PD) District 71-7 and developed with townhouses. Properties to the east and west are zoned within Planned Development Districts for Shopping Center and Light Industrial Uses and are developed with a range of retail, financial institution, restaurant and auto repair uses.

The child care center is located in a multi-tenant shopping center that is located between the residential area to the north and the intense commercial activities found along Northwest Highway to the south. The subject property is easily accessed by a major thoroughfare and is a generally low intensity use which does not negatively impact the nearby residential uses, particularly given the amount of non-residential uses of higher intensities within the area. The site is suitable for the continuation of the use given the location and surrounding land uses.

Prepared By:

Chasidy Allen, AICP
Principal Planner

Date: March 18, 2013

Reviewed By:

Neil Montgomery
Director of Planning

Date: March 20, 2013

Reviewed By:

William E. Dollar
City Manager

Date: March 21, 2013

0 100 200 Feet

ZONING Z 13-08

INDICATES AREA OF REQUEST

SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 13-08

2121 Northwest Highway, Suite 116

I. **Statement of Purpose:** The purpose of this Specific Use Permit is to permit a Kindergarten, Preschool or Child Care Center 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 General Business (GB) District set forth in Section 25, 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 10 year time period and tied to **Restoration Community Fellowship Church.**

B. Days and Hours of Operation: The child care center will operate Monday through Friday from 6:30 a.m. to 6:00 p.m.

C. Maximum Number of Students: The maximum allowable number of students is 60. Should additional parking become available the number of students may be increased in accordance with the parking ratio established by the Comprehensive Zoning Ordinance.

D. Parking Requirement: A minimum of 6 parking spaces are required for the Child Care Center.

EXHIBIT B

Restoration
Community Fellowship Church

"We are concerned about your HEALING"
2121 Northwest Highway, Suite 114, Garland, TX 75041

Proposed Plan for Church Day Care

Purpose: To provide quality and affordable child care in a Christ center environment to low income families in the Garland and surrounding area.

Target Market: The day care will be open to all who may seek our services, more specifically the low income families or single parents who cannot afford or who is having financial difficulty finding quality, safe and affordable child care.

- Restoration Community Fellowship Church will be able to provide such services to our children and family at such an affordable rate because we are a non-profit religious organization who's mission is not profit driven – unlike other business owners who provide this same service.

Proposed Hours of Operation: Monday – Friday 6:30am to 6:00pm

Age of Children: 2 ½ years of age to 13 years of age)

Total number of Children: 60 Children

Number of Staff: 11 (1 Director, 1 Assistant Director, 1 Cook, 8 Teachers – all will be approved by DFPS – Department of Family and Protective Services)

Location: 2121 Northwest Highway, Suite 116, Garland,TX 75041 (Previous SUP was issued on this location in August 2012)

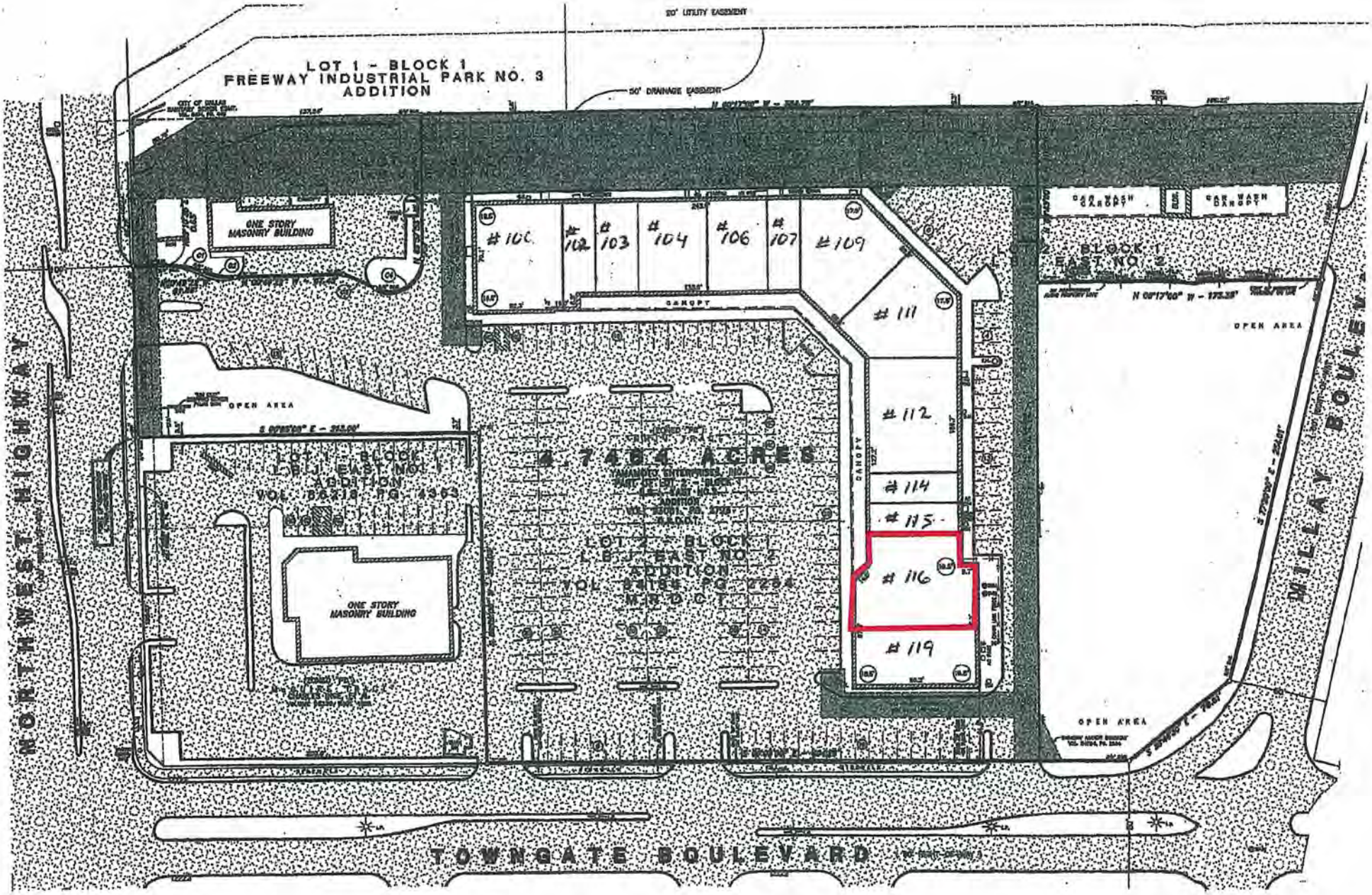
NOTE: No construction, no work in public rights of way or easements, no water or sanitary work is being proposed. No signage needed.

Robert Shepherd - PASTOR
214-802-9102

Mission: To **RESTORE** the Individual, the Family, and the Community with the word of God and through loving fellowships.

Website Address: www.restorationcf.org
Email Address: restorationcfc@hotmail.com

Service Times: 10:00am Sunday Morning Prayer
10:30am Sunday Morning Worship Celebration
7:00pm Wednesday Night Bible Study


20' UTILITY EASEMENT
LOT 1 - BLOCK 1
FREEWAY INDUSTRIAL PARK NO. 3
ADDITION
50' DRAINAGE EASEMENT
ONE STORY MASONRY BUILDING
#100
#102
#103
#104
#106
#107
#109
CANOPY
#111
#112
#114
#115
#116
#119
OPEN AREA
LOT 1 - BLOCK 1
LBJ EAST NO. 1
ADDITION
4.7484 ACRES
LOT 2 - BLOCK 1
LBJ EAST NO. 2
ADDITION
ONE STORY MASONRY BUILDING
LOT 2 - BLOCK 1
EAST NO. 2
OPEN AREA
NORTHWEST HIGHWAY
MILLAY BOULEVARD
TOWNGATE BOULEVARD

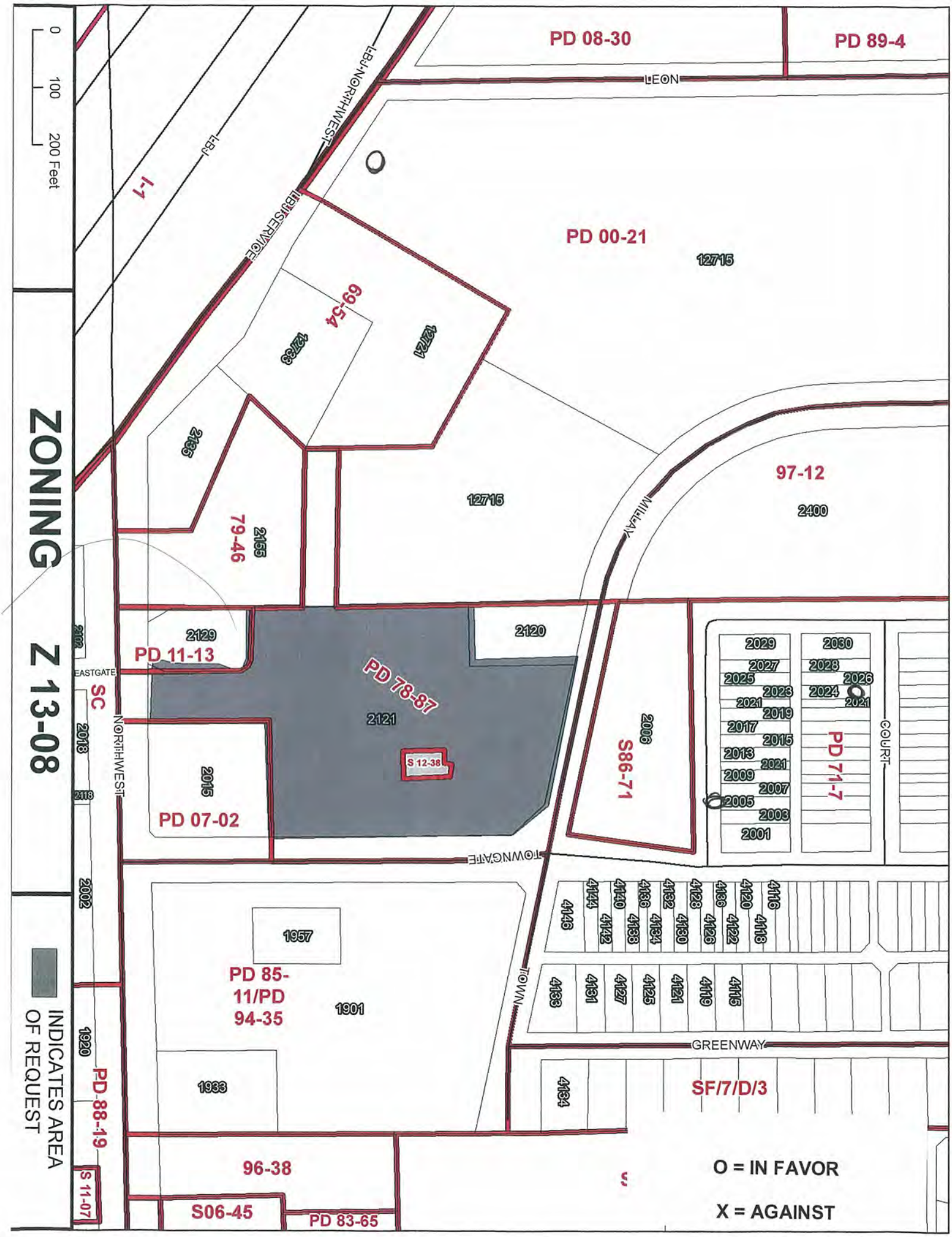
REPORT & MINUTES

P.C. Meeting, March 11, 2013 (7 Members Present)

Consideration of the application of Restoration Fellowship Church, requesting approval of a Specific Use Permit for a Kindergarten, Preschool, or Child Care Center on property zoned Planned Development (PD) District 78-87 for Retail Uses in the IH 635 Overlay District. This property is located at 2121 Northwest Highway, Suite 116. (File 13-08)

The applicant was in the audience and available for questions, but did not fill out a speaker card. There were no questions.

Motion was made by Commissioner Welborn, seconded by Commissioner O'Hara to **approve** the request as recommended by staff. **Motion carried: 7** Ayes, 0 Nays.


ZONING
Z 13-08
0 100 200 Feet
INDICATES AREA OF REQUEST
O = IN FAVOR
X = AGAINST
PD 08-30
PD 89-4
LEON
LBJ NORTHWEST
LBJ
I-1
LBJ SERVICE
PD 00-21
12715
69-54
12726
12735
2135
79-46
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12715
97-12
2400
MILLAY
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PD 11-13
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PD 78-87
2121
S 12-38
EASTGATE
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NORTHWEST
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PD 07-02
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PD 71-7
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4122
4118
1957
PD 85-11/PD 94-35
1901
TOWN
4133
4131
4127
4125
4121
4119
4115
GREENWAY
1920
PD 88-19
1933
4134
SF/7/D/3
96-38
S 11-07
S06-45
PD 83-65

GARLAND

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

February 28, 2013

HEARING DATE/TIME: Plan Commission: March 11, 2013 – 7:00 PM

APPLICANT: Restoration Community Fellowship Church

File Z 13-08

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, March 11, 2013, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Restoration Community Fellowship Church** requesting approval of a Specific Use Permit for Kindergarten, Preschool or Child Care Center on property zoned Planned Development (PD) 78-87 District for Retail Uses and in the IH 635 Overlay District. The property is shown on the enclosed sketch and is described as follows:

> Being an approximate 4.65-acre parcel shown as Lot 2 Block 1 of L.B.J. East No. 2, an addition to the City of Garland as recorded in Volume 84184, Page 2284, P.R.D.C.T. The property is located at 2121 Northwest Highway, Suite 116. (District 5)

Note: The applicant requests approval of a Specific Use Permit to continue to operate a child care center, under new management, within a tenant space in the existing building.

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 or by fax to 972-205-2474.** Should you have any questions, please contact Chasidy Allen at 972-205-2445.

(Please Check One Below)

Y 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

CarMax, Inc
Printed Name

12715 LBJ Freeway Garland, TX 75041
Address City, State Zip

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

Signature K. Douglass Moyers
Title Vice President

Date: 3.5.2013

GARLAND

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

February 28, 2013

HEARING DATE/TIME: Plan Commission: March 11, 2013 – 7:00 PM

APPLICANT: Restoration Community Fellowship Church

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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)

Monte L. Brown
Printed Name

2005 Town Ct, Garland TX 75041
Address City, State Zip

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

Monte L. Brown
Signature Title

Date: 3/4/13

GARLAND

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

February 28, 2013

HEARING DATE/TIME: Plan Commission: March 11, 2013 – 7:00 PM

APPLICANT: Restoration Community Fellowship Church

File Z 13-08

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> Being an approximate 4.65-acre parcel shown as Lot 2 Block 1 of L.B.J. East No. 2, an addition to the City of Garland as recorded in Volume 84184, Page 2284, P.R.D.C.T. The property is located at 2121 Northwest Highway, Suite 116. (District 5)

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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: 2024 COURT PLACE, GARLAND

FRAN L. MATHERS
Printed Name

RES. 3902 TALLY HO DR. IRVING, TX. 75062-3820
Address City, State Zip

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

Fran L. Mathers OWNER
Signature Title

Date: 3-8-2013

Planning Report

File No. 13-09/District 8

Agenda Item:

Meeting: City Council

Date: April 2, 2013

Wal-Mart Real Estate Business Trust

101 West Buckingham Road

REQUEST

Approval of 1) a Specific Use Permit for Retail Sales with Gas Pumps and 2) a variance to Section 10-200 of the Comprehensive Zoning Ordinance No. 4647 regarding the minimum required parking count.

OWNER

Wal-Mart Real Estate Business Trust

PLAN COMMISSION RECOMMENDATION

On March 11, 2013 the Plan Commission, by a vote of seven (7) to zero (0), recommended approval of 1) a Specific Use Permit for Retail Sales with Gas Pumps and 2) a variance to Section 10-200 of the Comprehensive Zoning Ordinance No. 4647 regarding the minimum required parking count.

Additionally, the Plan Commission approved a variance to Section 30.106(1)(a) of the Sign Ordinance to allow the accumulative area of the attached signs on the canopy to be increased from 62 square feet to 66 square feet.

STAFF RECOMMENDATION

Approval of a Specific Use Permit for Retail Sales with Gas Pumps for a period of 30 years and tied to Wal-Mart. The gas station will be appropriately located at a major intersection and its service is compatible with the surrounding area as well as consistent with the recommendation of the Future Land Use Map of the Envision Garland Plan.

Approval of a variance to section 10-200 of the Comprehensive Zoning Ordinance No. 4647 regarding the minimum required parking count. The kiosk will only serve as a transaction point for those customers purchasing gasoline at the fuel pumps; therefore, the placement of the two required parking spaces on the gas station site seems excessive. In lieu of placing two parking spaces on the gas station site, Staff recommends allowing the applicant to place the two required parking spaces within the Wal-Mart Neighborhood Market store parking area.

BACKGROUND

The subject site is a portion of a parking lot of a vacant building previously utilized as a Sack & Save store. The vacant building will be demolished and the entire site will be redeveloped with a Wal-Mart Neighborhood Market store. As part of the redevelopment of the site, the applicant is proposing to carve out a 0.336-acre flag lot on the southeast quadrant of the overall site and construct a gas station. The proposed gas station consists of a service kiosk, 5 fuel dispensers and a canopy with attached signage. The applicant is requesting approval of a Specific Use Permit for Retail Sales with Gas Pumps and a variance to Section 10-200 of the Comprehensive Zoning Ordinance No. 4647 which establishes a minimum parking requirement for Retail Sales with Gas Pumps.

SITE DATA

The proposed gas station will be developed on a 0.336-acre flag lot that will have access from West Buckingham Road and North First Street through two mutual access easements. The subject site will have 18 feet of frontage that partly coincides with a driveway entrance along North First Street.

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. The Shopping Center (SC) District accommodates shopping center development having a neighborhood or community service area.

Gas stations are only allowed by Specific Use Permit in the Shopping Center (SC) District. The proposed gas station will be near a residential area that will be benefited by the service that will be provided at the gas station which will be conveniently located at the corner of an intersection of two major thoroughfares and part of a larger retail redevelopment project; therefore, the gas station is in line with the purpose and intent of the Shopping Center (SC) District.

CONSIDERATIONS

1. The gas station site will be located at the northwest corner of West Buckingham Road and North First Street and will consist of a 342-square foot service kiosk, 5 fuel dispensers and a canopy with attached signage. The gas station will operate Monday through Saturday from 6:00 a.m. to 9:00 p.m. and Sunday from 9:00 a.m. to 7:00 p.m.

2. Section 10-200 of the Comprehensive Zoning Ordinance requires 1 parking space per 200 square feet of gross floor area for Retail Sales with Gas Pumps. The service kiosk will be 342 square feet; therefore, the gas station site will require 2 parking spaces. The applicant is requesting a variance to the above requirement to place the 2 required parking spaces within the Wal-Mart Neighborhood Market store parking area instead of placing them on the gas station site as it is required. The gas station site is restricted by its limited

surface area and the two required parking spaces will better serve the overall site if located within the Wal-Mart Neighborhood Market store parking area.

The kiosk will only operate as a point of transaction for those customers purchasing fuel at the gas pumps, the kiosk will not operate as a convenience store and no customer floor area will be provided; therefore, eliminating the need to have customer parking spaces on the gas station site. However, in case parking is needed, the availability of two parking spaces within the Wal-Mart Neighborhood Market store parking area is a sensible solution; Staff finds the request reasonable and recommends approval.

3. As a condition of the Specific Use Permit approval the owner/operator shall provide a $40,000 surety bond or similar security to the City to ensure the removal of all buildings, equipment, above-ground and underground storage tanks and/or other improvements in the event the business operations (retail sales with gas pumps) cease for a period of two or more years, per section 10-309(c) of the Comprehensive Zoning Ordinance.

4. As required in section 10-312 of the Comprehensive Zoning Ordinance, each façade of the proposed kiosk consists of at least 80 percent face brick and stone and all the canopy columns are constructed with the same masonry materials as are used on the kiosk facades. The materials on the canopy columns and the kiosk facades are compatible with the materials on the Wal-Mart Neighborhood Market store elevations.

5. Given that no parking spaces will be located on the gas station site and the lot lines are not adjacent to the public streets, screening and landscape are not required. Landscape buffers, planting of trees and parking lot screening are being provided on the overall site as part of the Wal-Mart Neighborhood Market development project.

6. The applicant is requesting approval of the Specific Use Permit for a period of 30 years tied to Wal-Mart.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Neighborhoods Centers for the subject property. Neighborhood centers provide a mix of retail, services and community gathering places. This center should be appropriately scaled to adjacent residential areas. This type of center is predominantly, but not exclusively, non-residential. Neighborhood Centers are served by local roads and transit routes.

The construction of the proposed gas station is part of a larger redevelopment effort that includes the construction of Wal-Mart Neighborhood Market. As such, the gas station is an important part of this future neighborhood center that will provide a mix of retail and services to the adjoining residential neighborhoods. Moreover, the gas station will be appropriately and conveniently located at the corner of northwest corner of Buckingham and First, two major thoroughfares.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The properties to the west and south of the subject site are zoned Single Family (SF-7) District; these properties are developed with single-family residences. The properties to the east of North First Street are zoned Industrial 1 (I-1) District; these properties are developed with light industrial and highly intensive commercial uses. The properties to the north of the subject site are zoned Planned Development (PD) District 93-35 for Self Storage Units, Health Services (HS) District, and Planned Development (PD) District 05-04 for Independent Senior Living Facility; these properties are developed with self-storage units, a nursing home, and senior living housing.

As part of an effort to redevelop a vacant commercial site located at the northwest corner of West Buckingham Road and North First Street, the gas station will offer an important service to the adjacent residential neighborhoods. Moreover, in conjunction with the Wal-Mart Neighborhood Market, the gas station will function as a buffer between the residential neighborhoods located to the west of the subject site and the industrial sites located to the east of North First Street. Therefore, the proposed gas station is compatible with the surrounding uses.

Prepared By:

Josue De La Vega
Development Planner

Date: March 13, 2013

Reviewed By:

Neil Montgomery
Director of Planning

Date: March 15, 2013

Reviewed By:

William E. Dollar
City Manager

Date: March 18, 2013

0 200 400 Feet

ZONING Z 13-09

INDICATES AREA OF REQUEST

SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 13-09

Northwest corner of West Buckingham Road and North First Street

I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow the construction of a gas station as part of the redevelopment of the overall site.

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 Section 10-309 and the Shopping Center (SC) District set forth in Section 24 and 33 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 30 year time period and tied to **Wal-Mart.**

B. Site Plan: Development shall be in general conformance with site plan labeled Exhibit C.

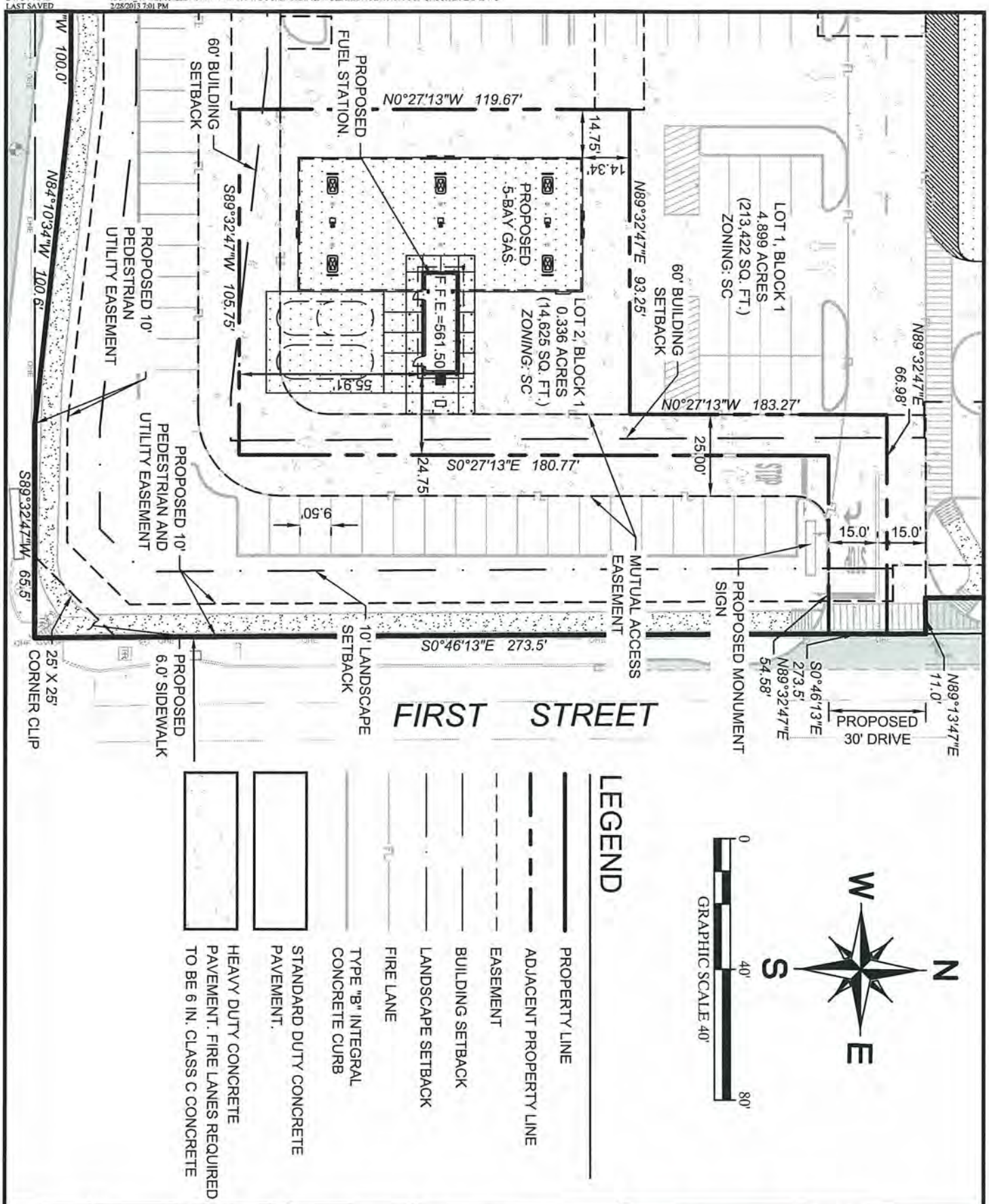
C. Elevations: Kiosk elevations and canopy columns shall be in general conformance with the elevations labeled Exhibit D.

D. Attached Signs: The accumulative area of the attached signs on the canopy shall not exceed 66 square feet.

E. Surety Bond: The owner/operator shall provide a $40,000 surety bond or similar security to the City to ensure the removal of all buildings, equipment, above-ground and underground storage tanks and/or other improvements in the event the business operations (retail sales with gas pumps) ceases operation for a period of two or more years, Section 10-309(c) of the Comprehensive Zoning Ordinance.

EXHIBIT B

IMAGES
XREFS XREF xSSM-Border-2433 - XREF xBndy - XREF xSite-Exst - XREF xHatch - XREF xUtil-Exst - XREF xSite - XREF xProto - XREF ø511
PLOTTED BY KOCH, CAROLYN 2/28/2013 7:02 PM
DWG NAME K:\FRI_CIVIL\63362224-GARLAND-1ST & BUCKINGHAM\DWG\EXHIBITS\20130301-SUP GAS SITE PLAN.DWG
LAST SAVED 2/28/2013 7:01 PM



Scale:	AS SHOWN
Designed by:	RBW
Drawn by:	RBW
Checked by:	LAN
Date:	MARCH 1, 2013
Project No.	63362224

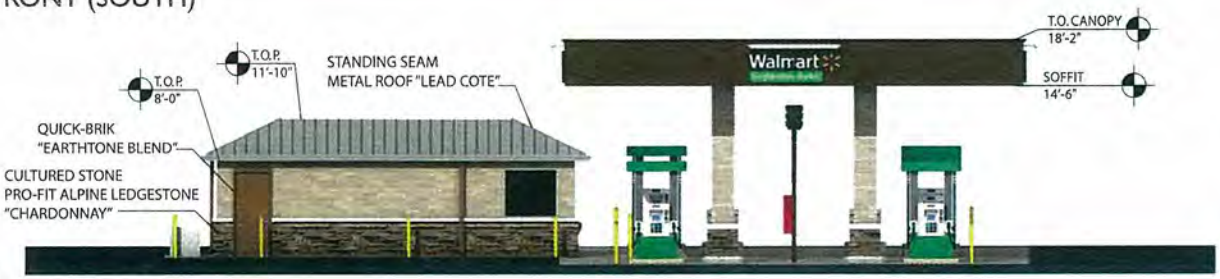
SHEET SP-2

Walmart STORE #2433-00
101 W. BUCKINGHAM ROAD
GARLAND, TX 75040
NORTHVIEW RETAIL ESTATES

EXHIBIT C

Kimley-Horn and Associates, Inc.
5750 Genesis Court, Suite 200
Dallas, Texas 75034
Tel. No. (972) 335-3580
Fax No. (972) 335-3779

FRONT (SOUTH)

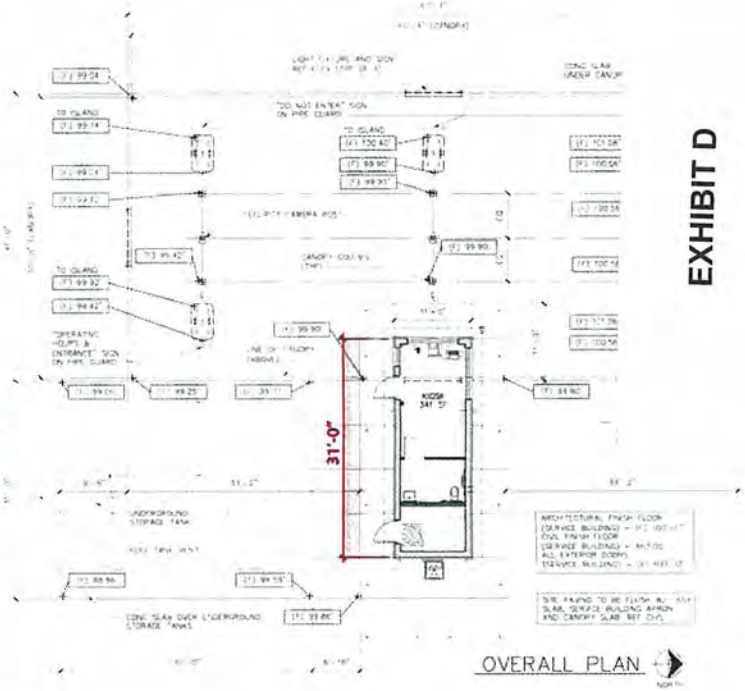


BACK (NORTH)

RIGHT (EAST)

LEFT (WEST)

WALMART NEIGHBORHOOD MARKET SIGN



OVERALL PLAN

EXHIBIT D

Walmart

RHA ARCHITECTS	February 27, 2013	Garland (Buckingham), TX #2433	Fuel Station Elevations	1

Z 13-09

Specific Use Permit for a gas station on property zoned Shopping Center District
101 West Buckingham Rd.

Looking at the overall future Wal-Mart site

Looking at the general area where gas station will be located and the properties to the east.

Looking at the properties to the south of the subject site.

Looking at the properties to the west of the subject site.

REPORT & MINUTES

P.C. Meeting, March 11, 2013 (7 Members Present)

Consideration of the application of Wal-Mart Real Estate Business Trust, requesting approval of 1) a Specific Use Permit for Retail Sales with Gas Pumps 2) a variance to Section 10-200 of the Comprehensive Zoning Ordinance No. 4647 regarding the minimum required parking count and 3) a variance to Section 30.106(1)(a) of the Sign Ordinance regarding the maximum allowable area for attached signs. The property is located at 101 West Buckingham Road. (File 13-09)

Myron Dornic returned to the podium to discuss and answer questions in regards to the proposed gas station.

Motion was made by Commissioner Ott, seconded by Commissioner Dalton to **approve** the request including both variances as presented by the applicant. **Motion carried: 7** Ayes, 0 Nays.

O = IN FAVOR
X = AGAINST
PD 07-33
PD 05-04
PD 80-67
AG
HS
PD 93-35
SC
I-1
SF/7/F/3
SF/7/G/3
MF-18
S06-44
S 95-33
BROOKFIELD
WOODCASTLE
WORCESTER
WAKEFIELD
MONARCH
BELTLINE
AMBERWAY
SHEA
LIMESTONE
CRIST
TINA
LAMONT
VICTORIA
EDNA SMITH
GLENBROOK MEADOWS
GLENCREST
GLENWICK
NORTHWIND
LUCINDA
BUCKINGHAM
FIRST
VINE
AVON
GEMINI
TWILIGHT
DAWN
MERCURY
SUNSET
PLEASANT VALLEY
CAMILLA
LENA
RAHAL
SALAZAR
CHABLIS
BURGUNDY
DORADO
0 200 400 Feet
ZONING Z 13-09
INDICATES AREA OF REQUEST

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

GARLAND

February 28, 2013

HEARING DATE/TIME: Plan Commission: March 11, 2013 – 7:00 PM

APPLICANT: Wal-Mart Real Estate Business Trust

File Z 13-09

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, March 11, 2013, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Wal-Mart Real Estate Business Trust** requesting approval of 1) a Specific Use Permit for Retail Sales with Gas Pumps and 2) a variance to section 10-200 of the Comprehensive Zoning Ordinance No. 4647 regarding the minimum required parking count on property zoned Shopping Center (SC) District. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 0.336-acre tract of land situated in the southerly portion of Lot 22, Block 1 of Northview Estates, an Addition to the City of Garland, Texas, according to the Final Plat thereof recorded in Volume 69028, Page 562 of the Map Records of Dallas County, Texas, as affected by Affidavit recorded in Volume 76197, Page 1958 of the Deed Records of Dallas County, Texas, same also being a portion of a called 5.311 acre tract of land, conveyed to Wal-Mart Real Estate Business Trust, as evidenced in a Special Warranty Deed, recorded in Instrument No. 201200360882 of the Official Public Records of Dallas County, Texas. This property is located at 101 West Buckingham Road. (District 8)

Note: The applicant, Wal-Mart, is requesting a Specific Use Permit to build a gas station with a service kiosk as part of the redevelopment of the overall 5.311-acre site with a Wal-Mart Neighborhood Market store. Additionally, the applicant is requesting a variance to accommodate the 2 required parking spaces for the gas station on the Wal-Mart Neighborhood Market parking area.

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 or by fax at 972-205-2474.** Should you have any questions, please contact Josue De La Vega at 972-205-2445.

(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

RICKY PATMAN

Printed Name

2013 LAMONT DR — GARLAND, TX — 75040

Address — City, State — Zip

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

Signature — Title — 3/4/13 Date

GARLAND

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

February 28, 2013

HEARING DATE/TIME: Plan Commission: March 11, 2013 – 7:00 PM

APPLICANT: Wal-Mart Real Estate Business Trust

File Z 13-09

Dear Property Owner:

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Note: The applicant, Wal-Mart, is requesting a Specific Use Permit to build a gas station with a service kiosk as part of the redevelopment of the overall 5.311-acre site with a Wal-Mart Neighborhood Market store. Additionally, the applicant is requesting a variance to accommodate the 2 required parking spaces for the gas station on the Wal-Mart Neighborhood Market parking area.

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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: 119 E Buckingham

Printed Name: Ronald Dreben

Address: 135 W. Ralph Hall Pkwy Suite 101, City, State: Rockwall TX, Zip: 75032

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

Signature: Ronald Dreben Title: O/O Date: 3/4/13

GARLAND

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

February 28, 2013

HEARING DATE/TIME: Plan Commission: March 11, 2013 – 7:00 PM

APPLICANT: Wal-Mart Real Estate Business Trust

File Z 13-09

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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 2000 N. First

Printed Name Ronald Dribbon

Address 735 W. Ralph Hall Pkwy, Suite 101, City, State Rockwall, TX Zip 75032

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

Signature Title Date 8/4/13

GARLAND

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

February 28, 2013

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File Z 13-09

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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.

Great for the neighborhood

(Please complete the following information)

Your Property Address: 2018 Victoria

Printed Name: Mildred L. Tillman

Address: 2018 Victoria City, State: Garland TX Zip: 75040

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

Mildred L. Tillman (Owner) 3/5/2013

Signature Title Date

GARLAND

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

February 28, 2013

HEARING DATE/TIME: Plan Commission: March 11, 2013 – 7:00 PM

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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.

There won't be enough Parking Space for the customers. There are lot of gas Stations in the neighbourhoo

(Please complete the following information)

Your Property Address

Arvind Nallarabu 102 E. Buckingham Rd Garland TX 75040

Printed Name

Address City, State Zip

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

Signature Title Date 03/05/13

GARLAND

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

February 28, 2013

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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

Victoriano Contreras

Printed Name

2109 Lamont Dr. | Garland TX | 75040

Address | City, State | Zip

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

Victoriano Contreras Owner | 03-05-13

Signature | Title | Date

GARLAND

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

February 28, 2013

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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 2010 LAMONT DR.

Printed Name PAUL CHAPA

Address 2010 LAMONT DR. City, State GARLAND, TX Zip 75040

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

Signature Title Date MARCH 5, 2013

GARLAND

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

February 28, 2013

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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.

I am strongly in favor of the change. Garland needs to have businesses in the empty buildings throughout the city

(Please complete the following information)

Your Property Address
2001 Lamont

Printed Name
Michael E. Collins Garland TX 75044

Address City, State Zip

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

Michael E. Collins Owner March 4-2013

Signature Title Date

GARLAND

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

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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.

Christine DeLand

Printed Name

1902 Vine Ct. Garland TX 75040

Address City, State Zip

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

Christine DeLand 3/6/13

Signature Title Date

GARLAND

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

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(Please Check One Below)

_____ I am in favor of the request.

_XX_ I am opposed to the request.

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

ADDITIONAL TRAFFIC IN THE AREA; THERE ARE ALREADY NUMEROUS GAS STATIONS WITHIN A MILE RADIUS OF THE LOCATION; LOWER PROPERTY VALUES; ENVIRONMENTAL HAZARD.

(Please complete the following information)

Your Property Address

GARY AND LINDA ENGLEMAN

Printed Name

2018 LAMONT DRIVE GARLAND TX 75040

Address City, State Zip

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

Gary Englemen Linda Engleman 3-8-13

Signature Title Date

GARLAND

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

February 28, 2013

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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.

YES, THAT'S WONDERFUL.

(Please complete the following information)

Your Property Address

DEBORAH SCHICK

Printed Name

2009 LAMONT — GARLAND TX — 75043

Address — City, State — Zip

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

Deborah Schick — 3-5-13

Signature — Title — Date

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

GARLAND

February 28, 2013

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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.

WE REALLY NEED A GROCERY STORE NEARBY SINCE SACK & SAVE AND THE ALBERTSONS ON LAVON CLOSED.

(Please complete the following information)

Your Property Address

LUKE WESTERHEIM & ELYA WESTERHEIM
Printed Name

2106 LAMONT DR. | GARLAND, TX | 75040
Address | City, State | Zip

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

Luke Westerheim | HOME OWNER | 3/11/13
Signature | Title | Date

GARLAND

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

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Note: The applicant, Wal-Mart, is requesting a Specific Use Permit to build a gas station with a service kiosk as part of the redevelopment of the overall 5.311-acre site with a Wal-Mart Neighborhood Market store. Additionally, the applicant is requesting a variance to accommodate the 2 required parking spaces for the gas station on the Wal-Mart Neighborhood Market parking area.

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 or by fax at 972-205-2474.** 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.

We need a grocery store in this area again

(Please complete the following information)

Your Property Address 2010 Victoria, Garland, TX 75040

Printed Name Ruth Shanks

Address 9 Garland, TX City, State 75040 Zip

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

Ruth Shanks property owner 3-12-13

Signature Title Date

GARLAND

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

February 28, 2013

HEARING DATE/TIME: Plan Commission: March 11, 2013 – 7:00 PM

APPLICANT: Wal-Mart Real Estate Business Trust

File Z 13-09

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, March 11, 2013, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Wal-Mart Real Estate Business Trust** requesting approval of 1) a Specific Use Permit for Retail Sales with Gas Pumps and 2) a variance to section 10-200 of the Comprehensive Zoning Ordinance No. 4647 regarding the minimum required parking count on property zoned Shopping Center (SC) District. The property is shown on the enclosed sketch and is described as follows:

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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 or by fax at 972-205-2474.** 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.

The Old + Handley Corp Need Very Bad

(Please complete the following information)

Your Property Address
2002 VICTORIA DR

Printed Name
NEWTON D. Wade Garland Tx 75040

Address City, State Zip

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

Newton D Wade 3-8-13

Signature Title Date

GARLAND

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

February 28, 2013

HEARING DATE/TIME: Plan Commission: March 11, 2013 – 7:00 PM

APPLICANT: Wal-Mart Real Estate Business Trust

File Z 13-09

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, March 11, 2013, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Wal-Mart Real Estate Business Trust** requesting approval of 1) a Specific Use Permit for Retail Sales with Gas Pumps and 2) a variance to section 10-200 of the Comprehensive Zoning Ordinance No. 4647 regarding the minimum required parking count on property zoned Shopping Center (SC) District. The property is shown on the enclosed sketch and is described as follows:

> Being an approximate 0.336-acre tract of land situated in the southerly portion of Lot 22, Block 1 of Northview Estates, an Addition to the City of Garland, Texas, according to the Final Plat thereof recorded in Volume 69028, Page 562 of the Map Records of Dallas County, Texas, as affected by Affidavit recorded in Volume 76197, Page 1958 of the Deed Records of Dallas County, Texas, same also being a portion of a called 5.311 acre tract of land, conveyed to Wal-Mart Real Estate Business Trust, as evidenced in a Special Warranty Deed, recorded in Instrument No. 201200360882 of the Official Public Records of Dallas County, Texas. This property is located at 101 West Buckingham Road. (District 8)

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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 or by fax at 972-205-2474.** 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.

(Please complete the following information)

Your Property Address: ~~2101 N FIRST ST GARLAND, TX 75040~~ U-STOR

Printed Name: 2101 N FIRST ST Garland TX 75040

Address / City, State / Zip

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

Will C. Floyd — SUPERVISOR — 3-13-13

Signature / Title / Date

Planning Report

File No. 13-10/District 5

Agenda Item:

Meeting: City Council

Date: April 2, 2013

C1S Group

3414 Herrmann Drive

REQUEST

Approval of a Specific Use Permit for a High Risk Use on property zoned Industrial 1 (I-1) District

OWNER

L-3 Communications

PLAN COMMISSION RECOMMENDATION

On March 11, 2013 the Plan Commission, by a vote of seven (7) to zero (0), recommended approval of a Specific Use Permit for a High Risk Use on property zoned Industrial 1 (I-1) District, for a period of twenty (20) years tied to L-3 Communications.

STAFF RECOMMENDATION

Approval of a Specific Use Permit for a High Risk Use. The surrounding zoning and land uses are industrial in nature and compatible with the proposed use given compliance with the requirements of applicable Fire and Building codes.

BACKGROUND

L-3 Communications is requesting approval of a Specific Use Permit for a High Risk Use to house manufacturing equipment that will utilize hazardous production materials within the existing building. A Specific Use Permit for a High Risk Use was approved in 1996 (S96-13) for a period of twenty (20) years tied to Litton Electro Optical Systems to allow for the storage of hazardous chemicals. The applicant will remodel an interior space in the building to create a room specifically designed to accommodate these materials.

SITE DATA

The subject property contains 5.61 acres with approximately 305 feet of frontage along Herrmann Drive.

USE OF PROPERTY UNDER CURRENT ZONING

The Industrial 1 (I-1) District provides for a wide range of industrial uses which generate few objectionable conditions. Such uses include manufacturing, processing, assembling, research and development, and warehousing and distribution. A Specific Use Permit is required for a High Risk Use in the Industrial-1 (I-1) District.

CONSIDERATIONS

1. L-3 Communications has occupied the existing 111,545 square foot building since 2008. They are proposing an interior renovation to create a new 4,637 square foot cleanroom that will house equipment that will utilize hazardous production materials such as flammable gas, corrosives, and oxidizing gas. A new diesel powered generator will be installed to provide emergency power to production tools and life safety equipment in the event of a loss of power. These materials are classified as a hazardous occupancy by the Fire Department.

2. High Risk Use is defined by the Zoning Ordinance as any use which is determined to be of special health or safety hazard due to excessive and/or toxic fumes, smoke, gas, or dust; noise; vibration; or danger from fire, explosion or radiation and involves materials meeting the “degree of hazard-4” criteria of the Uniform Fire Code.

3. The Fire Department and Building Inspection have reviewed the request and have no objections with it being approved subject to compliance with all Fire and Building Codes. The fabrication areas will be required to have installed sprinklers that meet or exceed the design requirements of ordinary Hazard Group 2 per the Fire Department. All exiting and egress requirements will be as dictated by applicable codes for hazardous occupancies.

4. The applicant is requesting approval of the Specific Use Permit for a period of 20 years tied to **L-3 Communications.**

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Industry Center for the subject property. Industry Centers provide a cluster of trade and industry that cumulatively employ large numbers of people. Operations may include such elements as semi-truck traffic, loading docks, and visible outdoor storage. Overall, the architecture, character, scale, and intensity should be compatible with adjacent development types. Industry centers range in scale and intensity based on the surrounding vicinity and may consist of one or more buildings. This development type includes a variety of primary and secondary uses that support the industry employment sector.

.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The subject property is located within an area that is zoned Industrial 1 (I-1) District and developed with buildings that are currently utilized for light industrial and heavy industrial uses. The Specific Use Permit for a High Risk Use should not have an adverse impact on existing development in the area, particularly if all requirements of the Fire Department are met.

Prepared By:

Chasidy Allen, AICP
Principal Planner

Date: March 18, 2013

Reviewed By:

Neil Montgomery
Director of Planning

Date: March 20, 2013

Reviewed By:

William E. Dollar
City Manager

Date: March 21, 2013

0 150 300 Feet

ZONING Z 13-10

INDICATES AREA OF REQUEST

SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 13-10

3414 Herrmann Drive

I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow a High Risk Use 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 Industrial 1 (I-1) District set forth in Section 29 and Section 33 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.

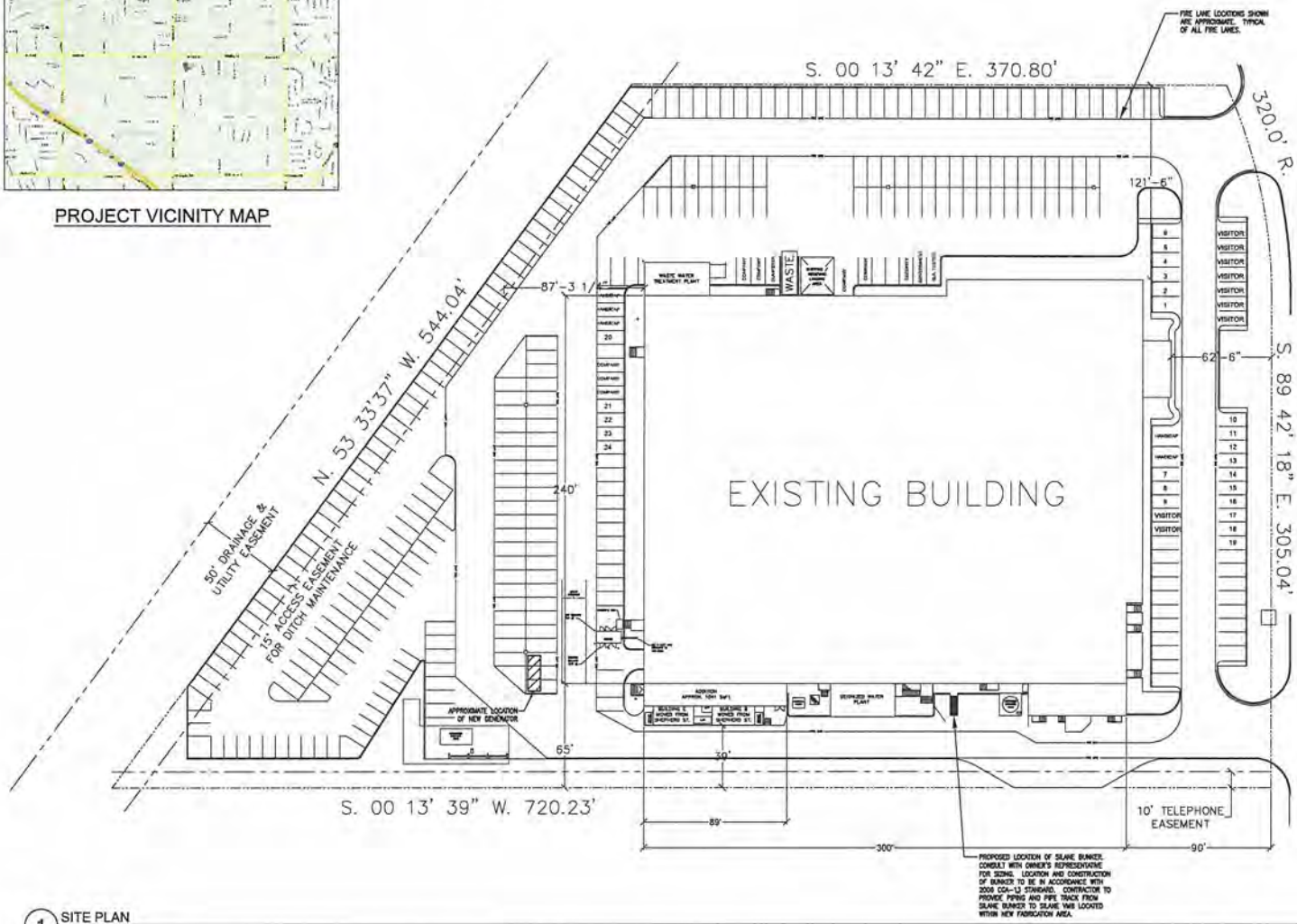
IV. **Specific Regulations:**

A. Time Period: The Specific Use Permit shall be in effect for a 20 year time period and shall be tied to **L-3 Communications.**

B. Inspections: The facility must comply with all required Health and Fire Department requirements and inspections.

EXHIBIT B

PROJECT VICINITY MAP



1 SITE PLAN
SCALE: 1/32" = 1'-0"

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L3 communications

C1S Group
4231 Sigma Rd., Suite #110
Dallas, Texas 75244
Ph. 972-386-7006 Fax 972-386-7206
www.c1sinc.com
Texas Registered Engineering Firm F-12535

L3 COMMUNICATIONS CLEANROOM EXPANSION

3414 HERRMANN DR.
GARLAND, TEXAS 75041

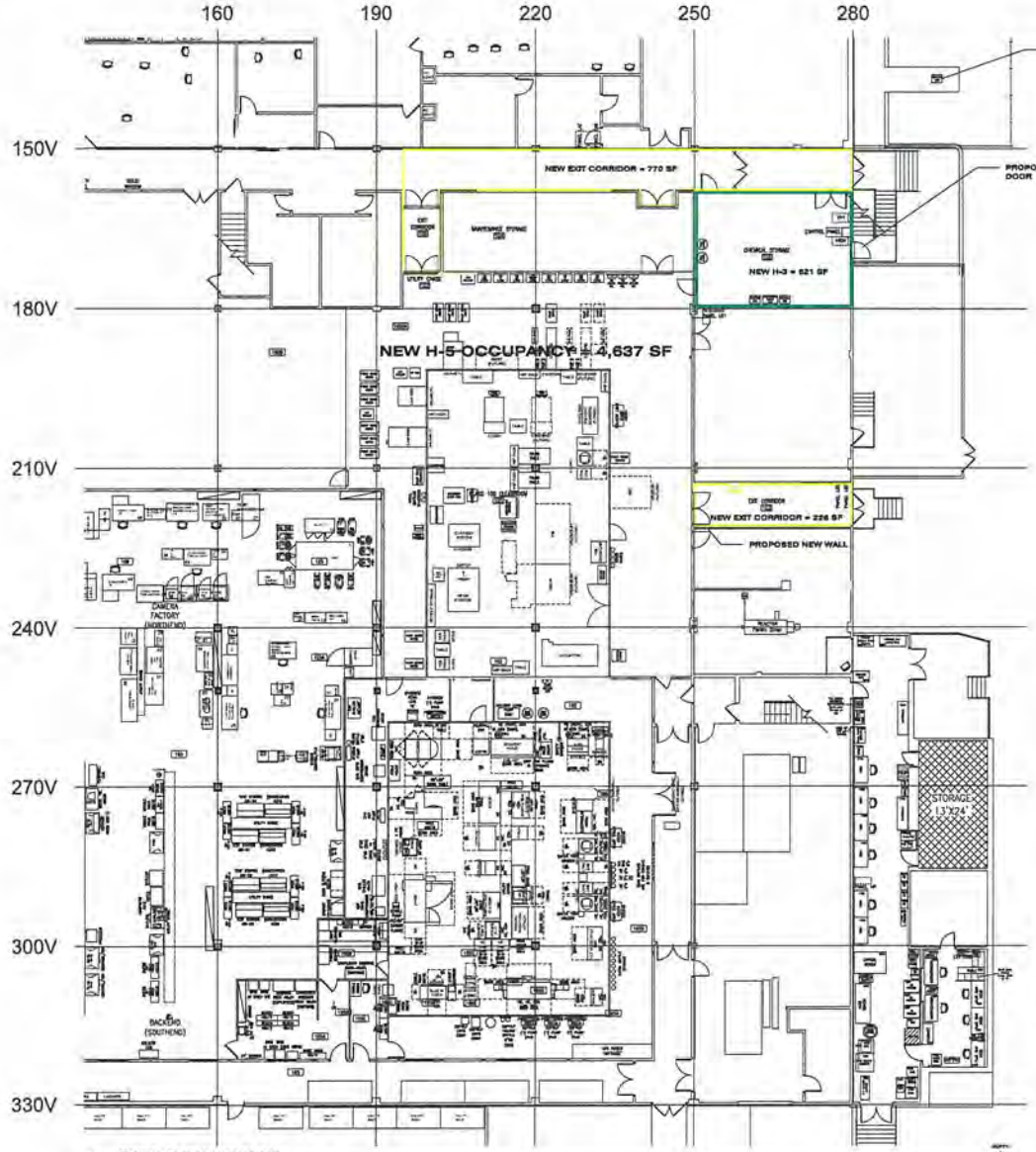
PRELIMINARY DRAWINGS NOT FOR CONSTRUCTION

Drawn By:	CBB
Project Number:	2012-122
Date:	13 FEBRUARY 2013
Issue:	SUP APPLICATION
Approved By:	TB

Sheet Number:

CR0.00

SITE PLAN



1 CODE ANALYSIS PLAN
SCALE: 3/32" = 1'-0"

PROJECT INFORMATION

PROJECT:
PROJECT NAME: L3 COMMUNICATIONS CLEAN ROOM EXPANSION
PROJECT ADDRESS: 3414 HERRMANN DR. GARLAND, TX 75041

BUILDING STATISTICS:
CONSTRUCTION: STEEL COLUMNS AND BEAMS AND CONCRETE FLOOR
FIRE SPRINKLERED: YES

BUILDING AREA:
GROUND FLOOR (AREA IN SCOPE) 5,254 SF (4,637 SF H-5)

OCCUPANCY LOAD:
17 OCCUPANTS (AREA IN SCOPE)

CODE ANALYSIS INFORMATION - EXISTING

CODES:
INTERNATIONAL BUILDING CODE 2009 EDITION
INTERNATIONAL MECHANICAL CODE 2009 EDITION
INTERNATIONAL FIRE CODE 2009 EDITION
INTERNATIONAL FUEL GAS CODE 2009 EDITION
INTERNATIONAL PLUMBING CODE 2009 EDITION
INTERNATIONAL ENERGY CONSERVATION CODE 2009
NATIONAL ELECTRICAL CODE 2009 EDITION

CLEAN ROOM REFERENCE STANDARD
ISO STANDARD 14644

BUILDING ENERGY CODE COMPLIANCE:
COMCHECK VERSION 3.5.1.5

ZONING:
I-1 (INDUSTRIAL 1)

BUILDING AREA:
FIRST FLOOR: 72,134 SF
SECOND FLOOR: 36,411 SF
TOTAL: 111,545 SF

PARKING:
320 PARKING SPACES PROVIDED

ASSUME FIRST FLOOR IS ALL INDUSTRIAL F-1
72,134 @ 1/1000 = 74 SPACES
ASSUME SECOND FLOOR IS ALL OFFICES B-2
36,411 @ 1/300 = 129 SPACES

TOTAL PARKING REQ. = 203 SPACES
EXCESS PARKING PROVIDED = 117 SPACES

USE AND OCCUPANCY CLASS:
FIRST FLOOR: FACTORY INDUSTRIAL F-1, MODERATE HAZARD (SEC.306)
SECOND FLOOR: BUSINESS B, OFFICES (SEC. 304)

BLDG HEIGHT/AREA (2009 IBC CHAPTER 5):
F-1 TYPE II-B BUILDING HEIGHT: 55', 2 STORIES. (TABLE 503)
F-1 TYPE II-B BUILDING AREA: 18,000 SF (TABLE 503)
UNLIMITED AREA (SEC. 507.4)
TWO STORIES MAX
FIRE SPRINKLERS THROUGHOUT
SURROUNDED BY PUBLIC WAYS OF NOT LESS THAN 60'

MIXED USE OCCUPANCY (2009 IBC CHAPTER 6)
FIRST FLOOR: FACTORY INDUSTRIAL F-1 (SEC. 608.4.1)
SECOND FLOOR: BUSINESS B, (SEC. 608.4.1)
SEPARATION, FULLY SPRINKLER (PER TABLE 508.4)
NOT REQUIRED BETWEEN F-1 / B OCCUPANCIES

TYPE OF CONSTRUCTION (2009 IBC CHAPTER 6, TYPE II-B)
PRIMARY STRUCTURAL FRAME: NON PROTECTED
BEARING WALLS: NON PROTECTED
NON BEARING WALLS: NON PROTECTED (TABLE 602 > 30')
FLOOR CONSTRUCTION: NON PROTECTED
ROOF CONSTRUCTION: NON PROTECTED

MEANS OF EGRESS (2009 IBC CHAPTER 10)
COMMON PATH OF TRAVEL: 100' MAX (SEC. 1014.3)
EXIT TRAVEL DISTANCE: 250' MAX (TABLE 1016.1)
CORRIDOR FIRE RATINGS: NON RATED (TABLE 1018.1)
DEAD END CORRIDORS: 50' MAX (SEC. 1018.4)
MINIMUM NUMBER OF EXITS: 4 MIN. (1021.1)

AREA CLASSIFICATION LEGEND

- H-5 - HAZARD (4,637 SF)
- H-3 - CHEMICAL STORAGE (521 SF)
- EXIT CORRIDOR (996 SF)

KEY PLAN:

KEYPLAN

C1S Group
4231 Sigma Rd., Suite #110
Dallas, Texas 75244
Ph: 972-385-7205 Fax 972-385-7206
www.c1sinc.com
Texas Registered Engineering Firm F-13235

L3 COMMUNICATIONS CLEANROOM EXPANSION

3414 HERRMANN DR.
GARLAND, TEXAS 75041

PRELIMINARY DRAWINGS NOT FOR CONSTRUCTION

Drawn By:	CDB
Project Number:	2012-122
Date:	13 FEBRUARY 2013
Issue:	SUP APPLICATION
Approved By:	TB

Sheet Number:

CR0.01
CODE ANALYSIS PLAN

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C1S Group, Inc.
4231 Sigma, Suite 110
Dallas, Texas 75244
Office: (972) 386-7005
www.c1sinc.com

February 13, 2013

City of Garland Planning Department
800 Main Street, 2nd Floor
Garland, TX 75040

RE: L-3 Communications – Garland, Texas: Cleanroom Expansion HPM Information & New Generator Requirements for Supplemental Use Permit Application

Dear Sirs:

L3 Communications is proposing an interior renovation at their existing facility located at 3414 Herrmann Drive in Garland, Texas. As part of the renovation, the new cleanroom space will house manufacturing equipment that will utilize hazardous production materials (HPM) as listed on the following page in Table 1. The summary list indicates the estimated quantities of new chemicals and gases to be added to the current facility operations along with information regarding proposed storage location. Please reference plans CR0.00 and CR0.01 provided as part of the SUP application for additional details and locations of HPM related equipment.

Additionally, a new generator will be added to the facility to provide emergency power to production tools and life safety related equipment in the event of a loss of power. The new generator will be approximately 750 kW in size and will run off diesel fuel. The proposed location for the generator is in the parking lot near the southeast corner of the building. Refer to plan CR0.00 in the SUP application for further generator location details.

If you have any questions or need additional information, please don't hesitate to contact us.

Sincerely,

Matthew T. Strong, PE
President

© 2013 C1S Group, Inc.

C1S Group, Inc.

Table 1: L-3 Communications -3414 Herrmann Road: HPM Gas and Chemical Summary

L-3 Garland Cleanroom Expansion Chemical & HPM Storage Quantities								
		Gas/Chem Cabinet	Gas Panel	Valve Manifold Box	Cu. Ft. Inventory	Number of Cylinders		
Category	Chemical / Gas	Location	Location	Location	Per Month	Matheson	Airgas	Notes
--	N2 - Non-Process (PSI)	--	--	--	--	--	--	Supplied by bulk LN2 tank.
	Ar	--	Utility Chase - 102	--	1.53	--	1	Quantity based on 1 Airgas HP 250 cylinders.
	He	--	Utility Chase - 102	--	1.53	--	1	Quantity based on 1 Airgas HP 250 cylinders.
	N2 - Process (PSI)	--	Utility Chase - 102	--	1.53	--	1	Quantity based on 1 Airgas HP 250 cylinders.
	CF4	--	Utility Chase - 102	--	1.53	--	1	Quantity based on 1 Airgas HP 250 cylinders.
	SF6	--	Utility Chase - 102	--	1.53	--	1	Quantity based on 1 Airgas HP 250 cylinder.
	RD2	--	--	--	2.14	--	--	
	RD5	--	--	--	1.87	--	--	
Class IB Liquid	Acetone	--	--	--	8.29	--	--	
	IPA	--	--	--	18.58	--	--	
	HMDS	--	--	--	0.07	--	--	
	Nano EBR PG	--	--	--	2.01	--	--	
Class II Liquid	660-2.1	--	--	--	0.07	--	--	
	660-0.8	--	--	--	0.07	--	--	
	EBR-SR7	--	--	--	0.07	--	--	
	AZP4330	--	--	--	0.13	--	--	
	Polymide	--	--	--	0.13	--	--	
Class IIIA Liquid	1165	--	--	--	17.92	--	--	
Corrosive	NH3	Chem. Storage - 105	--	Utility Chase - 102	1.53	--	1	Quantity based on 1 Airgas HP 250 cylinders.
Cryogenic	LN2	--	--	--	--	--	--	Supplied by existing bulk LN2 tank.
Flammable Gas	10% B2H6 - 90%Ar	Chem. Storage - 105	--	Utility Chase - 102	0.27	1	--	Quantity based on 1 Matheson UY cylinder.
	H2	Chem. Storage - 105	--	Utility Chase - 102	3.06	--	2	Quantity based on 2 Airgas HP 250 cylinders.
	SiH4	Exterior Bunker	--	Utility Chase - 102	1.53	--	1	Quantity based on 1 Airgas HP 250 cylinder.
Oxidizing Gas	Cl2	Chem. Storage - 105	--	Utility Chase - 102	1.53	--	1	Quantity based on 1 Airgas HP 250 cylinder.
	O2	--	Utility Chase - 102	--	3.06	--	2	Quantity based on 2 Airgas HP 250 cylinders.
	N2O	Chem. Storage - 105	--	Utility Chase - 102	1.53	--	1	Quantity based on 1 Airgas HP 250 cylinder.
Pyrophoric	10% B2H6 - 90%Ar	--	--	--	--	--	--	See chemical usage under "Flammable Gas" category.
	SiH4	--	--	--	--	--	--	See chemical usage under "Flammable Gas" category.
Toxic Gas	10% B2H6 - 90%Ar	--	--	--	--	--	--	See chemical usage under "Flammable Gas" category.
	BCl3	Chem. Storage - 105	--	Utility Chase - 102	0.27	1	--	Quantity based on 1 Matheson UY cylinder.
	Cl2	--	--	--	--	--	--	See chemical usage under "Oxidizing Gas" category.
Toxic Liquid	49% HF - 51% DI Water	--	--	--	0.67	--	--	

Notes:

Airgas HP 250 Cylinder Size = 2640 in^3 = 11.43 gal

Matheson UY Cylinder Size = 464 in^3 = 2.0 gal

C1S Group, Inc. **2/13/2013**

© 2013 C1S Group, Inc.

REPORT & MINUTES

P.C. Meeting, March 11, 2013 (7 Members Present)

Consideration of the application of C1S Group, requesting approval of a Specific Use Permit for a High Risk Use on property zoned Industrial-1 (I-1) District. This property is located at 3414 Hermann Drive. (File 13-10)

Matt Strong with C1S Group, Inc., 4231 Sigma Road, Dallas, TX 75244 was available for questions.
Also available was Forrest Feiock, GM for L-3 Infrared Products, 3414 Hermann Drive, Garland and Mike Dattilo, Architect, 4004 Beltline, Ste. 210, Addison.

There were no questions of these speakers.

Motion was made by Commissioner Welborn, seconded by Commissioner O'Hara to **approve** the request as recommended by staff. **Motion carried: 7** Ayes, 0 Nays.

0 150 300 Feet

ZONING Z 13-10

INDICATES AREA OF REQUEST

GARLAND

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

February 28, 2013

HEARING DATE/TIME: Plan Commission: March 11, 2013 – 7:00 PM

APPLICANT: C1S Group

File Z 13-10

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, March 11, 2013, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **C1S Group** requesting approval of a Specific Use Permit for a High Risk Use on property zoned Industrial-1 (I-1) District. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 5.611-acre portion of Lot 1, Block 2, Northgate Business Park #4, an addition to the City of Garland as recorded in Volume 85052, Page 1935, P.R.D.C.T. The property is located at 3414 Hermann Drive. (District 5)

Note: Approving the request will allow the addition of manufacturing equipment that will utilize hazardous materials within the existing building. No expansions or other changes are proposed at this time.

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 or by fax to 972-205-2474.** Should you have any questions, please contact Chasidy Allen 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.

They Are A Good Neighbor I Am Sure They Know what They Are Doing.

(Please complete the following information)

Your Property Address

Don Russell VCP International
Printed Name

2285 Merrit Dr. Garland 75041
Address City, State Zip

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

Don
Signature

Property Owner & Business Owner
Title

Date: 3/8/13