

AGENDA

REGULAR MEETING OF THE CITY COUNCIL

**City of Garland
Council Chambers, City Hall
200 North Fifth Street
Garland, Texas
April 16, 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 April 2, 2013 Regular Meeting.

2. Consider approval of the following bids:

Garland Police Department Ammunition

Bid No. 3482-13

GT Distributors

\$149,299.95

This request is for ammunition for the training of Garland Police Officers in the use of firearms to perform their duties.

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. 13-08, Restoration Fellowship Church

Approve an ordinance amending the zoning laws of the City of Garland by approving a Specific Use Permit for a Kindergarten, Preschool or Child Care Center on a 4.65-acre tract of land zoned Planned Development District (PD 78-87) for Retail Uses located at 2121 Northwest Highway, Suite 116.

- b. Zoning File No. 13-09, Wal-Mart Real Estate Business Trust

Approve an ordinance amending the zoning laws of the City of Garland by approving a Specific Use Permit for Retail Sales with Gas Pumps on property zoned Shopping Center (SC) District on a 0.336-acre tract of land located at 101 West Buckingham Road.

c. Zoning File No. 13-10, C1S Group

Approve an ordinance amending the zoning laws of the City of Garland by approving a Specific Use Permit for a High Risk Use on a 5.61-acre tract of land zoned Industrial-1 (I-1) District located at 3414 Hermann Drive.

4. Consider approving by minute action authorizing the City Manager to execute Change Orders 1, 2, and 3 to PO #18484.

At the April 15, 2013 Work Session, Council was scheduled to consider authorizing Change Orders 1, 2, and 3 to PO #18484 in the amount of \$192,753 needed to increase the general construction contract with Hill & Wilkinson for labor, equipment, and materials to repair and replace damaged structures uncovered during the reconstruction of the Police Shooting Range roof collapse reconstruction.

5. Consider approving by minute action authorizing the City Manager to execute a Change Order to PO #20506 in the amount of \$687,946.25.

At the April 1, 2013 Work Session, Council considered authorizing a Change Order to PO #20506 in the amount of \$687,946.25 needed for the Storm Water Spill Prevention Plan implementation required for the Olinger to Greenville Transmission Line Upgrade Project.

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 and consider the following regarding a tax abatement for APEX Tool Group.**
 - a. **Consider an ordinance designating an area as a reinvestment zone for commercial/industrial tax abatement; making certain findings thereon; authorizing the City Manager to execute an agreement with the applicant regarding the reinvestment zone.**
 - b. **Consider a resolution authorizing the City Manager to execute a tax abatement agreement.**

The APEX Tool Group is planning to invest \$8 million in its existing facility. This project is estimated to add \$5 million to the business personal property value and \$3 million for property improvement. At the April 1, 2013 Work Session, the Garland Economic Development Partnership Steering Committee recommended that Council provide: 1) general support for the project and 2) support of a 100% City tax abatement on business personal property value on this new investment for 10 years totaling \$352,300.

7. **Hold public hearings on the following zoning cases:**
 - a. **Consider the application of Vincent De Jesus requesting approval of a Specific Use Permit for Contractor Equipment and Storage on property zoned Commercial 2 (C-2) District. The property is located at 3120 Denton Drive. (File 13-11)**

The proposal is for the approval of a Specific Use Permit to store contractor equipment on the subject property. At the March 25, 2013 meeting, the Plan

Commission (by a 9 to 0 vote) recommended approval of the request as recommended by staff.

- b. Consider the application of CBRE Healthcare Services requesting approval of a Specific Use Permit for Medical Office/Clinic on property zoned Industrial 1 (I-1) District. The property is located at 900 North Shiloh Road. (File 13-12)**

The proposal is for the approval of a Specific Use Permit to operate an outpatient clinic. At the March 25, 2013 meeting, the Plan Commission (by an 8 to 0 vote) recommended approval of the request per staff recommendation.

- c. Consider the application of Firewheel Welcome Ltd. requesting approval of 1) a change in zoning from Planned Development (PD) District 06-79 for Freeway Uses to a Planned Development (PD) District for Multi-Family Uses (Independent Senior Living) and 2) a Concept Plan. The property is located in the 5100 Block of North George Bush Highway, west of 5101 N. George Bush Highway (Hyatt Place Hotel). (File 13-14)**

The proposal is for approval of a change in zoning that would allow for the development of an independent living facility subject to a Detail Plan approval. At the March 25, 2013 meeting, the Plan Commission (by an 8 to 1 vote) recommended approval of the request as presented by the applicant.

- d. Consider the application of Alfonso Vasquez requesting approval of a Specific Use Permit for Recycling Center on property zoned Industrial 1 (I-1) District. The property is located at 704 Walnut Circle East. (File 13-15)**

The proposal is for the approval of a Specific Use Permit that will allow the existing metal recycling business to expand on the subject property. At the March 25, 2013 meeting, the Plan Commission (by a 5 to 4 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, April 2, 2013, in the Council Chambers at City Hall with the following members present:

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

STAFF PRESENT:	City Manager	Bill Dollar
	City Attorney	Brad Neighbor
	City Secretary	Lisa Palomba

CALL TO ORDER: The meeting was called to order by Mayor Ronald Jones. Deputy Mayor Pro Tem Edwards led the Invocation and the Pledge of Allegiance.

CEREMONIALS: None.

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; 3a; 3b; 4; and 5 as presented. A vote was cast and the motion carried with 9 Ayes; 0 Nays.

1. Approved** City Council Meeting minutes of the March 19, 2013 Regular Meeting.

2a. Approved** Award of Bid No. 3378-13 to Techline, Inc in the amount of \$291,714.14 and a contingency amount of \$29,000.00 for a total amount of \$320,714.14 for the purchase of five galvanized steel transmission monopoles and all associated materials needed for the Miller Road Bridge Relocation Project.

2b. Approved** Award of Bid No. 3440-13 to TSE International, Inc. in the amount of \$301,435.00 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.

- 2c. Approved** Award of Bid No. 3475-13 to Network, Inc. in the amount of \$121,391.16 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 initialed by the National Weather Service.
- 3a. Approved** Approve Ordinance No. 6597 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 Practitioners 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 (Zoning File No. 12-06, Total Pharmacy Ennis).
- 3b. Approved** Approve Ordinance No. 6598 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. (Zoning File No. 13-07, Leonel Gonzalez).
4. Approved** Approve 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 Improvement 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. Approved** Approve Ordinance No. 6599 naming streets located between Hebron Drive and Country Club. The northernmost street, as illustrated on Exhibit A of Ordinance No. 6599, between Hebron Drive and County Club Road is named Fedora Way. The southernmost street, as illustrated on Exhibit A of Ordinance No. 6599, between Hebron Drive and County Club road is named Towerview Lane.

ITEMS FOR INDIVIDUAL CONSIDERATION:

6. Held Mayor Jones opened the public hearing to consider public input regarding the 2013-2014 CDBG, HOME, and ESG Funding.

Senior Managing Director of Development Services Neil Montgomery provided an overview of funding programs. The following persons spoke during the public hearing: Allison Lewis; Mary Ehlenfeldr; Amite Dominick representing the Urban League; Tom & Faye Cocke representing Axe Memorial United Methodist Church Food Pantry; Jenny Williams; representing the Hope Clinic; Ed Seghers representing the Hope Clinic; Marilynne Serie representing The Achievement Center; Brian Gaddis representing STARS Camp; Hannelore Pennington representing Senior Services; Bonnie McGee representing Austin Academy; Michael Pendleton representing Boys & Girls Club; Aaron Gaddis representing Mt. Hebron Community Housing; JoAnn Welk representing the Salvation Army; and Patricia Cole representing Reinvesting Human Capital. Mayor Jones then closed the public hearing.

7a. Held & Approved

Mayor Jones opened the Public Hearing to receive public input regarding 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 (Zoning File No. Z 13-01, 2013).

Senior Managing Director of Development Services provided background information regarding the request. The following persons spoke during the public hearing: Jim Douglas, Applicant; Jerry Carter; and Matthew Cerralvo.

Councilwoman Goebel made a motion, seconded by Deputy Mayor Pro Tem Edwards, to close the public hearing and to approve 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, and 0 nays.

7b. Held & Approved

Mayor Jones opened the public hearing to receive public input regarding 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 2121 Northwest Highway, Suite 116 Garland, Texas (File Z-13-08, 2013)

Senior Managing Director of Development Services Neil Montgomery provided background information related to the request. The following persons spoke during the public hearing: Robert Shepherd.

Mayor Pro Tem Willis made a motion, seconded by Deputy Mayor Pro Tem Edwards, to close the public hearing and approve the application as recommended by the Plan Commission and directed staff to bring forth an ordinance for formal consideration. A vote was cast and the motion carried with 9 ayes, and 0 nays.

7c.Held & Approved

Mayor Jones opened the public hearing to receive public input reading 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 W. Buckingham Road, Garland, Texas. (File Z 13-09, 2013)

Senior Managing Director of Development Services Neil Montgomery provided background information regarding the request. The following persons spoke during the public hearing: Lauren Nhfter; Sharon Lively; Ty Holcomb; and Gary Engleman.

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 6 ayes, 3 nays (Goebel; Edwards; and B.J. Williams).

7d.Held & Approved

Mayor Jones opened the public hearing to receive input regarding the application of C1S Group requesting approval of a Specific Use Permit for a High Risk Use which will allow for the addition of manufacturing equipment that will utilize hazardous materials within the existing building on property zoned Industrial-1 (1-1) District. The property is located at 3414 Herman Drive, Garland, Texas. (File Z 13-10, 2013)

Senior Managing Director of Development Services Neil Montgomery provided background information. No citizens spoke during the public hearing.

Mayor Pro Tem Willis made a motion, seconded by Councilwoman Goebel, to approve the application as recommended by the Plan Commission and directed staff to bring fourth an ordinance for formal consideration. A vote was cast and the motion carried with 9 ayes, 0 nays.

8. CITIZEN COMMENTS The following citizens spoke during the public comment period: Jerry Carter; Elizabeth Berry; Dan Fulton; and Matthew Cerralvo.

There being no further business to come before the City Council, Mayor Jones adjourned the meeting at 9:07 p.m.

CITY OF GARLAND

Signed:

Mayor Ronald Jones

Attest:

Lisa Palomba, City Secretary



GARLAND
PURCHASING

Bid No.: 3482-13
Agenda Item: 2
Meeting: Council
Date: 04/16/13

Purchasing Report

GARLAND POLICE DEPARTMENT AMMUNITION OPEN MARKET

PURCHASE JUSTIFICATION:

This ammunition is for the training of Garland Police Officers in the use of firearms to perform their duties. The firearms proficiency test is mandated by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE), a regulatory agency for the State of Texas. The requested ammunition for the Police Department is to be purchased through the BuyBoard Cooperative Contract from GT Distributors.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
GT Distributors	All	\$149,299.95
TOTAL:		\$149,299.95

BASIS FOR AWARD:

Cooperative Purchase

Submitted by:

Reviewed by:

Gary L. Holcomb, CPPO, C.P.M.

Director of Purchasing

William E. Dollar

City Manager

Date: 04/01/13

Date: 4/07/13

FINANCIAL SUMMARY:

Total Project/Account: \$	253,227
Expended/Encumbered to Date:	101,822
Balance: \$	151,405
This Item: \$	149,300
Proposed Balance: \$	2,105

Ron Tiffany	04/03/13
Budget Analyst	Date

Ron Young	04/03/13
Budget Director	Date

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

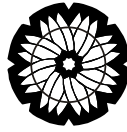
Document Location: Pages 84 and 117

Account #: 100-1271-6077
921-9211-6077

Fund/Agency/Project – Description:
General Fund and Narcotic Seizure Fund –
Police Ammunition for Training

Comments:

CITY OF GARLAND - BID RECAP SHEET	Duval Services, Inc.	Muellder Service Co.	DELIVERED	DELIVERED
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GARLAND

PURCHASING

Executive Summary **Bid 3482-13** **Garland Police Department Ammunition**

Recommended Vendor:

GT Distributors

Total Recommended Award:

\$149,299.95

Basis for Award:

Cooperative Purchase

Purpose:

This ammunition is for the training of Garland Police Officers in the use of firearms to perform their duties. The firearms proficiency test is mandated by the Texas Commission of Law Enforcement Officer Standards and Education (TCLEOSE), a regulatory agency for the State of Texas.

Evaluation:

The requested ammunition for the Police Department is to be purchased from GT Distributors through the Buy Board cooperative contract.

Recommendation:

Staff recommends the purchase of the ammunition from GT Distributors.

Funding Information:

This contract is funded in accounts 100-1271-6077 and 921-9211-6077.

Department Director:

Mitch Bates, Chief of Police, 972-205-2011



City Council Item Summary Sheet

☐ Work Session

☒ Agenda Item

Date: April 16, 2013

Zoning Ordinance

Summary of Request/Problem

Zoning Ordinance 13-08 – Restoration Fellowship Church

Recommendation/Action Requested and Justification

Consider adoption of the attached ordinance.

Submitted By:

Neil Montgomery
Senior Managing Director of Development
Services

Approved By:

William E. Dollar
City Manager

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PERMIT FOR A KINDERGARTEN, PRESCHOOL OR CHILD CARE CENTER ON A 4.65-ACRE TRACT OF LAND ZONED PLANNED DEVELOPMENT DISTRICT (PD 78-87) FOR RETAIL USES LOCATED AT 2121 NORTHWEST HIGHWAY, SUITE 116; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 11th day of March, 2013, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Restoration Community Fellowship Church**, and

WHEREAS, The City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals, and general welfare:

Now, therefore, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS, that:

Section 1.

Ordinance No. 4647 is hereby amended by approving a Specific Use Permit for a Kindergarten, Preschool or Child Care Center on a 4.65-acre tract of land zoned Planned Development District (PD 78-87) for Retail Uses located at 2121 Northwest Highway, Suite 116, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2.

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

Section 3.

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

Section 4.

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

Section 5.

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

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 13-08

Being a 4.65-acre tract of land identified as Lot 2, Block 1 of LBJ East No. 2, an addition to the City of Garland, as recorded in Volume 84184, Page 2284 of the Map Records of Dallas County, Texas. The property is located at 2121 Northwest Highway, Suite 116.

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.



City Council Item Summary Sheet

☐ Work Session

☒ Agenda Item

Date: April 16, 2013

Zoning Ordinance

Summary of Request/Problem

Zoning Ordinance 13-09 – Wal-Mart Real Estate Business Trust

Recommendation/Action Requested and Justification

Consider adoption of the attached ordinance.

Submitted By:

Neil Montgomery
Senior Managing Director of Development
Services

Approved By:

William E. Dollar
City Manager

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PERMIT FOR RETAIL SALES WITH GAS PUMPS ON PROPERTY ZONED SHOPPING CENTER (SC) DISTRICT ON A 0.336-ACRE TRACT OF LAND LOCATED AT 101 WEST BUCKINGHAM ROAD; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 11th day of March, 2013, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Wal-Mart Real Estate Business Trust** and

WHEREAS, The City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals, and general welfare:

Now, therefore, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS, that:

Section 1.

Ordinance No. 4647 is hereby amended by approving a Specific Use Permit for Retail Sales with Gas Pumps on property zoned Shopping Center (SC) District on a 0.336-acre tract of land located at 101 West Buckingham Road, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2.

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

Section 3.

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

Section 4.

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

Section 5.

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

FILE NO. 13-09

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 13-09

BEING a tract of land situated in the Churchwill Atterbury Survey, Abstract No. 37, City of Garland, Dallas County, Texas, and being 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, and being more particularly described by metes and bounds as follows:

COMMENCING at an "X" cut set for the southeast corner of said Lot 22, Block 1, same being the intersection of the west right of way line of First Street (a called 100' wide right of way) with the north right of way line of Buckingham Road (a called 100' wide right of way), same also being the southeast corner of said 5.311 acre tract;

THENCE North 00°46'13" West, along the east line of said Lot 22, Block 1, the east line of said 5.311 acre tract and the west right of way line of said First Street, a distance of 243.27 feet to the POINT OF BEGINNING of the herein described tract;

THENCE South 89°32'47" West, departing the east line of said Lot 22, Block 1, the east line of said 5.311 acre tract and the west right of way line of said First Street, a distance of 54.58 feet to a corner;

THENCE South 00°27'13" East, a distance of 180.77 feet to a corner;

THENCE South 89°32'47" West, a distance of 105.75 feet to a corner;

THENCE North 00°27'13" West, a distance of 119.67 feet to a corner;

THENCE North 89°32'47" East, a distance of 93.25 feet to a corner;

THENCE North 00°27'13" West, a distance of 79.10 feet to a corner;

THENCE North 89°32'47" East, a distance of 66.98 feet to a corner the on the east line of said Lot 22, Block 1, the east line of said 5.311 acre tract and the west right of way line of said First Street;

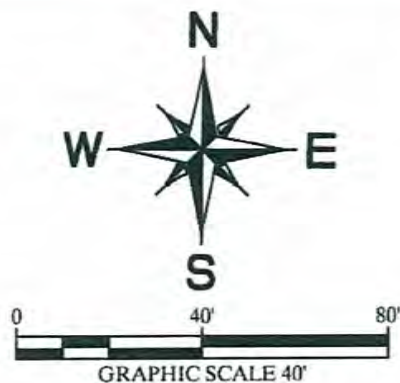
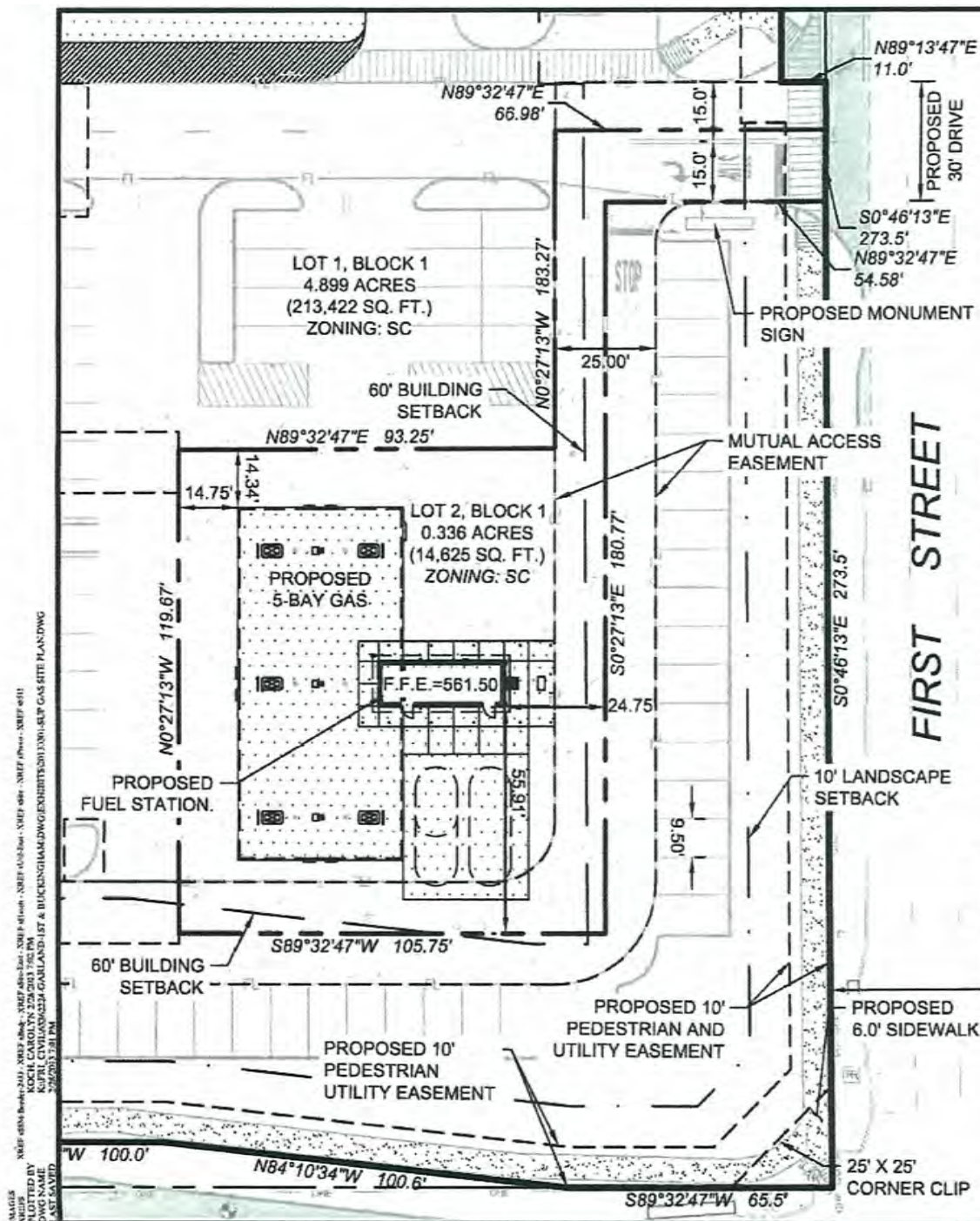
THENCE South 00°46'13" East, along the east line of said Lot 22, Block 1, the east line of said 5.311 acre tract and the west right of way line of said First Street, a distance of 18.00 feet to the POINT OF BEGINNING and containing 0.336 of an acre (14,625 square feet) of land, more or less. This property is located at 101 West Buckingham Road, the northwest corner of West Buckingham Road and North First Street.

SPECIFIC USE PERMIT CONDITIONS








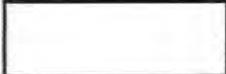

ZONING FILE 13-09

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.



LEGEND

- | | |
|---|--|
|  | PROPERTY LINE |
|  | ADJACENT PROPERTY LINE |
|  | EASEMENT |
|  | BUILDING SETBACK |
|  | LANDSCAPE SETBACK |
|  | FIRE LANE |
|  | TYPE "B" INTEGRAL
CONCRETE CURB |
|  | STANDARD DUTY CONCRETE
PAVEMENT. |
|  | HEAVY DUTY CONCRETE
PAVEMENT. FIRE LANES REQUIRED
TO BE 6 IN. CLASS C CONCRETE |

Scale:	AS SHOWN
Designed by:	RBW
Drawn by:	RBW
Checked by:	LAN
Date:	MARCH 1, 2004
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.**

Tel. Me. (207) 333-3880
Fax Me. (207) 333-3778

5750 Gassaway Court, Suite 200
Jackson, Tennessee 38204



FRONT (SOUTH)

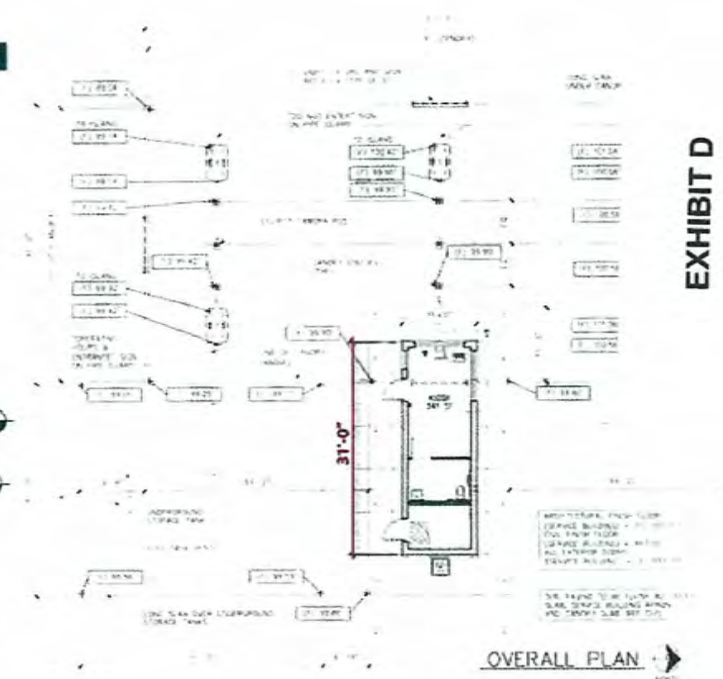
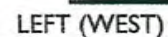
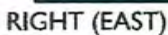
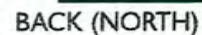


EXHIBIT D



City Council Item Summary Sheet

☐ Work Session

☒ Agenda Item

Date: April 16, 2013

Zoning Ordinance

Summary of Request/Problem

Zoning Ordinance 13-10 – C1S Group

Recommendation/Action Requested and Justification

Consider adoption of the attached ordinance.

Submitted By:

Neil Montgomery
Senior Managing Director of Development
Services

Approved By:

William E. Dollar
City Manager

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PERMIT FOR A HIGH RISK USE ON A 5.61-ACRE TRACT OF LAND ZONED INDUSTRIAL-1 (I-1) DISTRICT LOCATED AT 3414 HERMANN DRIVE; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 11th day of March, 2013, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **C1S Group**, and

WHEREAS, The City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals, and general welfare:

Now, therefore, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS, that:

Section 1.

Ordinance No. 4647 is hereby amended by approving a Specific Use Permit for a High Risk Use on a 5.61-acre tract of land zoned Industrial-1 (I-1) District located at 3414 Hermann Drive, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2.

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

Section 3.

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

Section 4.

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

Section 5.

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

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 13-10

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.

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.



City Council Item Summary Sheet

☐ Work Session

Date: April 16, 2013

☒ Agenda Item

Change Orders 1, 2, and 3 for Police Shooting Range Roof Collapse Reconstruction

Summary of Request/Problem

At the April 15, 2013 Work Session, Council was scheduled to consider authorizing Change Orders 1, 2, and 3 to PO #18484 in the amount of \$192,753 needed to increase the general construction contract with Hill & Wilkinson for labor, equipment, and materials to repair and replace damaged structures uncovered during the reconstruction of the Police Shooting Range roof collapse reconstruction.

Recommendation/Action Requested and Justification

Approve by minute action authorizing the City Manager to execute Change Orders 1, 2, 3 to PO #18484 in the amount of \$192,753 with Hill & Wilkinson.

Submitted By:

Ginny Holliday
Facilities Management

Approved By:

William E. Dollar
City Manager



City Council Item Summary Sheet

☐ Work Session

Date: April 16, 2013

☒ Agenda Item

STORM WATER SPILL PREVENTION PLAN (SWPPP) FOR THE OLINGER TO GREENVILLE TRANSMISSION LINE UPGRADE

Summary of Request/Problem

A change order to PO 20506 in the amount of \$687,946.25 is needed for the Storm Water Spill Prevention Plan (SWPPP) implementation required for the Olinger to Greenville Transmission Line Upgrade. The change order is for expenses associated with entrances, culverts, mattings, and silt logs along the Olinger to Greenville Transmission Line needed to provide permanent vehicle access to the line.

This item was considered by Council at the April 1, 2013 Work Session.

Recommendation/Action Requested and Justification

Approve by minute action authorizing the City Manager, or his representative to execute the requested change order.

Submitted By:

Jeff Janke
Electric Utility Director

Approved By:

William E. Dollar
City Manager



City Council Item Summary Sheet

☐ Work Session

Date: April 16, 2013

☒ Agenda Item

APEX Tool Group Tax Abatement

Summary of Request/Problem

The APEX Tool Group is planning to invest \$8 million in its existing facility. This project is estimated to add \$5 million to the business personal property value and \$3 million for property improvement.

At the April 1, 2013 Work Session, the Garland Economic Development Partnership Steering Committee recommended that Council provide: 1) general support for the project and 2) support of a 100% City tax abatement on business personal property value on this new investment for 10 years totaling \$352,300.

Recommendation/Action Requested and Justification

1.) Approve an ordinance designating an area as a reinvestment zone for commercial/industrial tax abatement; making certain findings there; authorizing the City Manager to execute an agreement with APEX Tool Group regarding the reinvestment zone and 2.) Approve a resolution authorizing the City Manager to execute a tax abatement agreement with APEX Tool Group.

Submitted By:

Martin E. Glenn
Deputy City Manager

Approved By:

William E. Dollar
City Manager

ORDINANCE NO. _____

AN ORDINANCE DESIGNATING AN AREA AS A REINVESTMENT ZONE FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT; MAKING CERTAIN FINDINGS THEREON; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE APPLICANT REGARDING THE REINVESTMENT ZONE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That the area described in Exhibit "A," attached hereto and incorporated herein by reference, is hereby designated as a reinvestment zone by the City of Garland pursuant to the provisions of Chapter 312 of the Texas Tax Code, as amended. It is expressly provided, however, that no tax abatement shall occur unless and until an appropriate agreement, as directed in Section 3 of this Ordinance, is executed by the City Manager and the applicant.

Section 2

That in connection with the foregoing designation, the City Council makes the following findings:

- (1) The reinvestment zone designated and established by this Ordinance is reasonably likely, as a result of the designation, to contribute to the retention and expansion of primary employment and to attract major investment in the zone that will benefit the property and contribute to the economic development of the City of Garland, Texas;
- (2) The area within the reinvestment zone is not within an improvement project financed by tax increment bonds;
- (3) The improvements and development which are sought to take place within the reinvestment zone will conform to the comprehensive zoning ordinance of the City of Garland;
- (4) None of the property located within the reinvestment zone is owned or leased by a member of the City Council or the Plan Commission; and
- (5) The improvements and development sought are feasible and practical and will benefit the land included in the

reinvestment zone and the City after the agreement provided in Section 3 of this Ordinance has expired.

- (6) Notice of the hearing at which this Ordinance was adopted was published and delivered in accordance with the law more than seven days prior to the hearing as required by Section 312.201(d) of the Texas Tax Code and as evidence by Exhibit "B" and "C."

Section 3

That the City Manager is hereby directed to execute an agreement with the applicant in accordance with the provisions of Subchapter B, Chapter 312 of the Texas Tax Code in the form attached hereto as Exhibit "D."

Section 4

That this Ordinance shall be and become effective immediately after its passage and adoption according to law.

PASSED AND APPROVED this the _____ day of _____, 2013.

THE CITY OF GARLAND, TEXAS

By: _____
Mayor

ATTEST:

City Secretary

Exhibits

Exhibit "A" - Reinvestment Zone Description

Exhibit "B" - Notice by Publication of Hearing

Exhibit "C" - Notice to the Presiding Officer of Each Taxing
Unit That Includes In Its Boundaries Real Property
In the Proposed Reinvestment Zone

Exhibit "D" - Form Tax Abatement Agreement

EXHIBIT A

Reinvestment Zone: Block A, Lot 1R of the Dearborn Stove Co. No.
2 Replat Addition of the City of Garland,
Dallas County, Texas commonly known as 3000
W. Kingsley Road, Garland, Texas 75041

EXHIBIT B

EXHIBIT C

EXHIBIT D

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A TAX ABATEMENT AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That the City Council hereby authorizes the City Manager to execute a tax abatement agreement with Kingsley Tools, Inc. (d/b/a Apex Tool Group) in the form and substance of that attached hereto.

Section 2

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

PASSED AND APPROVED this the ____ day of _____, 2013.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

TAX ABATEMENT AGREEMENT

The City of Garland, in the County of Dallas, State of Texas (the “City”) and Kingsley Tools, Inc. d/b/a Apex Tool Group (hereinafter “Apex Tool Group”), which will be doing business in Dallas County, Texas (the “Company”), enter into this Tax Abatement Agreement (the “Agreement”) in accordance with the following terms and conditions:

RECITALS

WHEREAS, the Property Redevelopment and Tax Abatement Act, Section 312.001 et. Seq., TEX.TAX CODE, as amended, (the “Act”) authorizes the City Council of the City (the “City Council”) to create a reinvestment zone for commercial/industrial tax abatement purposes; and

WHEREAS, the City Council has adopted a Resolution establishing guidelines and criteria governing tax abatement and electing to become eligible to participate in tax abatement pursuant to the requirements of the Act, which Resolution is incorporated herein by reference thereto for all purposes; and

WHEREAS, on April 2, 2013, the City Council did enact and adopt Ordinance No. [NOT YET ENACTED] designating as a reinvestment zone (the “Zone”) an area within the City as more particularly described in Exhibit “A,” all pursuant to the Act, which Ordinance is incorporated herein by reference thereto for all purposes; and

WHEREAS, the Zone is not an improvement project financed by tax increment bonds; and

WHEREAS, the City Council finds that the terms of this Agreement and the property subject to this Agreement meet the applicable guidelines and criteria governing tax abatement previously adopted; and

WHEREAS, the City and the Company desire to enter into this Agreement to exempt from taxation a portion of the value of the real property (the “Property”) or of tangible business personal property located on the Property described in Exhibit “A” for a term as hereinafter set forth, all pursuant to: (i) the Act; (ii) Ordinance No. [NOT YET ENACTED], (iii) The Comprehensive Policy Statement on Tax Abatement; and (iv) the terms and conditions herein set forth;

NOW, THEREFORE, and in consideration of the mutual covenants and agreements herein contained, the City and the Company agree as follows:

1. Incorporation of Recitals. The determinations recited and declared in the preambles to this Agreement are hereby restated, repeated and incorporated herein as part of this Agreement.

2. **Term.** The term of this Agreement shall commence on [APRIL 16, 2013--TENATIVE] (the "Commencement Date") and shall terminate on the anniversary of the Commencement Date ten (10) years thereafter.

3. **Improvements.** Company agrees to build, construct, place, install, and thereafter maintain, occupy, and operate in the Zone the proposed improvements or repairs of the kind, number and in the location as listed in Exhibit "A" (the "Improvements").

4. **Abatement of Property Taxes.** The City agrees to exempt from taxation those portions of the value of the Property and, if applicable and subject to the following, those portions of the tangible personal property located on the Property as specified in and in accordance with the provisions of Exhibit "A." The exemption provided by this Agreement shall pertain only to the Property, the Improvements and other permanent fixtures within the Zone. Unless specifically provided in Exhibit "A," the terms "the Property" and "the Improvements" do not include personal property of any sort, including machinery, equipment, trade fixtures, inventory or supplies. The exemption for taxable real property provided by this Agreement applies only to the extent the value of that real property for the respective year covered by this Agreement exceeds its value for the year in which this Agreement was executed. The exemption for tangible personal property provided by this Agreement, if any, applies only to tangible personal property that was located on the Property after the Commencement Date and related to the Improvements.

5. **Access to Property.** The Company agrees that the City shall, at reasonable times and upon reasonable notice, have access to the Property and the Company authorizes employees and agents of the City to inspect the Property to ensure that the Improvements are being made and maintained in accordance with the terms and conditions of this Agreement and utilized in accordance with Paragraph 6 of this Agreement. The Company further agrees that prior to the construction or placement of the Improvements, site plans of such Improvements shall first be submitted to the City in order that the City may determine that the Improvements are of the design, character and construction as described in Exhibit "A."

6. **Limitation on Uses.** The Company agrees that no change in use of the Property, for the duration of this tax abatement, shall be made without the prior consent of the City. The use of the Property shall conform with the comprehensive plan and zoning ordinances of the City.

7. **Certification of Compliance.** The Company shall annually provide a written certification to the City, on or before each anniversary date of the Commencement Date and on a form to be provided by the City, that the Company is in compliance with each of the provisions of this Agreement.

8. **Recapture of Property Taxes.** The Company agrees that if the Company fails (1) to make the Improvements as set forth in Exhibit "A"; (2) to create all of the number of new jobs provided in Exhibit "A"; or (3) to maintain and operate the Improvements and the Property as an

ongoing business at any time during the term of this Agreement, then the City shall have the right, in addition to any other available remedy, after giving notice and opportunity to cure as hereinafter set forth, to recapture all property tax revenue lost as a result of this Agreement. The City shall notify the Company, in writing, of a default by the Company in complying with the terms and provisions of this Agreement. In the event that the Company has failed to cure the default(s) within thirty (30) days of receipt of the notice of default [or has failed to commence and diligently pursue such cure within such thirty (30) day period if cure cannot be completed within such thirty (30) day period], the Company shall promptly reimburse the City for all property tax revenue lost as a result of this Agreement and the City may, without further notice to the Company, immediately cause all tax abatement to cease on the Property and Improvements subject to this Agreement. Failure on the part of the City to exercise any right contained in this Agreement shall not constitute a waiver of any right in the event of any subsequent default, and no waiver shall be effective unless in writing, executed by both the City and the Company.

9. Use of City Services. The Company agrees to use during the term of this Agreement, electric services, commercial sanitation services and landfill services provided or offered by the City so long as such services are similar in cost for such services in the Dallas area.

10. Miscellaneous.

A. Assignment. No party shall have the right to assign that party's interest in this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld.

B. Modifications. At any time before the expiration of the term of this Agreement, this agreement may be modified by the mutual action of the parties hereto to include other provisions that could have been included in the original agreement. Any such modification shall be in writing and signed by authorized representatives of all the parties hereto and made by the same procedure by which this Agreement was approved and executed. In no event may this Agreement be modified so as to extend the term of this agreement beyond ten (10) years from the effective date of this Agreement.

C. Notices. Any notice required or desired to be given to or from one party to the other party to this Agreement 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 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 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.

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

E. Governing Law. This Agreement 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 Agreement are performable in Dallas County, Texas such that exclusive venue for any action arising out of this Agreement shall be in Dallas County, Texas.

F. Paragraph Headings. The paragraph headings contained in this Agreement are for convenience only and shall in no way enlarge or limit the scope or meaning of the various and several paragraphs hereof.

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

H. Binding Effect. Except as limited herein, the terms and provisions of this Agreement 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.

I. Counterparts. This Agreement has been executed in multiple counterparts, each of which shall be deemed an original, and all of which shall constitute but one and the same instrument.

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

K. Relationship of Parties. Nothing contained in this Agreement 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 Agreement 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 Agreement.

L. Gender. Within this Agreement, 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.

M. Construction. Both parties have participated in the negotiation and preparation of this Agreement and this Agreement shall not be construed either more or less strongly against or for either party. Company acknowledges that it has obtained legal counsel to assist in the preparation warranty or representation by the City, that the tax abatement contemplated by this agreement is available in all respects.

EXECUTED this the _____ day of _____, 2013.

CITY OF GARLAND, TEXAS:

By: _____

Name: _____

Title: _____

Address for Notice:

City of Garland
200 North Fifth Street
P.O. Box 469002
Garland, Texas 75046-9002
Attn: City Manager

With a Copy to its City Attorney

Kingsley Tools, Inc. d/b/a Apex Tool Group

By: _____

Name: _____

Title: _____

Address for Notice:

[ATTN: NAME]

Kingsley Tools, Inc. d/b/a Apex Tool Group
3000 W. Kingsley Road
Garland, Texas 75041

EXHIBIT “A”

Owner

Kingsley Tools, Inc. d/b/a Apex Tool Group

Description of Property

Block A, Lot 1R of the Dearborn Stove Co. No. 2 Replat Addition to the City of Garland, Dallas County, Texas commonly known as 3000 W. Kingsley Road, Garland, Texas 75041

Description of Improvements

Apex Tool Group plans to update and expand its existing Garland, Texas operation. Apex Tool Group will be adding new machinery, equipment, and other taxable business personal property.

Investment

Apex Tool Group will add at least \$5 million in taxable business personal property to its existing Garland, Texas operation.

Employment

Apex Tool Group will maintain at least **[400]** jobs during the term of this agreement.

Abatement Schedule

Tax abatement granted to the Company will be equal to 100% of the business personal property tax for a 10 year period. The exemption for business personal property provided by this Agreement applies only to business personal property that was located on the Property after the Commencement Date. The maximum amount the City agrees to exempt from taxation per this Agreement shall not exceed \$352,300.00.



Planning Report

File No. 13-11/District 5

Agenda Item:

Meeting: City Council

Date: April 16, 2013

Vicente de Jesus

3120 Denton Drive

REQUEST

Approval of a Specific Use Permit for Contractor Equipment and Storage on property zoned Commercial 2 (C-2) District.

OWNER

Vicente de Jesus & Vicente de Jesus Jr.

PLAN COMMISSION RECOMMENDATION

On March 25, 2013 the Plan Commission, by a vote of 9 to 0, recommended approval of a Specific Use Permit for Contractor Equipment and Storage for a period of 20 years and tied to Vicente de Jesus.

STAFF RECOMMENDATION

Approval of a Specific Use Permit for Contractor Equipment and Storage for a period of 20 years and tied to Vicente de Jesus. The applicant seeks approval of a Specific Use Permit that will allow him to expand the storage of contractor equipment and vehicles from the adjacent site to the subject property. The expansion will not represent a nuisance to the adjacent properties given that the surrounding area is industrial and heavy commercial in character, the utilization of the subject property as storage of contractor equipment and vehicles is appropriate and consistent with the established uses.

BACKGROUND

The subject property, developed in 1970, was previously occupied by an auto shop/wrecker service business. The property is currently owned by Vicente de Jesus, the applicant, who also owns the adjacent property, 3128 Denton Drive. In 2010, the applicant obtained approval of a Specific Use Permit for Contractor Equipment and Storage tied to the property on 3128 Denton Drive for a period of 10 years. The applicant seeks approval of a Specific Use Permit to expand his contractor equipment and storage operation to the subject property.

SITE DATA

The subject property contains approximately 0.278 acres and has frontage of approximately 70 linear feet along Denton Drive. The property can only be accessed from Denton Drive through a drive that is shared with the property on 3128 Denton Drive.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Commercial 2 (C-2) District which allows a broad range of commercial sales, service and repair activities, many of which are not appropriate in a retail or office environment.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Urban Neighborhoods for the subject property. Urban Neighborhoods are higher density residential developments. Urban Neighborhoods are characterized by moderate to high density single-family attached and multifamily residential units. At the present time there are no plans to redevelop the site or the immediate surrounding area. However, any future redevelopment should be in agreement with the Envision Garland Plan recommendation.

Although the proposed use, Contractor Equipment and Storage, is not in line with the recommendation of the Future Land Use Map, the current commercially intensive character of the area which stems from the surrounding commercial and industrial developments is such that Contractor Equipment and Storage is appropriate and suitable for the area.

CONSIDERATIONS

1. The applicant is requesting a Specific Use Permit to store contractor equipment and vehicles. The site consists of a 1,412 square foot building that will partly function as indoor storage of equipment, six parking spaces located behind the building, a chain link fence along the north and east property lines, and a metal gate that gives access to the rear of the property. The solid metal gate is located on the access drive shared with the adjacent property which is also owned by the applicant and utilized for storage of contractor equipment and vehicles. The adjacent property, 3128 Denton Drive, and the subject property will essentially function as one single property.
2. The only improvement the applicant is proposing is the expansion of the drive by 40 feet across the front of the property. Given that the applicant is not

proposing to increase the floor area, or improve or expand the parking, screening and landscape requirements are not applicable at this point. The applicant is not proposing new signage.

3. Section 9.3 of the Screening and Landscape Standards states that any outdoor storage areas located within a yard which is adjacent to a residential district or public street shall be screened. The properties adjacent to the subject property are non-residential districts and the applicant has indicated that the storage of any equipment and material will be indoors, while the company's vehicles will be kept behind the existing building and metal gate; hence additional screening is not required.

4. Section 10-200 of the Comprehensive Zoning Ordinance stipulates a minimum parking ration of 1 parking space for every 500 square feet of gross floor area. Therefore, the minimum parking requirement for a 1,412 square foot building is 3 parking spaces; the site has 6 parking spaces.

5. The applicant is requesting a Specific Use Permit for a period of 20 years and tied to **Vicente de Jesus**.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

Property to the north is zoned Commercial-2 (C-2) District and is developed with commercial uses. Property to the east is zoned Planned Development (PD) District 04-03 for Shopping Center Uses and is partially developed with a meat market and the remainder of the tracts are undeveloped. The properties immediately to the south are zoned Planned Development (PD) District 10-27 and Planned Development (PD) District 86-42, both for Commercial Uses; these sites are developed with storage for contractor equipment and parking lot for a truck leasing company. Property further to the south is zoned Multi-Family (MF-18) District and is undeveloped. Property further to the south, across Cranford Drive, is zoned Multi-Family (MF-18) District and is developed with apartments. Property to the west, located across Denton Drive, is zoned Industrial-1 (I-1) District and is developed with a truck leasing company. Property to the southwest, across Denton Drive, is zoned Industrial-1 (I-1) District with a Specific Use Permit (S86-82) for a High Risk Use and is developed with Mapei Corporation.

The property in the immediate surrounding area is predominantly developed with commercial and industrial uses. The utilization of the subject property for contractor equipment and storage is generally compatible with the surrounding zoning and land uses.

Prepared By:

Josue De La Vega
Development Planner

Date: April 4, 2013

Reviewed By:

Neil Montgomery
Director of Planning

Date: April 5, 2013

Reviewed By:

William E. Dollar
City Manager

Date: April 8, 2013



ZONING Z 13-11

 INDICATES AREA OF REQUEST

SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 13-11

3120 Denton Drive

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to permit the use of Contractor Equipment and Storage.
- II. **Statement of Effect:** The Specific Use 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 Commercial-2 (C-2) District set forth in Section 26 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 period of 20 years and shall apply to **Vicente de Jesus**.
 - B. Site Plan: Development shall be in general conformance with the approved site plan labeled Exhibit C.
 - C. Storage: All contractor equipment and material shall be stored within a building. Vehicles shall be stored within a building or the paved fenced area behind the building. No storage of vehicles shall be allowed to occur outside of the paved fenced area.

Z 13-11
SUP for Contractor Equipment & Storage



Looking at the subject property.



Looking north from the subject property (Commercial 2 District).



Looking south from the subject property (Industrial 1 District).



Looking at the back area of the subject property.

REPORT & MINUTES

P.C. Meeting, March 25, 2013 (9 Members Present)

Consideration of the application of Vincent De Jesus, requesting approval of a Specific Use Permit for Contractor Equipment and Storage on property zoned Commercial 2 (C-2) District. The property is located at 3120 Denton Drive. (File 13-11)

The applicant, Vincente De Jesus, 1313 Cove Drive, Garland, was available for questions. 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: 9 Ayes, 0 Nays.**

RESERVE

3630

2149

JUPITER

EXPRESS

S 04-08

C-1

2206

2201

2205

2209

2213

EXECUTIVE

2202

2210

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HERRMANN

S 96-13

3414

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2146

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MILLER

I-1

3242

3242

2235

2259

MERRITT

O = IN FAVOR

X = AGAINST

S11-11

REGENCY-CREST

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

Printed Name

Address

City, State

Zip

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

Signature

Title

Date:



Planning Report

File No. 13-12/District 8

Agenda Item:

Meeting: City Council

Date: April 16, 2013

CBRE Healthcare Services

900 North Shiloh Road

REQUEST

Approval of a Specific Use Permit for Medical Office/Clinic on property zoned Industrial 1 (I-1) District.

OWNER

Baylor Health Care System

PLAN COMMISSION RECOMMENDATION

On March 25, 2013 the Plan Commission, by a vote of 8 to 0, recommended approval of a Specific Use Permit for Medical Office/Clinic for a period of 25 years and tied to Baylor Regional Medical Center of Garland.

STAFF RECOMMENDATION

Approval of a Specific Use Permit for Medical Office/Clinic for a period of 25 years and tied to Baylor Regional Medical Center at Garland. The relocation of the outpatient clinic to the subject property, which is owned and utilized by Baylor, is appropriate given that the subject site already functions as an integral part of the Baylor Regional Medical Center Campus.

BACKGROUND

The subject property was developed in 1968 with a 19,600 square foot building and it has been owned by Baylor Health Care System since 2003. The building has primarily been used since 2002 as general office and to warehouse furniture and equipment for the Baylor Medical Center and as such it is part of the Baylor Medical Center campus. The applicant seeks approval of a Specific Use Permit that would allow Baylor to relocate its Garland Senior Health Center at the subject property.

SITE DATA

The site contains approximately 2.40 acres and has frontage of approximately 225 linear feet along North Shiloh Road and 475 linear feet along Westwood Drive. The property can be accessed from Westwood Drive.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Industrial 1 (I-1) District which 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. The Industrial 1(I-1) District also accommodates support services for industrial development such as office, commercial, personal and professional services, and limited retail activities. The Industrial 1 (I-1) District regulations are designed to ensure compatibility among the various uses allowed in the Industrial 1 (I-1) District and to protect adjacent non-industrial development from potentially incompatible uses and conditions.

The subject property, although zoned Industrial 1 (I-1) District, is surrounded by an area that is developed with a hospital and medical offices. However, Medical Office/Clinic Use is only allowed by Specific Use Permit in the Industrial 1 (I-1) District.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Business Centers for the subject property. Business Centers provide a cluster of business offices and/or low impact industry, including campus-type development that cumulatively employ large numbers of people. Operations within this development type occur internal to buildings resulting in minimal negative impacts. Business centers are generally located at intersections of major and/or secondary arterial streets or significant transit areas. Proximity and access to residential areas are encouraged to reduce travel times to employment.

The proposed outpatient clinic not only is in line with the definition of Business Centers but its proximity to adjacent residential neighborhoods means that a highly needed and valuable service will remain accessible to those residents.

CONSIDERATIONS

1. The applicant seeks approval of a Specific Use Permit to allow Baylor to operate an outpatient clinic from a building owned and currently utilized by Baylor Health Care System for storage and office purposes. The Garland Senior

Health Center, the proposed outpatient clinic, will provide physician office visits to patients in a clinic setting, social work services, referral coordination, and on-site spiritual counseling as needed. The outpatient clinic will operate Monday through Friday from 8:00 a.m. to 4:30 p.m. The outpatient clinic will occupy approximately 7,977 square feet of the building; the remaining area will be maintained as storage and general office space.

2. Aside from interior remodeling, the applicant is not proposing any new improvements that will trigger screening and landscape requirements. The site already has a monument sign identifying the site as Baylor Regional Medical Center of Garland and no additional signs are being proposed at this point.

3. The site exceeds the minimum parking requirement of 54 parking spaces.

4. The applicant requests a Specific Use Permit for Medical Office/Clinic for a period of 25 years and tied to **Baylor Regional Medical Center of Garland**.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The properties immediately to the north are zoned Industrial 1 (I-1) District; these properties are developed with two buildings; one building is utilized for light manufacturing and the second building is part of the Baylor facilities and it is utilized for technical support purposes. The properties to the east and south are zoned Health Services (HS) and with the exception of a daycare, they are developed with a number of buildings that make up the campus of Baylor Regional Medical Center at Garland. The properties to the west are zoned Single Family (SF-7) District and they are developed with single family residences.

The approval of the Specific Use Permit will allow Baylor to utilize one of their buildings as an outpatient clinic. Although zoned Industrial 1 (I-1) District, from a physical and functional perspective the subject property is integrated into the Baylor Regional Medical Center at Garland Campus. The relocation of the proposed outpatient clinic will further expand the medical district and its services. The proposed outpatient clinic is clearly compatible with the surrounding uses and appropriate for the subject site.

Prepared By:

Josue De La Vega
Development Planner

Date: April 4, 2013

Reviewed By:

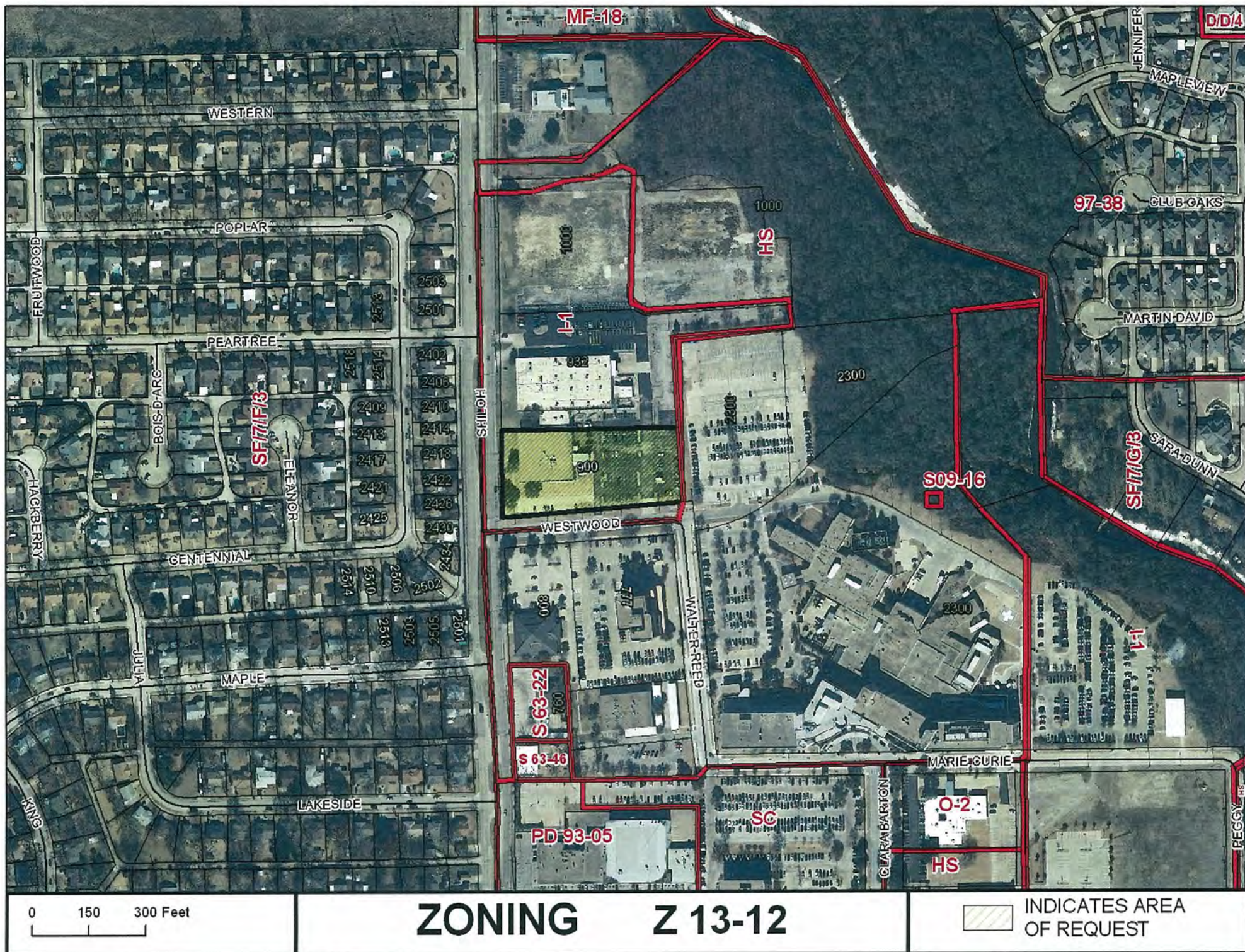
Neil Montgomery
Director of Planning

Date: April 5, 2013

Reviewed By:

William E. Dollar
City Manager

Date: April 8, 2013



SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 13-12

900 North Shiloh Road

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to permit Medical Office/Clinic 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 Industrial 1 (I-1) District set forth in Section 29 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 25 year time period and tied to **Baylor Regional Medical Center of Garland.**

SURVEY PLAT

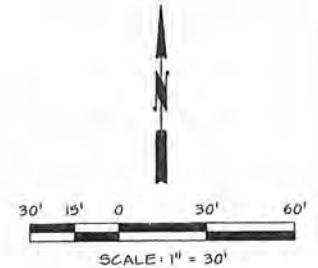
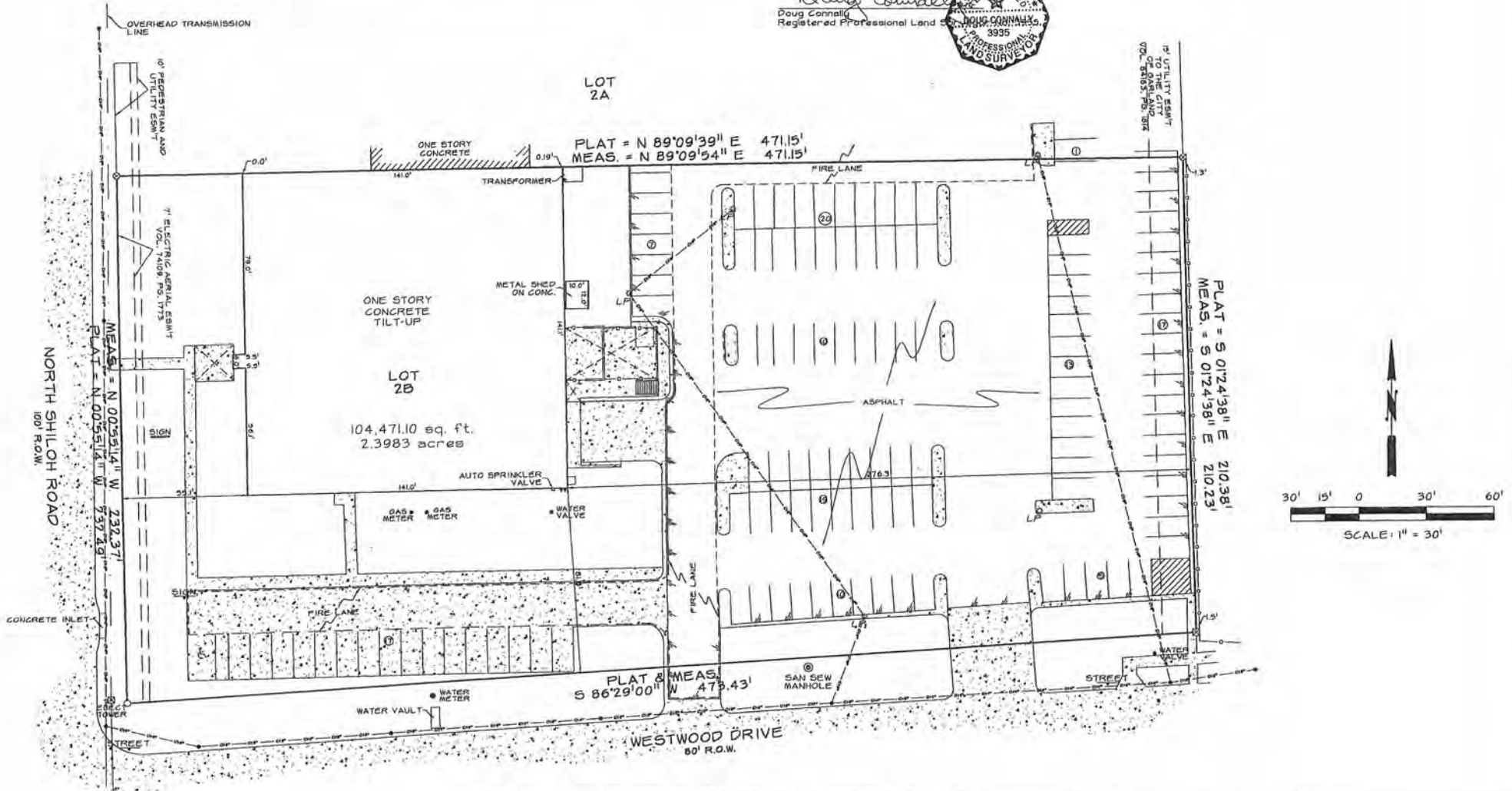
This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 900 N. SHILOH ROAD in the city of GARLAND, Texas, Lot No. 2-B Block No. 1 or REPLAT OF THE PINNER ADDITION to the City of GARLAND, DALLAS COUNTY, Texas, according to the PLAT THEREOF recorded in Volume 97188 at Page 221 through 224 of the PLAT Records of DALLAS County, and as corrected by Certificate of Correction recorded in Volume 97188, Page 296 dated September 22, 1997, of said Plat Records of Dallas County, Texas.

SURVEYOR'S CERTIFICATE

This survey is made relying upon the information provided by NORTH AMERICAN TITLE COMPANY in connection with the transaction described in G.F. 01430277. Use of this survey by any other parties and/or for other purposes shall be at User's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. And the plat hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, all improvements are located within the boundaries the distances indicated and there are no visible and apparent encroachments or protrusions on the ground.

Executed this 31th day of OCTOBER, 2001

Doug Connally
Doug Connally
Registered Professional Land Surveyor
STATE OF TEXAS
DOUG CONNALLY
3935
PROFESSIONAL
LAND SURVEYOR



NOTE: According to the F.I.R.M. in Map No. 48B3C0220 this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.

ACCEPTED BY: _____ SIGNATURE _____ DATE _____ SIGNATURE _____ DATE _____

REVISIONS	
DATE	BY

LEGEND	
○ 1/2" IRON ROD FOUND	● POWER POLE
○ 3/8" IRON ROD SET	■ BRICK COLUMN
○ 1" IRON PIPE FOUND	A/C - AIR CONDITIONING
□ FENCE POST CORNER	— II — IRON FENCE
□ "X" FOUND IN CONCRETE	— III — PIPE FENCE
△ UNDERGROUND ELECTRIC	— OES — COVERED PORCH/DECK OR CARPORT
△ OVERHEAD ELECTRIC	— OES — OVERHEAD ELECTRIC SERVICE
— OP — OVERHEAD POWER LINE	— OP — OVERHEAD POWER LINE
/// ASPHALT PAVING	■ CONCRETE PAVING
▲▲▲ GRAVEL/ROCK ROAD OR DRIVE	

DOUG CONNALLY & ASSOC., INC. 9754 SKILLMAN STREET DALLAS, TEXAS 75243 PHONE: (214) 349-9485 FAX: (214) 349-2216 www.dccsurveying.com				
SCALE	DATE	JOB NO.	G.F. NO.	DRAWN
1" = 30'	10-5-01	0109863-1	01430277	JUSTIN

2.3983 ACRES
REPLAT OF THE PINNER ADDITION
GARLAND, DALLAS COUNTY
900 N. SHILOH ROAD

EASEMENTS RECORDED IN THE FOLLOWING VOLUMES AND PAGES DO NOT AFFECT THE ABOVE DESCRIBED PROPERTY.
VOL. 5591, PG. 91
VOL. 74109, PG. 1773

NOTE: BEARINGS ARE BASED ON RECORDED PLAT AND ALL EASEMENTS ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

Z 13-12
SUP for Medical Office/Clinic



Looking west across Shiloh Rd. from the subject site at the residential neighborhood.



Looking south from the subject site at the Baylor Medical Campus.



Looking east from the subject site at the Baylor Medical Campus.



Looking at the subject property from the North.

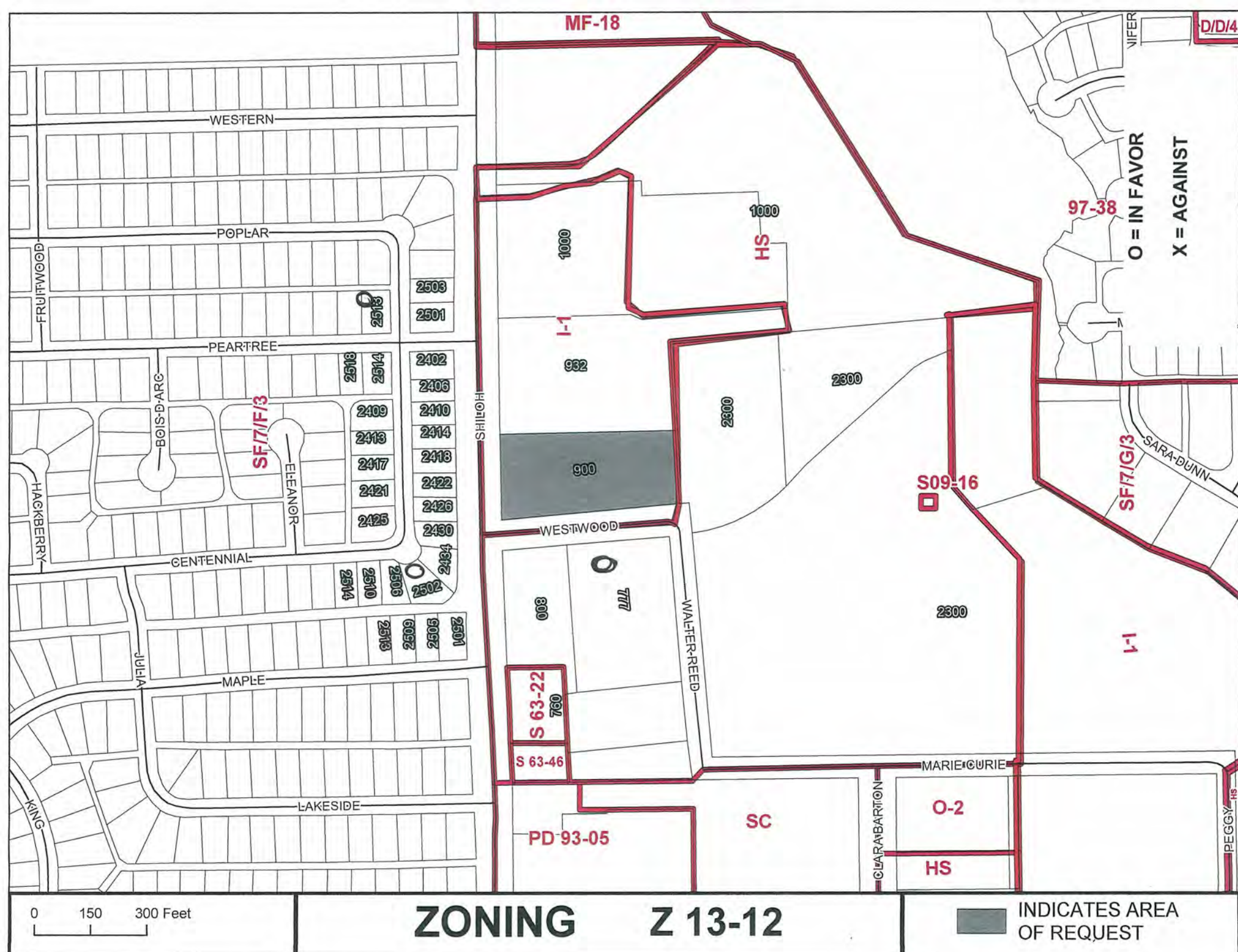
REPORT & MINUTES

P.C. Meeting, March 25, 2013 (9 Members Present)

Consideration of the application of CBRE Healthcare Services, requesting approval of a Specific Use Permit for Medical Office/Clinic on property zoned Industrial 1 (I-1) District. The property is located at 900 North Shiloh Road. (File 13-12)

Representing the applicant and available for questions was the architect, Carole Blythe, 401 N Houston Street Dallas. There were no questions.

Motion was made by Commissioner Ott, seconded by Commissioner Vera to **approve** the request as recommended by staff. **Motion carried: 8** Ayes, 0 Nays, Commissioner Luckie recused himself from hearing this case.





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

March 14, 2013

HEARING DATE/TIME: Plan Commission: March 25, 2013 – 7:00 PM

APPLICANT: CBRE Healthcare Services

File Z 13-12

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 25, 2013, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **CBRE Healthcare Services** requesting approval of a Specific Use Permit for Medical Office/Clinic on property zoned Industrial 1 (I-1) District. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 2.40-acre parcel shown as Lot 2B, Block 1, Pinner Addition, an addition to the City of Garland, Dallas County, Texas. The subject property is located at 900 North Shiloh Road. (District 8)

Note: The applicant requests approval of a Specific Use Permit to operate an outpatient clinic.

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 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

Printed Name

AYAZ AMALIK

Address

777 Walker Blvd B12 Garland TX 75042

City, State

Zip

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

Signature

Ayaz Malik

Title

MD

Date:

3/15/2013



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

March 14, 2013

HEARING DATE/TIME: Plan Commission: March 25, 2013 – 7:00 PM

APPLICANT: CBRE Healthcare Services

File Z 13-12

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 25, 2013, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **CBRE Healthcare Services** requesting approval of a Specific Use Permit for Medical Office/Clinic on property zoned Industrial 1 (I-1) District. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 2.40-acre parcel shown as Lot 2B, Block 1, Pinner Addition, an addition to the City of Garland, Dallas County, Texas. The subject property is located at 900 North Shiloh Road. (District 8)

Note: The applicant requests approval of a Specific Use Permit to operate an outpatient clinic.

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 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.

It is good to have this kind of facility in our area.

(Please complete the following information)

Your Property Address

Nayna Patel

Printed Name

2502 Centennial Drive Garland Tx 75042

Address

City, State

Zip

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

N. Patel

Signature

owner

Title

Date: 03/19/2013



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

March 14, 2013

HEARING DATE/TIME: Plan Commission: March 25, 2013 – 7:00 PM

APPLICANT: CBRE Healthcare Services

File Z 13-12

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 25, 2013, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **CBRE Healthcare Services** requesting approval of a Specific Use Permit for Medical Office/Clinic on property zoned Industrial 1 (I-1) District. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 2.40-acre parcel shown as Lot 2B, Block 1, Pinner Addition, an addition to the City of Garland, Dallas County, Texas. The subject property is located at 900 North Shiloh Road. (District 8)

Note: The applicant requests approval of a Specific Use Permit to operate an outpatient clinic.

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 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

Printed Name

Address

City, State

Zip

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

Signature

Title

Date:

UT PHAN
2513 PEARTREE Lane GARLAND TX 75042
3/16/2013
OWNER



Planning Report

Firewheel Welcome, Ltd.

5100 Block of North George Bush Highway, west of 5101 N. George Bush Highway (Hyatt Place Hotel)

REQUEST

Approval of 1) a change in zoning from Planned Development (PD) District 06-79 for Freeway Uses to a Planned Development for Multi-Family Uses (Independent Living Facility) and 2) a Concept Plan.

OWNER

Firewheel Welcome, Ltd.

PLAN COMMISSION RECOMMENDATION

On February 25, 2013 the Plan Commission, by a vote of eight (8) to one (1), recommended approval of 1) a change in zoning from Planned Development (PD) District 06-79 for Freeway Uses to a Planned Development for Multi-Family Uses (Independent Living Facility) and 2) a Concept Plan.

STAFF RECOMMENDATION

Denial of 1) a change in zoning from Planned Development (PD) District 06-79 for Freeway Uses to a Planned Development for Multi-Family Uses (Independent Living Facility) and 2) a Concept Plan.

The rezoning of the subject property to high density senior housing conflicts with the approved vision for the area. As an important site within the SH 190 Catalyst Area, the foresight to maintain the approved development plan is key to encouraging similar conference facilities, retail and restaurant uses to be located along the George Bush corridor. Additionally, recently approved zoning in close proximity to the subject property, which already allows for high density senior housing, should be considered in evaluating whether the corridor can support such an influx of one development type. Shifting the property toward residential uses is inconsistent with Envision Garland and the established goals desired for this area.

BACKGROUND

The applicant requests a change in zoning from Planned Development (PD) District for Freeway Uses to a Planned Development (PD) District for Multi-Family Uses to accommodate senior housing. The original request by the applicant included a request to change the zoning on a 2.388 acre lot on the northwest corner of Naaman Forest Boulevard and Elliott Avenue to a Planned

Development (PD) for Multi-Family Uses and a Specific Use Permit for an Assisted Living Facility. The concept plan presented to Plan Commission included the aforementioned property and the subject property. Plan Commission recommended denial of the change of zoning and Specific Use Permit for Assisted Living Facility on the 2.388 acre property. The applicant does not want to appeal the denial to City Council. The concept plan has been revised to only include the proposed Independent Living Facility.

SITE DATA

The property consists of 4.00-acres. There is no street frontage for this lot and access is obtained through two mutual access easements, one extending from George Bush Highway to the subject property and the other from Naaman Forest Boulevard.

USE OF PROPERTY UNDER CURRENT ZONING

The property is zoned Planned Development (PD) District 06-79 District for Freeway Uses. The subject property, along with 6 other lots, were zoned within the Planned Development with a Concept Plan that showed an overall development plan that included two hotels, four restaurants and an office building. The intent of the Planned Development was to create an area of retail, restaurants, and hospitality uses to support the Curtis Culwell Special Events Center. The numerous conferences and special events within the area warranted a site dedicated to the type of services a retail and commercial area would provide. The adjacent properties, within the Planned Development, have been developed consistent with the overall plan including a hotel, two restaurants and a multi-tenant retail building that includes restaurants.

CONSIDERATIONS

1. The applicant is requesting a change in zoning to a Planned Development (PD) District for Multi-Family and a Concept Plan for the purpose of developing a senior living facility on the subject property. The Independent Living Facility would accommodate 140 units within a four story building with the ground floor consisting of covered parking. The density for the Independent Living Facility would be approximately 35 dwelling units per acre. This density far exceeds the maximums allowed under the general Multi-Family District and would be specifically allowed through a condition of the proposed Planned Development.
2. The proposed product type is different than other approved senior living facilities within the city due to the multi-story nature of its configuration. The proposed Concept Plan merely shows how the development would be generally laid out and connected, however there has been no detailed assessment regarding the variations that would need to occur from the Senior Living Standards. Those considerations would be discussed during the Detail Plan process, should this request be approved. The obvious deviations are those regarding perimeter fencing, covered parking, landscaping and building layout.

3. The subject property, having been included within an overall concept plan for retail, restaurant and hotel uses, was not created to accommodate residential uses. There is no access other than a mutual access drive that is shared with the adjacent restaurant and multi-tenant retail building, extending from George Bush Highway to the subject property and a mutual access easement extending from Naaman Forest Boulevard. All traffic from the proposed Independent Living Facility would be funneled through the adjacent drives and parking areas of the restaurants, hotel and retail sites.
4. In 2006, City Council approved a Planned Development for the subject property and adjoining properties, with the vision of creating a destination for lodging, hospitality, and entertainment uses that would support the patrons of the Special Events Center. There are other regional destinations nearby such as Firewheel Town Center, Firewheel Golf Course and Hawaiian Falls that contribute to the hospitality/entertainment uses that draw in patrons to the surrounding area. The concept was to allow for compatible support services that would generate more opportunities for conferences and special events to be held in this area. The consideration of adding residential components to the overall development is inconsistent with the established direction approved by City Council. The existing hotel on the adjacent property is also used for special events and the approval of the detail plan for that site leaned heavily on the overall development plan that would create walkable destinations for restaurants and retail for the customers of the hotel. The impact of approving an Independent Living Facility on the subject property would diminish the established vision for this area as a hospitality/special event destination.
5. On November 20, 2012, City Council approved a Planned Development for Mixed Uses to include Multi-Family and Senior Living on property south of North George Bush Highway, west of Holford Road. The Planned Development and Concept Plan were created to develop the property with high density residential, including senior housing, with the integration of retail uses. The consideration of limiting the amount of residential provided along the George Bush corridor was of great importance and ultimately a limitation on the amount of residential units was incorporated into the Planned Development. The addition of more residential units, in close proximity to the previously approved development, could create an oversaturation of this product type along the corridor. The consideration of approving more residential uses within the area should be evaluated based upon current zoning for the same use and the impact of limiting non-residential opportunities along the George Bush corridor. As one of the Catalyst Areas, identified within Envision Garland, and one of the few undeveloped areas within the city, there should be a commitment to a long-term vision for this prime development area. Seemingly acceptable uses like the proposed senior housing should be directed to be developed in appropriate areas, such as within the aforementioned previously approved mixed use Planned Development.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Community Centers for the subject property. Community centers are areas with compact development, primarily non-residential, serving a collection of

neighborhoods. This type of development consists of a mix of uses, including retail, services, office use, multi-family residential, and entertainment. Community centers may be developed at the intersections of major arterial streets and along major arterials, highways, and turnpike corridors. This type of area is served by numerous roads and transit routes, providing a variety of connections to adjacent residential neighborhoods, retail centers, and employment centers.

The existing development pattern has established based on the vision for this area with the development of the Curtis Culwell Special Events Center and the approved Planned Development for hotels, restaurants and retail uses. Introducing this level of density on the subject property would shift the balance from a destination for conferences and special events toward residential and neighborhood serving uses.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The surrounding area is predominantly zoned for Freeway Uses. The property to the northwest is fully developed with commercial and retail uses. The property to the northeast, located across SH-190, has developed with a variety of restaurant and commercial uses. The property to the southeast is relatively undeveloped at this time, but is also zoned for Office and Freeway Uses. The property to the southeast is zoned Agriculture District and is developed with Naaman Forest High School. The property to the southwest is zoned for Agricultural Uses and is developed with the Garland ISD Curtis Culwell Events Center.

The nature of the surrounding area is retail, restaurant and hospitality related. The subject property is a part of an overall concept plan that reflected the future plans for support services to the nearby conference facility. While the proposed use can provide a valuable product type to the market within the city, the subject property is not appropriate. Based on the established development pattern, long term vision of the area, municipal investment and existing similar zoning in proximity to the site, the request is not suitable.

Prepared By:

Chasidy Allen, AICP
Principal Planner

Date: April 4, 2013

Reviewed By:

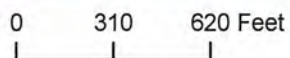
Neil Montgomery
Director of Planning

Date: April 5, 2013

Reviewed By:

William E. Dollar
City Manager

Date: April 8, 2013



Z 13-14

 INDICATES AREA OF REQUEST

PLANNED DEVELOPMENT CONDITIONS

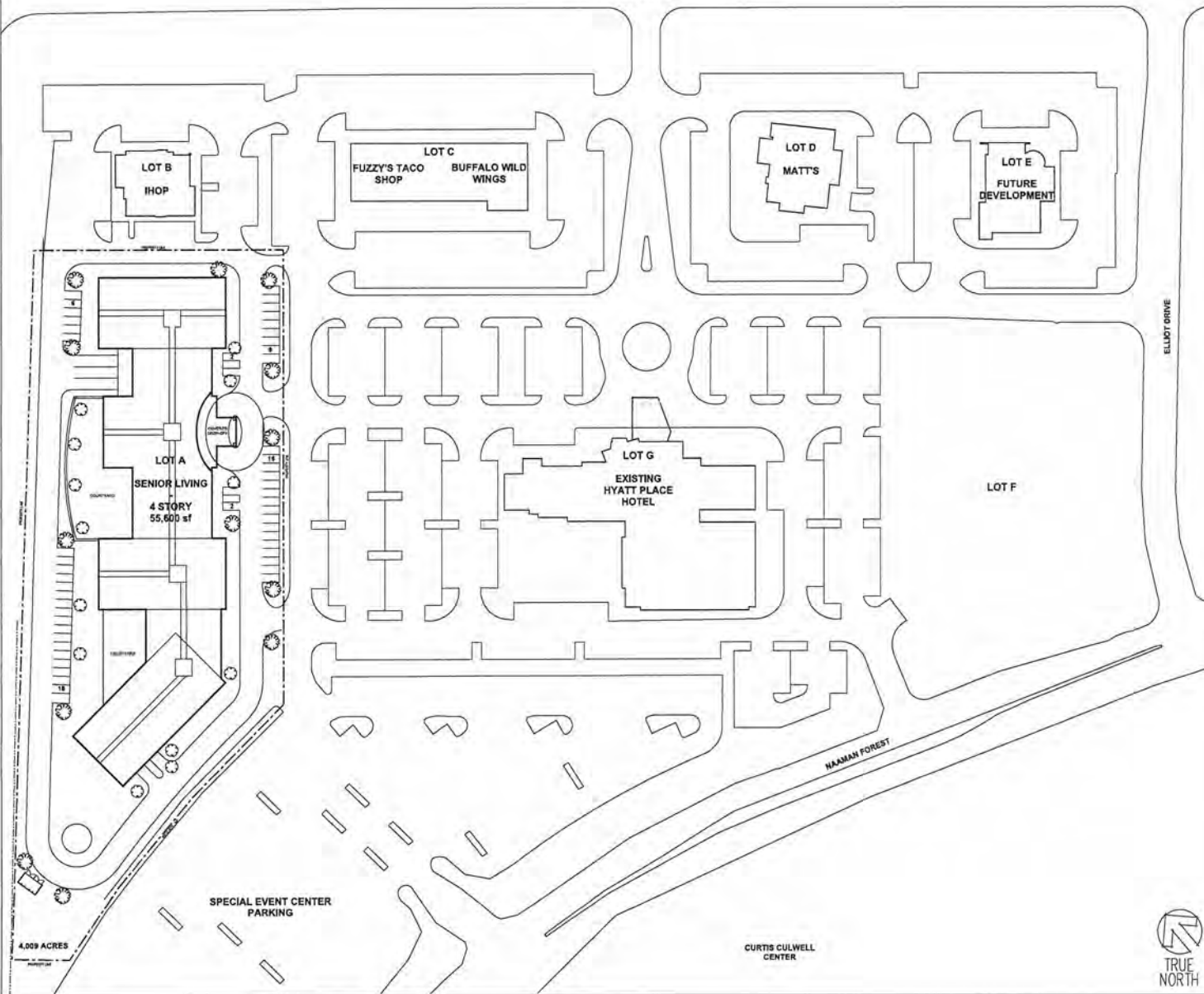
ZONING FILE 13-14

5100 Block of North George Bush Highway, west of 5101. N. George Bush Highway (Hyatt Place Hotel)

- I. **Statement of Purpose:** The purpose of this Planned Development District is to allow an Independent Living Facility subject to approval of a Detail Plan with conditions.
- II. **Statement of Effect:** This Planned Development District shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Multi-Family (MF-18) District set forth in Section 19 and 32 of the Comprehensive Zoning Ordinance, Ordinance No. 4647, as well as the SH-190 Development Standards are included by reference and shall apply, except as otherwise specified in this ordinance.
- IV. **Development Plans:**
 - A. Concept Plan: Development shall be in conformance with the approved Concept Plan set forth in Exhibit C.
 - B. Detail Plan: Prior to development of the subject property or a portion thereof, a Detail Plan must be approved through the public hearing process.
- V. **Specific Regulations:**
 - A. Permitted Uses: Only an Independent Living Facility shall be permitted on the subject property.
 - B. Density: The number of units is limited to 140 units; yielding a density of approximately 35 units per acre.
 - C. Senior Living Standards: Development on the subject property shall comply with the Senior Living Standards.

STATE HWY 196 (GEORGE BUSH TURNPIKE)
ACCESS ROAD

PITTMAN COMMERCIAL PROPERTIES



4.009 ACRES

SPECIAL EVENT CENTER
PARKING

CURTIS CULWELL
CENTER



FIREWHEEL II DEVELOPMENT
GARLAND, TEXAS

PROPOSED SITE PLAN: 08 APRIL 2013
ZONED: PD- 6085

SCALE: 1"=100'



REPORT & MINUTES

P.C. Meeting, March 25, 2013 (9 Members Present)

Consideration of the application of Firewheel Welcome Ltd., requesting approval of 1) a change in zoning from Planned Development (PD) District 06-79 for Freeway Uses to a Planned Development (PD) District for Multi-Family Uses (Independent Senior Living) and 2) a Concept Plan. The property is located in the 5100 Block of North George Bush Highway, west of 5101 N. George Bush Highway (Hyatt Place Hotel). (File 13-14)

Ted Pittman was available for questions for this case as well.

Motion was made by Commissioner Luckie, seconded by Commissioner Johnson to **approve** the request as presented by the applicant. **Motion carried: 8 Ayes, 1 Nay** by Commissioner Roberts.



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

March 13, 2013

HEARING DATE/TIME: Plan Commission: March 25, 2013 – 7:00 PM

APPLICANT: Firewheel Welcome, Ltd.

File Z 13-14

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, March 25, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Firewheel Welcome, Ltd.** requesting approval of 1) a change in zoning from Planned Development (PD) District 06-79 for Freeway Uses to a Planned Development (PD) District for Multi-Family Uses (Independent Senior Living) and 2) a Concept Plan. The property is shown on the enclosed sketch and is described as follows:

Being a 4.00-acre lot identified as Lot 1, Block 1, Firewheel Hotel Addition, an addition to the City of Garland, as recorded in Instrument No. 20070204435, M.R.D.C.T., City of Garland, Dallas County, Texas. The property is located in the 5100 Block of North George Bush Highway, west of 5101 N. George Bush Highway (Hyatt Place Hotel). (District 1)

Note: Approval of the change in zoning would allow for the development of an independent living facility, subject to Detail Plan approval, on the subject property.

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 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.

(Please complete the following information)

Your Property Address

Firewheel Welcome LTD

Printed Name

5101 North George Bush Hwy, Garland, TX 75040

Address

City, State

Zip

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

[Signature]

Signature

CEO

Title

Date:

3-18-13



Planning Report

File No. 13-15/District 2

Agenda Item:

Meeting: City Council

Date: April 16, 2013

Alfonso Vasquez

704 Walnut Circle East

REQUEST

Approval of a Specific Use Permit for Recycling Center on property zoned Industrial 1 (I-1) District.

OWNER

Michael P. Swiercinsky

PLAN COMMISSION RECOMMENDATION

On March 25, 2013 the Plan Commission, by a vote of five (5) to four (4), recommended approval of the Specific Use Permit for a Recycling Center for a period of five (5) years tied to Alfonso Vasquez.

STAFF RECOMMENDATION

Approval of the Specific Use Permit for a Recycling Center for a period of five (5) years. The Recycling Center is compatible with the surrounding zoning and land uses. Staff recommends a condition be added to the Specific Use Permit prohibiting the outdoor processing of materials and limiting outdoor storage to not exceed the eight (8) foot tall screening wall, to ensure the visual impact is minimized. Additionally, staff recommends the gates to the outdoor storage area be replaced with solid gates to minimize the visual impact from the street.

BACKGROUND

The applicant is requesting approval of a Specific Use Permit to expand the existing recycling center to include an additional 2,520 square foot tenant space in the existing building. A Specific Use Permit for a Recycling Center was approved in 2011 and included a 1,164 square foot tenant space. The site contains a loading area that is located in the back of the building. The applicant is proposing to create a drop off area at the rear of the site to improve the operations of the facility.

SITE DATA

The subject property contains approximately 0.736 acres in area, fronting approximately 110 feet along Walnut Circle East and approximately 171 feet along Shorehaven 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.

CONSIDERATIONS

1. The applicant is requesting a Specific Use Permit to expand the existing metal Recycling Center on the subject property. The recycling center will continue to purchase recyclable metal material such as aluminum cans, copper, steel and brass. The existing warehouse will be used for office space as well as for storing and sorting of materials. There is a loading area and bay door at the rear of the building that will be used for the drop off and pick up of materials. Some materials may be stored within this area as well. The hours of operation will remain Monday through Saturday, 8:00 a.m. to 5:00 p.m. and Sunday, 9:00 a.m. to 12:00 p.m.
2. The proposed recycling center will be small in nature and will receive goods from personal vehicles or small trucks. The applicant is proposing to create a drop off area at the rear of the site which will improve the traffic circulation on the site. The area will have an entry point from Walnut Circle East and an exit onto Shorehaven Drive. Directional signage will be added to the site to facilitate the traffic route. Currently, all loading and unloading is done at the front of the site at the one bay door facing Walnut Circle East.
3. Section 9.3 of the Screening and Landscape Standards requires where outdoor storage areas are located within a yard adjacent to a residential district or public street, screening of the storage areas is required with a six (6) foot tall masonry wall. There is a six (6) foot tall masonry screening wall along the north property line adjacent to the residential district. The applicant proposes to increase the height to eight (8) feet and extend the wall along the entire length of the subject property. The applicant will be repaving the rear area of the site to improve the maneuvering area for the drop off and storage of materials.

Since the applicant is not expanding the building or adding paving that exceeds 40% of the existing paving, there are no other Screening and Landscape Standards required. There is no landscaping on the subject property.

4. Staff recommends a condition be added to the Specific Use Permit limiting the outdoor storage and processing of materials. All processing should be done indoors and any outdoor storage of materials shall not exceed the height of the proposed screening wall. Additionally, staff recommends the gates to the outdoor storage area be replaced with solid gates to minimize the visual impact from the street. The applicant concurs with the Staff recommendation.
5. Although the subject property is adjacent to a single family district to the north and northeast, the tenant space to be occupied by the recycling center is

near the front of the site, further away from the residences. The site must comply with all City Ordinances regarding littering and property maintenance.

6. The parking requirement for a Recycling Center is one parking space for each 300 square feet of office and one space for each 1,000 square feet of site area. With approximately 350 square feet of office space and the remaining 3,334 square feet of the indoor warehouse being used for sorting and storage of materials, six (6) parking spaces are required. There are nineteen (19) parking spaces on site for the applicant to share with the other tenant spaces. Based on the land uses of the other tenants, there is enough parking on site to accommodate the use.
7. The Zoning Ordinance defines a recycling center as a facility that is not a salvage yard and in which recoverable resources such as newspapers, glassware and metal products are collected, stored, flattened, crushed or bundled. Any sales of whole parts or units of automobiles and/or machinery shall be classified as a salvage yard use and are expressly prohibited.
8. The applicant is requesting a Specific Use Permit for a five (5) year time period tied to **Alloy Right Recyclers**. The previously approved Specific Use Permit was limited to a five (5) year time period.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan designates the subject property as Compact Neighborhood. Compact neighborhoods provide areas for moderate increases in residential density, including single-family attached and single-family detached housing. These areas provide transitions between traditional residential neighborhoods and higher density residential neighborhoods and non-residential developments. These areas accommodate uses such as convenience retail (goods and services), office space, and public services.

The recommended land use is consistent with the longer term vision for redevelopment of the entire area; however the existing, established development pattern is commercial in nature. Ultimately, the subject property and surrounding area could transition to a land use more consistent with the Future Land Use recommendation but there would need to be several contributing factors that would need to be in place for that to occur. Limiting the Specific Use Permit to a five year time period allows for the reevaluation of the land use and consideration of its appropriateness should the area begin to transition to a residential development pattern.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The nature of the surrounding area is primarily heavy commercial and industrial. The property is within an area that has transitioned more toward industrial uses and the proposed use is suited for that type of adjacency. There is existing single family residential to the north and northeast of the subject property. The recycling center will have indoor processing, and limited truck traffic which are activities most appropriate within a heavy commercial and industrial area with similar uses.

By requiring indoor processing of materials and limiting the height of outdoor storage the impact of the proposed use on the surrounding residential district is minimized.

Prepared By:

Chasidy Allen, AICP
Principal Planner

Date: April 3, 2013

Reviewed By:

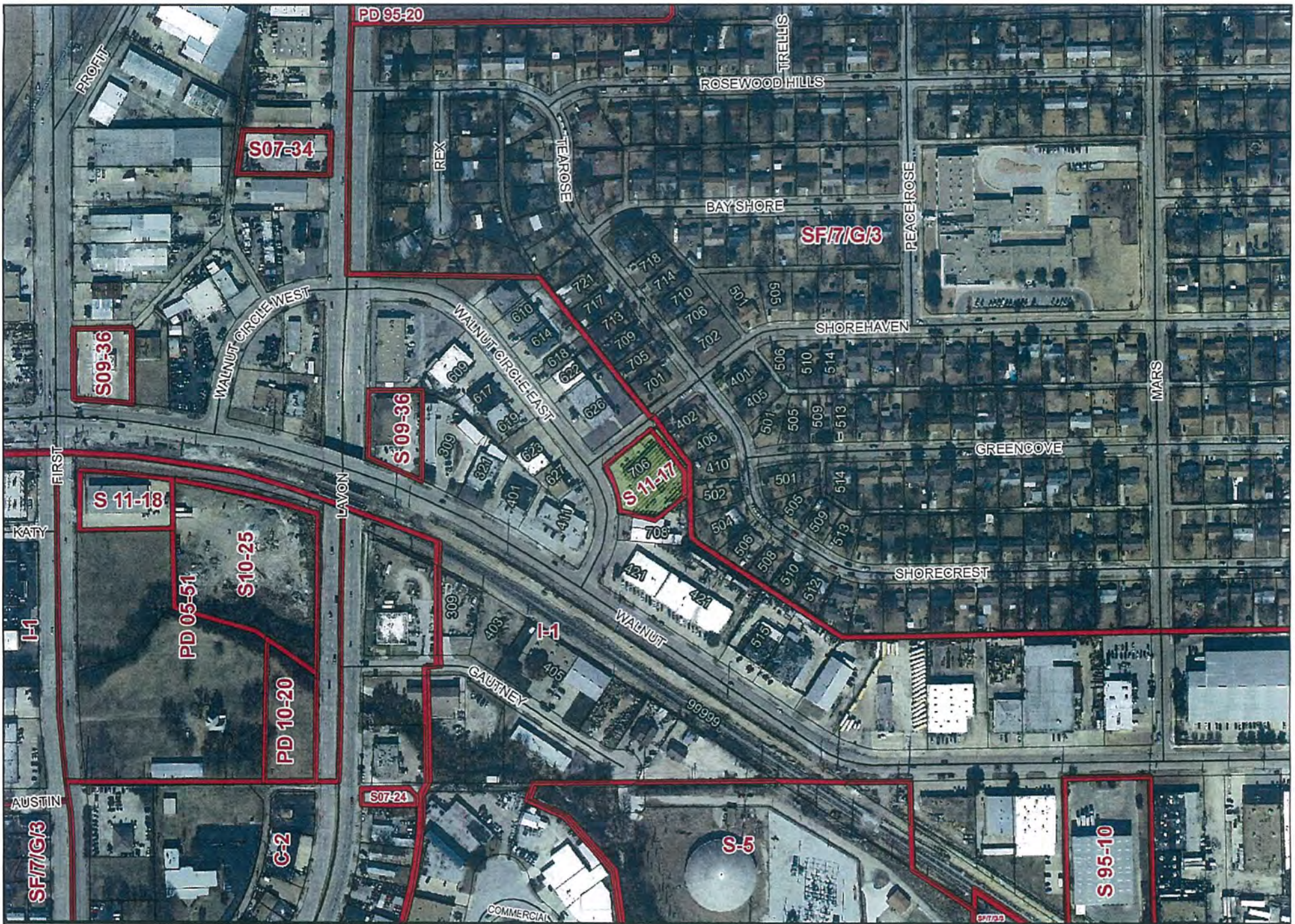
Neil Montgomery
Director of Planning

Date: April 5, 2013

Reviewed By:

William E. Dollar
City Manager

Date: April 8, 2013



0 150 300 Feet

ZONING Z 13-15



INDICATES AREA
OF REQUEST

SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 13-15

704 Walnut Circle East

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow a Recycling Center 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 Sections 29 and 33 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. **Specific Regulations:**
 - A. Time Period: The Specific Use Permit shall be in effect for a five (5) year time period and shall be tied to **Alloy Right Recyclers**.
 - B. Site Plan: The site plan shall be in general conformance with Exhibit C.
 - C. Screening: An eight (8) foot tall masonry wall, constructed to the City of Garland standards, shall be constructed along the property line adjacent to the residential district. The gates shall be constructed of a solid material in compliance with the Fence Ordinance.
 - D. Outdoor Processing: Outdoor processing of materials is prohibited.
 - E. Maintenance of Property: Site must comply with all applicable City Ordinances regarding littering and property maintenance.

CP

ARCHITECTURE
ENGINEERING
DEVELOPMENT

CP INC.
106 DELMAR STREET
LONGVIEW, TX 75004
972-382-7467

REVISION
DATE:

1

ALLOY RIGHT RECYCLERS
704 EAST WALNUT STREET
GARLAND, TEXAS 75040

GARLAND
DIVISION:

0-21-13
ISSUE DATE:

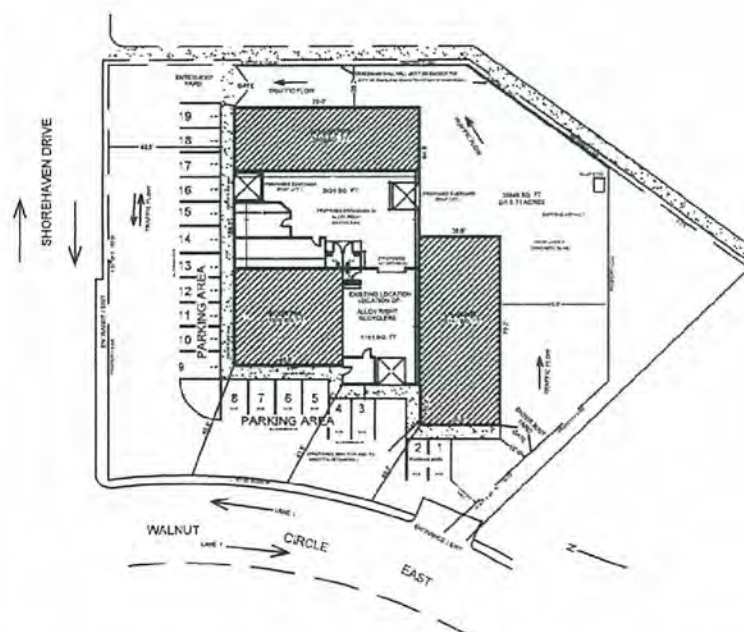
NA
SITE NO:

APPROVED BY:
DATE ISSUED:
DRAWN BY:

SHEET NO.

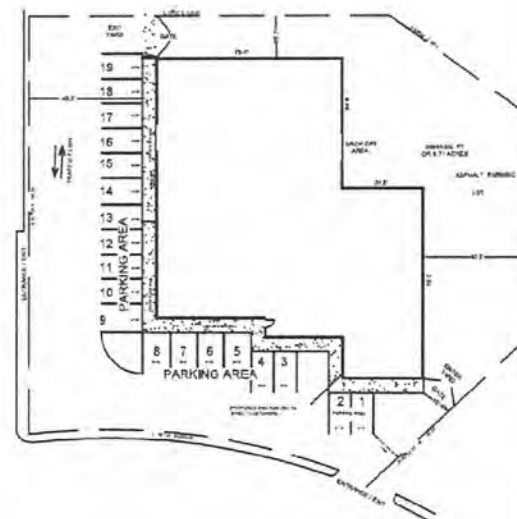
2 OF 3 SHEETS

EXHIBIT C

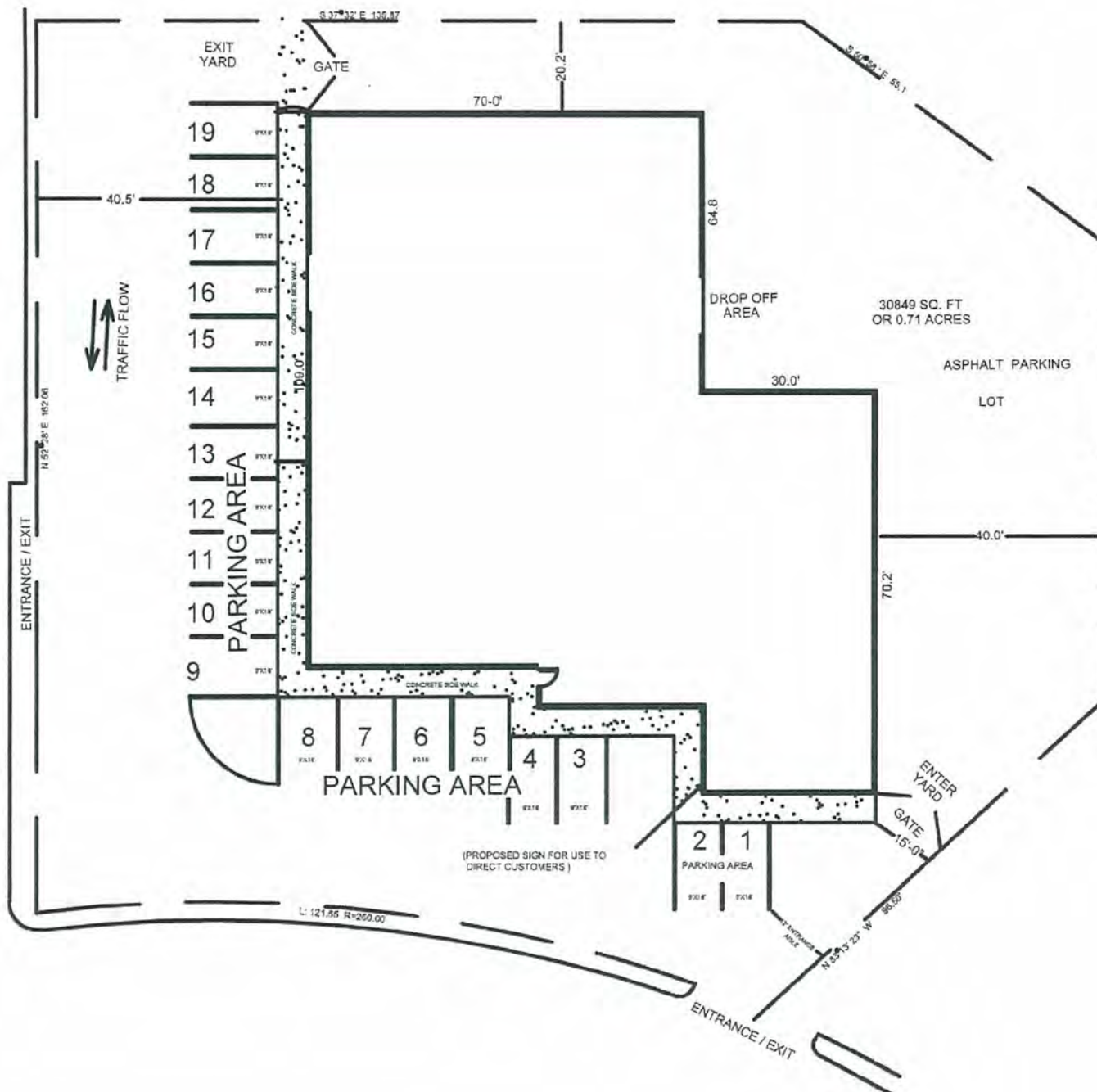


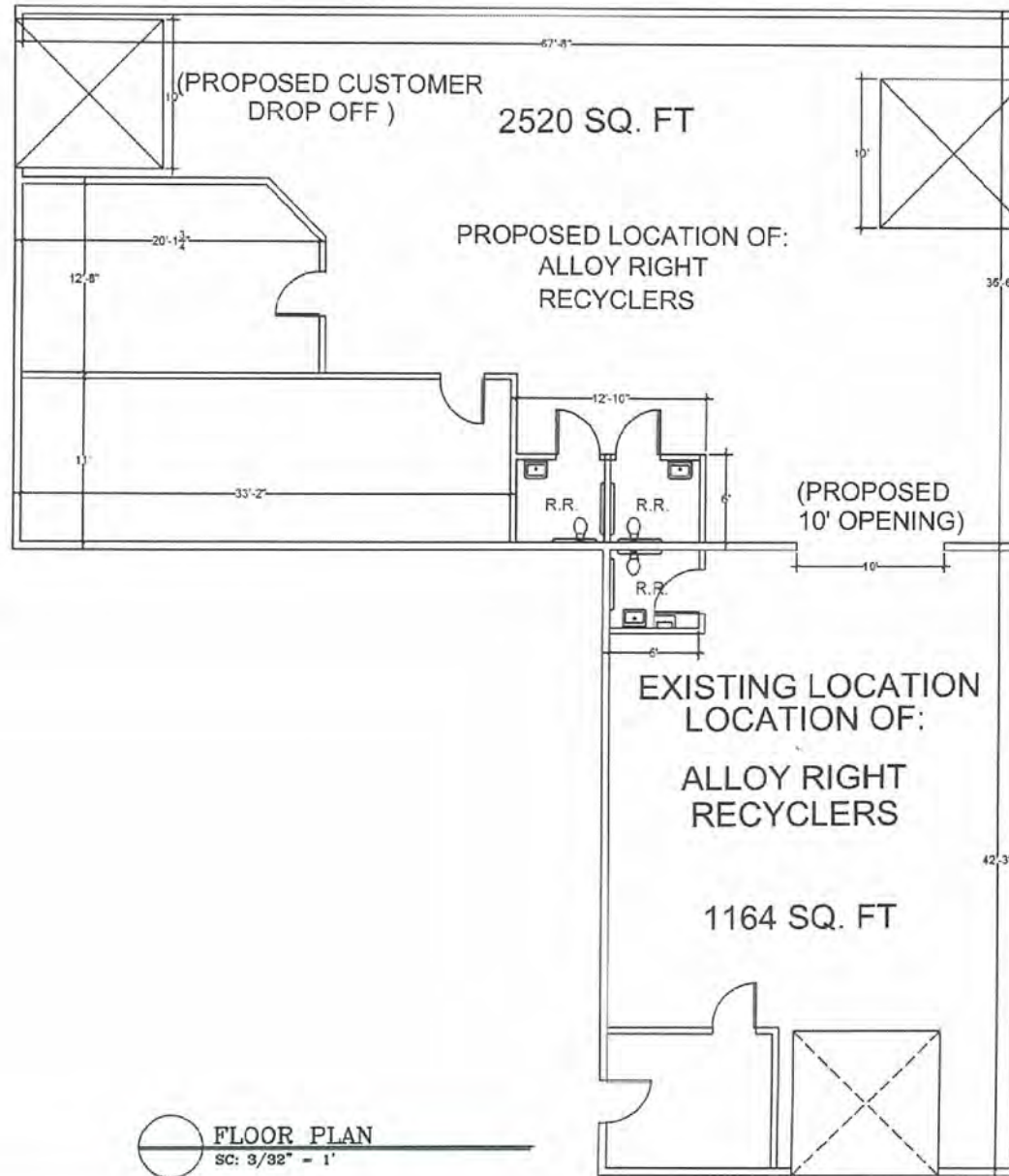
SITE PLAN
SC: 1/64" = 1'

PARKING SPECIFICATION		
BUSINESS NAME	PARKING REQUIREMENTS	ASSIGNED PARKING SPACES
Alloy Right Recyclers	1 space per 300 SF of office use	2
	1 space per 1000 SF of warehouse use	4
Wood fabrication	1 space per 1000 SF of warehouse use	2
W-glass	1 space per 1000 SF of warehouse use	3
Auto Repair Shop	1 space per bay	1
	1 space per 500 SF of warehouse use	2
		TOTAL
		12



PARKING AREA
SC: 1/64" = 1'






FLOOR PLAN
 SC: 3/32" = 1'

CP

ARCHITECTURE
ENGINEERING
DEVELOPMENT

CP INC.
188 BELLAIR STREET
LONGVIEW, TX 75804
972-352-7487

REVISION
DATE: 8

ALLOY RIGHT RECYCLERS
 704 EAST WALNUT STREET
 GARLAND, TEXAS 75040

GARLAND
DIVISION:

3-16-13
ISSUE DATE:

NA
SITE NO:

APPROVED BY:

N/A
 DATE ISSUED:
 CEAR PATINO
 DRAWN BY:

SHEET NO.

3 OF 5 SHEETS

REPORT & MINUTES

P.C. Meeting, March 25, 2013 (9 Members Present)

Consideration of the application of Alfonso Vasquez, requesting approval of a Specific Use Permit for a Recycling Center on property zoned Industrial 1 (I-1) District. The property is located at 704 Walnut Circle East. (File 13-15)

The applicant, Alfonso Vasquez, 707 Moonlight Drive, Garland was available for questions. He was asked if he was alright with changing the gate to a solid gate as requested by staff; Mr. Vasquez responded that he was in agreement to provide a solid gate.

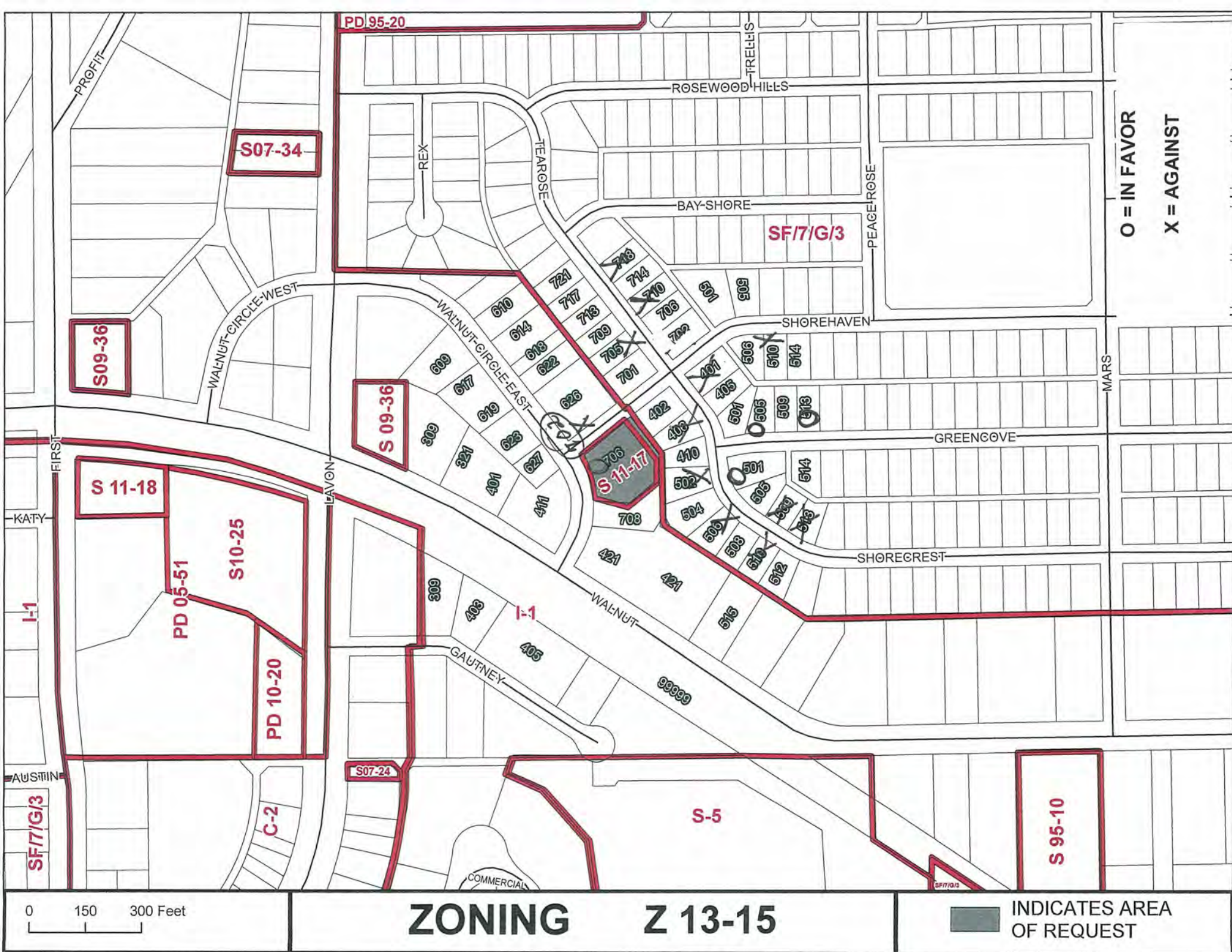
Nearby resident, Rolando Arellano, 602 Greencove, spoke in support of the request, stating that they had been a good neighbor.

Two nearby residents spoke in opposition to the request stating noise and traffic as their main concerns. They were:

Rene Estrada, 513 Greencove Drive, Garland

Joe Walsh, 506 Shorecrest Drive, Garland

Motion was made by Commissioner Johnson, seconded by Commissioner Vera to **approve** the request as recommended by staff for a period of 5 years tied to Alloy Right Recyclers and includes a requirement that prohibits any outdoor processing of materials and limiting outdoor storage to not extend above the eight foot tall screening wall. **Motion carried: 5** Ayes, 4 Nays by Commissioners Luckie, O'Hara, Welborn and Roberts.





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

March 13, 2013

HEARING DATE/TIME: Plan Commission: March 25, 2013 – 7:00 PM

APPLICANT: Alfonso Vasquez

File Z 13-15

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, March 25, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Alfonso Vasquez** requesting approval of 1) a Specific Use Permit for a Recycling Center on property zoned Industrial-1 (I-1) District and 2) a variance to Section 10-200 of the Comprehensive Zoning Ordinance regarding parking requirements. The property is shown on the enclosed sketch and is described as follows:

Being a 0.736-acre lot identified as Lot 1, Block E, Garvon Addition No. 10, an addition to the City of Garland, as recorded in Volume 823, Page 2085, D.R.D.C.T., City of Garland, Dallas County, Texas. The property is located at 704 Walnut Circle East, northeast of the intersection of Walnut Circle East and Shorehaven Drive. (District 2)

Note: Approval of the Specific Use Permit will allow the existing metal recycling business to expand on the subject property.

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 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.

City of Garland
Planning Dept.
P.O. BOX 469002
GARLAND TX 75046

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

*They keep the property clean
and they are convenient for me when
I have scrap to sell.*

(Please complete the following information)

Your Property Address

Cesar H. Garza

Printed Name

505 GREEN COVE DR.

Address

Garland Texas

City, State

75040

Zip

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

Cesar H. Garza

Signature

Home owner

Title

Date:

3-17-2013



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

March 13, 2013

HEARING DATE/TIME: Plan Commission: March 25, 2013 – 7:00 PM

APPLICANT: Alfonso Vasquez

File Z 13-15

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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.

It's big enough with out expanding. We get foreign objects in our tires & have to drive another route home & when you see someone pushing a grocery cart with a car door in it. you know we are not in a very safe area of town!

(Please complete the following information)

Your Property Address
JANET McCullough
Printed Name
510 SHOREHAVEN GARLAND TX 75040
Address City, State Zip

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

Janet McCullough owner
Signature Title
Date: 3-18-13



GARLAND

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

March 13, 2013

HEARING DATE/TIME: Plan Commission: March 25, 2013 - 7:00 PM

APPLICANT: Alfonso Vasquez

File Z 13-15

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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.

1. my place will be reduced to zero parking places
2. my way out the parking lot will be blocked by scrap sellers + recycler vehicles
3. Dangerous for all the metal scraps that may fall from the trucks
4. my guests vehicles & mine will get flat tires

(Please complete the following information)

Your Property Address:

Marta Garcia

Printed Name

702 Walnut Circle East

Address

Garland TX

City, State

75040

Zip

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

Marta Garcia

Signature

Renter

Title

03-25-2013



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

March 13, 2013

HEARING DATE/TIME: Plan Commission: March 25, 2013 – 7:00 PM

APPLICANT: Alfonso Vasquez

File Z 13-15

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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

Marta Lopez

Printed Name

501 Shirecrest Dr.

Address

City, State

75040

Zip

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

Marta Lopez

Signature

owner of Property

Title

Date:

3/21/13

**GARLAND**

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

March 13, 2013**HEARING DATE/TIME:** Plan Commission; March 25, 2013 – 7:00 PM**APPLICANT:** Alfonso Vasquez**File Z 13-15**

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, March 25, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Alfonso Vasquez** requesting approval of 1) a Specific Use Permit for a Recycling Center on property zoned Industrial-1 (I-1) District and 2) a variance to Section 10-200 of the Comprehensive Zoning Ordinance regarding parking requirements. The property is shown on the enclosed sketch and is described as follows:

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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.

No Problem For US

(Please complete the following information)

Your Property Address

I & H GLASS

Printed Name

706 EAST WALNUT CR. GARLAND TX. 75040

Address

City, State

Zip

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

Signature

Arene Helton

Title

Owner

Date:

2-18-12



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

March 13, 2013

HEARING DATE/TIME: Plan Commission: March 25, 2013 – 7:00 PM

APPLICANT: Alfonso Vasquez

File Z 13-15

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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.

DON'T WANT THE TRAFFIC, TRUCKS, & PEOPLE.
DON'T LIKE MY PROPERTY VALUE TO GO DOWN.
DON'T WANT THE NOISE/AIR POLLUTION.

(Please complete the following information)

Your Property Address

JACKQUINE M PARKER

Printed Name

705 TEAROSE

Address

Garland TX

City, State

75040

Zip

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

JM Parker

Signature

Home owner

Title

Date:

3/18/13



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

March 13, 2013

HEARING DATE/TIME: Plan Commission: March 25, 2013 – 7:00 PM

APPLICANT: Alfonso Vasquez

File Z 13-15

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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

Juanita Carr

Printed Name

710 Tearose

Address

Garland TX

City, State

75046

Zip

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

Juanita Carr

Signature

Home Owner

Title

Date: 3/25/2013



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

March 13, 2013

HEARING DATE/TIME: Plan Commission: March 25, 2013 – 7:00 PM

APPLICANT: Alfonso Vasquez

File Z 13-15

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Note: Approval of the Specific Use Permit will allow the existing metal recycling business to expand on the subject property.

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(Please Check One Below)

☐ I am in favor of the request.

☒ *strongly*
I am *strongly* opposed to the request.

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

I believe he was given a 5 year permit on the existing site. I am not in favor of his expanding due to increased noise, large truck traffic and large amount of metal higher than fence level.
(Please complete the following information)

Your Property Address *506 SHORECREST DR.*

Richard + Kathleen Walshe

Printed Name

506 Shorecrest Dr *Garland Tx* *75040*

Address

City, State

Zip

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

Kathleen Walshe
Signature

Home owner
Title

Date: *3-20-2013*



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

March 13, 2013

HEARING DATE/TIME: Plan Commission: March 25, 2013 – 7:00 PM

APPLICANT: Alfonso Vasquez

File Z 13-15

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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 would like that this type of business not be in the area because it gives a negative appearance to the neighborhood. Also much traffic is created upon the site and is also a source of many rodents. I believe this is not the appropriate location for this business.

Your Property Address

Adolfo Castro

Printed Name

401 Shorecrest Drive Garland, TX 75040

Address

City, State

Zip

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

Adolfo Castro

Signature

Homeowner

Title

Date: *3-19-13*



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

March 13, 2013

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APPLICANT: Alfonso Vasquez

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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.

Unsafe for our children & lots of
scraps on the street. I have, have flats torn

(Please complete the following information)

Your Property Address

Printed Name

Address

City, State

Zip

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

Signature

Title

Date:

Tomas Mota
510 Shorecrest Dr
Garland TX
75040
Tomas Mota
Home Owner
3-19-13



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

March 13, 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.

This Recycling Business has been a real Good Neighbor. They keep the place clean & neighborly.

(Please complete the following information)

Your Property Address

RENE G- ESTRADA

Printed Name

513 GREENCOVE DR. GARLAND TEXAS 75040

Address

City, State

Zip

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

Rene G. Estrada

Signature

SR. Election T-X-U. Retiree

Title

Date: 3-21-13



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

March 13, 2013

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APPLICANT: Alfonso Vasquez

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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.

Business is growing to much needs a bigger place,
a place away from residential area. It gets too noisy, unsafe,
and metal debris is blown in the air and is a hassard.

(Please complete the following information)

Your Property Address

Alexandrina Gamba

Printed Name

513 Shorecrest Dr. Garland, Tx. 75040

Address

City, State

Zip

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

Alexandrina Gamba

Signature

Home Owner

Title

Date:

03/18/13



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

March 13, 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.

This will be very NOISY, will bring UNKNOWN people METAL DEBRIS will blow right into my house, will lose my PRIVACY. So, I Am Strongly opposed to this expansion as I'm now to the existing ones.

(Please complete the following information)

Your Property Address

Belen Alvarado

Printed Name

406 Shorecrest Dr.

Address

Garland Tx

City, State

75040

Zip

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

Belen Alvarado

Signature

Home Owner

Title

Date: *03-20-2013*



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

March 13, 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.

not the appropriate place for this kind of business. not an industrial place for it

(Please complete the following information)

Your Property Address

509 Sho Carlos Dominguez

Printed Name

509 Shorecrest Dr Garland TX 75040

Address

City, State

Zip

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

Carlos Dominguez

Signature

HOME OWNER

Title

Date: *03-20-2013*



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.

If allowed to expand we will loose any privacy that we have left. Already we get notices if our side of the fence isn't mowed, why are they allowed to not mow? They leave debris in the middle of Shorehaven. who will pay for the fixing of our tires. No to expansion!

Your Property Address

Printed Name

502 Shorecrest Dr.

Garland TX

75040

Address

City, State

Zip

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

Signature

Title

Date:

3-18-13

Owner



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

March 13, 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.

*Because it is no safe
for the children*

(Please complete the following information)

Your Property Address 718 Teanos Drive
Printed Name Dorothy Moss Garland Texas 75048
Address City, State Zip

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

Dorothy Moss Home owner
Signature Title

Date: 3-18-03