



AGENDA

REGULAR MEETING OF THE CITY COUNCIL

**City of Garland
Council Chambers, City Hall
200 North Fifth Street
Garland, Texas
April 1, 2014
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

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

MAYORAL PROCLAMATIONS, RECOGNITIONS AND ANNOUNCEMENTS

The Mayor may present proclamations and recognize attendees or award winners, and may make announcements regarding upcoming City events and matters of interest to citizens. There will be no Council deliberations or votes on these matters.

CONSENT AGENDA

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

1. Consider approval of the minutes of the March 18, 2014 City Council Regular Meeting.
2. Consider approval of the following bids:

a. Sanitary Sewer Rehabilitation

Bid No. 4281-14

Insituform Technologies, Inc.

\$700,000.00

This request is to provide trenchless rehabilitation of sanitary sewer lines and service laterals at various locations throughout the City. Quantities are estimated and may be more or less depending on actual needs.

b. Fleet Fuels

Bid No. 4283-14

Martin Eagle Oil Company (Primary)	\$5,000,000.00
TAC Energy (Secondary)	150,000.00
Douglass Distributing (Alternate)	<u>150,000.00</u>
TOTAL	<u>\$5,300,000.00</u>

This request is to secure a long term pricing and supply agreement for approximately 650,000 gallons of gasoline and 765,000 gallons of diesel to be utilized by City departments in their daily operations. Secondary and alternate suppliers are included as a contingency. These quantities are estimated and may be more or less depending on actual needs.

3. A public hearing was previously conducted for the following zoning case:

Zoning File No. 14-05, GFC Leasing Corp.,LLC.

Consider an ordinance amending the zoning laws of the City of Garland by approving an amendment to Planned Development District 05-57 for Shopping Center Uses, a Detail Plan, and a Specific Use Permit for a Restaurant with Drive Through. The property is located at 2200 North Jupiter Road. (District 7)

4. Consider an ordinance cancelling the General Election to be held May 10, 2014 for unopposed City Council candidates for Districts 1, 2, and 4; declaring the unopposed candidates within those districts elected to office; and continuing unaffected the General Election to be held May 10, 2014 for a council member in District 5.

Elections for unopposed candidates may be cancelled in accordance with the Garland City Charter and the laws of the State of Texas. The election in District 5 is not affected by this ordinance and will continue as scheduled.

5. Consider an ordinance amending Chapter 51, "General Utility Provisions" of the Code of Ordinances of the City of Garland.

This item was considered by Council at the March 17, 2014 Work Session. The City must submit its Water Conservation Ordinance to the State of Texas by May 1, 2014. The current ordinance, adopted in 2009, requires minor changes to reflect updated technical data and water use goals.

6. **Consider by minute action authorizing the City Manager to execute an Engineering Design Services Contract in the amount of \$350,205.00 with Freese and Nichols, Inc.**

Staff has negotiated a contract with Freese and Nichols, Inc. for the design of the South Country Club Road Water Improvements Project. Project limits are South Country Club Road from Wendell Way to Rowlett Road. Paving, sidewalk, and drainage improvements in this area will also be a part of this project.

7. **Consider by minute action authorizing the City Manager to execute an agreement with Freese and Nichols, Inc. in the amount of \$200,000.00 to update the current Thoroughfare Plan.**

This item was considered by Council at the March 3, 2014 Work Session and was postponed from the March 4, 2014 Regular Meeting. This agreement provides for a major update to the current Thoroughfare Plan.

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.

8. **Hold public hearings on the following zoning cases:**

- a. **Consider the application of Apollo Beer and Wine, Inc. requesting approval of a Specific Use Permit for a Convenience Store on a property zoned Planned Development (PD) District 87-15 for General Business Uses and in the SH 190 Overlay. The property is located at 7602 North Jupiter Road, Suite 100. (File 14-06) (District 1)**

The proposal is to allow the applicant to operate a convenience store from the subject property. At the March 10, 2014 meeting, the Plan Commission recommended approval per staff recommendation.

- b. Consideration the application of Perry Molubhoy, requesting approval of 1) an amendment to Planned Development (PD) District 13-16 for Freeway Uses and 2) an amended Detail Plan for Limited Service Hotel. The property is located at 4412 Bass Pro Drive. (File 14-07) (District 3)**

The proposal is to allow changes to the building elevations and related condition. At the March 10, 2014 meeting, the Plan Commission recommended approval as requested by the applicant.

9. 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.

10. 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 p.m. on Tuesday, March 18, 2014, in the Council Chambers at City Hall with the following members present:

Mayor	Douglas Athas
Mayor Pro Tem	Lori Barnett Dodson
Council Member	Marvin 'Tim' Campbell
Council Member	Anita Goebel
Council Member	Stephen Stanley
Council Member	B.J. Williams
Council Member	John Willis
Council Member	Scott LeMay
Council Member	Jim Cahill

STAFF PRESENT:	City Manager	William E. Dollar
	City Attorney	Brad Neighbor
	City Secretary	Lisa Palomba

CALL TO ORDER: The meeting was called to order by Mayor Douglas Athas. District 1 Council Member Cahill led the Invocation and Pledge of Allegiance.

CEREMONIALS: Mayor Athas offered recognition for Purchasing and Supply Management Month and welcomed visiting members of Scout Troop 57.

ANNOUNCEMENTS: Mayor Athas commented on the following: (1) Applications for 2014-2015 Garland Youth Council are now available; (2) Garland Teen Talk to be held Saturday, March 29, 2014 at Garland City Hall; (3) Thursday, April 10, 2014 is the last day to register to vote to be eligible to vote in the May 10, 2014 General Election.

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 Council Member Cahill, seconded by Mayor Pro Tem Dodson, to approve Items: 1 as amended to reflect correct date of February 18, 2014 minute approval; 2a; 2b; 2c; 2d; 2e; 2f; 2g; 2h; 3a; 3b; and 4. A vote was cast and the motion carried with 9 Ayes; 0 Nays. Mayor Athas read the following items into the record.

1. APPROVED** City Council minutes of the March 4, 2014 Regular Meeting.

2a. APPROVED** Award of Bid No. 4229-14 in the amount of \$456,576.00 to ATC Freightliner Group; \$2,000,546.00 to Bond Equipment Company; and \$1,268,047.50 to Heil of Texas for a total award of

\$3,725,169.50 for replacement of 17 trucks to be used by EWS and the Landfill.

2b. APPROVED**

Award of Bid No. 4238-14 in the amount of \$114,500.00 to Professional Turf Products, L.P. for the purchase of five new fairway mowers for Firewheel Golf Course.

2c. APPROVED**

Award of Bid No. 4240-14 in the amount of \$292,250.00 to Club Car, Inc. to purchase 100 replacement golf carts for Firewheel Golf Bridges Course.

2d. APPROVED**

Award of Bid. 4246-14 in the amount of \$856,667.00 to Freightliner of Austin for the purchase of eight dump trucks and two flatbed trucks for various departments within the City.

2e. APPROVED**

Award of Bid No. 4250-14 in the amount of \$689,480.40 to Insituform Technologies, Inc. to provide trenchless rehabilitation of approximately 1,648 feet of an existing 48 inch sanitary sewer interceptor for the Rowlett Creek Wastewater Treatment Plant.

2f. APPROVED**

Award of Bid No. 4257-14 in the amount of \$248,466.00 to POWER Engineers, Inc. with an optional contingency fee of \$24,847.00 for a total award of \$273,313.00 to provide professional engineering services associated with rebuilding the existing 138kV transmission line from Shelby Tap (N) to the Greenville Interchange SS.

2g. APPROVED**

Award of Bid No. 4139-14 in the amount of \$172,640.00 to Brenntag Southwest to provide liquid chlorine for the City of Garland's Wastewater Treatment Plants.

2h. APPROVED**

Award of Bid No. 4252-14 in the amount of \$88,125.00 to Kestrel Power Engineering with an optional contingency fee of \$22,000.00 for a total award of \$110,125.00 to provide professional engineering services for ERCOT Exciter/Limiter Model Validation Testing.

3a. APPROVED**

Ordinance 6679 amending the zoning laws of the City of Garland by approving a Specific Use Permit for a Charter School on 20.05-acre tract of land zoned Single-Family-7 (SF-7/E/3) District and located at 2302 Firewheel Parkway. (File No. 14-01; Claymore Engineering, Inc.) (District 1)

3b. APPROVED

Ordinance No. 6680 amending the zoning laws of the City of Garland by approving an amendment to the Planned Development District (85-5) for Complex for the Elderly, a Detail Plan, and a

Specific Use Permit for a Nursing Home on a 7.99-acre tract of land located northeast of the intersection of Broadway Boulevard and Colonel Drive. (File No. 14-02; The Javelin Group)
(District 3)

4. APPROVED** Minute action authorizing the City Manager to execute an interlocal agreement with the City of Dallas for Bio-Tel Services in the amount of \$180,102.

ITEMS FOR INDIVIDUAL CONSIDERATION

5. HELD & APPROVED Director of Planning Anita Russelmann provided background information regarding the application of GFC Leasing Corp, LLC, requesting approval of an amendment to Planned Development District (05-07) for 1) Shopping Center Uses, 2) a Detail Plan, and 3) a Specific Use Permit for a Restaurant with Drive Through. The property is located at 2200 North Jupiter Road. (Zoning File No. 14-05) (District 7)

Mayor Athas opened the public hearing to allow public input. The following persons spoke in favor of the application: Freddie Montemayor and Mark Parmerlee on behalf of the applicant. No one else spoke.

Council Member LeMay moved to close the public hearing and to approve the request. Staff will prepare an ordinance for formal consideration at a future meeting. Mayor Pro Tem Dodson seconded the motion. A vote was cast and the motion carried with 9 ayes, 0 nays.

- 6a. & 6b PH HELD Paul Mayer representing Garland Economic Development Partnership provided information in regard to an economic incentive agreement for Kraft Foods Global, Inc.

Mayor Athas opened the public hearing to allow citizen comment regarding Item 6a: an ordinance designating an area as a Reinvestment Zone for Commercial/Industrial Tax Abatement; and 6b: a resolution authorizing the City Manager to execute a tax Abatement Agreement with Kraft Foods Group, Inc. The following persons presented testimony to Council: Applicant Michael Morgan. Gary Francis, and Donna Ditmass presented to answer questions.

- 6a. & 6b. APPROVED Items 6a (Ordinance No. 6681) and 6b (Resolution No. 10131) were considered and voted upon in a single motion. Council

Member Stanley, seconded by Council Member Cahill, moved to close the public hearing and to approve the request as presented. A vote was cast and the motion carried with 9 ayes, 0 nays.

7. APPROVED

Managing Director of Planning & Neighborhood Services Neil Montgomery provided background information regarding a proposed amendment to a Chapter 380 Economic Development Agreement between the City and Draft Foods Group, Inc. Council Member Cahill made a motion, seconded by Mayor Pro Tem Dodson to approve Resolution No. 10132 as presented. The motion carried with 9 ayes, 0 nays.

8. APPROVED

City Attorney Brad Neighbor provided background information relating to the regulation of certain credit access and "Payday Loan" businesses. The following persons spoke in favor of regulations: Michael Bencheck, Wes Helm, Roger Keith Stewart, Joseph W. Lee, Sr., Aaron Dempsey, Michael Burleson, Douglas Chennell, Stephanie Mace, Drew Campbell Representing Loan Star Title (in favor of some regulations), Katie Murray, Stan Granberry, Joanne Groshardt and Michael Boyd. The following persons registered a position in favor of regulation: Dianna Holland, Linda Winans, Donna Fyffe, Doug Fyffe, Brandi Helm, Scott Harper, Jim Pickrell, Catherine Haug, Brenda Stewart, Linda Farris-Hill, Travis Hill, Sherry Orman, Hayli Brown, David Pfzstp, Eddie Miller, Mariah Teny, and Barb Freeman. The following person spoke in opposition to the regulation as proposed: Cash America Representative Pete Lange.

Council discussion was held. Council Member Cahill made a motion, seconded by Council Member Stanley, to approve Ordinance No. 6682 regulating Payday Loan businesses as presented with local modifications. A vote was cast and the motion carried with 9 ayes, 0 nays.

9. CITIZEN COMMENTS: Mary Ehlenfeldt offered information regarding a recent Festival of Colors held in the Colony, Texas and ended with a prayer.

There being no further business to come before the City Council, Mayor Athas adjourned the meeting at 9:37 p.m.

CITY OF GARLAND

Signed:

Attest:



GARLAND
PURCHASING

Bid No.: 4281-14
Agenda Item: 2a.
Meeting: Council
Date: 04/01/14

Purchasing Report

SANITARY SEWER REHABILITATION TERM CONTRACT

PURCHASE JUSTIFICATION:

The purpose of this contract is to provide trenchless rehabilitation of sanitary sewer lines and service laterals at various locations throughout the city. Quantities are estimated and may be more or less depending on actual needs. Price adjustments and contract renewals will be in accordance with the most current BuyBoard contract in place at time of contract renewal.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Insituform Technologies, Inc.	All	\$700,000.00

TOTAL: \$700,000.00

BASIS FOR AWARD:

Cooperative Purchase

Submitted by:

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

Reviewed by:

William E. Dollar
City Manager

Date: 03/21/14

Date: 3/24/14

FINANCIAL SUMMARY:

Total Project/Account: \$ N/A

Expended/Encumbered to Date: N/A

Balance: \$ N/A

This Item: 700,000

Proposed Balance: \$ N/A

Matt Watson 03/24/14
Budget Analyst Date

Ron Young 03/24/14
Budget Director Date

Operating Budget: ☐ CIP: ☒ Year: 2014

Document Location: Page WW07

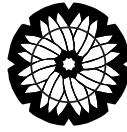
Account #: 451-6999
(237-4149-3215400-7111)

Fund/Agency/Project – Description:

Term Contract – Wastewater CIP / Cured-in-Place
Place Pipe Main & Lateral Rehab
- Sanitary Sewer Rehabilitation

Comments:

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



GARLAND

PURCHASING

Executive Summary **Bid 4281-14** **Term Contract for Sanitary Sewer Rehabilitation**

Recommended Vendor:

Insituform Technologies, Inc.

Total Recommended Award:

\$700,000.00

Basis for Award:

Cooperative Purchase

Purpose:

The purpose of this contract is to provide trenchless rehabilitation of sanitary sewer lines and service laterals at various locations throughout the City.

Evaluation:

Insituform Technologies, Inc. is the current contract holder on the BuyBoard Purchasing Cooperative contract 354-10. Price adjustments and contract renewals will be in accordance with the most current contract in place with Insituform Technologies, Inc. at time of contract renewal.

Recommendation:

Staff recommends awarding the sanitary sewer rehabilitation contract to Insituform Technologies, Inc.

Funding Information:

CIP Project 237-4149-32154-7111

Department Director:

John Baker, Managing Director of Water Utilities, 972-205-3283



GARLAND
PURCHASING

Bid No.: 4283-14
Agenda Item: 2b.
Meeting: Council
Date: 04/01/14

Purchasing Report

FLEET FUELS TERM CONTRACT

PURCHASE JUSTIFICATION:

The purpose of this contract is to secure a long term pricing and supply agreement for approximately 650,000 gallons of gasoline and 765,000 gallons of diesel to be utilized by City departments in their daily operations. Secondary and alternate suppliers are included as a contingency. The quantities are estimated and may be more or less depending on actual needs. Price adjustments and contract renewals will be in accordance with the Tarrant County contract.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Martin Eagle Oil Company (Primary)	All	\$5,000,000.00
TAC Energy (Secondary)	All	\$150,000.00
Douglass Distributing (Alternate)	All	\$150,000.00
	TOTAL:	\$5,300,000.00

BASIS FOR AWARD:

Interlocal Agreement

Submitted by:

Reviewed by:

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

William E. Dollar
City Manager

Date: 03/21/14

Date: 03/24/14

FINANCIAL SUMMARY:

Total Project/Account: \$ N/A

Expended/Encumbered to Date: N/A

Balance: \$ N/A

This Item:

Proposed Balance: \$ N/A

Budget Analyst

Date

Budget Director

Date

Operating Budget: ☒ CIP: ☐ Year: _____

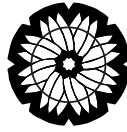
Document Location: _____

Account #: 451-6999

Fund/Agency/Project – Description:
Term Contract –

Comments:

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



GARLAND

PURCHASING

Executive Summary Bid 4283-14 Term Contract for Fleet Fuels

Recommended Vendors:

Martin Eagle Oil Company (Primary)	\$5,000,000.00
TAC Energy (Secondary)	\$150,000.00
Douglass Distributing (Alternate)	<u>\$150,000.00</u>

Total Recommended Award: \$5,300,000.00

Basis for Award:

Interlocal Agreement

Purpose:

The purpose of this contract is to secure a long term pricing and supply agreement for approximately 650,000 gallons of gasoline and 765,000 gallons of diesel to be utilized by City departments in their daily operations.

Evaluation:

This fuel is being provided through an interlocal agreement with Tarrant County. This is regional contract utilized by twenty-three (23) entities. Price adjustments and contract renewals will be in accordance with the Tarrant County contract.

Recommendation:

Staff recommends awarding the fleet fuels contract to Martin Eagle Oil Company as the primary provider, TAC Energy as the secondary provider and Douglass Distributing as the alternate provider.

Funding Information:

Blanket Account 451-6999

Department Director:

Terry Anglin, Fleet Director, 972-205-3524



City Council Item Summary Sheet

☐ Work Session

Date: April 1, 2014

☒ Agenda Item

Zoning Ordinance

Summary of Request/Problem

Zoning Ordinance 14-05 GFC Leasing Corp, LLC

Recommendation/Action Requested and Justification

Consider adoption of attached ordinance.

Submitted By:

**Anita Russelmann
Director of Planning**

Approved By:

**William E. Dollar
City Manager**

FILE NO. 14-05

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING AN AMENDMENT TO PLANNED DEVELOPMENT DISTRICT (PD) DISTRICT 05-57 FOR SHOPPING CENTER USES, A DETAIL PLAN AND A SPECIFIC USE PERMIT FOR RESTAURANT WITH DRIVE THROUGH ON A 0.93 ACRE TRACT OF LAND, LOCATED AT 2200 NORTH JUPITER ROAD; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 24h day of February, 2014, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **GFC Leasing Corp., LLC** and

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

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

Section 1.

Ordinance No. 4647 is hereby amended by approving an amendment to Planned Development District (05-57) for Shopping Center Uses, a Detail Plan, and a Specific Use Permit for a Restaurant with Drive Through. on a 0.93 acre tract of land, located at 2200 North Jupiter Road, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2.

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

Section 3.

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

Section 4.

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

FILE NO. 14-05

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 _____, 2014.

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 14-05

Being an approximately 0.93-acre portion of Lot 1, Block 1, Jupiter Center, an addition to the City of Garland, Dallas County, Texas, according to the plat thereof recorded in County Clerk's File No. 200600171566, of the Plat Records of Dallas County, Texas. This property is located 2200 North Jupiter Road.

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE 14-05

2200 North Jupiter Road

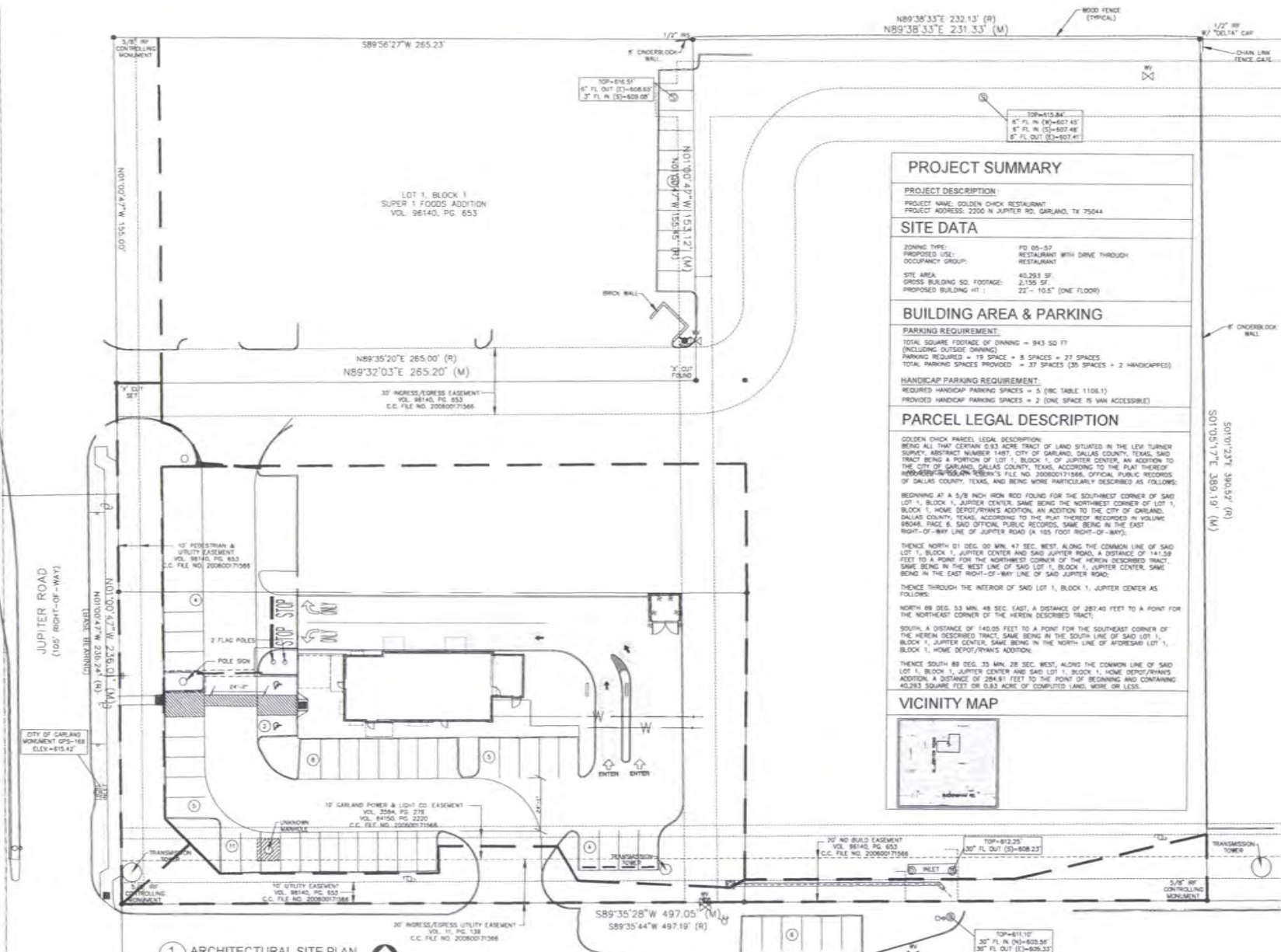
- I. **Statement of Purpose:** The purpose of this Planned Development District is to permit the construction of a restaurant with drive through subject to conditions.
- II. **Statement of Effect:** This Planned Development District shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Shopping Center District set forth in Section 24, 32, 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. **Development Plans:**
 - A. Detail Plan: Development shall be in general conformance with the approved Detail Plan set forth in Exhibit C; however, in the event of conflict between the Detail Plan and the conditions, the conditions shall prevail.
- V. **Specific Regulations:**
 - A. Permitted Uses: No uses shall be permitted except for the uses listed under the Shopping Center (SC) District.
 - B. Screening and Landscaping: Screening and landscaping shall be in conformance with the Landscape Plan identified as Exhibit D.
 - C. Building Elevations: Building elevations shall be in conformance with the elevations as reflected on Exhibit E.
 - D. Signage: A freestanding pole sign shall be permitted with a height not to exceed twenty (20) feet, six (6) inches, sign area of 140 square feet and a minimum setback of twenty-five (25) feet. Attached signage shall be limited to a total of 116 square feet. Roof signage shall be permitted as reflected on Exhibit E.

SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 14-05

2200 North Jupiter Road

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to permit the construction of a restaurant with drive through subject to conditions.
- II. **Statement of Effect:** This Planned Development District shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Shopping Center District set forth in Section 24, 32, and 33 of the Comprehensive Zoning Ordinance, Ordinance No. 4647 are included by reference and shall apply, except as otherwise specified in this ordinance.
- VI. **Specific Regulations:**
 - A. Specific Use Permit: The Specific Use Permit shall be tied to Montemayor GC, LLC for a period of twenty-five (25) years.



DATE		DESCRIPTION	BY
2/15/14		ZONING/SUP. REVIEW	DP
SCALE:		AS NOTED	
PROJECT NO.		036-09	
SHEET NO.		A1.0	

ARCHITECTURAL SITE PLAN

GOLDEN CHICK

2200 NORTH JUPITER ROAD

GARLAND, TX 75044

FOR CITY REVIEW ONLY



EJES
ENGINEERS, ARCHITECTS & PLANNERS

11800 CENTRAL EXPRESSWAY, SUITE 600
DALLAS, TEXAS 75244
(214) 542-3300
(214) 542-3301
FAX (214) 542-3600
EJES Inc. Copyright

6007 FINANCIAL PLAZA, RITE 511
DALLAS, TEXAS 75219
(214) 542-3300
(214) 542-3600

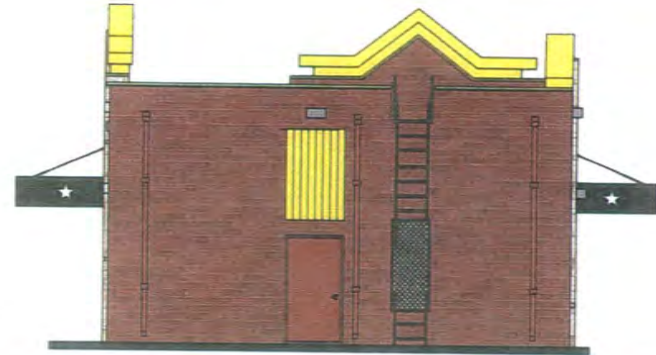
DRAWN BY: DP

CHECKED BY: RK

NOTES: These plans are a representation of preliminary design and are provided for comment only. All existing conditions and other records shall be verified. This plan is not to be reproduced or used for any purpose other than the specific project and location shown. All rights reserved. E.J.E.S. Inc. is not responsible for any errors or omissions on this plan.



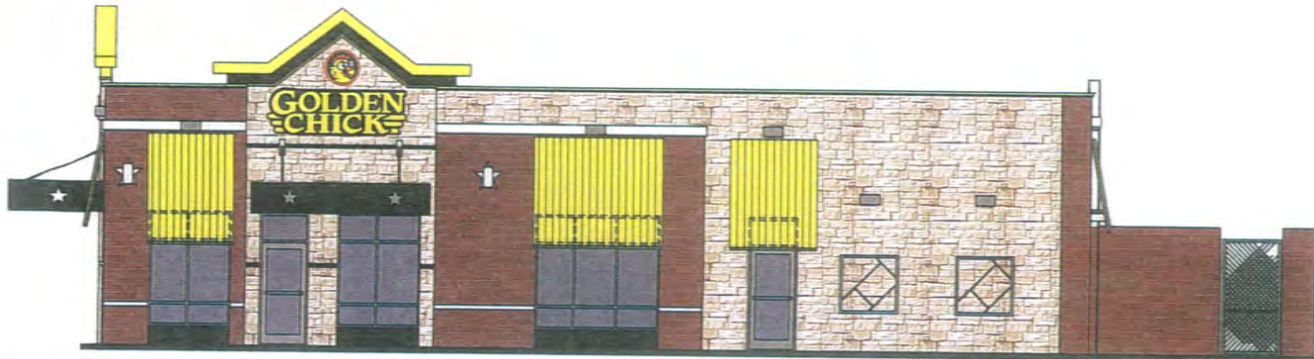
3 PARTIAL ELEVATION
SCALE: 1/4" = 1'-0"



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



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



2 RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

DRAWN BY: DP
CHECKED BY: RC

EJES

1000 CENTRAL EXPANDED, SUITE 100
HOUSTON, TX 77002
(713) 211-3333
(713) 211-3334
EJES, Inc. Copyright 2010

**FOR CITY
REVIEW ONLY**

EXTERIOR ELEVATIONS

**GOLDEN CHICK
2800 NORTH JUPITER ROAD
CARLAND, TX 78044**

DATE	DESCRIPTION	BY	DATE
2/14/14	ZONING/SLIP REVIEW	DP	

SCALE:
AS NOTED

PROJECT NO.
036-08

SHEET NO.
A4.0

RECEIVED



Council Item Summary Sheet

☐ Work Session

Date: April 1, 2014

☒ Agenda Item

Ordinance Canceling the May 10, 2014 Election for City Council Districts 1, 2, and 4

Summary of Request/Problem

Council is requested to accept the Certification of Unopposed Candidates and approve an ordinance canceling the election for May 10, 2014 for Council Districts 1, 2 and 4 in accordance with the Charter of the City of Garland and the laws of the State of Texas. These elections are canceled due to the fact that the candidates in each of these districts are unopposed. The election in District 5 is not affected by this ordinance and will continue as scheduled.

Recommendation/Action Requested and Justification

It is recommended that the Council accept the Certification and approve the ordinance to cancel the election for Districts 1, 2 and 4.

Submitted By:

**Lisa Palomba
City Secretary**

Approved By:

**William E. Dollar
City Manager**

ORDINANCE NO.

AN ORDINANCE CANCELING THE ELECTION TO BE HELD MAY 10, 2014 FOR UNOPPOSED CITY COUNCIL CANDIDATES FOR DISTRICTS 1, 2 AND 4; DECLARING THE UNOPPOSED CANDIDATES WITHIN THOSE DISTRICTS ELECTED TO OFFICE; CONTINUING UNAFFECTED THE GENERAL ELECTION TO BE HELD MAY 10, 2014 FOR A COUNCILMEMBER IN DISTRICT 5; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 18, 2014 the City Council ordered an election to be held on May 14, 2014 for the purpose of electing Councilmembers for Districts 1, 2, 4 and 5; and

WHEREAS, the filing deadlines for placement on the ballot and for declaration of write-in candidacy have passed; and

WHEREAS, the City Council has received the City Secretary's written certification that the candidates for Mayor and Councilmember for District 1, 2, and 4 are unopposed; and

WHEREAS, in these circumstances, Chapter 2, Subchapter C of the Texas Election Code authorizes a governing body to declare each unopposed candidate elected to office and to cancel the election as to such candidate, thereby avoiding unnecessary expense; and

WHEREAS, Article XII, Section 1 of the Garland City Charter mandates that elections in such circumstances must be cancelled; and

WHEREAS, the election within District 5 for a councilmember for that district shall continue unaffected by this Ordinance;

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

Section 1

That the following candidates, who are unopposed for the May 10, 2014, General Election, are hereby declared elected to office:

Councilmember, District 1: Marvin F. "Tim Campbell"
Councilmember, District 2: Anita Goebel
Councilmember, District 4: B.J. Williams

Section 2

That the General Election for Councilmember for District 5 shall continue unaffected in any respect by this Ordinance.

Section 3

That the City Secretary shall post a copy of this Ordinance at City Hall and at each polling place that would have been used in the election for Mayor and Councilmembers for Districts 1, 2, and 4.

Section 5

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

PASSED AND APPROVED this the ____ day of April, 2014.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

**CERTIFICATION OF UNOPPOSED CANDIDATES FOR
OTHER POLITICAL SUBDIVISIONS (NOT COUNTY)
*CERTIFICACIÓN DE CANDIDATOS ÚNICOS
PARA OTRAS SUBDIVISIONES POLITICAS (NO EL CONDADO)***

To: Presiding Officer of Governing Body
Al: Presidente de la entidad gobernante

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 10, 2014.

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 10 de mayo 2014.

List offices and names of candidates:
Lista de cargos y nombres de los candidatos:

Office(s) <i>Cargo(s)</i>	Candidate(s) <i>Candidato(s)</i>
Councilmember District 1 (Regidores para el Distrito 1)	Marvin F. "Tim" Campbell
Councilmember District 2 (Regidores para el Distrito 2)	Anita Goebel
Councilmember District 4 (Regidores para el Distrito 4)	B.J. Williams

Signature (*Firma*)

Lisa Palomba

Printed name (*Nombre en letra de molde*)

City Secretary

Title (*Puesto*)

March 25, 2014

Date of signing (*Fecha de firma*)

(Seal) (*sello*)



City Council Item Summary Sheet

☐ Work Session

Date: April 1, 2014

☒ Agenda Item

Modifications to the Water Conservation Ordinance

Summary of Request/Problem

The City must submit its Water Conservation Ordinance to the State of Texas by May 1, 2014. The current ordinance (adopted in 2009), requires minor changes to reflect updated technical data and water use goals. This item was discussed at the March 17 Work Session

Recommendation/Action Requested and Justification

By Minute Action, authorize approval of the ordinance that modifies technical data in the Water Conservation Ordinance

Submitted By:

John Baker
Managing Director of Public Works

Approved By:

William E. Dollar
City Manager

- DRAFT -

FOR DISCUSSION PURPOSES ONLY

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 51, "GENERAL UTILITY PROVISIONS" OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That Sec. 51.118 of Chapter 51, "General Utility Provisions", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Sec. 51.118 Water utility profile

The director shall endeavor to set water conservation goals for the City based on data collected and reported in the water utility profile filed with the Texas Commission on Environmental Quality (or successor agency) as required or provided by law. The profile shall include information regarding population and customer data, water use data, water supply system data, and wastewater system data. The director shall ensure that a copy of the most current filed report is available for public inspection and copying."

Section 2

That Sec. 51.119 of Chapter 51, "General Utility Provisions", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Sec. 51.119 Water conservation goals

Water conservation goals are established to provide a reduction in the per capita water use over current water use. These goals can be realized from incorporation of water savings measures. The planning goals for the City include the following:

Municipal per capita water use at or below 141.0 gallons per capita per day (gpcd) by the year 2019 and at or below 138.0 gpcd by the year 2024. Municipal per capita water use shall be calculated on an annual basis."

- DRAFT -
FOR DISCUSSION PURPOSES ONLY

Section 3

That Chapter 51, "General Utility Provisions", of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 4

That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 5

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

PASSED AND APPROVED this the _____ day of _____, 2014.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



City Council Item Summary Sheet

☐ Work Session

Date: April 1, 2014

☒ Agenda Item

Design Contract – South Country Club Road Water Improvements

Summary of Request/Problem

Funding for replacement of existing water lines in South Country Club Road was included in the approved 2014 Capital Improvements Program.

To begin the design process, staff has negotiated a contract with Freese and Nichols, Inc., in the amount of \$350,205.00. The contract will cover the design of this project. The project limits are South Country Club Road from Wendell Way to Rowlett Road. Paving, sidewalk, and drainage improvements in this area will also be part of this project.

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

Recommendation/Action Requested and Justification

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

Attachments:

Proposed Contract

Location Map

2014 CIP Sheet W02

Submitted By:

Michael C. Polocek, P.E.
Director of Engineering

Approved By:

William E. Dollar
City Manager

ENGINEERING SERVICES CONTRACT
South Country Club Road, Wendell Way to Rowlett Road
Paving, Drainage, and Water Improvements

This Engineering Services Contract ("Contract") is made and entered by and between the City of Garland, Texas (the "City") and Freese and Nichols, Inc. (the "Engineer")

Section 1. Scope of Project.

Prepare a concept plan, survey, geotechnical/SUE investigations, ROW and easement documents (if needed), design drawings and construction services for paving, drainage, and water improvements in South Country Club Road from Wendell Way to Rowlett Road. These improvements will include replacing the existing 12" water line as well as construction of a new 24" water line within the limits of the project. Work will also include relocating/replacing existing services, meters, valves, laterals, and manholes, as well as pavement and sidewalk removal and replacement. Design will also include drainage analysis within the project limits to verify adequacy of existing storm sewer facilities or to upgrade said facilities if needed to meet current City drainage criteria. Design will also include required grading, SWPPP, vegetation restoration, markings, signage, conduit layout, construction sequencing/phasing, traffic control, horizontal control, ROW maps and all other necessary project elements required as listed in Section 3 (Design Phase).

Estimated Design Fee: \$350,205.00.

Section 2. Description of Services.

(A) Preliminary Phase:

For the Preliminary Phase of the Project, Engineer shall:

- (1) Arrange and attend preliminary conferences with interested parties regarding the project including, but not limited to, the various utility services of the City, including but not limited to Atmos Energy, ONCOR Electric, AT&T, Verizon, Garland Power and Light, North Texas Municipal Water District, Time Warner, and GISD as necessary to complete the preliminary design.
- (2) Review previously prepared construction plans, record documents, land records, or other pertinent documents on file in the Engineering Department of the City and other appropriate agencies.
- (3) Prepare a project layout sheet showing preliminary alignment, all City utilities, all franchise utilities, drainage structure locations, property lines and owners and submit in City approved AutoCAD or Microstation format as well as a hard copy.
- (4) Prepare a preliminary engineering report for the project in sufficient detail to generally indicate utility and other design problems involved and alternate solutions available to the City. The report shall include, but not be limited to, the items contained in the Project Checklist included in Appendix "A" of this contract. A copy of the completed Project Checklist must be included in the preliminary engineering report. The report shall contain schematic layouts, sketches, or conceptual design criteria with appropriate exhibits, all in sufficient detail to indicate clearly the considerations involved including, but not limited to, construction cost, existing and

proposed rights-of-way or easements, constructability, significant stands of trees or other natural features, floodplain locations, city and franchise utility locations, investigation and analysis of all federal and state permits, and maintenance of traffic flow or other City services during construction. The report shall also include opinions of probable costs for the project and the recommendations of the Engineer. Include in the preliminary engineering report, a preliminary drainage area map showing drainage areas, run-off coefficients in accordance with the type of City zoning, major points of concentration, size of area in acres, and the calculated quantity of run-off at each point of concentration in cubic feet per second.

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

(B) Surveying Phase for Design and Construction:

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

- (1) Establish permanent monumentation for horizontal and vertical project control. The project shall be tied to the North Central Zone (4202) Texas Coordinate System of 1983, (NAD83 96, EPOCH 2002.000), using City established control monuments. NAVD88 datum shall be utilized for vertical control using National Geodetic Survey/Continuously Operating Reference Station (NGS/CORS) monuments or City of Garland geodetic monuments as specified and directed by the City Surveyor. At the discretion of the City Surveyor, static GPS control may be approved.
 - A) Locate right-of-way lines and corners, property lines and corners, buildings, fence lines, trees 3 inches in diameter and larger, edges of pavements and all other visible surface features with respect to the project control baseline. Existing utility structures shall be located and referenced by utility name (e.g. ONCOR Electric, TXU Gas, Verizon, Etc.)
 - B) Vertical topographic information tying pavement, curbs, drives, walls, manholes (top and inverts), storm drain inlets (top and inverts), and other physical features as needed within the project areas for the design.
- (2) Research City, County, State, or other documents as necessary, and establish the location of all existing boundary lines and easements for the project. Furnish copies of all real estate documents to the City.
- (3) In cooperation with the City and other franchised utilities, determine the locations and elevations of existing underground utilities. In particular, locations of major underground franchise facilities shall be shown in all profiles.

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

(C) Design Phase:

For the design phase of the project, Engineer shall:

- (1) Establish the scope of any soil foundation investigations or any special surveys and tests which, in the opinion of the Engineer, may be required for a proper design of the project and arrange for such work to be done, after approval by the City, at the City's expense. Engineer shall discuss the number and location of boreholes with the City before proceeding with the investigation and also will discuss the results of said investigation with the City before proceeding with pavement design.
- (2) Furnish to the City the engineering data necessary for applications for routine permits by local, state, and federal authorities (as distinguished from detailed applications and supporting documents for government grant-in-aid or for planning advances).
- (3) Prepare detailed specifications and contract drawings for the project. This may include, but shall not be limited to, separate sheets for the following:

Title Sheet with Index and Project Location

Project Layout

R.O.W. Map indicating all existing and proposed R.O.W. & prepare a right-of-way deed map showing the existing right-of-way, lot numbers, subdivision names, volume and page of recorded instruments, street names, and existing proposed rights-of-way and easements for the project.

Typical Sections

Prepare Control/Geometric Layout indicating monuments found and set, the relationship of the project baseline or centerline to the monuments, and the benchmarks used and/or set.

Demolition Plan

Bid Item Quantities listed by sheet number and project total

Roadway Plan & Profile

Construction Sequencing and Traffic Control (Utilities)

Construction Sequencing and Traffic Control (Paving)

Final Pavement Markings

Storm Water Pollution Prevention or Erosion Control Plans

Water Line Plan; and Profile (12" or larger)

Sanitary Sewer Plan and Profile

Drainage Area Map

Run-off Computations

Inlet and Storm Sewer Computations

Storm Sewer Plan & Profile

Culvert Layouts (Plan & Profile)(if required for this project)

Storm Lateral Profiles

Drainage Details

Technical Specifications and/or Special Provisions for the project

Retaining Wall Layouts & Details (if required for this project)

Roadway Cross-Sections at 50 feet intervals
Horizontal and vertical utility locations
All Construction Details

All contract drawings shall be submitted on 22" x 34" ('D' size) paper and in City approved AutoCAD or Microstation format. Prior to the start of design, the City should approve the format. The Engineer shall correlate pay items on drawings with City of Garland Standard pay items in the contract proposal.

- (4) During development of specifications the Engineer shall place primary reliance on the Standard Specifications for Public Works Construction -North Central Texas - issued by the North Central Texas Council of Governments, and the City's "Public Works Design Guidelines". During development of contract drawings, the Engineer shall place primary reliance on City approved standard drawings and bid items, (copies of which are available at the Engineering Department, the Texas Manual on Uniform Traffic Control Devices, and the Storm Water Quality Best Management Practices for Construction Activities as supplied by the North Central Texas Council of Governments). The Engineer shall develop the specifications and contract drawings in accordance with all Federal, State, or City specifications or regulations.
- (5) A Registered Professional Land Surveyor (RPLS) must prepare, seal and sign the project Right-Of-Way Map(s) with a certification stating that the survey conforms to the minimum standards set forth by the Texas Board of Professional Land Surveying. All monuments located within the project corridor during the course of the survey must be illustrated on the right-of-way map with a project station and offset or coordinates that relate to the project control, whether or not such monuments are used for analysis and/or construction of the project Right-Of-Way. All monuments placed or perpetuating found objects must be reported to the minimum technical standards of the Texas Board of Professional Land Surveying ("TBPLS").
- (6) If required for this project, prepare all necessary property descriptions and 8 1/2 X 11-inch exhibits for needed additional right-of-way and easements. All descriptions and exhibits must conform to the minimum technical standards of the TBPLS and the requirements of the City Surveyor. Right-of-way and easements shall be delineated on and cross-referenced to the appropriate plans and profile sheets. The plan and profile sheets shall clearly indicate all private property that is in conflict with the proposed construction, if applicable. Two (2) copies of each document sealed by a Texas Registered Professional Land Surveyor shall be submitted. At this time, it is not anticipated that any additional easement or right-of-way exhibits will be required for this project. However, if this should change during the design process, any right-of-way or easement exhibits shall be completed as an Additional Service, at a rate not to exceed \$1000 per exhibit.
- (7) Submit four (4) sets of preliminary plans to the City.
- (8) Prepare and include in plans detailed construction signing and barricade plans for traffic control and safety (if needed). Primary reliance shall be placed in the Texas Manual for Uniform Traffic Control Devices. Provisions for construction phasing shall be included.

- (9) Prepare and Include Storm Water Pollution Prevention Plan (SWPPP) in accordance with the "Storm Water Quality Best Management Practices for Construction Activities" Manual as distributed by the North Central Texas Council of Governments.
- (10) Include appropriate provisions for trench safety as determined by a soil investigation report prepared by separate geotechnical engineers.
- (11) Revise and resubmit copies as needed upon review and comment by the City.
- (12) Prepare a detailed Opinion of Probable Cost.
- (13) Prepare and furnish to the City a mylar copy and five (5) prints of approved plans, specifications and proposal forms using City-approved documents.
- (14) Attend Pre-Bid and Pre-Construction Conferences and assist the owner as needed to interpret, clarify, or expand the bid documents. Issue addenda as needed.
- (15) Provide computer disks of the completed project files in approved Microstation or AutoCAD format to the City.
- (16) ***Submit all necessary documentation for review/approval required by any federal and/or state agency and obtain any permits that may be required. Federal and state agencies may include but not be limited to Texas Department of Licensing and Regulation, Texas Department of Transportation, Federal Emergency Management Agency, Texas State Historical Society, Environmental Protection Agency, Texas Commission for Environmental Quality, etc...Obtain approval under any federal or state general permits that may apply.***
- (17) Right-of-Way strip map is subject to review by the City Surveyor.

(D) Construction Phase:

For the construction phase of the project, Engineer shall:

- (1) Provide a complete set of conformed plans and specifications including any addenda and modifications prior to the Pre-Construction meeting.
- (2) Provide complete horizontal and vertical control, which, in the opinion of the City, is adequate for the eventual contractor to re-establish the horizontal and vertical control network for the project.
- (3) Provide limited construction phase engineering assistance. When requested by the City, the Engineer will visit the site and consult with the City and the contractor to resolve unusual or unexpected construction problems. The Engineer shall conduct a final project inspection with the City and prepare recommendations concerning items that the Engineer observes during the final inspection that require additional work or adjustment. Provide written responses to request for information on clarifications.

- (4) Review the contractor's shop drawings and related submittals with respect to the applicability of the detailed work, when complete, to be a properly functioning integral element of the project designed by the Engineer.
- (5) ***After final acceptance of construction by the City, and at the discretion of the City, the Engineer shall require an RPLS:***
 - (a) ***Establish "permanent" survey monumentation for control throughout the project***
 - (b) ***Establish right-of-way corridor permanent monumentation at all control points, points of intersection or deflection, points of curvature, points of tangency and intersecting street/block corners.***

i. Definitions:

- 1. ***"Permanent" survey monumentation is described as a 3-1/4" aluminum domed top disc for 5/8" rebar (Berntsen #RBD5325) set in concrete per City specifications.***
 - 2. ***Control monumentation shall bear the inscription "CONTROL".***
 - 3. ***Right-of-Way monumentation shall bear the inscription "RIGHT-OF-WAY".***
- (6) Prepare Record Drawings based upon mark-ups and information provided by the City Inspector. Submit the Record Drawings with the as-built changes noted and the date and signature of the Engineer in PDF format to the City Inspector. The page size shall be 22" x 34" with a minimum resolution of 300 dpi. The PDF's must be free from objectionable background, rotated properly and stored in a separate folder on the CD/DVD. The submittal shall also include the record drawings in an AutoCAD or Microstation format.

Section 3. Time of Completion.

The prompt completion of this project is critical to the progress of the City of Garland Capital Improvements Program. Unnecessary delays to the project shall be grounds for dismissal of the Engineer and termination of this Contract without any or further liability to the City other than a prorated payment for necessary, timely and conforming work done on the project prior to the time of termination. Engineer proposes to complete the Preliminary Phase, Surveying and Design Phases for the entire project within 253 calendar days. Exhibit "A" is a Bar Graph Schedule showing a breakdown of the major tasks and associated time frames for completion. Upon receiving the notice to proceed, the engineer will submit a new Bar Graph Schedule and submittal dates shown. Upon request by the City, the engineer will prepare a revised schedule.

Section 4. Professional Liability Insurance.

Prior to the commencement of the design phase under this Contract, Engineer shall obtain professional liability insurance coverage in an amount of at least \$1,000,000.00 aggregate per year. Engineer shall maintain such coverage during all phases of engineering services under this Contract and for one (1) year after substantial completion of the project. The City shall be supplied with a certificate of such coverage, which shall provide for a thirty-(30) day notice to the City, by certified or registered mail, of cancellation, non-renewal, or material alteration.

Section 5. Compensation.

(A) Basic Services:

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

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

Basic Design Services:

Water (lump sum):	\$224,250.00
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Geotechnical Services:

Water (cost-plus w/max)	\$15,600.00
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Surveying Services:

Water (lump sum):	\$33,800.00
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SUE Services:

Water (cost-plus w/max):	\$16,555.00
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Subtotal:	\$290,205.00
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Unforeseen Items:	\$60,000.00
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TOTAL:	\$350,205.00
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The fee amount identified as Unforeseen Items shall be used at the discretion of the City to pay the Engineer for unforeseen Special Services (Section 5(B)) or Additional Work (Section 6(B)) necessary for the proper design of the construction documents in accordance with the intent of this contract. No portion of this item shall be paid to the Engineer, nor shall the Engineer perform extra work, without written authorization from the City. The City shall retain all Unforeseen Items funds not authorized during the design of the project.

Compensation shall be paid as follows:

1. Upon acceptance of Preliminary and Surveying Phases, 35% of the total compensation, less unforeseen item cost.
2. Upon acceptance of Preliminary Plans, 50% of total compensation, less unforeseen item cost. (Cumulative compensation equal to 85%).
3. Upon acceptance of Final Plans, 10% of total compensation, less unforeseen item cost. (Cumulative compensation equal to 95%).

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

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

(B) Special Services:

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

1. Additional land surveys to establish project boundaries that require the surveyor to access properties beyond those adjacent to the project.
2. Preparation of any special reports required for marketing of bonds.
3. Appearances before regulatory agencies other than the City.
4. Assistance to the City as an expert witness in any litigation with third parties arising from the development or construction of the Project.
5. Special investigations involving detailed consideration of operation, maintenance and overhead expenses; preparation of rate schedules; earnings and expense statements; special feasibility studies, appraisals, valuations, and material audits or inventories required for certification of force account construction performed by the Owner.
6. Soil and foundation investigations, including field and laboratory tests, borings, related engineering analyses, and recommendations.
7. Detailed mill, shop and laboratory inspection of materials or equipment.
8. Preparation of estimates and Engineer's rolls necessary for assessments.
9. Additional copies of reports and specifications (over agreed number) and additional blueprint copies of drawings (over agreed number).
10. Preparation of applications and supporting documents for government grants or planning advances for public works projects.

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

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

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

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

14. Acquisition of individual federal or state permits that may be required. (Note: This does not apply to federal or state general permits.)
15. Easements or parcel descriptions in addition to those specified in Section 2(C)(6).

(C) Records of Expenses:

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

Section 6. Changes to the Project and Additional Compensation.

(A) Changes to Work:

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

shall make such revisions if requested and as directed by the City and such services will be considered as additional work and paid for as specified under following paragraph.

(B) Additional Work:

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

Section 7. Miscellaneous Provisions.

(A) Subletting:

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

(B) Ownership of Documents:

Upon completion or termination of this Contract, all documents prepared by the Engineer or furnished to the Engineer by the City shall be delivered to and become the property of the City. All sketches, charts, calculations, plans, specifications and other data prepared under this Contract shall be made available, upon request, to the City without restriction or limitation on the further use of such materials. The Engineer may, at the expense of the Engineer, have copies made of the documents or any other data furnished to the City under this Contract.

(C) Engineer's Seal; Warranty:

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

(D) Compliance with Laws:

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

(E) Status of Engineer:

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

(F) Non-Collusion:

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

(G) Right To Audit:

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

Section 8. Termination of Contract. This Contract may be terminated:

1. By mutual agreement and consent of both Engineer and City.
2. By the City, immediately upon notice in writing to the Engineer, as consequence of the failure of Engineer to perform the services contemplated by this Contract in a timely or satisfactory manner and within the limits provided, with proper allowances being made for circumstances beyond the control of the Engineer.
3. By either party, upon the failure of the other party to fulfill its obligations as set forth in the "Scope of Services".
4. By the City, for reasons of its own and not subject to the mutual consent of the Engineer, upon not less than thirty- (30) days written notice to the Engineer.
5. By satisfactory completion of all services and obligations described herein.

Should the City terminate this Contract, the Engineer shall not be entitled to any fees or reimbursable expenses other than the fees and reimbursable expenses then due and payable as of the time of termination. In determining the value of the work performed by

the Engineer prior to termination, the City shall be the sole judge. Payment for work at termination will be based on work satisfactorily completed at the time of termination.

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

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

Section 9. Indemnification

Engineer agrees to indemnify, hold harmless, and defend the City of Garland, Texas and all of its present, future and former agents, employees, officials and representatives in their official, individual and representative capacities from and against any and all claims, demands, causes of action, judgments, liens and expenses (including attorney's fees, whether contractual or statutory), costs and damages (whether common law or statutory, and whether actual, punitive, consequential or incidental), of any conceivable character, due to or arising from injuries to persons (including death) or to property (both real and personal) created by, arising from, or in any manner relating to the services or goods performed or provided by Engineer and expressly including those arising through strict liability, those arising under the constitutions of the United States and Texas. The indemnity provided by this section expressly EXCLUDED any indemnity for any claim caused by the negligence or other fault of any indemnified party, to the fullest extent consistent with the provisions of Sec. 271.904 of the Texas Government Code.

Section 10. Notices

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

Section 11. No Assignment

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

Section 12. Severability

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

Section 13. Waiver

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

Section 14. Governing Law; Venue

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

Section 15. Paragraph Headings; Construction

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

Section 16. Binding Effect

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

Section 17. Gender

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

Section 18. Counterparts

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

Section 19. Exhibits

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

Section 20. Entire Agreement

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

Section 21. Relationship of Parties

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

Section 22. Dispute Resolution.

Pursuant to subchapter I, Chapter 271, TEXAS LOCAL GOVERNMENT CODE, Contractor agrees that, prior to instituting any lawsuit or other proceeding arising from any dispute or claim of breach under this Agreement (a "Claim"), the parties will first attempt to resolve the Claim by taking the following steps: (i) A written notice substantially describing the factual and legal basis of the Claim shall be delivered by the Contractor to the City within one-hundred eighty (180) days after the date of the event giving rise to the Claim, which notice shall request a written response to be delivered to the Contractor not less than fourteen (14) business days after receipt of the notice of Claim; (ii) If the response does not reasonably resolve the Claim, in the opinion of the Contractor, the Contractor shall give notice to that effect to the City whereupon each party shall appoint a person having authority over the activities of the respective parties who shall promptly meet, in person, in an effort to resolve the Claim; (iii) If those persons cannot or do not resolve the Claim, then the parties shall each appoint a person from the highest tier of managerial responsibility within each respective party, who shall then promptly meet, in person, in an effort to resolve the Claim.

EXECUTED on the dates indicated below but deemed to be effective as of the _____ day of _____, 2014.

CITY:

By: _____
Name: _____
Title: _____
Date: _____

ENGINEER:

By: David Jackson
Name: David Jackson
Title: Principal
Date: 3/12/14

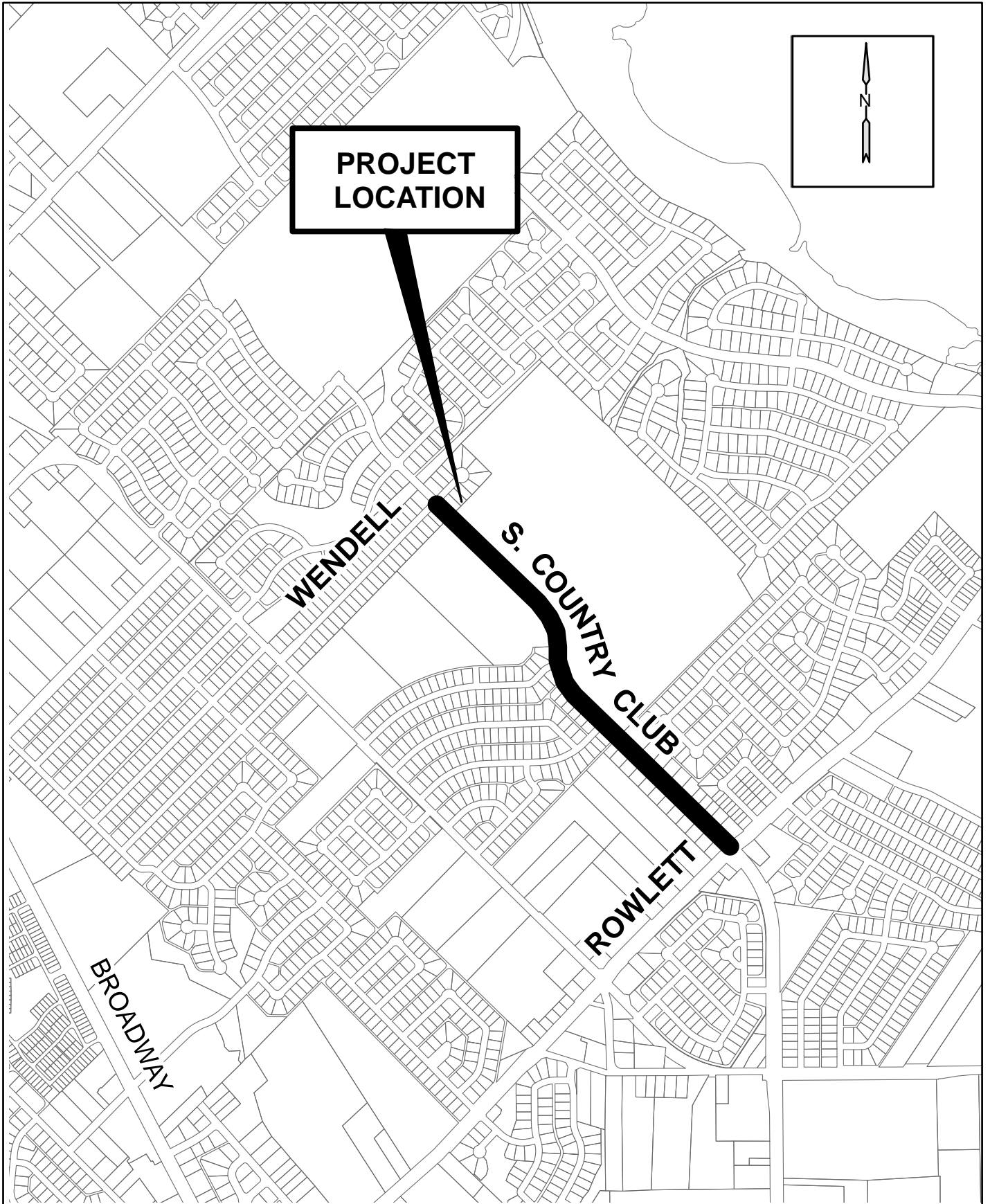
ADDRESS FOR NOTICE:

CITY:

City of Garland
Engineering Department
P.O. Box 469002
Garland, Texas 75046-9002
(972) 205-2170

ENGINEER:

Freese & Nichols, Inc.
618 W. State St.
Garland, Texas 75040
(214) 217-2200



**S. COUNTRY CLUB
WATER REPLACEMENT
FROM WENDELL TO ROWLETT**

Scale: NTS
File: Countrylub
Date: 03/2014
Drawn: COG

SHEET
1
OF
1

PAGE NO: W02		<i>Continuing Project</i>		CITY OF GARLAND - 2014 CAPITAL PROJECT REQUEST					*Amounts in 000's \$		COUNCIL DISTRICT(S) All	
DEPARTMENT WATER				PROJECT TITLE DISTRIBUTION LINES (UP TO 14-INCH)					PROJECT NO(S). 30191		ACCOUNT NO(S). 227-4049-3019100	
PROJECT DESCRIPTION Replacement of water distribution mains which have deteriorated to a substandard condition. Includes the cost of labor, materials, outside contractors, and engineered drawings.									FUNDING SOURCE(S)			
									Revenue Bonds Issued \$ 5,711,158 2014 Revenue Bonds 1,540,000			
IMPACT ON OPERATING BUDGET				IMPACT EXPLANATION					TOTAL FUNDED \$ 7,251,158			
<input checked="" type="checkbox"/> Will Impact Annual Cost/(Savings): <input type="checkbox"/> Will Not Impact Personnel Operations # of Positions _____ Capital _____ Total _____				Favorable impact due to decreased maintenance on new lines.					UNFUNDED \$ 4,000,000			
									PROJECT TOTAL \$ 11,251,158			
									STRIP MAP Various locations.			
*PROJECT COSTS		Thru 12-2013	2014	2015	2016	2017	2018	2019 to Completion	Total			
Design												
Land/Right-of-Way												
Construction		5,126	2,125	1,000	1,000	1,000	1,000		11,251			
Landscaping												
Equip. & Furnish.												
Other												
TOTAL COSTS		5,126	2,125	1,000	1,000	1,000	1,000		11,251			
*SOURCE OF FUNDS		Thru 12-2013	2014	2015	2016	2017	2018	2019 to Completion	Total			
Current Funds												
GO's/Com Paper Issued										PROJECT SCHEDULE	START	FINISH
GO's Unissued										Design		
RB's/Com Paper		5,711	1,540						7,251	Land/Right-of-Way		
Certificates of Obligation										Construction		
Other										Finish Out		
Unfunded				1,000	1,000	1,000	1,000		4,000	Other		
TOTAL SOURCES		5,711	1,540	1,000	1,000	1,000	1,000		11,251	TOTAL SCHEDULE	(Ongoing	Project)



City Council Item Summary Sheet

☐ Work Session

Date: April 1, 2014

☒ Agenda Item

Thoroughfare Plan Contract with Freese & Nichols

Summary of Request/Problem

The Thoroughfare Plan Consultant Services Contract and Scope was considered at the March 3, 2014 Work Session and was originally scheduled for action at the March 4, 2014 City Council Meeting. It was also considered at the Transportation Committee Meeting on March 19, 2014.

Recommendation/Action Requested and Justification

The Transportation Committee has recommended that Council approve this contract and scope.

Submitted By:

Paul Luedtke
Director of Transportation

Approved By:

William E. Dollar
City Manager

PROFESSIONAL SERVICES RETAINER AGREEMENT

This Agreement is made and entered into between the City of Garland, Texas ("City"), and Freese and Nichols, Inc. ("Consultant").

W I T N E S S E T H

For and in consideration of the agreements contained herein, City and Consultant agree as follows:

1. Retention of Consultant. City hereby retains Consultant to provide on call services as described in Attachment A.

2. Compensation.

(A) City shall pay Consultant for the services of Consultant not to exceed \$200,000. Consultant shall invoice City for services performed and expenses incurred no more frequently than every thirty (30) days.

(B) City agrees to pay the actual, necessary and reasonable expenses incurred by Consultant in performing services under this Agreement for the City, or to reimburse Consultant for such expenses, as the case may be, for those expenses which the City has approved such as long distance telephone, fax, postage, copying costs and related business expenses (such expenses not to exceed \$752 without the prior approval of the City).

3. Records and Billing. Consultant shall maintain records of all work done on behalf of the City and of all expenses incurred for which Consultant seeks payment or

reimbursement. Bills for Consultant's expenses are payable within thirty (30) days of receipt by the City.

4. Status of Consultant. Consultant acknowledges that Consultant is an independent contractor of the City and that Consultant is not an employee, agent, official or representative of the City. Consultant shall not represent, either expressly or through implication, that Consultant is an employee, agent, official or representative of the City. Income taxes, self-employment taxes, social security taxes and the like are the sole responsibility of the Consultant. Consultant agrees to indemnify and hold the City, its agents, employees and representatives harmless from and against any loss, cost, damages or expenses (including attorney and expert witness fees) arising from or attributable to the negligent performance of Consultant under this Agreement whether attributable solely to Consultant or jointly to and between Consultant and others, including any party indemnified herein and including liability arising from strict or other non-fault based liability. In the event of concurrent negligence on the part of Consultant and an indemnified party, Consultant's indemnification obligation shall be limited to the degree of fault apportioned to Freese and Nichols, Inc. Consultant.

5. Termination. Either party may terminate this Agreement at any time, at will and without cause, thirty (30) days after delivery of written notice of termination to the other party. In the event the City terminates this Agreement and Consultant is not in default or in breach of this Agreement, City agrees to pay Consultant for all services actually performed and for expenses actually incurred as of the day of termination provided that such services and expenses conform to the terms of this Agreement.

6. Notices. Any notice required or desired to be given to either party hereto shall be deemed to be delivered: (i) on the date of delivery, if hand delivered; (ii) one (1) day after sending, if sent by overnight courier; or (iii) three (3) days after the same is posted

in a U.S. mail receptacle, postage prepaid, to the address of the applicable party set out below such party's signature hereinbelow, if sent by mail. Either party hereto may change such party's address for notice to another address within the United States of America, 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.

7. No Assignment. Neither party shall have the right to assign that party's interest in this Agreement without the prior written consent of the other party.

8. 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 thereby, 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.

9. Waiver. Either party shall have the right to waive any requirement contained in this Agreement, which is intended for the waiving party's benefit, but, except as otherwise provided herein, such waiver shall be effective only if in writing executed by the party for whose benefit such requirement is intended.

10. Governing Law; Venue. 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. This Agreement is performable in Dallas County, Texas, and exclusive venue for any action arising out of this Agreement shall be in Dallas County, Texas.

11. Paragraph Headings; Construction. 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. The parties acknowledge that they have read and participated in the preparation of this Agreement so that this Agreement shall not be construed either more or less strongly in favor of or against either party.

12. **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.

13. **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.

14. **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 an independent contractor.

15. **Exhibits.** All exhibits attached hereto are incorporated herein by reference for all purposes wherever reference is made to the same provided that, to the extent of any conflict between the terms of this Agreement and the terms of any exhibit, the terms of this Agreement shall control.

16. **Non-Collusion.** Consultant represents and warrants that Consultant has not given, made, promised or paid, nor offered to give, make, promise or pay any gift, bonus, commission, money or other consideration to any person as an inducement to or in order

to obtain the work to be provided to the City under this Agreement. Consultant further agrees that Consultant shall not accept any gift, bonus, commission, money, or other consideration from any person (other than from the City under this Agreement) for any of the services performed by Consultant under or related to this Agreement. If any such gift, bonus, commission, money, or other consideration is received by or offered to Consultant, Consultant shall immediately report that fact to the City and, at the sole option of the City, the City may elect to accept the consideration for itself or to take the value of such consideration as a credit against the compensation otherwise owing to Consultant under this Agreement.

17. Disclosure of Business Relationships/Affiliations; Conflict of Interest Questionnaire. Consultant represents that it is in compliance with the applicable filing and disclosure requirements of Chapter 176 of the Texas Local Government Code.

18. Dispute Resolution. In accordance with the provisions of Subchapter I, Chapter 271, TEX. LOCAL GOV'T CODE, the parties agree that, prior to instituting any lawsuit or other proceeding arising from a dispute under this agreement, the parties will first attempt to resolve the dispute by taking the following steps: (1) A written notice substantially describing the nature of the dispute shall be delivered by the dissatisfied party to the other party, which notice shall request a written response to be delivered to the dissatisfied party not less than 5 days after receipt of the notice of dispute. (2) If the response does not reasonably resolve the dispute, in the opinion of the dissatisfied party, the dissatisfied party shall give notice to that effect to the other party whereupon each party shall appoint a person having authority over the activities of the respective parties who shall promptly meet, in person, in an effort to resolve the dispute. (3) If those persons cannot or do not resolve the dispute, then the parties shall each appoint a person from the highest tier of managerial responsibility within each respective party, who shall then promptly meet, in person, in an effort to resolve the dispute.

EXECUTED this ____ day of _____, 2014.

CITY:

CONSULTANT:

CITY OF GARLAND, TEXAS

Freese and Nichols, Inc.

William B. Dollar
City Manager

Tricia H. Hatley, P.E.
Vice President

ADDRESS FOR NOTICE:

CITY

CONSULTANT

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

Freese and Nichols, Inc.
2711 North Haskell Avenue
Suite 3300
Dallas, Texas 75204
Attn: Edmund Haas, AICP

Attachment A

Garland Transportation Plan

Scope of Services

Project Purpose: The Garland Transportation Plan will serve to provide a framework for continued growth and development/redevelopment of the city through 2040. The changing dynamics of the community, as promulgated through the recently adopted Comprehensive Plan, require that multi-modal consideration be incorporated in the plan along with the latest design principles (context sensitivity and complete streets) to promote mobility options for citizens of the city. The plan will provide goals and objectives for achieving a safe and integrated transportation system, provide a venue for public input and dissemination of plan information, assess existing conditions, identification of long-range needs through a travel demand modeling process, identify supporting roadway design standards and critical intersection needs, and provide recommendations for short and long-term implementation strategies. Two other key work areas in the planning process will include; bike/trail plan connectivity and integration with bikeway corridors and, development of a vision for SH through the city. The process will be supported through a public involvement process for public and staff input and culminate with a public hearing process for plan adoption.

Task 1.0 – Project Management and Meetings

This task involves project management, coordination and meetings to support the transportation plan process. At the outset of the plan, a kick-off meeting will be held to define points of contact, schedule, identify initial project needs and data sources, and discuss methodological approach to the project. Meeting minutes will be prepared and disseminated to the team.

Task 1.1 – Project Management

FNI's Project Manager, in coordination with the City's Project Manager, will be responsible for directing and coordinating all activities with the Transportation Plan.

1.1.1 – Project Coordination and Invoices

FNI will prepare a project schedule and use such schedule for the preparation of monthly progress reports for review by the Contract Manager. Invoices for all work completed during the period will be submitted for work performed by FNI and Sub Consultants. Monthly progress reports will include:

- a. A standard invoice form (in accordance with City requirements)
- b. Activities, ongoing or completed, and any technical decisions made during the reporting period;
- c. Activities planned for the following reporting period;
- d. Problems encountered and actions to remedy them; and
- e. Status, including a tabulation of percent complete by the Work Authorizations Deliverable List, and detailed project schedule illustrating study progress.

1.1.2 – Sub-Consultant Management and Meetings

FNI will prepare subcontracts for Sub-consultant(s), monitor Sub-Consultant staff activities and adherence to schedules, and review and recommend approval of Sub-Consultant invoices.

1.1.3 - Quality Assurance/Quality Control

FNI will provide continuous quality assurance and quality control throughout the duration of the study. The Project Manager will also participate in Freese and Nichols internal periodic QA/QC meetings, in which the project is reviewed by Company leadership to ensure adherence to quality control standards and delivery of quality products to the client.

Task 1.2 – Project Meetings

The study will be facilitated through input provided through project meetings that will guide the identification of key issues, provide input to plan development and recommended implementation strategies. The process will also be supported through public input obtained through Town Hall meetings as well as the formal public hearing process.

1.2.1 – Town Hall Meetings

Two (2) Town Hall meetings will be attended to garner public input. These are envisioned to occur at the outset of the project for issues identification/needs and Plan recommendations.

1.2.2 – City Staff Meetings

Up to eight (8) meetings will be attended with City Staff and are envisioned to occur at; issues identification, coordination with NCTCOG (modeling), existing conditions, bike plan coordination, SH78 corridor planning and plan development.

Task Products:

Project management and coordination, status and invoice reporting, and project meetings.

Task 2.0 - Data Collection

FNI will compile pertinent current planning efforts within Garland to ensure that connectivity with other current and long-range regional system enhancements is considered. Data will be collected from the City Transportation, Planning, and Parks & Recreation Departments, North Central Texas Council of Governments (NCTCOG), the Texas Department of Transportation (TXDOT), DART, adjacent municipalities and the KCS Railroad for long-term rail plans. The Study Team will also obtain data from other current city planning initiatives. Finally, the Study Team will meet with the NCTCOG to coordinate the transfer of travel forecast model files and other long range planning initiatives.

FNI will also compile appropriate GIS base mapping for use in the conduct of study. The City will provide current data to include: city limits, street centerline and names, currently right-of-way at key intersections to be identified as part of Task X.0, existing thoroughfare and bike/trails plan, parcel data, natural features (parks, hydrology) and public and community facilities.

Activities

- 2.1 Review of existing thoroughfare plans and/or planning efforts from the City, City Departments and adjacent municipalities to coordinate roadway system planning.
- 2.2 Obtain roadway planning initiatives by NCTCOG, TXDOT and adjacent cities.
- 2.3 Obtain the latest travel forecasts (Mobility 2035 and/or Mobility 2040, if available) from NCTCOG for comparison with travel forecasts to be prepared as part of Task 5.0.
- 2.4 Obtain Kansas City Railroad system plans and improvements.
- 2.5 Base mapping compilation and preparation.

Task Products:

Coordination of other transportation studies/efforts of other jurisdictions and agencies with Garland and project base mapping.

Task 3.0 – Issues Identification and Policy Development

The development of a set of broad-based, clearly stated thoroughfare plan policies will provide the City with a mechanism to meet objectives that support the achievement of an effective and efficient transportation system. The identification of issues and development of policies would be based on input from a public meeting and City Staff input. Public input will be solicited for areas of: critical intersection/system needs, street context, mobility options, gateway treatments, and special area needs (i.e., station area needs, downtown, etc.).

Activities

- 3.1 Issues Identification. Seek input of thoroughfare system issues from public meetings and City Staff. Obtain input on strengths, weaknesses, needs and opportunities of the transportation network. One (1) meeting will be conducted with City Staff.
- 3.2 Plan Goals and Objectives. Prepare a broad-based, clearly stated thoroughfare plan strategies and policies will provide the City with a mechanism to meet objectives that support the achievement of an effective transportation system. Policies of the existing Thoroughfare Plan would serve as a basis for update as part of plan development.
- 3.3 Town Hall for public input. Per Task 1.2.2, conduct one (1) public meeting to obtain supplemental input on transportation issues and needs and desires for the outcome of the plan. The Town Hall meeting will contain breakout areas for input on thoroughfares, bike connectivity, transit needs and plan goals and objectives. Summarize thoroughfare system issues and needs as part of plan documentation.

Task Products:

Identification of key transportation issues and plan goals and objectives relating to general mobility, maintenance of existing infrastructure, special place to live, economic vitality, and fiscal stewardship.

Task 4.0 –Existing Conditions Analysis

The Study Team will conduct a general overview of the existing thoroughfare system to serve as a basis for plan development. Elements included as part of this assessment will include; existing functional classification, existing network level-of-service, identification of critical intersections, existing and future major traffic generators, current daily volumes and non-motorized and transit connectivity.

Data of daily traffic volumes will be based on available information as compiled by the City and supplemented with data from a validation run for travel forecast modeling as part of Task 5. Data from the City's Traffic Volume Count Map will be used for the validation process of the forecast model. The issues identification process in Task 3 will serve to inform the planning team of other areas for evaluation.

Task Product:

Mapping: Existing Traffic Volumes Map, Level of Service Map, Thoroughfare Plan Map

Task 5.0 – Evaluation of Future Roadway Needs/Travel Forecast Modeling

Travel forecast modeling will serve as the conduit for technical analyses of community growth as defined by the Future Land Use Plan (City Comprehensive Plan). Output from the travel demand model will serve as the basis for the determination of roadway needs and/or system improvements necessary to accommodate long-term growth needs. The study team will coordinate with NCTCOG in the update of the regional travel forecast model. The study team will use NCTCOG developed trip table output files for use in city level analyses. It is assumed that NCTCOG will be able to accommodate this project schedule.

5.1 Update Travel Demand Model Demographics

The Planning Team will coordinate with NCTCOG staff to its most recently approved Traffic Survey Zone (TSZ) data (i.e., households, population, and employment by sector (basic, retail, service, and possibly education) and network for the outermost planning horizon year. Socio-demographic data will be updated for TSZs affected within the city a base year of 2015 and target year 2040 based on current growth trends and consistency with the comprehensive plan. External to the city, regional data as provided by NCTCOG will be utilized and verified to accommodate Black Lands Prairie area or other known major traffic generators. City staff will assist the planning team with growth trend data, projected 2040 year population, and location of growth within the city. Key sub-tasks include:

- 5.1.1 Base Year Verification:* Update base year data (NCTCOG 2010) using current aerial photography to provide current base year estimates for both population and employment. Project forward for year 2015 TSZ base data.
- 5.1.2 Forecast Year Projection:* Using the future land use plan and growth trend data from the City Planning Department, prepare twenty-five year forecast for affected TSZs within Garland.
- 5.1.3 Demographic Database Development:* Data will be compiled by TAZ for use in the traffic forecast model. Appropriate formats for import of population and employment data to the model will be determined prior to the formulation of the database.

5.2 Prepare Travel Demand Forecast Networks

Travel forecast networks, as provided from NCTCOG, will serve as a basis from which refinements, as necessary, will be made to the network internal to the city. Major network linkages within the city will be modified to reflect the current network. The network will then be enhanced to include “committed” (funded) projects. External to the city, the network will rely on existing plus committed projects as approved thru NCTCOG. Sub-tasks to be performed include;

- 5.2.1 Prepare base year network:* Utilize existing daily traffic count data for network calibration.
- 5.2.2 Prepare travel model for horizon year traffic on existing plus committed network.* This analysis will provide insight to operation conditions on the network as it stands today, as well as level of needs relative to the existing network.

5.3 Travel Forecast Modeling

- 5.3.1 Staff Modeling Input Meeting (as part of Task 1.2.3):* Complete model runs for the base conditions and base future network. Based upon this review make adjustments to base network and consider a second scenario based-upon the Group’s input. This probable future network will be used to test future mobility tools upon.
- 5.3.2 Map Scenarios:* Maps will display all funded, planned transportation improvements as well as future projected traffic volumes.
- 5.3.3 Analysis of Model Results:* Analyze the current Thoroughfare Plan with 2040 demographics and the modified Thoroughfare Plan with 2040 demographics.

Task Products:

- Base Conditions, Current Thoroughfare Plan conditions Maps (hard copies and electronic format)
- Base Conditions, Modified Thoroughfare Plan conditions Maps (hard copies and electronic format)
- Summary of Base and Future Conditions analyses

Task 6.0 – Plan Development

Based on work efforts in Tasks 1-5, the Study Team will conduct transportation planning to address thoroughfares (long-term needs, critical intersections, street context and special corridors), non-motorized

and transit systems integration, and supporting implementation strategies for short and long-term application.

6.1. Thoroughfare Plan Development

Travel forecast modeling in Task 5 will identify system needs and serve as a basis for recommendation of roadway sizing. Incorporated into this thought process will be considerations for road or lane diets, as appropriate.

6.1.1 Functional Street Classifications: This task will include research of national best practices and industry standards and make recommendations for new functional street classifications to be considered as part of the plan update. Recommendations will consider Context Sensitive Design for all transportation modes and built upon concepts that are under consideration locally and regionally. Cross sections and plan views will be developed. New sections prepared as part of the Comprehensive Plan process will also be included in the design process.

6.1.2 Define Context of Streets: Apply the new functional street classifications within the city and test Context Sensitive recommendations by creating a preliminary schematic for 1200 feet of a proposed street modification. Test the preliminary schematic with assistance from City Staff for implementation hurdles.

6.1.3 Design Criteria Manual Revision: Explore how the new functional street classifications and cross sections will be incorporated into the Design Criteria Manual. A list of necessary revisions to the Design Criteria Manual will be produced and a process will be created to implement the changes.

6.1.4 Intersection Analysis and Needs: a sketch level analysis of intersections throughout the city will be performed to identify future congested locations. Prepare policy recommendations for geometric requirements at specified typical intersection types (i.e., arterial/arterial, etc.). The recommendations will specify needed rights-of-way at intersections for arterial/ arterial, arterial/collector situations.

Task Products:

- Long-term roadway system needs and sizing
- Research and analysis of results related to functional street classification system
- Proposed functional street classification system (plan and cross-section views)
- Application of functional street classification system
- Recommended revisions and process to Design Criteria Manual
- Future congested intersection locations map and table and recommended right-of-way needs for key intersection types based on functional class.

6.2 Bike & Trails Plan System integration

The thoroughfare plan will incorporate connectivity with non-motorized networks planned as part of the Bike & Trail Plan. Specific emphasis will be placed on existing and planned bike paths along Pleasant Valley, Brand Road, and Spring Creek. Other critical elements include interface with other public amenities such as; transit centers, parks, public spaces and facilities and other paved trails/corridors in adjacent cities.

6.2.1 Connectivity with Key Bike Corridors: Conceptual planning and general layout of bike routes and connectivity with the North-South Bikeway corridor. Planning will also include connections with other bike corridors along Pleasant Valley, Brand Road, and Spring Creek Road and/or key city amenities.

6.2.2 System interface with other regional non-motorized networks: Review regional plans from NCTCOG, DART Bus/Bike Rack Routes and/or adjacent city plans to provide recommended improvements for system interface and matching design standards.

6.2.3 Incorporation into Complete Street Concepts: Recommendations for bike planning will be incorporated into the Complete Streets concepts and identify supporting policies needed for bike system integration and interface.

Task Products:

- Conceptual planning and connectivity of bike routes with North-South Bikeway and integration into the transportation plan
- Connectivity with other bike routes, city amenities and adjacent city/regional networks
- Incorporation of bike recommendations into Complete Streets concepts.

6.3 SH 78 Corridor Planning

This task will provide a dialogue for the examination of problems with the corridor, potential opportunities for corridor connectivity as well as renewal between IH-635 and Buckingham Road. Strategies will build from work prepared as part of Envision Garland and how transportation infrastructure improvements can facilitate redevelopment opportunities along the corridor and provide an important link between Downtown and the regional highways system. The following activities will be conducted as part of this task.

6.3.1 Establish Corridor Vision for SH 78: Using the meetings established as part of Task 1.2, engage meeting participants to solicit their desire of the ultimate vision of the corridor. Solicit input on desired land uses (type and location of specific uses), identify shortcomings and opportunities of the corridor, transportation needs or issues, desired corridor aesthetics, and solicitation of ideas for connections between downtown and the regional roadway network.

6.3.2 Current Planning and Framework Analysis: Review of the most recent plans such as Envision Garland and other available market studies for affected area. Prepare a series of general analysis maps to identify physical constraints and identify potential investment ready sites:

- Current municipal boundaries and regulatory elements;
- Major physical features such as tree coverage, floodplains, topography, waters, or other important land features;
- Circulation and connectivity routes;
- Identify opportunities for building on existing strengths and block clusters, developing activity/investment anchors, and making the best use of City-owned parcels, land, buildings, and public services.

6.3.3 Corridor Planning Strategies: Apply Complete Street concepts to SH 78 corridor. Identify actions, priorities, potential funding options and partners relative to corridor revitalization.

6.3.4 SH78 Corridor Connectivity: This task will focus on identifying potential alternative connections for SH78 between Buckingham and Miller Roads. The aim of this analysis to find possible connection solutions that could be incorporated into the thoroughfare plan. Work activities for this sub-task include:

- Identification of up to three (3) alternative connection scenarios
- Preparation of conceptual layout and support network needs
- Identification of general benefits, issues and implications of alternative connection scenarios. Alternatives will be summarized on tabular format and incorporated into the thoroughfare plan document, as appropriate.

Task Products:

- Establishment of corridor vision through stakeholder/public input.
- Corridor/sub-area planning to include:
 - Corridor Plan Illustrative: Prepare one (1) conceptual plan exhibit graphical illustrating planning concepts, key locations for improvements, key development sites and key planning strategies to the southern sector of SH78.
 - Connectivity and Circulation Strategies: Identity high-level transportation strategies to support the study area that may include; parking strategies, streetscape improvements and pedestrian circulation recommendations. This task does not include detail traffic assessment but rather general recommendations to improve connectivity and to support other strategies
 - Aesthetics, Branding and Urban Design: Identify strategies to increase area identity and overall aesthetics potential methods to create gateway entrances for downtown and increased visual linkages from key locations
 - Application of complete street concepts to SH78 corridor.
- Conceptual planning and general layout of potential alternative connections through downtown between Miller and Buckingham Roads.

6.4 Projects Identification and Prioritization

A project prioritization list will be prepared to support Thoroughfare Plan recommendations based on their ability to meet the city's desired mobility objectives as defined in Task 3.0. A listing of immediate (less than 3 years), short (3-10 years) and long-term (greater than 10-years) will be prepared and documented for the plan report. A value based ranking system will be comprised of both Thoroughfare Plan goals developed as part of the plan and technical criteria that address items such as; safety, operations, schedule and funding among others.

Task Products:

- Plan listing and prioritization of mobility improvements.

Task 7.0 - Thoroughfare Plan Document

Thoroughfare Plan documentation will be summarized in a concise report detailing; study overview, plan goals and objectives, existing transportation conditions, travel demand modeling, functional classification system, future needs and plan recommendations. The Thoroughfare Plan will be summarized on a single map and depicting roadway functional class throughout the study area. Supporting roadway sections will detail the composition of each functional class facility.

A draft plan will be prepared and submitted to the City Staff for review and comment. Based on comments, a revised draft will be prepared and presented to the Planning and Zoning Commission for consideration. Subject to Commission comments, a final report will be prepared and presented to the City Council for Public Hearing. An electronic version (PDF format) of the draft plan will be submitted to the City for staff review. An electronic version (PDF format) file of the draft and final plans will be submitted to the city for reproduction and dissemination, as desired.

Task Products:

- Prepare Draft Thoroughfare Plan document and map for submittal to the city.
- Prepare Draft Thoroughfare Plan document and map and present to the Planning and Zoning Commission.
- Final Thoroughfare Plan for presentation to the City Council at Public Hearing.

- Submission of electronic files (PDF format) of plan documents.

Task 7.0 - Meetings

AS identified in Task 1.2, up to ten (10) meetings are scheduled for the development of the Thoroughfare plan and include:

- Town Hall – 2 meetings
- City Staff – 8 meetings

Two (2) additional meetings are scheduled for the public hearing process and include the Planning and Zoning Commission and the City Council. A total of twelve (12) meetings are included in this project.

Reports and Products

All documents will be prepared using Microsoft Word software. To ensure retention of proper formatting, submittals to the City will be made via PDF electronic file format. At the conclusion of the study, electronic files will be submitted to the City for use by the City as desired. All mapping will be created in ESRI ArcGIS software and copies of maps transmitted via PDF format.

Schedule

The time for the preparation of the Transportation Plan is expected to occur over a ten (10) month time frame with plan submittal by December 31, 2014. The technical work is anticipated to be completed in eight (8) months. The overall public hearings process is assumed to occur over two (2) months. It is assumed that the public hearings process will accommodate this schedule.



Planning Report

Apollo Beer & Wine, Inc.

7602 North Jupiter Road, Suite 100

REQUEST

Approval of a Specific Use Permit for a Convenience Store on a property zoned Planned Development (PD) District 87-15 for General Business Uses and in the SH 190 Overlay.

OWNER

Metric Place Inc.

PLAN COMMISSION RECOMMENDATION

On March 10, 2014 the Plan Commission, by a vote of eight (8) to zero (0), recommended approval of a Specific Use Permit for a Convenience Store for a period of 10 years and tied to Apollo Beer & Wine, Inc. per Staff recommendation.

STAFF RECOMMENDATION

Approval of the Specific Use Permit for Convenience Store for a 10 year time period tied to Apollo Beer & Wine, Inc provided the applicant closes the existing drive-through window. The proposed convenience store is compatible with the Office/Retail land uses established on the subject property and given the neighborhood service character and scale of the convenience store, it is a suitable land use for a commercial site that is adjacent to residential neighborhoods.

BACKGROUND

The subject property was developed in 1984 with a multi-tenant building. The building is currently occupied by an array of office and retail/personal service uses. The applicant seeks approval of a Specific Use Permit to operate a convenience store from Suite 100.

SITE DATA

The subject property contains 2.689-acres in total area, fronting approximately 345-feet along North Jupiter Road and 340-feet along Lookout Drive. The site is accessible from both North Jupiter Road and Lookout Drive.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Planned Development (PD) District 87-15 for General Business Use and limits the allowable uses to those permitted in the General Business District in the SH 190 Overlay. The General Business (GB) District accommodates a variety of retail, service and business establishments which are not designed in a shopping center configuration but are generally located on individual, unrelated sites. Convenience Store is allowed by Specific Use Permit only within the General Business (GB) District in the SH 190 Overlay.

CONSIDERATIONS

1. The applicant proposes to subdivide Suite 101 to create Suite 100, where a 1,500 square foot convenience store will be located. The convenience store will operate Monday through Thursday from 9:00 a.m. to 10:00 p.m., Friday and Saturday from 9:00 a.m. to 12:00 a.m., and Sunday from 12:00 p.m. to 10:00 p.m. The applicant will close the drive-through window located on the south end of the building, within Suite 100, to comply with Section 10-312 of the Comprehensive Zoning Ordinance No. 4647 which prohibits convenience stores from offering drive-in, drive-up, drive through, or walk-up sales or service of pre-packaged, sealed, unopened beverages.
2. In 1999, the Board of Adjustment granted a parking variance to allow the subject property to provide 142 parking spaces. Today, the site has 147 parking spaces. Of the 147 parking spaces, 8 parking spaces shall be designated to the proposed convenience store.
3. Since the applicant is not proposing any increase to the existing building and/or parking area, screening and landscape requirements are not applicable under this request.
4. The Sign Ordinance limits the sign area for attached signage to 24 square feet. The applicant is proposing an attached sign that is less than the maximum allowable area.
5. The applicant requests approval of a Specific Use Permit for a period of 10 years and tied to **Apollo Beer & Wine, Inc.**

COMPREHENSIVE PLAN

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

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The surrounding area is presently characterized by residential development. The properties to the south and east are zoned with numerous Planned Development (PD) Districts and developed with single family residences. The properties to the north and west are developed with single family residences and are within the City of Richardson jurisdiction. The neighborhood center character of the subject property which is currently developed with a restaurants, medical offices, beauty salons, and retail, will not be negatively impacted by the introduction of the proposed convenience store.

Prepared By:

Josue De La Vega
Development Planner

Date: March 20, 2014

Reviewed By:

Anita Russelmann
Director of Planning


Date: March 21, 2014

Reviewed By:

William E. Dollar
City Manager

Date: March 25, 2014



 INDICATES AREA OF REQUEST

SPECIFIC USE PERMIT CONDITIONS

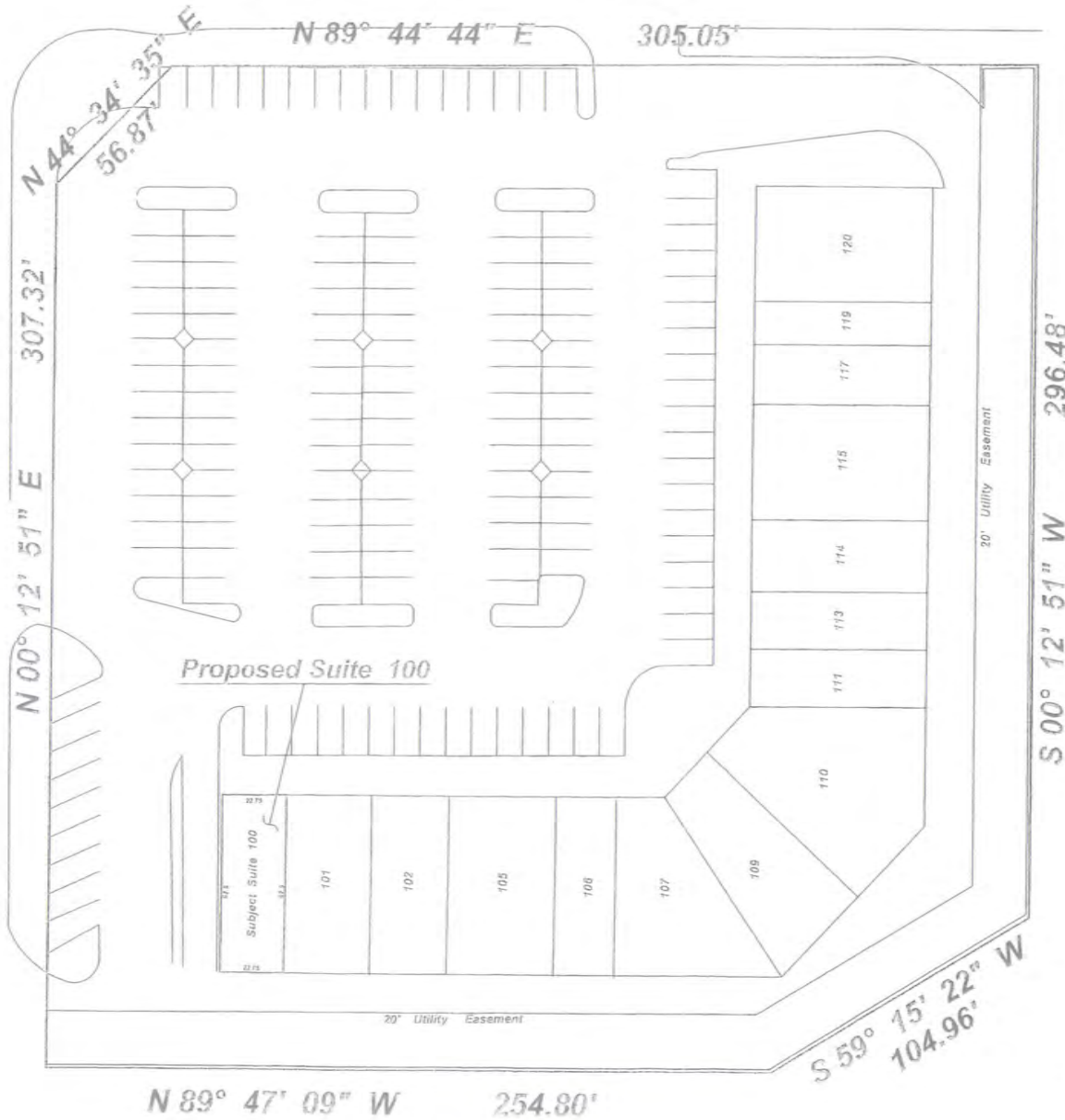
ZONING FILE 14-06

7602 North Jupiter Road, Suite 100

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to permit a Convenience Store 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 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 10 year time period and tied to **Apollo Beer & Wine, Inc.**
 - B. Days and Hours of Operation: The Convenience Store will operate from Monday through Thursday from 9:00 a.m. to 10:00 p.m., Friday and Saturday from 9:00 a.m. to 12:00 a.m., and Sunday from 12:00 p.m. to 10:00 p.m.
 - C. Parking Requirement: At least 8 parking spaces shall be designated to the proposed Convenience Store.
 - D. Drive-Through Window: The applicant shall close the existing drive-through window.

JUPITER ROAD

LOOKOUT DRIVE



Raul Reyes
Surveying

209 LAKEHURST DRIVE,
WYLIE, TX 75098
PHONE: 214-478-7879



FIELD SURVEY DATE: 06/02/2013

DATE: 12/12/2013

TECH: RDR

OWNER:

SPRING PARK SHOPPING CENTER
SITE PLAN
JUPITER RD AT LOOKOUT DR
7502 JUPITER ROAD
PROPOSED SUITE 100
City of Garland, Texas 75204
Dallas County

1" = 40'

REPORT & MINUTES

P.C. Meeting, March 10, 2014 (8 Members Present)

Consideration of the application of Apollo Beer and Wine, requesting approval of a Specific Use Permit for a Convenience Store on a property zoned Planned Development (PD) District 87-15 for General Business Uses and in the SH 190 Overlay. The property is located at 7602 North Jupiter Road Suite 100. (File 14-06)

The applicant, Janish Vaishnav, 7601 N. Jupiter Rd., Ste. 100 Garland, TX 75044, briefly explained their establishment has been delayed for two months. They have obtained all necessary permits and licenses to include TABC, and then were informed they needed to apply for a SUP.

Speaking in opposition, Kristen Hieronymus, 3474 Forest Hills Circle, 75044, and Ginger Hubbard, 3229 Cross Timbers Lane, expressed a list of concerns regarding the opening of this business, subsequent issues that could take place, questioned the hours of operation and if this establishment would have a drive-thru.

The applicant verified this establishment would be a convenience store, with the sale of beer and wine.

Motion was made by Commissioner Luckie, seconded by Commissioner Ott to close the Public Hearing and open the case for discussion. **Motion carried: 8 Ayes, 0 Nays.**

There was discussion regarding the definition of Convenience Store and the compliance with TABC requirements.

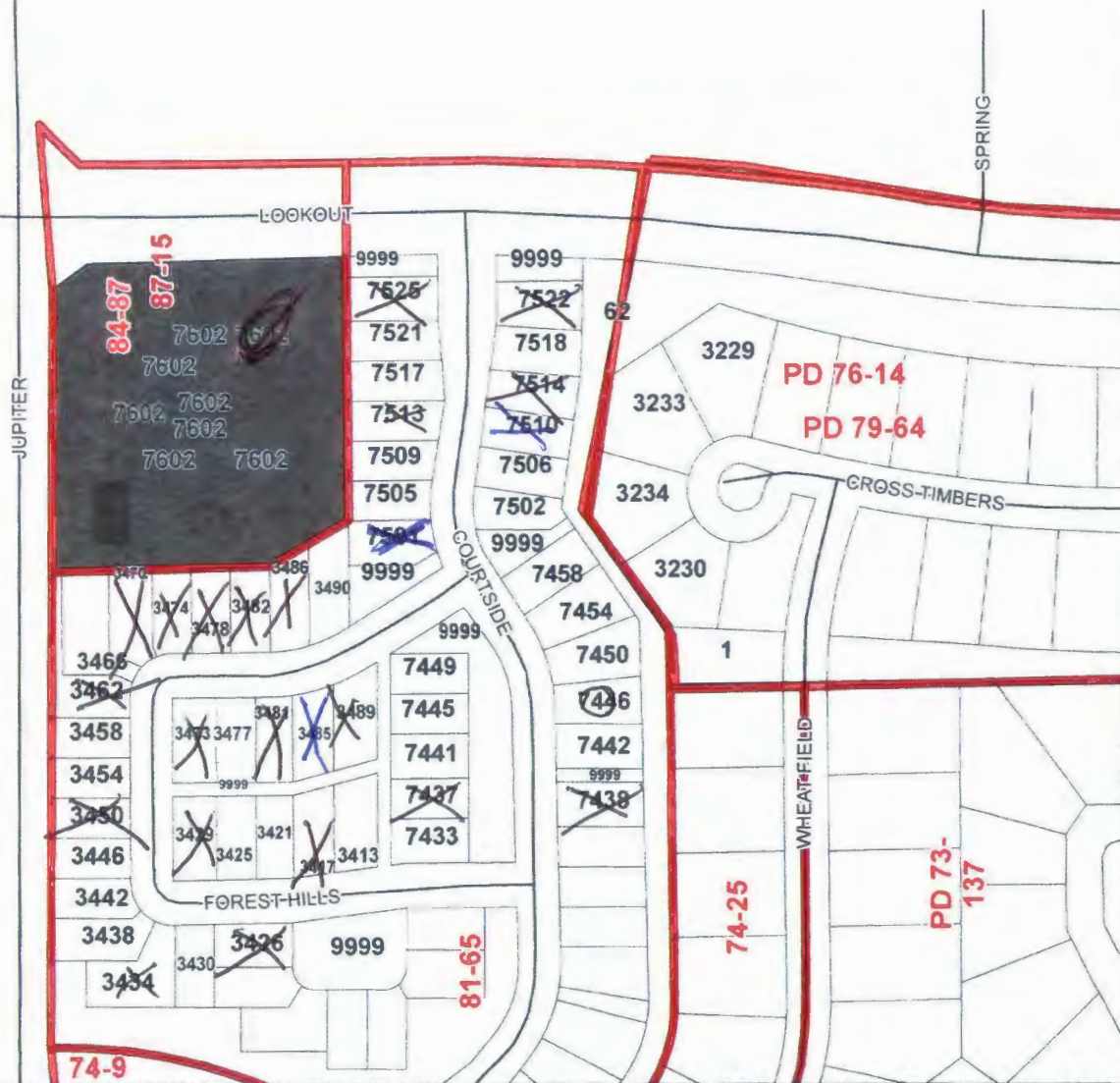
Motion was made by Commissioner Luckie, seconded by Commissioner Ott to close the Public Hearing and **approve** the request per staff recommendation. **Motion carried: 8 Ayes, 0 Nays.**

O = IN FAVOR
X = AGAINST

0 100 200 Feet

ZONING Z 14-06

INDICATES AREA OF REQUEST





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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

APPLICANT: Apollo Beer & Wine, Inc.

File Z 14-06

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 10, 2014, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Apollo Beer & Wine, Inc.** requesting approval of 1) a Specific Use Permit for a Convenience Store on a property zoned Planned Development (PD) District 87-15 for General Business Uses and in the SH 190 Overlay and 2) a variance to Section 10-200 of the Zoning Ordinance No. 4647 regarding the parking requirement. The property is shown on the enclosed sketch and is described as follows:

Being approximately a 2.689-acre lot identified as Lot 1, Block 1, Springpark Central No. 9, an addition to the City of Garland as shown on the Plat recorded in Volume 84092, Page 2136 of the Map Records of Dallas County, Texas. The property is located at 7602 North Jupiter Road, Suite 100, Garland, TX. (District1)

Note: The applicant requests approval of a Specific Use Permit to operate a convenience store from Suite 100 of the subject property. Furthermore, the applicant requests a parking variance given that the site is deficient in parking spaces.

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

We have lived in Spring Park since 1975. We love the quiet Family live - singles young families with children AND Retired. AT KROGER gas station across from SP people can buy beer & wine - we do not need it in our neighborhood or the additional traffic.

Your Property Address

7414 Wheat Field Rd, Garland, TX 75044

Printed Name

Max Kegg

Address

City, State

Zip

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

Signature

Max Kegg

Title

husband

Date:

3/10/14

Outside of notification area



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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

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(Please Check One Below)

☒ I am in favor of the request.
☐ I am opposed to the request.

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

(Please complete the following information)

Your Property Address

7602 N. Jupiter Rd. Garland, TX 75044

Printed Name

Dan Nicholson, MD

Address

City, State

Zip

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

Signature

Title

Date:

3/13/14

President - Metric Place Inc.



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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

APPLICANT: Apollo Beer & Wine, Inc.

File Z 14-08

Dear Property Owner:

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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

7510 Courtside Dr.

Printed Name

LISA WOOD

Address

7510 Courtside Dr. City, State GARLAND, TX Zip 75044

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

Signature

Lisa Wood

Title

Date:

3-6-2014



GARLAND

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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

APPLICANT: Apollo Beer & Wine, Inc.

File Z 14-06

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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 is a residential area does not need a Beer & Wine store. The intersection is busy & parking for other current businesses is busy. There are currently many other places for convenience & beer & wine w/in blocks of this site.

(Please complete the following information)

Your Property Address

5701 SEOBEE

Printed Name

3489 FOREST HILLS CIRCLE GARLAND, TX

Address

City, State

75044

Zip

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

Signature

Title

Date:

03/03/2014



GARLAND

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

February 27, 2014

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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 want a convenience store selling beer/wine @ that location.
This new addition will drive more business to the
Shopping center, increasing tax revenue to the city.*

(Please complete the following information)

Your Property Address

STEPHEN L. FREEMAN
Printed Name
7446 COURT SIDE DR. GARLAND, TX 75044
Address City, State Zip

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

Signature

Title

Date:

3/6/14



GARLAND

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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

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(Please Check One Below)

☒ I am in favor of the request.
☐ I am opposed to the request.

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

*More than adequate number of such stores in area.
Parking for other shopping & dining impacted.*

(Please complete the following information)

Your Property Address

RAY P. + Joy S. Rust
Printed Name
3434 Forest Hills Circle Garland TX 75044
Address City, State Zip

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

Ray Rust
Signature Title

Date: *3/3/14*



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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

APPLICANT: Apollo Beer & Wine, Inc.

File Z 14-06

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 10, 2014, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of Apollo Beer & Wine, Inc. requesting approval of 1) a Specific Use Permit for a Convenience Store on a property zoned Planned Development (PD) District 87-15 for General Business Uses and in the SH 190 Overlay and 2) a variance to Section 10-200 of the Zoning Ordinance No. 4847 regarding the parking requirement. The property is shown on the enclosed sketch and is described as follows:

Being approximately a 2.689-acre lot identified as Lot 1, Block 1, Springpark Central No. 9, an addition to the City of Garland as shown on the Plat recorded in Volume 84092, Page 2138 of the Map Records of Dallas County, Texas. The property is located at 7602 North Jupiter Road, Suite 100, Garland, TX. (District 1)

Note: The applicant requests approval of a Specific Use Permit to operate a convenience store from Suite 100 of the subject property. Furthermore, the applicant requests a parking variance given that the site is deficient in parking spaces.

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.

Traffic congestion and lack of parking would cause Jupiter Road at Lookout to become a treacherous intersection especially on holidays and weekends.

(Please complete the following information)

Your Property Address

7513 Courtside Drive

Printed Name

Cynthia L. Salles

Address

7513 Courtside Dr

City, State *GARLAND*

Zip *75044*

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

Cynthia L. Salles
Signature

Property Owner
Title

Date: *3/10/14*

GARLAND

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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 - 7:00 PM

APPLICANT: Apollo Beer & Wine, Inc.

File Z 14-06

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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

VANDY ALBA

Printed Name

7601 CANTONIDE

GARLAND TX

75044

Address

City, State

Zip

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

Signature

Title

Date:

3/3/14



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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 - 7:00 PM

APPLICANT: Apollo Beer & Wine, Inc.

File Z 14-06

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Being approximately a 2.689-acre lot identified as Lot 1, Block 1, Springpark Central No. 8, an addition to the City of Garland as shown on the Plat recorded in Volume 84092, Page 2136 of the Map Records of Dallas County, Texas. The property is located at 7602 North Jupiter Road, Suite 100, Garland, TX. (District 1)

Note: The applicant requests approval of a Specific Use Permit to operate a convenience store from Suite 100 of the subject property. Furthermore, the applicant requests a parking variance given that the site is deficient in parking spaces.

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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 CAN NAME FIVE OTHER CONVENIENCE STORES (MAYBE 7!) JUST AS CLOSE AS THIS PROPOSED "STORE". PLEASE STOP TRAINING UP GARLAND, SPRINGPARK AND THE ENTIRE AREA PLEASE.

(Please complete the following information)

Your Property Address

~~6715 SEETH CR.~~ BRANDON JAMES
Printed Name
6715 SEETH CR. GARLAND, TX 75044
Address City, State Zip

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

[Signature] Title
Date: 3-6-14



GARLAND

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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

APPLICANT: Apollo Beer & Wine, Inc.

File Z 14-06

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(Please Check One Below)

☐ I am in favor of the request.
☒ I am opposed to the request.

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

I am vehemently opposed to changing the zoning to allow a beer/wine convenience store at this location.

I bought my house where I did expressly because it is in a safe area, with no unsavory elements within a 10-minute walk. It is unfair for the city to change the zoning rules after I (+ others) have bought homes here. A beer + wine store will attract crime, underage drif-ratt, noise, + traffic right behind my house. NO!!!
(Please complete the following information)

Your Property Address

Kristen Hieronymus

Printed Name

3474 Forest Hills Cir.

Address

Garland, TX

City, State

75044

Zip

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

Kristen Hieronymus

Signature

Title

Date: 3-9-2014



GARLAND

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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

APPLICANT: Apollo Beer & Wine, Inc.

File Z 14-06

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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.

breeds crime

(Please complete the following information)

Your Property Address

David Struck

Printed Name

3426 Forest Hills Cir

Address

Garland

City, State

75044

Zip

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

David Struck

Signature

Title

Date: 3-9-14



GARLAND

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

February 27, 2014

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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.

Increased crime, loitering, noise, high traffic

(Please complete the following information)

Your Property Address

Rebecca Tawery
Printed Name
3429 Forest Hills *Garland, TX* *75044*
Address City, State Zip

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

J. Tawery
Signature Title

Date: *3-9-14*



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

February 27, 2014

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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 believe this will be a trouble
thing for the neighborhood. It will increase
traffic and maybe crime in the area.*

(Please complete the following information)

Your Property Address

Tanya Holder
Printed Name
3417 Forest Hills Circle, Garland, TX. 75041
Address City, State Zip

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

Tanya Holder
Signature Title

Date: *3/10/14*



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.

Crime, Property value, Traffic, Noise

(Please complete the following information)

Your Property Address 3478 Forest Hills Circle, Garland TX 75044
Printed Name Samuel Chen
Address _____ City, State _____ Zip _____

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

Signature [Signature] Title Homeowner

Date: 9 Mar 14



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

February 27, 2014

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APPLICANT: Apollo Beer & Wine, Inc.

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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 feel this business would downgrade the value of my home. The extra noise isn't good either.

(Please complete the following information)

Your Property Address

Patricia Marchman

Printed Name

3486 Forest Hills Circle, Garland, TX 75044

Address

City, State

Zip

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

Patricia Marchman

Signature

Title

Date: *3-9-2014*



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

February 27, 2014

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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

3473 Forest Hills Cir.

Printed Name

Address

City, State

Zip

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

Signature

Title

Date:

3-9-14



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

February 27, 2014

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File Z 14-06

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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

Dustin Hardy
Printed Name

3482 Forest Hills Cir
Address

Garland, TX
City, State

75046
Zip

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

Dustin Hardy
Signature

Title

Date: 3-9-14



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

February 27, 2014

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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.

More Crime may be caused by this Store.
It is NOT allowed in Residential Area.

(Please complete the following information)

Your Property Address

Rosemary Chen

Printed Name

3478 Forest Hills Circle, Garland TX 75044

Address

City, State

Zip

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

Rosemary Chen

Signature

Homeowner

Title

Date: 3/10/2014



GARLAND

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

February 27, 2014

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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.

Too much noise and traffic; it will attract crime

(Please complete the following information)

Your Property Address

HOANG NGUYEN

Printed Name

3470 FOREST HILLS CIR GARLAND TX 75044

Address

City, State

Zip

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

Signature

Title

Date:

3-9-14



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

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Note: The applicant requests approval of a Specific Use Permit to operate a convenience store from Suite 100 of the subject property. Furthermore, the applicant requests a parking variance given that the site is deficient in parking spaces.

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

3450 FOREST HILLS CIRCLE

Printed Name

TODD GRISAR

GARLAND, TX

75044

Address

3450 FOREST HILLS CIRCLE, GARLAND, TX

City, State

Zip

75044

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

Signature

Title

Date:

3/9/14



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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

APPLICANT: Apollo Beer & Wine, Inc.

File Z 14-06

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 10, 2014, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Apollo Beer & Wine, Inc.** requesting approval of 1) a Specific Use Permit for a Convenience Store on a property zoned Planned Development (PD) District 87-15 for General Business Uses and in the SH 190 Overlay and 2) a variance to Section 10-200 of the Zoning Ordinance No. 4647 regarding the parking requirement. 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.

WE WANT A STARBUCKS!

(Please complete the following information)

Your Property Address

Printed Name WILLIAM H. MANSFIELD, JR
7525 COURTSIDE DR GARLAND, TX 75044
Address City, State Zip

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

Signature William H. Mansfield Jr Title

Date: 3/10/2014



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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

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(Please Check One Below)

☐ I am in favor of the request.
☒ I am opposed to the request.

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

(Please complete the following information)

Your Property Address
7522 Courtside Dr., Garland, Tx.
Printed Name
Nancy E. Barrington
Address City, State Zip
75044

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

Signature Nancy E. Barrington Title homeowner

Date: 3/10/14



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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

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(Please Check One Below)

☐ I am in favor of the request.
☒ I am opposed to the request.

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

(Please complete the following information)
Your Property Address Marla Howard

Printed Name 7437 Courtside

Address Garland City, State TX Zip 75044

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

Signature [Signature] Title _____

Date: 3.10.14



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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

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(Please Check One Below)

☐ I am in favor of the request.
☒ I am opposed to the request.

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

(Please complete the following information)

Your Property Address

7438 COURTSIDE DR, GARLAND, TX 75044

Printed Name

J F STEPHENS

Address

City, State

Zip

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

Signature

Title

Date:

3/10/14



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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

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File Z 14-06

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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.

Would prefer a coffee shop - to buy coffee / drink coffee

(Please complete the following information)
Your Property Address *Patty Kelley*

3481 Forest Hills Garland TX 75044
Printed Name

Address City, State Zip

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

Patty Kelley
Signature

Honoring
Title

Date: *3/10/2014*



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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

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File Z 14-06

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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

Ping Chen
Printed Name

7514 COURTSIDE DR. GARLAND TX
Address City, State

75044
Zip

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

Ping Chen
Signature

Title

Date: 3-10-14



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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

APPLICANT: Apollo Beer & Wine, Inc.

File Z 14-06

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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.

*SUCH DEVELOPMENT COULD INCREASE
DRUNKEN DRIVING, CRIME, TRAFFIC - VERY BAD IDEA.*

(Please complete the following information)

Your Property Address 3414 FOREST HILLS CIRCLE, GARLAND, TX 75044

Printed Name SANDRA SUE ALIMO, TX 75044

Address _____ City, State _____ Zip _____

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

Signature *Sandra Sue Alimo*

Title _____

Date: 3/10/14



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

February 27, 2014

HEARING DATE/TIME Plan Commission: March 10, 2014 - 7:00 PM

APPLICANT: Apollo Beer & Wine, Inc.

File Z 14-06

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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 this were to go up, our property value would decrease.
There are plenty of convenience stores near by. Not necessary!

(Please complete the following information)

Your Property Address

KATHLEEN PENDERGAST

Printed Name

7430 WINDMILL LANE

GARLAND, TX

75044

Address

City, State

Zip

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

Signature

Title

Date

3-10-14

Outside notification area



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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 - 7:00 PM

APPLICANT: Apollo Beer & Wine, Inc.

File Z 14-06

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(Please Check One Below)

☐ I am in favor of the request.
☒ I am opposed to the request.

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

I am opposed to having a Convenience Store selling beer and wine in this close location to my neighborhood. My concerns are the late hours traffic, noise, lights, and crime. I am opposed to the parking variance also.
(Please complete the following information)

Your Property Address

Patricia M. Adams

Printed Name

3115 Kristin Ct.

Garland, TX

75044

Address

City, State

Zip

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

Patricia M. Adams

homeowner

Signature

Title

Date: March 7, 2014

Outside notification area



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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

APPLICANT: Apollo Beer & Wine, Inc.

File Z 14-06

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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

Shaun Dawson

Printed Name

7414 Courtside Dr.
Address

Garland, TX
City, State

75044
Zip

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

Signature

Title

Date: 3/4/14

Outside notification area



CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 76046-9002

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 - 7:00 PM

APPLICANT: Apollo Beer & Wine, Inc.

File Z 14-08

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, March 10, 2014, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Apollo Beer & Wine, Inc.** requesting approval of 1) a Specific Use Permit for a Convenience Store on a property zoned Planned Development (PD) District 87-15 for General Business Uses and in the SH 190 Overlay and 2) a variance to Section 10-200 of the Zoning Ordinance No. 4847 regarding the parking requirement. 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.

TRAFFIC FROM THIS LOCATION THAT WISHES TO GO SOUTH ON
JUPITER HAS NO CHOICE BUT ILLEGAL TURNS OR ROUTE INTO
(COURTSIDE)
RESIDENTIAL STREETS, THERE ARE NO SIDEWALKS ON COURTSIDE
AND A LOT OF STREET PARKING MAKING THRU-TRAFFIC FROM THIS CENTER
(Please complete the following information) DANGEROUS,

Your Property Address

PAUL DUBE

Printed Name

7505 FITCHBURG AVE

GARLAND TX

75044

Address

City, State

Zip

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

Signature

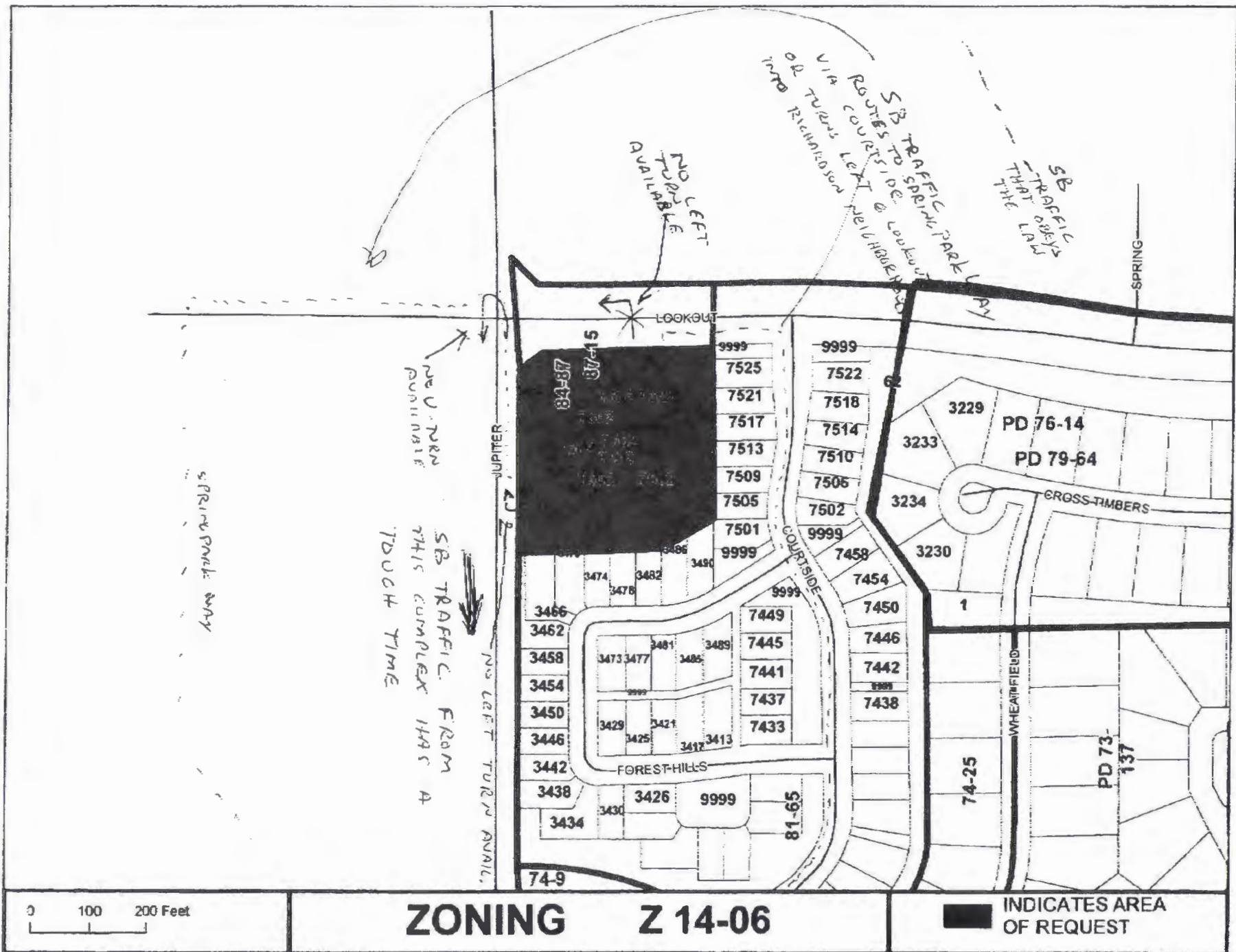
Title

Date:

3-8-14

~~HOMEOWNER~~ HOMEOWNER

Outside notification area





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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

APPLICANT: Apollo Beer & Wine, Inc

File Z 14-06

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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

Too close to family residence. E park when kids play

(Please complete the following information)

Your Property Address

Printed Name Josue De La Vega
Address 2410 Forest Hills Ct City, State Garland TX Zip 75046

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

Signature Josue De La Vega Title Homeowner, President

Date 3/7/14

outside notification area



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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

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(Please Check One Below)

☐ I am in favor of the request.
☒ I am opposed to the request.

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

A convenience store was in this strip mall years ago. It failed. Krogers is located on Shilo Rd just down the street. Apollo Beer & Wine may be convenient to some, but NOT needed here.

(Please complete the following information)

Your Property Address

3110 Debra Ct Garland Tx 75044

Printed Name

EIRBY E EVANCZYK

Garland TX

75044

Address

City, State

Zip

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

EIRBY E EVANCZYK
Signature

Alt.
Title

Date: *2-11-14*

*Outside of the
notification
area*



GARLAND

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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 - 7:00 PM

APPLICANT: Apollo Beer & Wine, Inc.

File Z 14-06

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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 is a fact that the mere presence of a liquor store
contributes significantly to crime and community violence. This will
contribute to the devaluation of homes in our peaceful neighborhood.

(Please complete the following information)

I am opposed to the request!!

Your Property Address

DAVID MACCHIA

Printed Name

3211 Newfield Ct., Garland, TX 75044

Address

City, State

Zip

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

Signature

Title

Date:

3/7/2014

Outside of the
notification
area



GARLAND

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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

APPLICANT: Apollo Beer & Wine, Inc.

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(Please Check One Below)

☐ I am in favor of the request.
☒ I am opposed to the request.

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

There are convenience stores less than a mile away
Completely opposed - could cause
drastic change in our neighborhood.

(Please complete the following information)

Your Property Address

2901 Milford Ave, Garland TX 75044

Printed Name

Susan B. Newton

Address

City, State

Zip

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

Signature

Title

Date:

Susan B. Newton 3/10/2014
3/10/2014

Outside of the
notification area

**GARLAND**

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

February 27, 2014**HEARING DATE/TIME:** Plan Commission: March 10, 2014 - 7:00 PM**APPLICANT:** Apollo Beer & Wine, Inc.**File Z 14-06**

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(Please Check One Below)

☒ I am in favor of the request.
☐ I am opposed to the request.

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

I am in favor of small businesses, fuller use of that commercial space, reduced governmental restrictions, and in times like these, I can use a drink!

(Please complete the following information)

Your Property Address

Curtis Rock

Printed Name

7402 Southwick Dr. Garland TX 75044

Address

City, State

Zip

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

Signature

Title

Date: *3/6/14*

*outside of the
notification area*



GARLAND

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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

APPLICANT: Apollo Beer & Wine, Inc.

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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.

A convenience store at this location would provide nothing that is not already available close by. Property values, traffic and crime are all issues that may suffer.

(Please complete the following information)

Your Property Address

2602 Foxboro Dr. Garland, TX 75044

Printed Name

Donald G. Jackson 2602 Foxboro Dr. Garland, TX 75044

Address

City, State

Zip

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

Donald G. Jackson *Mr.*
Signature TitleDate: *March 6, 2014*

*Outside of the
notification
area*



GARLAND

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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

APPLICANT: Apollo Beer & Wine, Inc.

File Z 14-06

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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.

3406 FOREST HILLS CIRCLE, GARLAND — WE LIVE IN THIS
NEIGHBORHOOD + DEFINITELY DO NOT WANT A LIQUOR STORE IN
OUR NEIGHBORHOOD!!

(Please complete the following information)

Your Property Address **MARK AXON**

Printed Name	3406 Forest Hills Circle	GARLAND, TX	75044
Address		City, State	Zip

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

Signature		Title
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Date: **02/09/2014**

Outside notification area



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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

APPLICANT: Apollo Beer & Wine, Inc.

File Z 14-06

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(Please Check One Below)

☐ I am in favor of the request.
☒ I am opposed to the request.

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

We are Residential with appropriate zoning since 1975 I was one of original 8 Builders since 1973 Lyn-Dee Sanders Const Co, Inc

(Please complete the following information)

Your Property Address

Bobby Dale Sanders

Printed Name

3402 Forest Hills Cir

Address

Garland TX

City, State

75046

Zip

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

Bobby Dale Sanders

Signature

President

Title

Date: *3-9-14*

Outside of notification area



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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

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(Please Check One Below)

☐ I am in favor of the request.
☒ I am opposed to the request.

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

Will cause crime and lower property values.

(Please complete the following information)

Your Property Address

Betty Kay Sanders
Printed Name
3402 Forest Hills Cir Garland, TX 75044
Address City, State Zip

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

Betty K Sanders
Signature Title

Date: *3-9-14*

Outside of notification area

2529 Timber Ridge Drive
Garland, TX 75044
972-495-2572
rebbes@verizon.net

Bobby Brown

Fax

To: Planning Department

From: Bobby Brown

Fax: 972-205-2474

Pages: 2

Phone:

Date: March 8, 2014

Re: Apollo Beer & Wine, Inc FILE : Z 14-6

cc:

Planning Commission,

Attached are my comments regarding the proposed planning of Apollo Beer and Wine at the intersection of Jupiter and Lookout.

If you have any questions please call me at 972-477-4363 or 972-495-2572

Thank you,

Bobby Brown



GARLAND

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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 - 7:00 PM

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File Z 14-06

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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.

Already existing stores in area. Do not believe consumers would support financially.

Size of parking lot is not large enough to support additional load. Proximity to Crowley Park

could promote vandals and trash. Excessive speed problem on lockout. Do we need to add more traffic and alcohol?

(Please complete the following information)

Your Property Address

Bobby E. Brown

Printed Name

2529 Timber Ridge Drive

Address

Garland TX

City, State

75044

Zip

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

Bobby E. Brown

Signature

Title

Date: 3/8/2014

Outside notification area



GARLAND

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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 - 7:00 PM

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File Z 14-06

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(Please Check One Below)

☐ I am in favor of the request.
☒ I am opposed to the request.

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

THERE WILL BE NO PEACE OR QUIET FOR THE HOME OWNERS WHERE THE
DAY OR NITE
STORE BACKS UP AGAINST THEIR PROPERTY - STRONGLY AGAINST THIS
APPLICATION.

(Please complete the following information)

Your Property Address

JERROLD M BELL

Printed Name

2102 CHAMPION CT

Address

RICHARDSON TX 75082

City, State

Zip

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

Signature

Title

Date: 3-7-2014

Outside notification area



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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

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(Please Check One Below)

☒ I am in favor of the request.
☐ I am opposed to the request.

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

(Please complete the following information)
Your Property Address LADA ANGELOVA

Printed Name 7401 VINEYARD GARLAND, TX 75044
Address _____ City, State _____ Zip _____

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

Signature [Signature] Title Property Owner

Date: MARCH 7, 2014

Outside notification area



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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

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(Please Check One Below)

- ☒ I am in favor of the request.
☐ I am opposed to the request.

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

(Please complete the following information)

Your Property Address

AARON MILLER
Printed Name
1401 VINEYARD TRAIL GARLAND, TX 75044
Address City, State Zip

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

[Signature] Signature Title

Date: 3/7/14

Outside notification area



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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

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(Please Check One Below)

☒ I am in favor of the request.
☐ I am opposed to the request.

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

TRAFFIC FROM THIS LOCATION THAT WISHES TO GO SOUTH ON

JUPITER HAS NO CHOICE BUT ILLEGAL TURNS OR ROUTE INTO
(COURTSIDE)
RESIDENTIAL STREETS, THERE ARE NO SIDEWALKS ON COURTSIDE
AND A LOT OF STREET PARKING MAKING THRU-TRAFFIC FROM THIS CENTER

(Please complete the following information) DANGEROUS,

Your Property Address

PAUL DUBE

Printed Name

7505 FITCHBURG AVE

GARLAND TX

75044

Address

City, State

Zip

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

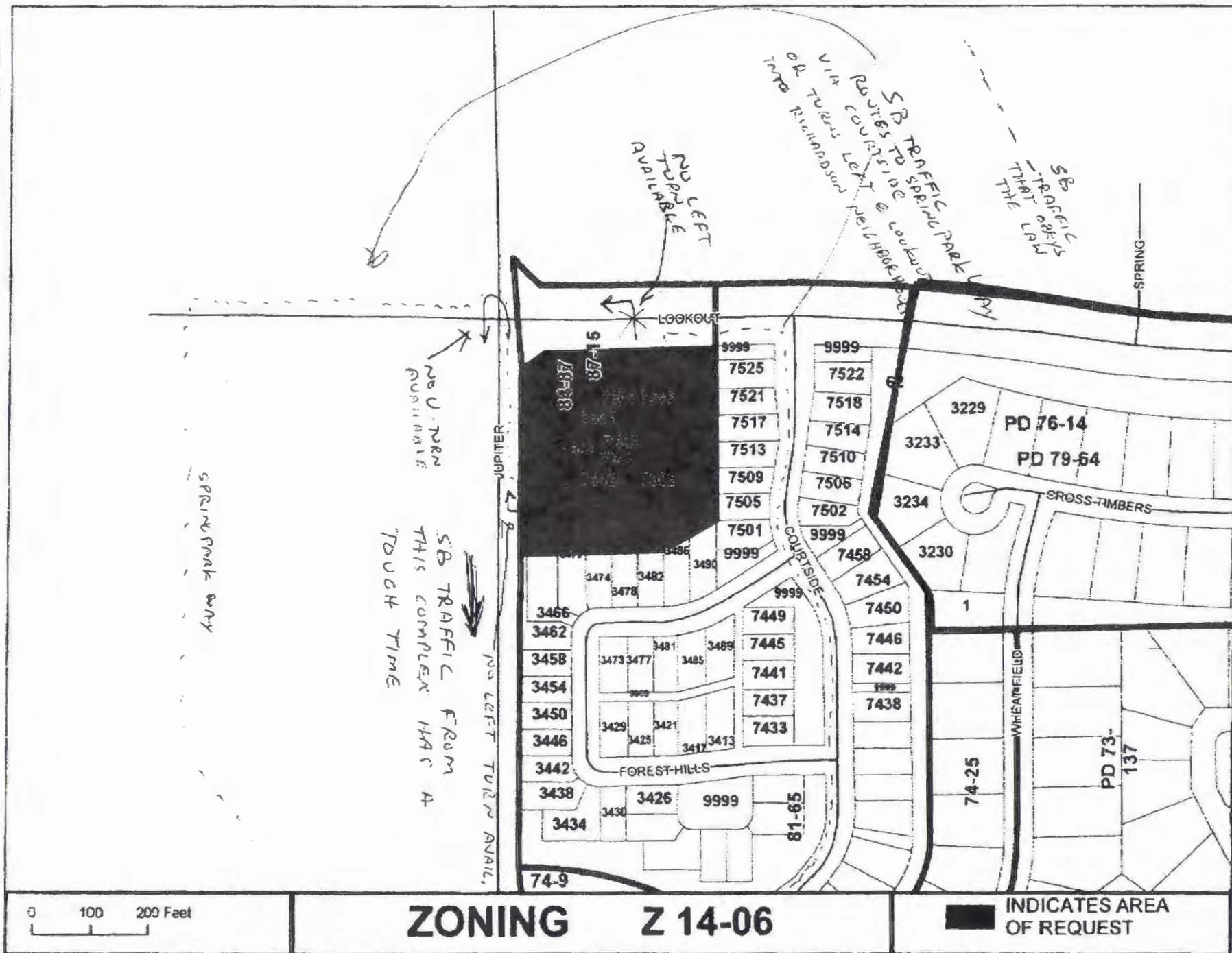
Signature

Title

Date:

3-8-14

~~HOMEOWNER~~ HOMEOWNER





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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

APPLICANT: Apollo Beer & Wine, Inc.

File Z 14-06

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 10, 2014, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Apollo Beer & Wine, Inc.** requesting approval of 1) a Specific Use Permit for a Convenience Store on a property zoned Planned Development (PD) District 87-15 for General Business Uses and in the SH 190 Overlay and 2) a variance to Section 10-200 of the Zoning Ordinance No. 4647 regarding the parking requirement. The property is shown on the enclosed sketch and is described as follows:

Being approximately a 2.689-acre lot identified as Lot 1, Block 1, Springpark Central No. 9, an addition to the City of Garland as shown on the Plat recorded in Volume 84092, Page 2136 of the Map Records of Dallas County, Texas. The property is located at 7602 North Jupiter Road, Suite 100, Garland, TX. (District1)

Note: The applicant requests approval of a Specific Use Permit to operate a convenience store from Suite 100 of the subject property. Furthermore, the applicant requests a parking variance given that the site is deficient in parking spaces.

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.

I am strongly opposed because
I believe this Beer + Wine business will cause
devaluation of my property and draw those of
negative influence into my neighborhood.
(Please complete the following information)

Your Property Address

3485 Forest Hills Circle, Garland, TX 75044

Printed Name

Eva Thomas

Address P.O. Box 852906

City, State Richardson TX Zip 75085

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

Signature

Eva Thomas

Title

Owner

Date:

3/6/2014



Planning Report

Perry Molubhoy

4412 Bass Pro Drive

REQUEST

Approval of 1) an amendment to Planned Development (PD) District 13-16 for Freeway Uses and 2) an amended Detail Plan for Limited Service Hotel.

OWNER

Atlantic Oil & Gas Ltd.

PLAN COMMISSION RECOMMENDATION

On March 10, 2014 the Plan Commission, by a vote of eight (8) to zero (0), recommended approval of 1) an amendment to Planned Development (PD) District 13-16 for Freeway Uses and 2) an amended Detail Plan for Limited Service Hotel. Additionally, Plan Commission approved a variance to Section 34.18(B)(2) of the I-30 Development Standards regarding exterior walls.

STAFF RECOMMENDATION

Denial of 1) an amendment to Planned Development (PD) District 13-16 for Freeway Uses and 2) an amended Detail Plan for Limited Service Hotel.

The proposed façade material composition will result in building elevations whose quality is not comparable with the quality reflected on the approved building facades. The applicant does have the option of applying an alternative primary masonry material such as brick or stone in lieu of porcelain tile and maintain the same quality as the approved elevations while addressing the presumed drawbacks of porcelain tile.

BACKGROUND

In 2008, City Council approved Planned Development (PD) District 08-26 as the guiding document for the development of a limited service hotel on the subject property. With Planned Development (PD) District 08-26, a Detail Plan that included building elevations was approved. Furthermore, given that Limited

Service Hotel/Motel is only permitted by Specific Use Permit in the Freeway (FW) District, within the IH-30 Corridor, a Specific Use Permit was granted for a period of 30 years and tied to Harbor Point Hotels, LLC. In 2013, City Council approved amendments to Planned Development (PD) District 08-26 and an amended Detail Plan, including revisions to the previously approved elevations.

The applicant seeks approval of revised building elevations.

SITE DATA

The subject property contains approximately 2.569 acres in area, with approximately 319 feet along Bass Pro Drive.

CONSIDERATIONS

1. The applicant is currently developing the subject site with a 15,914 square feet 4 story hotel that will provide 99 guest rooms and 1,400 square feet of meeting space. The hotel is located adjacent to the Bass Pro development and along Interstate Highway 30, one of the most important corridors in the City of Garland. In 2008, City Council approved building elevations that consisted of at least 80 percent primary masonry material (brick, stone veneer, and limestone) and no more than 20 percent non-masonry material (stucco). In 2013, in keeping with the changes in the construction industry and architectural styles, the applicant requested and obtained approval of revised elevations that consisted of at least 50 percent primary masonry (porcelain tile) and no more than 50 percent secondary masonry (EIFS).

The applicant again proposes revisions to the approved façade materials. The new elevations will mostly consist of non-masonry (stucco) with some primary masonry (porcelain tile). The following tables provide a material percentage breakdown comparison between the approved building elevations and the proposed building elevations:

Approved façade materials				
Elevation		EIFS	Porcelain Tile	Total
North	Percentage	36.6	63.4	100
South	Percentage	46.0	54.0	100
West	Percentage	28.4	71.6	100
East	Percentage	33.1	66.9	100

Proposed façade materials				
Elevation		Stucco	Porcelain Tile	Total
North	Percentage	83.8	16.2	100
South	Percentage	65.5	34.5	100
West	Percentage	74.1	25.9	100
East	Percentage	76.2	23.8	100

2. Plan Commission approved a variance to Section 34.18(B)(2) of the I-30 Development Standards regarding façade material composition. Because the PD conditions and Detail Plan specify conformance with approved building elevations and exterior wall materials, the PD and Detail Plan must be amended as well. The proposed building elevations (Exhibit E) reflect the variance approved by the Plan Commission.

3. The applicant contends that the use of porcelain tiles on the upper levels, as reflected on the approved elevations, could represent a public hazard due to their susceptibility to becoming loose over time and limiting the porcelain tiles to the ground level can reduce the cost of maintenance. However, the use of stucco and porcelain tile, at the percentages being proposed, has a negative impact on the quality and aesthetics of the approved elevations and undermine the intent of the minimum development standards that were created with the purpose of promoting quality development along Interstate Highway 30.

Prepared By:

Josue De La Vega
Development Planner

Date: March 20, 2014

Reviewed By:

Anita Russelmann
Director of Planning

Date: March 21, 2014

Reviewed By:

William E. Dollar
City Manager

Date: March 25, 2014



0 100 200 Feet

ZONING **Z 14-07**

 INDICATES AREA OF REQUEST

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE 14-07

Atlantic Hotels, Ltd.

4412 Bass Pro Drive, south of IH 30 and east of Chaha Road

- I. **Statement of Purpose:** The purpose of this Planned Development District is to amend the building elevations for a Limited Service Hotel on the subject property.
- II. **Statement of Effect:** This Planned Development shall not affect any regulation found in the Comprehensive Zoning Ordinance. Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Freeway (FW) District set forth in Sections 31, 32, 33 and 48 of the Comprehensive Zoning Ordinance, Ordinance 4647, as well as the IH-30 Development Standards are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. **Development Plans:**

Detail Plan: Development shall be in general conformance with the approved Detail Plan set forth in Exhibit C. However, in the event of conflict between the Detail Plan and the conditions, the conditions shall prevail.
- V. **Specific Regulations:**
 - A. Screening and Landscape Requirements: Screening from the adjacent residential districts shall consist of six (6) foot tall evergreen shrubs planted three (3) feet on center to form continuous screening. Landscape shall be in general conformance with the approved landscape plan labeled Exhibit D.
 - B. Building Elevations: Building elevations and exterior wall materials shall be in general conformance with the approved elevations labeled Exhibit E.
 - C. Building Placement: The building shall be allowed to have an average setback of a minimum of 85 feet from the contiguous residential district located to the west of the subject site.
 - D. Parking: The subject property shall have a minimum of 126 on-site parking spaces and approximately 39% of the required parking shall be permitted in front of the building.

- E. Signage: Two (2) freestanding signs shall be permitted on the subject property: a monument sign with a height of seven (7) feet and twenty (20) square feet in area and a pole sign with a height of fifty (50) feet and two hundred thirty-one (231) square feet in area. Attached signage shall follow the requirements of the IH 30 Development Standards.
- F. Development Standards: The site shall be required to comply with the IH-30 Development Standards, the Freeway (FW) District development regulations, as well as all other applicable codes and ordinances unless otherwise specified in these conditions.

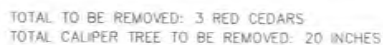
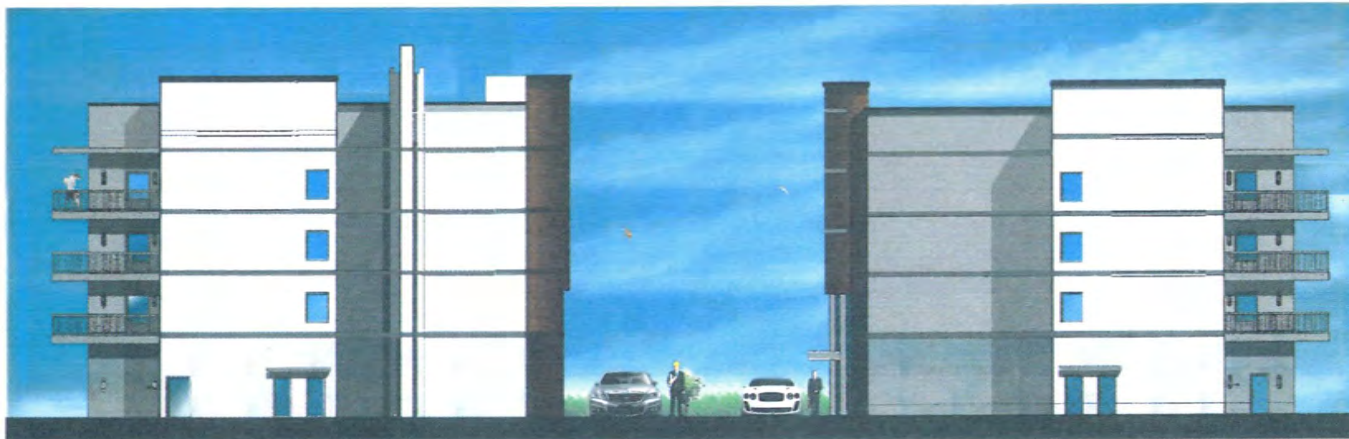


EXHIBIT D



NORTH ELEVATION/83.8% stucco and 16.2% porcelain tile



EAST ELEVATION/76.2% stucco and 23.8% porcelain tile

WEST ELEVATION/74.1% stucco and 25.9% porcelain tile

EXHIBIT E



Holiday Inn Express and Suites
Bass Pro, Garland TX

January 2014



SOUTH ELEVATION/65.5% stucco and 34.5% porcelain tile



Holiday Inn Express and Suites
Bass Pro, Garland TX

January 2014

EXHIBIT E

REPORT & MINUTES

P.C. Meeting, March 10, 2014 (8 Members Present)

Consideration of the application of Perry Molubhoy, requesting approval of 1) an amendment to Planned Development (PD) District 13-16 for Freeway Uses, 2) an amended Detail Plan for Limited Service Hotel, and 3) a variance to Section 34.18(B)(2) of the I-30 Development Standards regarding exterior walls. The property is located at 4412 Bass Pro Drive. (File 14-07)

The applicant Nasir Ali, 2727 LBJ Freeway, briefly explained the changes in materials being requested. The applicant stated that the tile presents a danger if they were to fall from the upper levels and that there were warranty issues with the materials.

In response to questions raised by the Commissioners, Mr. Ali confirmed on how the stucco material will be applied, and if issues would arise due to moisture from Lake Ray Hubbard.

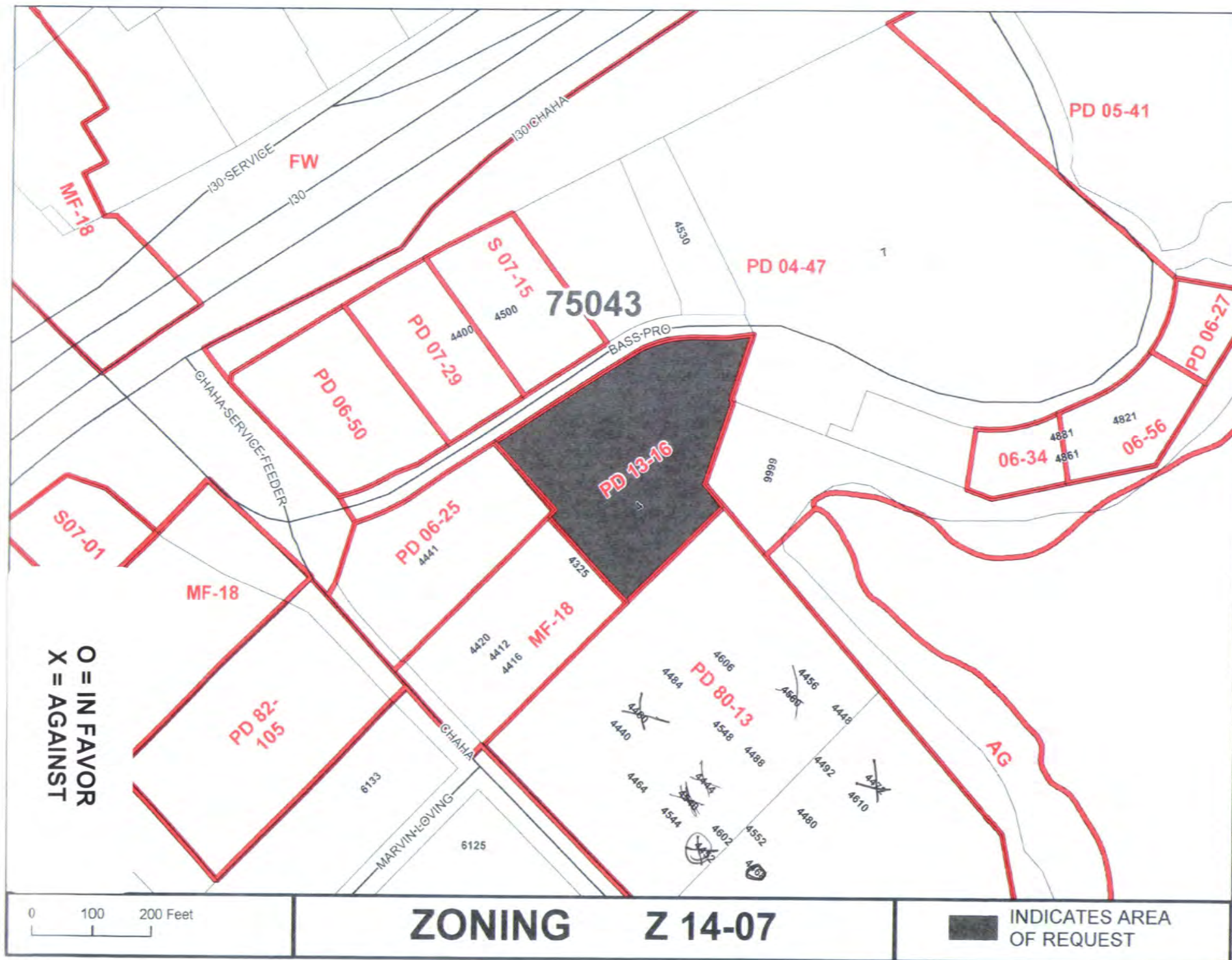
The Structural Engineer, Mir Ali, P.E., 4468 Dalrock Drive, Plano, TX 75024, addressed moisture concerns regarding the use of stucco. Unlike EIFS, stucco breathes and allows the moisture to evaporate.

DeLois Harbert, 4484 Chaha Rd, #205, requested clarification on the notification letter she received.

Motion was made by Commissioner Dalton, seconded by Commissioner O'Hara to close the Public Hearing and open the case for discussion. Motion **carried: 8 Ayes, 0 Nays.**

Commissioners stated they did not have a problem with the materials being requested for use and supported the application.

Motion was made by Commissioner Dalton, seconded by Commissioner Vera to close the Public Hearing and **approve** the request as stated by the applicant. Motion **carried: 8 Ayes, 0 Nays.**





GARLAND

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

February 27, 2014

HEARING DATE/TIME Plan Commission March 10, 2014 - 7:00 PM

APPLICANT: Perry Molubhoy

File Z 14-07

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 10, 2014, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Perry Molubhoy** requesting approval of 1) an amendment to Planned Development (PD) District 13-16 2) an amended Detail Plan and 3) a variance to Section 34.18(B)(2) of the I-30 Development Standards regarding exterior walls. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 2.57-acre parcel shown as Lot 4R, Block 1, Harbor Point, Third Replat, an addition to the City of Garland, Dallas County, Texas, according to the final plat recorded in instrument No. 20080137599 of the Dallas County Clerk's Records. The subject property is located at 4412 Bass Pro Drive, south of IH 30 and east of Chaha Road (District 3)

Note: The applicant requests approval of proposed changes to the originally approved Detail Plan regarding the building elevations and related condition. Additionally, the applicant seeks approval of a variance to allow building elevations consisting of materials that do not meet the required ratios.

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

Lack of fencing between commercial and residential uses deteriorates residential values. The City should uphold its guidelines which were put in place to preserve values including requiring all appropriate materials to be used and fences/visual blaks to be installed.
(Please complete the following information)

Your Property Address
Robin Tomberlin, Partner Ray Hubbard Properties LP
Printed Name
4540 Chaha # 103
Address City, State Zip

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

[Signature] Signature *partner* Title
Date *3/6/14*



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

February 27, 2014

HEARING DATE/TIME Plan Commission: March 10, 2014 - 7:00 PM

APPLICANT: Perry Molubhoy

File Z 14-07

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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

*Lack of fencing between commercial and residential
uses deteriorates residential values. The City should uphold
its guidelines which were put in place to preserve values including requiring
all appropriate materials to be used and fences/visual blaks to be installed,*

(Please complete the following information)

Your Property Address
Robin Timberlin, partner Ray Hubbard Properties LP
Printed Name
4444 Chaha #202
Address City, State Zip

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

Signature

partner
Title

Date

3/6/14



GARLAND

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

February 27, 2014

HEARING DATE/TIME: Plan Commission March 10, 2014 - 7:00 PM

APPLICANT: Perry Molubhoy

File Z 14-07

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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

*Lack of fencing between commercial and residential
uses deteriorates residential values. The City should uphold
its guidelines which were put in place to preserve values including requiring
all appropriate materials to be used and fences/visual blocks to be installed.*

(Please complete the following information)

Your Property Address
Robin Tomberlin - Equity Trust Co. FBO
Printed Name
4444 Chaha # 202
Address City, State Zip

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

[Signature] *owner in IRA*
Signature Title

Date: *3/6/14*

**GARLAND**

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

February 27, 2014

HEARING DATE/TIME Plan Commission, March 10, 2014 - 7:00 PM

APPLICANT: Perry Molubhoy

File Z 14-07

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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

*Lack of fencing between commercial and residential
uses deteriorates residential values. The City should uphold
its guidelines which were put in place to preserve values including requiring
all appropriate materials to be used and fences/visual blocks to be installed.*

(Please complete the following information)

Robin Timberlin - Equity Trust Co - FBO
Printed Name
4412 Chaha #106
Address City State Zip

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

[Signature]
Signature Title
owner in IRA

Date: *3/6/14*



GARLAND

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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 -- 7:00 PM

APPLICANT: Perry Molubhoy

File Z 14-07

Dear Property Owner:

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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 own property at 4472 Chaha (Faulkner Pt.).
The hotel is visible from my property.*

(Please complete the following information)
Your Property Address

JANET VANDERSLICE

Printed Name

6206 LENNOX LN.

Address

GARLAND, TX 75043

City, State

Zip

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

Janet Vanderslice

Signature

Owner

Title

Date: *3-5-14*



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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

APPLICANT: Perry Molubhoy

File Z 14-07

Dear Property Owner: *4472 Chaha Rd # 205*

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, March 10, 2014, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Perry Molubhoy** requesting approval of 1) an amendment to Planned Development (PD) District 13-16 2) an amended Detail Plan and 3) a variance to Section 34.18(B)(2) of the I 30 Development Standards regarding exterior walls. 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

Enforce original "Tile exterior" rather than "stucco" above first floor. Provides better long-term appearance and lower maintenance.

(Please complete the following information)

Your Property Address

R.C. HOUSTON / DBA Ezileb Maerd Fund # Unit # 205 4472
Printed Name
1906 Yentworth Dr Rowlett, TX 75089
Address City, State Zip

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

R.C. Houston Signature *Owner* Title

Date: *3/4/14*

Garland 95043



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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

APPLICANT: Perry Molubhoy

File Z 14-07

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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

Perry C. Molubhoy
Printed Name
4452 Chaha Road #102 Garland TX 75043
Address City, State Zip

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

[Signature] Owner
Signature Title

Date: 3/4/2014



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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

APPLICANT: Perry Molubhoy

File Z 14-07

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 10, 2014, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Perry Molubhoy** requesting approval of 1) an amendment to Planned Development (PD) District 13-16 2) an amended Detail Plan and 3) a variance to Section 34.18(B)(2) of the I-30 Development Standards regarding exterior walls. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 2.57-acre parcel shown as Lot 4R, Block 1, Harbor Point, Third Replat, an addition to the City of Garland, Dallas County, Texas, according to the final plat recorded in instrument No. 20080137599 of the Dallas County Clerk's Records. The subject property is located at 4412 Bass Pro Drive, south of IH 30 and east of Chaha Road. (District 3)

Note: The applicant requests approval of proposed changes to the originally approved Detail Plan regarding the building elevations and related condition. Additionally, the applicant seeks approval of a variance to allow building elevations consisting of materials that do not meet the required ratios.

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

Daniel B. Cason
Printed Name
4468 Chaha Rd. #104 Garland, TX. 75043
Address City, State Zip

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

Daniel B. Cason owner
Signature Title

Date: 3/4/14



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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

APPLICANT: Perry Molubhoy

File Z 14-07

Dear Property Owner:

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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

*Since the place has already been built
this is a mute question!*

(Please complete the following information)
Your Property Address

JO ANNE NICHOLAS
Printed Name
4452 CHAHA #104 GARLAND TX 75043
Address City, State Zip

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

Jo M Nicholas (Co-owner + Resident)
Signature Title

Date: March 6, 2014

(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 support the original request and ~~feel~~ feel the materials on the original plan would be more appropriate for the site, and elevation

(Please complete the following information)
Your Property Address

Sarah Russell
Printed Name
4468 Chaha Road, #202 Garland, TX 75043
Address City, State Zip

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

Sarah Russell Owner
Signature Title

Date: 3/6/2014



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

February 27, 2014

HEARING DATE/TIME: Plan Commission: March 10, 2014 – 7:00 PM

APPLICANT: Perry Molubhoy

File Z 14-07

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(Please Check One Below)

☐ I am in favor of the request.

☐ I am opposed to the request.

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

I am neither in favor nor opposed to above requests as I was never considered in the first place. (Please complete the following information)
Your Property Address

Laura Sanson
Printed Name
4472 Chaha Rd. #203 Garland, Tx 75043
Address City, State Zip

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

Laura Sanson Garland Homeowner
Signature Title

Date: 3-6-14