



## **AGENDA**

**REGULAR MEETING OF THE CITY COUNCIL  
City of Garland  
Duckworth Building, Goldie Locke Room  
217 North Fifth Street  
Garland, Texas  
November 18, 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 Duckworth Building is wheelchair accessible. Special parking is available on the north side of the building on Austin Street and may be accessed by a sloped ramp from the street 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. **BRILLE IS NOT AVAILABLE.**

### **CITY COUNCIL GOALS 2020**

**(Adopted by Resolution No. 9402 on December 20, 2005)**

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

## **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 November 3 and 4, 2014 Regular Meetings.
2. Consider approval of the following bids:

- a. **Electronic Document Management System Maintenance** **Bid No. 4588-14**

**Requordit, Inc. \$180,000.00**

*This request is to provide ongoing maintenance and support services for the City's Hyland OnBase electronic document management system.*

- b. **Geographic Information System (GIS) Upgrade** **Bid No. 4893-15**

<b>SSP Innovations, LLC</b>	<b>\$127,117.50</b>
<b>Contingency</b>	<b><u>12,882.50</u></b>
<b>TOTAL</b>	<b><u>\$140,000.00</u></b>

*This request is for the upgrade of Garland Power & Light's existing GIS to the most current version.*

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

- a. **Zoning File No. 14-38, GFC Leasing Corp LLC**

*Consider an ordinance amending the zoning laws of the City of Garland by approving an amendment of Planned Development District 01-03 for Limited Shopping Center Uses, an amendment of a Concept Plan, a Detail Plan for a Restaurant, Drive-through, and a Specific Use Permit for a Restaurant, Drive-through on a 0.6989-acre tract of land located on the southeast corner of Lavon Drive and Foster Road.*

- b. **Zoning File No. 14-39, Fourth Avenue Investments LLC**

*Consider an ordinance amending the zoning laws of the City of Garland by approving a change in zoning from Planned Development District 84-25 and 99-43 for General Business Uses and Neighborhood Service Uses to a Planned Development District for Single Family Uses and a Detail Plan for Single Family Homes on a 6.606-acre tract of land located north of the intersection of Apollo Road and West Brand Road.*

4. **Consider by minute action authorizing the City Manager to execute a change order to Wiginton Hooker Jeffry Architects in the amount of \$97,750.**

*At the November 17, 2014 Work Session, Council was scheduled to consider authorizing a change order to P. O. No. 20751 in the amount of \$97,750 with Wiginton Hooker Jeffry Architects for additional architectural design services associated with Fire Station No. 5.*

5. **Consider a resolution appointing Debbi Booth as Interim City Secretary and Courtney Vanover as Assistant Interim City Secretary for the City of Garland.**

*As of November 7, 2014, there is a vacancy in the City Secretary position. Council is requested to consider appointing Debbi Booth as the Interim City Secretary and Courtney Vanover as Assistant Interim City Secretary until such time as Council appoints a City Secretary.*

## ITEMS FOR INDIVIDUAL CONSIDERATION

### Speaker Regulations:

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

6. **Hold a public hearing and consider an ordinance ordaining the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code, providing tax incentives designating a liaison for communication with interested parties, nominating Kraft Foods Group, Inc. to the Office of the Governor, Economic Development and Tourism through the Economic Development as an enterprise project.**

*At the November 3, 2014 Work Session, Council was briefed on a request from Kraft Foods Group, Inc. for the City of Garland to approve an ordinance nominating Kraft for a Texas Enterprise Project designation based on job retention.*

7. **Hold a public hearing and consider a resolution authorizing the execution of a Chapter 380 Economic Development Agreement by and between Massimo Motor Sports, LLC and the City of Garland.**

*Massimo Motor Sports, LLC is evaluating a decision to relocate their headquarters from Irving to Garland and renovate the 280,000 sq. ft. former Sears Fashion Center building. The company is also considering relocating the automated robotic manufacturing operation from China to this facility in the future. With this renovation, Massimo will invest \$2.9 million and bring \$3.8 million of new Business Personal Property to Garland. At the October 20, 2014 Work Session, the Garland Economic Development Partnership Steering Committee recommended that Council provide: 1) general support for the project and 2) Chapter 380 Finance Grant – total of \$275,000 over 5 years; \$55,000 annually.*

8. **Hold a public hearing on the following zoning case:**

**Consider the application of Ryan Anderson requesting approval of a variance to Section 33A-400 of the Comprehensive Zoning Ordinance**



**regarding the distance from an establishment that sells or serves alcoholic beverages to a church or school. The property is located at 601 West State Street. (File BW 14-01, District 2)**

*This proposal is for approval of a variance to reduce the required distance of 300 feet from an establishment that sells or serves alcoholic beverages to a church or school.*

**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](http://www.garlandtx.gov). Copies of the meetings can be purchased through the City Secretary's Office – audio CD's are \$1 each and DVD's are \$3 each.*

The City Council of the City of Garland convened in regular session at 7:24 pm on Tuesday, November 3, 2014 in the Goldie Locke Room, 217 North Fifth Street, Garland, Texas, with the following member present.

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

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

CALL TO ORDER: Mayor Athas called the meeting to order. District 5 Council Member Billy Mack Williams led the invocation followed by the Pledge of Allegiance.

1a. APPROVED Application of GFC Leasing Corp LLC requesting approval of 1) an amendment of Planned Development (PD) District 01-03 for Limited Shopping Center Uses, 2) an amendment of a Concept Plan, 3) a Detail Plan for a Restaurant, Drive-Through, and 4) a Specific Use Permit for a Restaurant, Drive-through. This property is located at the southwest corner of Lavon Drive and Foster Road. (File No. 14-38, District 1)

This proposal would allow the applicant to develop the subject property with a fast food restaurant with drive-through.

Mayor Athas opened the public hearing at 7:25 PM. Speaking on this item were Anita Russelmann, Director of Planning, and Larry Nelson from Golden Chick. Motion was made by Council Member Campbell, seconded by Council

Member Goebel, to close the public hearing and approve the request. Motion carried, 9 Ayes, 0 Nays.

1b. APPROVED

Application of Fourth Avenue Investments LLC requesting approval of 1) a change in zoning from Planned Development (PD) Districts 84-25 and 99-43 for General Business Uses and Neighborhood Service Uses to a Planned Development (PD) District for Single Family Uses, 2) a Detail Plan for approximately 35 single family homes, and 3) a waiver to Section 31.27 of the Code of Ordinances regarding the requirement for alleys (File No. 14-39, District 8)

This proposal would allow a change of zoning and Detail Plan to development the property with a single family development consisting of approximately 35 residential lots.

Mayor Athas opened the public hearing at 7:34 PM. Speaking on this item were Anita Russelmann, Director of Planning and Paul Luedtke, Director of Transportation; Shane Jordan and Bill Dower spoke on behalf of the applicant. Motion was made by Mayor Pro Tem Cahill, seconded by Council Member Dodson to close the public hearing and approve the request as recommended by the Plan Commission. Motion carried, 9 Ayes, 0 Nays.

3. ADJOURNMENT

There being no further business to come before the Council, Mayor Athas adjourned the meeting at 8:05 pm.

CITY OF GARLAND, TEXAS

APPROVED: \_\_\_\_\_  
Douglas Athas, Mayor

ATTEST: \_\_\_\_\_  
City Secretary

The City Council of the City of Garland convened in regular session at 7:00 pm on Tuesday, November 4, 2014 in the Goldie Locke Room, 217 North Fifth Street, Garland, Texas, with the following member present.

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

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

CALL TO ORDER: Mayor Athas called the meeting to order. District 5 Council Member Billy Mack Williams led the invocation followed by the Pledge of Allegiance.

PROCLAMATIONS: Mayor Athas presented a proclamation designating November 2014 as American Diabetes Month to Derrick Lewis.

CONSENT AGENDA: All items marked with asterisks (\*\*) on the Consent Agenda were voted on at the beginning of the meeting. Mayor Athas noted item 6 was pulled for individual consideration. Mayor Athas read the items into the record. Motion was made by Council Member Billy Mack Williams, seconded by Council Member Dodson, to approve items 1, as amended, 2a, 2b, 3a, 3b, 4, and 5. Motion carried, 9 ayes, 0 nays.

1. APPROVED \*\* Minutes of the October 21, 2014 Regular Meeting of the City of Garland City Council, as amended.

2a. APPROVED \*\* Bid No. 4830-15 in the amount of \$826,051.06 to Caldwell Country Ford (\$732,389.06) and Freightliner of Austin (\$93,662.00) for the purchase of various 20 replacement

trucks and vans for various department to be used in daily operations.

- 2b. APPROVED \*\* Bid No. 4875-15 in the amount of \$279,108.54 to Dell Marketing, LP for the purchase of replacement servers, storage and network switches for Garland Power & Light's primary and backup data centers.
- 3a. APPROVED \*\* Ordinance No. 6743 amending the zoning laws of the City of Garland by approving a Specific Use Permit for Restaurant, Drive-through on a 0.6-acre tract of land located at 3300 Broadway Boulevard. (Zoning File No. 14-37, Israel Tirado)
- 3b. APPROVED \*\* Ordinance No. 6744 amending the zoning laws of the City of Garland by approving a Specific Use Permit for Retail Sales with Gasoline Pumps on a 0.8963-acre tract of land located at 3464 West Campbell Road. (Zoning File No. 14-40, The Dimension Group)
4. APPROVED \*\* Approval by minute action authorizing the City Manager to enter into an agreement with Vision Energy Consultants, Inc. for services provided to Garland Power & Light.
5. APPROVED \*\* Resolution No. 10163 authorizing the City Manager to execute a Master Interlocal Agreement with Dallas County for maintenance of designated roadways within the City and Project Specific Agreements to perform concrete repairs on Rowlett Road from Broadway Boulevard to Meadowside Drive, and on Rowlett Road from Meadowside Drive to Road.
6. APPROVED Resolution No. 10162 approving the rescinding and repealing of Resolution No. 10117, approved by Council on August 6, 2013, supporting the seamless interconnectivity of high-speed rail into the operating terminal areas of the Dallas/Fort Worth International Airport.

After Council discussion, motion was made by Council Member Stanley, seconded by Mayor Pro Tem Cahill to approve, motion carried, 9 ayes, 0 nays.

7. WITHDRAWN

Resolution authorizing the execution of a Chapter 380 Economic Development Agreement by and between Massimo Motor sports, LLC and the City of Garland was withdrawn at the request of the applicant.

8. APPROVED

Resolution No. 101064 authorizing the execution of a Chapter 380 Economic Development Agreement by and between Ridge Development and the City of Garland.

Ridge Development will develop two 200,000 sq ft industrial buildings (Marquis Distribution Center) designed to accommodate both manufacturer and distribution type companies.

Mayor Athas opened the public hearing at 7:16 pm. Paul Mayer, representing the Garland Economic Development Partnership briefed the council on this item. Motion was made by Council Member Dodson, seconded by Council Member Billy Mack Williams to approve the request as presented. Motion carried, 9 ayes, 0 nays.

9. CITIZEN COMMENTS Speaking on Citizen Comments was Mary Ann Wickersham.

There being no further business to come before the Council, Mayor Athas adjourned the meeting at 7:25 pm.

CITY OF GARLAND, TEXAS

APPROVED: \_\_\_\_\_

Douglas Athas, Mayor

ATTEST: \_\_\_\_\_

City Secretary



## Purchasing Report

### **ELECTRONIC DOCUMENT MANAGEMENT SYSTEM MAINTENANCE TERM CONTRACT**

#### **PURCHASE JUSTIFICATION:**

The purpose of this contract is to provide ongoing maintenance and support services for the City's Hyland OnBase electronic document management system. This will be a Term Contract with three (3) optional renewals. Pricing will remain firm for the first term. The City may renegotiate for additional renewals at the end of the contract.

#### **AWARD RECOMMENDATION:**

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Requordit, Inc	All	\$180,000.00
<b>TOTAL:</b>		<u>\$180,000.00</u>

#### **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: 11/06/14

Date: 11/10/14

#### **FINANCIAL SUMMARY:**

Total Project/Account: \$ N/A		Operating Budget: <input checked="" type="checkbox"/> CIP: <input type="checkbox"/> Year: 2014-15
Expended/Encumbered to Date: N/A		Document Location: Page C-56
Balance: \$ N/A		Account #: 451-6999
This Item: 180,000		
Proposed Balance: \$ N/A		Fund/Agency/Project – Description: Term Contract – Electronic Document Management System Maintenance
Matt Monedero	11/06/14	
Budget Analyst	Date	
Ron Young	11/06/14	
Budget Director	Date	Comments: Term Contract sets price but does not commit funds. Expenses will be charged to accounts as incurred.







# **GARLAND**

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## **PURCHASING**

### **Executive Summary** **Bid 4588-14** **Electronic Document Management System Maintenance**

**Recommended Vendor:**

Requordit, Inc.

**Total Recommended Award:**

\$180,000.00

**Basis for Award:**

Interlocal Agreement

**Purpose:**

The purpose of this contract is to provide ongoing maintenance and support services for the City's Hyland OnBase electronic document management system. This will be a term contract with three (3) optional renewals. The City may renegotiate for additional renewals at the end of the contract.

**Evaluation:**

Requests for Information were issued in accordance with Purchasing procedures. Requordit, Inc. offered a maintenance and support program that would best serve the City's ongoing requirements. This program is available through an Interlocal Agreement with Tarrant County.

**Recommendation:**

Staff recommends awarding a term contract for Hyland OnBase electronic document management maintenance and support services to Requordit, Inc.

**Funding Information:**

This contract will be funded as needed from Operation and CIP accounts.

**Department Director:**

Steven Niekamp, Chief Information Officer, 972-781-7216



## Purchasing Report

### **GEOGRAPHIC INFORMATION SYSTEM (GIS) UPGRADE OPEN MARKET**

#### **PURCHASE JUSTIFICATION:**

The purpose of this contract is to upgrade Garland Power & Light's existing GIS to the most current version. SSP Innovations, LLC, is the recommended vendor based on their experience and working knowledge of the current GIS. SSP Innovations, LLC, was involved in the initial installation and has been responsible for the subsequent upgrades and code modifications.

#### **AWARD RECOMMENDATION:**

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
SSP Innovations, LLC	All	\$127,117.50
Contingency		12,882.50
<b>TOTAL:</b>		<b>\$140,000.00</b>

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

##### **Most Qualified**

Submitted by:

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

Reviewed by:

William E. Dollar  
City Manager

Date: 11/06/14

Date: 11/10/14

#### **FINANCIAL SUMMARY:**

Total Project/Account: \$	2,554,095
Expended/Encumbered to Date:	326,292
Balance: \$	2,227,803
This Item:	140,000
Proposed Balance: \$	2,087,803

Trent Schulze 11/07/14  
Budget Analyst Date

Trent Schulze for Ron Young 11/07/14  
Budget Director Date

Operating Budget: ☒ CIP: ☐ Year: FY 2014-15

Document Location: Page D-64

Account #: 211-3151-7111

Fund/Agency/Project – Description:  
GP&L/Administration – Geographic Information System (GIS) Upgrade

Comments:





# **GARLAND**

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## **PURCHASING**

### **Executive Summary** **Bid 4893-15** **Geographic Information System (GIS) Update**

**Recommended Vendor:**

SSP Innovations, LLC

**Total Recommended Award:**

\$140,000.00

**Basis for Award:**

Most Qualified

**Purpose:**

The purpose of this contract is to upgrade Garland Power & Light's existing GIS to the most current version.

**Evaluation:**

SSP Innovations, LLC is the recommended vendor based on their experience and working knowledge the current GIS. SSP Innovations, LLC was involved in the initial installation and have been responsible for the subsequent upgrades and code modifications.

**Recommendation:**

Staff recommends awarding the GIS upgrade services contract to SSP Innovations, LLC.

**Funding Information:**

GP&L Operating account 211-3151-7111

**Department Director:**

Darrell Cline, Finance & Accounting Director, 972-205-2655



# City Council Item Summary Sheet

☐ Work Session

Date: November 18, 2014

☒ Agenda Item

## Zoning Ordinance

### Summary of Request/Problem

Zoning Ordinance 14-38 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**

**ORDINANCE NO.**

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING AN AMENDMENT OF PLANNED DEVELOPMENT (PD) DISTRICT 01-03 FOR LIMITED SHOPPING CENTER USES, AN AMENDMENT OF A CONCEPT PLAN, A DETAIL PLAN FOR A RESTAURANT, DRIVE-THROUGH, AND A SPECIFIC USE PERMIT FOR A RESTAURANT, DRIVE-THROUGH ON A 0.689-ACRE TRACT OF LAND LOCATED ON THE SOUTHEAST CORNER OF LAVON DRIVE AND FOSTER ROAD; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

**WHEREAS**, at its regular meeting held on the 13<sup>th</sup> day of October, 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 of Planned Development (PD) District 01-03 for Limited Shopping Center Uses, an amendment of a Concept Plan, a Detail Plan for a Restaurant, Drive-Through, and a Specific Use Permit for a Restaurant, Drive-Through on a 0.689-acre tract of land located on the southeast corner of Lavon Drive and Foster Road, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

**Section 2.**

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

**Section 3.**

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

**Section 4.**

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

**Section 5.**

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

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**THE CITY OF GARLAND, TEXAS**

By:

\_\_\_\_\_  
Mayor

**ATTEST:**

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

Published:

## **EXHIBIT A**

### **LEGAL DESCRIPTION**

#### **Zoning File 14-38**

BEING THAT CERTAIN 0.689 ACRE TRACT OF LAND SITUATED IN THE T.V. GRIFFIN SURVEY, ABSTRACT NO. 528, CITY OF GARLAND, DALLAS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN CALLED 15.501 ACRE TRACT OF LAND TO GARLAND-FB, LTD., BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 2001229, PAGE 10037, DEED RECORDS, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD WITH 'NOM' CAP FOUND THE MOST WESTERLY SOUTHWEST CORNER OF SAID GARLAND-FB TRACT, SAME BEING THE NORTHWEST CORNER OF LOT 1, BLOCK 1, WALGREENS-CRIST ADDITION, AN ADDITION TO THE CITY OF GARLAND, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLOT THEREOF RECORDED IN VOLUME 97102, PAGE 2450, MAP RECORDS, DALLAS COUNTY, TEXAS, SAME BEING IN THE SOUTHEAST RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 78 ( A CALLED 120' PUBLIC RIGHT-OF-WAY);

THENCE NORTH 28 DEG. 49 MIN. 50 SEC. EAST, ALONG THE COMMON LINE OF SAID GARLAND-FB TRACT, AND THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY NO. 78, A DISTANCE OF 92.52 FEET TO A 1/2 INCH IRON ROD SET WITH "PEISER & MANKIN SURV" RED PLASTIC CAP (HEREINAFTER REFERRED TO AS "1 /2 INCH IRON ROD SET) FOR ANGLE POINT, SAME BEING THE SOUTHEAST INTERSECTION OF THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY NO. 78 WITH THE SOUTHEAST RIGHT-OF-WAY LINE OF CRIST ROAD;

THENCE NORTH 44 DEG. 01 MIN. 02 SEC. EAST, ALONG THE COMMON LINE OF SAID GARLAND-FB TRACT, AND THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID CRIST ROAD, A DISTANCE OF 39.49 FEET TO A 1/2 INCH IRON ROD SET FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;



THENCE THROUGH THE INTERIOR OF SAID GARLAND-FB TRACT AS FOLLOWS:

SOUTH 76 DEG. 03 MIN. 50 SEC. EAST, A DISTANCE OF 217.09 FEET TO A 1/2 INCH IRON ROD SET FOR THE

NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 13 DE G. 56 MIN. 10 SEC. WEST, A DISTANCE OF 123.58 FEET TO A 1/2 INCH IRON ROD SET FOR THE

SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, SAME BEING IN A SOUTH LINE OF SAID GARLAND-FB TRACT, SAME BEING IN THE NORTH LINE OF AFORESAID LOT 1;

THENCE NORTH 76 DEG. 03 MIN. 50 SEC. WEST, ALONG THE COMMON LINE OF SAID GARLAND-FB TRACT, AND SAID LOT 1, A DISTANCE OF 260.66 FEET TO THE POINT OF BEGINNING AND CONTAINING 30,000 SQUARE FEET OR 0.689 ACRE OF COMPUTED LAND, MORE OR LESS.

## PLANNED DEVELOPMENT CONDITIONS

### ZONING FILE 14-38

#### On the south corner of Lavon Drive and Foster 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, 33, and 46 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 Planned Development (PD) District 01-03. Restaurant with Drive-Through requires approval of a Specific Use Permit.
  - 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. The 2-foot façade offset stipulated in Section 34.18(B)(4) of the SH 190 Development Standards shall not be required.
  - D. Dumpster Enclosure Placement: No setback is required between the dumpster enclosure and the south property line.
  - E. Signage: Attached signage shall be limited to a total of 116 square feet. Freestanding sign(s) shall be in compliance with the SH 190 Development Standards.
  - F. Development Criteria: Development shall comply with the State Highway 190 Development Standards.

### EXHIBIT B

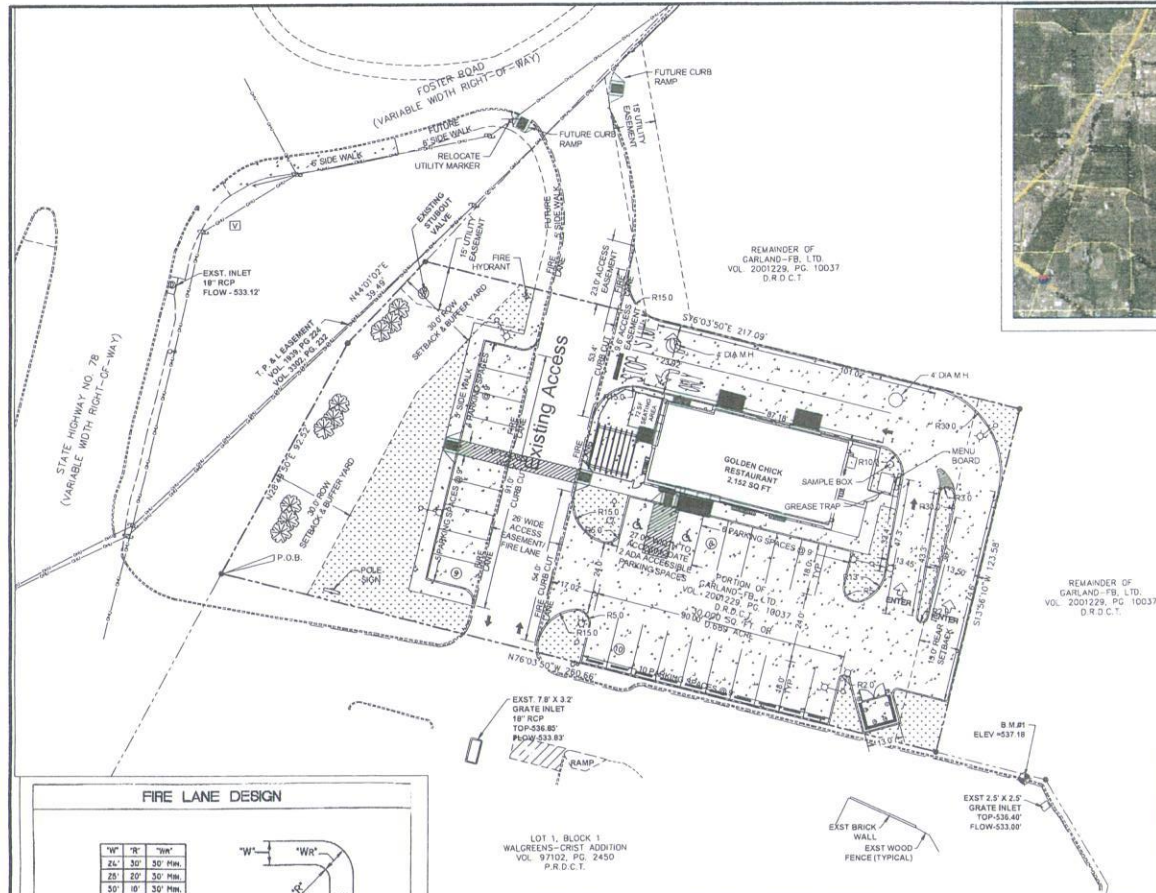
## SPECIFIC USE PERMIT CONDITIONS

### ZONING FILE 14-38

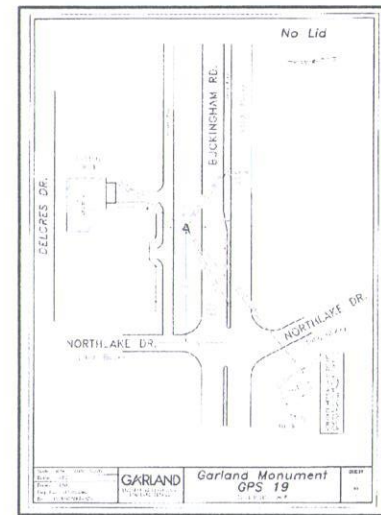
#### On the south corner of Lavon Drive and Foster Road

- 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, 33, and 46 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 effective for a period of 25 years.





VICINITY MAP  
SCALE: N.T.S.



**SHEET INDEX**

C-01	PRELIMINARY SITE PLAN
C-02	PRELIMINARY UTILITY PLAN
C-03	PRELIMINARY DRAINAGE PLAN
L1	LANDSCAPE IMPROVEMENTS

**LEGEND**

---	PROPERTY BOUNDARY LINE
---	EASEMENTS
---	EXISTING CURB AND GUTTER
---	PROPOSED SIDEWALK
---	PROPOSED CURB & GUTTER
---	LIGHT POLES
---	NUMBER OF PARKING SPACES
---	PROPOSED CONCRETE
---	LANDSCAPED AREA
---	EXIST WATER VALE

**GENERAL NOTE:**  
1) THE APPLICANT WILL BE SUBMITTING AN APPLICATION FOR AN SUP ON THIS SITE.  
2) A PLAN WILL BE COMPLETED FOR THIS SITE IN COORDINATION WITH THE CONSTRUCTION DRAWINGS THE PLAN WILL RECORD ALL PROPOSED UTILITY AND INGRESS/EGRESS EASEMENTS.

**SIDEWALK NOTE:**  
3) THE RESPONSIBILITY OF THE INSTALLATION OF ALL SIDEWALK AND CURB RAMPS THAT ARE LABELED FUTURE WILL BE DETERMINED AND CLEARLY STATED AS A RESULT OF THE PURCHASE AGREEMENT OF THE PROPERTY.

**FIRE LANE NOTE:**  
PRIOR TO SITE PERMIT PLAN SUBMITTAL, CORE SAMPLES WILL BE TAKEN FROM THE EXISTING PAVEMENT TO DETERMINE IF THE PAVEMENT IS ADEQUATE TO HANDLE FIRE TRUCK LOADING. IF THE EXISTING PAVEMENT IS INADEQUATE IT WILL BE REMOVED AND RE-POURED TO MEET CURRENT FIRE CODE REQUIREMENTS.

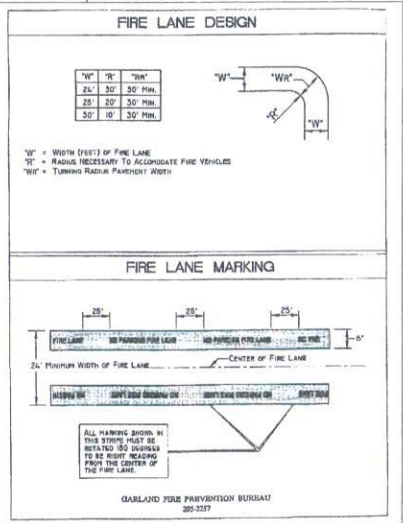
**SURVEY NOTES:**  
1. IRV - IRON ROD FOUND  
2. IRS - IRON ROD SET W/ 'PEISER & MANKIN SURVY' RED PLASTIC CAP  
3. BASIS OF BEARING - BASED ON GPS OBSERVATIONS OF 1 OF GARLAND GPS MONUMENTS 53 AND 19 AN THE TEXA COORDINATE SYSTEM (NORTH CENTRAL ZONE) - NAD83  
4. ELEVATION DRE BASED ON C.O.G. MONUMENTS 53 BRAT DISK LOCATED ON INLET AT THE SOUTHEAST INTERSECT OF BREANA WAY AND CROSSLAND DRIVE. ELEVATION 516.4. 19 BRASS DISK LOCATED AT BUCKING ROAD AND LAY STREET. ELEVATION 529.02.  
5. NO BUILDINGS LOCATED ON SITE.

**BENCHMARK:**  
BM#1: CITY OF GARLAND MONUMENT  
ELEVATION: 537.18'

THIS DRAWING IS NOT BE USED FOR CONSTRUCTION OR DEMOLITION PURPOSES. IT IS FOR PRELIMINARY DESIGN AND REVIEW PURPOSES ONLY.



EXHIBIT C



EXISTING ZONING	PD 67/04 SH150 CORRIDOR
PROPOSED USE	DRIVE THRU RESTAURANT
LOT AREA	30,000 SF
BUILDING AREA	2,152 SF
% OF LOT COVERED	7.2%
INDOOR/OUTDOOR SEATING AREA	863/772
PARKING REQUIRED - 19 SPACE + 8 SPACES	27 SPACES
# OF SPACES PROVIDED	27 SPACES
ADA ACCESSIBLE PARKING REQUIRED	1 SPACE
ADA ACCESSIBLE PARKING PROVIDED	2 SPACES
BUILDING SETBACK (SH150)	20'
BUILDING SETBACK (FOSTER RD, SH78)	30'
BUILDING SETBACK REAR	15'
LANDSCAPE BUFFER (FOSTER RD)	10'
LANDSCAPE BUFFER (SH 78)	30'
PARKING AREA	107,063.3 SF
LANDSCAPING (5% MIN)	13,354 SF = 12.5%

**ARCHITECT**  
EJES INCORPORATED  
12655 NORTH CENTRAL EXPY., SUITE 500  
DALLAS, TX 75243  
PHONE (214) 343-1210

**ENGINEER**  
KJE  
109 S. OAKLAND ST.  
DENTON, TX 76201  
PHONE (940) 387-0805  
FAX (940) 387-0830  
EMAIL: PYOTR@KJENVIRONMENTAL.COM

**CLIENT**  
GFC LEASING CORP., LLC  
131 ROCKINGHAM DRIVE, SUITE 250  
RICHARDSON, TX 75080  
CONTACT: LARRY NELSON  
PHONE (512) 568-1779

**CITY**  
GARLAND, TX PLANNING DIVISION  
800 MAIN STREET GARLAND, TX 75040  
PHONE (972) 205-2445  
EMAIL: PLANNER@GARLANDTX.GOV

NO.	REVISION	DESCRIPTION	DATE
-----	----------	-------------	------

**KJE**  
616 S. Carroll Blvd.  
Denton, Texas 76201  
Phone (940) 387-0805  
Fax (940) 387-0830

**GOLDEN CHICK RESTAURANT**  
CASE #140717-2  
GARLAND-FB.LTD  
VOL. 2001229 PG. 10037

**SITE ADDRESS:**  
2602 CRIST ROAD  
GARLAND, TEXAS

**SITE PLAN**

DATE: AUG 2014 SHEET: C-01  
DRAWN BY: RAW  
CHECKED BY: PG  
SCALE: AS NOTED

# LANDSCAPE CALCULATIONS AND INFORMATION

SITE INFORMATION:  
 LOT AREA: 0.689 AC. (30,000 S.F.)  
 ZONING: COMMERCIAL

## LANDSCAPE CALCULATIONS

### 30 FT LANDSCAPE BUFFER PLANTINGS

REQUIRED: 4 - 4 INCH CALIPER SHUMARD OAK (RED)  
 PROVIDED: 4 - 4 INCH CALIPER SHUMARD OAK (RED)

### MINIMUM SITE AREA LANDSCAPING

REQUIRED LANDSCAPE AREA: 30,000 x 10% = 3,000 S.F.  
 PROVIDED LANDSCAPE AREA: 8,428 S.F.

### MINIMUM PKG LOT AREA LANDSCAPING

REQUIRED AREA: PKG LOT AREA x 5% = 4,375 x 5% = 219 S.F.  
 PROVIDED AREA: 285 S.F.

### TREES REQUIRED:

1 TREE/10 SPCS x 27 SPCS = 2.7 = 3 TREES

### TREES PROVIDED:

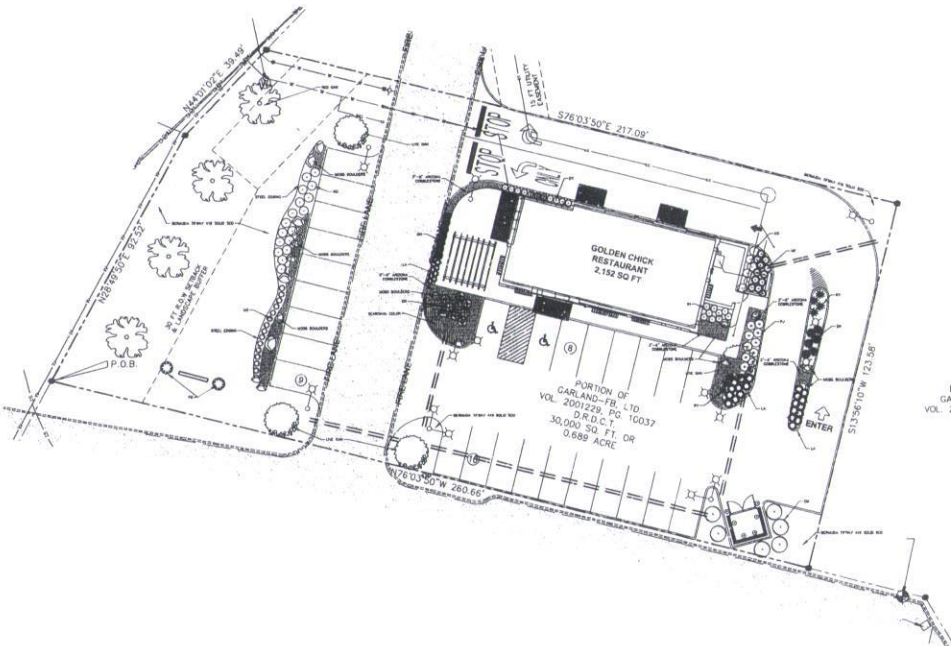
LARGE CANOPY TREES: 4  
 ORNAMENTAL TREES: 6

### PARKING LOT SCREENING

PARKING SPACE SCREENING PROVIDED BY CONTINUOUS ROW OF MINIMUM 24 INCH TALL SHRUBS

### 30 FT LANDSCAPE BUFFER PLANTINGS

REQUIRED: 4 - 4 INCH CALIPER SHUMARD OAK (RED)  
 PROVIDED: 4 - 4 INCH CALIPER SHUMARD OAK (RED)

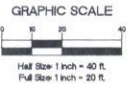


REMAINDER OF  
 GARLAND-FB, LTD.  
 VOL. 2001229, PG. 10037  
 D.R.O.C.T.

PLANT LIST										
SYMBOL	KEY	QTY	UNITS	COMMON NAME	SCIENTIFIC NAME	CALIPER	HEIGHT	SPREAD	ROOT	REMARKS
	RO	4	EA.	Shumard Red Oak	Quercus shumardii	4.0" min.	10'-12"	6'-8"	8" B & B or 24" Box/Container	Single Trunk
	LO	4	EA.	Live Oak	Quercus virginiana	3.5" min.	10'-12"	8'-10"	8" B & B or 24" Box/Container	Single Trunk
	CM	6	EA.	Drape Myrtle Dallas Red	Lagerstroemia indica Dallas Red	Multi-Trunk	min. 8'	NA	15 Gal.	N/A
	RY	25	EA.	Red Yucca	Hesperaloe parviflora	N/A	36"	24"	3 Gal.	36" O.C.
	IH	9	EA.	Indian Hawthorne	Raphanopsis indica	N/A	36"	24"	3 Gal.	36" O.C.
	KD	23	EA.	Knockout Roses (Red)	Rosa "Redrazz"	N/A	36"	24"	3 Gal.	36" O.C.
	LA	32	EA.	Lantana 'Old Gold'	Lantana canariensis	N/A	N/A	24"	1 Gal.	24" O.C.
	DY	11	EA.	Dwarf Flamingo	Ilex vomitoria "Nana"	N/A	N/A	24"	1 Gal.	24" O.C.
	PJ	11	EA.	Blue Pacific Juniper	Juniperus Pacifica	N/A	N/A	24"	3 Gal.	24" O.C.
	DH	9	EA.	Dwarf Hameln Grass	Pennisetum Alopecuroides	N/A	N/A	24"	3 Gal.	24" O.C.
	MF	12	EA.	Mexican Feathergrass	Nassella tenuissima	N/A	N/A	24"	1 Gal.	24" O.C.
	DR	8	EA.	Drift Roses (Apricot)	Rosa "Maurora" Bloom	N/A	N/A	24"	1 Gal.	24" O.C.
	MG	14	EA.	Miscanthus Grass	Miscanthus Sinensis	N/A	N/A	24"	5 Gal.	24" O.C.
	PG	2	EA.	Pampas Grass	Carludera Seliana	N/A	N/A	24"	3 Gal.	24" O.C.
	SC	N/A	EA.	Seasonal Color	Assorted Annual Flowers	N/A	N/A	N/A	N/A	6" O.C.
	MB	16	EA.	Mass Covered Boulder	N/A	N/A	N/A	N/A	N/A	500# Min.
	RR	N/A	S.F.	Arizona River Rock	3"-6" depth	N/A	N/A	N/A	N/A	N/A

## LANDSCAPING NOTES:

1. AN AUTOMATED IRRIGATION SYSTEM SHALL BE INSTALLED PRIOR TO THE PLANTING OF ANY NEW PLANT MATERIAL. TREES SHALL RECEIVE BUBBLERS, ALL FLOWER BEDS SHALL RECEIVE LOW-VOLUME (DRIP) IRRIGATION, AND TURF AREAS SHALL RECEIVE MP ROTATOR HEADS.
2. THE PROPERTY OWNER, TENANT, OR AGENT SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPING DURING THE WARRANTY PERIOD HAS EXPIRED. THE OWNER OR THEIR REP SHALL THEN BE RESPONSIBLE FOR ALL REQUIRED LANDSCAPING IN A HEALTHY, NEAT, ORDERLY, AND LIVE-GROWING CONDITION AT ALL TIMES. THIS SHALL INCLUDE MOWING, EDGING, FERTILIZING, WATERING, WEEDING, AND OTHER SUCH ACTIVITIES COMMON TO THE MAINTENANCE OF LANDSCAPING. LANDSCAPED AREAS SHALL BE KEPT FREE OF TRASH, LITTER, WEEDS, AND OTHER SUCH MATERIAL OR PLANTS NOT PART OF THE LANDSCAPING. PLANT MATERIALS THAT DIE SHALL BE REPLACED WITH PLANT MATERIALS OF SIMILAR VARIETY AND SIZE.
3. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE BASED ON EXISTING RECORDS. FINAL LOCATION OF THESE UTILITIES AND ANY OTHERS NOT SHOWN SHOULD BE VERIFIED BY CONTACTING THE UTILITY OWNERS AND 1811 PRIOR TO DIGGING.
4. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL QUANTITIES ON THE PLAN. SUBSTITUTIONS FOR THE TREE AND SHRUB SELECTIONS ON THIS LANDSCAPE PLAN ARE ACCEPTABLE, CONTINGENT TO APPROVAL BY LANDSCAPE DESIGNER, PRIOR TO PLANTING AND APPROVAL BY THE CITY.



Cornerstone Landscape Services  
 1531 W. Kipatrick  
 Cleburne, Texas 76033  
 817-558-1221

EXHIBIT D



LANDSCAPE PLAN  
 DATE: 10/16/2014  
 DRAWN BY: RSG  
 CHECKED BY: RSG

SHEET:  
 L1





Material Totals	
Tile	1%
White Stone	37%
Brick	59%
Cast Stone	2%
Black Brick	1%
Material Total	100%

**SEARS**  
ROEBUCK & CO.

1986 CATALOG REPRESENTATIVE, SUITE 500  
2000 W. 15TH AVE.  
CHICAGO, IL 60604  
(312) 214-545-1318  
(312) 214-545-3085  
(312) 214-545-3085

8007 FARMERS PLACE STE 511  
CHICAGO, IL 60631  
(7) 846-833-7566  
(7) 214-545-3085  
(7) 214-545-3085

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Drawn by: DP  
Checked by: RK

Oct. 31, 1986 Sears, Roebuck & Co. Catalogue Company, Inc.

**FOR CITY  
REVIEW ONLY**

**EXTERIOR ELEVATIONS**

**GOLDEN CHICK**  
**2602 CHRIST ROAD**  
**GARLAND, TX 75040**

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

SCALE:  
AS NOTED

PROJECT NO.  
036-09

SHEET NO.  
A4.0

NOTICE: These plans are instruments of professional service and are provided by contract law. They may not be reproduced or used for any purposes without the written consent of L&L, PC, and Robert King, MD, a Texas Licensed Architect and associated project consultants.



# City Council Item Summary Sheet

☐ Work Session

☒ Agenda Item

Date: November 18, 2014

## Zoning Ordinance

### Summary of Request/Problem

Zoning Ordinance 14-39 Fourth Avenue Investments 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**

**ORDINANCE NO.**

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING A CHANGE IN ZONING FROM PLANNED DEVELOPMENT (PD) DISTRICT 84-25 AND 99-43 FOR GENERAL BUSINESS USES AND NEIGHBORHOOD SERVICE USES TO A PLANNED DEVELOPMENT (PD) DISTRICT FOR SINGLE FAMILY USES AND A DETAIL PLAN FOR SINGLE FAMILY HOMES ON A 6.606-ACRE TRACT OF LAND LOCATED NORTH OF THE INTERSECTION OF APOLLO ROAD AND WEST BRAND ROAD; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

**WHEREAS**, at its regular meeting held on the 13th day of October, 2014, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Fourth Avenue Investments, LLC**, and

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

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

**Section 1.**

Ordinance No. 4647 is hereby amended by approving a change in zoning from Planned Development (PD) Districts 84-25 and 99-43 for General Business Uses and Neighborhood Service Uses to a Planned Development (PD) District for Single Family Uses and a Detail Plan for single family homes, on a 6.06-acre tract of land located north of the intersection of Apollo Road and West Brand 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.**



FILE NO. 14-39

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

**Section 5.**

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

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**THE CITY OF GARLAND, TEXAS**

By:

\_\_\_\_\_  
Mayor

**ATTEST:**

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

Published:

## **EXHIBIT A**

### **LEGAL DESCRIPTION**

#### **Zoning File 14-39**

Being a 5.0001 acre tract of land situated in the Onofre Alvarado Survey, Abstract No. 2, City of Garland, Dallas County, Texas, and being all of that certain called 5.00 acre tract of land conveyed to The Rosewood Corporation, by deed recorded in Volume 84054, Page 1922, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a City of Garland Monument stamped "Charleston Commons" found for the westerly southwest corner of Charleston Commons No. 1, an addition in the City of Garland, according to the plat thereof recorded in Volume 2001243, Page 139, Plat Records, Dallas County, Texas, said point also being the westerly northwest corner of a called 1.606 acre tract of land conveyed to Brand Road Joint Venture, by deed recorded in Volume 2004116, Page 6280, Deed Records, Dallas County, Texas, said point being in the north easterly right-of-way line of Apollo Road, (a variable width right-of-way);

THENCE S 46°46'47" E, along the westerly line of said called 1.606 acre tract, and along the north easterly right-of-way line of said Apollo Road, a distance of 150.00 feet to a 1/2" iron rod set for the westerly southwest corner of said called 1.606 acre tract, same being the westerly northwest corner of said called 5.00 acre tract, and the POINT OF BEGINNING;

THENCE N 44°19'41" E, along the common lines of said Called 1.606 acre tract and said called 5.00 acre tract, a distance of 466.74 feet to a 1/2" iron rod set for the easterly southeast corner of said called 1.606 acre tract, same being the easterly northeast corner of said called 5.00 acre tract, and being in the southerly line of Lot 1, Block 1, Garland Trails Apartments, an addition in the City of Garland, according to the plat thereof recorded in Volume 80238, Page 408, Plat Records, Dallas County, Texas;

THENCE S 46°46'47" E, along the common line of said called 5.00 acre tract and said Lot 1, Block 1, passing the common corner of said Lot 1, Block 1, and Lot 1, Block 1, Sterling Addition, an addition in the City of Garland, according to the plat thereof recorded in Volume 84202, Page 3503, Plat Records, Dallas County, Texas at a distance of 296.74 feet, and continuing a total distance of 466.74 feet to a 1/2 inch iron rod set for the easterly southeast corner of said called 5.00 acre tract, same being the westerly southwest corner of said Lot 1, Block 1, Sterling Addition, and being in the northwesterly right-of-way line of Brand Road (an 80.00 foot right-of-way);

THENCE S 44°19'41" W, along the south easterly line of said called 5.00 acre tract and the northwesterly right-of-way line of said Brand Road, a distance of 466.74 feet to a 1/2 inch iron rod set for the westerly southwest corner of said called 5.00 acre tract, and



being the northerly northeast intersection of said Brand Road, and Apollo Road;

THENCE N 46°46'47" W, along the southwesterly line of said called 5.00 acre tract, and along the north easterly right-of-way line of said Apollo Road, a distance of 466.74 feet to the POINT OF BEGINNING and containing 217,805 square feet or 5.0001 acres of land more or less AND

Being a 1.6070 acre tract of land situated in the Onofre Alvarado Survey, Abstract No. 2, City of Garland, Dallas County, Texas, and being all of that certain called 1.606 acre tract of land conveyed to Brand Road Joint Venture, by deed recorded in Volume 2004116, Page 6280, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a City of Garland Monument stamped "Charleston Commons" found for the westerly southwest corner of Charleston Commons No. 1, an addition in the City of Garland, according to the plat thereof recorded in Volume 2001243, Page 139, Plat Records, Dallas County, Texas, said point also being the westerly northwest corner of said called 1.606 acre tract, said point being in the north easterly right-of-way line of Apollo Road, (a variable width right-of-way);

THENCE N 44°19'38" E, along the common lines of said called 1.606 acre tract and said called and said Charleston Commons No. 1, a distance of 466.74 feet to a 1/2" capped iron rod found stamped "3963" for the southerly southeast corner of said Charleston Commons No. 1, same being the easterly northeast corner of said called 1.606 acre tract, and being in the southerly line of Lot 1, Block 1, Garland Trails Apartments, an addition in the City of Garland, according to the plat thereof recorded in Volume 80238, Page 408, Plat Records, Dallas County, Texas;

THENCE S 46°46'47" E, along the common line of said called 1.606 acre tract and said Lot 1, Block 1, a distance of 150.01 feet to a 1/2 inch iron rod set for the easterly southeast corner of said called 1.606 acre tract, same being the easterly northeast corner of a called 5.00 acre tract of land conveyed to The Rosewood Corporation, by deed recorded in Volume 84054, Page 1922, Deed Records, Dallas County, Texas;

THENCE S 44°19'41" W, along the common line of said called 1.606 acre tract and said called 5.00 acre tract, a distance of 466.74 feet to a 1/2 inch iron rod set for the westerly southwest corner of said called 1.606 acre tract, and being the westerly northwest corner of said called 5.00 acre tract, and being in the north easterly right-of-way line of said Apollo Road;

THENCE N 46°46'47" W, along the southwesterly line of said called 1.606 acre tract, and along the north easterly right-of-way line of said Apollo Road, a distance of 150.00 feet to the POINT OF BEGINNING and containing 70,000 square feet or 1.6070 acres of land more or less. This property is located north of the intersection of Apollo Road and West Brand Road

## PLANNED DEVELOPMENT CONDITIONS

### ZONING FILE 14-39

#### North of the intersection of Apollo Road and West Brand Road

- I. **Statement of Purpose:** The purpose of this Planned Development District is to permit the development of a single-family subdivision subject to conditions.
- II. **Statement of Effect:** This Planned Development shall not affect any regulation found in the Comprehensive Zoning Ordinance. Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Single Family Dwelling (SF/7/D/3) District set forth in Section 17-510, Section 18 and 18-300 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as specified in this ordinance
- IV. **Development Plans:**

Detail Plan: Development shall be in general conformance with the Detail Plan set forth in Exhibit C. Any conflicts between the Detail Plan and the following conditions, the conditions shall apply.

#### IV. **Specific Regulations:**

- A. Permitted uses: Only a single-family residential development shall be permitted.
- B. Minimum lot size: The minimum lot size is 4,400 square feet with the average lot size of 5,380 square feet.
- C. Minimum dwelling unit size: The minimum dwelling unit size is 1,800 square feet with the following provisions:
  - 30% of the dwelling units shall not be less than 1,800 square feet
  - 20% of the dwelling units shall not be less than 2,000 square feet
  - 25% of the dwelling units shall not be less than 2,200 square feet
  - 25% of the dwelling units shall not be less than 2,400 square feet
- D. Minimum lot width: Fifty (50) feet at the building line.
- E. Minimum lot depth: Ninety (90) feet.
- F. Maximum lot coverage: 60%



G. Building setbacks:

Minimum front yard setback: Ten (10) feet. The minimum front yard building setbacks for garages shall be twenty (20) feet.

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

Minimum side yard setback adjacent to street (interior streets): Fifteen (15) feet.

Minimum rear yard setback: Fifteen (15) feet. Covered porches/patios, awnings, stoops and other similar attached coverings to the rear elevation may extend up to five (5) feet within the rear yard setback.

H. Garages: A minimum two-car garage shall be required for each dwelling unit. Garage doors shall be faux wood (metal with wood grain appearance) with carriage hardware to accentuate the door.

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

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

- a) Multiple pane (divided light and simulated divided light) windows;
- b) Decorative columns (min. 6" diameter) and 30" minimum height railings enclosing the front porch area;
- c) Gable with window;
- d) Dormer;
- e) Bay windows with a minimum projection of twenty-four inches (24");
- f) Minimum 8:12 roof pitch;
- g) Split garage doors (i.e., a separate door for each vehicle bay).

K. Minimum number of elevations: No single building elevation shall be duplicated with the next two houses adjacent to it on either side. (ex: house A, house B, house C, house A, house B, house C, etc.)

L. Landscaping: Each home shall have a minimum of one (1) 2" caliper tree planted in the front yard that is either a Live Oak or Red Oak. Landscaping within the common areas and along the screening walls shall be provided as identified on the landscape plan (Exhibit D).

M. Screening: A 6-foot high masonry wall shall be installed along the perimeter of the property adjacent to Apollo Road and West Brand

Road. The portion of the screening wall along the emergency access lot shall be ornamental iron fence in accordance with Exhibit E.

- N. Alleys: Alleys shall not be required with this development.
- O. Common Area: Two (2) common areas shall be provided as identified on Exhibit C.
- P. Homeowners Association: A Homeowners Association shall be incorporated and each lot/homeowner shall be a mandatory member. The bylaws of this association shall establish a system of payment of dues; a system of enforcement of its rules and regulations; shall provide a clear and distinct definition of the responsibility of each member; and other provisions as deemed appropriate to secure a sound and stable association. The Bylaws for this association shall be submitted to the Director of Planning for review and approval prior to commencement of construction of any infrastructure improvements within the subdivision.
- Q. Maintenance of Open Space, Landscaped Areas, Entry Features and Other Amenities: Maintenance of all open space, common areas, landscaped areas and all entry features including any allowed within the street medians, irrigation, perimeter fencing and other amenities shall be the responsibility of the Homeowner's Association.



**EXHIBIT C**

LOT	BLOCK	S.F.	AC
01	A	3,546.07	0.131
02	A	4,250.00	0.109
03	A	4,750.00	0.109
04	A	4,750.00	0.109
05	A	4,750.00	0.111
06	A	15,914.50	0.363
07	A	3,209.11	0.073
08	A	4,750.00	0.108
09	A	4,500.00	0.103
10	A	4,500.00	0.103
11	A	4,500.00	0.103
12	A	4,500.00	0.103
13	A	4,750.00	0.131
14	A	13,125.00	0.302
15	A	6,743.14	0.156
16	A	3,125.00	0.071
17	A	5,544.04	0.124
18	A	5,125.00	0.117
19	A	4,742.49	0.109
20	A	4,750.00	0.109
21	A	5,180.22	0.120
22	A	4,808.63	0.108
23	A	4,808.63	0.108
24	A	4,808.63	0.108
25	A	4,808.63	0.103
26	A	4,808.63	0.103
27	A	4,403.42	0.101
28	A	4,403.42	0.101
29	A	4,403.42	0.125
30	A	412.39	0.009
31	B	3,323	0.076
32	B	5,084.28	0.116
33	B	5,084.28	0.116
34	B	5,084.28	0.116
35	B	5,084.28	0.116
36	B	5,084.28	0.134
37	B	5,763.34	0.130
38	B	5,084.28	0.116
39	B	5,084.28	0.116
40	B	5,084.28	0.116
41	B	5,084.28	0.116
42	B	5,084.28	0.116
43	B	5,084.28	0.116
44	B	5,084.28	0.116
45	B	5,084.28	0.116
46	B	5,084.28	0.116
47	B	5,084.28	0.116
48	B	5,084.28	0.116
49	B	5,084.28	0.116
50	B	5,084.28	0.116
51	B	5,084.28	0.116
52	B	5,084.28	0.116
53	B	5,084.28	0.116
54	B	5,084.28	0.116
55	B	5,084.28	0.116
56	B	5,084.28	0.116
57	B	5,084.28	0.116
58	B	5,084.28	0.116
59	B	5,084.28	0.116
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62	B	5,084.28	0.116
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64	B	5,084.28	0.116
65	B	5,084.28	0.116
66	B	5,084.28	0.116
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69	B	5,084.28	0.116
70	B	5,084.28	0.116
71	B	5,084.28	0.116
72	B	5,084.28	0.116
73	B	5,084.28	0.116
74	B	5,084.28	0.116
75	B	5,084.28	0.116
76	B	5,084.28	0.116
77	B	5,084.28	0.116
78	B	5,084.28	0.116
79	B	5,084.28	0.116
80	B	5,084.28	0.116
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84	B	5,084.28	0.116
85	B	5,084.28	0.116
86	B	5,084.28	0.116
87	B	5,084.28	0.116
88	B	5,084.28	0.116
89	B	5,084.28	0.116
90	B	5,084.28	0.116
91	B	5,084.28	0.116
92	B	5,084.28	0.116
93	B	5,084.28	0.116
94	B	5,084.28	0.116
95	B	5,084.28	0.116
96	B	5,084.28	0.116
97	B	5,084.28	0.116
98	B	5,084.28	0.116
99	B	5,084.28	0.116
100	B	5,084.28	0.116

\* OPEN SPACE LOTS

CURRENT ZONING  
(PD 99-43....ORD. NO. XXXX)

### PD CRITERIA

**Alley** **Wavier Requested**

**Minimum Lot Width - 50 FT.**

**Minimum Lot Depth - 90 FT.**

**Minimum Lot Area - 4400 SF.**

**Maximum Lot Coverage - 60%**

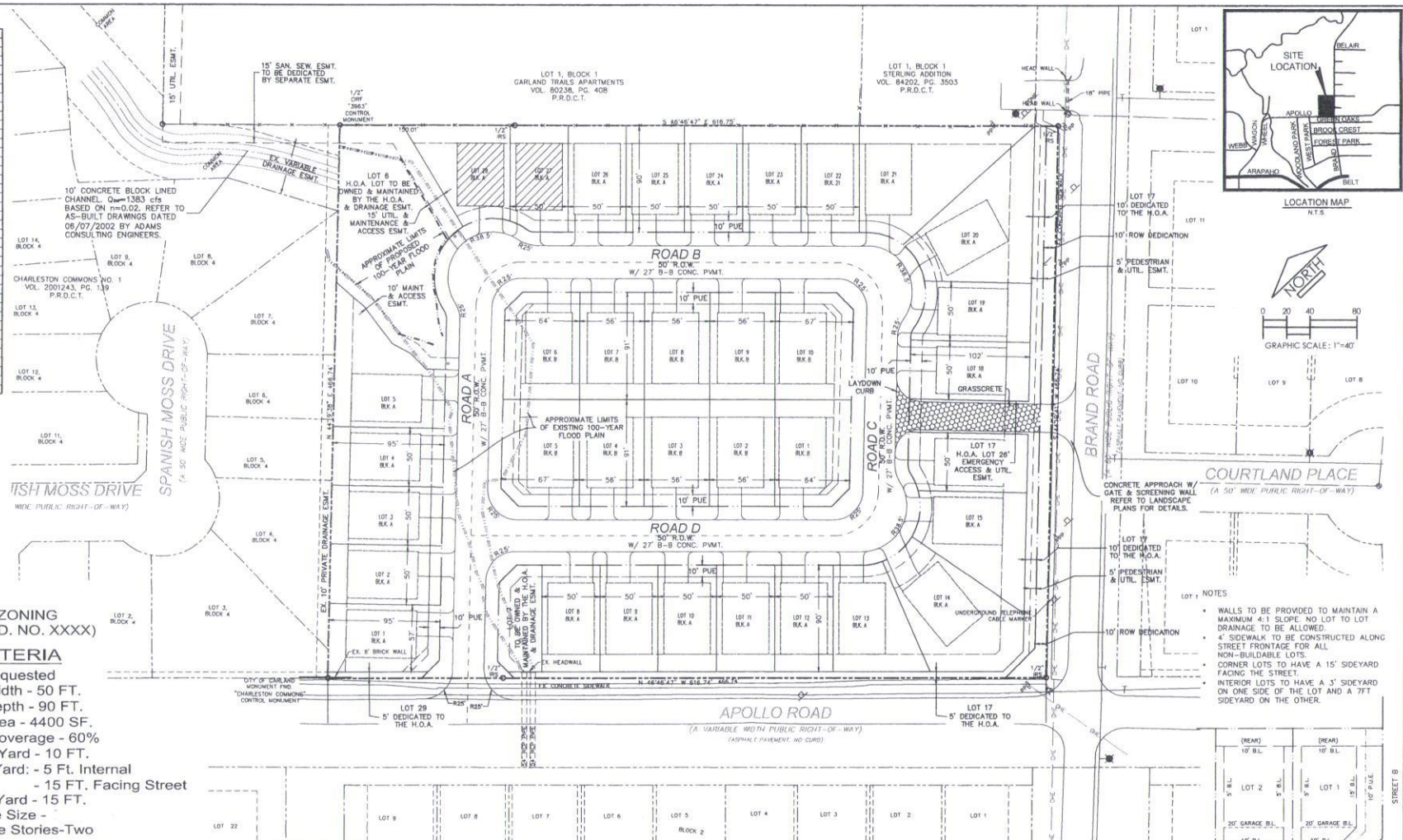
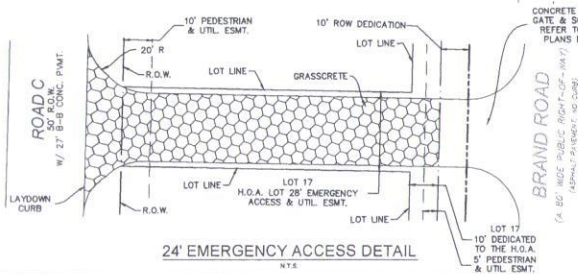
**Minimum Front Yard - 10 FT.**

**Minimum Side Yard:** - 5 Ft. Internal  
- 15 Ft. Facing Street

**Minimum Rear Yard - 15 FT.**

**Minimum House Size -**

**Maximum House Stories-Two**



OWNER:  
BRAND ROAD JV  
925 22ND STREET SUITE 100  
PLANO, TX 75074  
  
ROSEWOOD PROPERTY COMPANY  
2101 CEDAR SPRINGS ROAD, SUITE 600  
DALLAS, TX 75201

**DEVELOPER:**  
FOURTH AVENUE INVESTMENTS  
PO BOX 707  
ALLEN, TX. 75013

TOTAL TRACT AREA - 6.606 ACRES  
DEVELOPMENT AREA - 5.942 ACRES  
OPEN SPACE LOTS - 0.664 ACRES  
35 RESIDENTIAL LOTS  
4 HOA LOTS

**BENCHMARKS:**

1. CITY OF GARLAND STANDARD MONUMENT # 12 SET IN AN INLET ON THE WEST SIDE OF WAGON WHEEL AT THE NORTH WEST INTERSECTION OF WAGON WHEEL AND LAKE STONE DRIVE. ELEVATION = 556.48

2. CITY OF GARLAND STANDARD MONUMENT # 13 SET 101.66' NORTH OF A CONCRETE ALLEY AND 92' WEST OF THE CENTERLINE OF APOLLO ROAD HAVING AN AZIMUTH OF 00°00'00" 102.78' FROM THE NORTHEAST CORNER OF A PARKING LOT AT THE 506 BLOCK OF APOLLO ROAD. ELEVATION =

THIS DOCUMENT IS  
RELEASED FOR THE  
PURPOSE OF INTERIM  
REVIEW UNDER THE  
AUTHORITY OF  
C. MICHAEL DANIEL  
TX. P.E. NO. 62457.  
IT IS NOT TO BE USED FOR  
CONSTRUCTION OR PERMIT  
PURPOSES

REVISIONS	DATE

**NDM**  
Two Northpa  
Dallas, Tex

**NATHAN D. MAIER**  
CONSULTING ENGINEERS, INC.  
TEXAS FIRM REGISTRATION NO. F-356  
TBPES REG. NO. 10089-00  
[WWW.NDCM.COM](http://WWW.NDCM.COM)  
8080 Park Lane • Suite 600  
Dallas, TX 75231 • 214.739.4741

DETAIL PLAN

WINCHESTER COMMONS  
APOLLO & BRAND TRACT  
CITY OF GARLAND, DALLAS COUNTY, TEXAS

Case # 140123-2

	SHEET NO. 1 3
--	---------------------

Two Northpark • 8080 Park Lane • Suite  
Dallas, Texas 75231 • 214.739.4741

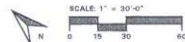
DESIGN	DRAWN	SCALE	DATE	NOTES
NDMCE	NDMCE	1" = 40'	9/17/14	

NOTES	JOB NUMBER
	14-006A



PLANT LEGEND	
SYMBOL	COMMON NAME
BC	Bald Cypress
CM	Coarse Myrica 'Noveborac'
HM	Halepyna Hoagland
SC	Shoreland Cedar
WC	Wetland Cypress

RETURN TO L4.02 LIGHT PLANT LIST



• 4245 North Central Expy  
• Suite 501  
• Dallas, Texas 75205  
• 214.865.7192 office



REVISIONS	DATE
CITY COMMENTS	10/08/14



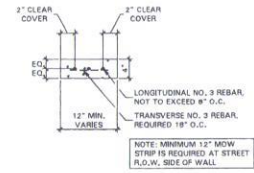
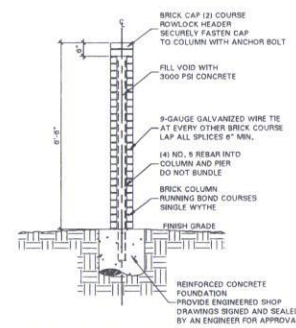
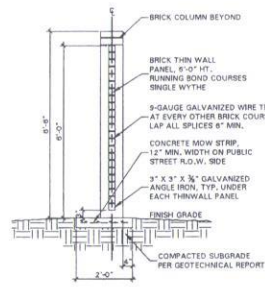
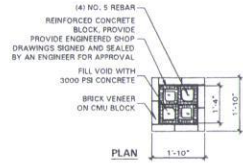
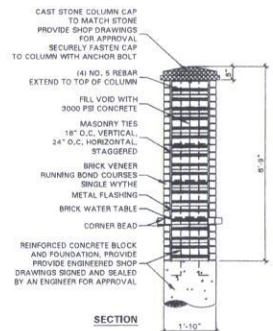
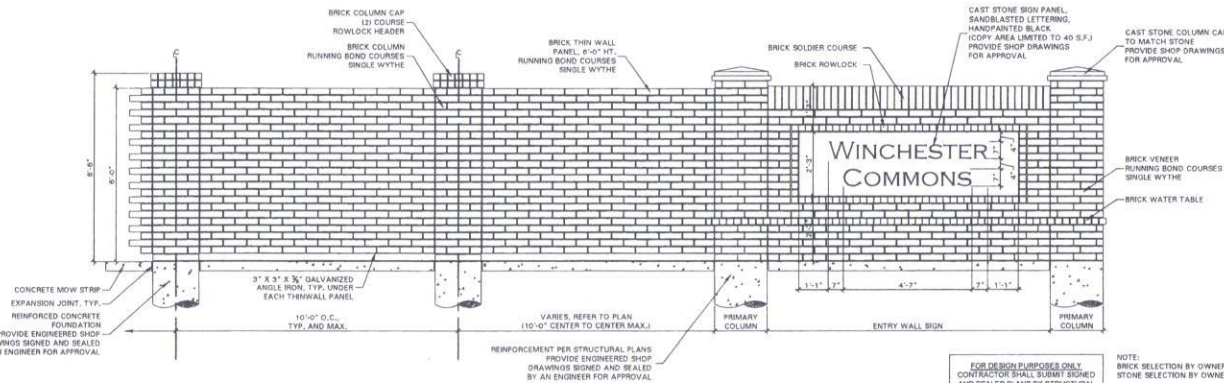
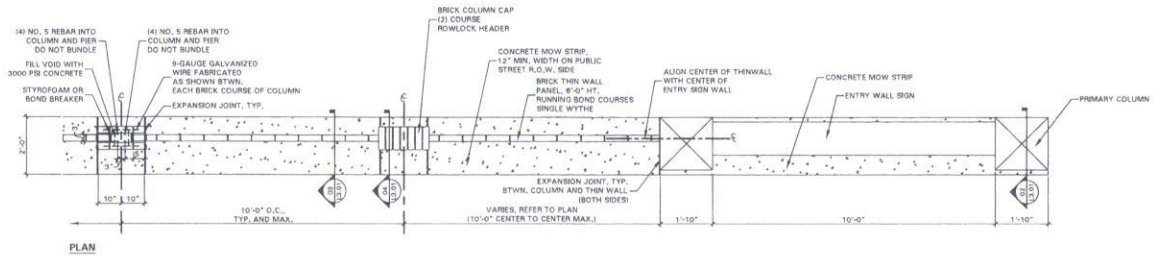
**NATHAN D. MAIER**  
CONSULTING ENGINEERS, INC.  
TEXAS FIRM REGISTRATION NO. F-356  
TBPES REG. NO. 100189-00  
WWW.ND-CE  
8080 Park Lane, Suite 600  
Dallas, Texas 75231 • 214.739.4741

LANDSCAPE PLAN  
APOLLO & BRAND TRACT  
CITY OF GARLAND, DALLAS COUNTY, TEXAS

DESIGN	DRAWN	SCALE	DATE	NOTES	JOB NUMBER
EAH	EAH	1" = 30'-0"	10/26/14		1400A-A

SHEET NO.  
L4.01





**02 PRIMARY COLUMN SECTION**

SCALE: 1/2" = 1'-0"

**03 BRICK THIN WALL SECTION**

SCALE: 1/2" = 1'-0"

**04 BRICK COLUMN SECTION**

SCALE: 1/2" = 1'-0"

**05 MOW STRIP DETAIL**

SCALE: 1" = 1'-0"



4245 North Central Expy  
Suite 501  
Dallas, Texas 75205  
214.865.7792



REVISIONS	DATE
CRY COMMENTS	10/08/14

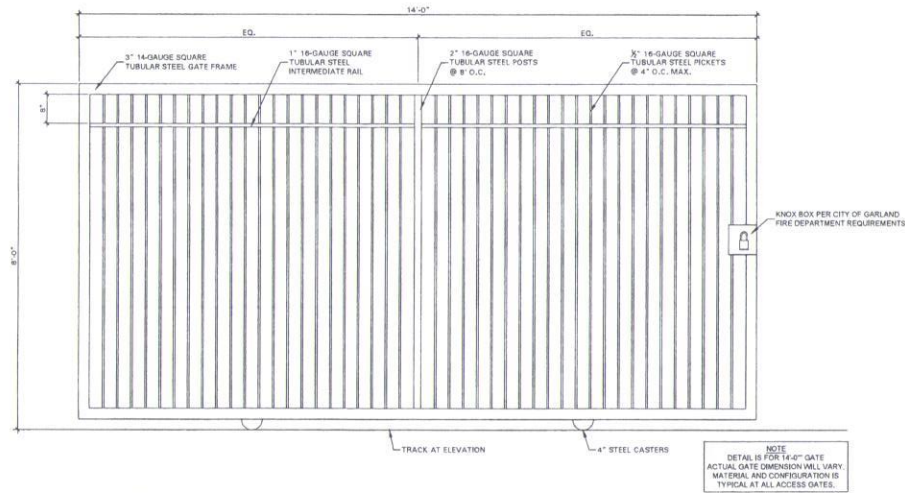
**NDM** NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
15445 W. ROSS RD. #100-100  
IRVING, TEXAS 75039-1000  
WWW.NDM.COM

Two Northpark - 8080 Park Lane - Suite 600  
Dallas, Texas 75231 - 214.739.4741

DETAILS					SHEET NO.
APOLLO & BRAND TRACT					L3.01
CITY OF GARLAND, DALLAS COUNTY, TEXAS					
DESIGN	DRAWN	SCALE	DATE	NOTES	JOB NUMBER

# CITY OF GARLAND SCREENWALL NOTES

- ALL DIMENSIONS SHALL BE MEASURED FROM THE BACK OF CURB, TYPICAL.
- PRIMARY COLUMNS SHALL BE ALIGNED WITH THE INSIDE OF THE PROPERTY LINE WHERE SHOWN.
- ALL MASONRY SCREENWALLS AND COLUMNS SHALL BE LOCATED INSIDE THE 3' WALL EASEMENT AND SHALL NOT BE LOCATED IN UTILITY EASEMENTS.
- ALL CONCRETE SHALL BE CLASS "A" @ 28 DAYS.
- ALL REINFORCING STEEL BARS SHALL BE ASTM A-615-GRADE 60.
- ALL MORTAR JOINTS SHALL BE 3/8" TOOLED CONCAVE TYPE. RAKED JOINTS ARE NOT PERMITTED.
- ALL WALLS SHALL BE A MINIMUM OF SIX FEET IN HEIGHT AS MEASURED FROM THE HIGHEST ADJACENT SIDEWALK, ALLEY, OR GRADE LEVEL.
- THIN WALL PANELS SHALL BE TOTALLY ISOLATED FROM COLUMN MASONRY.
- CONSTRUCT MOW STRIP PRIOR TO CONSTRUCTING THIN WALL PANEL.
- ALL 9 GAUGE MASONRY REINFORCING SHALL BE HOT DIP GALVANIZED ASTM A-153 CLASS B2 WITH 1.5 OZ. PER SQUARE FOOT ZINC COATING. LAP ALL 9 GAUGE SPLICES 8" MINIMUM. PROVIDE 3/4" MORTAR COVER MINIMUM.
- ALL BRICK SHALL BE 3,000 PSI FACING BRICK EXPOSURE SW MINIMUM, CONFORMING TO ASTM C216.
- ALL MORTAR SHALL BE TYPE S OR TYPE M, CONFORMING TO ASTM C270.
- ALL BRICK, CMU, OR STONE SHALL BE FULLY SUPPORTED BY 3" x 3" x 3/4" GALVANIZED STEEL ANGLE, CONCRETE FOOTING, OR PIER CAP.
- THESE STANDARDS ARE FOR SCREENING WALLS WHICH ARE REQUIRED BY THE CITY OF GARLAND SCREENING AND LANDSCAPE STANDARDS. PRIVACY FENCES ARE REGULATED BY A SEPARATE CITY ORDINANCE.
- MASONRY SCREENWALL CONSTRUCTION SHALL EQUAL OR EXCEED THE REQUIREMENTS SET FORTH IN THE CITY OF GARLAND'S STANDARD CONSTRUCTION DETAILS.
- CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE "RECOMMENDED PRACTICE FOR ENGINEERED BRICK MASONRY" BRICK OF AMERICA.
- CONTRACTOR SHALL BE REQUIRED TO CONSTRUCT A SAMPLE PANEL, OR SITE, 6'-0" HT. BY 10'-0" LONG, FOR APPROVAL BY THE OWNER'S AUTHORIZED REPRESENTATIVE PRIOR TO COMMENCING WORK.



01 EMERGENCY ACCESS  
METAL VEHICULAR GATE  
SCALE: 1/2" = 1'-0"



4245 North Central Expy  
Suite 501  
Dallas, Texas 75205  
214.865.7192



REVISIONS	DATE
CITY COMMENTS	10/08/14

**NDM** NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TEXAS REG. NO. 000102110; K-266  
1845 REG. NO. 10018500  
WWW.NDM-CE.COM

Two Northpark - 8080 Park Lane - Suite 600  
Dallas, Texas 75231 - 214.739.4741

DETAILS						SHEET NO.
APOLLO & BRAND TRACT						L3.02
CITY OF GARLAND, DALLAS COUNTY, TEXAS						
DESIGN	DRAWN	SCALE	DATE	NOBS	JOB NUMBER	
EAH	KMH	AS NOTED	10/8/14		14056A	



# City Council Item Summary Sheet

☐ Work Session

Date: November 18, 2014

☒ Agenda Item

## Change Order – Fire Station No. 5

### Summary of Request/Problem

At the November 17, 2014 Work Session, Council was scheduled to consider authorizing a change order to P.O. No. 20751 in the amount of \$97,750 with Wiginton Hooker Jeffry Architects for additional architectural design services associated with Fire Station No. 5.

The additional services change increases Wiginton Hooker Jeffry Architects' fees in accordance with the terms of their contract when the scope of the project, in size or budget, increased by more than 15%. The construction budget has increased from \$2.1 million to \$3.8 million due to the findings of the geotechnical survey and an increase in size to 10,200 square feet necessitated by functional needs of the new station.

### Recommendation/Action Requested and Justification

Approve by minute action authorizing the City Manager to execute a change order to P. O. 20751 in the amount of \$97,750.

**Submitted By:**

**Martin E. Glenn**  
**Deputy City Manager**

**Approved By:**

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



# City Council Item Summary Sheet

☐ Work Session

Date: November 18, 2014

☒ Agenda Item

## Appointing an Interim City Secretary and Assistant Interim City Secretary

### Summary of Request/Problem

As of November 7, 2014, there is a vacancy in the City Secretary position. Council is requested to consider appointing Debbi Booth as the Interim City Secretary and Courtney Vanover as Assistant Interim City Secretary until such time as Council appoints a City Secretary.

### Recommendation/Action Requested and Justification

Approve a resolution appointing Debbi Booth as Interim City Secretary and Courtney Vanover as Assistant Interim City Secretary.

Submitted By:

Approved By:

William E. Dollar  
City Manager

**RESOLUTION NO.**

**A RESOLUTION APPOINTING DEBBI BOOTH AS INTERIM CITY SECRETARY AND COURTNEY VANOVER AS ASSISTANT INTERIM CITY SECRETARY FOR THE CITY OF GARLAND, TEXAS; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, Article IV, Section 5 of the City Charter requires the City Council to appoint a City Secretary to perform the duties prescribed by the Charter and other law;

**WHEREAS**, there is currently a vacancy in the position of City Secretary;

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

**Section 1**

That the City Council hereby appoints Debbi Booth to serve in an interim capacity as City Secretary and Courtney Vanover to serve in an interim capacity as Assistant City Secretary until such time as the City Council may formally appoint a City Secretary under the provisions of the Charter.

**Section 2**

That this Resolution shall be and become effective November 18, 2014.

**PASSED AND APPROVED** this the \_\_\_\_\_ day of November, 2014.

**CITY OF GARLAND, TEXAS**

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

**ATTEST:**

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



# City Council Item Summary Sheet

☐ Work Session

Date: November 18, 2014

☒ Agenda Item

## Texas Enterprise Zone Nomination – Kraft Foods Group, Inc.

### Summary of Request/Problem

At the November 3, 2014 Work Session, Council was briefed on a request from Kraft Foods Group, Inc. for the City of Garland to approve an ordinance nominating Kraft for a Texas Enterprise Project designation based on job retention.

### Recommendation/Action Requested and Justification

Council discussion.

Submitted By:

Martin E. Glenn  
Deputy City Manager

Approved By:

William E. Dollar  
City Manager

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS ORDAINING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE (THE "ACT"), PROVIDING TAX INCENTIVES, DESIGNATING A LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES, NOMINATING KRAFT FOODS GROUP, INC. TO THE OFFICE OF THE GOVERNOR, ECONOMIC DEVELOPMENT AND TOURISM ("EDT") THROUGH THE ECONOMIC DEVELOPMENT BANK (THE "BANK") AS AN ENTERPRISE PROJECT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Garland, Texas desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises located in certain areas of the City and to provide employment to residents of such area; and

WHEREAS, the project or activity is located in an area designated as an enterprise zone; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Act, KRAFT FOODS GROUP, INC. has applied to the City for designation as an enterprise project; and

WHEREAS, the City finds that KRAFT FOODS GROUP, INC. meets the criteria for tax relief and other incentives adopted by the City on the grounds that it will be located at a qualified business site, and will create a higher level of employment, economic activity and stability; and

WHEREAS, a public hearing to consider this Ordinance was held by the City Council on NOVEMBER 18, 2014;

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

**Section 1**

The City nominates KRAFT FOODS GROUP, INC. for enterprise project status.

## Section 2

The following local incentives, at the election of the City Council, are or will be made available to the nominated project or activity of the qualified business:

- A. The City may abate taxes on the increase in value of real property improvements and eligible personal property that locate in a designated enterprise zone. The level of abatement shall be based upon the extent to which the business receiving the abatement creates jobs for qualified employees, in accordance with the City of Garland Tax Abatement Policy, and with qualified employee being defined by the Act.
- B. The City may provide the programs to improve and increase the value of real estate and new investment, including:
  - 1) local sales tax refund;
  - 2) tax increment financing;
  - 3) freeport exemption; or
  - 4) chapter 380 grants.
- C. The City may provide regulatory relief to businesses, including:
  - 1) zoning changes or variances;
  - 2) exemptions from impact fees, or inspection fees; or
  - 3) streamlined permitting.
- D. The City may provide enhanced municipal services to businesses, including:
  - 1) improved police and fire protection; or
  - 2) institution of community crime prevention programs.
- E. The City may provide improvements in community facilities, including:
  - 1) capital improvements in water and sewer facilities; or
  - 2) road repair.
- F. The City may provide improvements to housing, including:



- 1) low-interest loans for housing rehabilitation, improvement, or new construction; or
  - 2) transfer of abandoned housing to individuals or community groups.
- G. The City may provide businesses and industrial development services, including:
- 1) low-interest loans and grants for businesses;
  - 2) creation of special one-stop permitting and problem resolution centers or ombudsmen; or
  - 3) promotion and marketing services.
- H. The City, through its funding of other agencies, may provide job training and employment services to businesses, including:
- 1) retraining programs;
  - 2) literacy and employment skills programs;
  - 3) vocational education; or
  - 4) customized job training.

### **Section 3**

The enterprise zone areas within the City are reinvestment zones in accordance with the Texas Tax Code, Chapter 312.

### **Section 4**

The City Council hereby directs and designates its Deputy City Manager as the City's liaison to communicate and negotiate with the EDT through the Bank and enterprise project(s) and to oversee zone activities and communications with qualified businesses and other entities in the enterprise zone or affected by an enterprise project.

### **Section 5**

The City Council finds that KRAFT FOODS GROUP, INC. meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

- B. KRAFT FOODS GROUP, INC. is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site located in an enterprise zone in the governing body's jurisdiction and at least twenty-five (25%) of the business' new employees will be residents of an Enterprise Zone or economically disadvantaged individuals;
- C. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities in the area;
- D. The designation of KRAFT FOODS GROUP, INC. as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

#### **Section 6**

The enterprise project shall take effect on the date of designation of the enterprise project by EDT and terminate on NOVEMBER 18, 2019.

#### **Section 7**

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

[SIGNATURE PAGE FOLLOWS]

**PASSED AND APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**CITY OF GARLAND, TEXAS**

\_\_\_\_\_  
Mayor

**ATTEST:**

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



# City Council Item Summary Sheet

☐ Work Session

Date: November 18, 2014

☒ Agenda Item

## Economic Development Incentive – Massimo Motor Relocation

### Summary of Request/Problem

Massimo Motor Sports, LLC is based in Irving, Texas and offers some of the most sought after UTV's and ATV's in the industry. Massimo is evaluating a decision to relocate their headquarters from Irving to Garland and renovate the 280,000 square foot former Sears Fashion Center building. This building has been vacant over six years and needs a significant investment to renovate. The company is also considering relocating the automated robotic manufacturing operation from China to this facility in the future. With this renovation, Massimo Motor will invest \$2.9 million and bring \$3.8 million of new Business Personal Property to Garland.

As part of the Garland Economic Development Partnership's (GEDP) attraction program of encouraging quality development in the City of Garland, the GEDP's Economic Development Steering Committee recommends that Council provide:

- General support for the project
- Chapter 380 Finance Grant – total of \$275,000 over 5 years; \$55,000 annually

This item was considered by Council at the October 20, 2014 Work Session.

### Recommendation/Action Requested and Justification

Approve a resolution authorizing the execution of a Chapter 380 Economic Development Agreement by and between Massimo Motor Sports, LLC and the City of Garland.

Submitted By:

Approved By:

William E. Dollar  
City Manager

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE EXECUTION OF A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN MASSIMO MOTOR SPORTS, LLC AND THE CITY OF GARLAND, TEXAS AND PROVIDING FOR AN EFFECTIVE DATE.

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

**Section 1**

That the City Manager is hereby authorized to execute an Economic Development Agreement with Massimo Motor Sports, LLC in substantially the form and substance of that attached.

**Section 2**

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

PASSED AND APPROVED this the \_\_\_\_ day of \_\_\_\_\_, 2014.

CITY OF GARLAND, TEXAS

\_\_\_\_\_  
Mayor

**ATTEST:**

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

# **CITY OF GARLAND / MASSIMO MOTOR SPORTS, L.L.C.**

## **CHAPTER 380**

### **ECONOMIC DEVELOPMENT AGREEMENT**

This Chapter 380 Economic Development Agreement (“**Agreement**”) is made and entered into by and between MASSIMO MOTOR SPORTS, L.L.C. (“**Company**”), a Texas limited liability corporation, and the CITY OF GARLAND, TEXAS (“**Garland**” or “**City**”), a Texas home rule city.

The City is authorized by Chapter 380 of the Texas Local Government Code to make grants of money to promote state and local economic development and to stimulate business and commercial activity in the City.

The City has authorized the City Manager to make a grant of money to the Company in five (5) annual installments so that the Company will: (i) relocate its corporate headquarters and manufacturing operations to Garland; and (ii) make capital improvements to the former Sears Fashion Center Building.

Relocation of the Company’s corporate headquarters and manufacturing operation to the City will further state and local economic development and stimulate business and commercial activity within the City.

The Company accepts the City’s grant and agrees to carry-out the Project, the terms of which are subject to this Agreement.

The parties therefore agree as follows:

#### **I.**

#### **Company’s Obligations**

A. **Investment and Performance.** As soon as practicable, the Company shall establish both its corporate headquarters and manufacturing operations (“Facilities,” collectively) at 3101 West Miller Road, Garland, Texas (the former “Sears Fashion Center”). Further, the Company shall maintain its Facilities in the Sears Fashion Center until at least December 31, 2020 or else the “Breach and Recapture” provision described in Section III below shall apply. In order to be eligible for the economic development grants described in Section II below, the following must occur:

1. ***Year 1 (2014).*** To receive a grant payment from the City for the year ending December 31, 2014, the Company shall submit a written request for payment to the City Manager for the City of Garland on or before December 15, 2014. The

written request shall include executed closing documents demonstrating that the Company has secured fee simple ownership of the Sears Fashion Center.

2. ***Year 2 (2015).*** To receive a grant payment from the City for the year ending December 31, 2015, the Company shall submit both the Certificate of Compliance and audit report described in Section I(B) below to the City Manager for the City of Garland on or before October 31, 2015. The Certificate of Compliance shall warrant to the City that after the execution of this Agreement and before October 31, 2015, the Company invested at least \$2.9 million in the making of leasehold improvements to the Sears Fashion Center and invested at least \$3.8 million in “Machinery and Equipment” to be installed and used at the Sears Fashion Center. “Machinery and Equipment” means machinery and equipment purchased, installed, and used or useful at the Sears Fashion Center for the purpose of supporting the Facilities of the Company.
3. ***Years 3, 4, and 5 (2016, 2017, and 2018).*** To receive an annual grant payment from the City in the years ending December 31, 2016, December 31, 2017, and December 31, 2018, the Company shall submit both the Certificate of Compliance and audit report described in Section I(B) below to the City Manager for the City of Garland on or before October 31 of each year. The Certificate of Compliance shall warrant to the City that the Company is in full compliance with each of its obligations under this Agreement.

**B. Certificate of Compliance and Audit.**

1. ***Certificate of Compliance.*** Beginning in 2015 and continuing for the term of this Agreement, the Company shall deliver to the City before October 31 of each year the Certificate of Compliance form attached as Exhibit “A.” The form is subject to revision by the City, in its sole discretion.
2. ***Audit Report.*** Beginning in 2015 and continuing for the term of this Agreement, the Company shall deliver to the City before October 31 of each year an audit prepared by an independent certified public accountant. The audit shall contain information on: (i) the amount of leasehold improvements completed by the Company to the Sears Fashion Center since the execution of this Agreement; (ii) the amount of Machinery and Equipment installed by the Company in the Sears Fashion Center since the execution of this Agreement; and (iii) the current County-assessed real estate value of the Facilities and the current County-assessed business personal property value located at the Facilities.
3. The City and/or its representative(s), including third-parties contracted by the City, shall have the right to inspect all relevant records of the Company as are reasonably necessary to verify compliance with all requirements of this Agreement. Such inspections shall be preceded by at least two (2) weeks notice

in writing to the Company and shall not unreasonably interfere with the Company's business activities.

4. The City is not obligated to make economic development grant payments under Section II of this Agreement if the Company fails to timely submit its Certificate of Compliance or its accompanying audit report. If the City is unable to confirm the Company's compliance for its obligations in any year during the Agreement due to the Company not providing proof of compliance within one year from the due date of the Certificate of Compliance or its accompanying audit report, that year's economic development grant payment will be irrevocably lost by the Company.
- C. Texas Government Code Chapter 2264.** In accordance with Chapter 2264 of the Texas Government Code, the Company agrees not to employ any person who is not lawfully admitted for permanent residence in the United States or who is not authorized under law to be employed in the United States ("Undocumented Worker"). During the term of this Agreement, the Company shall notify the City of any complaint brought against the Company alleging that the Company has employed Undocumented Workers. If the Company, or a branch, division, or department of the Company is convicted of a violation of 18 U.S.C. Section 1324a(f), the total amount of economic development grants it has received, together with interest at the rate of 5% from the date of each payment of an economic development grant, shall be repaid by the Company to the City not later than the 120<sup>th</sup> day after the date the City notifies the Company of the violation. The City shall recover court costs and reasonable attorney's fees incurred if it prevails in an action brought pursuant hereto to recover past economic development grants and interest. The Company shall not be liable for a violation of Chapter 2264 by a subsidiary, affiliate, or franchisee, or by a person with whom the Company contracts.

## **II.**

### **City's Obligations**

- A. Economic Development Incentive.** As consideration for the Company's performance of its obligations under this Agreement, the City shall pay to the Company an annual economic development grant according to the following payment schedule:
1. The City's annual economic development grant payment to the Company shall be \$55,000.00
  2. The City's total obligation to the Company under this Agreement shall not exceed \$275,000.00
- B.** The City's first payment shall be made on or before December 31, 2014 for the Company's performance for the year ending December 31, 2014. The City's final payment shall be in consideration for the Company's performance during the year ending



December 31, 2018. The City shall make the payment required under this section before December 31 of each year. The City is not obligated to make a grant payment for any year in which the City has determined that the Company failed to fulfill an obligation or condition applicable to the Company for such year and has provided written notice to the Company of such determination on or before October 31 of the following year.

### **III.** **General Terms**

- A. Effective Date and Term.** This Agreement shall become enforceable upon execution and delivery by the City and the Company (the “Effective Date”). Unless this Agreement is terminated earlier in accordance with its terms, the Company’s obligations to perform under this Agreement shall be completed on December 31, 2020 and the City shall make its final payment under this Agreement before December 31, 2018.
- B. Payments Subject to Future Appropriation.** This Agreement shall not be construed as a commitment, issue, pledge, or obligation of any specific taxes or tax revenues for payment to the Company.
1. All payments or expenditures made by the City under this Agreement are subject to the City’s appropriation of funds for such payments or expenditures to be paid in the budget year for which they are made.
  2. The payments made to the Company, or other expenditures under this Agreement, if paid, shall be made solely from annual appropriations of the City as may be legally set aside for the implementation of Article III, Section 52a of the Texas Constitution or Chapter 380 of the Local Government Code or any other economic development or financing program authorized by statute or home rule powers of the City under applicable Texas law, subject to any applicable limitations or procedural requirements.
  3. In the event the City does not appropriate funds in any fiscal year for payments due or expenditures under this Agreement, the City shall not be liable to the Company for such payments or expenditures unless and until appropriation of said funds is made, provided, however, that the Company, in its sole discretion, shall have the right but not the obligation to terminate this Agreement and shall have no obligations under this Agreement for the year in respect to which un-appropriated funds relate.
  4. To the extent there is a conflict between this Section III(B) and any other language or covenant in this Agreement, this Section III(B) shall control.
- C. Breach and Recapture.** A breach of this Agreement by the Company may result in termination of this Agreement, recapture of any amounts of the economic development

grant paid to the Company, and termination of the City's obligation to pay any additional amounts to the Company under the terms of this Agreement. Upon termination of this Agreement, the obligation of the City to pay an annual economic development grant shall terminate. The following conditions shall constitute a breach of this Agreement:

The Company fails to secure fee simple ownership of the Sears Fashion Center; the Company fails to invest at least \$2.9 million in the making of leasehold improvements to the Sears Fashion Center; the Company fails to invest at least \$3.8 million in "Machinery and Equipment" to be installed and used or useful at the Sears Fashion Center; or the Company fails to maintain its Facilities at the Sears Fashion Center until at least December 31, 2020.

1. ***Notice of Breach.*** In the event that the City makes a reasonable determination that the Company has breached this Agreement as provided in Section III, Subsection C above, then the City shall give the Company written notice of such default. The Company has sixty (60) days following receipt of said written notice to reasonably cure such breach or this Agreement may be terminated by the City. Notice of default shall be in writing and shall be delivered by personal delivery or certified mail to the Company at the address provided in this Agreement.
2. After notice and failure to cure as provided in this Section III, Subsection C, the Company agrees to repay the City all economic development grant payments it previously received from the City, up to \$275,000, within thirty (30) days of the City's demand for payment.

**D. Representations and Warranties.** The City represents and warrants to the Company that the economic development incentives and this Agreement are within its authority, and that it is duly authorized and empowered to establish economic development incentives and enter into this Agreement, unless otherwise ordered by a court of competent jurisdiction. The Company represents and warrants to the City that it has the requisite authority to enter into this Agreement.

**E. Entire Agreement.** This Agreement contains the entire agreement between the parties. All prior negotiations, discussions, correspondence, and preliminary understandings between the parties and others relating hereto are superseded by this Agreement. This Agreement may only be amended, altered, or revoked by written instrument signed by the City and the Company.

**F. Binding Effect.** This Agreement shall be binding on and inure to the benefit of the parties and their respective successors and assigns.

**G. Assignment.** Except as provided below, the Company may not assign all or part of its rights and obligations to a third-party without prior written approval of the City, which approval shall not be unreasonably withheld or delayed.

**H. Termination.** In the event the Company elects not to proceed with the investment described in Section 1 of this Agreement, the Company shall notify the City in writing, and this Agreement and the obligations on the part of both parties shall be deemed terminated and of no further force or effect.

**I. Notice.** Any notice or statement required or permitted to be delivered shall be deemed delivered by actual delivery or by depositing same in the United States mail, certified with return receipt requested, postage pre-paid, addressed to the appropriate party at the following addresses:

**CITY**

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

With a Copy to its City Attorney

**DEVELOPER**

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Either party may designate a different address at any time upon written notice to the other party.

**J. Interpretation.** Each of the parties has been represented by counsel of their choosing in the negotiation and preparation of this Agreement. Regardless of which party prepared the initial draft of this Agreement, this Agreement shall, in the event of any dispute regarding its meaning or application, be interpreted fairly and reasonably and neither more strongly for, nor against, any party.

**K. Applicable Law.** This Agreement is made, and shall be construed and interpreted, under the laws of the State of Texas and venue shall lie in the State courts of Dallas County, Texas.

- L. Severability.** In the event any provisions of this Agreement are illegal, invalid, or unenforceable under present or future laws, and in that event, it is the intention of the parties that the remainder of this Agreement shall not be affected. It is also the intention of the parties that in lieu of each clause and provision that is found to be illegal, invalid, or unenforceable, a provision be added to this Agreement which is legal, valid, or enforceable and is as similar in terms as possible to the provision found to be illegal, invalid, or unenforceable.
- M. Paragraph Headings.** The paragraph headings contained in this Agreement are for convenience only and will in no way enlarge or limit the scope or meaning of the various and several paragraphs.
- N. No Third-Party Beneficiaries.** This Agreement is not intended to confer any rights, privileges, or causes of action upon any third party.
- O. No Joint Venture.** It is acknowledged and agreed by the parties that the terms of this Agreement are not intended to and shall not be deemed to create any partnership or joint venture among the parties. The City, its past and future officers, elected officials, employees, and agents do not assume any responsibilities or liabilities to any third party in connection with the Company's facilities or the design, construction, or operation of any portion of the facilities.
- P. Public and Confidential Information.** Information provided by or on behalf of the Company under or pursuant to this Agreement that the Company considers as proprietary shall be maintained as confidential to the extent allowed by law. If proprietary or trade secret information is requested under the Texas Public Information Act, the City shall follow the standards set out in the Act and under the Texas Attorney General's procedures for such requests, and the Company shall be responsible for defending the confidentiality of such information. Other records and information provided to the City and its representatives to verify compliance with this Agreement shall be available for public inspection.
- Q. Exhibits.** Exhibit "A," the Certificate of Compliance form, is attached and incorporated by reference for all purposes.

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, and all of which, taken together, shall constitute but one and the same instrument, which may be sufficiently evidenced by one counterpart.

EXECUTED by the authorized representatives of the parties on the dates indicated below.

[SIGNATURE PAGES FOLLOW]

**EXECUTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**CITY OF GARLAND, TEXAS:**

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**EXECUTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**MASSIMO MOTOR SPORTS, LLC:**

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

EXHIBIT  
“A”

DRAFT



## **Certificate of Compliance**

Company Name: Massimo Motor Sports, L.L.C.

Reporting Year: January 1 through December 31, \_\_\_\_\_ Year # \_\_\_\_\_ (2-5)

### **1.0. Investment**

The Agreement states that after the Effective Date of the Agreement and before October 31, 2015, the Company shall ensure that at least \$2.9 million has been invested in the making of leasehold improvements to the Sears Fashion Center located at 3101 West Miller Road, Garland, Texas.

\$\_\_\_\_\_ has been invested in leasehold improvements to the Sears Fashion Center located at 3101 West Miller Road, Garland, Texas for the reporting year ending December 31, 20\_\_\_\_\_.

The Agreement states that after the Effective Date of the Agreement and before October 31, 2015, the Company shall invest at least \$3.8 million in "Machinery and Equipment" that is to be installed and used at the Sears Fashion Center located at 3101 West Miller Road, Garland, Texas before December 31, 2015.

\$\_\_\_\_\_ has been invested in "Machinery and Equipment" installed at the Sears Fashion Center located at 3101 West Miller Road, Garland, Texas for the reporting year ending December 31, 20\_\_\_\_\_.

### **2.0 Incentive Payment Request**

The Agreement requires an economic development incentive payment not to exceed \$55,000 for any one year and a total payment not to exceed \$275,000. The City's first payment shall be made on or before December 31, 2014 for the Company's performance during the year ending December 31, 2014. The City's final payment shall be in consideration for the Company's performance during the year ending December 31, 2018. The City shall make payments required under this section before December 31 of each year the Agreement is in effect.

I, the authorized representative of Massimo Motor Sports, L.L.C., hereby certify that the above information is correct and accurate pursuant to the terms of the Agreement. I further certify that Massimo Motor Sports, L.L.C. complied fully with the Chapter 380 Economic Development Agreement during the reporting year.

[SIGNATURE PAGE FOLLOWS]

SIGNATURE:

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PRINTED NAME:

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TITLE:

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DATE:

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DRAFT



# Planning Report

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Ryan Anderson

601 West State Street

## REQUEST

Variance to the distance requirement from a church for alcoholic beverage sales.

## OWNER

Irma Heckard

## BACKGROUND

Section 33A-400(A)(1) of the Comprehensive Zoning Ordinance states that “An establishment that sells or serves alcoholic beverages may not be located nearer than 300 feet to a church, public school or public hospital”. The applicant is proposing to serve beer and wine at a proposed restaurant on the subject property. According to the Building Inspection Department, the restaurant is located 98 feet from Zion Church, located at 115 North Sixth Street and approximately 60 feet from Ministerios Monte De Sion, located at 607 West State Street.

Section 33A-400(C) states that “The City Council may grant a variance to the distance regulations provided by this section if the City Council determines that enforcement of those regulations in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the City Council, after consideration of the health, safety and welfare of the public and the equities of the situation, determines is in the best interest of the community”.

## SITE DATA

The subject property contains approximately 0.126 acres fronting approximately 35 feet along West State Street and approximately 115 feet along North Sixth Street.

## SURROUNDING ZONING AND LAND USES

The properties surrounding the subject property are zoned Central Area 1 (CA-1) District and are developed with a variety of retail sales/personal service and office uses. The property to the northeast, across North Sixth Street, is zoned Planned Development (PD) District 08-07 for Central Area 1 (CA-1) Uses and is developed with apartments. The property to the south, across West State Street,

is developed with a church, retail sales and restaurant uses.

## **CONSIDERATIONS**

1. The subject property is currently developed with a restaurant, Salvage Bar and Grill. The applicant is proposing to occupy the space with a new restaurant that will also serve beer and wine.
2. In 2013, a variance was granted to allow for the existing restaurant to serve alcohol within the required 300 foot distance requirement from a church.
3. Section 33A-400(A)(1) and Section 33A-400(B) of the Comprehensive Zoning Ordinance state that an establishment that sells or serves alcoholic beverages may not be located nearer than 300 feet to a church, public school or public hospital.

The measurement of the distance between the establishment where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. As previously noted, the Building Inspection Department has measured this distance to be approximately 60 feet from the church to the west of the subject property and 98 feet from the church which is south of the subject property.

4. There is a charter school located at 701 West State Street and it is 320 feet from the subject property as measured by Building Inspection. The measurement of the distance between the establishment where alcoholic beverages are sold and a public school is measured in a direct line from the property line of the public school to the property line of the place of business, and in a direct line across intersections per Section 33A-400(B)(1) of the Comprehensive Zoning Ordinance.

Prepared By:

Chasidy Allen, AICP  
Principal Planner

Date: November 6, 2014

Reviewed By:

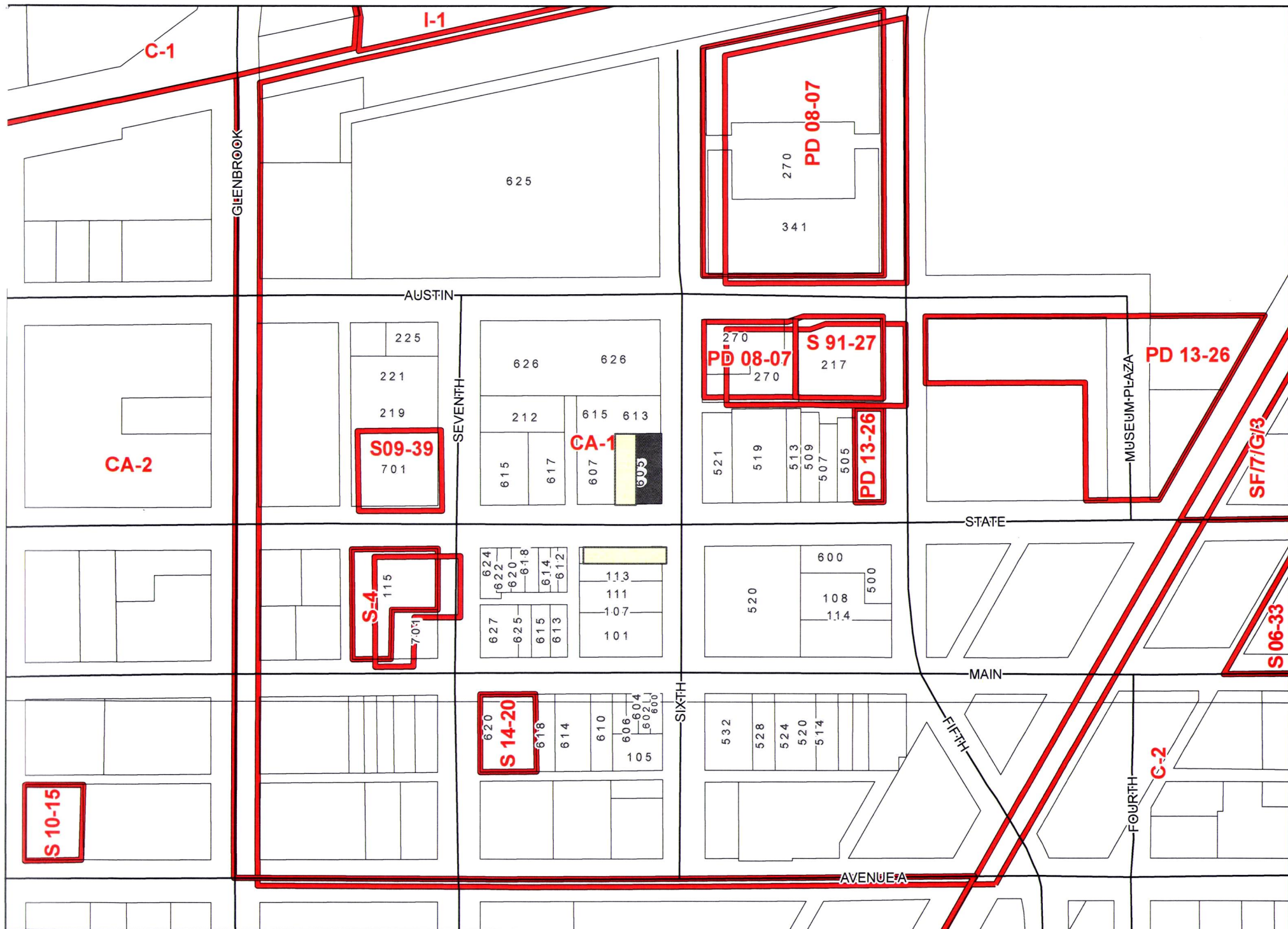
Anita Russelmann  
Director of Planning

Date: November 7, 2014

Reviewed By:



William E. Dollar  
City Manager

Date: November 10, 2014



0 100 200 Feet

Beer & Wine Variance BW 14-01

 Subject Property  
 Church Property







City of Garland – Variance request statement:

I am asking City Council to vote favorably on my request to allow an Alcohol distance variance for the address of 601 W. State Street Garland, TX 75040 which is located within 300ft of a business permitted as a church. Existing business Salvage Pub and Grill and property address was granted such a variance previously and we would like to maintain the favorable decision as we acquire that asset business and location. I understand that two other businesses close to this address possess liquor licenses and have not had any instances with patrons or disturbances due to the selling of alcohol. Dos Banderas as well as The Taste each were able to obtain liquor licenses.

It is my hope to be granted this requested variance so that my establishment can continue to sell liquor, beer and wine for on premise consumption in accordance with all TABC laws governing such establishments. This establishment will be a primary restaurant with a RM /FB license. This means that the establishment is subject to all the TABC laws and regulations including the 50% rule of food to alcohol sales. This will not be just a bar/drinking establishment yet a casual dining experience with access to cocktails/wine/beer in a casual upscale atmosphere much like a Chilis or Applebee's where food is served as well as libations to those of legal age. All employees will be required by the management team to take and possess the TABC exam certificate that ensures all employees understand and can prevent any over indulgence in alcohol.

My establishment aims to be totally conducive to individuals and families alike to enjoy a great meal with a pleasant, friendly and courteous staff. There will be zero tolerance to anyone seeking to become inebriated or to be unruly and all staff will be held accountable for keeping a vigilant eye for prevention.

I appreciate the Councils time and consideration of my request and pray for a positive outcome in your decision.

Sincerely,

Ryan Anderson (Owner)



& Tony Stubblefield (GM-Director)



Support of Alcohol Distance Variance request:

X Tammy Harris

X Lindsey M. Williams

X JETU-PATEL

X \_\_\_\_\_

X \_\_\_\_\_



We did not receive any replies for this case.