



AGENDA

REGULAR MEETING OF THE CITY COUNCIL

**City of Garland
Duckworth Building, Goldie Locke Room
217 North Fifth Street
Garland, Texas
January 6, 2015
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. BRAILLE IS NOT AVAILABLE.

CITY COUNCIL GOALS 2020

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

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

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 December 16, 2014 Regular Meeting.
2. Consider approval of the following bids:

a. Potential Transformers for Wylie Switchyard **Bid No. 4948-15**

ABB, Inc. **\$279,970.00**

This request is to provide thirty potential transformers and one station service voltage transformer as part of Garland Power & Light's Wylie Switchyard project.

b. Transmission Engineering Building Renovation **Bid No. 4950-15**

Mart, Inc. **\$120,000.00**

This request is to provide all labor, supervision, materials, services, and equipment required to construct interior finish out of approximately 6,000 square feet within an existing building located at 510 W. Avenue B. The building will be used for Garland Power & Light's Transmission Engineering operations.

c. Flameless Pothole Patching Truck

Bid No. 5001-15

Freightliner of Austin

\$160,734.00

This request is for the purchase of a flameless pothole patching truck to be used by the Street Department in their daily operations.

d. Ambulance Body Remounts

Bid No. 5008-15

Frazer, Ltd.

\$108,400.00

This request is for a contract to remove, refurbish, and remount two existing ambulance bodies onto existing cab and chassis for the Fire Department's use in their daily operations.

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. 14-44, Verizon Wireless

Consider an ordinance amending the zoning laws of the City of Garland by approving a Specific Use Permit for an Antenna, Commercial Type 2 on a 0.0248-acre tract of land located at 825 E. I-30 Freeway.

b. Zoning File No. 14-45, INZI, Inc.

Consider an ordinance amending the zoning laws of the City of Garland by approving a Specific Use Permit for Retail Sales with Gas Pumps on a 21,501 square foot tract of land zoned Planned Development District for General Business and located at 1102 Lavon Drive.

4. Consider a resolution authorizing the City Manager to enter into a Credit Sales Agreement with Trinity River Mitigation Bank, L. P.

At the December 15, 2014 Work Session, Council considered authorizing a Credit Sales Agreement with Trinity River Mitigation Bank, L.P. for wetlands and riparian habitat mitigation in conjunction with the proposed Pleasant Valley Bridge over Rowlett Creek and pay a one-time fee of \$178,500 for the mitigation credits.

5. **Consider a resolution authorizing the purchase of electric transmission assets, including the associated easements, from Brazos Electric Power Cooperative.**

At the December 15, 2014 Work Session, Council considered authorizing the purchase of an electric transmission line (approximately one mile in length) located within the Garland city limits from the Brazos Electric Power Cooperative, Inc. (BEPC) for \$173,181. BEPC and the City of Garland propose to make a joint application to the Public Utility Commission of Texas to allow the City to purchase the transmission line from BEPC.

6. **Consider approval by minute action extending Officer Billy Ivy's injury leave at full pay through June 27, 2015.**

Officer Billy J. Ivy sustained injuries when he was involved in a motor vehicle accident while on duty performing his duties as a Garland Police Officer. At the January 5, 2015 Work Session, Council was requested to consider a request to extend Officer Ivy's injury leave at full pay through June 27, 2015 (an additional six months from the one-year anniversary of the injury) until such time that he has received the appropriate medical care for the line of duty injury and is medically cleared to return to work by his treating physician(s).

7. **Consider a resolution approving and funding a 2014-15 Cycle 1 Neighborhood Vitality Matching Grant Project.**

At the December 15, 2014 Work Session, Council considered the Neighborhood Vitality Funding application for Travis College Hill Addition. The Community Services Committee had previously reviewed this application and recommended approval.

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

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

8. A public hearing was previously conducted for the following zoning case. Council approved the request and instructed staff to bring forth the following ordinance for consideration.

Zoning File No. 14-43, Masterplan

Consider an ordinance amending the zoning laws of the City of Garland by approving a Specific Use Permit for a Recycling Center on property zoned Industrial-1 (I-1) District on a 21.276-acre tract of land located at 2801 Wood Drive. The owners of more than 20% of the land within 200 feet of the subject property submitted written opposition; therefore, adoption of this ordinance requires seven affirmative votes.

9. **Consider approval of the Garland Development Code and Zoning Map.**

At the December 15, 2014 Work Session, Council completed the review of the Plan Commission's recommendation for revision and adoption of the draft Garland Development Code (GDC) and Zoning Map. Council is requested to approve by minute action the preparation of an ordinance adopting the GDC and Zoning Map.

10. **Consider a request to waive payment of the Reforestation and Tree Management Fund.**

Fourth Avenue Investment is requesting a waiver of the required payment to the Reforestation and Tree Management Fund of Tree Preservation Ordinance 5731.

11. Hold public hearings on the following zoning cases:

- a. Consider the application of AT&T Mobility DBA Crown Castle requesting approval of a Specific Use Permit for an Antenna, Commercial Type 2 on property zoned General Business (GB) District. This property is located at 4105 Broadway Boulevard, southeast of the intersection of Broadway Boulevard and Bruce Drive. (File No. 14-46, District 4)**

The applicant requests approval of a renewal of an expired Specific Use Permit for the existing cell tower.

- b. Consider the application of MUY Hamburger Partners, LLC requesting approval of 1) a Specific Use Permit for Restaurant with Drive Through on property zoned Shopping Center (SC) District and 2) a variance to Section 10-311 of the Comprehensive Zoning Ordinance No. 4647 regarding the use of metal as a façade material. This property is located north of the northwest intersection of South Garland Avenue and Miller Road. (File No. 14-48, District 8)**

The applicant requests approval of the Specific Use Permit and associated variance to construct an approximately 3,400 square foot Wendy's restaurant and incorporating metal panels on the exterior walls.

- c. Consider the application of Smithers Merchant Builders, LP requesting approval of 1) a zoning change from Shopping Center (SC) District to Planned Development (PD) District for Limited Multifamily (MF-12) Uses and 2) a Specific Use Permit and Detail Plan for Nursing Home/Convalescent Center. This property is located on the north side of Belt Line Road, approximately 400 feet west of the intersection of Belt Line Road and Shiloh Road. (File No. 14-49, District 7)**

The applicant proposes to build an approximately 50,695 square feet nursing home with 132 beds on an undeveloped site.

12. 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.

13. Adjourn.

All Regular Council meetings are broadcast live on CGTV, Time Warner Cable Channel 16, and Verizon FIOS TV 44. Meetings are rebroadcast at 9:00 a.m. and 7:00 p.m. on Wednesday-Sunday and at 7:30 p.m. on Thursday. Live streaming and on-demand videos of the meetings are also available online at www.garlandtx.gov. Copies of the meetings can be purchased through the City Secretary's Office – audio CD's are \$1 each and DVD's are \$3 each.

The City Council of the City of Garland convened in regular session at 7:00 pm on Tuesday, December 16, 2014 in the Goldie Locke Room, 217 North Fifth Street, Garland, Texas, with the following members 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
	Interim City Secretary	Debra Booth

CALL TO ORDER: Mayor Athas called the meeting to order. Mayor Pro Tem Jim Cahill led the invocation followed by the Pledge of Allegiance.

CONSENT AGENDA: All items marked with asterisks (**) on the Consent Agenda were voted on at the beginning of the meeting. Mayor Athas read those items into the record. Motion was made by Mayor Pro Tem Cahill, seconded by Council Member LeMay, to approve items 1, 2a, 2b, 2c, 2d, 2e, 2f, 3, 4, and 5. Motion carried, 9 ayes, 0 nays.

1. APPROVED ** Minutes of the December 2, 2014 Regular Meeting of the City of Garland City Council.

2a. APPROVED ** Bid No. 4818-15 in the amount of \$177,035.10 to Master Tech Services (\$106,941.00) with an Optional Contingency (\$16,094.10) to provide all labor, equipment, and materials for repairs on No. 4 cooling tower at the Spenser Power Plant.

- 2b. APPROVED ** Bid No. 4824-15 in the amount of \$189,321.00 to National Pole & Structure with an Optional Contingency (\$17,211.00) to provide 20 steel structures as part of the TMPA Greenville to Shelby 138 kV Transmission Line Rebuild project. Due to the complex nature of the project, an optional contingency is included for an unforeseen work that may be required.
- 2c. APPROVED ** Bid No. 4906-15 in the amount of \$202,262.00 to Ron Hobbs Architects for a professional architectural services contract for the Granger recreation Center renovation and expansion.
- 2d. APPROVED ** Bid No. 4978-15 in the amount of \$243,000.00 to Brown Reynolds Watford Architects for a professional architectural services contract for the Audubon Recreation Center renovation and expansion.
- 2e. APPROVED ** Bid No. 4985-15 in the amount of \$141,955.08 to EST Group for a second flash storage array for the City's storage Area Network (SAN) that will provide expanded flash storage space and redundancy for critical servers.
- 2f. APPROVED ** Bid No. 4853-15 in the amount of \$599,402.00 to Barson Utilities, Inc. for water line and paving improvements to provide water system improvements for Ninth Street, Main street, and Avenue C.
3. APPROVED ** Ordinance No. 6748 amending the zoning laws of the City of Garland by approving a Detail Plan for 198-unit Multi-Family Development on property zoning Planned Development District 13-35 for Multi-Family Uses on a 10.826-acre tract of land located on the northwest intersection of Bobtown Road and Waterhouse Boulevard providing for conditions, restrictions, and regulations.
4. APPROVED** Resolution No. 10171 accepting a Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) –Impaired Driving Mobilization (IDM) Grant in the amount of \$25,630.56 to provide increased holiday DWI enforcement for FY 2014-15. TxDOT will reimburse the

City \$17,976.43. The grant requires the City to provide \$7,654.13 in matching funds which will be accomplished in part through fringe benefits expenditures, indirect costs, and administrative time spend on grant related paperwork.

5. APPROVED **

Approval by minute action authorizing the City Manager to execute a Chapter 380 Economic Development Grant Agreement (sales tax rebate) with Cali Saigon Mall, LLC, the amount not to exceed \$210,000.

6. APPROVED

Consider a request by Fourth Avenue Investment to waive payment of the Reforestation and Tree Management Fund.

This item is postponed to the January 6, 2015 meeting, at the request of the applicant.

7a. APPROVED

Consider the application of Masterplan requesting approval of 1) a Specific Use Permit for a recycling Center on property zoned Industrial-1 (I-1) District and 2) a variance to Section 10-200 of the Comprehensive Zoning Ordinance regarding parking requirements. This property is located at 2801 Wood drive. (File Z-14-43, District 5)

The applicant is requesting approval of a Specific Use Permit and associated variance to use the existing building and entire site for a metal recycling center.

Mayor Athas opened the public hearing at 7:05 PM; speakers on this item were Anita Russelmann, Director of Planning, Dallas Cothrum, John Willis, Neal Lanpel, Michael Tieu, David Watson, Doug Reader, Jeff Hardage, Jon Simikic, Wayne Martin, Donna Nelson and Jeremy Benton. Registering their opposition to the request, but not speaking, were Linda Orr, Brent Jones, and Diana Holland.

Motion was made by Council Member Billy Mack Williams, seconded by Council Member Campbell, to close the public hearing at 11:05 PM and deny the request.

Motion failed, 3 ayes, 6 nays (Athas, Goebel, B.J. Williams, Dodson, LeMay, and Cahill).

Motion was made by Council Member Dodson, seconded by Council Member Goebel to approve the request. Motion carried, 6 ayes, 3 nays (Campbell, Stanley and Billy Mack Williams)

7b. APPROVED

Consider the application of Verizon Wireless requesting approval of 1) a Specific Use Permit for an Antenna, Commercial Type 2 on a property zoned Freeway (FW) District and in the IH-30 Overlay. This property is located at 825 East I-30 (File Z-14-44, District 3)

The applicant is requesting approval of a Specific Use Permit to allow the construction of a cell tower and associated equipment.

Because of a conflict of interest Mayor Athas excused himself from discussion on this item.

Mayor Pro Tem Cahill opened the public hearing at 11:19 PM; speaking on this item was Anita Russelmann, Director of Planning, and Kathy Zibilich. Motion was made by Council Member Stanley, seconded by Council Member B. J. Williams, to close the public hearing at 11:24 PM and approve the request. Motion carried, 8 ayes, 0 nays.

7c. APPROVED

Consider the application of INZI, Inc. requesting approval of a Specific Use Permit for Retail Sales with Gasoline Pumps on property zoned Planned Development (PD) District for General Business Uses. This property is located at 1102 Lavon Drive. (File Z-14-45, District 2)

The applicant is requesting approval to allow for the continued operation of the existing 2,700 square foot gas station under new ownership.

Mayor Athas opened the public hearing at 11:24 PM; speaking on this item was Anita Russelmann, Director of Planning. Motion was made by Council Member Goebel, seconded by Council Member Stanley, to close the public hearing at 11:25 PM and approve the request. Motion carried, 9 ayes, 0 nays.

8. BOARD &
COMMISSIONS

The following names were placed in nomination,

Paul Hartman Cross – Parks & Recreation Board (District 3)

Motion carried, 9 ayes, 0 nays.

9. CITIZEN COMMENTS None

There being no further business to come before the Council, Mayor Athas adjourned the meeting at 11:27 PM.

CITY OF GARLAND, TEXAS

APPROVED: _____
Douglas Athas, Mayor

ATTEST: _____
Interim City Secretary



GARLAND
PURCHASING

Bid No.: 4948-15
Agenda Item: 2a
Meeting: Council
Date: 01/06/15

Purchasing Report

POTENTIAL TRANSFORMERS FOR WYLIE SWITCHYARD OPEN MARKET

PURCHASE JUSTIFICATION:

The purpose of this contract is to provide thirty (30) potential transformers and one (1) station service voltage transformer as part of Garland Power & Light's Wylie Switchyard project. This is an approved Capital Improvement project, and expenditures will not exceed appropriated funds.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
ABB, Inc.	All	\$279,970.00
TOTAL:		\$279,970.00

BASIS FOR AWARD:

Best Value

Submitted by:

Reviewed by:

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

William E. Dollar
City Manager

Date: 12/19/14

Date: 12/29/14

FINANCIAL SUMMARY:

Total Project/Account: \$	3,594,000
Expended/Encumbered to Date:	1,027,853
Balance: \$	2,566,147
This Item:	279,970
Proposed Balance: \$	2,286,177

Trent Schulze	22DEC2014
Budget Analyst	Date
Ron Young	22DEC2014
Budget Director	Date

Operating Budget: ☐ CIP: ☒ Year: 2014

Document Location: p. E11

Account #: 210-3799-3174701-6051
(EC-TS0747-003-1-6051)

Fund/Agency/Project – Description:
Electric Utility CIP – Substation Upgrades
Transformers for Wylie Switchyard project.

Comments:



GARLAND

PURCHASING

Executive Summary **Bid 4948-15** **Potential Transformers for Wylie Switchyard**

Recommended Vendor:

ABB, Inc.

Total Recommended Award:

279,970.00

Basis for Award:

Best Value

Purpose:

The purpose of this contract is to provide thirty (30) potential transformers and one (1) station service voltage transformer for Garland Power & Light's Wylie Switchyard.

Evaluation:

Requests for bids were issued in accordance with Purchasing procedures. Two (2) bids were received and evaluated on the published criteria of price, delivery schedule, previous experience with Garland, and product reputation. ABB, Inc. offered the lowest price and received the highest evaluated score offering the best value to the City.

Recommendation:

Staff recommends awarding the contract to ABB, Inc.

Funding Information:

GP&L Wylie Switchyard CIP 210-3799-3174701-6051 (EC-TS0747-003-1-6051)

Department Director:

Ross Owen, Transmission & Distribution Director, 972-205-3532



GARLAND
PURCHASING

Bid No.: 4950-15
Agenda Item: 2b
Meeting: Council
Date: 01/06/15

Purchasing Report

TRANSMISSION ENGINEERING BUILDING RENOVATION OPEN MARKET

PURCHASE JUSTIFICATION:

The purpose of this contract is to provide all labor, supervision, materials, services, and equipment required to construct interior finish out of approximately 6,000 square feet within an existing building located at 510 W. Ave. B, Garland, Texas. The building will be used for Garland Power & Light's Transmission Engineering operations. This is an approved Capital Investment Project and expenditure will not exceed allocated funds.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Mart, Inc.	All	\$120,000.00
TOTAL:		<u>\$120,000.00</u>

BASIS FOR AWARD:

Best Value

Submitted by:

Reviewed by:

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

William E. Dollar
City Manager

Date: 12/24/14

Date: 12/29/14

FINANCIAL SUMMARY:

Total Project/Account: \$	975,000
Expended/Encumbered to Date:	583,722
Balance: \$	391,278
This Item:	120,000
Proposed Balance: \$	271,278

Trent Schulze	24DEC2014
Budget Analyst	Date

Trent Schulze for Ron Young	24DEC2014
Budget Director	Date

Operating Budget: ☐ CIP: ☒ Year: 2014

Document Location: p. E12

Account #: 217-3599-3142501-9002

Fund/Agency/Project – Description:
Electric Utility CIP Fund – Various Improvements

Comments:

[illegible]



GARLAND

PURCHASING

Executive Summary **Bid 4950-15** **Transmission Engineering Building Renovation**

Recommended Vendor:

Mart, Inc.

Total Recommended Award:

\$120,000.00

Basis for Award:

Best Value

Purpose:

The purpose of this contract is to provide all labor, supervision, materials, services and equipment required to construct interior finish out of approximately 6,000 square feet within an existing building located at 510 W. Ave B, Garland, Texas. This building will be used for Garland Power & Light's Transmission Engineering operations.

Evaluation:

Requests for bids were issued in accordance with Purchasing procedures. Six (6) bids were received and evaluated on the published criteria of price, schedule, experience, staff qualifications, attendance to pre-bid conference, and litigation history. Mart, Inc. received the highest evaluated score offering the best value to the City.

Recommendation:

Staff recommends awarding the contract to Mart, Inc. offering the best value for the City.

Funding Information:

CIP Project Account 217-3599-3142501-9002

Department Director:

Martin E. Glenn, Deputy City Manager, 972-205-2816



GARLAND
PURCHASING

Bid No.: 5001-15
Agenda Item: 2c
Meeting: Council
Date: 01/06/15

Purchasing Report

FLAMELESS POTHOLE PATCHING TRUCK OPEN MARKET

PURCHASE JUSTIFICATION:

This request is for the purchase of a Flameless Pothole Patching Truck to be used by the Street Department in their daily operations. This truck is being purchased through the BuyBoard Cooperative Contract 430-13. Funding was approved in the 2014-15 Operating Budget.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Freightliner of Austin	1	\$160,734.00
TOTAL:		<u>\$160,734.00</u>

BASIS FOR AWARD:

Cooperative Purchase

Submitted by:

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

Reviewed by:

William E. Dollar
City Manager

Date: 12/17/14

Date: 12/29/14

FINANCIAL SUMMARY:

Total Project/Account:	\$ 845,000
Expended/Encumbered to Date:	-0-
Balance:	\$ 845,000
This Item:	160,734
Proposed Balance:	\$ 684,266

Matt Monedero	12/18/14
Budget Analyst	Date
Ron Young	12/18/14
Budget Director	Date

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

Document Location: Pages 96-97

Account #: 831-4692-9007

Fund/Agency/Project – Description:
Infrastructure Repair & Replacement Fund

Comments:
Pothole patching truck to be purchased using one-time capital funds.



GARLAND

PURCHASING

Executive Summary **Bid 5001-15** **Flameless Pothole Patching Truck**

Recommended Vendor:

Freightliner of Austin

Total Recommended Award:

\$160,734.00

Basis for Award:

Cooperative Purchase

Purpose:

The purpose of this contract is to purchase a flameless pothole patching truck to be used by the Street Department in their daily operations.

Evaluation:

This truck is being provided by Freightliner of Austin through the BuyBoard cooperative contract 430-13.

Recommendation:

Staff recommends awarding the contract for the flameless pothole patching truck to Freightliner of Austin.

Funding Information:

831-4692-9007

Department Director:

Terry Anglin, Fleet Director, 972-205-3524



GARLAND
PURCHASING

Bid No.: 5008-15
Agenda Item: 2d
Meeting: Council
Date: 01/06/15

Purchasing Report

AMBULANCE BODY REMOUNTS OPEN MARKET

PURCHASE JUSTIFICATION:

The purpose of this contract is to remove, refurbish, and remount two existing ambulance bodies onto existing cab and chassis for the Fire Department's use in their daily operations. These services are being provided through the Houston-Galveston Area Council (HGAC) Cooperative Contract AM10-14. Funding was approved in the 2014 Capital Improvement Program.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Frazer, Ltd.	All	\$108,400.00
TOTAL:		\$108,400.00

BASIS FOR AWARD:

Cooperative Purchase

Submitted by:

Reviewed by:

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

William E. Dollar
City Manager

Date: 12/17/14

Date: 12/29/14

FINANCIAL SUMMARY:

Total Project/Account:	\$ 594,000
Expended/Encumbered to Date:	435,670
Balance:	\$ 158,330
This Item:	108,400
Proposed Balance:	\$ 49,930

Matt Watson	12/18/14
Budget Analyst	Date

Ron Young	12/18/14
Budget Director	Date

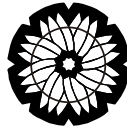
Operating Budget: ☐ CIP: ☒ Year: 2014

Document Location: Page PS05

Account #: 692-1399-1210714-9009

Fund/Agency/Project – Description:
CO-Funded CIP / Fire / Ambulance Remounts

Comments:



GARLAND

PURCHASING

Executive Summary Bid 5008-15 Ambulance Body Remounts

Recommended Vendor:

Frazer, Ltd.

Total Recommended Award:

\$108,400.00

Basis for Award:

Cooperative Purchase

Purpose:

The purpose of this contract is to remove, refurbish, and remount two existing ambulance bodies onto existing cab and chassis for the Fire Department's use in their daily operations.

Evaluation:

These services are being provided by Frazer, Ltd. through the Houston Galveston Area Council (HGAC) cooperative contract AM10-14.

Recommendation:

Staff recommends awarding the contract for ambulance refurbishing and remounting to Frazer, Ltd.

Funding Information:

692-1399-1210714-9009

Department Director:

Terry Anglin, Fleet Director, 972-205-3524



City Council Item Summary Sheet

☐ Work Session

Date: January 6, 2015

☒ Agenda Item

Zoning Ordinance

Summary of Request/Problem

Zoning Ordinance 14-44 Verizon Wireless

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 SPECIFIC USE PERMIT FOR AN ANTENNA, COMMERCIAL TYPE 2 ON A 0.0248-ACRE TRACT OF LAND LOCATED AT 825 E. I-30 FREEWAY; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 24th day of November, 2014, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Verizon Wireless**, and

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

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

Section 1.

Ordinance No. 4647 is hereby amended by approving a Specific Use Permit for an Antenna, Commercial Type 2, on a 0.0248-acre tract of land located at 825 E. I-30 Freeway, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2.

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

Section 3.

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

Section 4.

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

Section 5.

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

FILE NO. 14-44

PASSED AND APPROVED this _____ day of _____, 2015.

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 14-44

Being an approximate 0.0248-acre parcel and identified as a portion of Lot 1, Block 1, Wilder Addition, an addition to the City of Garland, Dallas County, Texas, according to the final plat recorded in Volume 94063, Page 1716 of the Dallas County Clerk's Records. Said 0.0248-acre portion being more particularly described as follows:

Commencing at a 5/8" iron rod found at an interior corner of said Lot 1, Block 1, Wilder Addition, same being an interior corner of a 26.01 acre tract owned by Nick A. Kokles, Jr. recorded in Instrument No. 2008336511, Deed Records, Dallas County, Texas;

THENCE along the southerly line of said 26.01 acre tract, same being the northerly line of said Lot 1, Block 1, Wilder Addition, North 63 degrees 23 minutes 40 seconds East, a distance of 215.83 feet to a Point;

THENCE leaving the southerly line of said 26.01 acre tract, through the interior of said Lot 1, Block 1, Wilder Addition, South 26 degrees 31 minutes 26 seconds East, a distance of 1.30 feet to a 5/8" iron rod set with cap marked "WEBB-4125" at the Northwest corner of the herein described Lease Area for the POINT OF BEGINNING hereof, same point being in an existing wood fence line;

THENCE continuing through the interior of said Lot 1, Block 1, Wilder Addition, the following four (4) courses;

1. North 63 degrees 28 minutes 34 seconds East, along said existing wood fence line, a distance of 40.00 feet to a 5/8" iron rod set with cap marked "WEBB-4125" at the Northeast corner of the herein described Lease Area;

2. South 26 degrees 31 minutes 26 seconds East, leaving said existing wood fence line, a distance of 27.00 feet to a 5/8" iron rod set with cap marked "WEBB-4125" at the Southeast corner of the herein described Lease Area;
3. South 63 degrees 28 minutes 34 seconds West, a distance of 40.00 feet to a 5/8" iron rod set with cap marked "WEBB-4125" at the Southwest corner of the herein described Lease Area;
4. North 26 degrees 31 minutes 26 seconds East, a distance of 27.00 feet to the POINT OF BEGINNING hereof and containing 0.0248 acres or 1,080 square feet of land, more or less.

The subject property is located at 825 E. I-30 Freeway.

SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 14-44

825 E. I-30 Freeway

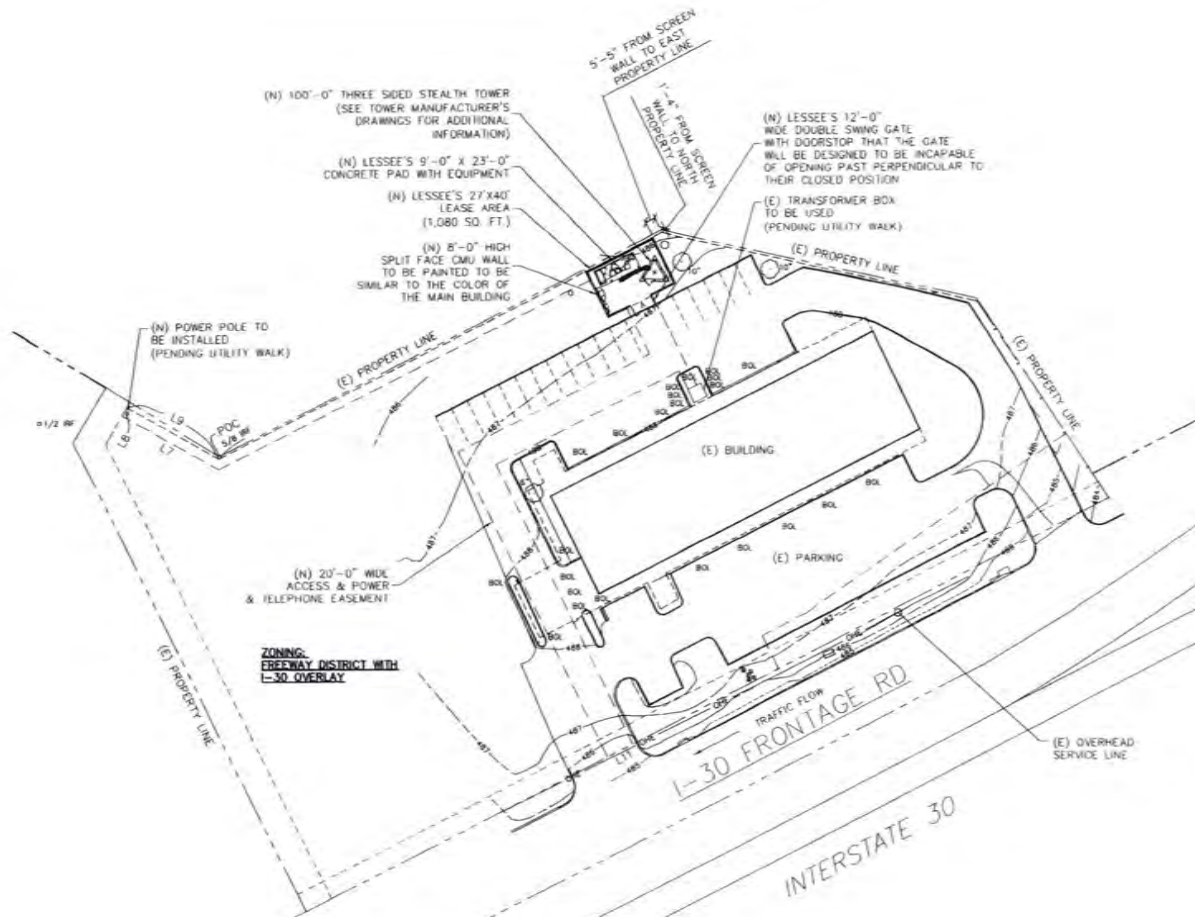
- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to permit a 100-foot tall, 'Antenna, Commercial Type 2' (freestanding tower) subject to conditions.
- II. **Statement of Effect:** This Specific Use Permit shall not affect any regulations found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this Ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Freeway (FW) District as set forth in Sections 31, 33, and 48 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified in this ordinance.
- IV. **Specific Regulations:**
 - A. Time Period: The Specific Use Permit shall be in effect for a period of 50 years.
 - B. Site Plan: Development shall be in general conformance with the approved site plan identified as Exhibit C.
 - C. Stealth Cell Tower Design: The design of the stealth tower shall be in general conformance with the elevation drawings identified as Exhibit D.
 - D. Stealth Cell Tower Height: The height of the stealth cell tower, including the obelisk outer structure, shall not exceed 100 feet.
 - E. Security Fencing/Screening: The tower and ground equipment shall be entirely enclosed by a screening wall constructed of split face CMU.
 - F. Additional Antennas: The tower shall be made available for additional antennas.
 - G. Building Placement: The stealth cell tower compound shall be permitted within the 15-foot setback along the northwest and northeast interior property lines.

THERE ARE NO LOADING AREAS.
THERE IS A MOVEABLE DUMPSTER AT THE BACK OF THE PROPERTY.
OWNER INDICATES CITY PERMITS THE DUMPSTER ANYWHERE BEHIND THE BUILDING SO NO SPECIFIC LOCATION IS SHOWN.

1. SQUARE FOOTAGE OF EXISTING AND PROPOSED BUILDINGS (SF FOR CELL TOWER USE = 0. SF OF EXISTING HOTEL IS 10,842).
2. PARKING REQUIRED/PROVIDED: PARKING SPACES REQUIRED FOR CELL TOWER = 0. REQUIRED PARKING FOR MOTEL IS GRANDFATHERED AT 1 SPACE PER ROOM - BUILDING PERMIT WAS APPROVED IN 1996 PER THE OWNER. 50 ROOMS = 50 SPACES REQUIRED. 63 SPACES PROVIDED. CURRENT PARKING STANDARDS FOR HOTEL/MOTEL IS 1.25 SPACES PER ROOM SO EVEN UNDER CURRENT STANDARDS 63 SPACES WOULD BE REQUIRED AND 63 ARE BEING PROVIDED.
3. BUILDING HEIGHT REQUIRED/PROVIDED: CELL TOWER HEIGHT = 100' MAXIMUM STRUCTURE HEIGHT IN FW-BUILDINGS OR STRUCTURES MAY BE CONSTRUCTED TO ANY LEGAL HEIGHT.
4. LOT COVERAGE REQUIRED/PROVIDED: MAXIMUM LOT COVERAGE = 60% LOT COVERAGE PROVIDED = $10,842 / 103,280 = 10.5\%$



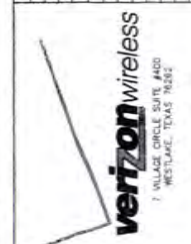
VICINITY MAP



1 SITE PLAN
SCALE: 1" = 30'-0"



NO.	DATE	REVISION
1	11/18/14	ZONE DRAWING
2	11/18/14	ZONE DRAWING
3	11/18/14	ZONE DRAWING
4	11/18/14	ZONE DRAWING



DATE DRAWN:	11/18/14
DRAWN BY:	C. RIM
APPROVED BY:	J. GEORGE

NEW SITE BUILD
WINDSOR PARKWAY
SITE # 279963
825 EAST I-30
GARLAND, TX 75043
DALLAS COUNTY

ALLPRO
CONSULTING GROUP, INC.
801 LYNDON B. JOHNSON FREEWAY
SUITE 204 DALLAS, TX 75243
PHONE: 972-351-8801 FAX: 972-351-8811
WWW.ALLPROCONSULTING.COM
FORM REGISTRATION # 8292
ACOR 14-2718

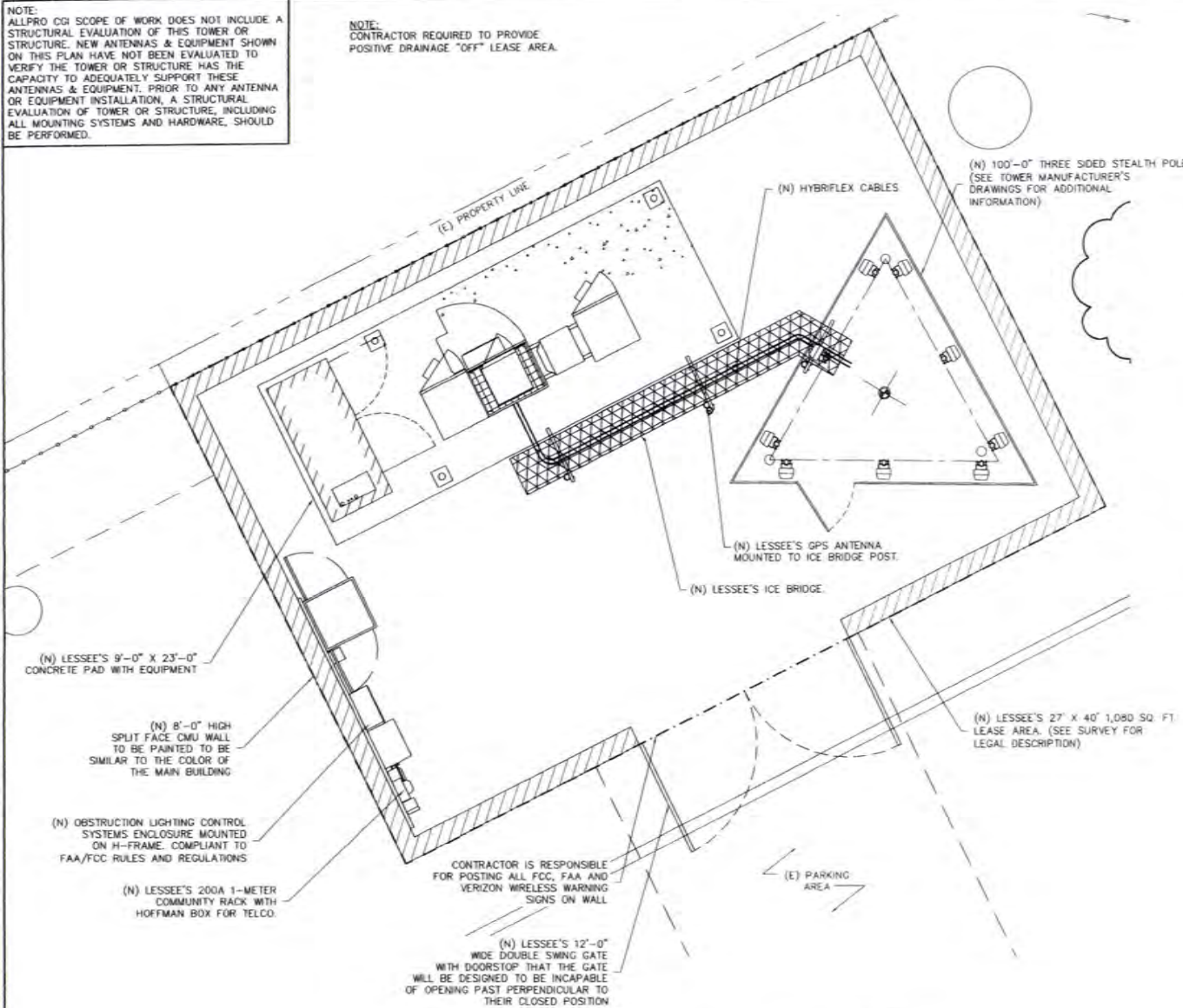
ENGINEER: ALLPRO CONSULTING GROUP, INC. 9221 LYNDON B. JOHNSON FREEWAY SUITE 204 DALLAS, TX 75243 (972) 231-8893
OWNER: THAD ET AL WILDER 825 E I-30 GARLAND TX 75043-4121
LEGAL DESCRIPTION: WILDER ADDITION BLK 1 LOT 1 ACS 2.371

SHEET NAME
SITE PLAN
SHEET NUMBER
C-1

EXHIBIT C

NOTE:
ALLPRO CQI SCOPE OF WORK DOES NOT INCLUDE A STRUCTURAL EVALUATION OF THIS TOWER OR STRUCTURE. NEW ANTENNAS & EQUIPMENT SHOWN ON THIS PLAN HAVE NOT BEEN EVALUATED TO VERIFY THE TOWER OR STRUCTURE HAS THE CAPACITY TO ADEQUATELY SUPPORT THESE ANTENNAS & EQUIPMENT. PRIOR TO ANY ANTENNA OR EQUIPMENT INSTALLATION, A STRUCTURAL EVALUATION OF TOWER OR STRUCTURE, INCLUDING ALL MOUNTING SYSTEMS AND HARDWARE, SHOULD BE PERFORMED.

NOTE:
CONTRACTOR REQUIRED TO PROVIDE POSITIVE DRAINAGE "OFF" LEASE AREA.



1 ENLARGED SITE PLAN
SCALE: 3/16" = 1'-0"



NOTE 1:

THE CONTRACTOR WILL, UPON BECOMING AWARE OF SUBSURFACE OR LATENT PHYSICAL CONDITIONS DIFFERING FROM THOSE DISCLOSED BY THE ORIGINAL SOIL INVESTIGATION WORK, PROMPTLY NOTIFY THE OWNER VERBALLY TO PERMIT VERIFICATION OF THE DIFFERING CONDITIONS, AND IN WRITING, AS TO THE NATURE OF THE DIFFERING CONDITIONS. NO CLAIM BY THE CONTRACTOR FOR ANY CONDITIONS DIFFERING FROM THOSE ANTICIPATED IN THE PLANS AND SPECIFICATIONS AND DISCLOSED BY THE SOIL STUDIES WILL BE ALLOWED UNLESS THE CONTRACTOR HAS SO NOTIFIED THE OWNER, VERBALLY AND IN WRITING, AS REQUIRED ABOVE, OF SUCH DIFFERING SUBSURFACE CONDITIONS.

NOTE 2:

ANY AREA ALTERED FROM CONSTRUCTION TO BE RETURNED TO ITS ORIGINAL STATE. GRASS AREA SHALL BE SEEDED AND MAINTAINED UNTIL SEEDS HAVE GERMINATED.

NOTE 3:

CONTRACTOR SHALL VERIFY ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION.

NOTE 4:

CONTRACTOR TO INSTALL EROSION CONTROL MEASURES ALONG PERIMETER OF ALL CONSTRUCTION SUFFICIENT TO PREVENT STORM WATER RUNOFF CONTAMINATION. SEE 1/C-6.

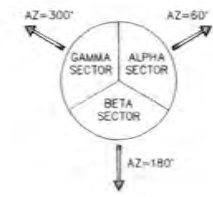
NOTE 5:

THE CONTRACTOR SHALL CLEAN-UP AND REMOVE FROM THE WORK SITE ON A DAILY BASIS (OR SOONER IF DIRECTED BY THE VERIZON WIRELESS PROJECT MANAGER) ALL RUBBISH AND CONSTRUCTION DEBRIS, RESULTING FROM HIS OWN WORK. THE CONTRACTOR SHALL SUPPLY A DUMPSTER OR SIMILAR TRASH STORAGE/REMOVAL DEVICE AT JOBSITES WHERE CONSTRUCTION DEBRIS OR GARBAGE IS GENERATED.

NOTE 6:

THE CONTRACTOR SHALL REMOVE AND DISPOSE OF ALL SURFACE GROWTH, INCLUDING TREES, VEGETATION, RUBBISH, UNDERGROWTH, STUMP AND ROOT STRUCTURES, SURFACE BOULDERS, AND ANY OTHER OBJECTIONABLE MATERIAL FROM THE TOWER BASE, GUYS PATHS, GUY ANCHOR AREA, BUILDING AREA, AND ROADS.

0" = TRUE NORTH



ANTENNA ORIENTATION

DATE DRAWN	04/17/14
DRAWN BY	SH / NI / CR / JV
APPROVED BY	J. GEORGE
DATE	04/17/14
DESIGNED BY	SH / NI / CR / JV
CHECKED BY	J. GEORGE
DATE	04/17/14
DESIGNED BY	SH / NI / CR / JV
CHECKED BY	J. GEORGE
DATE	04/17/14



NEW SITE BUILD
WINDSOR PARKWAY
SITE # ID 279963
825 EAST I-30
GARLAND, TEXAS 75043
DALLAS COUNTY



PROJECT NO:	14-2756
SHEET NAME	ENLARGED SITE PLAN
SHEET NUMBER	C-2

EXHIBIT C

②



SCALE: NONE

①

SCALE 1" = 40'-0"



TX CIRCLE SUITE #400
DALLAS, TEXAS 75262

EXHIBIT D



City Council Item Summary Sheet

☐ Work Session

Date: January 6, 2015

☒ Agenda Item

Zoning Ordinance

Summary of Request/Problem

Zoning Ordinance 14-45 INZI, Inc.

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 SPECIFIC USE PERMIT FOR RETAIL SALES WITH GAS PUMPS ON A 21,501 SQUARE FOOT TRACT OF LAND ZONED PLANNED DEVELOPMENT (PD) DISTRICT FOR GENERAL BUSINESS AND LOCATED AT 1102 LAVON DRIVE; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 24th day of November, 2014, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **INZI, Inc.**; and

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

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

Section 1.

Ordinance No. 4647 is hereby amended by approving a Specific Use Permit for Retail Sales with Gas Pumps on a 21,501 square foot tract of land zoned Planned Development (PD) District for General Business Uses and located at 1102 Lavon Drive and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2.

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

Section 3.

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

Section 4.

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

FILE NO. 14-45

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 _____, 2015.

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PERMIT FOR RETAIL SALES WITH GAS PUMPS ON A 21,501 SQUARE FOOT TRACT OF LAND ZONED PLANNED DEVELOPMENT (PD) DISTRICT FOR GENERAL BUSINESS AND LOCATED AT 1102 LAVON DRIVE; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 24th day of November, 2014, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **INZI, Inc.**; and

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

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

Section 1.

Ordinance No. 4647 is hereby amended by approving a Specific Use Permit for Retail Sales with Gas Pumps on a 21,501 square foot tract of land zoned Planned Development (PD) District for General Business Uses and located at 1102 Lavon Drive and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2.

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

Section 3.

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

Section 4.

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

FILE NO. 14-45

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 _____, 2015.

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 14-45

BEING all of Lot 3, Block 1 of the Star Crest Shopping Center No. 3 Addition, an addition to the City of Garland, Volume 84202, Page 3503, of the Deed Records of Dallas County, Texas. This property is located at 1102 Lavon Drive, northeast of the intersection of Lavon Drive and Castle Drive.

SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 14-45

1102 Lavon Drive

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to permit the operation of a gas station under new ownership.
- II. **Statement of Effect:** This permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, as amended, except as specifically provided herein.
- III. **General Regulations:** All regulations of Section 10-309 and the Shopping Center (SC) District set forth in Section 24 and 33 of the Comprehensive Zoning Ordinance, Ordinance No. 4647 are included by reference and shall apply, except as otherwise specified in this ordinance.
- IV. **Specific Regulations:**
 - A. Time Period: The Specific Use Permit shall be in effect for a 25 year time period.
 - B. Site Plan: Subject property shall remain in general conformance with site plan labeled Exhibit C.
 - C. Surety Bond: The owner/operator shall provide a \$40,000 surety bond or similar security to the City to ensure the removal of all buildings, equipment, above-ground and underground storage tanks and/or other improvements in the event the business operations (retail sales with gas pumps) ceases operation for a period of two or more years, Section 10-309(c) of the Comprehensive Zoning Ordinance.
 - D. Dumpster Enclosure: The existing dumpster enclosure shall be screened to comply with the Screening and Landscape Standards.

LAVON DRIVE
(HIGHWAY NO. 78)



TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

Lawyers Title Insurance Company,
Central Bank, and
One Star Food Mart

This is to certify that I have this date, made a careful and accurate survey on the ground of property described as follows, to-wit:

BEING a tract of land situated in the City of Garland, Dallas County, Texas, being all of Lot 1, Block A of STAR CREST SHOPPING CENTER, ADDITION NO. 3, an addition to the City of Garland, Texas according to the plat recorded in Volume 77182, Page 2611 of the Map Records of Dallas County Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for corner at the intersection of the right of way cut back line of Lavon Drive (Highway No. 78) and the North right of way line of Castle Drive (a 100' R.O.W.):

THENCE North 42 degrees 59 minutes 00 seconds West, along the right of way cut back line of said Lavon Drive, a distance of 101.05 feet to an angle point, a 1/2" iron rod found for corner, said corner being in a curve to the right, having a radius of 5,669.50 feet with a central angle of 01 degrees 31 minutes 57 seconds;

THENCE Northeasterly, along said curve to the right and along the East R.O.W. line of said Lavon Drive, an arc distance of 150 feet to the Northwest corner of said Lot 1, being the Southwest corner of Lot 1, Block 1 of STAR CREST SHOPPING CENTER NO. 1, an addition to the City of Garland, Texas according to the plat recorded in Volume 69245, Page 2050 of the Map Records of Dallas County, Texas, a 1/2" iron rod found for corner;

THENCE East, along the North line of said Lot 1, and the South line of said STAR CREST SHOPPING CENTER NO. 1, a distance of 97.93 feet to the Northeast corner of said Lot 1, being the Northwest corner of Lot 2, Block A of STAR CREST SHOPPING CENTER NO. 3, an "X" found in concrete for corner;

THENCE South, along the common line of said Lots 1 and 2, a distance of 222.85 feet to the common South corner of said Lots 1 and 2 in the North R.O.W. line of said Castle Drive an "X" found in concrete for corner;

THENCE South 89 degrees 31 minutes 00 seconds West, along the North R.O.W. line of said Castle Drive and along the South line of said Lot 1, a distance of 43.48 feet to the PLACE OF BEGINNING, containing 21,501 square feet of land.

The plat hereon is a true and accurate representation of the property as determined by survey, subject to any and all easements, encumbrances and restrictions that may be of record, the lines and dimensions of said property being as indicated by the plat, the area, location and type of buildings and improvements are as shown, all improvements being within the boundaries of the property, we bear from papers filed the distances indicated, and that the distance from the nearest intersecting street or road is as shown on said plat. There are no encumbrances, conflicts or prior claims except as shown.

Scale 1" = 20'
Date 12-11-93
By Don Parish
Don Parish
2516
2000 University Parkway Dallas, Texas 75227



1405

EXHIBIT C

OCT 29 2014 PM



City Council Item Summary Sheet

☐ Work Session

Date: January 6, 2015

☒ Agenda Item

CREDIT SALES AGREEMENT (CSA) WITH TRINITY RIVER MITIGATION BANK, L.P. FOR PLEASANT VALLEY BRIDGE – RICHFIELD DRIVE TO MILES ROAD

Summary of Request/Problem

The 2004 Bond Referendum and the approved 2014 CIP included funds to for the construction and widening of Pleasant Valley Road Bridge from Firewheel Parkway to Richfield Drive.

To properly construct the new bridge, the project will disturb a few small existing wetlands areas. The City is required by federal law to mitigate the disturbed wetlands. The option staff recommended was to participate by purchasing mitigation credits through the Trinity River Mitigation Bank, L.P. (TRMB). The TRMB is a recognized entity by the CORPS.

A Credit Sales Agreement with the TRMB is required to be executed by the City. The City's must also pay the TRMB a one-time fee of \$178,500 for the purchase of the credits.

This item was considered by Council at the December 15, 2014 Work Session.

Recommendation/Action Requested and Justification

Adopt a Resolution that authorizes the City Manager to execute the Credit Sales Agreement.

Submitted By:

**Michael C. Polocek
Director of Engineering**

Approved By:

**William E. Dollar
City Manager**

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CREDIT SALES AGREEMENT WITH TRINITY RIVER MITIGATION BANK, L.P.; AND PROVIDING 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 enter into a Credit Sales Agreement with Trinity River Mitigation Bank, L.P. for the purpose of acquiring mitigation credits for wetlands and riparian habitat mitigation in conjunction with the proposed Pleasant Valley Bridge over Rowlett Creek, a copy of which is attached hereto as Exhibit "A".

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 January, 2015.

CITY OF GARLAND,

MAYOR

ATTEST:

CITY SECRETARY

EXHIBIT "A"

CREDIT SALES AGREEMENT

This Credit Sales Agreement (the "Agreement") is entered into by and between Trinity River Mitigation Bank, L.P., a Texas limited partnership ("TRMB"), and City of Garland (the "Purchaser").

RECITALS:

A. Pursuant to that certain Mitigation Banking Instrument Agreement dated April, 2001 (the "MBI") between, among others, Wetland Partners, L.P., a Texas limited partnership ("Wetland Partners"), as the sponsor, West Fork Partners, L.P., a Texas limited partnership ("West Fork") and the U.S. Army Corp of Engineers ("USACE"), Wetland Partners, as Sponsor of the Bank, and West Fork established the Trinity River Mitigation Bank under Permit Number 199800370 (the "Bank").

B. TRMB is the successor in interest to West Fork's rights under the MBI, although West Fork remains the owner of the surface of real property subject to the MBI.

C. Pursuant to the terms of the MBI, TRMB and Wetland Partners, as Sponsor of the Bank, intend to develop, restore, enhance, create and preserve wetlands, open water and riparian habitat on certain real property described in the MBI in exchange for mitigation bank credits authorized by USACE (the "Credits").

D. The Purchaser is developing certain real property, and in conjunction with such development, USACE has required that the Purchaser provide off-site wetland mitigation to compensate for impacts to USACE jurisdictional wetlands.

E. The Purchaser desires to purchase ten and two-tenths (10.2) Credits to satisfy the Purchaser's mitigation obligation.

AGREEMENT:

NOW, THEREFORE, for good and valuable consideration described in this Agreement, the receipt and sufficiency of which are hereby acknowledged, the Purchaser and TRMB agree as follows:

1. **Sale of the Credits.** TRMB hereby agrees to sell and assign, and does hereby sell, assign, transfer and convey to the Purchaser, and the Purchaser hereby agrees to purchase and accept, and does hereby purchase, accept, acquire and receive from TRMB, ten and two-tenths (10.2) Credits.

2. **Payment for Credits.** In consideration of the delivery of the Credits, the Purchaser agrees to pay to TRMB the sum of One Hundred Seventy Eight Thousand Five Hundred Dollars (\$178,500) for all of the Credits purchased pursuant to this Agreement.

3. **Representations.**

(a) Representations of TRMB. TRMB represents to the Purchaser the following:

- (i) TRMB is a Texas limited partnership, duly formed and validly existing;
- (ii) the Credits to be sold to the Purchaser are currently available and have been approved for release by the USACE and this CSA is valid until February 28, 2015;
- (iii) TRMB has duly taken all action necessary to authorize its execution and delivery of this Agreement and to authorize the consummation and performance of the transactions contemplated by this Agreement; and
- (iv) this Agreement, and all other agreements executed in connection with this Agreement, are the legal, valid and binding obligations of TRMB, enforceable in accordance with their terms except as such enforcement may be limited by bankruptcy, insolvency or similar laws of general application relating to the enforcement of creditors' rights.
- (v) The Bank is operated, and will continue to be operated, in accordance with all applicable USACE laws, regulations, orders, permit requirements, agreements and guidance, including, without limitation, the MBI and Permit Number 199800370.

Other than as expressly set forth above, TRMB does not make any representations or warranties to Purchaser, including, without limitation, the suitability of the Credits or whether or not the Credits will satisfy, in whole or part, any mitigation obligation of the Purchaser.

(b) Representations of Purchaser. The Purchaser represents to TRMB the following:

- (i) the Purchaser is a municipality in the State of Texas, duly formed and validly existing;
- (ii) the Purchaser has duly taken all action necessary to authorize its execution and delivery of this Agreement and to authorize the consummation and performance of the transactions contemplated by this Agreement; and
- (iii) this Agreement, and all other agreements executed in connection with this Agreement, are the legal, valid and binding obligations of the Purchaser, enforceable in accordance with their terms except as such enforcement may be limited by bankruptcy, insolvency or similar laws of general application relating to the enforcement of creditors' rights.

Other than as expressly set forth above, Purchaser does not make any representations or warranties to TRMB.

4. **Confidentiality.** The Purchaser shall keep absolutely confidential the existence of this Agreement, its terms, and all information regarding the MBI, TRMB, the Credits and the Bank that the Purchaser learned, was provided or was otherwise disclosed to Purchaser in connection with the negotiation, execution and consummation of this Agreement, except for the disclosure of those items that are already in the public domain, where disclosure is otherwise required by law, or the disclosure is approved by TRMB in writing.

5. **Notices.** Notices or other communications under this Agreement by either party to the other shall be given or delivered sufficiently if they are in writing and are delivered personally, or are dispatched by registered or certified mail, postage pre-paid, or facsimile, addressed or delivered to the other party as set forth on the signature pages to this Agreement.

6. **Binding Agreement; Assignment.** This Agreement, and its benefits and obligations, shall inure to and bind the respective heirs, executors, administrators, successors and assigns of the parties hereto. This Agreement may not be assigned by TRMB or the Purchaser without the written consent of the other.

7. **Restriction on Recordation.** Neither this Agreement nor any notice, memorandum nor notation thereof shall be recorded or disclosed by TRMB or the Purchaser in any public records or in any document made public.

8. **Attorney's Fees.** If there is a dispute between the Purchaser and TRMB under this Agreement, the prevailing party shall be entitled to recover all costs incurred, including reasonable attorney's fees, paralegal's fees and appellate and post-judgment proceedings and all costs thereof.

9. **Final Agreement.** This Agreement embodies the whole agreement of the Purchaser and TRMB. This Agreement shall supersede all previous communications, discussions, representations, advertisements, proposals or agreements either verbal or written, between the Purchaser and TRMB not otherwise contained in this Agreement.

10. **Captions.** The captions in this Agreement are included for convenience only and shall be given no legal effect whatsoever.

11. **Modification.** This Agreement may not be modified except by written instrument executed by both the Purchaser and TRMB.

12. **Choice of Laws: Venue.** This Agreement shall be governed by the laws of the State of Texas, and the venue for all disputes with respect to this Agreement shall be in Dallas, Dallas County, Texas.

13. **Partial Invalidity.** Should any part of this Agreement be rendered void, invalid or unenforceable by any court of law for any reason, such a determination shall not render void, invalid or unenforceable any other part of this Agreement, provided, however, that the parties receive the full consideration bargained for hereunder.

14. **Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall constitute an original, and all of which shall constitute one and the same agreement.

[the remainder of this page intentionally left blank]

IN WITNESS WHEREOF, the Purchaser and TRMB have executed this Agreement effective for all purposes as of the _____ day of _____, 2015.

TRMB:

TRINITY RIVER
MITIGATION BANK, L.P.
a Texas limited partnership

By: Wetland Partners, L.P.
Its: General Partner

By: WF Investments, Inc.
Its: General Partner

By: _____
Wallace L. Hall, Jr.
Its: President

Address: 5956 Sherry Lane, Suite 1810
Dallas, Texas 75225
Telephone: (214) 891-0920
Facsimile: (214) 891-9855
Tax ID #: 20-2137693

THE PURCHASER:

City of Garland
A Municipality in the State of Texas

By: _____
William E. Dollar
Its: City Manager

Address: City of Garland Engineering
800 Main Street
P.O. Box 469002
Garland, Texas 75046-9002
Telephone: (972) 205-2170
Facsimile: (972) 205-2675



City Council Item Summary Sheet

☐ Work Session

Date: January 6, 2015

☒ Agenda Item

Purchase of Electric Transmission Line

Summary of Request/Problem

At the December 15, 2014 Work Session, Council considered authorizing the purchase of an electric transmission line, approximately one mile in length, located within the Garland city limits from the Brazos Electric Power Cooperative, Inc. (BEPC). The depreciated value of the line on the BEPC balance sheet is \$173,181.

BEPC and Garland propose to make a joint application to the Public Utility Commission of Texas (PUCT) to allow the City of Garland to purchase the transmission line from BEPC. BEPC has agreed to sell the electric transmission line to Garland for \$173,181 subject to PUCT action.

Garland will be able to include the purchase price of the transmission line and any subsequent improvements to the line in its next TCOS filing.

Recommendation/Action Requested and Justification

Approve a resolution authorizing the purchase of electric transmission assets, including the associated easements, from Brazos Electric Power Cooperative.

Submitted By:

Jeff Janke
Sr. Managing Director

Approved By:

William E. Dollar
City Manager

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE PURCHASE OF ELECTRIC TRANSMISSION ASSETS, INCLUDING THE ASSOCIATED EASEMENTS, FROM BRAZOS ELECTRIC POWER COOPERATIVE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That the City of Garland is hereby authorized to purchase those certain electric transmission assets identified in the Bill of Sale and Assignment of Easements, which is attached hereto and incorporated herein as Exhibit A, as the Apollo-East Richardson 138kV electric transmission line and the associated easement interests for \$173,181.00.

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 _____, 2015.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

BILL OF SALE AND ASSIGNMENT OF EASEMENTS

This Bill of Sale and Assignment of Easements is made effective January ____, 2015, by and between BRAZOS ELECTRIC POWER COOPERATIVE, INC., a non-profit electric cooperative corporation, whose address is P. O. Box 2585, Waco, Texas 76702 (“Brazos Electric” or “Seller”) by the CITY OF GARLAND, Texas, a home-rule municipality, whose address is 200 N. Fifth , Garland, Texas 75040-6314 (“Garland” or “Purchaser”).

RECITALS

WHEREAS, Brazos Electric owns the Assets listed in Schedule I, which is known as a portion of the Apollo-East Richardson 138 kV electric transmission line, including the associated easements; and

WHEREAS, Brazos Electric has agreed to sell, transfer and assign the Assets to Garland described and listed in Schedule I.

NOW, THEREFORE, for the sum of ONE HUNDRED SEVENTY THREE THOUSAND ONE HUNDRED EIGHTY ONE AND NO/100 Dollars (\$173,181.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, Seller hereby sells, transfers and delivers to Purchaser all tangible personal property described and set forth in Schedule I attached hereto and incorporated herein, generally described as a portion of the Apollo-East Richardson 138 kV electric transmission line together with all and singular the rights thereto, and Purchaser hereby purchases, accepts and acquires from Seller all such tangible personal property, described as follows:

Those certain electric facilities, in place, known as a portion of the Apollo-East Bridgeport 138 kV electric transmission line, in Dallas County, Texas, extending 1.38 miles and consisting of a single circuit on single pole structures, and being foundations, wooden structures, cross-arms, insulators, static wire, associated hardware and electric conductors, all as more fully described on Schedule I.

For the same consideration, Seller has sold, assigned and transferred, and by these presents does sell, assign and transfer unto Purchaser the transmission line easements described on Schedule II attached hereto (hereafter the “Transmission Easements”).

Seller hereby represents and warrants that it is the lawful owner of all the tangible personal property set forth in Schedule I, free and clear of all liens.

PURCHASER AND SELLER AGREE THAT AS A MATERIAL PART OF THE CONSIDERATION FOR THE CONVEYANCES MADE HEREIN, THE PERSONAL PROPERTY AND THE TRANSMISSION EASEMENTS ARE SOLD “AS IS” AND “WHERE IS” AND “WITH ALL FAULTS.” SELLER MAKES NO WARRANTY OR REPRESENTATION, EITHER

EXPRESS OR IMPLIED, AS TO THE FITNESS, QUALITY, DESIGN, CONDITION, SUITABILITY, MERCHANTABILITY, PERFORMANCE OR FITNESS FOR ANY PARTICULAR PURPOSE OF THE PERSONAL PROPERTY DESCRIBED ABOVE. ALL SUCH WARRANTIES ARE HEREBY DISCLAIMED BY SELLER, AND SUCH DISCLAIMER IS SPECIFICALLY AGREED TO AND ACCEPTED BY PURCHASER.

Further, Purchaser agrees that it has had the opportunity and right to inspect the personal property Purchaser is purchasing from Seller prior to such purchase and prior to the delivery of this Bill of Sale, and that Purchaser has exercised the right to inspect to the extent it desires and deems necessary.

All references to "Seller" and "Purchaser" herein include their respective representatives, successors, and assigns.

TO HAVE AND TO HOLD the Assets and the Transmission Easements, together with all singular the rights and appurtenances thereto and in anywise belonging unto Seller, its successors and assigns forever; WITHOUT WARRANTY AND SUBJECT IN ALL RESPECTS TO THE DISCLAIMERS SET FORTH ABOVE.

IN WITNESS WHEREOF, Seller has executed this Bill of Sale as of the date first above written.

BRAZOS ELECTRIC POWER COOPERATIVE, INC.

By: _____

Clifton Karnei

Title: Executive Vice President and General Manager

THE STATE OF TEXAS §

§

COUNTY OF MCLENNAN §

This instrument was acknowledged before me on _____, 2015, by Clifton Karnei, Executive Vice President and General Manager of Brazos Electric Power Cooperative, Inc., on behalf of said corporation.

Notary Public, State of Texas

Accepted by:

THE CITY OF GARLAND, TEXAS

By: _____

Title: _____

After recording, return to:

City of Garland, Texas
Attn: Electric Department Director
P. O. Box 469002
Garland, Texas 75046-9002

SCHEDULE I

All electric facilities, in place, owned by Brazos Electric Power Cooperative, Inc. situated upon the easements listed on Schedule II, including, but not limited to the following:

The Transmission Line (Garland Apollo to East Richardson) consisting of 138 kV single circuit on single pole structures, and being foundations, wooden structures, insulators, static wire, associated hardware and electric conductors, the Transmission Line being approximately one and thirty-eight hundredths (1.38) miles long.

SCHEDULE II

Grantor	Grantee	Instrument	Dated	Recorded	Survey / Abstract
Fox & Jacobs	Brazos Electric	Easement	3-11-77	77043/3894	J. Casey / 256
Est. of W. Cain	Brazos Electric	Easement	11-2-79	80012/2608	W. Crittenton / 334
Brazos Electric	Oakridge Development Company	P. Release	7-15-81		W. Crittenton / 334
B.B. Haynes, et al	Brazos Electric	Easement	11-29-41	92167/1473	J. Casey / 256
B.J. Peaster, et vir	Brazos Electric	Easement	12-13-41	92167/1476	J. Casey / 256
Thelma Cookston	Brazos Electric	Easement	12-6-41	92167/1479	J. Casey / 256
R.L. Gilliland	Brazos Electric (condemnor)	Judgment	6-9-42	30/616	F. Moss / 941
R.L. Gilliland	Brazos Electric	Easement & Correction Easement	6-28-66	68103/0031	F. Moss / 941
Brazos Electric	R.L. Gilliland	P. Release	10-4-93	93195/924	F. Moss / 941
Brazos Electric	R.L. Gilliland	Correction P. Release	11-13-95	95231/3411	F. Moss / 941



City Council Item Summary Sheet

☐ Work Session

Date: January 6, 2015

☒ Agenda Item

Police Officer Injury Leave Extension – Billy Ivy

Summary of Request/Problem

Officer Billy J. Ivy sustained injuries when he was involved in a motor vehicle accident while on duty performing his duties as a Garland Police Officer. Additional medical treatment is required in order to rehabilitate Officer Ivy so that he will be able to return to work at the Police Department.

Section 143.073 of the Texas Local Government Code (Municipal Civil Service for Firefighters and Police Officers) specifies that a police officer may be on leave of absence for a line of duty injury for at least one year. Further, at the end of that one-year period, the municipality's governing body may extend the line of duty injury leave at full or reduced pay.

At the January 5, 2015 Work Session, Council was scheduled to consider a request to extend Officer Ivy's leave at full pay through June 27, 2015 (an additional six months from the one-year anniversary of the injury) until such time that he has received the appropriate medical care for the line of duty injury and is medically cleared to return to work by his treating physician(s).

Recommendation/Action Requested and Justification

Approve by minute action extending Officer Billy Ivy's leave at full pay through June 27, 2015.

Submitted By:

Mitchel L. Bates
Chief of Police

Approved By:

William E. Dollar
City Manager



City Council Item Summary Sheet

☐ Work Session

Date: January 6, 2015

☒ Agenda Item

Neighborhood Vitality Grants

Summary of Request/Problem

Council was briefed at the December 15, 2014 Work Session regarding the application for Neighborhood Vitality Funding for the Travis College Hill Addition. The Community Services Committee had previously reviewed this application and recommended approval. Council directed that a Resolution be brought forward to fund this application.

Recommendation/Action Requested and Justification

Consider adoption of attached resolution.

Submitted By:

**Anita Russelmann
Planning Director**

Approved By:

**William E. Dollar
City Manager**

RESOLUTION NO. _____

**A RESOLUTION APPROVING AND FUNDING A 2014-2015 CYCLE 1
NEIGHBORHOOD VITALITY MATCHING GRANT PROJECT.**

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

Section 1

The Neighborhood Vitality Matching Grant Application attached hereto as Exhibit A and incorporated herein by reference, is hereby adopted and approved according to the program guidelines. These funds will be appropriated as part of the annual Capital Improvement Program.

Section 2

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

PASSED AND APPROVED this the 6th day of January, 2015.

THE CITY OF GARLAND, TEXAS

BY: _____
Mayor

ATTEST:

City Secretary

EXHIBIT A

**2014-15 NEIGHBORHOOD VITALITY MATCHING GRANT APPLICATIONS
Cycle 1**

Applicant	Project	Fund Request	Council District
Travis College Hill Addition	Signs, Sign Toppers, Additional Lighting	\$21,249	2



City Council Item Summary Sheet

☐ Work Session

Date: January 6, 2015

☒ Agenda Item

Zoning Ordinance

Summary of Request/Problem

Zoning Ordinance 14-43 Masterplan

Recommendation/Action Requested and Justification

Consider adoption of attached ordinance. The owners of more than 20 percent of the land within 200 feet of the subject property submitted written opposition; therefore, adoption of this ordinance required sever affirmative votes.

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 SPECIFIC USE PERMIT FOR A RECYCLING CENTER ON PROPERTY ZONED INDUSTRIAL-1 (I-1) DISTRICT, ON A 21.276-ACRE TRACT OF LAND LOCATED AT 2801 WOOD DRIVE; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 24th day of November, 2014, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Masterplan**, and

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

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

Section 1.

Ordinance No. 4647 is hereby amended by approving a Specific Use Permit for a Recycling Center on property zoned Industrial-1 (I-1) District, on a 21.276-acre tract of land located at 2801 Wood Drive, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2.

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

Section 3.

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

Section 4.

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

Section 5.

FILE NO. 14-43

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

PASSED AND APPROVED this _____ day of _____, 2015.

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 14-43

BEING a 21.276 acre tract being known as Lot 1, Block 1, SST Truck Addition, an addition to the City of Garland as shown on the Plat recorded in Instrument Number 20070132656, of the Plat Records of Dallas County, Texas. This property is located at 2801 Wood Drive.

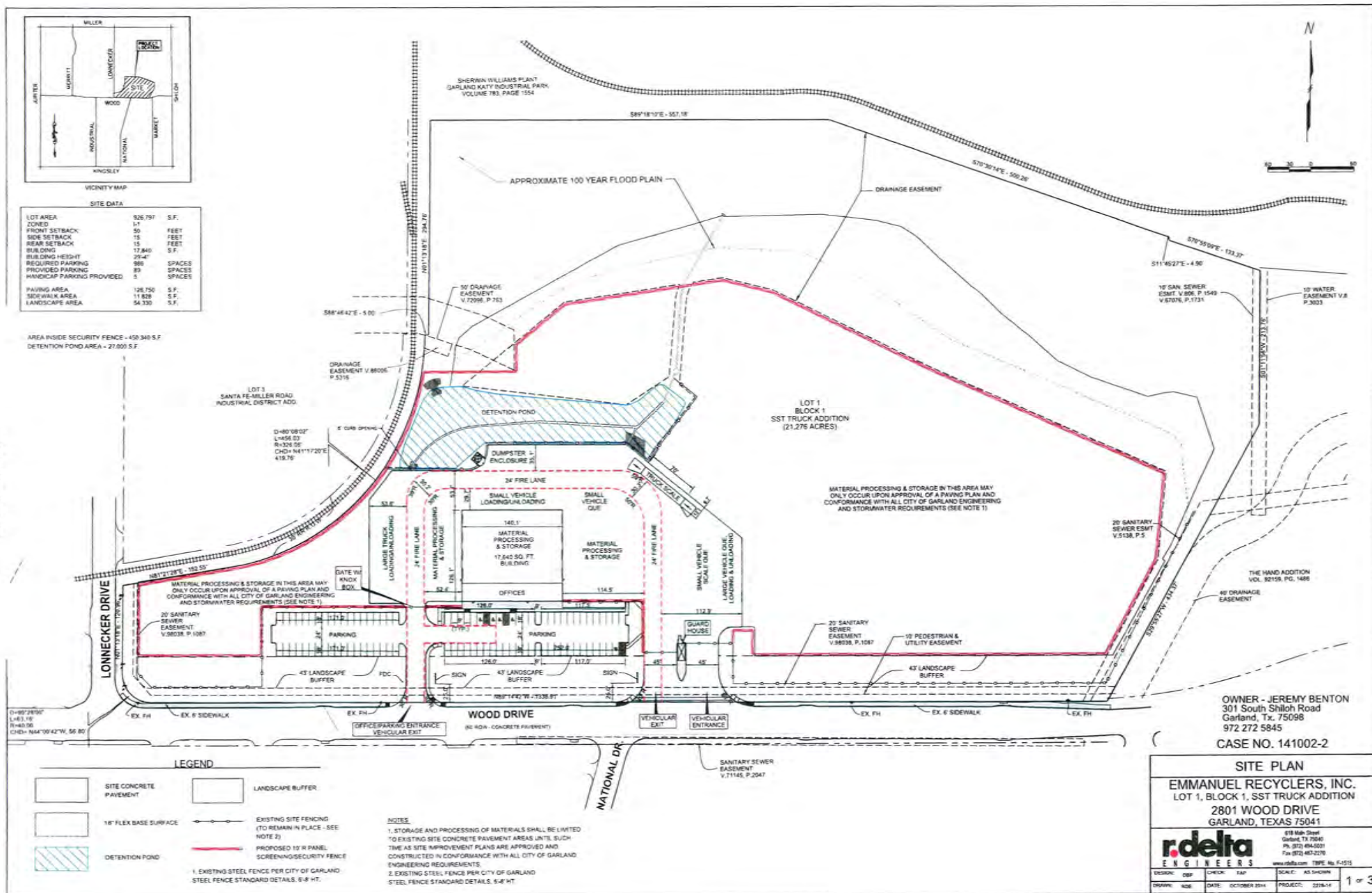
SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 14-43

2801 Wood Drive

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow a Recycling Center subject to conditions.
- II. **Statement of Effect:** This permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Industrial-1 (I-1) District set forth in Sections 29 and 33 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. **Specific Regulations:**
 - A. Time Period: The Specific Use Permit shall be in effect for a twenty (20) year time period.
 - B. Site Plan: The site plan shall be in general conformance with Exhibit C.
 - C. Landscape Plan: Screening and landscaping shall be provided as shown on Exhibit D.
 - D. Parking: A minimum of 89 parking spaces shall be provided on the site and shall be made available to customers and employees.
 - E. Outdoor Storage: The storage of materials shall be placed in such a manner as to not be visible from thoroughfares, abutting properties or above the fence.
 - F. Outdoor Storage, Prohibited: Outdoor storage or processing is prohibited on the unpaved portion of the site. Prior to use of these areas identified on Exhibit C, concrete paving shall be installed in compliance with the City of Garland standards.
 - G. Fencing: A ten (10) foot tall solid metal fence shall be placed around all outside storage areas.

- H. Vehicle Circulation: On-site truck circulation shall be maintained and the route shall remain free from obstruction, as generally shown on the Truck Circulation Plan, Exhibit E.
- I. Security: Security shall be provided onsite during business hours.
- J. Allowable Vehicles: Recyclable materials shall only be delivered to the site in motorized vehicles.



PLANT LIST

PLANT LIST						
STX	IDENTIC NAME	COMMON NAME	CONTAINER	CULTIV	REMARKS	
10	<i>Geranium macranthum</i>	Chrysanthem	65 Gal	2	2	12' x 18" x 6" Spreading
11	<i>Crataegus americana</i>	White Apple	3 Gal	2	2	12' x 18" x 6" Spreading
12	<i>Fraxinus americana</i>	White Ash	65 Gal	2	2	12' x 18" x 6" Spreading
40	<i>Amelanchier canadensis</i> "Flowering"	Shadblow	3 Gal	2	2	12' x 18" x 6" Spreading
41	<i>Amelanchier canadensis</i>	Shadblow	3 Gal	2	2	12' x 18" x 6" Spreading
42	<i>Amelanchier canadensis</i>	Shadblow	3 Gal	2	2	12' x 18" x 6" Spreading
43	<i>Amelanchier canadensis</i>	Shadblow	3 Gal	2	2	12' x 18" x 6" Spreading
44	<i>Amelanchier canadensis</i>	Shadblow	3 Gal	2	2	12' x 18" x 6" Spreading
45	<i>Amelanchier canadensis</i>	Shadblow	3 Gal	2	2	12' x 18" x 6" Spreading
46	<i>Amelanchier canadensis</i>	Shadblow	3 Gal	2	2	12' x 18" x 6" Spreading
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99	<i>Amelanchier canadensis</i>	Shadblow	3 Gal	2	2	12' x 18" x 6" Spreading
100	<i>Amelanchier canadensis</i>	Shadblow	3 Gal	2	2	12' x 18" x 6" Spreading

Area	Total	Landscaping Requirement	Provided
Street Frontage	1,200 L.F.	1 Tree per 50 L.F. = 24 Trees	24 Trees
Parking Lot	28 Spaces	1 Tree per 10 Spaces = 3 Trees	10 Trees

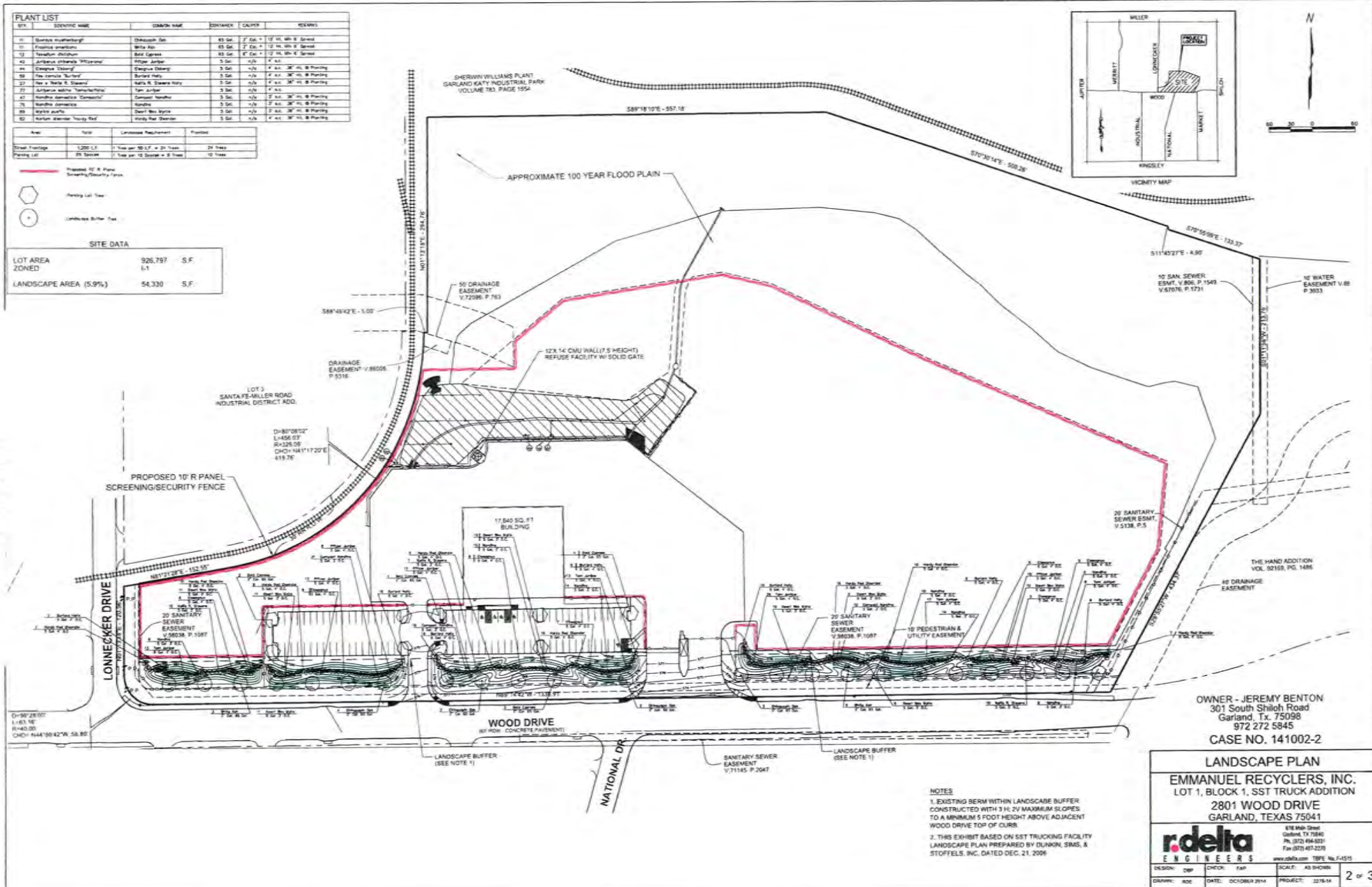
Approved By: _____
Secretary/Treasurer

Blanking Cell Type

© Cambridge University Press

SITE DATA

LOT AREA ZONED	926,797	S.F.
LANDSCAPE AREA (5.9%)	54,330	S.F.



OWNER - JEREMY BENTON
301 South Shiloh Road
Garland, Tx. 75098
972 272 5845

CASE NO. 141002-2

LANDSCAPE PLAN

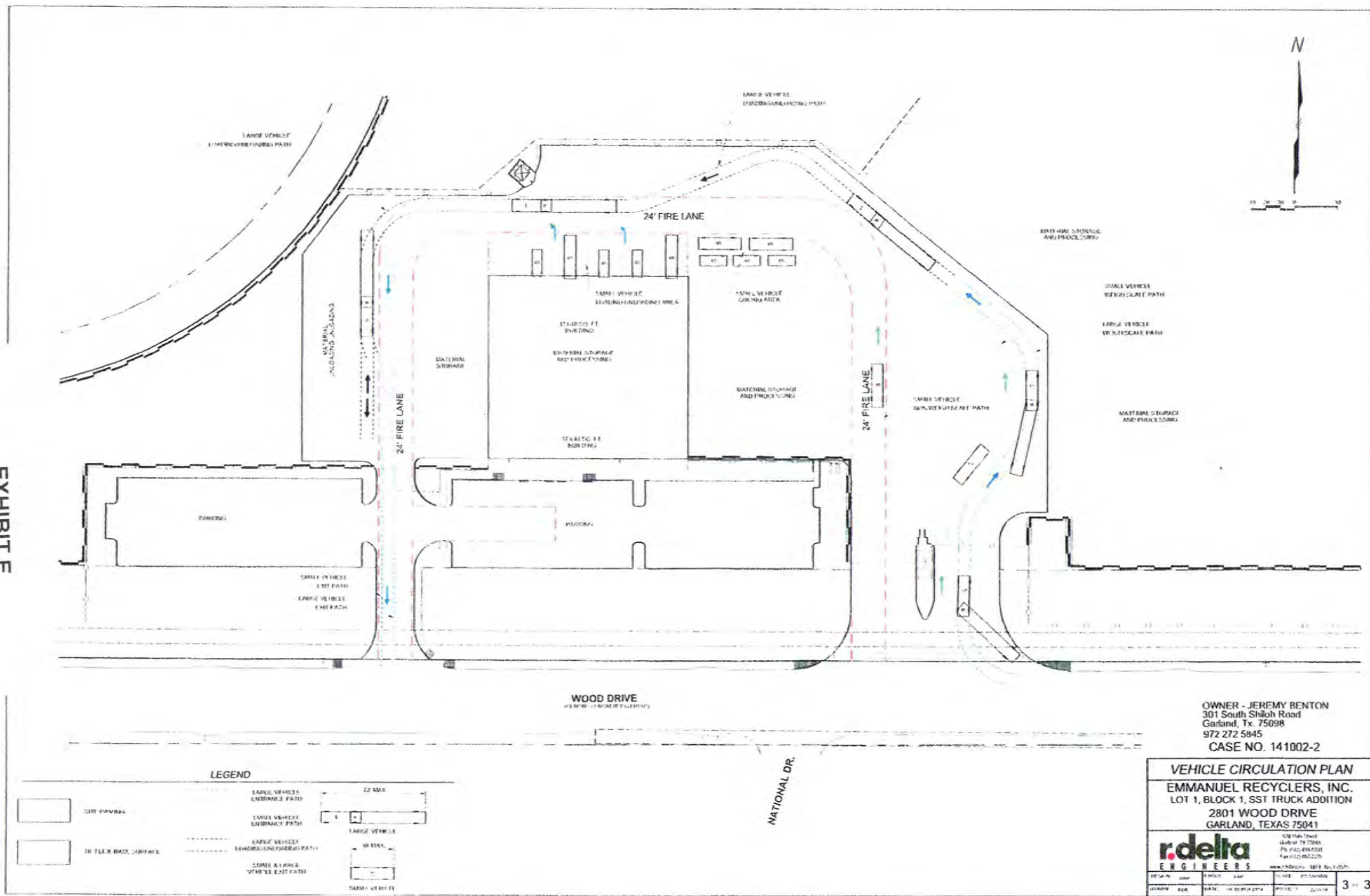
EMMANUEL RECYCLERS, INC.
LOT 1, BLOCK 1, SST TRUCK ADDITION
2801 WOOD DRIVE
GARLAND, TEXAS 75041



618 Main Street
Garland, TX 75040
Ph. (972) 494-5031
Fax (972) 497-2279

DESIGN: DEP	CHECK: FAP	SCALE: AS SHOWN
DRAWN: ENC	DATE: DEC 08/2014	PROJECT: 107814

EXHIBIT E



OWNER - JEREMY BENTON
 301 South Shiloh Road
 Garland, Tx. 75098
 972 272 5845
 CASE NO. 141002-2

VEHICLE CIRCULATION PLAN

EMMANUEL RECYCLERS, INC.
 LOT 1, BLOCK 1, SST TRUCK ADDITION
 2801 WOOD DRIVE
 GARLAND, TEXAS 75041

		6360 Lake Street Dallas, TX 75263 PH: (214) 494-4558 FAX: (214) 494-4575
DESIGN: JMB CHECK: JMB DATE: 04/24/2014	PROJECT: 141002-2 SHEET: 3 OF 3	3 OF 3



Meeting: Regular Meeting

Date: January 6, 2015

Policy Report

APPROVAL OF THE GARLAND DEVELOPMENT CODE (GDC)

ISSUE

At the December 15th work session, City Council completed review of the Plan Commission's recommendation for revision and adoption of the draft GDC and Zoning Map and directed that an item be brought forward for approval of the GDC.

RECOMMENDATION

Approve by minute action the preparation of an ordinance approving the GDC and Zoning Map.

COUNCIL GOAL

Sustainable Quality Development and Redevelopment

BACKGROUND

Based on comments received regarding the draft GDC during the joint public hearings held on September 11th, 18th and 25th, a list of items was compiled for further consideration by the Plan Commission and City Council. These items included 1) regulation of RV Parks, 2) programmable sign regulations for attached signs and for freestanding signs on nonresidential sites in residential districts, 3) home occupations, 4) Downtown District requirements regarding minimum two-story building height and cash-in-lieu of parking provision, 5) tiny houses and 6) the proposed zoning designation on a site currently zoned Freeway within the IH 30 corridor. At its November 10, 2014 meeting, the Plan Commission completed its consideration of these items and forwarded its recommendation for adoption of the draft GDC and Zoning Map to City Council. The Commission's recommendation was subsequently reviewed by the Council during the December 1st and 15th work sessions and direction was given in concurrence with the Commission's recommendations, regarding further revisions to the draft. The agreed-upon revisions are summarized in the following Considerations.

CONSIDERATIONS

1. RV Parks: RV Parks shall be defined and included in the Land Use Matrix as an allowed use with approval of a Planned Development District based in the Light Commercial District and requiring approval of a Detail Plan and conditions based on special standards addressing locational requirements; lot, density and setback requirements; fencing, screening and landscaping; open space; paving, access and

2. Programmable Signs: Pole-mounted signs, both programmable and non-programmable, shall be permitted on non-residential sites within a residential district with frontage on Type D (four-lane, divided) or larger thoroughfares. The size, height and setback parameters shall be as provided for all pole signs within the GDC (150 square feet and 22 feet in height, with a 20-foot setback). Additionally, operational standards shall limit the period of illumination to between 6:00 am and 10:00 pm to further minimize potential negative impacts on surrounding residential properties.

Attached programmable signs shall be prohibited.

3. Home Occupations: The new definition and regulations for home occupations drafted by the City Attorney's Office and reviewed by the Council will replace the requirements contained within the draft GDC. The new regulations allow one person who is not an occupant of the residence to be engaged in the home occupation as an employee or volunteer. The criteria which must be met to conduct a legal home occupation are clarified, and certain activities that have proven to be problematic with regard to code compliance are expressly prohibited.
4. Downtown District Requirements: The cash-in-lieu of parking provision will be eliminated from the GDC. The two-story minimum building height requirement shall be replaced by a requirement that the first story shall be constructed in a manner that would support the addition of a second story at a later time.
5. Tiny Houses: Tiny houses shall be allowed only in accordance with the accessory dwelling provisions contained within the GDC.
6. Zoning Map: The property located at the southeast corner of IH 30 and Bobtown Road shall be designated Community Retail.
7. GDC Ordinance Adoption: Following approval by Council, the document and map will be finalized with respect to formatting, editing, miscellaneous wording changes and the approved revisions. In addition the required forms, technical standards, website updates and training will be completed by the various departments who administer the development process. Once these steps are finished, the GDC will be scheduled for ordinance adoption and an effective date established.

Submitted By:

Anita Russelmann
Director of Planning

Date: December 29, 2014

Approved By:

William E. Dollar
City Manager

Date: December 30, 2014



Meeting: Regular Meeting

Date: January 6, 2015

Policy Report

FOURTH AVENUE INVESTMENTS

North of the intersection of Apollo Road and West Brand Road

ISSUE

Consider a request to waive a required payment to the Reforestation and Tree Management Fund of Tree Preservation Ordinance 5731.

OPTIONS

1. Waive the required payment to the Tree Fund.
2. Grant partial relief from the required payment to the Tree Fund.
3. Deny the request.

RECOMMENDATION

Deny the request to grant partial relief from the required payment to the Reforestation and Tree Management Fund of Tree Preservation Ordinance 5731. The amount due should be placed into the Tree Replacement Fund for future off-site tree placement on public property to foster the planting, growth and preservation of new and existing trees for the benefit of the community as set forth in Tree Preservation Ordinance 5731.

COUNCIL GOAL

Sustainable Quality Development and Redevelopment

BACKGROUND

On November 3, 2014, City Council approved 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 approximately 35 single family dwelling units. A tree survey and landscape plan were submitted and approved as a part of the Detail Plan indicating compliance with the Tree Preservation Ordinance by replanting trees onsite and payment into the tree fund for the remaining caliper inches that would be removed but not replanted. The applicant is now requesting a partial waiver of the required mitigation funds to be paid to the Reforestation and Tree Management Fund.

CONSIDERATIONS

1. Tree Preservation Ordinance, Section 34.50 (C) of Ordinance No. 5731 states that if the size, shape or topography of an intended site of development is unworkable, the Director of Planning may approve an alternative. One option is that the Director of Planning may approve a tree management plan that provides for the mitigation of protected trees through either planting of replacement trees at an off-site location in private open spaces, or the payment to a Tree Management Fund. Payment into the fund would be an amount equal to 100% of the replacement cost. Based on this requirement, the developer must pay to the City of Garland \$100 for each inch of tree that is unable to be mitigated on-site. The money would be deposited into a fund to be used for future off-site tree plantings. The applicant requests partial relief from the replacement cost fee as provided below.
2. The applicant is requesting that the amount paid into the tree fund exclude the mitigation fee for Hackberry and Cottonwood trees. The applicant contends the project is an infill site and heavily wooded. Per the submitted tree survey the applicant is removing a total of 1,405 caliper inches from the site. Based on the species of the trees, the required mitigation is 762.4 caliper inches. The applicant is proposing to plant 76 inches onsite. Therefore, 686.4 caliper inches will not be replanted and must be mitigated by paying \$68,640 into the tree fund.
3. By excluding the mitigation of Hackberry and Cottonwood trees from the total caliper inches to be mitigated, the applicant would be required to mitigate for 293.2 caliper inches. The applicant requests a partial waiver of the mitigation fee and requests to contribute \$29,320 into the tree fund. All other species of trees are proposed to be mitigated by replanting onsite per the submitted Landscape Plan and payment into the tree fund.
4. The replacement rate set forth in the Tree Preservation Ordinance for protected trees varies by species from 100% to 20%, depending on their desirability. The Ordinance requires replacement of only 40% of the caliper inches lost for Hackberry and Cottonwood trees. Nonetheless, all species have intrinsic value with regard to public health, environmental quality, heat and wind moderation, wildlife habitat and community appearance.

ATTACHMENT(S)

Request from Fourth Avenue Investments

Submitted By:

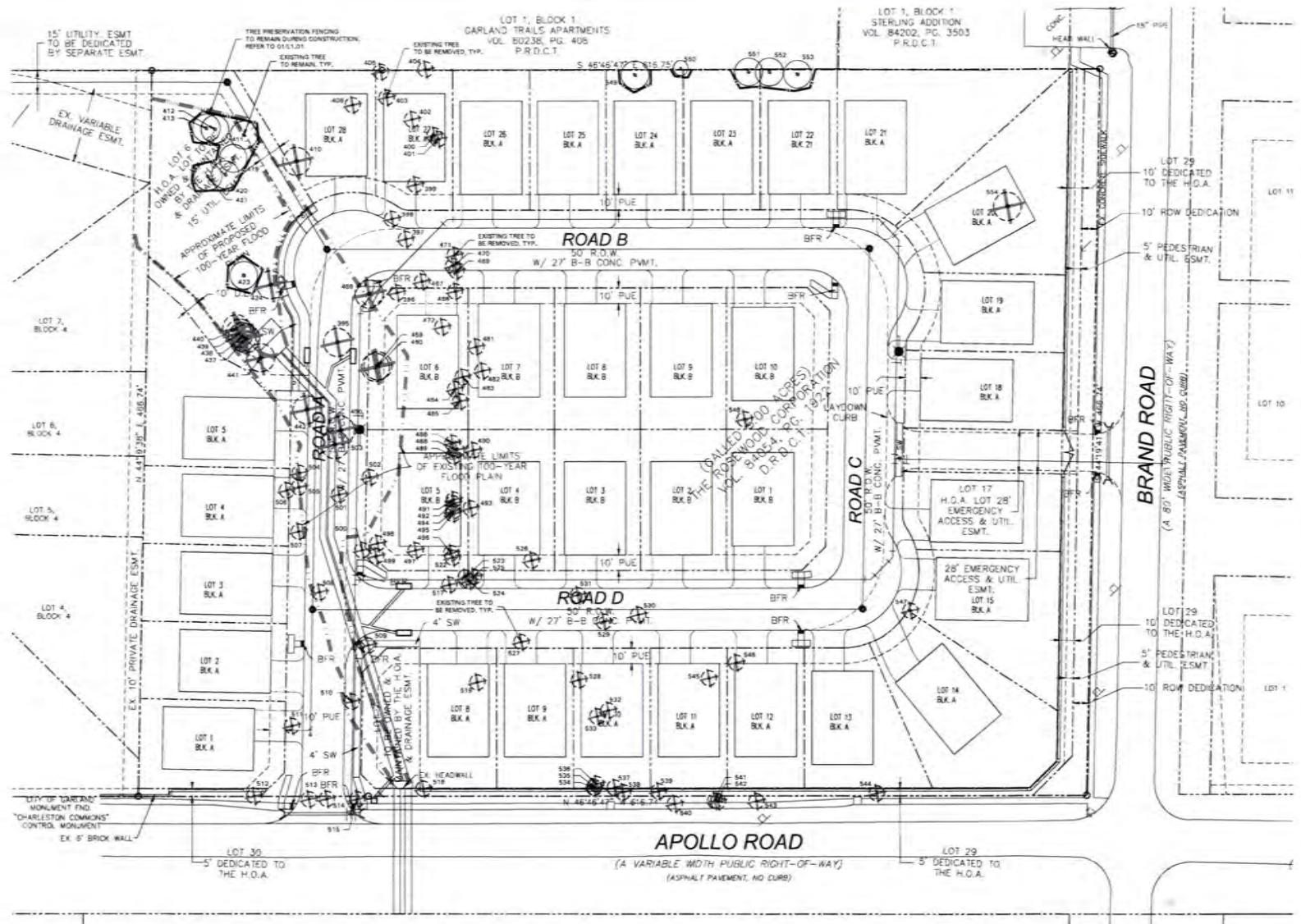
Anita Russelmann
Director of Planning

Date: December 22, 2014

Approved By:

William E. Dollar
City Manager

Date: December 29, 2014



EXISTING TREE LEGEND

- EXISTING TREE TO REMAIN
- EXISTING TREE TO BE REMOVED
- TREE PROTECTION FENCING TO REMAIN DURING CONSTRUCTION REFER TO 011.1.02



4245 North Central Express
Suite 507
Dallas, Texas 75205
214.865.7392



REVISIONS	DATE
CITY COMMENTS	10/06/14
COORDINATION	11/02/14



NATHAN D. MAIER
CONSULTING ENGINEER, INC.
10000 W. LBJ Fwy, Suite 1000
Dallas, Texas 75243

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

SHEET NO.
L1.01

Two Northpark - 8080 Park Lane - Suite 800
Dallas, Texas 75231 - 214.739.4741

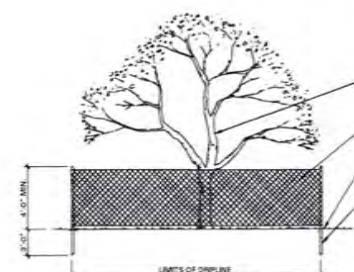
DESIGN	DRAWN	CHECKED	DATE	BY	DATE

[illegible]

TUGS SURVEY DATA SHEET						
No.	Dir.	Species	Status	Remarks	Rec'd	Wegington
						(Index)
502	12	ZEBA	TO BE REMOVED			1.5
501	12	HACABERRY	TO BE REMOVED			1.5
500	12	TO BE REMOVED				1.5
609	12	GAR	TO BE REMOVED			1.2
608	12	TO BE REMOVED				1.2
508	10	HACABERRY	TO BE REMOVED			0.8
506	12	HACABERRY	TO BE REMOVED			0.8
505	12	HACABERRY	TO BE REMOVED			0.8
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501	12	HACABERRY	TO BE REMOVED			0.8
500	12	COTTONWOOD	TO BE REMOVED			1.6
499	12	HACABERRY	TO BE REMOVED			0.8
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THESE SURVEY FIELD DATA						
IN.	QIA	APPROX	STATUS	REMARKS	REQ'D	MIGRATION
368	18	QAK	TO BE REMOVED	PROTECTED		
368	36	QAK	TO BE REMOVED	PROTECTED		8
367	18	QAK	TO BE REMOVED	PROTECTED		
366	10	MACBERRY	TO BE REMOVED	PROTECTED		
366	12	MACBERRY	TO BE REMOVED	PROTECTED		
360	10	MACBERRY	TO BE REMOVED	PROTECTED		
401	10	MACBERRY	TO BE REMOVED	PROTECTED		
401	12	MACBERRY	TO BE REMOVED	PROTECTED		
403	18	MACBERRY	TO BE REMOVED	PROTECTED		
404	12	MACBERRY	TO BE REMOVED	PROTECTED		
406	18	QAK	TO BE REMOVED	PROTECTED		8
406	18	QAK	TO BE REMOVED	PROTECTED		8
409	6	QAK	TO BE REMOVED	PROTECTED		12
411	18	QAK	TO REMAIN	PROTECTED		
412	20	QAK	TO REMAIN	PROTECTED		
413	18	QAK	TO REMAIN	PROTECTED		
418	8	MACBERRY	TO REMAIN	PROTECTED		
420	14	QAK	TO REMAIN	PROTECTED		
421	17	MACBERRY	TO REMAIN	PROTECTED		
423	30	QAK	TO REMAIN	PROTECTED		
424	18	QAK	TO REMAIN	PROTECTED		8
437	26	COTTONTWOOD	TO BE REMOVED	PROTECTED		
438	20	COTTONTWOOD	TO BE REMOVED	PROTECTED		
439	18	COTTONTWOOD	TO BE REMOVED	PROTECTED		
440	24	COTTONTWOOD	TO BE REMOVED	PROTECTED		
441	18	COTTONTWOOD	TO BE REMOVED	PROTECTED		
442	30	COTTONTWOOD	TO BE REMOVED	PROTECTED		
440	30	COTTONTWOOD	TO BE REMOVED	PROTECTED		
458	10	QAK	TO BE REMOVED	PROTECTED		10
460	10	QAK	TO BE REMOVED	PROTECTED		
466	8	QAK	TO BE REMOVED	PROTECTED		
467	12	MACBERRY	TO BE REMOVED	PROTECTED		
468	12	MACBERRY	TO BE REMOVED	PROTECTED		
469	18	MACBERRY	TO BE REMOVED	PROTECTED		
470	15	MACBERRY	TO BE REMOVED	PROTECTED		
471	10	MACBERRY	TO BE REMOVED	PROTECTED		
472	18	MACBERRY	TO BE REMOVED	PROTECTED		
481	13	QAK	TO BE REMOVED	PROTECTED		15
482	18	QAK	TO BE REMOVED	PROTECTED		1.8
483	10	MACBERRY	TO BE REMOVED	PROTECTED		
484	18	QAK	TO BE REMOVED	PROTECTED		10
485	18	MACBERRY	TO BE REMOVED	PROTECTED		10
486	15	MACBERRY	TO BE REMOVED	PROTECTED		
486	18	MACBERRY	TO BE REMOVED	PROTECTED		
487	10	SLM	TO BE REMOVED	PROTECTED		11.2
491	18	MACBERRY	TO BE REMOVED	DAMAGED		
492	12	MACBERRY	TO BE REMOVED	DAMAGED		
493	10	MACBERRY	TO BE REMOVED	PROTECTED		
494	18	MACBERRY	TO BE REMOVED	PROTECTED		
496	8	MACBERRY	TO BE REMOVED	PROTECTED		
497	18	MACBERRY	TO BE REMOVED	PROTECTED		
497	12	OSCAR	TO BE REMOVED	PROTECTED		8.8
498	18	OSCAR	TO BE REMOVED	PROTECTED		8.8

1. EXISTING TREES TO REMAIN SHALL BE PROTECTED DURING CONSTRUCTION FROM TREE STRUCTURE DAMAGE BY THE CONTRACTOR, THE OWNER AND AROUND DRIP LINE (CANOPY) OF TREE.
2. IF ANY ROOT STRUCTURE IS DAMAGED DURING ADJACENT EXCAVATION / CONSTRUCTION, NOTIFY THE CONTRACTOR IMMEDIATELY. IT IS RECOMMENDED THAT A LICENSED ARBORIST BE SECURED FOR THE TREATMENT OF ANY POSSIBLE TREE WOUNDS.
3. NO DISRUPTION OF THE SOIL GREATER THAN 4" SHALL BE ALLOWED CLOSER TO THE TREE TRUNK THAN THE DISTANCE FROM THE TREE TRUNK TO THE MINIMUM OF 75% OF THE DRIP LINE CIRCUMFERENCE. EXISTING GRASS SHALL BE PRESERVED AT NATURAL GRADE.
4. ANY FINE GRADE ZONE WITHIN THE CRITICAL ROOT ZONES OF THE PROTECTED TREES MUST BE DONE WITHIN THE CRITICAL ROOT ZONE. THE CONTRACTOR SHALL USE LIGHT-TRACTOR, NO EARTH MOVING EQUIPMENT SHALL BE ALLOWED WITHIN THE CRITICAL ROOT ZONE OF THE TREES.
5. NO MATERIALS INTENDED FOR USE IN CONSTRUCTION OR WASTE MATERIALS ACCUMULATED DUE TO CONSTRUCTION OR DEMOLITION SHALL BE PLACED WITHIN THE LIMITS OF THE DRIP LINE OF ANY TREE.
6. NO EQUIPMENT MAY BE CLEANED OR TOXIC SOLUTIONS OR OTHER LIQUID CHEMICALS SHALL BE USED WITHIN THE CRITICAL ROOT ZONE OF ANY TREE, INCLUDING BUT NOT LIMITED TO: PAINT, OIL, GREASE, ASPHALT, CONCRETE, MORTAR, PRESERVES ETC.
7. NO SIGNS, WIRES OR OTHER ATTACHMENTS, OTHER THAN THOSE OF A PROTECTIVE NATURE, SHALL BE PLACED WITHIN ANY TREE.
8. NO VEHICULAR / CONSTRUCTION EQUIPMENT / TRAFFIC OR PARKING IS ALLOWED WITHIN THE LIMITS OF THE DRIP LINE OF TREES.
9. BORING OF UTILITIES MAY BE PERMITTED UNDER PROTECTIVE TREES. THE CONTRACTOR SHALL MAINTAIN THE MINIMUM LENGTH OF THE BORE SHALL BE THE WIDTH OF THE TREE CANOPY. THE BORE SHALL BE A MINIMUM DEPTH OF FORTY-THREE (43) INCHES.
10. IRRIGATION TRENCHING WORK MUST BE DONE WITHIN THE CRITICAL ROOT ZONE OF A TREE SHALL BE DONE WITHIN THE CRITICAL ROOT ZONE OF A TREE.
11. ALL TREES TO BE REMOVED FROM THE SITE SHALL BE FLAGGED BY THE CONTRACTOR WITH BRIGHT RED VINYL TAPE OF WIDTH OF FOUR (4) FEET ABOVE GRADE. FLAGGING SHALL BE APPROVED BY OWNER'S REPRESENTATIVE. CONTRACTOR SHALL CONTACT OWNER'S REPRESENTATIVE WITHIN 24 HOURS OF THE REMOVAL. CONTRACTOR SHALL CONTACT OWNER'S REPRESENTATIVE WITHIN 24 HOURS OF THE REMOVAL TO SCHEDULE DEBRIS REMOVAL.
12. ALL TREES TO REMAIN, AS NOTED ON DRAWINGS, SHALL HAVE PROTECTIVE FENCING LOCATED AT THE CRITICAL ROOT ZONE LINE. THE FENCING SHALL BE COMPOSED OF SNOW FENCING, ORANGE PLASTIC FENCING WITHIN FENCING WITHIN FENCING WITHIN FENCING OF OTHER SIMILAR FENCING WITH A GROUND (4) FOOT APPROXIMATE HEIGHT. THE PROTECTIVE FENCING SHALL BE LOCATED AS INDICATED ON THE TREE PROTECTION DETAIL.
13. WHEN A LOW HANGING LIMB IS BROKEN DURING THE CONSTRUCTION, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER'S AUTHORIZED REPRESENTATIVE IMMEDIATELY, UNDER NO CIRCUMSTANCES SHALL THE CONTRACTOR BE ALLOWED TO REMOVE THE LIMB WITHOUT THE PRIOR APPROVAL BY THE OWNER'S AUTHORIZED REPRESENTATIVE.



01 TREE PROTECTIVE FENCING
NOT TO SCALE



• 4245 North Central Expressway
• Suite 501
• Dallas, Texas 75205
• 214.865.7192



REVISION	DATE
CITY COMMENTS	10/08/14
COORDINATION	11/26/14



TREE PRESERVATION NOTES APOLLO & BRAND TRACT CITY OF GARLAND, DALLAS COUNTY, TEXAS					SHEET NO. L1.02
SITES 100A	GRANTS 100B	SCALE NCHS	DATE 11/25/14	NOTES	JORTHURBER JACOB

SHEET NO
L1.02

Tree Preservation Variance

Winchester Commons is a single family development planned for the NWC of Brand and Apollo Roads located on 6.6+/- acres. The project is infill and is burdened by a heavily wooded creek. The tree mitigation expense under the current ordinance is a financial burden on the project.

We are requesting that the tree mitigation requirements for Winchester Commons be approved so that Hackberry and Cottonwood trees are not required to be protected and/or mitigated. The plan we have include with the variance application details the difference in the mitigation requirement for the project using the current ordinance and that which would be required by eliminating the requirement to include Hackberry and Cottonwood trees.

All other specimen trees will be mitigated per the current ordinance.



File No. 14-46/District 4

Meeting: City Council

Date: January 6, 2015

Planning Report

AT&T Mobility DBA Crown Castle

4105 Broadway Boulevard

REQUEST

Approval of a Specific Use Permit for an Antenna, Commercial Type 2 on property zoned General Business (GB) District.

OWNER

Crown Castle

PLAN COMMISSION RECOMMENDATION

On December 8, 2014 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Permit for an Antenna, Commercial Type 2 on property zoned General Business (GB) District for a period of 25 years.

STAFF RECOMMENDATION

Approval of a Specific Use Permit for an Antenna, Commercial Type 2 on property zoned General Business (GB) District for a period of 25 years. The antenna has existed at this location for 20 years and has not created any substantial visual or development impediments.

BACKGROUND

In 1994, City Council approved a Specific Use Permit (S94-16) for a 100-foot tall cell tower, for a period of twenty (20) years. The applicant requests renewal of the Specific Use Permit for Antenna, Commercial Type 2.

SITE DATA

The subject property (lease area) is 600 square feet of a larger 29,994 square foot tract.

USE OF PROPERTY UNDER CURRENT ZONING

The property is zoned General Business (GB) District. The General Business District provides for a variety of retail, service and business establishments. The General Business districts are commonly found along major thoroughfares and

their intersections. Permitted uses include a broad range of office, retail, commercial, and institutional activities.

Zoning Ordinance 4647 permits Antenna, Commercial Type 2 within the General Business (GB) District with a Specific Use Permit.

CONSIDERATIONS

1. The applicant requests renewal of a Specific Use Permit to allow the continued operation of a freestanding cell tower of approximately 100 feet in height. The tower is a monopole with external array antennas. There are three cellular carriers with three sets of existing antennas on the tower. The tower has the ability to house one additional carrier and is available for co-location.
2. Section 10-306.4(B) of the Comprehensive Zoning Ordinance, which was adopted after the construction of the existing tower, states that freestanding wireless telecommunication antennas must be located a minimum distance of three (3) times the height of the tower from a single-family residential district boundary line. Based on this ratio, a 100-foot tall tower must be placed a minimum of 300 lineal feet from a single-family zoning district boundary line. The existing tower is adjacent to a single-family zoning district to the south and west of the subject property [across Bruce Drive]. Approval of the original Specific Use Permit considered the placement of this tower within this neighborhood appropriate.
3. Section 10-306.4(B) of the Comprehensive Zoning Ordinance states that equipment and buildings, associated with an Antenna, Commercial Type 2, must be screened by a chain link fence or wrought iron fence with vegetation, or a masonry wall. The associated ground equipment and tower are enclosed with an existing chain link fence. There is an additional wooden privacy fence along all sides of the ground equipment and live screening to the south, adjacent to a single-family dwelling. The original approval did not require screening or landscaping along Bruce Drive. The applicant has indicated continued maintenance of the existing landscape and screening along all other sides.
4. The applicant is requesting that the Specific Use Permit be granted for a period of twenty-five (25) years.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan designates the subject property as Compact Neighborhoods. Compact neighborhoods provide areas for moderate increases in residential density, including single-family attached and single-family detached housing. It expands housing options through infill and redevelopment, while continuing walkable development patterns.

The recommended land use type reflects a longer term vision for future development of the larger area surrounding the subject property. The existing tower's location should cause no adverse impact for future development.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

General Business (GB) District surrounds the subject site on all sides but the west; the western portion is zoned Single Family (SF/7/3) District. The surrounding properties are fully developed. The site is within 200 feet of Broadway Boulevard. Accordingly, development in this area is consistent with that found within commercial districts along a major thoroughfare. The area further west of Broadway Boulevard, toward and beyond the subject site, transitions from commercial to multi-family and single-family uses. At the time of the original construction of the tower, the area was considered to be that of a mix of uses. There have been no substantial changes in development since that time.

Prepared By:

Isaac Williams
Development Planner

Date: December 16, 2014

Reviewed By:

Anita Russelmann
Director of Planning

Date: December 19, 2014

Reviewed By:

William E. Dollar
City Manager

Date: December 22, 2014



0 100 200 Feet

ZONING **Z 14-46**

 INDICATES AREA OF REQUEST

SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 14-46

4105 Broadway Avenue

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow an Antenna, Commercial Type 2 subject to conditions.
- II. **Statement of Effect:** This permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, as amended, except as specifically provided herein.
- III. **General Regulations:** All regulations of the General Business (GB) District set forth at Section 25 and Section 33 of the Comprehensive Zoning Ordinance shall apply unless as specified otherwise in this Ordinance
- IV. **Specific Regulations:**
 - A. Time Period: The Specific Use Permit shall be in effect for a period of 25 years.
 - B. Site Plan: The placement of the monopole antenna and equipment building shall be as reflected on the approved site plan labeled Exhibit C.
 - C. Antenna Tower: The maximum height of the pole with antenna shall be one-hundred (100) feet. The monopole used shall be galvanized.

EXHIBIT C

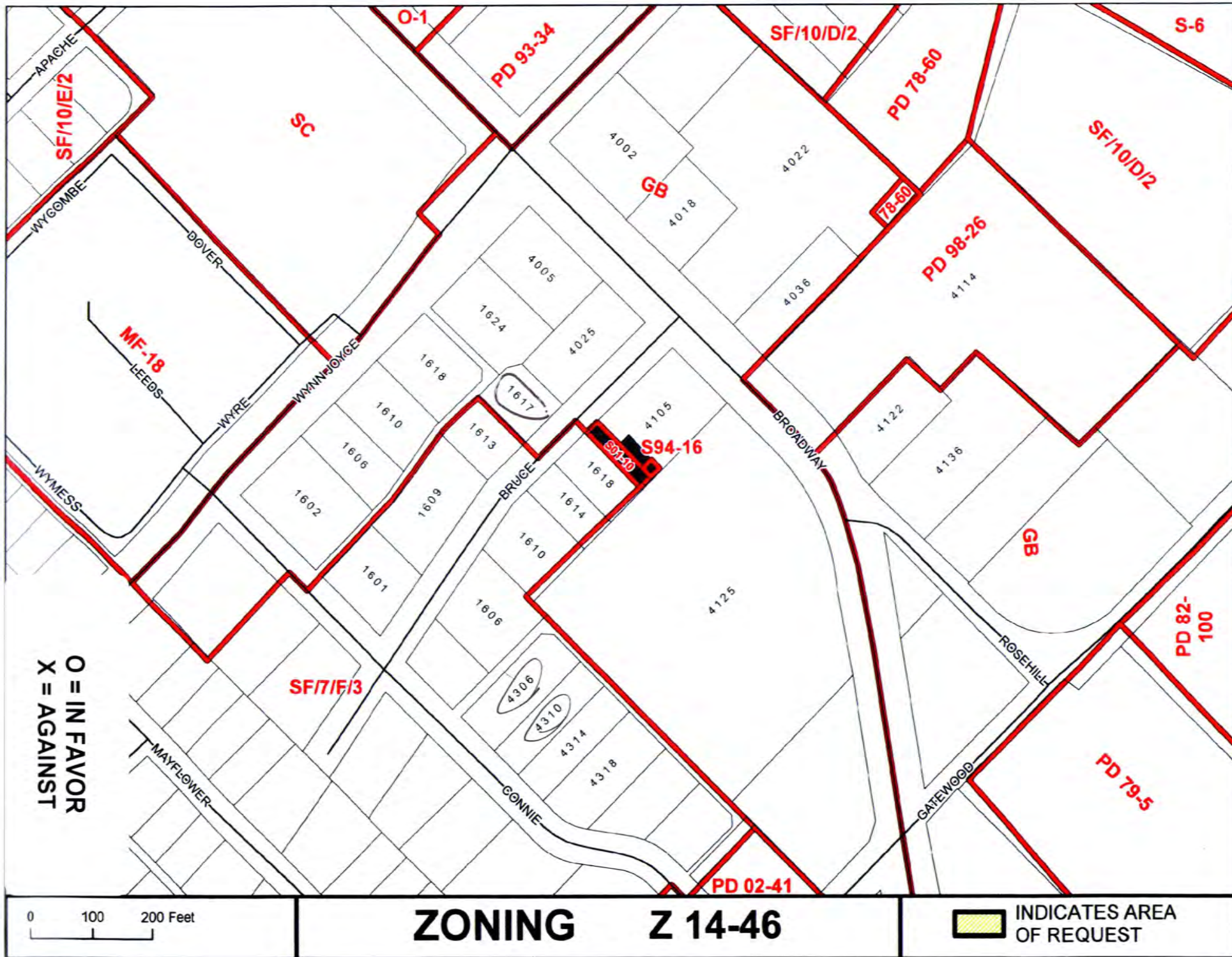
REPORT & MINUTES

P.C. Meeting, December 8, 2014 (8 Members Present)

Consideration of the application for Crown Castle requesting approval of a Specific Use Permit for an Antenna, Commercial Type 2 on property zoned General Business (GB) District. (District 4) (File Z14-46)

The applicant Stephanie Paramore, 1701 Royal Lane, Dallas, TX, gave an overview of the request and remained available for questions.

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



**GARLAND**

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

November 25, 2014**HEARING DATE/TIME:** Plan Commission: December 8, 2014 – 7:00 PM**APPLICANT:** AT&T Mobility DBA Crown Castle**File Z 14-46****Dear Property Owner:**

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, December 8, 2014, in the Goldie Locke Room of the Duckworth Utility Services Building, 217 North Fifth Street, to consider the application of **AT&T Mobility DBA Crown Castle** requesting approval of a Specific Use Permit for an Antenna, Commercial Type 2, on property zoned General Business (GB) District. The property is shown on the enclosed sketch and is described as follows:

Being all of Lot 1, Block 1, Probus I Addition (parent tract) and more specifically being a 600 square foot portion and a 1,500 square foot access easement of Lot 1, Block 1, Probus I Addition (lease area), an addition to the City of Garland, Dallas County, Texas, according to the plat recorded in Volume 94091, Page 2465, Plat Records of Dallas County, Texas. The subject property is located at 4105 Broadway Boulevard, southeast of the intersection of Broadway Boulevard and Bruce Drive, Garland, TX. (District 4)

Note: The applicant requests approval of a renewal of an expired Specific Use Permit for the existing cell tower.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return to **City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002** or by fax to **972-205-2474**. Should you have any questions, please contact Isaac Williams at 972-205-2449.

(Please Check One Below)

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

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

(Please complete the following information)

Your Property Address 4310 Connie Dr, Garland, TX 75043
Printed Name Michael Alshor
Address _____ City, State _____ Zip _____

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

Signature Michael Alshor Title _____
Date: 12-1-14

**GARLAND**

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

November 25, 2014**HEARING DATE/TIME:** Plan Commission: December 8, 2014 - 7:00 PM**APPLICANT:** AT&T Mobility DBA Crown Castle**File Z 14-46**

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, December 8, 2014, in the Goldie Locke Room of the Duckworth Utility Services Building, 217 North Fifth Street, to consider the application of **AT&T Mobility DBA Crown Castle** requesting approval of a Specific Use Permit for an Antenna, Commercial Type 2, on property zoned General Business (GB) District. The property is shown on the enclosed sketch and is described as follows:

Being all of Lot 1, Block 1, Probus I Addition (parent tract) and more specifically being a 600 square foot portion and a 1,500 square foot access easement of Lot 1, Block 1, Probus I Addition (lease area), an addition to the City of Garland, Dallas County, Texas, according to the plat recorded in Volume 94091, Page 2465, Plat Records of Dallas County, Texas. The subject property is located at 4105 Broadway Boulevard, southeast of the intersection of Broadway Boulevard and Bruce Drive, Garland, TX. (District 4)

Note: The applicant requests approval of a renewal of an expired Specific Use Permit for the existing cell tower.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return to **City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002** or by fax to **972-205-2474**. Should you have any questions, please contact Isaac Williams at 972-205-2445.

(Please Check One Below)

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

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

(Please complete the following information)

Your Property Address
Michael Alshroff **4306 Connie Dr**
Printed Name
Garland TX 75043
Address City, State Zip

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

Signature

Title

Date:

Michael Alshroff
12-1-14



GARLAND

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

November 25, 2014

HEARING DATE/TIME: Plan Commission: December 8, 2014 – 7:00 PM

APPLICANT: AT&T Mobility DBA Crown Castle

File Z 14-46

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, December 8, 2014, in the Goldie Locke Room of the Duckworth Utility Services Building, 217 North Fifth Street, to consider the application of **AT&T Mobility DBA Crown Castle** requesting approval of a Specific Use Permit for an Antenna, Commercial Type 2, on property zoned General Business (GB) District. The property is shown on the enclosed sketch and is described as follows:

Being all of Lot 1, Block 1, Probus I Addition (parent tract) and more specifically being a 600 square foot portion and a 1,500 square foot access easement of Lot 1, Block 1, Probus I Addition (lease area), an addition to the City of Garland, Dallas County, Texas, according to the plat recorded in Volume 94091, Page 2465, Plat Records of Dallas County, Texas. The subject property is located at 4105 Broadway Boulevard, southeast of the intersection of Broadway Boulevard and Bruce Drive, Garland, TX. (District 4)

Note: The applicant requests approval of a renewal of an expired Specific Use Permit for the existing cell tower.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return to **City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002 or by fax to 972-205-2474**. Should you have any questions, please contact Isaac Williams at 972-205-2445.

(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

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

(Please complete the following information)

Your Property Address

DALE SCHEIHAGEN

Printed Name

1617 Bruce Dr

Address

GARLAND, TX

City, State

75043

Zip

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

Signature

Date:

Dale Scheihagen
12/4/2014

Title



Planning Report

MUY Hamburger Partners, LLC

**Northwest of the intersection of
South Garland Avenue and West Miller Road**

REQUEST

Approval of 1) a Specific Use Permit for Restaurant with Drive-Through on property zoned Shopping Center (SC) District and 2) a variance to Section 10-311 of the Comprehensive Zoning Ordinance No. 4647 regarding the use of metal as a façade material.

OWNER

North GMI, LP

PLAN COMMISSION RECOMMENDATION

On December 8, 2014 the Plan Commission, by a vote of eight (8) to zero (0), recommended approval of a Specific Use Permit for Restaurant with Drive Through and a variance to Section 10-311 of the Comprehensive Zoning Ordinance No 4647 to allow the use of metal as a façade material.

STAFF RECOMMENDATION

Approval of a Specific Use Permit for Restaurant with Drive- Through on property zoned Shopping Center (SC) District. The overall redevelopment of the former Garland Shopping Center site has centered around establishing desirable services with an emphasis on improved aesthetics to encourage further redevelopment of the area.

The Wal-Mart, Bank of America and a multi-tenant building met an elevated aesthetic standard with regard to façade materials, landscaping and screening, and accessibility. The proposed Wendy's meets all applicable regulations, and is consistent with the redevelopment objectives of the city. Furthermore, the use of metal on the facades does not contradict the intent of Section 10-311 of the Comprehensive Zoning Ordinance as it is applied in a minimal quantity and in a style that complements the architectural theme.

BACKGROUND

The subject property is zoned Shopping Center (SC) District. The subject site is part of the larger redevelopment of the former Garland Shopping Center site, which has been redeveloped with a Walmart Neighborhood Market, Bank of America and multi-tenant retail building. The subject site is the last remaining undeveloped pad site.

SITE DATA

The subject property contains 0.851-acres with approximately 153 feet of frontage along South Garland Avenue.

USE OF PROPERTY UNDER CURRENT ZONING

The Shopping Center (SC) District provides for the establishment of convenient retail and personal service activities by grouping compatible uses in a single center designed in an integrated manner according to an overall site plan. A Restaurant with Drive-Through is permitted in the Shopping Center (SC) District with a Specific Use Permit.

CONSIDERATIONS

1. The applicant requests a Specific Use Permit for Restaurant with Drive-Through which represents the final stage of redevelopment of the former Garland Shopping Center site. The applicant will construct and operate an approximately 3,400 square foot Wendy's Restaurant, the hours of operation will be 10:00 a.m. to 2:00 a.m. The Wendy's will contain approximately 1,020 square feet of dining area; there will be no outside dining area.
2. The proposed building will be constructed utilizing Wendy's "ultra-modern" design which consists of primarily brick (primary masonry) with areas of stucco (secondary masonry) and limited metal. The applicant is requesting a variance to Section 10-311 of the Comprehensive Zoning Ordinance No. 4647 to allow metal as a facade material. The proposed structure is not subject to the City's Overlay Development Standards which includes minimum masonry requirements. The applicant proposes brick/stone/tile and stucco as the primary building materials. The elevations with proposed building materials are as follows:

Elevation	Masonry	Stucco	Non-Masonry
Front Elevation (east facing S. Garland)	Brick/Stone/Tile: 23%	Stucco: 62%	Metal: 15%
Rear Elevation (west)	Brick/Stone/Tile: 65%	Stucco: 25%	Metal: 10%
Right Elevation (south)	Brick/Stone/Tile: 69%	Stucco: 19%	Metal: 12%
Left Elevation (north)	Brick/Stone/Tile: 67%	Stucco: 6%	Metal: 27%

3. The proposed elevation materials are similar to the recently approved materials on the Wendy's located at 3232 Lavon Drive and the location at 501 West Interstate Highway 30.

4. The applicant is proposing to install attached signage, a menu board sign, and to locate on the existing multi-tenant sign. The proposed signs are in compliance with the Sign Ordinance.
5. The subject site is in compliance with Section 10-200 of the Comprehensive Zoning Ordinance No. 4647 regarding the minimum parking requirement. The site is required to provide 28 parking spaces. The applicant has provided 31 parking spaces.
6. The subject site is in compliance with the Screening and Landscape Standards. The applicant has provided additional landscaping along the southern portion of the drive through lane and the eastern portion of the mutual access drive.
7. The applicant requests the Specific Use Permit for a period of 40 years.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan designates the subject property as Neighborhood Centers. Neighborhood centers serve the needs of the nearby residents and are compatible in a neighborhood setting. Neighborhood centers tend to be located nearby areas of residential use, generally along and at the intersection of frequently used thoroughfares. Neighborhood centers offer a mix of shops, services, amenities and gathering places.

The proposed Restaurant with Drive-Through not only provides an additional service to nearby neighborhoods but the location along a major thoroughfare allows for additional accessibility from a broader community service area. Envision Garland recommends that redevelopment of outdated or underused sites be done so with the focus of establishing developments with updated and attractive designs to create desirable destinations within the city. The efforts to redevelop the former Garland Shopping Center site, including the subject property, have aimed to achieve that goal.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The subject property is within a Shopping Center District surrounded by a variety of zoning and land uses. As previously mentioned the site is the last pad site of a larger area that has been redeveloped with a variety of retail and personal service uses. The majority of the properties to the west and north of the subject site are developed with single-family subdivisions. Immediately to the east, across South Garland, the property is Garland Memorial Cemetery. Further east from the site, properties are zoned Multi-Family (MF-18) and contain multi-family developments. South of the subject site, across W. Miller Road, is zoned Commercial District-2 (C-2) and developed with a variety of commercial uses including automotive uses. Restaurant with Drive-Through establishments are commonly found along major thoroughfares and their intersections as they provide a quick service to those in transit. This specific site is also adjacent to residential and non-residential uses, many are within walking distance.

Prepared By:

Isaac Williams
Development Planner

Date: December 16, 2014

Reviewed By:

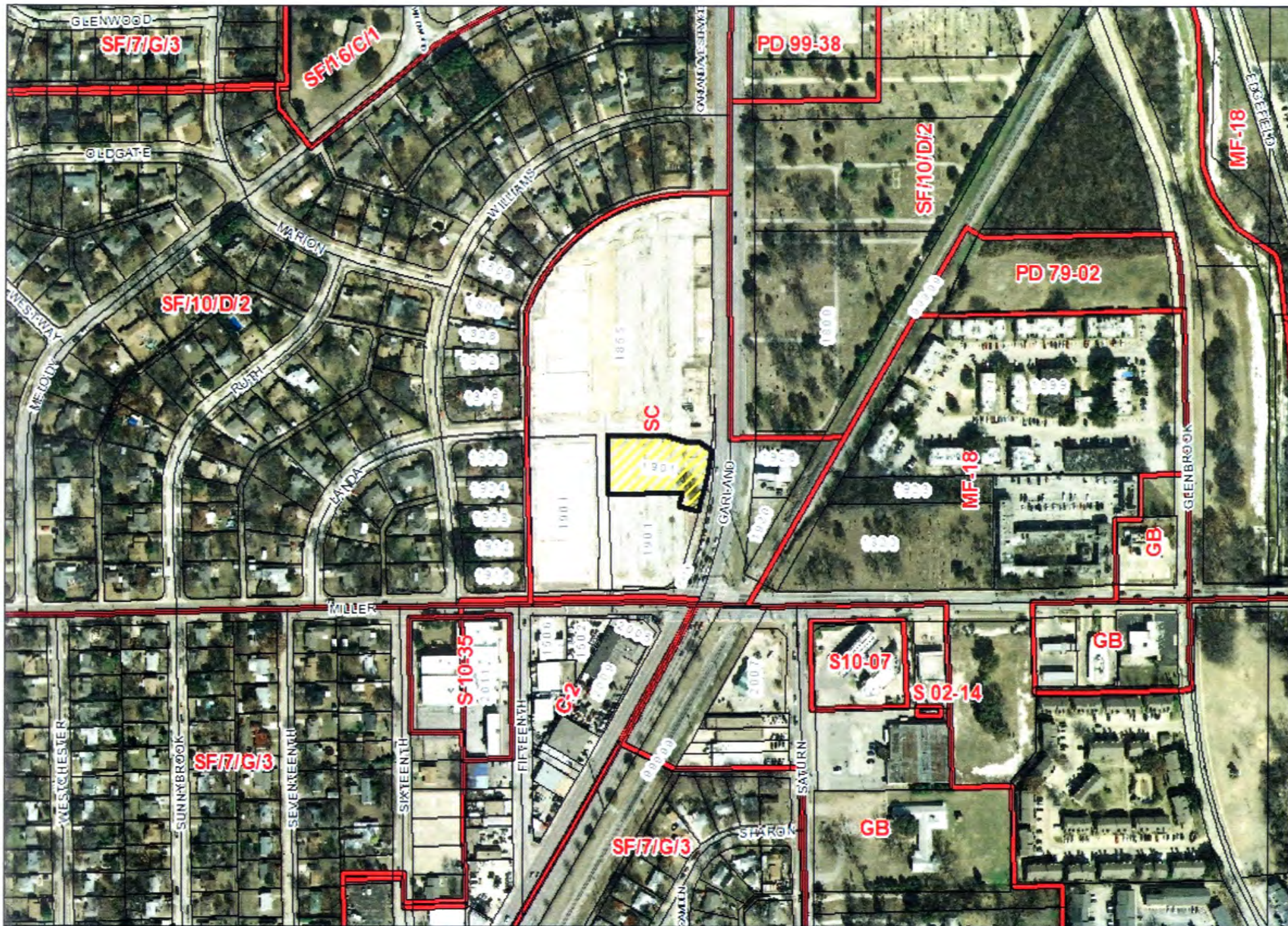
Anita Russelmann
Director of Planning

Date: December 18, 2014

Reviewed By:

William E. Dollar
City Manager

Date: December 22, 2014



ZONING

Z 14-48



INDICATES AREA
OF REQUEST

SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 14-48

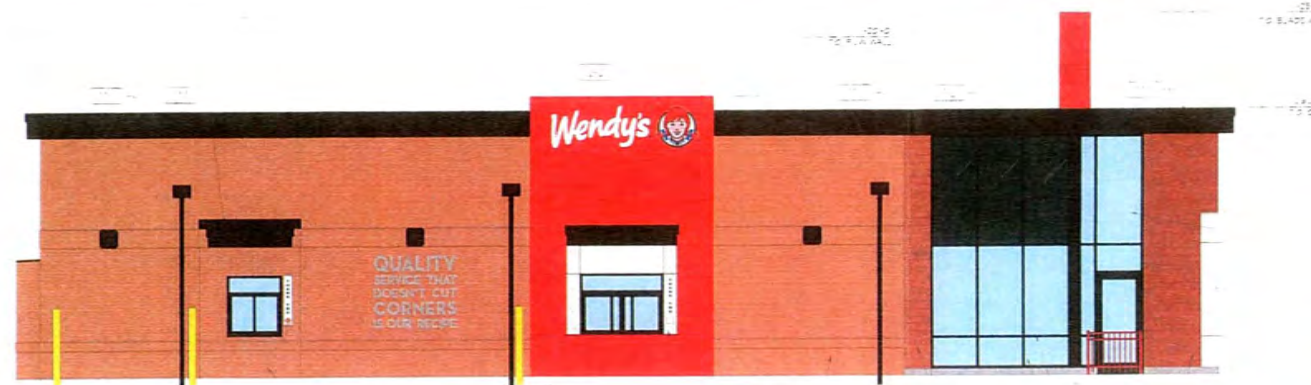
Northwest of the intersection of South Garland Avenue and West Miller Road

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow a Restaurant with Drive Through subject to conditions
- II. **Statement of Effect:** This permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Shopping Center (SC) District set forth in Section 24 and 33 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. **Specific Regulations:**
 - A. Time Period: The Specific Use Permit shall be in effect for a 40 year time period.
 - B. Site Plan: Development shall be in conformance with the approved site plan (Exhibit C).
 - C. Landscape Plan: Development shall be in conformance with the approved Landscape Plan (Exhibit D).
 - D. Elevations: The building materials shall be in conformance with the approved elevations (Exhibit E).

L1.01

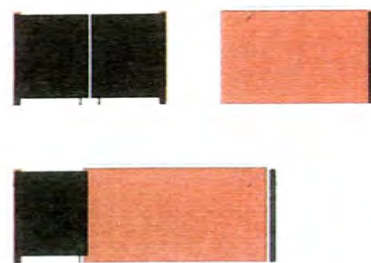
EXTERIOR FINISHES LEGEND

SITE NUMBER	1504
BASE MODEL	1000
ASSET TYPE	FRANCHISE
CLASSIFICATION	1000
OWNER	WENDY'S INTERNATIONAL
BASE VERSION	2014 DEC 10 10
UPGRADE CLASSIFICATION	FRANCHISE
PROJECT YEAR	2014
FURNITURE PACKAGE	1014
DESIGN BUILDING	1014

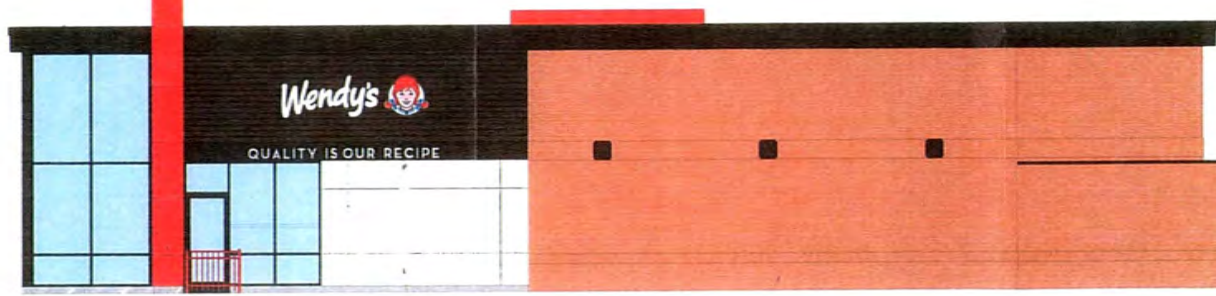


06

05



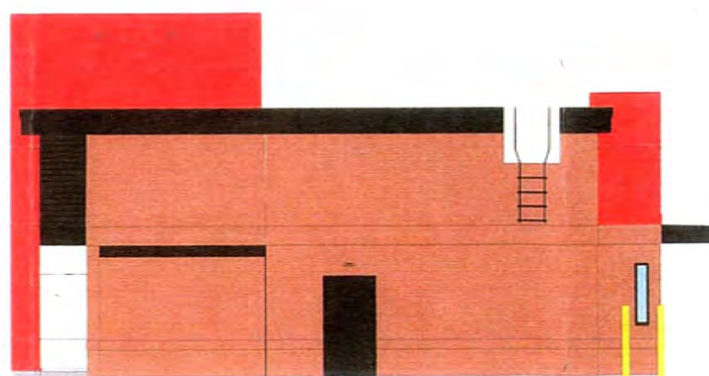
04



03



02



01

CASE NO. 140925-2

Linear!
the architecture of Kemberly Brundage and Young
1000 Project Building, Suite 101
1000 Project Building, Suite 101
1000 Project Building, Suite 101
1000 Project Building, Suite 101

Wendy's
#11546
926 SOUTH GARLAND AVE
GARLAND, TX 75040

EXHIBIT E



EXTERIOR ELEVATIONS

A2.1

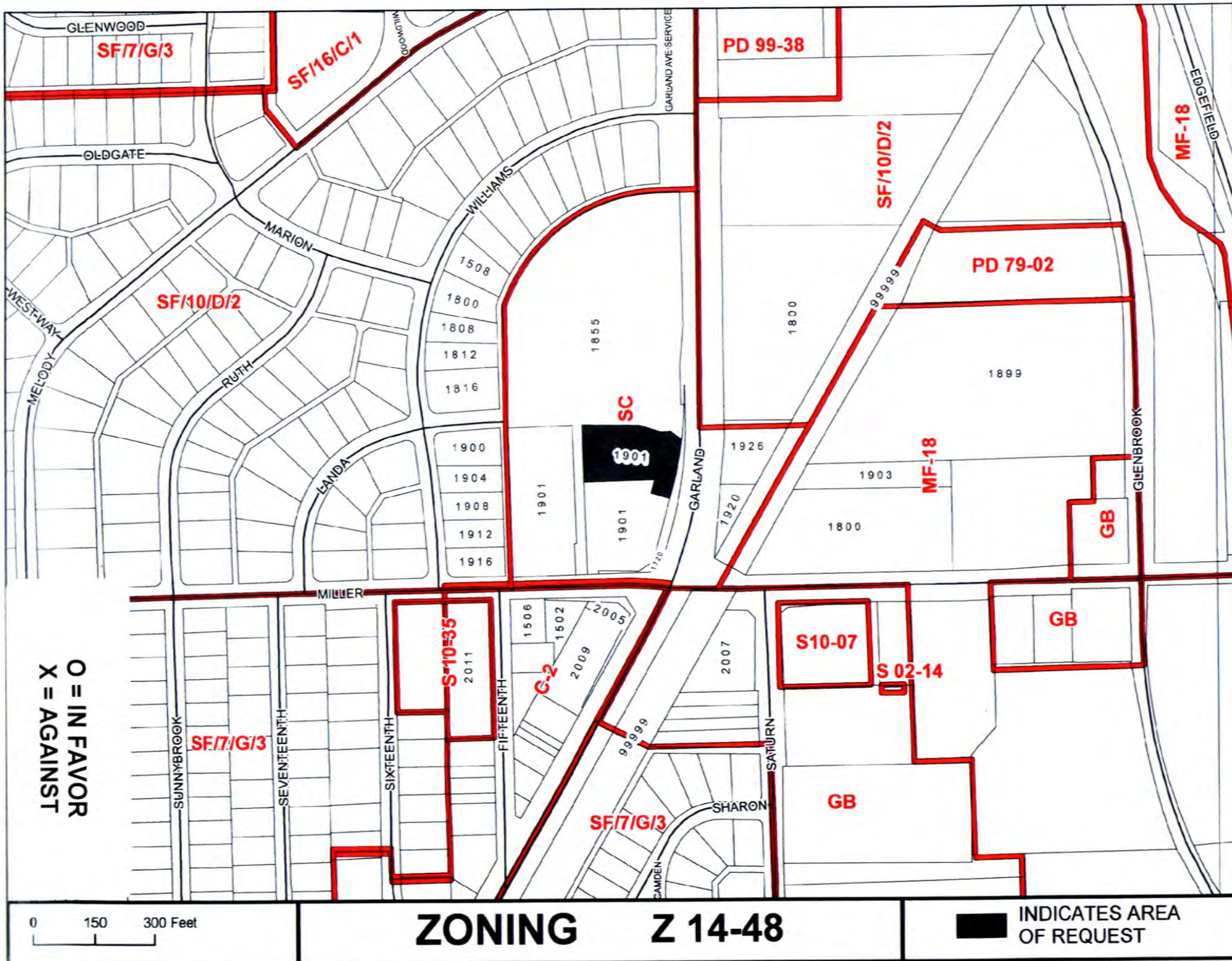
REPORT & MINUTES

P.C. Meeting, December 8, 2014 (8 Members Present)

Consideration of the application for North GMI, LP requesting approval of 1) a Specific Use Permit for Restaurant with Drive Through on property zoned Shopping Center (SC) District and 2) a variance to Section 10-311 of the Comprehensive Zoning Ordinance No. 4647 regarding the use of metal as a façade material. This property is located northwest of the intersection of South Garland Avenue and West Miller Road. (District 8) (File Z14-48)

The applicant was available for questions. There were no questions of this applicant.

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





GARLAND

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

November 25, 2014

HEARING DATE/TIME: Plan Commission: December 8, 2014 – 7:00 PM

APPLICANT: MUY Hamburger Partners, LLC

File Z 14-48

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, December 8, 2014, in the Goldie Locke Room of the Duckworth Utility Services Building, 217 North Fifth Street, to consider the application of **MUY Hamburger Partners, LLC** requesting approval of 1) a Specific Use Permit for Restaurant with Drive Through on property zoned Shopping Center (SC) District, 2) a variance to Section 30.106(1) of the Sign Ordinance regarding attached signage, and 3) Section 10-311 of the Comprehensive Zoning Ordinance No. 4647 regarding the use of metal as a façade material. The property is shown on the enclosed sketch and is described as follows:

Being a 0.851-acre lot identified as Lot 2, Block 1, Williams Retail Estates, an addition to the City of Garland, Dallas County, recorded in Instrument Number 201300199683 of the Plat Records of Dallas County, Texas. The property is located north of the northwest intersection of South Garland Avenue and Miller Road, Garland, TX. (District 8)

Note: The applicant seeks approval of the Specific Use Permit and associated variances to construct an approximately 3,400 square foot Wendy's restaurant with drive incorporating metal panel on the exterior walls and an increase in attached signage.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return to **City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002** or by fax to **972-205-2474**. Should you have any questions, please contact Isaac Williams at 972-205-2445.

(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

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

(Please complete the following information)

Your Property Address

KENT STAINBACK - NORTH GMI LP AND GARLAND MILLER INVESTORS

Printed Name

1501 W. Miller Rd Garland TX 75041

Address

City, State

Zip

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

Signature

PRESIDENT
Title

Date:

12-5-14

Outside of
modification area



GARLAND

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

November 25, 2014

HEARING DATE/TIME: Plan Commission: December 8, 2014 – 7:00 PM

APPLICANT: MUY Hamburger Partners, LLC

File Z 14-48

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, December 8, 2014, in the Goldie Locke Room of the Duckworth Utility Services Building, 217 North Fifth Street, to consider the application of **MUY Hamburger Partners, LLC** requesting approval of 1) a Specific Use Permit for Restaurant with Drive Through on property zoned Shopping Center (SC) District, 2) a variance to Section 30.106(1) of the Sign Ordinance regarding attached signage, and 3) Section 10-311 of the Comprehensive Zoning Ordinance No. 4647 regarding the use of metal as a façade material. The property is shown on the enclosed sketch and is described as follows:

Being a 0.851-acre lot identified as Lot 2, Block 1, Williams Retail Estates, an addition to the City of Garland, Dallas County, recorded in Instrument Number 201300199683 of the Plat Records of Dallas County, Texas. The property is located north of the northwest intersection of South Garland Avenue and Miller Road, Garland, TX. (District 8)

Note: The applicant seeks approval of the Specific Use Permit and associated variances to construct an approximately 3,400 square foot Wendy's restaurant with drive incorporating metal panel on the exterior walls and an increase in attached signage.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return to **City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002 or by fax to 972-205-2474**. Should you have any questions, please contact Isaac Williams at 972-205-2445.

(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

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

It will be ok.

(Please complete the following information)

Your Property Address

Printed Name

Address

City, State

Zip

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

Signature

Title

Date:

outside of notification area



Planning Report

Smithers Merchant Builders, LP.

On the north side of Belt Line Road, approximately 400 feet west of the intersection of Belt Line Road and Shiloh Road

REQUEST

Approval of 1) a zoning change from Shopping Center (SC) District to Planned Development (PD) District for Limited Multifamily (MF-12) Uses and 2) a Specific Use Permit and Detail Plan for Nursing Home/Convalescent Center.

OWNER

Harold F. Peek

PLAN COMMISSION RECOMMENDATION

On December 8, 2014 the Plan Commission, by a vote of eight (8) to zero (0), recommended approval of 1) a zoning change from Shopping Center (SC) District to Planned Development (PD) District for Limited Multifamily (MF-12) Uses and 2) a Specific Use Permit and Detail Plan for Nursing Home/Convalescent Center.

Additionally, Plan Commission approved a variance to Section 34.52(B) of the Development Standards for Senior Living and Related Facilities regarding perimeter fencing and landscaping.

STAFF RECOMMENDATION

Approval of a zoning change from Shopping Center (SC) District to Planned Development (PD) District for Limited Multifamily (MF-12) Uses, a Specific Use Permit for a period of 50 years and a Detail Plan for Nursing Home/Convalescent Center. The proposed nursing home facility is a suitable use for a site that is near a major intersection and surrounded by properties mostly developed with institutional/educational and office/retail uses. Furthermore, the proposed nursing home facility will add to the array of senior living services currently found in the City of Garland.

BACKGROUND

The applicant is requesting approval of a zoning change to a Planned Development (PD) District, a Detail Plan and Specific Use Permit to allow for the construction of a nursing home facility on the subject property. The subject

property, a portion of an existing driving range, is immediately to the south of International Leadership of Texas Middle School (charter school).

SITE DATA

The subject property contains approximately 6.3143 acres with 75 feet of frontage along Belt Line Road and 35 feet of frontage along Shiloh Road. The site would be accessed from Belt Line Road and Shiloh Road.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Shopping Center (SC) District which provides for the establishment of convenient retail and personal service activities by grouping compatible uses in a single center which is designed in an integrated manner according to an overall site plan. The Shopping Center District accommodates shopping center development serving a neighborhood or community service area. The development of a nursing home facility requires the subject property to be rezoned to a Multifamily District and approval of a Specific Use Permit.

CONSIDERATIONS

1. The applicant is requesting the approval of a zoning change to a Planned Development (PD) District, Detail Plan and Specific Use Permit for a 50,695 square foot nursing home facility with approximately 132 beds. The facility would provide skilled nursing services for approximately 66 units. The proposed Planned Development (PD) District would be based on the Multifamily (MF-12) District and it would limit the permitted uses to Accessory Building, Assisted Living Facility, Independent Senior Living Facility, and Nursing Home/Convalescent Center.

2. Land Use Compatibility: The charter school, private school and church complex provide an institutional character to the immediate area to the north and west of the subject property while the character of the developments closer to the intersection of Belt Line Road and Shiloh Road is office/retail with some auto related uses. The properties beyond this cluster of non-residential uses are developed with residential neighborhoods. The proposed development of a nursing home facility, with its scale and overall appearance and function, should be a compatible addition to the surrounding area.

3. Remnant Pad Sites: The proposed nursing home facility would be developed on a tract of land that is identified as a portion of two platted lots (Lots 2 and 3, Block 1, ILT Addition). The proposed development will leave three remnant pad sites, two along Belt Line Road and one along Shiloh Road, where uses allowed in the Shopping Center District could potentially be developed.

4. Building Height: The building would be one-story measuring approximately 25 feet in height at the apex of the roof.

5. Common Area: Section 34.51 of the Senior Living Standards stipulates that 100 square feet of common area must be provided for each room. Common area includes areas for living/sitting, dining, library, gaming, exercising, dancing or other recreational activities. Since 66 rooms will be provided, there must be a minimum of 6,600 square feet of common area. The floor plan reflects approximately 14,000 square feet of indoor common area.

6. Parking: One parking space shall be provided for each 4 beds within a nursing home. Since 132 beds will be provided, 33 parking spaces are required on-site. There are 102 parking spaces reflected on the Detail Plan, exceeding the parking requirement.

7. Screening and Landscaping: Aside from the screening method prescribed in Section 34.52(B) of the Senior Living Standards, to which Plan Commission approved a variance to allow a screening method consisting of a 6-foot tall ornamental iron fence with brick columns along the north and west property lines and 6 foot tall shrubs along the entire perimeter of the subject property, all applicable screening and landscape requirements are met.

8. Signage: Section 34.54 of the Senior Living Standards reflects that freestanding signage shall be limited to one monument sign on any site. The monument sign shall not exceed 35 square feet in sign face area and 7 feet in height, and shall be setback 15 feet from the property line. The applicant proposes one monument sign, along Belt Line Road, that would meet the aforementioned requirements.

9. Building Materials: Section 34.51(4) of the Senior Living Standards stipulates that each exterior wall of all buildings must provide a minimum of 75% brick or stone, excluding doors and windows. The elevations will consist of no less than 86 percent primary masonry material (brick and stone).

10. Building Articulation: The Senior Living Standards also requires that 30% of the front façade shall be offset a minimum of 4 feet for buildings that are in excess of 80 feet in length. The front façade has been off-set to meet this requirement as reflected on the Detail Plan.

11. Specific Use Permit: The applicant requests a Specific Use Permit for a Nursing Home for a period of 50 years.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Comprehensive Plan recommends Compact Neighborhoods for the subject property. Compact neighborhoods provide areas for moderate increases in residential density, including single-family attached and single-family detached housing. These areas provide transitions between traditional residential neighborhoods and

higher density residential neighborhoods and non-residential developments. Developments within this category are predominantly residential, but may include compatible non-residential uses.

While the proposed nursing home facility is to some extent medical in nature and not a compact neighborhood residential product, the patients are essentially residents. Furthermore, the nursing home facility would provide for a low intense transitional use between the residential neighborhoods to the north and west and the commercial activities clustered around the intersection of Belt Line Road and Shiloh Road.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The properties at the intersection of Belt Line Road and Shiloh Road are zoned Shopping Center (SC) District, General Business (GB) District and with numerous Planned Development (PD) Districts. These properties have various Specific Use Permits and are developed with gas stations, a car wash, a church complex, office, retail, a private school, a charter school, and auto repair shops. The properties beyond the intersection of Belt Line Road and Shiloh Road are predominantly developed with single family subdivisions and apartment complexes.

Given its location amid non-residential development, it is unlikely that the subject property will be developed with a single family residential product. However, as a nursing home facility, the subject property will be compatible with the non-residential character of the developments that have occurred in the immediate surrounding properties and will provide valuable senior living services to the residents in the larger area.

Prepared By:

Josue De La Vega
Development Planner

Date: December 19, 2014

Reviewed By:

Anita Russelmann
Director of Planning

Date: December 24, 2014

Reviewed By:

William E. Dollar
City Manager

Date: December 24, 2014



PLANNED DEVELOPMENT CONDITIONS

ZONING FILE 14-49

On the north side of Belt Line Road, approximately 400 feet west of the intersection of Belt Line Road and Shiloh Road

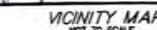
- I. **Statement of Purpose:** The purpose of this Planned Development District is to permit the construction of a nursing home subject to conditions.
- II. **Statement of Effect:** This Planned Development District shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All development shall comply with Ordinance No. 5410, Senior Living and Related Facilities. All regulations of the Multi-Family District set forth in Section 19, 32, and 33 of the Comprehensive Zoning Ordinance, Ordinance No. 4647 are included by reference and shall apply, except as otherwise specified in this ordinance.
- IV. **Development Plans:**
 - A. Detail Plan: Development shall be in general conformance with the approved Detail Plan set forth in Exhibit C; however, in the event of conflict between the Detail Plan and the conditions, the conditions shall prevail.
- V. **Specific Regulations:**
 - A. Permitted Uses: No uses shall be permitted except for the following:
Accessory Building
Assisted Living Facility (only with approval of a Specific Use Permit)
Independent Senior Living Facility
Nursing Home/Convalescent Center (only with approval of a Specific Use Permit)

In the event the Nursing Home/Convalescent Center completely transitions into either an Assisted Living Facility or an Independent Senior Living Facility, said facility shall comply with all applicable standards.
 - B. Specific Use Permit: The Specific Use Permit shall be for a period of 50 years.
 - C. Building Elevations: Exterior elevations shall be in conformance with the approved elevations in Exhibit E.
 - D. Perimeter Fencing and Landscaping: The perimeter fencing and landscaping shall consist of a 6-foot tall ornamental iron fence with

EXHIBIT B

brick columns along the north and west property lines and 6 foot tall shrubs along the entire perimeter of the subject property. Landscaping shall be in general conformance with the approved Landscape Plan in Exhibit D.

- E. Signage: One monument sign shall be permitted on the subject property with the size and setback in compliance with the Senior Living Standards.
- F. Common Areas: Indoor common or recreational areas shall be provided at a ratio of a minimum of 100 square feet of gross floor area per room as stipulated in the Development Standards for Senior Living and Related Facilities.



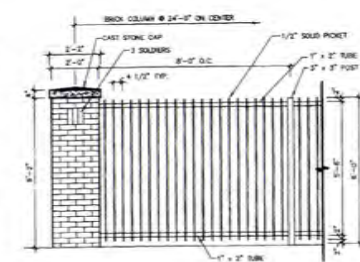
LEGEND

●	BOLLARD
○	ELECTRIC METER
■	POWER POLE
□	LIGHT STANDARD
△	WATER METER
◇	WATER VALVE
◇	IRIGATION CONTROL VALVE
◇	HYDRAUNT
◇	FIRE DEPARTMENT CONNECTION
◇	CLEAN OUT
◇	MANHOLE
◇	GAS METER
◇	TRAFFIC SIGNAL CONTROL
◇	TRAFFIC SIGNAL POLE
◇	TRAFFIC SIGN
◇	TELEPHONE BOX
◇	TV BOX
◇	FLAG POLE
◇	LANDSCAPE AREA
◇	PROPERTY LINE
◇	G.A. PUMP LINES
◇	4/0 TELEPHONE LINES
◇	4/0 WATER LINE
◇	4/0 GAS LINE
◇	FENCE

SITE DATA SUMMARY TABLE	
ITEM	LOT 2R
PROPOSED USE	NURSING HOME
LOT AREA (S.F./ACRES)	275,092/6.3143
BUILDING FLOOR(S)	50,281 = 544 + 50,695
BUILDING HEIGHT (FT.)	35'-3"
LOT COVERAGE (%)	18.4%
FLOOR AREA RATIO	0.1841
PARKING REQUIRED (1 SPACE / 4 BEDS)	33 SPACES
HANDICAPPED PARKING REQUIRED	5 SPACES
PARKING PROVIDED	162
HANDICAPPED PARKING PROVIDED	10
IMPROVISED AREA (SQ.)	140,203

BENCH MARK LIST
BENCHMARK #1
CITY OF GARLAND GPS-182 BRASS DISK STAMPED 182, LOCATED ON A
WEDGELIKE APPROPRIATELY 64 FEET SOUTH OF 902 LINE AND SW/CH
ROAD INTERSECTION AND APPROXIMATELY 25 FEET WEST OF THE NORTH
BOLD SW/CH ROAD CENTERLINE.
PUBLISHED NAVD83 ELEVATION = 902.77
MODEL TYPE (SIR) =
NAD83 400.0 A L 2531225.3

BENCHMARK #2
"T" OUT SET ON TOP OF CURB AT THE MOST SOUTH WEST PARKING
STALL OF LOT 1, BLOCK 1, LT ADJOSTION
ELEVATION = 906.05



TYPICAL FENCE ELEVATION

NOL		DATE		REVISION / DESCRIPTION	
DESIGN	DRAWN	DATE	PS NUMBER		
AKS	WTM	12-03-2014	1598-14-068		

DEVELOPER
SMITHERS MERCHANT BUILDERS
21726 HARDY OAK BOULEVARD
SAN ANTONIO, TEXAS 78258
MR. RICK McNEALY
(210) 479-2500 PHONE
(210) 479-2507 FAX

PROJECT INFORMATION
LEGEND OAKS GARLAND
BLOCK 1, LOT 2R, 1LT ADDITION
CITY OF GARLAND, TEXAS
JOHN CASEY SURVEY, ABSTRACT NO. 255
EXISTING ZONING: SHOPPING CENTER
PROPOSED ZONING: PD W/SUP

THIS DOCUMENT IS RELEASED FOR THE PURPOSE
OF RECORD REVIEW UNDER THE AUTHORITY OF ARJIN N
HARRISON, P.E. (S) ON 5-29-2014. IT IS
NOT TO BE USED FOR CONSTRUCTION, DESIGN OR
FOR ANY PURPOSES.

NOT TO BE USED FOR:
CONSTRUCTION OR
BIDDING PURPOSES.

Engineer: **WILLIAM S. SMITH, P.E.**
P.E. No.: **75971**
Date: **11-03-2004**

EPOQUE



CASE NUMBER: 140821-1

DETAIL PLAN

LEGEND OAKS GARLAND
BLOCK 1, LOT 2R, 1LT ADDITION
JOHN CASEY SURVEY, ABSTRACT NO. 256
CITY OF GARLAND, TEXAS

SHEET NO.

CO.01

DWG NO: 1595-14-005-DETAIL PLAN.DWG

B ORDINANCE REQUIREMENTS - GARLAND

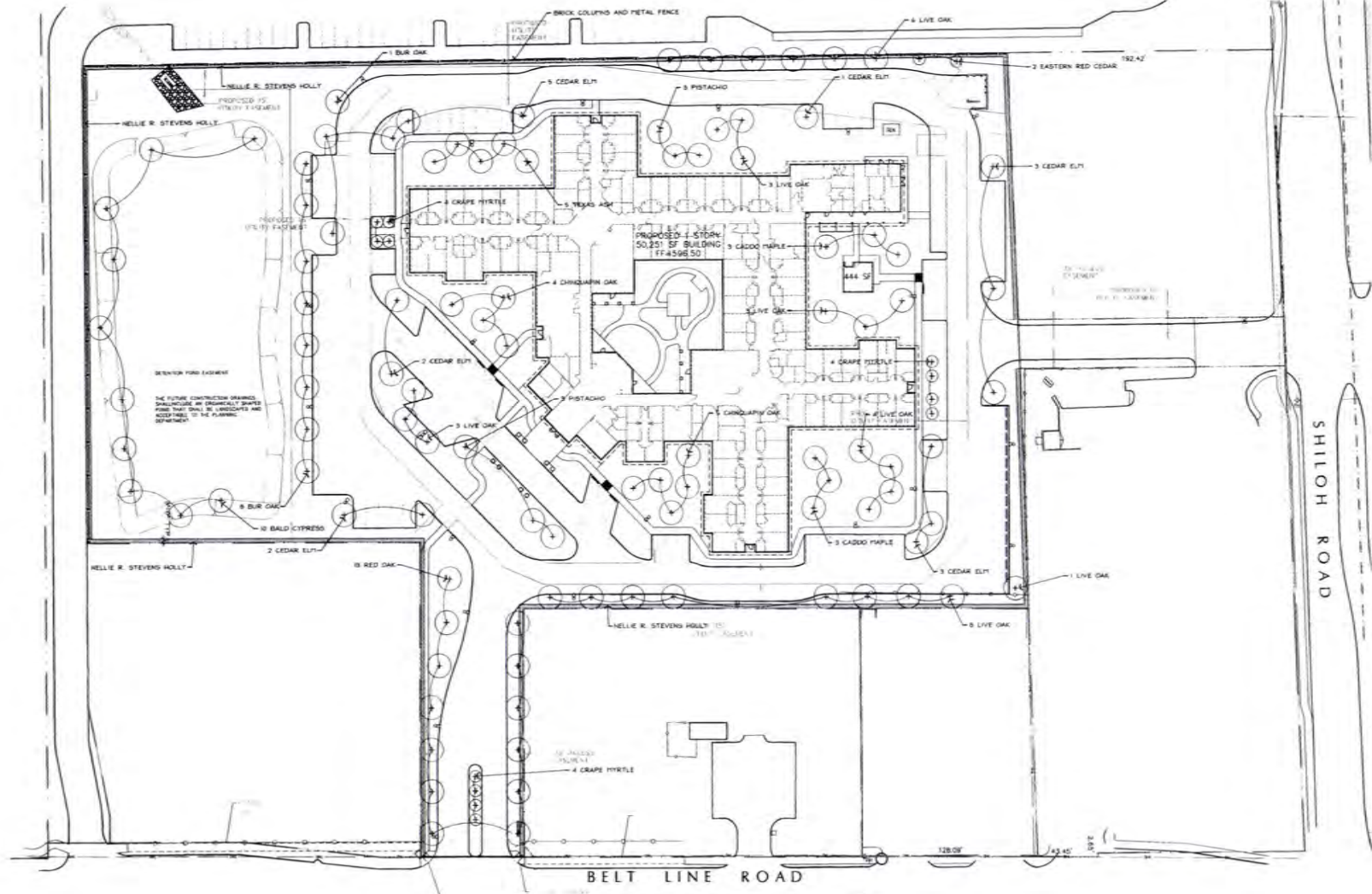
1. SCREENING 10' WIDE BUFFER STRIP PROVIDED: LINEAR FEET OF R.O.M. BELTLINE ROAD	80' /50' =	1 LARGE CANOPY TREE PER 50 LINEAR FEET 2 3" CALIPER TREES REQUIRED 2 3" CALIPER TREES PROVIDED 1 3" CALIPER TREES REQUIRED 0 3" CALIPER TREES PROVIDED
2. PARKING AREAS 1 TREE PER 10 SPACES	100' /10' =	10 3" CALIPER TREES REQUIRED 12 3" CALIPER TREES PROVIDED
3. OF THE TOTAL PARKING AREA 286,540	105 14,328	SQUARE FEET REQUIRED SQUARE FEET PROVIDED
4. PARKING SCREENING STREET FRONTAGE IN LINEAR FEET BELTLINE ROAD	0' /2' =	0 SHRUB QUANTITY AT PARKING REQUIRED 0 SHRUB QUANTITY AT PARKING PROVIDED 0 SHRUB QUANTITY AT PARKING REQUIRED 0 SHRUB QUANTITY AT PARKING PROVIDED
5. PROTECTED TREE MITIGATION EXISTING TREE CALIPER IN INCHES	0' /4' =	0 4" CALIPER TREES REQUIRED 0 4" CALIPER TREES PROVIDED
6. OPEN SPACE 475 OPEN SPACE REQUIRED	275,062' /4' =	10,000 SQUARE FEET REQUIRED 10,000 SQUARE FEET PROVIDED

C PLANTING GENERAL NOTES

1. ALL SOIL EXCAVATION MUST BE DISPOSED OF ON SITE.
2. IF A LIVE UTILITY IS ENCOUNTERED DURING EXCAVATION, CONTACT OWNER'S REPRESENTATIVE.
3. SEE PLANTING SPECIFICATIONS FOR A COMPLETE DESCRIPTION OF PLANT MATERIAL AND INSTALLATION.
4. ALL BEDS MUST BE LAID OUT AND APPROVED PRIOR TO THE INSTALLATION OF THE IRRIGATION FOR COORDINATION.
5. ALL PLANT MATERIAL SHALL BE STAGED AND APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO PLANT INSTALLATION.
6. ALL PLANTING DETAILS ARE TYPICAL.
7. ALL DISTURBED AREAS WITHIN THE PROJECT LIMITS MUST BE EITHER HYDROMULCHED OR SOLO SODDED UNLESS NOTED.

D PREPARATION GENERAL NOTES

1. PLAN PREPARED BY:
MICHAEL S. KENDALL
KENDALL & LANDSCAPE ARCHITECTURE
800 NORTH CENTRAL EXPRESSWAY
SUITE 1000
DALLAS, TEXAS 75206
PHONE: (214) 794-3226
FAX: (214) 794-3226
E-MAIL: PKENDALL@GMAIL.COM
TEXAS LANDSCAPE ARCHITECT LICENSE NO. 1071
2. ALL AREAS SHALL BE IRRIGATED BY AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM PROVIDING 8MM COVERAGE.
3. ALL REQUIRED TREES FROM THE CITY APPROVED LISTING.



A OVERALL LANDSCAPE PLAN

LEGEND OAKS GARLAND
BELTLINE ROAD
GARLAND, TEXAS 76244
EXHIBIT D

CITY COMMENTS 12/09/14
CITY COMMENTS 12/04/14

1 December 2014

Landscaping Plan

L11

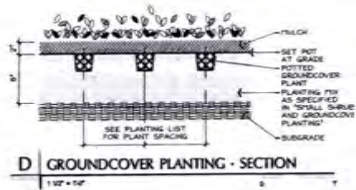
C PLANT LISTING

ALL SIZES SHOWN ARE MINIMUM. SMALLER CONTAINERS MEETING THE SPECIFIED HEIGHT AND SPREAD WILL NOT BE ACCEPTED.

BOTANIC NAME	COMMON NAME	SIZE	DESCRIPTION	QTY
LARGE TREES				
ACER BARBATUM 'LACIN'	LACIN MAPLE	3'-3 1/2" CALIPER, 8' - 10' HEIGHT, 4'-5' SPREAD	BALLED AND BURLAPPED, SINGLE STRAIGHT LEADER	4
FRAXINUS TEXENSIS	TEXAS ASH	3'-3 1/2" CALIPER, 8' - 10' HEIGHT, 4'-5' SPREAD	BALLED AND BURLAPPED, SINGLE STRAIGHT LEADER	5
PISTACHIO CHINENSIS	PISTACHIO	3'-3 1/2" CALIPER, 8' - 10' HEIGHT, 4'-5' SPREAD	BALLED AND BURLAPPED, SINGLE STRAIGHT LEADER	4
QUERCUS MACROCARPA	BUR OAK	100 GALLON CONTAINER, 4'-4 1/2" CALIPER, 8' - 10' HEIGHT, 4'-5' SPREAD	SINGLE STRAIGHT LEADER	4
QUERCUS BAPHORUM	SHAPED RED OAK	100 GALLON CONTAINER, 4'-4 1/2" CALIPER, 8' - 10' HEIGHT, 5'-6' SPREAD	SINGLE STRAIGHT LEADER	18
QUERCUS VIRGINIANA	SOUTHERN LIVE OAK	100 GALLON CONTAINER, 4'-4 1/2" CALIPER, 8' - 10' HEIGHT, 5'-6' SPREAD	SINGLE STRAIGHT LEADER	25
QUERCUS FUSCULENBERGII	CHINGHAM OAK	100 GALLON CONTAINER, 4'-4 1/2" CALIPER, 8' - 10' HEIGHT, 5'-6' SPREAD	SINGLE STRAIGHT LEADER	6
TAXODIUM DISTICHUM	BAUD CYPRESS	40 GALLON CONTAINER, 4'-4 1/2" CALIPER, 8' - 10' HEIGHT, 4'-5' SPREAD	SINGLE STRAIGHT LEADER	10
ULMUS CRASSIFOLIA	CEGARE ELM	3'-3 1/2" CALIPER, 8' - 10' HEIGHT, 4'-5' SPREAD	SINGLE STRAIGHT LEADER	4
ORNAMENTAL TREES				
JAPANESE VIRGINIANA	EASTERN RED CEDAR	3'-3 1/2" CALIPER, 8' - 10' HEIGHT, 4'-5' SPREAD	SINGLE STRAIGHT LEADER	2
LAGERSTROEMIA INDICA	ORANGE HIBISCUS - WHITE	3'-3 1/2" CALIPER, 8' - 10' HEIGHT, 4'-5' SPREAD	SINGLE STRAIGHT LEADER	10
NATCHEZ WHITE				
SHRUBS				
LEX CORNUTA	NELLIE R. STEVENS HOLLY	3 GALLON - 9' HEIGHT MINIMUM	5' ON CENTER	
NELLIE R. STEVENS		NELLIE R. STEVENS SHALL REACH 4' HEIGHT WITHIN 3 YEARS		
LAWN				
CYNODON D'IPP	BERLYDA GRASS - SEEDING			

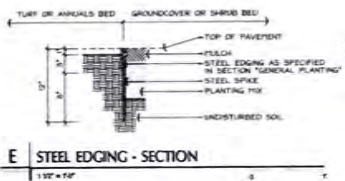


LEGEND OAKS GARLAND
BELTLINE ROAD
GARLAND, TEXAS 76244
EXHIBIT D



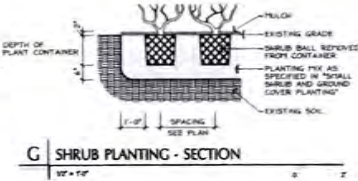
D GROUND COVER PLANTING - SECTION

10' x 10'



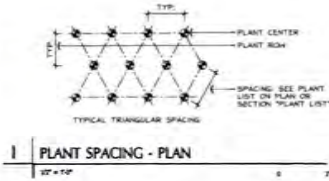
E STEEL EDGING - SECTION

10' x 10'



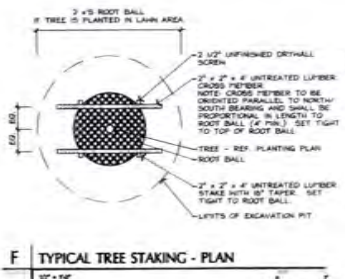
G SHRUB PLANTING - SECTION

10' x 10'



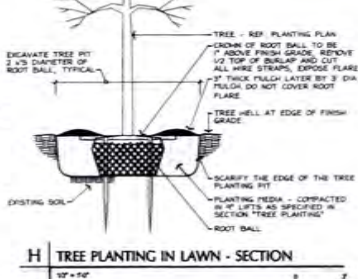
I PLANT SPACING - PLAN

10' x 10'



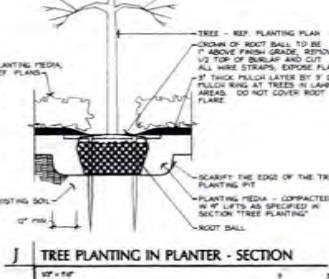
F TYPICAL TREE STAKING - PLAN

10' x 10'



H TREE PLANTING IN LAWN - SECTION

10' x 10'



J TREE PLANTING IN PLANTER - SECTION

10' x 10'

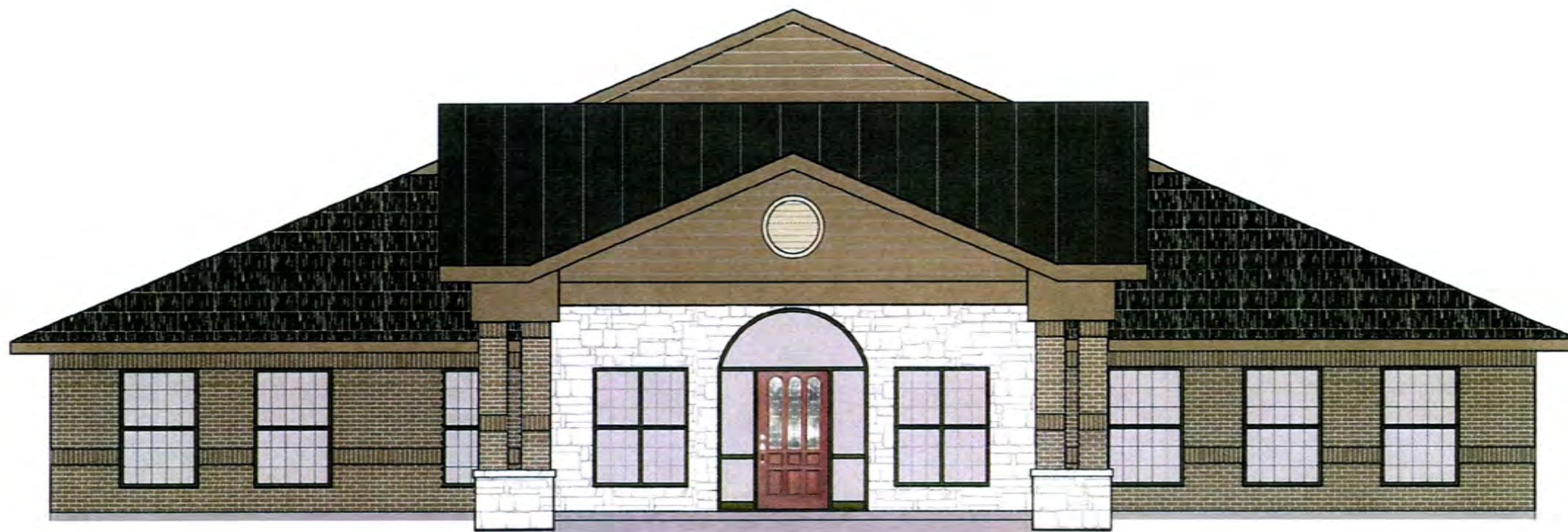
Scale

Comments
CITY COMMENTS 12/28/14
CITY COMMENTS 12/28/14

Issue Date
1 December 2014

Issue Name
Landscape Plan

Sheet Number
L12

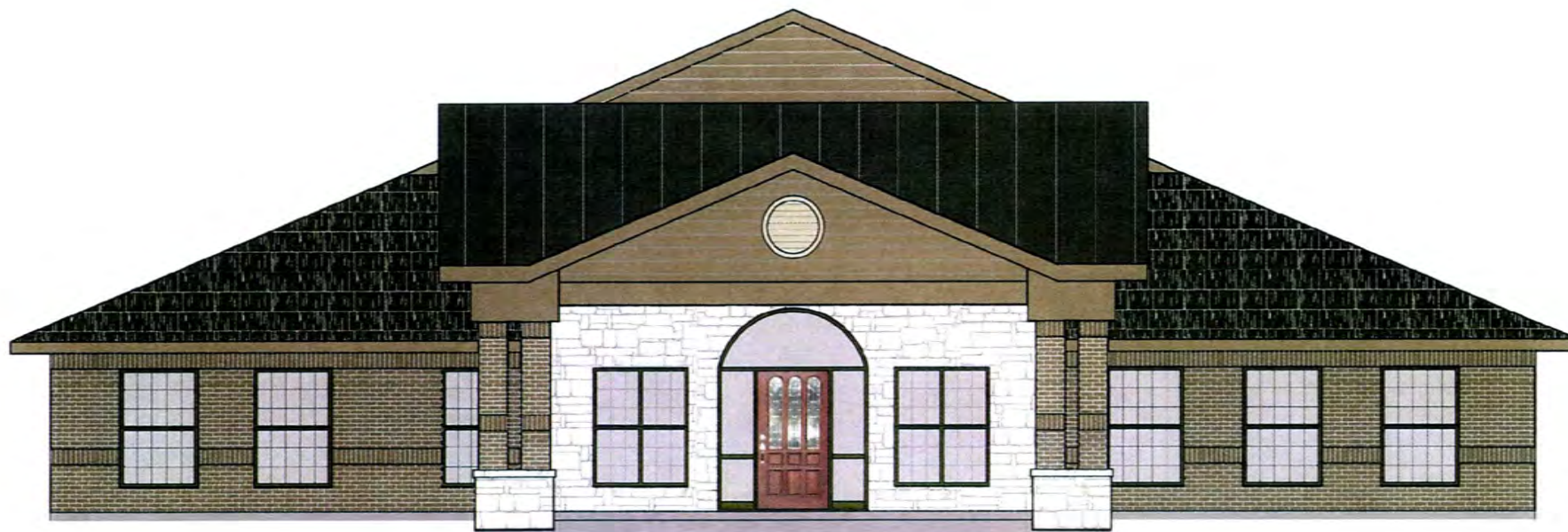


FRONT ELEVATION

WALL	WALL S.F.	MASONRY S.F.	HARDI S.F.	% MASONRY	% HARDI
SOUTH	2764	2742	22	99.20%	0.80%
EAST	2811	2669	142	94.95%	5.05%
NORTH	3367	3289	78	97.68%	2.32%
WEST	1969	1891	78	96.04%	3.96%
FRONT	1029	888	141	86.30%	13.70%
DRIVE-THRU	1200	720	480	60.00%	40.00%

LEGEND OAKS
GARLAND, TEXAS





FRONT ELEVATION

WALL	WALL S.F.	MASONRY S.F.	HARDI S.F.	% MASONRY	% HARDI
SOUTH	2764	2742	22	99.20%	0.80%
EAST	2811	2669	142	94.95%	5.05%
NORTH	3367	3289	78	97.68%	2.32%
WEST	1969	1891	78	96.04%	3.96%
FRONT	1029	888	141	86.30%	13.70%
DRIVE-THRU	1200	720	480	60.00%	40.00%

LEGEND OAKS
GARLAND, TEXAS

RA
ARCHITECTS
13625 Pond Springs Rd.
Suite 206 Austin, Texas 78729
(512) 255-8948



SOUTH ELEVATION



WEST ELEVATION

EXHIBIT E

WALL	WALL S.F.	MASONRY S.F.	HARDI S.F.	% MASONRY	% HARDI
SOUTH	2764	2742	22	99.20%	0.80%
EAST	2811	2669	142	94.95%	5.05%
NORTH	3367	3289	78	97.68%	2.32%
WEST	1969	1891	78	96.04%	3.96%
FRONT	1029	888	141	86.30%	13.70%
DRIVE-THRU	1200	720	480	60.00%	40.00%

LEGEND OAKS
GARLAND, TEXAS





NORTH ELEVATION




EAST ELEVATION

EXHIBIT E

WALL	WALL S.F.	MASONRY S.F.	HARDI S.F.	% MASONRY	% HARDI
SOUTH	2764	2742	22	99.20%	0.80%
EAST	2811	2669	142	94.95%	5.05%
NORTH	3367	3289	78	97.68%	2.32%
WEST	1969	1891	78	96.04%	3.96%
FRONT	1029	888	141	86.30%	13.70%
DRIVE-THRU	1200	720	480	60.00%	40.00%

LEGEND OAKS
GARLAND, TEXAS



RHENLANDER
ARCHITECTS
13625 Pond Springs Rd.
Suite 206 Austin, Texas 78729
(512) 255-8948

REPORT & MINUTES

P.C. Meeting, December 8, 2014 (8 Members Present)

Consideration of the application of Smithers Merchant Builders, LP, requesting approval of 1) a zoning change from Shopping Center (SC) District to Planned Development (PD) District for Limited Multifamily (MF-12) Uses, 2) a Specific Use Permit and Detail Plan for Nursing Home/Convalescent Center, and 3) a variance to Section 34.52(B) of the Development Standards for Senior Living and Related Facilities regarding perimeter fencing and landscaping. This property is located northwest on the north side of Belt Line Road, approximately 400 feet west of the intersection of Belt Line Road and Shiloh Road. (District 7) (File Z 14-49)

Representing the applicant, Fredrick McNealy, 21726 Hardy Oak Blvd, San Antonio, TX. gave a brief overview of the request and provided clarification of the proposed fencing and security concerns.

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

Commissioner Luckie provided an alternative to the proposal and suggested limiting the fencing to wrought iron and masonry fencing to north and west sides of the property.

Staff clarified that the intent of the landscaping was to minimize the visual impact of the adjacent commercial property on the subject property. Commissar Fisher suggested shorter landscaping as an alternative to add aesthetics without enclosing the area.

Motion was made by Commissioner **Fisher**, seconded by Commissioner **Vera** to close the Public Hearing and **approve** the request as submitted with the provision the wrought iron fence be installed along the west and north side of the property, vegetation installed at a minimum height of two feet. **Motion carried: 8 Ayes, 0 Nays**

We did not receive any replies for this case.