

# **AGENDA**

## **REGULAR MEETING OF THE CITY COUNCIL**

**City of Garland  
Council Chambers, City Hall  
200 North Fifth Street  
Garland, Texas  
June 4, 2013  
7:00 p.m.**

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The City Council extends to each visitor a sincere welcome. We value your interest in your community and your participation in the meetings of this governing body. Regular meetings of the City Council are held the 1st and 3rd Tuesdays of each month, beginning at 7:00 p.m.; the City Council meets regularly in work sessions at 6:00 p.m. the Monday preceding each regular meeting.

The Garland City Hall and Council Chambers are wheelchair accessible. Special parking is available on the north side of City Hall and the building may be accessed by a sloped ramp from the parking area to the door facing Fifth Street. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services must contact the City Secretary's Office at (972) 205-2404 at least two working days prior to the meeting so that appropriate arrangements can be made. **BRILLE IS NOT AVAILABLE.**

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### **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**
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## 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 May 21, 2013 Regular Meeting.

2. Consider approval of the following bids:

a. **Concrete Finish Work** **Bid No. 3519-13**

**Tri-Con Services, Inc.** **\$2,500,000.00**

*This request is to provide various replacement or repair of concrete paving and structures throughout the City.*

b. **Peripheral Equipment for Police Patrol Vehicles** **Bid No. 3605-13**

**Teletouch Communications, Inc.** **\$280,355.00**

*This request is to provide the peripheral equipment including lights, sirens, cages, and mounted consoles for the new Chevrolet Caprice Patrol Vehicles.*

3. 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.13-18, North Garland Children's Childcare & Academy**

*Consider an ordinance amending the zoning laws of the City of Garland by approving a Specific Use Permit for a Kindergarten, Preschool, or Child Care Center on a 9.847-acre tract of land located at 5840 North Garland Avenue.*

4. **Consider an ordinance amending Chapter 22, "Health", of the Code of Ordinances of the City of Garland, Texas; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas.**

*At the May 20, 2013 Work Session, the Community Services Committee recommended that Council consider an ordinance amending Chapter 22 of the Code of Ordinances requiring sterilization of all animals impounded at the Garland Animal Shelter. The proposed ordinance will also increase the current impoundment fees for an unsterilized animal and provide for a refund upon compliance.*

### **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.**

5. **Hold public hearings on the following zoning cases:**
  - a. **Consider the application of Responsive Education Solutions requesting approval of a Specific Use Permit for a Charter School on property zoned Industrial-1 (I-1) District. This property is located at 2800 West Kingsley Road, Suite 103. (File No. 13-17)**

*The proposal is for the approval of a Specific Use Permit to occupy the approximately 20,000 square foot tenant space with a charter school for grades sixth through eighth. At the May 13, 2013 meeting, the Plan Commission (by a 6 to 3 vote) recommended denial of the Specific Use Permit as recommended by staff.*

- b. **Consider the application of FJLC & Associates requesting approval of a Specific Use Permit for Restaurant, Drive-Through on property zoned Planned Development (PD) District 69-54 for Industrial 1 Uses and in the IH 635 Overlay. The property is located at 2135 Northwest Highway. (File No. 13-19)**

*The proposal is for the approval of a Specific Use Permit to operate a Starbucks restaurant with a drive-through within an existing building. At the*

*May 13, 2013 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the Specific Use Permit for a period of 30 years tied to Starbucks as recommended by staff.*

- c. Consider the application of Cristela Romo requesting approval of a Specific Use for a Reception Facility on property zoned Shopping Center (SC) District. The property is located at 219 West Kingsley Road, Suite 322. (Zoning File No. 13-20)**

*The proposal is for the approval of a Specific Use Permit to continue to operate a reception facility within an existing building under new ownership. At the May 13, 2013 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the Specific Use Permit for a period of 5 years tied to Cristela Romo as recommended by staff.*

**6. 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.*

**7. Adjourn.**

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

The City Council of the City of Garland, Texas convened in regular session at 7:00 PM on Tuesday, May 21, 2013, in the Council Chambers at City Hall with the following members present:

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

MEMBERS ABSENT: Councilmember Jim Cahill

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

CALL TO ORDER: The meeting was called to order by Mayor Ronald Jones. Mayor Jones led the Invocation.

CEREMONIALS: Boy Scout Troop 100, sponsored by the Garland Firefighters Association, led a Flag Ceremony followed by the Pledge of Allegiance. The Garland Firefighters Association provided Mayor Jones the Hero Patrol Lifetime Member Award. Mayor Jones recognized Deputy Mayor Pro Tem Edwards for 6 years of dedicated service to the City of Garland. Mayor Jones recognized Councilman Rick Williams for 6 dedicated years of service to the City of Garland. President of Garland Firefighters Association David Riggs provided a resolution to Mayor Jones and presented a fire helmet as a gesture of appreciation for many years of service to the City of Garland.

CONSENT AGENDA: The following items were pulled from the Consent Agenda: 2g; and 10.

All items marked with asterisks (\*\*) on the Consent Agenda were voted on in a single motion at the beginning of the meeting. A motion was made by Councilman Campbell, seconded by Councilwoman Goebel, to approve Items: 1 as amended; 2a; 2b; 2c; 2d; 2e; 2f; 3; 4; 5; 6; 7; 8; 9; 11; 12; 13; 14; and 15 as presented. A vote was cast and the motion carried with 8 Ayes; 0 Nays (Cahill, absent).

1. Approved\*\* City Council Meeting minutes of the May 7, 2013 Regular Meeting as amended.

- 2a. Approved\*\* Award of Bid No. 3401-13 to PepsiCo Food Service in the amount of \$177,443.25.25 to provide meal service for the City of Garland's Summer Food Service Program.
- 2b. Approved\*\* Award of Bid No. 3495-13 to Safeway Services in the amount of \$150,000 to provide scaffolding services on an as-needed basis for system maintenance on plant equipment at the Olinger and Spencer Power Plants.
- 2c. Approved\*\* Award of Bid. No. 3504-13 to Stuart Irby in the amount of \$254,950.00 for the purchase of steel structures required for construction of the 138kV Nevada Switchyard.
- 2d. Approved\*\* Award of Bid No. 3510-13 to Tri Con Services in the amount of \$425,000.00 with a contingency amount of \$43,000.00 with a total award of \$468,000.00 to provide system improvements to the Rosehill distribution line, including the installation of three manholes, 350' of 30" steel casing bore under IH-30, and approximately 1,700' of 6" line duct work.
- 2e. Approved\*\* Award of Bid No. 3518-13 to Fleetwood Services, LLC in the amount of \$165,000.00 to provide for the complete renovation of bunkers on the 18-hole Lakes Course at Firewheel Golf Park.
- 2f. Approved\*\* Award of Bid No. 3566-13 to Hill & Wilkinson General Contractors in the amount of \$851,502.00 for a Guaranteed Maximum Price for Construction Manager at Risk Services for the City Hall Uninterrupted Replacement and Electric Service upgrade package.
3. Approved\*\* Ordinance No. 6613 amending the zoning laws of the City of Garland by approving an amendment to Planned Development (PD) 08-26 for Freeway Uses and an amended Detail Plan on 2.569-acre tract of land located at 4412 Bass Pro Drive (Zoning File No. 13-6, Atlantic Hotels.
4. Approved\*\* Resolution No. 10105 approving the Park, Recreational & Cultural Arts Department's update to the department's Development Guidelines and the priority needs for future park systems physical improvements.
5. Approved\*\* Resolution No. 10106 approving and funding the 2013 – Cycle 1 Neighborhood Vitality Matching Grants projects.

6. Approved\*\*

Resolution No. 10107 authorizing the Mayor to sell City-owned property located at 1113 Mill River Drive and execute a deed without warranty conveying the property to Crackpot Realty, LLC. for \$20,000.
7. Approved\*\*

Resolution No. 10108 authorizing the Mayor to sell the City-owned property located at 5706 Marina Drive, Unit 3, Building A, to Dr. Robert Milstein for \$28,500.
8. Approved\*\*

Ordinance No. 6614 amending Section 25.04, Park Names, of the Code of Ordinances naming Central Park Baseball Field Number 5 for longtime youth baseball volunteer, Don Koerner.
9. Approved\*\*

Approve by minute action authorizing the Mayor to execute an amendment to the Function Space License Agreement with Harbor Point Hotels, L.L.C. (Atlantic Hotels, Ltd.) for the development of a Holiday Inn Express Hotel on IH-30 within the Harbor Point Development and entering into a shared parking agreement.
11. Approved\*\*

Approve by minute action authorizing the City Manager to execute Change Order No. 1 in the amount of \$63,700 to the Guaranteed Maximum Price contract with Hill & Wilkinson General Contractor to provide temporary relocation of the Lyles and Pace Houses in order to provide an opportunity to explore additional options for the disposition of the houses.
12. Approved\*\*

Approve by minute action authorizing the Mayor to execute a Special Warranty Deed conveying title of undeveloped property for use as a utility easement adjacent to 1234 Rowlett Road owned by James L. and Lana J. Benson to the City of Garland.
13. Approved\*\*

Resolution No. 10109 approving the sale of designated tax foreclosed real property, 212 Southwood, to Habitat for Humanity; authorizing a deed conveying the property to the buyer for a purchase price of \$15,000.
14. Approved\*\*

Approve by minute action authorizing the City Manager to execute a change order with Advanced Communications in the amount of \$32,331.00 for a path to provide fiber network connectivity to Fire Station No. 9 and signalized intersections located at Centerville Road and First Street, Centerville Road at Glenbrook Drive and Center Road and O'Banion.

15. Approved\*\* Ordinance No. 6616 amending Chapter 21, “Fire Prevention and Protection” and Chapter 30, “Building Inspection” of the Code of Ordinances of the City of Garland; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland modifying Section R319.1 of the 2009 International Residential Code and Section 505.1 of the 2009 International Fire Code dealing with street address numbering requirements.

ITEMS FOR INDIVIDUAL CONSIDERATION:

- 2g. Approved Director of Fleet Services Terry Anglin provided background information related to a revision of Bid No. 3568-13. Mayor Pro Tem Willis made a motion, seconded by Councilwoman Dodson, to approve Award of Bid No. 3568-13 to Heil of Texas in the amount of \$213,286.00; Bond Equipment Company, Inc. in the amount of 165,624.00; Southwest International Trucks, Inc. in the amount of \$154,773.89; and Freightliner Group, LLC in the amount of \$139,836.00 for a total award of \$673,519.89 for the purchase of five replacement chassis with various bodies to be used by the Environmental Waste Services Delivery and Environmental Waste Services Disposal (Landfill) Departments in their daily operations. A vote was cast and the motion carried with 8 ayes, 0 nays (Cahill, absent).

10. Approved City Attorney Brad Neighbor provided information related to the proposed ordinance addressing distribution boxes and stands for advertising brochures and newspapers. Councilwoman Goebel made a motion, seconded by Councilman Williams to approve Ordinance No. 6615 amending Chapter 33, “Transportation” of the Code of Ordinance of the City of Garland; repealing Sec. 30.298 of Chapter 30, providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland. A vote was cast and the motion carried with 8 ayes, 0 nays (Cahill, absent).

16. Held & Approved Mayor Jones opened the public hearing to consider items 16a; 16b; and 16c related to economic incentive agreements for Sundance Behavioral Healthcare. Paul Mayer representing the Economic Development Partnership spoke in favor of items 16a; 16b; and 16c. The following persons also spoke during the public hearing. Randy Kaniecki, Applicant; Dr. Indukuri; Dr. Sunkaraz; and Elizabeth Berry.

16a. Approved Councilwoman Dodson made a motion, seconded by Mayor Pro Tem Willis to approve the request designating an area as a reinvestment zone for commercial/industrial tax abatement; making certain findings thereon; authorizing the City Manager to execute an agreement with the applicant regarding the reinvestment zone. A vote was cast and the motion carried with 8 ayes, 0 nays (Cahill, absent).

16b. Approved Councilwoman Dodson made a motion, seconded by Councilman B.J. Williams to approve the request ordaining the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2302, Texas Government Code, providing tax incentives; designating a liaison for communication with interested parties, nominating RCR Healthcare, LLC (Sundance Behavioral Healthcare) to the Office of the Governor Economic Development and Tourism through the Economic Development Bank as an enterprise project. A vote was cast and the motion carried with 8 ayes, 0 nays (Cahill, absent).

16c. Approved Councilwoman Dodson made a motion, seconded by Councilman B.J. Williams authorizing the City Manager to execute a tax abatement agreement. A vote was cast and the motion carried with 8 ayes, 0 nays (Cahill, absent).

17. Approved Approve Ordinance No. 6617 canvassing the results of the General Election held for the purpose of electing candidates to the Office of the City Council of the City of Garland, Texas for an election having been held May 11, 2013; declaring the results of that election; and providing an effective date. Results are as follows:

<b>NAMES OF CANDIDATES</b>	<b>TOTAL VOTES</b>	<b>PERCENTAGE OF VOTES</b>
<b><u>MAYOR</u></b>		
Larry Jeffus	1,941	27.55%
Douglas Athas	3,901	55.37%
Delores Elder-Jones	1,061	15.06%
Harry J. Hickey	142	2.02%
<b><u>COUNCILMEMBER, DISTRICT 3</u></b>		
Charles C. Egan	247	30.46%
Stephen W. Stanley	564	69.54%
<b><u>COUNCILMEMBER, DISTRICT 6</u></b>		
Lori Barnett Dodson	317	100%

**COUNCILMEMBER, DISTRICT 7**

Scott LeMay	640	54.28%
Manju Shrivastava	39	3.31%
John Kirby	500	42.41%

**DISTRICT 8**

Jim Cahill	815	100%
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Councilman Rick Williams made a motion, seconded by Deputy Mayor Pro Tem Edwards, to approve Ordinance No. 6617 canvassing the results of the General Election held May 11, 2013. A vote was cast and the motion carried with 8 ayes, 0 nays (Cahill, absent).

**New Members Sworn:**

Outgoing Councilmember Rick Williams and Deputy Mayor Pro Tem Edwards provided some final words regarding their tenure on Council. Councilman Elect Stephen Stanley, District 3, was sworn into office by his wife; and Councilwoman Elect Lori Dodson, District 6, accompanied by her parents, was sworn into office by outgoing Mayor Jones. Mayor Jones expressed final farewell. Mayor Elect Douglas Athas was sworn into office by his son. Newly elected Councilmembers took their places at the Dais.

**18. Held & Approved**

Mayor Athas opened the public hearing regarding the application of North Garland Children's Childcare Center on property zoned Single Family (SF/10/C/3) District located at 5840 North Garland Ave. (Zoning File No. 13-18)

Assistant Director of Planning Anita Russellman provided background information regarding the request. No other persons spoke during the public hearing. Councilman Campbell made a motion, seconded by Councilwoman Goebel, to approve the request for a Specific Use Permit for operating a daycare within an existing church building as recommended by the Plan Commission at the April 22, 2013 meeting for a permit tied to North Garland Children's Childcare & Academy as recommended by staff and directed staff to bring forth an ordinance for formal consideration at a future meeting. A vote was cast and the motion carried with 8 ayes, 0 nays (Cahill, absent).

**19. Citizen Comments**

The following persons provided comment: Alicia Birl representing Garner Little League provided a handout to Council; and Elizabeth Berry.

There being no further business to come before the City Council, Mayor Athas adjourned the meeting at 8:53 p.m.

CITY OF GARLAND

Signed:

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Mayor

Attest:

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City Secretary



## Purchasing Report

### **CONCRETE FINISH WORK TERM CONTRACT**

**PURCHASE JUSTIFICATION:**

The purpose of this contract is to provide various replacement or repair of concrete paving and structures throughout the city. This is a Term Contract with two (2) options for renewal. This contract is awarded by unit price. The total amount of the contract is estimated, and expenditures may be more or less depending on actual needs. Expenditures will not exceed funds appropriated. Funds will be committed at time of invoice payments.

**AWARD RECOMMENDATION:**

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Tri-Con Services, Inc.	All	\$2,500,000.00
<b>TOTAL:</b>		<u>\$2,500,000.00</u>

**BASIS FOR AWARD:**

**Lowest Responsible Bid**

Submitted by:

Reviewed by:

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

William E. Dollar  
 City Manager

Date: 05/23/13

Date: 05/29/13

<b><u>FINANCIAL SUMMARY:</u></b>	
Total Project/Account: \$	N/A
Expended/Encumbered to Date:	N/A
Balance: \$	N/A
This Item:	2,500,000
Proposed Balance: \$	N/A
Matt Monedero	05/23/13
Budget Analyst	Date
Ron Young	05/24/13
Budget Director	Date

Operating Budget: <input checked="" type="checkbox"/>	CIP: <input type="checkbox"/>	Year: <u>2012-13</u>
Document Location:	<u>N/A</u>	
Account #:	451-6999 (Various Departments)	
Fund/Agency/Project – Description:	Term Contract – Concrete Finish Work	
Comments:	Term Contract sets price but does not commit funds. Expenses will be charged to accounts as incurred.	





# **GARLAND**

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## **PURCHASING**

### **Executive Summary** **Bid 3519-13** **Term Contract for Concrete Finish Work**

**Recommended Vendor:**

Tri-Con Services, Inc.

**Total Recommended Award:**

\$2,500,000.00

**Basis for Award:**

Lowest Responsible Bid

**Purpose:**

The purpose of this contract is to provide various replacement or repair of concrete paving and structures throughout the City on an as needed basis. This is a term contract with two (2) renewal options.

**Evaluation:**

Requests for bids were issued in accordance with Purchasing procedures. Two (2) bids were received and evaluated. Although Tri-Con Services, Inc. was not low on every line item, they submitted the overall lowest bid.

**Recommendation:**

Staff recommends awarding the contract for concrete finish work to Tri-Con Services, Inc.

**Funding Information:**

451-6999 Blanket Account. Funds will be committed at time of invoice.

**Department Director:**

Michael C. Polocek, P.E., Director of Engineering, 972-205-2178



# Purchasing Report

## PERIPHERAL EQUIPMENT FOR POLICE PATROL VEHICLES OPEN MARKET

**PURCHASE JUSTIFICATION:**

The purpose of this contract is to provide the peripheral equipment including lights, sirens, cages, and mounted consoles for the new Chevrolet Caprice Police Patrol Vehicles. This equipment is being purchased through the TXMAS Purchasing Cooperative Contract 11-84060. Funding was approved in the 2012-13 Equipment Replacement Fund.

**AWARD RECOMMENDATION:**

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Teletouch Communications, Inc.	All	\$280,355.00
<b>TOTAL:</b>		<b>\$280,355.00</b>

**BASIS FOR AWARD:**

**Cooperative Purchase**

Submitted by:  
 \_\_\_\_\_  
 Gary L. Holcomb, CPPO, C.P.M.  
 Director of Purchasing

Reviewed by:  
 \_\_\_\_\_  
 William E. Dollar  
 City Manager

Date: 05/23/13

Date: 05/29/13

<b><u>FINANCIAL SUMMARY:</u></b>	
Total Project/Account: \$	1,729,696
Expended/Encumbered to Date:	1,449,307
Balance: \$	280,389
This Item:	280,355
Proposed Balance: \$	34
Ron Tiffany	05/22/13
Budget Analyst	Date
Ron Young	05/22/13
Budget Director	Date

Operating Budget: <input checked="" type="checkbox"/>	CIP: <input type="checkbox"/>	Year: <u>2012-13</u>
Document Location: <u>Page 118</u>		
Account #: 444-1245-9009		
Fund/Agency/Project – Description: Equipment Replacement Fund (ERF) – Equipment for Chevrolet Caprices		
Comments: Add-on equipment for 35 Chevrolet Caprice Police Patrol vehicles		





# **GARLAND**

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## **PURCHASING**

### **Executive Summary** **Bid 3605-13** **Peripheral Equipment for Police Patrol Vehicles**

**Recommended Vendor:**

Teletouch Communications, Inc.

**Total Recommended Award:**

\$280,355.00

**Basis for Award:**

Cooperative Purchase

**Purpose:**

The purpose of this contract is to equip the newly released Chevrolet Caprice Police Patrol Vehicles with the necessary peripheral equipment. The City's current fleet consists of Ford Crown Victorias that are no longer being manufactured. The majority of the current peripheral equipment will not transfer to the new vehicles.

**Evaluation:**

This equipment is being purchased from Teletouch Communications, Inc. through the TXMAS Cooperative Purchasing Contract 11-84060.

**Recommendation:**

Staff recommends awarding the contract for Peripheral equipment to Teletouch Communications, Inc.

**Funding Information:**

444-1245-9009

**Department Director:**

Steven Niekamp, Chief Information Officer, 972-781-7205



# City Council Item Summary Sheet

Work Session

Date: June 4, 2013

Agenda Item

## Zoning Ordinance

### Summary of Request/Problem

Zoning Ordinance 13-18 – North Garland Children’s Childcare & Academy

### Recommendation/Action Requested and Justification

Consider adoption of the attached ordinance.

**Submitted By:**

**Neil Montgomery  
Senior Managing Director of  
Development Services**

**Approved By:**

**William E. Dollar  
City Manager**

**ORDINANCE NO.**

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PERMIT FOR A KINDERGARTEN, PRESCHOOL OR CHILD CARE CENTER ON A 9.847-ACRE TRACT OF LAND ZONED SINGLE FAMILY (SF-10) DISTRICT LOCATED AT 5840 NORTH GARLAND AVENUE; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

**WHEREAS**, at its regular meeting held on the 22<sup>nd</sup> day of April, 2013, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **North Garland Children's Childcare & Academy**, and

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

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

**Section 1.**

Ordinance No. 4647 is hereby amended by approving a Specific Use Permit for a Kindergarten, Preschool or Child Care Center on a 9.847-acre tract of land zoned Single Family (SF-10) District located at 5840 North Garland Avenue, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

**Section 2.**

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

**Section 3.**

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

**Section 4.**

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

**Section 5.**

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

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**THE CITY OF GARLAND, TEXAS**

By:

\_\_\_\_\_  
Mayor

**ATTEST:**

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

Published:

**EXHIBIT A**

**LEGAL DESCRIPTION**

**Zoning File 13-18**

Being a 9.847-acre tract of land identified as Lot 1, Block 1, Trinity Evangelical Church Addition, an addition to the City of Garland, as recorded in Volume 89243, Page 1317 of the Map Records of Dallas County, Texas. The property is located at 5840 North Garland Avenue.

## SPECIFIC USE PERMIT CONDITIONS

### ZONING FILE 13-18

#### 5840 North Garland Avenue

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to permit a Kindergarten, Preschool or Child Care Center on the subject property.
- II. **Statement of Effect:** This permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, as amended, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Single Family (SF-10) District set forth in Section 15, 18, 33, and 46 of the Comprehensive Zoning Ordinance, Ordinance No. 4647 are included by reference and shall apply, except as otherwise specified in this ordinance.
- IV. **Specific Regulations:**
  - A. Time Period: The Specific Use Permit shall be in effect for a 15 year time period and tied to **North Garland Children's Childcare & Academy.**
  - B. Days and Hours of Operation: The child care center will operate from 6:30 a.m. to 6:30 p.m. Monday through Friday.
  - C. Parking Requirement: Should the enrollment of students increase, parking for the child care center shall meet the parking ratio established by the Comprehensive Zoning Ordinance.



# City Council Item Summary Sheet

Work Session

Date: June 4, 2013

Agenda Item

## Sterilization of Impounded Animals

### Summary of Request/Problem

Pet overpopulation is major issue within the City of Garland. The number of animals being received into the Animal Shelter was near an all-time high in 2012.

On April 1, Bill Dunn, DVM, Chair of the Animal Services Advisory Committee, presented an ordinance proposal to the Community Services Committee requiring sterilization of all animals impounded at the Garland Animal Shelter. Owners will have thirty days to provide proof of surgical sterilization after reclaiming their animal from the Animal Shelter.

The current impoundment fee will be increased \$75.00 for an unsterilized animal and at the time proof is presented to staff of pet sterilization, a \$75.00 refund will be processed. Any veterinarian service provider will be accepted.

The City Council was briefed on this item at their May 20, 2013 Work Session and directed staff to bring forth an ordinance to amend Chapter 22 of the Code of Ordinances requiring sterilization of impounded animals and also increasing the impoundment fees and providing for a refund upon compliance.

### Recommendation/Action Requested and Justification

Consider approval of the attached ordinance.

#### Submitted By:

**Richard T. Briley**  
Managing Director of Health  
& Code Compliance

#### Approved By:

**William E. Dollar**  
City Manager

**ORDINANCE NO.**

**AN ORDINANCE AMENDING CHAPTER 22, "HEALTH", OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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

**Section 1**

That Sec. 22.05(N) of Chapter 22, "Health", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"(N) Sterilization of impounded animals required. The owner of an unspayed or unneutered dog or cat that has been impounded by the City must provide proof of sterilization of the impounded animal within thirty (30) days of the date the animal is reclaimed. A person commits an offense if the person is the owner of an unspayed or unneutered dog or cat, the dog or cat has been impounded by the City, the person reclaims the animal, and the person fails to provide proof of surgical sterilization within thirty (30) days of reclaiming the dog or cat."

**Section 2**

That Sec. 22.06(A)(1) of Chapter 22, "Health", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"(A) Impoundment fees generally. Impoundment fees shall be as follows:

(1) Class A, dogs and cats, each dog or cat:

	First Impoundment	Second Impoundment	Third Impoundment	Fourth Impoundment
Spayed or neutered	\$25.00	\$35.00	\$45.00	\$55.00
Unspayed or unneutered	\$125.00	\$150.00	\$175.00	\$200.00

If an impounded dog or cat is spayed or neutered and is wearing a valid City registration tag at the time it is impounded, the first impoundment fee will be waived. For an unspayed or unneutered dog or cat, if the owner provides proof of surgical sterilization to the Department within thirty days of the day the animal was reclaimed, the owner will be given a \$75.00 refund. Dogs and cats under the age of six months shall be charged the sterilized dog or cat impoundment fee. Animals may be exempted from sterilization upon written recommendation from a licensed veterinarian that such alternatives would be harmful or dangerous to the animal; and the owner shall be charged the lower impoundment fees for sterilized animals."

### **Section 3**

That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas.

### **Section 4**

That Chapter 22, "Health", of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

### **Section 5**

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

**Section 6**

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

**PASSED AND APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**CITY OF GARLAND, TEXAS**

\_\_\_\_\_  
Mayor

**ATTEST:**

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



# Planning Report

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## Responsive Education Solutions

2800 West Kingsley Road, Suite 103

### REQUEST

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

### OWNER

Sky Investments

### PLAN COMMISSION RECOMMENDATION

On May 13, 2013 the Plan Commission, by a vote of six (6) to three (3), recommended denial of a Charter School on property zoned Industrial-1 (I-1) District.

### STAFF RECOMMENDATION

Denial of the Specific Use Permit for a Charter School. The introduction of multiple non-industrial facilities within an industrial area begins to diminish the overall intent and character of the industrial park. Industrial and office uses should continue to be encouraged and supported within this area to maintain a stable employment center for industrial and commercial sector businesses.

Additionally, the zoning of the subject property still permits industrial uses to occupy the vacant tenant spaces within the same building that would house the charter school. Further incompatibility would be generated from potential uses that would occupy the building. Outdoor storage, commercial equipment and commercial vehicles using the site would conflict with the school and pose potential safety issues for students.

### BACKGROUND

The applicant is requesting approval of a Specific Use Permit to operate a charter school within an approximately 20,000 square foot tenant space in a 120,000 square foot multi-tenant building. The building has a reception facility that occupies two tenant spaces (S12-34) and the other two tenant spaces are vacant. The proposed charter school would be for grades sixth through eighth with an anticipated enrollment of up to 225 students.

## **SITE DATA**

The subject property is composed of 3 platted lots totaling approximately 6.80 acres with approximately 635 feet of frontage along West Kingsley Road. The site can only be accessed from W. Kingsley Road.

## **USE OF PROPERTY UNDER CURRENT ZONING**

The property is zoned Industrial-1 (I-1) District. Industrial-1 (I-1) District provides for a wide range of industrial uses which generate few objectionable conditions. Such uses include manufacturing, processing, assembling, research and development, and warehousing and distribution.

## **CONSIDERATIONS**

1. The applicant proposes to operate a charter school in Suite 103 which has an area of approximately 20,000 square feet. The charter school would be for grades sixth through eighth with an enrollment of 200 to 225 students and 8 employees. The charter school would operate Monday through Friday, 8:15am to 3:15pm for all students. The curriculum will be state required core classes. There are no outdoor play or recreation areas proposed.
2. The applicant has provided a Traffic Management Plan that indicates the circulation path for inbound and outbound traffic on the site. The vehicles would be directed to enter the drive furthest to the east and stack within the site adjacent to the building. The traffic would then exit the drive furthest to the west or out of the eastern drive. There would be staff assistance at the point of drop off and pick up and traffic cones placed to further direct traffic. While the Traffic Management Plan seems to indicate the property has the capacity to allow vehicles to queue on-site, the Transportation Department still has concerns regarding the cross traffic of other uses on the property, either other tenants or customers of tenants. Additionally, there is potential for conflicts with commercial vehicles and passenger vehicles if the other tenant spaces are used for permitted industrial or commercial uses.
3. The parking requirement for a charter school (middle) is one parking space for each 15 students. With an anticipated enrollment of 225 students, 15 parking spaces are required for the charter school. The parking area is shared by the other tenants: a reception facility and two vacant spaces. The parking requirement for the vacant spaces is calculated using the requirement for light industrial uses which is one space per 1,000 square feet. The parking requirement for the reception facility is one space per 100 square feet. Based on the parking analysis provided by the applicant there is adequate parking to meet the required 478 parking spaces for the proposed use and other tenants.
4. However, the rear portion of the parking area is in disrepair and must be repaired and restriped in order to be used by not only the charter school but also the other tenants in the building. This was a condition of the previously approved reception facility and has yet to be resolved. The property owner has acknowledged this issue and has stated the parking lot will be improved

per the City's standards. Without the aforementioned parking improvements, there are not adequate designated parking spaces on the property.

5. The building was designed for office, industrial and warehouse use and as such there are loading dock doors at the rear of the building. The surrounding area has primarily served as an industrial and office park for decades. The zoning of the subject property is Industrial-1 and the uses permitted within this district are intensive in nature and seemingly incompatible with a middle school. The tenant space was previously used for a Commercial School which is different in nature from a charter school in student population, volume, hours of operation and function.
6. In 2003, City Council approved a Specific Use Permit for a Charter School on the subject property. The SUP expired in August of 2008 and the Charter School relocated prior to the expiration. Staff concerns regarding the incompatibility of the use with the adjacent and surrounding industrial and commercial uses were considerations with the previous charter school request. Those same concerns are prevalent today and the proposed use remains an unsuited use for the subject property.
7. In 2012, the City Council approved a Specific Use Permit (S12-34) for a reception facility expansion in Suites 100 and 101 of the subject property. The overall character of the office/warehouse area could begin to be negatively impacted by further introducing non-industrial uses into the industrial spaces. While, industrial areas are sometimes appropriate for non-industrial uses given the distance from residential uses and alternate hours of operation from most industrial uses, the introduction of multiple non-industrial uses within an industrial area begins to diminish the overall intent and character of the industrial park. Industrial and office uses should continue to be encouraged within this area to maintain a stable employment center for industrial and commercial sector facilities.
8. The applicant is requesting approval of the Specific Use Permit for a period of five (5) years tied to **Responsive Education Solutions**.

## **COMPREHENSIVE PLAN**

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

## **COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES**

The subject property is located within an area that is primarily zoned Industrial 1 (I-1) District and developed with buildings that are currently utilized for light

industrial and heavy commercial uses; although, some less commercial intensive uses such as the reception facility located in Suites 100 and 101 on the subject property are located in this area. The property to the west is developed with light industrial, auto repair and office uses. Property to the east is developed with industrial and commercial uses. Property to the south is developed with industrial uses. The property to the southeast (S10-29) is developed with a vehicle pound.

The nature of the surrounding area is currently primarily heavy commercial and industrial. The compatibility of the proposed charter school should be evaluated based on the impact of the overall operation, function, and character of the use to the surrounding properties and vice versa. The use of the tenant space for a charter school contributes to the degeneration of available industrial space within a viable industrial sector employment center. There are potential conflicts in functionality of the proposed charter schools and future industrial uses on the subject property.

Prepared By:

Chasidy Allen, AICP  
Principal Planner

Date: May 20, 2013

Reviewed By:

Neil Montgomery  
Director of Planning

Date: May 21, 2013

Reviewed By:

William E. Dollar  
City Manager

Date: May 28, 2013



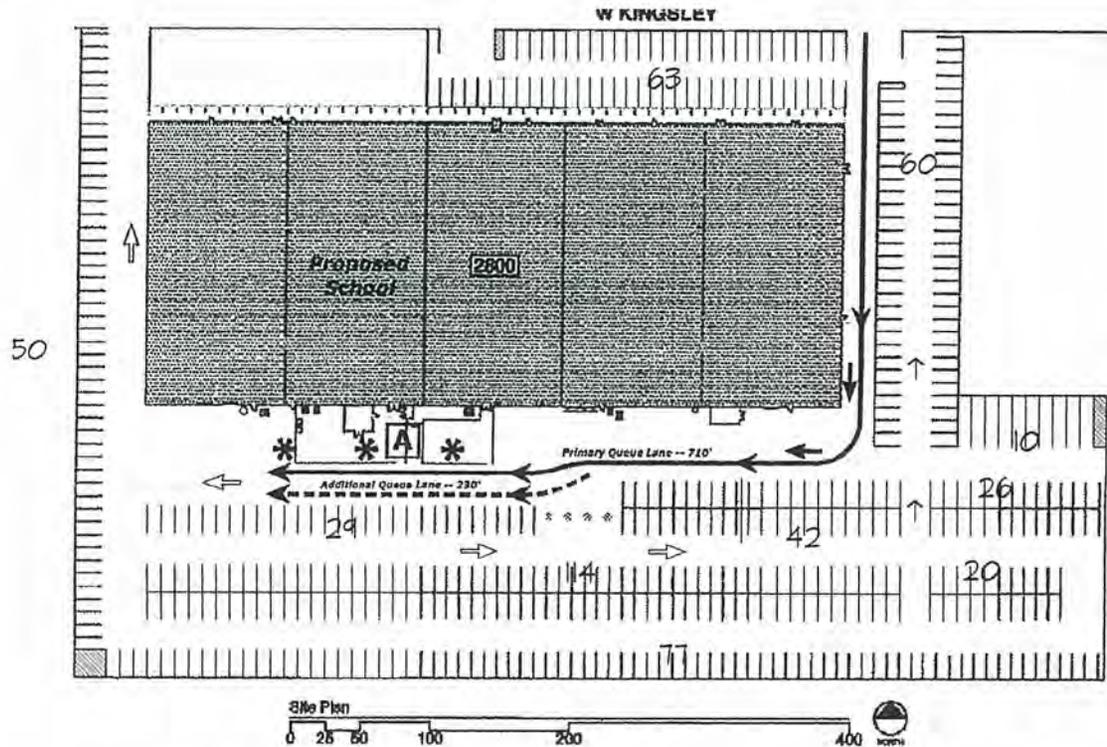
## SPECIFIC USE PERMIT CONDITIONS

### ZONING FILE 13-17

2800 W. Kingsley Road, Suite 103

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow a Charter School subject to conditions.
- II. **Statement of Effect:** This permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Industrial 1 (I-1) District set forth in Section 29 and Section 33 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. **Specific Regulations:**
  - A. Time Period: The Specific Use Permit shall be in effect for a 5 year time period and shall be tied to **Responsive Education Solutions**.
  - B. Parking: The parking area shall be repaired and striped according to the parking spaces reflected on the site plan (Exhibit C) for a total of 490 parking spaces for the entire site before a certificate of occupancy is issued.
  - C. Site Circulation: The Traffic Management Plan shall be implemented as shown on Exhibit C. Any changes to the circulation plan must be approved by the Transportation Department.

EXHIBIT C



**2800 W. Kingsley  
Garland, Texas**

**S.F. Summary**

AREA A	18,807 SQ. FT.
AREA C	18,833 SQ. FT.
AREA D	18,808 SQ. FT.
AREA E	18,807 SQ. FT.
AREA F	18,807 SQ. FT.
<b>FIRST FLOOR TOTAL</b>	<b>118,867 SQ. FT.</b>
AREA B (SECOND FLOOR)	30,008 SQ. FT.
<b>GRAND TOTAL</b>	<b>148,875 SQ. FT.</b>

**Building Features**

17 CLAMBER  
14 SUV LOOPER & IMPROVED NEW TRUCK WELLS  
DRIFT ACCESS TO MAINTENANCE SERVICE  
GARAGE PARKING

Quest Garland -- Code Parking Calculations

Location	Land Use		Quantity	Code Requirement	Code Required Parking (Spaces)
	Current	Future			
Suite 100	Rental Hall	No change	20,000 SF *	1 space per 100 GFA**	200
Suite 101	Rental Hall	No change	20,000 SF *	1 space per 100 GFA**	200
Suite 102	Vacant	No change	40,000 SF *	1 space per 1,000 SF ***	40
Suite 103	Vacant	Charter School (Middle)	270 Students	1 space per 15 students	18
Suite 104	Vacant	No change	20,000 SF *	1 space per 1,000 SF ***	20
			<b>TOTAL Code Required Off-Street Parking Spaces:</b>		<b>478</b>
			<b>TOTAL Off-Street Parking Spaces Available on Site:</b>		<b>490*</b>

\* Approximate information shown.  
\*\* Parking requirement for a Reception Hall used.  
\*\*\* Parking requirement for and industrial use (warehouse) is used as instructed by the City Staff.

**Legend**

- Circulation Path (Inbound)
- ← Circulation Path (Outbound)
- Passenger Vehicle Queue
- [A] Drop-off/Pick-up Area
- \* \* Staff Assistance
- ⊙ Temporary Traffic Cones
- ⊙ Site Driveway Nomenclature

## REPORT & MINUTES

**P.C. Meeting, May 13, 2013 (9 Members Present)**

**Consideration of the application of Responsive Education Solutions requesting approval of a Specific Use Permit for a Charter School on property zoned Industrial-1 (I-1) District. This property is located at 2800 West Kingsley Road, Suite 103. (File 13-17)**

Representing the applicant was William Chandler, 1301 Waters Ridge, Lewisville, TX.

The applicant was available for questions and covered several points regarding their request. Their market analysis of the area indicated this to be a prime location for their school and it would be a feeder school to their Orchard Hills Vista Academy. They already have 350 kids signed up and will need to have a lottery to select the 225 students they have planned for. Also they had a traffic study done for this location and no traffic problems were perceived, but they are willing to stagger their start and release times if needed. The landlord is planning to improve the parking lot regardless of whether they are approved for this request.

**Motion** was made by Commissioner Welborn, seconded by Commissioner O'Hara to **deny** the request for the Specific Use Permit for a Charter School. **Motion carried: 6 Ayes, 3 Nays** by Commissioners Johnson, Fisher and Ott.





# GARLAND

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

April 11, 2013

HEARING DATE/TIME: Plan Commission: April 22, 2013 – 7:00 PM

APPLICANT: Responsive Education Solutions

**File 13-17**

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, April 22, 2013, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Responsive Education Solutions**, requesting approval of a Specific Use Permit for a Charter School on property zoned Industrial-1 (I-1) District. The property is shown on the enclosed sketch and is described as follows:

Being described as Lot 3 of McCasland Addition No. 2, Lot 4 of McCasland Addition No. 3, and Lot 5, Block 1 of McCasland Addition No.6, Additions to the City of Garland, TX as recorded in Volume 72061, Page 2765; Volume 70098, Page 1637; and Volume 83124, Page 3528, respectively, of the Plat Records of Dallas County, Texas and containing 6.803 acres. This property is located at 2800 West Kingsley Road, Suite 103. (District 5)

**Note: The applicant requests approval of a Specific Use Permit to occupy the approximately 20,000 square foot tenant space with a charter school for grades sixth through eighth.**

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

(Please Check One Below)

I am in favor of the request.

I am opposed to the request.

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

---

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(Please complete the following information)

Your Property Address 3601 So. Sheloh, Garland, TX 75041  
Printed Name Sandi Vaughn, Secretary of RREI Limited Partnership  
Address Po Box 1047 Addison TX City, State TX Zip 75001

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

Sandi Vaughn  
Signature  
Date: 4-15-13

Secretary  
Title



# GARLAND

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

April 11, 2013

**HEARING DATE/TIME:** Plan Commission: April 22, 2013 – 7:00 PM

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(Please Check One Below)

I am in favor of the request.

I am opposed to the request.

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

18 WHEELER TRUCK TRAFFIC Supporting manufacturing  
operation

(Please complete the following information)

Your Property Address

CARROLL COMPANY

Printed Name

2900 W. KINGSLEY GARLAND, TX 75041  
Address City, State Zip

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

[Signature] CFD  
Signature Title  
Date: 4/11/13



**File No. 13-19/District 5**

**Agenda Item:**

**Meeting: City Council**

**Date: June 4, 2013**

# Planning Report

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**FJLC & Associates, Inc.**

**2135 Northwest Highway**

## **REQUEST**

Approval of a Specific Use Permit for Restaurant, Drive-Through on property zoned Planned Development (PD) District 69-54 for Industrial 1 Uses and in the IH 635 Overlay.

## **OWNER**

Charles Inge

## **PLAN COMMISSION RECOMMENDATION**

On May 13, 2013 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Permit for a Restaurant, Drive-Through on property zoned Planned Development (PD) District 69-54 for Industrial 1 Uses and in the IH 635 Overlay. Additionally, the Plan Commission approved a variance request to Section 34.19(A)(2)(a)(i) of the IH 635 Development Standards to allow the drive-through window area addition to encroach 4 feet into the required 15-foot setback to the north property line.

## **STAFF RECOMMENDATION**

Approval of a Specific Use Permit for Restaurant, Drive-Through for a period of 30 years and tied to Starbucks. The proposed Starbucks restaurant with drive-through is consistent with the established development pattern in the surrounding area which is characterized by its high retail/personal service activity.

## **BACKGROUND**

The site was developed in 1970 with a 1,800 square foot stand-alone building. The property is currently occupied by Just Brakes, an auto repair shop. The applicant seeks approval of a Specific Use Permit to remodel the building, make improvements to the outdoor area and convert the building into a Starbucks restaurant with a drive-through.

## **SITE DATA**

The site contains 0.687 acres and has frontage of approximately 175 linear feet along the service road of IH 635 and 165 linear feet along Northwest Highway.

The subject property will remain accessible from the service road of IH 635 and Northwest Highway.

## **USE OF PROPERTY UNDER CURRENT ZONING**

The subject property is zoned Planned Development (PD) District 69-54 for Light Industrial Uses and tied to the regulations of the Industrial 1 (I-1) District. Restaurant, Drive-Through is permitted in the Industrial 1 (I-1) District by Specific Use Permit only.

## **CONSIDERATIONS**

1. The applicant proposes to convert the existing building, currently utilized as an auto repair shop, to a Starbucks restaurant with a drive-through. The proposed Starbucks restaurant will operate Monday through Sunday from 5:00 a.m. to 11:00 p.m.
2. Elevations: The applicant proposes to renovate the facades. The existing brick will be painted, metal awnings will be added on all four elevations, openings at existing store front and roll-up doors will be filled with brick, tower elements will be added at the corners, and sections of the exterior walls will be protruding forward of or recessed back from the remainder of the façade to create articulation. The proposed exterior elevations are in compliance with Section 34.18(B)(1) and 34.18(B)(2) of the IH 635 Development Standards regarding exterior wall materials.
3. Parking: Section 10-200 of the Comprehensive Zoning Ordinance No. 4647 establishes a parking ratio for Restaurant, Drive-Through of 8 parking spaces plus 1 parking space for every 50 square feet of seating area. The minimum parking requirement for the proposed Starbucks restaurant with drive-through is 19 parking spaces; the site will provide 19 parking spaces.
4. Screening and Landscape: With the exception of additional site features such as the new refuse storage container which shall be screened with a 6-foot tall masonry enclosure matching in color and material with the exterior elevations, screening and landscape requirements from the IH 635 Development Standards are not applicable given that the applicant is not proposing to expand or improve the parking area and the only building expansion, a 40 square-foot drive-through window area, is less than 40 percent of the floor area of the existing building. Nonetheless, the applicant proposes to install landscaping consisting of 6 Chinese Elms, 10 Crape Myrtles and numerous shrubs around the dumpster enclosure, outdoor seating area and drive-through area.
5. Signage: The applicant proposes to utilize the existing freestanding sign which will be refaced. The proposed attached signage and drive-through menu board signs are in compliance with sign regulations of the IH 635 Development Standards.
6. The applicant seeks approval of a Specific Use Permit for a period of 30 years and tied to Starbucks.

## **COMPREHENSIVE PLAN**

The Future Land Use Map of the Envision Garland Plan recommends transit-oriented centers for the subject property due to its proximity to the South Garland TC DART bus station. Transit-oriented centers are areas of concentrated activity and increased density with maximum access to public transportation options. This type of center should be developed as mixed-use with live/work/play/shop opportunities. In addition, the Envision Garland Plan identifies seven catalyst areas for public and private reinvestment and redevelopment. The subject property is part of the Centerville/Marketplace Catalyst Area. The proposed Starbucks restaurant is consistent with the long-term vision set forth by the Envision Garland Plan.

## **COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES**

The properties to the north are zoned Planned Development (PD) District 79-46 for Light Industrial Uses, Planned Development (PD) District 69-54 for Light Industrial Uses and Planned Development (PD) District 00-21 for Freeway Uses; these properties are developed with two restaurants, a motel, and a car dealership. The properties to the east are zoned Planned Development (PD) District 11-13 for General Business Uses, Planned Development (PD) District 78-87 for Retail Uses and Planned Development (PD) District 07-02 for General Business Uses; these properties are developed with a multi-tenant retail building, a vacant building and a financial institution. The properties to the south are zoned Shopping Center District and are developed with retail uses, fast-food restaurants, a gas station and an auto repair shop.

The surrounding area has been predominantly developed with retail/personal service uses and the proposed Starbucks restaurant with drive-through will be a compatible addition to the established development pattern of this area.

Prepared By:

Josue De La Vega  
Development Planner

Date: May 23, 2013

Reviewed By:

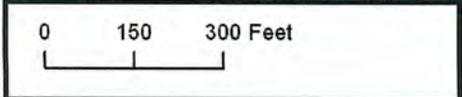
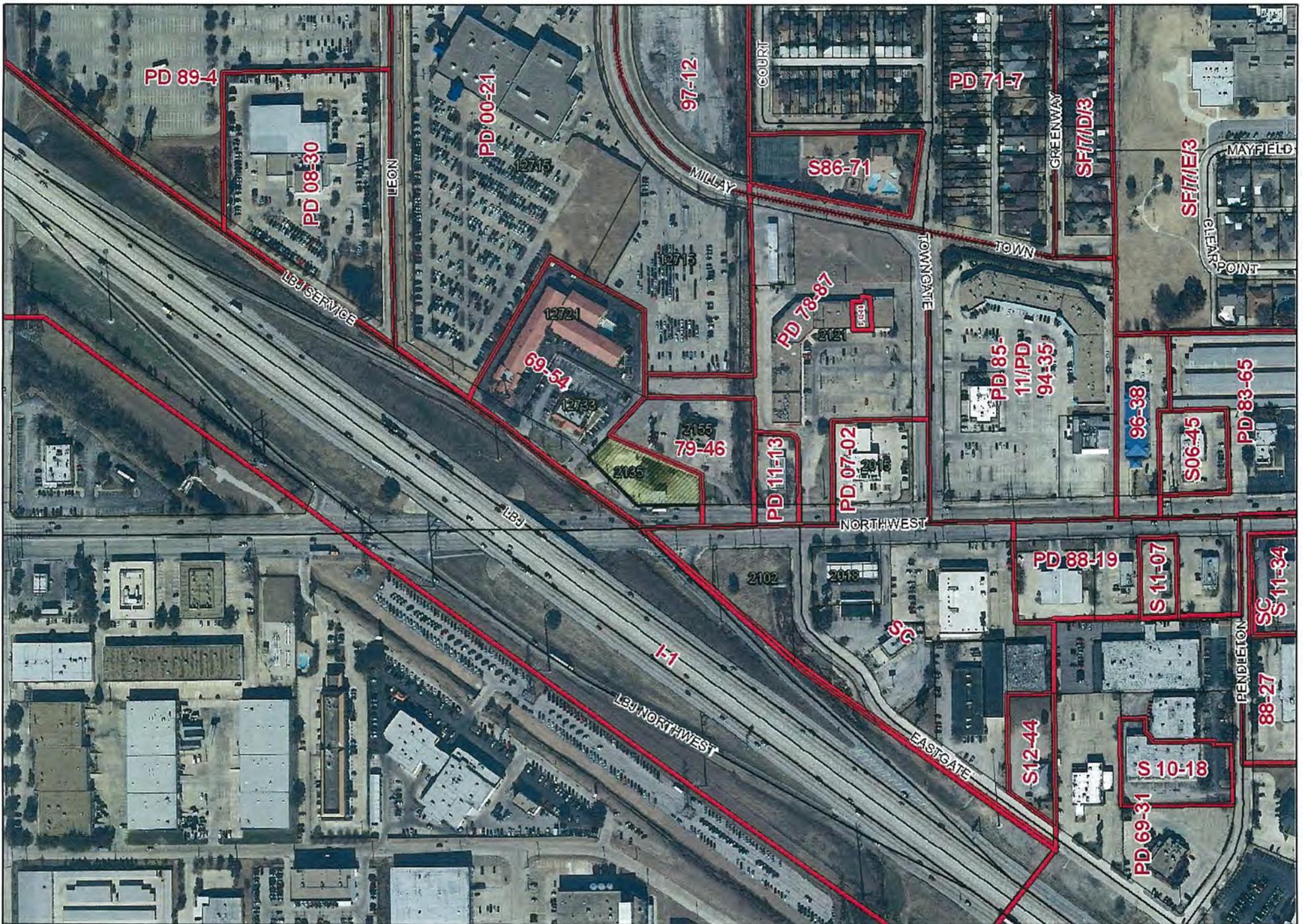
Neil Montgomery  
Director of Planning

Date: May 29, 2013

Reviewed By:

William E. Dollar  
City Manager

Date: May 30, 2013



**ZONING**      **Z 13-19**

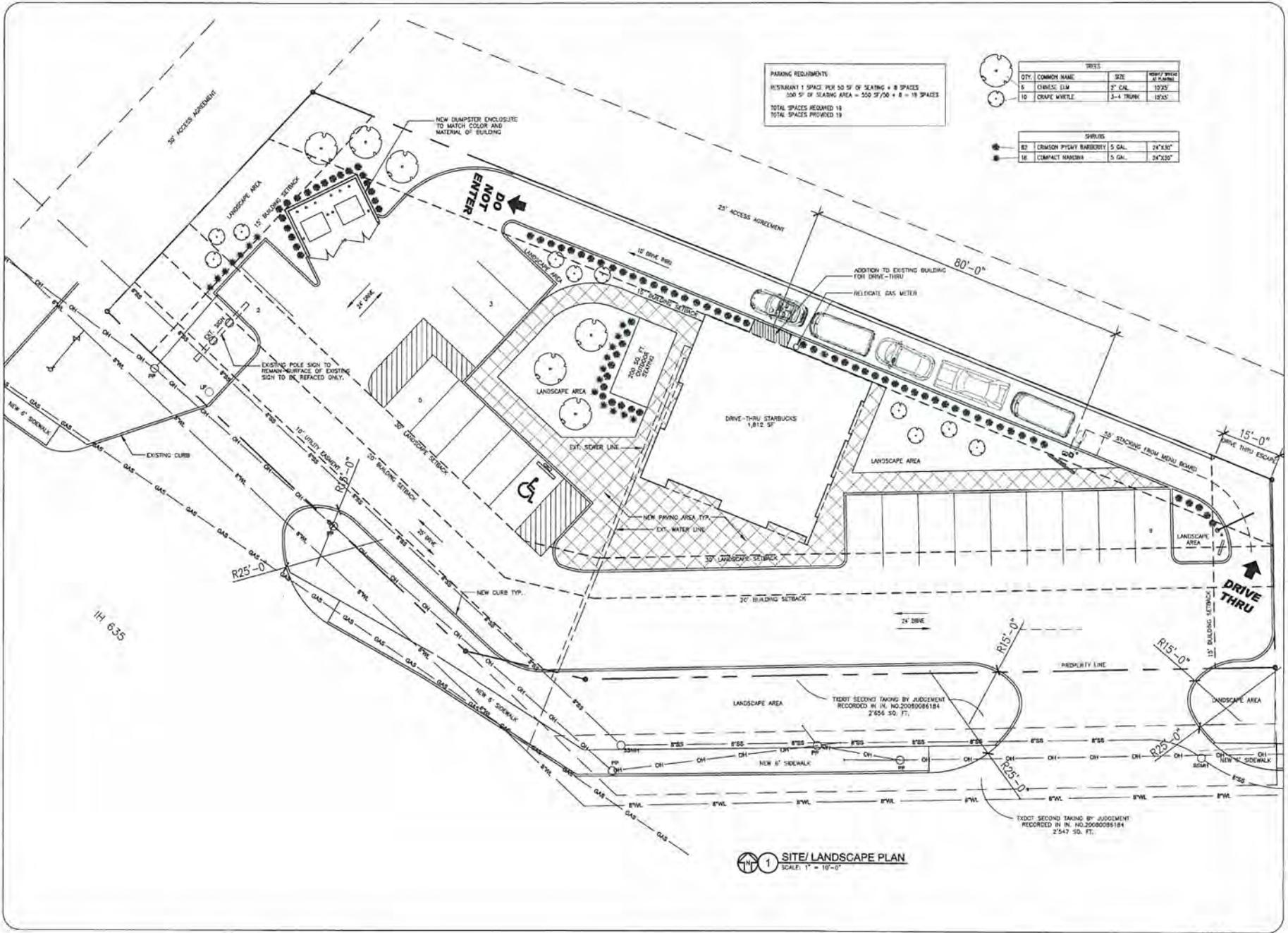
 INDICATES AREA OF REQUEST

## SPECIFIC USE PERMIT CONDITIONS

### ZONING FILE 13-19

#### 2135 Northwest Highway

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow for Restaurant, Drive-Through 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 Industrial 1 (I-1) District set forth in Section 29, 33 and 47 of the Comprehensive Zoning Ordinance, Ordinance No. 4647 are included by reference and shall apply, except as otherwise specified in this ordinance.
- IV. **Specific Regulations:**
  - A. Time Period: The Specific Use Permit shall be in effect for a 30 year time period and tied to **Starbucks**.
  - B. Site Plan: The subject property shall be in conformance with the approved site plan labeled Exhibit C. The drive-through window area shall be allowed to encroach 4 feet into the required 15-foot setback to the north property line.
  - C. Screening: The refuse storage container shall be screened in accordance with the screening regulations of the IH 635 Development Standards. The masonry refuse storage container enclosure shall be compatible with the materials and colors of the exterior walls of the main building.
  - D. Elevations: Elevations shall be in general conformance with the approved elevations in Exhibit D.
  - E. Signage: Existing freestanding sign will be retained and refaced as the only modification.



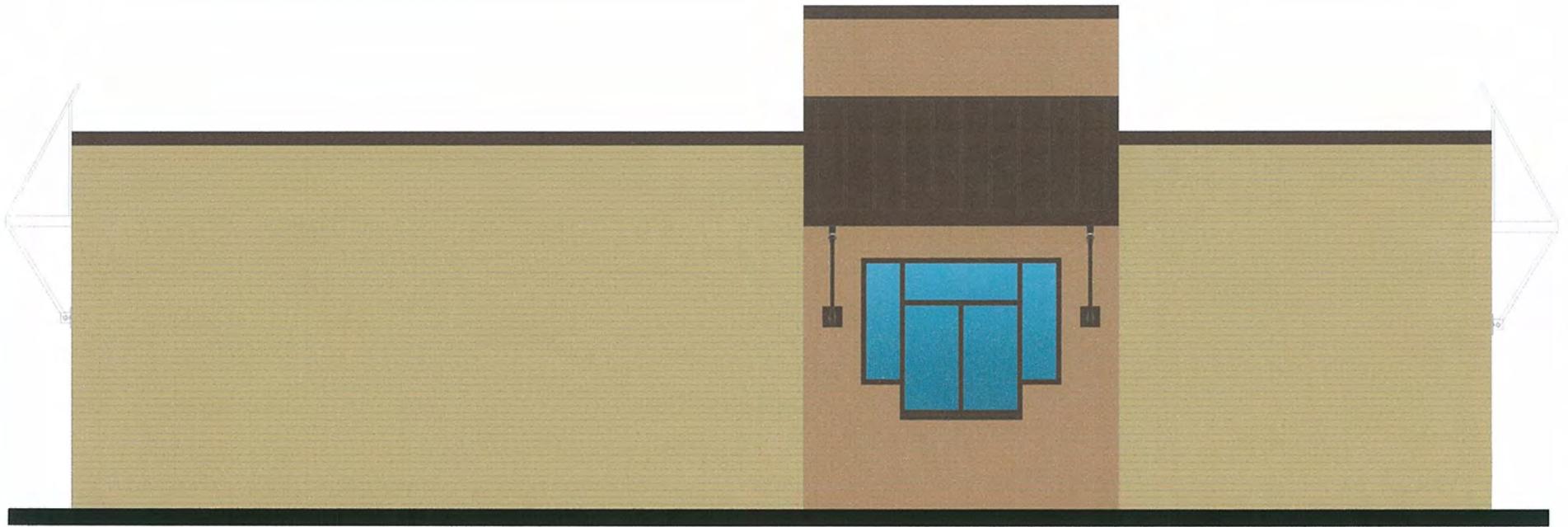
**F-J-L-C**  
 Franz, James, Lezo, Corn & Associates, Inc.  
 Architectural Planning Interior Architecture  
 6025 International Plaza Suite 100  
 Fort Worth, Texas 76109  
 (817) 342-9222

**EXISTING BUILDING REMODEL**  
 1635 & NORTHMEET LANE  
**EXHIBIT C**

File Name: 1303-A10  
 Project No: 13087  
 Date: 02/22/2013  
 Drawn By: SEM  
 Checked By: JMR

TXDOT SECOND TAKING BY JUDGEMENT  
 RECORDED IN IN. NO. 2008008184  
 2'654 SQ. FT.

**A1.0**  
 SHEET  
 SITE PLAN

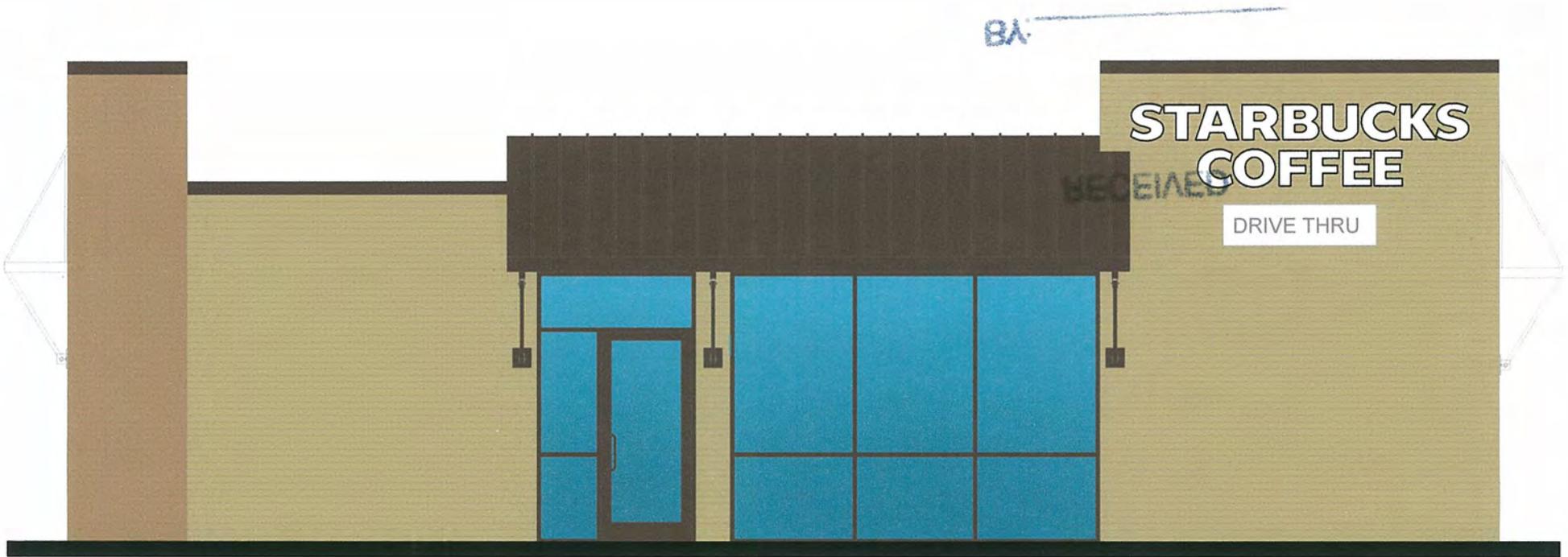


④ ELEVATION - NORTH



② ELEVATION – SOUTH

EXHIBIT D



5 ELEVATION - WEST

EXHIBIT D



EXHIBIT D

3 ELEVATION—EAST

## REPORT & MINUTES

P.C. Meeting, May 13, 2013 (9 Members Present)

Consideration of the application of FJLC & Associates, requesting approval of 1) a Specific Use Permit for Restaurant, Drive-Through and 2) a variance to Section 34.19(A)(2)(a)(i) of the IH 635 Development Standards regarding setbacks on property zoned Planned Development (PD) District 69-54 for Industrial 1 Uses and in the IH 635 Overlay. The property is located at 2135 Northwest Highway. (File 13-19)

Representing the applicant and available for questions was Brian Mathis, 4055 International Pkwy, Fort Worth, TX.

There were no questions of this speaker.

**Motion** was made by Commissioner Welborn, seconded by Commissioner O'Hara to **approve** the request for a Specific Use Permit for Restaurant Drive Through for a period of 30 years tied to Starbucks as recommended by staff. Motion carried: **9** Ayes, 0 Nays.



O = IN FAVOR  
X = AGAINST

0 150 300 Feet

# ZONING Z 13-19

INDICATES AREA OF REQUEST



# GARLAND

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

**April 11, 2013**

**HEARING DATE/TIME:** Plan Commission: April 22, 2013 – 7:00 PM

**APPLICANT:** FJLC & Associates, Inc.

**File Z 13-19**

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, April 22, 2013, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **FJLC & Associates, Inc.** requesting approval of 1) a Specific Use Permit for Restaurant, Drive-Through and 2) variances to Sections 34.19(A)(2)(a)(i) and 34.21(C)(4)(b)(i) of the IH 635 Development Standards regarding setbacks and sign area on property zoned Planned Development (PD) District 69-54 for Industrial 1 Uses and within the IH 635 Overlay. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 0.687-acre parcel shown as Lot 1, Block 1, Freeway Industrial Park Addition Installment No. 1, an addition to the City of Garland, Dallas County, Texas. The subject property is located at 2135 Northwest Highway. (District 5)

**Note: The applicant requests approval of a Specific Use Permit to operate a Starbucks restaurant with a drive-through within an existing building. Additionally, the applicant is requesting variances to place the drive-through window within the required 15-foot setback and exceed the maximum allowable area for 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 Josue De La Vega at 972-205-2445.

(Please Check One Below)

I am in favor of the request.

I am opposed to the request.

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

Applicant's Specific Use Permit redevelopment of this property for a Starbucks restaurant will, 1) upgrade its appearance, 2) upgrade its usage, 3) upgrade the property tax valuation and increase sales tax revenues. The variances requested seem minimal compared to the planned improvements in appearance and usage.

(Please complete the following information)

Your Property Address

CHARLES INGE

Printed Name

207 S. Brazos Street

Address

2135 Northwest Hwy

Granbury, TX

City, State

76048-2253

Zip

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

Signature

Owner/Trustee/Seller  
Title

Date: April 15, 2013



# GARLAND

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

April 11, 2013

HEARING DATE/TIME: Plan Commission: April 22, 2013 – 7:00 PM

APPLICANT: FJLC & Associates, Inc.

File Z 13-19

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, April 22, 2013, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **FJLC & Associates, Inc.** requesting approval of 1) a Specific Use Permit for Restaurant, Drive-Through and 2) variances to Sections 34.19(A)(2)(a)(i) and 34.21(C)(4)(b)(i) of the IH 635 Development Standards regarding setbacks and sign area on property zoned Planned Development (PD) District 69-54 for Industrial 1 Uses and within the IH 635 Overlay. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 0.687-acre parcel shown as Lot 1, Block 1, Freeway Industrial Park Addition Installment No. 1, an addition to the City of Garland, Dallas County, Texas. The subject property is located at 2135 Northwest Highway. (District 5)

**Note: The applicant requests approval of a Specific Use Permit to operate a Starbucks restaurant with a drive-through within an existing building. Additionally, the applicant is requesting variances to place the drive-through window within the required 15-foot setback and exceed the maximum allowable area for 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 Josue De La Vega at 972-205-2445.

(Please Check One Below)

I am in favor of the request.

I am opposed to the request.

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

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(Please complete the following information)

Your Property Address  
CarMax Auto Superstores Inc (12715 LBJ Frwy)  
Printed Name  
12800 Tuckahoe Creek Parkway, Richmond, VA 23238-1115  
Address City, State Zip

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

Joni C Deeper Property Manager  
Signature Title

Date: 4/19/13



# Planning Report

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**Cristela Romo**

**219 West Kingsley Road, Suite 322**

## **REQUEST**

Approval of a Specific Use Permit for a Reception Facility on property zoned Shopping Center (SC) District.

## **OWNER**

Hoppenstein Properties, Inc.

## **PLAN COMMISSION RECOMMENDATION**

On May 13, 2013 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Permit for a Reception Facility as recommended by Staff.

## **STAFF RECOMMENDATION**

Approval of a Specific Use Permit for Reception Facility for a period of 5 years and tied to Cristela Romo. The approval of the Specific Use Permit will allow the applicant to continue the operation of an existing reception facility that has been located at the subject property since 2007. The applicant proposes to operate the reception facility in the same fashion as it has under the previous owner and proposes no significant changes.

## **BACKGROUND**

The subject property is currently zoned Shopping Center (SC) District. The 10.35-acre tract of land contains approximately 125,900 square feet of retail space. The retail complex (Ridgewood Shopping Center) was originally constructed in 1958 and expanded in 1966. In 2007, City Council approved a Specific Use Permit to operate a reception facility from Suite 310. In 2009, the same applicant obtained a Specific Use Permit to relocate the reception facility from Suite 310 to the adjacent Suite 322. The reception facility in Suite 322 is going through a change of ownership and the new owner, Cristela Romo, requests approval of a Specific Use Permit tied to her name to continue the operation of the reception facility.

At the January 18, 2005 meeting, the City Council adopted Ordinance 5873, which created a new land use identified as Reception Facility. The use is described by the ordinance as a facility that is open to the general public or made available for private uses, designed and used for social events, which may

include but are not limited to parties, dances, receptions, banquets or similar social events. The Reception Facility use is only allowed by Specific Use Permit in a range of non-residential zoning districts including the Shopping Center (SC) District.

## **SITE DATA**

The subject property contains approximately 10.35-acres in total area; however, the applicant is only proposing to utilize a 5,922 square foot tenant space within the existing retail complex (Ridgewood Shopping Center). The shopping center site has approximately 623-feet of frontage along South First Street, 503-feet along West Kingsley Road and 667-feet along South Fifth Street. Primary access to the site is available from both South First Street and West Kingsley Road. Secondary access is also available from South Fifth Street.

## **USE OF PROPERTY UNDER CURRENT ZONING**

Development of this property is restricted to only the uses permitted in the Shopping Center (SC) District which permits a broad range of non-residential land uses providing convenient retail and personal service activities by grouping compatible uses in a single center. The purpose of the Shopping Center (SC) District is to provide a neighborhood or community service area. A Specific Use Permit is required in the Shopping Center (SC) District in order to permit a Reception Facility.

## **CONSIDERATIONS**

1. The applicant, who is the new owner of the reception facility, requests approval of a Specific Use Permit tied to her name to continue operating the reception facility from Suite 322. The existing buildings and paving are in generally good condition.
2. The applicant has indicated that the main function of the Reception Facility will remain the same, for private events including, but not limited to weddings, birthdays, baby showers, and graduations. The applicant further states that the Reception Facility would primarily operate on weekends (Friday, Saturday and Sunday) from 12:00 p.m. to 2:00 a.m., although some events could also take place on weekdays from 10:00 a.m. to 4:00 p.m. These operating hours are similar to the operating hours under the current Specific Use Permit.
3. The current Specific Use Permit for the existing reception facility was approved with the condition that security be provided for every event where alcohol is sold and for any events held after 8:00 pm. The applicant is in agreement that this condition be added to this Specific Use Permit. It should be noted that the most recently approved Specific Use Permits granted for Reception Facilities, all have a condition requiring security to be provided either at every event or any evening event.
4. Section 2.4 of the Reception Facility Ordinance (Ordinance 5873) states that required parking for a Reception Facility is 1 parking space for each 100 square feet of gross floor area. The reception facility will not expand and will

continue to operate within the 5,922 square feet tenant space. Therefore, the minimum parking requirement for the reception facility will continue to be 60 parking spaces.

Based upon the information supplied by the applicant, 692 parking spaces are required for the existing and vacant tenant spaces which include a variety of retail sales/personal service uses, two restaurants and the existing reception facility. The site provides 706 parking spaces.

5. The applicant is not proposing any improvements to the site. Moreover, the applicant has indicated that the existing signage will remain as is.
6. The applicant requests approval of a Specific Use Permit for a 5 year period tied to Cristela Romo. The current Specific Use Permit was granted for a time period of 5 years.

## **COMPREHENSIVE PLAN**

The Future Land Use Map of the Envision Garland Plan recommends Compact Neighborhoods for the subject site. Compact neighborhoods provide areas for moderate increase 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.

These areas provide transitions between traditional residential neighborhoods and higher density residential neighborhoods and non-residential developments; moreover, they accommodate uses such as convenience retail (goods and services), office space, and public services.

The subject property is developed with a multi-tenant shopping center and in this instance the recommendation of the Comprehensive Plan is more applicable to a proposal involving a complete redevelopment of the subject property. Therefore, given the existing retail and commercial character of the site, the location is suitable and appropriate for the continual operation of the reception facility.

## **COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES**

The properties to the north are zoned Multi-Family (MF-18) District and Shopping Center (SC) District; these properties are developed with an apartment complex and a church. The property to the east, located across South First Street, is zoned Shopping Center (SC) District and is developed with a shopping center. The property to the south, located across West Kingsley Road, is also zoned Shopping Center (SC) District and is developed with a shopping center. The properties to the west, located across South Fifth Street, are zoned General Business (GB) District; these properties are developed with various retail and office uses. A church is also located on one of these properties. The properties further to the west are zoned Single Family (SF/7/E/2) District and are developed with single family residences.

The Shopping Center (SC) District provides convenient retail and personal service uses. The existing reception facility will continue to be located in an

existing multi-tenant retail center (Ridgewood Shopping Center) that is surrounded by retail and commercial uses. It should be noted that there are two existing residential areas in the vicinity. One is the Ridgewood Estates subdivision that is located to the west, approximately 260 feet from the existing reception facility. The subdivision is separated from the reception facility by not only South Fifth Street, but an existing retail center. The other residential area is the apartment complex that is located to the northwest, approximately 300 feet from reception facility tenant space, Suite 322. The apartment complex is also separated from the reception facility by an existing retail building.

Prepared By:

Josue De La Vega  
Development Planner

Date: May 23, 2013

Reviewed By:

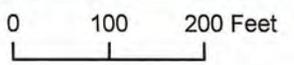
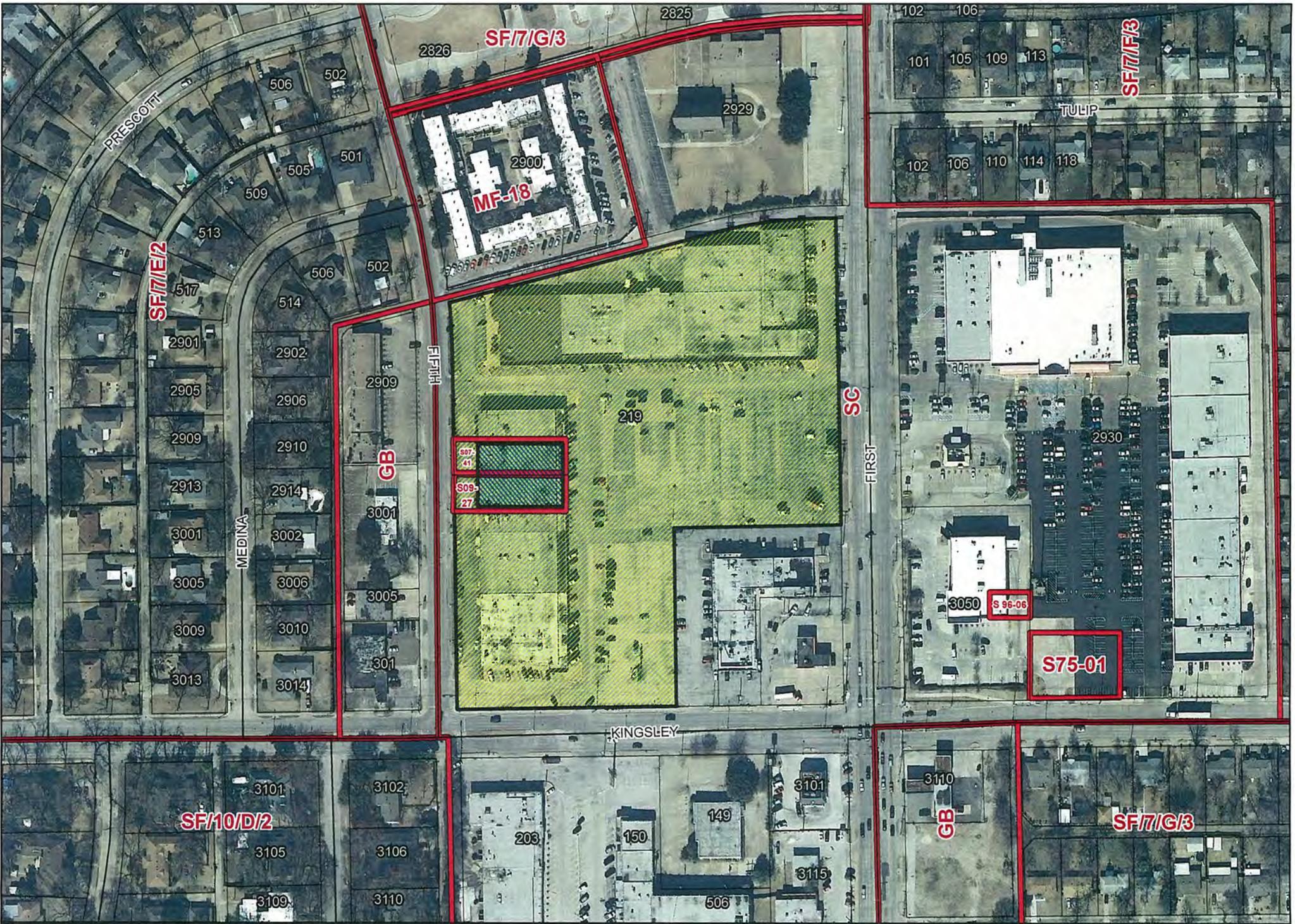
Neil Montgomery  
Director of Planning

Date: May 29, 2013

Reviewed By:

William E. Dollar  
City Manager

Date: May 30, 2013



# ZONING Z 13-20

 INDICATES AREA OF REQUEST

## SPECIFIC USE PERMIT CONDITIONS

### ZONING FILE 13-20

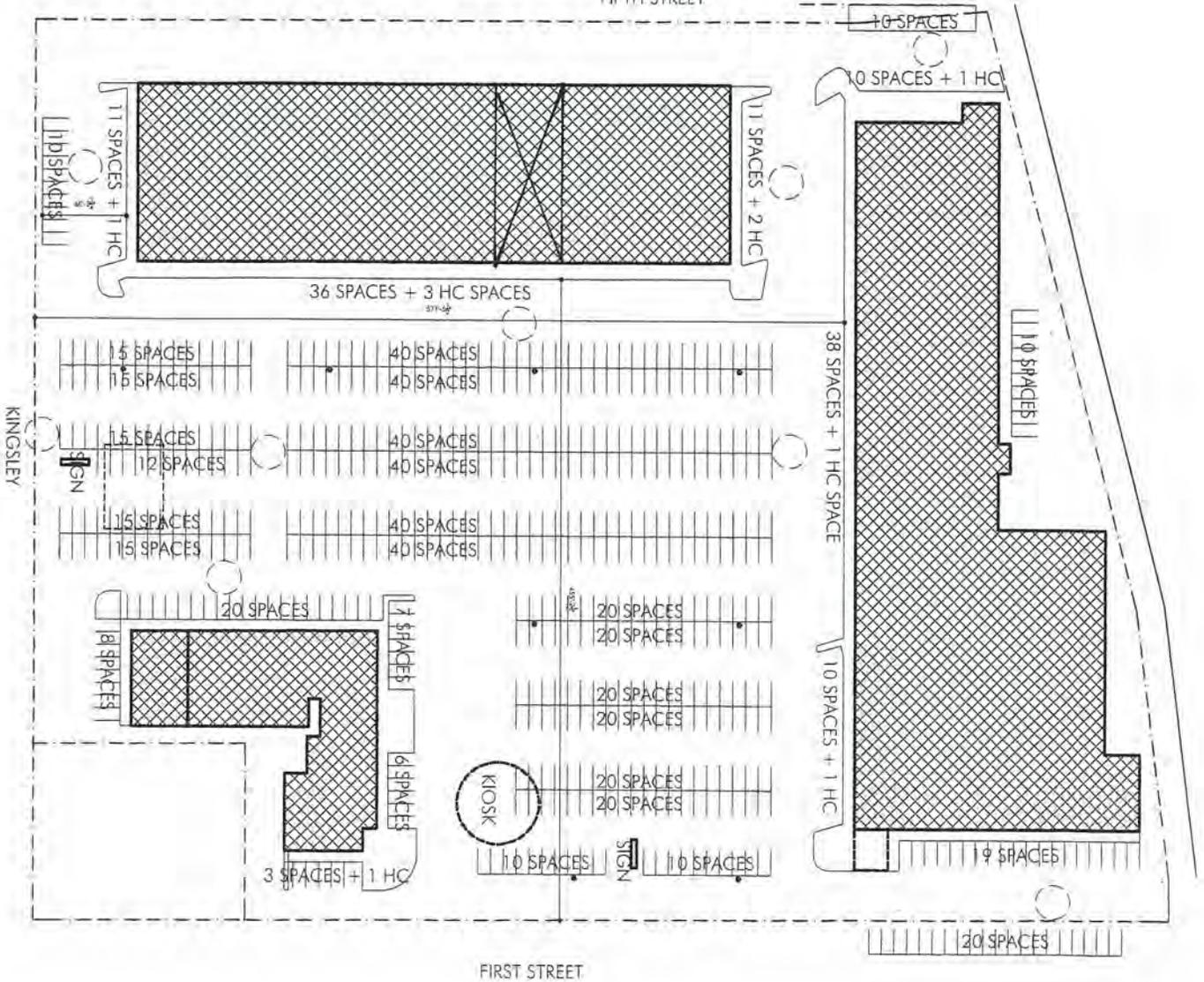
219 West Kingsley Road, Suite 322

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow a Reception Facility 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 SC (Shopping Center) District set forth in Section 24 and Section 33 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. **Specific Regulations:**
  - A. Time Period: The Specific Use Permit shall be in effect for a 5 year time period and shall be tied to **Cristela Romo**.
  - B. Parking: There shall be a minimum of 60 parking spaces available for Reception Facility patrons and staff.
  - C. Hours Of Operation: Weekends (Friday, Saturday and Sunday) from 12:00 p.m. to 2:00 a.m. and weekdays from 10:00 a.m. to 4:00 p.m.
  - D. Security: Security shall be provided at every event where alcohol is provided and for any events held after 8:00 pm. Security will be provided by a person authorized to provide private security under Chapter 1702 of the Texas Occupations Code.
  - E. Loitering: No congregation or loitering will be allowed to occur outside the facility.
  - F. Noise Mitigation: The applicant will add noise mitigation to the existing building if noise levels are such that it is deemed necessary by the City.

686

678  
required

FIFTH STREET



FIRST STREET

## REPORT & MINUTES

**P.C. Meeting, May 13, 2013 (9 Members Present)**

**Consideration of the application of Cristela Romo, requesting approval of a Specific Use Permit for a Reception Facility on property zoned Shopping Center (SC) District. The property is located at 219 West Kingsley Road Suite 322. (File 13-20)**

This applicant, Cristela Romo, 10863 Estacado Drive, Dallas, 75228 was available for questions.

**Motion** was made by Commissioner Welborn, seconded by Commissioner Fisher to **approve** the request for a Specific Use Permit for Reception Facility as recommended by staff. **Motion carried: 9 Ayes, 0 Nays.**





**GARLAND**

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

May 2, 2013

**HEARING DATE/TIME:** Plan Commission: May 13, 2013 – 7:00 PM

**APPLICANT:** Cristela Romo

**File Z 13-20**

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, May 13, 2013, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Cristela Romo** requesting approval of a Specific Use Permit for a Reception Facility on property zoned Shopping Center (SC) District. The property is shown on the enclosed sketch and is described as follows:

Being a portion of Tract 20, William H. Keen Survey, Abstract 734, Page 082, City of Garland, Dallas County, Texas and containing approximately 0.13 acres. This property is located at 219 West Kingsley Road, Suite 322. (District 5)

**Note: The approval of this request will allow the existing reception facility to continue operating from Suite 322 under a new ownership.**

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

(Please Check One Below)

I am in favor of the request.

I am opposed to the request.

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

CONCERNED ABOUT ALCOHOL CONSUMPTION! (No Alcohol)

(Please complete the following information)

Your Property Address

H.L. WALDRIP

Printed Name

2901 MEDINA

Address

GARLAND, TX

City, State

75041

Zip

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

H.L. Waldrip

Signature

Title

Date: 5/8/13