AGENDA

REGULAR MEETING OF THE CITY COUNCIL
City of Garland

Council Chambers, City Hall
200 North Fifth Street
Garland, Texas
October 2, 2013
7:00 p.m.

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

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

CITY COUNCIL GOALS 2020

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

MAYORAL PROCLAMATIONS, RECOGNITIONS AND ANNOUNCEMENTS

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

CONSENT AGENDA

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

1. Consider approval of the minutes of the September 17, 2013 City Council Regular Meeting.

2. Consider approval of the following bids:

a. Disconnect Switches for TMPA Breaker Replacement Bid No. 3727-13

Techline, Inc.		**$175,977.00**
Optional Contingency		**17,000.00**
	TOTAL	**$192,977.00**

This request is to provide the disconnect switches and associated materials for use at the TMPA Bryan East, Dansby, and Greenville Substations. An optional contingency fee is included for unforeseen additional materials that may be required due to the complex nature of the project.

b. Renewal of Energy Management Software **Bid No. 3859-13**

Open Systems International, Inc. **$129,225.00**

This request is to renew GP&L's Energy Management System/Generation Management System to the latest software for interfacing compatibility with ERCOT. Open Systems International, Inc. is the original developer and sole source provider of the current systems in use by GP&L.

c. City Center Parking Structure Package **Bid No. 3891-13**

Hill & Wilkinson General Contractors **$6,697,342.00**

This request is to provide a Guaranteed Maximum Price contract for Construction Manager at Risk Services for the parking structure as a part of the City Center development. This is an approved capital improvement project and expenditures will not exceed appropriated funds.

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

a. Zoning File No. 13-33, Discount Tire Company

Consider an ordinance amending the zoning laws of the City of Garland by approving a Detail Plan and a Specific Use Permit for Tire Dealer, No Outside Storage, on a 1.41-acre tract of land zoned Planned Development (PD) District 06-37 for Freeway Uses and in the IH 635 Overlay District located at 1500 Eastgate Drive.

b. Zoning File No. 13-34, Joann Tran

Consider an ordinance amending the zoning laws of the City of Garland by approving an amendment to Planned Development (PD) District 74-65 for Townhouse Uses and an Amended Detail Plan for a single family home on a 0.578-acre tract of land located at 2100 Windy Drive, north of Stoneleigh Drive and east of Windy Drive.

c. Zoning File No. 13-36, Loveth/Tony

Consider an ordinance amending the zoning laws of the City of Garland by approving a Specific Use Permit for Reception Facility on a 0.13-acre tract of land zoned Shopping Center (SC) District, located at 219 West Kingsley Road, Suite 322.

d. Zoning File No. 13-37, Willis Early Learning Center

Consider an ordinance amending the zoning laws of the City of Garland by approving a Specific Use Permit for a Kindergarten, Preschool, or Childcare Center on an approximate 3-acre tract of land zoned Single Family (SF-7) District, located at 2600 Broadway Boulevard.

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.

4. Consider by minute action the appointment of an Interim City Auditor.

The current City Auditor has announced his resignation from the City of Garland. Council is requested to consider appointing an Interim City Auditor until such time as Council appoints a City Auditor.

5. Hold a public hearing and consider the following regarding an economic incentive agreement for Advanced Health and Rehab Center of Garland.

a. Consider an ordinance designating an area as a reinvestment zone for commercial/industrial tax abatement; making certain findings thereon; authorizing the City Manager to execute an agreement with the applicant regarding the reinvestment zone.

b. Consider a resolution authorizing the City Manager to execute a Tax Abatement Agreement.

This item was considered by Council at the September 17, 2013 Work Session. In 2010, TL Management acquired the former Silver Leaves Nursing Home located at 505 W. Centerville, which was built in 1969. The company plans to build a new 70,000 sq. ft. facility at 1101 Colonel Drive and relocate all current employees and patients from the Centerville site. The company also plans to hire 30 – 50 additional employees.

6. Hold public hearings on the following zoning cases:

a. Consider the application of Mercy Realty, LLC requesting approval of an amended Detail Plan on a property zoned Planned Development (PD) District 01-23 for Freeway Uses and in the SH 190 Overlay. The property is located at 6520 President George Bush Turnpike. (District 1, File No. 13-39)

The proposal is to develop the subject property with a medical office. At the September 9, 2013 meeting, the Plan Commission recommended approval per staff recommendation.

b. Consider the application of King Family Medical requesting approval of a Detail Plan on a property zoned Planned Development (PD) District 99-04 for Shopping Center Uses and in the SH 190 Overlay. The property is located at the southwest corner of Lavon Drive and Bunker Hill Road. (District 1, File No. 13-41)

The proposal is to develop the subject property with a medical office. At the September 9, 2013 meeting, the Plan Commission recommended approval per staff recommendation.

c. Consider the application of Southern Blues requesting approval of a Specific Use Permit for a Tattooing/Body Piercing Establishment on a property zoned Industrial 1 (I-1) District. The property is located at 1901 South Jupiter Road, Suite 103. (District 6, File No. 13-42)

The proposal is to allow Tattooing/Body Piercing at this establishment. At the September 9, 2013 meeting, the Plan Commission recommended approval.

7. Consider appointments to Boards and Commissions.

Board members are selected for two-year terms by the City Council in August. Terms are usually staggered whereby at least half of the membership has board experience. Board members are appointed based on qualifications.

Robert Vera – Plan Commission (Dodson)

8. Citizen comments.

Persons wishing to address issues not on the agenda may have three minutes to address Council at this time. Council is prohibited from discussing any item not posted according to the Texas Open Meetings Act.

9. Adjourn.

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

The City Council of the City of Garland, Texas convened in regular session at 7:00 p.m. on Tuesday, September 17, 2013, in the Council Chambers at City Hall with the following members present:

Mayor	Douglas Athas
Mayor Pro Tem	Lori Barnett Dodson
Councilmember	Anita Goebel
Councilmember	Stephen W. Stanley
Councilmember	B.J. Williams
Councilmember	John Willis
Councilmember	Scott LeMay
Councilmember	Jim Cahill

MEMBERS ABSENT: Councilmember Marvin 'Tim' Campbell

STAFF PRESENT:

Assistant City Manager	Bryan Bradford
City Attorney	Brad Neighbor
City Secretary	Lisa Palomba

CALL TO ORDER: The meeting was called to order by Mayor Douglas Athas. District 5 Councilman Willis led the Invocation and Pledge of Allegiance.

CEREMONIALS: 1) Mayor Athas recognized the Wastewater Management staff for receiving the National Association for Clean Water Agencies' Gold Peak Performance Award for 2012 and 2) Mayor Athas introduced the 2013-2014 Garland Youth Councilmembers and Staff Liaisons Dorothy White, Cheryl Lowdermilk, Tralana Pollard, and Beth Dattomo.

ANNOUNCEMENTS: Mayor Athas commented on the following: 1) Garland's Healthy Living Expo is scheduled for Saturday, September 21, 2013 at the Curtis Culwell Center from 9 a.m. to 1 p.m. and 2) Mayor's Evening Out event is scheduled for Thursday, September 26 from 5 to 7 p.m. to be held at the North Garland Library; and 3) the Garland Annual Neighborhood Summit is scheduled for Saturday, October 26, 2013.

Additionally, Councilman Williams offered condolences to the family of Kathy Cole who perished in a recent fire and provided accolades to the Fire and Police Departments for their response to the incident. Councilman Williams announced that he and Councilman Stanley will host a Small Business Resource Breakfast to be held on Monday, October 21, 2013

from 7 to 9 a.m. to be held at the South Garland Library. Additionally, Councilman Williams announced that he will be hosting a Town Hall Meeting on the topic of crime prevention on October 22, 2013 to be held from 6:30 to 8 p.m. at the South Garland Library. Finally, Councilwoman Goebel announced that the last Downtown Marketplace event for the 2013 season will be held this Saturday.

CONSENT AGENDA: All items marked with asterisks (**) on the Consent Agenda were voted on in a single motion at the beginning of the meeting. Mayor Athas announced that Item 8 is pulled from the Consent Agenda for individual consideration. A motion was made by Councilman Willis, seconded by Councilman Stanley, to approve Items: 1, 2a, 2b, 2c, 3a, 3b, 3c, 3d, 3e, 4, 5, 6, 7, and 9. A vote was cast and the motion carried with 8 Ayes; 0 Nays (Campbell, absent).

1. APPROVED** City Council minutes of the September 17, 2013 Regular Meeting.

2a. APPROVED** Award of Bid No. 3717-13 in the amount of $1,485,155.25 to Chapman Construction with an optional contingency fee of $148,515.75 for a total award of $1,633,671 to provide all labor and equipment necessary for the construction of a second transmission line circuit for the Denton 138kV Loop, Phase 2.

2b. APPROVED** Award of Bid No. 3720-13 in the amount of $5,335,525.19 to Tiseo Paving Co. to provide for the removal of approximately 6,086 linear feet of Northwest Highway from Centerville Road to La Prada and reconstruction of a three-lane divided thoroughfare with associated pavement markings, sidewalks, drainage, water, sanitary sewer, street light conduit, street light foundations, irrigation, and landscaping improvement in medians and parkways.

2c. APPROVED** Award of Bid No. 3766-13 in the amount of $109,200 to David Copeland Sand Gravel, Inc. to provide crushed limestone surfacing rock for the Garland Power and Light Substation located in Nevada, Texas.

3a. APPROVED** Ordinance No. 6643 amending the zoning laws of the City of Garland, by approving a change in zoning from Agricultural (AG) District to a Planned Development (PD) District for Single Family Uses and a Detail Plan for Single-Family Homes on a 28.28-acre tract of land located northwest of the

intersection of West Campbell Road and Callejo Road. (Oak Ridge Investments, Zoning File No. 13-22)

3b. APPROVED** Ordinance No. 6644 amending the zoning laws of the City of Garland, by approving a change in zoning from Central Area 1(CA-1) District to Planned Development (PD) District for Central Area 1 (CA-1) Uses and a Detail Plan for Multi-Family on 1.76-acre and 0.162-acre tracts of land located southeast of the intersection of Austin Street and North Fifth Street and 203 North fifth Street, west of North Fifth Street and north of State Street. (Oaks Properties, LLC, Zoning File No. 13-26)

3c. APPROVED** Ordinance No. 6645 amending the zoning laws of the City of Garland, by approving a Detail Plan for Retail Sales/Personal Services, on a 1.033-acre tract of land zoned Planned Development (PD) District 99-04 for Shopping Center Uses and in the SH 190 Overlay located at 5550 Lavon Drive. (Hutton Growth One, LLC, Zoning file No. 13-30)

3d. APPROVED** Ordinance No. 6646 amending the zoning laws of the City of Garland, by approving an amendment to the Planned Development (PD) District 12-28 for Shopping Center Uses, a Detail Plan and a Specific Use Permit on a 6.6-acre tract of land located at 3401 South Garland Avenue, west of South Garland Avenue, east of South Shiloh Road, and north of McCree Road. (RaceTrac, Zoning File No. 13-31)

3e. APPROVED** Ordinance No. 6647 amending the zoning laws of the City of Garland, by approving an amendment to the Planned Development (PD) District 09-20 for Freeway Uses and an amended Concept Plan on a 24.5-acre tract of land located south of IH 30, west of Broadway Boulevard. (Mitchell Planning Group, LLC, Zoning File No. 13-32)

4. APPROVED** Minute action approving the reappointment of Ben Williamson as the point of contact for the National Incident Management System.

5. APPROVED** Minute action authorizing the City Manager, or his representative, to execute Change Order No. 1 to BL 05289 GP&L Asbestos Abatement in the amount of $60,245.30 (a 63% increase) to provide for the additional insulation requirements. The BL 05289 original amount of $95,000 will be increased to $155,245.30.

6. APPROVED** Resolution No. 10120 rescheduling the October 1, 2013 Regular Meeting of the City Council to October 2, 2013.

7. APPROVED** Minute action authorizing the execution of a consulting services agreement with Focused Advocacy for a term of two years.

9. APPROVED** Minute action authorizing the Mayor and City Secretary to enter into an Election Services Contract providing election services for the November 5, 2013 Special Election between the City of Garland and Collin County Elections for an amount not to exceed $5,000.

ITEMS FOR INDIVIDUAL CONSIDERATION:

8. APPROVED Councilman Willis, seconded by Councilman Cahill, made a motion to approve authorizing the Mayor and City Secretary to enter into a joint Election Services Agreement/Contract providing election services for the November 5, 2013 Special Election between and among the City of Garland, Dallas County, and other participating political subdivisions for an amount not to exceed $62,000. A vote was cast and the motion carried with 8 ayes, 0 nays (Campbell, absent).

10. HELD &APPROVED Managing Director of Health and Code Compliance Richard Briley provided background information regarding this item. Mayor Athas opened the public hearing. No one spoke during the public hearing. Mayor Pro Tem Dodson, seconded by Councilmember LeMay, made a motion to approve Ordinance No. 6649 amending Chapter 32, "Neighborhood Sanitation and Housing Services", of the Code of Ordinances of the City of Garland as it relates to "junked trailers." A vote was cast and the motion carried with 8 ayes, 0 nays (Campbell, absent).

11. APPROVED Managing Director of Health and Code Compliance Richard Briley provided background information regarding this item. Mayor Athas opened the public hearing. No one spoke during the public hearing. Mayor Pro Tem Dodson, seconded by Councilwoman Goebel, moved to approve Ordinance No. 6649 amending Chapter 33, "Transportation" and Chapter 24, "Municipal Court and Administration Adjudication" of the Code of Ordinances of the City of Garland as it relates to parking restrictions for any portion of a vehicle extending more than 102 inches in the street from the curb face or edge of pavement. A vote was cast and the motion carried with 8 ayes, 0 nays (Campbell, absent).

12a. HELD & APPROVED

Director of Planning Anita Russelmann provided background information regarding the application of Discount Tire Company, requesting approval of 1) a Detail Plan and 2) a Specific Use Permit for Tire Dealer, No Outside Storage on a property zoned Planned Development (PD) District 06-37 for Freeway Uses and in the IH 635 Overlay District. The property is located at 1500 Eastgate Drive. (File 13-33)

Mayor Athas opened the public hearing to accept public input. Tommy Mann, representing Discount Tire Company, provided information regarding the request. No other persons spoke during the public hearing.

Councilman Willis, seconded by Councilman Cahill, made a motion to close the public hearing and to approve the request as recommended by the Plan Commission. Staff will bring forth an ordinance for formal consideration at a future meeting. A vote was cast and the motion to approve carried with 8 ayes, 0 nays (Campbell, absent).

12b. HELD & APPROVED

Director of Planning Anita Russelmann provided background information regarding the application of Joann Tran, requesting approval of 1) an amendment to Planned Development (PD) District 74-65 for Townhouse Uses and 2) an amended Detail Plan. This property is located at 2100 Windy Drive, north of Stoneleigh Drive and east of Windy Drive. (File 13-34)

Mayor Athas opened the public hearing to accept public input. No one spoke during the public hearing.

Councilman LeMay, seconded by Mayor Pro Tem Dodson, moved to close the public hearing and approve the application as recommended by the Plan Commission. Staff will bring forth an ordinance for formal approval at a future meeting. A vote was cast and the motion to approve carried with 8 ayes, 0 nays (Campbell, absent).

12c. HELD & APPROVED

Director of Planning Anita Russelmann provided background information regarding the application of Loveth/Tony, 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 13-36)

Mayor Athas opened the public hearing to accept public input. The applicants presented their request. No other person spoke during the public hearing.

Councilman Willis made a motion, seconded by Councilman Stanley, to close the public hearing and approve the application as recommended by the Plan Commission. Staff will bring forth an ordinance for formal approval at a future meeting. A vote was cast and the motion to approve carried with 8 ayes, 0 nays (Campbell, absent).

12d. HELD & APPROVED Director of Planning Anita Russelmann provided background information regarding the Willis Early Learning Center, requesting approval of a Specific Use Permit for a Kindergarten, Preschool, or Child Care Center on property zoned Single Family (SF-7) District. The property is located at 2600 Broadway Boulevard. (File 13-37)

Mayor Athas opened the public hearing to accept public input. The following persons provided public comment in favor of the request: Reverend Eddie Hill and Cassie Willis. The following persons spoke in opposition to the request: Courtney Stem and Christina Calloway.

Discussion was held among councilmembers. Councilwoman Goebel made a motion, seconded by Councilman Stanley, to close the public hearing and approve the request as recommended by staff. A vote was cast and the motion carried with 8 ayes, 0 nays (Campbell, absent).

13. APPOINTMENTS The following names were placed in nomination:

Albert Kraft – Housing Standards Board (Athas)
Bruce Austin – Board of Adjustment (Dodson)
Fran Grove Brown – CENAC (Dodson)
Barbara Chick – Library Board (Dodson)
Gregory Davis – Parks and Recreation Board (Dodson)
Ricardo Rocha – Community Multicultural Commission (Dodson)
Myron Craig Wright – Garland Cultural Arts Commission (Dodson)

A vote was cast and the nominations carried with 8 ayes, 0 nays (Campbell, absent)

14. CITIZEN COMMENTS No citizen comments.

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

CITY OF GARLAND

Signed:

_____
Mayor

Attest:

_____
City Secretary

GARLAND
PURCHASING

Bid No.:	3727-13
Agenda Item:	2a.
Meeting:	Council
Date:	10/02/13

Purchasing Report

DISCONNECT SWITCHES FOR TMPA BREAKER REPLACEMENT
OPEN MARKET

PURCHASE JUSTIFICATION:

The purpose of this contract is to provide the disconnect switches and associated materials for use at the TMPA Bryan East, Dansby, and Greenville Substations. Due to the complex nature of the project, an optional contingency is included for unforeseen additional materials that may be required. Expenditures will not exceed appropriated funding.

AWARD RECOMMENDATION:

Vendor	*Item*	*Amount*
Techline, Inc.	All	$175,977.00
Contingency		17,000.00
	TOTAL:	$192,977.00

BASIS FOR AWARD:

Best Value

Submitted by:

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

Date: 09/20/13

Reviewed by:

William E. Dollar
City Manager

Date: 09/23/13

FINANCIAL SUMMARY:

Total Project/Account:	$ 4,407,603
Expended/Encumbered to Date:	375,442
Balance:	$ 4,032,161
This Item:	192,977
Proposed Balance:	$ 3,839,184

Trent Schulze	09/20/13
Budget Analyst	Date
Ron Young	09/20/13
Budget Director	Date

Operating Budget: ☐ **CIP:** ☒ **Year:** 2013

Document Location: Page E11

Account #: 215-3542-3175301-7111
(EC-S5753-03316051)

Fund/Agency/Project – Description:
Electric CIP

Comments: Contract provides for disconnect switches and associated materials for use at TMPA Bryan East, Dansby, and Greenville Substations. An optional contingency is included for unforeseen additional materials that may be required.

CITY OF GARLAND - BID RECAP SHEET
OPENED: 07/19/2012
REQ. NO. PR 30204
BID NO. 2984-12
PAGE: 1 of 1
BUYER: R.Berger

ITEM	QTY	UNIT	DESCRIPTION	T&D Solutions UNIT PRICE	T&D Solutions TOTAL	Can-Fer utility Services, LLC UNIT PRICE	Can-Fer utility Services, LLC TOTAL	Infratech Corporation UNIT PRICE	Infratech Corporation TOTAL	Northeast Service Inc. UNIT PRICE	Northeast Service Inc. TOTAL
1	1	lot	Bid Price for Evaluation		$15,828.00		$21,681.07		$22,078.75		$16,464.90
			Evaluation Criteria:								
			Price	Maximum = 40	40.00		25.00		24.00		38.00
			Experience	Maximum = 20	12.00		20.00		16.00		0.00
			Primary Contractor	Maximum = 20	14.33		19.00		20.00		20.00
			Hourly Rates for Emergency	Maximum = 10	10.00		8.00		9.00		9.00
			Safety and Training	Maximum = 5	5.00		0.00		5.00		0.00
			Past Relationship	Maximum = 5	0.00		5.00		3.00		0.00
			Total Score:	Maximum = 100	81.33		77.00		77.00		67.00
			TOTAL GROSS PRICE		$15,828.00		$21,681.07		$22,078.75		$16,464.90
			CASH DISCOUNT								
			TOTAL NET PRICE								
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DELIVERED	
			DELIVERY								

NEXT LOW: **$16,464.90**
LOW: **$15,828.00**
SAVINGS: **$636.90**

1366 # BidSync Notifications
37 # BidSync HUBS
7 # Direct Contact HUBS
0 # HUBS Responded

All bids submitted for the designated project are reflected on this bid tab sheet. However, the listing of a bid on this sheet should not be construed as a comment on the responsiveness of such bid or as any indication that the city accepts such bid as responsive. The City will notify the successful bidder upon award of the contract and, according to the law, all bids received will be available for inspection at that time.

Duval Sons, Inc. DELIVERED | **Mueller Service Co.** DELIVERED | DELIVERED | DELIVERED

GARLAND

PURCHASING

Executive Summary
Bid 3727-13
Disconnect Switches for TMPA Breaker Replacement

Recommended Vendor:

Techline, Inc.

Total Recommended Award:

$192,977.00

Basis for Award:

Best Value

Purpose:

The purpose of this contract is to provide the disconnect switches and associated materials for use at the TMPA Bryan East, Dansby and Greenville Substations.

Evaluation:

Requests for Bids were issued in accordance with Purchasing procedures. Four (4) bids were received and evaluated based on the published criteria of price, delivery schedule and compliance to specifications. Techline, Inc. received the highest evaluated score offering the best value to the City. Techline, Inc. also submitted the lowest overall bid.

Recommendation:

Staff recommends awarding the contract to Techline, Inc. providing the best value and lowest cost to the City

Funding Information:

CIP project 215-3542-3175301-7111(EC-S5753)

Department Director:

Tommy Weathersbee, Interim Transmission & Distribution Director, 972-205-3532

GARLAND
PURCHASING

Bid No.:	3859-13
Agenda Item:	2b.
Meeting:	Council
Date:	10/02/13

Purchasing Report

RENEWAL OF ENERGY MANAGEMENT SOFTWARE
OPEN MARKET

PURCHASE JUSTIFICATION:

The purpose of this request is to renew GP&L's Energy Management System/Generation Management System to the latest software for interfacing compatibility with ERCOT. Open Systems International, Inc., is the original developer and sole source provider of the current system in use by GP&L.

AWARD RECOMMENDATION:

Vendor	***Item***	***Amount***
Open Systems International, Inc.	All	$129,225.00
	TOTAL:	$129,225.00

BASIS FOR AWARD:

Sole Source

Submitted by:

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

Date: 09/20/13

Reviewed by:

William E. Dollar
City Manager

Date: 09/23/13

FINANCIAL SUMMARY:

Total Project/Account:	$ 1,256,513
Expended/Encumbered to Date:	1,027,726
Balance:	$ 228,787
This Item:	129,225
Proposed Balance:	$ 99,562

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

Document Location: Page 207

Account #:		
	211-3623-7121	$43,075.00
	211-3625-7121	43,075.00
	211-3642-7121	43,075.00

Fund/Agency/Project – Description:
Electric Utility Fund – Transmission Operations

Comments: This request updates GP&L's Energy Management System/Generation Management System to the latest software for interfacing compatibility with ERCOT. Vendor is the original developer and sole source provider of current software.

Trent Schulze	09/20/13
Budget Analyst	Date
Ron Young	09/20/13
Budget Director	Date

CITY OF GARLAND - BID RECAP SHEET
OPENED: 08/27/013
REQ. NO. 32034
BID NO. 3859-13
PAGE: 1 of 1
BUYER: Bob Bonnell, C.P.M., MCP

ITEM	QTY	UNIT	DESCRIPTION	Open Systems International UNIT PRICE	Open Systems International TOTAL						
				UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	LT	Renewal of Energy Software		$129,225.00						
			TOTAL GROSS PRICE		$129,225.00						
			CASH DISCOUNT								
			TOTAL NET PRICE		$129,225.00						
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DELIVERED	
			DELIVERY								

All bids submitted for the designated project are reflected on this bid tab sheet. However, the listing of a bid on this sheet should not be construed as a comment on the responsiveness of such bid or as any indication that the city accepts such bid as responsive. The City will notify the successful bidder upon award of the contract and, according to the law, all bids received will be available for inspection at that time.

	Duval Sons, Inc.	Mueller Service Co.		
	DELIVERED	DELIVERED	DELIVERED	DELIVERED

GARLAND

PURCHASING

Executive Summary
Bid 3859-13
Renewal of Energy Management Software

Recommended Vendor:

Open Systems International, Inc.

Total Recommended Award:

$129,225.00

Basis for Award:

Sole Source

Purpose:

The purpose of this request is to renew GP&L's Energy Management System/Generation Management System to the latest software for interfacing compatibility with ERCOT. Open Systems International is Garland Power & Light's proprietary interface to the energy market.

Evaluation:

Open Systems International is the original developer and sole source provider of the current system in use by GP&L.

Recommendation:

Staff recommends that Open Systems International software agreement be renewed.

Funding Information:

GP&L System Operations O&M budgets

Department Director:

Fred Sherman, System Operations Director, 972-205-3184

GARLAND
PURCHASING

Bid No.:	3891-13
Agenda Item:	2c.
Meeting:	Council
	10/02/13

Purchasing Report

CITY CENTER PARKING STRUCTURE PACKAGE
OPEN MARKET

PURCHASE JUSTIFICATION:

The purpose of this purchase is to award a Guaranteed Maximum Price contract for Construction Manager at Risk services for the parking structure as a part of the City Center development. This is an approved Capital Improvement project. Expenditures will not exceed appropriated funds.

AWARD RECOMMENDATION:

Vendor	***Item***	***Amount***
Hill & Wilkinson General Contractors	All	$6,697,342.00
	TOTAL:	$6,697,342.00

BASIS FOR AWARD:

Most Qualified

Submitted by:

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

Date: 09/25/13

Reviewed by:

William E. Dollar
City Manager

Date: 09/25/13

FINANCIAL SUMMARY:

Total Project/Account:	$ 9,731,122
Expended/Encumbered to Date:	771,046
Balance:	$ 8,960,076
This Item:	6,697,342
Proposed Balance:	$ 2,262,734

Matt Watson	09/25/13
Budget Analyst	Date
Ron Young	09/25/13
Budget Director	Date

Operating Budget: ☐ **CIP:** ☒ **Year:** 2013

Document Location: Pages ED10 and MF09

Account #:	692-1509-1013612-9002	$6,519,009
	692-4749-1610413-9002	178,333

Fund/Agency/Project – Description:
CIP Fund / Economic Development / City Center Development – City Center Parking Structure
CIP Fund / Facilities Management / City Hall Code/Safety Updates

Comments:
Expenditures will not exceed appropriated funds for 2013 CIP.

CITY OF GARLAND - BID RECAP SHEET
OPENED:
REQ. NO. PR
BID NO. 3891-13
PAGE: 1 of 1
BUYER: R.Berger

ITEM	QTY	UNIT	DESCRIPTION	Hill & Wilkinson General Contractors UNIT PRICE	TOTAL	Lee Lewis Construction UNIT PRICE	TOTAL	CF Jordan Construction UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
			Most Qualified Vendor								
			Evaluation Criteria:								
			Personel	Maximum = 10	8.00		7.33		7.17		
			Experience	Maximum = 10	8.00		7.17		5.67		
			Challenges & mitigation	Maximum = 10	8.17		7.50		7.50		
			Compining projects with developer	Maximum = 10	7.50		7.00		6.33		
			Interface with design team	Maximum = 10	8.00		7.50		7.50		
			Pre-construction process	Maximum = 10	8.17		7.00		6.83		
			Preliminary schedule	Maximum = 10	8.17		7.17		4.33		
			Pre-construction Service Fee	Maximum = 10	8.10		10.00		7.73		
			Total Score:	Maximum = 80	64.11		60.67		53.06		
			TOTAL GROSS PRICE								
			CASH DISCOUNT								
			TOTAL NET PRICE								
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DELIVERED	
			DELIVERY								

NEXT LOW:
LOW:
SAVINGS: **$0.00**

N/A # BidSync Notifications
N/A # BidSync HUBS
N/A # Direct Contact HUBS
N/A # HUBS Responded

All bids submitted for the designated project are reflected on this bid tab sheet. However, the listing of a bid on this sheet should not be construed as a comment on the responsiveness of such bid or as any indication that the city accepts such bid as responsive. The City will notify the successful bidder upon award of the contract and, according to the law, all bids received will be available for inspection at that time.

	Duval Sons, Inc.	Mueller Service Co.		
F.O.B.	DELIVERED	DELIVERED	DELIVERED	DELIVERED

GARLAND

PURCHASING

Executive Summary
Bid 3891-13
City Center Parking Structure Package

Recommended Vendor:

Hill & Wilkinson General Contractors

Total Recommended Award:

$6,697,342.00

Basis for Award:

Most Qualified

Purpose:

The purpose is to award a Guaranteed Maximum Price contract to Hill & Wilkinson General Contractors for Construction Manager at Risk services for the City Center Parking Structure Package as part of the City Center development.

Evaluation:

Three prequalified Construction Manager at Risk firms were interviewed by the City's evaluation team. Each firm was evaluated and ranked by the team based on specified criteria and their interview performance. Hill & Wilkinson General Contractors as selected as the most qualified contractor for this project.

Recommendation:

Staff recommends award of contract for Construction Manager at Risk services to Hill & Wilkinson General Contractors.

Funding Information:

The contract is funded from the following CIP Project Accounts:
692-1509-10136-12-9002 and 692-4749-16104-00-9002

Department Director:

Jennifer Shoulders, Facilities Construction Services Manager, 972-205-3108

City Council Item Summary Sheet

☐ **Work Session**

☒ **Agenda Item**

Date: **October 2, 2013**

Zoning Ordinance

Summary of Request/Problem
Zoning Ordinance 13-33 Discount Tire Company

Recommendation/Action Requested and Justification
Consider adoption of attached ordinance.

Submitted By:	**Approved By:**
Neil Montgomery **Senior Managing Director of Development Services**	**William E. Dollar** **City Manager**

FILE NO. 13-33

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING A DETAIL PLAN AND A SPECIFIC USE PERMIT FOR TIRE DEALER, NO OUTSIDE STORAGE, ON A 1.41-ACRE TRACT OF LAND ZONED PLANNED DEVELOPMENT (PD) DISTRICT 06-37 FOR FREEWAY USES AND IN THE IH 635 OVERLAY DISTRICT LOCATED AT 1500 EASTGATE DRIVE; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 26th day of August, 2013, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Discount Tire Company**; 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 Detail Plan and a Specific Use Permit for Tire Dealer, No Outside Storage, on a 1.41-acre tract of land zoned Planned Development (PD) District 06-37 for Freeway Uses and in the IH 635 Overlay District located at 1500 Eastgate 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. 13-33

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 13-33

Being a 1.410-acre lot identified as Lot 6R, Block 1 of the Centerville Marketplace Third Replat, an addition to the City of Garland as shown on the Plat recorded in Instrument No. 201100116935 of the Map Records of Dallas County, Texas. The property is located at 1500 Eastgate Drive, Garland, TX.

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE 13-33

1500 Eastgate Drive

I. **Statement of Purpose:** The purpose of this Planned Development is to approve a Detail Plan of a Tire Dealer, No Outside Storage.

II. **Statement of Effect:** This Planned Development (PD) District shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.

III. **General Regulations:** All regulations of the Freeway (FW) District set forth in Section 31, 32 and 47 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.

IV. **Development Plans:**

A. Detail Plan: Development shall be in conformance with the approved Detail Plan labeled Exhibit C. In the event of conflict between the conditions and Detail Plan, the conditions listed below shall prevail.

V. **Specific Regulations:**

A. Permitted Uses:

Antenna, Commercial Type 2*
Athletic Club/Instruction, Indoor Facilities
Automobile Repair, Minor*
Commercial Amusement, Indoor*
Convention Facility
Drug Store/Pharmacy
Financial Institution
Furniture and Appliance Sales
Grocery/Supermarket
Home Improvement Center
Hospital
Hotel/Motel, Full Service
Hotel/Motel, Limited
Kindergarten, Preschool or Child Care Center
Library
Massage Therapy/Physical Therapy
Medical and Surgical Appliances
Movie Theater/Theater* (not within 500 feet of residential district)
Museum or Art Gallery
Office Equipment Sales, Repair and Maintenance
Office, General
Optical Dispensary
Parking Garage or Lot, Commercial (ancillary use only)
Pet Sales and Grooming

Printer, Small Scale
Radio, TV, Recording Studio
Repair and Service Shop (Indoor)
Restaurant, General
Restaurant, Drive Through*
Retail Sales with Gas Pumps
Retail Sales/Personal Service
Tire Dealer, No Outside Storage* (not within 500 feet of residential district)
Transit Station

* Requires Specific Use Permit

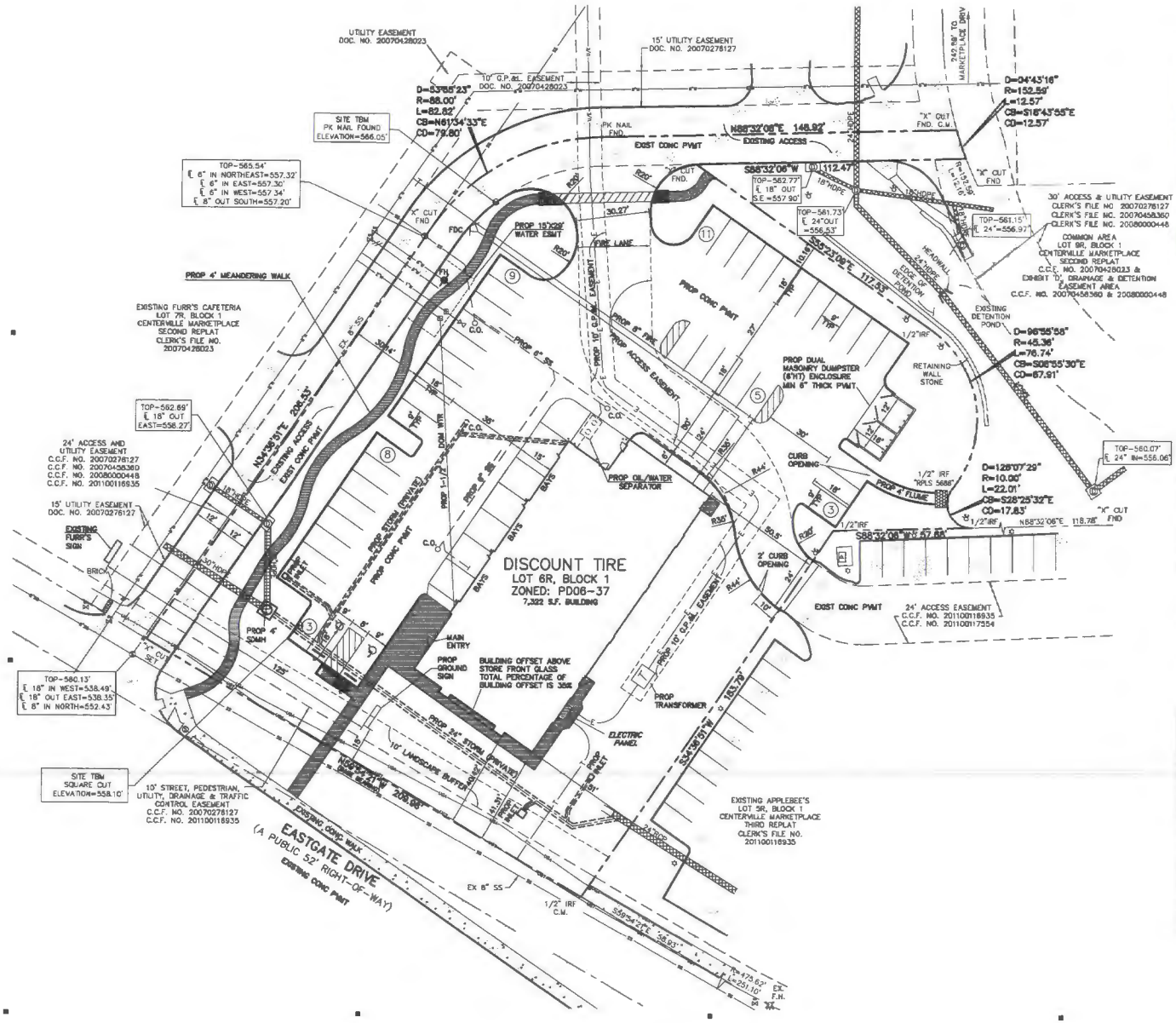
B. Building Height: Retail land uses shall have a maximum height of 50 feet; all other uses shall have a maximum height of 75 feet.

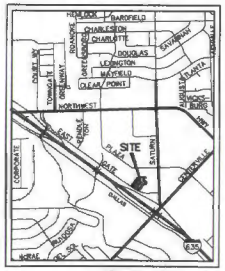
C. Landscape Plan: Screening and Landscaping shall be in general conformance with the approved Landscape Plan labeled as Exhibit D.

D. Building Elevations: Exterior building elevations shall be in conformance with the approved elevations labeled as Exhibit E.

E. Signs: Freestanding signage shall be limited to one (1) monument sign with a maximum height of 8 feet and a maximum area of 55 square feet.

EXHIBIT B





VICINITY MAP
NOT TO SCALE

GRAPHIC SCALE
0 10 20 40
(IN FEET)
1 inch = 20 ft.

EXISTING		PROPOSED
	PROPERTY LINE	
	PAVEMENT	
	SIDEWALK	
	BARRIER FREE RAMP	
UGA	GAS	
UGT	TELEPHONE	T
UE	ELECTRIC	E
8"W	WATER	
SS	SANITARY SEWER	
	STORM SEWER	

BENCHMARK:

ELEVATIONS ARE BASED ON THE CITY OF GARLAND GPS CONTROL POINTS:
-PROJECT NUMBER GPS-073, GPS 73, 2" BRASS DISK STAMPED 73 IS LOCATED IN THE TOP OF CONCRETE OVERFLOW H/W AT THE N.W. END OF PLAYGROUND AT ROACH ELEM. SCHOOL ACROSS THE ALLEY AT THE REAR OF 4024 GREENSBORO, ELEVATION = 569.80700'
-GARLAND MONUMENT GPS AZIMUTH 58, NORTH RIGHT-OF-WAY LINE OF EAST DATE.

NOTES

1. BOUNDARY & TOPOGRAPHIC BASED ON SURVEY BY PEISER & MANKIN SURVEY, LLC, DATED JUNE 11, 2018.
2. BUILDING IS PARALLEL AND PERPENDICULAR TO THE NORTHWEST AND SOUTHEAST PROPERTY LINE.
3. ALL DIMENSIONS ARE TO EDGE OF PAVEMENT, FACE OF BUILDING OR FACE OF CURB, UNLESS OTHERWISE NOTED.
4. ALL CURB RADII NOT CALLED OUT ARE 2' MEASURED AT FACE OF CURB.
5. FLOOD CERTIFICATE AS DETERMINED BY THE FLOOD INSURANCE RATE MAPS FOR DALLAS COUNTY, THE SUBJECT PROPERTY DOES NOT APPEAR TO LIE WITHIN A SPECIAL FLOOD HAZARD AREA (100 YEAR FLOOD), MAP DATE 02/05/03 COMMUNITY PANEL NO. 48113C0380K SUBJECT LOT IS LOCATED IN ZONE "X".

SITE SUMMARY TABLE

Site Address	1500 EASTGATE DRIVE	
County	DALLAS	
Project Name	DISCOUNT TIRE - GARLAND	
Zoning District	PD 06-37	
Proposed use	RETAIL TIRE STORE	
Site Area:	1.41 Acres 61,435 S.F.	
Building Area	7,322 S.F.	
Building Height:	1 Story	
Lot Coverage:	7,322 / 61,435 = 11.9%	
Floor Area Ratio:	7,322 S.F. / 61,435 = 1:19.0	
Parking Required:	TIRE DEALER (NO OUTSIDE STORAGE)	
	1 SPC/BAY + 1/400 SF	= 25 SPACES
Parking Provided:	Regular	= 37 SPACES
	Handicap	= 2 SPACES
	Total	= 39 SPACES
Impervious Area:	41,509 S.F.	
Impervious Area Ratio:	41,509 S.F. / 61,435 = 67.6%	
Pervious Area Ratio:	19,926 S.F. / 61,435 = 32.4%	

VASQUEZ ENGINEERING L.L.C.
705 W. Avenue B
Suite 218
Garland, Texas 75040
Ph: 972-272-4810
TX Registration # F-12266

DISCOUNT TIRE
GARLAND, TEXAS

LOT 6R, BLOCK 1
CENTERVILLE
MARKETPLACE
THIRD REPLAT
CITY CASE #130709-2

CONSTRUCTION DOCUMENT

NO.	REVISIONS	DATE

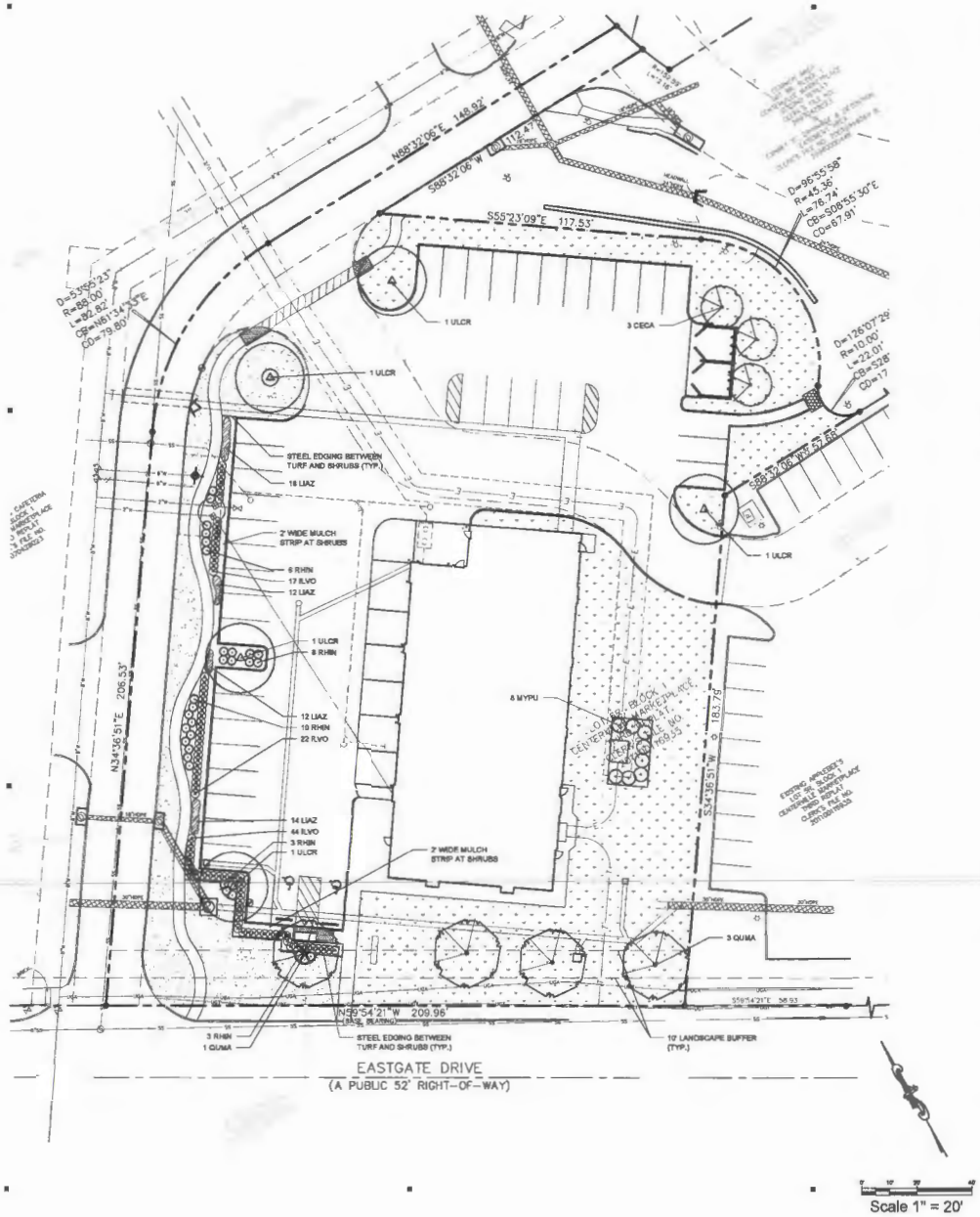
500.45
08/20/2013
T.A.C.
J.J.V.

THIS DOCUMENT IS FOR INTERIM REVIEW AND IS NOT INTENDED FOR CONSTRUCTION, PERMITTING OR BIDDING PURPOSES
JUAN J. VASQUEZ, P.E.
TEXAS NO. 85852
DATED 07/13/13
VASQUEZ ENGINEERING, L.L.C.
TX REG. F-12266

DETAIL PLAN

SP1

Exhibit C



PLANTING LEGEND

SYMBOL	BOTANIC NAME	COMMON NAME	SIZE	SPACING	QUANTITY	REMARKS/DETAILS
TREES						
CECA	Cercis canadensis var. texensis	Texas Redbud	2" cal., B&B	Per plan	3	8'-10' high min.
QUMA	Quercus macrocarpa	Burr Oak	3" cal., B&B	Per plan	4	12'-14' high min.
ULCR	Ulmus crassifolia	Cedar Elm	3" cal., B&B	Per plan	5	12'-14' high min.
SHRUBS AND PERENNIALS						
ILVO	Ilex vomitoria 'Nana'	Dwarf Yaupon Holly	#7 cont.	2' o.c.	83	Min. 24" high at planting
LIAZ	Liriope 'Aztec'	Aztec Grass	#1 cont.	18" o.c.	68	
MYPU	Myrica pusilla	Dwarf Wax Myrtle	#7 cont.	6' o.c.	8	Min. 24" high at planting
RHIN	Rhaphiolepis indica 'Pinkie'	Pinkie Indian Hawthorne	#3 cont.	3' o.c.	30	
TURF AND SEED						
	Buchloe dactyloides '609'	609 Buffalo Grass	Sod	---	---	
	Buchloe dactyloides '609'	609 Buffalo Grass	hydroseed	---	---	

BUFFALO GRASS INSTALLATION

CONTRACTOR SHALL VERIFY WITH THE SOD SUPPLIER THE WATERING SCHEDULE FOR NEWLY INSTALLED BUFFALOGRASS SOD. THE CONTRACTOR SHALL REPLACE ANY SECTIONS OF SOD, AT NO CHARGE TO THE PROPERTY OWNER, WHICH FAIL TO THRIVE DUE TO IMPROPER WATERING.

LANDSCAPE CALCULATIONS

IH 635 OVERLAY ZONE

GENERAL
TOTAL SITE AREA: 61,530 SF
TOTAL LANDSCAPE AREA REQUIRED: 6,153 SF (10%)
TOTAL LANDSCAPE AREA PROVIDED: 20,444 SF (33.3%)

BUFFER LANDSCAPE
EASTGATE DRIVE (CLASS F THOROUGHFARE): 1,691 SF
BUFFER TREES REQUIRED: 4 TREES (1 LARGE TREE PER 500 SF)
BUFFER TREES PROVIDED: 4 TREES

PARKING LOT
TOTAL PARKING AREA: 27,087 SF
LANDSCAPE AREA REQUIRED: 1,354 SF (5%)
LANDSCAPE AREA PROVIDED: 1,905 SF (7.0%)
TOTAL PARKING SPACES: 39 SPACES
TREES REQUIRED: 4 TREES (1 TREE PER 10 SPACES)
TREES PROVIDED: 5 TREES

GENERAL PLANTING NOTES

1. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR REMOVING ALL EXISTING VEGETATION (EXCEPT WHERE NOTED TO REMAIN). BEFORE STARTING WORK, THE LANDSCAPE CONTRACTOR SHALL VERIFY THAT THE GRADE OF ALL LANDSCAPE AREAS ARE WITHIN +/-0.1' OF FINISH GRADE. THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE OWNER IMMEDIATELY SHOULD ANY DISCREPANCIES EXIST. SEE SPECIFICATIONS FOR MORE DETAILED INSTRUCTION ON TURF AREA AND PLANTING BED PREPARATION.
2. THE LANDSCAPE CONTRACTOR SHALL CONSTRUCT AND MAINTAIN FINISH GRADES AS SHOWN ON GRADING PLANS, AND CONSTRUCT AND MAINTAIN SLOPES AS RECOMMENDED BY THE GEOTECHNICAL REPORT. ALL LANDSCAPE AREAS SHALL HAVE POSITIVE DRAINAGE AWAY FROM STRUCTURES AT THE MINIMUM SLOPE SPECIFIED IN THE REPORT, AND AREAS OF POTENTIAL PONDING SHALL BE REGRADED TO BLEND IN WITH THE SURROUNDING GRADES AND ELIMINATE PONDING POTENTIAL. SHOULD ANY CONFLICTS AND/OR DISCREPANCIES ARISE BETWEEN THE GRADING PLANS, GEOTECHNICAL REPORT, THESE NOTES, AND ACTUAL CONDITIONS, THE CONTRACTOR SHALL IMMEDIATELY BRING SUCH ITEMS TO THE ATTENTION OF THE LANDSCAPE ARCHITECT AND OWNER.
3. CONTRACTOR SHALL ENSURE THAT THE GRADE IN SOD AREAS SHALL BE 1" BELOW FINISH GRADE AFTER INSTALLING SOIL AMENDMENTS, AND 2" BELOW FINISH GRADE IN SHRUB AREAS AFTER INSTALLING SOIL AMENDMENTS. MULCH COVER WITHIN 6" OF CONCRETE WALKS AND CURBS SHALL NOT PROTRUDE ABOVE THE FINISH SURFACE OF THE WALKS AND CURBS. MULCH COVER WITHIN 12" OF WALLS SHALL BE AT LEAST 3" LOWER THAN THE TOP OF WALL.
4. INSTALL 5 OUNCE, WOVEN, NEEDLE-PUNCHED POLYPROPYLENE FABRIC UNDER ALL MULCHED AREAS AND INDIVIDUAL TREE RINGS.
5. INSTALL 3/4" LIMESTONE GRAVEL MULCH TOPDRESSING, 3" DEPTH, IN ALL PLANTING BEDS AND TREE RINGS. DO NOT INSTALL MULCH WITHIN 6" OF TREE ROOT FLARE.
6. INSTALL 14G, GREEN STEEL EDGING BETWEEN ALL PLANTING BEDS AND TURF AREAS, AND BETWEEN GROUNDCOVERS AND OTHER PLANTS (WHERE INDICATED ON THE PLAN). NO EXPOSED GROUND SHALL REMAIN AFTER INSTALLATION OF MULCH.
7. HYDROMULCH ALL DISTURBED AREAS OUTSIDE OF PROPERTY LIMITS (UNLESS SHOWN AS SOD).
8. ALL PLANT LOCATIONS ARE DIAGRAMMATIC. ACTUAL LOCATIONS SHALL BE VERIFIED WITH THE LANDSCAPE ARCHITECT OR DESIGNER PRIOR TO PLANTING. THE LANDSCAPE CONTRACTOR SHALL ENSURE THAT ALL REQUIREMENTS OF THE PERMITTING AUTHORITY ARE MET (I.E., MINIMUM PLANT QUANTITIES, PLANTING METHODS, TREE PROTECTION METHODS, ETC.).
9. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR DETERMINING PLANT QUANTITIES; PLANT QUANTITIES SHOWN ON LEGENDS AND CALLOUTS ARE FOR GENERAL INFORMATION ONLY. IN THE EVENT OF A DISCREPANCY BETWEEN THE PLAN AND THE PLANT LEGEND, THE PLANT QUANTITY AS SHOWN ON THE PLAN (FOR INDIVIDUAL SYMBOLS) OR CALLOUT (FOR GROUNDCOVER PATTERNS) SHALL TAKE PRECEDENCE.
10. NO SUBSTITUTIONS OF PLANT MATERIALS SHALL BE ALLOWED. IF SOME OF THE PLANTS ARE NOT AVAILABLE, THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE DESIGNER IN WRITING (VIA PROPER CHANNELS).
11. PLANTS MAY BE INSPECTED AND APPROVED OR REJECTED ON THE JOBSITE BY THE OWNER OR OWNER'S REPRESENTATIVE.
12. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL WORK SHOWN ON THESE PLANS FOR 90 DAYS BEYOND FINAL ACCEPTANCE OF ALL LANDSCAPE WORK BY THE OWNER. LANDSCAPE MAINTENANCE SHALL INCLUDE WEEKLY SITE VISITS FOR THE FOLLOWING ACTIONS (AS APPROPRIATE): PROPER PRUNING, RESTAKING OF TREES, RESETTING OF PLANTS THAT HAVE SETTLED, MOWING AND AERATION OF LAWNS, WEEDING, RESEEDING AREAS WHICH HAVE NOT GERMINATED WELL, TREATING FOR INSECTS AND DISEASES, REPLACEMENT OF MULCH, REMOVAL OF LITTER, REPAIRS TO THE IRRIGATION SYSTEM DUE TO FAULTY PARTS AND/OR WORKMANSHIP, AND THE APPROPRIATE WATERING OF ALL PLANTINGS. THE LANDSCAPE CONTRACTOR SHALL MAINTAIN THE IRRIGATION SYSTEM IN PROPER WORKING ORDER, WITH SCHEDULING ADJUSTMENTS BY SEASON TO MAXIMIZE WATER CONSERVATION.
13. SHOULD SEEDED AND/OR SODDED AREAS NOT BE COVERED BY AN AUTOMATIC IRRIGATION SYSTEM, THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR WATERING THESE AREAS AND OBTAINING A FULL STAND OF GRASS AT NO ADDITIONAL COST TO THE OWNER.
14. TO ACHIEVE FINAL ACCEPTANCE AT THE END OF THE MAINTENANCE PERIOD, ALL OF THE FOLLOWING CONDITIONS MUST OCCUR.
    A. THE LANDSCAPE SHALL SHOW ACTIVE, HEALTHY GROWTH (WITH EXCEPTIONS MADE FOR SEASONAL DORMANCY). ALL PLANTS NOT MEETING THIS CONDITION SHALL BE REJECTED AND REPLACED BY HEALTHY PLANT MATERIAL PRIOR TO FINAL ACCEPTANCE.
    B. ALL HARDSCAPE SHALL BE CLEANED PRIOR TO FINAL ACCEPTANCE.
    C. SODDED AREAS MUST BE ACTIVELY GROWING AND MUST REACH A MINIMUM HEIGHT OF 1 1/2 INCHES BEFORE FIRST MOWING. HYDROMULCHED AREAS SHALL SHOW ACTIVE, HEALTHY GROWTH. BARE AREAS LARGER THAN TWELVE SQUARE INCHES MUST BE RESODDED OR RESEEDED (AS APPROPRIATE) PRIOR TO FINAL ACCEPTANCE. ALL SODDED TURF SHALL BE NEATLY MOWED.
15. SEE SPECIFICATIONS AND DETAILS FOR FURTHER REQUIREMENTS.

VASQUEZ ENGINEERING L.L.C.
705 W. Avenue B
Suite 316
Garland, Texas 75040
Ph: 972-272-4610
TX Registration # F-12265

DISCOUNT TIRE
GARLAND, TEXAS

8/19/2013

CONSTRUCTION DOCUMENT

NO	REVISION DESCRIPTION	DATE

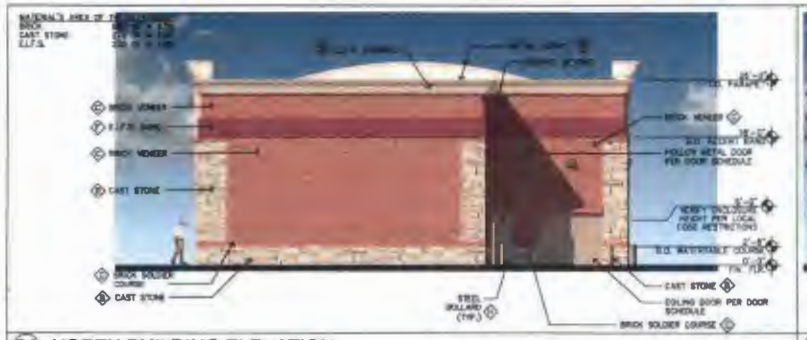
500.45
07/12/2013

EVERGREEN DESIGN GROUP
Landscape Designers & Consultants
(972) 690-0630
1744F Dallas Pkwy., Ste 100
Addison, TX 75001
www.landscape-consultants.net

PLANTING PLAN

LP1

EXHIBIT D

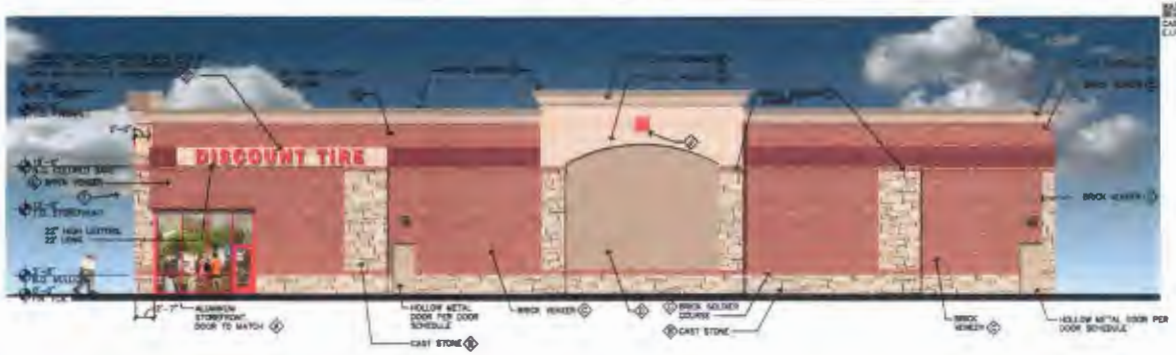


24 NORTH BUILDING ELEVATION

SCALE: 1/8" = 1'-0"

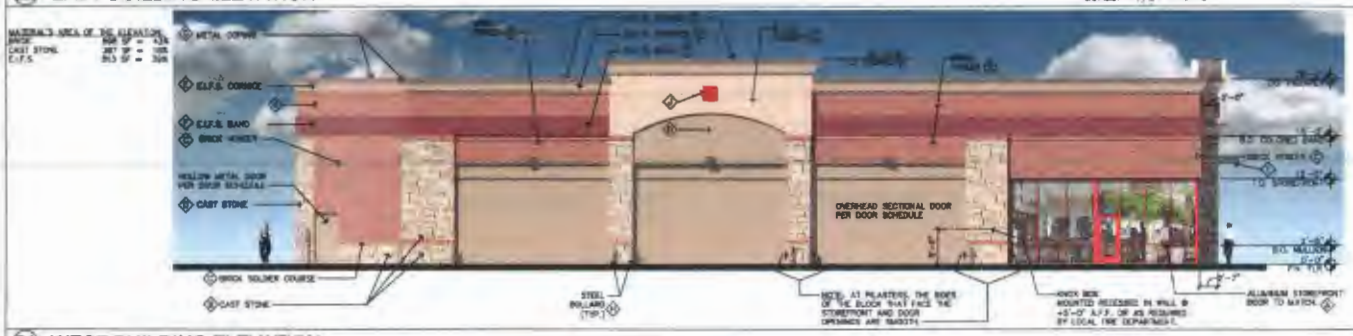
16 SOUTH BUILDING ELEVATION

SCALE: 1/8" = 1'-0"



22 EAST BUILDING ELEVATION

SCALE: 1/8" = 1'-0"



21 WEST BUILDING ELEVATION

SCALE: 1/8" = 1'-0"

1. CAST STONE BASE COURSE
2. BRICK (SOLDIER) WATERTABLE COURSE
3. BRICK MAIN BODY
4. ALUMINUM STOREFRONT, TO BE FACTORY FINISH
5. E.I.F.S.: PROVIDE AS NOTED PER COLOR/PAINT NOTES. MATERIALS AND INSTALLATION PER PROJECT MANUAL SPECIFICATIONS, TO PROVIDE DURABLE, WEATHER RESISTANT WALL FINISH.
6. OVERHEAD DOORS: TO BE FACTORY FINISH. SEE DOOR SCHEDULE.
7. ALL EXPOSED STRUCTURAL STEEL TO BE FACTORY PRIMED, AND PAINTED ON THE JOB SITE.

GENERAL NOTE:
A. DISCOUNT TIRE BUILDING SIGNAGE UNDER SEPARATE PERMIT.
B. ADDRESS SIGN AND LOCATION PER LOCAL CITY CODE.

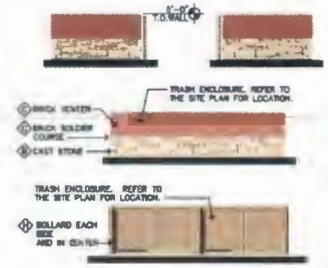
4 GENERAL FINISH NOTES

- MANUFACTURER'S STANDARD COLOR TO MATCH "BANNER RED"
- CAST STONE, CORONADO-COUNTRY RUBBLE-TEXAS CREAM
- BRICK VENEER TO MATCH MFR'S STANDARD "BANNER RED"
- INTEGRAL COLOR E.I.F.S. TO MATCH PAINT COLOR "WORSTED TAN"
- INTEGRAL COLOR E.I.F.S. TO MATCH PAINT COLOR "PEACHLIGHT"
- INTEGRAL COLOR E.I.F.S. TO MATCH PAINT COLOR "BURGUNDY"
- METAL COPING, FACTORY PAINTED/FINISHED COLOR "WORSTED TAN"
- EXPOSED STEEL, PAINTED TO MATCH WORSTED TAN
- EXPOSED STEEL, PAINTED TO MATCH PEACHLIGHT
- GLAZED ACCENT TILE, 12" X 12" - "BANNER RED"

MATERIAL AREA PERCENTAGES (BRICK, CAST STONE, E.I.F.S. ONLY):

BRICK = 33%, CAST STONE = 19%, E.I.F.S. = 48%

3 MATERIAL KEY NOTES



1 TRASH ENCLOSURE

SCALE: 1/8" = 1'-0"

DISCLAIMER:
THIS DRAWING IS AN INSTRUMENT OF SERVICE AND THE PROPERTY OF DISCOUNT TIRE COMPANY AND SHALL REMAIN SUCH. THE USE OF THIS DRAWING SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH IT WAS PREPARED. PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH.

NO.	REVISION	DATE

ARCHITECTS PLANNERS & INTERIORS

ARCHITECT'S SEAL:

FIRM'S SEAL:

ENGINEER'S SEAL:

DISCOUNT TIRE

DISCOUNT TIRE STORE
SATURN ROAD & I-635
GARLAND, TEXAS

JOB NUMBER: 13003
PROJECT MANAGER: -
DRAWN BY: SHAFER
REVIEWED BY: PATRICK C. RENNIE
DATE: JULY 8, 2013

SHEET TITLE: EXTERIOR ELEVATIONS DETAILS MATERIAL KEY NOTES GENERAL FINISH NOTES

SHEET NUMBER: A4.1b

EXHIBIT E

SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 13-33

1500 Eastgate Drive

I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow the development of Tire Dealer, No Outside Storage on the subject property.

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 Freeway (FW) District set forth in Section 31, 33 and 47 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 25 year time period and shall be tied to **Discount Tire Company**.

B. Outdoor Display: Outdoor display of merchandise including tires is prohibited.

City Council Item Summary Sheet

☐ **Work Session**

☒ **Agenda Item**

Date: **October 2, 2013**

Zoning Ordinance

Summary of Request/Problem
Zoning Ordinance 13-34 Joann Tran

Recommendation/Action Requested and Justification
Consider adoption of attached ordinance.

Submitted By:	**Approved By:**
Neil Montgomery **Senior Managing Director of Development Services**	**William E. Dollar** **City Manager**

FILE NO. 13-34

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING AN AMENDMENT TO PLANNED DEVELOPMENT (PD) DISTRICT 74-65 FOR TOWNHOUSE USES AND AN AMENDED DETAIL PLAN FOR A SINGLE FAMILY HOME ON A 0.578-ACRE TRACT OF LAND LOCATED AT 2100 WINDY DRIVE, NORTH OF STONELEIGH DRIVE AND EAST OF WINDY DRIVE; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 26th day of August, 2013, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Joann Tran**, and

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

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

Section 1.

Ordinance No. 4647 is hereby amended by approving an amendment to Planned Development (PD) District 74-65 for Townhouse Uses and an amended Detail Plan for a Single Family Home, on a 0.578-acre tract of land located at 2100 Windy Drive, north of Stoneleigh Drive and east of Windy Drive, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2.

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

Section 3.

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

Section 4.

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

Section 5.

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

PASSED AND APPROVED this_____ day of _____, 2013.

THE CITY OF GARLAND, TEXAS

By:

_____
Mayor

ATTEST:

_____
City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 13-34

Being approximately 0.578-acres identified as Lot 1, Block 3, Park North Patio Townhomes No. 6, an addition to the City of Garland, Dallas County, Texas, recorded in Volume 78074, Page 3, Plat Records, Dallas County, Texas. The property is located at 2100 Windy Drive, north of Stoneleigh Drive and east of Windy Drive.

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE 13-34

2100 Windy Drive, north of Stoneleigh Drive and east of Windy Drive

I. **Statement of Purpose:** The purpose of this Planned Development District is to allow the subject property to be used as a single family home subject to conditions.

II. **Statement of Effect:** This Planned Development shall not affect any regulation found in the Comprehensive Zoning Ordinance. Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.

III. **General Regulations**: All regulations of the Single Family Dwelling (SF/7) District set forth in Section 18 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as specified in this ordinance

IV. **Development Plans:**

Detail Plan: Development shall be in general conformance with the Detail Plan set forth in Exhibit C.

V. **Specific Regulations:**

A. *Permitted uses*: Only a single-family residential use shall be permitted.

EXHIBIT B

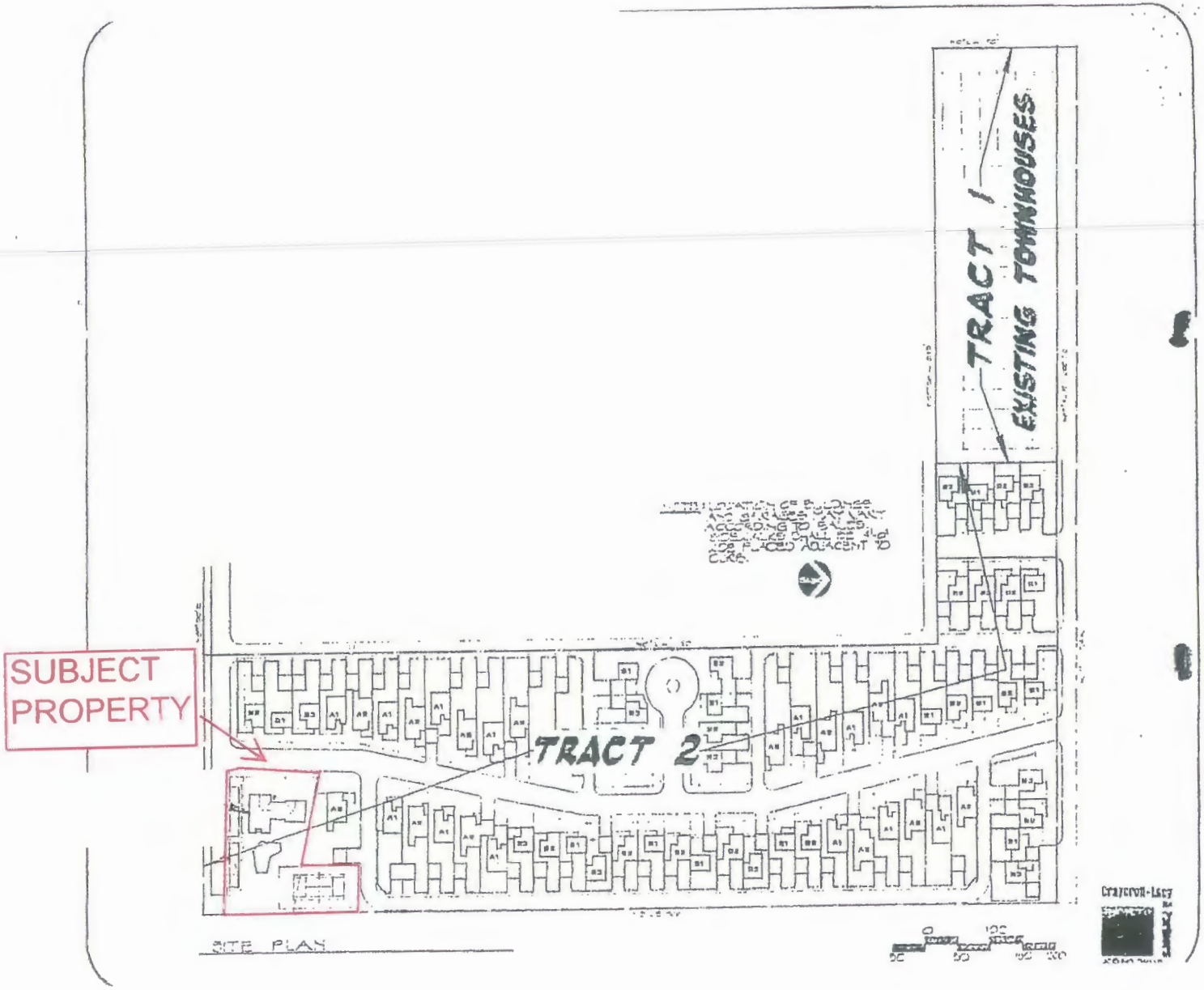

SUBJECT PROPERTY
TRACT 1
EXISTING TOWNHOUSES
TRACT 2
SITE PLAN
Crayton-Lacy

EXHIBIT C

FILE NO. 13-36

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:

City Council Item Summary Sheet

☐ Work Session

☒ Agenda Item

Date: October 2, 2013

Zoning Ordinance

Summary of Request/Problem
Zoning Ordinance 13-36 Loveth/Tony

Recommendation/Action Requested and Justification
Consider adoption of attached ordinance.

Submitted By:	Approved By:
Neil Montgomery Senior Managing Director of Development Services	William E. Dollar City Manager

FILE NO. 13-36

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PERMIT FOR RECEPTION FACILITY ON A 0.13 ACRE TRACT OF LAND ZONED SHOPPING CENTER (SC) DISTRICT, LOCATED AT 219 WEST KINGSLEY ROAD, SUITE 322; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 26th day of August, 2013, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Loveth/Tony** 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 Reception Facility on a 0.13 acre tract of land zoned Shopping Center (SC) District, located at 219 West Kingsley Road, Suite 322, 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. 13-36

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 13-36

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.

SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 13-36

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 10 year time period and shall be tied to **Loveth/Tony**.

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 7:00 p.m. to 1:00 a.m.

D. Security: Security shall be provided at every event. 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.

EXHIBIT B

City Council Item Summary Sheet

☐ **Work Session**

☒ **Agenda Item**

Date: **October 2, 2013**

Zoning Ordinance

Summary of Request/Problem
Zoning Ordinance 13-37 Willis Early Learning Center

Recommendation/Action Requested and Justification
Consider adoption of attached ordinance.

Submitted By:	**Approved By:**
Neil Montgomery **Senior Managing Director of Development Services**	**William E. Dollar** **City Manager**

FILE NO. 13-37

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 AN APPROXIMATE 3-ACRE TRACT OF LAND ZONED SINGLE FAMILY (SF-7) DISTRICT, LOCATED AT 2600 BROADWAY BOULEVARD; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 26th day of August, 2013, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Willis Early Learning Center/Monica Park Christian Church** and

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

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

Section 1.

Ordinance No. 4647 is hereby amended by approving a Specific Use Permit for a Kindergarten, Preschool, or Child Care Center on an approximate 3-acre tract of land zoned Single Family (SF-7) District, located at 2600 Broadway Boulevard, 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. 13-37

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 13-37

Being approximately a 3-acre tract of land out of the J. Mills Survey, Abstract 951 and most commonly known as 2600 Broadway Boulevard.

SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 13-37

2600 Broadway Boulevard

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-7) District set forth in Section 15, 18, 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 20 year time period and tied to **Willis Early Learning Center.**

B. Days and Hours of Operation: The child care center will operate from 7:00 a.m. to 7:00 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.

EXHIBIT B

City Council Item Summary Sheet

☐ **Work Session**

☒ **Agenda Item**

Date: **October 2, 2013**

Appointment of an Interim City Auditor

Summary of Request/Problem
The current City Auditor has announced his resignation from the City of Garland. Council is requested to consider appointing an interim City Auditor until such time as Council appoints a City Auditor.

Recommendation/Action Requested and Justification
Approve by minute action the appointment of an Interim City Auditor.

Submitted By:	**Approved By:** **William E. Dollar** **City Manager**

City Council Item Summary Sheet

☐ **Work Session**

Date: **October 2, 2013**

☒ **Agenda Item**

Tax Abatement – Advanced Health and Rehab Center of Garland

Summary of Request/Problem

TL Management, headquartered in Brooklyn, NY, has been in the nursing home business for over 15 years and currently owns and operates approximately 100 nursing homes nationwide, including 46 facilities in Texas.

In 2010, TL Management acquired the former Silver Leaves Nursing Home located at 505 W. Centerville, which was built in 1969. The company plans to build a new 70,000 sq. ft. facility at 1101 Colonel Dr. and relocate all current employees and patients from the Centerville site. The company also plans to hire 30 – 50 additional employees.

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

- General support for the project.
- Support of a 50% City Tax Abatement on new Real Estate Value for 5 years totaling $193,765.

This item was considered by Council at the September 17, 2013 Work Session.

Recommendation/Action Requested and Justification

1.) Approve an ordinance designating an area as a reinvestment zone for commercial/industrial tax abatement; making certain findings thereon; authorizing the City Manager to execute an agreement with the applicant regarding the reinvestment zone.

2.) Approve a resolution authorizing the City Manager to execute a tax abatement agreement.

Submitted By:	**Approved By:**
Martin E. Glenn **Deputy City Manager**	**William E. Dollar** **City Manager**

ORDINANCE NO. _____

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

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

Section 1

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

Section 2

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

(1) The reinvestment zone designated and established by this Ordinance is reasonably likely, as a result of the designation, to contribute to the retention and expansion of primary employment and to attract major investment in the zone that will benefit the property and contribute to the economic development of the City of Garland, Texas;

(2) The area within the reinvestment zone is not within an improvement project financed by tax increment bonds;

(3) The improvements and development which are sought to take place within the reinvestment zone will conform to the comprehensive zoning ordinance of the City of Garland;

(4) None of the property located within the reinvestment zone is owned or leased by a member of the City Council or the Plan Commission; and

(5) The improvements and development sought are feasible and practical and will benefit the land included in the

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

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

Section 3

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

Section 4

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

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

THE CITY OF GARLAND, TEXAS

By: _____
Mayor

ATTEST:

_____
City Secretary

Exhibits

Exhibit “A” - Reinvestment Zone Description

Exhibit “B” - Notice by Publication of Hearing

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

Exhibit “D” - Form Tax Abatement Agreement

EXHIBIT A

Reinvestment Zone: **Block 1, Lot 2 of the Garland Retirement Center Addition of the City of Garland, Dallas County, Texas commonly known as 1101 Colonel Drive, Garland, Texas 75043**

RESOLUTION NO. _____

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

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

Section 1

That the City Council hereby authorizes the City Manager to execute a tax abatement agreement with Advanced Health and Rehab Center of Garland in the form and substance of that attached hereto.

Section 2

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

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

CITY OF GARLAND, TEXAS

_____
Mayor

ATTEST:

_____
City Secretary

TAX ABATEMENT AGREEMENT

The City of Garland, in the County of Dallas, State of Texas (the "City") and 1101 Colonel Drive LLC d/b/a Advanced Health and Rehab Center of Garland (hereinafter "Advanced Health"), which will be doing business in Dallas County, Texas (the "Company"), enter into this Tax Abatement Agreement (the "Agreement") in accordance with the following terms and conditions:

RECITALS

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

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

WHEREAS, on October 2, 2013, the City Council did enact and adopt Ordinance No. ***[TO BE ENACTED]*** designating as a reinvestment zone (the "Zone") an area within the City as more particularly described in Exhibit "A," all pursuant to the Act, which Ordinance is incorporated herein by reference thereto for all purposes; and

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

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

WHEREAS, the City and the Company desire to enter into this Agreement to exempt from taxation a portion of the value of the real property (the "Property") or of tangible business personal property located on the Property described in Exhibit "A" for a term as hereinafter set forth, all pursuant to: (i) the Act; (ii) Ordinance No. ***[TO BE ENACTED]***, (iii) The Comprehensive Policy Statement on Tax Abatement; and (iv) the terms and conditions herein set forth;

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

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

2. **Term.** The term of this Agreement shall commence on January 1, 2014 (the "Commencement Date") and shall terminate on the anniversary of the Commencement Date five (5) years thereafter.

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

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

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

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

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

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

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

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

10. **Miscellaneous.**

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

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

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

actually received by the other party, the last address of such party designated for notice shall remain such party's address for notice.

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

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

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

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

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

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

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

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

DRAFT

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

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

DRAFT

EXECUTED this the _____ day of _____, 2013.

CITY OF GARLAND, TEXAS:

By: _____

Name: _____

Title: _____

Address for Notice:

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

With a Copy to its City Attorney

DRAFT

1101 COLONEL DRIVE, LLC

By: _____

Name: _____

Title: _____

Address for Notice:

[INSERT NOTICE ADDRESS FOR ABATEMENT APPLICANT]

DRAFT

EXHIBIT "A"

Owner
1101 Colonel Drive, LLC

Description of Property
Block 1, Lot 2 of the Garland Retirement Center Addition of the City of Garland, Dallas County, Texas commonly known as 1101 Colonel Drive, Garland, Texas 75043

Description of Improvements
The Owner plans to build a new 70,000 sq. ft. facility at 1101 Colonel Drive, Garland, Texas, and relocate employees from "Silver Leaves Nursing Home" at 505 W. Centerville, Garland, Texas to the new Colonel Drive location.

Investment
The Owner will develop a new facility on a current greenfield, totaling approximately $11 million in new construction.

Employment
The Owner will transfer at least 140 existing jobs from "Silver Leaves Nursing Home" to the new Colonel Drive facility. The Owner will also add at least 50 additional jobs at the new Colonel Drive facility on or before December 31, 2014.

Abatement Schedule
Tax abatement granted to the Company will be equal to 50% of the real estate property tax for a 5 year period. The abatement provided by this Agreement applies only to improvements located on the Property after the Commencement Date. The maximum amount the City agrees to abate from taxation per this Agreement shall not exceed $193,765.00

DRAFT

Planning Report

File No. 13-39/District 1

Agenda Item:

Meeting: City Council

Date: October 2, 2013

Mercy Realty, LLC

6520 President George Bush Turnpike

REQUEST

Approval of an amended Detail Plan for Medical Office on property zoned Planned Development (PD) District 01-23 for Freeway Uses and in the SH 190 Overlay.

OWNER

Mercy Realty, LLC

PLAN COMMISSION RECOMMENDATION

On September 9, 2013 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of an amended Detail Plan per staff recommendation on property zoned Planned Development (PD) District 01-23 for Freeway Uses and in the SH 190 Overlay. Additionally, the Plan Commission approved a variance to Section 34.19(A)(2)(a)(i) of the SH 190 Development Standards to allow the dumpster enclosure to be located no less than 7 feet from the northern property lines.

STAFF RECOMMENDATION

Approval of a Detail Plan with conditions. The layout of the proposed medical office building reflected on the Detail Plan is in accordance with the intent and regulations of Planned Development (PD) 01-23 and SH 190 Development Standards.

BACKGROUND

In 2001 City Council approved a Detail Plan as part of Planned Development (PD) District 01-23. The approved Detail Plan served as part of the guidelines to develop the adjacent property with a gas station and the subject property with a retail building. The applicant requests approval of an amended Detail Plan to develop the subject property with a medical office with a different footprint and different elevations than the previously approved retail building.

SITE DATA

The proposed medical office will be constructed on a 0.895-acre lot that has approximately 180 linear feet of frontage along the service road of President George Bush Turnpike. The site will be primarily accessed via a drive that connects the subject property directly to the service road of President George Bush Turnpike; the site shares access drives with the adjacent properties allowing the site to be accessed from West Campbell Road as well.

USE OF PROPERTY UNDER CURRENT ZONING

The development of this property is restricted to those uses permitted in the Freeway (FW) District in the SH 190 Overlay District. Medical Office is allowed by right on the subject property.

CONSIDERATIONS

1. Detail Plan: The applicant proposes a Detail Plan to develop the site with a 6,000 square feet medical office building on 0.895-acre site. The medical office building will consist of two suites; both suites will operate as medical offices. The parking ratio for a medical office is 1 parking space for every 200 square feet of gross floor area. At 6,000 square feet, the medical office requires 30 parking spaces, 31 parking spaces are provided on the Detail Plan.

2. Screening and Landscape: The proposed medical office meets the screening and landscape requirements in the SH 190 Development Standards.

3. Exterior Elevations: The proposed facades consist of brick veneer, stone veneer and EIFS. The facades are in compliance with SH 190 Development Standards regarding the exterior walls requirements.

4. Signage: Planned Development (PD) District 01-23 limits freestanding signs on the subject property to 1 monument sign with a maximum height of 7 feet and a maximum area of 50 square feet. The proposed monument sign is in compliance with the above condition.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The property to the north is zoned Planned Development (PD) District 10-08 for Freeway Uses and developed with a private (Montessori) school. The properties to the east are zoned Planned Development (PD) District 87-28 for Freeway

Uses, Agriculture (AG) District and Planned Development (PD) District 00-27 for Office 1 Uses; these properties currently remain undeveloped. The property to the west is zoned Planned Development (PD) District 01-23 for Freeway Uses and it was previously developed with a gas station; however, the building, canopy, gas pumps and underground equipment have been removed.

The medical office is allowed by right in the Freeway (FW) District within the SH 190 Overlay. The proposed medical office building will be located on a site that is difficult to develop due to a number of constraints such as the limited surface area and the numerous easements that run through the site. Nonetheless, the applicant proposes a medical office building whose facades, site layout, and landscape are in accordance with the SH 190 Development Standards.

Prepared By:

Josue De La Vega
Development Planner

Date: September 18, 2013

Reviewed By:

Anita Russelmann
Director of Planning

Date: September 23, 2013

Reviewed By:

William E. Dollar
City Manager

Date: September 24, 2013

0 100 200 Feet

ZONING Z 13-39

INDICATES AREA OF REQUEST

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE 13-39

6520 President George Bush Turnpike

I. **Statement of Purpose:** The purpose of this Planned Development is to approve a Detail Plan of a medical office subject to conditions

II. **Statement of Effect:** This Planned Development (PD) District shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.

III. **General Regulations:** All regulations of the Freeway (FW) District set forth in Section 31, 32 and 46 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.

IV. **Development Plans:**

A. Detail Plan: Development shall be in conformance with the approved Detail Plan labeled Exhibit C. In the event of conflict between the conditions and Detail Plan, the conditions listed below shall prevail.

V. **Specific Regulations:**

A. Permitted Uses: Permitted land uses are listed in the Freeway (FW) District within the State Highway 190 Overlay District.

B. Landscape Plan: Screening and Landscaping shall be in general conformance with the approved Landscape Plan labeled as Exhibit D.

C. Building Elevations: Exterior building elevations shall be in conformance with the approved elevations labeled as Exhibit E.

D. Signs: Freestanding signage shall be limited to one (1) monument sign with a maximum height of 7 feet and a maximum area of 50 square feet. The monument sign shall be faced with brick and/or stone veneer with colors that match the colors employed on the main building.

E. Setbacks: The dumpster enclosure shall be no closer than 7 feet from the north property lines.

EXHIBIT B

GENERAL NOTES

1. PRIOR TO ANY CONSTRUCTION, THE CONTRACTOR SHALL FAMILIARIZE HIMSELF WITH THE CONTRACT DOCUMENTS AND SITE PLAN. THE PLANS INCLUDING ALL REPORTS, THE CITY OF GARLAND SPECIFICATIONS AND ANY OTHER APPLICABLE STANDARDS OR SPECIFICATIONS RELEVANT TO THE PROPER COMPLETION OF THE WORK SPECIFIED. FAILURE ON THE PART OF THE CONTRACTOR TO FAMILIARIZE HIMSELF WITH ALL STANDARDS OR SPECIFICATIONS PERTAINING TO THIS WORK SHALL IN NO WAY RELIEVE THE CONTRACTOR OF RESPONSIBILITY FOR PERFORMING THE WORK IN ACCORDANCE WITH ALL SUCH APPLICABLE STANDARDS AND SPECIFICATIONS.
2. CONTRACTOR SHALL MAKE BUILDING PLUS DESIGN, PRIOR TO CONSTRUCTION, ALL NECESSARY PERMITS, LICENSES, ETC. CONTRACTOR SHALL HAVE AT LEAST ONE SET OF APPROVED CONSTRUCTION PLANS AND SPECIFICATIONS ON SITE AT ALL TIMES.
3. ALL WORK SHALL CONFORM TO THE CITY OF GARLAND STANDARDS AND SPECIFICATIONS.
4. IF UNFORESEEN PROBLEMS OR CONFLICTS ARE ENCOUNTERED IN THE CONSTRUCTION FOR WHICH AN IMMEDIATE SOLUTION IS NOT APPARENT, THE ARCHITECT, ENGINEER AND OWNER SHALL BE NOTIFIED IMMEDIATELY.
5. IT WILL BE THE RESPONSIBILITY OF EACH CONTRACTOR TO CONTACT ALL UTILITIES PUBLIC AND PRIVATE, AND ALL PARTIES INVOLVED, THE OWNER, ARCHITECT OF THIS PROJECT, CONTACT UTILITY COMPANIES FOR LINE LOCATIONS. PRIOR TO COMMENCEMENT OF CONSTRUCTION AND SHALL ASSUME FULL LIABILITY TO THOSE COMPANIES FOR ANY DAMAGES CAUSED TO THEIR FACILITIES.
6. CONTRACTORS SHALL BE RESPONSIBLE FOR FIELD LOCATING EXISTING INFRASTRUCTURE PRIOR TO CONSTRUCTION.
7. TRENCH SAFETY DESIGN WILL BE THE RESPONSIBILITY OF THE UTILITY CONTRACTOR. CONTRACTOR SHALL SUBMIT DESIGN TO THE CITY OF GARLAND ENGINEERING DEPARTMENT FOR REVIEW.
8. STRIPING AND SIGNAGE DIMENSIONS ARE FROM FACE OF CURB.
9. ALL FIRE LANE PAVEMENT STRIPING, MARKING AND SIGNAGE TO BE IN ACCORDANCE WITH CITY OF GARLAND REQUIREMENTS.
10. THE SANITATION CONTAINER SCREENING WALLS SHALL BE THE SAME COLOR, MATERIAL AND FINISH AS THE PRIMARY WALLS OF THE PROPOSED BUILDING. CONCRETE MASONRY UNIT, PANELS AND PANEL CONSTRUCTION SHALL BE MEASURED AND APPROVED BY THE APPLICANT.
11. THE SANITATION CONTAINER SCREENING WALLS OF "E" AND PAVING TO BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF GARLAND DESIGN SPECIFICATIONS, SUBMITTED TO REVIEW AND APPROVAL BY THE SANITATION DIVISION.
12. THE PROPOSED LIGHTING ON THE SUBJECT PROPERTY SHALL BE IN COMPLIANCE WITH THE LIGHTING AND GLARE REGULATIONS AS SPECIFIED BY THE CITY OF GARLAND CODE OF ORDINANCES.
13. THE SITE SHALL CONFORM TO THE CITY OF GARLAND STORM WATER MANAGEMENT ORDINANCE.
14. NAP PAVEMENT DAMAGED DURING CONSTRUCTION SHALL BE RELINQUISHED BY CONTRACTOR TO MEET OR EXCEED EXISTING CONDITIONS.
15. ALL OTHER TABLES UNLESS OTHERWISE NOTED ARE 2'-0".

SITE DATA SUMMARY TABLE

[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
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[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

FILE: Z 13-39 #130627-1

ARCHITECTS FORUM

Medical Office
6520 North George Bush
Garland, TX 75044

EXHIBIT C

[illegible]	[illegible]	CONCEPT PLAN
[illegible]	[illegible]	CITY DEPT REVIEW
[illegible]	[illegible]	REV # 1 — 2ND DETAIL PLAN REVIEW #2

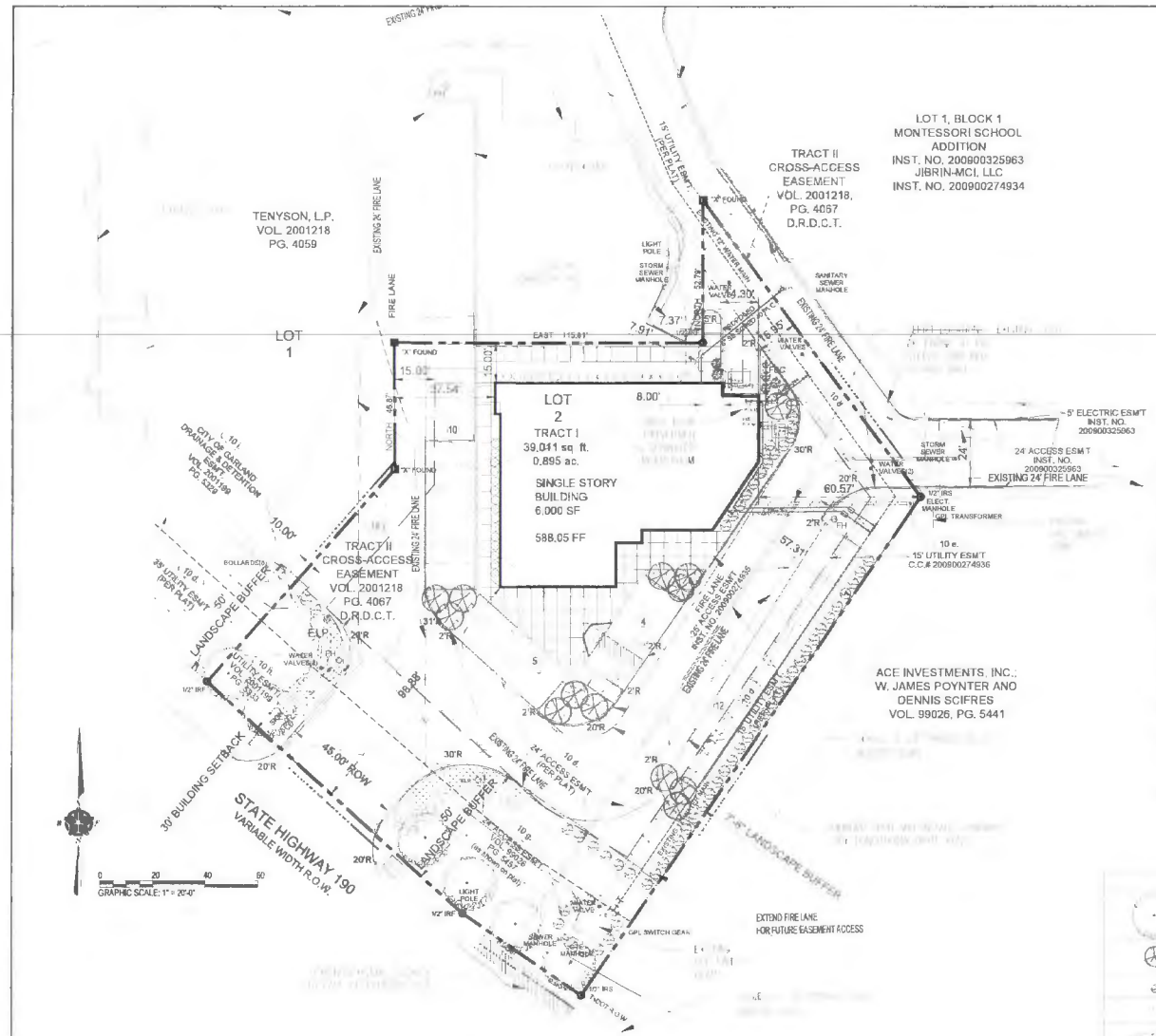
DRAWING TITLE

SITE PLAN

SHEET NO.

SP1.0

SEP 4 2013 AM 8:27



MINIMUM LANDSCAPE REQUIREMENTS FOR INTERNAL PARKING:
~~MINIMUM 5% OF PARKING AREA~~
PARKING = 5,078 SF (25%)
DRIVE WAY = 13,107 SF (64%)
LANDSCAPE AREA = 2291 SF (11%)

LANDSCAPE DRIVE WAY AND PARKING AREA

REQUIRED LANDSSCAPE = 5% OF PARKING AREA
LANDSCAPE AREA AT PARKING AND DRIVEWAYS

	ARERA	%	AREA	%
TOTAL DRIVE ISLANDS	13,107	5.00%	655 SF	64.01%
TOTAL PARKING AREA	5,078	5.00%	254 SF	24.80%
TOTAL SITE AREA, PARKIGN , DRIVEWAYS AND LANDSCAPEING EXCLUDING , OVERHAND AND LANDSCAPING AROUND DUMPSTER	18,185			
TOTAL LANDSCAPE AREA REQUIRED	18,185	5.00%	909 SF	
LANDSCAPE AREA AT PARKING AND DRIVEWAYS PROVIDED	2,291	11.19%	2,291 SF	11.19%
	20,476			
REQUIRED LANDSSCAPE = 5% OF PARKING AREA	2,291			100.00%
LANDSCAPE AT BUILDING AND TRASH ENCLOSURE	1,033		1,033	

PLANTING LIST

	SHUMARD OAK	QUERCUS SHUMARD	5" CALIPER	6	12' HT
	CREPE MYRTLE	TAXOLUM DISTICHUM	4" CALIPER	13	12' HT
	DWARF BURFORD HOLLY	LLEX CORNUTA BURFORD NANA	5 GAL	69	2' HT
	DWFORD YAPON HOLLY	LLEX VARNITORIA "NANA"	3 GAL	73	2' HT
	LORIOPE	LORIOPE MUSCARI	4" CONT		8" O.C.
LAWN	CORN BERMUDA	CYNODON DACTYLON	SOD		
	RIVER ROCK				
	TREE TO BE REMOVED (LIVE OAK)		1'-0"		
	BURFORD HOLLY	LLEX CORNUTA BURFORD NANA	15 GAL	5	6' HT

TREE MANAGEMENT WORK SHEET

SPECIES	TOTAL CALIPER	INCHES ALLOWED TO BE REMOVED	INCHES PROPOSED FOR REMOVAL	MIDIGATION
LIVE OAK	1'-0"	1'-0"	1'-0"	1'-0"

GENERAL NOTES

1. "RELUN (DESCRIPTIVE INCHES) TREES, HEDGES ABOVE AND UNDERGROUND STRUCTURES & UTILITIES ... LOCATED WITHIN EXISTING OR PROPOSED EASEMENTS OR RIGHT OF WAY".

FILE: Z 13-39 #130627-1

ARCHITECTS FORUM

Medical Office
6520 North George Bush
Garland, TX 75044

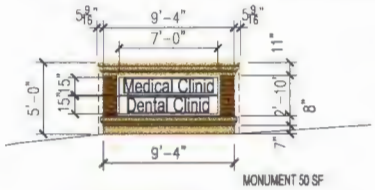
EXHIBIT D

REVISIONS		
06-12-2013	CPCM	CONCEPT PLAN
08-26-2013	RPD	
	REVISIONS	1ST DETAIL PLAN REVIEW #2

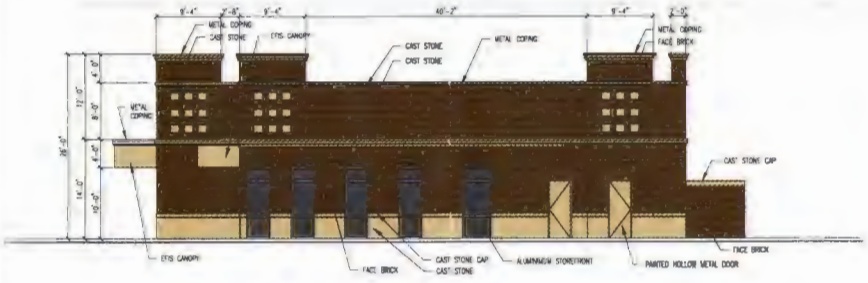
DRAWING TITLE
LANDSCAPE PLAN

SHEET NO
LP1.0

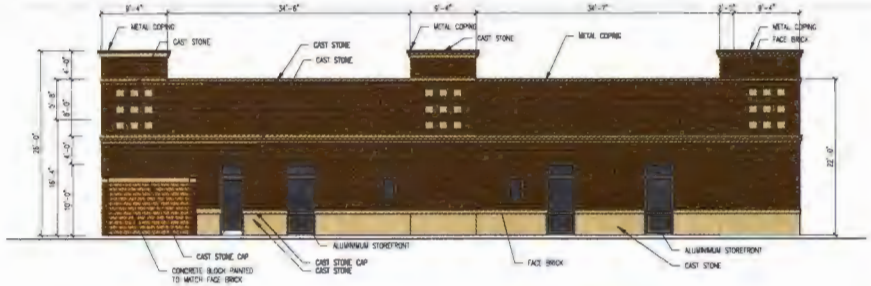
SEP 4 2013 AM 8:28



5 MONUMENT SIGN
SCALE: 1/8"=1'-0"

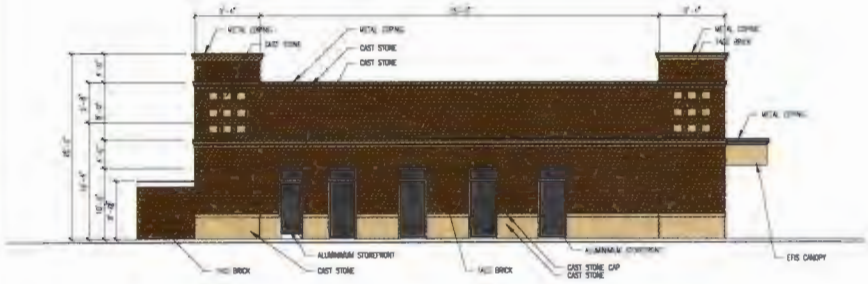


4 EAST ELEVATION
SCALE: 1/8"=1'-0"

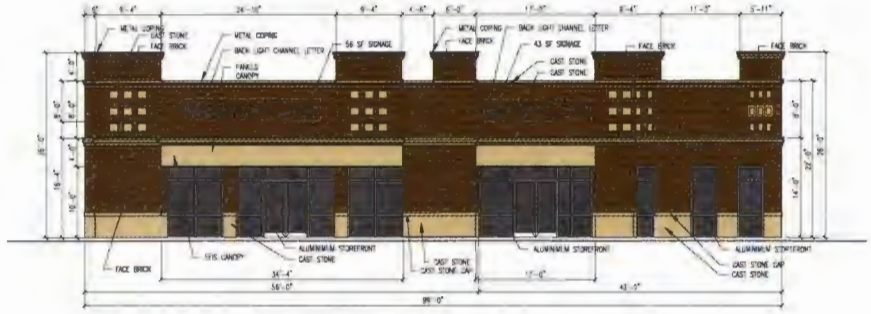


3 NORTH ELEVATION
SCALE: 1/8"=1'-0"

MASONRY AREA TABULATION			(NOTE DOORS AND WINDOWS EXCLUDE)					
MATERIAL	1		2		3		4	
	SOUTH ELEVATION	%	EAST ELEVATION	%	NORTH ELEVATION	%	WEST ELEVATION	%
AREA SF	2060		3042		2027		1783	
MASONRY	1958	95%	3025	99%	2027	100.00%	1766	99%
EFIS	102	5%	17	1%	0	0	17	1%



2 WEST ELEVATION
SCALE: 1/8"=1'-0"



1 SOUTH ELEVATION
SCALE: 1/8"=1'-0"

FILE : Z 13-39 #130627-1

ARCHITECTS FORUM
8834 Sunny Hill Lane
Dallas, Texas 75234
Ph. 972-707-7501
Fax 972-241-0257

Medical Office
6520 E. George Bush
Garland, TX 75044

EXHIBIT E

DATE	REV. No.	DESCRIPTION

PROJECT No. 061913
DATE: 06/21/2013
DRAWN BY:
APPROVED BY:

DRAWING TITLE
CONCEPT PLAN 6B

SHEET NO
A4.0

NOTICE: These plans are instruments of a professional service and are protected by copyright, statutory and other rights. Reproduction without the written consent of the Architect.

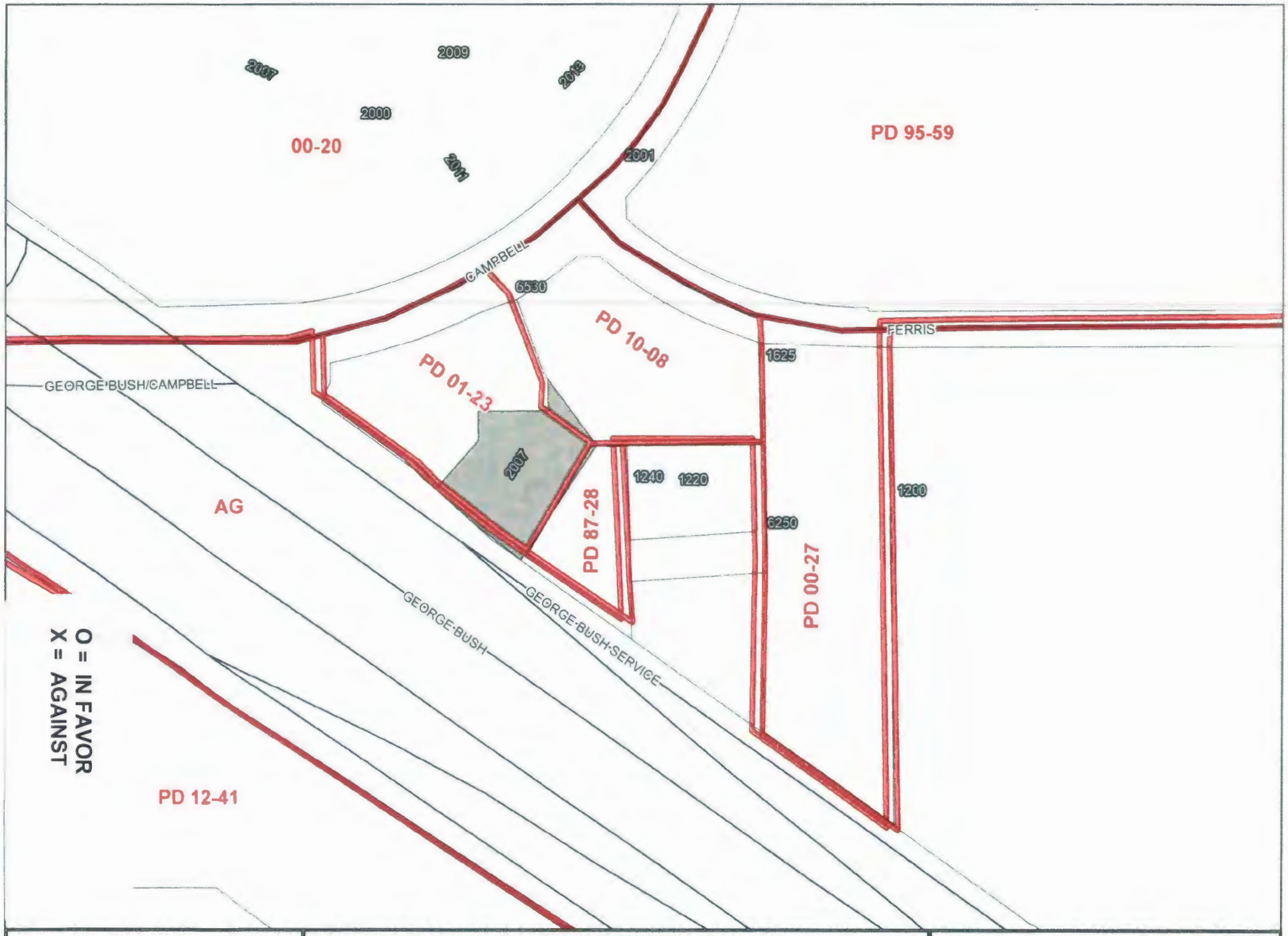
REPORT & MINUTES

P.C. Meeting, September 9, 2013 (9 Members Present)

Consideration of the application of Mercy Realty, LLC, requesting approval of 1) an amended Detail Plan on a property zoned Planned Development (PD) District 01-23 for Freeway Uses and in the SH 190 Overlay and 2) a variance to Section 34.19(A)(2)(a)(i) of the SH 190 Development Standards regarding the required setback from a property line not adjacent to a street. The property is located at 6520 President George Bush Turnpike. (File 13-39)

Representing the applicant Ernest Warnock, 2834 Sunny Hill Lane, was available for questions. There were no questions of this applicant

Motion was made by Commissioner Luckie, seconded by Commissioner Johnson to close the Public Hearing and **approve** the request per staff recommendation. **Motion carried: 9** Ayes, 0 Nays.


2009
2007
2013
2000
00-20
2011
2001
PD 95-59
CAMPBELL
6530
PD 10-08
FERRIS
1625
PD 01-23
GEORGE BUSH/CAMPBELL
2007
1240
1220
1200
AG
PD 87-28
6250
PD 00-27
GEORGE BUSH
GEORGE BUSH SERVICE
O = IN FAVOR
X = AGAINST
PD 12-41
0 100 200 Feet
ZONING Z 13-39
INDICATES AREA OF REQUEST

There were no replies received to this notification.

Planning Report

File No. 13-41/District 1

Agenda Item:

Meeting: City Council

Date: October 2, 2013

King Family Medical

On the south side of Bunker Hill Road, approximately 270 linear feet southeast from the south corner of Lavon Drive and Bunker Hill Road

REQUEST

Approval of a Detail Plan for Medical Office on property zoned Planned Development (PD) District 99-04 for Shopping Center Uses and in the SH 190 Overlay.

OWNER

Sachse Commons Shopping Center II, LP.

PLAN COMMISSION RECOMMENDATION

On September 9, 2013 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of Detail Plan for a medical office per staff recommendation on property zoned Planned Development (PD) District 99-04 for Shopping Center Uses and in the SH 190 Overlay. Additionally, the Plan Commission approved a variance to Section 34.21(C)(3)(a)(i)(a) of the SH 190 Development Standards to allow a monument sign that will be associated with the medical office.

STAFF RECOMMENDATION

Approval of a Detail Plan with conditions. The layout of the proposed medical office reflected on the Detail Plan is in accordance with the intent and regulations of Planned Development (PD) 99-04 and the SH 190 Development Standards as well as being a layout that complements the surrounding developments.

BACKGROUND

The site is zoned Planned Development (PD) District 99-04 for Shopping Center Uses which stipulates that prior to the development of the subject property, a Detail Plan is required to be approved through the public hearing process. The applicant requests approval of a Detail Plan that will serve as a component of the regulating guidelines to develop the site with a medical office.

SITE DATA

The proposed medical office will be constructed on a 0.988-acre site that has approximately 160 linear feet of frontage along Bunker Hill Road. The site will be primarily accessed via a drive that connects the subject property directly to Bunker Hill Road; there will be secondary access from Lavon Drive through a common access drive.

USE OF PROPERTY UNDER CURRENT ZONING

Planned Development (PD) District 99-04 for Shopping Center Uses limits the permitted uses on the subject property to those listed under Shopping Center (SC) District in the SH 190 Overlay. A medical office is allowed by right in the Shopping Center District within the SH 190 Overlay.

CONSIDERATIONS

1. Detail Plan: The applicant proposes a Detail Plan to develop the site with a 4,986 square feet medical building on 0.988-acre site. The parking ratio for a medical office is 1 parking space for every 200 square feet of gross floor area. At 4,986 square feet, the medical office requires 25 parking spaces, 30 parking spaces are provided on the Detail Plan.

2. Screening and Landscape: The proposed medical office meets the screening and landscape requirements in the SH 190 Development Standards.

3. Exterior Elevations: The proposed facades consist of brick and limestone veneer. The facades are in compliance with SH 190 Development Standards regarding the exterior walls requirements.

4. Signage: Freestanding signs will be limited to 1 monument sign. The proposed monument sign and attached signs comply with the sign regulations in the SH 190 Development Standards.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The properties across Bunker Hill Road are located in the municipality of Sachse. These properties are developed with a financial institution, a restaurant, and a shopping center. The properties to the northwest and immediately adjacent to the subject property are zoned Planned Development (PD) District

05-64 and Planned Development (PD) District 02-40, both Planned Development Districts for Shopping Center Uses. These properties are developed with a Firestone auto repair shop and a CVS Pharmacy building. The properties across Lavon Drive are zoned General Business (GB) District and Single Family (SF-10) District; these properties are developed with a medical office and single family residences. The properties to the south are zoned Planned Development (PD) District 05-54 for Single Family Uses; these properties are developed with single family residences.

It should be noted that the medical office is allowed by right in the Shopping Center District within the SH 190 Overlay. With the use of limestone and brick veneer as the façade materials, the proposed medical office is not only consistent with the materials employed on the adjacent commercial buildings but it will reinforce the architectural character of the surrounding commercial area.

Prepared By:

Josue De La Vega
Development Planner

Date: September 18, 2013

Reviewed By:

Anita Russelmann
Director of Planning

Date: September 23, 2013

Reviewed By:

William E. Dollar
City Manager

Date: September 24, 2013

0 100 200 Feet

ZONING Z 13-41

INDICATES AREA OF REQUEST

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE 13-41

On the south side of Bunker Hill Road, approximately 270 linear feet southeast from the south corner of Lavon Drive and Bunker Hill Road

I. **Statement of Purpose:** The purpose of this Planned Development is to approve a Detail Plan of a medical office subject to conditions

II. **Statement of Effect:** This Planned Development (PD) District shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.

III. **General Regulations:** All regulations of the Shopping Center (SC) District set forth in Section 24, 32 and 46 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.

IV. **Development Plans:**

A. Detail Plan: Development shall be in conformance with the approved Detail Plan labeled Exhibit C. In the event of conflict between the conditions and Detail Plan, the conditions listed below shall prevail.

V. **Specific Regulations:**

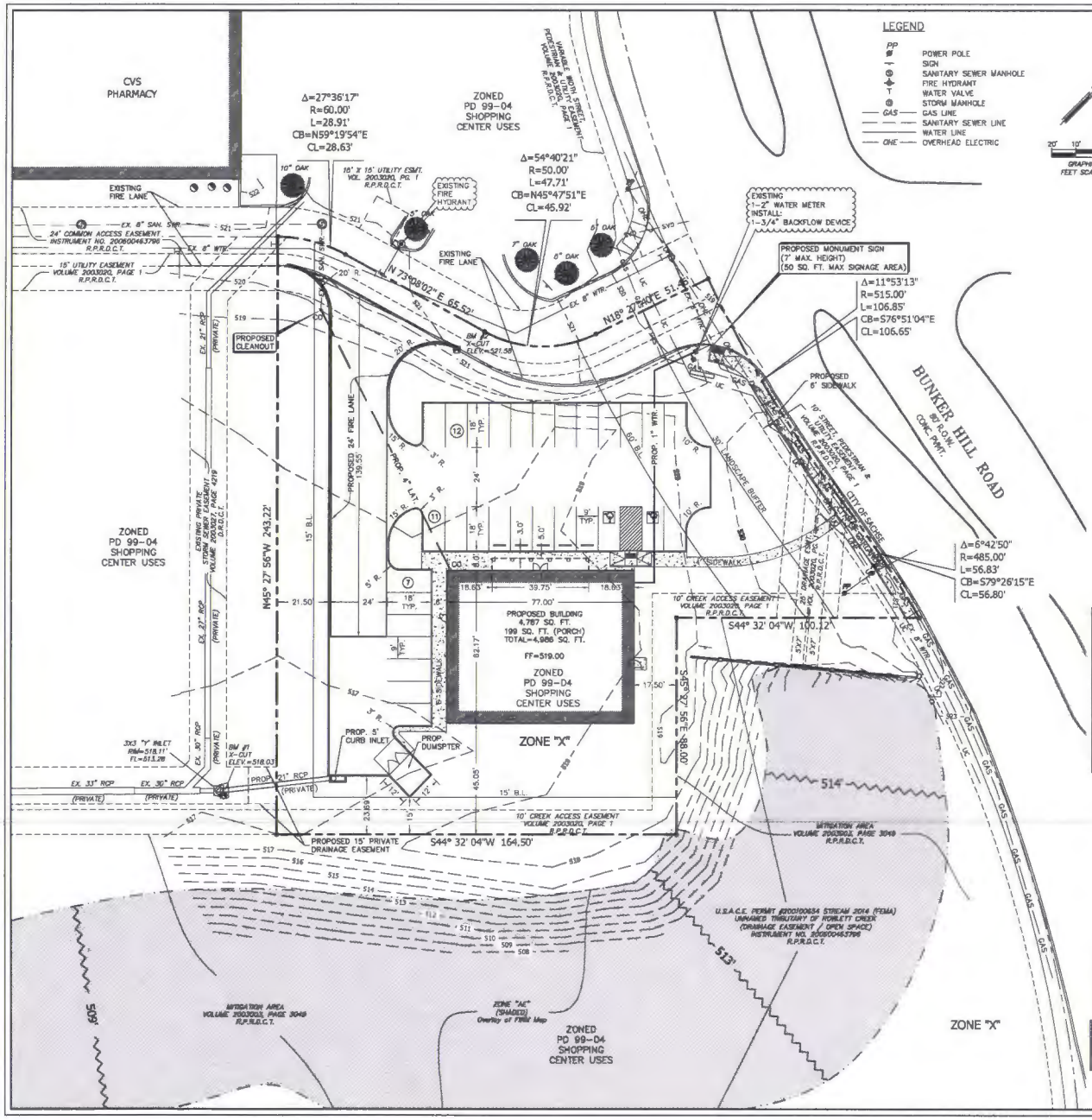
A. Permitted Uses: Permitted land uses are listed in the Shopping Center (SC) District within the State Highway 190 Overlay District.

B. Landscape Plan: Screening and Landscaping shall be in general conformance with the approved Landscape Plan labeled as Exhibit D.

C. Building Elevations: Exterior building elevations shall be in conformance with the approved elevations labeled as Exhibit E.

D. Signs: Freestanding signage shall be limited to one (1) monument sign.

EXHIBIT B



LEGEND

- PP — POWER POLE
- SIGN
- SANITARY SEWER MANHOLE
- FIRE HYDRANT
- WATER VALVE
- STORM MANHOLE
- GAS — GAS LINE
- SANITARY SEWER LINE
- WATER LINE
- OHE — OVERHEAD ELECTRIC

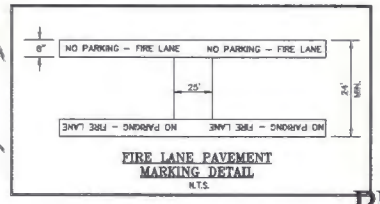
GRAPHIC SCALE IN FEET SCALE: 1" = 20'

VICINITY MAP
N.T.S.

MAPSCO 9A-Y (DALLAS)

SITE DATA

LEGAL DECRIPTION	OAK GROVE PLAZA, LOT 5, BLOCK 1
LOT AREA	0.988 AC. ~ 43,037 SQ. FT.
CURRENT ZONING	PD99-04 (SHOPPING CENTER USES)
PROPOSED USE	MEDICAL OFFICE
BUILDING AREA	4,986 SQ. FT.
BUILDING HEIGHT REQUIRED	30'
BUILDING HEIGHT PROVIDED	28'-5 1/4"
PARKING REQUIRED	4986/200 = 25 SPACES
PARKING PROVIDED	30 SPACES
LOT COVERAGE REQUIRED	40% MAX.
LOT COVERAGE PROVIDED	4986/43037 = 11.58%
LANDSCAPE AREA	18,835 SQ. FT.
PAVING AREA	14,013 SQ. FT.
SIDEWALK AREA	1,479 SQ. FT.
TOTAL IMPERVIOUS AREA	20,478 SQ. FT.



FIRE LANE PAVEMENT MARKING DETAIL
N.T.S.

KING FAMILY MEDICAL
619 W. FM 544, SUITE 1A
MURPHY, TEXAS 75094
(972) 675-5300

THE INFORMATION SHOWN ON THIS PLAN ARE FROM RECORD DRAWINGS. THE ENGINEER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION SHOWN ON THIS DRAWING. CONTRACTOR SHALL FIELD VERIFY ALL UTILITIES AND CONTACT ALL UTILITY COMPANIES 48 HRS PRIOR TO ANY EXCAVATION. 1-800-DIG TESS

SURVEY INFORMATION ON THIS DRAWING WAS PROVIDED BY OTHERS. LAM CONSULTING ENGINEERING IS NOT RESPONSIBLE FOR THE ACCURACY OF THE TOPOGRAPHIC MAPPING NOR BENCHMARK DATUM.

CASE No. 130725-1

PRELIMINARY NOT FOR CONSTRUCTION

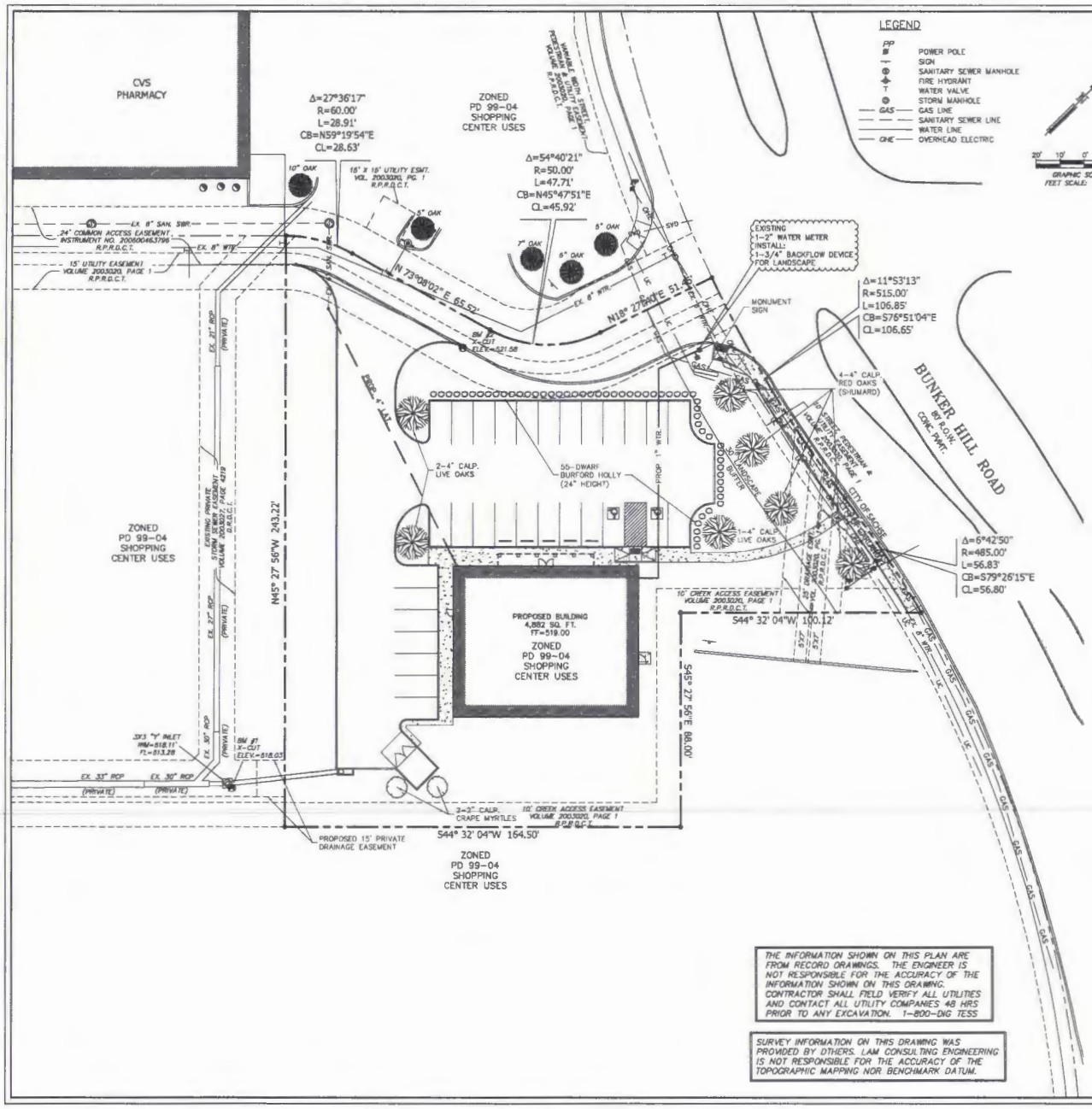
THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY TUAN P. LAM, P.E. 85968 ON 08/27/13. ALTERATION OF A SEALED DOCUMENT WITHOUT THE PROPER NOTIFICATION TO THE RESPONSIBLE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE ACT.

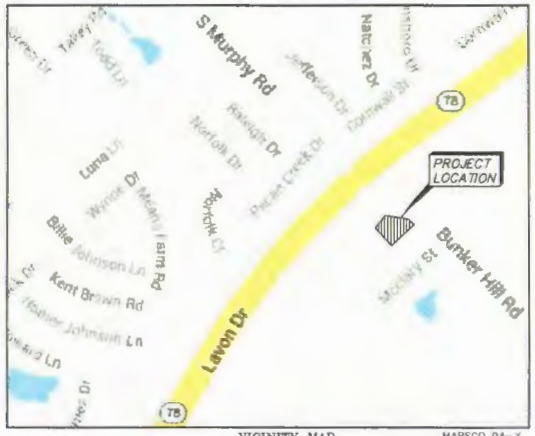
SITE PLAN
OAK GROVE PLAZA ADD.
LOT 5, BLOCK 1
KING FAMILY MEDICAL
XXXX BUNKER HILL
GARLAND, TEXAS

LAM CONSULTING ENGINEERING
5804 WILHELMINA DRIVE
SACHSE, TEXAS 75048
Phone (214) 766-1011
www.lamcivil.com
Firm #F-9765

DESIGN: CTL	CHECK: LCE	SCALE: AS NOTED	3 of 11
DRAWN: CTL	DATE: JULY 2013	PROJECT: 0462-13	

EXHIBIT C





VICINITY MAP
N.T.S.

MAPSCO 9A-Y
(DALLAS)

LANDSCAPE CALCULATIONS

LOT AREA	0.988 AC. ~ 43,037 SQ. FT.
SITE LANDSCAPE REQUIRED (15% PLATTED AREA)	43,037 * 0.15=6456 SQ. FT.
SITE LANDSCAPE PROVIDED	18,889 SQ. FT. (44%)
LANDSCAPE BUFFER REQUIRED	4 SHUMARD OAK TREES
LANDSCAPE BUFFER PROVIDED	4 SHUMARD OAK TREES
PARKING LOT LANDSCAPE (5% PARKING AREA)	9126 *0.05= 456 SQ. FT.
PARKING LOT LANDSCAPE PROVIDED	769 SQ. FT.
PARKING LOT TREE REQUIRED	3 TREES
PARKING LOT TREE PROVIDED	3 LIVE OAK TREES

PLANT LIST

COMMON/ BOTANICAL NAME	SIZE	QUANTITY
LIVE OAK / QUERCUS VIRGINIANA (PARKING LOT)	4" CALP.	3
SHUMARD RED OAK/ QUERCUS SHUMARDI (LANDSCAPE BUFFER)	4" CALP.	4
DWARF BURFORD HOLLY/ ILEX CORNUTA BUFORDI NANA (24" HEIGHT)	3 GAL.	55
CRAPE MYRTLE/ LAGERSTROEMIA INDICA	2" CALP.	2

EXHIBIT D

PRELIMINARY NOT FOR CONSTRUCTION

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY TUAN P. LAM, P.E. 86960 ON 08/27/13. ALTERATION OF A SEALED DOCUMENT WITHOUT THE PROPER NOTIFICATION TO THE RESPONSIBLE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE ACT.

THE INFORMATION SHOWN ON THIS PLAN ARE FROM RECORD DRAWINGS. THE ENGINEER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION SHOWN ON THIS DRAWING. CONTRACTOR SHALL FIELD VERIFY ALL UTILITIES AND CONTACT ALL UTILITY COMPANIES 48 HRS PRIOR TO ANY EXCAVATION. 1-800-DIG TESS

SURVEY INFORMATION ON THIS DRAWING WAS PROVIDED BY OTHERS. LAM CONSULTING ENGINEERING IS NOT RESPONSIBLE FOR THE ACCURACY OF THE TOPOGRAPHIC MAPPING NOR BENCHMARK DATUM.

KING FAMILY MEDICAL
819 W. FM 544, SUITE 1A
MURPHY, TEXAS 75094
(972) 675-5300

CASE No. 130725-1

PRELIMINARY LANDSCAPE PLAN

OAK GROVE PLAZA ADD.
LOT 5, BLOCK 1

KING FAMILY MEDICAL
XXXX BUNKER HILL
GARLAND, TEXAS

LCE
LAM CONSULTING ENGINEERING
6806 WILHELMINA DRIVE
SACHSE, TEXAS 75048
Phone (214) 766-1011
www.lamcivil.com
Firm #F-9763

DESIGN: CTL	CHECK: LCE	SCALE: AS NOTED	1 of 1
DRAWN: CTL	DATE: JULY 2013	PROJECT: 0462-13	

2 SOUTHWEST ELEVATION

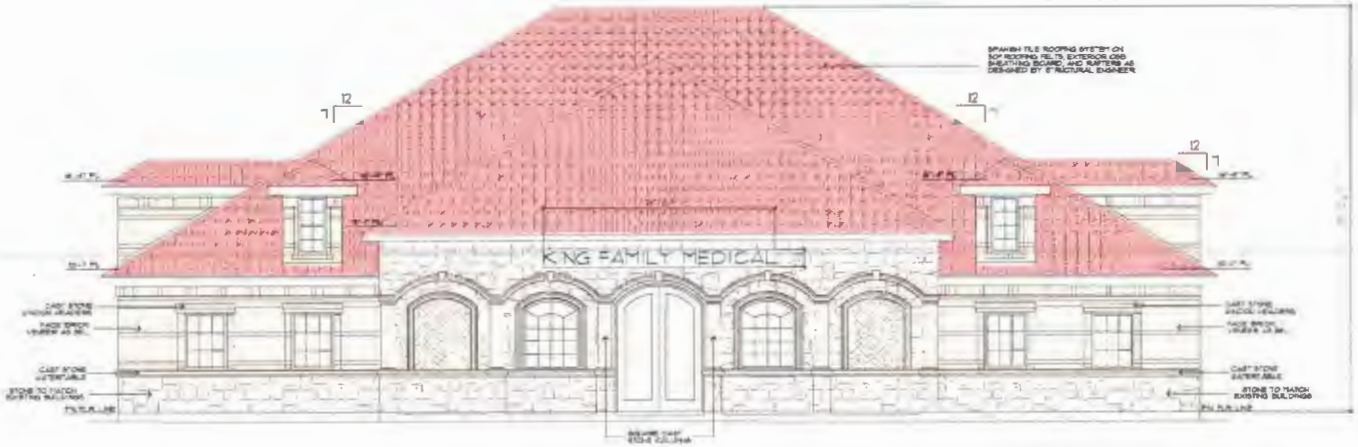
SCALE: 1/4" = 1'-0"

MATERIAL CALCULATIONS:

BRICK	297 SQ. FT. / 55.4%
STONE	175 SQ. FT. / 32.7%
CAST STONE	64 SQ. FT. / 11.9%
TOTAL SURFACE AREA	536 SQ. FT.

ELEVATION NOTES:

1) WHEN PERMITTED, EXPOSED UTILITY BOXES AND CONDUITS SHALL BE PAINTED TO MATCH THE BUILDING
2) ALL SIGNAGE AREAS AND LOCATIONS ARE SUBJECT TO APPROVAL BY THE BUILDING INSPECTION DEPARTMENT.
3) FINISH FLOOR LEVEL TO BE AT LEAST 12" (1'-0") ABOVE HIGHEST ADJACENT CONTOUR LEVEL



1 NORTHWEST ELEVATION

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

MATERIAL CALCULATIONS:

BRICK	256 SQ. FT. / 34.9%
STONE	323 SQ. FT. / 44.0%
CAST STONE	134 SQ. FT. / 18.2%
SIGNAGE	21 SQ. FT. / 2.9%
TOTAL SURFACE AREA	734 SQ. FT.

hartung boone architects
5252 belt line road, suite 200
dallas, texas 75240
phone 972 991-9776
fax 972 991-9795

rev. on date

NOTES:

ROOF STRUCTURE TO BE DESIGNED BY STRUCTURAL ENGINEER.

project no.
scale 1/4" = 1'-0"
bid AUG. 27, 2013
issue date

A6-C
sheet no. 19 of 20 sheets

sheet responsible

PROPOSED MEDICAL OFFICE BUILDING

project
KING FAMILY MEDICAL
3938 ACME TRACT
LOT 5, BLOCK
OAK GROVE PLACE ADDITION
DALLAS COUNTY, TEXAS

EXHIBIT E

2 NORTH-EAST ELEVATION

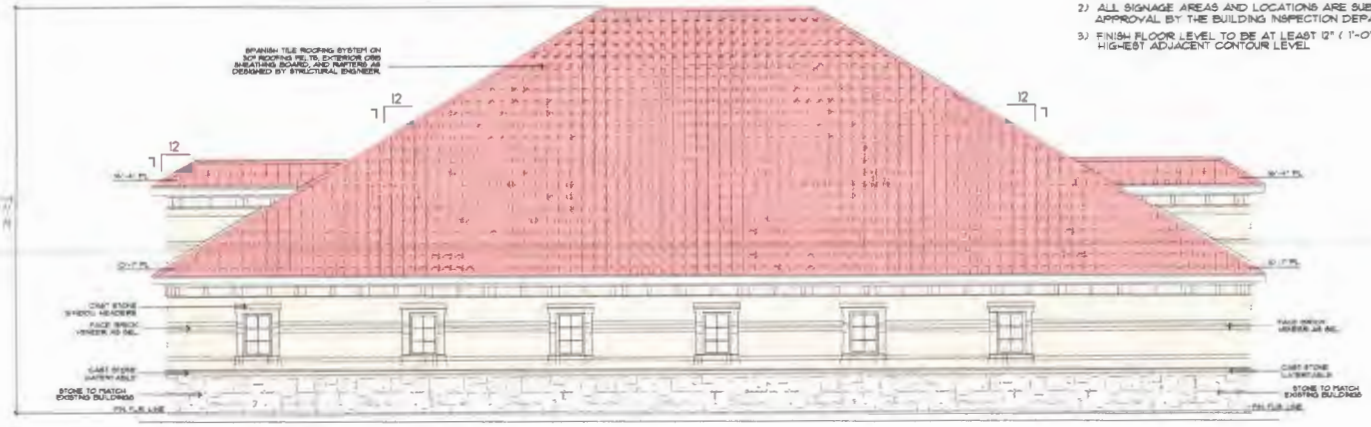
SCALE: 1/4" = 1'-0"

MATERIAL CALCULATIONS:

BRICK	292 SQ. FT. / 55.8%
STONE	175 SQ. FT. / 33.5%
CAST STONE	56 SQ. FT. / 10.7%
TOTAL SURFACE AREA	523 SQ. FT.

ELEVATION NOTES:

1) WHEN PERMITTED, EXPOSED UTILITY BOXES AND CONDUITS SHALL BE PAINTED TO MATCH THE BUILDING
2) ALL SIGNAGE AREAS AND LOCATIONS ARE SUBJECT TO APPROVAL BY THE BUILDING INSPECTION DEPARTMENT.
3) FINISH FLOOR LEVEL TO BE AT LEAST 12" (1'-0") ABOVE HIGHEST ADJACENT CONTOUR LEVEL



1 SOUTHEAST ELEVATION

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

MATERIAL CALCULATIONS:

BRICK	440 SQ. FT. / 63.1%
STONE	205 SQ. FT. / 29.4%
CAST STONE	52 SQ. FT. / 7.5%
TOTAL SURFACE AREA	697 SQ. FT.

[illegible] architects
5353 [illegible] road suite 2[illegible]
dallas texas 75240
[illegible] 972 661 8773
fax 972 661 8780

revisions date

1\
3\
4\
5\
6\
7\
8\
9\
10\
11\
12\

NOTES:

. ROOF STRUCTURE TO BE DESIGNED BY STRUCTURAL ENGINEER.

project
scale 1/4" = 1'-0"
drawn
issued date

7-0
11 20

PROPOSED MEDICAL OFFICE BUILDINGS

project:
KING PAVILION MEDICAL
[illegible] ACRE TRACT
LOT [illegible], BLOCK 1
[illegible] PLACE ADDITION
GARLAND, DALLAS COUNTY, TEXAS

EXHIBIT E

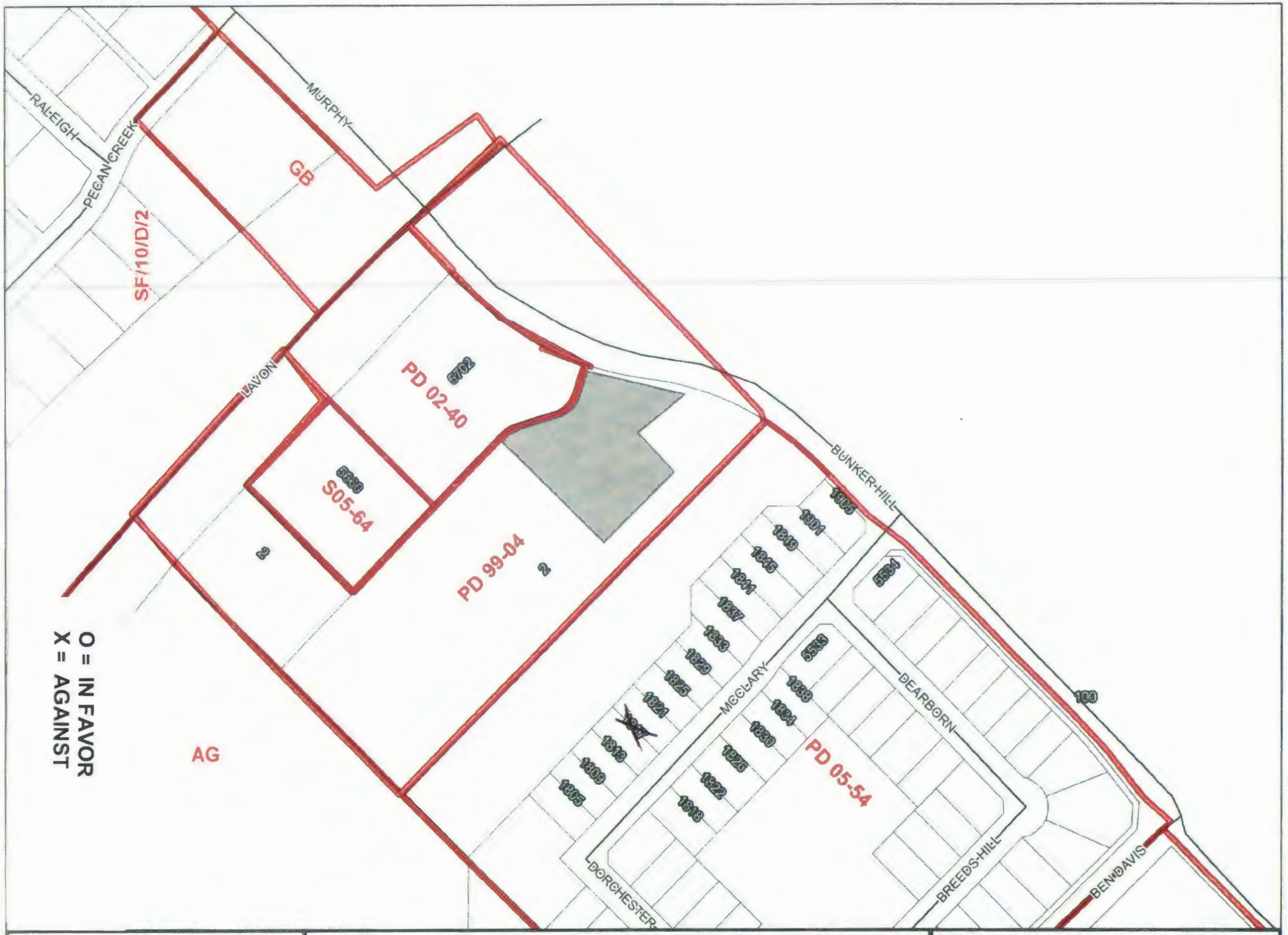
REPORT & MINUTES

P.C. Meeting, September 9, 2013 (9 Members Present)

Consideration of the application of King Family Medical, requesting approval of 1) a Detail Plan on property zoned Planned Development (PD) District 99-04 for Shopping Center Uses and in the SH 190 Overlay and 2) a variance to Section 34.21(C)(3)(a)(i)(a) of the SH 190 Development Standards regarding the allowable number of monument signs on a single sign site. The property is located on the south side of Bunker Hill Road, approximately 270 linear feet southeast from the south corner of Lavon Drive and Bunker Hill Road (File 13-41)

Representing the applicant Chris Lam, 6804 Wilhelmina Drive, was available for questions. There were no questions of this applicant.

Motion was made by Commissioner Luckie, seconded by Commissioner Fisher to close the Public Hearing and **approve** the request per staff recommendation. **Motion carried: 9** Ayes, 0 Nays.


RALEIGH
PECAN CREEK
MURPHY
GB
SF/10/D/2
LAVON
PD 02-40
5702
5630
S05-64
2
PD 99-04
2
AG
BUNKER HILL
1905
1901
1849
1845
1841
1837
1833
1829
1825
1821
1817
1813
1809
1805
5534
5538
1838
1834
1830
1826
1822
1818
MCCLARY
DEARBORN
PD 05-54
DORCHESTER
BREEDS HILL
BEN DAVIS
100
O = IN FAVOR
X = AGAINST
0 100 200 Feet
ZONING Z 13-41
INDICATES AREA OF REQUEST

GARLAND

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

August 29, 2013

HEARING DATE/TIME: Plan Commission: September 9, 2013 – 7:00 PM

APPLICANT: King Family Medical

File Z 13-41

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, September 9, 2013, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **King Family Medical** requesting approval of 1) a Detail Plan on a property zoned Planned Development (PD) District 99-04 for Shopping Center Uses and in the SH 190 Overlay and 2) a variance to Section 34.21(C)(3)(a)(i)(a) of the SH 190 Development Standards regarding the allowable number of monument signs on a single sign site. The property is shown on the enclosed sketch and is described as follows:

> Being identified as a 0.988-acre portion of Lot 4, Block 1 of the Oak Grove Plaza Replat, an addition to the City of Garland as shown on the Plat recorded in Instrument No. 200600463796 of the Map Records of Dallas County, Texas. The property is located on the south side of Bunker Hill Road, approximately 270 linear feet from the south corner of Lavon Drive and Bunker Hill Road, Garland, TX. (District 1)

Note: The applicant requests approval of a Detail Plan to develop the subject property with a medical office. Furthermore, the applicant requests a variance to allow the placement of a monument sign associated with the proposed medical office.

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.
X I am opposed to the request.

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

The area is already getting overpopulate and road, specially Bunkerhill is not adecuate for current traffic flow.

(Please complete the following information)

Your Property Address

Printed Name: Claudia Piña and Ruben Gandia

Address: 1817 McClay St | City, State: Garland TX | Zip: 75040

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

Signature | Title: Owners

Date: 9.2.13

Planning Report

File No. 13-42/District 6

Agenda Item:

Meeting: City Council

Date: October 2, 2013

Southern Blues

1901 South Jupiter Road, Suite 103

REQUEST

Approval of a Specific Use Permit for a Tattooing/Body Piercing Establishment on property zoned Industrial 1 (I-1) District.

OWNER

Tyson P. R. Family Limited Partnership

PLAN COMMISSION RECOMMENDATION

On September 9, 2013 the Plan Commission, by a vote of seven (7) to two (2), recommended approval of a Specific Use Permit for a Tattooing/Body Piercing Establishment for a period of 5 years tied to Southern Blues.

STAFF RECOMMENDATION

Denial of a Specific Use Permit for a Tattooing/Body Piercing Establishment for a period of 6 years and tied to Southern Blues. The subject property is critically located with respect to Garland's industrial district and premier industrial businesses. Introduction of additional commercial and retail/personal service uses should be strictly limited to those that support and enhance the industrial district.

BACKGROUND

The applicant requests approval of a Specific Use Permit to operate a tattooing establishment from a suite in a multi-tenant building.

At the November 7, 2000 meeting, the City Council adopted Ordinance 5511, which created a new land use identified as Tattooing/Body Piercing Establishment. The use is described by the ordinance as an establishment that offers either tattooing or body piercing. The ordinance further describes tattooing as the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or

other related equipment and body piercing as the creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration. Tattooing/body piercing establishments are only allowed by Specific Use Permit in a range of non-residential zoning districts including the Industrial 1 (I-1) District.

SITE DATA

The subject property is a corner lot developed with a multi-tenant building that fronts Jupiter Road and 2 buildings with self-storage units located behind the main building. The site has approximately 240 linear feet of frontage along Jupiter Road and 200 linear feet of frontage along Asset Street. The site can be accessed from both Jupiter Road and Asset Street.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Industrial 1 (I-1) District which provides for a wide range of industrial uses which generate few objectionable conditions. Such uses include manufacturing, processing, assembling, research and development, and warehousing and distribution. The Industrial 1 (I-1) District also accommodates support services for industrial development such as office, commercial, personal and professional services, and limited retail activities. The Industrial 1 (I-1) District regulations are designed to ensure compatibility among the various uses allowed in the Industrial 1 (I-1) District and to protect adjacent non-industrial development from potentially incompatible uses and conditions.

Although the Industrial 1 (I-1) District accommodates limited non-industrial uses, the intent of allowing such uses is to support the surrounding industrial activities and employment base. Examples of support uses that may be appropriate include restaurants, certain personal and professional services, offices, and commercial suppliers. A tattoo establishment does not support the industrial activity in this manner.

CONSIDERATIONS

1. The applicant proposes to operate a tattooing establishment from Suite 103, a 798 square foot tenant space within a multi-tenant building. The applicant is not proposing any expansions or exterior remodeling. The tattooing establishment would operate Monday through Saturday from 12:00 p.m. to 10:00 p.m.

2. Section 10-200 of the Comprehensive Zoning No. 4647 establishes a parking ratio of 1 parking space for every 200 square feet of gross floor area. Given the size of Suite 103, the tattooing establishment requires 4 parking

spaces. The parking requirement for the overall site is 51 parking spaces and there are 53 parking spaces provided on the site.

3. Ordinance No. 5511 states that a tattooing/body piercing establishment shall not be located within 500 feet of any residence or residential subdivision, church or place of worship, public or private school, public park, public hospital, child care center, senior living facility, or other tattooing/body piercing establishment. The location for the proposed tattooing establishment meets the above requirement.

4. Although zoned Industrial 1 (I-1) District and surrounded by light industrial and heavy commercial uses, the subject property and the adjacent site to the south are developed with an array of non-industrial and non-heavy commercial uses such as restaurants, a gas station, a convenience store, retail sales/personal services, an auto repair shop and self-storage units. The majority of these existing non-industrial uses support the surrounding industrial employment and activity. Introduction of additional commercial and retail/personal service uses should be strictly limited to those that support and enhance the industrial district.

5. The proposed location is in a strategic location situated in close proximity to the Forest/Jupiter/Walnut Catalyst Area identified by the Envision Garland 2030 Plan and located on a major arterial thoroughfare (Jupiter Road) serving Garland's Southwest Industrial District. It is directly across Jupiter Road from the Raytheon facility, one of Garland's premier industrial businesses. It is critical that uses established within this area enhance and contribute to the vitality of this important sector of the community. While the existing multi-tenant building which is the site of this request may not accommodate industrial uses, non-industrial tenants should be limited to those that serve the surrounding industry in a positive way.

6. The applicant requests a Specific Use Permit for a period of 6 years tied to **Southern Blues**.

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.

The proposed tattoo establishment is not compatible with the intent of the Envision Garland Plan.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The subject site is surrounded by properties that are zoned Industrial 1 (I-1) District. The surrounding area is mostly developed with buildings that are utilized for light industrial and heavy commercial uses such as warehousing and office/showroom. As in the case of many industrial areas, there are a few complementary yet less commercially intensive uses operating from adjacent and nearby properties such as restaurants, retail sales/personal services and gas stations. The intent of allowing such uses is to support and enhance the industrial employment and activity base. The proposed tattoo establishment is not, however, supportive of the surrounding industrial area and is not consistent with the intent of allowing limited non-industrial uses.

Prepared By:

Josue De La Vega
Development Planner

Date: September 18, 2013

Reviewed By:

Anita Russelmann
Director of Planning

Date: September 23, 2013

Reviewed By:

William E. Dollar
City Manager

Date: September 24, 2013

0 100 200 Feet

ZONING Z 13-42

INDICATES AREA OF REQUEST

SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 13-42

1901 South Jupiter Road, Suite 103

I. **Statement of Purpose:** The purpose of this Specific Use Permit is to permit a Tattooing/Body Piercing Establishment on the subject property.

II. **Statement of Effect:** This permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, as amended, except as specifically provided herein.

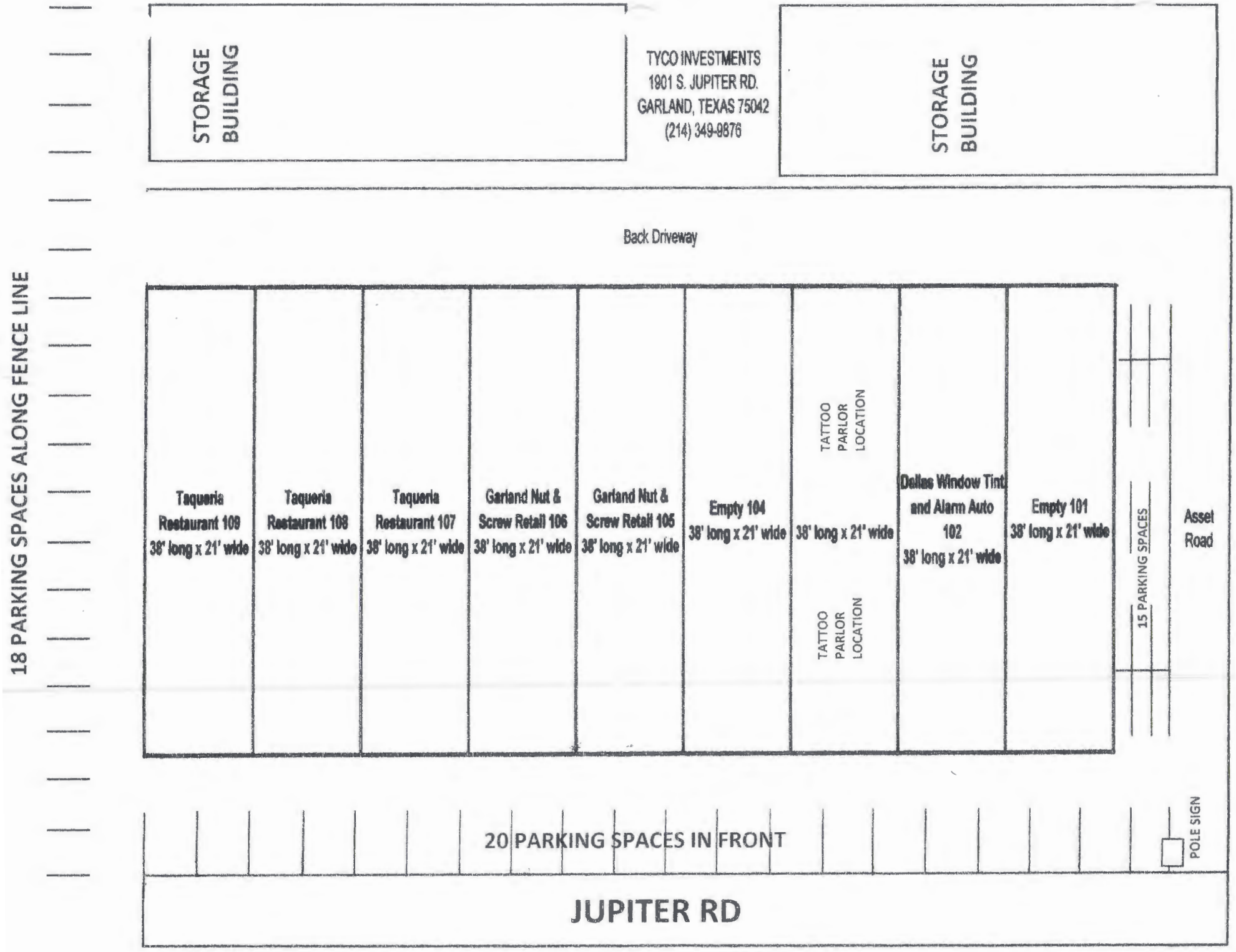
III. **General Regulations:** All regulations of the Industrial 1 (I-1) District set forth in Section 29 and 33 of the Comprehensive Zoning Ordinance, Ordinance No. 4647 are included by reference and shall apply, except as otherwise specified in this ordinance.

IV. **Specific Regulations:**

A. Time Period: The Specific Use Permit shall be in effect for a 6 year time period and tied to **Southern Blues.**

B. Days and Hours of Operation: The tattooing establishment will operate from 12:00 p.m. to 10:00 p.m. Monday through Saturday.

EXHIBIT B


STORAGE BUILDING
TYCO INVESTMENTS
1901 S. JUPITER RD.
GARLAND, TEXAS 75042
(214) 349-9876
STORAGE BUILDING
Back Driveway
18 PARKING SPACES ALONG FENCE LINE
Taqueria Restaurant 109 38' long x 21' wide
Taqueria Restaurant 108 38' long x 21' wide
Taqueria Restaurant 107 38' long x 21' wide
Garland Nut & Screw Retail 106 38' long x 21' wide
Garland Nut & Screw Retail 105 38' long x 21' wide
Empty 104 38' long x 21' wide
TATTOO PARLOR LOCATION
38' long x 21' wide
TATTOO PARLOR LOCATION
Dallas Window Tint and Alarm Auto 102 38' long x 21' wide
Empty 101 38' long x 21' wide
15 PARKING SPACES
Asset Road
20 PARKING SPACES IN FRONT
POLE SIGN
JUPITER RD

REPORT & MINUTES

P.C. Meeting, September 9, 2013 (9 Members Present)

Consideration of the application of Southern Blues, requesting approval of a Specific Use Permit for a Tattooing/Body Piercing Establishment on property zoned Industrial 1 (I-1) District. The property is located at 1901 South Jupiter Road, Suite 103. (File 13-42)

The applicants Jimmy D. Newton, 1808 E. Rancier Aven, Killen, TX 76541 and Johanna Newton, 222 S Houston School Road gave an overview of their credentials, type of business they provide and history of the location they have chosen, including that it has remained vacant for five years.

Motion was made by Commissioner Vera, seconded by Commissioner Ott to close the Public Hearing and open discussion **Motion carried: 9** Ayes, 0 Nays.

The Plan Commissioners acknowledged the existing retail businesses have established a precedent for that location and that this business may be suitable for this site. They also discussed the issue of the tenant space being vacant for five years and the limiting factors affecting location options for the use.

Motion was made by Commissioner Vera, seconded by Commissioner Johnson to **approve** the request for a period of five years. **Motion carried: 7** Ayes, 2 Nays by Commissioner Luckie and Fisher

1621 O

O = IN FAVOR
X = AGAINST

0 100 200 Feet

ZONING Z 13-42

INDICATES AREA OF REQUEST

GARLAND

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

August 29, 2013

HEARING DATE/TIME: Plan Commission: September 9, 2013 – 7:00 PM

APPLICANT: Southern Blues

File Z 13-42

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, September 9, 2013, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Southern Blues** requesting approval of 1) a Specific Use Permit for a Tattooing/Body Piercing Establishment on a property zoned Industrial 1 (I-1) District and 2) a variance to Section 10-200 of the Zoning Ordinance No. 4647 regarding the parking requirement. The property is shown on the enclosed sketch and is described as follows:

Being approximately a 1.129-acre lot identified as Lot 6, Block 4 of the Innovation Park No. 2, an addition to the City of Garland as shown on the Plat recorded in Volume 71062, Page 1751of the Map Records of Dallas County, Texas. The property is located at 1901 South Jupiter Road, Suite 103, Garland, TX. (District 6)

Note: The applicant requests approval of a Specific Use Permit to operate a tattooing establishment from Suite 102 of the subject property. Furthermore, the applicant requests a parking variance given that the site is deficient in parking spaces.

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

(Please Check One Below)

___ I am in favor of the request.
✓ I am opposed to the request.

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

(Please complete the following information)

Your Property Address R-GEM

Printed Name

3601 Asset ST Garland, Tx 75042

Address City, State Zip

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

Signature Owner Title

Date: Sept 5, 2013

GARLAND

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

August 29, 2013

HEARING DATE/TIME: Plan Commission: September 9, 2013 – 7:00 PM

APPLICANT: Southern Blues

File Z 13-42

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Being approximately a 1.129-acre lot identified as Lot 6, Block 4 of the Innovation Park No. 2, an addition to the City of Garland as shown on the Plat recorded in Volume 71082, Page 1751of the Map Records of Dallas County, Texas. The property is located at 1901 South Jupiter Road, Suite 103, Garland, TX. (District 6)

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(Please Check One Below)

____ I am in favor of the request.
✓ I am opposed to the request.

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

(Please complete the following information)

Your Property Address R-6EM

Printed Name 3517 Asset ST Garland, Tx 75042

Address 3517 City, State Zip

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

Signature Owner Title

Date: Sept 5, 2013

GARLAND

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

August 29, 2013

HEARING DATE/TIME: Plan Commission: September 9, 2013 – 7:00 PM

APPLICANT: Southern Blues

File Z 13-42

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(Please Check One Below)
✓ I am in favor of the request.
_____ I am opposed to the request.

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

(Please complete the following information)

Your Property Address
Paul Tyson 3520 Asset St Garland TX 75042
Printed Name

3520 Asset St — Garland TX — 75042
Address — City, State — Zip

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

Paul R Tyson (President)
Signature — Title

Date: 9-4-13

GARLAND

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

August 29, 2013

HEARING DATE/TIME: Plan Commission: September 9, 2013 – 7:00 PM

APPLICANT: Southern Blues

File Z 13-42

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(Please Check One Below)
✓ I am in favor of the request.
_____ I am opposed to the request.

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

(Please complete the following information)

Your Property Address

Paul R Tyson

Printed Name

1501 S Jupiter Garland TX 75042

Address City, State Zip

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

Paul Tyson (Owner)

Signature Title

Date: 9-4-13

GARLAND

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

August 29, 2013

HEARING DATE/TIME: Plan Commission: September 9, 2013 – 7:00 PM

APPLICANT: Southern Blues

File Z 13-42

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, September 9, 2013, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Southern Blues** requesting approval of 1) a Specific Use Permit for a Tattooing/Body Piercing Establishment on a property zoned Industrial 1 (I-1) District and 2) a variance to Section 10-200 of the Zoning Ordinance No. 4647 regarding the parking requirement. The property is shown on the enclosed sketch and is described as follows:

Being approximately a 1.129-acre lot identified as Lot 6, Block 4 of the Innovation Park No. 2, an addition to the City of Garland as shown on the Plat recorded in Volume 71062, Page 1751of the Map Records of Dallas County, Texas. The property is located at 1901 South Jupiter Road, Suite 103, Garland, TX. (District 6)

Note: The applicant requests approval of a Specific Use Permit to operate a tattooing establishment from Suite 102 of the subject property. Furthermore, the applicant requests a parking variance given that the site is deficient in parking spaces.

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

(Please Check One Below)

____ I am in favor of the request.

✓ I am opposed to the request.

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

Since the site has deficient parking spaces, where do they intend the customers to use as parking?

(Please complete the following information)

Your Property Address

Celia Aragon

Printed Name

3604 Asset St. Garland, TX 75042

Address City, State Zip

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

Celia Aragon Co-owner.

Signature Title

Date: 9/6/2013

GARLAND

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

August 29, 2013

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(Please Check One Below)

____ I am in favor of the request.

X I am opposed to the request.

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

Any Vehicles that are not our customers will be towed at the owner's expense.

(Please complete the following information)

Your Property Address: ~~1717 S. Jupiter Rd~~ TARGETMASTER ISC

Printed Name

1717 S. Jupiter Rd — Garland, TX — 75042

Address — City, State — Zip

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

Signature — Title: VP of Operations/Co-Owner

Date: 9/17/2013

*We just received this application notice on 9/16/13

*This is private property @ 1717 S. Jupiter Rd.

GARLAND

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

August 29, 2013

HEARING DATE/TIME: Plan Commission: September 9, 2013 – 7:00 PM

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(Please Check One Below)
X I am in favor of the request.
____ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.
I am in favor of any new business that does not affect the health and well being of Garland's citizens.

(Please complete the following information)

Your Property Address 1621 S. Jupiter

Printed Name Jay Jones

Address Garland City, State 75040 Zip

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

Signature Jay Jones Title owner

Date: 9-2-13

outside notification area

City Council Item Summary Sheet

☐ **Work Session**

☒ **Agenda Item**

Date: **October 2, 2013**

Boards and Commissions

Summary of Request/Problem
Council is requested to consider appointments to Boards and Commissions.

Recommendation/Action Requested and Justification

Submitted By:	**Approved By:** **William E. Dollar** **City Manager**

GARLAND
TEXAS MADE HERE

Board & Commission Application

Please Print or Type. PLEASE DO NOT SEND RESUME.

Return completed application to: City Secretary's Office, 200 North Fifth Street, Garland, Texas 75040

CITY OF GARLAND RECEIVED SEP 17 2013 CITY SECRETARY

Board or Commission of first, second, and third choice; (**Garland Youth Council has a separate application)

___ Board of Adjustment
___ Building and Fire Codes Board
___ Citizens Environmental and Neighborhood Advisory Committee
___ Community Multicultural Commission
___ Electrical Board
___ Garland Cultural Arts Commission
___ Garland Youth Council **
___ Housing Standards Board
___ Library Board
___ Parks and Recreation Board
___ Plan Commission *
___ Plumbing and Mechanical Codes Board
___ Senior Citizens Advisory Committee

Full Name: Robert Omar Vera

Home Address: 3311 Bobbie Ct. Bus. Address: 6116 N. Central Expy #130

City, State, Zip: Garland, TX 75042 City, State, Zip: Dallas, TX 75206

Home Phone: 972-272-3997 Phone (Other): 214-725-1256

Email Address: Robert.Vera@TX.RR.Com

Resident of Garland for 32 years Resident of Texas for 73 years

Are you a registered voter in Dallas County? ✓ Yes ___ No

Voter Registration No. 1083530015 Precinct No. 2118 City Council District No. 6

Have you ever been convicted of a felony? ___ Yes ✓ No

Have you ever been convicted of a Class A misdemeanor? ___ Yes ✓ No

Please list any experience that qualifies you to serve in the areas you have indicated. (1) Home Renovation Contractor (2) Stone, Mason & Hardstone Contractor (3) Dallas Co. Sheriff Reserve officer (4) Rancher & Cattle Owner (5) 4 yrs U.S. Air Force Veteran.

If you have served on a City Board or Commission, please specify and list dates of service.
Planning & Commissioner Dist. 6 May 2011 to Present

List civic or community endeavors with which you have been involved.
(1) Member of the West Garland Neighborhood Association

What is your educational background?
(1) High School (2) Air Force
(3) Attend Texas A&M

What is your occupational experience? (1) Certified & Licensed Structural Pest Control (2) Certified & Licensed Tex. Dept. of Agriculture Pesticide Applicator (3) Certified & Licensed Tex. Dept. Barber (4) Landscaping designation Contractor

* Plan Commission members must own property within the city.

I hereby affirm that all statements herein are true and correct. Robert Omar Vera
Signature of Applicant

FOR OFFICE USE ONLY

Ad Valorem Tax Status	Current ✓	Past Due ___	Signature CV	9/17/13
			Tax Clerk	
Status of Utility Accounts	Current ✓	Past Due ___	CV	9/17/13
			Accounting Clerk	
Suit/Claim Filed in City Secretary's Office	Yes ___	No ✓	CV	9/17/13
			City Secretary	

Date Appointed _____
Appointed By _____
Date Notified _____
Date Disclosure Form Filed _____

Revised 10/2011