AGENDA

REGULAR MEETING OF THE CITY COUNCIL
City of Garland
Duckworth Building, Goldie Locke Room
217 North Fifth Street
Garland, Texas
November 18, 2014
7:00 p.m.

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

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

CITY COUNCIL GOALS 2020

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

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

MAYORAL PROCLAMATIONS, RECOGNITIONS, AND ANNOUNCEMENTS

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

CONSENT AGENDA

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

1. Consider approval of the minutes of the November 3 and 4, 2014 Regular Meetings.

2. Consider approval of the following bids:

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

Requordit, Inc. — **$180,000.00**

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

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

SSP Innovations, LLC		**$127,117.50**
Contingency		**12,882.50**
	TOTAL	**$140,000.00**

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

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

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

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

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

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

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

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

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

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

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

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

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

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

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

   Consider the application of Ryan Anderson requesting approval of a variance to Section 33A-400 of the Comprehensive Zoning Ordinance regarding the distance from an establishment that sells or serves alcoholic beverages to a church or school. The property is located at 601 West State Street. (File BW 14-01, District 2)

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

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

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

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

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

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

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

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

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

1b. APPROVED

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

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

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

3. ADJOURNMENT

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

CITY OF GARLAND, TEXAS

APPROVED: _____
Douglas Athas, Mayor

ATTEST: _____
City Secretary

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

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

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

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

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

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

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

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

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

2b. APPROVED ** Bid No. 4875-15 in the amount of $279,108.54 to Dell Marketing, LP for the purchase of replacement servers, storage and network switches for Garland Power & Light's primary and backup data centers.

3a. APPROVED ** Ordinance No. 6743 amending the zoning laws of the City of Garland by approving a Specific Use Permit for Restaurant, Drive-through on a 0.6-acre tract of land located at 3300 Broadway Boulevard. (Zoning File No. 14-37, Israel Tirado)

3b. APPROVED ** Ordinance No. 6744 amending the zoning laws of the City of Garland by approving a Specific Use Permit for Retail Sales with Gasoline Pumps on a 0.8963-acre tract of land located at 3464 West Campbell Road. (Zoning File No. 14-40, The Dimension Group)

4. APPROVED ** Approval by minute action authorizing the City Manager to enter into an agreement with Vision Energy Consultants, Inc. for services provided to Garland Power & Light.

5. APPROVED ** Resolution No. 10163 authorizing the City Manager to execute a Master Interlocal Agreement with Dallas County for maintenance of designated roadways within the City and Project Specific Agreements to perform concrete repairs on Rowlett Road from Broadway Boulevard to Meadowside Drive, and on Rowlett Road from Meadowside Drive to Road.

6. APPROVED Resolution No. 10162 approving the rescinding and repealing of Resolution No. 10117, approved by Council on August 6, 2013, supporting the seamless interconnectivity of high-speed rail into the operating terminal areas of the Dallas/Fort Worth International Airport.

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

7. WITHDRAWN

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

8. APPROVED

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

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

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

9. CITIZEN COMMENTS

Speaking on Citizen Comments was Mary Ann Wickersham.

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

CITY OF GARLAND, TEXAS

APPROVED: _____
Douglas Athas, Mayor

ATTEST: _____
City Secretary

GARLAND
PURCHASING

Bid No.:	4588-14
Agenda Item:	2a
Meeting:	Council
Date:	11/18/14

Purchasing Report

ELECTRONIC DOCUMENT MANAGEMENT SYSTEM MAINTENANCE TERM CONTRACT

PURCHASE JUSTIFICATION:

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

AWARD RECOMMENDATION:

Vendor	***Item***	***Amount***
Requordit, Inc	All	$180,000.00
	TOTAL:	$180,000.00

BASIS FOR AWARD:

Interlocal Agreement

Submitted by:

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

Date: 11/06/14

Reviewed by:

William E. Dollar
City Manager

Date: 11/10/14

FINANCIAL SUMMARY:

Total Project/Account:	$ N/A
Expended/Encumbered to Date:	N/A
Balance:	$ N/A
This Item:	180,000
Proposed Balance:	$ N/A

Matt Monedero	11/06/14
Budget Analyst	Date
Ron Young	11/06/14
Budget Director	Date

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

Document Location: Page C-56

Account #: 451-6999

Fund/Agency/Project – Description:
Term Contract – Electronic Document Management System Maintenance

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

CITY OF GARLAND - BID RECAP SHEET
OPENED: 10/30/14
REQ. NO.
BID NO. 4588-14
PAGE: 1 of 1
BUYER: Bob Bonnell, C.P.M., MCP

ITEM	QTY	UNIT	DESCRIPTION	Requordit, Inc UNIT PRICE	Requordit, Inc TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	LT	Term Contract Electronic Document Mgmt		$180,000.00						
			TOTAL GROSS PRICE		$180,000.00						
			CASH DISCOUNT								
			TOTAL NET PRICE		$180,000.00						
			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 Sales, Inc. UNIT PRICE	Duval Sales, Inc. TOTAL	Mueller Service Co. UNIT PRICE	Mueller Service Co. TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
DELIVERED		DELIVERED		DELIVERED		DELIVERED	

GARLAND

PURCHASING

Executive Summary
Bid 4588-14
Electronic Document Management System Maintenance

Recommended Vendor:

Requordit, Inc.

Total Recommended Award:

$180,000.00

Basis for Award:

Interlocal Agreement

Purpose:

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

Evaluation:

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

Recommendation:

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

Funding Information:

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

Department Director:

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

GARLAND
PURCHASING

Bid No.:	4893-15
Agenda Item:	2b
Meeting:	Council
Date:	11/18/14

Purchasing Report

GEOGRAPHIC INFORMATION SYSTEM (GIS) UPGRADE
OPEN MARKET

PURCHASE JUSTIFICATION:

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

AWARD RECOMMENDATION:

Vendor	***Item***	***Amount***
SSP Innovations, LLC	All	$127,117.50
Contingency		12,882.50
	TOTAL:	$140,000.00

BASIS FOR AWARD:

Most Qualified

Submitted by:

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

Date: 11/06/14

Reviewed by:

William E. Dollar
City Manager

Date: 11/10/14

FINANCIAL SUMMARY:

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

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

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

Document Location: Page D-64

Account #: 211-3151-7111

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

Comments:

CITY OF GARLAND - BID RECAP SHEET
OPENED: 10/03/14
REQ. NO.
BID NO. 4893-15
PAGE: 1 of 1
BUYER: W. Newcomer

ITEM	QTY	UNIT	DESCRIPTION	SSP Innovation, LLC UNIT PRICE	SSP Innovation, LLC TOTAL						
1	1	Ea	GP&L GIS Upgrade		$140,000.00						
			TOTAL GROSS PRICE		$140,000.00						
			CASH DISCOUNT								
			TOTAL NET PRICE		$140,000.00						
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DELIVERED	
			DELIVERY								

ITEM	QTY	UNIT	DESCRIPTION	Duval Sales, Inc. UNIT PRICE	Duval Sales, Inc. TOTAL	Mueller Service Co. UNIT PRICE	Mueller Service Co. TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	Ea	GP&L GIS Upgrade		$140,000.00						
			TOTAL GROSS PRICE		$140,000.00						
			CASH DISCOUNT								
			TOTAL NET PRICE		$140,000.00						
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DELIVERED	
			DELIVERY								

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

BidSync Notifications
BidSync HUBS
Direct Contact HUBS
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.

GARLAND

PURCHASING

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

Recommended Vendor:

SSP Innovations, LLC

Total Recommended Award:

$140,000.00

Basis for Award:

Most Qualified

Purpose:

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

Evaluation:

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

Recommendation:

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

Funding Information:

GP&L Operating account 211-3151-7111

Department Director:

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

City Council Item Summary Sheet

☐ **Work Session**

☒ **Agenda Item**

Date: **November 18, 2014**

Zoning Ordinance

Summary of Request/Problem
Zoning Ordinance 14-38 GFC Leasing Corp LLC

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

Submitted By:	**Approved By:**
Anita Russelmann **Director of Planning**	**William E. Dollar** **City Manager**

FILE NO. 14-38

ORDINANCE NO.

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

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

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

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

Section 1.

Ordinance No. 4647 is hereby amended by approving an amendment of Planned Development (PD) District 01-03 for Limited Shopping Center Uses, an amendment of a Concept Plan, a Detail Plan for a Restaurant, Drive-Through, and a Specific Use Permit for a Restaurant, Drive-Through on a 0.689-acre tract of land located on the southeast corner of Lavon Drive and Foster Road, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2.

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

Section 3.

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

Section 4.

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

Section 5.

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

PASSED AND APPROVED this_____ day of _____, 2014.

THE CITY OF GARLAND, TEXAS

By:

_____
Mayor

ATTEST:

_____
City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 14-38

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

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

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

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

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

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

NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

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

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

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

EXHIBIT A

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE 14-38

On the south corner of Lavon Drive and Foster Road

I. **Statement of Purpose:** The purpose of this Planned Development District is to permit the construction of a restaurant with drive through subject to conditions.

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

III. **General Regulations:** All regulations of the Shopping Center District set forth in Section 24, 32, 33, and 46 of the Comprehensive Zoning Ordinance, Ordinance No. 4647 are included by reference and shall apply, except as otherwise specified in this ordinance.

IV. **Development Plans:**

A. Detail Plan: Development shall be in general conformance with the approved Detail Plan set forth in Exhibit C; however, in the event of conflict between the Detail Plan and the conditions, the conditions shall prevail.

V. **Specific Regulations:**

A. Permitted Uses: No uses shall be permitted except for the uses listed under Planned Development (PD) District 01-03. Restaurant with Drive-Through requires approval of a Specific Use Permit.

B. Screening and Landscaping: Screening and landscaping shall be in conformance with the Landscape Plan identified as Exhibit D.

C. Building Elevations: Building elevations shall be in conformance with the elevations as reflected on Exhibit E. The 2-foot façade offset stipulated in Section 34.18(B)(4) of the SH 190 Development Standards shall not be required.

D. Dumpster Enclosure Placement: No setback is required between the dumpster enclosure and the south property line.

E. Signage: Attached signage shall be limited to a total of 116 square feet. Freestanding sign(s) shall be in compliance with the SH 190 Development Standards.

F. Development Criteria: Development shall comply with the State Highway 190 Development Standards.

EXHIBIT B

SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 14-38

On the south corner of Lavon Drive and Foster Road

I. **Statement of Purpose:** The purpose of this Specific Use Permit is to permit the construction of a restaurant with drive through subject to conditions.

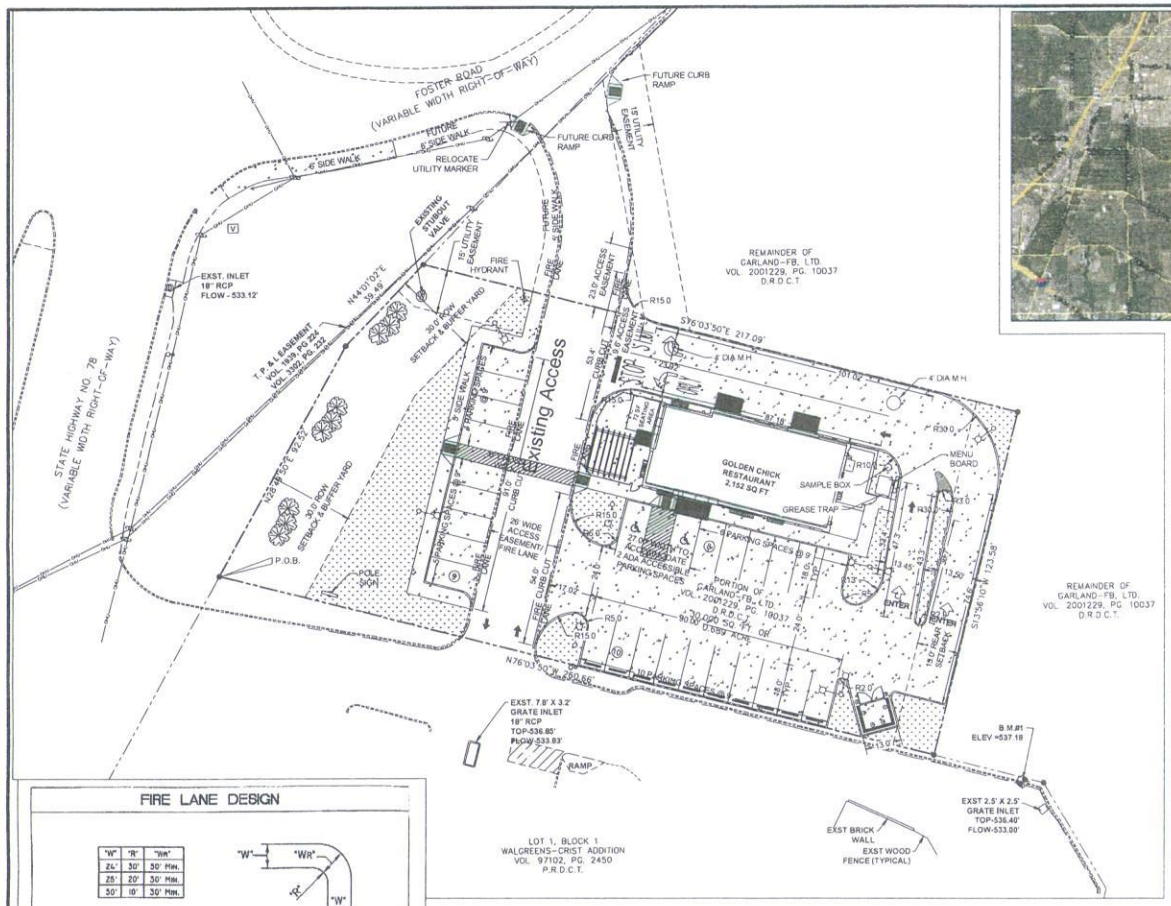
II. **Statement of Effect:** This Planned Development District shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.

III. **General Regulations:** All regulations of the Shopping Center District set forth in Section 24, 32, 33, and 46 of the Comprehensive Zoning Ordinance, Ordinance No. 4647 are included by reference and shall apply, except as otherwise specified in this ordinance.

VI. **Specific Regulations:**

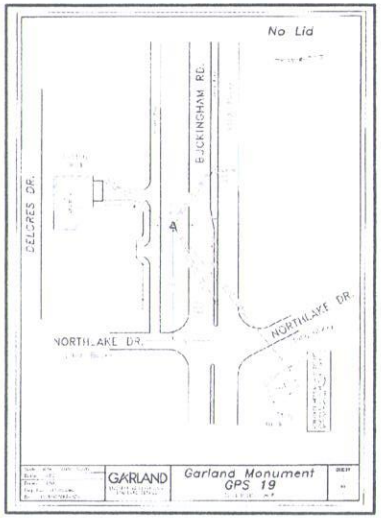
A. Specific Use Permit: The Specific Use Permit shall be effective for a period of 25 years.

EXHIBIT B



VICINITY MAP

SCALE N.T.S.



SHEET INDEX

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

LEGEND

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

GENERAL NOTE:

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

SIDEWALK NOTE:

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

FIRE LANE NOTE

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

SURVEY NOTES:

1. IRF - IRON ROD FOUND
2. IRS - IRON ROD SET W/ "PEISER & MANKIN SURV" RED PLASTIC CAP
3. BASIS OF BEARING - BASED ON GPS OBSERVATIONS OF OF GARLAND GPS MONUMENTS 53 AND 19 AN THE TEXA COORDINATE SYSTEM (NORTH CENTRAL ZONE)-NAD83
4. ELEVATION ORE BASED ON C.O.G. MONUMENTS 53-BRA DISK LOCATED ON INLET AT THE SOUTHEAST INTERSECT OF BREAANA WAY AND CROSSLAND DRIVE, ELEVATION-516.4' 19-BRASS DISK LOCATED AT BUCKING ROAD AND DAY STREET, ELEVATION-529.02'
5. NO BUILDINGS LOCATED ON SITE

BENCHMARK:

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

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

SEAL:

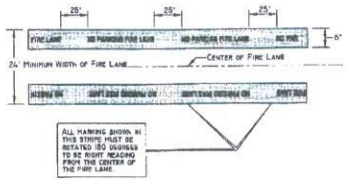
NO.	REVISION DESCRIPTION	DATE

FIRE LANE DESIGN

"W"	"R"	"WR"
24'	30'	30' MIN.
25'	20'	30' MIN.
30'	10'	30' MIN.

"W" = WIDTH (FEET) OF FIRE LANE
"R" = RADIUS NECESSARY TO ACCOMODATE FIRE VEHICLES
"WR" = TURNING RADIUS PAVEMENT WIDTH

FIRE LANE MARKING



GARLAND FIRE PREVENTION BUREAU
205-2237

SCALE: 1" = 20'

EXISTING ZONING	PD W/IN SH190 CORRIDOR
PROPOSED USE	DRIVE THRU RESTAURANT
LOT AREA	30,000 SF
BUILDING AREA	2152 SF
% OF LOT COVERAGE	7.2%
INDOOR/OUTDOOR SEATING AREA	863/72
PARKING REQUIRED = 19 SPACE+8 SPACES	27 SPACES
# OF SPACES PROVIDED	27 SPACES
ADA ACCESSIBLE PARKING REQUIRED	1 SPACE
ADA ACCESSIBLE PARKING PROVIDED	2 SPACES
BUILDING SETBACK (SH190)	50'
BUILDING SETBACK (FOSTER RD, SH78)	30'
BUILDING SETBACK REAR	15'
LANDSCAPE BUFFER (FOSTER RD)	10'
LANDSCAPE BUFFER (SH 78)	30'
PARKING AREA	10705.3 SF
LANDSCAPING (5% MIN)	1335.4 SF = 12.5%

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

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

CLIENT
GFC LEASING CORP., LLC.
1131 ROCKINGHAM DRIVE, SUITE 250
RICHARDSON, TX 75080
CONTACT: LARRY NELSON
PHONE (512) 568-1779

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

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

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

SITE ADDRESS:
2602 CRIST ROAD
GARLAND, TEXAS

SITE PLAN

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

EXHIBIT C

LANDSCAPE CALCULATIONS AND INFORMATION:

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

LANDSCAPE CALCULATIONS

30 FT LANDSCAPE BUFFER PLANTINGS
REQUIRED: 4 – 4 INCH CALIPER SHUMARD OAK (RED)
PROVIDED: 4 – 4 INCH CALIPER SHUMARD OAK (RED)

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

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

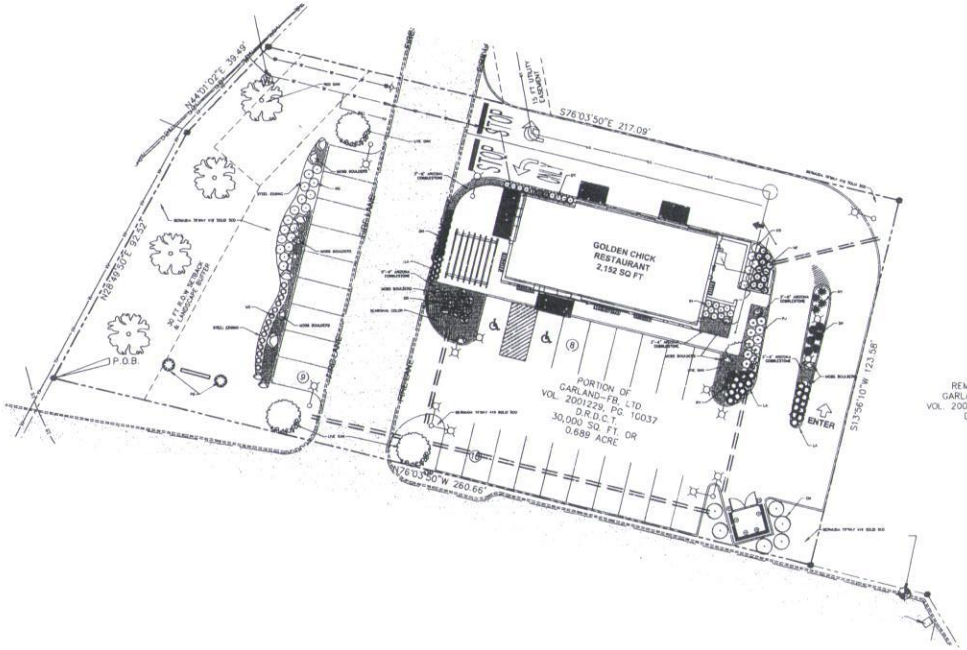
TREES REQUIRED: 1 TREE/10 SPCS x 27 SPCS = 2.7 = 3 TREES
TREES PROVIDED:
LARGE CANOPY TREES: 4
ORNAMENTAL TREES: 6

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

30 FT LANDSCAPE BUFFER PLANTINGS
REQUIRED: 4 – 4 INCH CALIPER SHURMARD OAK (RED)
PROVIDED: 4 – 4 INCH CALIPER SHURMARD OAK (RED)

PLANT LIST

SYMBOL	KEY	QTY.	UNITS	COMMON NAME	SCIENTIFIC NAME	CALIPER	HEIGHT	SPREAD	ROOT	REMARKS
	RO	4	EA.	Shumard Red Oak	Quercus Shumardii	4.0" min.	10'–12'	6'–8'	B & B or 24" Box/Container	Single Trunk
	LO	4	EA.	Live Oak	Quercus Virginiana	3.5" min.	10'–12'	8'–10'	B & B or 24" Box/Container	Single Trunk
	CM	6	EA.	Crape Myrtle 'Dallas Red'	Lagerstroemia Indica 'Dallas Red'	Multi-Trunk	min. 8'	NA	15 Gal.	N/A
	RY	25	EA.	Red Yucca	Hesperaloe Parviflora	N/A	36"	24"	3 Gal.	36" O.C.
	IH	9	EA.	Indian Hawthorne	Raphiolepis Indica	N/A	36"	24"	5 Gal.	36" O.C.
	KO	23	EA.	Knockout Roses (Red)	Rosa "Radrazz"	N/A	36"	24"	3 Gal.	36" O.C.
	LA	32	EA.	Lantana "Old Gold"	Lantana camara	N/A	N/A	24"	1 Gal.	24" O.C.
	DY	11	EA.	Dwarf Yaupon Holly	Ilex Vomitoria 'Nana'	N/A	N/A	24"	1 Gal.	24" O.C.
	PJ	11	EA.	Blue Pacific Juniper	Juniperus Pacifica	N/A	N/A	24"	3 Gal.	24" O.C.
	DH	8	EA.	Dwarf Hamelin Grass	Pennisetum Alopecuroides	N/A	N/A	24"	3 Gal.	24" O.C.
	MF	12	EA.	Mexican Feathergrass	Nassella Tenuissima	N/A	N/A	24"	1 Gal.	24" O.C.
	DR	8	EA.	Drift Roses (Apricot)	Rosa 'Meimirror' Bloom	N/A	N/A	24"	1 Gal.	24" O.C.
	MG	14	EA.	Miscanthus Grass	Miscanthus Sinensis	N/A	N/A	24"	5 Gal.	24" O.C.
	PG	2	EA.	Pampas Grass	Cortaderia Selloana	N/A	N/A	24"	5 Gal.	24" O.C.
	SC	N/A	EA.	Seasonal Color	Assorted Annual Flowers	N/A	N/A	N/A	N/A	6" O.C.
	MB	16	EA.	Moss Covered Boulder	N/A	N/A	N/A	N/A	N/A	500# Min.
	RR	N/A	S.F.	Arizona River Rock	3"–6" depth	N/A	N/A	N/A	N/A	N/A



LANDSCAPING NOTES:

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

GRAPHIC SCALE
0 10 20 40
Half Size: 1 inch = 40 ft.
Full Size: 1 inch = 20 ft.

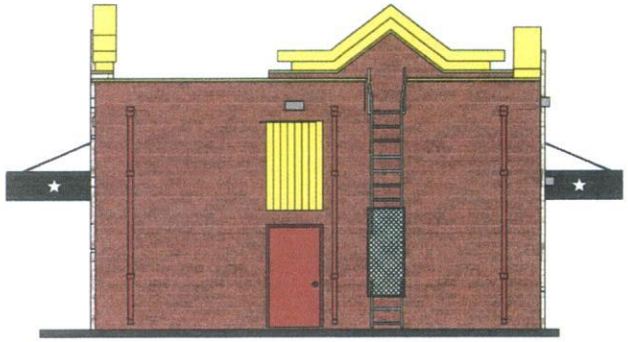
Cornerstone Landscape Services
1531 W. Kilpatrick
Cleburne, Texas 76033
817-558-1221

JOBN 3:16

EXHIBIT D

LANDSCAPE PLAN
DATE: 10/16/2014
DRAWN BY: RSG
CHECKED BY: RSG
SHEET: L1

3 A4.0 PARTIAL ELEVATION
SCALE: 1/4" = 1'-0"



4 A4.0 PARTIAL ELEVATION
SCALE: 1/4" = 1'-0"

1 A4.0 FRONT ELEVATION
SCALE: 1/4" = 1'-0"

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

2 A4.0 RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

DRAWN BY: DP
CHECKED BY: RK

EJES INCORPORATED
12555 CENTRAL EXPRESSWAY, SUITE 500
Dallas, Texas 75243
(P) 214-343-1210
(F) 214-343-3885
8007 FINANCIAL PLAZA STE 511
Shreveport, La. 71129
(P) 866-635-7305
(F) 214-343-3885
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FOR CITY REVIEW ONLY

EXTERIOR ELEVATIONS

GOLDEN CHICK
2602 CHRIST ROAD
GARLAND, TX 75040

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

SCALE:
AS NOTED

PROJECT NO.
036-09

SHEET NO.
A4.0

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EXHIBIT E

City Council Item Summary Sheet

☐ **Work Session**

☒ **Agenda Item**

Date: **November 18, 2014**

Zoning Ordinance

Summary of Request/Problem
Zoning Ordinance 14-39 Fourth Avenue Investments LLC

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

Submitted By:	**Approved By:**
Anita Russelmann **Director of Planning**	**William E. Dollar** **City Manager**

FILE NO. 14-39

ORDINANCE NO.

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

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

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

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

Section 1.

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

Section 2.

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

Section 3.

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

Section 4.

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

Section 5.

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

PASSED AND APPROVED this_____ day of _____, 2014.

THE CITY OF GARLAND, TEXAS

By:

_____
Mayor

ATTEST:

_____
City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 14-39

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT A

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE 14-39

North of the intersection of Apollo Road and West Brand Road

I. **Statement of Purpose:** The purpose of this Planned Development District is to permit the development of a single-family subdivision subject to conditions.

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

III. **General Regulations:** All regulations of the Single Family Dwelling (SF/7/D/3) District set forth in Section 17-510, Section 18 and 18-300 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as specified in this ordinance

IV. **Development Plans:**

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

IV. **Specific Regulations:**

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

B. Minimum lot size: The minimum lot size is 4,400 square feet with the average lot size of 5,380 square feet.

C. Minimum dwelling unit size: The minimum dwelling unit size is 1,800 square feet with the following provisions:

- 30% of the dwelling units shall not be less than 1,800 square feet
- 20% of the dwelling units shall not be less than 2,000 square feet
- 25% of the dwelling units shall not be less than 2,200 square feet
- 25% of the dwelling units shall not be less than 2,400 square feet

D. Minimum lot width: Fifty (50) feet at the building line.

E. Minimum lot depth: Ninety (90) feet.

F. Maximum lot coverage: 60%

EXHIBIT B

G. Building setbacks:

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

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

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

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

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

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

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

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

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

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

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

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

N. Alleys: Alleys shall not be required with this development.

O. Common Area: Two (2) common areas shall be provided as identified on Exhibit C.

P. Homeowners Association: A Homeowners Association shall be incorporated and each lot/homeowner shall be a mandatory member. The bylaws of this association shall establish a system of payment of dues; a system of enforcement of its rules and regulations; shall provide a clear and distinct definition of the responsibility of each member; and other provisions as deemed appropriate to secure a sound and stable association. The Bylaws for this association shall be submitted to the Director of Planning for review and approval prior to commencement of construction of any infrastructure improvements within the subdivision.

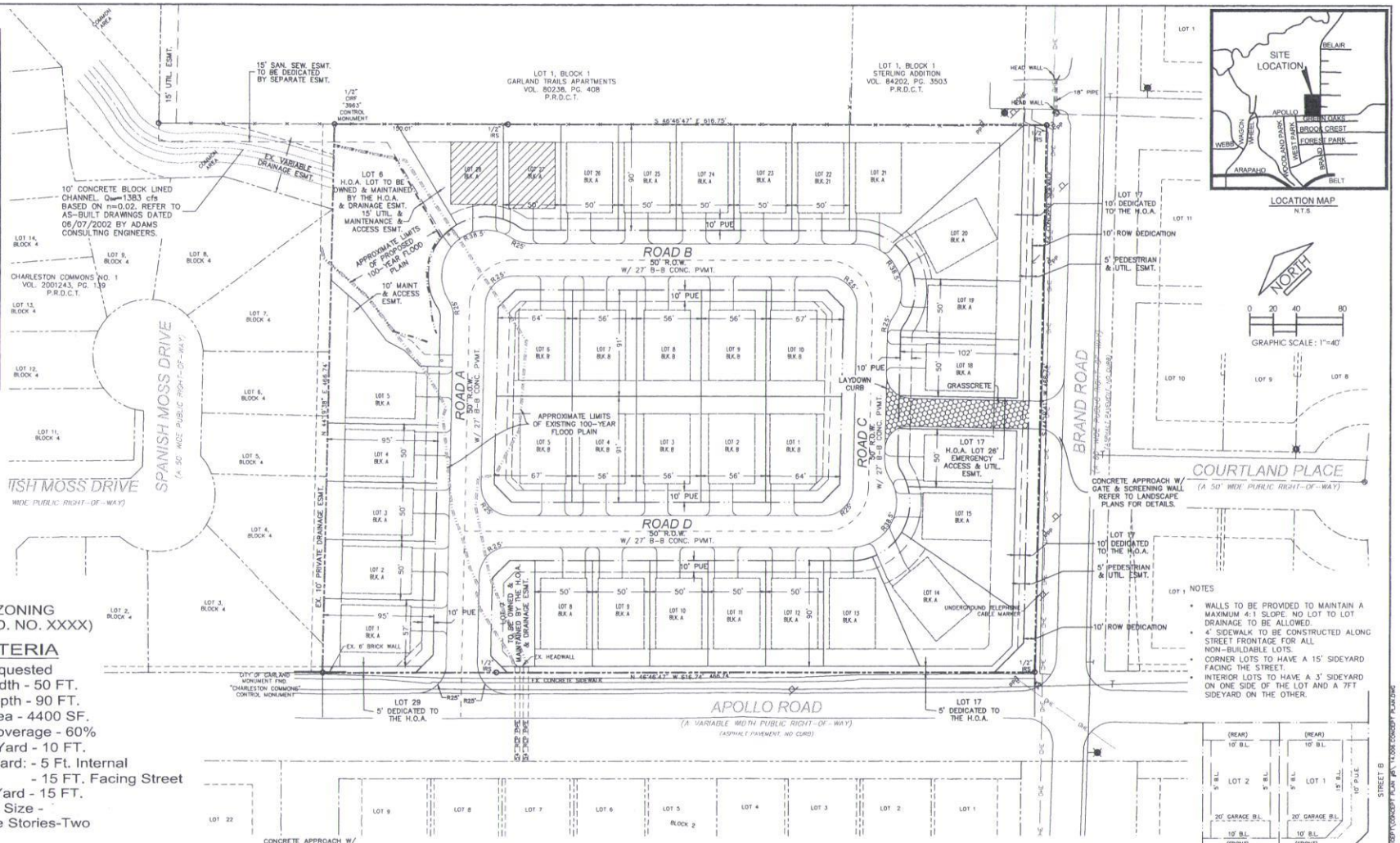
Q. Maintenance of Open Space, Landscaped Areas, Entry Features and Other Amenities: Maintenance of all open space, common areas, landscaped areas and all entry features including any allowed within the street medians, irrigation, perimeter fencing and other amenities shall be the responsibility of the Homeowner's Association.

EXHIBIT C

LOT SIZE TABULATION

LOT	BLOCK	S.F.	AC.
01	A	5,360.07	0.1231
02	A	4,750.00	0.1090
03	A	4,750.00	0.1090
04	A	4,750.00	0.1090
05	A	4,794.67	0.1101
* 06	A	15,916.50	0.3654
* 07	A	3,209.11	0.0737
08	A	4,500.00	0.1033
09	A	4,500.00	0.1033
10	A	4,500.00	0.1033
11	A	4,500.00	0.1033
12	A	4,500.00	0.1033
13	A	5,752.30	0.1321
14	A	8,372.29	0.1922
15	A	6,743.14	0.1548
16	A	5,030.96	0.1155
* 17	A	9,554.94	0.2194
18	A	5,125.00	0.1177
19	A	4,744.29	0.1089
20	A	8,608.71	0.1976
21	A	9,180.22	0.2107
22	A	4,500.63	0.1033
23	A	4,500.00	0.1033
24	A	4,500.00	0.1033
25	A	4,500.00	0.1033
26	A	4,500.00	0.1033
27	A	4,405.42	0.1011
28	A	5,467.37	0.1255
* 29	A	412.59	0.0095
1	B	5,764.23	0.1323
2	B	5,086.28	0.1168
3	B	5,086.28	0.1168
4	B	5,086.28	0.1168
5	B	5,926.03	0.1360
6	B	5,766.63	0.1324
7	B	5,086.28	0.1168
8	B	5,086.28	0.1168
9	B	5,086.28	0.1168
10	B	5,923.75	0.1360

* OPEN SPACE LOTS



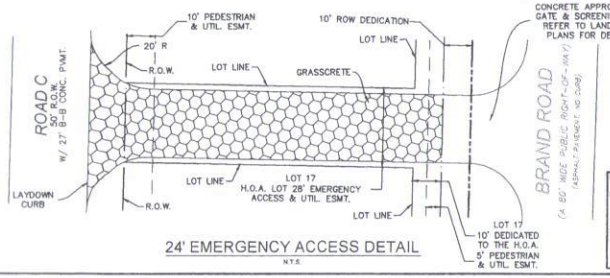
NOTES

- WALLS TO BE PROVIDED TO MAINTAIN A MAXIMUM 4:1 SLOPE. NO LOT TO LOT DRAINAGE TO BE ALLOWED.
- 4' SIDEWALK TO BE CONSTRUCTED ALONG STREET FRONTAGE FOR ALL NON-BUILDABLE LOTS.
- CORNER LOTS TO HAVE A 15' SIDEYARD FACING THE STREET.
- INTERIOR LOTS TO HAVE A 3' SIDEYARD ON ONE SIDE OF THE LOT AND A 7FT SIDEYARD ON THE OTHER.

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

PD CRITERIA

Alley Wavier Requested
Minimum Lot Width - 50 FT.
Minimum Lot Depth - 90 FT.
Minimum Lot Area - 4400 SF.
Maximum Lot Coverage - 60%
Minimum Front Yard - 10 FT.
Minimum Side Yard: - 5 Ft. Internal
- 15 FT. Facing Street
Minimum Rear Yard - 15 FT.
Minimum House Size -
Maximum House Stories-Two



24' EMERGENCY ACCESS DETAIL
N.T.S.

OWNER:

BRAND ROAD JV
925 22ND STREET SUITE 100
PLANO, TX 75074

ROSEWOOD PROPERTY COMPANY
2101 CEDAR SPRINGS ROAD, SUITE 600
DALLAS, TX 75201

DEVELOPER:

FOURTH AVENUE INVESTMENTS
PO BOX 707
ALLEN, TX. 75013

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

BENCHMARKS:
1. CITY OF GARLAND STANDARD MONUMENT # 12 SET IN AN INLET ON THE WEST SIDE OF WAGON WHEEL AT THE NORTHWEST INTERSECTION OF WAGON WHEEL AND LAKE STONE DRIVE. ELEVATION = 556.48
2. CITY OF GARLAND STANDARD MONUMENT # 13 SET 101.66' NORTH OF A CONCRETE ALLEY AND 92' WEST OF THE CENTERLINE OF APOLLO ROAD HAVING AN AZIMUTH OF 00°00'00" 102.78' FROM THE NORTHEAST CORNER OF A PARKING LOT AT THE 500 BLOCK OF APOLLO ROAD. ELEVATION = 546.52'

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

REVISIONS	DATE

NDM
NATHAN D. MAIER CONSULTING ENGINEERS, INC.
TEXAS FIRM REGISTRATION NO. F-356
TBPLS REG. NO. 10018900
WWW.NDMCE.COM
Two Northpark · 8080 Park Lane · Suite 600
Dallas, Texas 75231 · 214.739.4741

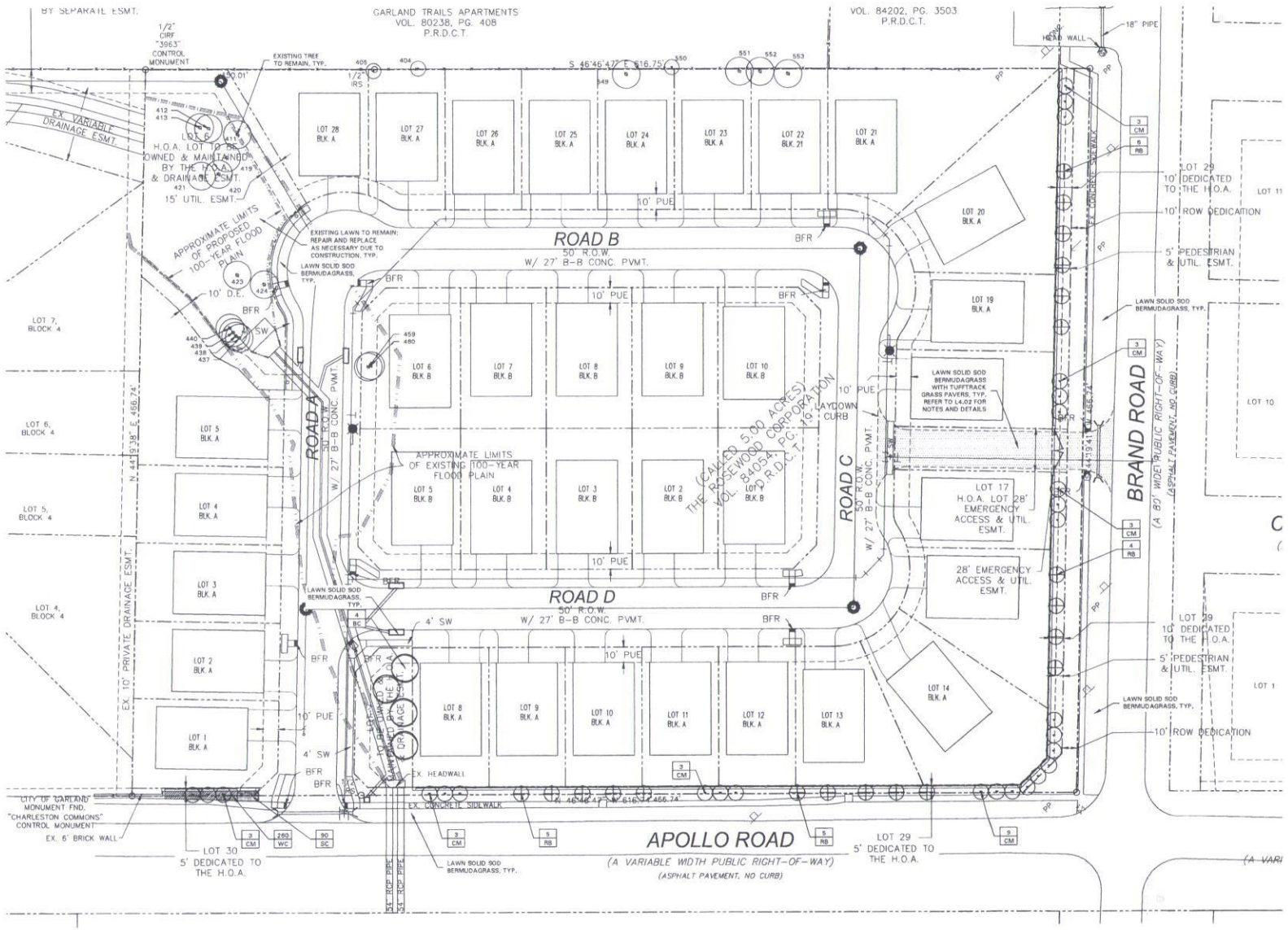
DETAIL PLAN
WINCHESTER COMMONS
APOLLO & BRAND TRACT
CITY OF GARLAND, DALLAS COUNTY, TEXAS

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

Case # 140123-2
SHEET NO. 1 / 3
JOB NUMBER 14-036.A

J:\TEDERALD - 09/17/2014 - 11:04PM K:\2014JOBS\14036\A\DWTS\CONCEPT\CONCEPT PLAN.DWG

EXHIBIT D



PLANT LEGEND

SYMBOL	COMMON NAME
BC	Bald Cypress
CM	Crape Myrtle "Natchez"
HH	Hollywood Holland
RC	Roosevelt Cedar
WC	Winterberry

(REFER TO L4.02 FOR PLANT LIST)

SCALE: 1" = 30'-0"

BELLE FIRMA

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

REVISIONS	DATE
CITY COMMENTS	10/08/14

NDM
NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TEXAS FIRM REGISTRATION NO. F-3356
TBPLS REG. NO. 10018900
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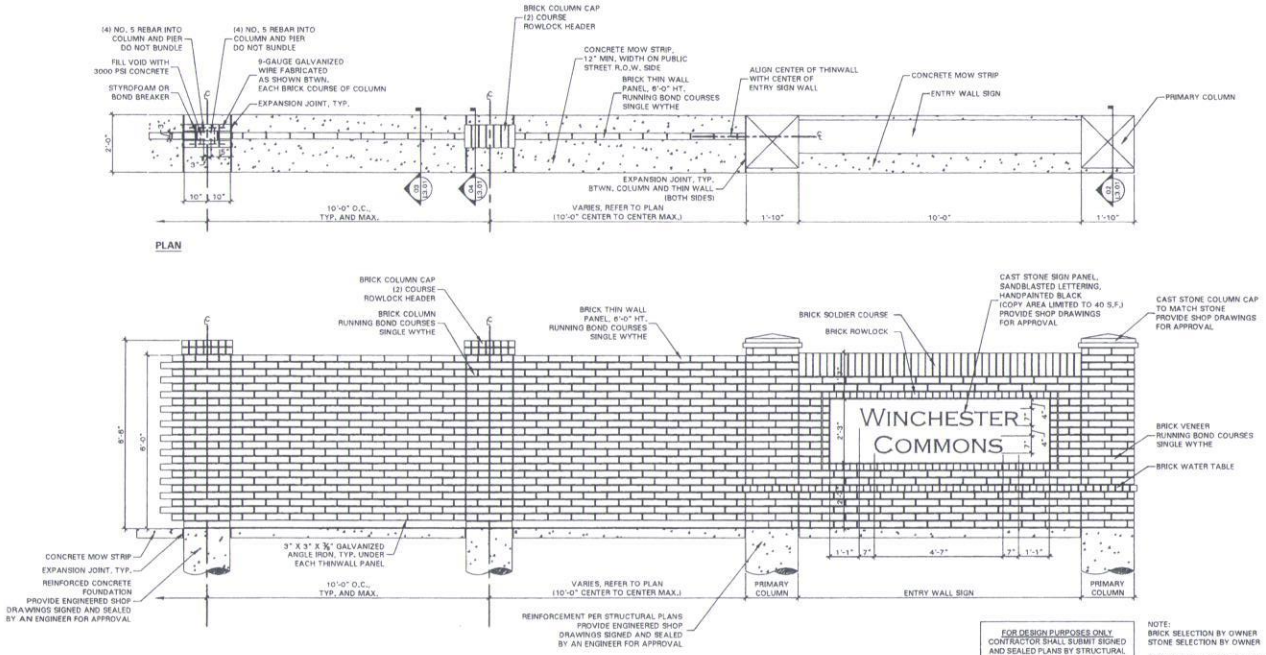
Dallas, Texas 75231 · 214.739.4741

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

DESIGN	DRAWN	SCALE	DATE	NOTES
KAH	KAH	1" = 30'-0"	10/8/14	

SHEET NO. L4.01
JOB NUMBER 14-006.A

EXHIBIT E



01 ENTRY WALL ELEVATION
SCALE: 1/2" = 1'-0"

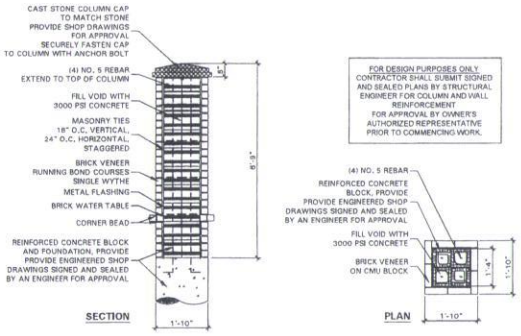
FOR DESIGN PURPOSES ONLY
CONTRACTOR SHALL SUBMIT SIGNED AND SEALED PLANS BY STRUCTURAL ENGINEER FOR COLUMN AND WALL REINFORCEMENT FOR APPROVAL BY OWNER'S AUTHORIZED REPRESENTATIVE PRIOR TO COMMENCING WORK.

NOTE:
BRICK SELECTION BY OWNER
STONE SELECTION BY OWNER

OWNER SHALL MAINTAIN A 3" MIN. OPENING UNDER BRICK THINWALL FOR DRAINAGE AND TO PREVENT HEAVING OF BRICK THINWALL PANEL

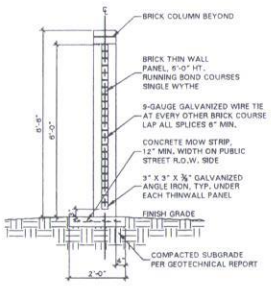
CITY OF GARLAND SCREENWALL NOTES

1. ALL DIMENSIONS SHALL BE MEASURED FROM THE BACK OF CURB, TYPICAL.
2. PRIMARY COLUMNS SHALL BE ALIGNED WITH THE INSIDE OF THE PROPERTY LINE WHERE SHOWN.
3. ALL MASONRY SCREENWALLS AND COLUMNS SHALL BE LOCATED INSIDE THE 3' WALL EASEMENT AND SHALL NOT BE LOCATED IN UTILITY EASEMENTS.
4. ALL CONCRETE SHALL BE CLASS "A" @ 28 DAYS.
5. ALL REINFORCING STEEL BARS SHALL BE ASTM A-615-GRADE 60.
6. ALL MORTAR JOINTS SHALL BE ¾" TOOLED CONCAVE TYPE, RAKED JOINTS ARE NOT PERMITTED.
7. ALL WALLS SHALL BE A MINIMUM OF SIX FEET IN HEIGHT AS MEASURED FROM THE HIGHEST ADJACENT SIDEWALK, ALLEY, OR GRADE LEVEL.
8. THIN WALL PANELS SHALL BE TOTALLY ISOLATED FROM COLUMN MASONRY.
9. CONSTRUCT MOW STRIP PRIOR TO CONSTRUCTING THIN WALL PANEL.
10. ALL 9 GAUGE MASONRY REINFORCING SHALL BE HOT DIP GALVANIZED ASTM A-153 CLASS B2 WITH 1.5 OZ. PER SQUARE FOOT ZINC COATING, LAP ALL 9 GAUGE SPLICES 6" MINIMUM. PROVIDE ⅝" MORTAR COVER MINIMUM.
11. ALL BRICK SHALL BE 3,000 PSI FACING BRICK EXPOSURE SW MINIMUM, CONFORMING TO ASTM C216.
12. ALL MORTAR SHALL BE TYPE S OR TYPE M, CONFORMING TO ASTM C270.
13. ALL BRICK, CMU, OR STONE SHALL BE FULLY SUPPORTED BY 3" x 3" x ¾" GALVANIZED STEEL ANGLE, CONCRETE FOOTING, OR PIER CAP.
14. THESE STANDARDS ARE FOR SCREENING WALLS WHICH ARE REQUIRED BY THE CITY OF GARLAND SCREENING AND LANDSCAPE STANDARDS. PRIVACY FENCES ARE REGULATED BY A SEPARATE CITY ORDINANCE.
15. **MASONRY SCREENWALL CONSTRUCTION SHALL EQUAL OR EXCEED THE REQUIREMENTS SET FORTH IN THE CITY OF GARLAND'S STANDARD CONSTRUCTION DETAILS.**
16. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE "RECOMMENDED PRACTICE FOR ENGINEERED BRICK MASONRY" BRICK OF AMERICA.
17. CONTRACTOR SHALL BE REQUIRED TO CONSTRUCT A SAMPLE PANEL ON SITE, 6'-0" HT. BY 10'-0' LONG, FOR APPROVAL BY THE OWNER'S AUTHORIZED REPRESENTATIVE PRIOR TO COMMENCING WORK.

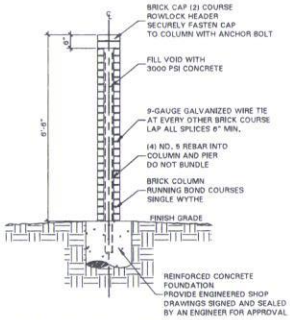


FOR DESIGN PURPOSES ONLY
CONTRACTOR SHALL SUBMIT SIGNED AND SEALED PLANS BY STRUCTURAL ENGINEER FOR COLUMN AND WALL REINFORCEMENT FOR APPROVAL BY OWNER'S AUTHORIZED REPRESENTATIVE PRIOR TO COMMENCING WORK.

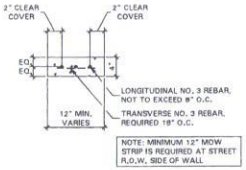
02 PRIMARY COLUMN SECTION
SCALE: 1/2" = 1'-0"



03 BRICK THIN WALL SECTION
SCALE: 1/2" = 1'-0"



04 BRICK COLUMN SECTION
SCALE: 1/2" = 1'-0"



05 MOW STRIP DETAIL
SCALE: 1" = 1'-0"

BELLE FIRMA
4245 North Central Expy
Suite 501
Dallas, Texas 75205
214.865.7192

REGISTERED LANDSCAPE ARCHITECT NATHAN D. MAIER 2242 STATE OF TEXAS
10/08/14

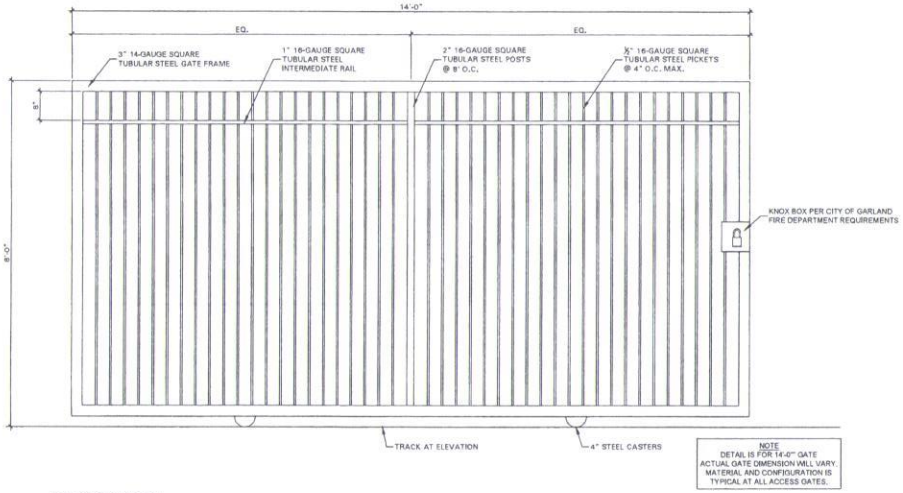
REVISIONS	DATE
CITY COMMENTS	10/08/14

NDM
NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TEXAS FIRM REGISTRATION NO: F-356
TBPLS REG. NO. 10018900
WWW.NDMCE.COM
Two Northpark · 8080 Park Lane · Suite 600
Dallas, Texas 75231 · 214.739.4741

DETAILS
APOLLO & BRAND TRACT
CITY OF GARLAND, DALLAS COUNTY, TEXAS

DESIGN	DRAWN	SCALE	DATE	NOTES
KAH	KAH	AS NOTED	10/08/14	

SHEET NO. L3.01
JOB NUMBER 144036.A



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

EXHIBIT E

BELLE FIRMA

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

REGISTERED LANDSCAPE ARCHITECT
STATE OF TEXAS
10/08/14

REVISIONS	DATE
CITY COMMENTS	10/08/14

NDM
NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
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Two Northpark · 8080 Park Lane · Suite 600
Dallas, Texas 75231 · 214.739.4741

DETAILS
APOLLO & BRAND TRACT
CITY OF GARLAND, DALLAS COUNTY, TEXAS

DESIGN	DRAWN	SCALE	DATE	NOTES
KAH	KAH	AS NOTED	10/8/14	

SHEET NO. L3.02

JOB NUMBER 14-006.A

City Council Item Summary Sheet

☐ **Work Session**

☒ **Agenda Item**

Date: **November 18, 2014**

Change Order – Fire Station No. 5

Summary of Request/Problem

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

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

Recommendation/Action Requested and Justification

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

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

City Council Item Summary Sheet

☐ **Work Session**

☒ **Agenda Item**

Date: **November 18, 2014**

Appointing an Interim City Secretary and Assistant Interim City Secretary

Summary of Request/Problem

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

Recommendation/Action Requested and Justification

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

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

RESOLUTION NO.

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

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

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

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

Section 1

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

Section 2

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

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

CITY OF GARLAND, TEXAS

By:_____
Mayor

ATTEST:

_____
Interim City Secretary

City Council Item Summary Sheet

☐ **Work Session**

☒ **Agenda Item**

Date: **November 18, 2014**

Texas Enterprise Zone Nomination – Kraft Foods Group, Inc.

Summary of Request/Problem

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

Recommendation/Action Requested and Justification

Council discussion.

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

ORDINANCE NO. _____

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

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

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

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

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

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

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

Section 1

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

Section 2

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

A. The City may abate taxes on the increase in value of real property improvements and eligible personal property that locate in a designated enterprise zone. The level of abatement shall be based upon the extent to which the business receiving the abatement creates jobs for qualified employees, in accordance with the City of Garland Tax Abatement Policy, and with qualified employee being defined by the Act.

B. The City may provide the programs to improve and increase the value of real estate and new investment, including:

1) local sales tax refund;
2) tax increment financing;
3) freeport exemption; or
4) chapter 380 grants.

C. The City may provide regulatory relief to businesses, including:

1) zoning changes or variances;
2) exemptions from impact fees, or inspection fees; or
3) streamlined permitting.

D. The City may provide enhanced municipal services to businesses, including:

1) improved police and fire protection; or
2) institution of community crime prevention programs.

E. The City may provide improvements in community facilities, including:

1) capital improvements in water and sewer facilities; or
2) road repair.

F. The City may provide improvements to housing, including:

1) low-interest loans for housing rehabilitation, improvement, or new construction; or
2) transfer of abandoned housing to individuals or community groups.

G. The City may provide businesses and industrial development services, including:

1) low-interest loans and grants for businesses;
2) creation of special one-stop permitting and problem resolution centers or ombudsmen; or
3) promotion and marketing services.

H. The City, through its funding of other agencies, may provide job training and employment services to businesses, including:

1) retraining programs;
2) literacy and employment skills programs;
3) vocational education; or
4) customized job training.

Section 3

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

Section 4

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

Section 5

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

B. KRAFT FOODS GROUP, INC. is a “qualified business” under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site located in an enterprise zone in the governing body’s jurisdiction and at least twenty-five (25%) of the business’ new employees will be residents of an Enterprise Zone or economically disadvantaged individuals;

C. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities in the area;

D. The designation of KRAFT FOODS GROUP, INC. as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

Section 6

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

Section 7

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

[SIGNATURE PAGE FOLLOWS]

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

CITY OF GARLAND, TEXAS

_____
Mayor

ATTEST:

_____
City Secretary

Planning Report

File No. BW 14-01/District 2

Meeting: City Council

Date: November 18, 2014

Ryan Anderson

601 West State Street

REQUEST

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

OWNER

Irma Heckard

BACKGROUND

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

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

SITE DATA

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

SURROUNDING ZONING AND LAND USES

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

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

CONSIDERATIONS

1. The subject property is currently developed with a restaurant, Salvage Bar and Grill. The applicant is proposing to occupy the space with a new restaurant that will also serve beer and wine.

2. In 2013, a variance was granted to allow for the existing restaurant to serve alcohol within the required 300 foot distance requirement from a church.

3. Section 33A-400(A)(1) and Section 33A-400(B) of the Comprehensive Zoning Ordinance state that an establishment that sells or serves alcoholic beverages may not be located nearer than 300 feet to a church, public school or public hospital.

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

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

Prepared By:

Chasidy Allen, AICP
Principal Planner

Date: November 6, 2014

Reviewed By:

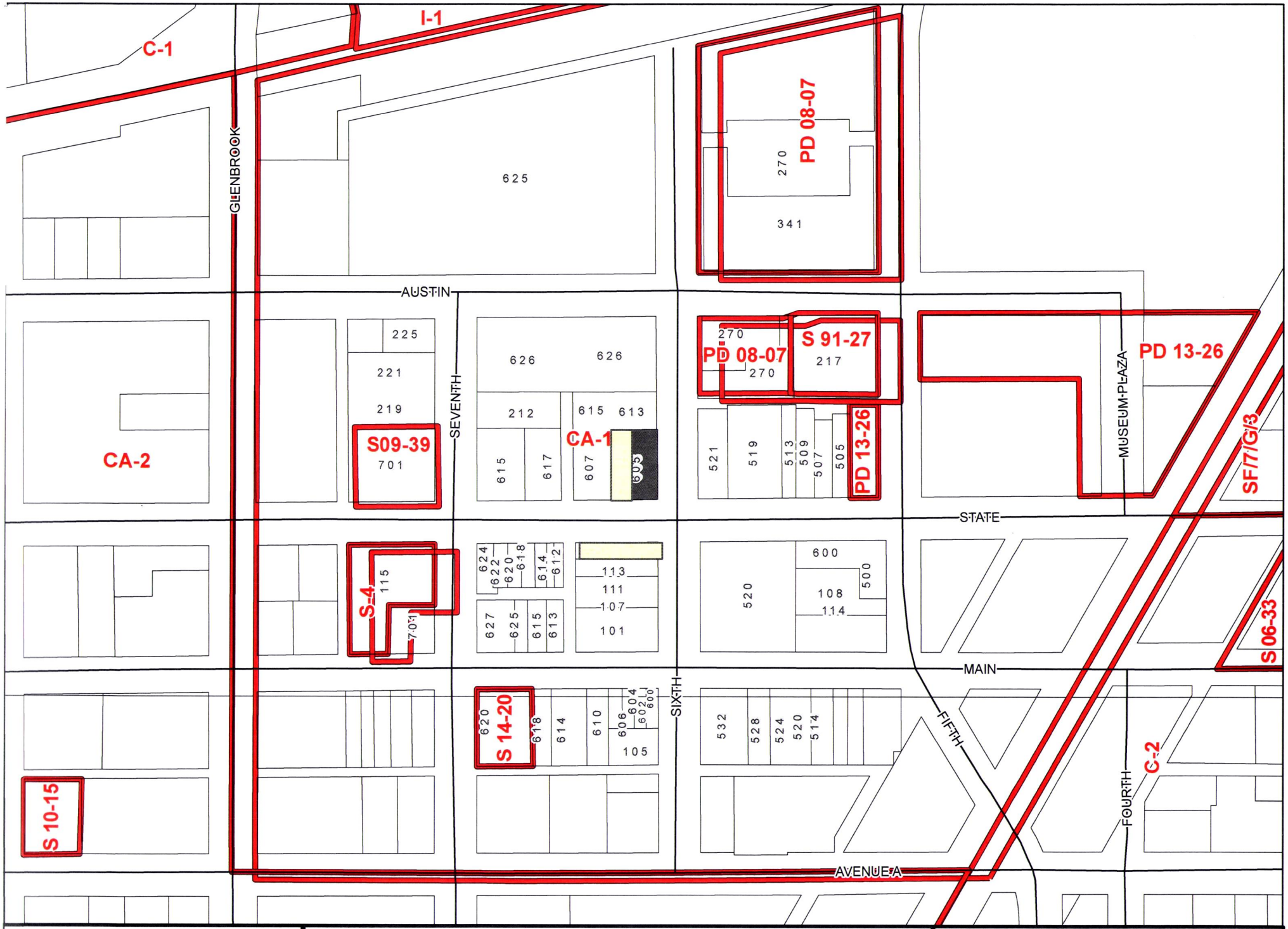
Anita Russelmann
Director of Planning

Date: November 7, 2014

Reviewed By:

William E. Dollar
City Manager

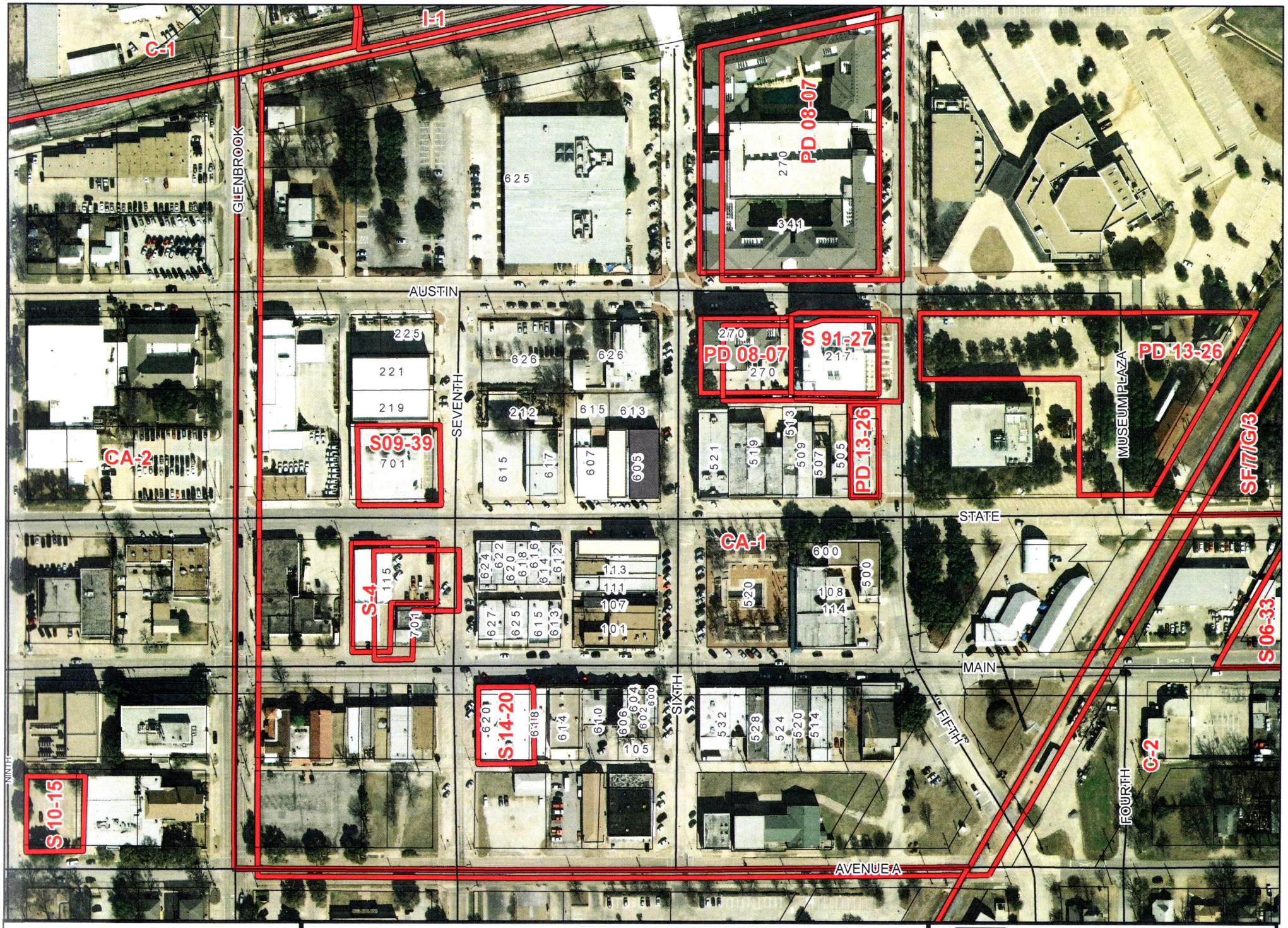
Date: November 10, 2014



0 100 200 Feet

Beer & Wine Variance BW 14-01

Subject Property
Church Property



0 100 200 Feet

Beer & Wine Variance BW 14-01

Subject Property

Church Property

City of Garland – Variance request statement:

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

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

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

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

Sincerely,

Ryan Anderson (Owner)

& Tony Stubblefield (GM-Director)

OCT 14 2014 PM 1:34

Support of Alcohol Distance Variance request:

x_____ TAMMY HARRIS

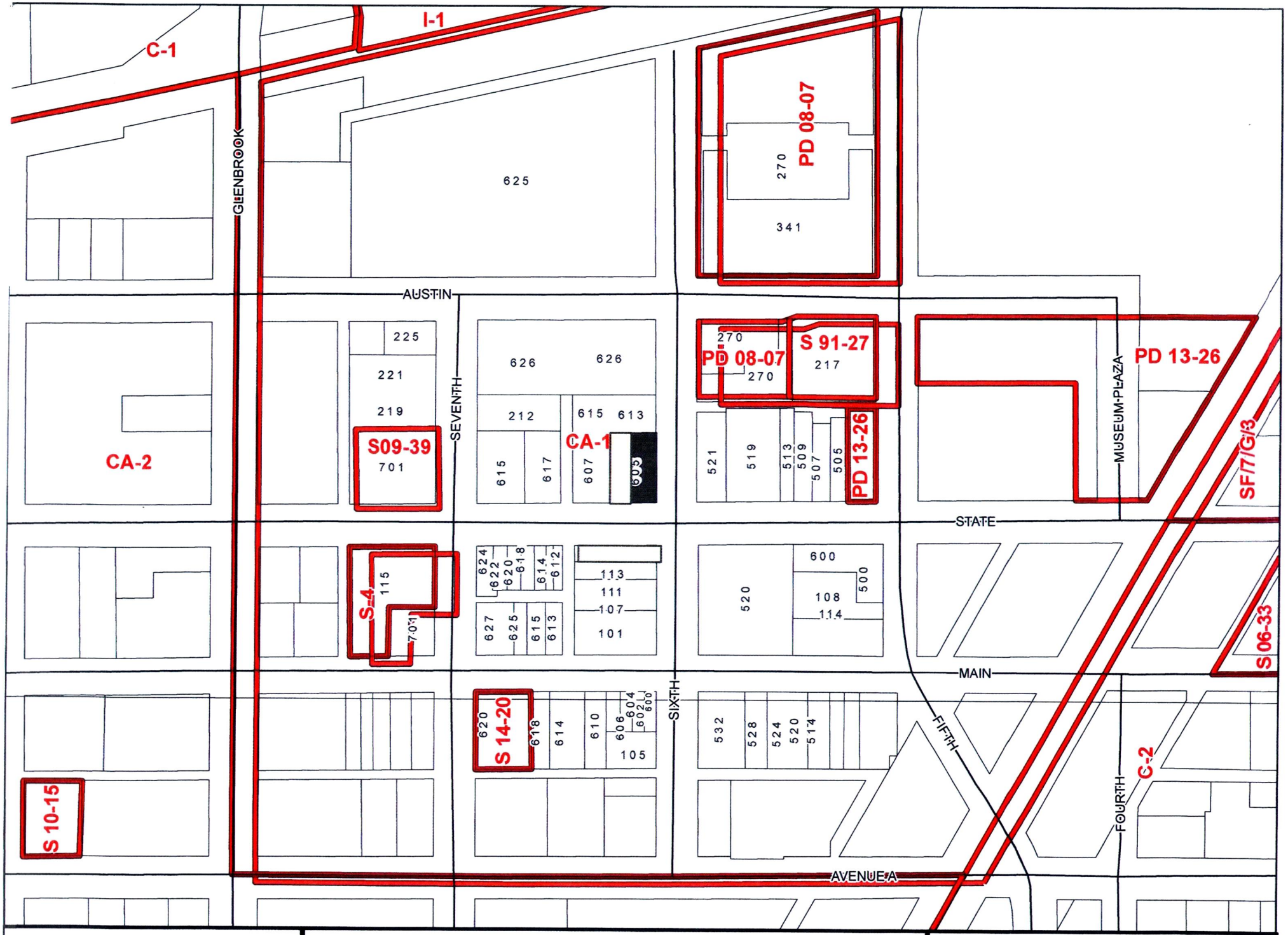
x_____ Lindsey M. Williams

x_____ JETU-PATEL.

x_____

x_____

OCT 14 2014 PM 1:35


C-1
I-1
GLENBROOK
625
PD 08-07
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341
AUSTIN
CA-2
225
221
219
S09-39
701
SEVENTH
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212
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CA-1
PD 08-07
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S 91-27
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PD 13-26
MUSEUM PLAZA
PD 13-26
SF/7/G/3
STATE
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701
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S 06-33
MAIN
S 14-20
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FIFTH
FOURTH
C-2
S 10-15
AVENUE A
0 100 200 Feet
Beer & Wine Variance BW 14-01
Subject Property
Church Property

We did not receive any replies for this case.