



## **AGENDA**

**REGULAR MEETING OF THE CITY COUNCIL  
City of Garland  
Duckworth Building, Goldie Locke Room  
217 North Fifth Street  
Garland, Texas  
May 19, 2015  
7:00 p.m.**

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

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

### **CITY COUNCIL GOALS 2020**

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

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

## MAYORAL PROCLAMATIONS, RECOGNITIONS AND ANNOUNCEMENTS

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

## CONDUCT THE SWEARING IN

## CONSENT AGENDA

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

1. Consider approval of the minutes of the May 5, 2015 Regular Meeting.
2. Consider approval of the following bids:
  - a. Pulsar Network Communications Upgrade Bid No. 5399-15

**AMETEK Power Instruments \$224,980.00**

*This request is to provide for Phase II of the Pulsar Network Communications Upgrade at Garland Power & Light's Substations. This upgrade is required to detect high-speed relay tripping and provide transmission line protection.*

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. 15-10, RaceTrac Petroleum, Inc.

*Consider an ordinance amending the zoning laws of the City of Garland by approving a Specific Use Permit for retail sales with gas pumps on property zoned Shopping Center District, on a 2.245-acre tract of land located at 2018 Northwest Highway.*

**b. Zoning File No. 15-11, 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 and Planned Development District 14-38 for limited Shopping Center uses, an amended detail plan and a Specific Use Permit for a restaurant with a drive-through on a 0.802-acre tract of land located on the southeast corner of Lavon Drive and Foster Road.*

**c. Zoning File No. 15-12, Timber Oaks Townhomes, LLC**

*Consider an ordinance amending the zoning laws of the City of Garland by approving an amendment to Planned Development District 08-11 for townhouse and duplex uses and a detail for three townhouse and duplex structures on approximately 2.2 acres and generally located south of High Meadow Drive and west of East Centerville Road providing for conditions, restrictions, and regulations.*

**4. Consider a resolution authorizing the City Manager to enter into a Purchase Agreement for a 3.16 acre tract of land located in and around the Spring Creek Greenbelt.**

*At the May 4, 2015 Work Session, Council considered the City's offer of \$350,000 on a vacant parcel of land at 5800 Shiloh Road. The 3.16 acre or 137,824 square foot parcel is located at the corner of Shiloh Road and Mapleridge Drive. The property shares north and east boundaries with existing park land and provides a desirable contiguous greenbelt connection between both banks of Spring Creek.*

**5. Consider a resolution authorizing the City Manager to enter into an Interlocal Agreement with the City of Sachse.**

*At the May 4, 2015 Work Session, Council considered whether to enter into an Interlocal Agreement with the City of Sachse allowing for the proper construction*

*of Pleasant Valley Road at the City limit lines and including a portion of Sachse's proposed wastewater main in Garland as part of Garland's bid package.*

6. **Consider a resolution appointing Bryan L. Bradford as the City Manager of the City of Garland.**

*Council is requested to approve the resolution appointing Bryan L. Bradford as the City Manager of Garland.*

7. **Consider by minute action authorizing the City Manager to execute an interlocal agreement with the City of Mesquite for the installation of a CASA radar site.**

*Council is requested to approve by minute action the interlocal agreement with the City of Mesquite.*

## **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 are located at the entrance to the Council Chambers). The Mayor will recognize speakers; he may impose a time limit and may provide for rebuttal. All comments and testimony are to be presented from the podium.**

8. **Consider an ordinance adopting the Garland Development Code.**

*At the May 18, 2015 Work Session, Council was requested to consider the adoption of an ordinance adopting the Garland Development Code.*

9. **Hold a public hearing and consider the following regarding an Economic Incentive Agreement for Andersen Menomonie.**
  - 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 regarding the reinvestment zone.**

- b. **Consider a resolution authorizing the City Manager to execute a Tax Abatement Agreement with Andersen Menomonie, Inc. and providing and effective date.**

**10. Hold public hearings on the following zoning cases:**

- a. **Consider the application of The Dimension Group, requesting approval of a Specific Use Permit for retail sales with gas pumps on a property zoned Planned Development District 83-27 for Limited Shopping Center Uses. This property is located at the southwest corner of Campbell Road and Murphy Road. (File No. 15-05, District 1)**

*The applicant requests approval of a Specific Use Permit to develop the site with a 7-Eleven gas station that will consist of a 3,010 square foot retail building, a 3,640 square foot canopy over 8 gas pumps and a 966 square foot stand-alone automated car wash structure.*

- b. **Consider the application of Panda Restaurant, requesting approval of 1) an amended Concept Plan, a Detail Plan, and a Specific Use Permit for Restaurant with Drive Through on property zoned Planned Development District 13-40 for General Business Uses and 2) variances to the IH 635 Development Standards including to Section 34.21(C)(3) regarding freestanding signs and Section 34.21(C)(4) regarding attached signage. This property is located southeast of the intersection of West Centerville Road and IH 635. (File No. 15-08, District 5)**

*The applicant requests approval of a Detail Plan and Specific Use Permit to construct a 2,593 square foot Panda Express restaurant with drive through.*

- c. **Consider the application of Schwob Building Company, requesting approval of a Specific Use Permit for a High Risk Use on property zoned Industrial-1 (I-1) District. This property is located east of the Northeast intersection of Jupiter and West Miller Road. (File No. 15-14, District 6)**

*The applicant requests approval of the Specific Use Permit for a period of 25 years.*

**11. 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.*

**12. Adjourn.**

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

The City Council of the City of Garland convened in regular session at 7:00 p.m. on Tuesday, May 5, 2015, in the Goldie Locke Room at The Duckworth Building, 217 North Fifth Street, Garland, Texas, with the following members present:

**COUNCIL 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	Bryan Bradford
City Attorney	Brad Neighbor
City Secretary	Eloyce René Dowl

**CALL TO ORDER:**

The meeting was called to order by Mayor Douglas Athas. Deputy Mayor Pro Tem Campbell led the invocation and Pledge of Allegiance.

Mayor Athas opened the meeting with comments regarding the incident at the Curtis Culwell Center on May 3, 2015.

**CEREMONIALS**

Mayor Athas presented proclamations for: Safe Boating Week (May 16-22) to the local Coast Guard representative, Asian American Heritage Month to Jennifer Nguyen, President of the Community Multicultural Commission, and Motorcycle Safety Awareness Month.

Mayor Athas recognized Jarod Saye from Boy Scout Troop 1978.

**CONSENT AGENDA:**

All items marked with asterisks (\*\*) on the Consent Agenda were voted on at the beginning of the meeting. Mayor Athas read those items into the record. Motion was made by Deputy Mayor Pro Tem Campbell, seconded by Council Member Stanley, to approve items 1, 2a, 2b, 2c, 2d, 2e, 3a, 4, 5, 6, 7, 8, 9, 10, and 11. Motion to approve carried with 9 ayes and 0 nays.

**1. APPROVED\*\***

Approval of the minutes of the April 21, 2015 Regular Meeting.

2a. APPROVED\*\* Bid No. 5012-15 to ABB, Inc. in the amount of \$1,225,924.00 for the Denton transformer.

This request is to replace the spare Denton transformer that was used for the TMPA Bryan-East Substation when that transformer failed.

2b. APPROVED\*\* Bid No. 5282-15 to Techline, Inc. in the amount of \$227,072.56 (includes an optional contingency of \$22,707.26) for a total of \$249,779.82 for Gibbons Creek Reactive Support

This request is to provide materials associated with the GP&L/TMPA Gibbons Creek Reactive Support project. Due to the complex nature of the project, an Optional Contingency is included for any unforeseen additional materials that may be required.

2c. APPROVED\*\* Bid No. 5163-15 to Bound Tree Medical, LLC in the amount of \$283,155.96 for medical services supplies and equipment.

This request is to provide the Garland Fire Department Emergency Medical Services supplies and equipment to be used for training and emergency medical response. This is a term contract with four optional renewals.

2d. APPROVED\*\* Bid No. 5338-15 to Professional Turf Products, L.P. for Tee Mowers.

This request is to purchase four replacement Tee Mowers for the Firewheel Golf Course.

2e. APPROVED\*\* Bid No. 5359-15 to Municipal Emergency Services, Inc. for \$143,870.94 for the Personal Protective Ensemble.

This request is to provide Self-Contained Breathing Apparatus and related necessary components as part of the Personal Protective Ensemble for twenty-one Garland Fire Department new hires.

3a. APPROVED\*\*

Ordinance 6769 approving an amendment to the zoning laws of the City of Garland by approving an amendment of Planned Development (PD) District 03-39 for freeway uses and a detail plan for a medical (dental) office on a 1.84 acre tract of land located north of State Highway 190 between East Brand Road and Rivercove Drive. (Zoning File No. 15-09, Dallas Metroplex Property Management, District 1)

This was previously discussed at the April 21, 2015 Regular Council Session.

4. APPROVED\*\*

Minute action authorizing the City Manager to execute Change Order No. 2 to BL 05560 in the amount of \$173,622.43 with Galls, LLC.

At the May 4, 2015 Work Session, Council considered Change Order No. 2 to BL 05560 with Galls, LLC in the amount of \$173,622.43 to provide uniforms and clothing items to the Garland Fire Department.

5. APPROVED\*\*

Resolution 10195 authorizing the Mayor to abandon the alley right-of-way in the James Terrace installment No. 2 subdivision and execute a Deed Without Warranty conveying the 479 square feet of land to the Catholic Diocese of Dallas for the Good Shepherd Catholic Church.

At the April 20, 2015 Work Session, Council considered the abandonment of a 9.5" wide alley right-of-way remainder in James Terrace Installment No. 2.

6. APPROVED\*\*

Resolution 10196 authorizing the City Manager to accept the State of Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) Grant "Click It or Ticket" for May 18, 2015 – May 31, 2015 in the amount of \$4,956.37.

At the May 4, 2015 Work Session, Council considered the acceptance of a TxDOT STEP Grant – "Click It or Ticket" in the amount of \$4,956.37. The grant will be utilized to provide

a greater level of traffic safety for the citizenry of the City of Garland by potentially changing the driving habits of those who violate the laws related to vehicle occupant protection and child safety seat enforcement thereby reducing the number of injuries and fatalities related to motor vehicle accidents. The required enforcement period will be May 18, 2015 – May 31, 2015.

7. APPROVED\*\*

Resolution 10197 authorizing the Mayor to abandon the Eastgate Drive right-of-way and execute a Deed Without Warranty conveying the 22,322 square feet of land to RaceTrac.

At the May 4, 2015 Work Session, Council considered the abandonment of the remaining portion of Eastgate Drive from the IH-635 Frontage Road to Northwest Highway to RaceTrac for \$40,000.

8. APPROVED\*\*

Resolution 10198 adopting and approving the Consolidated Plan – One Year plan of action including a revised statement of uses of funds for 2015-16 Community Development Block Grant, Home Investment Partnership and, Emergency Solutions Grant Programs.

At the April 6, 2015 Work Session, Council considered the available funding and applications received for CDBG, HOME, and ESG 2015-16 budget year. A public hearing was also conducted at the April 7, 2015 Regular Meeting.

9. APPROVED\*\*

Resolution 10199 by the City Council of the City of Garland reappointing a member to serve on the North Texas Municipal Water District's Board of Directors.

At the April 20, 2015 Work Session, Council considered the reappointment of Don Gordon to serve as a City of Garland representative on the North Texas Municipal Water District Board of Directors for an additional two-year term.

10. APPROVED\*\* Resolution 10200 by the City Council of the City of Garland reappointing a member to serve on the Texas Municipal Power Agency's Board of Directors.

At the April 20, 2015 Work Session, Council considered the reappointment of Tom Jefferies to serve as a City of Garland representative on the Texas Municipal Power Agency Board of Directors for an additional two-year term.

11. APPROVED\*\* Minute action by the City Council of the City of Garland appointing a representative to serve on the Garland Housing Finance Corporation (GHFC) Board of Directors for a six-year term that will expire on August 31, 2020.

At the May 4, 2015 Work Session, Council was scheduled to consider appointing J. Christopher Luna to serve as a City of Garland representative on the Garland Housing Finance Corporation Board of Directors.

12. APPROVED Resolution 10201 adopted by the City Council of the City of Garland regarding the Development of the IH-635 East Project and in support of the Expiring Revenue Enhancement.

At the request of Council Member B.J. Williams and Deputy Mayor Pro Tem Marvin 'Tim' Campbell, Council is requested to consider a Resolution regarding the Development of the IH-635 East Project and in support of an Expiring Revenue Enhancement funding mechanism.

Motion to approve the resolution was made by Council Member B. J. Williams seconded by Deputy Mayor Pro Tem Campbell. Motion to approve carried with 9 ayes and 0 nays.

13a. APPROVED Consider the application of RaceTrac Petroleum, Inc. requesting approval of a Specific Use Permit for retail sales with gas pumps on property zoned Shopping Center (SC) District within the IH 635 Overlay. This property is located at 2018 Northwest Highway. (Zoning File No. 15-10, RaceTrac Petroleum, Inc., District 5)

This applicant requests approval of a specified Use Permit for retail sale and proposed to demolish the existing 3,500 square foot convenience store, gas canopy and vacant building on the adjacent site to redevelop the subject property.

Mayor Athas opened the public hearing at 7:20 p.m. The speakers on this item were Will Guerin, Director of Planning, Laura Hoffman, RaceTrac and, Jeffrey Baird, RaceTrac. Motion to approve was made by Council Member Billy Mack Williams seconded by Council Member Lori Dodson to close the public hearing and approve at 7:31 p.m. Motion to approve carried with 9 ayes and 0 nays.

13b. APPROVED

Consider the application of GFC Leasing Corp., LLC. Requesting approval of 1) an amendment of Planned Development (PD) District 01-03 and Planned Development (PD) District 14-38, both for Limited Shopping Center Uses and 2) an amended Detail Plan and a Specific Use Permit for a restaurant, drive-through. This property is located on the southeast corner of Lavon Drive and Foster Road (Zoning File No. 15-11, GFC Leasing Corp., LLC, District 1)

The applicant requests approval of an amendment of Planned Development to allow the development of a Golden Chick restaurant on a 0.689 acre site that was originally part of a 14.8-acre tract of land under Planned Development (PD) District 01-03.

Mayor Athas opened the public hearing at 7:32 p.m. The speaker on this item was Will Guerin, Director of Planning. Motion to approve was made by Deputy Mayor Pro Tem Campbell seconded by Council Member Goebel to close the public hearing and approve at 7:37 p.m. Motion to approve carried with 9 ayes and 0 nays.

13c. APPROVED

Consider the application of Timber Oaks Townhomes, LLC requesting approval of 1) an amendment to Planned Development (PD) District 08-11 for Townhouse and two Duplex structures. This property is located south of High

Meadow Drive and west of E. Centerville. (Zoning File No. 15-12, Timber Oaks Townhomes, District 2)

The applicant requests approval of a Detail Plan to allow for the construction of three townhome buildings containing 6 units and 2 duplex buildings with 2 units each.

Mayor Athas opened the public hearing at 7:38 p.m. The speaker on this item was Will Guerin, Director of Planning. Motion to approve was made by Council Member Goebel seconded by Council Member Stanley to close the public hearing and approve at 7:41 p.m. Motion to approve carried with 9 ayes and 0 nays.

14. CITIZEN COMMENTS Mary Enlenfeldt

15. ADJOURN

There being no further business to come before the Council, Mayor Athas adjourned the meeting at 7:46 p.m.

CITY OF GARLAND, TEXAS

/s/ Douglas Athas, Mayor

/s/ City Secretary



## Purchasing Report

### **PULSAR NETWORK COMMUNICATIONS UPGRADE OPEN MARKET**

**PURCHASE JUSTIFICATION:**

The purpose of this contract is to provide for Phase II of the Pulsar Network Communications Upgrade at Garland Power & Light's Substations. This upgrade is required to detect high-speed relay tripping and provide transmission line protection. AMETEK Power Instruments is the manufacturer and sole source provider for the Pulsar Network Communications Upgrade.

**AWARD RECOMMENDATION:**

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
AMETEK Power Instruments		\$224,980.00
	<b>TOTAL:</b>	<u>\$224,980.00</u>

**BASIS FOR AWARD:**

**Sole Source**

Submitted by:

Reviewed by:

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

05/13/15  
City Manager

Date: 05/08/15

Date: Bryan L. Bradford

<b><u>FINANCIAL SUMMARY:</u></b>			
Total Project/Account:	\$ 623,492	Operating Budget:	<input type="checkbox"/> CIP: <input checked="" type="checkbox"/> Year: <u>2015</u>
Expended/Encumbered to Date:	256,836	Document Location:	<u>Page E10</u>
Balance:	\$ 366,656	Account #:	210-3799-3176201-6051
This Item:	224,980	Fund/Agency/Project – Description:	GP&L CIP / Substations Upgrades
Proposed Balance:	\$ 141,676	Comments:	
Trent Schulze	05/11/15		
Budget Analyst	Date		
Ron Young	05/11/15		
Budget Director	Date		





# **GARLAND**

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## **PURCHASING**

### **Executive Summary** **Bid 5399-15** **Pulsar Network Communications Upgrade**

**Recommended Vendor:**

AMETEK Power Instruments

**Total Recommended Award:**

\$224,980.00

**Basis for Award:**

Sole Source

**Purpose:**

The purpose of this contract is to provide for Phase II of the Pulsar Network communications upgrade at Garland Power & Light's Substations. This upgrade is required to detect high speed relay tripping and provide transmission line protection.

**Evaluation:**

AMETEK Power Instruments is the manufacturer and sole source provider for the Pulsar Network communications upgrade.

**Recommendation:**

Staff recommends awarding the contract to AMETEK Power Instruments as the sole source provider.

**Funding Information:**

This project will be funded out of the Pulsar Communication Equipment Upgrade CIP 210-3799-3176201-6051 (EC-S07062-003-1-6051).

**Department Director:**

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



# City Council Item Summary Sheet

Work Session

Date: May 19, 2015

Agenda Item

## Zoning Ordinance

### Summary of Request/Problem

Zoning Ordinance 15-10 RaceTrac Petroleum, Inc.

### Recommendation/Action Requested and Justification

Consider adoption of attached ordinance.

**Submitted By:**

**Will Guerin**  
Director of Planning

**Approved By:**

**Bryan L. Bradford**  
City Manager

**ORDINANCE NO.**

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PERMIT FOR RETAIL SALES WITH GAS PUMPS ON PROPERTY ZONED SHOPPING CENTER (SC) DISTRICT, ON A 2.245-ACRE TRACT OF LAND LOCATED AT 2018 NORTHWEST HIGHWAY; 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 April, 2015, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **RaceTrac Petroleum, Inc.**; and

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

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

**Section 1.**

Ordinance No. 4647 is hereby amended by approving a Specific Use Permit for Retail Sales with Gas Pumps on property zoned Shopping Center (SC) District, on a 2.245-acre tract of land located at 2018 Northwest Highway, 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. 15-10

**Section 5.**

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

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**THE CITY OF GARLAND, TEXAS**

By:

\_\_\_\_\_  
Mayor

**ATTEST:**

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

Published:

**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**Zoning File 15-10**

**BEING** a 2.245 acre tract situated in the Soloman Dixon Survey, Abstract No. 408 and being the remainder of Lot 1-R, and Lot 2, Block 1, Replat of Eastgate Addition No. 6, an addition to the City of Garland according to the plat thereof recorded in Volume 75090, Page 2207, Plat Records, Dallas County, Texas (P.R.D.C.T.) and a portion of Eastgate Drive, Eastgate Addition No. 4, an addition to the City of Garland according to the plat thereof recorded in Volume 72014, Page 181, P.R.D.C.T. and being more particularly described by metes and bounds as follows:

**BEGINNING** at a found 1/2 inch capped iron rod stamped "5393" in the south right-of-way line of Northwest Highway (Variable Width Right-of-Way) for the most northerly northeast of said Lot 2, also being the northwest corner of Lot 1, Block 1, Eastgate Annex No. 2, an addition to the City of Garland according to the plat thereof recorded in Volume 87062, Page 1674, P.R.D.C.T.;

**THENCE** with the common line between said Lot 2 and said Lot 1, the following:

South 00°43'19" East, a distance of 202.03 feet to a found 1/2 inch capped iron rod stamped "5393" at a northeast corner of said Lot 2, also being the most westerly southwest corner of said Lot 1;

North 88°34'11" East, a distance of 85.00 feet to a found 5/8 inch capped iron rod stamped "BHB INC" at an interior ell corner of said Lot 2, also being the most northerly southwest corner of said Lot 1;

South 00°43'49" East, a distance of 50.00 feet to a found 1/2 inch capped iron rod stamped "5683" at a northeast corner of said Lot 2, also being the southwest corner of said Lot 1;

North 88°34'11" East, a distance of 22.96 feet to a found 1/2 inch capped iron rod at the most easterly northeast corner of said Lot 2, also being the northwest corner of Lot 1, Block 1, Myers Addition No. 1, an addition to the City of Garland according to the plat thereof recorded in Volume 71344, Page 2123, P.R.D.C.T.;

**THENCE** South 00°43'49" East, with the common line between said Lot 2 and said Lot 1, Myers Addition, a distance of 105.00 feet to a found 5/8 inch capped iron rod stamped "BHB INC" at the north corner of Lot 3, Block 1 of said Eastgate Addition No. 6;

**THENCE** South 42°48'01" West, with the common line between said Lot 2 and said Lot 3, a distance of 108.91 feet to a found 5/8 inch capped iron rod stamped "BHB INC" at the south corner of said Lot 2, also being the west corner of said Lot 3 in the east right-of-way line of the aforesaid Eastgate Drive;

**EXHIBIT A**

**THENCE** North 54°02'49" West, with the common line between said Lot 2 and said Eastgate Drive, a distance of 20.24 feet;

**THENCE** continuing with said common line and ac curve to the right having a central angle of 06°31'37", a radius of 126.95 feet, an arc length of 14.46 feet and a chord which bears North 50°47'00" West, a distance of 14.45 feet to a found 5/8 inch capped iron rod stamped "BHB";

**THENCE** North 54°02'49" West, crossing said Eastgate Drive, a distance of 158.85 feet to a found 5/8 inch iron rod stamped "BHB" in the west right-of-way line of said Eastgate Drive;

**THENCE** with the west line of said Eastgate Drive, the following:

North 54°02'41" West, a distance of 61.38 feet to a found 5/8 inch iron rod stamped "BHB";

North 47°58'41" West, a distance of 64.72 feet to a found 5/8 inch iron rod stamped "BHB";

With a curve to the right having a central angle of 44°33'06", a radius of 107.00 feet, an arc length of 83.20 feet and a chord which bears North 23°31'14" West, a distance of 81.12 feet to a found 5/8 inch iron rod stamped "BHB";

North 01°14'41" West, a distance of 148.12 feet to a found 5/8 inch iron rod stamped "BHB";

**THENCE** North 82°40'34" East, a distance of 51.46 feet to the northwest corner of the remainder of the aforesaid Lot 1-R in the south right-of-way line of Northwest Highway (Variable Width Right-of-Way), from which a found X in concrete bears South 23°23'49" West, a distance of 1.05 feet and a found X bears North 01°14'49" West, a distance of 7.19 feet;

**THENCE** North 84°16'50" East, with the common line between said Lot 1-R and said Northwest Highway, a distance of 92.20 feet to a point from which a found X bears South 23°14'35" West, a distance of 1.31 feet;

**THENCE** North 88°45'11" East, with the common line between said Lot 1-R and said Northwest Highway, at a distance of 83.32 passing the northeast corner of said Lot 1-R, also being the most northerly northwest corner of the aforesaid Lot 2, from which a found X in concrete bears South 81°29'19" West, a distance of 0.29 feet and a found X in concrete bears South 19°43'07" West, a distance of 1.40 feet, continuing with the common line between said Lot 2 and said Northwest Highway for a total distance of 108.32 feet to the **POINT OF BEGINNING** and containing 2.245 acres or 97,801 square feet of land, more or less.

## EXHIBIT A

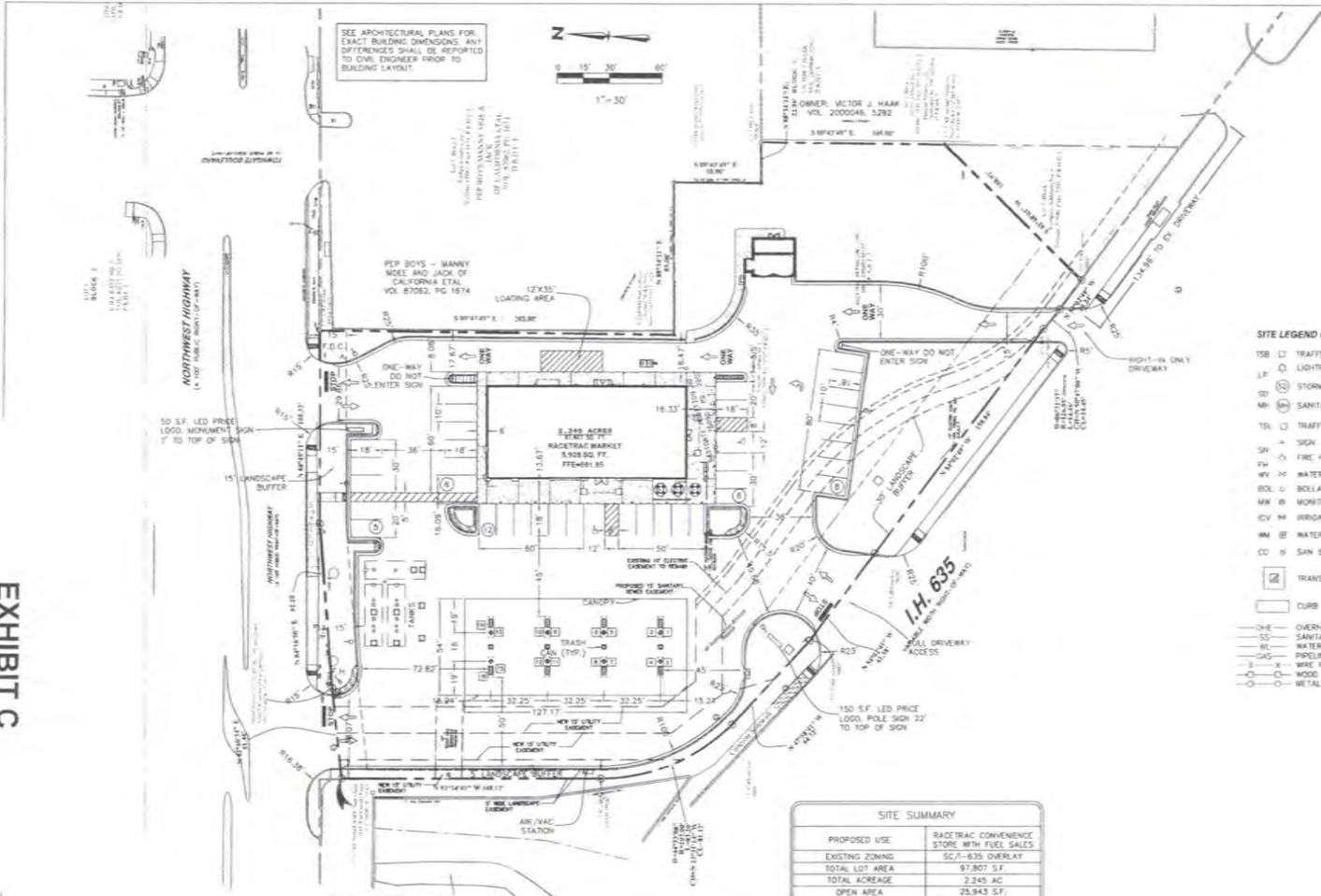
## SPECIFIC USE PERMIT CONDITIONS

### ZONING FILE 15-10

#### 2018 Northwest Highway

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow the construction of retail sales with gas pumps.
- II. **Statement of Effect:** This permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, as amended, except as specifically provided herein.
- III. **General Regulations:** All regulations of Section 10-309 and the Shopping Center (SC) District set forth in Section 24, 33, and 47 of the Comprehensive Zoning Ordinance, Ordinance No. 4647 are included by reference and shall apply, except as otherwise specified in this ordinance.
- IV. **Specific Regulations:**
  - A. Time Period: The Specific Use Permit shall be in effect for a twenty (20) year time period.
  - B. Site Plan: Development shall be in general conformance with the site plan labeled Exhibit C.
  - C. Elevations: Three (3) building materials shall be permitted: brick/stone, EIFS and stucco as reflected on the elevations. Elevations and canopy columns shall be in general conformance with the elevations labeled Exhibit E.
  - D. Screening and Landscape Plan: The landscape buffer along Northwest Highway shall be fifteen (15) feet in depth and the buffer along IH 635 shall vary from thirty (30) feet to five (5) feet. All landscaping shall be in general conformance with landscape plan labeled Exhibit D.
  - E. Attached Signs: The accumulative area of the attached signs on the building shall be 381 square feet and attached signage on the canopy shall not exceed 231 square feet as reflected in Exhibit F.
  - F. Freestanding Signs: One (1) monument sign and one (1) pole sign shall be permitted as reflected in Exhibit F.

EXHIBIT C



SEE ARCHITECTURAL PLANS FOR EXACT BUILDING DIMENSIONS. ANY DIFFERENCES SHALL BE REPORTED TO CIVIL ENGINEER PRIOR TO BUILDING LAYOUT.



**SITE GENERAL NOTES:**

- DIMENSIONS SHOWN ARE TO THE FACE OF CURB, UNLESS OTHERWISE INDICATED.
- USE 3/4" RADII UNLESS SHOWN OTHERWISE.
- THE INFORMATION PERTAINING TO EXISTING CONDITIONS WAS TAKEN FROM A SURVEY PROVIDED BY: BARD HANPTON AND BROWN.
- THE LOCATION OF ALL EXISTING UTILITIES WERE OBTAINED FROM AVAILABLE INFORMATION. THE CONTRACTOR SHALL VERIFY EXACT LOCATION AND DEPTH OF UTILITY PRIOR TO BEGINNING CONSTRUCTION. CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES.
- ALL ACCESSIBLE PARKING SPACES AND TRAVEL ROUTES SHALL BE CONSTRUCTED IN ACCORDANCE WITH A.D.A. AND/OR STATE REQUIREMENTS (I.E. PROJECTS IN TEXAS SHALL BE APPROVED BY A T&S SPECIALIST).
- ANY DISCREPANCIES IN THIS PLAN AND ACTUAL FIELD CONDITIONS SHALL BE REPORTED TO THE OWNER AND ENGINEER PRIOR TO THE START OF CONSTRUCTION.
- PRIOR TO STARTING CONSTRUCTION, THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO VERIFY THAT ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION SHALL BEGIN UNTIL ALL PERMITS HAVE BEEN RECEIVED.
- CONTRACTOR SHALL MAINTAIN THE SITE IN A MANNER SO THAT WORKMEN AND PUBLIC SHALL BE PROTECTED FROM INJURY AND ADJACENT PROPERTY PROTECTED FROM DAMAGE. CONTRACTOR SHALL REPAIR ANY DAMAGE DONE TO PRIVATE OR PUBLIC PROPERTY.
- ACCESS TO UTILITIES, FIRE HYDRANTS, ETC SHALL REMAIN UNDISTURBED AT ALL TIMES UNLESS COORDINATED OTHERWISE.
- THE GENERAL CONTRACTOR SHALL REMOVE ALL TRASH AND DEBRIS FROM THE SITE UPON COMPLETION OF THE PROJECT.
- ALL SUBGRADE PREPARATION, PAVING, AND UTILITY TRENCHING MUST BE IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE SOILS INVESTIGATION. IF THERE IS A CONFLICT BETWEEN THE SOILS REPORT AND THE PLANS, THE MORE PROMINENT OF THE TWO SHALL TAKE PRECEDENCE.
- CONTRACTOR TO ENSURE COMPLIANCE WITH ANY AND ALL LAND DISTURBANCE NOTIFICATIONS REQUIREMENTS, AND THAT ALL REQUIRED EROSION CONTROL MEASURES ARE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE STATE, LOCAL, OR FEDERAL REQUIREMENTS.
- FOR WORK IN, OR ADJACENT TO, HIGHWAY RIGHT OF WAY, CONTRACTOR SHALL ENSURE APPROPRIATE PERMITS ARE OBTAINED PRIOR TO CONSTRUCTION. CONTRACTOR TO ERECT AND MAINTAIN TRAFFIC CONTROL SIGNS AND DEVICES IN CONFORMANCE WITH THE TEXAS MANUAL ON TRAFFIC CONTROL DEVICES, LATEST EDITION, ALONG WITH THE REQUIREMENTS OF THE LOCAL TPOOT AREA OFFICE.

SITE SUMMARY	
PROPOSED USE	RACETRAC CONVENIENCE STORE WITH FUEL SALES
EXISTING ZONING	SCA-635 OVERLAY
TOTAL LOT AREA	97,807 S.F.
TOTAL ACREAGE	2.245 AC
OPEN AREA	25,943 S.F.
IMPERVIOUS AREA	71,864 S.F.
% IMPERVIOUS	73.5%
REQUIRED OPEN AREA	9,781 S.F.
PROVIDED OPEN AREA	25,943 S.F.

PARKING SUMMARY	
REQUIRED PARKING (1/200)	30 SPACES
PARKING PROVIDED	37
H/C PARKING REQUIRED	2 SPACES
H/C PARKING PROVIDED	2 SPACES

ABANDONMENT OF EASEMENT RIGHT OF WAY SHALL OCCUR AND BE APPROVED PRIOR TO FINAL PLAN.

NO LANDSCAPING SUCH AS TREES, HEDGES, ABOVE AND UNDERGROUND STRUCTURES SHALL BE LOCATED WITHIN THE EXISTING OR PROPOSED UTILITY EASEMENT OR RIGHT OF WAY.



VICINITY MAP  
SCALE: 8" = 1"

- SITE LEGEND (EXISTING):**
- TSB □ TRAFFIC SIGNAL BOX
  - LIGHTPOLE
  - SD □ STORM SEWER MANHOLE
  - MH □ SANITARY SEWER MANHOLE
  - TSL □ TRAFFIC SIGNAL LIGHT
  - SH + SIGN
  - FH △ FIRE HYDRANT
  - WV ⊗ WATER VALVE
  - BOLL ○ BOLLARD
  - MW ⊕ MONITORING WELL
  - ICV ⊕ IRRIGATION CONTROL VALVE
  - WM ⊕ WATER METER
  - CO ⊕ SAN SEWER CLEANOUT
  - TRANSFORMER
  - CURB INLET
  - O— OVERHEAD ELECTRIC
  - S— SANITARY SEWER
  - W— WATER LINE
  - G— GAS
  - P— PIPELINE (SEE NOTE)
  - X— WIRE FENCE
  - W— WOOD FENCE
  - M— METAL FENCE

- SITE LEGEND (PROPOSED):**
- PROPERTY LINE
  - PROPOSED PARKING STALLS
  - BUILDING CORNER
  - NEW FIRE LANE (PER LOCAL CODES)
  - ELECTRIC TRANSFORMER PAD (PER LOCAL CODES)
  - SIGNAGE
  - PAINTED SOLID TRAFFIC FLOW ARROWS
  - NEW CURB AND GUTTER
  - STOP BAR
  - EXISTING POWER POLE
  - PROPERTY PINS
  - REMOTE F.O.C.
  - LIGHT STANDARD
  - LIGHT DECORATIVE SEE LANDSCAPE PLAN
  - LIGHT DECORATIVE SEE DETAIL #7 ON SHEET SD3
  - BOLLARD
  - PUMP ISLAND SEE DETAIL #7 ON SHEET SD3
  - PATIO TABLES, OUTSIDE DINING BAR & RAILINGS, REF ARCH PLANS
  - ACCESS EASEMENT
  - CONIC BACKING SEE SHIT SD-I #7 FOR DETAILS

**# 121211-1**

**SITE PLAN**  
**RACETRAC MARKET**  
Eastgate and Northwest Hwy.  
Garland, Texas

DATE: Nov 11, 2015  
SCALE:  
DRAWN BY: JAB  
CHECKED BY: 13035  
SHEET NO. VERSION: C-1.1

THE BOUSTAD GROUP, INC.  
10000 BOUSTAD BLVD  
SUITE 200  
DALLAS, TX 75241  
940.545.0088  
RACETRAC@BOUSTAD.COM  
TOLL FREE: 800.307.0251  
TAXPAYER ID: 4342

THESE PLANS ARE SUBJECT TO FEDERAL AND STATE REQUIREMENTS. ANY USE OF SAME WITHOUT THE WRITTEN PERMISSION OF RACETRAC PETROLEUM, INC. IS PROHIBITED.

RaceTrac  
RACETRAC PETROLEUM, INC.  
3375 CHAMBERLAND BOULEVARD  
SUITE 100 ATLANTA, GA 30339  
(770) 431-7000

**BENCH MARK**  
CITY OF GARLAND DISK MONUMENT EPS204  
ELEVATION 568.95





# EIFS Tower Sign

EXHIBIT F



Sign Label	Sign Type	Height	Length	Total Area
A1	Tower Sign	3'-0"	13'-5/8"	41 sf
A2	Tower Sign	3'-0"	13'-5/8"	41 sf

# Window Cling

EXHIBIT F



Sign Label	Sign Type	Height	Length	Total Area
<b>C</b>	Window Opaque Static Cling	9'-2"	7'-2"	66 sf

- Opaque vinyl film attached to the outside surface of clear vision glass.
- Total window area equal to 143 SF.

**Specifications:**

- Graphics to be determined by Marketing / Promotions

# Building Face Signs



EXHIBIT F

Sign Label	Sign Type	Height	Length	Total Area
D	Building Face Sign	2'-3 1/2"	10'-0"	23 sf
E	Coffee Signage	2'-11"	10'-0"	30 sf

# Building Face Signs (D, E) - Brick Installation

EXHIBIT F



**COLOR REFERENCE**

<span style="display:inline-block; width:15px; height:15px; background-color:#E67E22; border:1px solid black;"></span> PMS 485 C	<span style="display:inline-block; width:15px; height:15px; background-color:white; border:1px solid black;"></span> White
<span style="display:inline-block; width:15px; height:15px; background-color:#E74C3C; border:1px solid black;"></span> PMS 1805 C	<span style="display:inline-block; width:15px; height:15px; background-color:#A9A9A9; border:1px solid black;"></span> Akzo Nobel Natural Aluminum
<span style="display:inline-block; width:15px; height:15px; background-color:#2980B9; border:1px solid black;"></span> PMS 280 C	<span style="display:inline-block; width:15px; height:15px; background-color:#666666; border:1px solid black;"></span> Akzo Nobel Duranodic Bronze SIGN31054 with Clear Gloss Top Coat

All Colors to be Verified

**RaceTrac Coffee Button Cabinet:**

Formed clear polycarbonate face with Sloan V Series White LED illumination and digitally printed red background stripes and white border applied to 2nd surface. Blue area for logo graphic to be embossed 1" and white portion of logo to emboss 1". RaceTrac letters and outline painted 2nd surface. Cabinet down lighting for secondary copy provided by Two (2) Rows of Sloan Great White 4 LEDs.

**Fresh Brewed Coffee Letters:**

Individual 1/4" Aluminum flat cutout letters painted brushed aluminum with ambient lighting from upper cabinet. Stud mounted to wall.

# Marketing Cases



**MARKETING CASE E:**

5'-3 1/4"H x 11'-4"W x 5 3/8" D  
with 5'-4"H x 11'-4"W wall opening

**MARKETING CASES F & G:**

6'H x 10'W x 5 3/8" D  
with 6'-4"H x 10'-4"W wall opening

EXHIBIT F

Sign Label	Sign Type	Height	Length	Total Area
<b>F</b>	Marketing Case	5'-3 1/4"	11'-4"	60 sf
<b>G</b>	Marketing Case*	6'-0"	10'-0"	60 sf
<b>H</b>	Marketing Case*	6'-0"	10'-0"	60 sf

\*Total window area equal to 85 SF.

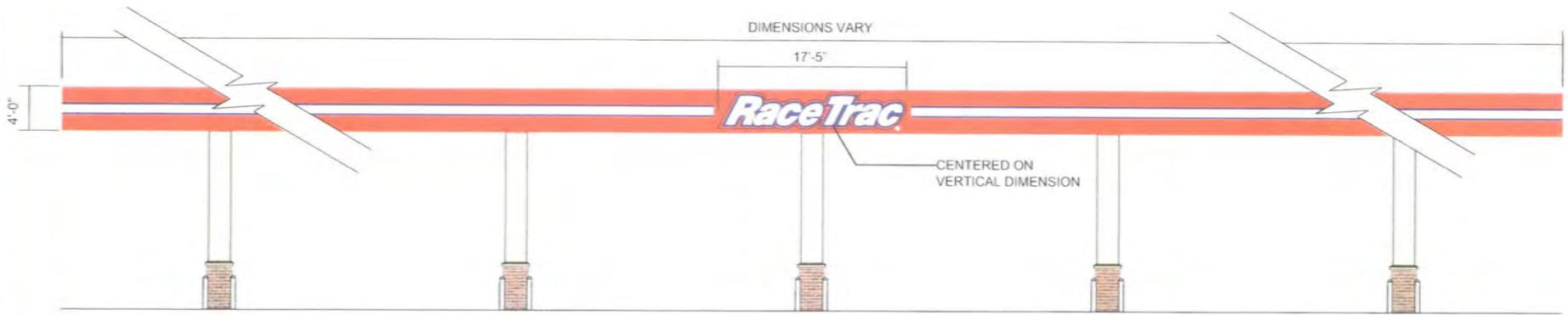
**SPECIFICATIONS:**

- Graphics to be determined by Marketing / Promotions

**NON-BID ITEM**

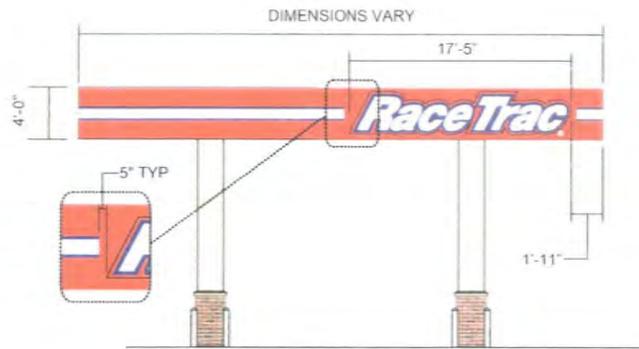


# 57 SF Canopy LED Cloud Sign - Red Canopy

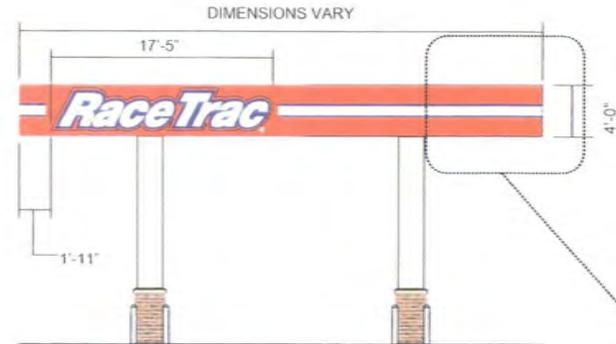


GAS CANOPY FRONT ELEVATION

EXHIBIT F



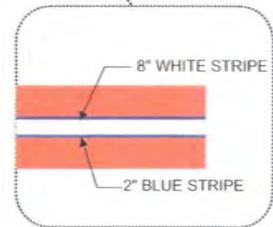
LEFT SIDE VIEW - RED CANOPY



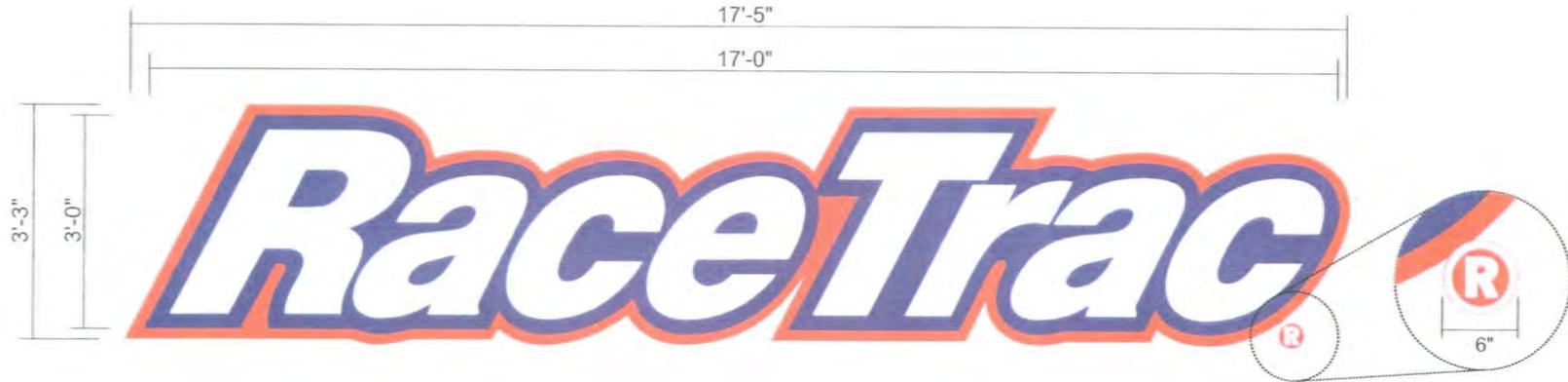
RIGHT SIDE VIEW - RED CANOPY

## COLOR SCHEDULE

-  RaceTrac Red  
To Match RGB = 216, 30, 5
-  RaceTrac Blue  
To Match RGB = 0, 43, 127



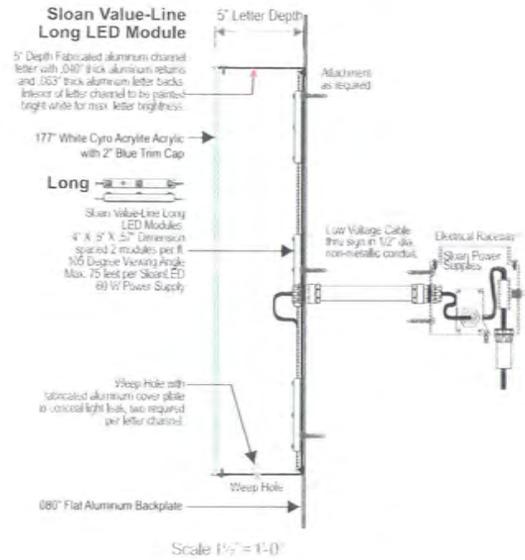
# 57 SF Canopy LED Cloud Sign (I1, I2, I3)



### SPECIFICATIONS:

- FACES: .177 WHITE CYRO ACRYLITE ACRYLIC.
- FACE VINYL: 3M 180 SAPPHIRE OPAQUE BLUE.
- TRIMCAP: 2" BLUE.
- BACKS: .063 ALUMINUM.
- RETURNS: 5", .040 ALUMINUM PAINTED TO MATCH PMS 485 RED.
- CLOUD BACKGROUND: .080 ALUMINUM PAINTED TO MATCH PMS 485 RED.
- REGISTRATION MARK: .080 ALUMINUM PAINTED TO MATCH PMS 485 RED.
  - w/ WHITE VINYL APPLIED. MARK IS INTEGRATED PART OF CLOUD SHAPE.
- ILLUMINATION: SLOAN VALUE LINE PLUS LONG LED MODULES.

EXHIBIT F



### COLOR SCHEDULE

- White
- PMS 485 Red
- 3M Sapphire Blue



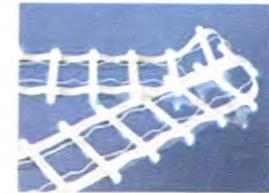
THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 606 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.



# 50 SF Price Sign - 28" & 10" LED (N)

\*All sign components to be UL listed. All wiring to conform to UL specifications. Installation to be per NEC requirements. All signs to bear UL labels.

EXHIBIT F



Sloan Sign Box II LED Interior Illumination

**E85**

Note: If E85 Fuel Product is required use 3M Translucent Yellow Vinyl 3630-015, (PMS 109 Yellow) Background Color with Black Text Color, Arial Black Letter Font.

### Specifications:

#### Sign Faces:

- Logo panel: Flat .177" thick Polycarbonate face panels with 2nd surface applied translucent vinyl graphics. Parallelogram copy to be digitally printed red background stripes and white border with blue area of logo graphic also printed. Print to be applied second surface to clear Poly faces.
- Regular Unleaded Product Panel: Solar Grade Polycarbonate; Background to be 1st surface applied 3M vinyl opaque 180C-22 Matte Black; "Regular" to be show-through white or 1st surface applied 3M vinyl translucent 3630-020 White.
- Diesel Product Panel: Solar Grade Polycarbonate; Background to be 1st surface applied 3M vinyl translucent 3630-26 Green; "Diesel" to be show-through white or 1st surface applied 3M vinyl translucent 3630-020 White.
- Plus Product Panel: Solar Grade Polycarbonate; background to be 1st surface applied 3M vinyl translucent 3630-33 Red; "Plus" to be show-through white or 1st surface applied 3M vinyl translucent 3630-020 White.

Interior Illumination: Sloan Sign Box II LED Interior Illumination powered by low voltage power supplies.

Sign Frame: 2" x 2" x .25" steel tube with .063 aluminum cladding.

Extruded aluminum 1-1/2" wide Divider Bars installed to retain sign panels. Face dividers and retainer to be painted dark bronze and black.

Sign Support: Internal steel pipe support to be welded to steel saddle bracket at top and bottom of sign frame.

External steel sign support to meet building and local sign codes. Size of steel and footing as required per site requirements.





# City Council Item Summary Sheet

Work Session

Date: May 19, 2015

Agenda Item

## Zoning Ordinance

### Summary of Request/Problem

Zoning Ordinance 15-11 GFC Leasing Corp. LLC

### Recommendation/Action Requested and Justification

Consider adoption of attached ordinance.

**Submitted By:**

**Will Guerin**  
Director of Planning

**Approved By:**

**Bryan L. Bradford**  
City Manager

**ORDINANCE NO.**

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING AN AMENDMENT OF PLANNED DEVELOPMENT (PD) DISTRICT 01-03 AND PLANNED DEVELOPMENT (PD) DISTRICT 14-38 FOR LIMITED SHOPPING CENTER USES, AN AMENDED DETAIL PLAN AND A SPECIFIC USE PERMIT FOR A RESTAURANT WITH A DRIVE-THROUGH ON A 0.802-ACRE TRACT OF LAND LOCATED ON THE SOUTHEAST CORNER OF LAVON DRIVE AND FOSTER ROAD; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

**WHEREAS**, at its regular meeting held on the 13<sup>th</sup> day of April, 2015, 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 and Planned Development (PD) District 14-38 for Limited Shopping Center Uses, an amended Detail Plan and a Specific Use Permit for a restaurant with a drive-through on a 0.802-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 \_\_\_\_\_, 2015.

**THE CITY OF GARLAND, TEXAS**

By:

\_\_\_\_\_  
Mayor

**ATTEST:**

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

Published:

## EXHIBIT A

### LEGAL DESCRIPTION

#### Zoning File 15-11

BEING THAT CERTAIN 0.802 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 257.25 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 300.82 FEET TO THE POINT OF BEGINNING AND CONTAINING 34,935 SQUARE FEET OR 0.802 ACRE OF COMPUTED LAND, MORE OR LESS.

## PLANNED DEVELOPMENT CONDITIONS

### ZONING FILE 15-11

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

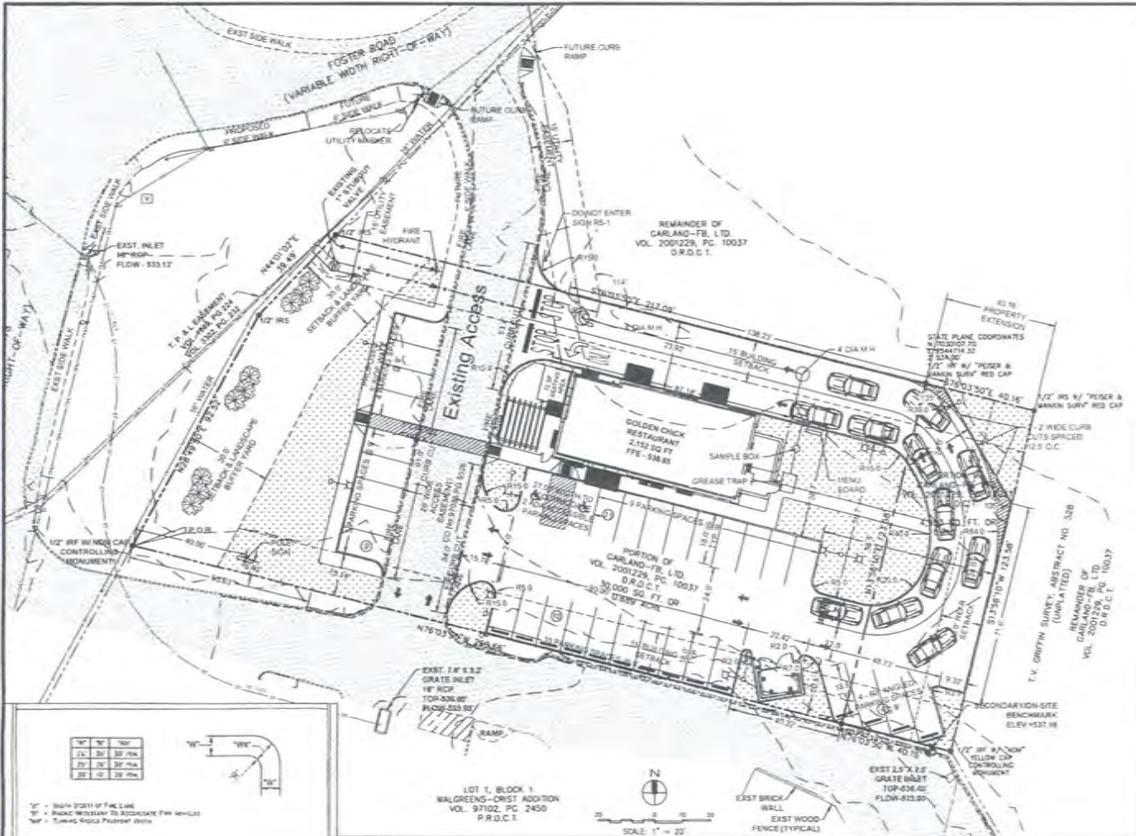
- I. **Statement of Purpose:** The purpose of this Planned Development District is to revise a Detail Plan and permit the construction of a restaurant with drive through subject to conditions.
- II. **Statement of Effect:** This Planned Development District shall not affect any regulation found in the 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.

## SPECIFIC USE PERMIT CONDITIONS

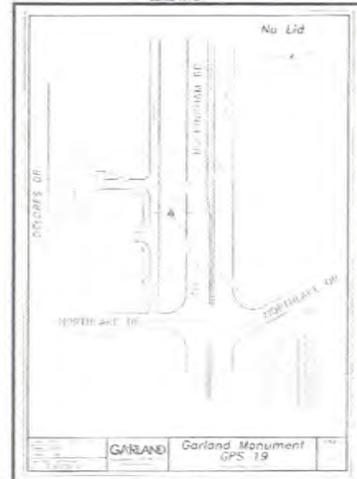
### ZONING FILE 15-11

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

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to permit the construction of a restaurant with drive through subject to conditions.
- II. **Statement of Effect:** This Planned Development District shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Shopping Center District set forth in Section 24, 32, 33, and 46 of the Comprehensive Zoning Ordinance, Ordinance No. 4647 are included by reference and shall apply, except as otherwise specified in this ordinance.
- VI. **Specific Regulations:**
  - A. Specific Use Permit: The Specific Use Permit shall be effective for a period of 25 years.



VICINITY MAP  
SCALE: N.T.S.



**LEGEND**

- PROPERTY BOUNDARY LINE
- EXISTMENTS
- EXISTING CURB AND CUTTER
- PROPOSED SIDEWALK
- PROPOSED CURB & CUTTER
- LIGHT POLES
- NUMBER OF PARKING SPACES
- EXISTING CONCRETE
- PROPOSED CONCRETE
- LANDSCAPE AREA
- EXIST WATER VALVE

PRIMARY/SOURCE BENCHMARKS  
CITY OF GARLAND GPS MONUMENT 19  
ELEVATION: 529.02'  
SEE SHEET C-01

CITY OF GARLAND GPS MONUMENT 33  
ELEVATION: 518.4'

SECONDARY/SITE BENCHMARK  
ELEVATION: 537.16'

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

FOR PRELIMINARY DESIGN AND REVIEW PURPOSES ONLY.

**CLIENT**  
GFC LEASING CORP., LLC  
1131 ROCKINGHAM DRIVE, SUITE 250  
RICHARDSON, TX 75080  
CONTACT: LARRY NELSON  
PHONE: (512) 508-1779

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

**ENGINEER**  
**KJE**  
515 S CARROLL BLVD.  
DENTON, TX 76201  
PHONE: (840) 387-0805  
FAX: (840) 387-0830  
EMAIL: pjok@kjenvironmental.com

**ARCHITECT**  
EJES INCORPORATED  
12055 NORTH CENTRAL EXPY., SUITE 500  
DALLAS, TX 75243  
PHONE: (214) 343-1210

**LEGAL DESCRIPTION**  
PESER & MANN SURVEY, L.L.C. MADE IN THE GROUND SURVEY OF THE PROPERTY LOCATED AT 2802 CRIST ROAD IN THE CITY OF GARLAND, TEXAS, DESCRIBED AS FOLLOWS:

BEING THAT CERTAIN 6.113 ACRE TRACT OF LAND SITUATED IN THE T.V. GRIFFIN SURVEY, ABSTRACT NO. 338, CITY OF GARLAND, DALLAS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN CALLED 15.561 ACRE TRACT OF LAND TO GARLAND, F.B. LTD. BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 2001229, PAGE 10037, DEED RECORDS, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2 INCH IRON ROD WITH NOM. CAP FOUND FOR THE MOST WESTERLY SOUTHWEST CORNER OF SAID GARLAND, F.B. 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 PLAT THEREOF RECORDED IN VOLUME 97102, PAGE 2659, MAP RECORDS, DALLAS COUNTY, TEXAS, SAME BEING IN THE SOUTHEAST RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 78 (A CALLED 126 PUBLIC RIGHT-OF-WAY);

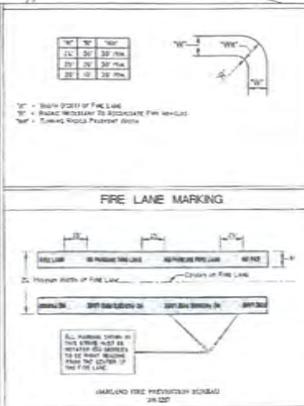
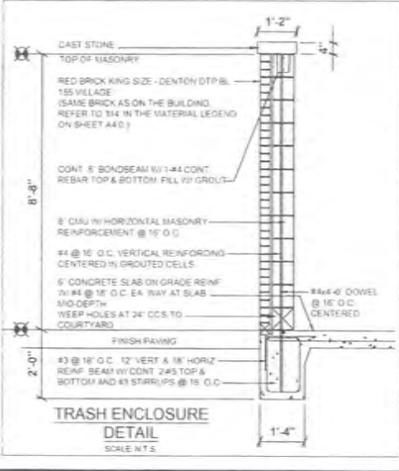
THENCE SOUTH 78 DEG. 03 MIN. 50 SEC. EAST, ALONG THE COMMON LINE OF SAID GARLAND, F.B. TRACT AND SAID LOT 1, A DISTANCE OF 285.88 FEET TO A 1/2 INCH IRON ROD WITH PESER & MANN SURVY RED PLASTIC CAP FOUND FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE THROUGH THE INTERIOR OF SAID GARLAND, F.B. TRACT AS FOLLOWS: NORTH 13 DEG. 58 MIN. 19 SEC. EAST, A DISTANCE OF 103.58 FEET TO A 1/2 INCH IRON ROD WITH PESER & MANN SURVY RED PLASTIC CAP FOUND FOR THE NORTH-EAST CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 78 DEG. 03 MIN. 50 SEC. EAST, A DISTANCE OF 40.16 FEET TO A 1/2 INCH IRON ROD SET WITH PESER & MANN SURVY RED PLASTIC CAP FOUND FOR THE NORTH-EAST CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 13 DEG. 58 MIN. 19 SEC. WEST, A DISTANCE OF 123.98 FEET TO A 1/2 INCH IRON ROD WITH NOM. YELLOW CAP FOUND FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, SAME BEING IN THE SOUTH LINE OF SAID GARLAND, F.B. TRACT, SAME BEING THE MOST NORTHERLY NORTH-EAST CORNER OF HIGHWAY LOT 1;

THENCE NORTH 78 DEG. 03 MIN. 50 SEC. WEST, ALONG THE COMMON LINE OF SAID GARLAND, F.B. TRACT AND SAID LOT 1, A DISTANCE OF 40.16 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.985 SQUARE FEET OR 0.113 ACRE OF COMPUTED AND MORE OR LESS.



**ZONING SUMMARY TABLE**

EXISTING ZONING	SP-18 (N. SH180 CORRIDOR)
PROPOSED ZONING	SP-18 (THRU RESTAURANT)
LOT AREA	34,953.57
BUILDING AREA	21,527.57
% OF LOT COVERAGE / MAX COVERAGE	61.3% / 60%
PARKING REQUIRED = 19 SPACE + 8 SPACES	27 SPACES
# OF SPACES PROVIDED	34 SPACES
ADA ACCESSIBLE PARKING REQUIRED	2 SPACES
ADA ACCESSIBLE PARKING PROVIDED	2 SPACES
BUILDING HEIGHT PROPOSED / MAX.	22'-11 1/2" / 36'
BUILDING SETBACK (SH180)	50'
BUILDING SETBACK (FOSTER RD, SH78)	30'
BUILDING SETBACK REAR	15'
LANDSCAPE BUFFER (FOSTER RD)	10'
LANDSCAPE BUFFER (SH 78)	30'
PARKING AREA	10,915.9 SF
PARKING LOT LANDSCAPING (5% MIN.)	1,581.4 SF = 14.5%

NO.	REVISION	DESCRIPTION	DATE
1		RED IRON CONCRETE SPACED ZONE SANITARY INLET	4/21/15

**KJE**  
515 S. Carroll Blvd.  
Denton, Texas 76201  
Phone (840) 387-0805  
Fax (840) 387-0830  
TBPE #F-12214

**GOLDEN CHICK RESTAURANT**  
CASE #140717-2  
LOT 1 BLOCK 1 OF  
GOLDEN CHICK OF GARLAND ADDITION  
VOL. 2001229 PG. 10037  
GARLAND, TEXAS

**SITE PLAN**

DATE:	APR. 01, 2015	SHEET:	<b>C-01</b>
DRAWN BY:	JAG		
CHECKED BY:	RAW		
SCALE:	AS NOTED		

**LANDSCAPE CALCULATIONS AND INFORMATION**

**SITE INFORMATION:**  
 LOT AREA: 0.886 AC (38,000 S.F.)  
 ZONING: COMMERCIAL

**LANDSCAPE CALCULATIONS**

**30 FT LANDSCAPE BUFFER PLANTINGS**  
 REQUIRED: 4 - 4 INCH CALIPER SHAWARD OAK (RD)  
 PROVIDED: 4 - 4 INCH CALIPER SHAWARD OAK (RD)

**MINIMUM 24 INCH AREA LANDSCAPING**  
 REQUIRED LANDSCAPE AREA: 35,000 ± 10% = 3,000 S.F.  
 PROVIDED LANDSCAPE AREA: 8,429 S.F.

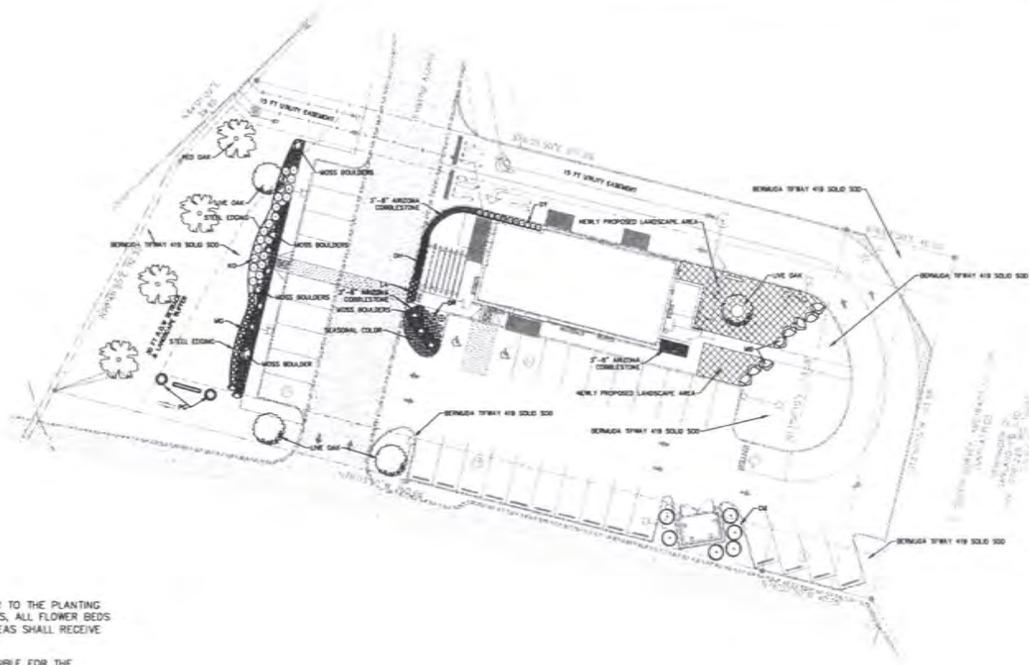
**MINIMUM 24 INCH AREA LANDSCAPING**  
 REQUIRED AREA: PAV (LOT AREA × 0% = 4,375 + 0% = 219 S.F.)  
 PROVIDED AREA: 285 S.F.

**TREES REQUIRED:** 1 TREE/10 SPCS + 27 SPCS = 2.7-3 TREES  
**TREES PROVIDED:**  
 LARGE CANOPY TREES: 4  
 ORNAMENTAL TREES: 8

**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 SHAWARD OAK (RD)  
 PROVIDED: 4 - 4 INCH CALIPER SHAWARD OAK (RD)

SYMBOL	KEY	QTY	UNITS	COMMON NAME	PLANT LIST SCIENTIFIC NAME	CALIPER	HEIGHT	SPRINK	ROOT	REMARKS
	RD	4	EA	Sheward Red Oak	Quercus shumardii	4.0" min.	10'-12'	8'-8"	80% of 24" Box/Container	Single Plant
	LO	4	EA	Live Oak	Quercus virginiana	3.5" min.	10'-12'	8'-10"	80% of 24" Box/Container	Single Plant
	DR	8	EA	Deep Purple Double Red	Lagerflorans indica Double Red	Multi-Trunk	min. 8'	8"	15 Gal	N/A
	RY	25	EA	Red Yucca	Hesperaloe parviflora	N/A	36"	24"	3 Gal	36" D.C.
	IH	8	EA	Indian Hawthorn	Raphanostylis indica	N/A	36"	24"	3 Gal	36" D.C.
	RY	27	EA	Red Yucca	Hesperaloe parviflora	N/A	36"	24"	3 Gal	36" D.C.
	LA	20	EA	Lantana 'Ordeal'	Lantana camara	N/A	N/A	24"	1 Gal	24" D.C.
	DN	11	EA	Dwarf Nippon Holly	Ilex pedunculata 'Nippon'	N/A	N/A	24"	1 Gal	24" D.C.
	PJ	11	EA	Blue Pacific Juniper	Juniperus Pacifica	N/A	N/A	24"	3 Gal	24" D.C.
	GH	3	EA	Dwarf Heath Grass	Pennisetum appressatum	N/A	N/A	24"	3 Gal	24" D.C.
	MF	12	EA	Maroon Feathergrass	Neomochloa tenax	N/A	N/A	24"	1 Gal	24" D.C.
	DF	8	EA	Shell Flower (Spartan)	Rhus schubertii	N/A	N/A	24"	1 Gal	24" D.C.
	MG	13	EA	Microchloa Grass	Microchloa danielsii	N/A	N/A	24"	3 Gal	24" D.C.
	PG	2	EA	Pampas Grass	Distachlis spicata	N/A	N/A	24"	3 Gal	24" D.C.
	SC	N/A	EA	Seasonal Color	Assorted Annual Flowers	N/A	N/A	N/A	N/A	8" D.C.
	MB	13	EA	Moss Covered Boulder	N/A	N/A	N/A	N/A	N/A	500# min.
	AR	N/A	SF	Arizona River Rock	3'-6" depth	N/A	N/A	N/A	N/A	N/A

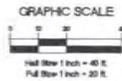


**LANDSCAPING NOTES:**

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.

**LANDSCAPING NOTES:**

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 ON APPROVAL BY LANDSCAPE DESIGNER, PRIOR TO PLANTING AND APPROVAL BY THE CITY.
5. PUBLIC RIGHT-OF-WAYS, EASEMENTS, AND COMMON AREAS MUST BE STABILIZED WITH PERENNIAL VEGETATION COVER, FULLY ESTABLISHED WITH 100% COVERAGE, OR OTHER APPROVED STABILIZATION METHODS.



**LANDSCAPE IMPROVEMENTS**  
 FOR  
**GOLDEN CHICK RESTAURANT**  
 GARLAND, TEXAS



LANDSCAPE PLAN  
 DATE: 03/20/2015  
 DRAWN BY: RSC  
 CHECKED BY: RSC

SHEET:  
L1

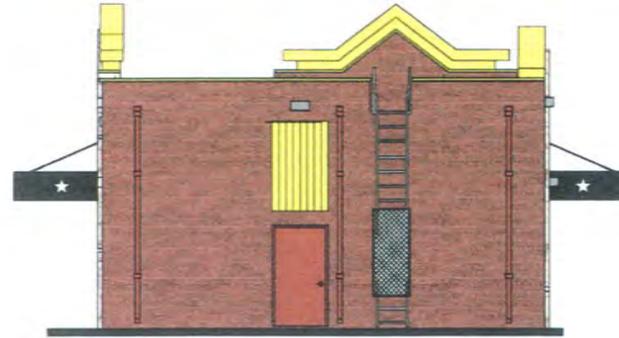
Cornerstone Landscape Services  
 1519 W. Kipatrick  
 Cleburne, Texas 76033  
 817-568-1221  
 JOHN BIR

APR 3 2015 4M10

EXHIBIT D



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



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



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



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

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

DRAWN BY: JF  
CHECKED BY: RK

**EJES**  
ENGINEERS, ARCHITECTS & INTERIORS

1200 CENTRAL EXPRESSWAY, SUITE 500  
DALLAS, TEXAS 75201  
(714) 341-5455 FAX (714) 341-5455  
EJES, Inc. Copyright 2010

**FOR CITY  
REVIEW ONLY**

EXTERIOR ELEVATIONS  
**GOLDEN CHICK**  
2602 CHRIS BYWAD  
GARLAND, TX 75040

DATE	DESCRIPTION	BY	DP
2/11/14	ZONING/SUP REVIEW		

SCALE: AS NOTED

PROJECT NO. 038-09

SHEET NO. A4.0

NOTES: These plans are intended as a guide only. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall be responsible for obtaining all necessary permits and approvals.



# City Council Item Summary Sheet

Work Session

Date: May 19, 2015

Agenda Item

## Zoning Ordinance

### Summary of Request/Problem

Zoning Ordinance 15-12 Timber Oaks Townhomes, LLC

### Recommendation/Action Requested and Justification

Consider adoption of attached ordinance.

**Submitted By:**

**Will Guerin**  
Director of Planning

**Approved By:**

**Bryan L. Bradford**  
City Manager

**ORDINANCE NO.**

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING AN AMENDMENT TO PLANNED DEVELOPMENT (PD) DISTRICT 08-11 FOR TOWNHOUSE AND DUPLEX USES AND A DETAIL PLAN FOR THREE TOWNHOUSE AND DUPLEX STRUCTURES ON APPROXIMATELY 2.2 ACRES AND GENERALLY LOCATED SOUTH OF HIGH MEADOW DRIVE AND WEST OF EAST CENTERVILLE 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 April, 2015, the City Plan Commission did consider and make recommendations on a certain request for approval of an amendment to Planned Development (PD) 08-11 and a Detail Plan made by Timber Oaks Townhomes, 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 to Planned Development (PD) 08-11 for Townhouse and Duplex Uses and a Detail Plan for Three Townhouse and two Duplex structures on a 2.2-acre tract of land, generally located south of High Meadow Drive and west of East Centerville 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.

FILE NO. 15-12

**Section 5.**

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

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**THE CITY OF GARLAND, TEXAS**

By:

\_\_\_\_\_  
Mayor

**ATTEST:**

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

Published:

**EXHIBIT A  
LEGAL DESCRIPTION  
ZONING FILE 15-12**

BEING AN APPROXIMATE 2.2 ACRE TRACT OF LAND IDENTIFIED AS LOTS 1-14 (INCLUDES LOT 10R), BLOCK 2 OF CENTERVILLE DUPLEX ADDITION, SECOND REPLAT, OF THE EDWARD MILLS SURVEY, ABSTRACT NO. 952 AS RECORDED IN VOLUME 2005004, PAGE 00158 OF THE DEED RECORDS, DALLAS COUNTY, TEXAS. THE PROPERTY IS LOCATED SOUTH OF HIGH MEADOW DRIVE AND WEST OF EAST CENTERVILLE ROAD.

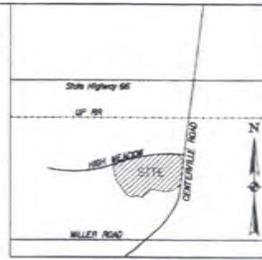
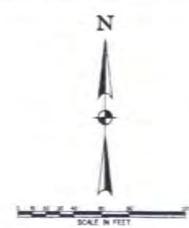
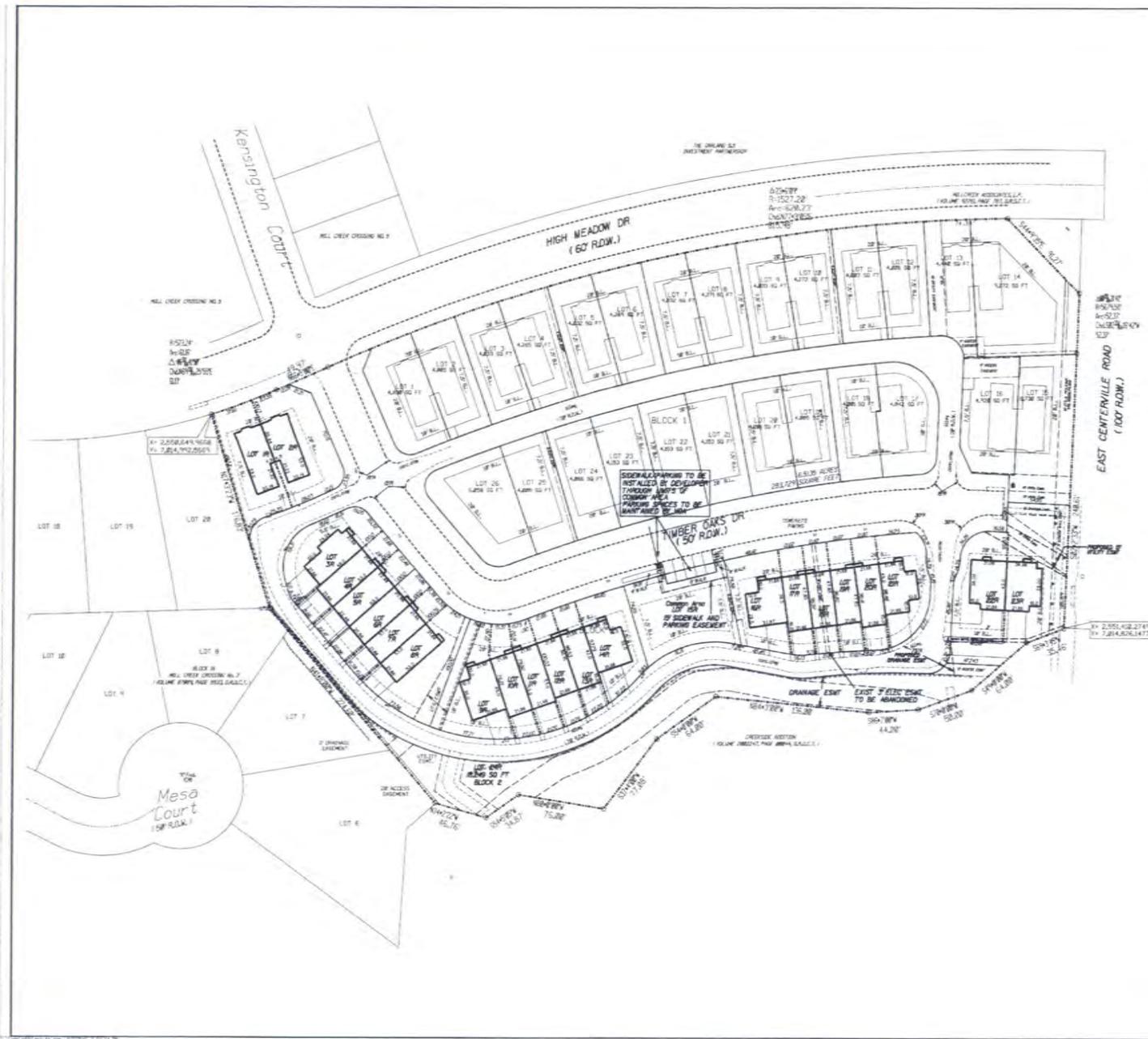
## ZONING FILE 15-12

### West of Centerville Road and south of High Meadow Drive

#### PLANNED DEVELOPMENT CONDITIONS

- I. **Statement of Purpose:** The purpose of this Planned Development District is to permit the development of Townhouse and Duplex Uses 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 Townhouse and Duplex Districts set forth in Sections 15A, 16 and 32 of the Comprehensive Zoning Ordinance, Ordinance No. 4647, are included by reference and shall apply, except as specified in this ordinance.
- IV. **Development Plans:**
  - A. 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 prevail.
- V. **Specific Regulations:**
  - A. Permitted Uses: The permitted uses are those found in the Duplex and Townhouse Districts.
  - B. Building Elevations: The building elevations of the structures shall be in general conformance with Exhibit D.
  - C. Screening and Landscaping: Screening and landscaping shall be provided as reflected on Exhibit E. A six-foot vegetative screening along the existing six-foot wrought iron fence shall be provided adjacent to West Centerville Road. The vegetative screening shall be on the street side of the wall.
  - D. Common Area and Amenities: The development shall devote Lot 15R, Block 2 as required common area with five (5) head-in parking spaces required on the common area along Timber Oaks Drive (approximately 6,073 square feet of common area). A cooking grill and picnic table shall be provided in the common area. The open space on Lot 24R Block 2, the common area and amenities shall be provided as reflected on Exhibit E, and shall be owned and maintained by the required Homeowner's Association.
  - E. Homeowners Association: A Homeowners Association shall be established 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 establish a clear and distinct definition of the responsibility of each member; and other provisions appropriate for this association. A copy of the approved bylaws shall be submitted to the Planning Department.



- LINE LEGEND:
- PROP. PROPERTY LINE
  - DRAINAGE FLOW
  - PROPOSED WATER LINE
  - ROAD CENTER LINE
  - PROPOSED STORM SEWER
  - EXISTING CONTOUR LINE
  - PROPOSED STREET
  - PROPOSED CONTOUR LINE
  - BUILDING SETBACK LINE
  - DRAINAGE EASEMENT
  - EXIST. DRAINAGE DIVIDE LINE
  - ROW / LOT LINE
  - PROPOSED FENCE

ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE TEXAS PROFESSIONAL ENGINEERING AND SURVEYING ACTS AND RULES. THESE DRAWINGS ARE FOR YOUR REVIEW AND NOT FOR CONSTRUCTION. ANY CHANGES TO THESE DRAWINGS SHALL BE MADE BY A SEPARATE SET OF DRAWINGS. THE USER ASSUMES ALL LIABILITY FOR THE USE OF THESE DRAWINGS.

CASE NO. 140501-1

OWNER:  
 TIMBER OAK TOWNHOMES, L.L.C.  
 3501 TOWNHOME CROSSING BLVD SUITE 103  
 MESQUITE, TEXAS 75150  
 MR. DAVID TUCKER  
 12141 514-8255

ENGINEER:  
 HELMBERGER ASSOCIATES, INC.  
 1525 BOZEMAN ROAD  
 WILHELM, TEXAS 75098  
 MR. STEPHEN A. HELMBERGER, P.E.  
 (972) 442-7458

PROPOSED SITE PLAN					
LOTS 1 - 14 CENTERVILLE DUPLEX ADDITION					
TIMBER OAK TOWNHOMES, L.L.C.					
GARLAND, TEXAS					
		<b>HELMBERGER ASSOCIATES, INC.</b> CIVIL AND ENVIRONMENTAL ENGINEERS 1525 BOZEMAN ROAD, WILHELM, TEXAS 75098			
DESIGN	DRAWN	DATE	SCALE	NOTES	FILE NO.
MCL	CHD	APR 22 2020	1"=40'	PROJ 140501-1	C5

EXHIBIT C



UNIT: #1941 FRONT ELEVATION UNIT: #1945  
Scale: 1/4"=1'-0"



UNIT: #1945 RIGHT ELEVATION  
Scale: 3/16"=1'-0"



UNIT: #1945 REAR ELEVATION UNIT: #1941  
Scale: 3/16"=1'-0"



UNIT: #1941 LEFT ELEVATION  
Scale: 3/16"=1'-0"

**NOTES:**

(B) Facade Modulation: Unarticulated, monolithic, or broad-flat walls shall not exceed 30 feet in length. Techniques for achieving facade modulation include, but are not limited to, the following or a combination of the following:

- (1) Recessing or protruding a portion of the facade vertically or horizontally with at least two (2) feet for each offset;
- (2) Articulating offsets with architectural elements like a porch, balcony, bay window, covered entry, or other feature; and
- (3) Articulating the roof line by use of primary, secondary, and minor roof forms, stepping the roof, and by emphasizing dormers, chimneys, and other details.

(C) Exterior Materials: Exterior walls shall be composed of a minimum of 80 percent primary masonry product (brick, stone or tile, hand-laid, unglazed, or veneer simulations of such materials having the appearance of hand-laid units), a maximum of 20 percent secondary masonry product (exterior insulation and finish systems of natural aggregates and synthetic stonem having a minimum applied 3/4 inch thickness, exposed aggregate, glass blocks and decorative concrete masonry units other than flat, gray block); and no more than 20 percent other non masonry materials, excluding doors, windows or window walls. The percentage of masonry shall be measured for each expanse of exterior wall between corners of 15 degrees or more. The Director of Planning may approve a masonry alternate when such alternate material has a true unit masonry appearance, the material is safe and suited for the proposed use, and the material is demonstrated to be as durable as exterior unit masonry.

AREAS & PERCENTAGES	ELEVATION SIDE			
	FRONT	RIGHT	REAR	LEFT
TOTAL WALL AREA	879 SQ. FT.	1,036 SQ. FT.	802 SQ. FT.	1,036 SQ. FT.
OPENING, DOORS & WINDOWS AREA	222 SQ. FT.	126 SQ. FT.	294 SQ. FT.	126 SQ. FT.
TOTAL MASONRY AREA	656 SQ. FT.	910 SQ. FT.	508 SQ. FT.	910 SQ. FT.
OPENING, DOORS & WINDOWS AREA %	25.46 %	12.24 %	35.41 %	12.24 %
MASONRY %	74.54 %	87.76 %	64.59 %	87.76 %
TOTAL WALL %	100.00 %	100.00 %	100.00 %	100.00 %
80% MASONRY AREA REQUIRED	525 SQ. FT.	728 SQ. FT.	407 SQ. FT.	728 SQ. FT.
BRICK AREA PROVIDED	630 SQ. FT.	910 SQ. FT.	518 SQ. FT.	910 SQ. FT.

CUSTOMER(S) (Owner(s)):  
**Timber Oaks Townhomes, LLC**  
 Attn: David Tucker

PROJECT ADDRESS:  
 1941-1945 Timber Oaks Drive,  
 Garland TX 75040

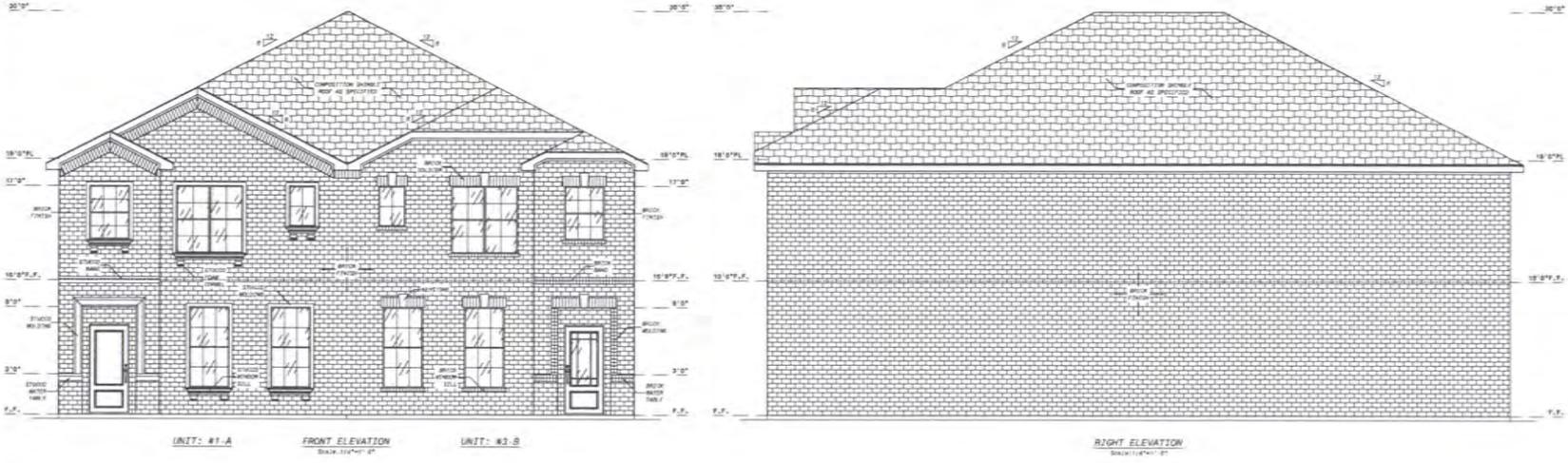
Project Name:  
 NEW TOWNHOMES

Plan Name:  
 ELEVATIONS PLAN

Project #1: SAMP15-4200  
 Date: 04-09-2015

Drawn By: PSA  
 Scale: INDICATED

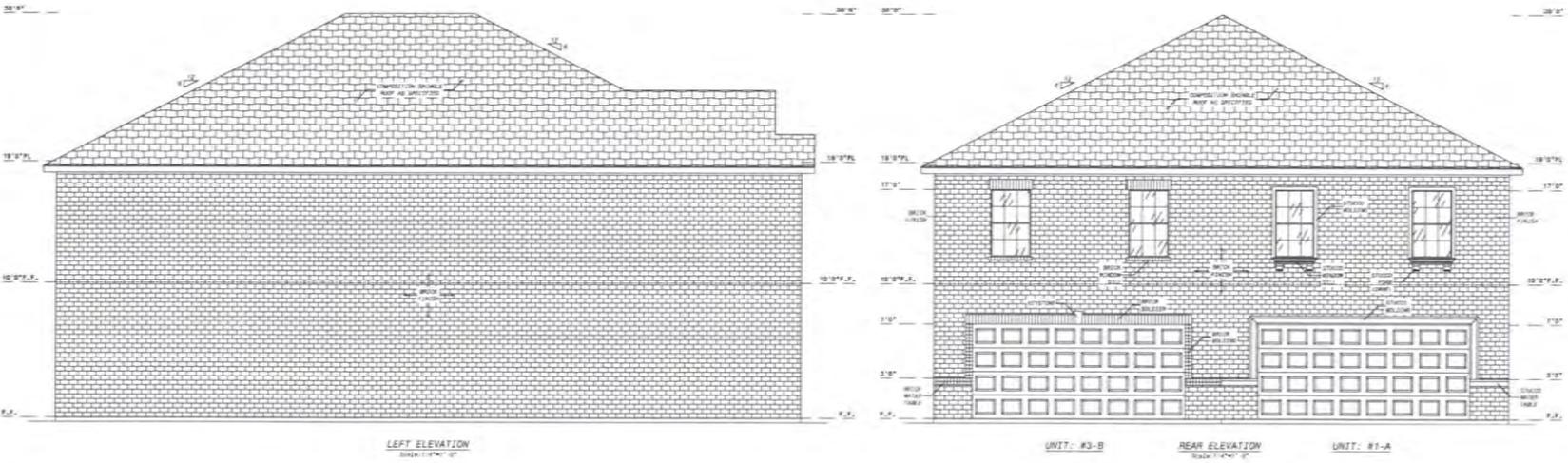
Sheet # **1** of **1**



UNIT: #1-A FRONT ELEVATION  
Scale: 1/4"=1'-0"

UNIT: #3-B

RIGHT ELEVATION  
Scale: 1/4"=1'-0"



LEFT ELEVATION  
Scale: 1/4"=1'-0"

UNIT: #3-B

REAR ELEVATION  
Scale: 1/4"=1'-0"

UNIT: #1-A

**GENERAL NOTES:**

1. THE GENERAL CONTRACTOR/OWNER SHALL EXAMINE AND VERIFY THE ACCURACY OF ALL DIMENSIONS AND CONDITIONS OF THESE PLACEMENTS AND SHALL NOTIFY CHANGES OF ANY DISCREPANCIES AND/OR OMISSIONS PRIOR TO THE START OF CONSTRUCTION.
2. THESE PLANS ARE INTENDED FOR THE GENERAL REFERENTIAL CONSTRUCTION PURPOSES ONLY AND ARE NOT EXHAUSTIVELY DETAILED OR FULLY SPECIFIED.
3. THE GENERAL CONTRACTOR SHALL SUPERVISE CONSTRUCTION AND IT SHALL BE RESPONSIBILITY TO SELECT APPROPRIATE AND RETAIL ALL EQUIPMENT AND MATERIALS AND TO CONTROL THE QUALITY THEREOF.
4. ALL WORK PERFORMED ON THIS PROJECT SHALL MUST BE ACCORD TO THE CURRENT EDITION OF THE LATEST BUILDING CODES AND ALL APPLICABLE STATE AND LOCAL ORDINANCES CODE AND REGULATIONS.
5. I, IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO PROVIDE ANY ENGINEERING NECESSARY TO THE STABILITY OF THE STRUCTURES OF THIS PROJECT. FURTHERMORE, IT RECOMMENDS THAT THESE PLANS SHALL BE REVIEWED BY A QUALIFIED PROFESSIONAL ENGINEER.

**AD**  
 AMAYA'S DESIGN  
 Tel: 972.358.1645  
 ps\_ag@att.net

NOTES:

Customer (s): Owner (s):  
 Timber Oaks Townhomes, LLC  
 Attn: David Tucker

770405-ADD4455  
 Timber Oaks Drive,  
 Garland TX 75040

Project Name:  
 NEW TOWNHOMES

Plan Name:  
**ELEVATIONS PLAN**

Project #1: SAP14-1795	Owner Ref: PSA
Date: 05-21-2014	Scale: 1/4"=1'-0"
Sheet #: <b>3</b>	Of: <b>8</b>

EXHIBIT D



FRONT ELEVATION  
Scale: 3/16"=1'-0"



RIGHT ELEVATION  
Scale: 3/16"=1'-0"



LEFT ELEVATION  
Scale: 3/16"=1'-0"



REAR ELEVATION  
Scale: 3/16"=1'-0"

**NOTES:**

(B) Facade Modulation: Unarticulated, monolithic or broad-flat walls shall not exceed 30 feet in length. Techniques for achieving facade modulation include, but are not limited to, the following or a combination of the following:

- (1) Recessing or protruding a portion of the facade vertically or horizontally with at least two (2) feet for each offset;
- (2) Articulating offsets with architectural elements like a porch, balcony, bay window, covered entry, or other feature; and
- (3) Articulating the roof line by use of primary, secondary, and minor roof forms, sloping the roof, and by emphasizing dormers, chimneys, and other details.

(C) Exterior Materials: Exterior walls shall be composed of a minimum of 80 percent primary masonry product (brick, stone or tile, hand-laid, unit-bound, or veneer simulations of such materials having the appearance of hand-laid units), a maximum of 20 percent secondary masonry product (interior insulation and finish systems of natural aggregates and synthetic slanders having a minimum applied 3/4 inch thickness, exposed aggregate, glass block and decorative concrete masonry units other than flat, gray block); and no more than 20 percent other non masonry materials, excluding doors, windows or window walls. The percentage of masonry shall be measured for each expanse of exterior wall between corners of 15 degrees or more. The Director of Planning may approve a masonry alternate when such alternate material has a true unit masonry appearance, the material is safe and suited for the proposed use, and the material is demonstrated to be as durable as exterior unit masonry.

**MASONRY CALCULATIONS**

AREAS & PERCENTAGES	ELEVATION SIDE			
	FRONT	RIGHT	REAR	LEFT
TOTAL WALL AREA	1,811 SQ.FT.	1,088 SQ.FT.	1,381 SQ.FT.	1,088 SQ.FT.
OPENING DOORS & WINDOWS AREA	394 SQ.FT.	132 SQ.FT.	82 SQ.FT.	182 SQ.FT.
TOTAL MASONRY AREA	2,527 SQ.FT.	1,056 SQ.FT.	1,331 SQ.FT.	906 SQ.FT.
OPENING DOORS & WINDOWS %	22.3% N	12.3% N	5.75% N	5.5% N
MASONRY %	77.6% N	87.6% N	94.25% N	94.5% N
TOTAL M2 %	100.00 %	100.00 %	100.00 %	100.00 %
80% MASONRY AREA REQUIRED	2,022 SQ.FT.	765 SQ.FT.	1,065 SQ.FT.	725 SQ.FT.
EXCESS MASONRY	505 SQ.FT.	291 SQ.FT.	266 SQ.FT.	181 SQ.FT.

Customer(s)/Owner(s):

Timber Oaks Townhomes, LLC  
Attn: David Tucker

Project Address:

Timber Oaks Drive,  
Garland TX 75040

Project Name:

NEW 6 UNITS TOWNHOMES

PT/In Name:

ELEVATIONS PLAN

Project #:	SA15-A200	Drawn by:	PSA
Date:	04-08-2015	Scale:	3/16"=1'-0"
Sheet #:	1	of:	1





# City Council Item Summary Sheet

Work Session

Date: May 19, 2015

Agenda Item

## Purchase of 3.16 Acre Addition to the Spring Creek Greenbelt

### Summary of Request/Problem

The City Council received briefing at the May 4 Work Session that the City's offer on a vacant parcel of land at 5800 Shiloh road has been accepted, contingent on approval by Council. The 3.16 acre or 137,824 square foot parcel is located at the corner of Shiloh road and Mapleridge Drive. The property shares north and east boundaries with existing park land and provides a desirable contiguous greenbelt connection between both banks of Spring Creek.

The City's offer of \$350,000 is below the original asking price by the seller and the value of \$370,000 identified in the real property report dated April 8, 2015. Funding for the acquisition is available in the 2015 Capital Improvements Program as approved by Council.

A resolution authorizing the City Manager to execute documents for the purchase of the 3.16 acre property for \$350,000 is attached.

#### ATTACHMENTS:

Resolution

Exhibit "A"

Location Map

### Recommendation/Action Requested and Justification

With the concurrence of the Parks and Recreation Board, the City Council is requested to consider approval of the attached resolution authorizing the City Manager to execute documents, for the purchase of 3.16 acres of land from the Pearson Estate, Henry R. Pearson, Executor, in the amount of \$350,000 for park land addition to the Spring Creek Greenbelt.

#### Submitted By:

Barry Swisher, Park Director  
Parks, Recreation and Cultural Arts

#### Approved By:

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

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PURCHASE AGREEMENT FOR A 3.16 ACRE TRACT OF LAND LOCATED IN AND AROUND THE SPRING CREEK GREENBELT; AND PROVIDING AN EFFECTIVE DATE.

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

**Section 1**

That the City Manager is hereby authorized to enter into a purchase agreement, attached hereto as Exhibit "A" and incorporated herein by reference, between the City and the Pearson Estate, Henry R. Pearson, Executor, to acquire 3.16 acre parcel of land for the purchase price of \$350,000.

**Section 2**

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

PASSED AND APPROVED this the \_\_\_ day of \_\_\_\_\_, 2015.

CITY OF GARLAND, TEXAS

\_\_\_\_\_  
Mayor

ATTEST:

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



EXHIBIT "A" UNIMPROVED PROPERTY CONTRACT

NOTICE: Not For Use For Condominium Transactions

1. PARTIES: The parties to this contract are Pearson Estate, Henry R Pearson, Executor (Seller) and City of Garland, Texas (Buyer). Seller agrees to sell and convey to Buyer and Buyer agrees to buy from Seller the Property defined below.

2. PROPERTY: Lot Thomas Montgomery ABST 962, PG 145, TR 1.1 ACS 3.164 Addition, City of Garland, County of Dallas, Texas, known as 5800 N. Shiloh Road 75044 (address/zip code), or as described on attached exhibit together with all rights, privileges and appurtenances pertaining thereto, including but not limited to: water rights, claims, permits, strips and gores, easements, and cooperative or association memberships (the Property).

3. SALES PRICE:

- A. Cash portion of Sales Price payable by Buyer at closing \$350,000
B. Sum of all financing described below (excluding any loan funding fee or mortgage insurance premium) \$
C. Sales Price (Sum of A and B) \$350,000

4. FINANCING: The portion of Sales Price not payable in cash will be paid as follows: (Check applicable boxes below)

- A. THIRD PARTY FINANCING: One or more third party mortgage loans in the total amount of \$N/A (excluding any loan funding fee or mortgage insurance premium).
(1) Property Approval: If the Property does not satisfy the lenders' underwriting requirements for the loan(s) (including, but not limited to appraisal, insurability and lender required repairs), Buyer may terminate this contract by giving notice to Seller prior to closing and the earnest money will be refunded to Buyer.
(2) Credit Approval: (Check one box only)
(a) This contract is subject to Buyer being approved for the financing described in the attached Third Party Financing Addendum for Credit Approval.
(b) This contract is not subject to Buyer being approved for financing and does not involve FHA or VA financing.
B. ASSUMPTION: The assumption of the unpaid principal balance of one or more promissory notes described in the attached TREC Loan Assumption Addendum.
C. SELLER FINANCING: A promissory note from Buyer to Seller of \$ N/A secured by vendor's and deed of trust liens, and containing the terms and conditions described in the attached TREC Seller Financing Addendum. If an owner policy of title insurance is furnished, Buyer shall furnish Seller with a mortgagee policy of title insurance.

5. EARNEST MONEY: Upon execution of contract by all parties, Buyer shall deposit \$10,000 as earnest money with Chicago Title, Mel John as escrow agent, at 5501 LBJ Freeway, #200, Dallas, TX 75240 (address). Buyer shall deposit additional earnest money of \$N/A with escrow agent within N/A days after the effective date of this contract. If Buyer fails to deposit the earnest money as required by this contract, Buyer will be in default.

6. TITLE POLICY AND SURVEY:

- A. TITLE POLICY: Seller shall furnish to Buyer at Seller's Buyer's expense an owner's policy of title insurance (Title Policy) issued by Chicago Title (Title Company) in the amount of the Sales Price, dated at or after closing, insuring Buyer against loss under the provisions of the Title Policy, subject to the promulgated exclusions (including existing building and zoning ordinances) and the following exceptions:
(1) Restrictive covenants common to the platted subdivision in which the Property is located.
(2) The standard printed exception for standby fees, taxes and assessments.
(3) Liens created as part of the financing described in Paragraph 4.
(4) Utility easements created by the dedication deed or plat of the subdivision in which the Property is located.
(5) Reservations or exceptions otherwise permitted by this contract or as may be approved by Buyer in writing.
(6) The standard printed exception as to marital rights.
(7) The standard printed exception as to waters, tidelands, beaches, streams, and related matters.
(8) The standard printed exception as to discrepancies, conflicts, shortages in area or boundary lines, encroachments or protrusions, or overlapping improvements. Buyer, at Buyer's expense, may have the exception amended to read, "shortages in area".

(Address of Property)

- B. COMMITMENT: Within 20 days after the Title Company receives a copy of this contract, Seller shall furnish to Buyer a commitment for title insurance (Commitment) and, at Buyer's expense, legible copies of restrictive covenants and documents evidencing exceptions in the Commitment (Exception Documents) other than the standard printed exceptions. Seller authorizes the Title Company to deliver the Commitment and Exception Documents to Buyer at Buyer's address shown in Paragraph 21. If the Commitment and Exception Documents are not delivered to Buyer within the specified time, the time for delivery will be automatically extended up to 15 days or the Closing Date, whichever is earlier. If, due to factors beyond Seller's control, the Commitment and Exception Documents are not delivered within the time required, Buyer may terminate this contract and the earnest money will be refunded to Buyer.
- C. SURVEY: The survey must be made by a registered professional land surveyor acceptable to the Title Company and Buyer's lender(s). (Check one box only)
- (1) Within 5 days after the effective date of this contract, Seller shall furnish to Buyer and Title Company Seller's existing survey of the Property and a Residential Real Property Affidavit promulgated by the Texas Department of Insurance (T-47 Affidavit). **If Seller fails to furnish the existing survey or affidavit within the time prescribed, Buyer shall obtain a new survey at Seller's expense no later than 3 days prior to Closing Date.** If the existing survey or affidavit is not acceptable to Title Company or Buyer's lender(s), Buyer shall obtain a new survey at  Seller's  Buyer's expense no later than 3 days prior to Closing Date.
- (2) Within \_\_\_\_\_ days after the effective date of this contract, Buyer shall obtain a new survey at Buyer's expense. Buyer is deemed to receive the survey on the date of actual receipt or the date specified in this paragraph, whichever is earlier.
- (3) Within \_\_\_\_\_ days after the effective date of this contract, Seller, at Seller's expense shall furnish a new survey to Buyer.
- D. OBJECTIONS: Buyer may object in writing to (i) defects, exceptions, or encumbrances to title: disclosed on the survey other than items 6A(1) through (7) above; or disclosed in the Commitment other than items 6A(1) through (8) above; (ii) any portion of the Property lying in a special flood hazard area (Zone V or A) as shown on the current Federal Emergency Management Agency map; or (iii) any exceptions which prohibit the following use or activity:

Buyer must object the earlier of (i) the Closing Date or (ii) 5 days after Buyer receives the Commitment, Exception Documents, and the survey. Buyer's failure to object within the time allowed will constitute a waiver of Buyer's right to object; except that the requirements in Schedule C of the Commitment are not waived. Provided Seller is not obligated to incur any expense, Seller shall cure the timely objections of Buyer or any third party lender within 15 days after Seller receives the objections and the Closing Date will be extended as necessary. If objections are not cured within such 15 day period, this contract will terminate and the earnest money will be refunded to Buyer unless Buyer waives the objections.

## E. TITLE NOTICES:

- (1) ABSTRACT OR TITLE POLICY: Broker advises Buyer to have an abstract of title covering the Property examined by an attorney of Buyer's selection, or Buyer should be furnished with or obtain a Title Policy. If a Title Policy is furnished, the Commitment should be promptly reviewed by an attorney of Buyer's choice due to the time limitations on Buyer's right to object.
- (2) MEMBERSHIP IN PROPERTY OWNERS ASSOCIATION(S): The Property  is  is not subject to mandatory membership in a property owners association(s). If the Property is subject to mandatory membership in a property owners association(s), Seller notifies Buyer under §5.012, Texas Property Code, that, as a purchaser of property in the residential community identified in Paragraph 2 in which the Property is located, you are obligated to be a member of the property owners association(s). Restrictive covenants governing the use and occupancy of the Property and all dedicatory instruments governing the establishment, maintenance, and operation of this residential community have been or will be recorded in the Real Property Records of the county in which the Property is located. Copies of the restrictive covenants and dedicatory instruments may be obtained from the county clerk. **You are obligated to pay assessments to the property owners association(s). The amount of the assessments is subject to change. Your failure to pay the assessments could result in enforcement of the association's lien on and the foreclosure of the Property.**

Section 207.003, Property Code, entitles an owner to receive copies of any document that governs the establishment, maintenance, or operation of a subdivision, including, but not limited to, restrictions, bylaws, rules and regulations, and a resale certificate from a property owners' association. A resale certificate contains information including, but not limited to, statements specifying the amount and frequency of regular assessments and the style and cause number of lawsuits to which the property owners' association is a party, other than lawsuits relating to unpaid ad valorem taxes of an individual member of the association. These documents must be made available to you by the property owners' association or the association's agent on your request.

(Address of Property)

**If Buyer is concerned about these matters, the TREC promulgated Addendum for Property Subject to Mandatory Membership in a Property Owners Association should be used.**

- (3) **STATUTORY TAX DISTRICTS:** If the Property is situated in a utility or other statutorily created district providing water, sewer, drainage, or flood control facilities and services, Chapter 49, Texas Water Code, requires Seller to deliver and Buyer to sign the statutory notice relating to the tax rate, bonded indebtedness, or standby fee of the district prior to final execution of this contract.
- (4) **TIDE WATERS:** If the Property abuts the tidally influenced waters of the state, §33.135, Texas Natural Resources Code, requires a notice regarding coastal area property to be included in the contract. An addendum containing the notice promulgated by TREC or required by the parties must be used.
- (5) **ANNEXATION:** If the Property is located outside the limits of a municipality, Seller notifies Buyer under §5.011, Texas Property Code, that the Property may now or later be included in the extraterritorial jurisdiction of a municipality and may now or later be subject to annexation by the municipality. Each municipality maintains a map that depicts its boundaries and extraterritorial jurisdiction. To determine if the Property is located within a municipality's extraterritorial jurisdiction or is likely to be located within a municipality's extraterritorial jurisdiction, contact all municipalities located in the general proximity of the Property for further information.
- (6) **PROPERTY LOCATED IN A CERTIFICATED SERVICE AREA OF A UTILITY SERVICE PROVIDER:** Notice required by §13.257, Water Code: The real property, described in Paragraph 2, that you are about to purchase may be located in a certificated water or sewer service area, which is authorized by law to provide water or sewer service to the properties in the certificated area. If your property is located in a certificated area there may be special costs or charges that you will be required to pay before you can receive water or sewer service. There may be a period required to construct lines or other facilities necessary to provide water or sewer service to your property. You are advised to determine if the property is in a certificated area and contact the utility service provider to determine the cost that you will be required to pay and the period, if any, that is required to provide water or sewer service to your property. The undersigned Buyer hereby acknowledges receipt of the foregoing notice at or before the execution of a binding contract for the purchase of the real property described in Paragraph 2 or at closing of purchase of the real property.
- (7) **PUBLIC IMPROVEMENT DISTRICTS:** If the Property is in a public improvement district, §5.014, Property Code, requires Seller to notify Buyer as follows: As a purchaser of this parcel of real property you are obligated to pay an assessment to a municipality or county for an improvement project undertaken by a public improvement district under Chapter 372, Local Government Code. The assessment may be due annually or in periodic installments. More information concerning the amount of the assessment and the due dates of that assessment may be obtained from the municipality or county levying the assessment. The amount of the assessments is subject to change. Your failure to pay the assessments could result in a lien on and the foreclosure of your property.
- (8) **TEXAS AGRICULTURAL DEVELOPMENT DISTRICT:** The Property  is  is not located in a Texas Agricultural Development District. For additional information, contact the Texas Department of Agriculture.
- (9) **TRANSFER FEES:** If the Property is subject to a private transfer fee obligation, §5.205, Property Code requires Seller to notify Buyer as follows: The private transfer fee obligation may be governed by Chapter 5, Subchapter G of the Texas Property Code.

**7. PROPERTY CONDITION:**

A. **ACCESS, INSPECTIONS AND UTILITIES:** Seller shall permit Buyer and Buyer's agents access to the Property at reasonable times. Buyer may have the Property inspected by inspectors selected by Buyer and licensed by TREC or otherwise permitted by law to make inspections. Seller at Seller's expense shall immediately cause existing utilities to be turned on and shall keep the utilities on during the time this contract is in effect.

**NOTICE:** Buyer should determine the availability of utilities to the Property suitable to satisfy Buyer's needs.

B. **ACCEPTANCE OF PROPERTY CONDITION:** (Check one box only)

- (1) Buyer accepts the Property in its present condition.
- (2) Buyer accepts the Property in its present condition provided Seller, at Seller's expense, shall complete the following specific repairs and treatments: N/A

\_\_\_\_\_. (Do not insert general phrases, such as "subject to inspections," that do not identify specific repairs.)

**NOTICE TO BUYER AND SELLER:** Buyer's agreement to accept the Property in its present condition under Paragraph 7B (1) or (2) does not preclude Buyer from inspecting the Property under Paragraph 7A, from negotiating repairs or treatments in a subsequent amendment, or from terminating this contract during the Option Period, if any.

C. **COMPLETION OF REPAIRS:** Unless otherwise agreed in writing, Seller shall complete all agreed repairs prior to the Closing Date. All required permits must be obtained, and repairs must be performed by persons who are licensed or otherwise permitted by law to provide such repairs. At Buyer's election, any transferable warranties received by Seller with respect to the repairs

will be transferred to Buyer at Buyer's expense. If Seller fails to complete any agreed repairs prior to the Closing Date, Buyer may exercise remedies under Paragraph 15 or extend the Closing Date up to 15 days, if necessary, for Seller to complete repairs.

- D. ENVIRONMENTAL MATTERS: Buyer is advised that the presence of wetlands, toxic substances, including asbestos and wastes or other environmental hazards, or the presence of a threatened or endangered species or its habitat may affect Buyer's intended use of the Property. If Buyer is concerned about these matters, an addendum promulgated by TREC or required by the parties should be used.
- E. SELLER'S DISCLOSURES: Except as otherwise disclosed in this contract, Seller has no knowledge of the following:
  - (1) any flooding of the Property;
  - (2) any pending or threatened litigation, condemnation, or special assessment affecting the Property;
  - (3) any environmental hazards or conditions affecting the Property;
  - (4) any dumpsite, landfill, or underground tanks or containers now or previously located on the Property;
  - (5) any wetlands, as defined by federal or state law or regulation, affecting the Property; or
  - (6) any threatened or endangered species or their habitat affecting the Property.

**8. BROKERS' FEES:** All obligations of the parties for payment of brokers' fees are contained in separate written agreements.

**9. CLOSING:**

A. The closing of the sale will be on or before May 28, 2015 or within 7 days after objections made under Paragraph 6D have been cured or waived, whichever date is later (Closing Date). If either party fails to close the sale by the Closing Date, the non-defaulting party may exercise the remedies contained in Paragraph 15.

B. At closing:

- (1) Seller shall execute and deliver a general warranty deed conveying title to the Property to Buyer and showing no additional exceptions to those permitted in Paragraph 6 and furnish tax statements or certificates showing no delinquent taxes on the Property.
- (2) Buyer shall pay the Sales Price in good funds acceptable to the escrow agent.
- (3) Seller and Buyer shall execute and deliver any notices, statements, certificates, affidavits, releases, loan documents and other documents reasonably required for the closing of the sale and the issuance of the Title Policy.
- (4) There will be no liens, assessments, or security interests against the Property which will not be satisfied out of the sales proceeds unless securing the payment of any loans assumed by Buyer and assumed loans will not be in default.
- (5) If the Property is subject to a lease, Seller shall (i) deliver to Buyer the lease(s) and the move-in condition form signed by the tenant, if any, and (ii) transfer security deposits (as defined under §92.102, Property Code), if any, to Buyer. In such an event, Buyer shall deliver to the tenant a signed statement acknowledging that the Buyer has received the security deposit and is responsible for the return of the security deposit, and specifying the exact dollar amount of the security deposit.

**10. POSSESSION:** Seller shall deliver to Buyer possession of the Property in its present or required condition upon closing and funding.

**11. SPECIAL PROVISIONS:** (Insert only factual statements and business details applicable to the sale. TREC rules prohibit licensees from adding factual statements or business details for which a contract addendum or other form has been promulgated by TREC for mandatory use.)

Final approval of the contract is contingent on Governing Board Approval.

**12. SETTLEMENT AND OTHER EXPENSES:**

A. The following expenses must be paid at or prior to closing:

- (1) Expenses payable by Seller (Seller's Expenses):
  - (a) Releases of existing liens, including prepayment penalties and recording fees; release of Seller's loan liability; tax statements or certificates; preparation of deed; one-half of escrow fee; and other expenses payable by Seller under this contract.

(Address of Property)

(b) Seller shall also pay an amount not to exceed \$ N/A to be applied in the following order: Buyer's Expenses which Buyer is prohibited from paying by FHA, VA, Texas Veterans Land Board or other governmental loan programs, and then to other Buyer's Expenses as allowed by the lender.

(2) Expenses payable by Buyer (Buyer's Expenses): Appraisal fees; loan application fees; adjusted origination charges; credit reports; preparation of loan documents; interest on the notes from date of disbursement to one month prior to dates of first monthly payments; recording fees; copies of easements and restrictions; loan title policy with endorsements required by lender; loan-related inspection fees; photos; amortization schedules; one-half of escrow fee; all prepaid items, including required premiums for flood and hazard insurance, reserve deposits for insurance, ad valorem taxes and special governmental assessments; final compliance inspection; courier fee; repair inspection; underwriting fee; wire transfer fee; expenses incident to any loan; Private Mortgage Insurance Premium (PMI), VA Loan Funding Fee, or FHA Mortgage Insurance Premium (MIP) as required by the lender; and other expenses payable by Buyer under this contract.

B. If any expense exceeds an amount expressly stated in this contract for such expense to be paid by a party, that party may terminate this contract unless the other party agrees to pay such excess. Buyer may not pay charges and fees expressly prohibited by FHA, VA, Texas Veterans Land Board or other governmental loan program regulations.

**13. PRORATIONS AND ROLLBACK TAXES:**

A. PRORATIONS: Taxes for the current year, interest, maintenance fees, assessments, dues and rents will be prorated through the Closing Date. The tax proration may be calculated taking into consideration any change in exemptions that will affect the current year's taxes. If taxes for the current year vary from the amount prorated at closing, the parties shall adjust the prorations when tax statements for the current year are available. If taxes are not paid at or prior to closing, Buyer shall pay taxes for the current year.

B. ROLLBACK TAXES: If this sale or Buyer's use of the Property after closing results in the assessment of additional taxes, penalties or interest (Assessments) for periods prior to closing, the Assessments will be the obligation of Buyer. If Seller's change in use of the Property prior to closing or denial of a special use valuation on the Property claimed by Seller results in Assessments for periods prior to closing, the Assessments will be the obligation of Seller. Obligations imposed by this paragraph will survive closing.

**14. CASUALTY LOSS:** If any part of the Property is damaged or destroyed by fire or other casualty after the effective date of this contract, Seller shall restore the Property to its previous condition as soon as reasonably possible, but in any event by the Closing Date. If Seller fails to do so due to factors beyond Seller's control, Buyer may (a) terminate this contract and the earnest money will be refunded to Buyer (b) extend the time for performance up to 15 days and the Closing Date will be extended as necessary or (c) accept the Property in its damaged condition with an assignment of insurance proceeds and receive credit from Seller at closing in the amount of the deductible under the insurance policy. Seller's obligations under this paragraph are independent of any other obligations of Seller under this contract.

**15. DEFAULT:** If Buyer fails to comply with this contract, Buyer will be in default, and Seller may (a) enforce specific performance, seek such other relief as may be provided by law, or both, or (b) terminate this contract and receive the earnest money as liquidated damages, thereby releasing both parties from this contract. If Seller fails to comply with this contract, Seller will be in default and Buyer may (a) enforce specific performance, seek such other relief as may be provided by law, or both, or (b) terminate this contract and receive the earnest money, thereby releasing both parties from this contract.

**16. MEDIATION:** It is the policy of the State of Texas to encourage resolution of disputes through alternative dispute resolution procedures such as mediation. Any dispute between Seller and Buyer related to this contract which is not resolved through informal discussion  will  will not be submitted to a mutually acceptable mediation service or provider. The parties to the mediation shall bear the mediation costs equally. This paragraph does not preclude a party from seeking equitable relief from a court of competent jurisdiction.

**17. ATTORNEY'S FEES:** A Buyer, Seller, Listing Broker, Other Broker, or escrow agent who prevails in any legal proceeding related to this contract is entitled to recover reasonable attorney's fees and all costs of such proceeding.

**18. ESCROW:**

A. ESCROW: The escrow agent is not (i) a party to this contract and does not have liability for the performance or nonperformance of any party to this contract, (ii) liable for interest on the earnest money and (iii) liable for the loss of any earnest money caused by the failure of any financial institution in which the earnest money has been deposited unless the financial institution is acting as escrow agent.

B. EXPENSES: At closing, the earnest money must be applied first to any cash down payment, then to Buyer's Expenses and any excess refunded to Buyer. If no closing occurs, escrow

(Address of Property)

agent may: (i) require a written release of liability of the escrow agent from all parties, (ii) require payment of unpaid expenses incurred on behalf of a party, and (iii) only deduct from the earnest money the amount of unpaid expenses incurred on behalf of the party receiving the earnest money.

- C. DEMAND: Upon termination of this contract, either party or the escrow agent may send a release of earnest money to each party and the parties shall execute counterparts of the release and deliver same to the escrow agent. If either party fails to execute the release, either party may make a written demand to the escrow agent for the earnest money. If only one party makes written demand for the earnest money, escrow agent shall promptly provide a copy of the demand to the other party. If escrow agent does not receive written objection to the demand from the other party within 15 days, escrow agent may disburse the earnest money to the party making demand reduced by the amount of unpaid expenses incurred on behalf of the party receiving the earnest money and escrow agent may pay the same to the creditors. If escrow agent complies with the provisions of this paragraph, each party hereby releases escrow agent from all adverse claims related to the disbursement of the earnest money.
- D. DAMAGES: Any party who wrongfully fails or refuses to sign a release acceptable to the escrow agent within 7 days of receipt of the request will be liable to the other party for liquidated damages in an amount equal to the sum of: (i) three times the amount of the earnest money; (ii) the earnest money; (iii) reasonable attorney's fees; and (iv) all costs of suit.
- E. NOTICES: Escrow agent's notices will be effective when sent in compliance with Paragraph 21. Notice of objection to the demand will be deemed effective upon receipt by escrow agent.

**19. REPRESENTATIONS:** All covenants, representations and warranties in this contract survive closing. If any representation of Seller in this contract is untrue on the Closing Date, Seller will be in default. Unless expressly prohibited by written agreement, Seller may continue to show the Property and receive, negotiate and accept back up offers.

**20. FEDERAL TAX REQUIREMENTS:** If Seller is a "foreign person," as defined by applicable law, or if Seller fails to deliver an affidavit to Buyer that Seller is not a "foreign person," then Buyer shall withhold from the sales proceeds an amount sufficient to comply with applicable tax law and deliver the same to the Internal Revenue Service together with appropriate tax forms. Internal Revenue Service regulations require filing written reports if currency in excess of specified amounts is received in the transaction.

**21. NOTICES:** All notices from one party to the other must be in writing and are effective when mailed to, hand-delivered at, or transmitted by facsimile or electronic transmission as follows:

**To Buyer at:**

Telephone: \_\_\_\_\_

Facsimile: \_\_\_\_\_

E-mail: \_\_\_\_\_

**To Seller at:**

Telephone: \_\_\_\_\_

Facsimile: \_\_\_\_\_

E-mail: \_\_\_\_\_

**22. AGREEMENT OF PARTIES:** This contract contains the entire agreement of the parties and cannot be changed except by their written agreement. Addenda which are a part of this contract are (check all applicable boxes):

- |   |   |
|---|---|
| <input type="checkbox"/> Third Party Financing Addendum for Credit Approval                                     | <input type="checkbox"/> Addendum for "Back-Up" Contract  |
| <input type="checkbox"/> Seller Financing Addendum  | <input type="checkbox"/> Addendum for Coastal Area Property   |
| <input type="checkbox"/> Addendum for Property Subject to Mandatory Membership in a Property Owners Association | <input type="checkbox"/> Environmental Assessment, Threatened or Endangered Species and Wetlands Addendum |
| <input type="checkbox"/> Buyer's Temporary Residential Lease  | <input type="checkbox"/> Addendum for Property Located Seaward of the Gulf Intracoastal Waterway          |
| <input type="checkbox"/> Seller's Temporary Residential Lease   | <input type="checkbox"/> Addendum for Sale of Other Property by Buyer                                     |
| <input type="checkbox"/> Addendum for Reservation of Oil, Gas and Other Minerals                                | <input type="checkbox"/> Other (list): _____  |

**23. TERMINATION OPTION:** For nominal consideration, the receipt of which is hereby acknowledged by Seller, and Buyer's agreement to pay Seller \$ N/A (Option Fee) within 2 days after the effective date of this contract, Seller grants Buyer the unrestricted right to terminate this contract by giving notice of termination to Seller within N/A days after the effective date of this contract (Option Period). If no dollar amount is stated as the Option Fee or if Buyer fails to pay the Option Fee to Seller within the time prescribed, this paragraph will not be a part of this contract and Buyer shall not have the unrestricted right to terminate this contract. If Buyer gives notice of termination within the time prescribed, the Option Fee will not be refunded; however, any earnest money will be refunded to Buyer. The Option Fee  will  will not be credited to the Sales Price at closing. **Time is of the essence for this paragraph and strict compliance with the time for performance is required.**

**24. CONSULT AN ATTORNEY:** TREC rules prohibit real estate licensees from giving legal advice. READ THIS CONTRACT CAREFULLY. If you do not understand the effect of this contract, consult an attorney BEFORE signing.

Buyer's  
Attorney is:

Telephone: \_\_\_\_\_

Facsimile: \_\_\_\_\_

E-mail: \_\_\_\_\_

Seller's  
Attorney is:

Telephone: \_\_\_\_\_

Facsimile: \_\_\_\_\_

E-mail: \_\_\_\_\_

**EXECUTED the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ (EFFECTIVE DATE).  
(BROKER: FILL IN THE DATE OF FINAL ACCEPTANCE.)**

Buyer

Seller

Buyer

Seller

The form of this contract has been approved by the Texas Real Estate Commission. TREC forms are intended for use only by trained real estate licensees. No representation is made as to the legal validity or adequacy of any provision in any specific transactions. It is not intended for complex transactions. Texas Real Estate Commission, P.O. Box 12188, Austin, TX 78711-2188, (512) 936-3000 (<http://www.trec.texas.gov>) TREC NO. 9-10. This form replaces TREC NO. 9-9.

**BROKER INFORMATION**

Keller Williams, Lake Cities      0591712  
Other Broker Firm      License No.

represents  Buyer only as Buyer's agent  
 Seller as Listing Broker's subagent

Edie Leon-Kelly      972-240-4416  
Licensed Supervisor of Associate      Telephone

\_\_\_\_\_  
Associate      Telephone

1111 Belt Line Road, #100      214-722-1135  
Other Broker's Address      Facsimile

Garland, TX 75040      TX      75040  
City      State      Zip

rsfricks@yahoo.com  
Associate Email Address

\_\_\_\_\_  
Listing Broker Firm      License No.

represents  Seller and Buyer as an intermediary  
 Seller only as Seller's agent

\_\_\_\_\_  
Licensed Supervisor of Listing Associate      Telephone

\_\_\_\_\_  
Listing Associate      Telephone

\_\_\_\_\_  
Listing Broker's Office Address      Facsimile

\_\_\_\_\_  
City      State      Zip

\_\_\_\_\_  
Listing Associate's Email Address

\_\_\_\_\_  
Selling Associate      Telephone

\_\_\_\_\_  
Selling Associate's Office Address      Facsimile

\_\_\_\_\_  
City      State      Zip

\_\_\_\_\_  
Selling Associate's Email Address

Listing Broker has agreed to pay Other Broker 3% of the total sales price when the Listing Broker's fee is received. Escrow agent is authorized and directed to pay other Broker from Listing Broker's fee at closing.

**OPTION FEE RECEIPT**

Receipt of \$ \_\_\_\_\_ (Option Fee) in the form of \_\_\_\_\_ is acknowledged.

\_\_\_\_\_  
Seller or Listing Broker

\_\_\_\_\_  
Date

**CONTRACT AND EARNEST MONEY RECEIPT**

Receipt of  Contract and  \$10,000 Earnest Money in the form of \_\_\_\_\_ is acknowledged.

Escrow Agent: \_\_\_\_\_ Date: \_\_\_\_\_

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

\_\_\_\_\_  
Email Address

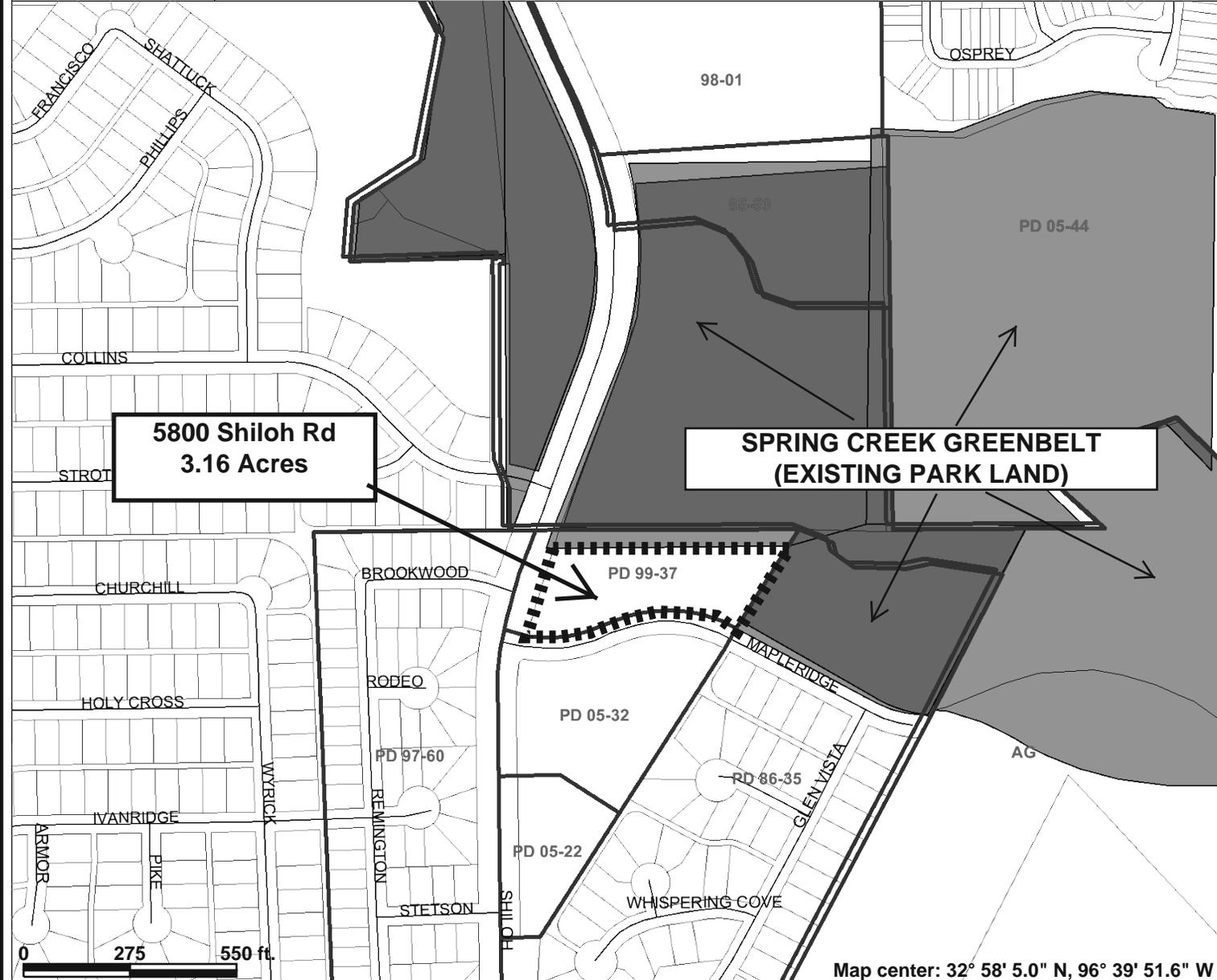
\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Address

\_\_\_\_\_  
Facsimile:

\_\_\_\_\_  
City      State      Zip

# Internet Mapping Framework



### Legend

- Zoning Districts
- Streets
- City-owned Properties
- Parcels (no shading)
- Parks
- Neighbor Areas Labels
- Neighbor Areas
- CITY
- LAKE

Scale: 1:4,763

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

**Proposed Land Acquisition - 3.16 Acres  
Garland, Texas**



# City Council Item Summary Sheet

Work Session

Date: May 19, 2015

Agenda Item

## INTERLOCAL AGREEMENT (ILA) WITH THE CITY OF SACHSE FOR PLEASANT VALLEY BRIDGE – RICHFIELD DRIVE TO MILES ROAD

### Summary of Request/Problem

As part of the City's Pleasant Valley Road Bridge project, a small portion of the roadway improvements extend across city limits into Sachse. In addition, Sachse proposes wastewater improvements crossing Pleasant Valley Road and extending into Garland's city limits. The ILA identifies Garland being the lead agency with the construction of transition section of Pleasant Valley Road into Sachse. Garland will also include the portion of Sachse's wastewater main as part of the Pleasant Valley Road construction. The ILA further identifies the inspection and financial responsibilities of both Cities. Garland is responsible for the roadway transition into Sachse and Sachse is responsible for the wastewater main into Garland.

This item was considered by Council at the May 4, 2015 Work Session.

### Recommendation/Action Requested and Justification

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

Submitted By:

**Michael C. Polocek**  
Director of Engineering

Approved By:

**Bryan L. Bradford**  
City Manager

**RESOLUTION NO.**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF SACHSE; 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 enter into an interlocal agreement with the City of Sachse for construction related to the Pleasant Valley Road Bridge over Rowlett Creek, as set out in the interlocal agreement 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 \_\_\_\_\_, 2015.

**CITY OF GARLAND, TEXAS**

\_\_\_\_\_  
Mayor

**ATTEST:**

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



# City Council Item Summary Sheet

Work Session

Date: May 19, 2015

Agenda Item

## Appointment of City Manager

### Summary of Request/Problem

Council is request to consider appointing Bryan L. Bradford as the City Manager of the City of Garland.

### Recommendation/Action Requested and Justification

Council discussion.

Submitted By:

Approved By:

**Bryan L. Bradford**  
City Manager

**RESOLUTION NO.**

**A RESOLUTION APPOINTING BRYAN L. BRADFORD AS THE CITY MANAGER OF THE CITY OF GARLAND, TEXAS; AND PROVIDING AN EFFECTIVE DATE**

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

**Section 1**

That Bryan Bradford is hereby appointed City Manager pursuant to the authority vested in the City Council under Article V of the City Charter.

**Section 2**

That William E. Dollar is hereby named City Manager Emeritus through the completion of his service on May 31, 2015.

**Section 3**

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

**PASSED AND APPROVED** this the \_\_\_\_ day of \_\_\_\_\_, 2015.

**CITY OF GARLAND, TEXAS**

\_\_\_\_\_  
Mayor

**ATTEST:**

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



# City Council Item Summary Sheet

Work Session

Date: May 19, 2015

Agenda Item

## Interlocal Agreement with City of Mesquite for CASA Radar

### Summary of Request/Problem

The City of Garland was awarded \$50,000 by Council to partner with the City of Mesquite to install one (1) Collaborative Adaptive Sensing of Atmosphere (CASA) radar that would provide coverage for the City of Garland. This innovative radar network provides real-time, detailed mapping of events in the lower atmosphere that fall below conventional radar coverage, which include storms, winds, rain, hail, and the flow of airborne hazards. The comprehensive weather data and resulting enhanced prediction capabilities will allow leaders and decision makers to make more informed weather-related decision relating to daily activities.

This CASA radar would be installed in Mesquite because that location provides the best coverage for both cities, as well as ideal coverage for the CASA network, based on the existing radar locations in surrounding areas. A partnership with the City of Mesquite to support the installation of a CASA radar in Mesquite would enhance the capabilities of both cities. The interlocal agreement with the City of Mesquite includes:

- (1) A location has been identified at the Mesquite Municipal Airport that would be an ideal location for a radar host site; and
- (2) Mesquite will coordinate the installation, construction and maintenance of the site including any bidding of work, solicitation of funds, interaction with radar or equipment vendors, and construction of tower, providing power and data connectivity to the site; and
- (3) Garland will provide funding to cover the construction and installation costs incurred by the City of Mesquite for the CASA radar site, not to exceed \$50,000.00.
- (4) The City of Mesquite will assume responsibility for on-going costs associated with power, data service and maintenance.

### Recommendation/Action Requested and Justification

Staff recommends Council approve by minute action authorizing the City Manager to execute an interlocal agreement with the City of Mesquite for the installation of a CASA radar site. This item was reviewed at the May 4, 2015 Work Session.

**Submitted By:**

**Mollie Gilmore Rivas**  
Emergency Management Coordinator

**Approved By:**

**Bryan L. Bradford**  
City Manager



# City Council Item Summary Sheet

Work Session

Date: May 19, 2015

Agenda Item

## Adoption of the Garland Development Code

### Summary of Request/Problem

Council was provided a copy of the revised Garland Development Code and was briefed at the May 18<sup>th</sup> Work Session regarding the revised document. The City Attorney's office is preparing the necessary ordinance to adopt the GDC.

### Recommendation/Action Requested and Justification

Consider adoption of the Garland Development Code

**Submitted By:**

**Will Guerin**  
**Director of Planning**

**Approved By:**

**Bryan L. Bradford**  
**City Manager**

**ORDINANCE NO.**

**AN ORDINANCE ADOPTING THE GARLAND DEVELOPMENT CODE AS THE COMPREHENSIVE ZONING AND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS; PROVIDING FOR TRANSITIONAL PROCEDURES, PROTOCOLS, AND RULES OF INTERPRETATION DURING AN INTERIM PERIOD; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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

**Section 1**

That the City Council hereby adopts, as the comprehensive zoning and development ordinance of the City of Garland, Texas, the attached document to be hereafter known as the "Garland Development Code".

**Section 2**

That all references in the Code of Ordinances to the "comprehensive zoning ordinance", the "zoning ordinance", "zoning ordinances" or "Ordinance 4647" shall be deemed to refer to the Garland Development Code as adopted by this Ordinance or as hereafter amended. An application for any permit, approval, authorization, variance or change in zoning is filed with the City on or after the date of this Ordinance shall be processed in accordance with the procedures provided in the Garland Development Code and a person who obtains any such permit, approval, authorization, variance or change in zoning shall comply in all respects with the Garland Development Code except to the extent that the applicant has obtained vested rights as otherwise provided by law. To the extent of any conflicts between the Garland Development Code and an ordinance already in effect on the effective date of this Ordinance, the Garland Development Code shall control until such conflicting provisions are expressly amended or repealed.

**Section 3**

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

**Section 4**

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

**Section 5**

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

**Section 6**

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

**PASSED AND APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**CITY OF GARLAND, TEXAS**

\_\_\_\_\_  
Mayor

**ATTEST:**

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



# City Council Item Summary Sheet

Work Session

Date: May 19, 2015

Agenda Item

## Andersen Menomonie, Inc. - Tax Abatement Agreement

### Summary of Request/Problem

Andersen Menomonie, Inc. d/b/a Andersen Regional Manufacturing is proposing to lease 125,000 sq. ft. for their manufacturing operation in Garland. Andersen will be installing new manufacturing machinery and equipment with a value of at least \$7.8 million and shall employ at least 45 employees.

At the April 6, 2015 Work Session, Council considered a recommendation by the Garland Economic Development Partnership Steering Committee that Council provide (1) general support for the project and (2) support of a 75% City Tax Abatement on the business personal property value for five years.

### Recommendation/Action Requested and Justification

Hold a public hearing and (1) consider an ordinance designating an area as a reinvestment zone for commercial/industrial tax abatement and authorizing the City Manager to execute an agreement with the applicant regarding the reinvestment zone, and (2) authorize the City Manager to execute a tax abatement agreement.

**Submitted By:**

**Martin E. Glenn**  
Deputy City Manager

**Approved By:**

**Bryan L. Bradford**  
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 \_\_\_\_\_, 2015.

**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 1 of the W.B. Industrial Park Addition of the City of Garland, Dallas County, Texas, commonly known as 2602 South Jupiter Road, Garland, Texas 75041

EXHIBIT B

EXHIBIT C

EXHIBIT D

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 Andersen Menomonie, Inc. 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 \_\_\_\_\_, 2015.

CITY OF GARLAND, TEXAS

\_\_\_\_\_  
Mayor

ATTEST:

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

## **TAX ABATEMENT AGREEMENT**

**The City of Garland (the “City”)**, located in Dallas County, Texas, and **Andersen Menomonie, Inc. d/b/a Andersen Regional Manufacturing (the “Company”)**, which will be doing business in Dallas County, Texas, 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 May 19, 2015, the City Council did enact and adopt Ordinance No. \_\_\_\_\_ 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. \_\_\_\_\_; (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.

**TAX ABATEMENT AGREEMENT-ANDERSEN MENOMONIE, INC.**

2. **Term.** The term of this Agreement shall commence on January 1, 2016 (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.** Subject to the terms and conditions of this Agreement, the City hereby grants the Company an abatement of taxation as listed in Exhibit “A” less any value presently on the tax rolls of the Dallas County Central Appraisal District.
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,” provided that the Company is not required to submit plans for manufacturing machinery and equipment.
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 to 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 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; provided that the Company may assign this Agreement to any direct or indirect subsidiary of Andersen Corporation that succeeds to the operations of the Company conducted at the Property.

**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.

**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 \_\_\_\_\_, 2015.

**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

**ANDERSEN MENOMONIE, INC. d/b/a  
ANDERSEN REGIONAL MANUFACTURING**

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

Name: Linda Larson

Title: Director of Real Estate Services

**Address for Notice:**

Andersen Corporation  
100 4<sup>th</sup> Avenue  
Bayport, MN 55003  
Attn: Director of Real Estate Services

With a Copy to:

Andersen Corporation  
5909 Omaha Avenue  
Oak Park Heights, MN 55003  
Attn: Chief Legal Officer

## **EXHIBIT "A"**

### **Company (the "Company")**

Andersen Menomonie, Inc. d/b/a Andersen Regional Manufacturing

### **Description of Property (the "Property")**

Block 1, Lot 1 of the W.B. Industrial Park Addition of the City of Garland, Dallas County, Texas commonly known as 2602 S. Jupiter Road, Garland, Texas 75041

### **Description of Improvements**

By January 31, 2016, the Company shall lease at least 125,000 sq. ft. of space at the multi-tenant building located at 2602 S. Jupiter Road, Garland, Texas. In that space, the Company shall install new manufacturing machinery and equipment.

### **Investment**

The Company shall install new manufacturing machinery and equipment, as well as leasehold improvements, office furniture and other office-related equipment. By December 31, 2016, the total value of these installed items shall total at least \$7.8 million.

### **Employment**

By December 31, 2017, the Company shall employ at least 45 employees at the Property and shall henceforth employ at least 45 employees at the Property for the remainder of this Agreement.

### **Abatement Schedule**

Tax abatement granted to the Company will be equal to 75% of the business personal property tax for a 5 year period. The abatement provided by this Agreement applies only to improvements not presently on the tax rolls of the Dallas County Central Appraisal District that are located on the Property after the execution of this Tax Abatement Agreement. The maximum amount the City agrees to abate from taxation per this Agreement shall not exceed \$222,000.



# Planning Report

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## The Dimension Group

### Southwest corner of Campbell Road and Murphy Road

#### REQUEST

Approval of a Specific Use Permit for Retail Sales with Gas Pumps on a property zoned Planned Development (PD) District 83-27 for Limited Shopping Center Uses.

#### OWNER

HCK Breckenridge Center, LLC.

#### PLAN COMMISSION RECOMMENDATION

On April 27, 2015 the Plan Commission, by a vote of eight (8) to zero (0), recommended approval of a Specific Use Permit for Retail Sales with Gas Pumps for a period of 20 years.

Additionally, Plan Commission approved variances to Sections 34.19(A)(2)(a)(i) and 34.20(B)(1) of the SH 190 Development Standards regarding building placement and landscape buffers.

Previously, on March 23, 2015 Plan Commission had postponed this request to allow the applicant additional time to meet with the adjacent property owners and address the following concerns:

- Lack of screening from the eastern and southern adjacent properties.
- The visibility of the dumpster enclosure from the intersection of Campbell Road and Murphy Road (City of Garland gateway).
- The proposed reduced setback between the retail building and the western property line.
- The aesthetics of the proposed elevations for both the retail building and car wash structure.

The applicant did meet with the adjacent property owners and in response to the concerns the site layout and building elevations were revised to reflect the following changes:

- Additional shrubs and a masonry wall to partially screen the subject property from the adjoining properties. It should be noted that the screening of the subject property is not required as these adjacent properties are not residentially zoned. The property to the west is zoned Agriculture (AG) District and developed with a single family residence and the properties to the south are zoned Office-1 (O-1) District and developed with a medical office park.
- A single container dumpster enclosure in lieu of a double container dumpster enclosure; hence, reducing the visual impact it would have on the adjacent public streets.
- A building setback increase from 5 feet to 10.48 feet along the western property line.
- An increase in the percentage of stone veneer on the retail building as well as the incorporation of two corner towers to further articulate and define the front façade. Also, the application of stone veneer on the car wash structure.

## **STAFF RECOMMENDATION**

Approval of a Specific Use Permit for Retail Sales with Gas Pumps for a period of 20 years. The proposed gas station will provide a daily service to the nearby residents and will complement the non-residential land uses clustered around the intersection of Campbell Road and Murphy Road.

## **BACKGROUND**

In 1983 City Council approved a change in zoning from Agriculture to Planned Development (PD) District 83-27 to allow the development of Limited Shopping Center Uses on the subject property; however, the subject property has remained an undeveloped tract of land. The applicant has brought forward a Specific Use Permit request to develop the site with Retail Sales with Gas Pumps, a 7-Eleven gas station, and a detached automated car wash structure.

## **SITE DATA**

The proposed gas station will be constructed on a 1.436-acre site that will have approximately 156 linear feet of frontage along Campbell Road and 322 linear feet of frontage along Murphy Road. The site will be accessed from both Campbell Road and Murphy Road.

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

The subject site is zoned Planned Development (PD) District 83-27 which allows those Shopping Center Uses listed in the SH 190 Overlay District. Retail Sales with Gas Pumps is only permitted with approval of a Specific Use Permit. The proposed detached automated car wash structure will be considered an ancillary use to the main operation and permitted under the SUP for Retail Sales with Gas Pumps.

## **CONSIDERATIONS**

1. The applicant requests approval of a Specific Use Permit to develop the site with a 7-Eleven gas station that will consist of a 3,010 square foot retail building, a 3,640 square foot canopy over 8 gas pumps and a 966 square foot standalone automated car wash structure. The Comprehensive Zoning Ordinance stipulates a parking requirement of 1 parking space for every 200 square feet of retail gross floor area. With a retail area of 3,010 square feet, the parking requirement for the proposed development is 15 parking spaces. The site plan brought forward by the applicant provides 16 parking spaces.
2. The proposed detached automated car wash will be considered an ancillary use to the main operation (Retail Sales with Gas Pumps). In the event the subject property ceases to operate as Retail Sales with Gas Pumps or becomes in violation with the Specific Use Permit, the automated car wash shall not be permitted to operate as a primary use nor as an ancillary use to any use other than Retail Sales with Gas Pumps. A car wash can operate as a primary use only as an attended car wash operation and with approval of a Specific Use Permit.
3. As required in Section 10-312 of the Comprehensive Zoning Ordinance, each façade of the retail building and automated car wash structure shall consist of at least 80 percent face brick and/or stone and all the canopy columns shall be constructed with the same masonry materials as are used on the building facades. The exterior walls of the retail building and car wash structure consist of brick, stone and EIFS, whereas the canopy columns consist of brick veneer. Both buildings and canopy columns comply with the above-mentioned façade material standards.
4. The applicant proposes 2 monument signs, one along each street frontage. Additionally, the applicant proposes attached signage on the main building, the canopy roof structure and car wash structure, as well as directional signage throughout the site. Proposed freestanding signage, directional signage and attached signed are in compliance with the sign regulations of the SH 190 Development Standards.

5. The applicant seeks approval of a Specific Use Permit for a period of 20 years.

## **COMPREHENSIVE PLAN**

The Future Land Use Map of the Envision Garland Plan recommends Traditional Neighborhoods for the subject property. Traditional Neighborhoods offer residential areas of typical suburban density within a conventional neighborhood setting. Traditional Neighborhoods consist of single-family detached homes arranged along a conventional network of collector and neighborhood streets. Daily goods, services and other non-residential uses are found at the perimeter of Traditional Neighborhoods, while schools, parks, and churches are generally the only non-residential uses within the neighborhood's interior.

The proposed gas station is congruent with the Comprehensive Plan in that the subject property is located at an intersection where sites are being developed with non-residential uses, and at the perimeters of residential neighborhoods for easy access to daily goods and services. The Specific Use Permit would provide a way for the City to determine the continued appropriateness of the proposed gas station as the surrounding sites are developed.

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

The property to the north, across Campbell Road, is zoned Planned Development (PD) District 06-67 for Shopping Center Uses; the property is developed with a church complex. The properties to the east, across Murphy Road, are part of the City of Sachse; these properties are redeveloped with a Walmart Neighborhood Market, a bank and an apartment complex. The properties to the south are zoned Office 1 (O-1) District and are developed as an office park. The property to the west is zoned Agriculture and is developed with a single family residence. The properties in the larger surrounding area are mostly zoned for Single Family Uses and developed with residential neighborhoods.

The proposed gas station will introduce a small scale retail component to an immediate area that has already been developed with office and commercial land uses. Although the larger area is mostly developed as residential neighborhoods, the proposed development will provide a valuable service that will be easily accessible from various points due to the location of the site at the intersection of two major thoroughfares.

Prepared By:

Josue De La Vega  
Development Planner

Date: May 8, 2015

Reviewed By:

Will Guerin, AICP  
Director of Planning

Date: May 11, 2015

Reviewed By:

Bryan Bradford  
City Manager

Date: May 12, 2015



0 200 400 Feet  
 1 inch = 400 feet

# ZONING Z 15-05

 INDICATES AREA OF REQUEST

## SPECIFIC USE PERMIT REQUIREMENTS

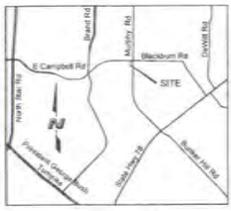
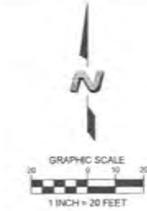
### ZONING FILE 15-05

#### Southwest corner of Campbell Road and Murphy Road

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow the development of Retail Sales with Gas Pumps and a detached automated car wash structure.
- II. **Statement of Effect:** This Specific Use 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 Planned Development (PD) District 83-27 for Shopping Center Uses, and all regulations of the Shopping Center (SC) District set forth in Sections 24, 33 and 46 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 period of 20 years.
  - B. Site Plan: Development of the subject property must be in conformance with the approved site plan set forth in Exhibit C.
  - C. Building Placement: Retail building shall not be less than 10 feet from the western property line.
  - D. Screening and Landscaping: The width of the landscape buffer along Murphy Road shall be not less than 25 feet; notwithstanding the reduced landscape buffer width, the required landscape buffer tree plantings shall be met. All other applicable screening and landscape regulations shall be met as generally reflected on the approved landscape plan identified as Exhibit D.
  - E. Building Elevations: Each façade of the retail building and automated car wash structure shall consist of at least 80 percent face brick and/or stone and all the canopy columns shall be constructed with the same masonry materials as are used on the building facades. Building facades and canopy columns shall be in conformance with the approved elevations identified as Exhibit E.
  - F. Detached Automated Car Wash Structure: The detached automated car wash will be considered an ancillary use to the main operation (Retail Sales with Gas Pumps). In the event the subject property ceases to operate as Retail Sales with Gas Pumps or becomes in violation with the Specific Use Permit, the automated car wash shall not be permitted to

operate as a primary use nor as an ancillary use to any use other than Retail Sales with Gas Pumps. A car wash can operate as a primary use only as an attended car wash operation and with approval of a Specific Use Permit.

THESE PLANS AND SPECIFICATIONS OF IMPROVEMENTS HEREBY MADE AND REPLACES TO COMPLY WITH ALL REQUIREMENTS IN ACCORDANCE WITH THE CITY OF GARLAND STANDARD CONSTRUCTION DETAILS.



**WATER METER SCHEDULE**

ID	TYPE	SIZE	REMARK
1	DOMESTIC	2"	PROPOSED
2	IRRIGATION	1"	PROPOSED

**BENCHMARK DATA**

GPS STATION PROJECT NO. GPS614

NORTHING: 7,342,815.416  
EASTING: 2,543,898.132  
ELEVATION: 481.21

2" BRASS DISK STAMPED 14, LOCATED SET IN CONCRETE PAVING @ THE INTERSECTION OF FLANNERY LN AND BRAND RD. APPROX. 32 EAST OF THE CENTERLINE OF BRAND RD. AND APPROX. 16 SOUTH OF FLANNERY LN CENTERLINE.

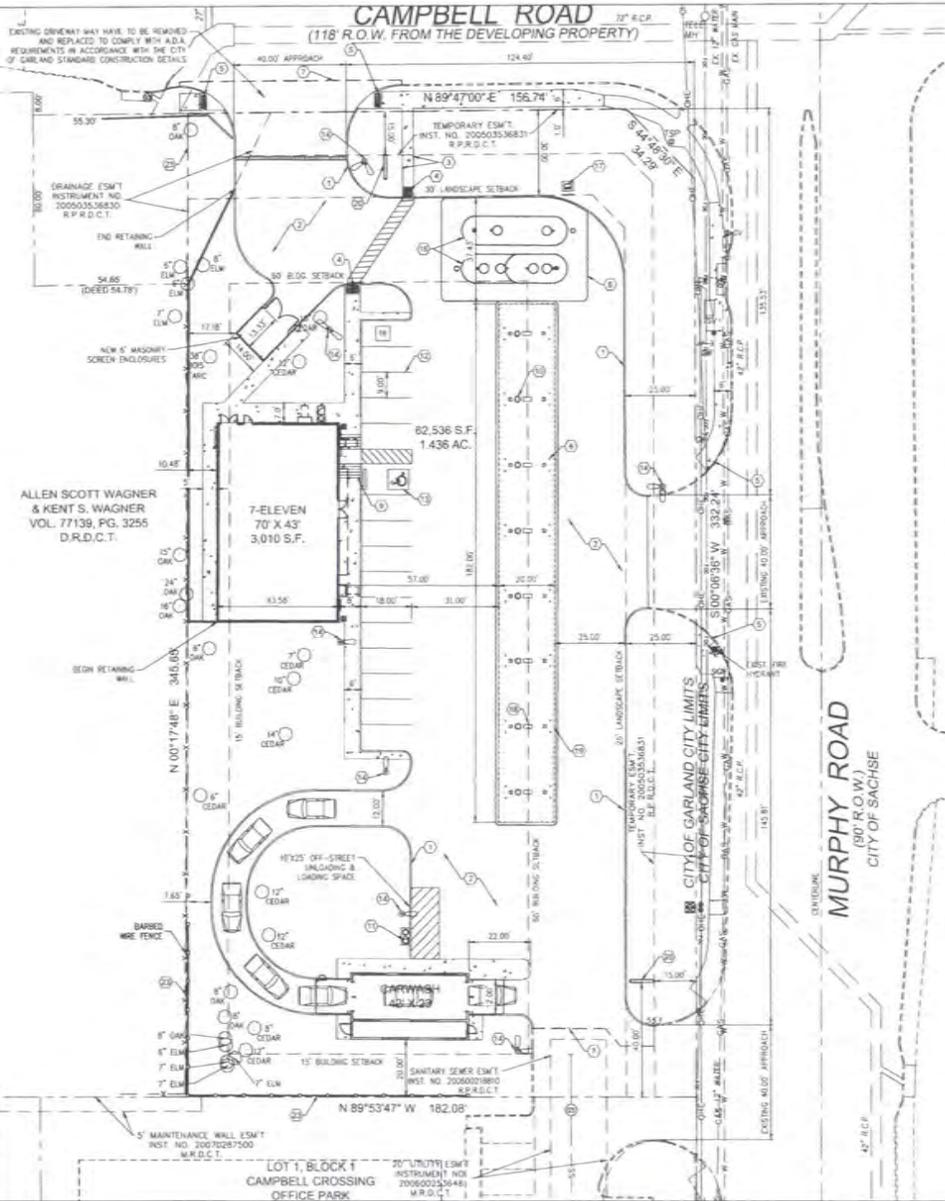
GPS STATION PROJECT NO. GPS615

NORTHING: 7,343,833.448  
EASTING: 2,544,024.891  
ELEVATION: 522.52

2" BRASS DISK STAMPED 15, LOCATED IN THE CONCRETE PAVING @ THE INTERSECTION OF LOGGESS LN AND BRAND RD. APPROX. 29 EAST OF THE CENTERLINE OF BRAND RD. AND APPROX. 23 NORTH OF LOGGESS LN CENTERLINE.

**CAUTION NOTICE TO CONTRACTORS**

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND / OR ELEVATION OF THE EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL 811 AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS.



- SITE PLAN KEYNOTES**
- CONSTRUCT 6" CURB & GUTTER
  - CONSTRUCT 4" CONCRETE PAVEMENT SECTION (RE DETRICH)
  - CONSTRUCT 4" CONCRETE CONCRETE SIDEWALK
  - CONSTRUCT BARRER-FREE RAMPS (PER A.D.A. STANDARDS)
  - CONSTRUCT OR REPLACE BARRER-FREE RAMPS PER CITY STANDARDS
  - EDGE OF CONCRETE TANK PAD
  - EDGE OF SAW CUT
  - INSTALL 4" DIA. BOLLARD
  - INSTALL HANDICAP VAN AND CAR SIGN (RE 4.D.A. PLAN)
  - INSTALL TRASH CAN
  - INSTALL AIRWATER STATION
  - 4" YELLOW OR WHITE PAVEMENT SOLID PARKING STRIPES
  - HANDICAP PARKING LOCO
  - STANDARD AREA LIGHT POLE (RE PHOTOMETRIC PLAN)
  - FIRE LANE STRIPING
  - UNDERGROUND STORAGE TANKS
  - UNDERGROUND STORAGE TANK VENTS
  - MULTI-PRODUCT FUEL DISPENSERS (MPOSS)
  - EDGE OF CANOPY ROOF
  - 18" X 2" MONUMENT SIGN (SIGNS WILL REQUIRE SEPARATE SIGN PERMIT)
  - FIRE DEPARTMENT CONNECTION
  - INSTALL STANDARD GALV. 8" X 8" 4" ELECTRICAL TRANSFORMER
  - INSTALL RETAINING WALL
  - INSTALL 6" X 4" HIGH BRICK SCREENING WALL

**SITE AND DESIGN DATA**

SITE SQ. FT.	62,536 S.F. OR 1.44 ACRES
EXISTING ZONING	"G" GENERAL BUSINESS
BUILDING SQ. FT.	3,918 S.F.
CAR WASH SQ. FT.	395 S.F.
CANOPY SQ. FT.	1,848 S.F.
PARKING REQUIRED (NETAL)	15 SPACES (3,019 SQ.)
PARKING PROVIDED	16 SPACES INCLUDING 1 HANDICAP SPACE
BUILDING COVERAGE	7,416 S.F. OR 12.18% 40% ALLOWED
BUILDING HEIGHT	24 FT.
MAX. BUILDING HEIGHT	35 FT. - PER ORDINANCE
BUILDING SETBACKS	60 FEET ON CAMPBELL ROAD 40 FEET ON MURPHY ROAD 15 FEET ON PROPERTY SIDES
LANDSCAPE SETBACKS	30 FEET ON MURPHY ROAD 30 FEET ON CAMPBELL ROAD NONE ON PROPERTY SIDES
REQUIRED VARIANCES	1. Variance for Canopy columns to encroach over the 60' Building Setback line along Murphy Road. 2. Variance for a 5-Foot wide setback, instead of 25 Foot wide setback.

**NOTE**

NO LANDSCAPING SUCH AS TREES, HEDGES, ABOVE AND UNDERGROUND STRUCTURES SHALL BE LOCATED WITHIN EXISTING OR PROPOSED UTILITY EASEMENTS AND RIGHT-OF-WAY.

**DEVELOPER**  
7-ELEVEN INC.  
1302 RICHARDSON DRIVE  
RICHARDSON, TEXAS 75080  
TEL: (972) 976-8057  
CONTACT: DOUG SANDGERS

**APPLICANT/ENGINEER**  
THE DIMENSION GROUP  
TYPE FIRM #1-4394  
16755 SANDCHELL ROAD  
DALLAS, TEXAS 75248  
CONTACT: MICHAEL LIANG, P.E.  
TEL: (214) 343-8400

7-ELEVEN ADDITION  
LOT 1, BLOCK 1  
IN THE CITY OF GARLAND,  
DALLAS COUNTY, TEXAS  
CASE NO. 141028-2  
SCALE 1"=20'

DATE	REVISION DESCRIPTION	BY	DATE
03/27/15	1.01 CITY SUBMITTAL		
04/13/15	2.01 CITY SUBMITTAL		

TYPE FIRM # 1-4394  
**THE DIMENSION GROUP**  
ARCHITECTURE • CIVIL ENGINEERING • MEP ENGINEERING • PLANNING  
10705 Sandcheell Drive, Suite 750-208  
DALLAS, TEXAS 75248  
TEL: 214-343-8400 FAX: 214-343-9500 Email: info@thedimensiongroup.com

MICHAEL J. LIANG  
119339  
REGISTERED PROFESSIONAL ENGINEER  
STATE OF TEXAS  
3/12/15

SITE PLAN  
7-ELEVEN  
5100 CAMPBELL ROAD & MURPHY ROAD  
GARLAND, TEXAS 75044

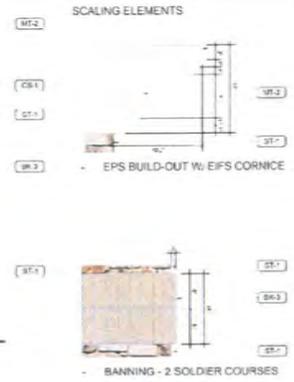
DESIGNED BY: ML  
CHECKED BY: ML  
DRAWN BY: ML  
APPROVED BY: ML

SHEET  
**C3.0**



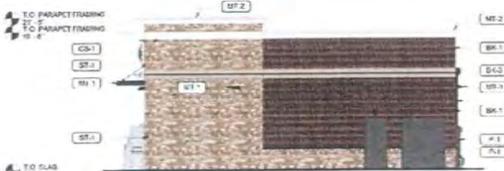
4. T.O. PARAPET FINISHING  
2'-0"

4. T.O. PARAPET FINISHING  
10'-0"



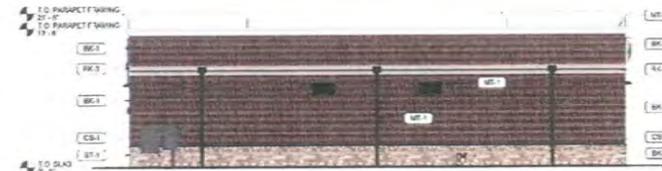
1 EAST ELEVATION  
18' x 12'-0"

PENETRATION REQUIREMENT		SIGNAGE CALCULATION	
DESCRIPTION	NO. REQ'D	DESCRIPTION	SP
DOOR	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%
W. WINDOW	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%
W. WINDOW	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%
W. WINDOW	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%
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W. WINDOW	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%
W. WINDOW	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%



2 NORTH ELEVATION  
18' x 12'-0"

PENETRATION REQUIREMENT		SIGNAGE CALCULATION	
DESCRIPTION	NO. REQ'D	DESCRIPTION	SP
DOOR	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%
W. WINDOW	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%
W. WINDOW	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%
W. WINDOW	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%
W. WINDOW	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%
W. WINDOW	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%
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W. WINDOW	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%
W. WINDOW	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%
W. WINDOW	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%



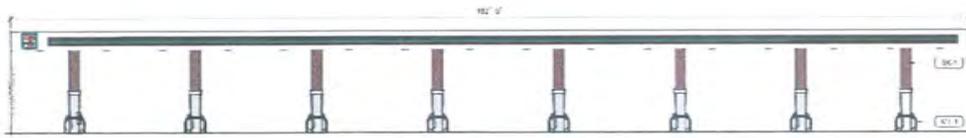
3 WEST ELEVATION  
12' x 12'-0"

PENETRATION REQUIREMENT		SIGNAGE CALCULATION	
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W. WINDOW	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%
W. WINDOW	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%
W. WINDOW	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%
W. WINDOW	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%
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W. WINDOW	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%
W. WINDOW	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%



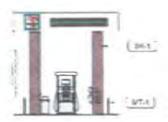
4 SOUTH ELEVATION  
18' x 12'-0"

PENETRATION REQUIREMENT		SIGNAGE CALCULATION	
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W. WINDOW	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%
W. WINDOW	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%
W. WINDOW	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%
W. WINDOW	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%
W. WINDOW	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%
W. WINDOW	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%
W. WINDOW	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%
W. WINDOW	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%
W. WINDOW	100%	ALLIANCE CHOPPED OKLAHOMA STONE	100%



5 GAS CANOPY - EAST ELEVATION  
202' x 12'-0"

SIGNAGE CALCULATION		SIGNAGE CALCULATION	
DESCRIPTION	SP	DESCRIPTION	SP
DOOR	100%	DOOR	100%
W. WINDOW	100%	W. WINDOW	100%
W. WINDOW	100%	W. WINDOW	100%
W. WINDOW	100%	W. WINDOW	100%
W. WINDOW	100%	W. WINDOW	100%
W. WINDOW	100%	W. WINDOW	100%
W. WINDOW	100%	W. WINDOW	100%
W. WINDOW	100%	W. WINDOW	100%
W. WINDOW	100%	W. WINDOW	100%
W. WINDOW	100%	W. WINDOW	100%



6 GAS CANOPY - NORTH/ SOUTH ELEVATION  
202' x 12'-0"

SIGNAGE CALCULATION		SIGNAGE CALCULATION	
DESCRIPTION	SP	DESCRIPTION	SP
DOOR	100%	DOOR	100%
W. WINDOW	100%	W. WINDOW	100%
W. WINDOW	100%	W. WINDOW	100%
W. WINDOW	100%	W. WINDOW	100%
W. WINDOW	100%	W. WINDOW	100%
W. WINDOW	100%	W. WINDOW	100%
W. WINDOW	100%	W. WINDOW	100%
W. WINDOW	100%	W. WINDOW	100%
W. WINDOW	100%	W. WINDOW	100%
W. WINDOW	100%	W. WINDOW	100%

- BK-1 ACME - QUORUM
- BK-2 ACME - QUORUM (SOLDIER COURSE)
- BK-3 ACME - CANYON GRAY (SOLDIER COURSE)
- ST-1 ALLIANCE - CHOPPED OKLAHOMA STONE
- P-1 SHERWIN WILLIAMS - SEAL SKIN SW 7675
- CS-1 ALLIANCE - CAST STONE
- MT-1 PREFINISHED DARK BRONZE METAL
- MT-2 METAL CAP TO MATCH CS-1

Rev #	Date	Description

11/02/20 4th Cir 03-08-14

7-ELEVEN, INC.  
ONE ARTS PLAZA, 1722 SOUTH STREET DALLAS, TEXAS 75221  
7-11 #1021543  
SVC MURRAY ROAD CAMPBELL RD  
CARLAND, TX  
PRESENTATION SHEET



ARCHITECTURE  
CIVIL ENGINEER  
MEP ENGINEER  
PLANNING

10755 SANDHILL ROAD  
DALLAS, TEXAS 75248  
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aecom.com

Job# 14-6094  
Scale AS NOTED  
Date 04/16/15  
Drawn By JT  
Checked By FS

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SHEET: PR1  
7043 SP - BRICK



1 NORTH ELEVATION  
10' x 12'



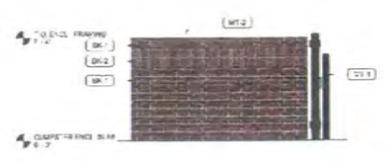
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10' x 12'



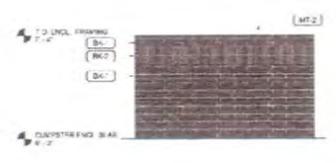
3 SOUTH ELEVATION  
10' x 12'



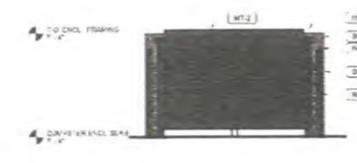
4 WEST ELEVATION  
10' x 12'



5 WEST/ EAST ELEVATION  
10' x 12'



6 SOUTH ELEVATION  
10' x 12'



7 NORTH ELEVATION  
10' x 12'

BK-1	ACME - QUORUM	
BK-2	ACME - QUORUM (SOLDIER COURSE)	
BK-3	ACME - CANYON GRAY (SOLDIER COURSE)	
ST-1	ALLIANCE - CHOPPED OKLAHOMA STONE	
P-1	SHERWIN WILLIAMS - SEAL SKIN SW 7675	
CS-1	ALLIANCE - CAST STONE	
MT-1	PREFINISHED DARK BRONZE METAL	
MT-2	METAL CAP TO MATCH CS-1	

DATE	DATE	DATE	DATE	DATE	DATE
<b>7-ELEVEN, INC.</b> ONE ARTS PLAZA - 722 SOUTH STREET - DALLAS, TEXAS 75221 7-11 #1021543 8502 MURPHY RD & CAMPBELL RD GARLAND, TX REPRESENTATION SHEET					
  <b>ARCHITECTURE</b> CIVIL ENGINEERING MEP/ASH/MECHANICAL PLANNING 0711 SHAW, 11100 DALLAS, TEXAS 75248 © 2014 DIMENS. P. 24 OF 24 DIMENS.COM					
Job#:	14-899	Scale:	AS NOTED	Drawn By:	JL
Drawn By:	DRB	Check By:	ES		
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SHEET: <b>PR2</b> 7043 SP - BRICK					

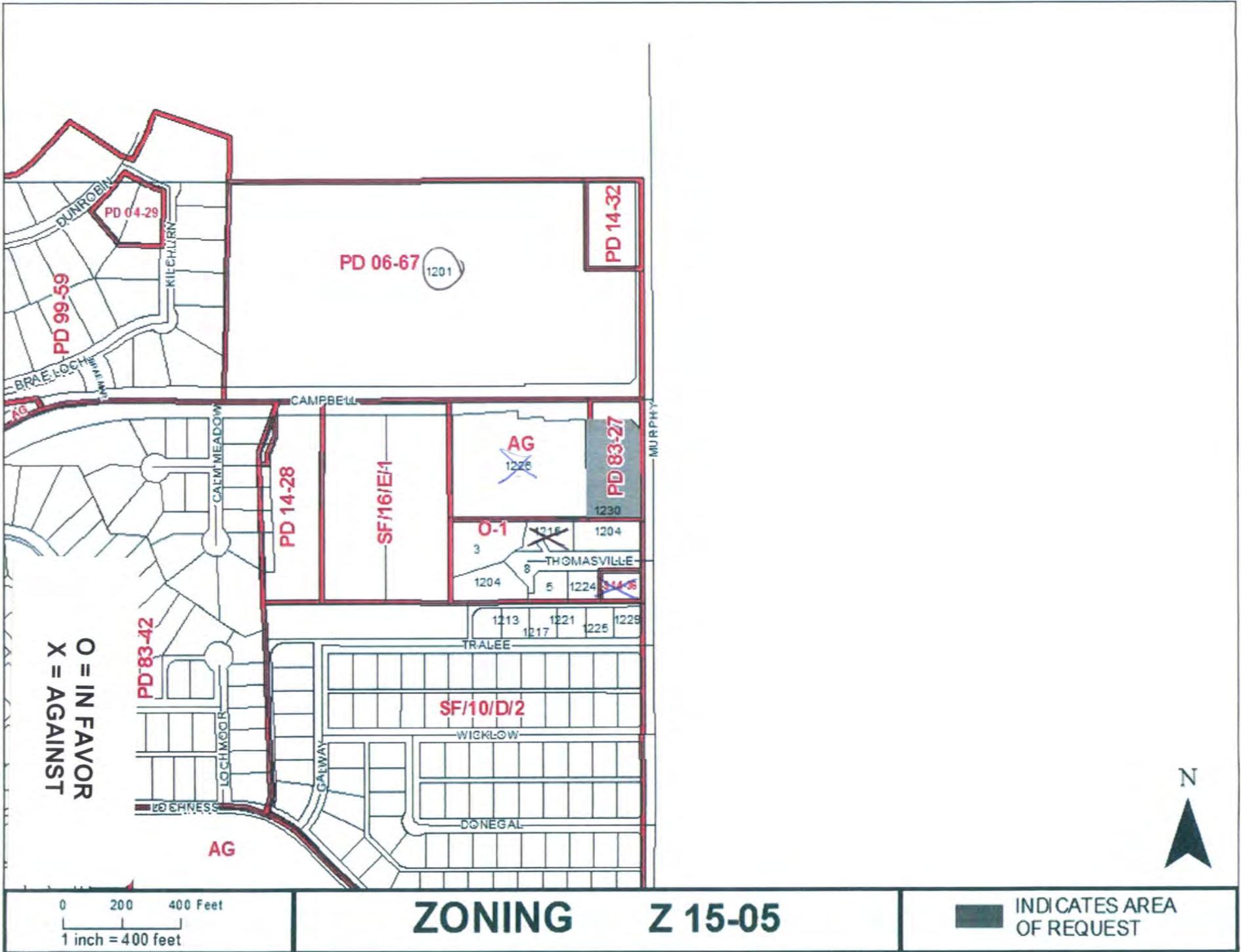
## REPORT & MINUTES

P.C. Meeting, April 27, 2015 (8 Members Present)

Consideration of the application for The Dimension Group, requesting approval of 1) a Specific Use Permit for Retail Sales with Gas Pumps on a property zoned Planned Development (PD) District 83-27 for Limited Shopping Center Uses and 2) variances to Sections 34.19(A)(2)(a)(i) and 34.20(B)(1) of the SH 190 Development Standards regarding building placement and landscape buffers. This property is located at the southwest corner of Campbell Road and Murphy Road. (District 1) (Z 15-05) (This request was postponed from the March 23, 2015 Plan Commission meeting)

Representing the applicant and available for questions were Tom Martin, 10755 Sandhill Rd and Michael Brown 3916 Carrizo Drive, Plano, TX 75074. There were no questions of these speakers.

**Motion** was made by Commissioner Luckie, seconded by Commissioner Dalton to **approve** the request per staff recommendation. **Motion carried:** 8 Ayes, 0 Nays.



O = IN FAVOR  
 X = AGAINST



0 200 400 Feet  
 1 inch = 400 feet

**ZONING Z 15-05**

INDICATES AREA OF REQUEST



# GARLAND

March 12, 2015

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

**HEARING DATE/TIME:** Plan Commission: March 23, 2015 – 7:00 PM

**APPLICANT:** The Dimension Group

**File Z 15-05**

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, March 23, 2015, in the Goldie Locke Room of the Duckworth Utility Services Building, 217 North Fifth Street, to consider the application of **The Dimension Group** requesting approval of 1) a Specific Use Permit for Retail Sales with Gas Pumps on a property zoned Planned Development (PD) District 83-27 for Limited Shopping Center Uses and 2) variances to Sections 34.19(A)(2)(a)(i), 34.20(B)(1), and 34.21(C)(4) of the SH 190 Development Standards regarding building placement, landscape buffers, and attached signage. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 1.436 acre tract of land situated in the J. Smith Survey, Abstract No. 1360, and the John L. Anderson Survey, Abstract No. 25, and being part of a 10.826 acre tract of land conveyed to Phillip J. Noab as Recorded in Volume 78115, Page 0450, of the Deed Records, Dallas County, Texas. The property is located on the southwest corner of Campbell Road and Murphy Road, Garland, TX. (District 1)

**Note: The applicant proposes to develop the subject property with a gas station and a detached automated car wash structure.**

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**. Should you have any questions, please contact Josue De La Vega at 972-205-2445.

(Please Check One Below)

972 205 2474 FAX

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.

THIS NEW DEVELOPMENT WOULD BE BEHIND MY DENTAL OFFICE. I AM OVERTLY CONCERNED ABOUT ENVIRONMENTAL DAMAGE TO THE GREENBELT AND CREEK THAT RUNS THROUGH THE PROPOSED PROPERTY.

(Please complete the following information)

Your Property Address DISTINCTIVE DENTAL CONCEPTS - CURT CONRAD DDS  
1215 THOMASVILLE CT  
Printed Name  
1215 THOMASVILLE CT. GARLAND TX 75044  
Address City, State Zip

The above statements reflect my (our) opinion regarding the proposed request(s).  
[Signature] DENTIST / OWNER  
Signature Title

Date: 3/19/2015



**GARLAND**

March 12, 2015

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

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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.

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(Please complete the following information)

Your Property Address

*John P Wardell*

Printed Name

*John Wardell 1201 E. CAMPBELL Garland, TX 75044*

Address

City, State

Zip

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

*John P Wardell*  
Signature

*EXEC PASTOR OF OPERATIONS*  
Title

Date: *3/18/15*



**GARLAND**

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

March 12, 2015

HEARING DATE/TIME: Plan Commission: March 23, 2015 – 7:00 PM

APPLICANT: The Dimension Group

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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.

*Concern of landscape/landscape buffer on west boundary, I 190 Corridor integrity & consistency, storm drainage & related construction affecting our property.*

(Please complete the following information)

Your Property Address

*Kent & Allan Wagner*  
Printed Name  
*1226 E. Campbell Rd. Garland, TX 75044*  
Address City, State Zip

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

*Kent & Allan Wagner* Title *OWNER*  
Signature

Date: *3-23-15*



**GARLAND**

March 12, 2015

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

**HEARING DATE/TIME:** Plan Commission: March 23, 2015 – 7:00 PM

**APPLICANT:** The Dimension Group

**File Z 15-05**

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**Note: The applicant proposes to develop the subject property with a gas station and a detached automated car wash structure.**

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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.

---

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(Please complete the following information)

Your Property Address

THOMAS A. REED  
Printed Name  
1234 THOMASVILLE GARLAND TX 75044  
Address City, State Zip

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

Thomas A. Reed owner  
Signature Title

Date: 3/23/14



# Planning Report

## Panda Restaurant

Southeast of the intersection of West Centerville Road and IH 635

### REQUEST

Approval of 1) an amended Concept Plan, a Detail Plan, and a Specific Use Permit for Restaurant with Drive Through on property zoned Planned Development (PD) District 13-40 for General Business Uses and 2) variances to the IH 635 Development Standards including to Section 34.21(C)(3) regarding freestanding signs and Section 34.21(C)(4) regarding attached signage.

### OWNER

IUM Investors, LP

### PLAN COMMISSION RECOMMENDATION

On April 13, 2015, the Plan Commission, by a vote of five (5) to four (4), recommended approval of a Specific Use Permit for Restaurant with Drive Through.

Additionally, Plan Commission denied variances to the IH 635 Development Standards including to Section 34.21(C)(3) regarding freestanding signs and Section 34.21(C)(4) regarding attached signage. The applicant is appealing the denial to City Council.

### STAFF RECOMMENDATION

Approval of 1) an amended Concept Plan, a Detail Plan, and a Specific Use Permit for Restaurant with Drive Through on property zoned Planned Development (PD) District 13-40 for General Business Uses. The development of the site is consistent with the existing development pattern in the area and promotes the redevelopment efforts within the immediate vicinity.

Staff recommends the side elevations facing the north and west include some building articulation and design elements that mimic the other elevations. The incorporation of elements along these elevations would enhance the equally visible façades of the building. Added roofline articulation could also be incorporated to provide more visual interest to the building.

Denial of variances to Section 34.21(C)(3) regarding the number of freestanding signs and Section 34.21(C)(4)(b)(i) regarding attached signage. There are no site constraints that make compliance with the IH 635 Development Standards impractical.

## **BACKGROUND**

The subject property is part of a larger Planned Development (PD) District for General Business (GB) Uses approved in 2013. The Planned Development incorporated the former Target building and the property along IH 635. A detail plan for a grocery store was approved in conjunction with Planned Development (PD) District 13-40 and a concept plan reflecting an additional pad site along IH 635. The applicant requests approval of an amended Concept Plan, a Detail Plan and Specific Use Permit for a Panda Express restaurant with drive through.

## **SITE DATA**

The subject property contains approximately 0.869 acres of land and is undeveloped. The property fronts approximately 167 feet along IH 635 and is primarily served from an access drive from IH 635 which is a mutual access drive for the surrounding properties.

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

The current zoning is Planned Development (PD) District 13-40 for General Business Uses. The PD District permits a range of retail, personal services, and restaurant uses. The PD also includes a Concept Plan reflecting one future pad site along IH 635. The property is within the IH 635 Overlay and therefore the uses permitted are those permitted within the General Business District in the IH 635 Overlay.

## **CONSIDERATIONS**

1. The applicant proposes an amendment to the Planned Development District and an amended concept plan which reflects two pad sites along the frontage road to take advantage of the new direct access to IH 635. Prior to development on the adjacent future pad site, a Detail Plan will be required to be approved through the public hearing process.
2. Detail Plan/Specific Use Permit: The applicant requests approval of a Detail Plan and Specific Use Permit to construct a 2,593 square foot Panda Express restaurant with drive through. The development is required 31 parking spaces; 32 parking spaces are provided. The development of the site is consistent with ongoing redevelopment efforts in the immediate area, particularly the redevelopment of the former Target site adjacent to the subject property to the north.
3. Building Design: The applicant is proposing to meet the building materials and articulation requirements of the IH 635 Development Standards by employing brick, stone and ceramic tile as the primary masonry materials. EIFS is also used a secondary masonry material within the allowable percentage which is limited to 20 percent. The applicant has modified the side elevations facing the north and west to include some building articulation and design elements that mimic the other elevations in accordance with Staff recommendation.

4. Screening and Landscape Standards: Section 34.20(B) of the IH 635 Development Standards requires a thirty (30) foot landscape buffer with one Shumard Oak planted for every thirty feet of frontage along IH 635. The applicant is meeting this requirement by proposing six (6) trees within the buffer. The site is in compliance with the parking lot landscaping and screening requirements of the overlay.
5. Signage: Under Planned Development (PD) District 13-40 the existing freestanding signs on the site were modified to allow for the co-location of the new tenants that would be a part of the overall redevelopment of the site. Section 34.21(B) of the IH 635 Development Standards defines "site" as a building which houses a single activity and the contiguous grounds and parking areas which exclusively service that building or any number of activities housed by a single building or multiple buildings which share common egress or ingress from a public street or right-of-way.

Based on the definition of a site for the purposes of signage, the existing signage, located on the adjacent lot to the west and along Centerville Road, is part of the site and can be used by the applicant. Plan Commission denied the request for a variance to Section 34.21(C)(3) to allow for the construction of a freestanding pole sign, twenty two feet in height and 150 square feet in sign area, on the subject property. This would exceed the allowable number of signs on the site which already houses two aforementioned freestanding signs.

6. Section 34.21(C)(4)(b)(i) limits attached signage for a single tenant building to 1.5 times the width of the main entrance (front) wall. The maximum allowable sign area for the building is approximately 105 square feet. The applicant proposes approximately 182 square feet of attached signage. This includes approximately 90.56 square feet of attached wall signage and a 92 square foot panda mural. Per the Sign Ordinance a sign is defined as any device, flag, light, figure, mural, painting, picture, letter, word, message, symbol, plaque or poster visible from outside the site on which it is located and designed to inform or attract the attention of persons not on that premises, excluding those lights and landscape features which display no words or symbols, and temporary holiday decorations.

## **COMPREHENSIVE PLAN**

The Envision Garland Plan designates the subject property as Urban Neighborhoods. Urban neighborhoods are higher density residential developments, characterized by moderate to high density single-family attached and multi-family residential units, greater than 12 units per acre. Developments within this category are predominantly residential, but may include compatible non-residential uses.

While the amended concept plan, detail plan and specific use permit are not consistent with the recommendation of Envision Garland, the Planned Development reflects the existing development pattern in the surrounding area. Additionally, the goal of redeveloping and revitalizing older shopping areas with new development is met by the introduction to potentially two new community serving retail sites. The development of the site would provide a valuable use and service for a larger community area.

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

Properties to the northeast across Broadmoor Drive and to the southeast are zoned Single Family and are developed with single family residences. The properties surrounding the subject site to the north and west are zoned within various Planned Development Districts for General Business and Shopping Center Uses. The sites are developed with a variety of retail, restaurant and commercial amusement indoor uses. The use of the subject property for restaurant with drive through is consistent with the existing development pattern and surrounding uses.

Prepared By:

Chasidy Allen, AICP  
Principal Planner

Date: May 7, 2015

Reviewed By:

Will Guerin, AICP  
Director of Planning

Date: May 8, 2015

Reviewed By:

Bryan Bradford  
City Manager

Date: May 11, 2015



## ZONING FILE 15-08

### Southeast of the intersection of West Centerville Road and IH 635

#### Planned Development Conditions

- I. **Statement of Purpose:** The purpose of this Planned Development District is to permit the development of General Business Uses 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 General Business District set forth in Section 25, 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. Concept Plan: Development shall be in general conformance with the Concept Plan as identified as Exhibit C. Should there be any conflict between the Concept Plan and the written conditions below, the conditions shall prevail.
  - B. Detail Plan: Development shall be in general accordance with the Detail Plan identified as Exhibit D.
- V. **Specific Regulations:**
  - A. Permitted Uses: Uses shall be as permitted within the General Business (GB) District within the IH 635 Overlay.
  - B. Screening and Landscaping: The screening and landscaping shall be generally provided as shown on the landscape plan identified as Exhibit E.
  - C. Building Elevations: Building elevations shall be in conformance with Exhibit F.
  - D. Freestanding Signage: One (1) freestanding pole sign, twenty-two feet in height and 150 square feet in sign area shall be permitted as reflected in Exhibit G.
  - E. Attached Signage: Attached signage shall not exceed approximately 182.5 square feet as reflected in Exhibit G.

#### EXHIBIT B

## SPECIFIC USE PERMIT CONDITIONS

### ZONING FILE 15-08

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

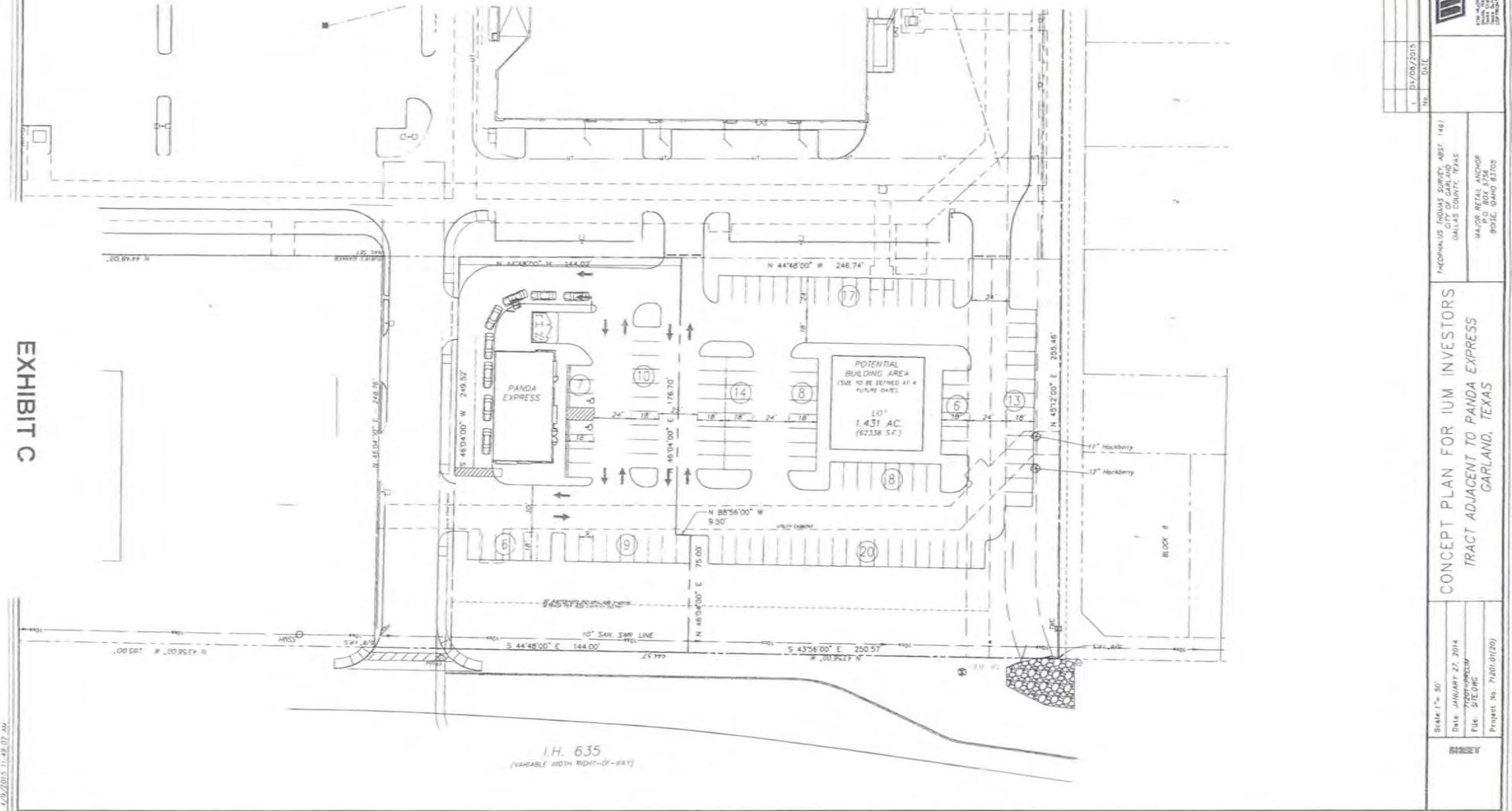
- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to permit the construction of a restaurant with drive through subject to conditions.
- II. **Statement of Effect:** This Planned Development District shall not affect any regulation found in the Comprehensive Zoning Ordinance, 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.

4/22/2015 11:48:07 AM

# EXHIBIT C



NOTE:  
 PANDA EXPRESS  
 CONCEPT PLAN AND  
 INFORMATION PROVIDED  
 BY BANNISTER  
 ENGINEERING



I.H. 635  
 (VARIABLE WIDTH RIGHT-OF-WAY)

UC	DATE	BY	REVISION
	01/07/2015		1



**Winkelmann & Associates, Inc.**  
 CONSULTING CIVIL ENGINEERS & ARCHITECTS  
 1500 WEST ASHLAND AVENUE, SUITE 300  
 DALLAS, TEXAS 75208-1400  
 TEL: (214) 343-1100  
 FAX: (214) 343-1101  
 WWW: WWW.WINKELMANN-ASSOCIATES.COM

MICHAELIS INDIAN SURVEY, ABST. 1481  
 DALLAS COUNTY, TEXAS  
 MAJOR RETAIL ANCHOR  
 PROJECT: 0040 83705

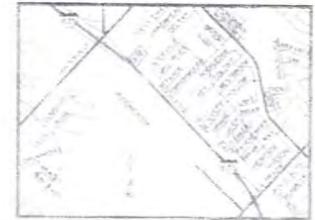
## CONCEPT PLAN FOR IUM INVESTORS TRACT ADJACENT TO PANDA EXPRESS GARLAND, TEXAS

Scale 1" = 50'  
 Date JANUARY 22, 2014  
 File 71201-01-010  
 Project No. 71201-01(00)

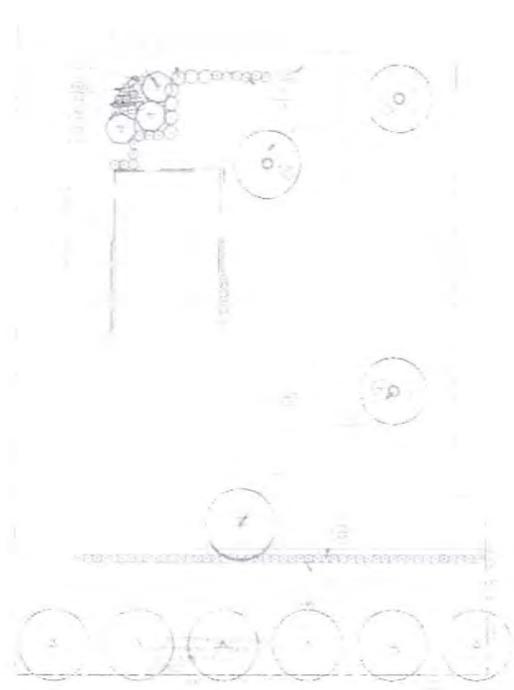
DRURY



EXHIBIT E



VICINITY MAP  
SHEET NO. 125-24



LANDSCAPE TABULATIONS

TOTAL LOT AREA	37,648 S.F. (0.86 AC)
GROSS PARKING AREA	21,721 S.F.
INTERNAL LANDSCAPE AREA REQUIRED IN GROSS PARKING	1,208 S.F.
INTERNAL LANDSCAPE AREA PROVIDED	1,361 S.F.
LANDSCAPE AREA REQUIRED (ON NET GSI)	3,071 S.F.
LANDSCAPE AREA PROVIDED	10,289 S.F. (26%)
TREES REQUIRED ALONG ROW 10' WIDE OR GREATER	6 TREES
TREES PROVIDED ALONG ROW 10' WIDE OR GREATER	6 TREES
PARKING LOT TREES REQUIRED (10' SPACES & SPACES)	2 TREES
PARKING LOT TREES PROVIDED	2 TREES

PLANT LIST AND SPECIFICATIONS:

SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	SPECIFICATION
01	1	Quercus agrifolia	LIVE OAK	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
02	1	Quercus agrifolia	LIVE OAK	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
03	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
04	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
05	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
06	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
07	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
08	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
09	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
10	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
11	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
12	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
13	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
14	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
15	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
16	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
17	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
18	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
19	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
20	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
21	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
22	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
23	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
24	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
25	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
26	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
27	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
28	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
29	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
30	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
31	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
32	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
33	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
34	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
35	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
36	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
37	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
38	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
39	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
40	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
41	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
42	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
43	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
44	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
45	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
46	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
47	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
48	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
49	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL
50	1	Fraxinus pennsylvanica	WHITE BIRCH	4.5 GAL	1.5 GAL. 10-12" H. 1.5" B. ROUND SPHERICAL

LANDSCAPE PLAN  
for  
PANDA EXPRESS  
37,648 s.f. of Lot 2R, Block 1  
New World Shopping  
City of Garland  
Dallas County, Texas



EXTERIOR FINISH SCHEDULE

NO.	MANUFACTURER	SECT.	CO. OR FINISH	FINISH	NOTE
001	EPS	STYRENE POLYSTYRENE	EXTR. WALL	EXTR. WALL	EXTR. WALL
002	ACR	ACRYLIC	EXTR. WALL	EXTR. WALL	EXTR. WALL
003	ACR	ACRYLIC	EXTR. WALL	EXTR. WALL	EXTR. WALL
004	ACR	ACRYLIC	EXTR. WALL	EXTR. WALL	EXTR. WALL
005	ACR	ACRYLIC	EXTR. WALL	EXTR. WALL	EXTR. WALL
006	ACR	ACRYLIC	EXTR. WALL	EXTR. WALL	EXTR. WALL
007	ACR	ACRYLIC	EXTR. WALL	EXTR. WALL	EXTR. WALL
008	ACR	ACRYLIC	EXTR. WALL	EXTR. WALL	EXTR. WALL
009	ACR	ACRYLIC	EXTR. WALL	EXTR. WALL	EXTR. WALL
010	ACR	ACRYLIC	EXTR. WALL	EXTR. WALL	EXTR. WALL
011	ACR	ACRYLIC	EXTR. WALL	EXTR. WALL	EXTR. WALL
012	ACR	ACRYLIC	EXTR. WALL	EXTR. WALL	EXTR. WALL
013	ACR	ACRYLIC	EXTR. WALL	EXTR. WALL	EXTR. WALL
014	ACR	ACRYLIC	EXTR. WALL	EXTR. WALL	EXTR. WALL
015	ACR	ACRYLIC	EXTR. WALL	EXTR. WALL	EXTR. WALL
016	ACR	ACRYLIC	EXTR. WALL	EXTR. WALL	EXTR. WALL
017	ACR	ACRYLIC	EXTR. WALL	EXTR. WALL	EXTR. WALL
018	ACR	ACRYLIC	EXTR. WALL	EXTR. WALL	EXTR. WALL
019	ACR	ACRYLIC	EXTR. WALL	EXTR. WALL	EXTR. WALL
020	ACR	ACRYLIC	EXTR. WALL	EXTR. WALL	EXTR. WALL

MATERIAL CALCULATIONS

MATERIAL	LONG ENTRY SIDE	SHORT THROUGH SIDE	FRONT	REAR	GRAND TOTALS
MASONRY SUB TOTAL	650	1,050	470	330	2,500
EPS	270	350	100	250	1,020
ARCH METAL (ALPOLC)	40	0	0	0	40
TOTALS MATERIAL S.F.	1,118	1,478	670	623	

NOTE: ALL NUMBERS/CALCS SHOWN DO NOT INCLUDE EXTERIOR DOORS AND GLAZING

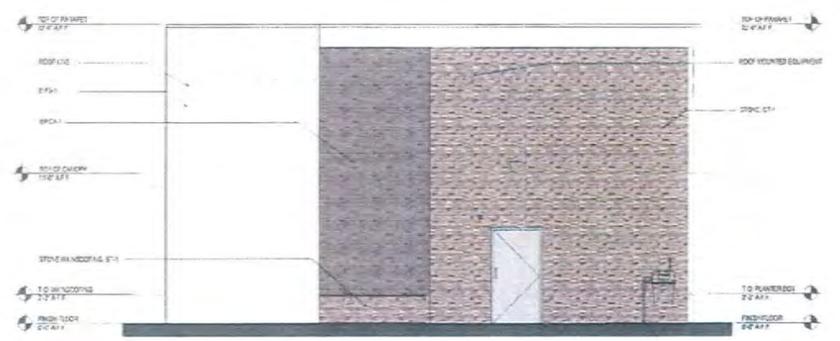
% OF MASONRY: 71% 71% 74% 61%

% OF EPS: 25% 25% 20% 38%

% OF ARCH METAL (ALPOLC): 04% 00% 00% 00%



FRONT ELEVATION 1  
Scale: 1/8" = 1'-0" A-200



REAR ELEVATION 2  
Scale: 1/8" = 1'-0" A-200

EXHIBIT F



PANDA RESTAURANT GROUP INC.  
1425 North Orange Ave.  
Riverside, California  
92504  
RESTAURANT GROUP SERVICE  
Phone: 951-321-8001

All work shall be completed in accordance with the contract documents. Panda Express Inc. and its affiliates are not responsible for the accuracy of the information provided in this drawing. It is the responsibility of the client to verify the accuracy of the information provided in this drawing.

REVISIONS

NO.	DATE	DESCRIPTION

ISSUE DATE

DATE SUBMITTED	02-25-15
DATE FOR SUBMITTAL	04-03-15
CITY COUNCIL SUBMITTAL	04-23-15

DRAWN BY: \_\_\_\_\_  
 PANDA PROJECT #: 08-15-04207  
 ARCH PROJECT #: 291-120



id

PANDA EXPRESS  
BRIGHT AND FRESH  
633 S.W. CENTENNIAL RD  
GARLAND, TX 75041

A-200

EXTERIOR COLOR ELEVATIONS



**ENTRANCE**

**DETAILS OF WORK:**  
 Manufacture and install Channel Letter sign with face line Cabinet  
 Install on elevation as shown.

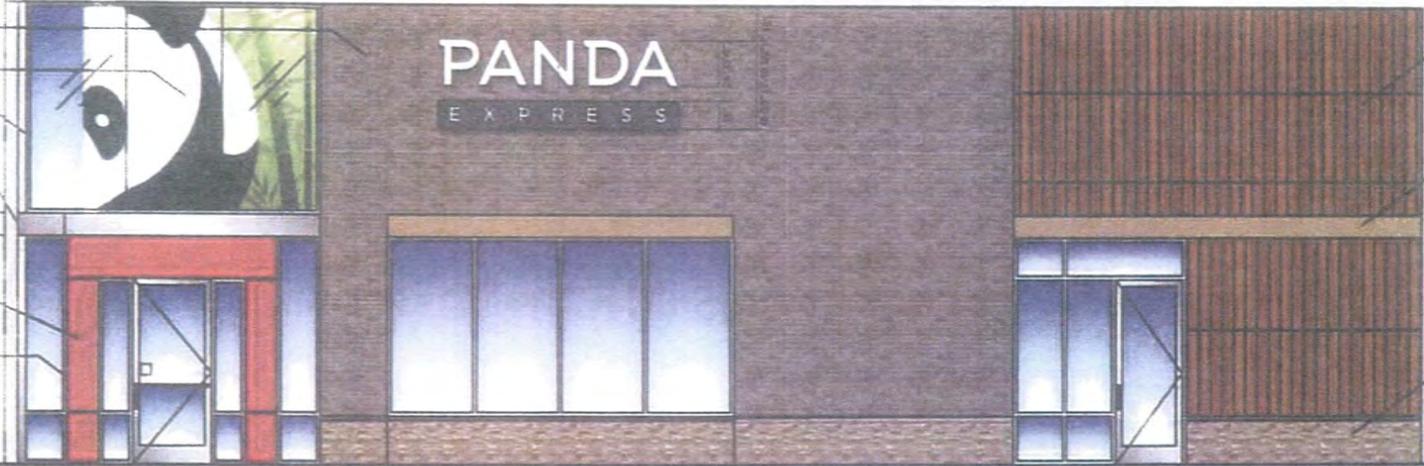
**SIGN CODE:**  
 13 7042 0563 Aggregate PROPOSED 0065

**PROPOSED:**  
 Channel Letter Area..... 41.70 Sq Ft  
 Total for elevation..... 41.70 Sq Ft

70' - 5" EAST Elevation

**NOTE:** All wall signs to be the same distance from the top of the building to the top of the sign on all elevations.

EXHIBIT G



ENTRANCE ELEVATION  
 Scale: 3/16" = 1'-0"

1334 W. Centerville Rd - Garland, TX

Elevation with Signage



**CORPORATE HEADQUARTERS**  
 1411 Westinghouse Blvd., Suite 1000, Dallas, TX 75240  
 Phone: (972) 412-1000 Fax: (972) 412-1001  
 www.atlassign.com



Revision: 1 10/2/10 05 05  
 Revision: 2 1/26/11 05 16  
 Prepared by:  
 Checked by:  
 Drawn by:

Approved by:  
 APPROVED BY OWNER  
 APPROVED BY ARCHITECT  
 APPROVED BY CONTRACTOR

Drawing No: 49897-2 Sheet: (2) of (12)  
 Drawn by: J. Adams Date: 11/03/14  
 Scale: A4 Shows: Rev:  
 Project Mgr: Jon Janelle  
 Path: Pand & Ben | Panda Express | TX | Garland



**Panda Express**  
 1334 W. Centerville Rd.  
 Garland, TX

**FRONT**

**SCOPE OF WORK:**  
Manufacture and install 3' x 3' Wall Sign. Install on elevation as shown.

**PLAN CODE:**  
1334 W. Centerville - Panda Express - 17500002-11-0001

**PROPOSED:**  
3' x 3' Wall Sign \_\_\_\_\_ 19,625 Sq Ft  
Total for elevation \_\_\_\_\_ 19,625 Sq Ft

**EXHIBIT G**



**NOTE:** All wall signs to be the same distance from the top of the building to the top of the sign on all elevations.

**FRONT ELEVATION**  
Scale: 1/8" = 1'-0"

1334 W. Centerville Rd - Garland, TX

Elevation with Signage



**CORPORATE HEADQUARTERS**  
11000 Highway 100, Suite 1000, Dallas, TX 75243  
www.atlassign.com  
**NORTH EAST DIVISION**  
11000 Highway 100, Suite 1000, Dallas, TX 75243  
www.atlassign.com



Design	2/15/17	By	TS
Drawn			
Checked			
Approved			
Revision			

Approved by: \_\_\_\_\_  
Date: \_\_\_\_\_  
 APPROVED AS SHOWN  
 APPROVED AS NOTED  
 CORRECTED AS SHOWN

Drawing No.	49897-3	Sheet	03 of 03
Drawn by	J. Adame	Scale	AS SHOWN
South of Sherm		Date	
Project Mgr.	Jon Ainsworth		
Path	Z:\03 & Dev\ Panda Express\TX\Garland		



**Panda Express**  
1334 W. Centerville Rd.  
Garland, TX

**DRIVE THRU**

**SCOPE OF WORK:**  
Manufacture and install SIF Wall Sign. Install on elevation as shown.

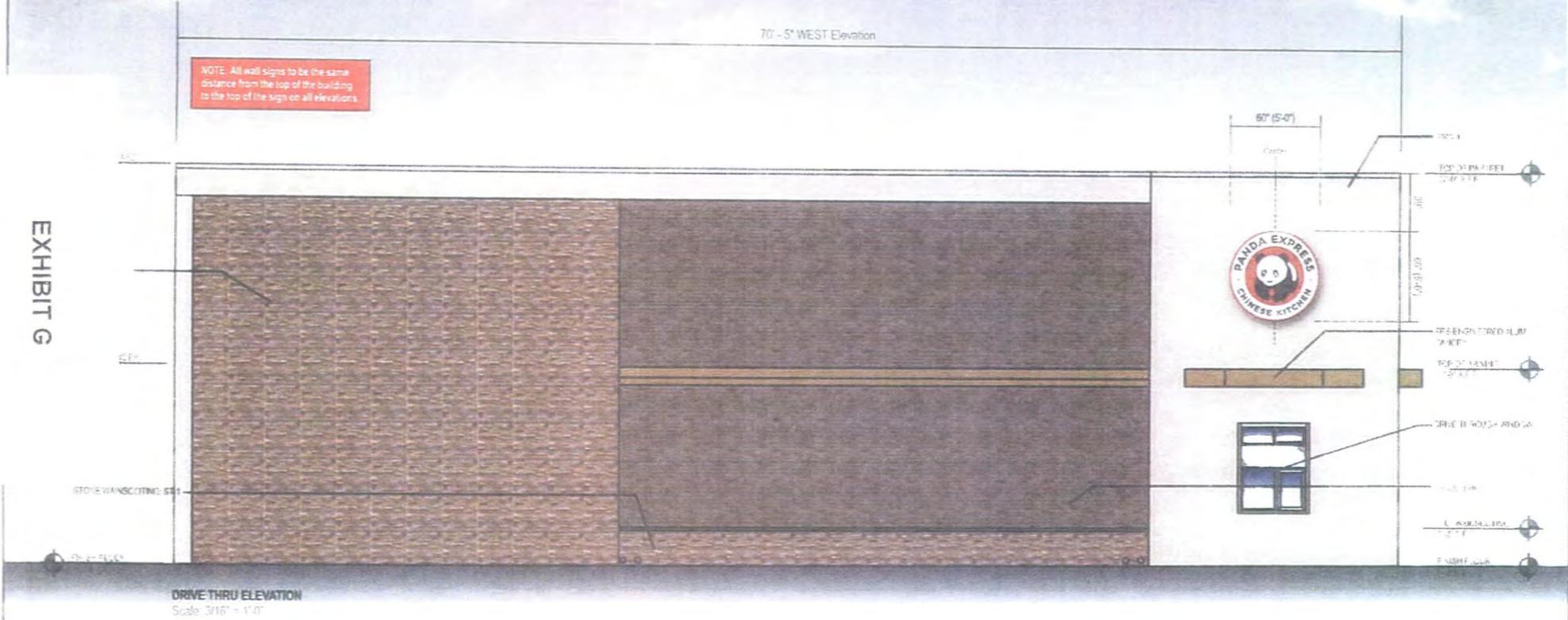
**SIGN CODE:**  
3 x 70-47 905.61 Aggregate P/NO/USE/1 90-46

**PROPOSED**  
SIF Wall Sign 19,625 Sq Ft  
Total for elevation 19,625 Sq Ft

70' - 5" WEST Elevation

**NOTE:** All wall signs to be the same distance from the top of the building to the top of the sign on all elevations

EXHIBIT G



**DRIVE THRU ELEVATION**  
Scale: 3/16" = 1'-0"

1334 W. Centerville Rd - Garland, TX

Elevation with Signage



**CORPORATE HEADQUARTERS**  
14500 Preston Road, Suite 1000, Dallas, TX 75240  
Phone: (972) 242-1000  
www.atlasindustries.com

**NORTHEAST DIVISION**  
10000 Preston Road, Suite 1000, Dallas, TX 75240  
Phone: (972) 242-1000  
www.atlasindustries.com



Employee	3/28/15 10:30
Designer	3/28/15 By JB
Checker	
Reviewer	
Approver	

Approved by: \_\_\_\_\_

APPROVED AS SHOWN  
 APPROVED AS NOTED  
 CORRECT & RETURNED

Drawing No.	45897-1	Sheet	6 of 13
Drawn by	J. Moore	Title	11/16/15
Scale	As Shown	Rev	
Project Pkg.	See Details		
File Path	Send & Pkg   Panda Express   TX   Garland		



**Panda Express**  
1334 W. Centerville Rd.  
Garland, TX

REAR

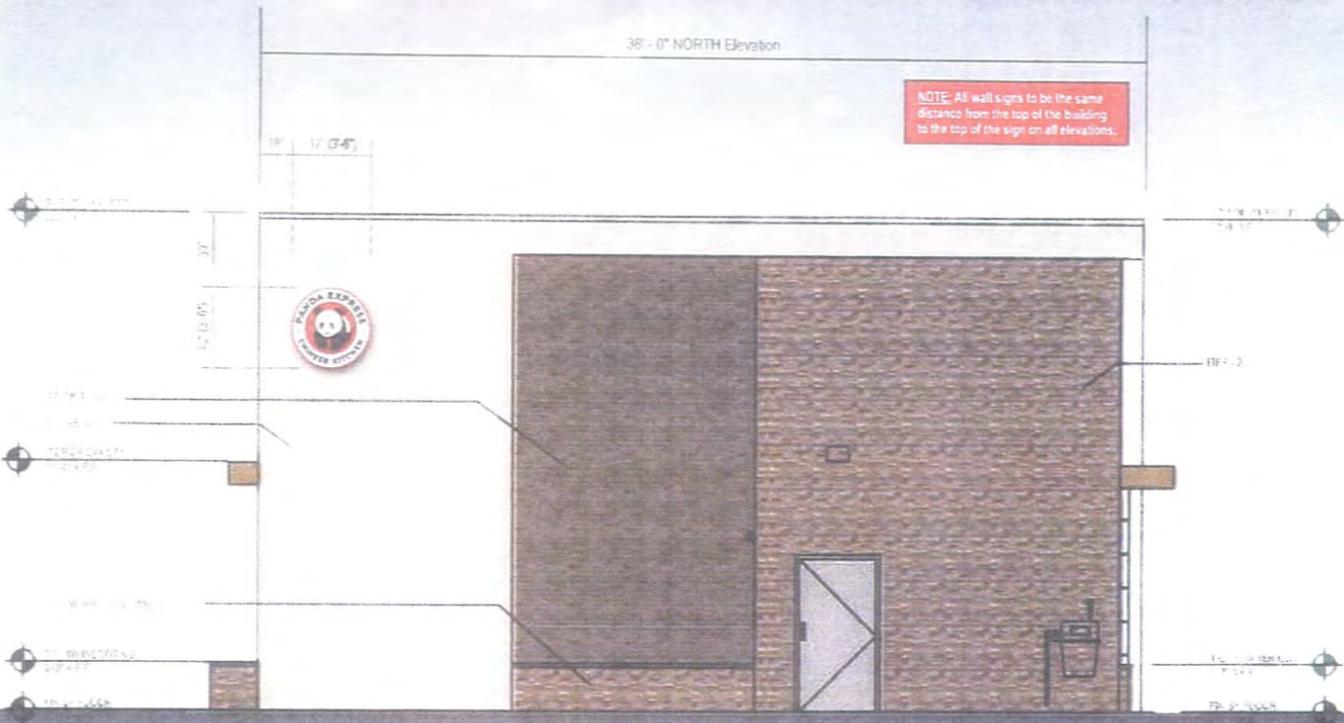
SCOPE OF WORK  
Manufacture and install 54 Wall Sign install to elevation  
division

SIGN CODE:  
1101.01 1101.02 1101.03 1101.04 1101.05

PROPOSED  
SF Wall Sign..... 9.61 Sq Ft  
Total for elevation..... 9.61 Sq Ft

38' - 0" NORTH Elevation

NOTE: All wall signs to be the same  
distance from the top of the building  
to the top of the sign on all elevations.



REAR ELEVATION  
Scale: 1/8" = 1'-0"

EXHIBIT G

1334 W. Centerville Rd - Garland, TX

Elevation with Signage



CORPORATE HEADQUARTERS  
18710 W. Highway 190, Suite 100, Houston, TX 77058  
Phone: 281.486.1111 Fax: 281.486.1112  
www.atlasign.com



Prepared: 7/20/14 By: JS  
Checked: 8/26/14 By: AM  
Designed: J  
Approved: J  
Reviewed: S

Approved by: \_\_\_\_\_  
Date: \_\_\_\_\_  
 UNLIMITED AD DISPLAY  
 ADVERTISING AS LIMITED  
 UNLIMITED ADVERTISING

Drawing ID: 08097-5 Sheet: 01 of 01  
Project: J, Address: 1334 W. Centerville Rd.  
Scale: As Shown File:  
Client: Mr. Jon Jernale  
Path: Food & Bev | Panda Express | TX | Garland



Panda Express  
1334 W. Centerville Rd.  
Garland, TX







PANDA  
EXPRESS









## REPORT & MINUTES

P.C. Meeting, April 13, 2015 (9 Members Present)

Consideration of the application for Panda Restaurant, requesting approval of 1) an amended Concept Plan, a Detail Plan, and a Specific Use Permit for Restaurant with Drive Through on property zoned Planned Development (PD) District 13-40 for General Business Uses and 2) variances to the IH 635 Development Standards including Section 34.21(C)(3) regarding freestanding signs and Section 34.21(C)(4) regarding attached signage. This property is located southeast of the intersection of West Centerville Road and IH 635. (District 5) (File Z 15-08)

Representing the applicant was Tom Rud, 2641 Irving Blvd., Dallas, Texas, gave a brief presentation regarding the request and was available for questions.

Commissioners Luckie and Welborn asked questions regarding the sign variances requested.

**Motion** was made by Commissioner Welborn, seconded by Commissioner O'Hara to **approve** the request per staff recommendation including denial of the variances requested. **Motion carried:** 5 Ayes, 4 Nays by Commissioners Luckie, Moore, Dalton and Ott.



There were no responses received for this request.



# Planning Report

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## Schwob Building Company

### East of the Northeast Intersection of Jupiter and West Miller Road

#### REQUEST

Approval of a Specific Use Permit for a High Risk Use on property zoned Industrial-1 (I-1) District

#### OWNER

Southeastern Freight Lines, Inc.

#### PLAN COMMISSION RECOMMENDATION

On April 27, 2015 the Plan Commission by a vote of eight (8) to zero (0), recommended approval of a Specific Use Permit for a High Risk Use on property zoned Industrial-1 (I-1) District

#### STAFF RECOMMENDATION

Approval of a Specific Use Permit for a High Risk Use. The surrounding zoning and land uses are industrial in nature and compatible with the proposed use given compliance with the proposed conditions and requirements of applicable Fire and Building codes.

#### BACKGROUND

The subject property is a 30.57-acre portion of a larger site that is currently occupied by Raytheon. The 30.57-acre portion is currently being developed as a motor freight terminal for Southeastern Freight Lines, Inc. operations. Schwob Building Company is requesting approval of a Specific Use Permit for a High Risk Use for the installation of four (4), 12,000 gallon above-ground fuel storage tanks. The addition of the above-ground fuel tanks is for the private fueling center of the trucks within the motor freight terminal.

#### SITE DATA

The subject property contains 30.57 acres with approximately 931 feet of frontage along Miller Road. Ingress and egress will be from Miller Road.

#### USE OF PROPERTY UNDER CURRENT ZONING

The Industrial-1 (I-1) District provides for a wide array of industrial uses which generate few objectionable conditions. Such uses include manufacturing, processing, assembling, research and development, warehousing and distribution. A Specific Use Permit is required for a High Risk Use in the Industrial-1 (I-1) District.

## **CONSIDERATIONS**

1. Southeastern Freight Lines has recently obtained the site for the development of a 56,444 square foot truck freight terminal. The development includes the installation of the four above-ground 8.5 foot by 32.75 foot fuel tanks containing approximately 12,000 gallons of fuel. The tanks will serve between 35-40 trucks per day. The trucks will access the fueling area from Miller Road.
2. Southeastern Freight Lines maintains 36 facilities with fueling capabilities; 29 of these locations contain above-ground storage tanks. The applicant states the tanks are UL 2085 Listed as “protected” with ballistics and impact protection. The fuel tanks will be surrounded by 50, eight (8) inch bollards designed in accordance with the City of Garland’s Vehicle Impact Protection guidelines. The tanks will also comply with EPA regulations as there will be a Spill Prevention Control and Countermeasure Plan prepared specifically for the subject site.
3. The fuel storage area including a 55 foot by 24 foot canopy is set back 1,130 feet from Miller Road and is approximately 109 feet from the proposed building and 110 feet from the western property line. The location of the fueling pumps and above-ground tanks are placed in a location on the site that minimizes the visual impact from the street and adjacent properties.
4. High Risk Use is defined by the Zoning Ordinance as any use which is determined to be of special health or safety hazard due to excessive and/or toxic fumes, smoke, gas, or dust; noise; vibration; or danger from fire, explosion or radiation and involves materials meeting the “degree of hazard-4” criteria of the Uniform Fire Code.
5. The Fire Department and Building Inspections Department have reviewed the request and have no objections with it being approved subject to compliance with all Fire and Building Codes.
6. The applicant is requesting approval of the Specific Use Permit for a period of 25 years.

## **COMPREHENSIVE PLAN**

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

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

The subject property is located within an area that is zoned Industrial 1 (I-1) District and developed with buildings that are currently utilized for light industrial and heavy industrial uses. The Specific Use Permit for a High Risk Use should

not have an adverse impact on existing development in the area, particularly if all requirements of the Fire Department are met. Additionally, the applicant has placed the fuel storage tanks more than 100 feet from any onsite or offsite building and over 1,100 from a public street. Each above-ground tank is designed with impact protection. Each tank will be further protected by 50, eight (8) inch impact-protecting bollards

Prepared By:

Isaac Williams  
Development Planner

Date: May 11, 2015

Reviewed By:

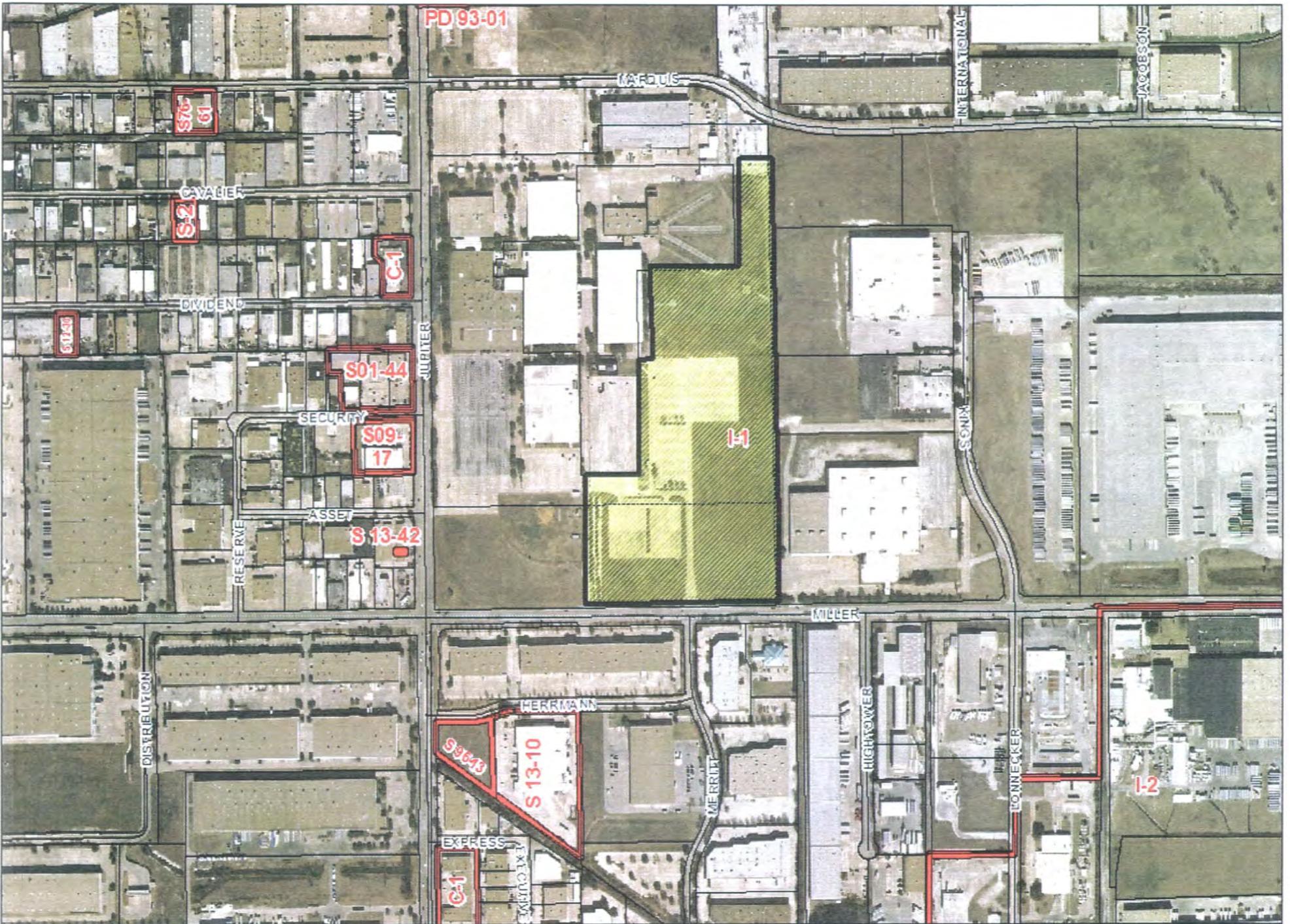
Will Guerin, AICP  
Director of Planning

Date: May 11, 2015

Reviewed By:

Bryan Bradford  
City Manager

Date: May 12, 2015



PD 93-01

S 76-01

S 2

I-1

S 12-40

S 01-44

S 09-17

S 13-42

I-1

S 96-13

S 13-10

I-1

I-2



Zoning

Z 15-14

INDICATES AREA OF REQUEST

## SPECIFIC USE PERMIT CONDITIONS

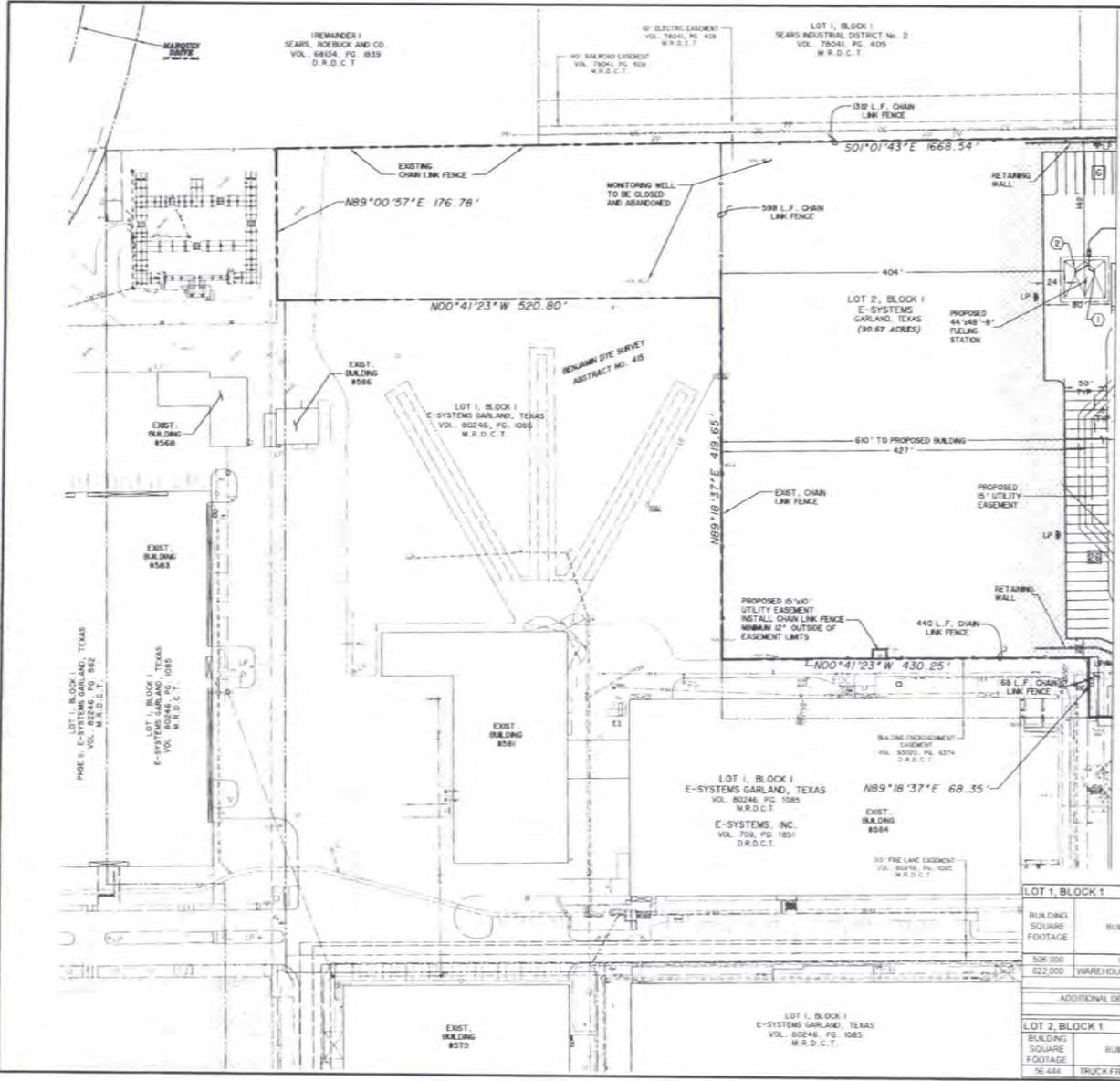
### ZONING FILE 15-14

#### East of the Northeast Intersection of Jupiter and West Miller Road

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow a High Risk Use subject to conditions.
- II. **Statement of Effect:** This permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Industrial 1 (I-1) District set forth in Section 29 and Section 33 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. **Specific Regulations:**
  - A. Time Period: The Specific Use Permit shall be in effect for a 25 year time period.
  - B. Impact Protection: The four fuel storage tanks shall be UL 2085 Listed as "protected" with ballistics and impact protection. The fuel storage tanks shall also be surrounded by fifty (50), eight (8) inch bollards designed in accordance with the City of Garland's Vehicle Impact Protection guidelines.
  - C. Spill Control: The site must provide a Spill Prevention, Control and Countermeasure Plan prepared specifically for the site to the U.S. Environment Protection Agency in accordance with their regulations.
  - D. Site Plan: Development shall be in conformance with the approved site plan (Exhibit C).
  - E. Inspections: The facility must comply with all required Building Inspection, Health and Fire Department requirements and inspections.



PRINTED: 4/1/2008 5:18 PM FILE: WEB-PAVING SITE LAST SAVED: 3/31/2008 4:57 PM SAVED BY: PHILIP FILE: SITE-PLAN-2-H40.DWG



MATCH LINE SEE SHEET S101-A

LEGEND

	STANDARD PARKING SPACE
	TRAILER PARKING SPACE
	TRACTOR PARKING SPACE
	INLET IDENTIFICATION NUMBER
	HANDICAP PARKING
	EXPANSION JOINT
	PARKING LOT LIGHT POLE SEE MEP SITE LIGHTING PLAN
	FIRE LANE
	LANDSCAPE AREA

- NOTES:
- NO LANDSCAPING SUCH AS TREES, HEDGES, ABOVE AND UNDERGROUND STRUCTURES SHALL BE LOCATED WITHIN EXISTING OR PROPOSED UTILITY EASEMENTS AND RIGHT-OF-WAY.
  - DETENTION PONDS MUST BE OPERATIONAL PRIOR TO PAVING.
  - FIRE LANE PAVING SHALL BE A MINIMUM 6" CLASS "C" CONCRETE.
  - SEE SHEET C-S103 FOR DETAILED PLAN SHEET LEGENDS.

**CAUTION !!**  
EXISTING UTILITIES ARE INDICATED ON THE PLANS FROM AVAILABLE INFORMATION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATION OF ALL UTILITIES, TO NOTIFY ALL UTILITY COMPANIES OF THE CONTRACTORS OPERATIONS, TO PROTECT ALL UTILITIES FROM DAMAGE, TO REPAIR ALL UTILITIES DAMAGED DUE TO THE CONTRACTORS OPERATIONS, AND TO NOTIFY THE ENGINEER PROMPTLY OF ALL CONFLICTS OF THE WORK WITH EXISTING UTILITIES.

**SITE TABLE**

BUILDING SQUARE FOOTAGE	BUILDING USE	PARKING REQUIREMENT	REQUIRED PARKING	EXISTING PARKING PROVIDED PRE LOT 2 DEVELOPMENT	EXISTING PARKING PROVIDED POST LOT 2 DEVELOPMENT	EXISTING PARKING REMOVED BY LOT 2 DEVELOPMENT
506,000	OFFICE	1/3000 ±1	1,687			
622,000	WAREHOUSE/LAB/SUPPORT	1/1000 ±1	622			
	TOTAL CAR PARKING		2,309	3,316	2,324	992
ADDITIONAL DESIGNATED MOTORCYCLE PARKING PROVIDED				87	17	
TOTAL VEHICLE PARKING PROVIDED				3,533	2,341	

BUILDING SQUARE FOOTAGE	BUILDING USE	PARKING REQUIREMENT	REQUIRED PARKING	PARKING PROVIDED
56,446	TRUCK FREIGHT TERMINAL	1/1000 ±1	57	110

**EXHIBIT C**

PREPARED BY:  
**WIER & ASSOCIATES, INC.**  
 ENGINEERS SURVEYORS LAND PLANNERS  
 701 HICKLAKE BLVD. SUITE 300 WILKINSON, TEXAS 75159 (817)461-1700  
 www.wierassociates.com

A NEW TERMINAL FACILITY  
**SOUTHEASTERN FREIGHT LINES**  
 GARLAND, TEXAS  
**SITE PLAN**  
 NORTH HALF

LOT 2, BLOCK 1  
 E-SYSTEMS  
 GARLAND  
 CASE NO. 141023-1

**SHEET NO. C-810B**



14057.00 - GARLAND, TX

REVISION NUMBER: 0001 (00/00/00)



Contractor:  
**Schwob Building Company, Ltd.**  
2349 Glenda Lane  
Dallas, TX 75229



Project Description:  
**SOUTHEASTERN FREIGHT LINES**  
3301 W Miller Road  
Garland, TX 75041

SUP REVIEW 04-16-15

FOR SUP REVIEW & APPROVAL

Project No. 14057.00

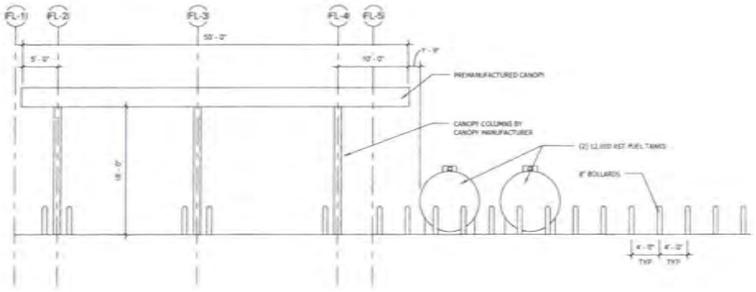
The Architect reserves the copyright in all rights and other property rights in these plans, specifications and drawings which are not to be reproduced, changed or applied in any form or manner without our written consent. We are not to be held responsible for any errors or omissions from these drawings. We are not to be held responsible for any errors or omissions from these drawings. We are not to be held responsible for any errors or omissions from these drawings.

Sheet Name:  
FUEL ISLAND PLAN & ELEVATIONS

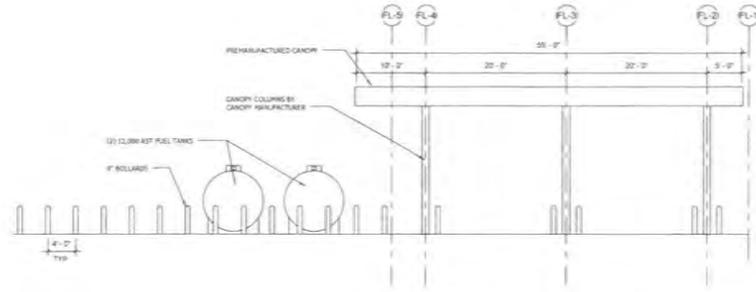
Sheet Number:

**A2.7**

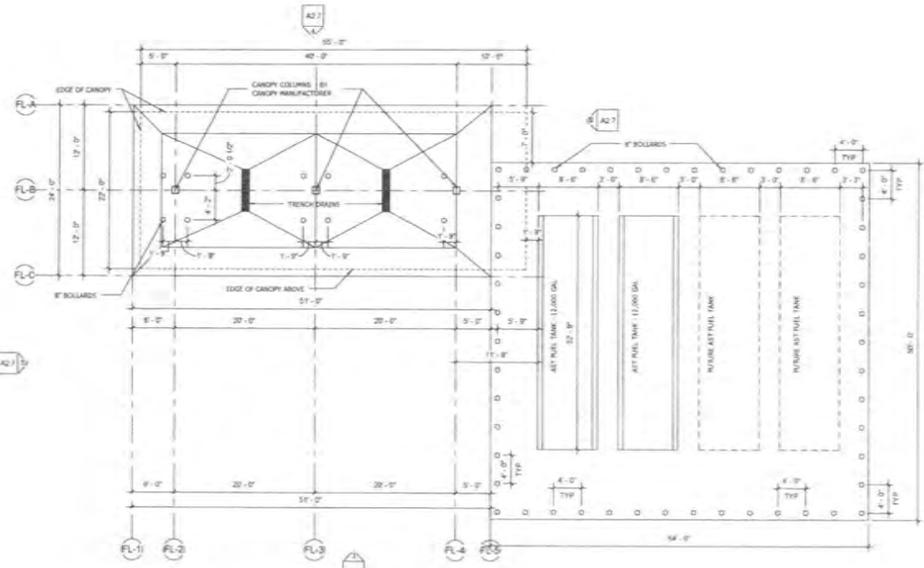
EXHIBIT C



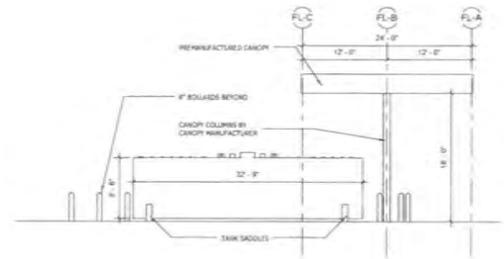
3 FUEL ISLAND - WEST ELEVATION  
1/8" = 1'-0"



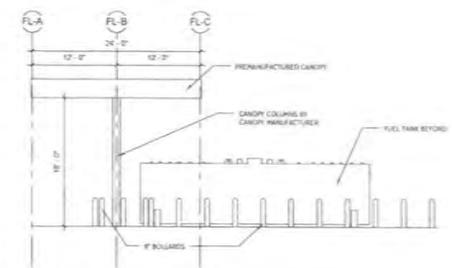
4 FUEL ISLAND - EAST ELEVATION  
1/8" = 1'-0"



2 FUEL ISLAND PLAN  
1/8" = 1'-0"



6 FUEL ISLAND - SOUTH ELEVATION  
1/8" = 1'-0"



5 FUEL ISLAND - NORTH ELEVATION  
1/8" = 1'-0"

4/16/2015 10:17:30 AM

**SOUTHEASTERN FREIGHT LINES, INC.**  
**Lot 2, Block 1, E-Systems Garland**

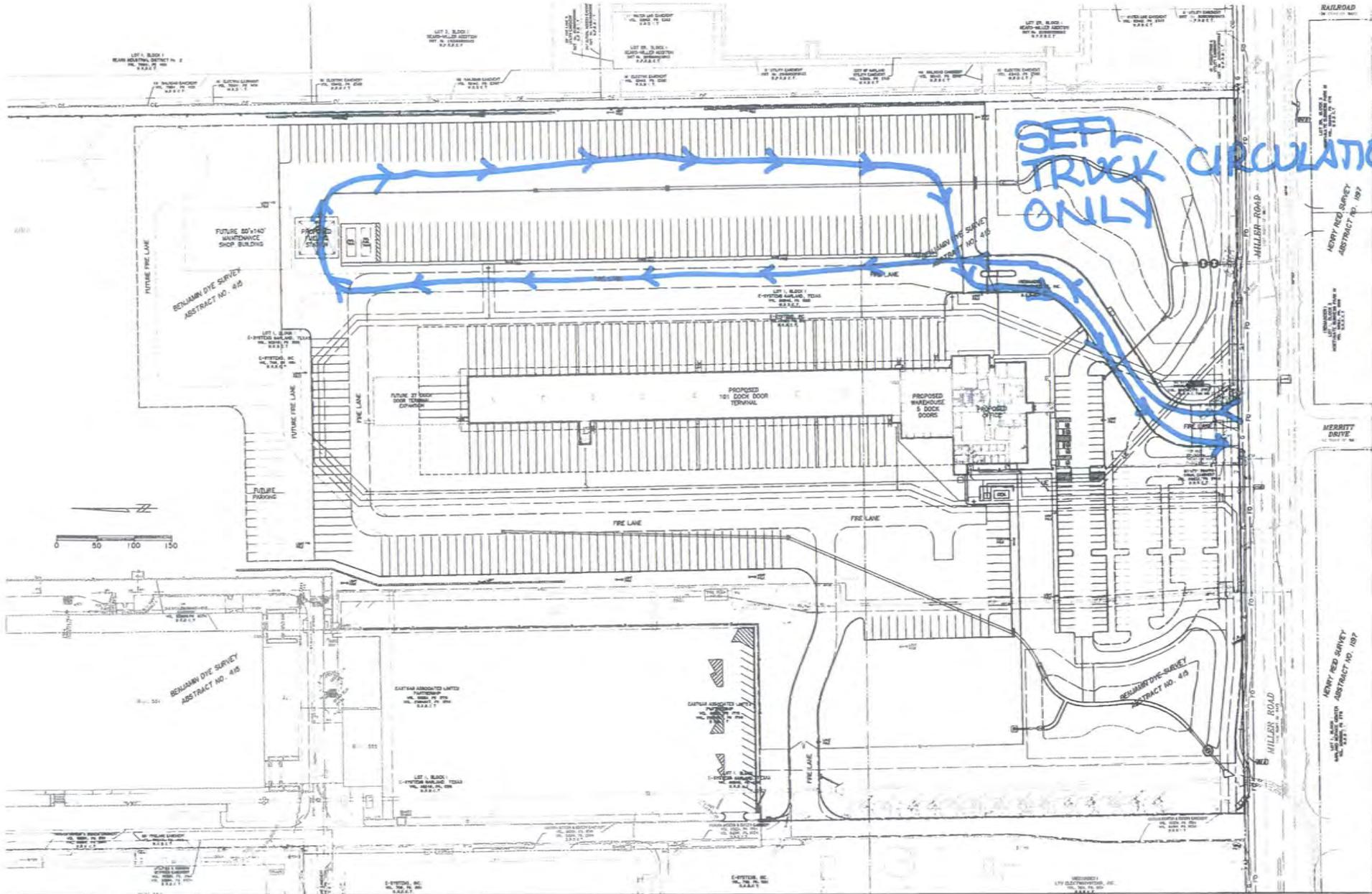
**Specific Use Permit – Zoning Application**

*Description of Proposed Operation:*

Requesting a Specific Use Permit to allow installation of (2) 12,000 gallon above ground fuel storage tanks with future provisions to install (2) *additional* 12,000 gallon above ground fuel storage tanks for a total potential capacity of 48,000 gallons as allowed by Code.

Fuel tanks will support a private-use fueling center for this Owner's freight line operations.

All work will properly permitted through the City of Garland.



SEALED TRUCK CIRCULATION ONLY

FUTURE 50'x140' WAREHOUSE SHOP BUILDING  
BENJAMIN DYE SURVEY  
ABSTRACT NO. 415

PROPOSED 181' DOCK DOOR TERMINAL

PROPOSED WAREHOUSE 3 DOCK DOORS

BENJAMIN DYE SURVEY  
ABSTRACT NO. 415

CAPTAIN ASSOCIATED LIMITED

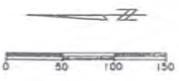
CAPTAIN ASSOCIATED LIMITED

BENJAMIN DYE SURVEY  
ABSTRACT NO. 415

HENRY RICE SURVEY  
ABSTRACT NO. 1897

MERRITT SURVEY

HENRY RICE SURVEY  
ABSTRACT NO. 1897



## Z 15-14

Approval of a Specific Use Permit for a  
High Risk Use on property zoned Industrial-1 (I-1) District  
East of the Northeast Intersection of Jupiter and West Miller Road



Looking east at from subject site at adjacent development Industrial-1 (I-1) District.



Looking west from subject site at adjacent Raytheon buildings Industrial-1 (I-1) District.



Facing north from Miller Road looking at approximate location of fuel storage location. Industrial-1 (I-1) District.



Facing south from approximate location of fuel storage area at Miller road (approximately 1,200 feet north of Miller Drive looking) Industrial-1 (I-1) District.

### *Where Should the SPCC Plan be Located?*

REQUIRED: A copy of the SPCC plan must be maintained at any facility manned at least 4 hours per day. For remote locations, the SPCC plan should be filed at the nearest field office. A copy does not have to be filed with EPA or any other agency, unless it is a condition of a permit or license held by the facility. However, the SPCC plan must be available during normal business hours for review by an EPA inspector. EPA requires that facilities submit a copy of the SPCC plan to EPA Region 1 if a single spill of greater than 1,000 gallons occurs, OR if two discharges of 42 gallons or more occurs within one year.

## REPORT & MINUTES

P.C. Meeting, April 27, 2015 (8 Members Present)

**Consideration of the application for Schwob Building Company, requesting approval of a Specific Use Permit for a High Risk Use on property zoned Industrial-1 (I-1) District. This property is located east of the northeast intersection of Jupiter Road and West Miller Road. (District 6) (File Z 15-14)**

The applicant, Gale Reberge, 2349 Glenda Lane, Dallas, TX 75229 gave a brief overview and further explanation of the request and was available for questions. There were no questions of this speaker.

**Motion** was made by Commissioner Vera, seconded by Commissioner Ott to **approve** the request per staff recommendation. **Motion carried: 8 Ayes, 0 Nays.**



We did not receive any replies for this case.