

# **AGENDA**

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

**City of Garland**

**Council Chambers, City Hall**

**200 North Fifth Street, Garland, Texas**

**April 17, 2012**

**7:00 p.m.**

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

The Garland City Hall and Council Chambers are wheelchair accessible. Special parking is available on the north side of City Hall and the building may be accessed by a sloped ramp from the parking area to the door facing Fifth Street. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services must contact the City Secretary's Office at (972) 205-2403 at least two working days prior to the meeting so that appropriate arrangements can be made. **BRaille IS NOT AVAILABLE.**

### **CITY COUNCIL GOALS 2020**

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

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



**d. City of Garland Visitor's Center Finish-Out**

**Bid No. 2654-12**

**Denco Construction Specialists**

**\$184,711.77**

*This request is for all labor, supervision, materials, services, and equipment necessary to construct interior finish-out of approximately 1,500 square feet of a portion of the existing building at 211 North Fifth Street.*

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

**Zoning File No. 12-07, M & I Ventures LLC**

*Consider an ordinance amending the zoning laws of the City of Garland by approving a Specific Use Permit for a Retail Sales with Gasoline Pumps on property zoned General Business (GB) District on a .426-acre lot located at 3032 Broadway Boulevard.*

**ITEMS FOR INDIVIDUAL CONSIDERATION**

**Speaker Regulations:**

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

- 4. 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.**

*ElectroSolutions, Inc. dba Electronic Systems Support (EES) is considering relocating from eight buildings on Austin Street to the 148,655 sq. ft. building located at 3233 Kingsley Road. ESS is proposing to add new machinery, equipment, and other taxable business personal property in excess of*

*\$1 million over the next five years. At the March 19, 2012 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 a 75% City tax abatement on this new investment for five years.*

- 5. 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.**

*Nafal Realty, LLC, Nafal Professional Services, Inc., and La Bodega Meat, Inc. (collectively "Project Produce") are considering relocating to the 300,000 sq. ft. building located at 3101 Miller Road (the former Sears Fashion Center). The Project Produce companies propose to make significant capital improvements to the 40-year old building; this will likely add an additional \$1.6 million real estate value to Garland. The Project Produce companies also propose to add an \$8 million business personal property value to Garland, including inventory and freezer and refrigeration space. Collectively, the Project Produce companies propose to add 230 jobs over the next ten years. At the March 19, 2012 Work Session, Council considered a recommendation by the Garland Economic Development Partnership Steering Committee that Council provide (1) general support for the project, (2) support of a 50% City tax abatement on this new investment for 4 years, and (3) support of a 75% City tax abatement on this new investment for the subsequent 6 years.*

- 6. Hold public hearings on the following zoning cases:**
  - a. Consider the application of Deleshia Taylor, requesting approval of a Specific Use Permit for a Child Care Center on property zoned Single Family-7 (SF/7/G/3) District. The property is located at 716 Chandler Drive. (File 12-12)**

*The proposal is for approval of a Specific Use Permit for a Child Care Center on property zoned Single Family-7 (SF/7/G/3). At the March 26, 2012 meeting, the Plan Commission (by an 8 to 0 vote) recommended approval of the request for a period of 10 years tied to the Greater Davis Chapel Church of God in Christ as recommended by staff.*

- b. Consider the application of Realty Capital Management LLC, requesting approval of a change of zoning from Agriculture (AG) District to a Planned Development (PD) District for Multi-Family Uses.**

**The property is located south and west of Bunker Hill Road and north and west of Miles Road. (File 12-13)**

*The proposal is for approval of a change of zoning from Agriculture to a Planned Development for Multi-Family Uses. At the March 26, 2012 meeting, the Plan Commission (by an 8 to 0 vote) recommended approval of the request including a number of variances as recommended by staff.*

**7. 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.*

**8. Adjourn.**

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

The City Council of the City of Garland, Texas convened in regular session at 7:00 PM on Tuesday, April 3, 2012, in the Council Chambers at City Hall with the following members present:

Mayor Ronald E. Jones  
Mayor Pro Tem Preston Edwards  
Councilmember Laura Perkins Cox  
Councilmember Larry Jeffus  
Councilmember John Willis  
Councilmember Lori Barnett Dodson  
Councilmember Rick Williams  
Councilmember Jim Cahill  
Councilmember Douglas Athas

STAFF PRESENT:

City Manager William E. Dollar  
City Attorney Brad Neighbor  
Interim City Secretary Elaine Simpson  
Recording Secretary Yvonne Naser

CALL TO ORDER:

The meeting was called to order by Mayor Ronald E. Jones. Councilmember John Willis led the invocation and the pledge.

CEREMONIALS

Mayor Jones issued a Proclamation for Fair Housing Month.

CONSENT AGENDA:

Councilmember Athas requested the removal of item. #2.b. from the Consent Agenda.

All items marked with asterisks (\*\*) on the Consent Agenda were voted on at the beginning of the meeting. Motion was made by Councilmember Willis and second by Councilmember Jeffus to approve Consent Agenda, as amended; item #'s: 1., 2.a., 2.c. 3., 4., 5., 6., 7., 8..

Motion carried unanimously with 9 Ayes; 0 Nays; and 0 Abstentions.

CONSENT AGENDA

1. Approved\*\*

Consider approval of the minutes of the March 20, 2012 Regular Meeting.

2.a Approved\*\*

Bid No. 2823-12 Construction Services at Main Street Municipal Building, Nouveau Construction and Technology Services, LP for \$ 168,791.67 for labor and materials for construction services to improve space utilization of the third floor in the Main Street Municipal Building, 800 Main.

2.b. Postponed

Bid No. 2654-12, City of Garland Visitors' Center Finish-out project by Denco Construction Specialists for \$184,711.77. This request is to provide labor, supervision, materials, services and equipment necessary to construct interior finish-out of approximately 1,500 square feet of a portion of the existing building at 211 North Fifth Street, Garland, TX.

Councilmember Athas made a motion, second by Councilmember Williams, that this item be postponed until the next City Council meeting.

Motion carried unanimously, 9 Ayes; 0 Nays; 0 Abstentions.

2.c. Approved\*\*

Bid No. 2805-12 - Sand Trap Renovation by Fleetwood Services, LLC for \$230,754.00 for the renovation of bunkers on the Champions 9 and Masters 9 at The Bridges at Firewheel as well as the restoration of the original No. 9 Green on Traditions.

3. Approved\*\*

Ordinance #6533 related to Zoning File No. 12-09, Firewheel Ventures, amending the zoning laws of the City of Garland by approving a Detail Plan for Medical Clinic/Office and Office, General on property zoned Planned Development (PD) District 03-09 for General Business Uses on a 0.60-acre lot located south of Naaman School Road, east of Goldenwood Drive.

4. Approved\*\*

Resolution #10042, authorizing the City Manager to execute a Project Supplemental Agreement with Dallas County for roadway and bridge improvements to Pleasant Valley Road from Richfield Drive to Miles Road. The 2004 Bond Referendum and approved 2012 Capital Improvement Program included funds to partner with TxDOT and Dallas County in this project.

5. Approved\*\* Resolution #10043 approving and authorizing Publication of Notice of Intention to Issue Certificates of Obligation in the principal amount of approximately \$6.8 million. The issuance of Certificates of Obligation will fund various projects in the Capital Improvement Program that was approved on February 21, 2012.
6. Approved\*\* Approval by minute action authorizing the City Manager to execute a contract with Freese-Nichols, Inc. in the amount of \$159,000, for a contract to assist the City with an asset management program for the Water and Wastewater Utility.
7. Approved\*\* Resolution #10044 authorizing the City Manager to execute Change Order No. 1 to Harrison, Walker & Harper LP in the amount of \$495,585 for the Apollo/Northside Pump Station Renovation contract, in the amount of \$495,585 for the replacement of six control valves.
8. Approved\*\* Resolution # 10045 authorizing the Managing Director of Environmental Waste Services to file a project application with the North Central Texas Council of Governments for grant funding for a Regional Solid Waste Program Local Implementation Project, in the amount of \$26,000 to the North Central Texas Council of Governments to be used for (1) the design and print of an Environmental Waste Services (EWS) brochure and (2) acquire and implement My-Waste smart phone application that will be customized to the EWS collection schedule and various programs.

#### ITEMS FOR INDIVIDUAL CONSIDERATION

9. Approved Resolution # 10046 confirming Raymond Knight as Fire Chief and Head of the Garland Fire Department, to confirm the City Manager's appointment.

City Manager Bill Dollar spoke explaining the steps in the selection process and describing the numerous interviews that were held for each candidate in order to narrow the field of candidates from the original 54 candidates who applied.

Paul Henley; President of the Garland Firefighters Association: recognized and commended Administration for conducting

such a thorough and rigorous interview process. Expressed support for Chief Knight.

Councilmember Cox made a motion, second by Councilmember Jeffus, to approve the Resolution and confirm the City Manager's appointment of Raymond Knight to be Fire Chief and Head of the Garland Fire Department. Motion carried unanimously, 9 Ayes; 0 Nays; 0 Abstentions.

Chief Raymond Knight: Stated that it was an honor and privilege to be able to serve and thanked everyone involved.

10. Held and Approved.

Public hearing and Ordinance #6534 amending Chapter 22, "Health" and Chapter 32, "Neighborhood Sanitation and Housing Services" of the Code of Ordinances of the City of Garland; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland. At the March 19, 2012 Work Session, Council considered changes to several sections of Chapter 22 and Chapter 32 of the Code of Ordinances.

Richard Briley, Managing Director of Health Services gave the staff report. He explained that this Ordinance was being proposed in order to do some routine housekeeping on the Code, correct some typographical errors, update some sections of the law to conform to newer State Laws or City policy and also to provide clarity. He stated that since this item was considered in Council Work session, one section related to livestock regulations has been removed in order that the wording can be further improved and that part will be brought back at a later time. Topics included in the amendments include spay and neuter fee for animals adopted from city shelter, rabies vaccination and city registration requirement for ferrets, restrictions relating to harboring fowl in the city limits, restrictions relating to dangerous dogs, modification to description of member requirements for one member of Animal Services Oversight Committee, change in height restriction for lettering on signs near pools or spas where no lifeguard is present, clarification regarding city hearing officer powers, regulations regarding smoke alarms and restrictions for driveway surface coverage for front and rear yards.

The Public Hearing was opened at 7:22 p.m.

Councilmember Jeffus made a motion, second by Councilmember Cox to close the Public Hearing at 7:23 p.m. and approve Ordinance as presented. Motion carried unanimously with 9 Ayes; 0 Nays; 0 Abstentions.

11. Held

Hold a public hearing regarding the 2012-2013 CDBG, HOME, and ESG Funding.

At the April 2, 2012 Work Session, Council was provided information regarding the available funding and applications received for the CDBG, HOME, and ESG 2012-13 budget year. As part of the review process, a public hearing is needed to obtain comments from any interested parties.

Neil Montgomery, Senior Managing Director of Development Services presented the staff report. He explained that this is just a Public Hearing to attain testimony.

- 1.) Bill Greenhaw spoke on behalf of Galaxie Counseling Center.
- 2.) Marilynne Serie spoke on behalf of Achievement Center.
- 3.) Paul R. Hoffman spoke on behalf of Community Dental Care.
- 4.) Suzanna Sulfstede spoke on behalf of Senior Source, which provides Ombudsman assistance for patients in nursing homes.
- 5.) Brian Gaddis spoke on behalf of Stars Day Camp.
- 6.) Tom Cocke spoke on behalf of Axe Memorial United Methodist Church Food Pantry.
- 7.) Patricia A. Cole spoke on behalf of Reinventing Human Capital.
- 8.) Ed Seghers spoke on behalf of Hope Clinic.

- 9.) Tom Trenary spoke on behalf of Hope Clinic.
- 10.) David Swavey spoke on behalf of the Garland Police Boxing and Karate programs.
- 11.) Jennifer Morrison spoke on behalf of New Beginnings Center.
- 12.) Bonnie McGee spoke on behalf of Kid's Across America.

Mayor Jones closed the Public Hearing at 7:59 p.m.

12. Held and Approved

Consider the application of M & I Ventures LLC, requesting approval of a Specific Use Permit for a Retail Sales with Gasoline Pumps on property zoned General Business (GB) District. The property is located at 3032 Broadway Boulevard, (File 12-07 – City Council District #5), for approval of a Specific Use Permit to demolish the existing structures to accommodate development of a new Retail Sales with Gas facility on property zoned General Business (GB) District. At the March 12, 2012 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the request for a period of 20 years tied to M & I Ventures LLC as recommended by staff.

Neil Montgomery, Senior Managing Director of Development Services presented the staff report.

Mr. Javeed Hyder spoke on behalf of applicants and explained that this was a request to remove a small old building (car wash) and bring in new gas pumps in order to increase the value of the property.

Councilmember Willis made a motion, second by Councilmember Cox, to close the public hearing at 7:28 p.m. and to approve this request as presented and as recommended by staff and Planning Commission.

Motion carried unanimously with 9 Ayes; 0 Nays; 0 Abstentions.

13. Citizen comments.

1. Marvin 'Tim' Campbell: spoke regarding the tolls charged by North Texas Transit Authority on President George Bush Tollway in the area near Firewheel Town Center.

There being no further business to come before the City Council, Mayor Jones adjourned the meeting at 8:04 pm.

CITY OF GARLAND

Signed:

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Mayor Ronald E. Jones

Attest:

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Elaine Simpson, Interim City Secretary



## Purchasing Report

### WYNN-JOYCE SUBSTATION DRAINAGE IMPROVEMENTS OPEN MARKET

**PURCHASE JUSTIFICATION:**

The purpose of this contract is to provide all labor, equipment, and materials necessary to construct the drainage, grading, and fencing to the Wynn-Joyce Substation. Award amount includes \$22,500.00 contingency funding for unforeseen additional work that may be required. This was an approved 2012 Capital Improvement Project. Expenditure will not exceed appropriated funds.

**AWARD RECOMMENDATION:**

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Canary Construction, Inc.	1	\$204,616.00
	<b>TOTAL:</b>	<u>\$204,616.00</u>

**BASIS FOR AWARD:**

**Straight Low Bid**

Submitted by:

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

Reviewed by:

William E. Dollar  
\_\_\_\_\_  
City Manager

Date: 04/06/12

Date: 04/09/12

<b><u>FINANCIAL SUMMARY:</u></b>	
Total Project/Account: \$	<u>349,232</u>
Expended/Encumbered to Date:	<u>-0-</u>
Balance: \$	<u>349,232</u>
This Item:	<u>204,616</u>
Proposed Balance: \$	<u>144,616</u>
Trent Schulze	04/09/12
Budget Analyst	Date
Ron Young	04/09/12
Budget Director	Date
Operating Budget: <input type="checkbox"/> CIP: <input checked="" type="checkbox"/> Year: <u>2012</u> Document Location: <u>Page E11</u> Account #: 217-3592-3173701-7111 (EC-S7737-00217111) Fund/Agency/Project – Description: 2012 CIP / Electric – Wynn-Joyce Substation Drainage Improvements Comments: Labor, equipment, and materials necessary to construct drainage, fencing, and grading at Wynn-Joyce Substation. Expenditures not to exceed appropriations.	





# **GARLAND**

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## **PURCHASING**

Executive Summary  
Bid 2828-12

Wynn Joyce Substation Drainage & Fencing Improvements

**Recommended Vendor:**

Canary Construction, Inc.

**Total Recommended Award:**

\$204,616.00

**Basis for Award:**

Straight Low bid

**Purpose:**

The purpose of this contract is to provide all labor, equipment and materials necessary to construct the drainage, grading and fencing to the Wynn Joyce substation.

**Evaluation:**

Notification of a pending request for bids was issued per Purchasing procedures. Three (3) bids were received and evaluated.

Canary Construction Inc.'s bid was \$44,442.00 less than the second low bidder.

**Recommendation:**

Canary Construction, Inc. is the recommended Straight Low Bidder meeting all requirements and specifications.

**Funding Information:**

2011-12 CIP Revenue Bonds Account 217-3592-31737010021-7111

**Department Director:**

Johnny Carlock, T&D Director, 972-205-3532



## Purchasing Report

### NEW HOLLAND TRACTORS OPEN MARKET

**PURCHASE JUSTIFICATION:**

This request is for the purchase of two (2) New Holland T4030 tractors with flail attachments. These replacement units will be used by the Parks, Recreation and Cultural Arts Department in daily operations. These units were approved in the 2011-12 Operating Budget.

**AWARD RECOMMENDATION:**

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Landmark Equipment	All	\$118,716.00
	<b>TOTAL:</b>	\$118,716.00

**BASIS FOR AWARD:**

**Straight Low Bid**

Submitted by:

Reviewed by:

Gary L. Holcomb, CPPO, C.P.M.

William E. Dollar

Director of Purchasing

City Manager

Date: 04/05/12

Date: 4/10/12

<b><u>FINANCIAL SUMMARY:</u></b>	
Total Project/Account: \$ <u>187,000</u>	Operating Budget: <input checked="" type="checkbox"/> CIP: <input type="checkbox"/> Year: <u>2011-12</u>
Expended/Encumbered to Date: <u>-0-</u>	Document Location: <u>Page 237</u>
Balance: \$ <u>187,000</u>	Account #: <u>100-2412-9009</u>
This Item: <u>118,716</u>	Fund/Agency/Project – Description: Two (2) New Holland T4030 Tractors to Replace Units 200-136 and 200-018
Proposed Balance: \$ <u>68,284</u>	Comments:
Ron Tiffany <u>04/09/12</u> Budget Analyst Date	
Ron Young <u>04/09/12</u> Budget Director Date	





# **GARLAND**

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## **PURCHASING**

Executive Summary  
Bid **2792-12**  
New Holland Tractors

**Recommended Vendor:**

Landmark Equipment

**Total Recommended Award:**

\$118,716.00

**Basis for Award:**

Straight Low Bid

**Purpose:**

The purpose of this contract is to purchase two (2) New Holland T4030 replacement tractors with flail attachments for the Parks and Recreation Department for use in their daily operations.

**Evaluation:**

Request for bids were issued per Purchasing procedures. Six (6) vendors viewed the request for bids. One (1) bid was received from Landmark Equipment.

**Recommendation:**

Staff recommends awarding the bid for New Holland Tractors to Landmark Equipment meeting all requirements and specifications.

**Funding Information:**

100-2412-9007

**Department Director:**

Terry Anglin, Fleet Director, 972-205-3524



## Purchasing Report

### DUCK CREEK INTERCEPTOR CONDITION ASSESSMENT OPEN MARKET

**PURCHASE JUSTIFICATION:**

This is a Professional Service contract for work continuation on condition assessment of approximately 39,040 linear feet of 42" & 48" gravity sewer pipe and 43 manholes from Oates/Duck Creek to the Duck Creek Wastewater Treatment Plant. The assessment will determine if repairs are warranted and provide the estimated cost of any recommended repairs. Expenditures will not exceed allocated funds.

**AWARD RECOMMENDATION:**

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Pipeline Analysis, LLC	All	\$325,000.00
	<b>TOTAL:</b>	\$325,000.00

**BASIS FOR AWARD:**

**Most Qualified**

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

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

Date: 04/06/12

Date: 04/10/12

<b><u>FINANCIAL SUMMARY:</u></b>	
Total Project/Account: \$	600,000
Expended/Encumbered to Date:	-0-
Balance: \$	600,000
This Item:	325,000
Proposed Balance: \$	275,000
Matt Watson	04/09/12
Budget Analyst	Date
Ron Young	04/09/12
Budget Director	Date

Operating Budget: <input type="checkbox"/>	CIP: <input checked="" type="checkbox"/>	Year: 2012
Document Location: Page WW15		
Account #: 237-4149-3218300-7111		
Fund/Agency/Project – Description: Wastewater Revenue Bonds – Duck Creek Interceptor Condition Assessment		
Comments:		





# **GARLAND**

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## **PURCHASING**

### **Executive Summary** **Bid 2864-12** **Duck Creek Interceptor Condition Assessment**

**Recommended Vendor:**

Pipeline Analysis, LLC

**Total Recommended Award:**

\$325,000.00

**Basis for Award:**

Most Qualified

**Purpose:**

Condition assessment of approximately 39,040 linear feet of 42" & 48" gravity sewer pipe and 43 manholes from Oates/Duck Creek to the Duck Creek Wastewater Treatment Plant.

**Evaluation:**

The work is a continuation of the assessment of the sewer collection system started with the Rowlett Creek Interceptor.

The scope of the assessment includes combination of laser profiling, sonar technology and high resolution CCTV camera imaging of sewer pipe, inspection and evaluation of existing manholes. The assessment will determine if repairs are warranted and provide the estimated cost of any recommended repairs.

**Recommendation:**

Award professional services contract to Pipeline Analysis, LLC in the amount of \$325,000.00.

**Funding Information:**

CIP Account 237-4149-32183-00-7111

**Department Director:**

John Baker, Managing Director Water/Wastewater, 972-205-3283



# Purchasing Report

## CITY OF GARLAND VISITOR'S CENTER FINISH-OUT OPEN MARKET

**PURCHASE JUSTIFICATION:**

This project provides all labor, supervision, materials, services, and equipment necessary to construct interior finish-out of approximately 1,500 square feet of a portion of the existing building at 211 Fifth Street, Garland, Texas. Denco Construction Specialists received the highest evaluated score based on the published criteria offering the Best Value to the City. Expenses will not exceed the appropriated funds.

**AWARD RECOMMENDATION:**

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Denco Construction Specialists	All	\$184,711.77
<b>TOTAL:</b>		\$184,711.77

**BASIS FOR AWARD:**

**Best Value**

Submitted by:

Reviewed by:

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

William E. Dollar  
\_\_\_\_\_  
City Manager

Date: 03/23/12

Date: 03/27/12

<b><u>FINANCIAL SUMMARY:</u></b>	
Total Project/Account: \$	345,000
Expended/Encumbered to Date:	29,558
Balance: \$	315,442
This Item:	184,712
Proposed Balance: \$	130,730
Trent Schulze	03/26/12
Budget Analyst	Date
Ron Young	03/26/12
Budget Director	Date
Operating Budget: <input type="checkbox"/>	CIP: <input checked="" type="checkbox"/> Year: 2012
Document Location:	Page MF01
Account #:	466-4999-1608611-9002
<b>Fund/Agency/Project – Description:</b>	
Facilities and Miscellaneous Tax-Supported Program – Community Relations – Visitor's Center	
<b>Comments:</b>	
Project provides all labor, supervision, materials, services, and equipment to finish out 1,500 square feet at 211 Fifth Street for Garland Visitor's Center	





# **GARLAND**

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## **PURCHASING**

Executive Summary  
Bid 2654-12  
City of Garland Visitor's Center

**Recommended Vendor:**

Denco Construction Specialists

**Total Recommended Award:**

\$184,711.77

**Basis for Award:**

Best Value

**Purpose:**

The Project provides all labor, supervision, materials, services and equipment necessary to construct interior finish out of approximately 1,500 square feet of a portion of the existing building at 211 Fifth Street, Garland, TX.

**Evaluation:**

Nineteen (19) construction firms responded to the Request for Competitive Sealed Proposal (CSP). Denco Construction Specialists received the highest evaluated score based on the published criteria.

Sufficient funds for the contract were appropriated within the CIP; this is not a request for additional appropriation of funds.

**Recommendation:**

Staff recommends award of contract for construction services including Base Bid Amount, all Bid Alternates, and the Post Bid Addendum to Denco Construction Specialists in the amount of \$184,711.77.

**Funding Information:**

CIP Project Account 466-4999-16086-11-9002

**Department Director:**

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



# City Council Item Summary Sheet

Work Session

Agenda Item

Date: April 17, 2012

## Zoning Ordinance

### Summary of Request/Problem

Zoning Ordinance 12-07 – M & I Ventures LLC

### Recommendation/Action Requested and Justification

Consider adoption of the attached ordinance.

**Submitted By:**

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

**Approved By:**

**William E. Dollar**  
City Manager

**ORDINANCE NO.**

**AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PERMIT FOR A RETAIL SALES WITH GASOLINE PUMPS ON PROPERTY ZONED GENERAL BUSINESS (GB) DISTRICT ON A .426-ACRE LOT LOCATED AT 3032 BROADWAY BOULEVARD; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.**

**WHEREAS**, at its regular meeting held on the 12th day of March, 2012, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **M & I VENTURES, LLC.**, and

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

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

**Section 1.**

Ordinance No. 4647 is hereby amended by approving a Specific Use Permit for a Retail Sales with Gas Pumps on property zoned General Business (GB) District on a .426-acre lot located at 3032 Broadway Boulevard, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

**Section 2.**

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

**Section 3.**

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

**Section 4.**

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

FILE NO. 12-07

**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 \_\_\_\_\_, 2012.

**THE CITY OF GARLAND, TEXAS**

By:

\_\_\_\_\_  
Mayor

**ATTEST:**

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

Published:

**EXHIBIT A**

**LEGAL DESCRIPTION**

**Zoning File 12-07**

Being a .426-acre tract of land identified as Lot 2, Block 1 of Broadway Center Addition No. 2, as recorded in Volume 84183, Page 1817 of the Deed Records of Dallas County, Texas. The property is located at 3032 Broadway Boulevard.

## SPECIFIC USE PERMIT CONDITIONS

### ZONING FILE 12-07

#### 3032 Broadway Boulevard

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow Retail Sales with Gas Pumps subject to conditions.
- 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 the General Business (GB) District set forth in Section 25 and 33 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. **Specific Regulations:**
  - A. Time Period: The Specific Use Permit is approved for a twenty (20) year time period tied to **M & I Ventures**.
  - B. Site Plan: Development shall be in conformance with the approved Site Plan identified as Exhibit C.
  - C. Screening and Landscaping Plan: Screening and landscaping shall be provided as generally shown on Exhibit C with exception of the additional requirement of one large or three ornamental trees to satisfy the parking lot landscaping requirements.
  - D. Exterior Building Elevations: The exterior elevations shall be constructed in general conformance with Exhibit D. The canopy columns shall be encased with brick to match the exterior material of the main building. The exterior material of the outward facing side of the refuse screening wall shall be bricked to match the exterior of the main building.
  - E. Surety Bond: the owner/operator shall provide a \$40,000 surety bond or similar security to the City to ensure the removal of all buildings, equipment, above-ground and underground storage tanks and/or other improvements in the event the business operations (retail sales with gas pumps) ceases operation for a period of two or more years, Section 10-309(c) of the Comprehensive Zoning Ordinance.



PARKING ANALYSIS				
ADDRESS	USE	CODE	SO. FT.	REQ' PROV
3032 BROADWAY BLVD	CONVENIENCE STORE	1/200	2,500'	15 12

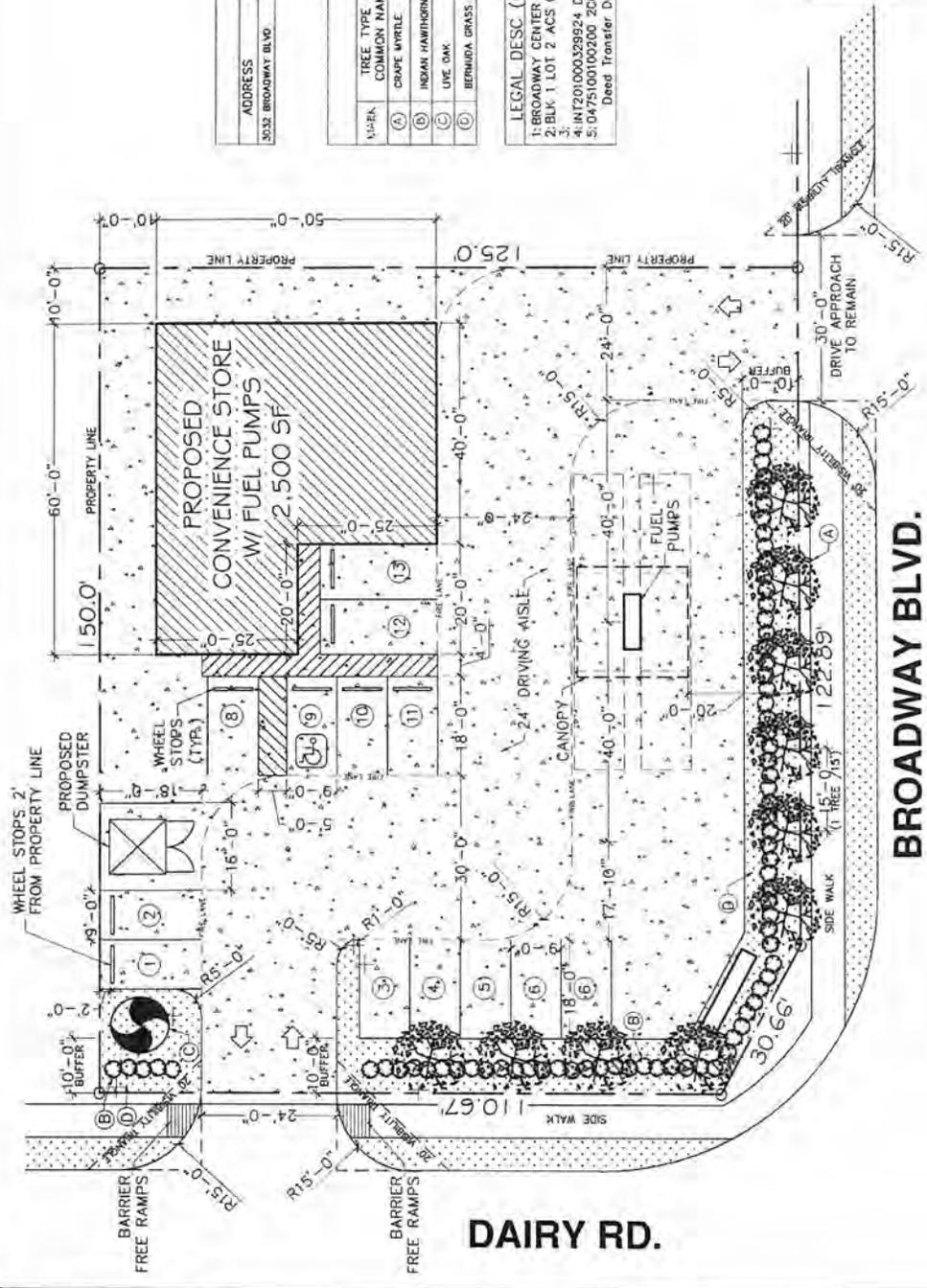
PLANTING SCHEDULE				
MARK	TREE TYPE / COMMON NAME	HEIGHT AT Maturity	ICALIPER QUANTITY	
(A)	CRAPE MYRTLE	12' TO 20' FEET	2" MIN	10
(B)	INDIAN Hawthorne	2' FEET		1
(C)	Live Oak	20' TO 40' FEET		
(D)	BERNUDA GRASS	CYNDORI LACTIDON		75 ±

**LEGAL DESC. (CURRENT 2012)**  
 1: BROADWAY CENTER 2  
 2: BLK 1 LOT 2 ACS 0-4260  
 3: INT201000329924 DD12152010 CO-DC  
 5: 0475100100200 ZC504751001  
 Deed Transfer Date: 12/28/2010

**PLANS & FIRM IT SOLUTIONS**  
 plans & permit submittal and representation  
 609 HANCOCK DR. ALLEN, TX 75002  
 office: 214.251.9169 fax: 972.432.4391  
 plan@plandsolutions.com

PROJECT: 3032 BROADWAY BLVD, GARLAND, TX 75041  
 PROJECT: CONVENIENCE STORE WITH FUEL PUMPS  
 DRAWN: UNWEED P/T/EE  
 DATE: 7/12/07  
 SHEET: 3/03/2012

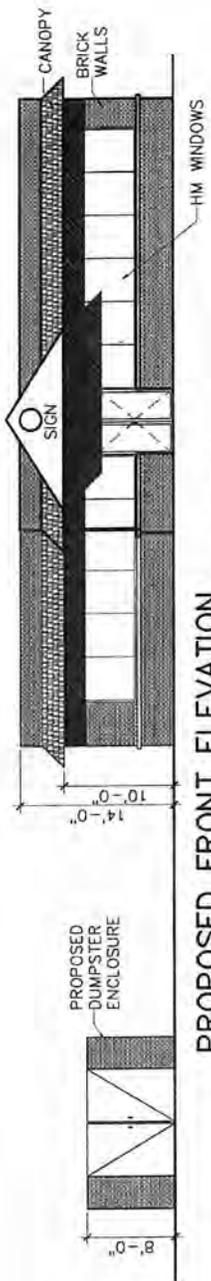
**C-1**



**BROADWAY BLVD.**

**DAIRY RD.**

**PROPOSED SITE PLAN**  
 SCALE 1" = 20'-0"



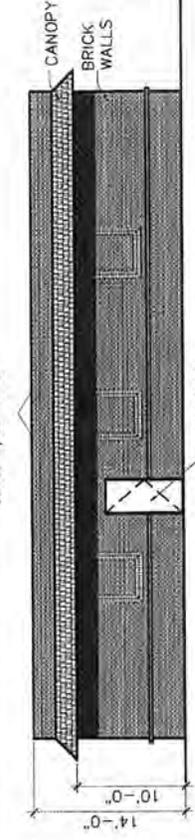
**PROPOSED FRONT ELEVATION**

SCALE 3/32"=1'-0"



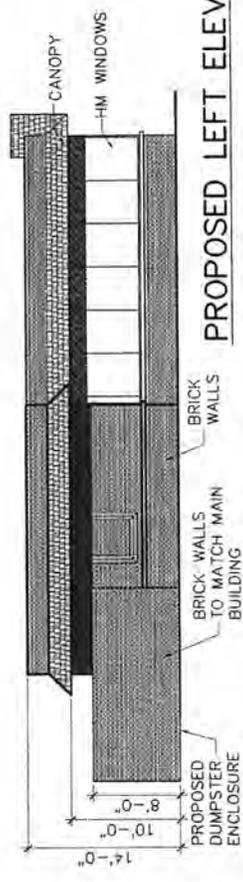
**PROPOSED RIGHT ELEVATION**

SCALE 3/32"=1'-0"



**PROPOSED REAR ELEVATION**

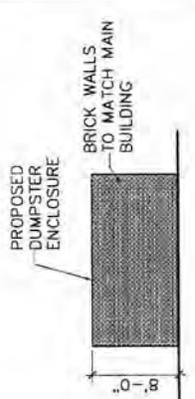
SCALE 3/32"=1'-0"



**PROPOSED LEFT ELEVATION**

SCALE 3/32"=1'-0"

NOTE: 100% BRICK ON NEW BUILDING AND DUMPSTER ENCLOSURE.



PROPOSED DUMPSTER ENCLOSURE



BRICK WALLS TO MATCH MAIN BUILDING

**PLANS & PERMIT SOLUTIONS**  
 Plans & permit submittal and representation  
 609 West Loop South, Suite 400  
 Dallas, TX 75219  
 PHONE: 214.241.9169 fax: 972.432.4331  
 www.plansandpermitsolutions.com

PROJECT: CONVENIENCE STORE WITH FUEL PUMPS  
 CLIENT: JAVIERO FLYDER  
 DATE: 2/12/07  
 SHEET: 3037201.2

3032 BROADWAY BLVD.  
 GARLAND, TX 75041

**A-1**



# City Council Item Summary Sheet

Work Session

Date: April 17, 2012

Agenda Item

## Tax Abatement – Electronic Systems Support (ESS)

### Summary of Request/Problem

ElectroSolutions, Inc. dba Electronic Systems Support (EES) is considering relocating from eight buildings on Austin Street to the 148,655 sq. ft. building located at 3233 Kingsley Road. ESS is proposing to add new machinery, equipment, and other taxable business personal property in excess of \$1 million over the next five years. At the March 19, 2012 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 a 75% City tax abatement on this new investment 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:**

**William E. Dollar  
City Manager**

ORDINANCE NO. \_\_\_\_\_

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

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

**Section 1**

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

**Section 2**

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

- (1) The reinvestment zone designated and established by this Ordinance is reasonably likely, as a result of the designation, to contribute to the retention and expansion of primary employment and to attract major investment in the zone that will benefit the property and contribute to the economic development of the City of Garland, Texas;
- (2) The area within the reinvestment zone is not within an improvement project financed by tax increment bonds;
- (3) The improvements and development which are sought to take place within the reinvestment zone will conform to the comprehensive zoning ordinance of the City of Garland;
- (4) None of the property located within the reinvestment zone is owned or leased by a member of the City Council or the Plan Commission; and
- (5) The improvements and development sought are feasible and practical and will benefit the land included in the

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

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

**Section 3**

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

**Section 4**

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

**PASSED AND APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**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 New Logic Design  
Addition of the City of Garland, Dallas  
County, Texas commonly known as 3233 Kingsley  
Road, Garland, Texas 75041

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 ElectroSolutions, Inc. d/b/a Electronic Systems Support 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 \_\_\_\_\_, 2012.

CITY OF GARLAND, TEXAS

\_\_\_\_\_  
Mayor

**ATTEST:**

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

## **TAX ABATEMENT AGREEMENT**

The City of Garland, in the County of Dallas, State of Texas (the “City”) and ElectroSolutions, Inc. d/b/a Electronic Systems Support (“ESS”) which will be doing business in Dallas County, Texas (the “Company”), enter into this Tax Abatement Agreement (the “Agreement”) in accordance with the following terms and conditions:

### **RECITALS**

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

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

**WHEREAS**, on April 17, 2012, the City Council did enact and adopt Ordinance No. [NOT YET ENACTED] designating as a reinvestment zone (the “Zone”) an area within the City as more particularly described in Exhibit “A,” all pursuant to the Act, which Ordinance is incorporated herein by reference thereto for all purposes; and

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

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

**WHEREAS**, the City and the Company desire to enter into this Agreement to exempt from taxation a portion of the value of the real property (the “Property”) or of tangible business personal property located on the Property described in Exhibit “A” for a term as hereinafter set forth, all pursuant to: (i) the Act; (ii) Ordinance No. [NOT YET ENACTED], (iii) The Comprehensive Policy Statement on Tax Abatement; and (iv) the terms and conditions herein set forth;

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

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

2. **Term.** The term of this Agreement shall commence on April 17, 2012 (the “Commencement Date”) and shall terminate on the anniversary of the Commencement Date five (5) years thereafter.
3. **Improvements.** Company agrees to build, construct, place, install, and thereafter maintain, occupy, and operate in the Zone the proposed improvements or repairs of the kind, number and in the location as listed in Exhibit “A” (the “Improvements”).
4. **Abatement of Property Taxes.** The City agrees to exempt from taxation those portions of the value of the Property and, if applicable and subject to the following, those portions of the tangible personal property located on the Property as specified in and in accordance with the provisions of Exhibit “A.” The exemption provided by this Agreement shall pertain only to the Property, the Improvements and other permanent fixtures within the Zone. Unless specifically provided in Exhibit “A,” the terms “the Property” and “the Improvements” do not include personal property of any sort, including machinery, equipment, trade fixtures, inventory or supplies. The exemption for taxable real property provided by this Agreement applies only to the extent the value of that real property for the respective year covered by this Agreement exceeds its value for the year in which this Agreement was executed. The exemption for tangible personal property provided by this Agreement, if any, applies only to tangible personal property that was located on the Property after the Commencement Date and related to the Improvements. Further, the exemption from taxes shall be 75% of the increased value of the Property and the Improvements.
5. **Access to Property.** The Company agrees that the City shall, at reasonable times and upon reasonable notice, have access to the Property and the Company authorizes employees and agents of the City to inspect the Property to ensure that the Improvements are being made and maintained in accordance with the terms and conditions of this Agreement and utilized in accordance with Paragraph 6 of this Agreement. The Company further agrees that prior to the construction or placement of the Improvements, site plans of such Improvements shall first be submitted to the City in order that the City may determine that the Improvements are of the design, character and construction as described in Exhibit “A.”
6. **Limitation on Uses.** The Company agrees that no change in use of the Property, for the duration of this tax abatement, shall be made without the prior consent of the City. The use of the Property shall conform with the comprehensive plan and zoning ordinances of the City.
7. **Certification of Compliance.** The Company shall annually provide a written certification to the City, on or before each anniversary date of the Commencement Date and on a form to be provided by the City, that the Company is in compliance with each of the provisions of this Agreement.
8. **Recapture of Property Taxes.** The Company agrees that if the Company fails (1) to make the Improvements as set forth in Exhibit “A”; (2) to create all of the number of new jobs provided in Exhibit “A”; or (3) to maintain and operate the Improvements and the Property as an

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

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

**10. Miscellaneous.**

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

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

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

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

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

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

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

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

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

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

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

**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.

**EXECUTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**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

**ElectroSolutions, Inc. d/b/a Electronic Systems Support (“ESS”)**

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

Name: Greg Griffin

Title: President

**Address for Notice:**

Greg Griffin  
Electronic Systems Support  
110 Austin Street  
Garland, Texas 75040

## **EXHIBIT "A"**

### **Owner**

ElectroSolutions, Inc. d/b/a Electronic Systems Support ("ESS")

### **Description of Property**

**Block 1, Lot 1 of the New Logic Design Addition of the City of Garland, Dallas County, Texas commonly known as 3233 W. Kingsley Road, Garland, Texas 75041.**

### **Description of Improvements**

ESS plans to open a service center at 3233 W. Kingsley Road, Garland, Texas 75041; ESS will be adding new machinery, equipment, and other taxable business personal property.

### **Investment**

ESS will add an additional \$1.2 million business personal property value to Garland.

### **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 exemption for business personal property provided by this Agreement applies only to business personal property that was located on the Property after the Commencement Date.



# City Council Item Summary Sheet

Work Session

Date: April 17, 2012

Agenda Item

## Tax Abatement – Project Produce

### Summary of Request/Problem

Nafal Realty, LLC, Nafal Professional Services, Inc., and La Bodega Meat, Inc. (collectively, "Project Produce") are considering relocating to the 300,000 sq. ft. building located at 3101 Miller Road (the former Sears Fashion Center). The Project Produce companies propose to make significant capital improvements to the 40-year old building; this will likely add an additional \$1.6 million real estate value to Garland. The Project Produce Companies also propose to add an \$8 million business personal property value to Garland, including inventory and freezer and refrigeration space. Collectively, the Project Produce companies propose to add 230 jobs over the next ten years. At the March 19, 2012 Work Session, Council considered a recommendation by the Garland Economic Development Partnership Steering Committee that Council provide (1) general support for the project, (2) support of a 50% City tax abatement on this new investment for 4 years, and (3) support of a 75% City tax abatement on this new investment for the subsequent 6 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:**

**William E. Dollar  
City Manager**

ORDINANCE NO. \_\_\_\_\_

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

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

**Section 1**

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

**Section 2**

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

- (1) The reinvestment zone designated and established by this Ordinance is reasonably likely, as a result of the designation, to contribute to the retention and expansion of primary employment and to attract major investment in the zone that will benefit the property and contribute to the economic development of the City of Garland, Texas;
- (2) The area within the reinvestment zone is not within an improvement project financed by tax increment bonds;
- (3) The improvements and development which are sought to take place within the reinvestment zone will conform to the comprehensive zoning ordinance of the City of Garland;
- (4) None of the property located within the reinvestment zone is owned or leased by a member of the City Council or the Plan Commission; and
- (5) The improvements and development sought are feasible and practical and will benefit the land included in the

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

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

**Section 3**

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

**Section 4**

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

**PASSED AND APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**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**

**Sears Industrial District Addition of the City of Garland, Dallas County,  
Texas commonly known as 3101 Miller Road, Garland, Texas 75041.**

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 Nafal Realty Group, LLC, Nafal Professional Services, Inc, and La Bodega Meat, Inc. (collectively, "Project Produce") 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 \_\_\_\_\_, 2012.

**CITY OF GARLAND, TEXAS**

\_\_\_\_\_  
Mayor

**ATTEST:**

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

## TAX ABATEMENT AGREEMENT

The City of Garland, in the County of Dallas, State of Texas (the “City”) and Nafal Realty Group, LLC (“Nafal Realty”), Nafal Professional Services, Inc. (“Nafal Professional Services”), and La Bodega Meat, Inc. (“La Bodega”), all of which will be doing business in Dallas County, Texas (the “Companies”), 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 April 17, 2012, the City Council did enact and adopt Ordinance No. [NOT YET ENACTED] designating as a reinvestment zone (the “Zone”) an area within the City as more particularly described in Exhibit “A,” all pursuant to the Act, which Ordinance is incorporated herein by reference thereto for all purposes; and

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

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

**WHEREAS**, the City and the Companies 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. [NOT YET ENACTED], (iii) The Comprehensive Policy Statement on Tax Abatement; and (iv) the terms and conditions herein set forth;

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

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

2. **Term.** The term of this Agreement shall commence on January 1, 2013 (the “Commencement Date”) and shall terminate on the anniversary of the Commencement Date 10 years thereafter.
3. **Improvements.** The Companies agree to build, construct, place, install, and thereafter maintain, occupy, and operate in the Zone the proposed improvements or repairs of the kind, number and in the location as listed in Exhibit “A” (the “Improvements”).
4. **Abatement of Property Taxes.** The City agrees to exempt from taxation those portions of the value of the Property and, if applicable and subject to the following, those portions of the tangible personal property located on the Property as specified in and in accordance with the provisions of Exhibit “A.” The exemption provided by this Agreement shall pertain only to the Property, the Improvements and other permanent fixtures within the Zone. Unless specifically provided in Exhibit “A,” the terms “the Property” and “the Improvements” do not include personal property of any sort, including machinery, equipment, trade fixtures, inventory or supplies. The exemption for taxable real property provided by this Agreement applies only to the extent the value of that real property for the respective year covered by this Agreement exceeds its value for the year in which this Agreement was executed. The exemption for tangible personal property provided by this Agreement, if any, applies only to tangible personal property that was located on the Property after the Commencement Date and related to the Improvements. Further, the exemption from taxes shall be 50% of the increased value of the Property and the Improvements for Years 1 through 4 of this Agreement and 75% of the increased value of the Property and Improvements for Years 5 through 10 of this Agreement.
5. **Access to Property.** The Companies agrees that the City shall, at reasonable times and upon reasonable notice, have access to the Property and the Companies authorize 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 Companies further agree that prior to the construction or placement of the Improvements, site plans of such Improvements shall first be submitted to the City in order that the City may determine that the Improvements are of the design, character and construction as described in Exhibit “A.”
6. **Limitation on Uses.** The Companies agree that no change in use of the Property, for the duration of this tax abatement, shall be made without the prior consent of the City. The use of the Property shall conform with the comprehensive plan and zoning ordinances of the City.
7. **Certification of Compliance.** Each 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 Companies are in compliance with each of the provisions of this Agreement.
8. **Recapture of Property Taxes.** The Companies agree that if the Companies jointly fail (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 Companies, in writing, of a default by the Companies in complying with the terms and provisions of this Agreement. In the event that the Companies have 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 City may, without further notice to the Companies, 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 Companies.

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

**10. Miscellaneous.**

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

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

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

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

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

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

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

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

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

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

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

**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.** All 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. The Companies acknowledge 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.

**EXECUTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**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

**Nafal Realty Group, LLC**

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**Address for Notice:**

Jubal Smith  
Jones Lang LaSalle America, Inc.  
8343 Douglas Ave., Suite 100  
Dallas, Texas 75225

**Nafal Professional Services, Inc.**

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**Address for Notice:**

Jubal Smith  
Jones Lang LaSalle America, Inc.  
8343 Douglas Ave., Suite 100  
Dallas, Texas 75225

**La Bodega Meat, Inc.**

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**Address for Notice:**

Jubal Smith  
Jones Lang LaSalle America, Inc.  
8343 Douglas Ave., Suite 100  
Dallas, Texas 75225

**EXHIBIT “A”**

**Owners**

(1) Nafal Realty, LLC; (2) Nafal Professional Services, Inc.; and (3) La Bodega Meat, Inc. (the “Companies”)

**Description of Property**

**Sears Industrial District Addition of the City of Garland, Dallas County, Texas commonly known as 3101 Miller Road, Garland, Texas 75041.**

**Description of Improvements**

Collectively, the Companies plan to operate a meat packing and produce and grocery wholesale business at 3101 Miller Road, Garland, Texas 75041 (the former Sears “fashion center” complex). Collectively, the Companies will refurbish the building and add new machinery, equipment, inventory, and other taxable business personal property, including freezer and refrigeration space.

**Investment**

Collectively, the Companies will spend at least \$5 million on capital improvements; this will likely add an additional \$1.6 million real estate value to the existing complex.

Collectively, the Companies will add an additional \$8 million business personal property value to Garland.

**Employment**

Collectively, the Companies will add 20 new jobs in Year 1. In subsequent years, the Companies will collectively add the following new jobs:

<b><i>Year</i></b>	<b><i>Additional Employment Requirement</i></b>	<b><i>Collective New Jobs Added</i></b>
2	40 new jobs on or before December 31, 2014	60
3	100 new jobs on or before December 31, 2015	160

<b>Year</b>	<b>Additional Employment Requirement</b>	<b>Collective New Jobs Added</b>
4	10 new jobs on or before December 31, 2016	170
5	10 new jobs on or before December 31, 2017	180
6	20 new jobs on or before December 31, 2018	200
7	15 new jobs on or before December 31, 2019	215
8	10 new jobs on or before December 31, 2020	225
9	5 new jobs on or before December 31, 2021	230
10	N/A	230

### **Abatement Schedule**

#### Years 1-4 (2013-2016)

Tax abatement granted to the Companies will be equal to 50% of the real and tangible personal property tax for a 4 year period to the extent that the value of the property exceeds its value for the year in which this Agreement is executed. The exemption for business personal property provided by this Agreement applies only to business personal property that was located on the Property after the Commencement Date.

#### Years 5-10 (2017-2022)

Tax abatement granted to the Companies will be equal to 75% of the real and tangible personal property tax for a 6 year period to the extent that the value of the property exceeds its value for the year in which this Agreement is executed. The exemption for business personal property provided by this Agreement applies only to business personal property that was located on the Property after the Commencement Date.



# Planning Report

File No. 12-12/District 2

Agenda Item:

Meeting: City Council

Date: April 17, 2012

Deleshia Taylor

716 Chandler Drive

## REQUEST

Approval of a Specific Use Permit for a Child Care Center on property zoned Single Family-7 (SF/7/G/3) District.

## OWNER

Greater Davis Chapel

## PLAN COMMISSION RECOMMENDATION

On March 26, 2012 the Plan Commission, by a vote of eight (8) to zero (0), recommended approval of a Specific Use Permit for a Child Care Center tied to Greater Davis Chapel Church of God in Christ for a period of ten (10) years.

## STAFF RECOMMENDATION

Approval of a Specific Use Permit for a Child Care Center for a period of ten (10) years, provided the number of students is limited to fifty (50). The existing church facility is able to accommodate the proposed use in a manner compatible with surrounding zoning and land use patterns, providing a support service to nearby residential neighborhoods.

## BACKGROUND

The applicant is requesting approval of a Specific Use Permit for a Child Care Center within an existing church facility. The property is zoned Single Family-7 (SF/7/G/3) District which requires approval of a Specific Use Permit for the proposed Child Care Center use. The church has been in existence at this location for approximately forty-four years. In 1988, City Council approved a Specific Use Permit for a Private School at the subject property (Zoning File 88-42), which is no longer operating within the building.

## SITE DATA

The subject property contains 0.90 acres in area, fronting approximately 222 feet along Ewing Drive and 265 feet along Chandler Drive. The property can be accessed from the west along Ewing Drive and from the east along Chandler Drive.

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

The subject property is zoned Single Family-7 (SF/7/G/3) District which provides for a variety of single family housing in safe and comfortable neighborhood environments. Minimum requirements for lot size, dwelling unit size and general development standards have been established to encourage housing variety and to protect neighborhood character. The district regulations are designed to further protect the character of residential neighborhoods by excluding incompatible activities and avoiding overcrowding of land. The Single Family Districts also permit the establishment of appropriate institutions and community facilities necessary to create an integral residential environment.

## **SURROUNDING ZONING AND LAND USES**

The properties to the north, east, south and west are zoned Single Family-7 (SF/7/G/3) District and are developed with single family homes.

## **COMPREHENSIVE PLAN**

The Envision Garland Plan identifies this location as within the Traditional Neighborhoods Building Block. Traditional Neighborhoods provide areas for low to moderate density single-family detached housing and accommodate convenience retail, office and public services. The existing church and proposed child care center provide a convenient and compatible support service to the surrounding neighborhood.

## **CONSIDERATIONS**

1. The subject property will continue to operate as a church on the weekends while the child care center will operate Monday through Friday from 6:30 a.m. to 6:00 p.m. Enrollment would be open to students ranging in age from one (1) day old to twelve (12) years old. There will be no drop-off area, as parents will be required to escort students into the building. The entrance to the child care center is on the northeast side of the building. Parking for parents will be served by any of the parking spaces on the site.
2. The parking requirement for a Kindergarten, Preschool or Child Care Center is one (1) parking space for every ten (10) students. The applicant is required to remove five (5) existing parking spaces to accommodate a twenty-five (25) foot wide driveway. Forty-nine (49) parking spaces will be maintained; the church is required to have forty-four (44) parking spaces leaving five (5) parking spaces for the child care center. The five (5) parking spaces for the child care center therefore establish a maximum parameter of fifty (50) students.
3. Fifty (50) students will generate forty-two (42) trips during peak hours. The traffic generated by the child care center during peak hours will not exceed the traffic generated by the assembly use during the weekends. The adjacent streets (Ewing Drive and Chandler Drive) are residential streets serving the surrounding neighborhood.

4. Per Section 10-304.2 of the Comprehensive Zoning Ordinance No. 4647 a six (6) foot high solid fence shall be built and maintained along the play area. The required fenced outdoor play area will be to the side of the building facing Ewing Drive.
5. The applicant is requesting the Specific Use Permit for a period of ten (10) years tied to Greater Davis Chapel.

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

The proposed child care center, located within the existing church facilities, is surrounded by single family residences. The site is in the middle of an established residential neighborhood and does not have the advantage of being on the edge of a single family district with direct access to residential collector streets or major thoroughfares. Nonetheless, the subject property is easily accessed by local streets and is a generally low intensity use which will provide a compatible support service to the surrounding single family neighborhood. The site is suitable for the proposed use given the location and surrounding land use.

Prepared By:

Josue De La Vega  
Development Planner

Date: April 5, 2012

Reviewed By:

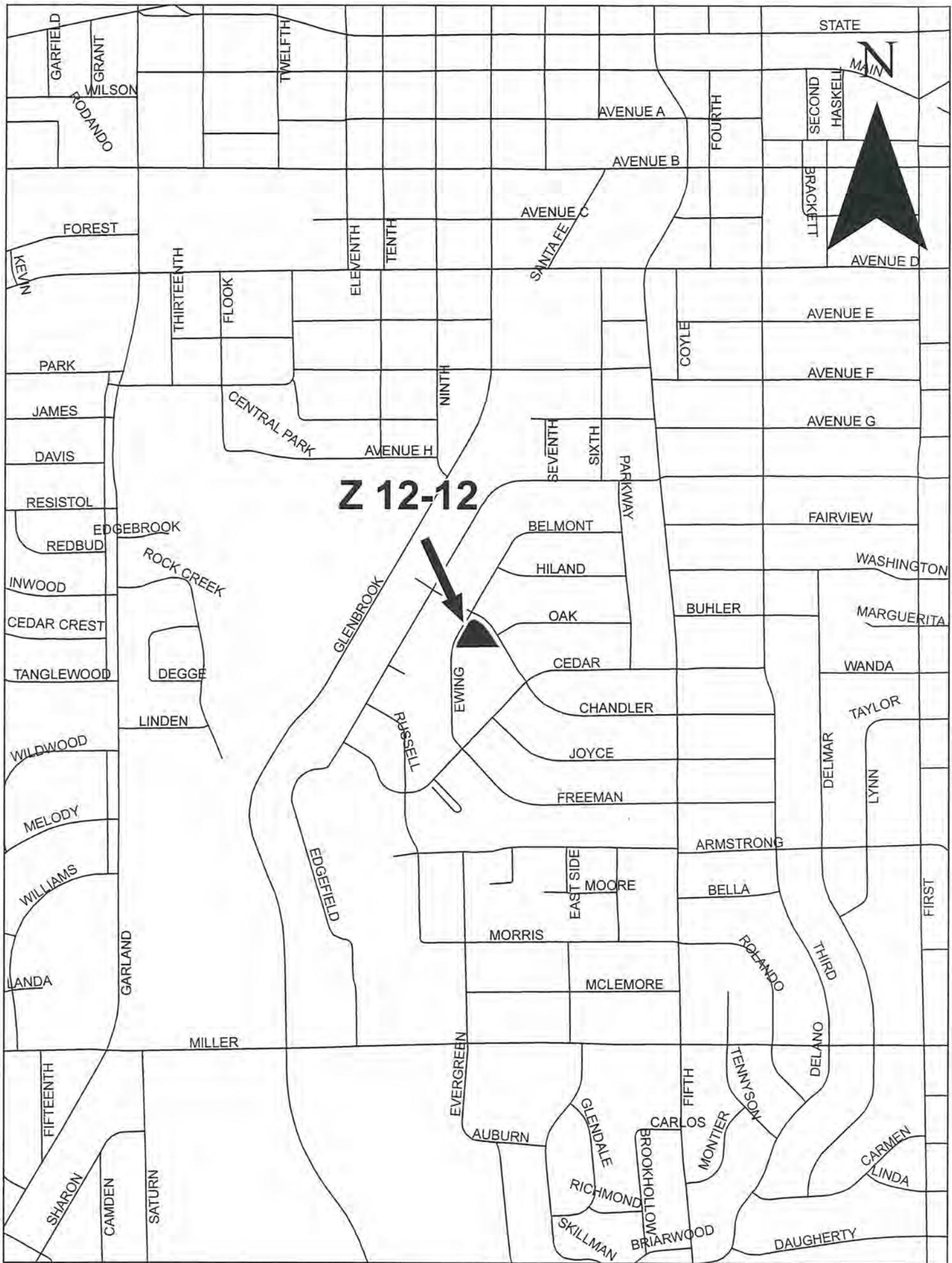
Neil Montgomery  
Director of Planning

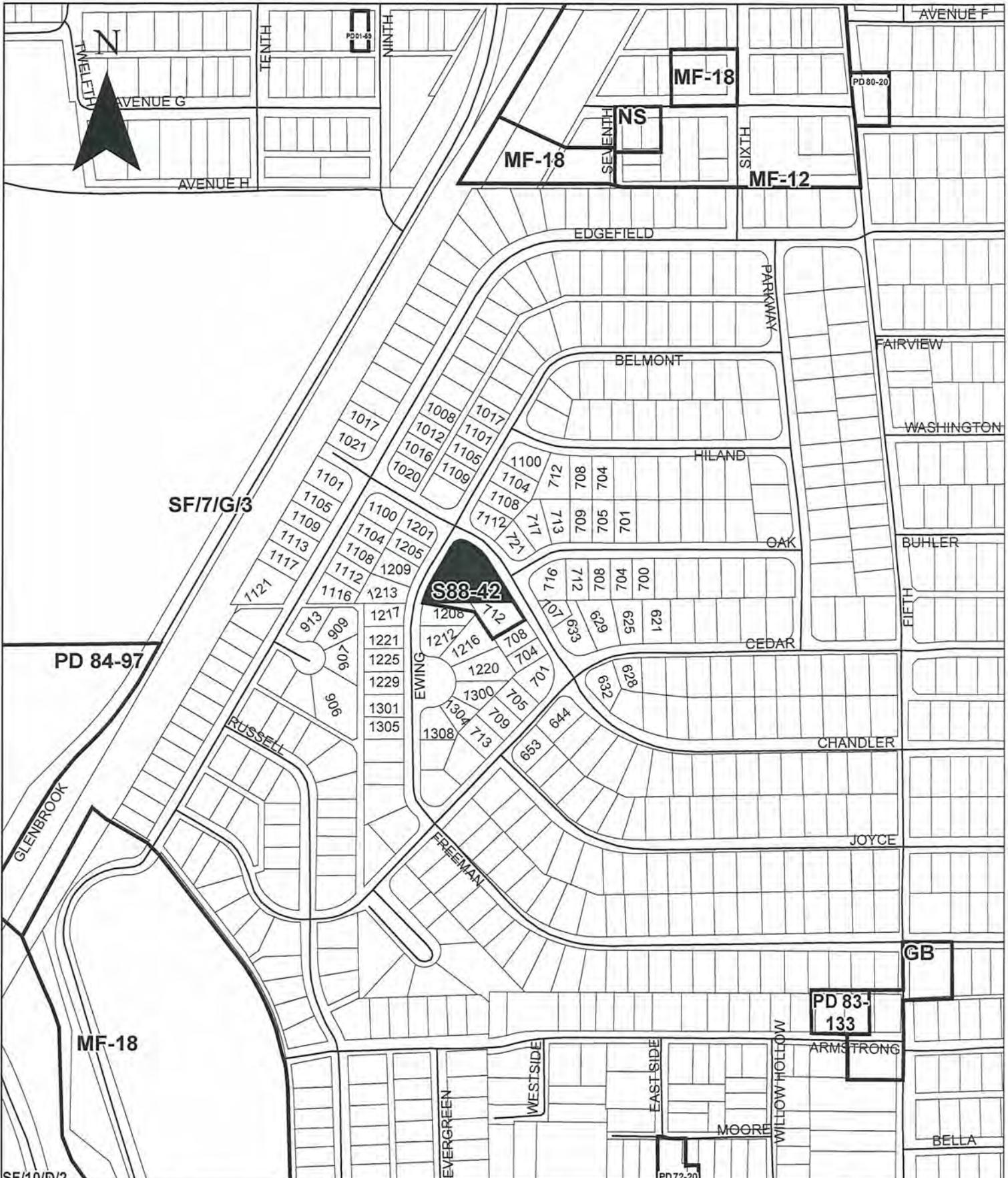
Date: April 6, 2012

Reviewed By:

William E. Dollar  
City Manager

Date: April 9, 2012





SF7IG/3

PD 84-97

**S88-42**

MF-18

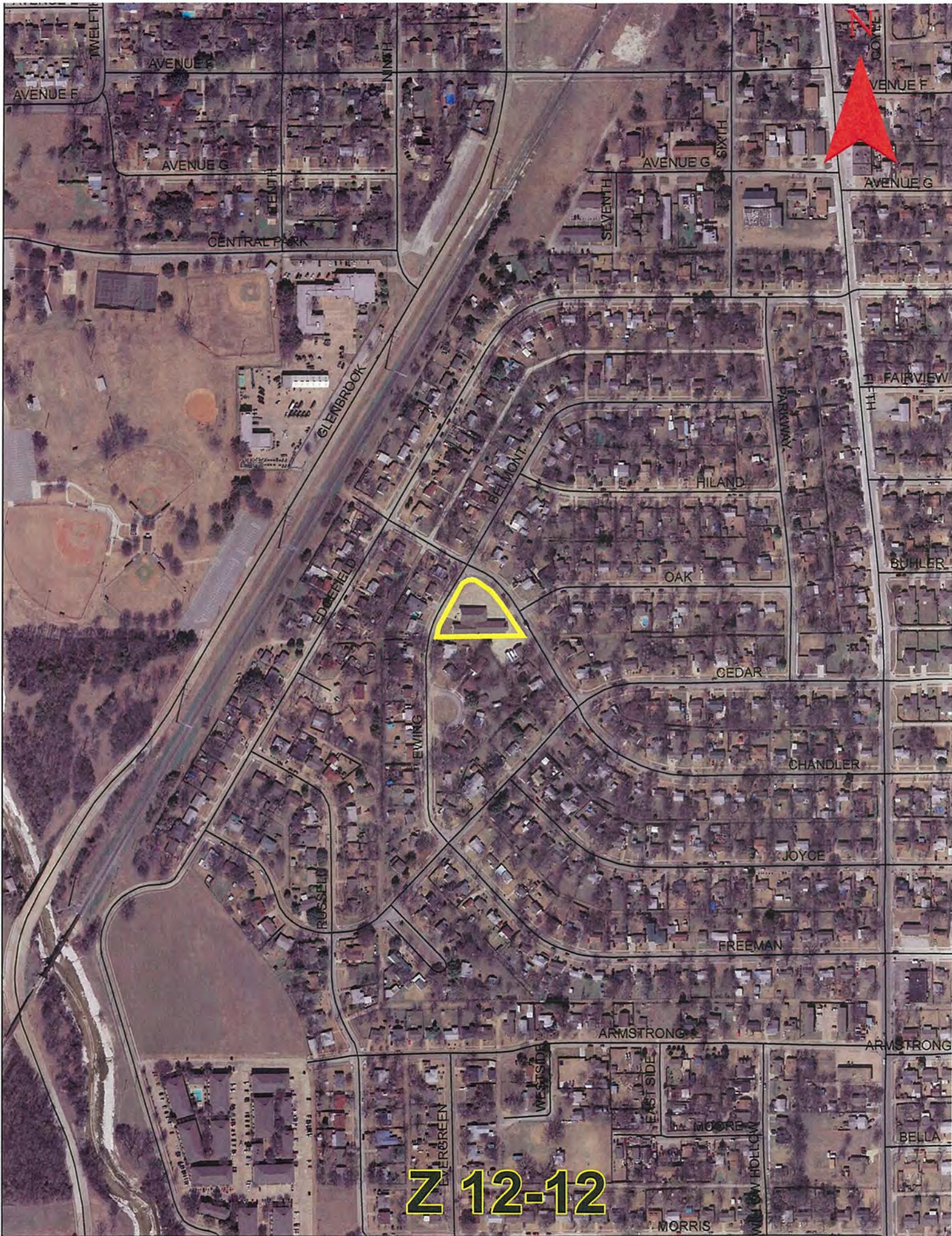
PD 83-133

GB

SCALE IN FEET  
 0 200 400 Feet  
 1" = 400'

INDICATES  
 AREA OF REQUEST

**ZONING  
 Z 12-12**



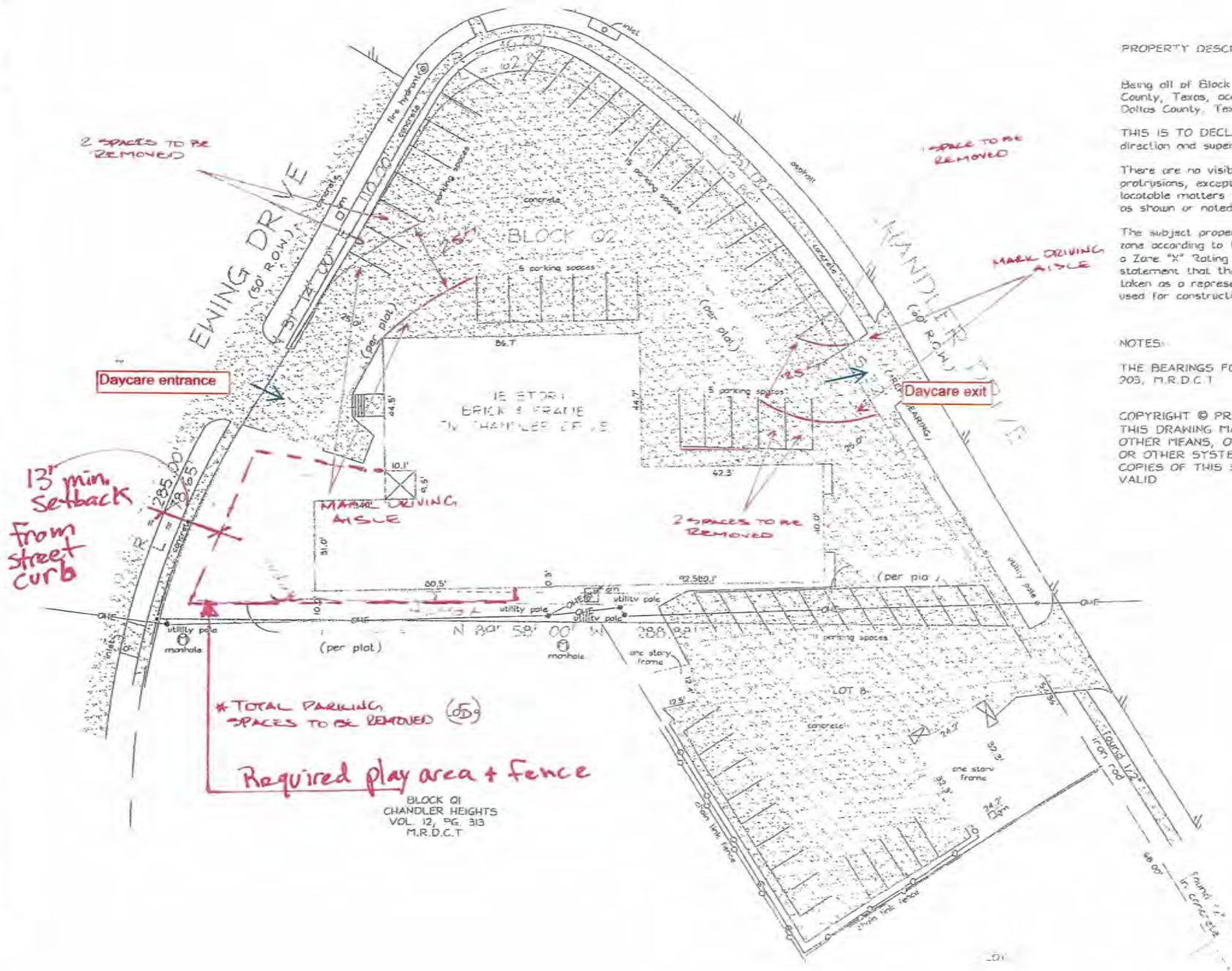
**Z 12-12**

## SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 12-12

716 Chandler Drive

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to permit a Kindergarten, Preschool or Child Care Center on the subject property.
- II. **Statement of Effect:** This permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, as amended, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Single Family-7 (SF/7/G/3) District set forth in Section 15 and 33 of the Comprehensive Zoning Ordinance, Ordinance No. 4647 are included by reference and shall apply, except as otherwise specified in this ordinance.
- IV. **Specific Regulations:**
  - A. Time Period: The Specific Use Permit shall be in effect for a ten (10) year time period and tied to **Greater Davis Chapel Church of God in Christ**.
  - B. Days and Hours of Operation: The child care center will only operate Monday through Friday from 6:30 a.m. to 6:00 p.m.
  - C. Maximum Number of Students: Based on the five (5) parking spaces provided, the maximum allowable number of students is fifty (50).
  - D. Site Plan (Exhibit C):
    - i) A six (6) foot high solid fence shall be built and maintained along the play area. The fence shall be at least 13' from the Ewing Drive street curb. The required outdoor play area will be on the side yard facing Ewing Drive.
    - ii) The applicant is required to remove five (5) existing parking spaces to accommodate a twenty-five (25) foot wide driveway.
  - E. Parking Requirement: A minimum of five (5) parking spaces are required for the Child Care Center.



PROPERTY DESCRIPTION

Being all of Block 02, of HILAND ADDITION, in Dallas County, Texas, according to the Map thereof record Dallas County, Texas.

THIS IS TO DECLARE that on this date a survey direction and supervision of the above described tr

There are no visible conflicts, visible evidence of protrusions, except as shown, and that this date locatable matters of record of which the undersig as shown or noted hereon.

The subject property does not appear to lie within zone according to the Map published by the Federal a Zone "X" Rating as shown by Map No. 48113C022 statement that the property does or does not lie taken as a representation that the property will be used for construction purposes and was performed

NOTES:

THE BEARINGS FOR THIS SURVEY ARE BASED 203, M.R.D.C.T

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EXHIBIT C

## REPORT & MINUTES

P.C. Meeting, March 26, 2012 (8 Members Present)

**Consideration of the application of Deleshia Taylor, requesting approval of a Specific Use Permit for a Child Care Center on property zoned Single Family-7 (SF/7/G/3) District. The property is located at 716 Chandler Drive. (File 12-12)**

Speaking first was the applicant, Deleshia Taylor. She addressed a question discussed in the pre-meeting regarding the drop off area. Speaking on behalf of the church was Pastor Chalk, 716 Chandler Drive.

Concerned neighbors of the church:  
Richard Fortner, 1108 Belmont and Gerald Jimenez, 1112 Belmont  
They were concerned about the increased traffic the daycare would bring to the neighborhood and the lack of fencing was also mentioned as a concern.

The applicant, Deleshia Taylor, and staff addressed these concerns. The maximum number of children would be 50 and the playground area will be fenced. Also the children are required, by law, to be signed in and out, so they will be escorted in and out by parents or staff if riding the bus.

**Motion** was made by Commissioner Moore, seconded by Commissioner LeMay to **approve** the Specific Use Permit for a Child Care Center for a period of 10 years tied to the church, the Greater Davis Chapel Church of God in Christ. **Motion carried: 8 Ayes, 0 Nays.**



# Planning Report

**File 12-13/District 1**

**Agenda Item:**

**Meeting: City Council**

**Date: April 17, 2012**

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## **Realty Capital**

### **South and West of Bunker Hill Road and North and West of Miles Road**

#### **REQUEST**

Approval of a change of zoning from Agriculture (AG) District to a Planned Development (PD) District for Multi-Family Uses.

#### **OWNER**

Triumph Savings Bank

#### **PLAN COMMISSION RECOMMENDATION**

On March 26, 2012 the Plan Commission, by a vote of eight (8) to zero (0), recommended approval of a change of zoning from Agriculture (AG) District to a Planned Development (PD) District for Multi-Family Uses, and approved variances to the State Highway 190 Development Standards regarding dwelling unit mix, maximum building height, roof pitch, roof-mounted equipment, vaulted ceilings, security systems requirements, site landscaping/open space and garage parking space provisions.

In addition, the Plan Commission recommended that an illustration demonstrating the future corridor, road and trail connectivity be provided to City Council, along with more detailed information regarding the vision for the concept and detail plans which will be submitted at a later date. The applicant has submitted additional information in response to the Plan Commission's recommendation. This information has been reviewed by Staff and is addressed in the Considerations section of this report.

#### **STAFF RECOMMENDATION**

Approve a change of zoning from Agriculture (AG) District to a Planned Development (PD) District for Multi-Family Uses. Residential development is compatible with the area. The additional residential density would further support the Firewheel Town Center and other businesses in the vicinity and the improvement of Bunker Hill Road will accommodate the additional traffic generation. The plan for recreational use of the open space would be ideal for both the future residents of the subject development as well as other residents in the area. The developer will also be working with pertinent organizations to establish their section of the hike and bike trail and facilitate the planning efforts for connection of the subject property to the Firewheel Town Center.

#### **BACKGROUND**

The subject area under consideration is zoned Agriculture (AG) District and is primarily undeveloped with exception of a temporary construction staging site associated with street infrastructure improvements. The applicant proposes a change of zoning on a 50-acre portion of the overall 154-acre site area to

develop up to 1,200 apartment units. In order to develop apartments, the applicant must gain approval of a change of zoning to a district permitting apartments, such as the Multi-Family (MF) District, or in this case a Planned Development (PD) District for Multi-Family Uses to provide the flexibility needed for the particular development including deviation from certain development standards. Due to the amount of floodplain and uncertainty of a more specific development layout, approval of a Concept Plan is not requested at this time. Nevertheless, the proposed PD District would require approval of a Concept Plan and Detail Plan through the public hearing process, in the event this initial change of zoning is approved. The applicant also sought, and received from the Plan Commission, variances from the State Highway 190 Development Standards pertaining to multi-family development.

## **SITE DATA**

The general area contains approximately 154 acres with approximately 137 acres located north of the President George Bush Turnpike (PGBT) while the remaining 17 acres is located to the south of PGBT. The area under consideration for this change of zoning is limited to the northern 50 acres contiguous with Bunker Hill Road and Miles Road. The remaining portion to the north and south of PGBT is not part of the application and would remain zoned Agriculture (AG) District with no building development proposed.

The 50 acres under consideration for the change of zoning has approximately 2,680 lineal feet of frontage along Bunker Hill Road and 840 lineal feet of frontage along Miles Road. The prospective developable area is predominately level with a limited number of trees parallel to Bunker Hill Road and strip of trees bifurcating the site. The portion of property to the south of the 50-acre area would remain in the Rowlett Creek floodplain. The applicant has no intention to build multi-family development or other habitable structures on this portion.

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

The property is zoned Agriculture (AG) District. The AG District is intended for vacant land which is not yet ready for development, land which is used for agricultural or open space purposes, and land which has been newly annexed into the City of Garland. This district functions as a temporary "holding zone" for land until development patterns warrant more intensive urban use. At that time, it is anticipated that Agriculture Districts will be changed to an appropriate, more permanent zoning classification.

## **SURROUNDING ZONING AND LAND USES**

Northeast: Property to the northeast of the site across Bunker Hill Road is located in Sachse and is zoned and developed with single family residences.

Southeast: Property to the southeast is zoned Agriculture (AG) District and is undeveloped and located in the floodplain. This property would remain undeveloped. Property further southeast of the site, south of old Miles Road and north of PGBT, is located in Sachse. This property is zoned for commercial uses and is undeveloped.

Northwest: Property to the northwest, south of Bunker Hill Road, is zoned Agriculture (AG) District and is undeveloped. Property further

northwest is zoned Agriculture (AG) District and is undeveloped with exception of agriculture storage buildings.

Southwest: Property to the southwest is zoned Agriculture (AG) District and is undeveloped and located in the Rowlett Creek floodplain.

## **COMPREHENSIVE PLAN**

The Envision Garland Comprehensive Plan reflects Compact Neighborhoods for the northern portion of the subject property and Open Space for the southern portion in the floodplain. The Compact Neighborhoods designation offers medium density housing options within a conventional neighborhood setting. Although the proposed multi-family development would have a higher density than a typical medium density development, there is opportunity to take advantage of accommodating a greater number of prospective residents. These residents would not only support the retail businesses in the vicinity, but the juxtaposition of the development and flood plain creates a special opportunity to program and integrate the site into any planned recreational open space.

## **CONSIDERATIONS**

1. The applicant proposes a change of zoning to a PD District for development of up to 1,200 apartment units on approximately 50 acres. The proposed PD District would set forth the requirement of a Concept Plan and a Detail Plan through the public hearing process. Because of the property's location with respect to the Rowlett Creek floodplain and the requirements of a Conditional Letter of Map Revision (CLOMR/LOMR), the applicant has not solidified the details of the development layout. Once the floodplain delineation and area of development has been concluded, the applicant would submit a Concept/Detail Plan. At this time the applicant is seeking the first phase of zoning entitlement for the use, density and general development standards.

2. **Transportation:** Construction is underway to improve Bunker Hill Road from a two-lane undivided roadway to a four-lane divided roadway within a 90-foot wide right-of-way. This section of Bunker Hill Road is located in Sachse city limits and is owned and maintained by Sachse. Traffic generated from this site would have direct access to Bunker Hill Road. The new section of Miles Road is also a 4-lane divided thoroughfare in a 100-foot wide right of way. Motorists would have the option of taking Bunker Hill Road east to PGBT via Miles Road to regional locations or taking Bunker Hill Road west to State Highway 78 to PGBT or to locations in Garland including the Firewheel Town Center. Although the road is located in Sachse city limits, the Transportation Department has provided trip generation information. Per the Transportation Department, 1,200 apartment units could generate 7,980 trips per weekday. During the peak hours, the development would create approximately 612 trips during the A.M. hours and 744 trips during the P.M. hours.

The Transportation Department has conveyed that the improvement to Bunker Hill Road and Miles Road to 4-lane divided facilities would be able to accommodate the additional trip generation. Also, although site access would be limited to Bunker Hill Road only, traffic would be dispersed by multiple site access points. Since Bunker Hill Road is located in Sachse, transportation design elements, such as any necessary deceleration lanes, median cuts or other traffic provisions necessary to ensure safe ingress and egress to and from the site, would have to be approved by the City of Sachse.

3. **Density:** The applicant proposes no more than 1,200 apartments; however, given the uncertainty of the specific developable area at this point, the total number of units would likely be less than 1,200. Density would range anywhere from 30 to 40 units per acre depending upon the area reclaimed. As an illustration, one proposed reclamation plan reflects approximately 36 acres of developable area. With 1,200 units, the density would be 33 units per acre.

4. **Regional Hike and Bike Trail:** The subject site is located in proximity to a proposed Six Cities Hike and Bike Trail planned from Garland to McKinney. The location of the trail system is planned to run parallel to Rowlett Creek and it would run from a trail head along Pleasant Valley Road west to the Firewheel Town Center. The trail would run through the southern portion of the subject property. The applicant plans on building a portion of the trail planned for the property and assist in the planning effort to design adjacent segments of the trail. The applicant also plans to connect the multi-family development to the trail system to allow residents hiking and biking opportunities along Rowlett Creek and to Firewheel Town Center.

5. **SH 190 Development Standards Variances:** In order to meet the applicant's intentions for development, a number of variances to the SH190 Development Standards pertaining to multi-family development were approved by the Plan Commission, as follows:

- The requirement for the minimum number of one-bedroom units was decreased from 50% to 40% and the maximum number of three-bedroom units was increased from 5% to 15% to provide a more equitable mix of units to cater to larger families as well as individuals, empty nesters and other smaller families.
- The maximum allowed building height was increased from 31 to 44 feet to allow a fourth story and to achieve a desired density. The greater height accommodates a high-end four story structure with parking decks, interior corridors, and elevators as supported by the demand. It also gives the developer flexibility to provide for a more interesting façade and presentation to the SH190 corridor.
- The required 5:12 minimum roof pitch was eliminated to allow for flat roofs which provide a more urban style development commonly found today.
- The prohibition on roof-mounted air-conditioning equipment was removed to allow placement of such equipment on a flat roof. The flat roof system with the ability to provide parapets, lends itself to hiding equipment on an unobtrusive central location on the roof. Furthermore, the roof placement avoids any negative impacts of sonance or spacing conflicts found with ground-mounted equipment.
- The applicant proposes to dedicate a public realm and open space area south of the 50-acre multi-family site. Some of the ideas for this area include a bike park, disc golf course, dog park and wetland/educational areas. The applicant plans to dedicate a large portion of the overall 100-plus acre area as both passive and active open space. A variance was therefore approved reducing the amount of required open space from 40% to 20% on the developable portion planned for habitable building development while the adjacent floodplain area would account for more than the remaining 20% of required site landscaping/open space.

- The requirement that a minimum of 30% of the multi-family units must have vaulted ceilings with a 12-foot high peak on the third floor was eliminated, as vaulted ceilings are not compatible with the proposed flat roof systems.
- The requirement that each multi-family unit have a security system was waived since the entire site would be secured with perimeter fencing. The applicant also states that with the number of individual alarm systems, the number of “false alarms” and corresponding EMS visits would be obtrusive for future residents.
- A variance was approved to allow attached enclosed parking spaces to be counted the same as surface or detached covered parking spaces, instead of being counted as only one-half of a space.

**6. Concept Plan and Detail Plan:** The proposed PD would require approval of a Concept Plan and Detail Plan for the development. Should this request be approved, elements such as vehicular access points; off-street parking; site layout; building design and other architectural features; screening and landscaping; open space; recreational features, exterior elevations, signage; as well as other features would be reviewed with the Concept Plan/Detail Plan application.

Given, however, that approval of a Planned Development District of this size, nature and complexity is being requested without the assurances provided by an accompanying Concept and/or Detail Plan, the Plan Commission requested that the applicant provide additional detail to City Council regarding the intent and quality of the anticipated development. Such information has been provided to, and reviewed by, Staff and is included for Council's consideration.

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

The property is located on the flood fringe and consequently a portion of it is in the floodplain. As such, the applicant is in the process of gaining approval to reclaim portions to accommodate residential development. The applicant proposes a density of potentially 40 units per acre depending upon the amount of developable property available once flood studies have been completed. Developing the property with a higher density residential product will allow a greater number of residents to take advantage of the adjacent open recreational area planned for both active and passive use. The timely improvements to both Bunker Hill Road and the connecting infrastructure would also support the increase in density and traffic generation; and in turn, a denser development would further support the businesses at the Firewheel Town Center and other neighboring retail businesses. The next phase of the zoning process would allow for staff to evaluate the site design, building architecture and other design elements to determine the level of sustainable quality of development.

Prepared By:

Maxwell Fisher  
Principal Planner

Date: April 6, 2012

Reviewed By:

Neil Montgomery  
Director of Planning

Date: April 9, 2012

Approved By:

William E. Dollar  
City Manager

Date: April 10, 2012

N



**Z 12-13**



SUNKER HILL



GEORGE BUSH

LANTANA

BROOK TREE  
CREEK VALLEY

CREEK MEADOW  
TREE LINE  
PECAN GROVE  
WALNUT CREEK

OAK GROVE

PLEASANT VALLEY

MILES



**Z 12-13**

N



5005

5001

BUNKER HILL

4909

MILES

AG

GEORGE BUSH

93-12

4909

SCALE IN FEET

0 200 400 Feet

1" = 400'

INDICATES  
AREA OF REQUEST

**ZONING**  
**Z 12-13**

## ZONING FILE 12-13

### South and west of Bunker Hill Road and north and west of Miles Road

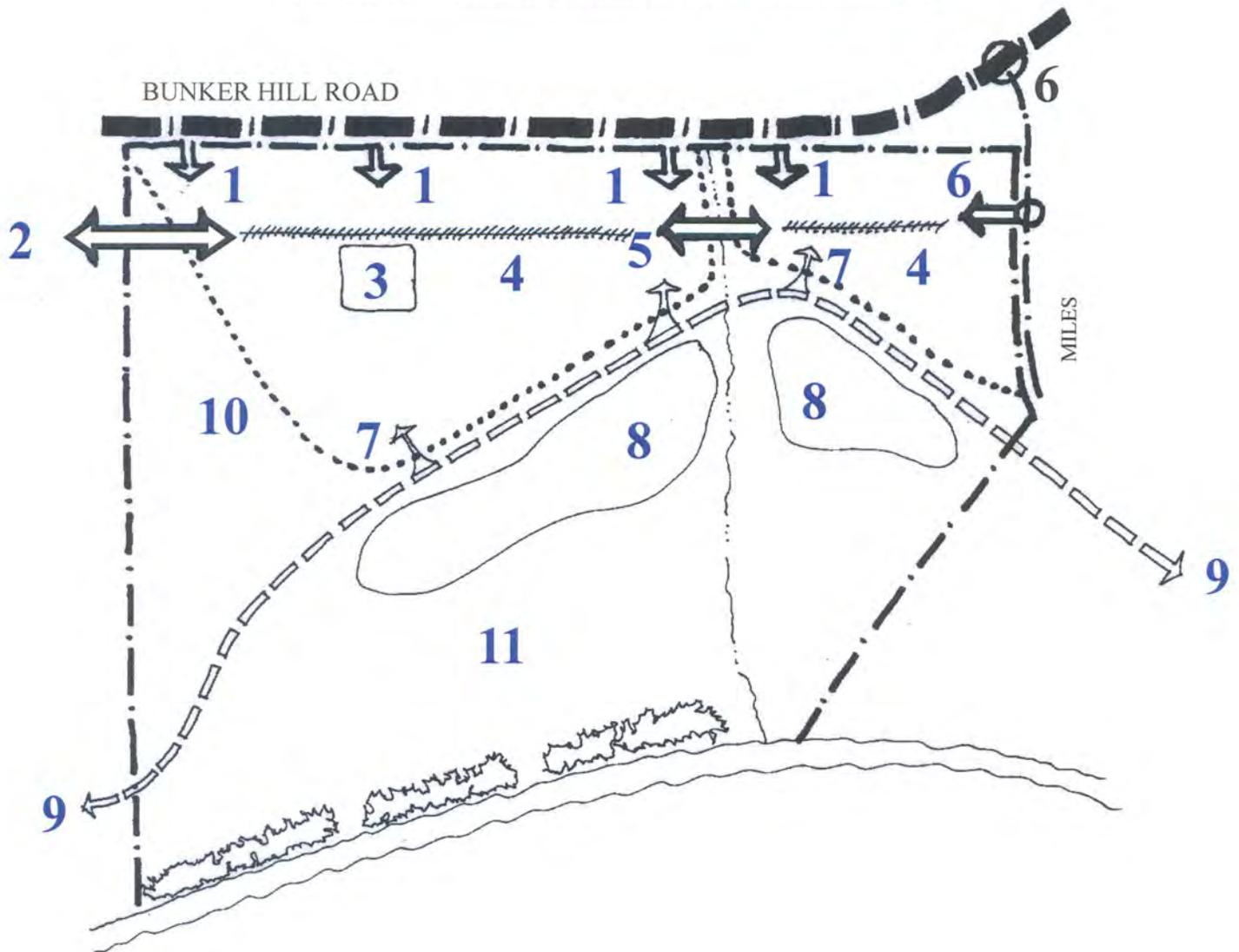
#### Planned Development Conditions

- I. **Statement of Purpose:** The purpose of this Planned Development District is to permit the development of Multi-Family 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 Multi-Family-18 District and set forth in Section 19 and Sections 32 and 46 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. **Development Plans:**
  - A. Concept Plan: Approval of a Concept Plan is required for all development, prior to issuance of a permit for construction.
  - B. Detail Plan: Approval of a Detail Plan is required for all development, prior to issuance of a permit for construction.
- V. **Specific Regulations:**
  - A. Permitted Uses: Permitted uses are those listed in the Multi-Family (MF) District of the State Highway 190 Overlay.
  - B. Density: The total density shall not exceed 40 units per acre as defined under "Density" in the definitions section, Section 38 of Zoning Ordinance 4647.
  - C. Development Standards: Development is subject to the State Highway 190 Development Standards unless varied within these PD conditions.
  - D. Unit Mix: The minimum number of one-bedroom units shall be no less than 40% of the total number of units. The maximum number of three-bedroom units shall be no greater than 15% of the total number of units.
  - E. Building Height: The maximum height shall be 44 feet from the first finished floor to the top plate or four stories, whichever is less.
  - F. Roof Pitch & Vaulted Ceilings: A pitched roof and vaulted ceilings are not required.

#### EXHIBIT B

- G. Roof-Mounted Equipment: Air conditioning units are permitted on the roof provided they are placed so as to minimize their visibility from public areas on the site and from the streets and private access drives. Roof-mounted equipment shall adhere to all applicable standards of the SH190 Development Standards.
- H. Security Systems: Provided the site is secured with a perimeter fence, security systems for each individual unit shall not be required.
- I. Site Landscaping, Open Space: Within the subject site, a minimum of 20% of the site shall be devoted to landscaping, open spaces, pools and similar outdoor recreational activity areas. The adjacent open space recreational area would serve as supplemental open space available to future residents and the public.
- J. Garage Parking Spaces: When determining required parking, an attached garage parking space shall be equal in value to an open surface parking space. In other words, instead of an attached enclosed parking space counting as one-half of a required parking space, it will be counted as one whole, or equal to any other legal parking space.
- K. Planning Criteria for Future Development: The criteria in Exhibit C shall be incorporated into the Concept and Detail Plans.
- L. Housing Types: The development may include the housing types as described in Exhibit D and shall include a mixture of these housing types.
- M. Building Standards: All structures within this development shall be constructed in accordance with the building standards as defined in Exhibit E.

## PLANNING CRITERIA FOR FUTURE DEVELOPMENT



The property will provide:

1. Multiple entrances from Bunker Hill, some with full median breaks.
2. Easement for a roadway connection on the west property boundary at the City's request.
3. Open space of at least 1/2 acre serving as the central gathering place for the community.
4. Public street through site with on-street parking.
5. A minimum of a single lane connection will connect the islands. This may be a pedestrian bridge, a vehicular bridge for emergency vehicles, or a decorative feature, or all of the above.
6. Connection to Miles Road (if Garland supports the extension into Sachse).
7. Connection to regional trail network.
8. If ponds are included, they will be maintained by the property owner.
9. A section of the Regional Trail across the site to be dedicated to the public, at the City's request.
10. Varied landscaped transition areas between buildings and floodplain.
11. Floodplain to be dedicated to the City at the City's request subject to conditions clarified at the site plan submittal.

### EXHIBIT C

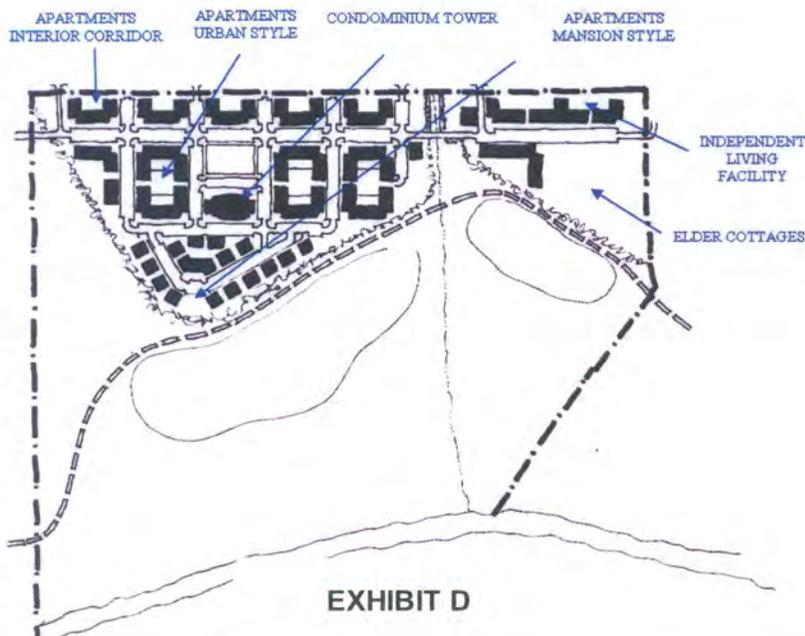
## HOUSING TYPES

The following housing types may be included:

- Apartments—Interior Corridor: Residential form utilizing an interior corridor for access to the individual dwelling units. The corridors may be conditioned space or unconditioned space. For buildings 3 stories or less, elevators are not required.
- Apartments—Urban Style: Residential form similar to the interior corridor, but the buildings are oriented to the public street to use the public sidewalks to access the primary entrances. There may be a small landscape setback from the sidewalk or no landscape setback.
- Apartments—Mansion Style: These are small footprint buildings containing no more than 6,000 square feet on the ground floor and are designed to appear to be large single family homes.
- Condominium—Tower: Dwelling units are accessed from the elevator lobby on each floor. These are typically high rise structures with structured parking.
- Condominium—Stacked Flats: These are similar to Condominium Towers in that the units are accessed from the lobby on each floor but they are typically low-rise structures.
- Elder Cottages/Senior Living—Shared Title: These are smaller dwelling units, usually one or two bedrooms, with an associated parking space for each unit. The buildings may be multiple units with shared party walls, but are usually only one story. These would be age-restricted. The purchase of the units would typically be under a condominium regime.
- Independent/Assisted Living: Also age-restricted, these units are generally similar to apartments with interior corridors except the corridors would be conditioned, and upper floors would be accessed by elevator and additional services would be available such as dining facilities, personal services and recreation.
- Townhomes/High Density Single Family: Townhomes and zero-lot line homes would be fee-simple properties and each unit would have its own off-street parking. Public streets would be required for access.



EXAMPLES OF DIFFERENT HOUSING TYPES



## **BUILDING STANDARDS**

### **1. Materials—Permitted and Prohibited:**

Materials for structures will be in compliance with Comprehensive Zoning Ordinance No. 4647, SH190/IH635/IH30 Development Standards, and the proposed zoning MF PD for the subject site.

### **2. Building and accessory structures location on lot:**

- a. Individual garages and carports must be accessed from the alley or parking lot. Carport columns must match primary building material, if visible from the public ROW.
- b. Building garages or parking decks may have a maximum of two entrances on each building façade
- c. Dumpsters must be accessed from the alley or parking lot and must be concealed by a masonry wall.
- d. Any ancillary building or outbuilding fronting the street must match the primary building in design and materials.

### **3. Required Features:**

- a. Elevators are required in buildings more than 3 stories.
- b. Stairways should be concealed from the street and be placed within the building footprint, although stairs and corridors may use ambient air and wind to condition the air in the common corridors.
- c. If the roof is visible from the street, roof material shall use architectural grade asphalt shingles, or better, such as tile, slate or standing seam metal roof.
- f. HVAC units and utility meters shall be concealed from the public right-of-way, and shall be placed at the rear of the building or HVAC may be placed on the roof. Roof screening may be required to insure that equipment is not visible from adjacent public right-of-way(s) including elevated highways.
- g. If brick is used, it shall be properly detailed.
- h. If brick is used, a soldier course or other masonry header shall be placed above windows & doors on the street façade
- i. If bay windows are used on the street façade, they shall be trimmed with a vertical jamb casing that extends from the window sash to the corner of the bay.
- j. If bay windows are used on the street façade, they shall extend to the ground or be supported by visible brackets or bracing.
- k. Windows shall be single hung, double hung, triple hung, or casement.
- l. Window openings and panes shall be vertically proportioned or square.
- m. Windows are to be placed on each wall elevation with a wall to window ratio that meets the light and air requirements of the code.
- n. All shutters shall be louvered, paneled, or constructed of boards as appropriate to the style of the building. Shutters do not need to be operable.
- o. Gutters shall be copper, galvanized steel, aluminum or painted if exposed.
- p. The body of a single-window dormer shall be vertically proportioned or square.
- q. If chimneys are visible, they shall be sheathed in brick, stone, stucco or cementitious siding.
- r. If chimneys are visible, they shall have a projecting cap.
- s. If chimneys are located on a street-facing wall, they shall extend to the ground.
- t. Posts exposed on the street wall shall be no less than 6" x 6" in cross section.
- u. If there are columns at the front façade, column bases shall not protrude beyond the bottom edge of the porch, stoop or patio flooring.
- v. Roof heights shall be varied between buildings to prevent a uniform line against the sky.

### **4. Optional Features—each structure must use at least 4 of the following features:**

- a. Canopy at the front entrance.
- b. Balconies on at least 33% of the units facing the street. (minimum size of 25 square feet)
- c. Decorative railings on balconies.
- d. Window awnings on 25% of the windows facing the street.
- e. If brick or stucco is used, a stone base below first floor windows.
- f. Upgrading the roof material to tile, slate, or simulated tile or simulated slate.
- g. Decorative trim at eave and soffit.
- h. Decorative roof finials or ornamentation on the parapet.
- i. Trim at windows and doors of the street façade.
- j. Arched window head or heads (depending on architectural style) on street façade.
- k. Elevators in building 3 stories or less in height.
- l. Shutters on all primary frontage windows.
- m. Cast stone lentils on 35% of windows facing street.
- n. Balconies will count as open space.
- o. Balconies on at least 50% of the units facing the floodplain.
- p. Cast stone lintels on at least 67% of windows facing the street or floodplain.

## OVERVIEW OF RIVERSIDE @ GARLAND

The project site consists of approximately 154 acres in the northeast quadrant of Garland, TX. It is bounded by Bunker Hill Rd. to the north, by Miles Rd. to the east, by Pleasant Valley Rd to the southeast, and by private property to the west. The new North George Bush Highway IH 190 bisects the site. Rowlett Creek and the associated floodway cross the southern portion of the property and most of the remaining property is in the floodplain. Although the site is less than half a mile from the Firewheel Shopping Center, there is no direct route, either pedestrian or vehicular, connecting the two. The existing zoning is agricultural (AG), and it lies within the IH 190 Overlay District.



**PROPOSED RECLAMATION EXHIBIT**



## REPORT & MINUTES

P.C. Meeting, March 26, 2012 (8 Members Present)

Consideration of the application of Realty Capital Corporation, requesting approval of 1) a change of zoning from Agriculture (AG) District to a Planned Development (PD) District for Multi-Family Uses, and 2) variances to the following sections of the State Highway 190 Development Standards (Ord. #5565): 2.1) Section 34.18(D)(1) dwelling unit mix, 2.2) Section 34.18(D)(2) maximum building height, 2.3) Section 34.18(D)(3)(b) roof pitch 2.4) Section 34.18(D)(3)(c) roof-mounted equipment, 2.5) Section 34.18(D)(3)(d) vaulted ceilings 2.6) Section 34.18(D)(8) security systems requirements, 2.7) Section 34.20(B)(3)(a)(iii) site landscaping/open space, and 2.8) Section 34.23(A)(5)(c) garage parking space provisions. The property is located south and west of Bunker Hill Road and north and west of Miles Road. (File 12-13)

Presenting for Realty Capital was Tim Coltart, 8333 Douglas Ave, Dallas, Texas. He highlighted other projects they have done and the site as it relates to the George Bush Tollway, Rowlett Creek and the proposed Six Cities Hike and Bike Trail that will run through the southern portion of the subject property.

Also speaking was Dan Quinto, Architect for Roaring Brook Development Co, 101 Summit Avenue, Fort Worth, Texas. He addressed questions regarding the type and architectural style of the housing product envisioned and the request for approval of the PD prior to a Concept Plan being developed. A Concept Plan and Detail Plan will be required as a condition to the Planned Development if approved.

Also addressing the Commission was Donna Chalker, 4901 Bunker Hill, Garland, Texas. She has many concerns which included the high number of proposed units, the quality of the proposed development and what she feels is a "change of vision" for this property.

**Motion** was made by Commissioner Luckie, seconded by Commissioner Moore to **approve** the change of zoning from Agriculture (AG) to a Planned Development for Multi-Family Uses and all of the requested variances as recommended by staff with one addition, the inclusion of the slide presented in the power point demonstrating the future corridor road and trail connectivity and that more information be provided to City Council regarding the vision for the concept and detail plans. **Motion carried: 8** Ayes, 0 Nays.