

# **AGENDA**

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

**City of Garland**

**Council Chambers, City Hall**

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

**May 1, 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**

**CONSENT AGENDA**

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

1. Consider approval of the minutes of the April 17, 2012 Regular Meeting.

2. Consider approval of the following bids:

a. Mini Digger Derrick Bid No. 2789-12

Nesco Sales \$159,442.00

*This request is for the purchase of a replacement Mini Digger Derrick for Garland Power & Light for use in daily operations.*

b. Energy Management Software and Licensing Upgrade Bid No. 2877-12

Open Systems International, Inc. (OSI) \$164,736.07

*This request is for all labor and material necessary to install the latest upgrades to the City's Operation Energy Management System platform, which is the Electric Reliability Council of Texas (ERCOT) designated interface between the GP&L Energy Management System, ERCOT, and the MV-90 multivendor-90 data collection system.*

c. Underground Cable Replacement Bid No. 2853-12

Infratech Corporation \$756,460.57

*This request is to provide labor and equipment necessary to remove and replace aging underground distribution facilities.*

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

- a. **Zoning File No. 12-12, Deleshia Taylor**

*Consider an ordinance amending the zoning laws of the City of Garland by approving a Specific Use Permit for a Child Care Center on property zoned Single Family 7 (SF/7/G/3) District on a .90-acre lot located at 716 Chandler Drive.*

- b. **Zoning File 12-13, Realty Capital Management LLC**

*Consider an ordinance amending the zoning laws of the City of Garland by approving a change in zoning from Agriculture (AG) District to a Planned Development (PD) District for Multifamily Uses on a 50-acre tract of land located south and west of Bunker Hill Road and west of Miles Road.*

4. **Consider a resolution adopting and approving the Consolidated Plan – One Year Plan of Action including a Revised Statement of Uses of Funds for the 2012 – 2013 Community Development Block Grant, Home Investment Partnership, and Emergency Solutions Grant Programs.**

*At the April 3, 2010 Regular Meeting, a public hearing was held to provide an opportunity for comments by any interested individuals regarding the proposed budget allocation for the 2012 – 2013 CDBG, HOME, and ESG Programs. This item was also considered by Council at the April 16, 2012 Work Session.*

5. **Consider approving by minute action the appointment of Jack L. May to the North Texas Municipal Water District Board of Directors.**

*The North Texas Municipal Water District (NTMWD) notified the City that Jack L. May's term of office as a NTMWD Board Member expires on May 31, 2012. NTMWD has requested that Council consider reappointing Mr. May or appoint another Director to serve a two-year term from June 1, 2012 to May 31, 2014. In accordance with Council policy, information was posted on the City's website for 14 days regarding the qualifications of*

*the NTMWD Board Member to provide an opportunity for citizens to apply for the position. Mr. May was the only citizen to respond.*

- 6. Consider a resolution authorizing the submission and acceptance of an application to the Bureau of Justice Assistance for a grant under the 2012 Edward Byrne Memorial Justice Assistance Grant Program.**

*The Police Department is requesting Council's approval to apply for the 2012 Edward Byrne Memorial Justice Assistance Grant which will result in a net award of \$31,050.75 to the City of Garland. The Director of the Bureau of Justice Assistance has made funds available to units of local government under the 2012 Edward Byrne Memorial Justice Assistance Grant program for the purpose of reducing crime and improving public safety. This item was scheduled for Council consideration at the May 1, 2012 Work Session.*

### **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.**

- 7. Hold public hearings on the following zoning cases:**
  - a. Consider the application of Martin Eagle Oil Company requesting approval of a Specific Use Permit for Retail Sales with Gasoline Pumps on property zoned Commercial 1 (C-1) District and PD (Planned Development) District 85-27 for Shopping Center Uses in the SH 190 Overlay. The property is located at 2902 Lavon Drive. (File 12-11)**

*The proposal is for approval of a Specific Use Permit for Retail Sales with Gas Pumps on property zoned Commercial 1 (C-1). At the April 9, 2012 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the request for a period of 25 years tied to Martin Eagle Oil Company as recommended by staff.*
  - b. Consider the application of Responsive Education Solutions, requesting approval of a Specific Use Permit for a Charter School on**

**property zoned PD (Planned Development) District 05-08 for Church Use in the SH 190 Overlay. The property is located at 1600 West Campbell Road. (File 12-14)**

*The proposal is for approval of a Specific Use Permit for a Charter School on property zoned PD 05-08 for Church Use in the SH190 Overlay. At the April 9, 2012 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the request as recommended by staff.*

- c. Consider the application of Wes Parnell requesting approval of 1) a change of zoning from Office 1 (O-1) District to General Business (GB) District and 2) a Specific Use Permit for a Restaurant with Drive-Through. The property is located at 3300 Broadway Boulevard. (File 12-15)**

*The proposal is for approval of a change in zoning from Office 1 to General Business and a Specific Use Permit for a Restaurant with Drive-Through. At the April 9, 2012 meeting, the Plan Commission (by a 5 to 4 vote) recommended denial of the request.*

**8. Consider appointments to Boards and Commissions.**

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

- *Monica Reyes – Community Multicultural Commission (Willis)*

**9. 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.*

**10. 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 17, 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. Mayor Jones led the invocation and the pledge.

CEREMONIALS: Motorcycle Safety Awareness Month Proclamation.  
Noon Exchange Club Proclamation

CONSENT AGENDA: All items marked with asterisks (\*\*) on the Consent Agenda were voted on at the beginning of the meeting. Motion was made by Mayor Pro Tem Edwards and second by Councilmember Cox to approve Consent Agenda Item #'s: 1, 2.a., 2.b., 2.c., 2.d., 3. Motion carried unanimously with 9 Ayes; 0 Nays; and 0 Abstentions.

1. Approved\*\*  
Consider approval of the minutes of the April 3, 2012 Regular Meeting.
  
- 2.a. Approved\*\*  
Wynn-Joyce Substation Drainage Improvements  
Bid No. 2828-12 to Canary Construction, Inc. for \$204,616.00 to provide all labor, equipment, and materials necessary to construct the drainage, grading, and fencing to the Wynn-Joyce Substation.
  
- 2.b. Approved\*\*  
New Holland Tractors  
Bid No. 2792-12 to Landmark Equipment for \$118,716.00 for the purchase of two New Holland T4030 tractors with flail attachments for use by the Parks and Recreation Department in daily operations.
  
- 2.c. Approved\*\*  
Duck Creek Interceptor Condition Assessment  
Bid No. 2864-12 to Pipeline Analysis, LLC for \$325,000.00 for a professional service contract for work continuation on condition assessment of approximately 39,040 linear feet of 42" and 48" gravity sewer pipe and 43 manholes from Oates/Duck Creek to the Duck Creek Wastewater Treatment Plant.
  
- 2.d. Approved\*\*  
City of Garland Visitor's Center Finish-Out  
Bid No. 2654-12 to Denco Construction Specialists for \$184,711.77 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. Approved\*\*  
Ordinance # 6535 for Zoning File No. 12-07, M & I Ventures LLC, 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

#### 4. Held and Approved

Hold a public hearing and (1) consider Ordinance #6536 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. (Resolution #10047)

ElectroSolutions, Inc. dba Electronic Systems Support (ESS) 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.

Mayor Jones opened the public hearing at 7:14 p.m.

Paul Mayer spoke on behalf of the Garland Economic Development Partnership Steering Committee and in favor of this item.

Motion was made by Councilmember Cox and second by Mayor Pro Tem Edwards, to close the public hearing at 7:15 p.m. and to approve item for ESS as presented, approving Ordinance #6536 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 as Resolution #10047. Motion carried: 9 Ayes, 0 Nays and 0 Abstentions.

5. Held and approved

Hold a public hearing and (1) consider Ordinance #6537 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) Resolution # 10048 to 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 likely adding 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.

Mayor Jones opened the public hearing at 7:16 pm.

Paul Mayer spoke on behalf of the Garland Economic Development Partnership Steering Committee and in favor of this item.

Motion was made by Councilmember Dodson and second by Councilmember Willis, to close the public hearing at 7:16 p.m. and to approve item for Project Produce as presented, approving Ordinance #6537 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) Resolution # 10048 to authorize the City Manager to execute a tax abatement agreement. Motion carried: 9 Ayes, 0 Nays and 0 Abstentions.

6.a. Held and Approved

Public Hearing and consider 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 Z 12-12) 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.

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

Mayor Jones opened the public hearing at 7:19 pm.

Deleshia Taylor spoke as the applicant in support of the request. Pastor Tommy L. Chalk also spoke in favor of the applicant.

Motion was made by Councilmember Cox to close the public hearing at 7:21 p.m. and to pass and approve the SUP application as recommended by Planning and Zoning and by staff and second by Councilmember Jeffus. Motion carried unanimously: 9 Ayes; 0 Nays and 0 Abstentions.

6.b. Held and Approved

Hold Public Hearing and consider 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 on property is located south and west of Bunker Hill Road and north and west of Miles Road. (Z File 12-13) 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.

Neil Montgomery, Senior Managing Director of Development Services presented the staff report. This is a request to develop up to 1,200 apartment units. The request for change of zoning is only for 50 acres at Bunker Hill and Miles Road. Because of the property's location with respect to the Rowlett Creek floodplain and the requirements of attaining a Conditional Letter of Map Revision from FEMA, the applicant has not solidified the details of the development layout. Once this is done the

applicant will submit Concept/Detail plan.

Mayor Jones opened the public hearing at 7:30 pm.

Richard Myers was available for questions and Dan Quinto spoke for the applicants. Mr. Quinto explained that this property is a difficult to develop parcel containing mostly floodplain. It is located near George Bush Turnpike, SH 190.

Council asked if any letters had been returned by adjoining property owners against this project. Mr. Montgomery indicated just one letter was returned in opposition, the citizen cited a desire to have the parcel developed as single-family residential, instead of multi-family.

Mr. Quinto provided a presentation of renderings and maps and spoke in favor of the application.

Motion was made by Councilmember Athas and second by Mayor Pro Tem Edwards, to close the public hearing at 7:49 p.m. and to approve 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 on property located south and west of Bunker Hill Road and north and west of Miles Road, known as Zoning file # 12-13, with conditions as recommended by Planning and Zoning modified to remove exception of letter 'H', the requirement for individual security systems in each unit, and the addition of the words 'and SH 190 corridor' in exemption letter 'G', requiring that all roof-mounted equipment be screened also from SH 190 as well as from public areas, streets and private access drives. Motion carried by 8-1-0 vote.

8 Ayes: Athas, Edwards, Jeffus, Willis, Dodson,  
Cahill, Williams, and Jones.

1 Nay: Cox.

7.

Citizen comments.

There were no comments.

There being no further business to come before the City Council, Mayor Jones adjourned the meeting at 7:53 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

## MINI DIGGER DERRICK OPEN MARKET

### PURCHASE JUSTIFICATION:

This request is for the purchase of a replacement Mini Digger Derrick for Garland Power & Light for use in daily operations. This machine is used to transport a utility pole to the installation site, bore a hole in the ground, set the pole in place, and hang a transformer or other device on the pole. Nesco Sales was the lowest responsible bidder meeting all specifications. Funding for this unit was approved in the 2011-12 Equipment Replacement Fund.

### AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Nesco Sales	1	\$159,442.00
	<b>TOTAL:</b>	<b>\$159,442.00</b>

### BASIS FOR AWARD:

#### Lowest Responsible Bidder

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

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

Date: 04/23/12

Date: City Manager

<u>FINANCIAL SUMMARY:</u>	
Total Project/Account: \$	675,628
Expended/Encumbered to Date:	341,651
Balance: \$	333,977
This Item:	159,442
Proposed Balance: \$	174,535
Ron Tiffany	04/23/12
Budget Analyst	Date
Ron Young	04/23/12
Budget Director	Date

Operating Budget:  CIP:  Year: 2011-12

Document Location: Page 118

Account #: 444-3226-9009

Fund/Agency/Project – Description:  
 Equipment Replacement Fund (ERF) –  
 Replacement of Mini Digger Derrick for GP&L

Comments:  
 Lowest Responsible Bidder





# **GARLAND**

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## **PURCHASING**

Executive Summary  
Bid **2789-12**  
Mini Digger Derrick

**Recommended Vendor:**

Nesco Sales

**Total Recommended Award:**

\$159,442.00

**Basis for Award:**

Lowest Responsible Bidder

**Purpose:**

The purpose of this contract is to purchase a replacement Mini Digger Derrick for Garland Power and Light to use in daily operations. This equipment is used to transport a utility pole to the installation site, bore a hole in the ground, set the pole in place and hang a transformer or other device on the pole.

**Evaluation:**

Request for bids was issued in accordance with Purchasing procedures. Three (3) bids were received and evaluated.

Upon evaluation, it was determined that the equipment quoted by J.H. Davidson and Associated and Utility Truck Company did not meet specifications.

**Recommendation:**

Staff recommends Nesco Sales as the lowest responsible bidder meeting all specifications and features as requested.

**Funding Information:**

444-3226-9009

**Department Director:**

Terry Anglin, Fleet Director, 972-205-3524



# Purchasing Report

## ENERGY MANAGEMENT SOFTWARE & LICENSING UPGRADE OPEN MARKET

**PURCHASE JUSTIFICATION:**

The purpose of this contract is to upgrade the City's Operation Energy Management System platform, which is the Electric Reliability Council of Texas (ERCOT) designed interface, among the GP&L Energy Management System, ERCOT, and the MV-90 data collection system. Open Systems International, Inc., is the recommended Sole Source provider for the original system meeting all requirements of the City's Energy Management System used in conjunction with the ERCOT mandate.

**AWARD RECOMMENDATION:**

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Open Systems International, Inc. (OSI)	All	\$164,736.07
<b>TOTAL:</b>		\$164,736.07

**BASIS FOR AWARD:**

**Sole Source**

Submitted by:

Reviewed by:

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

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

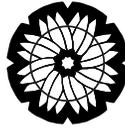
Date: 04/16/12

Date: 4/24/12

<b><u>FINANCIAL SUMMARY:</u></b>	
Total Project/Account: \$	200,000
Expended/Encumbered to Date:	-0-
Balance: \$	200,000
This Item:	164,736
Proposed Balance: \$	35,264
Trent Schulze	04/23/12
Budget Analyst	Date
Ron Young	04/23/12
Budget Director	Date

Operating Budget: <input type="checkbox"/>	CIP: <input checked="" type="checkbox"/>	Year: 2012
Document Location: Page E02		
Account #: 215-3699-3128401-9029		
Fund/Agency/Project – Description: Electric CIP Fund – Communications Upgrades/Improvements		
Comments: Project to upgrade City's interface among GP&L, ERCOT, and MV-90 data collection system.		





# **GARLAND**

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## **PURCHASING**

### **Executive Summary** **Bid 2877-12** **GP&L Operations Energy Management System** **Software & Licensing Up-Grade**

**Recommended Vendor:**

Open Systems International, Inc. (OSI)

**Total Recommended Award:**

\$164,736.07

**Basis for Award:**

Sole Source

**Purpose:**

The purpose of this contract is to provide all labor and material necessary to install the latest up-grades to the City's' Operation Energy Management System platform, which is the Electric Reliability Council of Texas (ERCOT) designated interface between the GP&L Energy Management System, ERCOT, and the MV-90 multivendor-90 data collection system.

The EMS software up-grade is an improvement to the ERCOT designated software that is necessary to provide commonality/continuity in the deregulated environment where system stability and reliability are critical issues.

**Recommendation:**

Open Systems International, Inc. (OSI) is the recommended "Sole Source" original system meeting all requirements of the City's' Energy Management System used in conjunction with the ERCOT mandate. OSI is the original equipment manufacturer meeting all the requirements per State & Local Code Section 252.022 General Exemption (7A) items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies.

**Funding Information:**

Account #215-3699-3128401-9029 (CIP Job Cost Number EC-O5284-011-9029)

**Department Director:**

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



# Purchasing Report

## UNDERGROUND CABLE REPLACEMENT OPEN MARKET

**PURCHASE JUSTIFICATION:**

The purpose of this Contract is to provide labor and equipment necessary to remove and replace aging underground distribution facilities. Infratech Corporation received the highest evaluation score, offering the best value to the City. This project is funded in the 2012 CIP and will be allocated to the appropriate Job Cost accounts. Expenditures will not exceed appropriated funds.

**AWARD RECOMMENDATION:**

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Infratech Corporation	1-7	\$756,460.57
<b>TOTAL:</b>		\$756,460.57

**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: 04/20/12

Date: 4/24/12

<b><u>FINANCIAL SUMMARY:</u></b>	
Total Project/Account: \$	3,135,834
Expended/Encumbered to Date:	2,994
Balance: \$	3,132,840
This Item:	756,461
Proposed Balance: \$	2,376,379
Trent Schulze	04/23/12
Budget Analyst	Date
Ron Young	04/23/12
Budget Director	Date
Operating Budget: <input type="checkbox"/> CIP: <input checked="" type="checkbox"/> Year: 2012 Document Location: Page E10 Account #: 215-3299-3162501-7111 \$691,460.57 451-6999 (Contingency) 65,000.00 Fund/Agency/Project – Description: Electric CIP Fund – Distribution Lines - Underground Comments: Contract provides labor and equipment necessary to remove and replace aging underground distribution lines.	





# **GARLAND**

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## **PURCHASING**

### **Executive Summary** **Bid 2853-12** **Underground Cable Replacement**

**Recommended Vendor:**

Infratech Corporation

**Total Recommended Award:**

\$756,460.57

**Basis for Award:**

Best Value

**Purpose:**

The purpose of this Contract is to provide labor and equipment necessary to remove and replace aging underground electric distribution facilities.

**Evaluation:**

Notification of a pending Request for Bids was advertised per purchasing procedures. Two (2) bids were received and evaluated.

The bids were evaluated on stated criteria of price, experience, safety and training program, work completed by primary contractor and the past relationship with the City. Infratech Corporation received the highest evaluated score of 91.67 out of a possible 100, offering the best value to the City.

Infratech Corporation's quotation was \$205,542.94 less than the second low bidder, The Fishel Company.

**Recommendation:**

Staff recommends awarding the contract to Infratech Corporation.

**Funding Information:**

2011 CIP Account 215-3299-31625-01-7111 (Various Job Cost Numbers)

**Department Director:**

Johnny Carlock, Transmission and Distribution Director, 972-205-3532



# City Council Item Summary Sheet

Work Session

Agenda Item

Date: May 1, 2012

## Zoning Ordinance

### Summary of Request/Problem

Zoning Ordinance 12-12 – Deleshia Taylor

### 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 CHILD CARE CENTER ON PROPERTY ZONED SINGLE FAMILY 7 (SF/7/G/3) DISTRICT ON A .90-ACRE LOT LOCATED AT 716 CHANDLER DRIVE; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.**

**WHEREAS**, at its regular meeting held on the 26th day of March, 2012, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Deleshia Taylor**, 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 Child Care Center on property zoned Single Family 7 (SF/7/G/3) District on a .90-acre lot located at 716 Chandler Drive, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

**Section 2.**

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

**Section 3.**

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

**Section 4.**

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

FILE NO. 12-12

**Section 5.**

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

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

**THE CITY OF GARLAND, TEXAS**

By:

\_\_\_\_\_  
Mayor

**ATTEST:**

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

Published:

**EXHIBIT A**

**LEGAL DESCRIPTION**

**Zoning File 12-12**

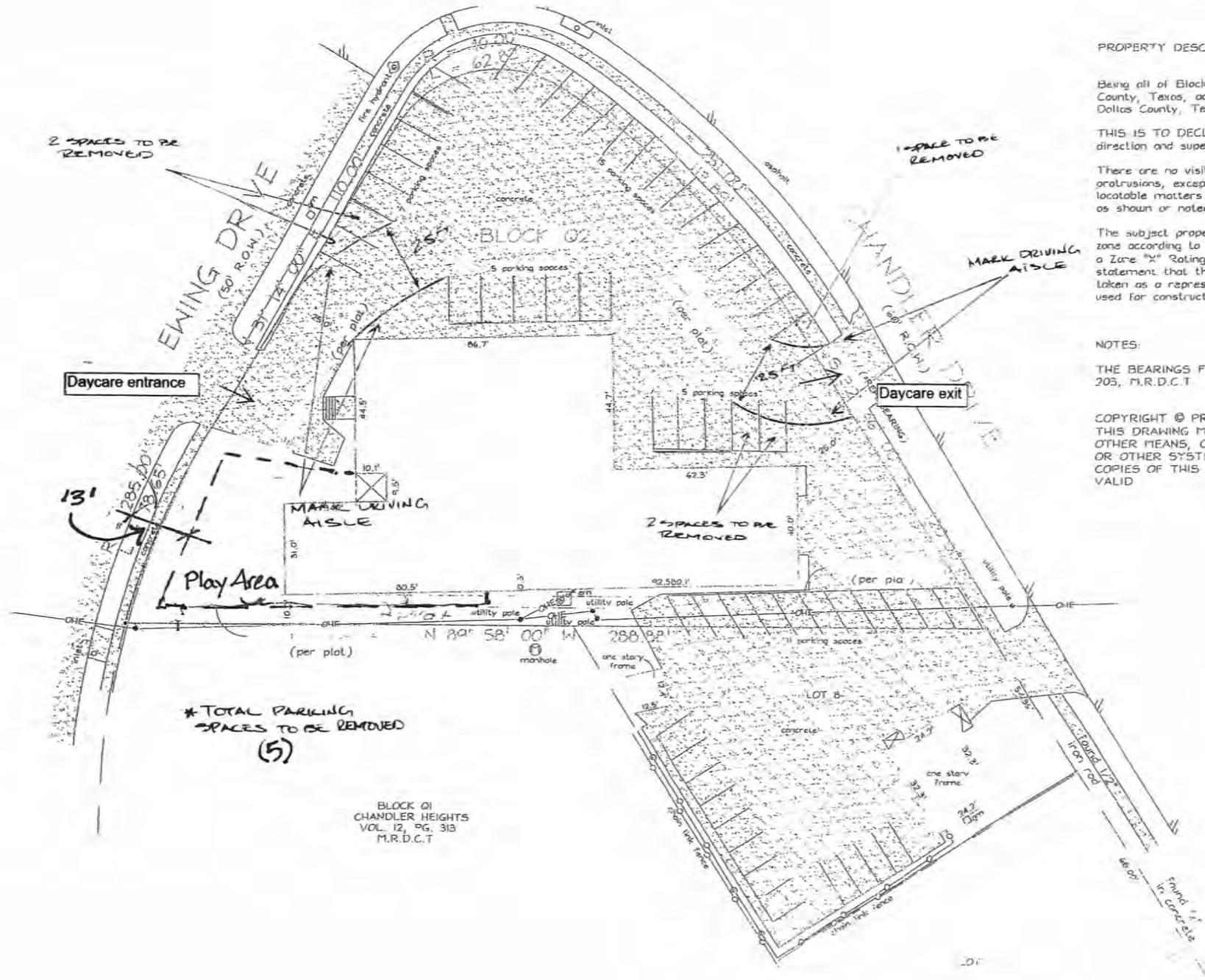
Being a .90-acre tract of land identified as all of Block Q2, Hiland Addition as recorded in Volume 12, Page 203 of the Deed Records of Dallas County, Texas. The property is located at 716 Chandler Drive.

## 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 1 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. 4B113C022 statement that the property does or does not lie taken as a representation that the property will c used for construction purposes and was performed

**NOTES:**

THE BEARINGS FOR THIS SURVEY ARE BASED 205, M.R.D.C.T

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**EXHIBIT C**



# City Council Item Summary Sheet

Work Session

Agenda Item

Date: May 1, 2012

## Zoning Ordinance

### Summary of Request/Problem

Zoning Ordinance 12-13 – Realty Capital Management 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 CHANGE IN ZONING FROM AGRICULTURE (AG) DISTRICT TO A PLANNED DEVELOPMENT (PD) DISTRICT FOR MULTI-FAMILY USES ON A 50-ACRE TRACT OF LAND LOCATED SOUTH AND WEST OF BUNKER HILL ROAD AND WEST OF MILES ROAD; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.**

**WHEREAS**, at its regular meeting held on the 26th day of March, 2012, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Realty Capital Corporation** and

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

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

**Section 1.**

Ordinance No. 4647 is hereby amended by approving a change in zoning from Agriculture (AG) District to a Planned Development (PD) District for Multi-Family Uses on a 50 acre tract of land, located south and west of Bunker Hill Road and west of Miles Road, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

**Section 2.**

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

**Section 3.**

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

**Section 4.**

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

FILE NO. 12-13

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

**THE CITY OF GARLAND, TEXAS**

By:

\_\_\_\_\_  
Mayor

**ATTEST:**

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

Published:

## EXHIBIT A

### LEGAL DESCRIPTION

#### Zoning File 12-13

**BEING** a tract of land situated in the DANIEL CRIST SURVEY, ABSTRACT NO. 226, City of Garland, Dallas County, Texas and being part of that tract of land described in Deed to Equity Bank, SSB, as recorded in Document No. 20080151301, Deed Records, Dallas County, Texas and being more particularly described as follows:

**BEGINNING** at a 1 inch iron pipe found for the intersection of the southwest line of Bunker Hill Road, a variable width right-of-way, with the northwest line of Old Miles Road, a variable width right-of-way;

**THENCE** Southwesterly, with said northwest line, the following three (3) courses and distances:

South 46 degrees 11 minutes 57 seconds West, a distance of 276.09 feet to a 5/8 inch steel rod found with plastic cap stamped "BOUNDARY SOLUTIONS" for corner;

South 42 degrees 12 minutes 35 seconds West, a distance of 385.91 feet to a 5/8 inch steel rod found with plastic cap stamped "BOUNDARY SOLUTIONS" for corner at the beginning of a curve to the left having a central angle of 18 degrees 57 minutes 47 seconds, a radius of 530.00 feet and a chord bearing and distance of South 34 degrees 50 minutes 33 seconds West, 174.61 feet;

Southwesterly, with said curve to the left, an arc distance of 174.41 feet to a Texas Department of Transportation aluminum cap found for corner;

**THENCE** South 79 degrees 44 minutes 25 seconds West, leaving said northwest line, a distance of 2.35 feet to a point for corner;

**THENCE** North 58 degrees 16 minutes 46 seconds East, a distance of 88.35 feet to a point for corner;

**THENCE** North 23 degrees 05 minutes 35 seconds West, a distance of 831.46 feet to a point for corner;

**THENCE** North 72 degrees 07 minutes 29 seconds West, a distance of 1,213.00 feet to a point for corner;

**THENCE** North 38 degrees 44 minutes 28 seconds West, a distance of 781.12 feet to a point for corner in the common northwest line of the above mentioned Equity Bank tract and southeast line of that tract of land described as Tract One in Deed to Norberto Guillen, as recorded in Volume 2002058, Page 7057, Deed Records, Dallas County, Texas;

**THENCE** North 43 degrees 58 minutes 32 seconds East, with said common line, a distance of 935.50 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" found in the above mentioned southwest line of Bunker Hill Road for the north corner of said Equity Bank tract;

**THENCE** Southeasterly, with said southwest line, the following seven (7) courses and distances:

South 45 degrees 45 minutes 07 seconds East, a distance of 1,482.02 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" found for corner at the beginning of a curve to the left having a central angle of 10 degrees 50 minutes 06 seconds, a radius of 845.00 feet and a chord bearing and distance of South 51 degrees 10 minutes 10 seconds East, 159.56 feet;

Southeasterly, with said curve to the left, an arc distance of 159.79 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" found for corner;

South 56 degrees 35 minutes 13 seconds East, a distance of 52.21 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" found for corner at the beginning of a curve to the right having a central angle of 10 degrees 31 minutes 17 seconds, a radius of 755.00 feet and a chord bearing and distance of South 51 degrees 19 minutes 35 seconds East, 138.45 feet;

Southeasterly, with said curve to the right, an arc distance of 138.64 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" found for corner;

South 46 degrees 03 minutes 56 seconds East, a distance of 333.57 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" found for corner at the beginning of a curve to the left having a central angle of 01 degrees 55 minutes 41 seconds, a radius of 845.00 feet and a chord bearing and distance of South 47 degrees 01 minutes 47 seconds East, 28.43 feet;

Southeasterly, with said curve to the left, an arc distance of 28.44 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" found for corner;

South 45 degrees 57 minutes 50 seconds East, a distance of 496.60 feet to the **POINT OF BEGINNING** and containing 50.000 acres of land, more or less.

## ZONING FILE 12-13

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

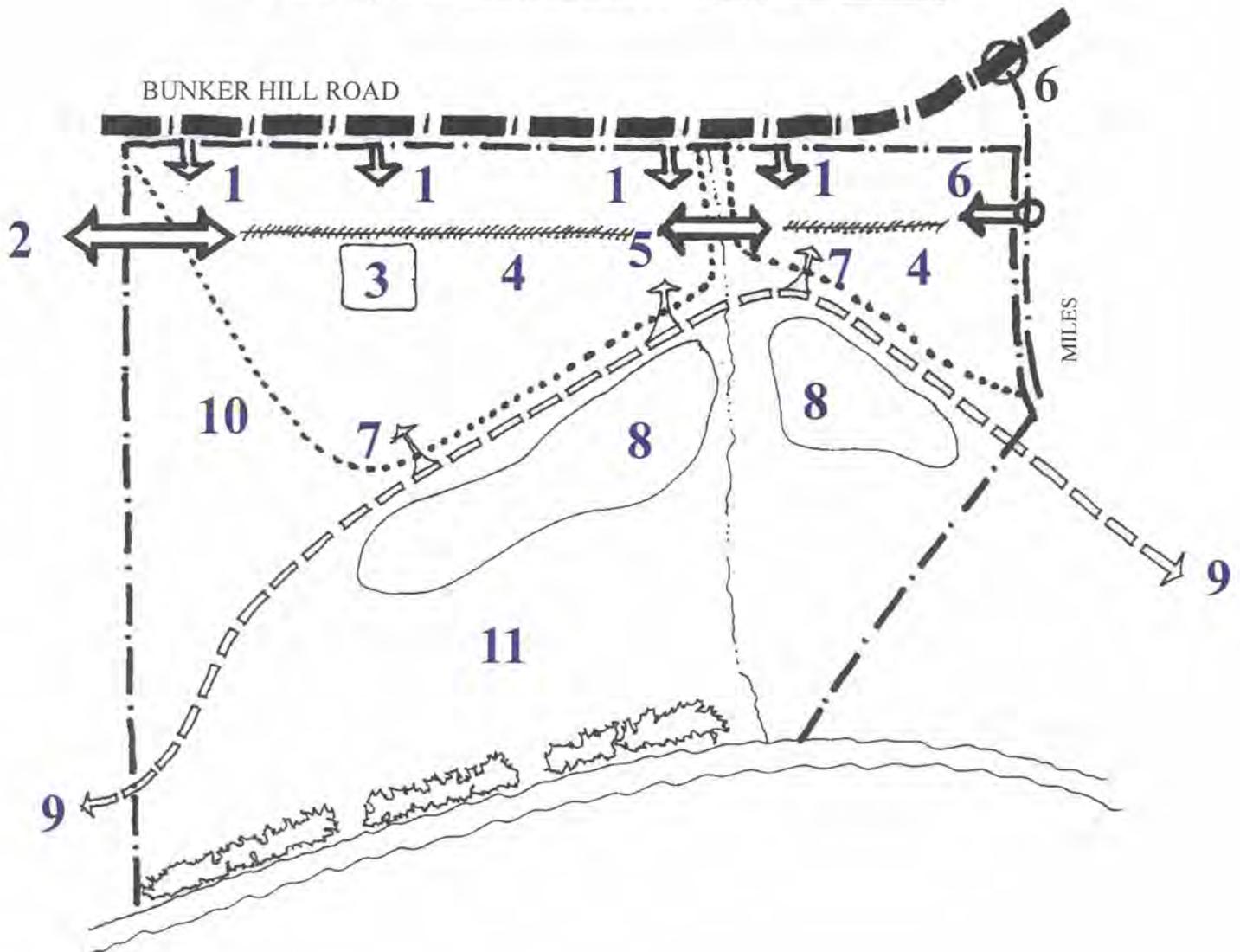
#### Planned Development Conditions

- 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.

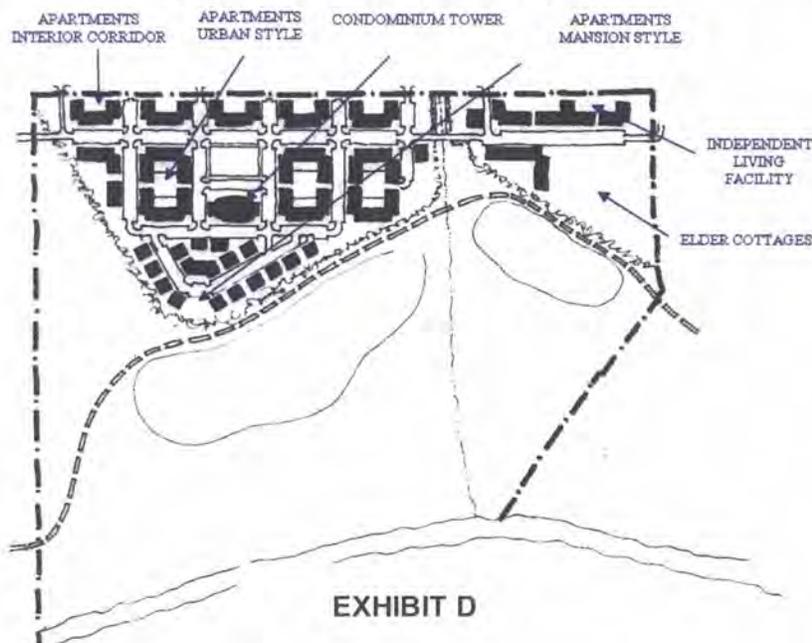
## HOUSING TYPES

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.



# City Council Item Summary Sheet

Work Session

Date: May 1, 2012

Agenda Item

## Budget Allocation for 2012/2013 CDBG, HOME & ESG Programs

### Summary of Request/Problem

Council is requested to consider approving the one year action plan for 2012/2013 CDBG, HOME and ESG Budget Allocations. Council conducted a Public Hearing at the April 3, 2012 meeting and discussed the allocations at the April 16<sup>th</sup> Work Session.

### Recommendation/Action Requested and Justification

Adopt the attached Resolution.

**Submitted By:**

**Neil Montgomery**  
Planning Director

**Approved By:**

**William E. Dollar**  
City Manager

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

**A RESOLUTION ADOPTING AND APPROVING THE CONSOLIDATED PLAN - ONE YEAR PLAN OF ACTION INCLUDING A REVISED STATEMENT OF USES OF FUNDS FOR THE 2012/2013 COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP AND, EMERGENCY SOLUTIONS GRANT PROGRAMS; AND APPROVING AN EFFECTIVE DATE.**

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

**Section 1**

That the Consolidated Plan - One Year Action Plan, which includes the Statement of Community Development Objectives and Projected Use of Funds for the 2012-2013 Community Development Block Grant, HOME Investment Partnership Program and, Emergency Solutions Grant programs, attached hereto as Exhibit A and incorporated herein by reference, is hereby adopted and approved.

**Section 2**

That this resolution shall be and become effective immediately upon and after it's adoption and approval.

**PASSED AND APPROVED** this the 1<sup>ST</sup> day of May, 2012.

**THE CITY OF GARLAND, TEXAS**

**BY:** \_\_\_\_\_  
**Mayor**

**ATTEST:**

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



**PROJECTS**

Code Compliance	182,000
Minor Home Repair	175,000
Neighborhood Enhancement Grant	50,000
Single Family Rehabilitation	153,615

**Street Replacement**

Saddleback, Robin to Canyon	399,000
Brookhollow Briarwood to Carlos	213,000

**TOTAL \$1,172,615**

**ADMINISTRATION**

Grant Administration	359,368
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**TOTAL 359,368**

**TOTAL CDBG FUNDING**

**\$1,801,509**

**HOME  
2012 - 2013**

**ADMINISTRATION**

HOME Administration	46,127
<b>TOTAL</b>	<b>\$46,127</b>

**CHDO ACTIVITIES**

Housing and Community Services CHDO Infill Housing	69,190
<b>TOTAL</b>	<b>\$69,190</b>

**HOME PROJECTS**

Housing and Community Services Infill Housing	145,949
Housing and Community Services Downpayment Assistance	200,000
<b>TOTAL</b>	<b>\$345,949</b>

**TOTAL HOME FUNDING**

**\$461,266**

**EMERGENCY SOLUTIONS GRANT FUNDS  
2012 - 2013**

**ESG OPERATIONS AND ESSENTIAL SERVICES**

New Beginning Center	60,000
<b>TOTAL</b>	<b>\$60,000</b>

**ESG PREVENTION**

Mount Hebron Urban Community Housing	24,502
<b>TOTAL</b>	<b>\$24,502</b>

**ESG RAPID RE-HOUSING**

Urban League of Greater Dallas	57,170
<b>TOTAL</b>	<b>\$57,170</b>

**ESG ADMINISTRATION**

Grants Management	12,253
Data Collection – Metro Dallas Homeless Alliance	9,443
<b>TOTAL</b>	<b>\$21,696</b>

**TOTAL ESG FUNDING**

**\$163,368**

**EMERGENCY SOLUTIONS GRANT FUNDS  
2011 - 2012**

**ESG RAPID RE-HOUSING**

New Beginning Center	42,322
<b>TOTAL</b>	<b>\$42,322</b>

**ESG ADMINISTRATION**

Grants Management	6,145
Data Collection – Metro Dallas Homeless Alliance	2,973
<b>TOTAL</b>	<b>\$9,118</b>

**TOTAL 2011/2012 ESG FUNDING**

**\$51,440**



# City Council Item Summary Sheet

Work Session

Date: May 1, 2012

Agenda Item

## Appointment to the North Texas Municipal Water District Board

### Summary of Request/Problem

The North Texas Municipal Water District (NTMWD) notified the City that Jack May's term of office as a NTMWD Board Member expires on May 31, 2012. NTMWD has requested that Council reappoint Mr. May or appoint another Director to serve a two-year term from June 1, 2012 to May 31, 2014.

Information was posted on the City's website for 14 days regarding the qualifications of the NTMWD Board Member in order to provide an opportunity for citizens to apply for the position. Qualified applicants were requested to submit a letter of interest and resume to the City Manager's Office by 5:00 p.m. on April 6, 2012. Jack May was the only citizen to respond.

### Recommendation/Action Requested and Justification

Approve by minute action the appointment of Jack L. May to the North Texas Municipal Water District Board of Directors to serve a two-year term from June 1, 2012 to May 31, 2014.

Submitted By:

Approved By:

**William E. Dollar**  
City Manager



# City Council Item Summary Sheet

Work Session

Date: May 1, 2012

Agenda Item

## 2012 Edward Byrne Memorial Justice Assistance Grant

### Summary of Request/Problem

At the May 1, 2012 Work Session, Council was scheduled to consider a request from the Police Department to apply for the 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) program for reducing crime and improving public safety.

The Police Department is requesting Council's approval to apply for the 2012 Edward Byrne Memorial Justice Assistance Grant (JAG). The Director of the Bureau of Justice Assistance (BJA) has made funds available to units of local government under the 2012 Edward Byrne Memorial Justice Assistance Grant program for the purpose of reducing crime and improving public safety.

The Garland Police Department is eligible to apply to BJA for an estimated direct award of \$47,697.00 under this grant program. However, the Attorney General of the State of Texas has "certified" Garland as a disparate jurisdiction, thereby requiring us to enter into an agreement to share a portion of these funds with Dallas County. Currently, the agreement is for the City of Garland to share 30%, or approximately \$14,309.10, with Dallas County, which results in an award to the City of Garland in the amount of approximately \$33,387.90. From this amount, there will be a mandated 7% Administration Fee which is to be paid to the City of Dallas as they have designated as the area grant manager for all involved entities. The resulting estimated net award to the City of Garland will be approximately \$31,050.75. The Funds can be used to implement a wide variety of Police Department programs to reduce crime and improve public safety.

This grant program does not require matching funds or contributions.

### Recommendation/Action Requested and Justification

Approve a resolution authorizing the Police Department to apply for the 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) program.

**Submitted By:**

**Mitchel L. Bates**  
Police Chief

**Approved By:**

**William E. Dollar**  
City Manager

**RESOLUTION NO.**

**A RESOLUTION AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF AN APPLICATION TO THE BUREAU OF JUSTICE ASSISTANCE FOR GRANT UNDER THE 2012 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM; AND PROVIDING AN EFFECTIVE DATE.**

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

**Section 1**

That the City of Garland Police Department, by and through Police Chief Mitch Bates, is hereby authorized to submit and application to, and subsequently accept a grant from, the Bureau of Justice Assistance under the 2012 Edward Byrne Memorial Justice Assistance Grant Program, for an estimated net amount of \$31,050.75.

**Section 2**

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

**PASSED AND APPROVED** this the 1st day of May, 2012.

**CITY OF GARLAND, TEXAS**

\_\_\_\_\_  
Mayor

**ATTEST:**

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



**File No. 12-11/District 1**

**Meeting: City Council**

**Date: May 1, 2012**

# Planning Report

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**Martin Eagle Oil Co.**

**2902 Lavon Drive.**

## **REQUEST**

Approval of a Specific Use Permit for Retail Sales with Gasoline Pumps on property zoned Commercial 1 (C-1) District and PD (Planned Development) District 85-27 for Shopping Center Uses in the SH 190 Overlay.

## **OWNER**

Stegar Properties LLC.

## **PLAN COMMISSION RECOMMENDATION**

On April 9, 2012 the Plan Commission, by a vote of 9 to 0, recommended approval of the Specific Use Permit for a period of 25 years tied to Martin Eagle Oil Co.

## **STAFF RECOMMENDATION**

Approval of a Specific Use Permit for Retail Sales with Gas Pumps for a 25 year time period.

## **BACKGROUND**

In 1999, City Council approved a Specific Use Permit (S 99-65) for construction of Retail Sales with Gas Pumps. The Retail Sales with Gas Pumps operation has undergone a change in ownership from Albertsons, Inc. to Martin Eagle Oil Co., requiring approval of a new Specific Use Permit. The new owner/applicant requests approval of a Specific Use Permit for 25 years with no additional physical improvements proposed at this time.

## **SITE DATA**

The subject property contains approximately 0.4822 acres in area, fronting approximately 150 feet along Lavon Dr.

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

The subject property is restricted to the uses permitted in the Commercial 1 (C-1) District and PD (Planned Development) District 85-27 for Shopping Center in the SH 190 Overlay, referenced in the Comprehensive Zoning Ordinance. The C-1 District provides for the establishment of a broad range of commercial sales, services and repair activities, many of which are not appropriate in a retail or office environment. The PD (Planned Development) District 85-27 for Shopping Center (SC) Uses provides for various Retail and Service Uses that will be more compatible with the surrounding area. The Commercial 1 (C-1) District and the PD (Planned Development) District 85-27 for Shopping Center (SC) Uses permit Retail Sales with Gas Pumps by Specific Use Permit only. Since a change of ownership is underway, the applicant/new owner must gain approval of a new Specific Use Permit for Retail Sales with Gas Pumps.

## **SURROUNDING ZONING AND LAND USES**

North: Property to the north is zoned Commercial 1 (C-1) District and was part of the area delineated under the Specific Use Permit (S 99-65) for construction of Retail Sales with Gas Pumps. The site is developed with a multi-tenant commercial building that was primarily occupied by Albertsons; however, the space previously occupied by Albertsons is now vacant.

South: Property to the south is zoned PD (Planned Development) District 85-27 for Shopping Center Uses. This area is developed with a child care center and Braum's Ice Cream store.

West: Property to the west is located across Lavon Drive and is zoned PD (Planned Development) District 83-104 and 80-68 for Single Family Uses. The area is developed with a single-family subdivision.

East: Property immediately to the east is zoned Commercial 1 (C-1) District and S 04-17, a Specific Use Permit for Arcade. The property is currently developed with a multi-tenant commercial building. The property located across Crist Road is zoned PD (Planned Development) District 01-03 for Single Family and Shopping Center Uses. The property is currently developed with a single-family subdivision.

## **COMPREHENSIVE PLAN**

The Future Land Use Map of the Envision Garland Plan recommends Neighborhood Centers for the subject property. Neighborhood Centers serve the needs of the nearby residents and are compatible in a neighborhood setting. Neighborhood Centers provide a mix of retail, services and community gathering places. This center should be appropriately scaled to adjacent residential areas.

## **CONSIDERATIONS**

1. The applicant is requesting approval of a Specific Use Permit for Retail Sales with Gasoline Pumps in order to resume operation of the facility under new ownership. In 1999, City Council approved a Specific Use Permit (S 99-65) for construction of Retail Sales with Gas Pumps tied to Albertsons, Inc. Currently, the subject property has been replatted as a separate lot and the Retail Sales with Gas Pumps facility is not operational.
2. The subject property will not have significant improvements. The applicant is reinstalling five (5) fuel dispensers and four (4) attached signs.
3. Section 10-200 of the City of Garland Comprehensive Zoning Ordinance requires a minimum of one (1) parking space for every two-hundred (200) square feet of gross floor area for the Retail Sales with Gas Pumps. Based on the building floor area, one (1) parking space is required and the site meets this minimum requirement.
4. Section 10-309(C) states that as a condition of the zoning approval 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. The new owner is aware of this requirement and will comply.

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

The proposed use is compatible with the surrounding area which is developing with retail and service uses. The gas station will serve the needs of the nearby residents and is compatible with the area adjacent to Lavon Drive.

Prepared By:

Josue De La Vega  
Development Planner

Date: April 19, 2012

Reviewed By:

Neil Montgomery  
Director of Planning

Date: April 23, 2012

Approved By:

William E. Dollar  
City Manager

Date: April 23, 2012





SCALE IN FEET

0 200 400 Feet

1" = 400'

INDICATES  
AREA OF REQUEST

**ZONING**  
**Z 12-11**



Z 12-11

## SPECIFIC USE PERMIT CONDITIONS

### ZONING FILE 12-11

#### 2902 Lavon Drive

- 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 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 PD (Planned Development) District #85-27 for Shopping Center Uses, SH 190 Overlay and C-1 (Commercial 1) District set forth in Section 10, 26, 33 and 46 of the Comprehensive Zoning Ordinance, Ordinance No. 4647 are included by reference and shall apply, except as otherwise specified in this ordinance.
- IV. **Specific Regulations:**
  - A. Time Period: The Specific Use Permit shall be in effect for a 25 year time period and tied to **Martin Eagle Oil Co.**
  - B. Site Plan: Subject property shall remain in conformance with site plan labeled Exhibit C.
  - C. Exterior Elevations: The facades of the existing kiosk shall remain 100 percent face brick, excluding doors and windows. The canopy columns shall remain with face brick matching the kiosk.
  - D. Signage: No additional freestanding pole signs shall be permitted. Attached signage shall remain as indicated on Exhibit D.
  - 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.





North Elevation



South Elevation



West Elevation

**EXHIBIT D**

## REPORT & MINUTES

P.C. Meeting, April 9, 2012 (9 Members Present)

Consideration of the application of Martin Eagle Oil Company, requesting approval of a Specific Use Permit for Retail Sales with Gasoline Pumps on property zoned Commercial 1 (C-1) District and PD (Planned Development) District 85-27 for Shopping Center Uses in the SH 190 Overlay. The property is located at 2902 Lavon Drive. (File 12-11)

Representing the applicant was Gary Martin, 2700 James St, Denton, TX. He stated a brief description of their request and was available for questions.

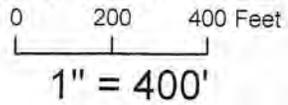
There were no questions.

**Motion** was made by Commissioner Luckie, seconded by Commissioner Moore to **approve** the Specific Use Permit for Retail Sales with Gas for a period of 25 years tied to Martin Eagle Oil Company as recommended by staff. **Motion carried: 9 Ayes, 0 Nays.**



O = IN FAVOR  
 X = AGAINST

**SCALE IN FEET**



**INDICATES  
 AREA OF REQUEST**

**ZONING  
 Z 12-11**

No replies were received for this case.



**File No. 12-14/District 1**

**Meeting: City Council**

**Date: May 1, 2012**

# Planning Report

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## **Responsive Education Solutions**

**1600 W. Campbell Road**

### **REQUEST**

Approval of a Specific Use Permit for a Charter School on property zoned PD (Planned Development) District 05-08 for Church Use in the SH 190 Overlay.

### **OWNER**

Firewheel Baptist Church

### **PLAN COMMISSION RECOMMENDATION**

On April 9, 2012 the Plan Commission, by a vote of 9 to 0, recommended approval of the Specific Use Permit for a period of 20 years tied to Responsive Education Solutions.

### **STAFF RECOMMENDATION**

Approval of a Specific Use Permit for a Charter School for a 20 year time period on property zoned PD (Planned Development) District 05-08 for Church Use.

### **BACKGROUND**

The applicant requests approval of a Specific Use Permit to operate a Charter School out of the existing building currently used as a church. Charter Schools require approval of a Specific Use Permit through the public hearing process in all zoning districts. In 2005, City Council approved PD (Planned Development) District 05-08 for the construction of a religious institution, while maintaining all the regulations of the Industrial 1 (I-1) District set forth in Section 29, 32, and Section 46 of the Comprehensive Zoning Ordinance, except as otherwise specified in the PD (Planned Development) District 05-08 Ordinance.

### **SITE DATA**

The subject property contains 37.72 acres with approximately 385 feet of frontage along Campbell Road. The subject property can only be accessed from Campbell Road.

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

Development of this property is restricted to only the uses permitted in the Industrial 1 (I-1) District within the SH 190 Overlay as referenced in the PD (Planned Development) District 05-08 Ordinance. PD (Planned Development) 05-08 approved a Detail Plan for development of the existing church, which is an allowed use in the Industrial 1 (I-1) District. The Industrial 1 (I-1) District provides for a wide range of industrial uses which generate few objectionable conditions. Such uses include manufacturing, processing, assembling, research and development, and warehousing and distribution. The Industrial 1 (I-1) District also accommodates support services for industrial development such as office, commercial, personal and professional services, and limited retail activities.

## **SURROUNDING ZONING AND LAND USES**

- North: Properties to the north are zoned PD (Planned Development) District 01-18 for Freeway Uses, PD (Planned Development) District 95-59 for Business Park Uses, Agriculture (AG) District, PD (Planned Development) District 94-17 for Single Family Uses, and PD (Planned Development) District 96-34 for Single Family Uses. These properties are currently developed with a church building and a single-family subdivision.
- East: Property to the east is zoned PD (Planned Development) District 95-59 for Business Park Uses and the property located across Holford Road is zoned Agriculture (AG) District. These properties are currently undeveloped.
- South: Property to the south is zoned PD (Planned Development) District 95-59 for Business Park Uses and is currently undeveloped.
- West: Property to the west is zoned Planned Development (PD) District 01-05 for Mixed Uses and is currently undeveloped.

## **COMPREHENSIVE PLAN**

The Future Land Use Map of the Envision Garland Plan recommends Business Employment Centers for the subject property. Business centers provide a cluster of business offices and/ or low impact industry, including campus-type development that cumulatively employ large numbers of people. Business centers range in scale and intensity based on the surrounding vicinity and may consist of one or more buildings. This development type includes a variety of primary and secondary uses, including compatible residential uses that support the business employment sector. The proposed charter school would provide a secondary support service to the business employment centers.

## **CONSIDERATIONS**

1. The applicant proposes to operate a Charter School accommodating up to 200 students. Grade levels will be from kindergarten through 4<sup>th</sup> grade.

The hours of operation would be during the traditional school year, Monday through Friday 8:00 a.m. to 5:00 p.m.

2. No exterior or interior remodeling will take place and no signage will be added on the subject property.
3. The total parking requirement for the subject property is determined by combining the parking requirements of the proposed charter school and the existing church. Parking requirement for Charter School is based on the age and number of students. One parking space is required for each 20 elementary students. Parking requirement for Church is 1 parking space for every 4 seats. The total parking requirement for the subject property is 148 parking spaces. The subject property has 272 parking spaces.
4. The Transportation Department has indicated that the traffic generated by the charter school during weekdays will be approximately 183 trips for the morning peak hour and 118 for the afternoon peak hour. Campbell Road is a type B thoroughfare with a current traffic volume of 6,240 trips; the additional 183 trips will have a minimal impact on the capacity of Campbell Road.
5. There is an existing outdoor playground on the site that would be utilized by the school.
6. The applicant is requesting approval of the Specific Use Permit for a 20 year period applied to Responsive Education Solutions.

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

The proposed charter school would utilize a property designed to accommodate a significant number of guests in an assembly format. Considering that most of the activities will occur within the building and the large undeveloped lots surrounding the subject property, it is foreseen that the proposed charter school will have minimal negative impact on the surrounding area. Moreover, the charter school would provide a service to the residential area located north of the subject property.

Prepared By:

Josue De La Vega  
Development Planner

Date: April 20, 2012

Reviewed By:

Neil Montgomery  
Director of Planning

Date: April 20, 2012

Approved By:

William E. Dollar  
City Manager  
Date: April 24, 2012

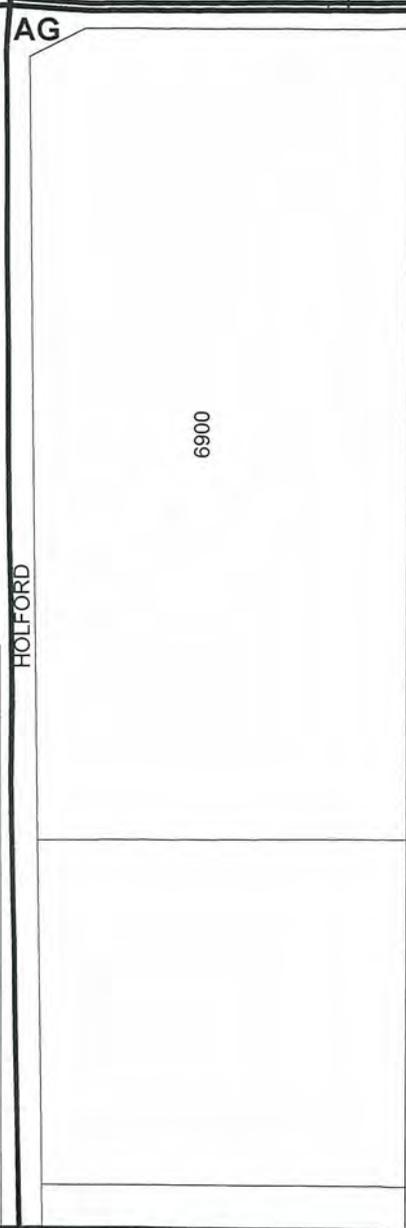
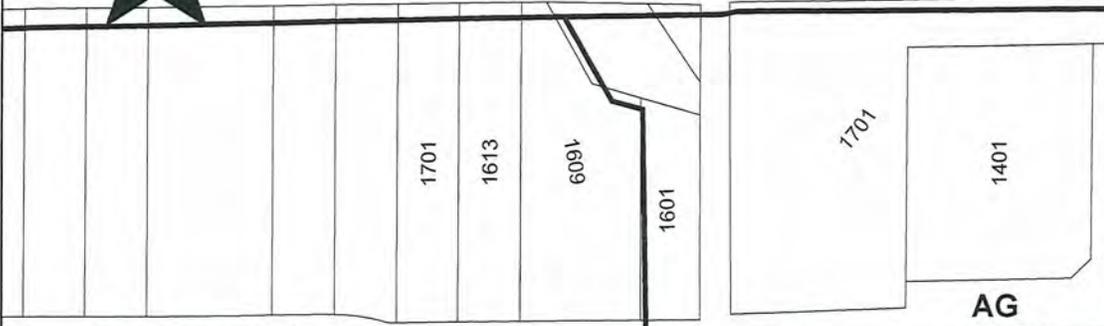
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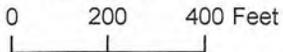
**Z 12-14**



N



SCALE IN FEET



1" = 400'



INDICATES  
AREA OF REQUEST

**ZONING**  
**Z 12-14**



LOOKOUT

CAMPBELL

HOLFORD

STONEFIELD

CREEKWOOD

WINDING BROOK

FOX TRAIL

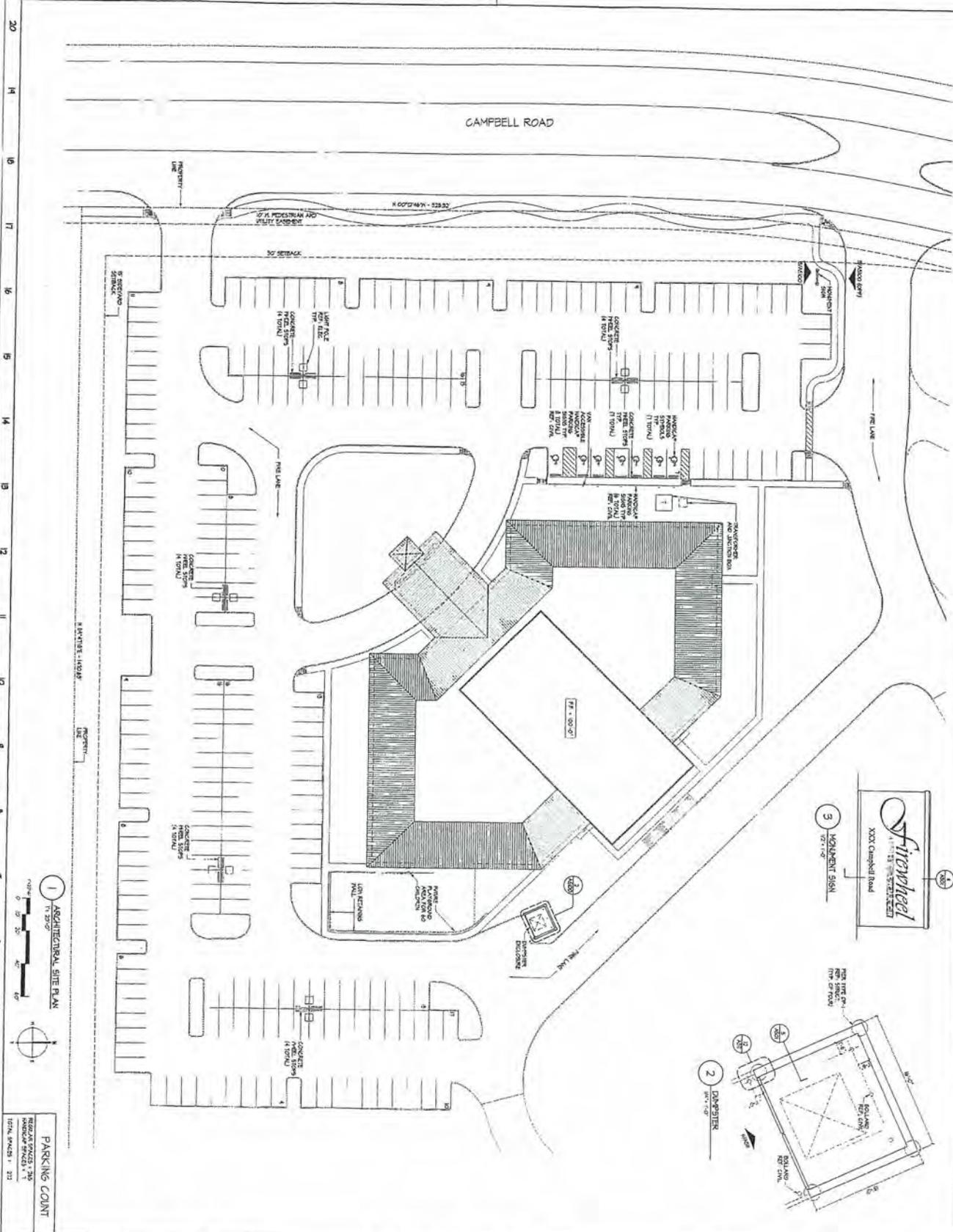
Z 12-14

## SPECIFIC USE PERMIT CONDITIONS

### ZONING FILE 12-14

#### 1600 W. Campbell Road

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow Charter School subject to conditions.
- II. **Statement of Effect:** This permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, as amended, except as specifically provided herein.
- III. **General Regulations:** All regulations of the PD (Planned Development) District 05-08 for Church Use, Industrial 1 (I-1) District, and SH 190 Overlay set forth in Section 29, 33 and 46 of the Comprehensive Zoning Ordinance, Ordinance No. 4647 are included by reference and shall apply, except as otherwise specified in this ordinance.
- IV. **Specific Regulations:**
  - A. Time Period: The Specific Use Permit shall be in effect for a 20 year time period and tied to **Responsive Education Solutions**.
  - B. Site Plan: Subject property shall remain in conformance with site plan labeled Exhibit C.



20  
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2

CAMPBELL ROAD

*Firewheel*  
XXX Campbell Road  
MONUMENT SIGN

1 ARCHITECTURAL SITE PLAN  
1/4" = 1'-0"



PARKING COUNT	
REGULAR SPACES	736
ADDITIONAL SPACES	120
TOTAL SPACES	856

AS

**FIREWHEEL CHURCH**  
GARLAND, TEXAS

No. Date Revisions



## REPORT & MINUTES

P.C. Meeting, April 9, 2012 (9 Members Present)

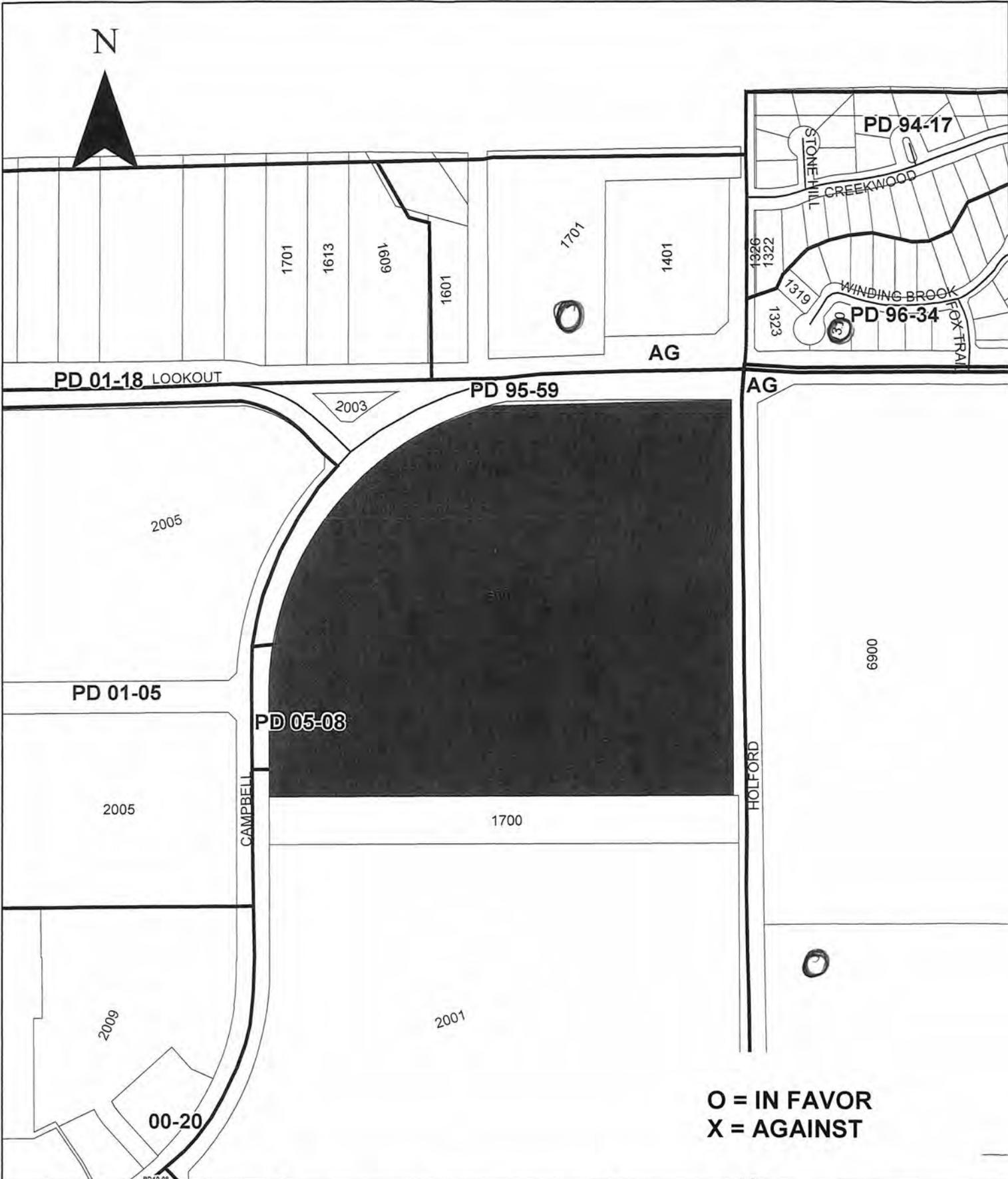
**Consideration of the application of Responsive Education Solutions, requesting approval of a Specific Use Permit for a Charter School on a property zoned PD (Planned Development) District 05-08 for Church Use in the SH 190 Overlay. The property is located at 1600 West Campbell Road. (File 12-14)**

Representing the applicant and available for questions was William Chandler, 1301 Waters Ridge, Lewisville, TX.

There were no questions of this speaker.

**Motion** was made by Commissioner Luckie, seconded by Commissioner Moore to **approve** the request for a Specific Use Permit for a Charter School for a period of 20 years tied to Responsive Education Solutions as recommended by staff. **Motion carried: 9 Ayes, 0 Nays.**

N



SCALE IN FEET

0 200 400 Feet

1" = 400'

INDICATES  
AREA OF REQUEST

**ZONING**  
**Z 12-14**



**GARLAND**

March 29, 2012

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

**HEARING DATE/TIME:** Plan Commission: April 9, 2012 – 7:00 PM

**APPLICANT:** Responsive Education Solutions.

**File Z 12-14**

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, April 9, 2012, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of Responsive Education Solutions requesting approval of a Specific Use Permit for a Charter School on a property zoned Industrial 1 (I-1) District and SH 190 Overlay. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 37.72-acre parcel shown as Lot 1 Block 1 of Firewheel Church Addition, an addition to the City of Garland, Dallas County, Texas. The property is located at 1600 W. Campbell Road. (District 1)

**Note: The applicant requests approval of a Specific Use Permit for a Charter School on a property zoned Industrial 1 (I-1) District and SH 190 Overlay.**

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

(Please Check One Below)

I am in favor of the request.

I am opposed to the request.

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

Having school in neighborhood is very exciting and I am  
all for in favor of the school.

(Please complete the following information)

Your Property Address 1701 + 1401 Campbell Rd.  
Gursewak Sedey ; Pops Property ; Gurdwara Akaljot  
Printed Name  
1701 + 1401 Campbell Rd Garland, Tx 75044  
Address City, State Zip

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

\* Singh Owner, President  
Signature Title

Date: 4/2/12



**GARLAND**

March 29, 2012

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

**HEARING DATE/TIME:** Plan Commission: April 9, 2012 – 7:00 PM

**APPLICANT:** Responsive Education Solutions.

**File Z 12-14**

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, April 9, 2012, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of Responsive Education Solutions requesting approval of a Specific Use Permit for a Charter School on a property zoned Industrial 1 (I-1) District and SH 190 Overlay. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 37.72-acre parcel shown as Lot 1 Block 1 of Firewheel Church Addition, an addition to the City of Garland, Dallas County, Texas. The property is located at 1600 W. Campbell Road. (District 1)

**Note: The applicant requests approval of a Specific Use Permit for a Charter School on a property zoned Industrial 1 (I-1) District and SH 190 Overlay.**

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

(Please Check One Below)

I am in favor of the request.

I am opposed to the request.

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

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(Please complete the following information)

Your Property Address

LEONA M JAY

Printed Name

746 HOLFORD RD. GARLAND, TX 75044

Address

City, State

Zip

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

Leona M. Jay  
Signature

Owner  
Title

Date: April 3, 2012



**GARLAND**

March 29, 2012

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

**HEARING DATE/TIME:** Plan Commission: April 9, 2012 – 7:00 PM

**APPLICANT:** Responsive Education Solutions.

**File Z 12-14**

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, April 9, 2012, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of Responsive Education Solutions requesting approval of a Specific Use Permit for a Charter School on a property zoned Industrial 1 (I-1) District and SH 190 Overlay. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 37.72-acre parcel shown as Lot 1 Block 1 of Firewheel Church Addition, an addition to the City of Garland, Dallas County, Texas. The property is located at 1600 W. Campbell Road. (District 1)

**Note: The applicant requests approval of a Specific Use Permit for a Charter School on a property zoned Industrial 1 (I-1) District and SH 190 Overlay.**

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

(Please Check One Below)

I am in favor of the request.

I am opposed to the request.

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

---

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(Please complete the following information)

Your Property Address

Kenneth M + Carol Ball

Printed Name

1310 Winding Brook Dr, Garland TX 75044

Address

City, State

Zip

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

Kenneth M Ball & Carol Ball owners

Signature

Title

Date: 4/13/12



# Planning Report

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Wes Parnell

3300 Broadway Boulevard

## REQUEST

Approval of 1) a change of zoning from Office 1 (O-1) District to General Business (GB) District and 2) a Specific Use Permit for Restaurant, Drive-Through.

## OWNER

Michael Rampulla

## PLAN COMMISSION RECOMMENDATION

On April 9, 2012 the Plan Commission, by a vote of 5 to 4, recommended denial of a request of a change of zoning and a Specific Use Permit.

## STAFF RECOMMENDATION

Approval of 1) a change of zoning from Office 1 (O-1) District to General Business (GB) District and 2) a Specific Use Permit for Restaurant, Drive-Through.

## BACKGROUND

The applicant requests approval of 1) a change of zoning from Office 1 (O-1) District to General Business (GB) District and 2) a Specific Use Permit for Restaurant, Drive-Through. The subject property is currently zoned Office 1 (O-1) District which neither permits by right nor by Specific Use Permit the operation of a restaurant with a drive-through. The subject property was developed in 1976 as an office building and was previously occupied by a bank. The applicant is proposing to renovate the existing building for use as a Chicken Express restaurant.

## SITE DATA

The subject property contains 1.09 acres with approximately 167 feet of frontage along Broadway Boulevard and 160 feet of frontage along Stonewall Street. The subject property is located at the corner of Broadway Boulevard and Stonewall; the site can be accessed from both streets.

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

Development of this property is restricted to only the uses permitted in the Office 1 (O-1) District. The Office 1 (O-1) District provides for low-rise office and professional service development. This District is appropriately located adjacent to residential districts and may be used as a transition or buffer between residential uses and more intensive nonresidential activity. District regulations are designed to ensure compatibility with residential development by establishing maximum height, lot coverage and setback requirements. The Office 1 (O-1) District neither permits by right nor by Specific Use Permit the operation of a restaurant with a drive-through.

## **SURROUNDING ZONING AND LAND USES**

- North: Properties to the north across Stonewall Street are zoned Office 1 (O-1) District and are developed with medical office buildings.
- East: Properties to the east are zoned Office 1 (O-1) District and are developed with offices.
- South: Properties immediately to the south are zoned Office 1 (O-1) District and are developed with medical office buildings. The property beyond the medical office buildings is zoned Shopping Center (SC) District and is developed with a multi-tenant commercial building and a pad site building.
- West: Properties to the west and southwest across Broadway Boulevard are zoned Shopping Center (SC) District and General Business (GB) District. These properties are developed with a McDonald's restaurant, a Valero gas station, a medical office, a Sonic restaurant, and a vacant building.

## **COMPREHENSIVE PLAN**

The Future Land Use Map of the Envision Garland Plan recommends Neighborhood Centers for the subject property. Neighborhood centers provide a mix of retail, services and community gathering places appropriately scaled to adjacent residential areas. This type of center is predominately, but not exclusively non-residential and typically serves a three mile radius trade area within a 5-10 minute drive time, and a population of 3,000 to 40,000.

## **CONSIDERATIONS**

1. The applicant is proposing a Chicken Express restaurant on the subject property by utilizing the existing bank building. The exterior and the interior of the building will be remodeled; however, the footprint of the building will remain the same. The building is approximately 4,225 square feet including the area under the drive-through canopy. The applicant proposes to preserve the existing brick veneered facades. The applicant also proposes to install a parapet that will be continuous on four sides.

2. Signage: The applicant proposes to install one 48 square foot oval sign and one 32 square foot rectangular LED sign on the existing sign pole that is located 22 feet from Broadway Boulevard and Stonewall Street. The overall height of the proposed freestanding sign will be 18.5 feet. The applicant proposes to install two menu board signs; one 38 square feet and the other 10 square feet in area. Neither sign will exceed 8 feet in height. The applicant proposes to install one 30 square foot sign on three of the sides of the parapet, for a total sign area of approximately 90 square feet. All of the proposed freestanding, menu boards and attached signage is in compliance with the requirements of the Sign Ordinance.
3. Parking: The parking ratio as specified in Section 10-200 of the City of Garland Comprehensive Zoning Ordinance requires a minimum of 8 parking spaces plus 1 parking space for every 50 square feet of dining area for a Restaurant with Drive Through. The applicant has indicated that the dining area would be approximately 408 square feet, requiring 9 parking spaces. Therefore, the total required parking for the site would be 17 parking spaces. The site plan indicates that a total of 17 parking spaces will be provided.
4. The applicant is requesting approval of the Specific Use Permit for a period of 25 years tied to **Chicken Express**.

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

Chicken Express will occupy a building that is currently vacant. A Restaurant, Drive-Through will provide a compatible service to nearby residential neighborhoods, retail and shopping centers, and offices located in the surrounding area.

Prepared By:

Josue De La Vega  
Development Planner

Date: April 20, 2012

Reviewed By:

Neil Montgomery  
Director of Planning

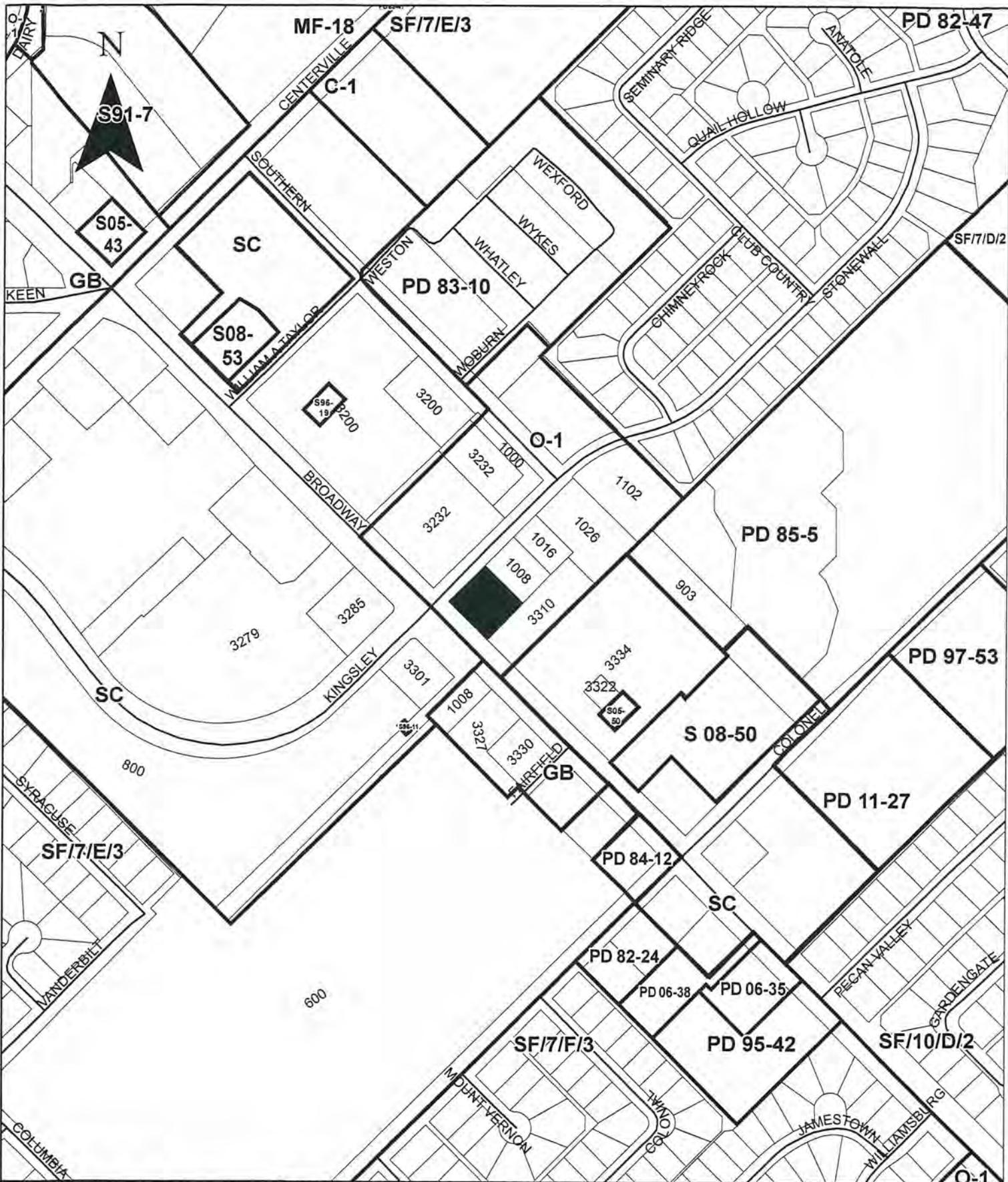
Date: April 20, 2012

Reviewed By:

William E. Dollar  
City Manager

Date: April 24, 2012





**SCALE IN FEET**

0 200 400 Feet

1" = 400'



INDICATES  
AREA OF REQUEST

**ZONING  
Z 12-15**



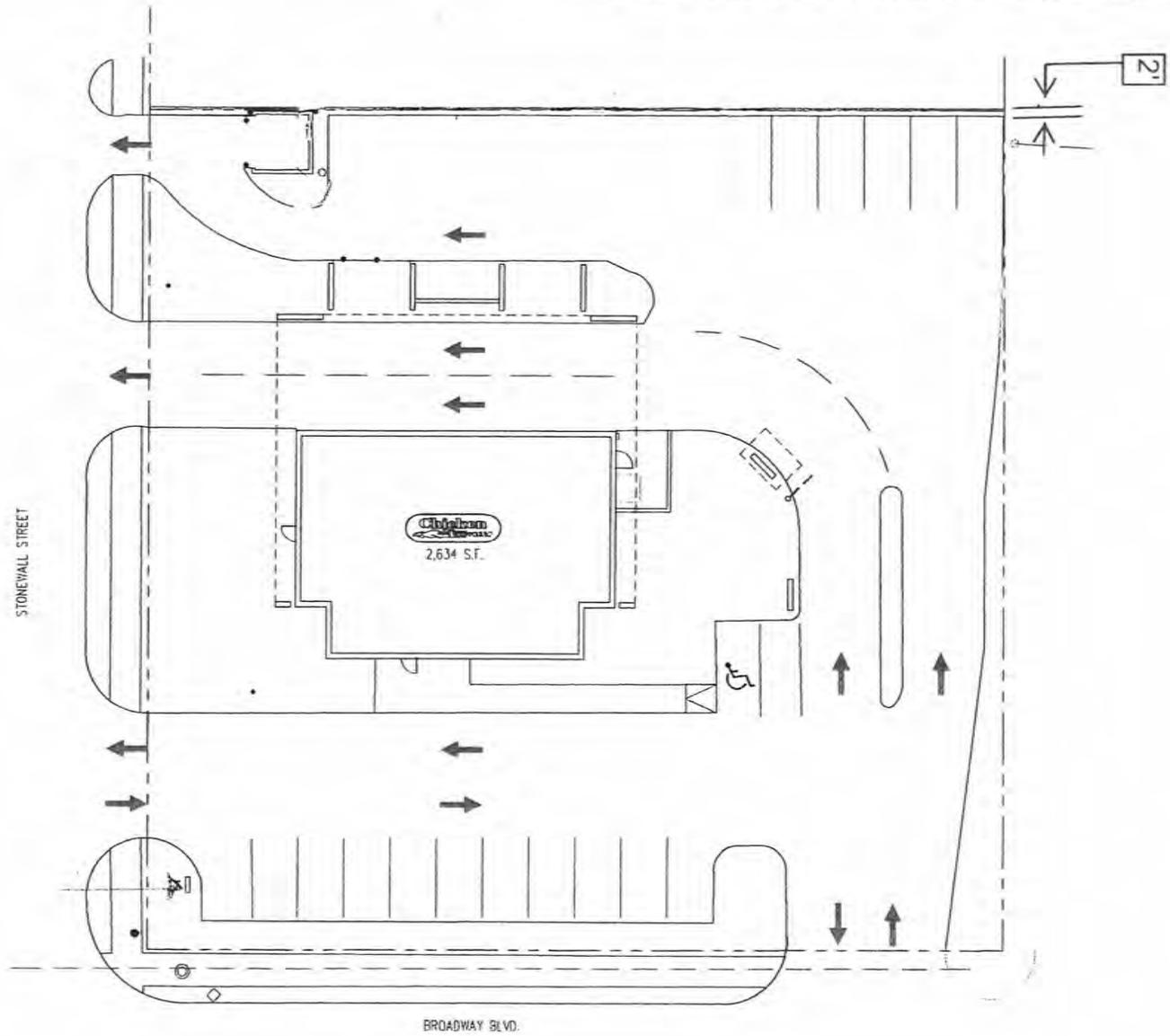
## SPECIFIC USE PERMIT CONDITIONS

### ZONING FILE 12-15

#### 3300 Broadway Boulevard

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow for Restaurant, Drive-Through subject to conditions.
- II. **Statement of Effect:** This permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, as amended, except as specifically provided herein.
- III. **General Regulations:** All regulations of the General Business (GB) District set forth in Section 25, 33 and 34 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 25 year time period and tied to **Chicken Express**.
  - B. Site Plan: Subject property shall remain in conformance with site plan labeled Exhibit C.
  - C. Signage: LED sign(s) shall not flash, change its illumination or copy, rotate, more or create an illusion of movement. LED sign(s) shall be in full compliance with Section 30.104 of Chapter 30, "Building Inspection", of the Code of Ordinances.

NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION



1 SITE PLAN  
SCALE: 1"=10'

EXHIBIT C



PROJECT: CE201204  
DATE: 03/06/12  
DRAWN BY: SS  
CHECKED BY: JH  
P.L.E.: CE2012-AD-1  
REVISIONS

SHEET TITLE  
SITE PLAN  
SITE DETAILS

SHEET

A0.1

## REPORT & MINUTES

P.C. Meeting, April 9, 2012 (9 Members Present)

**Consideration of the application of Wes Parnell, requesting approval of 1) a change of zoning from Office 1 (O-1) District to General Business (GB) District and 2) a Specific Use Permit for Restaurant, Drive-Through. The property is located at 3300 Broadway Boulevard. (File 12-15)**

The applicant, Wes Parnell, 5540 Ledgestone, Dallas, TX 75214, made a brief presentation and was available for questions.

He feels this is the perfect location with a double drive-thru (80% of business is handled in the drive-thru) and the economics of redeveloping a building rather than constructing a new building.

There were 3 nearby property owners that spoke in opposition to the request. They were:

Dr. Phillip Dunn, 1016 Stonewall St, Garland

Dr. Lisa Gamer, 3310 Broadway, Garland

Denece Hodges, 2909 Anatole, Garland

The concerns included:

Lower property values

Trash from restaurant patrons

Increased crime due to increased nightly activity

Traffic congestion - traffic entrance/exit close to a very busy intersection will cause a lot of problems

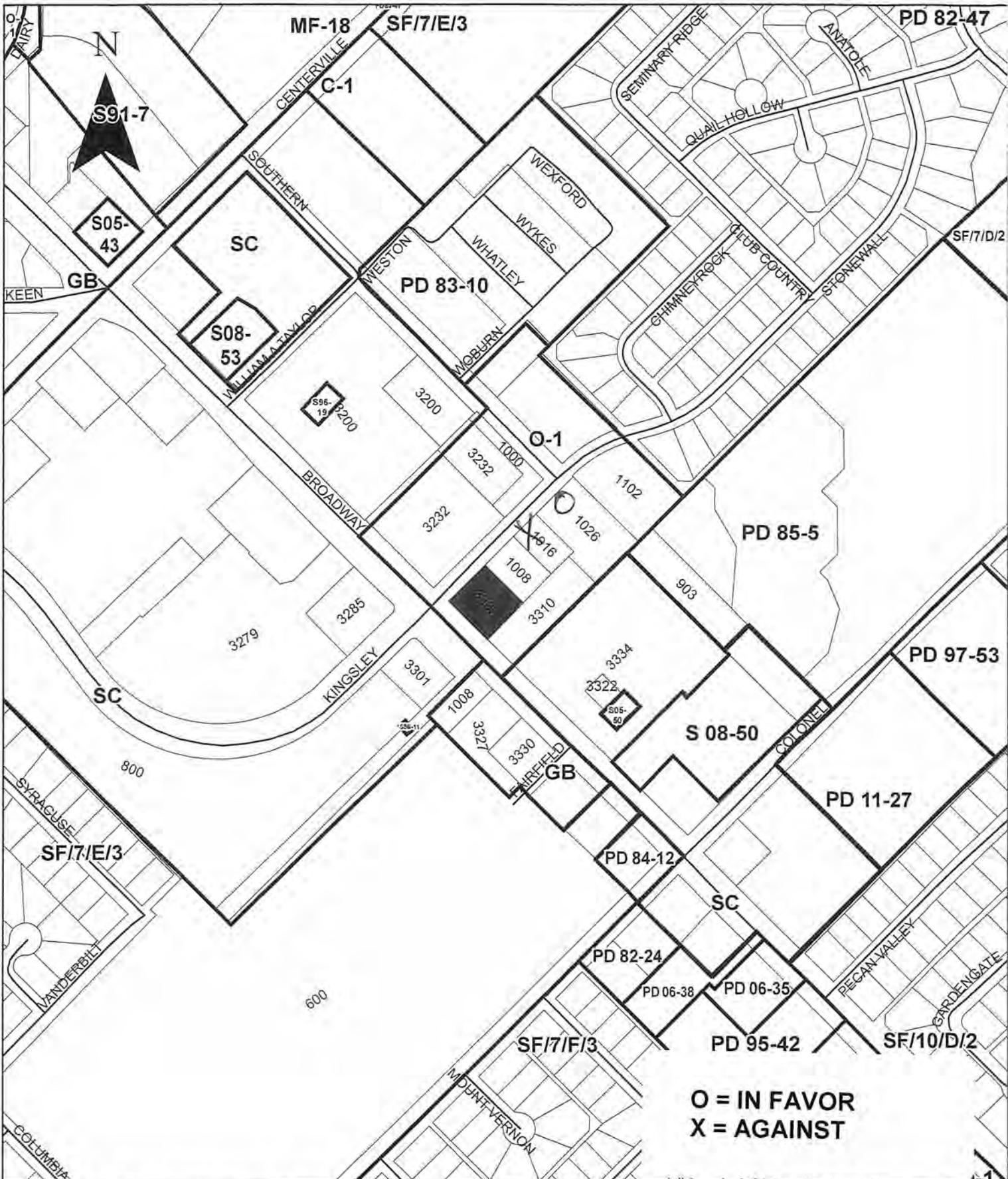
Existing professional office area should be maintained

Alternative sites (vacant restaurants) exist

The applicant gave a response to these concerns. He stated that they will be open 7 days a week from 10:30am to 10:00pm and employees will be on site from 8:30am to midnight. They have more parking spaces planned than required and trash is cleared from the property early each day. He cited a traffic study that was performed by Buxton that found the site to have good access. The vacant restaurants do not meet their needs regarding size and drive-thru.

**Motion** was made by Commissioner Dalton, seconded by Commissioner Welborn to **deny** the request for 1) a change of zoning to General Business (GB) and 2) a Specific Use Permit for a Restaurant with Drive-Through.

**Motion carried:** 5 Ayes, 4 Nays by Commissioners Moore, Vera, LeMay and Ott.



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

INDICATES  
 AREA OF REQUEST

**ZONING**  
**Z 12-15**

## **De la Vega, Josue**

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**From:** Wes Parnell <wes.parnell@yahoo.com>  
**Sent:** Tuesday, April 10, 2012 3:08 PM  
**To:** De la Vega, Josue  
**Subject:** Appeal

Josue,

I would like to appeal the decision by the planning commission to deny the zoning change from office 1 district to general business and for the specific use permit for a drive-through restaurant for the commercial property located at 3300 Broadway. If you have any questions, please give me a call.

Thanks

Wes Parnell



# GARLAND

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

March 29, 2012

**HEARING DATE/TIME:** Plan Commission: April 9, 2012 – 7:00 PM

**APPLICANT:** Wes Parnell.

**File Z 12-15**

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, April 9, 2012, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of Wes Parnell requesting approval of 1) a change of zoning from Office 1 (O-1) District to General Business (GB) District and 2) a Specific Use Permit for a Restaurant, Drive-Through. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 1.0893-acre parcel shown as Lot 3 Block A of South Garland Professional Development No.3 Addition, an addition to the City of Garland, Dallas County, Texas. The property is located at 3300 Broadway Boulevard. (District 3)

**Note: The applicant requests approval of 1) a change of zoning from Office 1 (O-1) District to General Business (GB) District and 2) a Specific Use Permit for a Restaurant, Drive-Through.**

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

(Please Check One Below)

I am in favor of the request.

I am opposed to the request.

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

1) Stonewall / Broadway intersection is already a safety hazard & more traffic will make it dangerous. 2) Further decrease in property values 3) Smell & trash in professional office area. 4) Late nite crowds will increase Break-ins @ offices.

(Please complete the following information)

Your Property Address

Philip M. Dunn

Printed Name

1016 Stonewall St. Garland, TX 75043

Address

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

Philip M. Dunn Agent

Signature

Title

Date: 4/3/2012

PS. I have spoken to Dr Lisa Garner (3310 Broadway) Dr Kerbel & many others



**GARLAND**

March 29, 2012

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(Please Check One Below)

I am in favor of the request.

I am opposed to the request.

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

---

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(Please complete the following information)

Your Property Address

1026 STONEWALL ST

Printed Name

WRITE-WAY PRISON MINISTRIES

RODGER TORLEY

Address

1026 STONEWALL ST

City, State

GARLAND TX 75043

Zip

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

Signature Rodger Torley

Title DIRECTOR

Date: 4/2/12



# City Council Item Summary Sheet

Work Session

Agenda Item

Date: May 1, 2012

## Boards and Commissions

### Summary of Request/Problem

Council is requested to consider appointments to Boards and Commissions.

### Recommendation/Action Requested and Justification

Submitted By:

Approved By:

William E. Dollar  
City Manager



# Board & Commission Application

Please Print or Type. **PLEASE DO NOT SEND RESUME.**

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

Board or Commission of first, second, and third choice: (Utility Advisory Board has a separate application)

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

Full Name: Monica Reyes  
 Home Address: 331 N. 5th St. #1217 Bus. Address: 1019 Northwest Hwy  
 City, State, Zip: Garland TX 75040 City, State, Zip: Garland TX 75041  
 Home Phone: 214-878-4304 Phone (Other): 972-840-8300  
 Email Address: Monrey1121@yahoo.com

Resident of Garland for 22 years Resident of Texas for 22 years

Are you a registered voter in Dallas County?  Yes  No

Voter Registration No. 108270149 Precinct No. 1708 City Council District No. 2

Have you ever been convicted of a felony?  Yes  No

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

Please list any experience that qualifies you to serve in the areas you have indicated.

Business

If you have served on a City Board or Commission, please specify and list dates of service.

N/A

List civic or community endeavors with which you have been involved.

Texas Trash off 2012, Garland Possibilities 2011-present

What is your educational background? graduated from North Garland

High school 1991  
What is your occupational experience? customer service & sales

\* Plan Commission members must own property within the city.

I hereby affirm that all statements herein are true and correct.

Monica Reyes  
Signature of Applicant

### FOR OFFICE USE ONLY

Ad Valorem Tax Status Apt Dweller  
Current NA Past Due NA

Status of Utility Accounts Current NA Past Due NA

Suit/Claim Filed in City Secretary's Office Yes  No

\_\_\_\_\_  
Signatures  
\_\_\_\_\_  
Tax Clerk  
\_\_\_\_\_  
Accounting Clerk

Flaine Simpson  
City Secretary

Date Appointed \_\_\_\_\_  
Appointed By \_\_\_\_\_  
Date Notified \_\_\_\_\_  
Date Disclosure Form Filed \_\_\_\_\_