

AGENDA

REGULAR MEETING OF THE CITY COUNCIL

City of Garland

Council Chambers, City Hall

200 North Fifth Street, Garland, Texas

November 20, 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. **BRILLE IS NOT AVAILABLE.**

CITY COUNCIL GOALS 2020

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

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

CONSENT AGENDA

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

1. Consider approval of the minutes of the November 6, 2012 Regular Meeting.

2. Consider approval of the following bids:
 - a. Olinger to Greenville Transmission Construction Bid No. 3118-12

Great Southwestern	\$5,315,384.92
Contingency	<u>354,358.08</u>
TOTAL	<u>\$5,669,743.00</u>

This request is to provide labor required to rebuild the Olinger to Greenville 138kV transmission line. This is part of the ERCOT transmission planning requirement for system reliability and security.

- b. Emergency Hazardous Material Response Bid No. 3132-12

TAS Environmental	\$ 77,500.00
Protect Environmental Services, Inc.	<u>77,500.00</u>
TOTAL	<u>\$155,000.00</u>

This request is to provide emergency hazardous material cleanup on an as-needed basis. Staff recommends awarding a primary contract to TAS Environmental and a secondary contract to Protect Environmental Services, Inc.

c. Ambulance Remount Service

Bid No. 3237-13

Frazer, Ltd.

\$130,075.00

This request is to provide all labor and equipment necessary to refurbish and remount three ambulances to new chassis for the Fire Department.

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

Zoning File No. 12-48, General Improvement Co.

Consider an ordinance amending the zoning laws of the City of Garland by approving a Specific Use Permit for Medical Office/Clinic on a 1.83-acre tract of land located at 3630 North Shiloh Road, Suite 209B.

- 4. Consider by minute action approving the Council Rules of Order and Procedure.**

In accordance with the City Charter, Council is required to annually adopt its own rules of order and procedure for meetings. This item was scheduled for Council discussion at the November 20, 2012 Work Session.

- 5. Consider by minute action authorizing the City Manager to execute a contract between the City of Garland and the Texas Railroad Commission.**

At the November 5, 2012 Work Session, Council considered authorizing a contract between the City of Garland and the Texas Railroad Commission for grant funding in the amount of \$10,800 to be used toward the acquisition of equipment and labor to convert a fossil fuel vehicle to compressed natural gas.

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

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

6. Consider the following regarding Shape Corporation:
 - a. An ordinance of the City Council of the City of Garland ordaining the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (The "Act"), providing tax incentives, designating a liaison for communication with interested parties, nominating Shape Corp. to the Office of the Governor, Economic Development and Tourism ("EDT") through the Economic Development Bank (The "Bank") as an Enterprise Project.
 - b. An ordinance designating an area as a Reinvestment Zone for Commercial/Industrial Tax Abatement; making certain findings thereon; authorizing the City Manager to execute an agreement with the applicant regarding the Reinvestment Zone.
 - c. A resolution authorizing the City Manager to execute a Tax Abatement Agreement.

Shape Corporation plans to locate at 3901 W. Miller Road and add \$5.1 million in taxable equipment upgrades. This investment will bring in over 50 jobs to the City of Garland. At the November 5, 2012 Work Session, the Garland Economic Development Partnership Steering Committee recommended that Council: (1) provide general support for the project; (2) support of a 50% City Tax Abatement on Business Personal Property Value on this new investment for 7 years (total of \$125,771); (3) support of nomination for Workforce Skills Development Fund Training Grant; (4) support of nomination for the Texas Enterprise Zone Program; and (5) support of nomination for the Texas Enterprise Fund Grant.

7. Consider the following regarding Van-Rob Corporation:

- a. An ordinance of the City Council of the City of Garland ordaining the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (The "Act"), providing Tax Incentives, designating a liaison for communication with interested parties, nominating VR Dallas, Inc. to the Office of the Governor, Economic Development and Tourism ("EDT") through the Economic Development Bank (The "Bank") as an Enterprise Project.**
- b. An ordinance designating an area as a Reinvestment Zone for Commercial/Industrial Tax Abatement; making certain findings thereon; authorizing the City Manager to execute an agreement with the applicant regarding the Reinvestment Zone.**
- c. A resolution authorizing the City Manager to execute a Tax Abatement Agreement.**

Van-Rob Corporation plans to locate at 3901 W. Miller Road and add \$24 million in taxable equipment upgrades. This investment will bring in over 150 jobs to the City. At the November 5, 2012 Work Session, the Garland Economic Development Partnership Steering Committee recommended that Council: (1) provide general support for the project; (2) support of a 50% City Tax Abatement on Business Personal Property Value on this new investment for 7 years (total of \$591,864); (3) support of nomination for Workforce Skills Development Fund Training Grant; (4) support of nomination for the Texas Enterprise Zone Program; and (5) support of nomination for the Texas Enterprise Fund Grant.

8. Consider the following regarding Academy Sports and Outdoors:

- a. A resolution authorizing the City Manager to execute an Economic Development Agreement with Academy, Ltd.**
- b. A resolution authorizing the City Manager to execute an Economic Development Agreement with Gulf Coast Commercial Group, Inc.**

Academy Sports and Outdoors plans to open a retail store in Garland. It is anticipated that this investment will add \$7 million real estate value to the City, bring \$200,000 annual sales tax revenue to the City, and generate 125 new jobs. At the November 5, 2012 Work Session, the Garland Economic

Development Partnership Steering Committee recommended that Council: (1) provide general support for the project; (2) support a sales tax rebate agreement with retailer Academy pursuant to Chapter 380 of the Texas Local Government Code (total of \$800,000); and (3) support a development fee waiver agreement with developer Gulf Coast Commercial pursuant to Chapter 380 of the Texas Local Government Code (total of \$486,170).

9. Hold public hearings on the following zoning cases:

- a. Consider the application of Garland Partners, requesting approval of 1) a change of zoning from Planned Development (PD) Districts 00-63 and 87-28 for Freeway Uses and Agriculture (AG) District to a Planned Development (PD) District for Mixed-Use with Conditions and Concept Plan in the SH 190 Overlay District, and 2) variances to the Comprehensive Zoning Ordinance regarding Parking (Sec. 10-200), Lot and Density Requirements, Setbacks, Lot Coverage and Height in the Multi-Family (MF), Office 2 (O-2), Neighborhood Service (NS) and Shopping Center (SC) Districts (Sec. 19-300 and 400; 21-400; 23-400, 500 and 600; 24-400, 500 and 600). (File 12-41)**

The proposal is for approval of a change of zoning to a Planned Development for Mixed-Use with conditions and concept plan within the SH 190 Overlay, and variances for density requirements, setbacks, lot coverage and height in various zoning districts. At the October 22, 2012 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval as recommended by staff except allowing the maximum number of multi-family units in Blocks 2 and 3 to be capped at 375 as requested, but not allowing the units to be transferable among blocks.

- b. Consider the application of Dowdey, Anderson and Assoc., requesting approval of 1) a change of zoning from Planned Development (PD) District 09-07 for Single Family, Attached Houses (Townhomes) to a Planned Development (PD) District for Single Family, Detached Houses (Patio Homes) with conditions, 2) a Detail Plan for 130 single family residences, and 3) a waiver to Section 31.27 of the Code of Ordinances regarding alleys. (File 12-43)**

The proposal is for approval of a change of zoning, amendments of conditions and the Concept Plan in the current Planned Development (PD) 09-07 District, and a Detail Plan to develop a detached single family subdivision. An alley waiver is also requested. At the October 22, 2012

meeting, the Plan Commission (by a 9 to 0 vote) recommended approval as recommended by staff except modifying the minimum dwelling unit size requirements.

10. 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.

11. Adjourn.

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

The City Council of the City of Garland, Texas convened in regular session at 7:00 PM on Tuesday, November 6, 2012, in the Council Chambers at City Hall with the following members present:

Mayor	Ronald E. Jones
Mayor Pro Tem	John Willis
Deputy Mayor Pro Tem	Preston Edwards
Councilmember	Marvin 'Tim' Campbell
Councilmember	Anita Goebel
Councilmember	Rick Williams
Councilmember	Jim Cahill

The following members were absent:

Councilmember	B.J. Williams
Councilmember	Lori Barnett Dodson

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

CALL TO ORDER: The meeting was called to order by Mayor Ronald E. Jones. Councilman Tim Campbell led the Invocation and the Pledge of Allegiance.

CEREMONIALS: Deputy Mayor Pro Tem Edwards introduced members of Garland Masonic Lodge No. 441. Mayor Jones was presented the Community Builder Award by the Masons.

Mayor Jones presented a proclamation recognizing November 5-9, 2012 as Texas Municipal Court Week. Page Bobbitt, Director of Municipal Court accepted the proclamation.

Mayor Jones recognized the opening of Salvation Army Red Kettle seasonal campaign and offered a donation.

CONSENT AGENDA: All items marked with asterisks (**) on the Consent Agenda were voted on at the beginning of the meeting. A motion was made by Councilmember Tim Campbell, seconded by Councilman Rick Williams, to approve Items: 1; 2a; 2b; 2c; 3; 4; 5; 6; 7; 8; 9; 10; 11; and 12 as presented. A vote was cast. The motion carried unanimously with 7 Ayes; 0 Nays; (Councilmembers B.J. Williams Lori Dodson absent).

1. Approved** Consider approval of the minutes of the October 16, 2012 Regular Meeting.

2. a. Approved** Award of Bid No. 3102-12 to Techline, Inc. in the amount of

\$431,000 to provide all materials necessary to replace twelve 138kV transmission structures complete with all appurtenances from Ray Olinger Plant to Elm Gove and Firewheel Substations.

2.b. Approved**

Award of Bid No. 3136-12 to Powell Electrical Systems, Inc. in the amount of \$434,230 to provide an Arc Resistant Switchgear with Control Room Enclosure to accommodate three distribution feeders and all associated protection devices for the Rosehill Substation.

2.c. Approved**

Award of Bid No. 3216 to Lenco Bearcat Armored Vehicle in the amount of \$150,491.00 to purchase a refurbished Lenco BearCat Armored Vehicle for the Garland Police Department. The vehicle will enhance detection and tactical equipment delivery capabilities resulting in: safer civilian and officer rescues; safer operational maneuvers for responders; safer deployment of bomb, Hazmat, and Special Weapons and Tactics personnel.

3. Approved**

Consider by minute action to approve an employment agreement with William E. Dollar to continue his employment in the position of City Manager.

4. Approved**

Consider by minute action to approve an employment agreement with Brad Neighbor to continue his employment in the position of City Attorney.

5. Approved**

Consider Resolution No. 10076 adopting the annual review of the City's Investment Policy and Financial Policy and approving the Statement of Investment Strategy.

6. Approved**

Consider by minute action authorizing the acceptance of the Urban Area Security Initiative Grant Program Award totaling \$72,688.26 for a 17-month period ending January 31, 2014. This grant will allow the City of Garland to enhance its capabilities to respond to the disaster related needs of its citizens and also provide the necessary funding to sustain current activities and future enhancements without an economic impact to the City.

7. Approved** Consider by minute action authorizing the acceptance of the Urban Area Security Initiative – Law Enforcement Terrorism Prevention Activity Grant Program Award totaling \$73,000 for a 17-month period ending January 31, 2014. This grant will allow the City of Garland to enhance its capabilities to respond to the disaster related needs of its citizens and also provide the necessary funding to sustain current activities and future enhancements without an economic impact to the City.
8. Approved** Consider Resolution 10077 establishing both the Work Session and Regular Meeting for the second meetings in November to be held on Tuesday, November 20, 2012; both the Work Session and Regular Meeting for the first meetings in December to be held on Tuesday, December 4, and the second meetings on Tuesday, December 18 and due to the New Year's holiday, the January meetings to be rescheduled to January 7 and 8 and January 21 and 22, 2013.
9. Approved ** Consider Ordinance 6575 amending the civil service classifications within the Garland Fire Department for the Fiscal Year 2012-2013 by adding an additional Battalion Chief position and eliminating a Lieutenant position; prescribing the number of positions in each classification; and providing an effective date.
10. Approved** Consider Resolution No. 10078 authorizing the City Manager to execute an engineering services agreement with R-Delta Engineers, Inc. for completing the electrical, civil, structural, and geotechnical engineering, topographic surveying and mapping, planning and design coordination with Third Parties, and permitting and review coordination necessary to provide a 138kV transmission interconnection to Rayburn Country Cooperative and a future Farmers Electric Cooperative (FEC) substation.
11. Approved** Consider Resolution No. 10079 authorizing the City Manager to execute an engineering services agreement with R-Delta Engineers, Inc. for completing the engineering, analysis, design, and reporting for the re-conductor upgrade of the ROP #1 to Ben Davis Substation 138kV transmission line with ACSS/TW 959.6 kcmil (Suwannee Conductor). The project consists of

approximately 17.33 miles in length of aluminum conductor, and an upgrade of electrical facilities on approximately 170 existing steel transmission structures and two substation dead-end structures.

12. Approved**

Consider Resolution No. 10080 approving the sale of real property located at 601 6th Street, Garland.

13. Held & Approved

Hold a public hearing on the following zoning case: Consider the application of General Improvement Co. requesting approval of a Specific Use Permit for Medical Office/Clinic on property zoned Neighborhood Service (NS) District. The property is located at 3630 North Shiloh Road (File 12-48). The proposal is for approval of a Specific Use Permit for a Medical Office/Clinic. At the October 8, 2012 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the Specific Use Permit for a period of 15 years tied to Mohammed Mansour as recommended by staff.

Addressing this item was Neil Montgomery, Senior Managing Director of Development Services.

Mayor Jones opened the public hearing.

No one spoke during the public hearing.

Councilman Rick Williams made a motion, seconded by Deputy Mayor Pro Tem Edwards to approve the Specific Use Permit for Medical Office/Clinic on property zoned Neighborhood Service (NS) District located at 3630 North Shiloh Road (File 12-48) as recommended at the October 8, 2012 Plan Commission (by a 9 to 0 vote) for a period of 15 years tied to Mohammed Mansour.

A vote was cast and the motion carried unanimously by a vote of 7 Ayes; 0 Nays; (Councilmembers B.J. Williams, and Lori Dodson absent)

CITIZEN COMMENTS: No citizens spoke.

There being no further business to come before the City Council, Mayor Jones adjourned the meeting at 7:26 p.m.

CITY OF GARLAND

Signed:

Mayor Ronald E. Jones

Attest:

Lisa Palomba, City Secretary



Purchasing Report

OLINGER TO GREENVILLE TRANSMISSION CONSTRUCTION
OPEN MARKET

PURCHASE JUSTIFICATION:

The purpose of this Contract is to provide the labor required to rebuild the Olinger to Greenville 138 kV transmission line. This is part of the ERCOT transmission planning requirement for system reliability and security. Due to the scope and critical nature of the project, an optional contingency has been included for any unforeseen changes in the labor requirements. This project was approved in the 2012 Capital Improvement Program.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Great Southwestern Contingency	All	\$5,315,384.92 354,358.08
	TOTAL:	\$5,669,743.00

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: 11/07/12

Date: 11/13/12

<u>FINANCIAL SUMMARY:</u>	
Total Project/Account: \$	14,160,000
Expended/Encumbered to Date:	5,599,696
Balance: \$	8,560,304
This Item:	5,669,743
Proposed Balance: \$	2,890,561
Trent Schulze	11/09/12
Budget Analyst	Date
Ron Young	11/09/12
Budget Director	Date
Operating Budget: <input type="checkbox"/> CIP: <input checked="" type="checkbox"/> Year: 2012 Document Location: Page E01 Account #: EC-T5410-00217111 Fund/Agency/Project – Description: Electric CIP Fund 215 – Labor to Rebuild Olinger to Greenville 138 kV Transmission Line Comments: Contingency included for any unforeseen changes in labor requirements.	

CITY OF GARLAND - BID RECAP SHEET OPENED: 09/27/12 REQ. NO. PR30572 BID NO. 3118-12 PAGE: 1 of 1 BUYER: R. Burger			Great Southwestern	Willbros T&D Services	Southeast Power	Barnard Construction
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I T E M	QTY	U N I T	DESCRIPTION	Great Southwestern		Willbros T&D Services		Southeast Power		Barnard Construction	
				UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	Lot	1	Labor: Olinger-Greenville		\$5,315,384.92		\$7,848,316.00		\$7,462,210.00		\$6,958,800.00
			Transmission Line Upgrade								
			Evaluation Criteria:								
			Pricing	Maximum = 40	40.00	25.00	25.00	28.00	28.00	29.00	29.00
			Spec Compliance	Maximum = 20	18.00	20.00	20.00	20.00	20.00	15.00	15.00
			Services Available	Maximum = 20	12.00	15.00	15.00	2.00	2.00	14.00	14.00
			Full Range Services Capability	Maximum = 10	15.00	4.00	4.00	13.00	13.00	1.00	1.00
			Reputation	Maximum = 10	10.00	10.00	10.00	10.00	10.00	10.00	10.00
			Total Score:	Maximum = 100	95.00	74.00	74.00	73.00	73.00	69.00	69.00

TOTAL GROSS PRICE	\$5,315,384.92	\$7,848,316.00	\$7,462,210.00	\$6,958,800.00
CASH DISCOUNT				
TOTAL NET PRICE	\$5,315,384.92	\$7,848,316.00	\$7,462,210.00	\$6,958,800.00
F.O.B.	DELIVERED	DELIVERED	DELIVERED	DELIVERED
DELIVERY				

NEXT LOW: \$6,958,800.00 LOW: \$5,315,384.92 SAVINGS: \$1,643,415.08	3352 # Total Notifications 63 # BidSync HUBS 39 # Direct Contact HUBS 0 # HUBS Responded	All bids submitted for the designated project are reflected on this bid tab sheet. However, the listing of a bid on this sheet should not be construed as a comment on the responsiveness of such bid or as any indication that the city accepts such bid as responsive. <u>The City will notify the successful bidder upon award of the contract and, according to the law, all bids received will be available for inspection at that time.</u>
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GARLAND

PURCHASING

Executive Summary **Bid 3118-18** **Olinger to Greenville Transmission Construction**

Recommended Vendor:

Great Southwestern Construction, Inc.

Total Recommended Award:

\$5,669,743.00

Basis for Award:

Best Value

Purpose:

The purpose of this Contract is to provide the labor required to rebuild the Olinger to Greenville 138 kV transmission line. This is part of the Electric Reliability Council of Texas (ERCOT) transmission planning requirement for system reliability and security.

Evaluation:

Request for Bids were issued per Purchasing procedure. Four (4) bids were received and evaluated on the basis of the stated Best Value criteria.

Great Southwestern Construction, Inc. offered the lowest bid price and received the highest evaluated score of 95 out of a possible 100, offering the Best Value for the City.

Recommendation:

Staff recommends awarding the contract to Great Southwestern Construction, Inc.

Funding Information:

CIP 215-3591-3141001-7111; Job Cost EC-T5410-00217111

Department Director:

Art Martinez, Acting Director of GP&L Transmission and Distribution, 972-205-2669



Purchasing Report

EMERGENCY HAZARDOUS MATERIAL RESPONSE TERM CONTRACT

PURCHASE JUSTIFICATION:

The purpose of this contract is to provide emergency hazardous material cleanup on an as needed bases. Staff recommends awarding a primary contract to TAS Environmental and a secondary contract to Protect Environmental Services, Inc. This is a term contract with four (4) annual renewal options. The cost is estimated and may be more or less based on actual needs. Any required work will be performed in accordance with the vendor's Rate Schedule.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
TAS Environmental		\$77,500.00
Protect Environmental Services, Inc.		\$77,500.00
	TOTAL:	\$155,000.00

BASIS FOR AWARD:

Lowest Responsible Bidders

Submitted by:

Reviewed by:

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

William E. Dollar
 City Manager

Date: 11/09/12

Date: 11/13/12

<u>FINANCIAL SUMMARY:</u>	
Total Project/Account: \$	N/A
Expended/Encumbered to Date:	N/A
Balance: \$	N/A
This Item:	
Proposed Balance: \$	N/A
Budget Analyst	Date
Budget Director	Date

Operating Budget: CIP: Year: _____

Document Location: _____

Account #: 451-6999

Fund/Agency/Project – Description:
Term Contract –

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

CITY OF GARLAND - BID RECAP SHEET OPENED: 10-04-12 REQ. NO. PR 30779 BID NO. 3132-12 PAGE: 1 of 1 BUYER: Sharon Towle			Tas Environmental	Protect Environmental Services Inc	SWS Environmental	
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ITEM	QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
			Term Contract for Emergency Oil Spill Response								
1	1	hr	Hourly rate to respond to 15,000 gallon oil spill on Lake Lavon	\$430.00	\$430.00	\$391.30	\$391.30	\$421.35	\$421.35		
2	1	hr	Hourly rate to respond to 10,000 gallon land based oil spill at Ray Olinger	\$325.00	\$325.00	\$331.30	\$331.30	\$328.82	\$328.82		
3	1	hr	Hourly rate to respond to 500 gallon land based oil spill at Ray Olinger	\$235.00	\$235.00	\$249.40	\$249.40	\$258.70	\$258.70		
4	1	hr	Hourly rate to respond to 10,000 gallon land based oil spill at Spencer	\$325.00	\$325.00	\$331.30	\$331.30	\$328.82	\$328.82		
5	1	hr	Hourly rate to respond to 500 gallon land based oil spill at Spencer	\$235.00	\$235.00	\$249.40	\$249.40	\$258.70	\$258.70		
6	1	hr	Hourly rate to respond to 500 gallon land based oil spill at C.E. Newman	\$235.00	\$235.00	\$249.40	\$249.40	\$258.70	\$258.70		

TOTAL GROSS PRICE			\$1,785.00	\$1,802.10	\$1,855.09
CASH DISCOUNT					
TOTAL NET PRICE			\$1,785.00	\$1,802.10	\$1,855.09
F.O.B. DELIVERY			DELIVERED	DELIVERED	DELIVERED

NEXT LOW: \$1,802.10 LOW: \$1,785.00 SAVINGS: \$17.10	694 # BidSync Notifications 11 # BidSync HUBS 151 # Direct Contact HUBS 1 # HUBS Responded	All bids submitted for the designated project are reflected on this bid tab sheet. However, the listing of a bid on this sheet should not be construed as a comment on the responsiveness of such bid or as any indication that the city accepts such bid as responsive. <u>The City will notify the successful bidder upon award of the contract and, according to the law, all bids received will be available for inspection at that time.</u>
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GARLAND

PURCHASING

Executive Summary Bid 3132-12 Emergency Hazardous Material Response

Recommended Vendors:

TAS Environmental	\$77,500.00
Protect Environmental Services, Inc.	\$77,500.00
	<hr/>

Total Recommended Award: \$155,000.00

Basis for Award:

Lowest Responsible Bidders

Purpose:

The purpose of this contract is to provide hazardous material cleanup response on an as needed basis.

Evaluation:

Request for bids were issued in accordance with Purchasing Procedures. Three (3) bids were received and evaluated based on resources and hourly rates for the stated response scenarios.

TAS Environmental and Protect Environmental Services, Inc. offered the first and second lowest total bids for the stated response scenarios. Any actual work performed under this contract will be priced on a time and materials basis in accordance with their agreed upon Rate Schedules.

Recommendation:

Staff recommends awarding the contracts to TAS Environmental as the primary contractor and Protect Environmental Services, Inc. as the secondary contractor.

Funding Information:

451-6999 Blanket Account Code

Department Director:

Jeff Janke, Senior Managing Director of Garland Power & Light, 972-205-2656



Purchasing Report

AMBULANCE REMOUNT SERVICE OPEN MARKET

PURCHASE JUSTIFICATION:

The purpose of this contract is to provide all labor and equipment necessary to refurbish and remount three (3) ambulances to new chassis for the City of Garland Fire Department. These units are being purchased from the Houston-Galveston Area Council Cooperative Purchasing Contract #AM04-12. These units were approved in the 2013 Capital Improvement Program.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Frazer, Ltd.	All	\$130,075.00
TOTAL:		<u>\$130,075.00</u>

BASIS FOR AWARD:

Cooperative Purchase

Submitted by:

Reviewed by:

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

Director of Purchasing

William E. Dollar

City Manager

Date: 11/12/12

Date: 11/13/12

<u>FINANCIAL SUMMARY:</u>			
Total Project/Account:	\$ 536,102	Operating Budget:	<input type="checkbox"/>
Expended/Encumbered to Date:	373,357	CIP:	<input checked="" type="checkbox"/>
Balance:	\$ 162,745	Year:	<u>2012</u>
This Item:	130,075	Document Location:	<u>Page PS05</u>
Proposed Balance:	\$ 32,670	Account #:	692-1399-1210712-9009
Matt Watson	11/12/12	Fund/Agency/Project – Description:	CO-Funded CIP / Fire Department / Ambulance Remounts
Budget Analyst	Date	Comments:	
Ron Young	11/12/12		
Budget Director	Date		



GARLAND

PURCHASING

Executive Summary Bid 3237-13 Ambulance Remount Service

Recommended Vendor:

Frazer, Ltd.

Total Recommended Award:

\$130,075.00

Basis for Award:

Cooperative Purchase

Purpose:

The purpose of this contract is to refurbish and remount three (3) ambulance units to new chassis for the City of Garland Fire Department.

Evaluation:

These services will be provided through the HGAC Purchasing Cooperative, contract #AM04-12.

Recommendation:

Staff recommends awarding the bid for remounting to Frazer, Ltd.

Funding Information:

692-1399-1210712-9009

Department Director:

Terry Anglin, Fleet Director, 972-205-3524



City Council Item Summary Sheet

Work Session

Agenda Item

Date: November 20, 2012

Zoning Ordinance

Summary of Request/Problem

Zoning Ordinance 12-48 – General Improvement Co.

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



City Council Item Summary Sheet

Work Session

Agenda Item

Date: November 20, 2012

Zoning Ordinance

Summary of Request/Problem

Zoning Ordinance 12-48 – General Improvement Co.

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 MEDICAL OFFICE/CLINIC ON A 1.83-ACRE TRACT OF LAND LOCATED AT 3630 NORTH SHILOH ROAD, SUITE 209B; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 8th day of October, 2012, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **General Improvements Co.** 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 Medical Office/Clinic on a 1.83 acre tract of land located at 3630 North Shiloh Road, Suite 209B, 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. 12-48

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 12-48

Being an approximate 1.83-acre parcel shown as Lot 2 Block 1 of Shiloh/Apollo Addition, an addition to the City of Garland, as recorded in the Dallas County Clerk instrument number 20070028854. The property is located at 3630 North Shiloh Road, Suite 209B.

SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 12-48

3630 North Shiloh Road, Suite 209B

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to permit Medical Office/Clinic 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 Neighborhood Service (NS) District set forth in Section 23 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 15 year time period and tied to **Mohammed Mansour**.



City Council Item Summary Sheet

Work Session

Agenda Item

Date: November 20, 2012

Council Rules of Order and Procedure

Summary of Request/Problem

In accordance with the City Charter, Council is required to annually adopt its own rules of order and procedure for meetings. Council is requested to discuss proposed revisions.

This item was considered by Council at the October 1, 2012 Work Session.

Recommendation/Action Requested and Justification

Council discussion.

Submitted By:

**Brad Neighbor
City Attorney**

Approved By:

**William E. Dollar
City Manager**

**CITY COUNCIL
of the
CITY OF GARLAND, TEXAS**

RULES OF ORDER AND PROCEDURE

October 2012

A. AUTHORITY - CHARTER

Article III, Section 9 of the City Charter provides that the City Council shall determine its own rules of order of business and procedures for meetings. These rules shall be in effect upon adoption by the City Council and until such time as amended, suspended or new rules are adopted in the manner provided.

B. COUNCIL MEETINGS

1. REGULAR MEETINGS

Article III, Section 8 of the City Charter provides that regular meetings of the City Council shall be held at least twice each month. Section 10.14 of the Code of Ordinances establishes the first and third Tuesdays of each month as the time for those regular meetings. The City Council may otherwise prescribe the date for such meetings by ordinance or resolution. The meetings are held in the City Council chamber.

a. Other Locations

The City Council may, occasionally, elect to meet at other locations and, upon such election, shall give public notice of the change of location in accordance with provisions of State law and the City Charter.

b. Location During Local Emergency

If by reason of fire, flood or other emergency, it is unsafe to meet in the City Council chamber, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor or, in the Mayor's absence by the Mayor Pro Tem or the City Manager.

2. PRE-COUNCIL MEETING WORK SESSION

Prior to each regular City Council meeting, the City Council may conduct a Work Session in order to allow the City Council to informally review items of interest that may be scheduled for formal presentation at future City Council meetings, or that are strictly informational in nature. The City Council may not take formal action on items presented at the Work Session unless specified in the posted agenda.

3. SPECIAL MEETINGS AND EMERGENCY MEETINGS

Pursuant to Article III, Section 7 of the City Charter special meetings may be called at any time by the Mayor or by two or more members of the City Council. The City Secretary shall post notice thereof as provided by State law. Special meetings may be held at any location as long as such meetings are conducted in accordance with State law and the City Charter. In case of emergency or urgent public necessity which shall be expressed in the notice of the meeting, an emergency meeting may be called by the Mayor or by two members of the City Council, and it shall be sufficient if the notice is posted two hours before the meeting is convened. Diligent effort to notify all Councilmembers shall be made prior to the emergency meeting. (Texas Government Code, Sec. 551.045)

4. ADJOURNED MEETINGS

The City Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment pursuant to the provisions of the Texas Open Meetings Act. (Texas Government Code, Section 551)

5. EXECUTIVE SESSIONS

The City Council may meet in Executive Session during any regular or special meeting, or anytime otherwise authorized by State law, to consider, hear or decide any matter which is authorized by State law to be heard or considered in Executive Session. The City Council may exclude from any such Executive Session any person or persons which it is authorized by State law to exclude from such sessions. The general subject matter for consideration shall be expressed in an open meeting before such session is held. Councilmembers may not reveal the nature of discussion from a closed session unless required by law.

6. NOTICE OF MEETINGS

Notice of meetings and the agenda for all City Council meetings shall be posted by the City Secretary on the City's Website and official bulletin board pursuant to the requirements of the Texas Open Meetings Act. (Texas Government Code, Section 551)

7. QUORUM

Article III, Section 6 of the City Charter provides that five (5) members of the nine member City Council shall constitute a quorum to do business and the affirmative vote of five (5) of those present shall be necessary to adopt any ordinance or resolution, except as required by City Charter or State law.

8. CHAIR

Article III, Section 4 of the City Charter provides that the Mayor shall preside at all meetings of the City Council. The Mayor may participate in the discussion of all matters coming before the City Council. The Mayor shall be required to vote as a member on legislative and other matters. The Mayor shall have the authority to preserve order at all City Council meetings, to enforce the rules of the City Council and to determine the order of business under the rules of the City Council. The Mayor shall also have the power to administer oaths.

a. Absence of Mayor

Article III, Section 4 of the City Charter provides that the City Council shall elect from among the Councilmembers a Mayor Pro Tem who shall act as Mayor during the absence or disability of the Mayor. The City Council may elect from among the Councilmembers a Deputy Mayor Pro Tem who shall act as Mayor during the absence or disability of the Mayor and Mayor Pro Tem.

b. Absence of Mayor and Mayor Pro Tem

When the Mayor and Mayor Pro Tem are absent from any meeting of the City Council, the Deputy Mayor Pro Tem, if one has been elected, shall act as Mayor Pro Tem. If all three are absent, the members present shall choose another member to act as Mayor Pro Tem and that person shall, for the duration of the meeting, have the powers of the Chair.

9. ATTENDANCE BY THE PUBLIC

Article III, Section 10 of the City Charter requires that all meetings of the City Council shall be open and public in accordance with the terms of provisions of the Texas Open Meetings Act except the Executive Session or closed meetings allowed by State law. Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council.

10. MINUTES

In accordance with the provisions of Article III, Section 9, and Article IV, Section 5 of the City Charter, minutes of City Council meetings will be kept. Minutes will include final motions with votes. The minutes will also reflect the names of public speakers.

a. City Council Approval of Minutes

Minutes of meetings are generally submitted to the City Council within two weeks for approval.

b. Recording of Meetings

Tape recordings of proceedings, other than executive session proceedings, are maintained by the City Secretary as required by law. Tape recordings of executive session proceedings shall be maintained by the City Attorney.

C. ORDER OF BUSINESS

1. GENERAL ORDER

City Council meetings will be generally conducted in the following order, unless otherwise specified. An Executive Session may be held at any time during a meeting pursuant to applicable State law.

WORK SESSION AGENDA

EXECUTIVE SESSION (IF ANY)
WRITTEN BRIEFINGS
VERBAL BRIEFINGS
QUESTIONS REGARDING REGULAR AGENDA ITEMS
DISCUSS COMMITTEE REPORTS/ASSIGNMENTS
DISCUSS CONSENT AGENDA
IDENTIFY FUTURE AGENDA ITEMS
ADJOURN

REGULAR MEETING AGENDA

EXECUTIVE SESSION (*AS NEEDED*)
PLEDGE OF ALLEGIANCE/INVOCATION
CONSENT AGENDA/APPROVAL OF MINUTES
REGULAR AGENDA
CONSIDER APPOINTMENTS TO BOARDS AND COMMITTEES
CITIZEN COMMENTS (“OPEN MIKE”)
ADJOURNMENT

2. NUMBERING AND INDEXING OF AGENDA ITEMS

All items of any nature shall be numbered consecutively for purposes of consideration on the agenda. Upon passage, the City Secretary shall separately index all ordinances and resolutions.

3. CONSENT AGENDA

The Consent Agenda shall contain routine, noncontroversial items that require City Council action but need little or no City Council deliberation. Agenda item(s) removed from the Consent Agenda by the request of a Councilmember, citizen or staff will be considered after approval of the remaining Consent Agenda.

D. RULES OF CONDUCT

1. GENERAL PROCEDURE

These rules, consistent with the City Charter and any applicable City ordinance, statute or other legal requirement, shall govern the proceedings of the City Council. To the extent not inconsistent with these rules, the City Council proceedings shall follow the rules of procedure set out in Roberts Rules of Order, Newly Revised, published by Persus Publishin, (hereinafter “RONR”) a copy of which shall be retained by the City Secretary and made available for inspection by the public during normal business hours.

2. AUTHORITY OF THE CHAIR

The Chair shall make decisions on questions of procedure subject to review by the City Council as a whole. The Chair, with the consent of the City Council, may appoint a Parliamentarian from outside the City Council to assist the Chair in interpreting the rules of procedure governing City Council Meetings and shall offer advice to the Chair as requested by the Chair or any member of the City Council. The Chair, shall, upon request of a member of the City Council, inform the City

Council as to the advice given by the Parliamentarian. Following a decision of the Chair on a question of procedure, any two members of the City Council shall be entitled to appeal the decision of the Chair by the making, and seconding of, an appeal. See RONR.

3. COUNCIL DELIBERATION AND ORDER OF SPEAKERS

The Chair has been delegated the responsibility to control the debate and the order of speakers. Speakers will generally be called upon in the order of the request to speak. With the concurrence of the Chair, a Councilmember holding the floor may address a question to another Councilmember and that Councilmember may respond while the floor is still held by the Councilmember asking the question. A Councilmember may opt not to answer a question while another Councilmember has the floor.

4. LIMIT DELIBERATIONS TO ITEM AT HAND

After an agenda is announced by the Chair, the City Council may discuss the item without the need for a motion on the item. Councilmembers will limit their comments to the subject matter or motion being currently considered by the City Council. All discussions shall be germane to a posted agenda item.

5. OBTAINING THE FLOOR

Except as provided in RONR, any member of the City Council wishing to speak shall first obtain the floor by registering in the cue electronically and thereafter being recognized by the Chair. If the electronic cue is inoperative, members of the City Council shall obtain the floor by making a verbal request for the floor to the Chair. The Chair shall recognize any Councilmember who seeks the floor when appropriately entitled to do so.

6. MOTIONS

Motions may be made by any member of the City Council other than the Chair. Any member of the City Council, other than the Chair and the person offering the motion, may second a motion.

7. PROCEDURES FOR MOTIONS

The following is the general procedure for making motions:

- a.** Before a motion can be considered or debated it shall be seconded.
- b.** A Councilmember who wishes to make a motion, except as provided in RONR, shall first obtain the floor.
- c.** A Councilmember who wishes to second a motion shall do so through a verbal request to the Chair.
- d.** Unless otherwise required or provided by law, a motion (other than a procedural motion) made and seconded, unless stated otherwise, shall include, without necessity of reference, a motion to close the public hearing on the matter if the matter is one which includes a public hearing. A Councilmember wishing to

continue the public hearing shall move to continue the public hearing and if seconded shall be voted upon before the main motion. No discussion shall be permitted on a motion to continue the public hearing.

- e. Once the motion has been properly made and seconded, the Chair shall open the matter for discussion offering the first opportunity to the moving party and, thereafter, to any Councilmember properly recognized by the Chair.

8. MOTION AMENDMENTS

When a motion is on the floor and an amendment is offered, the amendment shall be acted upon prior to acting on the main motion. No motion of a subject different from that under consideration shall be admitted as an amendment. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be in order. Action shall be taken on the amended amendment prior to any other action to further amend the original motion.

9. VOTING

a. Abstention

- (i) If a Councilmember abstains because of a legal conflict, that Councilmember is not counted as present for quorum purposes and is not deemed to be “voting” for purposes of determining whether there has been a “majority vote of those voting and present.”
- (ii) When a Councilmember has a legal conflict and is required to abstain or excuse himself/herself from a portion of a City Council meeting, the Councilmember shall complete the necessary affidavit regarding the conflict.
- (iii) Pursuant to Article III, Section 6 of the Charter, a Councilmember who is present and not required by law to abstain from voting shall vote on every measure for which a vote is called; a refusal to vote constitutes a vote of “no” on the measure.

b. Charter or Statute Voting Requirements

Some actions taken by the City Council require more than a simple majority vote for approval as required by either the Charter or State law, including:

- (i) *Charter Amendment — Two-thirds Vote*

An ordinance submitting a proposed Charter amendment must be adopted by at least a two-thirds vote of the full City Council. (Texas Local Government Code, Section 9.002(a), Article XI, Section 5, Texas Constitution)

- (ii) *Changing Paving Assessment Plan — Two-thirds Vote*

Changes in plans for paving assessments require a two-thirds vote of the full City

Council. (Texas Transportation Code, Section 313.053)

(iii) *Protested Changes in Zoning Ordinance — Three-fourths Vote*

If a proposed change to a zoning regulation or boundary is protested by owners of twenty percent or more of the area of the lots or land included in such proposed change, or of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet therefrom, the affirmative vote of at least three-fourths of the full City Council is required for the proposed change to take effect. (Texas Local Government Code, Sec. 211.006(d); Garland Comprehensive Zoning Ordinance)

E. PUBLIC HEARINGS

1. GENERAL PROCEDURE

The City Council procedure for the conduct of public hearings is generally as follows:

- a. Staff presents its report.
- b. Councilmembers may ask questions of staff.
- c. The Chair opens the public hearing.
- d. The applicant or appellant then has the opportunity to present comments, testimony, oral arguments. In the case of an appeal when the appellant is different from the applicant, the appellant shall be called upon first to provide comments or testimony. The applicant or appellant may have a total of 15 minutes for a presentation when recognized by the Chair. The initial comments or presentation shall be limited to ten minutes and the rebuttal or concluding comments shall be limited to five minutes.
- e. Councilmembers may ask questions of the applicant/appellant.
- f. Members of the public are provided with the opportunity for comments and testimony in accordance with City Council Rule E (3).
- g. The appellant or the applicant is given the opportunity for closing comments.
- h. The City Council deliberates on the issue.
- i. If the City Council raises new issues through deliberation and a majority of the City Council seeks additional public testimony, additional public comment and testimony is permitted in accordance with City Council Rule E (3).
- j. The City Council deliberates and takes action.
- k. The Chair announces the final decision of the City Council.

2. CONTINUANCE OF HEARINGS

Any public hearing being held, noticed or ordered to be held by the City Council may, by order, notice or motion, be continued to any subsequent meeting subject to the provisions of the Texas Open Meetings Act.

3. PUBLIC TESTIMONY AT MEETINGS

When a matter comes before the City Council, the Chair will open the public hearing. Upon opening the public hearing, and before any motion is adopted related to the merits of the issue to be heard, the Chair shall inquire if there is anyone present who desires to speak on the matter which is to be heard or to present evidence regarding the matter.

a. Public Member Request to Speak

Any person wishing to address the City Council regarding a matter on the agenda shall complete and present a speaker card to the City Secretary before the close of the vote on the matter. Prior to speaking, the speaker shall either complete the speaker's card and sign the card under penalty of perjury, or shall, if so allowed by the Chair, be sworn by the City Attorney or other person authorized to administer oaths. Upon being recognized by the Chair, the person may speak or present testimony relevant to the matter being heard. No person may speak without first being recognized by the Chair. Each person wishing to speak on the matter shall be limited to three minutes. Speakers are advised to obtain all information necessary for their presentations prior to the meeting: The opportunity to speak is given to provide testimony rather than to question the City Council or staff. The Chair may call a speaker out of order if the speaker presents questions or requests for information that will unduly delay the transaction of business at the meeting.

b. Identification of Speaker

When called upon, the person to speak shall come to the podium and state his or her name and address. If speaking for an organization or other group, the speaker shall identify the group represented. A person who does not wish to testify may nonetheless register a position on an agenda item by completing a speaker's card. The person's position on the matter shall be read into the record but the person is not required to address the City Council.

c. Time Limits

The Chair, with the concurrence of the City Council, may alter any of the enumerated time allocations based on the complexity of the item and the number of persons wishing to speak on the item.

d. Designation of Spokesperson.

To expedite matters and to avoid repetitious presentations, the designation of a spokesperson is encouraged. Whenever any group of individuals wishes to address the City Council on the same subject matter, those individuals are encouraged to designate a spokesperson. Any person present at the meeting may, in lieu of speaking, designate a spokesperson by indicating the designation on his or her speaker card. With the consent of the City Council,

the Chair may extend the time allocation for a designated spokesperson. In this regard, three or more speakers may yield their time to a single speaker and such speaker shall be given 2 minutes per speaker up to a maximum of 10 minutes provided that each of the persons who have agreed to yield their time to the designated spokesperson have completed a speaker's card and have indicated thereon the person's consent to the designation. The designor's position on the matter shall be read into the record in accordance with Rule E(3)(b).

e. Comments Addressed to City Council

All remarks shall be addressed to the City Council as a whole and not to individual members or other speakers. Questions, if any, shall be directed to the Chair who will determine whether, or in what manner, an answer will be provided. Questions shall not be address to individual members or to other speakers.

f. Questions of Speakers

Members of the City Council who wish to ask questions of the speakers or each other during the public hearing portion may do so, but only after first being recognized by the Chair. Interaction with the speaker shall be limited to a question or questions, rather than an ongoing dialogue. In fairness to all speakers, a question may not be presented solely for the purpose of providing the speaker with more than the allotted time for the speaker unless a motion is made and approved extending the time for the speaker.

g. Materials for Public Record

All persons interested in the matter being heard by the City Council shall be entitled to submit written evidence or remarks. All such evidence presented will be retained by the City Secretary as part of the record of the hearing, in accordance with the requirements of State law.

h. Germane Comments

During the public hearing, no person will be permitted to speak about matters or present evidence which is not germane to the matter being considered. A determination of relevance shall be made by the Chair, but may be appealed to the full City Council.

4. STAFF PRESENTATIONS

Staff presentations will be concise and will provide factual background information on the item as well as a recommendation for the City Council. Written presentations shall, to the extent possible, be provided to the City Council before the meeting.

F. APPOINTMENTS TO BOARDS AND COMMISSIONS

Appointments to boards and commissions shall, unless otherwise required by law, be made by minute action reflecting the unanimous consent of the City Council unless a Councilmember requests that the appointment be deliberated by the City Council.

G. CITIZENS' COMMENTS – "OPEN MICROPHONE"

This portion of the regular City Council meeting is set aside for members of the public to address the City Council on any item of City business that is not formally scheduled on the agenda. Members of the public shall complete a speaker card prior to the close of the citizens' comment period and present it to the City Secretary.

1. Timing

Citizens' comments are generally permitted at the end of the regular City Council meeting, as specified on the agenda. A speaker's comments shall be limited to three minutes ~~and the citizens' comment period shall not exceed thirty minutes.~~ Speakers shall be allowed to speak on a first-come, first-to-speak basis as determined by the order in which the City Secretary receives the speaker's card. ~~If at the end of the citizens' comment period all speakers who are still present and willing to speak are not offered an opportunity to speak at the meeting, those who have been allowed to speak at that meeting may not speak during the citizens' comment period at the next following meeting at which a citizens' comment period is offered until all other speakers have been allowed to speak. A speaker who was present and willing to speak at a meeting but who was unable to speak because time ran out will be given priority in the order of speakers at the following citizens' comment opportunity regardless of the order in which the City Secretary receives the speaker's card.~~

2. No Council Deliberations

In compliance with the Texas Open Meetings Act, the City Council may not question, deliberate or vote on any matter raised in citizens' comments. The City Manager may request staff to provide information requested by a speaker or investigate a matter raised by the speaker.

H. RULES OF DECORUM

1. Speakers shall not present the same or substantially the same items or arguments to the City Council repeatedly or be repetitious in presenting their oral comments. A speaker shall not present argument on a matter previously considered by the City Council at the same session.
2. Persons attending City Council meetings should observe the same rules of propriety, decorum and good conduct as they would show in a courtroom, a place of worship, or at any other serious or solemn occasion during which matters of importance are being considered. Visitors will refrain from engaging in chatter, private conversations, and from making other distracting noises while the City Council is in session. Phones and other electronic devices should be set to off or silent mode. Visitors should not applaud, boo, clap, or otherwise audibly express approval or disapproval of the speech of another person in a loud and raucous manner calculated to disturb the meeting.
3. Visitors attending City Council meetings may not bring food or drink into the City Council chamber.
4. No person shall display or cause to be displayed any sign, placard, poster or banner within the City Council chamber in such a manner as to impede the use of the aisles or exits, interfere with the use of the seating area, obstruct the view of another or in any other manner disturb or interfere with the orderly conduct of the meeting. A sign, placard, poster or banner may not exceed more than six square feet in surface area and may not be attached to any stick, pole or other appurtenance that could be used as a club or deadly weapon.

5. Only one person at a time may stand at the speaker's podium unless the speaker is a child or requires an interpreter or other special assistance or unless the person is appearing as a group receiving a recognition or award presented by the Mayor or City Council.
6. No person may approach nearer the City Council than the front of the speaker's podium without leave of the Chair. A speaker may not bring to the podium any bag or other container. Recording equipment (including cameras, microphones, tripods and supporting equipment) may not be used within any seating area or aisle in such a manner as to impede the use of the aisles or exits, interfere with the use of the seating area or obstruct the view of another, but may be set up behind the public seating area or at the sides of the City Council chamber to the front of the public seating area, no nearer to the podium than the edge of the raised portion of the City Council seating area. For safety purposes, standing or sitting in any aisle used for ingress or egress into the City Council chamber is not allowed. The maximum occupancy limitation for the City Council chamber will be enforced by the Chair. Overflow crowds may stand in the public area outside the City Council chamber provided that hallways, exits, and elevator areas must remain unobstructed.

I. WAIVER OF RULES

As referenced in RONR, certain procedural rules contained in federal law, state law or the City Charter cannot be suspended. As referenced in RONR, certain rules of order can only be suspended by 2/3 vote. Other rules may be waived or suspended by a majority vote of the Councilmembers present (but not less than five votes) when it is deemed that there is good cause to do so, based upon the particular facts and circumstances involved.

J. NON-EXCLUSIVE RULES

The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the City Council, or of its presiding officer, to govern the conduct of City Council meetings as may be considered appropriate from time to time, or in particular circumstances, for purposes of orderly and effective conduct of the affairs of the City.

K. NON-OBSERVANCE OF RULES

Rules adopted by the City Council are solely to expedite and facilitate the transaction of the business of the City Council in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe any such rules shall not affect the jurisdiction of, or invalidate any action taken by, the City Council.



City Council Item Summary Sheet

Work Session

Date: November 20, 2012

Agenda Item

Texas Alternative Fuel Fleet Pilot Program

Summary of Request/Problem

At the November 5, 2012 Work Session, Council considered authorizing a contract between the City of Garland and the Texas Railroad Commission for grant funding in the amount of \$10,800 to be used toward the acquisition of equipment and labor to convert a fossil fuel vehicle to compressed natural gas.

Recommendation/Action Requested and Justification

Approve by minute action authorizing the City Manager to execute a contract between the City of Garland and the Texas Railroad Commission.

Submitted By:

Approved By:

William E. Dollar
City Manager



City Council Item Summary Sheet

Work Session

Date: November 20, 2012

Agenda Item

Shape Corporation – “Project Chapman” Economic Development Incentive

Summary of Request/Problem

Shape Corporation plans to locate at 3901 W. Miller Road and add \$5.1 million in taxable equipment upgrades. This investment will bring in over 50 jobs to the City.

At the November 5, 2012 Work Session, the Garland Economic Development Partnership Steering Committee recommended that Council: (1) provide general support for the project; (2) support of a 50% City Tax Abatement on Business Personal Property Value on this new investment for 7 years (total of \$125,771); (3) support of nomination for Workforce Skills Development Fund Training Grant; (4) support of nomination for the Texas Enterprise Zone Program; and (5) support of nomination for the Texas Enterprise Fund Grant.

Recommendation/Action Requested and Justification

1.) Approve an ordinance ordaining the City's participation the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act; 2) approve an ordinance designating an area as a Reinvestment Zone for Commercial/Industrial Tax Abatement, and 3) approve a resolution authorizing the City Manager to execute a Tax Abatement Agreement.

Submitted By:

**Martin E. Glenn
Deputy City Manager**

Approved By:

**William E. Dollar
City Manager**

ORDINANCE NO. _____

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

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

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

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Act, SHAPE CORP. has applied to the City for designation as an enterprise project; and

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

WHEREAS, a public hearing to consider this Ordinance was held by the City Council on November 20, 2012;

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

Section 1

The City nominates SHAPE CORP. for enterprise project status.

Section 2

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

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

- B. The City may provide the programs to improve and increase the value of real estate and new investment, including:
 - 1) local sales tax refund;
 - 2) tax increment financing;
 - 3) freeport exemption; or
 - 4) chapter 380 grants.

- C. The City may provide regulatory relief to businesses, including:
 - 1) zoning changes or variances;
 - 2) exemptions from impact fees, or inspection fees; or
 - 3) streamlined permitting.

- D. The City may provide enhanced municipal services to businesses, including:
 - 1) improved police and fire protection; or
 - 2) institution of community crime prevention programs.

- E. The City may provide improvements in community facilities, including:
 - 1) capital improvements in water and sewer facilities; or
 - 2) road repair.

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

- 1) low-interest loans for housing rehabilitation, improvement, or new construction; or
 - 2) transfer of abandoned housing to individuals or community groups.
- G. The City may provide businesses and industrial development services, including:
- 1) low-interest loans and grants for businesses;
 - 2) creation of special one-stop permitting and problem resolution centers or ombudsmen; or
 - 3) promotion and marketing services.
- H. The City, through its funding of other agencies, may provide job training and employment services to businesses, including:
- 1) retraining programs;
 - 2) literacy and employment skills programs;
 - 3) vocational education; or
 - 4) customized job training.

Section 3

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

Section 4

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

Section 5

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

- B. SHAPE CORP. is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site located in an enterprise zone in the governing body's jurisdiction and at least twenty-five (25%) of the business' new employees will be residents of an Enterprise Zone or economically disadvantaged individuals;
- C. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities in the area;
- D. The designation of SHAPE CORP. as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

Section 6

The enterprise project shall take effect on the date of designation of the enterprise project by EDT and terminate on November 20, 2017.

Section 7

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

PASSED AND APPROVED this the ____ day of _____, 2012.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

ORDINANCE NO. _____

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

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

Section 1

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

Section 2

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

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

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

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

Section 3

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

Section 4

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

PASSED AND APPROVED this the _____ day of _____, 2012.

THE CITY OF GARLAND, TEXAS

By: _____
Mayor

ATTEST:

City Secretary

Exhibits

Exhibit "A" - Reinvestment Zone Description

Exhibit "B" - Notice by Publication of Hearing

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

Exhibit "D" - Form Tax Abatement Agreement

EXHIBIT A

Reinvestment Zone: Lot 2, Block 1 of the First Industrial Miller Road Addition, an Addition of the City of Garland, Dallas County, Texas, commonly known as 3901 West Miller Road, Garland, Texas 75042.

EXHIBIT B

EXHIBIT C

EXHIBIT D

RESOLUTION NO. _____

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

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

Section 1

That the City Council hereby authorizes the City Manager to execute a tax abatement agreement with Shape Corp. in the form and substance of that attached hereto.

Section 2

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

PASSED AND APPROVED this the ___ day of _____, 2012.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

TAX ABATEMENT AGREEMENT

The City of Garland, in the County of Dallas, State of Texas (the “City”) and **Shape Corp.** (the “Company”), which will be doing business in Dallas County, Texas, enter into this Tax Abatement Agreement (the “Agreement”) in accordance with the following terms and conditions:

RECITALS

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

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

WHEREAS, on November 20, 2012, the City Council did enact and adopt Ordinance No. ____ designating as a reinvestment zone (the “Zone”) an area within the City as more particularly described in Exhibit “A,” all pursuant to the Act, which Ordinance is incorporated herein by reference thereto for all purposes; and

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

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

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

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

- 1. Incorporation of Recitals.** The determinations recited and declared in the preambles to this Agreement are hereby restated, repeated and incorporated herein as part of this Agreement.
- 2. Term.** The term of this Agreement shall commence on November 20, 2012 (the “Commencement Date”) and shall terminate on the anniversary of the Commencement Date seven (7) years thereafter.

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

4. **Abatement of Property Taxes.** The City agrees to exempt from taxation those portions of the value of the Property and, if applicable and subject to the following, those portions of the tangible personal property located on the Property as specified in and in accordance with the provisions of Exhibit “A.” The exemption provided by this Agreement shall pertain only to the Property, the Improvements and other permanent fixtures within the Zone. Unless specifically provided in Exhibit “A,” the terms “the Property” and “the Improvements” do not include personal property of any sort, including machinery, equipment, trade fixtures, inventory or supplies. The exemption for taxable real property provided by this Agreement applies only to the extent the value of that real property for the respective year covered by this Agreement exceeds its value for the year in which this Agreement was executed. The exemption for tangible personal property provided by this Agreement, if any, applies only to tangible personal property that was located on the Property after the Commencement Date and related to the Improvements. Further, the exemption from taxes shall be 50% of the increased value of the Property and the Improvements.

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

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

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

8. **Recapture of Property Taxes.** The Company agrees that if the Company fails (1) to make the Improvements as set forth in Exhibit “A”; (2) to create all of the number of new jobs provided in Exhibit “A”; or (3) to maintain and operate the Improvements and the Property as an ongoing business at any time during the term of this Agreement, then the City shall have the right, in addition to any other available remedy, after giving notice and opportunity to cure as hereinafter set forth, to recapture all property tax revenue lost as a result of this Agreement. The City shall notify the Company, in writing, of a default by the Company in complying with the

terms and provisions of this Agreement. In the event that the Company has failed to cure the default(s) within thirty (30) days of receipt of the notice of default [or has failed to commence and diligently pursue such cure within such thirty (30) day period if cure cannot be completed within such thirty (30) day period], the Company shall promptly reimburse the City for all property tax revenue lost as a result of this Agreement and the City may, without further notice to the Company, immediately cause all tax abatement to cease on the Property and Improvements subject to this Agreement. Failure on the part of the City to exercise any right contained in this Agreement shall not constitute a waiver of any right in the event of any subsequent default, and no waiver shall be effective unless in writing, executed by both the City and the Company.

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

10. Miscellaneous.

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

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

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

D. Severability. If any term or provision of this Agreement is held to be illegal, invalid or unenforceable, the legality, validity or enforceability of the remaining terms or provisions of this Agreement shall not be affected hereby, and in lieu of each such illegal, invalid

or unenforceable term or provision, there shall be added automatically to this Agreement a legal, valid or enforceable term or provision as similar as possible to the term or provision declared illegal, invalid or unenforceable.

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

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

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

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

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

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

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

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

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

EXECUTED this the _____ day of _____, 2012.

CITY OF GARLAND, TEXAS:

By: _____

Name: _____

Title: _____

Address for Notice:

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

With a copy to its City Attorney at the same address

Shape Corp.

By: _____

Name: _____

Title: _____

Address for Notice:

Budd Brink
VP – Finance
1900 Hayes St.
Grand Haven, MI 49417

EXHIBIT "A"

Description of Property

Lot 2, Block 1 of the First Industrial Miller Road Addition, an Addition of the City of Garland, Dallas County, Texas, commonly known as 3901 West Miller Road, Garland, Texas 75042.

Description of Improvements

Installation of metal processing equipment.

Investment

Shape Corp. will add an additional \$5.1 million business personal property value to Garland.

Employment

Addition of 53 new jobs on or before November 20, 2013.

Abatement Schedule

Tax abatement granted to the Company will be equal to 50% of the business personal property tax for a 7 year period. The exemption for business personal property provided by this Agreement applies only to business personal property that was located on the Property after the Commencement Date. The total amount of the abatement shall not exceed \$125,771.



City Council Item Summary Sheet

Work Session

Date: November 20, 2012

Agenda Item

Van-Rob Corporation – “Project Chapman” Economic Development Incentive

Summary of Request/Problem

Van-Rob Corporation plans to locate at 3901 W. Miller Road and add \$24 million in taxable equipment upgrades. This investment will bring in over 150 jobs to the City.

At the November 5, 2012 Work Session, the Garland Economic Development Partnership Steering Committee recommended that Council: (1) provide general support for the project; (2) support of a 50% City Tax Abatement on Business Personal Property Value on this new investment for 7 years (total of \$591,864); (3) support of nomination for Workforce Skills Development Fund Training Grant; (4) support of nomination for the Texas Enterprise Zone Program; and (5) support of nomination for the Texas Enterprise Fund Grant.

Recommendation/Action Requested and Justification

- 1.) Approve an ordinance ordaining the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, 2) approve an ordinance designating an area as a reinvestment zone for commercial/industrial tax abatement, and 3) approve a resolution authorizing the City Manager to execute a tax abatement agreement.

Submitted By:

**Martin E. Glenn
Deputy City Manager**

Approved By:

**William E. Dollar
City Manager**

ORDINANCE NO. _____

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

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

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

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

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

WHEREAS, a public hearing to consider this Ordinance was held by the City Council on November 20, 2012;

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

Section 1

The City nominates VR DALLAS, INC. for enterprise project status.

Section 2

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

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

- B. The City may provide the programs to improve and increase the value of real estate and new investment, including:
 - 1) local sales tax refund;
 - 2) tax increment financing;
 - 3) freeport exemption; or
 - 4) chapter 380 grants.

- C. The City may provide regulatory relief to businesses, including:
 - 1) zoning changes or variances;
 - 2) exemptions from impact fees, or inspection fees; or
 - 3) streamlined permitting.

- D. The City may provide enhanced municipal services to businesses, including:
 - 1) improved police and fire protection; or
 - 2) institution of community crime prevention programs.

- E. The City may provide improvements in community facilities, including:
 - 1) capital improvements in water and sewer facilities; or
 - 2) road repair.

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

- 1) low-interest loans for housing rehabilitation, improvement, or new construction; or
 - 2) transfer of abandoned housing to individuals or community groups.
- G. The City may provide businesses and industrial development services, including:
- 1) low-interest loans and grants for businesses;
 - 2) creation of special one-stop permitting and problem resolution centers or ombudsmen; or
 - 3) promotion and marketing services.
- H. The City, through its funding of other agencies, may provide job training and employment services to businesses, including:
- 1) retraining programs;
 - 2) literacy and employment skills programs;
 - 3) vocational education; or
 - 4) customized job training.

Section 3

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

Section 4

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

Section 5

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

- B. VR DALLAS, INC. is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site located in an enterprise zone in the governing body's jurisdiction and at least twenty-five (25%) of the business' new employees will be residents of an Enterprise Zone or economically disadvantaged individuals;
- C. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities in the area;
- D. The designation of VR DALLAS, INC. as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

Section 6

The enterprise project shall take effect on the date of designation of the enterprise project by EDT and terminate on November 20, 2017.

Section 7

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

PASSED AND APPROVED this the ____ day of _____, 2012.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

ORDINANCE NO. _____

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

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

Section 1

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

Section 2

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

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

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

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

Section 3

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

Section 4

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

PASSED AND APPROVED this the _____ day of _____, 2012.

THE CITY OF GARLAND, TEXAS

By: _____
Mayor

ATTEST:

City Secretary

Exhibits

Exhibit "A" - Reinvestment Zone Description

Exhibit "B" - Notice by Publication of Hearing

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

Exhibit "D" - Form Tax Abatement Agreement

EXHIBIT A

Reinvestment Zone: Lot 2, Block 1 of the First Industrial Miller Road Addition, an Addition of the City of Garland, Dallas County, Texas, commonly known as 3901 West Miller Road, Garland, Texas 75042.

EXHIBIT B

EXHIBIT C

EXHIBIT D

RESOLUTION NO. _____

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

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

Section 1

That the City Council hereby authorizes the City Manager to execute a tax abatement agreement with VR Dallas, Inc. in the form and substance of that attached hereto.

Section 2

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

PASSED AND APPROVED this the ___ day of _____, 2012.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

TAX ABATEMENT AGREEMENT

The City of Garland, in the County of Dallas, State of Texas (the “City”) and VR Dallas, Inc. (the “Company”), which will be doing business in Dallas County, Texas, enter into this Tax Abatement Agreement (the “Agreement”) in accordance with the following terms and conditions:

RECITALS

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

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

WHEREAS, on November 20, 2012, the City Council did enact and adopt Ordinance No. ____ designating as a reinvestment zone (the “Zone”) an area within the City as more particularly described in Exhibit “A,” all pursuant to the Act, which Ordinance is incorporated herein by reference thereto for all purposes; and

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

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

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

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

- 1. Incorporation of Recitals.** The determinations recited and declared in the preambles to this Agreement are hereby restated, repeated and incorporated herein as part of this Agreement.
- 2. Term.** The term of this Agreement shall commence on November 20, 2012 (the “Commencement Date”) and shall terminate on the anniversary of the Commencement Date seven (7) years thereafter.

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

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

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

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

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

8. **Recapture of Property Taxes.** The Company agrees that if the Company fails (1) to make the Improvements as set forth in Exhibit "A"; (2) to create all of the number of new jobs provided in Exhibit "A"; or (3) to maintain and operate the Improvements and the Property as an ongoing business at any time during the term of this Agreement, then the City shall have the right, in addition to any other available remedy, after giving notice and opportunity to cure as hereinafter set forth, to recapture all property tax revenue lost as a result of this Agreement. The City shall notify the Company, in writing, of a default by the Company in complying with the

terms and provisions of this Agreement. In the event that the Company has failed to cure the default(s) within thirty (30) days of receipt of the notice of default [or has failed to commence and diligently pursue such cure within such thirty (30) day period if cure cannot be completed within such thirty (30) day period], the Company shall promptly reimburse the City for all property tax revenue lost as a result of this Agreement and the City may, without further notice to the Company, immediately cause all tax abatement to cease on the Property and Improvements subject to this Agreement. Failure on the part of the City to exercise any right contained in this Agreement shall not constitute a waiver of any right in the event of any subsequent default, and no waiver shall be effective unless in writing, executed by both the City and the Company.

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

10. Miscellaneous.

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

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

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

D. Severability. If any term or provision of this Agreement is held to be illegal, invalid or unenforceable, the legality, validity or enforceability of the remaining terms or provisions of this Agreement shall not be affected hereby, and in lieu of each such illegal, invalid or unenforceable

term or provision, there shall be added automatically to this Agreement a legal, valid or enforceable term or provision as similar as possible to the term or provision declared illegal, invalid or unenforceable.

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

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

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

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

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

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

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

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

M. Construction. Both parties have participated in the negotiation and preparation of this Agreement and this Agreement shall not be construed either more or less strongly against or for

either party. Company acknowledges that it has obtained legal counsel to assist in the preparation warranty or representation by the City, that the tax abatement contemplated by this agreement is available in all respects.

EXECUTED this the _____ day of _____, 2012.

CITY OF GARLAND, TEXAS:

By: _____

Name: _____

Title: _____

Address for Notice:

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

With a copy to its City Attorney at the same address

VR DALLAS, INC.

By: _____

Name: _____

Title: _____

Address for Notice:

Dennis Barry
200 Vandorf Sideroad
Aurora, Canada
L4G0A2

EXHIBIT "A"

Description of Property

Lot 2, Block 1 of the First Industrial Miller Road Addition, an Addition of the City of Garland, Dallas County, Texas, commonly known as 3901 West Miller Road, Garland, Texas 75042.

Description of Improvements

Installation of automobile part stamping equipment.

Investment

VR Dallas, Inc. will add an additional \$24,000,000 business personal property value to Garland.

Employment Requirement

Addition of 153 new jobs on or before November 20, 2013.

Abatement Schedule

Tax abatement granted to the Company will be equal to 50% of the business personal property tax for a 7 year period (November 20, 2012 through November 20, 2019). The exemption for business personal property provided by this Agreement applies only to business personal property that was located on the Property after the Commencement Date. The total abatement shall not exceed \$591,864.



City Council Item Summary Sheet

Work Session

Date: November 20, 2012

Agenda Item

Academy Sports and Outdoors – “Project Gulf Coast Commercial” Economic Development Incentive

Summary of Request/Problem

Academy Sports and Outdoors plans to open a retail store in Garland. It is anticipated that this investment will add \$7 million real estate value to the City, bring \$200,000 annual sales tax revenue to the City, and generate 125 new jobs.

At the November 5, 2012 Work Session, the Garland Economic Development Partnership Steering Committee recommended that Council: (1) provide general support for the project; (2) support a sales tax rebate agreement with retailer Academy pursuant to Chapter 380 of the Texas Local Government Code (total of \$800,000); and (3) support a development fee waiver agreement with developer Gulf Coast Commercial pursuant to Chapter 380 of the Texas Local Government Code (total of \$486,170).

Recommendation/Action Requested and Justification

Approve a resolution authorizing the City Manager to execute an economic development agreement with Academy.

Submitted By:

Martin E. Glenn
Deputy City Manager

Approved By:

William E. Dollar
City Manager

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ECONOMIC DEVELOPMENT AGREEMENT WITH ACADEMY, LTD. AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That the City Manager is hereby authorized to execute an Economic Development Agreement with Academy, Ltd. in substantially the form and substance of that attached.

Section 2

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

PASSED AND APPROVED this the ___ day of _____, 2012.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

ECONOMIC DEVELOPMENT AGREEMENT
SALES TAX REBATE

This Economic Development Agreement (the "Agreement") is made by and between the City of Garland, Texas, a Texas home-rule city (the "City"), and Academy, Ltd. (the "Business Owner").

RECITALS

WHEREAS, the City desires to further the public interest and welfare and to induce the investment of private resources in productive business enterprises located in certain areas of the City that will increase sales and use tax revenues accruing to the City, attract additional jobs, increase the City tax base, and promote or develop new business enterprises; and

WHEREAS, the City is authorized by Article III, Section 52-a of the Texas Constitution, Section 380.001 of the Texas Local Government Code, as amended, to establish economic development programs and to provide grants for economic development; and

WHEREAS, the Business Owner plans to operate a business enterprise within the City as described by the attached **Exhibit "A"** (the "Property"), and to create a more competitive economic position for such business enterprise, the Business Owner has requested a rebate of certain payments due to the City; and

WHEREAS, the City recognizes that the Business Owner's business enterprise contributes to the economic viability of the City and desires to provide a grant to the Business Owner pursuant to Chapter 380 of the Texas Local Government Code to promote economic development within the City; and

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

**SECTION I
PURPOSE**

Concept and Structure. As authorized by Article III, Section 52-a of the Texas Constitution and Section 380.001 of the Texas Local Government Code, as amended, the City will make certain economic development grant payments to the Business Owner as set forth in Article II of this Agreement.

**SECTION II
CITY'S DUTY TO MAKE GRANT PAYMENTS**

A. **General Statement.** The duty of the City to make grant payments to the Business Owner for any purpose under this Agreement is limited in its entirety by the provisions of this Agreement. Grant payments to be made by the City pursuant to this Agreement shall be made pursuant to Article III, Section 52-a of the Texas Constitution and Section 380.001 of the Texas Local Government Code, as amended.

B. **Sales Tax Grant Payments.** The City hereby agrees to make sales tax grant payments to the extent now or hereafter permitted by law to the Business Owner in the amount of 100% of the City sales taxes generated from the Business Owner's property beginning on the date that the first sales tax is received by the City from the State Comptroller's Office. Sales tax grant payments will be made at the end of each calendar year. Payments will be made year-to-year until the collective sales tax grant payments total \$800,000.

C. **Agreement to Disclose Confidential Information.** No sales tax grant payment shall be made until and unless an "Agreement for Disclosure of Confidential Tax Information" is filed with the State of Texas Comptroller (attached at **Exhibit "B"**). The City is unable to make sales tax grant payments without this Disclosure being on file with the Comptroller.

**SECTION III
PERSONAL LIABILITY OF PUBLIC OFFICIALS**

No employee of the City, nor any councilmember or agent of the City, shall be personally responsible for any liability arising under or growing out of this Agreement.

**SECTION IV
COMPLIANCE WITH LAWS, ORDINANCES, RULES, AND REGULATIONS**

This Agreement will be subject to all applicable federal, state, and local laws, ordinances, rules, and regulations, including, but not limited to, all provisions of the City's Charter, codes, and ordinances, as amended.

**SECTION V
GOVERNMENTAL POWERS**

It is understood that by execution of this Agreement, the City does not waive or surrender any of its governmental powers or immunities that are outside of the terms, obligations, and conditions of this Agreement.

**SECTION VI
JOINT DRAFTING**

The City and the Business Owner hereby acknowledge and represent that they have jointly drafted this Agreement.

**SECTION VII
INFORMATION**

The Business Owner shall, at such times and in such form as the City may require, furnish periodic information concerning the status of the Business Owner, and the performance of its obligations under this Agreement, and such other statements, certificates, and approvals relative to the Business Owner as may be requested in writing by the City. If the Business Owner fails or refuses to perform its obligations under this Section,

the City shall be excused from its obligation to provide the sales tax grant payments required by Section II of this Agreement.

**SECTION VIII
ADDRESS AND NOTICE**

Notices required under this Agreement shall be delivered to the addresses provided in this Section.

To the City:

City Manager
City of Garland
200 N. 5th Street
Garland, Texas 75040

With a copy to:

City Attorney
City of Garland
200 N. 5th Street
Garland, Texas 75040

To the Business Owner:

Business Name _____

Address _____

City/State/Zip _____

Executed on this _____ day of November, 2012.

ACADEMY, LTD.

By (signature): _____

Name (print): _____

Title: _____

CITY OF GARLAND, TEXAS

By (signature): _____

Name (print): _____

Title: _____

DRAFT

EXHIBIT "A"
BUSINESS OWNER'S PROPERTY DESCRIPTION

EXHIBIT B
AGREEMENT FOR DISCLOSURE OF CONFIDENTIAL TAX INFORMATION

This agreement is entered into between the CITY OF GARLAND, TEXAS (the "City") and _____ (the "Taxpayer") for the purposes indicated herein.

I, _____, the duly authorized agent of the Taxpayer, a business entity doing business in Garland, Texas, do hereby stipulate and agree as follows:

I hereby authorize the Texas Comptroller's Office to release and disclose any and all sales and use tax information relating to the operation of the above-referenced Taxpayer's business location in the City. I understand and agree that this release will be made by the Comptroller's Office to the City on an ongoing monthly basis beginning on the date this Disclosure is executed and shall be in effect for a period of five (5) years. This Disclosure waives any and all rights with respect to the City and the Taxpayer regarding the confidentiality of tax information under Sections 111.006 and 151.027 of the Texas Tax Code, as well as any other applicable state law regarding the confidentiality of such information.

The City agrees that it will use the tax information disclosed by the Comptroller pursuant to this Disclosure solely and exclusively for the purposes of calculating a sales tax rebate. This information is not considered public information and will be held confidential.

This Disclosure is entered into in the City of Garland, Dallas County, Texas and Texas law will apply to its interpretation and enforcement.

SIGNED AND AGREED TO on this, the _____ day of November,
2012.

ACADEMY, LTD.

By (signature): _____

Name (print): _____

Title: _____

Taxpayer (business name): _____

Taxpayer ID No: _____

CITY OF GARLAND, TEXAS

Bill Dollar, City Manager
City of Garland
200 N. 5th Street
Garland, Texas 75040

SWORN TO AND SUBSCRIBED TO before me the undersigned notary on
this the _____ day of November, 2012.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ECONOMIC DEVELOPMENT AGREEMENT WITH GULF COAST COMMERCIAL GROUP, INC. AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That the City Manager is hereby authorized to execute an Economic Development Agreement with Gulf Coast Commercial Group, Inc. in substantially the form and substance of that attached.

Section 2

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

PASSED AND APPROVED this the ____ day of _____, 2012.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

ECONOMIC DEVELOPMENT AGREEMENT
DEVELOPMENT FEE WAIVER

This Economic Development Agreement (the "Agreement") is made by and between the City of Garland, Texas, a Texas home-rule city (the "City"), and Gulf Coast Commercial Group, Inc. (the "Developer").

RECITALS

WHEREAS, the City desires to further the public interest and welfare and to induce the investment of private resources in productive business enterprises located in certain areas of the City that will increase sales and use tax revenues accruing to the City, attract additional jobs, increase the City tax base, and promote or develop new business enterprises; and

WHEREAS, the City is authorized by Article III, Section 52-a of the Texas Constitution, Section 380.001 of the Texas Local Government Code, as amended, to establish economic development programs and to waive or reduce impact fees and other development fees; and

WHEREAS, the Developer plans to make significant real property improvements within the City (the "Property," as described by the attached **Exhibit "A"**), said improvements adding \$7 million in real estate value to the City and attracting new business enterprises to the City, and to create a more competitive economic position for the development of the Property, the Developer has requested the waiver or reduction of certain impact fees and other development fees; and

WHEREAS, the City recognizes that the Developer's planned real property improvements contribute to the economic viability of the City and desires to provide a fee waiver or reduction to the Developer pursuant to Chapter 380 of the Texas Local Government Code to promote economic development within the City; and

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

**SECTION I
PURPOSE**

Concept and Structure. As authorized by Article III, Section 52-a of the Texas Constitution and Section 380.001 of the Texas Local Government Code, as amended, the City will waive or reduce impact fees and other development fees due to the City from the Developer as a result of the Developer's improvements of the Property. The waived and reduced fees are set forth in Article II of this Agreement.

**SECTION II
CITY'S DUTY TO WAIVE OR REDUCE FEES**

A. **General Statement.** The duty of the City to waive or reduce impact fees and other development fees associated with the Developer's improvements of the Property is limited in its entirety by the provisions of this Agreement. Fees waived or reduced pursuant to this Agreement shall be made pursuant to Article III, Section 52-a of the Texas Constitution and Section 380.001 of the Texas Local Government Code, as amended.

B. **"Impact Fees" (Roadway and Water/Sewer Utility).** The words "impact fees" mean those charges to development imposed by the City pursuant to its home-rule authority or state law, and which are generally defined in Chapter 395 of the Texas Local Government Code, as it now exists or as it may be amended or supplemented in the future, and shall include, without limitation, any other type of fee or charge by the City related to development which is designed, directly or indirectly, to offset the costs of roadway and water/sewer utility infrastructure necessitated by the development of real property.

C. **Fee Waiver.** The City hereby agrees to waive all impact fees associated with the Developer's improvement of the Property. The City also agrees to waive inspection fees, permit fees, and any applicable platting fee or mitigation fee associated with the Developer's improvement of the Property.

**SECTION III
PERSONAL LIABILITY OF PUBLIC OFFICIALS**

No employee of the City, nor any councilmember or agent of the City, shall be personally responsible for any liability arising under or growing out of this Agreement.

**SECTION IV
COMPLIANCE WITH LAWS, ORDINANCES, RULES, AND REGULATIONS**

This Agreement will be subject to all applicable federal, state, and local laws, ordinances, rules, and regulations, including, but not limited to, all provisions of the City's Charter, codes, and ordinances, as amended.

**SECTION V
GOVERNMENTAL POWERS**

It is understood that by execution of this Agreement, the City does not waive or surrender any of its governmental powers or immunities that are outside of the terms, obligations, and conditions of this Agreement.

**SECTION VI
JOINT DRAFTING**

The City and the Developer hereby acknowledge and represent that they have jointly drafted this Agreement.

**SECTION VII
INFORMATION**

The Developer shall, at such times and in such form as the City may require, furnish periodic information concerning the status of the improvements made to the Property, and the performance of its obligations under this Agreement, and such other statements, certificates, and approvals relative to the Developer as may be requested in writing by the City. If the Developer fails or refuses to perform its obligations under this Section, the City

shall be excused from its obligation to provide the fee waivers required by Section II of this Agreement.

**SECTION VII
ADDRESS AND NOTICE**

Notices required under this Agreement shall be delivered to the addresses provided in this Section.

To the City:

City Manager
City of Garland
200 N. 5th Street
Garland, Texas 75040

With a copy to:

City Attorney
City of Garland
200 N. 5th Street
Garland, Texas 75040

To the Developer:

Business Name _____

Address _____

City/State/Zip _____

Executed on this _____ day of November, 2012.

GULF COAST COMMERCIAL GROUP, INC.

By (signature): _____

Name (print): _____

Title: _____

CITY OF GARLAND, TEXAS

By (signature): _____

Name (print): _____

Title: _____

DRAFT

EXHIBIT "A"
DEVELOPER'S PROPERTY DESCRIPTION



Planning Report

File 12-41/District 7

Agenda Item:

Meeting: City Council

Date: November 20, 2012

Garland Partners, Ltd.

Southwest of PGBT/SH 190, northwest of Holford Road, north of the Spring Creek Greenbelt and east of Naaman Forest Boulevard

REQUEST

Approval of: 1) a change of zoning from Planned Development (PD) Districts 00-63 and 87-28 for Freeway Uses and Agriculture (AG) District to a Planned Development (PD) District for Mixed-Use with Conditions and Concept Plan in the SH 190 Overlay District, and 2) variances to the Comprehensive Zoning Ordinance regarding Parking (Sec. 10-200), Lot and Density Requirements, Setbacks, Lot Coverage and Height in the Multi-Family (MF), Office (O-2), Neighborhood Service (NS) and Shopping Center (SC) Districts (Sec. 19-300 and 400; 21-400; 23-400, 500 and 600; 24-400, 500 and 600).

OWNER

Weaver Development Company, Ltd. (36.852 acres)
Garland Partners, Ltd. (52.418 acres)

PLAN COMMISSION RECOMMENDATION

On October 22, 2012, Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a change of zoning from Planned Development (PD) Districts 00-63 and 87-28 for Freeway Uses and Agriculture (AG) District to a Planned Development (PD) District for Mixed-Use with Conditions and Concept Plan in the SH 190 Overlay District per Staff recommendation with the exception that 375 dwelling units would be permitted on Blocks 2 and 3 combined, but not allowing the units to be transferable among blocks. Plan Commission also recommended approval of variances to the Comprehensive Zoning Ordinance regarding Parking (Sec. 10-200), Lot and Density Requirements, Setbacks, Lot Coverage and Height in the Multi-Family (MF), Office (O-2), Neighborhood Service (NS) and Shopping Center (SC) Districts (Sec. 19-300 and 400; 21-400; 23-400, 500 and 600; 24-400, 500 and 600).

Additionally, Plan Commission approved variances to the SH 190 Development Standards regarding Building Design (Sec. 34.18), Building Placement (Sec. 34.19), Screening and Landscaping (Section 34.20), Signs (Sec. 34.21), and Access, Parking and Circulation (Sec. 34.23).

STAFF RECOMMENDATION

Approval of a change of zoning from Planned Development (PD) Districts 00-63 and 87-28 for Freeway Uses and Agriculture (AG) District to a Planned Development (PD) District for Mixed-Use with Conditions and Concept Plan in the SH 190 Overlay District.

The proposed mixed use development is generally consistent with the vision and goals set forth by the Envision Garland Plan for this area, and is also consistent with the recommendations of the City's Economic Development Strategy which

identifies the Campbell/SH 190 area as a Targeted Investment Area for office, employment, residential and support retail development if the limitations to multi-family as proposed by staff are implemented. By limiting the amount of dwelling units permitted within each block (225 dwelling units within Block 1 and 225 dwelling units total within Blocks 2 and 3), the appropriate mix of land uses will be provided and prevent these blocks within the development from becoming primarily residential.

Approval of variances to the Comprehensive Zoning Ordinance regarding Parking (Sec. 10-200), Lot and Density Requirements, Setbacks, Lot Coverage and Height in the Multi-Family (MF), Office (O-2), Neighborhood Service (NS) and Shopping Center (SC) Districts (Sec. 19-300 and 400; 21-400; 23-400, 500 and 600; 24-400, 500 and 600). These deviations from the standards are necessary to promote a uniquely planned project that will allow for flexibility in design and establish an urban aesthetic within the area.

BACKGROUND

The subject property consists of approximately 90 acres of undeveloped land currently zoned in Freeway District-based PDs and in the Agriculture District, as regulated by the SH 190 Overlay District and SH 190 Development Standards. The property is also contained within the SH 190 Catalyst Area and SH 190/Campbell Road Targeted Investment Area (TIA) as identified by the City's Economic Development Strategy and Envision Garland Plan. The property extends from the southwest side of the SH 190 right-of-way south to the Spring Creek Greenbelt, and is characterized by significant topography and tree stands. The applicant is proposing a mixed use development providing a center of activity, service, community and recreation within the SH 190 corridor. The proposed PD conditions and conceptual land use plan provide for a mixture of higher density residential, senior living, health care, retail, personal service, hotel and office uses on four blocks. The proposed conditions are intended to create a development having a pedestrian-oriented, urban character which integrates community-based open space and amenities.

Very detailed and specific Planned Development District conditions have been proposed to achieve the type of urban form and mix of uses envisioned by the applicant for this development. A number of variances to the SH 190 Development Standards are required as the Standards, adopted in 1986, were crafted to regulate the more suburban campus-style development envisioned at that time. As reflected by the recently adopted Envision Garland Plan changing economic, market and demographic conditions have in turn driven a change in land use pattern and urban form, requiring greater flexibility in design than that provided by the existing Standards. The PD includes a conceptual layout of blocks and streets, but depends on the conditions to govern the subsequent Detail Plans which would be required through the public hearing process prior to development.

SITE DATA

The subject property is comprised of two large tracts, together containing 89.27 acres of land. The property has approximately 250 feet of frontage on Campbell Road and approximately 1700 feet of frontage on the PGBT Service Road. It is heavily wooded, and extends into the floodplain of Spring Creek to the south and west. The site slopes significantly from the northern portion of the property along the service road south, to Spring Creek.

USE OF PROPERTY UNDER CURRENT ZONING

The property is zoned within two Planned Development Districts for Freeway Uses and the Agriculture (AG) District, within the SH 190 Overlay District. PD 00-63 is tied to the Freeway (FW) District with an approved Concept Plan and Conditions, and allows for a mixture of primarily office and office tech uses with support uses such as restaurants, day care and hotel. The PD limits the amount of retail development to no more than 15,000 square feet. PD 87-28 is also tied to the Freeway (FW) District. This PD does not include a conceptual plan, nor does it address the specifics of a proposed development. As such it permits a broad range of nonresidential land uses as permitted within the FW District of the SH 190 Overlay District. The Agriculture (AG) District permits a range of low intensity agricultural, residential and institutional uses. This district functions as a “holding zone” for land until development patterns warrant more intensive urban use; at which time it is anticipated that AG Districts will be changed to an appropriate zoning classification.

CONSIDERATIONS

Land Use

The intent of the proposed Planned Development is to create a mixed-use area with a variety of land uses, pedestrian oriented amenities and open space and urban design aesthetic. The desired mix of uses is a balance of non-residential and residential within a context that will allow for the maximum utilization of land.

The proposed mixed use development is generally consistent with the vision and goals set forth by the Envision Garland Plan for this area, and is mostly consistent with the recommendations of the City’s Economic Development Strategy which identifies the Campbell/SH 190 area as a Targeted Investment Area for office, employment, residential and support retail development. Residential development should be more dominant in the portion of the tract designated by the Plan as Urban Neighborhoods, while the office, retail and other employment-generating uses should dominate closer to SH 190 with the proposed alignment of Naaman Forest Boulevard providing a logical transition.

The Future Land Use Map for Envision Garland identifies this area north of Naaman Forest as appropriate for Business Centers and south of Naaman Forest as Urban Neighborhoods. As such, the area north of Naaman Forest should be predominantly business and shopping oriented districts which may also include a limited amount of integrated residential uses through vertical mixed use and that are compatible with, and supportive of, a high-density, urban-style business district. The development should be comprised of a mixture of residential and nonresidential uses that are mutually beneficial and are conducive to a live-work environment. The applicant proposes the following land use mixture for each block:

Block 1 – 23.8 acres, Blocks 2 and 3 – 12.7 and 8.4 acres, respectively

Within Block 1, three (3) or more uses (commercial, office, hotel, and/or retail), as permitted within the Shopping Center District of the SH 190 Overlay, must be present in addition to the multi-family. Two hundred twenty-five (225) multi-family units are proposed in this block, at a minimum density of 27/du/ac.

Blocks 2 and 3 have primary opportunities for office, neighborhood service and mixed use. Within Block 2 and 3, two (2) or more uses, as permitted within the

Neighborhood Service and Office Districts of the SH 190 Overlay, must be present in addition to the multi-family in both districts. A total of 375 dwelling units (minimum density of 27/du/ac) is proposed for these blocks combined.

Additionally, the allowable number of dwelling units for each block may be combined with another block so long as the cumulative total number of units for all blocks does not increase and all other provisions are met including the mix of use and frontage requirements.

Staff agrees that the land use mix of the block should include three or more uses other than multi-family in Block 1 and two or more uses other than multi-family in Blocks 2 and 3, and the total number of dwelling units should be limited as well. However, Staff recommends that the total number of dwelling units within Blocks 2 and 3 should be limited to 225 dwelling units (minimum density of 27/du/ac) and the number of dwelling units allowed shall be prescriptive to each block as outlined above.

The recently approved Economic Development Strategy and market assessment identify that while there is a market for multi-family within the broader Targeted Investment Area which extends north of SH190 to the city limit; the number of units that could be captured and sustained by this site is limited based on other multi-family projects within relatively close proximity to the subject property. Blocks 1-3 have greater development potential for primarily non-residential uses given the greater amount of frontage on SH 190, heightened visibility and physical conditions of the property. Over-zoning for multifamily is not likely to be sustainable from a market demand perspective, at least over the next 10 years. The level of multifamily proposed by the applicant would be more sustainable, if combined with a greater diversity of uses designed to foster integration. By limiting the amount of dwelling units permitted within each block, the appropriate mix of land uses will be provided and prevent these blocks within the development from becoming primarily residential.

The pacing of the proposed multifamily is important for the long-term vision for the SH 190/Campbell Targeted Investment Area – if not developed in conjunction with other land uses, there may be the possibility of creating multifamily in isolation, not connected to adjacent or nearby activity centers.

Block 4 – 44.3 acres

Block 4 will be predominantly residential, with uses as permitted in the Multi-Family District within the SH 190 Overlay, with integrated open space and connections to the Spring Creek Greenbelt. Within Block 4, multi-family would be limited to 600 dwelling units (minimum density of 22 du/ac). Additionally, vertical mixed use should be encouraged on Block 4 as well. The proposed development of predominantly multi-family uses on Block 4 aligns with the designation of this area as Urban Neighborhood within Envision Garland. Higher density residential allows for the maximum use of land area given the site constraints of the floodplain and topography. Through the Detail Plan, special attention will be paid to the transition area between the subject property and the adjacent Spring Creek Greenbelt. As proposed, open space and natural amenities are integrated throughout the development, particularly within Block 4.

All buildings throughout the development that face SH190, Campbell Road, SH190 Slip Road and the Central Green shall be constructed to allow for non-residential uses to occur at grade (see conditions).

Design Elements

In order to achieve a more urban form and ease in the integration of uses, the design of the site is extremely important. The proposed conditions and Concept Plan will create a general framework for the design of the site; however the approval of a Detail Plan, which is required, will further confirm the design intent with stronger parameters. While many of the proposed standards vary from the requirements of the SH 190 Development Standards and other applicable ordinances it is important to view the changes as alternatives rather than deviations. The specific standards that are varied are outlined below. All other proposed standards that exceed or meet the minimum requirements are provided in the attached conditions.

Setbacks

All buildings within each block will comply with the setbacks of the Zoning Ordinance and SH 190 Development Standards with the following exceptions that apply to Blocks 2 and 3:

Roadway	SH 190 Development Standards	Spring Creek Reserve PD
Naaman Forest (public)	30 feet min., no max.	22 feet min., 30 feet max. from back of curb
Primary Street (public)	30 feet min., no max	17 feet min., 25 feet max. from back of curb
SH 190 Slip Road (private)	50 feet min., no max.	14 feet min., 22 feet max. from back of curb
Parkside Road (private)	15 feet min., no max	14 feet min., 22 feet max. from back of curb

A minimum of 80% of each building shall meet the above stated criteria. This will establish a consistency of building massing along the development's edge.

Building Design

There are several specific standards that address building design including minimum building height, architectural features, climate protection and other design elements (see conditions) that assure a higher quality building product and places the emphasis on creating a more urban form. Plan Commission approved the variances to building materials and number of materials per the SH 190 Development Standards. All buildings within each block will comply with the SH 190 Development Standards and applicable ordinances with the following exceptions:

Regulation	SH 190 Development Standards	Spring Creek Reserve PD
Building Materials	50% minimum primary masonry; maximum 50% secondary masonry (including split face CMU); maximum 20% non-masonry (including stucco)	75% minimum primary cladding including split face and rusticated CMU; secondary cladding including stucco on elevations that do not face public or private street
Number of materials	No more than 2 basic materials	No more than 5 exterior materials
Building Height	31 feet maximum (multi-family) 16 feet maximum (neighborhood services) 30 feet maximum (shopping center) No maximum (freeway, office)	36 feet minimum for multi-family and vertical mixed use 36 feet minimum for non-residential uses No maximum height
Lot Coverage	40% (neighborhood services, shopping center) 60% (freeway, multi-family) No maximum (office)	No maximum
Floor Area Ratio	0.4:1 maximum (neighborhood services) 0.8:1 maximum (shopping center, multi-family) No maximum (freeway, office)	No maximum

Landscape/Streetscape

The goal of the Planned Development is to establish an urban streetscape. Within certain locations of the development, the standard landscape buffer setback and parking lot screening may not be appropriate. The intent is to promote more of a pedestrian experience by providing street furniture, street trees, interconnected network of streets and sidewalks, soft and hardscape elements, and other amenities. The SH 190 Development Standards shall apply unless varied specifically in the conditions. Plan Commission approved a variance to the landscape buffer requirement of the SH 190 Development Standards.

Regulation	SH 190 Development Standards	Spring Creek Reserve PD
Landscape buffer (along Naaman Forest, SH 190 Slip Road, Parkway Road and Primary Street)	Shumard Oaks planted every 30 feet on center within a 50 feet minimum along SH 190; 30 feet minimum along Naaman Forest Road and Primary Street; 10 feet minimum along all other streets	No minimum buffer; street trees planted within tree planters or a 5 feet wide tree lawn on average 30-40 feet on center along Naaman Forest Road; 25-30 feet along Primary Street, and every 3-4 parking spaces on both parking aisles of the SH 190 Slip Road and Parkway Road

The Multi-Family Standards require a 6 foot tall perimeter fence around all property lines and access points to a multi-family development. The Planned Development will not require fencing around the entire portion of multi-family to assure a more open and connected environment.

Parking/Access

All residential parking areas, other than that occurring on a street or private drive, shall be limited to structure, below grade and surface parking courts primarily shielded from street view by building facades. This will force parking to the rear or sides of buildings and limits the visibility along the street frontage for the residential uses. The applicant proposes that non-residential parking will be screened and located as required within the SH190 Development Standards. Staff would encourage non-residential parking areas to be screened in a similar manner as the residential uses and would support that occurring when feasible through the Detail Plan process.

Additionally, the allowance of on-street parking will further create an urban feel and encourage shared parking and pedestrian connectivity between buildings within the development. On-street parking may count towards required parking on a 1:1 basis. On-street parking is prohibited on Naaman Forest Road, Campbell Road and SH 190 service road. The following parking ratios vary from the requirements within the Zoning Ordinance:

Land Use	Zoning Ordinance	Spring Creek Reserve PD
Residential (multi-family)	2 spaces per dwelling unit	1 space per bedroom
Covered parking (multi-family)	Minimum of 50% parking must either be a garage or carport	No covered parking required
Retail	1 space per 200 s.f.	1 space per 250 s.f.

Signs

The Planned Development defines some signage unique to the development that is not defined within the SH 190 Development Standards or Sign Ordinance. However, no specific sign details are considered at this time. Any specific sign regulations that vary from the City ordinances will be established at the time of Detail Plan approval.

Specific regulations such as the Senior Living Standards, Townhouse Ordinance, and Hotel/Motel Standards will be addressed at the time of Detail Plan when or if these uses are introduced within the Planned Development.

COMPREHENSIVE PLAN

The Envision Garland Plan designates the portion of the subject property between PGBT/SH 190 and the proposed extension of Naaman Forest Boulevard as Business Center, and the portion between proposed Naaman Forest Boulevard and the Spring Creek corridor as Urban Neighborhoods. Business centers provide a cluster of business offices and/or low impact industry, including campus-type developments, which cumulatively employ large numbers of people.

Business centers are generally located at intersections of major streets or

significant transit areas. Proximity and access to residential areas are encouraged to reduce travel times to employment. Site design addresses function and visual aesthetics providing appropriate buffering at gateway corridors, between adjacent developments, and for residential neighborhoods. This development type includes a variety of primary and secondary uses, including compatible residential uses that support the business employment sector.

Urban neighborhoods are higher density residential developments, characterized by moderate to high density single-family attached and multi-family residential units, greater than 12 units per acre. Developments within this category are predominantly residential, but may include compatible non-residential uses.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

Property to the north and northeast is within the PGBT/SH 190 right of way. Property to the east is zoned Agriculture District and PD 84-96 for Office Uses. Both tracts remain undeveloped. Property to the south is zoned Agriculture District and is undeveloped. Much of this property is located within the floodplain of Spring Creek. Property to the west is zoned PD 06-58 for Freeway Uses and PD 05-29 for Single Family, Attached Uses. PD 06-58 is partially developed with offices. PD 05-29 is partially developed with Shoal Creek Townhomes. The southern portion of PD 05-29 is within the Spring Creek floodplain and remains undeveloped.

The surrounding properties are primarily undeveloped or lie within the floodplain. The property abutting the subject property to the south is within the Spring Creek Greenbelt. The site must be developed in a manner that is sensitive to the surrounding natural area as well as protecting the future investment in the area. By maximizing the use of the land through higher densities, mixes of uses and urban forms, the Planned Development is compatible with the surrounding area and will influence the prospective developments along the SH 190 corridor. The development potential of the subject property has been evaluated from an economic perspective as well as a land use view point. By creating an activity center that has a distinctive community design, range of building types and uses, pedestrian oriented streetscapes and open space the proposed development could be consistent with the vision for this area. With the appropriate controls in place, as proposed by Staff, to regulate the amount of non-residential to residential an appropriate mixture of uses will be provided and the goals for the eventual development along the corridor could be achieved.

Prepared by:

Chasidy Allen, AICP
Principal Planner

Date: November 8, 2012

Reviewed by:

Neil Montgomery
Director of Planning

Date: November 9, 2012

Reviewed by:

William E. Dollar
City Manager

Date: November 12, 2012



ZONING Z 12-41

 INDICATES AREA OF REQUEST

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE 12-41

Southwest of PGBT/SH 190, northwest of Holford Road, north of the Spring Creek Greenbelt and east of Naaman Forest Boulevard

- I. **Statement of Purpose:** The purpose of this Planned Development District is to allow for a mix of uses subject to conditions.
- II. **Statement of Effect:** This Planned Development District shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations in Ordinance 4647 Comprehensive Zoning Ordinance, Ordinance 5228 SH 190 Overlay and Ordinance 5565 SH 190 Development Standards are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. **Development Plans:**
 - A. Concept Plan: Development shall be in general conformance with the Concept Plan and conditions as identified in Exhibit C.
 - 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. Regulating Plan: All conditions and standards shall be as provided within Exhibit C.

Spring Creek Reserve

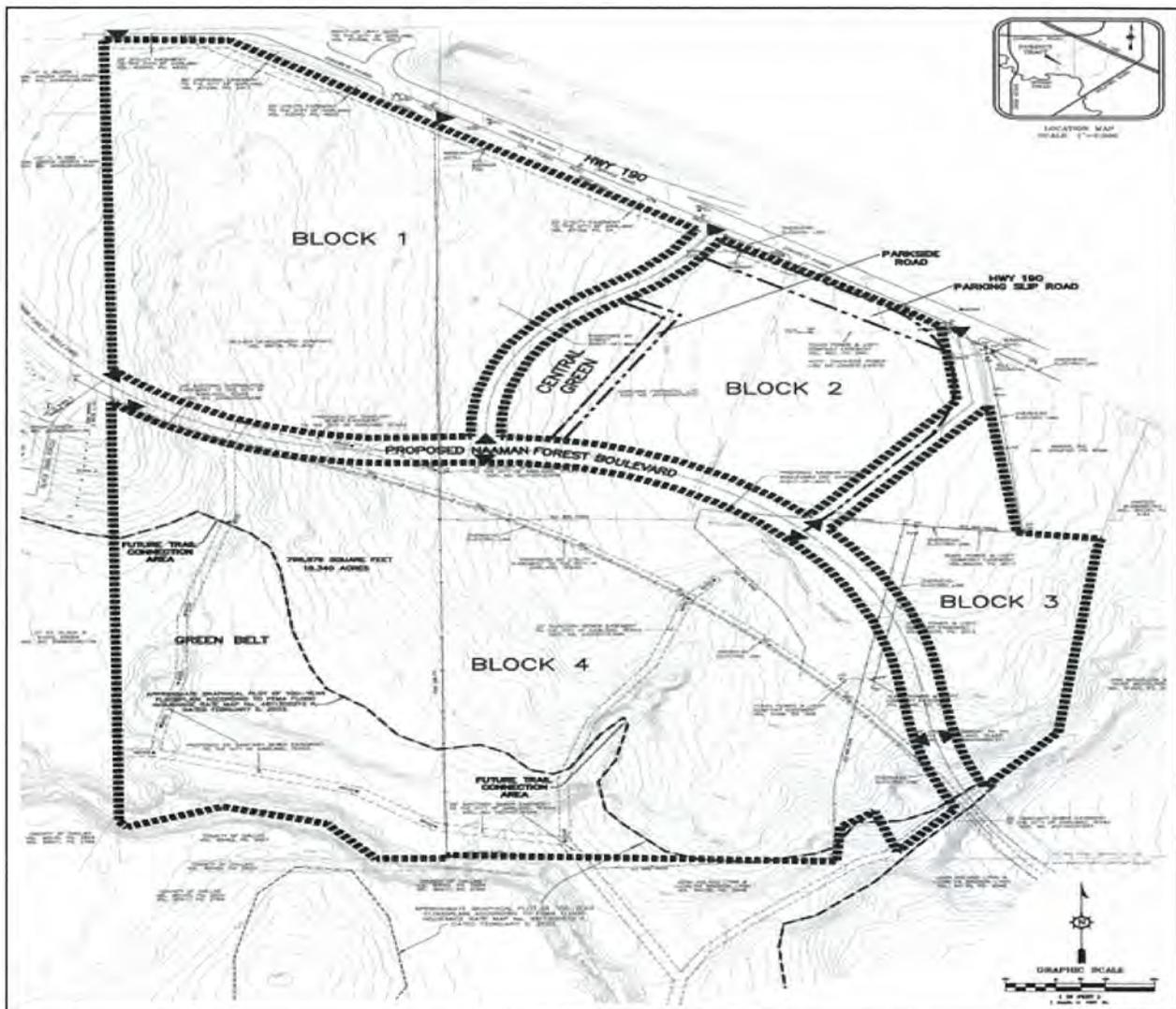
Proposed Planned Development District Conditions

I. Purpose of District:

This District, to be known as the Spring Creek Reserve, is a mixed-use planned development district defined by grid of public and private streets, pedestrian-oriented streetscape amenities, a diverse open space system, and a range of building types and uses that all combine to promote activity from the daytime through the evening. This development vision is intended to serve the larger Highway 190 office corridor by providing a center of activity, service, community and recreation.

II. Conceptual Regulating Plan:

A conceptual regulating plan has been determined for the property to define distinct blocks, open space location, key access points, and general street and open space locations. Development areas of the Property will generally comply with the conceptual regulating plan as shown here. Base land use, density, building massing, and material standards are defined in this document. Detailed sitework geometries, grading, landscape, utility and drainage designs will be determined as part of detailed development plan submission, so long as they generally conform to the conceptual regulating plan.



III. Policy Precedence

The base zoning for this property is being changed to a Planned Development District with unique Conditions as defined in this document. However, the property is within the control of Ordinance No. 5565 (SH 190 corridor overlay standards) and this Planned Development District allows uses currently controlled through the Ordinances No. 5410 (Senior Living), No. 5129 (Multifamily), and No. 5213 (Hotel Motel), as well as landscape management through Ordinance No. 5731 (Tree Mitigation). As the Conditions contained within this document are unique to this property, there are certain areas that will vary from the standards defined in the Ordinances listed above. As such, where any conflict exists between the aforementioned Ordinances and the Planned Development District Conditions listed below, the Conditions described herein shall supersede. Where these Conditions are silent to an issue contained within the aforementioned Ordinances, such regulation will control.

IV. Development Conditions

1. Definitions:

In addition to those defined below, all definitions that are contained in Ordinance 5565 shall apply.

- (a) A-FRAME SIGN means a portable detached premise sign that is hinged at the top and is made primarily of durable, rigid materials such as wood, plastic, or metal.
- (b) ARCADE SIGN means any sign that is mounted under a canopy or awning and is perpendicular to the building to which the canopy or awning is attached. This sign is intended to be read from the pedestrian walkway that the canopy or awning covers.
- (c) ATTACHED SIGN means any sign attached to, applied on, or supported by, any part of a building (such as a wall, parapet, roof, window, canopy, awning, arcade, or marquee) that encloses or covers usable space, and any sign attached to, applied on, or supported by, mounted antennas, water reservoirs on buildings, chimneys, and visual screens that surround roof-mounted equipment. The term attached sign also means any sign attached to, applied on, or supported by the exterior structural framing of a building or architectural elements of a building, whether or not the exterior structural framing or architectural elements enclose or cover usable space.
- (d) ATTACHED SINGLE-FAMILY means attached for-sale residences with a minimum density of 12 dwelling units per acre and minimum height of two stories.
- (e) AWNING means a fabric or vinyl surface supported by a metal structure, which is applied to the face of a building.
- (f) AWNING SIGN means a sign attached to, painted on, or otherwise applied to an awning.
- (g) BANNER means a sign applied on a strip of cloth, vinyl, or similar material and attached to a street light pole that is proportionate to the pole it is attached upon and no more than 30 inches wide. Awning signs, canopy signs, and flags are not banners.
- (h) BLADE SIGN means a sign projecting from a main building façade, is visible from both sides, and is made of rigid materials and/or soft fabric materials.

- (i) CANOPY means a permanent, non-fabric architectural element projecting from the face of a building.
- (j) CANOPY SIGN means a sign attached to, applied on, or supported by a canopy.
- (k) CURB LINE means the location of curbs within public streets and internal drives.
- (l) DENSITY means total dwelling units divided by net developable site acreage.
- (m) DISTRICT IDENTIFICATION SIGN means a sign that is a marker for the district.
- (n) HEALTH CARE means inpatient and outpatient medical facilities and clinics, and congregate care facilities.
- (o) HOME OFFICE or LIVE/WORK means a residential unit that is less than 3500 sf which may include areas used for office and retail services within the unit. These units must be at ground level facing sidewalk and have at least one exterior entrance facing the sidewalk.
- (p) INTERNAL DRIVE means a public or private street in this district, excluding Naaman Forest Drive or Highway 190 Service Road.
- (q) KIOSK SIGN means multi-sided structure for the display of premise signs. Kiosks may include changeable message signs.
- (r) LANDSCAPE AREA means publicly or privately-owned accessible plaza or outdoor area. Landscape area includes areas between buildings which include pedestrian amenities. Landscape area may contain kiosks, temporary retail and outside sales.
- (s) LANDSCAPE SIGN means a sign that is integrated into a landscape feature, such as a planting bed or fountain that acts as a base for the sign. Landscape signs must reference tenants and/or services located on the premises.
- (t) MIXED-USE means a development that combines residential uses with retail, hospitality and/or office uses into one project by layering such uses vertically and/or positioning them to be adjacent to one another horizontally.
- (u) MULTIFAMILY means attached rental residential buildings with a minimum density of 22 dwelling units per net acre in block 4, and 27 dwelling units per net acre in blocks 1-3, and minimum height of three stories for primary buildings.
- (v) NET DEVELOPABLE SITE ACREAGE means the specific property proposed for vertical development excluding any and all public or private streets, open spaces, flood plain, easements, and setbacks from SH 190.
- (w) PRIMARY BUILDING means buildings housing the primary use and excludes accessory buildings leasing/management/club buildings, and commercial pad site buildings containing a structure of 5,500 sf or less.
- (x) PROPERTY means Block 1, Block 2, Block 3 and Block 4 collectively.

(y) SERVICE DRIVE means a drive and area used for deliveries, service, and access and/or building operations.

(z) SITE means total property owned by the applicant

(aa) TENANT means any owner, part owner, joint owner, tenant in common, tenant in partnership, joint tenant, tenant by the entirety, or lessee. Tenant may also include an event which occurs on the property.

2. Blocks and Allowable Uses:

The street grid and open space system divides the development district into four blocks as shown on the conceptual regulating plan. These blocks are each intended to have a different character and use profiles to promote a range of experiences and visual identity as described below.

2.1: Block 1 -- At the intersection of Campbell Road and Highway 190 Service Road, Block 1 has primary opportunities for more active retail and mixed-use development. As such, allowable uses in Block 1 will include those defined in Ordinance No. 5228 SH 190 Overlay District, Shopping Center (SC) District, as well as Senior Living, Multifamily, Hotel and Health Care uses. In addition, allowable uses will include multifamily so long as it is part of a mixed-use development in which 3 or more uses are present within Block 1 (multifamily combined with commercial, health care, hotel, and/or retail uses) and all uses follow the Conditions described elsewhere in this document. Multifamily (including senior living) is limited to 225 units at a minimum density of 27 du/net ac.

2.2: Block 2 -- Adjacent to Block 1 and in a mid-block condition along the Highway 190 service road, Block 2 has primary opportunities for office, neighborhood service and mixed-use development. Allowable uses on Block 2 will include those defined in Ordinance No. 5228 SH 190 Overlay District, Neighborhood Service (NS) District and Office-2 (O-2) District, as well as Health Care, Hotel, Multifamily and Senior Living uses so long as Multifamily is part of a mixed-use development in which 2 or more uses are present within Block 2 (multifamily combined with commercial, health care, hotel, and/or retail uses) and all uses follow the Conditions described elsewhere in this document. Within Blocks 2 and 3 combined, multifamily (including senior living) is limited to 375 units at a minimum density of 27 du/net ac.

2.3: Block 3 -- In a mid-block condition along the Highway 190 Service Road with lessened visibility than Block 2, Block 3 has primary opportunities for office, neighborhood service and housing. Allowable uses on Block 3 will include those defined in Ordinance No. 5228 SH 190 Overlay District, Multi-Family District. Multifamily use and Senior Living use. Again, within Blocks 2 and 3 combined, multifamily (including senior living) is limited to 375 units at a minimum density of 27 du/net ac.

2.4: Block 4 -- South of Naaman Forest Boulevard and having development area adjacent to the Spring Creek green belt, Block 4 has primary opportunities to create a residential community. As such, allowable uses in Block 4 will include those defined in Ordinance No. 5228 SH 190 Overlay District, Senior Living and Health Care uses. Multifamily (including senior living) is limited to 600 units at a minimum density of 22 du/net ac. and shall be integrated with open space and connections to the Spring Creek green belt.

Additionally, the allowable number of dwelling units for each block may be combined with another block so long as the cumulative total number of units for all blocks does not increase and all other provisions are met including the mix of use and frontage requirements.

2.5: Additional Criteria --

- (a) All blocks may be considered one lot, but may also be subdivided into smaller lots if necessary. Blocks 2 and 3 may be combined into one Block, with those standards defined for Block 2 above prevailing.
- (b) Each structure on a lot must comply with the yard, lot, and space regulations of the block where that structure is located.
- (c) All buildings that face SH190 Slip Road, Campbell Road, SH 190 service road, and central green shall be constructed to allow for non-residential uses to occur at grade. This includes providing minimum 10 foot ceilings, larger windows, and direct entrances from exterior to each individual tenant space. In mixed-use buildings, such ground level space may include live/work units built to these standards to accommodate a change in use over time.

3. Building Setbacks:

Developments in Blocks 2, and 3 are intended to create a strong "street wall" in which the urban form of buildings along the street is the definitive characteristic of the streetscape environment. As such, consistency of building massing must be maintained along this edge and around its corners. The following establishes minimum and maximum setbacks to create this effect, while allowing flexibility for design variety.

3.1 Building Setbacks – All buildings within Blocks 2 and 3 will abide by setback standards by location below. In cases where other setback conditions are present, the setback provisions in SH 190 Development Standards (Ordinance No. 5565) shall apply. Buildings on other Blocks shall abide by the setback conditions described in Ordinance No. 5565.

Naaman Forest (Public)--	22 feet (min.) to 30 feet (max.) from back of curb. Utility easement may require a larger maximum setback, which is allowable.
Primary Street (Public)--	17 feet (min.) to 25 feet (max.) from back of curb
Hwy 190 Slip Road (Private)--	14 feet (min.) to 22 feet (max.) from back of curb to achieve a smaller, more urban setback condition than the setbacks defined in SH 190 Development Standards (Ordinance No. 5565)
Parkside Road (Private) --	14 feet (min.) to 22 feet (max.) from back of curb

3.2 Mixed-Use Street Frontage -- A minimum of 80% of each mixed-use development's total building street frontage shall meet the setback criteria stated above (Section 3.1).

3.3 Setback Encroachment (all buildings) -- Any building feature, defined as architectural attachments to the primary building facade, may encroach up to 4' from the building face into the setback area. These features may include, (but are not limited to):

Stoops	Planters
Chimneys	Bay windows
Awnings	Mounted Signs
Porches	Balconies
Canopies	Pilasters
Eaves	Tower elements

4. Building Design:

Restrictions on minimum building height are intended to assure a minimum level of visual building massing within the Spring Creek Reserve development district. Buildings that do not meet these criteria would dilute the neighborhood form by eroding the massing of the street. As such, the following restrictions apply.

- 4.1 Minimum Building Height – Minimum height for non-residential uses shall be 20 feet to top of structure for all primary buildings. Minimum building height for attached single-family uses and seniors/assisted living uses shall be 24 feet to top of structure for all primary buildings. Minimum for multifamily and vertically mixed-use buildings shall be 36' to top of structure or parapet above finished sidewalk for all primary buildings.
- 4.2 Building Corner Treatments -- Buildings shall reinforce a strong corner condition at street intersections. Such treatments include towers, stacked bay windows, projecting volumes, special signage, and other architectural features. Corner clips are not allowable at these intersections, but may occur up to twice within the block (between street intersections). Buildings shall be designed to accommodate City of Garland required visibility triangles without compromising the corner design.
- 4.3 Special Architectural Features – Where a building visually defines the endpoint/ terminus of a street (public or private circulation way), such buildings shall reinforce a strong end-vista through the use of special architectural features centered on these views/ Such features include towers, bay window stack and other special architectural design features.
- 4.4 Maximum Building Length -- Buildings shall not be longer than three hundred feet (300') without an unconnected physical separation of at least 20 feet in width and 15 feet in depth between another building.
- 4.5 Exterior Walls -- Building facades shall have massing changes and architectural articulation to provide visual interest and texture along the street corridor. This articulation should not apply evenly across the building facade, but should be gathered for hierarchal design impact rather than block-long repetition. Building articulation shall follow those standards defined in SH 190 Development Standards (Ordinance No. 5565).

- 4.6 Retail Condition – Retail buildings within Block 1 should have heights that vary and are not lower than 20 feet, in order to provide an effective sense of variety and non-repetition. The scale of the building widths and the roof forms of the buildings should create variety of massing. The front elevation of these buildings should be set back a minimum of 14' from the curb of a private drive or parking aisle in front of such building to create pedestrian-oriented streetscape with benches, bike racks, street trees, planters shading devices and other pedestrian features. The buildings that line this pedestrian zone should promote an intimate pedestrian scale using signs, entrances, awnings, and storefront windows. Surfaces that are perpendicular to the building facades are quite visible, so that design elements such as blade signs, façade relief, shadow lines, and surface textures should also be employed. In no case should an unarticulated wall of a primary building be more than 30 feet, and storefront glazing at the ground level should add up to at least 30% of the total façades facing SH 190 and Campbell.
- 4.7 Climate Protection – In retail and mixed-use buildings, the design of the ground level is encouraged to use shaded walkways, awnings, canopies, loggias, colonnades and other similar devices. These elements should be designed as an integral part of the building façade and should be integrated into the aesthetics of the architecture.

5. Ground Floor Building Level:

The following building programming requirements have been designed to create pedestrian-oriented streetscape environments, take advantage of mixed-use opportunities, and ensure the visibility of retail and privacy of residential areas.

- 5.1 Ground Floor Level (Residential Use) -- For residential uses at the ground floor which face the Naaman Forest, Hwy 190 Slip Road, Primary Road or Parkway Road, the finished floor elevation is encouraged to average thirty inches (30") above the finished sidewalk grade where possible. Elsewhere, the finished floor elevation for ground level residential uses shall not be lower than the finished sidewalk grade.
- 5.2 Ground Floor Level (Non-Residential Uses) -- For non-residential uses at the ground floor, other than basement mechanical storage and parking levels, the finished floor elevation may not be lower than the finished sidewalk grade.
- 5.3 Ground Floor Level (Live/Work and Flex Space) -- For ground floor live/work or flex space, the finished floor elevation may not be lower than the finished sidewalk grade.
- 5.4 There should be no ground level wall facing any street that is not activated with visual building programming, entrances, special design features, etc more than 50 feet in length.
- 5.5 Sidewalk Entries -- Sidewalk entries to all residential buildings along all street categories shall occur at a maximum of every 3 units or seventy five feet (75'). Entries to individual ground level live/work units or retail/office storefront meets this requirement.
- 5.6 Sidewalk Entry Hierarchy -- Entrances into residential buildings are encouraged to follow a hierarchy of sizes and functions:

Carriage way -- A 12' wide entrance at sidewalk level centrally located within the building elevation for visual and direct access to a private courtyard beyond.

Secondary entry -- A 6' wide entrance with ornamental entrance gate and defined by stoop with low cheek walls and planters at the sidewalk. Bike racks, and trash receptacles should be grouped around these secondary entries.

- 5.7 Entrances and Fenestrations – Each door leaf shall be a minimum of 7 feet high and 3 feet wide, and doors in retail storefronts should be as transparent as possible.
- 5.8 Non-Residential Program Elements -- All community-serving uses within residential projects shall be oriented to the street and/or amenity areas. These may include the fitness center, leasing and management, community halls, service retail, etc.
- 5.9 Home office / live work units facing a street (public or private circulation way) may have a 3' ornamental fence with gate in front of each unit to define a landscaped front patio for these units.

6. Material and Color Requirements:

The material and color requirements described herein are intended to provide a uniform character and complimentary material relationship between buildings, promote the perception of strength and permanence of each building, while maintaining appropriate variety for design flexibility. Primary cladding is defined as the principal base material on the exterior building facade. Secondary cladding materials are defined as those which face architectural accent features such as window sills, lintels, rustication, pilasters, eaves, etc.

- 6.1 Primary Cladding on Exterior Walls -- Primary cladding material on building elevations that face a public or private street shall be composed of a minimum 75% masonry material. Masonry is defined as being naturally-based stone-based materials including brick, finished concrete masonry units, and stone. Concrete masonry unit products are allowable within the first two floors only, and shall have an architectural finish such as split-faced, rusticated, etc.
- 6.2 Primary Cladding Material Combination -- No more than two (2) primary cladding materials (excluding glass windows) may be used as primary cladding, with one material being dominant. A third material is allowable if used on a special architectural feature such as a tower, corner element, primary entrance articulation, etc., and is limited to one application per building facade.
- 6.3 Allowable Primary Cladding Material -- The following materials are allowable as exterior cladding:

- Integral brick (non-veneer)
- Stone
- Cast stone
- Concrete masonry unit products (split faced and rusticated finish only)

- 6.4 Secondary Cladding on Exterior Walls – Secondary cladding material shall include Primary Cladding materials and stucco (non-EFS), Secondary cladding may occur on building elevations that do not face public and private streets.
- 6.5 Accent Materials on Exterior Walls – Accent materials shall not be more than 10% of a building façade and includes EIFS and architectural foam detailing, cementitious wood plank/siding, and architecturally finished metal siding.
- 6.6 Windows and Glass – Excluding civic, cultural or/public buildings, glass may not represent more than 50% of a building façade without approval of Planning Director. Reflective, mirrored, and spandrel glass are not allowable in any case.
- 6.7 Total Allowable Exterior Material Combination -- No more than five (5) exterior building materials (excluding roof material, but including primary and secondary cladding, and glass) may be used on any building.
- 6.8 Material Transition around Corners -- The dominant primary cladding material shall transition a minimum of fifteen feet (15') around all building corners.
- 6.9 Accent Features -- The following accent features add detail; with minimum of 6 elements required on each building façade facing a public or private street and minimum of 3 elements required on each building façade not facing a public or private street.

- Display windows
- Divided light windows
- Transoms
- Shutters
- Alcoves/Porticos
- Recessed entries
- Ornamental windows headers/lintels
- Quoins
- Planters or fountains
- Dormers
- Varied roof heights
- Overhang eaves
- Pilasters
- Cornices
- String courses
- Window sills
- Lintels
- Rustication

- 6.10 Attachments -- Railing and walls attached to buildings must complement building design and materials.

- 6.11 Allowable Color Palette on Primary Cladding – For primary cladding, colors that occur naturally in masonry materials must be in neutral or earth tones. Any paint used on primary cladding shall follow this palette.
- 6.12 Prohibited Building Colors -- Garish, fluorescent, and stark white colors shall not be used. Black shall not be used as primary building color, but may be used as accent color.
- 6.13 Accent Colors -- Accent colors shall be selected to complement the dominant building color, and may be applied to window mullions, cornices, and other architectural elements.

7. Exterior Illumination:

Exterior illumination discourages “dead spaces” within an urban environment. Because the Spring Creek Reserve community shall be pedestrian-oriented, illumination of buildings is required to promote the safety of all pedestrians while providing a unique architectural opportunity to highlight buildings in key areas.

- 7.1 Illumination location -- Illumination will be required on all exterior building walls which face any street or amenity area. Special care should be taken to highlight architectural features on the building elevation such as display and entry, with a hierarchal design to highlight those facades facing the Primary Street, 190 Slip Road, and Naaman Forest. In addition to those identified below, lighting requirements not identified below that exist in Ordinance 5565 and Ordinance 4647 shall apply.

8. Parking Areas:

The purpose of parking area requirements is to ensure that the parking areas that occur in Blocks 2, 3 and 4 are not the dominant feature. These requirements prohibit exposed garages or surface parking areas for residential uses, and encourage physical consistency throughout the community. In addition to those identified below, regulations related to parking areas not identified below that exist in Ordinance 5565 and Ordinance 4647 shall apply.

- 8.1 Allowable Parking -- All residential parking areas, other than that occurring on a street or private drive, shall be limited to structure, below grade and surface parking courts primarily shielded from street view by building facades. Non-residential uses are excluded from this provision. Any on-street parking is allowable on all streets except Naaman Forest, Campbell, and SH 190 service road, and may count towards parking requirements on a 1:1 basis.
- 8.2 Parking Supply -- Parking areas shall be sufficient to all parking needs for employees, company vehicles, customers and visitors and shall abide by the following parking requirements.

Residential Uses: 1 space per bedroom

Retail Uses: 1 space per 250 sf

Restaurant Uses: 1 space per 75 sf

Office Uses: 1 space per 300 sf

Civic/Public Uses: 1 space per 350 sf

8.3 Openings -- Street-fronting openings exposing any parking structure or parking lot shall not exceed 25% of the total block-face length.

9. Driveways and Building Services

Like parking garages, driveways are not intended to dominate the streetscape of the Spring Creek Reserve area. These requirements are intended to promote pedestrian oriented design that does not compromise itself to the automobile. In addition to those identified below, regulations related to driveways and service areas not identified below that exist in Ordinance 5565 shall apply.

9.1 Curb Cuts -- Driveways shall be limited to three (3) curb cuts per block within Block 1, two (2) curb cuts per block faces within Blocks 2 and 3, four (4) curb cuts within block faces within Block 4, and , defined as property being between two public or private streets.

10. Signs:

In order to maintain aesthetic uniformity throughout the Spring Creek Reserve area, requirements for signage are necessary. Signs must be qualitative in design and appearance and must not detract from their environment. Representative signs include blade signs, mural signs, canopy and awning signs, storefront signage, and temporary sandwich board signage, etc. In addition to those identified below, signage regulations not identified below that exist in Ordinance 5565 shall apply.

- 10.1 Allowable Signs -- Permitted signs include those that identify the name and business of the occupant, give directions, offer the premises for sale or for lease, are not of an unusual size or shape when compared to the building(s) on the premises, preserve and enhance the quality and atmosphere of the area, and are a minimum of eight feet (8') above finished sidewalk (unless designed flush and integral to the storefront, are monument signs, landscape signs, or other allowable ground-mounted signs).
- 10.2 Non-Permitted Signs -- Generally, signs that flash, move or are inappropriately colored and do not conform to the overall development concept are not permitted. This includes:
- Animated components, flashing lights, rotating of flashing signs, except for text and graphics on the field of a reader board sign
 - Formed plastic
 - Surface mounted, box-cabinet signage
 - Freestanding signs and portable signs such as signs designed to be moved from place to place (except A-frame signs)
 - Balloon or inflatable signs
 - Signs which emit sound or odor or visible matter
 - Signs with exposed raceways, conduit, junction boxes, transformers
 - Fluorescent or reflective sign or color
 - Simulated materials, i.e. wood grained, plastic laminate, wall coverings, paper, card board or Styrofoam
 - Plexi-face channel letters
- 10.3 Encouraged Approach -- Individual tenants are encouraged to use a mixture of urban signage techniques. This includes attached and unattached signage including those on storefront

awnings, signage of the glass of storefronts and entrances, dimensional blade signs, A-frame signs, arcade signs, blade signs, parapet signs, building signs, monument signs, etc.

- 10.4 Sign Band – The tenant name above retail entries will be in a sign band as individual letters with no exposed neon and no internal illuminated box designs. Illumination will be from external decorative light sources.
- 10.5 Dimensional Signage – Dimensional signage will be encouraged to create a unique variety along the streetscape. A variety of blade sign designs will be allowed as well to create an eclectic mix, rather than a consistent theme to the blade signs which would detract from the desired urban variety.

11. Fencing:

To keep consistent with the street-oriented, pedestrian-friendly atmosphere of the Spring Creek Reserve area, fencing shall be limited to areas in which it is necessary to block public access, define accentuate non-residential ground level uses, define private space for live/work units, screen portions of parking courts that may be visible from streets, and maintain an overall aesthetic appearance. In addition to those identified below, fencing regulations not identified below that exist in Ordinance 5565 and other applicable ordinances, shall apply.

- 11.1 Fencing Length -- No fencing shall run around an entire development. The maximum total length for a small fence shall be fifty feet (50') without break in massing or providing opening and gate.
- 11.2 Fencing Material -- All fencing must be wrought iron if not used to screen loading areas, parking courts or trash storage areas (per below).
- 11.3 Fencing Height -- No fencing shall be above three feet (3'), unless used to screen loading areas, or block public access. In cases where it is used to block public access, it should only run between buildings and is limited to eight feet (8') in height.

12. Screening:

The purpose for screening is to control the visual access into areas which exist entirely for functional means, not intended to be used or seen by the public. Standards are required to maintain uniformity throughout the Spring Creek Reserve area so that these areas are not unsightly from where they are viewed. In addition to those identified below, screening regulations not identified below that exist in Ordinance 5565 shall apply.

12.1 The following must be screened:

- Off-street loading spaces
- Service areas
- Trash storage areas
- Roof mechanical elements (from the public right of way and neighboring properties)

12.2 Trash storage areas must be screened by

Masonry wall at least 8' high that uses architecturally compatible materials and colors to the adjacent building.

- 12.3 Other loading and service areas may be screened by:
- Masonry walls at least 8' in height (with architecturally compatible materials and colors to the adjacent building):
 - Dense evergreen plant materials with 6 ft height at time of planting
 - Planted berms that obscure the view of such areas up to 6' in height
- 12.4 All screening shall utilize a design that is complementary to the adjacent building and landscape area.

13. Site Landscaping:

The primary landscape experience within the project shall be that of an urban streetscape. Therefore, plantings of canopy trees, ornamental trees, shrubs, evergreen groundcovers, vines, and seasonal color set in paved and tree-lawn surfaces are appropriate. Plantings shall promote entrance demarcation and pedestrian interest. Street furniture and sidewalk design shall be based upon creating safe and inviting walking environments through an interconnected network of streets with sidewalks, its street furniture, and amenities. Any of the features listed below that are to be located within a public right of way or public access easement must be approved by the City through license agreement and owner shall have responsibility to maintain such features as agreed upon by City in maintenance agreement.

- 13.1 Owners must provide landscaping, including hard and softscape within the sidewalk and front yard areas.
- 13.2 Front Yards – Front yard plantings between the sidewalk edge and building face shall provide an inviting walking experience through a tiered design combining perennial and annual plantings for maximum visual interest throughout the year. In general, it is not intended that any plantings within the front yard be allowed to be above six feet (6') in height.
- 13.3 Street Trees – Street trees shall be planted at an average of thirty-to-thirty-five (30-35') feet on-center (max) along Naaman Forest, twenty-five-to-thirty (25-30') feet on-center along the Primary Street, and every three-to-four (3-4) parking spaces on both parking aisles of the 190 Slip Road and Parkway Road street sections. On Naaman Forest and the Primary Street, these trees shall occur three and one-half (3 ½) feet from the back of curb in parallel parking conditions, or within tree planters between no more than 4 head-in parking spaces. These trees shall have a minimum caliper of five (5) inches at installation where allowable, and shall not be closer than ten (10) feet from a street lamppost. Street tree material shall follow the recommendation of the City arborist, and shall generally follow the type of canopy line created by red oak, live oak, etc. Street trees shall use a consistent species along both sides of each block.
- 13.4 Tree Planters – Street trees shall generally be centered within minimum five (5) foot by ten (10) foot planters as leave-outs within the sidewalk and screened with either a twelve (12) inch high ornamental steel fence or brick turn-up edge. These planters shall also consist of evergreen ground cover and perennial plantings for aesthetic interest. In a sidewalk adjacent to parallel

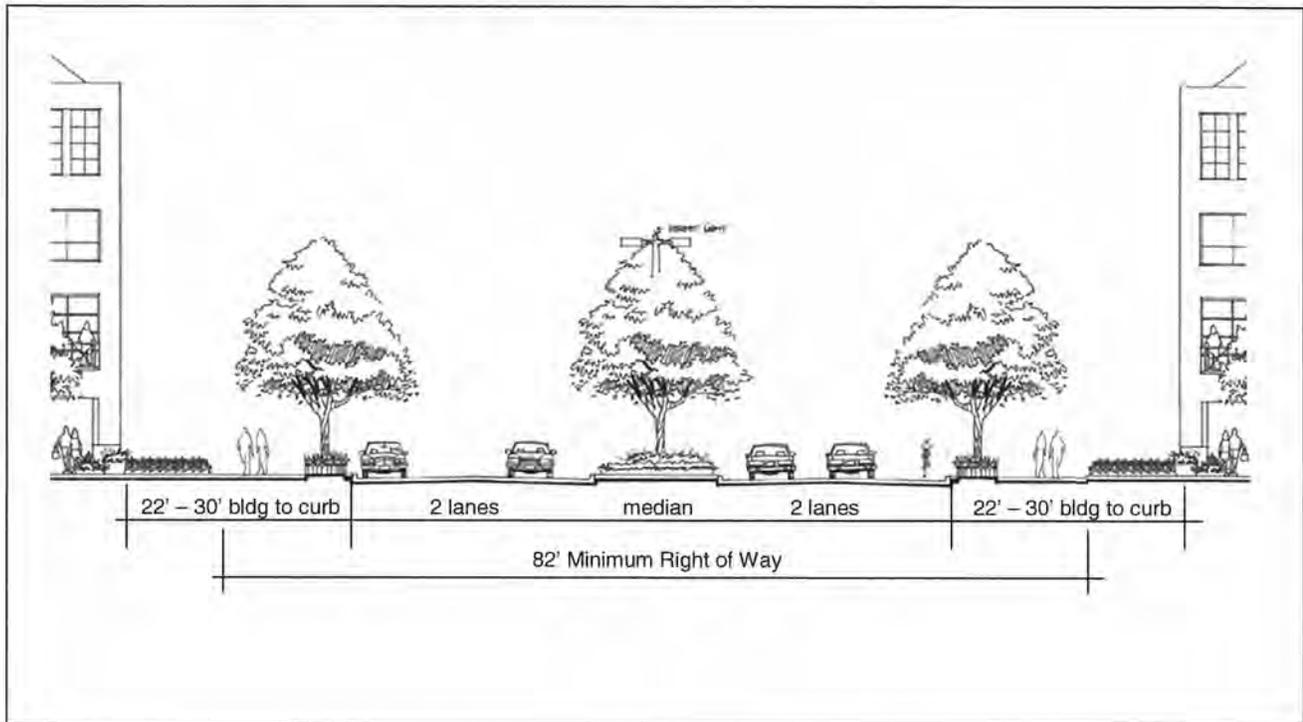
parking, the street-facing leading edge of all planters shall be placed one foot, six inches (1.5 feet) from the face of the curb to allow clearance for passenger car doors to open.

- 13.5 Tree lawns -- As an alternative to 13.4, street trees may be placed in 5' wide tree lawns with a maximum length of 50' without a 6' paved pedestrian opening. These lawns should be planted with ground cover and designed for a more formal streetscape experience.
- 13.6 Street Benches-- Street benches should be provided at one hundred and fifty (150) foot intervals along all block faces. Street benches shall be placed facing the sidewalk and curb, parallel to the buildings and within the front yard zone. If necessary, these benches may be placed within a public access easement to ensure ongoing public access.
- 13.7 Street Lights – Street lights shall be located four (4) feet from face of curb on average intervals of seventy-five (75) feet along all block faces. The light fixtures shall be mounted ten (10) to twelve (12) feet from the finished grade of the sidewalk and shall be of metal halide type.
- 13.8 Bicycle Racks –Bicycle racks should be provided on 150 foot intervals of all block faces, clustering at street lamp or building entry locations.
- 13.9 Litter Containers and Benches – Litter containers and benches should be provided on 150 foot intervals along all block faces and clustered at street lamp or building entry locations.
- 13.10 Operational Issues -- Landscaping must be completed with completion of other site improvements, no later than 180 days after first occupancy of buildings. Automatic underground sprinkling system shall be provided as required. Reasonable access to public and private utility lines and easements for installation and repair shall be permitted.
- 13.11 Drought Tolerance – Drought tolerant material should be used.

14. Street Sections

- 14.1 NAAMAN FOREST BOULEVARD -- Design features shown in section below. In addition, streetscape elements include 5" caliper street trees at installation 30'-35' o.c. avg with 5'x8' min. irrigated planter, decorative pedestrian street lights on 150' o.c. average intervals, vehicular street lights on intervals satisfactory to the City of Garland, benches and bike racks on 150' o.c. average, and a 6' clear sidewalk dimension minimum occurring between street trees and building (typical). Street light poles may allow for attached banners, and district identification signs are allowed within the right of way. Utility pole location will be determined in detailed site plan stage.

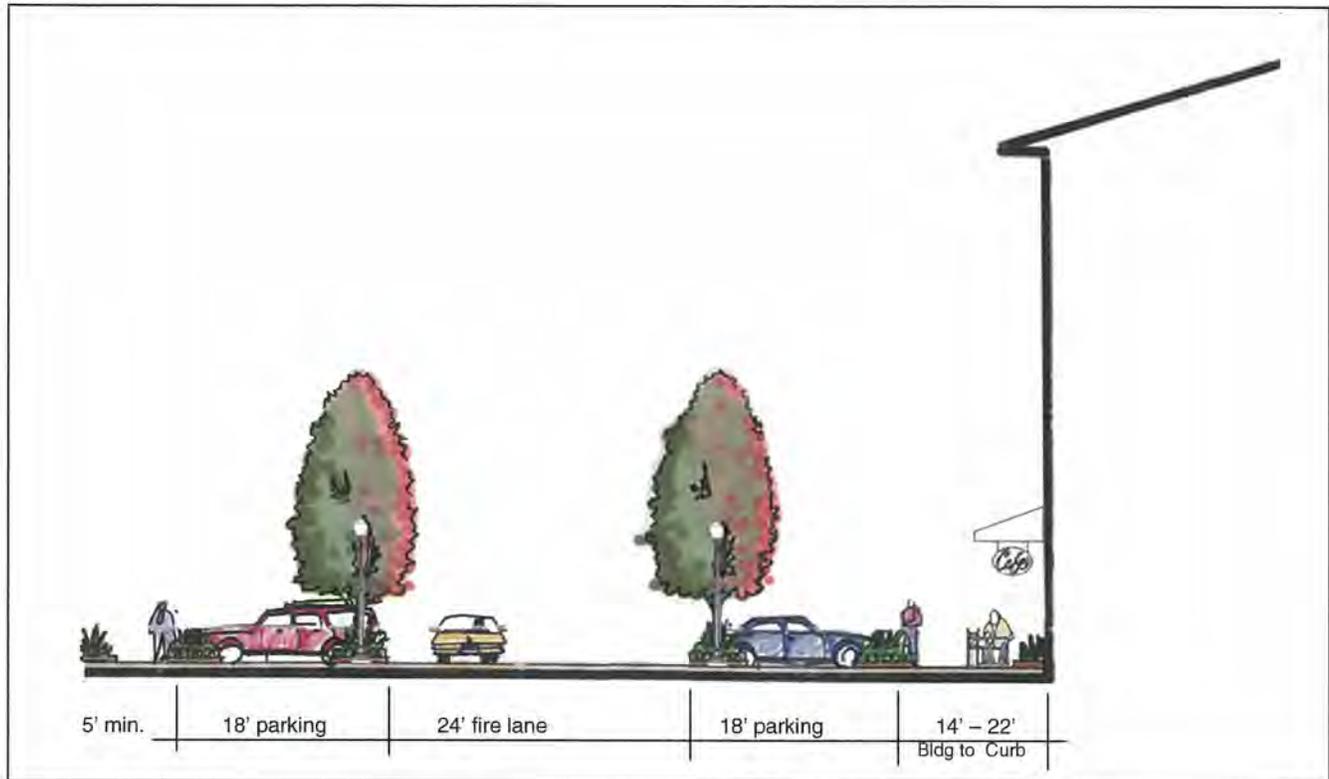
Naaman Forest Boulevard Street Section



14.2 PRIMARY STREET – Design features shown in section below. In addition, streetscape elements include 5” caliper street trees at installation 25-30’ o.c. avg with 5’x10’ min. irrigated planter, decorative pedestrian street lights on 150’ o.c. average intervals, benches and bike racks on 150’ o.c. average, 6’ clear sidewalk minimum. Street light poles may allow for attached banners, and district identification signs are allowed within the street section area.



14.3 HWY 190 SLIP ROAD AND PARKSIDE ROAD -- Design features shown in section below. In addition, streetscape elements include 5" caliper street trees at installation in 5' minimum width irrigated ornamental planters located between every 3 to 4 pkg spaces, street lights on 150' o.c. avg intervals, benches and bike racks on 150' o.c. avg, and 6' clear sidewalk minimum. Banners are allowable on each street light pole, and district identification signs area allowable within the street section area. Kiosk signs area allowable within the landscape area.



REPORT & MINUTES

P.C. Meeting, October 22, 2012 (9 Members Present)

Consideration of the application of Garland Partners, requesting approval of: 1) a change of zoning from Planned Development (PD) Districts 00-63 and 87-28 for Freeway Uses and Agriculture (AG) District to a Planned Development (PD) District for Mixed-Use with Conditions and Concept Plan in the SH 190 Overlay District, 2) variances to the SH 190 Development Standards regarding Building Design (Sec. 34.18), Building Placement (Sec. 34.19), Screening and Landscaping (Section 34.20), Signs (Sec. 34.21), and Access, Parking and Circulation (Sec. 34.23), 3) variances to the Comprehensive Zoning Ordinance regarding Parking (Sec. 10-200), Lot and Density Requirements, Setbacks, Lot Coverage and Height in the Multi-Family (MF), Office (O-2), Neighborhood Service (NS) and Shopping Center (SC) Districts (Sec. 19-300 and 400; 21-400; 23-400, 500 and 600; 24-400, 500 and 600). The property is located southwest of PGBT/SH 190, northwest of Holford Road, north of the Spring Creek Greenbelt and east of Naaman Forest Boulevard. (File 12-41)

Paris Rutherford, Planning Consultant for Catalyst Urban Development, 7001 Preston Road, Dallas, Texas was the presenter for the applicant. He gave a power point presentation outlining the concept plan they are proposing.

Several Garland residents spoke with concerns for the effect of the project on traffic, noise, trash and especially with regard to the Spring Creek Forest Preserve just to the south of the site. They were:

Greg Yearsley, 523 Butternut Drive, Garland, TX 75044
Karen Wilson, 1030 Creekwood Drive, Garland, TX 75044
Matthew Mortimer, President of the Preservation Society for the Spring Creek Forest Preserve, 9145 Stone Creek Place, Dallas, TX 75243
Barbara Baynham, 5806 Firecrest, Garland, TX 75044

Mark Davile, 2137 John Sharp Circle, Garland, TX 75044, expressed his concern for the possible effect on Holford Road. It would have a great negative effect on his property if it were widened to handle the increased traffic. He urged that the native vegetation and natural landscape be preserved. Other than this, he was supportive of the project as presented.

Paris Rutherford came back to the podium to address their concerns.

Also discussed was the maximum number of allowed multi-family dwelling units in Blocks 2 and 3. Staff recommended the limit be set at 225 and the applicant is requesting 375.

Staff clarified that the applicant is also requesting that the multi-family units be transferable among the 4 blocks such that units not constructed on one block could be transferred to another as long as the total number of units was not exceeded. Staff recommends that the units not be transferable among blocks.

P.C. Meeting, October 22, 2012 (9 Members Present)

Z 12-41 continued

Motion was made by Commissioner LeMay, seconded by **Commissioner** Vera to **approve** the requests as recommended by staff except allowing the maximum multi-family in Blocks 2 and 3 to be capped at 375 as requested, but not allowing the units to be transferable among blocks. **Motion carried: 9 Ayes, 0 Nays.**



O = IN FAVOR
X = AGAINST

ZONING Z 12-41

SCALE IN FEET
0 300 600 Feet
1" = 600'

INDICATES
AREA OF REQUEST



GARLAND

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

August 30, 2012

HEARING DATE/TIME: Plan Commission: September 10, 2012 – 7:00 PM
APPLICANT: Garland Partners, File 12-41

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, September 10, 2012, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of Garland Partners requesting approval of 1) a change of zoning from Planned Development (PD) Districts 00-63 and 87-28 for Freeway Uses and Agriculture (AG) District to a Planned Development (PD) District for Mixed-Use with Conditions and Concept Plan in the SH 190 Overlay District, 2) variances to various sections of the SH 190 Development Standards regarding Building Design (Sec. 34.18), Building Placement (Sec. 34.19), Screening and Landscaping (Section 34.20), Signs (Sec. 34.21), Glare and Illumination (Sec. 34.22), Access, Parking and Circulation (Sec. 34.23), 3) variances to various sections of the Comprehensive Zoning Ordinance regarding Parking (Sec. 10-200), Lot and Density Requirements, Setbacks, Lot Coverage and Height in the Multi-Family (MF), Office (O-2), Neighborhood Service (NS) and Shopping Center (SC) Districts (Sec. 19-300 and 400, 21-400, 23-400, 500 and 600, 24-400, 500 and 600) and Townhouse Regulations (Sec. 15A), 4) variances to various sections of the Senior Living Standards regarding Site Design (Sec. 34.51), Screening and Landscaping (Sec. 34.52) and Signage (Sec. 34.54) and 5) variances to Section 34.43 of the Hotel/Motel Standards regarding Building Design, Site Facilities, Parking and Circulation, Screening and Security.

The property is shown on the enclosed sketch and is described as follows: BEING a 36.852-acre parcel of land and a 52.418-acre parcel of land, together comprising approximately 89.27 acres, both located in the City of Garland, Dallas County, Texas, and a part of the P. H. Rice Survey, Abstract Number 1241. The property is located southwest of PGBT/SH 190, northwest of Holford Road, north of the Spring Creek Greenbelt and east of Naaman Forest Boulevard. **(COUNCIL DISTRICT 1)**

Note: The applicant requests approval of a Planned Development District to create a pedestrian-oriented mixed use development.

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 or Anita Russelmann 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.

A well planned development that will be a great addition to
the City of Garland.

(Please complete the following information)

Your Property Address

Weaver Development Compant, LTD

Printed Name

3801 Stratford Avenue

Dallas, Texas

75205

Address

City, State

Zip

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

Huel Weaver

Owner

Signature
Date:

9-4-12

Title



GARLAND

August 30, 2012

REC'D CIV

AUG 31 2012

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

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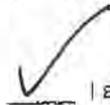
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Note: The applicant requests approval of a Planned Development District to create a pedestrian-oriented mixed use development.

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 or Anita Russelmann 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.

IT IS MY OPINION THAT A REZONING OF THE AFOREMENTIONED AREA WOULD INCREASE THE RISK OF CRIME IN OUR NEIGHBORHOOD, BY ALLOWING FOR MORE THROUGH TRAFFIC. AT THE SAME TIME, IT WOULD DISTURB THE NATURAL WILDLIFE IN THE SURROUNDING, SPRING CREEK FOREST PRESERVE, THAT WE HOLD SO DEAR.

Your Property Address

HALEY JAMES

Printed Name

6207 SHOAL CREEK TRAIL GARLAND, TX 75044

Address

City, State

Zip

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

Haley James

Signature

Date: 9/21/12

SECRETARY TO PRINCIPAL &

Title

SHOAL CREEK TOWNHOME PROPERTY OWNER



Planning Report

Dowdey, Anderson & Associates, Inc.

West of Castle Drive and south of Firewheel Parkway

REQUEST

Approval of 1) a change of zoning from Planned Development (PD) District 09-07 for Single Family, Attached Houses (Townhomes) to a Planned Development (PD) District for Single Family, Detached Houses (Patio Homes) with conditions, 2) a Detail Plan for 130 single family residences, and 3) a waiver to Section 31.27 of the City of Garland Code of Ordinances regarding the requirement of alleys.

OWNER

Bush Gardens of Springfield

PLAN COMMISSION RECOMMENDATION

On October 22, 2012 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of 1) a change of zoning from Planned Development (PD) District 09-07 for Single Family, Attached Houses (Townhomes) to a Planned Development (PD) District for Single Family, Detached Houses (Patio Homes) with conditions and 2) a Detail Plan for 130 single family residences contingent upon:

- A minimum of 10% of the dwelling units shall be more than 2,400 square feet.
- A minimum of 70% of the dwelling units shall be between 2,000 square feet and 2,400 square feet.
- A maximum of 20% of the dwelling units shall be between 1,800 square feet and 2,000 square feet.

Furthermore, the Plan Commission approved a waiver to Section 31.28 of the City of Garland Code of Ordinances regarding the requirement of a sidewalk along Castle Drive.

STAFF RECOMMENDATION

Approval of a change of zoning from Planned Development (PD) District 09-07 for Single Family, Attached Houses (Townhomes) to a Planned Development (PD) District for Single Family, Detached Houses (Patio Homes) with a Detail Plan for 130 single family residences. In lieu of the proposed dwelling unit sizes, Staff recommends including a condition that establishes the following house size tier system:

- At least 25% at no less than 1,800 square feet in floor area
- At least 25% at no less than 2,000 square feet in floor area

- At least 25% at no less than 2,200 square feet in floor area
- At least 25% at no less than 2,400 square feet in floor area

The above recommendation is consistent with the conditions approved by City Council on previous comparable single family subdivisions. The above house size tier system would provide for a wider range of house alternatives to a more extensive demographic group. The proposed single family housing development would be compatible with the surrounding zoning and land uses while continuing the single family development that has occurred in the surrounding area.

Approval of a waiver to Section 31.27 of the City of Garland Code of Ordinance requiring the construction of alleys. The site can be developed in a way to provide adequate drainage without the presence of alleys.

BACKGROUND

On September 6, 2005, City Council approved a change of zoning from a Planned Development (PD) District for Shopping Center Uses and Agriculture (AG) District to Planned Development (PD) 05-01 District for Townhomes and a Concept Plan with conditions on the subject property. On March 3, 2009, City Council approved Planned Development (PD) 09-07 District to amend the Concept Plan; however, a Detail Plan was never approved and the land has remained undeveloped. The applicant is requesting approval of a change of zoning, a Detail Plan, and an alley waiver to develop 130 single family detached residences on 30 acres.

SITE DATA

The subject property contains 42.5 acres, fronting approximately 2,570 feet along Castle Drive and 200 feet along Firewheel Parkway. The site is roughly triangular in shape with a rectangular extension that connects it to Firewheel Parkway. The site will be accessible from Firewheel Parkway and Castle Drive.

USE OF PROPERTY UNDER CURRENT ZONING

Development of this property is restricted to only those uses permitted in Planned Development (PD) District 09-07 for Townhouses. The PD requires a minimum lot size of 2,250 square feet and a minimum dwelling unit size of 1,400 square feet.

COMPREHENSIVE PLAN

The Future Land Use Map of the Comprehensive Plan recommends Compact Neighborhoods for the subject property. Compact neighborhoods provide areas for moderate increases in residential density, including single-family attached and single-family detached housing. It expands housing options through infill and redevelopment, while continuing walkable development patterns. The Compact neighborhood development type is primarily characterized as moderate residential (between six and twelve dwelling units per acre).

CONSIDERATIONS

1. The applicant proposes 130 single family lots on 30 acres, yielding a density of 4.3 units per acre. The established PD and Concept Plan for townhouses allows for 272 units yielding a density of over 9 units per acre. The proposed development standards would provide a minimum lot size of 5,500 square feet accommodating front entry residences.
2. The applicant is proposing the following dwelling units sizes:
 - A minimum of 10% of the dwelling units shall be more than 2,400 square feet.
 - A minimum of 70% of the dwelling units shall be between 2,000 square feet and 2,400 square feet.
 - A maximum of 20% of the dwelling units shall be between 1,800 square feet and 2,000 square feet.

In lieu of the proposed dwelling unit size regulation, Staff recommends the following dwelling unit size tier system:

- At least 25% at no less than 1,800 square feet in floor area
- At least 25% at no less than 2,000 square feet in floor area
- At least 25% at no less than 2,200 square feet in floor area
- At least 25% at no less than 2,400 square feet in floor area

The above recommended tier system was approved by City Council on comparable single family residential subdivisions such as Hillside On The Lake Development (PD 11-31) which was approved in February of 2012. The proposed single family residential development under PD 11-31 consisted of 63 single family lots on which front entry residences are to be constructed. The overall area is 12.55 acres, yielding a density of 5 units per acre. The recommended tier system establishes and guarantees a wider range of housing alternatives to a larger sector of the community.

3. Below is a chart that compares the development standards for the proposed Planned Development (PD) District with the City's Standards SF-7/Set 3 regulations. The current Zoning Ordinance does not provide a district which accommodates smaller lots subdivisions.

Regulation	PD Condition	SF-7/Set 3
Minimum Lot Size	5,500 square feet	7,000 square feet
Minimum Lot Width	50 feet	60 feet
Minimum Lot Width for Cul-de-sac or elbow	45 feet	N/A
Minimum Lot Depth	100 feet	100 feet
Minimum Dwelling Unit Size	1,800 square feet	1,700 square feet

Minimum Setback	Front Yard	20 feet	20 feet
Minimum Setback for lot 33 of block A	Front Yard	28 feet	N/A
Minimum Setback	Side Yard	5 feet	6 feet
Minimum Setback (Adjacent to street)	Side Yard	15 feet	20 feet
Minimum Setback (Adjacent to street on key lots 10 & 18 of block C)	Side Yard	20 feet	N/A
Minimum Setback	Rear Yard	15 feet	10 feet
Maximum Lot Coverage:		60%	45%
Maximum Building Height		35 feet	30 feet

4. Subdivision Access/Alleys: Access to the proposed residential development would be from two entrances, one from Firewheel Parkway and one from Castle Drive. All lots within the subdivision would front a 50-foot right-of-way with access to each lot limited to the front. The applicant seeks an alley waiver for this development. Section 31.27 of the City of Garland Code of Ordinances requires every lot in a residential subdivision to be served by an alley at the rear, or, if a corner lot, at the rear or one side. Alleys are utilized to facilitate drainage for the subdivision development, provide an area for the placement of utilities, and to provide rear access to a single-family lot. As reflected on the Detail Plan, alleys are not proposed for this development, as all lots would have front access only and utilities and drainage would be provided through easements. The applicant contends that given the patio style development of smaller lots, providing alleys is infeasible.

The Engineering Department has reviewed the plans and has indicated the layout is conducive to providing adequate drainage while meeting the City's requirements. The lack of alleys is also consistent with other recently approved patio home developments.

Staff has recommended the integration of architectural features to front entry garage elevations to minimize the negative visual impact typically generated by poorly articulated garage elevations. The applicant has agreed and has added a condition requiring the incorporation of at least 4 architectural elements from an approved list onto the front entry garage elevations.

5. Sidewalks: The proposed development will have four foot sidewalks to facilitate pedestrian access throughout the development. On October 22, 2012 the Plan Commission approved a sidewalk waiver request to forego the construction of a sidewalk along Castle Drive. The applicant shall pay to the

city an amount equal to the estimated cost of constructing a standard width sidewalk on straight and level terrain, equal to the linear footage waived.

6. Building Materials: The overall building materials shall be a minimum 75% brick or stone. Single story homes shall be 100% brick or stone on the front elevation. Two story homes shall be 100% brick or stone on the first floor front elevation. The applicant has added a condition stating that building material percentages for the exterior walls and any chimney elevations exclude doors, windows and gables.
7. Screening/Landscaping: The SH 190 Development Standards require that where the rear and side yards of single-family lots are adjacent to a Type A-D thoroughfare, screening in accordance with section 34.20(C)(5) of the SH 190 Development Standards needs to be provided. The required screening shall have a minimum height of 6 feet and can be accomplished by installing a masonry wall, or earthen berms, or a combination of masonry wall, earthen berms, and evergreen shrubs. The proposed site plan is laid out in a fashion where lots 34-55 of block A have rear yards adjacent to Castle Drive. However, the City of Garland Thoroughfare Plan designates Castle Drive as a Type E thoroughfare. Nonetheless, the Planning Staff recommends including a condition requiring screening the rear yards of lots 34-55 of block A from Castle Drive by installing a 6-foot high masonry wall, 6-foot high continuous shrubs or a 6-foot high wood fence. The purpose of the screening is to minimize the visual and audial impact vehicular traffic along Castle Drive could have on the residential properties. The applicant has added a condition requiring an HOA maintained 6-foot board-on-board fence made of cedar with staggered plantings of Eastern Red Cedars along Castle Drive.

Section 34.20(B)(3)(b)(i) of the SH 190 Development Standards requires 2 street or large trees from the Plant List at least 2 inches in caliper to be provided in the front yard of all single family residential lots. The proposed development will comply with the above referenced section.

8. Tree Mitigation: The applicant has submitted a Tree Management Plan reflecting 301 caliper inches to be removed, of which 221 caliper inches are required to be mitigated. The applicant is proposing to plant 56 Cedar Elm trees and 18 Live Oak trees having a minimum size of 3 inch caliper for a total of 222 caliper inches. The replacement trees will be planted in common areas and undeveloped areas of the site.
9. Common Areas/Maintenance Easements: The applicant proposes a series of common areas of which one will be located at the entry point from Firewheel Parkway; a second will be located at the entry point from Castle Drive, and a third at a central location of the subdivision. Maintenance of all open space, common areas, landscaped areas and all entry features including any allowed within the street medians, irrigation, perimeter fencing and other amenities shall be the responsibility of the required Homeowner's Association.
10. Homeowners Association: The applicant has added a condition requiring the creation of a Homeowner's Association and requiring each lot/home owner to be a member.
11. Prior to issuance of a building permit, approval of a Preliminary Plat and Final Plat is required.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The surrounding area is mainly developed with single family residences; the proposed single family development continues the same pattern of development that has occurred in this general area. Furthermore, the proposed development is compatible with the immediate surrounding zoning and land uses which consist of undeveloped Agricultural (AG) Districts and single family residences to the east and southeast which are within the City of Rowlett. Further to the west across Centerville Road, the area is developed with single family subdivisions. The immediate property to the northeast and the property to the northwest are zoned Planned Development (PD) District 85-55 and Planned Development (PD) District 09-06 respectively; both for Shopping Center Uses. These properties remain undeveloped but are suitable for the development of commercial businesses that would provide important services to the proposed residential development.

Prepared By:

Josue De La Vega
Development Planner

Date: November 8, 2012

Reviewed By:

Neil Montgomery
Director of Planning

Date: November 9, 2012

Reviewed By:

William E. Dollar
City Manager

Date: November 12, 2012

84-120

PD 97-37

PD 09-06
3030

AG
2900

3030
PD 85-55

PD 09-07

AG

1600

2700

ROWLET

0 200 400 Feet

ZONING Z 12-43

 INDICATES AREA OF REQUEST

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE: 12-43

West of Castle Drive and south of Firewheel Parkway

- I. **Statement of Purpose:** The purpose of this Planned Development District is to permit the development of a single-family subdivision subject to conditions.
- II. **Statement of Effect:** This Planned Development District shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Single Family Dwelling (SF/7/D/3) District set forth in Sections 15, 18, 18-300, 32, 46 of the Comprehensive Zoning Ordinance and the SH 190 Development Standards are included by reference and shall apply, except as otherwise specified in this ordinance.
- IV. **Development Plans:**
 - A. Detail Plan: Development shall be in general conformance with the Detail Plan set forth in Exhibit C.
- V. **Specific Regulations:**
 - A. Permitted Uses: Only Single Family shall be permitted. One hundred and thirty units are proposed on 30 developable acres.
 - B. Minimum Lot Size: The minimum lot size shall be 5,500 square feet.
 - C. Minimum Lot Width: The minimum lot width shall be 50 feet.
 - D. Minimum Lot Width: (Cul-de-sac or elbow): The minimum lot width shall be 45 feet.
 - E. Minimum Lot Depth: The minimum lot depth shall be 100 feet.
 - F. Dwelling Unit Sizes: Single family dwellings shall be developed as follows:
 - A minimum of 10% of the dwelling units shall be more than 2,400 square feet.
 - A minimum of 70% of the dwelling units shall be more than 2,000 square feet.
 - A maximum of 20% of the dwelling units shall be between 1,800 square feet and 2,000 square feet.
 - G. Setbacks: Setbacks shall be set forth as follows:

Front Yard:	20 feet
Front Yard:	28 feet (Lot 33 of block A)
Side Yard:	5 feet (To inside property line)

EXHIBIT B

Side Yard: 15 feet (To property line adjacent to street)
Side Yard: 20 feet (Key Lots 10 & 18 of Block C, adjacent to street)
Rear Yard: 15 feet

Note: The side yard fence of any key lot shall be 15' minimum from outside the R.O.W.; please see the key lot side yard fencing & landscape detail in Exhibit D.

H. Building Materials: The overall building materials shall be a minimum 75% brick or stone. Single story homes shall be 100% brick or stone on the front elevation. Two (2) story homes shall be 100% brick or stone on the first floor front elevation. Building material percentages for the exterior walls and any chimney elevations exclude doors, windows and gables.

I. Lot Coverage: Building coverage shall not exceed 60% of each platted lot.

J. Building Height: Shall not exceed 35 feet in height.

K. Minimum Roof Pitch: The minimum roof pitch of all side to side rooflines facing the street shall be 8:12.

L. Garage Elevations Requirements: A minimum 2 car garage is required for all homes. Additionally, each home shall incorporate at least four of the following architectural elements: decorative overhangs above garage doors, columns flanking garage doors, decorative banding or moldings, detailed garage door designs with decorative brackets, windows/openings on garage doors, garage arches, eyebrow soldier course over garage doors, decorative vent covers on gable above garage, sconce lighting, wood trim or veneer, carriage garage door appearance, and two car garage with split single doors.

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

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

O. Landscaping Requirements: The proposed landscape and screening provided with the landscape buffer and other developed common spaces

shall meet or exceed the minimum standards set forth in the City's development standards. All common landscape areas shall be equipped with a fully automatic irrigation system.

Eastern Red Cedar Trees shall be planted along the 6-foot board-on-board fence from Lot 34 to 47 of Block A only. The planting of trees along the 6-foot board-on-board fence from Lot 48 to 55 of block A shall be prohibited to avoid encroaching into the 20-foot waterline easement (Exhibit E).

Per section 34.20 (B)(3)(b)(i) of the SH 190 Development Standards each lots shall have minimum of two (2) shade trees planted with in the front yard of all single family lots.

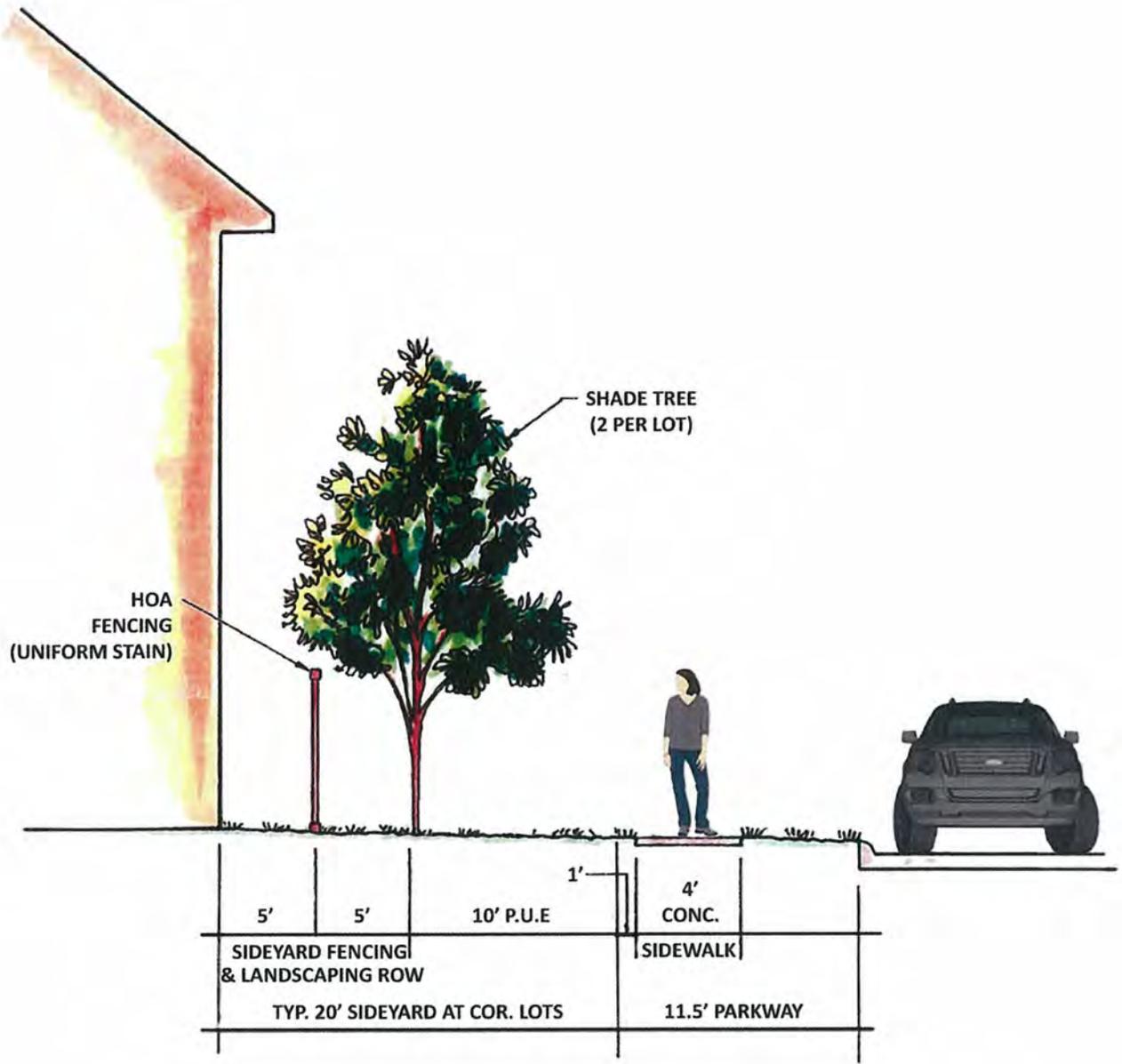
P. Fencing Requirements:

Along Castle Drive: An HOA maintained 6-foot board-on-board fence made of cedar with a uniform stain selected by the HOA shall be constructed along the rear yards of Lot 34-55 of Block A (Exhibit E).

Along Open Space: A 4-foot ornamental metal fence shall be constructed across the rear lot line for lots whose rear line is contiguous to open space or floodplain.

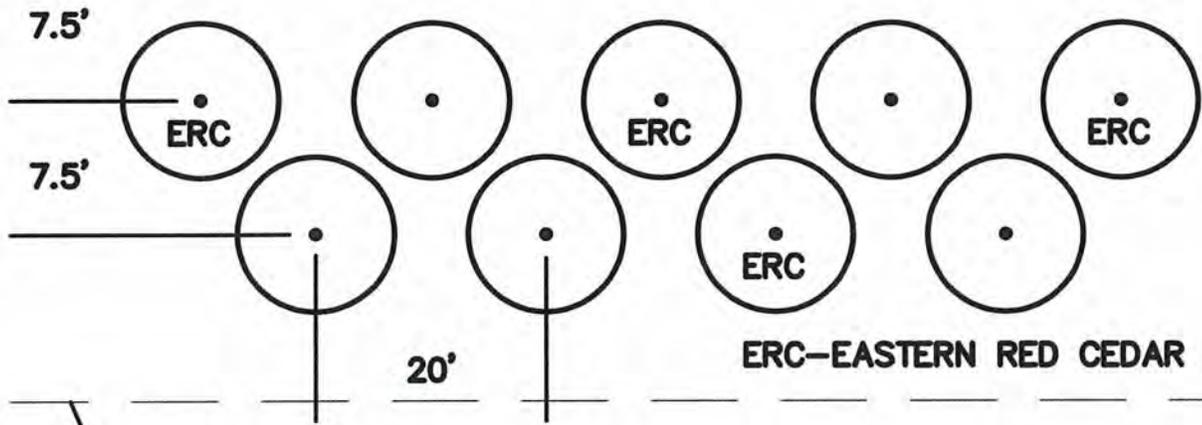
Key Lots: The side yard fence adjacent to the street shall be constructed 15-feet outside of the right-of-way in accordance with the Key Lot Side Yard Fencing and Landscape detail. Furthermore, the fence shall have a uniform stain selected and maintained by the HOA; please see Exhibit D.

Q. Alleys: Alleys are not required.



**KEY LOT
SIDEYARD FENCING & LANDSCAPING DETAIL**

PROPOSED 6' CEDAR
(BOARD-ON-BOARD FENCE)



NORTH TEXAS MUNICIPAL
WATER DISTRICT EASEMENT

6'

PROPOSED HOA 6' CEDAR BOARD-ON-BOARD
FENCE ON METAL POST & UNIFORM STAIN

SCREENING FENCE & LANDSCAPE DETAIL
ALONG CASTLE DRIVE
(LANDSCAPE LOTS 34 TO 47 BLOCK A)

Z 12-43

Approval of 1) a change of zoning from Planned Development (PD) District 09-07 for Single Family, Attached Houses (Townhomes) to a Planned Development (PD) District for Single Family, Detached Houses (Patio Homes) with conditions, 2) a Detail Plan for 130 single family residences, and 3) a waiver to Section 22-29 of Ordinance No. 4062 regarding the requirement of sidewalks; West of Castle Drive and south of Firewheel Parkway



Looking north from subject site.



Looking southeast from subject site.



Looking northeast from subject site.



Looking west at adjacent property.

REPORT & MINUTES

P.C. Meeting, October 22, 2012 (9 Members Present)

Consideration of the application of Dowdey, Anderson, & Associates, Inc., requesting approval of 1) a change of zoning from Planned Development (PD) District 09-07 for Single Family, Attached Houses (Townhomes) to a Planned Development (PD) District for Single Family, Detached Houses (Patio Homes) with conditions, 2) a Detail Plan for 130 single family residences, and 3) a waiver to Section 31.28 of the City of Garland Code of Ordinances regarding the requirement of sidewalks. The property is located west of Castle Drive and south of Firewheel Parkway, and within the 190 Overlay. (File 12-43)

Representing the applicant was Matthew Alexander, 5225 Village Creek Drive, Ste. 200, Plano, Texas 75093.

After a presentation outlining their request, a discussion followed regarding the minimum dwelling unit sizes they were requesting.

Motion was made by Commissioner Luckie, seconded by Commissioner Dalton to **approve** the request as recommended by staff except changing the tiers establishing the minimum dwelling unit size. No more than 20% of the homes will be between 1800 and 2000 square feet, at least 70% will be between 2000 and 2400 square feet, and at least 10% will be in excess of 2400 square feet. **Motion carried: 9 Ayes, 0 Nays.**



O = IN FAVOR
 X = AGAINST

SCALE IN FEET
 0 400 800 Feet
 1" = 800'

INDICATES
 AREA OF REQUEST

ZONING
Z 12-43

No replies were received for this case.