



GARLAND

AGENDA

REGULAR MEETING OF THE CITY COUNCIL

City of Garland
Council Chambers, City Hall
William E. Dollar Municipal Building
200 North Fifth Street
Garland, Texas
Tuesday, December 13, 2022
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.

Garland City Hall and Council Chambers is wheelchair accessible. Special parking is available on the east side of City Hall and on Austin & State Street west of City Hall. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services must contact the City Secretary's Office at (972) 205-2404 at least two working days prior to the meeting so that appropriate arrangements can be made. **BRAILLE IS NOT AVAILABLE.**



LEGISLATIVE PRAYER AND PLEDGE OF ALLEGIANCE

It is the custom and tradition of the members of the City Council to have an invocation and recital of the Pledge of Allegiance prior to the beginning of the meeting. Members of the audience are invited to participate. However, members of the audience are not required to participate. The decision to participate is strictly a matter of personal choice and has no bearing on matters to be considered by the City Council and will not affect the decisions to be made during the meeting.

MAYORAL PROCLAMATIONS, RECOGNITIONS AND ANNOUNCEMENTS

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

CONSENT AGENDA

All items under this section are recommended for approval by a single motion of Council, without discussion. Council has had the opportunity to review each of 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 December 6, 2022, Regular Meeting.
2. Consider approval of the following bids:
 - a. **Cooper and Southern Gardens Drainage Improvements Design** **Bid No. 0556-20**

R-Delta Engineers, Inc. **\$142,060.00**

This request is to provide design revisions for the proposed water and wastewater lines in Avenue B and Avenue D. Both segments of roadway are part of S.H. 66 in the Texas Department of Transportation (TxDOT) highway system. Upon TxDOT's review of the City's proposed improvement plans, TxDOT requires additional modifications to City facilities within their ROW. Also included are revisions of the Hopkins Street Plan and Profile, additional Franchise Utility coordination, and updates to the Storm Sewer System.
 - b. **Satellite Image Leak Detection Survey** **Bid No. 0258-23**

Utilis, Inc., DBA ASTERRA **\$145,000.00**

This request is to provide bi-annual satellite imagery of suspected water leaks in the City's water distribution system.

c. Sports Lighting for Holford Park Football Field Bid No. 0253-23

Musco Sports Lighting, LLC	\$287,283.00
Optional Contingency	\$28,728.00
TOTAL:	\$316,011.00

This request is for the purchase of new LED sports lighting for the Holford Park football field. An optional contingency is included for any additional work that may be required.

d. GP&L Girvin 345kV Switch Station Engineering Services Bid No. 0247-23

Burns & McDonnell	\$1,589,000.00
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This request is to obtain geotechnical, civil, structural, and electric design engineering as well as protection, control, and communications design for the GP&L Girvin 345kV Switch Station. Services will also include field engineering to support construction management for the project.

e. GP&L Girvin 345kV Switch Station to Greasewood II 345kV Transmission Line Engineering Services Bid No. 0248-23

Burns & McDonnell	\$447,100.00
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This request is to obtain geotechnical and electric design engineering services to support the construction of the GP&L Girvin 345kV Switch Station to Greasewood II 345kV Transmission Line and Girvin Switch 345kV Cut-ins. Services will also include ground and subsurface utility engineering surveying and field engineering services to support construction management for the project.

f. Health Benefits Stop-Loss Coverage Bid No. 0120-23

Blue Cross Blue Shield of Texas	\$2,706,738.00
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This request is to provide stop-loss insurance protection for the City of Garland by serving as a reimbursement mechanism for medical claims exceeding predetermined levels. This approval is for a Term Agreement with two optional renewals.

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

a. Zoning File No. Z 21-45, Atlantic Urbana Acquisition Company II, LLC (District 2)

Consider an ordinance amending the Garland Development Code of the City of Garland, Texas, by approving 1) a Change in Zoning from Planned Development (PD) District 19-40 for Single-Family Use to a Planned Development (PD) District for Multi-Family-1 (MF-1) Use; and 2) a Detail Plan for Multi-Family development on an approximate 38.37-acre tract of land located at 2201 East Miller

Road and 2370 East Centerville Road; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; providing a Savings Clause and a Severability Clause; and providing an effective date.

b. Zoning File No. Z 22-39, JC Collision (District 6)

Consider an ordinance amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision for Automobile Sales, New or Used on a 1.014-acre tract of land zoned Industrial (IN) District located at 2905 Forest Lane; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; providing a Savings Clause and a Severability Clause; and providing an effective date.

c. Zoning File No. Z 22-47, Digital Garland Ferris, LP (District 1)

Consider an ordinance amending the Garland Development Code of the City of Garland, Texas, by approving a Detail Plan for a Data Center on a 18.636-acre tract of land zoned Planned Development (PD) District 20-17 and located at 805 Holford Road; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; providing a Savings Clause and a Severability Clause; and providing an effective date.

- 4. Consider an ordinance amending Sections 24.44, "Civil Penalty," and 24.45, "Enforcement of Parking Violation Orders," of Article III, "Administrative Adjudication of Parking Offenses," of Chapter 24, "Municipal Court and Administrative Adjudication," of the Code of Ordinances of the City of Garland, Texas; providing a Savings Clause; providing a penalty under the provisions of Section 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Severability Clause; and setting an effective date.**

At the December 12, 2022 Work Session, Council considered an ordinance which clarifies the City's ability under State law to send unpaid parking tickets to a third-party collection agency and all that agency to collect an amount up to an additional third party percent of any unpaid parking fees.

- 5. Master Interlocal Agreement with Dallas County for Maintenance on Certain Designated Roadways; and providing an effective date**

At the December 5, 2022 Work Session, Council considered a Resolution authorizing the City Manager to execute a master agreement with Dallas County for transportation related maintenance on designated roadways within the City of Garland, Dallas County; and providing an effective date.

- 6. Consider a resolution accepting a Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) Impaired Driving Mobilization (IDM) Grant in the amount of \$14,998.68; and providing an effective date.**

At the December 12, 2022 Work Session, Council considered a resolution authorizing the City Manager to accept the State of Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) – Impaired Driving Mobilization (IDM) Grant for FY 2023 in the amount of \$14,998.68.

7. **Consider approving by minute action an amendment to the employment agreement with Brian England relating to his employment as City Attorney.**

Council is requested to approve an amendment to the employment agreement with Brian England relating to his employment in the position of City Attorney.

8. **Consider approving by minute action an amendment to the employment agreement with Jedson Johnson to continue his employment as City Auditor.**

Council is requested to approve an amendment to the employment agreement with Jedson Johnson to continue his employment in the position of City Auditor.

9. **Consider approving by minute action an amendment to the employment agreement with John Sholden to continue his employment as Municipal Court Judge.**

Council is requested to approve an amendment to the employment agreement with John Sholden to continue his employment in the position of Municipal Court Judge.

10. **Consider approving the attached 2023 Legislative Agenda.**

11. **Council to approve by minute action the attached 2022 Council Rules of Order and Policies.**

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

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

12. **Hold public hearings on:**

- a. **Consider a Specific Use Provision request by Golden Franchising Corporation to allow a drive-through restaurant, Golden Chick. The site is located at 6102 North Jupiter Road in District 7**

Consideration of the application of Golden Franchising Corporation, requesting approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District. This property is located at 6102 North Jupiter Road. (File Z 22-44, District 7))

- b. **Consider a Site Plan request by Golden Franchising Corporation to allow a drive-through restaurant, Golden Chick. The site is located at 6102 North Jupiter Road in District 7.**

Consideration of the application of Golden Franchising Corporation, requesting approval of a Plan for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District. This property is located at 6102 North Jupiter Road. (File Z 22-44, District 7)

- c. **Consider a Detail Plan request by Winkelmann & Associates, Inc. to construct 340 multi-family units with the ability to convert the ground floor to retail uses. This proposal is the first phase of a master-planned site for mixed uses. The site is located at 6302 Greenbelt Parkway in District 4.**

Consideration of the application of Winkelmann & Associates, Inc., requesting approval of a Detail Plan for Multi-family/Mixed-use development. This item may include amendments to Planned Development (PD) District 22-25. This property is located at 6302 Greenbelt Parkway. (File Z 22-51, District 4)

- d. **Consider a Planned Development amendment request by Hanan Salman to construct a Contractor's Office/Warehouse building. The site is located at 3065 Forest Lane in District 6.**

Consideration of the application of Hanan Salman, requesting approval of an amendment to Planned Development (PD) District 03-47 for Community Retail Uses, to allow a Contractor's Office/Warehouse (indoors only). This property is located at 3065 Forest Lane. (File Z 22-52, District 6)

- e. **Consider a Detail Plan request by Hanan Salman to construct a Contractor's Office/Warehouse building. The site is located at 3065 Forest Lane in District 6.**

Consideration of the application of Hanan Salman, requesting approval of a Detail Plan for a Contractor's Office/Warehouse (indoors only). This property is located at 3065 Forest Lane. (File Z 22-52, District 6)

13. 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.

14. Adjourn.

All Regular Council meetings are broadcast live on CGTV, Time Warner Cable Channel 16, and Frontier 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.



GARLAND

City Council Regular Session Agenda

1.

Meeting Date: 12/13/2022

Item Title: Minutes December 6

Submitted By: Rene Dowl, City Secretary, City Secretary

Summary:

Consider approval of the minutes of the December 6, 2022, Regular Meeting.

Attachments

Minutes December 6



GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7:00 p.m. on Tuesday, December 6, 2022, in the Council Chambers at the William E. Dollar Municipal Building, 200 North Fifth Street, Garland, Texas, with the following members present:

Present: Mayor Scott LeMay
Mayor Pro Tem Deborah Morris
Deputy Mayor Pro Tem Robert John Smith
Council Member Jeff Bass
Council Member Ed Moore
Council Member B.J. Williams
Council Member Margaret Lucht
Council Member Robert Vera
Council Member Dylan Hedrick

Staff Present: City Manager Bryan Bradford
Deputy City Manager Mitch Bates
Assistant City Manager Judson Rex
City Attorney Brian England
City Secretary Eloyce René Dowl

LEGISLATIVE PRAYER AND PLEDGE OF ALLEGIANCE

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MAYORAL PROCLAMATIONS, RECOGNITIONS AND ANNOUNCEMENTS

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

Crystal Lazo, Adoption Specialist, Animal Services, presented the Pet of the Month.

CONSENT AGENDA

All items under this section are recommended for approval by a single motion of Council, without discussion. Council has had the opportunity to review each of 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.

The motion was made by Council Member Hedrick to approve the Consent Agenda as presented, seconded by Council Member Lucht. Motion carried:

Vote: 9 ayes, 0 nays

1. **APPROVED** Consider approval of the minutes of the November 15, 2022, Regular Meeting.
2. Consider approval of the following bids:
 - a. **APPROVED** Sanitary Sewer Cleaning and Televised Inspections **Bid No. 0044-23**

Acme Utility Inspection Services, Inc. \$400,000.00

This request is to provide cleaning and televised inspections of wastewater mains as required by the Texas Commission on Environmental Quality's Sanitary Sewer Overflow Initiative. This approval is for a Term Agreement with four optional renewals.

b. APPROVED GP&L Water Treatment Equipment Rental Bid No. 0869-20

Suez Water Technologies & Solutions \$57,550.00

This request is to approve a Change Order to the current Blanket Order BL 9005 for emergency water trailer and polishing tank equipment rental.

c. APPROVED GP&L CEMS RATA and Linearity Testing Bid No. 0615-21
Change Order No. 1

Alliance Source Testing \$6,865.00

The purpose of this bid award is to obtain Change Order #1 to Blanket Services Contract 8864 for Relative Accuracy Test Audits (RATA) performed on GP&L emissions analyzers.

d. APPROVED GP&L Production Plant Project Management Bid No. 0213-23
& Engineering Services

Sargent & Lundy, LLC \$225,000.00

This request is to obtain construction management and support services for capital improvement projects associated with GP&L power plants.

e. APPROVED GP&L GIS System Upgrade Bid No. 0208-23

SSP Innovations, LLC \$257,624.46

This request is to implement an upgrade to the GP&L GIS system.

f. APPROVED GP&L Ben Davis Substation Control Bid No. 0222-23
Building Flood Mitigation Engineering Services

Black & Veatch \$1,598,719.00

This request is to obtain engineering and construction management services to support the replacement and elevation of the control enclosure at the GP&L Ben Davis station.

g. APPROVED GP&L Olinger & Spencer Plant Equipment Bid No. 0221-23
Rentals

Sunbelt Rentals, Inc. \$150,000.00

This request is for as-needed rental equipment including generators, SkyTraks, diesel tanks, air compressors, pumps, forklifts, and welders for day-to-day operations at the Olinger and Spencer Plants. This approval is for a Term Agreement with one optional renewal.

- h. APPROVED Country Club Park Estates Drainage Improvements Additional Design Services Bid No. 1051-21**

Metropolitan Infrastructure, PLLC \$108,900.00

This request is for additional design services required for drainage improvements in the Country Club Park Estates Addition area.

- i. APPROVED Demolition Services for Multiple Properties Bid No. 0232-23**

Intercon Environmental, Inc. \$149,167.68

This request is for the demolition of three properties to prepare for upcoming facility and roadway construction projects.

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

- a. APPROVED Zoning File No. Z 22-53, Maxwell Fisher, ZoneDev on behalf of HCA Health Care (Kyle Marden) (District 6)**

Ordinance No. 7383 amending the Garland Development Code of the City of Garland, Texas, by approving 1) an amendment to Planned Development (PD) District 17-18 for Community Retail Uses and 2) a Detail Plan for a Medical and Dental Office/Clinic Use on a 1.856-acre tract of land located at 3318 West Buckingham Road; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; providing a Savings Clause and a Severability Clause; and providing an effective date.

- b. APPROVED Zoning File No. Z 22-55, William Bebb Francis, III (District 3)**

Ordinance No. 7384 amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision for an Antenna, Commercial Use on a 4.97-acre tract of land zoned Agricultural (AG) District and located at 5200 Bobtown Road; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; providing a Savings Clause and a Severability Clause; and providing an effective date.

4. **APPROVED Minute action authorizing the Managing Director of Public Works to execute the Easement Modification Agreement with Oncor.**

At the November 14, 2022, Work Session, Council considered authorizing the Mayor to execute an Easement Modification Agreement with Oncor.

5. **APPROVED Minute action authorizing the Managing Director of Public Works to execute the Contract of Sale to purchase the vacant lot from Ivan and Emily De Santiago for \$66,500.**

At the November 14, 2022, Work Session, Council considered approving the purchase of 1510 High Meadow from Ivan & Emily De Santiago in the amount of \$66,500.

6. **APPROVED Ordinance No. 7385** amending Chapter 33, "Transportation" of the Code of Ordinances of the City of Garland, Texas; providing a penalty under the provisions of Section 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Savings Clause; providing a Severability Clause; and setting an effective date.

Council approved an ordinance removing the parking restrictions on Mallards Pond St., Heathers Moor St. and Shannons Pl.

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

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7. **APPROVED Hold a Public Hearing on the Removal of Ferris Road from the Thoroughfare Plan**

Council is requested to hold a public hearing on the removal of Ferris Road from the Thoroughfare Plan. If there are no objections and Council concurs, Ferris Road will be removed from the Garland Thoroughfare Plan.

Mayor LeMay opened the Public Hearing at 7:13 p.m. There were no speakers on this item and the hearing was closed at 7:14 p.m.

Paul Luedtke, Director of Transportation, presented the staff report.

The motion was made by Council Member Hedrick to remove Ferris Road from the Thoroughfare Plan, seconded by Council Member Vera. Motion carried:

Vote: 9 ayes, 0 ayes

8. **Hold public hearings on:**

- a. **APPROVED Consider a Zoning request by Atlantic Urbana Acquisition Company II, LLC to construct 301 multi-family units in a single-family style format. The site is located at 2201 East Miller Road and 2370 East Centerville Road in District 2.**

Consideration of the application of Atlantic Urbana Acquisition Company II, LLC, requesting approval of a Change in Zoning from Planned Development (PD) District 19-40 for Single-Family Use to a Planned Development (PD) District for Multi-Family-1 (MF-1) Use. This property is located at 2201 East Miller Road and 2370 East Centerville Road. (File Z 21-45, District 2)

The staff report was presented by William Guerin, Director of Planning. The speakers for the applicant were: Bill Dahlstrom, Zach Hinman and Jim Campbell. Jerry Carter, testified but did not register a position; other speakers in opposition were: Barbara Johnson, Nancy Click, John Blair and Pamela Rucker, registered in opposition but did not testify.

There was discussion by the Council.

The motion was made by Mayor Pro Tem Morris to approve the Zoning request (Item 8a) and Detail Plan (Item 8b), seconded by Council Member Moore. Motion carried:

Vote: 8 ayes, 1 nay (Deputy Mayor Pro Tem Smith)

- b. **APPROVED Consider a Detail Plan request by Atlantic Urbana Acquisition Company II, LLC to construct 301 multi-family units in a single-family style format. The site is located at 2201 East Miller Road and 2370 East Centerville Road in District 2.**

Consideration of the application of Atlantic Urbana Acquisition Company II, LLC, requesting approval of a Detail Plan for Multi-Family development. This property is located at 2201 East Miller Road and 2370 East Centerville Road. (File Z 21-45, District 2)

- c. **APPROVED Consider a Specific Use Provision request by JC Collision to add automobile sales to an existing automobile repair facility. The site is located at 2905 Forest Lane in District 6.**

Consideration of the application of JC Collision, requesting approval of a Specific Use Provision for Automobile Sales, New or Used. This property is located at 2905 Forest Lane. (File Z 22-39, District 6)

The staff report was presented by William Guerin, Director of Planning. The speaker on this item was Erum Sardar, applicant.

There was discussion by the Council.

The motion was made by Council Member Vera to approve the Specific Use Provision (Item 8c) for five (5) years and the Site Plan (Item 8d) as presented, seconded by Mayor Pro Tem Morris. Motion carried:

Vote: 9 ayes, 0 nays

- d. APPROVED Consider a Site Plan request by JC Collision to add automobile sales to an existing automobile repair facility. The site is located at 2905 Forest Lane in District 6.**

Consideration of the application of JC Collision, requesting approval of a Plan for Automobile Sales, New or Used on a property zoned Industrial (IN) District. This property is located at 2905 Forest Lane. (File Z 22-39, District 6)

- e. APPROVED Consider a Detail Plan request by Digital Garland Ferris, LP to construct a Data Center. The site is located at 1805 Holford Road and 1505 Ferris Road in District 1.**

Consideration of the application of Digital Garland Ferris, LP, requesting approval of a Detail Plan for a Data Center. This item may include amendments to Planned Development (PD) District 20-17. This property is located at 805 Holford Road. (File Z 22-47, District 1)

The staff report was presented by William Guerin, Director of Planning. The applicant was present to answer questions; there were no questions for the applicant.

The motion was made by Council Member Bass to approve the Detail Plan, seconded by Mayor Pro Tem Morris. Motion carried:

Vote: 9 ayes, 0 nays

9. Consider appointments to Boards and Commissions.

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

Mayor Pro Tem Deborah Morris

- Amador Castro Jr. - Senior Citizens Advisory Board

Mayor Pro Tem Morris presented her nominee and a vote was cast with the following result:

Vote: 9 ayes, 0 nays

10. **Citizen comments:** There were no speakers on this item.
11. **Adjourn:** There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 8:40 p.m.

Submitted By:

Scott LeMay, Mayor

Eloyce René Dowl, City Secretary



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. a.

Meeting Date: 12/13/2022

Item Title: Cooper and Southern Gardens Drainage Improvements Design

Submitted By: Michael Polocek, Engineering
Director

Bid Number: 0556-20

Purchase Justification:

This request is to provide design revisions for the proposed water and wastewater lines in Avenue B and Avenue D. Both segments of roadway are part of S.H. 66 in the Texas Department of Transportation (TxDOT) highway system. Upon TxDOT's review of the City's proposed improvement plans, TxDOT requires additional modifications to City facilities within their ROW. Also included are revisions of the Hopkins Street Plan and Profile, additional Franchise Utility coordination, and updates to the Storm Sewer System.

Evaluation:

R-Delta Engineers, Inc., was awarded the original PO 29907 in the amount of \$326,600 at the March 3, 2020, City Council Meeting. Change Order #1 was approved in the amount of \$127,195 at the Oct. 20, 2020, City Council Meeting.

Award Recommendation:

<i>Vendor</i>	<i>Item</i>	<i>Amount</i>
R-Delta Engineers, Inc.	All	\$142,060.00

TOTAL: \$142,060.00

Basis for Award: Change Order

Purchase Requisition #: 48455

Fiscal Impact

Total Project/Account: \$8,017,060

Expended/Encumbered to Date: 327,715

Balance: \$7,689,345

This Item: 142,060
Proposed Balance: \$7,547,285
Account #: 624-1409-1425504-7101, 220-4049-3019500-7101, &
230-4149-3215700-7101

Fund/Dept/Project – Description and Comments:

Street/Transportation CIP / Fifth St. - Miller to Ave D - Phase B - Drainage	\$ 50,000
Water CIP / Relocation of Mains Prior to Storm Sewer Installation	46,030
Wastewater CIP / Relocation of Mains Prior to Paving	46,030
Total:	\$142,060

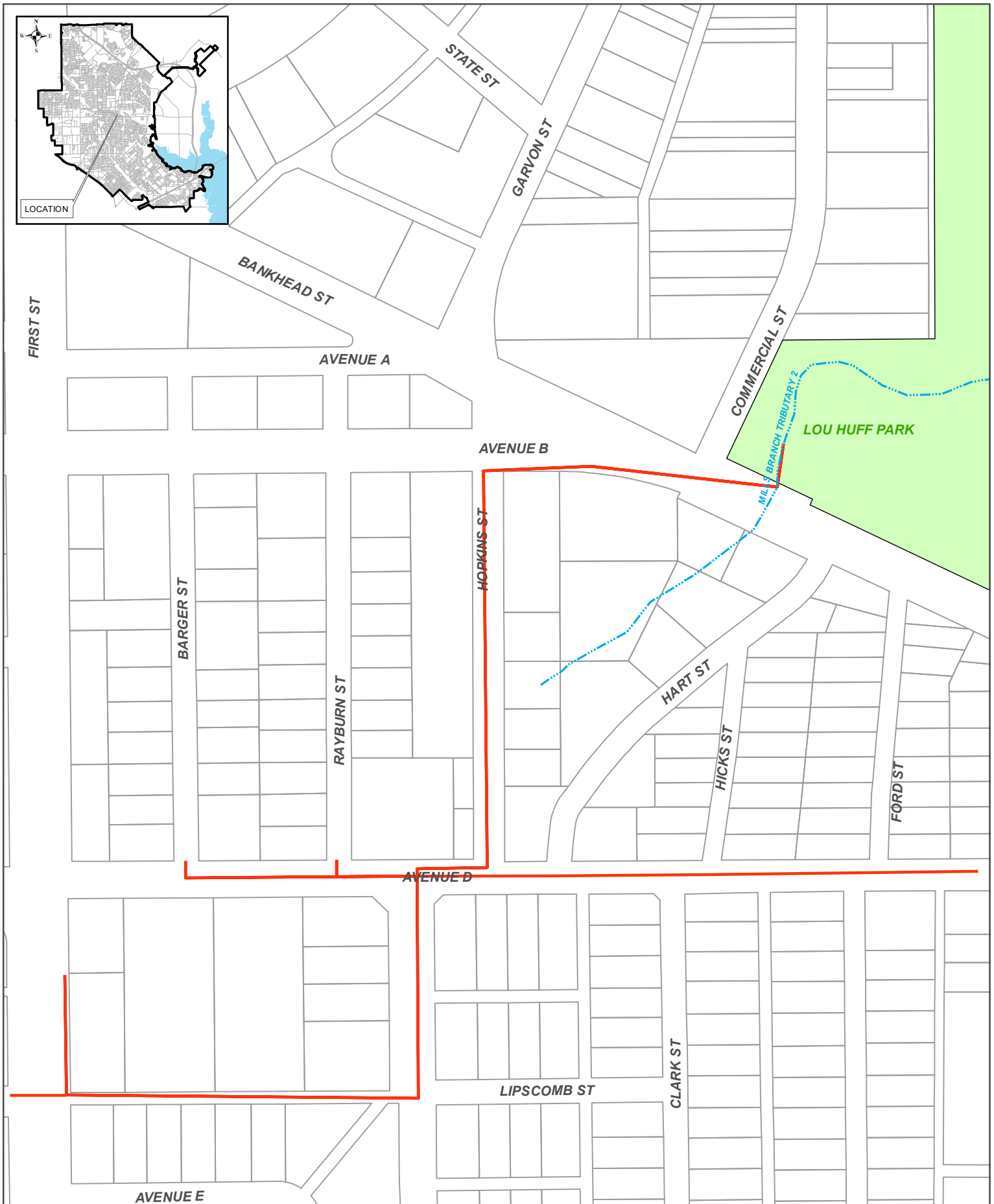
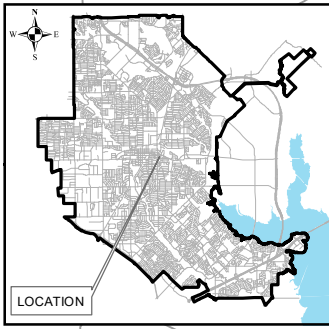
Attachments

Bid Recap
Location Map

Fiscal Reference:
Budget Type: CIP
Fiscal Year: 2022
Document Location: Page 94, 247, & 271

Budget Director Approval: Allyson Bell Steadman Approval Date: 12/02/2022
Purchasing Director Approval: Gary L. Holcomb Approval Date: 11/30/2022

[illegible]



COOPER AND SOUTHERN
GARDENS IMPROVEMENTS
CHANGE ORDER 2

Scale: NTS
Date: 11/18/2022
Drawn: JW

File: Cooper_Southern_3.mxd

Sheet
1
of
1



Not to Scale



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. b.

Meeting Date: 12/13/2022

Item Title: Satellite Image Leak Detection Survey

Submitted By: Wes Kucera, Managing Director

Bid Number: 0258-23

Purchase Justification:

This request is to provide bi-annual satellite imagery of suspected water leaks in our water distribution system. The project also includes a MasterPlan pipe deficiencies map modeling recommended pipe replacements.

Evaluation:

Utilis, Inc., DBA ASTERRA, is the Sole Source provider for our comprehensive leak detection program.

Award Recommendation:

<i>Vendor</i>	<i>Item</i>	<i>Amount</i>
Utilis, Inc., DBA ASTERRA	All	\$145,000.00
TOTAL:		\$145,000.00

Basis for Award: Sole Source

Purchase Requisition #: 48392

Fiscal Impact

Total Project/Account: \$48,679,198

Expended/Encumbered to Date: 8,525,888

Balance: \$40,153,310

This Item: 145,000

Proposed Balance: \$40,008,310

Account #: 221-4011-7101

Fund/Dept/Project – Description and Comments:

Attachments

Bid Recap

Fiscal Reference:

Budget Type: Operating Budget

Fiscal Year: 2022-23

Document Location: Prop. Budget - Page 247

Budget Director Approval: Allyson Bell Steadman

Approval Date: 12/02/2022

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 12/01/2022

[illegible]



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. c.

Meeting Date: 12/13/2022

Item Title: Sports Lighting for Holford Park Football Field

Submitted By: Andy Hesser, Managing Director

Bid Number: 0253-23

Purchase Justification:

This request is for the purchase of new LED sports lighting for the Holford Park football field. The lights will match other new lighting installed in the Parks system that minimizes glare to surrounding residences. The new lighting will also link to a centralized control unit administered by City staff. An Optional Contingency is included for any additional work that may be required.

Evaluation:

This lighting system is being provided by Musco Sports Lighting, LLC, through the BuyBoard Purchasing Cooperative Contract 592-19.

Award Recommendation:

<i>Vendor</i>	<i>Item</i>	<i>Amount</i>
Musco Sports Lighting, LLC	All	\$287,283.00
Optional Contingency		28,728.00
TOTAL:		\$316,011.00

Basis for Award: Cooperative Purchase

Purchase Requisition #: 48450

Fiscal Impact

Total Project/Account: \$7,930,000
Expended/Encumbered to Date: 7,260,469
Balance: \$669,531
This Item: 316,011
Proposed Balance: \$353,520
Account #: 691-2499-1844900-9002
Fund/Dept/Project – Description and Comments:

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2022

Document Location: Page 86

Budget Director Approval: Allyson Bell Steadman

Approval Date: 12/02/2022

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 11/30/2022

[illegible]



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. d.

Meeting Date: 12/13/2022

Item Title: GP&L Girvin 345kV Switch Station Engineering Services

Submitted By: Steve Martin, GP&L
Transmission Director

Bid Number: 0247-23

Purchase Justification:

This request is to obtain geotechnical, civil, structural, and electric design engineering as well as protection, control, and communications design for the GP&L Girvin 345kV Switch Station. Services will also include field engineering to support construction management for the project. This is part of the approved GP&L Girvin 345kV Switch Station CIP project.

Evaluation:

Burns & McDonnell was selected as the Most Qualified firm for this project from RFQ 0753-19. Burns and McDonnell successfully has engineered two other 345kV station projects for GP&L.

Award Recommendation:

<i>Vendor</i>	<i>Item</i>	<i>Amount</i>
Burns & McDonnell	All	\$1,589,000.00

TOTAL: \$1,589,000.00

Basis for Award: Most Qualified

Purchase Requisition #: 48463

Fiscal Impact

Total Project/Account:	\$10,379,000
Expended/Encumbered to Date:	0
Balance:	\$10,379,000
This Item:	1,589,000
Proposed Balance:	\$8,790,000
Account #:	210-3799-3179001-7111

Fund/Dept/Project – Description and Comments:

Electric CIP / Substations Upgrades Program

AttachmentsBid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2022

Document Location: Page 296

Budget Director Approval: Allyson Bell Steadman

Approval Date: 12/02/2022

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 11/30/2022

[illegible]



GARLAND PURCHASING REPORT

City Council Regular Session Agenda

2. e.

Meeting Date: 12/13/2022

Item Title: GP&L Girvin 345kV Switch Station to Greasewood II 345kV Transmission Line
Engineering Services

Submitted By: Steve Martin, GP&L
Transmission Director

Bid Number: 0248-23

Purchase Justification:

This request is to obtain geotechnical and electric design engineering services to support the construction of the GP&L Girvin 345kV Switch Station to Greasewood II 345kV Transmission Line and Girvin Switch 345kV Cut-ins. Services will also include ground and subsurface utility engineering surveying and field engineering services to support construction management for the project. This is part of the approved Girvin to Greasewood II 345kV Transmission Line CIP project.

Evaluation:

Burns & McDonnell was selected as the Most Qualified firm for this project from RFQ 0753-19. Burns & McDonnell has successfully engineered two 345kV transmission lines for GP&L.

Award Recommendation:

<i>Vendor</i>	<i>Item</i>	<i>Amount</i>
Burns & McDonnell	All	\$447,100.00
TOTAL:		\$447,100.00

Basis for Award: Most Qualified

Purchase Requisition #: 48458

Fiscal Impact

Total Project/Account: \$1,986,000
Expended/Encumbered to Date: 0
Balance: \$1,986,000

This Item: 447,100
Proposed Balance: \$1,538,900
Account #: 210-3599-3145601-7111
Fund/Dept/Project – Description and Comments:
Electric CIP / Transmission Lines Program

Attachments

Bid Recap

Fiscal Reference:
Budget Type: CIP
Fiscal Year: 2022
Document Location: Page 290

Budget Director Approval: Allyson Bell Steadman

Approval Date: 12/02/2022

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 11/30/2022

[illegible]



GARLAND PURCHASING REPORT

City Council Regular Session Agenda

2. f.

Meeting Date: 12/13/2022

Item Title: Health Benefits Stop-Loss Coverage

Submitted By: Kristen Smith, HR Director

Bid Number: 0120-23

Purchase Justification:

This request is to provide stop-loss insurance protection for self-insured employers by serving as a reimbursement mechanism for medical claims exceeding predetermined levels. Currently, any claim exceeding \$275,000 is reviewed for potential stop-loss reimbursement. For several years, the City has seen a continuing increase in high-cost medical claimants, and projections assume that this trend will continue for the foreseeable future. The City's risk related to these claims is hedged through stop-loss coverage. This approval is for a Term Agreement with two (2) optional renewals.

Evaluation:

A Request for Proposals was issued in accordance with Purchasing procedures. Three (3) proposals were received and evaluated based on the published criteria. Blue Cross Blue Shield of Texas (BCBSTX) received the highest evaluated score, offering the Best Value for the City.

Award Recommendation:

<i>Vendor</i>	<i>Item</i>	<i>Amount</i>
Blue Cross Blue Shield of Texas	All	\$2,706,738.00

TOTAL:		\$2,706,738.00

Basis for Award: Best Value

Purchase Requisition #: 48473

Fiscal Impact

Total Project/Account: \$52,445,428

Expended/Encumbered to Date: 5,468,230

Balance: \$46,977,198

This Item: 2,706,738
Proposed Balance: \$44,270,460
Account #: 401-1194-740208, 401-1196-740208

Fund/Dept/Project – Description and Comments:

Term Agreement sets price but does not commit funds. Expenses will be charged to the Group Health Insurance Fund's operating accounts as incurred.

Employees: \$2,361,408.71
Retirees: 345,329.29
Total: \$2,706,738.00

Attachments

Bid Recap

Fiscal Reference:

Budget Type: Operating Budget

Fiscal Year: 2022-23

Document Location: Prop. Budget - Page 297

Budget Director Approval: Allyson Bell Steadman

Approval Date: 12/02/2022

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 12/02/2022

[illegible]



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

3. a.

Meeting Date: 12/13/2022

Item Title: Z 21-45 Atlantic Urbana Acquisition Company II, LLC (District 2)

Summary of Request/Problem

Zoning Ordinance Z 21-45 Atlantic Urbana Acquisition Company II, LLC

Recommendation/Action Requested and Justification

Consider adoption of the attached ordinance.

Attachments

Z 21-45 Ordinance

Z 21-45 Exhibit A

Z 21-45 Exhibit B

Z 21-45 Exhibits C-E

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING 1) A CHANGE IN ZONING FROM PLANNED DEVELOPMENT (PD) DISTRICT 19-40 FOR SINGLE-FAMILY USE TO A PLANNED DEVELOPMENT (PD) DISTRICT FOR MULTI-FAMILY-1 (MF-1) USE AND 2) A DETAIL PLAN FOR MULTI-FAMILY DEVELOPMENT ON A 38.37-ACRE TRACT OF LAND LOCATED AT 2201 EAST MILLER ROAD AND 2370 EAST CENTERVILLE ROAD; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A NOTICE OF CONDITIONS OF COMPLIANCE CLAUSE; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 7th day of November, 2022, the Plan Commission did consider and make recommendations on a certain request for 1) a Change in Zoning from Planned Development (PD) District 19-40 for Single-Family Use to a Planned Development (PD) District for Multi-Family-1 (MF-1) Use and 2) a Detail Plan for Multi-Family development by **Atlantic Urbana Acquisition Company II, LLC.**; and

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

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

Section 1

The Garland Development Code is hereby amended by 1) a Change in Zoning from Planned Development (PD) District 19-40 for Single-Family Use to a Planned Development (PD) District for Multi-Family-1 (MF-1) Use and 2) a Detail Plan for Multi-Family development located at 2201 East Miller Road and 2370 East Centerville Road and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2

Development shall be in conformance with the conditions, restrictions, and regulations set forth in the Garland Development Code.

Section 3

That a 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

NOTICE OF CONDITIONS OF COMPLIANCE: Notwithstanding the provisions of any other ordinance of the City, the full, complete, and continuing compliance with all the conditions, restrictions, and regulations of this Ordinance is a condition to the issuance and continuation of any permit, approval, authorization or consent by the City, including without limitation the issuance or continuation of any certificate of occupancy for any building or structure located on any portion of the property described in Exhibit A. All promises, representations, obligations and undertakings made or assumed by the applicant to the City Council at any public presentation in connection with the granting of this Ordinance are hereby incorporated into and made a part of this Ordinance as if expressly set forth herein at length. No substantial deviation from any material portion of the conditions, restrictions, and regulations contained within this Ordinance are allowed except as may be provided by the City Council after a public hearing.

Section 5

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

Section 6

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

Section 7

FILE NO. Z 21-45

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

PASSED AND APPROVED this _____ day of _____,
2022.

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 21-45

BEING a 1,671,585 Square foot tract of land situated in the Edward Mills Survey, Abstract No. 952, and the William Turner Survey, Abstract No. 1481, Dallas County, Texas; said tract being conveyed by General Warranty Deed to Walnut Hill Park Assembly of God/Casa De Mi Gloria USA Inc., recorded in Instrument No. 201600149084, Official Public Records, Dallas County, Texas, and being more particularly described as follows;

BEGINNING, at a 1/2 inch iron rod with plastic yellow cap stamped "5034" found for corner, being the Northwest corner of that tract of land conveyed by Special Warranty Deed to Centerville Road Venture, LLC, recorded in Instrument No. 201200223396, Official Public Records, Dallas County, Texas, said corner being in the East Right-of-Way line of Centerville Road (a 100 foot Right-of-Way);

THENCE North 01 degrees 06 minutes 32 seconds East, a distance of 616.90 feet to a 5/8 inch iron rod found for corner, being the Southwest corner of Lot 2, Block 1, Platinum Storage Centerville Addition, an addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Instrument No. 201800095746, Official Public Records, Dallas County, Texas;

ZONING FILE NUMBER Z 21-45

THENCE, along the South line of said Lot 2, the following bearings and distances:

South 87 degrees 00 minutes 01 seconds East, a distance of 96.19 feet to a 5/8 inch iron rod found for corner;

North 69 degrees 06 minutes 36 seconds East, a distance of 45.77 feet to a 5/8 inch iron rod found for corner;

North 83 degrees 47 minutes 01 seconds East, a distance of 168.97 feet to a point for corner;

North 50 degrees 36 minutes 30 seconds East, a distance of 447.37 feet to a point for corner;

North 78 degrees 44 minutes 46 seconds East, a distance of 300.61 feet to a 5/8 inch iron rod found for corner, being the East corner of said Lot 2, the Southeast corner of Lot 1, Block 1, said Platinum Storage Centerville Addition, and being on the West line of a tract of land conveyed to the City of Dallas per Dallas County Central Appraisal District, no record found, and also being the Northeast corner of the herein described tract;

THENCE along the East line of the herein described tract conveyed to said Walnut Hill Park Assembly of God/Casa De Mi Gloria USA Inc., the following bearings and distances:

South 17 degrees 21 minutes 07 seconds East, a distance of 264.14 feet to a point for corner, from which a 60d nail found for witness bears South 19 degrees 29 minutes 45 seconds West, a distance of 2.22 feet;

EXHIBIT A

South 19 degrees 18 minutes 22 seconds East, a distance of 548.02 feet to a monument found for corner;

South 49 degrees 04 minutes 36 seconds East, a distance of 428.08 feet to a point for corner, from which a 1/2 inch iron rod found for witness bears South 25 degrees 09 minutes 08 seconds West, a distance of 0.93 feet;

South 09 degrees 23 minutes 43 seconds East, a distance of 431.03 feet to a monument found for corner;

South 21 degrees 20 minutes 21 seconds West, a distance of 191.24 feet to a point for corner, being the Southeast corner of the herein described tract, and being in the North Right-of-Way line of East Miller Road (a variable width Right-of-Way), said corner being the beginning of a curve to the left, having a radius of 5780.00 feet, a central angle of 02 degrees 05 minutes 22 seconds, and a chord bearing and distance of South 88 degrees 14 minutes 17 seconds West, 210.78 feet;

THENCE, along the North Right-of-Way line of said East Miller Road, and said curve to the left, an arc length of 210.79 feet to a point for corner;

THENCE South 87 degrees 11 minutes 36 seconds West, along the North Right-of-Way line of said East Miller Road, a distance of 833.34 feet to an axle found for corner, being on the East line of aforesaid Centerville Road Venture, LLC tract;

ZONING FILE NUMBER Z 21-45

THENCE North 01 degrees 10 minutes 40 seconds West, along the East line of said Centerville Road Venture, LLC tract, a distance of 720.19 feet to a 1/2 inch iron pipe found for corner, said corner being the Northeast corner of said Centerville Road Venture, LLC tract;

THENCE South 88 degrees 59 minutes 15 seconds West, along the North line of said Centerville Road Venture, LLC tract, a distance of 485.74 feet to the POINT OF BEGINNING, and containing 1,671,585 square feet or 38.37 acres of land.

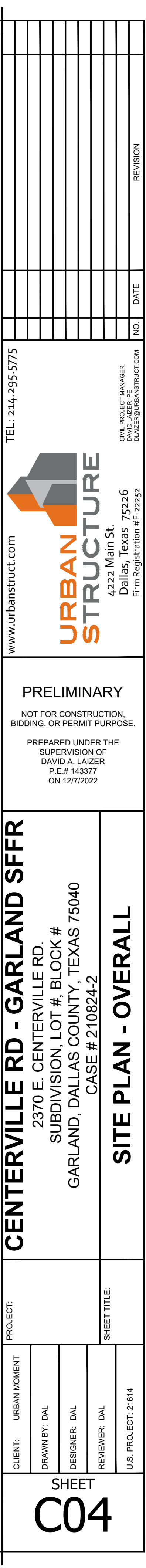
PLANNED DEVELOPMENT CONDITIONS

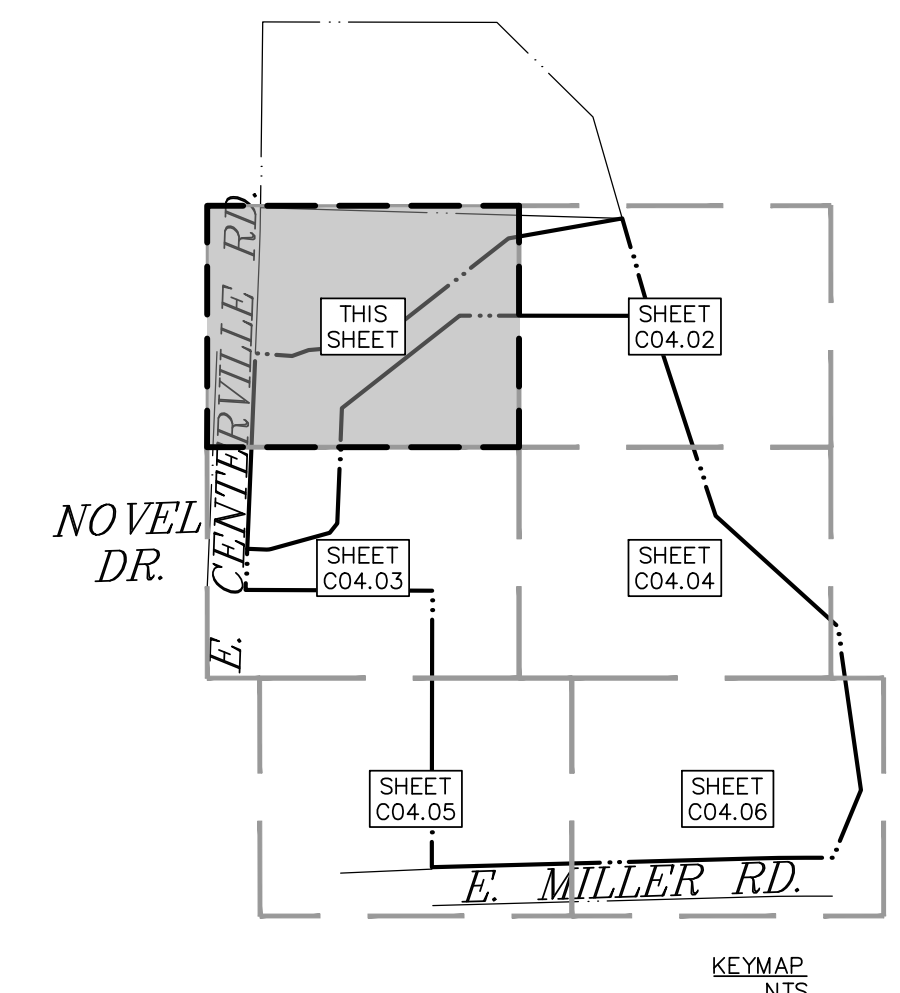
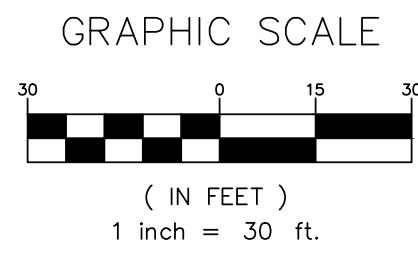
ZONING FILE Z 21-45

2201 East Miller Road and 2370 East Centerville Road

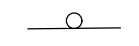
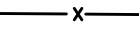
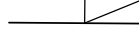
- I. Statement of Purpose:** The purpose of this Planned Development is to approve a multi-family development on Lot 1.
- II. Statement of Effect:** This Planned Development shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Multi-Family-1 (MF-1) District as set forth in Chapter 2 of the Garland Development Code are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Development Plans:**
- Detail Plan: Development shall be in general conformance with the Detail Plan labeled Exhibit C through Exhibit E. In the event there is conflict between the approved Detail Plan and the Specific Regulations below, the Specific Regulations shall apply. Lot 2 shall require approval of a Detail Plan.
- V. Specific Conditions:**
- A. Permitted Uses: Land Uses are only permitted as in the Multi-Family-1 (MF-1) District on Lot 1.
- B. Site Plan: The site layout, building placement, parking, and other development proposed shall be in general conformance with the approved Site Plan labeled Exhibit C.
- C. Building Separation: All portions of a multi-family dwelling structure shall be a minimum of ten (10) from other multi-family dwelling structures.

- D. Dwelling Units: A total of 301 dwelling units shall be permitted.
- E. Dwelling size: A maximum of 100 one-bedroom dwelling units shall be 635 square feet.
- F. Building Setbacks: The minimum side-yard setback not adjacent to the street shall be six (6) feet.
- G. Amenities: Amenities shall be provided as shown on the Exhibits C and D.
- H. Landscape Plan: Screening and landscaping shall be in general conformance with the landscape plan labeled Exhibit D.
- I. Elevations: Building Elevations shall be in general conformance with the elevations labeled Exhibit E.
- J. Lighting: All pedestrian pathways shall be lighted per the Garland Development Code standards.
- K. Signage: All signage shall comply with the standards in the Garland Development Code.





SITE/PAVING PLAN LEGEND

- | | |
|---|--|
|  | PROPERTY LINE |
|  | 5' BUILDING OFFSET |
|  | SAWCUT PATH |
|  | RETAINING WALL |
|  | EX. STORM DRAINAGE MANHOLE |
|  | EX. FIRE HYDRANT |
|  | DRAINAGE INLET |
|  | WASTEWATER MANHOLE |
|  | WATER VAULT AND BACKFLOW PREVENTER (BFP) |
|  | FIRE HYDRANT |
|  | WATER METER |
|  | FIRE DEPARTMENT CONNECTION (FDC) |
|  | EXISTING SIGNAGE |
|  | FENCE |
|  | BARRIER FREE RAMP (B.F.R.) |
|  | SIDEWALKS |
|  | PARKING PAVEMENT |
|  | DRIVE PAVEMENT |
|  | LEFT TURN LANE AND MEDIAN OPENING |

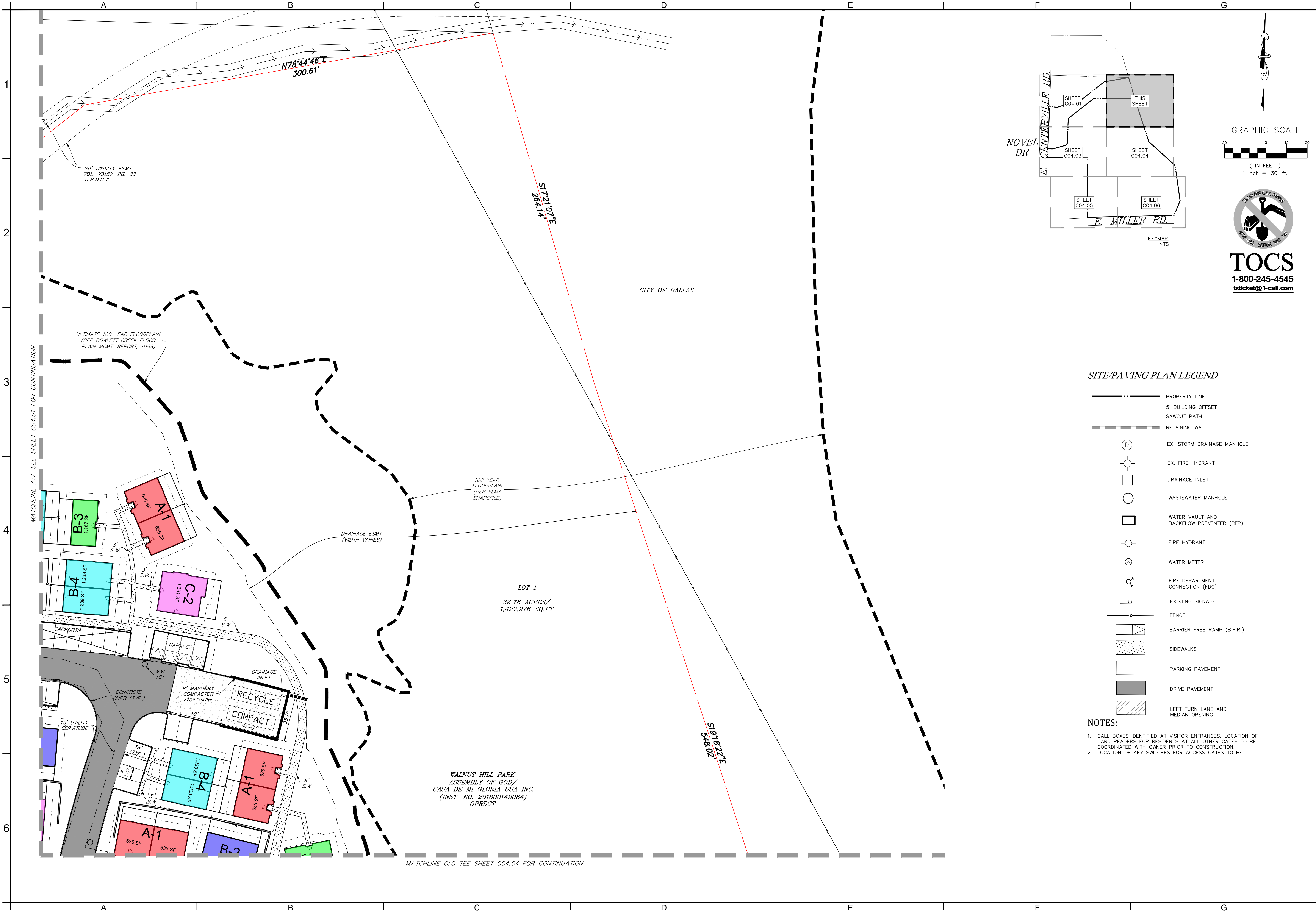
NOTES:

1. CALL BOXES IDENTIFIED AT VISITOR ENTRANCES. LOCATION OF CARD READERS FOR RESIDENTS AT ALL OTHER GATES TO BE COORDINATED WITH OWNER PRIOR TO CONSTRUCTION.
2. LOCATION OF KEY SWITCHES FOR ACCESS GATES TO BE COORDINATED WITH FIRE DEPARTMENT PRIOR TO CONSTRUCTION.

[illegible]

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DRAWN BY: DAL
LAST MODIFIED ON: 10/22/2022 12:10 AM
POSTED ON: 10/22/2022 12:10 AM

EXHIBIT C



NOVEL DR.

E. CENTERVILLE RD.

E. MILLER RD.

KEYMAP
NTS

GRAPHIC SCALE
(IN FEET)
1 inch = 30 ft.

TOCS
1-800-245-4545
bticket@1-call.com

NO. DATE

REVISION

SITE/PAVING PLAN LEGEND

- PROPERTY LINE
- 5' BUILDING OFFSET
- SAWCUT PATH
- RETAINING WALL
- EX. STORM DRAINAGE MANHOLE
- EX. FIRE HYDRANT
- DRAINAGE INLET
- WASTEWATER MANHOLE
- WATER VAULT AND BACKFLOW PREVENTER (BFP)
- FIRE HYDRANT
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- FENCE
- BARRIER FREE RAMP (B.F.R.)
- SIDEWALKS
- PARKING PAVEMENT
- DRIVE PAVEMENT
- LEFT TURN LANE AND MEDIAN OPENING

- NOTES:
- CALL BOXES IDENTIFIED AT VISITOR ENTRANCES, LOCATION OF CARD READERS FOR RESIDENTS AT ALL OTHER GATES TO BE COORDINATED WITH OWNER PRIOR TO CONSTRUCTION.
 - LOCATION OF KEY SWITCHES FOR ACCESS GATES TO BE

CENTERVILLE RD - GARLAND SFFR

2370 E. CENTERVILLE RD.
SUBDIVISION, LOT #, BLOCK #
GARLAND, DALLAS COUNTY, TEXAS 75040
CASE # 210824-2

SITE PLAN

PROJECT:

CLIENT: URBAN STRUCTURE

DRAWN BY: DAL

DESIGNER: DAL

REVIEWER: DAL

U.S. PROJECT: 21614

SHEET
C04.02

PRELIMINARY

NOT FOR CONSTRUCTION,
BIDDING, OR PERMIT PURPOSE.

PREPARED UNDER THE
SUPERVISION OF
DAVID A. LAIZER
P.E.#143377
ON 10/21/2022

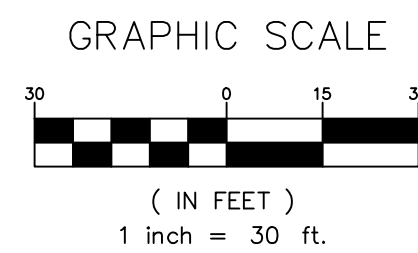
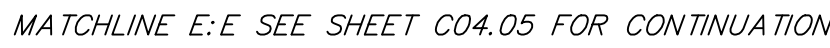
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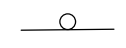
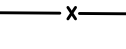
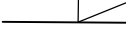
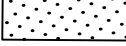
URBAN STRUCTURE

4222 Main St.
Dallas, Texas 75226
Firm Registration # F-2252

TEL: 214-295-5775

Civil Project Manager:
DAVID LAIZER, P.E.
david@urbanstruct.com



- | | |
|---|---|
|  | PROPERTY LINE |
|  | 5' BUILDING OFFSET |
|  | SAWCUT PATH |
|  | RETAINING WALL |
| | |
|  | EX. STORM DRAINAGE MANHOLE |
|  | EX. FIRE HYDRANT |
|  | DRAINAGE INLET |
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BACKFLOW PREVENTER (BFP) |
|  | FIRE HYDRANT |
|  | WATER METER |
|  | FIRE DEPARTMENT
CONNECTION (FDC) |
|  | EXISTING SIGNAGE |
|  | FENCE |
|  | BARRIER FREE RAMP (B.F.R.) |
|  | SIDEWALKS |
|  | PARKING PAVEMENT |
|  | DRIVE PAVEMENT |
|  | LEFT TURN LANE AND
MEDIAN OPENING |

- NOTES:**
1. CALL BOXES IDENTIFIED AT VISITOR ENTRANCES. LOCATION OF CARD READERS FOR RESIDENTS AT ALL OTHER GATES TO BE COORDINATED WITH OWNER PRIOR TO CONSTRUCTION.
 2. LOCATION OF KEY SWITCHES FOR ACCESS GATES TO BE COORDINATED WITH FIRE DEPARTMENT PRIOR TO CONSTRUCTION.

[illegible]

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NOT FOR CONSTRUCTION,
BIDDING, OR PERMIT PURPOSES

PREPARED UNDER THE
SUPERVISION OF
DAVID A. LAIZER
P.E.# 143377
ON 12/7/2022

2370 E. CENTERVILLE RD.
SUBDIVISION, LOT #, BLOCK #
GARLAND, DALLAS COUNTY, TEXAS 75040

SITE PLAN

PROJECT:

DRAWN BY: DAL

DESIGNER: DAI

DESIGNING DAE

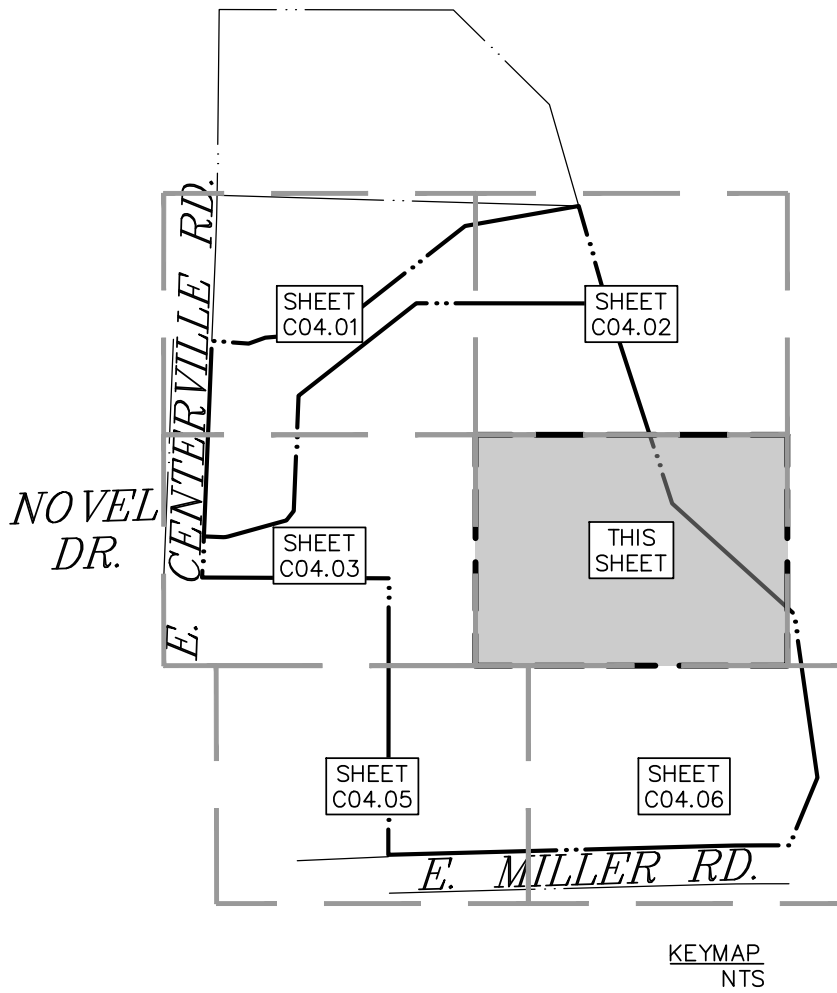
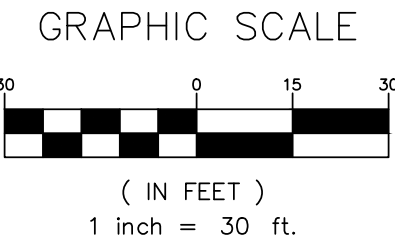
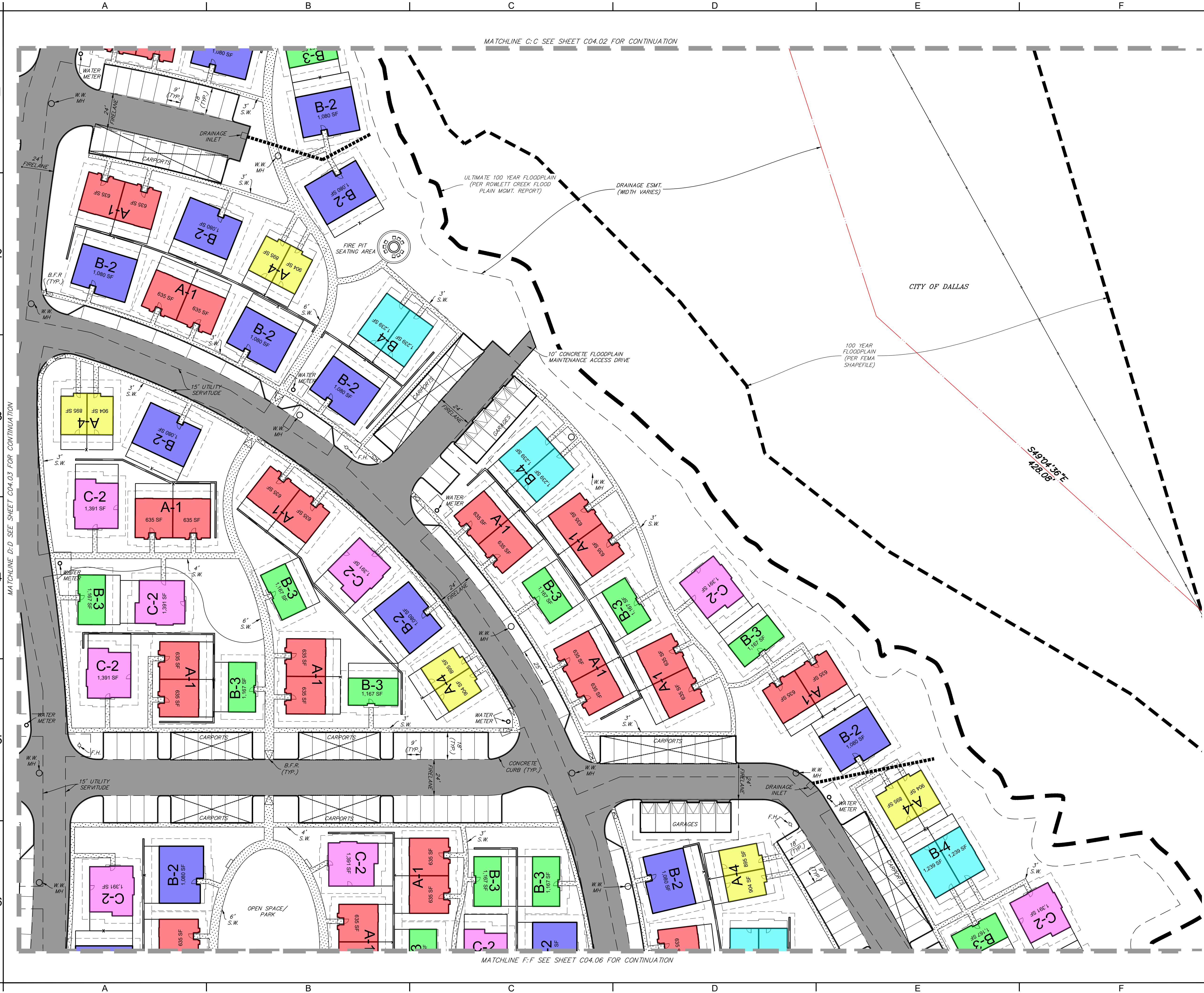
REVIEWER: DAL

SHEET

C04.03

EXHIBIT C

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LAST MODIFIED ON: 10/22/2022 12:10 AM
POSTED ON: 10/22/2022 12:10 AM



SITE/PAVING PLAN LEGEND

- PROPERTY LINE
- 5' BUILDING OFFSET
- SAWCUT PATH
- RETAINING WALL
- EX. STORM DRAINAGE MANHOLE
- EX. FIRE HYDRANT
- DRAINAGE INLET
- WASTEWATER MANHOLE
- WATER VAULT AND BACKFLOW PREVENTER (BFP)
- FIRE HYDRANT
- WATER METER
- FIRE DEPARTMENT CONNECTION (FDC)
- EXISTING SIGNAGE
- FENCE
- BARRIER FREE RAMP (B.F.R.)
- SIDEWALKS
- PARKING PAVEMENT
- DRIVE PAVEMENT
- LEFT TURN LANE AND MEDIAN OPENING

- NOTES:
- CALL BOXES IDENTIFIED AT VISITOR ENTRANCES. LOCATION OF CARD READERS FOR RESIDENTS AT ALL OTHER GATES TO BE COORDINATED WITH OWNER PRIOR TO CONSTRUCTION.
 - LOCATION OF KEY SWITCHES FOR ACCESS GATES TO BE COORDINATED WITH FIRE DEPARTMENT PRIOR TO CONSTRUCTION.

CENTERVILLE RD - GARLAND SFFR
2370 E. CENTERVILLE RD.
SUBDIVISION, LOT #, BLOCK #
GARLAND, DALLAS COUNTY, TEXAS 75040
CASE # 210824-2

SITE PLAN

CLIENT: URBAN MOMENT	DRAWN BY: DAL	DESIGNER: DAL	REVIEWER: DAL	U.S. PROJECT: 21614
----------------------	---------------	---------------	---------------	---------------------

SHEET
C04.04

PRELIMINARY
NOT FOR CONSTRUCTION,
BIDDING, OR PERMIT PURPOSE.
PREPARED UNDER THE
SUPERVISION OF
DAVID A. LAIZER
P.E. #143377
ON 10/21/2022

www.urbanstruct.com
TEL: 214-295-5775
CIVIL PROJECT MANAGER:
DAVID LAIZER, P.E.
4222 Main St.
Dallas, Texas 75226
Firm Registration # F-2252



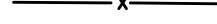
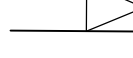
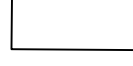
NO.	DATE	REVISION
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CLIENT:	URBAN MOMENT
DRAWN BY:	DAL
DESIGNER:	DAL
REVIEWER:	DAL
U.S. PROJECT: 21614	

SHEET
C04.05



- | | |
|---|---|
|  | PROPERTY LINE |
|  | 5' BUILDING OFFSET |
|  | SAWCUT PATH |
|  | RETAINING WALL |
|  | EX. STORM DRAINAGE MANHOLE |
|  | EX. FIRE HYDRANT |
|  | DRAINAGE INLET |
|  | WASTEWATER MANHOLE |
|  | WATER VAULT AND
BACKFLOW PREVENTER (BFP) |
|  | FIRE HYDRANT |
|  | WATER METER |
|  | FIRE DEPARTMENT
CONNECTION (FDC) |
|  | EXISTING SIGNAGE |
|  | FENCE |
|  | MASONRY WALL |
|  | BARRIER FREE RAMP (B.F.R.) |
|  | SIDEWALKS |
|  | PARKING PAVEMENT |
|  | DRIVE PAVEMENT |
|  | LEFT TURN LANE AND
MEDIAN OPENING |

NOTES:

1. CALL BOXES IDENTIFIED AT VISITOR ENTRANCES. LOCATION OF CARD READERS FOR RESIDENTS AT ALL OTHER GATES TO BE COORDINATED WITH OWNER PRIOR TO CONSTRUCTION.
2. LOCATION OF KEY SWITCHES FOR ACCESS GATES TO BE COORDINATED WITH FIRE DEPARTMENT PRIOR TO CONSTRUCTION.

www.urbanstruct.com

TEL: 214.295.5775

 **URBAN
STRUCTURE**

4222 Main St.
Dallas, Texas 75226
Erm Registration #E-73232

CIVIL PROJECT MANAGER:
DAVID LAMBERT
D.LAMBERT@URBANSTRUCT.COM

PRELIMINARY

NOT FOR CONSTRUCTION,
BIDDING, OR PERMIT PURPOSE

PREPARED UNDER THE
SUPERVISION OF
DAVID A. LAIZER
P.E.# 143377
ON 12/7/2022

ERVILLE RD - GARLAND SFFR
2370 E. CENTERVILLE RD.
SUBDIVISION, LOT #, BLOCK #
GARLAND, DALLAS COUNTY, TEXAS 75040
CASE # 210824-2

SITE PLAN

PROJECT:	CLIENT: URBAN MOMENT
	DRAWN BY: DAL
	DESIGNER: DAL
	REVIEWER: DAL
SHEET TITLE	U.S. PROJECT: 21614

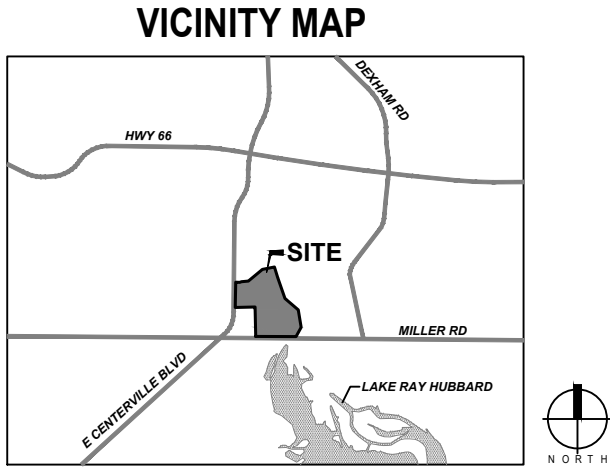
SHEET
C04.06

EXHIBIT C

FILE NAME: C-SITE.DWG
FILE LOCATION: S-Projects [Team Folder]
LAST MODIFIED BY: DL/AZ
LAST MODIFIED ON: 12/28/2022 9:47 AM
PLOTTED ON: 12/28/2022 9:49 AM



CONTRACTOR SHALL
USE EXTREME CAUTION
WHEN EXCAVATING NEAR
EXISTING OVERHEAD
ELECTRIC OR GAS LINE



Case Number: 210824-2
Existing Zoning: PD 85-29
Proposed Zoning: PD

DEVELOPER:
Urban Moment
3755 S Capital of Texas Highway
Building 1, Unit 100
Austin, TX 78704
Contact: Zach Hinman

PREPARED BY:
Bud Creative
3800 Main Street, Suite B
Dallas, TX 75226
Contact: Mike Levkulich
570.954.1964

SECTION 4.34 Site and Perimeter Landscape Requirements

A minimum of forty percent of the gross platted area of the site of any multifamily or senior living facility must be devoted to landscaping, open space areas, pools, and similar outdoor recreational activity areas.

TOTAL SITE AREA	1,427,976 SF	32.78 AC
LANDSCAPE AREA	REQUIRED	PROVIDED
TOTAL LANDSCAPE AREA	571,190 SF (13.11 ACRES) 40%	725,495 SF (16.65 ACRES) 50%

LANDSCAPE BUFFER REQUIREMENTS	REQUIRED	PROVIDED
-------------------------------	----------	----------

For every thirty lineal feet, or fraction thereof, of required landscape buffer, one large canopy tree is required, along with seven shrubs or ornamental grasses.

E. MILLER ROAD (987 LF)		
LARGE CANOPY TREES	33	33
SHRUBS/GRASSES	231	234
TURF	11,003 SF (75% MAX)	3,963 SF (27%)
E. CENTERVILLE ROAD (78 LF)		
LARGE CANOPY TREES	2	3
SHRUBS/GRASSES	18	18
TURF	878 SF (75% MAX)	693 SF (59%)

PARKING AREA LANDSCAPE	REQUIRED	PROVIDED
------------------------	----------	----------

A landscaped island must be located at the terminus of each parking row, and must contain a minimum of one large canopy tree. Landscaped islands must be a minimum of 180SF. One large canopy tree is required for every ten parking spaces. 5% of parking area is required to be landscape.

LARGE CANOPY TREES	53	118
LANDSCAPE AREA	5,200 SF (MIN.)	15,200 SF



OWNER
Urban Moment
3755 S Capital of Texas Highway
Building 1, Unit 100
Austin, TX 78704

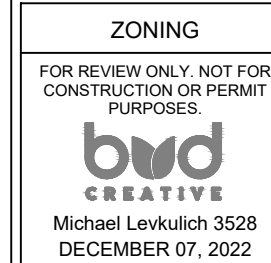
CIVIL ENGINEER
Urban Structure
8140 Walnut Hill Lane
Suite 905
Dallas, TX 75231

URBANA CENTERVILLE
GARLAND, TX

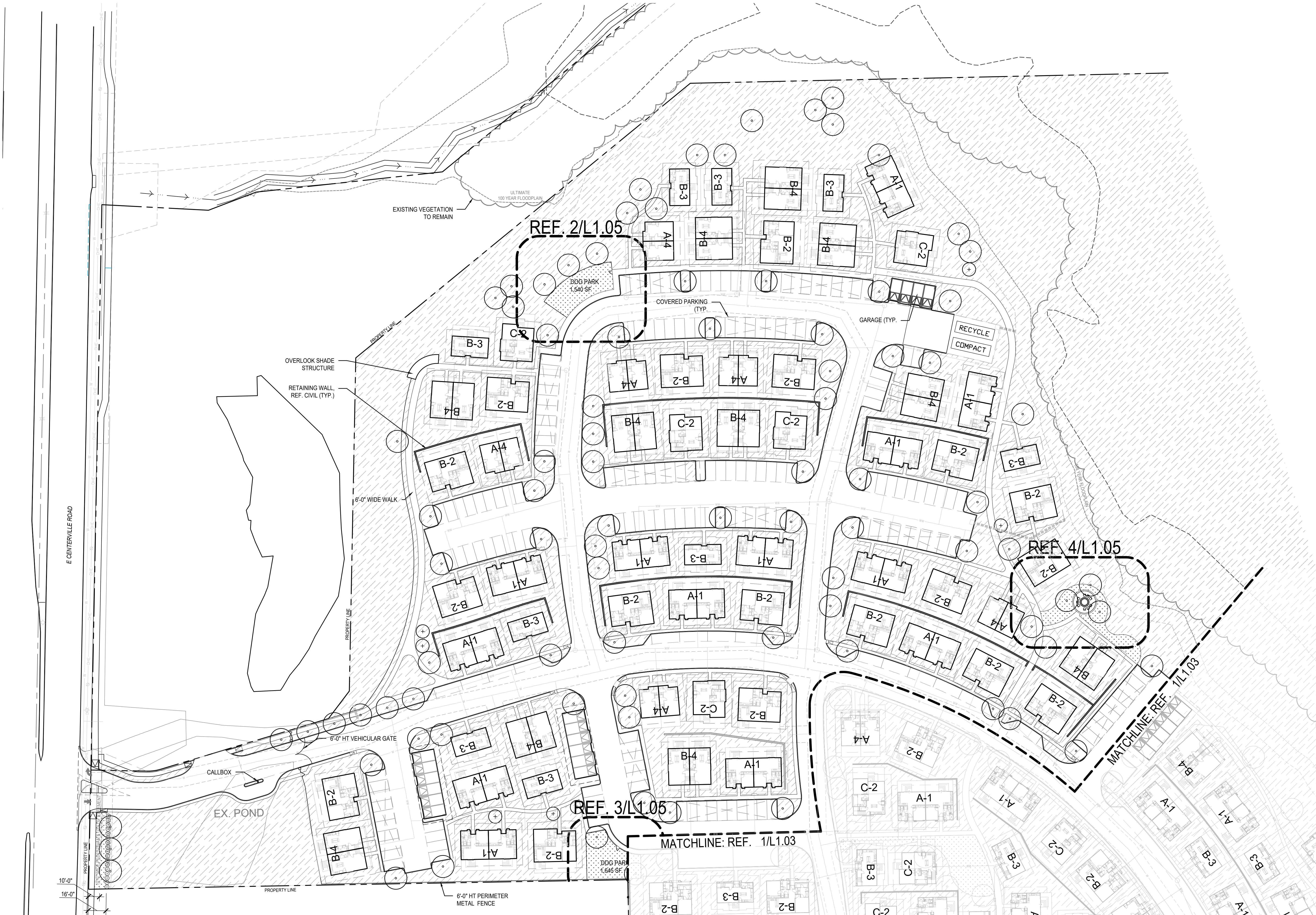
Rev:	Date:	Description:

Project Number: 21039
Date: DECEMBER 07, 2022
Issue: ZONING

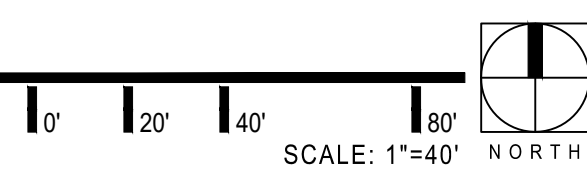
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LANDSCAPE PLAN



Sheet Number:
L1.01



1 LANDSCAPE PLAN



ZONING - NOT FOR CONSTRUCTION



Bud Creative, LLC
3800 Main Street, Suite B
Dallas, Texas 75226
P: 570.954.1964

OWNER

Urban Moment
3755 S Capital of Texas Highway
Building 1, Unit 100
Austin, TX 78704

CIVIL ENGINEER

Urban Structure
8140 Walnut Hill Lane
Suite 905
Dallas, TX 75231

URBANA CENTERVILLE
GARLAND, TX

Rev:	Date:	Description:

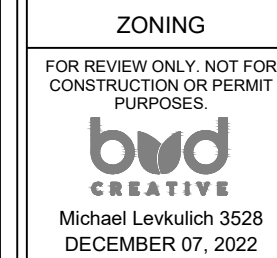
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Date: DECEMBER 07, 2022

Issue: ZONING

Sheet Title:

LANDSCAPE
PLAN



Sheet Number:

L1.02



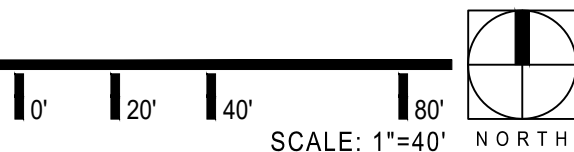
COVERED PARKING
(TYP.)
6'-0"HT PERIMETER
METAL FENCE

RETAINING WALL
REF CIVIL (TYP.)

GARAGE (TYP.)

EXISTING VEGETATION
TO REMAIN

1 LANDSCAPE PLAN



OWNER
Urban Moment
3755 S Capital of Texas Highway
Building 1, Unit 100
Austin, TX 78704

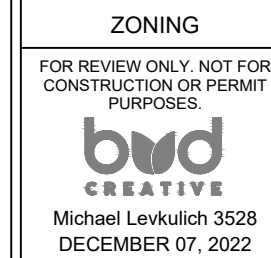
CIVIL ENGINEER
Urban Structure
8140 Walnut Hill Lane
Suite 905
Dallas, TX 75231

URBANA CENTERVILLE
GARLAND, TX

Rev:	Date:	Description:

Project Number: 21039
Date: DECEMBER 07, 2022
Issue: ZONING

Sheet Title:
**LANDSCAPE
PLAN**



Sheet Number:
L1.03

ZONING - NOT FOR CONSTRUCTION



OWNER

Urban Moment
3755 S Capital of Texas Highway
Building 1, Unit 100
Austin, TX 78704

CIVIL ENGINEER

Urban Structure
8140 Walnut Hill Lane
Suite 905
Dallas, TX 75231

URBANA CENTERVILLE
GARLAND, TX

Rev:	Date:	Description:

Project Number: 21039

Date: DECEMBER 07, 2022

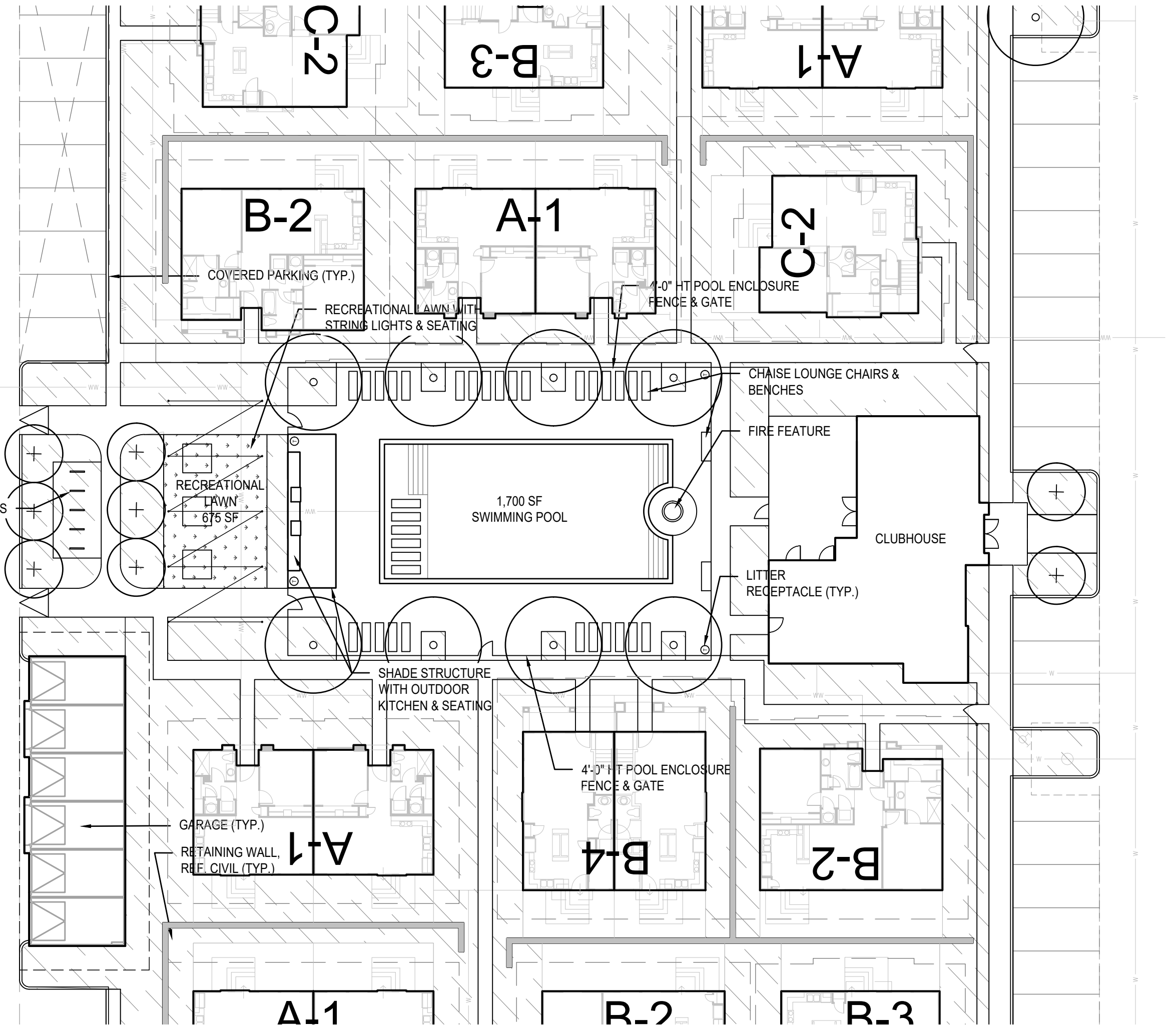
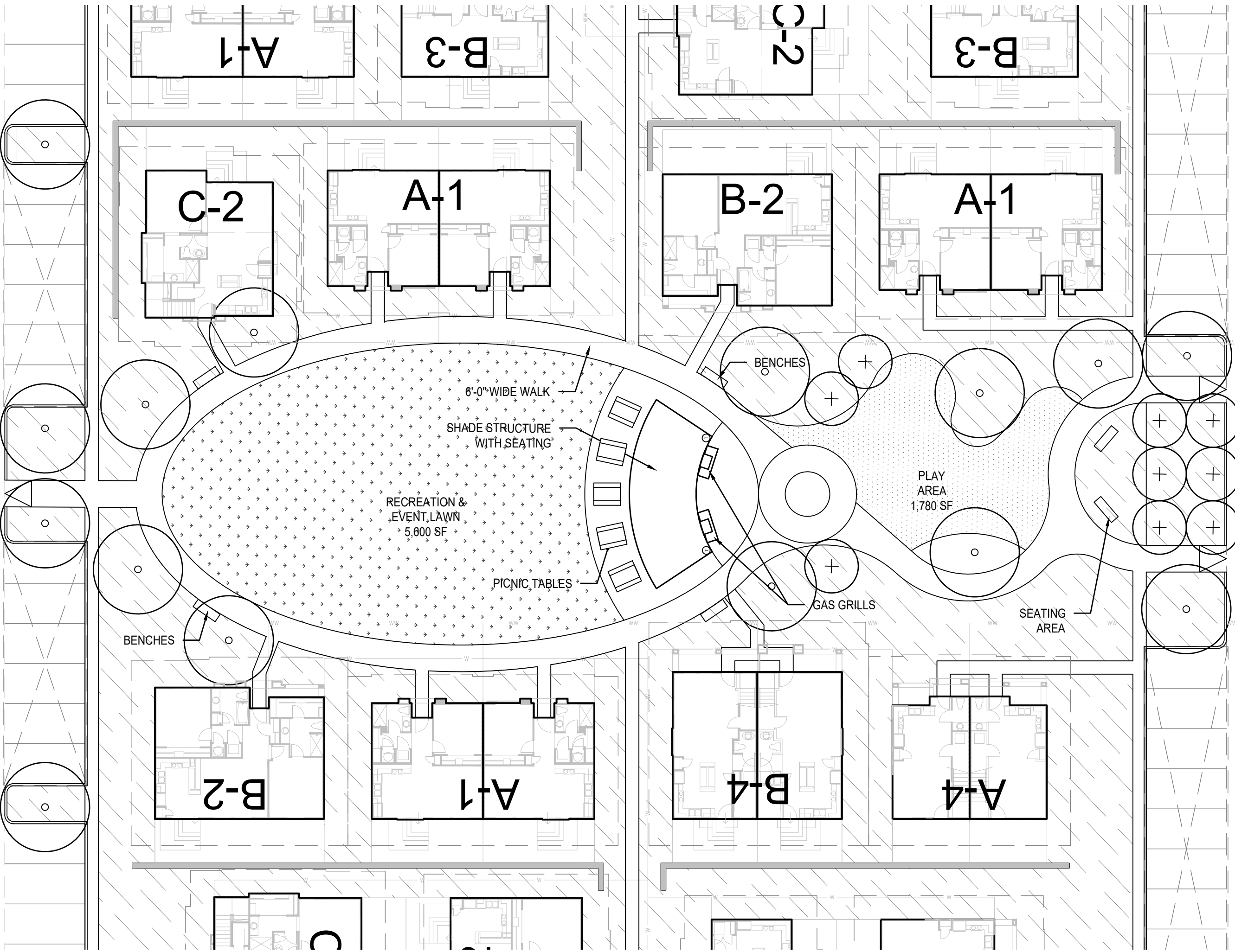
Issue: ZONING

Sheet Title:

LANDSCAPE
PLAN

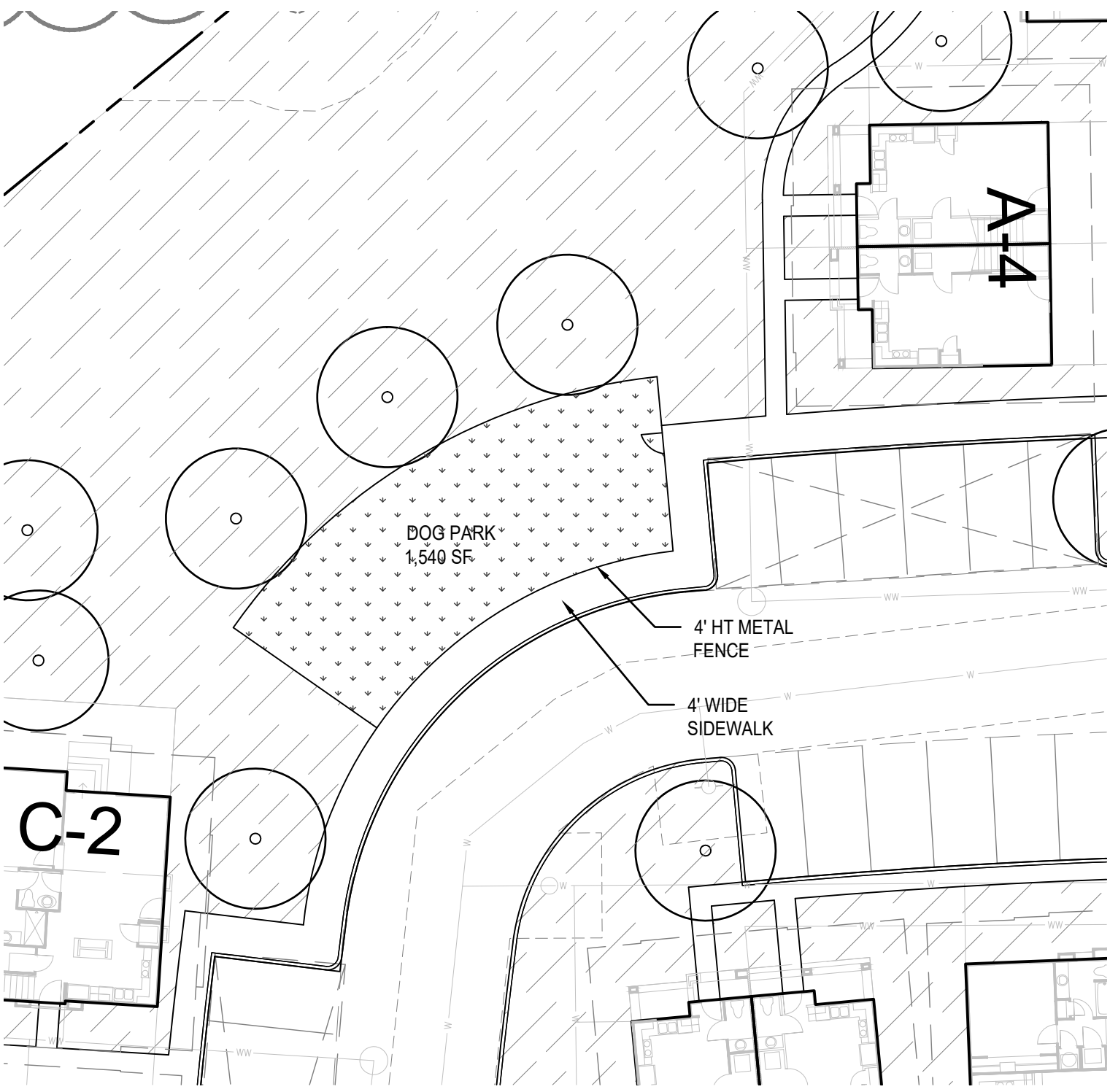
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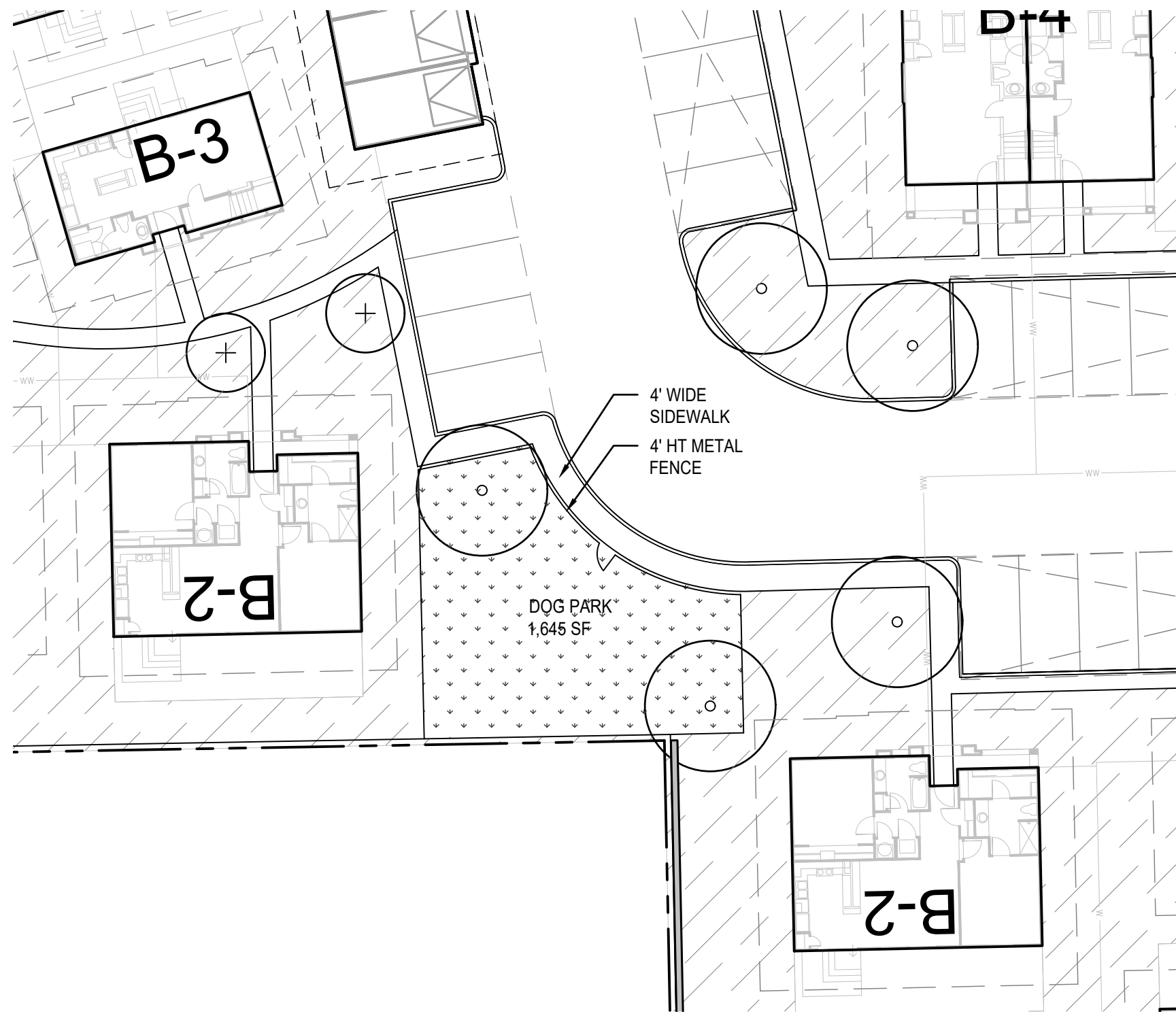
1 POOL COURTYARD & PARK

0' 10' 20' 40' SCALE: 1"=20' NORTH



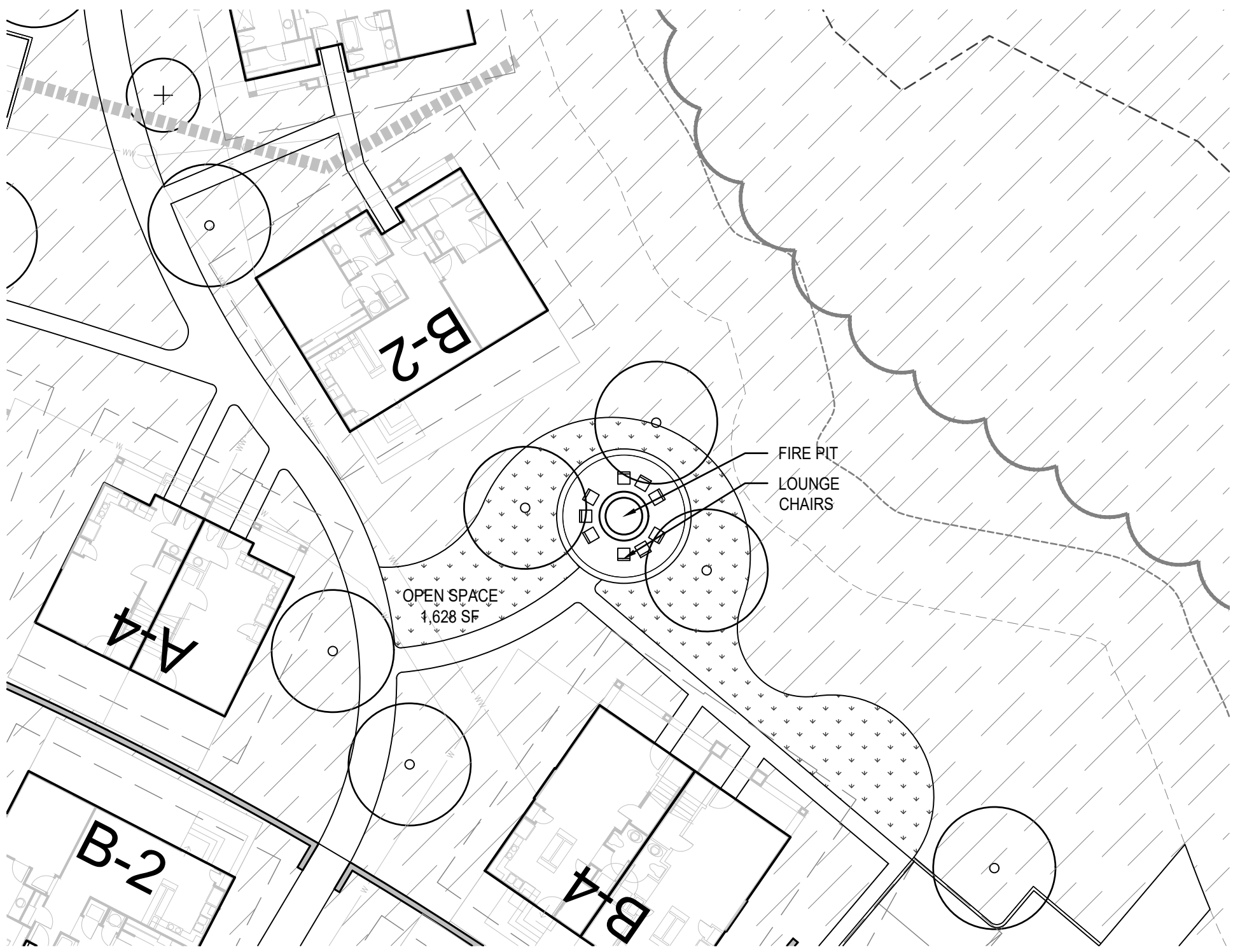
2 DOG PARK

0' 5' 10' 20' SCALE: 1"=10' NORTH



3 DOG PARK

0' 5' 10' 20' SCALE: 1"=10' NORTH



4 FIREPIT SEATING AREA

0' 5' 10' 20' SCALE: 1"=10' NORTH

bud CREATIVE

Bud Creative, LLC
3800 Main Street, Suite B
Dallas, Texas 75226
P: 570.954.1964

OWNER
Urban Moment
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Dallas, TX 75231

URBANA CENTERVILLE
GARLAND, TX

Rev:	Date:	Description:

Project Number: 21039
Date: DECEMBER 07, 2022
Issue: ZONING

Sheet Title:
LANDSCAPE PLAN

ZONING FOR REVIEW ONLY, NOT FOR CONSTRUCTION OR PERMIT PURPOSES. bud CREATIVE Michael Lewkovich 3528 DECEMBER 07, 2022	Sheet Number: L1.05
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OWNER
Urban Moment
3755 S Capital of Texas Highway
Building 1, Unit 100
Austin, TX 78704

CIVIL ENGINEER
Urban Structure
8140 Walnut Hill Lane
Suite 905
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URBANA CENTERVILLE
GARLAND, TX

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Sheet Title:

LANDSCAPE PLAN

Sheet Number:

ZONING
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CONSTRUCTION OR PERMIT
PURPOSES.
bud
CREATIVE
Michael Levkulich 3528
DECEMBER 07, 2022

L1.06

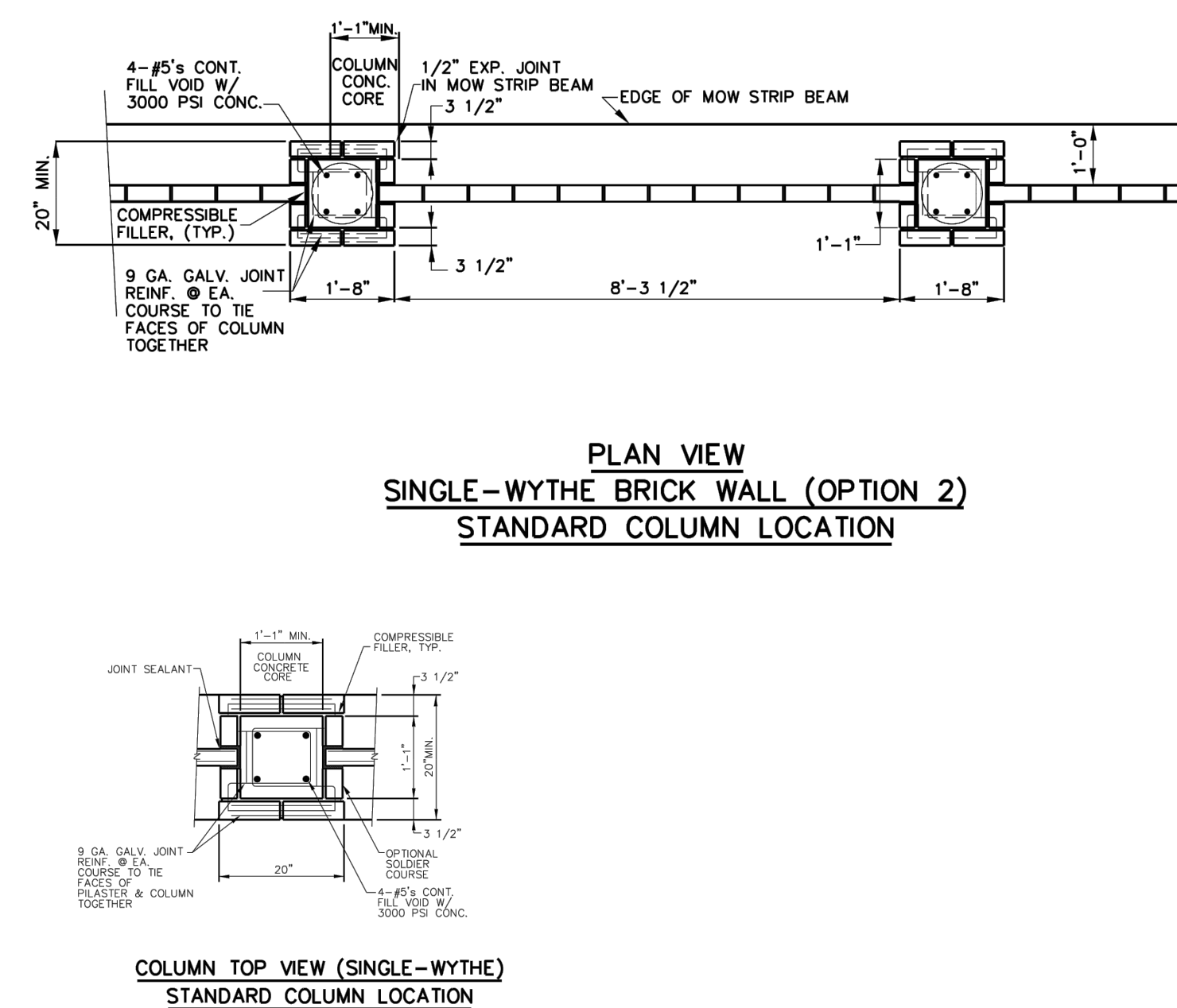
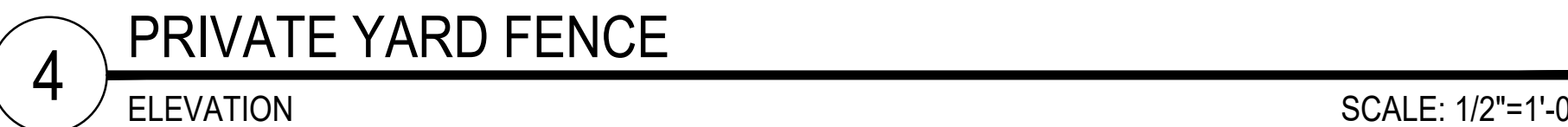
KEY	BOTANICAL NAME	COMMON NAME	CAL.	HT.	SPRD.	CONTAINER	COMMENTS
FA	Fraxinus albicans	Texas Ash	3" Min.	12'-14'		B&B	Full Specimen, Matched, Strong Central Leader
AS	Acer saccharum "Caddo"	Caddo Maple	3" Min.	12'-14'		B&B	Full Specimen, Matched, Strong Central Leader
QR	Quercus muehlenbergii	Chinkapin Oak	3" Min.	12'-14'		B&B	Full Specimen, Matched, Strong Central Leader
QV	Quercus virginiana	Live Oak	3" Min.	12'-14'		B&B	Full Specimen, Matched, Strong Central Leader
UCR	Ulmus crassifolia	Cedar Elm	3" Min.	12'-14'		B&B	Full Specimen, Matched, Strong Central Leader

KEY	BOTANICAL NAME	COMMON NAME		HT.	SPRD.	CONTAINER	COMMENTS
PM	Prunus mexicana	Mexican Plum	2" Min.	10'-12'		B&B	Full Specimen, Multi-Trunk
VA	Vitex agnus-castus	Chaste Tree	2" Min.	10'-12'		B&B	Full Specimen, Multi-Trunk
IV	Ilex vomitoria	Yaupon Holly	2" Min.	10'-12'		B&B	Full Specimen, Multi-Trunk
LI	Lagerstroemia indica x fauerei 'Natchez'	Natchez Crape Myrtle	2" Min.	10'-12'		B&B	Full Specimen, Multi-Trunk

KEY	BOTANICAL NAME	COMMON NAME		HT.	SPRD.	CONTAINER	COMMENTS
AO	Agave ovatifolia	Whale's Tongue Agave		24"	24"	5 Gal.	Full Plants, Ref. LP Sheets for Location
APC	Artemisia "Powis Castle"	Artemisia		12"	12"	3 Gal.	Full Plants, Plant 18" O.C.
YF	Yucca filamentosa 'Color Guard'	Color Guard Yucca		12"	18"	3 Gal.	Full Plants, Plant 36" O.C.
CA	Callicarpa americana	American Beautyberry		24"	24"	3 Gal.	Full Plants, Plant 48" O.C.
EM	Eleagnus macrophylla 'Ebbenk'	Eleagnus		12"	18"	3 Gal.	Full Plants, Plant 48" O.C.
HPA	Hesperaloe parviflora	Red Yucca		24"	24"	3 Gal.	Full Plants, Plant 36" O.C.
IC	Ilex cornuta 'Dwarf Burford'	Dwarf Burford Holly		24"	24"	5 Gal.	Full Plants, Plant 36" O.C.
LF	Leucophyllum frutescens	Texas Sage		24"	20"	5 Gal.	Full Plants, Plant 48" O.C.
LJ	Ligustrum japonicum	Waxleaf Ligustrum		12"	12"	5 Gal.	Full Plants, Plant 18" O.C.
MS	Miscanthus sinensis 'gracillimus'	Morning Light Miscanthus		24"	12"	5 Gal.	Full Plants, Plant 48" O.C.
OE	Opuntia ellisiana	Spineless Prickly Pear		24"	20"	5 Gal.	Full Plants, Plant 48" O.C.
RO	Rosmarinus officinalis	Rosemary		24"	20"	3 Gal.	Full Plants, Plant 36" O.C.
YR	Yucca recurvifolia	Soft Leaf Yucca		10"	10"	3 Gal.	Full Plants, Plant 24" O.C.

KEY	BOTANICAL NAME	COMMON NAME	HT.	SPRD.	CONTAINER	COMMENTS
VM	Vinca minor	Vinca	12"	12"	1 Gal.	Full Plants, Plant 12" O.C.
LM	Liriope muscari	Liriope	12"	12"	1 Gal.	Full Plants, Plant 12" O.C.
RH	Rudbeckia hirta	Blackeyed Susan	6"	6"	1 Gal.	Full Plants, Plant 18" O.C.
CS	Cutelleria suffutescens	Pink Skullcap	12"	12"	1 Gal.	Full Plants, Plant 18" O.C.
SG	Salvia greggii	Autumn Sage	6"	8"	1 Gal.	Full Plants, Plant 18" O.C.
MA	Malvaviscus arboreus var. Drummondii	Turks Cap	12"	12"	1 Gal.	Full Plants, Plant 36" O.C.
LA	Lantana	Lantana	14"	20"	3 Gal.	Full Plants, Plant 36" O.C.
MC	Muhlenbergia capillaris	Gulf Muhly	24"	15"	3 Gal.	Full Plants, Plant 36" O.C.
NT	Nassella tenuissima	Mexican Feather Grass	12"	8"	1 Gal.	Full Plants, Plant 18" O.C.
CT	Carex texensis	Texas Sedge	6"	8"	1 Gal.	Full Plants, Plant 18" O.C.
ROP	Rosmarinus officinalis 'Prostratum'	Trailing Rosemary	6"	12"	1 Gal.	Full Plants, Plant 24" O.C.
SC		Seasonal Color				By Owner

KEY	BOTANICAL NAME	COMMON NAME	HT.	SPRD.	CONTAINER	COMMENTS
TURF	Bouteloua distachyoides	Buffalo Grass				Sod

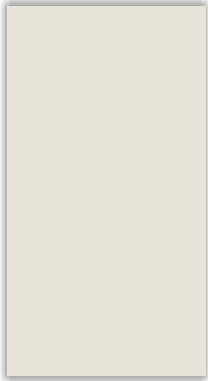


PLAN VIEW
SINGLE-WYTHE BRICK WALL (OPTION 2)
STANDARD COLUMN LOCATION

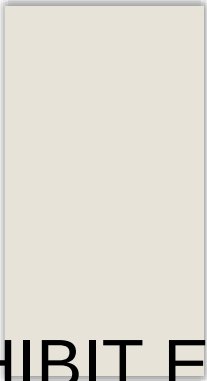
COLUMN TOP VIEW (SINGLE-WYTHE)
STANDARD COLUMN LOCATION

NOT TO SCALE

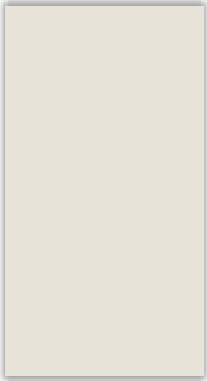
LEASING
SCHEME 1



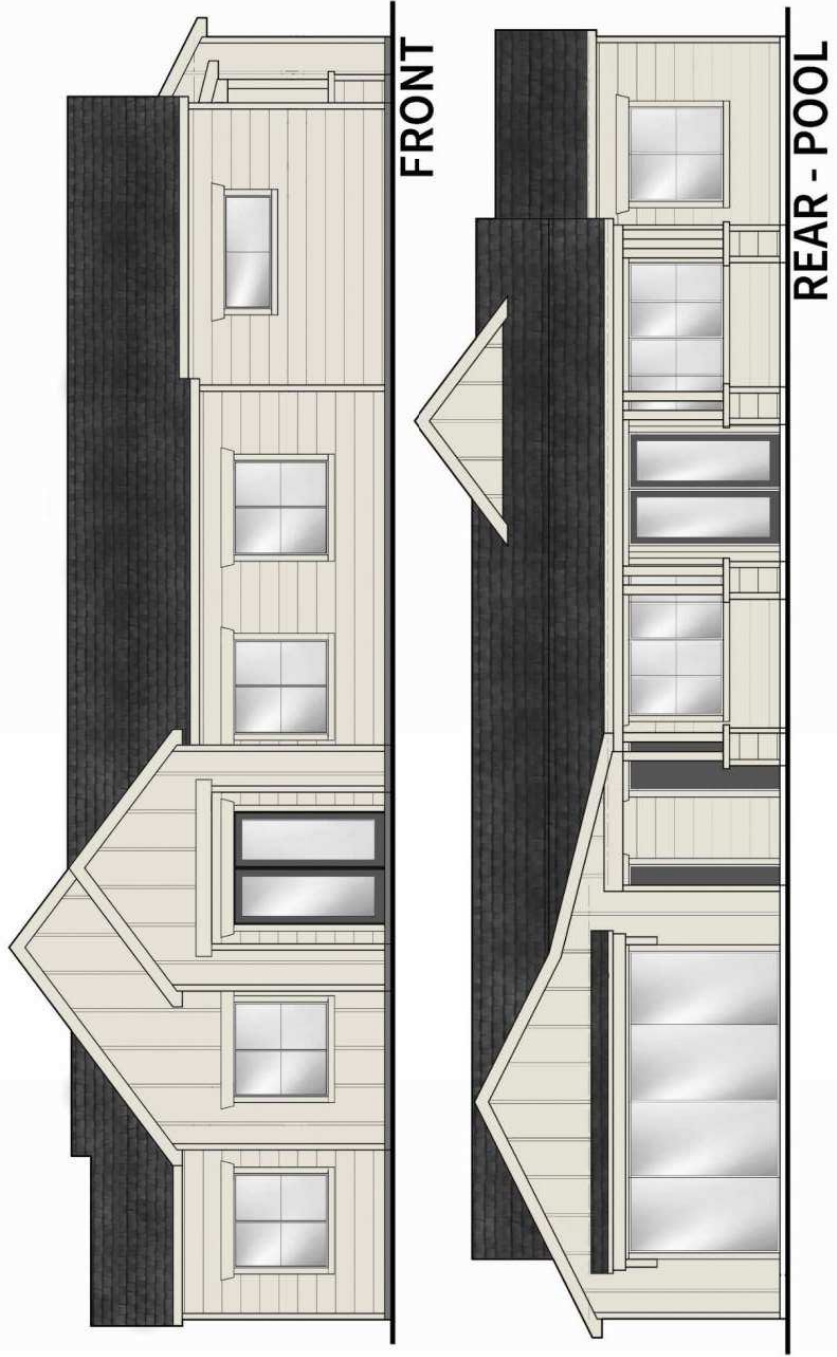
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HARDI PLANK SIDING



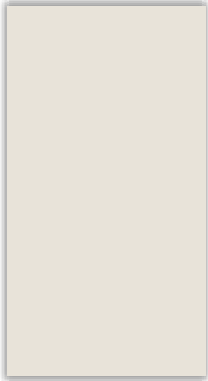
7009 PEARLY WHITE
BOARD AND BATTEN



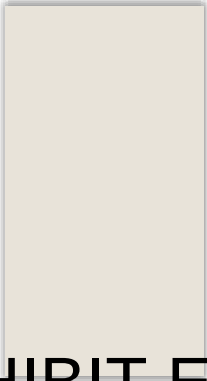
7009 PEARLY WHITE
FASCIA AND TRIM



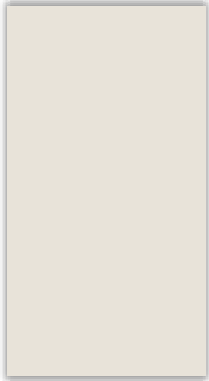
LEASING
SCHEME 1



7009 PEARLY WHITE
HARDI PLANK SIDING

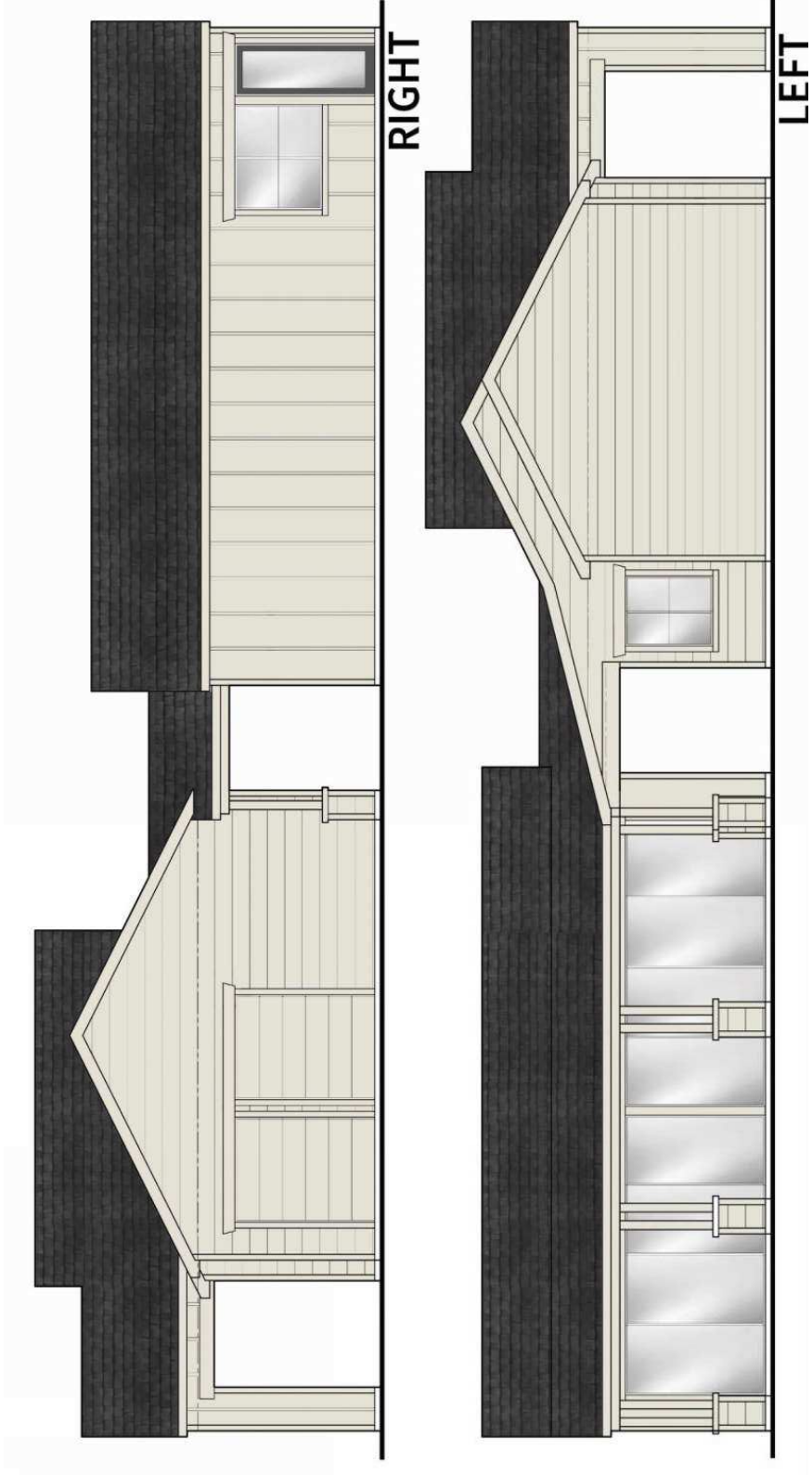


7009 PEARLY WHITE
BOARD AND BATTEN



7009 PEARLY WHITE
FASCIA AND TRIM

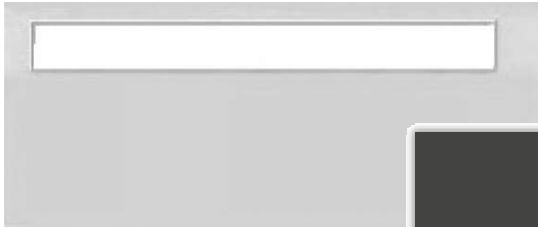
EXHIBIT E



UNIT A1
SCHEME 1

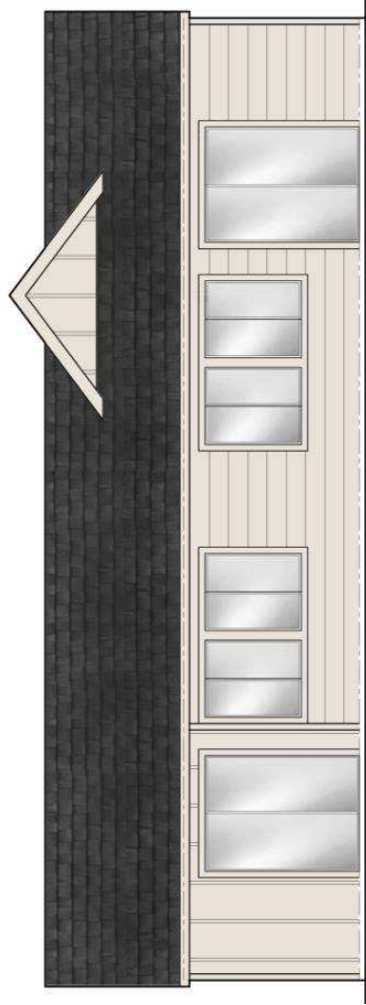


ARNET BLACK
COACH LIGHT



7069 IRON ORE
FRONT DOOR

EXHIBIT E



REAR



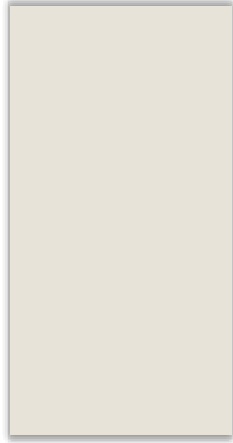
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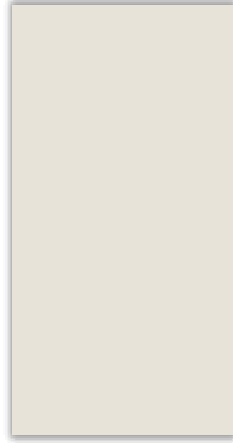
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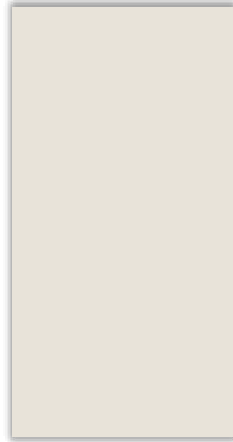
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7009 PEARLY WHITE
HARDI PLANK SIDING



7009 PEARLY WHITE
BOARD AND BATTEN



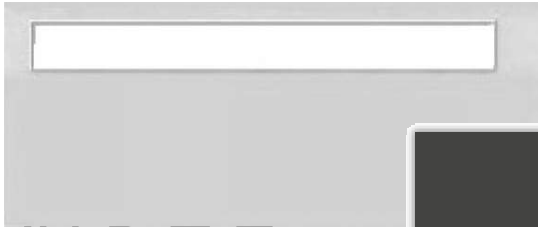
7009 PEARLY WHITE
FASCIA AND TRIM

UNIT A1
SCHEME 3



ARNET BLACK
COACH LIGHT

EXHIBIT E



7069 IRON ORE
FRONT DOOR



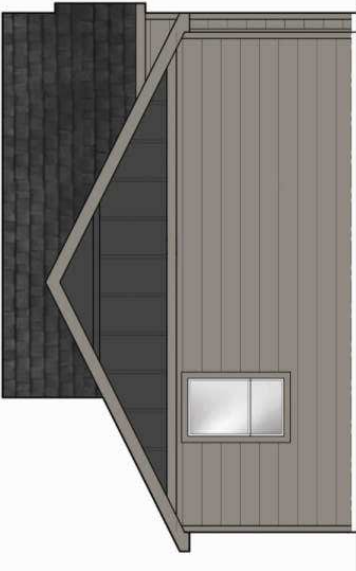
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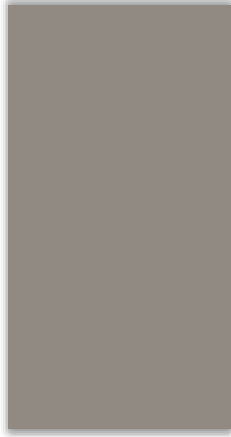
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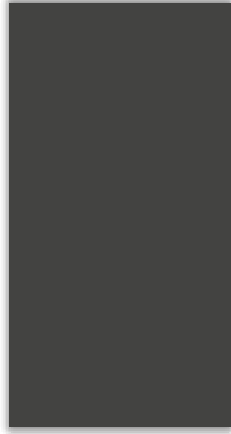
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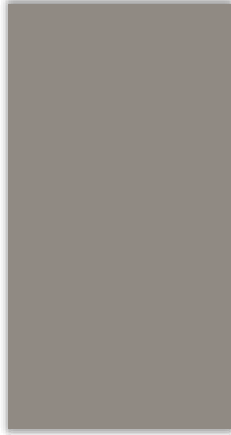
LEFT



SW 7018 DOVETAIL
HARDI PLANK SIDING



7069 IRON ORE
BOARD AND BATTEN



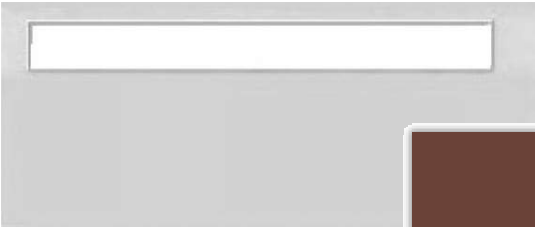
SW 7018 DOVETAIL
FASCIA AND TRIM

UNIT A1

SCHEME 5

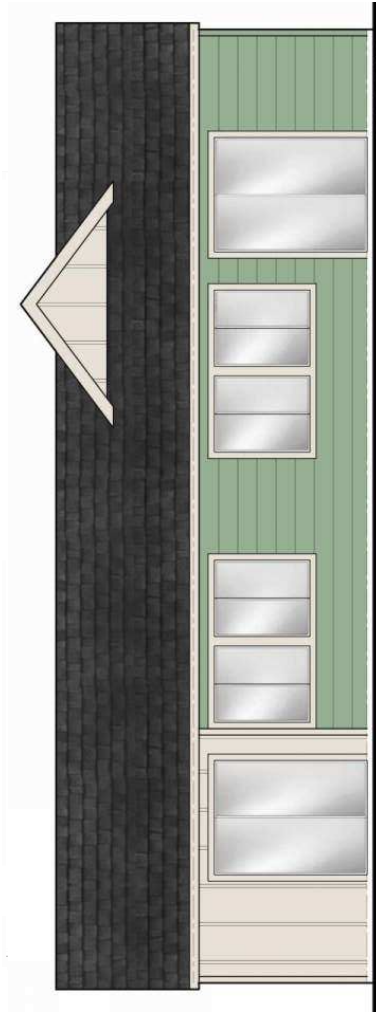


ARNET BLACK
COACH LIGHT



SW/2837 AURORA BROWN
FRONT DOOR

EXHIBIT E



REAR



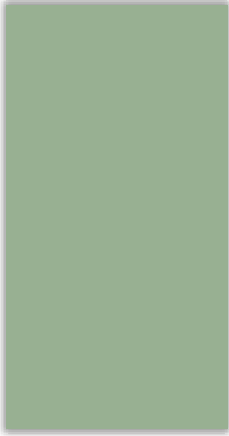
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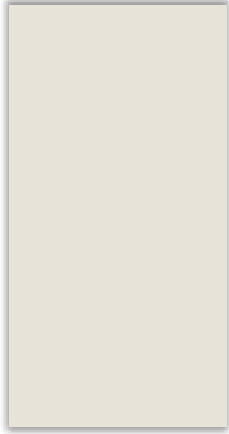
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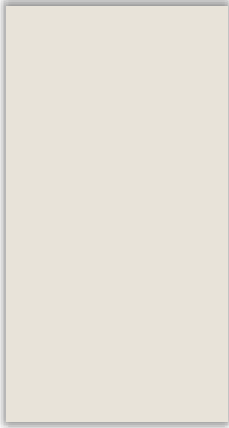
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SW/6451 NURTURE GREEN
HARDI PLANK SIDING



7009 PEARLY WHITE
BOARD AND BATTEN

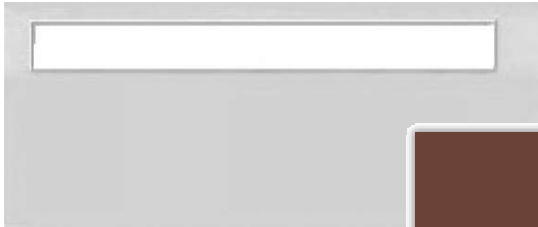


7009 PEARLY WHITE
FASCIA AND TRIM

UNIT A1
SCHEME 6

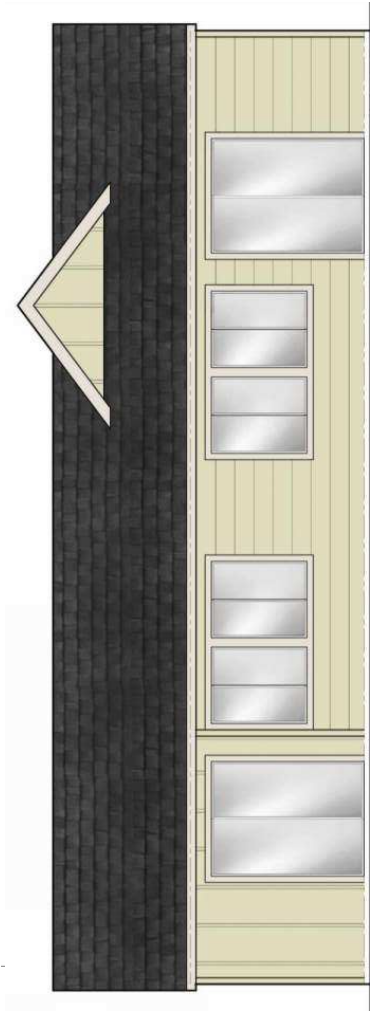


ARNET BLACK
COACH LIGHT



SW/2837 AURORA BROWN
FRONT DOOR

EXHIBIT E



REAR



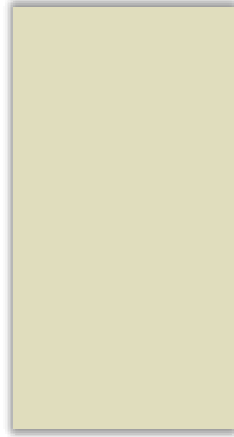
FRONT



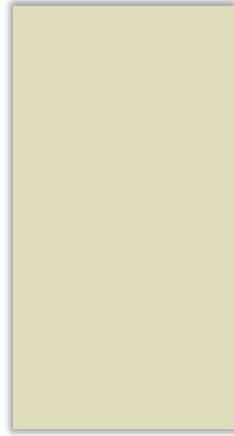
RIGHT



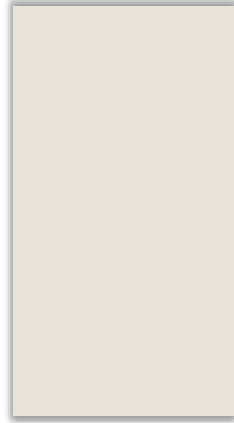
LEFT



SW 6421 CELERY
HARDI PLANK SIDING



SW 6421 CELERY
BOARD AND BATTEN

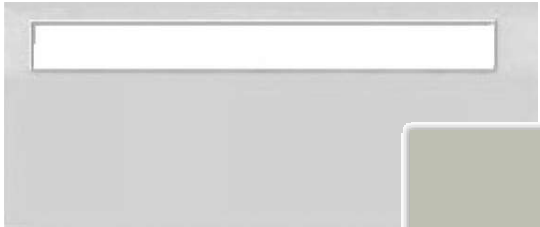


7009 PEARLY WHITE
FASCIA AND TRIM

UNIT A1
SCHEME 8



ARNET BLACK
COACH LIGHT



SW 6184 AUSTERE GRAY
FRONT DOOR

EXHIBIT E



REAR



FRONT



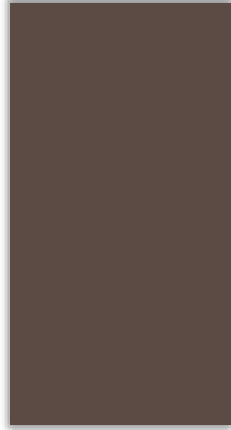
RIGHT



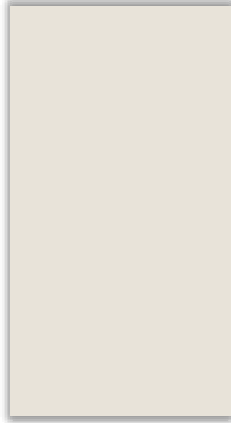
LEFT



SW 6184 AUSTERE GRAY
HARDI PLANK SIDING

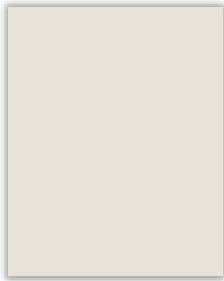


SW 7510 CHATEAU BROWN
BOARD AND BATTEN

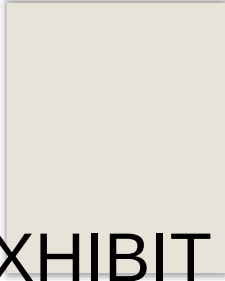


7009 PEARLY WHITE
FASCIA AND TRIM

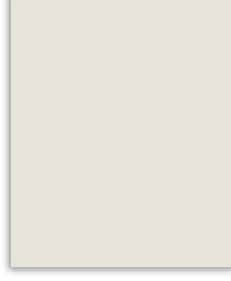
UNIT A4
SCHEME 1



7009 PEARLY WHITE
HARDI PLANK SIDING



7009 PEARLY WHITE
BOARD AND BATTEN



7009 PEARLY WHITE
FASCIA AND TRIM



ARNET BLACK
COACH LIGHT



7069 IRON ORE
FRONT DOOR



REAR



FRONT



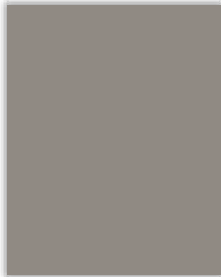
RIGHT



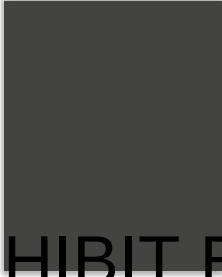
LEFT

UNIT A4

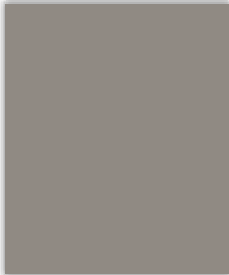
SCHEME 3



SW 7018 DOVETAIL
HARDI PLANK SIDING



7069 IRON ORE
BOARD AND BATTEN



SW 7018 DOVETAIL
FASCIA AND TRIM



ARNET BLACK
COACH LIGHT



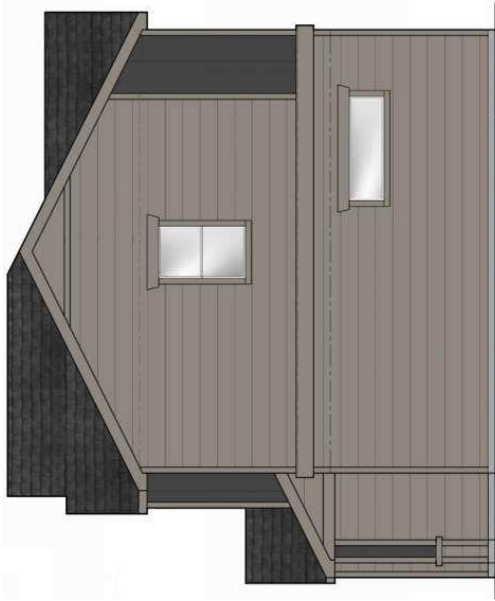
7069 IRON ORE
FRONT DOOR



REAR



FRONT



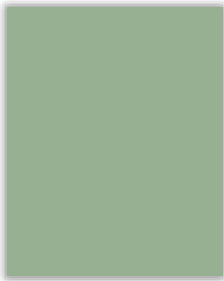
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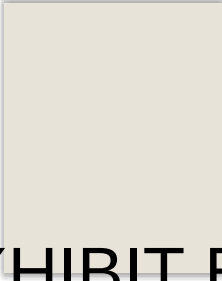
LEFT

UNIT A4

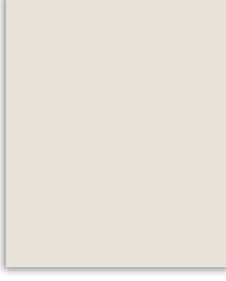
SCHEME 5



SW6451 NURTURE GREEN
HARDI PLANK SIDING



7009 PEARLY WHITE
BOARD AND BATTEN



7009 PEARLY WHITE
FASCIA AND TRIM



ARNET BLACK
COACH LIGHT



SW2837 AURORA BROWN
FRONT DOOR



REAR



FRONT



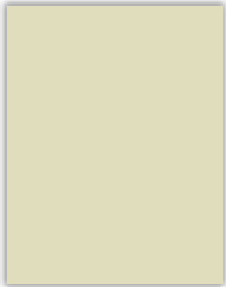
RIGHT



LEFT

UNIT A4

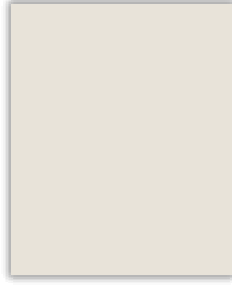
SCHEME 6



SW 6421 CELERY
HARDI PLANK SIDING



SW 6421 CELERY
BOARD AND BATTEN



7009 PEARLY WHITE
FASCIA AND TRIM



ARNET BLACK
COACH LIGHT



SW 2837 AURORA BROWN
FRONT DOOR



REAR



FRONT

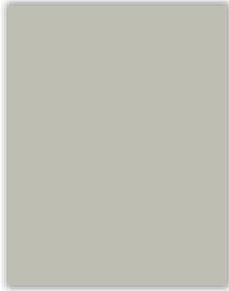


RIGHT



LEFT

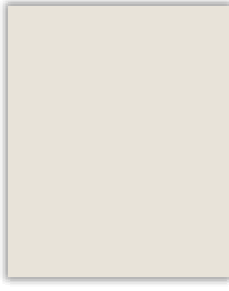
UNIT A4 SCHEME 8



SW6184 AUSTERE GRAY
HARDI PLANK SIDING



SW7510 CHATEAU BROWN
BOARD AND BATTEN



7009 PEARLY WHITE
FASCIA AND TRIM



ARNET BLACK
COACH LIGHT



SW6184 AUSTERE GRAY
FRONT DOOR



REAR



FRONT



RIGHT

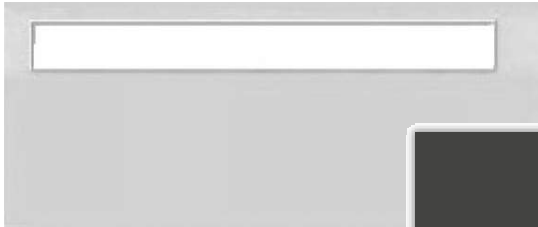


LEFT

UNIT B2
SCHEME 1

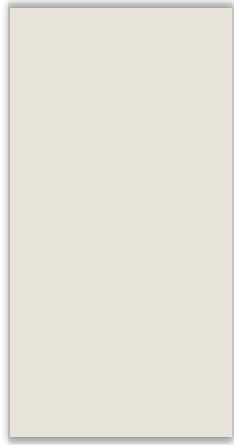


ARNET BLACK
COACH LIGHT

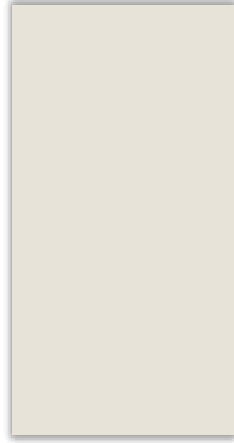


7069 IRON ORE
FRONT DOOR

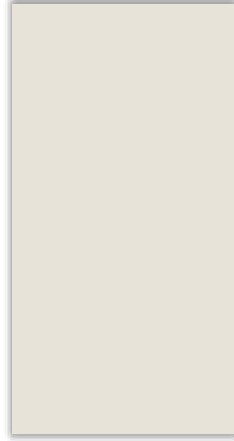
EXHIBIT E



7009 PEARLY WHITE
HARDI PLANK SIDING



7009 PEARLY WHITE
BOARD AND BATTEN

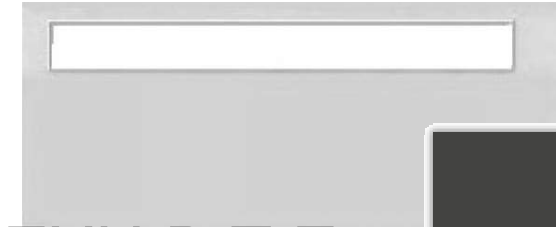


7009 PEARLY WHITE
FASCIA AND TRIM

UNIT B2
SCHEME 3



ARNET BLACK
COACH LIGHT



7069 IRON ORE
FRONT DOOR

EXHIBIT E



REAR



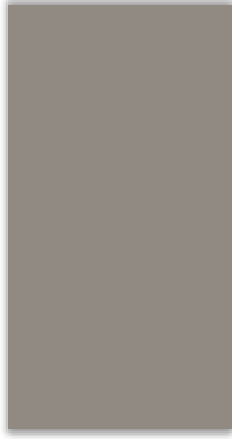
FRONT



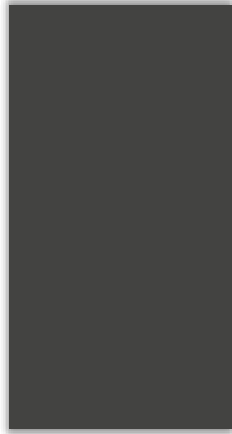
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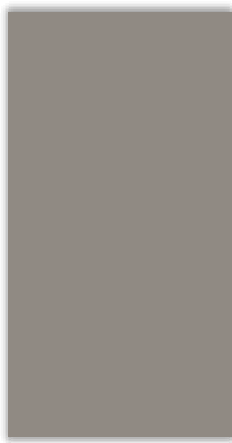
LEFT



SW 7018 DOVETAIL
HARDI PLANK SIDING



7069 IRON ORE
BOARD AND BATTEN

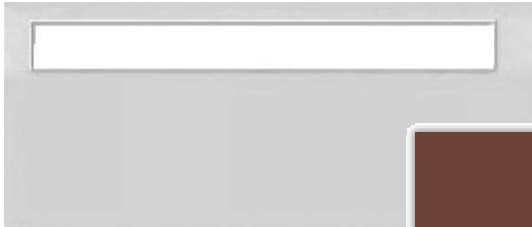


SW 7018 DOVETAIL
FASCIA AND TRIM

UNIT B2
SCHEME 5

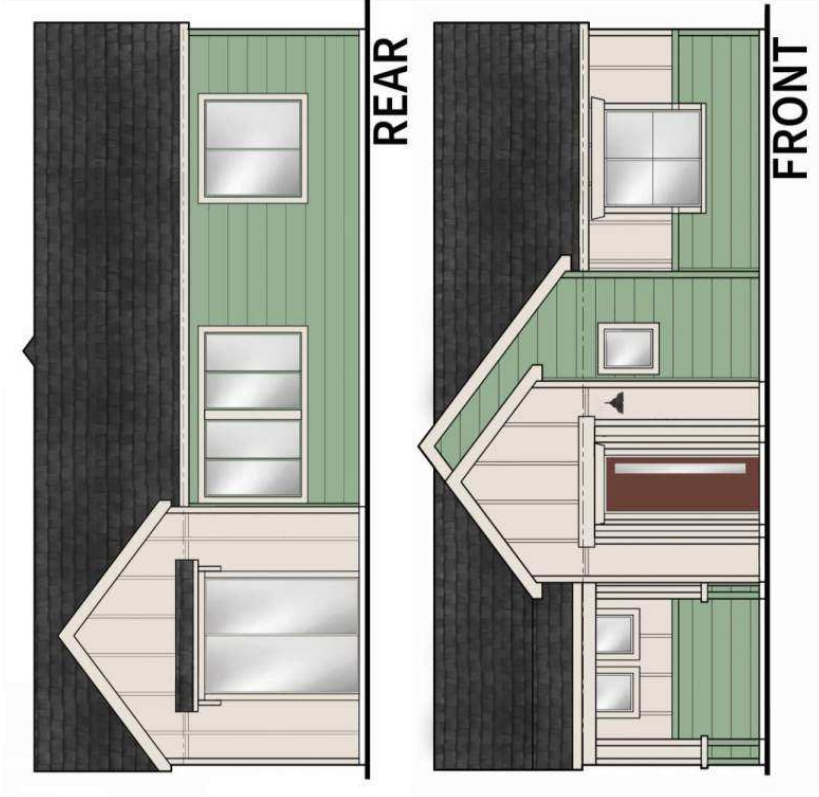


ARNET BLACK
COACH LIGHT



SW/2837 AURORA BROWN
FRONT DOOR

EXHIBIT E



REAR

FRONT

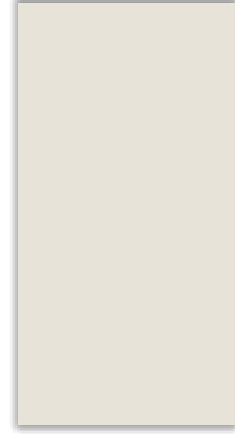


RIGHT

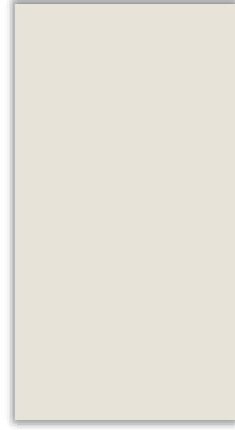
LEFT



SW/6451 NURTURE GREEN
HARDI PLANK SIDING



7009 PEARLY WHITE
BOARD AND BATTEN

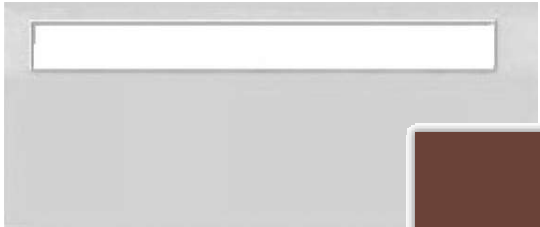


7009 PEARLY WHITE
FASCIA AND TRIM

UNIT B2
SCHEME 6



ARNET BLACK
COACH LIGHT



SW/2837 AURORA BROWN
FRONT DOOR

EXHIBIT E



REAR



FRONT



RIGHT



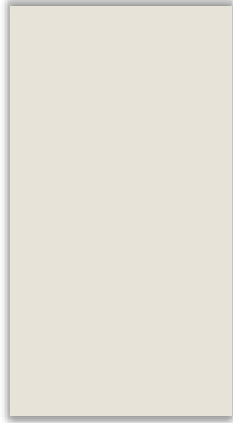
LEFT



SW 6421 CELERY
HARDI PLANK SIDING



SW 6421 CELERY
BOARD AND BATTEN

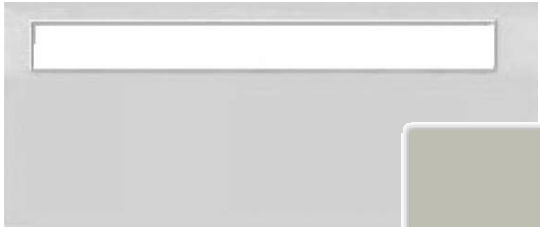


7009 PEARLY WHITE
FASCIA AND TRIM

UNIT B2
SCHEME 8

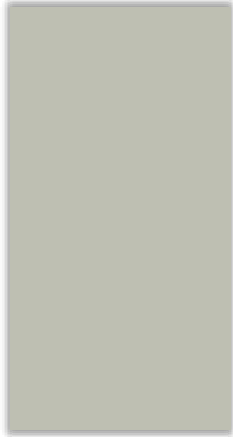
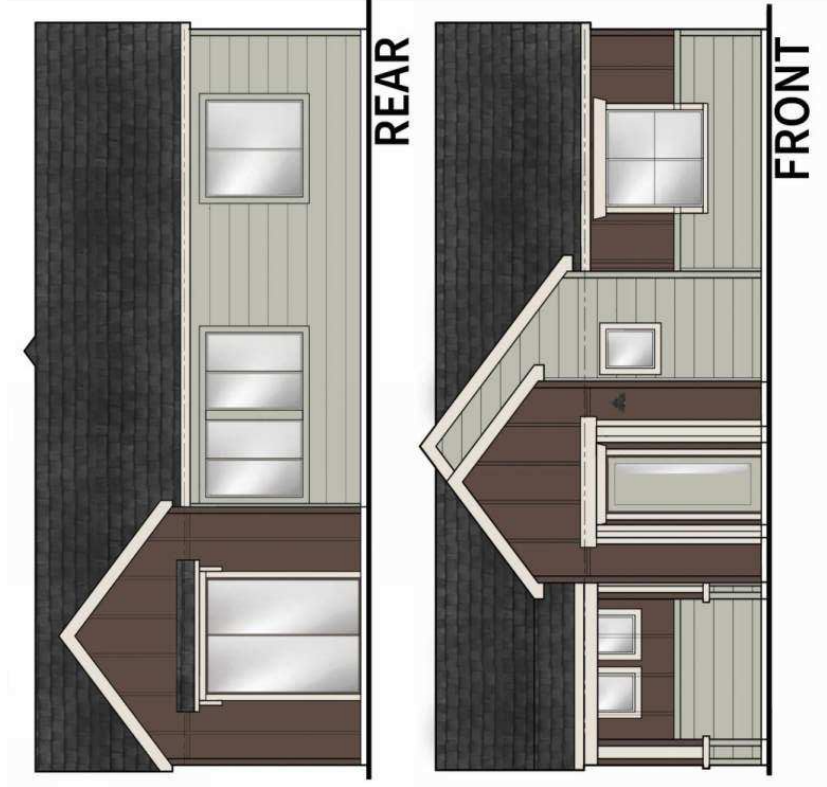


ARNET BLACK
COACH LIGHT



SW 6184 AUUSTERE GRAY
FRONT DOOR

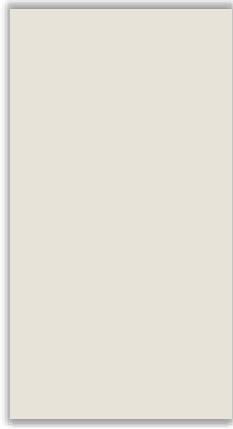
EXHIBIT E



SW 6184 AUUSTERE GRAY
HARDI PLANK SIDING

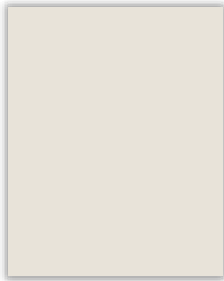


SW 7510 CHATEAU BROWN
BOARD AND BATTEN

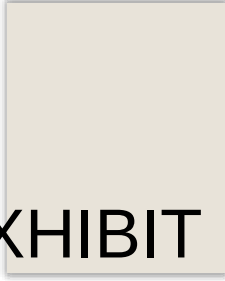


7009 PEARLY WHITE
FASCIA AND TRIM

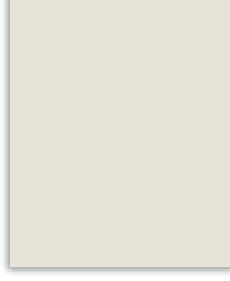
UNIT B3
SCHEME 1



7009 PEARLY WHITE
HARDI PLANK SIDING



7009 PEARLY WHITE
BOARD AND BATTEN



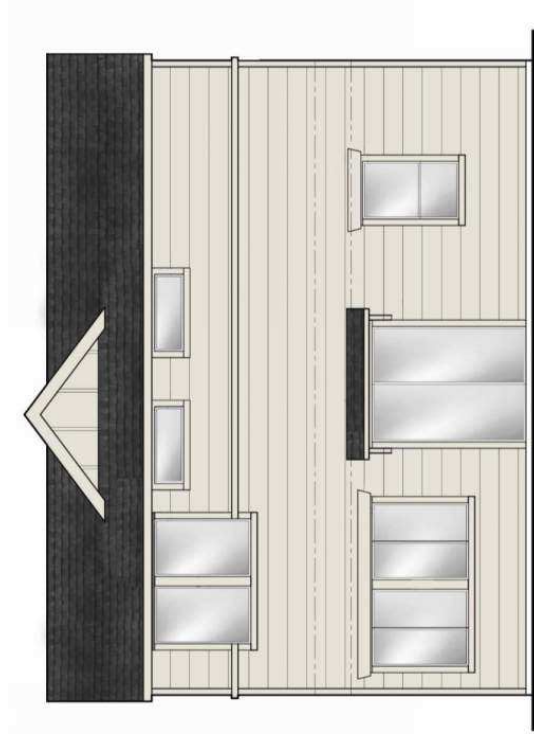
7009 PEARLY WHITE
FASCIA AND TRIM



ARNET BLACK
COACH LIGHT



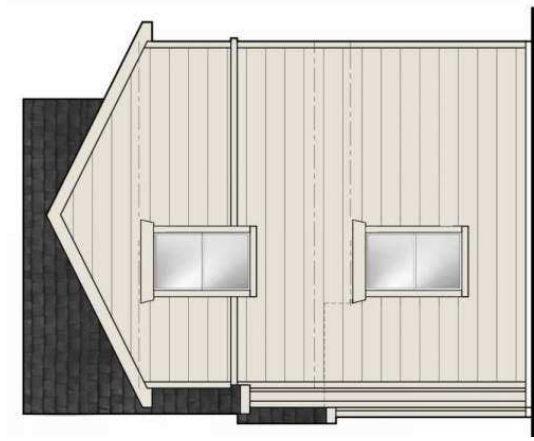
7069 IRON ORE
FRONT DOOR



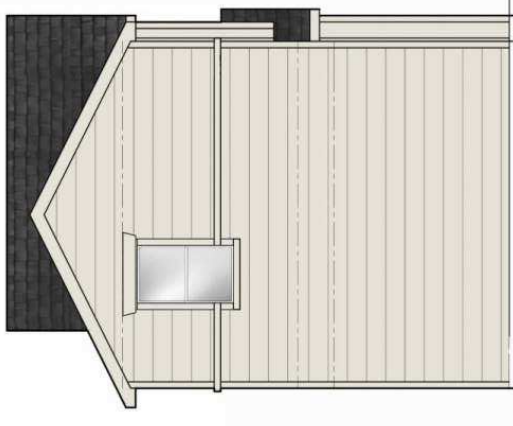
REAR



FRONT



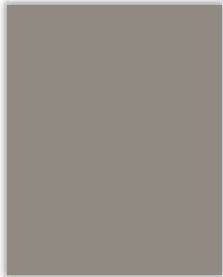
RIGHT



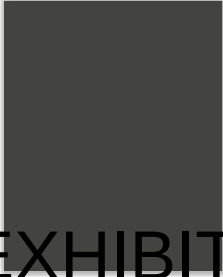
LEFT

UNIT B3

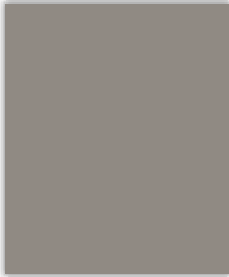
SCHEME 3



SW 7018 DOVETAIL
HARDI PLANK SIDING



7069 IRON ORE
BOARD AND BATTEN



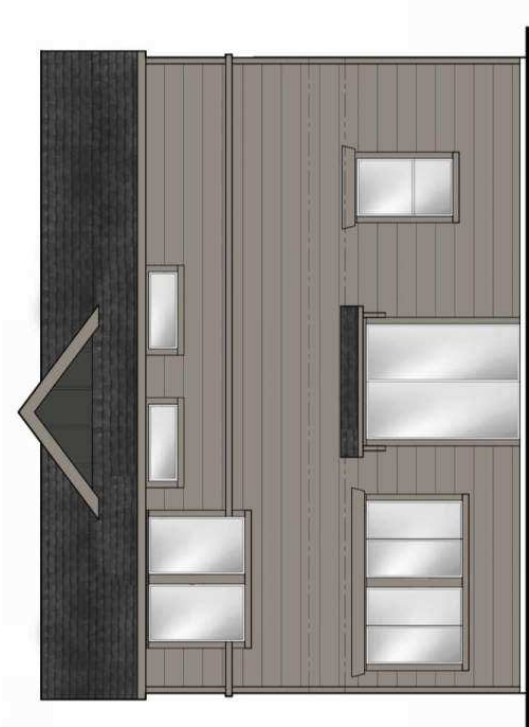
SW 7018 DOVETAIL
FASCIA AND TRIM



ARNET BLACK
COACH LIGHT



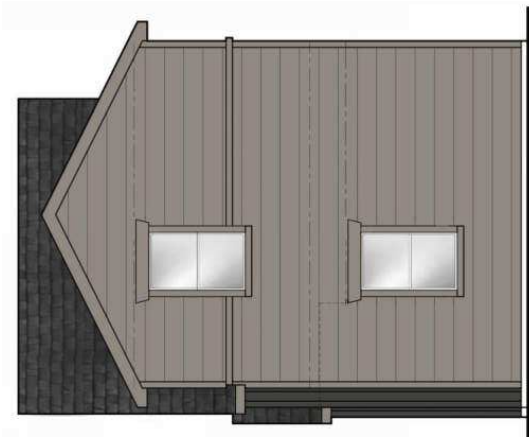
7069 IRON ORE
FRONT DOOR



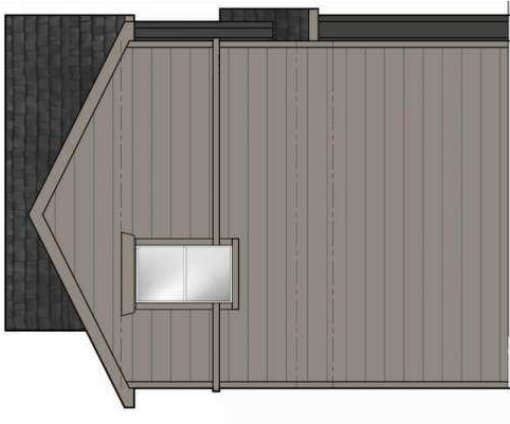
REAR



FRONT



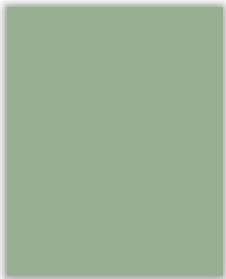
RIGHT



LEFT

UNIT B3

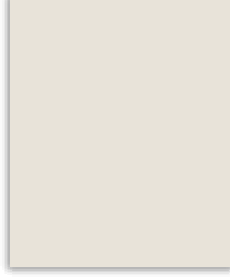
SCHEME 5



SW 6451 NURTURE GREEN
HARDI PLANK SIDING



7009 PEARLY WHITE
BOARD AND BATTEN



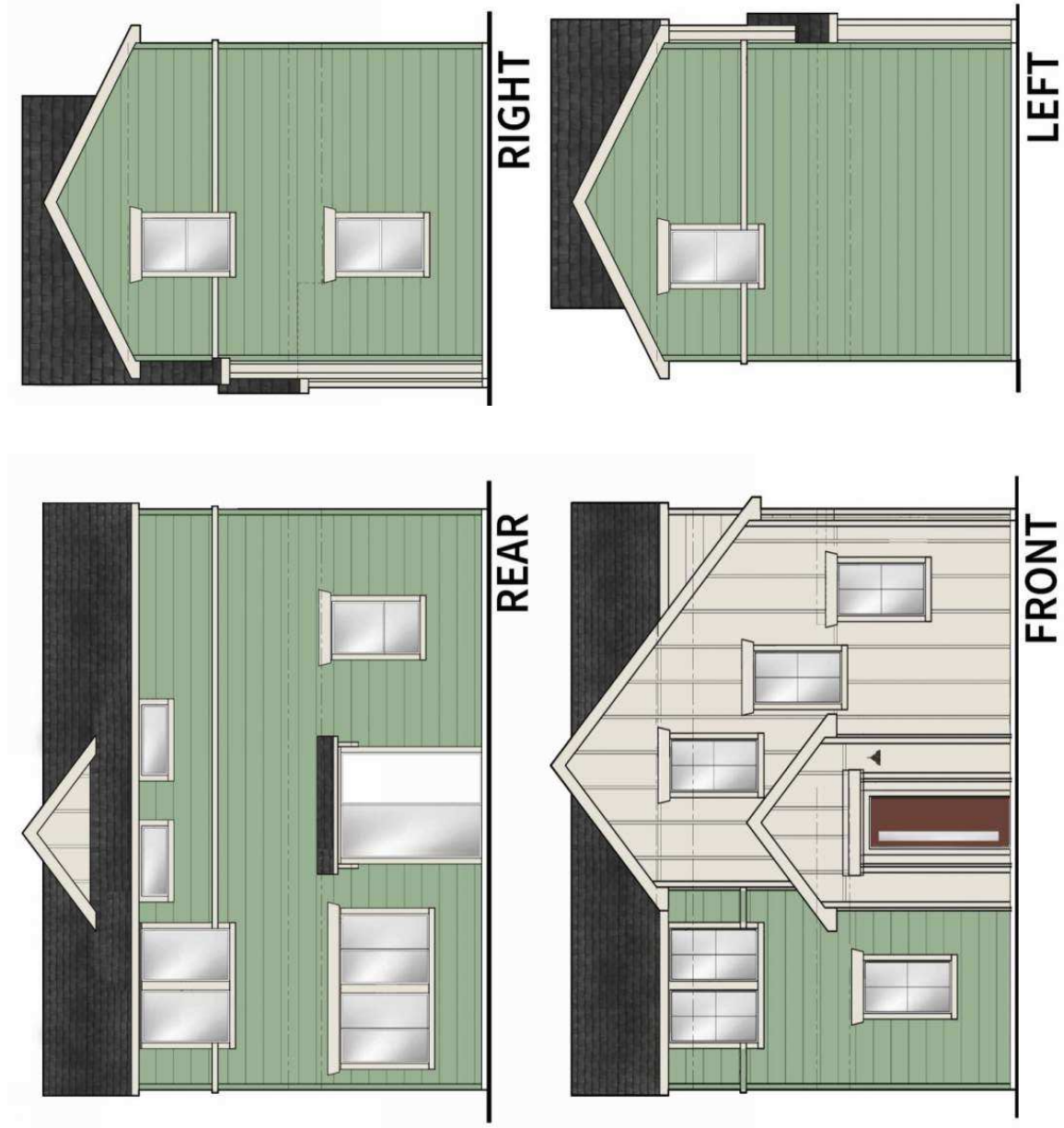
7009 PEARLY WHITE
FASCIA AND TRIM



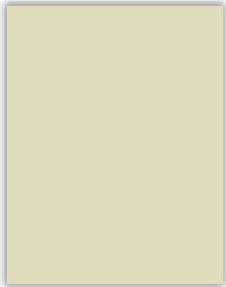
ARNET BLACK
COACH LIGHT



SW 2837 AURORA BROWN
FRONT DOOR



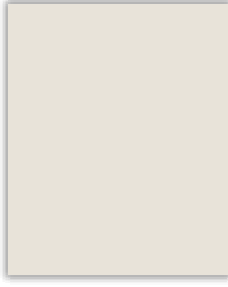
UNIT B3 SCHEME 6



SW 6421 CELERY
HARDI PLANK SIDING



SW 6421 CELERY
BOARD AND BATTEN



7009 PEARLY WHITE
FASCIA AND TRIM



ARNET BLACK
COACH LIGHT



SW 2837 AURORA BROWN
FRONT DOOR



FRONT



REAR

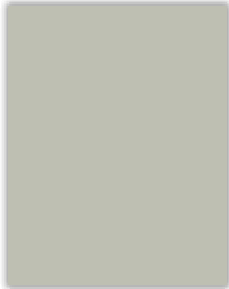


LEFT



RIGHT

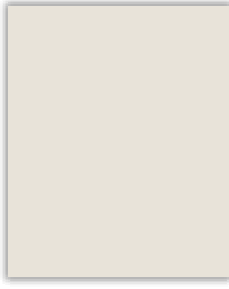
UNIT B3 SCHEME 8



SW 6184 AUSTERE GRAY
HARDI PLANK SIDING



SW 7510 CHATEAU BROWN
BOARD AND BATTEN



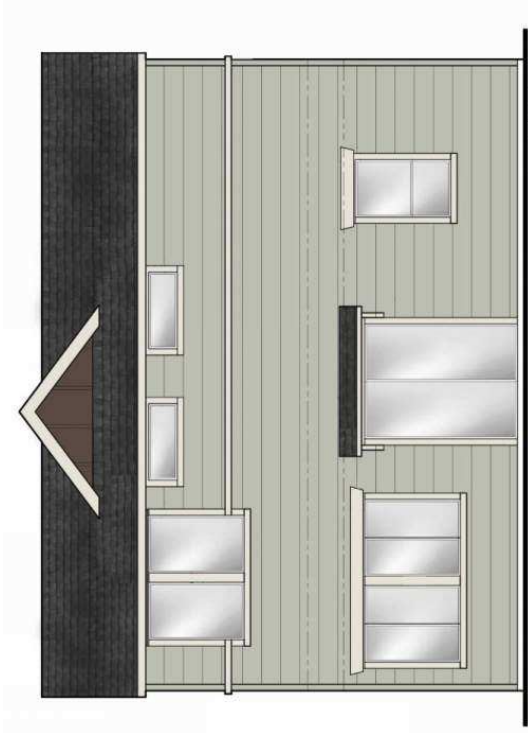
7009 PEARLY WHITE
FASCIA AND TRIM



ARNET BLACK
COACH LIGHT



SW 6184 AUSTERE GRAY
FRONT DOOR



REAR



FRONT

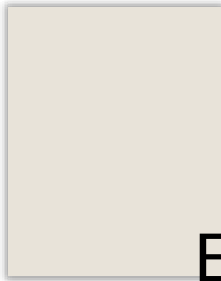


RIGHT

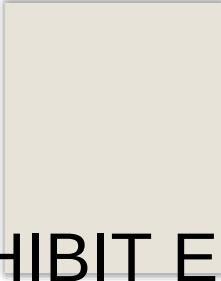


LEFT

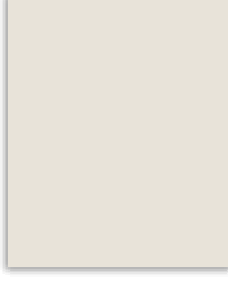
UNIT B4
SCHEME 1



7009 PEARLY WHITE
HARDI PLANK SIDING



7009 PEARLY WHITE
BOARD AND BATTEN



7009 PEARLY WHITE
FASCIA AND TRIM



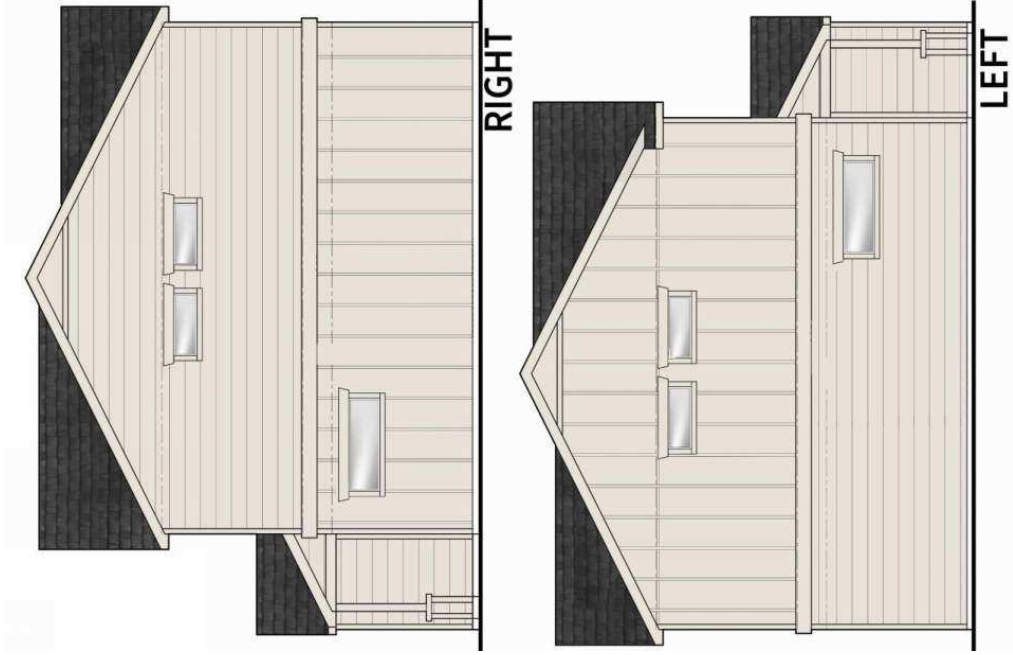
ARNET BLACK
COACH LIGHT



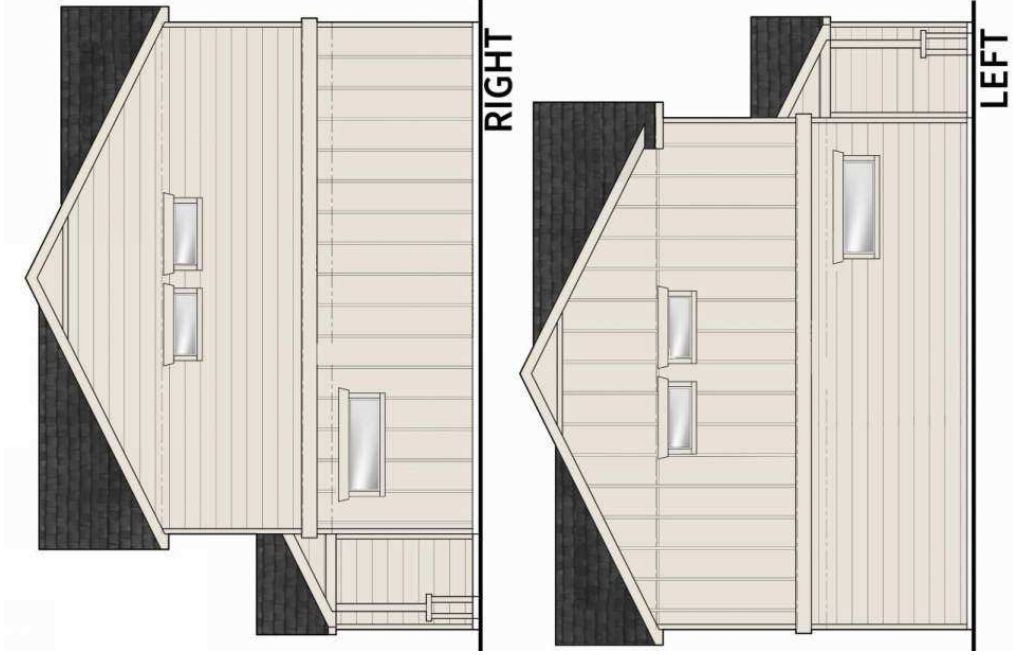
7069 IRON ORE
FRONT DOOR



REAR



LEFT

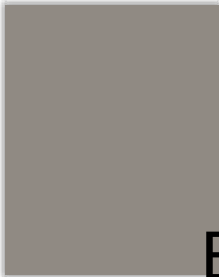


RIGHT



FRONT

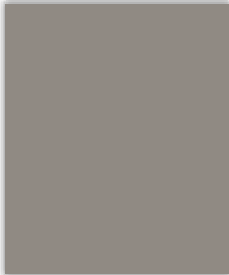
UNIT B4
SCHEME 3



SW 7018 DOVETAIL
HARDI PLANK SIDING



7069 IRON ORE
BOARD AND BATTEN



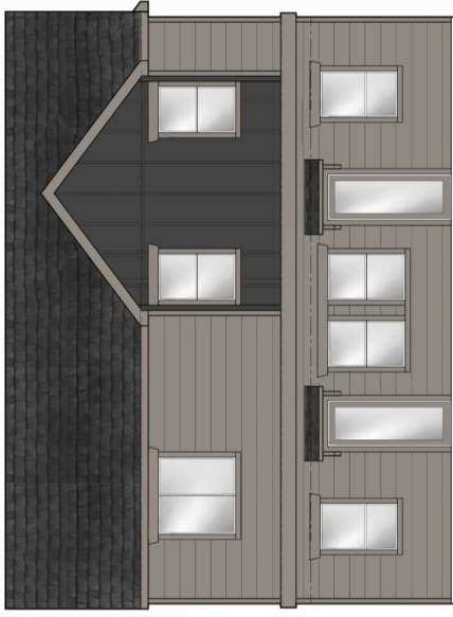
SW 7018 DOVETAIL
FASCIA AND TRIM



ARNET BLACK
COACH LIGHT



7069 IRON ORE
FRONT DOOR



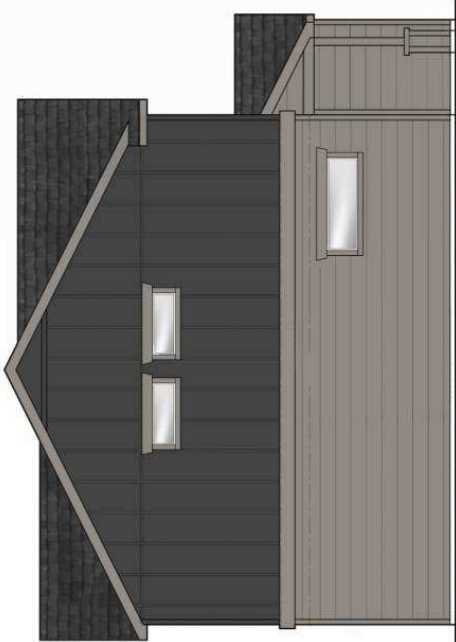
REAR



FRONT



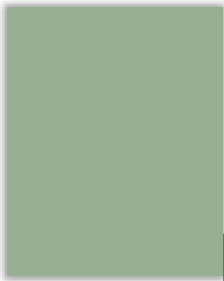
RIGHT



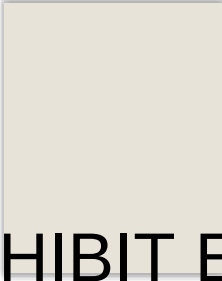
LEFT

UNIT B4

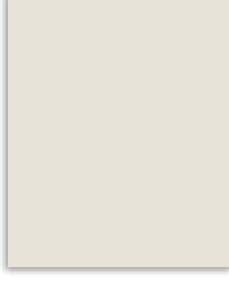
SCHEME 5



6451 NURTURE GREEN
HARDI PLANK SIDING



7009 PEARLY WHITE
BOARD AND BATTEN



7009 PEARLY WHITE
FASCIA AND TRIM



ARNET BLACK
COACH LIGHT



SW 2837 AURORA BROWN
FRONT DOOR



REAR



FRONT



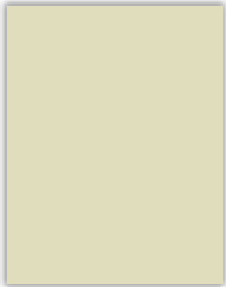
RIGHT



LEFT

UNIT B4

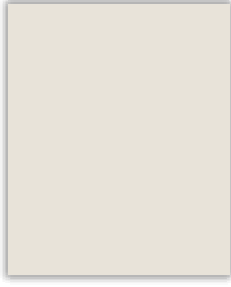
SCHEME 6



SW 6421 CELERY
HARDI PLANK SIDING



SW 6421 CELERY
BOARD AND BATTEN



7009 PEARLY WHITE
FASCIA AND TRIM



ARNET BLACK
COACH LIGHT



SW 2837 AURORA BROWN
FRONT DOOR



REAR



FRONT

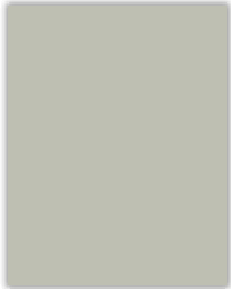


RIGHT



LEFT

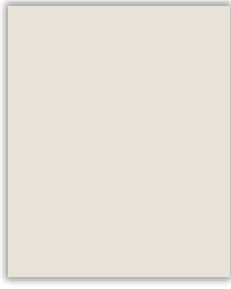
UNIT B4
SCHEME 8



SW 6184 AUSTERE GRAY
HARDI PLANK SIDING



SW 7510 CHATEAU BROWN
BOARD AND BATTEN



7009 PEARLY WHITE
FASCIA AND TRIM



ARNET BLACK
COACH LIGHT



SW 6184 AUSTERE GRAY
FRONT DOOR



REAR



FRONT

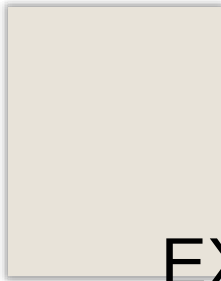


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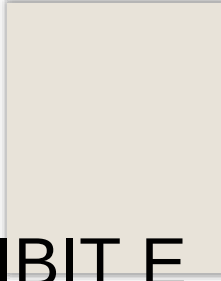


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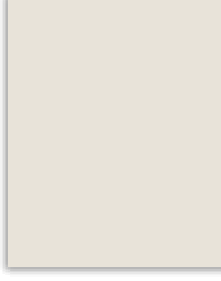
UNIT C2
SCHEME 1



7009 PEARLY WHITE
HARDI PLANK SIDING



7009 PEARLY WHITE
BOARD AND BATTEN



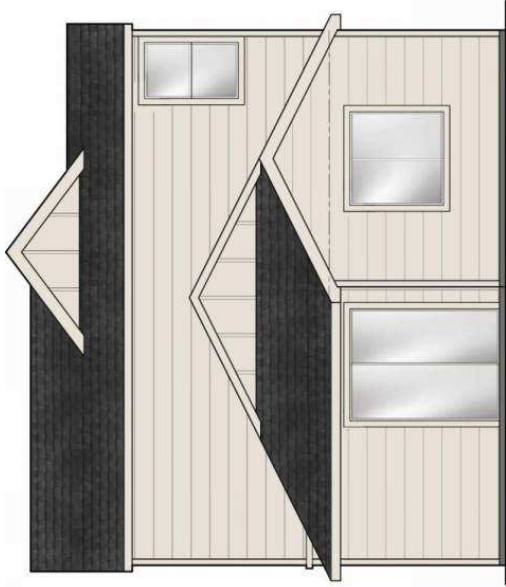
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FASCIA AND TRIM



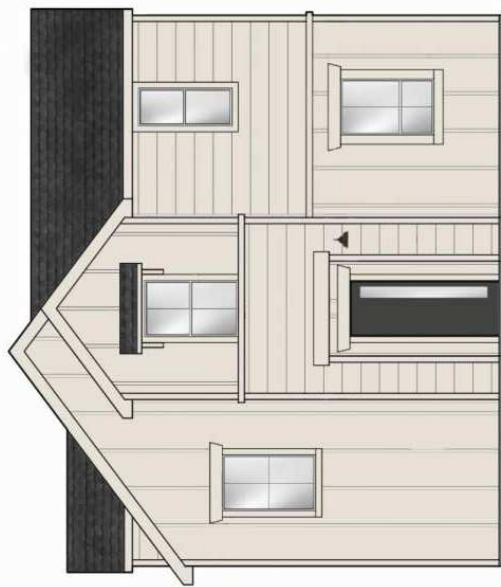
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COACH LIGHT



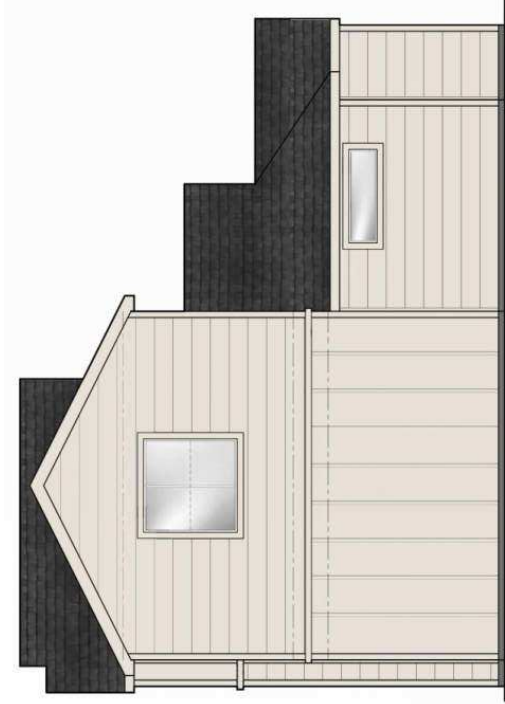
7069 IRON ORE
FRONT DOOR



REAR



FRONT



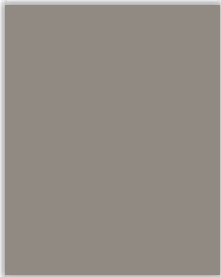
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LEFT

UNIT C2

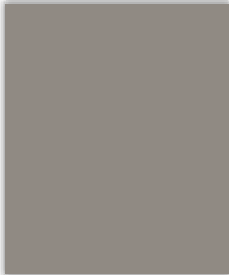
SCHEME 3



7018 DOVETAIL
HARDI PLANK SIDING



7069 IRON ORE
BOARD AND BATTEN



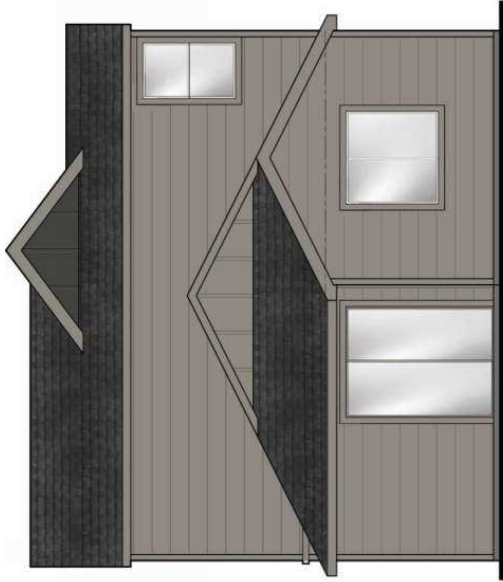
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FASCIA AND TRIM



ARNET BLACK
COACH LIGHT



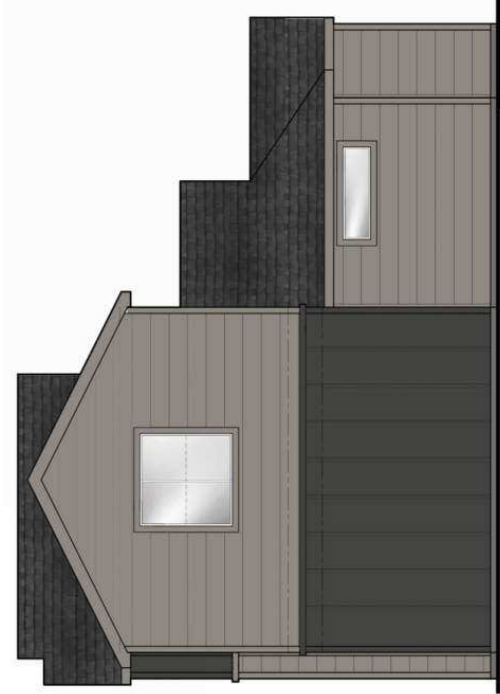
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FRONT DOOR



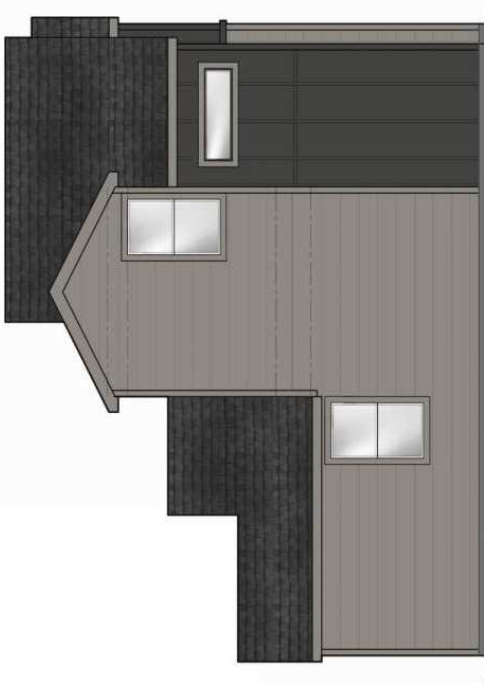
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FRONT



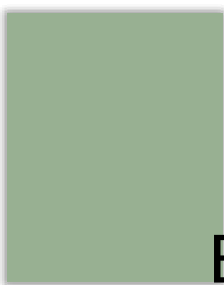
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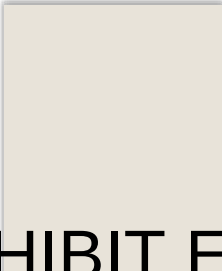
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UNIT C2

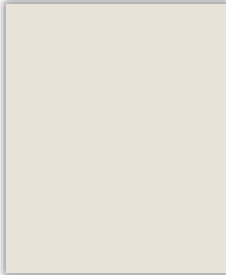
SCHEME 5



SW 6451 NURTURE GREEN
HARDI PLANK SIDING



7009 PEARLY WHITE
BOARD AND BATTEN



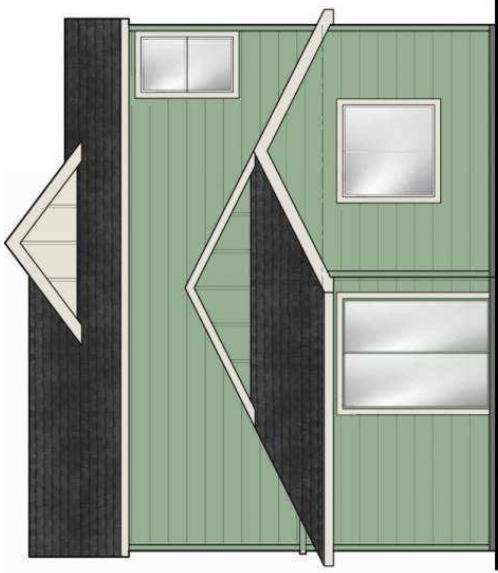
7009 PEARLY WHITE
FASCIA AND TRIM



ARNET BLACK
COACH LIGHT



SW 2837 AURORA BROWN
FRONT DOOR



REAR



FRONT

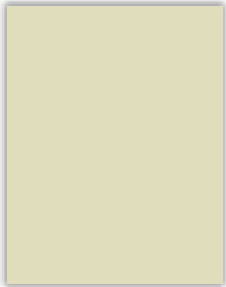


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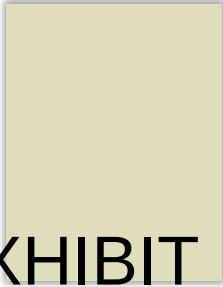


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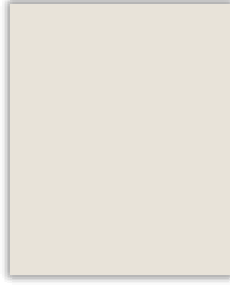
UNIT C2
SCHEME 6



SW 6421 CELERY
HARDI PLANK SIDING



SW 6421 CELERY
BOARD AND BATTEN



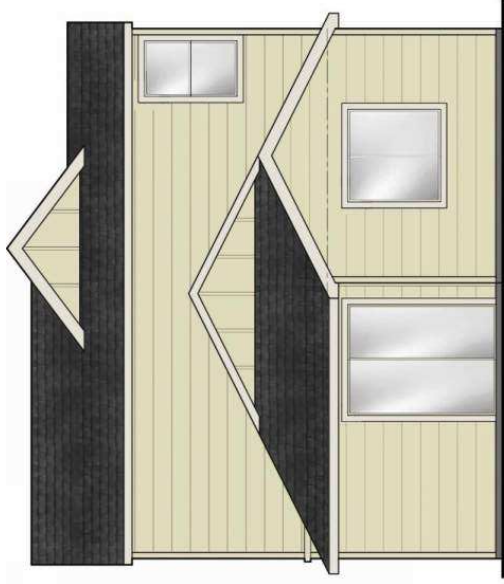
7009 PEARLY WHITE
FASCIA AND TRIM



ARNET BLACK
COACH LIGHT



SW 2837 AURORA BROWN
FRONT DOOR



REAR



FRONT



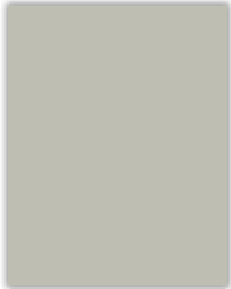
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LEFT

UNIT C2

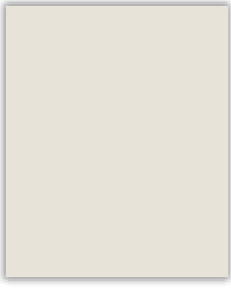
SCHEME 8



SW 6184 AUSTERE GRAY
HARDI PLANK SIDING



SW 7510 CHATEAU BROWN
BOARD AND BATTEN



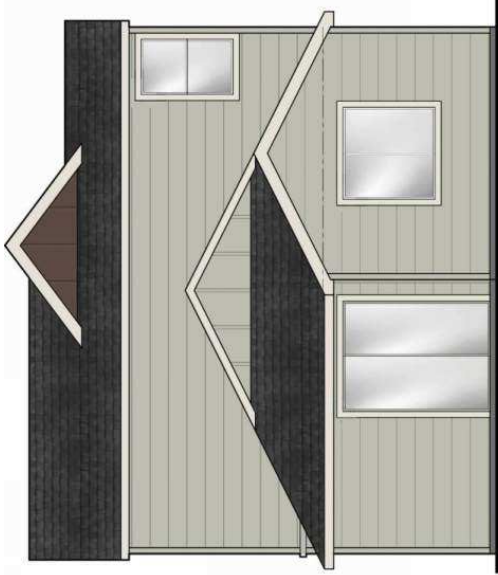
7009 PEARLY WHITE
FASCIA AND TRIM



ARNET BLACK
COACH LIGHT



SW 6184 AUSTERE GRAY
FRONT DOOR



REAR



FRONT



RIGHT



LEFT

GARAGE
SCHEME 1

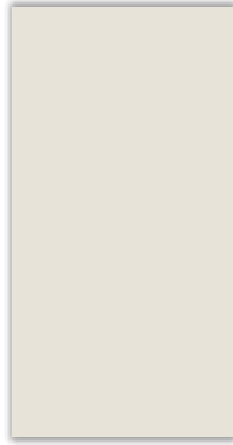
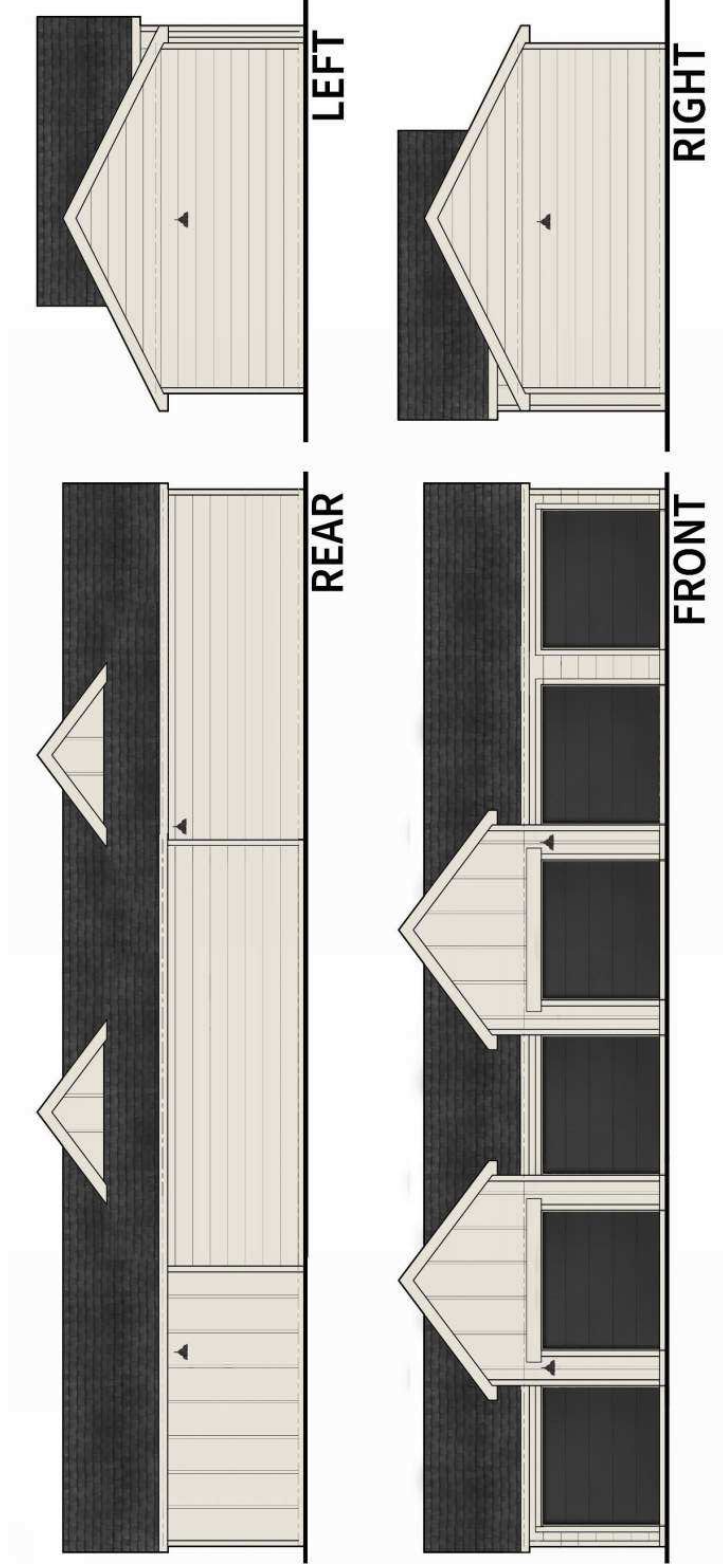


ARNET BLACK
COACH LIGHT

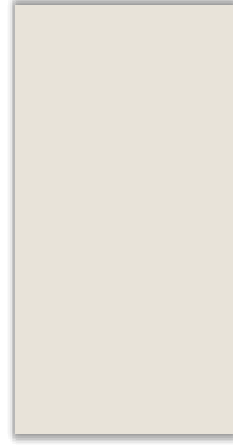
EXHIBIT E



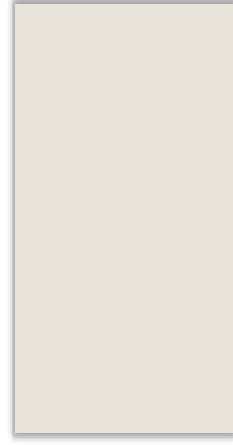
7069 IRON ORE
GARAGE DOOR



7009 PEARLY WHITE
HARDI PLANK SIDING



7009 PEARLY WHITE
BOARD AND BATTEN



7009 PEARLY WHITE
FASCIA AND TRIM



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

3. b.

Meeting Date: 12/13/2022

Item Title: Z 22-39 JC Collision (District 6)

Submitted By: Will Guerin, Planning Director

Summary of Request/Problem

Zoning Ordinance Z 22-39 JC Collision

Recommendation/Action Requested and Justification

Consider adoption of the attached ordinance.

Attachments

Z 22-39 Ordinance

Z 22-39 Exhibit A

Z 22-39 Exhibit B

Z 22-39 Exhibit C

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PROVISION FOR AUTOMOBILE SALES, NEW OR USED ON A 1.014-ACRE TRACT OF LAND ZONED INDUSTRIAL (IN) DISTRICT LOCATED AT 2905 FOREST LANE; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A NOTICE OF CONDITIONS OF COMPLIANCE CLAUSE; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 7th day of November, 2022, the Plan Commission did consider and make recommendations on a certain request for a Specific Use Provision for Automobile Sales, New or Used on a site zoned Industrial (IN) District by **JC Collision.**; 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

The Garland Development Code is hereby amended by a Specific Use Provision for Automobile Sales, New or Used on a 1.014-acre tract of land zoned Industrial (IN) District and located at 2905 Forest Lane and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2

Development shall be in conformance with the conditions, restrictions, and regulations set forth in the Garland Development Code.

Section 3

That a 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

NOTICE OF CONDITIONS OF COMPLIANCE: Notwithstanding the provisions of any other ordinance of the City, the full, complete, and continuing compliance with all the conditions, restrictions, and regulations of this Ordinance is a condition to the issuance and continuation of any permit, approval, authorization or consent by the City, including without limitation the issuance or continuation of any certificate of occupancy for any building or structure located on any portion of the property described in Exhibit A. All promises, representations, obligations and undertakings made or assumed by the applicant to the City Council at any public presentation in connection with the granting of this Ordinance are hereby incorporated into and made a part of this Ordinance as if expressly set forth herein at length. No substantial deviation from any material portion of the conditions, restrictions, and regulations contained within this Ordinance are allowed except as may be provided by the City Council after a public hearing.

Section 5

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

Section 6

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

Section 7

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

FILE NO. Z 22-39

PASSED AND APPROVED this _____ day of _____,
2022.

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 22-39

BEING a 1.014-acre tract of land situated in the J.W KEEN SURVEY, ABSTRACT NO. 744 AND C.G. NEWTON SURVEY ABSTRACT NO. 1099 and being part of a tract conveyed to Genuine Parts Co. by John Roger Company by deed filed in Vol. 70001m page 115 of the Deed Records of Dallas County, Texas, and being a 60 ft. by 60 ft. tract located at the end of Benton Street in Forest Lane Industrial Park, an addition to the City of Garland as filed in Vol. 45 at page 185 of the Map and Plat Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the North Right-of-way of Forest Lane with West line of International Road;

THENCE North 89 deg. 37 min. West with North Right-of-way of Forest Lane, 338.70 feet to iron stake for corner;

THENCE North 0 deg. 24 min. West with the West line of said Genuine Parts Company tract, 67.05 feet to iron stake set on South line of MK & T Rail road Right-of-way for corner;

THENCE North 69 deg. 38 min. East with the South line of said MK & T Railroad R.O.W., 358.82 feet to iron stake set in the West line of said International Road for corner;

ZONING FILE NUMBER Z 22-39

THENCE South 00 deg. 49 min. East with West line of International Road, 194.18 feet to Place of Beginning and containing 1.014 acres of land.

EXHIBIT A

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 22-39

2905 Forest Lane

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to allow an Automobile Sales, New or Used Use.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. Abandonment:** In the event the land use for which this Specific Use Provision was granted ("Land Use") is abandoned, the SUP and all rights to the Land Use are automatically terminated, and the premises must be used in conformance with the GDC, federal, and state law.

For the purposes of this Specific Use Provision, Abandonment is any of the following acts:

- A. A failure to apply for a site or building permit on the premises, where applicable, within 180 days of the effective date of this SUP;
- B. A failure to obtain a certificate of occupancy for the Land use within 730 days of the effective date of this SUP;
- C. A failure to commence operating the Land Use on the premises within 90 days of receiving a final certificate of occupancy for the Land Use;
- D. Discontinuance of the Land Use for a period of 180 days;
- E. Applying for, and receiving, a new Certificate of Occupancy for a use other than the Land Use; or
- F. Operating a use on the premises, whether as a primary or secondary use, that is not allowed within the GDC, or by state or federal law.

The termination of utilities on the premises for a period of 180 calendar days is prima facie evidence of abandonment and the owner shall have the burden to prove that the Land Use has not been abandoned.

IV. General Regulations: All regulations of the Industrial (IN) District as set forth in Chapter 2 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.

V. Specific Use Provision:

- A. SUP Time Period: The Specific Use Provision time period for the Automobile Sales, New or Used Use shall be for five (5) years.
- B. Site Plan: The site layout, building placement, parking shall be in general conformance with the approved Site Plan labeled Exhibit C.
- C. Wholesale Automobile Sales: The Automobile Sales, New or Used use shall be Wholesale Automobile Sales only, as defined and consistent with a Wholesale Automobile Dealer's license issued and regulated by the Texas Department of Motor Vehicles.
- D. Display Stickers: Display stickers shall not be permitted on the automobiles for sale.

JC AUTO COLLISION CENTER

2905 FOREST LANE, GARLAND, TX 75042



SITE ANALYSIS

SITE AREA= 44,400 SF (1.09 AC)
BUILDING AREA- BUILDING 1= 8,078 SF
BUILDING 2= 2,972 SF

TOTAL= 11,050 SF

CAR STORAGE REQ'D= 600 SF/ EA. BAY= 2400 SF REQ'D FOR 4 BAYS
CAR STORAGE PROV'D= 2837 SF

PARKING REQUIRED:

A) AUTO REPAIR:
(1/400 GFA: 10,500/400= 26 STALLS)
B) AUTO REPAIR BAY:
(2/ BAY: 4 BAYS= 8 STALLS)

SUB-TOTAL= 34 STALLS REQ'D

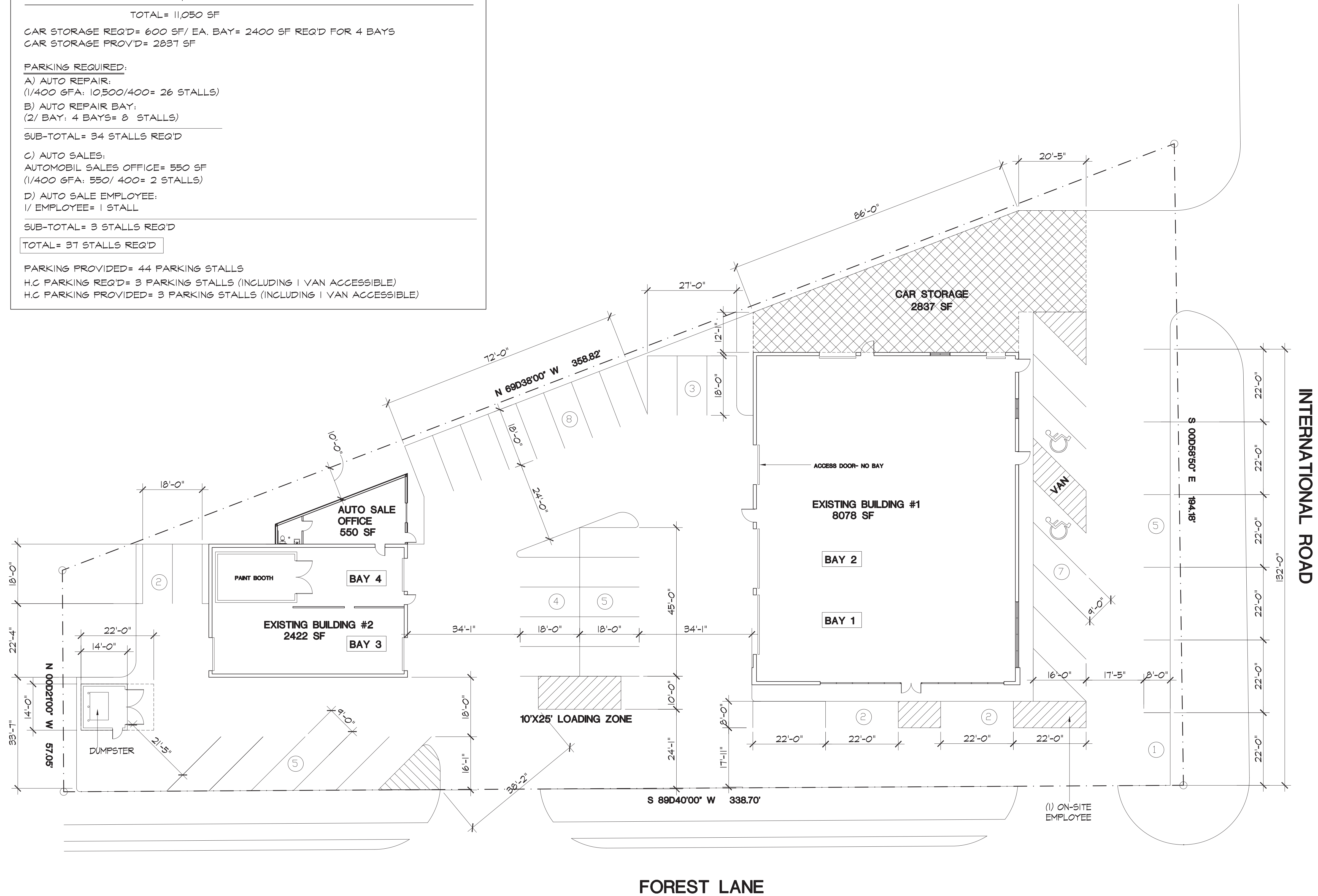
C) AUTO SALES:
AUTOMOBIL SALES OFFICE= 550 SF
(1/400 GFA: 550/ 400= 2 STALLS)

D) AUTO SALE EMPLOYEE:
1/ EMPLOYEE= 1 STALL

SUB-TOTAL= 3 STALLS REQ'D

TOTAL= 37 STALLS REQ'D

PARKING PROVIDED= 44 PARKING STALLS
H.C PARKING REQ'D= 3 PARKING STALLS (INCLUDING 1 VAN ACCESSIBLE)
H.C PARKING PROVIDED= 3 PARKING STALLS (INCLUDING 1 VAN ACCESSIBLE)



CASE# 220414-3

MA International
2601 Perth Street
Dallas, TX 75220
johnma2@yahoo.com
F-3485

ENGINEER

ARCHITECT SEAL

ENGINEER SEAL

#	DATE	SUBMISSION
--	11.22.22	SUP FOR AUTO SALES USE

JC
AUTO COLLISION
CENTER
GARLAND, TX

SITE PLAN



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

3. c.

Meeting Date: 12/13/2022

Item Title: Z 22-47 Digital Garland Ferris, LP (District 1)

Submitted By: Will Guerin, Planning Director

Summary of Request/Problem

Zoning Ordinance Z 22-47 Digital Garland Ferris, LP

Recommendation/Action Requested and Justification

Consider adoption of the attached ordinance.

Attachments

Z 22-47 Ordinance

Z 22-47 Exhibit A

Z 22-47 Exhibit B

Z 22-47 Exhibits C-E

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING A DETAIL PLAN FOR A DATA CENTER ON A 18.636-ACRE TRACT OF LAND ZONED PLANNED DEVELOPMENT (PD) DISTRICT 20-17 AND LOCATED AT 805 HOLFORD ROAD; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A NOTICE OF CONDITIONS OF COMPLIANCE CLAUSE; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 7th day of November, 2022, the Plan Commission did consider and make recommendations on a certain request for a Detail Plan for a Data Center on a site zoned Planned Development (PD) District 20-17 by **Digital Garland Ferris, LP.**; 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

The Garland Development Code is hereby amended by a Detail Plan for a Data Center on a 18.636-acre tract of land zoned Planned Development (PD) District 20-17 and located at 805 Holford Road and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2

Development shall be in conformance with the conditions, restrictions, and regulations set forth in the Garland Development Code.

Section 3

That a 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

NOTICE OF CONDITIONS OF COMPLIANCE: Notwithstanding the provisions of any other ordinance of the City, the full, complete, and continuing compliance with all the conditions, restrictions, and regulations of this Ordinance is a condition to the issuance and continuation of any permit, approval, authorization or consent by the City, including without limitation the issuance or continuation of any certificate of occupancy for any building or structure located on any portion of the property described in Exhibit A. All promises, representations, obligations and undertakings made or assumed by the applicant to the City Council at any public presentation in connection with the granting of this Ordinance are hereby incorporated into and made a part of this Ordinance as if expressly set forth herein at length. No substantial deviation from any material portion of the conditions, restrictions, and regulations contained within this Ordinance are allowed except as may be provided by the City Council after a public hearing.

Section 5

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

Section 6

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

Section 7

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

PASSED AND APPROVED this _____ day of _____,
2022.

FILE NO. Z 22-47

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 22-47

(Lot 1, Block 1, Digital Realty)

BEING a 15.109-acre tract of land situated in the P. Rice Survey, Abstract No. 1241, situated in the City of Garland, Dallas County, Texas; said tract being part of that tract described in Special Warranty Deed to Digital Garland Ferris, L.P., recorded in Instrument No. 202200143235 of the Official Public Records of Dallas County, Texas, the subject tract being more particularly described as follows:

BEGINNING, at a point in the west right-of-way line of Holford Road (a 91-foot wide right-of-way) and the east terminus of Ferris Road (a 60-foot wide prescriptive right-of-way); said point being in the east line of said Digital Garland Ferris, L.P. tract and being North 00 degrees, 40 minutes, 18 seconds West, a distance of 22.30 feet from the south corner of said east terminus;

THENCE, South 00 degrees, 40 minutes, 18 seconds East, along the said west line of Holford Road and the said east terminus of Ferris Road and said east line of the Digital Garland Ferris, L.P. tract, at a distance of 10.00 feet passing the south corner of said terminus, continuing in all a total distance of 527.19 feet to a point for corner; said point being the southeast corner of said Digital Garland Ferris, L.P. tract and the northeast corner of Lot

1, Block 1, Blankenstriker Addition, an addition to the City of Garland, Texas according to the plat recorded in Instrument No. 201800219373 of said Official Public Records;

THENCE, South 89 degrees, 06 minutes, 40 seconds West, departing said west line of Holford Road and along the south line of said Digital Garland Ferris, L.P. tract and the north line of said Lot 1, Block 1, Blankenstriker Addition, a distance of 1,245.89 feet to a 5/8-inch iron rod with "SPIARS INC" cap found at the southwest corner of said Digital Garland Ferris, L.P. tract and the northwest corner of said Lot 1, Block 1, Blankenstriker Addition; said point being in the east line of that tract of land described in Special Warranty Deed to F & L, L. L. P. recorded in Instrument No. 201300281265 of said Official Public Records;

THENCE, North 00 degrees, 35 minutes, 53 seconds West, along the west line of said Digital Garland Ferris, L.P. tract and the said east line of the F & L, L. L. P. tract, at a distance of 519.61 feet passing the south line of said Ferris Road, continuing in all a total distance of 529.61 feet to a point for corner;

THENCE, North 89 degrees, 13 minutes, 20 seconds East, through and across said Digital Garland Ferris, L.P. tract and said Ferris Road, a distance of 1,245.20 feet to the POINT OF BEGINNING;

CONTAINING: 658,141 square feet or 15.109 acres of land, more or less.

ZONING FILE NUMBER Z 22-47

All bearings shown are based on grid north of the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

(Proposed Lot 2, Block 1, Digital Realty)

BEING a 3.527-acre tract of land situated in the Lewis Ferris Survey, Abstract No. 477, situated in the City of Garland, Dallas County, Texas; said subject tract being part of that tract described in the Special Warranty Deed to Digital Garland Campbell, L.P., recorded in Instrument Number 202200143219 of the Official Public Records of Dallas County, Texas, the subject tract being more particularly described as follows:

BEGINNING, at a point in the west right-of-way line of Holford Road (a 91-foot wide right-of-way) and the north corner of the east terminus of Ferris Road (a 60-foot wide prescriptive right-of-way); said point being in the south line of said Digital Garland Campbell, L.P. tract;

THENCE, South 89 degrees, 13 minutes, 20 seconds West, departing the said west line of Holford Road and along the north line of said Ferris Road and south line of said Digital Garland Campbell, L.P. tract, a distance of 303.13 feet to a point for corner;

THENCE, departing the said north line of said Ferris Road and south line of said Digital Garland Campbell, L.P. tract, into and through said Digital Garland Campbell, L.P. tract, the following two (2) calls:

North 00 degrees, 01 minutes, 29 seconds East, a distance of 514.18 feet to a point for corner;

South 89 degrees, 58 minutes, 31 seconds East, a distance of 296.90 feet to a point for corner in the said west line

ZONING FILE NUMBER Z 22-47

of Holford Road and the east line of said Digital Garland Campbell, L.P. tract;

THENCE, South 00 degrees, 40 minutes, 18 seconds East, along the said west line of Holford Road and the east line of said Digital Garland Campbell, L.P. tract, a distance of 509.97 feet to the **POINT OF BEGINNING**;

CONTAINING: 153,625 square feet or 3.527 acres of land, more or less.

All bearings shown are based on grid north of the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

EXHIBIT A

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 22-47

805 Holford Road

I. Statement of Purpose: The purpose of this Planned Development is to approve a Data Center.

II. Statement of Effect: This Planned Development shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.

III. General Regulations: All regulations of Planned Development (PD) District 20-17 for Mixed Uses are included by reference and shall apply, except as otherwise specified by this ordinance.

IV. Development Plans:

Detail Plan: Development shall be in general conformance with the Detail Plan labeled Exhibit C through Exhibit E. In the event there is conflict between the approved Detail Plan and the Specific Regulations below, the Specific Regulations shall apply.

V. Specific Conditions:

A. Permitted Uses: Land Uses are permitted as in Planned Development (PD) District 20-17 for Mixed Uses.

B. Site Plan: The site layout, building placement, parking and other development proposed shall be in general conformance with the approved Site Plan labeled Exhibit C.

C. Landscape Plan: Screening and landscaping shall be in general conformance with the landscape plan labeled Exhibit D.

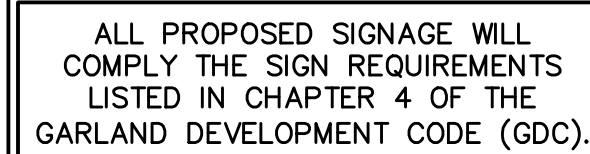
1. Landscaping must be regularly maintained in a healthy, growing condition and in compliance with this PD Ordinance, the Garland Development Code,

the Code of Ordinances of the City of Garland, and the landscaping plan attached hereto at all times. The property owner is responsible for regular weeding, mowing of grass, irrigation, fertilizing, pruning, or other maintenance of all plantings as needed. All exposed ground surfaces on or within the premises shall be properly improved, covered with screening or other approved solid material, or protected with a vegetative growth that prevents soil erosion and ameliorates objectionable dust conditions.

2. Any plant or vegetation that dies must be replaced with another approved plant variety that complies with the approved landscape plan within sixty (60) days after receipt of written notification from the City. In the event the property owner fails to remedy a violation of any landscaping maintenance regulation within sixty (60) days after receipt of written notification from the City, the City may, in addition to any other remedy available by law, withhold future city permits, licenses and/or certificates requested by the property owner for the premises to which such violation applies.
3. Screening and paving must be regularly maintained in compliance with this PD Ordinance, the Garland Development Code, and the Code of Ordinances of the City of Garland at all times. The property owner is responsible for regular maintenance of all screening and paving as needed. In the event the property owner fails to remedy a violation of any screening or paving maintenance regulation within sixty (60) days after receipt of written notification from the City, the City may, in addition to any other remedy available by law, withhold future city permits, licenses and/or certificates requested by the property owner for the premises to which such violation applies.

D. Elevations: Building Elevations shall be in general conformance with the elevations labeled Exhibit E.

CBARRANAGATORRES
10/27/2022 1:31 PM
\\NASUNIDALLAS.PKC



<u>OWNER</u>	<u>ARCHITECT</u>	<u>ENGINEER</u>	<u>SURVEYOR</u>	<u>LANDSCAPE</u>
DIGITAL REALTY 907 SECURITY ROAD RICHARDSON, TEXAS 75082 PHONE: 469-222-8505 CONTACT JOE HUBBARD	JACOBS 777 MAIN STREET FORTH WORTH, TEXAS 76102 PHONE: 817-222-8505 CONTACT ELIZABETH REGNIER	PACHECO KOCH 7557 RAMBLER RD SUITE 1400 DALLAS, TEXAS 75231 PHONE: 972-222-8505 CONTACT ASHLEY REYNOLDS	PACHECO KOCH 7557 RAMBLER RD SUITE 1400 DALLAS, TEXAS 75231 PHONE: 972-222-8505 CONTACT JONATHAN COOPER	PACHECO KOCH 4060 BRYANT IRVING RD FORTH WORTH, TEXAS 76109 PHONE: 817-222-8505 CONTACT TRICIA WOLVER

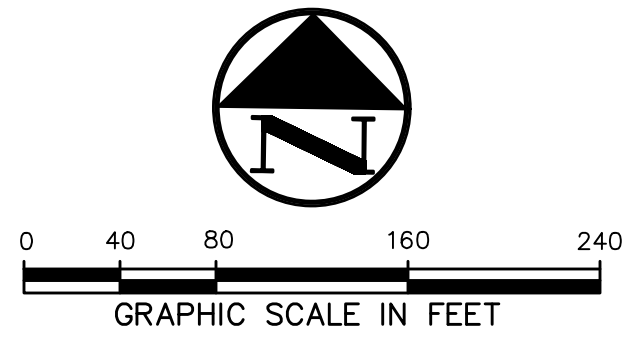


- | |
|---|
| <p align="center">PRELIMINARY</p> <p align="center">NOT FOR CONSTRUCTION</p> <hr/> <p>THIS DOCUMENT IS ISSUED FOR THE PURPOSE OF SCHEMATIC REVIEW ONLY AND IS NOT INTENDED FOR PERMITTING, BIDDING, OR CONSTRUCTION PURPOSES.</p> <hr/> <p>PLANS PREPARED UNDER THE DIRECT SUPERVISION OF ASHLEY D. REYNOLDS, P.E.</p> <p>TEXAS REGISTRATION NO. 128323</p> <p>DATE: 10/27/2022</p> |
|---|

CITY CASE NO. 220519-1 TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-10008000

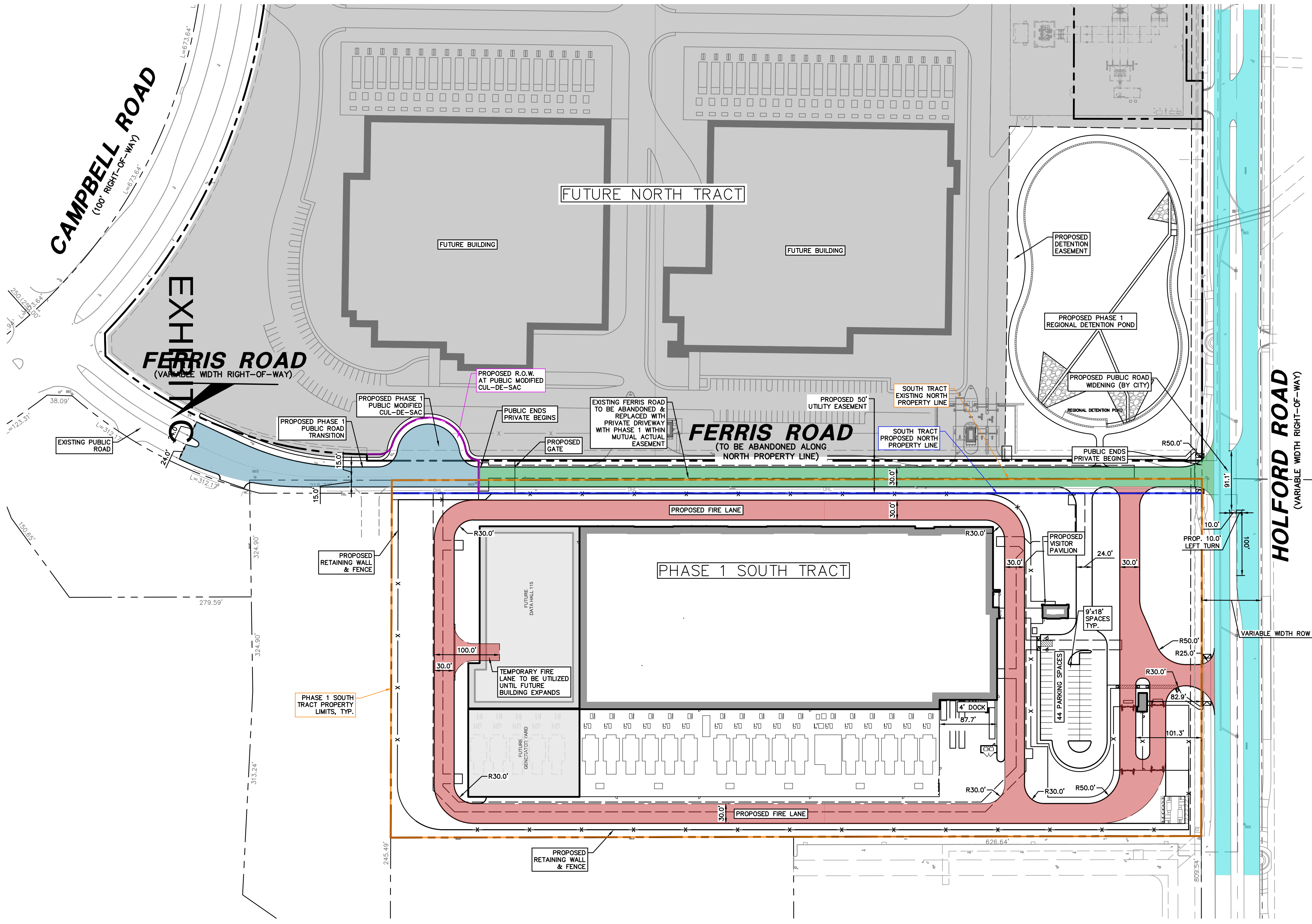
THESE DOCUMENTS HAVE BEEN PREPARED BY THE ENGINEER WITH THE INTENT OF COMPLYING WITH ALL CITY STANDARD REQUIREMENTS. THESE DOCUMENTS HAVE **NOT** BEEN APPROVED AND RELEASED FOR CONSTRUCTION BY THE CITY AS OF THIS DATE AND, THEREFORE, REVISIONS MAY BE REQUIRED PRIOR TO CONSTRUCTION. BY ANY USE OF THESE DOCUMENTS, THE USER AFFIRMS THEIR UNDERSTANDING OF THE PRELIMINARY STATUS OF THE PLANS AND THE POTENTIAL FOR REVISION PRIOR TO ANY CONSTRUCTION.

DIGITAL GARLAND CAMPUS



LEGEND

- B. BOLLARD
E.M. ELECTRIC METER
PP. POWER POLE
L.S. LIGHT STANDARD
W.V. WATER VALVE
I.C.V. IRRIGATION CONTROL VALVE
F.H. FIRE HYDRANT
C. CLEANOUT
M.H. MANHOLE
T.S.C. TRAFFIC SIGNAL CONTROL
T.S.P. TRAFFIC SIGNAL POLE
T.E.B. TELEPHONE BOX
F.L. FLOOD LIGHT
F.P. FLAG POLE
S.I. TRAFFIC SIGN
I.R.S. 1/2-INCH IRON ROD
(C.M.) W/"PACHECO KOCH" CAP SET
CONTROLLING MONUMENT
PROPERTY LINE
FENCE
FIRE LANE



ISSUED FOR PRELIMINARY PRICING PURPOSES ONLY
(SUBJECT TO REVISION PRIOR TO CONSTRUCTION)

THESE DOCUMENTS HAVE BEEN PREPARED BY THE ENGINEER WITH THE INTENT OF COMPLYING WITH ALL CITY STANDARD REQUIREMENTS. THESE DOCUMENTS HAVE NOT BEEN APPROVED AND RELEASED FOR CONSTRUCTION BY THE CITY AS OF THIS DATE AND, THEREFORE, REVISIONS MAY BE REQUIRED PRIOR TO CONSTRUCTION. BY ANY USE OF THESE DOCUMENTS, THE USER AFFIRMS THEIR UNDERSTANDING OF THE PRELIMINARY STATUS OF THE PLANS AND THE POTENTIAL FOR REVISION PRIOR TO ANY CONSTRUCTION.

PRELIMINARY
NOT FOR CONSTRUCTION

THIS DOCUMENT IS ISSUED FOR THE PURPOSE OF SCHEMATIC REVIEW ONLY AND IS NOT INTENDED FOR PERMITTING, BIDDING, OR CONSTRUCTION PURPOSES.

PLANS PREPARED UNDER THE DIRECT SUPERVISION OF ASHLEY D. REYNOLDS, P.E.
TEXAS REGISTRATION NO. 128323
DATE: 10/27/2022

NO.		DATE		REVISION		
 Pacheco Koch a Westwood company 7557 RAMBLER ROAD SUITE 1400 DALLAS, TX 75231 972.235.3031						
EXPANDED DETAILED PLAN						
DIGITAL GARLAND CAMPUS						
DATA CENTER ON 15.1 AC.						
HOLFORD RD. @ FERRIS RD.						
CITY OF GARLAND, DALLAS COUNTY, TEXAS						
DESIGN	DRAWN	DATE	SCALE	NOTES	FILE	NO.
ADR	CBA/JER	OCT. 2022	1"=80'			DP0.2

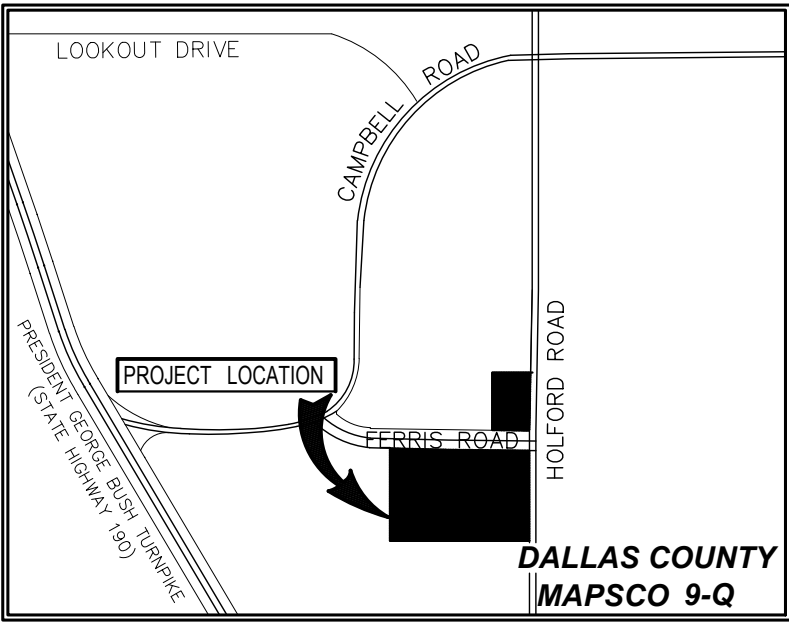
CITY CASE NO. 220519-1 TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-10008000

PK FILE: 1639-22.1639-22.196DDP.DWG

EXHIBIT C

C:\BARRANAGATOR\10/27/2022 1:31 PM
\\NASUNDALLAS\PCCE\COM\DWG\DWG-16\1639-22.196\DWG\CIVIL C3D 2018\1639-22.196DDP.DWG

DIGITAL GARLAND CAMPUS



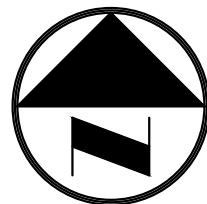
VICINITY MAP
(NOT TO SCALE)

ZONING:
EXISTING: LI (LIGHT INDUSTRIAL)
PROPOSED USE:
DATA CENTER/OFFICE

OWNER
DIGITAL REALTY
JOE HUBBARD
907 SECURITY ROW
RICHARDSON, TEXAS 75082
469-385-2632
LANDSCAPE ARCHITECT
TRICIA WOLIVER
118 N OHIO ST., CELINA, TX 75009
214-451-2765

INTERIM REVIEW
THESE DOCUMENTS ARE INTENDED FOR
INTERIM REVIEW ONLY AND NOT FOR
REGULATORY APPROVAL/PERMITTING, OR
CONSTRUCTION.
REGISTERED LANDSCAPE ARCHITECT
TRICIA A. WOLIVER
TEXAS REGISTRATION NUMBER 2225

1 OVERALL LANDSCAPE PLAN
1" = 60'-0"



TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-10008000

2	10/27/2022	CITY RESUBMITTAL			
1	10/11/2022	CITY SUBMITTAL			
NO.	DATE	REVISION			
 Pacheco Koch		118 N. OHIO STREET CELINA, TX 75009 214.451.2765			
a Westwood company					
OVERALL LANDSCAPE PLAN					
DIGITAL GARLAND CAMPUS					
DATA CENTER ON 15.7 AC.					
HOLFORD RD. @ FERRIS RD.					
CITY OF GARLAND, DALLAS COUNTY, TEXAS					
DESIGN	DRAWN	DATE	SCALE	NOTES	FILE
TAW	SRR	OCT. 2022	AS SHOWN		
					L2.00

2022-10-07 08:54
MF

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CONSTRUCTION.

REGISTERED LANDSCAPE ARCHITECT
TRICIA A. WOLVER
TEXAS REGISTRATION NUMBER 2225

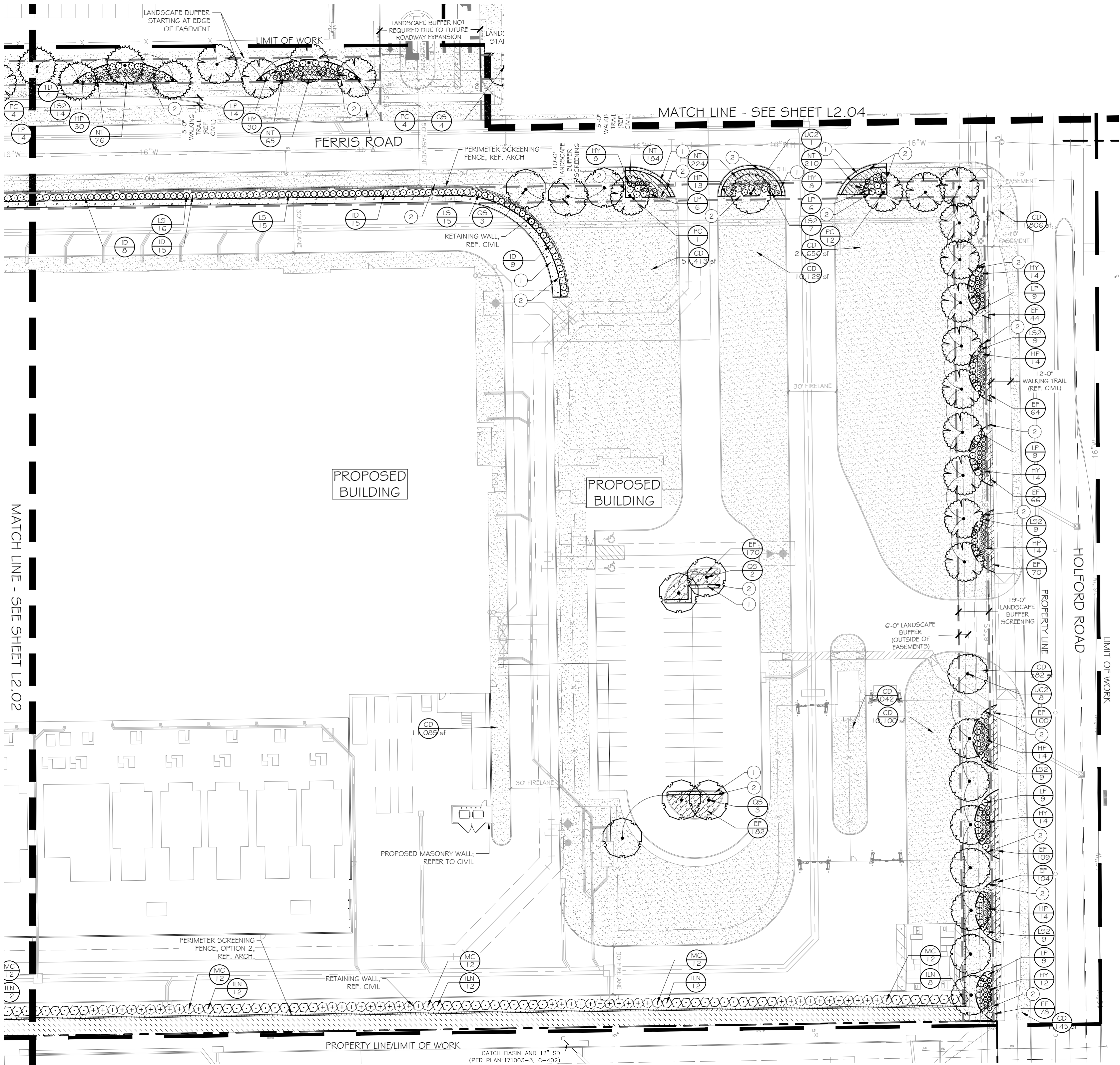
PK FILE 1070 00100

PK FILE: 1639-22.196

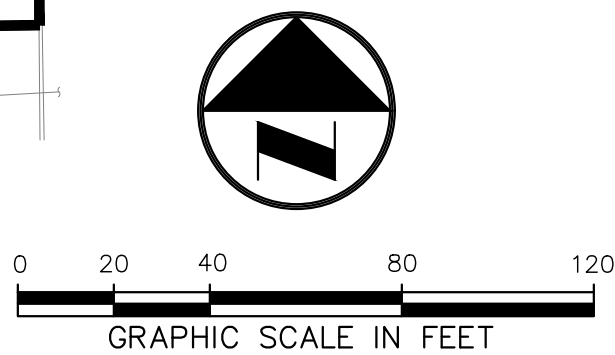
PK FILE: 1639-22.196

DIGITAL GARLAND CAMPUS

EXHIBIT D



1 PLANTING PLAN
1" = 40'-0"



REFERENCE NOTES SCHEDULE

SYMBOL	DESCRIPTION	DETAIL
1	RIVER COBBLE	5/L2.04
2	STEEL EDGING	4/L2.04

PLANT SCHEDULE

TREES	BOTANICAL / COMMON NAME
PC	PISTACIA CHINENSIS CHINESE PISTACHE
QS	QUERCUS SHUMARDII SHUMARD RED OAK
TD	TAXODIUM DISTICHUM BALD CYPRESS
UC2	ULMUS CRASSIFOLIA CEDAR ELM
SHRUBS	BOTANICAL / COMMON NAME
HP	HESPERALOE PARVIFLORA RED YUCCA
HY	HESPERALOE PARVIFLORA 'YELLOW' YELLOW YUCCA
ID	ILEX CORNUTA 'DWARF BURFORD' DWARF BURFORD HOLLY
ILN	ILEX X 'NELLIE R STEVENS' NELLIE STEVENS HOLLY
LS	LEUCOPHYLLUM FRUTESCENS 'SILVERADO' TEXAS SAGE
LS2	LIGUSTRUM SINENSE 'SUNSHINE' SUNSHINE CHINESE PRIVET
LP	LOROPETALUM CHINENSE 'PIFA'S RED' RED CHINESE FRINGE FLOWER
MC	MORELLA CERIFERA WAX MYRTLE
SHRUB AREAS	BOTANICAL / COMMON NAME
NT	NASSELLA TENUISSIMA MEXICAN FEATHER GRASS
GROUND COVERS	BOTANICAL / COMMON NAME
EF	EUONYMUS FORTUNEI 'COLORATUS' PURPLE WINTERCREEPER
SOD/SEED	BOTANICAL / COMMON NAME
CD	CYNODON DACTYLON BERMUDA GRASS
NH	NATIVE SEED MIX-HYDROSEED

INTERIM REVIEW
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REGISTERED LANDSCAPE ARCHITECT
TRINIA A. WALKER
TEXAS REGISTRATION NUMBER 2225

2	10/27/2022	CITY RESUBMITTAL				
1	10/11/2022	CITY SUBMITTAL				
NO.	DATE	REVISION				
 Pacheco Koch a Westwood company		118 N. OHIO STREET CELINA, TX 75009 214.451.2765				
LANDSCAPE PLAN						
DIGITAL GARLAND CAMPUS						
DATA CENTER ON 15.7 AC.						
HOLFORD RD. @ FERRIS RD.						
CITY OF GARLAND, DALLAS COUNTY, TEXAS						
DESIGN	DRAWN	DATE	SCALE	NOTES	FILE	12.03
TAW	SRR	OCT. 2022	AS SHOWN			

REFERENCE NOTES SCHEDULE

SYMBOL	DESCRIPTION	DETAIL	2022-07-13 14:42
①	RIVER COBBLE	5/L2.04	
②	STEEL EDGING	4/L2.04	

PLANT SCHEDULE

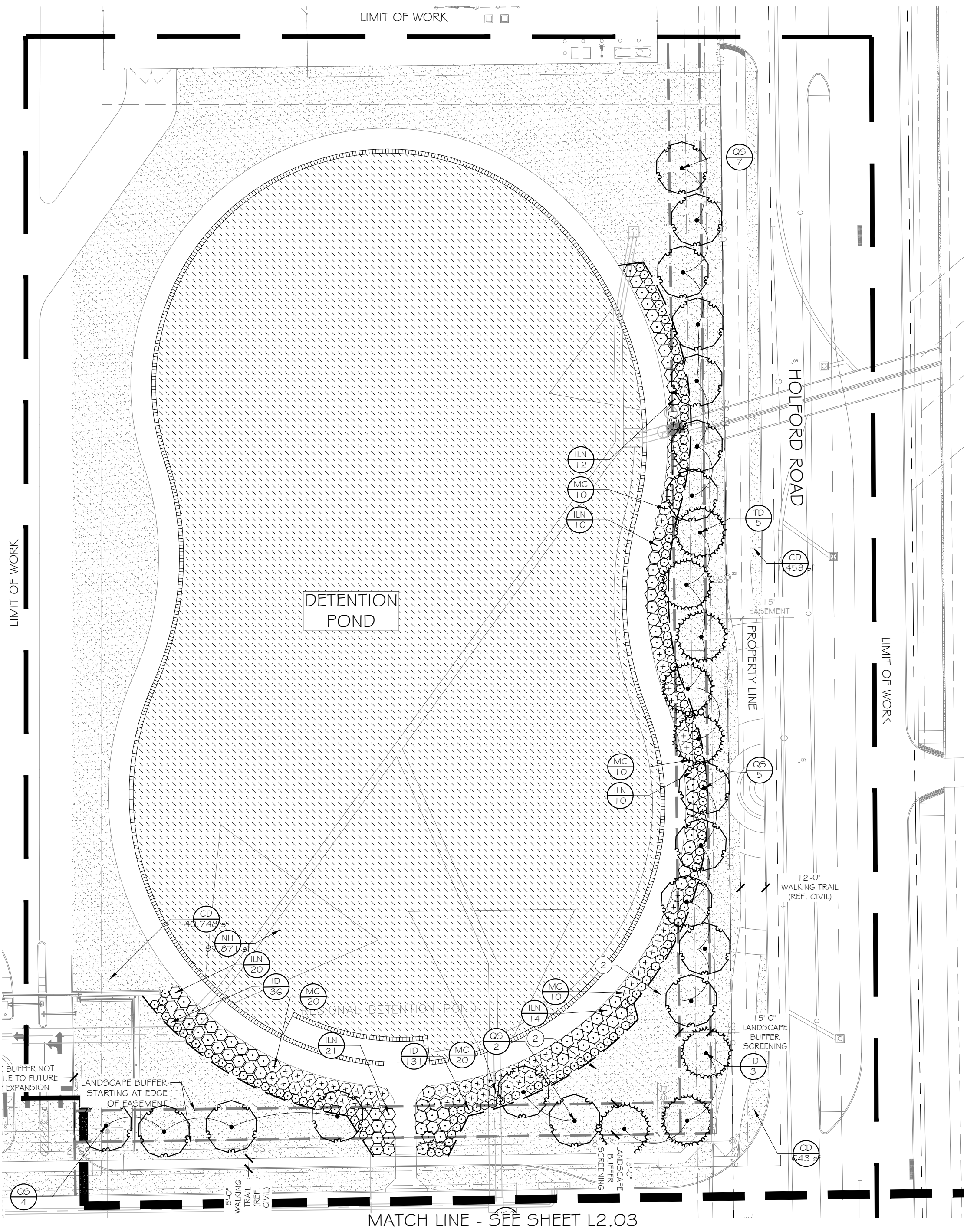
TREES	BOTANICAL / COMMON NAME	2022-10-07 08:54
PC	PISTACIA CHINENSIS CHINESE PISTACHE	
Q5	QUERCUS SHUMARDII SHUMARD RED OAK	
TD	TAXODIUM DISTICHUM BALD CYPRESS	
UC2	ULMUS CRASSIFOLIA CEDAR ELM	
SHRUBS	BOTANICAL / COMMON NAME	
HF	HESPERALOE PARVIFLORA RED YUCCA	
HY	HESPERALOE PARVIFLORA 'YELLOW' YELLOW YUCCA	
ID	ILEX CORNUTA 'DWARF BURFORD' DWARF BURFORD HOLLY	
ILN	ILEX X 'NELLIE R STEVENS' NELLIE STEVENS HOLLY	
LS	LEUCOPHYLLUM FRUTESCENS 'SILVERADO' TEXAS SAGE	
LS2	LIGUSTRUM SINENSE 'SUNSHINE' SUNSHINE CHINESE PRIVET	
LP	LOROPETALUM CHINENSE 'PIPA'S RED' RED CHINESE FRINGE FLOWER	
MC	MORELLA CERIFERA WAX MYRTLE	
SHRUB AREAS	BOTANICAL / COMMON NAME	
NT	NASSELLA TENUISSIMA MEXICAN FEATHER GRASS	
GROUND COVERS	BOTANICAL / COMMON NAME	
EF	EUONYMUS FORTUNEI 'COLORATUS' PURPLE WINTERCREEPER	
SOD/SEED	BOTANICAL / COMMON NAME	
CD	CYNODON DACTYLON BERMUDA GRASS	
NH	NATIVE SEED MIX-HYDROSEED	

INTERIM REVIEW

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CONSTRUCTION.
REGISTERED LANDSCAPE ARCHITECT
TRISH A. WILDER
TEXAS REGISTRATION NUMBER 2225

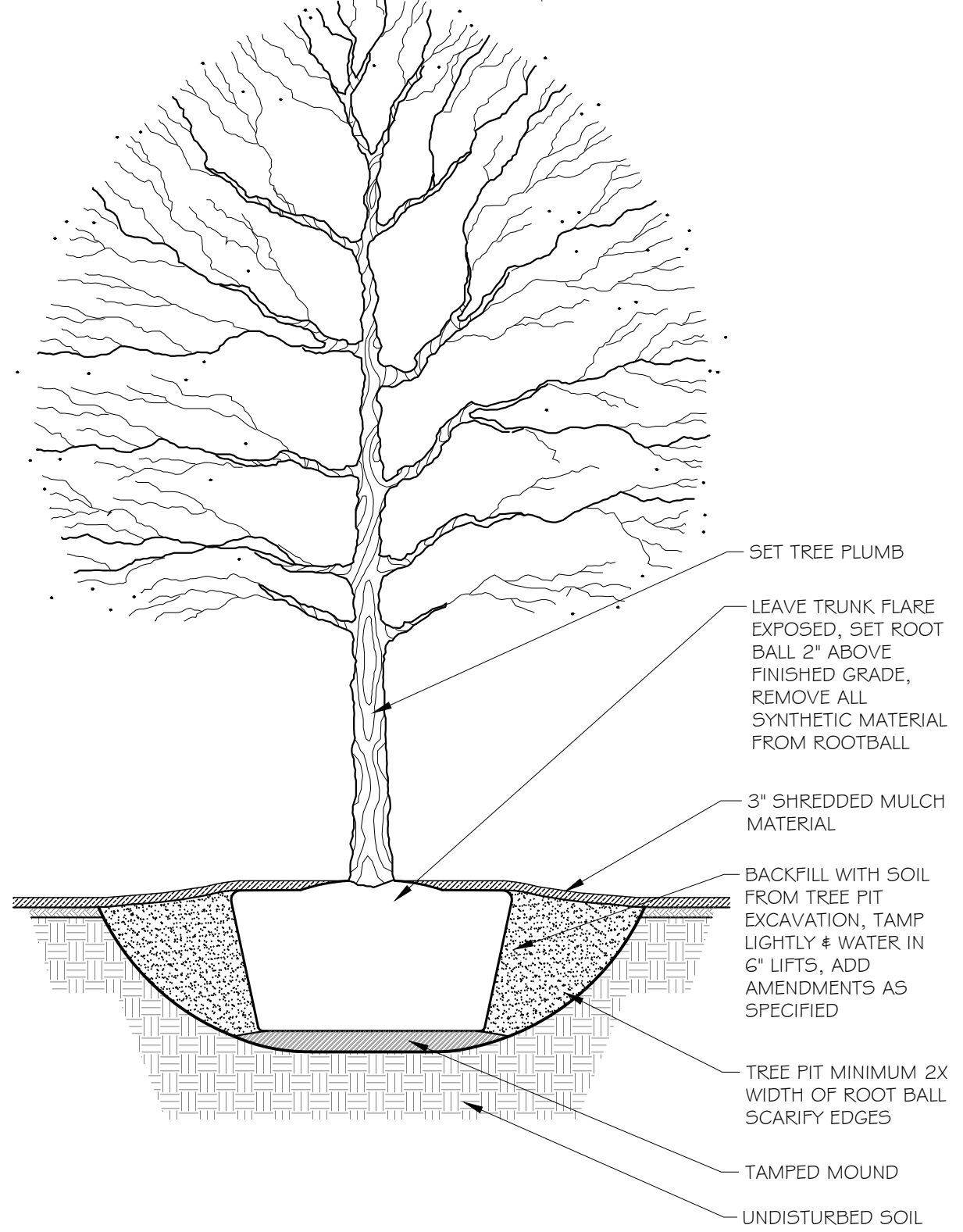
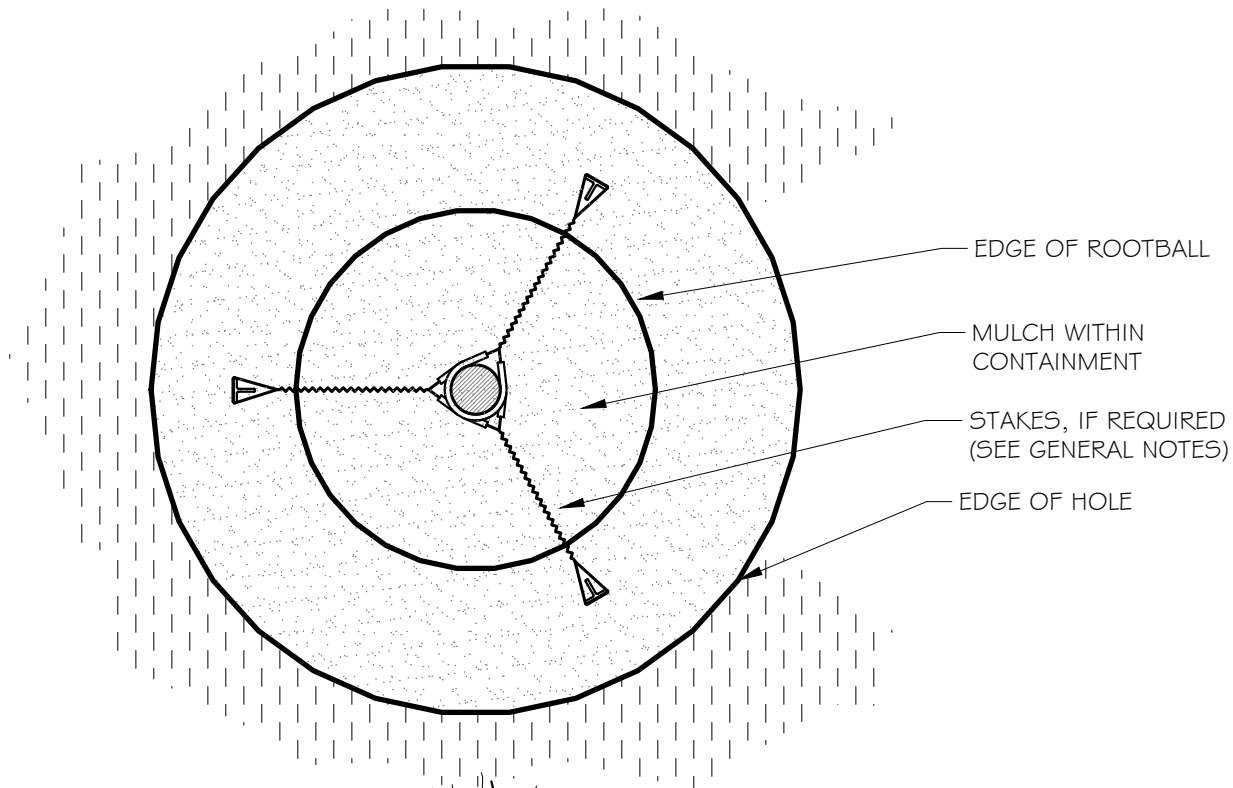
2	10/27/2022	CITY RESUBMITTAL				
1	10/11/2022	CITY SUBMITTAL				
NO.	DATE		REVISION			
 Pacheco Koch a Westwood company			118 N. OHIO STREET CELINA, TX 75009 214.451.2765			
LANDSCAPE PLAN						
DIGITAL GARLAND CAMPUS						
DATA CENTER ON 15.7 AC.						
HOLFORD RD. @ FERRIS RD.						
CITY OF GARLAND, DALLAS COUNTY, TEXAS						
DESIGN	DRAWN	DATE	SCALE	NOTES	FILE	L2.04
TAW	SRR	OCT. 2022	AS SHOWN			

PK FILE: 1639-22.196



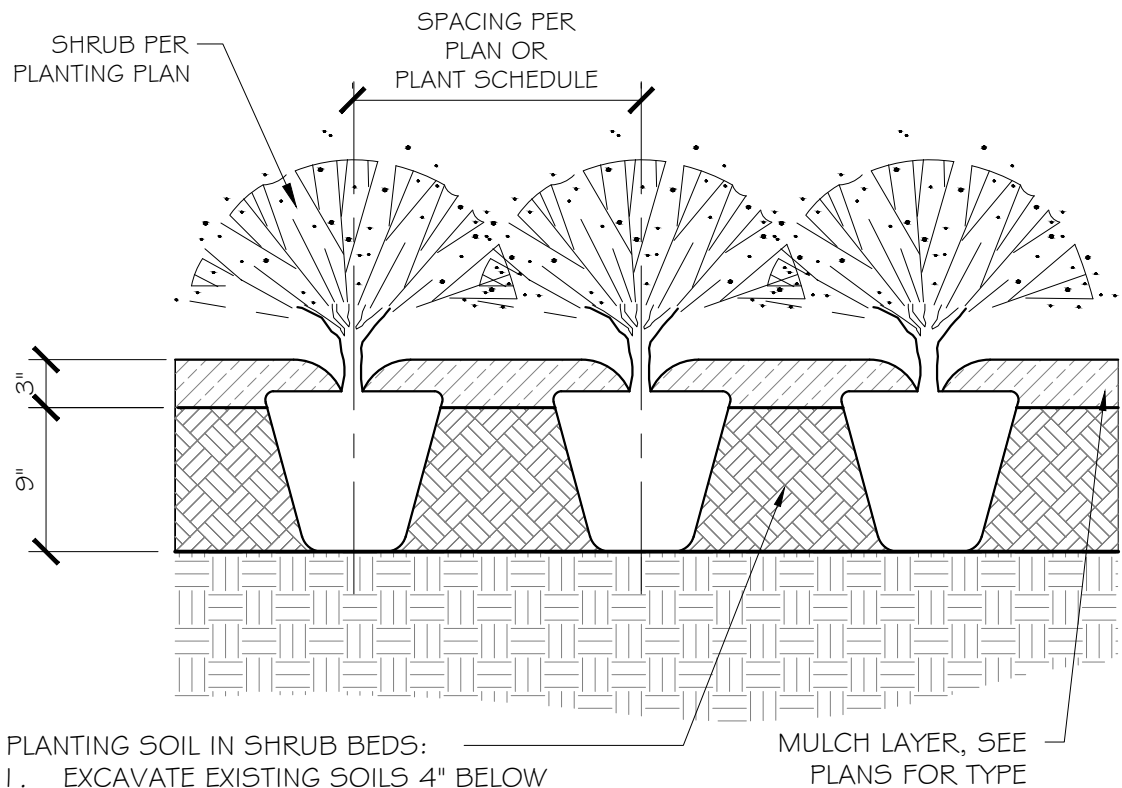
1 LANDSCAPE PLAN
1" = 40'-0"

DIGITAL GARLAND CAMPUS

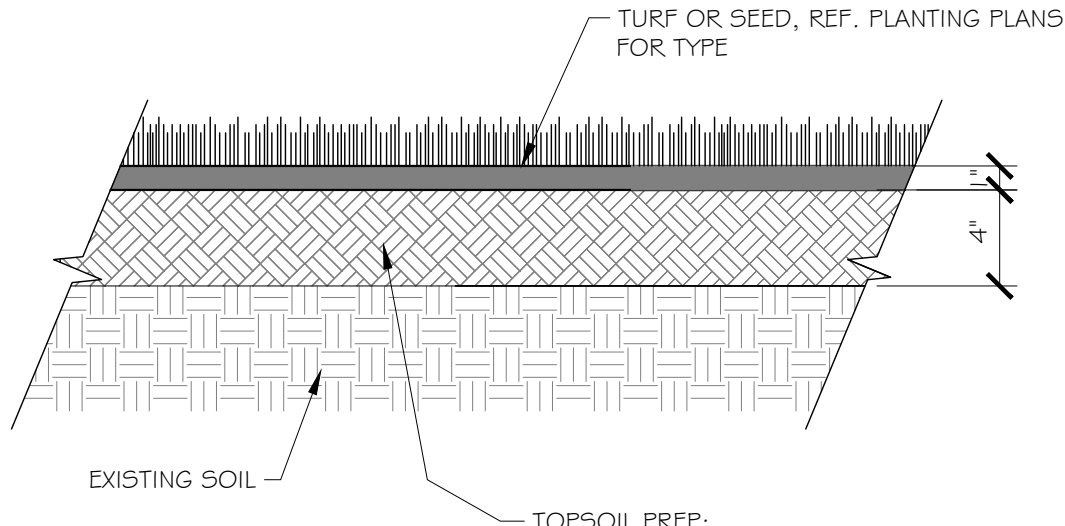


NOTE: UNLESS OTHERWISE SPECIFIED, OR REQUIRED BY OWNER TREES 3" CAL. AND UNDER SHALL NOT BE STAKED.

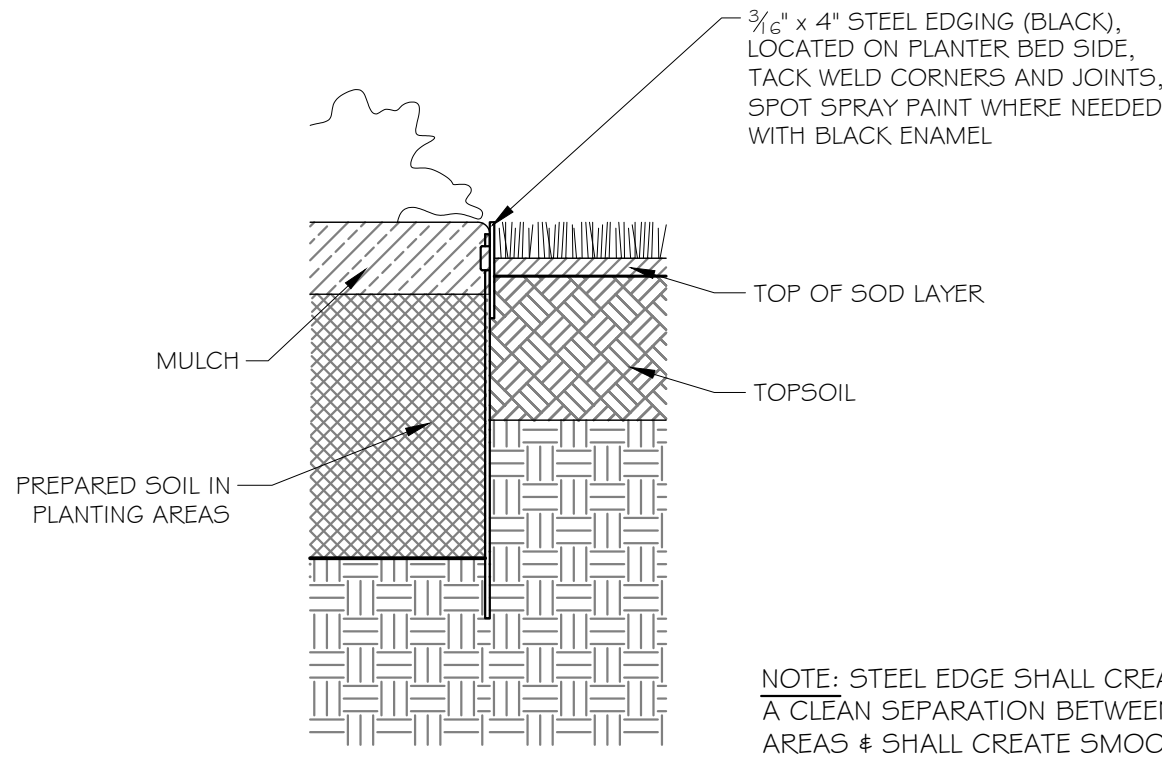
1 CANOPY TREE W/ NO STAKES
3/4" = 1'-0"



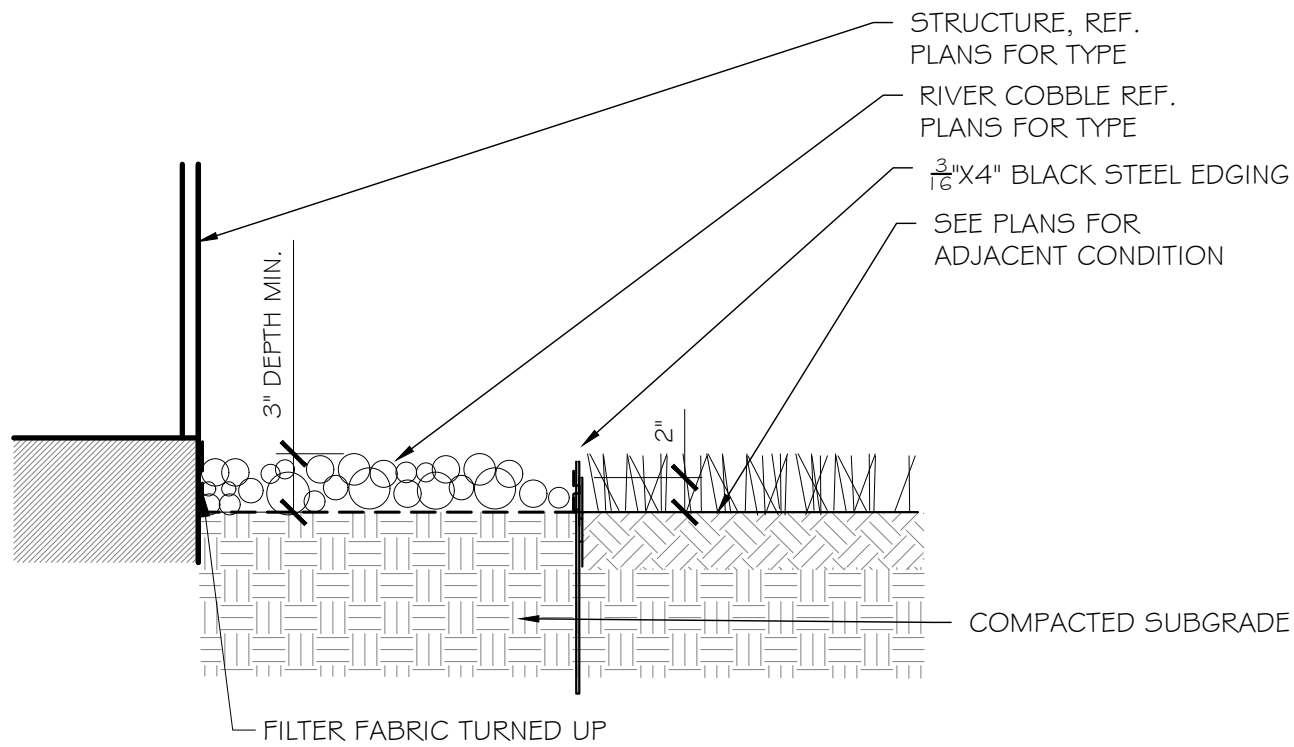
2 TYP. SHRUB PLANTING
1" = 1'-0"



3 SOIL PROFILE FOR SOD & SEED
1 1/2" = 1'-0"



4 STEEL EDGING AT PLANTING
1 1/2" = 1'-0"

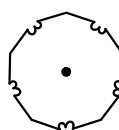
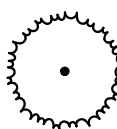
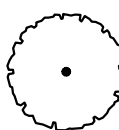
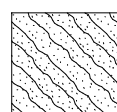
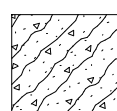
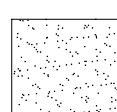
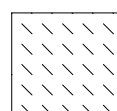


5 RIVER COBBLE
1" = 1'-0"

INTERIM REVIEW
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REGISTERED LANDSCAPE ARCHITECT
TERRA A. WOLLER
TEXAS REGISTRATION NUMBER 2225

2	10/27/2022	CITY RESUBMITTAL
1	10/11/2022	CITY SUBMITTAL
NO.	DATE	REVISION
Pacheco Koch a Westwood company		118 N. OHIO STREET CELINA, TX 75009 214.451.2765
LANDSCAPE DETAILS		
DIGITAL GARLAND CAMPUS		
DATA CENTER ON 15.7 AC.		
HOLFORD RD. @ FERRIS RD.		
CITY OF GARLAND, DALLAS COUNTY, TEXAS		
DESIGN	DRAWN	DATE
TAW	SRR	OCT. 2022
SCALE	NOTES	FILE
AS SHOWN		

PLANT SCHEDULE

2022-10-07 08:54						
TREES	CODE	QTY	BOTANICAL / COMMON NAME	SIZE/COND.	REMARKS	
	PC	49	PISTACIA CHINENSIS CHINESE PISTACHE	4" CAL./ CONT	SINGLE, STRAIGHT LEADER, MATCHING, MIN. 7 FT HT AT TIME OF PLANTING	
	QS	39	QUERCUS SHUMARDII SHUMARD RED OAK	4" CAL./ CONT	SINGLE, STRAIGHT LEADER, MATCHING, MIN. 7 FT HT AT TIME OF PLANTING	
	TD	26	TAXODIUM DISTICHUM BALD CYPRESS	4" CAL./ CONT	SINGLE, STRAIGHT LEADER, MATCHING, MIN. 7 FT HT AT TIME OF PLANTING	
	UC2	9	ULMUS CRASSIFOLIA CEDAR ELM	4" CAL./ CONT	MATCHED, WELL BRANCHED, STRONG CENTRAL LEADER, MIN. 7 FT HT AT TIME OF PLANTING	
SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	SPACING	REMARKS
	HP	190	HESPERALOE PARVIFLORA RED YUCCA	3 GAL	36" o.c.	NURSERY GROWN, MATCHED & WELL ROOTED, PLANT AS SHOWN
	HY	190	HESPERALOE PARVIFLORA 'YELLOW' YELLOW YUCCA	3 GAL	36" o.c.	NURSERY GROWN, MATCHED & WELL ROOTED, PLANT AS SHOWN
	ID	299	ILEX CORNUTA 'DWARF BURFORD' DWARF BURFORD HOLLY	5 GAL	48" o.c.	FULL, MATCHING
	ILN	227	ILEX X 'NELLIE R. STEVENS' NELLIE STEVENS HOLLY	7 GAL	72" o.c.	FULL, MATCHING
	LS	120	LEUCOPHYLLUM FRUTESCENS 'SILVERADO' TEXAS SAGE	3 GAL	48" o.c.	FULL, MATCHING
	LS2	101	LIGUSTRUM SINENSE 'SUNSHINE' SUNSHINE CHINESE PRIVET	5 GAL	48" o.c.	FULL, MATCHING
	LP	106	LOROPETALUM CHINENSE 'PIPA'S RED' RED CHINESE FRINGE FLOWER	5 GAL	48" o.c.	FULL, MATCHING
	MC	213	MORELLA CERIFERA WAX MYRTLE	7 GAL	72" o.c.	FULL, MATCHING
SHRUB AREAS	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	SPACING	REMARKS
	NT	1,314	NASSELLA TENUISSIMA MEXICAN FEATHER GRASS	1 GAL	12" o.c.	FULL, MATCHING
GROUND COVERS	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	SPACING	REMARKS
	EF	987	EUONYMUS FORTUNEI 'COLORATUS' PURPLE WINTERCREEPER	1 GAL	18" o.c.	FULL, MATCHING
SOD/SEED	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	SPACING	REMARKS
	CD	198,467 SF	CYNODON DACTYLON BERMUDA GRASS	SOD		SOLID, ROLLED TIGHT, SAND FILLED JOINTS, 100% WEED, PEST AND DISEASE FREE
	NH	220,991 SF	NATIVE SEED MIX-HYDROSEED	HYDROSEED		

REFERENCE NOTES SCHEDULE

2022-07-13 14:42		
SYMBOL	DESCRIPTION	DETAIL
①	RIVER COBBLE	5/L2.04
②	STEEL EDGING	4/L2.04

PLANTING GENERAL NOTES

- ALL PLANTS SHALL BE SET OUT FOR APPROVAL BY THE OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION.
- FINE GRADING SHALL BE PERFORMED IN ALL AREAS TO BE LANDSCAPED. FINE GRADING SHALL INCLUDE THE REMOVAL OF DEBRIS, ROCKS, ETC. FROM THE SITE AND INSURE POSITIVE DRAINAGE IN ALL AREAS.
- THE CONTRACTOR SHALL LOCATE ALL UTILITIES AND EASEMENTS IN THE FIELD PRIOR TO COMMENCEMENT OF WORK. CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE TO UTILITIES DURING THE COURSE OF CONSTRUCTION.
- WRITTEN DIMENSIONS SHALL GOVERN OVER SCALED DIMENSIONS.
- THE CONTRACTOR SHALL REFER TO THE SPECIFICATIONS FOR ADDITIONAL INFORMATION AND REQUIREMENTS ASSOCIATED WITH THE LANDSCAPE AND ACCESSORIES.
- ALL PLANT MATERIALS SHALL MEET ANSI Z60.1 STANDARDS FOR CALIPER, HEIGHT AND ROOT BALL SIZE. ANY MATERIALS THAT DO NOT MEET OR EXCEED SUCH STANDARDS SHALL BE REJECTED AND REPLACED AT THE CONTRACTOR'S EXPENSE.
- BALLED AND BURLAPPED TREES SHALL HAVE THE TOP HALF OF THE WIRE BASKET REMOVED. THE BURLAP SHALL BE REMOVED TO THE GREATEST EXTENT POSSIBLE, USING A KNIFE TO CUT AND REMOVE THE BOTTOM HALF UNDER THE WIRE BASKET THAT REMAINS.
- QUANTITIES ARE SHOWN FOR CONVENIENCE ONLY. CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES

LANDSCAPE REQUIREMENTS TABLE

SITE AREA: 684,461 SF (15.7 ACRES)

ZONING: OFFICE / INDUSTRIAL

LANDSCAPE AREA		REQUIRED	PROVIDED
LANDSCAPE AREAS MUCH TOTAL 10% OF TOTAL SITE AREA			
	(684,461 SF X 10% = 68,447 SF)	68,447 SF (10%)	376,040 SF (55%)
BUFFER REQUIREMENTS		REQUIRED	PROVIDED
HOLFORD ROAD (1081 LF): C-2 (100' 4-LANE DIVIDED) - 10' LANDSCAPE BUFFER			
1 TREE / 30 LF	(1081 LF / 30 = 37 TREES)	37 TREES	37 TREES
7 SHRUBS / 30 LF	((1081 LF / 30) X 7 = 253 SHRUBS)	253 SHRUBS	253 SHRUBS
WESTBOUND FERRIS ROAD (1400 LF): D1 (82' 4-LANE DIVIDED) - 10' LANDSCAPE BUFFER			
1 TREE / 30 LF	(1400 LF / 30 = 47 TREES)	47 TREES	47 TREES
7 SHRUBS / 30 LF	((1400 LF / 30) X 7 = 327 SHRUBS)	327 SHRUBS	353 SHRUBS
EASTBOUND FERRIS ROAD (1182 LF): D1 (82' 4-LANE DIVIDED) - 10' LANDSCAPE BUFFER			
1 TREE / 30 LF	(1200 LF / 30 = 47 TREES)	40 TREES	40 TREES
7 SHRUBS / 30 LF	((1200 LF / 30) X 7 = 327 SHRUBS)	280 SHRUBS	282 SHRUBS
PARKING REQUIREMENTS		REQUIRED	PROVIDED
LANDSCAPE ISLAND WITH ONE (1) TREE AT EACH TERMINUS OF PARKING		YES	YES
ONE (1) CANOPY TREE PER TEN (10) PARKING SPACES			
44 PARKING SPOTS / 10 = 5 TREES		5 TREES	5 TREES
CONTINUOUS ROW OF SHRUBS ALONG PARKING FACING STREET		YES	YES
NO PARKING SPACE FURTHER THAN 65 FT. FROM REQUIRED TREE		YES	YES
DETENTION POND REQUIREMENTS			
TREES AND SHRUBS SCREENING PERIMETER OF DETENTION POND FROM ROAD		YES	YES
TREE MITIGATION REQUIREMENTS			
696 INCHES TO MITIGATE	(696"/4" = 174 TREES)	174 TREES	136 TREES*
*38 ADDITIONAL TREES AT 4" CAL EACH = 152 CAL INCHES TO BE MITIGATED BY FEE AT \$150/CAL. INCH = \$22800 TO TREE FUND			

INTERIM REVIEW

THESE DOCUMENTS ARE INTENDED FOR INTERIM REVIEW ONLY AND NOT FOR REGULATORY APPROVAL/PERMITTING, OR CONSTRUCTION.
REGISTERED LANDSCAPE ARCHITECT
TERRA A. WALKER
TEXAS REGISTRATION NUMBER 2225

2	10/27/2022	CITY RESUBMITTAL				
1	10/11/2022	CITY SUBMITTAL				
NO.	DATE	REVISION				
		Pacheco Koch		118 N. OHIO STREET CELINA, TX 75009 214.451.2765		
		a Westwood company				
LANDSCAPE NOTES AND SCHEDULE						
DIGITAL GARLAND CAMPUS						
DATA CENTER ON 15.7 AC.						
HOLFORD RD. @ FERRIS RD.						
CITY OF GARLAND, DALLAS COUNTY, TEXAS						
DESIGN	DRAWN	DATE	SCALE	NOTES	FILE	L2.01
TAW	SRR	OCT. 2022	AS SHOWN			

Autodesk Docs://US TX_K4T40126_Digital Realty_Project Gold Garland/K4T40126_V22_DLR_Garland_ARCH.rvt

9/14/2022 10:09:09 AM

EXHIBIT E

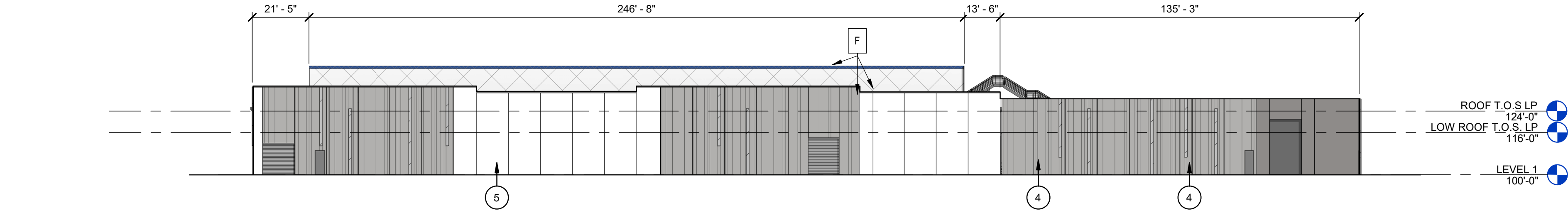
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D

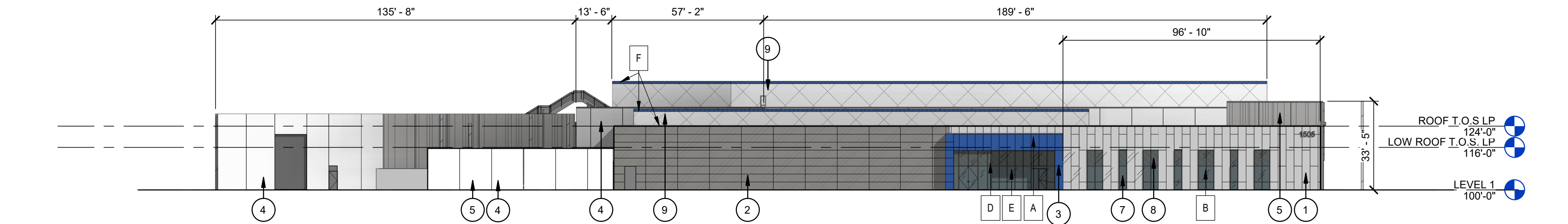
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B

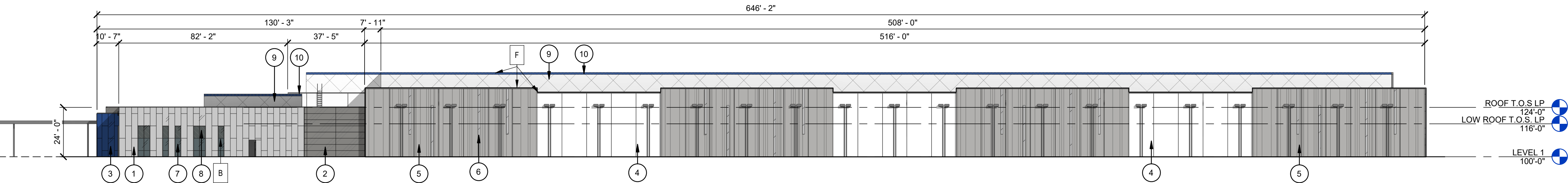
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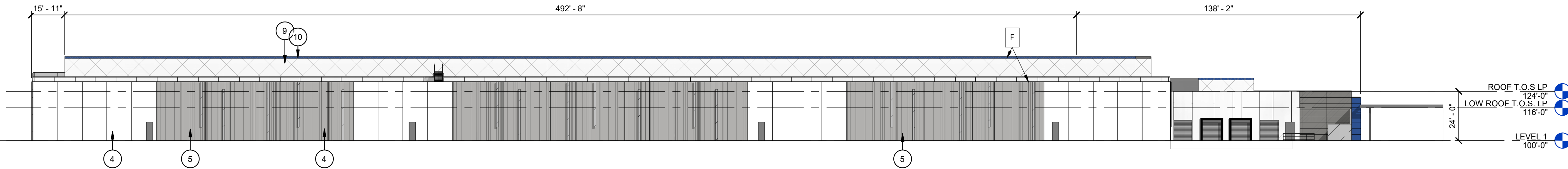
A1 OVERALL ELEVATION -WEST
SCALE 1" = 30'-0"



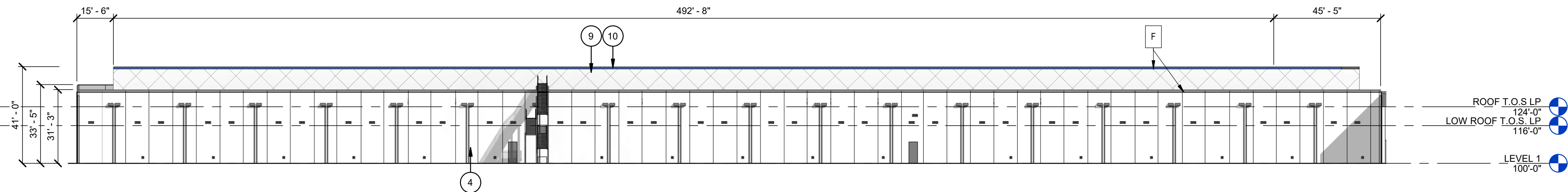
B1 OVERALL ELEVATION -EAST (FRONT ELEVATION)
SCALE 1" = 30'-0"



C1 OVERALL ELEVATION - NORTH
SCALE 1" = 30'-0"



D1 OVERALL ELEVATION -SOUTH
SCALE 1" = 30'-0"



E1 OVERALL ELEVATION -SOUTH WITHIN YARD
SCALE 1" = 30'-0"

MATERIAL LEGEND

- 1 INSULATED METAL PANEL - CLASSIC SILVER
1/2" JOINT BETWEEN PANELS
- 2 INSULATED METAL PANEL - GRAY VELVELT
1/2" JOINT BETWEEN PANELS
- 3 INSULATED METAL PANEL - DIGITAL REALTY BLUE
1/2" JOINT BETWEEN PANELS
- 4 TILT-WALL CONCRETE PANEL
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JOINT BETWEEN PANELS
- 5 TILT-WALL CONCRETE TEXTURED PANEL
PAINTED FINISH - BATTLESHIP GRAY
JOINT BETWEEN PANELS
- 6 TILT-WALL CONCRETE PANEL
PAINTED FINISH - PETOSKEY GRAY
JOINT BETWEEN PANELS
- 7 GL-1 - VISION GLASS - INSULATED GLAZING UNIT
DENOTES SAFETY GLAZING OR BULLET
RESISTANCE (BR)
- 8 GL-2 - SPANDREL GLASS - INSULATED
GLAZING UNIT
- 9 ARCHITECTURAL SCREEN WALL - CLASSIC SILVER
- 10 ARCHITECTURAL SCREEN WALL -
DIGITAL REALTY BLUE
- 11 CORRUGATED METAL PANEL - LIGHT GRAY
- 12 TRASH ENCLOSURE GATE - PAINTED STEEL BLACK

ARCH. ELEMENTS

GARLAND GDC ARTICLE 6 DIVISION 1 SECTION 4.83 A1. ARCHITECTURAL ELEMENTS

- A AWNING OR CANOPIES
- B DIVIDED LIGHT WINDOWS
- C TRANSOMS
- D RECESSED ENTRIES
- E BENCHES OR OUTDOOR SEATING
- F VARIED ROOF HEIGHTS

ARTICULATIONS

GARLAND GDC ARTICLE 6 DIVISION 1 SECTION 4.83 B. FACADE ARTICULATION

HORIZONTAL	VERTICAL
REQUIRED: MINIMUM OF ONE HORIZONTAL ARTICULATION IS REQUIRED THAT IS AT LEAST 30% OF THE BUILDING'S TOTAL STREET-FACING LENGTH. DEPTH ARTICULATION OF AT LEAST 4 FEET SHALL BE REQUIRED FOR AT LEAST 30% OF THE BUILDING FACADE LENGTH.	REQUIRED: MINIMUM OF ONE VERTICAL ARTICULATION IS REQUIRED THAT IS AT LEAST 20% OF THE BUILDING'S TOTAL STREET-FACING LENGTH. HEIGHT ARTICULATION FOR FLAT ROOFS OF AT LEAST 3 FEET SHALL BE REQUIRED FOR EVERY 50' OF THE BUILDING FACADE WIDTH.

PROPOSED PROJECT

	HORIZONTAL	VERTICAL
EAST	(416')/(0.30)=125' LENGTH	(416')/(0.20)=84' LENGTH
WEST	(416')/(0.30)=125' LENGTH	(416')/(0.20)=84' LENGTH
NORTH	(637')/(0.30)=192' LENGTH	(637')/(0.20)=128' LENGTH
SOUTH	(643')/(0.30)=193' LENGTH	(643')/(0.20)=128' LENGTH

DESIGN STANDARDS

CITY OF GARLAND SH 190 PLANNED DEVELOPMENT DISTRICT CHAPTER 6.10.

ADDRESS: 1505 FERRIS RD. GARLAND, TX 75044
~~FORMER RESTAURANT AND BAR (DART CENTER)~~
PLANNED DEVELOPMENT - 22-07

COLOR AND TEXTURED PANELS TO IMITATE THE LOOK OF WINDOWS;
HORIZONTAL OR VERTICAL ARTICULATIONS OF THE BUILDING FACADE; OR
CHANGES IN COLOR, TEXTURE, OR MATERIALS TO PROVIDE HORIZONTAL
AND/OR VERTICAL RHYTHMS

SCREENING WALLS SHALL NOT BE COMPLETELY OPAQUE.
THEY MAY BE TRANSPARENT OR SEM-OPAQUE WITH ARCHITECTURAL METAL,
WROUGHT IRON, GALVANIZED STEEL OR SIMILAR MATERIAL OR A COMBINATION
OF MASONRY COLUMNS AND WROUGHT IRON WITH LANDSCAPING

BUILDING SIGNAGE:
ALL BUILDING SIGNAGE WILL COMPLY WITH SIGNAGE REQUIREMENTS LISTED IN
CHAPTER 4 OF THE GARLAND DEVELOPMENT CODE.

Jacobs

777 MAIN STREET,
FORT WORTH, TEXAS 76102

OWNER

PROPERTY OWNER:
DIGITAL GARLAND FERRIS, LP

OWNER ADDRESS:
2323 BRYAN STREET, SUITE 1800

OWNER CONTACT INFORMATION:
RAFAL RAK - VP PORTFOLIO MGMT
RRAK@DIGITALREALTY.COM
408-429-5630

JOE HUBBARD
JHUBBARD@DIGITALREALTY.COM
214-697-3133

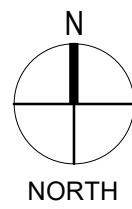
PLAN PREPARER:
JACOBS ENGINEERING GROUP INC.
ROBERT MEHALL
1999 BRYAN STREET SUITE 1200
DALLAS, TX 75201
214-638-0145

REV	DESCRIPTION	DATE
	DETAILED PLAN PRE-FILING APPLICATION - CASE NUMBER: 220519-1	2022-07-25

DIGITAL REALTY
PROJECT GOLD - GARLAND
SHELL BUILDING

1505 FERRIS RD.
GARLAND, TX 75044

G	E	C	A
H	F	D	B



NORTH

Scales: AS INDICATED



Jacobs Project No.: K4T40126

Drawing Title:

CITY SITE OVERALL
BUILDING ELEVATIONS

Date: 2022-07-25

Designed: Designer

Drawn: Author

Checked: Checker

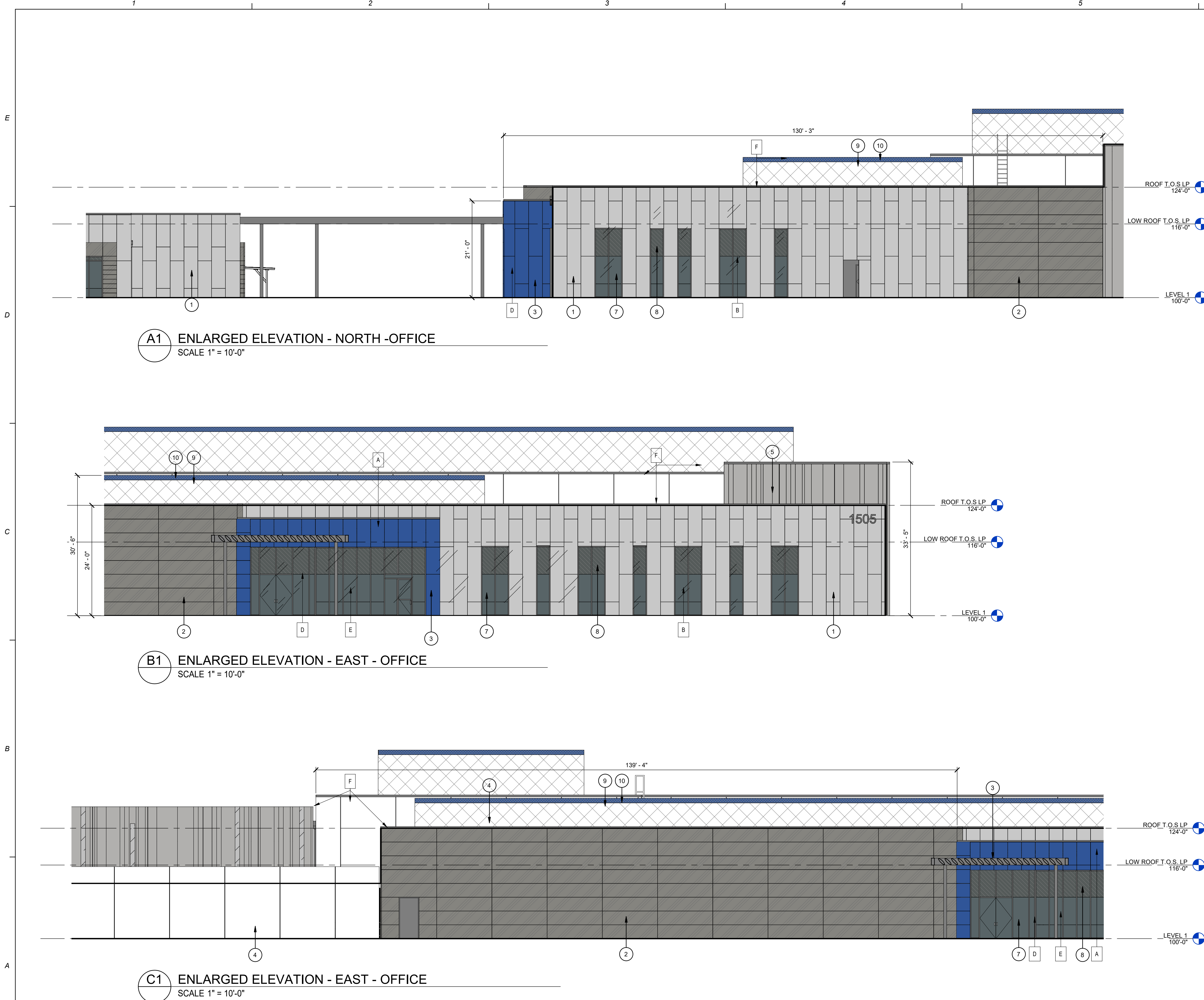
Drawing No.:

A-201

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EXHIBIT E



MATERIAL LEGEND

1		INSULATED METAL PANEL - CLASSIC SILVER 1/2" JOINT BETWEEN PANELS
2		INSULATED METAL PANEL - GRAY VELVET 1/2" JOINT BETWEEN PANELS
3		INSULATED METAL PANEL - DIGITAL REALTY BLUE 1/2" JOINT BETWEEN PANELS
4		TILT-WALL CONCRETE PANEL PAINTED FINISH - REGAL WHITE JOINT BETWEEN PANELS
5		TILT-WALL CONCRETE TEXTURED PANEL PAINTED FINISH - BATTLESHIP GRAY JOINT BETWEEN PANELS
6		TILT-WALL CONCRETE PANEL PAINTED FINISH - PETOSKEY GRAY JOINT BETWEEN PANELS
7		GL-1 - VISION GLASS - INSULATED GLAZING UNIT DENOTES SAFETY GLAZING OR BULLET RESISTANCE (BR)
8		GL-2 - SPANDREL GLASS - INSULATED GLAZING UNIT
9		ARCHITECTURAL SCREEN WALL - CLASSIC SILVER
10		ARCHITECTURAL SCREEN WALL - DIGITAL REALTY BLUE
11		CORRUGATED METAL PANEL - LIGHT GRAY
12		TRASH ENCLOSURE GATE - PAINTED STEEL BLACK

ARCH. ELEMENTS

GARLAND GDC ARTICLE 6 DIVISION 1 SECTION 4.83 A1. ARCHITECTURAL ELEMENTS

A	AWNING OR CANOPIES
B	DIVIDED LIGHT WINDOWS
C	TRANSOMS
D	RECESSED ENTRIES
E	BENCHES OR OUTDOOR SEATING
F	VARIED ROOF HEIGHTS

ARTICULATIONS

GARLAND GDC ARTICLE 6 DIVISION 1 SECTION 4.83 B. FACADE ARTICULATION

	HORIZONTAL	VERTICAL
EAST	(416')/(0.30)=125' LENGHT	(416')/(0.20)=84' LENGHT
WEST	(416')/(0.30)=125' LENGHT	(416')/(0.20)=84' LENGHT
NORTH	(637')/(0.30)=192' LENGHT	(637')/(0.20)=128' LENGHT
SOUTH	(643')/(0.30)=193' LENGHT	(643')/(0.20)=128' LENGHT

DESIGN STANDARDS

CITY OF GARLAND SH 190 PLANNED DEVELOPMENT DISTRICT CHAPTER 6.10.

ADDRESS: 1505 FERRIS RD. GARLAND, TX 75044
~~FORMERLY: RETAIL JAMES WALKER CENTER~~
~~PLANNED DEVELOPMENT - 22-07~~

COLOR AND TEXTURED PANELS TO IMITATE THE LOOK OF WINDOWS; HORIZONTAL OR VERTICAL ARTICULATIONS OF THE BUILDING FACADE; OR CHANGES IN COLOR, TEXTURE, OR MATERIALS TO PROVIDE HORIZONTAL AND/OR VERTICAL RHYTHMS

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BUILDING SIGNAGE:
ALL BUILDING SIGNAGE WILL COMPLY WITH SIGNAGE REQUIREMENTS LISTED IN CHAPTER 4 OF THE GARLAND DEVELOPMENT CODE.

Jacobs

777 MAIN STREET,
FORT WORTH, TEXAS 76102

OWNER

PROPERTY OWNER:
DIGITAL GARLAND FERRIS, LP

OWNER ADDRESS:
2323 BRYAN STREET, SUITE 1800

OWNER CONTACT INFORMATION:
RAFAL RAK - VP PORTFOLIO MGMT
RRAK@DIGITALREALTY.COM
408-429-5630

JOE HUBBARD
JHUBBARD@DIGITALREALTY.COM
214-697-3133

PLAN PREPARER:
JACOBS ENGINEERING GROUP INC.
ROBERT MEHALL
1999 BRYAN STREET SUITE 1200
DALLAS, TX 75201
214-638-0145

REV	DESCRIPTION	DATE
	DETAILED PLAN PRE-FILING APPLICATION - CASE NUMBER: 220519-1	2022-07-25

DIGITAL REALTY
PROJECT GOLD - GARLAND
SHELL BUILDING

1505 FERRIS RD.
GARLAND, TX 75044

N

NORTH

Scales: AS INDICATED

0 30' 60' 90'

1" = 30'-0"

Jacobs Project No.: K4T40126

Drawing Title:
CITY SITE ENLARGED ELEVATIONS

Date: 2022-07-25

Designed: Designer
Drawn: Author
Checked: Checker

Drawing No.:
A-202

Autodesk Docs://US TX_ K4T40126_Digital Realty_ Project Gold Garland/K4T40126_V22_DLR_Garland_ARCH.rvt

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EXHIBIT E

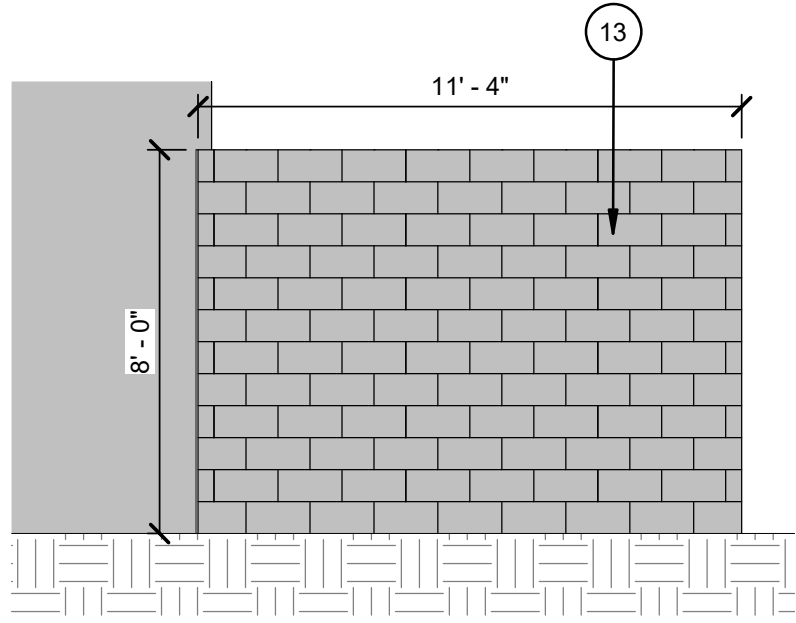
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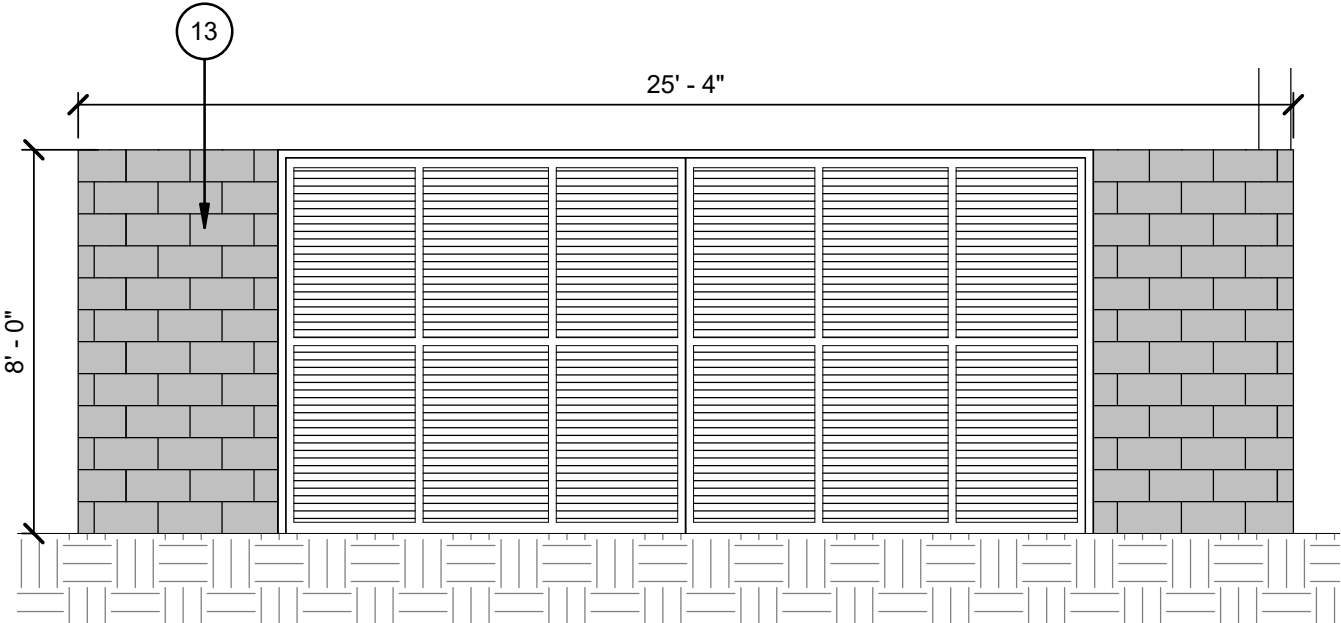
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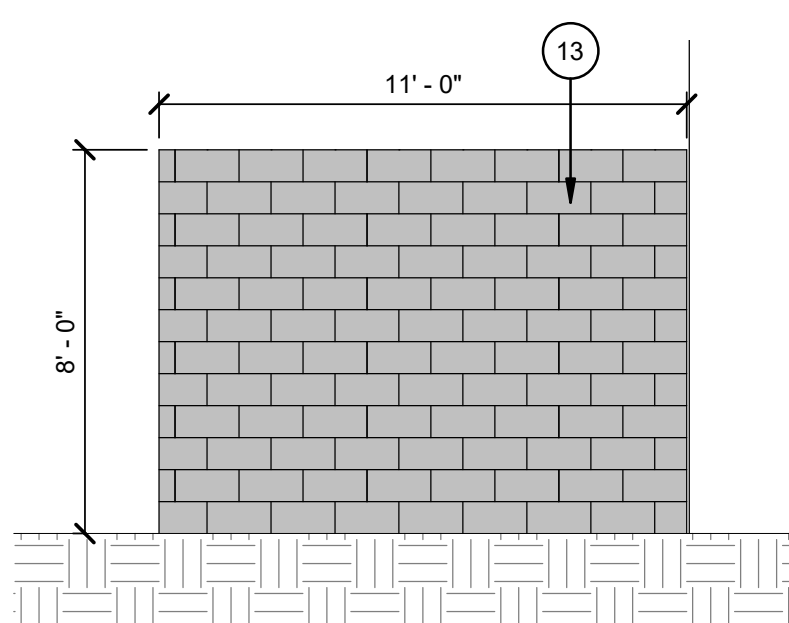
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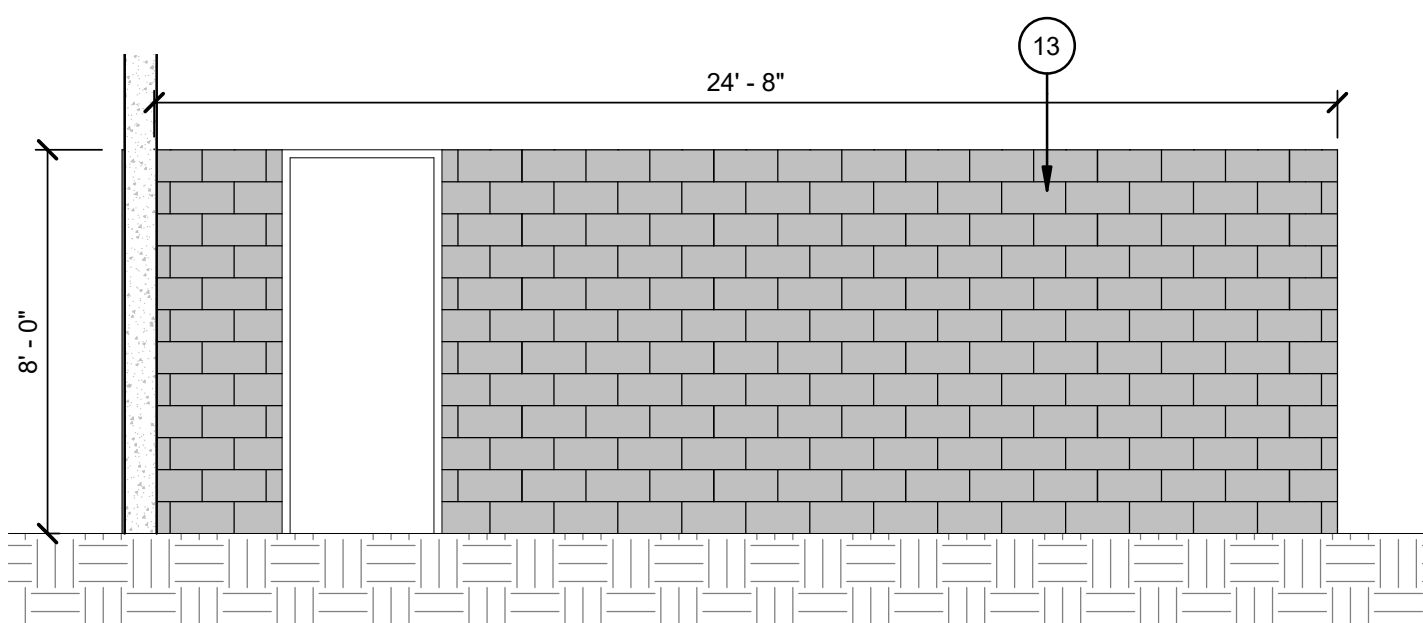
E1 ELEVATION - TRASH ENCLOSURE
SCALE 1/4" = 1'-0"



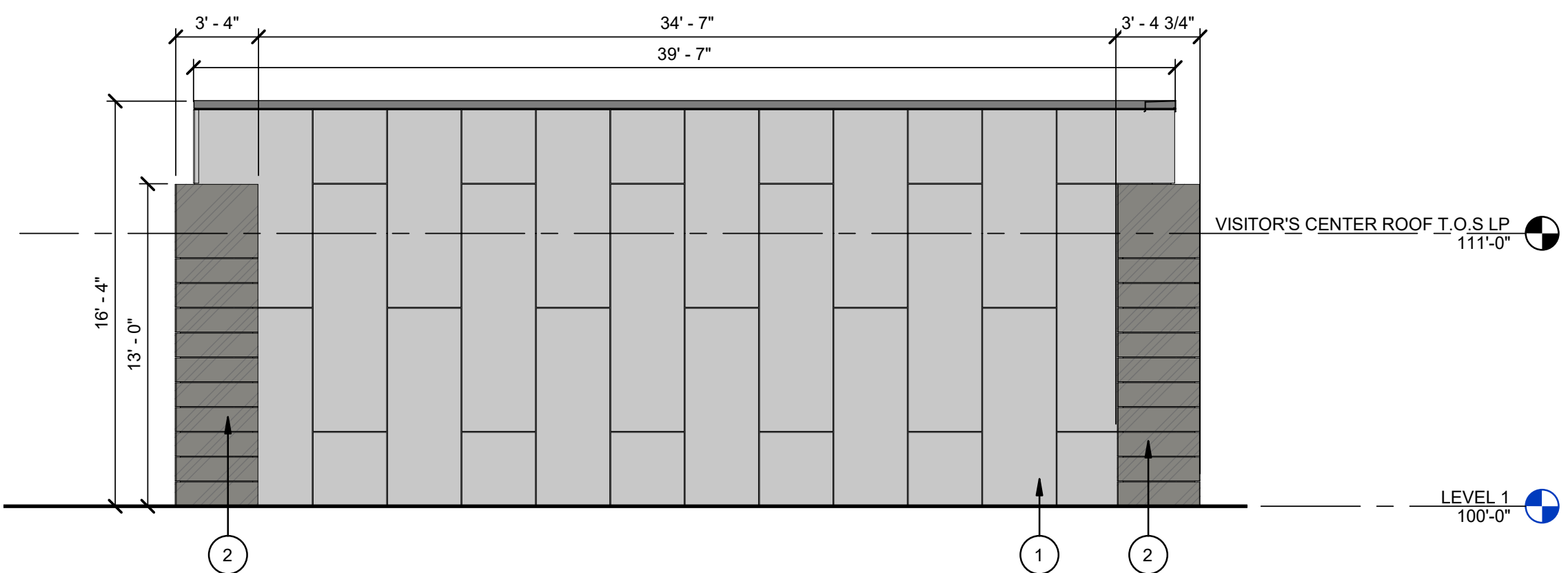
E2 ELEVATION - TRASH ENCLOSURE
SCALE 1/4" = 1'-0"



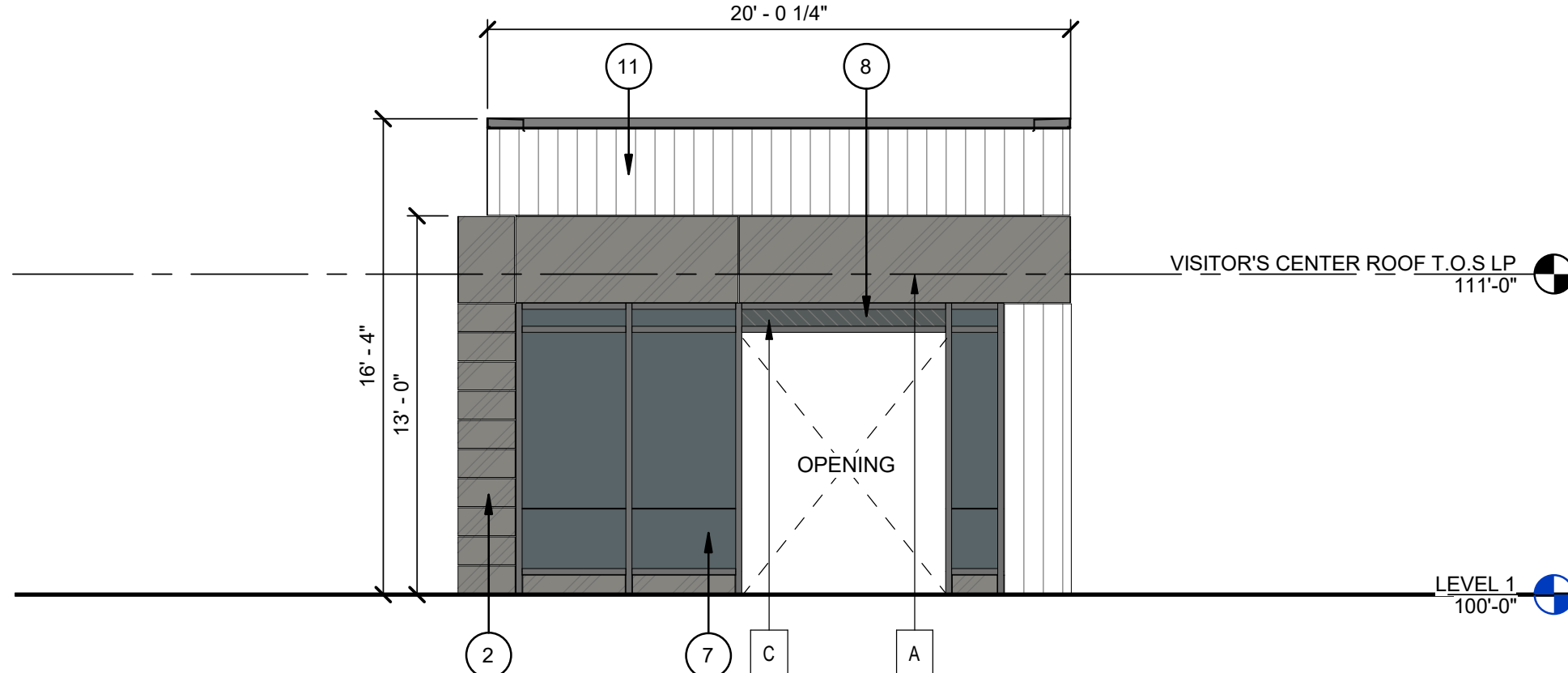
E3 ELEVATION TRASH ENCLOSURE
SCALE 1/4" = 1'-0"



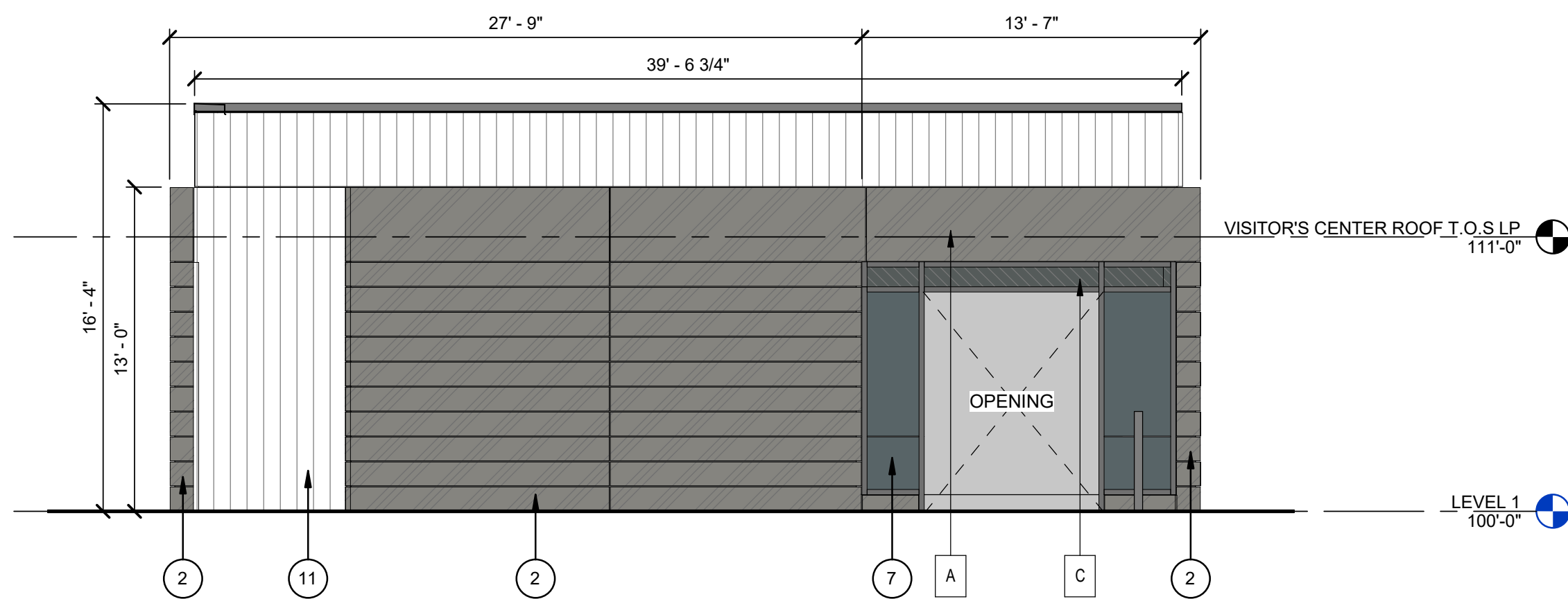
E4 ELEVATION TRASH ENCLOSURE
SCALE 1/4" = 1'-0"



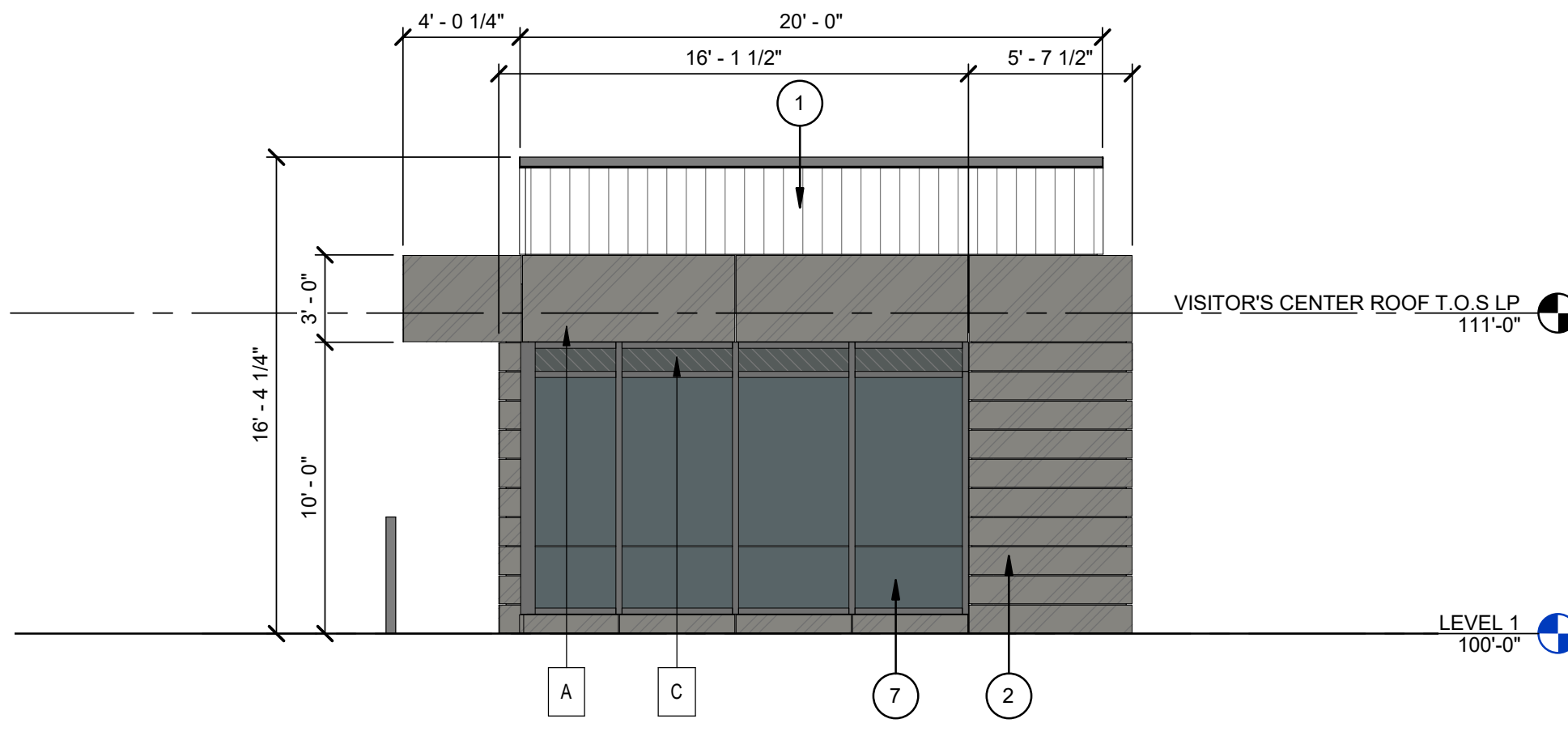
A1 ENLARGED ELEVATION - PRECHECK PAVILION - WEST
SCALE 3/16" = 1'-0"



B1 ENLARGED ELEVATION - PRECHECK PAVILION - SOUTH
SCALE 3/16" = 1'-0"



C1 ENLARGED ELEVATION - PRECHECK PAVILION - EAST
SCALE 3/16" = 1'-0"



D1 ENLARGED ELEVATION - PRECHECK PAVILION - NORTH
SCALE 3/16" = 1'-0"

MATERIAL LEGEND

- 1 INSULATED METAL PANEL - CLASSIC SILVER
1/2" JOINT BETWEEN PANELS
- 2 INSULATED METAL PANEL - GRAY VELVET
1/2" JOINT BETWEEN PANELS
- 3 INSULATED METAL PANEL - DIGITAL REALTY BLUE
1/2" JOINT BETWEEN PANELS
- 4 TILT-WALL CONCRETE PANEL
PAINTED FINISH - REGAL WHITE
JOINT BETWEEN PANELS
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- 7 GL-1 - VISION GLASS - INSULATED GLAZING UNIT
DENOTES SAFETY GLAZING OR BULLET
RESISTANCE (BR)
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GLAZING UNIT
- 9 ARCHITECTURAL SCREEN WALL - CLASSIC SILVER
- 10 ARCHITECTURAL SCREEN WALL -
DIGITAL REALTY BLUE
- 11 CORRUGATED METAL PANEL - LIGHT GRAY
- 12 TRASH ENCLOSURE GATE - PAINTED STEEL BLACK
- 13 TRASH ENCLOSURE CMU WALL
PAINTED FINISH - PETOSKEY GRAY

ARCH. ELEMENTS

GARLAND GDC ARTICLE 6 DIVISION 1 SECTION 4.83 A1. ARCHITECTURAL ELEMENTS

- A AWNING OR CANOPIES
- B DIVIDED LIGHT WINDOWS
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ARTICULATIONS

GARLAND GDC ARTICLE 6 DIVISION 1 SECTION 4.83 B. FACADE ARTICULATION

HORIZONTAL	VERTICAL
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PROPOSED PROJECT

	HORIZONTAL	VERTICAL
EAST	(416')*(0.30)=125' LENGHT	(416')*(0.20)=84' LENGHT
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DESIGN STANDARDS

CITY OF GARLAND SH 190 PLANNED DEVELOPMENT DISTRICT CHAPTER 6.10.

ADDRESS: 1505 FERRIS RD. GARLAND, TX 75044
ZONING: RETAIL MIXED-USE (DATA CENTER)
PLANNED DEVELOPMENT - 22-47

COLOR AND TEXTURED PANELS TO IMITATE THE LOOK OF WINDOWS;
HORIZONTAL OR VERTICAL ARTICULATIONS OF THE BUILDING FACADE; OR
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CHAPTER 4 OF THE GARLAND DEVELOPMENT CODE.

Jacobs

777 MAIN STREET,
FORT WORTH, TEXAS 76102

OWNER

PROPERTY OWNER:
DIGITAL GARLAND FERRIS, LP

OWNER ADDRESS:
2323 BRYAN STREET, SUITE 1800

OWNER CONTACT INFORMATION:
RAFAL RAK - VP PORTFOLIO MGMT
RRAK@DIGITALREALTY.COM
408-429-5630

JOE HUBBARD
JHUBBARD@DIGITALREALTY.COM
214-697-3133

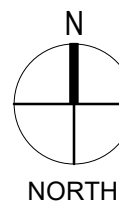
PLAN PREPARER:
JACOBS ENGINEERING GROUP INC.
ROBERT MEHALL
1999 BRYAN STREET SUITE 1200
DALLAS, TX 75201
214-638-0145

REV	DESCRIPTION	DATE
	DETAILED PLAN PRE-FILING APPLICATION - CASE NUMBER: 220519-1	2022-07-25

DIGITAL REALTY
PROJECT GOLD - GARLAND
SHELL BUILDING

1505 FERRIS RD.
GARLAND, TX 75044

G	E	C	A
H	F	D	B



Scales: AS INDICATED

Jacobs Project No.: K4T40126

Drawing Title:

**CITY SITE PRECHECK
PAVILION ELEVATIONS**

Date: 2022-07-25

Designed: Designer

Drawn: Author

Checked: Checker

Drawing No.:

A-203



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

4.

Meeting Date: 12/13/2022

Item Title: Collections for Parking Citations

Submitted By: Brian England, City Attorney

Summary of Request/Problem

This Item was presented to Council at the December 12, 2022 Work Session as a written briefing. The Garland Parking Enforcement program has been in place for approximately three years. Over that time, the amount of unpaid parking tickets has increased and created a need for the City to contract with a third-party Collections agency. The City uses Collections Agencies for other delinquent fees and fines. State law specifically authorizes a City to enter into an agreement with third-party Collection Agencies related to parking tickets, and allows the agency to collect up to thirty percent of the unpaid parking ticket amounts. The law requires the additional collected amount only be used to compensate the Collection Agency.

Recommendation/Action Requested and Justification

Council is requested to approve the attached ordinance which clarifies the City's ability under State law to send unpaid parking tickets to a third-party Collection's Agency and allow that Agency to collect an amount up to an additional thirty percent of any unpaid parking fees.

Attachments

Collections on Parking Citations Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 24.44, "CIVIL PENALTY," AND 24.45, "ENFORCEMENT OF PARKING VIOLATION ORDERS," OF ARTICLE III, "ADMINISTRATIVE ADJUDICATION OF PARKING OFFENSES," OF CHAPTER 24, "MUNICIPAL COURT AND ADMINISTRATIVE ADJUDICATION," OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY UNDER THE PROVISIONS OF SECTION 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE.

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

Section 1

That Section 24.44, "Civil Penalty," of Article III, "ADMINISTRATIVE ADJUDICATION OF PARKING OFFENSES," of Chapter 24, "MUNICIPAL COURT AND ADMINISTRATIVE ADJUDICATION," of the Code of Ordinances of the City of Garland, Texas, is hereby amended *in part* to read as follows:

"Sec. 24.44 Civil Penalty

...

(B) A civil penalty must be paid no later than the 65th day after the issuance of the citation. A penalty paid after that date is subject to a \$25.00 late fee and a collections fee, as authorized by Section 103.0031 of the Texas Code of Criminal Procedure, in the amount of thirty percent of the total amount of penalty and fees. The collections fee will be used to compensate any third-party private attorney or private vendor who earns the fee by collecting the unpaid amount.

..."

Section 2

That Section 24.45, "Enforcement of parking violation orders," of Article III, "ADMINISTRATIVE ADJUDICATION OF PARKING OFFENSES," of Chapter 24, "MUNICIPAL COURT AND ADMINISTRATIVE ADJUDICATION," of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Sec. 24.45 Enforcement of parking violation orders

For parking violations, in addition to the remedies provided by section 24.52, a final order of liability may be enforced by any one or more of the below methods:

(1) Impounding the vehicle that is the subject of the order when it is found on any public street or other public or City-owned property, if the person charged has committed five or more parking violations in any 12-month period that have not been resolved either by a finding of no liability or by payment of all penalties and costs assessed by the hearing officer;

(2) Placing a "boot" or similar device that prohibits movement of the vehicle that is the subject of the order when the vehicle is found on any public street or other public or City-owned property, if the person charged has committed three or more parking violations in any 12-month period that have not been resolved either by a finding of no liability or by payment of all penalties and costs assessed by the hearing officer;

(3) Imposing a late fee in the amount of \$25.00 for any civil penalty not paid within the designated period;

(4) Imposing a collections fee of an amount not to exceed thirty percent of the unpaid civil penalty and late fee amounts due; or

(5) Denying any parking permit or privileges issued or granted by the City."

Section 3

That Chapter 24 of the Code of Ordinances for the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 4

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

Section 5

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

Section 6

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

PASSED AND APPROVED this the _____ day of _____, 2022.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

PUBLISHED:

City Secretary



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

5.

Meeting Date: 12/13/2022

Item Title: Master Interlocal Agreement with Dallas County for Maintenance on Certain Designated Roadways

Submitted By: Steve Oliver, Streets Director

Summary of Request/Problem

The City of Garland has an existing five-year Master Interlocal Agreement (ILA) with Dallas County (County) for Maintenance on Certain Designated Roadways. This Master ILA, which covers the years 2018 - 2022, expires at the end of this year, so a new agreement covering the years 2023 - 2027 must be executed before any additional Project Specific Agreements can be executed. The agreement provides for a 50/50 cost share program between the County and the City to participate in maintenance/repairs on designated roadways and bridges, and it also establishes the governing and general financial responsibilities of each agency with respect to individual projects.

The City has benefited significantly from the current Master ILA. During this five-year period, the County has participated on a 50/50 cost share basis for street repair projects on Arapaho Road, Pleasant Valley/Elm Grove Road (the route to the Hinton Landfill that the City maintains), Shiloh Road, Duck Creek Drive, Oates Road and several bridge remediation projects.

This item was considered by the City Council at the December 5, 2022 Work Session.

Recommendation/Action Requested and Justification

Approve the attached Resolution authorizing the City Manager to execute the attached Master Interlocal Agreement with Dallas County for Transportation-Related Maintenance on or about certain designated roadways within the City of Garland.

Attachments

Resolution
Master ILA

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MASTER AGREEMENT WITH DALLAS COUNTY FOR TRANSPORTATION RELATED MAINTENANCE ON DESIGNATED ROADWAYS WITHIN THE CITY OF GARLAND, DALLAS COUNTY; 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 a Master Agreement with Dallas County for transportation related maintenance on certain designated roadways, attached hereto as Exhibit "A" and incorporated herein by reference.

Section 2

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

PASSED AND APPROVED this the _____ of _____, 2022.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

**MASTER INTERLOCAL AGREEMENT
BETWEEN DALLAS COUNTY AND THE CITY OF GARLAND
PERTAINING TO ROAD AND BRIDGE TRANSPORTATION-RELATED
IMPROVEMENTS AND/OR MAINTENANCE ON OR ABOUT CERTAIN
DESIGNATED ROADWAYS SITUATED WITHIN THE TERRITORIAL
LIMITS OF THE CITY OF GARLAND**

This Master Interlocal Agreement is made by and between Dallas County, Texas, hereinafter (“County”) and the City of Garland, Texas, a Texas home rule city (hereinafter (“City/Town” refers to the applicable City or Town, which is a party to this Master Interlocal Agreement) acting by and through their duly authorized representatives and officials, which desire to enter into an Interlocal Agreement, hereinafter (“Master Agreement”) for the purpose of transportation improvements and/or maintenance on roads inside Dallas County.

WHEREAS, pursuant to Court Order _____, dated _____, County Commissioners Court approved participation in transportation projects within the City/Town of _____;

WHEREAS, Chapter 791 of the Texas Government Code and Chapters 251 and 472 of the Texas Transportation Code provide authorization for local governments to contract amongst themselves for the performance of governmental functions and services;

WHEREAS, the County and the City/Town desire to enter into an Interlocal Agreement (“Master Agreement”) for the purpose of coordinating, facilitating and/or funding improvements and/or maintenance activity on certain duly qualified “Type A” roadways and bridges, which are situated within the unincorporated portions of the County that are on public right-of-way;

WHEREAS, the County and the City/Town desire to enter into an Interlocal Agreement (“Master Agreement”) for the purpose of coordinating, facilitating and/or funding improvements and/or maintenance activity on certain duly qualified “Type B” roadways and bridges, which are situated wholly within the territorial limits of the City/Town;

WHEREAS, the County and the City/Town desire to enter into an Interlocal Agreement (“Master Agreement”) for the purpose of coordinating, facilitating and/or funding improvements and/or maintenance activity on certain duly qualified “Type C” roadways, which are situated wholly within the territorial limits of the City/Town;

WHEREAS, the County and the City/Town desire to enter into an Interlocal Agreement (“Master Agreement”) for the purpose of the City/Town retaining and authorizing the County, through its Road & Bridge forces, to improve and/or maintain various “Type E” roadways, alleys, streets, bridges and drainage facilities, which are situated wholly within the territorial limits of the City/Town;

WHEREAS, the County and the City/Town desire to enter into an Interlocal Agreement (“Master Agreement”) for the purpose of the City/Town authorizing and retaining the County, through its Road & Bridge forces, to perform minor transportation-related improvements and/or

maintenance services, including but not limited to pothole repair; cleaning and clearing of drainage culverts; roadway debris removal; and the like, which services do not fall squarely within the purview of “Type B” or “Type E” roadway projects, such projects are to be performed on or about public roadways and alleyways, which are situated wholly within the territorial limits of the City/Town; and

WHEREAS, this collaboration between the County and the City/Town is consistent with the County’s Administrative Plan as the County is a proactive regional partner in that it fosters partnerships between the County and local cities therein on local transportation projects. This collaboration between the County and the City/Town is also consistent with the County’s Vision Statement to improve people’s lives.

NOW THEREFORE, THIS MASTER AGREEMENT is hereby made and entered into between the County and the City/Town for the mutual consideration stated herein:

ARTICLE I. PURPOSE

City/Town has requested in the past, and will likely request in the foreseeable future (1) that the County provide funding of certain roadway and/or bridge improvements and/or maintenance projects (“projects”) within the unincorporated portions of the County that are on public right-of-way, which projects shall be duly qualified “Type A” Roadway Projects; (2) that the County participate in the funding of certain roadway improvements and/or maintenance projects (“projects”) on the City/Town’s street system, which projects shall be duly qualified “Type B” Roadway Projects; (3) that County participate in the funding of certain roadway improvements and/or maintenance projects (“projects”) on the City/Town’s street system, which projects shall be duly qualified “Type C” Roadway Projects; (4) that the County provide certain roadway improvements and/or maintenance services (“projects”) on the City/Town’s street system, which projects shall be duly qualified “Type E” Projects on streets, alleys, roads, bridges and drainage facilities for the City/Town; or (5) that the County, through its Road & Bridge forces, perform certain minor transportation-related improvements and/or maintenance services on or about the City/Town’s streets, alleys, and roads, which do not fall squarely within the collaborations contemplated by the aforementioned. The terms and conditions set forth herein provide the cooperative framework for the County and the City/Town to undertake one or more of these transportation-related improvements and/or maintenance projects upon public roadways that are situated wholly within the incorporated and territorial jurisdiction of the City/Town, said roadways being of significance and benefit to the County.

Each roadway improvements and/or maintenance project commenced hereunder shall be fully and specifically set forth and described in a separate Project Specific Agreement hereinafter (“PSA”), and shall be approved by specific order of the Commissioners Court of Dallas County, as well as the governing body of the City/Town.

Projects undertaken pursuant to this Master Agreement are for the benefit of the City/Town and the County, and not the purposeful benefit of any third parties. It is the express intention of the City/Town and the County that any person or entity, other than the City/Town or the County, receiving services or benefits hereunder shall be deemed incidental beneficiaries only.

Nothing herein shall be construed so as to prevent the County and the City/Town from collaborating and working jointly, without prior and formal approval of their respective governing bodies, in cases of national, state or local emergencies or natural disasters. See Tex. Gov't Code Ann. § 791.027 (West 1991). See also Dallas County Code Chapter 102, Section 102-5 (e) regarding minor maintenance in response to emergency road conditions or for purposes of natural disaster relief requested by other governmental jurisdictions.

ARTICLE II. DEFINITIONS

The following definitions for the types of roads listed below are incorporated by reference into this Master Agreement for all purposes.

1. Type A: Improvements and maintenance of roads and bridges located within the unincorporated portions of the County that are on public right-of-way. This includes roads within court-approved subdivisions in which the improvements and rights-of-way have been dedicated to the County and accepted by the Commissioners Court.
2. Type B: Improvements and maintenance of thoroughfares and bridges of major cross-county importance which are either existing or proposed. The Regional Thoroughfare Plan for North Central Texas Council of Governments and Dallas County Mobility Plan will be used as a guide to determine which thoroughfares are of major cross-county importance.
3. Type C: Improvements and maintenance of thoroughfares which are affected by state highway programs, planning and policies, including right-of-way, curb and gutter, and storm sewer projects that participate with state department of highways and public transportation as designated by the state as being part of the state highway system.
4. Type E: Improvements and maintenance of streets, alleys, roads, bridges and drainage facilities for a local governmental entity as defined under Chapter 791 of the Tex. Gov't Code Ann. (West 1999).

ARTICLE III. PERIOD/TERM OF THE MASTER AGREEMENT

This Master Agreement becomes effective when signed by the last party whose signing makes the respective Master Agreement fully executed (the "Effective Date"). This Master Agreement shall expire December 31, 2027, unless terminated in accordance with Article IV. of this Master Agreement.

ARTICLE IV. TERMINATION AND FORCE MAJEURE

A. TERMINATION

- a. This Master Agreement may be terminated by any of the following conditions:
 1. By expiration of the Period/Term of the Master Agreement.

2. By either party, by providing written notice of termination for any reason with ninety (90) days written notice to the other party pursuant to Article XIII., Paragraph E. of this Master Agreement.
- b. Either party shall have the right to retain copies of all data, information, engineering, studies, or other items produced to the date of termination.
- c. Provisions a. through c. of this Article IV, Section A, shall survive the termination of this Master Agreement.

B. FORCE MAJEURE

Neither County nor City/Town shall be in default or responsible for delays or failures in performance resulting from causes reasonably beyond its control and not attributable to its neglect. Such acts include but are not limited to acts of God, fire, storm, pandemic, epidemic, flood, earthquake, natural disaster, nuclear accident, strike, air traffic disruption, invasion, insurrection, lockout, stoppage of labor, riot, freight embargo, public regulated utility, or governmental statutes, orders, or regulations superimposed after the fact. Any party delayed by force majeure shall as soon as reasonably possible give the other party written notice of the delay. If reasonably practical, the party claiming the suspension shall give notice of such impediment or delay in performance to the other party within ten (10) days of the knowledge of such occurrence. The party delayed shall use reasonable diligence to correct the cause of the delay, if correctable, and if the condition that caused the delay is corrected, the party delayed shall immediately give the other party written notice thereof and shall resume performance under this Master Agreement as soon as practicable. In the event of such an occurrence, the time for performance of such obligations or duty shall be suspended until such time that such inability to perform, shall be removed. Each party shall make all reasonable efforts to mitigate the effects of any suspension. The provisions of this Article IV, Section B, shall survive the termination of this Master Agreement.

ARTICLE V. IMMUNITY AND LIABILITY FOR ACTS AND OMISSIONS

County and City/Town agree that no provision of this Master Agreement is in any way intended to constitute a waiver of any immunities from suit or liability, or a waiver of any tort limitation, that the parties have by operation of law, or otherwise. County and City/Town agree that both County and City/Town shall each be responsible for their own negligent acts or omissions or other tortious conduct in the course of performance of this Master Agreement without waiving any governmental/sovereign immunity available to the County or the City/Town or their respective officials, officers, employees or agents under Texas or other law and without waiving any available defenses under Texas or other law. In the event of joint and concurrent negligence of the parties to this Master Agreement, responsibility, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without waiving any defenses, including governmental/sovereign immunity, or other defenses available to the parties under federal or Texas law. Nothing in this paragraph shall be construed to create or grant any rights, contractual or otherwise, in or to any third persons or entities. The provisions of this Article V. shall survive the termination, expiration, or cancellation of this Master Agreement, or any determination

that this Master Agreement or any portion hereof is void, voidable, invalid, or unenforceable.

ARTICLE VI. CITY/TOWN'S FUNDING CONTRIBUTION

For "Type A" projects, the City/Town shall be responsible for zero percent (0%) of the funding and payment for the roadway and/or bridges improvements and/or maintenance services.

For duly qualified "Type B" and "Type C" projects contemplated hereunder, the City/Town shall be responsible for the total funding and payment for the roadway improvements and/or maintenance services, less any amounts contributed by the County, which contributions, if any by the County, may not exceed fifty percent (50%) of the actual total project costs, and may be made through commitment of financial resources or in-kind services, i.e., use of County's labor, equipment and/or materials.

For "Type E" projects and all other projects contemplated hereunder, the City/Town shall be responsible for one hundred percent (100%) of the funding and payment for services provided in whole or in part through the use of County Road & Bridge personnel, equipment and/or materials.

Pursuant to § 791.011(d)(3) of the Texas Government Code, each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party. All expenditures herein undertaken by the City/Town and/or the County for the performance of these governmental functions or services shall be made from current revenues available to them.

ARTICLE VII. CITY/TOWN'S OBLIGATIONS

Prior to the commencement of any project hereunder, the City/Town shall clearly detail the location and type of project, along with the scope and nature of the services to be performed in a document other than an interlocal agreement ("Master Agreement"). Should the City/Town desire that the County, through deployment of its Road & Bridge workforces, perform such services, the County shall prepare a written and detailed proposal for the City/Town's consideration and approval, indicating all work to be performed by the County, and at what costs and expense to the City/Town. Before any such work commences on a project, the City/Town and the County must have a clear and mutual understanding of the scope of services and/or funding to be provided by the County and the City/Town, describe the type of project to be undertaken; identify the project's location; the costs associated with such project; and be approved by the Commissioners Court of the County. Said mutual understanding between the County and the City/Town shall be evidenced by written documentation in a document other than the interlocal agreement, i.e. in a Project Specific Agreement, which shall only be binding once approved by the Commissioners Court of County and the governing body of the City/Town. The County may not accept and the City/Town may not offer payment for a project undertaken without approval of the Commissioners Court of the County and the governing body of the City/Town, and shall only be binding once approved by the County and the governing body of the City/Town.

For all projects wherein the County is obligated to provide improvements and/or maintenance services, once approved by the Commissioners Court of the County and immediately upon the County's commencement of work duly authorized by them, the City/Town shall set aside, segregate and escrow for the County's benefit, the total estimated amount of the project for each project undertaken. County may elect to bill against segregated funds on a monthly basis for services performed during the course of the month, or it may bill against the segregated funds in full once a project is completed. In either event, the County shall be paid promptly, and in full once the project is completed.

Where required by the nature of the projects undertaken, the City/Town, at its own expense, shall be responsible for the following: (1) informing the public of the proposed improvements, maintenance or construction activity regarding the project; (2) acquiring any right-of-way necessary to complete the project under consideration; (3) locating all manholes, water valves, and other utilities within the project; (4) making or causing to be made, all utility relocations or adjustments necessary for the execution and completion of the project; (5) remediating any hazardous or regulated materials, or other environmental hazards on or near the project site; and (6) where necessary, providing appropriate traffic control support, including but not limited to flagging, cones, barricades, shadow vehicles, arrow boards, signage, police presence, etc., to enable the project to be completed in a timely and safe manner. City/Town agrees to accomplish these functions, if required by the project under consideration, in a timely and efficient manner to ensure that such activity will not delay the County's timely performance of its improvements and/or maintenance activities.

City/Town agrees to permit the County, at the County's expense, to conduct routine special studies of traffic conditions within the City/Town, which studies may include traffic counts, measurements of speeds, delays, congestion, etc.

City/Town agrees to comply with Chapter 251 of the Tex. Transp. Code Ann. (West 1995) and the current Dallas County Code, (1-19-2021, Chapter 102 Road and Bridge District, Article III, Section 102-71 through Section 102-107, regarding road/street names/address policy and guidelines. This Master Agreement references the most current edition of the Dallas County Code. Amendments, updates, additions, or supplements may be issued by Dallas County, which may be provided to the city/town on an as-needed basis, during the term of this Master Agreement.

ARTICLE VIII. COUNTY'S CONTRIBUTION

For all projects contemplated hereunder, the County shall contribute as follows:

1. For "Type A" roadways and bridges, the County shall be responsible for one hundred percent (100%) of the funding and payment for the roadway and bridges improvements and/or maintenance services.
2. For all duly qualified "Type B" and "Type C" roadway projects, the County shall contribute an amount not to exceed fifty percent (50%) of the total actual project costs, which contribution may be through pledge and commitment of County Road

and Bridge funds, use of County Road and Bridge personnel and/or equipment, or a combination of the two.

- 3 For “Type E” roadway projects and all other duly qualified projects, the County’s contribution hereunder shall be limited solely to supplying labor, materials and/or equipment necessary to provide improvements and/or maintenance services, all of which shall be provided at the City/Town’s, or another funding source’s, expense at one hundred percent (100%).

ARTICLE IX. COUNTY’S OBLIGATIONS

County shall not undertake performance of any project hereunder, until such time as same has been specifically approved per the protocols set forth in Article I. as listed above and incorporated herein by reference. Once so approved, if called upon to do so, the County shall perform all services contemplated hereunder in a good and workmanlike manner. Further, the County shall not assign its rights, or delegate its duties and obligations hereunder to any third party without prior written approval of the City/Town and formal approval by the governing body of each party. Nothing herein shall be construed to prohibit the County from using subcontractors, where reasonably necessary, to aid in the completion of projects.

Should the County, in executing any project contemplated hereunder, encounter adverse conditions unforeseen by the City/Town or the County, the County shall immediately bring same to the attention of the City/Town, and await direction and guidance from the City/Town on the resolution of same. Where reasonably required by nature of the unknown condition, the County may cease performance hereunder until such time as adverse conditions are rectified or remedied by the City/Town, and such delay shall not constitute a material breach of this Master Agreement.

ARTICLE X. FISCAL FUNDING

Notwithstanding anything to the contrary herein, this Master Agreement is expressly contingent upon the availability of County funding for each item and obligation contained herein. City/Town shall have no right of action against the County as regards this Master Agreement, specifically including any funding by County of the Project in the event that the County is unable to fulfill its obligations under this Master Agreement as a result of the lack of sufficient funding for any item or obligation from any source utilized to fund this Master Agreement or failure of any funding party to budget or authorize funding for this Master Agreement during the current or future fiscal years. In the event of insufficient funding, or if funds become unavailable in whole or part, the County, at its sole discretion, may provide funds from a separate source or terminate this Master Agreement. In the event that payments or expenditures are made, they shall be made from current funds as required by Chapter 791 of the Texas Government Code.

Notwithstanding anything to the contrary herein, this Master Agreement is expressly contingent upon the availability of City/Town funding for each item and obligation contained herein. County shall have no right of action against the City/Town as regards this Master Agreement, specifically including any funding by City/Town of the Project in the event that the City/Town is

unable to fulfill its obligations under this Master Agreement as a result of the lack of sufficient funding for any item or obligation from any source utilized to fund this Master Agreement or failure of any funding party to budget or authorize funding for this Master Agreement during the current or future fiscal years. In the event of insufficient funding, or if funds become unavailable in whole or part, the City/Town, at its sole discretion, may provide funds from a separate source or terminate this Master Agreement. In the event that payments or expenditures are made, they shall be made from current funds as required by Chapter 791 of the Texas Government Code.

ARTICLE XI. ORPHAN ROAD POLICY

- A. Orphan road shall mean all or part of a street or road right-of-way, which is outside the incorporated limits of a municipality/municipalities and the incorporated area of the municipality/municipalities abuts or extends into the right-of-way. Type “A” improvements and maintenance of roads and bridges located within the unincorporated portions of the County that are on public right-of-way, which includes roads within court-approved subdivisions in which the improvements and rights-of-way have been dedicated to the county and accepted by the County’s Commissioners Court. These roadway segments have, in effect, been “orphaned” by the abutting City/Town (or cities) that they serve in that they have been left unincorporated. Thus, the County has primary responsibility for maintenance, operation, enforcement, police and/or emergency services within these unincorporated rights-of-way.
- B. The County encourages all Cities adjacent to orphan roads in the County to develop, commit to and submit a plan to the County for completing the annexation of the orphan road segments and assuming full responsibility for these roadways. In instances where two cities abut the same orphan road segment, the County encourages the two cities to jointly develop a plan for the annexation of that segment. The County offers its assistance to the cities in developing such plans.
- C. The County, at the discretion of the Commissioners Court, may give additional selection value to projects in Cities that have submitted a specific plan for the annexation of orphan roads when the County selects, approves, and schedules projects for road and bridge district participation in funding (“Type B” work). Such preference may also be given in approving projects for funding in the County’s major capital improvement program (“MCIP”).
- D. The County, at the discretion of the Commissioners Court, may also refuse to participate in discretionary projects, such as road and bridge district projects or MCIP projects, in a City that elects not to pursue the annexation of orphan road segments that abut its boundaries. Failure to notify the County of the City’s intent to annex and/or failure to submit a plan for annexation in a timely manner shall be construed by the County as the City’s election not to pursue annexation.
- E. The County, at the discretion of the Commissioners Court, may select specific orphan road segments for improvement when a City commits to annexation of the segment upon completion of the project. However, the specific plan for annexation of orphan roads submitted by the City will not be limited to annexation upon completion of improvements by the County. The County improvements may be made as road and bridge projects or as MCIP Projects (subject to other MCIP criteria, including but not

limited to the Regional Thoroughfare Plan for North Central Texas Council of Governments and the Dallas County Mobility Plan designation and City cost participation).

- F. This policy application is prospective and projects selected by the County and approved by the Commissioners Court prior to the date of the adoption of this policy shall not be impacted by this policy.
- G. The County shall provide written notification of the adoption of, and future revisions of, this policy to the cities abutting orphan road segments.
- H. The Director of the County's Public Works Department shall maintain a listing of orphan roads and the city or cities they abut and shall provide updates to the Commissioners Court and to the cities as changes occur. The listing and changes to the listing shall be based on municipal boundary and annexation information provided to the County's Public Works Department by the cities as required by Tex. Loc. Gov't Code, § 242.001(c).
- I. The provisions of this Article XI of this Master Agreement shall survive the termination of this Master Agreement.

(Dallas County Code, Chapter 102, Article IV, Sec. 102-131 - 102-133, 1-19-2021).

ARTICLE XII. SMALL WATERSHED DAMS

Small watershed dam/dams shall mean floodwater retarding structures that were constructed by the United States Department of Agriculture ("USDA") Natural Resources Conservation Service ("NRCS"), formerly named the Soil Conservation Service ("SCS"), in watersheds less than 250,000 acres under the authority of the Flood Control Act of 1944 and the Watershed Protection and Flood Prevention Act of 1954. These structures typically have earthen embankments with principal and auxiliary spillways.

The County encourages all cities/towns adjacent to small watershed dams maintained by the County to develop, commit to and submit a plan to the County for assuming full responsibility for the operations and maintenance of these dams. In instances where more than one city/town abuts a small watershed dam, the County encourages the cities/towns to develop a plan for operation and maintenance of the dam. The County offers its assistance to the cities/towns in developing such plans.

- A. The County, at the discretion of the Commissioners Court, may refuse to participate in road and bridge district projects or MCIP projects in a City/Town that elects not to pursue accepting full responsibility for the operations and maintenance of small watershed dams within their jurisdiction. Failure to notify the County of the City/Town's intent to submit a plan for operations and maintenance of small watershed dams in a timely manner shall be construed by the County as the City/Town's election not to pursue operations and maintenance of these dams.
- B. Projects selected by the County and approved by the Commissioners Court prior to the Effective Date of the adoption of this policy, shall not be impacted by this policy.

C. The County shall provide written notification of the adoption of, and future revisions of, this policy to the cities abutting small watershed dams.

D. The provisions of this Article XII shall survive the termination of this Master Agreement.

ARTICLE XIII. MISCELLANEOUS PROVISIONS

A. **Applicable Law and Venue.** This Master Agreement and all matters pertinent thereto shall be construed and enforced in accordance with the laws of the State of Texas. Exclusive venue for any legal action regarding this Master Agreement and all matters pertinent thereto filed by either the County or the City/Town shall be in Dallas County, Texas. Notwithstanding anything herein to the contrary, this Master Agreement is expressly made subject to the County's and the City/Town's governmental and/or sovereign Immunity, pursuant to Title 5 of Texas Civil Practice and Remedies Code, and all applicable State of Texas and federal laws.

B. **Entire Agreement.** This Master Agreement constitutes the entire agreement between the parties respecting the subject matter contained herein, and supersede all prior and contemporaneous understandings and agreements, whether oral or in writing, between the parties respecting the same, and may not be modified except by an instrument in writing executed by the parties hereto as herein provided.

C. **Severability.** If one or more provisions in this Master Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not cause this Master Agreement to be invalid, illegal or unenforceable, but this Master Agreement shall be construed as if such provision had never been contained herein, and shall not affect the remaining provisions of this Master Agreement, which shall remain in full force and effect.

D. **Amendment.** This Master Agreement may be supplemented and/or amended at any time through the mutual consent of both the County and the City/Town. Any supplement or amendment must be in writing and approved by the parties' respective governing bodies through either a Court Order from the Commissioners Court of the County or a Resolution from the City/Town Council.

E. **Notice.** All notices, requests, demands, and other communication under this Master Agreement shall be tendered in writing and shall be deemed to have been duly given when either delivered in person, or via certified mail, postage prepaid, return receipt requested to the respective parties as follows:

COUNTY:
Director of Public Works
Records Building
500 Elm Street, Suite 5300
Dallas, Texas 75202

CITY/TOWN:
Director of Streets
P.O. Box 469002
Garland, TX 75046

Either party may change its address for notice by giving the other party written notice thereof.

- F. **Counterparts.** This Master Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
- G. **Headings.** The headings and titles used herein are for sake of convenience only, and are not intended to affect the interpretation or construction of such provisions.
- H. **Default/Waiver/Mitigation.** It is not a waiver of default if the non-defaulting party fails to declare immediately a default or delays in taking any action. Pursuit of any remedies set forth in this Master Agreement does not preclude pursuit of other remedies in this Master Agreement or as provided by law.
- I. **Assignment.** This Master Agreement may not be assigned or transferred by either party without the prior written consent of the other party and formal approval by the governing body of each party.
- J. **Binding Agreement, Parties Bound.** When this Master Agreement has been duly executed and delivered by both parties, this Master Agreement shall constitute a legal, valid, and binding obligation of the parties, their successors, and permitted assigns.
- K. **Number and Gender.** Words of any gender used in this Master Agreement shall be held and construed to include any other gender, and words in the singular shall include the plural and vice versa, unless the text clearly requires otherwise.
- L. **Effective Date.** This Master Agreement becomes effective when signed by the last party whose signing makes the respective Master Agreement fully executed (the “Effective Date”).
- M. **No Joint Enterprise/Venture.** City/Town and County agree that neither party is an agent, servant, or employee of the other party. The parties, including their agents, servants, or employees, are independent contractors, and not an agent, servant, joint enterprise/venture, or employee of any other party, and are responsible for their own acts, forbearance, negligence, and deeds, and for those of their agents, servants, or employees in conjunction with this Master Agreement. No joint enterprise/venture exists between the City/Town and County.
- N. **Contingent.** This Master Agreement is expressly contingent upon formal approval by the Commissioners Court of Dallas County and the governing body of the City/Town of Garland, Texas, a Texas home-rule municipality.

(the remainder of this page intentionally left blank)

The City of Garland, State of Texas, a Texas home-rule municipality, has executed this Master Agreement pursuant to duly authorized City/Town Council Action on the ____ day of _____, 2022.

The County of Dallas, State of Texas, has executed this Master Agreement pursuant to Commissioners Court Order Number _____ and passed on the ____ day of _____, 2022.

CITY OF GARLAND:

COUNTY OF DALLAS:

BRIAN BRADFORD
CITY MANAGER

CLAY LEWIS JENKINS
COUNTY JUDGE

Date: _____

Date: _____

ATTEST:

CITY/TOWN SECRETARY

APPROVED AS TO FORM:

APPROVED AS TO FORM:*

JOHN CREUZOT
DISTRICT ATTORNEY

Brian England
City Attorney

Jana Prigmore Ferguson
Assistant District Attorney

*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

6.

Meeting Date: 12/13/2022

Item Title: TxDOT Impaired Driving Mobilization (IDM) Grant 2023

Submitted By: Jeffrey Bryan, Chief of Police

Summary of Request/Problem

Council is requested to adopt a resolution authorizing the City Manager to accept a State of Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) – Impaired Driving Mobilization (IDM) Grant related to Driving While Intoxicated (DWI) enforcement in the amount of \$14,998.68 for FY 2023.

The required enforcement periods are scheduled to be conducted on the following dates:
Christmas/New Year's Wave – December 16, 2022, to January 1, 2023;
Spring Break Wave – March 3, 2023, to March 19, 2023;
Independence Day Wave – June 23, 2023, to July 9, 2023; and
Labor Day Wave – August 18, 2023, to September 4, 2023.

The grant will be utilized to provide a greater level of traffic safety for the citizens of the City of Garland. The goal of this grant is to increase the effective enforcement and adjudication of traffic safety-related laws; reduce the overall number of fatal and serious crashes, and to reduce the number of DWI-related crashes, injuries, and fatalities.

This item was considered by Council at the December 12, 2022, Work Session.

Recommendation/Action Requested and Justification

Approve a resolution authorizing the City Manager to accept the State of Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) – Impaired Driving Mobilization (IDM) Grant for FY 2023 in the amount of \$14,998.68.

Attachments

TXDOT IDM Agreement 2023

TXDOT IDM Resolution

Texas Traffic Safety eGrants

Fiscal Year 2023

Organization Name: City of Garland Police Department

Legal Name: City of Garland

Payee Identification Number: 17560005344000

Project Title: STEP - Impaired Driving Mobilization

ID: 2023-GarlandPD-IDM-00002

Period: 12/13/2022 to 09/07/2023

GENERAL INFORMATION

Project Title : STEP - Impaired Driving Mobilization

Project Description : To conduct DWI enforcement Waves during holiday periods to increase DWI arrests and earned media activity as part of the statewide "Drink. Drive. Go To Jail" campaign and in conjunction with the national Impaired Driving Mobilization campaign

How many years has your organization received funding for this project? This will be our fifth or more year.

PROPOSING AGENCY AUTHENTICATION

X The following person has authorized the submittal of this proposal.

Name	Jeff Bryan
Title	Chief Of Police
Address	1891 Forest Ln
City	Garland
State	Texas
Zip Code	75042
Phone Number	9722052012
Fax Number	972-485-4801
E-mail address	bryanJ@garlandtx.gov
Project Director	Daniel Wortman

COMPLIANCE REQUIREMENTS

Unique Entity Identifier: All entities wishing to do business with the federal government must have a unique entity identifier (UEI). The UEI is a 12-character, alpha-numeric value. To obtain a UEI number, applicants should go to the SAM.gov website at <https://sam.gov/content/entity-registration> and provide a screen capture or print-as-pdf version of the SAM.gov webpage with the new UEI number.

Unique Entity
Identifier SFLHMCK5EH49
(UEI) :

Please upload a
screen capture
or print-as-pdf
version of the
SAM.gov
webpage with
UEI number
https://www.dot.state.tx.us/apps/egrants/_Upload/1169275_341462-SAM.govUEI-GarlandPD.pdf

2 C.F.R. Part 200 Compliance

Enter the Begin Date and End Date of your Agency's Fiscal Year 2023

Begin Date : 10/1/2022 End Date : 9/30/2023

Your entity is required to comply with federal (OMB A-133) and/or state (State of Texas Single Audit Circular) requirements.

If threshold expenditures of \$750,000 or more are met during your agency's fiscal year, please submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Audit Office, 125 East Eleventh Street, Austin, TX 78701 or contact TxDOT's Audit Office at singleaudits@txdot.gov

If expenditures are less than \$750,000 during your agency's fiscal year, please submit a statement to TxDOT's Audit Office as follows:

"We did not meet the \$750,000 expenditure threshold and therefore we are not required to have a single audit performed for FY ."

X I agree

STEP Operating Policies and Procedures

All STEP agencies must either have established written STEP operating policies and procedures, or will develop written policies and procedures before STEP grants can be executed. Please click here for [STEP Policies and Procedures requirements.](#)

If your agency has approved STEP Operating Policies and Procedures, please upload here :
https://www.dot.state.tx.us/apps/egrants/_Upload/1169275_341463-SOPwithCoverLetter.pdf

If your agency does not have approved STEP Operating Policies and Procedures, please certify the following:

I certify that our agency will develop STEP Operating Policies and Procedures before executing the grant.

GRANT AGREEMENT GENERAL TERMS AND CONDITIONS *(Revised:07/18/2019)*

Definitions: For purposes of these Terms and Conditions, the "Department" is also known as the "State" and the "prospective primary participant" and the "Subgrantee" is also known as the "Subrecipient" and "prospective lower tier participant"

ARTICLE 1. COMPLIANCE WITH LAWS

The Subgrantee shall comply with all federal, state, and local laws, statutes, codes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any matter affecting the performance of this agreement, including, without limitation, workers' compensation laws, minimum and maximum salary and wage statutes and regulations, nondiscrimination laws and regulations, and licensing laws and regulations. When required, the Subgrantee shall furnish the Department with satisfactory proof of compliance.

ARTICLE 2. STANDARD ASSURANCES

The Subgrantee assures and certifies that it will comply with the regulations, policies, guidelines, and requirements, including 2 CFR, Part 200; and the Department's Traffic Safety Program Manual, as they relate to the application, acceptance, and use of federal or state funds for this project. Also, the Subgrantee assures and certifies that:

A. It possesses legal authority to apply for the grant; and that a resolution, motion, or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained in the application, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide any additional information that may be required.

B. It and its subcontractors will comply with Title VI of the Civil Rights Act of 1964 (Public Law 88-352), as amended, and in accordance with that Act, no person shall discriminate, on the grounds of race, color, sex, national origin, age, religion, or disability.

C. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970, as amended; 42 USC (United States Code) §§4601 et seq.; and United States Department of Transportation (USDOT) regulations, "Uniform Relocation and Real Property Acquisition for Federal and Federally Assisted Programs," 49 CFR, Part 24, which provide for fair and equitable treatment of persons displaced as a result of federal and federally assisted programs.

D. Political activity (Hatch Act) (applies to subrecipients as well as States). The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508) which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

E. It will comply with the federal Fair Labor Standards Act's minimum wage and overtime requirements for employees performing project work.

F. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

G. It will give the Department the access to and the right to examine all records, books, papers, or documents related to this Grant Agreement.

H. It will comply with all requirements imposed by the Department concerning special requirements of law, program requirements, and other administrative requirements.

I. It recognizes that many federal and state laws imposing environmental and resource conservation requirements may apply to this Grant Agreement. Some, but not all, of the major federal laws that may affect the project include: the National Environmental Policy Act of 1969, as amended, 42 USC §§4321 et seq.; the Clean Air Act, as amended, 42 USC §§7401 et seq. and sections of 29 USC; the Federal Water Pollution Control Act, as amended, 33 USC §§1251 et seq.; the Resource Conservation and Recovery Act, as amended, 42 USC §§6901 et seq.; and the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 USC §§9601 et seq. The Subgrantee also recognizes that the U.S. Environmental Protection Agency, USDOT, and other federal agencies have issued, and in the future are expected to issue, regulations, guidelines, standards, orders, directives, or other requirements that may affect this Project. Thus, it agrees to comply, and assures the compliance of each contractor and each subcontractor, with any federal requirements that the federal government may now or in the future promulgate.

J. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, 42 USC §4012a(a). Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where that insurance is available as a condition for the receipt of any federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any form of direct or indirect federal assistance.

K. It will assist the Department in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470 et seq.), Executive Order 11593, and the Antiquities Code of Texas (National Resources Code, Chapter 191).

L. It will comply with Chapter 573 of the Texas Government Code by ensuring that no officer, employee, or member of the Subgrantee's governing board or the Subgrantee's subcontractors shall vote or confirm the employment of any person related within the second degree of affinity or third degree by consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise that person. This prohibition shall not apply to the employment of a person described in Section 573.062 of the Texas Government Code.

M. It will ensure that all information collected, assembled, or maintained by the applicant relative to this project shall be available to the public during normal business hours in compliance with Chapter 552 of the Texas Government Code, unless otherwise expressly provided by law.

N. If applicable, it will comply with Chapter 551 of the Texas Government Code, which requires all regular, special, or called meetings of governmental bodies to be open to the public, except as otherwise provided by law or specifically permitted in the Texas Constitution.

ARTICLE 3. COMPENSATION

A. The method of payment for this agreement will be based on actual costs incurred up to and not to exceed the limits specified in the Project Budget. The amount included in a Project Budget category will be deemed to be an estimate only and a higher amount can be reimbursed, subject to the conditions specified in paragraph B of this Article. If the Project Budget specifies that costs are based on a specific rate, per-unit cost, or other method of payment, reimbursement will be based on the specified method.

B. All payments will be made in accordance with the Project Budget.

1. The Subgrantee's expenditures may overrun a budget category (I, II, or III) in the approved Project Budget without a grant (budget) amendment, as long as the overrun does not exceed a total of five (5) percent of the maximum amount eligible for reimbursement (TxDOT) in the attached Project Budget for the current fiscal year. This overrun must be off-set by an equivalent underrun elsewhere in the Project Budget.

2. If the overrun is five (5) percent or less, the Subgrantee must provide written notification to the Department, through the TxDOT Electronic Grants Management System (eGrants), prior to the Request for Reimbursement being approved. The notification must indicate the amount, the percent over, and the specific reason(s) for the overrun.

3. Any overrun of more than five (5) percent of the amount eligible for reimbursement (TxDOT) in the attached Project Budget requires an amendment of this Grant Agreement.

4. The maximum amount eligible for reimbursement shall not be increased above the Grand Total TxDOT Amount in the approved Project Budget, unless this Grant Agreement is amended, as described in Article 5 of this agreement.

5. For Selective Traffic Enforcement Program (STEP) grants only: In the Project Budget, Subgrantees are not allowed to use underrun funds from the TxDOT amount of (100) Salaries, Subcategories A, "Enforcement," or B, "PI&E Activities," to exceed the TxDOT amount listed in Subcategory C, "Other." Also, Subgrantees are not allowed to use underrun funds from the TxDOT amount of (100) Salaries, Subcategories A, "Enforcement," or C, "Other," to exceed the TxDOT amount listed in Subcategory B, "PI&E Activities." The TxDOT amount for Subcategory B, "PI&E Activities," or C, "Other," can only be exceeded within the five (5) percent flexibility, with underrun funds from Budget Categories II or III.

C. To be eligible for reimbursement under this agreement, a cost must be incurred in accordance with the Project Budget, within the time frame specified in the Grant Period of this Grant Agreement, attributable to work covered by this agreement, and which has been completed in a manner satisfactory and acceptable to the Department.

D. Federal or TxDOT funds cannot supplant (replace) funds from any other sources. The term "supplanting," refers to the use of federal or TxDOT funds to support personnel or an activity already supported by local or state funds.

E. Payment of costs incurred under this agreement is further governed by the cost principles outlined in 2 CFR Part 200.

F. The Subgrantee agrees to submit monthly Requests for Reimbursement, as designated in this Grant Agreement, within thirty (30) days after the end of the billing period. The Request for Reimbursement and appropriate supporting documentation must be submitted through eGrants.

G. The Subgrantee agrees to submit the final Request for Reimbursement under this agreement within forty-five (45) days of the end of the grant period.

H. Payments are contingent upon the availability of appropriated funds.

I. Project agreements supported with federal or TxDOT funds are limited to the length of this Grant Period specified in this Grant Agreement. If the Department determines that the project has demonstrated merit or has potential long-range benefits, the Subgrantee may apply for funding assistance beyond the initial agreement period.

Preference for funding will be given to projects based on (1) proposed cost sharing and (2) demonstrated performance history.

ARTICLE 4. LIMITATION OF LIABILITY

Payment of costs incurred under this agreement is contingent upon the availability of funds. If at any time during this Grant Period, the Department determines that there is insufficient funding to continue the project, the Department shall notify the Subgrantee, giving notice of intent to terminate this agreement, as specified in Article 11 of this agreement. If at the end of a federal fiscal year, the Department determines that there is sufficient funding and performance to continue the project, the Department may notify the Subgrantee to continue this agreement.

ARTICLE 5. AMENDMENTS

This agreement may be amended prior to its expiration by mutual written consent of both parties, utilizing the Grant Agreement Amendment in eGrants. Any amendment must be executed by the parties within the Grant Period, as specified in this Grant Agreement.

ARTICLE 6. ADDITIONAL WORK AND CHANGES IN WORK

A. If the Subgrantee is of the opinion that any assigned work is beyond the scope of this agreement and constitutes additional work, the Subgrantee shall promptly notify the Department in writing through eGrants. If the Department finds that such work does constitute additional work, the Department shall advise the Subgrantee and a written amendment to this agreement will be executed according to Article 5, Amendments, to provide compensation for doing this work on the same basis as the original work. If performance of the additional work will cause the maximum amount payable to be exceeded, the work will not be performed before a written grant amendment is executed.

B. If the Subgrantee has submitted work in accordance with the terms of this agreement but the Department requests changes to the completed work or parts of the work which involve changes to the original scope of services or character of work under this agreement, the Subgrantee shall make those revisions as requested and directed by the Department. This will be considered as additional work and will be paid for as specified in this Article.

C. If the Subgrantee submits work that does not comply with the terms of this agreement, the Department shall instruct the Subgrantee to make any revisions that are necessary to bring the work into compliance with this agreement. No additional compensation shall be paid for this work.

D. The Subgrantee shall make revisions to the work authorized in this agreement that are necessary to correct errors or omissions, when required to do so by the Department. No additional compensation shall be paid for this work.

E. The Department shall not be responsible for actions by the Subgrantee or any costs incurred by the Subgrantee relating to additional work not directly associated with or prior to the execution of an amendment.

ARTICLE 7. REPORTING AND MONITORING

A. Not later than thirty (30) days after the end of each reporting period, the Subgrantee shall submit a performance report through eGrants. Reporting periods vary by project duration and are defined as follows:

1. For short term projects, the reporting period is the duration of the project. Subgrantee shall submit a performance report within 30 days of project completion.

2. For longer projects, the reporting period is monthly. Subgrantee shall submit a performance report within 30 days of the completion of each project month and within 30 days of project completion.

3. For Selective Traffic Enforcement Program (STEP) Wave projects, the reporting period is each billing cycle. Subgrantee shall submit a performance report within 30 days of the completion of each billing cycle.

B. The performance report will include, as a minimum: (1) a comparison of actual accomplishments to the objectives established for the period, (2) reasons why established objectives and performance measures were not met, if appropriate, and (3) other pertinent information, including, when appropriate, an analysis and explanation of cost underruns, overruns, or high unit costs.

C. The Subgrantee shall promptly advise the Department in writing, through eGrants, of events that will have a significant impact upon this agreement, including:

1. Problems, delays, or adverse conditions, including a change of project director or other changes in Subgrantee personnel, that will materially affect the ability to attain objectives and performance measures, prevent the meeting of time schedules and objectives, or preclude the attainment of project objectives or performance measures by the established time periods. This disclosure shall be accompanied by a statement of the action taken or contemplated and any Department or federal assistance needed to resolve the situation.

2. Favorable developments or events that enable meeting time schedules and objectives sooner than anticipated or achieving greater performance measure output than originally projected.

D. The Subgrantee shall submit the Final Performance Report through eGrants within thirty (30) days after completion of the grant.

ARTICLE 8. RECORDS

The Subgrantee agrees to maintain all reports, documents, papers, accounting records, books, and other evidence pertaining to costs incurred and work performed under this agreement (called the "Records"), and shall make the Records available at its office for the time period authorized within the Grant Period, as specified in this Grant Agreement. The Subgrantee further agrees to retain the Records for four (4) years from the date of final payment under this agreement, until completion of all audits, or until pending litigation has been completely and fully resolved, whichever occurs last.

Duly authorized representatives of the Department, the USDOT, the Office of the Inspector General, Texas State Auditor, and the Comptroller General shall have access to the Records. This right of access is not limited to the four (4) year period but shall last as long as the Records are retained.

ARTICLE 9. INDEMNIFICATION

A. To the extent permitted by law, the Subgrantee, if other than a government entity, shall indemnify, hold, and save harmless the Department and its officers and employees from all claims and liability due to the acts or omissions of the Subgrantee, its agents, or employees. The Subgrantee also agrees, to the extent permitted by law, to indemnify, hold, and save harmless the Department from any and all expenses, including but not limited to attorney fees, all court costs and awards for damages incurred by the Department in litigation or otherwise resisting claims or liabilities as a result of any activities of the Subgrantee, its agents, or employees.

B. To the extent permitted by law, the Subgrantee, if other than a government entity, agrees to protect, indemnify, and save harmless the Department from and against all claims, demands, and causes of action of every kind and character brought by any employee of the Subgrantee against the Department due to personal injuries to or death of any employee resulting from any alleged negligent act, by either commission or omission on the part of the Subgrantee.

C. If the Subgrantee is a government entity, both parties to this agreement agree that no party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds, as well as the acts and deeds of its contractors, employees, representatives, and agents.

ARTICLE 10. DISPUTES AND REMEDIES

This agreement supersedes any prior oral or written agreements. If a conflict arises between this agreement and the Traffic Safety Program Manual, this agreement shall govern. The Subgrantee shall be responsible for the settlement of all contractual and administrative issues arising out of procurement made by the Subgrantee in support of work under this agreement. Disputes concerning performance or payment shall be submitted to the Department for settlement, with the Executive Director or his or her designee acting as final referee.

ARTICLE 11. TERMINATION

A. This agreement shall remain in effect until the Subgrantee has satisfactorily completed all services and obligations described in this agreement and these have been accepted by the Department, unless:

1. This agreement is terminated in writing with the mutual consent of both parties; or
2. There is a written thirty (30) day notice by either party; or
3. The Department determines that the performance of the project is not in the best interest of the Department and informs the Subgrantee that the project is terminated immediately.

B. The Department shall compensate the Subgrantee for only those eligible expenses incurred during the Grant Period specified in this Grant Agreement that are directly attributable to the completed portion of the work covered by this agreement, provided that the work has been completed in a manner satisfactory and acceptable to the Department. The Subgrantee shall not incur nor be reimbursed for any new obligations after the effective date of termination.

ARTICLE 12. INSPECTION OF WORK

A. The Department and, when federal funds are involved, the USDOT, or any of their authorized representatives, have the right at all reasonable times to inspect or otherwise evaluate the work performed or being performed under this agreement and the premises in which it is being performed.

B. If any inspection or evaluation is made on the premises of the Subgrantee or its subcontractor, the Subgrantee shall provide and require its subcontractor to provide all reasonable facilities and assistance for the safety and convenience of the inspectors in the performance of their duties. All inspections and evaluations shall be performed in a manner that will not unduly delay the work.

ARTICLE 13. AUDIT

The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under this agreement or indirectly through a subcontract under this agreement. Acceptance of funds directly under this agreement or indirectly through a subcontract under this agreement acts as acceptance of the authority of the State Auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

ARTICLE 14. SUBCONTRACTS

A subcontract in excess of \$25,000 may not be executed by the Subgrantee without prior written concurrence by the Department. Subcontracts in excess of \$25,000 shall contain all applicable terms and conditions of this agreement. No subcontract will relieve the Subgrantee of its responsibility under this agreement.

ARTICLE 15. GRATUITIES

A. Texas Transportation Commission policy mandates that employees of the Department shall not accept any benefit, gift, or favor from any person doing business with or who, reasonably speaking, may do business with the Department under this agreement. The only exceptions allowed are ordinary business lunches and items that have received the advanced written approval of the Department's Executive Director.

B. Any person doing business with or who reasonably speaking may do business with the Department under this agreement may not make any offer of benefits, gifts, or favors to Department employees, except as mentioned here above. Failure on the part of the Subgrantee to adhere to this policy may result in termination of this agreement.

ARTICLE 16. NONCOLLUSION

The Subgrantee warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the Subgrantee, to solicit or secure this agreement, and that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the award or making of this agreement. If the Subgrantee breaches or violates this warranty, the Department shall have the right to annul this agreement without liability or, in its discretion, to deduct from the agreement price or consideration, or otherwise recover the full amount of such fee, commission, brokerage fee, contingent fee, or gift.

ARTICLE 17. CONFLICT OF INTEREST

The Subgrantee represents that it or its employees have no conflict of interest that would in any way interfere with its or its employees' performance or which in any way conflicts with the interests of the Department. The Subgrantee shall exercise reasonable care and diligence to prevent any actions or conditions that could result in a conflict with the Department's interests.

ARTICLE 18. SUBGRANTEE'S RESOURCES

A. The Subgrantee certifies that it presently has adequate qualified personnel in its employment to perform the work required under this agreement, or will be able to obtain such personnel from sources other than the Department.

B. All employees of the Subgrantee shall have the knowledge and experience that will enable them to perform the duties assigned to them. Any employee of the Subgrantee who, in the opinion of the Department, is incompetent or whose conduct becomes detrimental to the work, shall immediately be removed from association with the project.

C. Unless otherwise specified, the Subgrantee shall furnish all equipment, materials, supplies, and other resources required to perform the work.

ARTICLE 19. PROCUREMENT AND PROPERTY MANAGEMENT

The Subgrantee shall establish and administer a system to procure, control, protect, preserve, use, maintain, and dispose of any property furnished to it by the Department or purchased pursuant to this agreement in accordance with its own procurement and property management procedures, provided that the procedures are not in conflict with (1) the Department's procurement and property management standards and (2) the federal procurement and property management standards provided by 2 CFR §§ 200.310-.316, 200.318-.324.

ARTICLE 20. OWNERSHIP OF DOCUMENTS AND INTELLECTUAL PROPERTY

Upon completion or termination of this Grant Agreement, whether for cause or at the convenience of the parties, all finished or unfinished documents, data, studies, surveys, reports, maps, drawings, models, photographs, etc. prepared by the Subgrantee, and equipment and supplies purchased with grant funds shall, at the option of the Department, become the property of the Department. All sketches, photographs, calculations, and other data prepared under this agreement shall be made available, upon request, to the Department without restriction or limitation of their further use.

A. Intellectual property consists of copyrights, patents, and any other form of intellectual property rights covering any databases, software, inventions, training manuals, systems design, or other proprietary information in any form or medium.

B. All rights to Department. The Department shall own all of the rights (including copyrights, copyright applications, copyright renewals, and copyright extensions), title and interests in and to all data, and other information developed under this contract and versions thereof unless otherwise agreed to in writing that there will be joint ownership.

C. All rights to Subgrantee. Classes and materials initially developed by the Subgrantee without any type of funding or resource assistance from the Department remain the Subgrantee's intellectual property. For these classes and materials, the Department payment is limited to payment for attendance at classes.

ARTICLE 21. SUCCESSORS AND ASSIGNS

The Department and the Subgrantee each binds itself, its successors, executors, assigns, and administrators to the other party to this agreement and to the successors, executors, assigns, and administrators of the other party in respect to all covenants of this agreement. The Subgrantee shall not assign, sublet, or transfer interest and obligations in this agreement without written consent of the Department through eGrants.

ARTICLE 22. CIVIL RIGHTS COMPLIANCE

A. Compliance with regulations: The Subgrantee shall comply with the regulations relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation

(USDOT): 49 CFR, Part 21; 23 CFR, Part 200; and 41 CFR, Parts 60-74, as they may be amended periodically (called the "Regulations"). The Subgrantee agrees to comply with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 and as supplemented by the U.S. Department of Labor regulations (41 CFR, Part 60).

B. Nondiscrimination: (applies to subrecipients as well as States) The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination ("Federal Nondiscrimination Authorities"). These include but are not limited to:

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- **Federal-Aid Highway Act of 1973**, (23 U.S.C. 324 et seq.), and **Title IX of the Education Amendments of 1972**, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- **Section 504 of the Rehabilitation Act of 1973**, (29 U.S.C. 794 et seq.), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- **The Age Discrimination Act of 1975**, as amended, (42 U.S.C. 6101 et seq.), (prohibits discrimination on the basis of age);
- **The Civil Rights Restoration Act of 1987**, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- **Titles II and III of the Americans with Disabilities Act** (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;
- **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations** (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency** (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR 74087-74100)).

The State highway safety agency-

- Will take all measures necessary to ensure that no person in the United States shall, on the grounds of race, color, national origin, disability, sex, age, limited English proficiency, or membership in any other class protected by Federal Nondiscrimination Authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of its programs or activities, so long as any portion of the program is Federally-assisted;
- Will administer the program in a manner that reasonably ensures that any of its subrecipients, contractors, subcontractors, and consultants receiving Federal financial assistance under this program will comply with all requirements of the Non-Discrimination Authorities identified in this Assurance:

- Agrees to comply (and require its subrecipients, contractors, subcontractors, and consultants to comply) with all applicable provisions of law or regulation governing US DOT's or NHTSA's access to records, accounts, documents, information, facilities, and staff, and to cooperate and comply with any program or compliance reviews, and/or complaint investigations conducted by US DOT or NHTSA under any Federal Nondiscrimination Authority;
- Acknowledges that the United States has a right to seek judicial enforcement with regard to any matter arising under these Non-Discrimination Authorities and this Assurance;
- Agrees to insert in all contracts and funding agreements with other State or private entities the following clause:

"During the performance of this contract/funding agreement, the contractor/funding recipient agrees-

- a. To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
- b. Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in appendix B of 49 CFR part 21 and herein;
- c. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
- d. That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and
- e. To insert this clause, including paragraphs (a) through (e), in every subcontract and subagreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.

C. Solicitations for subcontracts, including procurement of materials and equipment: In all solicitations either by competitive bidding or negotiation made by the Subgrantee for work to be performed under a subcontract, including procurements of materials and leases of equipment, each potential subcontractor or supplier shall be notified by the Subgrantee of the Subgrantee's obligations under this agreement and the regulations relative to nondiscrimination on the grounds of race, color, sex, national origin, age, religion, or disability.

D. Information and reports: The Subgrantee shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department or the USDOT to be pertinent to ascertain compliance with the Regulations or directives. Where any information required of the Subgrantee is in the exclusive possession of another who fails or refuses to furnish this information, the Subgrantee shall certify that to the Department or the USDOT, whichever is appropriate, and shall set forth what efforts the Subgrantee has made to obtain the requested information.

E. Sanctions for noncompliance: In the event of the Subgrantee's noncompliance with the nondiscrimination provision of this agreement, the Department shall impose such sanctions as it or the USDOT may determine to be appropriate.

F. Incorporation of provisions: The Subgrantee shall include the provisions of paragraphs A. through

E. in every subcontract, including procurements of materials and leases of equipment, unless exempt by the regulations or directives. The Subgrantee shall take any action with respect to any subcontract or procurement that the Department may direct as a means of enforcing those provisions, including sanctions for noncompliance. However, in the event a Subgrantee becomes involved in, or is threatened with litigation with a subcontractor or supplier as a result of such direction, the Subgrantee may request the Department to enter into litigation to protect the interests of the state; and in addition, the Subgrantee may request the United States to enter into such litigation to protect the interests of the United States.

ARTICLE 23. DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

A. The parties shall comply with the DBE Program requirements established in 49 CFR Part 26.

B. The Subgrantee shall adopt, in its totality, the Department's federally approved DBE program.

C. The Subgrantee shall set an appropriate DBE goal consistent with the Department's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Subgrantee shall have final decision-making authority regarding the DBE goal and shall be responsible for documenting its actions.

D. The Subgrantee shall follow all other parts of the Department's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity and attachments found at web address <http://www.txdot.gov/business/partnerships/dbe.html>

E. The Subgrantee shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Subgrantee shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of USDOT-assisted contracts. The Department's DBE program, as required by 49 CFR Part 26 and as approved by USDOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Subgrantee of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 USC 1001 and the Program Fraud Civil Remedies Act of 1986 (31 USC 3801 et seq.).

F. Each contract the Subgrantee signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this agreement, which may result in the termination of this agreement or such other remedy as the recipient deems appropriate.

ARTICLE 24. CERTIFICATION REGARDING DEBARMENT AND SUSPENSION (applies to subrecipients as well as States)

Instructions for Primary Tier Participant Certification (States)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or

voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Tier Covered Transactions

(1) The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Participant Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered

transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

ARTICLE 25. CERTIFICATION REGARDING FEDERAL LOBBYING (applies to subrecipients as well as States)

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation,

renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

ARTICLE 26. CHILD SUPPORT CERTIFICATION

Under Section 231.006, Texas Family Code, the Subgrantee certifies that the individual or business entity named in this agreement is not ineligible to receive the specified grant, loan, or payment and acknowledges that this agreement may be terminated and payment may be withheld if this certification is inaccurate. If the above certification is shown to be false, the Subgrantee is liable to the state for attorney's fees and any other damages provided by law or the agreement. A child support obligor or business entity ineligible to receive payments because of a payment delinquency of more than thirty (30) days remains ineligible until: all arrearages have been paid; the obligor is in compliance with a written repayment agreement or court order as to any existing delinquency; or the court of continuing jurisdiction over the child support order has granted the obligor an exemption from Subsection (a) of Section 231.006, Texas Family Code, as part of a court-supervised effort to improve earnings and child support payments.

ARTICLE 27. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT REQUIREMENTS

A. Any recipient of funds under this agreement agrees to comply with the Federal Funding Accountability and Transparency Act and implementing regulations at 2 CFR Part 170, including Appendix A. This agreement is subject to the following award terms:

<http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf> and
<http://edocket.access.gpo.gov/2010/pdf/2010-22706.pdf>.

B. The Subgrantee agrees that it shall:

1. Obtain and provide to the State a System for Award Management (SAM) number (48 CFR subpt. 4.11) if this award provides for more than \$25,000 in Federal funding. The SAM number may be obtained by visiting the SAM web-site at: <https://www.sam.gov>

2. Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows the Federal government to track the distribution of federal money. The DUNS number may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet (D&B) on-line registration website <http://fedgov.dnb.com/webform>;

and

3. Report the total compensation and names of its top five (5) executives to the State if:

- i. More than 80% of annual gross revenues are from the Federal government, and those revenues are greater than \$25,000,000; and
- ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

ARTICLE 28. SINGLE AUDIT REPORT

A. The parties shall comply with the requirements of the Single Audit Act of 1984, P.L. 98-502, ensuring that the single audit report includes the coverage stipulated in 2 CFR Part 200.

B. If threshold expenditures of \$750,000 or more are met during the Subgrantee's fiscal year, the Subgrantee must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Audit Office, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Audit Office at singleaudits@txdot.gov

C. If expenditures are less than \$750,000 during the Subgrantee's fiscal year, the Subgrantee must submit a statement to TxDOT's Audit Office as follows: "We did not meet the \$750,000 expenditure threshold and therefore, are not required to have a single audit performed for FY ____."

D. For each year the project remains open for federal funding expenditures, the Subgrantee will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the agreement, unless otherwise amended or the project has been formally closed out and no charges have been incurred within the current fiscal year.

ARTICLE 29. BUY AMERICA ACT (applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

ARTICLE 30. RESTRICTION ON STATE LOBBYING (applies to subrecipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

ARTICLE 31. NONGOVERNMENTAL ENTITY'S PUBLIC INFORMATION

(This article applies only to non-profit entities.)

The Subgrantee is required to make any information created or exchanged with the Department pursuant to this Grant Agreement and not otherwise excepted from disclosure under the Texas Public Information Act, available in a format that is accessible by the public at no additional charge to the Department. [SB-1368, 83rd Texas Legislature, Regular Session, Effective 9/1/13]

ARTICLE 32. PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE
(applies to subrecipients as well as States)

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

ARTICLE 33. INTERNAL ETHICS AND COMPLIANCE PROGRAM

Subgrantee shall comply with Title 43 Texas Administrative Code §25.906(b). Subgrantee certifies it has adopted an internal ethics and compliance program that satisfies the requirements of Title 43 Texas Administrative Code §10.51 (relating to Internal Ethics and Compliance Program). Subgrantee shall enforce compliance with that program.

COUNTY SERVED

Dallas County - Dallas District

POLITICAL DISTRICT SERVED

Select a Political District Served ([View a map](#)):

U.S. Congress* Congressional District 3
Congressional District 4
Congressional District 5
Congressional District 32

Texas Senate* Texas Senate District 2
Texas Senate District 8
Texas Senate District 16

Texas House* Texas House of Representatives District 33
Texas House of Representatives District 67
Texas House of Representatives District 102
Texas House of Representatives District 107
Texas House of Representatives District 112
Texas House of Representatives District 113
Texas House of Representatives District 114

GOALS STRATEGIES AND OPERATIONAL PLAN

Goal: To increase effective enforcement and adjudication of traffic safety-related laws to reduce fatal and serious injury crashes

Strategies: Increase enforcement of traffic safety-related laws.
Increase public education and information campaigns.

Goal: To reduce the number of DWI-related crashes, injuries, and fatalities.

Strategy: Increase enforcement of DWI laws.

X Agency agrees to the above goals and strategies.

Operational Plan

The purpose of this mobilization is to conduct high-visibility saturation patrols within the Enforcement Zones identified in the Operational Plan (Enforcement Zone) section of the grant for at least four days between the hours of 6p-6a, Monday-Sunday during the enforcement periods outlined in the sections below. Subgrantee must also perform pre-enforcement earned-media campaigns for each enforcement period.

	Pre-Media Campaign	Enforcement Period
	Conduct local media events immediately before the enforcement effort to maximize the visibility of enforcement to the public. The media events tell the public when, where, how and why impaired driving laws are being enforced.	Intensify enforcement through coordinated saturation patrols in an overtime STEP placing primary emphasis on increasing DWI arrests and reducing the number of alcohol related traffic crashes during peak holiday traffic.
Christmas/New Year's Wave	December 13, 2022- December 15, 2022	December 16, 2022 - January 01, 2023
Spring Break Wave	February 28, 2023- March 2, 2023	March 03, 2023 - March 19, 2023
Independence Day Wave	June 20, 2023 - June 22, 2023	June 23, 2023 - July 09, 2023
Labor Day Wave	August 15, 2023 - August 17, 2023	August 18, 2023 - September 04, 2023
Comments:		

Please mark all of your proposed zones for this mobilization on a single STEP-IDM heat map and upload that map here. Click [here](#) to see an example. The maximum number of allowable zones for an agency is determined by dividing the total number of enforcement hours by 220 and rounding to the nearest whole number.

https://www.dot.state.tx.us/apps/egrants/_Upload/1169503_342126-CombinedZones.pdf

XAgency agrees to conduct the engagement activities associated with this project as described

LAW ENFORCEMENT OBJECTIVE/PERFORMANCE MEASURE

STEP enforcement grants are focused on reducing crashes, and Impaired Driving Mobilization (IDM) enforcement grants specifically focus reducing fatal or serious-injury (KA) crashes where alcohol was involved (DUI). The blanks on this page represent the baseline number of KA crashes related to IDM enforcement efforts (DUI-KA), and the KA crash targets each agency hopes to achieve through IDM enforcement. The data entered on this page is the basis for the grant's enforcement performance measures. The Baseline KA crash data is provided by TxDOT using a 3-year rolling average of DUI-KA crashes as reported to TxDOT's Crash Reporting Information System (CRIS) database. The target should reflect a reduction against the Baseline KA Crash number in the top box. The target should be less than the number of Baseline KA crashes.

Baseline : Jurisdictional average annual DWI/DUI KA crashes 12

Target : Enforcement activities to reduce total DWI/DUI KA crashes to 11

Note: Nothing in this agreement shall be interpreted as a requirement, formal or informal, that a peace officer issue a specified or predetermined number of citations in pursuance of the Subgrantee's obligations hereunder. Department and Subgrantee acknowledge that Texas Transportation Code Section 720.002 prohibits using traffic-offense quotas and agree that nothing in this Agreement is establishing an illegal quota. In addition to the STEP enforcement activities, the subgrantee must maintain baseline non-STEP funded citation and arrest activity due to the prohibition of supplanting.

PI&E OBJECTIVE/PERFORMANCE MEASURE

X I agree to the below efforts with a public information and education (PI&E) program for each Enforcement Period.

- a. Conduct a minimum of one (1) presentations
- b. Conduct a minimum of two (2) media exposures (e.g. news conferences, news releases, and interviews)
- c. Conduct a minimum of one (1) community events (e.g. health fairs, booths)

ENFORCEMENT ZONES

Zone Name	Zone 1
Zone Description	1300- 3400 W. Miller Rd (North) 1900 - 3300 S. Jupiter Rd (West) 11400 - 13700 block I-635 (South) 2000 - 4800 Saturn Rd (East)
Zone Hours	6 PM to 6 AM during specified Mobilization Periods
Zone Detail Map	https://www.dot.state.tx.us/apps/egrants/_Upload/1169683_341218-Zone_1.docx
Additional Documentation	

ENFORCEMENT ZONES

Zone Name	Zone 2
Zone Description	1400 W. Buckingham - 1200 E. Buckingham (North) 1700 -1100 N. Country Club (east) 1400 -2300 Castle (northeast) 3900-3100 E. Centerville (east) 2000 S.H. 66 - 1300 W. Ave D (South)
Zone Hours	6 PM to 6 AM during specified Mobilization Periods
Zone Detail Map	https://www.dot.state.tx.us/apps/egrants/_Upload/1169684_341218-Zone_2.docx
Additional Documentation	

AGENCY INFORMATION

Agency Contacts

- | | |
|--|------------------------|
| 1. Who is your department's Chief/Sheriff/Constable? | Chief
Jeff
Bryan |
| 2. How many years has that person held that position at this agency? | 3 |
| 3. Who is the person in charge of training at your department? | Lt. Tim Freeman |
| 4. Please provide their work email and telephone number. | freemant@garland |
| 5. What is the name of the person in charge of your department's official social media accounts? | Lt. Richard Maldon |
| 6. Please provide their work email and telephone number. | maldonad@garlan |

Service Data

- | | |
|--|--------|
| 1. What is the size in square miles of your department's service area? | 57.1 |
| 2. What is the latest estimated population of your service area? | 242035 |
| 3. How many sworn officer positions is your agency authorized? | 359 |
| 4. How many of those positions are currently filled? | 329 |
| 5. How many total calls for service did your agency log in the past 12 months? | 155051 |
| 6. How many total crashes did your agency respond to in the past 12 months? | 8461 |

7. How many total vehicle stops did your agency make in the past 12 months? 12009

BTS Program Area

1. Does your agency participate in Fatal Crash Review (FCR) meetings with TxDOT? No

2. Does your department have a traffic unit? Yes

3. Does your department have a DWI unit? Yes

4. Does your department have at least one currently certified Drug Recognition Expert (DRE)? No

5. Does your department have at least one certified Child Passenger Safety (CPS) Technician or Instructor? No

6. Does your department have at least one data analyst? Yes

7. Does your department have at least one certified Commercial Vehicle Enforcement (CVE) officer? Yes

8. Does your agency have a Controlled Party Dispersal (CPD) program in place for underage individuals who are gaining social access to alcohol at parties?

9. Are there any officially designated bicycle routes in your service area? Yes

SALARIES AND FRINGE BENEFITS

Law Enforcement Hours: 179								
X Overtime X Regular Time								
For Sections B (PI&E) and C (Administrative Duties) on this page, check the Over Time and/or Regular Time below that apply to those duties. If there are no duties in B and C, leave both boxes unchecked								
	TxDOT Hours	Match Hours	Wage Rate	TxDOT Salaries	Match Salaries	Total Salaries	Fringe %	Total Fringe:
A. Enforcement								
Officers/Deputies:	166		\$65.550	\$10,881.30		\$10,881.30	13.02%	\$1,416.75
Sergeants:			\$0				%	\$0
Lieutenants/Other:	13		\$85.320	\$1,109.16		\$1,109.16	13.02%	\$144.41
B. PI&E Activities								
PI&E Activities:			\$0		\$0		%	\$0
C. Administrative Duties								
Captain (Grant Manager, completing PRs, coordinate enforcement hours, building grant, verify supervisor DARS, Oversight of PI&E objectives/performance measures)		6	\$66.280		\$397.68	\$397.68	13.02%	\$51.78
Admin Assistant (compilation of monthly stats, entering DARS into spreadsheets and Access Database, send data to finance for RFR and maintain records for future audits)		6	\$24.250		\$145.50	\$145.50	19.22%	\$27.97
Lieutenants (Coordinate staffing, verify DARS, shift supervision)		4	\$56.880		\$227.52	\$227.52	13.02%	\$29.62
			\$0				%	\$0
			\$0				%	\$0
			\$0				%	\$0
Total:				\$11,990.46	\$770.70	\$12,761.16		\$1,670.52
Category	TxDOT	%		Match	%	Total		
Salaries:	\$11,990.46	93.96%		\$770.70	6.04%	\$12,761.16		
Fringe Benefits:	\$0	0.00%		\$1,670.52	100.00%	\$1,670.52		
Breakdown of Fringe Percentages: SWORN: 1.45% Medicare, 11.57% TMRS CIV: 1.45% Medicare, 11.57% TMRS, 6.2% SS			Details of regular time, if included in any of the above hours : All administrative hours are done as straight time All enforcement hours are done as time-and-a-half					

TRAVEL AND PER DIEM : STEP ENFORCEMENT MILEAGE - 300

Instructions:

Unit # : Provide your agency's inventory number or other identifying number for each vehicle. To assist in calculating your agency's average enforcement mileage rate, we are requesting information from a sampling of five (5) patrol vehicles. The calculator will average the costs from all vehicles to arrive at the average operational cost per vehicle mile. If your agency does not have at least five patrol vehicles that are used for enforcement, include the requested information for the vehicles that you have.

Original Vehicle Cost : Provide each vehicle's total cost. (The total cost could include vehicle base cost, equipment/accessories and preparation costs).

Life Expectancy (In Years) : Provide the number of years that your agency expects the vehicle(s) will be used for enforcement activities. Many agencies have policies stating vehicles will be used for a specific time period (years) and some agencies determine mileage as the basis for vehicle retirement from enforcement. If mileage is used, determine the average number of years it takes for agency's vehicles to reach their mileage limit.

Maintenance Costs : Provide historical maintenance costs for the latest 12 month period available for each vehicle. Maintenance costs can also include annual liability insurance costs.

Fuel Costs : Provide historical fuel costs for the latest 12 month period available for each vehicle.

Yearly Miles: Provide the yearly enforcement miles for each vehicle. Use each vehicle's mileage logs or other available information to document the average number of enforcement miles driven annually or simply divide the mileage by the number of years the vehicle has been in use for enforcement activities.

	Unit #	Original Vehicle Cost	Life Expectancy (In Years)	Maintenance Costs	Fuel Costs	Yearly Miles	OP Cost/Mile
Vehicle 1	1201935	\$34,602.00	3	\$16,877.10	\$10,400.99	23945	\$1.62
Vehicle 2	1202004	\$35,022.00	3	\$20,973.69	\$12,981.36	29756	\$1.53
Vehicle 3	1202011	\$35,022.00	3	\$18,610.59	\$9,683.28	28024	\$1.43
Vehicle 4	1202017	\$35,022.00	3	\$29,608.27	\$12,389.74	30436	\$1.76
Vehicle 5	1202027	\$35,022.00	3	\$23,428.07	\$10,675.08	26129	\$1.75
Average Operational Cost of the Vehicle Per Mile							\$1.62
Number of Miles Proposed							
350							TOTAL \$567.00

	Amount	Percentages
TxDOT	\$0	0.00%

City of Garland Police Department
STEP - IDM - 2023

Match	\$567.00	100.00%
Total		\$567.00

Budget Summary

Budget Category		TxDOT	Match	Total
Category I - Labor Costs				
(100)	Salaries	\$11,990.46	\$770.70	\$12,761.16
(200)	Fringe Benefits	\$0	\$1,670.52	\$1,670.52
	Category I Sub-Total	\$11,990.46	\$2,441.22	
Category II - Other Direct Costs				
(300)	Travel	\$0	\$567.00	\$567.00
(400)	Equipment	\$0	\$0	\$0
(500)	Supplies	\$0	\$0	\$0
(600)	Contractual Services	\$0	\$0	\$0
(700)	Other Miscellaneous	\$0	\$0	\$0
	Category II Sub-Total	\$0	\$567.00	\$567.00
Total Direct Costs		\$11,990.46	\$3,008.22	\$14,998.68
Category III - Indirect Costs				
(800)	Indirect Cost Rate	\$0	\$0	\$0
Summary				
	Total Labor Costs	\$11,990.46	\$2,441.22	\$14,431.68
	Total Direct Costs	\$0	\$567.00	\$567.00
	Total Indirect Costs	\$0	\$0	\$0
	Grand Total	\$11,990.46	\$3,008.22	\$14,998.68
	Fund Sources (Percent Share)	79.94%	20.06%	

RESOLUTION NO. _____

A RESOLUTION ACCEPTING A TEXAS DEPARTMENT OF TRANSPORTATION SELECTIVE TRAFFIC ENFORCEMENT PROGRAM IMPAIRED DRIVING MOBILIZATION GRANT IN THE AMOUNT OF \$14,998.68; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That the Garland City Council hereby accepts a Texas Department of Transportation Selective Traffic Enforcement Program Impaired Driving Mobilization Grant in the amount of \$14,998.68 for the purpose of enforcing Driving While Intoxicated violations during the following four (4) separate enforcement waves:

- (1) Christmas/New Year's Wave - December 16, 2022 to January 1, 2023;
- (2) Spring Break Wave - March 3, 2023 to March 19, 2023;
- (3) Independence Day Wave - June 23, 2023 to July 9, 2023; and
- (4) Labor Day Wave - August 18, 2023 to September 4, 2023.

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 December 2022.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

7.

Meeting Date: 12/13/2022

Item Title: City Attorney Employment Agreement

Summary of Request/Problem

Council is requested to approve an amendment to the employment agreement with Brian England relating to his employment in the position of City Attorney.

Recommendation/Action Requested and Justification

Consider approving by minute action an amendment to the employment agreement with Brian England relating to his employment as City Attorney.



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

8.

Meeting Date: 12/13/2022

Item Title: City Auditor Employment Agreement

Summary of Request/Problem

Council is requested to approve an amendment to the employment agreement with Jedson Johnson to continue his employment in the position of City Auditor.

Recommendation/Action Requested and Justification

Consider approving by minute action an amendment to the employment agreement with Jedson Johnson to continue his employment as City Auditor.



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

9.

Meeting Date: 12/13/2022

Item Title: Municipal Court Judge Employment Agreement

Summary of Request/Problem

Council is requested to approve an amendment to the employment agreement with John Sholden to continue his employment in the position of Municipal Court Judge.

Recommendation/Action Requested and Justification

Consider approving by minute action an amendment to the employment agreement with John Sholden to continue his employment as Municipal Court Judge.



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

10.

Meeting Date: 12/13/2022

Item Title: 2023 Legislative Agenda

Summary of Request/Problem

At the December 5, 2022 Work Session, Council requested that the attached 2023 Legislative Agenda be brought to Council for formal approval at a Regular Meeting.

Recommendation/Action Requested and Justification

Approve the attached 2023 Legislative Agenda as an item on the Consent Agenda.

Attachments

2023 Legislative Agenda



GARLAND

2023 STATE LEGISLATIVE AGENDA

GARLAND'S HIGHEST PRIORITY

The City of Garland's highest priority is to preserve its ability to govern effectively and efficiently for its residents, businesses, and visitors. Therefore, the City will support legislation that will protect local governance and decision-making, and oppose legislation that will, erode current municipal authority, impose unfunded mandates, further impact revenue, or otherwise negatively affect the City's residents.

FISCAL and FINANCIAL STRENGTH

- Oppose legislation imposing further revenue caps that would impair the growth and economic stability of the City of Garland, including provisions that negatively impact the City's strategic use of short-term debt;
- Support legislation designed to provide municipalities the ability to issue certificate of obligations or bonds to pay for needed public services/projects.
- Support legislation that is designed to allow municipalities and other entities to encourage economic development, including Chapter 380 and 313 tools.
- Oppose legislation limiting the City's ability to control and manage its taxpayer invested Right-of-Ways and public infrastructure.
- Support legislation that makes confidential and not subject to disclosure under the Public Information act certain information related to a city's cybersecurity technology.
- Support the ability of the city to lobby or hire representatives with public funds to lobby on issues that would impact our city or its residents.

DEVELOPMENT

- Support legislation that seeks to make amendments to the "building materials bill" that benefit the City.
- Support legislation that seeks to make amendments to the "30 day shot clock bill" that benefit the City.
- Support legislation that seeks to provide additional funding to the Texas Department of Transportation for transportation projects that would benefit Garland.

GARLAND SPECIFIC LEGISLATION

- A bill that will give the City the option to create alcoholic beverage zones.
- A bill that will give the City the flexibility to use change orders to increase the value of an original contract more than 25% so long as the total contract price does not exceed \$50k.
- Support bills that may be future forms of HB1818 (87th legislature), Retail Pet Stores.
- Support bills that allow cities the option of using the City website to publish legal notices.
- Support bills that allow cities to submit electronic requests for an AG letter under PIA.



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

11.

Meeting Date: 12/13/2022

Item Title: 2022 City Council Rules of Order and Policies

Summary of Request/Problem

The City Council deliberated this item at the December 5, 2022 Work Session and requested that the attached version be placed on the Consent Agenda.

Recommendation/Action Requested and Justification

Approve by minute action the attached 2022 Council Rules of Order and Policies.

Attachments

Ethics Ordinance

CHAPTER 10

ARTICLE V. CODE OF ETHICS

Sec. 10.50 Policy and general principles

(A) Purpose. It is hereby declared to be the policy of the City that the proper operation of democratic government requires that:

- (1) Public officials be independent, impartial, and responsible only to the people, without regard for self-interest;
- (2) Governmental decisions and policy be made using the proper procedures of the governmental structure;
- (3) No City official have any financial interest, direct or indirect, or engage in any business, transaction, or professional activity or incur any obligation of any nature that is in conflict with the proper discharge of his or her duties in the public interest;
- (4) Public office not be used for personal gain; and
- (5) The City Council at all times be maintained as a nonpartisan body.

(B) Principles of conduct.

- (1) The City Council further believes that an elected or appointed official of the City assumes a public trust and should recognize the importance of high ethical standards within the organization of which they are a part. Essential values and ethical behaviors that an elected or appointed official should exemplify include the following:
 - (a) Commitment beyond self;
 - (b) Obedience and commitment to the law;
 - (c) Commitment to the public good;
 - (d) Respect for the value and dignity of all individuals;
 - (e) Accountability to the public;
 - (f) Truthfulness;
 - (g) Fairness; and
 - (h) Responsible application of resources.

(2) In keeping with the values set forth above, and to assist in the fulfillment of responsibilities to the persons they serve, each elected or appointed official should subscribe to the following principles:

- (a) To conduct himself or herself and to operate with integrity and in a manner that merits the trust and support of the public;
- (b) To uphold all applicable laws and to abide by all governing policies of the City Council, going beyond the letter of the law to protect or enhance the City's ability to accomplish its missions;
- (c) To treat others with respect, doing for and to others what the official would have done for and to him or her in similar circumstances;
- (d) To be a responsible steward of the taxpayer resources;
- (e) To take no action that could benefit the official personally at the unwarranted expense of the City, avoiding even the appearance of a conflict of interest and to exercise prudence and good judgment at all times;
- (f) To carefully consider the public perception of personal and professional actions and the effect such actions could have, positively or negatively, on the City's reputation both in the community and elsewhere; and
- (g) To strive for personal and professional growth to improve effectiveness as an elected or appointed official.

(3) In order to implement the policy and principles set forth in this section, the City Council has determined that it is advisable to enact this Code of Ethics for all City officials, whether elected or appointed, paid or unpaid, advisory or administrative, to serve not only as a guide for official conduct of the City's public servants, but also as a basis for discipline for those who refuse to abide by its terms, the overriding interest being that officers of the City shall at all times strive to avoid even the appearance of impropriety.

(4) This section is a statement of purpose and principles only. Nothing in this section may be used to create a cause of action against an official under this article.

Sec. 10.51 Definitions

The following words, terms, and phrases, when used in this article, shall have the meaning subscribed to them in this section, except where the context clearly indicates a different meaning:

Ad hoc means a temporary body formed for a specific purpose and for a short duration.

Affinity means a relationship by “affinity” (by marriage) as determined and computed in sections 573.024 and 573.025 of the Texas Government Code.

Benefit means anything reasonably regarded as a gain or advantage, including a benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.

Business entity has the meaning provided by Sec. 572.002 of the Texas Government Code.

City Council means the legislative and governing body of the City consisting of the Mayor and Councilmembers. Under the City Charter, the Mayor is a member of the City Council and, unless otherwise expressly provided in this article, the term “City Council” shall necessarily include the Mayor.

Clear and convincing evidence means that measure or degree of proof that produces in a person's mind a firm belief or conviction that the evidence is highly and substantially more likely to be true than untrue.

Compensation means money or any other thing of value that is received, or is to be received, in return for or in connection with an act or decision or forbearance of an act or decision.

Confidential information includes, without limitation, the following information however obtained or transmitted, other than information that has lawfully been disclosed to the public:

- (1) All information held by the City that is not available to the public under the Texas Public Information Act or other law providing for a privilege, exemption from disclosure, or requirement that such information not be released to the public;
- (2) Any information pertaining to a subject that will be or was discussed at a meeting closed to the public pursuant to the Texas Open Meetings Act;
- (3) Any information protected by attorney-client, attorney work product, or other applicable legal privilege; and
- (4) Any information deemed confidential by law.

Consanguinity means a relationship by “consanguinity” (by blood) as determined and computed in sections 573.022 and 573.023 of the Texas Government Code.

Frivolous complaint means a sworn complaint filed under the provisions of this article that is groundless and brought in bad faith or groundless and brought for the purpose of harassment to the subject or subjects of the complaint.

Indirect substantial interest means a substantial interest or benefit gained through a third party.

Just cause means such cause as is found to exist upon a reasonable inquiry that would lead a reasonably intelligent and prudent person to believe that a person has committed an act constituting an ethical violation under this article.

Official means any member of the City Council, any appointed member of a board or commission established by ordinance, Charter or state law, and any member of a committee created, appointed or established by the City Council whether on a permanent or ad hoc basis but excepting those members of boards, commissions, or organizations not operating under the direct authority and subject to the direct control of, the City Council. As used in this article, the term “official” always includes a member of the City Council.

Relative means any person related within the first degree of consanguinity or affinity to an official, to an official's spouse and to a resident of the same household of an official.

Resident of the same household means an individual who, on a continuous basis, lives in the same household and shares the common resources of life with an official.

Substantial interest means a substantial interest in a business entity or real property as determined under Chapter 171 of the Texas Local Government.

Sec. 10.52 Conflicts of interest

(A) No official may participate in any vote or decision if the official or a relative of the official has a substantial interest in the subject of the vote or decision and is or would be required to abstain under the provisions of Chapter 171 of the Texas Local Government Code.

(B) No member of the City Council may:

- (1) Represent or appear on behalf of a private interest of another before any department or agency of the City or any City board, commission, or committee;
- (2) Represent for compensation or other benefit any private interest of another in any action or proceeding involving the City; or
- (3) Voluntarily participate on behalf of others in any litigation to which the City might be a party.

(C) No other official may, for compensation or other benefit:

- (1) Represent or appear on behalf of the private interests of another before the board, commission, or committee of which the official is a member; or
- (2) Appear before the City Council or before any other board, commission, or committee on appeal from such board, commission, or committee concerning such matter.

(D) No official may accept any compensation, benefit, gift or favor from any person or business entity that might reasonably tend to:

(1) Influence the official in the discharge of official duties; or

(2) Influence the official in the discharge of those official duties to grant any improper favor, service, or thing of value.

(E) No official may use the position of the office to improperly influence others or to secure privileges or exemptions to themselves or others.

(F) No official may engage in any activity as an official that may give the official an advantage over others engaged in a similar business, vocation, or activity as the official in a private capacity.

(G) In any zoning matter, other than city-wide amendments to the zoning ordinance, which may come before the City Council, any member of the City Council who has, or had within the twelve-month period preceding the vote or decision, a substantial interest in any property within 200 feet of the zoning request (or within the area of official notification of the zoning matter, whichever is greater) shall:

(1) Disclose, in writing, the existence of such interest to the City Secretary and the City Attorney in conformance with the provisions of Chapter 171, Texas Local Government Code; and

(2) Thereafter abstain from voting on the matter.(H) For purposes of this article, a substantial interest is considered to exist if the official had a substantial interest in the subject of a vote or decision within the twelve-month period preceding the vote or decision.

Sec. 10.53 Campaign contribution disclosure for matters before the City Council

The City shall make available on the City website a copy of the most recent version of the campaign finance report of each member of City Council.

10.54 Conflicting outside employment

(A) General rule. A City official shall not:

(1) Receive any fee, compensation, or benefit for services as an officer of the City from any source other than the City, except as may otherwise be provided by law or as approved by the City Council;

(2) Solicit, accept, or engage in concurrent outside employment that could reasonably be expected to impair independence of judgment in, or faithful performance of, official duties; or

(3) Personally provide services for compensation, directly or indirectly, to a person or organization that is requesting an approval, investigation, or determination from the body or department of which the official is a member.

(B) Exception. Subsection (A)(3) does not apply to a wages, salary, or employment benefits received by member of the City Council from a vendor who is required to file a vendor's conflicts disclosure statement under Sec. 176.003 of the Texas Local Government Code if the wages, salary, or employment benefits are received in the ordinary course of employment without regard to the vendor's relationship with the City and are the primary source of income for the official.

Sec. 10.55 Unfair advancement of private interests

(A) General rule. An official may not use his or her official position to unfairly advance or impede the personal interests of the official or another person by granting or securing, or by attempting to grant or secure, for any person (including himself or herself) any form of special consideration, treatment, exemption, or advantage beyond that which is lawfully available to a member of the public under the same or similar circumstances.

(B) Special rules. The following special rules apply in addition to the general rule set forth above:

(1) Acquisition of interest in impending matters. An official may not acquire an interest in any matter if the official knows that the interest will be affected by impending official action of the City.

(2) Acquisition of interest in decided matter. An official may not acquire an interest in any matter affected by an official action of the City for a period of one year after the date of the official action.

(3) Reciprocal favors. An official may not enter into an agreement or understanding with any other person that a vote or other official action by the official will be rewarded or reciprocated by the other person other than by that person's favorable, lawful vote in an election in which the official is a candidate.

(4) Appointment of relatives. No person who is a relative of a member of the City Council shall be appointed to any board or commission by the City Council other than as a member of the Garland Youth Council.

Sec. 10.56 Former City officials

(A) Duty of continuing confidentiality. A former City official shall not use or disclose the City's confidential information acquired during service as an official. This rule does not prohibit:

(1) A disclosure of information that no longer constitutes confidential information;

(2) The lawful reporting of illegal or unethical conduct to authorities designated by law as having authority to investigate the alleged illegal or unethical conduct; or

(3) A disclosure required by a court order or otherwise required as a matter of law.

(B) Time limit for representing outside commercial entities. For a period of one year after termination of his or her duties, a former official may not represent any person, group, or entity (other than himself, herself, his or her relative, a non-profit charitable organization, or a business entity created by the City to perform governmental functions) before:

(1) The City Council (if the official was a member of the City Council) or the board or commission of which the official was a member; or

(2) A City department (including, without limitation, the Office of the City Manager) having responsibility for making recommendations to, or taking any action on behalf of, the City Council or the board or commission of which the former official was a member.

(C) Participation in litigation. Without the express consent of the City Council, a former official may not participate in any litigation to which the City is a party in a manner adverse to the interests of the City if the matter is one in which the former official personally participated prior to termination of his or her official duties, or is a matter substantially related to such a matter, and the former official supported or advocated the action or conduct that is the basis for the litigation.

(D) Improper statements. In connection with the representation of private interests, a former official shall not state or imply that he or she is able to influence City action on any basis other than the merits.

(E) No revolving door. Within one year after the termination of official duties, a former official shall not have any financial interest, direct or indirect, in any contract with the City, or be financially interested, directly or indirectly, in the sale to the City of any land, goods, or services. Any violation of this subsection, with knowledge, express or implied, of the person or corporation contracting with the City will render the contract involved voidable by the City Manager or the City Council. This subsection applies only to contracts or sales made on a discretionary basis and not to contracts or sales made on a competitive bid basis.

(F) For a period of one year after termination of his or her official duties, a former City official may not, either individually or as the officer or principal of a business entity:

(1) Submit a proposal on behalf of the former official or on behalf of the business entity for any City contract unless that contract is required by state law to be competitively bid; or

(2) Negotiate or enter into any City contract unless that contract is required by state law to be competitively bid.

Sec. 10.57 Prohibited political campaign activity

No official or candidate for City Council may meet with any employee, employees or group of employees of the City for political campaign purposes while any such employee is on duty unless part of an approved City Council activity.

Sec. 10.58 Confidential information

(A) Improper access. With respect to confidential information, a City official shall not use his or her position to obtain confidential information for any purpose other than the performance of official responsibilities.

(B) Improper disclosure or use. A City official shall not intentionally or knowingly disclose any confidential information gained by reason of the official's position. This rule does not prohibit:

- (1) A disclosure of information that no longer constitutes confidential information; or
- (2) The lawful reporting of illegal or unethical conduct to authorities designated by law as having authority to investigate the alleged illegal or unethical conduct.

Sec. 10.59 Public property and resources

No official may use City resources, supplies, equipment, facilities, or expend City funds (including, without limitation, the use of City personnel) for any purpose other than the conduct of official City business, unless otherwise provided for by law, ordinance, or City policy.

Sec. 10.60 Disclosure of interest

(A) Any officer, whether elected or appointed, who has a substantial interest in any matter pending before the City, shall disclose, in writing, such interest to the City Attorney and shall refrain from further discussion of the matter.

(B) In addition to the above disclosure, the officer:

- (1) Shall not be physically present when the subject is discussed in executive session unless requested by a majority of the City Council; and
- (2) Shall not vote on the matter.

Sec. 10.61 Complaints against Councilmembers or other officers

(A) Who may file a complaint. Any person who believes that there has been a violation of this article may file a complaint alleging an ethics violation with the City Secretary.

(B) Form of the complaint. A complaint filed under this section must:

- (1) Be in writing;
- (2) Be sworn to before a notary public;
- (3) Cite the specific provision of this article which the complainant believes has been violated;
- (4) State the approximate date of the alleged violation, or the date on which the alleged violation became known to the complainant; and(5) Supporting documentation, if it exists, should be included with the complaint.

(C) Anonymous and frivolous complaints. Anonymous complaints will not be accepted for filing or further action. Frivolous complaints, as determined from the allegations of the complaint, will not be accepted for filing or for further action. A person who files a frivolous complaint may not file another complaint under this article for a period of one year from the date of filing of the complaint stricken as frivolous.

(D) City Secretary's action. Upon acceptance, the City Secretary will forward a copy of the complaint to the following persons within one business day:

- (1) The official against whom the complaint is filed;
- (2) The City Attorney; and
- (3) The City Council.

The City Secretary may not accept or process any complaint within ninety days prior to an election.

(E) City Attorney's review and action. The City Attorney shall conduct a preliminary review of the complaint to determine whether:

- (1) The complaint is timely filed as set forth in this article; and
- (2) The complaint complies with the requirements of this article as to the form of the complaint.

If in the judgment of the City Attorney the complaint is defective as to form or appears to be frivolous on its face, the complainant shall be given an opportunity to amend and resubmit the complaint to cure the deficiencies. If, in the judgment of the City Attorney, the complaint is not timely filed in accordance with this article, the City Attorney shall forward the complaint directly to the with the recommendation that it be dismissed summarily. If in the judgment of the City Attorney the complaint is correctly submitted as to form and is timely filed, the City Attorney shall notify the Ethics Hearing Board in writing, and shall forward the complaint for further action.

(F) Official's response. The official complained against may file a written response to the complaint within fourteen days after the complaint is filed with the City Secretary. If the official files a response admitting to the violation, the City Secretary shall then forward the complaint, with the official's response, to the City Council for action. If the official files a response denying any portion of the complaint, the City Secretary shall then forward the complaint, with the official's response, to the Ethics Hearing Board. If the official declines to file a response within the 14-day timeframe for doing so, the City Secretary shall then forward the complaint to the Ethics Hearing Board.

Sec. 10.62 Ethics Hearing Board

(A) Creation and composition of an Ethics Hearing Board. Upon receipt of an ethics' complaint, an ad hoc Ethics Hearing Board consisting of five (5) members shall be formed to consider and investigate the complaint.

(B) Composition. The Ethics Hearing Board shall be composed of the chair of the Plan Commission, chair of the Board of Adjustment, chair of the Property Standards Board, and two other members selected by lot by the City Secretary from a pool of members of the Plan Commission and Board of Adjustment. However, an appointee may not be a member of an Ethics Hearing Board if the councilmember that appointed him or her is the subject of the investigation. In the event a complaint is filed against a councilmember that appointed the chair of the Plan Commission, Board of Adjustment, or Property Standards Board, the position(s) shall be filled by lot by the City Secretary from a pool of members of the Plan Commission and Board of Adjustment. The chair of the Plan Commission shall serve as the chair of the Ethics Hearing Board, unless the councilmember that appointed him or her is the subject of the investigation; in which case, the chair of the Board of Adjustment shall serve as the chair of the Ethics Hearing Board. In the event that neither the chair of the Plan Commission nor the chair of the Board of Adjustment is eligible, or able, to serve as the chair of the Ethics Hearing Board, the position shall be filled by a majority vote of the Ethics Hearing Board.

(C) Jurisdiction. The Ethics Hearing Board shall have jurisdiction to review and make findings concerning any alleged violation of this article by any person subject to those provisions, if a complaint is filed within one year after the date the alleged violation is first discovered by, or reported to, a city official. The Board may not consider any alleged violation that occurred more than one year before the date of the filing of a complaint. The termination of a City official's duties does not affect the jurisdiction of the Ethics Hearing Board with respect to alleged violations occurring prior to the termination of the official's official duties.

(D) Powers. The Ethics Hearing Board has the following powers only:

- (1) To establish, amend, and rescind rules and procedures governing its own internal organization and operations in a manner and form consistent with this article;
- (2) To meet as often as necessary to fulfill its responsibilities;

- (3) To request from the City Manager through the City Council the appointment of such staff as is necessary to carry out its duties;
- (4) To review, index, maintain on file, and dispose of sworn complaints;
- (5) To make findings of fact as necessary for the disposition of a complain;
- (6) To make notifications, extend deadlines, and conduct investigations; and
- (7) Such other powers as are specifically granted in this article.

(E) Special legal counsel. In the event a member of the City Council is the subject of an ethic's complaint that has be referred to the Ethics Hearing Board, the City Attorney shall hire outside legal counsel to provide counsel and legal advice to the Ethic Hearing Board.

Sec. 10.63 Preliminary investigation of ethics complaint by Ethics Hearing Board

(A) Preliminary consideration of the complaint. Each complaint that is filed shall be evaluated to determine whether the complaint states an ethical violation and whether the alleged violation is supported by just cause.

(B) Preliminary investigation. Within 21 days after receipt of a complaint, a preliminary finding shall be made as to whether or not the complaint states a claim under this article and is supported by just cause.

(C) Summary dismissal of a complaint after preliminary investigation. If, by the affirmative vote of a simple majority of the total members, it is determined that the complaint does not state a claim under this article or does not have just cause, based upon the statements and evidence submitted, the complaint shall be dismissed. Written notice of the dismissal must be sent to both the person who made the complaint and the person about whom the complaint was made, identifying the reason or reasons for dismissal. If the complaint is not dismissed, it will be fully and fairly investigated by hearing.

Sec. 10.64 Ethics Hearing Board Procedures

(A) Evidentiary hearing. Not less than 10 days before the hearing, written notice shall, by certified mail or personal service, be given of the hearing to both the person who made the complaint and the person about whom the complaint was made. The notice must state the specific provision or provisions of this article alleged in the complaint to have been violated.

(B) Ex parte communications. Ex parte communications are those communications that do not involve all parties in the complaint. It is a violation of this article for:

- (1) The complainant, the person charged in the complaint, or any person acting on their behalf to engage or attempt to engage, directly or indirectly, in any ex parte

communication about the subject matter of a complaint with a member of the Ethics Hearing Board; or

(2) A member of the Ethics Hearing Board to:

(a) Knowingly entertain an ex parte communication prohibited by the subsection above; or

(b) Knowingly communicate, directly or indirectly, with any person, other than a member of the hearing board, its staff, or its legal counsel, about any issue of fact or law relating to the complaint.

Sec. 10.66 Hearing rules of the Ethics Hearing Board

(A) The rules contained in this section apply to all hearings on complaints not summarily dismissed under this article.

(B) General rules.

(1) A determination that a violation of this article has occurred can be made only upon an affirmative vote of a simple majority of the total members, otherwise the complaint must be dismissed.

(2) A finding that a violation occurred must be supported by clear and convincing evidence.

(C) Procedural rules.

(1) A majority of the total members must be present for a hearing.

(2) Any member of the Board who is not present at a hearing on a complaint may not participate in any discussion, voting, or disposition regarding the complaint.

(3) All witnesses must be sworn, and the members of the Board or its legal counsel shall conduct questioning of witnesses.

(4) The Board may consider any and all relevant, probative evidence and may establish time limits and other rules relating to the participation of any person in the hearing, subject to subsections (D) and (E) of this section.

(5) The Board may request the presence of and hear testimony from witnesses on its own motion.

(D) Rights of the official charged. The person charged in the complaint has the following rights:

(1) To attend the hearing;

- (2) To make a statement;
- (3) To present and cross-examine witnesses; and
- (4) To be represented by legal counsel or another advisor.

(E) Rights of the complainant. The complainant has the following rights:

- (1) To attend the hearing;
- (2) To make a statement;
- (3) To be accompanied by legal counsel or another advisor.

The legal counsel or other advisor to the complainant may advise the complainant during the course of the hearing, but may not speak on behalf of the complainant, except to represent the complainant while testifying. The complainant may not present or cross-examine witnesses, except with the permission of the Board.

Sec. 10.67 Disposition of complaints

(A) Written decision required. All reasonable efforts shall be made to issue a written decision within 45 days after receipt of a complaint. The written decision must either:

- (1) Dismiss the complaint, with the grounds for dismissal set forth; or
- (2) Find that there has been a violation of this article and identify in the decision the particular provision or provisions violated.

(B) Copies of the findings and decision must be forwarded to the following persons:

- (1) The complainant;
- (2) The official charged in the complaint;
- (3) The City Attorney; and
- (4) The City Council.

A copy of the findings and decision must also be forwarded to the City Secretary, who shall make it available to the public as authorized by law.

(C) Similar charges barred. If the complaint is dismissed because the evidence failed to establish a violation of this article, another complaint shall not be accepted for filing if based upon substantially the same evidence.

Sec. 10.68 Referral for council action

If after a full investigation and Ethics Board hearing it is determined that a violation of this article has occurred, the City Council may consider the following sanctions:

(A) Letter of notification. A letter of notification may be issued when the City Council finds that a violation of this article was clearly unintentional or when the action or conduct found to have been a violation of this article was performed by the official in reliance on an opinion of the City Attorney. A letter of notification must advise the official to whom the letter is directed of any steps to be taken to avoid future violations.

(B) Letter of admonition. A letter of admonition may be issued when the City Council finds that the violation of this article was minor or may have been unintentional, but where the circumstances call for a more substantial response than a letter of notification.

(C) Reprimand. A reprimand may be issued when the City Council finds that a violation of this article was committed intentionally or through disregard of this article.

(D) Censure. A resolution of censure may be issued when the City Council finds that a serious or repeated violation of this article has been committed intentionally or through culpable disregard of this article.

(E) Removal or suspension from office. Any official, other than a City Councilmember, may be removed or suspended from office when the City Council finds that a serious or repeated violation of this article was committed intentionally or through culpable disregard of this article. Removal shall be in compliance with the City Charter and other applicable law. Any term of suspension shall be set by the City Council.

(F) Suspension or revocation of privileges of members of City Council. A City Councilmember's right to represent his or her district may not be suspended or revoked in regard to Work Sessions, Special Meetings, or Regular Meetings of the City Council. However, the City Council may suspend or revoke any, or a combination of, the following privileges:

- (1) leadership roles on City Council;
- (2) committee memberships;
- (3) participation as a City Official at public events, other than meetings of the City Council; or
- (4) the inclusion or removal of a councilmember's name on official plaques or dedications.

Sec. 10.69 Petition for declaratory ruling

Any official against whom public allegations of ethics violations have been made in the media or elsewhere has the right to file a sworn statement with the City Secretary affirming his or her innocence, and to request the Ethics Hearing Board to review the allegations and make known its findings to the public.



GARLAND PLANNING REPORT

City Council Regular Session Agenda

12. a.

Meeting Date: 12/13/2022

Item Title: Z 22-44 Golden Franchising Corporation - Specific Use Provision (District 7)

Submitted By: Will Guerin, Planning Director

REQUEST

Approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.

Approval of a Plan for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.

LOCATION

6102 North Jupiter Road

OWNER

Golden Southern Realty, LLC

PLAN COMMISSION RECOMMENDATION

During their November 21, 2022 meeting, the Plan Commission, with a vote of eight (8) to zero (0) voted approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.

The Commission also recommended approval of a Plan for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.

STAFF RECOMMENDATION

Approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.

Approval of a Plan for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.

BACKGROUND

The subject property is currently vacant. The applicant proposes to develop an approximately 1,069 square-foot drive-through restaurant on the subject property.

SITE DATA

The subject property is approximately 0.415 acres. It has approximately ninety-five (95) feet of linear street frontage along North Jupiter Road. The site is accessed from North Jupiter Road.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Community Retail (CR) District. The Community Retail (CR) District is intended to accommodate a variety of retail, service, and business establishments that may or may not be designed in a shopping center configuration. The district may be used as a transition district between lower intensity retail or office uses and more intense uses. A Community Retail (CR) District is generally appropriate along major transportation corridors but is generally not appropriate in proximity to low-density residential districts without significant buffering and screening features. An example of allowed use in a Community Retail (CR) District is a retail shopping area that may be large in scale with very limited or no outside storage. Traffic generated by uses in a Community Retail (CR) District must be focused onto the major thoroughfare network. Development in a Community Retail (CR) District may not be designed in a manner that increases traffic through residential areas.

Restaurant, Drive-Through Use requires a Specific Use Provision (SUP) in the Community Retail (CR) District.

CONSIDERATIONS

1. The applicant proposes to develop an approximately 1,069 square-foot drive-through restaurant [Golden Chick]. In addition, the restaurant will not have indoor seating for dining; it will be walk-up / to-go and drive-through only.
2. The site plan (Exhibit C) complies with the parking requirements of the Garland Development Code (GDC).
3. There is an existing masonry screening wall along the eastern property boundary buffering the existing residential neighborhood from commercial development. The wall will remain and the applicant requests not to provide an additional wall, but will provide four (4) large canopy trees [Southern Magnolias] along the masonry wall on the subject property as required by the GDC. Otherwise the landscape plan (Exhibit D) complies with the landscaping and screening requirements of the GDC.
4. The design of the building (Exhibit E) complies with the building design standards per the GDC.
5. A Specific Use Provision for twenty-five (25) years is requested by the applicant, which aligns with the SUP Time Period Guide.
6. No deviations have been requested regarding signage.

COMPREHENSIVE PLAN

The Envision Garland Plan designates the subject property as Neighborhood Centers.

Neighborhood centers provide a mix of retail, services and community gathering places. This center should be appropriately scaled to adjacent residential areas. This type of center is predominantly, but not exclusively, non-residential. Neighborhood centers are served by local roads and transit routes.

The proposed use is consistent with the Comprehensive Plan.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The property directly to the north of the subject property is zoned Community Retail (CR) District and is developed with a drive-through restaurant [Sonic Drive-In]. The properties to the east of the subject property are zoned Planned Development (PD) District 92-40 and developed with single-family residential homes. The property immediately to the south is zoned Agricultural (AG) District and includes a creek. Across the creek further to the south are additional single-family homes, zoned Single-Family-7 (SF-7) District. The properties to the west, across North Jupiter Road, are located in Richardson.

Attachments

Z 22-44 Golden Franchising Corporation Attachments (Specific Use Provision)

Z 22-44 Golden Franchising Corporation Responses

Z 22-44 Staff Presentation



0 140 280 Feet
1 inch = 219 feet

ZONING MAP Z 22-44

 INDICATES AREA OF REQUEST

6102 N Jupiter Rd

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 22-44

6102 North Jupiter Road

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to allow a Restaurant, Drive-Through.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Community Retail (CR) District as set forth in Chapter 2 of the Garland Development Code Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.

IV. Development Plans:

Site Layout: The site shall be in general conformance with the approved Site Plan, Landscape Plan, and Elevations labeled Exhibit C, Exhibit D, and Exhibit E. In the event of conflict between the conditions and the site plan, the written conditions listed below are to apply.

- V. Abandonment:** In the event the land use for which this Specific Use Provision was granted ("Land Use") is abandoned, the SUP and all rights to the Land Use are automatically terminated, and the premises must be used in conformance with the GDC, federal, and state law.

For the purposes of this Specific Use Provision, Abandonment is any of the following acts:

- A. A failure to apply for a site or building permit on the premises, where applicable, within 180 days of the effective date of this SUP;
- B. A failure to obtain a certificate of occupancy for the Land use within 730 days of the effective date of this SUP;
- C. A failure to commence operating the Land Use on the premises within 90 days of receiving a final certificate of occupancy for the Land Use;

EXHIBIT B

- D. Discontinuance of the Land Use for a period of 180 days;
- E. Applying for, and receiving, a new Certificate of Occupancy for a use other than the Land Use; or
- F. Operating a use on the premises, whether as a primary or secondary use, that is not allowed within the zoning district, by the GDC, or by state or federal law.

The termination of utilities on the premises for a period of 180 calendar days is prima facie evidence of abandonment and the owner shall have the burden to prove that the Land Use has not been abandoned.

VI. Specific Regulations:

- A. Time Period: The Specific Use Provision shall be valid for twenty-five (25) years.

REPORT & MINUTES

P.C. Meeting, November 21, 2022

Consideration of the application of **Golden Franchising Corporation**, requesting approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District. This property is located at 6102 North Jupiter Road. (District 7) (File Z 22-44 – Specific Use Provision)

Representing the applicant Mark Parmalee, 1131 Rockingham, Richardson, Texas, and Kelly Harbacheck, 3535 Bluffs Lane, #10105, Grapevine, Texas, provided an overview of the request, and remained available for questions.

There was discussion between the Plan Commission and Mr. Parmalee regarding project timing, proposed drive-through only design, screening and vegetation, trash and emanating odors, lighting, receptacle placement, and public outreach with the adjacent neighborhood.

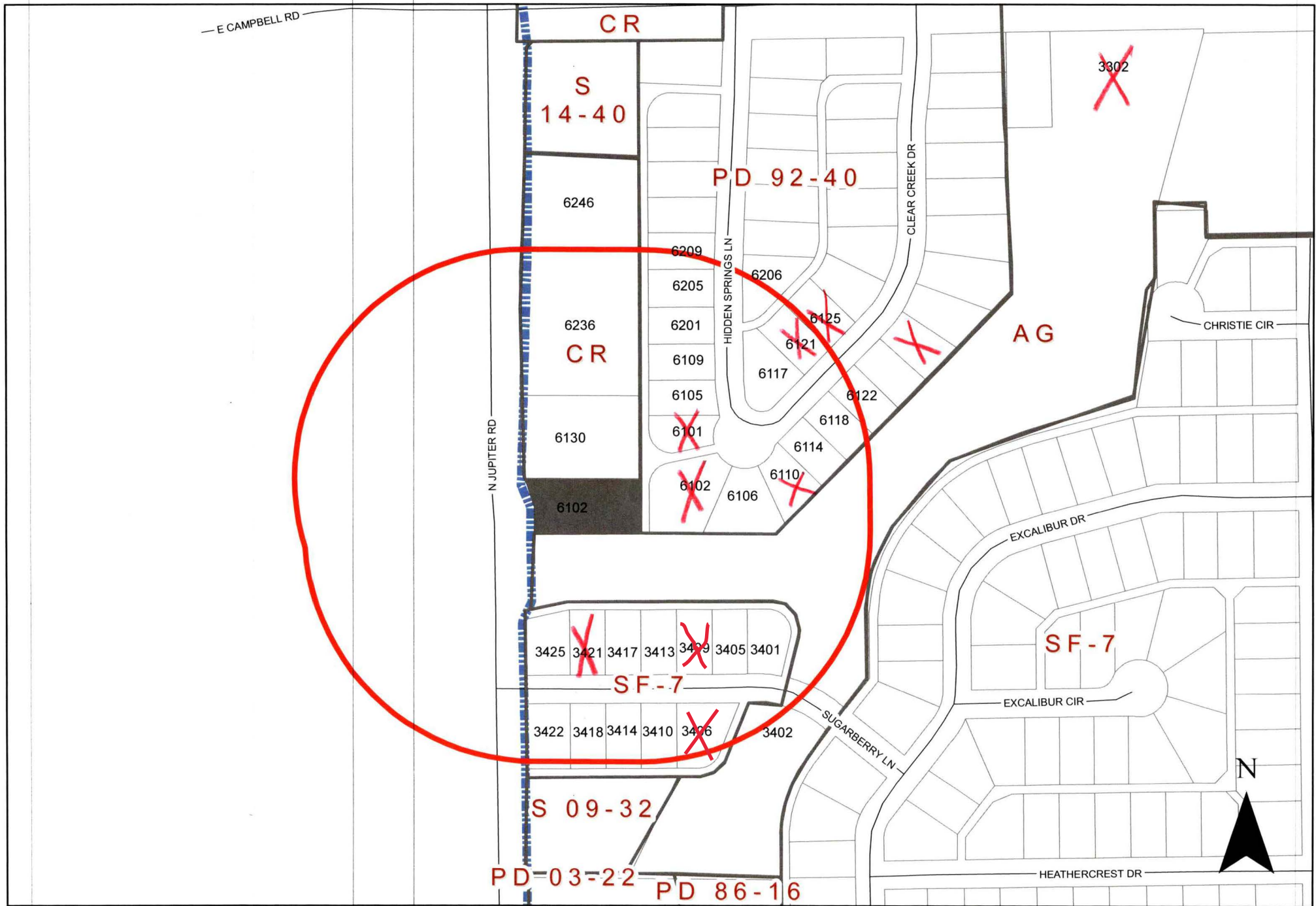
Residents speaking in opposition:
Craig Hastings, 3218 W. Campbell Road, Garland, Texas
Alex Hastings, 3204 W. Campbell Road, Garland, Texas

Residents raised concerns regarding trash, dumpster location, increase of rodents and potential hazards to wildlife as a result of poisons used to eliminate the rodents, erosion and storm water run-off, traffic, storm water/culvert drainage proposal and preservation of the trees.

Mr. Hastings spoke to the encroachment onto his property by the developer.

Also representing the applicant, Mr. Mathew Thomas, 2507 Heather Glen Court, Colleyville, Texas, stated the driveway belongs to the City of Richardson. Mr. Thomas has been working with the City of Richardson Traffic Engineering Department and the criteria for driveway spacing, and remaining conditions have been approved. Additionally, his understanding is the survey is correct, and they will protect as many trees as possible.

Motion was made by Commissioner Rose to close the public hearing and to approve the request. Seconded by Commissioner Williams.
Motion carried: 8 Ayes, 0 Nay.



0 140 280 Feet
1 inch = 219 feet

ZONING MAP Z 22-44

INDICATES AREA OF REQUEST
INDICATES NOTIFICATION AREA

6102 N Jupiter Rd

Comment Form

Case Z 22-44

Z 22-44 Golden Franchising Corporation. The applicant proposes a drive-through restaurant [Golden Chick]. The site is located at 6102 North Jupiter Road. (District 7)

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Please Check One Below / Marque uno a continuación / Vui lòng kiểm tra một bên dưới

☐

For / A Favor / Đúng

☒

Against / En Contra / Không

Please complete the following information and email the form to Planning@garlandtx.gov; deliver to the Planning Department at 800 Main Street Garland, TX; or mail to City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002. / Por favor Complete la siguiente información y envíe el formulario por correo electrónico a Planning@garlandtx.gov; entregar al Departamento de Planificación en 800 Main Street Garland, TX; o envíelo por correo a City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002. / Vui lòng điền đầy đủ thông tin sau và gửi biểu mẫu qua email tới Planning@garlandtx.gov; giao cho Phòng Kế hoạch tại 800 Main Street Garland, TX; hoặc gửi thư đến Thành phố Garland, Sở Kế hoạch, P.O. Hộp 469002 Garland, TX 75406-9002.

Allen Phillips Owner of property

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc.) / (Dueño de la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

3409 Sugarberry Ln

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

Garland, TX

City, State / Estado de la Ciudad / Thành bang

75044

Zip Code / Código postal / Mã B u Chính

Allen Phillips

Signature / Firma / Chữ ký

12-2-22

Date / Fecha / Ngày

(Providing email address and phone number is optional. / La dirección de correo electrónico y el número de teléfono son opcionales. / Địa chỉ email và số điện thoại là tùy chọn.)

**Comment Form Continued –
Case Z 22-44**

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

Las declaraciones a continuación reflejan mi (nuestra) opinión con respecto a las solicitudes propuestas.

Các tuyên bố dưới đây phản ánh quan điểm của tôi (chúng tôi) về (các) yêu cầu được đề xuất

We are concerned with the trash build up in the creek that was once a green space. The stand of trees blocks noise and light pollution at night. If the building still goes in, we would like a tall wall built so we do not have headlights in our windows. The trash is going to wash into the creek and create more pollution. Even if trees are not cut, leveling the site with many feet of extra dirt pushed down into the side of the creek, will girdle trees and kill trees in our ecosystem. This happened just recently at the development of the medical and pet facilities built just south of us.

Comment Form

Case Z 22-44

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Please Check One Below / Marque uno a continuación / Vui lòng kiểm tra một bên dưới

☐

For / A Favor / Đúng

☒

Against / En Contra / Không

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Edward Twiss

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc.) / (Dueño de la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

6101 Hidden Springs

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

Garland, Tx

City, State / Estado de la Ciudad / Thành bang

75044

Zip Code / Código postal / Mã B u Qhính



Signature / Firma / Ch ữ ký

11/20/22

Date / Fecha / Ngày

(Providing email address and phone number is optional. / La dirección de correo electrónico y el número de teléfono son opcionales. / Địa chỉ email và số điện thoại là tùy chọn.)

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David Gladney, Property Owner

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc.) / (Dueño de la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

6102 Clear Creek Dr

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

Garland, TX

City, State / Estado de la Ciudad / Thành bang

75044

Zip Code / Código postal / Mã B u Chính

David Gladney

Signature / Firma / Chữ ký

11/20/2022

Date / Fecha / Ngày

(Providing email address and phone number is optional. / La dirección de correo electrónico y el número de teléfono son opcionales. / Địa chỉ email và số điện thoại là tùy chọn.)

Comment Form Continued – Case Z 22-44

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Las declaraciones a continuación reflejan mi (nuestra) opinión con respecto a las solicitudes propuestas.

Các tuyên bố dưới đây phản ánh quan điểm của tôi (chúng tôi) về (các) yêu cầu được đề xuất

Our master bedroom and backyard have views of this property and its trees. While I would prefer that no business with bright lights and late opening hours be located behind me, I understand the desire for the restaurant to have this prime space. However, I do have a request out of the respect for the nearby creek and neighbors like me living adjacent to it. I would kindly request that existing trees bordering the property and creek be retained. This will uphold the beauty of the nature we enjoy today and prevent erosion or potential flooding. My family kindly requests that the planning committee consider this request. We have just become Garland residents and look forward to living here for many years. The preservation of this nature will greatly contribute to the enjoyment of those years. Thank you for respectfully considering this request.

Comment Form

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☐

For / A Favor / Đúng

☒

Against / En Contra / Không

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HAROLD HUENG-HSING LEE

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc.) / (Dueño de la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

6125 CLEAR CREEK DRIVE

Outside the Notification Area

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

GARLAND, TEXAS

City, State / Estado de la Ciudad / Thành bang

75044

Zip Code / Código postal / Mã B u Qính

Harold Hsing Lee

Signature / Firma / Ch ữ ký

Nov. 15, 2022

Date / Fecha / Ngày

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NOV 22 '22 AM 10:02

Comment Form

Case Z 22-44

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Li Wei Barron, owner

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc.) / (Dueño de la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

6110 Clear Creek Dr.

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

Garland, Tx

City, State / Estado de la Ciudad / Thành bang

75044

Zip Code / Código postal / Mã B u Qhính

Li Wei Barron

Signature / Firma / Ch ữ ký

11/14/2022

Date / Fecha / Ngày

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NOV 17 '22 PM12:

Comment Form

Case Z 22-44

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For / A Favor / Đúng



Against / En Contra / Không

Please complete the following information and email the form to Planning@garlandtx.gov; deliver to the Planning Department at 800 Main Street Garland, TX; or mail to City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002. / Por favor Complete la siguiente información y envíe el formulario por correo electrónico a Planning@garlandtx.gov; entregar al Departamento de Planificación en 800 Main Street Garland, TX; o envíelo por correo a City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002. / Vui lòng điền đầy đủ thông tin sau và gửi biểu mẫu qua email tới Planning@garlandtx.gov; giao cho Phòng Kế hoạch tại 800 Main Street Garland, TX; hoặc gửi thư đến Thành phố Garland, Sở Kế hoạch, P.O. Hộp 469002 Garland, TX 75406-9002.

Jun J Chang

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc.) / (Dueño de la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

6121 Clear Creek

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

Garland TX

City, State / Estado de la Ciudad / Thành bang

75044

Zip Code / Código postal / Mã Bưu Chính

Signature / Firma / Chữ ký

Date / Fecha / Ngày

11-14-22

Providing email address and phone number is optional. / La dirección de correo electrónico y el número de teléfono son opcionales. / Địa chỉ mail và số điện thoại là tùy chọn.

**Comment Form Continued -
Case Z 22-44**

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

Las declaraciones a continuación reflejan mi (nuestra) opinión con respecto a las solicitudes propuestas.

Các tuyên bố dưới đây phản ánh quan điểm của tôi (chúng tôi) về (các) yêu cầu được đề xuất

Safety of the subdivision

Noise to the subdivision

Quality of the subdivision
Life

- Too many Food Store / Restaurants!

- odors and fumes - sewer & appliance gas odors

- Termites

- overcrowded business

- crime = potential threat to the subdivision

Jun Chang

11-14-22

Zoning Response Case Comments

Case Number	PC Hearing Date	CC Hearing Date	Planner Name
Z 22-44	November 21, 2022	December 13, 2022	Will Guerin

Z 22-44 Golden Franchising Corporation. The applicant proposes a drive-through restaurant [Golden Chick]. The site is located at 6102 North Jupiter Road. (District 7)

**Edwin Wayne
Mccammack**

11/25/2022
11:15:03 PM

Against

3406 Sugarberry Ln

tripsjr15@hotmail.com

Garland

2145058022

TX

United States

75044

**Cherolyn
McCammack**

11/25/2022
11:14:46 PM

Against

3406 SUGARBERRY LN

cherf@hotmail.com

GARLAND

2144153927

Texas

United States

75044

property is too close to residential properties on Sugarberry lane.

Craig Hastings

11/20/2022
4:51:13 PM

Against

Outside the notification area

3302 W Campbell RD

hastings.craig@gmail.com

Garland

9722381627

Texas

United States

75044

Lack of a containment wall to the south will promote garbage and refuse entering a Texas waterway. This will contribute to the existing problem with the Sonic restaurant located approximately 95 feet further north allowing trash and dumpster overflow to blow south into the waterway. Additionally, if proper grease trap maintenance is not performed it will allow contamination of the waterway. The presence of the dumpster will also contribute to

Case Number	PC Hearing Date	CC Hearing Date	Planner Name
Z 22-44	November 21, 2022	December 13, 2022	Will Guerin

rodent issues. The current build of the retaining wall will impact the existing large trees that canopy the creek and contribute to increased erosion. The retaining wall, being constructed directly on the property line, cannot be built without impacting the adjacent property and no setback has been included to the south. Additionally, paving of the entire lot creates issues with stormwater runoff and the drainage easement has not been discussed or approved by the property owner of the property on which it is planned.

David Gladney

Against

11/17/2022
1:28:49 PM

6102 Clear Creek Drive

david.gladney@gmail.com

Garland

4079139440

Texas

United States

75044

This location backs up to our peaceful home with nature preserve and pool. We have just purchased the home in Garland and would hate to already have the beautiful nature behind our home ruined by further development. This development would disrupt the Creek that flows behind all homes on our street.

Lauren Bruns

Against

Outside the notification area

11/17/2022
1:36:15 AM

6130 Clear Creek Dr

Lauren@erecycler.net

Garland

4698776957

Texas

United States

75044

**Catherine
McNeal**

against

11/14/2022
6:32:10 PM

3421 Sugarberry Ln

cmcneal415@aol.com

Garland

9727425795

TX

United States

75044

Please don't do this. The adjacent creek area is a haven of peace & quiet in an otherwise busy street area. The Sonic is bad enough...people litter the area with their Sonic drink cups & food wrappers. Are the trees near this lot

Case Number	PC Hearing Date	CC Hearing Date	Planner Name
Z 22-44	November 21, 2022	December 13, 2022	Will Guerin

going to be cut down? How much of the wildlife that inhabit those trees will lose their homes. Does that even matter when ...oh wow! we can have another fast food place next door to our homes? And I dread the thought of more traffic in the neighborhood. Oh yes...shall I mention the smell of chicken grease wafting through the air on summer nights.....it's bad enough with the cooking smells from Sonic. Who wants to sit outside and enjoy a summer evening and smell the combined food odors of chicken & hamburger grease? I fear my concerns will fall on deaf ears....but, again, please don't do this.

Z 22-44

PLANNING & DEVELOPMENT



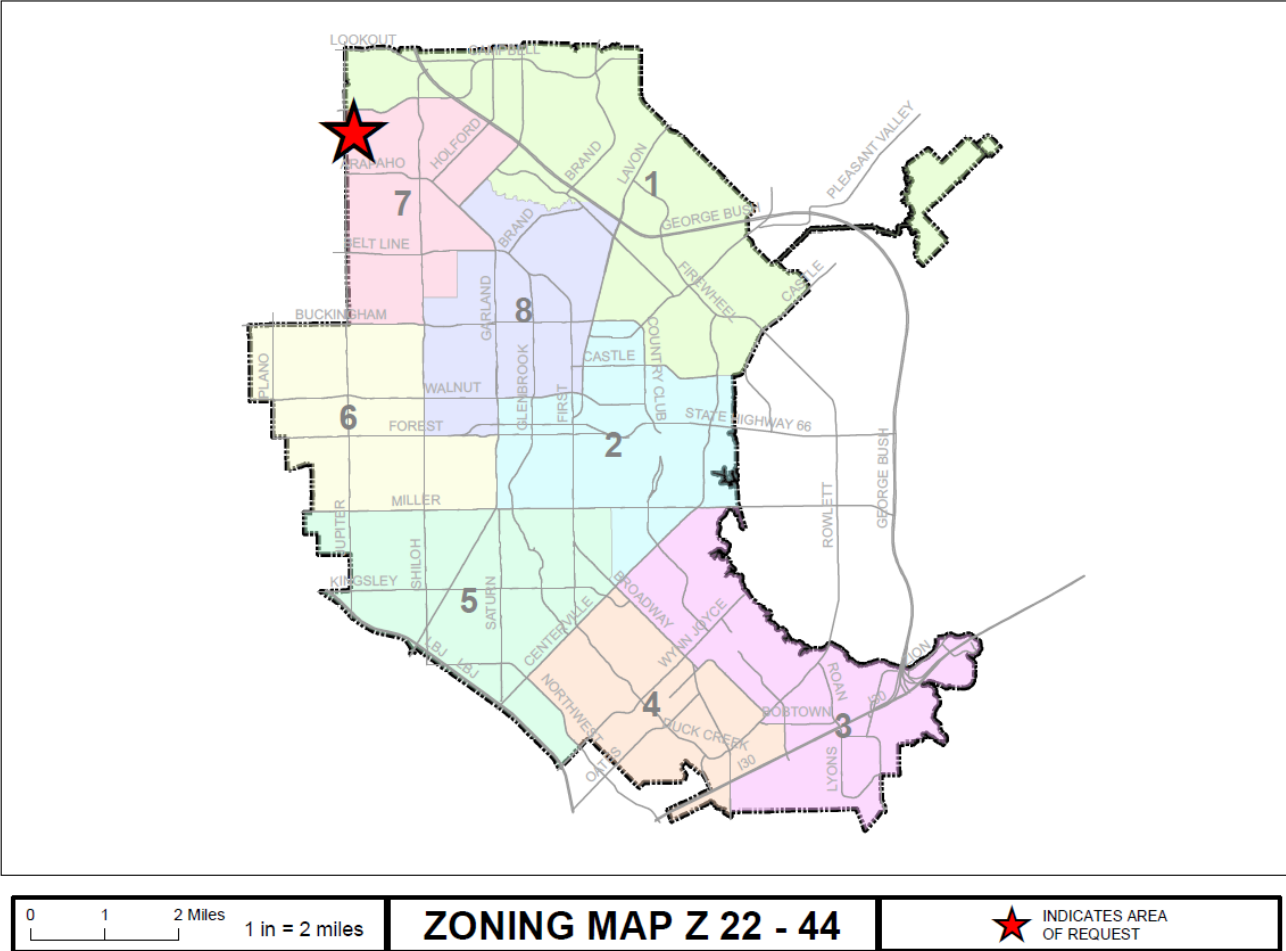
The applicant requests to allow a drive-through restaurant [Golden Chick].

City Council Meeting
December 13, 2022

CASE INFORMATION

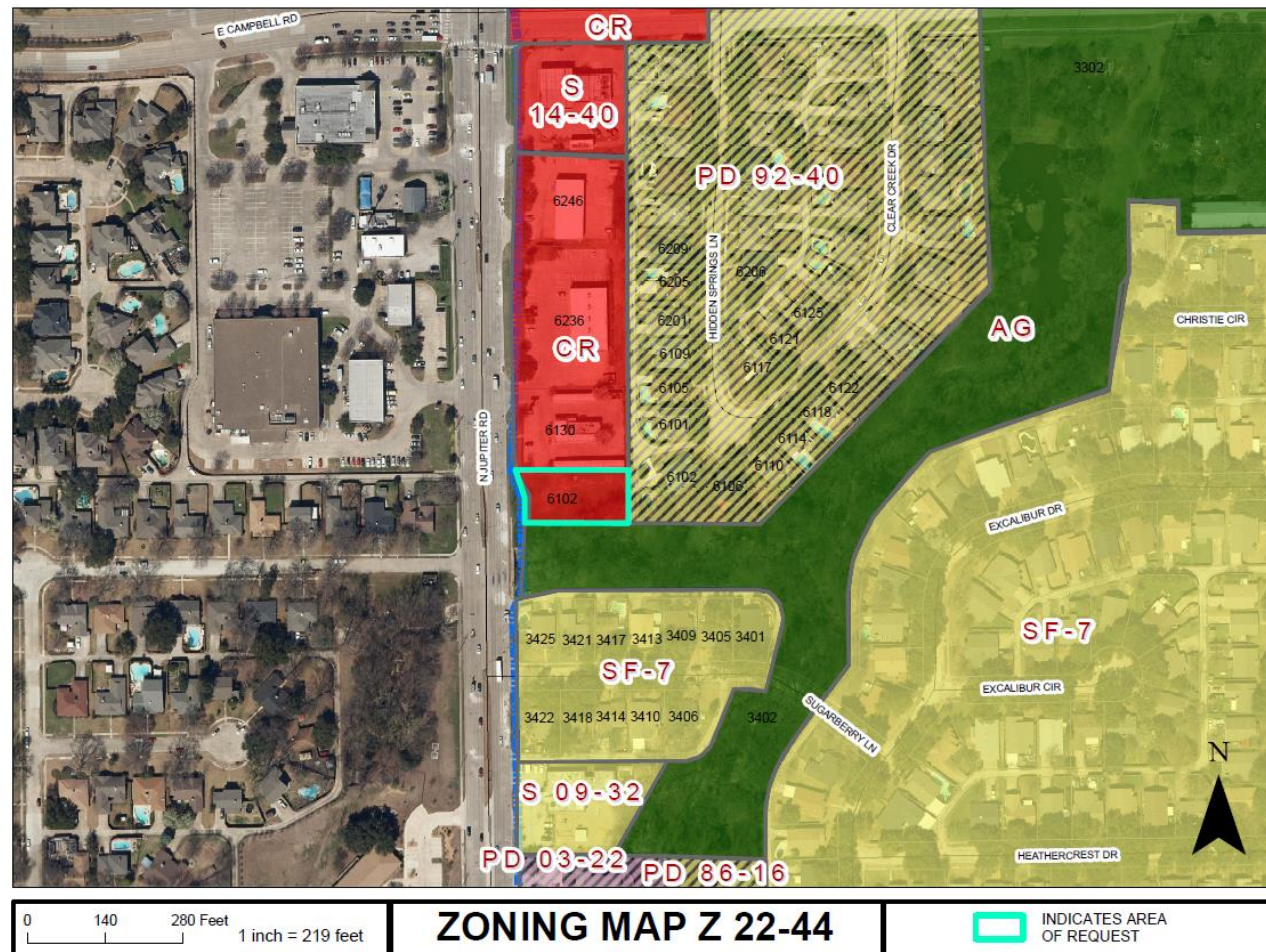
<u>Location:</u>	6102 North Jupiter Road
<u>Applicant:</u>	Golden Franchising Corporation
<u>Owner:</u>	Golden Southern Realty, LLC
<u>Acreage:</u>	0.415 acres
<u>Zoning:</u>	Community Retail (CR) District

CITYWIDE LOCATION MAP



LOCATION MAP

PLANNING & DEVELOPMENT



ZONING MAP Z 22-44

INDICATES AREA
OF REQUEST

6102 N Jupiter Rd

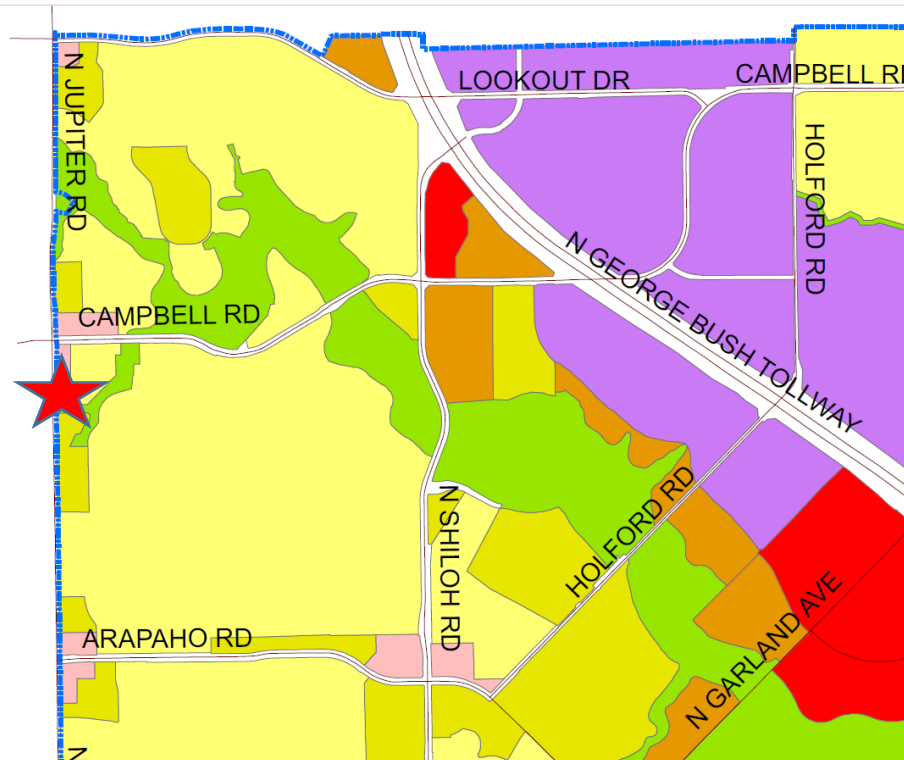
Z 22-44

COMPREHENSIVE PLAN

PLANNING & DEVELOPMENT



 *Neighborhood Centers*



COMPREHENSIVE PLAN

PLANNING &
DEVELOPMENT



The Envision Garland Plan designates the subject property as Neighborhood Centers. Neighborhood centers provide a mix of retail, services and community gathering places. This center should be appropriately scaled to adjacent residential areas. This type of center is predominantly, but not exclusively, non-residential. Neighborhood centers are served by local roads and transit routes.

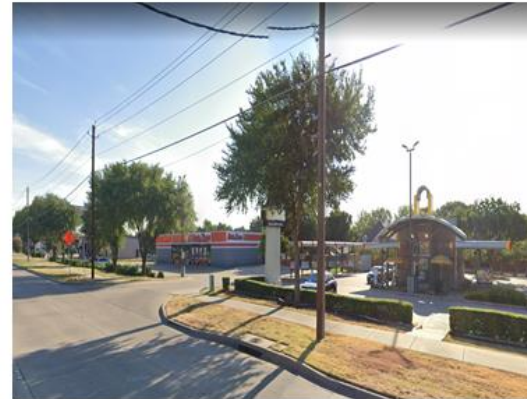
The proposed use is consistent with the Comprehensive Plan.

PHOTOS

PLANNING & DEVELOPMENT



View of the subject property along N. Jupiter Rd, looking east.



North of the subject property along N. Jupiter Rd.



South of the subject property along N. Jupiter Rd.



West of the subject property along N. Jupiter Rd.

PLANNING & DEVELOPMENT



CONSIDERATIONS

The applicant requests the Specific Use Provision to be in effect for a period of twenty-five (25) years, which aligns with the SUP Time Period Guide.

STAFF RECOMMENDATION

PLANNING &
DEVELOPMENT



Approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.

Approval of a Plan for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.

PLAN COMMISSION RECOMMENDATION

PLANNING &
DEVELOPMENT



During their November 21, 2022 meeting, the Plan Commission, with a vote of eight (8) to zero (0) voted approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.

The Commission also recommended approval of a Plan for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.

PLANNING & DEVELOPMENT

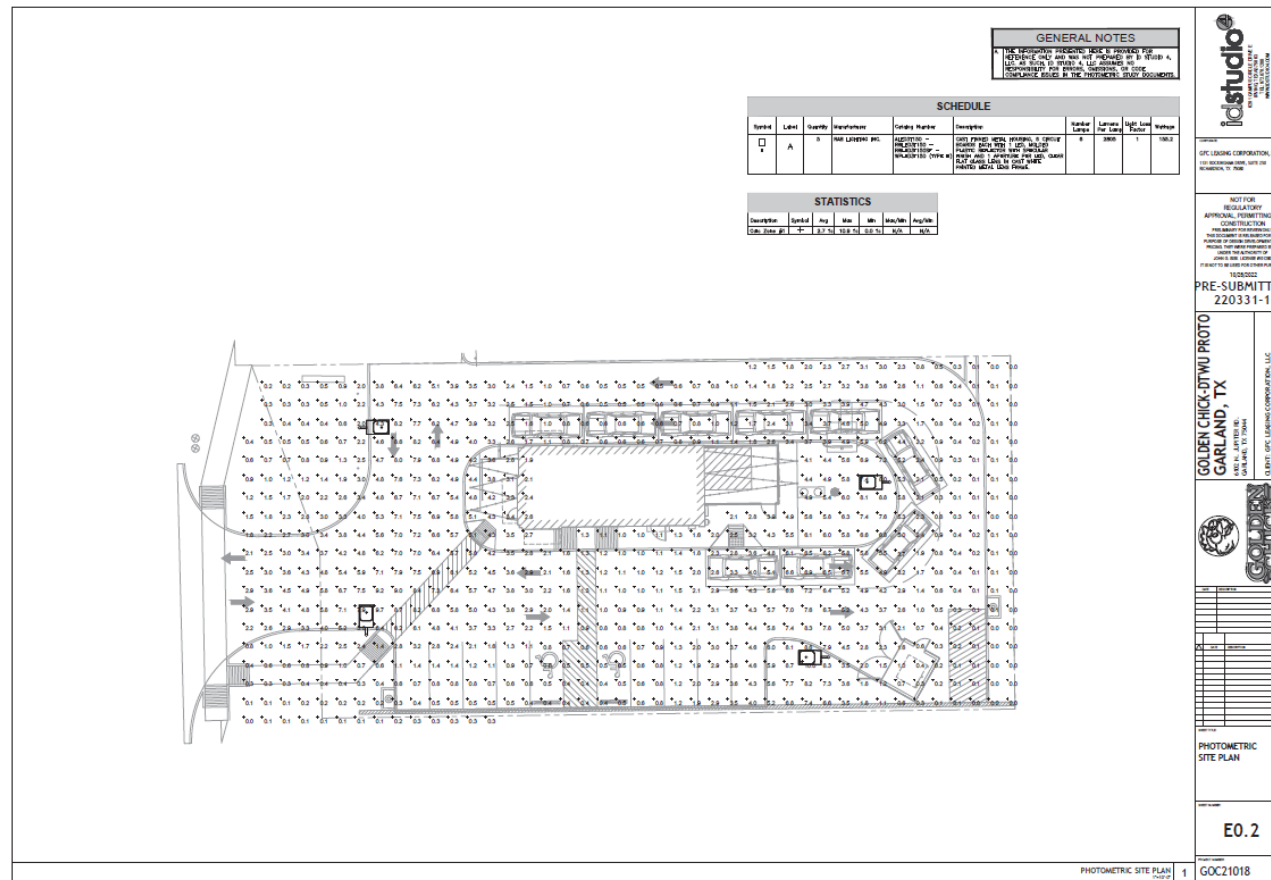


 GARLAND

GARLAND

[illegible]

 GOCstudio ENVIRONMENTAL & INDUSTRIAL CONSULTANTS, LLC 10000 W. 10TH AVE. SUITE 100 DENVER, CO 80202	
GPC LEASING CORPORATION, 1000 W. 10TH AVE., SUITE 100 DENVER, CO 80202	
NOT FOR AFFIDAVIT REGISTRATION CONSTRUCTION PERMITTING PROJECTS OF THE FOLLOWING TYPE: 1. REPAIRS TO EXISTING STRUCTURES 2. REPAIRS TO EXISTING UTILITIES 3. REPAIRS TO EXISTING ROADS 4. REPAIRS TO EXISTING AIRCRAFT 5. REPAIRS TO EXISTING VESSELS 6. REPAIRS TO EXISTING EQUIPMENT 7. REPAIRS TO EXISTING INFRASTRUCTURE 8. REPAIRS TO EXISTING FACILITIES 9. REPAIRS TO EXISTING SYSTEMS 10. REPAIRS TO EXISTING SERVICES 11. REPAIRS TO EXISTING UTILITIES 12. REPAIRS TO EXISTING ROADS 13. REPAIRS TO EXISTING AIRCRAFT 14. REPAIRS TO EXISTING VESSELS 15. REPAIRS TO EXISTING EQUIPMENT 16. REPAIRS TO EXISTING INFRASTRUCTURE 17. REPAIRS TO EXISTING FACILITIES 18. REPAIRS TO EXISTING SYSTEMS 19. REPAIRS TO EXISTING SERVICES 20. REPAIRS TO EXISTING UTILITIES 21. REPAIRS TO EXISTING ROADS 22. REPAIRS TO EXISTING AIRCRAFT 23. REPAIRS TO EXISTING VESSELS 24. REPAIRS TO EXISTING EQUIPMENT 25. REPAIRS TO EXISTING INFRASTRUCTURE 26. REPAIRS TO EXISTING FACILITIES 27. REPAIRS TO EXISTING SYSTEMS 28. 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GARLAND PLANNING REPORT

City Council Regular Session Agenda

12. b.

Meeting Date: 12/13/2022

Item Title: Z 22-44 Golden Franchising Corporation - Plan (District 7)

Submitted By: Will Guerin, Planning Director

REQUEST

Approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.

Approval of a Plan for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.

LOCATION

6102 North Jupiter Road

OWNER

Golden Southern Realty, LLC

PLAN COMMISSION RECOMMENDATION

During their November 21, 2022 meeting, the Plan Commission, with a vote of eight (8) to zero (0) voted approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.

The Commission also recommended approval of a Plan for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.

STAFF RECOMMENDATION

Approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.

Approval of a Plan for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.

BACKGROUND

The subject property is currently vacant. The applicant proposes to develop an approximately 1,069 square-foot drive-through restaurant on the subject property.

SITE DATA

The subject property is approximately 0.415 acres. It has approximately ninety-five (95) feet of linear street frontage along North Jupiter Road. The site is accessed from North Jupiter Road.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Community Retail (CR) District. The Community Retail (CR) District is intended to accommodate a variety of retail, service, and business establishments that may or may not be designed in a shopping center configuration. The district may be used as a transition district between lower intensity retail or office uses and more intense uses. A Community Retail (CR) District is generally appropriate along major transportation corridors but is generally not appropriate in proximity to low-density residential districts without significant buffering and screening features. An example of allowed use in a Community Retail (CR) District is a retail shopping area that may be large in scale with very limited or no outside storage. Traffic generated by uses in a Community Retail (CR) District must be focused onto the major thoroughfare network. Development in a Community Retail (CR) District may not be designed in a manner that increases traffic through residential areas.

Restaurant, Drive-Through Use requires a Specific Use Provision (SUP) in the Community Retail (CR) District.

CONSIDERATIONS

1. The applicant proposes to develop an approximately 1,069 square-foot drive-through restaurant [Golden Chick]. In addition, the restaurant will not have indoor seating for dining; it will be walk-up / to-go and drive-through only.
2. The site plan (Exhibit C) complies with the parking requirements of the Garland Development Code (GDC).
3. There is an existing masonry screening wall along the eastern property boundary buffering the existing residential neighborhood from commercial development. The wall will remain and the applicant requests not to provide an additional wall, but will provide four (4) large canopy trees [Southern Magnolias] along the masonry wall on the subject property as required by the GDC. Otherwise the landscape plan (Exhibit D) complies with the landscaping and screening requirements of the GDC.
4. The design of the building (Exhibit E) complies with the building design standards per the GDC.
5. A Specific Use Provision for twenty-five (25) years is requested by the applicant, which aligns with the SUP Time Period Guide.
6. No deviations have been requested regarding signage.

COMPREHENSIVE PLAN

The Envision Garland Plan designates the subject property as Neighborhood Centers.

Neighborhood centers provide a mix of retail, services and community gathering places. This center should be appropriately scaled to adjacent residential areas. This type of center is predominantly, but not exclusively, non-residential. Neighborhood centers are served by local roads and transit routes.

The proposed use is consistent with the Comprehensive Plan.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The property directly to the north of the subject property is zoned Community Retail (CR) District and is developed with a drive-through restaurant [Sonic Drive-In]. The properties to the east of the subject property are zoned Planned Development (PD) District 92-40 and developed with single-family residential homes. The property immediately to the south is zoned Agricultural (AG) District and includes a creek. Across the creek further to the south are additional single-family homes, zoned Single-Family-7 (SF-7) District. The properties to the west, across North Jupiter Road, are located in Richardson.

Attachments

Z 22-44 Golden Franchising Corporation Attachments (Plan)

Z 22-44 Golden Franchising Corporation Responses

Z 22-44 Staff Presentation



0 140 280 Feet
1 inch = 219 feet

ZONING MAP Z 22-44

 INDICATES AREA OF REQUEST

6102 N Jupiter Rd

EXHIBIT C

MERIDITH DR.

30" STORM DRAIN
CITY PLAN NO. 080010

NORTH JUPITER ROAD
VARIABLE WIDTH (8'-0" TO 10'-0")

CULVERT HEADWALL
FL. = 538.71'

EX. HEADWALL

RICHARDSON INDEPENDENT SCHOOL DISTRICT
VOLUME 78238, PAGE 1944
04/24/14

GENERAL NOTES:

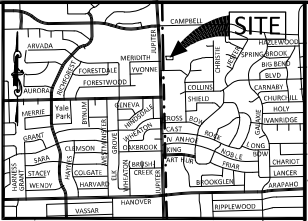
- ALL PAVEMENT DIMENSIONS ARE TO FACE OF CURB UNLESS INDICATED OTHERWISE. ALL BUILDING DIMENSIONS ARE TO OUTSIDE FACE OF WALL UNLESS INDICATED OTHERWISE.
- SEE ARCHITECTURAL SHEETS FOR EXACT DIMENSIONS OF BUILDING, AND DETAILS AROUND THE BUILDING.
- ALL CURVE RADII ARE 3' UNLESS NOTED OTHERWISE.
- SEE ELECTRICAL PLANS FOR SITE LIGHTING DESIGN AND DETAILS.

NOTES BY SYMBOL:

- PROPOSED BUILDING FOOTPRINT
- DUMPSTER WITH ENCLOSURE WITH 7" THICK CONC. APRON. REFER TO ARCHITECTURAL PLANS FOR DETAILS
- ACCESSIBLE PARKING SPACE (TYP.)
- ACCESSIBLE PARKING POLE SIGNAGE - 1 VAN ACCESSIBLE SIGNAGE
- ADA COMPLIANT WALKWAY
- PROPOSED 6" SIDEWALK IN CITY ROW
- CONNECT ADA COMPLIANT WALKWAY TO PROPOSED SIDEWALK IN CITY ROW
- INSTALL ACCESSIBLE RAMP
- "DO NOT ENTER" SIGNAGE
- ORDER BOARD (REFER ARCH. SHEETS)
- GREASE INTERCEPTOR AND SAMPLE WELL
- PROPOSED MONUMENT SIGNAGE BY SEPARATE PERMIT (LOCATION SHOWN FOR REFERENCE ONLY)
- EXISTING FIRE HYDRANT
- 175 LF OF REINFORCED CONCRETE RETAINING WALL
- DOVA BACKFLOW DETECTORS FOR DOMESTIC AND IRRIGATION SERVICES
- LOADING ZONE
- PICK-UP WINDOW
- STORM DRAIN HEADWALL WITH EROSION CONTROL BLANKET
- INSTALL "YIELD SIGN"
- EXISTING SIDEWALK
- BENCH & PLANTERS
- POWER POLE TO BE RELOCATED AT DEVELOPERS EXPENSE
- PROPOSED WATER METERS
- INSTALL R6-1R (ONE WAY) SIGNAGE
- 6" LANDSCAPE BUFFER
- 15' DRAINAGE EASEMENT (BY SEPARATE INSTRUMENT)

LAND USE CHART

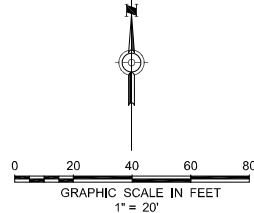
PROPOSED DEVELOPMENT	GOLDEN CHICK RESTAURANT
EXISTING ZONING	CR
PROPOSED USE	RESTAURANT WITH DRIVE THRU
SITE AREA (Ac.)	0.415 AC. (18,074 sf)
BUILDING AREA (sf)	1,069
BUILDING HEIGHT (ft) ALLOWED/PROPOSED	30' / 22'-2.5'
IMPERVIOUS SURFACE COVER	14,784 SF / 81.9%
FLOOR AREA RATIO	0.06
FLOOR AREA RATIO ALLOWED	0.75
LOT COVERAGE ALLOWED/PROPOSED	60% / 7.5%
FRONT SETBACK REQUIRED / PROVIDED	30' / 33.33' MIN
SIDE SETBACK REQUIRED / PROVIDED	20' / 69.87'
REAR SETBACK REQUIRED / PROVIDED	20' / 22.90'
PARKING REQUIRED (1 PER 100SF GFA)	11
PARKING PROVIDED	11
DRIVE THRU STACKING REQUIRED	5 SPACES FROM MENU BOARD
DRIVE THRU STACKING PROVIDED	5
HANDICAP SPACE PROVIDED	2 SPACES



VICINITY MAP (NTS)
MAPSCO 8-U

LEGEND:

- PROPERTY LINE
- ADJOINED PROPERTY
- BUILDING SETBACK LINE
- EASEMENTS
- EXISTING CURB
- PROPOSED CURB AND GUTTER
- PAINTED STRIPE (TRAFFIC WHITE)
- PAINTED WALKWAY (TRAFFIC WHITE)
- CONCRETE PAVING. REFER TO SHEET C-2.1 FOR PAVEMENT THICKNESS
- INTERIOR LANDSCAPED AREA (RE: LANDSCAPE PLANS)
- DECOMPOSED GRANITE
- PARKING STALL COUNT
- SITE LIGHTING (SEE ELECTRICAL PLANS)
- VARIABLE HEIGHT CONCRETE RETAINING WALL



CASE NO.: 220331-1

ZONING SITE PLAN

18,074 SQUARE FEET (0.415 ACRE)
LOT 2, BLOCK 1, SONIC'S ADDITION
FINAL PLAT VOLUME 98055, PAGE 103, M.R.C.C.
CITY OF GARLAND DALLAS COUNTY, TEXAS

GOLDEN TREE RESTAURANTS, LLC
1131 ROCKINGHAM DR., SUITE 250
RICHARDSON, TX 75080
JAY ALEXANDER PHONE: 214-443-9022

THOMAS SITE DEVELOPMENT ENGINEERING INC.
P.O. BOX 1281, COLLEYSVILLE, TX 76034
ATTN: MATTHEW THOMAS, P.E.
PH: (214) 680-2728; MATTHEW@THOMAS-ENG.COM

THOMAS SITE DEVELOPMENT ENGINEERING INC.
REGISTRATION NO. F-10899
P.O. BOX 4291, COLLEYSVILLE, TX 76034
MATTHEW@THOMAS-ENG.COM
THOMAS-ENG.COM

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF:
MATTHEW THOMAS, P.E.
LICENSED ENGINEER # 81576
1 Dec 2022

PRELIMINARY
NOT FOR REGULATORY APPROVAL, PERMITTING OR CONSTRUCTION

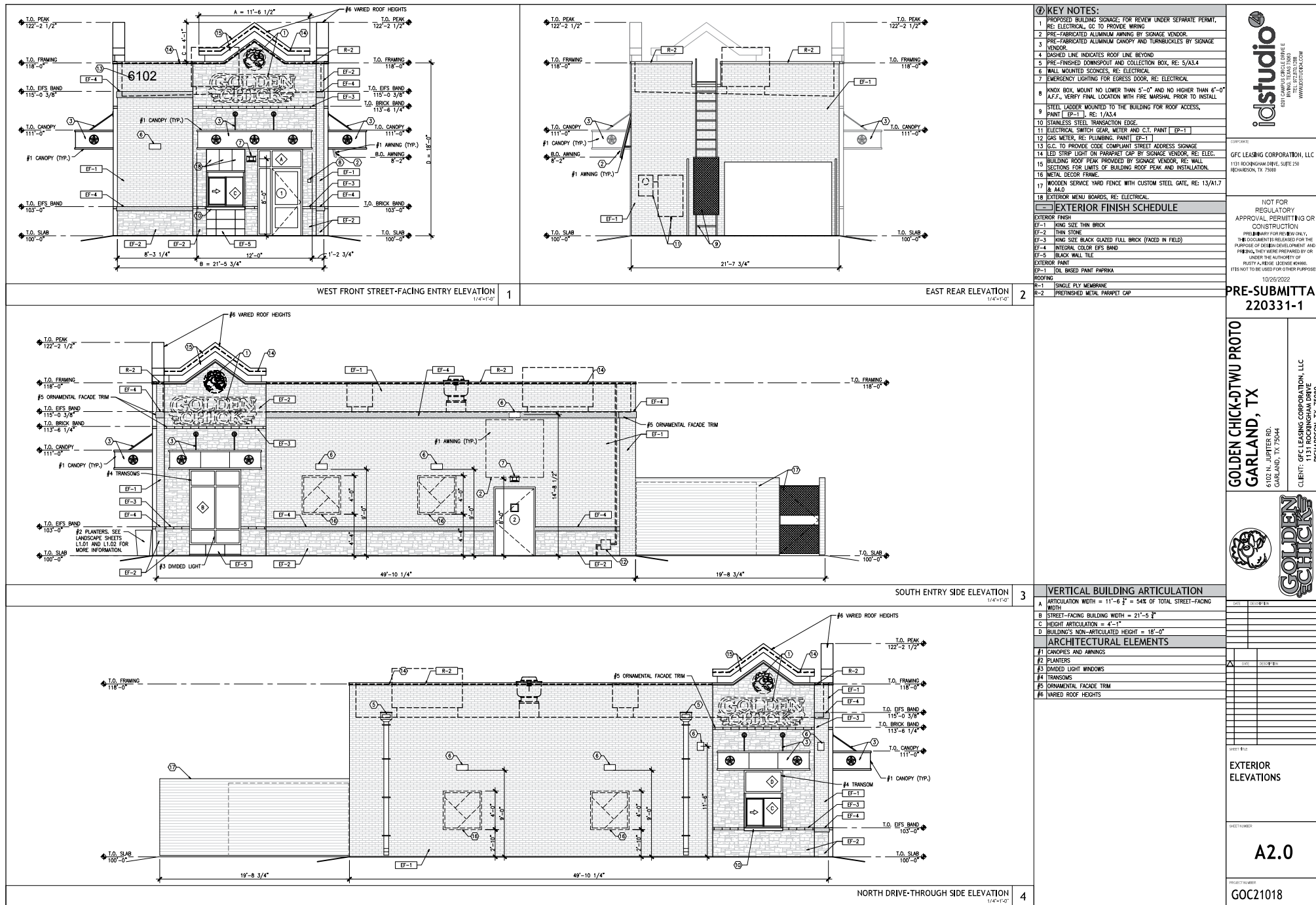
GOLDEN CHICK RESTAURANT
6102 N JUPITER RD, GARLAND, TX 75044



DATE	
DESCRIPTION	
REVISION	

C-2.0





9"

PAINT INTERIOR WALLS
[P-1]

HORIZ. VASCULAR REINFORCEMENT
● 16" O.C.

INTERIOR

CMU BLOCK

8"x8"

C-6x5.4 STEEL CHANNEL
FRAME

4"x4" STEEL TUBE
GATE POST [P-1]

EXTERIOR

GATE FRAME BELOW [P-1]

1/2" 18g METAL DECK IN
CHANNEL FRAME DAMPER GATE

KEY NOTES:

- 1 METAL CECK BOX RISE DUMPSITER GATES
- 2 PIPE BOLLARD, RE: 2/A1/8
- 3 DUMPSITER

WALL LEGEND

	THIN BRICK
	CMU BLOCK

EXTERIOR FINISH SCHEDULE

EXTERIOR FINISH	
EF-1	HINGE STONE THIN BRICK
EF-2	THIN STONE
EF-3	HINGE STONE BLACK GLAZED FULL BRICK (FACED IN FIELD)
EF-4	INTEGRAL COLOR EPS BAND
EF-5	BLACK WALL TILE
EXTERIOR PAINT	
EP-1	JOIL BASED PAINT PARKIRA
ROOFING	
R-1	SINGLE PLY MEMBRANE
R-2	PREFINISHED METAL PARAPET CAP

Section view of a brick wall showing reinforcement details. The wall is labeled "R-2" at the top. It shows a brick masonry section with a horizontal reinforcement bar labeled "6#" and a vertical reinforcement bar labeled "4#". The top of the wall is labeled "T.O. CMU 106'-0"

Figure 1: Typical window and door details. The figure contains two diagrams. The top diagram shows a 'TYPICAL WINDOW' with a width of 10'-0 3/4" and a height of 6'-0". It includes a 'PROPOSED FRAME ELEVATION' and a 'SCHED. CORNER, BY SERVICE WINDOW'. The bottom diagram shows a 'TYPICAL DOOR' with a width of 4'-0" and a height of 6'-0". It includes a 'PROPOSED DOOR ELEVATION' and a 'SCHED. CORNER, BY SERVICE WINDOW'. Both diagrams show the placement of windows and doors relative to the building's exterior walls and the proposed frame elevations.

[illegible]

Technical drawing of a gate frame assembly. The drawing shows a cross-section of the gate frame, including the gate frame itself, a 3/4" x 1/4" standard CME bolt, a 1" x 1/4" steel tab weld to CME bolt, a 1" metal pipe sleeve with a 1/4" x 1/2" notch at top edge weld to gate frame, and a 1/4" x 1/2" notch at top edge weld to gate frame. The drawing also shows the gate frame, the 1" metal pipe sleeve, and the 1/4" x 1/2" notch at top edge weld to gate frame. The drawing is labeled with dimensions and component names.

Labels and dimensions in the drawing include:

- GATE FRAMING
- 3/4" x 1/4" STANDARD CME BOLT
- 1" x 1/4" STEEL TAB WELD TO CME BOLT
- 1" METAL PIPE SLEEVE WITH 1/4" x 1/2" NOTCH AT TOP EDGE WELD TO GATE FRAME
- GATE FRAMING
- SET PIPE SLEEVES 1/4" ABOVE PAVEMENT
- CONCRETE PAVING
- UPPER TAB FOR PADLOCK
- LOWER TAB

Technical drawing of a vertical post assembly. The drawing shows a cross-section of a post with various components and dimensions. The components are labeled as follows:

- 4"x4" STEEL TUBE (with EP-1 in a box)
- 1/2" EXPANSION JOINT MATERIAL
- CONCRETE SLAB, RE: CIVL
- SEALANT
- SET 7'-0" BELOW GRADE PER MANUFACTURER
- #4 x 12" LONG BAR WELDED TO POST (H REDD)
- 18" DIA. x 4'-0" DEEP CONC. PIER WITH #4 BARS (VERT) AND #3 TIES AT 8" O.C.

The dimensions are indicated on the right side of the drawing:

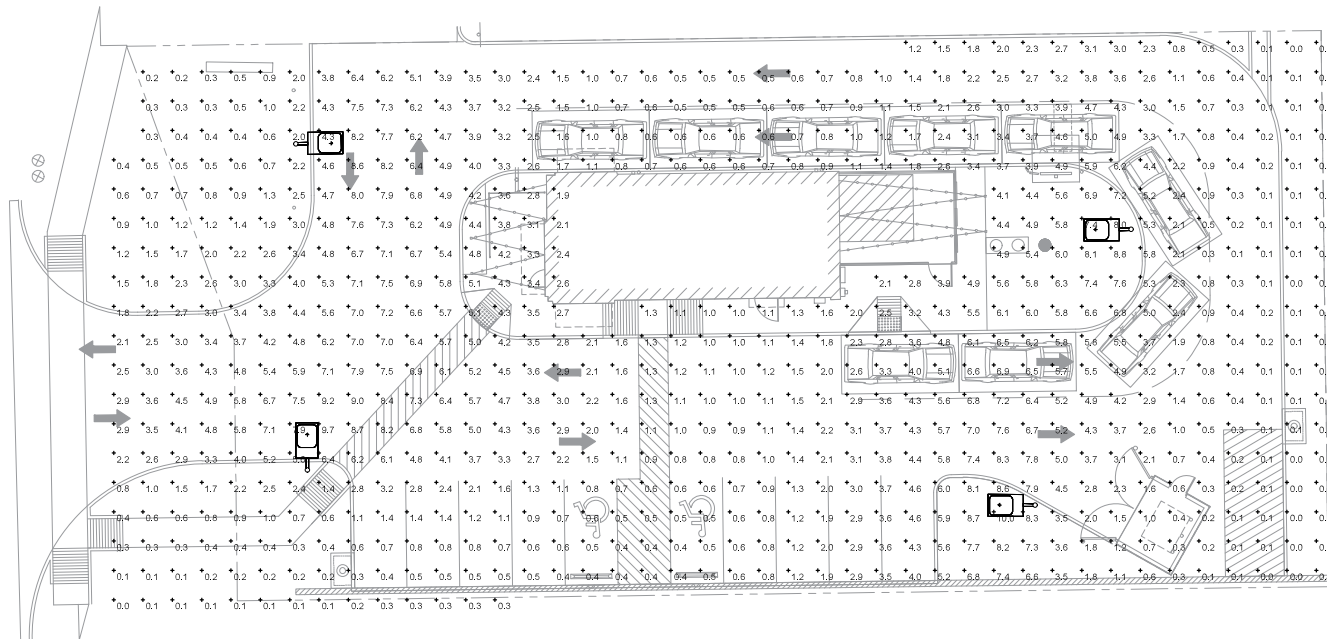
- 8'-0" (total height of the post above the concrete slab)
- 1'-0" (height of the expansion joint material)
- 1'-0" (height of the concrete slab)
- 7'-0" (height from the top of the concrete slab to the top of the post)
- 4'-0" (height of the concrete pier)
- 8" (spacing of the ties)

		
DATE: _____ DESIGNED BY: _____		
SHEET NO.: _____		
ENLARGED DUMPSTER PLAN, SERVICE YARD, AND SIGN DETAILS		
SHEET NUMBER:		
A1.7		
PROJECT NUMBER: GOC21018		

A.	THE INFORMATION PRESENTED HERE IS PROVIDED FOR REFERENCE ONLY AND WAS NOT PREPARED BY ID STUDIO 4, LLC. AS SUCH, ID STUDIO 4, LLC ASSUMES NO RESPONSIBILITY FOR ERRORS, OMISSIONS, OR CODE COMPLIANCE ISSUES IN THE PHOTOMETRIC STUDY DOCUMENTS.
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SCHEDULE									
Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Number Lamps	Lumens Per Lamp	Light Loss Factor	Wattage
	A	5	RAB LIGHTING INC.	ALED3T150 – RWLED3T150 – RWLED3T150F – RWLED3T150 (TYPE II)	CAST FINISHED METAL HOUSING, 6 CIRCUIT BOARDS EACH WITH 1 LED, MOLDED PLASTIC REFLECTOR WITH SPECULAR FINISH AND 1 APERTURE PER LED, CLEAR FLAT GLASS LENS IN CAST WHITE PAINTED METAL LENS FRAME.	6	2805	1	155.2

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc. Zone #1	+	2.7 fc	10.9 fc	0.0 fc	N/A	N/A



 **idstudio**
6201 CAMPUS CIRCLE DRIVE E
IRVING, TEXAS 75063
TEL: 972.870.1288
WWW.IDSTUDIOX.COM

GFC LEASING CORPORATION, LLC
1131 ROCKINGHAM DRIVE, SUITE 250
RICHARDSON, TX 75080

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PRE-SUBMITTAL
220331-1

**GOLDEN CHICK-DTWU PROTO
GARLAND, TX**

CLIENT: GFC LEASING CORPORATION, LLC
1131 ROCKINGHAM DRIVE
RICHARDSON TX 75080

[illegible]PHOTOMETRIC
SITE PLAN

E0.2

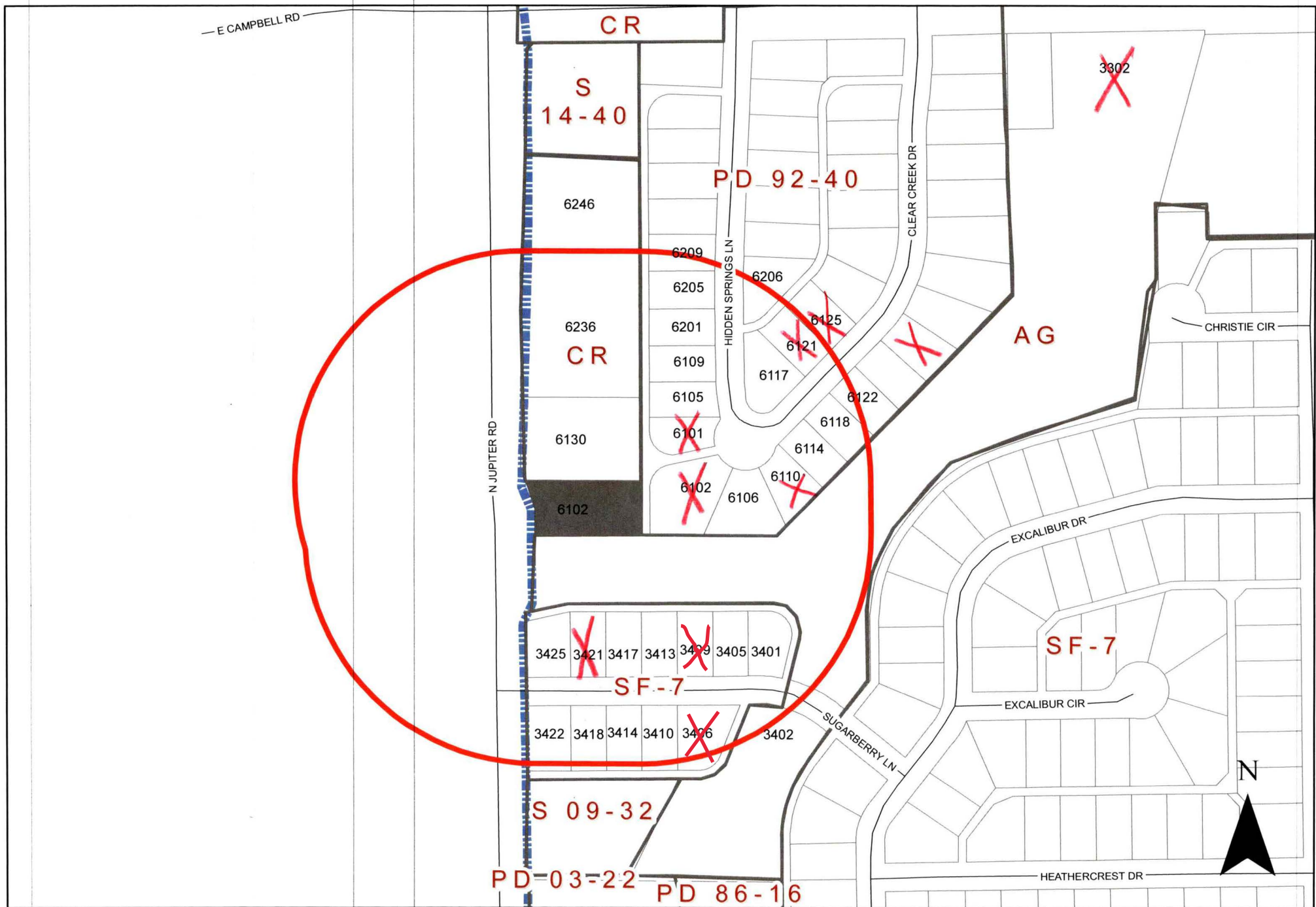
GOC21018

REPORT & MINUTES

P.C. Meeting, November 21, 2022

Consideration of the application of **Golden Franchising Corporation**, requesting approval of a Plan for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District. This property is located at 6102 North Jupiter Road. (District 7) (File Z 22-44 – Plan)

Motion was made by Commissioner Rose to close the public hearing and to approve the request. Seconded by Commissioner Williams.
Motion carried: 8 Ayes, 0 Nay.



ZONING MAP Z 22-44

6102 N Jupiter Rd

Comment Form

Case Z 22-44

Z 22-44 Golden Franchising Corporation. The applicant proposes a drive-through restaurant [Golden Chick]. The site is located at 6102 North Jupiter Road. (District 7)

Z 22-44 Golden Franchising Corporation. El solicitante propone un restaurante de autoservicio [Golden Chick]. El sitio está ubicado en 6102 North Jupiter Road. (Distrito 7)

Z 22-44 Golden Franchising Corporation. Người nộp đơn đề xuất một nhà hàng lái xe qua [Golden Chick]. Địa điểm này nằm ở số 6102 North Jupiter Road. (Quận 7)

Please Check One Below / Marque uno a continuación / Vui lòng kiểm tra một bên dưới

☐

For / A Favor / Đúng

☒

Against / En Contra / Không

Please complete the following information and email the form to Planning@garlandtx.gov; deliver to the Planning Department at 800 Main Street Garland, TX; or mail to City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002. / Por favor Complete la siguiente información y envíe el formulario por correo electrónico a Planning@garlandtx.gov; entregar al Departamento de Planificación en 800 Main Street Garland, TX; o envíelo por correo a City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002. / Vui lòng điền đầy đủ thông tin sau và gửi biểu mẫu qua email tới Planning@garlandtx.gov; giao cho Phòng Kế hoạch tại 800 Main Street Garland, TX; hoặc gửi thư đến Thành phố Garland, Sở Kế hoạch, P.O. Hộp 469002 Garland, TX 75406-9002.

Allen Phillips Owner of property

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc.) / (Dueño de la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

3409 Sugarberry Ln

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

Garland, TX

City, State / Estado de la Ciudad / Thành bang

75044

Zip Code / Código postal / Mã B u Chính

Allen Phillips

Signature / Firma / Chữ ký

12-2-22

Date / Fecha / Ngày

(Providing email address and phone number is optional. / La dirección de correo electrónico y el número de teléfono son opcionales. / Địa chỉ email và số điện thoại là tùy chọn.)

**Comment Form Continued –
Case Z 22-44**

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

Las declaraciones a continuación reflejan mi (nuestra) opinión con respecto a las solicitudes propuestas.

Các tuyên bố dưới đây phản ánh quan điểm của tôi (chúng tôi) về (các) yêu cầu được đề xuất

We are concerned with the trash build up in the creek that was once a green space. The stand of trees blocks noise and light pollution at night. If the building still goes in, we would like a tall wall built so we do not have headlights in our windows. The trash is going to wash into the creek and create more pollution. Even if trees are not cut, leveling the site with many feet of extra dirt pushed down into the side of the creek, will girdle trees and kill trees in our ecosystem. This happened just recently at the development of the medical and pet facilities built just south of us.

Comment Form

Case Z 22-44

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Edward Twiss

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc.) / (Dueño de la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

6101 Hidden Springs

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

Garland, Tx

City, State / Estado de la Ciudad / Thành bang

75044

Zip Code / Código postal / Mã B u Qhính



Signature / Firma / Ch ữ ký

11/20/22

Date / Fecha / Ngày

(Providing email address and phone number is optional. / La dirección de correo electrónico y el número de teléfono son opcionales. / Địa chỉ email và số điện thoại là tùy chọn.)

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David Gladney, Property Owner

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc.) / (Dueño de la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

6102 Clear Creek Dr

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

Garland, TX

City, State / Estado de la Ciudad / Thành bang

75044

Zip Code / Código postal / Mã B u Chính

David Gladney

Signature / Firma / Chữ ký

11/20/2022

Date / Fecha / Ngày

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Comment Form Continued – Case Z 22-44

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Các tuyên bố dưới đây phản ánh quan điểm của tôi (chúng tôi) về (các) yêu cầu được đề xuất

Our master bedroom and backyard have views of this property and its trees. While I would prefer that no business with bright lights and late opening hours be located behind me, I understand the desire for the restaurant to have this prime space. However, I do have a request out of the respect for the nearby creek and neighbors like me living adjacent to it. I would kindly request that existing trees bordering the property and creek be retained. This will uphold the beauty of the nature we enjoy today and prevent erosion or potential flooding. My family kindly requests that the planning committee consider this request. We have just become Garland residents and look forward to living here for many years. The preservation of this nature will greatly contribute to the enjoyment of those years. Thank you for respectfully considering this request.

Comment Form

Case Z 22-44

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HAROLD HUENG-HSING LEE

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc.) / (Dueño de la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

6125 CLEAR CREEK DRIVE

Outside the Notification Area

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

GARLAND, TEXAS

City, State / Estado de la Ciudad / Thành bang

75044

Zip Code / Código postal / Mã B u Qhính

Harold H. Lee

Signature / Firma / Ch ữ ký

Nov. 15, 2022

Date / Fecha / Ngày

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NOV 22 '22 AM 10:02

Comment Form

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Li Wei Barron, owner

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc.) / (Dueño de la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

6110 Clear Creek Dr.

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

Garland, Tx

City, State / Estado de la Ciudad / Thành bang

75044

Zip Code / Código postal / Mã B u Qhính

Li Wei Barron

Signature / Firma / Ch ữ ký

11/14/2022

Date / Fecha / Ngày

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NOV 17 '22 PM 12:

Comment Form

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Jun J Chang

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc.) / (Dueño de la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

6121 Clear Creek

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

Garland TX

City, State / Estado de la Ciudad / Thành bang

75044

Zip Code / Código postal / Mã Bưu Chính

Signature / Firma / Chữ ký

Date / Fecha / Ngày

11-14-22

Providing email address and phone number is optional. / La dirección de correo electrónico y el número de teléfono son opcionales. / Địa chỉ mail và số điện thoại là tùy chọn.

**Comment Form Continued –
Case Z 22-44**

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

Las declaraciones a continuación reflejan mi (nuestra) opinión con respecto a las solicitudes propuestas.

Các tuyên bố dưới đây phản ánh quan điểm của tôi (chúng tôi) về (các) yêu cầu được đề xuất

Safety of the subdivision

Noise to the subdivision

Quality of the subdivision
Life

- Too many Food Store / Restaurants!

- odors and fumes - sewer & appliance gas odors

- Termites

- overcrowded business

- crime = potential threat to the subdivision

Jun Chang

11-14-22

Zoning Response Case Comments

Case Number	PC Hearing Date	CC Hearing Date	Planner Name
Z 22-44	November 21, 2022	December 13, 2022	Will Guerin

Z 22-44 Golden Franchising Corporation. The applicant proposes a drive-through restaurant [Golden Chick]. The site is located at 6102 North Jupiter Road. (District 7)

**Edwin Wayne
Mccammack**

11/25/2022
11:15:03 PM

Against

3406 Sugarberry Ln

tripsjr15@hotmail.com

Garland

2145058022

TX

United States

75044

**Cherolyn
McCammack**

11/25/2022
11:14:46 PM

Against

3406 SUGARBERRY LN

cherf@hotmail.com

GARLAND

2144153927

Texas

United States

75044

property is too close to residential properties on Sugarberry lane.

Craig Hastings

11/20/2022
4:51:13 PM

Against

Outside the notification area

3302 W Campbell RD

hastings.craig@gmail.com

Garland

9722381627

Texas

United States

75044

Lack of a containment wall to the south will promote garbage and refuse entering a Texas waterway. This will contribute to the existing problem with the Sonic restaurant located approximately 95 feet further north allowing trash and dumpster overflow to blow south into the waterway. Additionally, if proper grease trap maintenance is not performed it will allow contamination of the waterway. The presence of the dumpster will also contribute to

Case Number	PC Hearing Date	CC Hearing Date	Planner Name
Z 22-44	November 21, 2022	December 13, 2022	Will Guerin

rodent issues. The current build of the retaining wall will impact the existing large trees that canopy the creek and contribute to increased erosion. The retaining wall, being constructed directly on the property line, cannot be built without impacting the adjacent property and no setback has been included to the south. Additionally, paving of the entire lot creates issues with stormwater runoff and the drainage easement has not been discussed or approved by the property owner of the property on which it is planned.

David Gladney

Against

11/17/2022
1:28:49 PM

6102 Clear Creek Drive

david.gladney@gmail.com

Garland

4079139440

Texas

United States

75044

This location backs up to our peaceful home with nature preserve and pool. We have just purchased the home in Garland and would hate to already have the beautiful nature behind our home ruined by further development. This development would disrupt the Creek that flows behind all homes on our street.

Lauren Bruns

Against

Outside the notification area

11/17/2022
1:36:15 AM

6130 Clear Creek Dr

Lauren@erecycler.net

Garland

4698776957

Texas

United States

75044

**Catherine
McNeal**

against

11/14/2022
6:32:10 PM

3421 Sugarberry Ln

cmcneal415@aol.com

Garland

9727425795

TX

United States

75044

Please don't do this. The adjacent creek area is a haven of peace & quiet in an otherwise busy street area. The Sonic is bad enough...people litter the area with their Sonic drink cups & food wrappers. Are the trees near this lot

Case Number	PC Hearing Date	CC Hearing Date	Planner Name
Z 22-44	November 21, 2022	December 13, 2022	Will Guerin

going to be cut down? How much of the wildlife that inhabit those trees will lose their homes. Does that even matter when ...oh wow! we can have another fast food place next door to our homes? And I dread the thought of more traffic in the neighborhood. Oh yes...shall I mention the smell of chicken grease wafting through the air on summer nights.....it's bad enough with the cooking smells from Sonic. Who wants to sit outside and enjoy a summer evening and smell the combined food odors of chicken & hamburger grease? I fear my concerns will fall on deaf ears....but, again, please don't do this.

Z 22-44

PLANNING & DEVELOPMENT



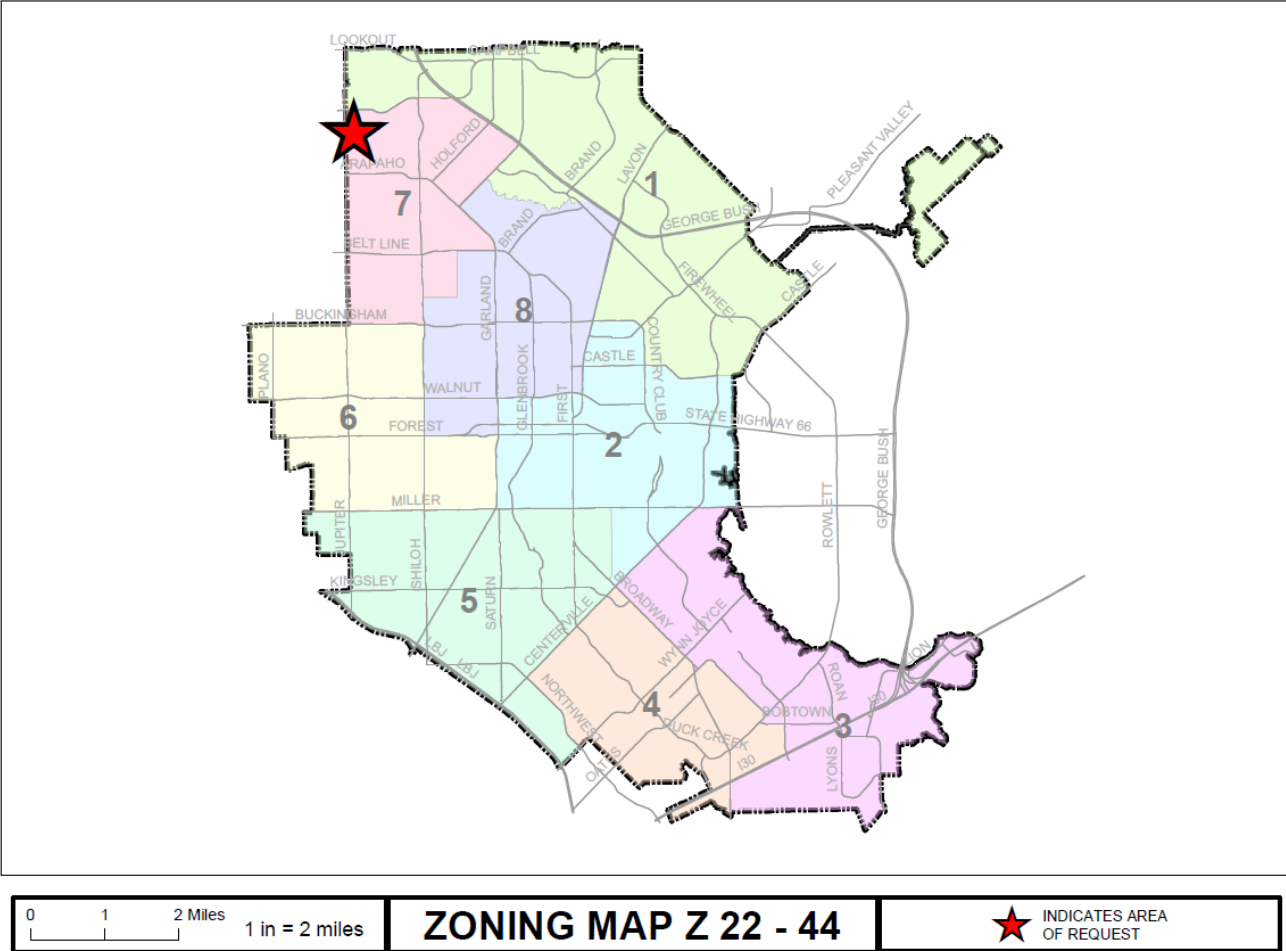
The applicant requests to allow a drive-through restaurant [Golden Chick].

City Council Meeting
December 13, 2022

CASE INFORMATION

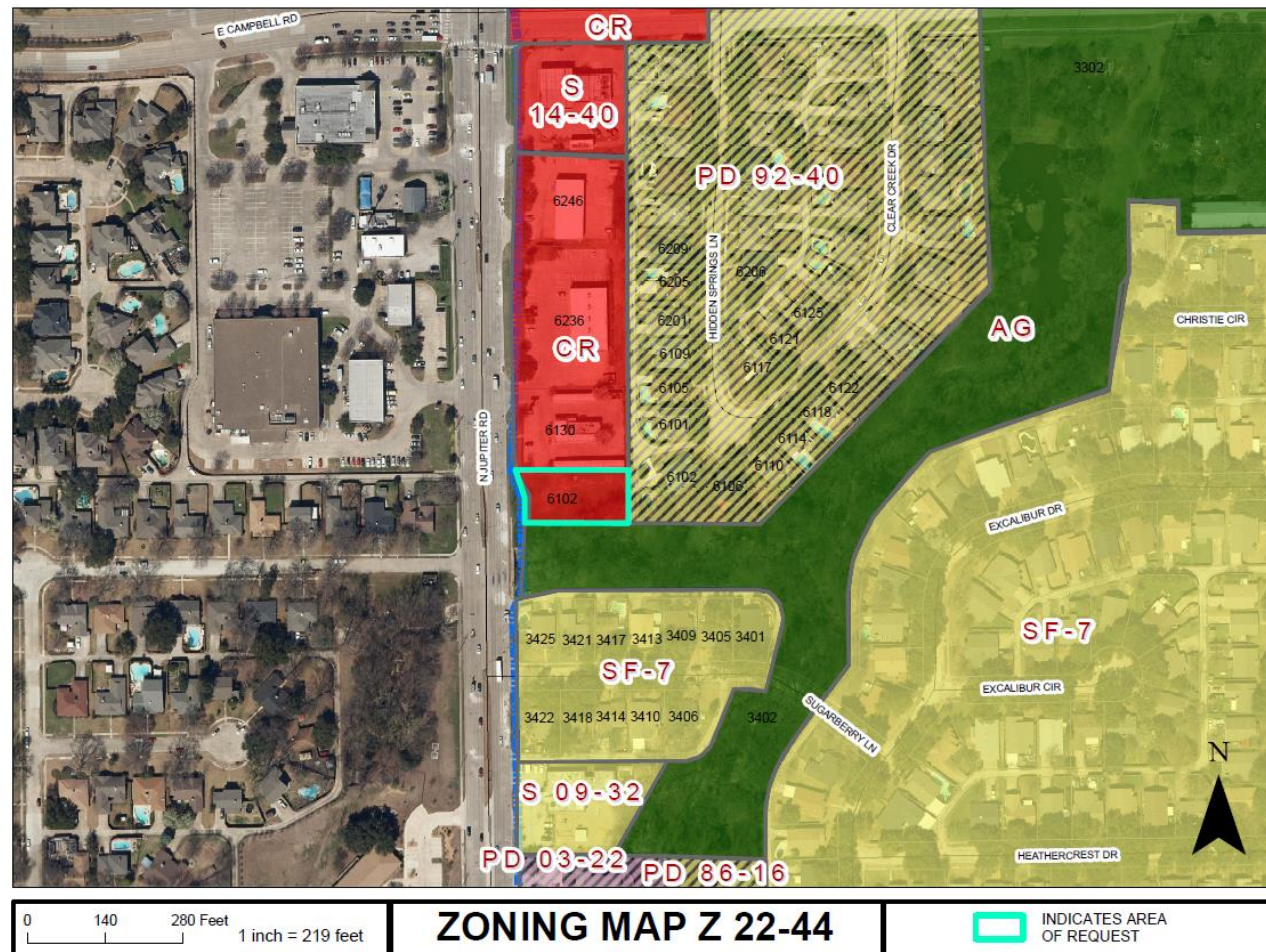
<u>Location:</u>	6102 North Jupiter Road
<u>Applicant:</u>	Golden Franchising Corporation
<u>Owner:</u>	Golden Southern Realty, LLC
<u>Acreage:</u>	0.415 acres
<u>Zoning:</u>	Community Retail (CR) District

CITYWIDE LOCATION MAP



LOCATION MAP

PLANNING & DEVELOPMENT



ZONING MAP Z 22-44

INDICATES AREA
OF REQUEST

6102 N Jupiter Rd

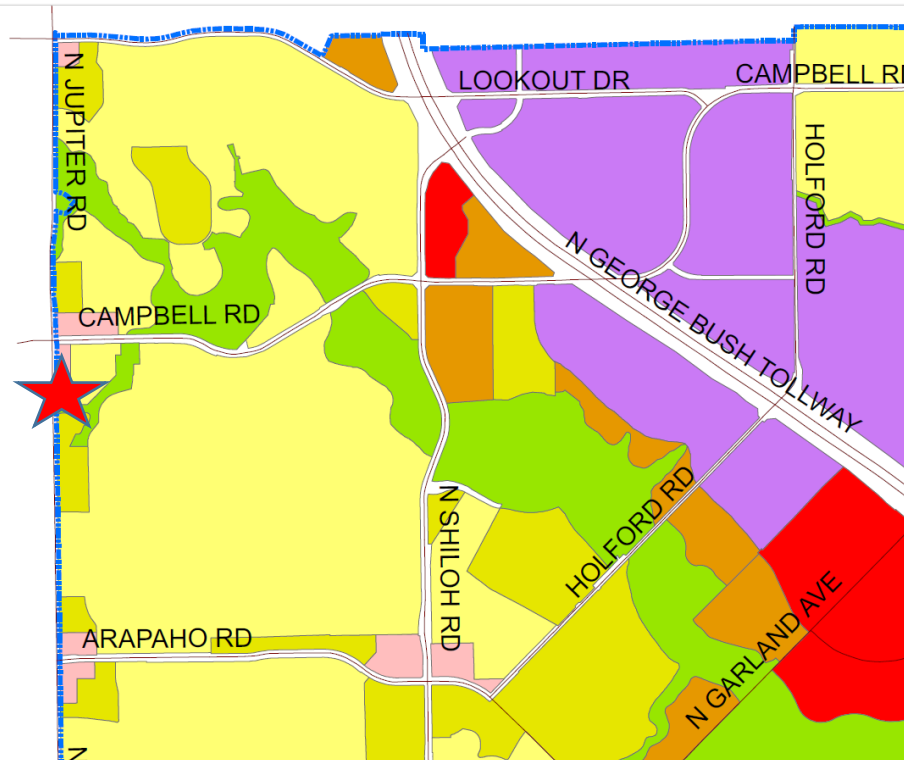
Z 22-44

COMPREHENSIVE PLAN

PLANNING & DEVELOPMENT



 *Neighborhood Centers*



COMPREHENSIVE PLAN

PLANNING &
DEVELOPMENT



The Envision Garland Plan designates the subject property as Neighborhood Centers. Neighborhood centers provide a mix of retail, services and community gathering places. This center should be appropriately scaled to adjacent residential areas. This type of center is predominantly, but not exclusively, non-residential. Neighborhood centers are served by local roads and transit routes.

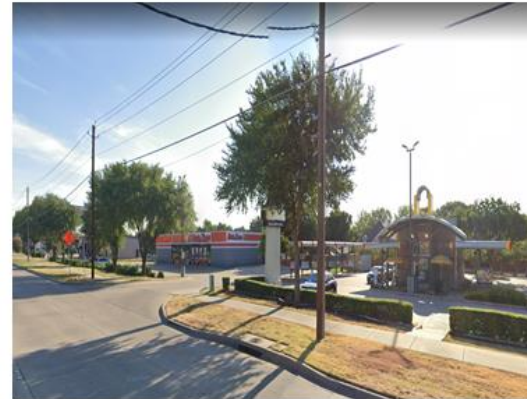
The proposed use is consistent with the Comprehensive Plan.

PHOTOS

PLANNING & DEVELOPMENT



View of the subject property along N. Jupiter Rd, looking east.



North of the subject property along N. Jupiter Rd.



South of the subject property along N. Jupiter Rd.



West of the subject property along N. Jupiter Rd.

PLANNING & DEVELOPMENT



CONSIDERATIONS

The applicant requests the Specific Use Provision to be in effect for a period of twenty-five (25) years, which aligns with the SUP Time Period Guide.

STAFF RECOMMENDATION

PLANNING &
DEVELOPMENT



Approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.

Approval of a Plan for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.

PLAN COMMISSION RECOMMENDATION

PLANNING &
DEVELOPMENT



During their November 21, 2022 meeting, the Plan Commission, with a vote of eight (8) to zero (0) voted approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.

The Commission also recommended approval of a Plan for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.

PLANNING & DEVELOPMENT

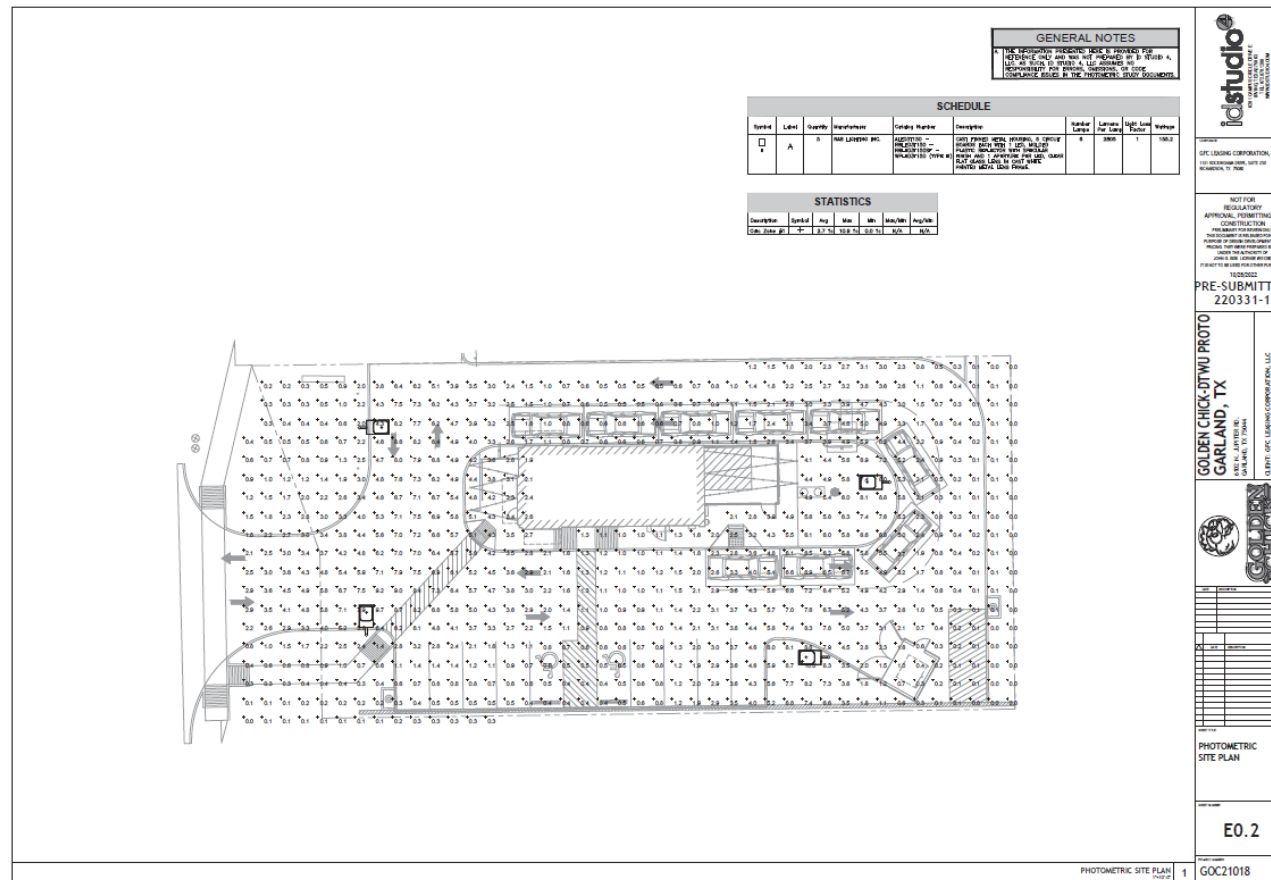


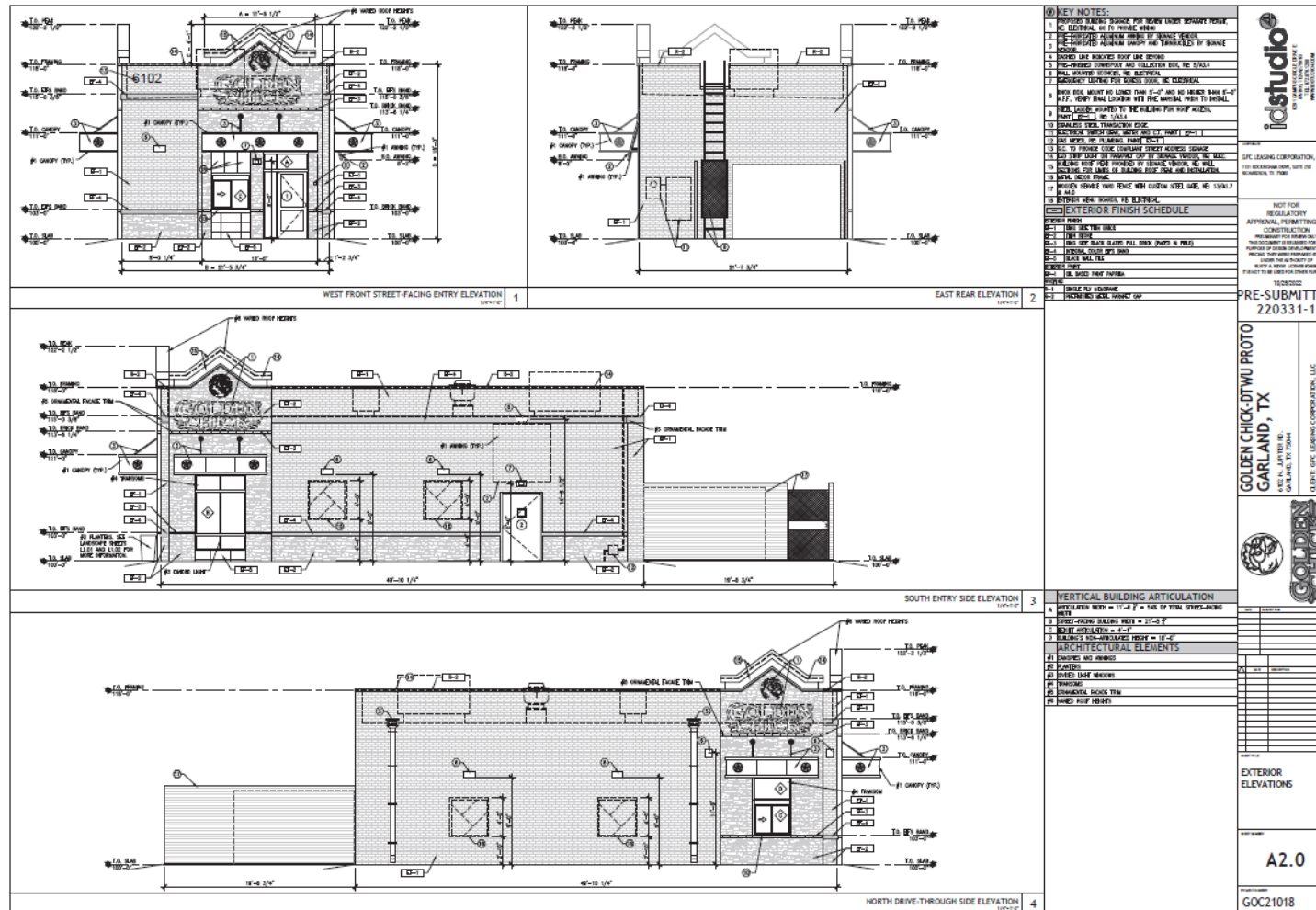
 GARLAND

GARLAND

[illegible][illegible]

PLANNING & DEVELOPMENT



 GARLAND



GARLAND PLANNING REPORT

City Council Regular Session Agenda

12. c.

Meeting Date: 12/13/2022

Item Title: Z 22-51 Winkelmann & Associates, Inc.- Detail Plan (District 4)

Submitted By: Nathaniel Barnett, Sr. Planner

REQUEST

Approval of a Detail Plan for a Multi-family/Mixed-use development on a property zoned Planned Development (PD) District 22-25.

LOCATION

6302 Greenbelt Parkway

OWNER

Walmart Stores Inc.

PLAN COMMISSION RECOMMENDATION

On November 21, 2022 the Plan Commission, by a vote of eight (8) to zero (0), recommended approval of a Detail Plan for Multi-Family/Mixed-use development.

STAFF RECOMMENDATION

Approval of a Detail Plan for Multi-family/Mixed-use development on a property zoned Planned Development (PD) District 22-25.

Staff had recommended additional glazing/windows at certain building locations, as well as a more prominent architectural feature at the roofline corners of Buildings B and D. The applicant has addressed the recommendations and made changes to the building elevations accordingly.

BACKGROUND

The 27-acre area bounded by Duck Creek and Greenbelt Parkway which incorporates a DART Transit Center (Lake Ray Hubbard transit center) and 13 acres of undeveloped land was recently approved as a transit-oriented development (Greenbelt Parkway Property Special Area Study). A Planned Development District (PD 22-25) which calls for a mix of uses that includes multi-family and single-family attached residential uses, hospitality and commercial uses, and a transit center was approved shortly thereafter. The subject site is undeveloped land that is part of this area. The Detail Plan being proposed is to allow for development of a

multi-family/mixed-use residential development in line with the uses identified in the study and PD. Although primarily residential, the proposed development incorporates a ground floor that is “retail ready” with appropriate ceiling heights and exterior areas for patios/plazas that could be converted to commercial uses as the market transitions.

SITE DATA

The subject property is approximately 10.37 acres of undeveloped land. The subject property has street frontage on Greenbelt Parkway and is adjacent to the DART Lake Ray Hubbard Transit Center, a Walmart superstore, and undeveloped property.

USE OF PROPERTY UNDER CURRENT ZONING

The property is zoned Planned Development (PD) District 22-25 for Mixed Uses. The subject property is located within sub-district 2 of the PD. Various types of residential uses are permitted within this sub-district. The request is to allow multi-family residential use which is permitted by right.

CONSIDERATIONS

1. In 2021, the City of Garland and Dallas Area Rapid Transit (DART) signed a Memorandum of Understanding (MOU) to work jointly to bring development around the transit centers located in Garland.

Consultant Kimley-Horn conducted a study of the area along Greenbelt Parkway from Duck Creek to the drive aisle south of the undeveloped land adjacent to Walmart. The study included a review of past studies of the area, a market analysis, and an overall comprehensive look at the immediate area. A collaboration of key stakeholders, residents, public officials and developers were utilized to derive a unified community vision. The study resulted in the creation of several conceptual plans presenting possible development scenarios for the subject property. Of those, a preferred scenario conceptual plan was identified that showed residential uses surrounding the transit center with open space, hospitality and retail uses nearby.

In keeping with the theme of the conceptual plan, a Detail Plan incorporating a site plan (Exhibit C), landscape plan (Exhibit D), elevations (Exhibit E), and cross section drawings (Exhibit F) has been submitted.

2. The Planned Development area is divided into 3 sub-districts to create the mix of uses desired for this transit-oriented development. Sub-district 1, the southern end, allows commercial uses (hospitality and retail) that are compatible with the existing retail uses south of the study area. Sub-district 2, the central area which incorporates most of the undeveloped property, allows multi-family/mixed-use development that requires a retail ready ground floor and permits the same commercial uses on the ground floor that are allowed in sub-district 1. Sub-district 3, the northern end, allows a transit center and various types of residential development which includes single family attached and multi-family residential uses. Shared parking is encouraged in all districts to reduce the amount of auto traffic in the area and increase walkability. Each sub-district will be connected by sidewalks and pedestrian paths to be easily traversed by residents and visitors.
3. The proposed multi-family development includes 340 dwelling units, which complies with the density requirement per PD 22-25. Amenities for the development include two

swimming pools, a clubhouse, a two-level fitness center, a dog park, a pet spa, and two leisure areas with tables, grills, and lounge recliners.

4. The development incorporates 6' wide sidewalks aligned with canopy and ornamental trees along Greenbelt Parkway and the main north/south promenade through the development. There is also a 10' walking trail in the open space area adjacent to the DART property. The layout is in general alignment with the PD 22-25 conceptual plan.
5. The five residential buildings are 4-stories with retail-ready ground floors with minimum ceiling heights of 12', complying with PD 22-25. Front yards are on all street facing sides that could be changed to patio areas for restaurants for outdoor seating should retail tenants occupy the building as the market transitions.
6. No signage deviations were requested by the applicant.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Transit-Oriented Centers for the subject property. Transit-Oriented Centers are areas of concentrated activity and increased density with maximum access to public transportation options. This type of center should be developed as mixed-use with live/work/play/shop opportunities.

In 2017, the I-30 Catalyst Plan was adopted which includes this area. In that Plan, the study area was labeled as Future Mixed-Use.

The special area study approved for the subject property in 2022 has a preferred scenario conceptual plan that displays a mix of uses which include hospitality, restaurants, urban residential, assisted living, townhomes, and open space. The proposed multi-family residential development would provide the urban residential component called for by this plan.

The proposed use is compatible with the Comprehensive Plan.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

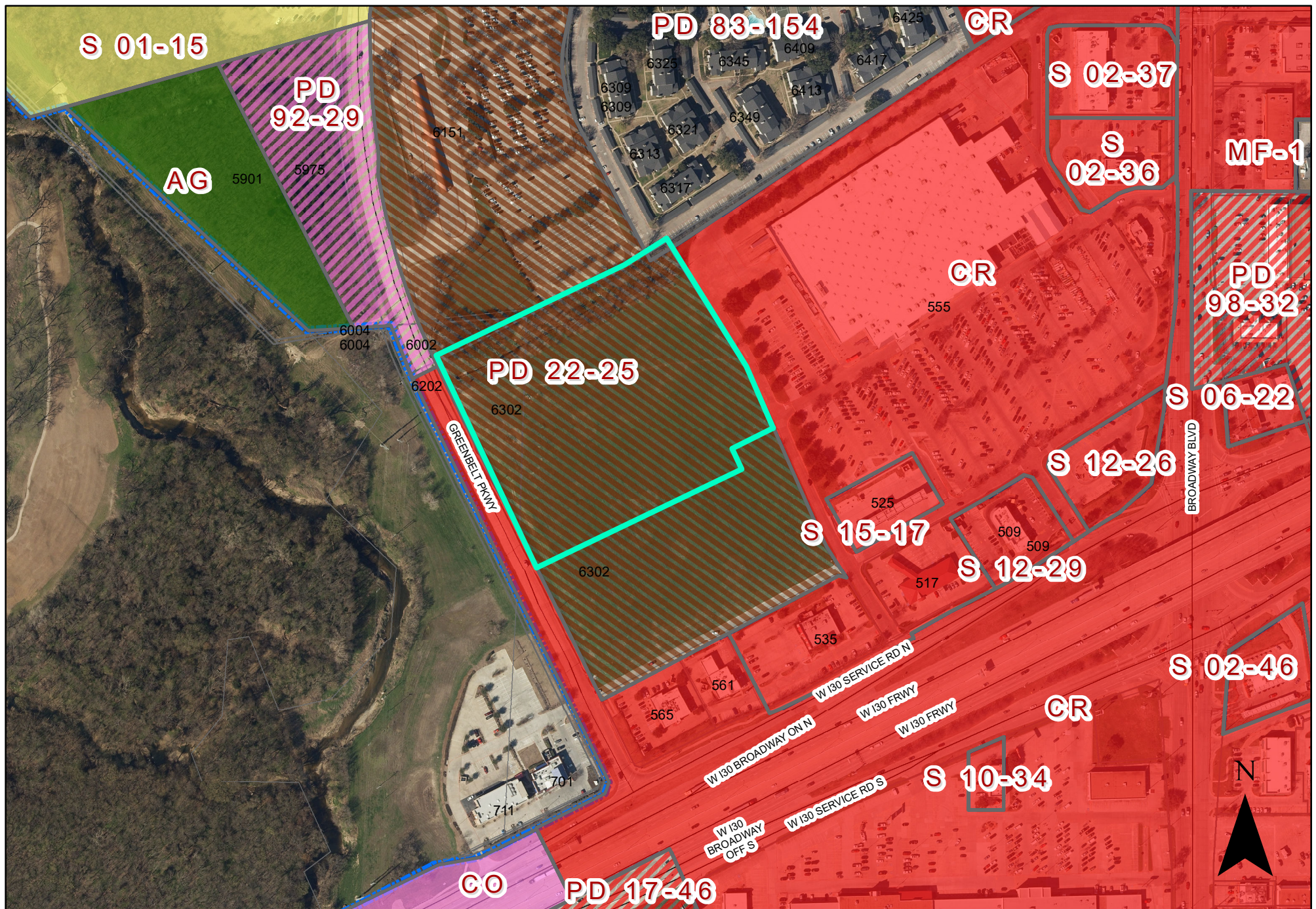
The property to the north of the subject property is zoned Planned Development (PD) District 22-25 for Mixed Uses; this property is developed with a DART Transit Center. The property to the east of the subject property is zoned Community Retail (CR); this property is developed with a big-box retail use [Walmart]. The property to the south, is zoned Planned Development (PD) District 22-25 for Mixed Uses; this property is undeveloped. The property to the west, across Greenbelt Parkway is zoned Community Retail (CR); this property is developed with the Duck Creek Hike/Bike trail.

Attachments

Z 22-51 Winkelmann & Associates, Inc. (Detail Plan Attachments)

Z 22-51 Winkelmann & Associates, Inc. Responses

Z 22-51 Winkelmann & Associates, Inc. Staff Presentation



ZONING MAP Z 22-51

6302 Greenbelt Parkway

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE 22-51

6320 Greenbelt Parkway

- I. Statement of Purpose:** The purpose of this Detail Plan is to allow for a multi-family/mixed-use residential development subject to conditions.
- II. Statement of Effect:** This Detail Plan shall not affect any regulation found in the Garland Development Code (GDC), Ordinance No. 6773, as amended prior to adoption of this ordinance, or Planned Development (PD) District 22-25, except as specifically provided herein.
- III. General Regulations:** All regulations in Ordinance 6773 Garland Development Code (GDC) and Planned Development (PD) District 22-25 are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Specific Regulations:**
- A. Permitted Uses: Land Uses are only permitted as in PD 22-25, sub-district 2.
 - B. Site Plan: The site layout, building placement, parking and other development proposed shall be in general conformance with the approved Site Plan labeled Exhibit C.
 - C. Landscape Plan: Screening and landscaping shall be in general conformance with the landscape plan labeled Exhibit D.
 - D. Elevations: Building Elevations shall be in general conformance with the elevations labeled Exhibit E.
 - E. Site Elements: Trash enclosures, carports, and boulevard cross sections shall be in general conformance with the cross section drawings labeled Exhibit F.
 - F. Amenities: Amenities shall be provided as shown on the Exhibits C.
 - G. Dwelling Units: A total of 340 dwelling units shall be permitted.

EXHIBIT B

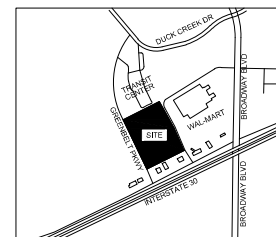
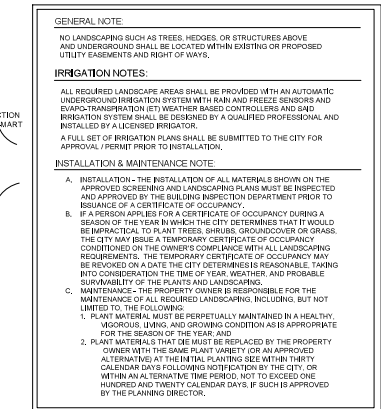
- H. Lighting: All pedestrian pathways shall be lighted per the Garland Development Code standards.
- I. Signage: All signage shall comply with the standards in the Garland Development Code.

[illegible]

The image displays five architectural floor plans, labeled BUILDING A through BUILDING E, arranged vertically. Each plan includes dimensions, orientation arrows, and internal room labels.

- BUILDING A:** 4-STORY. Dimensions: 138'-0 1/2" (width) x 216'-2 1/2" (depth). Orientation: FRONT (bottom), REAR (top), LEFT (left), RIGHT (right). Internal labels: GARAGE, CLUBHOUSE, TARGET MARK.
- BUILDING B:** 4-STORY. Dimensions: 228'-7 1/2" (width) x 74'-8 1/2" (depth). Orientation: FRONT (bottom), REAR (top), LEFT (left), RIGHT (right). Internal label: GARAGE. Target MARK is indicated on the right side.
- BUILDING C:** 4-STORY. Dimensions: 248'-6 1/2" (width) x 74'-8 1/2" (depth). Orientation: FRONT (bottom), REAR (top), LEFT (left), RIGHT (right). Internal labels: GARAGE, HNT. Target MARK is indicated on the right side.
- BUILDING D:** 4-STORY. Dimensions: 292'-10 1/2" (width) x 74'-8 1/2" (depth). Orientation: FRONT (bottom), REAR (top), LEFT (left), RIGHT (right). Internal label: GARAGE. Target MARK is indicated on the right side.
- BUILDING E:** 4-STORY. Dimensions: 412'-1 1/2" (width) x 74'-8 1/2" (depth). Orientation: FRONT (bottom), REAR (top), LEFT (left), RIGHT (right). Internal labels: PET SPA, GARAGE, A1, A3. Target MARK is indicated on the right side.

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PLANT LEGEND					
	SYMBOL	COMMON NAME	SIZE	SEASON	REMARKS
LARGE CANOPY TREES					
BC		Bald Cypress	25	3' Cal.	12-14 HL
CE		Ulmus crassifolia	22	3' Cal.	12-14 HL
LO		Quercus virginia	22	3' Cal.	12-14 HL
RO		Quercus shumardi	22	3' Cal.	12-14 HL
SMALL ORNAMENTAL TREES					
CM		Ligustrum indica 'nathazer'	110	1.5' Cal.	8' to 10' HL, 4-5' spread, 30 gal.
HIGH LEVEL SCREENING SHRUBS					
NR		Ilex x 'Nelle R. Stevens'	8	7 gal.	4 ft. min. Full to ground, sheared, uniform.
EL		Elaeagnus	40	5 gal.	24" min. HT, 18" min. spread, Plant 42" O.C.
LOW LEVEL SCREENING SHRUBS					
AB		Abelia	38	5 gal.	24" min. HT, 18" min. spread, Plant 36" O.C.
AS		Salvia greggi	11	3 gal.	18" min. HT, 18" min. spread, Plant 24" O.C.
CL		Cleyera	48	5 gal.	24" min. HT, 18" min. spread, Plant 36" O.C.
DB		Ilex cornuta 'Burfordi'	220	5 gal.	24" min. HT, 18" min. spread, Plant 36" O.C.
DT		Ilex vomitoria 'nana'	75	3 gal.	24" min. HT, 12" min. spread
GC		Muhlenbergia capillaris	31	3 gal.	18" min. HT, 18" min. spread
MO		Miscanthus sinensis	6	5 gal.	24" min. HT, 18" min. spread, Plant 36" O.C.
PD		Loropetalum chinense	160	5 gal.	24" min. HT, 18" min. spread, Plant 36" O.C.
SL		Ligustrum sinense 'sunshine'	13	3 gal.	18" min. HT, 18" min. spread, Plant 24" O.C.
TS		Lycocryptum thurberiense	55	5 gal.	24" min. HT, 18" min. spread, Plant 36" O.C.
GROUNDCOVERS					
LR		Liriope muscari	238	4 pots	12" O.C. Spacing

SITE INFORMATION:

CURRENT ZONING: PD
TOTAL LOT AREA: 452,934 S.F. (10,396 ACRES)
PROPOSED USE: MULTIFAMILY APARTMENTS

REQUIRED: MINIMUM OF 40% OF GROSS PLATTED SITE MUST BE DEVOTED TO LANDSCAPING,
OPEN SPACE AREAS, POOLS, AND SIMILAR OUTDOOR ACTIVITY USE
452,934 S.F. X 40% = 181,173.6 S.F. LANDSCAPE AREA

PROVIDED: 131,000 SQ. FT. (DEVIATION SUBMITTED)

REQUIRED: 15' WIDE LANDSCAPE BUFFER WITH:
(1) CANOPY TREE PER 25 LINEAR FEET (841/25 = 25.64 TREES)
(7) SHRUBS PER 30' LINEAR FEET (841/30 = 21.36 X 7 = 149.58 SHRUBS)

PROVIDED: 15' WIDE LANDSCAPE BUFFER + (26) CANOPY TREES & (150) SHRUBS

REQUIRED: MAXIMUM 75% OF LANDSCAPE BUFFER IN TURF (7,657 S.F. X 75% = 5,742.75 S.F.)
MINIMUM 25% OF LANDSCAPE BUFFER IN PLANTINGS (7,657 S.F. X 25% = 1,914.25 S.F.)

PROVIDED: 4,886 S.F. TURF (64%) 2,769 S.F. PLANTING (36%)

REQUIRED: (1) CANOPY TREE PER 10 PARKING SPACES (514 SPACES / 10 = 51.4 TREES)
(1) CANOPY TREE AT THE TERMINUS OF EVERY PARKING ROW
EVERY PARKING SPACE WITHIN 65' OF A CANOPY TREE
LANDSCAPING TO ACCOUNT FOR 5% OF THE PARKING AREA (218,434 X 5% = 10,921.7 S.F.)

PROVIDED: PARKING LOT REQUIREMENTS MET, (52) SHADE TREES + 10,921.7 S.F. LANDSCAPE AREA

MEEKS DESIGN GROUP, INC.
HERB MEEKS
1755 NORTH COLLINS BLVD, STE 300
RICHARDSON, TX 75080
(972) 690-7474

ANTHEM LLC
ROSS FRANKFURT
13101 PRESTON ROAD, STE 510
DALLAS, TX 75240
(214) 335-8709

NO LANDSCAPING SUCH AS TREES, SHRUBS, ABOVE AND UNDERGROUND STRUCTURES SHALL BE LOCATED WITHIN EXISTING OR PROPOSED UTILITY EASEMENTS AND RIGHT OF WAY WITHOUT APPROVED CITY'S REAL PROPERTY IMPROVEMENT AUTHORIZATION FORM OR CITY'S LICENSE AGREEMENT

PUBLIC RIGHT OF WAY, EASEMENTS AND COMMON AREAS MUST BE STABILIZED WITH PERENNIAL VEGETATION COVER, FULLY ESTABLISHED WITH 100% COVERAGE, OR OTHER APPROVED STABILIZATION METHOD.

CLIENT:
Anthem LLC
13101 Preston Road, Suite 510
Dallas, Texas 75240

mbg
landscape
architects

MECKS DESIGN GROUP, INC.
1765 N. COLLINS BLVD., SUITE 300
RICHARDSON, TX 75080
PH (972) 690-7474
F (972) 690-7878

REGISTERED LANDSCAPE ARCHITECT
STATE OF TEXAS

24-00-2002

**ISSUE CITY
SUBMITTAL**

ANTHEM GARLAND

GARLAND, TEXAS

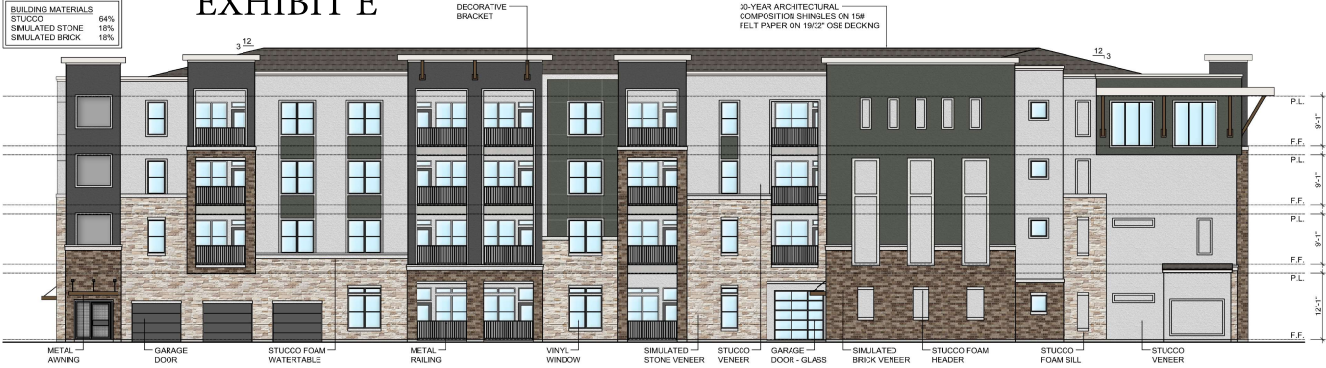
JOB NUMBER: ANT-2202

**OVERALL LANDSCAPE
PLAN**

LP0.00

MATERIAL / COLOR TABLE			
	STUCCO COLOR #1 (PAINT: SW 1014 - SIDER WHITE)		SIMULATED BRICK (KONI MATERIALS - KONI BRICK CAFE)
	STUCCO COLOR #2 (PAINT: SW 1674 - PEPPERCORN)		BRACKETS, FASCIA, ACCENT TRIM (PAINT: SW 7004 - SNOWBOUND)
	STUCCO COLOR #3 (PAINT: SW 1205 - PEWTER GREEN)		STUCCO FOAM TRIM (PAINT: SW 7004 - SNOWBOUND)
	SIMULATED STONE (CORONADO - IDAHO DRYSTACK - ANTIQUE BLUFF)		WEATHERED WOOD SHINGLES

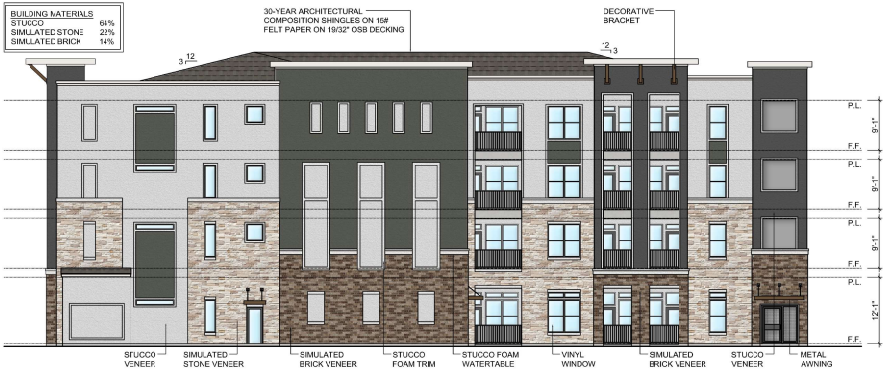
EXHIBIT E



04 BUILDING 'A' - LEFT ELEVATION
SCALE: 3/32" = 1'-0"



03 BUILDING 'A' - RIGHT ELEVATION
SCALE: 3/32" = 1'-0"



02 BUILDING 'A' - REAR ELEVATION
SCALE: 3/32" = 1'-0"



01 BUILDING 'A' - FRONT ELEVATION
SCALE: 3/32" = 1'-0"

12.02.2022

Cross
architects

ARCHITECT:
CROSS ARCHITECTS, PLLC
879 JUNCTION DRIVE
ALLEN, TEXAS 75013
214.266.8888
WWW.CROSSARCHITECTS.COM

LOFTS THIRTY
GARLAND, TEXAS

DATE: 12.02.2022

PROJECT NUMBER: 22092

REVISIONS

NO. DATE

ISSUED FOR: DETAIL PLAN

SHEET NUMBER

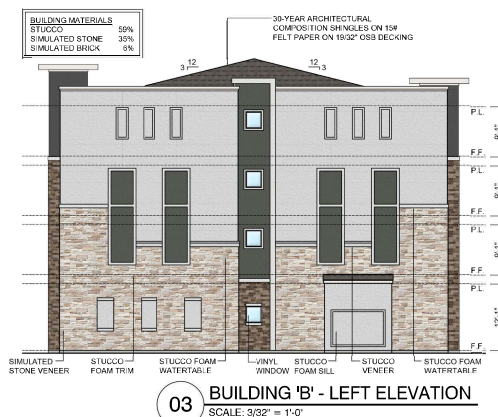
A2.0

BLDG. 'A' ELEVATIONS

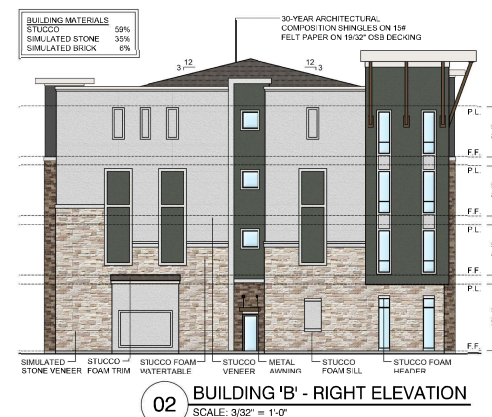
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	STUCCO COLOR #1 (PAINT: SW 7014 - EIDER WHITE)		SIMULATED BRICK (KONI MATERIALS - KONI BRICK CAFE.)
	STUCCO COLOR #2 (PAINT: SW 7074 - PEPPER CORN)		BRACKETS, FASCIA ACCENT TRIM (PAINT: SW 7034 - SNOWBOUND)
	STUCCO COLOR #3 (PAINT: SW 8208 - PEWTER GREEN)		STUCCO FOAM TRIM (PAINT: SW 7004 - SNOWBOUND)
	SIMULATED STONE (COROMADO - DAHO DRYSTACK - ANTIQUE RUPE)		WEATHERED WOOD SHINGLES

04 BUILDING 'B' - REAR ELEVATION
SCALE: 3/32" = 1'-0"



03 BUILDING 'B' - LEFT ELEVATION
SCALE: 3/32" = 1'-0"



02 BUILDING 'B' - RIGHT ELEVATION
SCALE: 3/32" = 1'-0"



01 BUILDING 'B' - FRONT ELEVATION
SCALE: 3/32" = 1'-0"



Cross
architects

ARCHITECT:
CROSS ARCHITECTS, PLLC
379 JUNCTION DRIVE
DALLEN, TEXAS 75013
P: 972.398.6644
WWW.CROSSARCHITECTS.COM

LOFTS iTHIRTY
GARLAND, TEXAS

DATE: 12.02.2022

PROJECT NUMBER:
22092

REVISIONS

[illegible]

ISSUED FOR:
DETAIL PLAN

SHEET NUMBER

A3.C

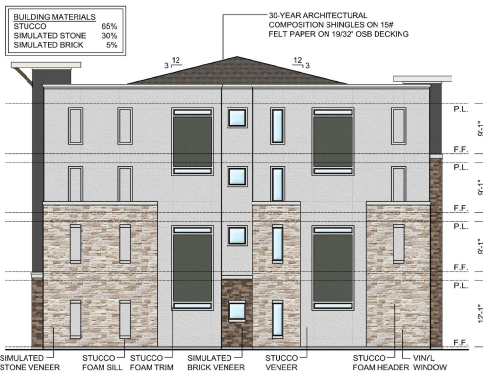
BLDG. 'B'
ELEVATIONS

COPYRIGHT © 2021

1.14.2021



04 BUILDING 'C' - REAR ELEVATION
SCALE: 3/32" = 1'-0"



03 BUILDING 'C' - LEFT ELEVATION
SCALE: 3/32" = 1'-0"

MATERIAL / COLOR TABLE			
	STUCCO COLOR #1 (PAINT: SW 7014 - EIDER WHITE)		SIMULATED BRICK (KONI MATERIALS - KONI BRICK CAFE)
	STUCCO COLOR #2 (PAINT: SW 7034 - PEPPERCORN)		BRACKETS, FASCIA, ACCENT TRIM (PAINT: SW 7004 - SNOWBOUND)
	STUCCO COLOR #3 (PAINT: SW 808 - FEWTER GREEN)		STUCCO FOAM TRIM (PAINT: SW 7004 - SNOWBOUND)
	SIMULATED STONE (CORONADO - IDAHO DRYSTACK - ANTIQUE BULF)		WEATHERED WOOD SHINGLES



02 BUILDING 'C' - RIGHT ELEVATION
SCALE: 3/32" = 1'-0"



01 BUILDING 'C' - FRONT ELEVATION
SCALE: 3/32" = 1'-0"

BUILDING MATERIALS

STUCCO	57%
SIMULATE STONE	27%
SIMULATE BRICK	22%

10-YEAR ARCHITECTURAL COMPOSITION SHINGLES ON 15# FELT PAPER ON 18/27 OSB DECKING

EXHIBIT E

12'0"

9'0"

9'0"

9'0"

9'0"

9'0"

12'0"

12'0"

STUCCO FOAM HEADER

METAL RAILING

STUCCO FOAM TRIM

STUCCO FOAM SILL

SIMULATE STONE VENEER

VINYL WINDOW

STUCCO FOAM WATERTABLE

SIMULATE BRICK VENEER

STUCCO VENEER

VINYL WINDOW

METAL RAILING

BUILDING MATERIALS

STUCCO	60%
SIMULATED STONE	24%
SIMULATED BRICK	8%

30-YEAR ARCHITECTURAL COMPOSITION SHINGLES ON 15# FELT PAPER OR 19GZ² OSB DECKING

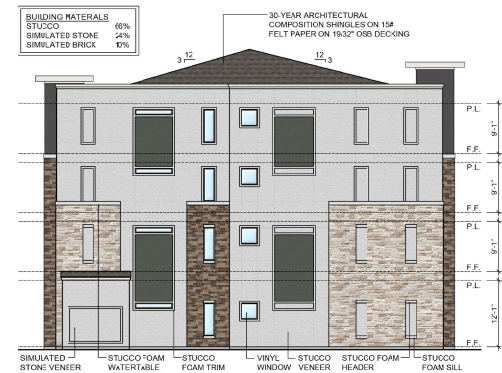
Dimensions:

- Roof pitch: 12/12
- Floor levels: F.F., P.L.
- Vertical dimensions: 9'-1"
- Horizontal dimensions: 12'

Materials labeled on facade:

- TUGCO FOAM LEADER
- SIMULATED STONE VENEER
- STUCCO FOAM TRIM
- VINYL WINDOW
- STUCCO FOAM SILL
- STUCCO FOAM WATER TABLE

MATERIAL / COLOR TABLE			
	STUCCO COLOR #1 (PAINT: SW 7014 - EIDER WHITE)		SIMULATED BRICK (KONI MATERIALS - KONI BRICK CAVE)
	STUCCO COLOR #2 (PAINT: SW 7074 - PEPPERCORN)		BRAKETS, FASCIA, ACCENT TRIM (PAINT: SW 7061 - SNOWBOUND)
	STUCCO COLOR #3 (PAINT: SW 6208 - PEWTER GREEN)		STUCCO FOAM TRIM (PAINT: SW 7064 - SNOWBOUND)
	SIMULATED STONE (CORONADO - IDAHO DRYSTACK - ANTIQUE BUFF)		WEATHERED WOOD SHINGLES



11.14.2022

MATERIAL / COLOR TABLE

	STUCCO COLOR #1 (PAINT: SW 7014 - EIDER WHITE)		SIMULATED BRICK (KONI MATERIALS - KONI BRCK CAFE.)
	STUCCO COLOR #2 (PAINT: SW 7074 - PEPPER CORN)		BRACKETS, FASCIA, ACCENT TRIM (PAINT: SW 7004 - SNOWBOUND)
	STUCCO COLOR #3 (PAINT: SW 6208 - PEWTER GREEN)		STUCCO FOAM TRIM (PAINT: SW 7004 - SNOWBOUND)
	SIMULATED STONE (CONCREDO - DAWD DRYSTACK - ANTIQUE BUFF)		WEATHERED WOOD SHINGLES

02 BUILDING 'E' - RIGHT ELEVATION
SCALE: 3/32" = 1'-0"



ARCHITECT:
CROSS ARCHITECTS, PLLC
879 JUNCTION DRIVE
ALLEN, TEXAS 75013
P: 972.398.6644
WWW.CROSSARCHITECTS.COM

LOFTS iTHIRTY
GARLAND, TEXAS

DATE: _____

PROJECT NUMBER
22092

REVISIONS

[illegible]

ISSUED FOR:
DETAIL PLAN

SHEET NUMBER

A6.0

ELDG 'E'
ELEVATIONS

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	STUCCO COLOR #1 (PAINT: SW 7014 - EIDER WHITE)		SIMULATED BRICK (KONI MATERIALS - KONI BRICK CAFE)
	STUCCO COLOR #2 (PAINT: SW 7074 - PEPPERCORN)		BRACKETS, FASCIA, ACCENT TRIM (PAINT: SW 7004 - SNOWBOUND)
	STUCCO COLOR #3 (PAINT: SW 6208 - PEWTER GREEN)		STUCCO FOAM TRIM (PAINT: SW 7004 - SNOWBOUND)
	SIMULATED STONE (CORONADO - FAHIO DRYSTAKE - ANTIQUE BUFF)		WEATHERED WOOD SHINGLES

BUILDING MATERIALS
STUCCO 66%
SIMULATED STONE 31%
SIMULATED BRICK 3%

30-YEAR ARCHITECTURAL COMPOSITION S-SINGLES ON 15# FELT PAPER ON 1x3/2" OSB DECKING

9'-12" 12'-3"

P.L.
F.F.
P.L.
F.F.
P.L.
F.F.
P.L.
F.F.
P.L.
F.F.

SIMULATED STUCCO FOAM VINYL METAL STUCCO STUCCO SIMULATED

02 BUILDING 'E' - LEFT ELEVATION
SCALE: 3/32" = 1'-0"



01 BUILDING 'E' - REAR ELEVATION
SCALE: 3/32" = 1'-0"



Cross
architects

ARCHITECT:
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LOFTS iTHIRTY
GARLAND, TEXAS

DATE: 11.14.2022

PROJECT NUMBER	22092
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REVISIONS

NO. DATE

[illegible]

ISSUED FOR:
DETAIL PLAN

SHEET NUMBER

A6.1

ELDGS. 'E'
ELEVATIONS

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01 BOULEVARD CROSS SECTION
3/16" = 1'-0"

11.09.2022



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LOFTS iTHIRTY
GARLAND, TEXAS

DATE: 11.09.2022

PROJECT NUMBER:
22092

REVISIONS

NO.	DATE
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[illegible]

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[illegible][illegible]

ISSUED FOR:

DETAIL PLAN

SHEET NUMBER

ADD

A9 0

Notes

CROSS SECTION

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REPORT & MINUTES

P.C. Meeting, November 21, 2022

Consideration of the application of **Winkelmann & Associates, Inc.**, requesting approval of a Detail Plan for Multi-family/Mixed-use development. This item may include amendments to Planned Development (PD) District 22-25. This property is located at 6302 Greenbelt Parkway. (District 4) (File Z 22-51 – Detail Plan)

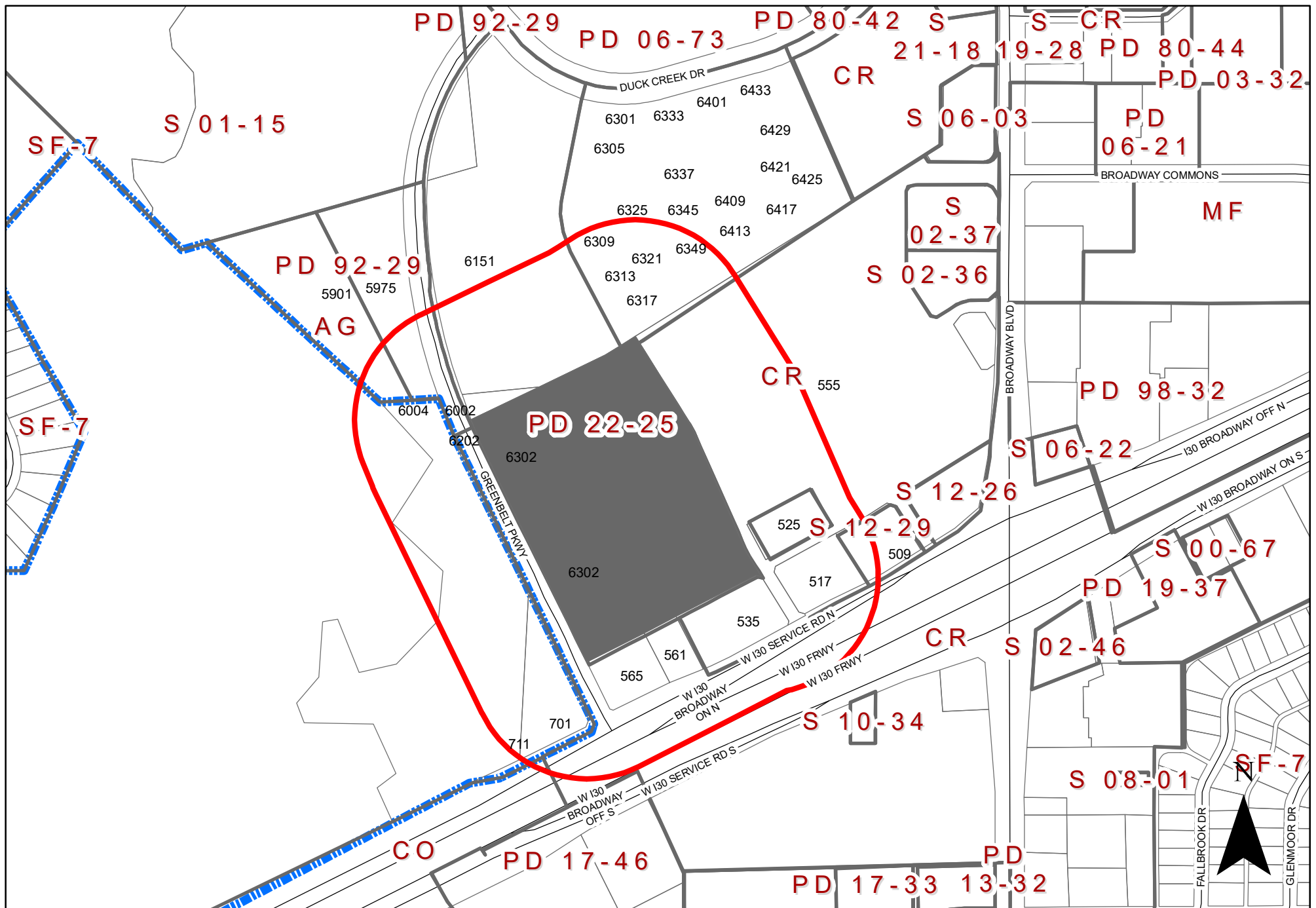
Representing the applicant Ross Frankfurt, 13101 Preston Road, #150, Dallas, Texas, provided an overview of the request and remained available for questions.

There was discussion between the Plan Commission and Mr. Frankfurt regarding possible retail development on the south side of the subject property, location of the Sky Lounge for residence, possibility of retail use on the ground floor, and the greenbelt biking/walking path.

Motion was made by Commissioner Aubin to close the public hearing and open for discussion. Seconded by Commissioner Jenkins.
Motion carried: 8 Ayes, 0 Nay.

Commissioners Aubin, Ott, and Chairman Roberts spoke in favor of the request.

Motion was made by Commissioner Aubin approve the request for a Detail Plan for Multi-family/Mixed-use development. Seconded by Commissioner Dalton. **Motion carried: 8 Ayes, 0 Nay.**



ZONING MAP Z 22-51

6302 Greenbelt Parkway

INDICATES AREA OF REQUEST
INDICATES NOTIFICATION AREA

Zoning Response Case Comments

Case Number	PC Hearing Date	CC Hearing Date	Planner Name
Z 22-51	November 21, 2022	December 13, 2022	Nathaniel Barnett

Z 22-51 Winkelmann & Associates, Inc. The applicant proposes a Detail Plan for multi-family use with the ability to convert the ground floor to retail uses. This proposal is the first phase of a master-planned site for mixed uses. The site is located at 6302 Greenbelt Parkway. (District 4)

Cody William Mcneel

12/1/2022
1:59:18 AM

Against

Outside the Notification Area

5017 Wordsworth Dr

codymcneel@hotmail.com

Garland

9039871767

TX

United States

75043

Should be restuarants not more apartments

Cody William Mcneel

12/1/2022
1:58:51 AM

Against

Outside the Notification Area

5017 Wordsworth Dr

codymcneel@hotmail.com

Garland

9039871767

TX

United States

75043

Should be restuarants not more apartments

Cody William Mcneel

12/1/2022
1:58:51 AM

Against

Outside the Notification Area

5017 Wordsworth Dr

codymcneel@hotmail.com

Garland

9039871767

TX

United States

75043

Should be restuarants not more apartments

Cody William Mcneel

Against

Case Number	PC Hearing Date	CC Hearing Date	Planner Name
Z 22-51	November 21, 2022	December 13, 2022	Nathaniel Barnett
12/1/2022 1:58:49 AM	5017 Wordsworth Dr Garland TX United States 75043 Should be restuarants not more apartments	codymcneel@hotmail.com 9039871767	

Z 22-51

PLANNING & DEVELOPMENT



The applicant requests approval of a Detail Plan for a multi-family/mixed-use residential community in sub-district 2 of the Greenbelt Parkway PD.

**City Council Meeting
December 13, 2022**

CASE INFORMATION

PLANNING &
DEVELOPMENT



Location: 6302 Greenbelt Parkway

Applicant: Winkelmann & Associates, Inc.

Owner: Walmart Stores, Inc.

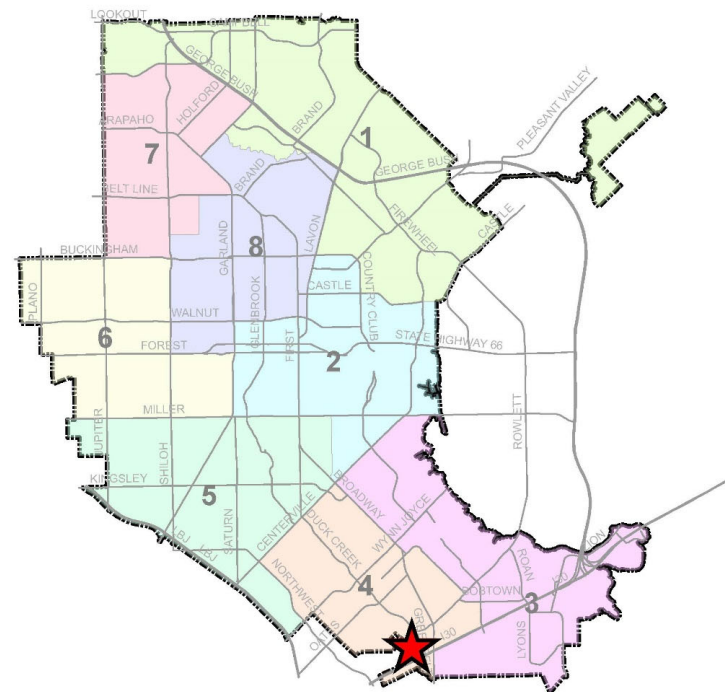
Acreage: 10.37

Zoning: Planned Development (PD) District 22-25

Z 22-51

CITYWIDE LOCATION MAP

PLANNING &
DEVELOPMENT



0 1 2 Miles
1 in = 2 miles

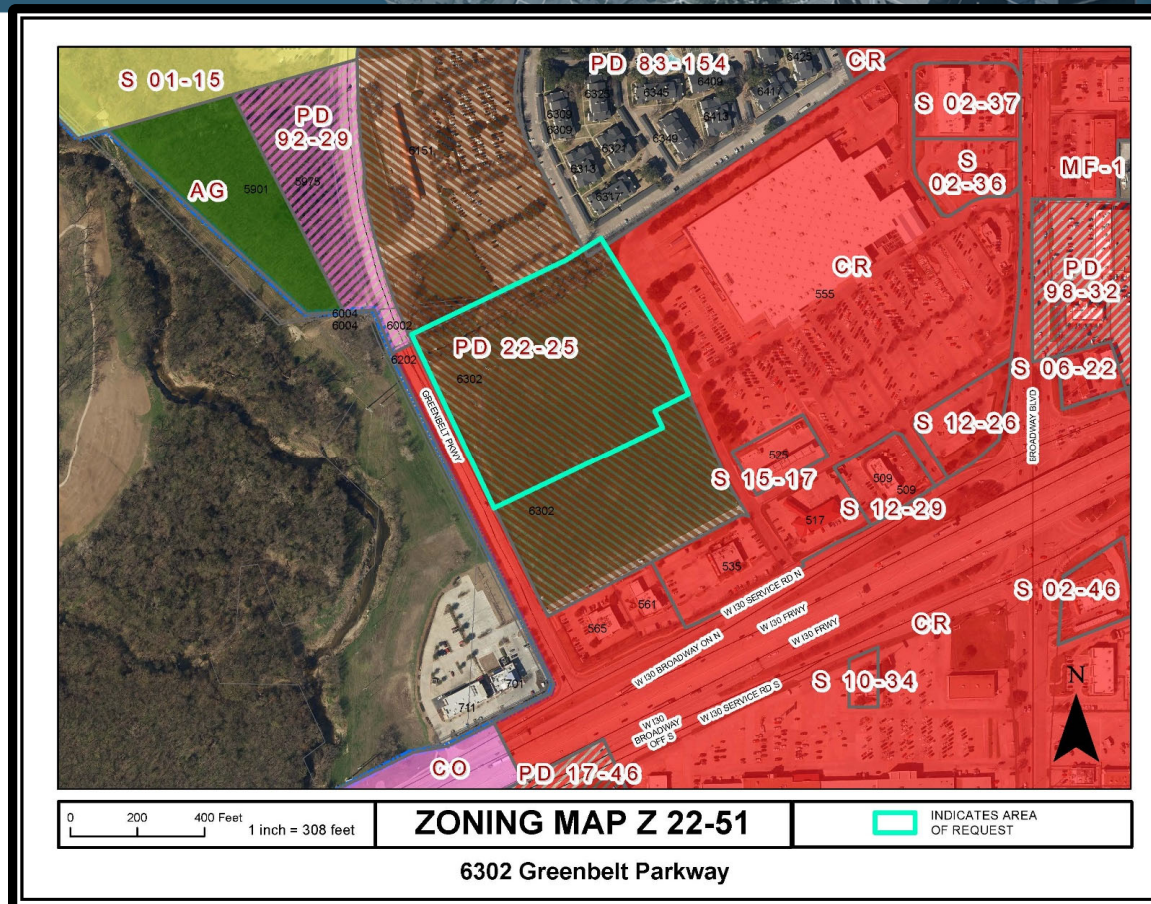
ZONING MAP Z 22-51

★ INDICATES AREA
OF REQUEST

Z 22-51

LOCATION MAP

PLANNING & DEVELOPMENT

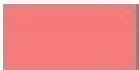


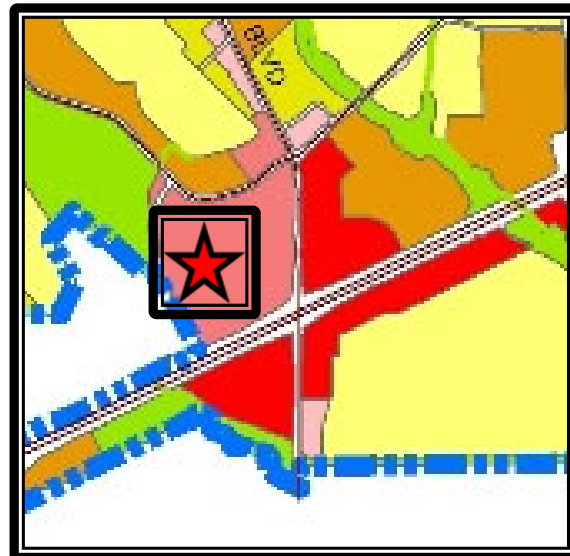
Z 22-51

COMPREHENSIVE PLAN

PLANNING &
DEVELOPMENT



 Transit-Oriented Centers



Z 22-51

COMPREHENSIVE PLAN

PLANNING & DEVELOPMENT



The Envision Garland Plan designates the subject property as Transit-Oriented Centers.

Transit-oriented centers are areas of concentrated activity and increased density with maximum access to public transportation options. This type of center should be developed as mixed-use with live/work/play/shop opportunities.

Transit-oriented development should be within $\frac{1}{4}$ to $\frac{1}{2}$ mile of transit centers and/or rail stations and provide pedestrian and bicycle friendly access.

Transit-oriented development is characterized by moderate to high density residential greater than twelve dwelling units per acre. Land use opportunities for four identified transit-oriented development areas should be unique to the needs and character of the larger area.

Z 22-51

PHOTOS

PLANNING & DEVELOPMENT



View of the subject property



East of the subject property



North of the subject property

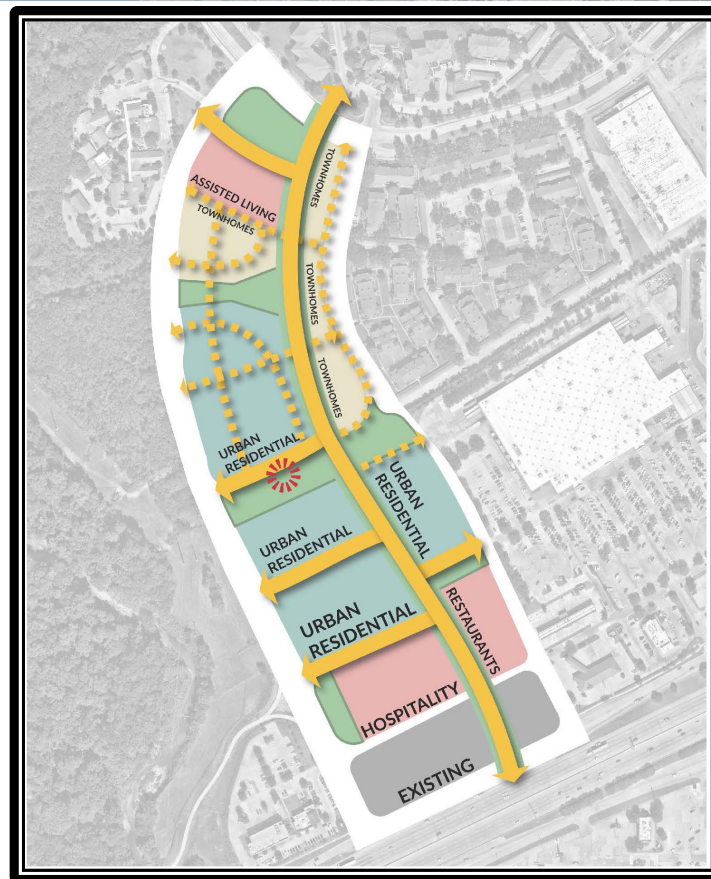


West of the subject property

Z 22-51

CONCEPT PLAN FOR PD 22-25

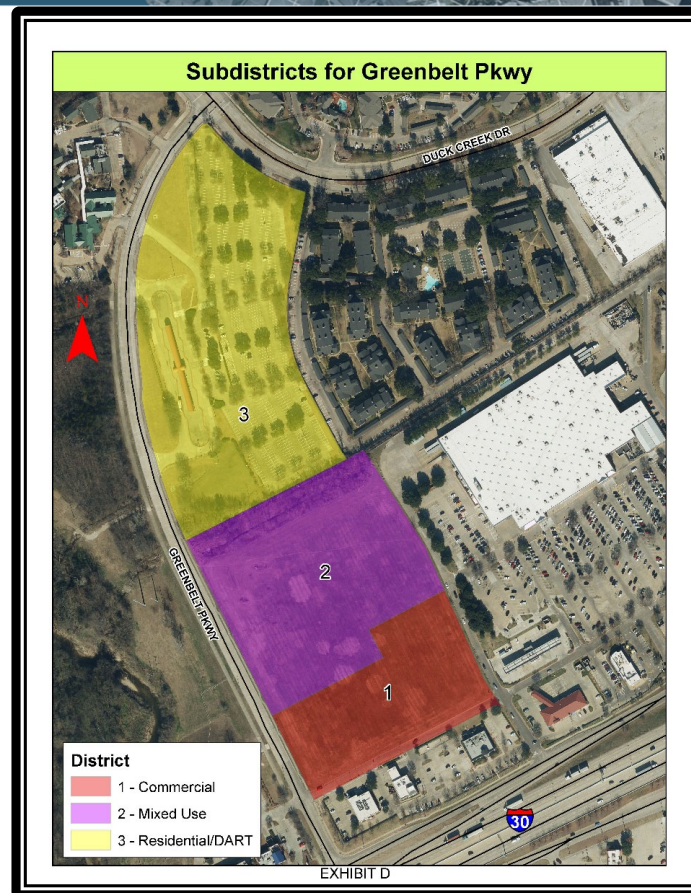
PLANNING &
DEVELOPMENT



Z 22-51

SUB-DISTRICT MAP

PLANNING &
DEVELOPMENT



Z 22-51

 GARLAND

Z 22-51

BUILDING ELEVATIONS

PLANNING & DEVELOPMENT



MATERIAL / COLOR TABLE	
	STUCCO COLOR #1 (PANT: 35-1014 - EIDER WHITE)
	STUCCO COLOR #2 (PANT: 35-1014 - EIDER WHITE)
	STUCCO COLOR #3 (PANT: 35-1014 - EIDER WHITE)
	STUCCO COLOR #4 (PANT: 35-1014 - EIDER WHITE)
	STUCCO COLOR #5 (PANT: 35-1014 - EIDER WHITE)
	STUCCO COLOR #6 (PANT: 35-1014 - EIDER WHITE)
	STUCCO COLOR #7 (PANT: 35-1014 - EIDER WHITE)
	STUCCO COLOR #8 (PANT: 35-1014 - EIDER WHITE)
	STUCCO COLOR #9 (PANT: 35-1014 - EIDER WHITE)
	STUCCO COLOR #10 (PANT: 35-1014 - EIDER WHITE)



12.02.2022

Cross
ARCHITECTS

ARCHITECT:
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ALLEN, TEXAS 75013
WWW.CROSSARCHITECTS.COM

LOFTS THIRTY
GARLAND, TEXAS

12.02.2022

22092

REVISIONS

NO. DATE

DETAIL PLAN

A2.0

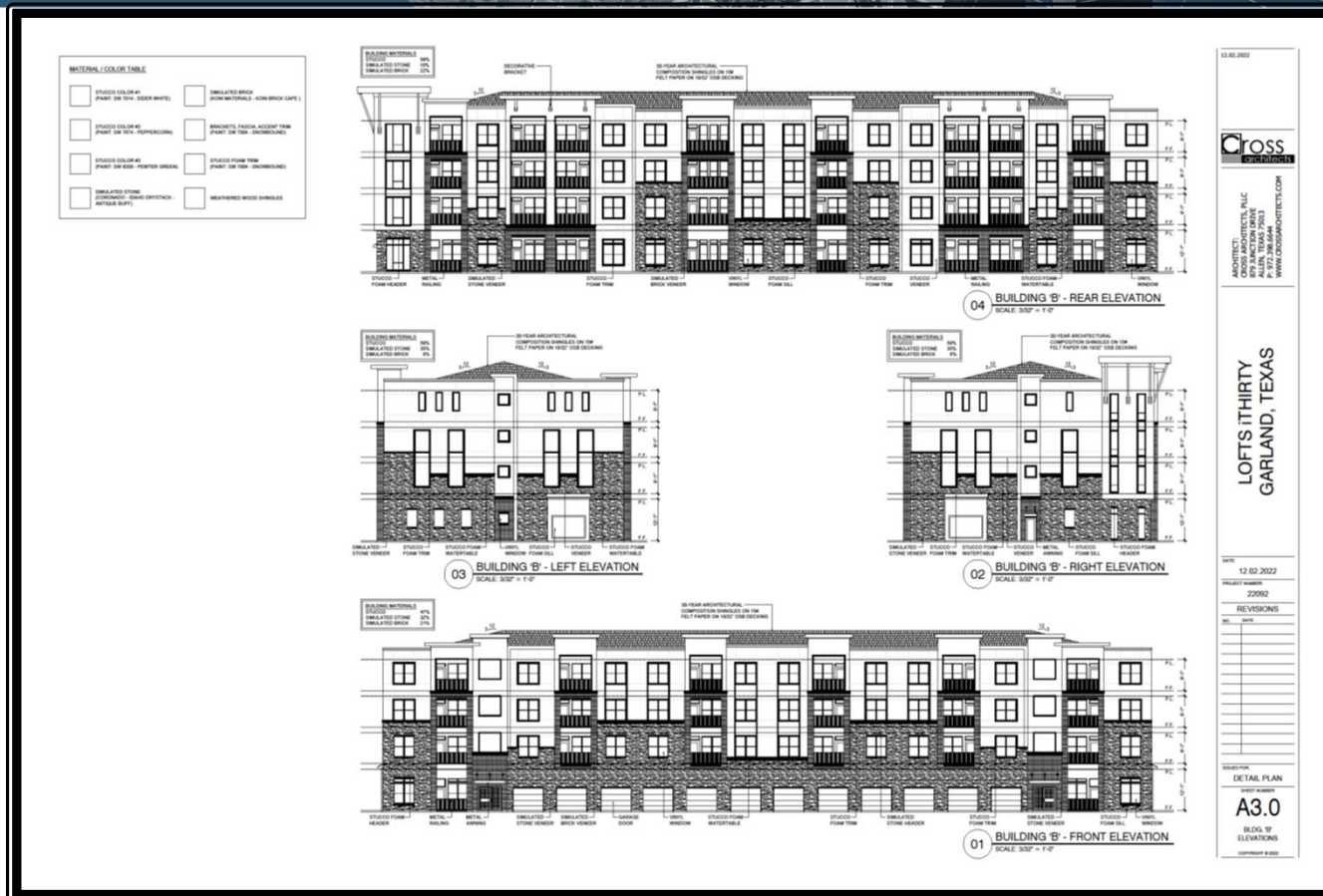
BLDG. 'A' ELEVATIONS

COMPILED BY: JMS

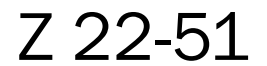
Z 22-51

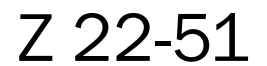
BUILDING ELEVATIONS

PLANNING & DEVELOPMENT

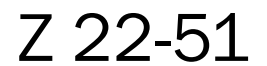


Z 22-51

 GARLAND

 GARLAND

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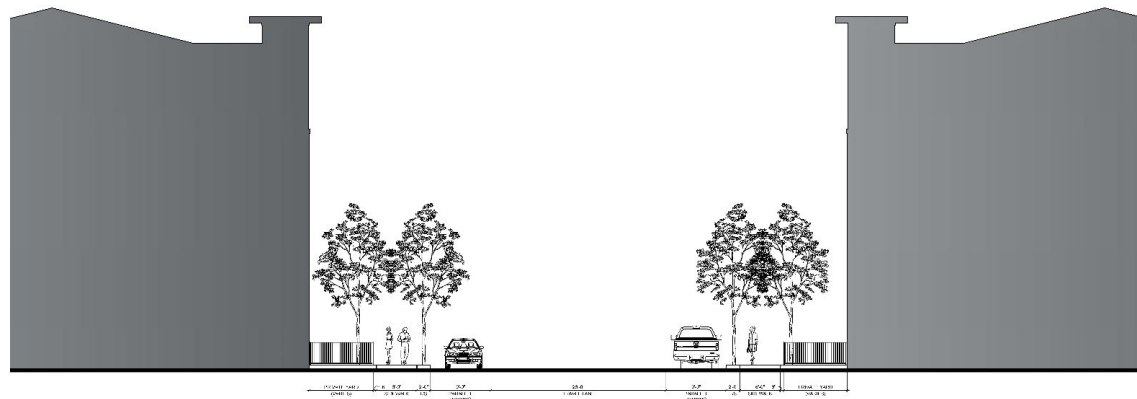
 GARLAND

CROSS SECTION

PLANNING &
DEVELOPMENT



EXHIBIT F



01 BOULEVARD CROSS SECTION
5'-0" = 1'-0"

11.05.2022

Cross
ARCHITECTS, PLLC

PROJECT:
CROSS ARCHITECTS, PLLC
10000 CROSS STREET
GARLAND, TEXAS 75042
P: 972.288.6641
WWW.CROSSARCHITECTS.COM

LOFTS ITHIRTY
GARLAND, TEXAS

DATE: 11.05.2022
DRAWN BY: J. WAT
22088

NO.	REVISIONS
1	ISSUE

DESIGNER:
DETAIL PLAN
DATE: 11.05.2022
A9.0
CROSS SECTION
CROSS SECTION



Z 22-51

STAFF RECOMMENDATION

PLANNING &
DEVELOPMENT



Approval of a Detail Plan for Multi-family/Mixed-use development on a property zoned Planned Development (PD) District 22-25.

Staff had recommended additional glazing/windows at certain building locations, as well as a more prominent architectural feature at the roofline corners of Buildings B and D. The applicant has addressed the recommendations and made changes to the building elevations accordingly.

Z 22-51

PLAN COMMISSION RECOMMENDATION

PLANNING &
DEVELOPMENT



On November 21, 2022 the Plan Commission, by a vote of eight (8) to zero (0), recommended approval of a Detail Plan for Multi-family/Mixed-use development on a property zoned Planned Development (PD) District 22-25, with the Staff conditions.

PLANNING & DEVELOPMENT



Z 22-51

MINOR DEVIATIONS TABLE

PLANNING & DEVELOPMENT



Development Standards	Required	Proposed	Analysis
Required Parking	568 spaces	514 spaces	Reduced parking helps create a more pedestrian-friendly environment with fewer automobiles on the site
Covered Parking	50% of required parking should be covered via garage or carports (284 spaces)	30% of parking (154 spaces) are to be covered	Reducing the amount of carport creates a more urban look and feel for the property

Z 22-51

MINOR DEVIATIONS TABLE

PLANNING &
DEVELOPMENT



Open Space	40% of the site is required for open space	29% of the site has open space	The development will be sharing an open space amenity with the DART property to the north and has provided additional landscaping and pedestrian pathways to establish a more walkable environment on site.
First floor height	16'	12'	The ordinance allows the reduction from 16' to 12' as a minor deviation.

Z 22-51

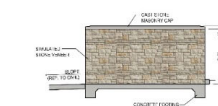
PLANNING & DEVELOPMENT



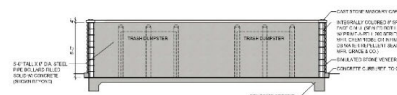
04 TRASH ENCLOSURE LEFT ELEVATION
SCALE: 1/8" = 1'-0"



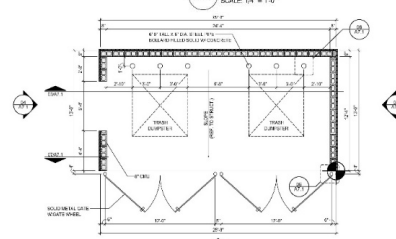
05 TRASH ENCLOSURE RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



03 TRASH ENCLOSURE FRONT ELEVATION
SCALE: 1/8" = 1'-0"

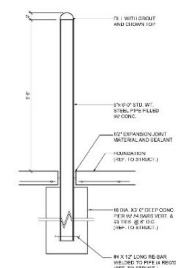


02 TRASH ENCLOSURE FRONT ELEVATION
SCALE: 1/4" = 1'-0"

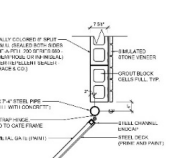


01 TRASH ENCLOSURE PLAN

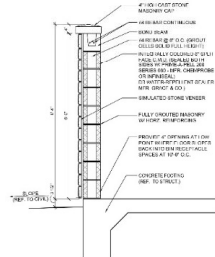
08 BOLLARD DETAIL



06 BOLLARD SECTION DETAIL



07 TRASH ENCLOSURE WALL SECTION

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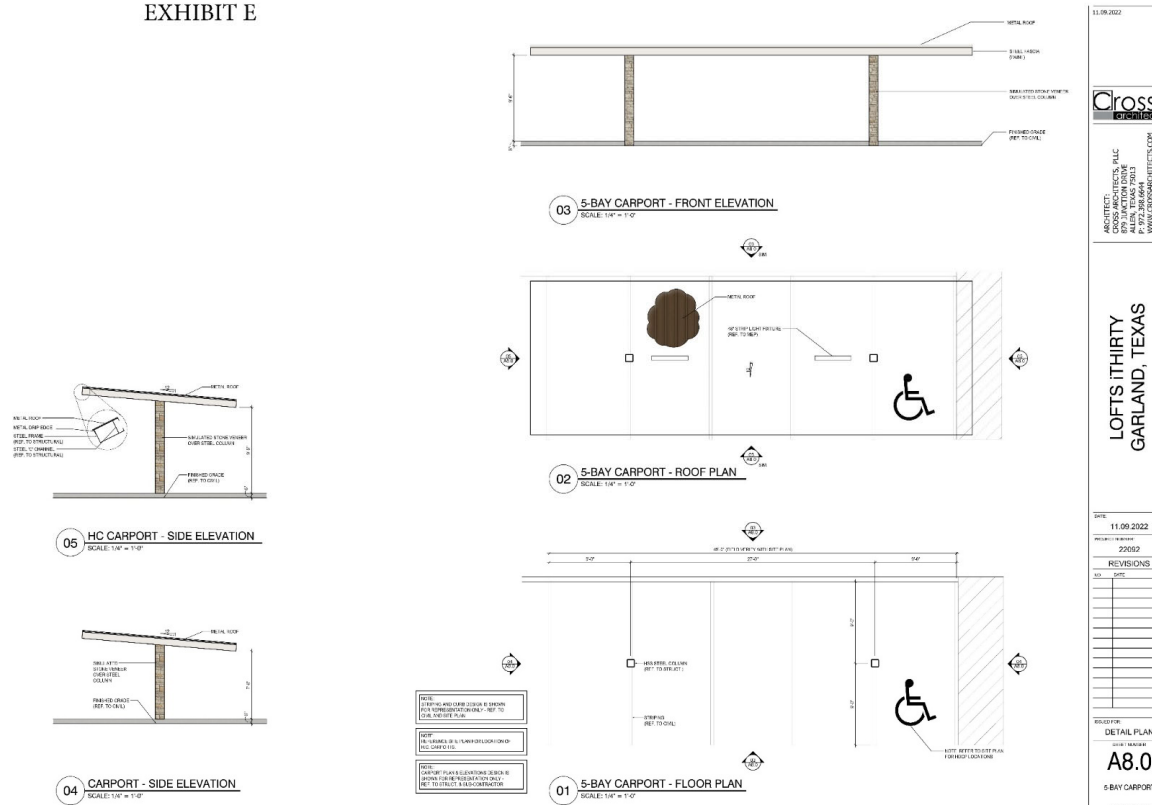
Z 22-51

CARPORT ELEVATIONS

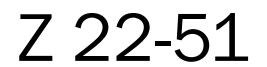
PLANNING &
DEVELOPMENT



EXHIBIT E



Z 22-51

 GARLAND



GARLAND PLANNING REPORT

City Council Regular Session Agenda

12. d.

Meeting Date: 12/13/2022

Item Title: Z 22-52 Hanan Salman - Zoning (District 6)

Submitted By: Nabiha Ahmed, Lead Development Planner

REQUEST

Approval of an amendment to Planned Development (PD) District 03-47 for Community Retail Uses.

Approval of a Detail Plan for a Contractor's Office/Warehouse (indoor only)

LOCATION

3065 Forest Lane

OWNER

AWS & Brothers, LLC.

PLAN COMMISSION RECOMMENDATION

On November 21, 2022 the Plan Commission, by a vote of eight (8) to zero (0), recommended approval of an amendment to Planned Development (PD) District 03-47 for Community Retail Uses.

The Plan Commission, by a vote of eight (8) to zero (0), also recommended approval of a Detail Plan for a Contractor's Office/Warehouse (indoor only).

STAFF RECOMMENDATION

Approval of an amendment to Planned Development (PD) District 03-47 for Community Retail Uses.

Approval of a Detail Plan for a Contractor's Office/Warehouse (indoor only)

BACKGROUND

The site was constructed with a building but it was demolished in 2017 due to fire damage. Prior to the demolition, the building was used as a warehouse.

The applicant would like to reconstruct a building for a similar use, Contractor's Office/Warehouse.

SITE DATA

The overall site consists of approximately 1.03 acres with approximately 128 lineal feet of frontage along Forest Lane. The site can be directly accessed from Forest Lane and through a private drive to the east of the property.

USE OF PROPERTY UNDER CURRENT ZONING

Planned Development (PD) District 03-47 was approved to create a higher density, integrated mixed-use development pattern near the Forest/Jupiter Road Station that facilitates pedestrian, bicycle and transit level and reduces automobile dependency.

The PD consists of a list of uses that are either allowed by right or by Specific Use Provision. A Contractor's Office/Warehouse use is not specifically listed in the permitted uses. However, a Specific Use Provision was tied to the property for a Contractor Equipment and Storage, which is a similar use to the Contractor's Office/Warehouse Use in the GDC. The building does not exist anymore; therefore, the SUP is no longer valid.

In addition, the base zoning for this Planned Development (PD) District is Community Retail, which does not allow Contractor's Office/Warehouse Use. The applicant requests to amend Planned Development (PD) District 03-47 to allow the Contractor's Office/Warehouse Use by right on the subject property.

CONSIDERATIONS

1. Planned Development and Detail Plan

The site plan (Exhibit C) reflects a 9,355 square-foot building that consists of five (5) tenant spaces. All of the tenant spaces will be used for a Contractor's Office/Warehouse Use. The development will be fully enclosed with no outside storage.

The GDC defines a Contractor's Office/Warehouse use as "An indoor office and storage facility for materials, equipment, tools, products, and vehicles used in the conduct of a construction-related business such as those specializing in welding, plumbing, electrical, heating/air conditioning, roofing, paving, pest control, janitorial, major appliance repair/service, masonry, carpet installation/cleaning, windows/glass (excluding automotive glass), landscaping installation/ maintenance, swimming pools, fencing, and other similar contractors."

The applicant states the building is intended to serve businesses/individuals requiring warehouse/storage space. Some of these tenants may have online business and may need the space to store equipment.

2. This proposal meets the parking requirement per the GDC.

3. The landscape plan (Exhibit D) complies with the screening and landscaping standards per the GDC.

4. Building Design

The proposed buildings will comply with the applicable building design standards per the GDC.

5. Signage

No deviations were requested regarding signage.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland 2030 Comprehensive Plan designates this site as Transit-oriented centers. Transit-oriented centers are areas of concentrated activity and increased density with maximum access to public transportation options. This type of center should be developed as mixed-use with live/work/play/shop opportunities. Transit-oriented development should be within ¼ to ½ mile of transit centers and/or rail stations and provide pedestrian and bicycle friendly access.

The proposed use offers employment [“work”] in a future transit-oriented area and the design of the proposal is appropriate for the area. In addition, the subject property is located at the periphery of the Planned Development, with Industrial (IN) zoning immediately adjacent to the east. The proposal offers a transitional use with new construction/improvements which comply with the Garland Development Code (GDC).

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The properties to the north, west, south are zoned Planned Development (PD) District 03-47 for Community Retail Uses; these properties are currently developed with an animal clinic, automobile repair facility, DART line and the property to the east is undeveloped.

Attachments

Z 22-52 Hanan Salman Attachments (Zoning)

Z 22-52 Hanan Salman Responses

Z 22-52 Hanan Salman Staff Presentation



0 140 280 Feet
1 inch = 216 feet

ZONING MAP Z 22-52

 INDICATES AREA OF REQUEST

3065 Forest Lane

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 22-52

3065 Forest Lane

- I. Statement of Purpose:** The purpose of this Planned Development is to permit a Contractor's Office/Warehouse (indoor only).
- II. Statement of Effect:** This Planned Development shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of Planned Development (PD) District 03-47 and the Community Retail (CR) District and all Special Standards for Contractor's Office/Warehouse (indoor only) as set forth in Chapter 2 of the Garland Development Code are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Detail Plan:** Development shall be in general conformance with the Site Plan, Landscape Plan, and Elevations set forth in Exhibit C, Exhibit D, and Exhibit E. In the event there is conflict between the approved Detail Plan and the Specific Regulations below, the Specific Regulations shall apply.
- V. Specific Regulations:**
- A. Permitted Uses: Only those uses as permitted in Planned Development (PD) District 03-47. In addition, a Contractor's Office/Warehouse (indoor only) Use shall be permitted.
 - B. Outside Display/Storage: No outside storage or display shall be permitted.
 - C. Screening and Landscaping: Screening and landscaping shall be in general conformance with the landscape plan labeled Exhibit D.
 - D. Maintenance Requirements:

1) Landscaping must be regularly maintained in a healthy growing condition and in compliance with this PD Ordinance, the Garland Development Code, the Code of Ordinances of the City of Garland, and the landscaping plan attached hereto at all times. The property owner is responsible for regular weeding, mowing of grass, irrigation, fertilizing, pruning, or other maintenance of all plantings as needed. All exposed ground surfaces on or within the premises shall be properly improved, covered with screening or other approved solid material, or protected with a vegetative growth that prevents soil erosion and ameliorates objectionable dust conditions.

2) Any dead or dying plant or vegetation, whether or not a component of required landscaping, must be promptly replaced with another approved plant or vegetation variety that complies with the approved landscape plan within sixty (60) days after receipt of notification by the City. In the event the property owner fails to remedy a violation of any landscaping maintenance regulation within sixty (60) days of the City sending notice, the City may, in addition to any other remedy available by law, suspend, withhold or revoke city permits, approvals, consents, licenses and/or certificates for the property.

3) Screening and paving must be installed and regularly maintained in compliance with this PD Ordinance, the Garland Development Code, and the Code of Ordinances of the City of Garland at all times. The property owner is responsible for regular maintenance of all screening and paving as needed. In the event the property owner fails to remedy a violation of any screening or paving maintenance regulation within sixty (60) days after of the City sending notice, the City may, in addition to any other remedy available by law, suspend, withhold, or revoke city permits, approval, consents and certificates for the property.

E. Building Elevations: The Building Elevations shall be in general conformance with the elevations labeled Exhibit E.

REPORT & MINUTES

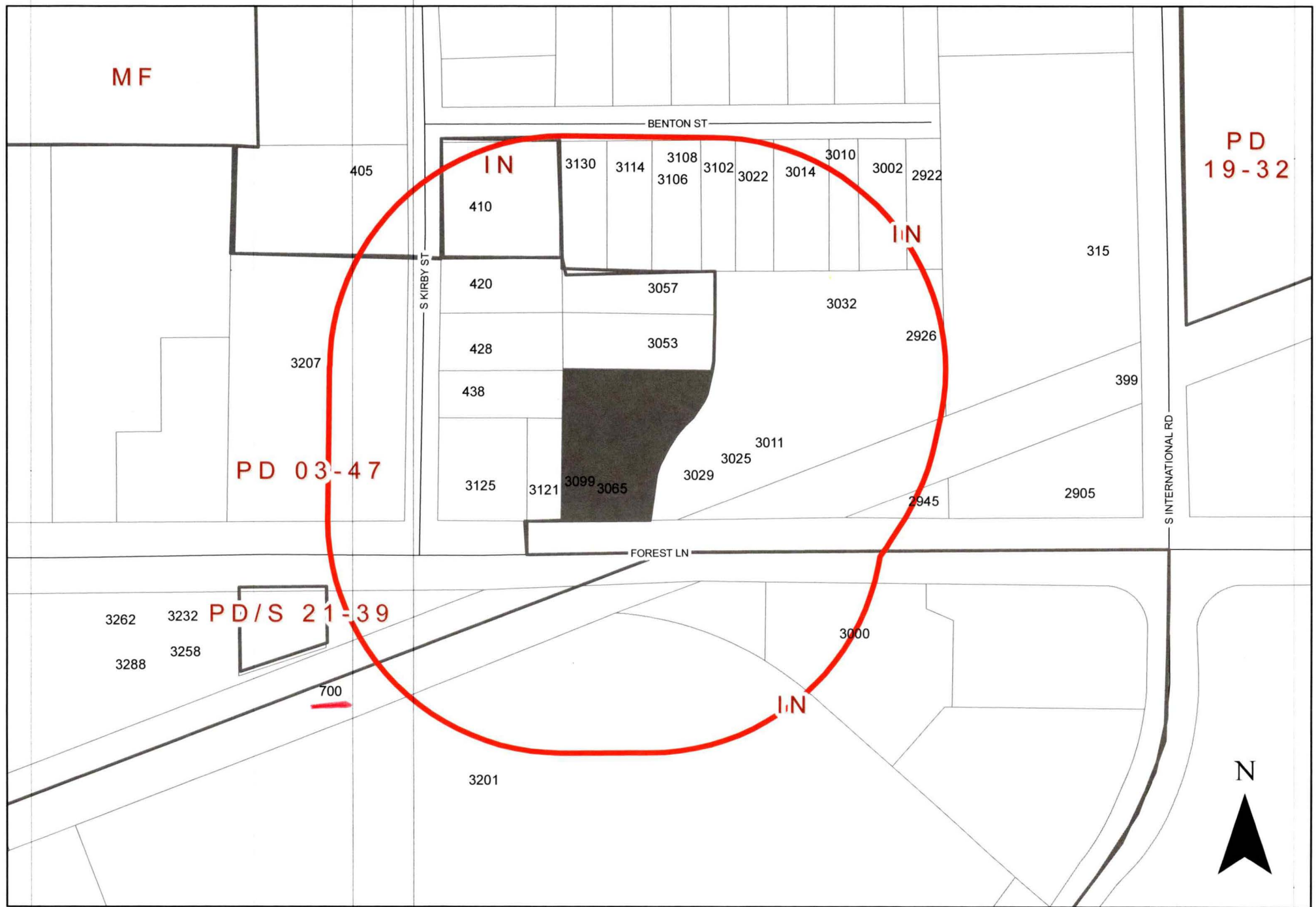
P.C. Meeting, November 21, 2022

Consideration of the application of **Hanan Salman**, requesting approval of an amendment to Planned Development (PD) District 03-47 for Community Retail Uses, to allow a Contractor's Office/Warehouse (indoors only). This property is located at 3065 Forest Lane. (District 6) (File Z 22-52 – Zoning)

The applicant Hanan Salman, 501 Waterside Way, Murphy, Texas, provided an overview of the request and remained available for questions.

There was discussion between Chairman Roberts, Commissioner Rose, and Ms. Salman regarding the possibility of allowing additional retail use on the property off of Forest Lane, and signage.

Motion was made by Commissioner Williams to close the public hearing and approve the request per staff recommendation. Seconded by Commissioner Aubin. **Motion carried: 8 Ayes, 0.**



ZONING MAP Z 22-52

0 140 280 Feet
1 inch = 216 feet

INDICATES AREA OF REQUEST INDICATES NOTIFICATION AREA

3065 Forest Lane

From: Ahmed, Nabiha <NAhmed@garlandtx.gov>
Sent: Tuesday, November 29, 2022 2:43 PM
To: 'Jack Wierzenski' <Wierzens@dart.org>; 'DLeggett@dart.org' <DLeggett@dart.org>
Cc: Barnett, Nathaniel <NBarnett@garlandtx.gov>; Allmendinger, Tracy <TAllmend@garlandtx.gov>
Subject: FW: Zoning Case # Z 22-52

Thank you. We will record your response.

Regards,

Nabiha Ahmed

Lead Development Planner
Planning & Development
City of Garland
D: 972-205-2453 | nahmed@garlandtx.gov

From: Barnett, Nathaniel <NBarnett@garlandtx.gov>
Sent: Tuesday, November 29, 2022 11:18 AM
To: 'Jack Wierzenski' <Wierzens@dart.org>; Ahmed, Nabiha <NAhmed@garlandtx.gov>
Cc: Guerin, Will <WGuerin@garlandtx.gov>; Deanna Leggett <DLeggett@dart.org>
Subject: RE: Zoning Case # Z 22-52

Hello Jack.

Thanks for your input. I have included Nabiha Ahmed who is the planner handling that case on this email. She will be able to register your reply and ensure it's part of the case responses.

Enjoy your vacation and happy holidays!

Nathaniel Barnett, AICP

Senior Planner
Planning & Development
City of Garland
Office: (972) 205-2460 | Fax: (972) 205-2474
nbarnett@garlandtx.gov | GarlandTx.gov

From: Jack Wierzenski <Wierzens@dart.org>
Sent: Tuesday, November 29, 2022 11:06 AM
To: Barnett, Nathaniel <NBarnett@garlandtx.gov>
Cc: Guerin, Will <WGuerin@garlandtx.gov>; Deanna Leggett <DLeggett@dart.org>
Subject: [EXTERNAL] Zoning Case # Z 22-52

Nathaniel, I just received a public hearing notice regarding a request for Construction office warehouse at the intersection of Forest Lane and International drive, my concern is that, although it could be seen as on the periphery of the TOD district, this type of use would not lend itself as an example of "good" TOD. My understanding is that past plans have tried to envision dense mixed use on the north side of Forest across from the station, the biggest impediment to that being the existing low density uses. I believe the proposal as it is, would just perpetuate continued low density uses.

Also, just an FYI, I will be out on an extended vacation starting next Monday and will be back in the office Dec. 30th, if you need anything while I'm out please contact Dee Leggett. Have a nice holiday!

Jack Wierzenski, AICP
Director
Economic Development
(214) 749-2881
Wierzens@DART.org
1401 Pacific Ave Dallas, Tx. 75202

Z 22-52

PLANNING & DEVELOPMENT



The applicant proposes to construct a Contractor's Office/Warehouse building.

City Council Meeting
December 13, 2022

CASE INFORMATION

PLANNING &
DEVELOPMENT



Location: 3065 Forest Lane

Applicant: Hanan Salman

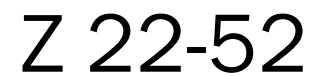
Owner: AWS & Brothers, LLC.

Acreage: 1.03 acres

Zoning: Planned Development (PD) District 03-47

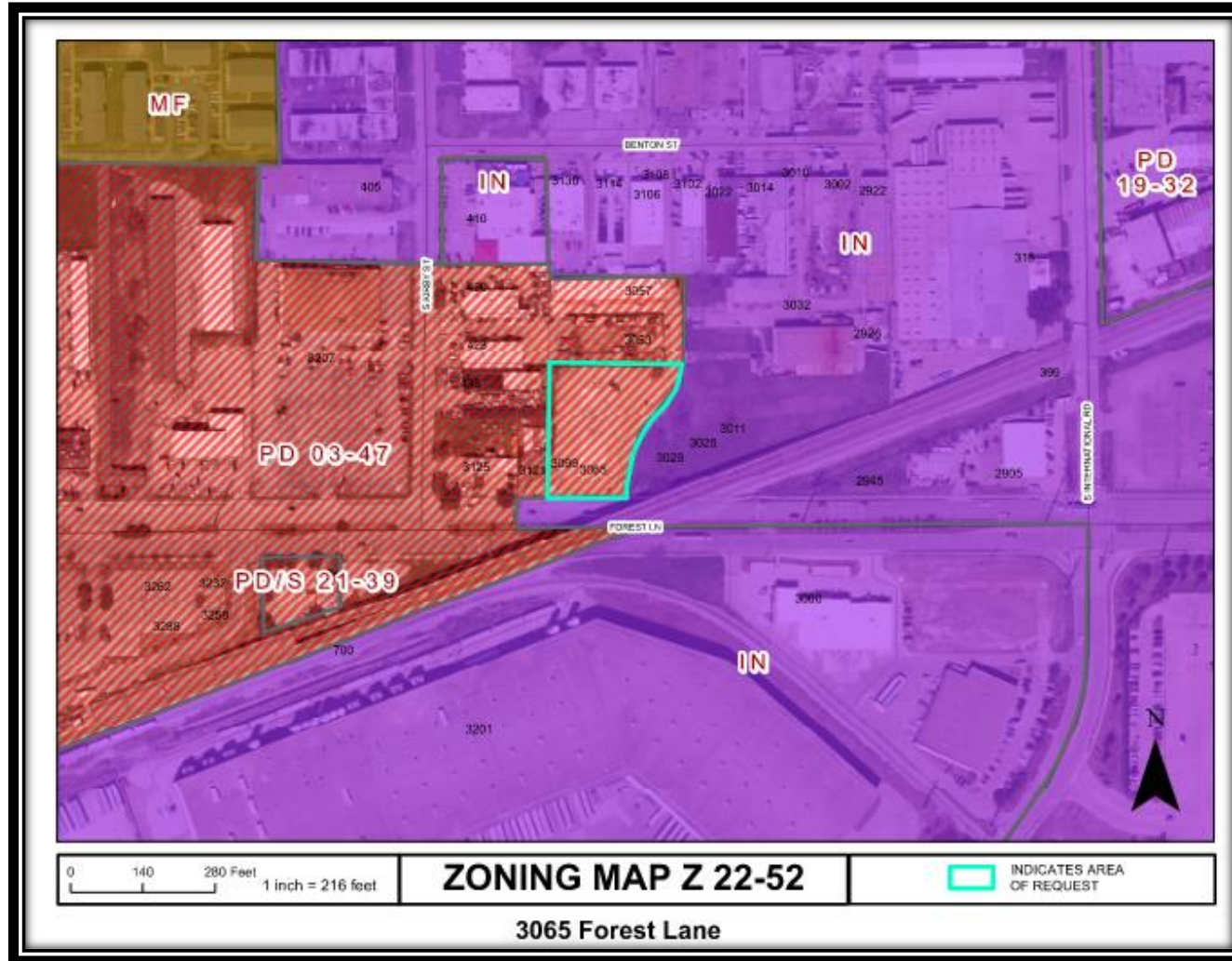
Z 22-52

MAP

 GARLAND

LOCATION MAP

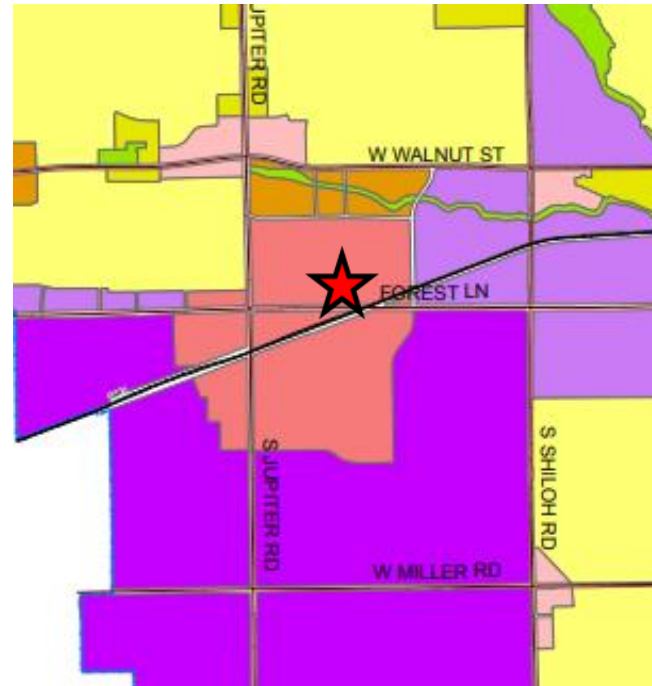
PLANNING & DEVELOPMENT



Z 22-52

COMPREHENSIVE PLAN

PLANNING &
DEVELOPMENT



Z 22-52

- The Future Land Use Map of the Envision Garland 2030 Comprehensive Plan designates this site as Transit-oriented centers. Transit-oriented centers are areas of concentrated activity and increased density with maximum access to public transportation options. This type of center should be developed as mixed-use with live/work/play/shop opportunities. Transit-oriented development should be within $\frac{1}{4}$ to $\frac{1}{2}$ mile of transit centers and/or rail stations and provide pedestrian and bicycle friendly access.
- The proposed use offers employment [“work”] in a future transit-oriented area and the design of the proposal is appropriate for the area. In addition, the subject property is located at the periphery of the Planned Development, with Industrial (IN) zoning immediately adjacent to the east. The proposal offers a transitional use with new construction/improvements which comply with the Garland Development Code (GDC).

PHOTOS

PLANNING & DEVELOPMENT



View from South International Road



Looking east of the subject property



View from south of the subject property

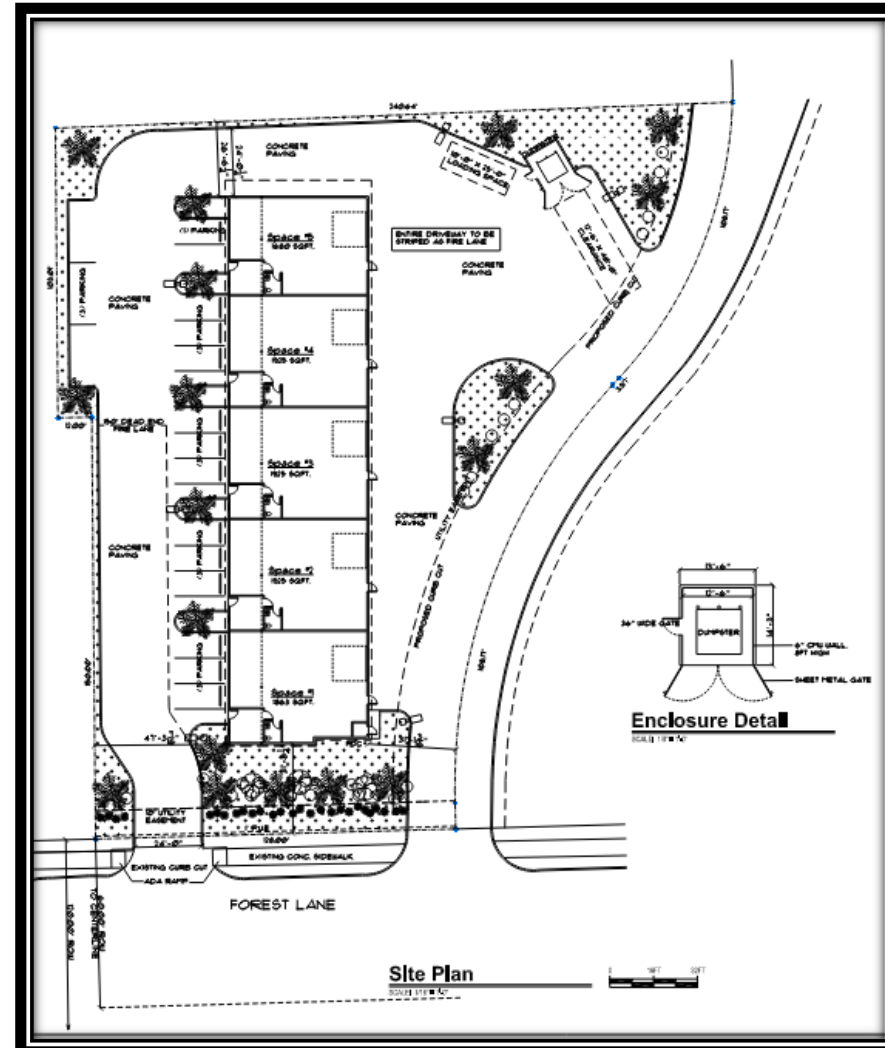


West of the subject property

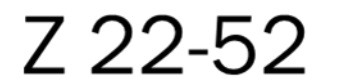
Z 22-52

SITE PLAN

PLANNING & DEVELOPMENT



Z 22-52

 GARLAND

BUILDING ELEVATIONS

PLANNING & DEVELOPMENT



Z 22-52

STAFF RECOMMENDATION

Approval of an amendment to Planned Development (PD) District 03-47 for Community Retail Uses.

Approval of a Detail Plan for a Contractor's Office/Warehouse (indoor only)

PLAN COMMISSION RECOMMENDATION

On November 21, 2022 the Plan Commission, by a vote of eight (8) to zero (0), recommended approval of an amendment to Planned Development (PD) District 03-47 for Community Retail Uses.

The Plan Commission, by a vote of eight (8) to zero (0), also recommended approval of a Detail Plan for a Contractor's Office/Warehouse (indoor only).



GARLAND PLANNING REPORT

City Council Regular Session Agenda

12. e.

Meeting Date: 12/13/2022

Item Title: Z 22-52 Hanan Salman - Detail Plan (District 6)

Submitted By: Nabiha Ahmed, Lead Development Planner

REQUEST

Approval of an amendment to Planned Development (PD) District 03-47 for Community Retail Uses.

Approval of a Detail Plan for a Contractor's Office/Warehouse (indoor only)

LOCATION

3065 Forest Lane

OWNER

AWS & Brothers, LLC.

PLAN COMMISSION RECOMMENDATION

On November 21, 2022 the Plan Commission, by a vote of eight (8) to zero (0), recommended approval of an amendment to Planned Development (PD) District 03-47 for Community Retail Uses.

The Plan Commission, by a vote of eight (8) to zero (0), also recommended approval of a Detail Plan for a Contractor's Office/Warehouse (indoor only).

STAFF RECOMMENDATION

Approval of an amendment to Planned Development (PD) District 03-47 for Community Retail Uses.

Approval of a Detail Plan for a Contractor's Office/Warehouse (indoor only)

BACKGROUND

The site was constructed with a building but it was demolished in 2017 due to fire damage. Prior to the demolition, the building was used as a warehouse.

The applicant would like to reconstruct a building for a similar use, Contractor's Office/Warehouse.

SITE DATA

The overall site consists of approximately 1.03 acres with approximately 128 lineal feet of frontage along Forest Lane. The site can be directly accessed from Forest Lane and through a private drive to the east of the property.

USE OF PROPERTY UNDER CURRENT ZONING

Planned Development (PD) District 03-47 was approved to create a higher density, integrated mixed-use development pattern near the Forest/Jupiter Road Station that facilitates pedestrian, bicycle and transit level and reduces automobile dependency.

The PD consists of a list of uses that are either allowed by right or by Specific Use Provision. A Contractor's Office/Warehouse use is not specifically listed in the permitted uses. However, a Specific Use Provision was tied to the property for a Contractor Equipment and Storage, which is a similar use to the Contractor's Office/Warehouse Use in the GDC. The building does not exist anymore; therefore, the SUP is no longer valid.

In addition, the base zoning for this Planned Development (PD) District is Community Retail, which does not allow Contractor's Office/Warehouse Use. The applicant requests to amend Planned Development (PD) District 03-47 to allow the Contractor's Office/Warehouse Use by right on the subject property.

CONSIDERATIONS

1. Planned Development and Detail Plan

The site plan (Exhibit C) reflects a 9,355 square-foot building that consists of five (5) tenant spaces. All of the tenant spaces will be used for a Contractor's Office/Warehouse Use. The development will be fully enclosed with no outside storage.

The GDC defines a Contractor's Office/Warehouse use as "An indoor office and storage facility for materials, equipment, tools, products, and vehicles used in the conduct of a construction-related business such as those specializing in welding, plumbing, electrical, heating/air conditioning, roofing, paving, pest control, janitorial, major appliance repair/service, masonry, carpet installation/cleaning, windows/glass (excluding automotive glass), landscaping installation/ maintenance, swimming pools, fencing, and other similar contractors."

The applicant states the building is intended to serve businesses/individuals requiring warehouse/storage space. Some of these tenants may have online business and may need the space to store equipment.

2. This proposal meets the parking requirement per the GDC.

3. The landscape plan (Exhibit D) complies with the screening and landscaping standards per the GDC.

4. Building Design

The proposed buildings will comply with the applicable building design standards per the GDC.

5. Signage

No deviations were requested regarding signage.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland 2030 Comprehensive Plan designates this site as Transit-oriented centers. Transit-oriented centers are areas of concentrated activity and increased density with maximum access to public transportation options. This type of center should be developed as mixed-use with live/work/play/shop opportunities. Transit-oriented development should be within ¼ to ½ mile of transit centers and/or rail stations and provide pedestrian and bicycle friendly access.

The proposed use offers employment [“work”] in a future transit-oriented area and the design of the proposal is appropriate for the area. In addition, the subject property is located at the periphery of the Planned Development, with Industrial (IN) zoning immediately adjacent to the east. The proposal offers a transitional use with new construction/improvements which comply with the Garland Development Code (GDC).

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The properties to the north, west, south are zoned Planned Development (PD) District 03-47 for Community Retail Uses; these properties are currently developed with an animal clinic, automobile repair facility, DART line and the property to the east is undeveloped.

Attachments

Z 22-52 Hanan Salman Attachments (Detail Plan)

Z 22-52 Hanan Salman Responses

Z 22-52 Hanan Salman Staff Presentation



0 140 280 Feet
1 inch = 216 feet

ZONING MAP Z 22-52

 INDICATES AREA OF REQUEST

3065 Forest Lane

PROPERTY DESCRIPTION

BEING A PORTION OF LOT NO. 1, BLOCK NO. 1 OF ROYAL ENTERPRISES COMPANY ADDITION, AN ADDITION TO THE CITY OF GARLAND, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 80718, PAGE 9303, MAP RECORDS OF DALLAS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 1/2 INCH IRON ROD IN THE NORTH LINE OF FOREST LANE (A 100 ROW) SAID FOUND ROD BEING SOUTH SOUTH 80 DEGREES 36 MINUTES 00 SECONDS EAST, 1200 FEET FROM THE SOUTHEAST CORNER OF SAID LOT 1;

THENCE NORTH 01 DEGREES 29 MINUTES 00 SECONDS EAST, A DISTANCE OF 162.00 FEET TO AN "X" FOUND IN CONCRETE FOR CORNER;

THENCE NORTH 89 DEGREES 36 MINUTES 00 WEST, A DISTANCE OF 1100 FEET TO A FOUND 1/2 INCH IRON ROD AT THE BASE OF A FENCE CORNER IN THE EAST LINE OF BLOCK A OF FOREST LANE INDUSTRIAL PARK, AN ADDITION TO THE CITY OF GARLAND, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 49, PAGE 183, MAP RECORDS OF DALLAS COUNTY, TEXAS, SAID FOUND ROD ALSO BEING COMMON TO THE WEST LINE OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 01 DEGREES 29 MINUTES 00 SECONDS EAST ALONG SAID COMMON LINE OF LOT 1 AND BLOCK A, A DISTANCE OF 93.04 FEET TO A FOUND "X" IN CONCRETE FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 25 DEGREES 48 MINUTES 00 SECONDS EAST, A DISTANCE OF 2426.4 FEET TO A FOUND P.M. NAIL FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT AND THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 44 DEGREES 29 MINUTES 00 SECONDS, A RADIUS OF 150.9 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 24 DEGREE 18 MINUTES 26 SECONDS WEST, 109.87 FEET 1/2

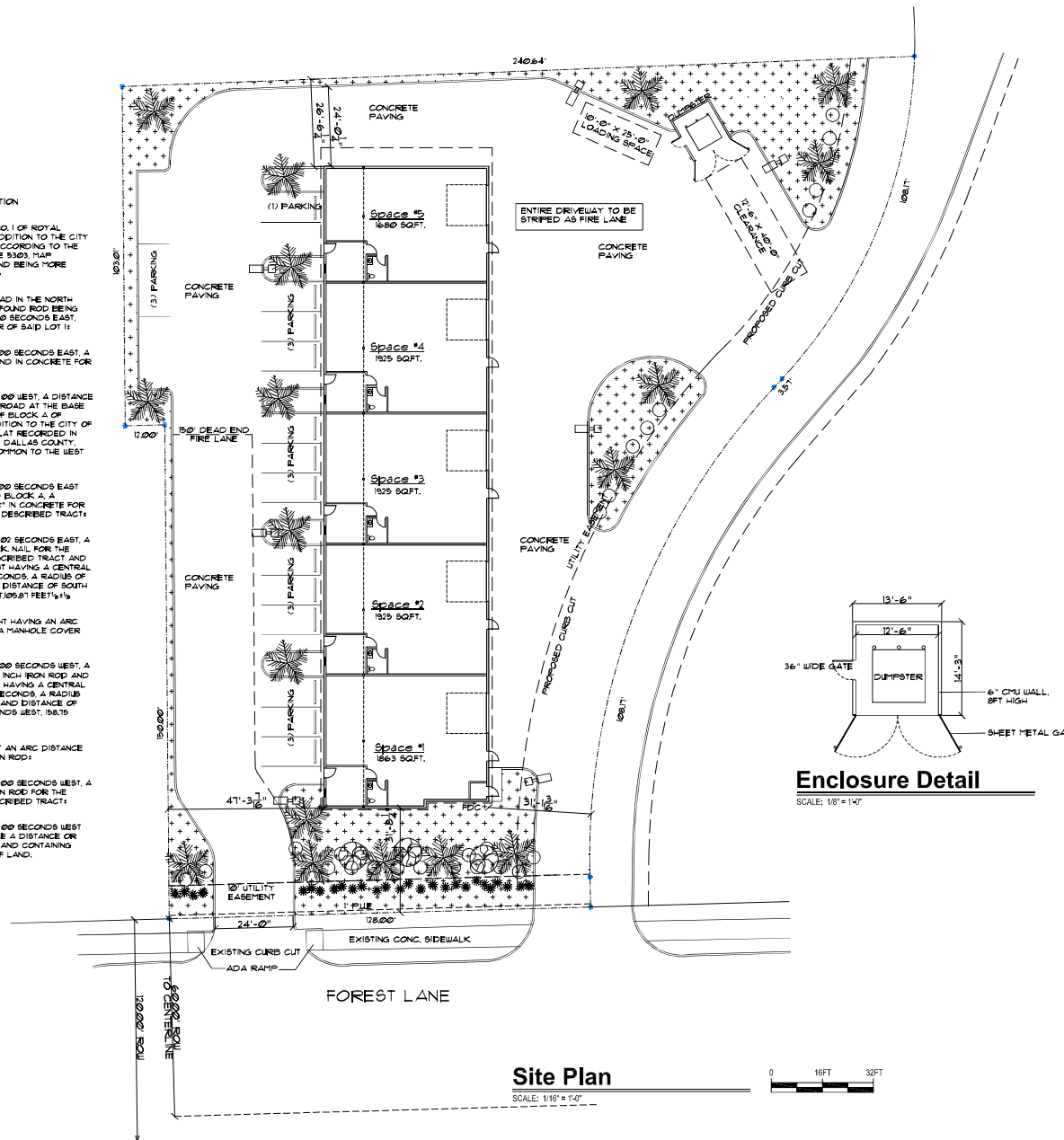
THENCE ALONG SAID CURVE TO THE RIGHT HAVING AN ARC DISTANCE OF 180.1 FEET TO A POINT ON A MANHOLE COVER AND THE END OF SAID CURVE.

THENCE SOUTH 44 DEGREES 48 MINUTES 00 SECONDS WEST, A DISTANCE OF 331 FEET 1/2 TO A FOUND 3/8 INCH IRON ROD AND THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 44 DEGREES 29 MINUTES 00 SECONDS, A RADIUS OF 150.9 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 27 DEGREES 36 MINUTES 30 SECONDS WEST, 158.75 FEET 1/2

THENCE ALONG SAID CURVE TO THE LEFT AN ARC DISTANCE OF 162.00 FEET TO A FOUND 3/8 INCH IRON ROD;

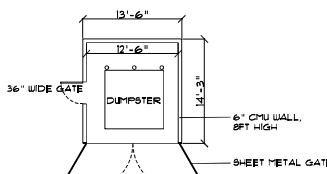
THENCE SOUTH 00 DEGREES 24 MINUTES 00 SECONDS WEST, A DISTANCE OF 92.0 FEET TO A FOUND IRON ROD FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 89 DEGREES 36 MINUTES 00 SECONDS WEST ALONG SAID NORTH LINE OF FOREST LANE A DISTANCE OF 128.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 44,763 SQUARE FEET OR 10776 ACRES OF LAND.



Site Plan

SCALE: 1/16" = 1'-0"



Enclosure Detail

SCALE: 1/8" = 1'-0"

General Notes

- SCOPE OF WORK:
NEW OFFICE / WAREHOUSE BUILDING TO BE
ERECTED ON EXISTING SLAB ON GRADE.
AREA - 9755 SQFT.
- STRUCTURAL FRAMING AND FOUNDATION DESIGN BY CONTRACTOR.
- ALL INTERIOR DIMENSIONS ARE TO FACE OF GYP. BOARD.
- EXTERIOR BRICK - COLOR TO BE SELECTED

Project Information

OWNER/APPLICANT:

AUC 4 BROTHERS, LLC,
YOUSSEF BAKLIZI
501 WATERS EDGE WAY MURPHY TX 75094
PH: 972-916-0600

FIRE SUBMITTAL NUMBER - 220721-2
CURRENT ZONING: FD 03-47
PROPOSED USE: OFFICE CONTRACTOR STORAGE

APPLICANT: HANAN SALMAN
501 WATERS EDGE WAY MURPHY TX 75094
PH: 972-916-0600

OCCUPANCY - S-1
CONSTRUCTION TYPE - IIB

SPRINKLERED - YES

SITE AREA: 44,761 SQFT.

BUILDING AREA: 9355 SQFT.

COVERAGE: 20.90%

FAR: 02168

IMPERVIOUS AREA 40,000 SQFT.

IMPERVIOUS COVERAGE: 89.36%

PARKING:

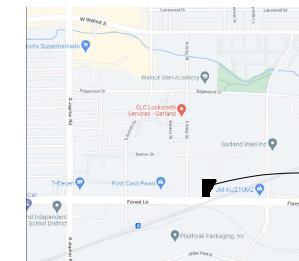
REQUIRED:
5 X OFFICE OF 144 SQFT. • 5 (1 PER 500 SQFT.)
5 X STORAGE OF 1100 SQFT. • 10 (1 PER 1000 SQFT.)
TOTAL REQUIRED - 15 SPACES
PROVIDED - 16 SPACES

BUILDING HT:

ALLOWED - 35'-0"
PROVIDED - 22'-8"

APPLICABLE CODES:

2015 INTERNATIONAL BUILDING CODE
2015 INTERNATIONAL FIRE CODE
2015 INTERNATIONAL PLUMBING CODE
2015 INTERNATIONAL FUEL GAS CODE
2015 INTERNATIONAL MECHANICAL CODE
2015 INTERNATIONAL ENERGY CONSERVATION CODE
2015 INTERNATIONAL PROPERTY MAINTENANCE CODE
2014 NATIONAL ELECTRICAL CODE



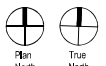
Vicinity Plan

SCALE: 1/8" = 1'-0"

Scale:

Office / Warehouse
3085 Forest Ln Garland, TX 75042

CASE NUMBER - 220721-2



Revisions:

Revised per Comments
September 28, 2022

October 26, 2022

Date:

August 15, 2022

Job No.:

2022.16

Drawn:

DESIGN DRAWINGS

Sheet Name:

SITE PLAN

Sheet No.:

A1

PROPERTY DESCRIPTION

BEING A PORTION OF LOT NO. 1, BLOCK NO. 1 OF ROYAL ENTERPRISES COMPANY ADDITION, AN ADDITION TO THE CITY OF GUILFORD, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 8078, PAGE 9303, MAP RECORDS OF DALLAS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 1/2 INCH IRON ROD IN THE NORTH LINE OF FOREST LANE (A 100 ROW) SAID FOUND ROD BEING SOUTH 89 DEGREES 36 MINUTES 00 SECONDS EAST, 1200 FEET FROM THE SOUTH-EAST CORNER OF SAID LOT 1;

THENCE NORTH 01 DEGREES 29 MINUTES 00 SECONDS EAST, A DISTANCE OF 150.00 FEET TO AN "X" FOUND IN CONCRETE FOR CORNER 1;

THENCE NORTH 89 DEGREES 36 MINUTES 00 WEST, A DISTANCE OF 1100 FEET TO A FOUND 1/2 INCH IRON ROD AT THE BASE OF A FENCE CORNER IN THE EAST LINE OF BLOCK A OF FOREST LANE INDUSTRIAL PARK, AN ADDITION TO THE CITY OF GUILFORD, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 49, PAGE 183, MAP RECORDS OF DALLAS COUNTY, TEXAS, SAID FOUND ROD ALSO BEING COMMON TO THE WEST LINE OF THE HEREIN DESCRIBED TRACT 1;

THENCE NORTH 01 DEGREES 29 MINUTES 00 SECONDS EAST ALONG SAID COMMON LINE OF LOT 1 AND BLOCK A, A DISTANCE OF 93.04 FEET TO A FOUND "X" IN CONCRETE FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT 1;

THENCE NORTH 88 DEGREES 48 MINUTES 02 SECONDS EAST, A DISTANCE OF 240.84 FEET TO A FOUND P.C. NAIL FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT AND THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 44 DEGREES 29 MINUTES 00 SECONDS, A RADIUS OF 19.09 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 24 DEGREE 18 MINUTES 26 SECONDS WEST, 09.87 FEET 1/2;

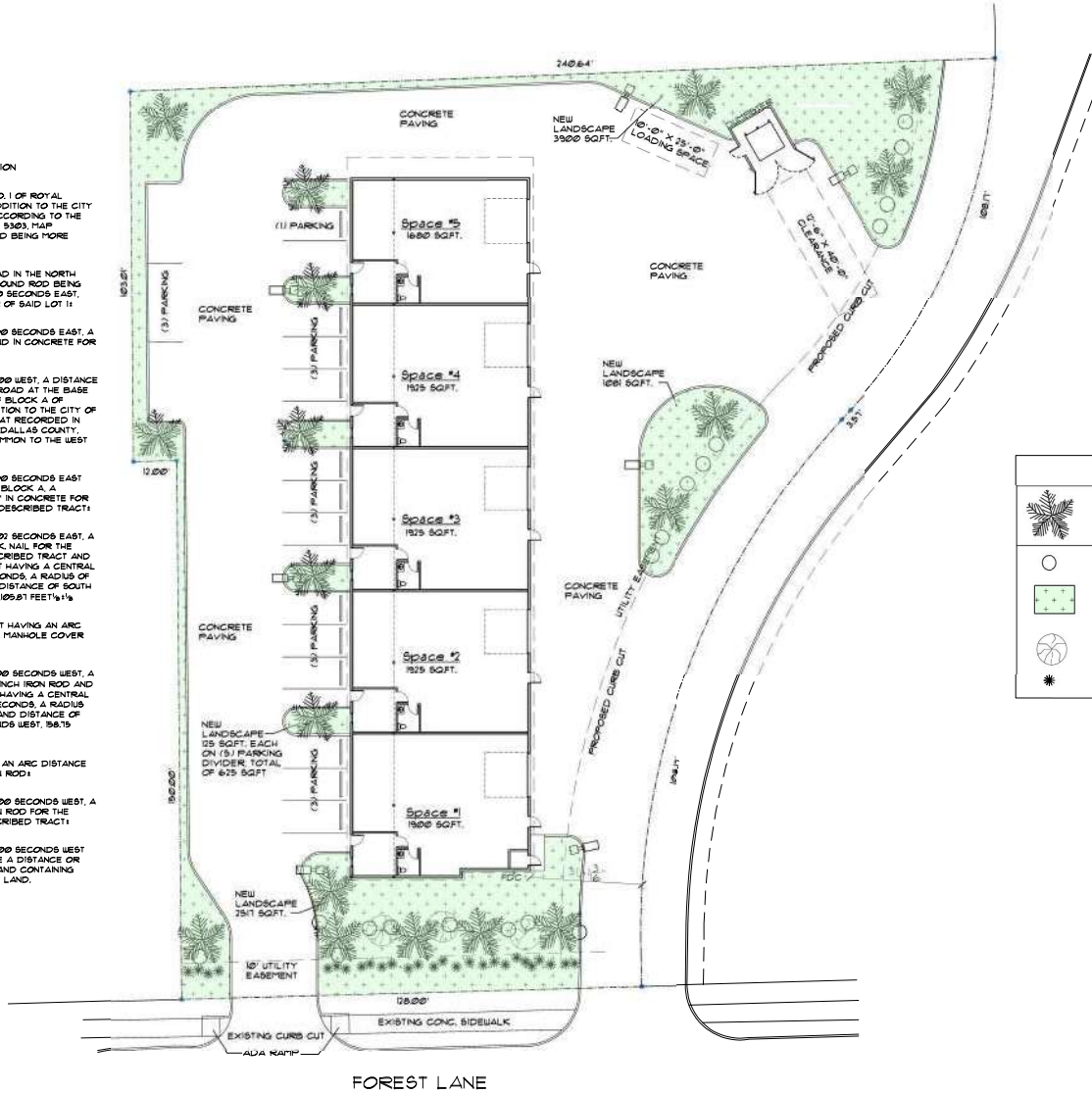
THENCE ALONG SAID CURVE TO THE RIGHT HAVING AN ARC DISTANCE OF 108.11 FEET TO A POINT ON A MANHOLE COVER AND THE END OF SAID CURVE.

THENCE SOUTH 44 DEGREES 48 MINUTES 00 SECONDS WEST, A DISTANCE OF 351 FEET 1/2 TO A FOUND 3/8 INCH IRON ROD AND THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 44 DEGREES 29 MINUTES 00 SECONDS, A RADIUS OF 20.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 22 DEGREES 36 MINUTES 30 SECONDS WEST, 58.15 FEET 1/2;

THENCE ALONG SAID CURVE TO THE LEFT AN ARC DISTANCE OF 162.80 FEET TO A FOUND 3/8 INCH IRON ROD 1;

THENCE SOUTH 00 DEGREES 24 MINUTES 00 SECONDS WEST, A DISTANCE OF 520 FEET TO A FOUND IRON ROD FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT 1;

THENCE NORTH 88 DEGREES 36 MINUTES 00 SECONDS WEST ALONG SAID NORTH LINE OF FOREST LANE A DISTANCE OF 128.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 44,763 SQUARE FEET OR 10716 ACRES OF LAND.



Landscape Plan

SCALE: 1/16" = 1'-0"



Project Information

OWNER/APPLICANT:

AUC: 4 BROTHERS, LLC.
YOUSSEF BAKLIZI
501 WATERS EDGE WAY MURPHY TX 75094
PH: 972-916-0600

PRE-SUBMITTAL NUMBER: 220721-2
CURRENT ZONING: PD 03-47
PROPOSED USE: OFFICE CONTRACTOR STORAGE

APPLICANT: HANAN SALMAN
501 WATERS EDGE WAY MURPHY TX 75094
PH: 972-916-0600

OCCUPANCY: 9-1
CONSTRUCTION TYPE: IIB

SITE AREA: 44,761 SQFT.

REQUIRED LANDSCAPE: MINIMUM 10% = 4,476 SQFT

PROVIDED LANDSCAPE AREA: 3900+1681+2511+629 = 8723 SQFT.

8723/44761 = 19.5%

PARKING AREA: 2,748 SQFT.

REQUIRED LANDSCAPE: MINIMUM 5% = 138 SQFT

PROVIDED LANDSCAPE AREA: 629 SQFT.

	TYPE/ NAME (HT. X CALIPER INCHES)	REQUIRED	PROVIDED
	CANOPY TREE LIVE OAK (1" X 48 INCHES)	1 EVERY 30 FT ALONG FOREST LANE	5
	SHRUB GLOSSY ABELIA (2" X 24 INCHES)	1 EVERY 30 FT OR ORNAMENTAL GRASS ALONG FOREST LANE	20 PLUS ORNAMENTAL GRASS
	ORNAMENTAL GRASS ROCKROSE		
	SMALL ORNAMENTAL TEXAS REDBUD (4" X 36 INCHES)		
	GROUND COVER ASIAN JASMINE		



Vicinity Plan

SCALE: NTS

Seal:

Office / Warehouse
3085 Forest Ln Garland, TX 75042

CASE NUMBER - 220721-2



Revision:

Revision per Comments
September 28, 2022

October 26, 2022

Date:

August 15, 2022

Job No.:

2022.10

Issue:

DESIGN DRAWINGS

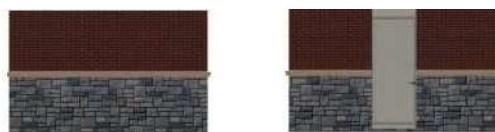
Sheet Name:

LANDSCAPE

PLAN

Sheet No.:

A2



NORTH

WEST



EAST

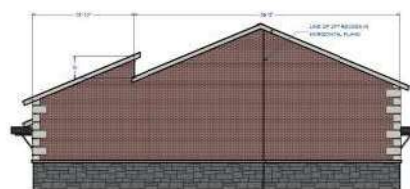
SOUTH

06 ENCLOSURE ELEVATION

SCALE - 1/8" = 1'-0"
SAME MATERIALS AS MAIN BUILDING



05 SIX ARCH ELEMENTS



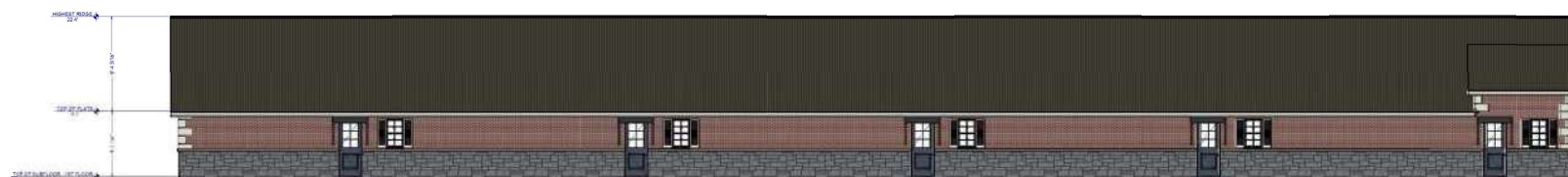
04 SOUTH ELEVATION

SCALE - 1/8" = 1'-0"



03 NORTH ELEVATION

SCALE - 1/8" = 1'-0"



02 WEST ELEVATION

SCALE - 1/8" = 1'-0"



01 EAST ELEVATION

SCALE - 1/8" = 1'-0"



Seal:

Office / Warehouse
3085 Forest Ln Garland, TX 75042

CASE NUMBER - 220721-2

Revision:
Revision per Comments
September 26, 2022
October 26, 2022

Date:
August 15, 2022

Job No.:
2022.10

Name:
DESIGN DRAWINGS

EXTERIOR
ELEVATIONS

Sheet No.:

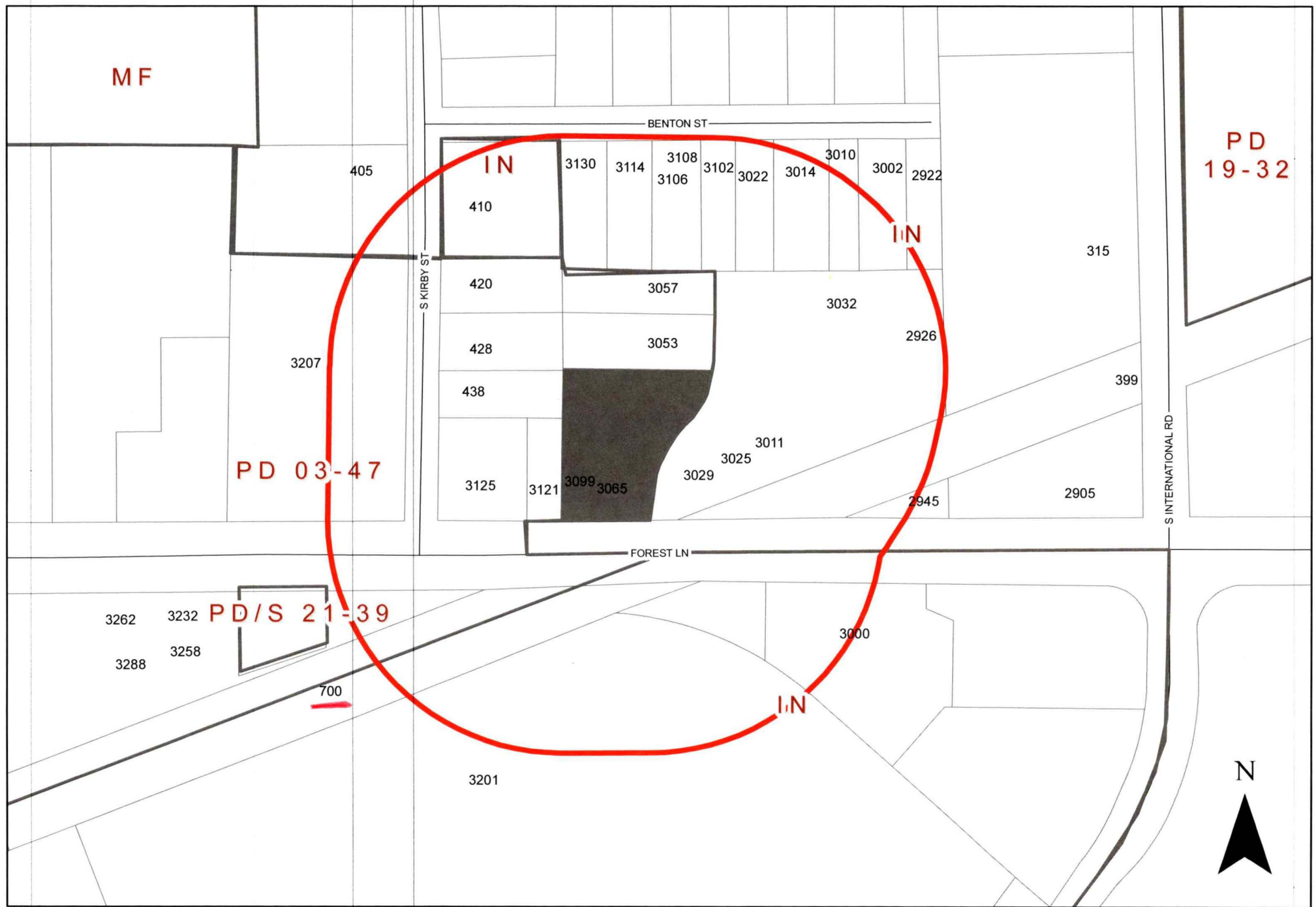
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REPORT & MINUTES

P.C. Meeting, November 21, 2022

Consideration of the application of **Hanan Salman**, requesting approval of a Detail Plan for a Contractor's Office/Warehouse (indoors only). This property is located at 3065 Forest Lane. (District 6) (File Z 22-52 – Detail Plan)

Motion was made by Commissioner Williams to close the public hearing and approve the request per staff recommendation. Seconded by Commissioner Aubin. **Motion carried: 8 Ayes, 0**



0 140 280 Feet
1 inch = 216 feet

ZONING MAP Z 22-52

 INDICATES AREA OF REQUEST  INDICATES NOTIFICATION AREA

3065 Forest Lane

From: Ahmed, Nabiha <NAhmed@garlandtx.gov>
Sent: Tuesday, November 29, 2022 2:43 PM
To: 'Jack Wierzenski' <Wierzens@dart.org>; 'DLeggett@dart.org' <DLeggett@dart.org>
Cc: Barnett, Nathaniel <NBarnett@garlandtx.gov>; Allmendinger, Tracy <TAllmend@garlandtx.gov>
Subject: FW: Zoning Case # Z 22-52

Thank you. We will record your response.

Regards,

Nabiha Ahmed

Lead Development Planner
Planning & Development
City of Garland
D: 972-205-2453 | nahmed@garlandtx.gov

From: Barnett, Nathaniel <NBarnett@garlandtx.gov>
Sent: Tuesday, November 29, 2022 11:18 AM
To: 'Jack Wierzenski' <Wierzens@dart.org>; Ahmed, Nabiha <NAhmed@garlandtx.gov>
Cc: Guerin, Will <WGuerin@garlandtx.gov>; Deanna Leggett <DLeggett@dart.org>
Subject: RE: Zoning Case # Z 22-52

Hello Jack.

Thanks for your input. I have included Nabiha Ahmed who is the planner handling that case on this email. She will be able to register your reply and ensure it's part of the case responses.

Enjoy your vacation and happy holidays!

Nathaniel Barnett, AICP

Senior Planner
Planning & Development
City of Garland
Office: (972) 205-2460 | Fax: (972) 205-2474
nbarnett@garlandtx.gov | GarlandTx.gov

From: Jack Wierzenski <Wierzens@dart.org>
Sent: Tuesday, November 29, 2022 11:06 AM
To: Barnett, Nathaniel <NBarnett@garlandtx.gov>
Cc: Guerin, Will <WGuerin@garlandtx.gov>; Deanna Leggett <DLeggett@dart.org>
Subject: [EXTERNAL] Zoning Case # Z 22-52

Nathaniel, I just received a public hearing notice regarding a request for Construction office warehouse at the intersection of Forest Lane and International drive, my concern is that, although it could be seen as on the periphery of the TOD district, this type of use would not lend itself as an example of "good" TOD. My understanding is that past plans have tried to envision dense mixed use on the north side of Forest across from the station, the biggest impediment to that being the existing low density uses. I believe the proposal as it is, would just perpetuate continued low density uses.

Also, just an FYI, I will be out on an extended vacation starting next Monday and will be back in the office Dec. 30th, if you need anything while I'm out please contact Dee Leggett. Have a nice holiday!

Jack Wierzenski, AICP
Director
Economic Development
(214) 749-2881
Wierzens@DART.org
1401 Pacific Ave Dallas, Tx. 75202

Z 22-52

PLANNING & DEVELOPMENT



The applicant proposes to construct a Contractor's Office/Warehouse building.

City Council Meeting
December 13, 2022

CASE INFORMATION

PLANNING &
DEVELOPMENT



Location: 3065 Forest Lane

Applicant: Hanan Salman

Owner: AWS & Brothers, LLC.

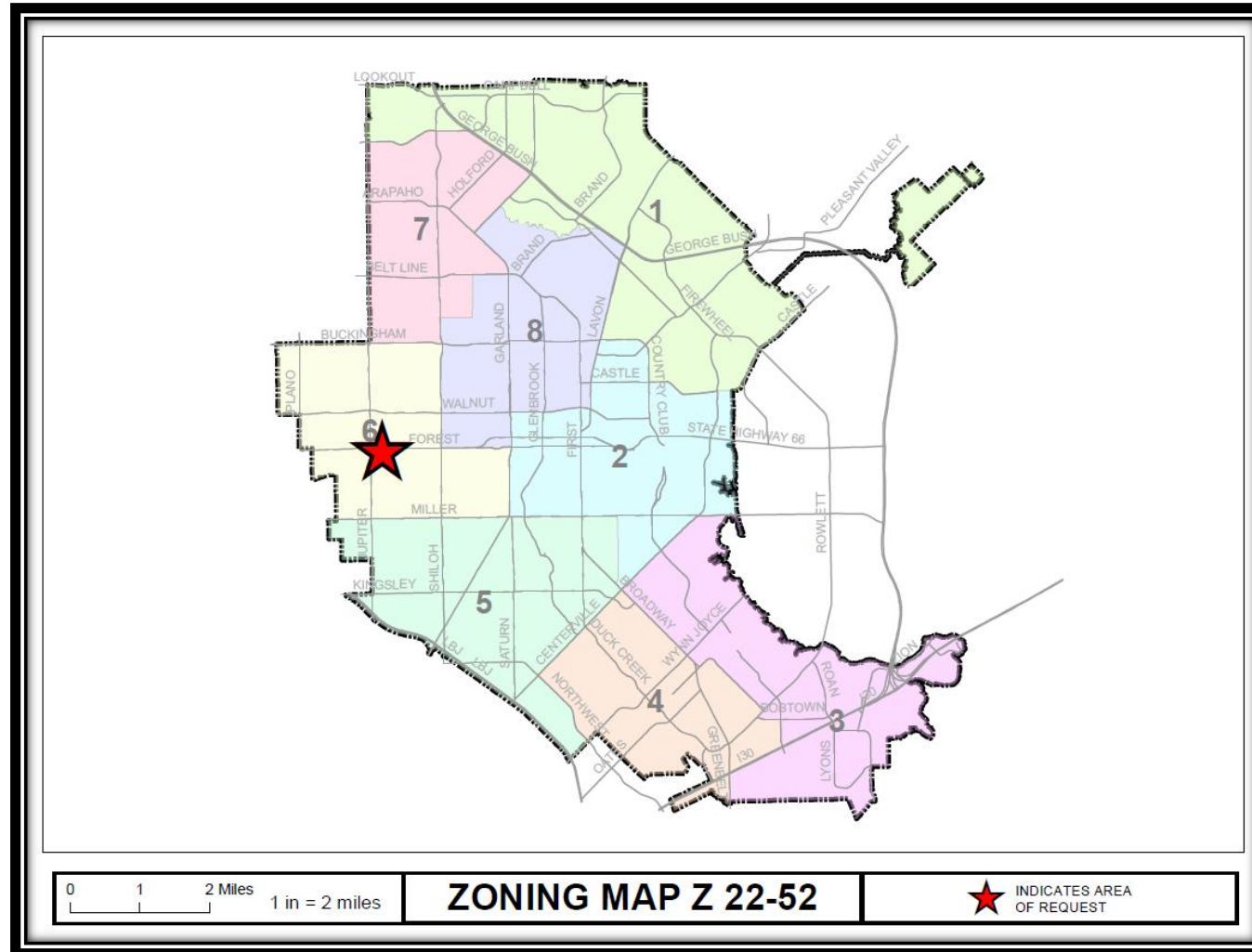
Acreage: 1.03 acres

Zoning: Planned Development (PD) District 03-47

Z 22-52

CITYWIDE LOCATION MAP

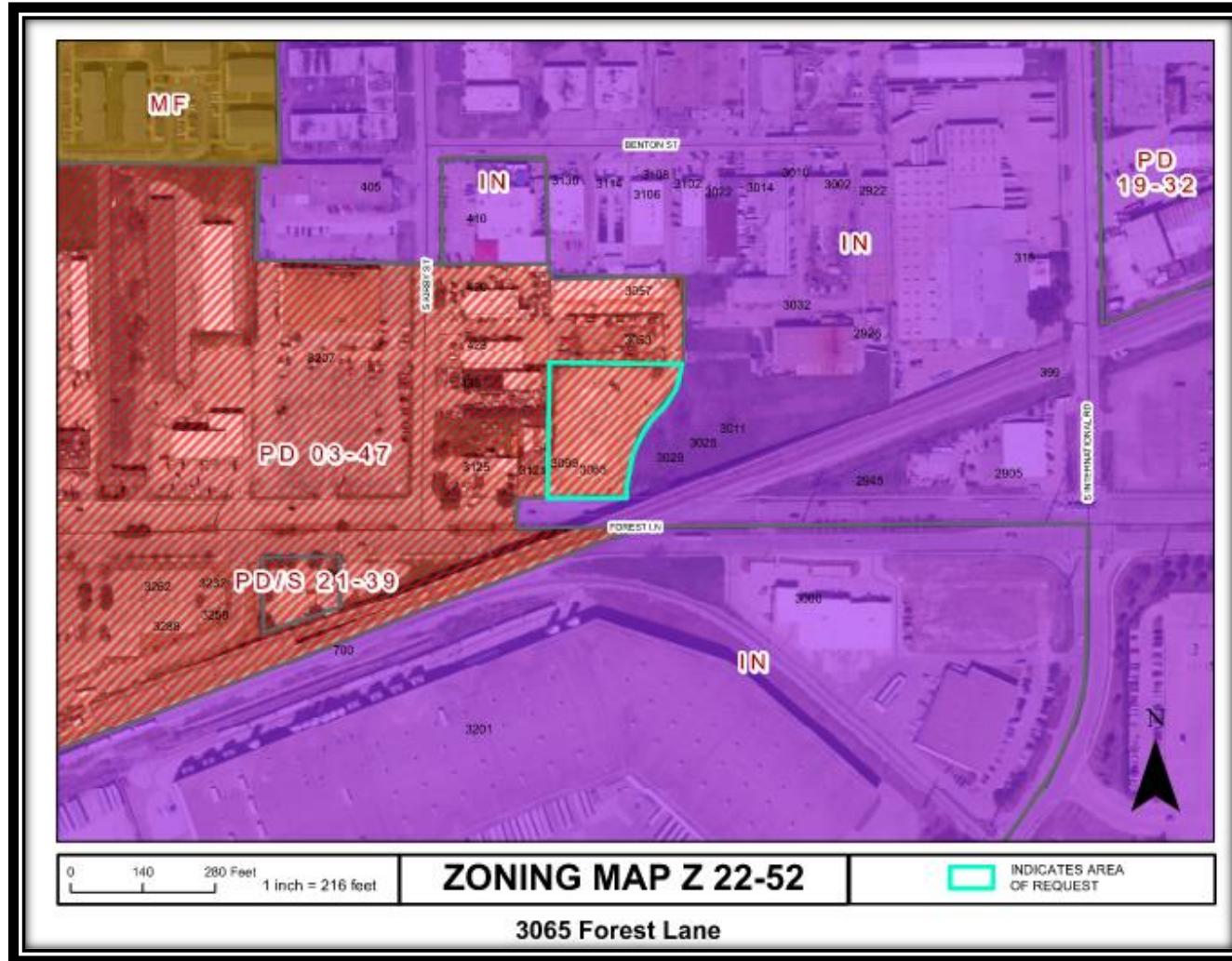
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Z 22-52

LOCATION MAP

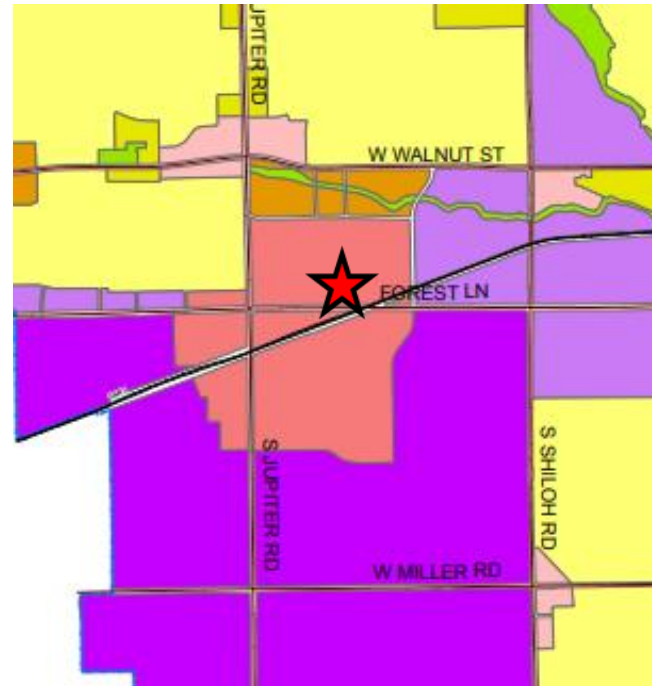
PLANNING & DEVELOPMENT



Z 22-52

COMPREHENSIVE PLAN

PLANNING &
DEVELOPMENT



Z 22-52

- The Future Land Use Map of the Envision Garland 2030 Comprehensive Plan designates this site as Transit-oriented centers. Transit-oriented centers are areas of concentrated activity and increased density with maximum access to public transportation options. This type of center should be developed as mixed-use with live/work/play/shop opportunities. Transit-oriented development should be within $\frac{1}{4}$ to $\frac{1}{2}$ mile of transit centers and/or rail stations and provide pedestrian and bicycle friendly access.
- The proposed use offers employment [“work”] in a future transit-oriented area and the design of the proposal is appropriate for the area. In addition, the subject property is located at the periphery of the Planned Development, with Industrial (IN) zoning immediately adjacent to the east. The proposal offers a transitional use with new construction/improvements which comply with the Garland Development Code (GDC).

PHOTOS

PLANNING & DEVELOPMENT



View from South International Road



Looking east of the subject property



View from south of the subject property

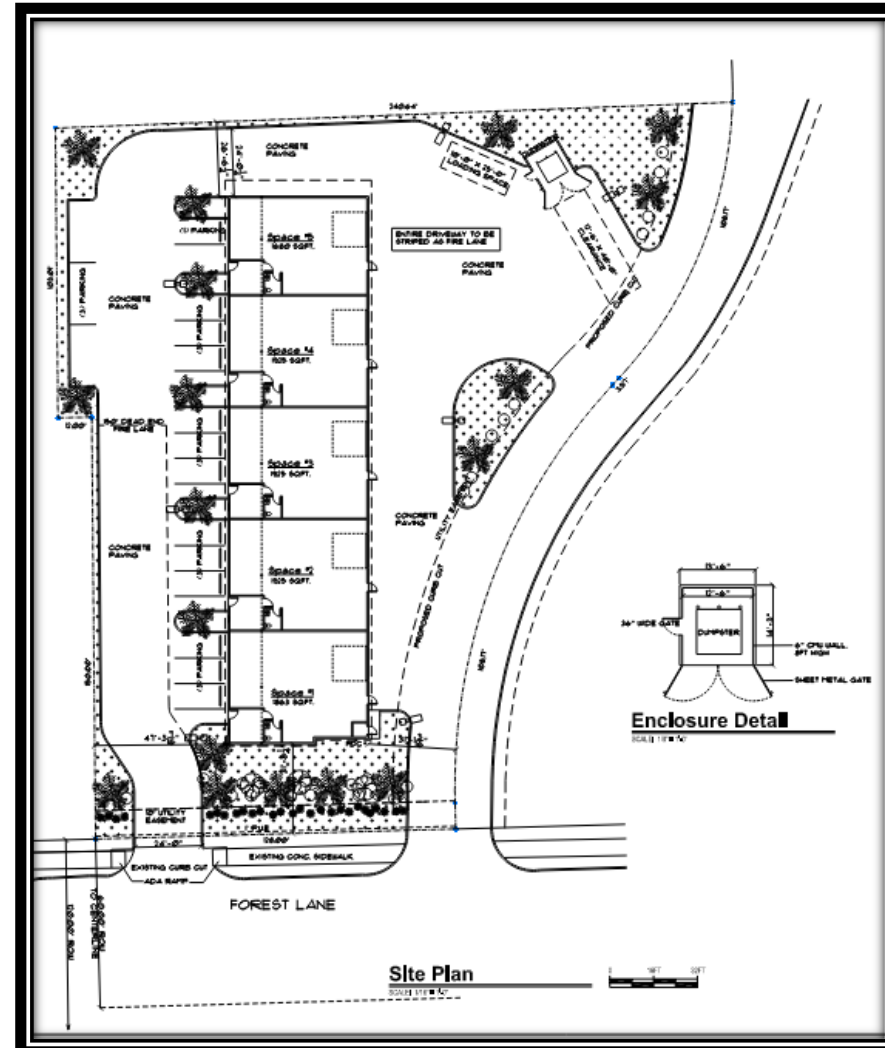


West of the subject property

Z 22-52

SITE PLAN

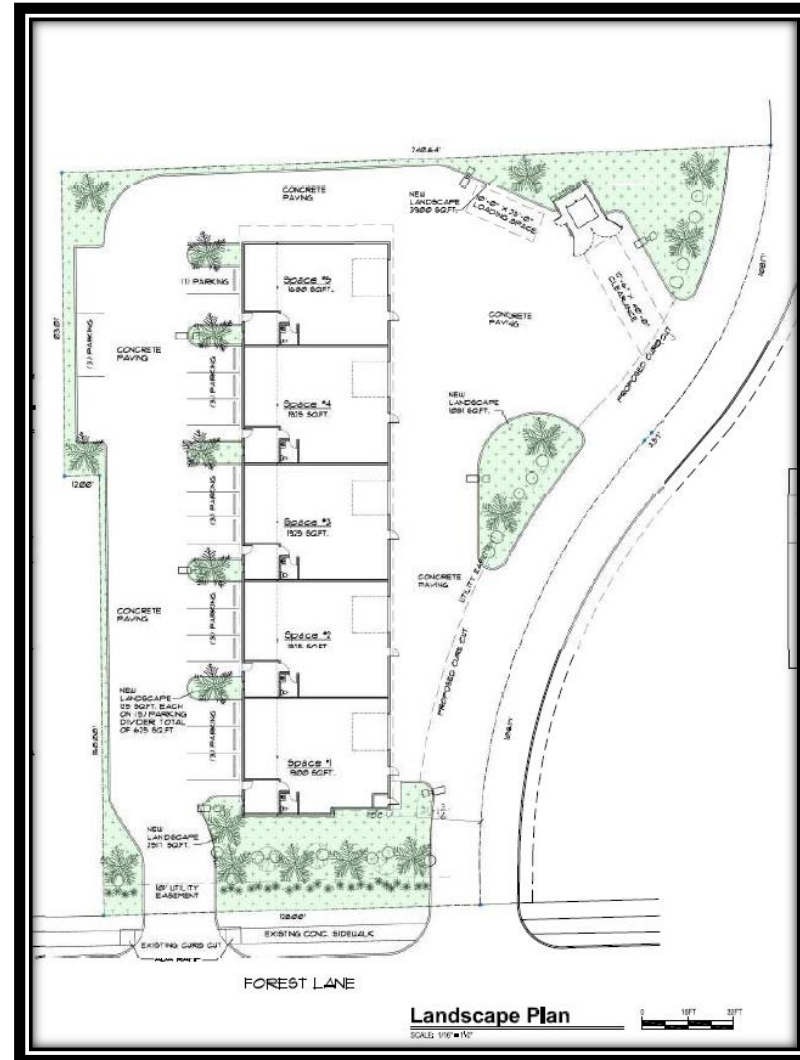
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Z 22-52

LANDSCAPE PLAN

PLANNING &
DEVELOPMENT



Z 22-52

BUILDING ELEVATIONS

PLANNING & DEVELOPMENT



Z 22-52

STAFF RECOMMENDATION

Approval of an amendment to Planned Development (PD) District 03-47 for Community Retail Uses.

Approval of a Detail Plan for a Contractor's Office/Warehouse (indoor only)

PLAN COMMISSION RECOMMENDATION

On November 21, 2022 the Plan Commission, by a vote of eight (8) to zero (0), recommended approval of an amendment to Planned Development (PD) District 03-47 for Community Retail Uses.

The Plan Commission, by a vote of eight (8) to zero (0), also recommended approval of a Detail Plan for a Contractor's Office/Warehouse (indoor only).