



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
July 17, 2018
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.

Strategic Focus Areas

In November 2017, Council adopted ten Key Focus Areas reflecting the attributes they want to accurately describe the Garland community.

- **Growing Economic Base**
- **Commercially Thriving Downtown**
- **Well-Maintained City Infrastructure**
- **Enhanced Quality of Life Through Amenities, Arts, and Events**
- **Safe Community**
- **Vibrant Neighborhood and Commercial Center**
- **Reliable, Cost Efficient Utility Services**
- **Customer-Focused City Services**
- **Sound Governance and Finances**
- **Future-Focused City Organization**

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 July 10, 2018 Regular Meeting.
2. Consider approval of the following bids:
 - a. Replacement Wheel Loaders for Street Department Bid No. 0921-18

Caterpillar, Inc. \$992,418.00

This request is to purchase four replacement wheel loaders and one replacement telehandler wheel loader with accessories for the Garland Street Department to use in their daily operations.
 - b. Professional Engineering Design Services for Water Improvements Bid No. 0841-18

LAM Consulting Engineering

\$153,285.00

This request is to provide professional engineering design services for the replacement of 6-inch water lines on Davidson Drive, Quincy Drive, Kirby Drive, and Benton Drive.

c. Water Meter Test Bench

Bid No. 0590-18

Ferguson Waterworks

\$126,677.58

This request is to purchase a new water meter test bench to replace the current 40-year-old model used to test 5/8" to 2" water meters throughout the City for precision and accuracy.

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

a. Zoning File No. Z 18-26, The Dimension Group (District 5)

Consider an ordinance amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision for a Fuel Pumps, Retail Use on a property zoned Community Retail (CR) District and located at 806 West 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 Savings Clause and a Severability Clause; and providing an effective date.

- 4. Consider an ordinance amending Chapter 33, "Transportation", and Chapter 24, "Municipal Court and Administrative Enforcement: of the Code of Ordinances of the City of Garland, Texas; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Savings Clause and a Severability Clause; and providing an effective date.**

Council is requested to adopt an ordinance that authorizes the Director of Streets to temporarily restrict parking as necessary for the construction, repair or maintenance of streets and alleys and have vehicles that are in violation of those parking restrictions towed outside of the restricted area.

- 5. Consider a resolution approving the City of Garland Housing Agency Administrative Plan for the Housing Choice Voucher Program and providing an effective date.**

The U.S. Department of Housing and Urban Development (HUD) requires each Housing Agency to develop and adopt an Administrative Plan that identifies the policies the agency will follow to administer the Housing Choice Voucher Program Funds (better known as Section 8). Council is requested to approve a resolution

adopting the Garland Housing Agency's Administrative Plan for the Housing Choice Voucher Program.

6. **Consider an ordinance amending Chapter 33, "Transportation," of the Code of Ordinances of the City of Garland, Texas; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Savings Clause and a Severability Clause; and providing an effective date.**

Council is requested to adopt the attached ordinance revising the speed limits on Naaman Forest Boulevard.

7. **Consider a resolution adopting and approving the Garland Housing Agency's third year update on the 2015-2019 Five Year Plan; and providing an effective date.**

Council is requested to approve a resolution adopting the Garland Housing Agency's third year on the five-year plan for submission to HUD.

8. **Consider by minute action approval of Chapter 380 Development Agreement between the City of Garland and Parks at Rose Hill, LLC**

Council is requested to approve a Chapter 380 Development Agreement between the City of Garland and Parks at Rose Hill, LLC. This project facilitates the implementation of the IH30 Catalyst Plan and the Rose Hill Targeted Investment area as authorized and approved by City Council.

9. **Consider a resolution approving the sale of real property generally located in the area of east Interstate Highway 30 and Rosehill (the "Property"); authorizing the Mayor of the City of Garland to execute a deed conveying the property to the Garland Foundation for Development; and providing an effective date.**

Council is requested to approve a resolution to transfer real property from the City of Garland to the Garland Foundation for Development.

10. **Consider by minute action the revised draft of an amended citizen speaker policy is attached for review and approval. If approved, the policy will be effective immediately.**

At the suggestion of Mayor Lori Barnett Dodson, the City Council was requested to consider an amendment to its policies governing the open mic portion of regular session meetings. The amendment will provide a priority to citizens of Garland, letting them speak before other speakers are given the opportunity to speak. A draft of such a policy was submitted to and considered by the City Council at the July 9 work session. Suggestions for changes were made and a consensus appears to have been reached on the revised proposal.

- 11. Consider by minute action authorizing the Mayor to make appointments to the Council's standing committees.**

Council policies authorize the Mayor to make appointments to the Council's standing committees. Those policies further provide that the City Council may accept or disapprove the Mayor's nominations. Mayor Dodson announced her committee appointments at the July 9 work session.

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

Anyone wishing to speak for, against, or on agenda items must fill out a speaker card and give it to the City Secretary before speaking (cards 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. Amendment of Council Policies to Establish a Transportation Committee**

At the July 9, 2018 Work Session, the City Council discussed revising its policies to add a committee that will address transportation and related issues such as street infrastructure and mobility. A draft of the necessary amendment is attached for debate and approval.

- 13. Hold public hearings on:**

- a. Consider the application of Classic Design Group, requesting approval of 1) an amendment to Planned Development (PD) District 01-03; and 2) a Detail Plan for a Car Wash, Automated/Rollover Use on property zoned Planned Development (PD) District 01-03 for Community Retail Uses. This property is located east of Lavon Drive and south of Foster Road. (File No. Z 17-42, District 1)**

Being an approximate 1.3-acre tract of land located in the T. V. GRIFFIN SURVEY, ABSTRACT No. 528, City of Garland, Dallas, Texas and being a portion of that certain tract of land described in deed Garland-FB, Ltd., recorded in Volume 2001229, Page 10037 of the Official Public Records of Dallas County, Texas. Approval of the request would allow for the development of one building providing an automated/rollover car wash on the subject property.

- b. Consider the application of Overland Property Group, LLC, requesting a Change of Zoning from Planned Development (PD) District 14-11 for Single-Family (SF-10) Use to Multi-Family (MF) District. This property is located at 2017 Bunk House Road, and more specifically it is located approximately 650 feet east of East Centerville Road on the south side of East Miller Road. (File No. Z 18-14, District 3) (This case was postponed from the June 5, 2018 Regular**

City Council meeting.)

BEING an approximate 8.14-acre tract of land and being Lot 1R1, Block 1, Chiesa Ranch Addition Second Replat, an addition to the City of Garland, Dallas County, Texas, according to the map or plat thereof, recorded in Clerk's File No. 201400245997, Plat Records, Dallas County, Texas. Approval of the request would allow a Change in Zoning to allow for a multi-family development.

- c. Consider the application of Paul Taylor Homes, Ltd, requesting approval of 1) an Amendment to Planned Development (PD) 86-53 for Single-Family-7 Uses; and 2) a Detail Plan for Dwelling, Single-Family Detached. This property is located at 4017 Lyons Crest Drive. (File No. Z 18-21, District 3)**

BEING approximately a 24.34-acre tract of land identified as Lots 17-22 in Block 1, Lots 1-8 in Block 2, Lots 1-10 in Block 3, Lots 1-24 in Block 4, Lots 1-18 in Block 5 and Lots 1-10 in Block 6, and all streets and alleys in between out of LYONS CREST ESTATES, an Addition to the City of Garland, Dallas County, Texas, according to the Map thereof recorded in Volume 89033, Page 2281, of the Map Records of Dallas County, Texas; together with Correction of error recorded in Volume 89035, Page 2638, Real Property Records, Dallas County, Texas. Approval of the request would allow development of a residential subdivision with 76 residential lots.

- d. Consider the application of Spiars Engineering, Inc., requesting approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Light Commercial (LC) District. This property is located at 2906 Lavon Drive. (File No. Z 18-23, District 1)**

BEING an approximate 0.240-acre tract of land situated in the Jacob Reagor Survey, Abstract No. 1258, City of Garland, Dallas County, Texas, and being a portion of Lot 1R, Block 1, Crist 78 Addition Replat, an addition to the City of Garland according to the plat recorded in Document Number 20070330594, Official Public Records, Dallas County, Texas. Approval of the request would allow the development and operation of a restaurant/coffee shop with a drive-through.

- e. Consider the application of Davis Land Surveying Co., Inc., requesting a Change of Zoning from Agriculture (AG) District to Single-Family-10 (SF-10) District. This property is located at 5150 Locust Grove Road. (File No. Z 18-31, District 3)**

BEING an approximate of 5.2037-acre tract of land and whereas, Rex W. Heckelman and Maricella Heckelman, are the owners of part of Lot 1, Block 1 of Rexico Addition, part of Lot 1, Block 1 of Anchor Point No. 3 and part of Lot 1, Block 1 of Anchor Point No. 5, additions to the City of Garland, Texas, recorded in Instrument Number 201200333762, Volume 89176, Page 1325 and Volume 97132, Page 2931, respectively, of the Map Records of Dallas County, Texas, and being situated in the R. Bateman survey, Abstract No. 129 and the J. Loving Survey, Abstract No. 791, and parts of those same tracts of land described in General Warranty Deed to Rex W. Heckelman, recorded in Volume 2005104, Page 11922 and Warranty Deed to Rex W. Heckelman and Maricella Heckelman, recorded in Instrument No. 201700117563 of

the Deed Records of Dallas County, Texas. Approval of the request would allow a Change in Zoning to allow for the construction of one (1) single-family home on a proposed 18,748 square-foot lot.

f. Amendments to the Garland Development Code (GDC) Regarding Institutionalized Care of Alcoholic, Drug Dependent or Psychiatric Patients

Public Hearing and Consideration of amendments to Chapter 2: Zoning Regulations, Article 5, Division 2 - Land Use Matrix, Section 2.51 of the Garland Development Code (GDC) regarding "Care of Alcoholic, Drug Dependent or Psychiatric Patients, Institutionalized"; and to Chapter 6, Section 6.03, Definitions, to define "Care of Alcoholic, Drug Dependent or Psychiatric Patients, Institutionalized."

14. 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.

Council Member Deborah Morris

- Steven Hallman - Plan Commission
- Michael Degen - Library Board
- Cynthia Carillo - Garland Youth Council
- Sydney Colon - Garland Youth Council

Council Member Jim Bookhout

- Julian Humphrey - Garland Youth Council

Council Member Rich Aubin

- Sara Cox - Garland Youth Council
- Jade Martinez - Garland Youth Council

Council Member Robert Vera

- Ximena Coronado - Garland Youth Council

Council Member Robert John Smith

- Katherine Sinclair - Garland Youth Council
- Patricio Gonzalez - Garland Youth Council

15. 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.

16. 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 ITEM SUMMARY SHEET**

City Council Regular Session Agenda

1.

Meeting Date: July 17, 2018

Item Title: Minutes July 10

Submitted By: Rene Dowl, City Secretary

Summary of Request/Problem

Consider approval of the minutes of the July 10, 2018 Regular Meeting.

Recommendation/Action Requested and Justification

Attachments

Minutes July 10

Minutes of the Garland City Council Regular Meeting

The City Council of the City of Garland convened in regular session at 7:00 p.m. on Tuesday, July 10, 2018 in the Council Chambers at City Hall, 200 North Fifth Street, Garland, Texas, with the following members present:

COUNCIL PRESENT:	Mayor	Lori Barnett Dodson
	Mayor Pro Tem	David Gibbons
	Council Member	Deborah Morris
	Council Member	Jim Bookhout
	Council Member	Rich Aubin
	Council Member	Robert Vera
	Council Member	Scott LeMay
	Council Member	Robert Smith

STAFF PRESENT:	City Manager	Bryan Bradford
	City Attorney	Brad Neighbor
	City Secretary	Eloyce René Dowl

ABSENT:	Council Member	Jerry Nickerson
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CEREMONIALS: Mayor Dodson, along with Council Member LeMay, presented a Neighborhood USA Award to Camelot for their neighborhood newsletter: "The Knightly News".

Mayor Dodson, along with Council Member LeMay, presented a Special Recognition to Marilynne Serie for her work and dedication in establishing the Achievement Center of Texas and serving there from 1987-2017.

Mayor Dodson presented a proclamation to Parks' Department employees proclaiming July to be Parks and Recreation Month.

Amy Vorster, Outreach Coordinator for Garland Animal Services, introduced the "Pet of the Month" and encouraged pet adoption.

Mayor Dodson, along with Council Member Aubin, presented a Neighborhood USA Award to the New World Crime Watch Group for their exemplary efforts to transform Armstrong Park to a place that promotes community, safety and healthy living.

Council Member Aubin showed a video presentation of the Hypermart demolition; David Riggs, President of the Garland Fire Fighters Association, presented Council Member Aubin with a plaque made from the sledge hammer he used to strike the first blow at the demolition of Hypermart.

- CALL TO ORDER: The meeting was called to order by Mayor Dodson.
- CONSENT AGENDA: All items marked with asterisks (**) on the Consent Agenda were voted on at the beginning of the meeting. Mayor Dodson read those items into the record. Motion was made by Council Member Bookhout to approve the Consent Agenda as presented, seconded by Council Member Aubin, to approve items 1, 2a, 2b, 2c, 2d, 2e, 2f, 2g, 2h, 2i, 2j and 2k. Motion carried, 8 ayes, 0 nays.
1. APPROVED** Approval of the Minutes of the June 19, 2018 Regular Meeting.
- 2a. APPROVED** Bid No. 0799-18 awarded to Insituform Technologies, LLC in the amount of \$1,023,385.00 for Sanitary Sewer Line Rehabilitation.
- This request is to provide trenchless rehabilitation of an existing forty-eight inch sanitary sewer line.
- 2b. APPROVED** Bid No. 0742-18 awarded to Texoma Mfg., LLC in the amount of \$430,404.00 for End Dump Trailers for Environmental Waste Services.
- This request is to purchase four replacement and two new End Dump Trailers for Environmental Waste Services to use in their daily operations.
- 2c. APPROVED** Bid No. 0832-18 awarded to Texas Highway Products, LTD in the amount of \$251,378.00 for Traffic Controllers for Warehouse inventory.
- This request is for the purchase of intersection traffic controllers for the Warehouse inventory.
- 2d. APPROVED** Bid No. 0845-18 awarded to Black & Veatch Corporation in the amount of \$337,200.00, which includes an optional contingency of \$33,800.00, for a total bid of \$371,000.00 for

Engineering Design Services for GP&L Naaman Substation Rebuild.

This request is to obtain engineering design services for the rebuild of the 138kV portion of the GP&L Naaman Substation. Due to the complex nature of the project, an optional contingency is included for any additional work that may be required.

2e. APPROVED**

Bid No. 0884-18 awarded to Grande Truck Center in the amount of \$425,579.00 for Water Tank Trucks for the Street Department.

This request is to purchase three replacement Water Tank Trucks for the Street Department to use in their daily operations.

2f. APPROVED**

Bid No. 0879-18 awarded to Mac Haik Dodge in the amount of \$912,862.96 for Ambulances for the Garland Fire Department.

This request is to purchase two replacement and two new ambulances for the Garland Fire Department to use in their daily operations.

2g. APPROVED**

Bid No. 0893-18 awarded to Galls in the amount of \$126,631.20 for Police Uniforms and Rain Gear.

This request is to purchase Officer Uniforms and Rain Gear for the Garland Police Department to use in their daily operations.

2h. APPROVED**

Bid No. 0883-18 awarded to Zoll Medical Corporation in the amount of \$120,718.71 for Zoll X-Series EKG Cardiac Monitor/Defibrillators.

This request is to purchase three Zoll X-Series EKG Cardiac Monitor/Defibrillators for the Garland Fire Department to use in their daily operations.

2i. APPROVED**

Bid No. 0669-18 awarded to Joe Funk Construction, Inc. in the amount of \$1,535,211.05 for Bridge Remediation – Group 1B.

This request is to provide for Bridge Inventory, Inspection, and Appraisal Program (BRINSAP) repairs to five bridges crossing Duck Creek, Spring Creek, Rowlett Creek and a tributary to Duck Creek.

2j. APPROVED**

Bid No. 0718-18 awarded to KIK Underground, LLC in the amount of \$976,301.75 for Alley Improvements – Phase 2B.

This request is to reconstruct four concrete alleys: Andover Drive/Cripple Creek Drive alley (Waldorf Drive to Manchester Drive); Blossom Road/Sheridan Drive alley (Blossom Road to West Kingsley Road); Briar Way/Ravencroft Drive alley (Broadmoor Drive to Northwest Highway); and the Douglas Drive/Lexington Drive alley (Saturn Road to Charleston Drive).

2k. APPROVED**

Bid No. 0668-17 awarded to Gibson & Associates, Inc. in the amount of \$78,922.00 for Bridge Remediation – Phase 1A.

This request is to provide for the construction of wastewater manholes at the Jupiter Road Bridge over Duck Creek, as shown in the attached location map.

ITEMS FOR INDIVIDUAL CONSIDERATION

3. APPOINTED

Consider the appointment of a Mayor Pro Tem and Deputy Mayor Pro Tem

Mayor Dodson requested nominations from the floor for Mayor Pro Tem.

Mayor Pro Tem Gibbons placed in nomination Council Member Aubin. There were no additional nominations. A vote was cast and the appointment was approved with a vote of 8 ayes, 0 nays.

Mayor Dodson requested nominations from the floor for Deputy Mayor Pro Tem.

Council Member Smith placed in nomination Council Member Scott LeMay. There were no additional nominations. A vote was cast and the appointment was approved with a vote of 8 ayes, 0 nays.

4. APPOINTED

Minute action appointing a City of Garland representative to the Texas Municipal Power Agency Board of Directors.

By acclamation the Council agreed to reappoint Mr. Jamie Ratliff to the TMPA Board, a vote was cast and the nomination was approved with a vote of 8 ayes, 0 nays.

5. APPROVED

Resolution No. 10346 of the City Council of the City of Garland, Texas, nominating Epiroc Drilling Solutions LLC to the Office of the Governor, Economic Development and Tourism through the Economic Development Bank for designation as an Enterprise Project ("Project") under the Texas Enterprise Zone Program under the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code ("Act").

The staff report was presented by David Gwin, Economic Development Director.

Motion was made by Council Member Smith to approve the resolution as presented by staff, seconded by Council Member LeMay. Motion carried 8 ayes, 0 nays.

6. APPROVED

Consider the application of The Dimension Group, requesting approval of a Specific Use Provision for a Fuel Pumps, Retail Use. The property is located at 806 West Centerville Road. (File No. Z 18-26, District 5)

BEING an approximate 0.517-acre tract of land situated in the Theophalus Thomas Survey, Abstract No. 1461, City of Garland, Dallas County, Texas and being all of Lot 1, Block A , Phillips Addition, an addition to the City of Garland, Dallas County, Texas according to the plat thereof recorded in Volume 68176, Page 232, Deed Records, Dallas County, Texas (D.R.D.C.T.) and also being all of the same tract of land as described in deed to Zaz, Inc., recorded in Instrument No. 20080067239, Official Public Records, Dallas County, Texas

(O.P.R.D.C.T.). Approval of the request would allow the demolition of the existing convenience store with fuel sales and the development of a new convenience store with fuel sales.

The staff report was presented by Nabiha Ahmed, Development Planner. Speaker on this item were Gary Fullington, applicant and Frances Hiner. There was discussion by the Council. Motion was made by Mayor Pro Tem Aubin to approve the application with the 18-foot sign, removal of two existing pole signs and leaving the rear wall in place, seconded by Council Member Vera. Motion carried 8 ayes, 0 nays.

7. APPOINTED

Council Member Vera placed the following name in nomination, a vote was cast to approve the appointment with 8 ayes, 0 nays:

Council Member Vera

- Caleb Ernst – Citizens Environmental and Neighborhood Advisory Committee

8. CITIZEN COMMENTS: None

9. ADJOURN

There being no further business to come before the City Council, Mayor Dodson adjourned the meeting at 8:14 p.m.

CITY OF GARLAND, TEXAS

APPROVED: _____
Lori Barnett Dodson, Mayor

ATTEST: _____
Eloyce René Dowl, City Secretary



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2.a.

Meeting Date: July 17, 2018

Item Title: Replacement Wheel Loaders for Street Department

Submitted By: Terry Anglin, Fleet Services Director

Bid Number: 0921-18

Purchase Justification:

This request is to purchase four (4) replacement wheel loaders and one (1) replacement telehandler wheel loader with accessories for the Garland Street Department to use in their daily operations.

Evaluation:

These wheel loaders are available from Caterpillar, Inc., through the Sourcewell Purchasing Cooperative Contract 032515-CAT.

Award Recommendation:

	<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
	Caterpillar, Inc.	All	\$992,418.00
		TOTAL:	\$992,418.00

Basis for Award: Cooperative Purchase

Purchase Requisition #: 40089

Fiscal Impact

Total Project/Account: \$4,788,000

Expended/Encumbered to Date: 3,265,738

Balance: \$1,522,262

This Item: 992,418

Proposed Balance: \$529,844

Account #: 692-4699-3981115-9009 and 692-4699-3981900-9009

Fund/Dept/Project – Description and Comments:

Municipal Facilities & Misc. Tax Supported

Infrastructure Equipment / Three Wheel Loaders = \$565,524

Misc. Revenue & Internal Service

Stormwater Maintenance Equipment / Two Wheel Loaders = \$426,894

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2018

Document Location: Pages MF13 and M20

Budget Director Approval: Ron Young

Approval Date: 07/06/2018

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 07/05/2018

CITY OF GARLAND - BID RECAP SHEET OPENED: 07/05/18 REQ. NO. PR 40089 BID NO. 0921-18 PAGE: 1 of 1 BUYER: T. Smith				Caterpillar, Inc.							
ITEM	QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	2	ea.	New, Caterpillar 930 M Wheel Loader and Integral tool carriers, 2.7 yd. 3 heavy duty pallet forks 72", hydraulic angle broom SA25 without water, per COG specs.	\$221,522.00	\$443,044.00						
2	1	ea.	New, Caterpillar TH357D AG Telehandler loader with bucket GP 1.31 yd., Bucket MP 1.31 yd., Fork, Pallet 2.36" x 6 x 48", platform fork mounted, per COG specs.	\$122,480.00	\$122,480.00						
3	1	ea.	New, Caterpillar 930M Wheel Loader with multi-purpose bucket, 2.7 yd. 3 heavy duty pallet forks - 72", material handling arm, hydraulic angle broom SA25 without water, per COG specs.	\$232,797.00	\$232,797.00						
4	1	ea.	New, Caterpillar 930 M Wheel Loader with multi-purpose bucket - 2.7 yd. 3 heavy duty pallet forks - 72", material handling arm, hydraulic angle broom SA25 without water, per COG specs.	\$194,097.00	\$194,097.00						
			TOTAL GROSS PRICE		\$992,418.00						
			CASH DISCOUNT								
			TOTAL NET PRICE		\$992,418.00						
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DELIVERED	
			DELIVERY								
NEXT LOW:			n/a # IonWave Notifications		All bids submitted for the designated project are reflected on this bid tab sheet. However, the listing of a bid on this sheet should not be construed as a comment on the responsiveness of such bid or as any indication that the city accepts such bid as responsive. <u>The City will notify the successful bidder upon award of the contract and, according to the law, all bids received will be available for inspection at that time.</u>						
LOW:			n/a # IonWave HUBS								
SAVINGS:			n/a # Direct Contact HUBS								
			n/a # HUBS Responded								
			\$0.00								



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2.b.

Meeting Date: July 17, 2018

Item Title: Professional Engineering Design Services for Water Improvements

Submitted By: Wes Kucera, Managing Director

Bid Number: 0841-18

Purchase Justification:

This request is to provide professional engineering design services for the replacement of 6-inch water lines on Davidson Drive, Quincy Drive, Kirby Drive, and Benton Drive.

Evaluation:

LAM Consulting Engineering was selected as the Most Qualified firm for this project from the short list of engineers evaluated and ranked in RFQ 3617-13.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
LAM Consulting Engineering		\$153,285.00
TOTAL:		\$153,285.00

Basis for Award: Most Qualified

Purchase Requisition #: 40018

Fiscal Impact

Total Project/Account: \$11,253,841
Expended/Encumbered to Date: 9,240,534
Balance: \$2,013,307
This Item: 153,285
Proposed Balance: \$1,860,022
Account #: 220-4049-3019100-7101
Fund/Dept/Project – Description and Comments:

Water CIP Fund / Distribution Lines (Up to 14-inch)

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2018

Document Location: Page W02

Budget Director Approval: Ron Young

Approval Date: 07/06/2018

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 07/03/2018



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2.c.

Meeting Date: July 17, 2018

Item Title: Water Meter Test Bench

Submitted By: Wes Kucera, Managing Director

Bid Number: 0590-18

Purchase Justification:

This request is to purchase a new water meter test bench to replace the current 40-year-old model used to test 5/8" to 2" water meters throughout the City for precision and accuracy.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Three (3) bids were received and evaluated with Ferguson Waterworks submitting the Straight Low Bid.

Award Recommendation:

<u><i>Vendor</i></u>	<u><i>Item</i></u>	<u><i>Amount</i></u>
Ferguson Waterworks	All	\$126,677.58
TOTAL:		\$126,677.58

Basis for Award: Straight Low Bid

Purchase Requisition #: 39681

Fiscal Impact

Total Project/Account: \$861,744
Expended/Encumbered to Date: 478,374
Balance: \$383,370
This Item: 126,678
Proposed Balance: \$256,692
Account #: 220-4049-3020600-9211
Fund/Dept/Project – Description and Comments:
Water CIP Fund / Water Service Installation

Attachments

br 0590-18

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2018

Document Location: Page W07

Budget Director Approval: Ron Young

Approval Date: 07/06/2018

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 07/03/2018



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

3.a.

Meeting Date: July 17, 2018

Item Title: Z 18-26 The Dimension Group (District 5)

Submitted By: Nabiha Ahmed, Development Planner

Summary of Request/Problem

Zoning Ordinance Z 18-26 The Dimension Group

Recommendation/Action Requested and Justification

Consider adoption of attached ordinance.

Attachments

Z 18-26 Ordinance

Z 18-26 Exhibit A

Z 18-26 Exhibit B

Z 18-26 Exhibits C-F

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PROVISION FOR A FUEL PUMPS, RETAIL USE ON A 0.517-ACRE TRACT OF LAND ZONED COMMUNITY RETAIL (CR) DISTRICT AND LOCATED AT 806 WEST 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 SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 11th day of June, 2018, the Plan Commission did consider and make recommendations on a certain request for approval of Specific Use Provision for a Fuel Pumps, Retail Use for a period of twenty (20) years made by **The Dimension Group**; 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 Garland Development Code 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 approving a Specific Use Provision for a fuel pumps, retail use on a 0.517-acre tract of land zoned Community Retail (CR) District and located at 806 West Centerville Road and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2

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

Section 3

ZONING FILE NO. Z 18-26

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

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 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 _____ day of _____, 2018.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 18-26

Being a tract of land situated in the THEOPHALUS THOMAS SURVEY, ABSTRACT NO. 1461, City of Garland, Dallas County, Texas and being all of Lot 1, Block A, Phillips Addition, an addition to the City of Garland, Dallas County, Texas according to the plat thereof recorded in Volume 68176, Page 232, Deed Records, Dallas County, Texas (D.R.D.C.T.) and also being all of the same tract of land as described in deed to Zaz, Inc., recorded in Instrument No. 20080067239, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" set for corner at the intersection of the southwest right-of-way line of Northwest Highway (100' right-of-way) and the southeast right-of-way line of Centerville Road (100' right-of-way);

THENCE South 46 deg 02 min 04 sec East, departing said southeast right-of-way line and along said southwest right-of-way line, a distance of 150.00 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" set for corner, said iron rod being the most northerly corner of a tract of land as described in deed to Ali Akbar, recorded in Volume 2005139, Page 104, D.R.D.C.T.;

EXHIBIT A

THENCE South 43 deg 57 min 28 sec West, departing the southwest right-of-way line of said Northwest Highway and along the northeast line of said Ali Akbar tract, a distance of 150.00 feet to a point for corner from which a 1-inch iron pipe found bears South 17 deg 34 min 39 sec East, a distance of 0.27 feet, said point being situated in the northeast line of Lot 2, Block A, Montclair Addition, No. 5, an addition to the City of Garland, Dallas County, Texas according to the plat thereof recorded in Volume 68253, Page 21, D.R.D.C.T.;

THENCE North 46 deg 02 min 04 sec West, departing the northwest line of said Ali Akbar tract and along the northeast line of said Lot 2, Block A, a distance of 150.00 feet to a 1/2-inch iron rod with red plastic cap stamped "W.A.I. 5714" set for corner, said iron rod being situated in the southeast right-of-way line of said Centerville Road;

THENCE North 43 deg 57 min 28 sec East, along said southeast right-of-way line, a distance of 150.00 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 0.517 acres or 22,500 square feet of land, more or less.

Bearings shown hereon are based upon an on-the-ground Survey performed in the field on the 25th day of April, 2018, utilizing a G.P.S. bearing related to the Texas Coordinate System, North Texas Central Zone (4202), NAD 83,

EXHIBIT A

grid values from the City of Garland, Geodetic Monument Nos.
GPS-240 and No. GPS-239.

SPECIFIC USE PROVISION CONDITIONS

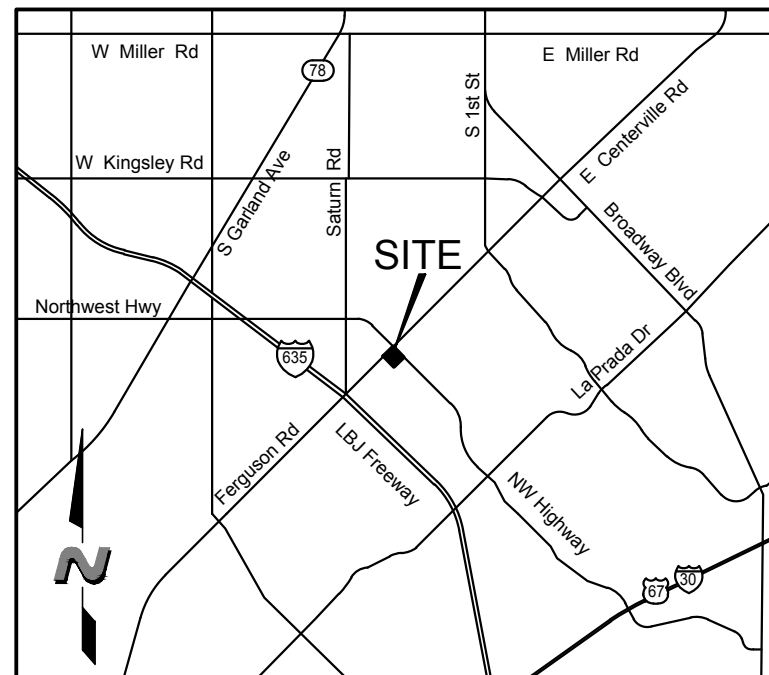
ZONING FILE Z 18-26

806 West Centerville Road

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to permit the operation of Fuel Pumps, Retail Use subject to conditions.
- 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. Specific Regulations:**
- A. Specific Use Provision: The Specific Use Provision shall be effective for a period of 20 years.
 - B. Site Layout: The site layout shall remain in conformance with the site plan labeled Exhibit C.
 - C. Screening and Landscaping: Screening and landscaping shall conform to the layout reflected on Exhibit D.
 - D. Building Elevations: Building elevations shall conform to the elevations as approved on Exhibit E.
 - E. Signage: Freestanding Signage for the site shall be limited to one (1) pylon sign as reflected on Exhibit F. The pylon sign located nearest to the intersection of West Centerville Road and Northwest Highway shall be a maximum of eighteen (18) feet in total height. The setback from the property line along Northwest Highway shall be eight (8) feet and the setback from the property line along West Centerville Road shall be twenty (20) feet.



GRAPHIC SCALE
0 10 20
INCH = 20 FEET



VICINITY MAP
N.T.S.

LEGEND



WATER METER SCHEDULE

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

PRIMARY BENCHMARK

"X" CUT IN TOP OF CONCRETE CURB INLET AT THE SOUTHWEST CORNER, SOUTHEAST CURB LINE OF CENTERVILLE ROAD, APPROXIMATELY 125.4' SOUTHWEST OF THE CENTERLINE OF NORTHWEST HIGHWAY.

ELEVATION = 543.39

SECONDARY BENCHMARK

"X" CUT IN CONCRETE. APPROXIMATELY 1.4' SOUTHWEST OF THE MOST EASTERLY PROPERTY CORNER.

ELEVATION = 546.04

CITY BENCHMARK

GPS #239, 2" BRASS DISK STAMPED 239 LOCATED ON INLET TOP ON NORTHWEST HIGHWAY APPROXIMATELY 43' NORTHEAST OF W. NORTHWEST HIGHWAY CENTERLINE APPROXIMATELY 87' SOUTHEAST OF W. CENTERVILLE ROAD.

ELEVATION = 542.15

CAUTION NOTICE TO CONTRACTORS

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



NOTE:

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

SITE PLAN KEYNOTES:

- (2) CONSTRUCT 6" CURB & GUTTER
- (2) CONSTRUCT 6" CONCRETE PAVEMENT SECTION (RE: GEOTECH)
- (3) CONSTRUCT 4" CONCRETE CONCRETE SIDEWALK
- (4) CONSTRUCT BARRIER-FREE RAMPS (PER A.D.A. STANDARDS)
- (5) CONSTRUCT OR REPLACE BARRIER-FREE RAMPS (PER CITY STANDARDS)
- (6) INSTALL GREASE TRAP (SIZE PER MEP)
- (7) EDGE OF CONCRETE TANK PAD
- (8) EDGE OF SAW CUT
- (9) INSTALL 6" BOLLARD
- (10) INSTALL HANDICAP VAN AND CAR SIGN (RE: A.D.A. PLAN)
- (11) INSTALL TRASH CAN
- (12) 4" YELLOW OR WHITE PAVEMENT SOLID PARKING STRIPES
- (13) HANDICAP PARKING LOGO
- (14) STANDARD AREA LIGHT POLE (RE: PHOTOMETRIC PLAN)
- (15) FIRE LANE STRIPING
- (16) UNDERGROUND STORAGE TANKS
- (17) UNDERGROUND STORAGE TANK VENTS
- (18) MULTI-PRODUCT FUEL DISPENSERS (MPD'S)
- (19) EDGE OF CANOPY ROOF
- (20) NEW AIR/WATER MACHINE
- (21) 11' X 25' LOADING ZONE
- (22) INSTALL STANDARD GP&L 8" X 6'-6" ELECTRICAL TRANSFORMER
- (23) INSTALL BENCH
- (24) EXISTING I.D. SIGN (TO BE REMOVED)
- (25) NEW I.D. SIGN
- (26) INSTALL WHEEL STOP

SITE AND DESIGN DATA

SITE SQ FT	22,500 S.F. OR 0.517 ACRES
EXISTING ZONING	"CR" COMMUNITY RETAIL
BUILDING SQ. FT.	2,506 S.F.
FLOOR AREA RATIO	0.11:1
CANOPY SQ. FT.	1,764 S.F.
PARKING REQUIRED	10 SPACES [2,506/250]
PARKING PROVIDED (CONCRETE)	10 STANDARD SPACES 1 HANDICAP SPACE
BUILDING COVERAGE	4,290 S.F. OR 18.97% 40% ALLOWED
BUILDING HEIGHT MAX. BUILDING HEIGHT	23'-10" (1-STORY) 30 FT. - PER ORDINANCE
CANOPY HEIGHT	19'-0"
IMPERVIOUS AREA	18,071 S.F. OR 80.3%
OPEN SPACE AREA REQUIRED	1,807 S.F. OR 10%
OPEN SPACE AREA PROVIDED	4,429 S.F. OR 24%
BUILDING SETBACKS	30 FEET ON CENTERVILLE ROAD. 25 FEET ON NORTHWEST HIGHWAY 10 FEET ON PROPERTY SIDES
LANDSCAPE & SCREENING SETBACKS	10 FEET ON CENTERVILLE ROAD 5 FEET ON NORTHWEST HIGHWAY NONE ON PROPERTY SIDES
DEVELOPMENT VARIANCES	1. Landscape Buffer - Northwest Highway: Reduction in width from required 15 feet minimum to 5 feet. 2. Landscape Buffer: Centerville Road frontage: Request to use Ornamental trees in lieu of Required Shade Trees due to 10 foot Sanitary Sewer Easement. 3. Monument Sign - Setback of 8 feet proposed along Northwest Highway in lieu of required 20 foot setback.

PHILLIPS ADDITION
LOT 1, BLOCK A
IN THE CITY OF GARLAND,
DALLAS COUNTY, TEXAS
PRE-SUBMITTAL NUMBER 180327-2
MAY 23, 2018

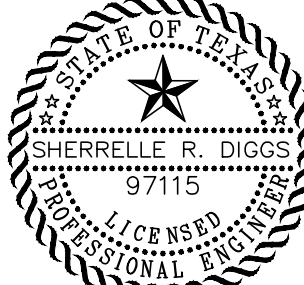
SURVEYOR
WINKELMANN & ASSOCIATES, INC.
6750 HILLCREST PLAZA DRIVE
SUITE 325
DALLAS, TEXAS 75230
CONTACT: LEONARD J. LUEKER, R.P.L.
TEL: (972) 490-7090

DEVELOPER
PRUDENT DEVELOPMENT
10755 SANDHILL ROAD
DALLAS, TX 75238
CONTACT: GARY FULLINGTON
TEL: (214) 271-4630
CELL: (972) 339-0474

APPLICANT/ENGINEER
THE DIMENSION GROUP
TBPE FIRM # F-8396
10755 SANDHILL ROAD
DALLAS, TEXAS 75238
CONTACT: SHERELLE R. DIGGS, P.E.
TEL: (214) 343-9400

THE DIMENSION GROUP
ARCHITECTURE • CIVIL ENGINEERING • MEP ENGINEERING
10755 SANDHILL ROAD, DALLAS, TEXAS 75238
TEL: 720-536-3180 www.DimensionGrp.com

TBPE FIRM REGISTRATION
 #F-8396



05/18/11

Spencer, S.

THESE PLANS ARE INSTRUMENTS OF PROFESSIONAL SERVICE AND ARE PROTECTED BY COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS INCLUDING COPYRIGHT. THEY MAY NOT BE REPRODUCED OR USED FOR ANY PURPOSE WITHOUT THE WRITTEN CONSENT OF THE PUBLICATION GROUP.

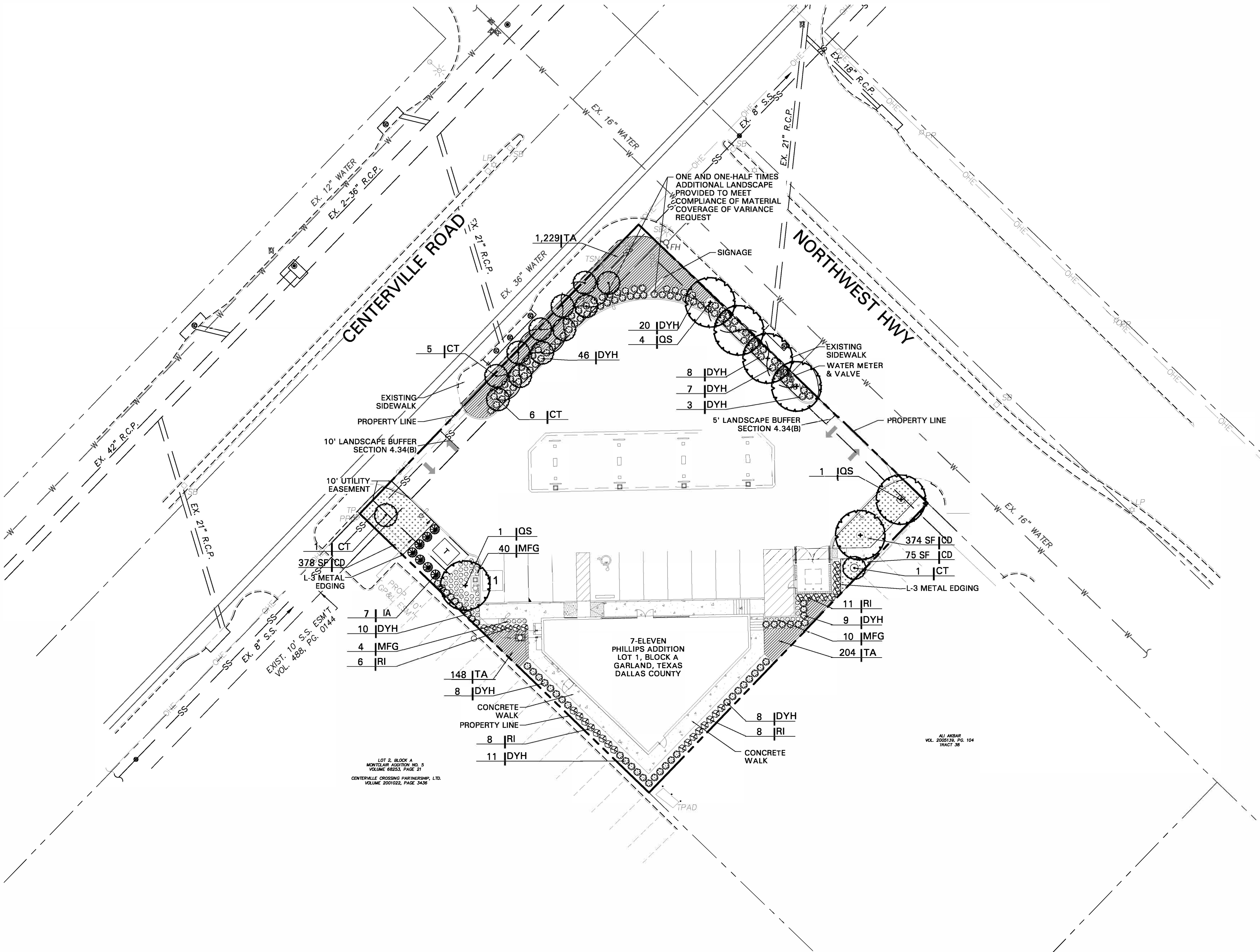
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SITE PLAN

7-ELEVEN STORE
806 W. CENTERVILLE ROAD
GARLAND, TEXAS 75041

SHEET

C1.0

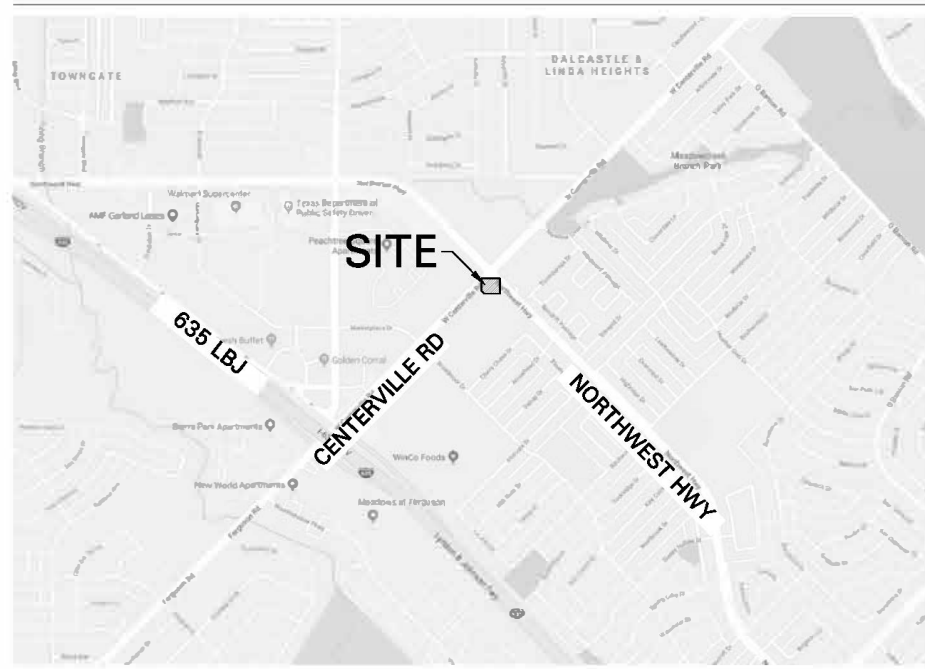


01 LANDSCAPE PLAN

PLANT LIST NOTE: REFERENCE SHEET L1.1 FOR PLANT QUANTITIES, SIZES, & NOTES

CANOPY & ORNAMENTAL TREES			SHRUBS & ORNAMENTAL GRASS			TURF & GROUND COVER		
SYMBOL	BOTANIC NAME	COMMON NAME	SYMBOL	BOTANIC NAME	COMMON NAME	SYMBOL	BOTANIC NAME	COMMON NAME
QS	QUERCUS SHUMARDII	SHUMARD OAK	DYH	ILEX VOMITORIA 'NANA'	DWARF YAUPON HOLLY	CD	CYNODON DACTYLON	COMMON BERMUDA GRASS SOD
CT	CERCIS CANADENSIS V. TEXENSIS	TEXAS REDBUD	RI	RAPHIOLEPIS INDICA 'CLARA'	WHITE INDIAN HAWTHORN	TA	TRACHELOSPERMUM ASIATICUM	ASIAN JASMINE
			MFG	NASSELLA TENUISSIMA	MEXICAN FEATHER GRASS			
			IA	ILEX X ATTENTUA	NELLIE R. STEVENS HOLLY			

VICINITY MAP:



LANDSCAPE TABULATIONS: CITY OF GARLAND, TEXAS

PROPERTY LEGAL DESCRIPTION: PHILLIPS ADDITION, LOT 1, BLOCK A, IN THE CITY OF GARLAND

PROPERTY OWNER: PRUDENT DEVELOPMENT 10755 SANDHILL ROAD DALLAS, TX 75238

PROPERTY ZONING: CR - COMMUNITY RETAIL



CITY OF GARLAND, TX GARLAND DEVELOPMENT CODE, ARTICLE 3: SCREENING & LANDSCAPING, DIVISION 4 - LANDSCAPING DESIGN REQUIREMENTS SECTION 4.34

(A) TOTAL LANDSCAPE AREA REQUIREMENTS:

LANDSCAPE MATERIALS MUST COVER A MINIMUM OF TEN PERCENT OF THE TOTAL SITE AREA, EXCEPT AS PROVIDED BELOW IN THIS SECTION 4.34 FOR MULTI-FAMILY AND SENIOR LIVING DEVELOPMENTS. THE GROUND MUST BE COMPLETELY COVERED WITH GRASS OR OTHER VEGETATION TO COUNT TOWARDS MEETING THIS LANDSCAPE AREA REQUIREMENT. REQUIRED LANDSCAPE BUFFERS AND INTERNAL LANDSCAPING AREAS SHALL COUNT TOWARDS MEETING THE TOTAL LANDSCAPE AREA REQUIREMENT.

NOTE TO MEET COMPLIANCE FOR THE VARIANCE REQUEST OF LANDSCAPE BUFFER MATERIAL, COVERAGE AS DEFINED IN SECTION 4.34(B)(3) OF THE GDC, ONE AND ONE-HALF TIMES THE MINIMUM REQUIRED LANDSCAPE WAS PROVIDED.

- (B) LANDSCAPE BUFFERS:
- THE LANDSCAPE BUFFERS OF NONRESIDENTIAL, MULTI-FAMILY, OR SENIOR LIVING DEVELOPMENTS MUST COMPLY WITH THE FOLLOWING PROVISIONS.
- ADJACENT TO MAJOR THOROUGHFARES.
 - A LANDSCAPE BUFFER, TWENTY FEET IN DEPTH (FROM THE PROPERTY LINE), IS REQUIRED IN NONRESIDENTIAL YARDS ADJACENT TO ANY THOROUGHFARE DESIGNATED AS AA OR LARGER ON THE CITY'S ADOPTED MAJOR THOROUGHFARE PLAN.
 - A LANDSCAPE BUFFER, FIFTEEN FEET IN DEPTH (FROM THE PROPERTY LINE) IS REQUIRED IN NONRESIDENTIAL YARDS ADJACENT TO TYPE A THROUGH D THOROUGHFARES, AS DESIGNATED ON THE CITY'S ADOPTED MAJOR THOROUGHFARE PLAN.
 - EACH OF THE ABOVE BUFFERS MAY BE REDUCED UP TO FIVE FEET IN DEPTH IF PLANT MATERIALS WITHIN THE BUFFER AREA ARE PROVIDED AT A RATE OF ONE AND ONE-HALF TIMES THE MINIMUM REQUIREMENTS AS DEFINED IN SUBSECTION 4.34(B)(3) BELOW.
 - ADJACENT TO ALL OTHER PUBLIC STREETS.

A LANDSCAPE BUFFER THAT IS TEN FEET IN DEPTH (FROM THE PROPERTY LINE), IS REQUIRED IN YARDS ADJACENT TO PUBLIC STREETS, OTHER THAN MAJOR THOROUGHFARES. THE BUFFER MAY BE DECREASED FROM TEN FEET TO EIGHT FEET PROVIDED THAT AT LEAST ONE AND ONE-HALF TIMES THE MINIMUM REQUIRED BUFFER PLANT MATERIALS ARE PROVIDED.
 - BUFFER PLANT MATERIALS.

TREES MAY BE GROUPED OR CLUSTERED TO FACILITATE SITE DESIGN. THE CITY ENCOURAGES STAGGERED OR NON-LINEAR PLACEMENT OF PLANT MATERIAL IN THE LANDSCAPE BUFFER. PLANT MATERIAL IN REQUIRED LANDSCAPE BUFFERS MUST COMPLY WITH THE FOLLOWING PROVISIONS IN THIS SUBSECTION (3) AND IN SECTION 4.33:

 - ADJACENT TO MAJOR THOROUGHFARES (TYPE AA THROUGH D), 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.
 - ADJACENT TO ALL OTHER PUBLIC STREETS, FOR EVERY THIRTY LINEAL FEET, OR FRACTION THEREOF, OF REQUIRED LANDSCAPE BUFFER, ONE LARGE CANOPY TREE IS REQUIRED.
 - GROUND COVER. TURF (GRASS) MUST PROVIDE A MAXIMUM OF SEVENTY-FIVE PERCENT OF COVERAGE WITHIN THE LANDSCAPE BUFFER. THE REMAINING TWENTY-FIVE PERCENT OF GROUND COVER MUST BE SELECTED FROM A SPECIES LISTED IN TABLE 4-5 IN DIVISION 7 OF THIS ARTICLE 3. THIS GROUND COVER MUST BE ARRANGED IN A CURVILINEAR FASHION THROUGHOUT THE LANDSCAPE BUFFER.
 - SUBSTITUTIONS. FOR PROPERTY HAVING LESS THAN ONE HUNDRED AND TWENTY FEET OF STREET FRONTAGE, UP TO FORTY PERCENT OF THE REQUIRED NUMBER OF LARGE CANOPY TREES WITHIN THE BUFFERS MAY BE REPLACED AS PROVIDED BELOW. FOR PROPERTY HAVING ONE HUNDRED AND TWENTY FEET OR MORE STREET FRONTAGE, UP TO TWENTY-FIVE PERCENT OF THE REQUIRED NUMBER OF LARGE CANOPY TREES WITHIN BUFFERS MAY BE REPLACED BY SMALL ORNAMENTAL TREES, AT A RATE OF ONE LARGE CANOPY TREE EQUALS THREE SMALL ORNAMENTAL TREES. SUBSTITUTED VEGETATION MUST BE PLACED IN A CLUSTERED, NON-LINEAR DESIGN.
 - BUFFER IN RELATION TO SIDEWALKS & EASEMENTS.

LANDSCAPE BUFFERS MUST REMAIN FREE AND CLEAR OF PERMANENT OBJECTS WITH THE EXCEPTION OF PEDESTRIAN ELEMENTS (SUCH AS, SIDEWALKS OR BENCHES), EXISTING UTILITY POLES OR STRUCTURES, AND FREESTANDING SIGNS. FURTHER, LANDSCAPE BUFFERS MUST COMPLY WITH THE FOLLOWING PROVISIONS:

 - THE DEPTH OF THE REQUIRED LANDSCAPE BUFFER (FROM THE PROPERTY LINE) MAY INCLUDE PLACEMENT OF SIDEWALKS, AS REQUIRED IN CHAPTER 3, ARTICLE 5, DIVISION 13 OF THIS GDC, SO LONG AS THE WIDTH OF THE LARGER PORTION OF THE BUFFER BIFURCATED BY THE SIDEWALK IS A MINIMUM OF SIX FEET TO ALLOW FOR ADEQUATE SPACE FOR REQUIRED PLANT MATERIAL, AND THE REQUIRED DEPTH OF THE LANDSCAPE BUFFER IS PROVIDED IN ADDITION TO THE REQUIRED SIDEWALK AND
 - WHERE AN EASEMENT, EITHER PEDESTRIAN OR UTILITY, IS REQUIRED PURSUANT TO CHAPTER 3, SECTIONS 3.91(C) OR 3.70(B)(1) OF THIS GDC, THE EASEMENT IS PERMITTED TO OVERLAP THE REQUIRED LANDSCAPE BUFFER, SO LONG AS THE REQUIRED DEPTH (FROM THE PROPERTY LINE) OF THE LANDSCAPE BUFFER IS PROVIDED. WHERE A LANDSCAPE BUFFER AND EASEMENT OVERLAP, THERE MUST BE A MINIMUM DEPTH OF SIX FEET OF LANDSCAPED AREA THAT IS NOT WITHIN THE EASEMENT AREA TO ALLOW ADEQUATE SPACE FOR PLANT MATERIAL, WHILE AVOIDING FUTURE CONFLICT BETWEEN INSTALLATION, SERVICE OR REPAIR OF UTILITIES AND PLANT MATERIALS. EVERY REASONABLE EFFORT MUST BE MADE TO AVOID THE PLACEMENT OF PLANTINGS WITHIN THE BUFFER-EASEMENT OVERLAP AREA THAT MAY INTERFERE WITH UTILITIES. THE DIRECTOR OF ENGINEERING SHALL MAKE THE DETERMINATION AS TO WHETHER PLANTINGS MAY INTERFERE WITH THE USE OF THE EASEMENT.

4.34(B)(3)(a) PER 30 LF, ONE CANOPY TREE (3 ORNAMENTAL) PLUS SEVEN SHRUBS OR ORNAMENTAL GRASSES VARIANCE REQUIREMENT: PROVIDE ONE AND ONE HALF TIMES THE REQUIRED PLANTING MATERIAL		
CENTERVILLE ROAD		
LINEAR FEET: 105'-10.5" LF	REQUIRED	PROVIDED
ORNAMENTAL TREES REQUIRED (THREE/ 30 LF)	12	-
SHRUBS REQUIRED (SEVEN SHRUBS / 30 LF)	25	-
VARIANCE TREES:	12	12
VARIANCE SHRUBS:	38	46
NORTHWEST HIGHWAY		
LINEAR FEET: 93'-3.5" LF	REQUIRED	PROVIDED
CANOPY TREES REQUIRED (ONE/ 30 LF)	3	-
SHRUBS REQUIRED (SEVEN SHRUBS / 30 LF)	22	-
VARIANCE TREES:	5	5
VARIANCE SHRUBS:	33	38
TOTAL LANDSCAPE REQUIREMENTS		
TOTAL SITE AREA: 22,500 SQ. FT.	REQUIRED	PROVIDED
TOTAL LANDSCAPE	2,250 SQ. FT. (10%)	4,429 SQ. FT. (19%)
PARKING AND SITE TREE REQUIREMENTS		
PARKING AREA PLANTING	REQUIRED	PROVIDED
PARKING LOT TREES (1 / 10 SPACES, 1 WITHIN 65' OF EVERY SPACE), 11 SPACES	206 SQ. FT. (5%)	441 SQ. FT. (11%)
	2	2
SCREENING REQUIREMENTS		
	REQUIRED	PROVIDED
PARKING AREA SCREENING	YES	119 SHRUBS
PERIMETER SCREENING	YES	43 SHRUBS
EQUIPMENT SCREENING	YES	7 SHRUBS

la terra studio
landscape architecture
urban design planning
2712 swiss avenue - studio A
dallas, texas 75204 214.748.0333
www.laterrastudio.com

THE DIMENSION GROUP
ARCHITECTURE • CIVIL ENGINEERING • MEP ENGINEERING
10755 SANDHILL ROAD, DALLAS, TEXAS 75238
TEL: 214-343-9400 www.dimegroup.com

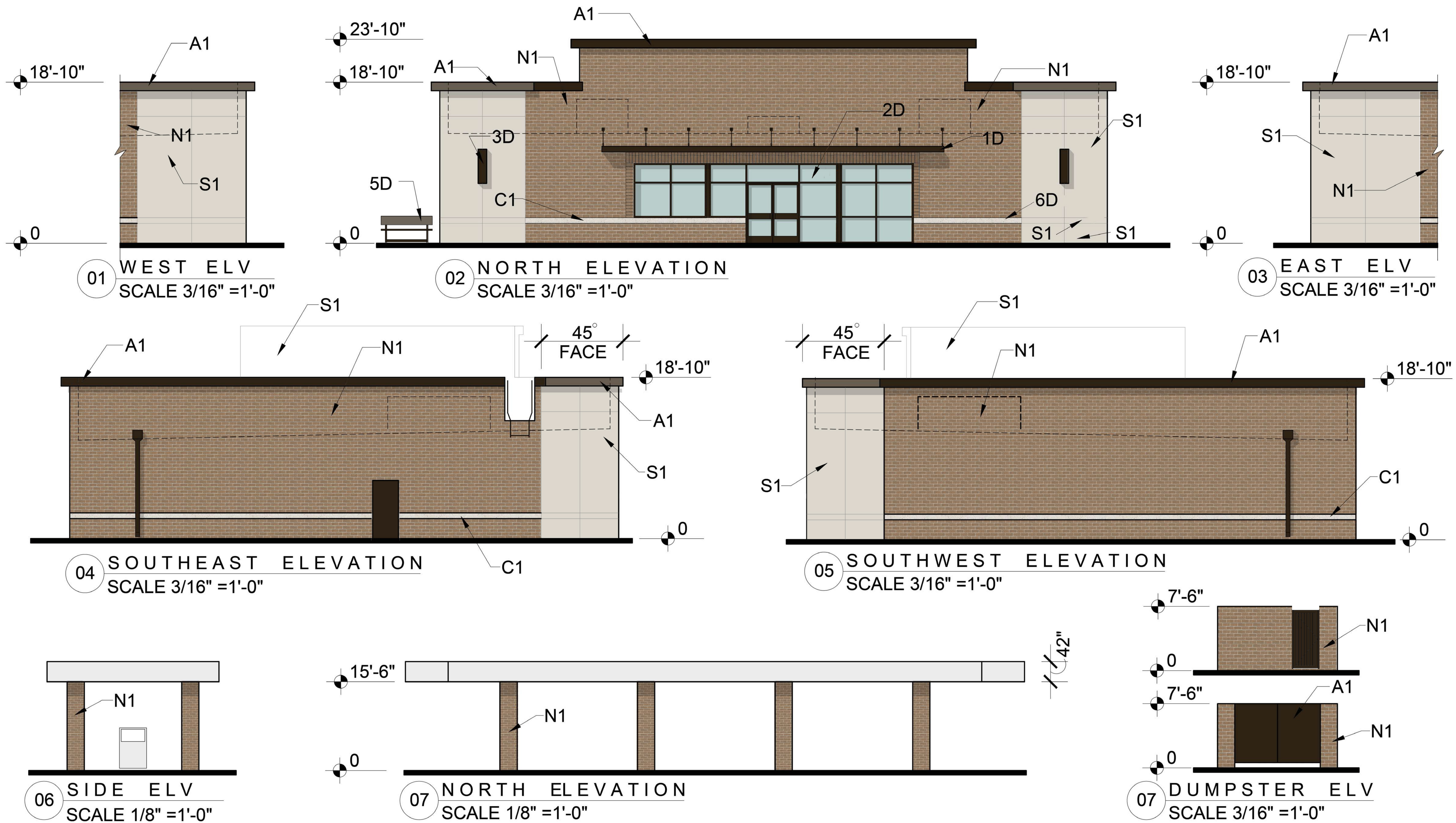
REGISTERED LANDSCAPE ARCHITECT
MICHAEL T. BLACK
2200
06.01.2018
THESE PLANS ARE INSTRUMENTS OF PROFESSIONAL SERVICE AND ARE PROTECTED BY COMMON LAW, STATUTORY AND OTHER RESERVED RIGHT INCLUDING COPYRIGHT. THEY MAY NOT BE REPRODUCED OR USED FOR ANY PURPOSE WITHOUT THE WRITTEN CONSENT OF THE DIMENSION GROUP.

7-ELEVEN
805 W. CENTERVILLE ROAD
GARLAND, TEXAS 75041

REVISIONS DESCRIPTION
No. DATE
18-205
06/01/18
project no.:
date:
drawn: tw
approved: mb

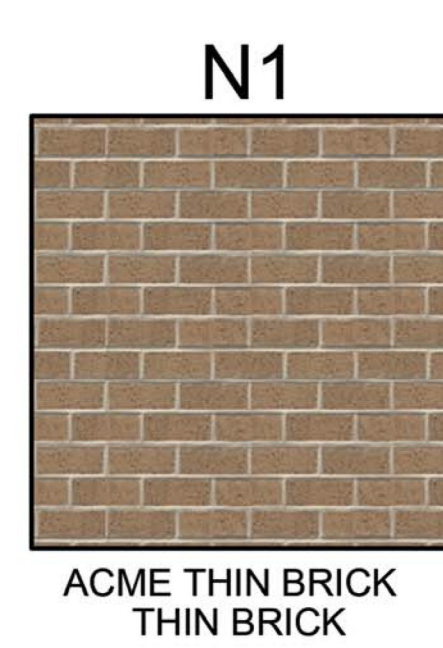
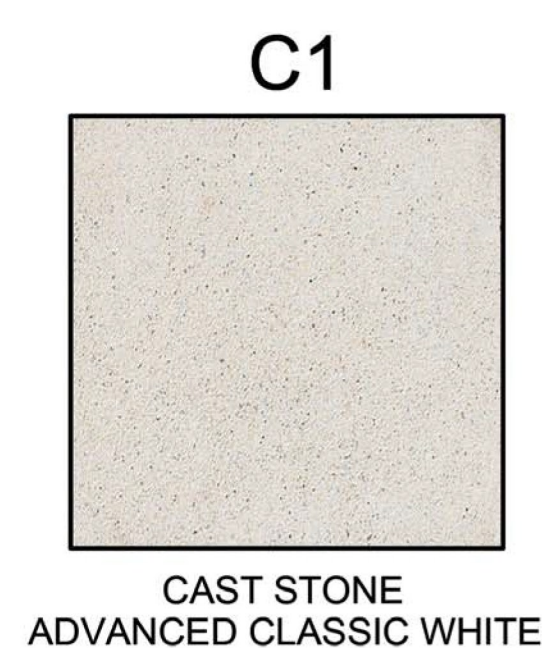
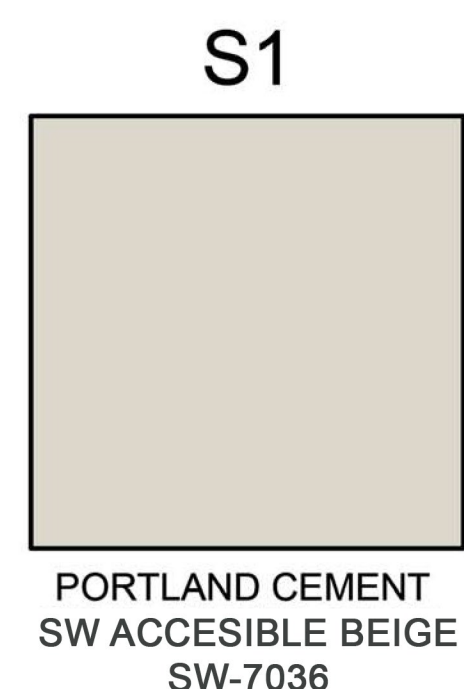
LANDSCAPE PLAN
SHEET
L1.0

EXHIBIT E



M A T E R I A L P E R C E N T A G E S					
ELEVATION	TOTAL AREA	MASONRY	%	OTHER	%
NORTH	1435	1348	94	83	6
EAST	242	227	94	15	6
WEST	242	227	94	15	6
SOUTHWEST	1040	983	95	57	5
SOUTHEAST	1016	959	94	57	6
TOTALS	3975	3748	94	227	6

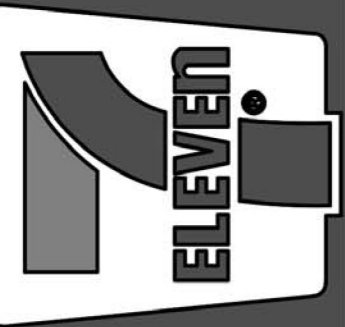
DESIGN ELEMENTS	
1D	AWNING / CANOPY
2D	DISPLAY WINDOW
3D	DISTINCTIVE LIGHTING
4D	VARIED ROOF HEIGHT
5D	BENCH
6D	HORIZONTAL TRIM

[illegible]

Proto 01-26-2017

7-ELEVEN, INC.
3200 HACKBERRY RD. IRVING, TEXAS 75063

7-11
CENTERVILLE & NORTHWEST HIGHWAY
GARLAND, TEXAS 75052



Job#:	18-205
Scale:	AS NOTED
Date:	04.26.18
Drawn By:	
Checked By:	

Documents prepared by The Dimension Group are to be used only for the specific project and specific use for which they are intended. Any extension of use to other projects, by owner or any other party, without the expressed written consent of The Dimension Group is done at the user's own risk if used in a way other than that specifically intended, user will hold The Dimension Group harmless from all claims and losses.

HEET:

EE-1

EXHIBIT F



SHEET:		PP		Documents prepared by The Dimension Group are to be used only for the specific project and for the specific use for which they are intended. Any extension of use to other projects, by owner or any other party, without the written consent of The Dimension Group is done at the user's own risk. If used in a way other than that specified, the user will hold The Dimension Group harmless from all claims and losses.		Job#:	18-205	 THE DIMENSION GROUP ARCHITECTURE CIVIL ENGINEERING MEP ENGINEERING PLANNING 10755 SANDHILL ROAD DALLAS, TEXAS 75238 O: 214-343-9400 F: 214-503-6778 dimensiongrp.com				7-ELEVEN, INC. 3200 HACKBERRY RD. IRVING, TEXAS 75063		Rev. #		Date		Description	
		Scale:	NTS	Date:	07/06/2018	Drawn By:	JJ	Checked By:	KS	7-ELEVEN STORE #1043826 CENTERVILLE & NORTHWEST HIGHWAY GARLAND, TEXAS 75052									
										SIGN ELEVATION									



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

4.

Meeting Date: July 17, 2018

Item Title: Temporary Street Repair Parking Prohibitions

Submitted By: Steve Oliver, Streets Director

Summary of Request/Problem

The Street Department's goal is to overlay 35 lane miles of street with asphalt pavement each year. Most of those streets are residential streets. Prior to overlaying a street with asphalt, the Street Department notifies the adjacent residents that they will not be allowed to park vehicles on their street during working hours on the days the overlays will occur. On occasion, vehicles will be left parked on the street that have to be moved before the paving operation can take place. If the owner of the vehicle is not located, the only option to move these vehicles is to have them towed out of the way.

Previously, the Street Department has been moving vehicles under Section 30.217 of the Garland Code of Ordinances, which allows the Chief of Police to impose temporary parking restrictions during special events. Upon review of that ordinance, it was determined that a specific ordinance addressing street repairs and/or construction should be developed to restrict parking on affected streets. Accordingly, the Street Department has temporarily suspended overlay operations in areas where parking restrictions need to be imposed. The attached ordinance grants authority to the Director of Streets to temporarily restrict parking as necessary to facilitate a street construction, repair or maintenance project. It also allows for vehicles parked in violation of such temporary parking restrictions to be towed to an area outside of the restricted area, and, if no nearby area is available for the relocation of the vehicle, it may be towed to a vehicle storage area.

This item was considered by Council at the July 9, 2018 Work Session.

Recommendation/Action Requested and Justification

Adopt an Ordinance that authorizes the Director of Streets to temporarily restrict parking as necessary for the construction, repair or maintenance of streets and alleys and have vehicles that are in violation of those parking restrictions towed outside of the restricted area.

Attachments

Temporary Street Parking Restrictions Ordinance

DRAFT

Non-final and unapproved
For discussion purposes only

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 33, "TRANSPORTATION", AND CHAPTER 24, "MUNICIPAL COURT AND ADMINISTRATIVE ENFORCEMENT" OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That Chapter 33, "Transportation", of the Code of Ordinances of the City of Garland, Texas, is hereby amended by adding a new section, Sec. 33.54, to read as follows:

"Sec. 33.54 Temporary street repair parking prohibitions

The Chief of Police may at the request of the Director of Streets, as necessary for the construction, repair, or maintenance of streets (including, without limitation, sidewalks and alleys), prohibit or otherwise restrict, for temporary periods, the parking of vehicles along a street or alley within or adjacent to the site of the construction, repair, or maintenance. The City shall post signs and provide other reasonable written or posted notices to such effect not less than 48 hours prior to the commencement of the closure. It shall be unlawful for any person to park or leave unattended any vehicle in violation of such signs. A vehicle parked in violation of such temporary parking restrictions imposed under this section may be towed from the restricted area to an area outside the restricted area or it may be impounded at a vehicle storage facility at the expense of the owner of such vehicle.

DRAFT

Non-final and unapproved
For discussion purposes only

Section 2

That Sec. 24.44(A) of Chapter 24, "Municipal Court and Administrative Adjudication", of the Code of Ordinances of the City of Garland, Texas, is hereby amended by adding the following to the schedule of civil penalties for parking violations provided in that section:

<u>"Offense</u>	<u>Penalty amount</u>
Sec. 32.54 Temporary street repair parking prohibitions	\$100"

Section 3

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

Section 4

That Chapter 33, "Transportation", of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 5

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

DRAFT

Non-final and unapproved
For discussion purposes only

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 _____, 2018.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

PUBLISHED:



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

5.

Meeting Date: July 17, 2018

Item Title: Garland Housing Agency's Administrative Plan

Submitted By: Steve Fitch, Housing Agency Administrator

Summary of Request/Problem

The U.S. Department of Housing and Urban Development (HUD) requires each Housing Agency to develop and adopt an Administrative Plan that identifies the policies the agency will follow to administer the Housing Choice Voucher Program Funds (better known as Section 8). At the July 16, 2018 Work Session, Council considered adopting the updated Administrative Plan.

Recommendation/Action Requested and Justification

Approve a resolution adopting the Garland Housing Agency's Administrative Plan for the Housing Choice Voucher Program. (Attachment A)

Attachments

Admin Plan Resolution

RESOLUTION NO. _____

A RESOLUTION APPROVING THE CITY OF GARLAND HOUSING AGENCY ADMINISTRATIVE PLAN FOR THE HOUSING CHOICE VOUCHER PROGRAM AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City of Garland Housing Agency has been designated as the Public Housing Agency (PHA) and is authorized to operate the Section 8 Housing Choice Voucher Program within the City of Garland; and

WHEREAS, a PHA which operates the Section 8 Housing Choice Voucher Program must adopt an Administrative Plan which states local policies on matters for which the PHA has discretion; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS;

Section 1

That the Garland City Council hereby approves the City of Garland Housing Agency Administrative Plan for the Housing Choice Voucher Program, in the form and substance attached hereto as Exhibit "A" and incorporated herein by reference.

Section 2

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

PASSED AND APPROVED this the 10th day of July, 2018.

THE CITY OF GARLAND, TEXAS

By: _____
Mayor

ATTEST:

City Secretary



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

6.

Meeting Date: July 17, 2018

Item Title: Speed Limit and School Zone Revisions

Submitted By: Paul Luedtke, Transportation Director

Summary of Request/Problem

Speed limit revisions on Naaman Forest Boulevard were considered for revision at the July 9, 2018 Work Session.

Recommendation/Action Requested and Justification

Staff recommends that the attached ordinance revising speed limits on Naaman Forest Boulevard be adopted. These items were considered at the July 9, 2018 Work Session.

Attachments

Speed Change Naaman Forest Increase Ordinance

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 33, "TRANSPORTATION", OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That Sec. 33.29 of Article III, "Speed Regulations", of Chapter 33, "Transportation", of the Code of Ordinances of the City of Garland, Texas, is hereby amended by changing the following reference:

"Street

Extent

Naaman Forest Boulevard

Ranger Drive to Brand Road"

to read:

"Street

Extent

Naaman Forest Boulevard

Campbell Road to E. Brand Road"

Section 2

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

Section 3

That Chapter 33, "Transportation" of the Code of Ordinances of the City of Garland, Texas, as amended, shall remain in full force and effect save and except as amended by this Ordinance.

Section 4

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

Section 5

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

PASSED AND APPROVED this the _____ day of _____, 2018.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

7.

Meeting Date: July 17, 2018

Item Title: Annual Performance Update on Garland Housing Agency

Submitted By: Steve Fitch, Housing Agency Administrator

Summary of Request/Problem

As part of the Quality Housing and Work Responsibility Act of 1998, the City of Garland Housing Agency (GHA) is required by the U.S. Department of Housing and Urban Development (HUD) to submit an annual performance progress report on their Five-Year Plan. At the July 16, 2018 Work Session, Council considered adopting the accomplishments presented in the third year Annual Performance Plan update for submission to HUD.

Recommendation/Action Requested and Justification

Approve a resolution adopting the Garland Housing Agency's third year on the five-year plan for submission to HUD (Attachment A).

Attachments

Annual Plan Resolution

RESOLUTION NO. _____

A RESOLUTION ADDOPTING AN APPROVING THE GARLAND HOUSING AGENCY'S THIRD YEAR UPDATE ON THE 2015-2019 FIVE YEAR PLAN; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, an annual update on the 2015-2019 five-year plan is required by the Department of Housing and Urban Development (HUD) to examine the progress of the Garland Housing Agency in meeting the needs of those being served by housing assistance; and

WHEREAS, a Public housing Agency that operates a Section 8 Housing Choice Voucher Program must adopt a Five-Year and Annual Plan every five years; and

WHEREAS, the Garland Housing Agency has prepared a third year update to the 2015-2019 five-year plan for adoption and approval of the City Council, and the City Council desires to adopt and approve the plan.

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

Section 1

That the Garland City Council hereby adopts and approves the City of Garland Housing Agency's third year update on the Five-Year Annual Plan, in the form and substance 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 _____ day of _____, 2018.

THE CITY OF GARLAND, TEXAS

By: _____
Mayor

ATTEST:

City Secretary



GARLAND POLICY REPORT

City Council Regular Session Agenda

8.

Meeting Date: July 17, 2018

Item Title: Approval of Chapter 380 Development Agreement between the City of Garland and Parks at Rose Hill, LLC

Submitted By: Rick Vasquez, Assistant City Manager

Strategic Focus Areas: Growing Economic Base

ISSUE

Consider approval of a Chapter 380 Agreement as approved by City Council on May 14, 2018 during City Council's work session. City Council authorized staff to develop a Chapter 380 Agreement in amount not to exceed \$1,906,000; \$1,400,000 will reimburse the developer for increased site development costs attributable to an exchange of approximately 10.9 acres of land between the City and Parks at Rose Hill, LLC (Shane Jordon). In addition, the City requested the Developer install approximately \$498,000 of public improvements that will enhance the marketability and value of the City's real estate asset. Public improvements include drainage, utilities, roadway and parkway infrastructure.

RECOMMENDATION

Staff recommends approval.

BACKGROUND

This project facilitates the implementation of the IH30 Catalyst Plan and the Rose Hill Targeted Investment area as authorized and approved by City Council.

Attachments

Chapter 380 Development Agreement

ROSEHILL DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (“Agreement”) is made and entered into effective the ____ day of _____, 2018 (“Effective Date”) by and among Parks at Rosehill, LLC (“Rosehill”), a Texas limited liability company, and the City of Garland, Texas (“City”), a home rule municipality (each, individually, a “Party” and, collectively, the “Parties”).

1. RECITALS.

The RECITALS in this Section are (1) true and correct; (2) incorporated as part of this Agreement for all purposes; (3) evidence the intent of the Parties in entering into this Agreement; and (4) to be used in interpreting this Agreement;

WHEREAS, the City desires to further the public interest and welfare and to induce the investment of private resources in beneficial developments in the City in order to increase tax revenue for real property within the City, and promote or develop new business enterprises;

WHEREAS, Rosehill is currently a party to a contract (the “Contract”) to purchase land located within the territorial limits of the City and being more particularly described in attached Exhibit A, which is incorporated herein by reference (“Property”);

WHEREAS, Rosehill is prepared to close on the Contract and acquire title to the Property on or about July 16, 2018, conditioned upon the City approving this Agreement;

WHEREAS, the Property is generally located in the vicinity of the northwest corner of the intersection of Rosehill Road and E Interstate Highway 30 and is adjacent to land owned by the Garland Foundation for Development (“Foundation”);

WHEREAS, Rosehill and the Foundation have entered into that certain land exchange and development agreement of 18TH day of July , 2018 (“Land Exchange Agreement”), contingent upon Rosehill closing the Contract and acquiring title to the Property, in which the Foundation will convey approximately 10.942 acres of land to Rosehill in exchange for Rosehill’s conveyance to the Foundation of 8.44 acres from the Property (“Land”), to promote the development of a commercial district on behalf of the Foundation and a single-family residential subdivision consisting of approximately 127 single family lots and other privately owned improvements (the “Residential Improvements”) on behalf of Rosehill;

WHEREAS, in conjunction with the construction of the Residential Improvements and as provided in this Agreement, Rosehill agrees to construct certain public infrastructure to support the Residential Improvements (the “Public Infrastructure”, which together with the Residential Improvements are called the “Project”) as more fully described herein;

WHEREAS, on May 15, 2018, the Property was rezoned (File Z 15-41) from urban business, community retail, and community office to a planned development zoning district for mixed use (“PD Ordinance”);

WHEREAS, the Parties agree that notwithstanding any provision contained herein to the contrary, the maximum amount of money owed or credited by the City to Rosehill pursuant to this Agreement, including construction management fees, shall not exceed a total of **\$1,972,000.00**.

WHEREAS, the City has established a program in accordance with Article III, Chapter 52-a of the Texas Constitution and Chapter 380 of the Texas Local Government Code, under which the City has the authority to waive or reimburse fees, make loans or grants of public funds for the purposes of promoting local economic development and stimulating business and commercial activity within the City, including the authority to enter into this Agreement;

WHEREAS, the Project will have a direct and positive economic benefit to City;

WHEREAS, the City wishes to provide incentives to Rosehill to assist in the economic development of the City;

NOW THEREFORE, in consideration for the covenants of the Parties set forth in this Agreement, and for other good and valuable consideration the receipt and adequacy of which the Parties acknowledge, the Parties agree as follows:

2. DEFINITIONS

Terms used in this Agreement that have their initial letters capitalized shall have the meanings given to them in this Section 2 unless a term is otherwise defined in this Agreement or unless the context in which a term is used clearly requires a different meaning.

2.1 “Actual Costs” mean, with respect to the Extraordinary Residential Improvements and the Requested Public Improvements, the actual costs (as specified in payment requests submitted to the City) paid or incurred by or on behalf of Rosehill: (1) to plan, finance, design, acquire, construct, install and dedicate such Extraordinary Residential Improvements and the Requested Public Improvements to the City; (2) to prepare plans, specifications, bid packages, contracts, and as-built drawings; (3) to obtain zoning, licenses, plan approvals, permits, inspections, and other governmental approvals; (4) for professional services including, but not limited to, engineering, surveying, geotechnical, land planning, architectural, landscaping, legal, accounting, and appraisals; (5) for labor, materials, equipment, fixtures, payment and performance bonds and other construction security, and insurance premiums; (6) to implement, administer, and manage the above-described activities including, but not limited to, a construction management fee.

2.2 “Agreement” is defined in the introductory paragraph.

2.3 “City” is defined in the introductory paragraph.

2.4 “City Requirements” mean ordinances, resolutions, rules, regulations and policies of the City that have been duly adopted and that are customarily and uniformly applied to public and private development within the City. The City Requirements, as applied to the Public Infrastructure, includes, but are not limited to, payment, performance, and maintenance bonds.

The City Requirements, as applied to the Residential Improvements, shall not include payment or performance bonds (or cash deposits or any other form of security) or maintenance bonds.

2.5 “Economic Development Incentives” mean the consideration, of whatever nature, given by the City to Rosehill for the covenants and promises of Rosehill as more fully described herein. The term includes any reimbursements for public or private infrastructure, fees collected by the City and remitted to Rosehill, and any development fees paid by Rosehill and reimbursed by the City.

2.6 “Effective Date” is defined in the introductory paragraph.

2.7 “Extraordinary Residential Improvements” is defined in Exhibit C.

2.8 “Land” is defined in the Recitals.

2.9 “Land Exchange Agreement” is defined in the Recitals.

2.10 “Party” and “Parties” are defined in the introductory paragraph.

2.11 “PD Ordinance” is defined in the Recitals.

2.12 “Preliminary Development Plan” is the detailed development plan submitted by Rosehill, reviewed and finally approved (once accepted) by the City detailing, among other things, a specific layout of the Project, Residential Improvements, the approved location and arrangement of uses and structures, development phasing (if any), Public Infrastructure, open space, public and private amenities, and the overall design of the Project. Upon approval and acceptance of the Preliminary Development Plan by the City, the Preliminary Development Plan shall be incorporated into this Agreement for all purposes, and attached hereto as Exhibit B.

2.13 “Project” is defined in the Recitals.

2.14 “Property” is defined in the Recitals and, for purposes of this Agreement means all or any portion of the Property.

2.15 “Public Infrastructure” is defined in Section 3.1.4.

2.16 “Requested Public Improvements” is defined in Exhibit C.

2.17 “Residential Improvements” is defined in the Recitals.

2.18 “Rosehill” is defined in the introductory paragraph.

2.19 “Substantially Complete,” “Substantial Completion,” or “substantially completed” means that the progress of the Project is sufficiently complete in accordance with this Agreement, the Detailed Plan, and the PD Ordinance, so that the public can lawfully occupy or use the Residential Improvements, Public Improvements, and all other amenities and infrastructure identified in the Detailed Plan and Development Agreement as being components of the Project, and the Engineering Department of the City has issued a letter of acceptance for the applicable

portion of the Project, which shall not be unreasonably withheld, to Rosehill for all Public Infrastructure.

3. PROJECT DEVELOPMENT

3.1 Rosehill's Obligations. In consideration of the City's participation in the Project, Rosehill agrees to the following:

3.1.1 Rosehill shall use commercially reasonable efforts to commence construction of the Project no later than the 365th calendar day following the Effective Date, and shall diligently pursue such construction by commercially reasonable efforts to completion. In the event Developer fails to commence the Project no later than the 365th calendar day following the Effective Date, the City may terminate this Agreement by providing written notice of termination; however, this Agreement shall not terminate unless and until Developer fails to commence the Project within sixty (60) days of its receipt of the termination notice. In the event Developer fails to commence the Project within the sixty (60) day period, this Agreement shall automatically terminate and shall have no further effect, except for any claw back provisions.

3.1.2 Rosehill shall, by commercially reasonable efforts, cause the Project to be constructed and substantially completed, and a final plat therefor filed, on or before the end of the 84th month following Substantial Completion of the Public Infrastructure). In the event Rosehill fails to substantially complete the Public Infrastructure, including the Requested Public Improvements, by the end of the 18th month following the Effective Date, the City, by written notice to Rosehill, may terminate this Agreement and shall have no future obligation to provide Economic Incentives to Rosehill hereunder, save and except the payment of all incurred, but unpaid, costs for the Extraordinary Residential Improvements and the Requested Public Improvements to the date of termination.

3.1.3 Platting and Development. Rosehill agrees to plat and develop the Project, including all required dedications of land or improvements to the public, in accordance with the provisions, terms, and conditions of the PD Ordinance, City Requirements, this Agreement, and the Preliminary Development Plan.

3.1.4 Public Infrastructure and Improvements. Rosehill shall design, construct and complete all alleys, streets, sidewalks, sanitary sewer and water infrastructure, storm water systems, and other utility infrastructure systems located within the Property, as well as the upgrades and additional public improvements requested by the City constituting the Requested Public Improvements (collectively, the "Public Infrastructure") in accordance with: (1) this Agreement; (2) the applicable City Requirements; (3) the PD Ordinance; and (4) the Preliminary Development Plan.

3.1.5 Private Improvements. Rosehill shall design and construct all of the private amenities, open spaces, and improvements, including the Extraordinary Residential Improvements (collectively, the "Residential Improvements") that are located within the Property in accordance with the PD Ordinance, the Preliminary Development Plan, and all applicable City Requirements. In the event of an express conflict between the PD

Ordinance and the City Requirements, the PD Ordinance shall control. In the event of an express conflict between the Preliminary Development Plan and the City Requirements, the Preliminary Development Plan shall control. Nothing in this Agreement shall impose or be interpreted to impose upon the design or construction of the Private Infrastructure any standards or requirements other than those in the PD Ordinance, the Preliminary Development Plan, and the applicable City Requirements.

3.2 City Obligations. In consideration of Rosehill's participation in the Project, City agrees to the following obligations and duties:

3.2.1 The City shall expedite review and approval of the civil plans for the Project. The City shall grant an early grading permit promptly after City's first round of comments to the civil plans for each phase. Any fees associated with expediting review and approval shall be waived by the City.

3.2.2 Development Fees. The City shall reimburse Developer for zoning fees and tree mitigation fees within forty-five (45) days from the payment of same by Developer to City. The City shall grant to Developer a waiver of roadway impact fees associated with each lot within the Project upon Substantial Completion of the Public Infrastructure. Notwithstanding any other provision contained herein to the contrary, the total amount of Development Fees reimbursed to, or waived on behalf of, Developer shall be the lessor of (a) the cumulative amount of zoning fees, tree mitigation fees and roadway impact fees actually paid by, or waived in favor of, Developer, or (b) five hundred forty five thousand dollars (**\$545,000.00**). The following estimated fee schedule is for illustration purposes only:

Zoning Fees	\$2,200.00
Tree Mitigation Fees	\$150,000.00
Roadway Impact Fees	\$391,386.00

3.2.3 Construction Management Fee. Subject to the "not to exceed" amount as specified in the Recitals for the Project, the City shall pay Rosehill a fixed construction management of **\$163,000.00** for the construction of the Requested Public Improvements.

3.2.4 Land Exchange Financial Incentive. Parties acknowledge that the Project, when taking into consideration the goals and objectives of the Rosehill Targeted Investment Area Plan of the City, would not be practicable or financially feasible without Rosehill agreeing to exchange land with the Garland Foundation for Development ("Foundation"). The exchange of land has resulted in the need for the Requested Public Improvements and increased development costs for Rosehill due to the removal of adjacency of the Property to Rosehill Road and conditions and topography of the tract of land conveyed from the Foundation to Rosehill, which makes up a portion of the Property. In consideration for Rosehill agreeing to exchange land with the Foundation and in addition to the reimbursement of Development Fees and the reimbursement of all costs associated with the design, engineering and construction of the Extraordinary Residential Improvements and the Requested Public Improvements, the City has agreed to pay Rosehill

an economic development financial incentive (“Land Exchange Financial Incentive”) equal to the Actual Costs of the Extraordinary Residential Improvements and the Requested Public Improvements, all as listed on Exhibit C, to help offset the additional costs of development. Rosehill shall require all design and engineering work relating to the Extraordinary Residential Improvements and the Requested Public Improvements to be itemized or billed separately, and the City shall reimburse Rosehill for such costs upon receipt of such itemized or separate bill. Rosehill shall require all construction contracts for work on the Extraordinary Residential Improvements and the Requested Public Improvements to separately identify in any interim or final draw request the costs, if any, associated with the construction of the Extraordinary Residential Improvements and Requested Public Improvements (the “Allocated Improvements Costs”) and the City shall remit payment of all Allocated Improvements Costs to Rosehill upon receipt of any interim or final draw request showing the same due and owing.

3.3 Dedication of Public Infrastructure and Improvements. When the Public Infrastructure, including Requested Public Improvements, has been inspected and approved by the City, Rosehill shall dedicate the Public Infrastructure and the Requested Public Improvements to the City and the City shall accept such dedications. City acceptance shall be evidenced by a written confirmation signed by the City Manager or his designee. Dedications shall be in accordance with the applicable City Requirements.

4. MISCELLANEOUS PROVISIONS

4.1 Sales and Use Tax Exemption. The Public Infrastructure and Requested Public Improvements will be dedicated to and accepted and owned by the City; therefore, the costs of materials, supplies, labor, and services to design, construct, acquire, and install the improvements will be exempt under the Texas Tax Code from sales and use taxes levied by the City or any other taxing unit. Upon request from Rosehill, the City shall provide certifications, and Rosehill may structure contracts, to take advantage of such exemption.

4.2 Representation and Warranties of the City. The City is a home-rule, Texas municipality with the authority to enter into and perform its obligations under this Agreement. The execution and delivery of this Agreement by the City and the performance of its obligations under this Agreement have been duly authorized. To the knowledge and belief of the City: (1) there is no proceeding contesting the authority of the City to perform its obligations under this Agreement; and (2) there is no law, order, rule, or regulation applicable to the City, or provision of the City Charter, that would conflict with the performance by the City of its obligations under this Agreement. This Agreement constitutes a valid and binding obligation of the City, enforceable according to its terms, except to the extent limited by bankruptcy, insolvency and other laws of general application affecting creditors’ rights and by equitable principles, whether at law or in equity.

4.3 Representations and Warranties of Rosehill. Rosehill is a Texas corporation duly organized and validly existing under the laws of the State of Texas, is qualified to do business in the State, and has the legal authority to enter into and perform its obligations under this Agreement. The execution and delivery of this Agreement by Rosehill and the performance of its obligations

under this Agreement, have been duly authorized. To the best knowledge and belief of Rosehill: (1) there is no proceeding contesting the authority of Rosehill to perform its obligations under this Agreement; and (2) there is no law, order, rule, or regulation applicable to Rosehill that would conflict with the performance by Rosehill of its obligations under this Agreement. This Agreement constitutes a valid and binding obligation of Rosehill, enforceable according to its terms, except to the extent limited by bankruptcy, insolvency and other laws of general application affecting creditors' rights and by equitable principles, whether at law or in equity.

4.4 "Buy Garland". Rosehill will direct its contractors to use commercially reasonable efforts to purchase the miscellaneous building materials related to the Project (exclusive of offsite or onsite fabrication and equipment) within the corporate limits of Garland, Texas, the intent being that the economic benefits of the Project are distributed throughout the City by increasing sales as related to the Project. Notwithstanding the foregoing, Rosehill's contractors and sub-contractors are not obligated to purchase building materials within the corporate limits of Garland, Texas at above-market or, higher than commercially reasonable rates or that cannot be delivered within required time frames (i.e., Rosehill can accept the lowest or most responsive bid or quote regardless of the location of the materials).

4.5 Rules of Construction. The capitalized terms listed in this Agreement shall have the meanings set forth herein whenever the terms appear in this Agreement, whether in the singular or the plural or in the present or past tense. Other terms used in this Agreement shall have meanings as commonly used in the English language. Words not otherwise defined herein that have well known and generally accepted technical or trade meanings are used herein in accordance with such recognized meanings. In addition, the following rules of interpretation shall apply:

4.5.1 The masculine shall include the feminine and neuter.

4.5.2 References to "Articles," "Sections," or "Exhibits" shall be to articles, sections, or exhibits of this Agreement.

4.5.3 The Exhibits attached hereto are incorporated in and are intended to be part of this Agreement; provided that in the event of a conflict between the terms of any Exhibit and the terms of this Agreement, the terms of this Agreement shall take precedence.

4.5.4 This Agreement was negotiated and prepared by both Parties with the advice and participation of counsel. The Parties have agreed to the wording of this Agreement and none of the provisions hereof shall be construed against one Party on the ground that such Party is the author of this Agreement or any part hereof.

4.5.5 Unless expressly provided otherwise in this Agreement, (a) where the Agreement requires the consent, approval, or similar action by a Party, such consent or approval shall not be unreasonably withheld, conditioned or delayed, and (b) wherever the Agreement gives a Party a right to determine, require, specify or take similar action with respect to a matter, such determination, requirement, specification or similar action shall be reasonable.

4.5.6 Use of the words “include” or “including” or similar words shall be interpreted as “including but not limited to” or “including, without limitation.”

4.5.7 The recitals to this Agreement are incorporated herein.

4.6 Force Majeure. All obligations of Rosehill and City shall be subject to events of “force majeure” which shall mean any contingency or cause beyond the reasonable control of a party, as applicable, including, without limitations, acts of God or the public enemy, war, riot, civil commotion, insurrection, adverse weather, government or de facto governmental action or inaction (unless caused by negligence or omissions of such party), fires, explosions, floods, strikes, slowdowns or work stoppages, shortage of materials and labor.

4.7 Remedies. In the event of an uncured event of default by Rosehill, the City, as its sole remedy, may terminate all commitments of City under this Agreement, unless otherwise provided herein, after providing Rosehill written notice of such default and 90 days to cure such default. If any event of default by the City exists, Rosehill shall provide written notice of such default to the City; then, the City shall have 90 days to cure such default. In the event the City refuses or is not able to cure such default, Rosehill may pursue such remedies available to it by law or equity, including, specific performance.

4.8 Dispute Resolution and Step Negotiations.

4.8.1 The Parties shall attempt in good faith to resolve all disputes arising out of or relating to this Agreement or any of the transactions contemplated hereby promptly by negotiation, as follows. Either Party may give the other Party written notice of any such dispute not resolved in the normal course of business. Executives of both Parties at levels one level above the Project personnel who have previously been involved in the dispute shall meet at a mutually acceptable time and place within ten days after delivery of such notice, and thereafter as often as they reasonably deem necessary, to exchange relevant information and to attempt to resolve the dispute. If the matter has not been resolved within thirty days from the referral of the dispute to such executives, or if no meeting of such executives has taken place within fifteen days after such referral, either Party may initiate mediation as provided hereinafter. If a Party intends to be accompanied at a meeting by an attorney, the other Party shall be given at least three business days’ notice of such intention and may also be accompanied by an attorney. All negotiations pursuant to this clause are confidential and shall be treated as compromise and settlement negotiations for purposes of the Federal Rules of Evidence and state rules of evidence. Each Party will bear its own costs for this dispute resolution phase.

4.8.2 In the event that any dispute arising out of or relating to this Agreement or any of the transactions contemplated hereby is not resolved in accordance with the procedures set forth in this Section 4.8.2, such dispute shall be submitted to non-binding mediation to a Person mutually agreed by the Parties. The mediation may take place at a mutually agreed upon location. If the mediation process has not resolved the dispute within thirty days of the submission of the matter to mediation or within such longer period as the Parties may agree to, either Party may exercise all remedies available at law or in equity

under this Agreement, including the initiation of court proceedings. Each Party will bear its own costs, and share equally in the costs of mediators, for this dispute resolution phase.

4.8.3 Nothing in this Section shall preclude, or be construed to preclude, the resort by either Party to a court of competent jurisdiction solely for the purposes of securing a temporary or preliminary injunction or other relief to preserve the status quo or avoid irreparable harm. The Parties shall continue to perform each of their respective obligations under this Agreement during the pendency of any dispute; provided that this obligation shall not apply after the termination of this Agreement (except with respect to payments of amounts due and owing under this Agreement).

4.9 Jurisdiction and Venue. City and Rosehill, to the fullest extent permitted by applicable law, irrevocably (i) submit to the exclusive jurisdiction of the district courts located in Dallas County, Texas and any appellate court thereof; (ii) waive any objection which either may have to the laying of venue of any proceedings brought in any such court and (iii) waive any claim that such proceedings have been brought in an inconvenient forum. Nothing in this provision shall prohibit a party from bringing an action to enforce a money judgment in any other jurisdiction where the courts of such jurisdiction have jurisdiction over the other party.

4.10 Audits. Each Party has the right, at its sole expense, during normal working hours and upon thirty days' written notice to examine copies of the relevant portions of the records of the other Party to the extent reasonably necessary to verify the accuracy of any invoice, charge or calculation made pursuant to this Agreement within the twelve (12) month period immediately preceding such notice. Neither Party shall have the right to conduct such an audit more than once during any given twelve (12) month period. If any such examination reveals any inaccuracy in any invoice or calculation, the necessary adjustments in such invoice or calculation, and the payment of any adjustment thereto, shall be paid, with interest at the interest rate provided by the Texas Prompt Payment Act calculated from the date the overpayment or underpayment was made until paid, by the responsible Party within thirty days after it receives an invoice from the other Party setting forth in reasonable detail the calculation of such adjustments.

4.11 Accommodation of Financing Parties. To facilitate Rosehill in obtaining financing to construct and operate the Project, City shall make reasonable efforts to provide such consents to assignments, certifications, representations, information or other documents as may be reasonably requested by Rosehill or Rosehill's financing parties in connection with the financing of the Project; provided that in responding to any such request, the City shall have no obligation to provide any consent, certification, representation, information or other document, or enter into any agreement, that materially adversely affects, or could reasonably be expected to have or result in a material adverse effect on, any of City's rights, benefits, risks or obligations under this Agreement. Rosehill shall reimburse, or shall cause the financing parties to reimburse, the City for the incremental, direct, and documented third party expenses (including, without limitation, the reasonable fees and expenses of outside counsel) incurred by the City in the preparation, negotiation, execution or delivery of any documents requested by Rosehill or the financing parties, and provided by City, pursuant to this Section 4.11; provided, the City's reasonable fees and expenses of outside counsel shall be capped at \$3,500.00 per request.

4.12 Entire Agreement. This Agreement constitutes the entire understanding and agreement of the parties as to the matters set forth in this Agreement. No alteration of or amendment to this Agreement shall be effective unless given in writing and signed by the party or parties sought to be charged or bound by the alteration or amendment.

4.13 Binding Effect; Successors and Assigns. The terms and conditions of this Agreement are binding upon the successors and assigns of the parties hereto. This Agreement, or the right to receive grant payments, pursuant to this Agreement, may not be assigned, in whole or in part, without the express written consent of the City; provided that Rosehill may, without the City's consent, assign this Agreement to a wholly-owned subsidiary or affiliate of Rosehill. For purposes of this Agreement, performance by a successor or an affiliate of Rosehill, or performance by a party with whom Rosehill or its affiliates contract shall be deemed to be performance by Rosehill.

4.14 Amendments. No modifications or amendments to this Agreement shall be valid unless in writing and signed by a duly authorized signatory.

4.15 Severability. In the event any provision of this Agreement shall be determined by any court of competent jurisdiction to be invalid or unenforceable, the Agreement shall, to the extent reasonably possible, remain in force as to the balance of its provisions as if such invalid provision were not a part hereof.

4.16 Default and Claw-Back. The City shall give Rosehill written notice of default(s) of any provision of this Agreement. In the event Rosehill disputes the notice of default, the Parties shall follow the provisions of Section 4.8. In the event that Rosehill does not dispute the notice of default and fails to cure the default(s) within thirty (30) days of receipt of the notice of default (or has failed to commence and diligently pursue such cure within such thirty (30) day period if cure cannot be completed within such thirty (30) day period), the Developer shall within 60 days reimburse the City for all fees rebated to Rosehill up to the time of the default. Failure on the part of the City to exercise any right contained in this Agreement shall not constitute waiver of any right in the event of any subsequent default, and no waiver shall be effective unless in writing, executed by both the City and the Rosehill.

4.17 Notices. All notices required to be given under this Agreement shall be in writing and shall be given by either party or its counsel in person, via an express mail service or via courier or via receipted facsimile transmission (but only if duplicate notice is also given via express mail service or via courier or via certified mail) or certified mail, return receipt requested, to the respective parties at the below addresses (or at such other address as a party may hereafter designate for itself by notice to the other party as required hereby). All notices given pursuant to this paragraph shall be deemed effective, as applicable, on the date such notice may be given in person, next business day following the date on which such communication is transferred via facsimile transmission, or as applicable, deposited with the express mail service, courier, or in the United States mails. Any party may change its address for notices under this Agreement by giving formal written notice to the other parties, specifying that the purpose of the notice is to change the party's address.

If to City: City of Garland
200 North Fifth
Garland TX 75040
Attn: City Manager
Phone: (972) 205-2000
Fax: (972) 205-2504

With a required copy to:

Mr. Brian England
Deputy City Attorney
200 N. Fifth Street
Fourth Floor
Garland TX 75046
Phone: (972) 205-2380
Fax: (972) 205-2389
bengland@garlandtx.gov

If to Rosehill: Parks at Rosehill, LLC
16475 Dallas Pkwy, Suite 540
Addison, TX 75001
Attn: Shane Jordan
Phone: 972-231-8600
Fax: 972-231-8695

With required copies to:

Abernathy, Roeder, Boyd & Hullett, P.C.
1700 Redbud Blvd., Suite 300
McKinney, TX 75069
Attn: Bob Roeder
Phone: 214-544-4000
Fax: 214-544-4040

4.18 Employment of Undocumented Workers. During the term of this Agreement Rosehill agrees not to knowingly employ any undocumented workers and if convicted of a violation under 8 U.S.C. Section 1324a (f), Rosehill shall repay the amount of the Annual Grants and any other funds received by Rosehill from the City as of the date of such violation within 120 business days after the date Rosehill is notified by the City of such violation, plus interest at the rate of 6% compounded annually from the date of violation until paid. Rosehill is not liable for a violation of this Section in relation to any workers employed by a subsidiary, affiliate, or franchisee of Rosehill or by a person with whom Rosehill contracts.

4.19 Non-Collusion. Rosehill represents and warrants that neither Rosehill nor anyone on Rosehill's behalf has given, made, promised or paid, nor offered to give, make, promise or pay any gift, bonus, commission, money or other consideration to any employee, agent, representative or official of the City as an inducement to or in order to obtain the benefits to be provided by the City under this Agreement.

4.20 Time of the Essence. Time is of the essence in the performance of this Agreement. If any deadline contained herein ends on a Saturday, Sunday or a legal holiday recognized by the Texas Supreme Court, such deadline shall automatically be extended to the next day that is not a Saturday, Sunday or legal holiday.

4.21 Chapter 2270 Verification. Pursuant to Chapter 2270 of the Texas Government Code, Rosehill hereby certifies that it does not boycott Israel and will not boycott Israel during the term of this Agreement.

4.22 Exhibits Incorporated by Reference. All exhibits attached hereto are incorporated herein by reference and made a part hereof for all purposes.

4.23 Multiple Counterparts. This Agreement may be executed in multiple counterparts, each of which shall have the force and effect of any original, as of the Effective Date.

[Signature Pages to follow]

Executed and effective as of the ____ day of _____, 2018.

ROSEHILL

Parks at Rosehill, LLC, a Texas limited liability
company

By: _____
Name: Shane Jordan
Title: _____

Executed and effective as of the ____ day of _____, 2018.

CITY
City of Garland,
a Texas home-rule municipality

By: _____
Name: Lori Barnett Dodson
Title: Mayor

List of Exhibits

Exhibit A	Description of the Property
Exhibit B	Preliminary Development Plan, once approved and accepted by City
Exhibit C	Details of Public Infrastructure and Requested Public Improvements

Exhibit A

**28.016 ACRES
ROSE HILL ROAD
BOUNDARY SURVEY
LOT 1, BLOCK 1, JORDAN ADDITION**

SITUATED IN THE
WILLIAM S. PEGUES SURVEY, ABSTRACT NO. 1158
MCKINNEY AND WILLIAMS SURVEY, ABSTRACT NO. 1037
CITY OF GARLAND, DALLAS COUNTY, TEXAS

BEING a 28.016 acre tract of land situated in the William S. Pegues Survey, Abstract No. 1158, and the McKinney and Williams Survey, Abstract No. 1037, in the City of Garland, Dallas County, Texas, being a portion of that certain called 32.132 acre tract of land conveyed to Lavender Hill Properties, LLLP by deed recorded in Instrument No. 201300387279, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.), a portion of that certain tract of land conveyed to Lavender Hill Properties, LLLP, by deed recorded in Instrument No. 201300387282, O.P.R.D.C.T., a portion of that certain tract of land conveyed to the City of Garland, Texas by deed recorded in Instrument No. 201800011453, O.P.R.D.C.T., and a portion of Lot 1, Block 1, Jordan Addition, an addition in the City of Garland, according to the plat thereof recorded in Volume 94198, Page 1895, Deed Records, Dallas County, Texas (D.R.D.C.T.), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for the northeast corner of said Lot 1, Block 1, Jordan Addition, and being the southeast corner of Myers Meadow, an addition in the City of Garland, according to the plat thereof recorded in Instrument No. 200600322074, O.P.R.D.C.T., and being in the west line of said called 32.132 acre tract, from which a 1/2-inch iron rod found (disturbed) bears S 29° 21' 38" E, a distance of 0.24 feet;

THENCE N 00° 50' 33" W, along the common line of said called 32.132 acre tract and said Myers Meadow, passing at a distance of 284.06 feet a 1/2 inch iron rod found for the common corner of Lot 4, Block 2, and Lot 5, Block 2, of said Myers Meadow and continuing a total distance of 371.63 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for the northwest corner of said called 32.132 acre tract, and being in the south line of a tract of land conveyed to Dortha Nell Willeford by deed recorded in Volume 3875, Page 337, D.R.D.C.T.;

THENCE N 89° 06' 10" E, along the common line of said called 32.132 acre tract, said Willeford Tract, and a tract of land conveyed to Jane and Durona Wade according to the Probate Records of Dallas County, Texas, a distance of 324.30 feet to a concrete monument found stamped "TUELECT", said point being the common corner of said Willeford tract, and Lot 1, Block 1, Bobtown Subdivision, an addition in the City of Garland, according to the plat thereof recorded in Volume 88142, Page 2226, D.R.D.C.T.;

THENCE N 89° 20' 31" E, along the common line of said called 32.132 acre tract, and said Lot 1, Block 1, Bobtown Subdivision, passing a concrete monument found stamped "TUELECT" at a distance of 274.77 feet for the common corner of said Lot 1, Block 1, Bobtown Subdivision, and a called 4.353 acre tract of land conveyed to the City of Garland, Texas according to the deed recorded in Volume 2002136, Page 4382, D.R.D.C.T. and continuing for a total distance of 275.10 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner in the common line of said 32.132 acre tract and said 4.353 acre tract;

THENCE departing said common line and crossing said 32.132 acre tract, the following courses and distances:

S 00° 44' 29" E, a distance of 115.48 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

N 89° 15' 31" E, a distance of 105.51 feet to 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

In a northeasterly direction, with a tangent curve to the left having a central angle of 41° 40' 09", a radius of 325.00 feet, a chord that bears N 68° 25' 26" E, a distance of 231.19 feet and an arc distance of 236.36 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

In a northeasterly direction along a reverse curve the right having a central angle of 41° 45' 10", a radius of 375.00 feet, a chord that bears N 68° 27' 57" E, a distance of 267.26 feet and an arc distance of 273.27 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

N 89° 20' 32" E, a distance of 15.16 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

N 44° 32' 19" E, a distance of 21.14 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner in the west right-of-way line of Rosehill Road (a variable with public right-of-way), from which a 1/2 inch iron rod found bears N 00° 15' 48" W, a distance of 278.38 feet;

THENCE S 00° 15' 48" E, along said west right-of-way line of said Rosehill Road, a distance of 86.50 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

THENCE departing said west right-of-way line of Rosehill Road, the following courses and distances:

N 45° 27' 38" W, a distance of 21.14 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 89° 20' 32" W, a distance of 22.17 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

In a southwesterly direction along a tangent curve to the left, having a central angle of 40° 56' 04", a radius of 325.00 feet, and a chord that bears S 68° 52' 30" W a distance of 227.29 feet and an arc distance of 232.19 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

In a southwesterly direction along a reverse curve to the right, having a central angle of 40° 51' 03", a radius of 375.00 feet, and a chord that bears S 68° 49' 59" W a distance of 261.74 feet and an arc distance of 267.37 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 89° 15' 31" W, a distance of 75.93 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 00° 15' 48" E, a distance of 443.86 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

N 89° 15' 31" E, a distance of 48.22 feet to 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

In a southeasterly direction along a non-tangent curve to the right having a central angle of 141° 00' 51", a radius of 60.00 feet, and a chord that bears S 20° 14' 04" E a distance of 113.12 feet and an arc distance of 148.28 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 28° 21' 21" W, a distance of 26.21 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 00° 44' 29" E, a distance of 64.95 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 29° 59' 27" E, a distance of 26.18 feet to 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

In a southwesterly direction with a non-tangent curve to the right having a central angle of 141° 35' 40", radius of 60.00 feet, and a chord that bears S 18° 44' 16" W a distance of 113.32 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 89° 32' 06" W, a distance of 7.08 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 00° 27' 54" E, a distance of 115.00 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 89° 32' 06" W, a distance of 611.95 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 23° 56' 56" E, a distance of 261.76 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 66° 03' 04" W, a distance of 115.00 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 23° 56' 56" E, a distance of 268.85 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 70° 14' 36" E, a distance of 34.34 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner in the southeast line of said City of Garland tract and the northwest right-of-way line of Interstate Highway 30 (U.S. Highway 67) (a variable width right-of-way), from which a TXDOT right-of-way monument found at the south end of a right-of-way corner clip at the intersection of said west right-of-way line of Rosehill Road and said northwest right-of-way line of Interstate Highway 30 bears N 63° 26' 55" E, a distance of 939.15 feet;

THENCE S 63° 26' 55" W, along said southeast line of the City of Garland tract and said northwest right-of-way line of Interstate Highway 30, a distance of 99.78 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

THENCE departing said southeast line of the City of Garland tract and said northwest right-of-way line of Interstate Highway 30, the following courses and distances:

N 19° 45' 24" E, a distance of 35.96 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

N 23° 56' 56" W, a distance of 271.11 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 66° 03' 04" W, a distance of 225.99 feet to a point for corner in a creek, same being in the southwest line of said Lot 1, Block 1, Jordan Addition and the northeast line of Lot 2, Block 1, Castleglen Estates No. 4, an addition to the City of Garland according to the plat thereof recorded in Volume 82177, Page 2951, D.R.D.C.T.;

THENCE along the common line of said Lot 1, Block 1, Jordan Addition and said Lot 2, Block 1, Castleglen Estates No. 4, the following courses and distances:

N 25° 06' 08" W, a distance of 422.71 feet to a point for corner in a creek;

In a northwesterly direction with a tangent curve to the left having a central angle of 40° 15' 02", a radius of 200.00 feet, and a chord that bears N 45° 13' 37" W a distance of 137.63 feet and an arc distance of 140.50 feet to a point for corner in a creek;

N 65° 21' 08" W, a distance of 84.87 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner in the common line of said Lot 1, Block 1, Jordan Addition, and a tract of land conveyed to John R. Wynne, Family Testamentary Trust according to the deed recorded in Volume 95060, Page 4342, D.R.D.C.T., from which a 1/2-inch iron rod found for reference bears S 83° 10' 41" E, a distance of 0.30 feet;

THENCE N 02° 37' 06" E, along the common line of said Lot 1, Block 1, Jordan Addition, and said Wynne tract, passing at a distance of 151.33 feet the northwest corner of said City of Garland tract, passing the common corner of said Wynne tract, and Lot 1, Block 1, Anderson Estates, an addition to the City of Garland according to the plat thereof recorded in Volume 71159, Page 2433, D.R.D.C.T., and continuing for a total distance of 554.34 feet to a 5/8-inch iron rod found for the common corner of said Lot 1, Block 1, Jordan Addition, and said Lot 1, Block 1, Anderson Estates, and said Myers Meadows;

THENCE N 89° 48' 39" E, along the common line of said Lot 1, Block 1, Jordan Addition, and said Myers Meadow, a distance of 517.95 feet to the **POINT OF BEGINNING AND CONTAINING** 1,220,395 square feet or 28.016 acres of land, more or less.

Exhibit B

(To Come)

Exhibit C

Rosehill Park Conceptual Opinion of Probable Cost For Off-Site Access Roads, Drainage, Erosion Control and Utilities At Rosehill Road and I-30 West Bound Service Road, City of Garland, Dallas Co., Texas

STREET A

Description	Units	Quantity	Unit Price	Estimated Cost
STREET A EXCAVATION FROM ROSEHILL ROAD TO SINGLE FAMILY DEVELOPMENT				
Clearing & Grubbing	S.F.	34,421	\$0.08	\$2,134.10
Street Excavation	C.Y.	2,433	\$2.25	\$5,474.25
			Subtotal:	\$7,608.35
STREET A PAVING FROM ROSEHILL ROAD TO SINGLE FAMILY DEVELOPMENT				
Sawcut & Remove Concrete Curb & Gutter	L.F.	93	\$16.00	\$1,488.00
Sawcut 5' Wide Concrete Sidewalk	L.F.	10	\$12.00	\$120.00
Remove Existing 5' Sidewalk	S.F.	504	\$3.00	\$1,512.00
Construct Road w/ Class C Reinforced Conc. 6" Thick Pavement with # 3 Bars @ 24" O.C. B.W.	S.Y.	2,230	\$34.00	\$75,820.00
6" Lime / Cement Stabilized Subgrade; Subgrade Ratio - Lime 18# per S.Y., Cement 36# per S.Y.	S.Y.	2,375	\$5.75	\$13,656.25
Lime Material	TONS	22	\$155.00	\$3,410.00
Cement Material	TONS	43	\$205.00	\$8,815.00
Construct 6' Wide Concrete Sidewalk	S.F.	7,626	\$6.50	\$49,569.00
Construct Barrier Free Ramps	L.S.	2	\$1,250.00	\$2,500.00
			Subtotal:	\$156,890.25
STREET A DRAINAGE FROM ROSEHILL ROAD TO SINGLE FAMILY DEVELOPMENT				
Sawcut Existing Concrete Pavement for Access to 48" RCP Located in Rosehill Road	L.F.	37	\$12.00	\$444.00
Remove & Replace Existing Concrete Pavement in Rosehill for Storm Installation	S.Y.	15	\$135.00	\$2,025.00
Connect Proposed 36" RCP to Existing 48" RCP in Rosehill Road	L.S.	1	\$750.00	\$750.00
Install 36" RCP	L.F.	46	\$125.00	\$5,750.00
Install 24" RCP	L.F.	109	\$80.00	\$8,720.00
Install 21" RCP	L.F.	402	\$70.00	\$28,140.00
Install 10' Curb Inlets	EA.	4	\$3,600.00	\$14,400.00
Install 4'x 4' Wye Inlet	EA.	1	\$2,500.00	\$2,500.00
			Subtotal:	\$62,729.00
STREET A WATER LINE FROM ROSEHILL ROAD TO SINGLE FAMILY DEVELOPMENT				
Connect to Existing 8" Stub out	EA.	1	\$800.00	\$800.00
8" Water Line	L.F.	712	\$30.00	\$21,360.00
8" Valves	EA.	4	\$1,500.00	\$6,000.00
Water Fittings	TON	0.70	\$5,800.00	\$4,060.00
			Subtotal:	\$32,220.00
STREET LIGHTING & SIGNAGE ALONG STREET A				
Street Lighting	EA.	2	\$2,000.00	\$4,000.00
Street Signage on Pole	EA.	1	\$200.00	\$200.00
			Subtotal:	\$4,200.00
EROSION CONTROL ALONG STREET A				
8' Wide Curlex	L.F.	1,249	\$0.93	\$1,161.57
Inlet Protection	EA.	5	\$290.00	\$1,450.00
			Subtotal:	\$2,611.57
			Street A Total:	\$266,259.17

Rosehill Park
 Conceptual Opinion of Probable Cost For Off-Site
 Access Roads, Drainage, Erosion Control and Utilities
 At Rosehill Road and I-30 West Bound Service Road,
STREETS E & F (EAST HALF) City of Garland, Dallas Co., Texas

Description	Units	Quantity	Unit Price	Estimated Cost
STREET E & F EXCAVATION				
Clearing & Grubbing	S.F.	22,000	\$0.06	\$1,364.00
Street Excavation	C.Y.	800	\$2.25	\$1,800.00
			Subtotal:	\$3,164.00
STREET E & F PAVING				
Construct Road w/ Class C Reinforced Conc. 6" Thick Pavement with # 3 Bars @ 24" O.C. B.W.	S.Y.	802	\$34.00	\$27,268.00
6" Lime / Cement Stabilized Subgrade; Subgrade Ratio - Lime 18# per S.Y., Cement 36# per S.Y.	S.Y.	860	\$5.75	\$4,945.00
Lime Material	TONS	8.0	\$155.00	\$1,240.00
Cement Material	TONS	16.0	\$205.00	\$3,280.00
Construct Barrier Free Ramps	L.S.	2	\$1,250.00	\$2,500.00
6' Wide Sidewalk	S.F.	2,826	\$6.50	\$18,369.00
			Subtotal:	\$57,602.00
STREET E & F DRAINAGE				
Install 18" RCP	EA.	101	\$70.00	\$7,070.00
Install 10" Curb Inlets	EA.	1	\$3,600.00	\$3,600.00
Install 4"x 4" Wye Inlet	EA.	2	\$2,500.00	\$5,000.00
			Subtotal:	\$15,670.00
STREET E & F UTILITY LINES FROM ROSEHILL ROAD				
8" Sewer Line	L.F.	32		\$0.00
4" Manhole	EA.	0.5		\$0.00
8" Water Line	L.F.	122	\$30.00	\$3,660.00
Water Fittings	TON	0.25	\$5,800.00	\$1,450.00
			Subtotal:	\$5,110.00
STREET LIGHTING & SIGNAGE ALONG STREET A				
Street Lighting	EA.	1	\$4,000.00	\$4,000.00
Street Signage on Pole	EA.	1	\$200.00	\$200.00
			Subtotal:	\$4,200.00
EROSION CONTROL ALONG STREET E & F				
8' Wide Curlex	L.F.	471	\$0.93	\$438.03
Inlet Protection	EA.	3	\$290.00	\$870.00
			Subtotal:	\$1,308.03
			Streets E & F Total:	\$87,054.03
STREET F STORM SEWER TO ELIMINATE STORM SEWER ON CITY PROPERTY PER THOM G.				
Install 54" RCP's	L.F.	190	\$205.00	\$38,950.00
Install 48" RCP's	L.F.	50	\$167.00	\$8,350.00
Install 36" RCP's	L.F.	30	\$125.00	\$3,750.00
Install 30" RCP's <8 feet deep	L.F.	77	\$85.00	\$6,545.00
Install 30" RCP's 8 - 10 feet deep	L.F.	200	\$89.00	\$17,800.00
Install 24" RCP's	L.F.	120	\$80.00	\$9,600.00
Install 21" RCP's	L.F.	138	\$70.00	\$9,660.00
Install 54" Headwall	EA.	1	\$7,250.00	\$7,250.00
Install Double 48" Headwall	EA.	2	\$10,000.00	\$20,000.00
Install 48" Headwall	EA.	1	\$4,600.00	\$4,600.00
Install 30" Headwall	EA.	1	\$3,650.00	\$3,650.00
Trench Safety	L.F.	280	\$1.00	\$280.00
			Street F StormSewerTotal	\$130,435.00

Rosehill Park
Conceptual Opinion of Probable Cost For Off-Site
Access Roads, Drainage, Erosion Control and Utilities
At Rosehill Road and I-30 West Bound Service Road,
City of Garland, Dallas Co., Texas

STREET G

Description	Units	Quantity	Unit Price	Estimated Cost
STREET G EXCAVATION FROM I-30 RIGHT OF WAY TO SINGLE FAMILY DEVELOPMENT				
Clearing & Grubbing	S.F.	14,849	\$0.06	\$920.64
Street Excavation	C.Y.	909	\$2.25	\$2,045.25
			Subtotal:	\$2,965.89
STREET G PAVING FROM I-30 RIGHT OF WAY TO SINGLE FAMILY DEVELOPMENT				
Sawcut & Remove Concrete Curb & Gutter	L.F.	88	\$16.00	\$1,408.00
Construct Road w/ Class C Reinforced Conc. 6" Thick Pavement with # 3 Bars @ 24" O.C. B.W.	S.Y.	918	\$34.00	\$31,212.00
6" Lime / Cement Stabilized Subgrade; Subgrade Ratio - Lime 18# per S.Y., Cement 36# per S.Y.	S.Y.	990	\$5.75	\$5,692.50
Lime Material	TONS	9	\$155.00	\$1,395.00
Cement Material	TONS	17	\$205.00	\$3,485.00
Construct 6' Wide Concrete Sidewalk	S.F.	3,372	\$6.50	\$21,918.00
Barrier Free Ramps	EA.	2	\$1,250.00	\$2,500.00
			Subtotal:	\$87,610.50
STREET G DRAINAGE FROM I-30 WEST BOUND SERVICE ROAD TO SINGLE FAMILY DEVELOPMENT				
48" RCP Culvert	L.F.	430	\$245.00	\$105,350.00
24" RCP	L.F.	22	\$80.00	\$1,760.00
10' Curb Inlets	EA.	2	\$3,600.00	\$7,200.00
Multiple Pipe Type B Headwalls	EA.	2	\$3,600.00	\$7,600.00
			Subtotal:	\$121,910.00
STREET G WATER LINE FROM I-30 WEST BOUND SERVICE ROAD TO SINGLE FAMILY DEVELOPMENT				
Connect to Existing 12" Water Line with 12"x 8" Tapping Sleeve	EA.	1	\$2,850.00	\$2,850.00
8" Water line	L.F.	303	\$30.00	\$9,090.00
8" Valves	EA.	3	\$1,500.00	\$4,500.00
Water Fittings	TON	0.58	\$5,800.00	\$3,364.00
			Subtotal:	\$19,804.00
STREET G LIGHTING & SIGNAGE				
Street Lighting	EA.	2	\$4,000.00	\$8,000.00
Street Signage on Pole	EA.	1	\$200.00	\$200.00
			Subtotal:	\$8,200.00
EROSION CONTROL ALONG STREET G				
8' Wide Curlex	L.F.	635	\$0.93	\$590.55
Inlet Protection	EA.	2	\$290.00	\$580.00
			Subtotal:	\$1,170.55
			Street G Total:	\$221,660.94

Rosehill Park
 Conceptual Opinion of Probable Cost For Off-Site
 Access Roads, Drainage, Erosion Control and Utilities
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 City of Garland, Dallas Co., Texas

I-30 DECELERATION LANE (WEST BOUND)

EXCAVATION OF I-30 DECELERATION LANE ALONG WEST BOUND RIGHT OF WAY				
Clearing & Grubbing	S.F.	3,579	\$0.06	\$214.74
Street Excavation	C.Y.	223	\$2.25	\$501.75
			Subtotal:	\$716.49
DECELERATION LANE PAVING ALONG WEST BOUND I-30				
EXCAVATION OF I-30 DECELERATION LANE ALONG				
Sawcut & Remove Concrete Curb & Gutter	L.F.	293	\$16.00	\$4,688.00
Construct Turn Lane with 4000 P.S.I., 7" Thick Concrete w/ No. 5 Bars @ 24" O.C.B.W.	S.Y.	398	\$42.00	\$16,716.00
Lime Material	TONS	5	\$155.00	\$775.00
Cement Material	TONS	9	\$205.00	\$1,845.00
6" Lime Stabilized Subgrade to 95% Standard Proctor Density	S.Y.	467	\$5.75	\$2,685.31
			Subtotal:	\$26,709.31
DECELERATION LANE DRAINAGE ALONG WEST BOUND I-30 WEST BOUND SERVICE ROAD				
Remove & Dispose of Existing TxDOT Curb & Grate-Type 1 Inlet	EA.	1	\$875.00	\$875.00
Construct TxDOT 5' Curb & Grate-Type 1 Inlet in Decel. Lane	EA.	1	\$4,600.00	\$4,600.00
Install 24" RCP	L.F.	13	\$80.00	\$1,040.00
Install 24"x 24" Wye Connection to Existing 24" RCP	EA.	1	\$650.00	\$650.00
			Subtotal:	\$7,165.00
DECELERATION LANE EROSION CONTROL				
EXCAVATION OF I-30 DECELERATION LANE ALONG				
Install 8' Wide Curlex	L.F.	238	\$0.93	\$221.34
Inlet Protection Install and Remove	EA.	1	\$290.00	\$290.00
			Subtotal:	\$511.34
			Deceleration Lane Total:	\$35,102.14
<u>HIKE AND BIKE TRAIL</u>				
12' Wide Hike & Bike Trail along Street E Running East & West	S.F.	6,158	\$6.50	\$40,030.09
6' Wide Hike & Bike Trail Blocks E & F Running North & South	S.F.	2,287	\$6.50	\$14,865.50
Barrier Free Ramps	EA.	4	\$1,250.00	\$5,000.00
			Subtotal:	\$59,895.59

Rosehill Park
Conceptual Opinion of Probable Cost For Off-Site
Access Roads, Drainage, Erosion Control and Utilities
At Rosehill Road and I-30 West Bound Service Road,
City of Garland, Dallas Co., Texas

MASS GRADING

Description	Units	Quantity	Unit Price	Estimated Cost
EXCAVATION ON CITY OF GARLAND PROPERTY				
Clearing & Grubbing	S.F.	269,339	\$0.06	\$16,160.34
Dirt Fill in Specified Location	C.Y.	16,702	\$2.25	\$37,579.50
			Subtotal:	\$53,739.84
EROSION CONTROL FOR MASS GRADING LOCATION ON CITY OF GARLAND PROPERTY				
Wire Mesh Reinforced Silt Fence Install and remove	L.F.	417	\$2.39	\$996.63
STORM WATER POLLUTION PREVENTION				
SWPPP - Maintenance	L.S.	1	\$7,000.00	\$7,000.00
SWPPP - Inspection & Administration	L.S.	1	\$15,000.00	\$15,000.00
			Subtotal:	\$22,000.00
			Mass Grading Total:	\$76,736.47

RETAINING WALLS

Description	Units In Linear Feet	Quantity SQ FT	Unit Price	Estimated Cost
Original Project				
Stone gravity retaining walls (0' to 3' Height)	3,059	13,769	\$13.22	\$182,021
Stone gravity retaining walls (3.1' to 5' Height)	1,041	7,288	\$14.22	\$103,637
Stone gravity retaining walls (5.1' to 7' Height)	510	4,897	\$16.22	\$79,422
Stone gravity retaining walls (7.1' to 9' Height)	254	3,099	\$18.22	\$56,465
Stone gravity retaining walls (9.1' to 10' Height)	75	1,013	\$19.22	\$19,462
				\$441,007.00
Revised Project Due To Land Swap				
Stone gravity retaining walls (0' to 3' Height)	6,904	31,075	\$13.22	\$410,812
Stone gravity retaining walls (3.1' to 5' Height)	1,694	11,860	\$14.22	\$168,646
Stone gravity retaining walls (5.1' to 7' Height)	923	8,862	\$16.22	\$143,738
Stone gravity retaining walls (7.1' to 9' Height)	785	9,578	\$18.22	\$174,508
Stone gravity retaining walls (9.1' to 11' Height)	194	2,871	\$20.22	\$58,060
Stone gravity retaining walls (11.1' to 12' Height)	4	64	\$21.23	\$1,367
				\$957,131
Wall Cost as a result of the Land Swap			Subtotal	\$516,124

PERIMETER SCREEN WALL

Description	Units	Quantity	Unit Price	Estimated Cost
Original Project				
Brick Screen Wall	L.F.	896	\$110.00	\$98,560
Revised Project Due To Land Swap				
Brick Screen Wall	L.F.	250	\$110.00	\$27,500.00
			Subtotal	-\$71,060.00

MISCELLANEOUS FOR ALL ELEMENTS

Description	Units	Quantity	Unit Price	Estimated Cost
Construction Staking	LS	1	\$12,000.00	\$12,000.00
Maintenance Bond	L.F.	1	\$3,500.00	\$3,500.00
Testing	LS	1	\$17,000.00	\$17,000.00
Trench Safety Program	LF	1,704	\$2.06	\$3,510.24
			Subtotal:	\$36,010.24

Rosehill Park
Conceptual Opinion of Probable Cost For Off-Site
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At Rosehill Road and I-30 West Bound Service Road,
City of Garland, Dallas Co., Texas

CONSTRUCTION COST

STREET A	\$266,259.17
STREET G	\$221,660.94
STREET E & F (East)	\$87,054.03
STREET F STORM PER THOM G.	\$130,435.00
DECELERATION LANE	\$35,102.14
HIKE & BIKE TRAIL	\$59,895.59
MASS GRADING	\$76,736.47
RETAINING WALLS	\$516,124.00
PERIMETER SCREEN WALL	-\$71,060.00
MISCELLANEOUS	\$36,010.24
TOTAL CONSTRUCTION COST	\$1,358,217.58

PRELIMINARY DESIGN & DETAIL PLAN	\$50,000.00
FINAL DESIGN 8.5% OF CONSTRUCTION COST	\$115,448.49
INCREASE IN STRUCTURAL ENGINEERING	\$2,500.00
REVISED LANDSCAPE PLAN	\$8,000.00
INCREASE IN LAND COST / DELAY	\$25,000.00
CITY FEES	\$26,798.87
CONSTRUCTION MGMT/DEVELOPER OVERHEAD	\$182,839.93
CONTINGENCY	\$203,732.64
ADDITIONAL ITEMS TOTAL	\$614,319.94
TOTAL PROJECTED COST	\$1,972,537.52

NOTES:

ITEMS EXCLUDED INCLUDE, BUT ARE NOT LIMITED TO:

- INTEREST EXPENSE
- ADDITIONAL DEVELOPMENT COSTS FROM LAND SWAP
- LANDSCAPE
- FRANCHISE UTILITY COSTS
- CITY FEES EXCEPT AS NOTED ASSUMED AS 4% OF CONSTRUCTION COST
- PROFESSIONAL FEES EXCEPT AS NOTED

THIS OPINION IS BASED UPON STANDARD CONSTRUCTION PRACTICES
AND MATERIALS AS OF THE DATE WRITTEN.

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW
UNDER THE AUTHORITY OF C. MICHAEL DANIEL, P.E. 62457.

DATE: 3-08-2018

IT IS NOT TO BE USED FOR BIDDING, CONSTRUCTION OR PERMIT PURPOSES.

NATHAN D. MAIER, INC.
CONSULTING ENGINEERS
TEXAS REG. NO F-356



GARLAND POLICY REPORT

City Council Regular Session Agenda

9.

Meeting Date: July 17, 2018

Item Title: A Resolution Approving Sale of Real Property Located in the Rose Hill Targeted Investment Area to the Garland Foundation for Development

Submitted By: Rick Vasquez, Assistant City Manager

Strategic Focus Areas: Growing Economic Base
Vibrant Neighborhoods and Commercial Centers

ISSUE

A Resolution Approving Sale of Real Property Located in the Rose Hill Targeted Investment Area to the Garland Foundation for Development; and, Authorizing the Mayor to Execute A Deed Conveying the Property to the Garland Foundation for Development; and, Authorize the City Manager to Enter a Purchase Agreement Between the City of Garland and Garland Foundation for Development, Inc.

RECOMMENDATION

Approve resolution to transfer real property from the City of Garland to the Garland Foundation for Development.

Attachments

Resolution to transfer land to GFD.

Purchase Agreement Rosehill

RESOLUTION NO. _____

A RESOLUTION APPROVING THE SALE OF REAL PROPERTY GENERALLY LOCATED IN THE AREA OF EAST INTERSTATE HIGHWAY 30 AND ROSEHILL (THE "PROPERTY"); AUTHORIZING THE MAYOR OF THE CITY OF GARLAND TO EXECUTE A DEED CONVEYING THE PROPERTY TO THE GARLAND FOUNDATION FOR DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City is the owner of certain real property located in Dallas County, Texas ("Property"), which is more particularly described in the deed attached hereto as Exhibit A, which is incorporated herein by reference ("Deed");

WHEREAS, pursuant to Resolution No. 9931, the City Council of the City of Garland authorized the creation of the Garland Foundation for Development, Inc., a local government corporation ("Buyer"), to aid and act on behalf of the City to accomplish any governmental purpose of the City; and

WHEREAS, the City has determined that selling the Property to the Foundation is in the public's best interest because it allows for the development of the Property.

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

Section 1

That the sale and conveyance of the Property, by the City of Garland to the Buyer is hereby approved.

Section 2

That the Mayor is hereby authorized to execute the Deed conveying the Property to the Buyer.

Section 3

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

PASSED AND APPROVED this the ____ day of _____,
2018.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

REAL PROPERTY PURCHASE & DEVELOPMENT AGREEMENT

This Purchase and Development Agreement ("Contract") is made and entered into by and between **the City of Garland, Texas**, a home-rule municipality ("Seller" or "City") and **Garland Foundation for Development, Inc.**, a Texas local government corporation ("Buyer").

W I T N E S S E T H:

For and in consideration of the respective undertakings and agreements of Seller and Buyer set forth herein, the sufficiency of which are hereby mutually acknowledged, Seller and Buyer hereby agree as follows:

1. Property. Seller hereby agrees to sell and convey and Buyer hereby agrees to purchase and take from Seller, upon and subject to all of the terms and conditions set forth hereinafter all of that property located in Dallas County, City of Garland, Texas and more particularly described as,

**BEING a 10.942 acre tract of land situated in the William S. Pegues Survey, Abstract No. 1158, and the McKinney and Williams Survey, Abstract No. 1037, in the City of Garland, Dallas County, Texas, being a portion of that certain tract of land conveyed to the City of Garland, Texas by deed recorded in Instrument No. 201800011453, O.P.R.D.C.T., and a portion of Lot 1, Block 1, Jordan Addition, an addition in the City of Garland, according to the plat thereof recorded in Volume 94198, Page 1895, Deed Records, Dallas County, Texas (D.R.D.C.T.), and being more particularly described on Exhibit A, which is attached hereto and incorporated herein by reference.
("Land")**

2. Purchase Price. The total consideration for the sale of the Land shall be \$350,000.00 (the "Purchase Price"), all of such Purchase Price to be paid at closing on the closing date (same day funds).

3. Property Restriction. Seller and Buyer agree and acknowledge that the Land is being conveyed by Seller without competitive bids pursuant to Tex. Loc. Gov't Code 272.001(b)(4). Buyer agrees to serve as an independent foundation to have the Land developed as follows:

(A) Buyer agrees that subsequent to this transaction, the Land is to be sold to Parks at Rosehill, LLC ("Developer") for the construction of a single-family residential development on the Land, containing approximately 52 residential dwelling units ("Project").

(B) Buyer agrees that the Land shall be conveyed to the Developer, subject to the Restriction Agreement attached hereto as Exhibit A

4. Seller's Representations and Warranties. Seller represents and warrants to Buyer (which representations and warranties shall survive closing) that:

- (A) Seller is conveying to Buyer all of its interest to and in the Land.
- (B) There is no action, suit or proceeding pending or, to Seller's actual knowledge, threatened against or affecting the Land or any portion thereof or relating to or arising out of the ownership or use of the Land or any portion thereof in any court or before any administrative body or governmental authority.
- (C) There are no adverse or other parties in possession of the Land.
- (D) Neither the entering into of this Contract nor the consummation of the transaction contemplated hereby will constitute a violation or breach by Seller of (i) any contract or other instrument to which Seller is a party, or to which Seller is subject or by which any of Seller's assets or properties may be affected, or (ii) any judgment, order, writ, injunction or decree issued against or imposed upon Seller, nor result in a violation of any applicable law, order, rule or regulation of any governmental authority affecting Seller.
- (E) Seller is not a "foreign person" as such term is used in Section 1445 of the Internal Revenue Code.
- (F) To the best of Seller's knowledge: (1) the Land does not presently contain any Hazardous Materials (as defined below) in an amount, condition, location, manner of storage, degree or concentration in violation of any Environmental Laws (as defined below); (2) neither the Land nor Seller are currently in violation of or subject to any existing, pending or threatened investigation or inquiry by any governmental authority or any remedial obligations under any Environmental Laws; (3) Seller is not aware of any condition that could create liability to any party, public or private, of any environmental nature relating to the Land or due to the presence of any Hazardous Material on the Land; (4) Seller is in compliance with all applicable Environmental Laws with respect to the Land; (5) Seller is not aware of any release, spill, leak, discharge, disposal of, pumping, pouring, emitting, emptying, injecting, leaching, dumping or escape into or through the environment of any Hazardous Materials at, on, to or from the Land that is or could be a violation of any Environmental Law. In this Contract, the term "Environmental Laws" includes, but is not limited to, (a) with respect to federal law, CERCLA, the Hazardous Materials Transportation Act (49 U.S.C. §§ 1801 *et seq.*), the Resource Conservation and Recovery Act (42 U.S.C. §§ 6901 *et seq.*), the Federal Water Pollution Control Act (33 U.S.C. §§ 1251 *et seq.*), the Clean Air Act (42 U.S.C. §§ 7401 *et seq.*), the Toxic Substances Control Act (15 U.S.C. §§ 2601 *et seq.*), the Oil Pollution Act (33 U.S.C. §§ 2701 *et*

seq.), the Emergency Planning and Community Right-to-Know Act (42 U.S.C. §§ 11001 *et seq.*), the Occupational Safety and Health Act (29 U.S.C. §§ 651 *et seq.*), the Safe Drinking Water Act (42 U.S.C. § 300f *et. seq.*), the Surface Mine Conservation and Reclamation Act (30 U.S.C. §§ 1251-1279), and regulations adopted pursuant thereto, and counterpart state and local laws, regulations adopted pursuant thereto; and (b) with respect to Texas law the Solid Waste Disposal Act (TEX. HEALTH & SAFETY CODE, Chap. 361 *et. seq.*), the Texas Clean Air Act (TEX. HEALTH & SAFETY CODE, Chap. 382 *et. seq.*), the Texas Water Code (TEXAS WATER CODE, Chap. 1 *et. seq.*) and the regulations promulgated pursuant thereto. The term "Hazardous Materials" shall mean any hazardous, toxic or dangerous waste, substance, contaminant or material defined as such in any of the foregoing statutes and also includes lead-based paint, asbestos, radioactive materials, urea formaldehyde insulation or other substance considered to be hazardous by a reasonably prudent purchaser of real property.

- (G) This Contract constitutes the legal, valid and binding agreement of Seller, enforceable against Seller in accordance with its terms, and Seller has full power and authority to execute and deliver this Contract and to consummate the transactions contemplated hereby. The execution and delivery of this Contract and the consummation of the transactions contemplated hereby have been duly and validly authorized by all necessary corporate, partnership, trust or other action required on the part of Seller and this Contract has been duly and validly executed and delivered by Seller.

5. Conditions Precedent to Buyer's Obligation. The following matters shall constitute absolute conditions precedent to Buyer's obligation to purchase the Land:

- (A) Seller's representations and warranties shall be true and correct as of the closing date.
- (B) The Land is in the same or similar condition as it was when this Contract was fully executed.
- (C) Title to the Land shall remain as initially approved by Buyer in the Title Binder and on the Survey as set forth in the provisions of this Contract such that good and indefeasible title shall be conveyed to Buyer at closing.

In the event that the conditions set forth above are not satisfied at closing, then Buyer may either obtain a refund of all Earnest Money plus accrued interest thereon following which neither party shall thereafter have any further liability to the other hereunder, or Buyer may waive in writing the nonfulfillment of such condition and purchase the Land pursuant to the terms and provisions hereof without any reduction in the Purchase Price.

6. Feasibility Period; Remediation of Hazardous Wastes.

- (A) Buyer shall have the right for a period of fifteen calendar days (the "Feasibility Period") after the effective date (as provided below) of this Contract to enter onto the Land and to have full access the Land for the purpose of conducting such inspections, investigations, studies and tests as Buyer may deem fit. On or before the commencement of the Feasibility Period, Seller shall furnish Buyer with a copy of any hazardous waste reports or other environmental assessments, audits or test results obtained by Seller relative to any portion of the Land. In the event that Buyer determines, in its sole discretion, based upon its inspections, investigations, studies or tests, that the Land is not satisfactory for Buyer's purposes or is not suitable for Buyer's intended use, then Buyer shall deliver written notice of such determination to Seller on or before the expiration of the Feasibility Period. In the event of such termination, and provided that Buyer is not otherwise in default of any provision of this Contract, all Earnest Money together with any accrued interest shall be returned to Buyer by the Title Company, and thereafter this Contract shall terminate and neither party shall have any further obligation or liability to the other under this Contract.
- (B) If Buyer's inspections, investigations, studies or tests disclose the existence of any Hazardous Materials in, on or under the Land, then Buyer may either:
- (1) Terminate this Contract (in which event the Earnest Money together with any accrued interest shall be paid or returned Buyer and thereafter this Contract shall terminate and neither party shall have any further obligation or liability to the other under this Contract); or
 - (2) Waive, in writing, its objections to the existence of Hazardous Materials and proceed to closing without adjustment of the Purchase Price.

7. Closing.

- (A) The closing of the purchase and sale of the Land shall take place on or before 30 days after the full execution of this Contract, unless extended by written agreement or necessitated by unplanned circumstances. The closing shall take place at **200 North 5th Street, Office of the City Attorney, Garland, Texas 75040**, or at such other place as the parties may mutually agree.
- (B) At the closing, Seller shall deliver to Buyer:
- (1) One or more special warranty deeds, in the form of attached Exhibit "B" conveying title to the Land to Buyer, its successors and assigns, duly executed and acknowledged by Seller;

- (2) All such other instruments of assignment, transfer or conveyance as shall, in the reasonable opinion of Buyer and its counsel, be necessary to transfer to Buyer the Land in accordance with this Contract and where necessary or desirable in recordable form.

At the closing, Buyer shall pay the Purchase Price subject, however, to the adjustments and prorations provided herein. Exclusive possession of the Land shall be delivered to Buyer in accordance with the terms hereof on the date of closing.

8. Closing Adjustments and Prorations.

- (A) **Real Estate Taxes.** Real estate taxes and assessments, if any, for the calendar year of closing shall be prorated between Seller and Buyer as of the date of closing, taking into consideration that Buyer and Seller are tax-exempt entities. If the amount of such taxes for the year of closing is not yet available, the proration shall be based upon the amount of such taxes for the previous year.
- (B) **Recording Fees.** Seller shall pay all recording fees and any similar fees or assessments imposed by state or local law and payable in respect of the sale or transfer of the Land.
- (C) **Survey.** Seller shall pay for the cost of the Survey.

9. Remedies. If Seller shall have fully complied with all covenants, conditions and matters hereunder by Seller to be performed or Buyer has waived such compliance in writing, Buyer's conditions precedent are satisfied or waived, and the Title Company is ready, willing and able to issue its Owner's Policy of Title Insurance in the form herein prescribed, and Buyer shall then fail and refuse to close this transaction, then all Earnest Money deposited hereunder together with accrued interest thereon shall be paid to Seller as Seller's sole and exclusive remedy. If Buyer shall have fully complied with all covenants, conditions and matters hereunder by Buyer to be performed, or Seller has waived such compliance in writing, and the Title Company is ready, willing and able to issue its Owner's Policy of Title Insurance in the form herein prescribed, and Seller shall then fail and refuse to close this transaction, then at Buyer's election Buyer may either obtain a refund of all Earnest Money together with accrued interest thereon whereupon all parties shall be released from all further obligations hereunder or Buyer may sue Seller for specific performance, it being hereby acknowledged that Buyer's remedies at law are inadequate. Buyer and Seller hereby waive any and all other remedies available to either or any of them at law or in equity.

10. Brokerage Commission. Each of the parties hereto represents and warrants to the other that there are no other brokers or finders involved in this transaction and that there are no real estate commissions or finder's fees due in connection with this Contract and each of the parties agrees to indemnify and hold harmless the other from any other claims or liability for

any other such commission or brokerage fee brought on account of the action or conduct of the indemnifying party. This paragraph shall survive the closing or termination of this Contract.

11. Time, Calculation. Time is of the essence in this Contract. If the final date in any provision of this Contract falls on a Saturday, Sunday or legal holiday (when national banks are closed), then, and in such event, the duration of such period shall be extended so that it shall end on the next succeeding day that is not a Saturday, Sunday or legal holiday.

12. Real Estate License Act of Texas. Buyer acknowledges that, in accordance with the terms of the Real Estate License Act of Texas, it has been advised that it should have an abstract covering the Land examined by an attorney of Buyer's selection or that Buyer should be furnished with or obtain a policy of title insurance.

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

14. No Assignment. Neither party shall have the right to assign that party's interest in this Contract without the prior written consent of the other party.

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

16. Waiver. Either Seller or Buyer shall have the right to waive any requirement contained in this Contract which is intended for the waiving party's benefit, but, except as otherwise provided herein, such waiver shall be effective only if in writing executed by the party for whose benefit such requirement is intended and specifically identifying the provision or provisions being waived. No waiver of any breach or violation of any term of this Contract shall be deemed or construed to constitute a waiver of any other breach or violation, whether concurrent or subsequent, and whether of the same or of a different type of breach or violation.

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

18. **Paragraph Headings; Construction.** The paragraph headings contained in this Contract are for convenience only and shall in no way enlarge or limit the scope or meaning of the various and several paragraphs hereof. Both parties have participated in the negotiation and preparation of this Contract and this Contract shall not be construed either more or less strongly against or for either party.

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

20. **Gender.** Within this Contract, words of any gender shall be held and construed to include any other gender, and words in the singular number shall be held and construed to include the plural, unless the context otherwise requires.

21. **Counterparts.** This Contract may be executed in multiple counterparts, each of which shall be deemed an original, and all of which shall constitute but one and the same instrument.

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

23. **Entire Agreement.** It is understood and agreed that this Contract contains the entire agreement between the parties and supersedes any and all prior agreements, arrangements or understandings between the parties relating to the subject matter. No oral understandings, statements, promises or inducements contrary to the terms of this Contract exist. This Contract cannot be changed or terminated orally and may be modified only by a written document signed by an authorized representative both parties.

24. **Relationship of Parties; No Third-Party Beneficiaries.** Nothing contained in this Contract shall be deemed or construed by the parties hereto or by any third party to create the relationship of principal and agent or of partnership or of joint venture or of any association whatsoever between the parties, it being expressly understood and agreed that no provision contained in this Contract nor any act or acts of the parties hereto shall be deemed to create any relationship between the parties other than the relationship of independent parties contracting with each other solely for the purpose of effecting the provisions of this Contract. There are no third-party beneficiaries to this Contract and no third-party beneficiaries are intended by implication or otherwise.

EXECUTED on the dates indicated below. For purposes of this Contract, the latter date on which a party hereto executes this Contract shall be considered the effective date (the "Effective Date").

SELLER:

City of Garland, a Texas home-rule municipality

By: _____

Name: _____

Title: _____

Date: _____

BUYER:

**Garland Foundation for Development, a
Texas local government corporation**

By: _____

Name: _____

Title: _____

Date: _____

ADDRESS FOR NOTICE:

PURCHASER:

John Baker, Executive Director
Garland Foundation for Development
200 N. 5th Street
Garland, TX 75040
Email:

SELLER:

City of Garland
Rick Vasquez, Assistant City Manager
P.O. Box 469002
Garland, Texas 75046-9002
rvasquez@garlandtx.gov

With a copy to:
Brian England, Deputy City Attorney
200 N. Fifth St., 4th Floor
P.O. Box 469002
Garland, Texas 75046-9002
bengland@garlandtx.gov
(972) 205-2380
(972) 205-2389 [FAX]

EXHIBITS:

Exhibit "A" – Property Description
Exhibit "B" - Form of Restriction Agreement
Exhibit "C" - Form of Special Warranty Deed

EXHIBIT “A”
LEGAL DESCRIPTION

**10.942 ACRES
ROSE HILL ROAD
LOT 1, BLOCK 1, JORDAN ADDITION
SITUATED IN THE
WILLIAM S. PEGUES SURVEY, ABSTRACT NO. 1158
McKINNEY AND WILLIAMS SURVEY, ABSTRACT NO. 1037
CITY OF GARLAND, DALLAS COUNTY, TEXAS**

BEING a 10.942 acre tract of land situated in the William S. Pegues Survey, Abstract No. 1158, and the McKinney and Williams Survey, Abstract No. 1037, in the City of Garland, Dallas County, Texas, being a portion of that certain tract of land conveyed to the City of Garland, Texas by deed recorded in Instrument No. 201800011453, O.P.R.D.C.T., and a portion of Lot 1, Block 1, Jordan Addition, an addition in the City of Garland, according to the plat thereof recorded in Volume 94198, Page 1895, Deed Records, Dallas County, Texas (D.R.D.C.T.), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner in the northwest right-of-way line of Interstate Highway 30 (U.S. Highway 67) (a variable width right-of-way) and the southeast line of said City of Garland tract, from which a TXDOT right-of-way monument found at the south end of a right-of-way corner clip at the intersection of said northeast right-of-way line of Interstate Highway 30 and the west right-of-way line of Rosehill Road (a variable width right-of-way) bears N 63° 26' 55" E, a distance of 939.15 feet;

THENCE S 63° 26' 55" W, along said southeast line of the City of Garland tract and said northwest right-of-way line of Interstate Highway 30, a distance of 99.78 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

THENCE departing said southeast line of the City of Garland tract and said northwest right-of-way line of Interstate Highway 30, the following courses and distances:

N 19° 45' 24" E, a distance of 35.96 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

N 23° 56' 56" W, a distance of 271.11 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 66° 03' 04" W, a distance of 225.99 feet to a point for corner in a creek, same being in the southwest line of said Lot 1, Block 1, Jordan Addition and the northeast line of Lot 2, Block 1, Castleglen Estates No. 4, an addition to the City of Garland according to the plat thereof recorded in Volume 82177, Page 2951, D.R.D.C.T.;

THENCE along the common line of said Lot 1, Block 1, Jordan Addition and said Lot 2, Block 1, Castleglen Estates No. 4, the following courses and distances:

N 25° 06' 08" W, a distance of 422.71 feet to a point for corner in a creek;

In a northwesterly direction with a tangent curve to the left having a central angle of 40° 15' 02", a radius of 200.00 feet, and a chord that bears N 45° 13' 37" W a distance of 137.63 feet and an arc distance of 140.50 feet to a point for corner in a creek;

N 65° 21' 08" W, a distance of 84.87 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner in the common line of said Lot 1, Block 1, Jordan Addition, and a tract of land conveyed to John R. Wynne, Family Testamentary Trust according to the deed recorded in Volume 95060, Page 4342, D.R.D.C.T., from which a 1/2-inch iron rod found for reference bears S 83° 10' 41" E, a distance of 0.30 feet;

THENCE N 02° 37' 06" E, along the common line of said Lot 1, Block 1, Jordan Addition, and said Wynne tract, a distance of 151.33 feet to a point at the northwest corner of said City of Garland tract, from which a 1/2-inch iron rod with plastic cap stamped "O'NEAL 6570" found bears N 89° 49' 47" E, a distance of 0.34 feet;

THENCE departing said common line and along the north line of said City of Garland tract, the following courses and distances:

N 89° 49' 47" E, a distance of 785.29 to a 1/2-inch iron rod with plastic cap stamped "O'NEAL 6570" found for corner;

N 89° 14' 14" E, a distance of 454.13 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

THENCE over and across said City of Garland tract, the following courses and distances:
S 00° 44' 29" E, a distance of 26.72 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 29° 59' 27" E, a distance of 26.18 feet to 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

In a southwesterly direction with a non-tangent curve to the right having a central angle of 141° 35' 40", radius of 60.00 feet, and a chord that bears S 18° 44' 16" W a distance of 113.32 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 89° 32' 06" W, a distance of 7.08 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 00° 27' 54" E, a distance of 115.00 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 89° 32' 06" W, a distance of 611.95 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 23° 56' 56" E, a distance of 261.76 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 66° 03' 04" W, a distance of 115.00 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 23° 56' 56" E, a distance of 268.85 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 70° 14' 36" E, a distance of 34.34 feet to the **POINT OF BEGINNING AND CONTAINING** 476,654 square feet or 10.942 acres of land, more or less.

EXHIBIT "B"
RESTRICTION AGREEMENT

PROPERTY RESTRICTION AGREEMENT

This Restriction Agreement ("Restriction Agreement") is made and entered into as _____, 2018, (the "Effective Date") by and between Parks at Rosehill, LLC, a Texas limited liability company, its successors, or assigns ("Developer") and the Garland Foundation for Development, Inc., a Texas local government corporation ("GFFD") (collectively, "Parties").

Recitals:

The RECITALS in this Section are (1) true and correct; (2) incorporated as part of this Agreement for all purposes; (3) evidence the intent of the Parties in entering into this Agreement; and (4) to be used in interpreting this Agreement;

WHEREAS, on May 15, 2018, pursuant to Ordinance No. 6985, the Land (as defined below) was rezoned from agricultural to a planned development zoning district ("PD Ordinance");

WHEREAS, the City of Garland has, pursuant to the Purchase and Development Agreement of 17th day of July, 2018, conveyed to GFFD the Land with a restriction that the Land be developed as a single-family residential subdivision containing approximately 52 residential dwelling units with ancillary private improvements ("Residential Improvements") and improvements that are to be dedicated to the public ("Public Infrastructure") (collectively, "Project"), all of which is more particularly described in the detailed plan attached to and incorporated into the PD Ordinance; and

WHEREAS, GFFD has, as a condition of the conveyance of the Land to Developer, restricted the use of the Land;

NOW, THEREFORE, in consideration of the sum of ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

Article I Definitions

For purposes of this Restriction Agreement, the following words and phrases shall have the following meanings unless the context clearly indicates a different meaning:

"City" means the City of Garland, a Texas home rule municipality located in Dallas County, Texas.

“Land” means the real property located in the City of Garland, Dallas County, Texas, and more fully described as follows:

BEING a 10.942 acre tract of land situated in the William S. Pegues Survey, Abstract No. 1158, and the McKinney and Williams Survey, Abstract No. 1037, in the City of Garland, Dallas County, Texas, being a portion of that certain tract of land conveyed to the City of Garland, Texas by deed recorded in Instrument No. 201800011453, O.P.R.D.C.T., and a portion of Lot 1, Block 1, Jordan Addition, an addition in the City of Garland, according to the plat thereof recorded in Volume 94198, Page 1895, Deed Records, Dallas County, Texas (D.R.D.C.T.), and being more particularly described on Exhibit A, which is attached hereto and incorporated herein by reference.

“PD Ordinance” is defined in the recitals.

“Project” is defined in the recitals.

“Property” means the Land and the Improvements, or portion thereof, following construction thereof on the Land.

“Public Infrastructure” is defined in the recitals.

“Purchase Contract” means that certain *Land Exchange & Development Agreement* by and between GFFD and Developer, dated and effective _____, 2018 with respect to the sale of the Land by GFFD to Purchaser.

“Residential Improvements” is defined in the recitals.

“Required Use” means the development and use of the Land as a single-family residential development and related ancillary uses.

Article II Restrictions

3.1 Use of Property; Buildings. No lot or portion of the Property shall be owned, held leased, transferred, sold, mortgaged or conveyed for any use other than the development of the Project and the Required Use. No building shall be constructed, reconstructed, erected, altered, or placed on any portion of the Land other than the Residential Improvements, Public Infrastructure and other ancillary improvements that will be used in conformance with the Required Use.

Article IV Miscellaneous

4.1 Enforcement. GFFD and any subsequent owner of all or any portion of the Land, other than resident owners of any single-family dwelling, shall have the right, but not the obligation, to enforce this Restriction Agreement, as the same may be amended as herein provided. Enforcement of this Restriction Agreement and the covenants and restrictions contained herein may be exercised after failure of any person or persons violating or attempting to violate any covenants or restrictions to cure such violation or breach within ninety (90) days after receipt of written notice thereof by proceeding at law or in equity, against any person or persons violating or attempting to violate any covenants or restrictions, to restrain violation or to recover damages, and failure to enforce any covenant, restriction or condition shall not be deemed a waiver of the right of enforcement either with respect to the violation in question or any other violation. The rights of GFFD under this Restriction Agreement may not be waived or released except pursuant to an amendment or termination approved in accordance with the provisions hereof.

4.2 Duration. The Use Restrictions set forth herein shall be effective from the date this Restriction Agreement is recorded and continue for a period of eight (8) years following the Effective Date, at which time this Restriction Agreement shall automatically and immediately terminate without notice.

4.3 Amendment. No amendment or any early termination of this Restriction Agreement shall be effective unless and until the Executive Director of the GFFD has approved the same as evidenced by an executed instrument and recorded in the Real Property Records of Dallas County, Texas. In the event Developer desires to change, amend or alter the Use Restrictions set forth in Article 3 so that the Property may be used for other than single-family residential use, Developer shall file a written application for such change or amendment to Article 3 with the Executive Director of the GFFD. The GFFD shall approve or deny such application in whole or in part within thirty (30) days after receipt of such application, with the failure to act constituting a denial of the request.

4.4 Notices. All notices, requests, demands or other communications required or permitted hereunder shall be in writing and shall be deemed to have been fully and completely made when given by hand, by confirmed facsimile transmission by overnight delivery by Federal Express or other reliable courier or the mailing of such by registered or certified mail, addressed as follows:

If to Developer:

Parks at Rosehill, LLC
16475 Dallas Parkway, Suite 540
Addison, Texas 75001
Attn: Shane Jordan

If to GFFD:

Garland Foundation for Development, Inc.
Attn: John Baker, Executive Director
200 N. 5th Street
Garland, TX 75040

With a copy to:
Brian C. England
City of Garland
200 N. 5th Street
Garland, Texas 75040
(972) 205-2380
E-mail: bengland@garlandtx.gov

Any party may at any time and from time to time by notice in writing to the other party hereto change the name or address of the person to who notice is to be given as hereinbefore provided.

5.5. Successors and Assigns. This Agreement shall bind, and inure to the benefit of, the parties and their respective successors and assigns.

5.6. Governing Law. This Agreement is entered into and is intended to be performed in the State of Texas, and the validity, enforceability, interpretation and construction hereof shall be determined and governed by the laws (other than conflict of law provisions) of the State of Texas. Venue for any action shall be in the state district court of Dallas County, Texas. The parties agree to submit to the personal and subject matter jurisdiction of said court.

5.7. Recording. The parties agree that GFFD may record this Agreement in the Official Real Property Records of Dallas County, Texas.

5.8. Covenants Run with the Property. This Restriction Agreement and the terms and provisions hereof are intended to run with the Property and shall be binding upon Developer and each and every subsequent owner, tenant, subtenant, licensee, manager, and occupant of all or any portion of the Property, other than single-family lots, including all improvements thereon, but only during the term of such party's ownership, tenancy, license, management or occupancy of the Property, for which such party shall remain liable and shall be binding upon and inure to the benefit of the GFFD and its successors and assigns. It is expressly understood and agreed that acceptance of title to all or a portion of the Property shall automatically, and without further acknowledgement or conformation from the owner, constitute such owner's assumption of the obligations of Developer hereunder with respect to the applicable portion of the Property.

5.9. Entire Agreement. This Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof, and no statement, promise, representation or modification hereof by any person, if any, and whether oral or written, shall be binding upon any party.

5.10, Assignment to City. GFFD may, in its sole discretion, assign all of its right, title, and interest in this Agreement to City without the consent of Developer, provided such assignment shall not be effective earlier than the date notice of the assignment is delivered by GFFD to Developer.

5.11 Relationship of Parties; No Third-Party Beneficiaries. Nothing contained in this Restriction Agreement shall be deemed or construed by the parties hereto or by any third party to create the relationship of principal and agent or of partnership or of joint venture or of any association whatsoever between the parties, it being expressly understood and agreed that no provision contained in this Restriction Agreement nor any act or acts of the parties hereto shall be deemed to create any relationship between the parties other than the relationship of independent parties contracting with each other solely for the purpose of effecting the provisions of this Restriction Agreement. There are no third-party beneficiaries to this Restriction Agreement and no third-party beneficiaries are intended by implication or otherwise.

5.11. Counterparts. This Agreement may be executed by the parties hereto in separate counterparts; each of which when so executed and delivered shall be an original, but all such counterparts shall together constitute one and the same instrument. Each counterpart may consist of a number of copies hereof each signed by less than all, but together signed by all of the Parties hereto.

EXECUTED on the dates indicated below. For purposes of this Contract, the latter date on which a party hereto executes this Contract shall be considered the effective date (the "Effective Date").

DEVELOPER:

PARKS AT ROSEHILL, LLC,
a Texas limited liability company

By: jorParks, Inc., a Texas corporation, its manager

By: _____

Shane Jordan, President Date: _____

FOUNDATION:

Garland Foundation for Development,
Inc., a Texas local government corporation

By: _____

Name: _____

Title: _____

Date: _____

ACKNOWLEDGMENT

STATE OF TEXAS §
§
COUNTY OF DALLAS §

This instrument was acknowledged before me on the _____ day of _____,
2018, by _____.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of
_____, 2018.

Notary Public in and for the State of Texas

ACKNOWLEDGMENT

STATE OF TEXAS §
§
COUNTY OF DALLAS §

This instrument was acknowledged before me on the _____ day of _____,
2018, by John Baker, in his capacity as Executive Director of the Garland Foundation for
Development.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of
_____, 2018.

Notary Public in and for the State of Texas

SPECIAL WARRANTY DEED

STATE OF TEXAS §
 § **KNOW ALL BY THESE PRESENTS:**
COUNTY OF DALLAS §

That **City of Garland, Texas**, a home-rule municipality ("Grantor"), for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration to Grantor, the receipt and sufficiency of which is hereby acknowledged, paid in hand by **Garland Foundation for Development, Inc.**, a Texas local government corporation, 200 N. 5th Street, Garland, Texas 75040, ("Grantee"), has **GRANTED, SOLD AND CONVEYED**, and by these presents does **GRANT, SELL AND CONVEY** unto Grantee all that certain lot, tract, or parcel of land situated in the County of Dallas, City of Garland, State of Texas, and more particularly described as

BEING a 10.942 acre tract of land situated in the William S. Pegues Survey, Abstract No. 1158, and the McKinney and Williams Survey, Abstract No. 1037, in the City of Garland, Dallas County, Texas, being a portion of that certain tract of land conveyed to the City of Garland, Texas by deed recorded in Instrument No. 201800011453, O.P.R.D.C.T., and a portion of Lot 1, Block 1, Jordan Addition, an addition in the City of Garland, according to the plat thereof recorded in Volume 94198, Page 1895, Deed Records, Dallas County, Texas (D.R.D.C.T.), and being more particularly described on attached Exhibit A, which is incorporated herein by reference.
("Property")

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, Grantee's successors and assigns forever and Grantor does hereby bind itself and its successors and assigns, to Warrant and Forever Defend, all and singular, the Property unto Grantee, Grantee's successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

BY THE ACCEPTANCE OF THIS DEED, GRANTEE TAKES THE PROPERTY "AS IS", EXCEPT FOR THE WARRANTIES OF TITLE AS PROVIDED AND LIMITED HEREIN AND EXCEPT AS SET FORTH BELOW. GRANTOR MAKES NO WARRANTY OR REPRESENTATION, EXPRESS OR IMPLIED, OR ARISING BY OPERATION OF LAW, OF HABITABILITY, MERCHANTABILITY, OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY, SUBJECT TO SELLER'S REPRESENTATIONS AND WARRANTIES SET FORTH IN THAT CERTAIN REAL PROPERTY PURCHASE AND DEVELOPMENT AGREEMENT DATED EFFECTIVE THE 18th DAY OF JULY, 2018 (THE

"CONTRACT"), TO THE EXTENT, AND FOR THE LIMITED PERIOD THAT, SUCH REPRESENTATIONS AND WARRANTIES SURVIVE THE CLOSING OF THE CONTRACT PURSUANT TO THE TERMS OF THE CONTRACT.

RELEASE. SUBJECT TO GRANTOR'S REPRESENTATIONS AND WARRANTIES SET FORTH IN THE CONTRACT, AND SUBJECT TO THE WARRANTY OF TITLE AS PROVIDED AND LIMITED HEREIN, WITHOUT LIMITING THE FOREGOING DISCLAIMERS BY GRANTOR, AND NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED IN THE CONTRACT, GRANTEE HEREBY RELEASES GRANTOR AND (AS THE CASE MAY BE) GRANTOR'S EMPLOYEES, MANAGERS, REPRESENTATIVES, AND AGENTS FROM ANY AND ALL CLAIMS, DEMANDS, CAUSES OF ACTIONS, LOSSES, DAMAGES, LIABILITIES, COSTS, AND EXPENSES (INCLUDING ATTORNEYS' FEES WHETHER THE SUIT IS INSTITUTED OR NOT) WHETHER KNOWN OR UNKNOWN, LIQUIDATED OR CONTINGENT (HEREINAFTER COLLECTIVELY CALLED THE "CLAIMS") ARISING FROM OR RELATING TO ANY DEFECT OR OTHER CONDITIONS, SPECIFICALLY INCLUDING ENVIRONMENTAL AND OTHER PHYSICAL CONDITIONS, AFFECTING THE PROPERTY WHETHER THE SAME ARE A RESULT OF NEGLIGENCE OR OTHERWISE. THE RELEASE SET FORTH IN THIS SECTION INCLUDES, WITHOUT LIMITATION, ANY CLAIMS (INCLUDING INDEMNITY AND CONTRIBUTION CLAIMS) UNDER ANY ENVIRONMENTAL LAWS OF THE STATE OF TEXAS, OR ANY POLITICAL SUBDIVISION THEREOF, AS ANY OF THOSE LAWS MAY BE AMENDED FROM TIME TO TIME AND ANY REGULATIONS, ORDERS, RULES OF PROCEDURES OR GUIDELINES PROMULGATED IN CONNECTION WITH SUCH LAWS, REGARDLESS OF WHETHER THEY WERE IN EXISTENCE ON THE DATE OF THE CONTRACT, BUT SPECIFICALLY EXCLUDES ANY WARRANTIES OR REPRESENTATIONS SET FORTH IN THIS DEED OR OTHER DOCUMENTS DELIVERED BY GRANTOR AT CLOSING. GRANTEE ACKNOWLEDGES THAT GRANTEE HAS BEEN REPRESENTED BY INDEPENDENT LEGAL COUNSEL OF GRANTEE'S SELECTION AND GRANTEE IS GRANTING THIS RELEASE OF ITS OWN VOLITION. THE FOREGOING WAIVER IS LIMITED TO GRANTOR AND ITS OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES, MANAGERS, REPRESENTATIVES, AND AGENTS, AND IT DOES NOT APPLY TO ANY PRIOR OWNERS IN THE CHAIN OF TITLE TO THIS PROPERTY, NOR TO THEIR RESPECTIVE OFFICERS, DIRECTORS, EMPLOYEES, MANAGERS, REPRESENTATIVES OR AGENTS.

EXECUTED this the ____ day of _____, 2018.

GRANTOR:

City of Garland, Texas, a home-rule municipality

By: _____
Lori B. Dodson, Mayor

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the _____ day of _____,
2018, by _____.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of
_____, 2018.

Notary Public in and for the State of Texas

10.942 ACRES
ROSE HILL ROAD
LOT 1, BLOCK 1, JORDAN ADDITION
SITUATED IN THE
WILLIAM S. PEGUES SURVEY, ABSTRACT NO. 1158
McKINNEY AND WILLIAMS SURVEY, ABSTRACT NO. 1037
CITY OF GARLAND, DALLAS COUNTY, TEXAS

BEING a 10.942 acre tract of land situated in the William S. Pegues Survey, Abstract No. 1158, and the McKinney and Williams Survey, Abstract No. 1037, in the City of Garland, Dallas County, Texas, being a portion of that certain tract of land conveyed to the City of Garland, Texas by deed recorded in Instrument No. 201800011453, O.P.R.D.C.T., and a portion of Lot 1, Block 1, Jordan Addition, an addition in the City of Garland, according to the plat thereof recorded in Volume 94198, Page 1895, Deed Records, Dallas County, Texas (D.R.D.C.T.), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner in the northwest right-of-way line of Interstate Highway 30 (U.S. Highway 67) (a variable width right-of-way) and the southeast line of said City of Garland tract, from which a TXDOT right-of-way monument found at the south end of a right-of-way corner clip at the intersection of said northeast right-of-way line of Interstate Highway 30 and the west right-of-way line of Rosehill Road (a variable width right-of-way) bears N 63° 26' 55" E, a distance of 939.15 feet;

THENCE S 63° 26' 55" W, along said southeast line of the City of Garland tract and said northwest right-of-way line of Interstate Highway 30, a distance of 99.78 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

THENCE departing said southeast line of the City of Garland tract and said northwest right-of-way line of Interstate Highway 30, the following courses and distances:

N 19° 45' 24" E, a distance of 35.96 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

N 23° 56' 56" W, a distance of 271.11 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 66° 03' 04" W, a distance of 225.99 feet to a point for corner in a creek, same being in the southwest line of said Lot 1, Block 1, Jordan Addition and the northeast line of Lot 2, Block 1, Castleglen Estates No. 4, an addition to the City of Garland according to the plat thereof recorded in Volume 82177, Page 2951, D.R.D.C.T.;

THENCE along the common line of said Lot 1, Block 1, Jordan Addition and said Lot 2, Block 1, Castleglen Estates No. 4, the following courses and distances:

N 25° 06' 08" W, a distance of 422.71 feet to a point for corner in a creek;

In a northwesterly direction with a tangent curve to the left having a central angle of 40° 15' 02", a radius of 200.00 feet, and a chord that bears N 45° 13' 37" W a distance of 137.63 feet and an arc distance of 140.50 feet to a point for corner in a creek;

N 65° 21' 08" W, a distance of 84.87 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner in the common line of said Lot 1, Block 1, Jordan Addition, and a tract of land conveyed to John R. Wynne, Family Testamentary Trust according to the deed recorded in Volume 95060, Page 4342, D.R.D.C.T., from which a 1/2-inch iron rod found for reference bears S 83° 10' 41" E, a distance of 0.30 feet;

THENCE N 02° 37' 06" E, along the common line of said Lot 1, Block 1, Jordan Addition, and said Wynne tract, a distance of 151.33 feet to a point at the northwest corner of said City of Garland tract, from which a 1/2-inch iron rod with plastic cap stamped "O'NEAL 6570" found bears N 89° 49' 47" E, a distance of 0.34 feet;

THENCE departing said common line and along the north line of said City of Garland tract, the following courses and distances:

N 89° 49' 47" E, a distance of 785.29 to a 1/2-inch iron rod with plastic cap stamped "O'NEAL 6570" found for corner;

N 89° 14' 14" E, a distance of 454.13 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

THENCE over and across said City of Garland tract, the following courses and distances:
S 00° 44' 29" E, a distance of 26.72 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 29° 59' 27" E, a distance of 26.18 feet to 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

In a southwesterly direction with a non-tangent curve to the right having a central angle of 141° 35' 40", radius of 60.00 feet, and a chord that bears S 18° 44' 16" W a distance of 113.32 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 89° 32' 06" W, a distance of 7.08 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 00° 27' 54" E, a distance of 115.00 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 89° 32' 06" W, a distance of 611.95 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 23° 56' 56" E, a distance of 261.76 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 66° 03' 04" W, a distance of 115.00 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;

S 23° 56' 56" E, a distance of 268.85 feet to a 1/2-inch iron rod with plastic cap stamped "VOTEX SURVEYING" set for corner;
S 70° 14' 36" E, a distance of 34.34 feet to the **POINT OF BEGINNING AND CONTAINING** 476,654 square feet or 10.942 acres of land, more or less.



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

10.

Meeting Date: July 17, 2018

Item Title: Amended Council Policy on Citizen Speaker Priority

Submitted By: Brad Neighbor, City Attorney

Summary of Request/Problem

At the suggestion of Mayor Lori Barnett Dodson, the City Council was requested to consider an amendment to its policies governing the open mic portion of regular session meetings. The amendment will provide a priority to citizens of Garland, letting them speak before other speakers are given the opportunity to speak. A draft of such a policy was submitted to and considered by the City Council at the July 9 work session. Suggestions for changes were made and a consensus appears to have been reached on the revised proposal.

Recommendation/Action Requested and Justification

The revised draft of an amended citizen speaker policy is attached for review and approval. If approved, the policy will be effective immediately.

Attachments

citizen speaker policy amendment 2018

Section 9 Citizens' comments – "Open Microphone"

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

(B) Citizens' comments are generally permitted at the end of the regular City Council meeting, as specified on the agenda. A speaker's comments shall be limited to three minutes and the citizens' comment period shall not exceed thirty minutes. Speakers shall be allowed to speak on a first-come, first-to-speak basis as determined by the order in which the City Secretary receives the speaker's card provided that residents of Garland shall be given priority in the order of speakers if it appears to the chairperson that not all speakers will be able to speak within the allotted time. If at the end of the citizens' comment period all speakers who are still present and willing to speak are not offered an opportunity to speak at the meeting, those who have been allowed to speak at that meeting may not speak during the citizens' comment period at the next following meeting at which a citizens' comment period is offered ~~until-unless~~ all other speakers have been allowed to speak. A speaker who was present and willing to speak at a meeting, but who was unable to speak because time ran out will be given priority in the order of speakers at the following citizens' comment opportunity regardless of the order in which the City Secretary receives the speaker's card, again provided that residents of Garland will be given first priority in the order of speakers regardless whether such citizens were present at the previous meeting. In such event, at the subsequent meeting the chair shall may provide additional time, not to exceed 30 minutes, to accommodate all of the speakers then present to the citizens' comments period. It is not the intent of the City Council to limit or control the content of any speaker's message, but to hear first from residents of Garland.

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



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

11.

Meeting Date: July 17, 2018

Item Title: Minute action confirming committee appointments 2018

Submitted By: Brad Neighbor, City Attorney

Summary of Request/Problem

Council policies authorize the Mayor to make appointments to the Council's standing committees. Those policies further provide that the City Council may accept or disapprove the Mayor's nominations. Mayor Dodson announced her committee appointments at the July 9 work session.

Recommendation/Action Requested and Justification

If Council concurs with the committee appointments made by Mayor Dodson, Council is requested to confirm those appointments by minute action on this item. If this item is on the consent agenda, confirmance will be given by adopting the consent agenda. If this item is considered individually and no changes to the appointments are made, an appropriate motion would be, "I move to confirm the Mayor's committee appointments as announced by her on July 9, 2018."



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

12.

Meeting Date: July 17, 2018

Item Title: Amendment of Council Policies to Establish a Transportation Committee

Submitted By: Brad Neighbor, City Attorney

Summary of Request/Problem

At the July 9, 2018 Work Session, the City Council discussed revising its policies to add a committee that will address transportation and related issues such as street infrastructure and mobility. A draft of the necessary amendment is attached for debate and approval.

Recommendation/Action Requested and Justification

In adopting this amendment, a conforming change will need to be made to the Council's existing policies that govern Council committees. Subsection (C) of the relevant policy will need to be amended to add the committee to the list of standing Council committees. For that purpose, Council will need to determine the official name of the committee. Subsection (D) of the relevant policy will need to be amended to provide substance as to the general scope of duties for the new committee. Suggestions to that effect have been provided in the attached draft.

Attachments

amendment transportation committee 2018

COUNCIL RULES OF ORDER AND PROCEDURE AND CITY COUNCIL POLICIES

Article II Division 1

Section 3 Council committees and outside boards

* * * * *

(C) Standing committees

The City Council shall have the following standing committees, aligned with the management responsibilities assigned to City staff by the City Manager:

- ☐ Administrative Services Committee
- ☐ Audit Committee
- ☐ Community Services Committee
- ☐ Development Services Committee
- ☐ Public Safety Committee
- ☐ [Transportation \[/Infrastructure/Mobility\] Committee](#)

Each committee, after receiving an assignment from the Council, will consider policy decisions and actions; study issues; evaluate options; and develop recommendations. The committees shall serve in an advisory capacity only, and no committee shall have any authority to make final decisions regarding the merits or resolution of any matter assigned to or considered by it.

(D) Standing committee responsibilities

The standing committees identified below shall have the following general responsibilities:

Administrative Services Committee

Items that may typically be directed to the Administrative Services Committee include, but are not limited to:

- ☐ Additions/revisions to Council policies.
- ☐ Review of local, state and national legislative changes.
- ☐ Updates on internal procedural modifications.

- ☐ Specific budget items.

Audit Committee

The Audit Committee shall assist the City Council in fulfilling the Council's oversight responsibilities for the Internal Audit Department, reporting practices, internal control, and compliance with laws, regulations and ethics within the limits described in the City Charter. The Internal Audit Department shall have access to all information necessary to perform its functions under the City Charter (to the extent permitted by law), and shall operate independently of management and free of organizational impairments.

The Audit Committee will consist of seven members, three of whom shall be members of the City Council appointed by the Mayor, and three of whom shall be appointed by the City Manager. The Internal Auditor shall serve as a member and provide staff support to the committee. Only Councilmembers may vote.

The Audit Committee shall meet at least quarterly, or more frequently as needed, and shall:

- ☐ Review and approve the Internal Audit Charter
- ☐ Approve the Internal Audit Department Annual Plan
- ☐ Receive and consider special written requests for audits from Councilmembers and the City Manager
- ☐ Adjust the Annual Audit Plan as necessary to accommodate changes in the operating environment.
- ☐ Review the results and performance of the Internal Audit Department on a quarterly and annual basis
- ☐ Review proposed Internal Audit budget in light of available resources
- ☐ Review summary of findings and recommendations of audit reports
- ☐ Review the annual external audit results and findings

Community Services Committee

Items that may typically be directed to the Community Services Committee include, but are not limited to:

- ☐ Creating new or modifying existing codes and ordinances related to parks and recreation, public health and code compliance
- ☐ Reviewing grant program applications
- ☐ Considering incentive programs for neighborhood revitalization

Development Services Committee

Items that may typically be directed to the Development Services Committee include, but are not limited to:

- ☐ Creation of new, or modification to existing codes and ordinances related to zoning, platting and building, engineering and transportation standards and requirements

Public Safety Committee

Items that may typically be directed to the Public Safety Committee include, but are not limited to:

- ☐ Additions and revisions to Council policies as they relate to public safety
- ☐ Review of local, state and national legislative changes as they relate to or may affect public safety
- ☐ Updates on policy modifications relating to public safety

Transportation [Infrastructure/Mobility] Committee

Items that may typically be directed to the Transportation [Infrastructure/Mobility] Committee include, but are not limited to:

- ☐ Reviewing regular reports and updates regarding current street, mobility, or other transportation projects and future areas of focus
- ☐ Reviewing current policies and programs regarding infrastructure replacement means, methods, funding, or cost-sharing.
- ☐ Discussing research and policy considerations concerning transportation mobility
- ☐ Working with staff to explore new ideas to improve infrastructure and mobility initiatives

* * * * *

[Remainder of section unchanged]



GARLAND PLANNING REPORT

City Council Regular Session Agenda

13.a.

Meeting Date: July 17, 2018

Item Title: Z 17-42 Classic Design Group (District 1)

Submitted By: Kira Wauwie, Principal Development Planner

REQUEST

Approval of 1) an amendment to Planned Development (PD) District 01-03; and 2) a Detail Plan for a Car Wash, Automated/Rollover Use on property zoned Planned Development (PD) District 01-03 for Community Retail Uses.

OWNER

Garland FP LP

PLAN COMMISSION RECOMMENDATION

On June 25, 2018 the Plan Commission, by a vote of seven (7) to zero (0) recommended approval of 1) an amendment to Planned Development (PD) District 01-03; and 2) a Detail Plan for a Car Wash, Automated/Rollover Use on property zoned Planned Development (PD) District 01-03 for Community Retail Uses.

STAFF RECOMMENDATION

Approval of 1) an amendment to Planned Development (PD) District 01-03; and 2) a Detail Plan for a Car Wash, Automated/Rollover Use on property zoned Planned Development (PD) District 01-03 for Community Retail Uses.

BACKGROUND

The applicant is seeking approval of a Detail Plan to develop an unimproved property for a Car Wash, Automated/Rollover. The site is part of a larger property that was zoned in 2001 for a shopping center in Planned Development (PD) District 01-03. In 2017 a portion of the shopping center site, east of the subject site, was approved for a single-family attached (townhouse) development in Planned Development (PD) District 17-04; and subsequently that Planned Development (PD) District was amended to allow a larger site area and phased development in 2018 under Planned Development (PD) 18-07.

SITE DATA

The subject property is approximately 1.3 acres with approximately 512 feet of frontage along Foster Road; the site layout provides two points onto Foster Road.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Planned Development (PD) District 01-03 which includes a list of permitted uses generally comprised of Community Retail (CR) District uses. Car Wash is an allowed (by right) use in this Planned Development (PD) District 01-03. Development proposals in PD 01-03 are required to submit a Detail Plan through a public hearing process. The applicant has submitted an application for a Detail Plan and also requests deviations from the development standards.

CONSIDERATIONS

1. **Site Design:** The applicant requests approval of a Detail Plan to develop the existing unimproved site into a Car Wash, Automated/ Rollover. Car Wash use is an allowed use on this property. The 3,940 square-foot car wash building is sited on the eastern portion of the property. The one-lane car wash entrance drive is shown on the north portion of the site. Two rows of vacuum canopies are proposed along the front of the building towards Foster Road. A pay station canopy is shown north of the building.
2. **Landscape and Screening:** The proposed landscape plan shows a minimum ten (10) foot wide buffer along Foster Road planted with eighteen (18) large canopy trees, turf, and ground cover as stipulated in the Garland Development Code (GDC). The plan exceeds the minimum landscaped area of ten (10) percent with the provision of an eleven (11) percent landscaped area.

Screening along the residential property to the east consists of one row of large canopy trees with turf ground cover. The GDC does not require landscape screening or fencing along this property line. Further, the abutting planned Single-Family Attached (Townhouse) development is required to provide a masonry screening fence along that property line.

The refuse enclosure is placed at the north side of the site, near the north driveway onto Foster Road. The GDC requires that refuse enclosures be placed behind the building or in an interior service courtyard. This refuse enclosure placement is aligned with the building's front elevation. The site's triangular shape and size limits the placement options of the car wash building and its associated refuse enclosure. The refuse enclosure meets the setback requirements, will be screened with small ornamental trees and its gated side will be perpendicular to the street right-of-way.

Light loading areas, for deliveries from smaller vehicles excluding heavy loading that would be conducted with semi-trucks, are to be located in the back of nonresidential buildings or in areas that cause the loading areas to not be visible from public streets. The light loading area is proposed along the front of the site at Foster Road between the driveway entries to the property. The GDC allows light vehicle loading in the front of nonresidential buildings provided that additional landscaping is installed to provide a living screen. This proposal includes such landscape screen consisting of small ornamental trees planted five (5) feet on center.

3. **Bay Door Orientation and Screening:** The car wash is sited with its entrance facing north towards Foster Road. The car wash exit is oriented to the south of the site and not facing towards the street. GDC Section 2.52 Special Standards for Certain Uses requires that automated car wash bay doors face away from streets. This site's shape is triangular

which limits the placement of bay doors to face away from the street. The placement of the building on the property minimizes the exposure and visibility of the door from the street. High level screening shrubs are proposed along the south side of the property to screen the car wash exit from the Golden Chick restaurant.

4. **Building Elevations:** The proposed building meets the building architectural materials, and elements requirements of the GDC.

Specifically, the design of the building (Exhibit E) is required to comply with the following GDC development standards:

- All building elevations are required to consist of at least eighty percent masonry per Section 4.83(A).
- At least two (2) different exterior construction materials must be applied on facades visible from the streets per Section 4.83(A).
- At least six (6) of the twelve architectural elements listed in Section 4.83(B) must be incorporated into the design of the building.
- Street-facing elevations are to be horizontally and vertically articulated in accordance with Section 4.83(C).

The main building design complies with the aforementioned development standards, except articulation. A deviation is requested for the GDC horizontal articulation which requires four (4) projections or recesses in the horizontal plane while the proposed building is composed of two (2) projections or recesses. In addition, a deviation of the GDC vertical articulation is requested as the GDC requires a minimum vertical articulation dimension of three (3) feet with a total articulation of nine (9) feet for this building. The proposed building contains two (2) vertical articulations that meet the three (3) foot minimum dimension, for a total of six and one-half (6.5) feet of vertical articulation provided. However, the building is proposed with other vertical articulation components that in sum exceed the GDC articulation minimum dimension, with a total proposed articulation of twenty-three and eight tenths (23.8) feet.

Accessory structures are to be consistent with the building materials. The refuse enclosure, pay station canopy, and canopy equipment enclosure are consistent with the building materials. Additionally, canopies in nonresidential districts are to be supported by columns that are architecturally integrated and are similar to the materials and colors of the main building. The canopy elevations satisfy this requirement.

5. **Parking:** The amount of parking spaces and the required parking lot landscaping conform to the requirements of the GDC. The 3,940 square-foot car wash is shown on the plans with twenty (20) parking spaces, which is equivalent to the car wash parking ratio of one space per 200 square feet of gross floor area. Parking lot landscaping is provided with one large canopy tree placed at the end of each parking row; one tree is located within sixty-five (65) feet of each parking space; and the parking is screened from the street with a row of low level screening hedges.
6. The applicant has included information that the car wash will be constructed to include an

“Air Cannon Silencer Kit” drying system and silencer package intended to mitigate car wash noise.

7. The applicant has proposed a design and response that minimizes lighting impacts. There will be no building mounted wall pack lighting or pole lights installed on the east side of the building or along the property. The unimproved land to the east is zoned and planned for residential development with townhomes.
8. Any signage will be subject to the regulations set forth in Chapter 4, Article 5 of the GDC.
9. The proposed hours of operation are Sunday through Saturday, starting at 8:00 a.m. until 8:30 p.m. during late spring and summer months. Adjusting for days in accordance to daylight savings time, the hours will start at 8:00 a.m. until 6:00 p.m. for fall and winter months.

COMPREHENSIVE PLAN

Envision Garland 2030 Comprehensive Plan – Compact Neighborhoods

Compact Neighborhoods provide areas for moderate increases in residential density, including single-family attached and single-family detached housing. It expands housing options through infill and redevelopment, while continuing walkable development patterns.

These areas provide transitions between traditional residential neighborhoods and higher density residential neighborhoods and non-residential developments. These areas accommodate uses such as convenience retail (goods and services), office space, and public services. The architectural character and scale of these areas are compatible with adjacent residential development.

The Compact Neighborhood development type is primarily characterized as moderate residential (between six and twelve dwelling units per acre). Non-residential sites within this category are typically up to three acres in size.

The proposed car wash will offer support services for employment and residential uses in the area.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The land use pattern within the area surrounding the subject property provides a mixture of employment, support services, and residential development. Along Lavon Drive are multiple commercial developments including freestanding retail uses and unified development shopping centers. Residential single-family attached (townhome) use is planned east of and abutting the site; and single-family detached use is existing to the east of that property.

Additionally, the applicant has provided a design that is contextually compatible and complimentary to the site and general area.

Attachments

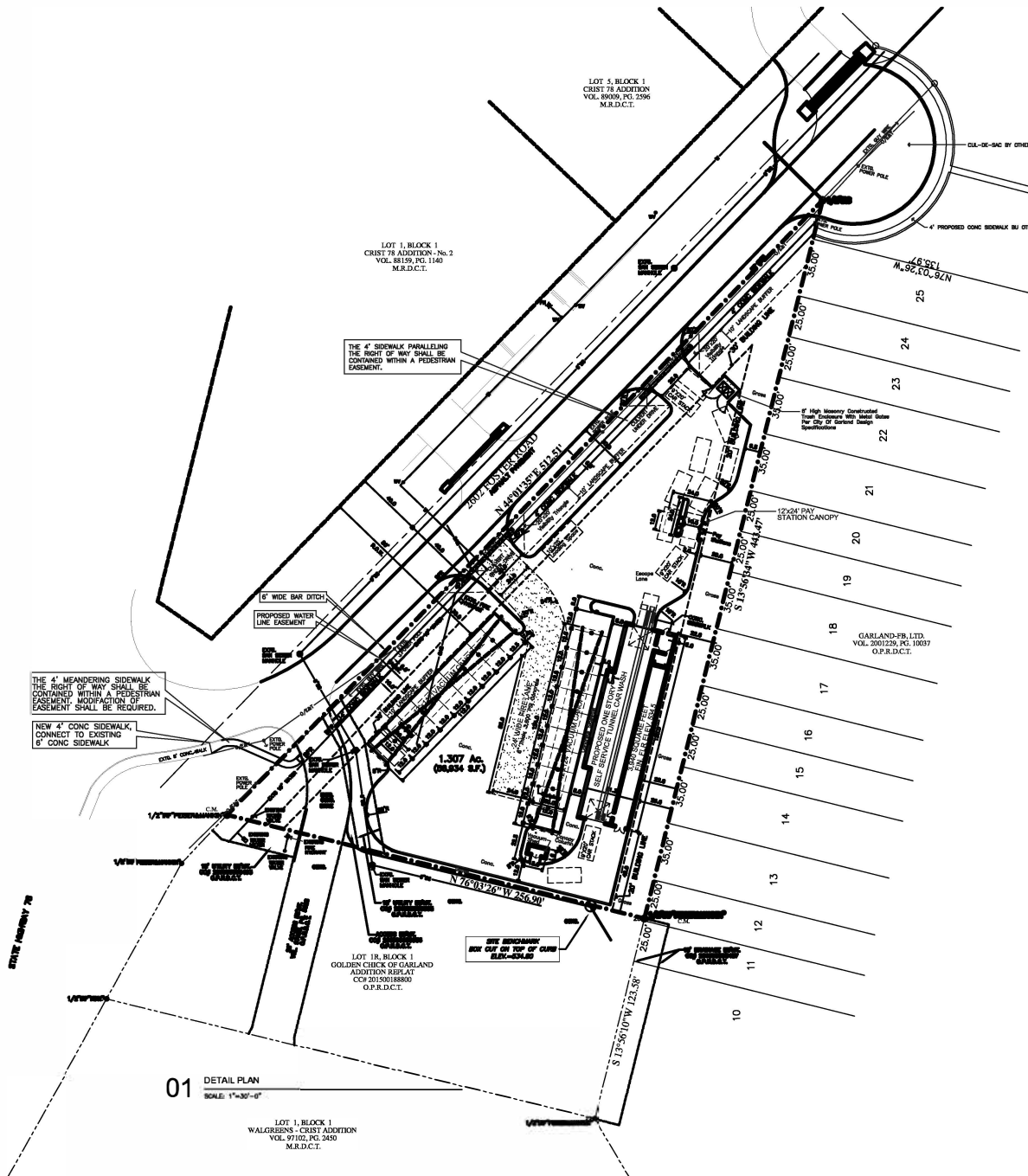
- Z 17-42 Classic Design Group Exhibits
- Z 17-42 Classic Design Group Responses
- Z 17-42 Classic Design Group Staff Presentation



0 60 120 Feet
1 inch = 125 feet

ZONING MAP Z 17-42

 INDICATES AREA OF REQUEST



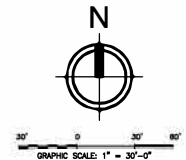
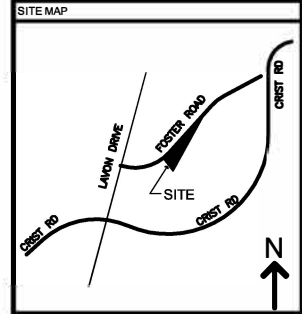
FOSTER ROAD NOTES:
 1. FOSTER ROAD WILL BE CONSTRUCTED IN THE FUTURE BY OTHERS AND SHALL MEET THE REQUIREMENTS OF THE 600, SECTION 3.4.5. THE DEVELOPER SHALL OBTAIN AN AGREEMENT WITH THE CITY OR PAY ADDITIONAL TRAVEL IMPACT FEES TO PAY FOR THE CONSTRUCTION COST OF ONE-HALF OF THE ROAD IMPROVEMENTS ADJACENT TO THEIR PROPERTY, NOT TO EXCEED THE DEVELOPER'S PROPORTIONAL SHARE.

ADJACENCY TO RESIDENTIAL SCREENING FENCE:
 SCREENING FENCE REQUIRED BY GDC TO BE CONSTRUCTED NEXT TO RESIDENTIAL ADJACENCY. THE DEVELOPER FOR HIDDEN GARDENS HAS AGREED TO INSTALL SCREENING FENCE, SO THAT ONLY ONE FENCE TO BE CONSTRUCTED TO AVOID FUTURE TENSION BETWEEN BOTH SCREENING FENCES.

CITY OF GARLAND BENCHMARKS
 CITY OF GARLAND BENCHMARK No. 10
 15' HIGH CONCRETE PILE SET IN THE ADJACENT
 SIDE OF CHRIST RD. 8' TO THE E. OF THE
 CORNER OF BENCHMARK No. 10
 ELEV. = 528.82

CITY OF GARLAND BENCHMARK No. 23
 15' HIGH CONCRETE PILE SET IN THE ADJACENT
 SIDE OF CHRIST RD. 8' TO THE E. OF THE
 CORNER OF BENCHMARK No. 10
 ELEV. = 528.82

SITE PLAN ANALYSIS	
LOT LEGAL DESCRIPTION Lot Currently Unplatted T. V. Griffin Survey, Abstract No. 528	
LOT: NOT CURRENTLY PLATTED BLOCK: NOT CURRENTLY PLATTED ADDITION: NOT CURRENTLY PLATTED	
CONSTRUCTION TYPE CONSTRUCTION TYPE: V-B	
PROPOSED USES SELF SERVICE AUTOMATIC TUNNEL CAR WASH	
LOT AREA 56,934 SQUARE FEET / 1.307 ACRES	
BUILDING AREA TOTAL BUILDING AREA: 3,940 SQUARE FEET	
BUILDING HEIGHT REGULATIONS HEIGHT PROPOSED: ONE STORY OVERALL HEIGHT PROPOSED: 24'-0" (APPROX) BUILDING HEIGHT ALLOWED: 35'-0"	
BUILDING SET BACK REGULATIONS FRONT BUILDING SETBACK: 30.0 Feet SIDE BUILDING SETBACK: 0.0 Feet REAR BUILDING SETBACK: 20.0 Feet	
OFF STREET PARKING REQUIREMENTS 1 PARKING SPACE/200 SQ. FT. SPACE REQUIRED: 20 SPACES SPACE PROVIDED: 20 SPACES	
CAR STACKING REQUIREMENTS 1 PARKING SPACE/200 SQ. FT. BAY ENTRANCE STACKING REQUIRED: 3 SPACES BAY ENTRANCE STACKING PROVIDED: 3 SPACES WASH BAY EXIT STACKING REQUIRED: 2 SPACE WASH BAY EXIT STACKING PROVIDED: 2 SPACE	
LOT COVERAGE TOTAL LOT AREA: 56,934 SQ. FT. BUILDING SQ. FT.: 3,940 SQ. FT. VACUUM #1 CANOPY SQ. FT.: 1,488 SQ. FT. VACUUM #2 CANOPY SQ. FT.: 1,344 SQ. FT. PAY STATION CANOPY SQ. FT.: 288 SQ. FT. VACUUM SHED SQ. FT.: 72 SQ. FT. TOTAL IMPERVIOUS SQ. FT.: 7,132 SQ. FT. COVERAGE PERCENTAGE: 13 PERCENT	



CASE NUMBER: 170606-3

Classic Design Group

4142 BRITTON COURT
Grand Prairie, TX 75052
OFFICE: 972.881.5422
classic_design@cdgtx.net

REVISIONS

NO.	DATE	DESCRIPTION

DEVELOPER

MR. JAMES GRIFIN
CDG AUTOMATIC SERVICES
3000 GILBERT COURT
IRVING, TEXAS 75062
PHONE: 972-881-5422
EMAIL: james.griffin@cdgtx.net

GENERAL CONTRACTOR

SHEET NAME

DETAIL PLAN

DRAWN BY

O. GALAN

CHECKED BY

SCALE

1"=30'-0"

PROJECT NO.

ISSUE DATE

29 APRIL 18

REVISED DATE

SHEET

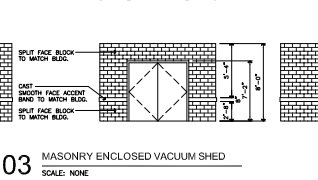
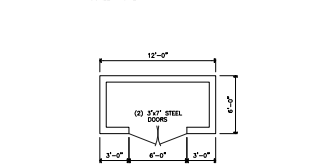
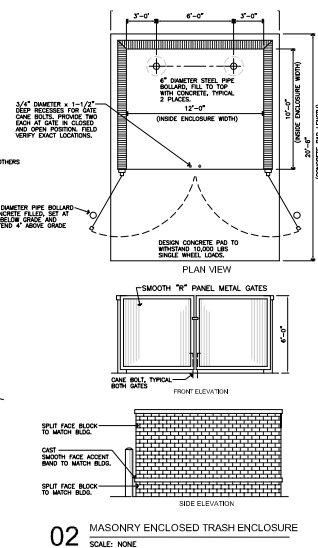
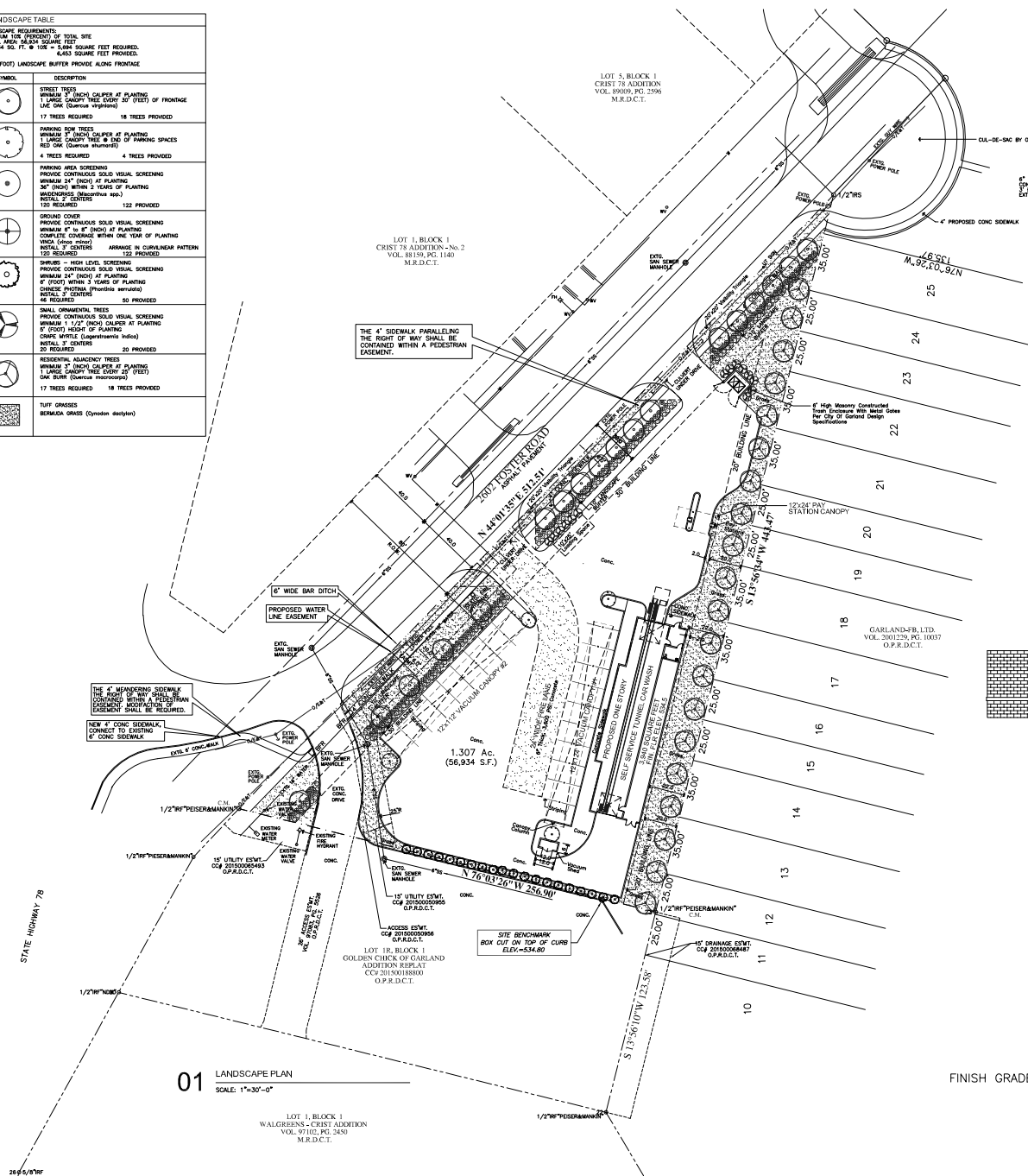
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SAFE SPIN CAR WASH

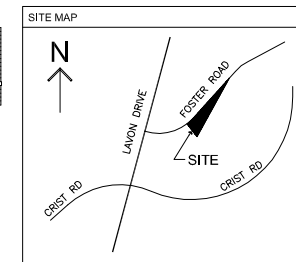
FOSTER ROAD

EXHIBIT C GARLAND, TEXAS

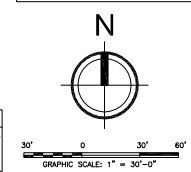
DP1

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SITE PLAN ANALYSIS	
LOT LEGAL DESCRIPTION	
Lot Currently Unplatted T. V. Griffin Survey, Abstract No. 528	
LOT: NOT CURRENTLY PLATTED BLOCK: NOT CURRENTLY PLATTED ADDITION: NOT CURRENTLY PLATTED	
CONSTRUCTION TYPE	
CONSTRUCTION TYPE:	V-B
PROPOSED USES	
SELF SERVICE AUTOMATIC TUNNEL CAR WASH	
LOT AREA	
56,934 SQUARE FEET / 1,307 ACRES	
BUILDING AREA	
TOTAL BUILDING AREA:	3,940 SQUARE FEET
BUILDING HEIGHT REGULATIONS	
HEIGHT PROPOSED:	ONE STORY
OVERALL HEIGHT PROPOSED:	24'-0" (APPROX)
BUILDING HEIGHT ALLOWED:	35'-0"
BUILDING SET BACK REGULATIONS	
FRONT BUILDING SETBACK:	30.0 Feet
SIDE BUILDING SETBACK:	0.0 Feet
REAR BUILDING SETBACK:	20.0 Feet
OFF STREET PARKING REQUIREMENTS	
1 PARKING SPACE/200 SQ. FT.	
SPACE REQUIRED:	20 SPACES
SPACE PROVIDED:	20 SPACES
CAR STACKING REQUIREMENTS	
1 PARKING SPACE/200 SQ. FT.	
BAY ENTRANCE STACKING REQUIRED:	3 SPACES
BAY ENTRANCE STACKING PROVIDED:	3 SPACES
WASH BAY EXIT STACKING REQUIRED:	2 SPACE
WASH BAY EXIT STACKING PROVIDED:	2 SPACE
LOT COVERAGE	
TOTAL LOT AREA:	56,934 SQ. FT.
BUILDING SQ. FT.:	3,940 SQ. FT.
VACUUM #1 CANOPY SQ. FT.:	1,776 SQ. FT.
VACUUM #2 CANOPY SQ. FT.:	1,344 SQ. FT.
PAY STATION CANOPY SQ. FT.:	288 SQ. FT.
VACUUM SHED SQ. FT.:	72 SQ. FT.
TOTAL IMPERVIOUS SQ. FT.:	7,132 SQ. FT.
COVERAGE PERCENTAGE:	13 PERCENT



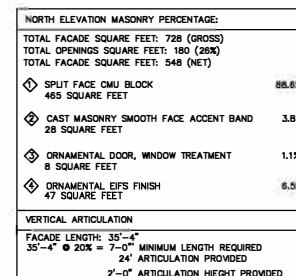
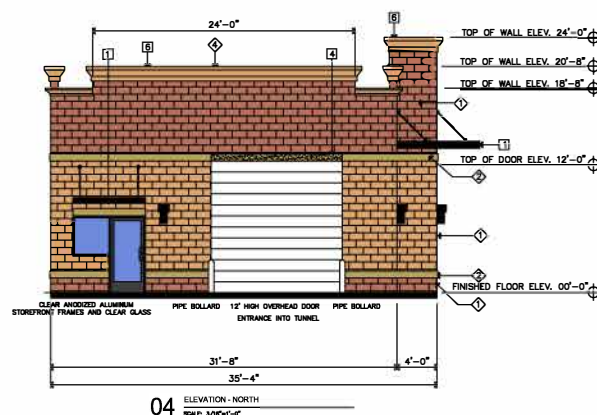
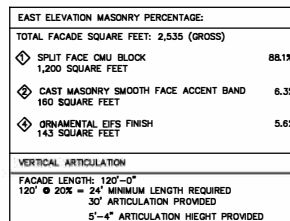
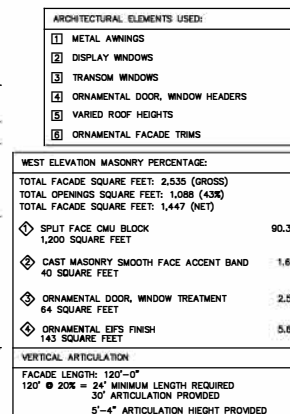
CITY OF GARLAND BENCHMARKS
CITY OF GARLAND GPS MONUMENT NO. 19 LOCATED 11.5' N. OF THE N. CURB LINE OF BUCKINGHAM RD. & 166' E. OF THE CENTERLINE OF NORTHLAKE DR. ELEV. = 529.02
CITY OF GARLAND GPS MONUMENT NO. 53 BEING A BRASS DISK, SET IN THE NORTH END OF CURB INLET ON THE EAST SIDE OF CROSSLAND ROAD JUST SOUTH OF FRESHWELL PARKWAY ELEV. = 516.40



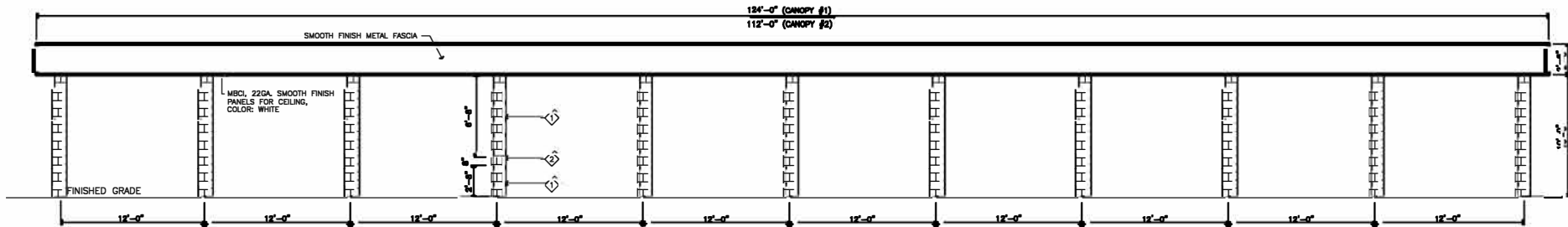
ADJACENCY TO RESIDENTIAL SCREENING FENCE

SCREENING FENCE REQUIRED BY GDC TO BE CONSTRUCTED NEXT TO RESIDENTIAL ADJACENCY. THE DEVELOPER FOR HIDDEN OAKS HAS AGREED TO INSTALL SCREENING FENCE. SO THAT ONLY ONE FENCE TO BE CONSTRUCTED TO AVOID FUTURE TRASH BETWEEN BOTH SCREENING FENCES.

CASE NUMBER: 170606-3



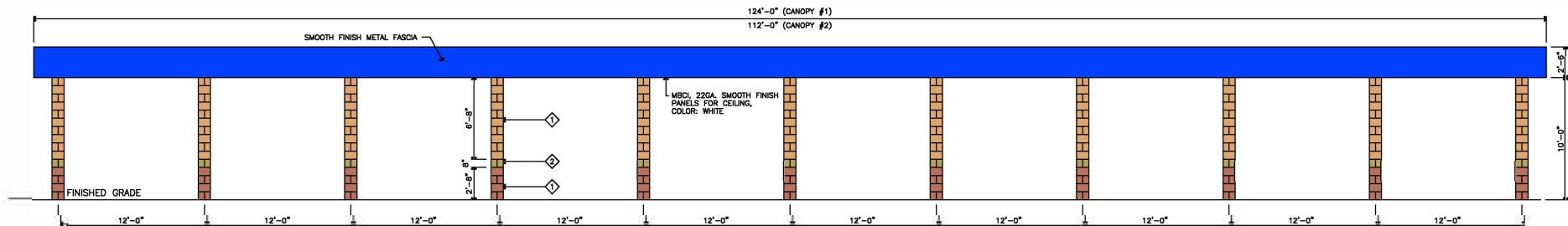
CASE NUMBER: 170606-3



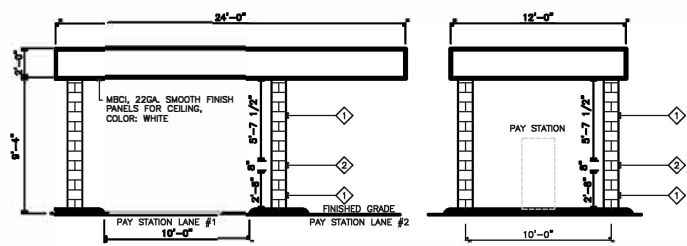
MATERIAL LEGEND

◊	8" SPLIT FACE CMU BLOCK
◊	8" CAST MASONRY SMOOTH FACE ACCENT BAND

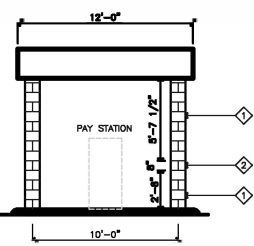
01 ELEVATION - VACUUM CANOPY #1 AND #2
SCALE: 1/4"=1'-0"



02 ELEVATION - VACUUM CANOPY #1 AND #2
SCALE: 1/4"=1'-0"

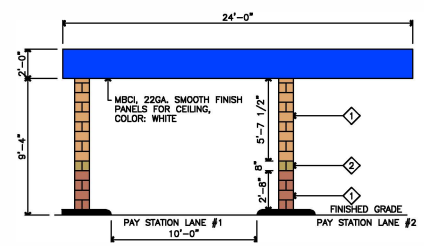


(LOOKING SOUTH)

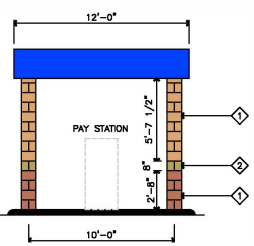


(LOOKING EAST)

03 ELEVATION - PAY STATION CANOPY
SCALE: 1/4"=1'-0"

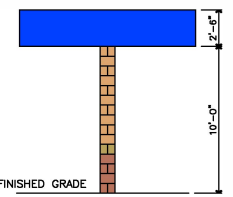


(LOOKING SOUTH)



(LOOKING EAST)

04 ELEVATION - PAY STATION CANOPY
SCALE: 1/4"=1'-0"



05 ELEVATION - PAY STATION CANOPY #1 & #2
SCALE: 1/4"=1'-0"

CASE NUMBER: 170606-3

Classic Design Group

4142 BRITON COURT
Grand Prairie, TX 75052
OFFICE: 972.861.8432
classic_design@icgglobal.net

DEVELOPER

MR. SHANE GRIFFIN
ICG AUTOMATIC SERVICES
3500 CLIFTON COURT
IRVING, TEXAS 75039
PHONE: 888-688-3534
EMAIL: SHANE.GRIFFIN@ICGGLOBAL.NET

GENERAL CONTRACTOR

SHEET NAME

CANOPY ELEVATIONS

DRAWN BY

O. GALAN

CHECKED BY

SCALE

1/4"=1'-0"

PROJECT NO.

ISSUE DATE

29 MAY 18

REVISED DATE

SHEET

CA1

OF

REPORT & MINUTES

P.C. Meeting, June 25, 2018

Consideration of the application of **Classic Design Group**, requesting approval of 1) an amendment to Planned Development (PD) District 01-03; and 2) a Detail Plan for a Car Wash, Automated/Rollover Use on property zoned Planned Development (PD) District 01-03 for Community Retail Uses. This property is located east of Lavon Drive and south of Foster Road. (District 1) (File Z 17-42) (This item was postponed from the June 11, 2018 Plan Commission meeting.)

The applicant Danny Griffith, 5500 Ravensthorpe, Parker, Texas, provided an overview of the request and elaborated on the equipment being utilized and signage.

Chairman Roberts inquired as to whether there would be sound dampening equipment.

Motion was made by Commissioner Williams, seconded by Commissioner O'Hara to **approve** per staff recommendation.

Motion carried: 7 Ayes, 0 Nays



ZONING MAP Z 17-42

INDICATES AREA
OF REQUEST

We did not receive any replies for this case.

Z 17-42

Approval of 1) an amendment to Planned Development (PD) District 01-03; and 2) a Detail Plan for a Car Wash, Automated/Rollover Use on property zoned Planned Development (PD) District 01-03 for Community Retail Uses.

**City Council Meeting
July 17, 2018**



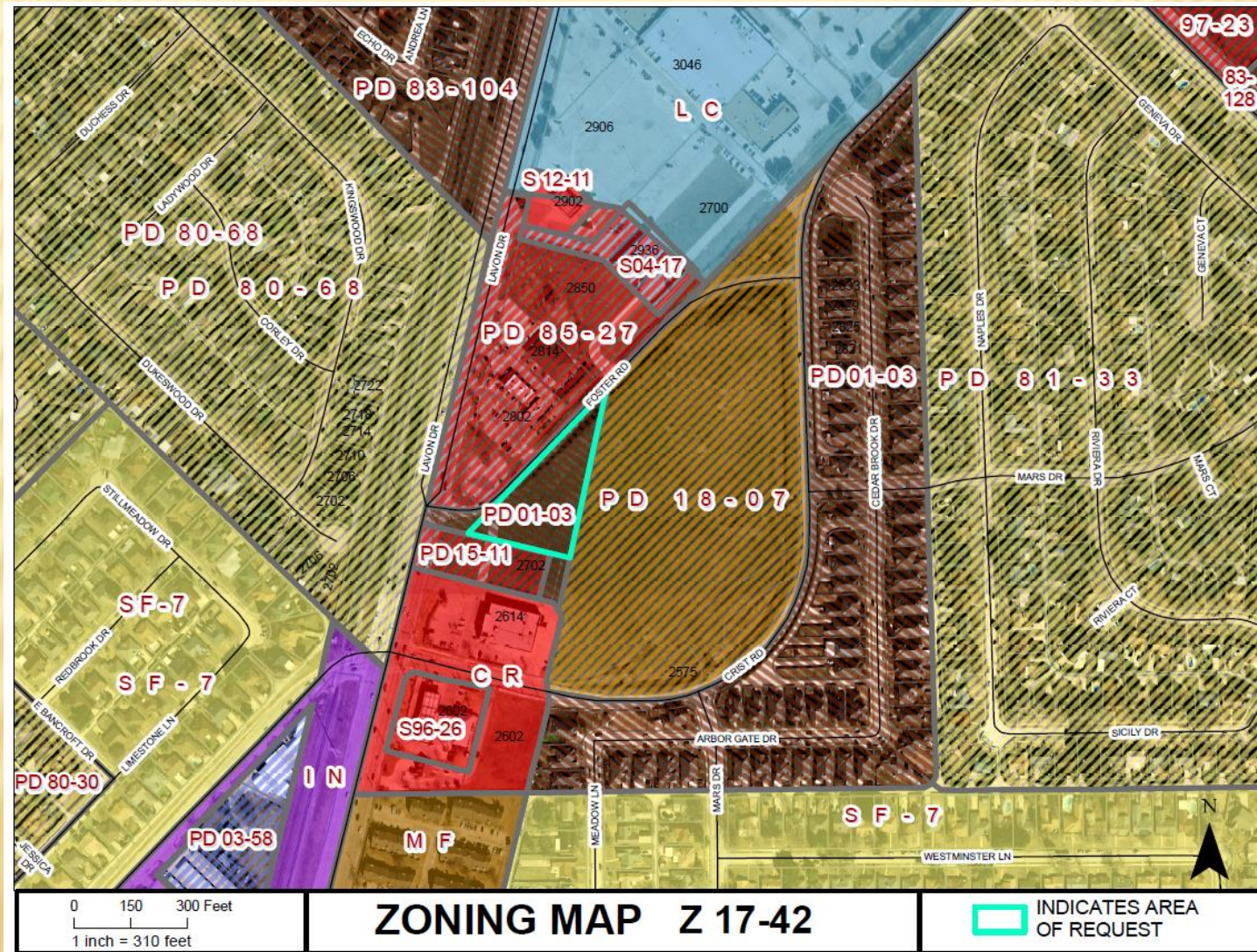
GARLAND

TEXAS MADE HERE

Case Information

<u>Location:</u>	East of Lavon Drive and south of Foster Road (immediately to the north of 2702 Lavon Drive)
<u>Applicant:</u>	Classic Design Group
<u>Owner:</u>	Garland FP LP
<u>Acreage:</u>	1.3 acres
<u>Zoning:</u>	Planned Development (PD) District 01-03

Considerations



Background

- The site is unimproved and is part of a larger property that was zoned in 2001 for a shopping center in Planned Development (PD) District 01-03.
- In 2017 a portion of the shopping center site, east of the subject site, was approved for Single-Family Attached (Townhouse) development in Planned Development (PD) District 17-04, and was amended in 2018 with Planned Development (PD) District 18-07 to expand the site area and allow the Townhouse property to be a phased development.



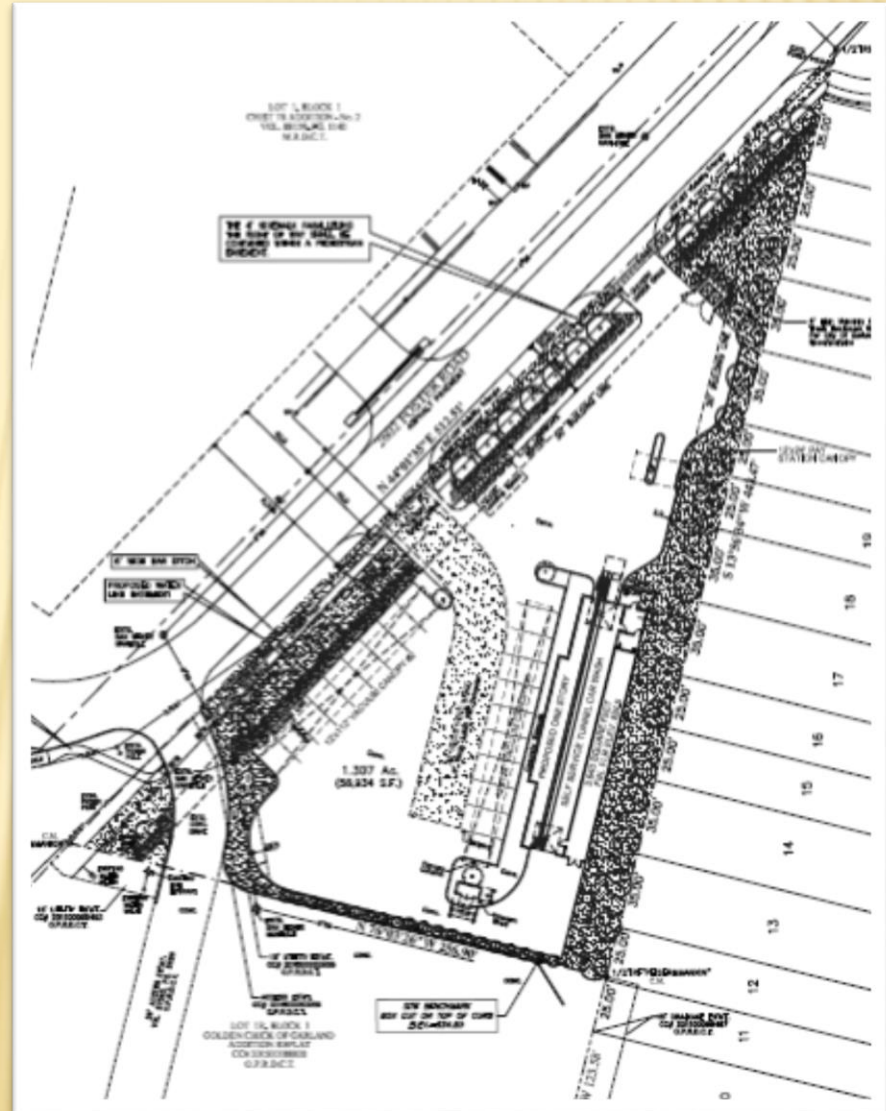
- Car wash bay door faces towards the street
- Refuse enclosure in front of building



Considerations

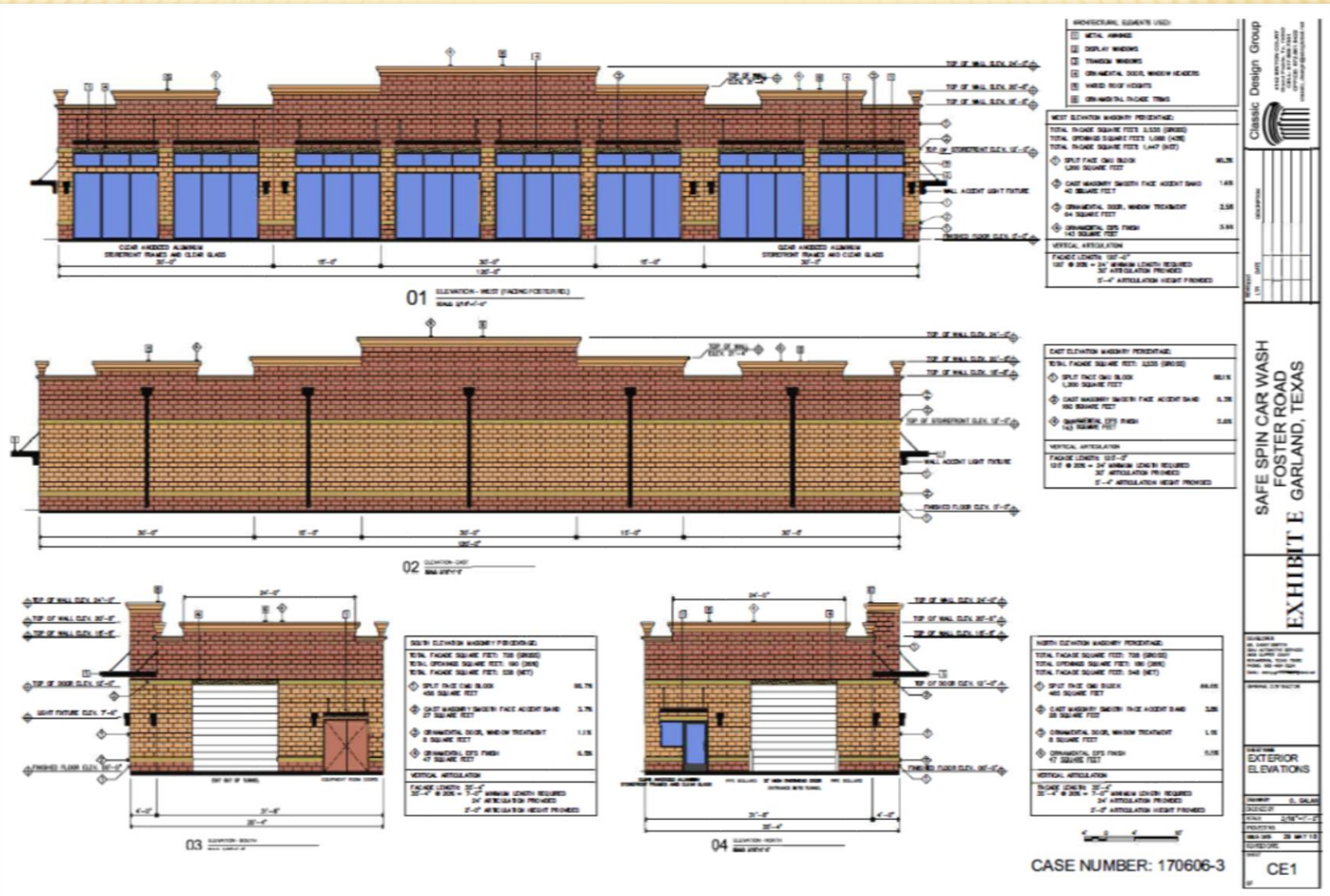
Landscape Plan

- Buffer with large canopy trees, ground cover, and shrubs
- Canopy trees along east property line
- Loading screened with shrubs at front of property
- Refuse screened
- Exit of car wash screened



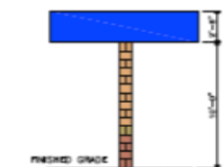
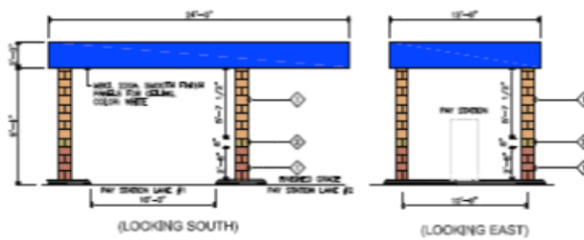
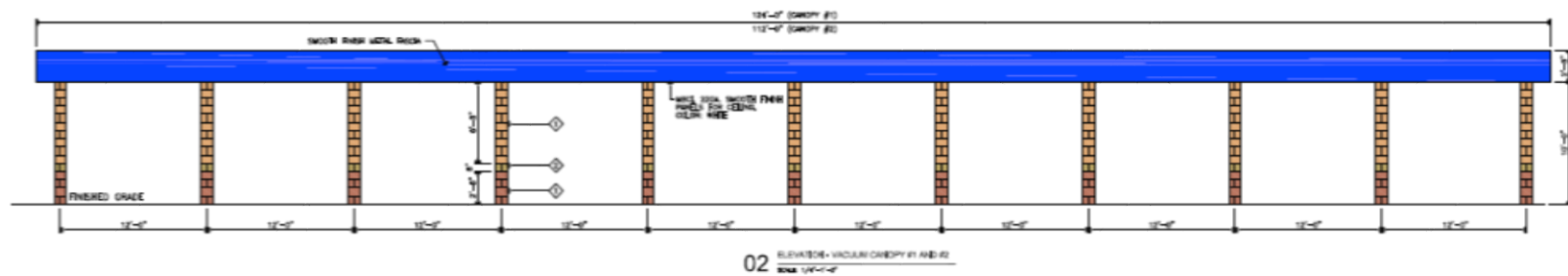
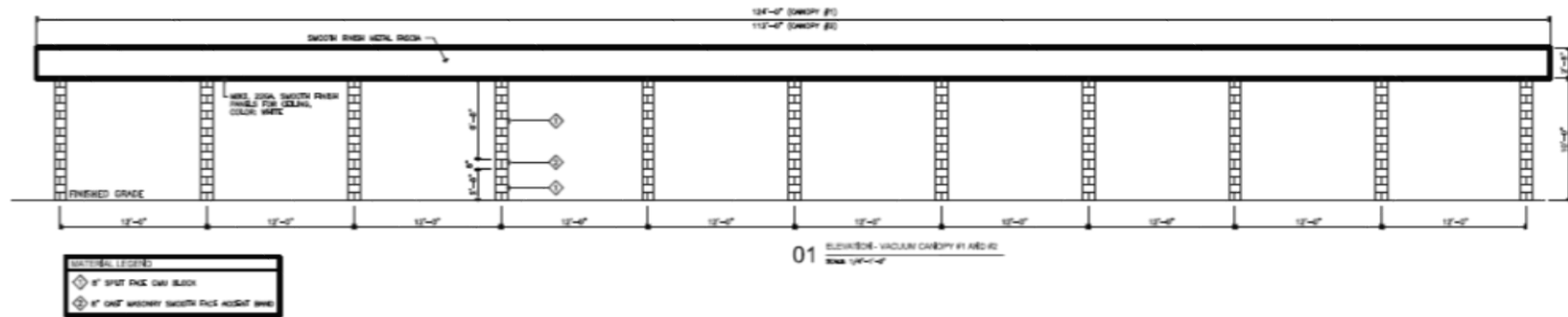


Elevation Plan



Considerations

Elevation Plan



Considerations

Surrounding Properties

- The area to the east is zoned for townhome development.
- The area to the west and south is zoned for commercial development.



West of Subject Site



Subject Site and East of Site



South of Subject Site

Comprehensive Plan

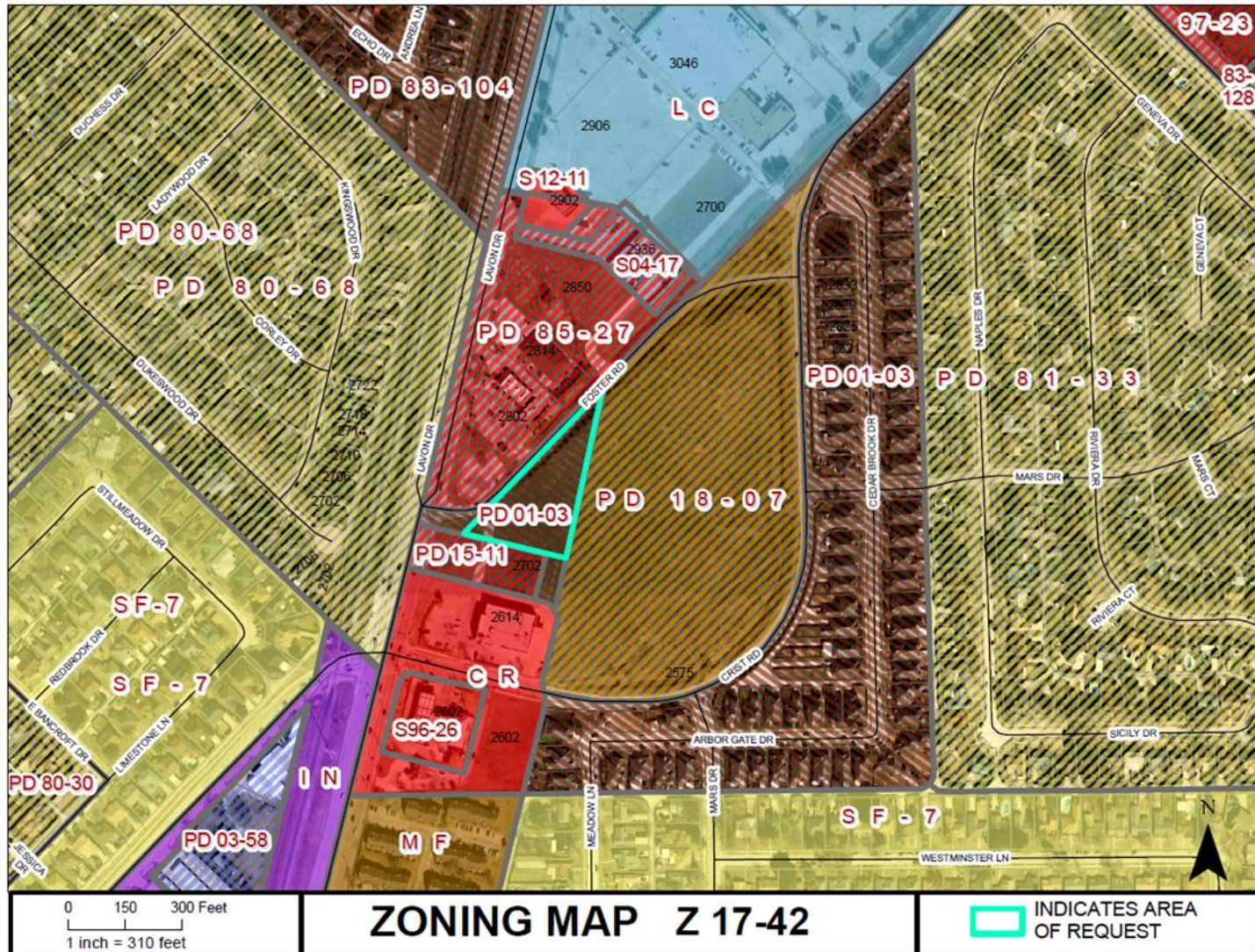
Comprehensive Plan Recommendation: Compact Neighborhoods

Compact Neighborhoods provide areas for moderate increases in residential density, including single-family attached and single-family detached housing. It expands housing options through infill and redevelopment, while continuing walkable development patterns.

These areas provide transitions between traditional residential neighborhoods and higher density residential neighborhoods and non-residential developments. These areas accommodate uses such as convenience retail (goods and services), office space, and public services. The architectural character and scale of these areas are compatible with adjacent residential development. The proposed car wash will offer support services for employment and residential uses in the area.

The Compact Neighborhood development type is primarily characterized as moderate residential (between six and twelve dwelling units per acre). Non-residential sites within this category are typically up to three acres in size.

Considerations





GARLAND PLANNING REPORT

City Council Regular Session Agenda

13.b.

Meeting Date: July 17, 2018

Item Title: Z 18-14 Overland Property Group, LLC (District 3)

Submitted By: Kira Wauwie, Principal Development Planner

REQUEST

Approval of a Change of Zoning from Planned Development (PD) District 14-11 for Single-Family (SF-10) Use to Multi-Family (MF) District.

OWNER

Sooner Ranch Properties, LLC

PLAN COMMISSION RECOMMENDATION

On May 14, 2018 the Plan Commission, by a vote of seven (7) to zero (0), recommended denial of a Change of Zoning from Planned Development (PD) District 14-11 for Single-Family (SF-10) Use to Multi-Family (MF) District.

STAFF RECOMMENDATION

Approval of a Change of Zoning from Planned Development (PD) District 14-11 for Single-Family (SF-10) Use to Multi-Family (MF) District.

BACKGROUND

In 2014, City Council approved Planned Development (PD) District 14-11 for Single-Family (SF-10) Use, Design Center, Stables and Barns and a Detail Plan for a Riding Academy/Stables and Day Camp on 29.95 acres.

Planned Development (PD) District 14-11 consists of two tracts. The purpose for Tract 1 is for the development of single-family detached residential homes. This tract was never developed and is currently vacant. The purpose for Tract 2 was to develop a Riding Academy/Stables, Day Camp, and one (1) Single-Family Residence; this site is developed.

The applicant requests approval of a Change in Zoning from Planned Development (PD) District 14-11 for Single-Family (SF-10) Use to Multi-Family (MF) District for Dwelling, Multi-Family Use on Tract 1.

Upon request of the applicant the City Council postponed this item from its June 5, 2018 City Council hearing to July 17, 2018.

SITE DATA

The subject site contains approximately 8.14 acres and will have 595 feet of frontage along East Miller Road.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Planned Development (PD) District 14-11 for Single-Family (SF-10) Use. The purpose of this Planned Development (PD) 14-11 District is to permit the development of a single-family subdivision. The residential subdivision was intended to be an integral part of the Planned Development (PD) District which also permits development of a stable, a barn and accessory uses.

CONSIDERATIONS

1. The request is a traditional rezoning without the formation of a Planned Development (PD) District. These requests do not require Concept Plan or Detail Plan approval to commence or direct development. Development is dependent on the standards set forth by the Garland Development Code (GDC) and the goals and policies established within the Envision Garland 2030 Comprehensive Plan. This Change in Zoning is not intended to restrict uses or secure development performances beyond what is permitted within the proposed zoning district and the GDC. Accordingly the GDC requires careful consideration as to how closely the proposed district follows the policies of the Envision Garland 2030 Comprehensive Plan, and to what degree the rezoning will impact surrounding and future development.
2. The Multi-Family (MF) District is an attached residential district intended to promote stable, quality, attached-occupancy residential development in livable, sustainable, and compact residential communities at a maximum density of eighteen dwelling units per acre. The principal allowed land uses include low-rise to mid-rise multiple-family dwelling structures that are renter-occupied or owner-occupied (as in condominiums). Recreational, religious, health, and educational uses normally locate to serve residential areas are also allowed in this district. This district should be located adjacent to an arterial or collector street, and can serve as a buffer between nonresidential development or heavy automobile traffic and medium-density or low-density residential development. The applicant proposes to develop the site in a manner consistent with the stated purpose of the Multi-Family (MF) District.
3. Planned Development (PD) District 14-11 consists of two tracts. The purpose of Tract 1 is to permit the development of single-family detached residential homes. The minimum lot size for Tract 1 is 27,000 square feet and the minimum dwelling unit size is 2,800 square feet. The permitted uses in Tract 2 are Riding Academy/Stables, Day Camp, and one (1) single-family residence. The structures permitted in conjunction with the permitted uses include a Clubhouse, two (2) barns, three (3) loafing sheds, and four (4) shade structures. The minimum dwelling unit size for Tract 2 is 1,100 square feet. The applicant is requesting a zoning change to Multi-Family (MF) District on Tract 1.

4. The GDC provides the tools to ensure that development standards which promote efficient use of land and resources and which are supportive of the policies of the Comprehensive Plan are incorporated into site development, including but not limited to building and site design.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland 2030 Comprehensive Plan designates the subject property Traditional Neighborhoods. Traditional Neighborhoods are currently found throughout Garland and provide areas for low to moderate density single-family detached residential housing. Traditional Neighborhoods also accommodate convenience retail (goods and services), office space, and public services.

The Traditional Neighborhood development type is primarily characterized as low density, single-family detached (between one and six dwelling units per acre); Single-Family-10 (SF-10) District yields approximately 4.3 units per acre.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The surrounding properties are primarily developed with residential and commercial uses. The property to the north is zoned Community Retail (CR) District but the site is currently undeveloped. The property to the east is a part of Planned Development (PD) District 14-11 for Single-Family Use, Design Center, Stables and Barns and includes Riding Academy/Stables and Day Camp (Merriwood Ranch Camp). Property to the south is zoned Single-Family (SF-10) District and currently developed as West Shore Estates single-family residential neighborhood. The property to the west is zoned Planned Development (PD) District 85-24 for Community Retail Use and this site is vacant. The proposed development is medium-density residential and it will provide diverse neighborhood options to maximize Garland's residential desirability, livability, and value.

Attachments

Z 18-14 Overland Property Group Exhibits
Z 18-14 Overland Property Group, LLC Responses
Z 18-14 Overland Property Group, LLC Staff Presentation



0 200 400 Feet 1 inch = 376 feet	ZONING MAP Z 18-14	 INDICATES AREA OF REQUEST
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REPORT & MINUTES

P.C. Meeting, May 14, 2018

Consideration of the application of **Overland Property Group, LLC**, requesting a Change of Zoning from Planned Development (PD) District 14-11 for Single-Family (SF-10) Use to Multi-Family (MF) District. This site is located at 2017 Bunk House Road, and more specifically it is located approximately 650 feet east of East Centerville Road on the south side of East Miller Road. (District 3) (File Z 18-14)

Representing the applicant, Brett Johnson, 5345 West 151st Harrison, Lee Wood, Kansas, spoke on the history and background of the company, stated the request for straight zoning was due to time constraints, environmental concerns have been addressed, a meeting with surrounding neighbors was held, and provided an overview of the request. Mr. Johnson went on to inform the Commission of the location of the Water Utilities lift station, and the variables in determining the location for the request.

Commissioner Edwards inquired as to the location of the Water Utilities lift station.

Commissioner Dalton asked of the applicant if additional sites were considered.

Citizens speaking in opposition:

James Bartosh, 1817 Meadowview Drive, Garland, Texas
Floyd Bartovikac, 2006 West Shore, Garland, Texas
Leah Black, 1609 James Good Lane, Garland, Texas
Jerry Brown, 2002 Meadowview Drive, Garland, Texas
Albert Mandeville, 2028 Meadowview Circle, Garland, Texas
Candie Nelson, 1837 Meadowview Drive, Garland, Texas
Boyd O'Conner, 2221 Meadowview Drive, Garland, Texas
Jonathan O'Riley, 1902 Meadowview Drive, Garland, Texas

Citizens registering their opposition, but did not speak:

Rick Noble, 2001 Meadowview Drive, Garland, Texas
Geraldine Robison Watson, 2110 Meadowview Court, Garland, Texas

Concerns were raised regarding property values, traffic, proposed type of development, security/increase in crime, and loss of Open Space. Several citizens also stated they never received an invitation as stated by the Applicant regarding the neighborhood meeting.

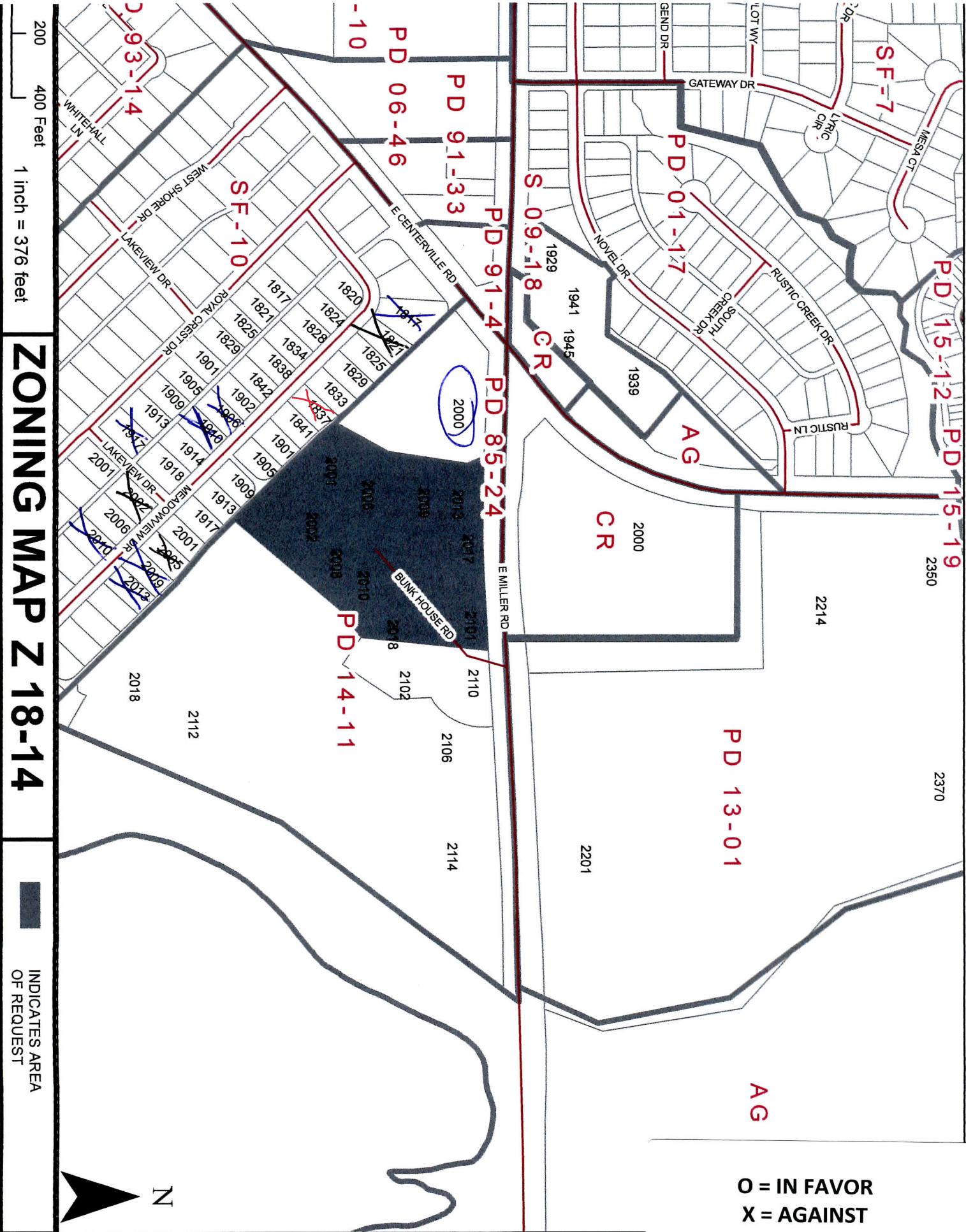
Motion was made by Commissioner Edwards, seconded by Commissioner Dalton to close the Public Hearing and open the case for discussion.

Motion Carried: 7 Ayes, 0 Nays.

Commissioner Dalton spoke against the request stating the location was not appropriate.

Commissioner Ott spoke against the request, expressing concern the request lacks a Planned Development (PD).

Motion was made by Commissioner Edwards, seconded by Commissioner Williams to **deny** the request. **Motion carried: 7 Ayes, 0 Nays.**



Allmendinger, Tracy

From: Karen Walthall <klharvey80@gmail.com>
Sent: Monday, May 07, 2018 11:19 AM
To: Planning Group
Subject: Response to zoning change request notification
Attachments: Garland zoning change response.pdf

Hello,

Attached is our response to the zoning change request notification we received regarding File Z 18-14. We are opposed to changing the zoning for this property from single-family to multifamily residential. The single-family designation for the vacant land in question strongly influenced our decision to purchase our nearby home. We feel that multifamily development so close to our home will have a deleterious effect on our quality of life, especially on enjoyment of our outdoor spaces.

Thank you,

Karen and Ronald Walthall
2005 Meadowview Dr
Garland, TX 75043



GARLAND

May 2, 2018

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

HEARING DATE/TIME: Plan Commission: May 14, 2018 – 7:00 PM

APPLICANT: Overland Property Group, LLC

File Z 18-14

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, May 14, 2018, in the Council Chambers of the William E. Dollar Municipal Building (City Hall), 200 North Fifth Street, to consider the application of **Overland Property Group, LLC**, requesting a Change of Zoning from Planned Development (PD) District 14-11 for Single Family (SF-10) Use to Multi-Family (MF) District. The property is shown on the enclosed sketch and is described as follows:

BEING an approximate of 8.14-acre tract of land and being Lot 1R1, Block 1, Chiesa Ranch Addition Second Replat, an addition to the City of Garland, Dallas County, Texas, according to the map or plat thereof, recorded in Clerk's File No. 201400245997, Plat Records, Dallas County, Texas. This site is located at 2017 Bunk House Road. (District 3)

Note: The applicant requests approval of a Change in Zoning to allow for a multi-family development. The site is more specifically located approximately 650 feet east of East Centerville Road on the south side of East Miller Road.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return that section using any of the following methods: mail to City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002, fax to 972-205-2474, deliver to the Planning Department at 800 East Main Street, Garland TX, or email Planning@Garlandtx.gov. It is important that your response include your property address, your name, and mailing address. Should you have any questions, please contact Kira Wauwie at 972-205-2456.

(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

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

That property being zoned single-family strongly influenced our decision to purchase our home in the adjoining neighborhood.
(Please complete the following information)

Your Property Address

Karen & Ronald Walthall

Printed Name

2005 Meadowview Dr

Garland, TX

75043

Address

City, State

Zip

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

Signature

Title

Date:

5/7/18

Property owner

Allmendinger, Tracy

From: kim <KIM.HOUSTON@ETCAIR.COM>
Sent: Tuesday, May 08, 2018 2:47 PM
To: houstonkss@yahoo.com; Planning Group
Cc: Planning Group
Subject: File Z 18-14
Attachments: scan.pdf

I oppose the request for zoning change of Overland Property Group, LLC.
Kimberly Houston 1821 Meadowview Dr. Garland TX 75043 214-477-3883

Kimberly Houston

-----Original Message-----

From: Scan from WorkCentre [mailto:info@etcair.com]
Sent: Wednesday, May 8, 2019 2:34 PM
To: Sandy ; Kimberly
Subject: scan

scan from copier

Attachment File Type: pdf, Multi-Page

Device Name: XRX_0000AAD468F4

scanner

This email has been checked for viruses by AVG.
<http://www.avg.com>



GARLAND

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

May 2, 2018

HEARING DATE/TIME: Plan Commission: May 14, 2018 – 7:00 PM

APPLICANT: Overland Property Group, LLC

File Z 18-14

Dear Property Owner:

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(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

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

(Please complete the following information)

Your Property Address

Kimberly Houston Scott Houston
Printed Name
1821 meadowview Dr. Garland Tx 75043
Address City, State Zip

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

Kimberly Houston Homeowner
Signature Title

Date: _____

*Apartment
not houses*



GARLAND

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

May 2, 2018

HEARING DATE/TIME: Plan Commission: May 14, 2018 – 7:00 PM

APPLICANT: Overland Property Group, LLC

File Z 18-14

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(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

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

PROPERTY VALUES WILL DECLINE, INCREASE TRAFFIC CONGESTION
NOT A GOOD LOCATION FOR APARTMENTS
(Please complete the following information)

Your Property Address

JERRY W. BROWN
Printed Name
2002 MEADOWVIEW GARLAND, TX 75043
Address City, State Zip

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

Jerry W. Brown HOMEOWNER
Signature Title

Date: 5-6-2018



GARLAND

May 2, 2018

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

HEARING DATE/TIME: Plan Commission: May 14, 2018 – 7:00 PM

APPLICANT: Overland Property Group, LLC

File Z 18-14

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, May 14, 2018, in the Council Chambers of the William E. Dollar Municipal Building (City Hall), 200 North Fifth Street, to consider the application of **Overland Property Group, LLC**, requesting a Change of Zoning from Planned Development (PD) District 14-11 for Single Family (SF-10) Use to Multi-Family (MF) District. The property is shown on the enclosed sketch and is described as follows:

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(Please Check One Below)

☐ I am in favor of the request.

☒ ~~I am~~ opposed to the request.

THIS IS ZONED SF NOW. THIS WHOLE AREA IS SF HOUSES AND IS THE WHAT WAS ONE OF THE REASONS WHY WE BOUGHT HERE. THE ONLY REASON THE REQUESTED CHANGE IS SOUGHT IS TO SQUEEZE MORE MONEY OUT OF THE PROPERTY. IT WOULD INCREASE TRAFFIC THRU THE NEIGHBORHOOD.

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

IT WOULD BRING NOTHING POSITIVE TO THE NEIGHBORHOOD

(Please complete the following information)

Your Property Address

1917 ROYAL CREST DRIVE GARLAND TX 75043

Printed Name

RAYMOND F. THOMAS - LOIS J. THOMAS

Address

City, State

1917 ROYAL CREST DRIVE GARLAND TX 75043

Zip

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

Signature

Raymond F. Thomas Lois J. Thomas

Title

Owners

Date:

5-6-18

MAY 10 '18 PM 1:54



GARLAND

May 2, 2018

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

HEARING DATE/TIME: Plan Commission: May 14, 2018 – 7:00 PM

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(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

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

1. OVERABUNDANCE OF MULTI-FAMILY UNITS IN THIS AREA.
2. THIS TRACT WAS PREVIOUSLY A CITY LANDFILL, IT DOES NOT NEED TO BE DISTURBED.

Your Property Address

2013 MEADOWVIEW DR

Printed Name

RICHARD & BEA KNAGG GARLAND, TX 75043

Address

City, State

Zip

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

Richard & Bea Knagg *Richard Y. Knagg* *EFFGATED Property Owners*

Signature

Title

Date: 05/07/18

MAY 10 '18 PM 1:54



GARLAND

May 2, 2018

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

HEARING DATE/TIME: Plan Commission: May 14, 2018 – 7:00 PM

APPLICANT: Overland Property Group, LLC

File Z 18-14

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(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

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

to much traffic already

(Please complete the following information)

Your Property Address

Printed Name Carole A. Holmes
2010 Meadowview DR Garland TX 75043
Address City, State Zip

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

Signature Carole A. Holmes Title _____

Date: May 7, 2018

MAY 10 '18 PM 1:54



GARLAND

May 2, 2018

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

HEARING DATE/TIME: Plan Commission: May 14, 2018 – 7:00 PM

APPLICANT: Overland Property Group, LLC

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(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

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

(Please complete the following information)

Your Property Address

1910 Meadowview - WARREN HAMRICK for Rota Properties LLC

Printed Name

Address

City, State

Zip

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

Warren Hamrick

Signature

SOLE MEMBER

Title

Date: 5/10/2018

I am 100% opposed. I know when we approved their horse ranch, it was a ruse to eventually put in multi-family. They should sell and go elsewhere.

**GARLAND**

May 2, 2018

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

HEARING DATE/TIME: Plan Commission: May 14, 2018 – 7:00 PM**APPLICANT:** Overland Property Group, LLC**File Z 18-14**

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(Please Check One Below)

☐ I am in favor of the request.☒ I am opposed to the request.

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

(Please complete the following information)

Your Property Address

1906 Meadowview Dr

Printed Name

Kent & Debbie Goldin Garland TX

Address

City, State

Zip

75043

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

Signature

Title

Date:

5-10-18



GARLAND

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

May 2, 2018

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APPLICANT: Overland Property Group, LLC

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(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

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

We brought our house because it's a feeling of country but in the city. We don't want to see additional building behind us.

(Please complete the following information)

Your Property Address

JON & LYLA GODFREY

Printed Name

2009 MEADOWVIEW DR

Address

GARLAND TX

City, State

75043

Zip

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

JT Godfrey

Signature

Home Owner

Title

Date: 5/10/18



GARLAND

May 2, 2018

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

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(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

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

(Please complete the following information)

Your Property Address
2000 East Centerville Road

Printed Name
CRV, LLC, Mr. Jim Ervin & R. Steven George

Address 904 Hillside Drive City, State Copper Canyon, TX 75077 Zip

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

James L. Ervin
Signature

Managers

Title

Date: 05/11/2018

R. St. George

Allmendinger, Tracy

From: Denise Bartosh <dbartosh@att.net>
Sent: Monday, May 14, 2018 12:22 PM
To: Planning Group
Subject: Overland Property Group Zoning Request Response
Attachments: Garland Zoning Change.pdf

No to the Zone change. Garland has enough multi-family developments. We approved this location for Single Family Structures years ago and I think the owner should be held to the agreement that we made at that time. Within 5 years of development, the area around every multi-family development in South Garland the crime rate goes up.

James Bartosh
1817 Meadowview Dr
Garland, TX 75043



GARLAND

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

May 2, 2018

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APPLICANT: Overland Property Group, LLC

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(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

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

This will reduce our home values. This will increase crime.

(Please complete the following information)

Your Property Address

James + Denise Bartosh
Printed Name
1817 Meadowview Dr *Garland TX* *75043*
Address City, State Zip

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

James Bartosh Denise Bartosh *owners*
Signature Title

Date: *5-11-18*



GARLAND

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

May 2, 2018

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(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

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

(Please complete the following information)

Your Property Address

Printed Name

Address

City, State

Zip

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

Signature

Title

Date: May 14, 2018

I am opposed to re-zoning to (3-story) multi-family because I feel that would significantly lower the value of the homes in West Shore Estates; the area already has several apartments and condos. I bought my house 15 years ago being informed that land was zoned for single family.

WEST SHORE ESTATES

June 4, 2018

Mr. Mayor and Council Members:

This document will provide the City Council of Garland Texas with notice of opposition to the proposed Section 42 Affordable Apartments in the requested zone change from Single Family Dwelling to Multi Family Apartments by Overland Property Group, LLC. This project is bounded by Miller Rd. to the North, Merriwood Ranch to the East, Residential Property on Meadowview Dr. on the South and a small 3 Ac. Piece of property parallel with Centerville Rd. on the West.

The enclosures are 9 pages of residential owners or residents signatures who are opposed to this project, this will interrupt their quality of life as a rural community along with numerous other concerns, when the Council Meets to consider this project, which was rejected by the Planning Commission.

Should you have questions or need additional information please contact Chester Murdock, 2101 Meadowview Dr., Garland, TX. Phone 214-906-9235 or e-mail address: cmurdock456@peoplepc.com. Thank you for considering this very important effort to so many that are concerned with the growth of South Garland.

Respectfully Submitted

A handwritten signature in black ink that reads "Chester Murdock". The signature is written in a cursive, flowing style.

Chester Murdock

May 28, 2018

Dear City Council Members:

We, the undersigned, call on the City Council of the City of Garland, Texas to DENY a Change of Zone Request from Planned Development (PD) District 14-11 for Single- Family (SF-10) use to Multi-Family (MF) District.

Please consider this as a formal protest against the proposed zone change Planned Development (PD) District 14-11 for Single- Family (SF-10) use to Multi-Family (MF) District.

BEING an approximate of 8.14-acre tract of land and being lot 1R1, Block 1, Chiesa Ranch Addition Second Replat, an addition to the City of Garland, Dallas County, Texas, according to the map or plat thereof, recorded in Clerk's File No. 201400245997, Plat Records, Dallas County, Texas. This site is located at 2017 Bunk House Road. (District 3) The site is more specifically located approximately 650 feet east of East Centerville Road on the south side of East Miller Road (File Z 18-14)

It is our understanding that, if a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zone change can only be approved if not less than three-fourths of the Common Council members voting on this rezoning vote in favor of the change.

We the property owners/residents at the following addresses believe this qualifies us as formal protest petitioners. Below are our signatures in protest against this zone change.

Name – Address – Signature – Date

CAROLE A. HOLMES, 2010 MEADOWVIEW DR., Carole A. Holmes 6/2/18
CHRISTINE BARNES, 1910 MEADOWVIEW DR., Christine Barnes 6/2/18
KENT GOLDIN, 1906 MEADOWVIEW DR., Kent Goldin 6/2/18
FAY THOMPSON, 1842 MEADOWVIEW DR., Fay Thompson 6/2/18
RICK BARTON, 1838 MEADOWVIEW DR., Rick Barton 6-2-18
KATHY LAMB, 1834 MEADOWVIEW DR., Kathy Lamb 6-2-18
ANGELICA MORENO, 1824 MEADOWVIEW DR., Angelica Moreno 6-2-18
SOUHAIL MANSOUR, 2006 MEADOWVIEW DR., Souhail Mansour 6/3/18
JERRY BROWN, 2002 MEADOWVIEW DR., Jerry W. Brown 6/3/18
JOHNNY M. RAMOS, 1918 MEADOWVIEW DR., Johnny M. Ramos 6/3/18

May 28, 2018

Dear City Council Members:

We, the undersigned, call on the City Council of the City of Garland, Texas to DENY a Change of Zone Request from Planned Development (PD) District 14-11 for Single- Family (SF-10) use to Multi-Family (MF) District.

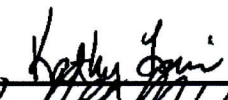
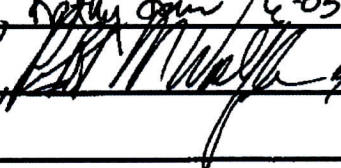
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Name – Address – Signature – Date

KATHY LEWIS, 1828 MEADOWVIEW DR.,  6-03-18
ROBERT WOELFLE, 1820 MEADOWVIEW DR.,  6/03/18

May 28, 2018

Dear City Council Members:

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It is our understanding that, if a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zone change can only be approved if not less than three-fourths of the Common Council members voting on this rezoning vote in favor of the change.

We the property owners/residents at the following addresses believe this qualifies us as formal protest petitioners. Below are our signatures in protest against this zone change.

Name - Address - Signature - Date

TOM HANNA, 2102 MEADOWVIEW CIR., Tom Hanna 5/31/18
ALBERT MANDEVILLE, 2028 MEADOWVIEW CIR., Albert Mandeville 5/31/18
EDDY EDWARDS, 2104 MEADOWVIEW CIR., Eddy Edwards 5/31/18
LINDA WATSON, 2106 MEADOWVIEW CIR., Linda Watson 5/31/18
BRUCE WATSON, 2110 MEADOWVIEW CT., Bruce Watson 5/31/18
WARREN DAHMS, 2122 MEADOWVIEW CT., Warren Dahms 5/31/18
JOHN RHODES, 2114 MEADOWVIEW CT., John F. Rhodes 6/1/18
DAVID VANDERSLICE, 2210 MEADOWVIEW DR., David Vanderslice 6/3/18
KEN JACKSON, 2014 MEADOWVIEW DR., Ken Jackson 6/3/18
JAMES E. MOORE, 2024 MEADOWVIEW DR., James E. Moore 6/3/18

May 28, 2018

Dear City Council Members:

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Name – Address – Signature – Date

BARBARA FLICK, ~~226~~ 2226 MEADOWVIEW DR.,  6/3/18

May 28, 2018

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Name - Address - Signature - Date

Terry Bowles 2021 Meadowview Dr. *Terry Bowles* 6-03-18
~~David Turner~~ 2025 MEADOWVIEW DR. *David Turner* 6-03-18
Sergio Torres 2029 meadowview dr. *Sergio Torres* 6-03-18
Chester Murdock 2101 Meadowview Dr. *Chester E. Murdock* 6-03-18
Rick Noble 2001 MEADOWVIEW DR. *Rick Noble* 6-4-18

May 28, 2018

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Name - Address - Signature - Date

Dalton & Terri Charlden 1913 Meadowview Terrace 5/30/18
David & Pamela Emery 1909 Meadowview Terrace 5/30/18
THUY PHAM 1905 Meadowview Dr 5/30/18
FRANKIE WELLS 1901 Meadowview Dr 5/30/18
Dan & Debbie Lewis 1833 Meadowview Dr 5/30/18
Joe Solis 5/30/18 1809 Meadowview Dr Joseph Solis
Marlene & Artur 1805 Meadowview Dr 5/30/18
James Bartosh 1817 Meadowview Dr James Bartosh 6/3/18
Kenneth Whitall 2005 Meadowview Dr 6-3-18
Richard & Ben Krug 2013 Meadowview Dr

May 28, 2018

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Name - Address - Signature - Date

Kenneth STRASER 2001 ROYAL CREST Kenneth Straser 6-2-18

Raymond & Lois THOMAS 1917 Royal Crest Lois Thomas 6-2-18

Richard Williams 1913 Royal Crest Dr. [Signature] 6-3-18

Nancy Williams 1913 Royal Crest Dr. Nancy Williams 6-3-18

Maricela Benitez 1829 Royal Crest Dr. Maricela Benitez 6-3-18

Jeffery J Pruitt 1909 Royal Crest Dr. Jeffery J Pruitt 6-3-18

Karen Pruitt 1909 Royal Crest Drive Karen Pruitt 6-3-18

LARRY HOOPER 1825 ROYAL CREST DR. [Signature] 6/4/18

Judy G. Hooper 1825 ROYAL CREST DR. Judy G. Hooper 6/4/18

May 28, 2018

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Br & Darlene Whitworth	2105 Meadowview	Robert Whitworth	6/2/18
Mike & Carrie Jones	2117 Meadowview	Chung	
Terr Beckham	2121 Meadowview		
W.E. Whittaker	2201 Meadowview		
Tyler Beasley	2109 meadowview	2 Pts	6-2-18
Jeff Hartwick	2113 "		6-2-18
David Peyton	2205 "		6-2-18
Barbara Ciarat	2217 "	Ben Hunt	6-2-18
Boyd O'Connor	2221 "	Boyd O'Connor	6-2-18
Dana See Geldon	2213 "	Dana Heldon	6-2-18

May 28, 2018

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Name – Address – Signature – Date

Carl Rhoades 2225 Meadowview Carl Rhoades 6-2-18

Z 18-14

Approval of a Change in Zoning from Planned Development (PD) District 14-11 for Single-Family (SF-10) Use to Multi-Family (MF) District.

**City Council Meeting
July 17, 2018**



GARLAND

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Case Information

Location: East of East Centerville Road on the south side of East Miller Road

Applicant: Overland Property Group, LLC.

Owner: Sooner Ranch Properties, L.P.

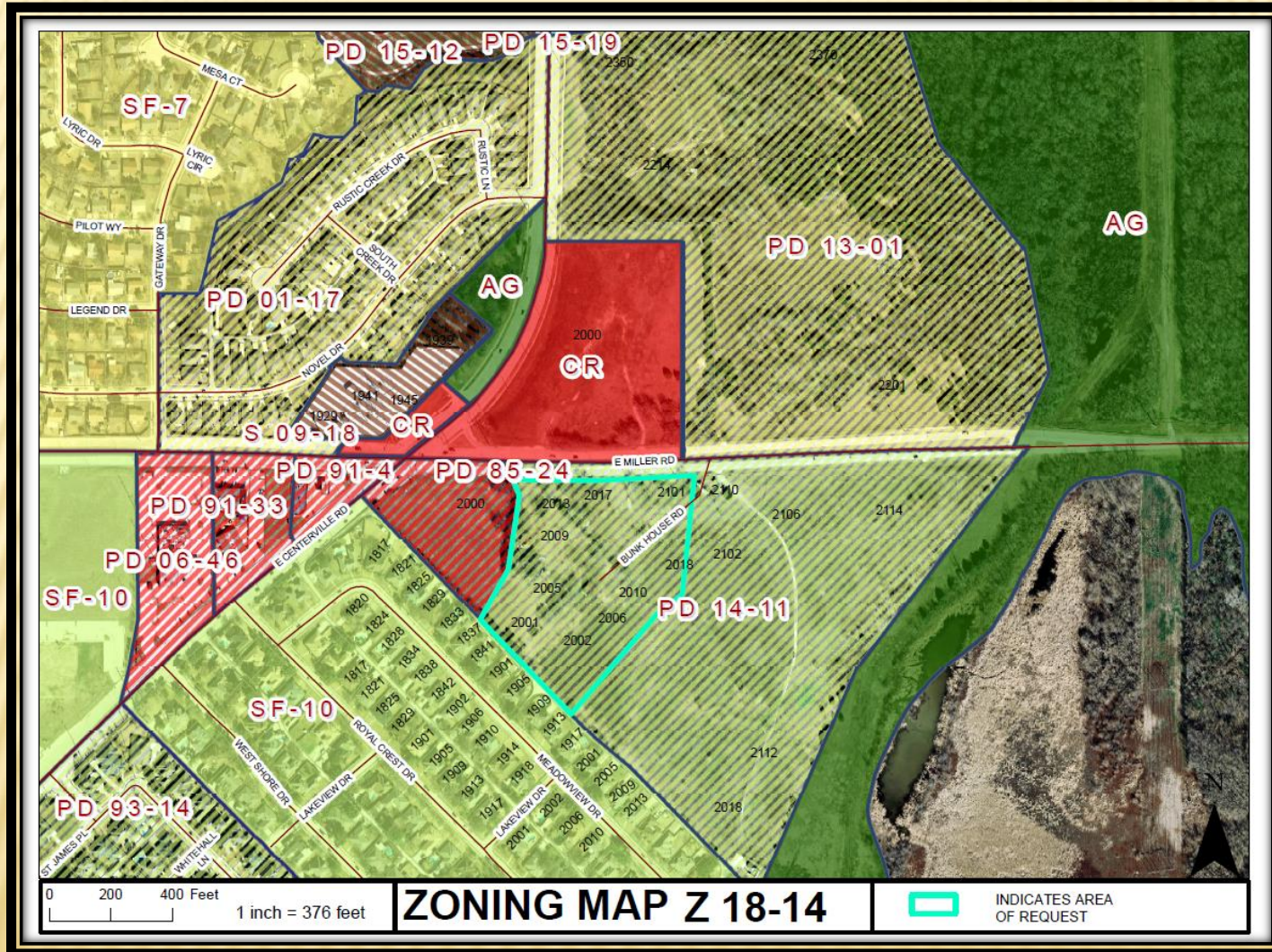
Acreage: 8.14

Zoning: Planned Development (PD) District 14-11 for Single-Family (SF-10) Use.



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Surrounding Zoning and Land Uses



Z 18-14

Considerations

Background:

- The applicant requests approval of a Change in Zoning from Planned Development (PD) District 14-11 for Single-Family (SF-10) Use to Multi-Family (MF) District.
- Planned Development (PD) District 14-11 consists of two tracts. The purpose for Tract 1 is for the development of single family detached residential homes. This tract was never developed and is currently vacant. The purpose for Tract 2 was to develop a Riding Academy/Stables, Day Camp, and one (1) Single Family Residence. This site is developed.

Considerations

Change in Zoning:

- The request is a traditional rezoning without the formation of a Planned Development (PD) District. These requests do not require Concept Plan or Detail Plan approval to commence or direct development.
- Development is dependent on the zoning and development standards set forth by the Garland Development Code (GDC) and the goals and policies established within the Envision Garland 2030 Comprehensive Plan.
- A Change in Zoning is not intended to restrict uses or secure development performances beyond what is permitted within the proposed zoning district and the GDC.
- The GDC requires careful consideration as to how closely the proposed district follows the policies of the Envision Garland 2030 Comprehensive Plan, and to what degree will the rezoning impact surrounding and future development.

Considerations

Multi-Family (MF) District:

- The Multi-Family (MF) District is an attached residential district intended to promote stable, quality, attached-occupancy residential development in livable, sustainable, and compact residential communities at a maximum density of eighteen dwelling units per acre.
- This district should be located adjacent to an arterial or collector street, and can serve as a buffer between nonresidential development or heavy automobile traffic and medium-density or low-density residential development.
- The applicant proposes to develop the site in a manner consistent with the stated purpose of the Multi-Family (MF) District.

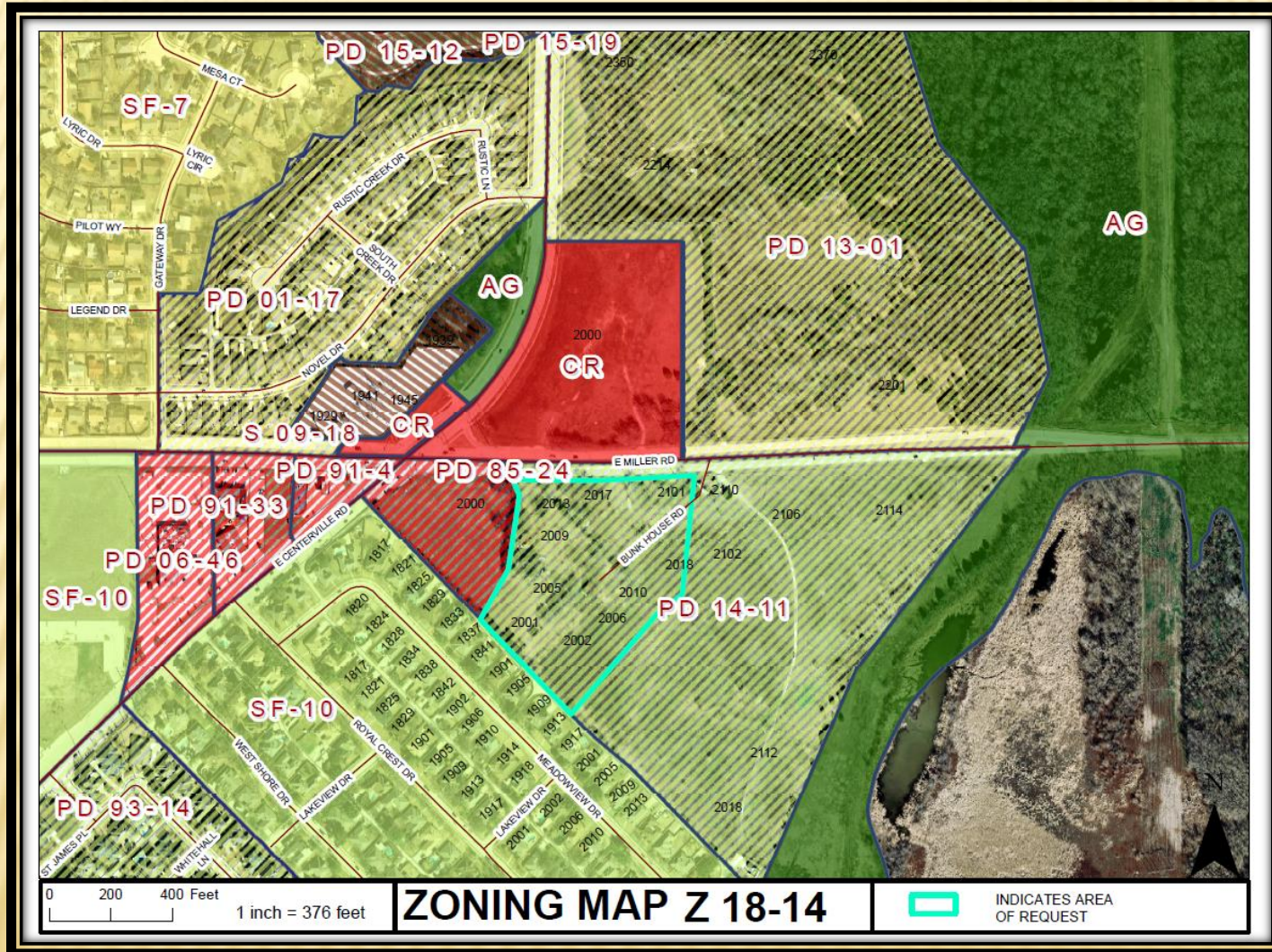
Traditional Neighborhoods:

- The Future Land Use Map of the Envision Garland 2030 Comprehensive Plan designates the subject property Traditional Neighborhoods. Traditional Neighborhoods are currently found throughout Garland and provide areas for low to moderate density single-family detached residential housing. Traditional Neighborhoods also accommodate convenience retail (goods and services), office space, and public services.
- The Traditional Neighborhood development type is primarily characterized as low density, single-family detached (between one and six dwelling units per acre).



GARLAND
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Surrounding Zoning and Land Uses



Photographs



Looking north of subject site from East Miller Road



Looking east of subject site from East Miller Road



Looking west of subject site from East Miller Road



Looking south to subject site from East Miller Road



GARLAND PLANNING REPORT

City Council Regular Session Agenda

13.c.

Meeting Date: July 17, 2018

Item Title: Z 18-21 Paul Taylor Homes, Limited (District 3)

Submitted By: Josue De La Vega, Sr. Development Planner

REQUEST

Approval of 1) an Amendment to Planned Development (PD) 86-53 District for Single-Family-7 Uses and 2) a Detail Plan for Dwelling, Single-Family Detached.

OWNER

Harlan Properties, Inc.

PLAN COMMISSION RECOMMENDATION

On June 11, 2018 the Plan Commission, by a vote of eight (8) to zero (0), recommended approval of 1) an Amendment to Planned Development (PD) 86-53 District for Single-Family-7 Uses and 2) a Detail Plan for Dwelling, Single-Family Detached.

Additionally, the Plan Commission approved an Alley Waiver.

STAFF RECOMMENDATION

Approval of 1) an Amendment to Planned Development (PD) 86-53 District for Single-Family-7 Uses and 2) a Detail Plan for Dwelling, Single-Family Detached.

BACKGROUND

In 1986 City Council approved Planned Development (PD) 86-53 District along with a Detail Plan (Exhibit E) to allow the development of a residential subdivision consisting of 134 homes (Dwellings, Single-Family Detached) on forty-four (44) acres (lots and right-of-ways included). Of the 134 homes originally approved, sixteen (16) homes were built in Phase 1 and forty-three (43) were built in Phase 2, with Phase 3 remaining undeveloped.

The applicant proposes an amended Planned Development (PD) District and a revised Detail Plan for the purpose of developing 76 homes in Phase 3, an area of Planned Development (PD) 86-53 District originally intended for 74 homes (the area outlined in red on Exhibit E).

SITE DATA

Phase 3 consists of approximately twenty-four (24) acres. The site of Phase 3 has approximately 500 linear feet of frontage along the future Lyons Road. The proposed residential subdivision would be accessed from the existing Lyons Road and Ablon Trail.

USE OF PROPERTY UNDER CURRENT ZONING

Planned Development (PD) 86-53 District limits the permitted land uses on the subject property to those uses as allowed in the Single-Family-7 (SF-7) District, including Dwelling, Single-Family Detached.

CONSIDERATIONS

Amendment to Plan Development (PD) 86-53:

1. The applicant proposes a Planned Development (PD) District to amend conditions in Planned Development (PD) 86-53 District; the amendments include an increase in the minimum dwelling unit area and an increase in the minimum percentage of masonry façade material. The table below provides a side by side comparison between the conditions in Planned Development (PD) 86-53 District and the proposed Planned Development (PD) District:

	PD 86-53	Proposed PD
Min. Lot Area	7,000 square feet	7,000 square feet
Min. Average Lot Area	8,600 square feet	8,600 square feet
Min. Front Setbacks	20 feet/15 feet for curvilinear or cul-de-sac lots	20 feet/15 feet for curvilinear or cul-de-sac lots
Min. Side Setbacks	5 feet from interior lot lines/15 feet from lot lines adjacent to streets	5 feet from interior lot lines/15 feet from lot lines adjacent to streets
Min. Rear Setbacks	10 feet from interior lot lines/15 feet from lot lines adjacent to streets	10 feet from interior lot lines/15 feet from lot lines adjacent to streets
Min. Dwelling Unit Areas	1,500 square feet with a minimum average of 1,700 square feet for the entire area within PD 86-53 1,600 square feet for lots adjacent to SF-7 District and Lyons Rd. 1,500 square feet for lots adjacent to lots fronting Winell	2,000 square feet with a minimum average dwelling unit area of 2,400 square feet for area within the proposed PD (Phase 3)

	Dr. 1,800 square feet for lots 1-22 adjacent to lots fronting Guthrie Rd.	
Min. Lot Widths	55 feet/40 feet for cul-de-sac or eyebrow fronting lots	55 feet/40 feet for cul-de-sac or eyebrow fronting lots
Min. Lot Depths	100 feet/85 feet for cul-de-sac or eyebrow fronting lots	100 feet/85 feet for cul-de-sac or eyebrow fronting lots
Max. Lot Coverage	45%	45%
Max. Building Height	35 feet	35 feet
Masonry Percentage	Min. 75% masonry on the first floor/Min. 50% masonry on the second floor	Min. 80% masonry and Max. 20% non-masonry (each wall)

Revised Detail Plan (for Phase 3 only):

2. The applicant proposes a Detail Plan (Exhibit C) for seventy-six (76) residential lots and four (4) Home Owners Association lots. The Detail Plan includes perimeter screening along the future Lyons Road consisting of a six (6) foot tall masonry wall with large canopy trees and a five (5) foot tall ornamental metal fence with brick columns plus large canopy trees and a continuous row of evergreen high visibility screening shrubs as prescribed in the Screening and Landscape Standards of the Garland Development Code. The most significant changes to the approved Detail Plan are to the street layouts and the number of residential lots which will increase from seventy-four (74) lots to seventy-six (76) lot in Phase 3. The two (2) additional residential lots in Phase 3 will result in an overall increase from 134 to 136 residential lots for the entire area (Phase 1, Phase 2 and Phase 3) within the original Planned Development (PD) 86-53 District.
3. The application does not include any deviations from the Residential Building Materials and Design Standards of the GDC; therefore, the applicant intends for all the houses to comply with the applicable Material and Design Standards in Article 6 – Building Design of the Garland Development Code.
4. The application does not include any deviations from the Screening and Landscape Standards; therefore, the applicant intends for all the residential lots to comply with the applicable Screening and Landscape Standards in Section 4.37 of the Garland Development Code

COMPREHENSIVE PLAN

The Envision Garland Plan designates the subject property as Traditional Neighborhoods. Traditional Neighborhoods provide areas for low to moderate density single-family detached residential housing. Traditional Neighborhoods also accommodate convenience retail (goods and services), office space, and public services. The Traditional Neighborhood development type is primarily characterized as low density, between one (1) and six (6) dwelling units per acre, with single-family detached dwellings.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

With the exception of a few properties whose zoning is based on the Agricultural (AG) District, most of the properties to the north, east and west are zoned Single-Family-7 (SF-7) District, Planned Development (PD) 86-53 District and Planned Development (PD) 79-15 District for Single-Family-7 Uses; these properties are mostly developed as residential neighborhoods. The property to the south is zoned Agricultural (AG) District and is part of the Arnold and Carol Ablon Park.

Attachments

Z 18-21 Paul Taylor Homes, Limited Attachments

Z 18-21 Paul Taylor Homes, Limited Responses

Z 18-21 Paul Taylor Homes, Limited Staff Presentation



PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 18-21

4017 Lyons Crest Road

- I. Statement of Purpose:** The purpose of this Planned Development is to allow Dwelling, Single-Family Detached Use subject to conditions.
- 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 Single-Family-7 (SF-7) 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:**
- A. Detail Plan: Development shall be in general conformance with the Detail Plan set forth in Exhibit C. Any conflicts between the Detail Plan and the following conditions, the conditions shall prevail.
- V. Specific Conditions:**
- A. Permitted Uses: Only those uses as permitted in the Single-Family-7 (SF-7) District.
- B. Maximum Number of Dwelling Units: Seventy-six (76) dwelling units within the area of this Planned Development (PD) District.
- C. Minimum Lot Area: The minimum lot area shall be 7,000 square feet.
- D. Minimum Average Lot Area: 8,600 square feet shall be the minimum average lot area within the area of this Planned Development (PD) District.
- E. Minimum Lot Depth: The following shall be the minimum lot depths:
- 100 feet.

- Eight-five (85) feet for cul-de-sac or eyebrow fronting lots.
- F. Minimum Lot Width: The following shall be the minimum lot widths:
- Fifty-five (55) feet.
 - Forty (40) feet for cul-de-sac or eyebrow fronting lots.
- G. Minimum Front Yard Setbacks: The following shall be the minimum front yard setbacks:
- Twenty (20) feet.
 - Fifteen (15) feet for curvilinear or cul-de-sac lots.
- H. Minimum Side Yard Setbacks: The following shall be the minimum side yard setbacks:
- Five (5) feet from interior lot lines.
 - Fifteen (15) feet from lot lines adjacent to streets.
- I. Minimum Rear Yard Setbacks: The following shall be the minimum rear yard setbacks:
- Ten (10) feet from interior lot lines.
 - Fifteen (15) feet from lot lines adjacent to streets.
- J. Maximum Building Height: The maximum building height shall be thirty-five (35) feet.
- K. Minimum Dwelling Unit Area: The minimum dwelling unit area shall be 2,000 square feet.
- L. Minimum Average Dwelling Unit Area: The minimum average dwelling unit area shall be 2,400 square feet.
- M. Building Materials: Each wall shall be a minimum of eighty (80) percent masonry and a maximum of twenty (20) percent non-masonry. Masonry and non-masonry shall be as defined in Section 4.82 of the Garland Development Code (GDC).

- N. Maximum Lot Coverage: Building coverage shall not exceed forty-five (45) percent of each platted lot.
- O. Screening and Landscaping: Screening and landscaping shall be in general conformity with the Landscape Plan in Exhibit D.
- P. Fencing: An eight (8) foot tall wood fence shall be installed on the rear property line of lots 1-8 and lots 10-13 on the Detail Plan.
- Q. Alley Waiver: Alleys are not required.
- R. Homeowners Association: A Homeowners Association shall be incorporated and each lot/homeowner shall be a mandatory member. The bylaws of this association shall establish a system of payment of dues; a system of enforcement of its rules and regulations; shall establish a clear and distinct definition of the responsibility of each member; and other provisions as deemed appropriate to secure a sound and stable association.
- S. Maintenance of Open/Common Space, Landscaped Areas, Entry Features, Access Easements, Screening Walls/Fences In HOA Lots Or Wall/Fence Maintenance Easements And Amenities In HOA Lots: Maintenance of open/common space, landscaped areas and entry features including any allowed within the street medians, irrigation, access easements, screening walls/fences in HOA lots or wall/fence maintenance easements and amenities in HOA lots shall be the responsibility of the Homeowners Association.

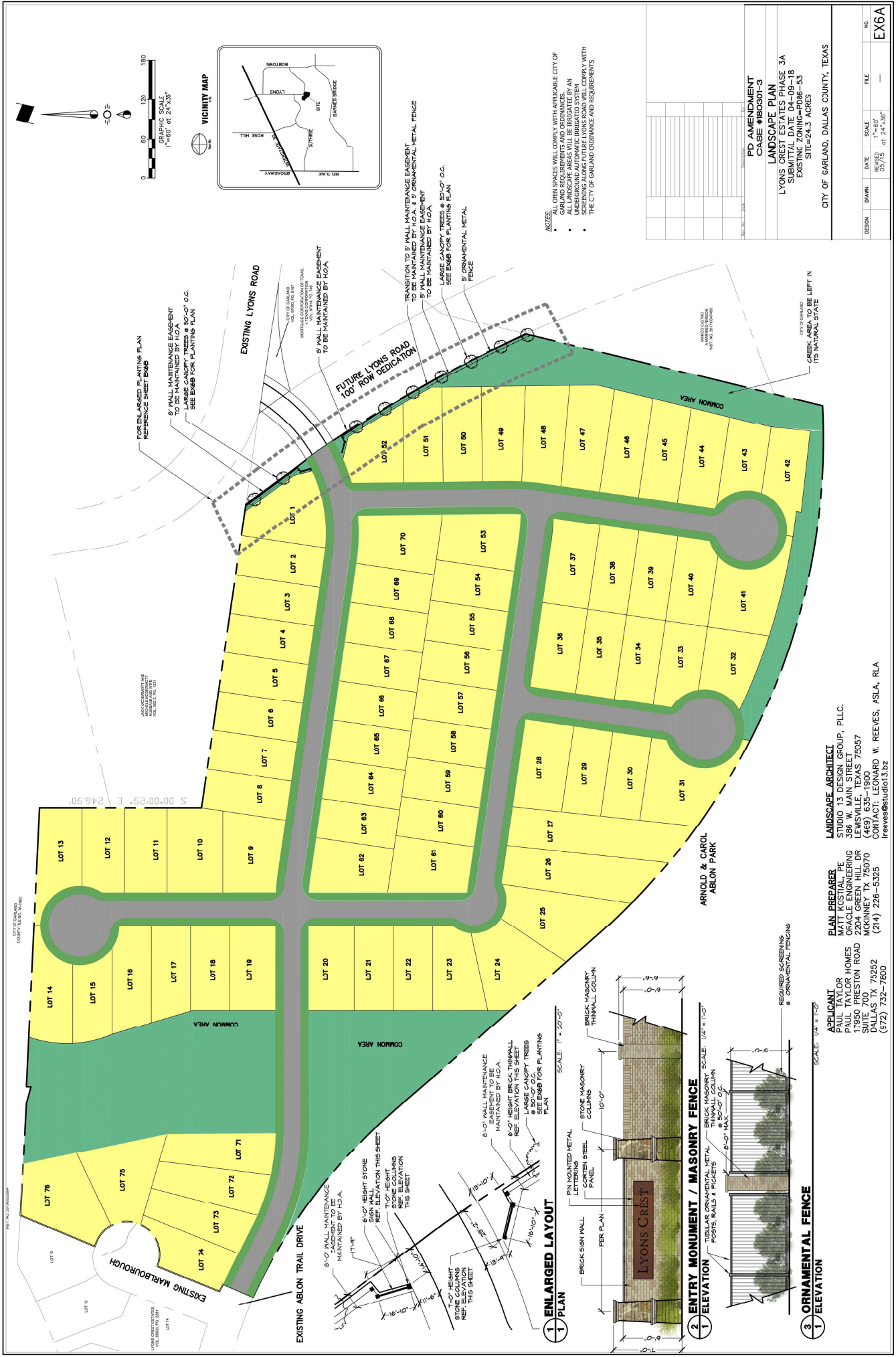
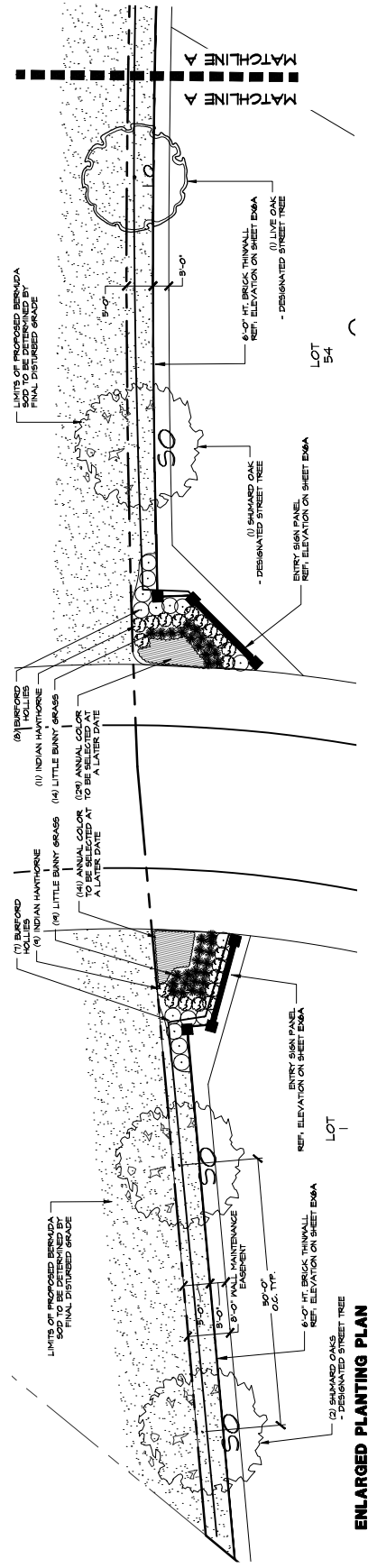
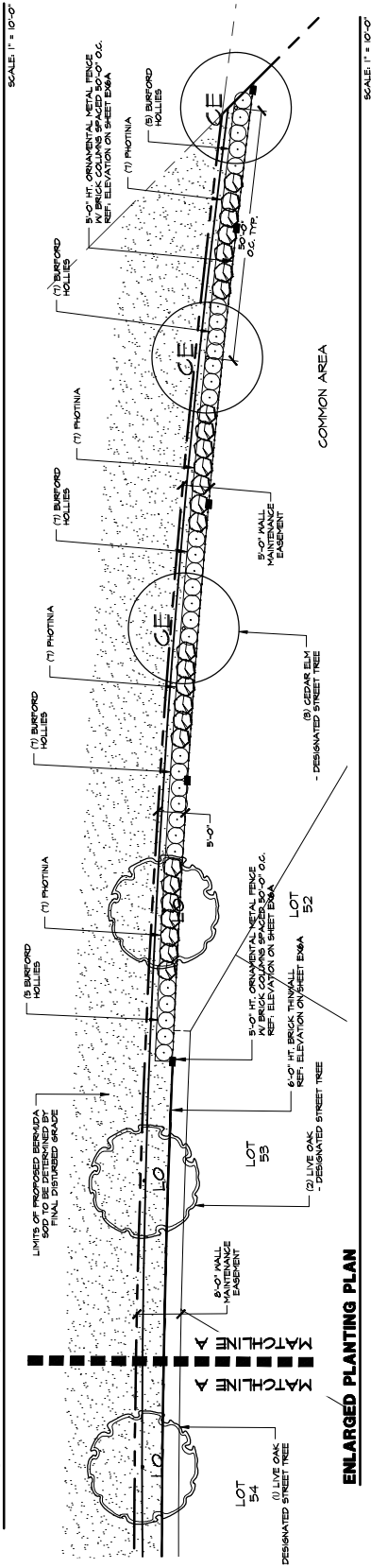


Exhibit D

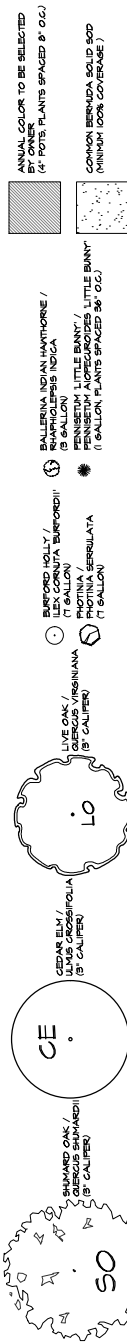


ENLARGED PLANTING PLAN



ENLARGED PLANTING PLAN

LANDSCAPE LEGEND



PLANT LIST

SYMBOL	COMMON/BOTANICAL NAME	SIZE	SPACING	QUANTITY	REMARKS
SHAWARD OAK / QUERCUS SHAWARDII	SHAWARD OAK / QUERCUS SHAWARDII	5' CALIFER	AS SHOWN	5	5' MINIMUM SPACING MINIMUM 12' HEIGHT FULL ROADED HEAD & MINIMUM BRANCHING HEIGHT NURSERY GROWN
CEDEAR ELM / ULMUS CRASSIFOLIA	CEDEAR ELM / ULMUS CRASSIFOLIA	5' CALIFER	AS SHOWN	5	5' MINIMUM SPACING MINIMUM 12' HEIGHT FULL ROADED HEAD & MINIMUM BRANCHING HEIGHT NURSERY GROWN
LIVE OAK / QUERCUS VIRGINIANA	LIVE OAK / QUERCUS VIRGINIANA	5' CALIFER	AS SHOWN	5	5' MINIMUM SPACING MINIMUM 12' HEIGHT FULL ROADED HEAD & MINIMUM BRANCHING HEIGHT NURSERY GROWN
BURFORD HOLLY / ILEX CORNUTOSA	BURFORD HOLLY / ILEX CORNUTOSA	1' GALLON	AS SHOWN	46	FULL PLANTS
PHOTINIA / PHOTINIA	PHOTINIA / PHOTINIA	1' GALLON	AS SHOWN	27	FULL PLANTS
BALLERINA INDIAN HAWTHORNE / RHAIPHOLIS INDICA	BALLERINA INDIAN HAWTHORNE / RHAIPHOLIS INDICA	3' GALLON	AS SHOWN	20	FULL PLANTS
PENSETEM LITTLE BANY / PENSETEM ALPHELOIDES	PENSETEM LITTLE BANY / PENSETEM ALPHELOIDES	1' GALLON	56' O.C.	93	FULL PLANTS
ANNUAL COLOR	ANNUAL COLOR	4' POTS	8' O.C.	262	FULL PLANTS
COMMON BEREMDA GRASS SOLID SOD	COMMON BEREMDA GRASS SOLID SOD	SOLID SOD	500 SQUARE FEET	TO BE DETERMINED	ONCE FINAL GRADING IS COMPLETE AND MORE TUFF COUNT WILL BE ESTABLISHED.

ANNUAL COLOR TO BE SELECTED BY OWNER
(4' POTS PLANTS SPACED 8' O.C.)

COMMON BEREMDA SOLID SOD
(MINIMUM 100% COVERAGE)

BURFORD HOLLY / ILEX CORNUTOSA
(1' GALLON)
PHOTINIA / PHOTINIA
(1' GALLON)
LIVE OAK / QUERCUS VIRGINIANA
(5' CALIFER)
BALLERINA INDIAN HAWTHORNE / RHAIPHOLIS INDICA
(3' GALLON)
PENSETEM LITTLE BANY / PENSETEM ALPHELOIDES
(1' GALLON)
ANNUAL COLOR
(4' POTS PLANTS SPACED 8' O.C.)

SHAWARD OAK / QUERCUS SHAWARDII
(5' CALIFER)
CEDEAR ELM / ULMUS CRASSIFOLIA
(5' CALIFER)
LIVE OAK / QUERCUS VIRGINIANA
(5' CALIFER)
BURFORD HOLLY / ILEX CORNUTOSA
(1' GALLON)
PHOTINIA / PHOTINIA
(1' GALLON)
BALLERINA INDIAN HAWTHORNE / RHAIPHOLIS INDICA
(3' GALLON)
PENSETEM LITTLE BANY / PENSETEM ALPHELOIDES
(1' GALLON)
ANNUAL COLOR
(4' POTS)

SHAWARD OAK / QUERCUS SHAWARDII
(5' CALIFER)
CEDEAR ELM / ULMUS CRASSIFOLIA
(5' CALIFER)
LIVE OAK / QUERCUS VIRGINIANA
(5' CALIFER)
BURFORD HOLLY / ILEX CORNUTOSA
(1' GALLON)
PHOTINIA / PHOTINIA
(1' GALLON)
BALLERINA INDIAN HAWTHORNE / RHAIPHOLIS INDICA
(3' GALLON)
PENSETEM LITTLE BANY / PENSETEM ALPHELOIDES
(1' GALLON)
ANNUAL COLOR
(4' POTS)

SHAWARD OAK / QUERCUS SHAWARDII
(5' CALIFER)
CEDEAR ELM / ULMUS CRASSIFOLIA
(5' CALIFER)
LIVE OAK / QUERCUS VIRGINIANA
(5' CALIFER)
BURFORD HOLLY / ILEX CORNUTOSA
(1' GALLON)
PHOTINIA / PHOTINIA
(1' GALLON)
BALLERINA INDIAN HAWTHORNE / RHAIPHOLIS INDICA
(3' GALLON)
PENSETEM LITTLE BANY / PENSETEM ALPHELOIDES
(1' GALLON)
ANNUAL COLOR
(4' POTS)

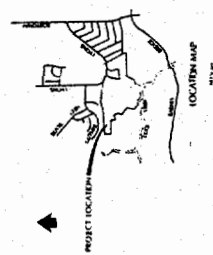
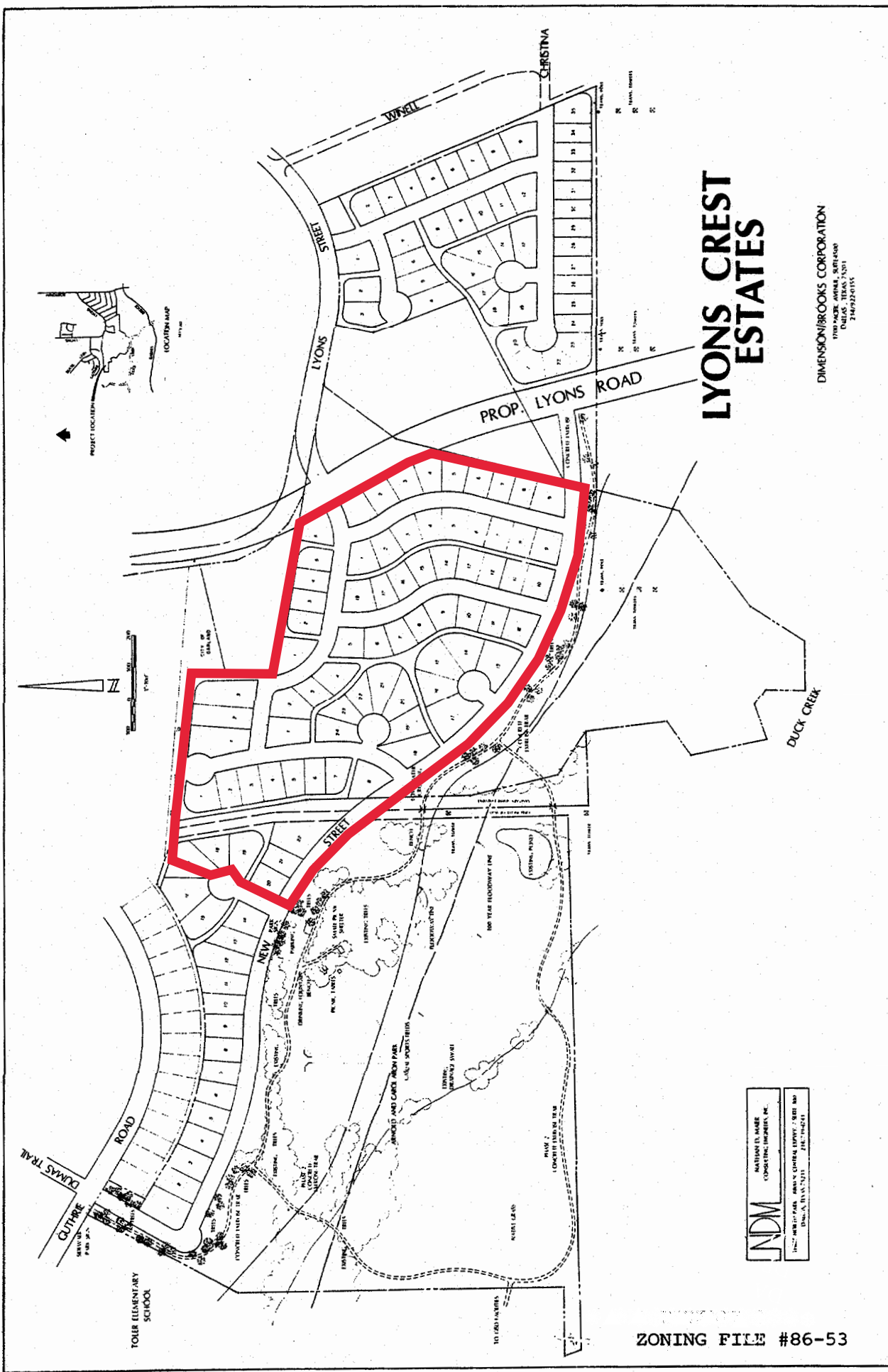
NOTES:

- ALL OPEN SPACES WILL COMPLY WITH APPLICABLE CITY OF GARLAND REQUIREMENTS AND ORDINANCES.
- UNDERGROUND AUTOMATIC BRIGATO SYSTEM SCREENING ALONG FUTURE LYONS ROAD WILL COMPLY WITH THE CITY OF GARLAND ORDINANCE AND REQUIREMENTS.

NO.	DATE	SCALE	FILE	NO.
DESIGN	05/15	1"=10'	—	EX68

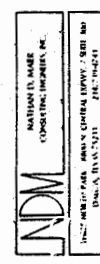
PD AMENDMENT
CASE #80007-3
LANDSCAPE PLAN
LYONS CREST ESTATES PHASE 3A
SUBSISTENCE DRIVE, LOT 52 & 53
EXISTING ZONING-PDB8-53
SITE=24.3 ACRES
CITY OF GARLAND, DALLAS COUNTY, TEXAS

DESIGN	DATE	SCALE	FILE	NO.
DESIGN	05/15	1"=10'	—	EX68



LYONS CREST ESTATES

DIMENSION/ROOKS CORPORATION
1700 W. AVE. APT. 400
DALLAS, TEXAS 75201
214/922-0155



ZONING FILE #86-53

Exhibit E

REPORT & MINUTES

P.C. Meeting, June 11, 2018

Consideration of the application of **Paul Taylor Homes, Ltd**, requesting approval of 1) an Amendment to Planned Development (PD) 86-53 for Single-Family-7 Uses, 2) a Detail Plan for Dwelling, Single-Family Detached; and 3) an Alley Waiver. This property is located at 4017 Lyons Crest Drive. (District 3) (File Z 18-21)

Representing the applicant, Bill Dower provided an overview of the request and elaborated on the requirement for a Homeowner Association for Phase 3 in order to maintain the greenbelt and justification for front entry garages. Mr. Dower also stated it will be the responsibility of the individual homeowner for the maintenance and upkeep of the fencing provided by the developer.

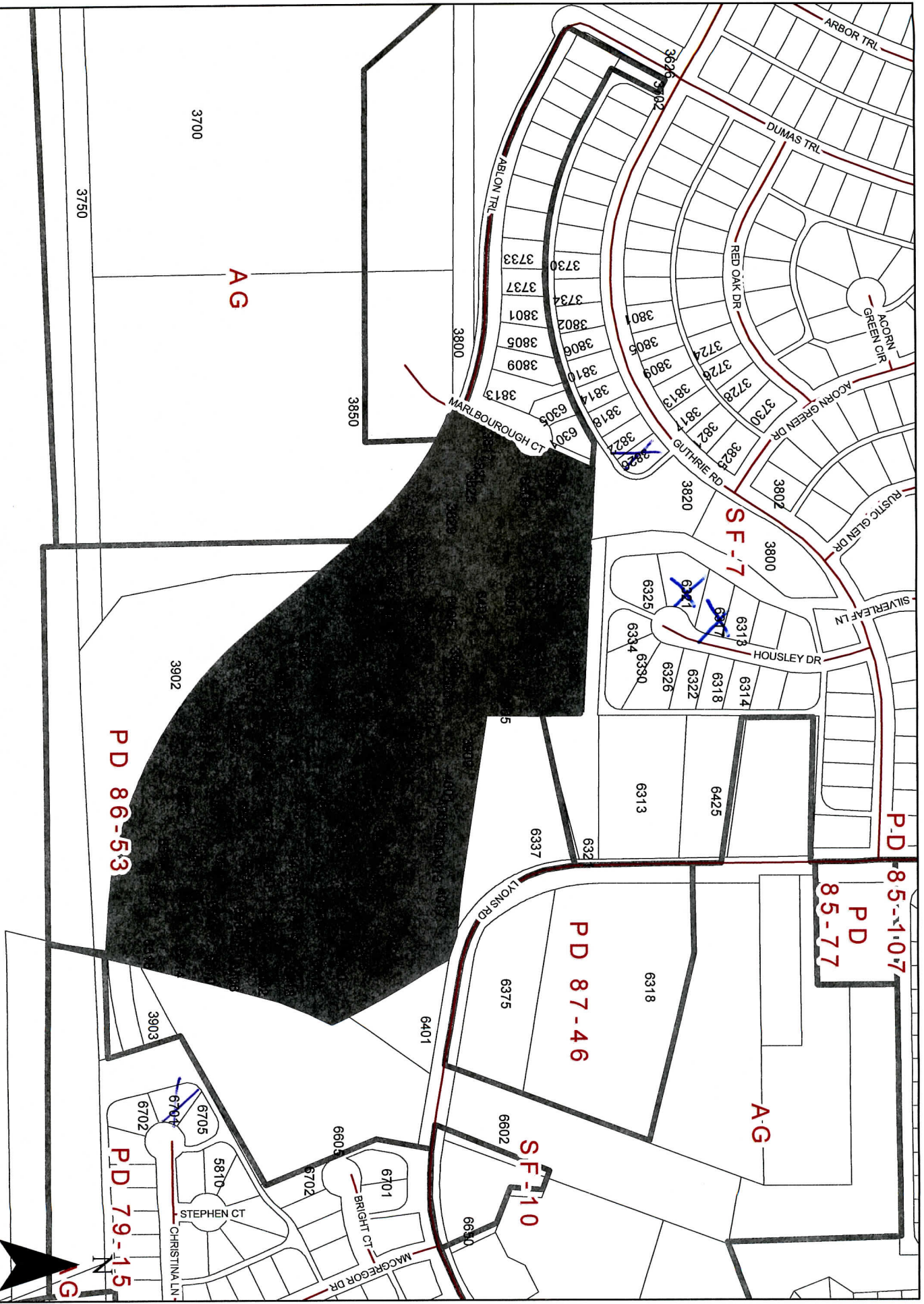
Commissioner Dalton inquired as to the specifics of the Homeowner Association for this phase of the development.

Commissioner Ott asked whether alley entry garages were considered.

Chairman Roberts requested clarification on initial fencing that is being provided and who will be responsible for the upkeep.

Speaking in opposition, Richard Sanders, 3826 Guthrie Road, Garland, Texas 75043, expressed concern regarding disruption of wildlife, increased traffic and questioned if there are enough schools to accommodate the increase of housing.

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



0 200 400 Feet
1 inch = 313 feet

ZONING MAP Z 18-21

INDICATES AREA
OF REQUEST





GARLAND

May 30, 2018

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

HEARING DATE/TIME: Plan Commission: June 11, 2018 – 7:00 PM

APPLICANT: Paul Taylor Homes, Limited

File Z 18-21

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, June 11, 2018, in the Council Chambers of the William E. Dollar Municipal Building (City Hall), 200 North Fifth Street, to consider the application of **Paul Taylor Homes, Limited**, requesting approval of 1) an Amendment to Planned Development (PD) 86-53 for Single-Family-7 Uses, 2) a Detail Plan for Dwelling, Single-Family Detached; and 3) an Alley Waiver. The property is shown on the enclosed sketch and is described as follows:

BEING approximately a 24.34-acre tract of land identified as Lots 17-22 in Block 1, Lots 1-8 in Block 2, Lots 1-10 in Block 3, Lots 1-24 in Block 4, Lots 1-18 in Block 5 and Lots 1-10 in Block 6, and all streets and alleys in between out of LYONS CREST ESTATES, an Addition to the City of Garland, Dallas County, Texas, according to the Map thereof recorded in Volume 89033, Page 2281, of the Map Records of Dallas County, Texas; together with Correction of error recorded in Volume 89035, Page 2638, Real Property Records, Dallas County, Texas. The site is located to the west of Lyons Road, to the east of Marlborough Court, to the north of Arnold and Carol Ablon Park and to the south of Guthrie Road. (District 3)

Note: The applicant makes the above request to develop a residential subdivision with 76 residential lots.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return that section using any of the following methods: mail to City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002; fax to 972-205-2474; deliver to the Planning Department at 800 Main Street, Garland TX; or email Planning@Garlandtx.gov. It is important that your response include your property address, your name, and mailing address. Should you have any questions, please contact Josue De la Vega at 972-205-2454.

(Please Check One Below)

☒ I am in favor of the request.
☐ I am opposed to the request.

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

SAFETY ISSUES, TRAFFIC CONGESTION, EASEMENTS (Creek, Powerline)
ROAD WEAR & TEAR, EMPTY CONTRACTOR PROMISES
(Please complete the following information)

Your Property Address

TONY KENDRICK

Printed Name

6317 Housley

Address

GARLAND TX

City, State

75043

Zip

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

Tony Kendrick

Signature

OWNER

Title

Date: 5-31-18

JUN 4'18 PM 1:57



GARLAND

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

May 30, 2018

HEARING DATE/TIME: Plan Commission: June 11, 2018 – 7:00 PM

APPLICANT: Paul Taylor Homes, Limited

File Z 18-21

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, June 11, 2018, in the Council Chambers of the William E. Dollar Municipal Building (City Hall), 200 North Fifth Street, to consider the application of **Paul Taylor Homes, Limited**, requesting approval of 1) an Amendment to Planned Development (PD) 86-53 for Single-Family-7 Uses, 2) a Detail Plan for Dwelling, Single-Family Detached; and 3) an Alley Waiver. The property is shown on the enclosed sketch and is described as follows:

BEING approximately a 24.34-acre tract of land identified as Lots 17-22 in Block 1, Lots 1-8 in Block 2, Lots 1-10 in Block 3, Lots 1-24 in Block 4, Lots 1-18 in Block 5 and Lots 1-10 in Block 6, and all streets and alleys in between out of LYONS CREST ESTATES, an Addition to the City of Garland, Dallas County, Texas, according to the Map thereof recorded in Volume 89033, Page 2281, of the Map Records of Dallas County, Texas; together with Correction of error recorded in Volume 89035, Page 2638, Real Property Records, Dallas County, Texas. The site is located to the west of Lyons Road, to the east of Marlborough Court, to the north of Arnold and Carol Ablon Park and to the south of Guthrie Road. (District 3)

Note: The applicant makes the above request to develop a residential subdivision with 76 residential lots.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return that section using any of the following methods: mail to City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002; fax to 972-205-2474; deliver to the Planning Department at 800 Main Street, Garland TX; or email Planning@Garlandtx.gov. It is important that your response include your property address, your name, and mailing address. Should you have any questions, please contact Josue De la Vega at 972-205-2454.

(Please Check One Below)

☐ I am in favor of the request.
☒ I am opposed to the request.

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

I want it to stay the way it is, it's peaceful and quiet. I must stay that way!
(Please complete the following information)

Your Property Address

6321 Housley Drive

Printed Name

Kathleen Fajardo

Address

City, State

Zip

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

Kathleen Fajardo *homeowner*
Signature Title

Date: *5-31-18*

JUN 4 '18 PM 1:56

Allmendinger, Tracy

From: Rich Sanders <forkliftdoctor@gmail.com>
Sent: Monday, June 11, 2018 6:24 PM
To: Planning Group
Subject: I am opposed to File Z 18-21

I am opposed to Paul Taylor Homes, Limited and their request to File Z 18-21.

Please don't let them destroy all this wildlife and build more homes. Guthrie is already extremely congested and needs speed bumps. These new homes would destroy the reason I moved here.

Richard Sanders
3826 Guthrie Rd.
Garland, TX 75043

--
Rich Sanders
Forklift+Doctor
972+998+8818

☐ I am in favor of the request.
☒ I am opposed to the request.

Z 18-21

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

The only way I would favor this is if the current home owners do not pay HOA fees. I would also like the developer improve the roads going in and out of the new development

(Please complete the following information)
Your Property Address

JAMES K Stewart and Christy Stewart

Printed Name

6701 Christina Ln

Garland, TX

75043

Address

City, State

Zip

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

Signature

Title

Home owner

Date:

6-1-18

JUN 5 '18 PM 1:43

Z 18-21

Approval of 1) an Amendment to Planned Development (PD) 86-53 District for Single-Family-7 Uses and 2) a Detail Plan for Dwelling, Single-Family Detached.

**City Council Meeting
July 17, 2018**



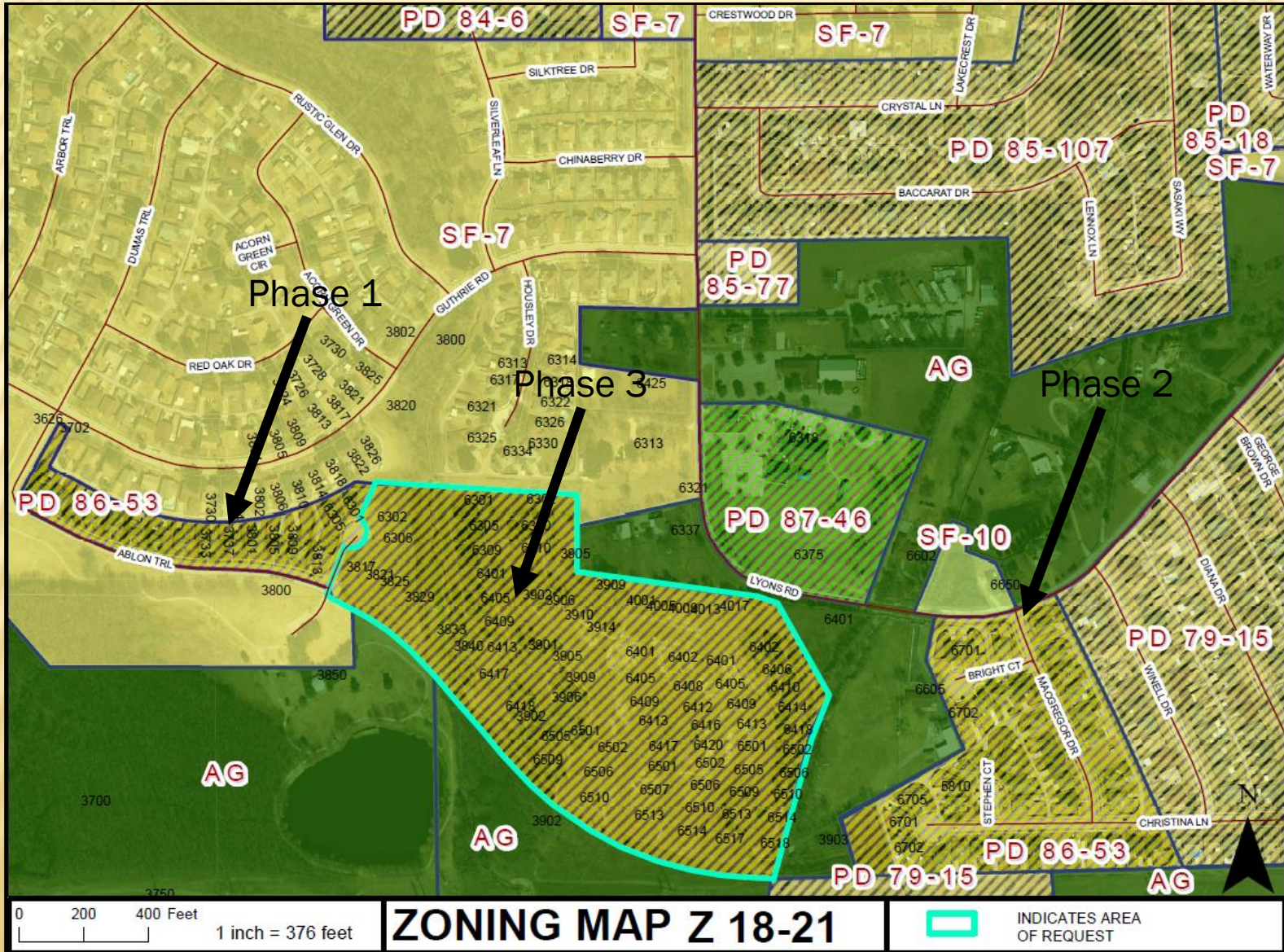
GARLAND

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GARLAND
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Location Map & Background



Case Information

Location: 4017 Lyons Crest Drive

Applicant: Paul Taylor Homes, Limited

Owner: Harlan Properties, Inc.

Acreage: 24 acres

Zoning: Planned Development (PD) 86-53 District for Single-Family-7 Uses

Subject Property



Looking at subject property from Ablon Trl.



Looking at subject property from existing Lyons Rd.

Amendments to PD 86-53

	PD 86-53	Proposed PD
Min. Lot Area	7,000 square feet	7,000 square feet
Min. Average Lot Area	8,600 square feet	8,600 square feet
Min. Front Setbacks	20 feet/15 feet for curvilinear or cul-de-sac lots	20 feet/15 feet for curvilinear or cul-de-sac lots
Min. Side Setbacks	5 feet from interior lot lines/15 feet from lot lines adjacent to streets	5 feet from interior lot lines/15 feet from lot lines adjacent to streets
Min. Rear Setbacks	10 feet from interior lot lines/15 feet from lot lines adjacent to streets	10 feet from interior lot lines/15 feet from lot lines adjacent to streets
Min. Dwelling Unit Areas	1,500 square feet with a minimum average of 1,700 square feet for the entire area within PD 86-53 (phase 1, 2 and 3) 1,600 square feet for lots adjacent to SF-7 District and Lyons Rd. (phase 2 and 3) 1,500 square feet for lots adjacent to lots fronting Winell Dr. (phase 2) 1,800 square feet for lots 1-22 adjacent to lots fronting Guthrie Rd. (phase 1)	2,000 square feet with a minimum average dwelling unit area of 2,400 square feet for area within the proposed PD (Phase 3)

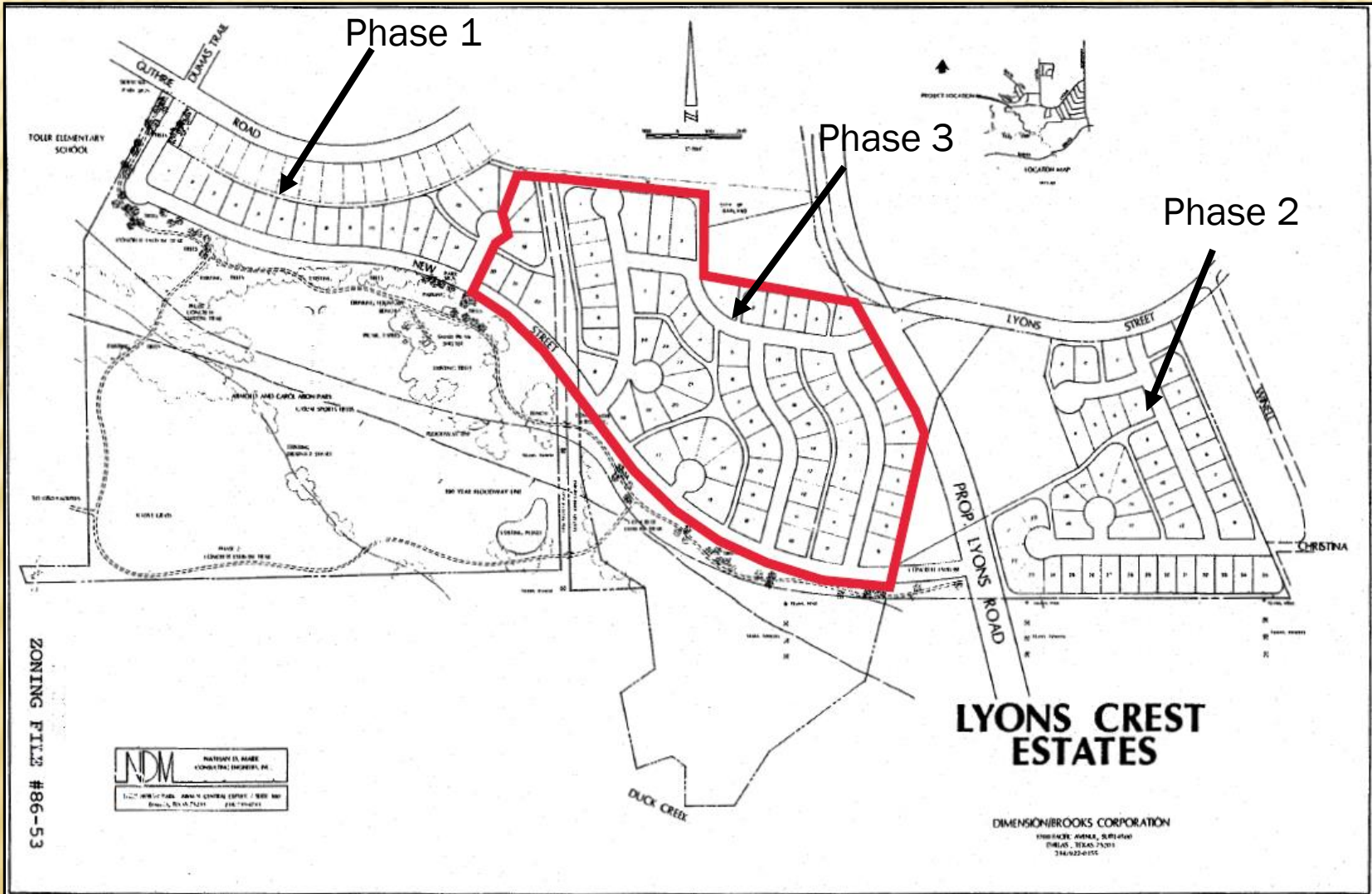
Amendments to PD 86-53

	PD 86-53	Proposed PD
Min. Lot Widths	55 feet/40 feet for cul-de-sac or eyebrow fronting lots	55 feet/40 feet for cul-de-sac or eyebrow fronting lots
Min. Lot Depths	100 feet/85 feet for cul-de-sac or eyebrow fronting lots	100 feet/85 feet for cul-de-sac or eyebrow fronting lots
Max. Lot Coverage	45%	45%
Max. Building Height	35 feet	35 feet
Masonry Percentage	Min. 75% masonry on the first floor/Min. 50% masonry on the second floor.	Min. 80% masonry and Max. 20% non-masonry (each wall)



GARLAND
TEXAS MADE HERE

PD 86-53 Detail Plan



134
homes
originally
approved
for all
phases

16 homes
phase 1
(all built)

44 homes
phase 2
(43 built)

74 homes
phase 3
(remains
raw land)

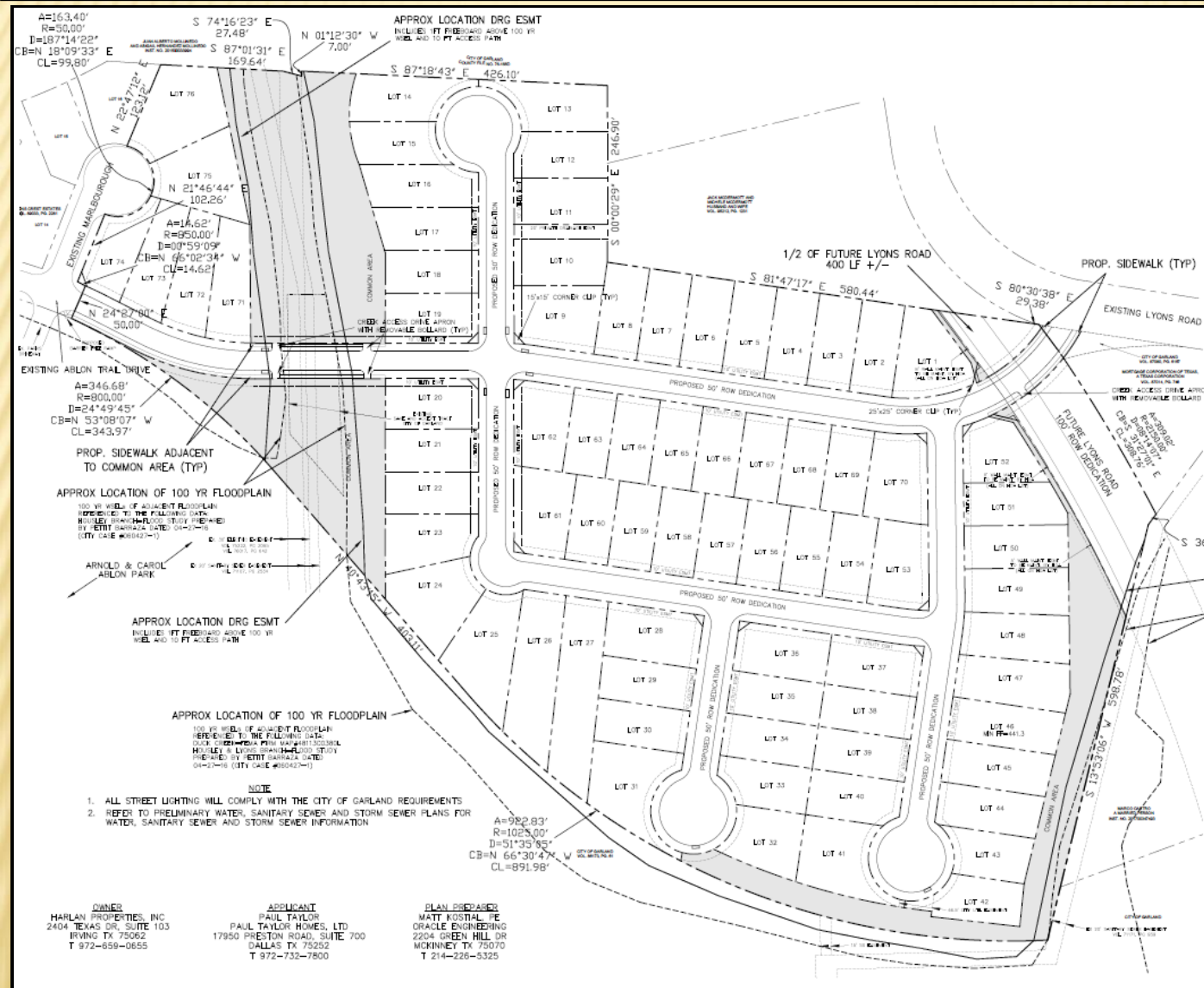


GARLAND
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Revised Detail Plan for Phase 3

Most significant changes:

- Street layout
- Increase in the number of residential lots from 74 to 76 lots.





Landscape Plan for Phase 3



Comprehensive Plan

The Envision Garland Plan designates the subject property as Traditional Neighborhoods. Traditional Neighborhoods provide areas for low to moderate density single-family detached residential housing. Traditional Neighborhoods also accommodate convenience retail (goods and services), office space, and public services. The Traditional Neighborhood development type is primarily characterized as low density, between one (1) and six (6) dwelling units per acre, with single-family detached dwellings.



GARLAND PLANNING REPORT

City Council Regular Session Agenda

13.d.

Meeting Date: July 17, 2018

Item Title: Z 18-23 Spiars Engineering, Inc. (District 1)

Submitted By: Josue De La Vega, Sr. Development Planner

REQUEST

Approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Light Commercial (LC) District.

OWNER

Firewheel Commons, LLC

PLAN COMMISSION RECOMMENDATION

On June 25, 2018 the Plan Commission, by a vote of seven (7) to zero (0), recommended approval of a Specific Use Provision for a Restaurant, Drive-Through for a period of twenty (20) years.

STAFF RECOMMENDATION

Approval of a Specific Use Provision for Restaurant, Drive-Through as proposed by the applicant.

BACKGROUND

The subject property (overall site), a 5.63-acre lot, is developed with a shopping center (Exhibit E). The applicant proposes to lease a 0.25-acre area of the subject property and develop this lease area with a restaurant with drive-through (coffee shop) (Exhibit C).

SITE DATA

The lease area is approximately 0.25 acres. The lease area has no street frontage but as part of the subject property, it would be accessed from Lavon Drive.

USE OF PROPERTY UNDER CURRENT ZONING

The lease area, as well as the rest of the subject property, is zoned Light Commercial (LC) District. The development of a restaurant with a drive-through requires approval of a Specific Use Provision through a public hearing process.

CONSIDERATIONS

Specific Use Provision

1. The applicant proposes to lease a 0.25-acre area currently part of the parking lot of the subject property. The applicant would develop the lease area with a 465 square-foot, one-story restaurant (coffee shop) with a drive-through. The improvements in the lease area would include a patio with railing to define an outdoor seating area and to buffer this outdoor seating area from on-site traffic as well as curbs between the drive-through lane and on-site parking/vehicular traffic (Exhibit C). The restaurant with drive-through would operate Monday through Sunday from 5:30 a.m. through 8:00 p.m.
2. The Garland Development Code establishes a parking ratio of one (1) space for every 100 square feet of gross floor area. Five (5) parking spaces located within the lease area would serve the proposed 465-square foot restaurant with drive-through.
3. Given the extent and size of the proposed improvements on the lease area, the screening and landscape standards, under this Specific Use Provision request, are only applicable to the development on the lease area and do not apply to the entire subject property. The proposed development in the lease area is in conformance with the applicable Screening Standards in the Garland Development Code.
4. The design of the building (Exhibit D) is required to comply with the following Garland Development Code requirements:
 - All building elevations are required to consist of at least eighty (80) percent masonry per Section 4.83(A).
 - At least two (2) different exterior construction materials must be applied on facades visible from the streets per Section 4.83(A).
 - At least six (6) of the twelve (12) architectural elements listed in Section 4.83(B) must be incorporated into the design of the building.

The building design complies with the aforementioned design requirements.

5. A Specific Use Provision for Restaurant, Drive-Through for twenty (20) years is requested by the applicant.

COMPREHENSIVE PLAN

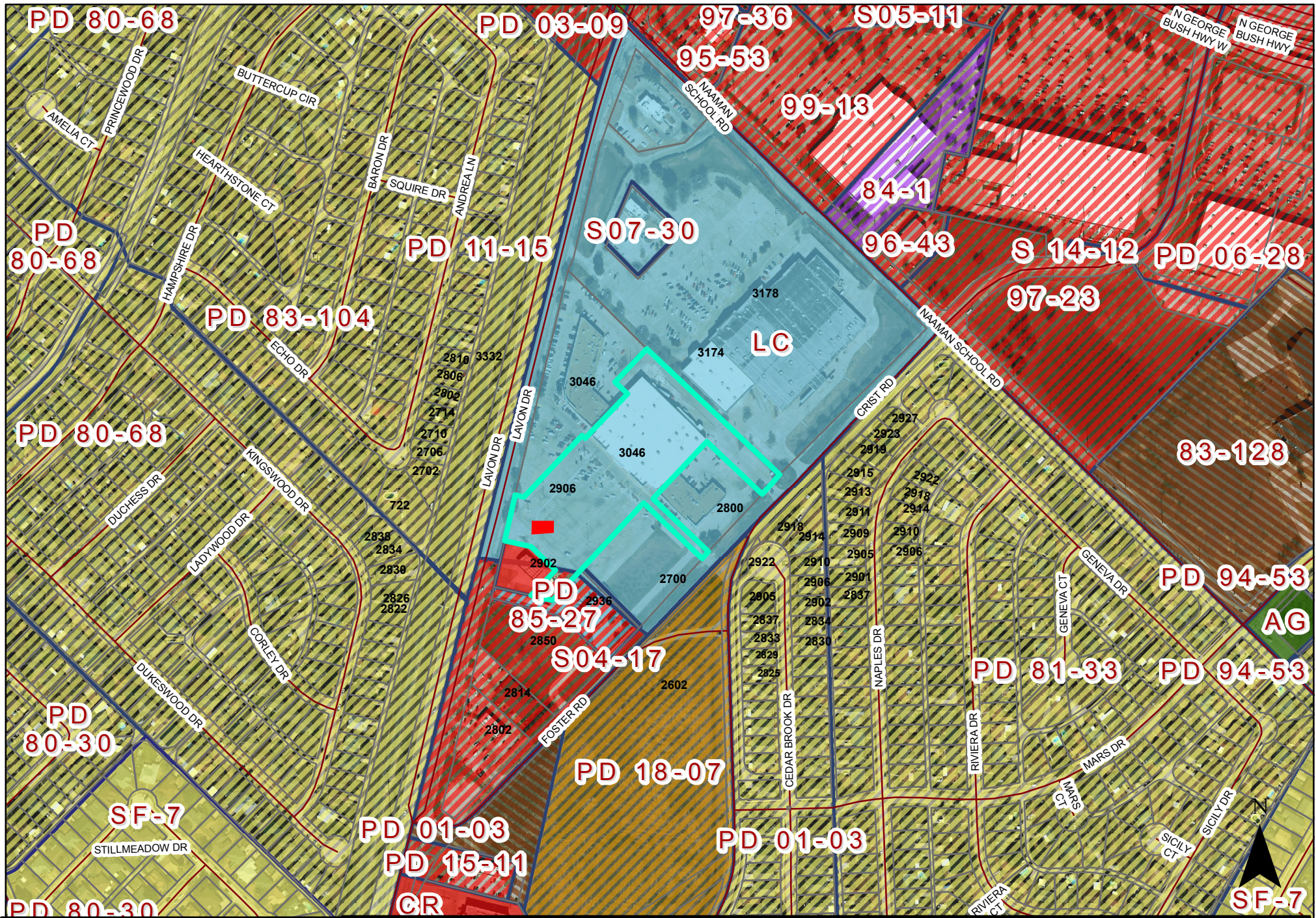
The Future Land Use Map of the Envision Garland Plan recommends Neighborhood Centers for the subject property. Neighborhood Centers provide a mix of retail, services and community gathering places appropriately scaled to adjacent residential areas.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The properties to the north are zoned Light Commercial (LC) District and are developed with shopping centers and a couple of restaurants with drive-through. The properties to the east are zoned Planned Development (PD) 01-03 District and PD 81-33 District, both districts for Single-Family-7 Uses; these properties are developed as residential neighborhoods. The properties to the south are zoned Planned Development (PD) 85-27 District for Community Retail Uses; these properties are developed with two restaurants, one of which has a drive-through, and a vacant building. The properties to the west, across Lavon Drive and railroad tracks, are zoned Planned Development (PD) 80-68 District and PD 83-104 District, both districts for Single-Family-7 Uses; these properties are developed as residential neighborhoods.

Attachments

Z 18-23 Spiars Engineering, Inc. Exhibits
Z 18-23 Spiars Engineering, Inc. Responses
Z 18-23 Spiars Engineering, Inc. Staff Presentation



ZONING MAP Z 18-23



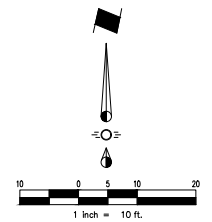
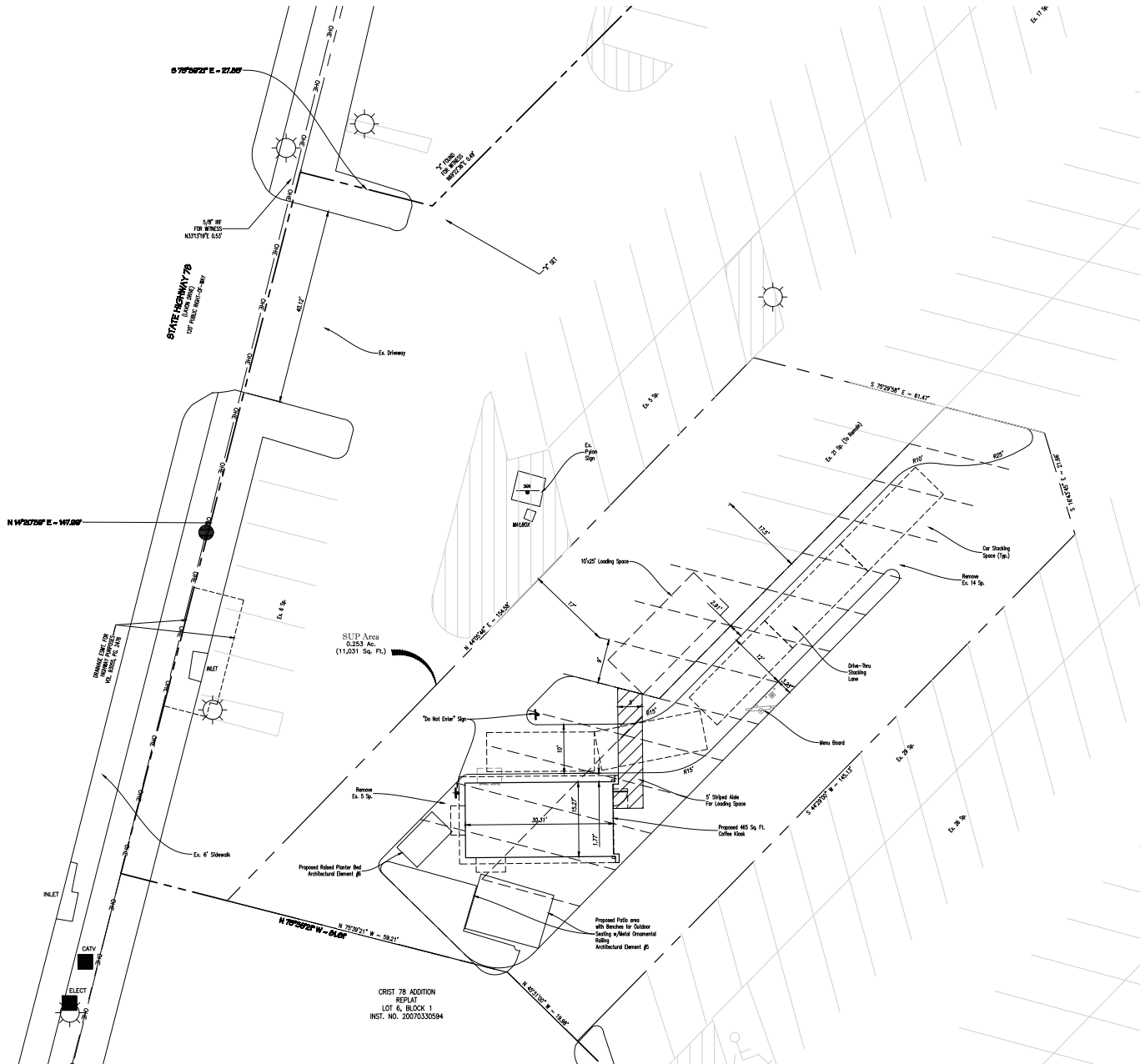
INDICATES AREA OF REQUEST

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 18-23

2906 Lavon Drive

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to allow 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 Light Commercial (LC) 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:**
 - A. Development:** Development is to be in general conformance with the approved site plan and building elevations labeled Exhibit C and Exhibit D (development plans). In the event of conflict between the conditions and development plans, the conditions listed below are to apply.
- V. Specific Use Provision:**
 - A. SUP Time Period:** The Specific Use Provision for Restaurant, Drive-Through shall be in effect for a period of twenty (20) years.
 - B. Parking:** At least five (5) parking spaces shall be provided within the lease area to serve the Restaurant, Drive-Through.



METAL RAILING SAMPLE

(Railing shall be similar in nature—exact product to be confirmed at time of permit.)

Case No. 170420-1
SHEET 2 OF 2
SITE PLAN
SCOOTERS COFFEE
LOT 1R
1 LOT ON 5.63 ACRES OF LAND
SITUATED IN THE
JACOB REAGOR SURVEY, ABSTRACT NO. 1258
IN THE CITY OF GARLAND
DALLAS COUNTY, TEXAS

OWNER Firewheel Commons, LLC 4300 Sigma Road, Suite 100 Dallas, TX 75244 Telephone: (214) 863-8782 Contact: Jeff Strongy	APPLICANT Straub Enterprises, LLC 8601 Park Lane, #221 Dallas, TX 75241 Telephone: (402) 458-4581 Contact: Ted Straub	ENGINEER / SURVEYOR Splains Engineering, Inc. 765 Center Road, Suite 100 Piano, TX 75075 Telephone: (972) 422-0077 TRF No. P-2121 Contact: David Bond
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<u>SYNOPSIS</u>	
Zoning	LC Light Commercial
Existing Use	Retail
Proposed Use	Drive-Thru Restaurant
Total Lot Area	5,627 Ac./245,103 Sq. Ft.
Existing Building Area	64,717 Sq. Ft.
Proposed Building Area	<u>465 Sq. Ft.</u>
Total Building Area	5,182 Sq. Ft.
Floor Area Ratio	0.265:1
Building Height	1-Story
Impervious Area	171,215 Sq. Ft.
Parking Required for Scooters	5 Spaces
Parking Provided for Scooters	5 Spaces

Scale: 1"=40' May, 2018 SEI Job No. 17-079

REPORT & MINUTES

P.C. Meeting, June 25, 2018

Consideration of the application of **Spiars Engineering, Inc.**, requesting approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Light Commercial (LC) District. This property is located at 2906 Lavon Drive. (District 1) (File Z 18-23)

The applicant, David Bond, 765 Custer Road, Ste. 100, Plano, Texas provided a brief overview of the request and elaborated that the restrooms are intended for staff only.

Commissioner Williams inquired on the accessibility of restrooms for customers.

Motion was made by Commissioner Hedrick, seconded by Commissioner Edwards to **approve** per staff recommendation.

Motion carried: 7 Ayes, 0 Nays



GARLAND

June 13, 2018

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

HEARING DATE/TIME: Plan Commission: June 25, 2018 – 7:00 PM

APPLICANT: Spiars Engineering, Inc.

File Z 18-23

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, June 25, 2018, in the Council Chambers of the William E. Dollar Municipal Building (City Hall), 200 North Fifth Street, to consider the application of **Spiars Engineering, Inc.**, requesting approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Light Commercial (LC) District. The property is shown on the enclosed sketch and is described as follows:

BEING an approximate 0.240-acre tract of land situated in the Jacob Reagor Survey, Abstract No. 1258, City of Garland, Dallas County, Texas, and being a portion of Lot 1R, Block 1, Crist 78 Addition Replat, an addition to the City of Garland according to the plat recorded in Document Number 20070330594, Official Public Records, Dallas County, Texas. **The property is located at 2906 Lavon Drive. (District 1)**

Note: The applicant makes the above request to build and operate a restaurant/coffee shop with a drive-through.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return that section using any of the following methods: mail to City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002; fax to 972-205-2474; deliver to the Planning Department at 800 Main Street, Garland TX; or email Planning@Garlandtx.gov. It is important that your response include your property address, your name, and mailing address. Should you have any questions, please contact Josue De la Vega at 972-205-2454.

(Please Check One Below)

☒ I am in favor of the request.
☐ I am opposed to the request.

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

(Please complete the following information)

Your Property Address

2922 Naples Drive

Printed Name

John G Reynolds

Address

3500 Glenshire Dr

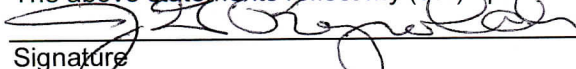
City, State

PLANO, TX

Zip

75093

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


Signature

Title

Date:

6/18/18

JUN 21 '18 AM 8:24

Z 18-23

Approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Light Commercial (LC) District

**City Council Meeting
July 17, 2018**



GARLAND

TEXAS MADE HERE

Case Information

Location: 2906 Lavon Drive

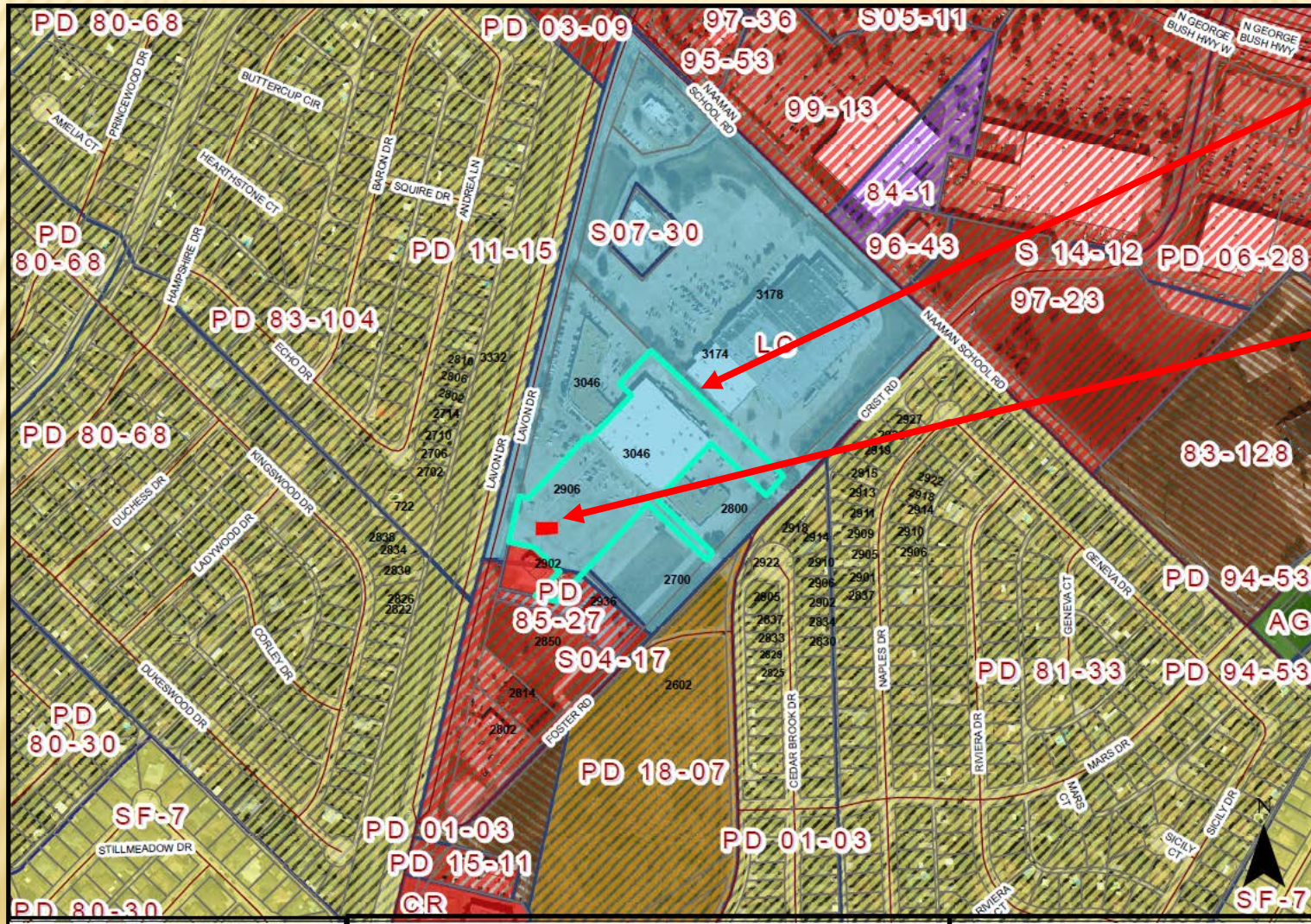
Applicant: Spiars Engineering, Inc.

Owner: Firewheel Commons, LLC

Acreage: Subject property (5.63 acres), lease area (0.25 acres)

Zoning: Light Commercial (LC) District

Location Map & Background



Subject property with existing shopping center

Lease area for proposed restaurant w/drive-through (coffee shop)

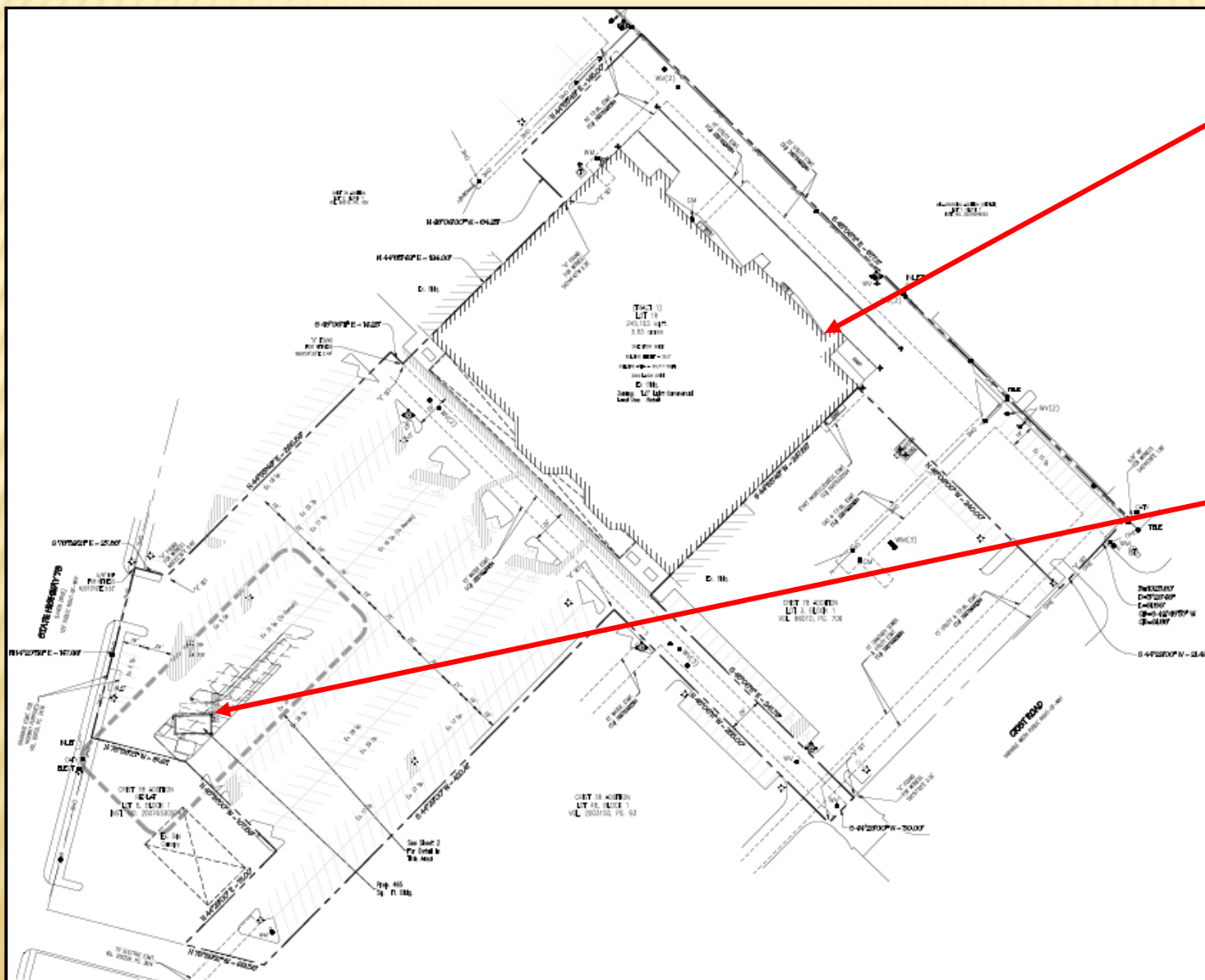
ZONING MAP Z 18-23



INDICATES AREA OF REQUEST

Z 18-23

Background



Subject property with existing shopping center

Lease area for proposed restaurant w/drive-through (coffee shop)

Photos



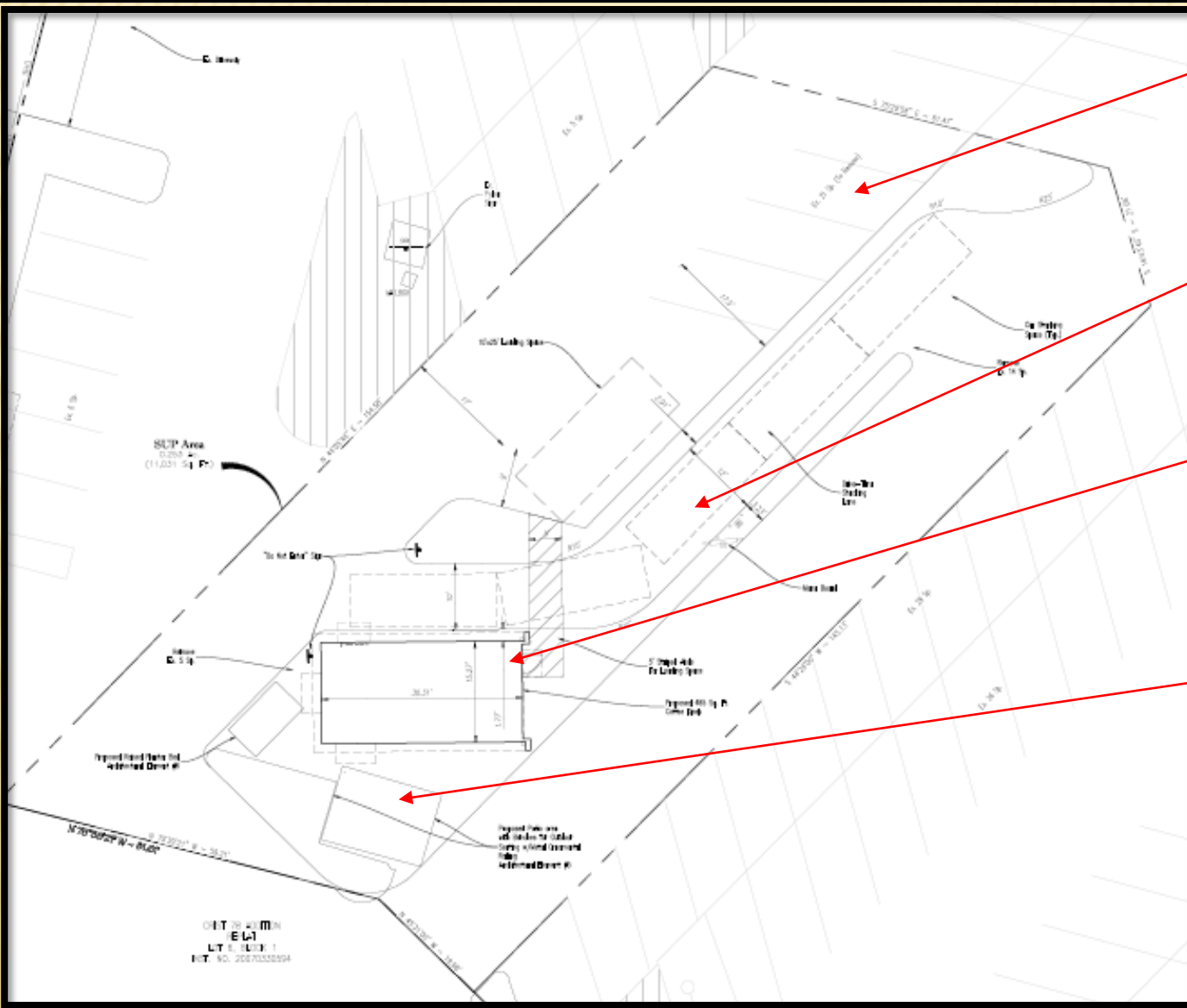
View of existing shopping center on the subject property



View of lease area from Lavon Dr.



SUP for 20 years (Site Plan)



Parking area for
restaurant
w/drive-through

Drive-through

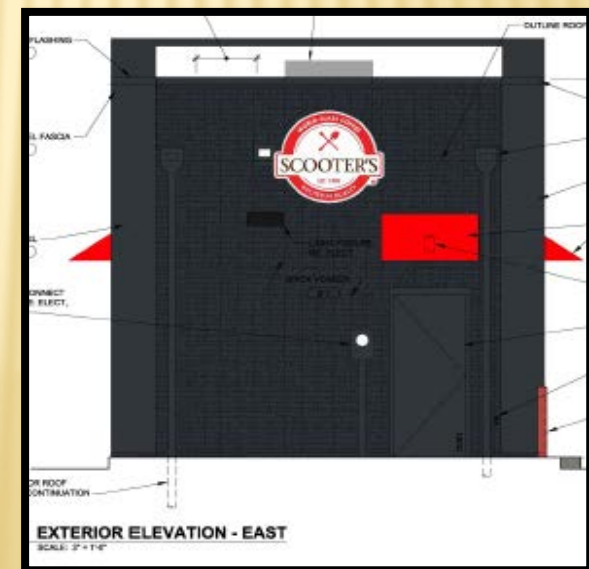
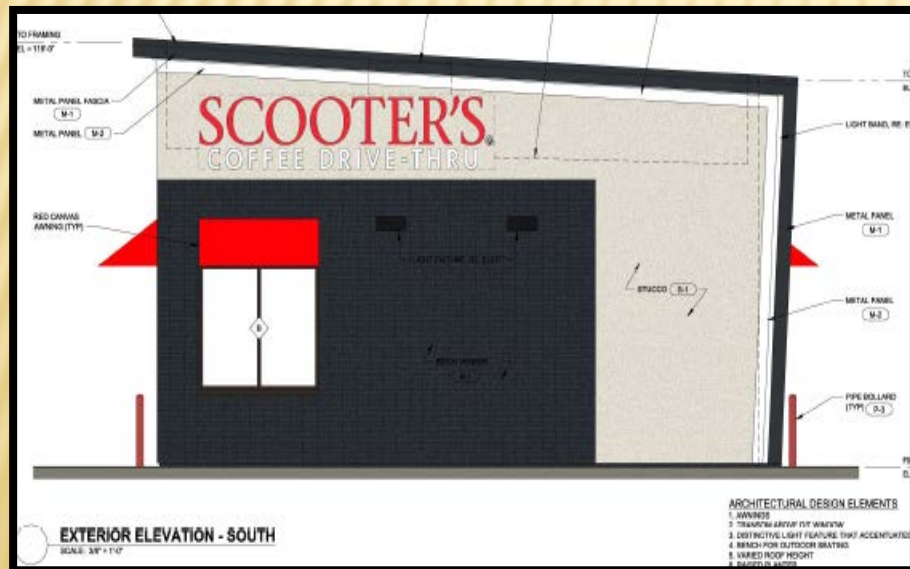
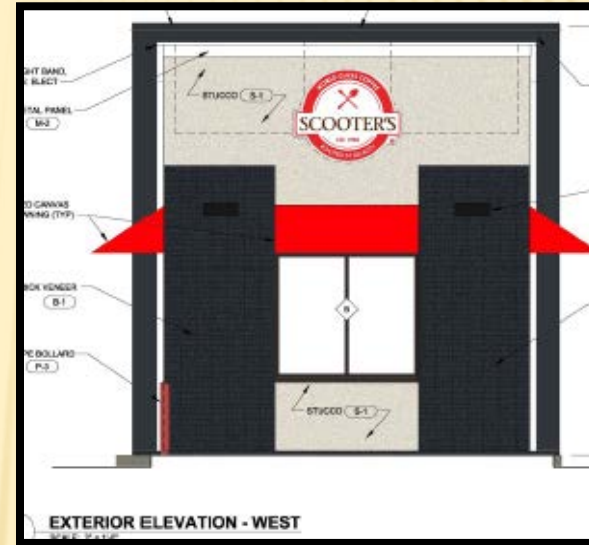
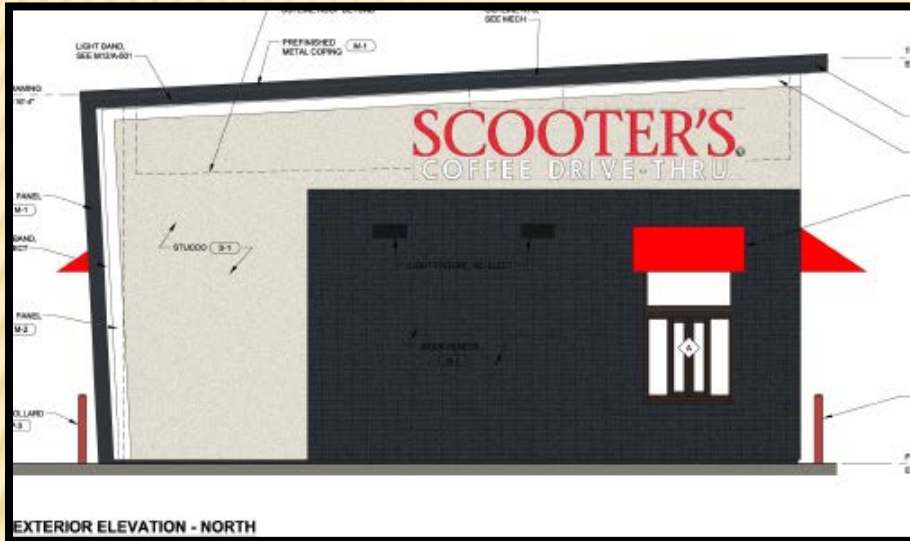
465 sq.ft, one-story restaurant (coffee shop)

Patio/outdoor seating area



GARLAND
TEXAS MADE HERE

SUP for 20 years (Elevations)



Comprehensive Plan

The Future Land Use Map of the Envision Garland Plan recommends Neighborhood Centers for the subject property. Neighborhood Centers provide a mix of retail, services and community gathering places appropriately scaled to adjacent residential areas.



GARLAND PLANNING REPORT

City Council Regular Session Agenda

13.e.

Meeting Date: July 17, 2018

Item Title: Z 18-31 Davis Land Surveying Co., Inc. (District 3)

Submitted By: Nabiha Ahmed, Development Planner

REQUEST

Approval of a Change of Zoning from Agriculture (AG) District to Single-Family-10 (SF-10) District.

OWNER

Rex and Maricella Heckelman

PLAN COMMISSION RECOMMENDATION

On June 25, 2018 the Plan Commission, by a vote of seven (7) to zero (0), recommended approval of a Change of Zoning from Agriculture (AG) District to Single-Family-10 (SF-10) District.

STAFF RECOMMENDATION

Approval of a Change of Zoning from Agriculture (AG) District to Single-Family-10 (SF-10) District.

BACKGROUND

The applicant requests approval of a Change in Zoning from Agricultural (AG) District to Single-Family-10 (SF-10) District for the construction of one (1) single-family home on a proposed lot.

The subject site contains approximately 5.20 acres. The owner intends to subdivide one (1) lot into three (3) lots to build a new single-family home on Lot 3. There is an existing single-family home on Lot 1. The application states that Lot 2 will remain undeveloped.

The minimum lot size required to build a single-family home in the Agriculture (AG) District is 87,120 square-foot. The lot on which the owner intends to build a new single-family home is 18,748 square-foot. The Change in Zoning will allow the owner to build a single-family home on Lot 3.

SITE DATA

The subject site contains approximately 5.20 acres and will have 24.50 feet of frontage along Locust Grove Road.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Agricultural (AG) District. The Agricultural (AG) District is intended for vacant land which is not yet ready for development, land which is used for agricultural or open space purposes, land which due to its topography or location within a floodplain or other undevelopable area is not anticipated to be developed for more intense use, and land which has been newly annexed into the City of Garland.

CONSIDERATIONS

1. The request is a traditional rezoning without the formation of a Planned Development (PD) District. These requests do not require Concept Plan or Detail Plan approval to commence or direct development. Development is dependent on the standards set forth by the Garland Development Code (GDC) and the goals and policies established within the Envision Garland 2030 Comprehensive Plan. This Change in Zoning is not intended to restrict uses or secure development performances beyond what is permitted within the proposed zoning district and the GDC. Accordingly the GDC requires careful consideration as to how closely the proposed district follows the policies of the Envision Garland 2030 Comprehensive Plan, and to what degree the rezoning will impact surrounding and future development.
2. The Single-Family-10 (SF-10) District is intended to provide for development of primarily low-density detached single-family residences on a variety of lot sizes, churches, schools, and public parks in logical, livable, and sustainable neighborhoods. The applicant proposes to develop the site in a manner consistent with the stated purpose of the Single-Family-10 (SF-10) District and the surrounding residential development.
3. The Agricultural (AG) District requires a minimum lot size of 87,120 square feet for development with a minimum dwelling size of 1,100 square feet. Setbacks within the Agricultural (AG) Districts are much greater than more urban residential districts and more reflective of a rural development pattern. Accordingly, residential development on agricultural land typically consists of homesteads on large tracts. Large tract homesteads are inconsistent with the established residential development pattern of the surrounding area. Comparatively, the Single-Family-10 (SF-10) District requires a minimum lot size of 10,000 square feet and a minimum dwelling size of 1,900 square feet.
4. The GDC provides the tools to ensure that development standards which promote efficient use of land and resources and which are supportive of the policies of the Comprehensive Plan are incorporated into site development, including but not limited to building and site design.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland 2030 Comprehensive Plan designates the subject property Traditional Neighborhoods. Traditional Neighborhoods are currently found throughout Garland and provide areas for low to moderate density single-family detached residential housing. Traditional Neighborhoods also accommodate convenience retail (goods and services), office space, and public services.

The Traditional Neighborhood development type is primarily characterized as low density, single-family detached (between one and six dwelling units per acre); Single-Family-10 (SF-10) District yields approximately 4.3 units per acre. The proposed use is compatible with the Future Land Use Map of the Envision Garland 2030 Comprehensive Plan.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The surrounding properties are primarily developed with single-family and multi-family development. The property to the north is zoned Planned Development (PD) District 82-31 for multi-family use. The property to the east is zoned Single-Family-7 (SF-7) District. Property to the south is zoned Single-Family-7 (SF-7) District and property to the west is zoned Single-Family-7 (SF-7) District. Therefore, the request would not introduce any new uses that may be incompatible with the surrounding area.

Attachments

Z 18-31 Davis Land Surveying Co., Inc. Exhibits

Z 18-31 Davis Land Surveying Co., Inc. Responses

Z 18-31 Davis Land Surveying Co., Inc. Staff Presentation

REPORT & MINUTES

P.C. Meeting, June 25, 2018

Consideration of the application of **Davis Land Surveying Co., Inc.**, requesting a Change of Zoning from Agriculture (AG) District to Single-Family-10 (SF-10) District. This property is located at 5150 Locust Grove Road. (District 3) (File Z 18-31)

The applicant, Rex Heckelman, 5150 Locust Grove Road, Garland, Texas spoke concerning the location of the proposed single-family home and flooding.

Speaking in support of the request:
Troy Nichols, 5118 Locust Grove, Garland, Texas

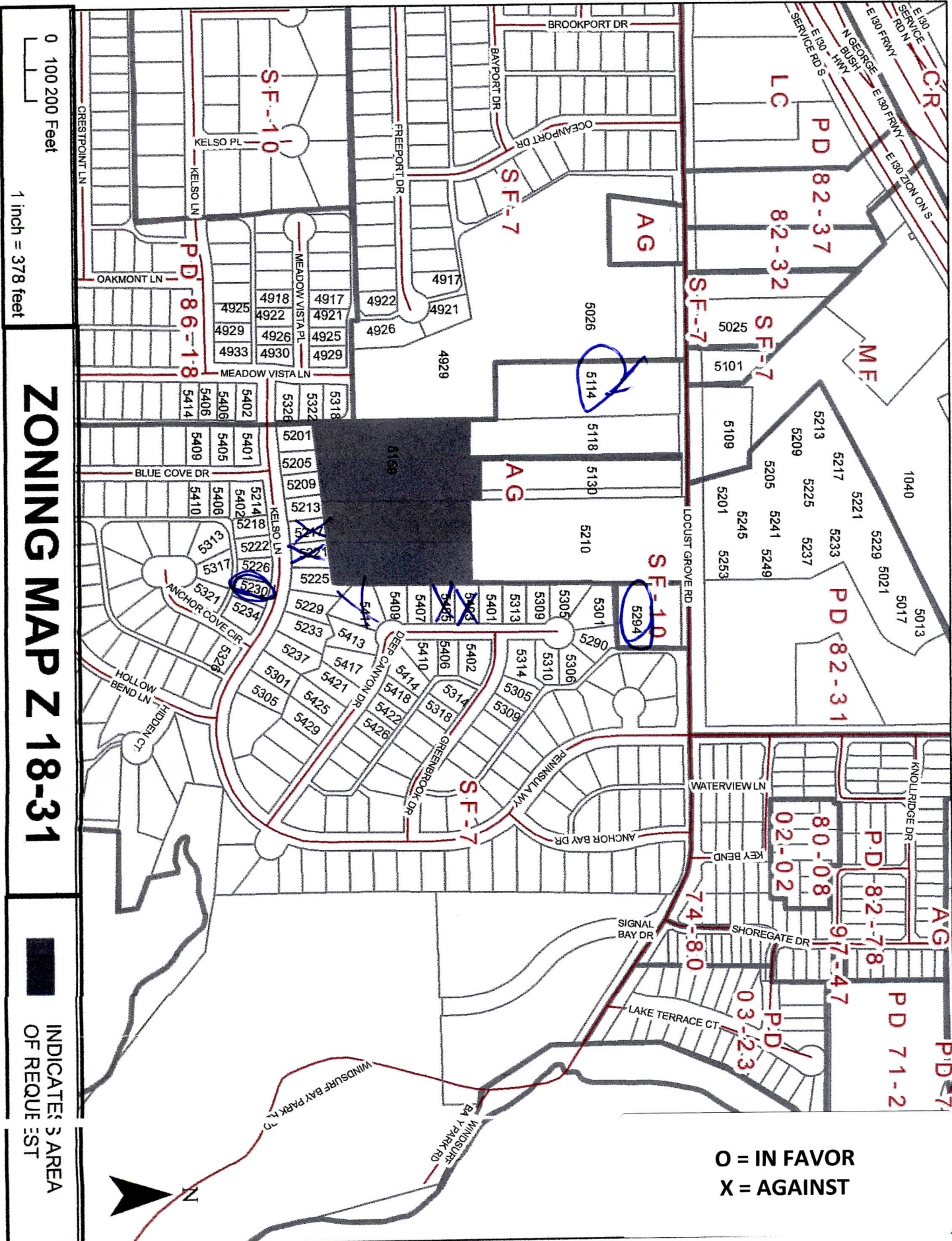
Speaking in opposition of the request:
Richard Reil, 5221 Kelso Lane, Garland, Texas
Trent Keasler, 5225 Kelso Lane, Garland, Texas

Those in opposition spoke of concerns regarding a decrease in property value and flooding concerns.

Chairman Roberts, in regards to the flooding concerns, stated Engineering would be reviewing the request during the platting process. Chairman Roberts also requested the concerns be passed along to the Engineering Department.

Motion was made by Commissioner Edwards, seconded by Commissioner Williams to **approve** per staff recommendation.

Motion carried: 7 Ayes, 0 Nays



Allmendinger, Tracy

From: Michael Eade <eade_m@yahoo.com>
Sent: Monday, June 18, 2018 6:02 PM
To: Planning Group
Subject: Response to File Z 18-31
Attachments: Scan Jun 18, 18 (2).pdf

My name is Michael Eade, I live at 5403 Deep Canyon Drive, Garland TX 75043.

My Response to File Z 18-31 (requesting zoning change from AG to Single Family is as follows:

I am opposed to the request.

My wife and I purchased our residence 17 years ago. We were the first ones to see it. It was the privacy that clinched it. Agricultural land behind us, nothing but trees and green. Switching this to residential would remove our privacy. It would also lower our home values. Homes across the street from us sell for 20-30,000 less, the only difference being the greenbelt.

That greenbelt is important to wild animals as well, providing them with a habitat. We have seen the following animals over the years:

- Bats
- Owls
- Large variety of birds
- Bobcat
- Coyotes
- Raccoons
- Opossums
- Armadillos
- Rabbits
- Snakes

Our children have greatly enjoyed being able to view these animals, and would be unable to if greenbelt were removed.

And finally, I have serious concerns that a 5 acre plot switched to residential will remain a single residence. There is already a single residence on the property. It is my belief that one house will be built, then another, then another. All the trees will come down, all the privacy will vanish, all the animals will too.

I've included photos of our backyard to help you understand. Thank you.







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

GARLAND

June 13, 2018

HEARING DATE/TIME: Plan Commission: June 25, 2018 – 7:00 PM

APPLICANT: Davis Land Surveying Co., Inc.

File Z 18-31

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, June 25, 2018, in the Council Chambers of the William E. Dollar Municipal Building (City Hall), 200 North Fifth Street, to consider the application of **Davis Land Surveying Co., Inc.**, requesting a Change of Zoning from Agriculture (AG) District to Single-Family-10 (SF-10) District. The property is shown on the enclosed sketch and is described as follows:

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Note: The applicant requests approval of a Change in Zoning to allow for the construction of one (1) single-family home on a proposed 18,748 square-foot lot.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return that section using any of the following methods: mail to City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002, fax to 972-205-2474, deliver to the Planning Department at 800 East Main Street, Garland TX, or email Planning@Garlandtx.gov. It is important that your response include your property address, your name, and mailing address. Should you have any questions, please contact Nabiha Ahmed at 972-205-2453.

(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

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

Loss of privacy, lowered property values, loss of animal habitat

(Please complete the following information)

Your Property Address

5403 Deep Canyon Dr Garland TX 75043

Printed Name

Michael Eade

Address

5403 Deep Canyon Dr

City, State

Garland Tx

Zip

75043

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

Signature

Title

Date:

6/19/18



GARLAND

June 13, 2018

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

HEARING DATE/TIME: Plan Commission: June 25, 2018 – 7:00 PM

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(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

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

(Please complete the following information)

Your Property Address

Samantha Snively

Printed Name

5405 Deep Canyon Dr

Address

Garland, TX

City, State

75043

Zip

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

Samantha Snively

Signature

Homeowner

Title

Date: 15 June 2018

JUN 18 '18 PM 2:45



GARLAND

June 13, 2018

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

HEARING DATE/TIME: Plan Commission: June 25, 2018 – 7:00 PM

APPLICANT: Davis Land Surveying Co., Inc.

File Z 18-31

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(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

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

X ENCROACHMENT TO FLOODWAY AND EXISTING RESIDENTIAL AREAS

(Please complete the following information)

Your Property Address

5221 KELSO LANE

Printed Name

RICHARD J. REIL

GARLAND TX

75043-4810

Address

City, State

Zip

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

Richard J. Reil

Signature

Title

Date:
Date:

6/22/18

JUN 22 '18 PM 1:12



GARLAND

June 13, 2018

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

HEARING DATE/TIME: Plan Commission: June 25, 2018 – 7:00 PM

APPLICANT: Davis Land Surveying Co., Inc.

File Z 18-31

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(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

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

Impedes water drainage, privacy, and property value
on my property

(Please complete the following information)

Your Property Address

Michelle Maged Atia

Printed Name

5411 Deep Canyon Drive, Garland, Texas 75043

Address

City, State

Zip

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

Michelle Maged Atia RN

Signature

Title

Date: 6/24/2018

JUN 25 '18 AM 11:14

_____ I am in favor of the request.

☒ I am opposed to the request.

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

I do not want to risk losing any of these trees on land that we were told 7 years ago was a green belt and two more could build on it.
(Please complete the following information)

Your Property Address

~~3217 Kessa Ln~~ Guy Taylor

Printed Name

5217 Kessa Ln GARLAND TX 75043

Address

City, State

Zip

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

Signature Guy Taylor Title ML

Date: 6-18-18

JUN 25 '18 PM 1:30



GARLAND

June 13, 2018

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

HEARING DATE/TIME: Plan Commission: June 25, 2018 – 7:00 PM

APPLICANT: Davis Land Surveying Co., Inc.

File Z 18-31

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(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

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

(Please complete the following information)

Your Property Address

Printed Name

Address 5294 LOCUST GROVE RD City, State GARLAND TX Zip 75043

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

Signature

Title

Date:

6-14-18

JUN 21 '18 AM 8:24

Allmendinger, Tracy

From: Javier Navarro <javn90@gmail.com>
Sent: Sunday, June 17, 2018 9:35 PM
To: Planning Group
Subject: Re File Z 18-31 from 5114 Locust Grove Rd Neighbor
Attachments: 2018_06_17 21-24-24.pdf

Dear Sir/Madam

I am in favor of this zoning change

Sincerely
Javier Navarro Jr

Javier Navarro Jr

Agent Cell (972) 878-4146
Agent Email: javn90@gmail.com
5114 Locust Grove Rd
Garland, TX 75043



GARLAND

June 13, 2018

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

HEARING DATE/TIME: Plan Commission: June 25, 2018 – 7:00 PM

APPLICANT: Davis Land Surveying Co., Inc.

File Z 18-31

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(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

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

(Please complete the following information)

Your Property Address

5114 Locust Grove Rd

Printed Name

Garland

Address

TX

City, State

75043

Zip

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

Signature

Title

Date:

6-17-18

☒ I am in favor of the request.

☐ I am opposed to the request.

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

(Please complete the following information)

Your Property Address

Printed Name SHARON DAVIS

Address 5030 KESLO LN

City, State GARLAND

Zip 75043

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

Signature Sharon Davis

Title

Date: 6-18-18

JUN 25 10 PM 1:30

Z 18-31

Approval of a Change of Zoning from Agriculture (AG) District to Single-Family-10 (SF-10) District.

**City Council Meeting
July 17, 2018**



GARLAND

TEXAS MADE HERE



Case Information

Location: 5150 Locust Grove Road

Applicant: Davis Land Surveying Co., Inc.

Owner: Rex and Marcella Heckelman

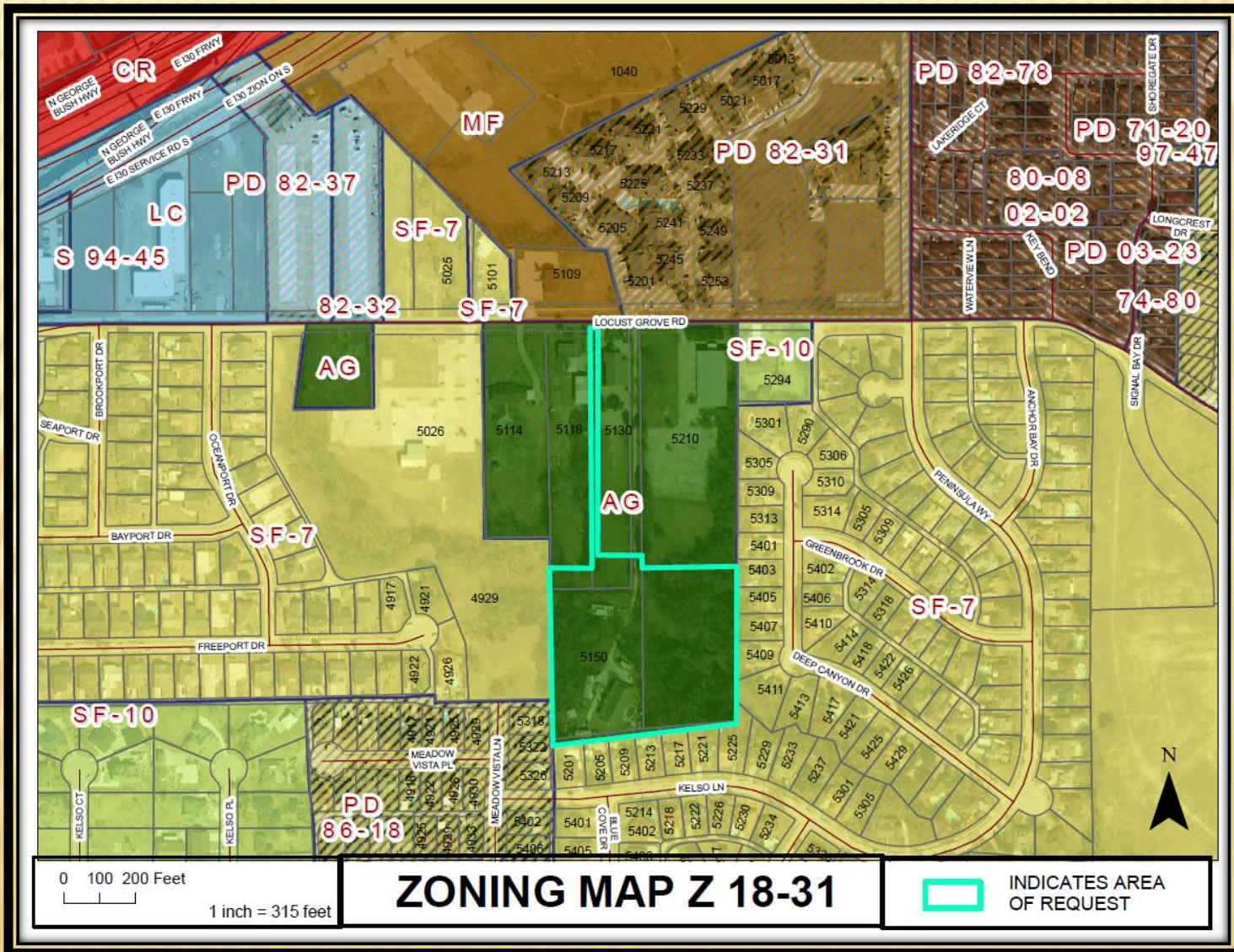
Acreage: 5.20

Zoning: Agriculture (AG) District



GARLAND
TEXAS MADE HERE

Surrounding Zoning and Land Uses

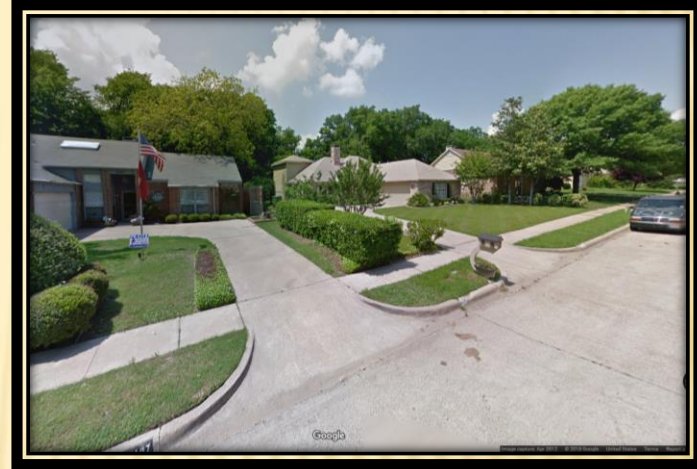


Z 18-31

Surrounding Zoning and Land Uses



Looking north of subject site from Locust Grove Road



Looking east of subject site beyond the house on Deep Canyon Drive



Looking at the existing house on proposed Lot 1

Considerations

Background:

- The applicant requests approval of a Change in Zoning from Agricultural (AG) District to Single-Family-10 (SF-10) District for the construction of one (1) single-family home on a proposed lot.
- The subject site contains approximately 5.20 acres. The owner intends to subdivide one (1) lot into three (3) lots to build a new single-family home on Lot 3. There is an existing single-family home on Lot 1 and Lot 2 will remain undeveloped.
- The minimum lot size required to build a single-family home in the Agriculture (AG) District is 87,120 square-foot. The lot on which the owner intends to build a new single-family home is 18,748 square-foot. The Change in Zoning will allow the owner to build a single-family home on Lot 3.

Considerations

Change in Zoning:

- The request is a traditional rezoning without the formation of a Planned Development (PD) District. These requests do not require Concept Plan or Detail Plan approval to commence or direct development.
- Development is dependent on the zoning and development standards set forth by the Garland Development Code (GDC) and the goals and policies established within the Envision Garland 2030 Comprehensive Plan.
- A Change in Zoning is not intended to restrict uses or secure development performances beyond what is permitted within the proposed zoning district and the GDC.
- The GDC requires careful consideration as to how closely the proposed district follows the policies of the Envision Garland 2030 Comprehensive Plan, and to what degree will the rezoning impact surrounding and future development.

Considerations

Single Family-10 (SF-10) District:

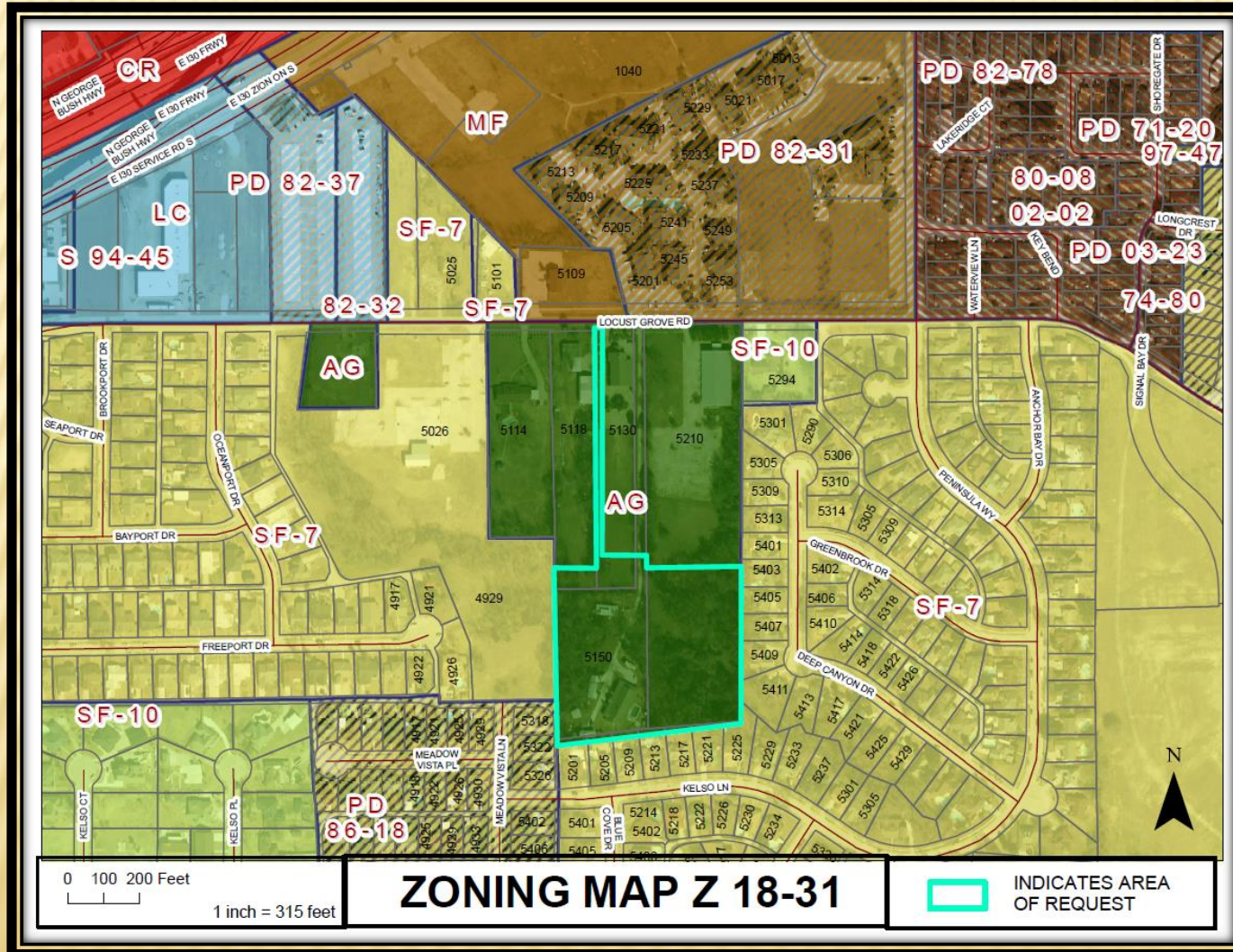
- The Single-Family-10 (SF-10) District is intended to provide for development of primarily low-density detached single-family residences on a variety of lot sizes, churches, schools, and public parks in logical, livable, and sustainable neighborhoods. The applicant proposes to develop the site in a manner consistent with the stated purpose of the Single-Family-10 (SF-10) District and the surrounding residential development.

Traditional Neighborhoods:

- The Future Land Use Map of the Envision Garland 2030 Comprehensive Plan designates the subject property Traditional Neighborhoods. Traditional Neighborhoods are currently found throughout Garland and provide areas for low to moderate density single-family detached residential housing. Traditional Neighborhoods also accommodate convenience retail (goods and services), office space, and public services.
- The Traditional Neighborhood development type is primarily characterized as low density, single-family detached (between one and six dwelling units per acre).



Surrounding Zoning and Land Uses





GARLAND PLANNING REPORT

City Council Regular Session Agenda

13.f.

Meeting Date: July 17, 2018

Item Title: GDC Amendments Regarding Institutionalized Care of Alcoholic, Drug Dependent or Psychiatric Patients

Submitted By: Will Guerin, Planning Director

REQUEST

Consider amendments to Chapter 2: Zoning Regulations, Article 5, Division 2 - Land Use Matrix, Section 2.51 of the Garland Development Code (GDC) regarding “Care of Alcoholic, Drug Dependent or Psychiatric Patients, Institutionalized”; and to Chapter 6, Section 6.03, Definitions, to define “Care of Alcoholic, Drug Dependent or Psychiatric Patients, Institutionalized.”

PLAN COMMISSION RECOMMENDATION

During their June 25, 2018 meeting, the Plan Commission, by a vote of seven (7) to zero (0), recommended approval of amendments to Chapter 2: Zoning Regulations, Article 5, Division 2 - Land Use Matrix, Section 2.51 of the Garland Development Code (GDC) regarding “Care of Alcoholic, Drug Dependent or Psychiatric Patients, Institutionalized”; and to Chapter 6, Section 6.03, Definitions, to define “Care of Alcoholic, Drug Dependent or Psychiatric Patients, Institutionalized.”

STAFF RECOMMENDATION

Approval of the amendments as presented.

BACKGROUND

The Garland Development Code (GDC) does not currently define or recognize the institutionalized care of psychiatric, alcoholic or drug dependent patients in the applicable list of land uses. The former development code [Comprehensive Zoning Ordinance, No. 4647] defined these uses but it did not carry over into the adoption of the GDC in 2015. In order to address these types of uses consistently in the future, the proposed amendments formally define them, based on the previous code’s definition, and establish in which zoning districts to allow them--by Specific Use Provision (SUP).

CONSIDERATIONS

Chapter 2: Land Use Matrix

1. The proposed amendment is to allow “Care of Alcoholic, Drug Dependent or Psychiatric Patients, Institutionalized” by Specific Use Provision (SUP) only in the following zoning districts:

- Industrial (IN)
- Heavy Commercial (HC)
- Light Commercial (LC)
- Community Retail (CR)
- Community Office (CO)

It should be noted that the above zoning districts are where Hospitals are currently allowed in the GDC—whether by right or by Specific Use Provision (SUP).

A Specific Use Provision (SUP) requires approval by the City Council, with a recommendation from the Plan Commission, through a public hearing process. The purpose of a Specific Use Provision (SUP) is to allow the establishment of uses which may be suitable only in certain locations in a zoning district or only when subject to standards and conditions that assure compatibility with other uses in the vicinity. Specific uses are those uses which are generally compatible with the allowed land uses in a given zoning district, but which require individual review of their proposed location, design and configuration, and the imposition of conditions in order to ensure the appropriateness of the use.

In addition, the proposed parking requirement is 1 parking space per 4 beds, based on the previous parking ratio for this use within the Comprehensive Zoning Ordinance (No. 4647).

Chapter 6: Definitions

2. The proposed definition of “Care of Alcoholic, Drug Dependent or Psychiatric Patients, Institutionalized” is as follows: “An institutionalized-type facility for the care of the listed patients.”

This definition was used in the previous Comprehensive Zoning Ordinance.

Attachments

Staff Presentation

Consider amendments to Chapter 2: Zoning Regulations, Article 5, Division 2 - Land Use Matrix, Section 2.51 of the Garland Development Code (GDC) regarding “Care of Alcoholic, Drug Dependent or Psychiatric Patients, Institutionalized”; and to Chapter 6, Section 6.03, Definitions, to define “Care of Alcoholic, Drug Dependent or Psychiatric Patients, Institutionalized.”

**City Council Meeting
July 17, 2018**



CHAPTER 2, SECTION 2.51 (LAND USE MATRIX)

Allow “Care of Alcoholic, Drug Dependent or Psychiatric Patients - Institutionalized” by Specific Use Provision (SUP) only, in the following zoning districts:

- + Community Office (CO)
- + Community Retail (CR)
- + Light Commercial (LC)
- + Heavy Commercial (HC)
- + Industrial (IN)

CHAPTER 2, SECTION 2.51 (LAND USE MATRIX)

A parking ratio of 1 space per 4 beds.

CHAPTER 6: DEFINITIONS

*Care of Alcoholic, Drug Dependent or Psychiatric Patients,
Institutionalized: An institutionalized-type facility for the care of
the listed patients.*



GARLAND

City Council Regular Session Agenda

Meeting Date: July 17, 2018

Item Title: Boards & Commission Appointments

Submitted By: Elisa Morales, Management Services Coordinator , Administration

Summary:

Council Member Deborah Morris

- Steven Hallman - Plan Commission
 - Michael Degen - Library Board
 - Cynthia Carillo - Garland Youth Council
 - Sydney Colon - Garland Youth Council
-

Attachments

Steven Hallman - Plan Commission

Michael Degen - Library Board

Morris



GARLAND

TEXAS MADE HERE

CITY OF GARLAND
RECEIVED

JUN 12 2018

CITY SECRETARY

Application for City of Garland Boards/Commissions/Committees

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

Please Type or Print Clearly:

Date: 2.22.2018

Name: STEVEN C. HALLMAN

Phone: [REDACTED]

(Home)

Address: 1234 W. AVENUE A

Phone: [REDACTED]

(Other)

City, State, Zip: GARLAND, TX 75040

Email: [REDACTED]

Resident of Garland for 38 years

Resident of Texas for 55 years

☒ Dallas County Voter Registration Number [REDACTED] Garland City Council District Number 2

Have you ever been convicted of a felony? ☐ Yes ☒ No

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

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

I HAVE WORKED IN CONSTRUCTION INDUSTRY FOR OVER 40 YEARS.
I HAVE A BS DEGREE CONSTRUCTION MANAGEMENT.

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

BUILDING & FIRE CODES, BOARD OF ADJUSTMENTS

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

LEADERSHIP GALLANT CLASS #1.
ACTIVE CHURCH MEMBER IN LOCALITY.

What is your educational background?

BS IN CONSTRUCTION MANAGEMENT 1976
LEED ACCREDITED PROFESSIONAL 2009

What is your occupational experience?

ESTIMATOR, PROJECT MANAGER, SENIOR MANAGEMENT IN
COMMERCIAL & HIGHWAY CONSTRUCTION FIRMS

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

Yes Steven Hallman

Board or Commission of first, second, and third choice:

☐ Board of Adjustment

☐ Garland Youth Council

☐ Parks and Recreation Board

☐ Citizens Environmental and Neighborhood Advisory Committee

☐ Property Standards Board

☐ Plan Commission

☐ Community Multicultural Commission

☐ Library Board

☐ Senior Citizens Advisory Committee

☐ Garland Cultural Arts Commission

☒ Unified Building Standards Commission

Garland Youth Council has a separate application

FOR OFFICE USE ONLY

Ad Valorem Tax Status

Current ☒

Past Due ☐

Utility Account Status

Current ☒

Past Due ☐

CSO Suit/Claim Filed
Clerk Signature & Date

Yes ☐ No ☒

Courtney Vanover
6/12/18

Date Appointed _____

Appointed By _____

Date Notified _____

Disclosure Form Filed _____

Revised 03/2017



GARLAND

TEXAS MADE HERE

CITY OF GARLAND
RECEIVED
JUL 05 2018
CITY SECRETARY

Application for City of Garland Boards/Commissions/Committees

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

Please Type or Print Clearly:

Date:

7/6/2018

Name: Michael Degen

Phone:

[REDACTED]

(Home)

Address: 900 West Ave F

Phone:

(Other)

City, State, Zip: Garland, TX 75040

Email:

[REDACTED]

Resident of Garland for 26 years

Resident of Texas for 26 years

Dallas County Voter Registration Number [REDACTED]

Garland City Council District Number 2

Have you ever been convicted of a felony? ☐ Yes ☒ No

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

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

I have taught high school English for 30 years. I am the author of three educational books: Crafting Expo

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

NA

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

I have held literacy/writing workshops open to underserved schools in DFW.

What is your educational background?

Ph.D., Literary Studies, University of Texas at Dallas; MA English, University of Dallas; BA English, Loras

What is your occupational experience?

I currently teach at Jesuit College Preparatory School, Dallas. I am the English Department Chair.

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

Michael Degen

Board or Commission of first, second, and third choice:

☐ Board of Adjustment

☐ Garland Youth Council **

☐ Parks and Recreation Board

☐ Citizens Environmental and Neighborhood Advisory Committee

☐ Property Standards Board

☐ Plan Commission

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☐ Library Board

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FOR OFFICE USE ONLY

Ad Valorem Tax Status
Utility Account Status

Current ☒
Current ☐

Past Due ☐
Past Due ☐

Date Appointed

Appointed By

CSO Suit/Claim Filed
Clerk Signature & Date

Yes ☐ No ☒

Courtney Vanover 7/10/18

Date Notified

Disclosure Form Filed

Revised 03/2018