



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 6, 2021
7:00 p.m.

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

The meeting will be broadcast on City of Garland Government Access Television (CGTV). CGTV is available via GarlandTX.gov, channel 16 (Spectrum), Channel 44 (Frontier), and channel 99 (AT&T U-verse). Meetings are broadcast online via live-streaming and on-demand, and air on CGTV with several rebroadcasts during the week of the meeting.

Alternatively, the meeting will be broadcast by webinar at the following URL:

https://garlandtx.zoom.us/webinar/register/WN_ZXO_Tr9FRjq11zZua_nMRQ

The meeting ID is: 985 4410 1672

Public Comments:

Whether you are attending the meeting in-person or via webinar, you are invited to offer a comment or make a statement on any item on the agenda as that item is called. Your comments must relate to an item on this agenda - non-germane comments are not in order. Time limits will be imposed by the Mayor as appropriate to the nature of the agenda item. Generally, public speakers are given three minutes. Similarly, you may provide a comment at the end of the agenda during the open public comments portion of the meeting. However, due to legal restrictions, members of the City Council are not able

to answer questions during the public comments portion of the agenda.

REGISTRATION : If you are attending the meeting via webinar, Registration for the webinar will be required for any citizen wishing to speak. If you choose to speak via the webinar, you must use the “raise hand” feature in order to be recognized.

IN-PERSON COMMENTS: If you are attending the meeting in-person, Registration will be required for any citizen wishing to speak. Speakers shall register using the electronic registration kiosks in the lobby of City Hall.

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.
BRILLE IS NOT AVAILABLE.



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.

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.

1. Consider approval of the minutes of the June 22, 2021 Regular Meeting.

2. Consider approval of the following bids:

a. **Commercial Waste Container Refurbishing Services** **Bid No. 0824-21**

DFW Container Service **\$165,000.00**

This request is to provide for the refurbishing of commercial containers that cannot be repaired in-house by EWS. The refurbishing process saves thousands of dollars per container when compared to replacement cost. This approval is for a Term Agreement with four (4) optional renewals.

b. **Asphalt Patchers** **Bid No. 0998-21**

Freightliner of Austin **\$456,905.00**

This request is for the purchase of two (2) replacement asphalt patchers to be utilized by the Street Department.

c. **GP&L Millwood 138kV Switchyard Engineering Services Agreement** **Bid No. 1011-21**

R-Delta Engineers **\$632,500.00**

This request is to obtain electrical, civil, structural, geotechnical, and design engineering services to support the construction of the GP&L Millwood 138kV Switchyard that will cut in to the existing Wylie-Elm Grove Transmission Line.

d. **Concrete Sawing and Joint Sealing Services** **Bid No. 0931-21**

Xtreeme Sawing & Sealing, Inc. **\$173,250.00**

This request is to provide concrete sawing and joint sealing services for the Street Department on an as-needed basis. This approval is for a Term Agreement with four (4) optional renewals.

e. **Queen BESS Terminal at King Mountain Switch Station Electrical Materials** **Bid No. 0945-21**

KBS Electrcial Distributors, Inc.	\$308,771.95
Optional Contingency	<u>30,877.00</u>
TOTAL:	\$339,648.95

This request is for the purchase of electrical materials needed for the construction of the Queen BESS Terminal at the King Mountain Switch Station. This is part of the approved King Mountain Switch to Queen BESS CIP project. An Optional Contingency is included for any additional materials that may be required.

f. GP&L Neural Network Load Forecasting Services Bid No. 0906-21

Pattern Recognition Services, dba Enverus \$264,000.00

This request is to obtain Neural Network Load Forecasting services to be used by GP&L for load forecast data for GP&L as well as GP&L Wholesale customers. This approval is for a five-year service agreement to be invoiced at \$52,800 annually.

3. Public hearing(s) were previously conducted for the following zoning case(s). Council approved the request(s) and instructed staff to bring forth the following ordinance(s) for consideration.

a. Zoning File No. Z 21-01, Civil Point Engineers, Inc. (District 7)

Consider an ordinance amending the Garland Development Code of the City of Garland, Texas by approving 1) an Amendment to Planned Development (PD) District 17-52 for Multi-Family Use to allow Elder Care-Independent Living and Elder Care-Assisted Living and 2) a Detail Plan for Elder Care-Independent Living and Elder Care-Assisted Living on a 34.4961-acre tract of land located at 2055 Arapaho Road; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; a Savings Clause and a Severability Clause; and providing an effective date.

4. Consider a resolution agreeing to the sale of certain property located within the City of Garland and owned by taxing authorities including the City of Garland as a result of a tax sale; authorizing the Mayor to execute a Deed without Warranty; and providing an effective date.

At the June 7, 2021 Work Session, Council was briefed on the potential sale of property located at 111 McKinley Street.

5. **Consider a resolution agreeing to the sale of certain property located within the City of Garland and owned by taxing authorities including the City of Garland as a result of a tax sale; authorizing the Mayor to execute a Deed without Warranty; and providing an effective date.**

At the June 7, 2021 Work Session, Council was briefed on the potential sale of property located at 905 Trellis Circle.

6. **Consider a resolution agreeing to the sale of certain property located within the City of Garland and owned by taxing authorities including the City of Garland as a result of a tax sale; authorizing the Mayor to execute a Deed without Warranty; and providing an effective date.**

At the June 7, 2021 Work Session, Council was briefed on the potential sale of property located at 610 Parker Circle.

7. **Council is requested to consider the Annual Performance Update on the City of Garland Housing Agency's 2020-2024 Five Year Plan and Administrative Plan Approval**

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 June 21, 2021 Work Session, Council considered adopting the accomplishments presented in the first year of the 2020-2024 Annual Performance Plan update for submission to HUD.

8. **Garland Housing Agency's Administrative Plan**

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 June 21, 2021 Work Session, Council considered adopting the updated Administrative Plan.

9. **Council is requested to approve the attached resolution authorizing the City Manager to execute a contingent fee legal services contract, subject to the approval of the City Attorney and the Texas Attorney General and the requirements of State law.**

The City Attorney recommends retaining the services of outside counsel for that purpose on a contingent fee basis for the reasons detailed in the accompanying resolution and public notice. State law regulates the hiring of contingent fee counsel by governmental entities and requires a certain process to be followed, including the making of certain findings before hiring contingent fee counsel. That law also regulates and governs the terms of any contract for contingent fee legal services and requires the contract for such services to be submitted to and approved by the Texas

Attorney General.

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.

10. Consider the Appointment of a Mayor Pro Tem and Deputy Mayor Pro Tem

Council is requested to consider the election of a Mayor Pro Tem and if so desired a Deputy Mayor Pro-Tem.

11. Mayor Appointments

Mayor Scott LeMay will present for Council confirmation appointments to Council committees and outside boards.

12. Hold public hearing(s) on:

- a. Consider a Specific Use Provision (SUP) request by Langan for a time period of 25 years, to make interior and exterior improvements and expansions to an existing drive-through restaurant [McDonald's]. This property is located at 3205 South Garland Avenue in District 5.**

Consideration of the application of Langan, requesting approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 08-52. This property is located at 3205 South Garland Avenue. (File Z 21-14, District 5).

- b. Consider a Detail Plan request by Langan to make interior and exterior improvements and expansions to an existing drive-through restaurant [McDonald's]. This property is located at 3205 South Garland Avenue in District 5.**

Consideration of the application of Langan, requesting approval of a Detail Plan for renovations and expansions to an existing Restaurant, Drive-Through on a property zoned Planned Development (PD) District 08-52. This property is located at 3205 South Garland Avenue. (File Z 21-14, District 5)

- c. **Consider an amended Specific Use Provision (SUP) request by Burger Engineering for a time period of 25 years, to expand an existing drive-through restaurant [Chick-fil-A]. This property is located at 5425 North President George Bush Turnpike in District 7.**

Consideration of the application of Burger Engineering, LLC, requesting approval of a Specific Use Provision amendment to allow a Restaurant, Drive-Through expansion on a property zoned Community Retail (CR) District. This property is located at 5425 North President George Bush Turnpike. (File Z 21-16, District 7)

- d. **Consider a Detail Plan request by Burger Engineering to expand an existing drive-through restaurant [Chick-fil-A]. This property is located at 5425 North President George Bush Turnpike in District 7.**

Consideration of the application of Burger Engineering, LLC, requesting approval of a Plan for a Restaurant, Drive-Through expansion on a property zoned Community Retail (CR) District. This property is located at 5425 North President George Bush Turnpike (File Z 21-16, District 7)

- e. **Consider a Zoning request by Simon Property Group (Texas), L.P., to allow future potential commercial uses in the Firewheel Town Center area, including Fitness/Performing Arts Studio, Convenience Store, Brewery/Winery/Distillery, and Indoor Automobile Sales. This property is located at 245 Cedar Sage Drive in District 1.**

Consideration of the application of Simon Property Group (Texas) L.P., requesting approval of an Amendment to Planned Development (PD) 03-53 District to allow Additional Commercial Uses. This property is located at 245 Cedar Sage Drive. (File Z 21-19, District 1)

13. 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 B.J. Williams

- Dr. Shibu Samuel - Environmental Community Advisory Board
- Gwendolyn H. Daniels - Library Board
- Heather Moody - Garland Youth Council
- Jair Jafeth Delgado - Garland Youth Council
- Phillip Johnson - Tax Increment Finance #3 Board

Council Member Rich Aubin

- Jason Aguirre - Parks and Recreation Board
- Margaret A. Lucht - Plan Commission

14. 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.

15. Adjourn.

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



GARLAND

City Council Regular Session Agenda

1.

Meeting Date: 07/06/2021

Item Title: Minutes June 22

Submitted By: Rene Dowl, City Secretary, City Secretary

Summary:

Consider approval of the minutes of the June 22, 2021 Regular Meeting.

Attachments

Minutes June 22



GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7 p.m. on Tuesday, June 22, pursuant to Section 551.045, by telephone or internet in Garland, Texas, with the following members present:

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

Staff Present: City Manager Bryan Bradford
Deputy City Manager Mitch Bates
Assistant City Manager John Baker
Assistant City Manager Judson Rex
City Attorney Brad Neighbor
City Secretary Eloyce René Dowl

LEGISLATIVE PRAYER AND PLEDGE OF ALLEGIANCE

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MAYORAL PROCLAMATIONS, RECOGNITIONS AND ANNOUNCEMENTS

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

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.

Motion was made by Council Member Williams to approve the Consent Agenda as presented, seconded by Council Member Aubin. Motion carried:

Vote: 8 ayes, 0 nays

Council Member Smith did not participate in this vote due to a technical disconnection.

1. **APPROVED** Consider approval of the minutes of the June 8 Regular Meeting and June 15 Special Meeting.

2. Consider approval of the following bids:

- a. **APPROVED** Casualty Insurance Coverage

Bid No. 0809-21

Willis Towers Watson

\$913,717.00

The City is seeking an insurance broker to place casualty coverage for its employees and operations ("Casualty Insurance"). This approval is for a Term Agreement with four optional renewals.

- b. APPROVED Rowlett Creek 48-Inch Interceptor Main Rehabilitation, Phase VII Bid No. 0882-21**

Insituform Technologies, LLC \$1,332,786.00

The request is for Phase VII of the Rowlett Creek 48" Wastewater Interceptor Rehabilitation project.

- c. APPROVED Lyons Road Water, Wastewater Mains and Street Improvements Bid No. 0889-21**

Criado & Associates, Inc. \$292,035.00

This request is to obtain Professional Engineering Services to replace approximately 4,200 linear feet of existing water and wastewater lines along Lyons Road between the intersections of Guthrie Road and Bobtown Road, including street improvements.

- d. APPROVED Rowlett Creek 36-Inch Parallel Sewer Interceptor Bid No. 0804-21**

Freese and Nichols, Inc. \$1,400,500.00

This request is to provide Professional Engineering Services for the design of a new 36-inch sewer pipeline that will parallel the existing 48-inch Rowlett Creek interceptor.

- e. APPROVED GP&L Underground Maintenance and Construction Bid No. 0807-21**

Infratech Corporation \$3,000,000.00

This request is to provide construction labor to support Garland Power & Light's underground distribution operations. This approval is for a Term Agreement with four optional renewals.

- f. APPROVED Shady Lane to Redbud Lane Channel Improvements Bid No. 0799-21**

Klutz Construction, Inc. \$747,609.00

This request is to provide replacement construction of an existing concrete-lined channel T03, a tributary of Duck Creek, between Shady Lane and Redbud Lane.

- g. APPROVED Instrument Transformers & Surge Arrestors for GP&L Substations Bid No. 0745-21**

J.H. Davidson & Associates, LLC \$900,000.00

This request is for the purchase of instrument transformers and surge arrestors for use in GP&L substations. This approval is for a Term Agreement with four optional renewals.

- h. APPROVED TMPA 138kV and 345kV Transmission Line As-Built Modeling and Clearance Verification Bid No. 0885-21**

Stanley Consultants \$561,660.00

This request is to obtain as-built and clearance verification studies in compliance with Texas House Bill 4150, relating to safety and inspections requirements for certain utilities. This approval is for a Term Agreement with four optional renewals.

- i. APPROVED Vesta 911 Training Equipment Bid No. 0969-21**

Vesta Solutions, Inc. \$169,086.64

This request is to provide the Garland Police Department with additional training stations for new Public Safety Dispatchers.

- 3. Public hearing(s) were previously conducted for the following zoning case(s). Council approved the request(s) and instructed staff to bring forth the following ordinance(s) for consideration.**

- a. APPROVED Zoning File No. Z 21-10, Spiars Engineering (District 1)**

Ordinance No. 7228 amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision extension for a Fuel Pumps, Retail Use on a 1.094-acre tract of land zoned Community Retail (CR) District and located at 2602 Lavon Drive; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; a Savings Clause and a Severability Clause; and providing an effective date.

- 4. APPROVED Council approved an ordinance amending Chapter 4, Article 5 of the Garland Development Code, by adding a Section 4.79, "Historic Signs".**

Ordinance No. 7229 amending Chapter 4, Article 5 "Signs" of the Garland Development Code of the City of Garland, Texas, by adding a Section 4.79, "Historic Signs"; providing a Savings Clause and a Severability Clause;

providing a Penalty Clause; and providing an effective date. This item was discussed during the June 7, 2021 City Council Work Session and was recommended by the Development Services Committee.

5. **APPROVED Resolution No. 10490** for a Project Specific Agreement with Dallas County to Share Concrete Repair Project Costs

The City of Garland and Dallas County entered into a Master Interlocal Agreement for maintenance of Type "B" roads on January 2, 2018. That agreement stipulates that Dallas County will participate in cost sharing up to 50% of the cost of certain street maintenance projects. Dallas County Public Works Department recently contacted the Street Department on behalf of Commissioner's District 1 Road and Bridge Office indicating that they had funds available for cost share on concrete street repair projects that could begin this year.

6. **APPROVED Ordinance No. 7230** amending multiple provisions of Chapter 31, Article IX, "Construction or Repair of Sidewalks," of the Code of Ordinances of the City of Garland, Texas; providing a Savings Clause; providing a penalty under the provisions of Section 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Severability Clause; and setting an effective date.

At the June 7, 2021 Work Session, Council considered amendments to Chapter 31, Article IX Construction or Repair of Sidewalks, Section 31.138 of the Code of Ordinances.

7. **APPROVED Ordinance No. 7231** 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 adopted the ordinance for parking, standing and stopping prohibiting it on the north side of Colonel Drive from Broadway to Commonwealth Drive and on the south side of Colonel Drive between Broadway to Monticello Court during the hours of 6:30 AM to 3:30 PM on school days.

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

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8. Hold public hearing(s) on:

- a. **APPROVED** Consider a Zoning request by Civil Point Engineering, Inc. to allow 120 dwelling units for Independent Living and Assisted Living. This site is located at 2055 Arapaho Road in District 7.

Consideration of the application of Civil Point Engineering, Inc., requesting approval of an Amendment to Planned Development (PD) District 17-52 for Multi-Family Use to allow Elder Care - Independent Living and Elder Care - Assisted Living. This property is located at 2055 Arapaho Road. (File No. Z 21-01, District 7)

Mayor LeMay requested to have Items 8a and 8b approved in one motion, Council Member Hedrick concurred.

The staff report was presented by William Guerin, Director of Planning. Speaker on this item was Steven Balliet, applicant.

There was discussion by the Council. Council Member Hedrick asked why the applicant is returning to request less density than previously approved. The applicant explained to Council Member Hedrick why the amendment is being requested.

Motion was made by Council Member Hedrick to approve the Amendment to Planned Development and Detail Plan, seconded by Council Member Vera. Motion carried:

Vote: 9 ayes 0 nays.

- b. **APPROVED** Consider a Detail Plan request by Civil Point Engineering, Inc. to amend the previously approved site layout for Independent Living and Assisted Living. This property is located at 2055 Arapaho Road in District 7.

Consideration of the application of Civil Point Engineering, Inc., requesting approval of a Detail Plan for Elder Care - Independent Living and Elder Care - Assisted Living. This property is located at 2055 Arapaho Road. (File No. Z 21-01, District 7)

9. Consider appointments to Boards and Commissions.

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

Council Member Dylan Hedrick

- John "Chip" VanPelt - Cultural Arts Commission

Council Member Hedrick presented his appointee for the Cultural Arts Commission. A vote was cast as follows:

Vote: 9 ayes, 0 nays

10. Citizen comments: Joshua Garcia

11. ADJOURN: There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 7:28 p.m.

Submitted By:

Scott LeMay, Mayor

Eloyce René Dowl, City Secretary



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. a.

Meeting Date: 07/06/2021

Item Title: Commercial Waste Container Refurbishing Services

Submitted By: Uriel Villalpando, EWS Director

Bid Number: 0824-21

Purchase Justification:

This request is to provide for the refurbishing of commercial containers that cannot be repaired in-house by EWS. The refurbishing process saves thousands of dollars per container when compared to replacement cost. This approval is for a Term Agreement with four (4) optional renewals.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. One (1) bid was received and evaluated based on published criteria. DFW Container Service received the highest evaluated score, offering the Best Value for the City.

Award Recommendation:

<u><i>Vendor</i></u>	<u><i>Item</i></u>	<u><i>Amount</i></u>
DFW Container Service	All	\$165,000.00
	TOTAL:	\$165,000.00

Basis for Award: Best Value

Purchase Requisition #: 45295

Fiscal Impact

Total Project/Account: N/A

Expended/Encumbered to Date: N/A

Balance: N/A

This Item: \$165,000

Proposed Balance: N/A
Account #: 241-4314-6051

Fund/Dept/Project – Description and Comments:

Term Contract sets price but does not commit funds. Expenses will be charged to EWS Commercial Collection account as incurred.

Attachments

Bid Recap

Fiscal Reference:

Budget Type: Operating Budget

Fiscal Year: 2020-21

Document Location: Oper. Budget - Page 255

Budget Director Approval: Allyson Bell Steadman

Approval Date: 06/25/2021

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 06/24/2021



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. b.

Meeting Date: 07/06/2021

Item Title: Asphalt Patchers

Submitted By: Terry Anglin, Fleet Services Director

Bid Number: 0998-21

Purchase Justification:

This request is for the purchase of two (2) replacement asphalt patchers to be utilized by the Street Department.

Evaluation:

The asphalt patchers are available from Freightliner of Austin through the TIPS Cooperative Purchasing Contract 200206.

Award Recommendation:

<u><i>Vendor</i></u>	<u><i>Item</i></u>	<u><i>Amount</i></u>
Freightliner of Austin	All	\$456,905.00
	TOTAL:	\$456,905.00

Basis for Award: Cooperative Purchase

Purchase Requisition #: 45546

Fiscal Impact

Total Project/Account: \$570,000

Expended/Encumbered to Date: 0

Balance: \$570,000

This Item: 456,905

Proposed Balance: \$113,095

Account #: 692-4699-3981115-9009

Fund/Dept/Project – Description and Comments:

Miscellaneous Tax Support CIP / Streets / Infrastructure Equipment

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2021

Document Location: Page 197

Budget Director Approval: Allyson Bell Steadman

Approval Date: 06/23/2021

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 06/23/2021



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. c.

Meeting Date: 07/06/2021

Item Title: GP&L Millwood 138kV Switchyard Engineering Services Agreement

Submitted By: Steve Martin, Transmission Director

Bid Number: 1011-21

Purchase Justification:

This request is to obtain electrical, civil, structural, geotechnical, and design engineering services to support the construction of the GP&L Millwood 138kV Switchyard that will cut in to the existing Wylie-Elm Grove Transmission Line.

Evaluation:

R-Delta Engineers was selected as the Most Qualified firm for this project from RFQ 0753-19 based on their past performance and coordination of the entire site improvements with Rayburn County Electric.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
R-Delta Engineers	All	\$632,500.00
	TOTAL:	\$632,500.00

Basis for Award: Most Qualified

Purchase Requisition #: 45492

Fiscal Impact

Total Project/Account: \$869,349

Expended/Encumbered to Date: 121,498

Balance: \$747,851

This Item: 632,500

Proposed Balance: \$115,351

Account #: 210-3799-3174401-7111

Fund/Dept/Project – Description and Comments:

Electric CIP / Substations Upgrades

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2021

Document Location: Page 290

Budget Director Approval: Allyson Bell Steadman

Approval Date: 06/23/2021

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 06/23/2021



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. d.

Meeting Date: 07/06/2021

Item Title: Concrete Sawing and Joint Sealing Services

Submitted By: Steve Oliver, Streets Director

Bid Number: 0931-21

Purchase Justification:

This request is to provide concrete sawing and joint sealing services for the Street Department on an as-needed basis. This approval is for a Term Agreement with four (4) optional renewals.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Two (2) bids were received and evaluated with Xtreme Sawing & Sealing, Inc., submitting the Straight Low Bid.

Award Recommendation:

<u><i>Vendor</i></u>	<u><i>Item</i></u>	<u><i>Amount</i></u>
Xtreme Sawing & Sealing, Inc.	All	\$173,250.00
	TOTAL:	\$173,250.00

Basis for Award: Straight Low Bid

Purchase Requisition #: 45460

Fiscal Impact

Total Project/Account: N/A

Expended/Encumbered to Date: N/A

Balance: N/A

This Item: \$173,250

Proposed Balance: N/A

Account #: 831-4693-7111

Fund/Dept/Project – Description and Comments:

Term Contract sets price but does not commit funds. Expenses will be charged to the Street Department Construction account as incurred.

Attachments

Bid Recap

Fiscal Reference:

Budget Type:	Operating Budget
Fiscal Year:	2020-21
Document Location:	Oper. Budget - Page 211

Budget Director Approval:	Allyson Bell Steadman	Approval Date: 06/25/2021
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Purchasing Director Approval:	Gary L. Holcomb	Approval Date: 06/24/2021
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**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. e.

Meeting Date: 07/06/2021

Item Title: Queen BESS Terminal at King Mountain Switch Station Electrical Materials

Submitted By: Steve Martin, Transmission Director

Bid Number: 0945-21

Purchase Justification:

This request is for the purchase of electrical materials needed for the construction of the Queen BESS Terminal at the King Mountain Switch Station. This is part of the approved King Mountain Switch to Queen BESS CIP project. An Optional Contingency is included for any additional materials that may be required.

Evaluation:

A request for bids was issued in accordance with purchasing procedures. Two (2) bids were received and evaluated with KBS Electrical Distributors, Inc., submitting the Straight Low Bid.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
KBS Electrcial Distributors, Inc.	All	\$308,771.95
Optional Contingency		30,877.00
	TOTAL:	\$339,648.95

Basis for Award: Straight Low Bid

Purchase Requisition #: 45421

Fiscal Impact

Total Project/Account: \$5,568,000

Expended/Encumbered to Date: 2,419,486

Balance: \$3,148,514

This Item: 339,649

Proposed Balance: \$2,808,865

Account #: 210-3799-3179201-6051

Fund/Dept/Project – Description and Comments:

Electric CIP Fund / Substations Upgrades Program

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2021

Document Location: Page 290

Budget Director Approval: Allyson Bell Steadman

Approval Date: 06/25/2021

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 06/24/2021



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. f.

Meeting Date: 07/06/2021

Item Title: GP&L Neural Network Load Forecasting Services

Submitted By: Dan Bailey, Energy Services Director

Bid Number: 0906-21

Purchase Justification:

This request is to obtain Neural Network Load Forecasting services to be used by GP&L for load forecast data for GP&L as well as GP&L wholesale customers. This approval is for a five-year service agreement to be invoiced at \$52,800 annually.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Four (4) bids were received and evaluated based on the published criteria. Pattern Recognition Services, DBA Enverus, received the highest evaluated score, offering the Best Value for the City.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Pattern Recognition Services, DBA Enverus	All	\$264,000.00
	TOTAL:	\$264,000.00

Basis for Award: Best Value

Purchase Requisition #: 45429

Fiscal Impact

Total Project/Account:	\$1,615,426
Expended/Encumbered to Date:	1,312,814
Balance:	\$302,612
This Item:	52,800 *
Proposed Balance:	\$249,812

Account #: 211-3612-7121

Fund/Dept/Project – Description and Comments:

Electric Utility Fund / Electric Energy Operations

* This approval is for a five-year service agreement to be invoiced at \$52,800 annually.

Attachments

Bid Recap

Fiscal Reference:

Budget Type: Operating Budget

Fiscal Year: 2020-21

Document Location: Page 233

Budget Director Approval: Allyson Bell Steadman

Approval Date: 06/25/2021

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 06/25/2021



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

3. a.

Meeting Date: 07/06/2021

Item Title: Z 21-01 Civil Point Engineers, Inc. (District 7)

Submitted By: Will Guerin, Planning Director

Summary of Request/Problem

Zoning Ordinance Z 21-01 Civil Point Engineers, Inc.

Recommendation/Action Requested and Justification

Consider adoption of the attached ordinance.

Attachments

Z 21-01 Ordinance

Z 21-01 Exhibit A

Z 21-01 Exhibit B

Z 21-01 Exhibits C-E

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING 1) AN AMENDMENT TO PLANNED DEVELOPMENT (PD) DISTRICT 17-52 FOR MULTI-FAMILY USE TO ALLOW ELDER CARE-INDEPENDENT LIVING AND ELDER CARE-ASSISTED LIVING AND 2) A DETAIL PLAN FOR ELDER CARE-INDEPENDENT LIVING AND ELDER CARE-ASSISTED LIVING ON A 34.4961-ACRE TRACT OF LAND LOCATED AT 2055 ARAPAHO 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 24th day of May, 2021, the Plan Commission did consider and make recommendations on a certain request for approval of 1) an Amendment to Planned Development (PD) District 17-52 for Multi-Family Use to allow Elder Care- Independent Living and Elder Care- Assisted Living and 2) a Detail Plan for Elder Care- Independent Living and Elder Care- Assisted Living by **Civil Point Engineers, Inc.**; 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 1) an Amendment to Planned Development (PD) District 17-52 for Multi-Family Use to allow Elder Care- Independent Living and Elder Care- Assisted Living and 2) a Detail Plan for Elder Care- Independent Living and Elder Care- Assisted Living on a 34.4961-acre tract of land located at 2055 Arapaho 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

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

Section 4

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

Section 5

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

Section 6

ZONING FILE NO. Z 21-01

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

Section 7

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

PASSED AND APPROVED this _____ day of _____, 2021.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 21-01

BEING a 34.4961-acre tract of land situated in the Onefre Alvarado Survey, Abstract No. 2, City of Garland, Dallas County, Texas, and being part of a called 141.653 acre Tract described in Special Warranty Deed to Spring Creek Senior Living, LLC, recorded in Instrument No. 201700320681, Official Public Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with 3-1/4 inch aluminum disk stamped "WOODLANDS ARAPAHO ADDITION" "KHA" set in the northeast right-of-way line of Arapaho Road (a 100-foot right-of-way) from which a 60d nail found at the intersection of said northeast right-of-way line with the southeast right-of-way line of Holford Road (a 60-foot right-of-way) bears North 45°51'58" West a distance of 715.28 feet;

THENCE departing said northeast right-of-way line the following courses and distances to wit:

North 44°00'25" East, a distance of 199.75 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set;

North 45°51'58" West, a distance of 516.84 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set;

North 43°40'36" East, a distance of 693.16 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set;

South 45°51'58" East, a distance of 728.47 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set;

ZONING FILE NUMBER Z 21-01

North 44°08'37" East, a distance of 431 .38 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set;

South 45°51'58" East, a distance of 801 .14 feet to a 5/8-inch iron rod with 3-1/4 inch aluminum disk stamped "WOODLANDS ARAPAHO

ADDITION" "KHA" set;

North 44°08'37" East, a distance of 477.77 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set;

South 45°51'23" East, a distance of 108.33 feet to a point for corner in a creek;

THENCE along said creek, the following courses and distances to wit:

South 70°14'40" West, a distance of 48.23 feet to a point for corner;

South 55°10'30" West, a distance of 37.34 feet to a point for corner;

South 2°35'46" East, a distance of 29.35 feet to a point for corner;

South 32°34'41" East, a distance of 56.94 feet to a point for corner;

South 36° 15'46" West, a distance of 48.81 feet to a point for corner,

South 51 °20'41" West, a distance of 34.65 feet to a point for corner;

South 42°42'37" West, a distance of 23.58 feet to a point for corner;

South 25°21'17" West, a distance of 56.04 feet to a point for corner,

South 4°45'52" West, a distance of 48.15 feet to a point for corner;

South 13°02'20" East, a distance of 41.32 feet to a point for corner;

EXHIBIT A

ZONING FILE NUMBER Z 21-01

South 13°01'22" East, a distance of 45.61 feet to a point for corner;

South 19°45'04" East, a distance of 44.50 feet to a point for corner;

South 2°39'55" East, a distance of 57.38 feet to a point for corner;

South 3°11 '11" West, a distance of 24.03 feet to a point for corner;

South 39°48'54" West, a distance of 72.87 feet to a point for corner;

South 26°00'31" West, a distance of 60.80 feet to a point for corner;

South 40°46'19" West, a distance of 51.04 feet to a point for corner;

South 70°07'20" West, a distance of 10.51 feet to a point for corner;

THENCE departing said creek, the following courses and distances to wit:

North 72°57'10" West, a distance of 831 .51 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set;

South 44°13'46" West, a distance of 798.65 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set in said northeast right-of-way line;

THENCE with said northeast right-of-way line, North 45°51'58" West, a distance of 666.93 feet to the POINT OF BEGINNING and containing 34.4961 acres or 1,502,650 square feet of land.

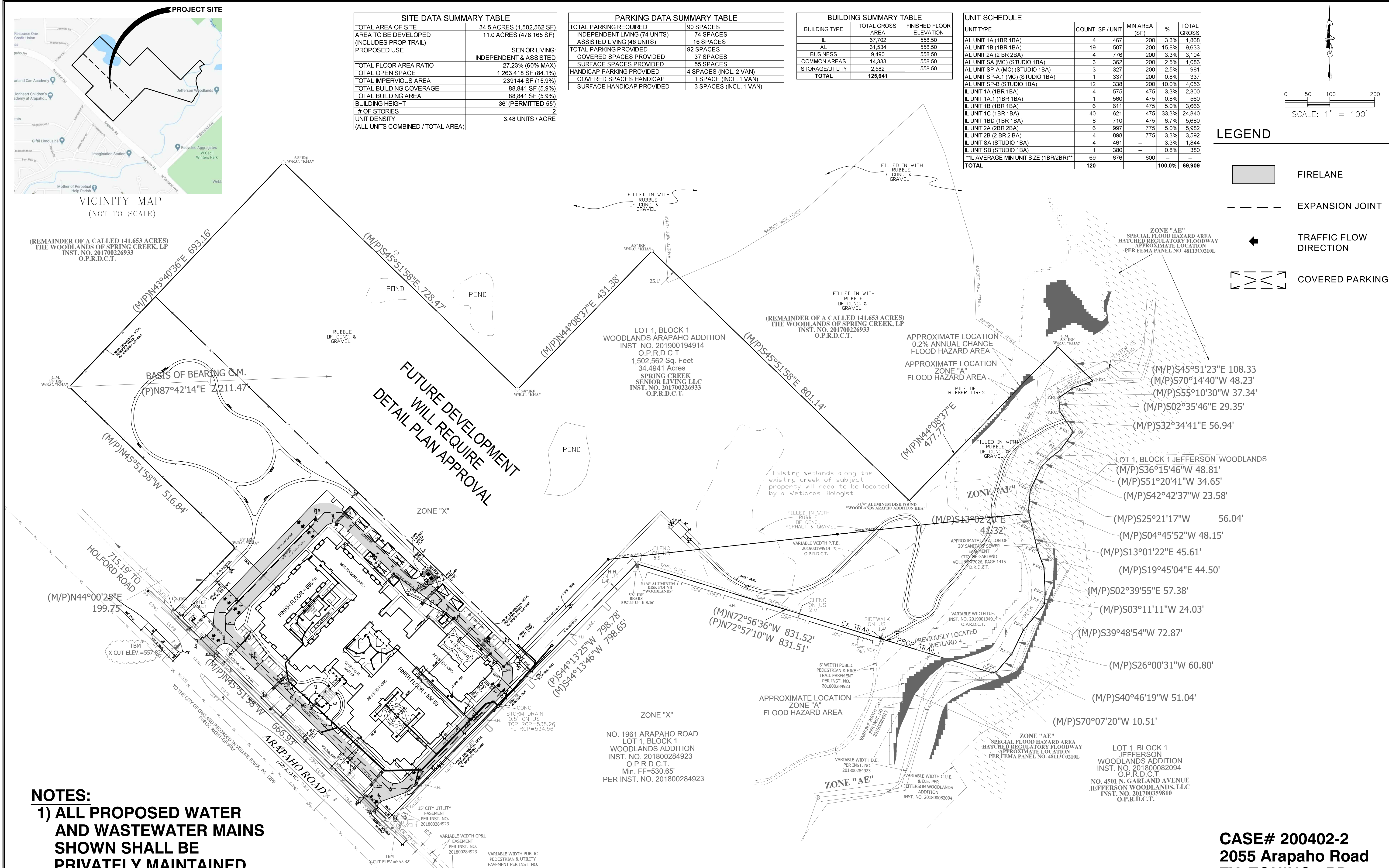
PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 21-01

2055 Arapaho Road

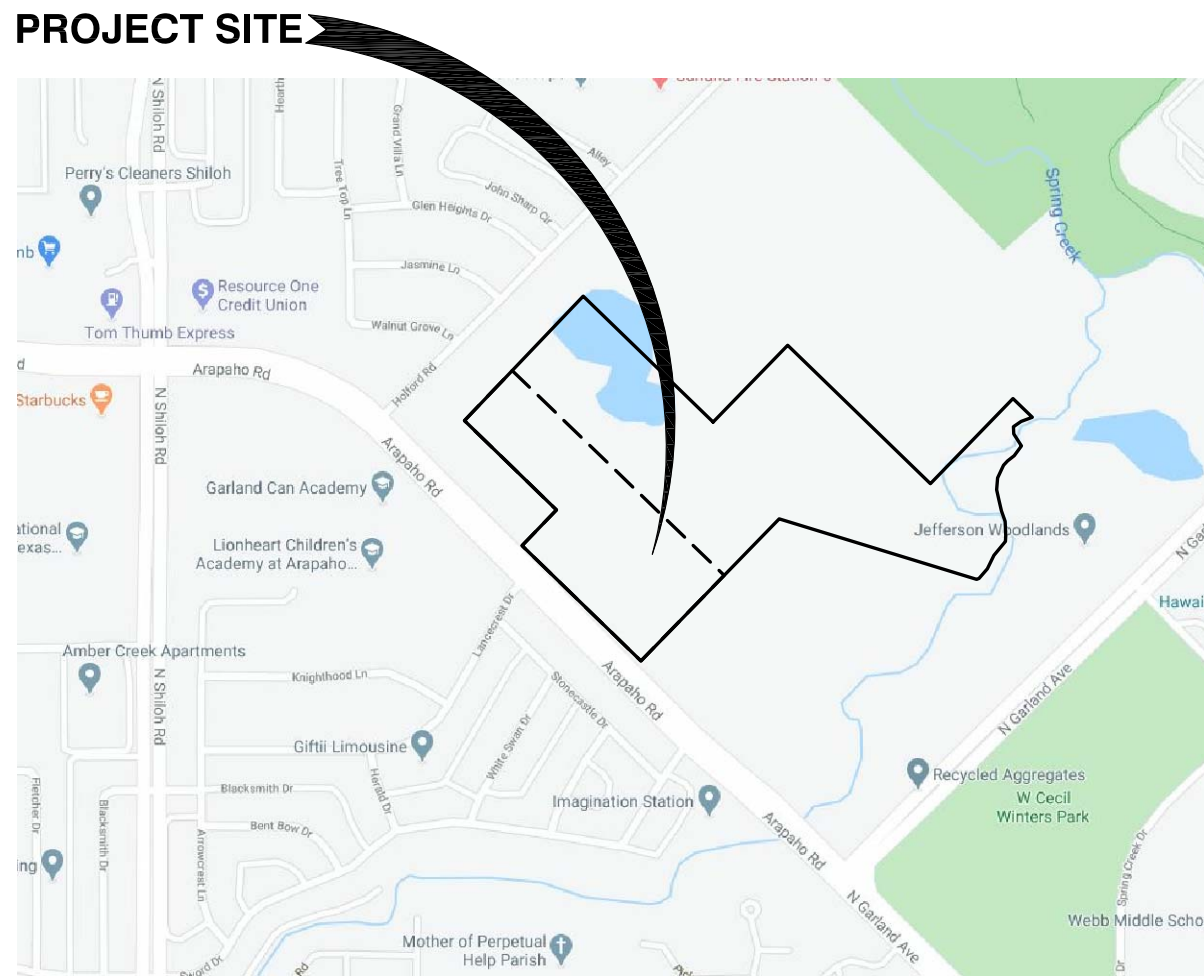
- I. Statement of Purpose:** The purpose of this Planned Development is to approve an Elder Care-Assisted Living and Elder Care-Independent Living development.
- II. Statement of Effect:** This Planned Development shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Multi-Family (MF) District and Special Standards of the Elder Care Living Facilities and Elder Care- Assisted Living as set forth in Chapter 2 of the Garland Development Code and Planned Development (PD) District 17-52 are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Development Plans:**
- Detail Plan: Development shall be in general conformance with the Detail Plan labeled Exhibit C through Exhibit E. In the event there is conflict between the approved Detail Plan and the Specific Regulations below, the Specific Regulations shall apply. Future Development on the subject property shall require Detail Plan approval.
- V. Specific Conditions:**
- A. Permitted Uses:** Only an Elder Care - Independent Living Facility and Elder Care - Assisted Living Facility shall be permitted on the subject property.
- B. Site Plan:** The site layout, building placement, parking and other development proposed shall be in general conformance with the approved Site Plan labeled Exhibit C.
- C. Building Height:** The maximum height shall be thirty-six (36) feet.

- D. Dwelling Units: A maximum of 120 dwelling units shall be permitted. Additionally, five (5) dwelling units for the Elder Care- Independent Living are allowed to be studio units. The minimum dwelling sizes for the Elder Care-Independent Living studio units shall be 380 square feet and 461 square feet. The remaining dwelling sizes shall be in accordance with the Garland Development Code.
- E. Amenities: Amenities shall be provided as shown on the Exhibits C and D.
- F. Landscape Plan: Screening and landscaping shall be in general conformance with the landscape plan labeled Exhibit D.
- G. Trails: The proposed six (6)-foot trail alignment as shown on Exhibit C and Exhibit D shall be constructed and completed with this development.
- H. Elevations: Building Elevations shall be in general conformance with the elevations labeled Exhibit E.



CASE# 200402-2
2055 Arapaho Road
EX. ZONING - PD 17-52

OWNER
SPRING CREEK SENIOR LIVING LLC
JEFF MCKENNEY
14114 N DALLAS PKWY, STE 240
DALLAS, TX 75254
214-729-5755
JEFF@JAMPRE.COM



VICINITY MAP
(NOT TO SCALE)

SITE DATA SUMMARY TABLE	
TOTAL AREA OF SITE	34.5 ACRES (1,502,562 SF)
AREA TO BE DEVELOPED (INCLUDES PROP TRAIL)	11.0 ACRES (478,165 SF)
PROPOSED USE	SENIOR LIVING: INDEPENDENT & ASSISTED
TOTAL FLOOR AREA RATIO	27.23% (60% MAX)
TOTAL OPEN SPACE	1,263,418 SF (84.1%)
TOTAL IMPERVIOUS AREA	239,144 SF (15.9%)
TOTAL BUILDING COVERAGE	88,841 SF (5.9%)
TOTAL BUILDING AREA	88,841 SF (5.9%)
BUILDING HEIGHT	36' (PERMITTED 55')
# OF STORIES	2
UNIT DENSITY (ALL UNITS COMBINED / TOTAL AREA)	3.48 UNITS / ACRE

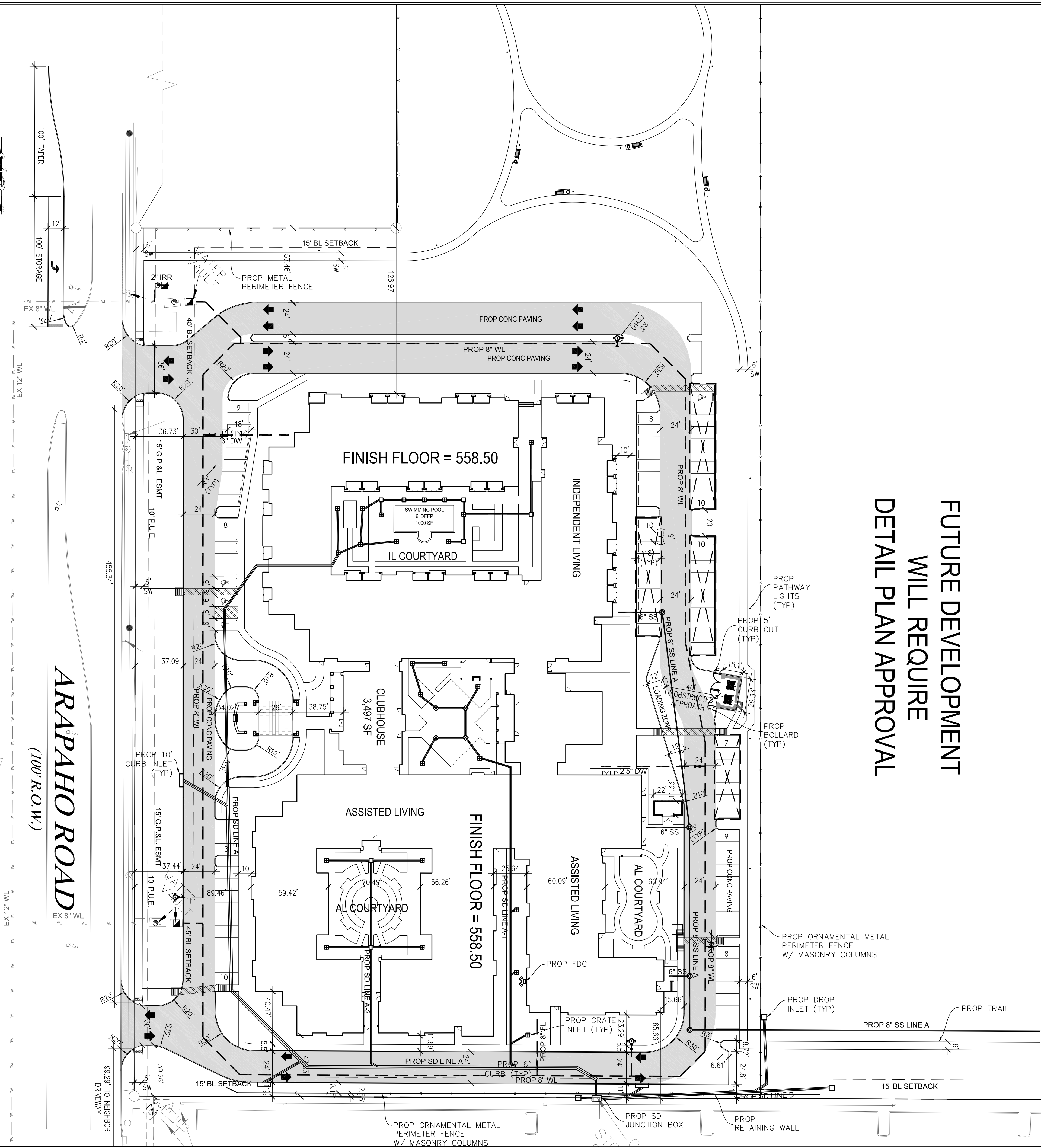
PARKING DATA SUMMARY TABLE	
TOTAL PARKING REQUIRED	90 SPACES
INDEPENDENT LIVING (74 UNITS)	74 SPACES
ASSISTED LIVING (46 UNITS)	16 SPACES
TOTAL PARKING PROVIDED	92 SPACES
COVERED SPACES PROVIDED	37 SPACES
SURFACE SPACES PROVIDED	55 SPACES
HANDICAP PARKING PROVIDED	4 SPACES (INCL. 2 VAN)
COVERED SPACES HANDICAP	1 SPACE (INCL. 1 VAN)
SURFACE HANDICAP PROVIDED	3 SPACES (INCL. 1 VAN)

BUILDING SUMMARY TABLE		
BUILDING TYPE	TOTAL GROSS AREA	FINISHED FLOOR ELEVATION
IL	67,702	558.50
AL	31,534	558.50
BUSINESS	9,490	558.50
COMMON AREAS	14,333	558.50
STORAGE/UTILITY	2,582	558.50
TOTAL	125,641	

UNIT SCHEDULE					
UNIT TYPE	COUNT	SF / UNIT	MIN AREA (SF)	%	TOTAL GROSS
AL UNIT 1A (1BR 1BA)	4	467	200	3.3%	1,868
AL UNIT 1B (1BR 1BA)	19	507	200	15.8%	9,633
AL UNIT 2A (2 BR 2BA)	4	776	200	3.3%	3,104
AL UNIT 3A (MC) (STUDIO 1BA)	3	362	200	2.5%	1,086
AL UNIT SP-A (MC) (STUDIO 1BA)	3	327	200	2.5%	981
AL UNIT SP-A.1 (MC) (STUDIO 1BA)	1	337	200	0.8%	337
AL UNIT SP-B (STUDIO 1BA)	12	338	200	10.0%	4,056
IL UNIT 1A (1BR 1BA)	4	575	475	3.3%	2,300
IL UNIT 1A.1 (1BR 1BA)	1	580	475	0.8%	580
IL UNIT 1B (1BR 1BA)	6	611	475	5.0%	3,666
IL UNIT 1C (1BR 1BA)	40	621	475	33.3%	24,840
IL UNIT 1BD (1BR 1BA)	8	710	475	6.7%	5,680
IL UNIT 2A (2BR 2BA)	6	997	775	5.0%	5,982
IL UNIT 2B (2 BR 2 BA)	4	898	775	3.3%	3,592
IL UNIT 3A (STUDIO 1BA)	4	461	--	3.3%	1,844
IL UNIT 3B (STUDIO 1BA)	1	380	--	0.8%	380
IL AVERAGE MIN UNIT SIZE (1BR/2BR)	69	676	600		
TOTAL	120	--	--	100.0%	69,909

NOTES:

- 1) ALL PROPOSED WATER AND WASTEWATER MAINS SHOWN SHALL BE PRIVATELY MAINTAINED.
- 2) 6' TRAIL TO BE PRIVATELY MAINTAINED



LEGEND

- FIRELANE
- EXPANSION JOINT
- TRAFFIC FLOW DIRECTION
- COVERED PARKING

CASE# 200402-2
2055 Arapaho Road
EX. ZONING - PD 17-52

OWNER
SPRING CREEK SENIOR LIVING LLC
JEFF MCKENNEY
14114 N DALLAS PKWY, STE 240
DALLAS, TX 75254
214-729-5755
JEFF@JAMPRE.COM

9101 LBJ FREEWAY, STE 300
DALLAS, TX 75243
972-554-1100 (Office)
1-866-682-8129 (Fax)
TBPE Firm #: 9723



PROJECT NAME:
THE PRESERVE
AT SPRING CREEK
GARLAND, TX

SITE PLAN

SHEET TITLE:

PRELIMINARY
NOT FOR
CONSTRUCTION

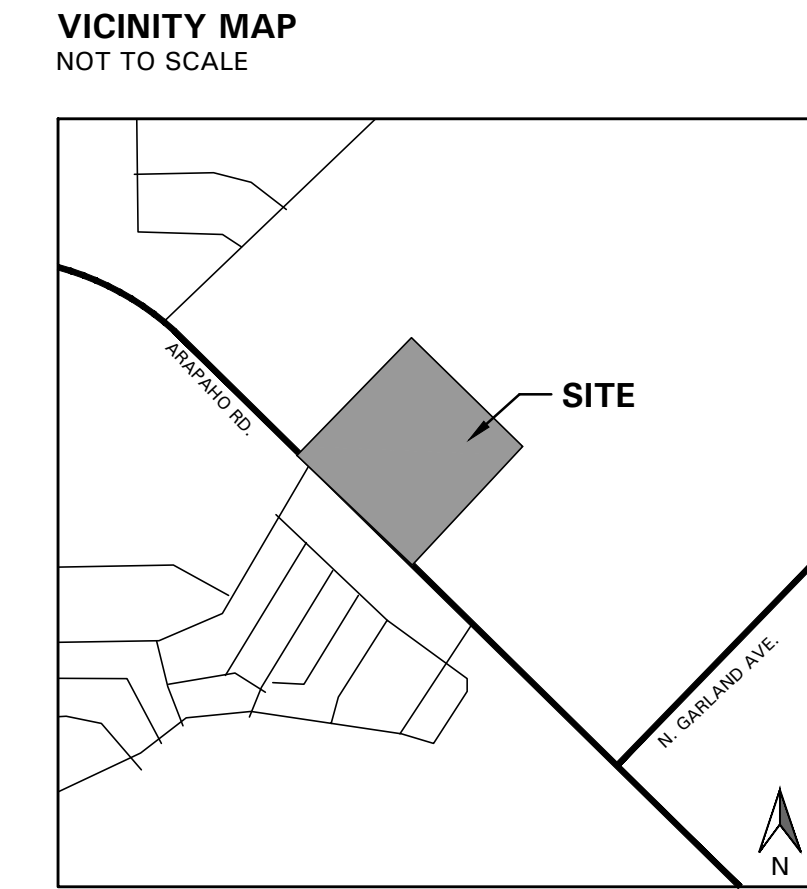
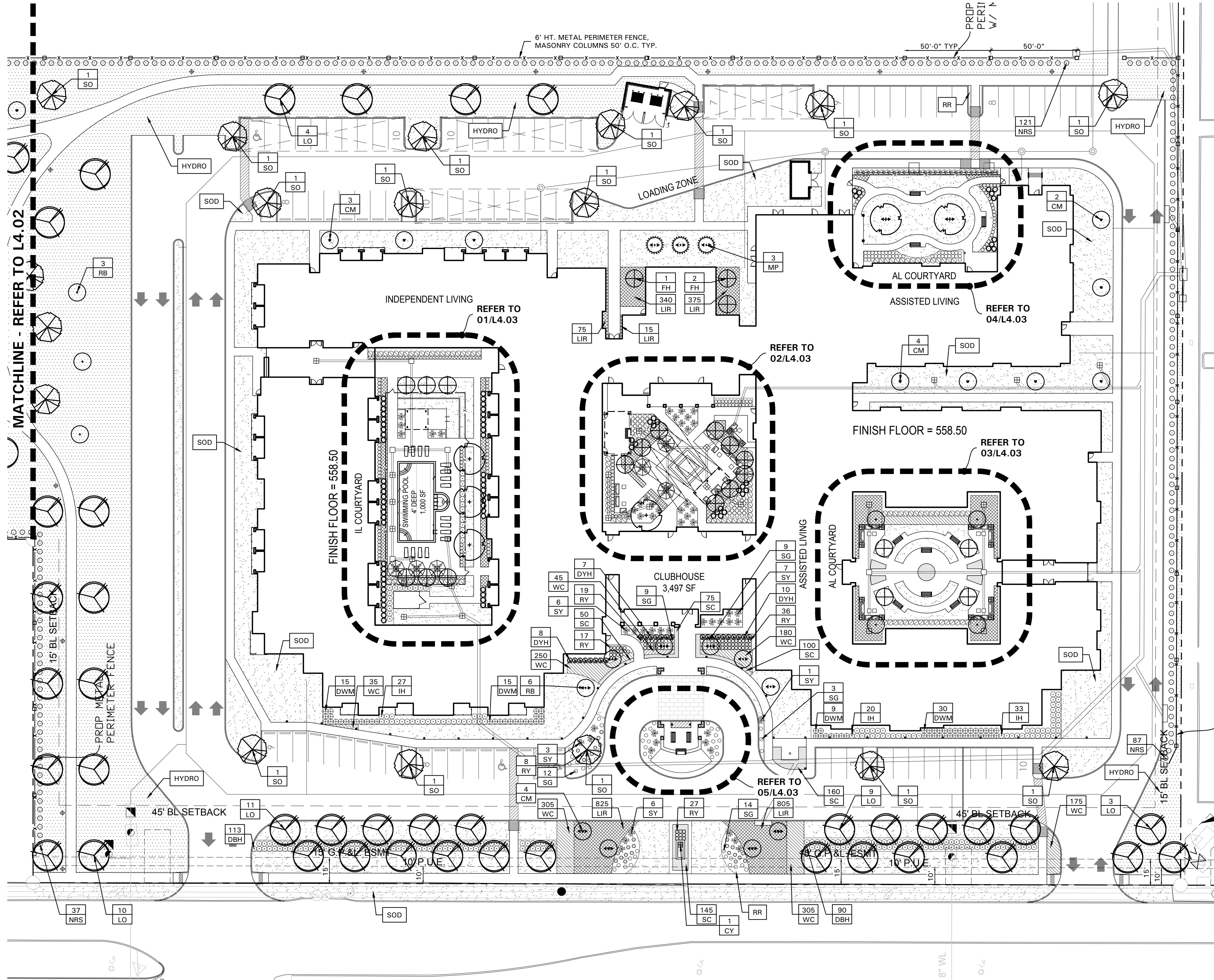
JOHN H BEZNER
PE # 98469

DATE 5-7-21

SCALE 1" = 40'

SHEET 2

OF 17



PLANT LEGEND	
SYMBOL	COMMON NAME
AB	Dwarf Abelia 'Edward Goucher'
BOX	Winter Green Boxwood
CM	Crape Myrtle 'Natchez'
CY	Coker Yucca
DBH	Dwarf Barford Holly
DWM	Dwarf Wax Myrtle
DYH	Dwarf Yaupon Holly
FH	Foster's Holly
HL	'Skyline' Honey Locust
IH	Indian Hawthorne 'Clara'
LIR	Liriope 'Big Blue'
LO	Live Oak
MP	Mexican Plum
NO	Nuttall Oak
NPH	Needlepoint Holly
NRS	Nellie R. Stevens Holly
RB	Oklahoma Redbud
RS	Double Play Red Spirea
RV	River Birch 'Dura Heat'
RY	Red Yucca
SC	Seasonal Color
SG	Salvia Oregon 'Red'
SO	Shumard Red Oak
SY	Soft Leaf Yucca
WC	Wintercreeper
HYDRO	Common Bermudagrass
WI TEMP	w/ Temporary Irrigation
SOD-1	Common Bermudagrass
RR	Colorado River Rock

LANDSCAPE TABULATIONS

THE CITY OF GARLAND, TEXAS

TOTAL LANDSCAPE AREA (Senior Living)
1. A min. 40% landscape area for senior living and related developments.

Total Site: 346,116 s.f.	Provided
Required 138,447 s.f. (40%)	138,953 s.f. (40%)

LANDSCAPE BUFFERS

- 15' landscape buffer adjacent to thoroughfare Type A through D.
- One (1) tree and seven (7) shrubs per 30 l.f. in buffer areas adjacent to thoroughfare Type AA through D.
- 75% max. turf in landscape buffer areas.

Arapaho Road Road: 667 l.f.

Area: 3,721 s.f.	Provided
Required 15' landscape buffer (22) trees, 3" cal. (156) shrubs 7,503 s.f. max turf (75%)	15' landscape buffer (22) trees, 3" cal. (237) shrubs 2,844 s.f. (71%)

PARKING AREA LANDSCAPING

- 5% of parking area covered in living landscape.
- One (1) large canopy tree within 65 feet of all parking spaces.
- One (1) large canopy tree per 10 spaces.
- Screen parking with a continuous row of shrubs.

Parking Area: 16,190 s.f.

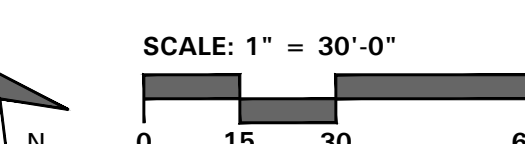
Parking spaces: 92	Provided
Required 810 s.f. (5%) (9) trees, 3" cal.	1,288 s.f. (8%) (9) trees, 3" cal.

*All parking spaces are within 65 feet of a large canopy tree

NOTE: NO LANDSCAPING SUCH AS TREES, HEDGES OR STRUCTURES ABOVE AND UNDERGROUND SHALL BE LOCATED WITHIN EXISTING OR PROPOSED UTILITY EASEMENTS AND RIGHTS OF WAY WITHOUT AN APPROVED REAL PROPERTY AGREEMENT OR LICENSE AGREEMENT AS APPLICABLE.

OWNER
SPRING CREEK SENIOR LIVING, LLC
GREG RODERICK
14114 N. DALLAS PARKWAY
DALLAS, TX 75254
(503) 819-3452

APPLICANT
CIVIL POINT ENGINEERS, INC.
JOHN H BEZNER, PE
9101 LBJ FREEWAY, STE 300
DALLAS, TX 75243
(972) 554-1100



The Preserve
at
Spring Creek
Garland, Texas

CASE NUMBER
200915-2

Project Number: 20125
Issue Date: 01.07.2021
Drawn By: KAH
Checked By: KAH

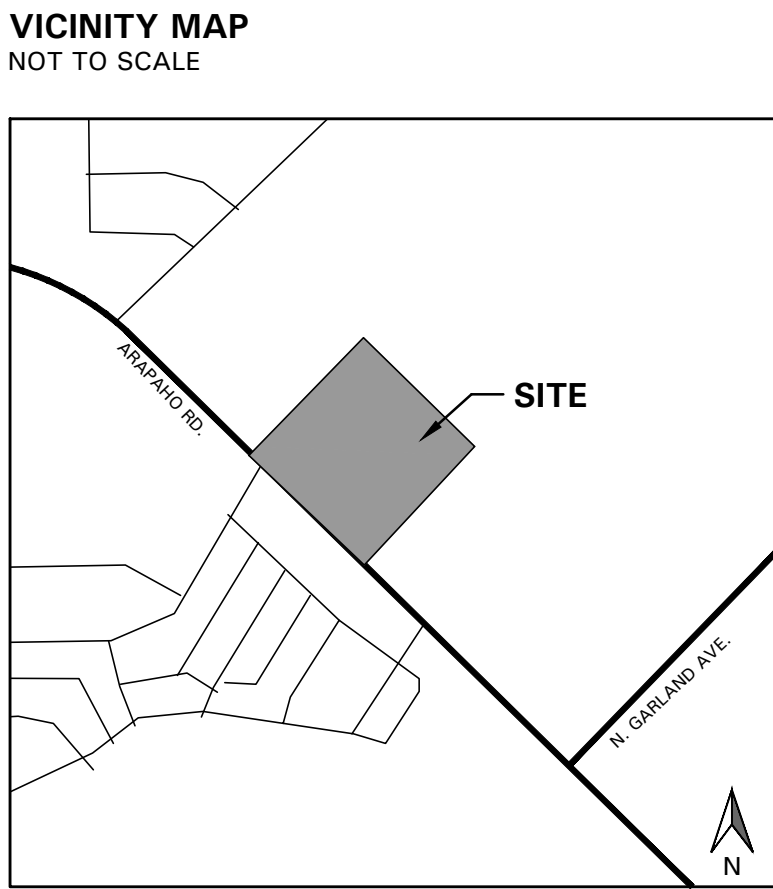
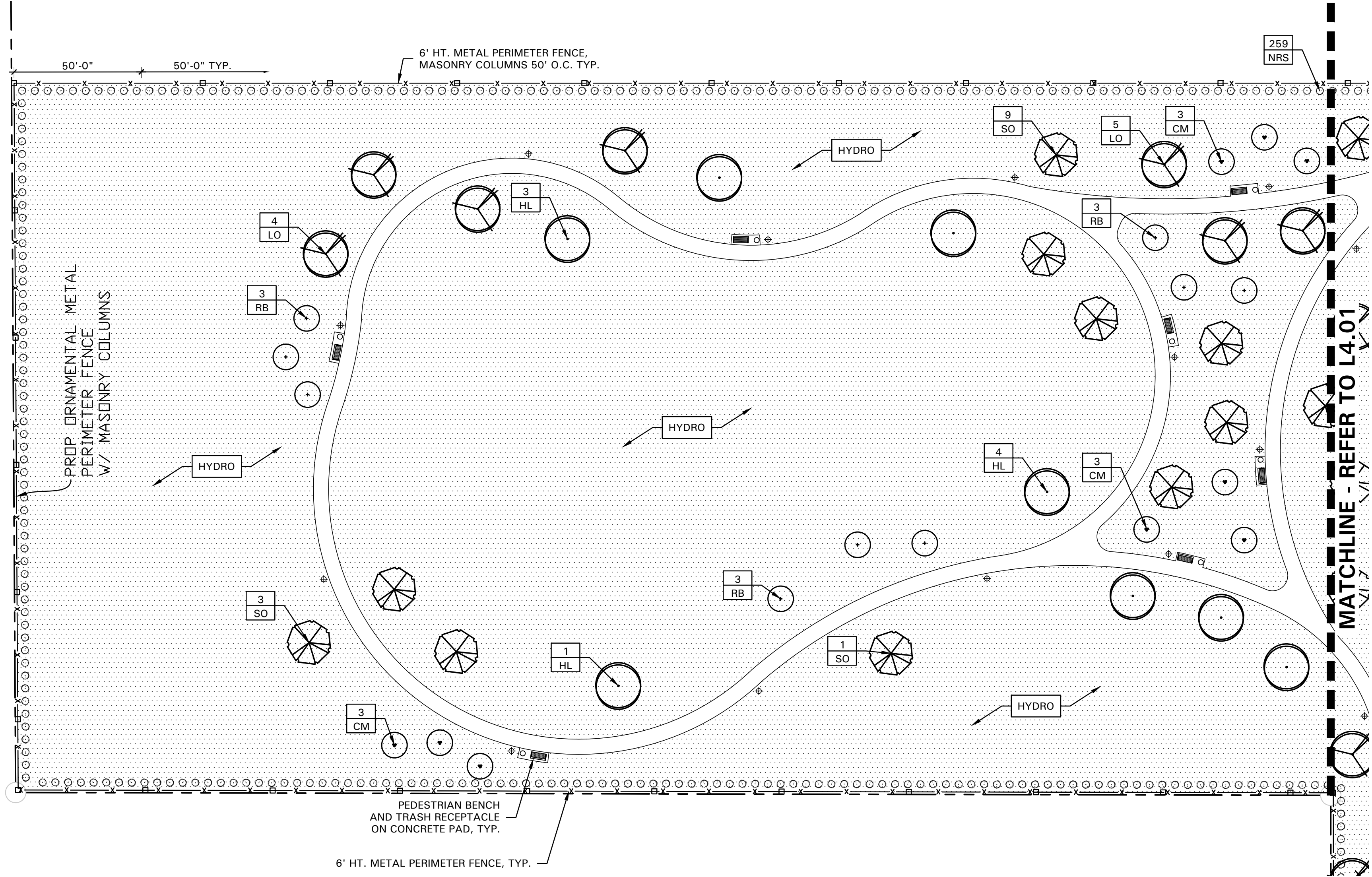
Revisions	No.	Date:	Detail:
	1.	2/10/21	City Comments
	2.	3/31/21	City Comments
	3.	4/27/21	City Comments
	4.	5/06/21	City Comments

Sheet Title:

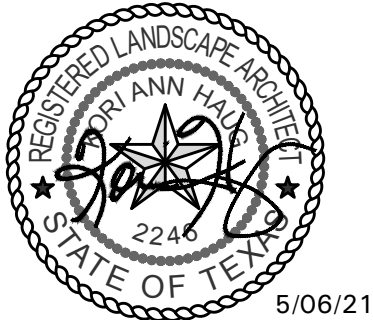
LANDSCAPE
PLAN

Sheet Number:

L4.01



BELLE FIRMA
4245 North Central Expy
Suite 501
Dallas, Texas 75205
214.865.7192 office



**The Preserve
at
Spring Creek**
Garland, Texas

LANDSCAPE NOTES

- CONTRACTOR SHALL VERIFY ALL EXISTING AND PROPOSED SITE ELEMENTS AND NOTIFY LANDSCAPE ARCHITECT OF ANY DISCREPANCIES. SURVEY DATA OF EXISTING CONDITIONS WAS SUPPLIED BY OTHERS.
- CONTRACTOR SHALL LOCATE ALL EXISTING UNDERGROUND UTILITIES AND NOTIFY LANDSCAPE ARCHITECT OF ANY CONFLICTS. CONTRACTOR SHALL EXERCISE CAUTION WHEN WORKING IN THE VICINITY OF UNDERGROUND UTILITIES.
- CONTRACTOR SHALL PROVIDE A MINIMUM 2% SLOPE AWAY FROM ALL STRUCTURES.
- CONTRACTOR SHALL FINE GRADE AREAS TO ACHIEVE FINAL CONTOURS AS INDICATED. LEAVE AREAS TO RECEIVE TOPSOIL 3" BELOW FINAL FINISHED GRADE IN PLANTING AREAS AND 1" BELOW FINAL FINISHED GRADE IN LAWN AREAS.
- ALL PLANTING BEDS AND LAWN AREAS SHALL BE SEPARATED BY STEEL EDGING. NO STEEL EDGING SHALL BE INSTALLED ADJACENT TO BUILDINGS, WALKS, OR CURBS. CUT STEEL EDGING AT 45 DEGREE ANGLE WHERE IT INTERSECTS WALKS AND CURBS.
- TOP OF MULCH SHALL BE 1/2" MINIMUM BELOW THE TOP OF WALKS AND CURBS.
- ALL LAWN AREAS SHALL BE SOLID SOD BERMUDAGRASS, UNLESS OTHERWISE NOTED ON THE DRAWINGS.
- ALL REQUIRED LANDSCAPE AREAS SHALL BE PROVIDED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM WITH RAIN AND FREEZE SENSORS AND EVAPOTRANSPIRATION (ET) WEATHER-BASED CONTROLLERS AND SAID IRRIGATION SYSTEM SHALL BE DESIGNED BY A QUALIFIED PROFESSIONAL AND INSTALLED BY A LICENSED IRRIGATOR.
- CONTRACTOR SHALL PROVIDE BID PROPOSAL LISTING UNIT PRICES FOR ALL MATERIAL PROVIDED.
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED LANDSCAPE AND IRRIGATION PERMITS.

MAINTENANCE NOTES

- THE OWNER, TENANT AND THEIR AGENT, IF ANY, SHALL BE JOINTLY AND SEVERALLY RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPE.
- ALL LANDSCAPE SHALL BE MAINTAINED IN A NEAT AND ORDERLY MANNER AT ALL TIMES. THIS SHALL INCLUDE MOWING, EDGING, PRUNING, FERTILIZING, WATERING, WEEDING AND OTHER SUCH ACTIVITIES COMMON TO LANDSCAPE MAINTENANCE.
- ALL LANDSCAPE AREAS SHALL BE KEPT FREE OF TRASH, LITTER, WEEDS AND OTHER SUCH MATERIAL OR PLANTS NOT PART OF THIS PLAN.
- ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY AND GROWING CONDITION AS IS APPROPRIATE FOR THE SEASON OF THE YEAR.
- ALL PLANT MATERIAL WHICH DIES SHALL BE REPLACED WITH PLANT MATERIAL OF EQUAL OR BETTER VALUE.
- CONTRACTOR SHALL PROVIDE SEPARATE BID PROPOSAL FOR ONE YEAR'S MAINTENANCE TO BEGIN AFTER FINAL ACCEPTANCE.

GENERAL LAWN NOTES

- CONTRACTOR SHALL COORDINATE OPERATIONS AND AVAILABILITY OF EXISTING TOPSOIL WITH ON-SITE CONSTRUCTION MANAGER.
- CONTRACTOR SHALL LEAVE LAWN AREAS 1" BELOW FINAL FINISHED GRADE PRIOR TO TOPSOIL INSTALLATION.
- CONTRACTOR SHALL FINE GRADE AREAS TO ACHIEVE FINAL CONTOURS AS INDICATED ON CIVIL PLANS. ADJUST CONTOURS TO ACHIEVE POSITIVE DRAINAGE AWAY FROM BUILDINGS. PROVIDE UNIFORM ROUNDING AT TOP AND BOTTOM OF SLOPES AND OTHER BREAKS IN GRADE. CORRECT IRREGULARITIES AND AREAS WHERE WATER MAY STAND.
- ALL LAWN AREAS SHALL BE FINE GRADED, IRRIGATION TRENCHES COMPLETELY SETTLED AND FINISH GRADE APPROVED BY THE OWNER'S CONSTRUCTION MANAGER OR LANDSCAPE ARCHITECT PRIOR TO LAWN INSTALLATION.
- CONTRACTOR SHALL REMOVE ALL ROCKS 3/4" DIAMETER AND LARGER, DIRT CLODS, STICKS, CONCRETE SPOILS, ETC. PRIOR TO PLACING TOPSOIL AND LAWN INSTALLATION.
- CONTRACTOR SHALL MAINTAIN ALL LAWN AREAS UNTIL FINAL ACCEPTANCE. THIS SHALL INCLUDE, BUT NOT BE LIMITED TO: MOWING, WATERING, WEEDING, CULTIVATING, CLEANING AND REPLACING DEAD OR BARE AREAS TO KEEP PLANTS IN A VIGOROUS, HEALTHY CONDITION.
- CONTRACTOR SHALL GUARANTEE ESTABLISHMENT OF ACCEPTABLE TURF AREA AND SHALL PROVIDE REPLACEMENT FROM LOCAL SUPPLY IF NECESSARY.

SOLID SOD NOTES

- PLANT SOD BY HAND TO COVER INDICATED AREAS COMPLETELY. ENSURE EDGES OF SOD ARE TOUCHING. TOP DRESS JOINTS BY HAND WITH TOPSOIL TO FILL VOIDS.
- ROLL GRASS AREAS TO ACHIEVE A SMOOTH, EVEN SURFACE, FREE FROM UNNATURAL UNDULATIONS.
- WATER SOD THOROUGHLY AS SOD OPERATION PROGRESSES.
- IF INSTALLATION OCCURS BETWEEN SEPTEMBER 1 AND MARCH 1, OVERSEED BERMUDAGRASS SOD WITH WINTER RYEGRASS, AT A RATE OF FOUR (4) POUNDS PER ONE THOUSAND (1000) SQUARE FEET.

HYDROMULCH NOTES

- CONTRACTOR SHALL SCARIFY, RIP AND LOOSEN ALL AREAS TO BE HYDROMULCHED TO A MINIMUM DEPTH OF 4" PRIOR TO TOPSOIL AND HYDROMULCH INSTALLATION.
- BERMUDAGRASS SEED SHALL BE EXTRA HULLED AND TREATED LAWN TYPE, SHALL BE DELIVERED TO THE SITE IN ITS ORIGINAL UNOPENED CONTAINER AND SHALL MEET STATE LAW REQUIREMENTS.
- FIBER SHALL BE ONE HUNDRED PERCENT (100%) WOOD CELLULOSE FIBER, DELIVERED TO THE SITE IN ITS ORIGINAL UNOPENED CONTAINER AS MANUFACTURED BY 'CONWEB' OR EQUAL.
- FIBER TACK SHALL BE DELIVERED TO THE SITE IN ITS ORIGINAL UNOPENED CONTAINER AND SHALL BE 'TERRO-TACK ONE', AS MANUFACTURED BY GROWERS, INC. OR EQUAL.
- HYDROMULCH WITH BERMUDAGRASS SEED AT A RATE OF TWO (2) POUNDS PER ONE THOUSAND (1000) SQUARE FEET.
- USE A 4'X8' BATTER BOARD AGAINST ALL BED AREAS.
- IF INSTALLATION OCCURS BETWEEN SEPTEMBER 1 AND MAY 1, ALL HYDROMULCH AREAS TO BE WINTER RYEGRASS, AT A RATE OF FOUR (4) POUNDS PER ONE THOUSAND (1000) SQUARE FEET. CONTRACTOR SHALL BE REQUIRED TO RE-HYDROMULCH WITH BERMUDAGRASS THE FOLLOWING GROWING SEASON AS PART OF THIS CONTRACT.
- ALL LAWN AREAS TO BE HYDROMULCHED SHALL HAVE ONE HUNDRED PERCENT (100%) COVERAGE PRIOR TO FINAL ACCEPTANCE.
- INSTALL CURLEX 1 ON ALL HYDROMULCH LAWN AREAS WITH 4:1 SLOPES AND STEEPER.

PRUNING AND TRIMMING NOTES

- CONTRACTOR SHALL PRUNE ALL EXISTING TREES ON-SITE USING THE FOLLOWING GUIDELINES.
- ALL TREES SHALL BE TRIMMED SO THAT NATURAL SHAPES OF THE PLANTS ARE RETAINED.
- DO NOT 'TOP' OR 'HEAD' TREES. DO NOT 'BALL' OR 'SHEAR' TREES; HEDGES SHALL BE AVOIDED.
- IF BALLING OR SHEARING OF TREES HAS OCCURRED IN THE PAST, DISCONTINUE THIS PRACTICE AND ALLOW PLANTS TO GROW INTO NATURAL SHAPE.
- REMOVE SUCKERS, DEAD, DYING, DISEASED, BROKEN AND / OR WEAK BRANCHES FROM ALL TREES ALONG THE MAIN TRUNK STRUCTURE AND WITHIN THE BRANCHING AREA.
- CONTRACTOR SHALL PRUNE EXISTING DECIDUOUS HARDWOOD AND ORNAMENTAL TREES BY REMOVING LOWER LIMBS TO RAISE THE CANOPY. THE BOTTOM OF THE CANOPY SHALL BE RAISED TO 12'-0" ABOVE GRADE FOR DECIDUOUS HARDWOOD TREES AND 8'-0" HEIGHT ABOVE GRADE FOR ORNAMENTAL TREES, WHEN POSSIBLE. THE INTEGRITY OF THE CANOPY AND STRUCTURE OF THE TREE SHALL BE MAINTAINED. DO NOT CUT OR PRUNE CENTRAL LEADERS.
- CONTRACTOR SHALL THIN THE CANOPY BY ONE-FOURTH. PRUNE TREE TO EVENLY SPACE BRANCHES WITHIN THE CANOPY WHENEVER POSSIBLE. REMOVE THOSE LIMBS THAT CROSS OTHERS, DOUBLE LEADERS AND THOSE THAT EXCESSIVELY EXTEND BEYOND THE NATURAL CROWN OF THE TREE.
- CONTRACTOR SHALL PROVIDE DEEP ROOT FEEDING AND INVIGORATION OF EXISTING TREES. THIS SHALL BE ORGANIC BASED NUTRIENTS BASED FOR ROOT GROWTH AND LEAF-GROWTH STIMULATION.
- CONTRACTOR SHALL BE REQUIRED TO CHIP ALL REMOVED BRANCHES, LEAFS, ETC.

PLANT LIST

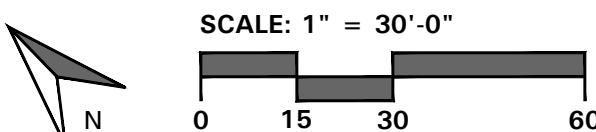
SYMBOL	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	REMARKS
TREES					
CM	<i>Lagerstroemia indica</i> 'Natchez'	Crepe Myrtle 'Natchez'	22	15 gal.	container grown, 3-5 trunk, no cross canes, 6' ht., 4" spread, matching
FH	<i>Ilex x attenuata</i> 'Fosteri'	Foster's Holly	22	15 gal.	container grown, tree form, 8' ht., 3' spread, matching
HL	<i>Oleidia triscanthea</i> 'Skyline'	'Skyline' Honey Locust	8	3" cal.	container grown, 12' ht., 4" spread, 4" branching ht., matching
LO	<i>Quercus virginiana</i>	Live Oak	46	3" cal.	container grown, 12' ht., 4" spread, 4" branching ht., matching
MP	<i>Pinus mexicana</i>	Mexican Plum	3	15 gal.	container grown, 6' ht. min., 5' spread, 5' branching ht., matching
RB	<i>Cercis canadensis</i> 'Oklahoma'	Oklahoma Redbud	22	15 gal.	container grown, 6' ht., 4" spread min.
RV	<i>Betula nigra</i> 'Dura Heat'	River Birch 'Dura Heat'	6	65 gal.	container grown, 12' ht., 5' spread min., 3 trunks, 5' branching ht.
SO	<i>Quercus shumardii</i>	Shumard Red Oak	28	3" cal.	container grown, 12' ht., 4" spread, 4" branching ht., matching
SHRUBS/GROUNDCOVER					
AB	<i>Abelia grandiflora</i> 'Edward Goucher'	Dwarf Abelia 'Edward Goucher'	137	3 gal.	container full, 24" spread, 36" o.c.
BO-X	<i>Buxus microphylla</i> 'Winter Green'	Winter Green Boxwood	137	1 gal.	container full, 24" spread, 24" o.c.
CY	<i>Yucca filamentosa</i> 'Color Guard'	Color Guard Yucca	15	3 gal.	container full
DBH	<i>Ilex cornuta</i> 'Dwarf Burford'	Dwarf Burford Holly	217	5 gal.	container full, 24" spread, 36" o.c.
DWM	<i>Myrica pusilla</i>	Dwarf Wax Myrtle	69	5 gal.	container full, 20" spread, 36" o.c.
DYH	<i>Ilex vomitoria</i> 'Nana'	Dwarf Yaupon Holly	25	5 gal.	container full, 20" spread, 36" o.c.
IH	<i>Raphiolepis indica</i> 'Clara'	Indian Hawthorne 'Clara'	94	5 gal.	container full, 20" spread, 36" o.c.
LIR	<i>Liriope muscari</i> 'Big Blue'	Liriope 'Big Blue'	5,025	4" pots	container full top of container, 12" o.c.
NPH	<i>Ilex cornuta</i> 'Needlepoint'	Needlepoint Holly	28	5 gal.	container full, 24" spread, 36" o.c.
NRS	<i>Ilex spp.</i> 'Nellie R. Stevens'	Nellie R. Stevens Holly	504	7 gal.	container full to base, 36" ht., 60" o.c.
RS	<i>Spiraea japonica</i> 'SMNS-MFF'	Double Play Red Spirea	90	5 gal.	container full, 20" spread, 36" o.c.
RY	<i>Hesperaloe parviflora</i>	Red Yucca	107	3 gal.	container full
SC		Seasonal Color	1,080	4" pots	container full, 12" o.c., selection by Owner
SG	<i>Salvia greggii</i> 'Red'	Salvia Greggii 'Red'	149	1 gal.	container full, 20" spread
SY	<i>Yucca recurvifolia</i>	Softleaf Yucca	16	5 gal.	container full
WC	<i>Euonymus fortunei</i> 'Coloratus'	Wintercreeper	1,595	4" pots	container (3) 12" runners min., 12" o.c.
W/DRP	<i>Cynodon dactylon</i>	Common Bermudagrass w/ Temporary Irrigation			hydromulch, refer to notes
SOD-1		Common Bermudagrass			temporary irrigation until 100% establishment solid sod, refer to notes
MISCELLANEOUS					
RR		Colorado River Rock		2" - 4" dia., 4" depth	

NOTE: ALL TREES SHALL HAVE STRAIGHT TRUNKS AND BE MATCHING WITHIN VARIETIES. PLANT LIST IS AN AID TO BIDDERS ONLY. CONTRACTOR SHALL VERIFY ALL QUANTITIES ON PLAN. ALL HEIGHTS AND SPREADS ARE MINIMUMS. ALL PLANT MATERIAL SHALL MEET OR EXCEED REMARKS AS INDICATED.

NOTE: NO LANDSCAPING SUCH AS TREES, HEDGES OR STRUCTURES ABOVE AND UNDERGROUND SHALL BE LOCATED WITHIN EXISTING OR PROPOSED UTILITY EASEMENTS AND RIGHTS OF WAY WITHOUT AN APPROVED REAL PROPERTY AGREEMENT OR LICENSE AGREEMENT AS APPLICABLE.

OWNER
SPRING CREEK SENIOR LIVING, LLC
GREG RODERICK
14114 N. DALLAS PARKWAY
DALLAS, TX. 75254
(503) 819-3452

APPLICANT
CIVIL POINT ENGINEERS, INC.
JOHN H BEZNER, PE
9101 LBJ FREEWAY, STE 300
DALLAS, TX 75243
(972) 554-1100



CASE NUMBER
200915-2

Project Number: 20125
Issue Date: 01/07/2021
Drawn By: KAH
Checked By: KAH

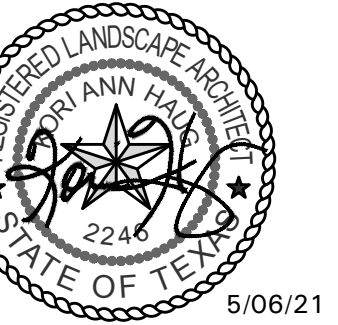
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1.	2/10/21	City Comments	
2.	3/31/21	City Comments	
3.	4/27/21	City Comments	
4.	5/06/21	City Comments	

Sheet Title:

**LANDSCAPE
PLAN**

Sheet Number:

L4.02



The Preserve at Spring Creek

Garland, Texas

CASE NUMBER
200915-2

Project Number: 20125
Issue Date: 01.07.2021
Drawn By: KAH
Checked By: KAH

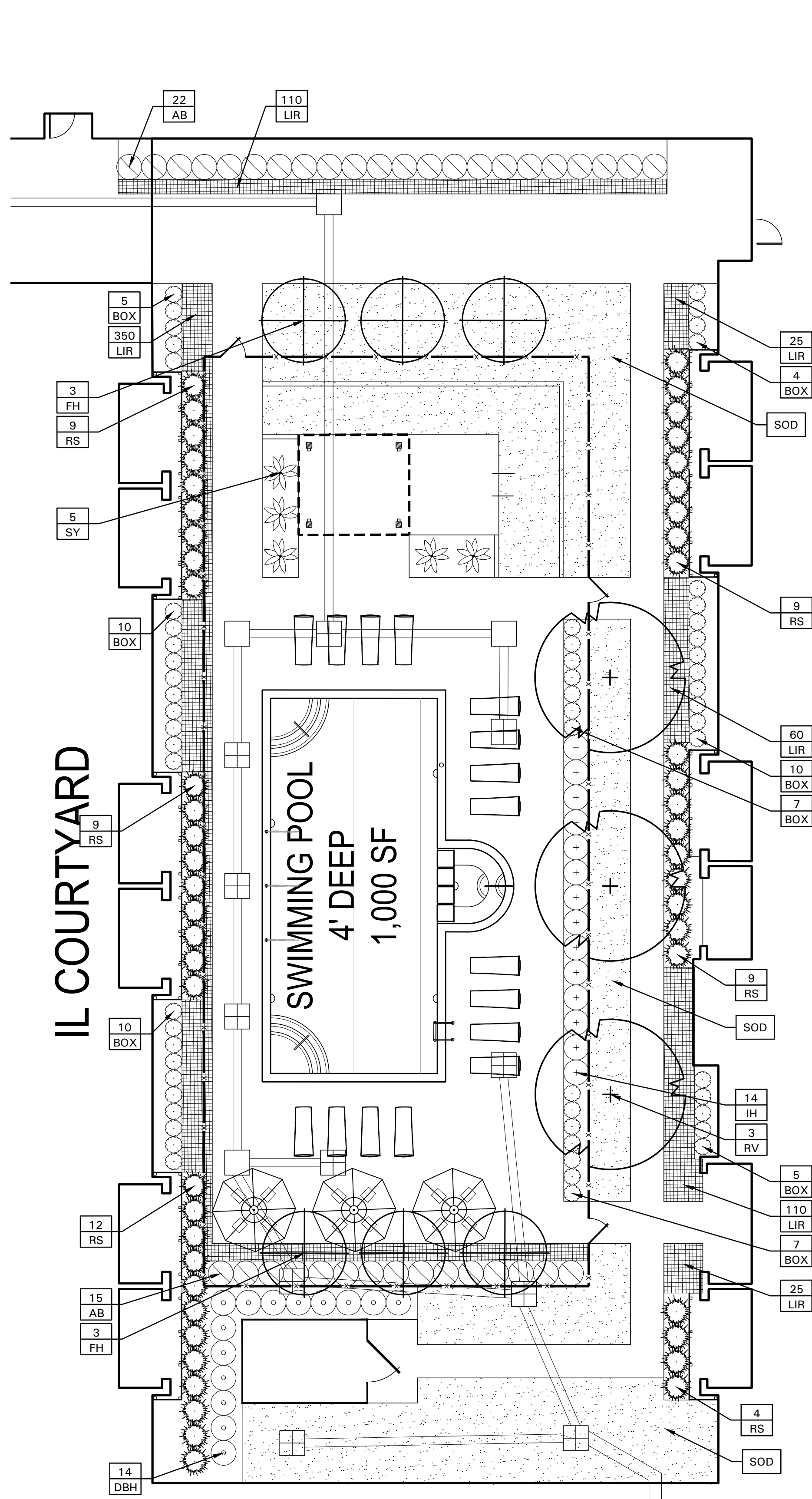
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No:	Date:	Detail:
1.	2/10/21	City Comments
2.	3/31/21	City Comments
3.	4/27/21	City Comments
4.	5/06/21	City Comments

Sheet Title:

LANDSCAPE
ENLARGEMENT
PLAN

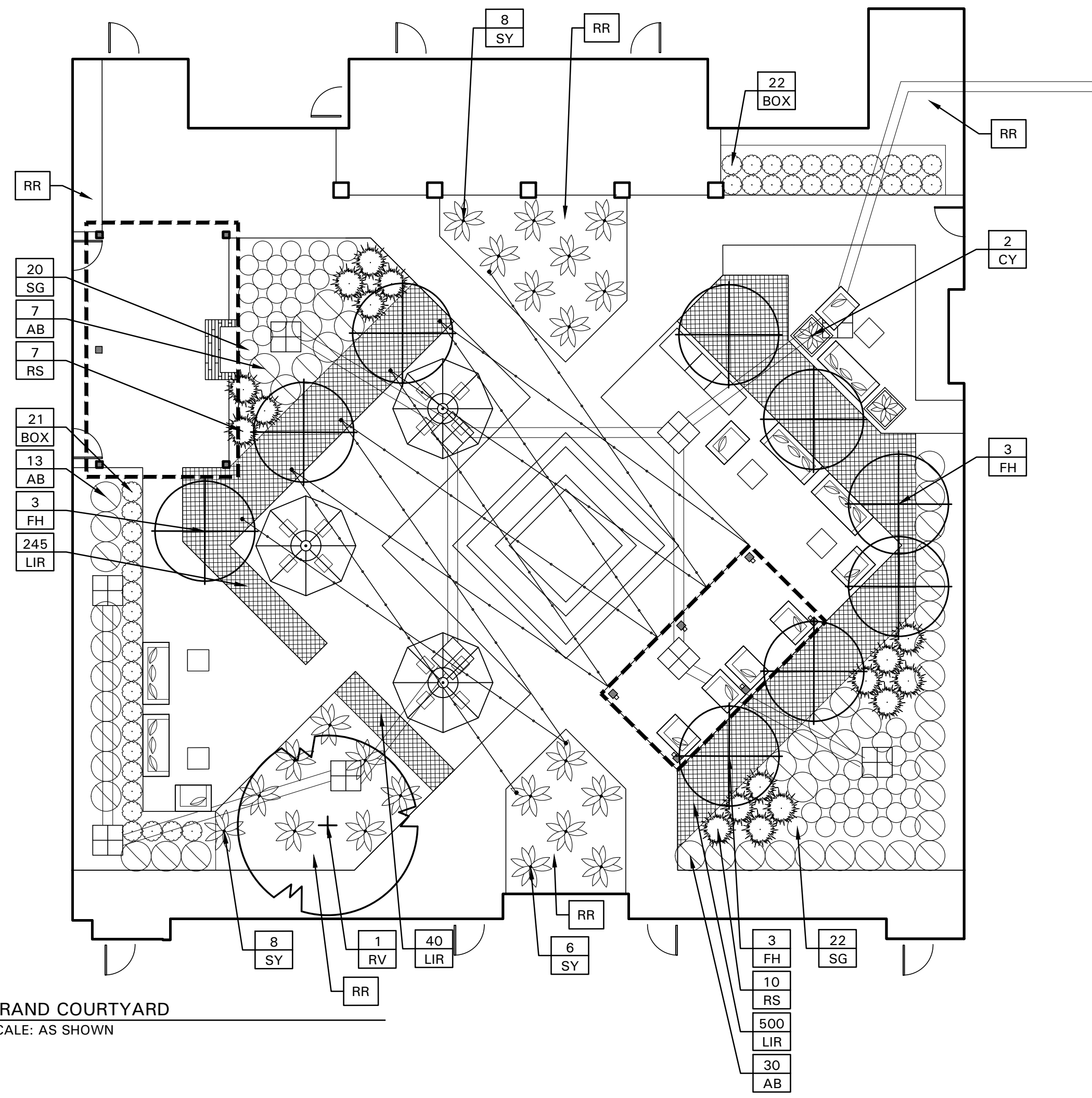
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L4.03

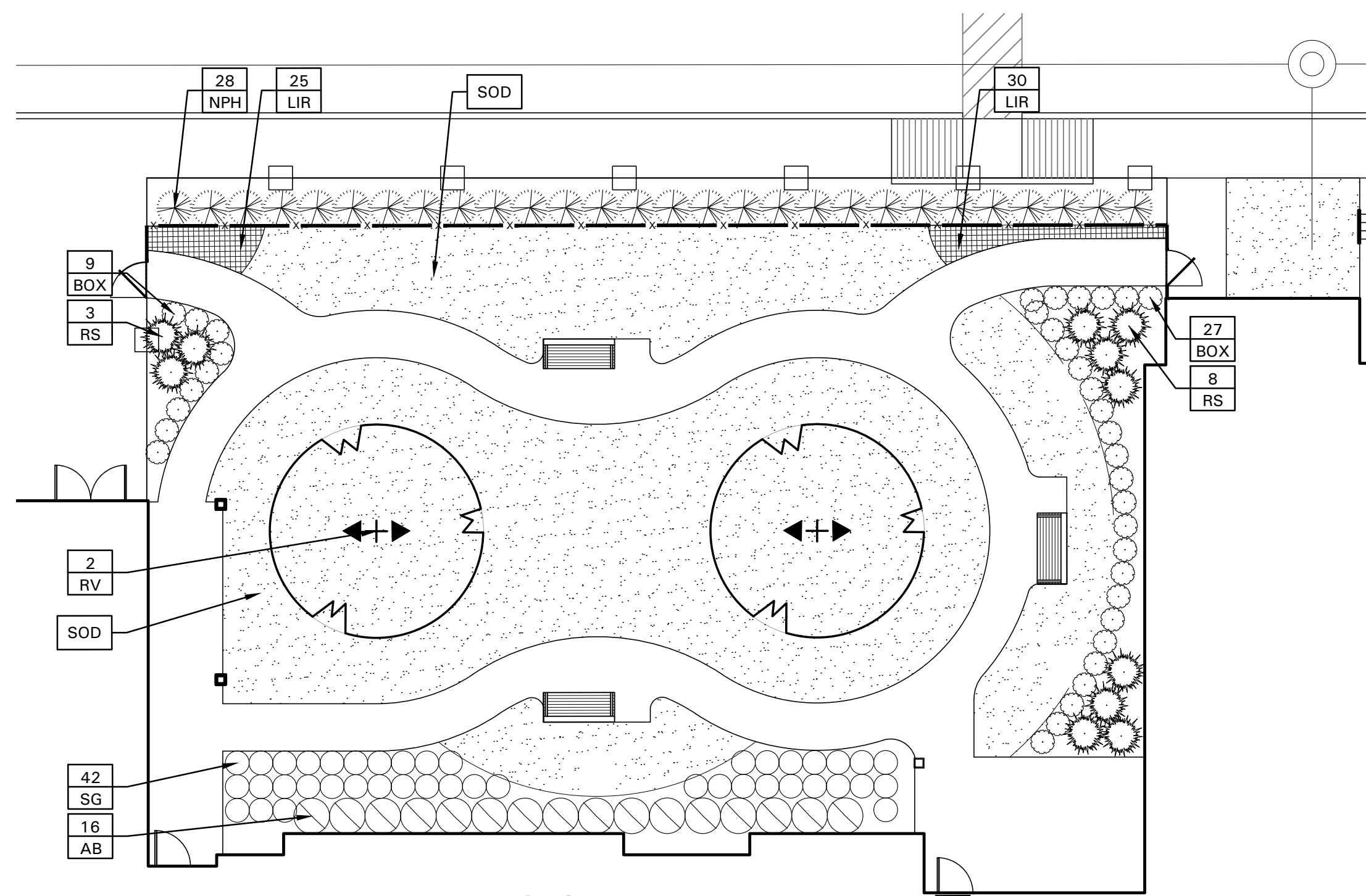


01 INDEPENDENT LIVING COURTYARD

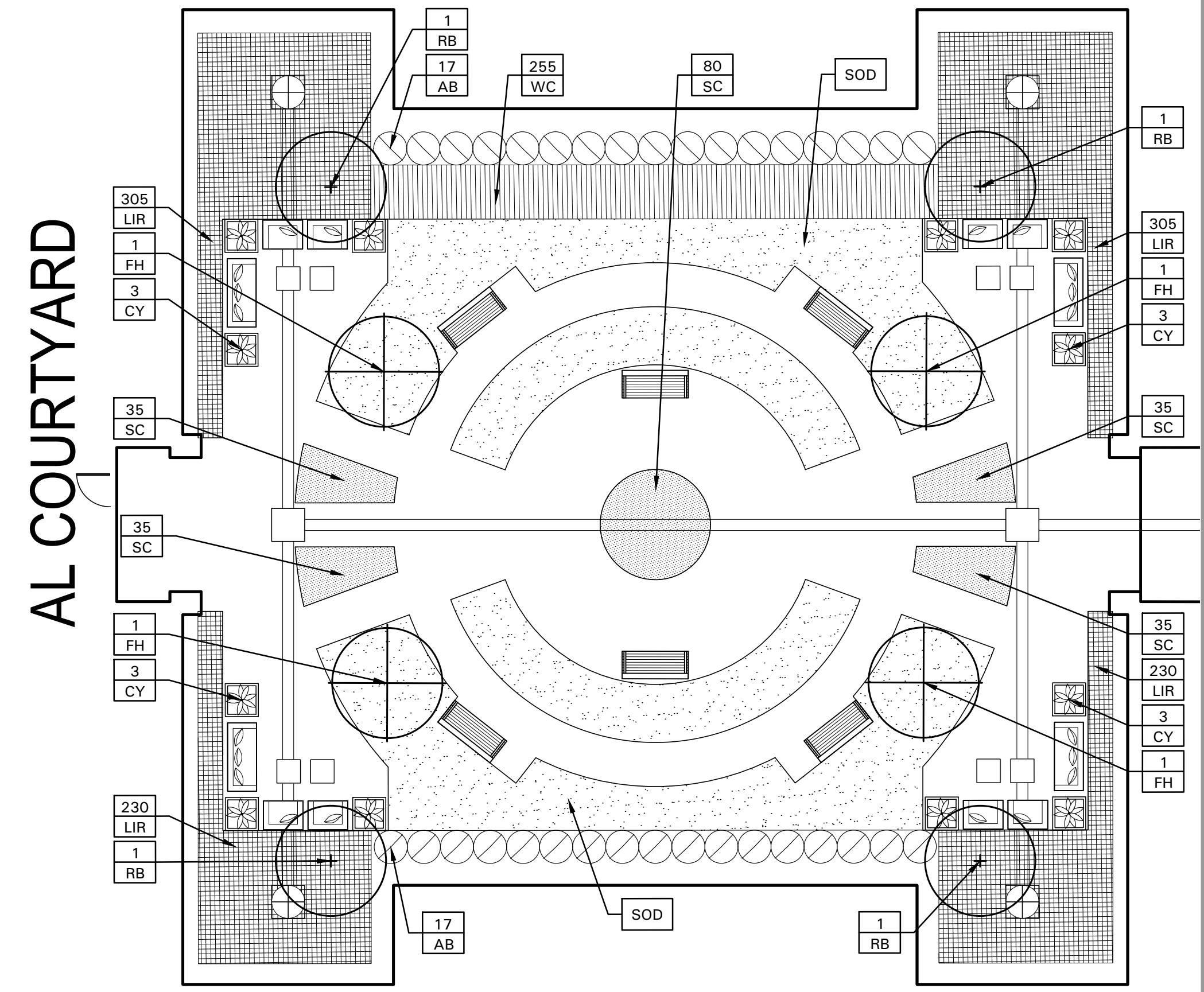
SCALE: AS SHOWN



02 GRAND COURTYARD
SCALE: AS SHOWN

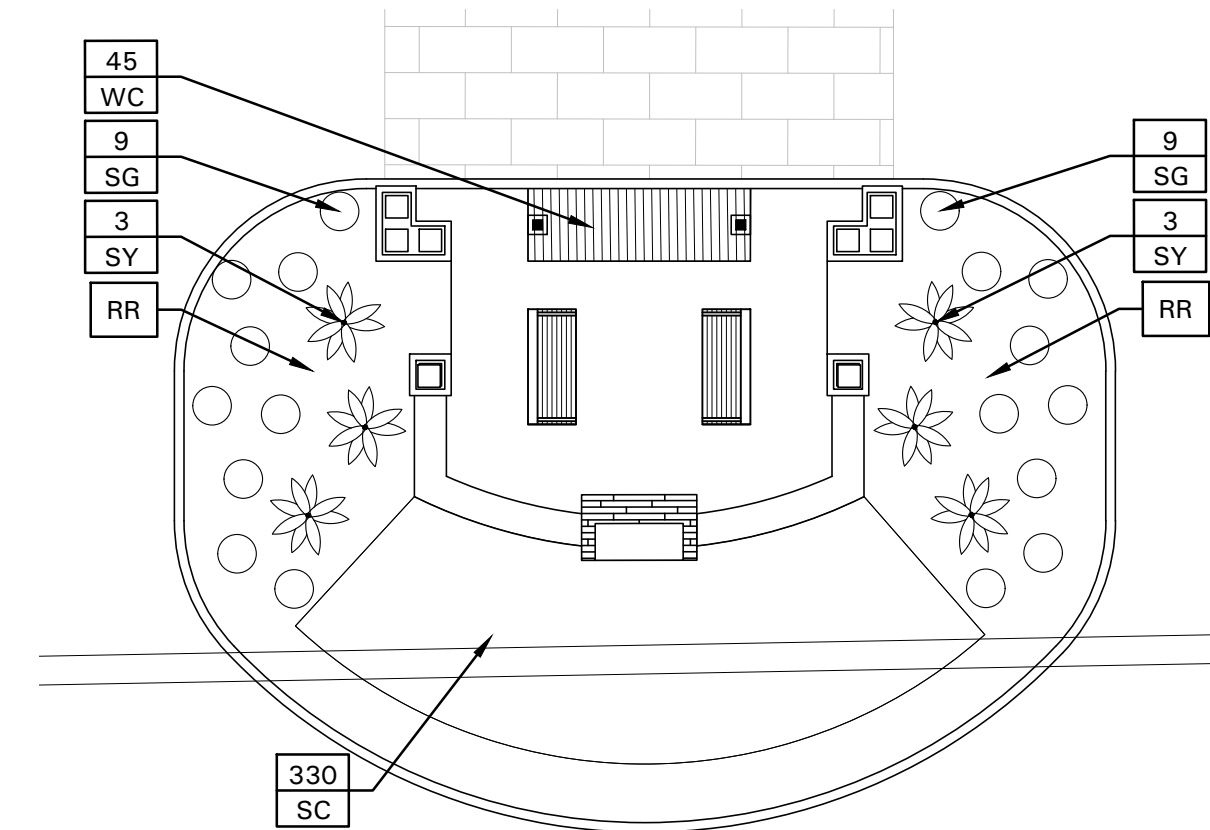


04 SPECIALIZED ASSISTED LIVING COURTYARD



03 ASSISTED LIVING COURTYARD

SCALE: AS SHOWN



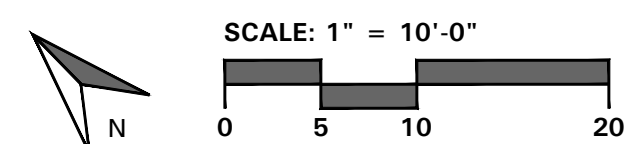
05 PORTE COCHERE
SCALE: AS SHOWN

PLANT LEGEND	
SYMBOL	COMMON NAME
AB	Dwarf Abelia 'Edward Doucette'
CB	Winged Currant 'Redwood Creeper'
CM	Creeper Myrtle 'Clarice'
CH	Color Guard Yucca
DH	Dwarf Burford Holly
DW	Dwarf Wax Myrtle
DWH	Dwarf Wax Myrtle Holly
FH	Foster's Holly
HL	"Skyline" Yucca Locust
HR	Indian Hawthorne
IR	Life-Edge "Big Blue"
LP	Live Oak
LO	Mexican Palm
NR	Nettall Oak
NS	Norfolk Island Holly
NSF	Nellie R. Stevens Holly
OB	Oklahoma Redbud
RS	Double Flap Red Spirea
RY	Red Yew "Dura Heart"
RY	Red Yucca
SC	Seasonal Color
SG	Salvia Greggii "Red"
SH	Shumard Oak
SO	Soft Leaf Yucca
SY	Wintercreeper
HYC	Common Bermuda grass
TCM	Warm Temperature Irrigation
SOD-1	Common Bermuda grass
SOD-2	Colorado/ Red Rock

REFER TO L4.02 FOR PLANT LIST

OWNER
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SECTION 32 9300 - LANDSCAPE

PART 1 - GENERAL

1.1 REFERENCED DOCUMENTS

- A. Refer to Landscape Plans, notes, details, bidding requirements, special provisions, and schedules for additional requirements.

1.2 DESCRIPTION OF WORK

- A. Work included: Furnish all supervision, labor, materials, services, equipment and appliances required to complete the work covered in conjunction with the landscaping covered in these specifications and landscaping plans, including:

- Planting (trees, shrubs and grasses)
- Bed preparation and fertilization
- Notification of sources
- Water and maintenance until final acceptance
- Guarantee

1.3 REFERENCE STANDARDS

- A. American Standard for Nursery Stock published by American Association of Nurserymen: 27 October 1980, Edition; by American National Standards Institute, Inc. (Z60.1) – plant material
- B. American Joint Committee on Horticultural Nomenclature: 1942 Edition of Standardized Plant Names.
- C. Texas Association of Nurserymen, Grades and Standards
- D. Hortis Third, 1976 - Cornell University

1.4 NOTIFICATION OF SOURCES AND SUBMITTALS

- A. Samples: Provide representative quantities of sandy loam soil, mulch, bed mix material, gravel, crushed stone, steel edging and tree stakes. Samples shall be approved by Owner's Authorized Representative before use on the project.

1.5 JOB CONDITIONS

- A. General Contractor to complete the following punch list: Prior to Landscape Contractor initiating any portion of landscape installation, General Contractor shall leave planting bed areas three (3") inches below final finish grade of sidewalks, drives and curbs as shown on the drawings. All lawn areas to receive solid soil shall be left one (1") inch below the final finish grade of sidewalks, drives and curbs. All construction debris shall be removed prior to Landscape Contractor beginning any work.

- B. Storage of materials and equipment at the job site will be at the risk of the Landscape Contractor. The Owner cannot be held responsible for theft or damage.

1.6 MAINTENANCE AND GUARANTEE

A. Maintenance:

- The Landscape Contractor shall be held responsible for the maintenance of all work from the time of planting until final acceptance by the Owner. No trees, shrubs, groundcover or grass will be accepted unless they show healthy growth and satisfactory foliage conditions.
- Maintenance shall include watering of trees and plants, cultivation, weeding spraying, edging, pruning of trees, mowing of grass, cleaning up and all other work necessary of maintenance.
- A written notice requesting final inspection and acceptance should be submitted to the Owner at least seven (7) days prior to completion. An on-site inspection by the Owner's Authorized Representative will be completed prior to written acceptance.

B. Guarantee:

- Trees, shrubs and groundcover shall be guaranteed for a twelve (12) month period after final acceptance. The Contractor shall replace all dead materials as soon as weather permits and upon notification of the Owner. Plants, including trees, which have partially died so that shape, size, or symmetry have been damaged, shall be considered subject to replacement. In such cases, the opinion of the Owner shall be final.

- a. Plants used for replacement shall be of the same size and kind as those originally planted and shall be planted as originally specified. All work, including materials, labor and equipment used in replacements, shall carry a twelve (12) month guarantee. Any damage, including ruts in lawn or bed areas, incurred as a result of making replacements shall be immediately repaired.

- b. At the direction of the Owner, plants may be replaced at the start of the next year's planting season. In such cases, dead plants shall be removed from the premises immediately.

- c. When plant replacements are made, plants, soil mix, fertilizer and mulch are to be utilized as originally specified and re-inspected for full compliance with the contract requirements. All replacements are to be included under "Work" of this section.

- The Owner agrees that for the guarantee to be effective, he will water plants at least twice a week during dry periods and cultivate beds once a month after final acceptance.

- The above guarantee shall not apply where plants die after acceptance because of injury from storms, hail, freeze, insects, diseases, injury by humans, machines or theft.

- Acceptance for all landscape work shall be given after final inspection by the Owner provided the job is in a complete, undamaged condition and there is a stand of grass in all lawn areas. At that time, the Owner will assume maintenance on the accepted work.

- C. Repairs: Any necessary repairs under the Guarantee must be made within ten (10) days after receiving notice, weather permitting. In the event the Landscape Contractor does not make repairs accordingly, the Owner, without further notice to Contractor, may provide materials and men to make such repairs at the expense to the Landscape Contractor.

1.7 QUALITY ASSURANCE

- A. General: Comply with applicable federal, state, county and local regulations governing landscape materials and work.

- B. Personnel: Employ only experienced personnel who are familiar with the required work. Provide full time supervision by a qualified foreman acceptable to Landscape Architect.

C. Selection of Plant Material:

- Make contact with suppliers immediately upon obtaining notice of contract acceptance to select quality materials. Develop a program of maintenance (pruning and fertilization) which will ensure the purchased materials will meet and / or exceed project specifications.
- Substitutions: Do not make plant material substitutions. If the specified landscape material is not obtainable, submit proof of non-availability to Landscape Architect, together with proposal for use of equivalent material. At the time bids are submitted, the Contractor is assumed to have located the materials necessary to complete the job as specified.
- Landscape Architect will provide a key identifying each tree location on site. Written verification will be required to document material selection, source and delivery schedules to site.
- Measurements: Measure trees with branches and trunks or canes in their normal position. Do not prune to obtain required sizes. Take caliper measurements six inches above ground for trees up to and including 4" caliper size, and twelve inches above ground for larger sizes. Measure main body of all plant material of height and spread dimensions,

do not measure from branch or root tip to tip.

- Owner's Authorized Representative shall inspect all plant material with requirements for genus, species, cultivar / variety size and quality.

- Owner's Authorized Representative retains the right to further inspect all plant material upon arrival to the site and during installation for size and condition of root balls and root systems, limbs, branching habit, insects, injuries and latent defects.

- Owner's Authorized Representative may reject unsatisfactory or defective material at any time during the process work. Remove rejected materials immediately from the site and replace with acceptable material at no additional cost to the Owner. Plants damaged in transit or at job site shall be rejected.

1.8 PRODUCT DELIVERY, STORAGE AND HANDLING

A. Preparation:

- Balled and Burlapped (B&B) Plants: Dig and prepare shipment in a manner that will not damage roots, branches, shape and future development.

- Container Grown Plants: Deliver plants in rigid container to hold ball shape and protect root mass.

B. Delivery:

- Deliver packaged materials in sealed containers showing weight, analysis and name of manufacturer. Protect materials from deterioration during delivery and while stored on site.
- Deliver only plant materials that can be planted in one day unless adequate storage and watering facilities are available on job site.
- Protect root balls by heeling in with sawdust or other approved moisture retaining material if not planted within 24 hours of delivery.
- Protect plants during delivery to prevent damage to root balls or decimation of leaves. Keep plants moist at all times. Cover all materials during transport.
- Notify Owner's Authorized Representative of delivery schedule 72 hours in advance job site.
- Remove rejected plant material immediately from job site.

- To avoid damage or stress, do not lift, move, adjust to plumb, or otherwise manipulate plants by trunk or stems.

PART 2 - PRODUCTS

2.1 PLANTS

- A. General: Well-formed No. 1 grade or better nursery grown stock. Listed plant heights are from tops of root balls to nominal tops of plants. Plant spread refers to nominal outer width of the plant, not to the outer leaf tips. Plants will be individually approved by the Owner's Authorized Representative and his decision as to their acceptability shall be final.

- B. Quantities: The drawings and specifications are complimentary. Anything called for on one and not the other is as binding as if shown and called for on both. The plant schedule is an aid to bidders only. Confirm all quantities on plan.

- C. Quality and size: Plant materials shall conform to the size given on the plan, and shall be healthy, symmetrical, well-shaped, full branched and well rooted. The plants shall be free from injurious insects, diseases, injuries to the bark or roots, broken branches, objectionable disfigurements, insect eggs and larvae, and are to be of specimen quality.

- D. Approval: All plants which are found unsuitable in growth, or are in any unhealthy, badly shaped or undersized condition will be rejected by the Owner's Authorized Representative either before or after planting and shall be removed at the expense of the Landscape Contractor and replaced with acceptable plant as

specified at no additional cost to the Owner.

- Trees shall be healthy, full-branched, well-shaped, and shall meet the minimum trunk and diameter requirements of the plant schedule. Balls shall be firm, neat, slightly tapered and well wrapped in burlap. Any tree loose in the ball or with a broken root ball at time of planting will be rejected. Balls shall be ten (10") inches in diameter for each one (1") inch of trunk diameter, measured six (6") inches above ball. (Nomenclature conforms to the customary nursery usage. For clarification, the term "multi-trunk" defines a plant having three (3) or more trunks of nearly equal diameter.)

- Pruning: All pruning of trees and shrubs, as directed by the Landscape Architect prior to final acceptance, shall be executed by the Landscape Contractor at no additional cost to the Owner.

2.2 SOIL PREPARATION MATERIALS

A. Sandy Loam:

- Friable, fertile, dark, loamy soil, free of clay lumps, subsoil, stones and other extraneous material and reasonably free of weeds and foreign grasses. Loam containing Dallasgrass or Nutgrass shall be rejected.

2. Physical properties as follows:

- Clay - between 7-27 percent
- Silt - between 15-25 percent
- Sand - less than 52 percent

- Organic matter shall be 3%-10% of total dry weight.

- If requested, Landscape Contractor shall provide a certified soil analysis conducted by an approved soil testing laboratory verifying that sandy loam meets the above requirements.

- B. Organic Material: Compost with a mixture of 80% vegetative matter and 20% animal waste. Ingredients should be a mix of coarse and fine textured material.

- C. Premixed Bedding Soil as supplied by Vital Earth Resources, Gladewater, Texas; Professional Bedding Soil as supplied by Living Earth Technology, Dallas, Texas or Acid Gro Municipal Mix as supplied by Soil Building Systems, Dallas, Texas or approved equal.

- D. Sharp Sand: Sharp sand must be free of seeds, soil particles and weeds.

- E. Mulch: Double Shredded Hardwood Mulch, partially decomposed, dark brown. Living Earth Technologies or approved equal.

- F. Organic Fertilizer: FertiLaid, Sustane, or Green Sense or equal as recommended for required applications. Fertilizer shall be delivered to the site in original unopened containers, each bearing the manufacturer's guaranteed statement of analysis.

- G. Commercial Fertilizer: 10-20-10 or similar analysis. Nitrogen source to be a minimum 80% slow release organic Nitrogen (SCU or UF) with a minimum 8% sulfur and 4% iron, plus micronutrients.

- H. Peat: Commercial sphagnum peat moss or partially decomposed shredded pine bark or other approved organic material.

2.3 MISCELLANEOUS MATERIALS

- A. Steel Edging: All steel edging shall be 3/16" thick x 4" deep x 16' long with 6 stakes per section, painted black at the factory as manufactured by The J.D. Russell Company and under its trade name DURADEGE Heavy Duty Steel.

- B. Staking Material for Shade Trees: refer to details.

- C. Gravel: Washed native pea gravel, graded 1 inch to 1-1/2 inch.

- D. Filter Fabric: 'Mirafri Mirascape' by Mirafri Construction Products available at Lone Star Products, Inc., (469) 523-0444 or approved equal.

- E. River Rock: 'Colorado' or native river rock, 2" - 4" dia.

- F. Decomposed Granite: Base material shall consist of a natural material mix of granite aggregate not to exceed 1/8" diameter in size and shall be composed of various stages of decomposed earth base.

PART 3 - EXECUTION

3.1 BED PREPARATION & FERTILIZATION

- A. Landscape Contractor to inspect all existing conditions and report any deficiencies to the Owner.

- B. All planting areas shall be conditioned as follows:

- Prepare new planting beds by scraping away existing grass and weeds as necessary. Till existing soil to a depth of six (6") inches prior to placing compost and fertilizer. Apply fertilizer as per Manufacturer's recommendations. Add six (6") inches of compost and till into a depth of six (6") inches of the topsoil. Apply organic fertilizer such as Sustane or Green Sense at the rate of twenty (20) pounds per one thousand (1,000) square feet.

- All planting areas shall receive a two (2") inch layer of specified mulch.

- Backfill for tree pits shall be as follows: Use existing top soil on site (use imported topsoil as needed) free from large clumps, rocks, debris, caliche, subsoils, etc., placed in nine (9") inch layers and watered in thoroughly.

C. Grass Areas:

- Blocks of sod should be laid joint to joint (staggered joints) after fertilizing the ground first. Roll grass areas to achieve a smooth, even surface. The joints between the blocks of sod should be filled with topsoil where they are evidently gaped open, then watered thoroughly.

3.2 INSTALLATION

- A. Maintenance of plant materials shall begin immediately after each plant is delivered to the site and shall continue until all construction has been satisfactorily accomplished.

- B. Plant materials shall be delivered to the site only after the beds are prepared and areas are ready for planting. All shipments of nursery materials shall be thoroughly protected from the drying winds during transit. All plants which cannot be planted at once, after delivery to the site, shall be well protected against the possibility of drying by wind and Balls of earth of B & B plants shall be kept covered with soil or other acceptable material. All plants remain the property of the Contractor until final acceptance.

- C. Position the trees and shrubs in their intended location as per plan.
- D. Notify the Owner's Authorized Representative for inspection and approval of all positioning of plant materials.

- E. Excavate pits with vertical sides and horizontal bottom. Tree pits shall be large enough to permit handling and planting without injury to balls of earth or roots and shall be of such depth that, when planted and settled, the crown of the plant shall bear the same relationship to the finish grade as it did to soil surface in original place of growth.

- F. Shrub and tree pits shall be no less than twenty-four (24") inches wider than the lateral dimension of the earth ball and six (6") inches deeper than it's vertical dimension. Remove and haul from site all rocks and stones over three-quarter (¾") inch in diameter. Plants should be thoroughly moist before removing containers.

- G. Dig a wide, rough sided hole exactly the same depth as the height of the ball, especially at the surface of the ground. The sides of the hole should be rough and jagged, never slick or glazed.

- H. Percolation Test: Fill the hole with water. If the water level does not percolate within 24 hours, the tree needs to move to another location or have drainage added. Install a PVC stand pipe per

tree planting detail as approved by the Landscape Architect if the percolation test fails.

- Backfill only with 5 parts existing soil or sandy loam and 1 part bed preparation. When the hole is dug in solid rock, topsoil from the same area should not be used. Carefully settle by watering to prevent air pockets. Remove the burlap from the top ½ of the ball, as well as all nylon, plastic string and wire. Container trees will usually be root bwo, if so follow standard nursery practice of root scoring.

- Do not wrap trees.

- Do not over prune.

- Mulch the top of the ball. Do not plant grass all the way to the trunk of the tree. Leave the area above the top of the ball and mulch with at least two (2") inches of specified mulch.

- All plant beds and trees to be mulched with a minimum settled thickness of two (2") inches over the entire bed or pit.

- Obstruction below ground: In the event that rock, or underground construction work or obstructions are encountered in any plant pit excavation work to be done under this section, alternate locations may be selected by the Owner. Where locations cannot be changed, the obstructions shall be removed to a depth of not less than three (3') feet below grade and no less than six (6") inches below the bottom of ball when plant is properly set at the required grade. The work of this section shall include the removal from the site of such rock or underground obstructions encountered at the cost of the Landscape Contractor.

- Trees and large shrubs shall be staked as site conditions require. Position stakes to secure trees against seasonal prevailing winds.

- Pruning and Mulching: Pruning shall be directed by the Landscape Architect and shall be pruned in accordance with standard horticultural practice following Fine Pruning, Class I pruning standards provided by the National Arborist Association.

- Dead wood, suckers, broken and badly bruised branches shall be removed. General tipping of the branches is not permitted. Do not cut terminal branches.

- Pruning shall be done with clean, sharp tools.

- Immediately after planting operations are completed, all tree pits shall be covered with a layer of organic material two (2") inches in depth. This limit of the organic material for trees shall be the diameter of the plant pit.

Q. Steel Curbing Installation:

- Curbing shall be aligned as indicated on plans. Stake out limits of steel curbing and obtain Owners approval prior to installation.

- All steel curbing shall be free of kinks and abrupt bends.

- Top of curbing shall be ½" maximum height above final finished grade.

- Stakes are to be installed on the planting bed side of the curbing, as opposed to the grass side.

- Do not install steel edging along sidewalks or curbs.

- Cut steel edging at 45 degree angle where edging meets sidewalks or curbs.

3.3 CLEANUP AND ACCEPTANCE

- A. Cleanup: During the work, the premises shall be kept neat and orderly at all times. Storage areas for all materials shall be so organized so that they, too, are neat and orderly. All trash and debris shall be removed from the site as work progresses. Keep paved areas clean by sweeping or hosing them at end of each work day.

END OF SECTION



01 TREE PLANTING DETAIL
NOT TO SCALE

TREE PLANTING DETAIL LEGEND
AND NOTES

- A. TREE: TREES SHALL CONFORM WITH LATEST AMERICAN STANDARD FOR NURSERY STOCK. www.anile.org

- B. TREE PIT: WIDTH TO BE AT LEAST TWO (2) TIMES THE DIAMETER OF THE ROOT BALL CENTER TREE IN HOLE & REST ROOT BALL ON UNDISTURBED NATIVE SOIL.

- C. ROOT BALL: REMOVE TOP ½ BURLAP AND ANY OTHER FOREIGN OBJECT; CONTAINER GROWN STOCK TO BE INSPECTED FOR GIRDLING ROOTS.

- D. ROOT FLARE: ENSURE THAT ROOT FLARE IS EXPOSED, FREE FROM MULCH, AND AT LEAST TWO INCHES ABOVE GRADE. TREES SHALL BE REJECTED WHEN GIRDLING ROOTS ARE PRESENT & ROOT FLARE IS NOT APPARENT.

- E. ROOTBALL ANCHOR RING: REFER TO MANUFACTURER'S GUIDELINES FOR SIZING. PLACE ROOTBALL ANCHOR RING ON BASE OF ROOTBALL, TRUNK SHOULD BE IN THE CENTER OF THE RING.

- F. ROOT ANCHOR BY TREE STAKE SOLUTIONS.

- G. NAIL STAKE: REFER TO MANUFACTURER'S GUIDELINES FOR SIZING. INSTALL NAIL STAKES WITH HAMMER OR MALLET FIRMLY INTO UNDISTURBED GROUND. DRIVE NAIL STAKES FLUSH WITH "U" BRACKET ADJACENT TO ROOTBALL (DO NOT DISTURB ROOTBALL).

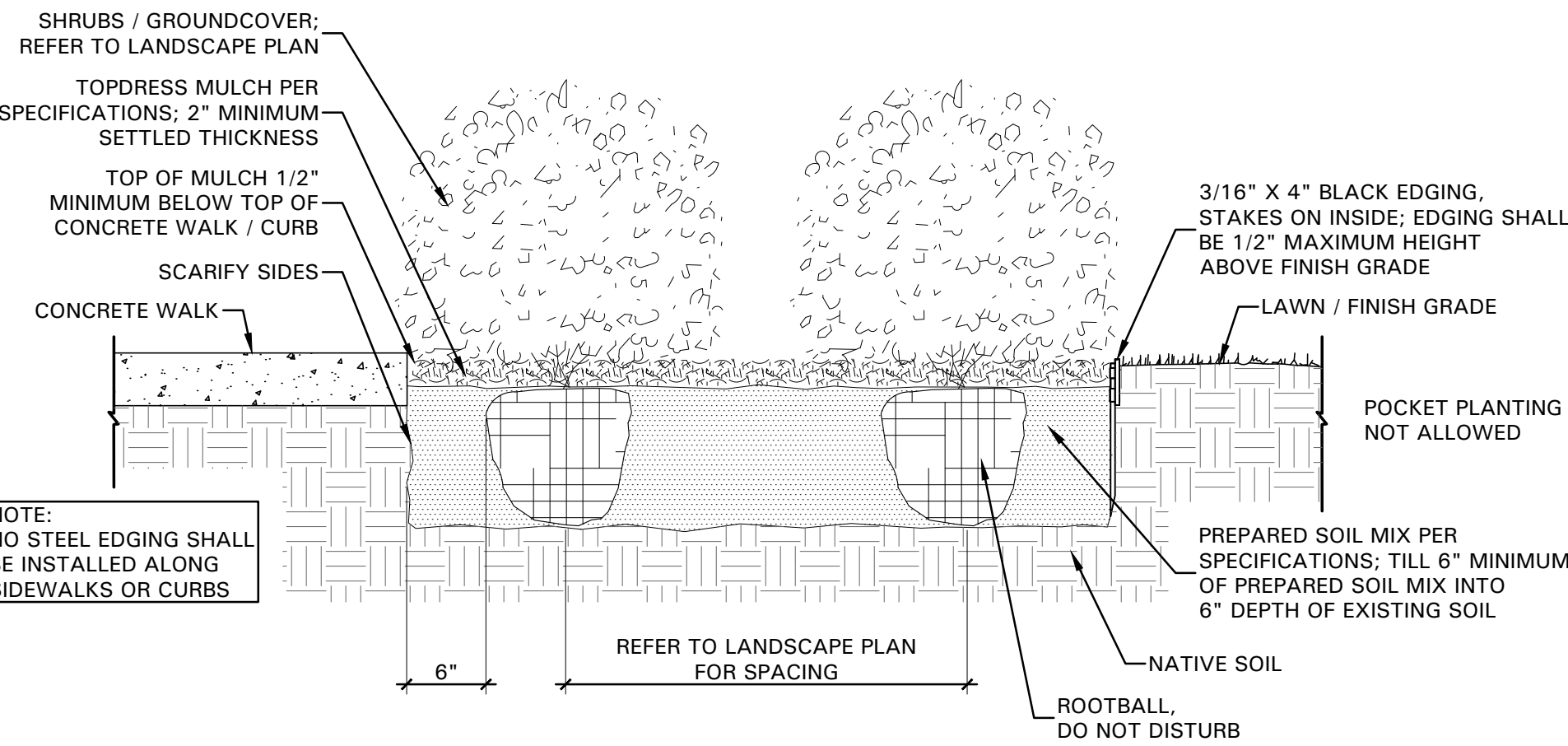
- H. BACKFILL: USE EXISTING NATIVE SOIL (no amendments) WATER THOROUGHLY TO ELIMINATE AIR POCKETS.

- I. MULCH: DOUBLE SHREDDED HARDWOOD MULCH 2 INCH SETTLED THICKNESS, WITH 2" HT. WATERING RING; ENSURE THAT ROOT FLARE IS EXPOSED, BELOW GROUND STAKE SHOULD NOT BE VISIBLE.

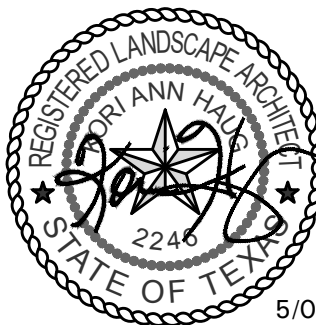
- J. TREE STAKES: TREE STAKE SOLUTIONS 'SAFETY STAKE' BELOW GROUND MODEL AVAILABLE FROM: Tree Stake Solutions ATTN: Jeff Tuley (903) 679-6143 jeff@treestakesolutions.com www.treestakesolutions.com

- OR APPROVED EQUAL. TREES SHALL BE STAKED BELOW GROUND WHERE NECESSARY; ABOVE GROUND STAKING IS EXPRESSLY PROHIBITED.

- K. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN A COPY OF THE MANUFACTURER'S SPECIFICATIONS PRIOR TO INSTALLATION OF TREE STAKES. CONTRACTOR SHALL ADHERE TO MANUFACTURER'S INSTALLATION GUIDELINES, SPECIFICATIONS, AND OTHER REQUIREMENTS FOR TREE STAKE INSTALLATION.



02 SHRUB / GROUND COVER DETAIL
NOT TO SCALE



The Preserve
at
Spring Creek
Garland, Texas

CASE NUMBER
200915-2

Project Number: 20125
Issue Date: 01.07.2021
Drawn By: KAH
Checked By: KAH

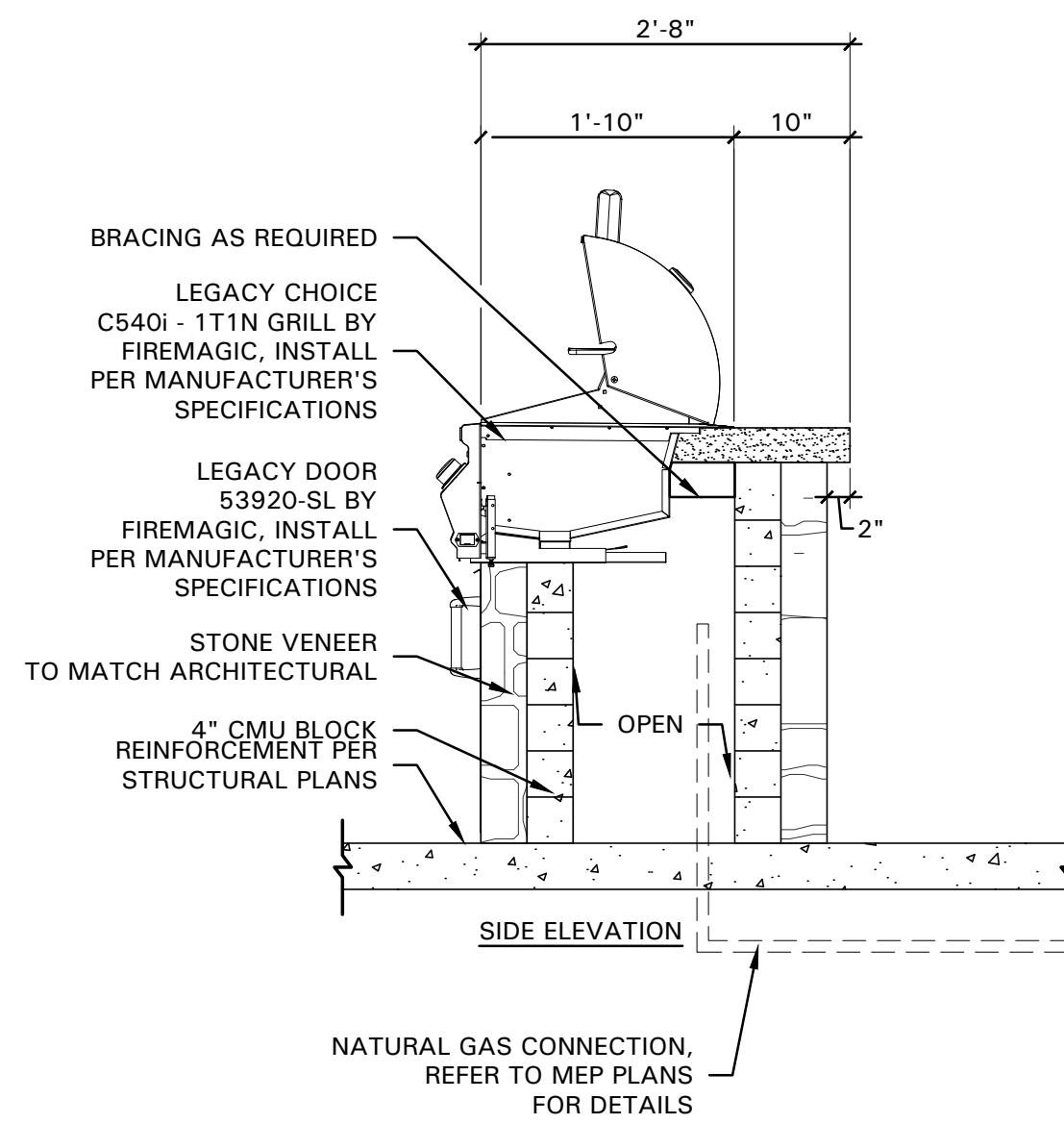
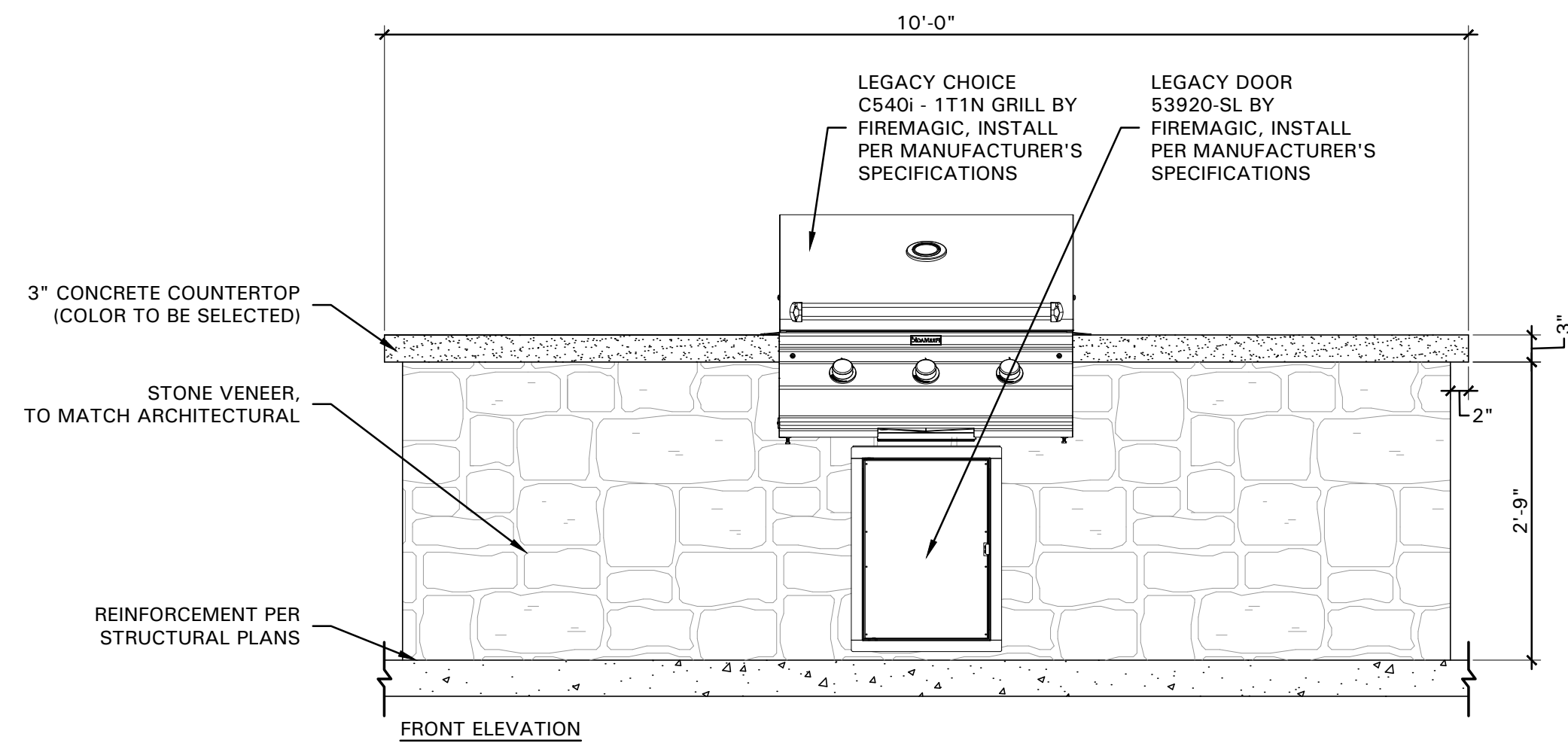
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No.	Date:	Detail:
1.	2/10/21	City Comments
2.	3/31/21	City Comments
3.	4/27/21	City Comments
4.	5/06/21	City Comments

Sheet Title:

DETAILS

Sheet Number:

L3.03



- GRILL STATION NOTES**
1. CONTRACTOR TO PROVIDE 4" WIDE CMU CORE TO SUPPORT VENEER
 2. CONTRACTOR TO VENT GRILL AS PER MANUFACTURERS SPECIFICATION.
 3. CONTRACTOR TO PRESENT OWNER WITH VARIOUS OPTIONS REGARDING GRILL, INCLUDING: ALL SAFETY FEATURES, TIMERS, IGNITERS, EMERGENCY CUT OFF VALVES, INSTRUCTIONAL SIGNAGE, ETC.
 4. GRILL AND ENCLOSURE SHALL MEET THE CONSUMER PRODUCTS SAFETY STANDARDS AND HEARTH, PATIO, AND BARBEQUE ASSOCIATION GUIDELINES FOR CONSTRUCTION AND USE.
 5. REFER TO OWNERS MANUAL FOR ADDITIONAL INSTALLATION AND SAFETY INFORMATION.
 6. GRILL CONTROLS SHALL NOT REQUIRE TIGHT PINCHING OR TWISTING OF THE WRIST TO OPERATE.
 7. CONTRACTOR SHALL PROVIDE GAS SERVICE FOR GRILL. REFER TO MEP PLANS FOR CONNECTION.

01 GRILLING STATION
SCALE: 3/4" = 1'-0"

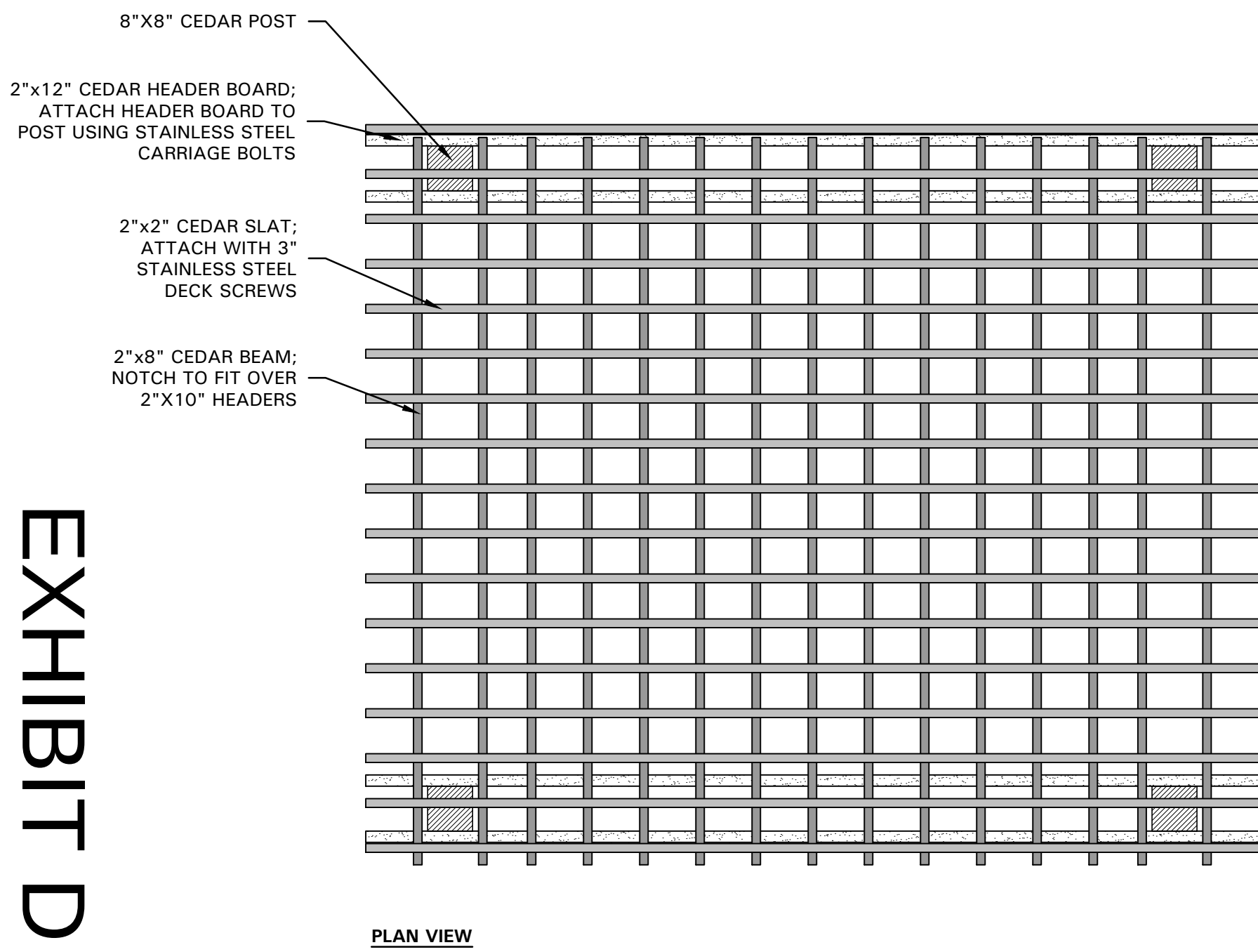
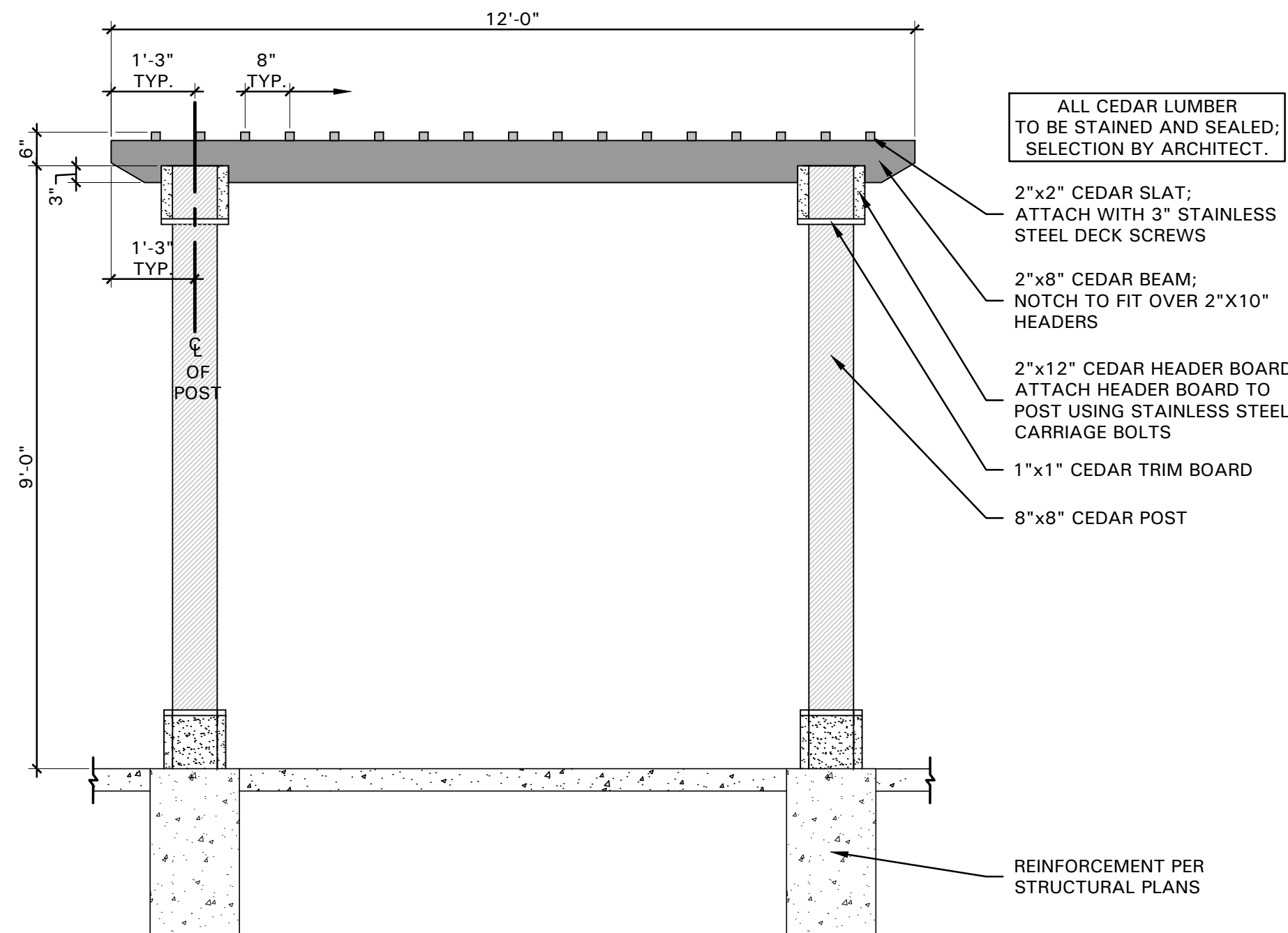
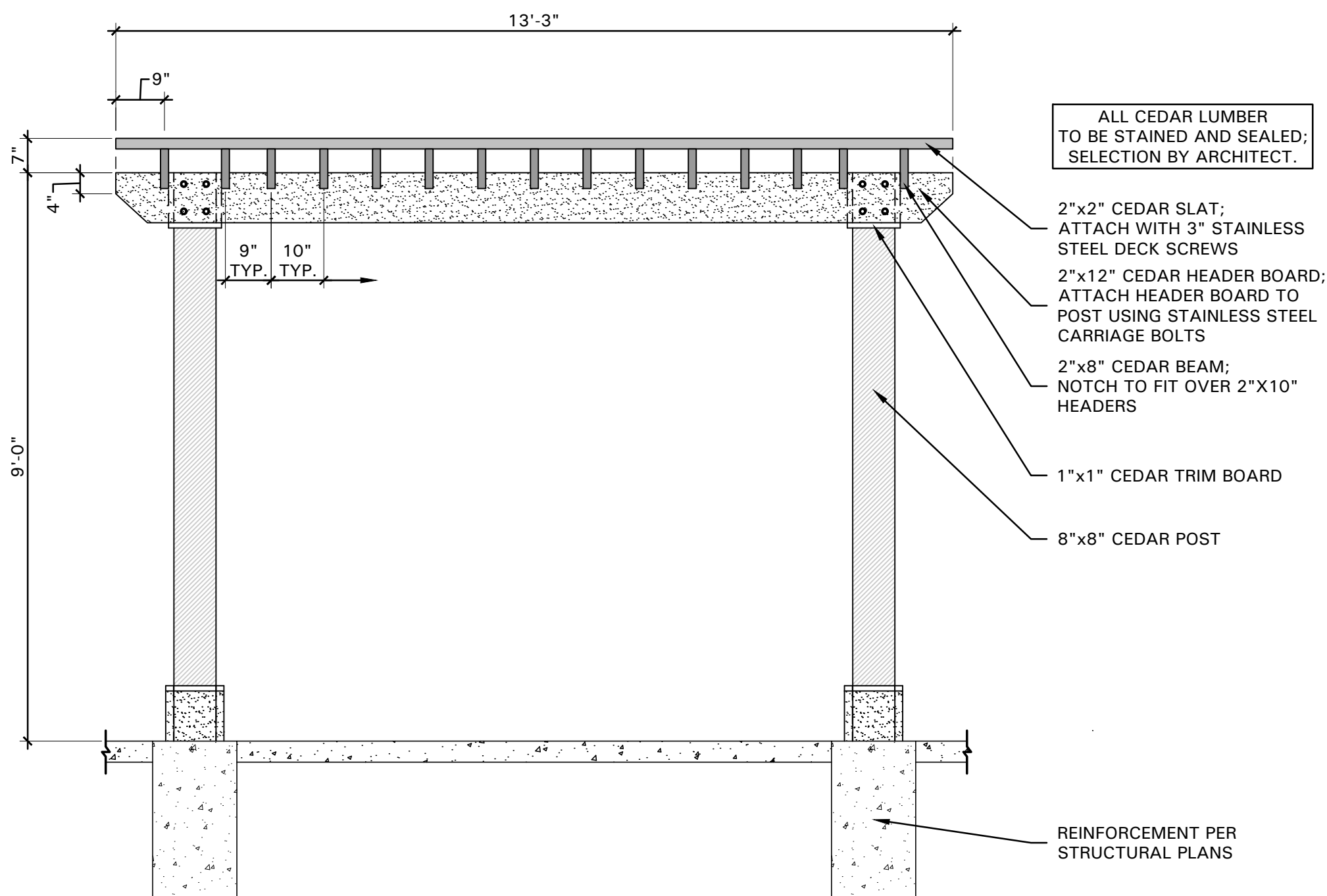
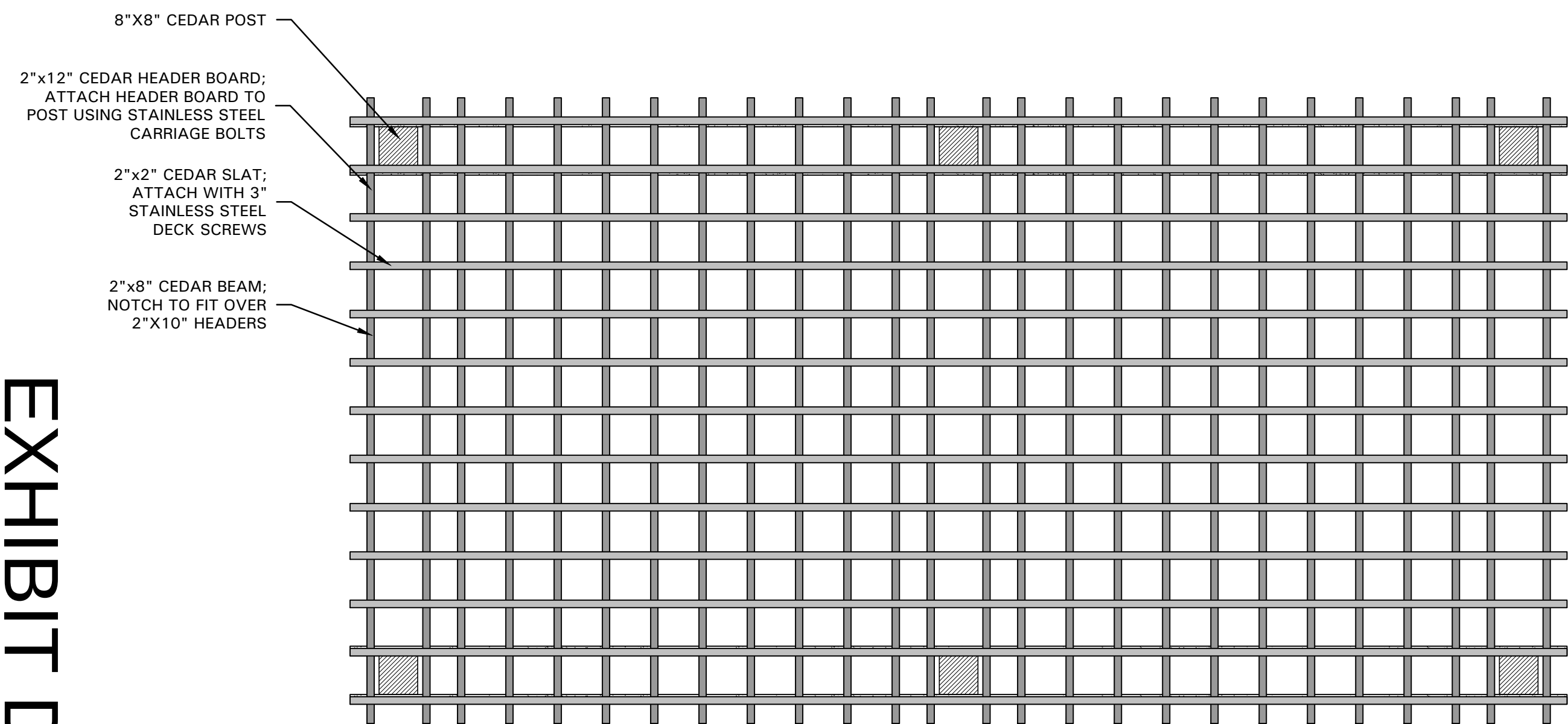


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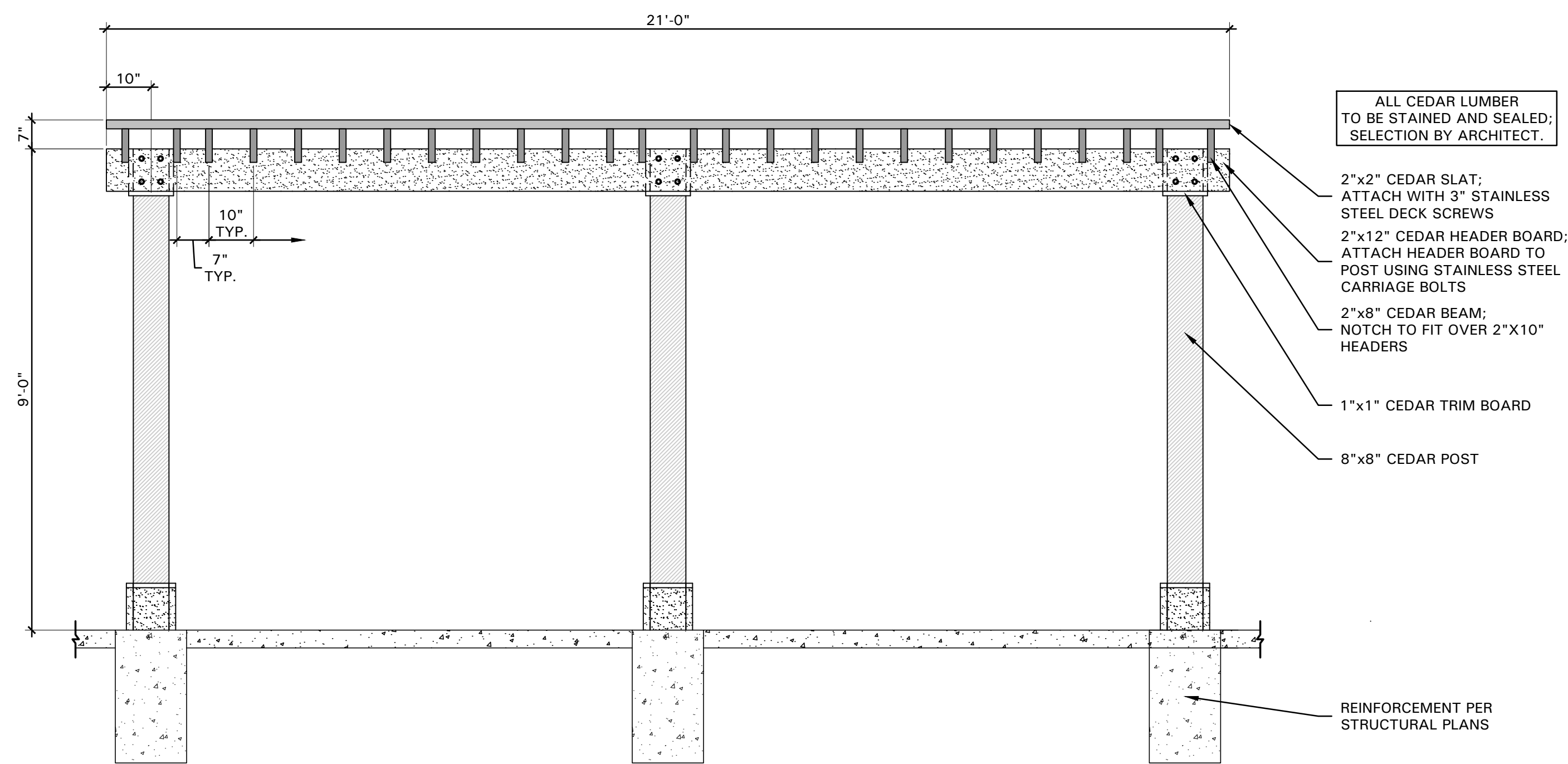


02 PERGOLA 'A'
SCALE: 1/2" = 1'-0"

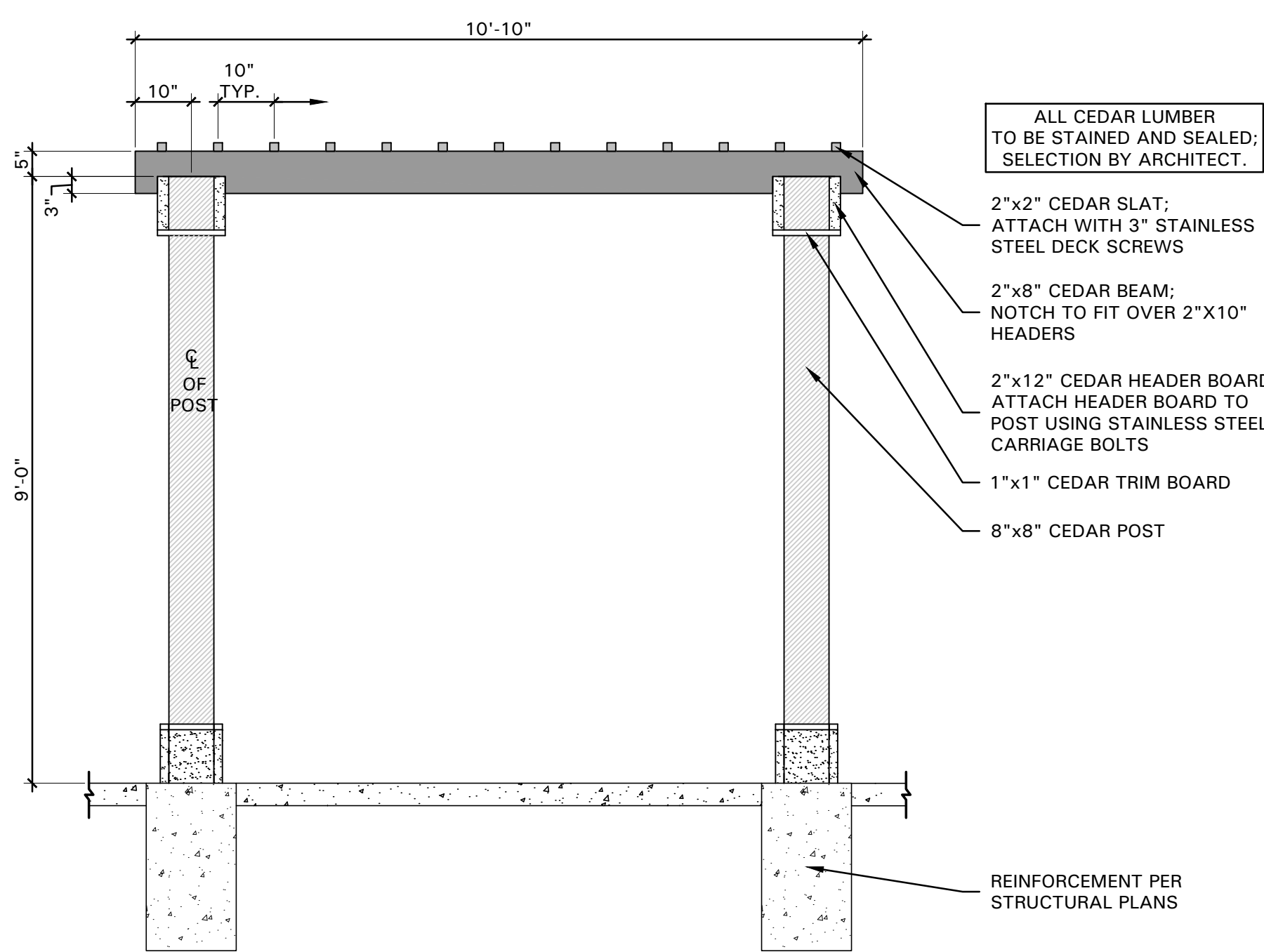




PLAN VIEW



FRONT ELEVATION



SIDE ELEVATION



The Preserve
at
Spring Creek
Garland, Texas

CASE NUMBER
200915-2

Project Number: 20125
Issue Date: 01.07.2021
Drawn By: KAH
Checked By: KAH

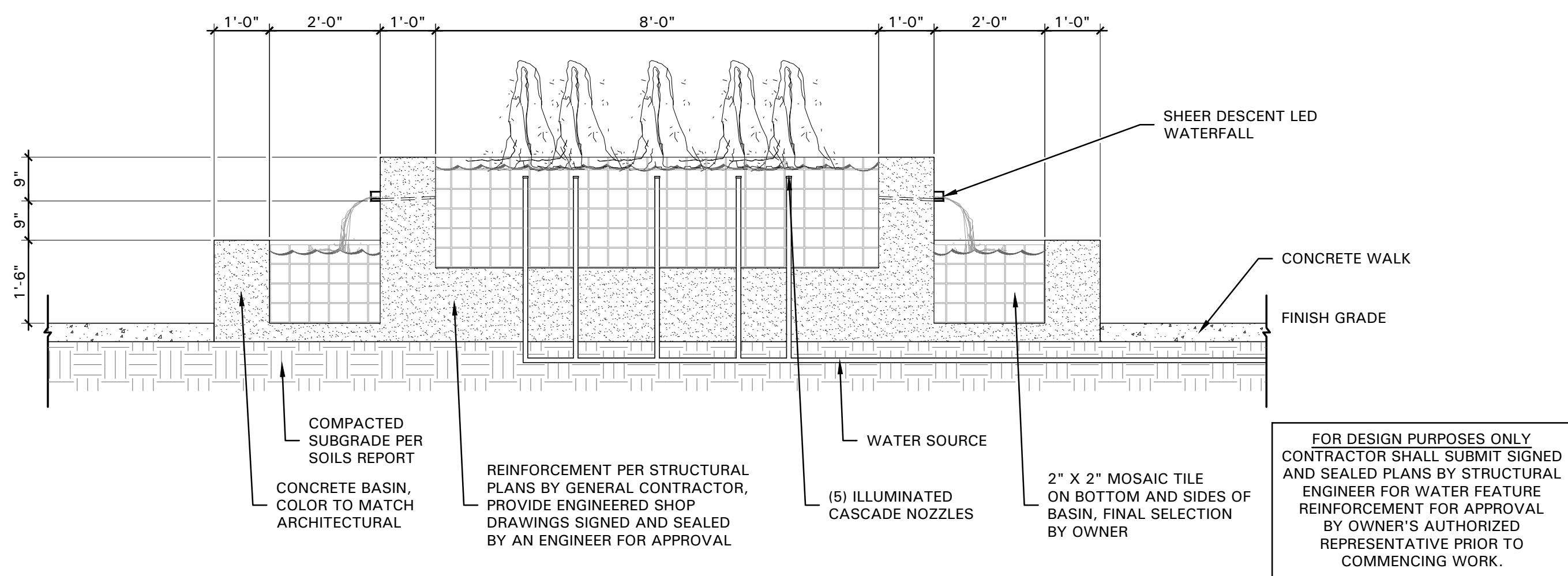
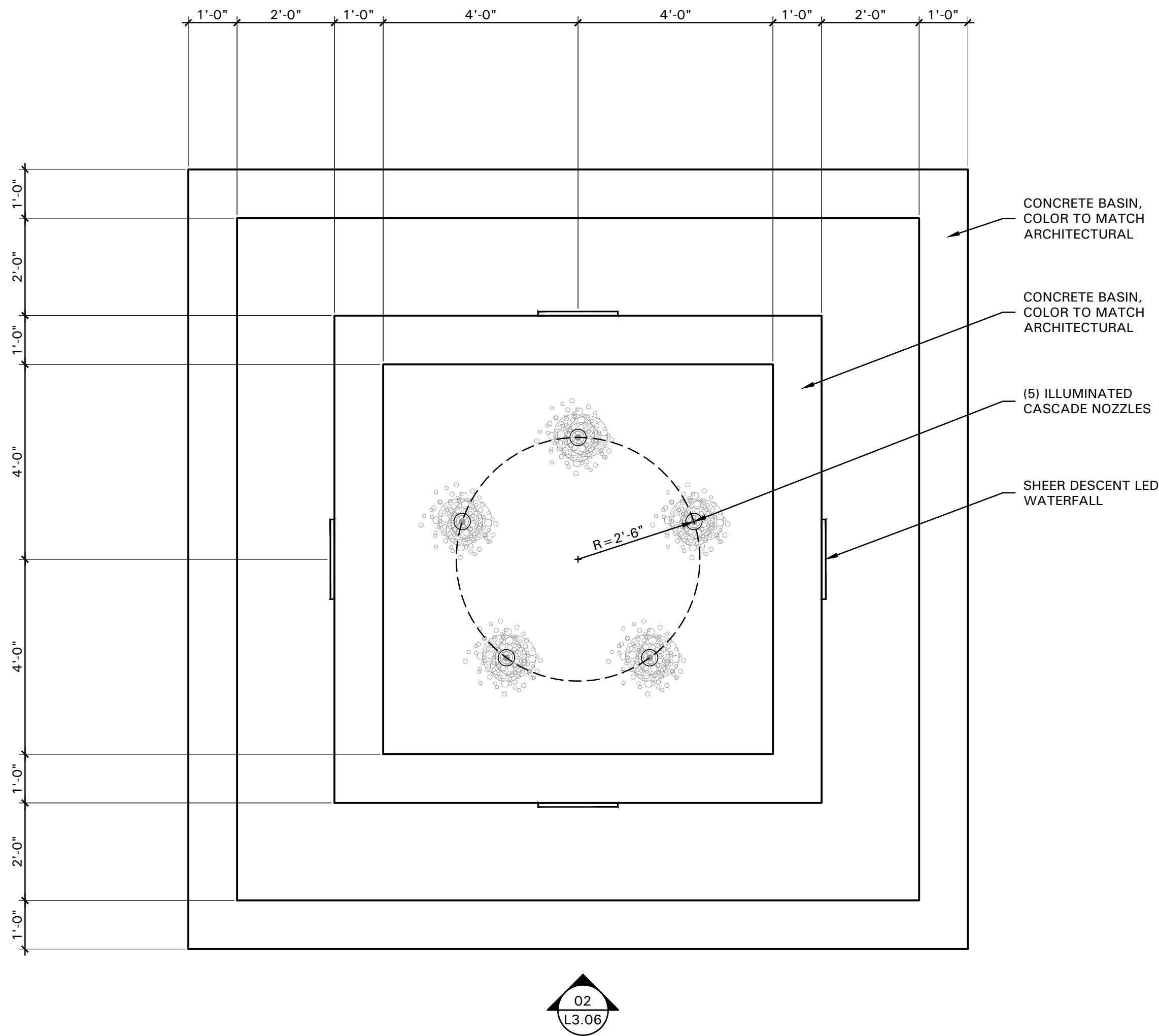
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2.	3/31/21	City Comments	
3.	4/27/21	City Comments	
4.	5/06/21	City Comments	

Sheet Title:

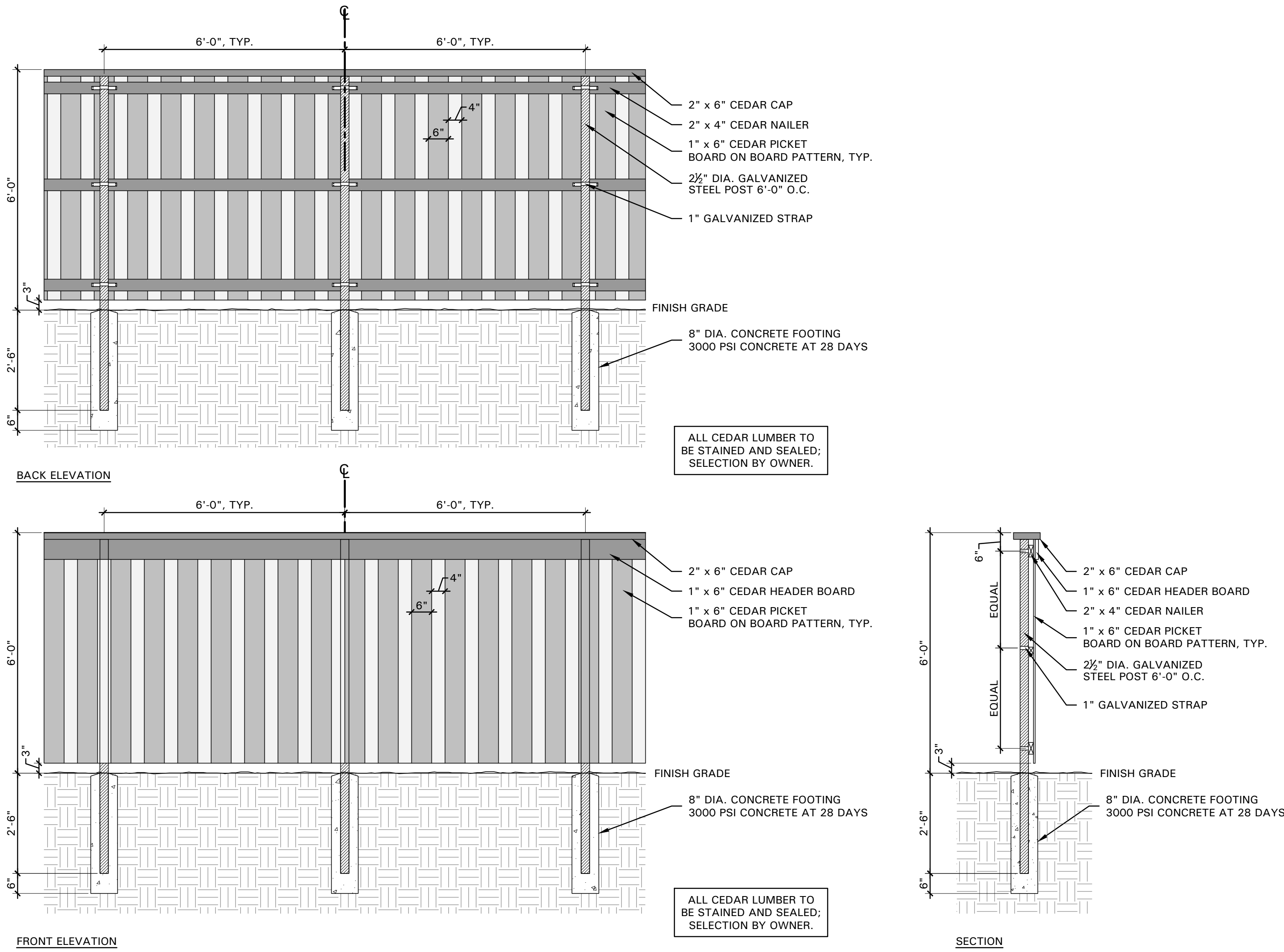
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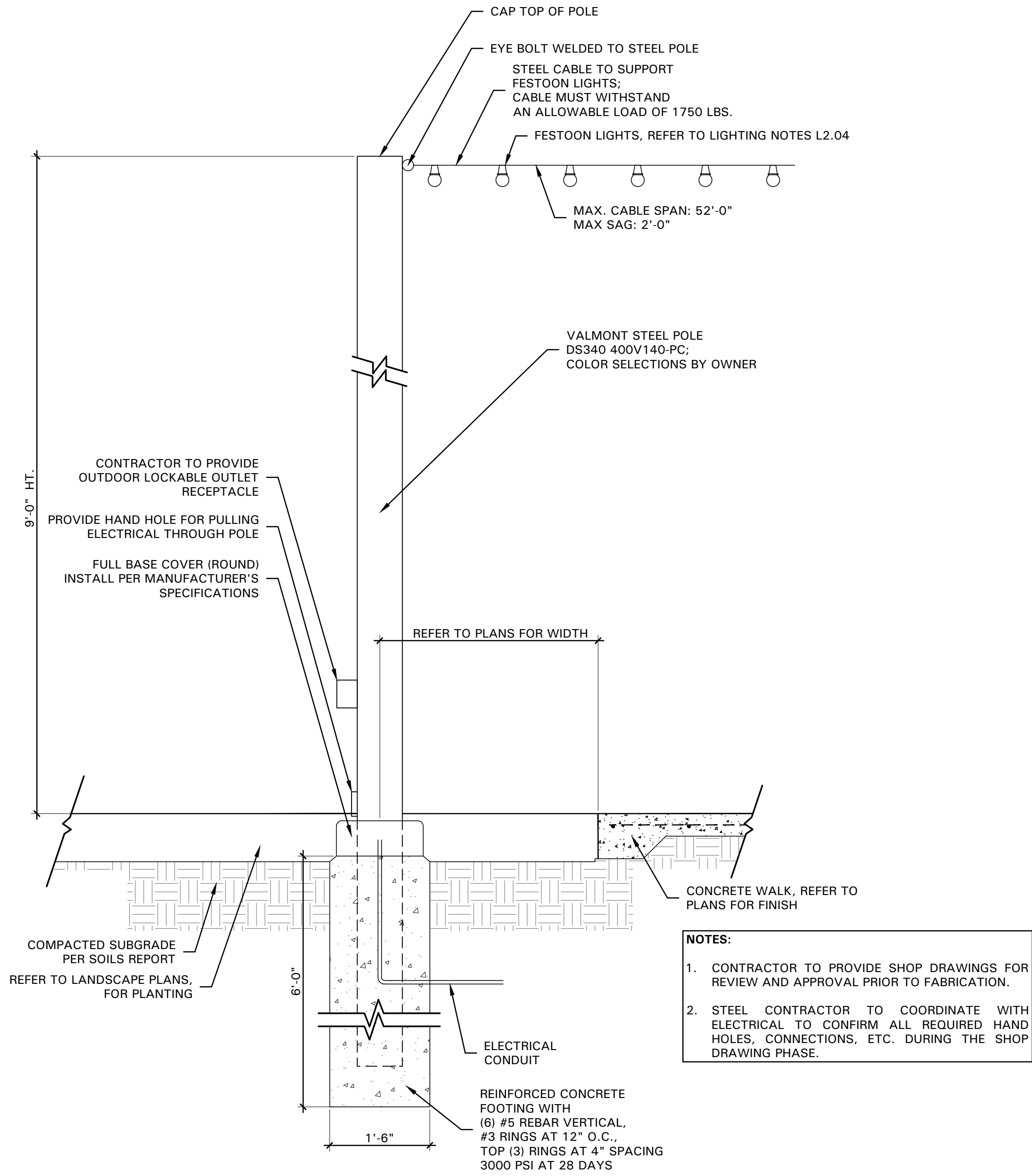
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01 WOOD FENCE
SCALE: 1/2" = 1'-0"

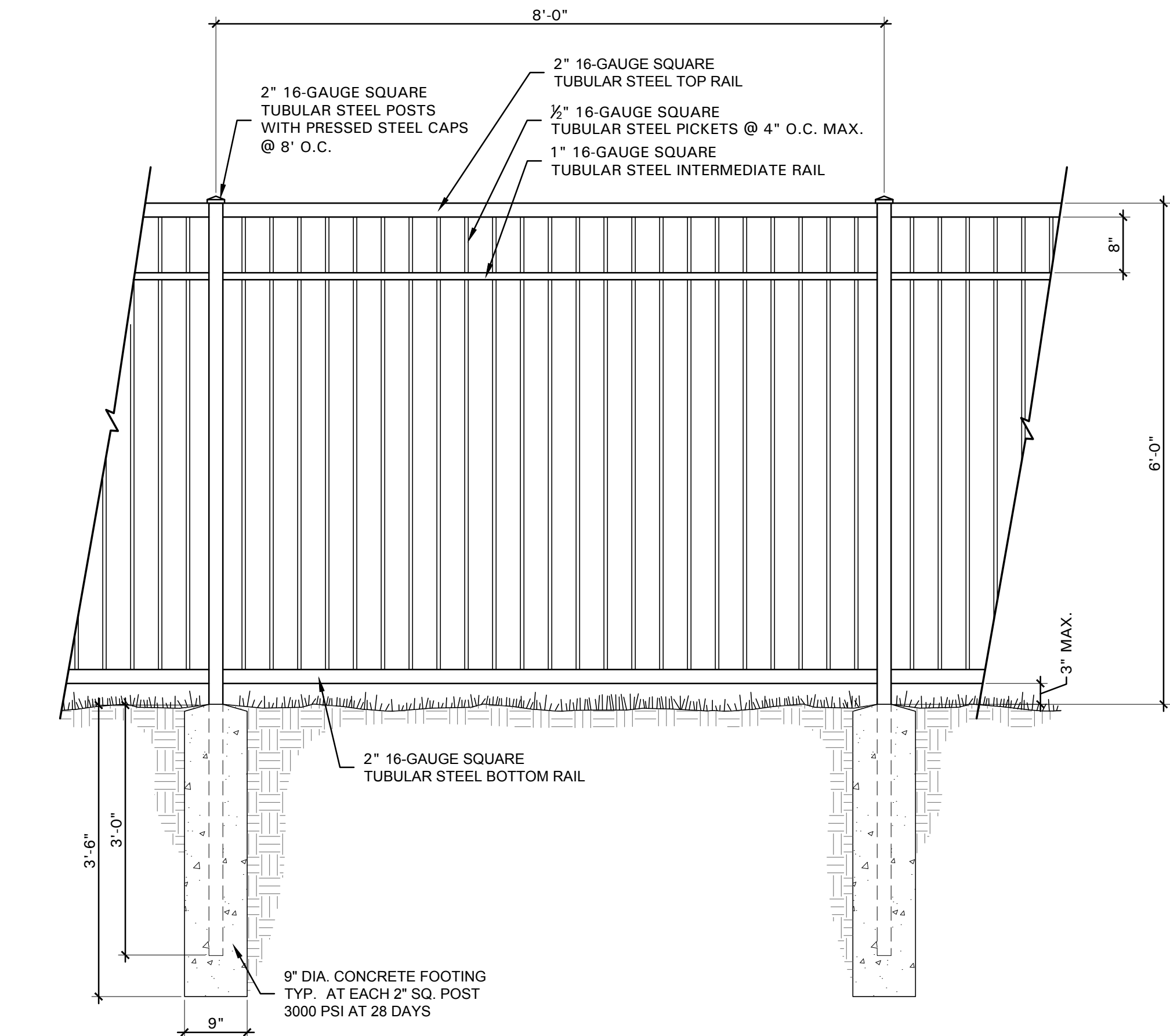


02 FESTOON LIGHTS
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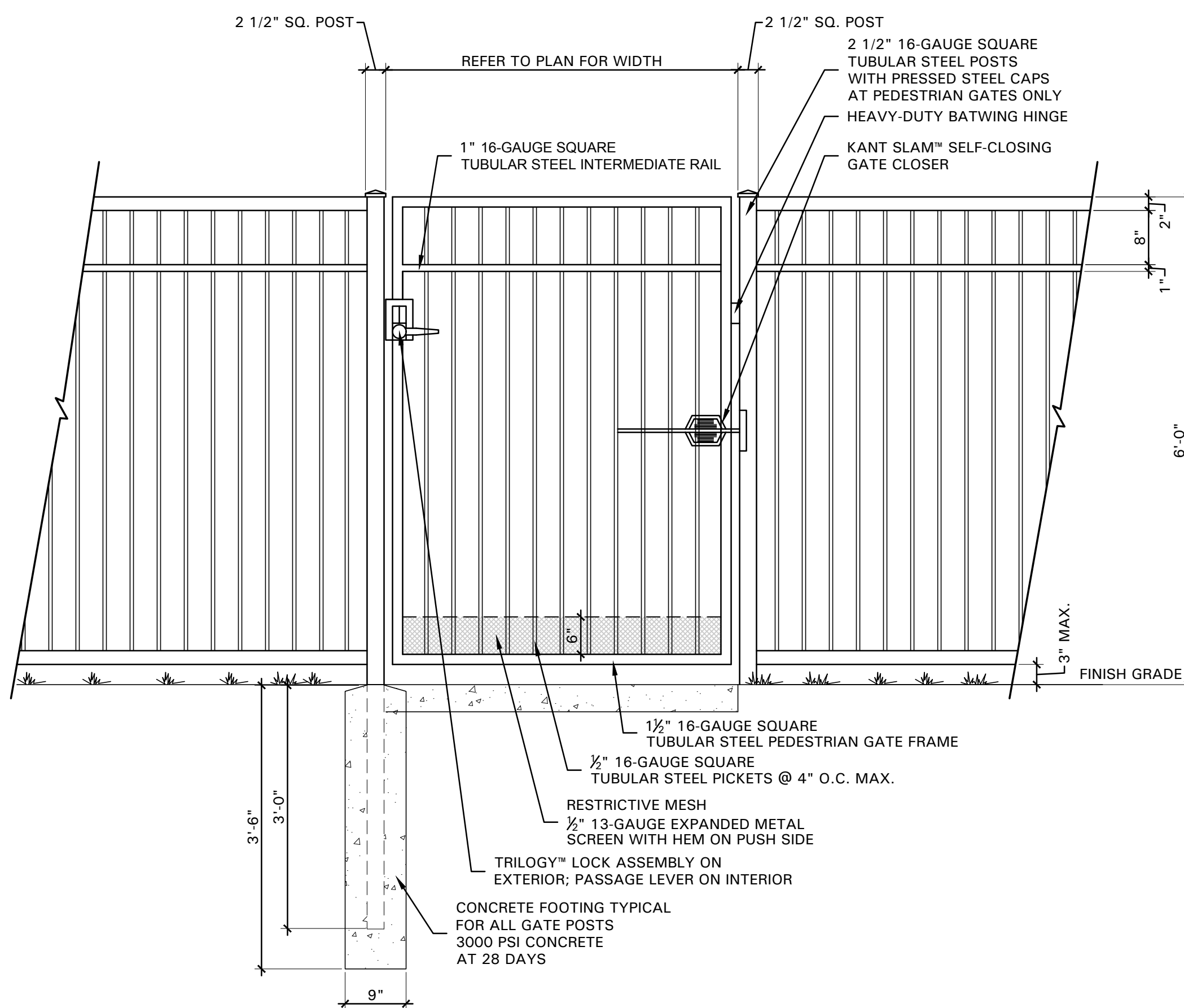




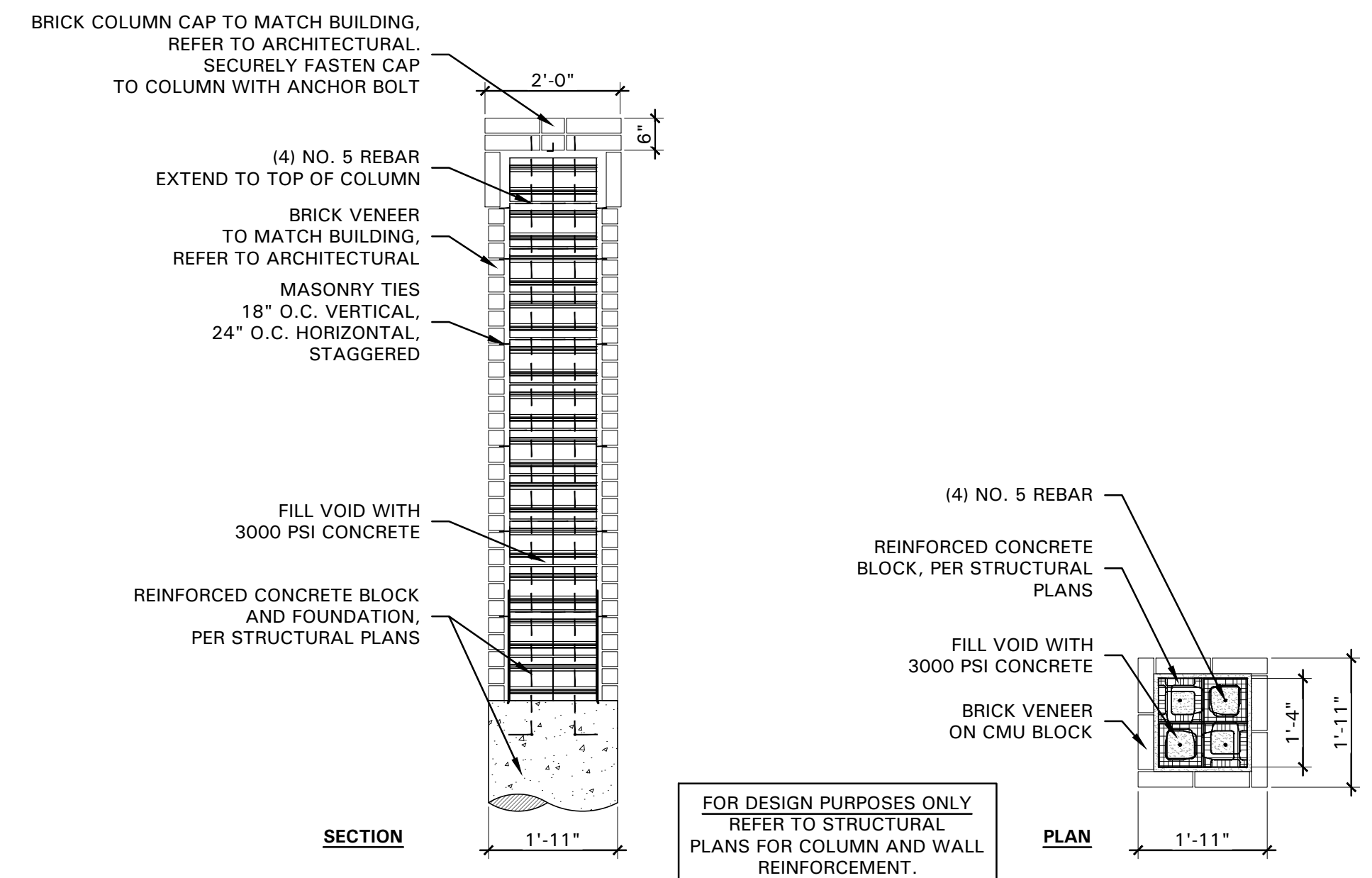
The Preserve
at
Spring Creek
Garland, Texas



01 METAL PERIMETER FENCE
SCALE: 3/4" = 1'-0"

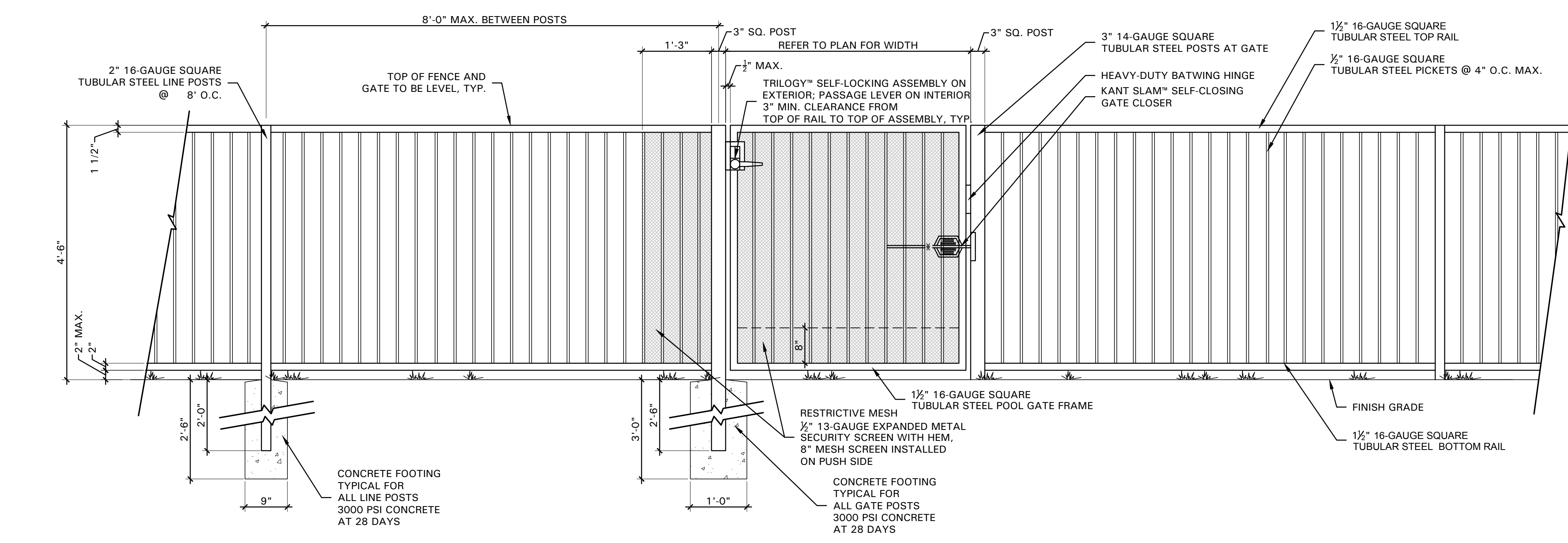


02 METAL PEDESTRIAN GATE
SCALE: 3/4" = 1'-0"

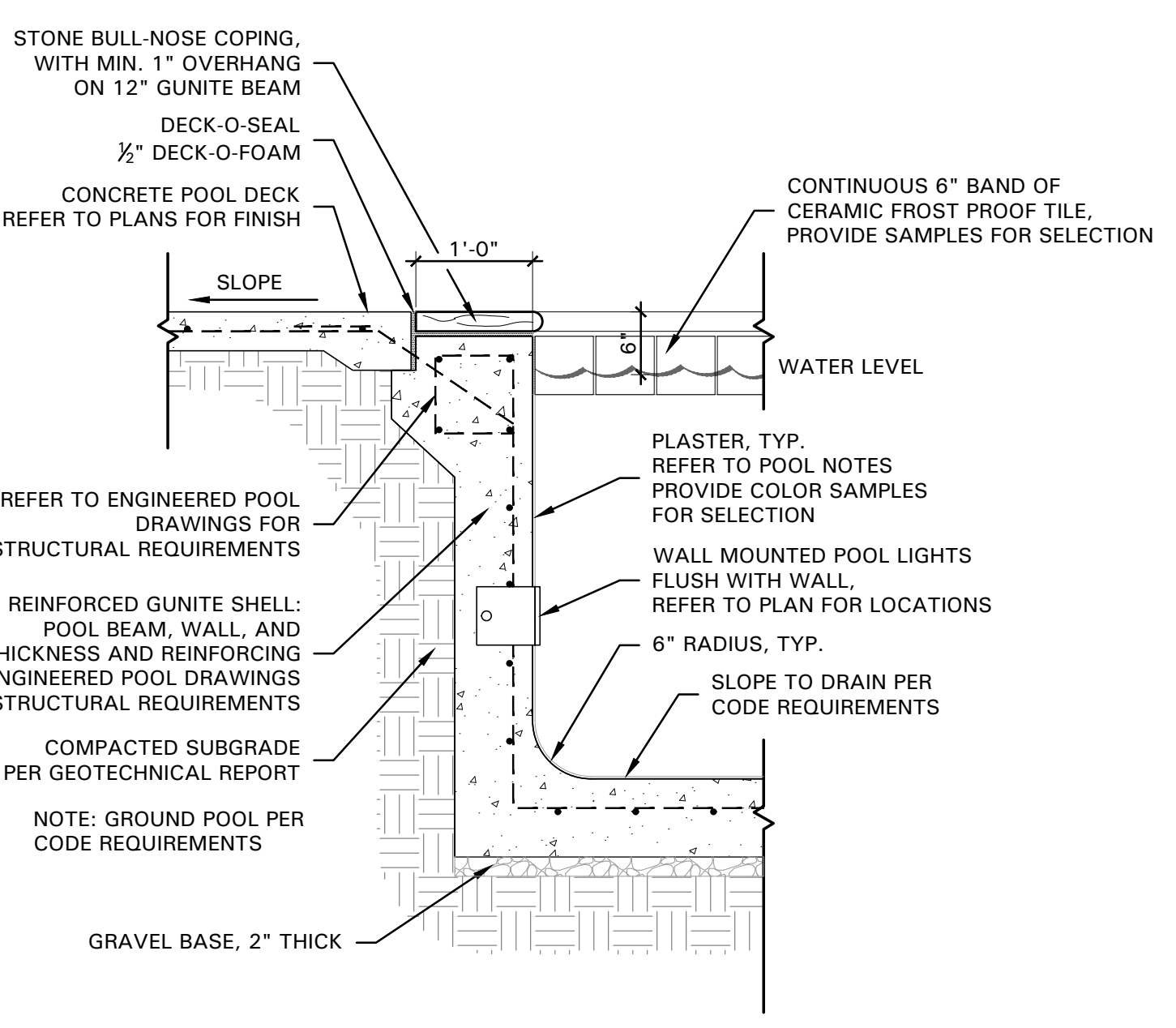


07 MASONRY FENCE COLUMN
SCALE: 1/2" = 1'-0"

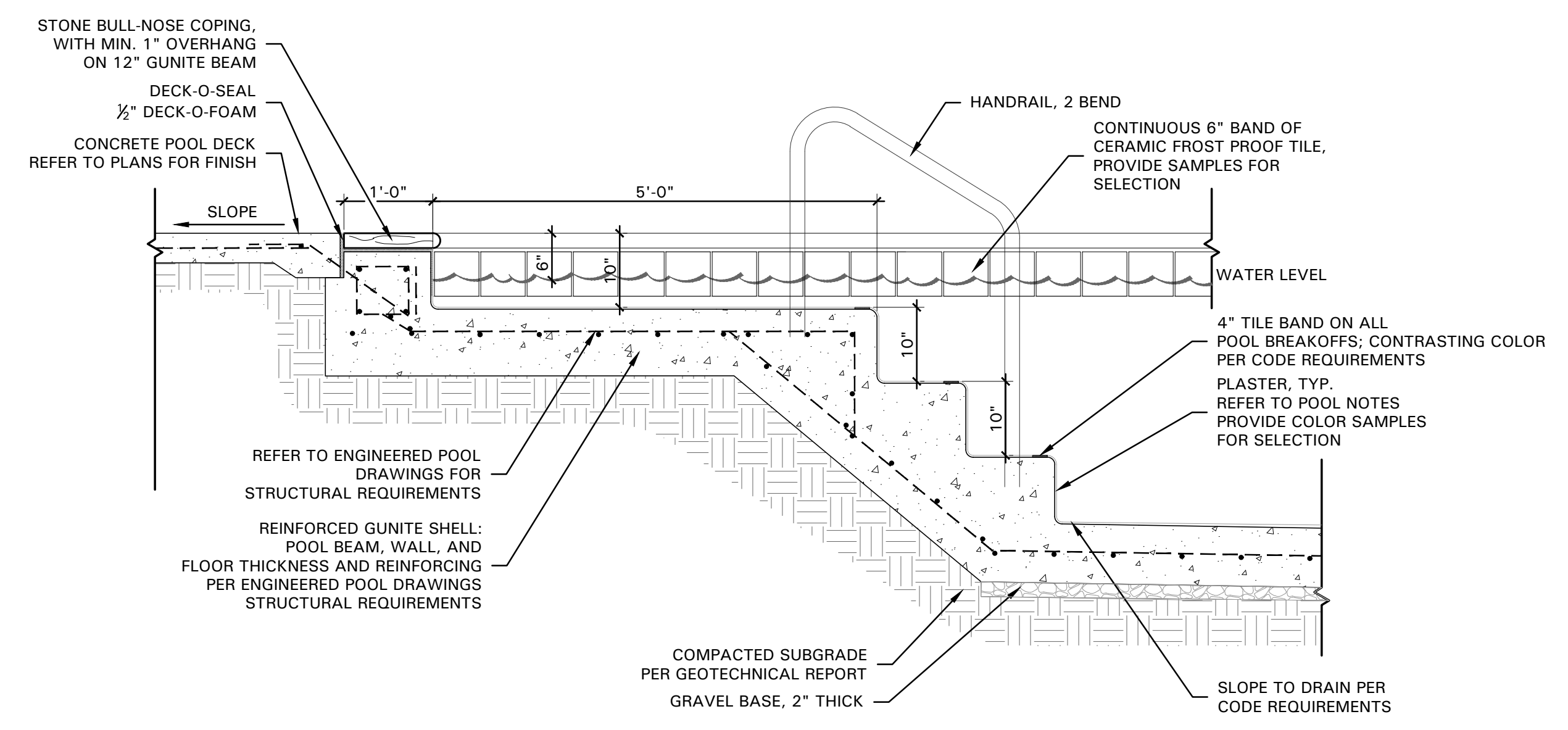
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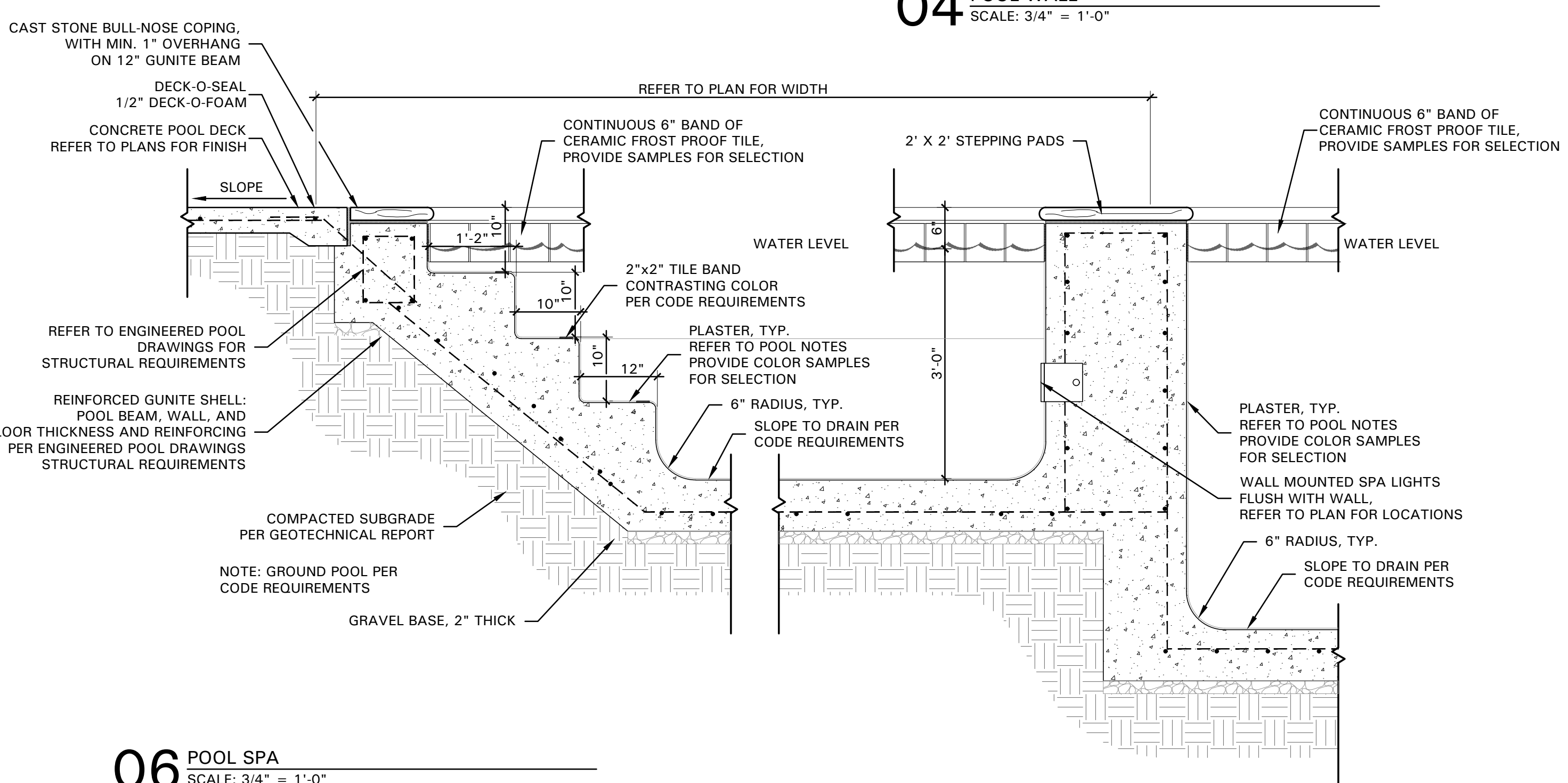
03 POOL FENCE AND GATE
SCALE: 3/4" = 1'-0"



04 POOL WALL
SCALE: 3/4" = 1'-0"



05 POOL STEPS
SCALE: 3/4" = 1'-0"



06 POOL SPA
SCALE: 3/4" = 1'-0"

CASE NUMBER
200915-2

Project Number: 20125
Issue Date: 01.07.2021
Drawn By: KAH
Checked By: KAH

Revisions	No.	Date:	Detail:
	1.	2/10/21	City Comments
	2.	3/31/21	City Comments
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	4.	5/06/21	City Comments

Sheet Title:

DETAILS

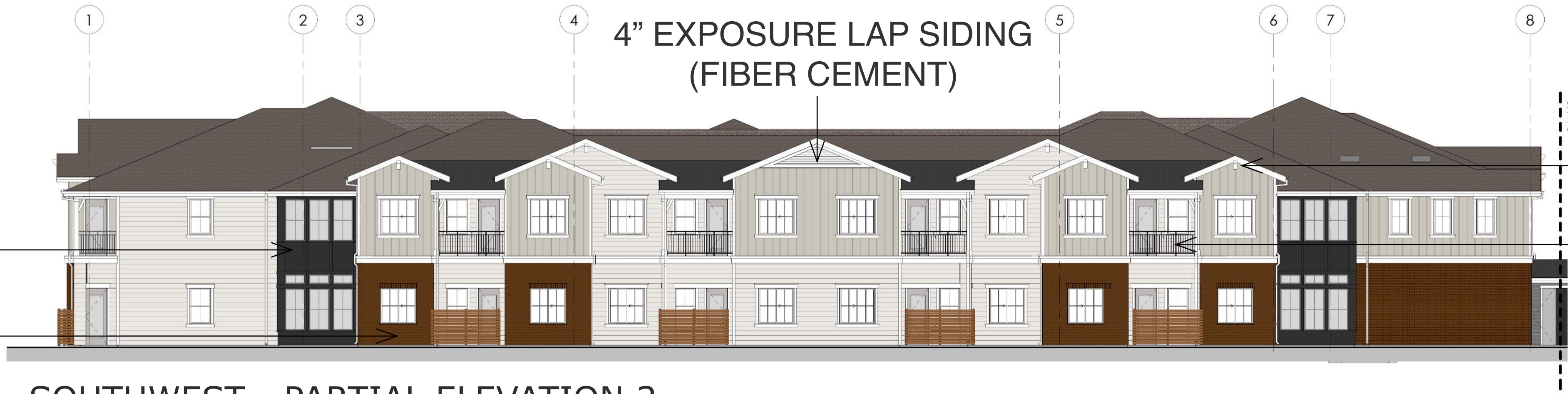
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L3.01



SMOOTH PANELS
(FIBER CEMENT)

BRICK VENEER



SOUTHWEST - PARTIAL ELEVATION 2

WOOD CORBEL

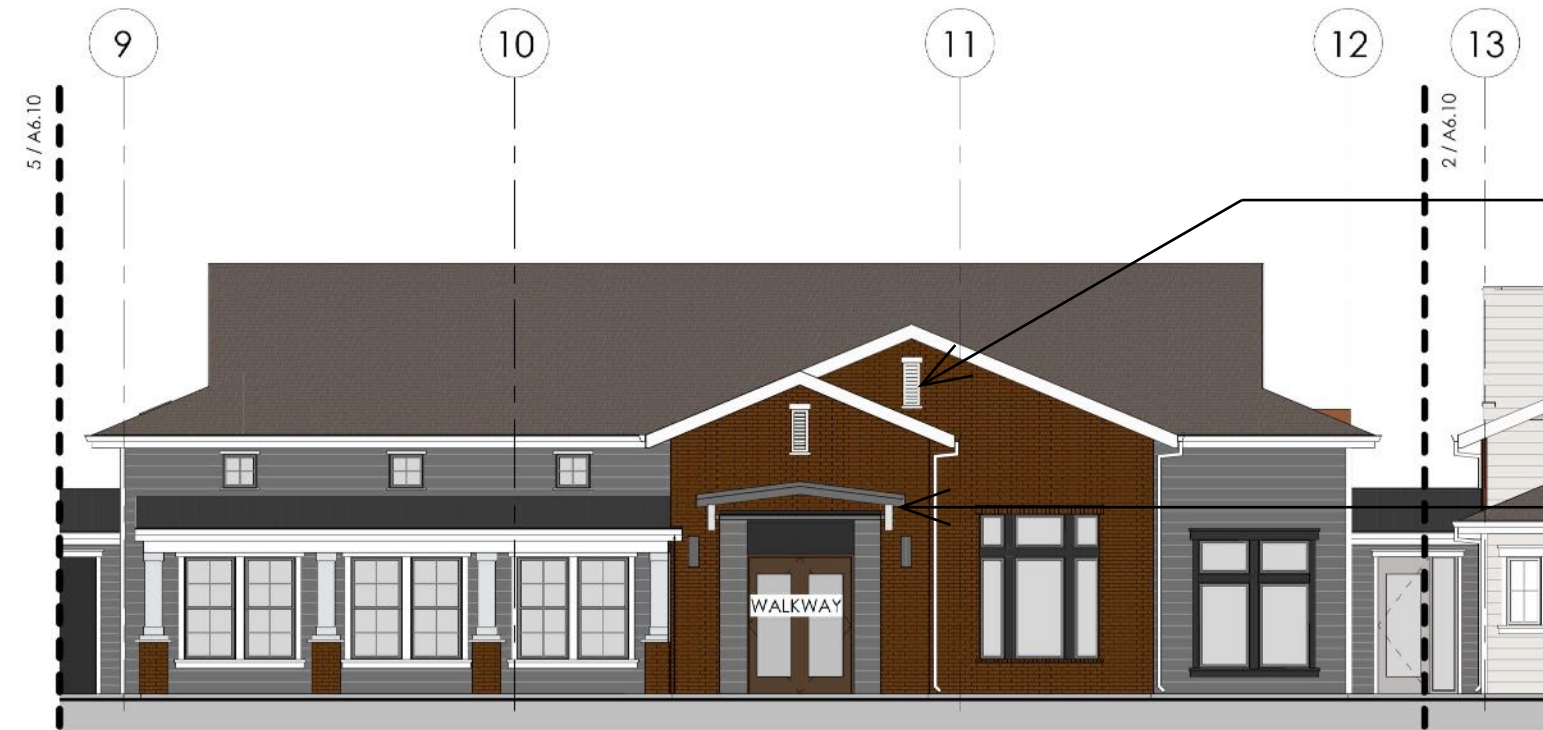
DECORATIVE
METAL RAILING

BOARD AND BATTEN SIDING
(FIBER CEMENT)

8" EXPOSURE LAP SIDING
(FIBER CEMENT)



PARTIAL ELEVATION - SOUTHEAST AT ENTRY



SOUTHWEST ELEVATION - ENTRY ELEVATION

DECORATIVE
LOUVER VENT

METAL ROOF

COMPOSITION
SHINGLE ROOFING



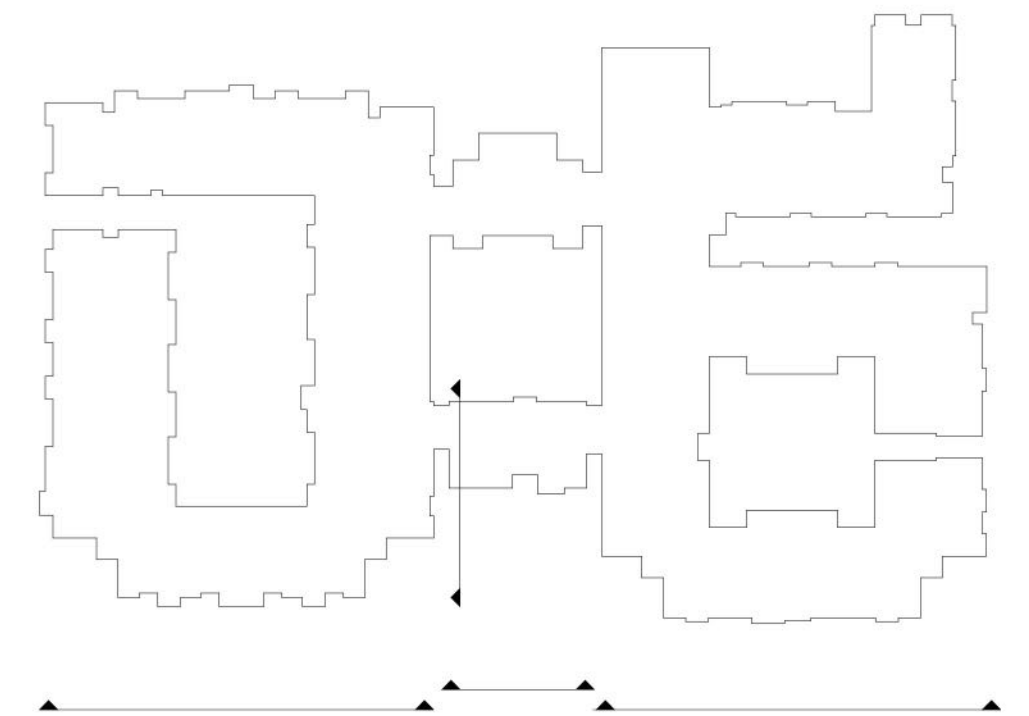
SOUTHWEST - PARTIAL ELEVATION 1

2 X 8 WOOD
FASCIA BOARD



OVERALL SOUTHWEST ELEVATION

KEY PLAN



SCHEMATIC ELEVATIONS | SOUTHWEST

SMOOTH PANELS
(FIBER CEMENT)

8" EXPOSURE LAP SIDING
(FIBER CEMENT)

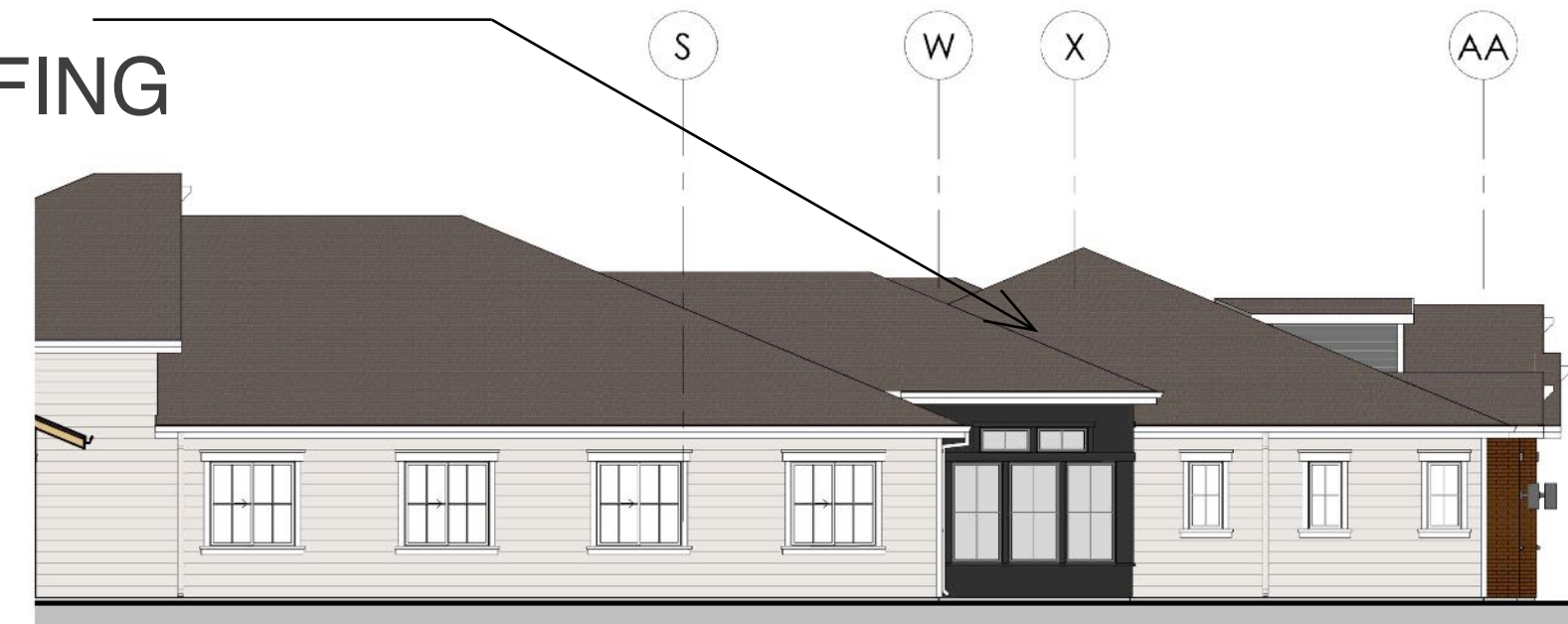
2 X 8 WOOD
FASCIA BOARD

DECORATIVE
METAL RAILING

SOUTHEAST - PARTIAL ELEVATION 1

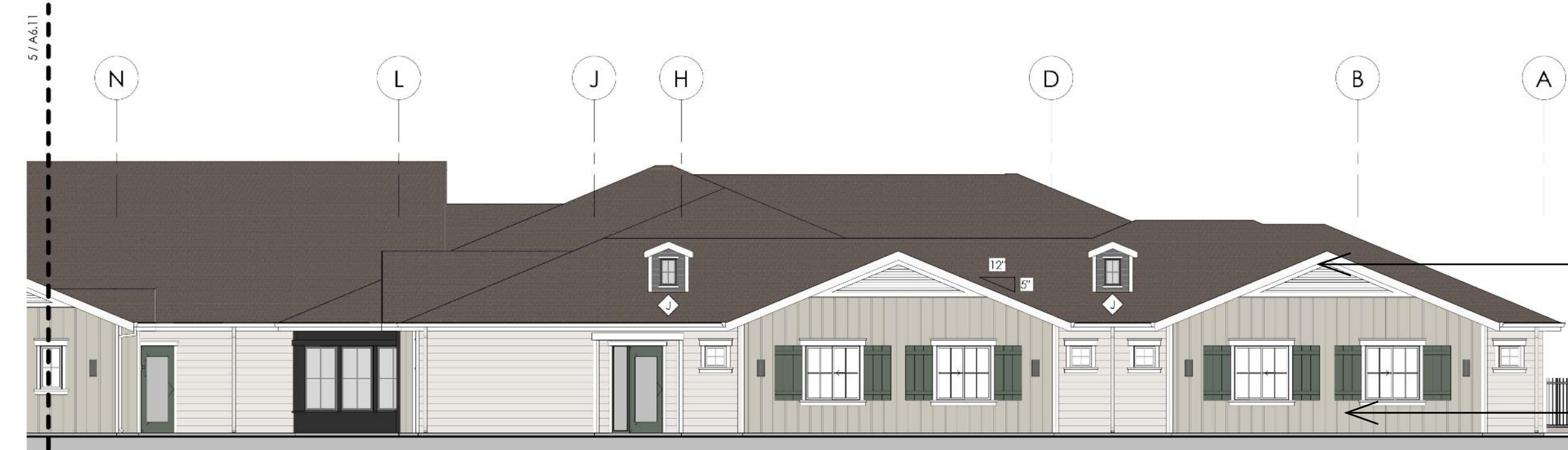
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COMPOSITION
SHINGLE ROOFING



PARTIAL ELEVATION - NW AT ENTRY

4

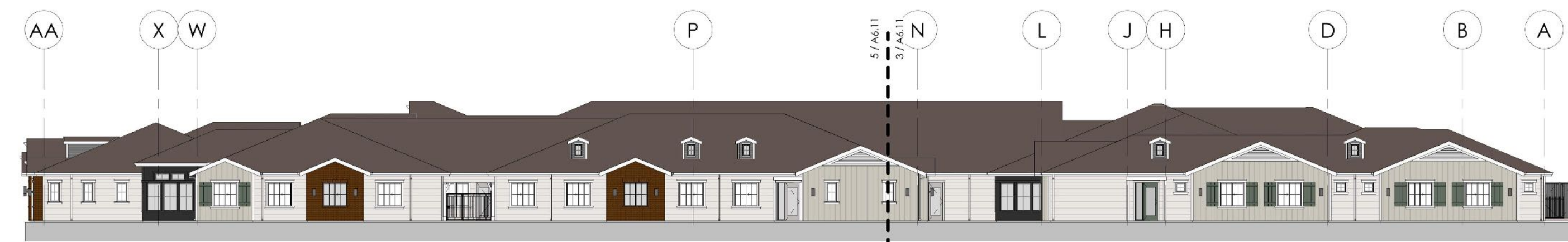


4" EXPOSURE LAP SIDING
(FIBER CEMENT)

BOARD AND BATTEN SIDING
(FIBER CEMENT)

SOUTHEAST ELEVATION - PARTIAL ENTRY ELEVATION 2

3



SOUTHEAST ELEVATION OVERALL

2

WOOD
CORBEL

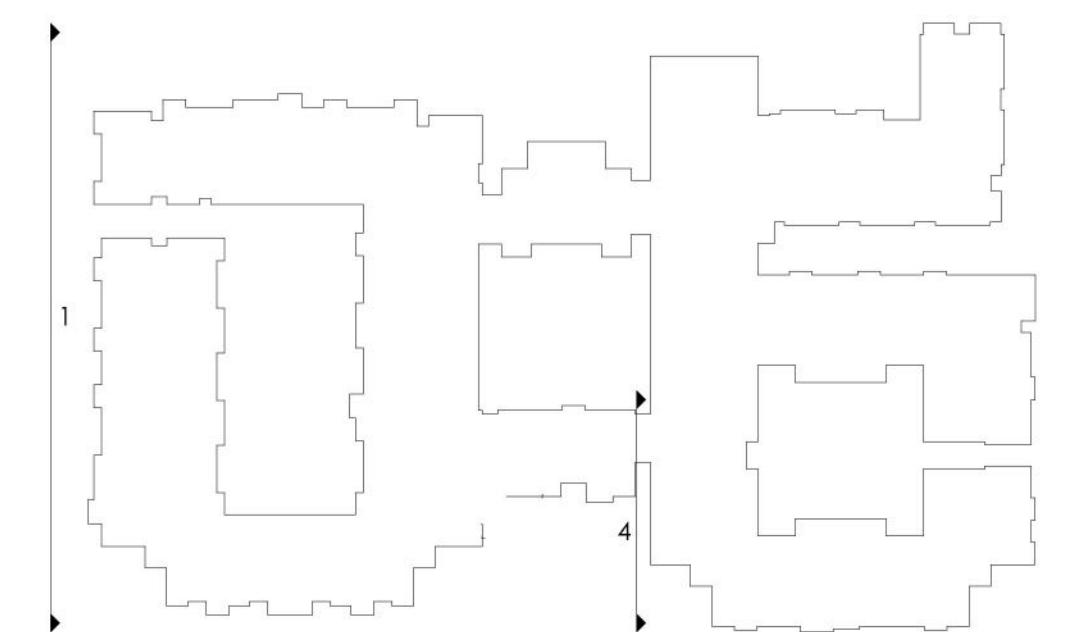
BRICK VENEER



NORTHWEST ELEVATION

1

KEY PLAN



SCHEMATIC ELEVATIONS | SOUTHEAST

SPRING CREEK
SENIOR LIVING, LLC

THE PRESERVE AT SPRING CREEK

CITY OF GARLAND, TEXAS

© 2004 - 2020 JEFFREY DEMURE + ASSOCIATES ARCHITECTS PLANNERS, INC.

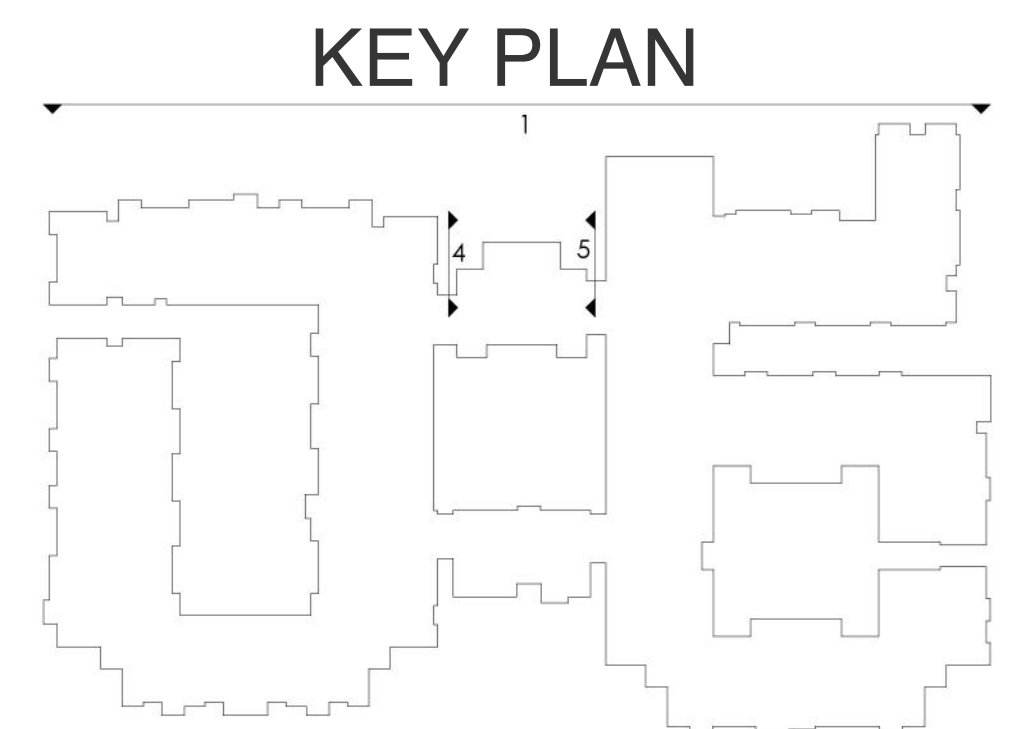
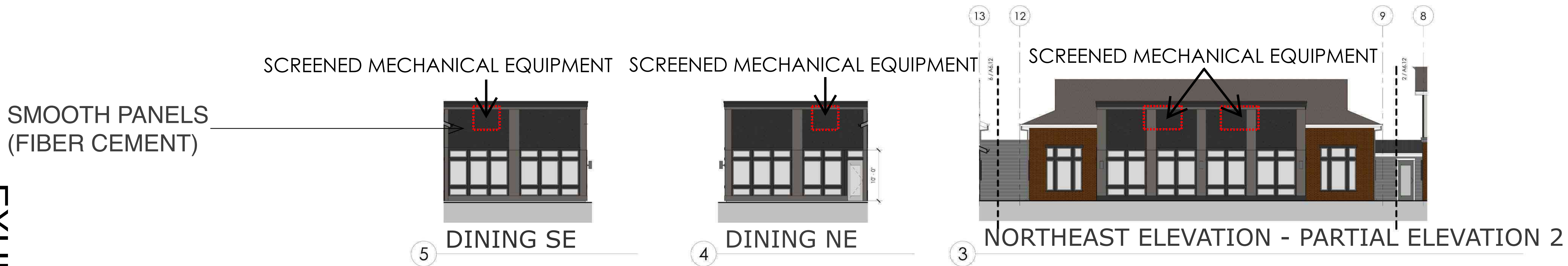
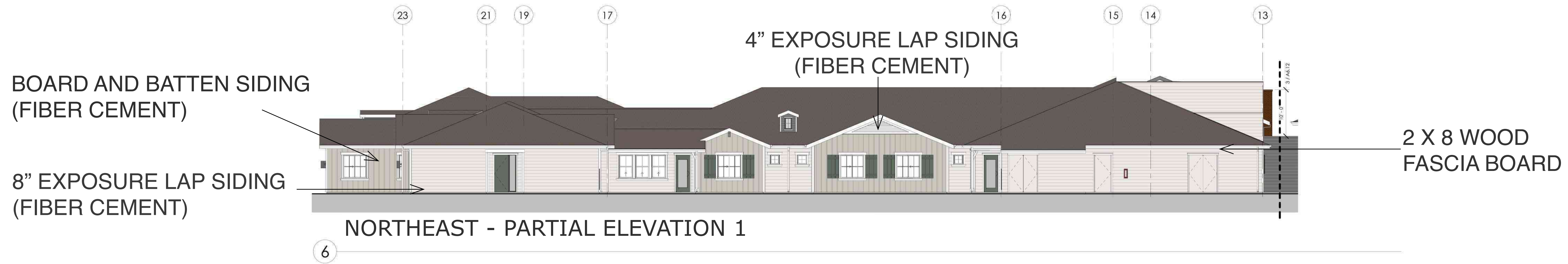
This rendering is an artist's interpretation of the building. The actual building and site may vary.

5805 GRANITE LAKE DRIVE | GRANITE BAY | CALIFORNIA, 95746 | 916.783.3700 | WWW.JDAARCH.COM

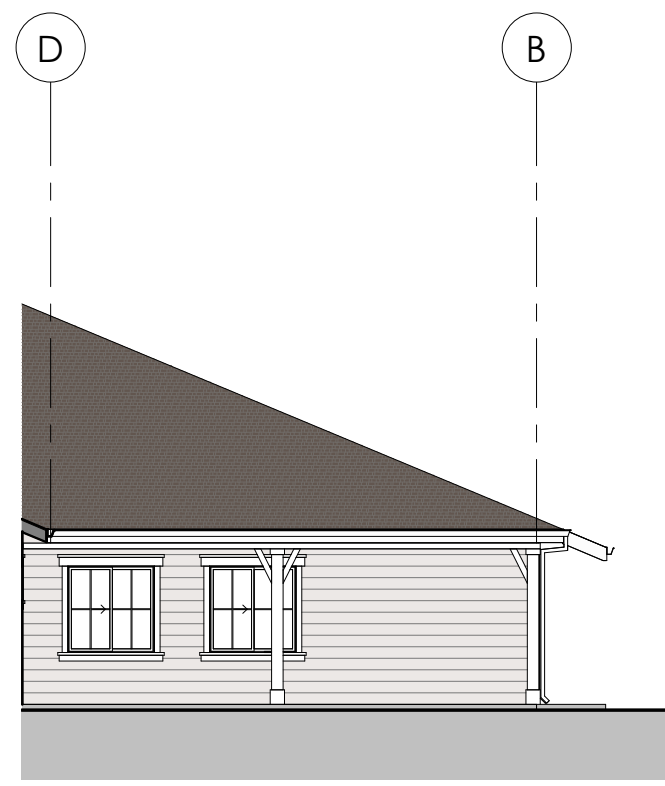


JD+A JOB NUMBER: 20121
DATE: 05.06.2021

A3.3

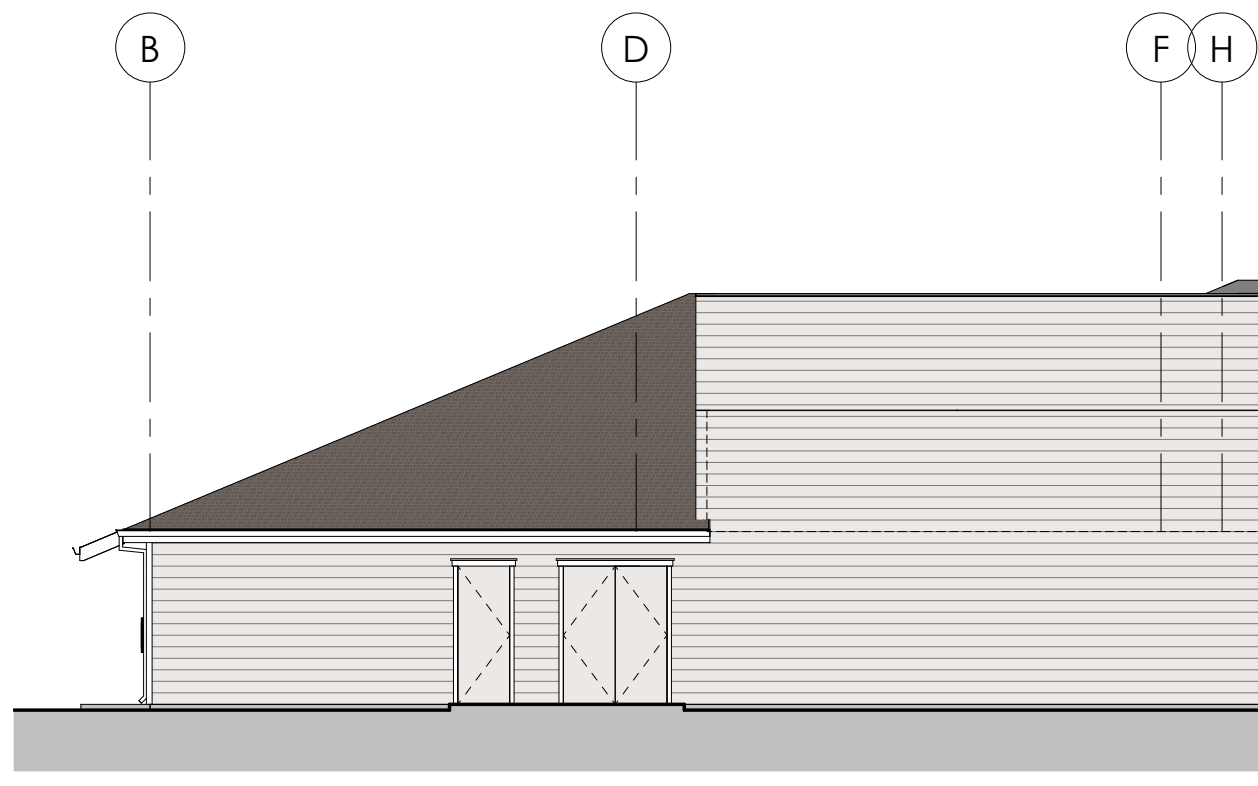


SCHEMATIC ELEVATIONS | NORTHEAST



BACK OF HOUSE WALKWAY

7



BACK OF HOUSE

6



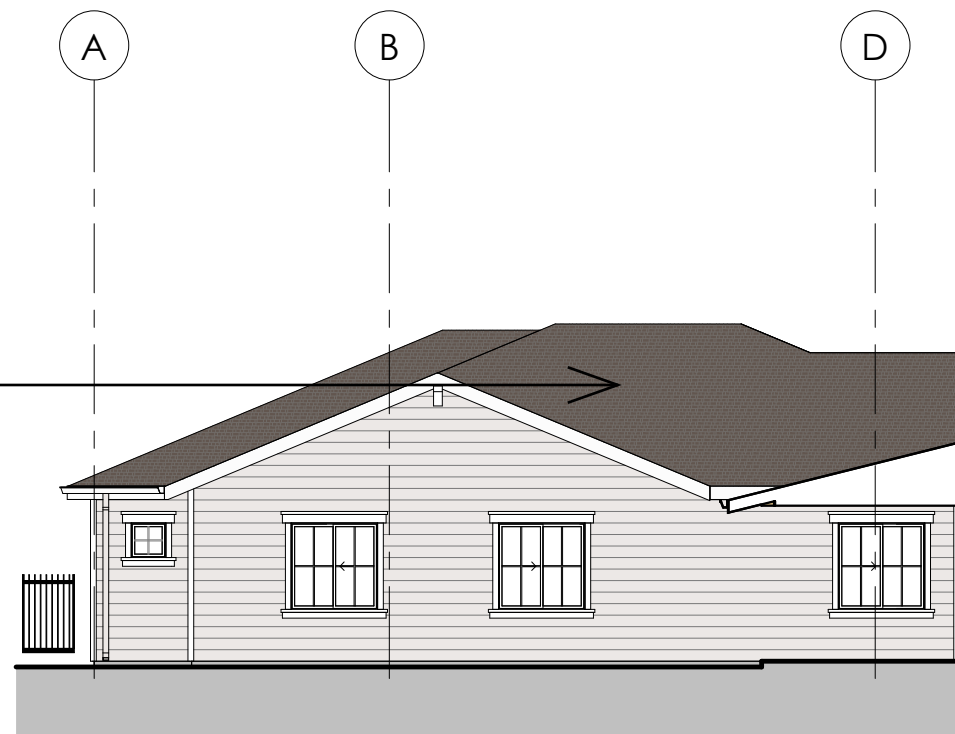
SIDE ELEVATION AT NORTH EAST SIDE

5

WOOD CORBEL

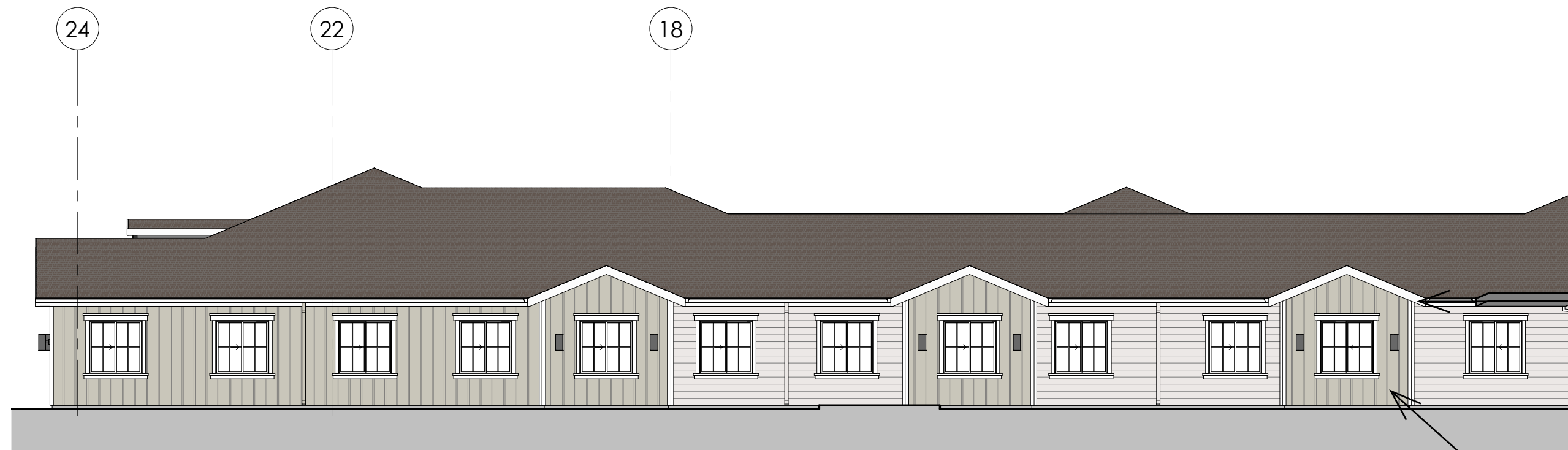
BRICK VENEER

COMPOSITION
SHINGLE ROOFING



SPECIAL CARE WING NW

4



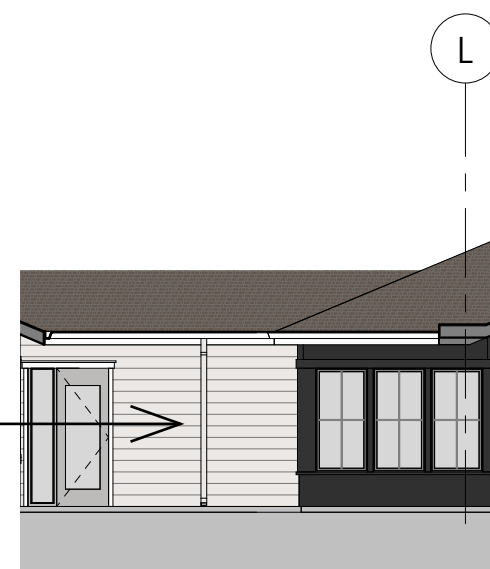
NORTHEAST ELEVATION AT AL WING

3

2 X 8 WOOD
FASCIA BOARD

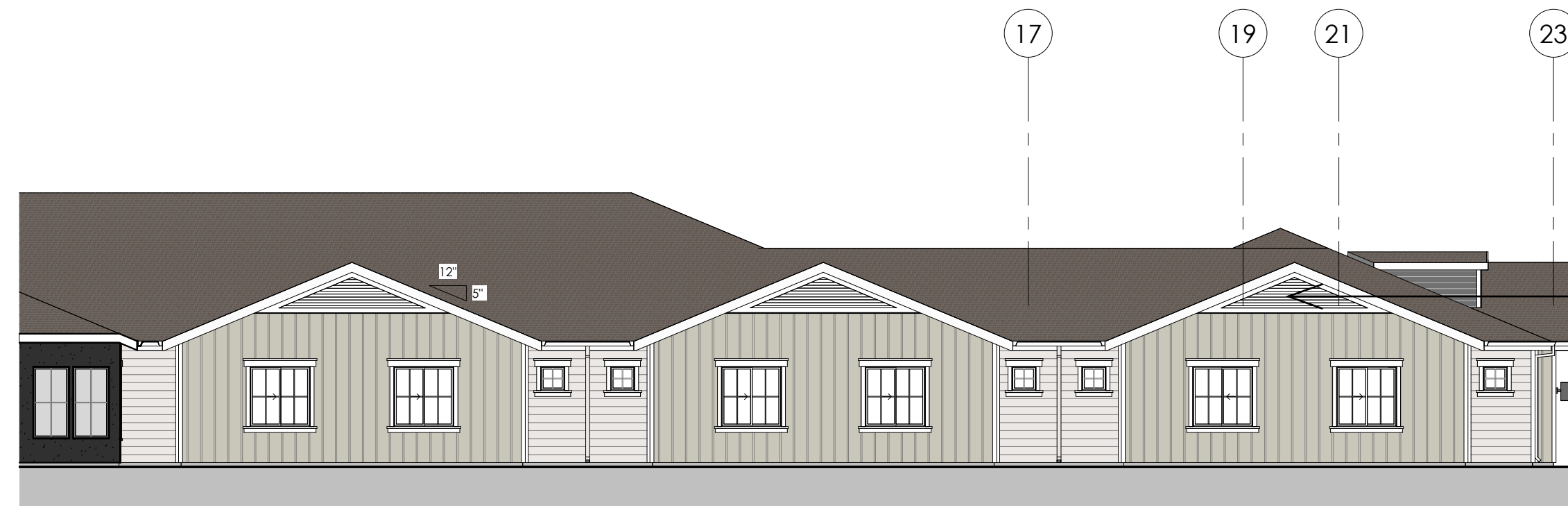
BOARD AND BATTEN SIDING
(FIBER CEMENT)

8" EXPOSURE LAP SIDING
(FIBER CEMENT)



NORTHWEST ELEVATION

2

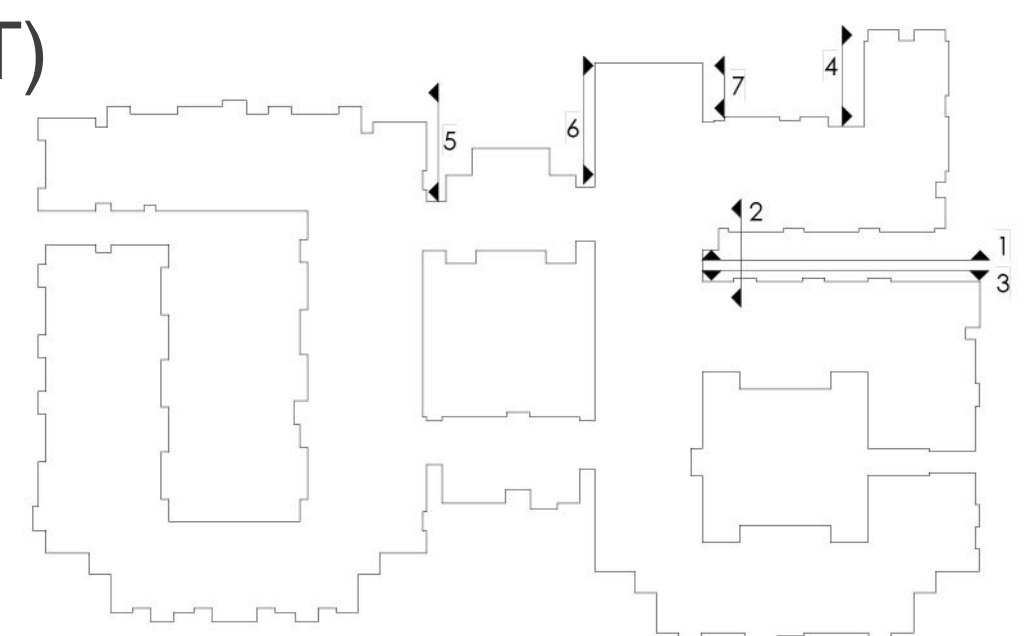


SOUTHWEST ELEVATION SPECIAL CARE WING

1

4" EXPOSURE
LAP SIDING
(FIBER CEMENT)

KEY PLAN



SCHEMATIC ELEVATIONS | SPECIAL CARE & AL

BOARD AND BATTEN SIDING
(FIBER CEMENT)

8" EXPOSURE LAP SIDING
(FIBER CEMENT)

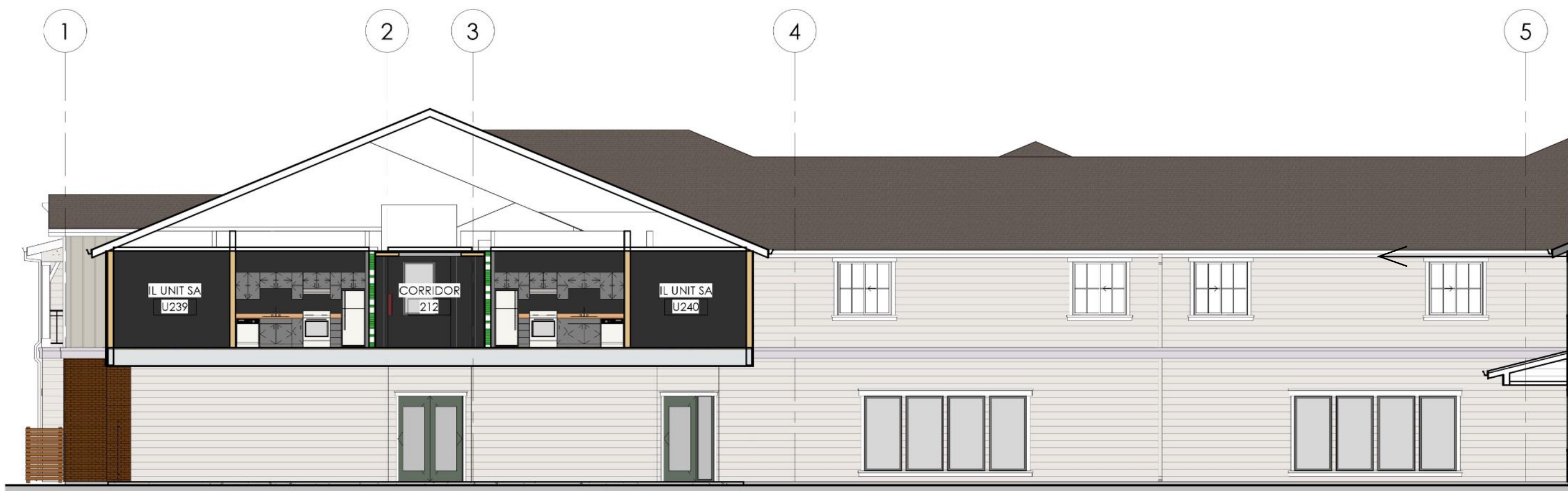
WOOD CORBEL
DECORATIVE
METAL RAILING



IL COURTYARD - NORTHWEST



IL COURTYARD - NORTHWEST



IL COURTYARD - NORTHEAST

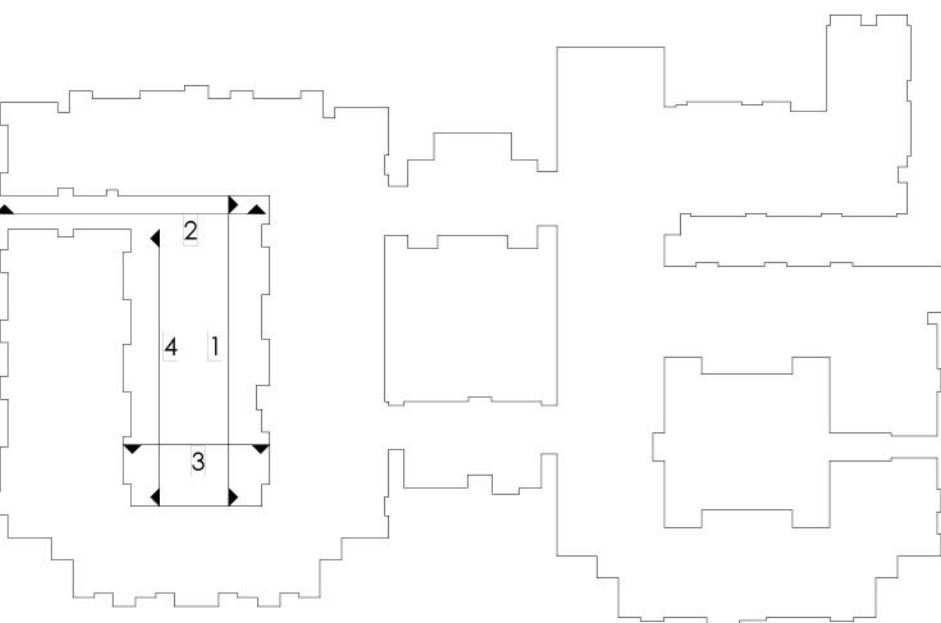
2 X 8 WOOD
FASCIA BOARD

COMPOSITION
SHINGLE ROOFING



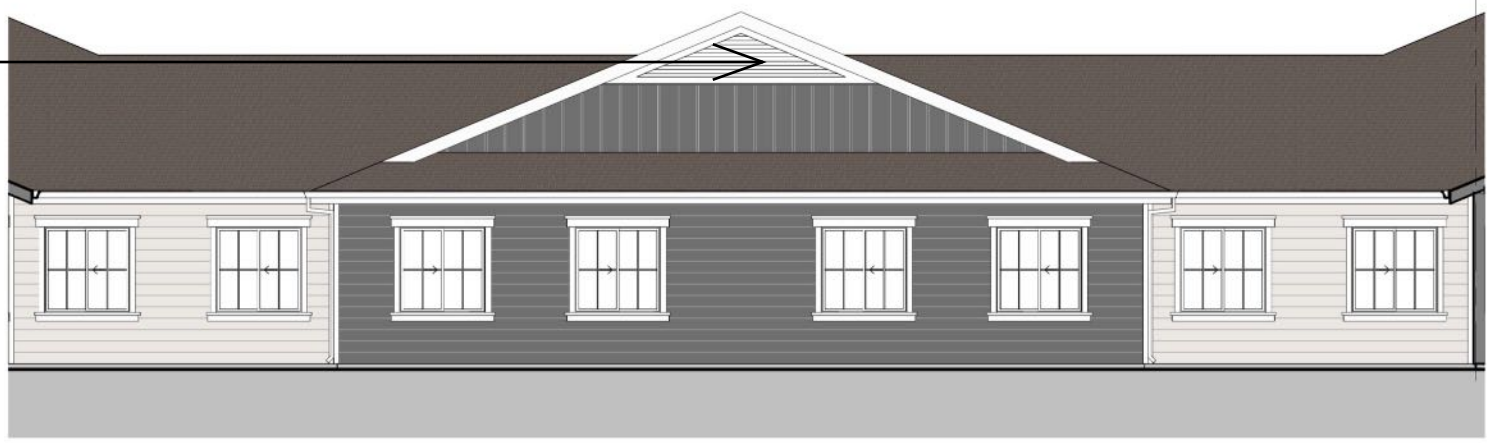
IL COURTYARD - SOUTHEAST

KEY PLAN



SCHEMATIC ELEVATIONS | IL COURTYARD

4" EXPOSURE LAP SIDING
(FIBER CEMENT)

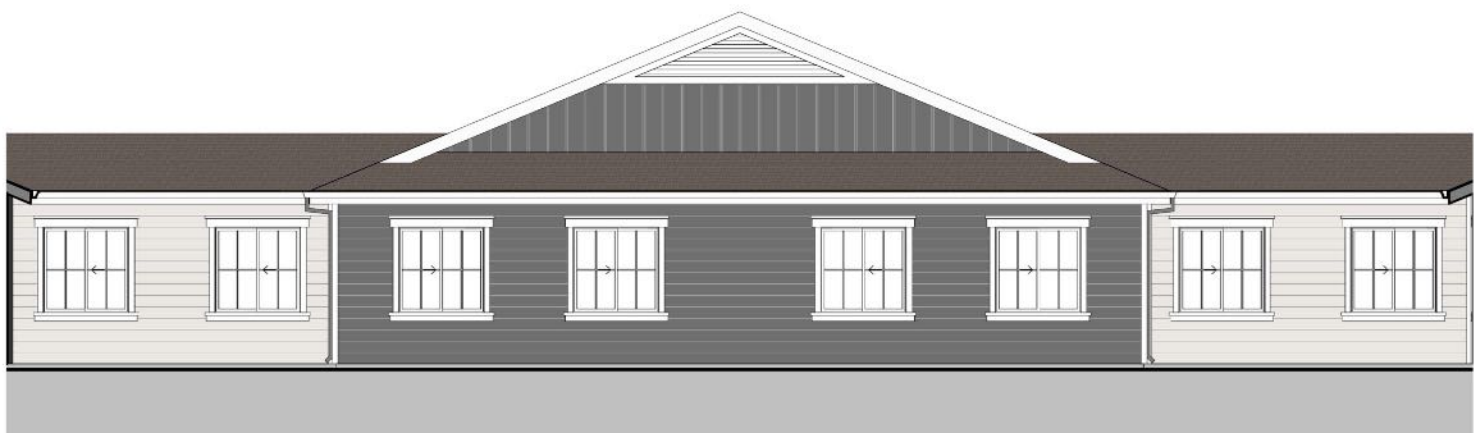


5 AL COURTYARD NORTHEAST ELEVATION

COMPOSITION
SHINGLE ROOFING



6 AL COURTYARD SOUTHEAST ELEVATION



7 AL COURTYARD SOUTHWEST ELEVATION

WOOD CORBEL



8 AL COURTYARD NORTHWEST ELEVATION



1 CENTRAL COURTYARD NORTHEAST ELEVATION

DECORATIVE
LOUVER VENT

BRICK VENEER



2 CENTRAL COURTYARD SOUTHEAST ELEVATION

8" EXPOSURE LAP SIDING
(FIBER CEMENT)



3 CENTRAL COURTYARD SOUTHWEST ELEVATION

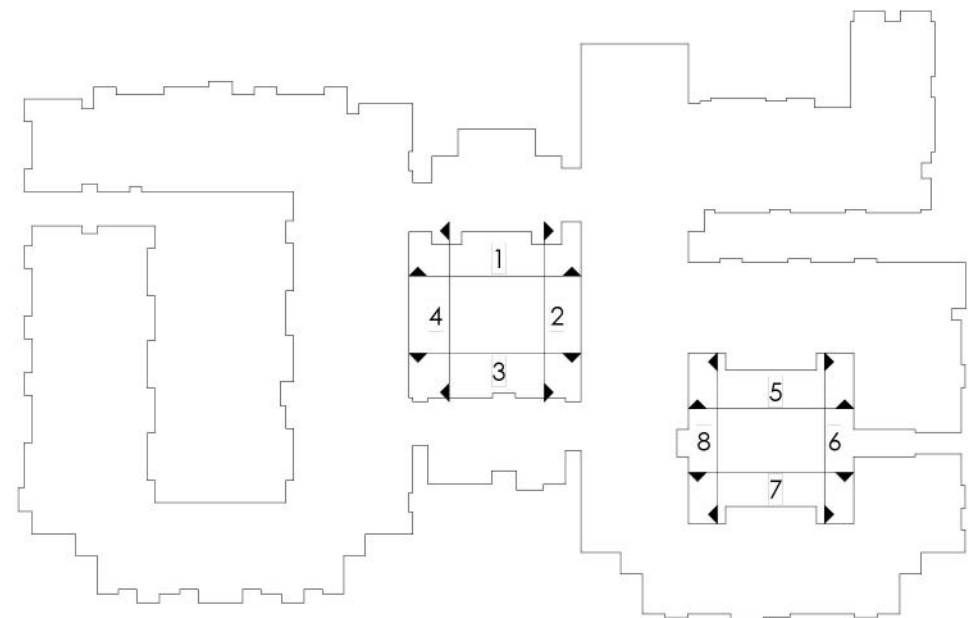
2 X 8 WOOD
FASCIA BOARD



4 CENTRAL COURTYARD NORTHWEST ELEVATION

BOARD AND
BATTEN SIDING
(FIBER CEMENT)

KEY PLAN



SCHEMATIC ELEVATIONS | AL & CENTRAL COURTYARD

EXHIBIT E



SPRING CREEK
SENIOR LIVING, LLC

THE PRESERVE AT SPRING CREEK

CITY OF GARLAND, TEXAS

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RENDERING | PORTE COCHERE



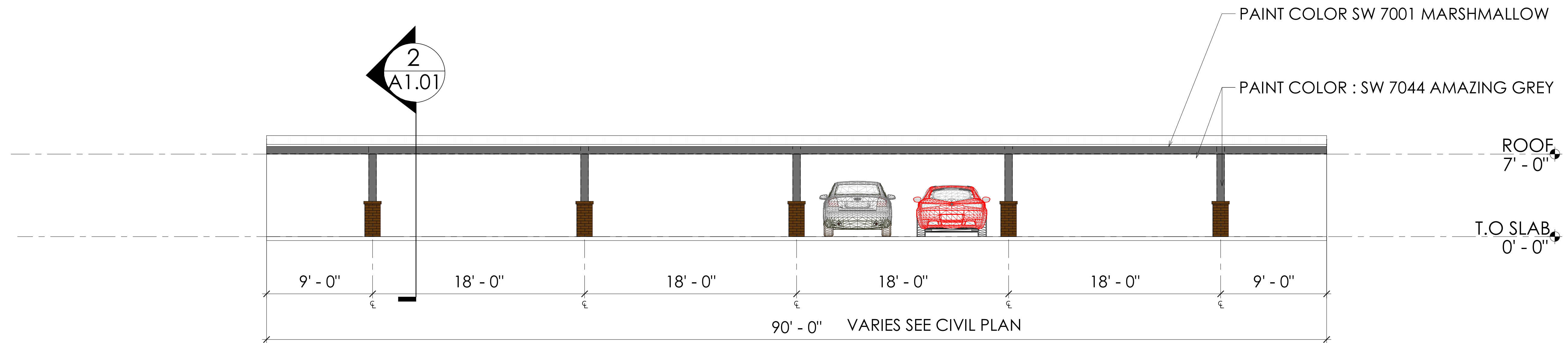
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DATE: 05.06.2021

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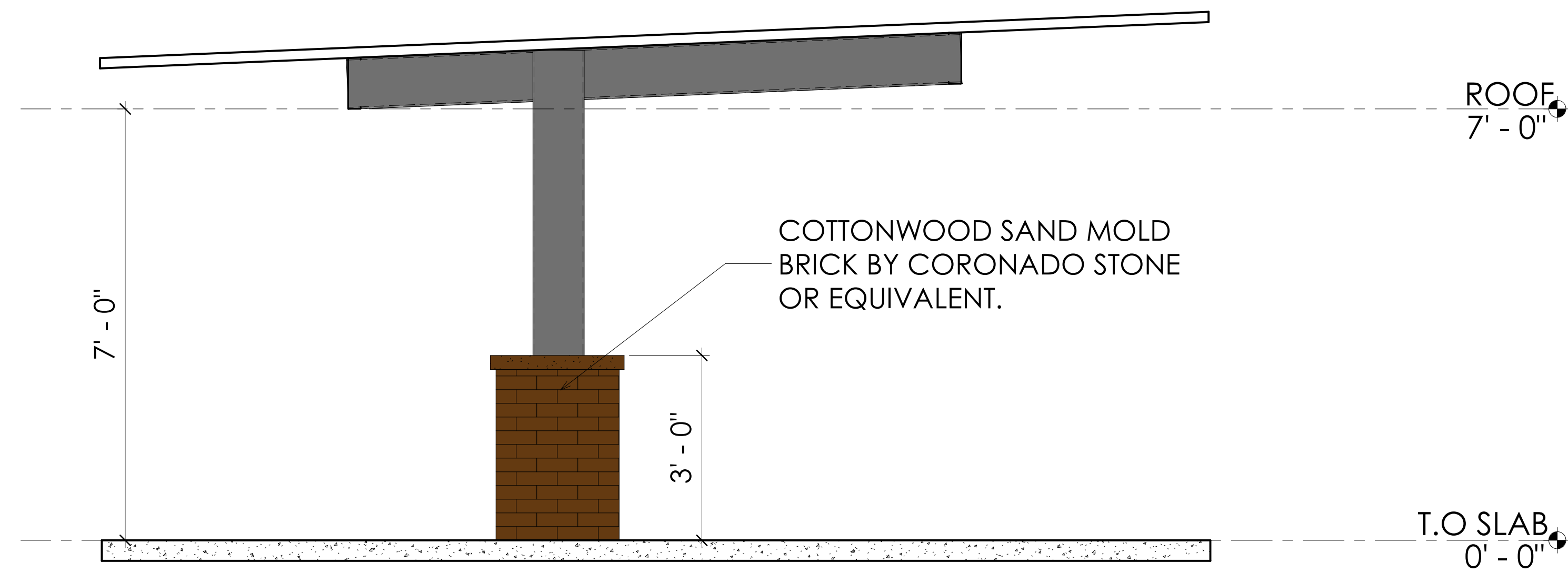
5805 GRANITE LAKE DRIVE | GRANITE BAY | CALIFORNIA, 95746 | 916.783.3700 | WWW.JDAARCH.COM

This rendering is an artist's interpretation of the building. The actual building and site may vary.

NOTE: SEE CIVIL PLAN FOR CARPORT
SIZE AND LOCATIONS



1 NORTH ELEVATION
Scale: 1/4" = 1'-0"



2 SECTION 1
Scale: 3/4" = 1'-0"

EXHIBIT E



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

4.

Meeting Date: 07/06/2021

Item Title: Sale of Property - 111 McKinley Street

Submitted By: Corey Worsham, Tax Administrator

Summary of Request/Problem

At the June 7, 2021 Work Session, Council was briefed on the potential sale of property located at 111 McKinley Street. The City of Garland has received an unsolicited offer from Jose G. Lopez related to the purchase of City owned property obtained through a 2010 Sheriff's Sale. Jose G. Lopez has presented an offer of \$32,000.00 for the property. The City of Garland will receive \$7,561.20 from the proceeds of this sale.

Recommendation/Action Requested and Justification

Staff recommends that the City Council accept the offer and sell the property to Jose G. Lopez. This property has been held by the City of Garland since December of 2010 and pursuant to Section 34.05 of the Texas Property Tax Code it may be resold to a private entity with approval of the governing body.

Attachments

111 Mckinley Resolution

111 Mckinley Offer

111 Mckinley Deed

111 Mckinley Picture and Map

RESOLUTION NO. _____

A RESOLUTION AGREEING TO THE SALE OF CERTAIN PROPERTY LOCATED WITHIN THE CITY OF GARLAND AND OWNED BY TAXING AUTHORITIES INCLUDING THE CITY OF GARLAND AS THE RESULT OF A TAX SALE; AUTHORIZING THE MAYOR TO EXECUTE A DEED WITHOUT WARRANTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, taxing entities including the City of Garland, Texas, have become owners of certain real property by virtue of a foreclosure sale conducted pursuant to an order of the 193rd Judicial District Court of Dallas County, Texas in cause number TX08-40199, and

WHEREAS, it is to the benefit of all taxing entities that the property ultimately be returned to the tax rolls

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

Section 1

That City does hereby consent to the sale of property commonly known as 111 Mckinley Street, situated in the City of Garland, County of Dallas, State of Texas to wit:

LOT 73, R.E. SUMNERS ADDITION, aka 111 McKINLEY, CITY OF GARLAND, DALLAS COUNTY, TEXAS (the "Property").

Section 2

That the Mayor is hereby authorized to execute a deed without warranty in the form and substance of that attached hereto as Exhibit "A".

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 _____, 2021.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



J. DOUGLAS BURNSIDE
Attorney at Law
1919 S. Shiloh Rd, Ste 310, LB 40
Garland, Texas 75042
p: 972-278-8282
f: 972-278-8222
w: www.pbfcmlaw.com

November 13, 2019

Mr. Corey Worsham
Tax Assessor/Collector
City of Garland
217 N. 5th Street
Garland, Texas 75040

Via electronic-mail

Re: Offer from Jose G. Lopez to purchase
111 McKinley Street, Garland, Texas

Dear Mr. Worsham:

Jose G. Lopez has offered to purchase 111 McKinley Street, Garland, Texas (LOT 73, R.E. SUMNERS ADDITION, aka 111 MCKINLEY, CITY OF GARLAND, DALLAS COUNTY, TEXAS) for \$32,000.00. In addition to that amount, all post-judgment taxes for the year 2010 will be paid at closing. The total amount of post-judgment taxes will be approximately \$777.47 of which the City of Garland will receive approximately \$216.61.

This property was sold at a Sheriff's Sale on December 7, 2010 pursuant to delinquent tax collection suit number TX08-40199. There were no bidders and the property was struck off to the City of Garland for itself and on behalf of the other taxing jurisdictions.

The property's most recent value according to the Appraisal District is \$12,500.00. The property was struck off for the total judgment amount, \$17,157.91, which includes taxes, penalties and interest, abatement liens, costs of court, and costs of sale.

Pursuant to the Texas Property Tax Code, City reimbursement for post-sale maintenance, court costs and costs of sale must be paid first out of the proceeds of a resale. Those expenses and costs total \$3,903.13. The remainder would be distributed to the taxing jurisdictions pro-rata. A breakdown of amounts each taxing entity will receive is enclosed.

Because the sale price is greater than the total amount due under the Judgment, this sale meets the criteria of §34.05(h) and does not require the consent of the other taxing units in the Judgment.

If the City decides to accept this offer, enclosed for execution is a Special Warranty Deed our office prepared for this resale. When the Deed is executed, please return it to me so that I may finalize the transaction.

If you have any questions or need additional information, please do not hesitate to call me.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Douglas Burnside", is written on a light gray rectangular background.

J. Douglas Burnside

Enclosure

Exhibit A
Re-sale Disbursement Worksheet

CAD Acct #:	26587500000730000
Property address:	111 McKinley Street
Cause No.:	TX08-40199
Offer Amount:	\$32,000.00
DCAD Value:	\$12,500.00
Judgment Date:	February 4, 2010
Sheriff's Sale Date:	December 7, 2010
Judgment amount:	GISD 1996-2009 taxes \$7,185.49 (59.6%)
	City 1999-2009 taxes \$2,646.46 (22.0%)
	County 1998-2008 taxes \$2,211.25 (18.4%)
Total Judgment for Taxes:	\$12,043.20
Court costs:	\$2,344.95
Sheriff's fees for sale:	\$1,262.55
Publication fees for sheriff's sale, paid by Perdue Brandon:	\$295.63
Total Costs:	\$3,903.13

Funds to be disbursed as follows:

1.	Dallas County District Clerk	\$2,344.95
2.	Dallas County Sheriff	\$1,262.55
3.	Perdue Brandon Fielder Collins & Mott, LLP	\$295.63
4.	City of Garland (administrative fee)	\$1,500.00
5.	City of Garland (Pro-rata Judgment tax year distribution)	\$5,844.59
6.	Garland ISD (Pro-rata Judgment tax year distribution)	\$15,868.83
7.	Dallas County (Pro-rata Judgment tax year distribution)	\$4,883.45
	TOTAL Judgment Distribution	\$32,000.00

Post Judgment Distribution:

8.	City of Garland (Post Judgment tax year distribution)	\$216.61
9.	Garland ISD (Post Judgment tax year distribution)	\$369.25
10.	Dallas County (Post Judgment tax year distribution)	\$191.61
	TOTAL Post Judgment Distribution	\$777.47
	TOTAL Distribution	\$32,777.47

DEED WITHOUT WARRANTY

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

That the **City of Garland**, a Texas 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 **Jose G. Lopez, 414 N. Yale Drive, Garland, TX 75042** ("Grantee"), has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto Grantee that certain lot, tract, or parcel of land, commonly known as **111 McKinley Street**, situated in the City of Garland, County of Dallas, State of Texas, to wit:

LOT 73, R.E. SUMNERS ADDITION, aka 111 McKINLEY, CITY OF GARLAND, DALLAS COUNTY, TEXAS (the "Property").

This Deed Without Warranty is subject to:

- (i) any and all visible and apparent easements and encroachments, whether of record or not;
- (ii) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases, or other instruments of record applicable to the land or any part thereof;
- (iii) rights of the public to any portion of the above described property lying within the boundaries of dedicated or existing roadways or which may be used for road or street purposes;
- (iv) rights of parties in possession; and
- (v) any right of redemption as specified in Chapter 34, Subchapter B, Texas Property Tax Code.

It is understood and agreed that Grantor is not making any warranties or representations of any kind or character, express, implied or statutory, with respect to the Property, its physical condition or any other matter or thing relating to or affecting the Property and that the Property is being conveyed and transferred to Grantee "AS IS, WHERE IS, AND WITH ALL FAULTS." Grantor does not warrant or make any representations, express or implied, as to fitness for a particular purpose, merchantability, design, quantity, physical condition, operation compliance with specifications, absence of latent defects or compliance with laws and regulations (including, without limitation, those relating to zoning, health, safety and the environment) or any other matter affecting the Property.

THIS DEED IS MADE WITHOUT WARRANTY, EXPRESS OR IMPLIED, AND GRANTOR EXPRESSLY DISCLAIMS, EXCEPTS AND EXCLUDES ANY AND ALL

WARRANTIES OF TITLE OR OTHERWISE FROM THIS CONVEYANCE, INCLUDING, WITHOUT LIMITATION, ANY WARRANTIES ARISING UNDER COMMON LAW OR STATUTE.

The intent of this Deed Without Warranty is to transfer the Property foreclosed on by the Grantor taxing jurisdictions in Cause TX08-40199 in the 44th Judicial District Court, Dallas County, Texas, and no more.

When the context requires, singular nouns and pronouns include the plural.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto and in anywise belonging unto Grantee, his heirs, successors and assigns forever; **WITHOUT WARRANTY AND SUBJECT IN ALL RESPECTS TO THE DISCLAIMERS SET FORTH ABOVE.**

EXECUTED on the dates set forth in the acknowledgements below, to be EFFECTIVE on the _____ day of _____ 20__.

GRANTOR:

CITY OF GARLAND, a Texas home-rule municipality

By: _____

Title: _____

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

The foregoing instrument was acknowledged before me on the _____ day of _____, 20__, by _____, in his capacity as Mayor of the City of Garland.

NOTARY PUBLIC, STATE OF TEXAS

PRINTED NAME OF NOTARY

MY COMMISSION EXPIRES:

111 Mckinley Map and Picture





**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

5.

Meeting Date: 07/06/2021

Item Title: Sale of Property - 905 Trellis Circle

Submitted By: Corey Worsham, Tax Administrator

Summary of Request/Problem

At the June 7, 2021 Work Session, Council was briefed on the potential sale of property located at 905 Trellis Circle. The City of Garland has received an unsolicited offer from JMR Construction related to the purchase of City owned property obtained through a 2011 Sheriff's Sale. JMR Construction has presented an offer of \$22,000.00 for the property. The City of Garland will receive \$5,518.94 from the proceeds of this sale.

Recommendation/Action Requested and Justification

Staff recommends that the City Council accept the offer and sell the property to JMR Construction. This property has been held by the City of Garland since December of 2011 and pursuant to Section 34.05 of the Texas Property Tax Code it may be resold to a private entity with approval of the governing body.

Attachments

905 Trellis Resolution

905 Trellis Offer

905 Trellis Deed

905 Trellis Map and Picture

RESOLUTION NO. _____

A RESOLUTION AGREEING TO THE SALE OF CERTAIN PROPERTY LOCATED WITHIN THE CITY OF GARLAND AND OWNED BY TAXING AUTHORITIES INCLUDING THE CITY OF GARLAND AS THE RESULT OF A TAX SALE; AUTHORIZING THE MAYOR TO EXECUTE A DEED WITHOUT WARRANTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, taxing entities including the City of Garland, Texas, have become owners of certain real property by virtue of a foreclosure sale conducted pursuant to an order of the 134th Judicial District Court of Dallas County, Texas in cause number TX09-40225, and

WHEREAS, it is to the benefit of all taxing entities that the property ultimately be returned to the tax rolls

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

Section 1

That City does hereby consent to the sale of property commonly known as 905 Trellis Circle, situated in the City of Garland, County of Dallas, State of Texas to wit:

BEING LOT 11, BLOCK 1, ROSEWOOD TERRACE ADDITION, aka 905 TRELLIS CIRCLE, CITY OF GARLAND, DALLAS COUNTY, TEXAS, AS RECORDED IN VOLUME 2004180, PAGE 7222, OF THE DALLAS COUNTY DEED RECORDS (the "Property").

Section 2

That the Mayor is hereby authorized to execute a deed without warranty in the form and substance of that attached hereto as Exhibit "A".

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 _____, 2021.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



J. DOUGLAS BURNSIDE
Attorney at Law
1919 S. Shiloh Rd, Ste 310, LB 40
Garland, Texas 75042
p: 972-278-8282
f: 972-278-8222
w: www.pbfcml.com

November 21, 2019

Mr. Corey Worsham
Tax Assessor/Collector
City of Garland
217 N. 5th Street
Garland, Texas 75040

Via electronic-mail

Re: Offer from JMR Construction to purchase
905 Trellis Circle, Garland, Texas

Dear Mr. Worsham:

JMR Construction has offered to purchase 905 Trellis Circle, Garland, Texas (BEING LOT 11, BLOCK 1, ROSEWOOD TERRACE ADDITION, aka 905 TRELLIS CIRCLE, CITY OF GARLAND, DALLAS COUNTY, TEXAS, AS RECORDED IN VOLUME 2004180, PAGE 7222, OF THE DALLAS COUNTY DEED RECORDS) for \$22,000.00. In addition to that amount, all post-judgment taxes for the years 2010-2011 will be paid at closing. The total amount of post-judgment taxes will be approximately \$1,527.40 of which the City of Garland will receive approximately \$425.70.

This property was sold at a Sheriff's Sale on September 6, 2011 pursuant to delinquent tax collection suit number TX09-40225. There were no bidders and the property was struck off to the City of Garland for itself and on behalf of the other taxing jurisdictions. The property was struck off for the assessed value in the judgment, \$14,000.00.

The property's most recent value according to the Appraisal District is \$22,000.00. The total judgment amount was \$25,434.96, which includes taxes, penalties and interest, abatement liens, costs of court, and costs of sale.

Pursuant to the Texas Property Tax Code, City reimbursement for post-sale maintenance, court costs and costs of sale must be paid first out of the proceeds of a resale. Those expenses and costs total \$7,456.06. The remainder would be distributed to the taxing jurisdictions pro-rata. A breakdown of amounts each taxing entity will receive is enclosed.

Because the sale price is greater than the assessed value of the property in the Judgment, this sale meets the criteria of §34.05(h) and does not require the consent of the other taxing units in the Judgment.

If the City decides to accept this offer, enclosed for execution is a Special Warranty Deed our office prepared for this resale. When the Deed is executed, please return it to me so that I may finalize the transaction.

If you have any questions or need additional information, please do not hesitate to call me.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Douglas Burnside", with a long, sweeping horizontal line extending to the right.

J. Douglas Burnside

Enclosure

Exhibit A
Re-sale Disbursement Worksheet

CAD Acct #:	26501500010110000
Property address:	905 Trellis Circle
Cause No.:	TX09-40225
Offer Amount:	\$22,000.00
DCAD Value:	\$22,000.00
Judgment Date:	January 20, 2011
Sheriff's Sale Date:	September 6, 2011
Judgment amount:	GISD 2005-2009 taxes \$5,035.02 (54.5%)
	City 2005-2009 taxes \$2,281.41 (24.7%)
	County 2005-2009 taxes \$1,917.78 (20.8%)
Total Judgment for Taxes:	\$9,234.21
City Abatement Liens:	\$9,901.20
Court costs:	\$3,393.30
Sheriff's fees for sale:	\$2,225.88
Publication fees for sheriff's sale, paid by Perdue Brandon:	\$336.88
Total Costs:	\$5,956.06

Funds to be disbursed as follows:

1.	Dallas County District Clerk	\$3,393.30
2.	Dallas County Sheriff	\$2,225.88
3.	Perdue Brandon Fielder Collins & Mott, LLP	\$336.88
4.	City of Garland (administrative fee)	\$1,500.00
5.	City of Garland (Pro-rata Judgment tax year distribution)	\$3,593.24
6.	Garland ISD (Pro-rata Judgment tax year distribution)	\$7,930.19
7.	Dallas County (Pro-rata Judgment tax year distribution)	\$3,020.51
	TOTAL Judgment Distribution	\$22,000.00

Post Judgment Distribution:

8.	City of Garland (Post Judgment tax year distribution)	\$425.70
9.	Garland ISD (Post Judgment tax year distribution)	\$725.69
10.	Dallas County (Post Judgment tax year distribution)	\$376.01
	TOTAL Post Judgment Distribution	\$1,527.40

	TOTAL Distribution	\$23,527.40
--	---------------------------	--------------------

DEED WITHOUT WARRANTY

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

That the **City of Garland**, a Texas 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 **JMR Construction, P.O. Box 3603, McKinney, TX 75070** ("Grantee"), has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto Grantee that certain lot, tract, or parcel of land, commonly known as **905 Trellis Circle**, situated in the City of Garland, County of Dallas, State of Texas, to wit:

**BEING LOT 11, BLOCK 1, ROSEWOOD TERRACE
ADDITION, aka 905 TRELLIS CIRCLE, CITY OF GARLAND,
DALLAS COUNTY, TEXAS, AS RECORDED IN VOLUME
2004180, PAGE 7222, OF THE DALLAS COUNTY DEED
RECORDS (the "Property").**

This Deed Without Warranty is subject to:

- (i) any and all visible and apparent easements and encroachments, whether of record or not;
- (ii) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases, or other instruments of record applicable to the land or any part thereof;
- (iii) rights of the public to any portion of the above described property lying within the boundaries of dedicated or existing roadways or which may be used for road or street purposes;
- (iv) rights of parties in possession; and
- (v) any right of redemption as specified in Chapter 34, Subchapter B, Texas Property Tax Code.

It is understood and agreed that Grantor is not making any warranties or representations of any kind or character, express, implied or statutory, with respect to the Property, its physical condition or any other matter or thing relating to or affecting the Property and that the Property is being conveyed and transferred to Grantee "AS IS, WHERE IS, AND WITH ALL FAULTS." Grantor does not warrant or make any representations, express or implied, as to fitness for a particular purpose, merchantability, design, quantity, physical condition, operation compliance with specifications, absence of latent defects or compliance with laws and regulations (including, without limitation, those relating to zoning, health, safety and the environment) or any other matter affecting the Property.

THIS DEED IS MADE WITHOUT WARRANTY, EXPRESS OR IMPLIED, AND GRANTOR EXPRESSLY DISCLAIMS, EXCEPTS AND EXCLUDES ANY AND ALL WARRANTIES OF TITLE OR OTHERWISE FROM THIS CONVEYANCE, INCLUDING, WITHOUT LIMITATION, ANY WARRANTIES ARISING UNDER COMMON LAW OR STATUTE.

The intent of this Deed Without Warranty is to transfer the Property foreclosed on by the Grantor taxing jurisdictions in Cause TX09-40225 in the 134th Judicial District Court, Dallas County, Texas, and no more.

When the context requires, singular nouns and pronouns include the plural.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto and in anywise belonging unto Grantee, his heirs, successors and assigns forever; **WITHOUT WARRANTY AND SUBJECT IN ALL RESPECTS TO THE DISCLAIMERS SET FORTH ABOVE.**

EXECUTED on the dates set forth in the acknowledgements below, to be EFFECTIVE on the ____ day of _____ 20__.

GRANTOR:

CITY OF GARLAND, a Texas home-rule
municipality

By: _____

Title: _____

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

The foregoing instrument was acknowledged before me on the ____ day of _____, 20__, by _____, in his capacity as Mayor of the City of Garland.

NOTARY PUBLIC, STATE OF TEXAS

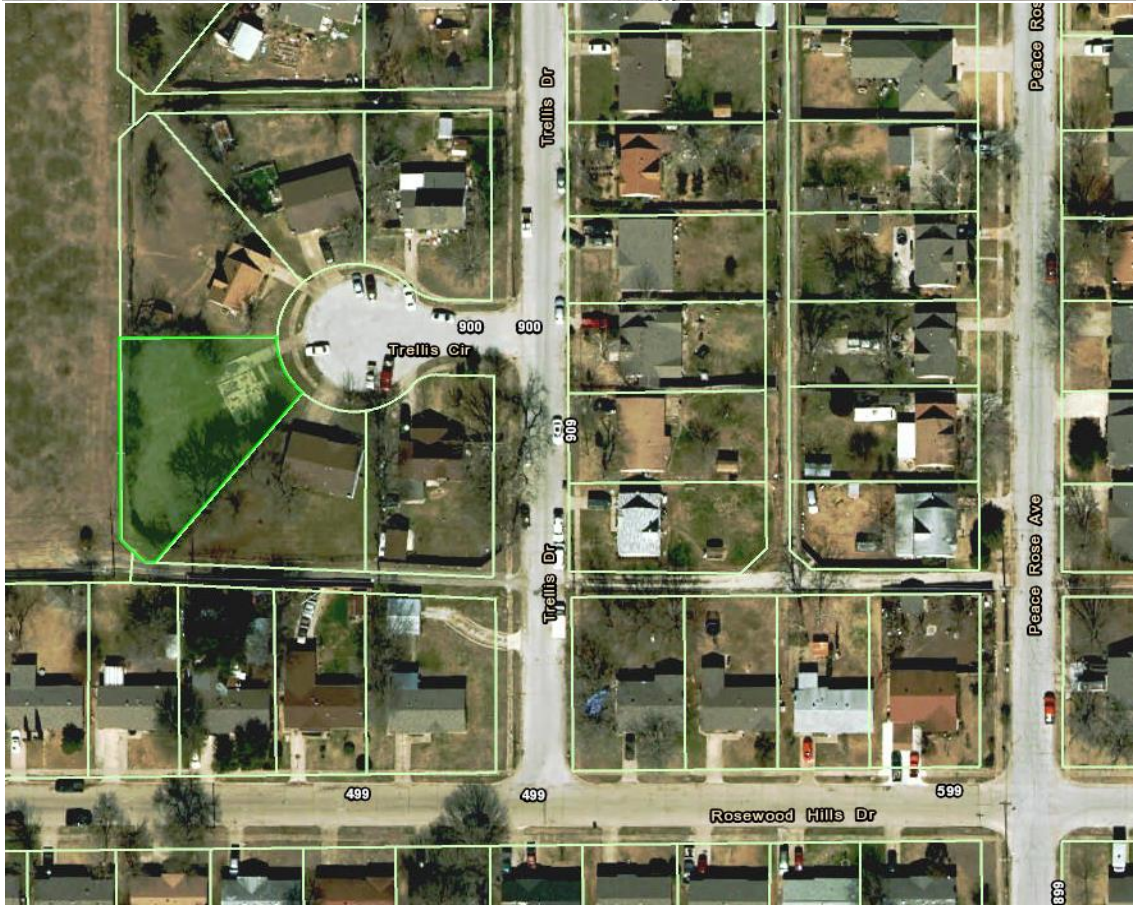
PRINTED NAME OF NOTARY

MY COMMISSION EXPIRES:

905 E Trellis Circle Map and Pic



Google





**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

6.

Meeting Date: 07/06/2021

Item Title: Sale of Property - 610 Parker Circle

Submitted By: Corey Worsham, Tax Administrator

Summary of Request/Problem

At the June 7, 2021 Work Session, Council was briefed on the potential sale of property located at 610 Parker Circle. The City of Garland has received an unsolicited offer from Jose G. Lopez & Erika Ontiveros related to the purchase of City owned property obtained through a 2019 Sheriff's Sale. Jose G. Lopez & Erika Ontiveros has presented an offer of \$40,000.00 for the property. The City of Garland will receive \$9,882.56 from the proceeds of this sale.

Recommendation/Action Requested and Justification

Staff recommends that the City Council accept the offer and sell the property to Jose G. Lopez & Erika Ontiveros. This property has been held by the City of Garland since January of 2019 and pursuant to Section 34.05 of the Texas Property Tax Code it may be resold to a private entity with approval of the governing body.

Attachments

610 Parker Resolution

610 Parker Offer

610 Parker Deed

610 Parker Map and Picture

RESOLUTION NO. _____

A RESOLUTION AGREEING TO THE SALE OF CERTAIN PROPERTY LOCATED WITHIN THE CITY OF GARLAND AND OWNED BY TAXING AUTHORITIES INCLUDING THE CITY OF GARLAND AS THE RESULT OF A TAX SALE; AUTHORIZING THE MAYOR TO EXECUTE A DEED WITHOUT WARRANTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, taxing entities including the City of Garland, Texas, have become owners of certain real property by virtue of a foreclosure sale conducted pursuant to an order of the 298th Judicial District Court of Dallas County, Texas in cause number TX16-02077 combined with TX99-40721 and TX97-40849, and

WHEREAS, it is to the benefit of all taxing entities that the property ultimately be returned to the tax rolls

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

Section 1

That City does hereby consent to the sale of property commonly known as 610 Parker Circle, situated in the City of Garland, County of Dallas, State of Texas to wit:

LOT 12, BLOCK 6, RAINBOW ESTATES NO. 5 ADDITION, AKA 610 PARKER CIR., CITY OF GARLAND, TEXAS AS RECORDED IN VOLUME 82022, PAGE 2232, OF THE DALLAS COUNTY DEED RECORDS (the "Property").

Section 2

That the Mayor is hereby authorized to execute a deed without warranty in the form and substance of that attached hereto as Exhibit "A".

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 _____, 2021.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



J. DOUGLAS BURNSIDE
Attorney at Law
1919 S. Shiloh Rd, Ste 310, LB 40
Garland, Texas 75042
p: 972-278-8282
f: 972-278-8222
w: www.pbfcmlaw.com

November 13, 2019

Mr. Corey Worsham
Tax Assessor/Collector
City of Garland
217 N. 5th Street
Garland, Texas 75040

Via electronic-mail

Re: Offer from Jose G. Lopez & Erika Ontiveros to purchase
610 Parker Circle, Garland, Texas

Dear Mr. Worsham:

Jose G. Lopez & Erika Ontiveros have offered to purchase 610 Parker Circle, Garland, Texas (LOT 12, BLOCK 6, RAINBOW ESTATES NO. 5 ADDITION, AKA 610 PARKER CIR., CITY OF GARLAND, TEXAS AS RECORDED IN VOLUME 82022, PAGE 2232, OF THE DALLAS COUNTY DEED RECORDS) for \$40,000.00. In addition to that amount, all post-judgment taxes for the years 2017-2019 will be paid at closing. The total amount of post-judgment taxes will be approximately \$2,198.17 of which the City of Garland will receive approximately \$561.12.

This property was sold at a Sheriff's Sale on January 2, 2019 pursuant to delinquent tax collection suit number TX16-02077 combined with TX99-40721 and TX97-40849. There were no bidders and the property was struck off to the City of Garland for itself and on behalf of the other taxing jurisdictions. The property was struck off for the assessed value in the judgment, \$25,500.00.

The property's most recent value according to the Appraisal District is \$25,500.00. The total judgment amount was \$64,387.23, which includes taxes, penalties and interest, costs of court, and costs of sale.

Pursuant to the Texas Property Tax Code, City reimbursement for post-sale maintenance, court costs and costs of sale must be paid first out of the proceeds of a resale. Those expenses and costs total \$10,496.90. The remainder would be distributed to the taxing jurisdictions pro-rata. A breakdown of amounts each taxing entity will receive is enclosed.

Because the sale price is greater than the assessed value of the property in the Judgment, this sale meets the criteria of §34.05(h) and does not require the consent of the other taxing units in the Judgment.

If the City decides to accept this offer, enclosed for execution is a Special Warranty Deed our office prepared for this resale. When the Deed is executed, please return it to me so that I may finalize the transaction.

If you have any questions or need additional information, please do not hesitate to call me.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Douglas Burnside", is written over a light gray rectangular background.

J. Douglas Burnside

Enclosure

Exhibit A
Re-sale Disbursement Worksheet

CAD Acct #:	26468500060120000
Property address:	610 Parker Circle
Cause No.:	TX16-02077 with TX99-40721 and TX97-40849
Offer Amount:	\$40,000.00
DCAD Value:	\$25,500.00
Judgment Date:	July 20, 2017
Sheriff's Sale Date:	January 2, 2019
Judgment amount:	GISD 1986-2016 taxes \$11,326.36 (50.4%)
	City 1986-2016 taxes \$5,953.19 (26.5%)
	County 1986-2016 taxes \$5,176.37 (23.1%)
Total Judgment for Taxes:	\$22,455.92
City Abatement Liens:	\$31,208.67
Court costs:	\$5,819.34
Sheriff's fees for sale:	\$2,568.56
Publication fees for sheriff's sale, paid by Perdue Brandon:	\$609.00
Total Costs:	\$8,996.90

Funds to be disbursed as follows:

1.	Dallas County District Clerk	\$5,819.34
2.	Dallas County Sheriff	\$2,568.56
3.	Perdue Brandon Fielder Collins & Mott, LLP	\$609.00
4.	City of Garland (administrative fee)	\$1,500.00
5.	City of Garland (Pro-rata Judgment tax year distribution)	\$7,821.44
6.	Garland ISD (Pro-rata Judgment tax year distribution)	\$14,880.83
7.	Dallas County (Pro-rata Judgment tax year distribution)	\$6,800.83
	TOTAL Judgment Distribution	\$40,000.00

Post Judgment Distribution:

8.	City of Garland (Post Judgment tax year distribution)	\$561.12
9.	Garland ISD (Post Judgment tax year distribution)	\$1,114.18
10.	Dallas County (Post Judgment tax year distribution)	\$522.87
	TOTAL Post Judgment Distribution	\$2,198.17

	TOTAL Distribution	\$42,198.17
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DEED WITHOUT WARRANTY

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

That the **City of Garland**, a Texas 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 **Jose G. Lopez & Erika Ontiveros, 414 N. Yale Drive, Garland, TX 75042** ("Grantee"), has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto Grantee that certain lot, tract, or parcel of land, commonly known as **610 Parker Circle**, situated in the City of Garland, County of Dallas, State of Texas, to wit:

**LOT 12, BLOCK 6, RAINBOW ESTATES NO. 5 ADDITION,
AKA 610 PARKER CIR., CITY OF GARLAND, TEXAS AS
RECORDED IN VOLUME 82022, PAGE 2232, OF THE DALLAS
COUNTY DEED RECORDS (the "Property").**

This Deed Without Warranty is subject to:

- (i) any and all visible and apparent easements and encroachments, whether of record or not;
- (ii) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases, or other instruments of record applicable to the land or any part thereof;
- (iii) rights of the public to any portion of the above described property lying within the boundaries of dedicated or existing roadways or which may be used for road or street purposes;
- (iv) rights of parties in possession; and
- (v) any right of redemption as specified in Chapter 34, Subchapter B, Texas Property Tax Code.

It is understood and agreed that Grantor is not making any warranties or representations of any kind or character, express, implied or statutory, with respect to the Property, its physical condition or any other matter or thing relating to or affecting the Property and that the Property is being conveyed and transferred to Grantee "AS IS, WHERE IS, AND WITH ALL FAULTS." Grantor does not warrant or make any representations, express or implied, as to fitness for a particular purpose, merchantability, design, quantity, physical condition, operation compliance with specifications, absence of latent defects or compliance with laws and regulations (including, without limitation, those relating to zoning, health, safety and the environment) or any other matter affecting the Property.

THIS DEED IS MADE WITHOUT WARRANTY, EXPRESS OR IMPLIED, AND GRANTOR EXPRESSLY DISCLAIMS, EXCEPTS AND EXCLUDES ANY AND ALL WARRANTIES OF TITLE OR OTHERWISE FROM THIS CONVEYANCE, INCLUDING, WITHOUT LIMITATION, ANY WARRANTIES ARISING UNDER COMMON LAW OR STATUTE.

The intent of this Deed Without Warranty is to transfer the Property foreclosed on by the Grantor taxing jurisdictions in Cause TX16-02077 combined with TX99-40721 and TX97-40849 in the 298th Judicial District Court, Dallas County, Texas, and no more.

When the context requires, singular nouns and pronouns include the plural.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto and in anywise belonging unto Grantee, his heirs, successors and assigns forever; **WITHOUT WARRANTY AND SUBJECT IN ALL RESPECTS TO THE DISCLAIMERS SET FORTH ABOVE.**

EXECUTED on the dates set forth in the acknowledgements below, to be EFFECTIVE on the _____ day of _____ 20__.

GRANTOR:

CITY OF GARLAND, a Texas home-rule
municipality

By: _____

Title: _____

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

The foregoing instrument was acknowledged before me on the _____ day of _____, 20__, by _____, in his capacity as Mayor of the City of Garland.

NOTARY PUBLIC, STATE OF TEXAS

PRINTED NAME OF NOTARY

MY COMMISSION EXPIRES:

610 Parker Circle Map and Picture





GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

7.

Meeting Date: 07/06/2021

Item Title: Annual Performance Update on the City of Garland Housing Agency's 2020-2024
Five Year Plan and Administrative Plan Approval

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 June 21, 2021 Work Session, Council considered adopting the accomplishments presented in the first year of the 2020-2024 Annual Performance Plan update for submission to HUD.

Recommendation/Action Requested and Justification

Approve a resolution adopting the Garland Housing Agency's first year performance progress report on the 2020-2024 five-year plan for submission to HUD (Attachment A).

Attachments

Annual Performance Report Resolution

RESOLUTION NO. _____

A RESOLUTION ADDOPTING AND APPROVING THE GARLAND HOUSING AGENCY’S FIRST YEAR UPDATE ON THE 2020-2024 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 2020-2024 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 first year update to the 2020-2024 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 first 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 _____, 2021.

THE CITY OF GARLAND, TEXAS

By: _____
Mayor

ATTEST:

City Secretary



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

8.

Meeting Date: 07/06/2021

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 June 21, 2021 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 6th day of July, 2021.

THE CITY OF GARLAND, TEXAS

By: _____
Mayor

ATTEST:

City Secretary



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

9.

Meeting Date: 07/06/2021

Item Title: Consider a resolution retaining contingency fee counsel to recover unpaid franchise fees from various video service providers

Summary of Request/Problem

This matter was considered by the City Council on written briefing at the June 7, 2021 work session.

Although subscription video entertainment services like Netflix, Disney, and Hulu have only recently gained in popularity, Texas law long ago contemplated that such services be treated like traditional cable companies when it comes to paying fees to the cities in which such services are provided. Back in 2007, when the Texas Legislature allowed cable companies to disavow their cable franchise agreements with cities, the Legislature had the foresight to include "video service providers" ("VSPs") within the definition of the class of providers that must pay state-set fees in lieu of the franchise fees that had been paid under the traditional model of cable regulation. Nonetheless, none of the VSPs has been paying the state-mandated fees to the City, or to any city within Texas to our knowledge.

As such, a group of cities that includes Dallas, Waco, Plano, Frisco and soon others is forming to jointly pursue VSPs for unpaid fees and to require the payment of such fees in the future. It is likely that a lawsuit will have to be filed in order to make that happen.

The City Attorney recommends retaining the services of outside counsel for that purpose on a contingent fee basis for the reasons detailed in the accompanying resolution and public notice. State law regulates the hiring of contingent fee counsel by governmental entities and requires a certain process to be followed, including the making of certain findings before hiring contingent fee counsel. That law also regulates and governs the terms of any contract for contingent fee legal services and requires the contract for such services to be submitted to and approved by the Texas Attorney General.

Recommendation/Action Requested and Justification

Council is requested to approve the attached resolution authorizing the City Manager to execute a contingent fee legal services contract, subject to the approval of the City Attorney and the Texas Attorney General and the requirements of State law.

Attachments

VSP resolution

VSP public notice

RESOLUTION NO. _____

WHEREAS, the City intends to pursue claims for monetary damages, declaratory relief, and other legal remedies (“Damages”) against Netflix, Inc., Hulu LLC, Disney DTC LLC, and other video service providers (“VSPs”), as determined, for non-payment of franchise fees as are required to be paid to the City in the Texas Video Service Providers Act, Texas Utilities Code Sec. 66 (the “Litigation”); and

WHEREAS, the City’s desired outcome in the Litigation is to recover from the VSPs Damages owed to the City for failure to pay franchise fees and obtain an order requiring the VSPs to pay the franchise fees going forward, in addition to other relief allowed under the law; and

WHEREAS, the VSPs deliver video programming to their customers via broadband internet through wireline facilities located at least partially in the public right of way; and

WHEREAS, the VSPs have not paid and do not pay franchise fees to the City as required in section 66.005 of the Texas Utilities Code; and

WHEREAS, due to the complexity and logistics of the Litigation, the City has a substantial need of the legal services of counsel to represent it in the Litigation; and

WHEREAS, the City requires legal counsel that specialize in complex litigation and are highly knowledgeable and experienced in the legal issues surrounding the non-payment of franchise fees by the VSPs; and

WHEREAS, the City now desires to enter into a contingent fee contract (“Contract”) for legal services with McKool Smith, P.C., Ashcroft Sutton Reyes LLC, and Korein Tillery LLC (“Counselors”) to represent the City in the Litigation; and

WHEREAS, Subchapter C of Chapter 2254 of the Texas Government Code (“Chapter 2254”) requires that a political subdivision of the State of Texas, including the City, may enter into a contingent fee contract for legal services only after: (i) the governing body of the political subdivision has provided written notice to the public stating certain provisions enumerated within Chapter 2254; (ii) the governing body of the political subdivision approved such contract in an open meeting called, in part or in whole, for the purposes of considering such contract; and (iii) the governing body of the political subdivision stated in writing certain findings made by the governing body upon the approval of such contract; and

WHEREAS, before the contingent fee contract for legal services is effective and enforceable, the City must receive approval of the Contract by the Office of the Attorney General of Texas or the Contract is otherwise allowed under Tex. Gov’t Code §2254; and

WHEREAS, the City has caused notice of this Resolution, the meeting at which this Resolution will be considered, and certain provisions enumerated within Chapter 2254 to be provided to the public in accordance with the Texas Open Meetings Act and Chapter 2254; and

WHEREAS, the meeting at which this Resolution is being considered is an open meeting called, in part or in whole, for the purpose of considering: (i) the City's need for legal counsel to represent it in the Litigation; (ii) terms of the Contract; (iii) the competence, qualifications, and experience of the Counselors; and (iv) the reasons that the Contract is in the best interest of the City and complies with Chapter 2254; and

WHEREAS, the City Council hereby finds and determines that the adoption of this Resolution is in the best interests of the residents of the City;

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

Section 1

That the recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 2

That the City Council hereby finds that: (i) there is a substantial need for the legal services to be provided in the Litigation; (ii) the legal services to be provided in the Litigation cannot adequately and cost-effectively be performed by the attorneys and supporting personnel currently employed by the City; (iii) the legal services to be provided in the Litigation cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the Litigation and without imposing an unnecessary cost and burden on the City's finances; and (iv) the relationship between the City or the City Council and the Counselors is not improper and would not appear improper to a reasonable person.

Section 3

That based on the findings by the City Council described above, the City Council hereby authorizes the City Manager to execute a legal services contract with McKool Smith, P.C., Ashcroft Sutton Reyes LLC, and Korein Tillery LLC, approved as to form by the City Attorney, effective only upon approval by the Office of the Attorney General of Texas or as otherwise allowed under Tex. Gov't Code §2254.

Section 4

That it is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551 as amended, Texas Government Code.

Section 5

That the City will pay the Counselors a contingency fee and expenses in accordance with the rates in Attachment A to this Resolution and contingent upon the recovery, if any, by the City in the Litigation.

Section 6

That this Resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Garland, and it is accordingly so resolved.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

ATTACHMENT A

The fees for legal services provided by the Counselors in connection with the Litigation are contingent upon the recovery by the City of Damages in the Litigation and will be paid out of such recovery, if any, as follows:

If the City obtains a recovery and collection on behalf of the City before a trial or appeal, the Counselors will receive attorneys' fees in the amount of Thirty Percent (30%) of the gross recovery. If recovery for the City occurs after (1) the beginning of trial (at the beginning of opening argument), or (2) upon appeal of any judgment, the Counselors will instead receive attorneys' fees in the amount of the Thirty-Three and One-Third (33 1/3%).

The Counselors will advance all costs associated with the Litigation. The City agrees to reimburse the Counselors for all reasonable costs out of its share of the gross recovery.

PUBLIC NOTICE
In association with Resolution No. ____

This notice is given pursuant to Tex. Gov't Code § 2254.1036.

- A. The City of Garland, Texas ("City") intends to pursue claims for monetary damages, declaratory relief, and other legal remedies ("Damages") against Netflix, Inc., Hulu LLC, Disney DTC LLC, and other video service providers ("VSPs"), as determined, for non-payment of franchise fees as set forth under the Texas Video Services Providers Act, Tex. Util. Code Sec. 66 (the "Litigation"). The City's desired outcome in pursuing the Litigation is to recover from the VSPs Damages owed to the City for failure to pay franchise fees and obtain an order requiring the VSPs to pay the franchise fees going forward, in addition to other relief allowed under the law. Therefore, there is substantial need for the legal services.
- B. The City wishes to engage the following three law firms ("Counselors"): McKool Smith, P.C., Ashcroft Sutton Reyes LLC, and Korein Tillery LLC. Details regarding their competence, qualifications and experience are attached at Exhibit 1.
- C. The relationship with the three Counselors would span from the time of engaging them in the Litigation until it is completed. The City has had no prior relationship with the Korein Tillery firm or the Ashcroft Sutton Reyes firm. The City was a member of a class of cities represented by McKool Smith and Mr. Wolens to recover municipal hotel occupancy taxes. The City was pleased with the representation provided by McKool Smith and Mr. Wolens.
- D. The legal services for which the Counselors are retained cannot be adequately or cost-effectively performed by the attorneys and supporting personnel of the City. The City's budget is strained and has limited resources for its legal department. The City Attorney's office is engaged in multiple complex transactional matters and in overseeing, managing and litigating hundreds of legal matters for the City. In addition, the investigation, research, and litigation of the claims will require the expenditure of large sums of money and require the work of numerous attorneys, paralegals and others who are familiar

with the VSPs' wrongful actions and/or inactions. Thus, the City does not have the resources it believes will be necessary to engage in protracted, time-consuming, and expensive litigation.

E. The legal services for which the law firms are retained cannot reasonably be obtained from attorneys in private practice under a contract providing for the payment of hourly fees without regard to the outcome of the matter for the following reasons:

- (1) **TIME:** It is not economically feasible for the City to pay outside counsel on an hourly basis for what the City anticipates will require significant hours of attorney time and significant costs advanced in pursuing the relief the City expects to achieve.

The issues involved in the City's claim have not been adjudicated and determined since the Texas Video Services Providers Act was passed in 2005. As an unsettled matter of law, the VSPs will likely aggressively oppose all aspects of the Litigation. It will require the skill of attorneys who have familiarity with complex litigation. It is the City's experience that attorneys with this familiarity and experience have high billable hourly rates and are not receptive to taking on contingency fee cases such as this where recovery is not certain; doing so would preclude them from taking other cases on an hourly paid basis.

- (2) **COMPLEXITY/DAMAGES:** Besides legal issues, determining damages may be complicated to calculate. Damages will be based, in part, on: 1) gross receipts of each VSP, with data going back thirteen years to 2007, and 2) individual subscriptions to residents of the City. It is unclear in what format the data is kept to determine gross receipts, but it is anticipated to be complex and difficult to understand. It will require experienced lawyers with the assistance of experts to decipher the data and determine a mathematical or formulaic calculation for each defendant for receipts generated over 13-plus years. Because there are at least three distinct defendants, it is likely that they have different business practices and ways of maintaining their data.
- (3) **EXPENSES:** Finally, the Counselors the City requests to employ have agreed to advance expenses in the case, which are

likely to be significant given the need for experts in several fields and the general high expense of litigation. These expenses include but are not limited to: filing and service fees; costs of investigative services; travel expenses; deposition expenses and court reporter fees; outside trial services providers; expert witness fees; trial equipment rental and operation fees; preparation of exhibits and graphics; the costs of briefs and transcripts on appeal; and miscellaneous copying, postage, shipping, and courier expenses.

- F. The advance of expenses is risky because, under the terms of the legal services agreement, expenses are reimbursed only out of any recovery. Because the City has limited funds to advance for litigation expenses, it is especially in the City's interest, and that of its residents, to have attorneys advance those expenses and only be reimbursed by the City out of any recovery if the City is successful. Entering a contingent fee contract for legal services is in the best interest of the residents of the City because it will allow the City to recoup franchise fees owed the City since approximately 2007 and obtain a declaratory judgment ordering the VSPs to pay the fees in the future. Franchise fees recovered in the Litigation will be used to support other essential City services. Retaining counsel who will advance expenses in the litigation will allow the City to use those funds instead to support necessary city services.

EXHIBIT 1

McKOOL SMITH P.C.

McKool Smith was founded in 1991 with offices in Dallas, Austin, Houston, Marshall, Los Angeles, and New York. It represents clients in complex commercial litigation, insurance recovery, intellectual property, bankruptcy, and white-collar defense matters.

In the past 15 years, the firm has secured 12 nine-figure jury verdicts and 15 eight-figure jury verdicts. It has also won more VerdictSearch and The National Law Journal “Top 100 Verdicts” than any other law firm in the country. Recent recognitions include:

Recognized by BTI Consulting as one of ten “Awesome Opponents,” the firms most feared by senior in-house counsel, in its annual Litigation Outlook Report (2019-2020).

Ranked a “Tier 1” law firm for bankruptcy, commercial, securities, banking & finance, intellectual property, patent, real estate, and regulatory enforcement litigation by U.S. News & World Report - Best Law Counselors (2020).

Ranked as a leading firm for Commercial Litigation, Insurance Policyholder Litigation, and Securities Plaintiff Litigation by Chambers USA (2020).

Ranked as a “Highly Recommended” Litigation Firm and Plaintiff Firm by Benchmark Litigation (2020).

Awarded “Insurance Group of the Year” by Law360 (2020).

Recognized as a “Texas Powerhouse Firm” by Law360 (2019).

Awarded “Trial Group of the Year” by Law360 (2018).

Steven Wolens is a principal at McKool Smith. He has practiced law since 1976. He received a B.A. with distinction from Stanford University in 1973, and a J.D. from Southern Methodist University Law School in 1976. He represents clients in complex class-action claims and commercial litigation. He is peer-reviewed as an AV rated lawyer by Martindale Hubbell.

In certifying a class action on behalf of 173 Texas cities in *City of San Antonio v Hotels.com*, the district court found “With regard to adequacy of counsel, the Court must determine whether class counsel has the qualifications, experience and training to litigate the case to its conclusion...The lead attorneys in this case are Steven Wolens and Gary Cruciani. Both attorneys have a wealth of experience in complex litigation, including substantial class action experience.” *City of San Antonio v. Hotels.com*, No. SA-06-CA-381-OG, 2008 WL 2486043, at *8 (W.D. Tex. May 27, 2008).

For 24 years, he served as a member of the Texas Legislature and authored landmark legislation covering partnerships and limited liability corporations, ethics reforms, antitrust laws, and electric deregulation. Texas Monthly magazine named him one of the “Ten Best Legislator” in the state on six separate occasions. He currently serves on the Texas Ethics Commission, which he chaired from 2017–2019.

ASHCROFT SUTTON REYES LLC

Ashcroft Sutton Reyes LLC (d/b/a/ Ashcroft Law Firm) was founded in 2008 by former U.S. Attorney General, Governor, and Senator John Ashcroft. Together with the select group of seasoned, respected, and experienced senior executives he recruited to join him—many of whom helped to lead the U.S. Department of Justice during a significant time in our nation’s history following the attacks on 9/11—the Ashcroft Firm has earned a reputation for integrity and a track record for accelerating successful resolutions of even the most complex matters.

In addition to General Ashcroft, the Ashcroft Firm is comprised of the former U.S. Attorney for the Western District of Texas, former Deputy Assistant to the President of the United States, former member of the Executive Administration of the Texas Attorney General's Office, former Assistant United States Attorney, former Deputy Associate Attorney General and Chief of Staff in the U.S. Department of Justice, former General Counsel and Assistant General Counsel to the Special Inspector General for Iraq Reconstruction, former Assistant General Counsel to the Governor of Texas, and several other highly skilled and experienced attorneys, all of whom know and understand government.

The Ashcroft Firm’s attorneys are litigators who have led multi-plaintiff lawsuits against formidable foes, like the federal government, other states, and local government entities. Ashcroft attorneys have appeared in federal and state courts throughout the United States and internationally, ranging from the Supreme Court of the United States to municipal courts in Texas.

Additionally, the Ashcroft Firm provides legal and consulting services to world-leading clients, including Fortune 500, nation states, elected officials, multi-national corporations, and corporate executives. The Ashcroft Firm regularly leads large entities (government and private) through a large range of regulatory matters including issues involving the FCPA, FATCA, OFAC, SOX, ITAR, FCA, the FAR and the Bank Secrecy Act (Anti- Money Laundering).

Ashcroft attorneys have tried countless civil and criminal cases to verdict in state and federal courts throughout the country. The legal experience and efforts of Ashcroft attorneys has resulted in governmental entities recovering billions for contractual breaches, theft, tax evasion, waste, fraud, and abuse.

KOREIN TILLERY LLC

Korein Tillery — based in Chicago and St. Louis — is one of the country’s most successful plaintiffs’ complex-litigation firms, representing a broad array of clients in high-stakes lawsuits and delivering over \$18 billion in verdicts and settlements over the last 16 years. The National Law Journal has consistently deemed Korein Tillery to be one of the country’s top plaintiffs’ firms by naming it to its “Plaintiffs’ Hot List” seven times in the past 16 years. In 2014 and 2015, Korein Tillery was named by the NLJ as a member of its top 50 Elite Trial Lawyers.

Since 2007, Korein Tillery has represented Missouri municipalities in litigation that sought to recover unpaid license taxes. In suits against wireless and wireline carriers, Korein Tillery

recovered hundreds of millions of dollars of license tax revenues—both retrospectively and prospectively—for more than 350 cities throughout Missouri. Korein Tillery has recovered more than \$1 billion for Missouri municipalities. As a result of their work in these cases, the Missouri Lawyers Weekly recognized Korein Tillery partners with awards in the “largest plaintiff wins” category in 2007, 2009, 2010, 2015, and 2017. On two separate occasions corporate defendants have secured state legislation banning the litigation. In both instances Korein Tillery has successfully challenged the legislation as unconstitutional in the Supreme Court of Missouri. *See, e.g., State ex rel. Collector of Winchester v. Jamison*, 357 S.W.3d 589 (Mo. 2012).

Steven Berezney is a partner in Korein Tillery’s St. Louis office. He received his J.D. from the University of Illinois in 2003, where he served as Editor-in-Chief of the Law Review. After graduation, Mr. Berezney served as a judicial law clerk for Judge Laura Denvir Stith of the Supreme Court of Missouri.

While in private practice at Husch Blackwell, Mr. Berezney was part of the team that won a \$1 billion judgment that, at the time, was the fourth largest patent infringement jury verdict in U.S. history, according to Bloomberg. *Monsanto Co. v. E.I. DuPont de Nemours & Co.*, 4:09-cv-00686-ERW (E.D. Mo. Aug. 1, 2012). At Korein Tillery, Mr. Berezney managed and litigated all aspects of multi-billion-dollar cases in federal trial and appellate courts against Wall Street investment banks arising from misrepresentations made about residential mortgage-backed securities. Mr. Berezney played a significant role in obtaining over \$5 billion in recoveries. Mr. Berezney has also been part of the team litigating Sherman Act price fixing conspiracy claims raised against 16 investment bank defendants in *In re: Foreign Exchange Benchmark Rates Antitrust Litigation*, No. 13-cv-07789-LGS (S.D.N.Y.), resulting in \$2.3 billion in recoveries to date.

Garrett Broshuis received his J.D. from Saint Louis University, where he graduated valedictorian and served as Editor-in-Chief of the Law Journal. Before law school, Mr. Broshuis played six years as a pitcher in the San Francisco Giants’ organization, working at all levels of minor league baseball.

Since joining Korein Tillery, Mr. Broshuis has represented minor league baseball players in a novel case seeking to increase the players’ pay, which recently had its class action status affirmed and expanded by the Ninth Circuit Court of Appeals. *Senne v. Kansas City Royals Baseball Corp.*, 934 F.3d 918, 922 (9th Cir. 2019). He also represents classes of Missouri municipalities in several actions against Fortune 500 and other large companies.

Mr. Berezney and Mr. Broshuis are both responsible for litigating the first known filed lawsuit (in Missouri) seeking to require streaming companies to pay franchise fees to municipalities. They are litigating similar cases in Indiana and Georgia.



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

10.

Meeting Date: 07/06/2021

Item Title: Consider the Appointment of a Mayor Pro Tem and Deputy Mayor Pro Tem

Submitted By: Rene Dowl, City Secretary

Summary of Request/Problem

Council is requested to consider the election of a Mayor Pro Tem and if so desired a Deputy Mayor Pro-Tem.

Recommendation/Action Requested and Justification

Council discussion.

Attachments

Proposed Committee Assignments

2021-2022 COUNCIL COMMITTEE ASSIGNMENTS

<u>Audit</u>		
	Chair	Rich Aubin
	Member	BJ Williams
	Member	Robert John Smith
<u>Administrative Services</u>		
	Chair	Robert John Smith
	Member	Deborah Snyder Morris
	Member	Ed Moore
<u>Community Services</u>		
	Chair	Deborah Snyder Morris
	Member	Robert Vera
	Member	BJ Williams
<u>Development Services</u>		
	Chair	Dylan Hedrick
	Member	Jeff Bass
	Member	Deborah Snyder Morris
<u>Public Safety</u>		
	Chair	Robert Vera
	Member	BJ Williams
	Member	Jeff Bass
<u>Transportation/Streets</u>		
	Chair	Rich Aubin
	Member	Dylan Hedrick
	Member	Ed Moore
<u>NCTCOG</u>		
	Assembly Member	Rich Aubin
<u>DRMC</u>		
	Board Member	BJ Williams
	Alternate	Dylan Hedrick
<u>RTC</u>		
	Board Member	Rich Aubin
	Alternate	Ed Moore



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

11.

Meeting Date: 07/06/2021

Item Title: Mayor Appointments to Council Committees and Outside Boards

Submitted By: Rene Dowl, City Secretary

Summary of Request/Problem

The City Council may accept or disapprove the Mayor's nominations to Council committees and outside boards.

Recommendation/Action Requested and Justification

Council will vote to approve or deny the Mayor's appointments.

Attachments

Proposed Committee Assignments

2021-2022 COUNCIL COMMITTEE ASSIGNMENTS

<u>Audit</u>		
	Chair	Rich Aubin
	Member	BJ Williams
	Member	Robert John Smith
<u>Administrative Services</u>		
	Chair	Robert John Smith
	Member	Deborah Snyder Morris
	Member	Ed Moore
<u>Community Services</u>		
	Chair	Deborah Snyder Morris
	Member	Robert Vera
	Member	BJ Williams
<u>Development Services</u>		
	Chair	Dylan Hedrick
	Member	Jeff Bass
	Member	Deborah Snyder Morris
<u>Public Safety</u>		
	Chair	Robert Vera
	Member	BJ Williams
	Member	Jeff Bass
<u>Transportation/Streets</u>		
	Chair	Rich Aubin
	Member	Dylan Hedrick
	Member	Ed Moore
<u>NCTCOG</u>		
	Assembly Member	Rich Aubin
<u>DRMC</u>		
	Board Member	BJ Williams
	Alternate	Dylan Hedrick
<u>RTC</u>		
	Board Member	Rich Aubin
	Alternate	Ed Moore



GARLAND PLANNING REPORT

City Council Regular Session Agenda

12. a.

Meeting Date: 07/06/2021

Item Title: Z 21-14 Langan - Specific Use Provision (District 5)

Submitted By: Kimberly Hopkins, Development Planner

REQUEST

Approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 08-52.

Approval of a Detail Plan for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 08-52.

LOCATION

3205 South Garland Avenue

OWNER

McDonald's

PLAN COMMISSION RECOMMENDATION

On June 14, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision (SUP) for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 08-52 for a period of twenty-five (25) years, in accordance with the SUP Time Period Policy Guide.

The Plan Commission, by a vote of nine (9) to zero (0), also recommended approval of a Detail Plan for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 08-52.

STAFF RECOMMENDATION

Staff recommends approval of a Specific Use Provision (SUP) for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 08-52 for a period of twenty-five (25) years, in accordance with the SUP Time Period Policy Guide.

Approval of a Detail Plan for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 08-52.

BACKGROUND

The applicant, representing McDonald's, proposes to expand the existing building by 545 square feet, remodel the interior and exterior, and add an additional drive-through lane to increase the speed of service. As part of the site improvements, the applicant will be bringing the site into ADA compliance as well.

SITE DATA

The subject property is developed with an approximately 2,890 square-foot drive-through restaurant building. The site contains approximately 0.689 acres with approximately 150 lineal feet of frontage along South Garland Avenue.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Planned Development (PD) District 08-52 which allows Community Retail (CR) District uses. The CR District is intended to accommodate a variety of retail, service, and business establishments that may or may not be designed in a shopping center configuration. The district may be used as a transition district between lower intensity retail or office uses and more intense uses. A CR District is generally appropriate along major transportation corridors but is generally not appropriate in proximity to low density residential districts without significant buffering and screening features. An example of allowed use in a CR District is a retail shopping area that may be large in scale with very limited or no outside storage. Traffic generated by uses in a CR District must be focused onto the major thoroughfare network. Development in a CR District may not be designed in a manner that increases traffic through residential areas.

The applicant proposes to expand the existing building and an additional drive-through lane. The Restaurant, Drive-Through use requires a Specific Use Provision per Planned Development (PD) District 08-52.

CONSIDERATIONS

1. The applicant proposes to add an additional drive-through lane to increase the speed of service. In addition, the request would expand the existing 2,890 square-foot building by approximately 545 square foot for a new total building area of 3,435 square feet. This expansion is for an indoor play area only. No additional dining area is being proposed; the applicant states that the total seating capacity will be decreased with the improvements.
2. The applicant is requesting a parking deviation. Thirty-five (35) parking spaces are required per the GDC; however, the site currently provides twenty-seven (27) parking spaces and the applicant is proposing twenty-six (26) parking spaces shown on Exhibit C. A traffic study has been prepared showing the site can function with the proposed spaces along with an additional drive-through lane.
3. Landscaping currently exists on the site. However, the applicant is providing new landscaping on site, which meets the GDC requirements.
4. The design of the building expansion and remodel complies with the applicable building design regulations of the GDC.
5. The applicant is requesting approval of the Specific Use Provision for a period of

twenty-five (25) years.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Business Center for the subject property. Additionally, the site is located within the South Garland Avenue Catalyst Area and is identified as a Targeted Investment Area. The site is located in a key commercial corridor and gateway to the community.

This use is supportive to the surrounding area and compatible with the Comprehensive Plan.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

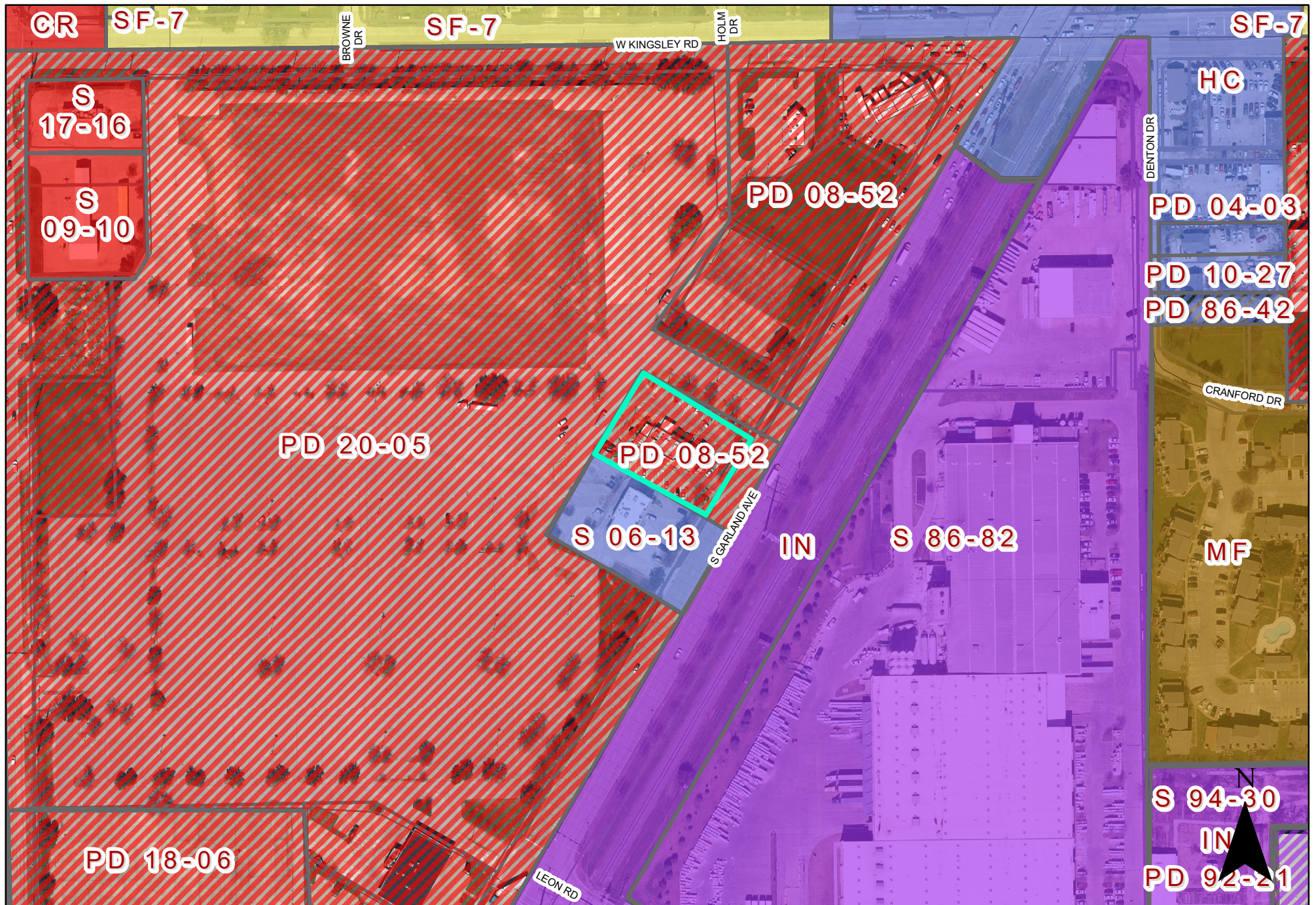
The property to the south is zoned Planned Development (PD) District 08-52 (with an S 06-13) and is developed with a drive-through restaurant. The property to the north is zoned Planned Development (PD) District 08-52 and is currently undeveloped. The property to the west is zoned Planned Development (PD) 20-05 and is currently used as a temporary off-site construction campus. The property to the east, across South Garland Avenue, is zoned Industrial (IN) District with an S 86-82 and is developed with a manufacturing company. The use is compatible with the surrounding area.

Attachments

Z 21-14 Langan (Specific Use Provision) Attachments

Z 21-14 Langan Responses

Z 21-14 Staff Presentation



0 100 200 Feet
1 inch = 200 feet

Zoning Map Z 21-14



INDICATES AREA
OF REQUEST

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 21-14

3205 South Garland Avenue

- I. Statement of Purpose:** The purpose of this Planned Development (PD) District is to approve a Detail Plan for a Restaurant, Drive-Through expansion.
- II. Statement of Effect:** This Planned Development (PD) District shall not affect any regulations found in the Garland Development Code, Ordinance No. 6773, and Planned Development (PD) District 08-52, as amended prior to the adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Planned Development (PD) District 08-52 and the Community Retail (CR) District as set forth in Chapter 2 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Development Plans:**
 - A. Development is to be in general conformance with the approved site plan, landscape plan, and elevations labeled Exhibit C, Exhibit D, and Exhibit E. In the event of conflict between the conditions and development plans, the conditions listed below are to apply.
- V. Specific Conditions:**
 - A. Site Plan: The site shall be in conformance with the site layout in Exhibit C.
 - B. Screening and Landscaping: Screening and Landscaping shall conform to Exhibit D.
 - C. Building Elevations: Building elevations shall be in general conformance with Exhibit E.
 - D. Signage: Signage shall comply with the GDC requirements.

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 21-14

3205 South Garland Avenue

- I. Statement of Purpose:** The purpose of this Specific Use Provision to allow a Restaurant, Drive-Through expansion.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulations found in the Garland Development Code, Ordinance No. 6773, as amended prior to the adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Planned Development (PD) District 08-52 and 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 Use Provision:**
- A. SUP Time Period: The Specific Use Provision for Restaurant, Drive-Through shall be in effect for twenty-five (25) years.

REPORT & MINUTES

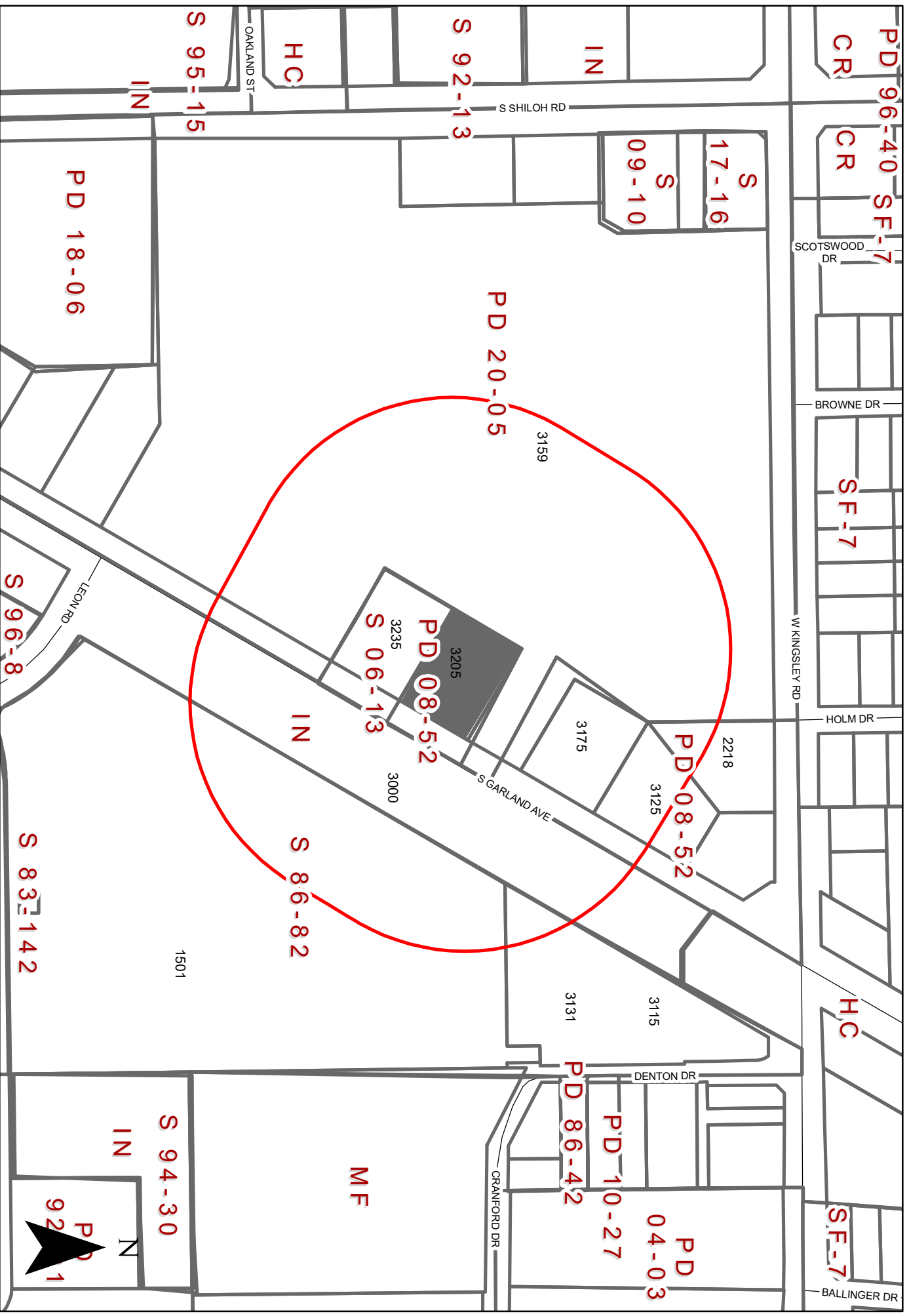
P.C. Meeting, June 14, 2021

Consideration of the application of **Langan**, requesting approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 08-52. This property is located at 3205 South Garland Avenue. (District 5) (File Z 21-14 - Specific Use Provision)

Kimberly Hopkins, Development Planner, presented the staff report.

Representing the applicant, Matthew Korte, 8951 Cypress Waters Boulevard, Suite 150, Dallas, Texas 75019, provided additional information regarding updating the site to meet current ADA Standards.

Motion was made by Commissioner Welborn to close the public hearing and **approve** the request per staff recommendation. Seconded by Commissioner Edwards. **Motion carried: 9 Ayes, 0 Nays.**



0120240 Feet1 inch = 238 feet

INDICATES AREA OF REQUEST

INDICATES NOTIFICATION AREA

Zoning Map Z 21-14

3205 South Garland Avenue

To date we have not received any responses for this case.

Z 21-14

The applicant proposes to expand and renovate an existing drive-through restaurant [McDonald's].

[Approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 08-52.]

Approval of a Plan for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 08-52.]



GARLAND

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**City Council Meeting
July 6, 2021**

Location: 3205 South Garland Avenue

Applicant: Langan

Owner: McDonald's

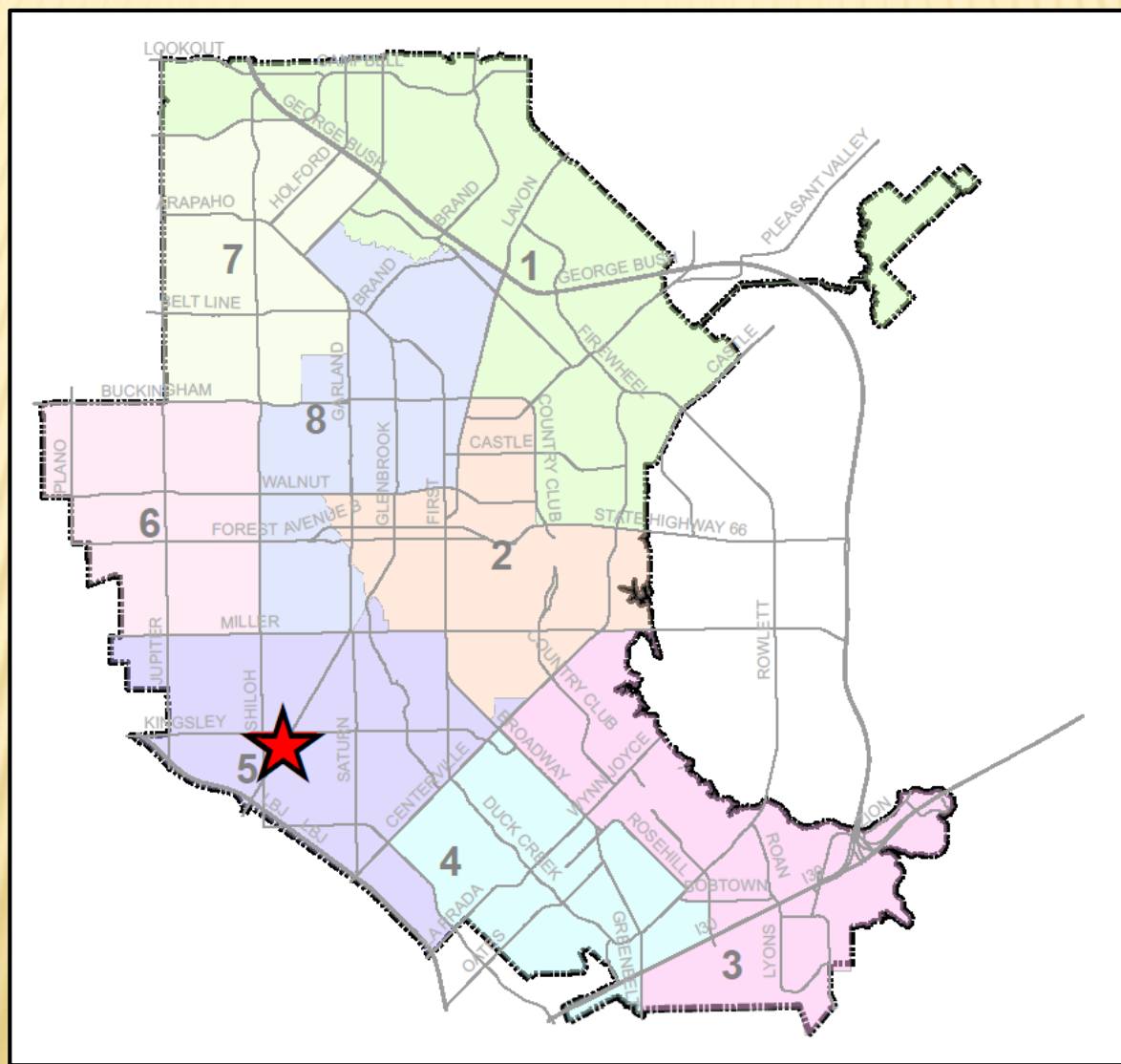
Acreage: 0.689 acres

Zoning: Planned Development (PD) District 08-52



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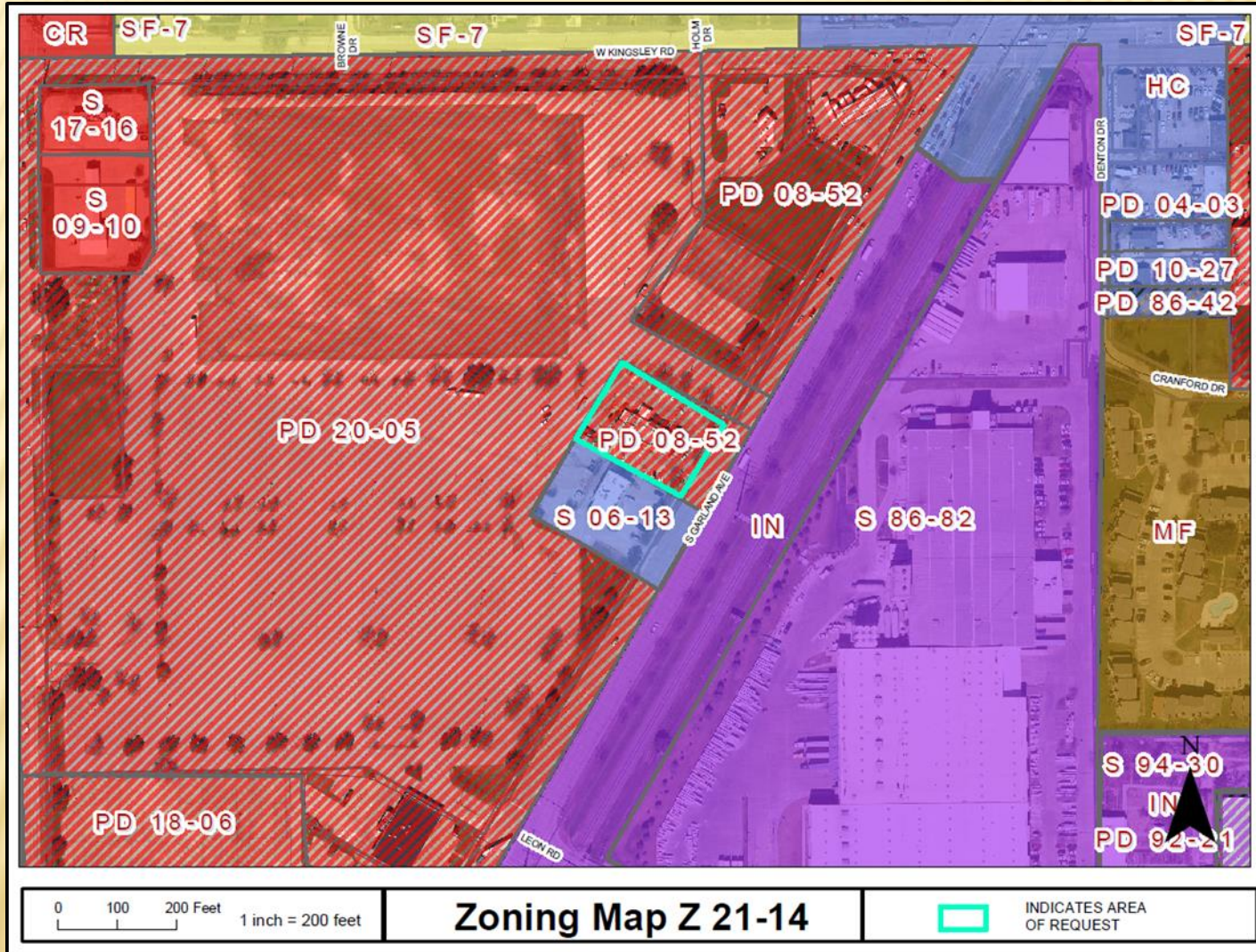
CITYWIDE LOCATION MAP





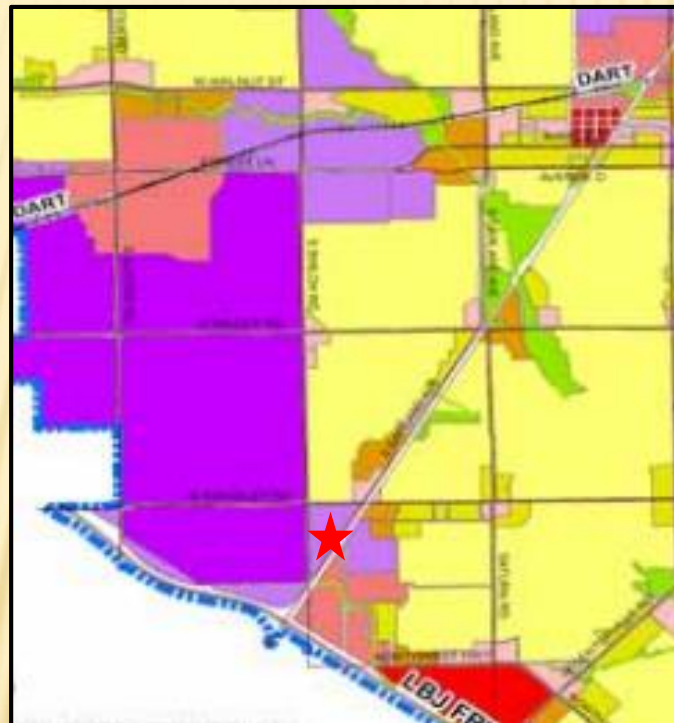
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LOCATION MAP



Z 21-14

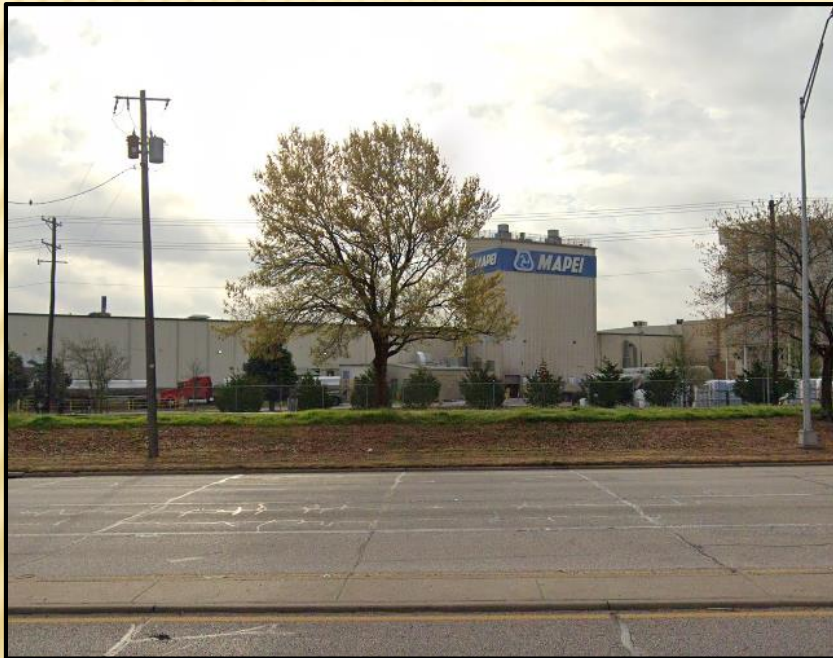
COMPREHENSIVE PLAN



The Future Land Use Map of the Envision Garland Plan recommends Business Center for the subject property. Business centers provide a cluster of business offices and/or low impact industry, including campus-type development, that cumulatively employ large numbers of people. Operations within this development type occur internal to buildings resulting in minimal negative impacts (sound, air, traffic, outdoor lighting, storage, etc.) and are compatible with adjacent development types in architecture, character, scale, and intensity. Business centers range in scale and intensity based on the surrounding vicinity and may consist of one or more buildings. This development type includes a variety of primary and secondary uses, including compatible residential uses, that support the business employment sector.

This use is supportive to the surrounding area and compatible with the Comprehensive Plan.

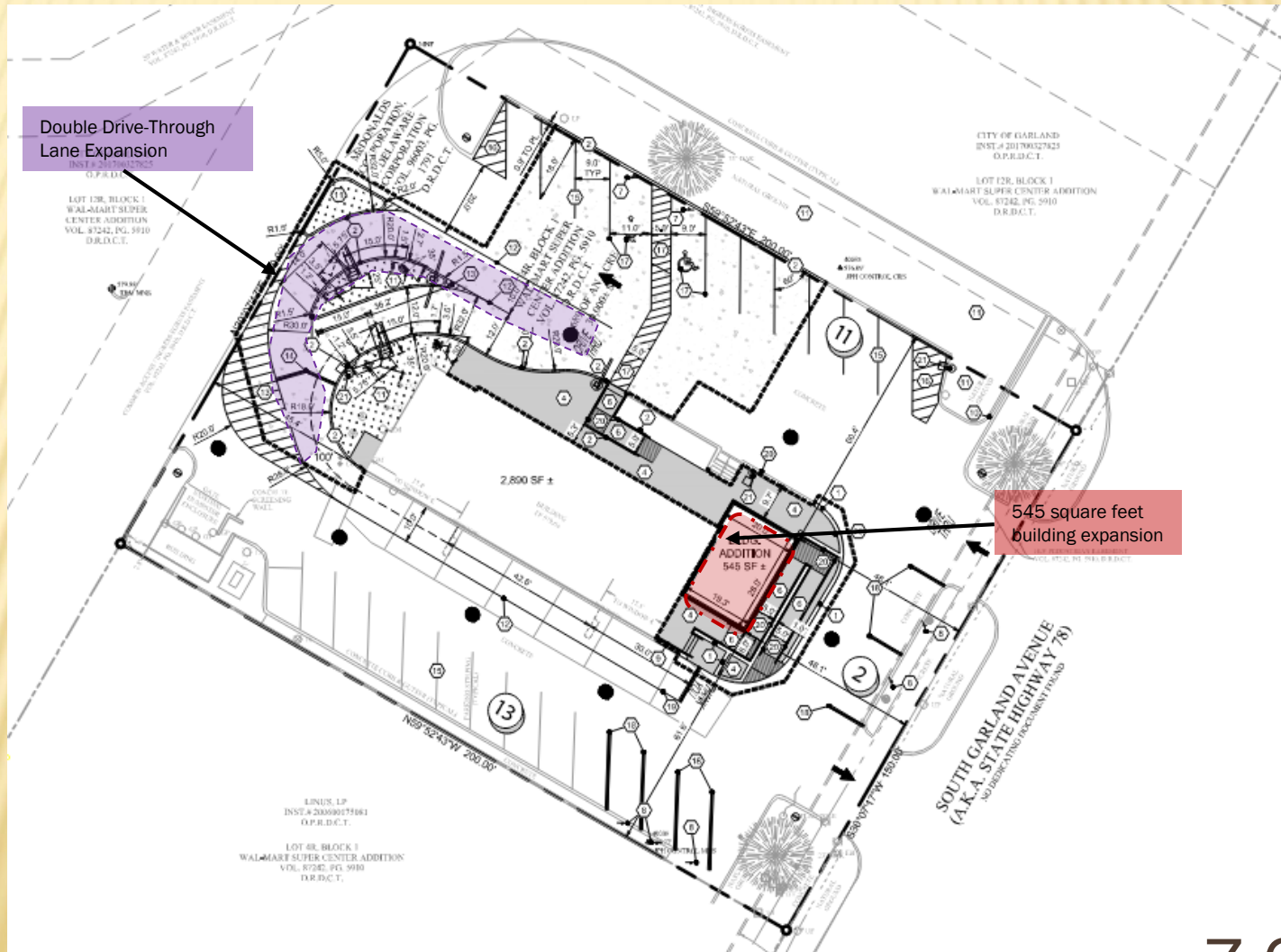






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SITE PLAN

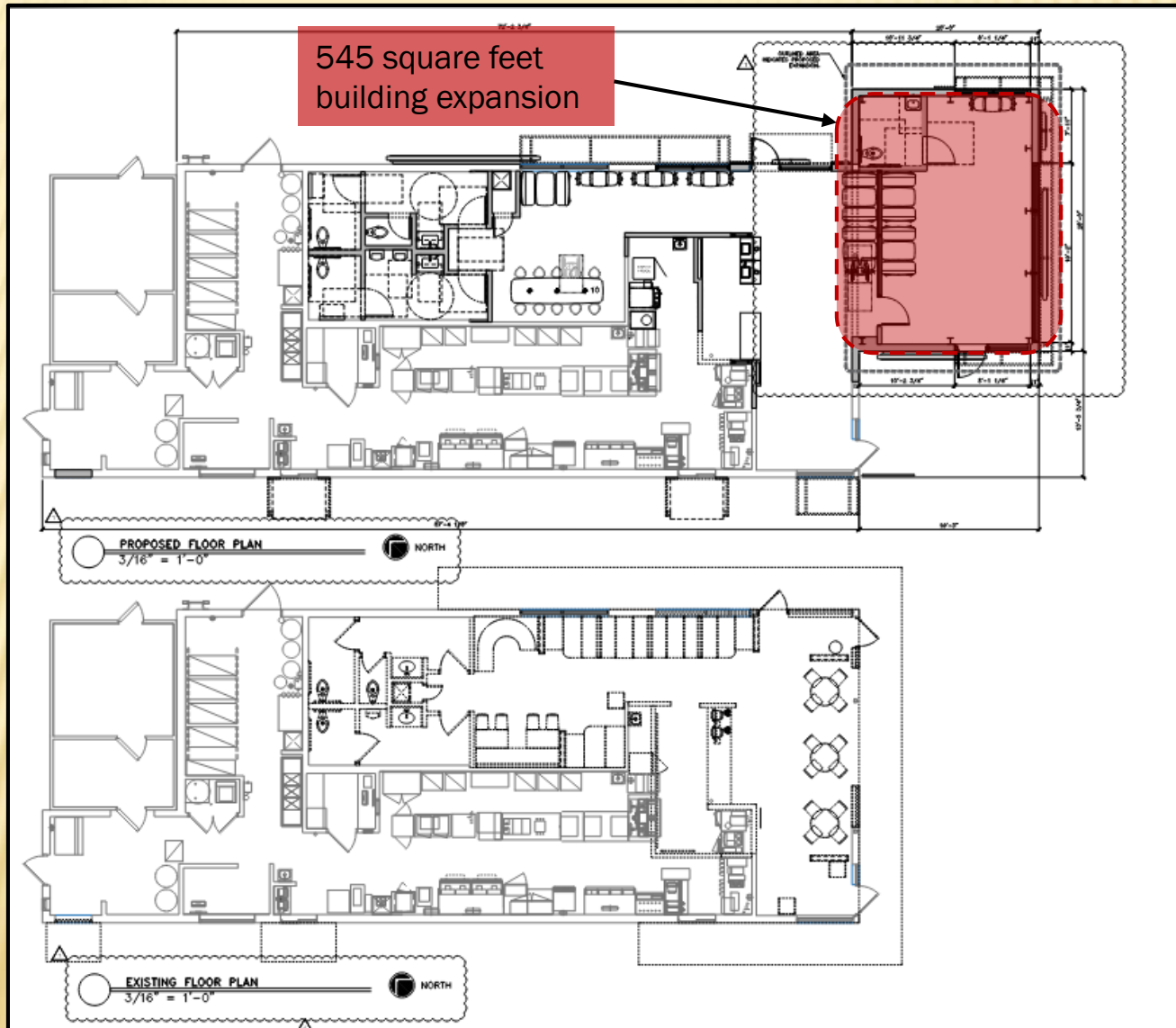


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FLOOR PLAN



CONSIDERATION

The applicant requests the Specific Use Provision (SUP) to be in effect until for a period of (25) years.



STAFF RECOMMENDATION

Approval of a Specific Use Provision (SUP) for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 08-52 for a period of twenty-five (25) years, in accordance with the SUP Time Period Policy Guide.

Approval of a Plan for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 08-52 .

PLAN COMMISSION RECOMMENDATION

On June 14, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision (SUP) for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 08-52 for a period of twenty-five (25) years, in accordance with the SUP Time Period Policy Guide.

The Plan Commission, by a vote of nine (9) to zero (0), also recommended approval of a Detail Plan for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 08-52.



Z 21-14



SPECIFIC USE PROVISION PERIOD GUIDE

SPECIFIC USE PROVISION (SUP) TIME PERIOD GUIDE

The purpose of this document is to provide applicants, staff, and Plan Commission guidance in regard to assigning a time period for Specific Use Provision (SUP) applications.

Between 2016 and 2020, the Garland City Council has approved the following uses and their subsequent average time periods via Specific Use Provision (SUP). Based on these averages, recommended time period ranges are included below.

<u>Specific Uses as Defined by the Garland Development Code</u>	<u>Average Approved Time Period (SUPs from 2016 to 2020)</u>	<u>City Council Recommended Time Period Range</u>
Restaurant, Drive-Through	25 years	20-25 years
Drive-through bank/ATM	30 years	25-30 years
Retail, Fuel Pumps	23.3 years	20-25 years
Car Wash	26.7 years	25-30 years
Food Processing & Storage	27.5 years	20-25 years
Recycling Salvage Yard	25 years	20-25 years
Truck/Bus Repair or Truck/Bus Storage	20 years	20-25 years
High Risk Use	22.5 years	To be evaluated on a case-by-case basis.
Contractor's Office w/ Outdoor Storage	10 years	10-15 years
Hotel, Limited Service	37.5 years	30-40 years
Self-Storage	36.7 years	30-40 years
Used Goods, Retail Sales (indoors)	20 years	20-30 years
Personal Services	30 years	20-30 years
Cellular Tower / Antennae Equipment	30 years	20-30 years
Kiosk	13 years	10-15 years
Charter School	5 years	5-30 years
Reception Facility	15 years	10-15 years
Guest House	5 years	5 years - unlimited
Tattoo Shop	5.3 years	5-10 years



GARLAND PLANNING REPORT

City Council Regular Session Agenda

12. b.

Meeting Date: 07/06/2021

Item Title: Z 21-14 Langan - Detail Plan (District 5)

Submitted By: Kimberly Hopkins, Development Planner

REQUEST

Approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 08-52.

Approval of a Detail Plan for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 08-52.

LOCATION

3205 South Garland Avenue

OWNER

McDonald's

PLAN COMMISSION RECOMMENDATION

On June 14, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision (SUP) for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 08-52 for a period of twenty-five (25) years, in accordance with the SUP Time Period Policy Guide.

The Plan Commission, by a vote of nine (9) to zero (0), also recommended approval of a Detail Plan for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 08-52.

STAFF RECOMMENDATION

Staff recommends approval of a Specific Use Provision (SUP) for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 08-52 for a period of twenty-five (25) years, in accordance with the SUP Time Period Policy Guide.

Approval of a Detail Plan for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 08-52.

BACKGROUND

The applicant, representing McDonald's, proposes to expand the existing building by 545 square feet, remodel the interior and exterior, and add an additional drive-through lane to increase the speed of service. As part of the site improvements, the applicant will be bringing the site into ADA compliance as well.

SITE DATA

The subject property is developed with an approximately 2,890 square-foot drive-through restaurant building. The site contains approximately 0.689 acres with approximately 150 lineal feet of frontage along South Garland Avenue.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Planned Development (PD) District 08-52 which allows Community Retail (CR) District uses. The CR District is intended to accommodate a variety of retail, service, and business establishments that may or may not be designed in a shopping center configuration. The district may be used as a transition district between lower intensity retail or office uses and more intense uses. A CR District is generally appropriate along major transportation corridors but is generally not appropriate in proximity to low density residential districts without significant buffering and screening features. An example of allowed use in a CR District is a retail shopping area that may be large in scale with very limited or no outside storage. Traffic generated by uses in a CR District must be focused onto the major thoroughfare network. Development in a CR District may not be designed in a manner that increases traffic through residential areas.

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CONSIDERATIONS

1. The applicant proposes to add an additional drive-through lane to increase the speed of service. In addition, the request would expand the existing 2,890 square-foot building by approximately 545 square foot for a new total building area of 3,435 square feet. This expansion is for an indoor play area only. No additional dining area is being proposed; the applicant states that the total seating capacity will be decreased with the improvements.
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COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Business Center for the subject property. Additionally, the site is located within the South Garland Avenue Catalyst Area and is identified as a Targeted Investment Area. The site is located in a key commercial corridor and gateway to the community.

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COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The property to the south is zoned Planned Development (PD) District 08-52 (with an S 06-13) and is developed with a drive-through restaurant. The property to the north is zoned Planned Development (PD) District 08-52 and is currently undeveloped. The property to the west is zoned Planned Development (PD) 20-05 and is currently used as a temporary off-site construction campus. The property to the east, across South Garland Avenue, is zoned Industrial (IN) District with an S 86-82 and is developed with a manufacturing company. The use is compatible with the surrounding area.

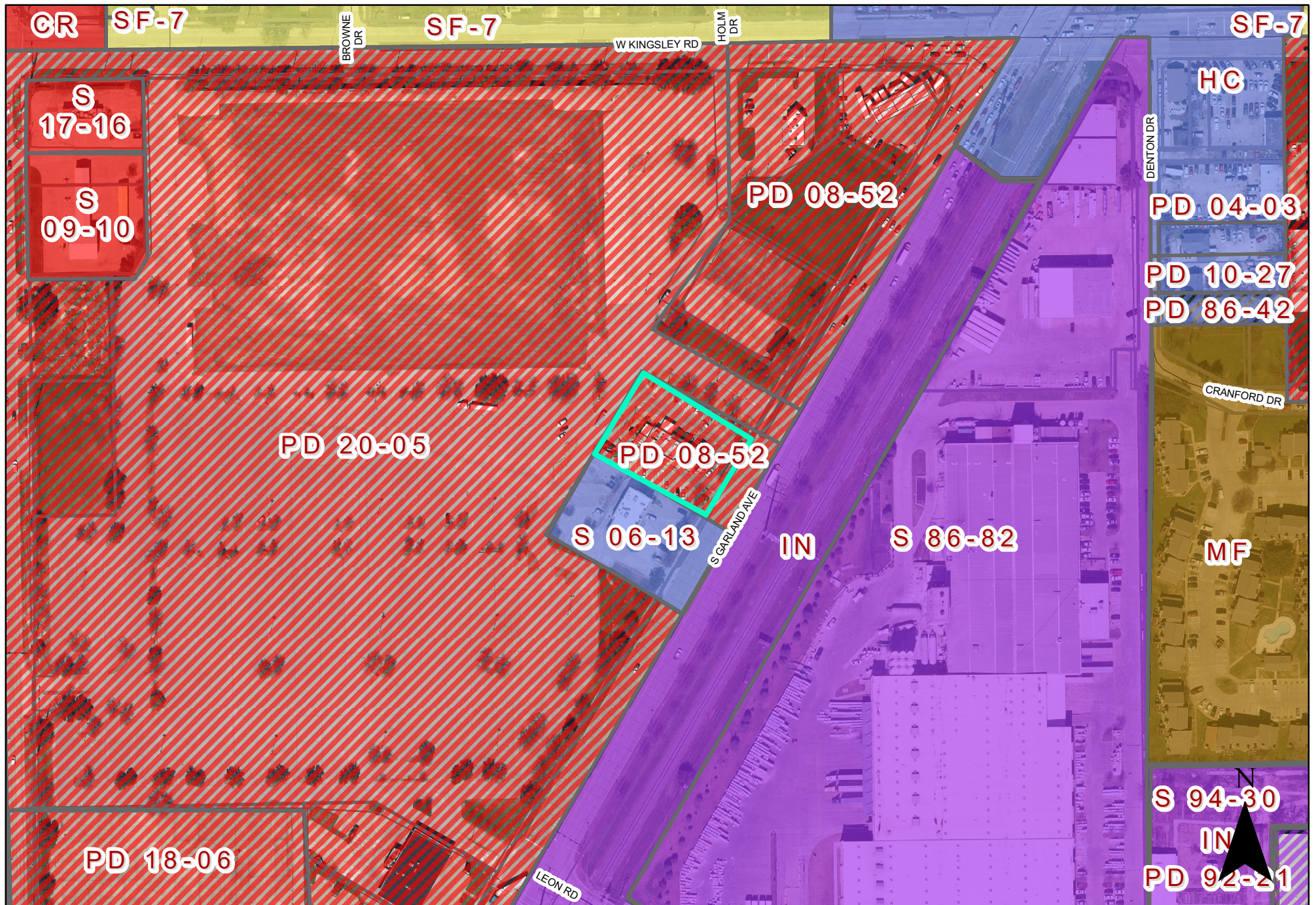
Attachments

Z 21-14 Langan (Detail Plan) Attachments

Z 21-14 Parking Study1

Z 21-14 Langan Responses

Z 21-14 Staff Presentation

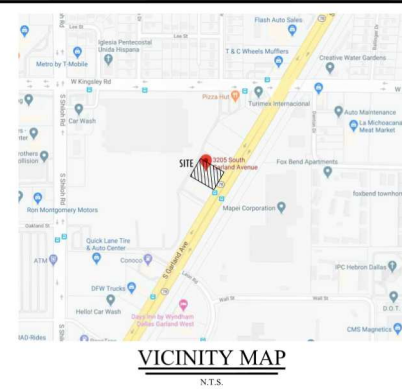
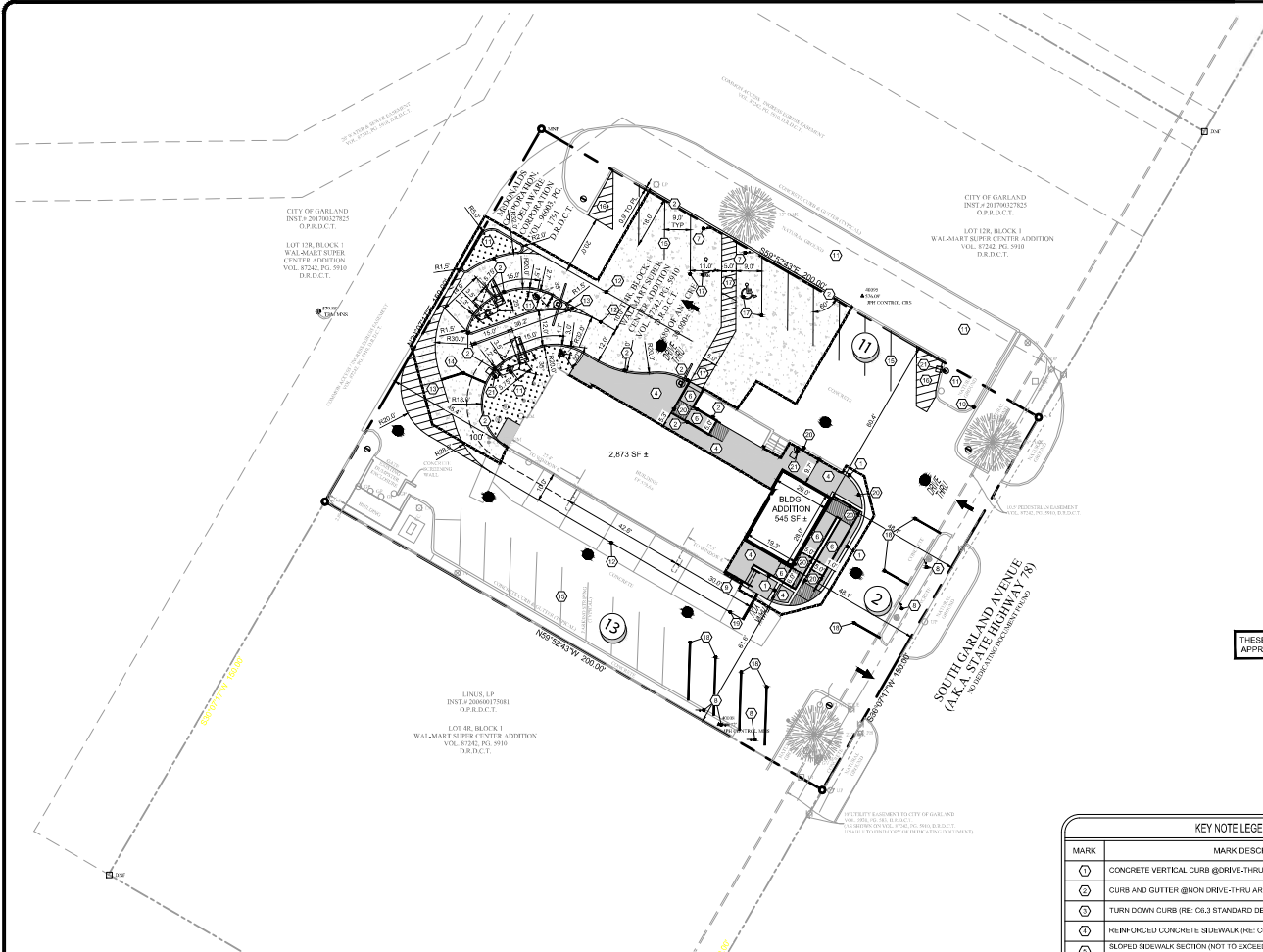


0 100 200 Feet
1 inch = 200 feet

Zoning Map Z 21-14



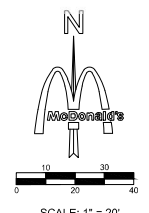
INDICATES AREA
OF REQUEST



HERE WE GROW AGAIN SIGN

THE GENERAL CONTRACTOR SHALL DISPLAY A "HERE WE GROW AGAIN" BANNER DURING CONSTRUCTION. THESE BANNERS ARE AVAILABLE THROUGH ALTRIA GLOBAL SOLUTIONS. CONTACT: KRISTY FALLG - PHF: 1-800-443-6939

LEGEND	
McDonald's Digital Menu Board	
McDonald's Order Here Canopy	
McDonald's Digital Pre-Browse Board	
McDonald's Double Gateway	
McDonald's Directional Sign	
"Drive-Thru" with "Circle / Arrow" - Color: Yellow	
"Thank You" at End of Path - Color: Yellow	
"Circle / Arrow" - Color: Yellow	
Arrow Path Direction - Color: White	



THESE PLANS ARE SUBJECT TO REVIEW & APPROVAL BY JURISDICTIONAL ENTITIES.



KEY NOTE LEGEND	
MARK	MARK DESCRIPTION
1	CONCRETE VERTICAL CURB @ DRIVE-THRU (RE: CL2 STANDARD DETAILS)
2	CURB AND GUTTER @ NON DRIVE-THRU AREAS (RE: CL2 STANDARD DETAILS)
3	TURN DOWN CURB (RE: CL3 STANDARD DETAILS)
4	REINFORCED CONCRETE SIDEWALK (RE: CL3 STANDARD DETAILS)
5	SLOPED SIDEWALK SECTION (NOT TO EXCEED 5% SLOPE) (RE: CL3 STANDARD DETAILS)
6	H.C. ACCESS RAMP @ 1:12 MAX SLOPE (RE: CL1 STANDARD DETAILS)
7	HANDICAP ACCESSIBLE BIGN (POLE MOUNTED) (RE: CL1 STANDARD DETAILS)
8	McDONALD'S OSMPOBILE ORDER SIGN (RE: CL4 STANDARD DETAILS)
9	GUARDRAIL @ INGRESS/EGRESS DOOR (RE: CL5 STANDARD DETAILS)
10	CONCRETE FLUME
11	LANDSCAPE FINISH GRADE 1" BELOW TOP OF CURB IN ALL LAWN AREAS AND 2" BELOW TOP OF CURB IN ALL BED AREAS
12	6" DRIVE-THRU STRIPING - COLOR: YELLOW
13	6" DIAGONAL PAINTED ISLANDS AT DRIVE-THRU - COLOR: YELLOW
14	6" MERGE POINT - COLOR: YELLOW
15	4" PARKING RTAL STRIPING - COLOR: WHITE (TYP)
16	6" DIAGONAL PAINTED ISLANDS IN PARKING AREA - COLOR: WHITE
17	HANDICAP ACCESSIBLE SPACES / SYMBOLS / CROSSWALK - COLOR: (PER STATE/CITY REQUIREMENTS)
18	4" OOSP STRIPING - COLOR: YELLOW
19	6" OOSP STRIPING - COLOR: YELLOW
20	HANDRAIL (RE: CL1 STANDARD DETAILS)
21	SITE LIGHT (RELOCATIONS)

SITE INFORMATION			
		EXISTING	PROPOSED
LAND AREA		30,013 SFs (0.689 ACs)	30,013 SFs (0.689 ACs)
ZONING		PD-JB-52	PD-JB-52
LAND USE		RESTAURANT W/ DRIVE-THRU	RESTAURANT W/ DRIVE-THRU
BUILDING AREA (3,418 SFs)		2,973 SFs	545 SFs
BUILDING LOT COVERAGE		9.6%	11.4%
FLOOR AREA RATIO		0.10	0.11
BUILDING HEIGHT		18'-0"	19'-4"
		REQUIRED	PROVIDED
PARKING		1 PER 100 SF = 34	26
HANDICAP PARKING		2	2
IMPERVIOUS AREA			27,137 SF (90.4%)
OPEN SPACE AREA		10% (3,001 SF)	9.6% (2,876 SF)
BUILDING HEIGHT		33' MAX.	

OWNER: McDonald's USA, LLC
511 E. JOHN CARPENTER FRWY., SUITE 375
DALLAS, TX 75062
CONTACT: LEE MORRIS

APPLICANT: LANGAN ADAMS
8851 CYPRESS WATERS BLVD., SUITE 150
DALLAS, TX 75019
817-328-3239
CONTACT: MATT KORTE

CASE #200312-1

STANDARD ACCESSIBILITY REQUIREMENTS	
PARKING: ACCESSIBLE PARKING SPACES SHALL BE AS NOTED TO A MIN. 36" WIDE OR A MIN. 132" WIDE FOR VAN DESIGNATED SPACES WITH A MAXIMUM SLOPE OF 2% IN ALL DIRECTIONS. ALL BUILDINGS SHALL HAVE AT LEAST ONE VAN ACCESSIBLE SPACE. EACH ACCESSIBLE PARKING SPACE SHALL HAVE A VERTICALLY MOUNTED (OR SUSPENDED) SIGN SHOWING THE SYMBOL OF ACCESSIBILITY. AT LEAST ONE SPACE MUST INCORPORATE "VAN ACCESSIBLE" BELOW THE SYMBOL OF ACCESSIBILITY. SIGNS SHALL BE LOCATED AS NOTED TO 8' (MIN.) ABOVE THE ADJACENT PAVED SURFACE TO BOTTOM OF TEXT. ALL ACCESSIBLE SERVING ACCESSIBLE PARKING SPACES SHALL BE AS NOTED TO A 60' WIDE MINIMUM. RAMP: RAMPS EXCEEDING 6" IN RISE (EXCLUDING CURB RAMPS) SHALL HAVE APPROPRIATE EDGE PROTECTION WITH HANDRAILS ON EACH SIDE. AT 36" TYPICAL 34" AND 36", AND 6' TYPICAL 12" BEYOND THE TOP AND BOTTOM OF RAMP. HANDRAIL SHALL NOT OBSTRUCT THE CLEAR AREA REQUIRED FOR TOP AND BOTTOM LANINGS SERVING THE RAMPS. IF REQUIRED BY LOCAL OR STATE JURISDICTION, RAMPS SHALL CONTAIN A TRUNCATED DOME SURFACE ARRANGED SO THAT WATER WILL NOT ACCUMULATE. COG OR CP RAMP FRESH MATERIAL INCLUDING CONCRETES SHALL HAVE A LIGHT AND REFLECTIVE VALUE AND MUST CONTRAST SIGNIFICANTLY TO DETRIMENTAL FROM ADJACENT SURFACES (OR PAINT STRIPS). LANDINGS FOR RAMPS SHALL BE AS WIDE AS THE RAMP AND 60" LONG MINIMUM (30" MINIMUM FOR CURB RAMPS). RAMPS SHALL NOT EXCEED A 1:12 RUNNING SLOPE OR 30" VERTICAL RISE. RAMPS AND LANING SHALL NOT EXCEED 1:48 (2% CROSS SLOPE). SEWAGEWATER AND ACCESSIBLE ROUTES: SEWAGEWATER MUST BE AT LEAST 30" WIDE WITH A CROSS SLOPE THAT SHALL NOT EXCEED 1:48 (2%). LONGITUDINAL SLOPE OF ANY SIDEWALK (ACCESSIBLE ROUTE) SHALL NOT EXCEED 1:20 (5%).	

PAVING SPECIFICATION	
VERIFY W/ McDONALD'S	ASPHALT
CONCRETE TO BE:	CONCRETE
CONCRETE PAVEMENT RECOMMENDATIONS - BASE RD	
PAVEMENT MATERIALS	HEAVY DUTY
PORTLAND CEMENT CONCRETE PAVEMENT	7"
COMPACTED SUBGRADE	7"

PAVEMENT NOTES:
1. McDONALD'S HAS ELECTED NOT TO HAVE A GEOTECHNICAL REPORT FOR THIS PROJECT.
2. SUBGRADE SHOULD BE SCARIFIED AND COMPACTED TO AT LEAST 95 PERCENT OF THE STANDARD PROCTOR (ASTM D 998) MAXIMUM DRY DENSITY FOR A DEPTH OF AT LEAST 6 INCHES BELOW THE SURFACE.
3. PAVEMENT MAY BE PLACED AFTER THE SUBGRADE HAS BEEN PROPERLY COMPACTED, FINGERED, AND PROOF ROLLER AS SPECIFIED IN THE SOILS REPORT.
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE TEXAS DEPARTMENT OF TRANSPORTATION SPECIFICATIONS AND McDONALD'S SPECIFICATIONS.
5. WATER SHOULD NOT BE ALLOWED TO FLOOD BEING CURED AND SATURATE THE BASE MATERIALS. SIMILAR BASE MATERIAL SHOULD EXTEND THROUGH THE SLOPE PROVIDING UNDERGROUND DRAINAGE IN EXIT PATH.
6. REFER TO C71 FOR CONCRETE JOINT SPECIFICATIONS UNLESS NOTED OTHERWISE IN THIS SPECIFICATION.
7. ALL CONCRETE PAVEMENT SHALL BE 4,000 PSI @ 28 DAYS AND REINFORCED WITH #4 BARS @ 18" O.C.E.W. AND WELDED WIRE MESH.
8. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO REFER TO THE GEOTECHNICAL REPORT FOR ADDITIONAL INFORMATION.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN OF THE GEOTECHNICAL REPORT REPRESENTED ABOVE. FOR ALL REVISIONS TO THE GEOTECHNICAL REPORT.

** NOTE TO CONTRACTOR - LOT RE-STRIPING **	
ALL AREAS, INCLUDING THOSE NOT AFFECTED BY ADA, DRIVE-THRU, OR OTHER SITE IMPROVEMENTS, SHALL BE RE-STRIPPED.	
PAVING LEGEND	
	REINFORCED CONCRETE SIDEWALK, MINIMUM 4" THICK REINFORCED WITH #3 BARS @ 18" O.C.E.W. CONCRETE TO BE 4000 PSI 28-DAY STRENGTH
	HEAVY DUTY REINFORCED CONCRETE @ DRIVING AREAS & DRIVE-THRU
	REINFORCED CONCRETE PAVEMENT @ TRASH ENCLOSURE APRON, MINIMUM 7" THICK REINFORCED WITH #4 BARS @ 18" O.C.E.W. CONCRETE TO BE 4000 PSI 28-DAY STRENGTH
	SAWCUT LINE

BY: HJM
DATE: 05/12/2021
REVISION: 05/12/2021
DESCRIPTION: DETAIL PLAN & SUBMITTAL

LANGAN ADAMS
PROJECT: Cypress Waters Blvd, Suite 150 Dallas, Texas 75019
PHONE: 817-328-3239
FAX: 817-328-3239
EMAIL: info@langanadams.com
WEBSITE: www.langanadams.com

STATE OF TEXAS
COUNTY OF DALLAS
REGISTERED PROFESSIONAL ENGINEER
MATTHEW DAVID KORTE
135890
EXPIRATION DATE: 05/12/2021

McDonald's USA, LLC
11000 West Loop South, Suite 1500, Dallas, Texas 75041
3205 S. GARLAND AVENUE
GARLAND, TEXAS, 75041

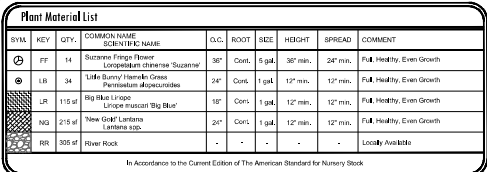
PLAN APPROVALS
SIGNATURE (2 REQUIRED)
DATE
OFFICE
ADDRESS
McDONALD'S USA, LLC
11000 West Loop South, Suite 1500, Dallas, Texas 75041
3205 S. GARLAND AVENUE
GARLAND, TEXAS, 75041

DESIGNED: APR 2021
DRAWN: APR 2021
CHECKED: --
AS-BUILT: --

DATE: APR 2021
BY: HJM

SITE PLAN
C3.0

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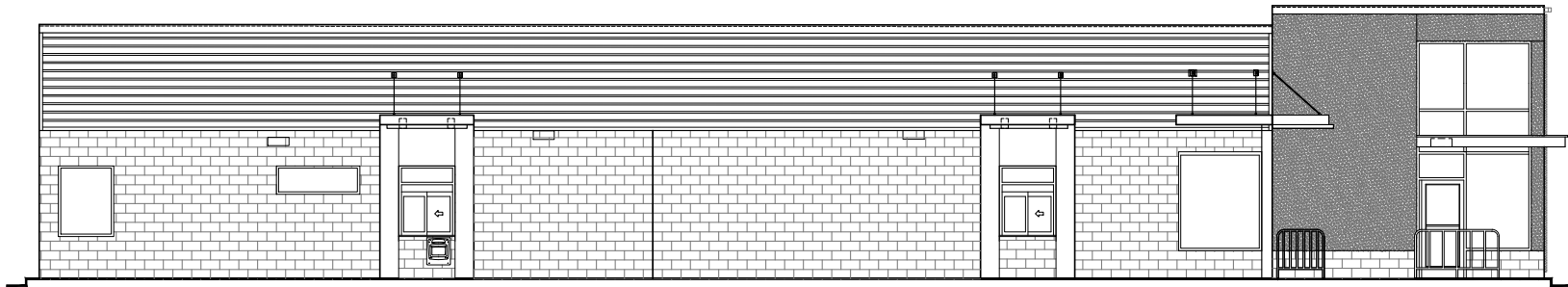
OWNER	APPLICANT
McDONALD'S USA, LLC	LANGAN-ADAMS
511 E. JOHN CARPENTER FRWY., SUITE 375	8951 CYPRESS WATERS BLVD., SUITE 150
IRVING, TX 75062	DALLAS, TX 75019
214-533-7382	817-328-3239
CONTACT: LEE MORRIS	CONTACT: MATT KORTE

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McDONALD'S USA, LLC	LANGAN-ADAMS
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IRVING, TX 75062	DALLAS, TX 75019
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CONTACT: LEE MORRIS	CONTACT: MATT KORTE

CASE #200312-1

 05.12.2021		LANEAN Adams		LANEAN OR NO. 201829		TIME REGISTRATION # 153709	
OFFICE: DALLAS FIELD EXECUTION TEAM ADDRESS: MSC DRIVE - C&K BROOK LINDSEY 80621 M. McDonald's USA, LLC		3205 S. GARLAND GARLAND, TEXAS 75041		LANEAN OR NO. 201829		TIME REGISTRATION # 153709	
PLAN APPROVALS SIGNATURE (2 REQUIRED)		CO-SIGN SIGNATURES		LANEAN OR NO. 201829		TIME REGISTRATION # 153709	
GENERAL MGR. CHIEF OF OPS. C&K DEPT. MGR. C&K DEPT. OFFICER		ENGINEER OWNER		LANEAN OR NO. 201829		TIME REGISTRATION # 153709	
DESIGNED DRAWN CHECKED AS-BUILT		DATE MAR 2020 MAR 2020 MAR 2020		BY MJR MJR JPK		LANEAN OR NO. 201829	
LANDSCAPE PLAN L1.0							

- T/ PARAPET/BRAND WALL
ELEV. + 19'-4"
- T/ PARAPET
ELEV. + 18' V.I.F.
- B/ DRIVE THRU TRELLIS
ELEV. + 10'-11"
- B/ CANOPY/FASCIA
ELEV. + 9'-4"
- T/ STOREFRONT
ELEV. + 7'-9 1/4" V.F.
- B/ STOREFRONT
ELEV. + 2' V.F.
- T/ SLAB
ELEV. + 0'-0"

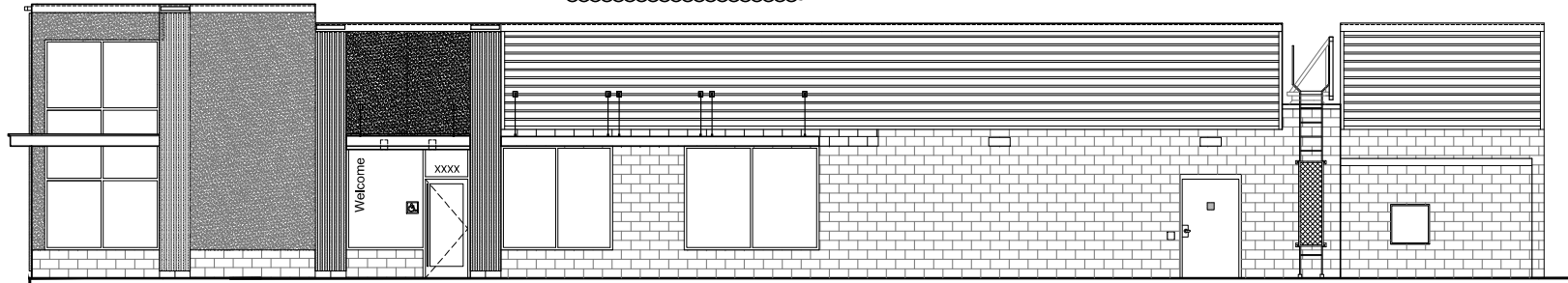


SOUTH ELEVATION
1/4" = 1'-0"

ARCHITECTURAL ELEMENTS USED

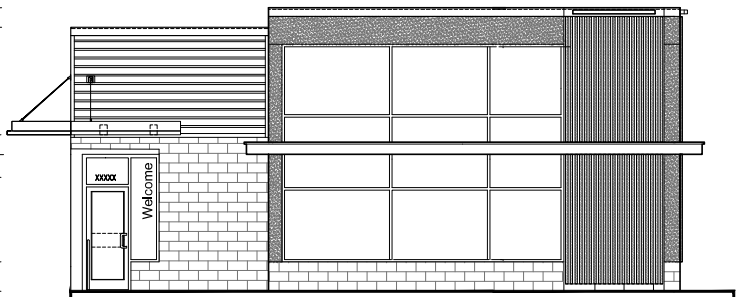
- CANOPIES (NEW)
- DIVIDED LIGHT STOREFRONT (NEW)
- TRANSOM ABOVE MAIN ENTRY DOORS (NEW)
- RECESSED ENTRY (NEW)
- DISTINCTIVE LIGHTING (NEW)
- ORNAMENTAL FACADE TRIMS (NEW)

- T/ PARAPET/BRAND WALL
ELEV. + 19'-4"
- T/ ENTRY ARCADE
ELEV. + 18' V.I.F.
- B/ CANOPY/FASCIA
ELEV. + 7'-9 1/4" V.F.
- T/ STOREFRONT
ELEV. + 7'-9 1/4" V.F.
- B/ STOREFRONT
ELEV. + 2' V.F.
- T/ SLAB
ELEV. + 0'-0"



NORTH ELEVATION
1/4" = 1'-0"

- T/ PARAPET/BRAND WALL
ELEV. + 19'-4"
- T/ PARAPET
ELEV. + 18' V.I.F.
- B/ DRIVE THRU TRELLIS
ELEV. + 10'-8"
- B/ CANOPY/FASCIA
ELEV. + 9'-3 1/2"
- T/ STOREFRONT
ELEV. + 7'-9 1/4" V.F.
- B/ STOREFRONT
ELEV. + 2' V.F.
- T/ SLAB
ELEV. + 0'-0"

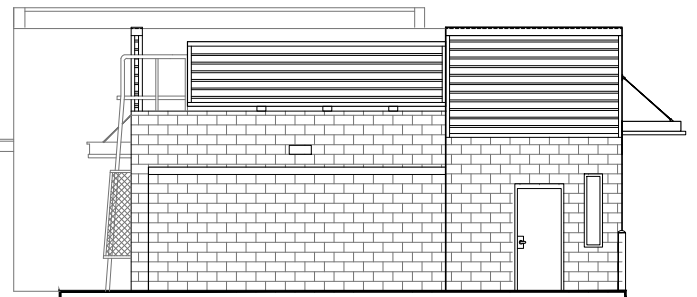


EAST ELEVATION
1/4" = 1'-0"

- T/ PARAPET/BRAND WALL
ELEV. + 19'-4"
- T/ PARAPET
ELEV. + 18' V.I.F.
- T/ SCREEN WALL
ELEV. + 17'-1/4" V.I.F.

- B/ CANOPY/FASCIA
ELEV. + 9'-1"
- T/ FREEZER/COOLER
ELEV. + 8'-5 1/2" V.F.

- T/ SLAB
ELEV. + 0'-0"



WEST ELEVATION
1/4" = 1'-0"

REPORT & MINUTES

P.C. Meeting, June 14, 2021

Consideration of the application of **Langan**, requesting approval of a Detail Plan for renovations and expansions to an existing Restaurant, Drive-Through on a property zoned Planned Development (PD) District 08-52. This property is located at 3205 South Garland Avenue. (District 5) (File Z 21-14 - Detail Plan)

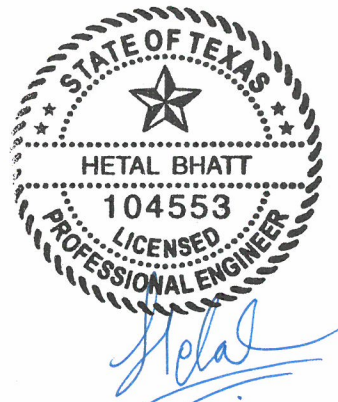
Motion was made by Commissioner Welborn to **approve** the request per staff recommendation. Seconded by Commissioner Edwards. **Motion carried: 9 Ayes, 0 Nays.**



ARIZONA
TEXAS
NEW MEXICO
OKLAHOMA

June 08, 2021

Ms. Heather Macomber
Adams Engineering & Development Consultants
8951 Cypress Waters Blvd., Ste. 150
Dallas, Texas 75019



06/08/2021

Dear Ms. Macomber:

Lee Engineering has updated the parking analysis for the existing McDonald's located at 3205 S Garland Road, Garland, TX, and the proposed expansion. This updated report documents the study procedures and findings based on the updated site plan dated June 07, 2021. This study was requested by the City of Garland since the number of parking spaces on the proposed site plan is less than the number required by the City.

The existing McDonald's is approximately 2,890 square feet and has 27 on-site parking spaces surrounding the restaurant, including two handicap parking spaces and two curbside pickup spaces. This information has been field verified. All parking spaces are specially designated for the site, and no spaces are shared between the neighboring developments. In January 2021, when the field data was collected, the restaurant lobby was open for take-out orders only. Customers were prohibited from dining inside or using the outdoor play area.

The existing McDonald's location proposes adding 545 square feet of indoor play area/seating and a second drive-through menu/ordering board. This remodeling would remove and replace the existing outdoor play area/seating with indoor play area/seating and increase floor area to 3,435 square feet from 2,890 square feet. Based on the information provided by the applicant, the site currently has a total of 91 seats (53 indoor seats plus 38 outdoor seats), and the proposed expansion would provide a total of 80 indoor seats and no outdoor seats. A total of 26 on-site parking spaces are shown on the proposed site plan, including two handicap parking spaces and five curbside pickup spaces.

Maximum Parking Spaces Allowed by the Garland Development Code

The Garland Development Code Section 2.51 of Chapter 2 provides a "Land Use Matrix" that identifies the maximum number of parking spaces allowed for restaurants, Drive-Through as one parking space per 100 square feet of floor area. **Table 1** summarizes the parking needs for the proposed development based on the City Code.

Table 1: Maximum Parking Spaces Allowed per the Garland Development Code

Land Use Type	Parking Ratio	Total Square Feet	Required Number of Spaces
Restaurant, Drive-Through	1 space per 100 sq ft	2,890 (Existing)	29
		3,435 (Proposed)	35

Based on Table 1, it can be inferred that the existing McDonald's location currently has two fewer parking spaces (=29-27) than required by the City Code.

The existing McDonald's has plans for expansion of the existing building and the drive-through facility. A second drive-through lane and ordering station will be added outside the building, along with building expansion of 545 square feet for an enclosed play area. The existing site currently has an outdoor play area providing 38 seats that would be removed and replaced with an enclosed play area and similar seating. Adams Engineering has developed the site plan for the proposed development, and it is provided with the attachments. Based on this document, the total new floor area for the McDonald's building is proposed to be 3,435 square feet and would require 35 parking spaces. It should be noted that the proposed expansion will add drive-through capacity but will decrease the restaurant's total 'dine-in' capacity by 11 seats (=91-80).

The proposed site plan will provide 26 parking spaces, and the restaurant will then have nine fewer parking spaces (=35-26) than required by the City Code.

Estimated Parking Demand per the ITE Parking Generation

Based on the information provided in the *ITE Parking Generation (5th Edition)*, peak hour parking demands for a fast-food restaurant with drive-through occur between 11:30 AM – 1:30 PM and between 5:00 PM – 7:00 PM on a weekday. Over the weekend, the peak hour parking demands for such land use occur between 12:00 PM – 2:00 PM.

Information provided by the client indicated peak hours for the existing McDonald's occur between 11:00 AM – 1:00 PM and between 6:00 PM – 8:00 PM on weekdays and between 11:30 AM – 1:30 PM on weekends. Based on the above-indicated peak hours, Lee Engineering performed parking occupancy counts for peak times on a typical weekday and Saturday. Parking data for the existing McDonald's was collected on Thursday, January 7, 2021 and on Saturday, January 16, 2021 to determine the current peak parking demand. In January 2021, the restaurant lobby was open for take-out orders only.

The number of vehicles in the parking lot was documented every 15 minutes. The raw data is provided as an attachment to this letter. The maximum weekday number of cars observed on-site was 15 vehicles from 11:45 PM – 12:00 PM, and the maximum weekend parking peak was observed to be 12 spaces from 12:30 PM – 1:00 PM. At no time did the parking demand exceed the available on-site parking. **Table 2** and **Table 3** summarize the existing parking demand for weekday and weekend conditions, respectively.

Table 2: Weekday Parking Demand

Lunch Peak Time	Parked Cars near McDonald's (27 spaces avail.)	PM Peak Time	Parked Cars near McDonald's (27 spaces avail.)
11:00 AM	12	6:00 PM	10
11:15 AM	10	6:15 PM	9
11:30 PM	11	6:30 PM	9
11:45 PM	15	6:45 PM	9
12:00 PM	13	7:00 PM	8
12:15 PM	12	7:15 PM	8
12:30 PM	11	7:30 PM	9
12:45 PM	11	7:45 PM	8
Maximum	15	Maximum	10

Table 3: Weekend Parking Demand

Lunch Peak Time	Parked Cars near McDonald's (27 spaces avail.)
11:30 AM	10
11:45 AM	8
12:00 PM	0
12:15 PM	10
12:30 PM	12
12:45 PM	12
1:00 PM	10
1:15 PM	9
Maximum	12

Tables 2 and 3 show that of the 27 parking spaces immediately surrounding McDonald's, the highest observed quantity of parked vehicles was 15 during the weekday peak period and 12 during the weekend peak period. That is, about 50% of spaces were unutilized. With the proposed McDonald's expansion, there will be a decrease in seating capacity; and the existing outdoor play area/seating would be enclosed. Considering the proposed site plan, the total available parking spaces surrounding McDonald's would be 26, which is 11 more than the observed peak demand. Existing parking demand would need to increase by over 70% to fill the parking lot to capacity.

Based on the observed parking demand, no traffic hazard or traffic congestion on adjoining streets is predicted with the proposed McDonald's expansion if there is no significant change in surrounding land use or traffic pattern.

Additional Sales Information

Sales data has been provided by the client and is summarized in **Table 4** below. It should be noted that the lobby was closed due to COVID-19 restrictions from April 2020 to September 2020. The other 7% of transactions (asterisk) represent delivery, curbside, and take-out.

Table 4: Monthly Lobby and Drive-Through Transactions

Timeframe	Total Transactions (2019)	Percent of Transactions Using Drive-Through Only (2019)	Total Transactions (2020)	Percent of Transactions Using Drive-Through Only (2020)
January – March (2 Months Total)	64,071	71%	66,094	73%
April – September (5 Months Total)	171,746	72%	151,048	93%*

The drive-through provided over 70% of total restaurant transactions. Despite the COVID-19 pandemic and temporary closure of the lobby, the number of sales generally remained constant. Since parking demand counts were taken while the lobby was only open for take-out orders, parking demand was also estimated based on the transaction data from 2019, when the lobby was open for dine-in. The following steps shows estimated parking demand:

- Transaction data from April 1 to September 1, 2019, show a total of 171,746 transactions from April 01, 2019, to September 01, 2019 (153 days).
- During this time, 28% (or 48,089) of transactions occurred in the lobby.
- Based number of lobby transactions and 153 days, 314.3 daily transactions were estimated.
- If one trip conservatively equals one transaction, then 315 lobby trips occurred on a typical day.
- This study assumes 10% of daily trips would occur during the peak hour. Therefore, 32 inbound trips would occur during the peak hour. *ITE Trip Generation Manual* indicates that for a typical fast-food restaurant with a drive-through window (LU 934), out of all peak hours (weekday or weekend), a maximum of 100 inbound trips occur during the peak hour of Saturday. With 28% lobby traffic, that translates to 28 inbound trips for the lobby. Therefore, this study uses a conservative estimate of 32 inbound trips.
- The typical duration of stay for a dine-in patron is less than 30 minutes, according to the *ITE Parking Generation Manual (5th Edition)*, and 60% of the peak parking demand occurs in the hour prior to the peak hour.

With the information above, the following assumptions were made:

- During the peak hour, 50% of patrons would arrive within a peak 15-minute period, and the remaining 50% would arrive during the remaining 45-minutes of the hour, with one vehicle arriving every three minutes.
- The retention time was assumed to be 30 minutes.

- 60% of the peak hour inbound trips will occur in the hour prior to the peak hour. These 20 trips (60% of 32) will be evenly distributed over an hour. That is one trip at every three minutes.
- At the beginning of the peak hour, ten parking spots would be occupied.
 - 20 inbound trips in the hour prior to the peak hour
 - 30 minutes retentions = ten vehicles will depart (one at every three minutes).
Therefore, $20 - 10 = 10$ vehicles will be present at the beginning of the peak hour.

Based on this arrival and retention pattern, a maximum of 22 vehicles would be parked on-site during the peak hour. This process is detailed in an attachment to this letter.

Based on the collected traffic data and parking demand analysis presented in this report, the following conclusions can be made:

1. The existing McDonald's is 2,890 square feet and will expand to 3,435 square feet. The proposed expansion is anticipated to decrease the total seating capacity by 11 seats. It would remove the existing outdoor play area/seating and provide an enclosed play area/seating. An additional drive-through menu/order board is also proposed. Thus, the proposed expansion is not expected to increase parking demand.
2. The maximum observed parking demand for the existing McDonald's was 15 parking spaces from 11:45 PM to 12:00 PM on a weekday. During the peak operations, about 44% of parking spaces were not occupied.
3. The existing McDonald's peak observed parking demand was 12 parking spaces from 12:30 PM to 1:00 PM on Saturday. During the peak demand, about 55% of parking spaces were not occupied.
4. Transaction data from 2019 and assumed arrival and retention patterns indicate a maximum of 22 vehicles would be parked on-site during the peak hour. As shown in the site plan, a total of 26 on-site parking spaces would be provided, including two handicap parking spaces and five curbside pickup spaces.

Recommendation: This study recommends that the parking reduction be granted based on the low observed existing parking demand and the proposed seating reduction.

If you have any additional questions, please feel free to contact me.

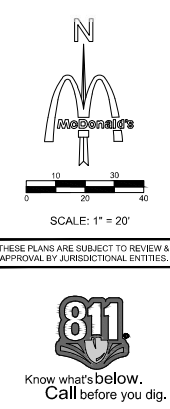
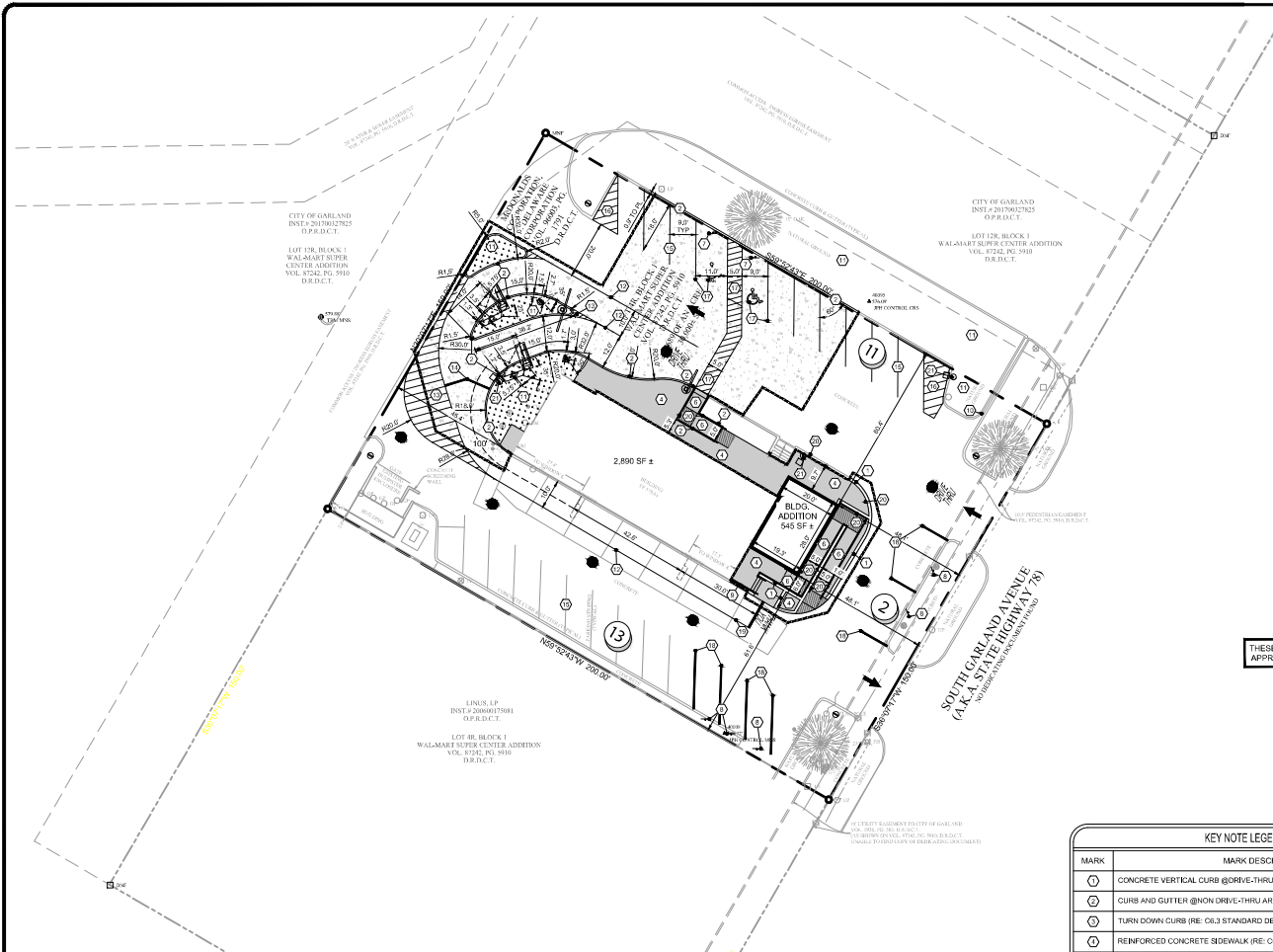
Sincerely,



Hetal Bhatt, P.E., PTOE
Senior Engineer
Lee Engineering
Firm No. F-450

Attachments:

1. 3205 S. Garland Rd. McDonald's site plan
2. Observed parking demand data
3. McDonald's transaction data
4. Parking Demand Based on Transactions
5. Email identifying site characteristics (sent June 7, 2021)



HERE WE GROW AGAIN SIGN

THE GENERAL CONTRACTOR SHALL DISPLAY A "HERE WE GROW AGAIN" BANNER DURING CONSTRUCTION. THESE BANNERS ARE AVAILABLE THROUGH ALTRIA GLOBAL SOLUTIONS. CONTACT: KRISTY FALLG - PHF: 1-800-443-6939

LEGEND

McDonald's Digital Menu Board	
McDonald's Order Here Canopy	
McDonald's Digital Pre-Browse Board	
McDonald's Double Gateway	
McDonald's Directional Sign	
"Drive-Thru" with "Circle / Arrow" - Color: Yellow	
"Thank You" at End of Path - Color: Yellow	
"Circle / Arrow" - Color: Yellow	
Arrow Path Direction - Color: White	

STANDARD ACCESSIBILITY REQUIREMENTS

PARKING:
ACCESSIBLE PARKING SPACES SHALL BE AS NOTED TO A MIN. 36" WIDE OR A MIN. 132" WIDE FOR VAN DESIGNATED SPACES WITH A MAXIMUM SLOPE OF 2% IN ALL DIRECTIONS. ALL BUILDINGS SHALL HAVE AT LEAST ONE VAN ACCESSIBLE SPACE.

Each accessible parking space shall have a vertically mounted (or suspended) sign showing the symbol of accessibility. At least one space must incorporate "van accessible" below the symbol of accessibility. Signs shall be located as noted to 8' (MIN) ABOVE THE ADJACENT PAVED SURFACE TO BOTTOM OF TEXT.

ALL ACCESSIBLE SERVING ACCESSIBLE PARKING SPACES SHALL BE AS NOTED TO A 60' WIDE MINIMUM.

RAMPS:
RAMPS EXCEEDING 6" IN RISE (EXCLUDING CURB RAMPS) SHALL HAVE APPROPRIATE EDGE PROTECTION WITH HANDRAILS ON EACH SIDE. AT 36" TYPICAL 34" AND 36", AND 6' TYPICAL 12" BEYOND THE TOP AND BOTTOM OF RAMP. HANDRAILS SHALL NOT OBSTRUCT THE CLEAR AREA REQUIRED FOR TOP AND BOTTOM LANDINGS SERVING THE RAMPS.

IF REQUIRED BY LOCAL OR STATE JURISDICTION, RAMPS SHALL CONTAIN A TRUNCATED DOME SURFACE ARRANGED SO THAT WATER WILL NOT ACCUMULATE. COG OR OF RAMP FRESH MATERIAL (INCLUDING CONCRETES) SHALL HAVE A LIGHT AND REFLECTIVE VALUE, AND MUST CONTRAST SIGNIFICANTLY TO THE SURFACE TO WHICH IT IS APPLIED.

LANDINGS FOR RAMPS SHALL BE AS WIDE AS THE RAMP AND 60" LONG MINIMUM (30" MINIMUM FOR CURB RAMPS).

RAMPS SHALL NOT EXCEED A 1:12 RUNNING SLOPE OR 30° VERTICAL RISE.

RAMPS AND LANDINGS SHALL NOT EXCEED 1/48 (2% CROSS SLOPE).

SIDEWALKS AND ACCESSIBLE ROUTES:
SIDEWALKS MUST BE AT LEAST 36" WIDE WITH A CROSS SLOPE THAT SHALL NOT EXCEED 1/48 (2%). LONGITUDINAL SLOPE OF ANY SIDEWALK (ACCESSIBLE ROUTE) SHALL NOT EXCEED 1:20 (5%).

PAVING SPECIFICATION

CONCRETE PAVEMENT RECOMMENDATIONS - BASE BID	CONCRETE PAVEMENT
PORTLAND CEMENT CONCRETE PAVEMENT	HEAVY DUTY
COMPACTED SUBGRADE	7"

PAVEMENT NOTES:

- McDonald's has elected not to have a geotechnical report for this project.
- Subgrade should be scarified and compacted to at least 95 percent of the standard proctor (ASTM D 698) maximum dry density for a depth of at least 6 inches below the surface.
- Pavement may be placed after the subgrade has been properly compacted, fingered and proof rolled as specified in the soils report.
- All work shall be in accordance with the Texas Department of Transportation specifications and McDonald's specifications.
- Water should not be allowed to pond behind curbs and saturate the base materials. Gravelular base material should extend through the slope providing underground drainage in exit path.
- Refer to C-71 for concrete joint specifications unless noted.
- Concrete shall be placed within 90 days of subgrade preparation.
- All concrete pavement shall be 4,000 PSI @ 28 days and reinforced with #4 BARS @ 18" O.C.E.W. and welded wire mesh.
- It shall be the contractor's responsibility to refer to the soils report for geotechnical information.
- The contractor shall be responsible for providing the geotechnical report information to the contractor's specifications.

**** NOTE TO CONTRACTOR - LOT RE-STRIPING ****

ALL AREAS, INCLUDING THOSE NOT AFFECTED BY ADA, DRIVE-THRU, OR OTHER SITE IMPROVEMENTS, SHALL BE RE-STRIPPED.

PAVING LEGEND

	REINFORCED CONCRETE SIDEWALK, MINIMUM 4" THICK REINFORCED WITH #3 BARS @ 18" O.C.E.W. CONCRETE TO BE 4000 PSI 28-DAY STRENGTH
	HEAVY DUTY REINFORCED CONCRETE @ DRIVING AREAS & DRIVE-THRU
	REINFORCED CONCRETE PAVEMENT @ TRASH ENCLOSURE APRON, MINIMUM 7" THICK REINFORCED WITH #4 BARS @ 18" O.C.E.W. CONCRETE TO BE 4000 PSI 28-DAY STRENGTH
	SAWCUT LINE

KEY NOTE LEGEND

MARK	MARK DESCRIPTION
1	CONCRETE VERTICAL CURB @ DRIVE-THRU (RE: CL2 STANDARD DETAILS)
2	CURB AND GUTTER @ NON DRIVE-THRU AREAS (RE: CL2 STANDARD DETAILS)
3	TURN DOWN CURB (RE: CL3 STANDARD DETAILS)
4	REINFORCED CONCRETE SIDEWALK (RE: CL3 STANDARD DETAILS)
5	SLOPED SIDEWALK SECTION (NOT TO EXCEED 5% SLOPE) (RE: CL3 STANDARD DETAILS)
6	H.C. ACCESS RAMP @ 1:12 MAX SLOPE (RE: CL1 STANDARD DETAILS)
7	HANDICAP ACCESSIBLE SIGN (POLE MOUNTED) (RE: CL1 STANDARD DETAILS)
8	McDONALD'S OSMOSPOMBLE ORDER SIGN (RE: CL4 STANDARD DETAILS)
9	GUARDRAIL @ INGRESS/EGRESS DOOR (RE: CL5 STANDARD DETAILS)
10	CONCRETE FLUME
11	LANDSCAPE FINISH GRADE 1" BELOW TOP OF CURB IN ALL LAWN AREAS AND 2" BELOW TOP OF CURB IN ALL BED AREAS
12	6" DRIVE-THRU STRIPING - COLOR: YELLOW
13	6" DIAGONAL PAINTED ISLANDS AT DRIVE-THRU - COLOR: YELLOW
14	6" MERGE POINT - COLOR: YELLOW
15	4" PARKING STRIP STRIPING - COLOR: WHITE (TYP)
16	6" DIAGONAL PAINTED ISLANDS IN PARKING AREA - COLOR: WHITE
17	HANDICAP ACCESSIBLE SPACES / SYMBOLS / CROSSWALK - COLOR: PER STATE/CITY REQUIREMENTS
18	4" OOSP STRIPING - COLOR: YELLOW
19	6" OOSP STRIPING - COLOR: YELLOW
20	HANDRAIL (RE: CL1 STANDARD DETAILS)
21	SITE LIGHT (RELOCATIONS)

SITE INFORMATION

	EXISTING	PROPOSED
LAND AREA	30,013 SFs (0.689 ACs)	30,013 SFs (0.689 ACs)
ZONING	PQ-08-52	PQ-08-52
LAND USE	RESTAURANT W/ DRIVE-THRU	RESTAURANT W/ DRIVE-THRU
BUILDING AREA (3,435 SFs)	2,990 SFs	545 SFs
BUILDING LOT COVERAGE	9.6%	11.4%
FLOOR AREA RATIO	0.10	0.11
BUILDING HEIGHT	18'-0"	19'-4"
REQUIRED		
PARKING	1 PER 100 SF = 34	26
HANDICAP PARKING	2	2
IMPERVIOUS AREA		27,137 SF (90.4%)
OPEN SPACE AREA	10% (3,001 SF)	9.6% (2,876 SF)
BUILDING HEIGHT	39' MAX.	

OWNER:
McDONALD'S USA, LLC
511 E. JOHN CARPENTER FRWY., SUITE 375
DALLAS, TX 75082
817-553-7382
CONTACT: LEE MORRIS

APPLICANT:
LANGAN ADAMS
8851 CYPRESS WATERS BLVD., SUITE 150
DALLAS, TX 75019
817-553-7382
CONTACT: MATT KORTE

CASE #200312-1

REVISIONS

REV	DATE	DESCRIPTION
1	06/07/2021	DETAIL PLAN & SUBMITTAL

LANGAN | Adams

PROJECT: 8851 Cypress Waters Blvd., Suite 150 Dallas, Texas 75019 | 817-553-7382

STATE OF TEXAS
MATTHEW DAVID KORTE
135680
EXPIRES 08/01/2023

McDonald's USA, LLC
135680
EXPIRES 08/01/2023

PLAN APPROVALS

OFFICE	DALLAS FIELD OFFICE	DATE	BY
SIGNATURE (2 REQUIRED)			

CO-SIGN SIGNATURES

NAME	DATE	BY
DESIGNED	APR 2021	HJM
DRAWN	APR 2021	HJM
CHECKED		
AS-BUILT		

SITE PLAN
C3.0

Copyright 2020, Adams Engineering

File Name: 3205 S GARLAND AVE - MCDONALDS - PARKING LOT STUDY - THUR
 Start Date: 1/7/2021
 Start Time: 11:00:00 AM
 Site Code: 33

Capacity: 25 Total Parking Spaces

Start Time	Occupied	Drive-Thru	Total
11:00:00 AM	12	3	15
11:15:00 AM	10	7	17
11:30:00 AM	11	1	12
11:45:00 AM	15	7	22
12:00:00 PM	13	5	18
12:15:00 PM	12	5	17
12:30:00 PM	11	4	15
12:45:00 PM	11	4	15
6:00:00 PM	10	1	11
6:15:00 PM	9	1	10
6:30:00 PM	9	0	9
6:45:00 PM	9	3	12
7:00:00 PM	8	4	12
7:15:00 PM	8	4	12
7:30:00 PM	9	1	10
7:45:00 PM	8	0	8
	165	50	215

File Name: 3205 S GARLAND AVE - MCDONALDS - PARKING LOT STUDY - SAT
 Start Date: 1/7/2021
 Start Time: 11:30:00 AM
 Site Code: 33

Capacity: 25 Total Parking Spaces

Start Time	Occupied	Drive-Thru	Total
11:30:00 AM	10	10	20
11:45:00 AM	8	4	12
12:00:00 PM	0	0	0
12:15:00 PM	10	9	19
12:30:00 PM	12	6	18
12:45:00 PM	12	9	21
1:00:00 PM	10	9	19
1:15:00 PM	9	5	14
	71	52	123

2020 INFORMATION

Dates: Jan 01, 2020 (Wed) To: Mar 01, 2020 (Sun)

Location: [13605 √]

[REFRESH]

[X]Mon [X]Tue [X]Wed [X]Thu [X]Fri [X]Sat [X]Sun

► Comp. Details

Date	Total Activity				Breakfast			Drive Thru		
	All Net Sls	Prod Net Sls	Trans	Avg Chk	% of Sales	Sales	Trans	% of Sales	Sales	Trans
Total	\$447,351.46 +4.14%	\$443,962.81 +4.21%	66,094 +1.00%	\$6.72 +3.18%	31.57%	\$140,800.52 +6.72%	24,636 +0.93%	72.78%	\$322,760.62 +6.30%	48,385 +4.08%

Dates: Apr 01, 2020 (Wed) To: Sep 01, 2020 (Tue)

Location: [13605 √]

[REFRESH]

[X]Mon [X]Tue [X]Wed [X]Thu [X]Fri [X]Sat [X]Sun

► Comp. Details

Date	Total Activity				Breakfast			Drive Thru		
	All Net Sls	Prod Net Sls	Trans	Avg Chk	% of Sales	Sales	Trans	% of Sales	Sales	Trans
Total	\$1,157,729.52 -0.33%	\$1,148,024.71 -0.32%	151,048 -11.86%	\$7.60 +13.09%	28.79%	\$331,055.19 -11.36%	52,435 -17.98%	92.11%	\$1,056,942.58 +27.72%	141,170 +13.94%

2019 INFORMATION

Dates: Jan 01, 2019 (Tue) To: Mar 01, 2019 (Fri)

Location: [13605 √]

[REFRESH]

[X]Mon [X]Tue [X]Wed [X]Thu [X]Fri [X]Sat [X]Sun

► **Comp. Details**

	Total Activity				Breakfast			Drive Thru		
Date	All Net Sls	Prod Net Sls	Trans	Avg Chk	% of Sales	Sales	Trans	% of Sales	Sales	Trans
Total	\$418,681.63 +8.31%	\$415,232.21 +8.48%	64,071 +2.71%	\$6.48 +5.62%	30.28%	\$127,082.15 +0.77%	23,754 -0.13%	72.58%	\$296,403.39 +3.52%	45,572 -0.63%

Dates: Apr 01, 2019 (Mon) To: Sep 01, 2019 (Sun)

[REFRESH]

Location: [13605 V]

[X]Mon [X]Tue [X]Wed [X]Thu [X]Fri [X]Sat [X]Sun

► **Comp. Details**

	Total Activity				Breakfast			Drive Thru		
Date	All Net Sls	Prod Net Sls	Trans	Avg Chk	% of Sales	Sales	Trans	% of Sales	Sales	Trans
Total	\$1,163,217.35 +14.33%	\$1,153,295.35 +14.43%	171,746 +6.61%	\$6.72 +7.34%	32.37%	\$373,894.43 +13.77%	64,093 +5.63%	71.96%	\$829,021.19 +12.92%	124,167 +6.94%

	Number of Vehicles		
	Entry	Exit	Retained
11 AM to 12 PM	20	10	10
12:01 PM	0	0	10
12:02 PM	0	0	10
12:03 PM	1	1	10
12:04 PM	0	0	10
12:05 PM	0	0	10
12:06 PM	1	1	10
12:07 PM	0	0	10
12:08 PM	0	0	10
12:09 PM	1	1	10
12:10 PM	0	0	10
12:11 PM	0	0	10
12:12 PM	1	1	10
12:13 PM	0	0	10
12:14 PM	0	0	10
12:15 PM	2	1	11
12:16 PM	2	0	13
12:17 PM	1	0	14
12:18 PM	1	1	14
12:19 PM	1	0	15
12:20 PM	1	0	16
12:21 PM	1	1	16
12:22 PM	1	0	17
12:23 PM	1	0	18
12:24 PM	1	1	18
12:25 PM	1	0	19
12:26 PM	1	0	20
12:27 PM	1	1	20
12:28 PM	1	0	21
12:29 PM	1	0	22

	Number of Vehicles		
	Entry	Exit	Retained
12:30 PM	1	1	22
12:31 PM	0	0	22
12:32 PM	0	0	22
12:33 PM	1	1	22
12:34 PM	0	0	22
12:35 PM	0	0	22
12:36 PM	1	1	22
12:37 PM	0	0	22
12:38 PM	0	0	22
12:39 PM	1	1	22
12:40 PM	0	0	22
12:41 PM	0	0	22
12:42 PM	1	1	22
12:43 PM	0	0	22
12:44 PM	0	0	22
12:45 PM	1	2	21
12:46 PM	0	2	19
12:47 PM	0	1	18
12:48 PM	1	1	18
12:49 PM	0	1	17
12:50 PM	0	1	16
12:51 PM	1	1	16
12:52 PM	0	1	15
12:53 PM	0	1	14
12:54 PM	1	1	14
12:55 PM	0	1	13
12:56 PM	0	1	12
12:57 PM	1	1	12
12:58 PM	0	1	11
12:59 PM	0	1	10
1:00 PM	1	1	10
Total	52	42	

22 MAX

Building Area

2,890 SF existing + 545 SF proposed addition = 3,435 SF total.

Seating

Existing indoor seats = 53

Existing outdoor seats = 38

Proposed indoor seats = 80

There will be no outdoor seating when the store is remodeled.

To date we have not received any responses for this case.

Z 21-14

The applicant proposes to expand and renovate an existing drive-through restaurant [McDonald's].

[Approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 08-52.]

Approval of a Plan for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 08-52.]



GARLAND

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**City Council Meeting
July 6, 2021**

Location: 3205 South Garland Avenue

Applicant: Langan

Owner: McDonald's

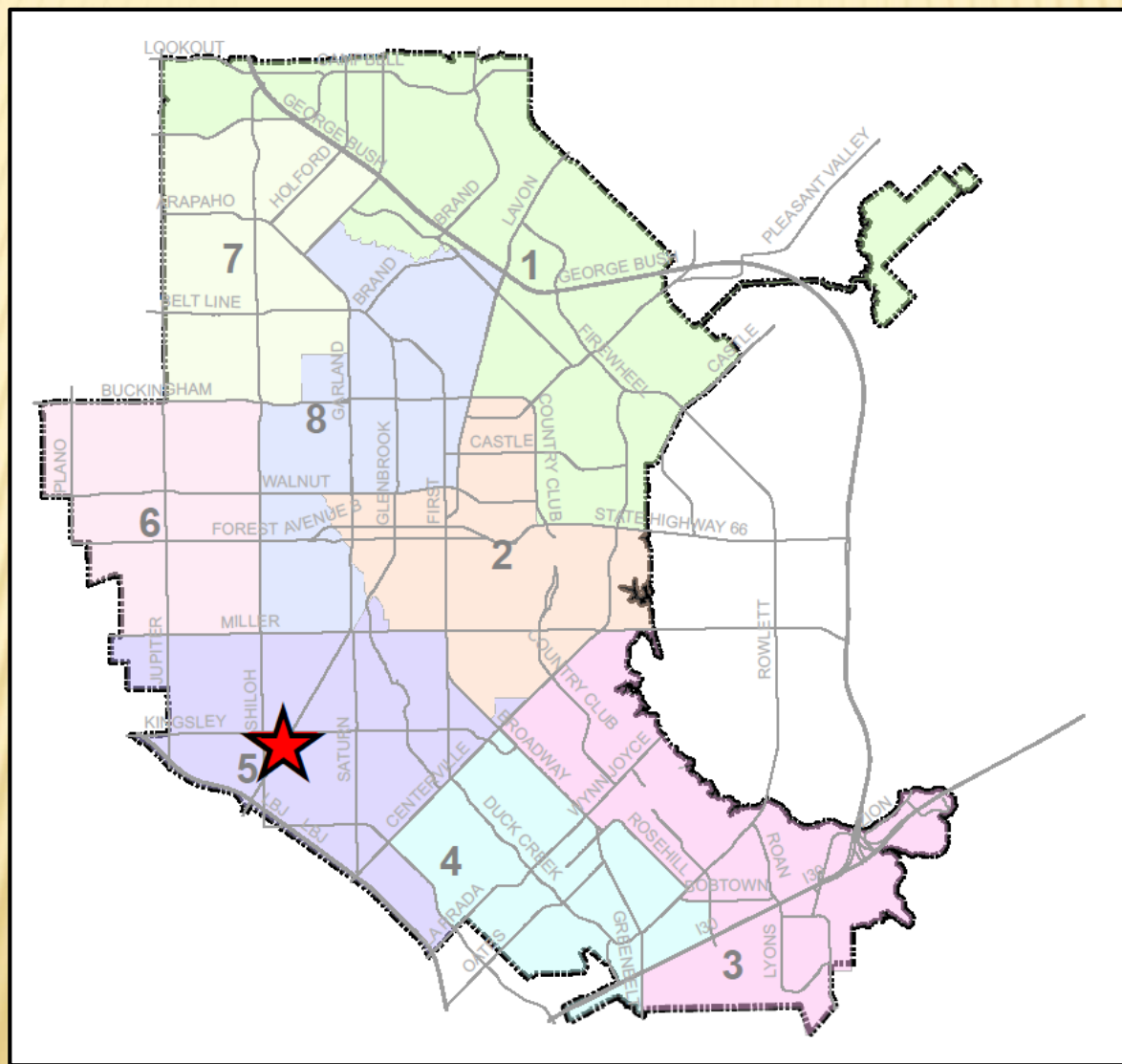
Acreage: 0.689 acres

Zoning: Planned Development (PD) District 08-52



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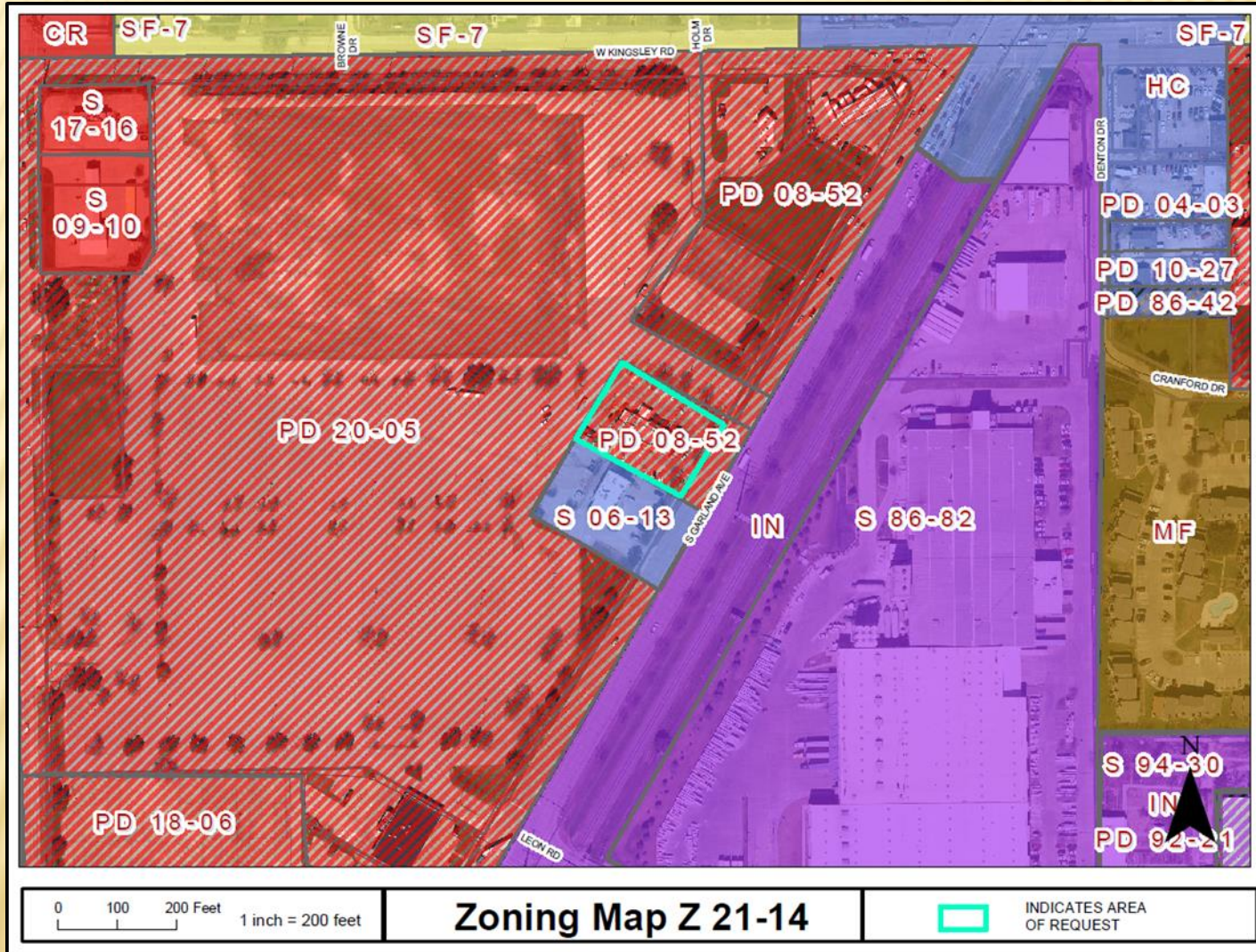
CITYWIDE LOCATION MAP





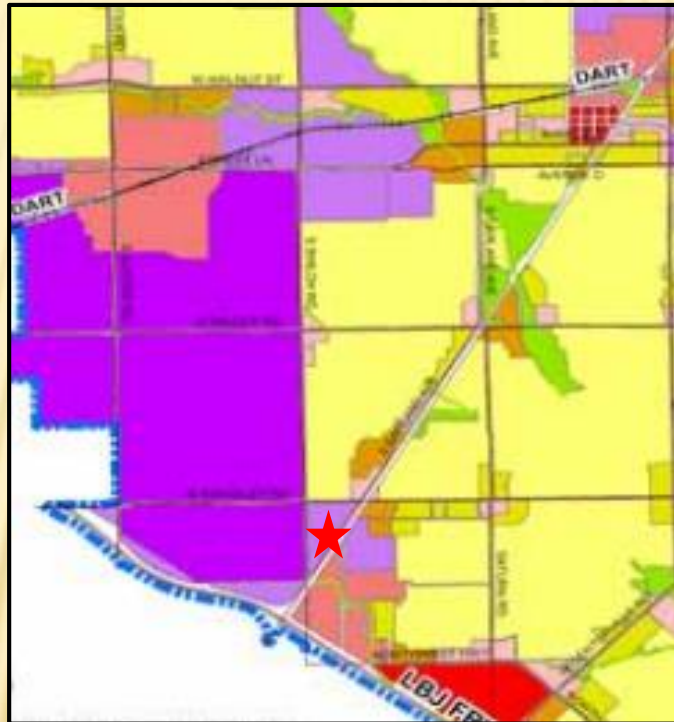
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LOCATION MAP



Z 21-14

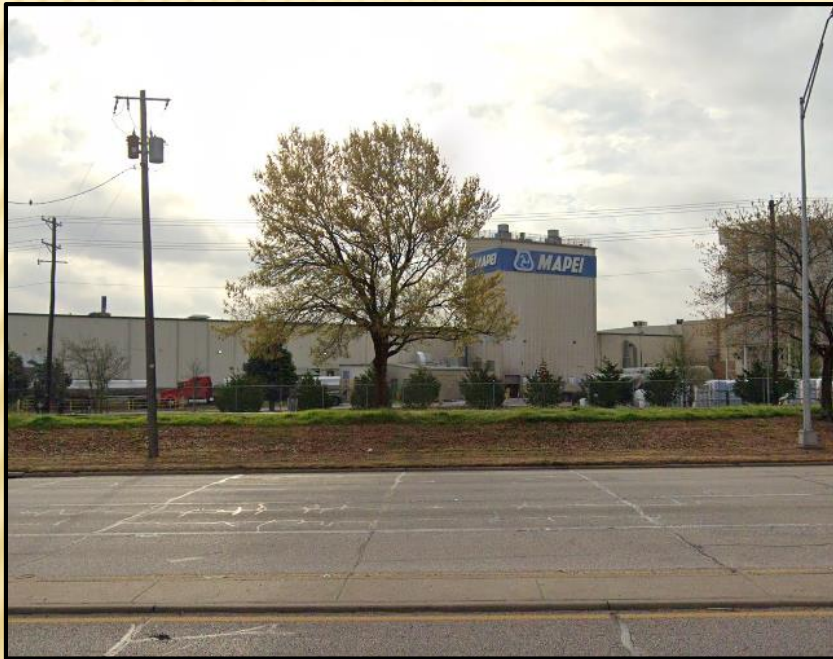
COMPREHENSIVE PLAN



The Future Land Use Map of the Envision Garland Plan recommends Business Center for the subject property. Business centers provide a cluster of business offices and/or low impact industry, including campus-type development, that cumulatively employ large numbers of people. Operations within this development type occur internal to buildings resulting in minimal negative impacts (sound, air, traffic, outdoor lighting, storage, etc.) and are compatible with adjacent development types in architecture, character, scale, and intensity. Business centers range in scale and intensity based on the surrounding vicinity and may consist of one or more buildings. This development type includes a variety of primary and secondary uses, including compatible residential uses, that support the business employment sector.

This use is supportive to the surrounding area and compatible with the Comprehensive Plan.

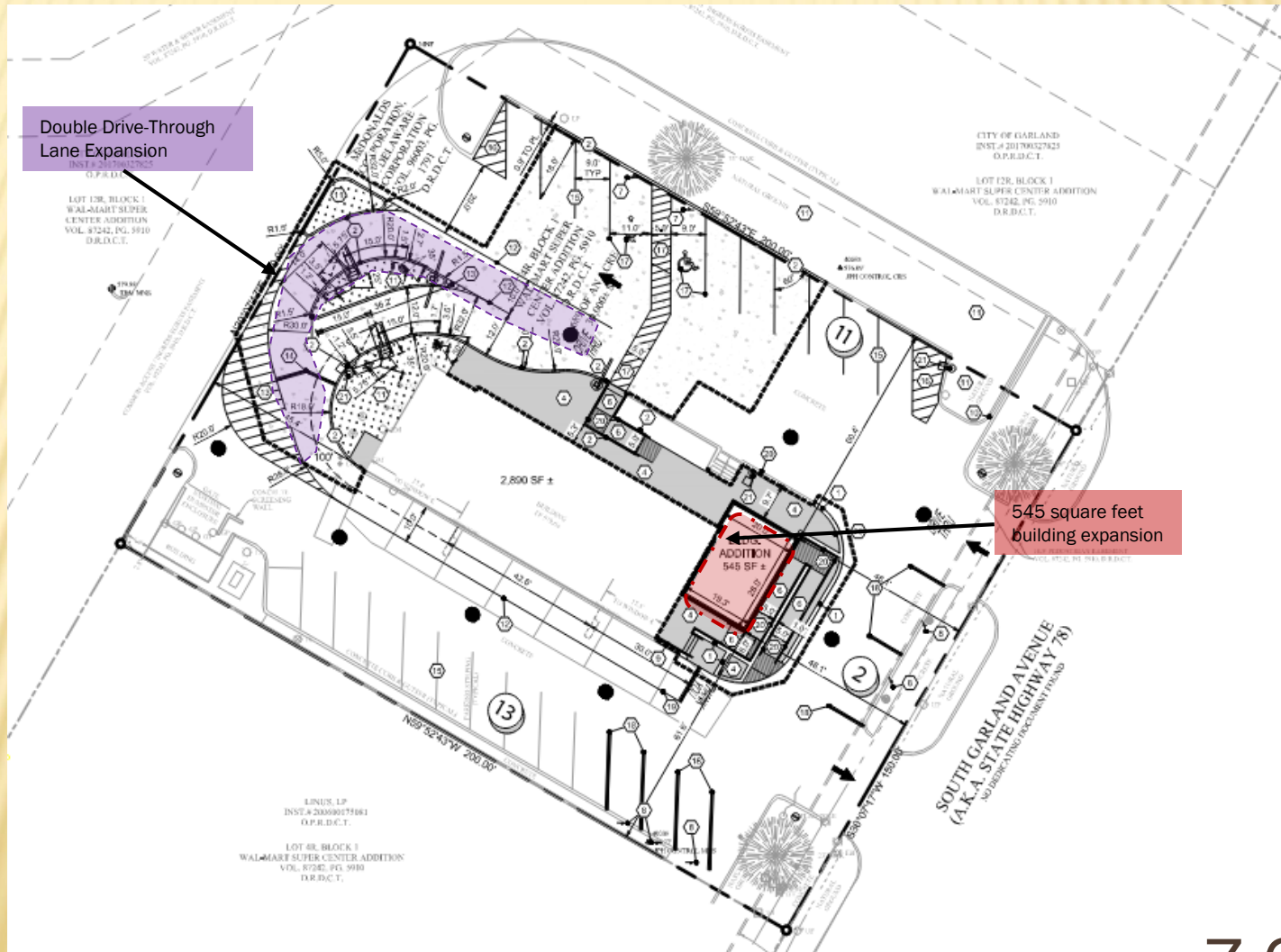






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SITE PLAN



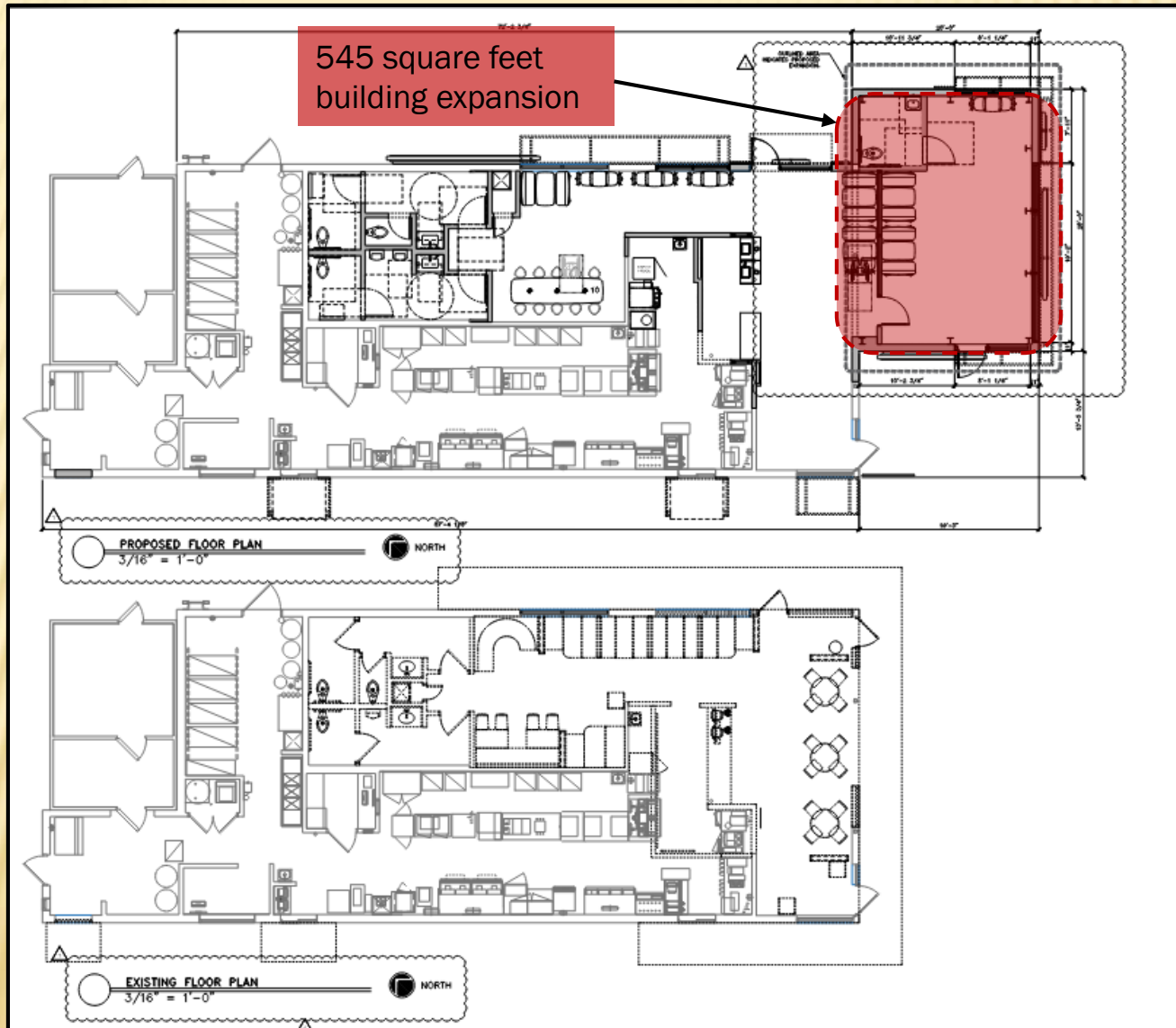
Z 21-14

[illegible]



GARLAND
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FLOOR PLAN



CONSIDERATION

The applicant requests the Specific Use Provision (SUP) to be in effect until for a period of (25) years.



STAFF RECOMMENDATION

Approval of a Specific Use Provision (SUP) for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 08-52 for a period of twenty-five (25) years, in accordance with the SUP Time Period Policy Guide.

Approval of a Plan for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 08-52 .

PLAN COMMISSION RECOMMENDATION

On June 14, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision (SUP) for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 08-52 for a period of twenty-five (25) years, in accordance with the SUP Time Period Policy Guide.

The Plan Commission, by a vote of nine (9) to zero (0), also recommended approval of a Detail Plan for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 08-52.



Z 21-14



SPECIFIC USE PROVISION PERIOD GUIDE

SPECIFIC USE PROVISION (SUP) TIME PERIOD GUIDE

The purpose of this document is to provide applicants, staff, and Plan Commission guidance in regard to assigning a time period for Specific Use Provision (SUP) applications.

Between 2016 and 2020, the Garland City Council has approved the following uses and their subsequent average time periods via Specific Use Provision (SUP). Based on these averages, recommended time period ranges are included below.

<u>Specific Uses as Defined by the Garland Development Code</u>	<u>Average Approved Time Period (SUPs from 2016 to 2020)</u>	<u>City Council Recommended Time Period Range</u>
Restaurant, Drive-Through	25 years	20-25 years
Drive-through bank/ATM	30 years	25-30 years
Retail, Fuel Pumps	23.3 years	20-25 years
Car Wash	26.7 years	25-30 years
Food Processing & Storage	27.5 years	20-25 years
Recycling Salvage Yard	25 years	20-25 years
Truck/Bus Repair or Truck/Bus Storage	20 years	20-25 years
High Risk Use	22.5 years	To be evaluated on a case-by-case basis.
Contractor's Office w/ Outdoor Storage	10 years	10-15 years
Hotel, Limited Service	37.5 years	30-40 years
Self-Storage	36.7 years	30-40 years
Used Goods, Retail Sales (indoors)	20 years	20-30 years
Personal Services	30 years	20-30 years
Cellular Tower / Antennae Equipment	30 years	20-30 years
Kiosk	13 years	10-15 years
Charter School	5 years	5-30 years
Reception Facility	15 years	10-15 years
Guest House	5 years	5 years - unlimited
Tattoo Shop	5.3 years	5-10 years



GARLAND PLANNING REPORT

City Council Regular Session Agenda

12. c.

Meeting Date: 07/06/2021

Item Title: Z 21-16 Burger Engineering, LLC - Specific Use Provision (District 7)

Submitted By: Kimberly Hopkins, Development Planner

REQUEST

Approval of a Specific Use Provision amendment for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.

Approval of a Plan for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.

LOCATION

5425 North President George Bush Turnpike

OWNER

Chick-fil-A, Inc.

PLAN COMMISSION RECOMMENDATION

On June 14, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision (SUP) amendment for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District for a period of twenty-five (25) years, in accordance with the SUP Time Period Guide.

The Plan Commission, by a vote of nine (9) to zero (0), also recommended approval of a Plan for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District

STAFF RECOMMENDATION

Staff recommends approval of a Specific Use Provision (SUP) amendment for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District for a period of twenty-five (25) years, in accordance with the SUP Time Period Policy Guide.

Approval of a Plan for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.

BACKGROUND

In 2003, City Council approved a Specific Use Provision to allow a Restaurant, Drive-Through for 30 years [S 03-05]. The applicant, representing Chick-fil-A, proposes to expand the building by 457 square-feet and add an additional drive-through lane to increase the speed of service.

SITE DATA

The subject property is developed with an approximately 4,162 square-foot drive-through restaurant building. The site contains approximately 1.23 acres with approximately 157 lineal feet of frontage along North President George Bush Turnpike.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Community Retail (CR) District which is intended to accommodate a variety of retail, service, and business establishments that may or may not be designed in a shopping center configuration. The district may be used as a transition district between lower intensity retail or office uses and more intense uses. A CR District is generally appropriate along major transportation corridors but is generally not appropriate in proximity to low density residential districts without significant buffering and screening features. An example of allowed use in a CR District is a retail shopping area that may be large in scale with very limited or no outside storage. Traffic generated by uses in a CR District must be focused onto the major thoroughfare network. Development in a CR District may not be designed in a manner that increases traffic through residential areas.

Restaurant, Drive-Through uses are allowed in the CR District by Specific Use Provision (SUP) only. In 2003, a Specific Use Provision [S 03-05] was approved for the Restaurant, Drive-Through for a period of thirty (30) years.

CONSIDERATIONS

Specific Use Provision

1. The applicant proposes to add an additional drive-through lane to increase the speed of service. In addition, the request would expand the existing 4,162 square-foot building by approximately 457 square foot for a new total building area of 4,619 square feet. This expansion is for additional kitchen space and storage space only. No additional dining area is being proposed.
2. Landscaping currently exists on the site. However, the applicant is providing additional landscaping due to the expansion to meet the GDC landscaping requirements.
3. While there will be a loss of parking spaces to accommodate the additional drive-through lane, the proposal still meets the GDC parking requirements.
4. The design of the building expansion complies with the applicable building design regulations of the GDC.
5. The applicant is requesting approval of the amended Specific Use Provision for a period of twenty-five (25) years.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Community Center for the subject property. Community Centers are areas with compact development, primarily non-residential, serving a collection of neighborhoods. This type of development consists of a mix of uses, including retail, services, office use, multi-family residential, and entertainment. Community centers may be developed at the intersections of major arterial streets and along major arterials, highways, and turnpike corridors. This type of area is served by numerous roads and transit routes, providing a variety of connections to adjacent residential neighborhoods, retail centers, and employment centers.

This use is supportive to the surrounding area and compatible with the Comprehensive Plan.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The subject site is surrounded by properties that are primarily zoned Community Retail (CR) District. In addition, the property to the north across PGBT is zoned Agricultural (AG) District and is currently undeveloped. The properties to the east, west and south are zoned Community Retail (CR) District and are developed with a restaurant, gas station, bank, and a variety of retail uses.

Attachments

Z 21-16 Burger Engineering, LLC (Specific Use Provision) Attachments

Z 21-16 Burger Engineering, LLC Responses

Z 21-16 Burger Engineering Staff Presentation



Zoning Map Z 21-16



INDICATES AREA
OF REQUEST

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 21-16

5425 North President George Bush Turnpike

- I. Statement of Purpose:** The purpose of this Specific Use Provision amendment is to allow a Restaurant, Drive-Through expansion.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulations found in the Garland Development Code, Ordinance No. 6773, as amended prior to the adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Community Retail (CR) District as set forth in Chapter 2 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Development Plans:**
 - A. Development is to be in general conformance with the approved site plan, landscape plan, and elevations labeled Exhibit C, Exhibit D, and Exhibit E. In the event of conflict between the conditions and 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 twenty-five (25) years.
 - B. Site Plan: The site shall be in conformance with the site layout in Exhibit C.
 - C. Screening and Landscaping: Screening and Landscaping shall conform to Exhibit D.
 - D. Building Elevations: Building elevations shall be in general conformance with Exhibit E.
 - E. Signage: The site is permitted one (1) monument sign 7 feet in height, 50 square feet in area, and setback 15 feet from the property line. All attached and menu board signage shall comply with the Garland Development Code signage requirements.

EXHIBIT B

REPORT & MINUTES

P.C. Meeting, June 14, 2021

Consideration of the application of **Burger Engineering, LLC**, requesting approval of a Specific Use Provision amendment to allow a Restaurant, Drive-Through expansion on a property zoned Community Retail (CR) District. This property is located at 5425 North President George Bush Turnpike. (District 7) (File Z 21-16 - Specific Use Provision)

Kimberly Hopkins, Development Planner, presented the staff report.

There were no questions of this applicant.

Motion was made by Commissioner Jenkins to close the public hearing and **approve** the request as per staff recommendation. Seconded by Commissioner Rose. **Motion carried: 9 Ayes, 0 Nays.**

To date we have not received any responses for this case.

Z 21-16

The applicant proposes to expand an existing drive-through restaurant [Chick-fil-A].

[Approval of a Specific Use Provision amendment for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.]

Approval of a Plan for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.]



GARLAND

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**City Council Meeting
July 6, 2021**

Location: 5425 North President George Bush Turnpike

Applicant: Burger Engineering, LLC

Owner: Chick-fil-A, Inc.

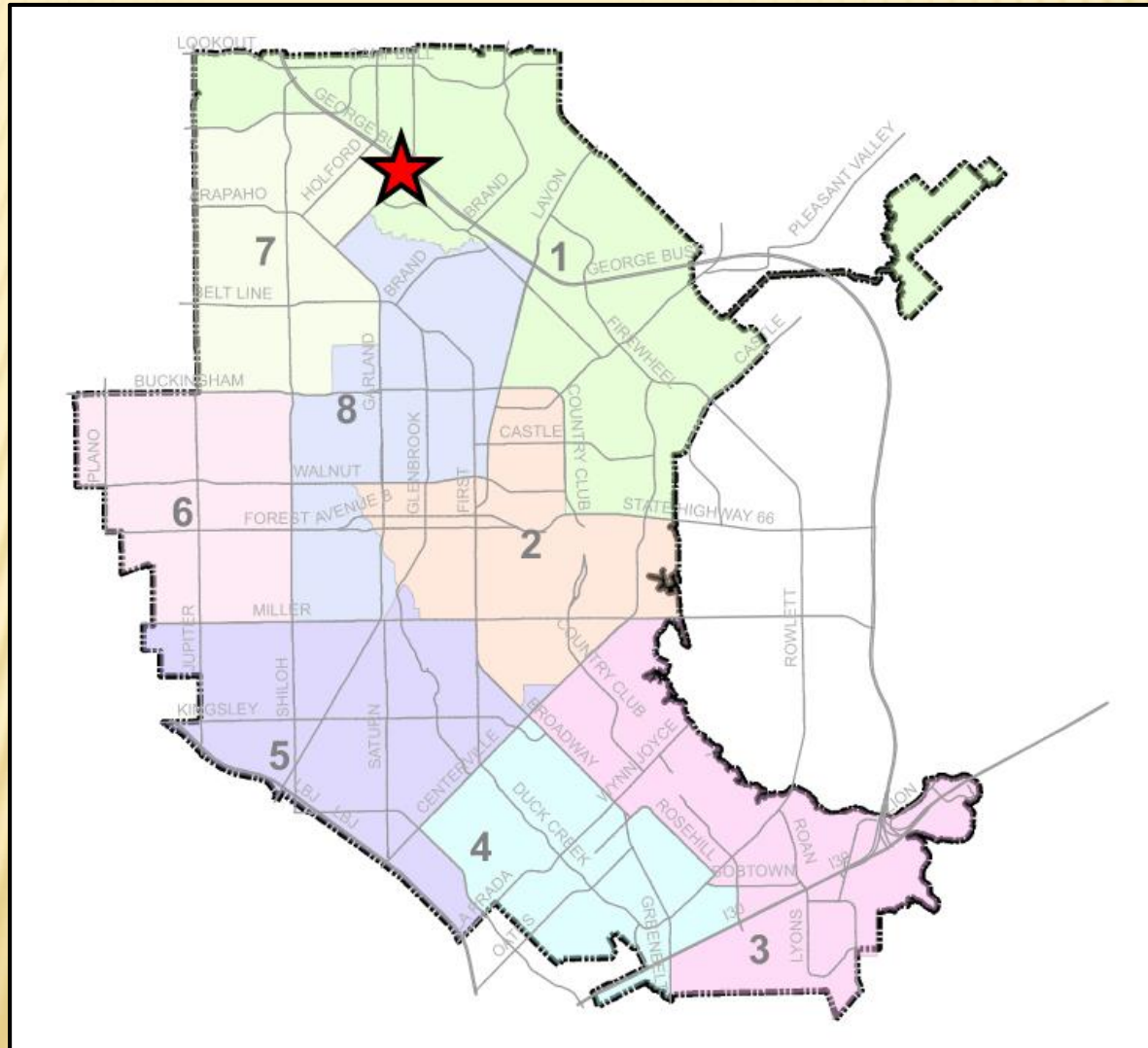
Acreage: 1.23 acres

Zoning: Community Retail (CR) District



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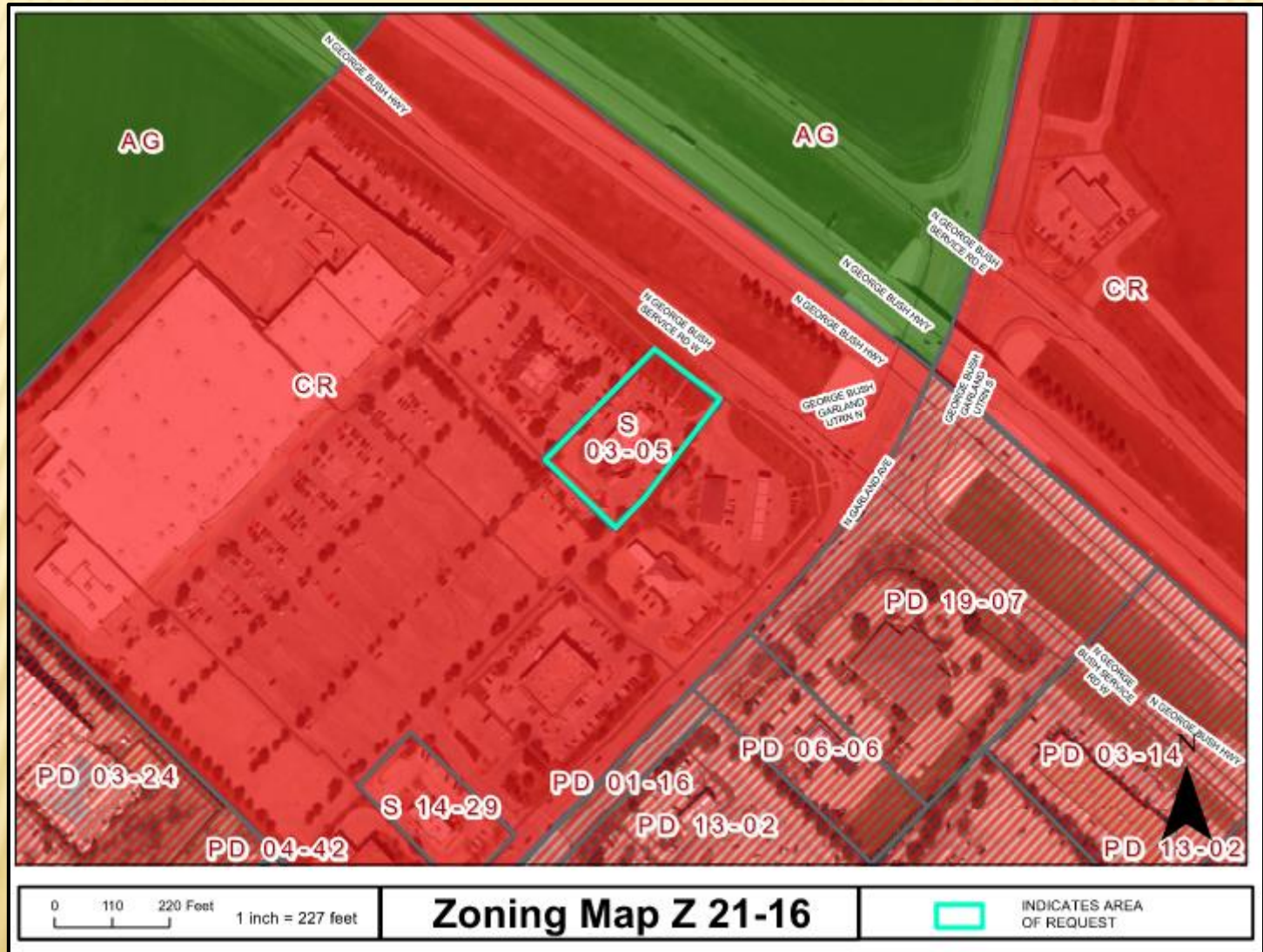
CITYWIDE LOCATION MAP





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LOCATION MAP



Z 21-16

 Community Centers



The Future Land Use Map of the Envision Garland Plan recommends Community Center for the subject property. Community Centers are areas with compact development, primarily non-residential, serving a collection of neighborhoods. This type of development consists of a mix of uses, including retail, services, office use, multi-family residential, and entertainment. Community centers may be developed at the intersections of major arterial streets and along major arterials, highways, and turnpike corridors. This type of area is served by numerous roads and transit routes, providing a variety of connections to adjacent residential neighborhoods, retail centers, and employment centers.

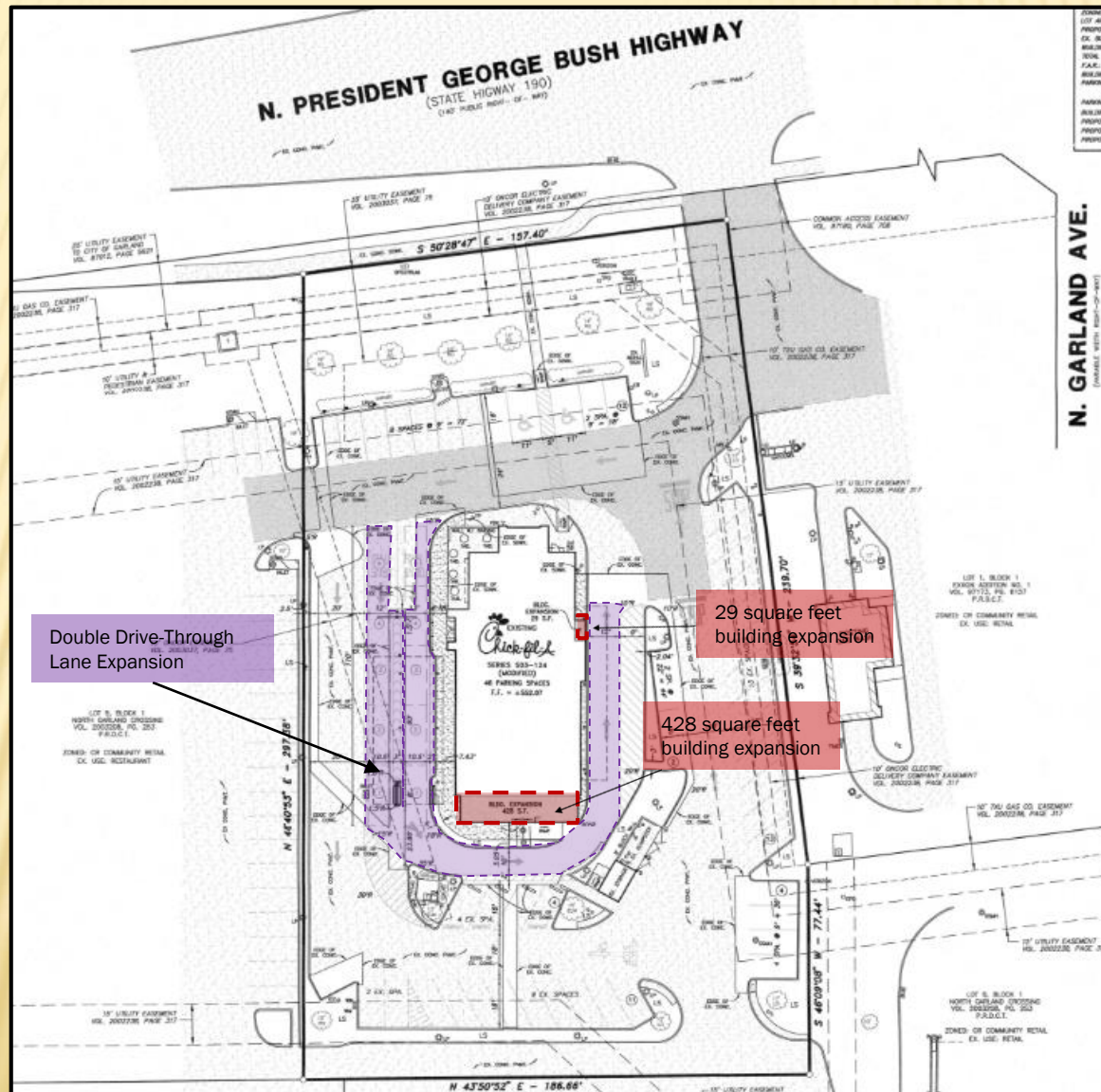
This use is supportive to the surrounding area and compatible with the Comprehensive Plan.







Z 21-16





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LANDSCAPE PLAN

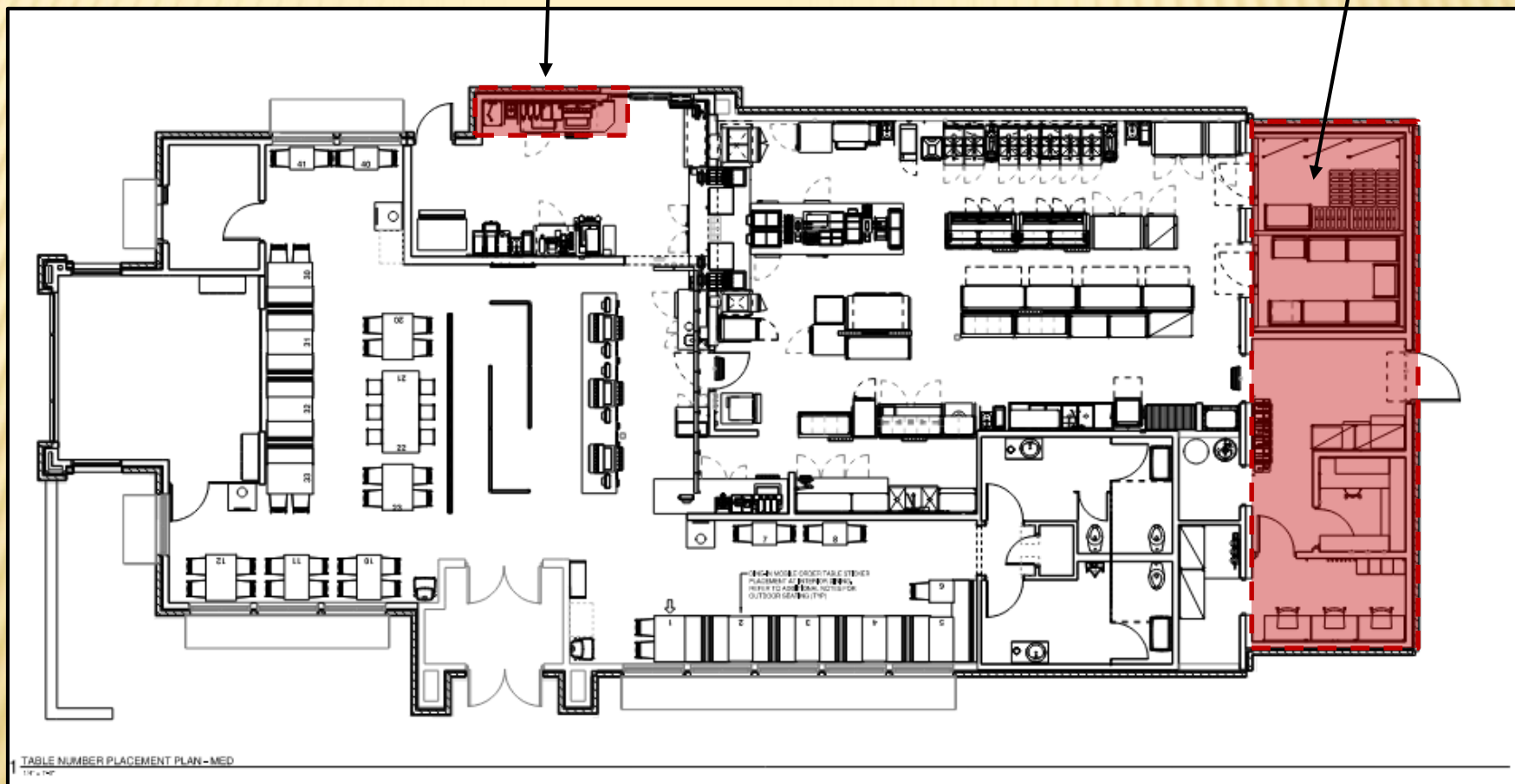


Z 21-16

FLOOR PLAN

29 square feet
building expansion

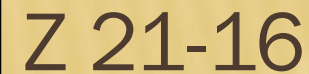
428 square feet
building expansion





ELEVATIONS





CONSIDERATION

The applicant requests a Specific Use Provision (SUP) to be in effect for a period of (25) years.

No GDC deviations are being requested by the applicant.



STAFF RECOMMENDATION

Staff recommends approval of a Specific Use Provision (SUP) amendment for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District for a period of twenty-five (25) years, in accordance with the SUP Time Period Policy Guide.

Approval of a Plan for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.

PLAN COMMISSION RECOMMENDATION

On June 14, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision (SUP) amendment for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District for a period of twenty-five (25) years, in accordance with the SUP Time Period Policy Guide.

The Plan Commission, by a vote of nine (9) to zero (0), also recommended approval of a Plan for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District



Z 21-16



SPECIFIC USE PROVISION PERIOD GUIDE

SPECIFIC USE PROVISION (SUP) TIME PERIOD GUIDE

The purpose of this document is to provide applicants, staff, and Plan Commission guidance in regard to assigning a time period for Specific Use Provision (SUP) applications.

Between 2016 and 2020, the Garland City Council has approved the following uses and their subsequent average time periods via Specific Use Provision (SUP). Based on these averages, recommended time period ranges are included below.

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Guest House	5 years	5 years - unlimited
Tattoo Shop	5.3 years	5-10 years



GARLAND PLANNING REPORT

City Council Regular Session Agenda

12. d.

Meeting Date: 07/06/2021

Item Title: Z 21-16 Burger Engineering, LLC - Plan (District 7)

Submitted By: Kimberly Hopkins, Development Planner

REQUEST

Approval of a Specific Use Provision amendment for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.

Approval of a Plan for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.

LOCATION

5425 North President George Bush Turnpike

OWNER

Chick-fil-A, Inc.

PLAN COMMISSION RECOMMENDATION

On June 14, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision (SUP) amendment for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District for a period of twenty-five (25) years, in accordance with the SUP Time Period Policy Guide.

The Plan Commission, by a vote of nine (9) to zero (0), also recommended approval of a Plan for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.

STAFF RECOMMENDATION

Staff recommends approval of a Specific Use Provision (SUP) amendment for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District for a period of twenty-five (25) years, in accordance with the SUP Time Period Policy Guide.

Approval of a Plan for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.

BACKGROUND

In 2003, City Council approved a Specific Use Provision to allow a Restaurant, Drive-Through for 30 years [S 03-05]. The applicant, representing Chick-fil-A, proposes to expand the building by 457 square-feet and add an additional drive-through lane to increase the speed of service.

SITE DATA

The subject property is developed with an approximately 4,162 square-foot drive-through restaurant building. The site contains approximately 1.23 acres with approximately 157 lineal feet of frontage along North President George Bush Turnpike.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Community Retail (CR) District which is intended to accommodate a variety of retail, service, and business establishments that may or may not be designed in a shopping center configuration. The district may be used as a transition district between lower intensity retail or office uses and more intense uses. A CR District is generally appropriate along major transportation corridors but is generally not appropriate in proximity to low density residential districts without significant buffering and screening features. An example of allowed use in a CR District is a retail shopping area that may be large in scale with very limited or no outside storage. Traffic generated by uses in a CR District must be focused onto the major thoroughfare network. Development in a CR District may not be designed in a manner that increases traffic through residential areas.

Restaurant, Drive-Through uses are allowed in the CR District by Specific Use Provision (SUP) only. In 2003, a Specific Use Provision [S 03-05] was approved for the Restaurant, Drive-Through for a period of thirty (30) years.

CONSIDERATIONS

Specific Use Provision

1. The applicant proposes to add an additional drive-through lane to increase the speed of service. In addition, the request would expand the existing 4,162 square-foot building by approximately 457 square foot for a new total building area of 4,619 square feet. This expansion is for additional kitchen space and storage space only. No additional dining area is being proposed.
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4. The design of the building expansion complies with the applicable building design regulations of the GDC.
5. The applicant is requesting approval of the amended Specific Use Provision for a period of twenty-five (25) years.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Community Center for the subject property. Community Centers are areas with compact development, primarily non-residential, serving a collection of neighborhoods. This type of development consists of a mix of uses, including retail, services, office use, multi-family residential, and entertainment. Community centers may be developed at the intersections of major arterial streets and along major arterials, highways, and turnpike corridors. This type of area is served by numerous roads and transit routes, providing a variety of connections to adjacent residential neighborhoods, retail centers, and employment centers.

This use is supportive to the surrounding area and compatible with the Comprehensive Plan.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The subject site is surrounded by properties that are primarily zoned Community Retail (CR) District. In addition, the property to the north across PGBT is zoned Agricultural (AG) District and is currently undeveloped. The properties to the east, west and south are zoned Community Retail (CR) District and are developed with a restaurant, gas station, bank, and a variety of retail uses.

Attachments

Z 21-16 Burger Engineering, LLC (Plan) Attachments

Z 21-16 Burger Engineering, LLC Responses

Z 21-16 Burger Engineering Staff Presentation



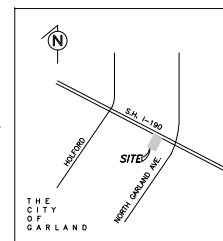
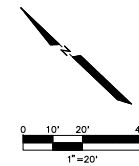
Zoning Map Z 21-16



INDICATES AREA
OF REQUEST

N. PRESIDENT GEORGE BUSH HIGHWAY (STATE HWY 190) (L&D PUBLIC RIGHT-OF-WAY)

SITE DATA	
ZONING:	S 03-05 (CR)
LOT AREA:	1,234.00 SQ. FT. (28.73 AC.)
PROPOSED USE:	DINE IN W/ DRIVE THRU RESTAURANT
EX. BUILDING AREA:	4,162 S.F.
BUILDING EXPANSION AREA:	457 S.F.
TOTAL BUILDING AREA:	4,619 S.F.
F.A.R.:	0.001
BUILDING COVERAGE:	9%
1 SPACE PER 100 S.F. OF BUILDING AREA:	4,619 / 100 = 46 SPACES
PARKING PROVIDED:	46 SPACES (2 H.C.)
BUILDING HEIGHT:	24'-7 1/2" (1 STORY)
PROPOSED EXPANSION HEIGHT:	20'-0" (1 STORY)
PROPOSED LANDSCAPE AREA:	11,802 S.F. (21.58%)
PROPOSED IMPERVIOUS AREA:	42,137 S.F. (78.41%)

VICINITY MAP
NOT-TO-SCALE

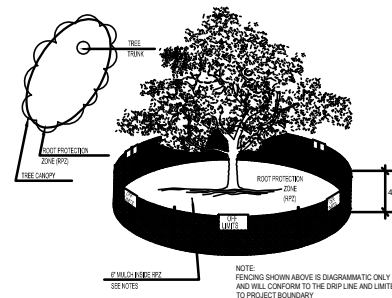
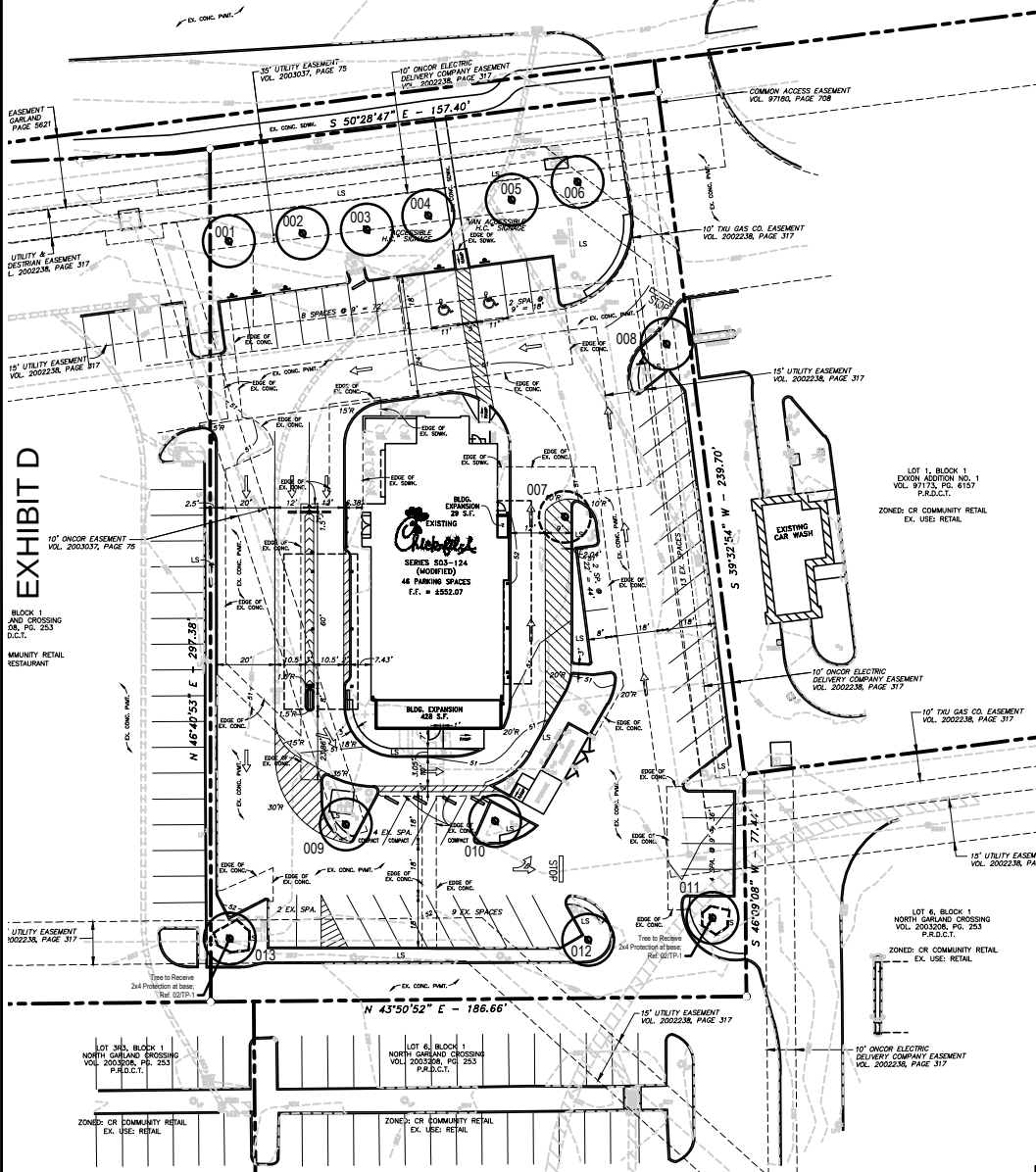
NOTES

1. ALL ON-SITE CONSTRUCTION SHALL BE IN ACCORDANCE WITH CURRENT CHICK-FIL-A SPECIFICATIONS AND/OR CITY STANDARD SPECIFICATIONS, WHICHEVER IS MORE RESTRICTIVE.
2. ALL CONSTRUCTION IN CITY RIGHT-OF-WAYS AND/OR EASEMENT SHALL BE IN ACCORDANCE WITH THE CITY'S STANDARD SPECIFICATIONS.
3. PRIOR TO STARTING CONSTRUCTION, THE CONTRACTOR SHALL MAKE CERTAIN THAT ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION OR FABRICATION SHALL BEGIN UNTIL THE CONTRACTOR HAS RECEIVED AND THOROUGHLY REVIEWED ALL PLANS AND OTHER DOCUMENTS AS APPROVED BY ALL OF THE PERMITTING AUTHORITIES.
4. THE CONTRACTOR SHALL GIVE THE CITY A MINIMUM OF 48 HOURS NOTICE BEFORE BEGINNING EACH PHASE OF CONSTRUCTION.
5. THE CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES DURING THE CONSTRUCTION OF THE PROJECT.
6. IF THE CONTRACTOR FINDS A DISCREPANCY WITH THE TOPOGRAPHIC INFORMATION ON THESE PLANS, HE/SHE SHALL CONTACT THE CONSTRUCTION MANAGER/ SUPERVISOR IMMEDIATELY.
7. ALL DIMENSIONS SHOWN ARE TO FACE OF CURB, BRICK, OR AS OTHERWISE NOTED.
8. REFER TO ARCHITECTURAL PLANS FOR EXACT BUILDING DIMENSIONS.
9. ALL RADII ARE 2' UNLESS OTHERWISE NOTED.
10. ALL PARKING STALLS SHALL BE STRIPED IN ACCORDANCE W/ APPLICABLE GOVERNING AUTHORITIES.

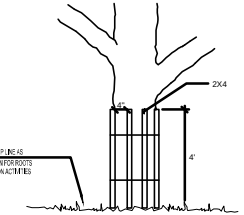
LEGEND	
CHICK-FIL-A	FIRE HYDRANT
CHICK-FIL-A	CHISELED "X" SET
CHICK-FIL-A	CHISELED "X" FOUND
CHICK-FIL-A	IRON ROD FOUND (SIZE AS NOTED)
CHICK-FIL-A	OVERHEAD UTILITY POLE W/ CUY
CHICK-FIL-A	UNDERGROUND ELECTRIC OR TELEPHONE
CHICK-FIL-A	LIGHT POLE
CHICK-FIL-A	SANITARY SEWER MANHOLE
CHICK-FIL-A	SAN. SWR. CLEAN OUT
CHICK-FIL-A	GAS VALVE
CHICK-FIL-A	WATER VALVE
CHICK-FIL-A	TREE
CHICK-FIL-A	MANHOLE (TYPE AS NOTED)
CHICK-FIL-A	TRAFFIC SIGNAL BOX
CHICK-FIL-A	ELECTRIC TRANSFORMER BOX
CHICK-FIL-A	ELECTRIC TRANSMISSION STEEL TOWER
CHICK-FIL-A	UNDERGROUND CABLE MARKER
CHICK-FIL-A	TRAFFIC BOX
CHICK-FIL-A	ELECTRIC METER
CHICK-FIL-A	GAS METER
CHICK-FIL-A	FIRE LANE
CHICK-FIL-A	LANDSCAPE

N. GARLAND AVE.
(VARIABLE WIDTH RIGHT-OF-WAY)LOT 1, BLOCK 1
EXHIBIT ADDITION NO. 1
VOL. 97773, PG. 6157
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 6, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 3, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 4, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 5, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 6, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 7, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 8, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 9, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 10, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
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NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
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NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 13, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 14, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 15, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 16, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 17, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 18, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 19, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 20, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 21, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
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EX. USE: RETAILLOT 22, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 23, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
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NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
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NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
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EX. USE: RETAILLOT 26, BLOCK 1
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VOL. 2003308, PG. 253
P.D.C.T.
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VOL. 2003308, PG. 253
P.D.C.T.
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EX. USE: RETAILLOT 28, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
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EX. USE: RETAILLOT 29, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
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NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
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NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 32, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 33, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 34, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 35, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 36, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 37, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 38, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 39, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 40, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 41, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
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EX. USE: RETAILLOT 42, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
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VOL. 2003308, PG. 253
P.D.C.T.
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NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
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VOL. 2003308, PG. 253
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VOL. 2003308, PG. 253
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VOL. 2003308, PG. 253
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VOL. 2003308, PG. 253
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VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 58, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 59, BLOCK 1
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VOL. 2003308, PG. 253
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VOL. 2003308, PG. 253
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VOL. 2003308, PG. 253
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VOL. 2003308, PG. 253
P.D.C.T.
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VOL. 2003308, PG. 253
P.D.C.T.
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VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 65, BLOCK 1
NORTH GARLAND CROSSING
VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 66, BLOCK 1
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VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 68, BLOCK 1
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VOL. 2003308, PG. 253
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EX. USE: RETAILLOT 69, BLOCK 1
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EX. USE: RETAILLOT 70, BLOCK 1
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VOL. 2003308, PG. 253
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VOL. 2003308, PG. 253
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VOL. 2003308, PG. 253
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VOL. 2003308, PG. 253
P.D.C.T.
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VOL. 2003308, PG. 253
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VOL. 2003308, PG. 253
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EX. USE: RETAILLOT 111, BLOCK 1
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VOL. 2003308, PG. 253
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ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 112, BLOCK 1
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VOL. 2003308, PG. 253
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ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 113, BLOCK 1
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VOL. 2003308, PG. 253
P.D.C.T.
ZONED: CR COMMUNITY RETAIL
EX. USE: RETAILLOT 114, BLOCK 1
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VOL. 2003308, PG. 253
P.D.C.T.
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EX. USE: RETAIL

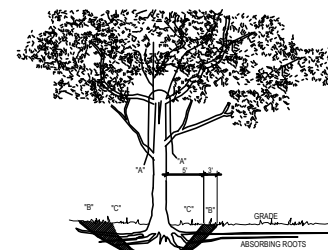
EXHIBIT D



01 TREE PROTECTION FENCE A

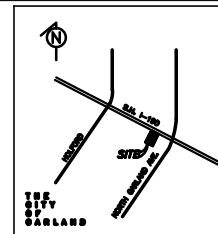


02 TREE PROTECTION FENCE B



03 TREE REMOVAL DIAGRAM

SITE DATA	
ZONING:	S OS-40 (CM)
LAND AREA:	1,294 ACRES (30,720 S.F.)
PROPOSED USE:	ONE (1) OF ONE THRU RESIDENTIAL
EX. BUILDING AREA:	4187 S.F.
BUILDING EXISTENCE AREA:	4,950 S.F.
TOTAL BUILDING AREA:	4,950 S.F.
PAVING:	0.001 S
BUILDING COVERAGE:	0.38%
PAVING REQUIRED:	1 SPACE PER 100 S.F. OF BUILDING AREA 4,950 / 100 = 49 SPACES
PAVING PROVIDED:	46 SPACES (2 H.Q.)
BUILDING HEIGHT:	30'-0" (1 STORY)
PROPOSED GARAGE AREA:	11,126 S.F. (25,600)
PROPOSED REPAIR AREA:	10,327 S.F. (23,410)

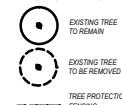


**VICINITY MAP
NOT-TO-SCALE**

TREE SURVEY FIELD DATA

NO	DIA INCHES	SPECIES (COMMON NAME)	REMARKS	EXEMPTIONS
001	16	RED OAK	TO REMAIN	
002	16	RED OAK	TO REMAIN	
003	16	RED OAK	TO REMAIN	
004	15	RED OAK	TO REMAIN	
005	14	RED OAK	TO REMAIN	
006	16	RED OAK	TO REMAIN	
007	12	LIVE OAK	TO BE REMOVED	
008	12	LIVE OAK	TO REMAIN	
009	12	CEDAR ELM	TO REMAIN	
010	15	CEDAR ELM	TO REMAIN	
011	12	LIVE OAK	TO REMAIN	
012	12	LIVE OAK	TO REMAIN	
013	10	RED OAK	TO REMAIN	

EXISTING TREE LEGEND



FENCING
TO REMAIN DURING

MITIGATION CALCULATIONS

Requirements: Removed Trees from 6" to 18" Shall Be Mitigated Inch Per Inch.

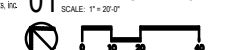
Required

(3) New Cedar Elms @ 4 Cal Inches

EXISTING TREE NOTES

1. **Excavating trees** in means shall be performed with protection from tree shoring and bracing and compacted soil under the second dipline (anyway) of trees.
2. If any tree structure is damaged during excavation/excavation/construction, note the damage and compacted soil under the second dipline (anyway) of trees.
3. **Arborist** to be secured for the treatment of any possible tree wounds.
4. **No disturbance of the soil greater than 4"** shall be located closer to the tree than 1/2 the distance of the dip line to be the tree. A minimum of 50% of the dip line and root zone shall be preserved in its natural grade.
5. **Any free grading** done within the critical root zone of the protected trees shall be light grading and shall be done in a manner that shall ensure each moving equipment with tracks is allowed within the critical root zone of the trees.
6. **Material Storage:** No materials intended for use in construction or waste shall be stored or placed on the ground or on structures that shall be used for the limits of the dipline of any trees.
7. **Equipment Clearing/Liquid Dumpage:** No equipment may be placed, parked, or stored after liquid dumpage (oil, fuel, hydraulic fluid, etc.) within the limits of the dipline of any trees. This would include but not be limited to paint, solvents, asphalt, concrete, mortar, polymers, etc.
8. **Tree Attachments:** No vehicles and/or other attachments, other than those that are protected, shall be attached to the trunk of any tree.
9. **Vehicle Traffic:** No signaller and/or other attachments, other than those that are protected, shall be attached to the trunk of any tree.
10. **Boring of Utilities:** No bore shall be permitted under the protected trees in certain circumstances. The minimum length of the bore shall be the width of the tree trunk and shall be a minimum depth of 140" (487" inches).
11. **Trenching:** Any irrigation trenching which must be done within the critical root zone of a tree shall be dug by hand and end in a radial manner.
12. **Tree Pruning:** All trees to be removed from the site shall be flagged by the Contractor with bright orange flags (2" shall be wrapped around the main trunk at a height of 4' to 6' and above ground). Flagging shall be done in a manner that shall be visible from all angles. The Contractor shall contact Landscape Architect with 72 hours notice to conduct on-site meeting.
13. **Protective Fencing:** All trees in removal, as noted on drawings, shall have protective fencing located at the tree's dipline. The protective fencing may be comprised of orange plastic, orange vinyl construction, heavy plastic, or orange located within a height of 4' to 6' and above ground. The protective fencing will be located as indicated on the Tree Removal and Protection Plan.
14. **Back Protection:** In situations where a tree remains in the immediate area of intended construction, the tree shall be protected by enclosing the entire circumference of the tree's trunk with amber endcap with white or orange flags that does not damage the tree. (Refer to Tree Protection Details).
15. **Construction Pruning:** In a case where a free hanging tree limb is broken and the Contractor is concerned that the limb will fall and injure the Landscaper Architect immediately. In its instance shall the Contractor prune any portion of the damaged tree without the prior approval by the Landscaper Architect.

01 TREE PRESERVATION PLAN



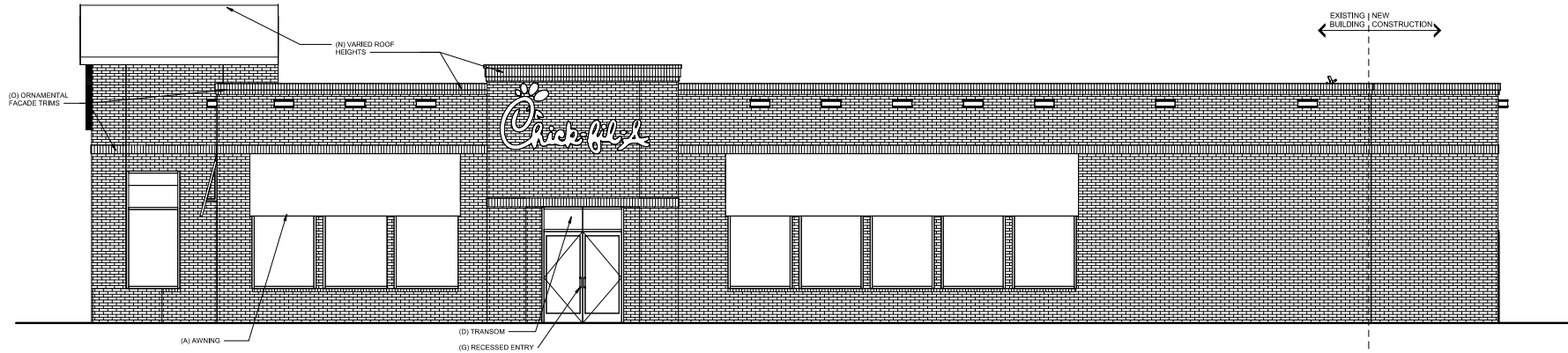
OWNER/APPLICANT:
CHICK-FIL-A, INC.
5200 BUFFINGTON ROAD
ATLANTA, GEORGIA 30348
PHONE: (404) 765-8000
CONTACT: PATRICK THOMPSON
EMAIL: PATRICK.THOMPSON@CFCORP.COM

ENGINEER:
BURGER ENGINEERING, LLC
17103 PRESTON ROAD, SUITE 180H
TEXAS REGISTERED ENGINEERING FIRM F-12997
DALLAS, TEXAS 75248
PHONE: (972) 650-3360
CONTACT: BRYAN M. BURGER, P.E.
EMAIL: MBURGER@BURGERENGINEERING.COM

B | BURGER
ENGINEERING
Civil Consultants

17103 Preston Road, Suite 180N
Dallas, Texas 75248
Office: 972.630.3360 Fax: 972.630.3380
TBPE F-12997

TP-1



1 TABULATION - SOUTH (MAIN ENTRY) ELEVATION
1/4" = 1'-0"



2 NORTH-WEST (DRIVE-THRU) ELEVATION
1/4" = 1'-0"

ARCHITECTURAL ELEMENTS

- (A) CANOPIES/AWNINGS
- (C) DIVIDED LIGHT WINDOWS
- (D) TRANSOMS
- (G) RECESSED ENTRIES
- (N) VARIED ROOF HEIGHTS
- (O) ORNAMENTAL FACADE TRIMS

ADDITIONAL ELEMENTS

NO NEW ARCHITECTURAL ELEMENTS ARE BEING ADDED TO EXISTING, CURRENT ARCHITECTURAL ELEMENTS WILL BE CARRIED OVER TO ADDITION.



Chick-fil-A
5200 Buffington Road
Atlanta, Georgia 30349-2998
P: (404) 765 8000

MAYSE & ASSOCIATES INC.
Architecture • Planning • Construction Management

1481 Quorum Dr. Suite 900
Atlanta, Georgia 30328
Phone: (770) 386-4338 Fax: (770) 386-2876
www.mayseassociates.com

CASE NUMBER: 210716-2
ZONING - EXISTING: COMMUNITY RETAIL, S 03-05
ZONING - PROPOSED: NO CHANGE

5/11/2021 4:43:44 PM

CHICK-FIL-A
North Garland FSU
5425 N George Bush Hwy
Garland, TX 75044

FSR#01474

BUILDING TYPE / USE: MLV2.BRV/S03-121

REVISION SCHEDULE
REV. DATE DESCRIPTION

CONSULTANT PROJECT # 19091

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DATE 5/11/2021 4:43:44 PM

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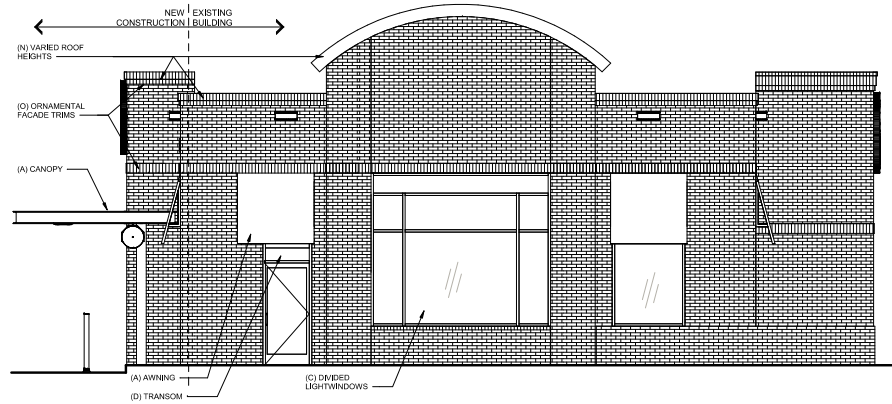
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SHEET ARCHITECTURAL ELEMENTS

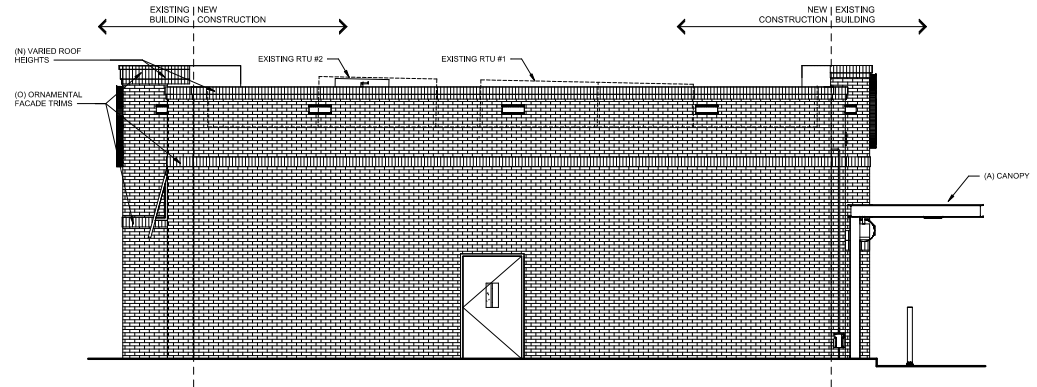
SHEET NUMBER

Z-304

EXHIBIT E



① TABULATION - WEST-SOUTH (FRONT) ELEVATION
1/4" = 1'-0"



② TABULATION - WEST-SOUTH (FRONT) ELEVATION
1/4" = 1'-0"

ARCHITECTURAL ELEMENTS

- (A) CANOPIES/AWNINGS
- (C) DIVIDED LIGHT WINDOWS
- (D) TRANSOMS
- (G) RECESSED ENTRIES
- (N) VARIED ROOF HEIGHTS
- (O) ORNAMENTAL FACADE TRIMS

ADDITIONAL ELEMENTS

NO NEW ARCHITECTURAL ELEMENTS ARE BEING ADDED TO EXISTING, CURRENT ARCHITECTURAL ELEMENTS WILL BE CARRIED OVER TO ADDITION.



Chick-fil-A
5200 Buffington Road
Atlanta, Georgia 30349-2998
P: (404) 765 8000

MAYSE & ASSOCIATES INC.
Architecture • Planning • Construction Management



14801 Quorum Dr. Suite 900
Dallas, Texas 75244-3338
Phone: (972) 286-4338 Fax: (972) 286-2076
www.mayseassociates.com

CASE NUMBER: 210719-2
ZONING - EXISTING: COMMUNITY RETAIL, S 03-05
ZONING - PROPOSED: NO CHANGE

5/11/2021 4:43:42 PM

CHICK-FIL-A
North Garland FSU

5425 N George Bush Hwy
Garland, TX 75044

FSR#01474

BUILDING TYPE / USE: MLV2.BRV/503-126

REVISION SCHEDULE
REV. DATE DESCRIPTION

CONSULTANT PROJECT # 19091

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DATE 5/11/2021 4:43:42 PM

DRAWN BY Designer

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SHEET ARCHITECTURAL ELEMENTS

SHEET NUMBER

Z-303

REPORT & MINUTES

P.C. Meeting, June 14, 2021

Consideration of the application of **Burger Engineering, LLC**, requesting approval of a Plan for a Restaurant, Drive-Through expansion on a property zoned Community Retail (CR) District. This property is located at 5425 North President George Bush Turnpike. (District 7) (File Z 21-16 - Plan)

Motion was made by Commissioner Jenkins to **approve** the request per staff recommendation. Seconded by Commissioner Rose. **Motion carried: 9 Ayes, 0 Nays.**

To date we have not received any responses for this case.

Z 21-16

The applicant proposes to expand an existing drive-through restaurant [Chick-fil-A].

[Approval of a Specific Use Provision amendment for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.]

Approval of a Plan for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.]



GARLAND

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**City Council Meeting
July 6, 2021**

Location: 5425 North President George Bush Turnpike

Applicant: Burger Engineering, LLC

Owner: Chick-fil-A, Inc.

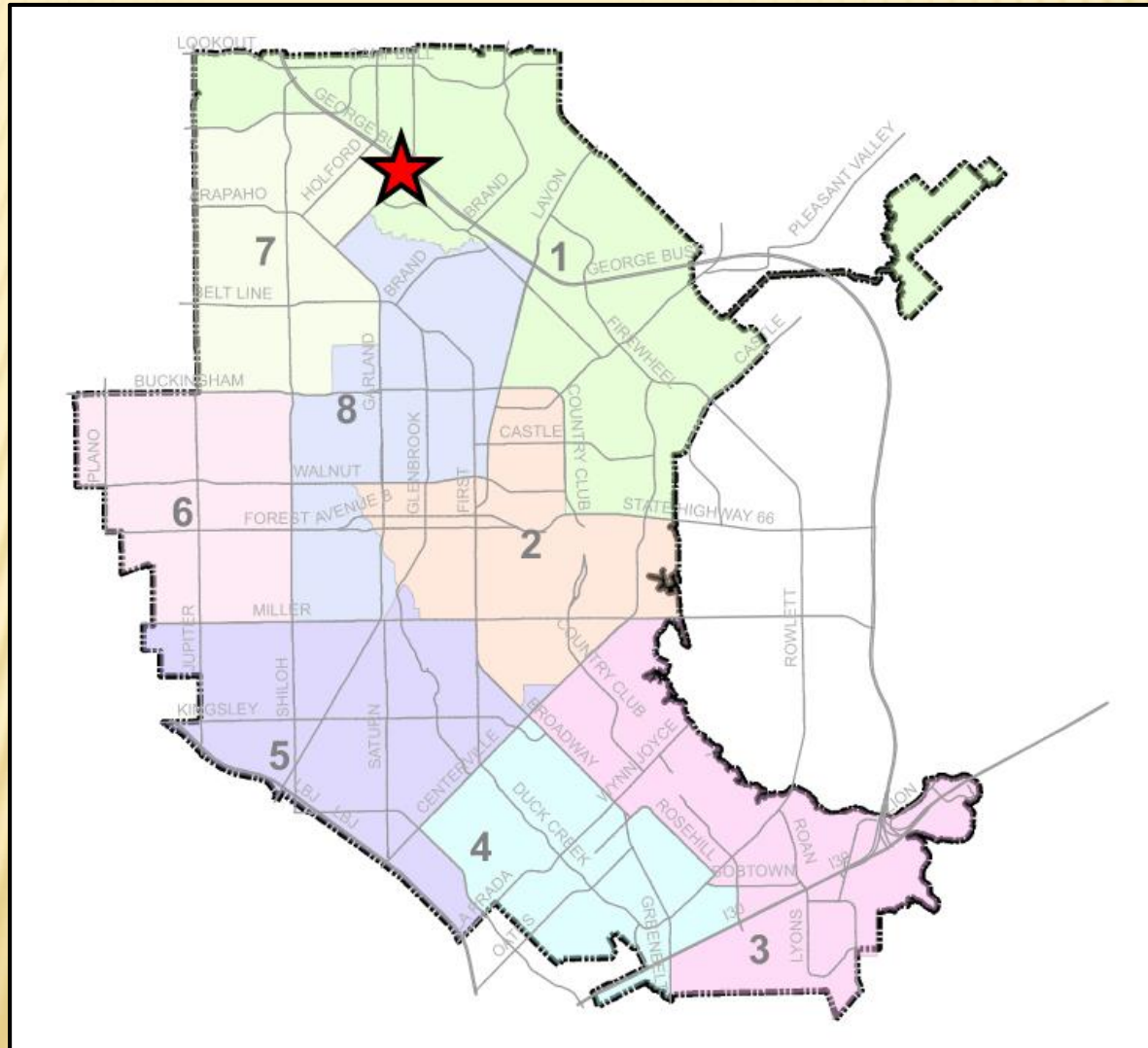
Acreage: 1.23 acres

Zoning: Community Retail (CR) District



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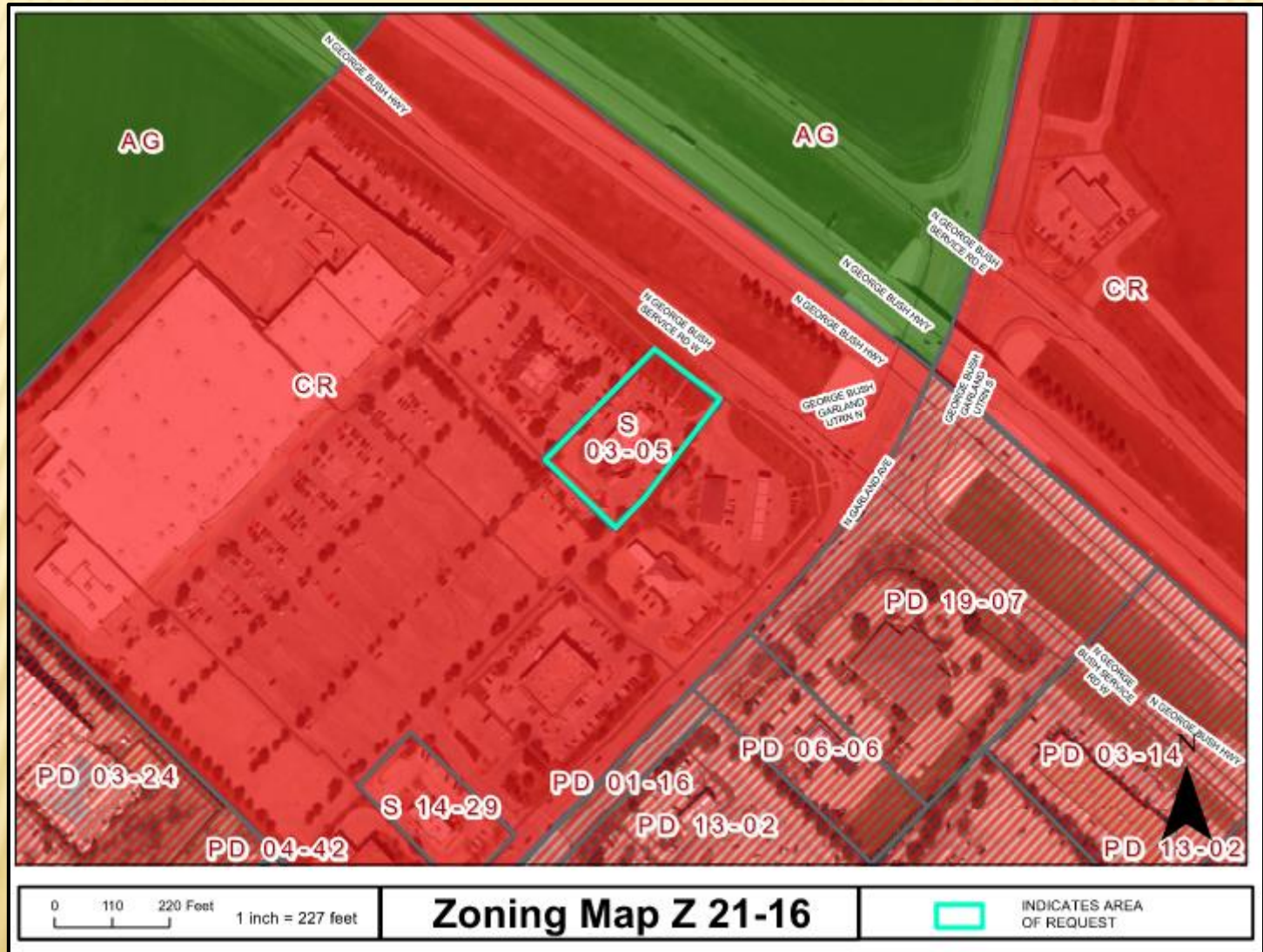
CITYWIDE LOCATION MAP





GARLAND
TEXAS MADE HERE

LOCATION MAP



Z 21-16

 Community Centers



The Future Land Use Map of the Envision Garland Plan recommends Community Center for the subject property. Community Centers are areas with compact development, primarily non-residential, serving a collection of neighborhoods. This type of development consists of a mix of uses, including retail, services, office use, multi-family residential, and entertainment. Community centers may be developed at the intersections of major arterial streets and along major arterials, highways, and turnpike corridors. This type of area is served by numerous roads and transit routes, providing a variety of connections to adjacent residential neighborhoods, retail centers, and employment centers.

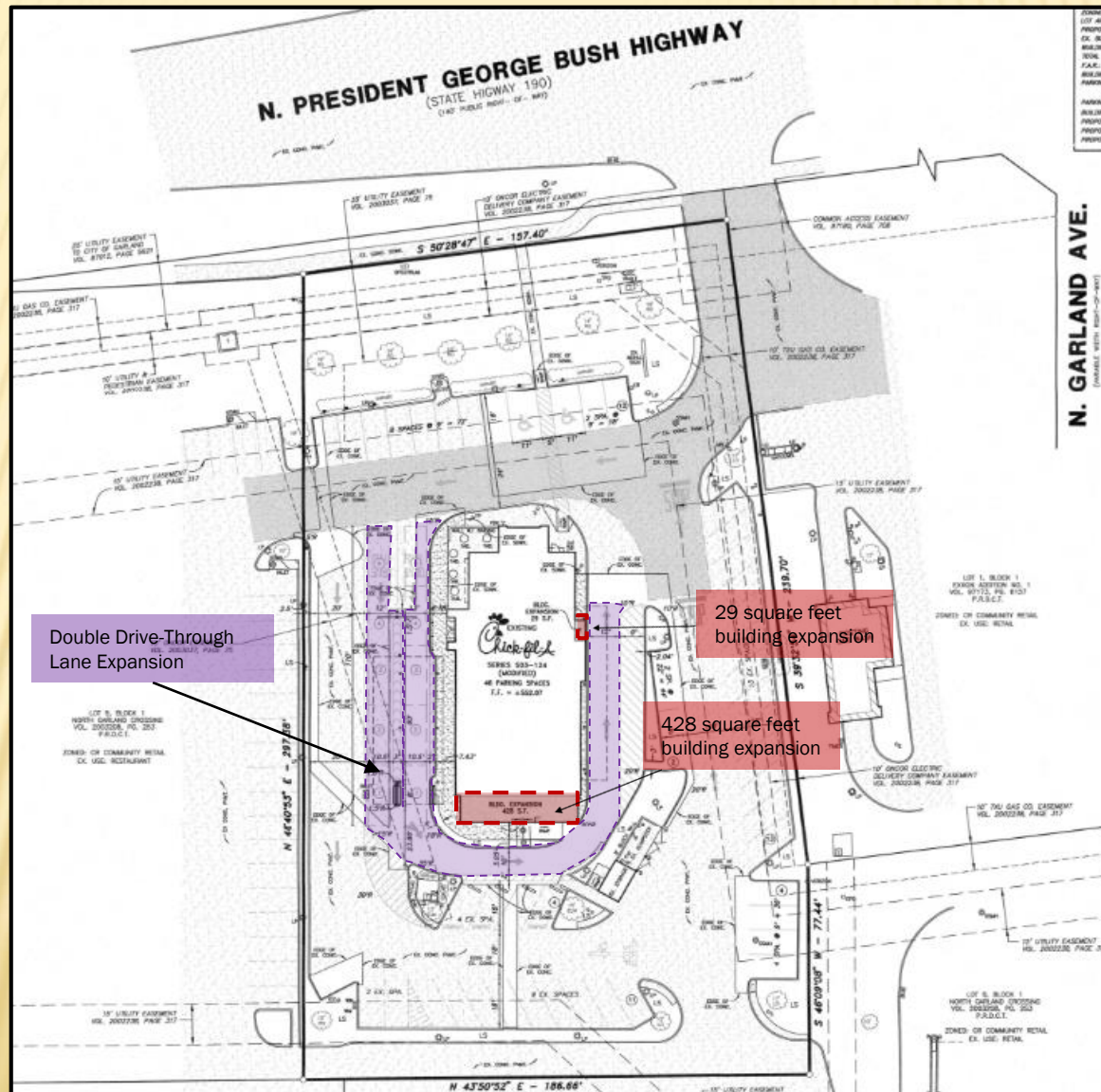
This use is supportive to the surrounding area and compatible with the Comprehensive Plan.







Z 21-16





LANDSCAPE PLAN

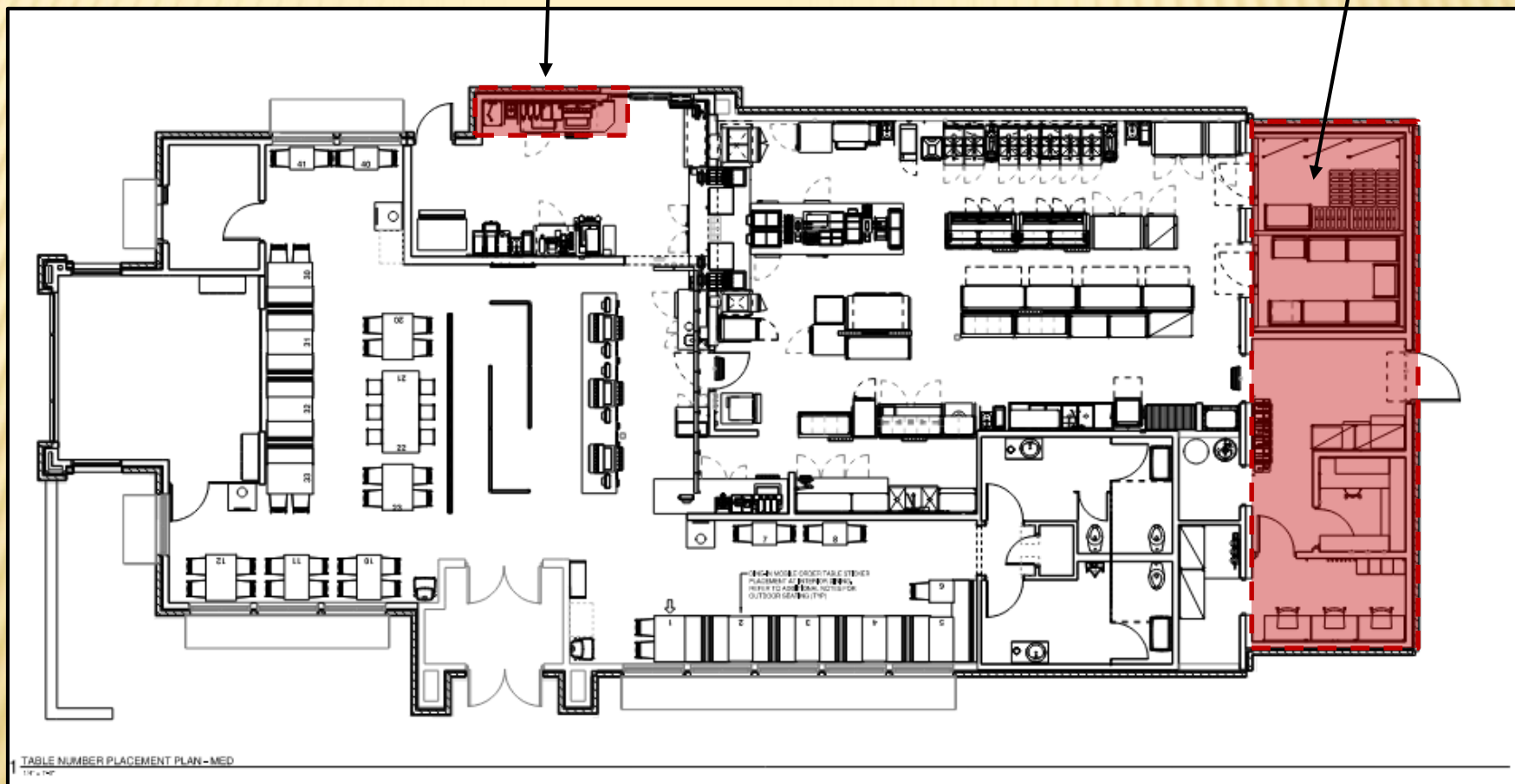


Z 21-16

FLOOR PLAN

29 square feet
building expansion

428 square feet
building expansion





ELEVATIONS





① WEST-SOUTH (FRONT) ELEVATION
1/4" = 1'-0"



Z 21-16

CONSIDERATION

The applicant requests a Specific Use Provision (SUP) to be in effect for a period of (25) years.

No GDC deviations are being requested by the applicant.



STAFF RECOMMENDATION

Staff recommends approval of a Specific Use Provision (SUP) amendment for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District for a period of twenty-five (25) years, in accordance with the SUP Time Period Policy Guide.

Approval of a Plan for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District.

PLAN COMMISSION RECOMMENDATION

On June 14, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision (SUP) amendment for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District for a period of twenty-five (25) years, in accordance with the SUP Time Period Policy Guide.

The Plan Commission, by a vote of nine (9) to zero (0), also recommended approval of a Plan for a Restaurant, Drive-Through on a property zoned Community Retail (CR) District



Z 21-16



SPECIFIC USE PROVISION PERIOD GUIDE

SPECIFIC USE PROVISION (SUP) TIME PERIOD GUIDE

The purpose of this document is to provide applicants, staff, and Plan Commission guidance in regard to assigning a time period for Specific Use Provision (SUP) applications.

Between 2016 and 2020, the Garland City Council has approved the following uses and their subsequent average time periods via Specific Use Provision (SUP). Based on these averages, recommended time period ranges are included below.

<u>Specific Uses as Defined by the Garland Development Code</u>	<u>Average Approved Time Period (SUPs from 2016 to 2020)</u>	<u>City Council Recommended Time Period Range</u>
Restaurant, Drive-Through	25 years	20-25 years
Drive-Through Bank/ATM	30 years	25-30 years
Retail, Fuel Pumps	23.3 years	20-25 years
Car Wash	26.7 years	25-30 years
Food Processing & Storage	27.5 years	20-25 years
Recycling Salvage Yard	25 years	20-25 years
Truck/Bus Repair or Truck/Bus Storage	20 years	20-25 years
High Risk Use	22.5 years	To be evaluated on a case-by-case basis.
Contractor's Office w/ Outdoor Storage	10 years	10-15 years
Hotel, Limited Service	37.5 years	30-40 years
Self-Storage	36.7 years	30-40 years
Used Goods, Retail Sales (indoors)	20 years	20-30 years
Personal Services	30 years	20-30 years
Cellular Tower / Antennae Equipment	30 years	20-30 years
Kiosk	13 years	10-15 years
Charter School	5 years	5-30 years
Reception Facility	15 years	10-15 years
Guest House	5 years	5 years - unlimited
Tattoo Shop	5.3 years	5-10 years



GARLAND PLANNING REPORT

City Council Regular Session Agenda

12. e.

Meeting Date: 07/06/2021

Item Title: Z 21-19 Simon Property Group (Texas) L.P. - Zoning (District 1)

Submitted By: Will Guerin, Planning Director

REQUEST

Approval of an Amendment to Planned Development (PD) District 03-53 to allow additional Commercial Uses.

LOCATION

245 Cedar Sage Drive (Firewheel Town Center)

OWNER

Simon Property Group (Texas) L.P.

PLAN COMMISSION RECOMMENDATION

On June 14, 2021, the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of an Amendment to Planned Development (PD) District 03-53 to allow additional Commercial Uses, as follows:

Allow the following uses by right:

- Convenience Store (1,000 – 5,000 sf)
- Studio, Fitness or Performing Arts

Allow the following uses by Specific Use Provision (SUP) only:

- Breweries/Wineries/Distilleries
- Automobile Sales (Indoors)

In addition, the Commission recommended that Auto Sales shall include new vehicle sales only (no used), and no vehicle repairs may be conducted on-site; and

Breweries/Wineries/Distilleries shall be allowed by Specific Use Provision (SUP) only, and shall include an on-site tasting or restaurant component.

The applicant concurs with the recommendations.

STAFF RECOMMENDATION

Approval of an Amendment to Planned Development (PD) District 03-53 to allow additional Commercial Uses, as follows:

Allow the following uses by right:

- Convenience Store (1,000 – 5,000 sf)
- Studio, Fitness or Performing Arts

Allow the following uses by Specific Use Provision (SUP) only:

- Breweries/Wineries/Distilleries
- Automobile Sales (Indoors)

BACKGROUND

The subject property is developed with the Firewheel Town Center, an urban-style outdoor regional shopping mall. It consists of a mix of retail, commercial and multi-family residential uses. The applicant requests to amend Planned Development (PD) District 03-53 to allow additional commercial uses, described further in Consideration 1 below.

This case is a zoning [PD amendment] request only; there is no Detail Plan request with this application. However, new development is required to obtain Detail Plan approval.

SITE DATA

The site consists of approximately 68.1 acres, with access points to and from North President George Bush Turnpike, Lavon Drive, and Firewheel Parkway and includes internal streets within the Firewheel Town Center.

USE OF PROPERTY UNDER CURRENT ZONING

The site is zoned Planned Development (PD) District 03-53 and Planned Development (PD) District 12-36, the latter of which was specific to signage regulations. PD 03-53 allows a variety of retail and commercial uses including, but not limited to: retail, restaurants, offices, medical offices, personal services, banks, athletic clubs/fitness gyms, grocery stores, household appliance repair, and movie theaters. Multi-family use is allowed with conditions and is developed accordingly on certain parcels on the outer edges of the town center.

The applicant requests to amend PD 03-53 to add the allowance of additional commercial uses, listed in Consideration 1 below, either by right or by Specific Use Provision (SUP). Specific Use Provisions require a public hearing process through the Plan Commission and City Council.

CONSIDERATIONS

1. The applicant requests to allow additional commercial uses within the Firewheel Town Center area. The applicant's request is as follows:

Allow the following uses by right:

- Studio, Fitness and Performing Arts
- Convenience Store (1,000 – 5,000 sf)
- Breweries/Wineries/Distilleries

Allow the following uses by Specific Use Provision (SUP):

- Automobile Sales, New and Used (Indoors)
2. Studio, Fitness and Performance Arts is defined in the Garland Development Code (GDC) as a business establishment, not exceeding five thousand square feet in floor area, that provides a fully enclosed space within a building for practice and instructional classes in gymnastics, exercise or fitness routines, the martial arts, dance, music, theatre, and other performing arts.

It should be noted that larger-scale Health & Fitness Gyms are currently allowed in the PD.
 3. Convenience Stores are limited to 1,000–5,000 square feet per the GDC, and do not include fuel sales unless specifically requested and approved accordingly. Fuel Sales are a separate land use category and not permitted on Simon’s subject property. The applicant has a prospective tenant and intends to allow a convenience store within the existing Town Center. The applicant states, “Convenience stores are a common addition to a mixed-use center that include multi-family residences and office space. There is currently no grocery store at the Firewheel Town Center, and it is therefore appropriate to provide our residents and office workers an easy opportunity to pick up essential consumable items, reducing unnecessary trips away from the Firewheel mixed use complex.”
 4. Breweries, Wineries & Distilleries are defined in the Garland Development Code as facilities that manufacture in commercial quantities alcoholic beverages from raw materials or blends of raw and processed materials or by mixing, rectifying or distilling processed materials. The term does not include a warehouse or bulk storage facility.

The applicant states a Brewery/Winery/Distillery would not exceed 15,000 square feet if proposed. Given the various scales and types of these uses, staff recommends a Specific Use Provision (SUP) as the more appropriate allowance process for Breweries, Wineries, and Distilleries. It should be noted that the Industrial (IN) District is the only zoning district that allows this use by right; other commercial zoning districts require an SUP per the Garland Development Code (GDC).

5. The applicant requests to allow Auto Sales, New and Used (Indoors) by Specific Use Provision (SUP). The applicant states, “Many of Simon’s centers now include indoor showrooms, not exceeding 6,000 SF, for car sellers, typically, but not exclusively, electric vehicles...”. The applicant states that ancillary use of outdoor parking spaces would be for the purposes of test drives and customer pick-ups.
6. A narrative letter from the applicant is attached, further explaining the request for the additional commercial uses.

COMPREHENSIVE PLAN

The Envision Garland Plan designates the subject property as Regional Centers. Regional centers are areas with a higher concentration of activity that serve as a destination for residents and visitors. Uses within this development type provide a mix of retail, services, entertainment, and employment and may include residential uses. Regional centers may be found along major highways and turnpikes, and at significant bus or rail stations. Regional centers generally cover an area greater than 30 acres and consist of one or more buildings with more than 450,000 square feet of gross leasable area. This development type typically serves a five to fifteen-mile

radius trade area, within a 20-minute drive time, and serves a minimum population of 150,000.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

Firewheel Town Center and its peripheral development tracts comprise a unique, mixed-use development of a regional scale. As such, it has design characteristics and requirements which necessitate unique regulation maintaining an urban walkable environment.

Convenience Store and Fitness or Performance Arts Studio uses can align with the subject property's walkable environment and contribute as supportive uses to the Town Center's residents and visitors. As mentioned above, staff recommends that

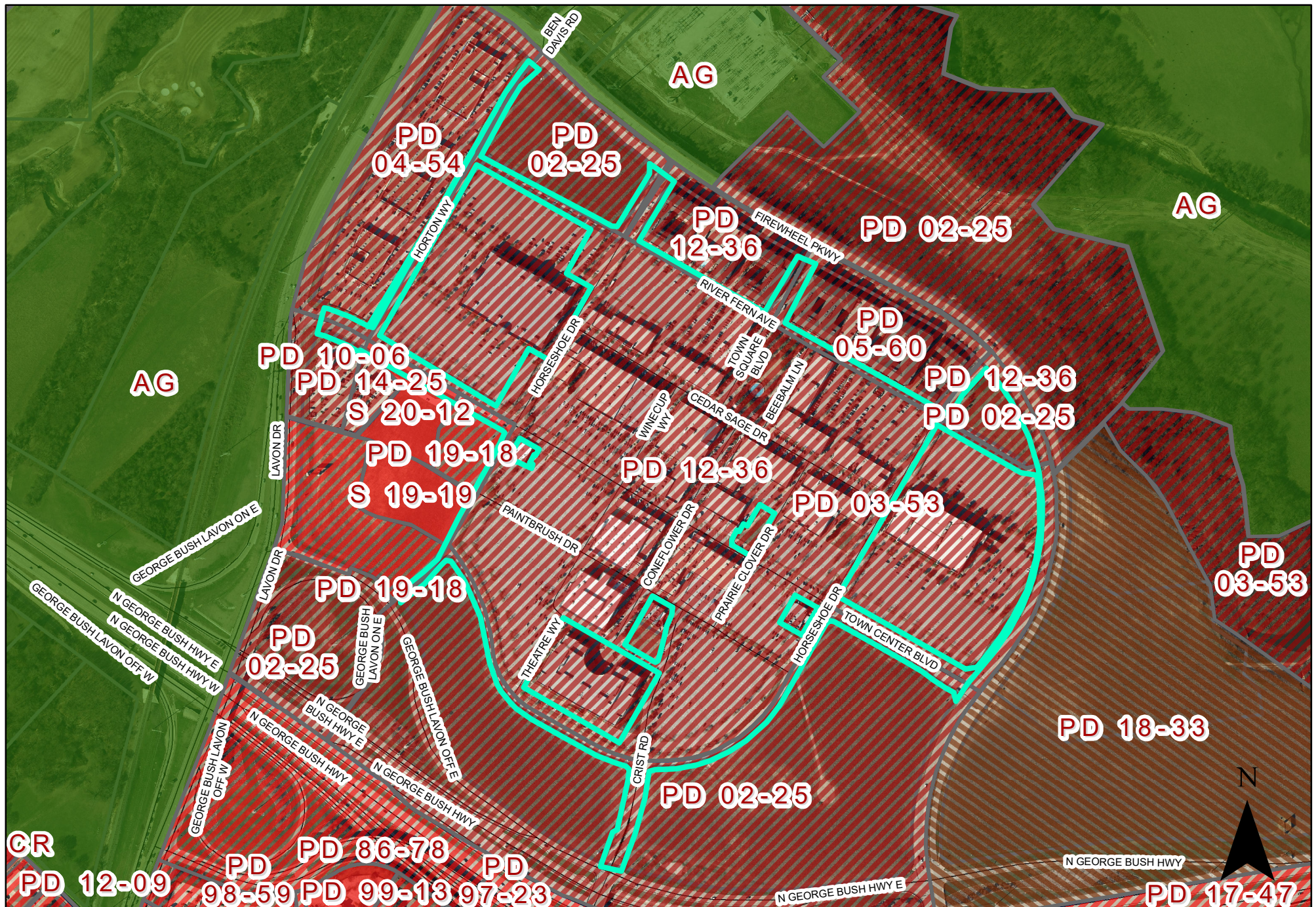
Breweries/Wineries/Distilleries should be allowed only by Specific Use Provision (SUP). An indoor-only Auto Sales use, by Specific Use Provision (SUP) only, may be compatible but subject to further review through a public hearing process. PD Conditions are drafted accordingly prohibiting outdoor automobile displays for sales purposes, and allowing no more than five (5) vehicles outdoors for test drive and pick-up purposes only. Further, the abovementioned Plan Commission recommendations are included in the draft PD Conditions.

Attachments

Z 21-19 Simon Property Group (Texas) L.P. Attachments

Z 21-19 Simon Property Group (Texas) L.P. Responses

Z 21-19 Simon Property Group (Texas) L.P. Staff Presentation



PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 21-19

245 Cedar Sage Drive

I. Statement of Purpose: The purpose of this Planned Development (PD) 03-53 amendment is to allow additional Commercial Uses.

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

III. General Regulations: All terms and conditions of the Garland Development Code and Planned Development (PD) Districts 02-25, 03-53, 12-08, and 12-36 are hereby included by reference and shall remain in full force and effect, save and except as expressly amended by this Ordinance.

IV. Development Plans:

Detail Plan: Development shall be in general conformance with the Detail Plan approved in Planned Development (PD) 03-53. New development shall be required to obtain Detail Plan approval. In the event there is conflict between the approved Detail Plan and the Specific Conditions below, the Specific Conditions shall apply.

V. Specific Conditions:

A. Permitted Uses: In addition to those uses permitted in Planned Development (PD) 03-53, the following uses are permitted accordingly:

- Convenience Store (1,000 - 5,000 sf) (P)
- Studio, Fitness or Performing Arts (P)
- Auto Sales, New (Indoors Only) (S)
- Breweries, Wineries, and Distilleries (limited to no more than 15,000 square feet) (S)

(P) Denotes land use is allowed by right.

(S) Denotes land use is allowed only upon approval

of a Specific Use Provision.

B. Automobile Sales, New (Indoors only):

1. Vehicles displayed outdoors for sales purposes are prohibited. However, test drive vehicles and vehicles that have been purchased by customers and are waiting to be picked up (no more than 5 vehicles in aggregate) may be temporarily stored outdoors. The vehicles must be in designated parking spaces and, other than markings or displays permanently affixed to the vehicle, there shall be no markings, displays, or signs on or adjacent to a vehicle.
2. Used vehicle sales are prohibited.
3. Vehicle repair on site is prohibited.

C. Breweries/Wineries/Distilleries: A Brewery, Winery, or Distillery shall include a dining or tasting area for patrons on site.

PLANNED DEVELOPMENT AMENDMENT

FIREWHEEL TOWN CENTER

Simon Property Group (Texas), Inc. (“Simon”), the owner of Firewheel Town Center (the “Center”), is requesting an amendment to the Planned Development governing the Center (the “Planned Development”) to incorporate additional permitted uses at the Center. Specifically, Simon is requesting that the **following uses be permitted by right:**

- Studio, Fitness and Performing Arts
- Convenience Store (1,000 – 5,000 sf)
- Breweries/Wineries/Distilleries

Simon is seeking these additional permitted uses as the types of businesses seeking to occupy space in traditional shopping centers and mixed-use lifestyle centers continue to evolve. As internet purchases have become a larger percentage of retailer sales, it is important that the Center’s permitted uses be expanded to accommodate more experiential offerings that complement our retail mix. It is also important that our retailers have the ability to rethink their in-store experiences to thrive in an omnichannel retail environment.

Studio, Fitness and Performing Arts:

At many Simon-affiliated centers, inclusive of Firewheel Town Center, there is growing customer demand for boutique fitness facilities in smaller environments than those offered by more traditional gyms and fitness clubs. Specialty fitness studios (by way of example, Orange Theory, Pure Barre, Core Power Yoga, Soul Cycle) seek out successful lifestyle centers for their customized facilities. Many prominent fitness retailers are also looking to include studios within their stores. The existing Planned Development allows Fitness and Athletic clubs but excludes these smaller boutique fitness and wellness businesses.

Likewise, performing, and visual art studios continue to seek out mixed-use locations where they can conveniently serve and attract new family and adult customers. These venues frequently incorporate a retail component.

Convenience Stores:

Convenience stores are a common addition to a mixed-use center that include multi-family residences and office space. There is currently no grocery store at the Firewheel Town Center, and it is therefore appropriate to provide our residents and office workers an easy opportunity to pick up essential consumable items, reducing unnecessary trips away from the Firewheel mixed use complex.

Breweries, Wineries and Distilleries:

Artisanal offerings are a growing segment of the restaurant scene, with breweries, wineries, and distilleries a particularly high growth segment. Regional and local producers of craft beverages seek venues where they can engage new customers and familiarize them with their locally crafted products. Many of these facilities incorporate on site production in combination with a full-service restaurant and bar. Alcohol would be primarily for on-site consumption but with retail sales permitted for proprietary products only, in accordance with local liquor sale regulations. Square footage would not exceed 15,000 SF.

SPECIFIC USE PROVISION CATEGORIES

In addition to the above uses, Simon is requesting that the Planned Development be amended to allow for the following use by **Specific Use Provision (SUP)**

- Indoor Automobile Sales, New and Used

Indoor Automobile Sales, New and Used

Many of Simon's centers now include indoor showrooms, not exceeding 6,000 SF, for car sellers, typically, but not exclusively, electric vehicles (by way of example, Tesla, Lucid, VinFast). These newer sellers do not keep inventory of vehicles on site as they handle their sales as advance purchase orders that are processed on-line. Ancillary use of outdoor space is typically limited to no more than 15 parking spaces, with charging stations, that are used for test drive cars and/or for customer pick-ups. Makers of non-electric cars are also looking for alternative, less space intensive, venues in which to sell their new and used inventory via on-line order. These venues cater to customer convenience and ultimately serve to free up prime real estate that has traditionally been needed for large car lots and showrooms.

Pursuant to the Specific Use Provision in the Garland Zoning Code, the automobile use may not be suitable to every location within the Planned Development and may need to be limited in number and aggregate square footage. It is appropriate that specific tenants would be subject to further review and approval under the City's SUP zoning process.

GENERAL

An amendment of the Planned Development will implement the policies of the City by promoting the development, redevelopment and utilization of land in a manner that assures an attractive and high-quality community environment in accordance with the City's comprehensive plan's planned use for the Center as a regional shopping center.

The uses allowed by the amendment of the Planned Development will be appropriate in the immediate area of the Center and their relationship to the general area and the City as a whole as

they will provide a greater diversity of uses that will provide more retail opportunities to nearby residents, and reducing trips.

The proposed amendment to the Planned Development will be in accordance with existing and proposed plans for providing public schools, streets, water supply, sanitary sewers or other utility to the area as this Amendment will have no effect on such matters and does not involve any other factors that substantially affect the public health, safety, morals, or general welfare.

REPORT & MINUTES

P.C. Meeting, June 14, 2021

Consideration of the application of **Simon Property Group (Texas) L.P.**, requesting approval of an Amendment to Planned Development (PD) 03-53 District to allow Additional Commercial Uses. This property is located at 245 Cedar Sage Drive. (District 1) (File Z 21-19 - Zoning)

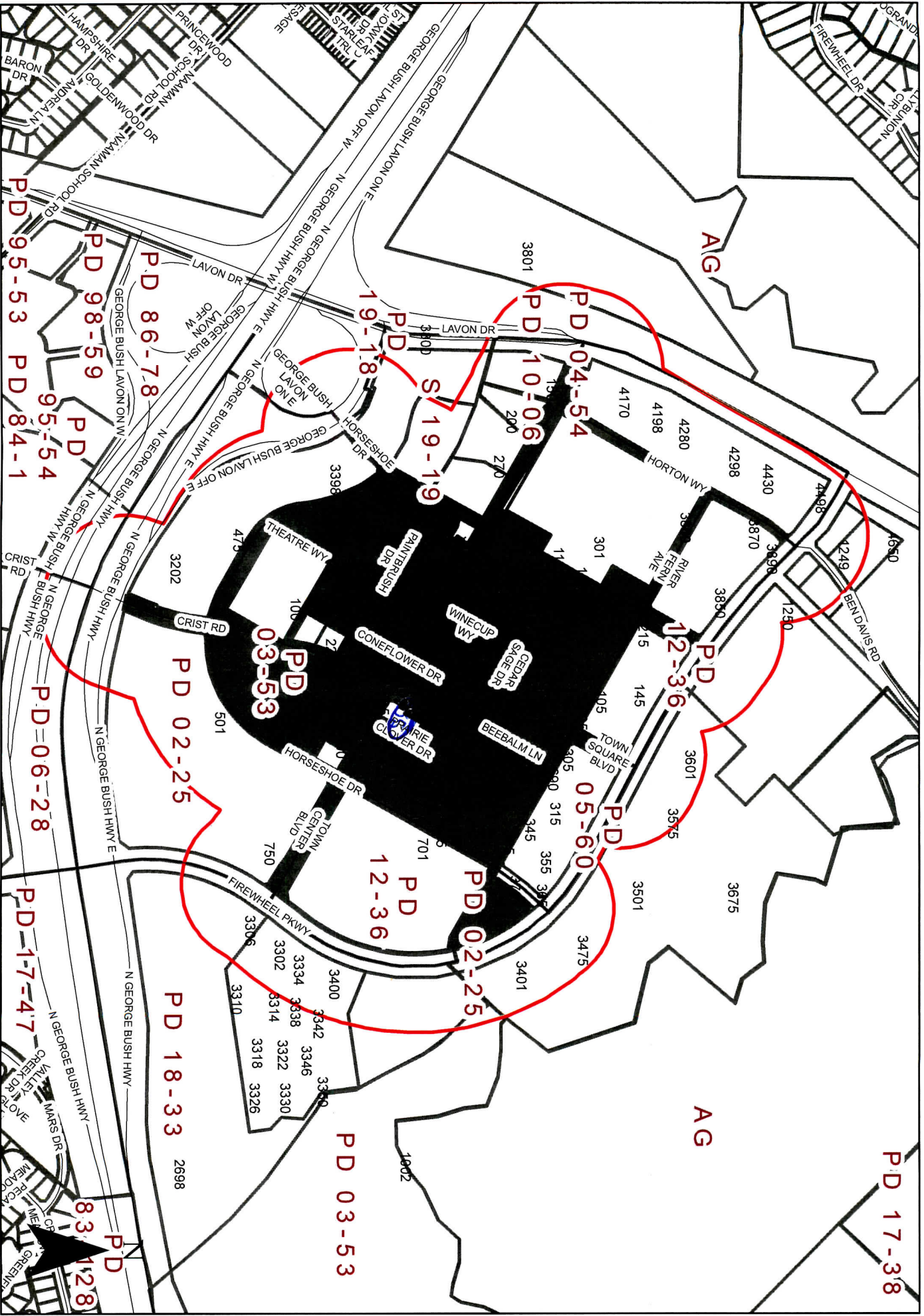
Will Guerin, Planning Director, presented the staff report.

There was discussion between the Plan Commission and Staff.

The applicant, Kathleen Shields, 115 West Washington Street, Indianapolis, Indiana 46208, provided an overview of the request. Ms. Shields expanded on the proposed uses.

There was discussion between the Plan Commission and the applicant.

Motion was made by Commissioner Dalton to close the public hearing and **approve** the request with the provision the Brewery/Winery/Distillery use requires a Specific Use Provision and include food sales, and the Automobile Use is for new vehicle sales only with no repair facilities. Seconded by Commissioner Rose. **Motion carried: 9 Ayes, 0 Nays.**



Zoning Map Z 21-19

245 Cedar Sage Drive

INDICATES AREA OF REQUEST

INDICATES NOTIFICATION AREA

Comment Form

Case Z 21-19

June 10, 2021

Simon Property Group (Texas), L.P. requests to allow future potential commercial uses in the Firewheel Town Center area, including Fitness/Performing Arts Studio, Convenience Store, Brewery/Winery/Distillery, and Indoor Automobile Sales. This site is located at 245 Cedar Sage Drive. (District 1)

Simon Property Group (Texas), L.P. El solicitante solicita permitir futuros usos comerciales potenciales en el área de Firewheel Town Center, incluido el estudio de fitness / artes escénicas, la tienda de conveniencia, la cervecería / bodega / destilería y la venta de automóviles en interiores. Este sitio está ubicado en 245 Cedar Sage Drive. (Distrito 1)

Simon Property Group (Texas), L.P. Người nộp đơn yêu cầu cho phép sử dụng thương mại tiềm năng trong tương lai trong khu vực Trung tâm Thị trấn Firewheel, bao gồm Phòng tập thể hình / Biểu diễn nghệ thuật, Cửa hàng tiện lợi, Nhà máy bia / Nhà máy rượu / Nhà máy chưng cất và Bán ô tô trong nhà. Địa chỉ này nằm ở 245 Cedar Sage Drive. (Quận 1)

Please Check One Below / Marque uno a continuación / Vui lòng kiểm tra một bên dưới

☒

For / A Favor / Đúng

☐

Against / En Contra / Không

Please complete the following information and email the form to Planning@garlandtx.gov; deliver to the Planning Department at 800 Main Street Garland, TX; or mail to City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002./ Por favor Complete la siguiente información y envíe el formulario por correo electrónico a Planning@garlandtx.gov; entregar al Departamento de Planificación en 800 Main Street Garland, TX; o envíelo por correo a City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002./ Vui lòng điền đầy đủ thông tin sau và gửi biểu mẫu qua email tới Planning@garlandtx.gov; giao cho Phòng Kế hoạch tại 800 Main Street Garland, TX; hoặc gửi thư đến Thành phố Garland, Sở Kế hoạch, P.O. Hộp 469002 Garland, TX 75406-9002.

HORTON ASSET Co LTD (Linda GIDDENS, Manager)

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc.) / (Dueño de la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

3801 Luvon Dr

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

Garland TX

City, State / Estado de la Ciudad / Thành bang

Zip Code / Código postal / Mã B u Chính

Linda Giddens, Manager Horton Asset

Signature / Firma / Chữ ký

Date / Fecha / Ngày

(Providing email address and phone number is optional. / La dirección de correo electrónico y el número de teléfono son opcionales. / Địa chỉ email và số điện thoại là tùy chọn.)

JUN 16 '21 PM 4:38

Comment Form

Case Z 21-19

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Please Check One Below / Marque uno a continuación / Vui lòng kiểm tra một bên dưới

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For / A Favor / Đúng

☐

Against / En Contra / Không

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Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc.) / (Dueño de la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

My Mail SpA

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

535 town center Blvd.

Garland, TX. 75040

City, State / Estado de la Ciudad / Thành bang

75040

Zip Code / Código postal / Mã B u Chính

Signature / Firma / Chữ ký

Date / Fecha / Ngày

(Providing email address and phone number is optional. / La dirección de correo electrónico y el número de teléfono son opcionales. / Địa chỉ email và số điện thoại là tùy chọn.)

JUN 14 '21 AM 11:26

Comment Form Continued – Case Z 21-19

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

Las declaraciones a continuación reflejan mi (nuestra) opinión con respecto a las solicitudes propuestas.

Các tuyên bố dưới đây phản ánh quan điểm của tôi (chúng tôi) về (các) yêu cầu được đề xuất

NO MORE NAIL SALON ALLOWED
WITHIN THE AREA. THANK YOU.

Z 21-19

The applicant requests to allow future potential commercial uses in the Firewheel Town Center area.

[Approval of an Amendment to Planned Development (PD) District 03-53 to allow additional Commercial Uses.]

**City Council Meeting
July 6, 2021**



GARLAND

TEXAS MADE HERE

Location: 245 Cedar Sage Drive (Firewheel Town Center)

Applicant: Simon Property Group (Texas) L.P.

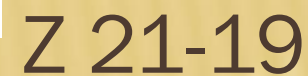
Owner: Simon Property Group (Texas) L.P.

Acreage: 68.1 acres

Zoning: Planned Development (PD) 03-53

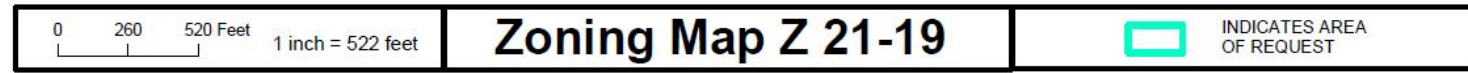


CITYWIDE LOCATION MAP

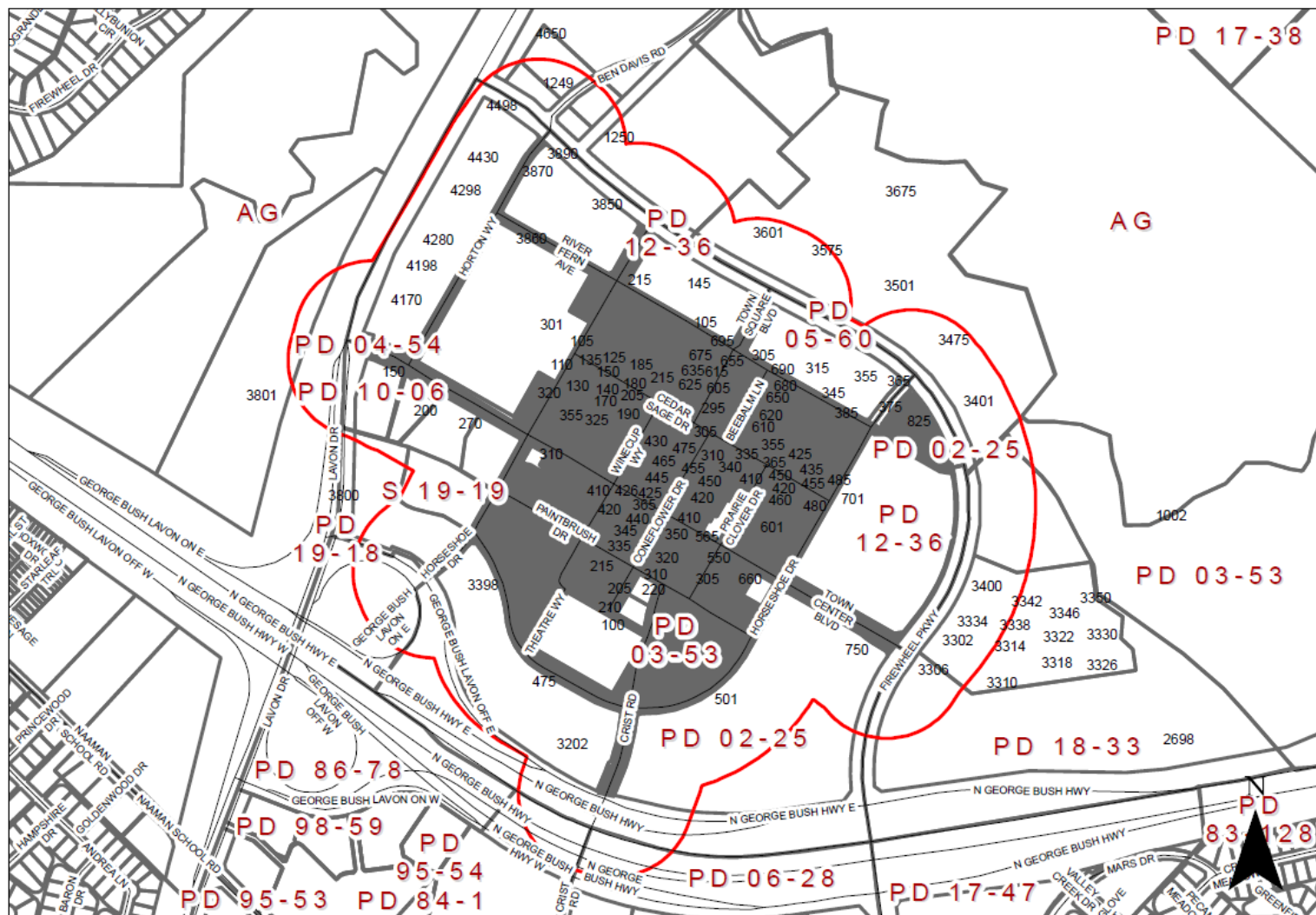




LOCATION MAP



Z 21-19



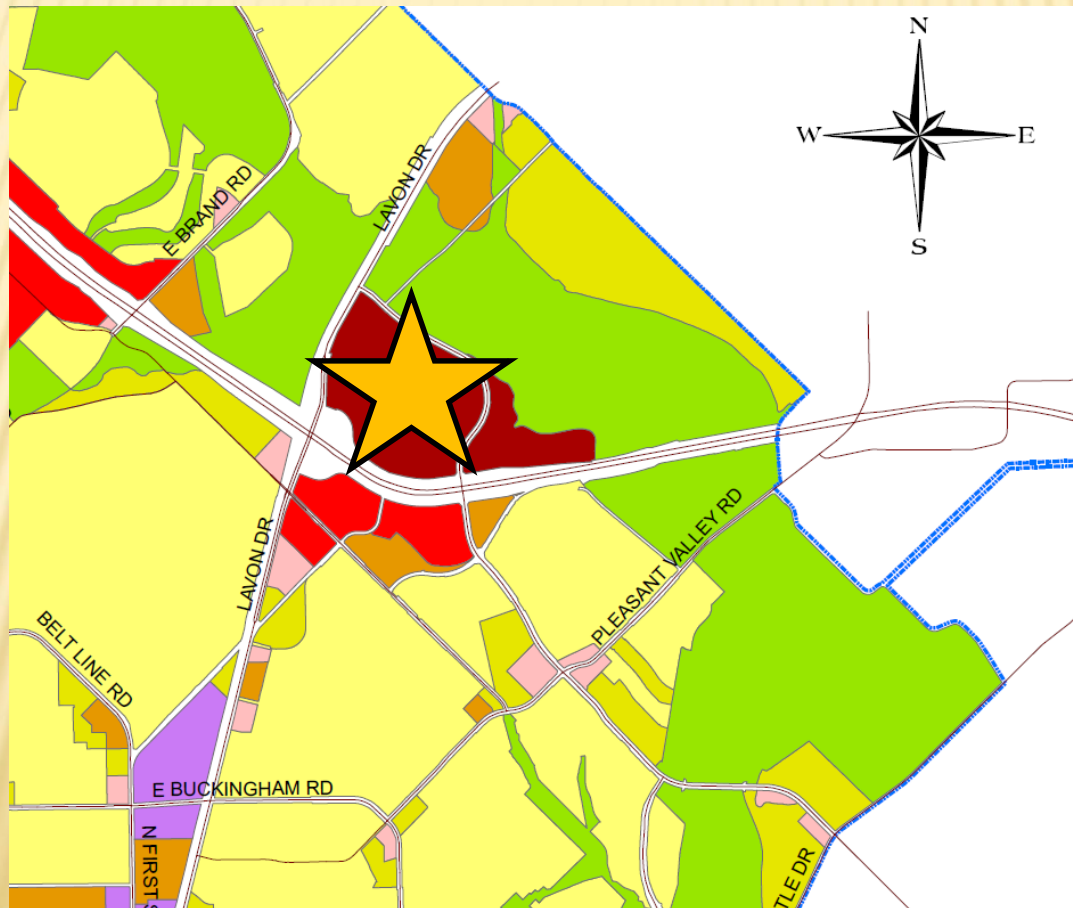
Zoning Map Z 21-19 **245 Cedar Sage Drive**

INDICATES AREA OF REQUEST INDICATES NOTIFICATION AREA

COMPREHENSIVE PLAN

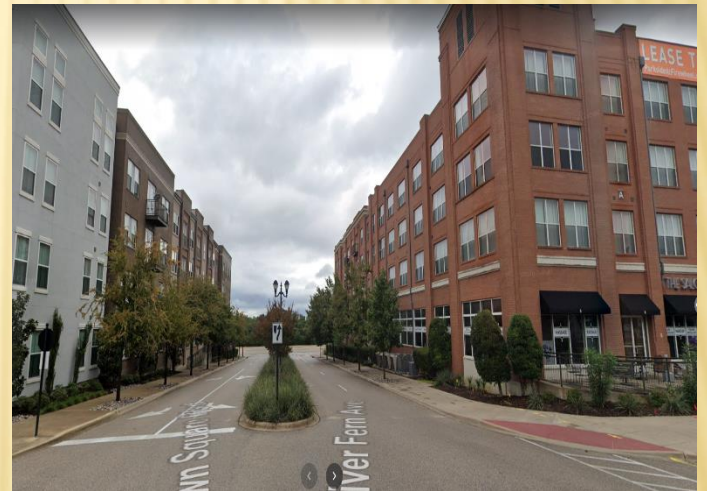


Regional Centers

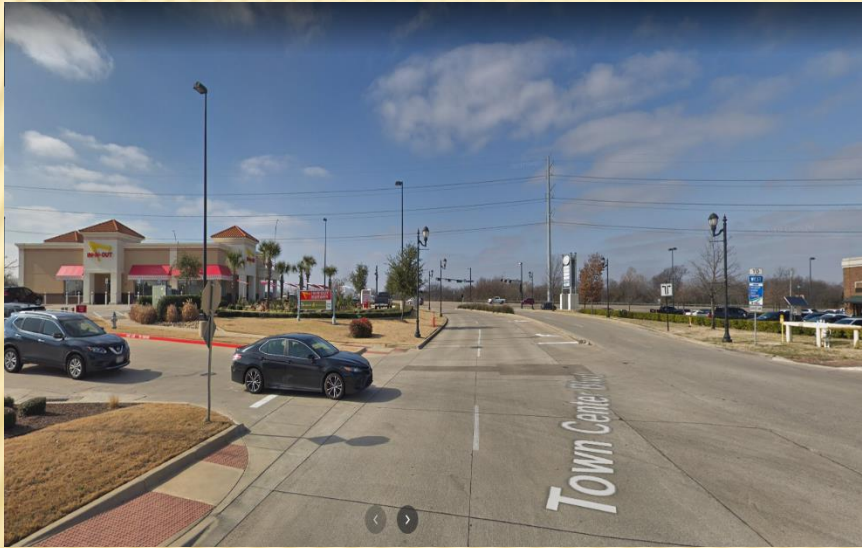


The Future Land Use Map of the Envision Garland Plan recommends Regional Centers. Regional centers are areas with a higher concentration of activity that serve as a destination for residents and visitors. Uses within this development type provide a mix of retail, services, entertainment, and employment and may include residential uses. Regional centers may be found along major highways and turnpikes, and at significant bus or rail stations.

The Firewheel Town Center is a regional open-air shopping mall and includes a mix of retail, services, entertainment, and residential uses.



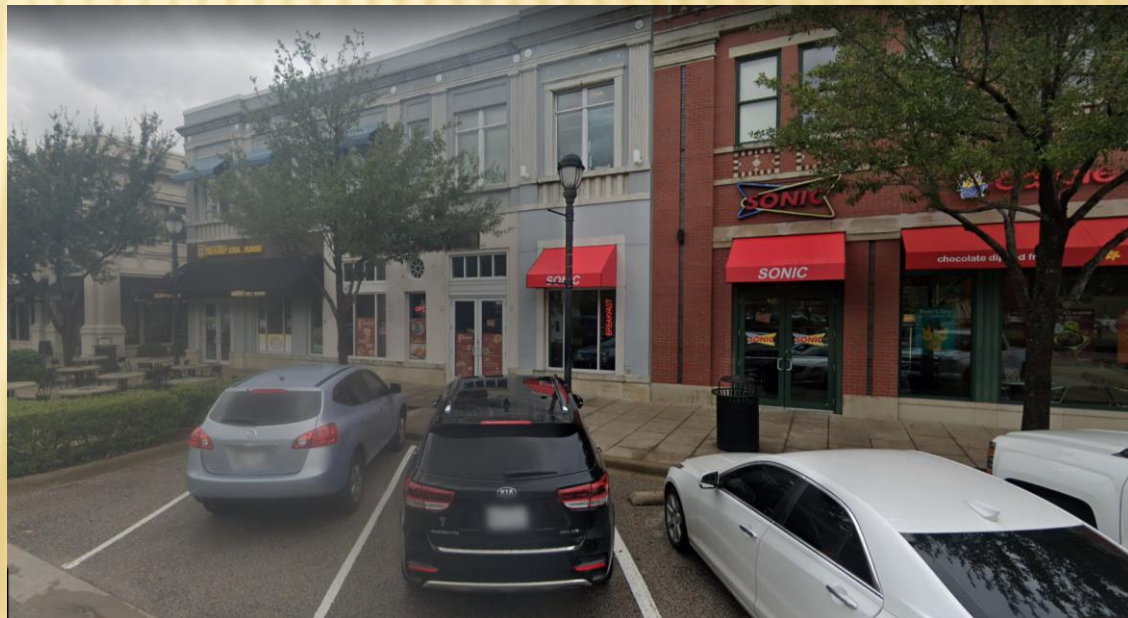
PHOTOS





GARLAND
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PHOTOS



APPLICANT'S REQUEST

Allow the following uses by right:

- + Studio, Fitness and Performing Arts
- + Convenience Store
- + Breweries/Wineries/Distilleries

Allow the following use by Specific Use Provision (SUP):

- + Automobile Sales, New and Used (Indoors)

FITNESS OR PERFORMING ARTS STUDIO





BREWERIES/WINERIES/DISTILLERIES



OPEN AIR CENTERS: INDOOR AUTO SALES

THE DOMAIN



THE SHOPS AT CLEARFORK





STAFF RECOMMENDATION

Allow the following uses by right:

- Convenience Store
- Studio, Fitness or Performing Arts

Allow the following uses by Specific Use Provision (SUP) only:

- Breweries/Wineries/Distilleries
- Automobile Sales (Indoors)

PLAN COMMISSION RECOMMENDATION

On June 14, 2021, the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of an Amendment to Planned Development (PD) District 03-53 to allow additional Commercial Uses, as follows:

Allow the following uses by right:

- Convenience Store (1,000 – 5,000 sf)
- Studio, Fitness or Performing Arts

Allow the following uses by Specific Use Provision (SUP) only:

- Breweries/Wineries/Distilleries
- Automobile Sales (Indoors)

In addition, the Commission recommended that Auto Sales shall include new vehicle sales only (no used), and no vehicle repairs may be conducted on-site; and

Breweries/Wineries/Distilleries shall be allowed by Specific Use Provision (SUP) only, and shall include an on-site tasting or restaurant component.

The applicant concurs with the recommendations.



VII. Specific Regulations:

- A. Permitted Uses: Only the following uses shall be permitted on Tract 1 and Tracts A - F:

Athletic Club, Indoor
College or University*
Commercial Amusements, Indoor
Commercial Amusements, Outdoor**
Drug Store/Pharmacy
Financial Institutions
Furniture and Appliance Sales
Grocery/Supermarket
Hotel/Motel, Full Service
Home Improvement Center
Kindergarten, Pre-school or Child Care Center
Laundry or Cleaners
Medical Office/Clinic
Medical/Surgical Appliance
Movie Theater/Theater
Museum or Art Gallery
Office Equipment Sales, Repair and Maintenance
Office, General
Optical Dispensary
Pet Sales and Grooming
Printer, Small Scale
Repair and Service Shops
Restaurant, Fast Food***

EXHIBIT B

Restaurant, General
Restaurant, Limited
Retail Sales/Personal Services

*Not to exceed 20,000 square feet

**Ancillary use only to retail store and not to exceed 5,000 square feet

***A total of four will be allowed by right on tracts A, B and C together; more than four would require approval of a Specific Use Permit. One will be allowed by right on Tract D. This use is not allowed on Tracts E or F.

Permitted Uses: In addition to the uses permitted in Tract 1 and in Tracts A - F, the following uses are permitted in Tract 2:

Antenna, Commercial Type 2
Multi-Family*
Retail Sales with Gas Pumps (no more than one permitted)

*Note: If multi-family is located adjacent to S.H. 190 or Northeast Parkway, the ground floor of all buildings must be used for non-residential purposes.

A total of 600 multi-family units are permitted with an allowable density of sixty (60) units per acre subject to plan review and approval by the City.

The following uses permitted in Tract 1, are prohibited on Tracts A - F:

Movie Theater/Theater
Retail Store in excess of 80,000 square feet with the
exception of a grocery store

The following use is prohibited on Tracts B - F and Tract 2:

Temporary Outdoor Sales



GARLAND

City Council Regular Session Agenda

Meeting Date: 07/06/2021

Item Title: Board and Commission Appointment

Submitted By: Courtney Vanover, Department Coordinator I, City Secretary

Summary:

Council Member B.J. Williams

- Dr. Shibu Samuel - Environmental Community Advisory Board
- Gwendolyn H. Daniels - Library Board
- Heather Moody - Garland Youth Council
- Jair Jafeth Delgado - Garland Youth Council
- Phillip Johnson - Tax Increment Finance #3 Board

Council Member Rich Aubin

- Jason Aguirre - Parks and Recreation Board
 - Margaret A. Lucht - Plan Commission
-

Attachments

Dr. Shibu Samuel
Gwendolyn H. Daniels
Heather Moody
Jair Jafeth Delgado
Phillip Johnson
Jason Aguirre
Margaret A. Lucht



GARLAND

TEXAS MADE HERE

CITY OF GARLAND
RECEIVED
MAY 13 2021
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: 05/10/2021

Name: Dr. Shibu Samuel

Phone

(Home)

Address: 809 Meadowsiode Ct

Phone

(Other)

City, State, Zip: Garland, TX 75043

Email

Resident of Garland for 9 years

Resident of Texas for 9 years

✓ Dallas County Voter Registration Number [REDACTED] Garland City Council District Number 4 ✓

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 Experience in Management, Administration, Different Board in Garland City & Chamber

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

Community Multicultural Commission June 2013 - 2018

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

Different community i was involved in Garland. World Malayalee Counsil Dallas President

What is your educational background?

Masters in Computer Science & PhD in Counseling Psychology , Garland Leadership Graduated 2017

What is your occupational experience?

Administration

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

Shibu Sam

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
Utility Account Status

Current ☒
Current ☒

Past Due ☐
Past Due ☐

Date Appointed _____

Appointed By _____

CSO Suit/Claim Filed
Clerk Signature & Date

Yes ☐ No ☒

Date Notified _____

Matthew Vander 5-13-21



GARLAND
TEXAS MADE HERE

**CITY OF GARLAND
RECEIVED
JUN 30 2021**

CITY SECRETARY

Application for City of Garland Boards/Commissions/Committees

Return completed application to City Secretary's Office, 200 N. Fifth St., Garland, Texas 75040 | Email: RDowl@GarlandTX.gov

Please Type or Print Clearly:

Date: June 30, 2021

Name: Gwendolyn H. Daniels

Phone:

(Home)

Address: 537 Ivy Way

Phone:

(Other)

City, State, Zip: Garland, TX, 75043-3223

Email:

Resident of Garland for 46 years

Resident of Texas for 70 years

Dallas County Voter Registration Number [REDACTED] Garland City Council District Number 4

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.

32-year community service volunteer in Garland; 21 years volunteer service outside Garland, within Dallas County

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

2014-2020 Sr. Citizens Commission; 2004 Charter Review Board; Garland's City Block Grant Board-1990s

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

Garland's annual MLK parade & march & MLK program for 28 yrs; So Dallas Women's Club President-2yrs

What is your educational background?

BA, Newburgh College; Certifications, TWU-Denton; Diploma-Lincoln High School, Dallas

What is your occupational experience?

Retired, 39-year health insurance career with Blue Cross Blue Shield of Texas

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

Gwen Daniels

Board or Commission of first, second and third choice:		
☐ Board of Adjustment	☐ Garland Cultural Arts Commission	☐ Parks and Recreation Board
☐ Citizens Environmental and Neighborhood Advisory Committee	☐ Garland Youth Council **	☐ Plan Commission *
☐ Civil Service Commission	☒ Library Board	☐ Senior Citizens Advisory Committee
☐ Community Multicultural Commission	☐ Property Standards Board	☐ Unified Building Standards Commission

** Garland Youth Council has a separate application

FOR OFFICE USE ONLY

Ad Valorem Tax Status
Utility Account Status
CSO Suit/Claim Filed

Current ☒
Current ☒
Yes No

Past Due ☒
Past Due ☒

Date Appointed

Appointed By

Date Notified

Disclosure Form Filed

Clerk Signature & Date

Courtney Vanover
6-30-21

Revised 05/2021



Application 2021-2022

Name: Heather Moody

Address: 2526 Sword Dr Garland TX 75044

City Council District: 7 Home Phone: N/A

Cell Phone: [REDACTED] Parent/Guardian Cell Phone: [REDACTED]

Email (primary): [REDACTED]

Parent/Guardian: [REDACTED]

Grade Level (2021-2022): 12th School: Naaman Forest

Please answer the following questions. Feel free to type your answers on a separate sheet of paper and attach to the application.

1. What activities/organizations do you currently participate in?
2. How did you hear about the Garland Youth Council?
3. Why do you want to serve on the Garland Youth Council?
4. What are some challenges you feel Garland youth face in our community?
5. What do you see as positives for you living in Garland?

Appointee Agreement

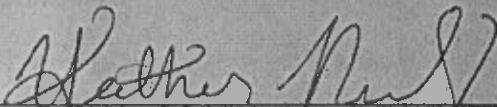
2021-2022

As an appointee to the 2021-22 Garland Youth Council, I understand the importance of being an active participant in GYC meetings and activities. If appointed, I agree to do the following:

- ❖ Attend regular meetings and assigned committee meetings.
- ❖ Contribute ideas and energy to GYC meetings and activities.
- ❖ Contact the GYC Staff Liaison in advance if I am unable to attend meetings or events.
- ❖ Actively participate in GYC events and activities.
- ❖ Check emails regularly and promptly reply or acknowledge receipt.
- ❖ Promote the GYC to my classmates and friends and encourage them to attend meetings and participate in activities.

I have reviewed the 2021-2022 GYC calendar (page 5) and acknowledge that I am available to participate in meetings and activities. I understand that missing more than two regularly scheduled GYC meetings will prompt a review of my commitment to GYC.

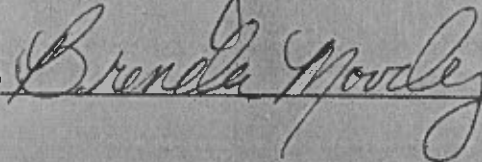
Signature



Date

6/3/2021

Parent/Guardian Signature





2021-2022 Application

Deadline: June 4, 2021

Please send or email your application to:

City Hall, Attn: Elisa Morales
200 N. Fifth St.
Garland, TX 75040
GYC@GarlandTX.gov

Applications are reviewed and GYC members are appointed by the members of City Council in July. All applicants are notified by email and mail prior to the Aug. 7th retreat.

For more information, visit GarlandTX.gov or the [Garland Youth Council Facebook page](#).



Garland Youth Council

Mission

The mission of the City's Youth Council is to provide a forum which educates Garland's youth to the various workings of City business and allows youth to be a voice to address their particular ideas and concerns.

Purpose

- ❖ To serve as a vehicle between City Council and Garland youth throughout the city.
- ❖ To promote and educate participants to the local political process.
- ❖ To assist the Mayor and Council in scheduling meetings which address youth concerns.
- ❖ To assure youth adherence to the criteria for membership in the Youth Council.
- ❖ To serve as ambassadors and messengers for the City of Garland.

To apply for an appointed position on the Garland Youth Council, please complete the following steps and return the completed application packet:

- ✓ Complete form and answer questions on page 3.
- ✓ Submit two letters of recommendation.
- ✓ Review the attached calendar and determine that you will be able to attend regularly scheduled meetings consistently (keep calendar for your records).
- ✓ Review the GYC Appointee Agreement on page 4. Both applicant and parent/guardian must sign.



Application 2021-2022

Name: Jair Jafeth Delgado

Address: 4036 Random Circle, Garland, TX 75043

City Council District: 4 Home Phone: N/A

Cell Phone: [REDACTED] Parent/Guardian Cell Phone: [REDACTED]

Email (primary): [REDACTED]

Parent/Guardian Email: [REDACTED]

Grade Level (2021-2022): 12th School: South Garland High School

Please answer the following questions. Feel free to type your answers on a separate sheet of paper and attach to the application.

1. What activities/organizations do you currently participate in?

National Honor Society, DECA, and Cross Country

2. How did you hear about the Garland Youth Council?

I first heard about GYC through the Garland ISD Twitter page, informing my family and I about this opportunity.

3. Why do you want to serve on the Garland Youth Council?

Serving on the Council offers an opportunity for me to be able to voice the concerns that my peers and I have previously expressed about our community but had no way of letting the issues known.

4. What are some challenges you feel Garland youth face in our community?

As Garland continues to rapidly progress, it is evident that the city is doing all that it can in order to sustain its growing population; however, there is still much that is not being done for the community, and if it is, many people are not aware of them. In particular, the youth faces issues concerning time. Drawing from personal experience, there are many who do not see themselves going far in life because they don't have proper opportunities or role models within their lives. There are many kids who waste away their time performing immoral behaviors; however, if we provide them with facilities, many of these kids might have a chance to be great someday. We need ways to express ourselves.

5. What do you see as positives for you living in Garland?

The City of Garland is great when it comes to offering opportunities to those who know about them or those who are able to afford them; however, as I have stated previously, there seems to exist an economic line between the southern regions of Garland and the rest, yet still, Garland continuously shows that it cares for its residents, seen through how they often held mass vaccination events, and it also promotes sustainability for a greater tomorrow through GoGreenGarland.



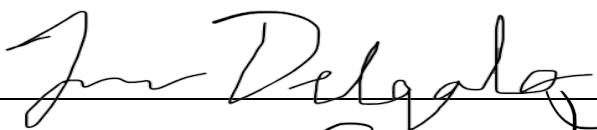
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2021-2022

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Signature  Date 6/2/21

Parent/Guardian Signature 



GYC Meetings & Activities for 2021-2022

Mandatory Events

Retreat

Saturday, Aug. 7

9 a.m. to 1 p.m.

TBD

Induction

Tuesday, Aug. 17

5:30 to 7:30 p.m.

Granville Arts Center - The Atrium, 300 N. Fifth St.

Regular Meetings

Second Tuesday of every month

5:30 to 7 p.m.

City Hall, 200 N. Fifth St.

Committee Meetings

Fourth Tuesday of every month

5:30 to 7 p.m.

City Hall, 200 N. Fifth St.



Katherine A. Coffey
South Garland High School
600 Colonel Drive
Garland, TX 75043

To Whom It May Concern:

I am writing this letter as a recommendation for Jair Delgado. During the past year, I have had the great pleasure of teaching and working with this student in my AP Language and Composition class. While I have known him, he has demonstrated passion, hard work, and a commitment to excellence in everything he pursues. Not only has he maintained the number one spot in class rank, he has also worked very hard to be a great example of a leader and student.

As an academic, Jair is a true lifelong learner who constantly seeks out knowledge. Jair is very self-motivated to find the answer to any questions he might have. After witnessing the social unrest that was the summer of 2020, Jair decided he needed an outlet to channel what he was seeing and experiencing. He started writing essays and publishing them online. Jair saw the need for representation and stepped up to help fill that need. He examines the world through a critical lens, always looking beyond what he is given. These skills only helped him in my AP Language classroom and will continue to help throughout his life. While my student in AP Language, his quality of work was consistently on par with high-level college-level work. I can say without a doubt that Jair is one of my top three students that I have ever taught.

Jair will be a wonderful quality addition to Garland's Youth City Council, and I know that your program would only help Jair and his ambitions and goals. I hope that you will seriously consider him and his endeavors. I know that he has the necessary qualities to be a successful student and leader. Education is very important to him, and I can't tell you enough that one day he will be a successful adult contributor to our society.

Sincerely,
Katherine A. Coffey

AP Language and Composition
SAT Boot Camp Instructor- Verbal
ELAR Department Head

To the Garland Youth Council Officials,

I first met Jair Delgado in August of 2020 when he became my student in Honors Precalculus. From day one Jair has displayed excellent work ethic, natural intelligence, and phenomenal leadership skills. Jair is among the top students I have taught in my career, and this is due to both his academic abilities and character. During a very trying time and difficult school year Jair has been able to excel in more areas than one.

He gives all his effort to everything we cover in the classroom. He attempts every problem, and puts in the work needed to not just get by but to grasp a topic. In anything Jair pursues it is evident that he pays close attention to every detail. Each assignment he turns in has a sense of pride and thoughtfulness. He has gone above and beyond by creating a site in which he compiled all the class notes, and shared them with his classmates. I have had the pleasure of reading some of the novels he is working on and I am truly stunned with his creativity and time management. To say he is industrious seems like an understatement.

Along with his consistent dedication, Jair has a natural intelligence that shines through in the connections he is able to make. When asked to create products for our course he is able to display his deep knowledge of a topic through his innovation, but also the ease with which he is able to take a complex idea and simplify it so beautifully.

In each collaborative group Jair is a part of he quickly becomes the one leading his peers. He is able to explain an intricate topic in a way that his peers can relate to and comprehend. He is a kind and humble young man, and that attracts others to him. His peers respect him and look to him for inspiration and guidance. Just recently when the students shared their final products for the year, his whole class was impressed with the unique way in which Jair chose to display what he had learned about limaçon curves. He created a social media account for a fictional character in which his posts share mathematical knowledge through the use of pop culture. It was brilliant and his peers responded incredibly well to it.

If given the opportunity Jair Delgado will definitely impress you, and make you want to learn even more about him. It is with great enthusiasm that I recommend Jair Delgado for any endeavors he chooses to take on without any reservations.

If you have any questions or would like more information I will be delighted to help.

Isis Carrington

AP Calculus AB
Honors Precalculus
South Garland High School
ibcarrin@garlandisd.net



GARLAND

TEXAS MADE HERE



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: 03/20/2020

Name: Phillip Johnson

Phone

(Home)

Address: 6349 Duck Creek Dr

Phone

(Other)

City, State, Zip: Garland, Texas. 75043

Email

Resident of Garland for 20 years

Resident of Texas for 20 years

✓ Dallas County Voter Registration Number [REDACTED] Garland City Council District Number 4

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.

2019
B.A. Christian Studies; M.S. The Master of Science in Leadership with an Emphasis in Homeland Security 2021

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

N/A

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

Dallas County Marshal Service, / Hollabaugh Recreation Center Specialist, Interim Supervisor

What is your educational background?

B.A. Christian Studies (2020) M.S. Leadership in Homeland Security and Emergency Management (2021)

What is your occupational experience?

Law Enforcement, Education, Recreation, Safety and Security

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

Phillip Johnson

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
Utility Account Status

Current ☒
Current ☒

Past Due ☐
Past Due ☐

Date Appointed _____

Appointed By _____

Date Notified _____

CSO Suit/Claim Filed
Clerk Signature & Date

Yes ☐ No ☒
CN 4.9.20

Revised 03/2018



GARLAND

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**CITY OF GARLAND
RECEIVED
JUL 27 2020
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: 7/20/2020

Name: Jason Aguirre

Phone

(Home)

Address: 2713 Holm Dr.

Phone

(Other)

City, State, Zip: Garland, Texas 75041

Email: jasonaguirre86@gmail.com

Resident of Garland for 3 years

Resident of Texas for 33 years

✓ Dallas County Voter Registration Number [REDACTED] Garland City Council District Number 5

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 dedicated 15 years of services to various Parks and Recreation departments around DFW

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

I currently serve as the staff liaison for the Rowlett Youth Advisory Council

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

53rd class of the Citizens Police Academy

What is your educational background?

Bachelors of Science in Recreation and Leisure Studies from the University of North Texas

What is your occupational experience?

15 years as a Parks and Recreation Professional

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

[Signature]

Board or Commission of first, second, and third choice:

☐ Board of Adjustment

☐ Garland Youth Council **

☒ Citizens Environmental and Neighborhood Advisory Committee

☐ Property Standards Board

☐ Community Multicultural Commission

☐ Library Board

☐ Garland Cultural Arts Commission

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☒ Plan Commission

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Utility Account Status

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Current ☒

Past Due ☐
Past Due ☐

Date Appointed _____

Appointed By _____

CSO Suit/Claim Filed
Clerk Signature & Date

Yes ☐ No ☒

Date Notified _____

Disclosure Form Filed _____

Courtney Vanover
7-28-20

Revised 03/2018

JASON AGUIRRE, CPRP

address: 2713 Holm Dr. Garland, Tx 75041

SKILLS

- Generating Marketing Materials
- Project Coordination
- Exceptional Customer Service
- Membership Retention
- Persuasive Communication Style
- Cross-Selling and Upselling
- Logistics
- Account Management
- Trip Planning
- Business Management
- Strategic Planning
- Teamwork and Collaboration
- Spreadsheet Development
- Building Effective Relationships
- Motivated Self Starter

EDUCATION

University of North Texas
Denton, TX • 12/2013

Bachelors of Science
Recreation & Leisure Studies

President of the Recreation and Leisure Studies Society (RLSS). Attended numerous recreation related conferences including Texas Recreation and Parks Society; Southwest Parks and Recreation Training Institute; and National Recreation and Parks Association to gain knowledge in the growing field of recreation. Recipient of the President's Community Engagement Award. Member of the Nu Tau Chapter of Phi Gamma Delta Fraternity

PROFESSIONAL SUMMARY

Experienced government professional with over 12 years of experience in municipal government and strategic planning. Excellent reputation for resolving problems, improving customer satisfaction, and driving overall operational improvements. Consistently saved costs while increasing profits. I am looking for a position in sales to demonstrate my strengths in being a driven, detail oriented, customer service expert.

WORK HISTORY

Rowlett Parks and Recreation - Rowlett, Texas • 03/2016 - Current

Senior Program Coordinator • 04/2018 - Present

- Research, develop and implement programs, events and trips for participants
- Advocate for the senior participants of our community center and ensure that their needs are being met
- Develop relationships with community partners and outside agencies to increase participation
- Develop spreadsheets to monitor and track usage of facility programs and amenities
- Responsible for creating and managing class schedules along with the instructors of those classes
- Identify costs involved for trips and programs to keep in line with departmental budget
- Assess current trends to assist with decision making

Program Coordinator-Youth And Adult • 03/2016 - 04/2018

- Coordinate and supervise staff and volunteers for recreation and special events as needed
- Responsible for budget preparation and monitoring
- Promotes community awareness of division at citywide events
- Manages contract instructors and organizations
- Work with public information department to promote the department and City
- Coordinate and supervise special events for the department
- Assist with planning, directing, coordinating and reviewing the work of assigned staff
- Meet with staff to identify and resolve problems
- Assign work activities, projects and programs, monitor workflow
- Review and evaluate work products, methods and procedures; work with employees to correct deficiencies

City of Dallas - Dallas, Texas • 06/2014 - 02/2016

Recreation Program Specialist

- Plan, conduct, and evaluate specialized programs and activities at the Continental Avenue Bridge and West Dallas Gateway
- Assist in developing goals and objectives for recreation programs and events
- Coordinate special events as needed based on community needs
- Solicit sponsorships for events
- Select and purchase materials needed for recreation programs and events
- Promote and publicize programs; prepare marketing material including flyers and schedule of events
- Supervise, train and evaluate assigned staff
- Conduct program administration. Interact with community groups and members of the public to keep program elements responsive to community needs and build community support and loyalty for the Continental Avenue Bridge and West Dallas Gateway



GARLAND

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**CITY OF GARLAND
RECEIVED**
JUN 17 2021

CITY SECRETARY

Application for City of Garland Boards/Commissions/Committees

Return completed application to City Secretary's Office, 200 N. Fifth St., Garland, Texas 75040 | Email: RDownl@GarlandTX.gov

Please Type or Print Clearly:

Date: 06/16/2021

Name: Margaret A. Lucht

Phone:

(Home)

Address: 2713 Saturn Rd

Phone:

(Other)

City, State, Zip: Garland, TX, 75041

Email:

Resident of Garland for 37 years - Resident of Texas for 39 years

✓ Dallas County Voter Registration Number [REDACTED] Garland City Council District Number 5

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 over five years experience on the Parks Board.

If you have previously served on a City Board or Commission, please specify and list dates of service.
City of Garland, TX Parks and Recreation Board October 2016- present.

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

President of The Garland Parks Foundation 2020-present
"Walk the Halls" representative for TRAPS and Garland Parks Board 2017

What is your educational background?

GISD student
Associate of Science degree

What is your occupational experience?

20 years managing and operating a dental laboratory

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

[Signature]

Board or Commission of first, second and third choice:

☐ Board of Adjustment

3 Garland Cultural Arts Commission

2 Parks and Recreation Board

☐ Citizens Environmental and Neighborhood Advisory Committee

☐ Garland Youth Council **

1 Plan Commission *

☐ Civil Service Commission

☐ Library Board

☐ Senior Citizens Advisory Committee

☐ Community Multicultural Commission

☐ Property Standards Board

☐ Unified Building Standards Commission

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Appointed By

CSO Suit/Claim Filed

Yes ☐ No ☒

Date Notified

Clerk Signature & Date

Courtney Vanover
6-18-21

Disclosure Form Filed

Revised 05/2021