



GARLAND

AGENDA

REGULAR MEETING OF THE CITY COUNCIL City of Garland

REMOTE MEETING

Tuesday, March 16, 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.

NOTICE: Due to the COVID-19 emergency and, pursuant to Section 551.125 of the Texas Government Code and the executive orders of Governor Greg Abbott suspending provisions of the Texas Government Code and other applicable laws of the State regarding normal open meetings, the City Council will hold this meeting by internet/telephonic remote means.

The meeting will be broadcast by webinar or telephone at the following URL:

https://garlandtx.zoom.us/webinar/register/WN_osfOo1cdQjGuc30m4_nGOw

Registration for the online meeting is required. The meeting will be recorded and will be available for viewing the next day at www.garlandtx.gov.

For those without internet access to the meeting, a dial-in option is available. The numbers are:

Additionally, the meeting may be accessed by phone at the following number:

346-248-7799
470-250-9358
470-381-2552

The Meeting ID is: 969 7571 1786

For participants (online and by phone) who wish to speak on an item on the agenda, you must use the "raise hand" feature in order to be recognized. Similarly, if you wish to provide a comment at the end of the agenda during the open public comments portion of the meeting, you must use the "raise hand" feature.

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. Due to legal restrictions, the City Council is not able to answer questions during the public comments portion of the agenda.

If the City Council adjourns into Executive Session during this meeting, the Executive Session will be conducted by teleconference between and among the members of the City Council and relevant City staff. Public access to that call is prohibited by State law.



COUNCIL HOUSE RULES

1. Decisions based on issues, goals and vision.
2. Do not take things personal.
3. Project a positive attitude.
4. Focus on issues, not on the person.
5. Be prepared to discuss issues.
6. Maintain decorum.
7. Keep your sense of humor.
8. Honor and respect each other; accept each other as individuals.
9. Follow goals, principles and action agenda.
10. Decide, vote and move on.
11. Avoid ambushes - Council or staff.
12. Talk to staff before meetings.
13. Vote our convictions, but be willing to compromise *"What is best for Garland."*
14. Follow Roberts Rules of Order consistently.
15. Agree to disagree.
16. Be open and honest.

LEGISLATIVE PRAYER AND PLEDGE OF ALLEGIANCE

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

MAYORAL PROCLAMATIONS, RECOGNITIONS AND ANNOUNCEMENTS

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

CONSENT AGENDA

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

1. Consider approval of the minutes of the March 2, 2021 Regular Meeting.
2. Consider approval of the following bids:
 - a. **GP&L Joint Use Management Services** **Bid No. 0396-21**

TRC Solutions **\$220,000.00**

This request is for the continuation of the Joint Use Management Service Program to manage GP&L's foreign pole attachment processes for existing and future pole attaching entities.

- Bid No. 0539-21**

\$117,161.00

This request is to obtain electrical design engineering services to support the first stage of the disconnect of the TMPA Gibbons Creek Switchyard from the adjacent power plant.

- Bid No. 0559-21**

\$283,087.23

This request is for the purchase of FY 2020-21 GP&L IT Replacement Fund (ITRF) equipment including corporate server, storage and network equipment in the GP&L primary data center.

- Bid No. 0570-21**

\$549,995.00

This request is for the purchase of seventeen replacement vehicles to be utilized by various City departments.

- Bid No. 0443-21**

\$900,000.00

This request is for the purchase of instrument transformers and surge arrestors on an as-needed basis for GP&L Substations. This approval is for a Term Agreement with four optional renewals.

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

a. Zoning File No. 20-35, JM Civil Engineering (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 18-47 for Neighborhood Office and Limited Community Retail Uses; 2) a Specific Use Provision to allow Fuel Pumps, Retail Use; and 3) a Detail Plan for Fuel Pumps, Retail Use on a 4.684-acre property located at 4680 North Shiloh 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.

b. Zoning File No. 20-43, Baldwin Associates (District 7)

Consider an ordinance amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision for a Charter School on a 2.33-acre tract of land zoned Single-Family-7 (SF-7) District and located at 2266 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.

c. Zoning File No. 20-47, R-Delta Engineers, Inc. (District 1)

Consider an ordinance amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision for an Electric Substation Use on a 3.00-acre tract of land zoned Agricultural (AG) District and located at 2900 Elm Grove 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 of the City Council of the City of Garland, Texas, authorizing the City Manager to take the necessary action to provide relief measures for Garland residents impacted by the winter storm and providing an effective date.**

At the March 1, 2021 Work Session, Council considered a one-time 2,000-gallon water drip credit for single and multi-family residents, including omitting the month of February from the annual History Base Consumption (HBC) in the calculation of the winter months average for wastewater. This one-time calculation would use

December, January and March to calculate the HBC for sewer service volume charge.

5. **Consider a resolution authorizing the submission of a Grant Application to the Office of the Governor of the State of Texas for certain public safety, law enforcement and Homeland Security projects; and providing an effective date.**

At the March 15, 2021 Work Session, Council considered a resolution to support the 2019 Homeland Security Grant Program (HSGP) additional allocation application.

6. **Consider by minute action approval of the proposed lease agreement with Garland Emergency Corps Lease**

At the March 1, 2021 Work Session, Council considered authorizing the execution of a ground lease for the Garland Emergency Corps to continue operations at 401 Rescue St., a building located within the City of Garland Water Department complex, commonly addressed as 2434 Forest Lane.

7. **Consider by minute action a Child Care Group Lease**

At the March 1, 2021 Work Session, Council considered authorizing execution of a ground lease for Child Care Group to continue operations at a City owned facility located at 625 E. Avenue B.

8. **Consider by minute action a Head Start Lease Renewal**

At the March 1, 2021 Work Session, Council considered authorizing execution of a lease for Head Start of Greater Dallas, Inc. to continue operations at a City owned facility located at 3709 West Walnut.

9. **Specific Use Provision (SUP) Time Period Policy Guide**

Staff requests the City Council approve by Minute action the SUP Time Period Guide, as recommended by the Development Services Committee, to be used as a Council-recommended guide for SUP applicants. This item was discussed during the March 1, 2021 City Council Work Session.

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

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

10. Hold a Public Hearing and Adopt an Ordinance Related to Youth Programs Standards of Care Ordinance

Council is requested to adopt an ordinance after taking public comments for the Youth Programs Standards of Care.

11. Consider Amendments to Chapter 2, Section 2.61 of the Garland Development Code regarding Home Occupations

At the March 1st and 15th Work Sessions, Council considered amendments to Chapter 2, Section 2.61 of the Garland Development Code regarding Home Occupations.

12. Hold public hearings on:

- a. **Consider a Zoning request by Masterplan to develop a mixed-use community. Three buildings would be constructed for apartment dwelling units in Phase 1. An existing Chase Bank building would be repurposed to add upper-floor apartment units in Phase 2. This property is located at 111 and 217 South Garland Avenue; 1413 West Avenue B; and 1412 and 1413 Rodando Drive in District 2.**

Consideration of the application of Masterplan, requesting approval of an Amendment to Planned Development (PD) District 14-23 for Downtown District Uses and Mixed Uses. This property is located at 111 and 217 South Garland Avenue; 1413 West Avenue B; and 1412 and 1413 Rodando Drive. (File No. Z 20-29, District 2)

- b. **Consider a Specific Use Provision request by Masterplan to allow the continuation of a drive-through lane for a bank for a period of fifteen (15) years. This property is located at 111 and 217 South Garland Avenue; 1413 West Avenue B; and 1412 and 1413 Rodando Drive in District 2.**

Consideration of the application of Masterplan, requesting approval of a Specific Use Provision to allow a Drive-Through Service on a property zoned Planned Development (PD) District 14-23 for Downtown District Uses and Mixed Uses. This property is located at 111 and 217 South Garland Avenue; 1413 West Avenue B; and 1412 and 1413 Rodando Drive. (File No. Z 20-29, District 2)

- c. **Consider a Detail Plan request by Masterplan to develop a mixed-use community. Three buildings would be constructed for apartment dwelling units in Phase 1. An existing Chase Bank building would be repurposed to add upper-floor apartment units in Phase 2. This property is located at 111 and 217 South Garland Avenue; 1413 West Avenue B; and 1412 and 1413 Rodando Drive in District 2.**

Consideration of the application of Masterplan, requesting approval of a Detail Plan for Multi-Family (MF) Uses on a property zoned Planned Development (PD) 14-23 for Downtown Uses. This property is located at 111 and 217 South Garland Avenue; 1413 West Avenue B; and 1412 and 1413 Rodando Drive. (File No. Z 20-29, District 2)

- d. **Consider a Zoning request by Armando Palacios to allow the reconstruction of a restaurant with a drive-through. This property is located at 5621 Broadway Boulevard in District 4.**

Consideration of the application of Armando Palacios, requesting approval of an Amendment to Planned Development (PD) District 80-42 for Community Retail Uses to reconstruct an existing drive-through restaurant. This property is located at 5621 Broadway Boulevard. (File No. Z 20-41, District 4)

- e. **Consider a Specific Use Provision request by Armando Palacios to allow the reconstruction of a restaurant with a drive-through for a period of thirty (30) years. This property is located at 5621 Broadway Boulevard in District 4.**

Consideration of the application of Armando Palacios, requesting approval of a Specific Use Provision for a drive-through restaurant. This property is located at 5621 Broadway Boulevard. (File No. Z 20-41, District 4)

- f. **Consider a Detail Plan request by Armando Palacios for the reconstruction of a restaurant with a drive-through. This property is located at 5621 Broadway Boulevard in District 4.**

Consideration of the application of Armando Palacios, requesting approval of a Detail Plan for a drive-through restaurant. This property is located at 5621 Broadway

Boulevard. (File No. Z 20-41, District 4)

- g. Consider a Zoning request by JDJR Engineers & Consultants, Inc. / Jim Dewey Jr. to improve an existing pole sign and reconstruct a new pylon sign. Additionally, the applicant requests to continue the gas station (including gas pumps for trucks) and drive-through restaurant uses. This property is located at 801 East Interstate Highway 30 in District 3.**

Consideration of the application of JDJR Engineers & Consultants, Inc., Jim Dewey Jr., requesting approval of a Change of Zoning from Community Retail (CR) District to a Planned Development (PD) District to allow deviations for an existing pole sign and a new pylon sign. This property is located at 801 East Interstate Highway 30. (File No. Z 20-46, District 3)

- h. Consider a Specific Use Provision request by JDJR Engineers & Consultants, Inc. / Jim Dewey Jr. to continue a drive-through restaurant use and a gas station (including gas pumps for trucks) use for a period of thirty (30) years. This property is located at 801 East Interstate Highway 30 in District 3.**

Consideration of the application of JDJR Engineers & Consultants, Inc., Jim Dewey Jr., requesting approval of a Specific Use Provision renewal to continue the Drive-Through, Restaurant Use and Fuel Pumps, Retail Use. This property is located at 801 East Interstate Highway 30. (File No. Z 20-46, District 3)

- i. Consider a Detail Plan request by JDJR Engineers & Consultants, Inc. / Jim Dewey Jr. to improve an existing pole sign and reconstruct a new pylon sign. Additionally, the applicant requests to continue the gas station (including gas pumps for trucks) and drive-through restaurant uses. This property is located at 801 East Interstate Highway 30 in District 3.**

Consideration of the application of JDJR Engineers & Consultants, Inc., Jim Dewey Jr., requesting approval of a Detail Plan for Community Retail Uses. This property is located at 801 East Interstate Highway 30. (File No. Z 20-46, District 3)

13. Citizen comments.

Persons wishing to address issues not on the agenda may have three minutes to address Council at this time. Council is prohibited from discussing any item not posted according to the Texas Open Meetings Act.

14. Adjourn.

All Regular Council meetings are broadcast live on CGTV, Time Warner Cable Channel 16, and Frontier FIOS TV 44. Meetings are rebroadcast at 9:00 a.m. and 7:00 p.m. on Wednesday-Sunday and at 7:30 p.m. on Thursday. Live streaming and on-demand videos of the meetings are also available online at

www.garlandtx.gov. Copies of the meetings can be purchased through the City Secretary's Office – audio CD's are \$1 each and DVD's are \$3 each.



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

1.

Meeting Date: 03/16/2021

Item Title: Minutes March 3

Submitted By: Rene Dowl, City Secretary

Summary of Request/Problem

Consider approval of the minutes of the March 2, 2021 Regular Meeting.

Recommendation/Action Requested and Justification

Attachments

Minutes March 2



GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7 p.m. on Tuesday, March 2, pursuant to Section 551.045, by telephone or internet in Garland, Texas, with the following members present:

Present: Mayor Scott LeMay
Mayor Pro Tem Jerry A. Nickerson
Deputy Mayor Pro Tem Deborah Morris
Council Member Ricky McNeal
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.

Amy Dunphy, Community Outreach Coordinator, Animals Services, presented the Pet of the Month.

Mayor LeMay read the proclamation that will be delivered to Brenna Kenney, proclaiming March 2021 to be Theatre in Our Schools Month.

CONSENT AGENDA

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

Motion was made by Council Member Rich Aubin, and seconded by Council Member Robert Vera to approve the Consent Agenda as presented. Motion Carried:

Vote: 9 - 0

1. **APPROVED** Consider approval of the minutes of the February 23, 2021 Regular Meeting.

2. Consider approval of the following bids:

a. **APPROVED** Central Library Design Services

Bid No. 0493-21

720 Design, Inc.

\$982,896.00

This request is to obtain professional architectural and engineering design services and construction administration services for improvements to the Central Library.

- b. **APPROVED** **TMPA Keith Switch to Steep Hollow 138kV Transmission Line Rebuild Engineering Design Services** **Bid No. 0479-20**

M&S Engineering, LLC **\$75,990.00**

This request is to approve a Change Order for M&S Engineering, LLC, to provide LiDAR services.

- c. **APPROVED** **GP&L and TMPA Transmission Right-of-Way Chemical Treatment** **Bid No. 0536-21**

Chemical Weed Control **\$300,000.00**

This request is to obtain bare-ground chemical treatment services for GP&L and TMPA Transmission Right-of-Way (ROW). This approval is for a Term Agreement with four optional renewals.

- d. **APPROVED** **Daytona and Woodmere Drive Water and Wastewater Main Replacement** **Bid No. 0373-21**

Aushill Construction, LLC **\$570,499.00**
Optional Contingency **57,049.90**
TOTAL: **\$627,548.90**

This request is to replace approximately 1,400 linear feet of existing water and sanitary sewer mains on Daytona Drive from Bobtown Road to Sarasota Drive and on Woodmere Drive from Heather Glen Drive to Rollingridge Lane. An Optional Contingency is included for any additional work that may be required.

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

- a. **APPROVED** **Zoning File No. 20-28, Ephriem Mengstab (District 5)**

Ordinance No. 7200 amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision for a Truck/Bus Storage Use on a 2.609-acre tract of land zoned Industrial (IN) District and located at 2430 Lonnecker 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.

b. APPROVED Zoning File No. 20-40, Jack Birdsong (District 3)

Ordinance No. 7201 amending the Garland Development Code of the City of Garland, Texas, by approving 1) an Amendment to Planned Development (PD) District 11-26 for Community Office and Watercraft Sales and Service Use to add Reception Facility Use, 2) a Specific Use Provision for a Reception Facility, and 3) a Detail Plan for a Reception Facility on a 2.413-acre tract of land located at 354 East Interstate Highway 30; 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 Ordinance No. 7202** authorizing an amendment to the 2020-21 Operating Budget (Budget Amendment No. 2), providing for supplemental appropriation of funds in the General Fund, the Infrastructure Repair & Replacement Fund, the Information Technology Fund, the Information Technology Replacement Fund, the Information Technology Project Fund, the Hotel/Motel Tax Fund, the TIF #1 Fund, the Economic Development Fund, and various funds associated with purchase order encumbrances; and providing an effective date.

At the February 22, 2021 Work Session, the City Council reviewed a Policy Report recommending an amendment to the 2020-21 Adopted Budget. The Council directed staff to prepare an Ordinance amending the Budget for (1) projects approved in last year's Budget but uncompleted by the fiscal year-end, (2) the rollover of open Purchase Orders from the 2019-20 fiscal year, and (3) expenditures not anticipated in the 2020-21 Adopted Budget.

- 5. APPROVED Ordinance No. 7203** amending Chapter 22, "Health," of the Code of Ordinances of the City of Garland, Texas; amending Section 22.140 by providing definitions; amending the pollution limitations in Section 22.141; amending the permit issuance process in Section 22.144; amending the reporting requirements in Section 22.145; amending a statutory reference in Section 22.147; amending Section 22.148 regarding publication of noncompliance; amending Section 22.149 to add a cease-and-desist remedy; providing that a violation is a misdemeanor punishable by a fine; providing a Savings Clause; providing a Severability Clause; and providing an effective date.

At the February 22, 2021 Work Session, Council considered an amendment to Chapter 22, Article VIII, "Industrial Wastes" to incorporate the Streamlining Rule and to adopt redeveloped Technically Based Local Limits (TBLLs) as required by the Texas Commission on Environmental Quality (TCEQ).

6. **APPROVED Ordinance No. 7199** authorizing the issuance of "City of Garland, Texas, Electric Utility System Subordinate Lien Revenue Notes, Taxable Series 2021", pledging the net revenues of the City's electric utility system to the payment of the principal of and interest on said notes; specifying the terms and conditions of such notes; resolving other matters incident and related to the issuance, payment, security, sale and delivery of said notes, including the approval and execution of a Paying Agent/Registrar Agreement and a Note Purchase Agreement; the engagement of consultants; and providing an effective date.

Council approved an ordinance in substantially the form as attached.

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

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7. **APPROVED Resolution No. 10479** authorizing the City Manager to execute an Election Services Contract with Dallas County by and through the Dallas County Elections Administrator, and a Joint General and Special Election Services Contract with Collin County by and through the Collin County Elections Administrator; adopting certain designated voting systems for use in the 2021 Garland General Election; and providing an effective date.

Council approved a contract with Dallas and Collin County Elections to secure election services for all Garland registered voters for the May 1, 2021 General Election.

Motion was made by Council Member Rich Aubin, and seconded by Mayor Pro Tem Jerry A. Nickerson to approve the item as presented. Motion carried:

Vote: 9 - 0

8. **Hold public hearings on:**

- a. **APPROVED Consider a Zoning request by JM Civil Engineering to allow a Gas Station/Convenience Store Use at 4680 North Shiloh Road in District 7**

Consideration of the application of JM Civil Engineering, requesting approval of an Amendment to Planned Development (PD) District 18-47 for Neighborhood Office and limited Community Retail Uses. This property is located at 4680 North Shiloh Road. (File No. Z 20-35, District 7)

Mayor LeMay requested to take action on the three related items in one vote; Council Member Hedrick concurred.

The staff report was presented by Will Guerin, Director of Planning. Speakers on this item were: Jared Westmoreland, applicant, Jennifer Ernst, Joshua Garcia and Pauline Sias.

There was discussion by the Council.

Motion was made by Council Member Dylan Hedrick, and seconded by Council Member B. J. Williams to approve the Zoning request, Specific Use Provision (with increased canopy height up to 22 feet) and Detail Plan as presented. Motion carried:

Vote: 9 - 0

- b. APPROVED Consider a Specific Use Provision request by JM Civil Engineering to allow a Gas Station/Convenience Store Use for a period of twenty-five (25) years. The property is located at 4680 North Shiloh Road in District 7**

Consideration of the application of JM Civil Engineering, requesting approval of a Specific Use Provision to allow Fuel Pumps, Retail Use. This property is located at 4680 North Shiloh Road. (File No. Z 20-35, District 7)

- c. APPROVED Consider a Detail Plan request by JM Civil Engineering for a Gas Station/Convenience Store Use at 4680 North Shiloh Road in District 7**

Consideration of the application of JM Civil Engineering, requesting approval of a Detail Plan for Fuel Pumps, Retail Use. This property is located at 4680 North Shiloh Road. (File No. Z 20-35, District 7)

- d. APPROVED Consider a Variance request by Murphy Oil USA to allow an establishment that sells alcoholic beverages to be located less than the minimum required distance from a school. The property is located at 4680 North Shiloh Road in District 7**

Consideration of the application of Murphy Oil USA, requesting approval of a Variance to reduce the minimum separation requirement between an establishment that sells or serves alcoholic beverages and a school. This property is located at 4680 North Shiloh Road. (File No. BW 20-02, District 7)

The staff report was presented by Will Guerin. Speakers on this item were Kyle Hill, applicant and Jennifer Ernst.

There was discussion by the Council.

Motion was made by Council Member Dylan Hedrick, and seconded by Council Member Robert John Smith to approve the Variance request as presented. Motion carried:

Vote: 9 - 0

- e. APPROVED Consider a Specific Use Provision request by Baldwin Associates to continue operating a Charter School for a period of ten (10) years. The property is located at 2266 Arapaho Road in District 7**

Consideration of the application of Baldwin Associates, requesting approval of a Specific Use Provision to allow a Charter School on a property zoned Single Family-7 (SF-7) District with a Specific Use Provision (S) 16-20 for Charter School Uses. This property is located at 2266 Arapaho Road. (File No. Z 20-43, District 7)

Mayor LeMay requested to take action on the two related items in one vote; Council Member Hedrick concurred.

The staff report was presented by Will Guerin, director of Planning. Speaker on this item was Rob Baldwin, applicant.

There was discussion by the Council.

Motion was made by Council Member Dylan Hedrick, and seconded by Council Member Rich Aubin to approve the Specific Use Provision and Site Plan as presented. Motion carried:

Vote: 9 - 0

- f. APPROVED Consider a Site Plan request by Baldwin Associates for a Charter School at 2266 Arapaho Road in District 7**

Consideration of the application of Baldwin Associates, requesting approval of a Site Plan for a Charter School. This property is located at 2266 Arapaho Road. (File No. Z 20-43, District 7)

- g. APPROVED Consider a Specific Use Provision request by R-Delta Engineers, Inc. to allow an Electric Substation Use for an unlimited time period. The property is located at 2900 Elm Grove Road in District 1**

Consideration of the application of R-Delta Engineers, Inc., requesting approval of a Specific Use Provision for an Electric Substation Use on a property zoned Agricultural (AG) District. This property is located at 2900 Elm Grove Road. (File No. Z 20-47, District 1)

Mayor LeMay requested to take action on the two related items in one vote; Council Member McNeal concurred.

The staff report was presented by Will Guerin, Director of Planning. Speakers on this item were Frank Polma (Engineer for GP&L) and Carlie Zachary.

There was discussion by the Council.

Motion was made by Council Member Ricky McNeal, and seconded by Mayor Pro Tem Jerry A. Nickerson to approve the Specific Use Provision and Site Plan as presented.

Motion carried:

Vote: 9 - 0

h. APPROVED Consider a Site Plan request by R-Delta Engineers, Inc. for an Electric Substation at 2900 Elm Grove Road in District 1

Consideration of the application of R-Delta Engineers, Inc., requesting approval of a Plan for an Electric Substation. This property is located at 2900 Elm Grove Road. (File No. Z 20-47, District 1)

9. Citizen comments: Holli Sanborn, Jennifer Ernst and Joshua Garcia.

10. Adjourn: There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 8:21 p.m.

Submitted By:

Scott LeMay, Mayor

Eloyce René Dowl, City Secretary



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. a.

Meeting Date: 03/16/2021

Item Title: GP&L Joint Use Management Services

Submitted By: Jonas Whitehead, Distribution Director

Bid Number: 0396-21

Purchase Justification:

This request is for the continuation of the Joint Use Management Service Program to manage GP&L's foreign pole attachment processes for existing and future pole attaching entities. In addition, the proposed service includes the development and negotiation of new pole attachment agreements with pole attaching entities. This management service will assist GP&L in the coordination of rental rates, fee assessment and revenue collection associated with foreign contacts to GP&L service poles. This service will also provide for the implementation and management of computer software used to track foreign pole attachments within GP&L's system and training of GP&L staff. Additionally, this service will provide coordination with attaching entities for permitting, pole loading analysis, and make-ready costs; tracking of attachment invoices and delinquent transfers; pole inventory and inspection support; and assistance in pole rental rate development.

Evaluation:

These services will be provided by TRC Solutions through an Interlocal Agreement with CPS Energy.

Award Recommendation:

	<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
	TRC Solutions	All	\$220,000.00
		TOTAL:	\$220,000.00

Basis for Award: Interlocal Agreement

Purchase Requisition #: 44779

Fiscal Impact

Total Project/Account: \$3,726,728
Expended/Encumbered to Date: 1,029,017
Balance: \$2,697,711
This Item: 220,000
Proposed Balance: \$2,477,711
Account #: 211-3201-7111
Fund/Dept/Project – Description and Comments:
Electric Utility Fund / GP&L Distribution

Attachments

Bid Recap

Fiscal Reference:

Budget Type: Operating Budget

Fiscal Year: 2020-21

Document Location: Oper. Budget - Page 233

Budget Director Approval: Ron Young

Approval Date: 03/04/2021

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 03/03/2021



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. b.

Meeting Date: 03/16/2021

Item Title: TMPA 345/138kV Gibbons Creek Switchyard Phase 1 Plant Disconnection Engineering Services

Submitted By: Steve Martin, Transmission Director

Bid Number: 0539-21

Purchase Justification:

This request is to obtain electrical design engineering services to support the first stage of the disconnect of the TMPA Gibbons Creek Switchyard from the adjacent power plant. Black & Veatch will create a conceptual design to identify current plant control, protections, and monitoring equipment, and will determine how to disconnect from the switchyard. Black & Veatch will also provide a detail design to include revised drawings for the plant transition project. This is part of the approved TMPA Gibbons Creek Decommission Transmission CIP project and will be reimbursed at 100%.

Evaluation:

Black & Veatch was selected as the Most Qualified firm for this project from RFQ 0753-19.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Black & Veatch	All	\$117,161.00
TOTAL:		\$117,161.00

Basis for Award: Most Qualified

Purchase Requisition #: 44953

Fiscal Impact

Total Project/Account: \$385,000

Expended/Encumbered to Date: 655

Balance: \$384,345

This Item: 117,161
Proposed Balance: \$267,184
Account #: 215-3542-3127201-7111
Fund/Dept/Project – Description and Comments:
Electric CIP / TMPA Transmission Lines Program

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2021

Document Location: CIP - Page 284

Budget Director Approval: Ron Young

Approval Date: 03/04/2021

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 03/03/2021



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. c.

Meeting Date: 03/16/2021

Item Title: GP&L Server, Storage, and Network Gear Replacement Equipment

Submitted By: Ananth Palani, Technology Services

Bid Number: 0559-21

Purchase Justification:

This request is for the purchase of FY 2020-21 GP&L IT Replacement Fund (ITRF) equipment including corporate server, storage and network equipment in the GP&L primary data center.

Evaluation:

The equipment is being provided by Dell Marketing LLP through the Texas Department of Information Resources Cooperative Contract DIR-TSO-3763.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Dell Marketing LLP	All	\$283,087.23
TOTAL:		\$283,087.23

Basis for Award: Cooperative Purchase

Purchase Requisition #: 44904

Fiscal Impact

Total Project/Account: \$500,124
Expended/Encumbered to Date: 22,765
Balance: \$477,359
This Item: 283,087
Proposed Balance: \$194,272
Account #: 413-3196-9029 & 413-3198-9029
Fund/Dept/Project – Description and Comments:

Attachments

Bid Recap

Fiscal Reference:

Budget Type: Operating Budget

Fiscal Year: 2020-21

Document Location: Page 319

Budget Director Approval: Ron Young

Approval Date: 03/04/2021

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 03/03/2021



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. d.

Meeting Date: 03/16/2021

Item Title: Replacement Vehicles

Submitted By: Terry Anglin, Fleet Services Director

Bid Number: 0570-21

Purchase Justification:

This request is for the purchase of seventeen (17) replacement vehicles to be utilized by various City departments.

Evaluation:

These vehicles are available from Caldwell Country Ford through the BuyBoard Cooperative Purchasing Contract 601-19.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Caldwell Country Ford	All	\$549,995.00
TOTAL:		\$549,995.00

Basis for Award: Cooperative Purchase

Purchase Requisition #: 44997

Fiscal Impact

Total Project/Account:	\$5,662,741
Expended/Encumbered to Date:	2,412,352
Balance:	\$3,250,389
This Item:	549,995
Proposed Balance:	\$2,700,394
Account #:	Various
Fund/Dept/Project – Description and Comments:	

Equipment Replacement Fund

Warehouse	444-1152-9009	Unit 115-014	\$21,520
Police	444-1245-9009	Unit 120-1197	33,730
Emergency Management	444-1051-9009	Unit 105-009	37,525
Landfill	444-1603-9009	Unit 160-271	37,635
Transportation	444-1721-9009	Unit 170-107	27,955
Engineering	444-1403-9009	Unit 140-034	30,610
Engineering	444-1403-9009	Unit 140-025	33,190
Health	444-1931-9009	Unit 190-1367	58,475
Electric	444-3111-9009	Unit 310-107	31,970
Electric	444-3421-9009	Unit 340-0571	31,970
Electric	444-3421-9009	Unit 340-0529	23,415
Stormwater Management	444-4651-9009	Unit 460-116	32,790
Streets	444-4692-9009	Unit 469-0366	29,330

General Fund

Engineering	100-1403-9009	2 New Trucks	\$61,220
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Infrastructure Repair & Replacement Fund

Streets	831-4693-9009	2 New Trucks	\$58,660
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AttachmentsBid Recap

Fiscal Reference:

Budget Type: Operating Budget

Fiscal Year: 2020-21

Document Location: Oper. Budget - Pages 102, 211, and 275

Budget Director Approval: Ron Young Approval Date: 03/05/2021

Purchasing Director Approval: Gary L. Holcomb Approval Date: 03/04/2021

CITY OF GARLAND - BID RECAP SHEET OPENED: N/A REQ. NO. PR 44997 BID NO. 0570-21 PAGE: 1 of 1 BUYER: Teresa Smith				Caldwell Country Ford							
ITEM	QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	ea.	2021 Ford Escape S	\$21,520.00	\$21,520.00						
2	1	ea.	2021 Ford Transit T150	\$33,330.00	\$33,330.00						
3	1	ea.	2021 Ford F-150 Super Crew 4x4	\$37,525.00	\$37,525.00						
4	1	ea.	2021 Ford F-150 Super Crew 4x4	\$37,635.00	\$37,635.00						
5	1	ea.	2021 Ford F-150 Regular Cab 4x2	\$27,955.00	\$27,955.00						
6	3	ea.	2021 Ford F-150 Super Cab 4x2	\$30,610.00	\$91,830.00						
7	1	ea.	2021 Ford F-150 Super Crew 4x2	\$33,190.00	\$33,190.00						
8	1	ea.	2021 Ford F-150 Super Cab 4x2	\$58,475.00	\$58,475.00						
9	2	ea.	2021 Ford F-150 Super Crew 4x2	\$31,970.00	\$63,940.00						
10	1	ea.	2021 Ford Escape S, AWD	\$23,415.00	\$23,415.00						
11	1	ea.	2021 Ford F-150 Super Cab 4x4	\$32,790.00	\$32,790.00						
12	3	ea.	2021 Ford F-150 Super Cab 4x2	\$29,330.00	\$87,990.00						
13	1	ea.	BuyBoard Fee	\$400.00	\$400.00						
			TOTAL GROSS PRICE	\$549,995.00							
			CASH DISCOUNT								
			TOTAL NET PRICE	\$549,995.00							
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DELIVERED	
			DELIVERY								
NEXT LOW: n/a LOW: n/a SAVINGS: n/a n/a # IonWave Notifications n/a # IonWave HUBS n/a # Direct Contact HUBS n/a # HUBS Responded All bids submitted for the designated project are reflected on this bid tab sheet. However, the listing of a bid on this sheet should not be construed as a comment on the responsiveness of such bid or as any indication that the city accepts such bid as responsive. <u>The City will notify the successful bidder upon award of the contract and, according to the law, all bids received will be available for inspection at that time.</u>											



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. e.

Meeting Date: 03/16/2021

Item Title: GP&L Substation Instrument Transformers & Surge Arrestors

Submitted By: Steve Martin, Transmission Director

Bid Number: 0443-21

Purchase Justification:

This request is for the purchase of instrument transformers and surge arrestors on an as-needed basis for GP&L Substations. 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. Texas Electric Cooperatives, Inc., did not submit a quote providing the required items as specified and is, therefore, deemed nonresponsive. Keasler Sales, LLC, submitted the Lowest Responsible Bid.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Keasler Sales, LLC	All	\$900,000.00
TOTAL:		\$900,000.00

Basis for Award: Lowest Responsible Bid

Purchase Requisition #: 44057

Fiscal Impact

Total Project/Account:	N/A
Expended/Encumbered to Date:	N/A
Balance:	N/A
This Item:	\$900,000
Proposed Balance:	N/A

Account #: 451-6999

Fund/Dept/Project – Description and Comments:

Term Contract sets price but does not commit funds. Expenses will be charged to Electric Substations Upgrades CIP accounts as incurred.

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2021

Document Location: CIP - Page 290

Budget Director Approval: Ron Young

Approval Date: 03/05/2021

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 03/05/2021



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

3. a.

Meeting Date: 03/16/2021

Item Title: Z 20-35 JM Civil Engineering (District 7)

Submitted By: Will Guerin, Planning Director

Summary of Request/Problem

Zoning Ordinance Z 20-35 JM Civil Engineering

Recommendation/Action Requested and Justification

Consider adoption of the attached ordinance.

Attachments

Z 20-35 Ordinance

Z 20-35 Exhibit A

Z 20-35 Exhibit B

Z 20-35 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 18-47 FOR NEIGHBORHOOD OFFICE AND LIMITED COMMUNITY RETAIL USES; 2) A SPECIFIC USE PROVISION TO ALLOW FUEL PUMPS, RETAIL USE; AND 3) A DETAIL PLAN FOR FUEL PUMPS, RETAIL USE ON A 4.684-ACRE PROPERTY LOCATED AT 4680 NORTH SHILOH 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.

WHEREAS, at its regular meeting held on the 8th day of February, 2021, the Plan Commission did consider and make recommendations on a certain request for approval of 1) an Amendment to Planned Development (PD) District 18-47 for Neighborhood Office and Limited Community Retail Uses; 2) a Specific Use Provision to allow Fuel Pumps, Retail Use; and 3) a Detail Plan for Fuel Pumps, Retail Use by **JM Civil Engineering**; 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 18-47 for Neighborhood Office and Limited Community Retail Uses; 2) a Specific Use Provision to allow Fuel Pumps, Retail Use; and 3) a Detail Plan for Fuel Pumps, Retail Use on a 4.684-acre property located at 4680 North Shiloh 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

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

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 20-35

WHEREAS LeRoy Brorson, Successor Trustee of the Trust created under instrument dated April 29, 1965 and as ratified, extended and amended, said Trust being created incident to the formation of Seven Investment Company, a Texas Joint Venture under Instrument dated April 15, 1965 and as ratified, extended and amended, is the owner of a tract of land situated in the T.G. Montgomery Survey, Abstract No. 962, in Dallas County, Texas, being a portion of that same tract of land as described to LeRoy Brorson, Successor Trustee of the Trust created under instrument dated April 29, 1965 and as ratified, extended and amended, said Trust being created incident to the formation of Seven Investment Company, a Texas Joint Venture under Instrument dated April 15, 1965 and as ratified, extended and amended, by Special Warranty Deed recorded in Instrument Number 201300341676 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and being more particularly described by metes and bounds as follows (Bearings and distances are based on the State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD 83) (US Foot) with a combined scale factor of 1.000136506):

BEGINNING at a 1/2-inch rebar found for the Northwest corner of Lot 2, Block 1 of Jain Temple Addition, an addition to the City of Garland, Dallas County, Texas,

according to the Plat thereof recorded in Instrument Number 200900217124 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), same being a Southeast corner of "Exhibit E" of a right-of-way dedication to the City of Garland, recorded in Volume 87025, Page 4759 (D.R.D.C.T.), and lying on the South right-of-way line of Arapaho Road (variable width right-of-way);

THENCE South 00 Degrees 51 Minutes 22 Seconds East, with the West line of said Lot 2, and the West line of Lot 1 of said Jain Temple Addition, passing at a distance of 232.41 feet, a 5/8-inch rebar with a yellow cap stamped "JDJR" found for the Southwest corner of said Lot 2, same being the Northwest corner of said Lot 1, and continuing for a total distance of 721.58 feet to a 5/8-inch rebar with a yellow cap stamped "JDJR" found for the Southwest corner of said Lot 1, same being a Northwest corner of Block 1 of Camelot No. 19 Addition, an addition to the City of Garland, Dallas County, Texas, according to the Plat thereof recorded in Volume 92093, Page 4740 (D.R.D.C.T.);

THENCE South 00 Degrees 51 Minutes 42 Seconds East, with a Northwest line of said Camelot No. 19 Addition, a distance of 32.74 feet to a 5/8-inch rebar with a yellow cap stamped "JDJR" found for the Southeast corner of the herein described tract, same being an internal "ell" corner of said Camelot No. 19 Addition;

THENCE South 89 Degrees 00 Minutes 49 Seconds West, with a North line of said Camelot No. 19 Addition, a distance of 269.86 feet to an "X" cut found for the Northwest corner of Lot 16, Block 1 of said Camelot No. 19 addition, same being

the Southwest corner of the herein described tract, also being the Southeast corner of "Exhibit B" of a right-of-way dedication to the City of Garland recorded in Volume 93114, Page 2695 (D.R.D.C.T.), and lying on the East right-of-way line of Shiloh Road (variable width right-of-way);

THENCE North 00 Degrees 51 Minutes 41 Seconds West, with the East right-of-way line of said Shiloh Road, a distance of 746.97 feet to an "X" cut found for corner at the South end of a corner clip between the East right-of-way line of said Shiloh Road, and the South right-of-way line of said Arapaho Road;

THENCE North 44 Degrees 14 minutes 08 Seconds East, along said corner clip, a distance of 14.12 feet to an "X" cut found for corner at the North end of said corner clip;

THENCE North 89 Degrees 18 Minutes 09 Seconds East, with the South right-of-way line of said Arapaho Road, a distance of 213.07 feet to a 1/2-inch rebar found for the West corner of said "Exhibit E", and lying at the beginning of a tangent curve to the right, having a central angle of 03 Degrees 05 Minutes 44 Seconds, a radius of 867.86 feet, and a chord bearing and distance of South 89 Degrees 07 Minutes 24 Seconds East, 46.88 feet;

THENCE, along said tangent curve to the right, continuing with the South right-of-way line of said Arapaho Road, an arc length of 46.89 feet to the **POINT OF BEGINNING** and containing a total of 204,047 square feet, or 4.684 acres of land, more or less.

EXHIBIT B

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 20-35

4680 North Shiloh Road

- I. Statement of Purpose:** The purpose of this Planned Development (PD) District is to approve a Detail Plan for a Convenience Store Use and a Retail, Fuel Pumps Use for one lot.
- II. Statement of Effect:** This Planned Development (PD) District 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 Planned Development (PD) District 18-47 and Neighborhood Office (NO) District as set forth in Chapter 2 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Development Plans:**
- A. Detail Plan: Development shall be in general conformance with the site plan, landscape plan, and elevation plans respectively 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 layout, building placement, parking and other development proposed shall be in general conformance with the approved Site Plan labeled Exhibit C.
- B. Landscape Plan: Screening and landscaping shall be in general conformance with the landscape plan labeled Exhibit D.
- C. Maintenance Requirements:
- (1) Landscaping must be continuously maintained in a healthy, growing condition and in compliance with this ordinance, the Garland Development Code, the Code of Ordinances of the City of Garland, and the landscaping plan attached hereto at all times. The property owner is responsible for regular

EXHIBIT B

weeding, mowing of grass, irrigation, fertilizing, pruning, or other maintenance of all landscaping as promptly as needed to comply with the requirements of this subsection. All exposed ground surfaces shall be properly improved, covered with screening or other approved solid material, or protected with a vegetative growth that prevents soil erosion and ameliorates objectionable dust conditions.

(2) Any dead or dying plant or vegetation, whether or not a component of required landscaping, must be promptly replaced with another approved plant or vegetation variety that complies with the approved landscape plan and in no event later than sixty days after notification by the City. In the event the property owner fails to remedy a violation of any landscaping maintenance regulation within sixty days of the City sending notice, the City may, in addition to any other remedy available by law, suspend, withhold, or revoke city permits, approvals, consents and the certificate of occupancy for the retail fuel pumps and convenience store. See Section 4 of the granting ordinance.

(3) Screening and paving must be installed and continuously maintained in compliance with this ordinance, the Garland Development Code, and the Code of Ordinances of the City of Garland at all times. The property owner is responsible for regular maintenance of all screening and paving as needed. In the event the property owner fails to remedy a violation of any screening or paving maintenance regulation within sixty days of the City sending notice, the City may, in addition to any other remedy available by law, suspend, withhold, or revoke city permits, approval, consents and the certificate of occupancy for the travel center.

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

E. Canopy Height: The maximum height of the canopy is allowed at twenty-two (22) feet.

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 20-35

4680 North Shiloh Road

- I. Statement of Purpose:** The purpose of this Planned Development (PD) District is to approve a Detail Plan for a Convenience Store Use and a Retail, Fuel Pumps Use for one lot.
- II. Statement of Effect:** This Planned Development (PD) District 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 Planned Development (PD) District 18-47 and Neighborhood Office (NO) 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 shall be in effect for a period of twenty-five (25) years.

ARAPAHO ROAD (VARIABLE WIDTH RIGHT-OF-WAY)

2,824SF-8(S)-2015v2

SHEET NO.

C-1

EXHIBIT C
MURPHY EXPRESS
SE CORNER ARAPAHO RD & N SHILOH RD
GARLAND TEXAS

SITE PLAN

REV-C

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

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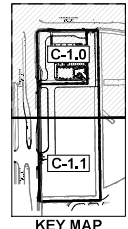


NORTH

GRAPHIC SCALE

(IN FEET)

1 inch = 20 ft.



KEY MAP

PROPOSED

BOUNDARY LINE
CONCRETE CURB AND GUTTER
FIRE LANE

GENERAL SITE NOTES

A. ALL DIMENSIONS SHOWN ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
B. NO LANDSCAPING SUCH AS TREES, HEDGES, ABOVE AND UNDERGROUND STRUCTURES SHALL BE LOCATED WITHIN EXISTING OR PROPOSED UTILITY EASEMENTS AND RIGHT OF WAY.

SITE NOTES

88 OVERHEAD CANOPY - (TYP.-PER CANOPY PLANS)
210 EASE OF CONCRETE SLAB PER PAVING PLANS
212 UNDERGROUND STORAGE TANKS (1) 25,000 GAL.-REGULAR, (1) 8,000 GAL.-PREMIUM, (1) 10,000 GAL.-DIESEL, (1) 8,000 GAL.-E-85
215 AIR VACUUM UNIT WITH 4" X 7" CONCRETE SLAB
219 7' X 15' CONCRETE PAD FOR PROPANE TANKS
210 5' X 7' CONCRETE SLAB FOR ICE UNIT. SEE NUMBER INDICATED AT SYMBOL.
211 CONCRETE PAD FOR VENT RISERS, PER TANK & PIPING PLANS.

SITE DETAILS - SEE DETAIL SHEETS

26 DAMPER ENCLOSURE
34 CONCRETE SIDEWALK AROUND BUILDING
35 FLUSH CURB STORE FRONT
5A GUARD POST (SINGLE)
58 TRAFFIC SIGN IN BOLLARD
59 U-SHOWER
85 ACCESSIBLE / VAN ACCESSIBLE PARKING SIGN (TYP.)
86 ACCESSIBLE PARKING SIGN (SEE PAINT COLOR INDICATED AT SYMBOL)
13A SITE LIGHT POLE. SEE PHOTOGRAPHIC PLANS FOR POLE BASE DETAIL, FEATURE TYPE, AND MOUNTING DETAILS.

SITE DATA TABLE			
TOTAL AREA	204208 SF	4.684 AC	
SUBAREA 1	46079 SF	1.058 AC	
SUBAREA 2	157949 SF	3.626 AC	
BUILDING FLOOR AREA		2824 SF	
BUILDING CONSTRUCTION TYPE	EXISTING	PROPOSED	
	PD 38-47	Z 20-35	
ZONING DISTRICT			
LAND USE	UNIMPROVED LAND AND LANDSCAPING ON SUBAREA 2	CONVENIENCE STORE & RETAIL PUMPS	
SUBAREA 1			
	REQUIRED	PROPOSED	
CONVENIENCE STORE BUILDING HEIGHT	16'	16'	
CANOPY HEIGHT (NO DISTRICT)	20'	20'	
FLOOR AREA RATIO	NONE	0.061	
IMPERVIOUS AREA	NONE	41255 SF	
PERVIOUS AREA	NONE	10835 SF	
SUBAREA 2			
	REQUIRED	PROPOSED	
NORTH	25'	25'	
EAST	20'	25'	
SOUTH	25'	25'	
WEST	20'	20'	
LANDSCAPE (NORTH)	15'	15'	
LANDSCAPE (EAST)	15'	15'	
LANDSCAPE (WEST)	NONE	NONE	
LANDSCAPE (SOUTH)	NONE	NONE	
OFF-STREET PARKING	13	11	
PARKING SPACES	1	2	
HANDICAP SPACES	12	13	
TOTAL PARKING PROVIDED	1	1	
LOADING SPACES			
TOTAL AREA DRIVEWAY STORAGE			
FORMULA:	PARKING SPACES/ DRIVEWAY #	0-100 SPACES/3 DRIVEWAYS	
		REQUIRED	PROPOSED
		28	28
TOTAL LANDSCAPE AREA			
		REQUIRED	PROPOSED
		1,470	3,462
LANDSCAPE AREA			

*Per TSM Table 8.11 "Minimum Driveway Storage Lengths" on page 8-35

BUILDING SETBACKS:

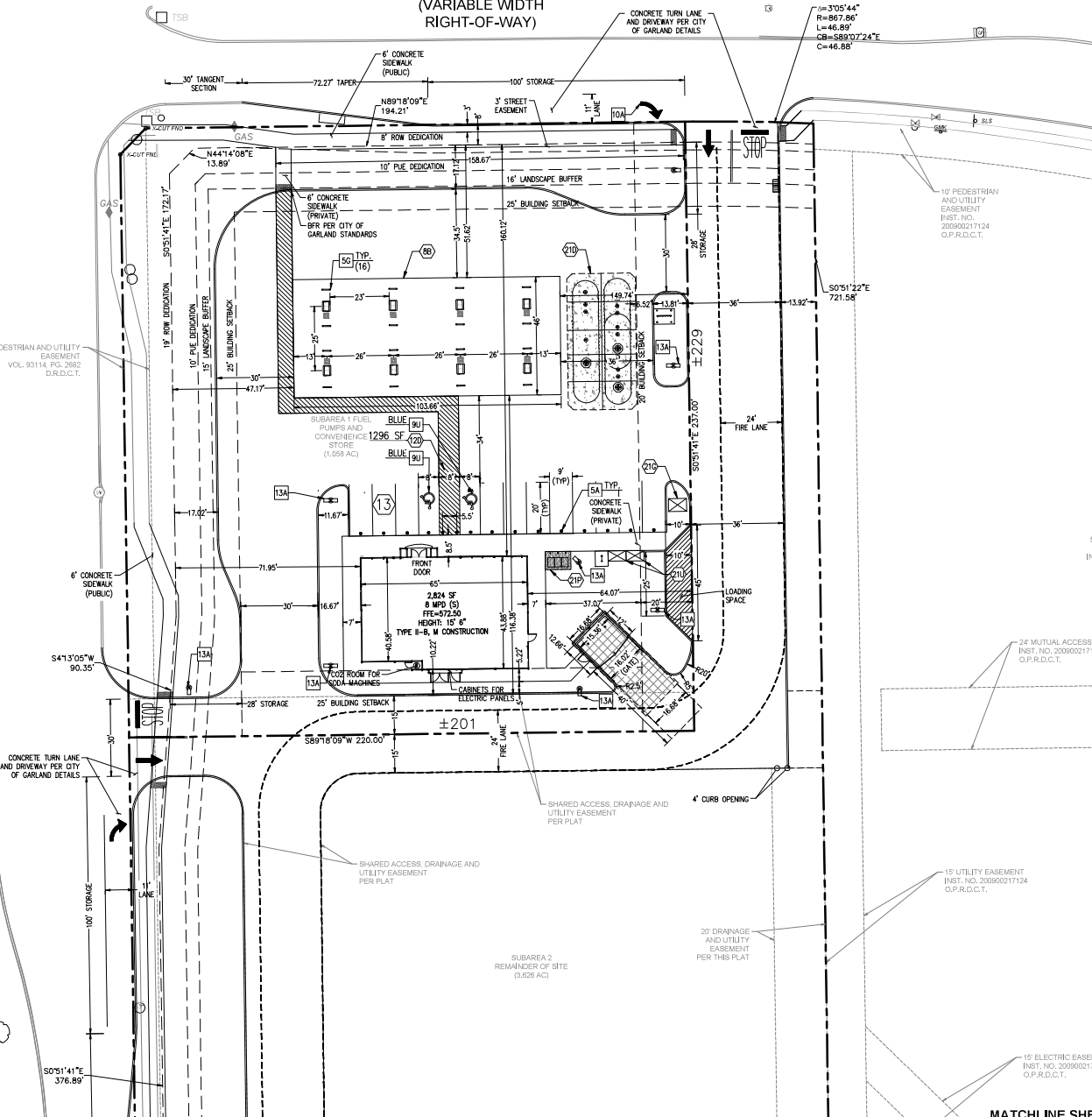
BUILDING SETBACKS SHOWN ON PLAN



Know what's below.
Call before you dig.

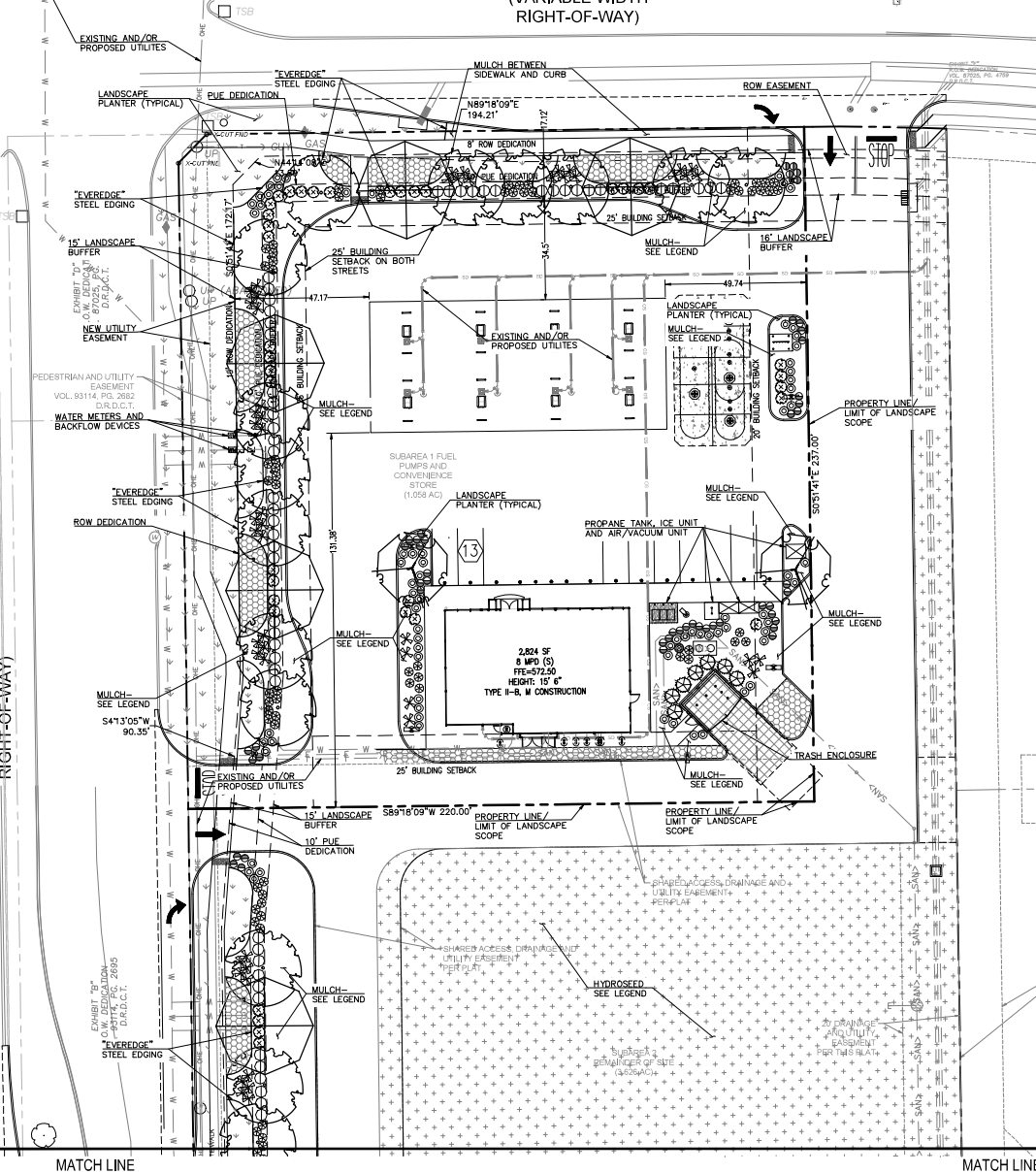
MATCHLINE SHEET C-1.1

SHILOH ROAD
(VARIABLE WIDTH
RIGHT-OF-WAY)



SHILOH ROAD
(VARIABLE WIDTH
RIGHT-OF-WAY)

ARAPAHO ROAD
(VARIABLE WIDTH
RIGHT-OF-WAY)



GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

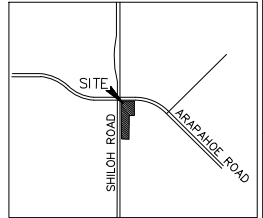
PRE-SUBMITTAL /CASE NUMBER

190326-3

ZONING / LANDUSE

EXISTING: PD 18-47 / GENERAL MERCHANDISE RETAIL
PROPOSED: PD 1847 / GAS STATION

REFER TO SHEET L-3 FOR
CALCULATIONS AND
LANDSCAPE NOTES



VICINITY MAP
NOT TO SCALE

LEGEND:

SYMBOL SCIENTIFIC NAME COMMON NAME HEIGHT(AT INSTALL) SPACING FLOWER COLOR QUANTITY

LARGE TREES - MINIMUM 3" CALIPER 7' HEIGHT AT INSTALLATION



GINKGO BILOBA 'AUTUMN GOLD'	MAIDENHAIR TREE	7'	-	GREEN	2
FRAXINUS TEXANIS	TEXAS ASH	7'	-	INCONSPICUOUS	7
PISTACHIA CHINENSIS	CHINESE PISTACHE	7'	-	INCONSPICUOUS	20

SHRUBS (PER AGENCY - MINIMUM 3 GALLON AND 24" TALL AT PLANTING)

ABELIA GRANDIFLORA	GLOSSY ABELIA	24"	5	PINK	7
ILEX CORNUTA 'BURFORDII NANA'	DWARF BURFORD HOLLY	24"	4	YELLOWISH-WHT	78
LEUCOPHYLLUM FRUTESCENS	TEXAS SAGE	24"	4	PINK	45
MISCANTHUS SINENSIS 'GRACILLIMUS'	CHINESE SILVER GRASS	24"	3	WHITE	78

SHRUBS (NOT PART OF "PARKING LOT SCREENING" PER AGENCY - MINIMUM 3 GALLON AND 12" TALL AT PLANTING)

HESPERALOE PARVIFLORA	TEXAS RED YUCCA	12"	4	RED	67
ILEX CORNUTA 'CARISSA'	CARISSA HOLLY	12"	3	WHITE	73
SALVIA GREGGII 'FURMAN'S RED'	RED TEXAS SAGE	12"	30"	RED	54

SOD, GROUND COVER AND MULCH

CYNODON DACTYLON 'TIF 419'	BERMUDA GRASS	10,532± S.F. SOD (NOT FACTORING IN SLOPE)
HYDROSEED MIX		117,038± S.F. (NOT FACTORING IN SLOPE)
TRACHELOSPERMUM ASIATICUM	ASIAN JASMINE	18" 48"O.C. YELLOW 2940 S.F.
CEDAR MULCH OR AGENCY AND CLIENT APPROVED EQUAL, 3" DEPTH W/ WEED BARRIER FABRIC		BELOW ALL PLANTING EXCEPT WHERE GROUNDOVER OR SOD ARE PROPOSED.
EVEREDGE STEEL EDGING (GARDEN RING WHERE NOTED)		PER PLAN

SHEET NO.

L-1



PRELIMINARY PLANTING PLAN
MURPHY EXPRESS
SE CORNER ARAPAHO RD & N SHILOH RD
GARLAND, TEXAS

5900 S. Lake Forest Drive
Suite 300
McAllen, TX 78501
Ph. 214-491-1830
John Masarik, P.E.
CIVIL ENGINEER

JAM CIVIL
Engineering
Solutions Group

EXHIBIT D

PRE-SUBMITTAL CASE NO. 190326-3

MURPHY OIL USA, INC.

200 PEACH STREET
P.O. BOX 7000
EL DORADO, AR 71730-7000



Know what's below.
Call before you dig.

LANDSCAPE CALCULATIONS:

SITE PARAMETERS
(THE FOLLOWING REQUIREMENTS ARE BASED ON GARLAND
DEVELOPMENT CODE (GDC))

SITE AND PERIMETER LANDSCAPING FOR NONRESIDENTIAL:

LOT 1:

A) TOTAL LANDSCAPE AREA REQUIREMENTS
(10% OF SITE IS REQUIRED TO BE LANDSCAPED
AREA OF LOT (TO DEFINE LS AREA REQ'D):
= 46,079 SF
LANDSCAPE REQUIRED
(45,079 SF X 0.10)
= 4608 SF
LANDSCAPE PROVIDED
(THIS DOES NOT INCLUDE ANY PLANT
MATERIAL PROPOSED OUTSIDE
THE PROPERTY LINES ALONG
EITHER STREET FRONTAGE)
= 13,411 S.F.

B) LANDSCAPE BUFFERS
(15' BUFFER REQUIRED ALONG BOTH STREETS BASED ON
THEIR CLASSIFICATION AS A TYPE A THROUGH TYPE D
THOROUGHFARE)
REQUIREMENT: 1 LARGE CANOPY TREE AND 7 SHRUBS
OR ORNAMENTAL GRASSES ARE REQUIRED PER 30
LINEAR FEET OF FRONTAGE OR FRACTION THEREOF
ARAPAHO ROAD (220 L.F.)
SHRUBS REQUIRED (7 PER 30 L.F.)
220 L.F./30 L.F. = 7.3 X 7 = 51.1
SHRUBS PROVIDE (NOT INCLUDING
THOSE THAT DO NOT MEET SOLID
SCREEN REQUIREMENTS) = 52
TREES REQUIRED (1 PER 30 L.F.)
220 L.F./30 L.F. = 7.3 X 1 = 7.3
TREES PROVIDE = 8

SHILOH ROAD (237 L.F.)
SHRUBS REQUIRED (7 PER 30 L.F.)
237 L.F./30 L.F. = 7.9 X 7 = 55.3
SHRUBS PROVIDE (NOT INCLUDING
THOSE THAT DO NOT MEET SOLID
SCREEN REQUIREMENTS) = 56
TREES REQUIRED (1 PER 35 L.F.)
237 L.F./30 L.F. = 7.9 X 1 = 7.9
TREES PROVIDE = 8

C) PARKING AREA LANDSCAPING
(NOTE: PERIMETER/BUFFER LANDSCAPING PROVIDES
SCREENING OF THE PARKING AREA DUE TO PARKING
ORIENTATION TO STREET. IN ADDITION TO SHRUBS IN THE
PARKING ISLANDS)

TOTAL LANDSCAPE AREA REQUIRED
(5% OF THE TOTAL PARKING AREA INCLUDING
MANEUVERING AREA AND DRIVEWAY ACCESS
NOTE: INCLUDED PORTION OF DRIVEWAY ACCESS TO SOUTH
THAT IS ON THIS PROPERTY AND ENTIRE PAVED AREA
NORTH OF THE BUILDING)
PARKING LOT AREA = 29,403 SF
LANDSCAPE REQUIRED
29,403 X 0.05 = 1,470 SF
LANDSCAPE PROVIDED
(ALL LANDSCAPE IN AND ADJACENT TO
PARKING AREA DEFINED ABOVE) = 3462 SF

TREE REQUIREMENT
AS SHOWN ON PLANS, ONE CANOPY TREE IS PROVIDED IN
PLANTER ON EACH SIDE OF THE PARKING AREA WITHIN
65' OF PROVIDED PARKING SPACES, TOTAL OF 2 WHICH
MEETS THE 1 PER 10 PARKING SPACE REQUIREMENT.

LOT 2:

A) LANDSCAPE BUFFERS
(15' BUFFER REQUIRED BASED ON THE ROAD CLASSIFICATION
AS A TYPE A THROUGH TYPE D THOROUGHFARE)
REQUIREMENT: 1 LARGE CANOPY TREE AND 7 SHRUBS
OR ORNAMENTAL GRASSES ARE REQUIRED PER 30
LINEAR FEET OF FRONTAGE OR FRACTION THEREOF
ARAPAHO ROAD (304.41 L.F. FROM NORTHERN PROPERTY
LINE AT CENTER OF DRIVE ISLE TO SOUTH END OF PLANTER)
SHRUBS REQUIRED (7 PER 35 L.F.)
305 L.F./30 L.F. = 10.2 X 7 = 71.4
SHRUBS PROVIDED (NOT INCLUDING THOSE
THAT DO NOT MEET SOLID SCREEN
REQUIREMENTS) = 74
TREES REQUIRED (1 PER 35 L.F.)
305 L.F./30 L.F. = 10.2 X 1 = 10.2
TREES PROVIDE = 11

EXHIBIT D

PRE-SUBMITTAL CASE NO. 190326-3

MURPHY OIL USA, INC.

MURPHY 200 PEACH STREET
P.O. BOX 7000
USA EL DORADO, AR 71730-7000

JAM CIVIL
Engineering
Solutions Group

5900 S. Lake Forest Drive,
Suite 300
McKinney, TX 75070
Ph: 214-491-1830
John Masarik, PE
CIVIL ENGINEER



Seal JANUARY 13, 2021

PLANTING CALCULATIONS
MURPHY EXPRESS
SE CORNER ARAPAHO RD & N SHILOH RD
GARLAND TEXAS

SHEET NO.

L-3

THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES AND NOT TO BE USED FOR CONSTRUCTION

GreenbergFarrow

251 West 30th Street
10th Floor
New York, New York 10001
T: 917.589.2729

DISCLAIMER

This drawing is the property of the above referenced Professional and is not to be used for any purpose other than the specific project and site named herein, and cannot be reproduced in any manner without the express written permission from the Professional.

ISSUE RECORD

DATE	REV.	DESCRIPTION
12/18/2009	01	INITIAL DESIGN PACKAGE
01/10/2011	02	REVISIONS PACKAGE
01/04/2011	03	REVISIONS PACKAGE

EXHIBIT E

PROFESSIONAL SEAL

PROFESSIONAL IN CHARGE

SCOTT LINTIS

PROJECT MANAGER

ROSEANNA CHAMBERLAIN

QUALITY CONTROL

CHRIS CLINE

DRAWN BY

CR

PROJECT NAME

MURPHY EXPRESS

MURPHY OIL

CONVENIENCE

STORE

ARAPAHO RD & SHILOH RD,

GARLAND,

TEXAS 75023

PREY-MOS

STRUCTURE

1001 Rockledge Industrial Blvd.

Cuyahoga, Georgia 30012

Phone: (800) 388-8385

Fax: (770) 433-8037

FMS JOB NUMBER

C2004J00000

FMS SERIAL NUMBER

XXXXXX

PROJECT NUMBER

20190234.5

SHEET TITLE

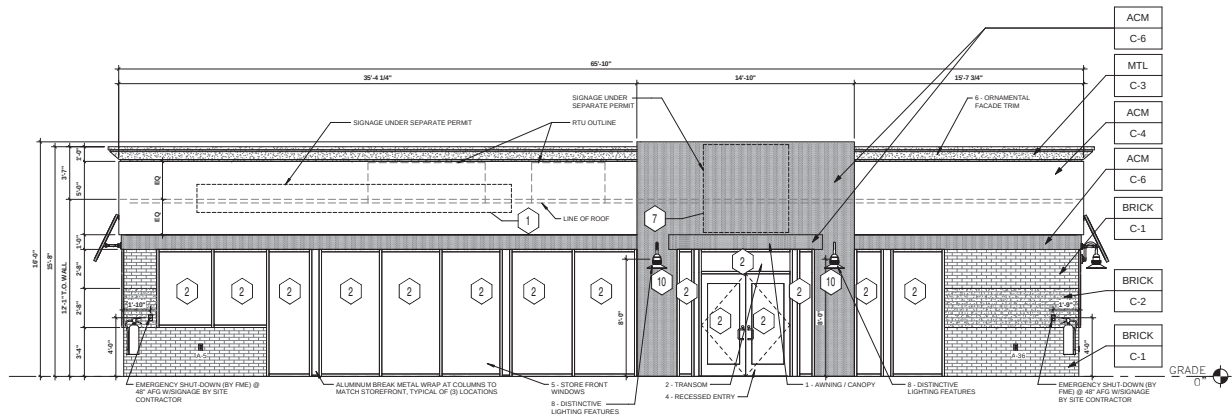
BUILDING

ELEVATIONS

SHEET NUMBER

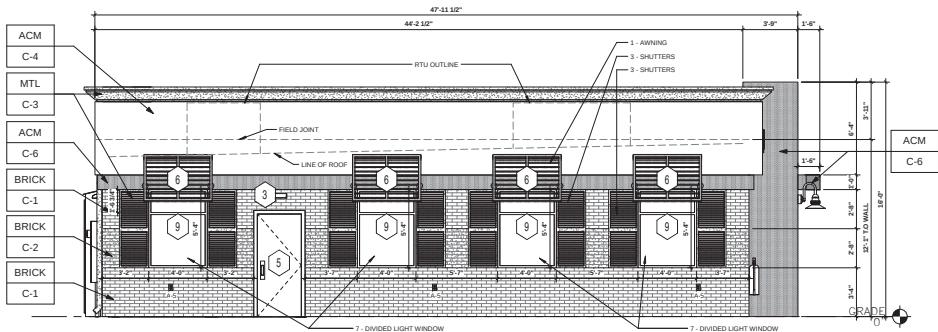
E2

PROTO V2.0 11/01/2019



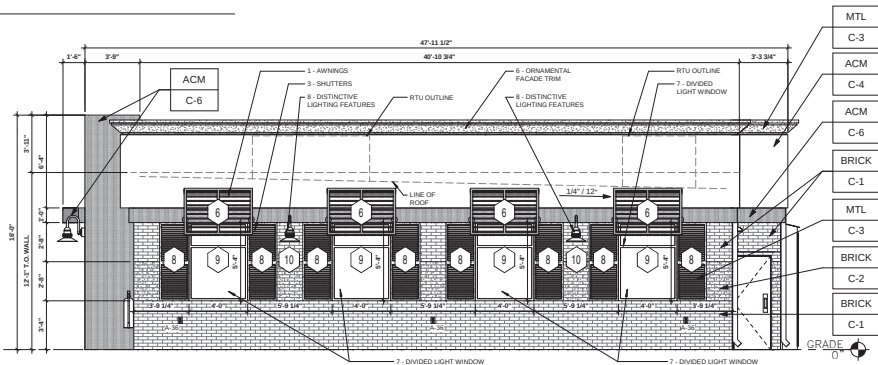
1 NORTH ELEVATION (ARAPAHO ROAD)

1/4" = 1'-0"



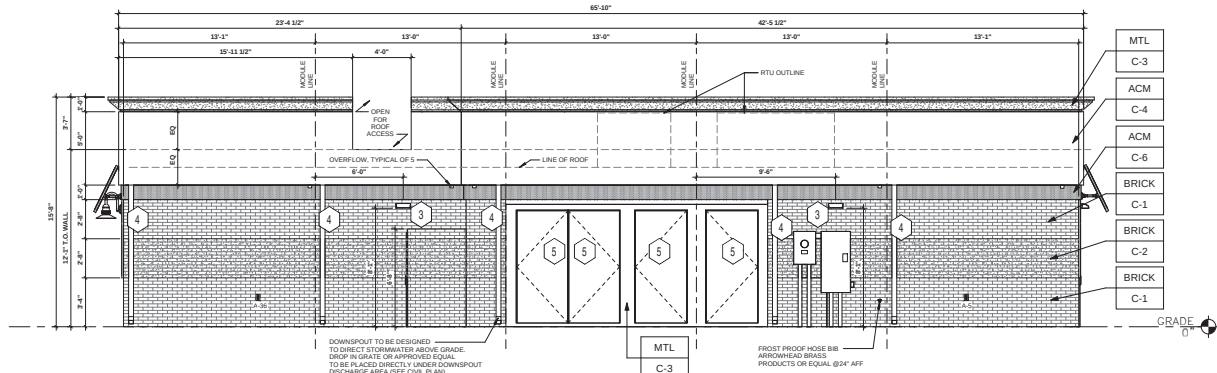
2 EAST ELEVATION

1/4" = 1'-0"



3 WEST ELEVATION (NORTH SHILOH ROAD)

1/4" = 1'-0"



4 SOUTH ELEVATION

1/4" = 1'-0"

KEYED NOTES:

- ROUTED LETTER LOGO SIGNAGE - BY FMS
- CLEAR ANODIZED ALUMINUM STOREFRONT SYSTEMS - BY FMS
- EXTERIOR LIGHTING, REFER TO LIGHTING PLAN - SHEET EL2
- 6" x 4" PAINTED METAL DOWNSPOUTS - C-3
- DOORS (EXTERIOR SIDE) AND DOOR FRAMES PAINTED - C-3
- METAL AWNING BY B&W INCH INC. OR EQUAL - C-6
- MURPHY EXPRESS STAR LOGO SIGNAGE - BY SIGN CONTRACTOR
- METAL SHUTTERS - C-3
- ANODIZED ALUMINUM STOREFRONT SYSTEM W/ SPANDREL PANELS - BY FMS
- EXTERIOR DECORATIVE LIGHTS, REFER TO PHOTOMETRIC PLANS - BY FMS

EXTERIOR FINISHES:

- | | |
|-------|--|
| ACM | ACM (3MM THICKNESS) - BY FMS |
| BRICK | THIN BRICK - BY FMS |
| MTL | 20 GA. SHEET METAL (UNLESS NOTED OTHERWISE) - BY FMS |

EXTERIOR PAINT/COLORS:

- | | |
|-----|--|
| C-1 | THIN BRICK VENEER - LIGHT SANDSTONE VELOUR BY ENOCOTT (WIRE CUT FINISH) WITH ENOURA MAX PREBLENDEN GREY COLOR GROUT - BY FMS |
| C-2 | THIN BRICK VENEER - EMPIRE IVORY VELOUR BY CAROLINA - BY FMS |
| C-3 | DOORER BROWN SW #7521 - BY FMS |
| C-4 | REYNOLDS 44 NATURAL BRUSHED ALUMINUM BY ARCONIC - BY FMS |
| C-5 | OPEN - BY FMS |
| C-6 | PROGRAM RED BY ALPOLC - BY FMS |
| C-7 | CLEAR ANODIZED ALUMINUM STOREFRONT - BY FMS |



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

3. b.

Meeting Date: 03/16/2021

Item Title: Z 20-43 Baldwin Associates (District 7)

Submitted By: Will Guerin, Planning Director

Summary of Request/Problem

Zoning Ordinance Z 20-43 Baldwin Associates

Recommendation/Action Requested and Justification

Consider adoption of the attached ordinance.

Attachments

Z 20-43 Ordinance

Z 20-43 Exhibit A

Z 20-43 Exhibit B

Z 20-43 Exhibit C

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PROVISION FOR A CHARTER SCHOOL ON A 2.33-ACRE TRACT OF LAND ZONED SINGLE-FAMILY (SF-7) DISTRICT AND LOCATED AT 2266 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.

WHEREAS, at its regular meeting held on the 8th day of February, 2021, the Plan Commission did consider and make recommendations on a certain request for approval of a Specific Use Provision for a Specific Use Provision to allow a Charter School on a property zoned Single-Family-7 (SF-7) District by **Baldwin Associates**; and

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

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

Section 1

The Garland Development Code is hereby amended by approving a Specific Use Provision for a Charter School on a 2.33-acre tract of land zoned Single-Family-7 (SF-7) District and located at 2266 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

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

ZONING FILE NO. Z 20-43

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

By:

Mayor

ATTEST:

City Secretary

Published:

ZONING FILE NO. Z 20-43

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 20-43

BEING Lot 1, Block 1, Amending Plat of IPC Hebron Addition
2020-202000195123 of the Plat Records of Dallas County,
Texas.

EXHIBIT A

EXHIBIT B

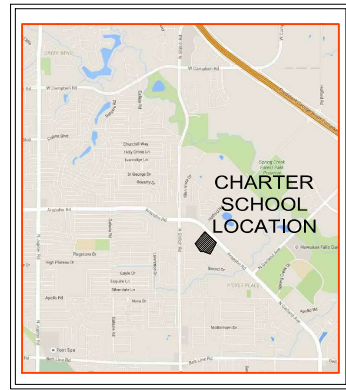
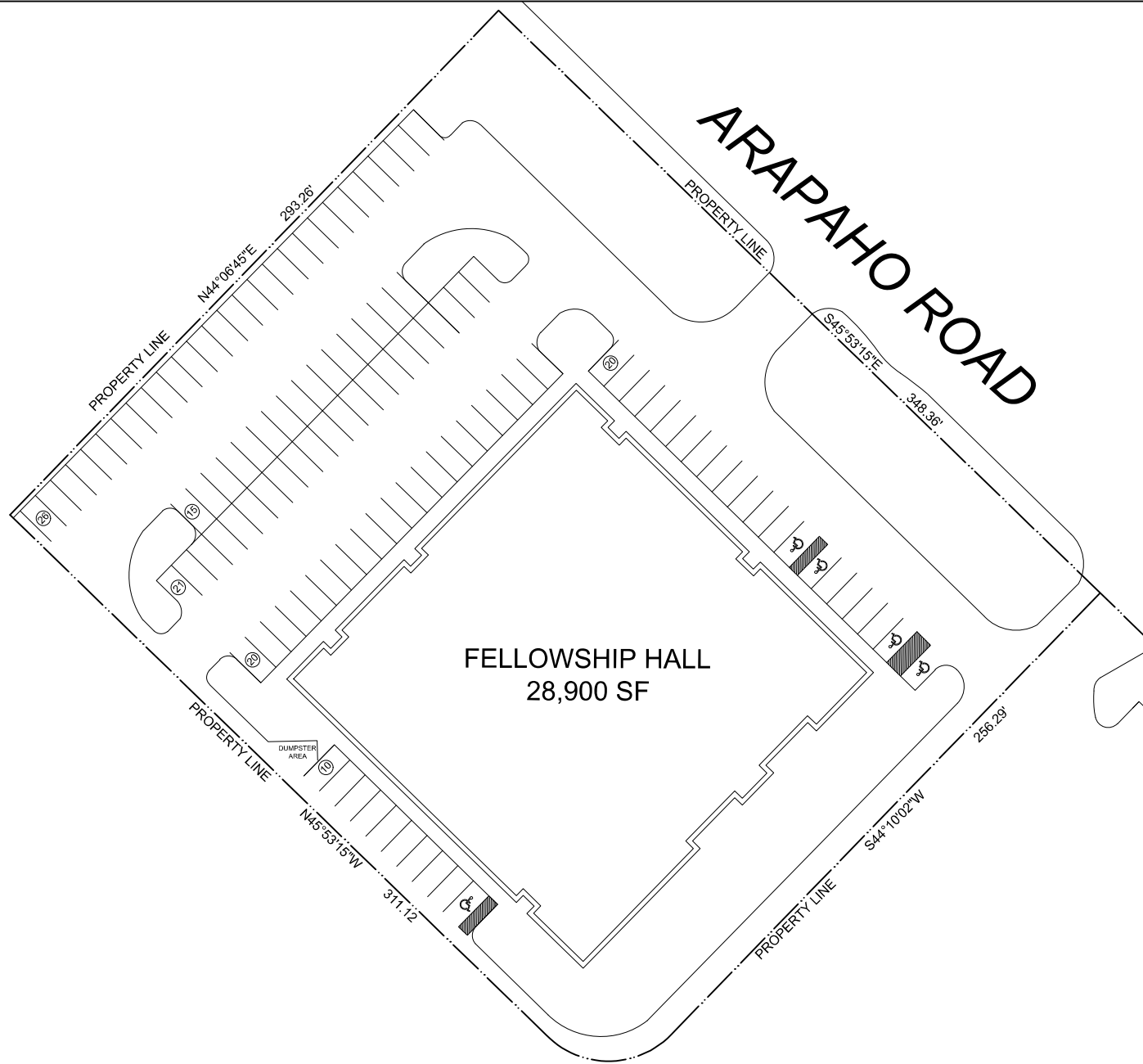
SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 20-43

2266 Arapaho Road

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to allow a Charter School on the subject property.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Single-Family-7 (SF-7) District as set forth in Chapter 2 of the Garland Development Code are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Specific Conditions:**
- A. Time Period: The Specific Use Provision shall be in effect for a period of ten (10) years and for a maximum enrollment of 175 students (grades 9 through 12) per session for the two (2) sessions specified in B. below. Exceeding the ten (10) years or the 175 students per session shall require a new Specific Use Provision.
- B. Days and Hours of Operation: Classes are split between a morning session (7:45 a.m. to 12:00 p.m.) and an afternoon session (12:30 p.m. to 4:45 p.m.) Monday through Friday.
- C. Traffic Management Plan: School operation shall conform to the approved Traffic Management Plan, and any deviation shall require prior approval from the City of Garland Transportation Department.
- D. Site Layout: The site shall conform to the site layout reflected on Exhibit C.

EXHIBIT C



VICINITY MAP
NTS



SITE DATA TABLE

2266 ARAPAHO ROAD
2.33 ACRES
LOT 1, BLOCK 1, IPC HEBRON
ADDITION

LAND USE: CHARTER SCHOOL

- Grades
9-12
- Classrooms:
9
- Students:
175

BUILDING SQ. FT: 28,900

- Occupancy classification:
E Educational
- Construction type:
Church building, masonry
- Occupant Load:
N/A
- Building Exits:
7

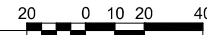
PARKING REQUIRED: 59
PARKING PROVIDED: 112



1

TEXANS CAN ACADEMY SUP SITE PLAN

SCALE: 1" = 20'-0"



01/06/2020

BALDWIN
ASSOCIATES
3904 Elm Street, Suite B
Dallas, Texas 75226
MOBILE: 214.729.7949
OFFICE: 214.824.7949
rd@baldwinplanning.com

Baldwin
Associates

2266 ARAPAHO
CITY OF GARLAND, TEXAS

Case# 201110-2



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

3. c.

Meeting Date: 03/16/2021

Item Title: Z 20-47 R-Delta Engineers, Inc. (District 1)

Submitted By: Will Guerin, Planning Director

Summary of Request/Problem

Zoning Ordinance Z 20-47 R-Delta Engineers, Inc.

Recommendation/Action Requested and Justification

Consider adoption of the attached ordinance.

Attachments

Z 20-47 Ordinance

Z 20-47 Exhibit A

Z 20-47 Exhibit B

Z 20-47 Exhibits C-E

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PROVISION FOR AN ELECTRIC SUBSTATION USE ON A 3.00-ACRE TRACT OF LAND ZONED AGRICULTURAL (AG) DISTRICT AND LOCATED AT 2900 ELM GROVE 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.

WHEREAS, at its regular meeting held on the 8th day of February, 2021, the Plan Commission did consider and make recommendations on a certain request for approval of a Specific Use Provision for an Electric Substation Use on a property zoned Agricultural (AG) District by **R-Delta 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 a Specific Use Provision for an Electric Substation Use on a 3.00-acre tract of land zoned Agricultural (AG) District and located at 2900 Elm Grove Road, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2

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

Section 3

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

Section 4

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

Section 5

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

Section 6

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

ZONING FILE NO. Z 20-47

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

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 20-47

BEING a 3.00-acre tract situated in the City of Garland, in the Atkinson Clements Survey, Abstract No. 255, Dallas County, Texas, and being Part of a 30.533-acre tract of land designated as "TRACT H" in the deed dated August 4, 1994, from Rowlett Princeton Park, L.P. to the City of Garland, Texas, and recorded in Volume 94153, at Page 6294 of the Deed Records of Dallas County, Texas (DRDCT), said 3.000-acre tract being more particularly described as follows:

BEGINNING at a 5/8-inch steel rod found for the east corner of Elm Grove Road Addition an addition to the City of Garland according to the plat thereof recorded in Instrument No. 20080336154 of the Official Public Records of Dallas County, Texas, said 5/8-inch steel rod being on the northwesterly right-of-way (R/W) line of Vinson Road (a variable width R/W) the same being the northwesterly line of a strip of land described in the Right-Of-Way Deed dated the 15th day of May, 1940, from Mrs. Carrie B. Pelton to the County of Dallas, and recorded in Volume 2207, at Page 487 of the DRDCT, said 5/8-inch steel rod having coordinates of:

X = 2,572,173.77 feet,

Y = 7,038,684.26 feet;

THENCE N 45°19'04" W with the northeasterly line of said Elm Grove Road Addition, at a distance of 8.37 feet pass a 5/8-inch steel rod set with a 3-1/2-inch aluminum disk stamped "CITY OF GARLAND | RIGHT OF WAY | SURVEY MONUMENT | DO NOT DISTURB" for the north corner of a R/W dedication by said plat and also being the east corner of Lot 1, Block 1 of said addition, and continue on the same course and with the northeasterly line of said Lot 1, Block 1, for an additional distance of 261.87 feet for a total distance of 270.24 feet to a 5/8-inch steel rod set with a pink plastic cap stamped "R-DELTA | FIRM 10155000" (hereafter noted as RDS) marking the north corner of said Lot 1, Block 1, the same being the east corner of Lot 2, Block 1 of said addition; THENCE N 44°31'22" E on the prolongation of the common lot line between Lots 1 and 2, Block 1, of said addition, for a distance of 286.81 feet to an RDS; THENCE over and across the aforementioned TRACT H the following three (3) courses and distances

1. N 45°28'38" W for a distance of 20.00 feet to an RDS;
2. N 44°31'22" E for a distance of 188.94 feet to an RDS;
3. S 45°28'38" E for a distance of 279.57 feet to an RDS on the aforementioned northwesterly R/W line of Vinson Road, the same being the northwesterly line of the aforementioned strip of land described in the Right-Of-Way Deed to the County of Dallas, and from which a 1/2-inch steel rod with a yellow plastic cap stamped "RPLS 5310" marking the east corner of the aforementioned TRACT H bears N 44°19'07"E with the northwesterly R/W line of Vinson Road for a distance of 195.30 feet; THENCE with the northwesterly R/W line of Vinson Road the following three (3) courses and distances:

EXHIBIT A

1. S 44°19'07" W for a distance of 120.55 feet to a 1/2-inch steel rod found;
2. S 38°38'25" W for a distance of 100.07 feet to a 1/2-inch steel rod found;
3. S 44°31'38" W for a distance of 256.40 feet to the POINT OF BEGINNING and containing 130,680 square feet or 3.00 acres of land

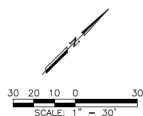
SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 20-47

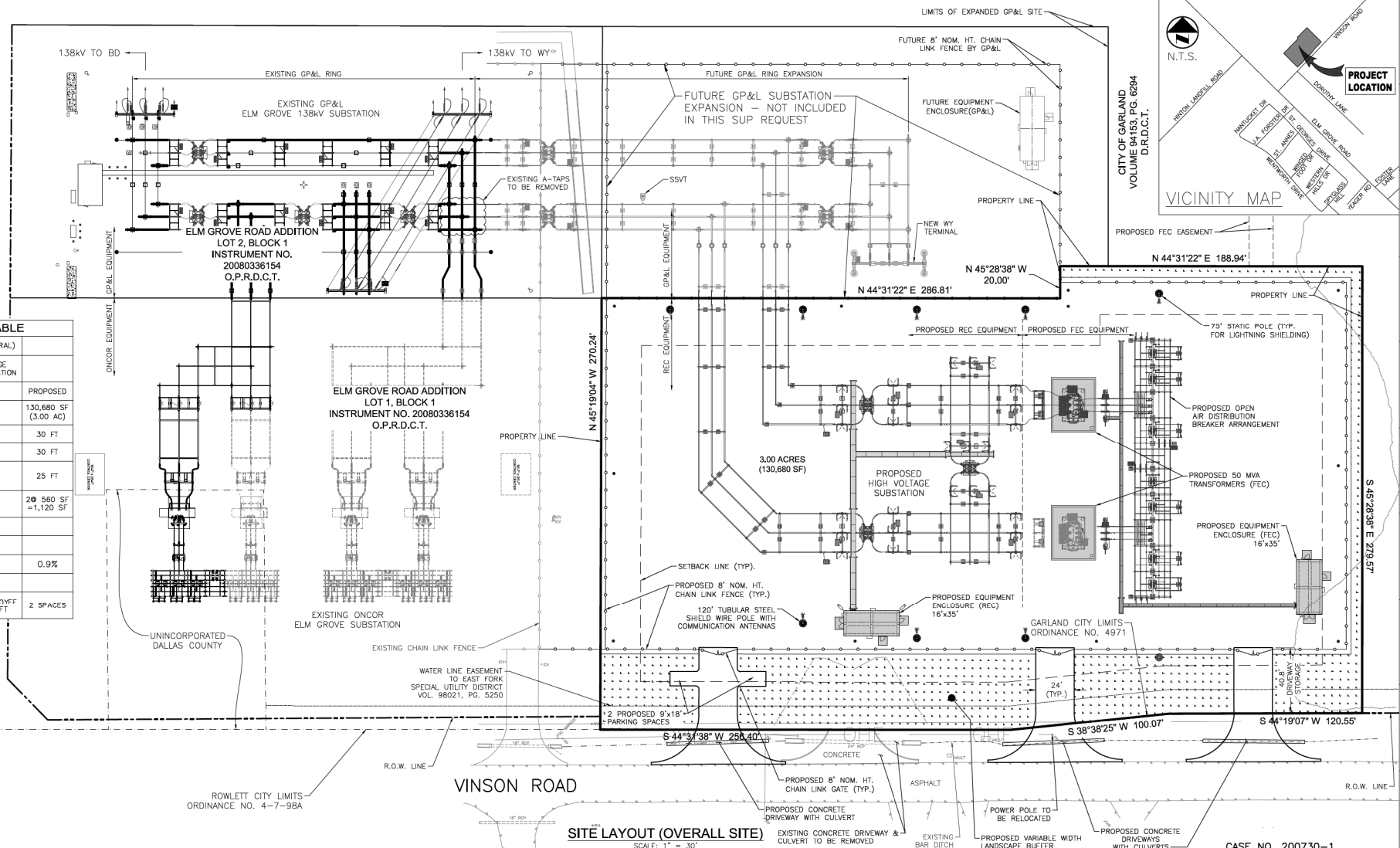
2900 Elm Grove Road

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to permit the development of an Electric Substation.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Garland Development Code shall apply, except as otherwise specified by this ordinance.
- IV. Specific Regulations:**
 - A. Site Plan:** The site development shall be as reflected in Exhibit C.
 - B. Landscape Plan:** The landscape plan shall be as reflected in Exhibit D.
 - C. Elevations:** The elevations shall be as reflected in Exhibit E.
 - D. Time Period:** The Specific Use Provision shall be in effect in perpetuity.

ELM GROVE ROAD



SITE DATA TABLE		
EXISTING ZONING	AG (AGRICULTURAL)	
PROPOSED USE	HIGH VOLTAGE ELECT. SUBSTATION	
	REQUIRED	PROPOSED
LOT AREA	87,120 SF	130,680 SF (3.00 AC)
FRONT SETBACK	30 FT	30 FT
REAR SETBACK	30 FT	30 FT
SIDE SETBACK NOT ADJ./STREET	25 FT	25 FT
BUILDING FOOTPRINT	N/A	28,560 SF = 1,120 SF
MIN. LOT WIDTH	150 FT	
MIN. LOT DEPTH	150 FT	
MAX. BUILDING COVERAGE	30%	0.9%
MAX. BUILDING HEIGHT	35 FT	
PARKING	1 SPACE/4,000 SQFT AT MAX. SHIFT	2 SPACES



SITE LAYOUT (OVERALL SITE)
SCALE: 1" = 30'

A	12/23/2020	RDE	FAP	FAP	ISSUE FOR SUP APPLICATION
B	1/11/2021	RDE	FAP	FAP	REVISE PER COG TECH REVIEW COMMENTS

REV	DATE	REV. BY	P.M.	ENG.	REVISION/RELEASE
-----	------	---------	------	------	------------------



618 Main Street
Garland, TX 75040
Ph. (972) 494-5031
Fax (972) 487-2270
www.rdelta.com
TBPE No. F-1515



THE SEAL APPEARING ON THIS DOCUMENT WAS
AUTHORIZED BY FRANK A. POLMA, P.E. 80274 ON
JANUARY 8, 2021. ALTERATION OF A SEALED
DOCUMENT WITHOUT PROPER NOTIFICATION TO
THE RESPONSIBLE ENGINEER IS AN OFFENSE
UNDER THE TEXAS ENGINEERING PRACTICE ACT.

JOB NO. <u>2851-20</u>		DESIGN BY <u>FAP</u>	
CREATED _____		CODE _____	
PLOTTED _____		CHECKED BY _____	
LAST UPDATE BY _____			
DRAWN: <u>RDE</u>		SCALE: <u>1" = 30'</u>	
CHECKED: _____	DRAWING NO.: _____		ISSUED _____
APPROVED _____	SP-1		E
FILE NAME: _____			

CASE NO. 200730-1
COTTONWOOD CREEK
SUBSTATION

SITE PLAN

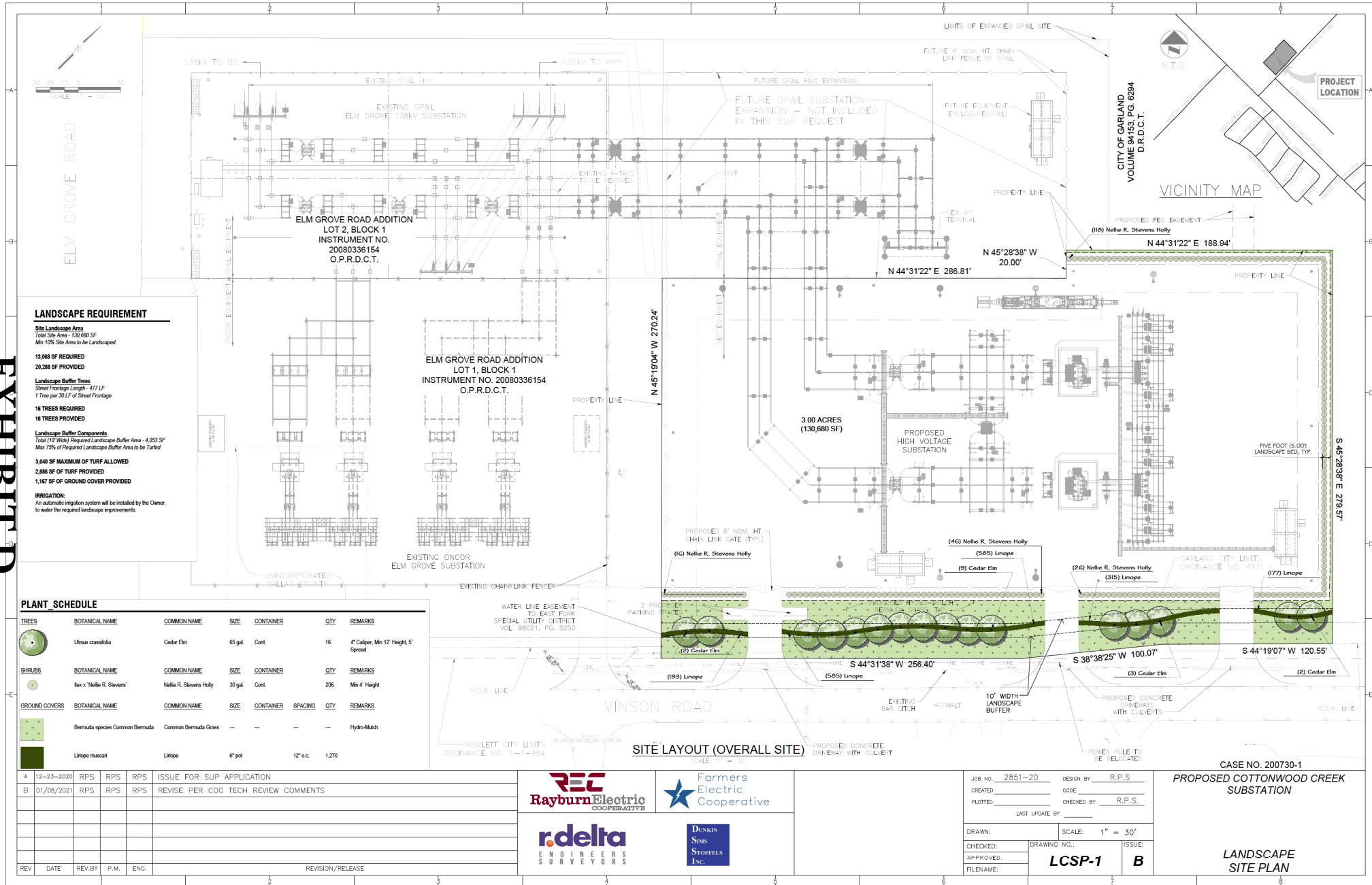
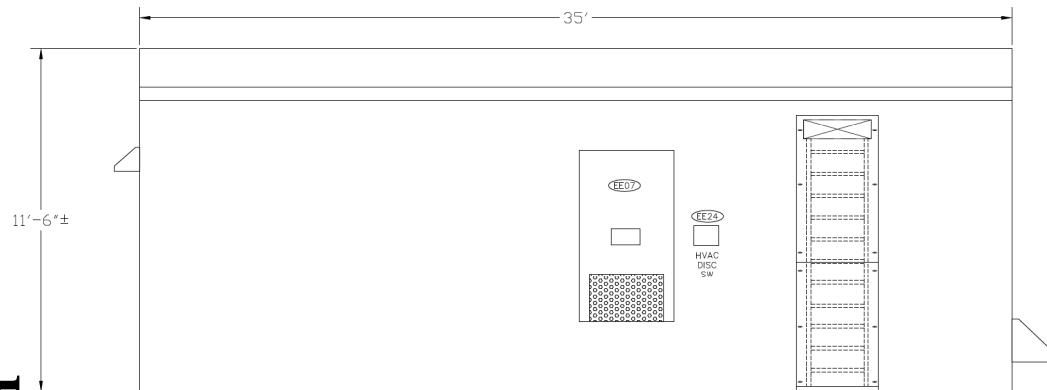
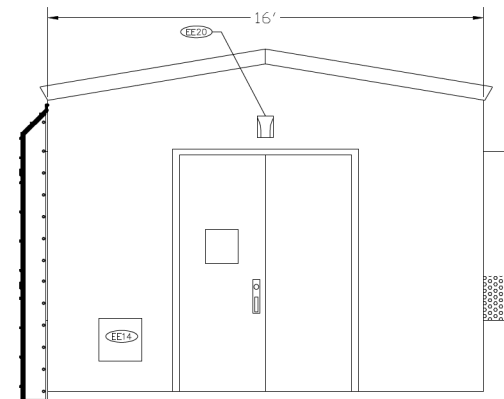


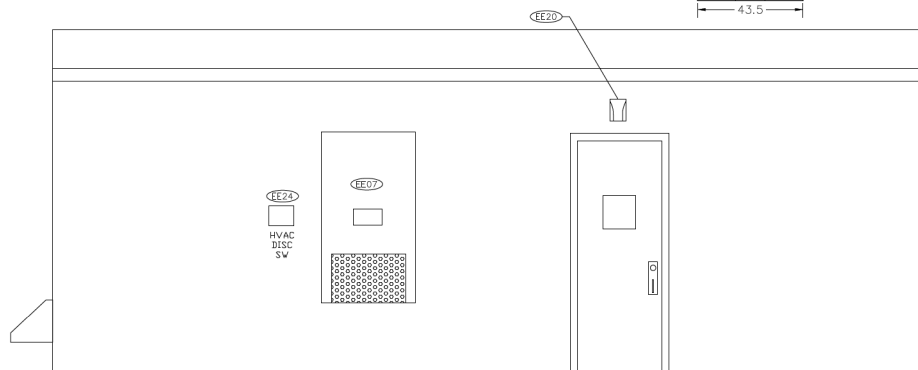
EXHIBIT E



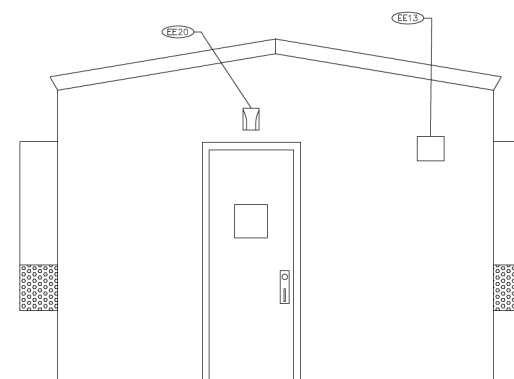
WALL B



WALL A



WALL D



WALL C

REV	DATE	REV BY	P.M.	ENG.	REVISION/RELEASE
A	12/23/2020	RDE	FAP	FAP	ISSUE FOR SUP. APPLICATION

REC
Rayburn Electric
COOPERATIVES

rdelta
ENGINEERS

Farmers Electric Cooperative

618 Main Street
Garland, TX 75040
Ph. (972) 494-5031
Fax (972) 487-2270
www.rdelta.com
TBPE No. F-1515



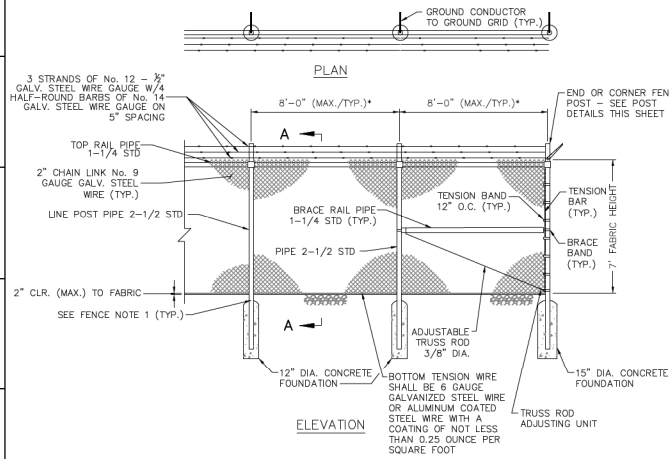
THE SEAL APPEARING ON THIS DOCUMENT WAS
AUTHORIZED BY FRANK A. POLINA, P.E. 80274 ON
DECEMBER 28, 2020. ALTERNATE TO THE FIELD
THE RESPONSIBLE ENGINEER IS AN OFFENSE
UNDER THE TEXAS ENGINEERING PRACTICE ACT.

JOB NO. 2851-20	DESIGN BY: FAP
CREATED: _____	CODE: _____
PLOTTED: _____	CHECKED BY: _____
LAST UPDATE BY: _____	
DRAWN: RDE	SCALE: AS NOTED
CHECKED: _____	DRAWING NO.: _____
APPROVED: _____	ISSUE: _____
FILENAME: _____	MEE-2 A

CASE NO. 200730-1

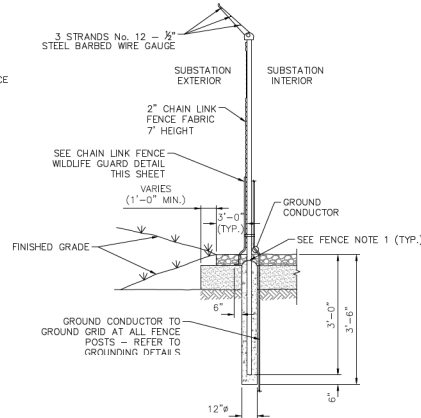
COTTONWOOD CREEK
SUBSTATION

**REC/FEC
MODULAR EQUIPMENT
ENCLOSURE
EXTERIOR ELEVATIONS**



TYPICAL FENCE DETAIL

N.T.S.
*UNLESS SHOWN OTHERWISE

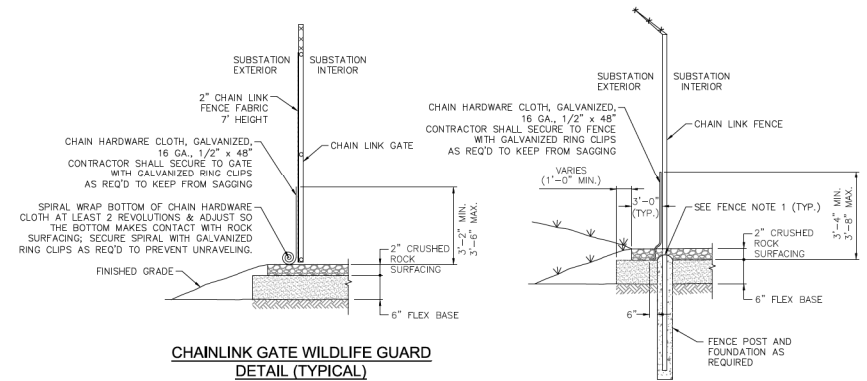


SECTION A-A

N.T.S.

FENCE NOTES:

1. PROVIDE A ONE-INCH (MAXIMUM) HEIGHT DOME ABOVE FLEXIBLE BASE SURFACE TO PREVENT STANDING WATER AGAINST FENCE POST BASE.
2. POST SIZES SHOWN BASED ON AISC PIPE SHAPES WITH OUTSIDE DIAMETERS AS FOLLOWS:
1-1/4 STD = 1.66" OD
1-1/2 STD = 1.90" OD
2-1/2 STD = 2.875" OD
3-1/2 STD = 4" OD
6 STD = 6.625" OD



CHAINLINK GATE WILDLIFE GUARD DETAIL (TYPICAL)

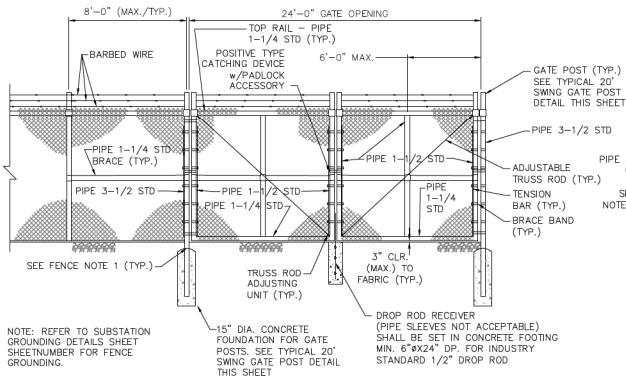
N.T.S.

WILDLIFE GUARD NOTES:

1. PLACE 6" OF WILDLIFE GUARD HORIZONTALLY ON THE FLEX BASE AND COVER WITH CRUSHED ROCK SURFACING AS SHOWN.
2. WILDLIFE GUARD SHALL BE PLACED AROUND ENTIRE PERIMETER OF THE CHAINLINK FENCE.

CHAINLINK FENCE WILDLIFE GUARD DETAIL (TYPICAL)

N.T.S.



24-FOOT DOUBLE SWING GATE DETAIL

N.T.S.

TYPICAL 24' SWING GATE POST DETAIL

N.T.S.

REV	DATE	REV BY	P.M.	ENG.	REVISION/RELEASE
A	01/08/2021	RDE	FAP	FAP	ISSUE FOR SUP APPLICATION

REC
Rayburn Electric
COOPERATIVES

Farmers Electric Cooperative

rdelta
ENGINEERS

618 Main Street
Garland, TX 75040
Ph. (972) 494-5031
Fax (972) 487-2270
www.rdelta.com
TBPE No. F-1515



THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY FRANK A. POLINA, P.E. 10574 ON JANUARY 8, 2021, EXPIRING ON A DATE TO BE DETERMINED BY THE BOARD OF ENGINEERING UNDER THE TEXAS ENGINEERING PRACTICE ACT.

JOB NO. 2851-20	DESIGN BY FAP
CREATED	CODE
PLOTTED	CHECKED BY
LAST UPDATE BY	
DRAWN: RDE	SCALE: NONE
CHECKED:	DRAWING NO.:
APPROVED:	ISSUE:
FILENAME:	DET-1 A

CASE NO. 200730-1
COTTONWOOD CREEK SUBSTATION

FENCE DETAILS



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

4.

Meeting Date: 03/16/2021

Item Title: One-Time Water Drip Credit Resolution

Submitted By: Wes Kucera, Managing Director

Summary of Request/Problem

At the March 1, 2021 Work Session, Council considered a one-time 2,000-gallon water drip credit for single and multi-family residents, including omitting the month of February from the annual History Base Consumption (HBC) in the calculation of the winter months average for wastewater. This one-time calculation would use December, January and March to calculate the HBC for sewer service volume charge.

Recommendation/Action Requested and Justification

Approve resolution authorizing the City Manager to take the necessary action to provide relief measures for Garland residents impacted by the winter storm.

Attachments

One-Time Water Drip Credit Resolution

RESOLUTION NO. 104__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS, AUTHORIZING THE CITY MANAGER TO TAKE THE NECESSARY ACTION TO PROVIDE RELIEF MEASURES FOR GARLAND RESIDENTS IMPACTED BY THE WINTER STORM AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the severe weather event experienced by Garland, the area, and indeed the entire State during the period between February 11, 2021 and February 19, 2021, has caused considerable damage to single family and multi-family residential properties in the City including, but not limited to, ruptured water pipes, irrigation lines, damaged hot water heaters, flooding, structural damage, and damaged sheetrock and flooring; and

WHEREAS, many residents were without power, heat, and water and those with water were encouraged to run or drip the water to avoid frozen pipes and further damages; and

WHEREAS, the City Council has determined that it is appropriate to provide residents in the City with some relief related to water charges resulting from the winter storm damage.

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

Section 1

That the City Manager is authorized to take the following actions:

- (i) Credit single-family residential water accounts for 2,000 gallons per account in the form of a one-time adjustment in the base rate charge from \$22.45 to \$10.69;
- (ii) Credit multi-family residential water accounts for 2,000 gallons per account in the form of a one-time adjustment in the base rate charge from \$13.31 to \$6.34, while encouraging owners or managers of single-meter multi-family complexes to pass the credit savings on to their residents; and
- (iii) Remove February 2021 sewer flows from the annual History Base Consumption ("HBC") and using December, January, and March to calculate the HBC for sewer service volume charge.

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.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

5.

Meeting Date: 03/16/2021

Item Title: Resolution to Support the 2019 HSGP Additional Allocation Application

Submitted By: Mistie Gardner, Emergency Management Director

Summary of Request/Problem

The Department of Homeland Security Grant Program (HSGP) is managed, at the state level, by the Texas Office of the Governor (OOG). One of the mandates by OOG, in order to receive HSGP funding requires jurisdictions applying for HSGP funding to have a council approved resolution each year prior to utilizing HSGP awarded funds, which identifies the Authorized Official who will perform administration of the grant as well as a list of current year submitted projects. In 2019, Council approved the initial resolution for 2019 UASI funding; however, this is an additional allocation of the same funding.

Approving the resolution will assist the City of Garland with acquiring additional 2019 UASI funding to help support public safety. This funding will be used to purchase resources to support the Garland EOD Team.

Recommendation/Action Requested and Justification

The Office of Emergency Management (OEM) staff recommends passing a resolution in support of the HSGP additional funding application to gain access to UASI grant funding.

Attachments

2019 HSGP Add'l Allocation Resolution

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR OF THE STATE OF TEXAS FOR CERTAIN PUBLIC SAFETY, LAW ENFORCEMENT, AND HOMELAND SECURITY PROJECTS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council finds it in the best interests of the citizens of Garland that the following projects be operated for the Fiscal Year of 2020 - 2021: 2019 Urban Area Security Initiative (UASI) - additional allocation, which is a Law Enforcement Terrorism Prevention Activity (LETPA) and 2019 UASI LETPA Garland EOD Personal Protective Equipment Enhancement; and

WHEREAS, the City Council agrees that in the event of loss or misuse of the Office of the Governor's funds, the City assures that the funds will be returned to the Office of the Governor in full;

WHEREAS, the City Council designates the Director of the Garland Office of Emergency Management as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

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

Section 1

The City Council approves implementation of grant projects submitted under the 2019 Urban Area Security Initiative (UASI) additional allocation, which includes Law Enforcement Terrorism Prevention Activity (LETPA).

Section 2

The City Council hereby designates the Director of the Garland Office of Emergency Management as the City's authorized official to act in all matters relating to the foregoing grant application(s) and that authorized official is hereby given the power to apply for, accept, reject, alter or terminate the grant on behalf of the City.

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

Grant Number:
4246001



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

6.

Meeting Date: 03/16/2021

Item Title: Garland Emergency Corps Lease Renewal

Submitted By: Becky King, Managing Director

Summary of Request/Problem

Authorize execution of a ground lease for the Garland Emergency Corps to continue operations at 401 Rescue St., a building located within the City of Garland Water Department complex, commonly addressed as 2434 Forest Lane.

Recommendation/Action Requested and Justification

Staff recommends approval of the proposed lease agreement, which was drafted in accordance with the Non-Profit Organization and Sports Use Policy Recommendations submitted to City Council by the Administrative Services Committee at the October 19, 2020 Work Session. The draft agreement was provided to City Council as a Written Briefing at the March 1, 2021 Work Session.

Attachments

Garland Emergency Corps Lease



GARLAND

TEXAS MADE HERE

LEASE AGREEMENT

This Lease Agreement ("Lease") is made and entered between the City of Garland, Texas, a Texas home-rule municipality ("Lessor"), and the Garland Emergency Corps ("Lessee" or "GEC") as identified in the Terms and Conditions ("Terms") for the times and dates indicated therein, which is attached hereto as **Exhibit "A"** and incorporated herein by reference. In the event of an express conflict between this Lease and the Terms, the provisions of the Terms shall control.

W I T N E S S E T H

1. **Agreement to Lease.** Subject to the terms and conditions of this Lease, Lessor hereby grants, demises and lets to Lessee, and Lessee hereby hires and takes as tenant of Lessor, the premises located in Garland, Dallas County, Texas, and being more particularly described in **Exhibit "B"** ("Premises"). Any concessions, and use of City owned concession facilities located on or within the Premises, shall be under the terms and conditions of the Concessions Agreement, which is attached hereto as **Exhibit "C,"** and incorporated herein by reference.

2. **Term.** The term of this Lease shall commence and end on the dates and times identified in the Terms ("Termination Date"), unless sooner terminated as provided herein.

3. **Use.** The Premises leased are to be used and occupied by Lessee as a non-profit for the times and purposes indicated in the Terms. Lessor shall make the Premises available to the Lessee at the times specified in the Terms for any set-up required prior to the event. Lessee shall not use or permit the use of the Premises, or any part thereof, for any purpose other than as stipulated without the written consent of Lessor.

4. **Rent; Deposit.** Lessee shall pay Lessor an amount under the terms and conditions indicated within the Terms.

User shall pay Licensor the deposit amount indicated within the Terms.

5. **As Is Condition.** After execution of this Agreement, but prior to the Effective Date, Lessee shall have the right to enter onto the Premises and to have full access to the Premises for the purpose of conducting such inspections, investigations, studies and tests as Lessee may deem fit. In the event that Lessee determines, in its sole discretion, based upon its inspections, investigations, studies or tests, that the Premises is not satisfactory for Lessee's purposes or is not suitable for Lessee's intended use, then Lessee shall deliver written notice of such determination to Lessor on or before the Effective Date. Lessee, by entry of the Premises under this Lease, accepts the Premises "**AS IS - WHERE IS, WITH ALL FAULTS**" in the present state of repair. Lessee has been given the opportunity to perform, such inspections, investigations, studies, and tests as Lessee has deemed appropriate and Lessee has satisfied itself, without any representation or warranty on the part of Lessor or anyone acting on Lessor's behalf, that the Premises are fit and satisfactory in all respects for Lessee's purposes.

LESSEE ACKNOWLEDGES THAT LESSOR EXPRESSLY DISCLAIMS AND LESSEE EXPRESSLY WAIVES, ANY WARRANTY OR REPRESENTATION, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION ANY WARRANTY OF CONDITION, HABITABILITY, MERCHANTABILITY, USEABILITY, OR FITNESS FOR A PARTICULAR PURPOSE OF THE PREMISES, AND LESSEE FURTHER ACKNOWLEDGES THAT LESSOR HAS NOT MADE ANY OTHER REPRESENTATIONS TO LESSEE AS TO WHETHER OR NOT THE PREMISES ARE FIT AND SATISFACTORY FOR THE USE INTENDED BY LESSEE. LESSOR DISCLAIMS RESPONSIBILITY AS TO THE ACCURACY OR COMPLETENESS OF ANY INFORMATION RELATING TO THE PREMISES, WHETHER PROVIDED BY LESSOR OR OTHERWISE. WITHOUT LIMITING THE FOREGOING, LESSOR MAKES NO REPRESENTATIONS OF ANY NATURE REGARDING THE PREMISES AND SPECIFICALLY DISCLAIMS ANY WARRANTY, GUARANTY OR REPRESENTATION, ORAL OR WRITTEN, EXPRESS OR IMPLIED, PAST, PRESENT, OR FUTURE, CONCERNING: (I) THE NATURE AND CONDITION OF THE PREMISES, INCLUDING WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY, AND THE SUITABILITY THEREOF AND THE PREMISES FOR ANY AND ALL ACTIVITIES AND USES WHICH LESSEE MAY ELECT TO CONDUCT THEREON, AND THE EXISTENCE OF ANY ENVIRONMENTAL SUBSTANCES, HAZARDS OR CONDITIONS OR PRESENCE OF ANY ENDANGERED OR PROTECTED SPECIES THEREON OR COMPLIANCE WITH ALL APPLICABLE LAWS, RULES OR REGULATIONS;

(II) THE NATURE AND EXTENT OF ANY RIGHT-OF-WAY, LEASE, POSSESSION, LIEN, ENCUMBRANCE, LICENSE, RESERVATION, CONDITION OR OTHERWISE; (III) THE COMPLIANCE OF THE LAND OR ITS OPERATION WITH ANY LAW, ORDINANCE OR REGULATION OF ANY FEDERAL, STATE, OR LOCAL GOVERNMENTAL AUTHORITY; AND (IV) WHETHER OR NOT THE PROPERTY CAN BE DEVELOPED OR UTILIZED FOR ANY PURPOSE. FOR PURPOSES HEREOF, "ENVIRONMENTAL SUBSTANCES" MEANS THE FOLLOWING: (A) ANY "HAZARDOUS SUBSTANCE" UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT OF 1980, 42 U.S.C.A. SECTION 9601 ET.SEQ., AS AMENDED, (B) ANY "HAZARDOUS SUBSTANCE" UNDER THE TEXAS HAZARDOUS SUBSTANCES SPILL PREVENTION AND CONTROL ACT, TEX. WATER CODE, SECTION 26.261, ET. SEQ., AS AMENDED, (C) PETROLEUM OR PETROLEUM-BASED PRODUCTS (OR ANY DERIVATIVE OR HAZARDOUS CONSTITUENTS THEREOF OR ADDITIVES THERETO), INCLUDING WITHOUT LIMITATION, FUEL AND LUBRICATION OILS, (D) ANY "HAZARDOUS CHEMICALS" OR "TOXIC CHEMICALS" UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT, 29 U.S.C.A. SECTION 651 ET. SEQ., AS AMENDED, (E) ANY "HAZARDOUS WASTE" UNDER THE RESOURCE CONSERVATION AND RECOVERY ACT, 42 U.S.C.A. SECTION 6901 ET. SEQ., AS AMENDED, (F) ASBESTOS, (G) POLYCHLORINATED BIPHENYLS, (H) UNDERGROUND STORAGE TANKS AND WELLS, WHETHER EMPTY, ABANDONED, CAPPED, UNCAPPED, FILLED, OR PARTIALLY FILLED WITH ANY SUBSTANCE, (I) ANY SUBSTANCE, THE PRESENCE OF WHICH IS PROHIBITED BY FEDERAL, STATE OR LOCAL LAWS AND REGULATIONS, AND (J) ANY OTHER SUBSTANCE WHICH BY FEDERAL, STATE OR LOCAL LAWS AND REGULATIONS REQUIRES SPECIAL HANDLING OR NOTIFICATION OF GOVERNMENTAL AUTHORITIES IN ITS COLLECTION, STORAGE, TREATMENT OR DISPOSAL. REFERENCES TO PARTICULAR ACTS OR CODIFICATIONS IN THIS DEFINITION INCLUDE ALL PAST AND FUTURE AMENDMENTS THERETO, AS WELL AS APPLICABLE RULES AND REGULATIONS AS NOW OR HEREAFTER PROMULGATED THEREUNDER.

TO THE FULLEST EXTENT OF THE LAW, LESSEE WAIVES AND DISCLAIMS ANY CAUSE OF ACTION THAT LESSEE MAY NOW OR HEREAFTER HAVE OR OBTAIN AGAINST LESSOR, ITS AGENTS, EMPLOYEES OR SERVANTS ARISING FROM THE USE, OCCUPATION OR CONDITION OF THE PREMISES OR THE EXISTENCE OF THIS LEASE.

LESSEE FURTHER AGREES TO INDEMNIFY AND HOLD LESSOR AND ALL OF ITS PRESENT, FUTURE AND FORMER AGENTS, EMPLOYEES, OFFICIALS AND REPRESENTATIVES HARMLESS IN THEIR OFFICIAL, INDIVIDUAL AND REPRESENTATIVE CAPACITIES FROM ANY AND ALL CLAIMS, DEMANDS, CAUSES OF ACTION, JUDGMENTS, LIENS AND EXPENSES (INCLUDING ATTORNEY'S FEES), COSTS AND DAMAGES

(WHETHER COMMON LAW OR STATUTORY, AND WHETHER CHARACTERIZED AS ACTUAL, PUNITIVE, CONSEQUENTIAL, INCIDENTAL OR BASED ON STRICT LIABILITY AND EXPRESSLY INCLUDING THOSE CAUSED BY THE NEGLIGENCE OR OTHER FAULT OF ANY PARTY INDEMNIFIED HEREIN), OF ANY CONCEIVABLE CHARACTER, DUE TO OR ARISING FROM INJURIES TO PERSONS (INCLUDING DEATH) OR TO PROPERTY (BOTH REAL AND PERSONAL) CREATED BY, ARISING FROM OR IN ANY MANNER RELATING TO THE USE, OCCUPATION OR CONDITION OF THE PREMISES OR THE EXISTENCE OF THIS LEASE.

6. **Fixtures, Improvements, and Liability for Loss or Damage to Property.** Lessee acknowledges that as part of the consideration for entering into this Lease, Lessee may have the obligation to make certain capital improvements to the Premises, which are more fully described in **Exhibit "D,"** attached hereto and incorporated herein by reference for all purposes. Title to any fixtures and improvements constructed by Lessee and attached to the Premises shall transfer to the City of Garland upon termination of this Lease, unless otherwise agreed upon in writing by both Parties. Prior to constructing any improvements or attachments on the Premises, Lessee must first obtain written authorization from the City. As of the Execution Date, Lessee is authorized to construct and attach to the Premises the improvements detailed in **Exhibit "E,"** attached hereto and incorporated herein by reference for all purposes. During the term of this Lease, Lessee shall have a duty to maintain all fixtures and improvements in accordance with the provisions of below Sections 7 and 8. Personal property and chattel placed in or on the Premises shall be at the sole risk of Lessee or the owner of such property.

7. **No Waste or Contamination.** Lessee shall commit no waste of the Premises, including but not limited to any fixtures or improvements, and shall be responsible for any damages to the Premises, including but not limited to fixtures and improvements, caused by the activities of Lessee. Lessee shall, on the Termination Date or any earlier termination of this Lease, surrender the Premises clean, free of debris, and in substantially the same condition as received, except for normal wear and tear. Lessee may not discharge any waste or hazardous materials on the Premises. Any use of fertilizers, herbicides, pesticides or other similar chemicals by Lessee shall be done in strict accordance with all applicable federal, state and local laws. Lessee shall, upon request, provide

Lessor with copies of all chemical constituents and MSDS sheets prior to the application of any fertilizer, herbicide, pesticide or other chemicals to the Premises.

8. **Maintenance.** Subject to the provisions of paragraph 7, Lessee must maintain, including performing any necessary repairs to conduct the approved use on the Premises, in accordance with the Terms. Lessee shall maintain the Premises in a neat and orderly fashion and in compliance with all applicable laws including, but not limited to, mowing, weed control, and trash and litter removal.

9. **Loss or Destruction of Property Leased.** If the Premises become, as a practical matter, totally untenable after a casualty loss such as fire, storm, explosion, earthquake, or other casualty, and if the casualty loss is not due to the negligence or fault of the Lessee or the Lessee's employees, guests or invitees, either Lessor or Lessee may terminate the Lease at any time by giving written notice to the other.

10. **Lessee to Provide Insurance.** Lessee agrees to carry, during the term of this Lease, comprehensive general liability insurance insuring against bodily injury - including death - and property damage with a company or companies qualified to do business and to write insurance in the State of Texas. The policy or policies shall provide coverage of at least **\$500,000.00** for bodily injury or death, per occurrence, and **\$250,000.00** for property damage, per occurrence. The cost of premiums for all such policies shall be paid by Lessee and the policy or policies shall bear an endorsement providing at least ten (10) days written notice to Lessor of cancellation or material alteration. Lessee shall provide the Lessor with a copy of the insurance policy listing the Lessor as an additional insured and reflecting the required minimum coverage amounts herein at the time of executing this Lease. Also, Lessee shall provide the Lessor with a copy of the insurance policy on an annual basis throughout the term of the lease beginning on the 1st anniversary of the Effective Date and continuing on the same date throughout the term of this Lease.

11. **Assignment or Sublease.** Lessee shall not assign this Lease or sublet the Premises, or any part thereof, without the prior written consent of the Lessor, which may be denied for any reason or no reason at all.

12. **Utilities.** Unless otherwise provided for in the Terms, Lessee shall pay, during Lessee's occupancy of the Premises, for all utilities and services, if any, supplied to the Premises, and Lessee shall not cause or suffer the imposition of any lien against the Premises arising from the provision of any utility or related services. Lessee shall be and remain a customer of the City for solid waste, water, and waste-water services throughout the Term of this Lease.

13. **Right to Audit; Inspections.** Lessee grants Lessor the right to enter into and upon the Premises to conduct routine inspections of the Premises and to the extent necessary to determine Lessee is in compliance with the material terms of this Lease, to conduct compliance audits of Lessee's business records. In the event Lessor elects to do a compliance audit to confirm Lessee is maintaining the minimum insurance requirements, is operating its business as described in above Section 4, and is in conformance with all material provisions of this Lease, Lessor shall give Lessee written notice three business days in advance of entering the Premises to conduct a compliance audit.

14. **Termination.** This Lease may be terminated by Lessor, for cause, upon thirty (30) days written notice to Lessee. "Cause" shall be deemed to be any of the following, separately or in any combination:

(A) Failure to maintain insurance coverage on the Premises or provide Lessor proof thereof upon demand;

(B) Failure to maintain the Premises in accordance with the provisions of paragraph 8 or applicable laws, rules or regulations;

(C) Use of the Premises in violation of paragraph 3;
or

(D) Failure to comply with any material provision of this Lease.

15. **Severability.** If any term or provision of this Lease is held to be illegal, invalid or unenforceable, the legality, validity or enforceability of the remaining terms or provisions of this Lease shall not be affected thereby,

and in lieu of each such illegal, invalid or unenforceable term or provision, there shall be added automatically to this Lease a legal, valid or enforceable term or provision as similar as possible to the term or provision declared illegal, invalid or unenforceable.

16. **Waiver.** Either Lessor or Lessee shall have the right to waive any requirement contained in this Lease which is intended for the waiving party's benefit but, except as otherwise provided herein, such waiver shall be effective only if in writing executed by the party for whose benefit such requirement is intended.

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

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

19. **Complete Agreement.** This Lease contains the entire agreement between Lessor and Lessee with respect to the Premises and, except as set forth herein and in written instruments executed in connection herewith, neither Lessor nor Lessee has made any agreements, covenants, warranties or representations of any kind or character, express or implied, oral or written, with respect to the Premises including, without limitation, any warranties of habitability, merchantability, workmanship, income to be derived from the Premises, expenses to be incurred in connection with the Premises or with respect to any other conditions, facts or requirements relating or pertaining to the Premises.

20. **Binding Effect.** Except as limited herein, the terms and provisions of this Lease shall be binding upon and inure to the benefit of the parties hereto and their

respective heirs, devisees, personal and legal representatives, successors and assigns.

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

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

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

24. **Dispute Resolution.** In accordance with the provisions of Subchapter I, Chapter 271, TEX. LOCAL GOV'T CODE, the parties agree that, prior to instituting any lawsuit or other proceeding arising from a dispute under this agreement, the parties will first attempt to resolve the dispute by taking the following steps: (1) A written notice substantially describing the nature of the dispute shall be delivered by the dissatisfied party to the other party, which notice shall request a written response to be delivered to the dissatisfied party not less than 5 days after receipt of the notice of dispute. (2) If the response does not reasonably resolve the dispute, in the opinion of the dissatisfied party, the dissatisfied party shall give notice to that effect to the other party whereupon each party shall appoint a person having authority over the activities of the respective parties who shall promptly meet, in person, in an effort to resolve the dispute. (3) If those persons cannot or do not resolve the dispute, then the parties shall each appoint a person from the highest tier of managerial responsibility within each respective party, who shall then promptly meet, in person, in an effort to resolve the dispute.

25. **No Waiver of Immunity or Defense.** No party, by execution of this Agreement, waives nor shall be deemed to have waived, any immunity or defense that would otherwise be available to it including, without limitation, immunity from liability and suit for damages to one another or to any third-party except as otherwise provided by law.

26. **Relationship of Parties.** Nothing contained in this Lease shall be deemed or construed by the parties hereto or by any third party to create the relationship of principal and agent or of partnership or of joint venture or of any association whatsoever between the parties, it being expressly understood and agreed that no provision contained in this Lease nor any act or acts of the parties hereto shall be deemed to create any relationship between the parties other than the relationship of Lessor and Lessee as those terms are understood herein.

27. **Non-Discrimination.** Lessee promises and warrants that no person shall on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 be excluded from participation in, be denied access or benefits of, or be otherwise subjected to discrimination under any program, activity, or transaction on the Premises.

28. **Signature Authority.** Both Parties represent, warrant, and agree that they have the full right and authority to enter into this Lease, and that the person executing this Lease on behalf of the respective Party has the full right and authority to enter into this Lease and bind the Party to each and every obligation contained herein. Lessee understands and acknowledges that Lessor cannot be lawfully held responsible for any obligation contained herein and this Lease cannot be amended, without the authorization of the City Council of the City of Garland and executed by the Mayor of the City of Garland.

EXECUTED as of the ____ day of _____, 2021.

LESSOR:

LESSEE:

CITY OF GARLAND, TEXAS

GARLAND EMERGENCY CORP, INC.

By: _____

By: _____

Title: _____

Title: _____

Address :

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

Address :

Garland, Texas 75_____

ACKNOWLEDGMENT

STATE OF TEXAS §
§
COUNTY OF DALLAS §

This instrument was acknowledged before me on the ____ day
of _____, 2021, by _____,
Mayor of the City of Garland, Texas, on behalf of the City.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day
of _____, 2021.

Notary Public in and for the
State of Texas

ACKNOWLEDGMENT

STATE OF TEXAS §
§
COUNTY OF DALLAS §

This instrument was acknowledged before me on the ____ day
of _____, 2021, by _____,
as _____ acting on behalf of
_____.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day
of _____, 2021.

Notary Public in and for the
State of Texas

EXHIBIT "A"
TERMS AND CONDITIONS FOR LEASE

This Lease is administered by the Office of Neighborhood Vitality Department of the City of Garland, Texas ("ONV"), and is made and entered into between the **City of Garland, Texas** ("LESSOR") AND **Garland Emergency Corp** ("LESSEE" or "GEC").

1.0 Agreement Period; Location; LEASE Fee; Deposit:

- 1.1 TERM: The term of this Lease shall commence on the ____ day of _____, 2021 and end on **December 31, 2056** ("Term"). However, notwithstanding any other provision contained herein, or within the Lease, this Lease shall terminate upon 120 days written notice from LESSOR for any reason or no reason at all and LESSEE shall at its own expense remove the building from the Premises and will restore the site to its original condition.
- 1.2 PREMISES: The Premises is located at the following address 401 Rescue Drive, Garland, Dallas County, Texas, and is more particularly described as follows: A building located within the City of Garland Water Department complex, commonly addressed as 2434 Forest Lane ("Premises").
- 1.3 RENT: In consideration for LESSEE'S use of the Premises, LESSEE shall pay LESSOR rent in the amount of \$000.00 . Consideration shall be given in the form of in-kind emergency services provided by LESSEE to the CITY.
- 1.4 DEPOSIT: LESSEE shall pay LESSOR a non-refundable security deposit of \$ N/A within 10 business days of executing this LEASE.
- 1.5 UTILITIES: The LESSEE is responsible for all utilities ____ yes X no.

1.5.1 Party responsible for utilities:

	Lessor ("City")	Lessee
Solid Waste	yes	
Electric	yes	
Water/Sewer	yes	

- 1.5.2 Unless otherwise provided for below, LESSEE shall use City of Garland as its exclusive utility provider for services provided to the Premises.

1.5.3 Miscellaneous Utility Provisions: _____

2.0 Allowed Use:

- 2.1 LESSEE is granted permission to conduct the following activities on the Premises during the Term of this Agreement ("Use"):
- Any activities related to emergency management assistance, as requested by the City .
- 2.2 NON-EXCLUSIVE: This LEASE is non-exclusive as between the LESSEE and LESSOR and LESSOR retains primacy and the absolute right to use the Premises at any time.
- 2.3 MISCELLANEOUS OR SPECIFIC ALLOWED USE PROVISIONS:

2.3.1 LESSEE may use City owned waste containers for reasonable amount of trash and debris generated by LESSEE, in its normal operations, and in connection with the allowed Use.

2.3.2 PARKING: LESSEE may use the parking spaces designated by LESSOR and located upon City property adjacent to the Premises for any vehicle directly connected with the Allowed Use.

3.0 Premises Maintenance:

- 3.1 LESSEE shall have responsibility to maintain Premises during the Term of this Lease. LESSEE is expected to maintain and keep in good condition the interiors and exteriors of Premises, including any grounds or real property immediately adjacent to the Premises and used by LESSEE.
- 3.2 LESSEE is responsible to keep all Premises operated by LESSEE in good condition. Any damage to the Premises or City equipment during the Term must be repaired in a timely manner. LESSEE is responsible for year-round maintenance of the Premises. Failure to maintain or repair damages to Premises shall be grounds for prohibition of any activity by LESSEE on the Premises until the repair is made to LESSOR's satisfaction. If LESSEE does not make repairs in time frame set by LESSOR, repairs will be made by LESSOR and the LESSEE shall be charged all expenses for the repairs.
- 3.3 STORAGE: LESSEE will store maintenance equipment and supplies in LESSOR approved storage areas. Personal property, materials, or equipment must be stored in a clean and organized manner. Only items related to the allowed Use may be stored on the Premises. LESSOR reserves the right to remove and dispose of improperly stored maintenance equipment or materials. Only locks and keys issued by LESSOR may be used to secure storage Premises. LESSOR, in its sole discretion, may require LESSEE to construct and maintain screening around any outdoor storage areas.
- 3.4 Access to LESSEE owned Premises on the Premises shall be granted to City of Garland employees, agents, and officers in the exercise of government functions. LESSEE shall provide a key to all LESSEE owned Premises located on the Premises to LESSOR.
- 3.5 All LESSEE Premises repairs requested by LESSOR shall be completed by the requested date. Failure to complete repairs may result in delay to LESSEE's use of the Premises until repairs or corrections are completed.
- 3.6 LESSEE shall remove all equipment and personal property that is portable and not of permanent nature from the site within thirty days of the agreement termination date. If equipment is not removed from site after thirty days, LESSOR has authority to take possession and/or dispose of this equipment.

4.0 Premises Improvements by LESSOR:

- 4.1 LESSEE shall submit a written request, with design drawings, to LESSOR for LESSEE to perform Premises improvements to the Premises. Upon confirmation that LESSEE's request meets all applicable City codes and regulations and upon a determination, in its sole discretion, as to whether the proposed improvements are beneficial to the City, LESSOR may issue written authorization for work to proceed. LESSEE may not begin work on any Premises improvements without prior written consent of LESSOR to proceed.
- 4.2 Any unauthorized structures, building installations or additions on City owned property shall be removed by LESSEE at LESSEE'S sole cost and expense.
- 4.3 LESSOR must approve irrigation systems installed and maintained by LESSEE. Any grass or other landscaped areas identified by LESSOR as the LESSEE's responsibility shall be maintained year round.

5.0 Articles of Formation: LESSEE shall provide LESSOR a copy of its Articles of Formation filed with the Secretary of State, contemporaneously with the execution of this LEASE.

6.0 Criminal Background Checks. LESSEE, if providing youth activities, shall conduct criminal background checks on any person holding a position within the organization. This shall include, but is not limited to, elected/appointed board members/officers, coaches, assistant coaches, referees/officials, scorekeepers, concession volunteers, promotional volunteers, equipment managers, and Premises managers. It shall be the sole responsibility of the LESSEE to conduct all criminal background checks.

7.0 Relationship of Parties: Nothing contained herein shall be deemed or construed by the parties hereto or by any third party to create the relationship of principal and agent or partnership nor of venture, it is being expressly understood and agreed that no provision contained herein nor any act or acts of the parties hereto shall be deemed to create any relationship between the parties other than the relationship between the City of Garland as a governmental entity, and its citizens, in a regulatory matter governing the use of Premises and the conduct of activities related thereto. The LESSEE shall not represent to any person, by any means, that it acts for or on behalf of the City, unless expressly so authorized in writing by the City.

8.0 Independent Contractor:

8.1 While engaged in carrying out and complying with the terms and conditions of this Lease, the LESSEE is, and shall be, an Independent Contractor and shall not, with respect to its acts or omissions, be deemed an officer, employee or agent of the City. The LESSEE shall not at any time or in any manner represent that it or any of its agents or employees are in any manner agents or employees of the City.

8.2 LESSEE is and shall be an Independent Contractor, with full, complete and exclusive power and authority to direct, supervise, and control its own employees and agents and to determine the method of the performance of the activities covered hereby. The fact that the City's representative shall have the right to observe LESSEE'S work during his performance and to carry out the other prerogatives which are expressly reserved to and vested in the City's representative hereunder, is not intended to and shall not at any time change or affect the status of the LESSEE as an Independent Contractor with respect to either the City's representative or to the LESSEE'S own employees or agents or to any other person, firm or corporation.

9.0 Miscellaneous/Additional Provisions: Parties acknowledge that they have entered into a Radio Antenna Agreement of 1980. LESSEE agrees to maintain the antenna and any related attachments in proper working order or remove the radio facilities upon written notice of the City.

** For any additional Miscellaneous Provisions, see attached Exhibit A-1, which is incorporated herein by reference.*

16.0 Authorized Signatures:

LESSOR:

LESSEE:

City of Garland, Texas

Garland Emergency Corp, Inc.

By: _____

By: _____

Title : _____

Title: _____

Date: _____

Date: _____

Exhibit B
Property Description

See Exhibit A "Terms and Conditions" for further description.

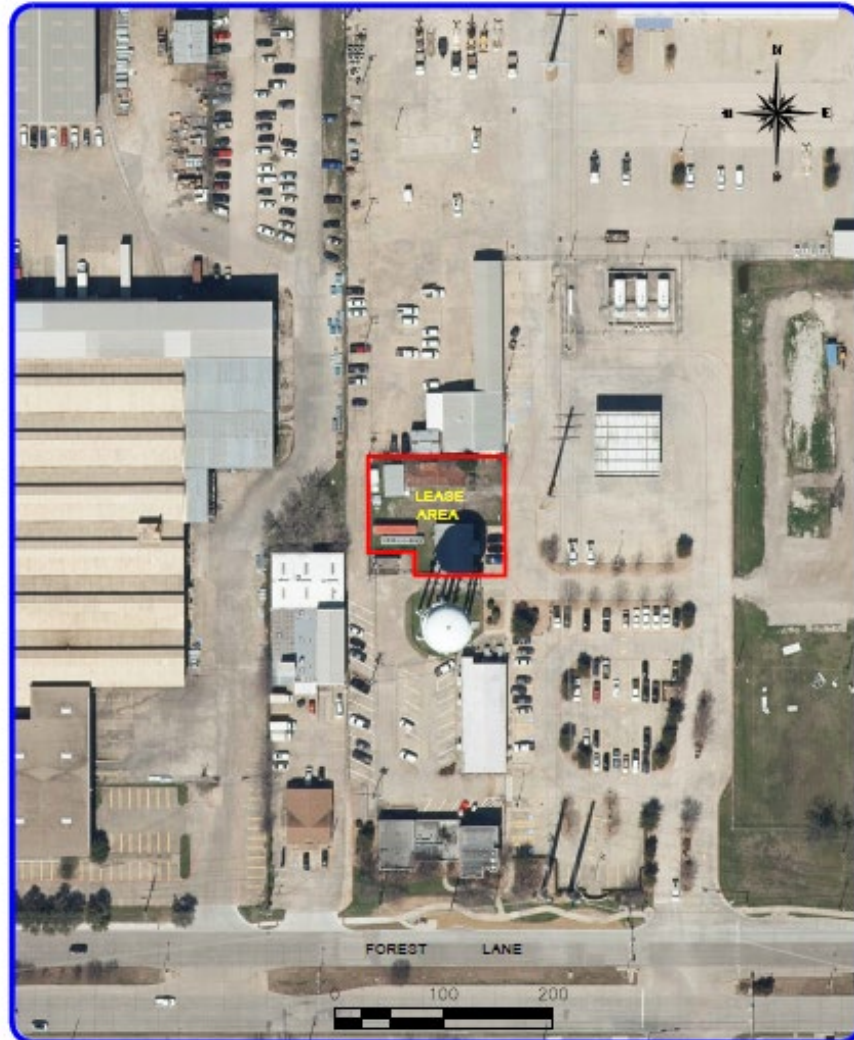


Exhibit C

Not applicable.

Exhibit D

Not applicable.

Exhibit E

Not applicable.



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

7.

Meeting Date: 03/16/2021

Item Title: Child Care Group Lease

Submitted By: Becky King, Managing Director

Summary of Request/Problem

Authorize execution of a ground lease for Child Care Group to continue operations at a City owned facility located at 625 E. Avenue B.

Recommendation/Action Requested and Justification

Staff recommends approval of the proposed lease agreement, which was drafted in accordance with the Non-Profit Organization and Sports Use Policy Recommendations submitted to City Council by the Administrative Services Committee at the October 19, 2020 Work Session. The draft agreement was provided to City Council as a Written Briefing at the March 1, 2021 Work Session.

Attachments

Child Care Group Lease Agreement



GARLAND

TEXAS MADE HERE

LEASE AGREEMENT

This Lease Agreement ("Lease") is made and entered between the City of Garland, Texas, a Texas home-rule municipality ("Lessor"), and Child Care Group ("Lessee") as identified in the Terms and Conditions ("Terms") for the times and dates indicated therein, which is attached hereto as **Exhibit "A"** and incorporated herein by reference. In the event of an express conflict between this Lease and the Terms, the provisions of the Terms shall control.

W I T N E S S E T H

1. **Agreement to Lease.** Subject to the terms and conditions of this Lease, Lessor hereby grants, demises and lets to Lessee, and Lessee hereby hires and takes as tenant of Lessor, the premises located at 625 E. Avenue B in Garland, Dallas County, Texas, and being more particularly described in **Exhibit "B"** ("Premises"). Any concessions, and use of City owned concession facilities located on or within the Premises, shall be under the terms and conditions of the Concessions Agreement, which is attached hereto as **Exhibit "C,"** and incorporated herein by reference.

2. **Term.** The term of this Lease shall commence 30 days after the execution of this Agreement ("Effective Date"), and shall end at midnight on the same date 5 years thereafter ("Termination Date"), unless sooner terminated as provided herein.

3. **Use.** The Premises leased are to be used and occupied by Lessee as a non-profit for the times and purposes indicated in the Terms. Lessor shall make the Premises available to the Lessee at the times specified in the Terms for any set-up required prior to the event. Lessee shall not use or permit the use of the Premises, or any part thereof, for any purpose other than as stipulated without the written consent of Lessor.

4. **Rent; Deposit.** Lessee shall pay Lessor an amount under the terms and conditions indicated within the Terms.

User shall pay Licensor the deposit amount indicated within the Terms.

5. **As Is Condition.** After execution of this Agreement, but prior to the Effective Date, Lessee shall have the right to enter onto the Premises and to have full access to the Premises for the purpose of conducting such inspections, investigations, studies and tests as Lessee may deem fit. In the event that Lessee determines, in its sole discretion, based upon its inspections, investigations, studies or tests, that the Premises is not satisfactory for Lessee's purposes or is not suitable for Lessee's intended use, then Lessee shall deliver written notice of such determination to Lessor on or before the Effective Date. Lessee, by entry of the Premises under this Lease, accepts the Premises "**AS IS - WHERE IS, WITH ALL FAULTS**" in the present state of repair. Lessee has been given the opportunity to perform, such inspections, investigations, studies, and tests as Lessee has deemed appropriate and Lessee has satisfied itself, without any representation or warranty on the part of Lessor or anyone acting on Lessor's behalf, that the Premises are fit and satisfactory in all respects for Lessee's purposes.

LESSEE ACKNOWLEDGES THAT LESSOR EXPRESSLY DISCLAIMS AND LESSEE EXPRESSLY WAIVES, ANY WARRANTY OR REPRESENTATION, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION ANY WARRANTY OF CONDITION, HABITABILITY, MERCHANTABILITY, USEABILITY, OR FITNESS FOR A PARTICULAR PURPOSE OF THE PREMISES, AND LESSEE FURTHER ACKNOWLEDGES THAT LESSOR HAS NOT MADE ANY OTHER REPRESENTATIONS TO LESSEE AS TO WHETHER OR NOT THE PREMISES ARE FIT AND SATISFACTORY FOR THE USE INTENDED BY LESSEE. LESSOR DISCLAIMS RESPONSIBILITY AS TO THE ACCURACY OR COMPLETENESS OF ANY INFORMATION RELATING TO THE PREMISES, WHETHER PROVIDED BY LESSOR OR OTHERWISE. WITHOUT LIMITING THE FOREGOING, LESSOR MAKES NO REPRESENTATIONS OF ANY NATURE REGARDING THE PREMISES AND SPECIFICALLY DISCLAIMS ANY WARRANTY, GUARANTY OR REPRESENTATION, ORAL OR WRITTEN, EXPRESS OR IMPLIED, PAST, PRESENT, OR FUTURE, CONCERNING: (I) THE NATURE AND CONDITION OF THE PREMISES, INCLUDING WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY, AND THE SUITABILITY THEREOF AND THE PREMISES FOR ANY AND ALL ACTIVITIES AND USES WHICH LESSEE MAY ELECT TO CONDUCT THEREON, AND THE EXISTENCE OF ANY ENVIRONMENTAL SUBSTANCES, HAZARDS OR CONDITIONS OR PRESENCE OF ANY ENDANGERED OR PROTECTED SPECIES THEREON OR COMPLIANCE WITH ALL APPLICABLE LAWS, RULES OR REGULATIONS;

(II) THE NATURE AND EXTENT OF ANY RIGHT-OF-WAY, LEASE, POSSESSION, LIEN, ENCUMBRANCE, LICENSE, RESERVATION, CONDITION OR OTHERWISE; (III) THE COMPLIANCE OF THE LAND OR ITS OPERATION WITH ANY LAW, ORDINANCE OR REGULATION OF ANY FEDERAL, STATE, OR LOCAL GOVERNMENTAL AUTHORITY; AND (IV) WHETHER OR NOT THE PROPERTY CAN BE DEVELOPED OR UTILIZED FOR ANY PURPOSE. FOR PURPOSES HEREOF, "ENVIRONMENTAL SUBSTANCES" MEANS THE FOLLOWING: (A) ANY "HAZARDOUS SUBSTANCE" UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT OF 1980, 42 U.S.C.A. SECTION 9601 ET. SEQ., AS AMENDED, (B) ANY "HAZARDOUS SUBSTANCE" UNDER THE TEXAS HAZARDOUS SUBSTANCES SPILL PREVENTION AND CONTROL ACT, TEX. WATER CODE, SECTION 26.261, ET. SEQ., AS AMENDED, (C) PETROLEUM OR PETROLEUM-BASED PRODUCTS (OR ANY DERIVATIVE OR HAZARDOUS CONSTITUENTS THEREOF OR ADDITIVES THERETO), INCLUDING WITHOUT LIMITATION, FUEL AND LUBRICATION OILS, (D) ANY "HAZARDOUS CHEMICALS" OR "TOXIC CHEMICALS" UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT, 29 U.S.C.A. SECTION 651 ET. SEQ., AS AMENDED, (E) ANY "HAZARDOUS WASTE" UNDER THE RESOURCE CONSERVATION AND RECOVERY ACT, 42 U.S.C.A. SECTION 6901 ET. SEQ., AS AMENDED, (F) ASBESTOS, (G) POLYCHLORINATED BIPHENYLS, (H) UNDERGROUND STORAGE TANKS AND WELLS, WHETHER EMPTY, ABANDONED, CAPPED, UNCAPPED, FILLED, OR PARTIALLY FILLED WITH ANY SUBSTANCE, (I) ANY SUBSTANCE, THE PRESENCE OF WHICH IS PROHIBITED BY FEDERAL, STATE OR LOCAL LAWS AND REGULATIONS, AND (J) ANY OTHER SUBSTANCE WHICH BY FEDERAL, STATE OR LOCAL LAWS AND REGULATIONS REQUIRES SPECIAL HANDLING OR NOTIFICATION OF GOVERNMENTAL AUTHORITIES IN ITS COLLECTION, STORAGE, TREATMENT OR DISPOSAL. REFERENCES TO PARTICULAR ACTS OR CODIFICATIONS IN THIS DEFINITION INCLUDE ALL PAST AND FUTURE AMENDMENTS THERETO, AS WELL AS APPLICABLE RULES AND REGULATIONS AS NOW OR HEREAFTER PROMULGATED THEREUNDER.

TO THE FULLEST EXTENT OF THE LAW, LESSEE WAIVES AND DISCLAIMS ANY CAUSE OF ACTION THAT LESSEE MAY NOW OR HEREAFTER HAVE OR OBTAIN AGAINST LESSOR, ITS AGENTS, EMPLOYEES OR SERVANTS ARISING FROM THE USE, OCCUPATION OR CONDITION OF THE PREMISES OR THE EXISTENCE OF THIS LEASE.

LESSEE FURTHER AGREES TO INDEMNIFY AND HOLD LESSOR AND ALL OF ITS PRESENT, FUTURE AND FORMER AGENTS, EMPLOYEES, OFFICIALS AND REPRESENTATIVES HARMLESS IN THEIR OFFICIAL, INDIVIDUAL AND REPRESENTATIVE CAPACITIES FROM ANY AND ALL CLAIMS, DEMANDS, CAUSES OF ACTION, JUDGMENTS, LIENS AND EXPENSES (INCLUDING ATTORNEY'S FEES), COSTS AND DAMAGES

(WHETHER COMMON LAW OR STATUTORY, AND WHETHER CHARACTERIZED AS ACTUAL, PUNITIVE, CONSEQUENTIAL, INCIDENTAL OR BASED ON STRICT LIABILITY AND EXPRESSLY INCLUDING THOSE CAUSED BY THE NEGLIGENCE OR OTHER FAULT OF ANY PARTY INDEMNIFIED HEREIN), OF ANY CONCEIVABLE CHARACTER, DUE TO OR ARISING FROM INJURIES TO PERSONS (INCLUDING DEATH) OR TO PROPERTY (BOTH REAL AND PERSONAL) CREATED BY, ARISING FROM OR IN ANY MANNER RELATING TO THE USE, OCCUPATION OR CONDITION OF THE PREMISES OR THE EXISTENCE OF THIS LEASE.

6. **Fixtures, Improvements, and Liability for Loss or Damage to Property.** Lessee acknowledges that as part of the consideration for entering into this Lease, Lessee may have the obligation to make certain capital improvements to the Premises, which are more fully described in **Exhibit "D,"** attached hereto and incorporated herein by reference for all purposes. Title to any fixtures and improvements constructed by Lessee and attached to the Premises shall transfer to the City of Garland upon termination of this Lease, unless otherwise agreed upon in writing by both Parties. Prior to constructing any improvements or attachments on the Premises, Lessee must first obtain written authorization from the City. As of the Execution Date, Lessee is authorized to construct and attach to the Premises the improvements detailed in **Exhibit "E,"** attached hereto and incorporated herein by reference for all purposes. During the term of this Lease, Lessee shall have a duty to maintain all fixtures and improvements in accordance with the provisions of below Sections 7 and 8. Personal property and chattel placed in or on the Premises shall be at the sole risk of Lessee or the owner of such property.

7. **No Waste or Contamination.** Lessee shall commit no waste of the Premises, including but not limited to any fixtures or improvements, and shall be responsible for any damages to the Premises, including but not limited to fixtures and improvements, caused by the activities of Lessee. Lessee shall, on the Termination Date or any earlier termination of this Lease, surrender the Premises clean, free of debris, and in substantially the same condition as received, except for normal wear and tear. Lessee may not discharge any waste or hazardous materials on the Premises. Any use of fertilizers, herbicides, pesticides or other similar chemicals by Lessee shall be done in strict accordance with all applicable federal, state and local laws. Lessee shall, upon request, provide

Lessor with copies of all chemical constituents and MSDS sheets prior to the application of any fertilizer, herbicide, pesticide or other chemicals to the Premises.

8. **Maintenance.** Subject to the provisions of paragraph 7, Lessee must maintain, including performing any necessary repairs to conduct the approved use on the Premises, in accordance with the Terms. Lessee shall maintain the Premises in a neat and orderly fashion and in compliance with all applicable laws including, but not limited to, mowing, weed control, and trash and litter removal.

9. **Loss or Destruction of Property Leased.** If the Premises become, as a practical matter, totally untenable after a casualty loss such as fire, storm, explosion, earthquake, or other casualty, and if the casualty loss is not due to the negligence or fault of the Lessee or the Lessee's employees, guests or invitees, either Lessor or Lessee may terminate the Lease at any time by giving written notice to the other.

10. **Lessee to Provide Insurance.** Lessee agrees to carry, during the term of this Lease, comprehensive general liability insurance insuring against bodily injury - including death - and property damage with a company or companies qualified to do business and to write insurance in the State of Texas. The policy or policies shall name Lessor as an additional insured and shall provide coverage of at least \$500,000.00 for bodily injury or death, per occurrence, and \$100,000.00 for property damage, per occurrence. The cost of premiums for all such policies shall be paid by Lessee and the policy or policies shall bear an endorsement providing at least ten (10) days written notice to Lessor of cancellation or material alteration. Lessee shall provide the Lessor with a copy of the insurance policy listing the Lessor as an additional insured and reflecting the required minimum coverage amounts herein at the time of executing this Lease. Also, Lessee shall provide the Lessor with a copy of the insurance policy on an annual basis throughout the term of the lease beginning on the 1st anniversary of the Effective Date and continuing on the same date throughout the term of this Lease.

11. **Assignment or Sublease.** Lessee shall not assign this Lease or sublet the Premises, or any part thereof, without

the prior written consent of the Lessor, which may be denied for any reason or no reason at all.

12. **Utilities.** Unless otherwise provided for in the Terms, Lessee shall pay, during Lessee's occupancy of the Premises, for all utilities and services, if any, supplied to the Premises, and Lessee shall not cause or suffer the imposition of any lien against the Premises arising from the provision of any utility or related services. Lessee shall be and remain a customer of the City for solid waste, water, and waste-water services throughout the Term of this Lease.

13. **Right to Audit; Inspections.** Lessee grants Lessor the right to enter into and upon the Premises to conduct routine inspections of the Premises and to the extent necessary to determine Lessee is in compliance with the material terms of this Lease, to conduct compliance audits of Lessee's business records. In the event Lessor elects to do a compliance audit to confirm Lessee is maintaining the minimum insurance requirements, is operating its business as described in above Section 4, and is in conformance with all material provisions of this Lease, Lessor shall give Lessee written notice three business days in advance of entering the Premises to conduct a compliance audit.

14. **Termination.** This Lease may be terminated by Lessor, for cause, upon thirty (30) days written notice to Lessee. "Cause" shall be deemed to be any of the following, separately or in any combination:

(A) Failure to maintain insurance coverage on the Premises or provide Lessor proof thereof upon demand;

(B) Failure to maintain the Premises in accordance with the provisions of paragraph 8 or applicable laws, rules or regulations;

(C) Use of the Premises in violation of paragraph 3;
or

(D) Failure to comply with any material provision of this Lease.

15. **Severability.** If any term or provision of this Lease is held to be illegal, invalid or unenforceable, the

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

16. **Waiver.** Either Lessor or Lessee shall have the right to waive any requirement contained in this Lease which is intended for the waiving party's benefit but, except as otherwise provided herein, such waiver shall be effective only if in writing executed by the party for whose benefit such requirement is intended.

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

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

19. **Complete Agreement.** This Lease contains the entire agreement between Lessor and Lessee with respect to the Premises and, except as set forth herein and in written instruments executed in connection herewith, neither Lessor nor Lessee has made any agreements, covenants, warranties or representations of any kind or character, express or implied, oral or written, with respect to the Premises including, without limitation, any warranties of habitability, merchantability, workmanship, income to be derived from the Premises, expenses to be incurred in connection with the Premises or with respect to any other conditions, facts or requirements relating or pertaining to the Premises.

20. **Binding Effect.** Except as limited herein, the terms and provisions of this Lease shall be binding upon and

inure to the benefit of the parties hereto and their respective heirs, devisees, personal and legal representatives, successors and assigns.

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

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

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

24. **Dispute Resolution.** In accordance with the provisions of Subchapter I, Chapter 271, TEX. LOCAL GOV'T CODE, the parties agree that, prior to instituting any lawsuit or other proceeding arising from a dispute under this agreement, the parties will first attempt to resolve the dispute by taking the following steps: (1) A written notice substantially describing the nature of the dispute shall be delivered by the dissatisfied party to the other party, which notice shall request a written response to be delivered to the dissatisfied party not less than 5 days after receipt of the notice of dispute. (2) If the response does not reasonably resolve the dispute, in the opinion of the dissatisfied party, the dissatisfied party shall give notice to that effect to the other party whereupon each party shall appoint a person having authority over the activities of the respective parties who shall promptly meet, in person, in an effort to resolve the dispute. (3) If those persons cannot or do not resolve the dispute, then the parties shall each appoint a person from the highest tier of managerial responsibility within each respective party, who shall then promptly meet, in person, in an effort to resolve the dispute.

25. **No Waiver of Immunity or Defense.** No party, by execution of this Agreement, waives nor shall be deemed to have waived, any immunity or defense that would otherwise be available to it including, without limitation, immunity from liability and suit for damages to one another or to any third-party except as otherwise provided by law.

26. **Relationship of Parties.** Nothing contained in this Lease shall be deemed or construed by the parties hereto or by any third party to create the relationship of principal and agent or of partnership or of joint venture or of any association whatsoever between the parties, it being expressly understood and agreed that no provision contained in this Lease nor any act or acts of the parties hereto shall be deemed to create any relationship between the parties other than the relationship of Lessor and Lessee as those terms are understood herein.

27. **Non-Discrimination.** Lessee promises and warrants that no person shall on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 be excluded from participation in, be denied access or benefits of, or be otherwise subjected to discrimination under any program, activity, or transaction on the Premises.

28. **Signature Authority.** Both Parties represent, warrant, and agree that they have the full right and authority to enter into this Lease, and that the person executing this Lease on behalf of the respective Party has the full right and authority to enter into this Lease and bind the Party to each and every obligation contained herein. Lessee understands and acknowledges that Lessor cannot be lawfully held responsible for any obligation contained herein and this Lease cannot be amended, without the authorization of the City Council of the City of Garland and executed by the Mayor of the City of Garland.

EXECUTED as of the ____ day of _____, 2021.

LESSOR:

LESSEE:

CITY OF GARLAND, TEXAS

_____, **INC.**

By: _____

By: _____

Title: _____

Title: _____

Address:

Address:

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

Garland, Texas 75____

ACKNOWLEDGMENT

STATE OF TEXAS §
§
COUNTY OF DALLAS §

This instrument was acknowledged before me on the ____ day
of _____, 2021, by _____,
Mayor of the City of Garland, Texas, on behalf of the City.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day
of _____, 2021.

Notary Public in and for the
State of Texas

ACKNOWLEDGMENT

STATE OF TEXAS §
§
COUNTY OF DALLAS §

This instrument was acknowledged before me on the ____ day
of _____, 2021, by _____,
as _____ acting on behalf of
_____.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day
of _____, 2021.

Notary Public in and for the
State of Texas



GARLAND
TEXAS MADE HERE

EXHIBIT "A"
TERMS AND CONDITIONS FOR LEASE

This Lease is administered by the Neighborhood Vitality Department of the City of Garland, Texas ("CITY"), and is made and entered into between the **City of Garland, Texas** ("LESSOR") AND **ChildCareGroup** ("LESSEE" or "CCG").

LESSEE is prohibited from and hereby agrees not to lease, sublease, or assign this LEASE, or any part thereof, except on prior written consent of CITY or as authorized in this agreement. In the event written consent is granted, LESSEE shall submit the written contract from assignee or sub-LESSEE stating all provisions regarding utilization of Premises and fees to be paid to the organization. The contract must be submitted for the approval of CITY prior to entering into an agreement with subLESSEE or assignee.

1.0 Agreement Period; Location; LEASE Fee; Deposit:

- 1.1 TERM: The term of this Lease shall commence on **May 1, 2021** and end on **May 1, 2026** ("Term"). However, notwithstanding any other provision contained herein, or within the Lease, this Lease shall terminate upon 120 days written notice and LESSEE shall at its own expense remove the building from the Premises and will restore the site to its original condition.
- 1.2 PREMISES: The Premises is located at the following address 625 E. Avenue B Drive, Garland, Dallas County, Texas, and is more particularly described as follows: CCG Building ("Premises").
- 1.3 RENT: In consideration for LESSEE'S use of the Premises, LESSEE shall pay LESSOR rent in the amount of \$1/month, due on the 1st day of each month during the Term and beginning on the 1st day of May, 2021.
- 1.4 DEPOSIT: LESSEE shall pay LESSOR a non-refundable security deposit of \$1 within 10 business days of executing this LEASE.
- 1.5 UTILITIES: The LESSEE is responsible for all utilities **X** yes _____ no.

1.5.1 Party responsible for utilities:

	Lessor ("City")	Lessee ("ChildCareGroup")
Solid Waste		X
Electric		X
Water/Sewer		X

- 1.5.2 Unless otherwise provided for below, LESSEE shall use City of Garland as its exclusive utility provider for services provided to the Premises.

- 1.5.3 Miscellaneous Utility Provisions: _____

2.0 Allowed Use:

- 2.1 LESSEE is granted permission to conduct the following activities on the Premises during the Term of this Agreement ("Use"):

Provide early childhood development and parent education, and associated community-building activities.

- 2.2 NON-EXCLUSIVE: This LEASE is non-exclusive as between the LESSEE and LESSOR and LESSOR retains primacy and the absolute right to use the Premises at any time.

- 2.3 MISCELLANEOUS OR SPECIFIC ALLOWED USE PROVISIONS:

2.3.1 LESSEE may use City owned waste containers for reasonable amount of trash and debris generated by LESSEE, in its normal operations, and in connection with the allowed Use.

2.3.2 PARKING: LESSEE may use the parking spaces designated by LESSOR and located upon City property adjacent to the Premises for any vehicle directly connected with the Allowed Use.

3.0 Premises Maintenance:

- 3.1 LESSEE shall have responsibility to maintain Premises during the Term of this Lease. LESSEE is expected to maintain and keep in good condition the interiors and exteriors of Premises, including any grounds or real property immediately adjacent to the Premises and used by LESSEE.
- 3.2 LESSEE is responsible to keep all Premises operated by LESSEE in good condition. Any damage to the Premises or City equipment during the Term must be repaired in a timely manner. LESSEE is responsible for year-round maintenance of the Premises. Failure to maintain or repair damages to Premises shall be grounds for prohibition of any activity by LESSEE on the Premises until the repair is made to LESSOR's satisfaction. If LESSEE does not make repairs in time frame set by LESSOR, repairs will be made by LESSOR and the LESSEE shall be charged all expenses for the repairs.
- 3.3 STORAGE: LESSEE will store maintenance equipment and supplies in LESSOR approved storage areas. Personal property, materials, or equipment must be stored in a clean and organized manner. Only items related to the allowed Use may be stored on the Premises. LESSOR reserves the right to remove and dispose of improperly stored maintenance equipment or materials. Only locks and keys issued by LESSOR may be used to secure storage Premises.
- 3.4 Access to LESSEE owned Premises on the Premises shall be granted to City of Garland employees, agents, and officers in the exercise of government functions. LESSEE shall provide a key to all LESSEE owned Premises located on the Premises to LESSOR.
- 3.5 All LESSEE Premises repairs requested by LESSOR shall be completed by the requested date. Failure to complete repairs may result in delay to LESSEE's use of the Premises until repairs or corrections are completed.
- 3.6 LESSEE shall remove all equipment and personal property that is portable and not of permanent nature from the site within thirty days of the agreement termination date. If equipment is not removed from site after thirty days, LESSOR has authority to take possession and/or dispose of this equipment.

4.0 Premises Improvements by LESSOR:

- 4.1 LESSEE shall submit a written request, with design drawings, to LESSOR for LESSEE to perform Premises improvements to the Premises. Upon confirmation that LESSEE's request meets all applicable City codes and regulations and upon a determination, in its sole discretion, as to whether the proposed improvements are beneficial to the City, LESSOR may

issue written authorization for work to proceed. LESSEE may not begin work on any Premises improvements without prior written consent of LESSOR to proceed.

4.2 Any unauthorized structures, building installations or additions on City owned property shall be removed by LESSEE at LESSEE'S sole cost and expense.

4.3 LESSOR must approve irrigation systems installed and maintained by LESSEE. Any grass or other landscaped areas identified by LESSOR as the LESSEE's responsibility shall be maintained year round.

5.0 Articles of Formation: LESSEE shall provide LESSOR a copy of its Articles of Formation filed with the Secretary of State, contemporaneously with the execution of this LEASE.

6.0 Criminal Background Checks. LESSEE, if providing youth activities, shall conduct criminal background checks on any person holding a position within the organization. This shall include, but is not limited to, elected/appointed board members/officers, coaches, assistant coaches, referees/officials, scorekeepers, concession volunteers, promotional volunteers, equipment managers, and Premises managers. It shall be the sole responsibility of the LESSEE to conduct all criminal background checks.

7.0 Relationship of Parties: Nothing contained herein shall be deemed or construed by the parties hereto or by any third party to create the relationship of principal and agent or partnership nor of venture, it is being expressly understood and agreed that no provision contained herein nor any act or acts of the parties hereto shall be deemed to create any relationship between the parties other than the relationship between the City of Garland as a governmental entity, and its citizens, in a regulatory matter governing the use of Premises and the conduct of activities related thereto. The LESSEE shall not represent to any person, by any means, that it acts for or on behalf of the City, unless expressly so authorized in writing by the City.

8.0 Independent Contractor:

8.1 While engaged in carrying out and complying with the terms and conditions of this Lease, the LESSEE is, and shall be, an Independent Contractor and shall not, with respect to its acts or omissions, be deemed an officer, employee or agent of the City. The LESSEE shall not at any time or in any manner represent that it or any of its agents or employees are in any manner agents or employees of the City.

8.2 LESSEE is and shall be an Independent Contractor, with full, complete and exclusive power and authority to direct, supervise, and control its own employees and agents and to determine the method of the performance of the activities covered hereby. The fact that the City's representative shall have the right to observe LESSEE'S work during his performance and to carry out the other prerogatives which are expressly reserved to and vested in the City's representative hereunder, is not intended to and shall not at any time change or affect the status of the LESSEE as an Independent Contractor with respect to either the City's representative or to the LESSEE'S own employees or agents or to any other person, firm or corporation.

9.0 Miscellaneous/Additional Provisions: _____

** For any additional Miscellaneous Provisions, see attached Exhibit A-1, which is incorporated herein by reference.*

16.0 Authorized Signatures:

LESSOR:

City of Garland, Texas

By: _____

Title : _____

Date: _____

LESSEE:

ChildCareGroup

By: _____

Title: _____

Date: _____

Exhibit B



625 E Avenue B
Parcel ID: 26250600020030000

Exhibit C ("Concessions Agreement")

Not Applicable.

Exhibit D

Not Applicable.

Exhibit E

Not Applicable.



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

8.

Meeting Date: 03/16/2021

Item Title: Head Start Lease Renewal

Submitted By: Becky King, Managing Director

Summary of Request/Problem

Authorize execution of a lease for Head Start of Greater Dallas, Inc. to continue operations at a City owned facility located at 3709 West Walnut.

Recommendation/Action Requested and Justification

Staff recommends approval of the proposed lease agreement, which was drafted in accordance with the Non-Profit Organization and Sports Use Policy Recommendations submitted to City Council by the Administrative Services Committee at the October 19, 2020 Work Session. The draft agreement was provided to City Council as a Written Briefing at the March 1, 2021 Work Session.

Attachments

Head Start Lease Agreement



GARLAND

TEXAS MADE HERE

LEASE AGREEMENT

This Lease Agreement ("Lease") is made and entered between the City of Garland, Texas, a Texas home-rule municipality ("Lessor"), and Head Start of Greater Dallas, Inc. a Texas Corporation (Lessee) as identified in the Terms and Conditions ("Terms") for the times and dates indicated therein, which is attached hereto as **Exhibit "A"** and incorporated herein by reference. In the event of an express conflict between this Lease and the Terms, the provisions of the Terms shall control.

W I T N E S S E T H

1. **Agreement to Lease.** Subject to the terms and conditions of this Lease, Lessor hereby grants, demises and lets to Lessee, and Lessee hereby hires and takes as tenant of Lessor, the premises 3709 West Walnut located in Garland, Dallas County, Texas, and being more particularly described in **Exhibit "B"** ("Premises"). Any concessions, and use of City owned concession facilities located on or within the Premises, shall be under the terms and conditions of the Concessions Agreement, which is attached hereto as **Exhibit "C,"** and incorporated herein by reference.

2. **Term.** The term of this Lease shall commence ("Effective Date") and shall end ("Termination Date") as described in the Terms, unless sooner terminated as provided herein.

3. **Use.** The Premises leased are to be used and occupied by Lessee as a non-profit for the times and purposes indicated in the Terms. Lessor shall make the Premises available to the Lessee at the times specified in the Terms for any set-up required prior to the event. Lessee shall not use or permit the use of the Premises, or any part thereof, for any purpose other than as stipulated without the written consent of Lessor.

4. **Rent; Deposit.** Lessee shall pay Lessor an amount under the terms and conditions indicated within the Terms.

User shall pay Licensor the deposit amount indicated within the Terms.

5. **As Is Condition.** After execution of this Agreement, but prior to the Effective Date, Lessee shall have the right to enter onto the Premises and to have full access to the Premises for the purpose of conducting such inspections, investigations, studies and tests as Lessee may deem fit. In the event that Lessee determines, in its sole discretion, based upon its inspections, investigations, studies or tests, that the Premises is not satisfactory for Lessee's purposes or is not suitable for Lessee's intended use, then Lessee shall deliver written notice of such determination to Lessor on or before the Effective Date. Lessee, by entry of the Premises under this Lease, accepts the Premises "**AS IS - WHERE IS, WITH ALL FAULTS**" in the present state of repair. Lessee has been given the opportunity to perform, such inspections, investigations, studies, and tests as Lessee has deemed appropriate and Lessee has satisfied itself, without any representation or warranty on the part of Lessor or anyone acting on Lessor's behalf, that the Premises are fit and satisfactory in all respects for Lessee's purposes.

LESSEE ACKNOWLEDGES THAT LESSOR EXPRESSLY DISCLAIMS AND LESSEE EXPRESSLY WAIVES, ANY WARRANTY OR REPRESENTATION, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION ANY WARRANTY OF CONDITION, HABITABILITY, MERCHANTABILITY, USEABILITY, OR FITNESS FOR A PARTICULAR PURPOSE OF THE PREMISES, AND LESSEE FURTHER ACKNOWLEDGES THAT LESSOR HAS NOT MADE ANY OTHER REPRESENTATIONS TO LESSEE AS TO WHETHER OR NOT THE PREMISES ARE FIT AND SATISFACTORY FOR THE USE INTENDED BY LESSEE. LESSOR DISCLAIMS RESPONSIBILITY AS TO THE ACCURACY OR COMPLETENESS OF ANY INFORMATION RELATING TO THE PREMISES, WHETHER PROVIDED BY LESSOR OR OTHERWISE. WITHOUT LIMITING THE FOREGOING, LESSOR MAKES NO REPRESENTATIONS OF ANY NATURE REGARDING THE PREMISES AND SPECIFICALLY DISCLAIMS ANY WARRANTY, GUARANTY OR REPRESENTATION, ORAL OR WRITTEN, EXPRESS OR IMPLIED, PAST, PRESENT, OR FUTURE, CONCERNING: (I) THE NATURE AND CONDITION OF THE PREMISES, INCLUDING WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY, AND THE SUITABILITY THEREOF AND THE PREMISES FOR ANY AND ALL ACTIVITIES AND USES WHICH LESSEE MAY ELECT TO CONDUCT THEREON, AND THE EXISTENCE OF ANY ENVIRONMENTAL SUBSTANCES, HAZARDS OR CONDITIONS OR PRESENCE OF ANY ENDANGERED OR PROTECTED SPECIES THEREON OR COMPLIANCE WITH ALL APPLICABLE LAWS, RULES OR REGULATIONS;

(II) THE NATURE AND EXTENT OF ANY RIGHT-OF-WAY, LEASE, POSSESSION, LIEN, ENCUMBRANCE, LICENSE, RESERVATION, CONDITION OR OTHERWISE; (III) THE COMPLIANCE OF THE LAND OR ITS OPERATION WITH ANY LAW, ORDINANCE OR REGULATION OF ANY FEDERAL, STATE, OR LOCAL GOVERNMENTAL AUTHORITY; AND (IV) WHETHER OR NOT THE PROPERTY CAN BE DEVELOPED OR UTILIZED FOR ANY PURPOSE. FOR PURPOSES HEREOF, "ENVIRONMENTAL SUBSTANCES" MEANS THE FOLLOWING: (A) ANY "HAZARDOUS SUBSTANCE" UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT OF 1980, 42 U.S.C.A. SECTION 9601 ET.SEQ., AS AMENDED, (B) ANY "HAZARDOUS SUBSTANCE" UNDER THE TEXAS HAZARDOUS SUBSTANCES SPILL PREVENTION AND CONTROL ACT, TEX. WATER CODE, SECTION 26.261, ET. SEQ., AS AMENDED, (C) PETROLEUM OR PETROLEUM-BASED PRODUCTS (OR ANY DERIVATIVE OR HAZARDOUS CONSTITUENTS THEREOF OR ADDITIVES THERETO), INCLUDING WITHOUT LIMITATION, FUEL AND LUBRICATION OILS, (D) ANY "HAZARDOUS CHEMICALS" OR "TOXIC CHEMICALS" UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT, 29 U.S.C.A. SECTION 651 ET. SEQ., AS AMENDED, (E) ANY "HAZARDOUS WASTE" UNDER THE RESOURCE CONSERVATION AND RECOVERY ACT, 42 U.S.C.A. SECTION 6901 ET. SEQ., AS AMENDED, (F) ASBESTOS, (G) POLYCHLORINATED BIPHENYLS, (H) UNDERGROUND STORAGE TANKS AND WELLS, WHETHER EMPTY, ABANDONED, CAPPED, UNCAPPED, FILLED, OR PARTIALLY FILLED WITH ANY SUBSTANCE, (I) ANY SUBSTANCE, THE PRESENCE OF WHICH IS PROHIBITED BY FEDERAL, STATE OR LOCAL LAWS AND REGULATIONS, AND (J) ANY OTHER SUBSTANCE WHICH BY FEDERAL, STATE OR LOCAL LAWS AND REGULATIONS REQUIRES SPECIAL HANDLING OR NOTIFICATION OF GOVERNMENTAL AUTHORITIES IN ITS COLLECTION, STORAGE, TREATMENT OR DISPOSAL. REFERENCES TO PARTICULAR ACTS OR CODIFICATIONS IN THIS DEFINITION INCLUDE ALL PAST AND FUTURE AMENDMENTS THERETO, AS WELL AS APPLICABLE RULES AND REGULATIONS AS NOW OR HEREAFTER PROMULGATED THEREUNDER.

TO THE FULLEST EXTENT OF THE LAW, LESSEE WAIVES AND DISCLAIMS ANY CAUSE OF ACTION THAT LESSEE MAY NOW OR HEREAFTER HAVE OR OBTAIN AGAINST LESSOR, ITS AGENTS, EMPLOYEES OR SERVANTS ARISING FROM THE USE, OCCUPATION OR CONDITION OF THE PREMISES OR THE EXISTENCE OF THIS LEASE.

LESSEE FURTHER AGREES TO INDEMNIFY AND HOLD LESSOR AND ALL OF ITS PRESENT, FUTURE AND FORMER AGENTS, EMPLOYEES, OFFICIALS AND REPRESENTATIVES HARMLESS IN THEIR OFFICIAL, INDIVIDUAL AND REPRESENTATIVE CAPACITIES FROM ANY AND ALL CLAIMS, DEMANDS, CAUSES OF ACTION, JUDGMENTS, LIENS AND EXPENSES (INCLUDING ATTORNEY'S FEES), COSTS AND DAMAGES

(WHETHER COMMON LAW OR STATUTORY, AND WHETHER CHARACTERIZED AS ACTUAL, PUNITIVE, CONSEQUENTIAL, INCIDENTAL OR BASED ON STRICT LIABILITY AND EXPRESSLY INCLUDING THOSE CAUSED BY THE NEGLIGENCE OR OTHER FAULT OF ANY PARTY INDEMNIFIED HEREIN), OF ANY CONCEIVABLE CHARACTER, DUE TO OR ARISING FROM INJURIES TO PERSONS (INCLUDING DEATH) OR TO PROPERTY (BOTH REAL AND PERSONAL) CREATED BY, ARISING FROM OR IN ANY MANNER RELATING TO THE USE, OCCUPATION OR CONDITION OF THE PREMISES OR THE EXISTENCE OF THIS LEASE.

6. **Fixtures, Improvements, and Liability for Loss or Damage to Property.** Lessee acknowledges that as part of the consideration for entering into this Lease, Lessee may have the obligation to make certain capital improvements to the Premises, which are more fully described in **Exhibit "D,"** attached hereto and incorporated herein by reference for all purposes. Title to any fixtures and improvements constructed by Lessee and attached to the Premises shall transfer to the City of Garland upon termination of this Lease, unless otherwise agreed upon in writing by both Parties. Prior to constructing any improvements or attachments on the Premises, Lessee must first obtain written authorization from the City. As of the Execution Date, Lessee is authorized to construct and attach to the Premises the improvements detailed in **Exhibit "E,"** attached hereto and incorporated herein by reference for all purposes. During the term of this Lease, Lessee shall have a duty to maintain all fixtures and improvements in accordance with the provisions of below Sections 7 and 8. Personal property and chattel placed in or on the Premises shall be at the sole risk of Lessee or the owner of such property.

7. **No Waste or Contamination.** Lessee shall commit no waste of the Premises, including but not limited to any fixtures or improvements, and shall be responsible for any damages to the Premises, including but not limited to fixtures and improvements, caused by the activities of Lessee. Lessee shall, on the Termination Date or any earlier termination of this Lease, surrender the Premises clean, free of debris, and in substantially the same condition as received, except for normal wear and tear. Lessee may not discharge any waste or hazardous materials on the Premises. Any use of fertilizers, herbicides, pesticides or other similar chemicals by Lessee shall be done in strict accordance with all applicable federal, state and local laws. Lessee shall, upon request, provide

Lessor with copies of all chemical constituents and MSDS sheets prior to the application of any fertilizer, herbicide, pesticide or other chemicals to the Premises.

8. **Maintenance.** Subject to the provisions of paragraph 7, Lessee must maintain, including performing any necessary repairs to conduct the approved use on the Premises, in accordance with the Terms. Lessee shall maintain the Premises in a neat and orderly fashion and in compliance with all applicable laws including, but not limited to, mowing, weed control, and trash and litter removal.

9. **Loss or Destruction of Property Leased.** If the Premises become, as a practical matter, totally untenable after a casualty loss such as fire, storm, explosion, earthquake, or other casualty, and if the casualty loss is not due to the negligence or fault of the Lessee or the Lessee's employees, guests or invitees, either Lessor or Lessee may terminate the Lease at any time by giving written notice to the other.

10. **Lessee to Provide Insurance.** Lessee agrees to carry, during the term of this Lease, comprehensive general liability insurance insuring against bodily injury - including death - and property damage with a company or companies qualified to do business and to write insurance in the State of Texas. The policy or policies shall name Lessor as an additional insured and shall provide coverage of at least \$500,000.00 for bodily injury or death, per occurrence, and \$100,000.00 for property damage, per occurrence. The cost of premiums for all such policies shall be paid by Lessee and the policy or policies shall bear an endorsement providing at least ten (10) days written notice to Lessor of cancellation or material alteration. Lessee shall provide the Lessor with a copy of the insurance policy listing the Lessor as an additional insured and reflecting the required minimum coverage amounts herein at the time of executing this Lease. Also, Lessee shall provide the Lessor with a copy of the insurance policy on an annual basis throughout the term of the lease beginning on the 1st anniversary of the Effective Date and continuing on the same date throughout the term of this Lease.

11. **Assignment or Sublease.** Lessee shall not assign this Lease or sublet the Premises, or any part thereof, without

the prior written consent of the Lessor, which may be denied for any reason or no reason at all.

12. **Utilities.** Unless otherwise provided for in the Terms, Lessee shall pay, during Lessee's occupancy of the Premises, for all utilities and services, if any, supplied to the Premises, and Lessee shall not cause or suffer the imposition of any lien against the Premises arising from the provision of any utility or related services. Lessee shall be and remain a customer of the City for solid waste, water, and waste-water services throughout the Term of this Lease.

13. **Right to Audit; Inspections.** Lessee grants Lessor the right to enter into and upon the Premises to conduct routine inspections of the Premises and to the extent necessary to determine Lessee is in compliance with the material terms of this Lease, to conduct compliance audits of Lessee's business records. In the event Lessor elects to do a compliance audit to confirm Lessee is maintaining the minimum insurance requirements, is operating its business as described in above Section 4, and is in conformance with all material provisions of this Lease, Lessor shall give Lessee written notice three business days in advance of entering the Premises to conduct a compliance audit.

14. **Termination.** This Lease may be terminated by Lessor, for cause, upon thirty (30) days written notice to Lessee. "Cause" shall be deemed to be any of the following, separately or in any combination:

(A) Failure to maintain insurance coverage on the Premises or provide Lessor proof thereof upon demand;

(B) Failure to maintain the Premises in accordance with the provisions of paragraph 8 or applicable laws, rules or regulations;

(C) Use of the Premises in violation of paragraph 3;
or

(D) Failure to comply with any material provision of this Lease.

15. **Severability.** If any term or provision of this Lease is held to be illegal, invalid or unenforceable, the

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

16. **Waiver.** Either Lessor or Lessee shall have the right to waive any requirement contained in this Lease which is intended for the waiving party's benefit but, except as otherwise provided herein, such waiver shall be effective only if in writing executed by the party for whose benefit such requirement is intended.

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

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

19. **Complete Agreement.** This Lease contains the entire agreement between Lessor and Lessee with respect to the Premises and, except as set forth herein and in written instruments executed in connection herewith, neither Lessor nor Lessee has made any agreements, covenants, warranties or representations of any kind or character, express or implied, oral or written, with respect to the Premises including, without limitation, any warranties of habitability, merchantability, workmanship, income to be derived from the Premises, expenses to be incurred in connection with the Premises or with respect to any other conditions, facts or requirements relating or pertaining to the Premises.

20. **Binding Effect.** Except as limited herein, the terms and provisions of this Lease shall be binding upon and

inure to the benefit of the parties hereto and their respective heirs, devisees, personal and legal representatives, successors and assigns.

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

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

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

24. **Dispute Resolution.** In accordance with the provisions of Subchapter I, Chapter 271, TEX. LOCAL GOV'T CODE, the parties agree that, prior to instituting any lawsuit or other proceeding arising from a dispute under this agreement, the parties will first attempt to resolve the dispute by taking the following steps: (1) A written notice substantially describing the nature of the dispute shall be delivered by the dissatisfied party to the other party, which notice shall request a written response to be delivered to the dissatisfied party not less than 5 days after receipt of the notice of dispute. (2) If the response does not reasonably resolve the dispute, in the opinion of the dissatisfied party, the dissatisfied party shall give notice to that effect to the other party whereupon each party shall appoint a person having authority over the activities of the respective parties who shall promptly meet, in person, in an effort to resolve the dispute. (3) If those persons cannot or do not resolve the dispute, then the parties shall each appoint a person from the highest tier of managerial responsibility within each respective party, who shall then promptly meet, in person, in an effort to resolve the dispute.

25. **No Waiver of Immunity or Defense.** No party, by execution of this Agreement, waives nor shall be deemed to have waived, any immunity or defense that would otherwise be available to it including, without limitation, immunity from liability and suit for damages to one another or to any third-party except as otherwise provided by law.

26. **Relationship of Parties.** Nothing contained in this Lease shall be deemed or construed by the parties hereto or by any third party to create the relationship of principal and agent or of partnership or of joint venture or of any association whatsoever between the parties, it being expressly understood and agreed that no provision contained in this Lease nor any act or acts of the parties hereto shall be deemed to create any relationship between the parties other than the relationship of Lessor and Lessee as those terms are understood herein.

27. **Non-Discrimination.** Lessee promises and warrants that no person shall on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 be excluded from participation in, be denied access or benefits of, or be otherwise subjected to discrimination under any program, activity, or transaction on the Premises.

28. **Signature Authority.** Both Parties represent, warrant, and agree that they have the full right and authority to enter into this Lease, and that the person executing this Lease on behalf of the respective Party has the full right and authority to enter into this Lease and bind the Party to each and every obligation contained herein. Lessee understands and acknowledges that Lessor cannot be lawfully held responsible for any obligation contained herein and this Lease cannot be amended, without the authorization of the City Council of the City of Garland and executed by the Mayor of the City of Garland.

EXECUTED as of the ____ day of _____, 2021.

LESSOR:

LESSEE:

CITY OF GARLAND, TEXAS

**HEAD START OF GREATER
DALLAS, INC.**

By: _____

By: _____

Title: _____

Title: _____

Address:

Address:

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

Head Start of Greater
Dallas, Inc.
3954 Gannon Lane
Dallas, TX 75237

ACKNOWLEDGMENT

STATE OF TEXAS §
§
COUNTY OF DALLAS §

This instrument was acknowledged before me on the ____ day
of _____, 2021, by _____,
Mayor of the City of Garland, Texas, on behalf of the City.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day
of _____, 2021.

Notary Public in and for the
State of Texas

ACKNOWLEDGMENT

STATE OF TEXAS §
§
COUNTY OF DALLAS §

This instrument was acknowledged before me on the ____ day
of _____, 2021, by _____,
as _____ acting on behalf of
_____.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day
of _____, 2021.

Notary Public in and for the
State of Texas



GARLAND
TEXAS MADE HERE

EXHIBIT "A"
TERMS AND CONDITIONS FOR LEASE

This Lease is administered by the Housing and Community Services Department of the City of Garland, Texas ("CITY"), and is made and entered into between the **City of Garland, Texas** ("LESSOR") AND **Head Start of Greater Dallas, Inc.** ("LESSEE" or "HSGD").

LESSEE is prohibited from and hereby agrees not to lease, sublease, or assign this LEASE, or any part thereof, except on prior written consent of CITY or as authorized in this agreement. In the event written consent is granted, LESSEE shall submit the written contract from assignee or sub-LESSEE stating all provisions regarding utilization of Premises and fees to be paid to the organization. The contract must be submitted for the approval of CITY prior to entering into an agreement with subLESSEE or assignee.

1.0 Agreement Period; Location; LEASE Fee; Deposit:

- 1.1 TERM: The term of this Lease shall commence on **May 1, 2021** and end on **April 30, 2026** ("Term"). However, notwithstanding any other provision contained herein, or within the Lease, this Lease shall terminate upon 120 days written notice and LESSEE shall at its own expense remove the building from the Premises and will restore the site to its original condition.
- 1.2 PREMISES: The Premises is located at the following address 3709 West Walnut, Garland, Dallas County, Texas, and is more particularly described as follows: Head Start Building ("Premises").
- 1.3 RENT: In consideration for LESSEE'S use of the Premises, LESSEE shall pay LESSOR rent in the amount of \$3 per square foot/month, plus the additional sum of \$2 per square foot/month as LESSEE's share of maintenance for the premises, due on the 15th day of each month during the Term and beginning on the 15th day of May, 2021. The square footage on the building rent and maintenance is calculated at 7,946 square feet, for a total yearly rent and maintenance of \$39,730.00, payable monthly in payments of \$3,310.00. This amount shall be increased by a prorated portion of any increase in funding received by LESSEE from the U.S. Department of Labor or other federal agency to offset inflationary costs to the operations and administration of Lease.
- 1.4 DEPOSIT: LESSEE shall pay LESSOR a non-refundable security deposit of \$1 within 10 business days of executing this LEASE.
- 1.5 UTILITIES: The LESSEE is responsible for all utilities ☒ yes ☐ no.

1.5.1 Party responsible for utilities:

	Lessor ("City")	Lessee ("HSGD")
Solid Waste		X
Electric		X
Water/Sewer		X

- 1.5.2 Unless otherwise provided for below, LESSEE shall use City of Garland as its exclusive utility provider for services provided to the Premises.

1.5.3 Miscellaneous Utility Provisions: _____

2.0 Allowed Use:

- 2.1 LESSEE is granted permission to conduct the following activities on the Premises during the Term of this Agreement ("Use"):
- Provide early childhood development and parent education, and associated community-building activities.
- 2.2 NON-EXCLUSIVE: This LEASE is non-exclusive as between the LESSEE and LESSOR and LESSOR retains primacy and the absolute right to use the Premises at any time.
- 2.3 MISCELLANEOUS OR SPECIFIC ALLOWED USE PROVISIONS:
- 2.3.1 LESSEE may use City owned waste containers, if provided, for reasonable amount of trash and debris generated by LESSEE, in its normal operations, and in connection with the allowed Use.
- 2.3.2 PARKING: LESSEE may use the parking spaces designated by LESSOR and located upon City property adjacent to the Premises for any vehicle directly connected with the Allowed Use.

3.0 Premises Maintenance:

- 3.1 LESSEE shall have responsibility to maintain Premises during the Term of this Lease. LESSEE is expected to maintain and keep in good condition the interiors and exteriors of Premises, including any grounds or real property immediately adjacent to the Premises and used by LESSEE.
- 3.2 LESSEE is responsible to keep all Premises operated by LESSEE in good condition. Any damage to the Premises or City equipment during the Term must be repaired in a timely manner. LESSEE is responsible for year-round maintenance of the Premises. Failure to maintain or repair damages to Premises shall be grounds for prohibition of any activity by LESSEE on the Premises until the repair is made to LESSOR's satisfaction. If LESSEE does not make repairs in time frame set by LESSOR, repairs will be made by LESSOR and the LESSEE shall be charged all expenses for the repairs.
- 3.3 STORAGE: LESSEE will store maintenance equipment and supplies in LESSOR approved storage areas. Personal property, materials, or equipment must be stored in a clean and organized manner. Only items related to the allowed Use may be stored on the Premises. LESSOR reserves the right to remove and dispose of improperly stored maintenance equipment or materials. Only locks and keys issued by LESSOR may be used to secure storage Premises.
- 3.4 Access to LESSEE owned Premises on the Premises shall be granted to City of Garland employees, agents, and officers in the exercise of government functions. LESSEE shall provide a key to all LESSEE owned Premises located on the Premises to LESSOR.
- 3.5 All LESSEE Premises repairs requested by LESSOR shall be completed by the requested date. Failure to complete repairs may result in delay to LESSEE's use of the Premises until repairs or corrections are completed.
- 3.6 LESSEE shall remove all equipment and personal property that is portable and not of permanent nature from the site within thirty days of the agreement termination date. If

equipment is not removed from site after thirty days, LESSOR has authority to take possession and/or dispose of this equipment.

4.0 Premises Improvements by LESSOR:

- 4.1 LESSEE shall submit a written request, with design drawings, to LESSOR for LESSEE to perform Premises improvements to the Premises. Upon confirmation that LESSEE's request meets all applicable City codes and regulations and upon a determination, in its sole discretion, as to whether the proposed improvements are beneficial to the City, LESSOR may issue written authorization for work to proceed. LESSEE may not begin work on any Premises improvements without prior written consent of LESSOR to proceed.
- 4.2 Any unauthorized structures, building installations or additions on City owned property shall be removed by LESSEE at LESSEE'S sole cost and expense.
- 4.3 LESSOR must approve irrigation systems installed and maintained by LESSEE. Any grass or other landscaped areas identified by LESSOR as the LESSEE's responsibility shall be maintained year round.

5.0 Articles of Formation: LESSEE shall provide LESSOR a copy of its Articles of Formation filed with the Secretary of State, contemporaneously with the execution of this LEASE.

6.0 Criminal Background Checks. LESSEE, if providing youth activities, shall conduct criminal background checks on any person holding a position within the organization. This shall include, but is not limited to, elected/appointed board members/officers, coaches, assistant coaches, referees/officials, scorekeepers, concession volunteers, promotional volunteers, equipment managers, and Premises managers. It shall be the sole responsibility of the LESSEE to conduct all criminal background checks.

7.0 Relationship of Parties: Nothing contained herein shall be deemed or construed by the parties hereto or by any third party to create the relationship of principal and agent or partnership nor of venture, it is being expressly understood and agreed that no provision contained herein nor any act or acts of the parties hereto shall be deemed to create any relationship between the parties other than the relationship between the City of Garland as a governmental entity, and its citizens, in a regulatory matter governing the use of Premises and the conduct of activities related thereto. The LESSEE shall not represent to any person, by any means, that it acts for or on behalf of the City, unless expressly so authorized in writing by the City.

8.0 Independent Contractor:

- 8.1 While engaged in carrying out and complying with the terms and conditions of this Lease, the LESSEE is, and shall be, an Independent Contractor and shall not, with respect to its acts or omissions, be deemed an officer, employee or agent of the City. The LESSEE shall not at any time or in any manner represent that it or any of its agents or employees are in any manner agents or employees of the City.
- 8.2 LESSEE is and shall be an Independent Contractor, with full, complete and exclusive power and authority to direct, supervise, and control its own employees and agents and to determine the method of the performance of the activities covered hereby. The fact that the City's representative shall have the right to observe LESSEE'S work during his performance and to carry out the other prerogatives which are expressly reserved to and vested in the City's representative hereunder, is not intended to and shall not at any time change or affect the status of the LESSEE as an Independent Contractor with respect to either the City's representative or to the LESSEE'S own employees or agents or to any other person, firm or corporation.

9.0 Miscellaneous/Additional Provisions: _____

** For any additional Miscellaneous Provisions, see attached Exhibit A-1, which is incorporated herein by reference.*

16.0 Authorized Signatures:

LESSOR:

City of Garland, Texas

By: _____

Title : _____

Date: _____

LESSEE:

ChildCareGroup

By: _____

Title: _____

Date: _____

Exhibit B ("Premises")

3709 West Walnut, Garland Texas

BEING a part of William Barnes survey, Abstract No. 78, and being part of Lot 15, block 12 of Crest Park Estates No. 3, an Addition to the City of Garland, Texas, according to the file plat recorded in Volume 72113, page 0675, of the Map Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point in the present North line of Walnut Street, (a '100 foot R.O.W), said point being the Southeast corner of said lot 15 and the Southwest corner of Lot 4, Block 4, Block A of Crest Park NO. 1, Third Section, and Addition to the City of Garland, Texas according to the file plat recorded in Volume 69224, Page 1634 of the Map Records of Dallas County, Texas, said point also being Easterly 843.92 feet from the intersection of the said present North line of Walnut Street and the present intersection of the said present North line of Walnut Street and the present East line of Walnut Parkway, (a 80.02 foot R.O.W.), a Railroad spike found for corner;

THENCE South 83 degrees 38 minutes West, a distance of 112.43 feet along the present North line of Walnut Street to an "X" found in concrete for corner;

THENCE, North 06 degrees 22 minutes West, a distance of 200.00 feet to an iron stake found for corner;

THENCE, North 83 degrees 36 minutes East, a distance of 112.43 feet to a point in the East line of said lot 15 and the West line of said lot 4, an iron stake for corner,

THENCE, South 06 degrees 22 minutes East, with the common line of said

Exhibit C ("Concessions Agreement")

Not Applicable.

Exhibit D

Not Applicable.

Exhibit E

Not Applicable.



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

9.

Meeting Date: 03/16/2021

Item Title: Specific Use Provision (SUP) Time Period Policy Guide

Submitted By: Will Guerin, Planning Director

Summary of Request/Problem

Staff requests the City Council approve by minute action the SUP Time Period Guide, as recommended by the Development Services Committee, to be used as a Council-recommended guide for SUP applicants. This item was discussed during the March 1, 2021 City Council Work Session.

Recommendation/Action Requested and Justification

Consider approval of the attached SUP Time Period Guide.

Attachments

SUP Time Period Policy Guide



GARLAND

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
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

10.

Meeting Date: 03/16/2021

Item Title: Youth Programs Standards of Care Ordinance

Submitted By: D'Lee Williams, Recreation Director

Summary of Request/Problem

Council is requested to adopt an ordinance with public comments for Youth Programs Standards of Care to meet requirements of Texas Human Resource Code, Section 42.041(b)(14) to exempt recreational programs for children operated by municipalities from state child care licensing.

In order to receive exempt status for elementary age (ages 5-13) and teen recreation programs, a municipality must adopt a youth programs standards of care ordinance after a public hearing.

Parks, Recreation and Cultural Arts Department staff has formulated standards of care for youth programs that includes staffing ratios, minimum staff, qualifications, minimum facilities, health and safety standards, and a mechanism for monitoring and enforcing the local standards; and further provides for notifying parents that the program is not licensed by the state and that the program may not be advertised as a day care facility.

This item was considered by Council at the March 1, 2021 Work Session.

Recommendation/Action Requested and Justification

Adopt an ordinance with public comments for Youth Programs Standards of Care.

Attachments

Youth Programs Standards of Care

Youth Programs Standards of Care Ordinance



City of Garland

Youth Program Standards of Care

The following Youth Program Standards of Care (“Standards of Care”) allow for exemption from state licensing by the City of Garland, Texas pursuant to Texas Human Resources Code §42.041(b)(14). The Standards of Care are intended to be minimum standards by which the City of Garland Parks, Recreation and Cultural Arts Department will operate the City's Youth Programs. The programs operated by the City are recreational in nature and are not day care programs.

GENERAL ADMINISTRATION

1) Organization

- A. The governing body of the Programs is the City Council.
- B. Implementation of the Standards of Care is the responsibility of the Director and Department employees.
- C. These Standards of Care apply to all Programs.
- D. Each Garland recreation center will have available for public review a current copy of the Standards of Care.
- E. Parents will be provided access to a current copy of the Standards of Care through the City's web site.
- F. Criminal background checks will be conducted on prospective Program employees ages 18 and older. If results of that criminal check indicate that an applicant has been convicted of any of the following offenses, he or she will not be considered for employment:
 - (1) a felony or a misdemeanor classified as an offense against a person or family;
 - (2) a felony or misdemeanor classified as public indecency;
 - (3) a felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;
 - (4) any offense involving moral turpitude; or
 - (5) any offense that would potentially put youth participants or the City at risk.

2) Definitions

As used in these Standards of Care, the following words and phrases shall have the following meanings unless the context clearly indicates a different meaning:

- A. *City*: City of Garland, a Texas home rule municipality located in Dallas County, Texas.
- B. *City Council*: City Council of the City of Garland.
- C. *Department*: City's Parks, Recreation and Cultural Arts Department.
- D. *Director*: The Recreation Director of the Department or their designee.
- E. *Employee(s)*: Term used to describe people who have been hired to work for the City and have been assigned responsibility for managing, administering, or implementing some portions of the

Programs.

F. *Parent(s)*: This term will be used to represent one or both parent(s) or adults who have legal custody and authority to enroll their child(ren) in Programs.

G. *Participant*: A youth whose parent(s) have completed all required registration procedures and determined to be eligible for a Program.

H. *Program* or *Youth Program*: City recreation programs consisting of the Standing Tall and Reaching for Success (STARS) Camp, the Duck Creek Adventure Camp, Fields Recreation Center Summer Camp and such other recreation programs operated from time to time by the Department where the participants are Youth.

I. *Program Leader* or *Leader*: A Department part-time employee who has been assigned responsibility to implement the Programs.

J. *Program Manual*: Notebook of policies, procedures, required forms, and organizational and programming information relevant to Programs.

K. *Program Site*: The recreation center where program is located.

L. *Program Supervisor* or *Supervisor*: The Department's full-time Specialist who has been assigned administrative responsibility for one or more of the Programs.

M. *Recreation Center*: One of six facilities operated by the City of Garland.

N. *Youth*: A child who is at least five (5) years of age but not older than thirteen (13) years of age.

O. *Recreation Manager*: The Recreation Manager of the Department or their designee.

3) Inspections/Monitoring/Enforcement

A. The Director or Recreation Manager will make visual inspections of the Program based on the following schedule:

(1) The STARS, Duck Creek Adventure, Fields Recreation Center camps will be inspected twice during its summer schedule.

(2) Programs scheduled during winter break and spring break will be inspected once.

(3) The inspection schedule of other Programs shall be determined when established and will be based on the duration of the Program.

B. Complaints regarding enforcement of the Standards of Care will be directed to the Supervisor. The Supervisor will be responsible to take the necessary steps to resolve the problems.

Complaints regarding enforcement of the Standards of Care and their resolution will be recorded by the Supervisor. Serious complaints regarding enforcement of the Standards of Care will be addressed by the Director and the complaint and the resolution will be noted.

4) Participation

A. Before a Youth can participate, a Parent must sign registration forms that contain:

(1) The name, address, phone number of the Youth;

(2) The name, address, and phone number of the Youth's Parent;

(3) The names and phone numbers of people to whom the Youth can be released;

(4) A statement/description of the Youth's special problems or needs;

(5) Emergency medical authorization;

(6) Proof of residency when appropriate; and

(7) A liability waiver.

5) Suspected Abuse

Program employees will report suspected child abuse or neglect in accordance with the Texas Family

Code. In the case where a City employee is involved in an incident with a Youth that could be construed as child abuse, the incident must be reported immediately to the Recreation Manager or the Director. The Recreation Manager or Director will immediately notify the Police Department and any other agency as may be appropriate. Texas state law requires the staff of the Programs to report any suspected abuse or neglect of a child to the Texas Department of Protective and Regulatory Services or a law enforcement agency. Failure to report suspected abuse is punishable by fines up to \$1,000 and/or confinement up to 180 days. Confidential reports may be made by calling 1-800-252-5400.

STAFFING - RESPONSIBILITIES AND TRAINING

6) Youth Program Supervisor Qualifications

A. Supervisors will be full-time, professional employees of the City assigned to the Department and will be required to have all Program Leader qualifications as outlined in Section 7 of these Standards of Care.

B. Supervisors must be at least 21 years old

C. Supervisors must have a bachelor's degree from an accredited college or university or equivalent work experience.

Acceptable degrees include:

(1) Recreation Administration or General Recreation;

(2) Physical Education; or

(3) Any other comparable degree plan that would lend itself to working in a public recreation environment.

D. Supervisors must have one years' experience planning and implementing recreational activities or 2 years without a degree.

E. Supervisors must pass a background investigation including testing for illegal substances.

F. Supervisors must have successfully completed a course in first aid, Cardio Pulmonary Resuscitation (CPR), and AED based on either American Heart Association or American Red Cross standards.

7) Supervisor's Responsibilities

A. Supervisors are responsible to administer the Programs' daily operations in compliance with the adopted Standards of Care.

B. Supervisors are responsible to recommend for hire, supervise, and evaluate Leaders.

C. Supervisors are responsible to plan, implement, and evaluate programs.

8) Youth Program Leader Qualifications

A. Leaders will be part-time or temporary employees of the City assigned to the Department.

B. Leaders working with Youth must be age 18 or older; however, each age group will have at least one employee 18 years old or older present at all times.

C. Leaders should be able to consistently exhibit competency, good judgment, and self-control when working with Youth.

D. Leaders must relate to Youth with courtesy, respect, tolerance, and patience.

E. Leaders must have successfully completed a course in first aid, CPR, and AED based on either American Heart Association or American Red Cross standards. An exception can be made for no more than one staff person at each site, and that person shall successfully complete a first aid and CPR course within four weeks of starting work.

G. Leaders must pass a background investigation including testing for illegal substances.

9) Leader Responsibilities

- A. Leaders will be responsible for providing Participants with an environment in which they can feel safe, can enjoy wholesome recreation activities, and can participate in appropriate social opportunities with their peers.
- B. Leaders will be responsible to know and follow all City, Departmental, and Program standards, policies, and procedures that apply to the Youth Programs.
- C. Leaders must ensure that Participants are released only to a Parent or an adult designated in writing by the Parent. A copy of the Department-approved plan to verify the identity of a person authorized to pick up a Participant if that person is not known to the Leader will be on file at the Recreation Center.

10) Training/Orientation

- A. The Department is responsible for providing training and orientation to Program employees working with children and for specific job responsibilities. Supervisors will provide each Leader with a Program manual specific to Youth Programs.
- B. Program employees must be familiar with the Standards of Care as adopted by the City Council.
- C. Program employees must be familiar with the Program's policies including discipline, guidance, and release of participants as outlined in the Program Manual.
- D. Program employees will be trained in appropriate procedures to handle emergencies.
- E. Program employees will be trained in areas including City, Departmental, and Program policies and procedures, provision of recreation activities, safety issues, child psychology, and organization.
- F. Program employees will be required to sign an acknowledgement that they received the required training.

OPERATIONS

11) Staff-Participant Ratio

- A. The standard ratio of Participants to Leaders in the Programs will be 15 to 1. In the event a Leader is unable to report to work, a replacement will be assigned.
- B. Each Participant shall have a Program employee who is responsible for the Participant and who is aware of the Participant's habits, interests, and any special problems as identified by the Participant's Parent(s) during the registration process.

12) Discipline

- A. Program employees will implement discipline and guidance in a consistent manner based on the best interests of Program participants.
- B. There must be no cruel or harsh punishment or treatment.
- C. Program employees may use brief, supervised separation from the group if necessary.
- D. As necessary, Program employees will initiate discipline reports to the Parent(s) of Participants. Parents will be asked to sign discipline reports to indicate they have been advised about specific problems or incidents.
- E. A sufficient number and/or severe nature of discipline reports as detailed in the Program Manual may result in a Participant being suspended from the Program.
- F. In instances where there is a danger to Participants or Program staff, offending Participants will be removed from the Program Site as soon as possible.

13) Programming

A. Program employees will attempt to provide activities for each group according to the Participants' ages, interests, and abilities. The activities must be appropriate to Participants' health, safety, and well-being. The activities also must be flexible and promote the Participants' emotional, social, and mental growth.

B. Program employees will attempt to provide time periods that include:

- (1) Alternating active and passive activities;
- (2) opportunity for individual and group activities, and
- (3) outdoor time each day as weather permits.

C. Program employees will be attentive and considerate of the participants' safety on field trips and during any transportation provided by the Program.

(1) During trips, Program employees supervising Participants must have immediate access to emergency medical forms and emergency contact information for each Participant.

(2) Program employees must have a written list of the Participants in the group and must check the roll frequently.

(3) Program employees must have first aid supplies and a guide to first aid and emergency care available on field trips.

14) Communication

A. Each age group will have communication availability to allow the age group to be contacted by Recreation Center personnel.

B. The Supervisor will make available the following phone numbers adjacent to a phone accessible to all Program employees at the Recreation Center:

- (1) Garland ambulance or emergency medical services
- (2) Garland Police Department
- (3) Garland Fire Department
- (4) Recreation Center
- (5) Numbers at which Parents may be reached
- (6) The phone number for the Program Site itself

15) Transportation

A. Before a Participant may be transported to and from the Program Site or other location by means of transportation provided by the City, a transportation form, completed by the Parent, must be filed with the Supervisor.

B. First aid supplies and a first aid and emergency care guide will be available in all Program vehicles that transport Participants.

FACILITY STANDARDS

16) Safety

A. Program employees will inspect Program areas daily to detect sanitation and safety concerns that might affect the health and safety of the Participants.

B. Buildings, grounds, and equipment on the Program site will be inspected, cleaned, repaired, and maintained to protect the health of the Participants.

C. Program equipment and supplies must be safe for the Participants' use.

- D. Program employees must have first aid supplies readily available in a designated location at each Program Site, during transportation to an off-site activity, and for the duration of any off-site activity. Program employees must have an immediately accessible guide to first aid and emergency care.
- E. Air conditioners, electric fans, and heaters at the Program Site must be mounted out of Participants' reach or have safeguards that keep Participants from being injured.
- F. Porches and platforms more than 30 inches above the ground at the Program Site must be equipped with railings Participants can reach.
- G. All swing seats at Program Sites must be constructed of durable, lightweight, relatively pliable material.

17) Fire

- A. In case of fire, danger of fire, explosion, or other emergency, Program employees' first priority is to evacuate the Participants to a designated safe area.
- B. The Program Site will have an annual fire inspection and the resulting report will detail any safety concerns observed. The report will be forwarded to the Director who will review and establish deadlines and criteria for compliance.
- C. All Program employees will be trained in the proper use of fire extinguishers as well as locations of fire extinguishers throughout the Recreation Center.
- D. Fire drills will be initiated at the Recreation Center based on the following schedule:
 - (1) STARS and Duck Creek Adventure Camp: A fire drill twice during the summer sessions.
 - (2) Winter and spring break camps: A fire drill once during the winter and spring sessions.
 - (3) Other Programs: The time and frequency will be determined at the time the Program is established and will be based on the duration of the Program.

18) Health

A. Illness or Injury

- (1) A Participant who is considered to be a health or safety concern to other Participants or Program employees will not be admitted to the Program.
- (2) Illnesses and injuries will be handled in a manner to protect the health of all Participants and Program employees.
- (3) Program employees will follow plans to provide emergency care for injured Participants with symptoms of an acute illness as specified in the Program manual.
- (4) Program employees will follow the recommendation of the Texas Department of Health concerning the admission or readmission of any Participant after a communicable disease.

B. Administration of Medication

Program employees will administer medication to a Participant only if:

- (1) Parent(s) complete and sign a medication form that provides authorization for staff to dispense medication with details as to time and dosages.
- (2) Prescription medications are in the original containers labeled with the Participant's name, a date, directions, and the physician's name. Program employees will administer the medication only as stated on the label. Program employees will not administer medication after the expiration date.
- (3) Nonprescription medications are labeled with the Participant's name and the date the medication was brought to the Program. Nonprescription medication must be in the

original container. Program employees will administer it only according to label direction.

(4) Medication dispensed will be limited to routine oral ingestion not requiring special knowledge or skills on the part of Program employees. No injections will be administered by the Program employees.

(5) Program employees must ensure medications are inaccessible to Participants or, if it is necessary to keep medications in the refrigerator (when available), medications will be kept separate from food.

C. Toilet Facilities

(1) The Program site will have inside toilets located and equipped so children can use them independently and Program staff can supervise as needed.

(2) There must be one flush toilet for every 30 children. Urinals may be counted in the ratio of toilets to children, but they must not exceed 50% of the total number of toilets.

(3) An appropriate and adequate number of lavatories will be provided.

D. Sanitation

(1) Each Program Site must have adequate light, ventilation, and heat.

(2) Each Program Site must have an adequate supply of water meeting the standards of the Texas Department of Health for drinking water and ensure that it will be supplied to the participants in a sanitary manner.

(3) Program employees must see that garbage is removed from buildings daily.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF GARLAND, TEXAS, ADOPTING STANDARDS OF CARE FOR YOUTH PROGRAMS OFFERED BY THE CITY OF GARLAND PARKS, RECREATION, CULTURAL ARTS DEPARTMENT; DIRECTING THAT A COPY OF THIS ORDINANCE, THE ADOPTED STANDARDS OF CARE, AND OTHER PROGRAM INFORMATION BE DELIVERED TO THE STATE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Human Resource Code, Section 42.041(b)(14) establishes requirements to exempt recreational programs operated by municipalities for children from State child care licensing;

WHEREAS, in order to receive exempt status for an elementary age (ages 5-13) recreation program, a municipality must adopt standards of care ordinance after a public hearing for the program, then submit a copy of the standards, a notice of the public hearing for the program, a copy of the program, and a copy of the ordinance adopting the standards to the State;

WHEREAS, the City of Garland, Texas, has formulated standards of care that at a minimum includes staffing ratios, minimum staff, qualifications, minimum facilities, health and safety standards, and a mechanism for monitoring and enforcing the local standards; and further provides for notifying parents that the program is not licensed by the state and that the program may not be advertised as a day care facility; and

WHEREAS, the City Council after conducting a public hearing and affording a full and fair hearing to all citizens, and in the exercise of legislative discretion, has concluded that the attached standards of care should be approved.

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

Section 1.

The City Of Garland, Texas, hereby adopts the standards of care for an elementary age recreation program, which is attached as Exhibit "A" and incorporated herein by reference, pursuant to Section 42.041 (b)(14), Texas Human Resources Code.

Section 2.

That the Managing Director of Parks, Recreation, and Cultural Arts shall cause a copy of the standards, a notice of the public hearing for the program, a copy of the program, and a copy of this Ordinance adopting the standards be delivered to the State in accordance with the applicable regulations.

Section 3.

This Ordinance shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the _____ day of _____, 2021.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

11.

Meeting Date: 03/16/2021

Item Title: Consider Amendments to Chapter 2, Section 2.61 of the Garland Development Code regarding Home Occupations

Summary of Request/Problem

At the March 1st and March 15th Work Sessions, Council considered amendments to Chapter 2, Section 2.61 of the Garland Development Code regarding Home Occupations.

Recommendation/Action Requested and Justification

Staff recommends the City Council consider the amendments that have been drafted.

Attachments

Home Occupations Prohibited Activities

Section 2.61 Home Occupations and Related Prohibited Activities in Residential Zoning Districts

- (A) Definition. A Home Occupation may be lawfully conducted only as a secondary, accessory use.
- (B) General Prohibition. A Home Occupation is prohibited, unless: (i) it is conducted entirely indoors, only by a person residing in the home; (ii) it offers no goods for sale or display on the premises; and (iii) it does not require the delivery or shipment of goods from the residence.
- (C) Criteria. It is an affirmative defense to prosecution under Section 2.61(B) above, that the Home Occupation meets each of the following criteria:
- (1) Only one person, other than occupants of the residence, is engaged in the Home Occupation at the residence regardless whether that person is a volunteer, an employee or is otherwise compensated;
 - (2) There is no outside storage of materials connected with the Home Occupation;
 - (3) There is not more than one vehicle used in connection with the Home Occupation located on the premises or on an adjacent residential street. A vehicle used in the operation of the home occupation may be no larger than a passenger van or pick-up truck;
 - (4) There is no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the Home Occupation, and no use of a sign, including any sign on a vehicle parked on the premises or on an adjacent street, directing potential customers to the residence for the performance of the Home Occupation;
 - (5) There is no substantial increase in traffic and no need for additional parking;
 - (6) The Home Occupation does not create noxious conditions to abutting or neighboring property such as noise, odor, light, or smoke; and
 - (7) The business is conducted completely indoors, except where the business activities conducted outdoors do not unreasonably disturb or interfere with the peace, comfort, and repose of neighboring persons of ordinary sensibilities.
- (D) Prohibited Activities. Notwithstanding any other provision of this Section 2.61, the following are hereby expressly prohibited in a residential zoning district:
- (1) Vehicle sales. It shall be an offense for any person within view from a public right-of-way in a residential zoning district to cause, allow, suffer, or permit the sale or advertising for sale of a motor vehicle that is not registered to a person who owns the property (or named on the electric utility bill) on which the motor vehicle is located, parked, or stored. It is an affirmative defense to prosecution under this section that the vehicle being sold or advertised for sale is registered to a relative of the owner of the property (or person named on the electric utility bill) by blood, adoption, or marriage within two degrees of affinity or consanguinity, and that the registered owner of the vehicle resides at the property on which the vehicle is located, parked, or stored, according to the address listed on a current driver's license or state identification card.
 - (2) Vehicle repairs.

(a) It shall be an offense for any person, within view from a public right-of-way in a residential zoning district, to cause, conduct, allow, suffer, or permit Major Automobile Repair, as defined in Chapter 6 of the Garland Development Code.

(b) It shall be an offense for any person in a residential zoning district to cause, conduct, allow, suffer, or permit Major or Minor Automobile Repair, as defined in Chapter 6 of the Garland Development Code, to a motor vehicle if the vehicle being repaired is not registered to a person who owns the property (or named on the electric utility bill) on which the motor vehicle is located. It is an affirmative defense to prosecution under this section that the vehicle being repaired is registered to a relative of the owner of the property (or person named on the electric utility bill) by blood, adoption, or marriage within two degrees of affinity or consanguinity.

(3) Wrecker service;

(4) Animal breeding; and

(5) Contracting or construction services.

(a) It shall be an offense for any person, within view from a public right-of-way in a residential zoning district, to cause, conduct, allow, suffer, or permit the storage, parking, or staging of construction equipment or materials, or a trailer or motor vehicle loaded with construction equipment or materials, where the equipment and materials are primarily used for a commercial enterprise..

(b) It is an affirmative defense to prosecution under 2.61(D)(6)(a) that the construction equipment, construction materials, or vehicle or trailer loaded with the construction equipment or materials is lawfully parked or stored on property in which there is ongoing, lawfully permitted, construction or remodeling activities for which the equipment or materials are necessary to complete the project.



GARLAND PLANNING REPORT

City Council Regular Session Agenda

12. a.

Meeting Date: 03/16/2021

Item Title: Z 20-29 Masterplan - Zoning (District 2)

Submitted By: Kira Wauwie, Principal Development Planner

REQUEST

Approval of an Amendment to Planned Development (PD) District 14-23 for Downtown District Uses and Mixed Uses.

Approval of a Specific Use Provision to allow a Drive-Through Service on a property zoned Planned Development (PD) District 14-23 for fifteen (15) years.

Approval of a Detail Plan for Downtown District Uses and Mixed Uses on a property zoned Planned Development (PD) District 14-23.

LOCATION

111 and 217 South Garland Avenue; 1413 West Avenue B; and 1412 and 1413 Rodando Drive

OWNER

The Draper Garland LLC

PLAN COMMISSION RECOMMENDATION

On February 22, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of an Amendment to Planned Development (PD) District 14-23 for Downtown District Uses and Mixed Uses. Further, the Plan Commission recommended parking on Rodando Drive to be 90-degree angled parking, and a parking study submitted 5 years after the completion of project construction.

The Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision to allow a Drive-Through Service on a property zoned Planned Development (PD) District 14-23 for fifteen (15) years.

The Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Detail Plan for Downtown District Uses and Mixed Uses on a property zoned Planned Development (PD) District 14-23.

The applicant has submitted a revised plan showing 90-degree angled parking and proposes signage on Rodando Drive indicating “not a through street”. The applicant concurs with the time

period of fifteen (15) years.

STAFF RECOMMENDATION

Approval of an Amendment to Planned Development (PD) District 14-23 for Downtown District Uses and Mixed Uses.

Approval of a Specific Use Provision to allow a Drive-Through Service on a property zoned Planned Development (PD) District 14-23.

Approval of a Detail Plan for Downtown District Uses and Mixed Uses on a property zoned Planned Development (PD) District 14-23

BACKGROUND

The subject property consists of five (5) separate tracts of land and approximately 3,250 square feet of public right-of-way. It should be noted that any current public right-of-way reflected as part of the proposed site must be abandoned and acquired from the City of Garland through the established process before approval of a plat. The site is developed with a 5-story building known as the Chase Bank building, a vacant building formerly used as a restaurant, and an abandoned drive-through structure.

The applicant proposes development of the site in two phases:

Phase 1. The former restaurant building, bank drive-through structure, and other site improvements on the west and south halves of the site would be demolished to make way for the construction of three (3) urban-style multi-family residential buildings.

Phase 2. The Chase Bank building would be repurposed with the first floor to remain with bank, drive-through windows (including one teller window), and retail/flex use. The upper floors would be repurposed with multi-family uses. Amenities constructed in Phase 1 will be available for use by residents living in Phase 2. The existing parking would be reconfigured for future use with bank, retail, and multi-family uses. Additionally, parking in Phase 1 would be available for Phase 2 residents.

SITE DATA

The subject property contains 4.65 acres and has approximately 400 feet of frontage along Wilson Street, 430 feet along South Garland Avenue, 460 feet along Avenue B, and 320 feet along Rodando Drive. Vehicular and non-motorized (pedestrian, bicycles) access to the site would be accomplished from each of the abutting streets. The site grade slopes from north to south, and there is an existing approximate five (5) foot high retaining wall on the east portion of the site along the boundary of Phase 1 and Phase 2.

USE OF PROPERTY UNDER CURRENT ZONING

In 2014 the City Council approved Planned Development (PD) District 14-23 for Downtown (DT) District Uses. PD-14-23 included two development alternatives to allow mixed use development with a multi-family residential and nonresidential uses. The approval specifically included 325 units of multi-family residential dwellings as the predominant use in the upper floors (2nd through 5th) and in either new 3-story residential buildings with surface parking or new 4-story residential buildings with structured garage parking; and the Chase Bank use remaining on the ground floor along with flex space for retail uses on the ground floor of the Chase Bank building. The approval allowed a maximum density of seventy (70) units per acre (325 dwelling

units), structured or surface parking, and variable nonresidential floor area ranging from zero square feet to 25,000 square feet.

This proposal closely follows PD 14-23 as it also proposes multi-family residential as the predominant use and nonresidential uses. Further, the PD 14-23 was conceptual in nature; the applicant brings forward a more refined project with a site plan and deviations from standards that result from existing site conditions including the Bank building, topographic grade that slopes from the northeast towards the southwest, established Bank building access points, and high power lines along Avenue B.

CONSIDERATIONS

Use and Phasing

1. The proposal would repurpose this site for multi-family, bank, and retail uses. The development would occur in two (2) phases. Phase 1 includes a multi-family apartment development consisting of 155 units in three (3) separate three (3)-story buildings with surface parking and amenities placed on the south and west halves of the overall site. The proposal for Phase 2, located on the northeast quadrant of the site, would include renovation and continued use of the Chase Bank building for bank use, and add thirty (30) multi-family apartments as well as retail use to the building. The resulting residential density would be forty (40) units per acre.

Specific Use Provision

2. Only one of the existing drive-through windows would be retained on the south side of the Chase Bank building; this is shown as an existing drive-through teller window and proposed ATM location on the site plan. A Specific Use Provision is required for a drive-through service. The DT District is structured to create a more walkable, urban environment. Drive-through uses provide services to customers who are in vehicles. This site is located in an area of transition at the periphery of the Downtown area. Also, the site is one of the first reinvestments with new construction on Garland Avenue in the DT District. The bank building already contains the drive-through, thus it demonstrates the capacity to continue functioning.

The applicant previously requested a ten (10) year time period for the Specific Use Provision. Upon recommendation of the Plan Commission for a fifteen (15) year time period, the applicant agrees with fifteen (15) years.

Detail Plan – Amendments and Deviations

3. The applicant requests to amend the existing PD 14-23 and proposes a Detail Plan to accommodate the desired development. The Detail Plan is generally consistent with the existing PD 14-23 layout, amended standards, and conditions with three multi-family buildings and a repurposed Chase Bank building. Street edges, setbacks, building placement, parking arrangements, and other development elements of the site are carried forward in this proposal. An overlay of the previously approved plan and the proposed Detail Plan indicate limited changes to the original layout. The requested deviations are intended to formally recognize and support conformity with the intent of PD 14-23. The following considerations describe the development and related deviations.

4. *Site Plan.* The proposed site plan reflects the DT District goals of buildings placed close to the street with on-street parking, an amenity zone including street trees, sidewalks, landscaping at the base of residential buildings, and access to dwelling units from the street sides of the

buildings including stoops or patios. The proposal includes open space in the form of an informal pocket park at the corner of South Garland Avenue and Avenue B. This area is designed with a small cluster of trees, benches, and a lighted wall providing an identity and special feature on the building.

5. *Amenities.* Amenities for the residential uses are proposed within Phase 1, will serve the units in Phase 2, and satisfy the GDC requirements. The amenities include a fitness center, pool within a courtyard, barbeque with ramada and seating area. Additionally, the proposed pocket park area at the southeast corner of the site contributes to the open space and amenity areas.

6. *Efficiency Units.* The residential uses are allowed with the exception that the GDC prescribes a maximum ten (10) percent of units as Efficiency Units. The applicant proposes twenty-one (21) efficiency units whereas nineteen (19) are allowed, resulting in two (2) excess efficiency units. Efficiency Unit is defined by the GDC as a type of multi-family dwelling unit that consists of not more than one habitable room separated by no more than a half-wall partition, and kitchen and bathroom facilities. These types of units offer a more affordable dwelling compared to a unit with separate rooms for living spaces. In recent years there has been interest in efficiency units by professional workers who frequently travel or by residents who don't consider a larger living space a high priority.

Meanwhile, eight-five (85) one-bedroom units are proposed (in addition to the 21 efficiency units) and forty-nine (49) two-bedroom units are proposed.

7. *Residential Units and Entries At Grade Level.* The proposed development meets the intent of the GDC Downtown Standards and PD 14-23 by having the majority of street-facing residential units, accessible from the sidewalk where the site grading allows.

8. *Primary Building Entrance.* The goal of the Downtown (DT) District is to create a walkable, pedestrian friendly, community with store fronts and the business entrances along the sidewalks of streets oriented to pedestrian traffic. The location of the proposed leasing office front door faces onto an internal circulation drive due to site constraints including a power line easement, and site layout limitations for building size and placement due to grade change. Further, in this development proposal, ground floor unit entries are included with doors oriented to the street frontage. The bank building has its existing primary entrance oriented to its existing parking lot. Future redevelopment could result in reorientation of the main entrance to the street facing side of the building.

9. *Parking.* PD 14-23 was approved with a required parking ratio of 1.3 parking spaces per dwelling unit. The applicant has submitted a parking study supporting a further reduction in residential parking, which proposes 1.1 parking spaces per dwelling unit in Phase 1 with its 155 dwelling units which results in 171 parking spaces, all of which would be located in Phase 1. In addition, the application proposes to use shared parking with Phase 2 allowing the residents of Phase 2 to park in Phase 1; shared parking is typical in Downtown areas. After the Plan Commission Meeting and in response to the recommendation for 90-degree angled parking on Rodando Drive, the applicant redesigned the angled parking resulting in an additional three (3) parking spaces along Rodando Drive. Thus the total parking provided in Phase 1 is 174 parking spaces.

Residential Phase 2 parking is proposed with the parking ratio of 1.1 parking space per dwelling

unit. There are thirty (30) residential units proposed in Phase 2 which results in thirty-three (33) residential parking spaces required, and as indicated above the residential units would be allowed shared parking with Phase 1. The non-residential uses require twenty-seven (27) parking spaces. Phase 2 provides a total of forty-three (43) parking spaces, including its abutting five (5) parking spaces proposed on Wilson Street.

Offsetting the reduction of parking, a total of twenty-three (23) bicycle parking spaces are provided for both phases. The reduction in parking is justified due to the site's location in a more urbanized and walkable area with multi-modal transportation options including bus and rail.

Additionally, the proposal seeks a reduction of the number of covered parking spaces. Fifty (50) percent, or 102 parking spaces, of the required 204 residential parking is required as covered parking [garages or carports]. The provided covered parking is forty-three (43) percent, or 88 parking spaces. Phase 1 is proposed with eighty-eight (88) covered parking spaces. Phase 2 contains no covered parking spaces although residents of Phase 2 may park in Phase 1. The Downtown (DT) District encourages development with on-street parking as a means of achieving an urban development. On-street parking is not allowed as covered parking. Further limiting the development of covered parking is an overhead power line easement along the south side of the site, where on-site surface parking is proposed although the easement precludes any structures including carports. Where feasible, the development is providing covered parking.

10. *Parking Landscaping.* Where a parking lot is abutting a street, a landscape planter with a low fence up to three and one-half feet high is required along with ground cover, trees, and street furnishings. Neither the parking lot at the northwest quadrant nor at the south side of the site include a low fence. However, the applicant is proposing ground cover, trees, and street furnishing in accordance with the requirements. A low fence can serve to enhance pedestrian safety by separating pedestrian and vehicular and encouraging pedestrian traffic to flow in an urban fashion along the sidewalk edges along street towards building fronts. The site location is in a Suburban Corridor Subdistrict where some development features may be less urban as compared to the inner core of a downtown area. Additionally, the northwest quadrant parking lot will be renovated from its current condition. Upgrades to that parking lot include on-street parking, street furnishings, and parking reconfiguration along with tree plantings.

Additionally, one parking lot landscape planter island is required per each run of eight (8) parking spaces. The plan proposes a landscape island per each run at a minimum of nine (9) parking spaces for the new parking areas. The existing Chase Bank parking lot is proposed to retain a run of parking along Wilson Street containing a proposed thirteen (13) parking spaces without a landscape island. Also, the planters are required to be a minimum nine (9) feet wide while most of the planters meet this dimension; others are less than the required standard and the smallest are five feet, six inches (5' 6") wide where located between parking canopies.

11. *Streetscaping.* The applicant proposes streetscaping along Garland Avenue, Avenue B, Rodando Drive and Wilson Avenue. The proposed Garland Avenue frontage meets Downtown streetscape standards. Existing physical challenges necessitate some deviations from full Downtown streetscape standards for Avenue B, Rodando Drive and Wilson Avenue. For example, ornamental trees must be substituted for large canopy trees underneath overhead utilities. However, improvements will be made to these street edges including street trees and improved sidewalks. In addition, the abutting existing parking lot along Wilson Avenue will be renovated with an improved parking layout and landscaping.

12. *Parking lot trees.* One large canopy tree is required per six parking spaces. Due to the compactness of the site the applicant proposes one large canopy tree at the end of all except one parking row. The applicant proposes covered parking canopies to provide further shade.

13. *Carport columns.* Carports are to have support columns that are architecturally integrated and have similar colors to the building. The carport elevations show columns clad with masonry at the ends of the carports, although the middle carport support columns are metal columns without masonry cladding.

14. *Elevations.* The elevations conform to the requirements of the PD 14-23 and GDC.

15. Summary of Deviations:

Development Standards	Summarized Required	Proposed	Analysis
Efficiency Units	Maximum 10 percent (10%) of all units may be efficiency units.	Maximum 19 are allowed. Proposal is for 21.	Efficiency units offer an affordable choice in housing. Recent years indicate a trend favoring efficiency units.
Primary Building Entrance	Location of primary entrances (doors) to the building are to be located at the street frontage.	The leasing lobby for Phase 1 is shown on the plans with its primary building entrance facing an interior drive; the Bank Building has an existing primary entry facing to the parking lot.	The site design of Phase 1 results in too narrow of a sidewalk space for placement of a primary entry at the Avenue B frontage. The Bank Building is existing with its primary entrance facing the parking lot; storefront access is located facing Garland Avenue although that storefront is not considered a primary building entrance.
Parking	PD 14-23 establishes a parking ratio of 1.3 parking spaces per dwelling unit.	Reduction of parking ratio from 1.3 parking spaces per dwelling unit to 1.1 parking space per dwelling unit.	The site is abutting two (2) street that have bus transit service; rail transit service is not far from the site. The DT District encourages a more urban development.

Streetscaping	Streetscape includes the following from the curb: double row of trees in tree wells, sidewalk, planter and front door with patio.	Avenue B, Wilson Street, Rodando Drive all have variations of deviations from the Streetscape standards.	The site slope, high utility lines, underground utility easements, existing Bank building Improvement, all contribute to challenges in meeting the GDC requirements; the applicant has presented a site design that responds with alternative solutions to minimize the level of deviation.
Covered parking	50% of required parking is to be covered.	88 covered parking spaces are provided (43%) in garages and under carports whereas 102 covered parking spaces are required.	The site is in the downtown area which encourages on-street parking where no covered parking is allowed, and overhead power lines on the site further limit the ability to place covered parking on the site.
Parking lot trees	One large canopy tree is required per 6 parking spaces.	One large canopy tree is provided at the end of all except one parking row.	Trees are important in urban heat reduction; the applicant proposes parking canopies to further provide shade.
Carport column cladding	Carport columns to be clad with masonry and a color similar to the building.	Carports are proposed with cladding of columns only at the ends of the structures, the middle columns are not cladded.	Although some cladding is provided the proposal does not meet the full spirit of column cladding.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Urban Neighborhoods for the subject property. Urban Neighborhoods are vibrant higher-density neighborhoods offering urban amenities and a concentration of activities. Urban Neighborhoods provide a variety of high density housing types, including single-family attached and multifamily, and may include compatible non-residential uses, such as shopping, restaurants, offices, entertainment and daily services, in a vertical mixed-use development. This type of neighborhood may be located along major transportation corridors and/or community amenities, such as parks, greenways, and major shopping or entertainment areas.

The proposed Planned Development (PD) District is consistent with the recommendation of the Envision Garland Plan in that it would allow for a high density residential development and the incorporation of non-residential uses on a site located along Garland Avenue, a highly capacity road that traverses the City from south to north and provides direct access to Downtown from SH 190 and IH-635. Additionally, DART bus service lines run along Avenue D and Garland Avenue; and the DART rail station is approximately one mile from the site, although the distance is generally more walkable in a downtown urban environment.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The properties to the north are zoned Downtown (DT) District and Community Retail (CR) District and are developed with financial institutions, retail sales/personal services, an auto related use, a fast food restaurant, and single-family residences. The properties to the east are zoned Downtown (DT) District and Uptown (U) Subdistrict; these properties are developed with a variety of uses that include two school campuses, a government building, retail uses, office buildings, and single family residences. The properties to the south are in the Downtown (DT) District with Auto Overlay Subdistrict, and Industrial (IN) District; these properties are developed with an array of auto related uses, restaurants, and offices. The properties to the west are zoned Single Family-7 (SF-7) and are developed with single-family residences.

The subject property is located on the periphery of the Downtown area and immediately adjacent to properties already zoned Downtown (DT) District. The proposed development maintains the approved mix of uses and the proposed Detail Plan is generally consistent with the previous approval. The proposal would be both compatible and consistent with the zoning pattern established for that portion of Downtown. Furthermore, if developed as a mixed-used development, the subject property would add a vibrant urban character to the western edge of the Downtown area as well as patrons for the support of existing and future businesses within the surrounding area.

The proposal has the potential of impacting the adjacent residential properties to the west by introducing a high density residential development. However, reducing the number of stories from the approved four (4) to three (3) stories for the new residential buildings and the required 25-foot building line along the west side of the subject property (with the proposed development having a variable setback of 27- to 29-feet from the west property line) reduce potential impact. Furthermore, a high-density residential development can serve as a buffer between the single-family residences and Garland Avenue.

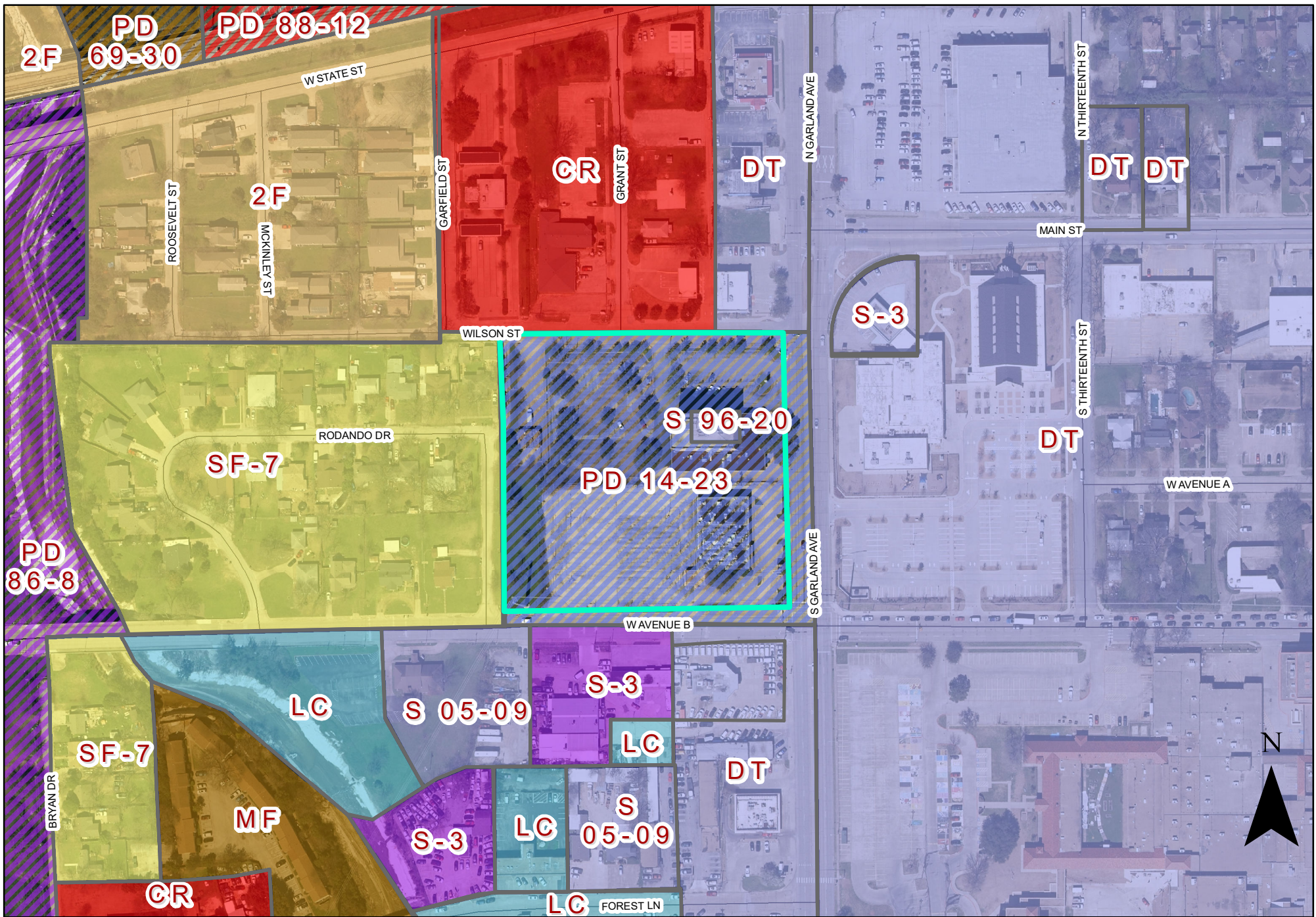
Attachments

Z 20-29 Masterplan Attachments (Zoning)

Z 20-29 Exhibit B

Z 20-29 Responses Final

Z 20-29 Staff Presentation



REPORT & MINUTES

P.C. Meeting, February 22, 2021

Consideration of the application of **Masterplan**, requesting approval of an Amendment to Planned Development (PD) District 14-23 for Downtown District Uses and Mixed Uses. This property is located at 111 and 217 South Garland Avenue; 1413 West Avenue B; and 1412 and 1413 Rodando Drive. (District 2) (File Z 20-29 - Zoning)

Kira Wauwie, Principal Planner, presented the staff report.

Commissioner Rose asked if the proposed on-street parking was calculated into the parking for the interior parking and inquired as to the length requested for the Specific Use Provision.

Ms. Wauwie stated it was included with the project.

Mr. Guerin stated the request for the Specific Use Provision is for the drive-thru service.

Commissioner Ott asked staff what portion of Building One will be retail.

Ms. Wauwie stated Building One is designated as Dwelling Units.

There was discussion between Commissioner Ott and Ms. Wauwie regarding the changes in proposed number of apartments in the bank building and any proposed screening along the north side of the amenity area and pool.

Commissioner Welborn asked for the location of the dumpster to be identified and whether the corner signage will remain.

Ms. Wauwie identified the dumpster location and provided information regarding the existing signage.

There was discussion between Commissioner Jenkins and Ms. Wauwie regarding the location of handicap parking in relation to the building entrance and elevators.

The applicant Maxwell Fisher, 2201 Main Street, Suite 180, Dallas, TX 75201, identified Mark Drumm, 10939 Yorkspring Drive, Garland, 75218 and Brandon Bolin, 3135 Honey Tree, Austin, TX 78746 as part of the development team and Josh Millsap, 3501 Olympus Blvd, Ste 100, Dallas, TX 75019 as the project engineer also attending.

Mr. Fisher provided an overview of the request and remained available for additional questions.

There was discussion between the Plan Commission, staff and applicants regarding non-residential traffic cutting through the complex, handicap parking locations, proposed parking, and the Specific Use Provision time length.

Residents speaking in opposition raised concerns regarding parking, property values, traffic, cut-through traffic and security.

Barbara Koos, 1421 Rodando Drive, Garland, TX 75042
Christopher Garrission, 1421 Rodando Drive, Garland, TX 75042
Steve Beshear, 1429 Rodando Drive, Garland, TX 75042
Teri Beshear, 1429 Rodando Drive, Garland, TX 75042
Johnny Bertrand, 1417 Rodando Drive, Garland, TX 75042

There were additional discussions with the applicants regarding on-street parking and a traffic analysis.

Motion was made by Commissioner Jenkins to close the public hearing and **approve** the amendment to PD 14-23 with the provision of 90-degree parking spaces along Rodando Drive and the provision of a detailed parking analysis be provided within five (5) years of the project for review. Seconded by Commissioner Williams. **Motion carried: 9 Ayes, 0 Nays**

EXHIBIT B

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 20-29

**111 and 217 South Garland Avenue; 1413 West Avenue B; and
1412 and 1413 Rodando Drive**

- I. Statement of Purpose:** The purpose of this Planned Development (PD) District is to approve a Detail Plan for Multi-Family Residential development (apartments), Financial Institution (Bank) and Retail Uses in a Two-Phase development.
- II. Statement of Effect:** This Planned Development (PD) District 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 Planned Development (PD) District 14-23 and Downtown (DT) District as set forth in Chapter 2 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Development Plans:**
 - A. Detail Plan:** Development shall be in general conformance with the site plan, landscape plan, and elevation plans respectively 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 and Phasing:** The phasing, site layout, building placement, parking and other development proposed shall be in general conformance with the approved Site Plan labeled Exhibit C.
 - B. Residential Density and Non-Residential Floor Area:**
 - 1. The maximum density shall be as shown on the Site Plan.
 - 2. The minimum non-residential floor area shall be as shown on the site plan.
 - C. Landscape Plan:** Screening and landscaping shall be in general conformance with the landscape plan labeled Exhibit D.

D. Maintenance Requirements:

(1) Landscaping must be continuously maintained in a healthy, growing condition and in compliance with this ordinance, the Garland Development Code, the Code of Ordinances of the City of Garland, and the landscaping plan attached hereto at all times. The property owner is responsible for regular weeding, mowing of grass, irrigation, fertilizing, pruning, or other maintenance of all landscaping as promptly as needed to comply with the requirements of this subsection. All exposed ground surfaces shall be properly improved, covered with screening or other approved solid material, or protected with a vegetative growth that prevents soil erosion and ameliorates objectionable dust conditions.

(2) Any dead or dying plant or vegetation, whether or not a component of required landscaping, must be promptly replaced with another approved plant or vegetation variety that complies with the approved landscape plan and in no event later than sixty days after notification by the City. In the event the property owner fails to remedy a violation of any landscaping maintenance regulation within sixty days of the City sending notice, the City may, in addition to any other remedy available by law, suspend, withhold, or revoke city permits, approvals, consents and the certificate of occupancy for the retail fuel pumps and convenience store. See Section 4 of the granting ordinance.

(3) Screening and paving must be installed and continuously maintained in compliance with this ordinance, the Garland Development Code, and the Code of Ordinances of the City of Garland at all times. The property owner is responsible for regular maintenance of all screening and paving as needed. In the event the property owner fails to remedy a violation of any screening or paving maintenance regulation within sixty days of the City sending notice, the City may, in addition to any other remedy available by law, suspend, withhold, or revoke city permits, approval, consents and the certificate of occupancy for the travel center.

- E. Elevations: Building Elevations and Carport Elevations shall be in general conformance with the elevations labeled Exhibit E.

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 20-29

**111 and 217 South Garland Avenue; 1413 West Avenue B; and
1412 and 1413 Rodando Drive**

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to approve a Drive-Through Service.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Planned Development (PD) District 20-29 and Downtown (DT) 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 shall be in effect for a period of fifteen (15) years.



0 175 350 Feet
1 inch = 250 feet

Zoning Map Z 20-29

INDICATES AREA OF REQUEST INDICATES NOTIFICATION AREA

111 & 217 South Garland Avenue, 1413 West Avenue B, 1412 & 1413 Rodondo Drive

Comment Form

Case Z 20-29

Z 20-29 Masterplan. The applicant proposes to develop a mixed-use community. Three buildings would be constructed for apartment dwelling units in Phase 1. An existing Chase Bank building would be repurposed to add upper-floor apartment units in Phase 2. This site is located at 111 and 217 South Garland Avenue; 1413 West Avenue B; and 1412 and 1413 Rodando Drive. (District 2)

Z 20-29 Masterplan - El solicitante propone desarrollar una comunidad de uso mixto. Se construirían tres edificios para unidades de vivienda de apartamentos en la Fase 1. Un edificio existente de Chase Bank se reutilizaría para agregar unidades de apartamentos en el piso superior en la Fase 2. Este sitio está ubicado en 111 y 217 South Garland Avenue; 1413 West Avenue B; y 1412 y 1413 Rodando Drive. (Distrito 2)

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Please Check One Below / Marque uno a continuación / Vui lòng kiểm tra một bên dưới



For / A Favor / Đúng



Against / En Contra / Không

Please complete the following information / Por favor complete la siguiente información / Vui lòng điền các thông tin sau:

PATSY R REEVES

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.)

119 N. GARLAND AVE

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

GARLAND TX

City, State / Estado de la Ciudad / Thành bang

75040

Zip Code / Código postal / Mã Bưu Chính

Patsy R. Reeves

Signature / Firma / Chữ ký

3-1-21

Date / Fecha / Ngày

MAR 4 '21 PM 3:46

Comment Form

Case Z 20-29

Z 20-29 Masterplan. The applicant proposes to develop a mixed-use community. Three buildings would be constructed for apartment dwelling units in Phase 1. An existing Chase Bank building would be repurposed to add upper-floor apartment units in Phase 2. This site is located at 111 and 217 South Garland Avenue; 1413 West Avenue B; and 1412 and 1413 Rodando Drive. (District 2)

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Please Check One Below / Marque uno a continuación / Vui lòng kiểm tra một bên dưới

☐

For / A Favor / Đúng

☒

Against / En Contra / Không

Please complete the following information / Por favor complete la siguiente información / Vui lòng điền các thông tin sau:

Christopher Garrison and Barbara Koos

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.)

1421 Rodando Dr. Garland TX 75042

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

Garland TX 75042

City, State / Estado de la Ciudad / Thành bang

75042

Zip Code / Código postal / Mã Bưu Chính

Ching Durr

Barbara Koos

Signature / Firma / Chữ ký

02/16/2021

Date / Fecha / Ngày

Comment Form Continued – Case Z 20-29

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

Las declaraciones a continuación reflejan mi (nuestra) opinión con respecto a las solicitudes propuestas.

Các tuyên bố dưới đây phản ánh quan điểm của tôi (chúng tôi) về (các) yêu cầu được đề xuất

- We Strongly Object and Vote against
Case Z 20-29 for the following
Reasons:

1. decreased property value
2. decreased Resell value of our home
3. increased noise pollution in an
already noisy area (Police station,
train, MART, auto shops etc.)
4. increased traffic congestion on
side streets that are already small
and congested
5. decreased privacy and overall
decreased quality of our neighborhood
6. I work from home and need a
~~quiet~~ quiet environment. This noise
would severely affect my professional
life + personal life

- Barbara Kees + Chris
Garrison

1421 Bodando Pkwy
Carland TX 75012

Zoning Response Cases

Case Number

Z 20-29

The applicant KFM Engineering & Design, proposes to develop a mixed-use community. Three buildings would be constructed for apartment dwelling units in Phase 1. An existing Chase Bank building would be repurposed to add upper-floor apartment units in Phase 2. This property is located at 111 and 217 South Garland Avenue, 1413 West Avenue B and 1412 and 1413 Rodando Drive.

<null>

Barbara Koos
<null>

Against
1421 Rodando Drive
Garland
Texas
United States
75042
barbaralorrainek@yahoo.com
972-998-6214

We strongly object to this proposed zoning change. This will decrease property values and increase noise pollution and traffic congestion in our neighborhood that is already small. I work from home and this would severely impact my ability to make income. This plan overall would decrease our home's value and our quality of life.

From: [Wauwie, Kira](#)
To: [Guerin, Will](#); [Allmendinger, Tracy](#)
Subject: FW: [EXTERNAL] Updated Comment Form Regarding Case Z 20-29
Date: Wednesday, March 10, 2021 2:53:51 PM

Response for Z 20-29.

-Kira

From: Barbara Koos <barbaralorrainek@yahoo.com>
Sent: Wednesday, March 10, 2021 2:02 PM
To: Wauwie, Kira <KWauwie@garlandtx.gov>
Cc: Morris, Councilwoman Deborah <DMorris@garlandtx.gov>
Subject: [EXTERNAL] Updated Comment Form Regarding Case Z 20-29

Kira,

This is Barbara Koos at 1421 Rodando Drive. I along with My husband Chris Garrison submitted comments for the February Planning meeting. After understanding more about the plans for The Draper Garland we would like to update and specify our comments.

If we are understanding correctly, Rodando Drive would have parking spots and an entrance to the complex on the East side of Rodando Drive.

We are **against** and **object** to an entrance and parking on Rodando Drive.

Signs and changing the angle of the parking spot are not enough to keep traffic off of our street. Our Street dead ends into a U shape, you can only turn right from each exit because Ave. B is a one way road. In other words, with the current plan; you are inviting everyone to enter our road, park there, and drive through while also blocking off the one alleyway that could be another exit off of our street and making it a sidewalk.

Please keep in my mind that our street is old asphalt with no curbs or sidewalks that kids and pets play on, and the current plan would increase traffic through our already congested neighborhood.

It's one thing to add apartments there and it's another to add parking and entrances on our street.

1. Please let me know if we are understanding the plan correctly
2. Please let me know if there is anything else we can do to get our voice heard in regards to this matter. I cc'ed our District Councilwoman.

Thank You,
Barbara Koos
Chris Garrison
1421 Rodando Drive

From: [Teresa Sutherland](#)
To: [Planning Group](#)
Subject: [EXTERNAL] Z 20-29 City of Garland Notice of Public Hearing-Master Plan (3.16.21)
Date: Thursday, March 4, 2021 10:56:43 AM
Attachments: [image001.png](#)
[Z 20-29 City of Garland Notice of Public Hearing-Master Plan \(3.16.21\).pdf](#)

Attached please find the Z 20-29 City of Garland Notice of Public Hearing-Master Plan (3.16.21) signed by Paul Gonzales, GISD Executive Director of Facilities & Maintenance.

TERESA L. SUTHERLAND, CEOP

Garland Independent School District

Secretary to Paul P. Gonzales Sr., Executive Director of Facilities & Maintenance

Marvin Padgett Auxiliary Services Center | 701 N. First Street | Garland, TX 75040

Phone: (972)487-4101

tsutherl@garlandisd.net



Comment Form

Case Z 20-29

Z 20-29 Masterplan. The applicant proposes to develop a mixed-use community. Three buildings would be constructed for apartment dwelling units in Phase 1. An existing Chase Bank building would be repurposed to add upper-floor apartment units in Phase 2. This site is located at 111 and 217 South Garland Avenue; 1413 West Avenue B; and 1412 and 1413 Rodando Drive. (District 2)

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Please Check One Below / Marque uno a continuación / Vui lòng kiểm tra một bên dưới

☒

For / A Favor / Đúng

☐

Against / En Contra / Không

Please complete the following information / Por favor complete la siguiente información / Vui lòng điền các thông tin sau:

Paul Gonzales, GISD Executive Director of Facilities & Maintenance

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.)

310 South Garland Avenue

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

Garland, TX

City, State / Estado de la Ciudad / Thành bang

75040

Zip Code / Código postal / Mã Bưu Chính



Signature / Firma / Chữ ký

3-1-21

Date / Fecha / Ngày

Z 20-29

The applicant requests to construct a multi-family residential apartment community, and reuse an existing bank building for bank with a drive-up service, retail, and apartment uses.

[Planned Development Amendment, Specific Use Provision and Plan for a mixed-use multi-family residential and commercial development on a property zoned Planned Development (PD) District 14-43.]



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**City Council Meeting
March 16, 2021**

Location: 111 and 217 South Garland Avenue; 1413 West Avenue B; and 1412 and 1413 Rodando Drive

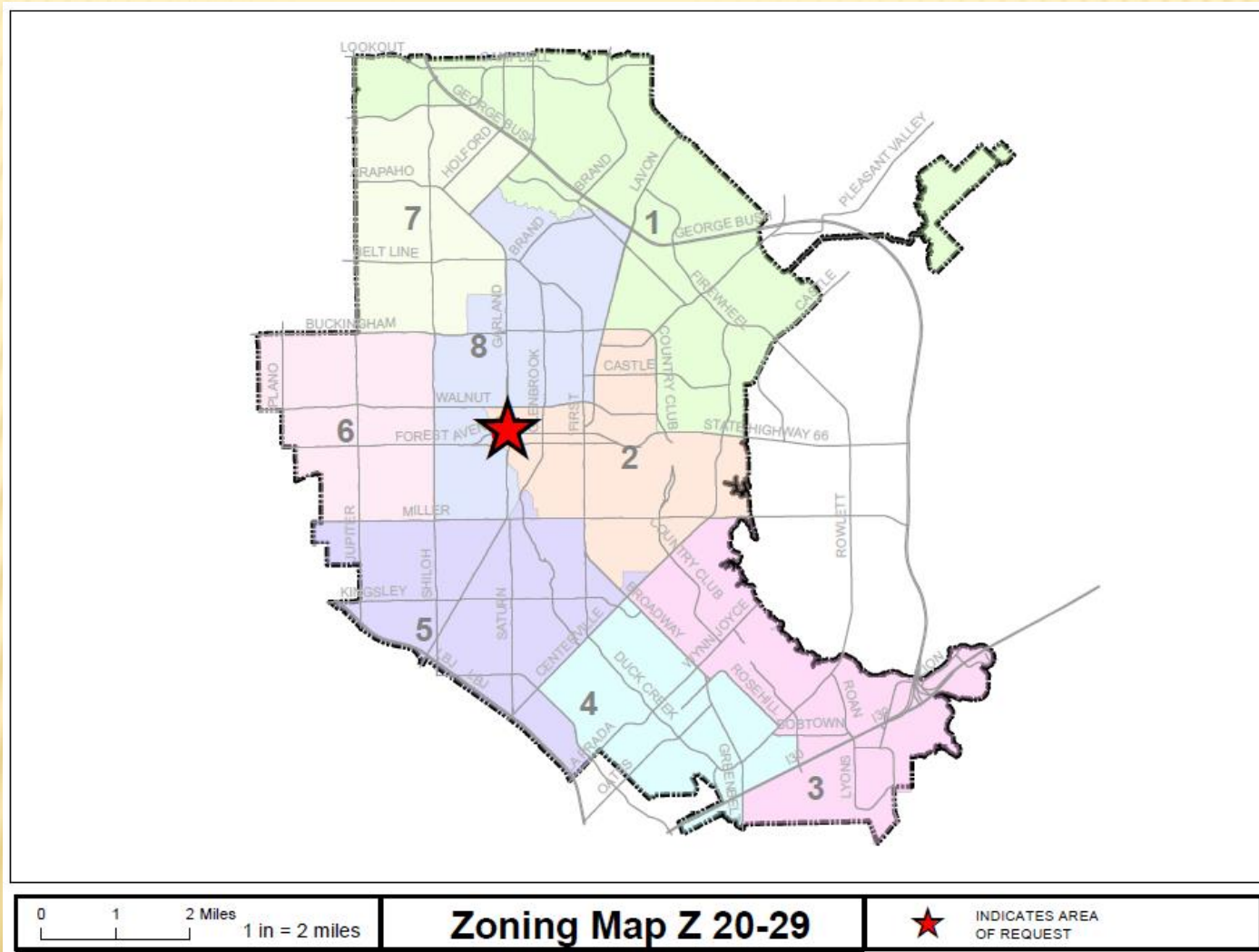
Applicant: Masterplan

Owner: The Draper Garland LLC

Acreage: 4.65 acres

Zoning: Planned Development (PD) District 14-23

CITYWIDE LOCATION MAP

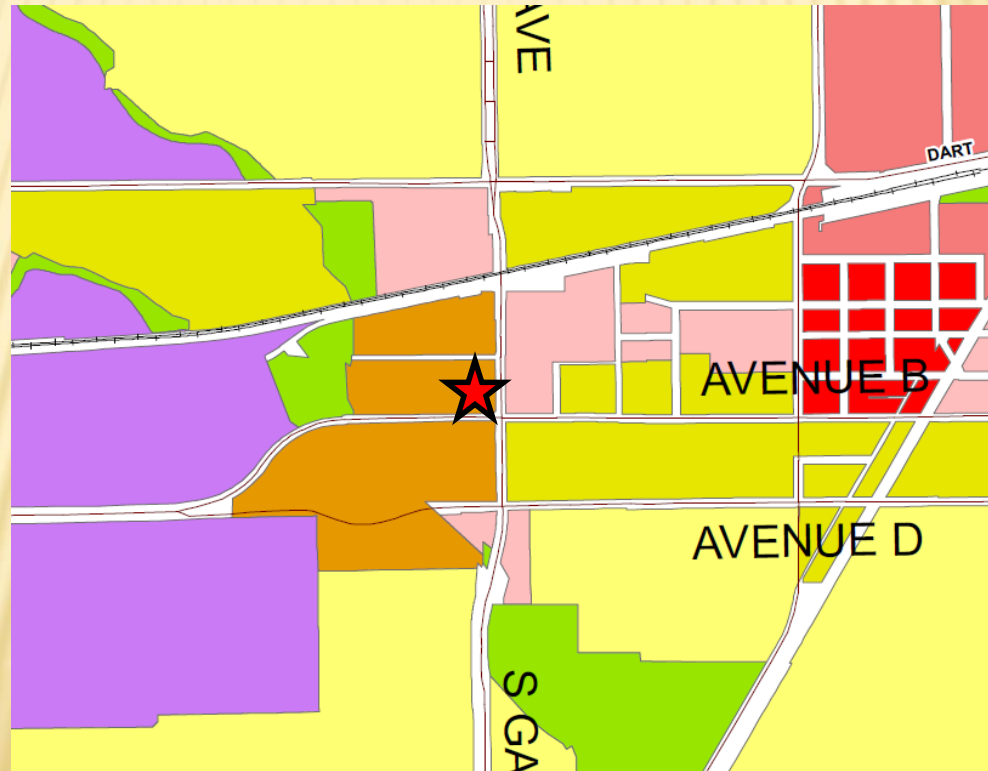


Z 20-29



Z 20-29

COMPREHENSIVE PLAN





COMPREHENSIVE PLAN

- ✘ Plan recommends Urban Neighborhoods for the subject property. Urban Neighborhoods are vibrant higher-density neighborhoods offering urban amenities and a concentration of activities. Urban Neighborhoods provide a variety of high density housing types, including single-family attached and multifamily, and may include compatible non-residential uses, such as shopping, restaurants, offices, entertainment and daily services, in a vertical mixed-use development. This type of neighborhood may be located along major transportation corridors and/or community amenities, such as parks, greenways, and major shopping or entertainment areas.

- ✘ The proposed Planned Development (PD) District is consistent with the recommendation of the Envision Garland Plan in that it would allow for a high density residential development and the incorporation of non-residential uses on a site located along Garland Avenue, a highly capacity road that traverses the City from south to north and provides direct access to Downtown from SH 190 and IH 635. Additionally, DART bus service lines run along Avenue D and Garland Avenue; and the DART rail station is approximately one mile from the site although the distance seems less far in the downtown urban environment.



PHOTOS

Z 20-29



Looking towards the site from Garland Avenue and Avenue B



View of site from Rodando Drive



Residential to west of Rodando Drive



Looking east of site across Garland Avenue

Z 20-29

PD 14-23

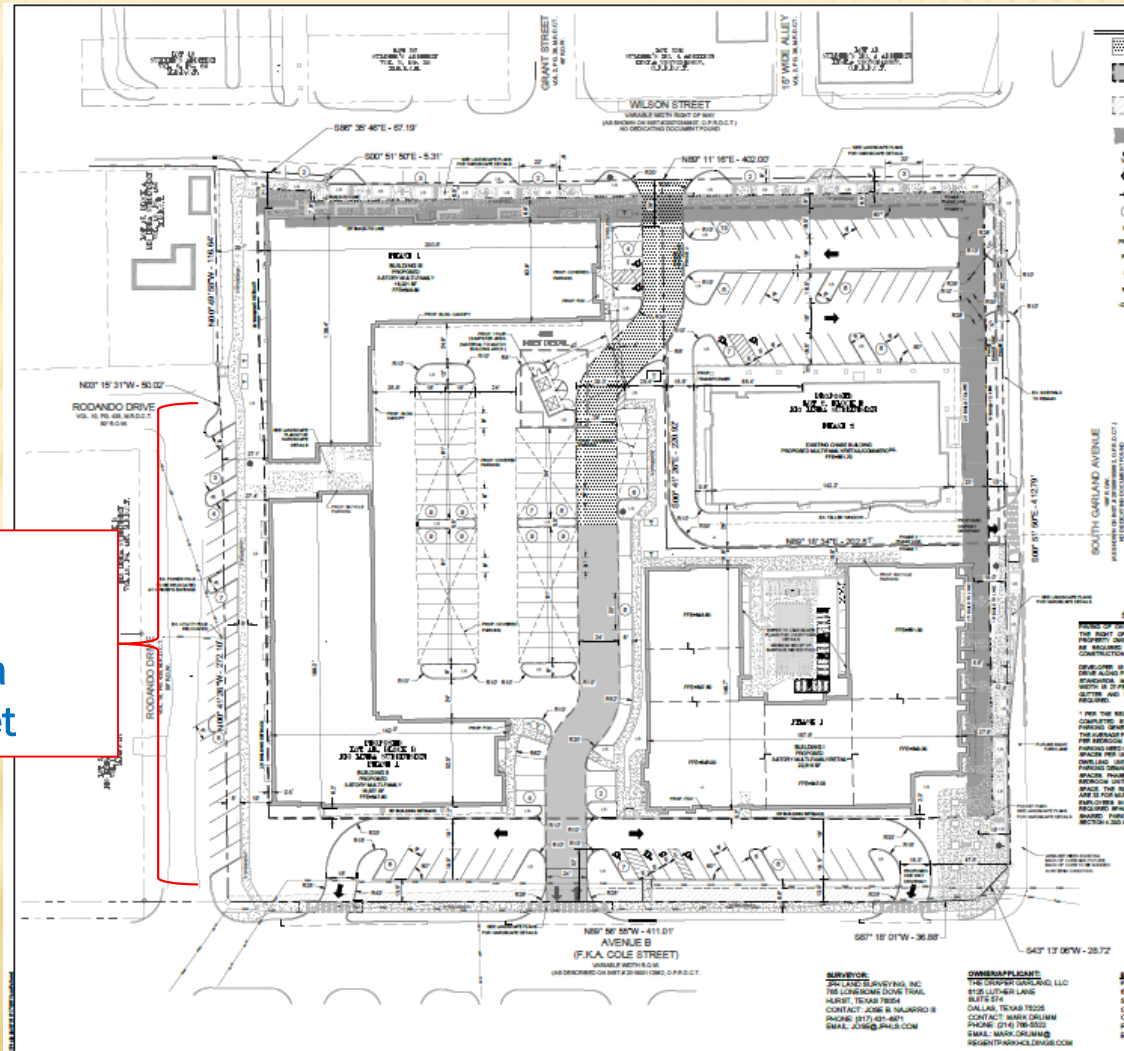




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SITE PLAN - AT PLAN COMMISSION

- Plan Commission
- 90° parking
 - Signage not a through street

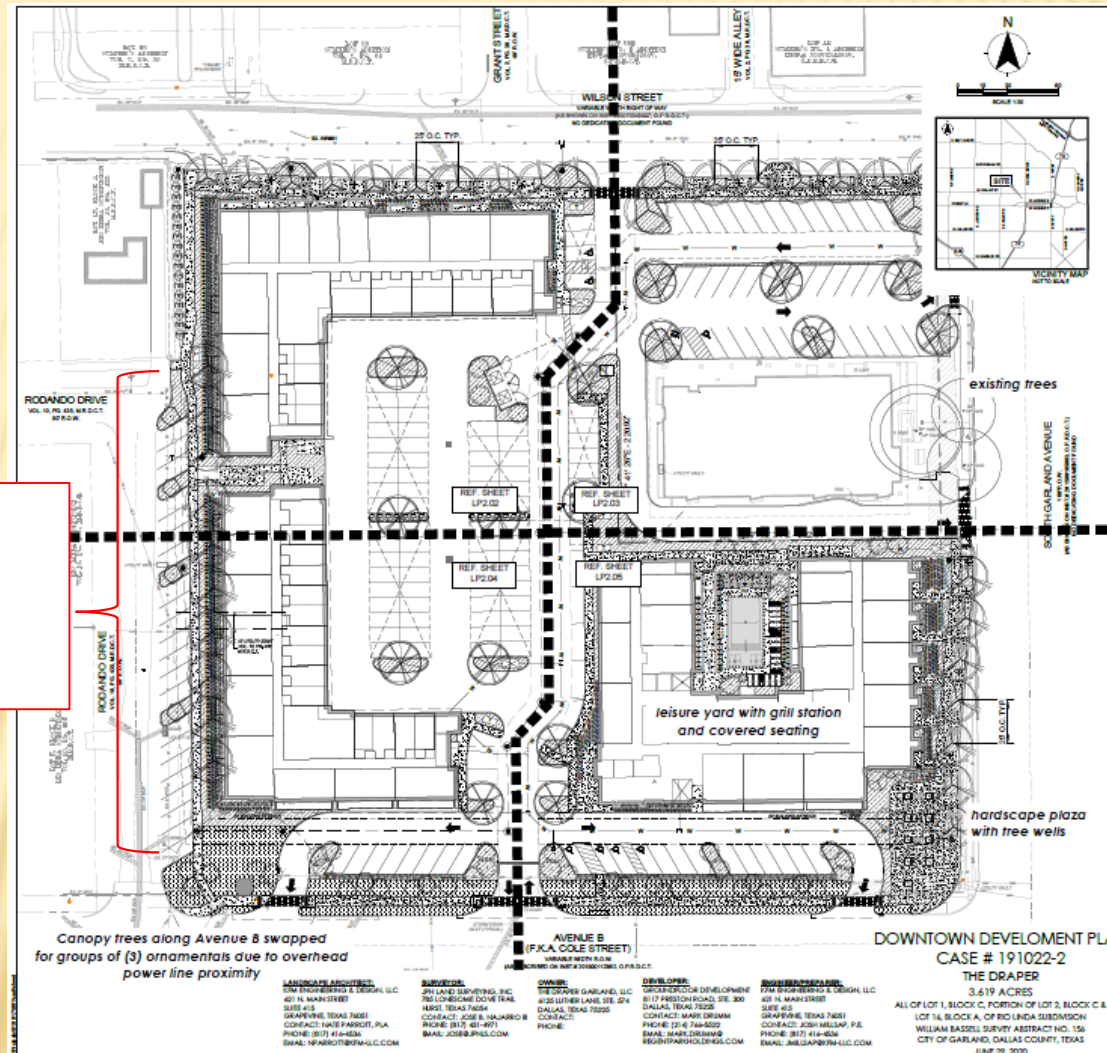


Z 20-29



Plan Commission

- a. 90° parking
- b. Signage not a through street

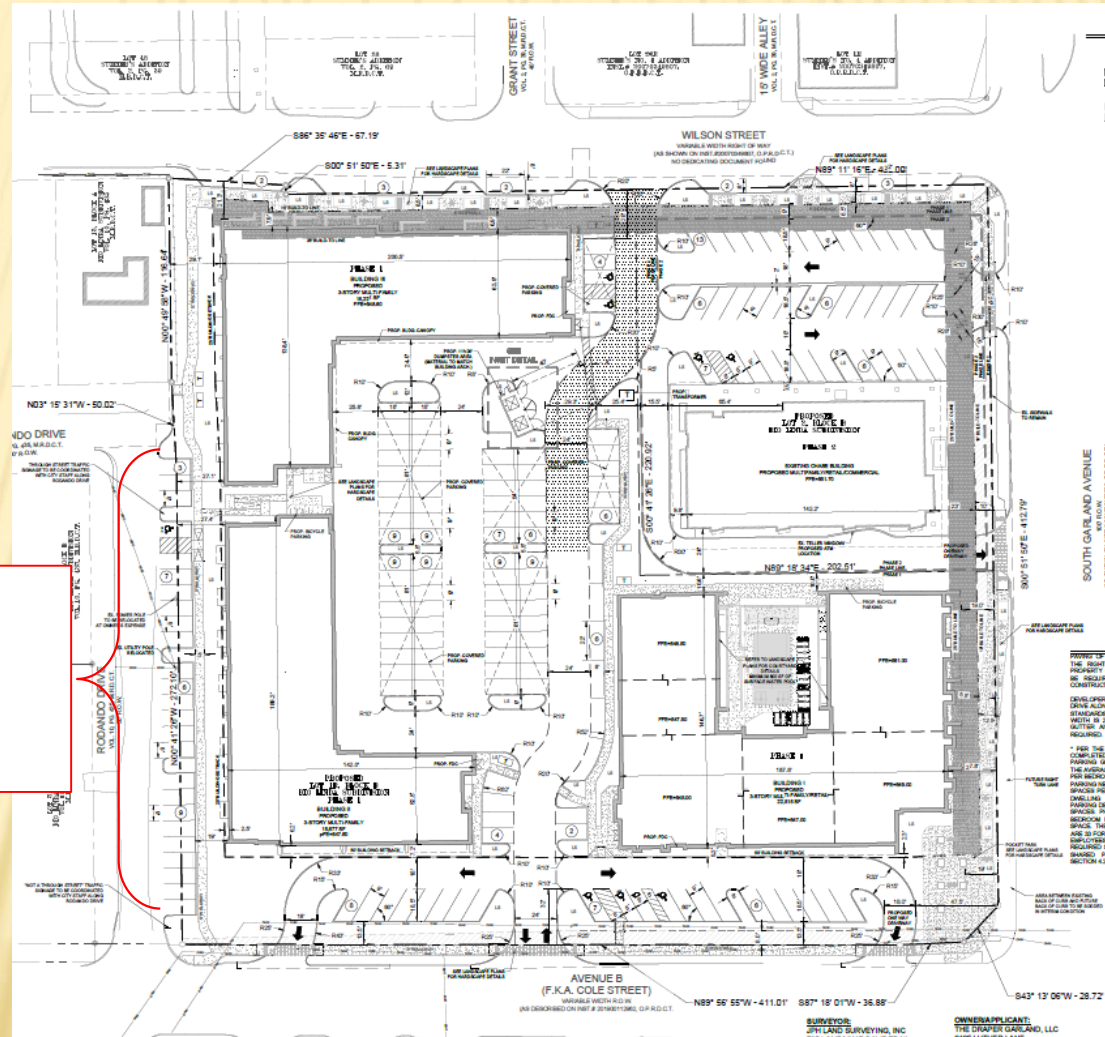




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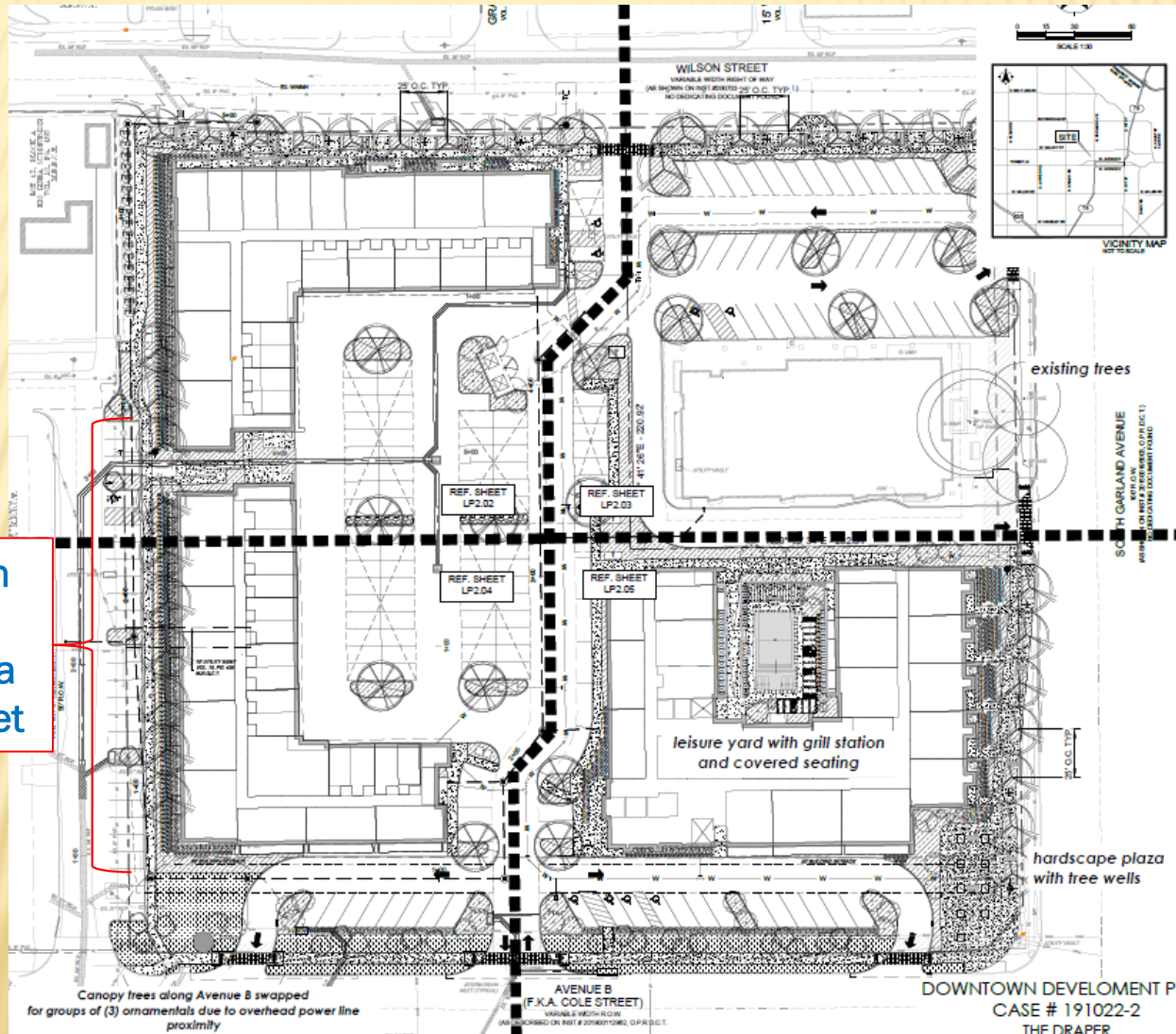
SITE PLAN – REVISED AFTER PC

- Plan Commission
- 90° parking
 - Signage not a through street



Z 20-29

LANDSCAPE PLAN – REVISED AFTER PC



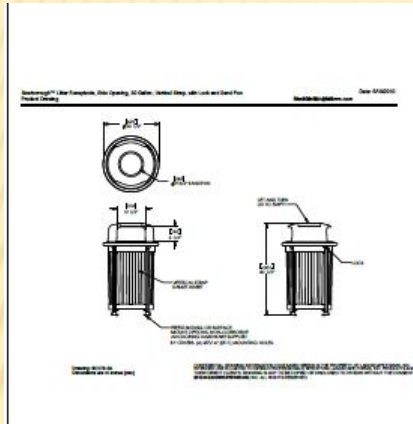
Plan Commission

- 90° parking
- Signage not a through street

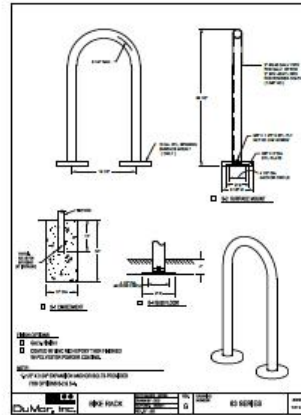


GARLAND
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LANDSCAPE PLAN



TYPICAL STREET TRASH RECEPTACLE



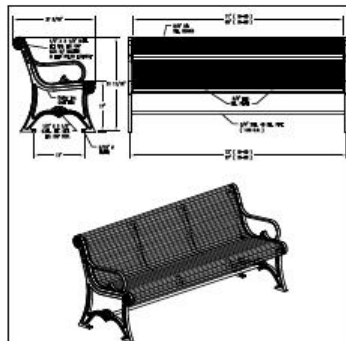
TYPICAL BIKE RACK



TYPICAL STREET ASH URN



TYPICAL STREET CLAY PAVERS



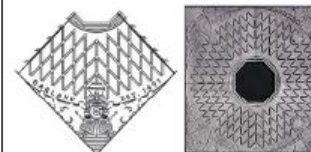
TYPICAL STREET BENCH



TYPICAL STREET LIGHT POLE



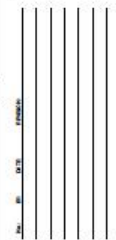
TYPICAL STREET TRUNCATED DOME PAVERS



TYPICAL STREET TREE GRATE



TYPICAL STREET PLANTER POTS



SCALE
GROUND FLOOR DEVELOPMENT

EXHIBIT D

SCALE
THE DRAPER

STREET FURNISHINGS



PRELIMINARY
NOT FOR CONSTRUCTION

LD 3.06

Z 20-29

[illegible]

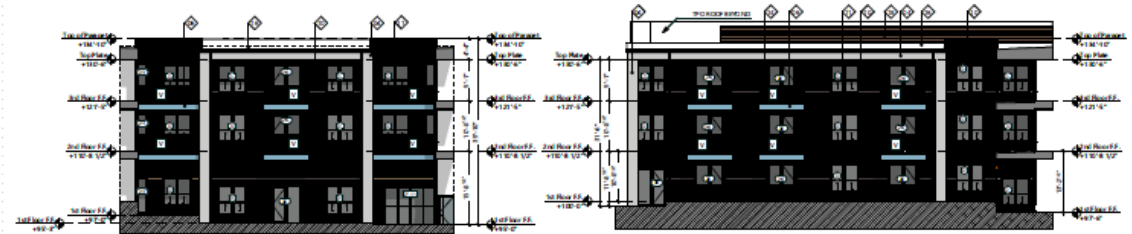


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ELEVATIONS



07 Building 1 North Elevation
Scale: 1/8" = 1'-0"



19 Building 1 Courtyard North Elevation
Scale: 1/8" = 1'-0"

15 Building 1 Courtyard West Elevation
Scale: 1/8" = 1'-0"



25 Building 1 Courtyard East Elevation
Scale: 1/8" = 1'-0"

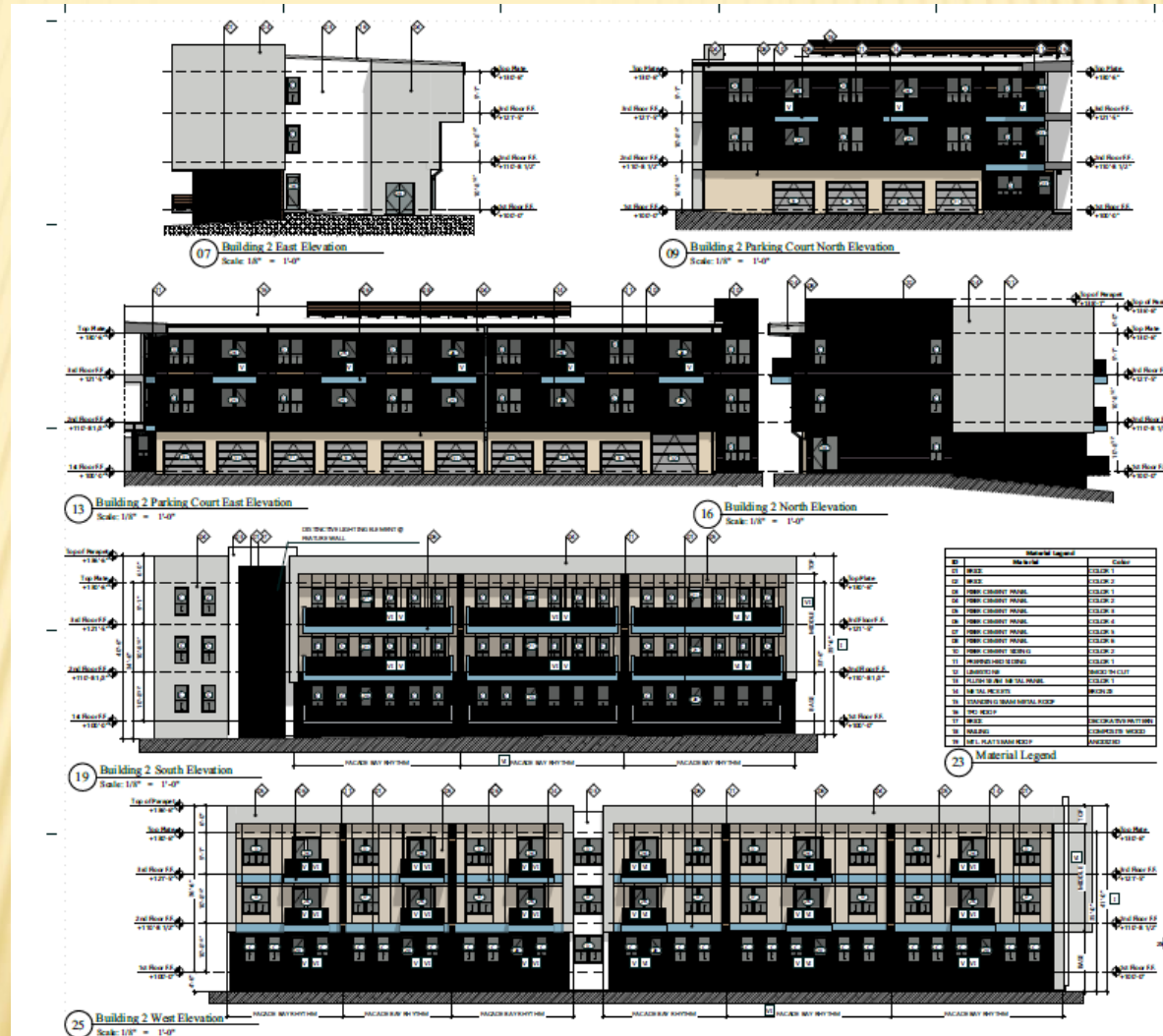
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29 Material Legend



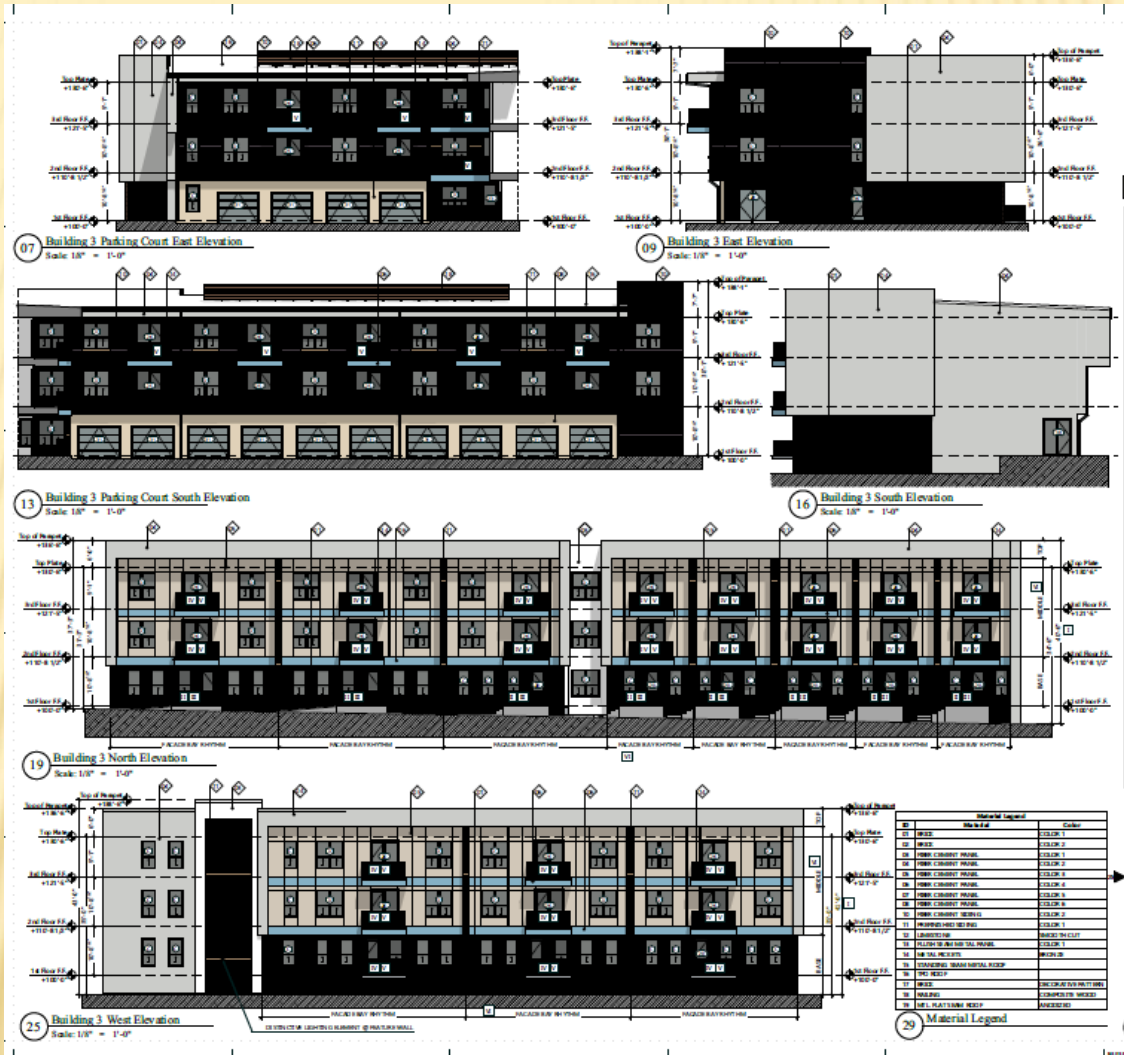
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ELEVATIONS





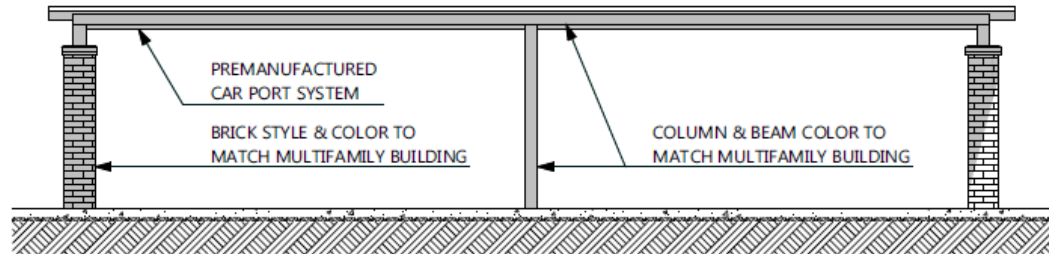
ELEVATIONS



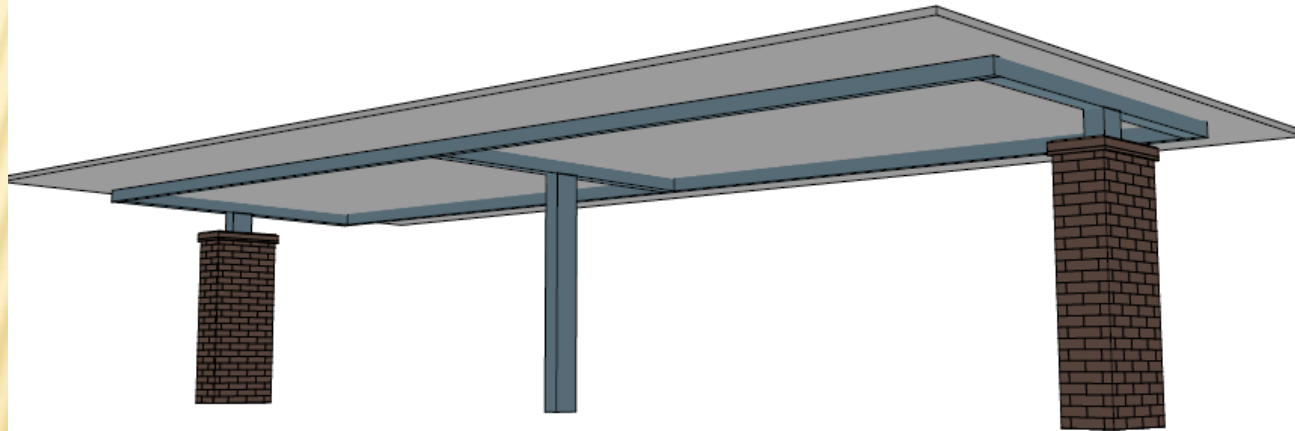


GARLAND
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ELEVATIONS



1 Elevation
Scale: 1/4" = 1'-0"



2 Car Port Perspective

DEVIATIONS

Development Standards	Summarized Required	Proposed
Efficiency Units	Maximum 10 percent of all units may be efficiency units	Maximum 19 are allowed; proposal is for 21
Primary Building Entrance	Location of primary entrances (doors) to the building are to be located at the street frontage	The leasing lobby for Phase 1 is shown on the plans with its primary building entrance facing and interior drive; the Bank Building has an existing primary entry facing to the parking lot

DEVIATIONS

Development Standards	Summarized Required	Proposed
Parking	PD 14-23 establishes a parking ratio of 1.3 parking spaces per dwelling unit	Reduction of parking ration from 1.3 parking spaces per dwelling unit to 1.1 parking space per dwelling unit
Streetscaping	Streetscape includes the following from the curb: double row of trees in tree wells, sidewalk, planter and front door with patio	Avenue B, Wilson Street, Rodando Drive all have variations of deviations from the Streetscape standards

DEVIATIONS

Development Standards	Summarized Required	Proposed
Covered parking	50% of required parking is to be covered	88 covered parking spaces are provided in garages and under carports
Parking lot trees	One large canopy tree is required per 6 parking spaces	One large canopy tree is provided at the end of all except one parking row
Carport column cladding	Carport columns to be clad with masonry and a color similar to the building	Carports are proposed with cladding of columns only at the ends of the structures, the middle columns are not cladded

CONSIDERATION

The applicant requests the Specific Use Provision (SUP) for the Drive-Through Service for a period of fifteen (15) years.

PLAN COMMISSION RECOMMENDATION

- ✘ On February 22, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of an Amendment to Planned Development (PD) District 14-23 for Downtown District Uses and Mixed Uses with 90-degree parking on Rodando Drive, and with a parking study submitted 5 years after completion of project construction.
- ✘ The Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision to allow a Drive-Through Service on a property zoned Planned Development (PD) District 14-23 for fifteen (15) years.
- ✘ The Plan Commission, by a vote of nine (9) to zero (0), recommended approval Detail Plan for Downtown District Uses and Mixed Uses on a property zoned Planned Development (PD) District 14-23.

STAFF RECOMMENDATION

- ✘ Approval of an Amendment to Planned Development (PD) District 14-23 for Downtown District Uses and Mixed Uses.
- ✘ Approval of a Specific Use Provision to allow a Drive-Through Service on a property zoned Planned Development (PD) District 14-23.
- ✘ Approval of a Detail Plan for Downtown District Uses and Mixed Uses on a property zoned Planned Development (PD) District 14-23.



GARLAND PLANNING REPORT

City Council Regular Session Agenda

12. b.

Meeting Date: 03/16/2021

Item Title: Z 20-29 Masterplan - Specific Use Provision (District 2)

Submitted By: Kira Wauwie, Principal Development Planner

REQUEST

Approval of an Amendment to Planned Development (PD) District 14-23 for Downtown District Uses and Mixed Uses.

Approval of a Specific Use Provision to allow a Drive-Through Service on a property zoned Planned Development (PD) District 14-23 for fifteen (15) years.

Approval of a Detail Plan for Downtown District Uses and Mixed Uses on a property zoned Planned Development (PD) District 14-23.

LOCATION

111 and 217 South Garland Avenue; 1413 West Avenue B; and 1412 and 1413 Rodando Drive

OWNER

The Draper Garland LLC

PLAN COMMISSION RECOMMENDATION

On February 22, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of an Amendment to Planned Development (PD) District 14-23 for Downtown District Uses and Mixed Uses. Further, the Plan Commission recommended parking on Rodando Drive to be 90-degree angled parking, and a parking study submitted 5 years after completion of project construction.

The Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision to allow a Drive-Through Service on a property zoned Planned Development (PD) District 14-23 for fifteen (15) years.

The Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Detail Plan for Downtown District Uses and Mixed Uses on a property zoned Planned Development (PD) District 14-23.

The applicant has submitted a revised plan showing 90-degree angled parking and proposes signage on Rodando Drive indicating “not a through street”. The applicant concurs with the time

period of fifteen (15) years.

STAFF RECOMMENDATION

Approval of an Amendment to Planned Development (PD) District 14-23 for Downtown District Uses and Mixed Uses.

Approval of a Specific Use Provision to allow a Drive-Through Service on a property zoned Planned Development (PD) District 14-23.

Approval of a Detail Plan for Downtown District Uses and Mixed Uses on a property zoned Planned Development (PD) District 14-23.

BACKGROUND

The subject property consists of five (5) separate tracts of land and approximately 3,250 square feet of public right-of-way. It should be noted that any current public right-of-way reflected as part of the proposed site must be abandoned and acquired from the City of Garland through the established process before approval of a plat. The site is developed with a 5-story building known as the Chase Bank building, a vacant building formerly used as a restaurant, and an abandoned drive-through structure.

The applicant proposes development of the site in two phases:

Phase 1. The former restaurant building, bank drive-through structure, and other site improvements on the west and south halves of the site would be demolished to make way for the construction of three (3) urban-style multi-family residential buildings.

Phase 2. The Chase Bank building would be repurposed with the first floor to remain with bank, drive-through windows (including one teller window), and retail/flex use. The upper floors would be repurposed with multi-family uses. Amenities constructed in Phase 1 will be available for use by residents living in Phase 2. The existing parking would be reconfigured for future use with bank, retail, and multi-family uses. Additionally, parking in Phase 1 would be available for Phase 2 residents.

SITE DATA

The subject property contains 4.65 acres and has approximately 400 feet of frontage along Wilson Street, 430 feet along South Garland Avenue, 460 feet along Avenue B, and 320 feet along Rodando Drive. Vehicular and non-motorized (pedestrian, bicycles) access to the site would be accomplished from each of the abutting streets. The site grade slopes from north to south, and there is an existing approximate five (5) foot high retaining wall on the east portion of the site along the boundary of Phase 1 and Phase 2.

USE OF PROPERTY UNDER CURRENT ZONING

In 2014 the City Council approved Planned Development (PD) District 14-23 for Downtown (DT) District Uses. PD-14-23 included two development alternatives to allow mixed use development with a multi-family residential and nonresidential uses. The approval specifically included 325 units of multi-family residential dwellings as the predominant use in the upper floors (2nd through 5th) and in either new 3-story residential buildings with surface parking or new 4-story residential buildings with structured garage parking; and the Chase Bank use remaining on the ground floor along with flex space for retail uses on the ground floor of the Chase Bank building. The approval allowed a maximum density of seventy (70) units per acre (325 dwelling

units), structured or surface parking, and variable nonresidential floor area ranging from zero square feet to 25,000 square feet.

This proposal closely follows PD 14-23 as it also proposes multi-family residential as the predominant use and nonresidential uses. Further, the PD 14-23 was conceptual in nature; the applicant brings forward a more refined project with a site plan and deviations from standards that result from existing site conditions including the Bank building, topographic grade that slopes from the northeast towards the southwest, established Bank building access points, and high power lines along Avenue B.

CONSIDERATIONS

Use and Phasing

1. The proposal would repurpose this site for multi-family, bank, and retail uses. The development would occur in two (2) phases. Phase 1 includes a multi-family apartment development consisting of 155 units in three (3) separate three (3)-story buildings with surface parking and amenities placed on the south and west halves of the overall site. The proposal for Phase 2, located on the northeast quadrant of the site, would include renovation and continued use of the Chase Bank building for bank use, and add thirty (30) multi-family apartments as well as retail use to the building. The resulting residential density would be forty (40) units per acre.

Specific Use Provision

2. Only one of the existing drive-through windows would be retained on the south side of the Chase Bank building; this is shown as an existing drive-through teller window and proposed ATM location on the site plan. A Specific Use Provision is required for a drive-through service. The DT District is structured to create a more walkable, urban environment. Drive-through uses provide services to customers who are in vehicles. This site is located in an area of transition at the periphery of the Downtown area. Also, the site is one of the first reinvestments with new construction on Garland Avenue in the DT District. The bank building already contains the drive-through, thus it demonstrates the capacity to continue functioning.

The applicant previously requested a ten (10) year time period for the Specific Use Provision. Upon recommendation of the Plan Commission for a fifteen (15) year time period, the applicant agrees with fifteen (15) years.

Detail Plan – Amendments and Deviations

3. The applicant requests to amend the existing PD 14-23 and proposes a Detail Plan to accommodate the desired development. The Detail Plan is generally consistent with the existing PD 14-23 layout, amended standards, and conditions with three multi-family buildings and a repurposed Chase Bank building. Street edges, setbacks, building placement, parking arrangements, and other development elements of the site are carried forward in this proposal. An overlay of the previously approved plan and the proposed Detail Plan indicate limited changes to the original layout. The requested deviations are intended to formally recognize and support conformity with the intent of PD 14-23. The following considerations describe the development and related deviations.

4. *Site Plan.* The proposed site plan reflects the DT District goals of buildings placed close to the street with on-street parking, an amenity zone including street trees, sidewalks, landscaping at the base of residential buildings, and access to dwelling units from the street sides of the buildings including stoops or patios. The proposal includes open space in the form of an

informal pocket park at the corner of South Garland Avenue and Avenue B. This area is designed with a small cluster of trees, benches, and a lighted wall providing an identity and special feature on the building.

5. *Amenities.* Amenities for the residential uses are proposed within Phase 1, will serve the units in Phase 2, and satisfy the GDC requirements. The amenities include a fitness center, pool within a courtyard, barbeque with ramada and seating area. Additionally, the proposed pocket park area at the southeast corner of the site contributes to the open space and amenity areas.

6. *Efficiency Units.* The residential uses are allowed with the exception that the GDC prescribes a maximum ten (10) percent of units as Efficiency Units. The applicant proposes twenty-one (21) efficiency units whereas nineteen (19) are allowed, resulting in two (2) excess efficiency units. Efficiency Unit is defined by the GDC as a type of multi-family dwelling unit that consists of not more than one habitable room separated by no more than a half-wall partition, and kitchen and bathroom facilities. These types of units offer a more affordable dwelling compared to a unit with separate rooms for living spaces. In recent years there has been interest in efficiency units by professional workers who frequently travel or by residents who don't consider a larger living space a high priority.

Meanwhile, eight-five (85) one-bedroom units are proposed (in addition to the 21 efficiency units) and forty-nine (49) two-bedroom units are proposed.

7. *Residential Units and Entries At Grade Level.* The proposed development meets the intent of the GDC Downtown Standards and PD 14-23 by having the majority of street-facing residential units, accessible from the sidewalk where the site grading allows.

8. *Primary Building Entrance.* The goal of the Downtown (DT) District is to create a walkable, pedestrian friendly, community with store fronts and the business entrances along the sidewalks of streets oriented to pedestrian traffic. The location of the proposed leasing office front door faces onto an internal circulation drive due to site constraints including a power line easement, and site layout limitations for building size and placement due to grade change. Further, in this development proposal, ground floor unit entries are included with doors oriented to the street frontage. The bank building has its existing primary entrance oriented to its existing parking lot. Future redevelopment could result in reorientation of the main entrance to the street facing side of the building.

9. *Parking.* PD 14-23 was approved with a required parking ratio of 1.3 parking spaces per dwelling unit. The applicant has submitted a parking study supporting a further reduction in residential parking, which proposes 1.1 parking spaces per dwelling unit in Phase 1 with its 155 dwelling units which results in 171 parking spaces, all of which would be located in Phase 1. In addition, the application proposes to use shared parking with Phase 2 allowing the residents of Phase 2 to park in Phase 1; shared parking is typical in Downtown areas. After the Plan Commission Meeting and in response to the recommendation for 90-degree angled parking on Rodando Drive, the applicant redesigned the angled parking resulting in an additional three (3) parking spaces along Rodando Drive. Thus the total parking provided in Phase 1 is 174 parking spaces.

Residential Phase 2 parking is proposed with the parking ratio of 1.1 parking space per dwelling unit. There are thirty (30) residential units proposed in Phase 2 which results in thirty-three (33)

residential parking spaces required, and as indicated above the residential units would be allowed shared parking with Phase 1. The non-residential uses require twenty-seven (27) parking spaces. Phase 2 provides a total of forty-three (43) parking spaces, including its abutting five (5) parking spaces proposed on Wilson Street.

Offsetting the reduction of parking, a total of twenty-three (23) bicycle parking spaces are provided for both phases. The reduction in parking is justified due to the site's location in a more urbanized and walkable area with multi-modal transportation options including bus and rail.

Additionally, the proposal seeks a reduction of the number of covered parking spaces. Fifty (50) percent, or 102 parking spaces, of the required 204 residential parking is required as covered parking [garages or carports]. The provided covered parking is forty-three (43) percent, or 88 parking spaces. Phase 1 is proposed with eighty-eight (88) covered parking spaces. Phase 2 contains no covered parking spaces although residents of Phase 2 may park in Phase 1. The Downtown (DT) District encourages development with on-street parking as a means of achieving an urban development. On-street parking is not allowed as covered parking. Further limiting the development of covered parking is an overhead power line easement along the south side of the site, where on-site surface parking is proposed although the easement precludes any structures including carports. Where feasible, the development is providing covered parking.

10. *Parking Landscaping.* Where a parking lot is abutting a street, a landscape planter with a low fence up to three and one-half feet high is required along with ground cover, trees, and street furnishings. Neither the parking lot at the northwest quadrant nor at the south side of the site include a low fence. However, the applicant is proposing ground cover, trees, and street furnishing in accordance with the requirements. A low fence can serve to enhance pedestrian safety by separating pedestrian and vehicular and encouraging pedestrian traffic to flow in an urban fashion along the sidewalk edges along street towards building fronts. The site location is in a Suburban Corridor Subdistrict where some development features may be less urban as compared to the inner core of a downtown area. Additionally, the northwest quadrant parking lot will be renovated from its current condition. Upgrades to that parking lot include on-street parking, street furnishings, and parking reconfiguration along with tree plantings.

Additionally, one parking lot landscape planter island is required per each run of eight (8) parking spaces. The plan proposes a landscape island per each run at a minimum of nine (9) parking spaces for the new parking areas. The existing Chase Bank parking lot is proposed to retain a run of parking along Wilson Street containing a proposed thirteen (13) parking spaces without a landscape island. Also, the planters are required to be a minimum nine (9) feet wide while most of the planters meet this dimension; others are less than the required standard and the smallest are five feet, six inches (5' 6") wide where located between parking canopies.

11. *Streetscaping.* The applicant proposes streetscaping along Garland Avenue, Avenue B, Rodando Drive and Wilson Avenue. The proposed Garland Avenue frontage meets Downtown streetscape standards. Existing physical challenges necessitate some deviations from full Downtown streetscape standards for Avenue B, Rodando Drive and Wilson Avenue. For example, ornamental trees must be substituted for large canopy trees underneath overhead utilities. However, improvements will be made to these street edges including street trees and improved sidewalks. In addition, the abutting existing parking lot along Wilson Avenue will be renovated with an improved parking layout and landscaping.

12. *Parking lot trees.* One large canopy tree is required per six parking spaces. Due to the compactness of the site the applicant proposes one large canopy tree at the end of all except one parking row. The applicant proposes covered parking canopies to provide further shade.

13. *Carport columns.* Carports are to have support columns that are architecturally integrated and have similar colors to the building. The carport elevations show columns clad with masonry at the ends of the carports, although the middle carport support columns are metal columns without masonry cladding.

14. *Elevations.* The elevations conform to the requirements of the PD 14-23 and GDC.

15. Summary of Deviations:

Development Standards	Summarized Required	Proposed	Analysis
Efficiency Units	Maximum 10 percent (10%) of all units may be efficiency units.	Maximum 19 are allowed. Proposal is for 21.	Efficiency units offer an affordable choice in housing. Recent years indicate a trend favoring efficiency units.
Primary Building Entrance	Location of primary entrances (doors) to the building are to be located at the street frontage.	The leasing lobby for Phase 1 is shown on the plans with its primary building entrance facing an interior drive; the Bank Building has an existing primary entry facing to the parking lot.	The site design of Phase 1 results in too narrow of a sidewalk space for placement of a primary entry at the Avenue B frontage. The Bank Building is existing with its primary entrance facing the parking lot; storefront access is located facing Garland Avenue although that storefront is not considered a primary building entrance.
Parking	PD 14-23 establishes a parking ratio of 1.3 parking spaces per dwelling unit.	Reduction of parking ratio from 1.3 parking spaces per dwelling unit to 1.1 parking space per dwelling unit.	The site is abutting two (2) street that have bus transit service; rail transit service is not far from the site. The DT District encourages a more urban development.

Streetscaping	Streetscape includes the following from the curb: double row of trees in tree wells, sidewalk, planter and front door with patio.	Avenue B, Wilson Street, Rodando Drive all have variations of deviations from the Streetscape standards.	The site slope, high utility lines, underground utility easements, existing Bank building Improvement, all contribute to challenges in meeting the GDC requirements; the applicant has presented a site design that responds with alternative solutions to minimize the level of deviation.
Covered parking	50% of required parking is to be covered.	88 covered parking spaces are provided (43%) in garages and under carports whereas 102 covered parking spaces are required.	The site is in the downtown area which encourages on-street parking where no covered parking is allowed, and overhead power lines on the site further limit the ability to place covered parking on the site.
Parking lot trees	One large canopy tree is required per 6 parking spaces.	One large canopy tree is provided at the end of all except one parking row.	Trees are important in urban heat reduction; the applicant proposes parking canopies to further provide shade.
Carport column cladding	Carport columns to be clad with masonry and a color similar to the building.	Carports are proposed with cladding of columns only at the ends of the structures, the middle columns are not cladded.	Although some cladding is provided the proposal does not meet the full spirit of column cladding.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Urban Neighborhoods for the subject property. Urban Neighborhoods are vibrant higher-density neighborhoods offering urban amenities and a concentration of activities. Urban Neighborhoods provide a variety of high density housing types, including single-family attached and multifamily, and may include compatible non-residential uses, such as shopping, restaurants, offices, entertainment and daily services, in a vertical mixed-use development. This type of neighborhood may be located along major transportation corridors and/or community amenities, such as parks, greenways, and major shopping or entertainment areas.

The proposed Planned Development (PD) District is consistent with the recommendation of the Envision Garland Plan in that it would allow for a high density residential development and the incorporation of non-residential uses on a site located along Garland Avenue, a highly capacity road that traverses the City from south to north and provides direct access to Downtown from SH 190 and IH-635. Additionally, DART bus service lines run along Avenue D and Garland Avenue; and the DART rail station is approximately one mile from the site, although the distance is generally more walkable in a downtown urban environment.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The properties to the north are zoned Downtown (DT) District and Community Retail (CR) District and are developed with financial institutions, retail sales/personal services, an auto related use, a fast food restaurant, and single-family residences. The properties to the east are zoned Downtown (DT) District and Uptown (U) Subdistrict; these properties are developed with a variety of uses that include two school campuses, a government building, retail uses, office buildings, and single family residences. The properties to the south are in the Downtown (DT) District with Auto Overlay Subdistrict, and Industrial (IN) District; these properties are developed with an array of auto related uses, restaurants, and offices. The properties to the west are zoned Single Family-7 (SF-7) and are developed with single-family residences.

The subject property is located on the periphery of the Downtown area and immediately adjacent to properties already zoned Downtown (DT) District. The proposed development maintains the approved mix of uses and the proposed Detail Plan is generally consistent with the previous approval. The proposal would be both compatible and consistent with the zoning pattern established for that portion of Downtown. Furthermore, if developed as a mixed-used development, the subject property would add a vibrant urban character to the western edge of the Downtown area as well as patrons for the support of existing and future businesses within the surrounding area.

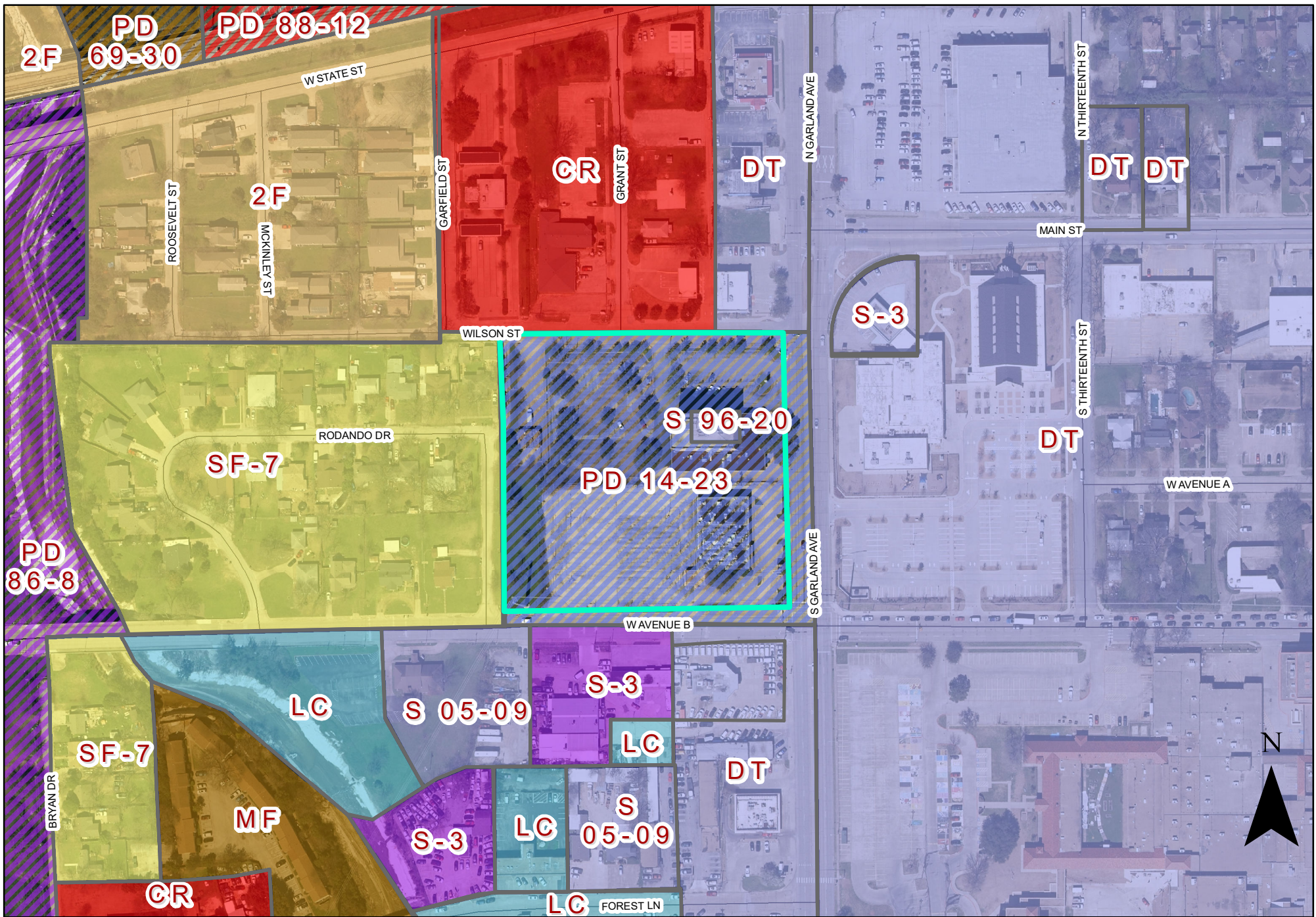
The proposal has the potential of impacting the adjacent residential properties to the west by introducing a high density residential development. However, reducing the number of stories from the approved four (4) to three (3) stories for the new residential buildings and the required 25-foot building line along the west side of the subject property (with the proposed development having a variable setback of 27- to 29-feet from the west property line) reduce potential impact. Furthermore, a high-density residential development can serve as a buffer between the single-family residences and Garland Avenue.

Attachments

Z 20-29 Masterplan Attachments (Specific Use Provision)

Z 20-29 Responses Final

Z 20-29 Staff Presentation



0 125 250 Feet 1 inch = 209 feet	Zoning Map Z 20-29	 INDICATES AREA OF REQUEST
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EXHIBIT B

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 20-29

**111 and 217 South Garland Avenue; 1413 West Avenue B; and
1412 and 1413 Rodando Drive**

- I. Statement of Purpose:** The purpose of this Planned Development (PD) District is to approve a Detail Plan for Multi-Family Residential development (apartments), Financial Institution (Bank) and Retail Uses in a Two-Phase development.
- II. Statement of Effect:** This Planned Development (PD) District 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 Planned Development (PD) District 14-23 and Downtown (DT) District as set forth in Chapter 2 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Development Plans:**
 - A. Detail Plan:** Development shall be in general conformance with the site plan, landscape plan, and elevation plans respectively 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 and Phasing:** The phasing, site layout, building placement, parking and other development proposed shall be in general conformance with the approved Site Plan labeled Exhibit C.
 - B. Residential Density and Non-Residential Floor Area:**
 - 1. The maximum density shall be as shown on the Site Plan.
 - 2. The minimum non-residential floor area shall be as shown on the site plan.
 - C. Landscape Plan:** Screening and landscaping shall be in general conformance with the landscape plan labeled Exhibit D.

D. Maintenance Requirements:

(1) Landscaping must be continuously maintained in a healthy, growing condition and in compliance with this ordinance, the Garland Development Code, the Code of Ordinances of the City of Garland, and the landscaping plan attached hereto at all times. The property owner is responsible for regular weeding, mowing of grass, irrigation, fertilizing, pruning, or other maintenance of all landscaping as promptly as needed to comply with the requirements of this subsection. All exposed ground surfaces shall be properly improved, covered with screening or other approved solid material, or protected with a vegetative growth that prevents soil erosion and ameliorates objectionable dust conditions.

(2) Any dead or dying plant or vegetation, whether or not a component of required landscaping, must be promptly replaced with another approved plant or vegetation variety that complies with the approved landscape plan and in no event later than sixty days after notification by the City. In the event the property owner fails to remedy a violation of any landscaping maintenance regulation within sixty days of the City sending notice, the City may, in addition to any other remedy available by law, suspend, withhold, or revoke city permits, approvals, consents and the certificate of occupancy for the retail fuel pumps and convenience store. See Section 4 of the granting ordinance.

(3) Screening and paving must be installed and continuously maintained in compliance with this ordinance, the Garland Development Code, and the Code of Ordinances of the City of Garland at all times. The property owner is responsible for regular maintenance of all screening and paving as needed. In the event the property owner fails to remedy a violation of any screening or paving maintenance regulation within sixty days of the City sending notice, the City may, in addition to any other remedy available by law, suspend, withhold, or revoke city permits, approval, consents and the certificate of occupancy for the travel center.

- E. Elevations: Building Elevations and Carport Elevations shall be in general conformance with the elevations labeled Exhibit E.

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 20-29

**111 and 217 South Garland Avenue; 1413 West Avenue B; and
1412 and 1413 Rodando Drive**

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to approve a Drive-Through Service.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Planned Development (PD) District 20-29 and Downtown (DT) 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 shall be in effect for a period of fifteen (15) years.

REPORT & MINUTES

P.C. Meeting, February 22, 2021

Consideration of the application of **Masterplan**, requesting approval of a Specific Use Provision to allow a Drive-Through Service on a property zoned Planned Development (PD) District 14-23 for Downtown District Uses and Mixed Uses. This property is located at 111 and 217 South Garland Avenue; 1413 West Avenue B; and 1412 and 1413 Rodando Drive. (District 2) (File Z 20-29 - Specific Use Provision)

Motion was made by Commissioner Jenkins to approve the Specific Use Provision for a period of 15 years. Seconded by Commissioner Williams. **Motion carried: 9 Ayes, 0 Nays**

Comment Form

Case Z 20-29

Z 20-29 Masterplan. The applicant proposes to develop a mixed-use community. Three buildings would be constructed for apartment dwelling units in Phase 1. An existing Chase Bank building would be repurposed to add upper-floor apartment units in Phase 2. This site is located at 111 and 217 South Garland Avenue; 1413 West Avenue B; and 1412 and 1413 Rodando Drive. (District 2)

Z 20-29 Masterplan - El solicitante propone desarrollar una comunidad de uso mixto. Se construirían tres edificios para unidades de vivienda de apartamentos en la Fase 1. Un edificio existente de Chase Bank se reutilizaría para agregar unidades de apartamentos en el piso superior en la Fase 2. Este sitio está ubicado en 111 y 217 South Garland Avenue; 1413 West Avenue B; y 1412 y 1413 Rodando Drive. (Distrito 2)

Z 20-29 Masterplan - Người nộp đơn đề xuất phát triển một cộng đồng sử dụng hỗn hợp. Ba tòa nhà sẽ được xây dựng cho các căn hộ ở trong Giai đoạn 1. Một tòa nhà Chase Bank hiện có sẽ được chuyển đổi mục đích để bổ sung thêm các căn hộ ở tầng trên trong Giai đoạn 2. Khu đất này tọa lạc tại số 111 và 217 Đại lộ South Garland; 1413 Đại lộ Tây B; và 1412 và 1413 Rodando Drive. (Quận 2)

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 / Por favor complete la siguiente información / Vui lòng điền các thông tin sau:

PATSY R REEVES

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.)

119 N. GARLAND AVE

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

GARLAND TX

City, State / Estado de la Ciudad / Thành bang

75040

Zip Code / Código postal / Mã Bưu Chính

Patsy R. Reeves

Signature / Firma / Chữ ký

3-1-21

Date / Fecha / Ngày

MAR 4 '21 PM 3:46

Comment Form

Case Z 20-29

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Please Check One Below / Marque uno a continuación / Vui lòng kiểm tra một bên dưới

☐

For / A Favor / Đúng

☒

Against / En Contra / Không

Please complete the following information / Por favor complete la siguiente información / Vui lòng điền các thông tin sau:

Christopher Garrison and Barbara Koos

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.)

1421 Rodando Dr. Garland TX 75042

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

Garland TX 75042

City, State / Estado de la Ciudad / Thành bang

75042

Zip Code / Código postal / Mã Bưu Chính

Ching Durr

Barbara Koos

Signature / Firma / Chữ ký

02/16/2021

Date / Fecha / Ngày

Comment Form Continued – Case Z 20-29

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

Las declaraciones a continuación reflejan mi (nuestra) opinión con respecto a las solicitudes propuestas.

Các tuyên bố dưới đây phản ánh quan điểm của tôi (chúng tôi) về (các) yêu cầu được đề xuất

- We Strongly Object and Vote against
Case Z 20-29 for the following
Reasons:

1. decreased property value
2. decreased Resell value of our home
3. increased noise pollution in an
already noisy area (Police station,
train, MART, auto shops etc.)
4. increased traffic congestion on
side streets that are already small
and congested
5. decreased privacy and overall
decreased quality of our neighborhood
6. I work from home and need a
~~quiet~~ quiet environment. This noise
would severely affect my professional
life + personal life

- Barbara Kees + Chris
Garrison

1421 Bodando Pkwy
Carland TX 75042

Zoning Response Cases

Case Number

Z 20-29

The applicant KFM Engineering & Design, proposes to develop a mixed-use community. Three buildings would be constructed for apartment dwelling units in Phase 1. An existing Chase Bank building would be repurposed to add upper-floor apartment units in Phase 2. This property is located at 111 and 217 South Garland Avenue, 1413 West Avenue B and 1412 and 1413 Rodando Drive.

<null>

Barbara Koos
<null>

Against
1421 Rodando Drive
Garland
Texas
United States
75042
barbaralorrainek@yahoo.com
972-998-6214

We strongly object to this proposed zoning change. This will decrease property values and increase noise pollution and traffic congestion in our neighborhood that is already small. I work from home and this would severely impact my ability to make income. This plan overall would decrease our home's value and our quality of life.

From: [Wauwie, Kira](#)
To: [Guerin, Will](#); [Allmendinger, Tracy](#)
Subject: FW: [EXTERNAL] Updated Comment Form Regarding Case Z 20-29
Date: Wednesday, March 10, 2021 2:53:51 PM

Response for Z 20-29.

-Kira

From: Barbara Koos <barbaralorrainek@yahoo.com>
Sent: Wednesday, March 10, 2021 2:02 PM
To: Wauwie, Kira <KWauwie@garlandtx.gov>
Cc: Morris, Councilwoman Deborah <DMorris@garlandtx.gov>
Subject: [EXTERNAL] Updated Comment Form Regarding Case Z 20-29

Kira,

This is Barbara Koos at 1421 Rodando Drive. I along with My husband Chris Garrison submitted comments for the February Planning meeting. After understanding more about the plans for The Draper Garland we would like to update and specify our comments.

If we are understanding correctly, Rodando Drive would have parking spots and an entrance to the complex on the East side of Rodando Drive.

We are **against** and **object** to an entrance and parking on Rodando Drive.

Signs and changing the angle of the parking spot are not enough to keep traffic off of our street. Our Street dead ends into a U shape, you can only turn right from each exit because Ave. B is a one way road. In other words, with the current plan; you are inviting everyone to enter our road, park there, and drive through while also blocking off the one alleyway that could be another exit off of our street and making it a sidewalk.

Please keep in my mind that our street is old asphalt with no curbs or sidewalks that kids and pets play on, and the current plan would increase traffic through our already congested neighborhood.

It's one thing to add apartments there and it's another to add parking and entrances on our street.

1. Please let me know if we are understanding the plan correctly
2. Please let me know if there is anything else we can do to get our voice heard in regards to this matter. I cc'ed our District Councilwoman.

Thank You,
Barbara Koos
Chris Garrison
1421 Rodando Drive

From: [Teresa Sutherland](#)
To: [Planning Group](#)
Subject: [EXTERNAL] Z 20-29 City of Garland Notice of Public Hearing-Master Plan (3.16.21)
Date: Thursday, March 4, 2021 10:56:43 AM
Attachments: [image001.png](#)
[Z 20-29 City of Garland Notice of Public Hearing-Master Plan \(3.16.21\).pdf](#)

Attached please find the Z 20-29 City of Garland Notice of Public Hearing-Master Plan (3.16.21) signed by Paul Gonzales, GISD Executive Director of Facilities & Maintenance.

TERESA L. SUTHERLAND, CEOP

Garland Independent School District

Secretary to Paul P. Gonzales Sr., Executive Director of Facilities & Maintenance

Marvin Padgett Auxiliary Services Center | 701 N. First Street | Garland, TX 75040

Phone: (972)487-4101

tsutherl@garlandisd.net



Comment Form

Case Z 20-29

Z 20-29 Masterplan. The applicant proposes to develop a mixed-use community. Three buildings would be constructed for apartment dwelling units in Phase 1. An existing Chase Bank building would be repurposed to add upper-floor apartment units in Phase 2. This site is located at 111 and 217 South Garland Avenue; 1413 West Avenue B; and 1412 and 1413 Rodando Drive. (District 2)

Z 20-29 Masterplan - El solicitante propone desarrollar una comunidad de uso mixto. Se construirían tres edificios para unidades de vivienda de apartamentos en la Fase 1. Un edificio existente de Chase Bank se reutilizaría para agregar unidades de apartamentos en el piso superior en la Fase 2. Este sitio está ubicado en 111 y 217 South Garland Avenue; 1413 West Avenue B; y 1412 y 1413 Rodando Drive. (Distrito 2)

Z 20-29 Masterplan - Người nộp đơn đề xuất phát triển một cộng đồng sử dụng hỗn hợp. Ba tòa nhà sẽ được xây dựng cho các căn hộ ở trong Giai đoạn 1. Một tòa nhà Chase Bank hiện có sẽ được chuyển đổi mục đích để bổ sung thêm các căn hộ ở tầng trên trong Giai đoạn 2. Khu đất này tọa lạc tại số 111 và 217 Đại lộ South Garland; 1413 Đại lộ Tây B; và 1412 và 1413 Rodando Drive. (Quận 2)

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 / Por favor complete la siguiente información / Vui lòng điền các thông tin sau:

Paul Gonzales, GISD Executive Director of Facilities & Maintenance

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.)

310 South Garland Avenue

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

Garland, TX

City, State / Estado de la Ciudad / Thành bang

75040

Zip Code / Código postal / Mã Bưu Chính



Signature / Firma / Chữ ký

3-1-21

Date / Fecha / Ngày

Z 20-29

The applicant requests to construct a multi-family residential apartment community, and reuse an existing bank building for bank with a drive-up service, retail, and apartment uses.

[Planned Development Amendment, Specific Use Provision and Plan for a mixed-use multi-family residential and commercial development on a property zoned Planned Development (PD) District 14-43.]



GARLAND

TEXAS MADE HERE

**City Council Meeting
March 16, 2021**

Location: 111 and 217 South Garland Avenue; 1413 West Avenue B; and 1412 and 1413 Rodando Drive

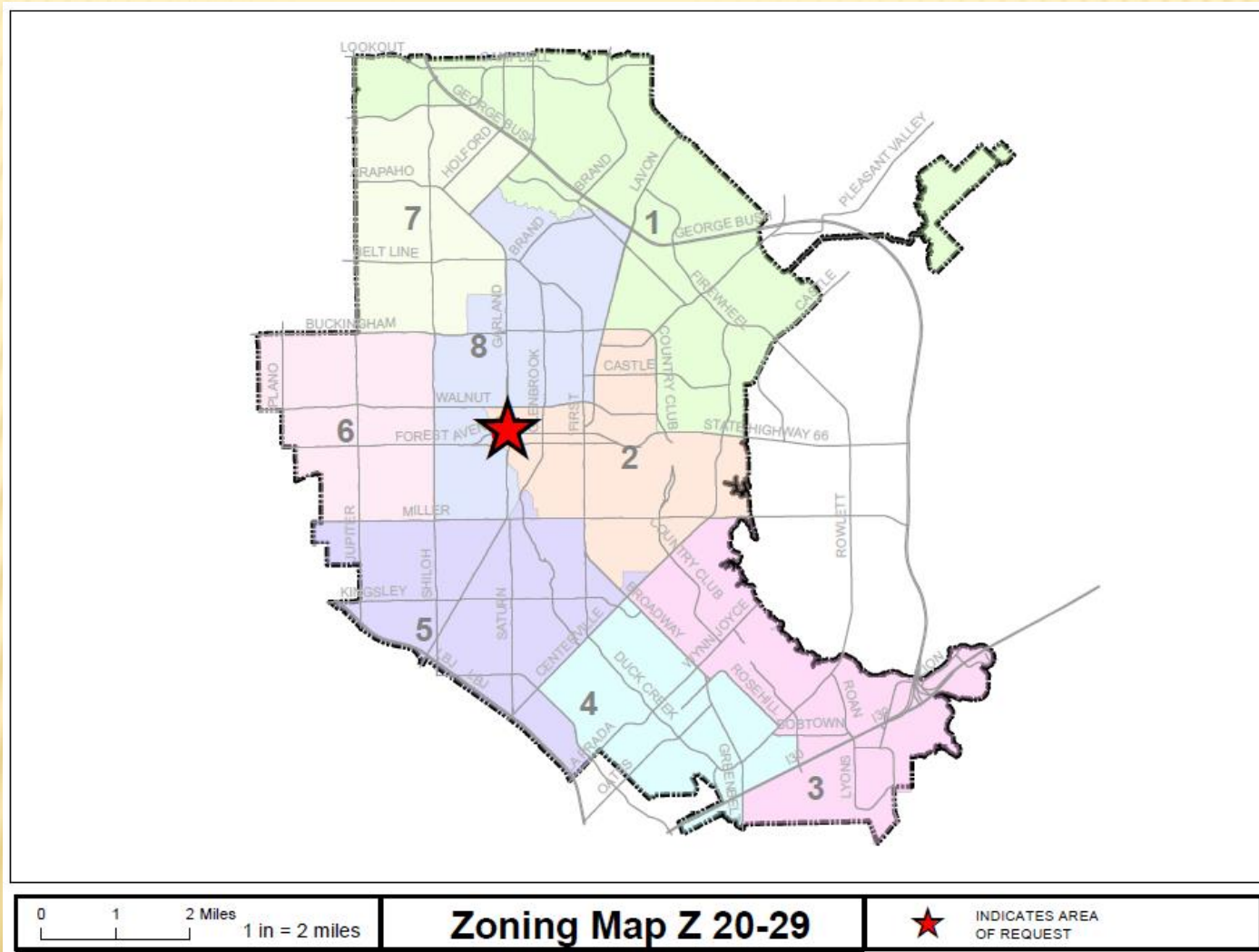
Applicant: Masterplan

Owner: The Draper Garland LLC

Acreage: 4.65 acres

Zoning: Planned Development (PD) District 14-23

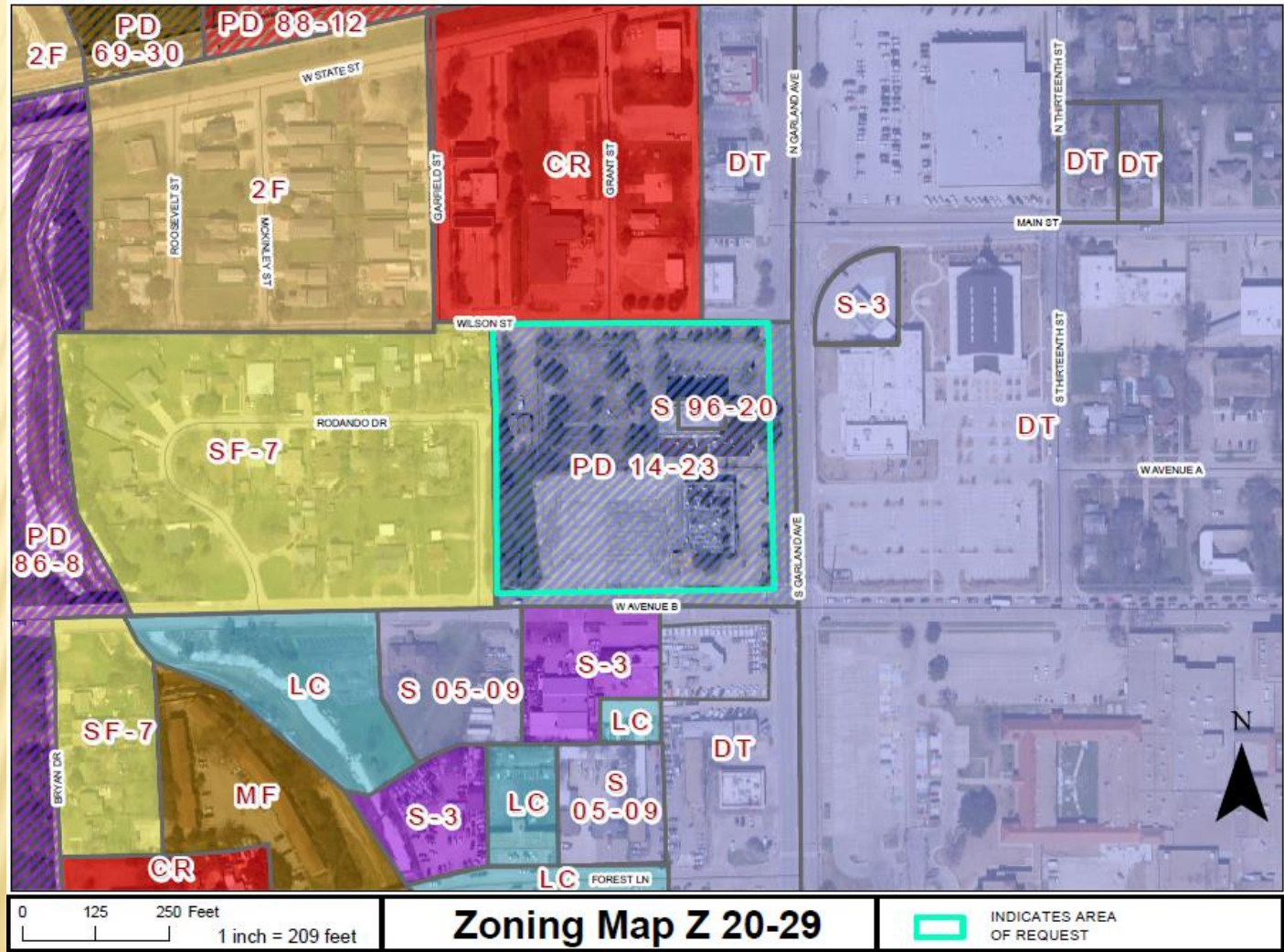
CITYWIDE LOCATION MAP



Z 20-29

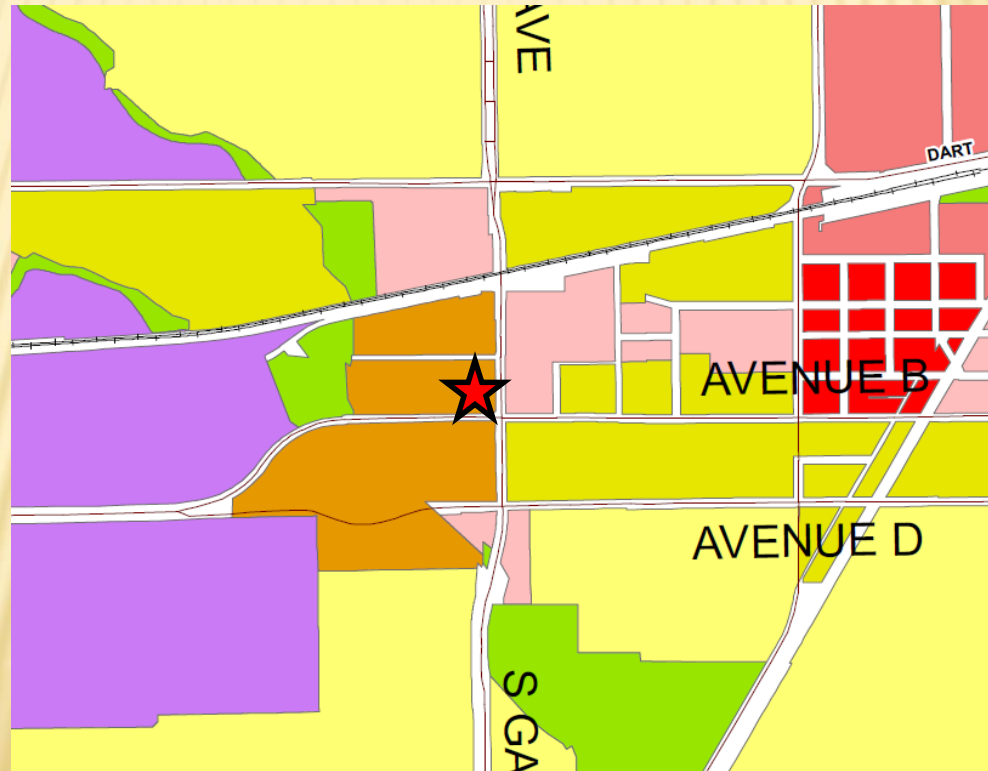


LOCATION MAP



Z 20-29

COMPREHENSIVE PLAN





COMPREHENSIVE PLAN

- ✘ Plan recommends Urban Neighborhoods for the subject property. Urban Neighborhoods are vibrant higher-density neighborhoods offering urban amenities and a concentration of activities. Urban Neighborhoods provide a variety of high density housing types, including single-family attached and multifamily, and may include compatible non-residential uses, such as shopping, restaurants, offices, entertainment and daily services, in a vertical mixed-use development. This type of neighborhood may be located along major transportation corridors and/or community amenities, such as parks, greenways, and major shopping or entertainment areas.

- ✘ The proposed Planned Development (PD) District is consistent with the recommendation of the Envision Garland Plan in that it would allow for a high density residential development and the incorporation of non-residential uses on a site located along Garland Avenue, a highly capacity road that traverses the City from south to north and provides direct access to Downtown from SH 190 and IH 635. Additionally, DART bus service lines run along Avenue D and Garland Avenue; and the DART rail station is approximately one mile from the site although the distance seems less far in the downtown urban environment.



PHOTOS

Z 20-29



Looking towards the site from Garland Avenue and Avenue B



View of site from Rodando Drive



Residential to west of Rodando Drive



Looking east of site across Garland Avenue

Z 20-29

PD 14-23





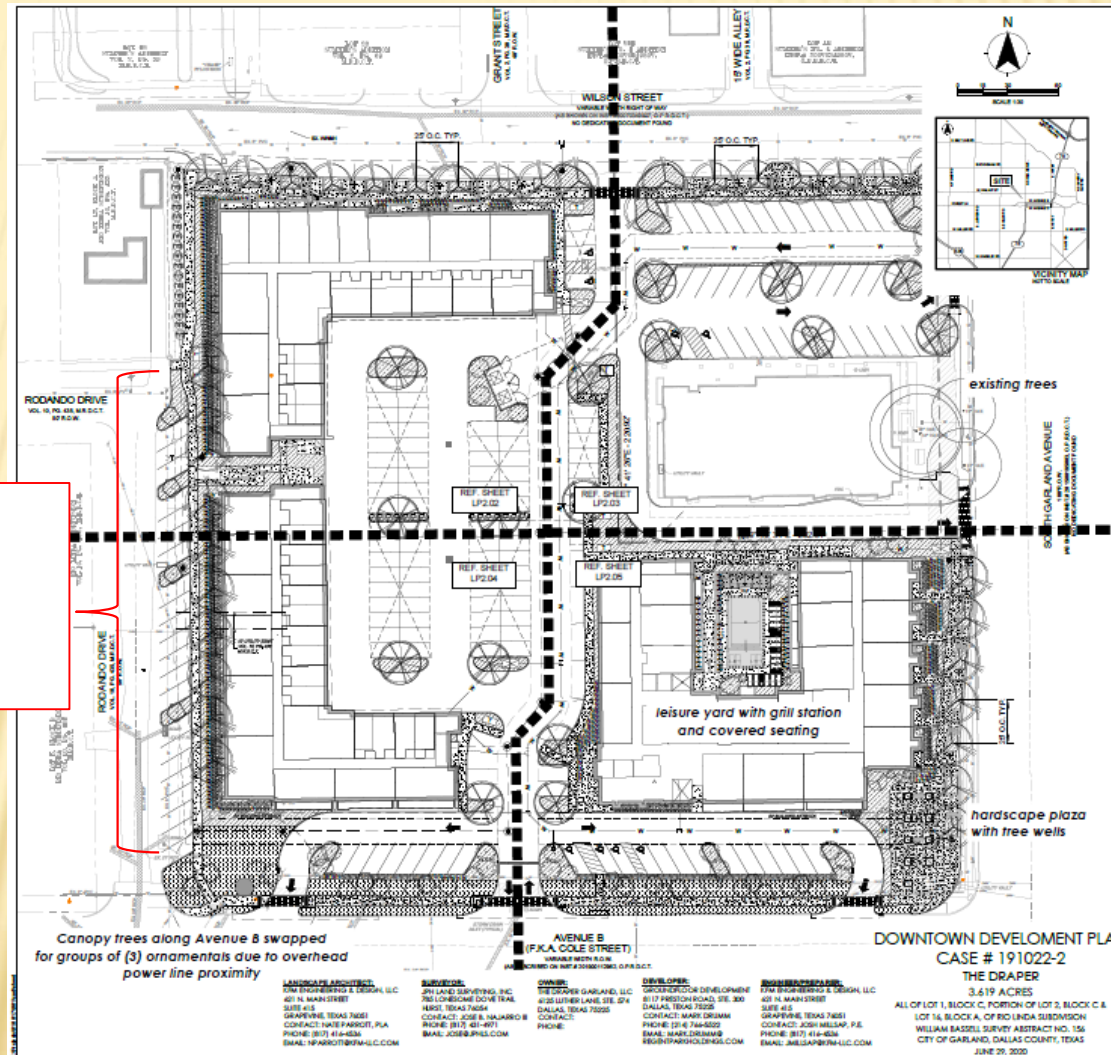
SITE PLAN - AT PLAN COMMISSION





Plan Commission

- a. 90° parking
- b. Signage not a through street

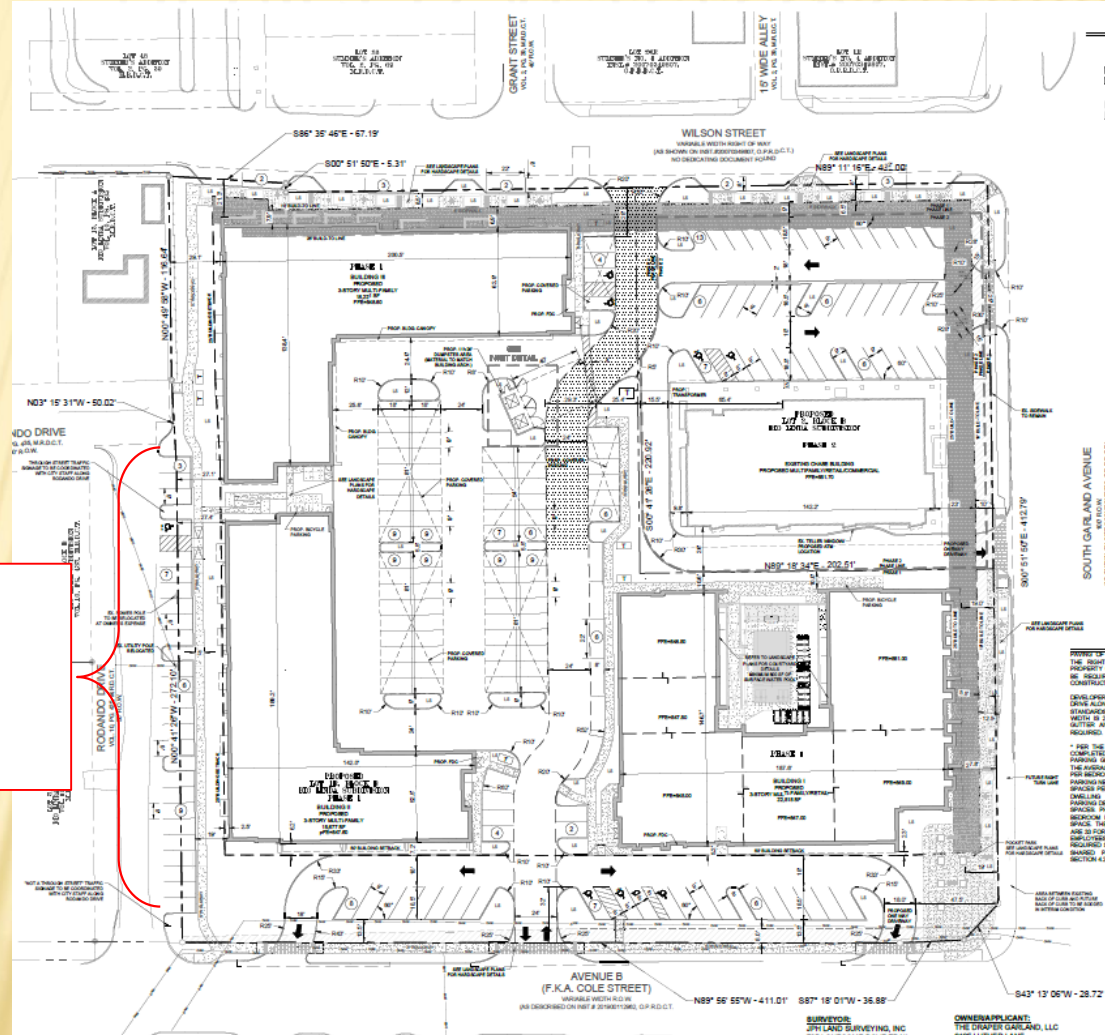




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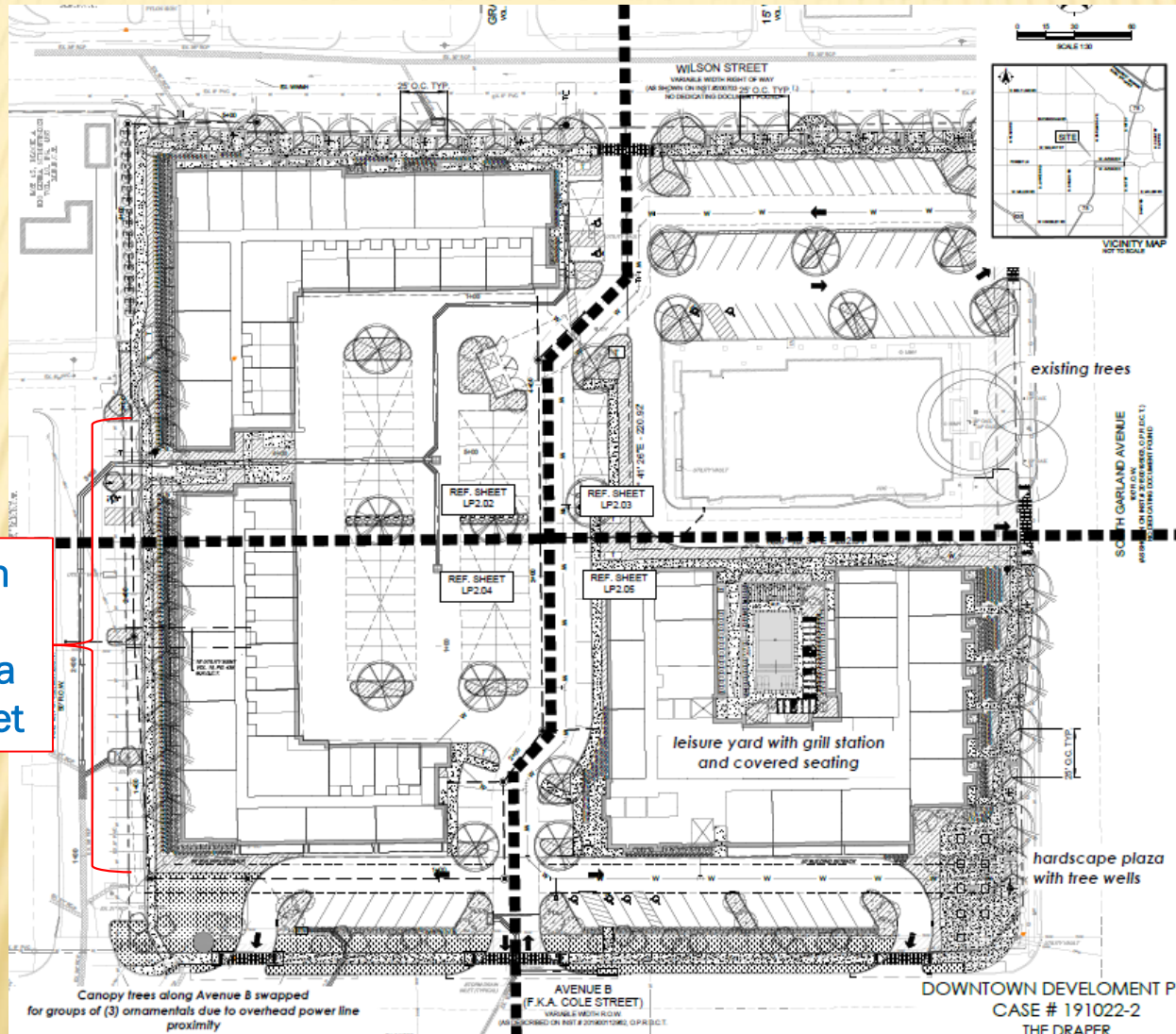
SITE PLAN – REVISED AFTER PC

- Plan Commission
- 90° parking
 - Signage not a through street



Z 20-29

LANDSCAPE PLAN – REVISED AFTER PC



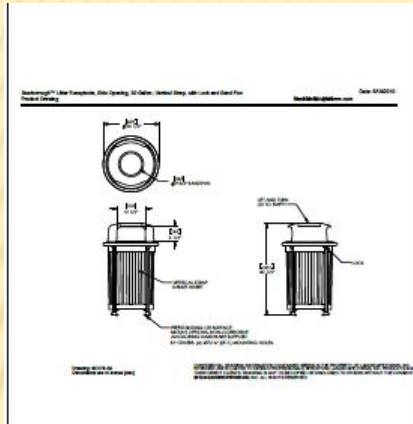
Plan Commission

- 90° parking
- Signage not a through street

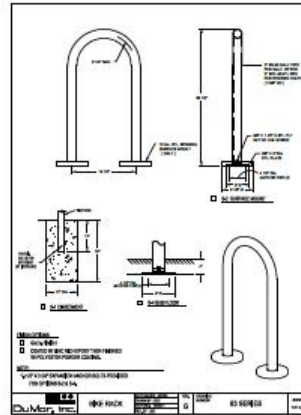


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LANDSCAPE PLAN



TYPICAL STREET TRASH RECEPTACLE



TYPICAL BIKE RACK



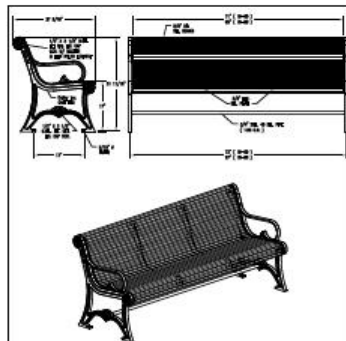
MODEL - NAPOLEAN
MANUFACTURER - LANDSCAPE FORMS, INC.
SPECIFICATIONS - 66 QZ. CAPACITY URN
COLOR - BLACK
MOUNTING - SURFACE MOUNTED WITH VANDAL RESISTANT HARDWARE

TYPICAL STREET ASH URN



MANUFACTURER - BORAL
CONTACT - BORAL BRICKS - 972-445-1542
SPECIFICATIONS - 4" X 8" X 2" STANDARD STRAIGHT EDGE
- 90 DEGREE HERRINGBONE PATTERN FIELD
- HEADER COURSE
COLOR - HEARTLAND FLASHED (FIELD)
- SAVANNAH BROWN (HEADER)

TYPICAL STREET CLAY PAVERS



TYPICAL STREET BENCH

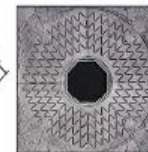


TYPICAL STREET LIGHT POLE



MANUFACTURER - WHITACRE-GREER
CONTACT - METRO BRICK AND STONE COMPANY - 972-991-4488
SPECIFICATIONS - 4" X 8" X 2" REVELED EDGE
COLOR - CINNAMON
LOCATION - TYPICAL AT ALL ADA COMPLIANT RAMP

TYPICAL STREET TRUNCATED DOME PAVERS



MODEL - TRIN SERIES
MANUFACTURER - FAR WEATHER SITE FURNISHINGS
CONTACT - RESOURCE CONSULTING SERVICES - 972-462-2428
SPECIFICATIONS - 60" SQUARE WITH 18" DIAMETER HOLE
- CUSTOM TEXT TO READ "GARLAND / EST. 1987"
COLOR - DUCTILE CAST IRON

TYPICAL STREET TREE GRATE



MANUFACTURER - JACKSON POTTERY
CONTACT - JACKSON POTTERY - 214-350-2500
SPECIFICATIONS - BANANA URN - 36" HIGH X 36" WIDE MODEL# ADR-200
- ANG POT WITH RIBBLE - 27" HIGH X 36" WIDE MODEL# ADR-10-C
- MONTANO BOWL PLANTER - MEDIUM 14" HIGH X 20" WIDE MODEL# ADR-57-C
- CONNECT PLANTER POT DRAINAGE TO SITE DRAINAGE SYSTEM

TYPICAL STREET PLANTER POTS



SCALE
GROUND FLOOR DEVELOPMENT

EXHIBIT D

SCALE
THE DRAPER

STREET FURNISHINGS

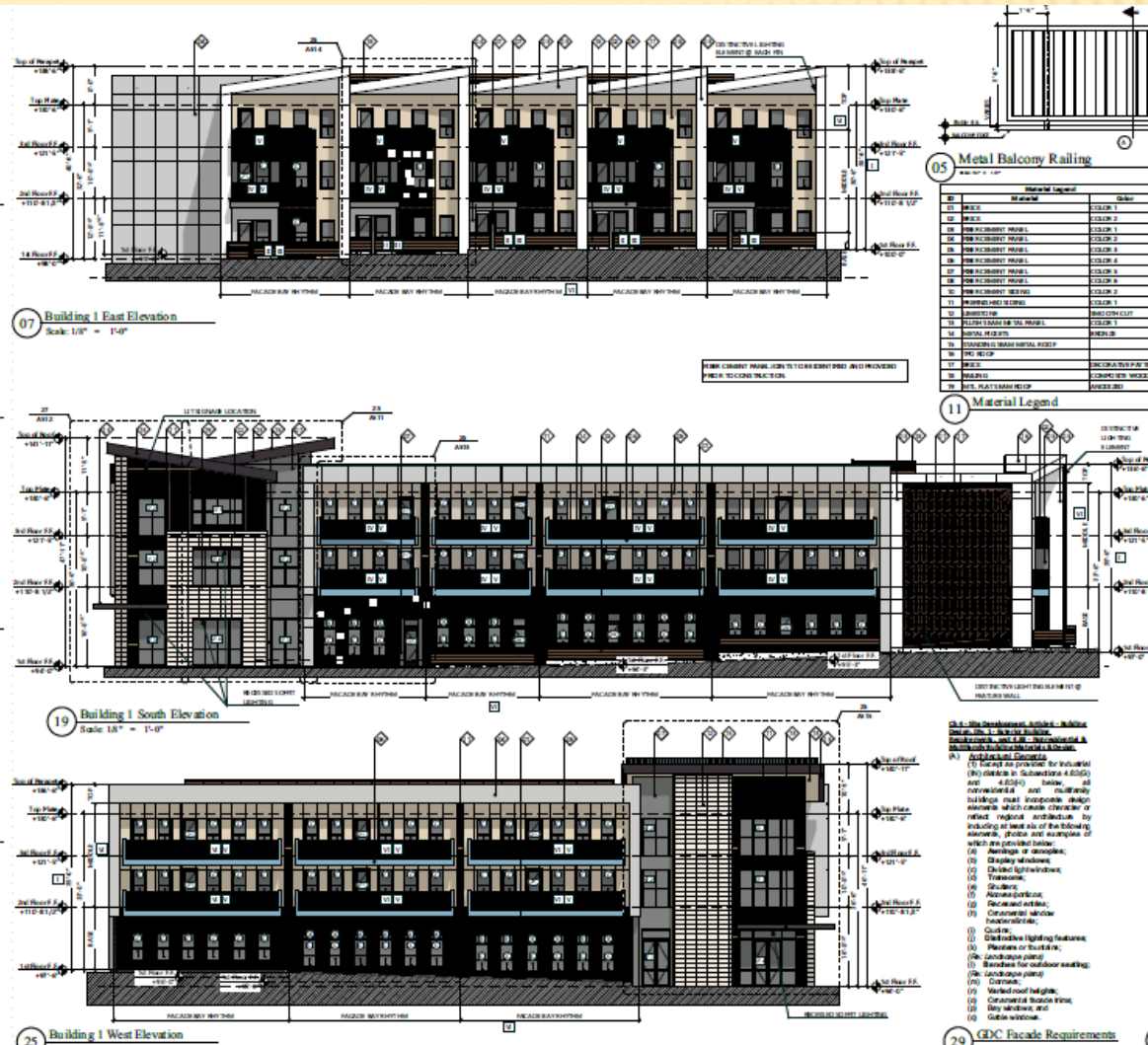


PRELIMINARY
NOT FOR CONSTRUCTION

LD 3.06



ELEVATIONS



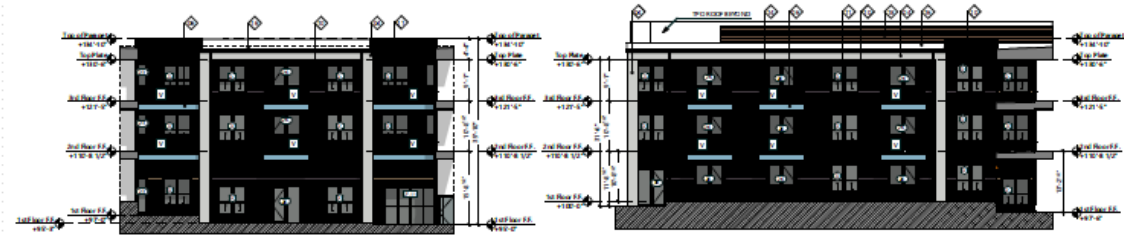


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ELEVATIONS



07 Building 1 North Elevation
Scale: 1/8" = 1'-0"



19 Building 1 Courtyard North Elevation
Scale: 1/8" = 1'-0"

15 Building 1 Courtyard West Elevation
Scale: 1/8" = 1'-0"



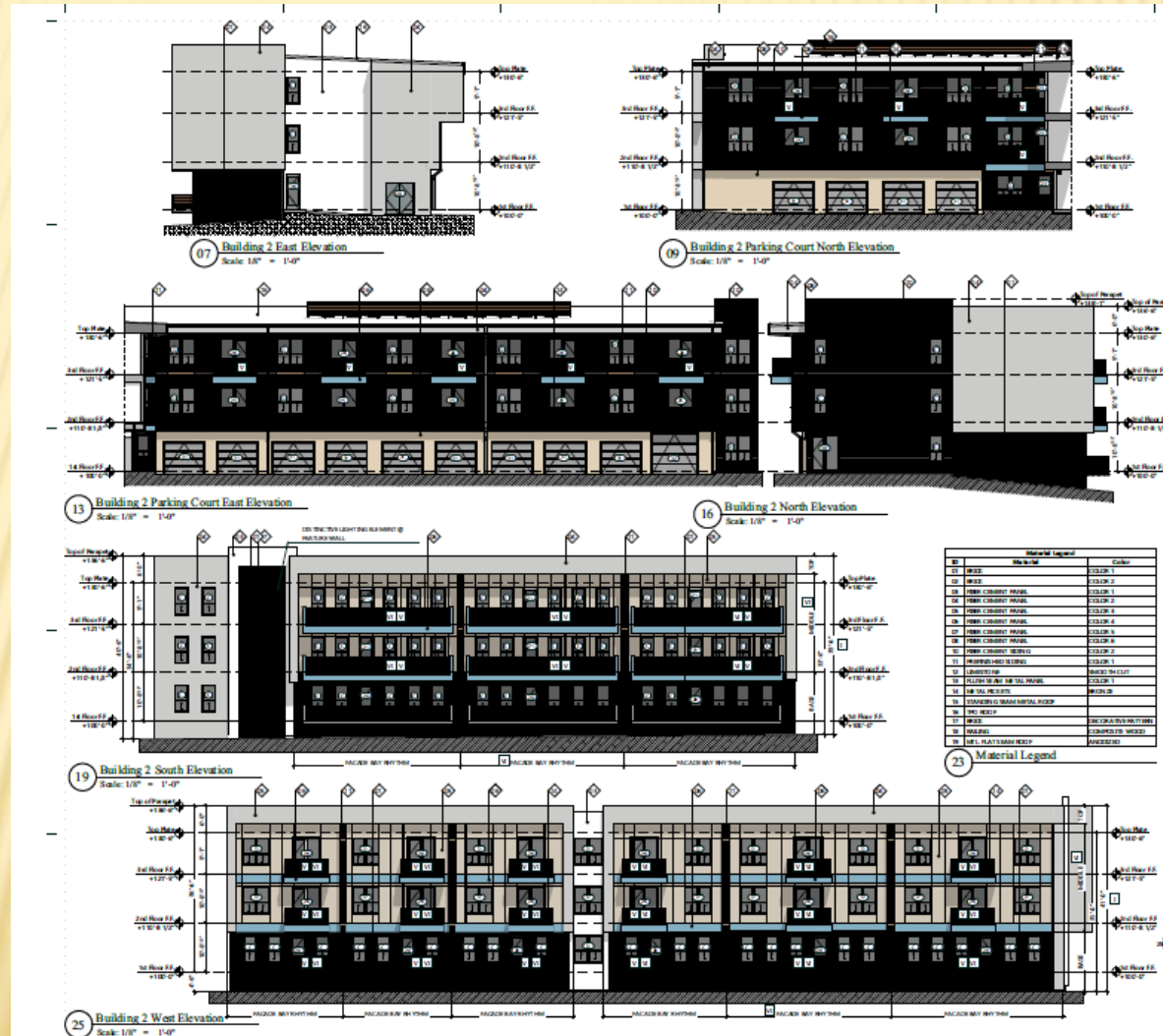
25 Building 1 Courtyard East Elevation
Scale: 1/8" = 1'-0"

Material Legend	Material	Color
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04	BRICK (CONCRETE)	2552104
05	BRICK (CONCRETE)	2552105
06	BRICK (CONCRETE)	2552106
07	BRICK (CONCRETE)	2552107
08	BRICK (CONCRETE)	2552108
09	BRICK (CONCRETE)	2552109
10	BRICK (CONCRETE)	2552110
11	BRICK (CONCRETE)	2552111
12	BRICK (CONCRETE)	2552112
13	BRICK (CONCRETE)	2552113
14	BRICK (CONCRETE)	2552114
15	BRICK (CONCRETE)	2552115
16	BRICK (CONCRETE)	2552116
17	BRICK (CONCRETE)	2552117
18	BRICK (CONCRETE)	2552118
19	BRICK (CONCRETE)	2552119
20	BRICK (CONCRETE)	2552120
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97	BRICK (CONCRETE)	2552197
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99	BRICK (CONCRETE)	2552199
100	BRICK (CONCRETE)	2552200

29 Material Legend



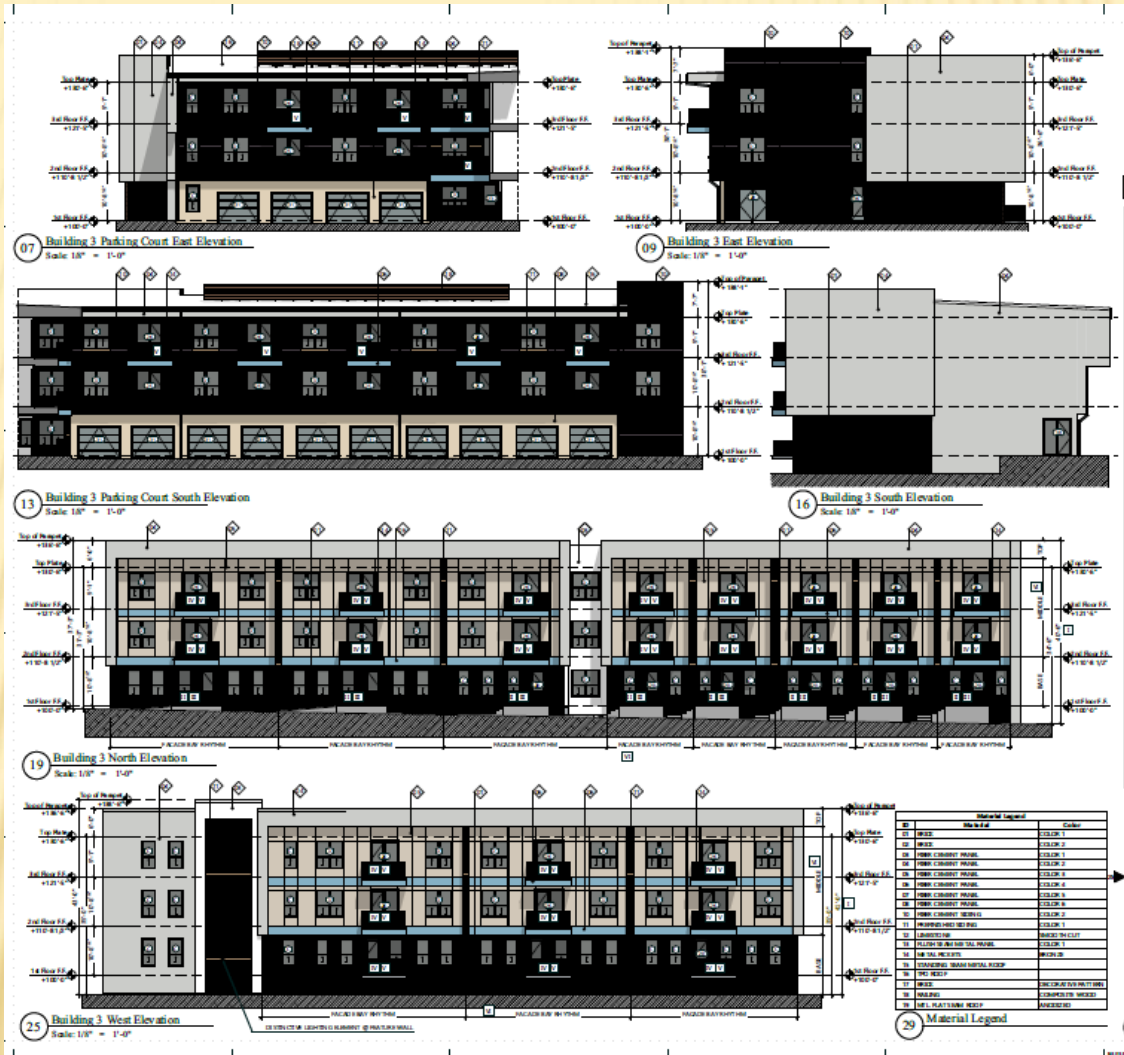
ELEVATIONS





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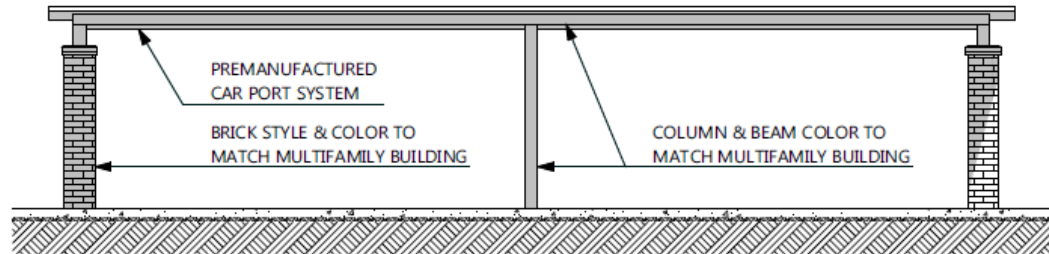
ELEVATIONS



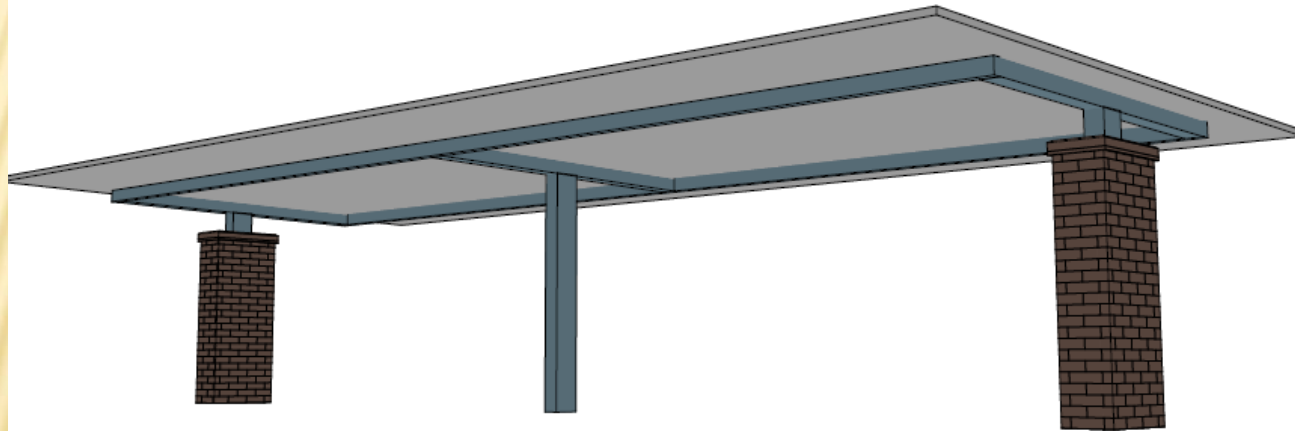


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ELEVATIONS



1 Elevation
Scale: 1/4" = 1'-0"



2 Car Port Perspective

DEVIATIONS

Development Standards	Summarized Required	Proposed
Efficiency Units	Maximum 10 percent of all units may be efficiency units	Maximum 19 are allowed; proposal is for 21
Primary Building Entrance	Location of primary entrances (doors) to the building are to be located at the street frontage	The leasing lobby for Phase 1 is shown on the plans with its primary building entrance facing and interior drive; the Bank Building has an existing primary entry facing to the parking lot

DEVIATIONS

Development Standards	Summarized Required	Proposed
Parking	PD 14-23 establishes a parking ratio of 1.3 parking spaces per dwelling unit	Reduction of parking ration from 1.3 parking spaces per dwelling unit to 1.1 parking space per dwelling unit
Streetscaping	Streetscape includes the following from the curb: double row of trees in tree wells, sidewalk, planter and front door with patio	Avenue B, Wilson Street, Rodando Drive all have variations of deviations from the Streetscape standards

DEVIATIONS

Development Standards	Summarized Required	Proposed
Covered parking	50% of required parking is to be covered	88 covered parking spaces are provided in garages and under carports
Parking lot trees	One large canopy tree is required per 6 parking spaces	One large canopy tree is provided at the end of all except one parking row
Carport column cladding	Carport columns to be clad with masonry and a color similar to the building	Carports are proposed with cladding of columns only at the ends of the structures, the middle columns are not cladded

CONSIDERATION

The applicant requests the Specific Use Provision (SUP) for the Drive-Through Service for a period of fifteen (15) years.

PLAN COMMISSION RECOMMENDATION

- ✘ On February 22, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of an Amendment to Planned Development (PD) District 14-23 for Downtown District Uses and Mixed Uses with 90-degree parking on Rodando Drive, and with a parking study submitted 5 years after completion of project construction.
- ✘ The Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision to allow a Drive-Through Service on a property zoned Planned Development (PD) District 14-23 for fifteen (15) years.
- ✘ The Plan Commission, by a vote of nine (9) to zero (0), recommended approval Detail Plan for Downtown District Uses and Mixed Uses on a property zoned Planned Development (PD) District 14-23.

STAFF RECOMMENDATION

- ✘ Approval of an Amendment to Planned Development (PD) District 14-23 for Downtown District Uses and Mixed Uses.
- ✘ Approval of a Specific Use Provision to allow a Drive-Through Service on a property zoned Planned Development (PD) District 14-23.
- ✘ Approval of a Detail Plan for Downtown District Uses and Mixed Uses on a property zoned Planned Development (PD) District 14-23.



GARLAND PLANNING REPORT

City Council Regular Session Agenda

12. c.

Meeting Date: 03/16/2021

Item Title: Z 20-29 Masterplan - Detail Plan (District 2)

Submitted By: Kira Wauwie, Principal Development Planner

REQUEST

Approval of an Amendment to Planned Development (PD) District 14-23 for Downtown District Uses and Mixed Uses.

Approval of a Specific Use Provision to allow a Drive-Through Service on a property zoned Planned Development (PD) District 14-23 for fifteen (15) years.

Approval of a Detail Plan for Downtown District Uses and Mixed Uses on a property zoned Planned Development (PD) District 14-23.

LOCATION

111 and 217 South Garland Avenue; 1413 West Avenue B; and 1412 and 1413 Rodando Drive

OWNER

The Draper Garland LLC

PLAN COMMISSION RECOMMENDATION

On February 22, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of an Amendment to Planned Development (PD) District 14-23 for Downtown District Uses and Mixed Uses. Further, the Plan Commission recommended parking on Rodando Drive to be 90-degree angled parking, and a parking study submitted 5 years after completion of project construction.

The Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision to allow a Drive-Through Service on a property zoned Planned Development (PD) District 14-23 for fifteen (15) years.

The Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Detail Plan for Downtown District Uses and Mixed Uses on a property zoned Planned Development (PD) District 14-23.

The applicant has submitted a revised plan showing 90-degree angled parking and proposes signage on Rodando Drive indicating “not a through street”. The applicant concurs with the time

period of fifteen (15) years.

STAFF RECOMMENDATION

Approval of an Amendment to Planned Development (PD) District 14-23 for Downtown District Uses and Mixed Uses.

Approval of a Specific Use Provision to allow a Drive-Through Service on a property zoned Planned Development (PD) District 14-23.

Approval of a Detail Plan for Downtown District Uses and Mixed Uses on a property zoned Planned Development (PD) District 14-23.

BACKGROUND

The subject property consists of five (5) separate tracts of land and approximately 3,250 square feet of public right-of-way. It should be noted that any current public right-of-way reflected as part of the proposed site must be abandoned and acquired from the City of Garland through the established process before approval of a plat. The site is developed with a 5-story building known as the Chase Bank building, a vacant building formerly used as a restaurant, and an abandoned drive-through structure.

The applicant proposes development of the site in two phases:

Phase 1. The former restaurant building, bank drive-through structure, and other site improvements on the west and south halves of the site would be demolished to make way for the construction of three (3) urban-style multi-family residential buildings.

Phase 2. The Chase Bank building would be repurposed with the first floor to remain with bank, drive-through windows (including one teller window), and retail/flex use. The upper floors would be repurposed with multi-family uses. Amenities constructed in Phase 1 will be available for use by residents living in Phase 2. The existing parking would be reconfigured for future use with bank, retail, and multi-family uses. Additionally, parking in Phase 1 would be available for Phase 2 residents.

SITE DATA

The subject property contains 4.65 acres and has approximately 400 feet of frontage along Wilson Street, 430 feet along South Garland Avenue, 460 feet along Avenue B, and 320 feet along Rodando Drive. Vehicular and non-motorized (pedestrian, bicycles) access to the site would be accomplished from each of the abutting streets. The site grade slopes from north to south, and there is an existing approximate five (5) foot high retaining wall on the east portion of the site along the boundary of Phase 1 and Phase 2.

USE OF PROPERTY UNDER CURRENT ZONING

In 2014 the City Council approved Planned Development (PD) District 14-23 for Downtown (DT) District Uses. PD-14-23 included two development alternatives to allow mixed use development with a multi-family residential and nonresidential uses. The approval specifically included 325 units of multi-family residential dwellings as the predominant use in the upper floors (2nd through 5th) and in either new 3-story residential buildings with surface parking or new 4-story residential buildings with structured garage parking; and the Chase Bank use remaining on the ground floor along with flex space for retail uses on the ground floor of the Chase Bank building. The approval allowed a maximum density of seventy (70) units per acre (325 dwelling

units), structured or surface parking, and variable nonresidential floor area ranging from zero square feet to 25,000 square feet.

This proposal closely follows PD 14-23 as it also proposes multi-family residential as the predominant use and nonresidential uses. Further, the PD 14-23 was conceptual in nature; the applicant brings forward a more refined project with a site plan and deviations from standards that result from existing site conditions including the Bank building, topographic grade that slopes from the northeast towards the southwest, established Bank building access points, and high power lines along Avenue B.

CONSIDERATIONS

Use and Phasing

1. The proposal would repurpose this site for multi-family, bank, and retail uses. The development would occur in two (2) phases. Phase 1 includes a multi-family apartment development consisting of 155 units in three (3) separate three (3)-story buildings with surface parking and amenities placed on the south and west halves of the overall site. The proposal for Phase 2, located on the northeast quadrant of the site, would include renovation and continued use of the Chase Bank building for bank use, and add thirty (30) multi-family apartments as well as retail use to the building. The resulting residential density would be forty (40) units per acre.

Specific Use Provision

2. Only one of the existing drive-through windows would be retained on the south side of the Chase Bank building; this is shown as an existing drive-through teller window and proposed ATM location on the site plan. A Specific Use Provision is required for a drive-through service. The DT District is structured to create a more walkable, urban environment. Drive-through uses provide services to customers who are in vehicles. This site is located in an area of transition at the periphery of the Downtown area. Also, the site is one of the first reinvestments with new construction on Garland Avenue in the DT District. The bank building already contains the drive-through, thus it demonstrates the capacity to continue functioning.

The applicant previously requested a ten (10) year time period for the Specific Use Provision. Upon recommendation of the Plan Commission for a fifteen (15) year time period, the applicant agrees with fifteen (15) years.

Detail Plan – Amendments and Deviations

3. The applicant requests to amend the existing PD 14-23 and proposes a Detail Plan to accommodate the desired development. The Detail Plan is generally consistent with the existing PD 14-23 layout, amended standards, and conditions with three multi-family buildings and a repurposed Chase Bank building. Street edges, setbacks, building placement, parking arrangements, and other development elements of the site are carried forward in this proposal. An overlay of the previously approved plan and the proposed Detail Plan indicate limited changes to the original layout. The requested deviations are intended to formally recognize and support conformity with the intent of PD 14-23. The following considerations describe the development and related deviations.

4. *Site Plan.* The proposed site plan reflects the DT District goals of buildings placed close to the street with on-street parking, an amenity zone including street trees, sidewalks, landscaping at the base of residential buildings, and access to dwelling units from the street sides of the

buildings including stoops or patios. The proposal includes open space in the form of an informal pocket park at the corner of South Garland Avenue and Avenue B. This area is designed with a small cluster of trees, benches, and a lighted wall providing an identity and special feature on the building.

5. *Amenities.* Amenities for the residential uses are proposed within Phase 1, will serve the units in Phase 2, and satisfy the GDC requirements. The amenities include a fitness center, pool within a courtyard, barbeque with ramada and seating area. Additionally, the proposed pocket park area at the southeast corner of the site contributes to the open space and amenity areas.

6. *Efficiency Units.* The residential uses are allowed with the exception that the GDC prescribes a maximum ten (10) percent of units as Efficiency Units. The applicant proposes twenty-one (21) efficiency units whereas nineteen (19) are allowed, resulting in two (2) excess efficiency units. Efficiency Unit is defined by the GDC as a type of multi-family dwelling unit that consists of not more than one habitable room separated by no more than a half-wall partition, and kitchen and bathroom facilities. These types of units offer a more affordable dwelling compared to a unit with separate rooms for living spaces. In recent years there has been interest in efficiency units by professional workers who frequently travel or by residents who don't consider a larger living space a high priority.

Meanwhile, eight-five (85) one-bedroom units are proposed (in addition to the 21 efficiency units) and forty-nine (49) two-bedroom units are proposed.

7. *Residential Units and Entries At Grade Level.* The proposed development meets the intent of the GDC Downtown Standards and PD 14-23 by having the majority of street-facing residential units, accessible from the sidewalk where the site grading allows.

8. *Primary Building Entrance.* The goal of the Downtown (DT) District is to create a walkable, pedestrian friendly, community with store fronts and the business entrances along the sidewalks of streets oriented to pedestrian traffic. The location of the proposed leasing office front door faces onto an internal circulation drive due to site constraints including a power line easement, and site layout limitations for building size and placement due to grade change. Further, in this development proposal, ground floor unit entries are included with doors oriented to the street frontage. The bank building has its existing primary entrance oriented to its existing parking lot. Future redevelopment could result in reorientation of the main entrance to the street facing side of the building.

9. *Parking.* PD 14-23 was approved with a required parking ratio of 1.3 parking spaces per dwelling unit. The applicant has submitted a parking study supporting a further reduction in residential parking, which proposes 1.1 parking spaces per dwelling unit in Phase 1 with its 155 dwelling units which results in 171 parking spaces, all of which would be located in Phase 1. In addition, the application proposes to use shared parking with Phase 2 allowing the residents of Phase 2 to park in Phase 1; shared parking is typical in Downtown areas. After the Plan Commission Meeting and in response to the recommendation for 90-degree angled parking on Rodando Drive, the applicant redesigned the angled parking resulting in an additional three (3) parking spaces along Rodando Drive. Thus the total parking provided in Phase 1 is 174 parking spaces.

Residential Phase 2 parking is proposed with the parking ratio of 1.1 parking space per dwelling

unit. There are thirty (30) residential units proposed in Phase 2 which results in thirty-three (33) residential parking spaces required, and as indicated above the residential units would be allowed shared parking with Phase 1. The non-residential uses require twenty-seven (27) parking spaces. Phase 2 provides a total of forty-three (43) parking spaces, including its abutting five (5) parking spaces proposed on Wilson Street.

Offsetting the reduction of parking, a total of twenty-three (23) bicycle parking spaces are provided for both phases. The reduction in parking is justified due to the site's location in a more urbanized and walkable area with multi-modal transportation options including bus and rail.

Additionally, the proposal seeks a reduction of the number of covered parking spaces. Fifty (50) percent, or 102 parking spaces, of the required 204 residential parking is required as covered parking [garages or carports]. The provided covered parking is forty-three (43) percent, or 88 parking spaces. Phase 1 is proposed with eighty-eight (88) covered parking spaces. Phase 2 contains no covered parking spaces although residents of Phase 2 may park in Phase 1. The Downtown (DT) District encourages development with on-street parking as a means of achieving an urban development. On-street parking is not allowed as covered parking. Further limiting the development of covered parking is an overhead power line easement along the south side of the site, where on-site surface parking is proposed although the easement precludes any structures including carports. Where feasible, the development is providing covered parking.

10. *Parking Landscaping.* Where a parking lot is abutting a street, a landscape planter with a low fence up to three and one-half feet high is required along with ground cover, trees, and street furnishings. Neither the parking lot at the northwest quadrant nor at the south side of the site include a low fence. However, the applicant is proposing ground cover, trees, and street furnishing in accordance with the requirements. A low fence can serve to enhance pedestrian safety by separating pedestrian and vehicular and encouraging pedestrian traffic to flow in an urban fashion along the sidewalk edges along street towards building fronts. The site location is in a Suburban Corridor Subdistrict where some development features may be less urban as compared to the inner core of a downtown area. Additionally, the northwest quadrant parking lot will be renovated from its current condition. Upgrades to that parking lot include on-street parking, street furnishings, and parking reconfiguration along with tree plantings.

Additionally, one parking lot landscape planter island is required per each run of eight (8) parking spaces. The plan proposes a landscape island per each run at a minimum of nine (9) parking spaces for the new parking areas. The existing Chase Bank parking lot is proposed to retain a run of parking along Wilson Street containing a proposed thirteen (13) parking spaces without a landscape island. Also, the planters are required to be a minimum nine (9) feet wide while most of the planters meet this dimension; others are less than the required standard and the smallest are five feet, six inches (5' 6") wide where located between parking canopies.

11. *Streetscaping.* The applicant proposes streetscaping along Garland Avenue, Avenue B, Rodando Drive and Wilson Avenue. The proposed Garland Avenue frontage meets Downtown streetscape standards. Existing physical challenges necessitate some deviations from full Downtown streetscape standards for Avenue B, Rodando Drive and Wilson Avenue. For example, ornamental trees must be substituted for large canopy trees underneath overhead utilities. However, improvements will be made to these street edges including street trees and improved sidewalks. In addition, the abutting existing parking lot along Wilson Avenue will be renovated with an improved parking layout and landscaping.

12. *Parking lot trees.* One large canopy tree is required per six parking spaces. Due to the compactness of the site the applicant proposes one large canopy tree at the end of all except one parking row. The applicant proposes covered parking canopies to provide further shade.

13. *Carport columns.* Carports are to have support columns that are architecturally integrated and have similar colors to the building. The carport elevations show columns clad with masonry at the ends of the carports, although the middle carport support columns are metal columns without masonry cladding.

14. *Elevations.* The elevations conform to the requirements of the PD 14-23 and GDC.

15. Summary of Deviations:

Development Standards	Summarized Required	Proposed	Analysis
Efficiency Units	Maximum 10 percent (10%) of all units may be efficiency units.	Maximum 19 are allowed. Proposal is for 21.	Efficiency units offer an affordable choice in housing. Recent years indicate a trend favoring efficiency units.
Primary Building Entrance	Location of primary entrances (doors) to the building are to be located at the street frontage.	The leasing lobby for Phase 1 is shown on the plans with its primary building entrance facing an interior drive; the Bank Building has an existing primary entry facing to the parking lot.	The site design of Phase 1 results in too narrow of a sidewalk space for placement of a primary entry at the Avenue B frontage. The Bank Building is existing with its primary entrance facing the parking lot; storefront access is located facing Garland Avenue although that storefront is not considered a primary building entrance.
Parking	PD 14-23 establishes a parking ratio of 1.3 parking spaces per dwelling unit.	Reduction of parking ratio from 1.3 parking spaces per dwelling unit to 1.1 parking space per dwelling unit.	The site is abutting two (2) street that have bus transit service; rail transit service is not far from the site. The DT District encourages a more urban development.

Streetscaping	Streetscape includes the following from the curb: double row of trees in tree wells, sidewalk, planter and front door with patio.	Avenue B, Wilson Street, Rodando Drive all have variations of deviations from the Streetscape standards.	The site slope, high utility lines, underground utility easements, existing Bank building Improvement, all contribute to challenges in meeting the GDC requirements; the applicant has presented a site design that responds with alternative solutions to minimize the level of deviation.
Covered parking	50% of required parking is to be covered.	88 covered parking spaces are provided (43%) in garages and under carports whereas 102 covered parking spaces are required.	The site is in the downtown area which encourages on-street parking where no covered parking is allowed, and overhead power lines on the site further limit the ability to place covered parking on the site.
Parking lot trees	One large canopy tree is required per 6 parking spaces.	One large canopy tree is provided at the end of all except one parking row.	Trees are important in urban heat reduction; the applicant proposes parking canopies to further provide shade.
Carport column cladding	Carport columns to be clad with masonry and a color similar to the building.	Carports are proposed with cladding of columns only at the ends of the structures, the middle columns are not cladded.	Although some cladding is provided the proposal does not meet the full spirit of column cladding.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Urban Neighborhoods for the subject property. Urban Neighborhoods are vibrant higher-density neighborhoods offering urban amenities and a concentration of activities. Urban Neighborhoods provide a variety of high density housing types, including single-family attached and multifamily, and may include compatible non-residential uses, such as shopping, restaurants, offices, entertainment and daily services, in a vertical mixed-use development. This type of neighborhood may be located along major transportation corridors and/or community amenities, such as parks, greenways, and major shopping or entertainment areas.

The proposed Planned Development (PD) District is consistent with the recommendation of the Envision Garland Plan in that it would allow for a high density residential development and the incorporation of non-residential uses on a site located along Garland Avenue, a highly capacity road that traverses the City from south to north and provides direct access to Downtown from SH 190 and IH-635. Additionally, DART bus service lines run along Avenue D and Garland Avenue; and the DART rail station is approximately one mile from the site, although the distance is generally more walkable in a downtown urban environment.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The properties to the north are zoned Downtown (DT) District and Community Retail (CR) District and are developed with financial institutions, retail sales/personal services, an auto related use, a fast food restaurant, and single-family residences. The properties to the east are zoned Downtown (DT) District and Uptown (U) Subdistrict; these properties are developed with a variety of uses that include two school campuses, a government building, retail uses, office buildings, and single family residences. The properties to the south are in the Downtown (DT) District with Auto Overlay Subdistrict, and Industrial (IN) District; these properties are developed with an array of auto related uses, restaurants, and offices. The properties to the west are zoned Single Family-7 (SF-7) and are developed with single-family residences.

The subject property is located on the periphery of the Downtown area and immediately adjacent to properties already zoned Downtown (DT) District. The proposed development maintains the approved mix of uses and the proposed Detail Plan is generally consistent with the previous approval. The proposal would be both compatible and consistent with the zoning pattern established for that portion of Downtown. Furthermore, if developed as a mixed-used development, the subject property would add a vibrant urban character to the western edge of the Downtown area as well as patrons for the support of existing and future businesses within the surrounding area.

The proposal has the potential of impacting the adjacent residential properties to the west by introducing a high density residential development. However, reducing the number of stories from the approved four (4) to three (3) stories for the new residential buildings and the required 25-foot building line along the west side of the subject property (with the proposed development having a variable setback of 27- to 29-feet from the west property line) reduce potential impact. Furthermore, a high-density residential development can serve as a buffer between the single-family residences and Garland Avenue.

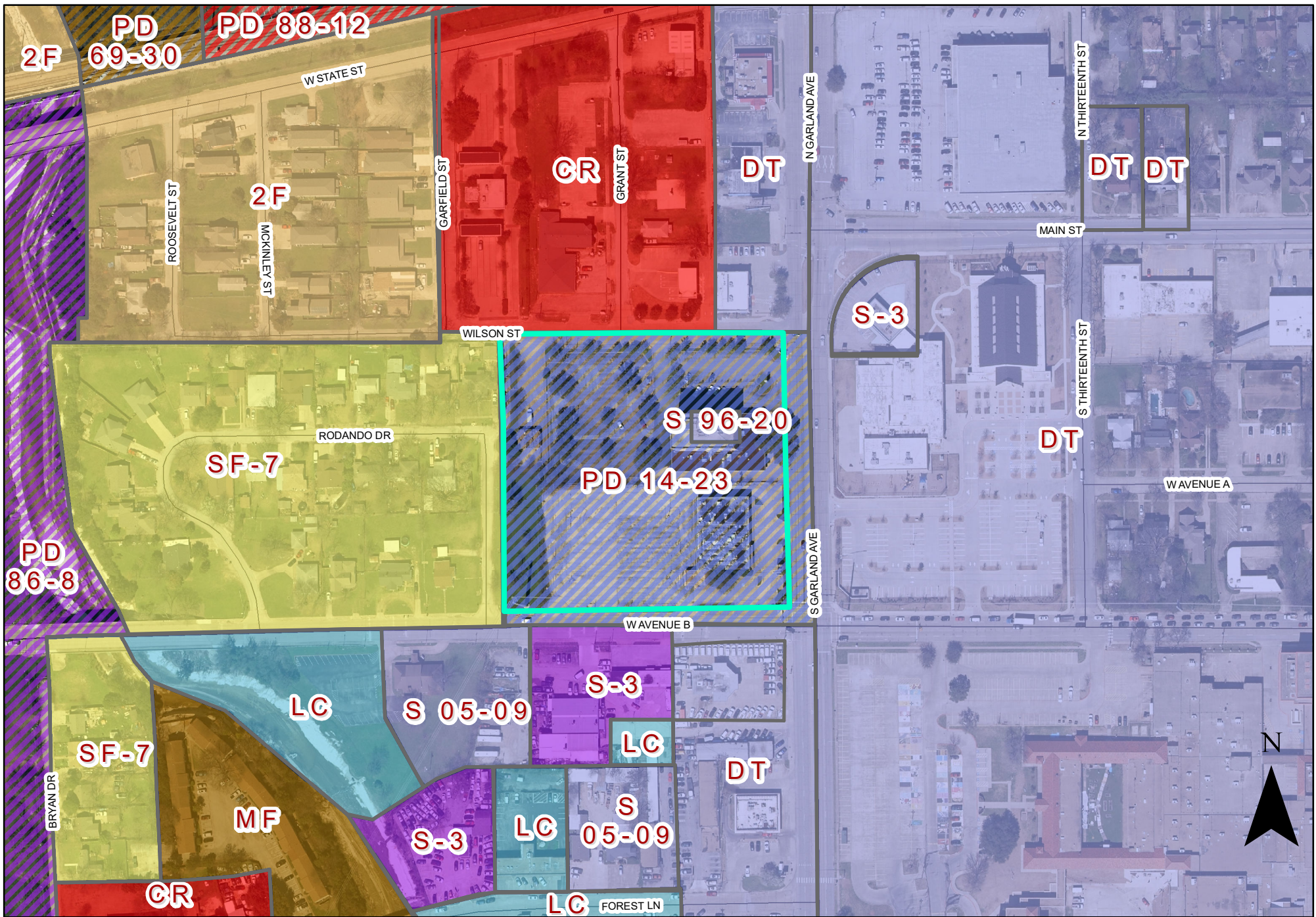
Attachments

Z 20-29 Masterplan Attachments (Detail Plan)

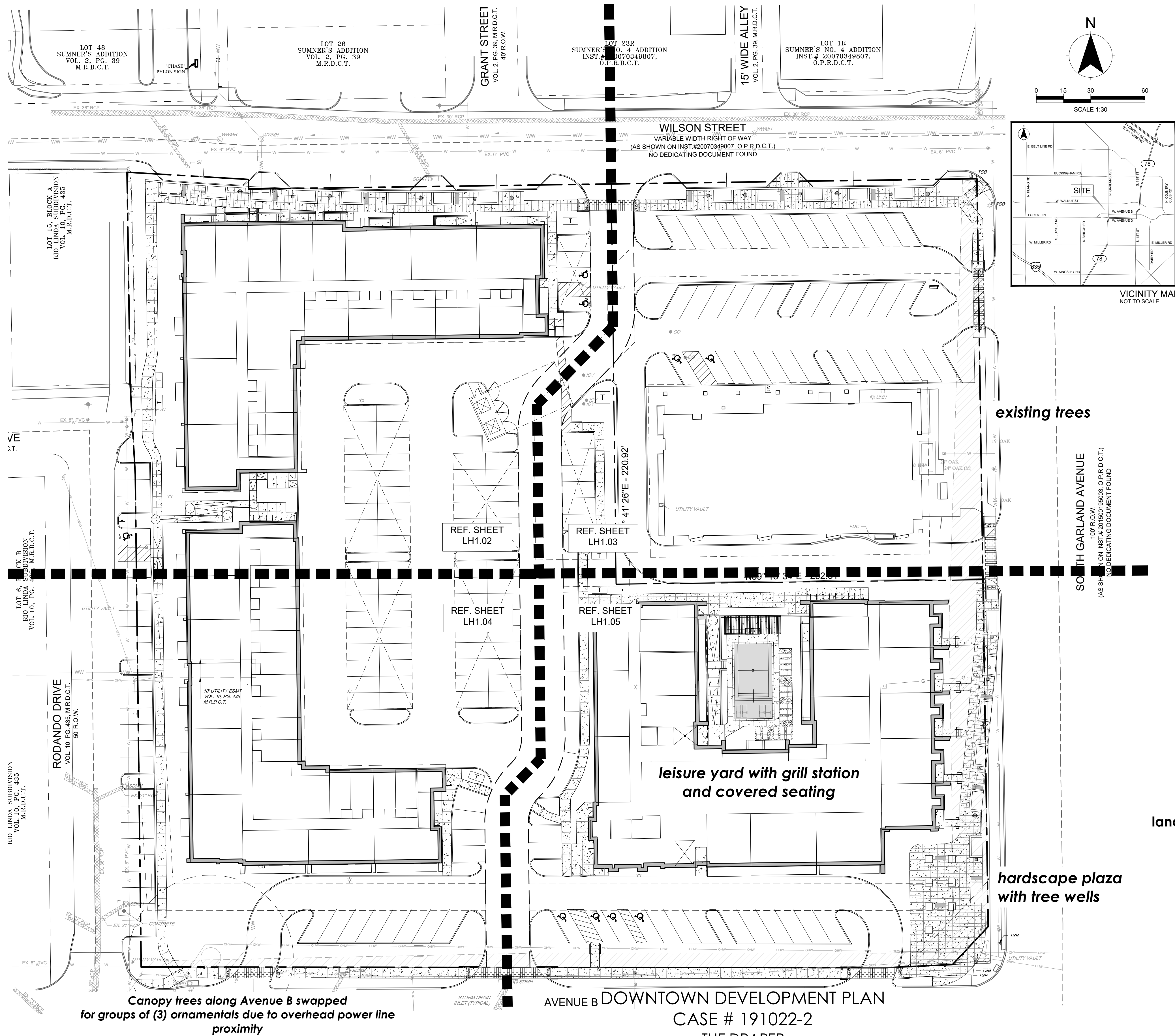
Z 20-29 Responses Final

Z 20-29 Masterplan Staff Presentation

The Draper Parking Analysis



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existing trees

SOUTH GARLAND AVENUE
100' R.O.W.
ON INST # 201500195003, O.P.R.D.C.T.
(AS SHOWN ON INST # 201500195003, O.P.R.D.C.T.)
NO DEDICATING DOCUMENT FOUND

leisure yard with grill station
and covered seating

hardscape plaza
with tree wells

Canopy trees along Avenue B swapped
for groups of (3) ornamentals due to overhead power line
proximity

AVENUE B DOWNTOWN DEVELOPMENT PLAN
CASE # 191022-2
THE DRAPER
3.619 ACRES

s. garland ave - 310 ft.
street trees required 13
provided 13
avenue b - 295 ft.
street trees required 15
provided 15

wilson street 387 ft.
street trees required 18
provided 18
rodando drive - 315 ft.
street trees required 13
provided 13

LANDSCAPE ARCHITECT:
KFM ENGINEERING & DESIGN, LLC
621 N. MAIN STREET
SUITE 415
GRAPEVINE, TEXAS 76051
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SURVEYOR:
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CONTACT: JOSE B. NAJARRO III
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EMAIL: JOSE@JPHLS.COM

DEVELOPER:
GROUND FLOOR DEVELOPMENT
8117 PRESTON ROAD, STE. 300
DALLAS, TEXAS 75225
CONTACT: MARK DRUMM
PHONE: (214) 766-5522
EMAIL: MARK.DRUMM@
REGENTPARKHOLDINGS.COM

ENGINEER/PREPARER:
KFM ENGINEERING & DESIGN, LLC
621 N. MAIN STREET
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CONTACT: JOSH MILLSAP, P.E.
PHONE: (817) 416-4536
EMAIL: JMILLSAP@KFM-LLC.COM

ALL OF LOT 1, BLOCK C, PORTION OF LOT 2, BLOCK C &
LOT 16, BLOCK A, OF RIO LINDA SUBDIVISION
WILLIAM BASSELL SURVEY ABSTRACT NO. 156
CITY OF GARLAND, DALLAS COUNTY, TEXAS
JUNE 29, 2020

SITE MATERIALS SCHEDULE				
CONCRETE/ STONE/ BRICK/STEEL				
KEY	DESCRIPTION/MODEL	FINISH/COLOR	CONTACT	REMARKS
C.1	CONCRETE PAVING	NATURAL GRAY LIGHT BROCKW - PERPENDICULAR TO PATH OF TRAVEL	DAYTON SUPERIOR DAYTONSUPERIOR.COM, 937.866.0711	CONTRACTOR TO PROVIDE 5' X 5' MOCK-UP FOR LANDSCAPE ARCHITECT APPROVAL PRIOR TO CONSTRUCTION
C.2	INTEGRAL COLORED CONCRETE	SLATE GREEN TOPCAST FINISH - 03 VIOLET, #309055	DAVIS COLORS 303.265.8303, DAVISCOLORS.COM	CONTRACTOR TO PROVIDE 5' X 5' MOCK-UP FOR LANDSCAPE ARCHITECT APPROVAL PRIOR TO CONSTRUCTION
C.3	TREE WELL BAND PAVING			
C.4	24 x 48" SCORED CONCRETE	MEDIUM BROOM FINISH		
C.5	CLAY PAVERS	HEARTLAND FLASHED (FIELD) SAVANNAH BROWN (HEADER)	BORAL BRICKS 972.245-1542	
C.6	TRUNCATED DOME/ADA PAVERS	CINNAMON	METRO BRICK AND STONE COMPANY 972.991-4488	OR APPROVED EQUAL
C.7	TREE GRATE	DUCTILE CAST IRON	RESOURCE CONSULTING SERVICES 972.492-2428	
C.8	CIP RETAINING WALL			
C.9	CIP CHEEK WALL			
C.10	STEEL SHADE STRUCTURE			
C.11	HANDRAILS			
POOL				
KEY	DESCRIPTION/MODEL	FINISH/COLOR	CONTACT	REMARKS
P.1	WATERLINE TILE - 1" X 2, BRICK JOINTED, AMI GLASS #A1NCC234861	N/A	MASTERTILE 972.484.9777 MASTERTILE.NET	
P.2	STEP TILE - 2X2 UNGLAZED SERIES #AS 202 BLA UNZ	BLACK, UNGLAZED	MASTERTILE 972.484.9777 MASTERTILE.NET	
P.3	DECK LOUNGE - COCHRAN CHAISE LOUNGE	WHITE	LANDSCAPE FORMS - LARA MOFFAT 269.337.1339 LARAMLANDSCAPEFORMS.COM	OR APPROVED EQUAL
P.4	WET DECK LOUNGE - CHILL CHAISE LOUNGE	WHITE	LANDSCAPE FORMS - LARA MOFFAT 269.337.1339 LARAMLANDSCAPEFORMS.COM	OR APPROVED EQUAL
P.5	HANDRAIL - ARTISAN SERIES STAIR RAIL ART-1002	STAINLESS STEEL	S.R. SMITH 800.824.4387 SRSMITH.COM	
P.6	PLASTER - DIAMOND BRITE	DOVE GRAY	MASTERTILE 972.484.9777 MASTERTILE.NET	
P.7	CORING - 12" CONCRETE	TBD	MASTERTILE 972.484.9777 MASTERTILE.NET	
P.8	WET DECK LED BUBBLER - BRILLIANT WONDERS 8" LED BUBBLER GUNITE UNIT, CMP 4.57VDC, 25' COORD. #255030225-0001	N/A	CMP 800.733.9060 C-M-P.COM	
GRILL STATION				
KEY	DESCRIPTION/MODEL	FINISH/COLOR	CONTACT	REMARKS
G.1	BULL ANGUS 30" DROP-IN GRILL	STAINLESS STEEL	BULL OUTDOOR PRODUCTS 800.521.2655 BULLBBQ.COM	OR APPROVED EQUAL
G.2	CONCRETE COUNTERTOP	POLISHED	N/A	
G.3	CMU WALLS WITH STONE VENEER	STONE VENEER TO MATCH ARCHITECTURE	N/A	
STREET FURNISHINGS				
KEY	DESCRIPTION/MODEL	FINISH/COLOR	CONTACT	REMARKS
S.1	BENCH 19" - DUMOR SITE FURNISHINGS	BLACK STEEL POWDERCOAT TO MATCH CITY SQUARE LOFTS	PAUL E. ALLEN CO. 972.724-2656	OR APPROVED EQUAL
S.2	TRASH RECEPTACLE - SCARBROUGH - LANDSCAPE FORMS	BLACK STEEL POWDERCOAT TO MATCH CITY SQUARE LOFTS	LANDSCAPE FORMS - DALLAS SALES OFFICE - 214-343-1145	OR APPROVED EQUAL
S.3	PEDESTRIAN LIGHT POLE - ERA HERITAGE - KIM LIGHTING	BLACK STEEL POWDERCOAT TO MATCH CITY SQUARE LOFTS	HOSSLEY LIGHTING 214-413-7011	
S.4	ASH URN - NAPOLEAN - LANDSCAPE FORMS	BLACK STEEL POWDERCOAT TO MATCH CITY SQUARE LOFTS	LANDSCAPE FORMS - DALLAS SALES OFFICE - 214-343-1145	OR APPROVED EQUAL
S.5	PLANTER POTS - JACKSON POTTERY	N/A	JACKSON POTTERY 214-350-2900	

landscape tabulations (garland downtown district)article 6 -landscape
7.17 streetscaping

trees shall be space (1) every 25' on center and be atleast 3" in caliper.
Trees shall be planted in 6' x 8' tree wells

Along avenues b and d where there is no on-street parking allowed, trees may be
planted in a continuous 6' landscape strip long back of curb

7.20 interior parking lot landscaping

Each row of parking shall be configured so that there is a minimum 9' wide
landscape island with each run of eight parking spaces. Parking lots shall have (1)
tree for every six parking spaces - 159 internal parking spaces/6 =
parking lot trees required 27 provided 27+

article 3 - screening & landscape

4.34 perimeter screening - site and perimeter landscape

Along major thoroughfares, 7 shrubs or ornamental grasses per every 30' lineal feet are
required.

s. garland ave shrubs required 77 provided 77+ avenue b shrubs required 88 provided 88+
4.39 perimeter screening - single family adjacency
Option 2 - ornamental metal fence - minimum 5' tall ornamental metal fence with
masonry columns spaced a maximum of 50' on center with a continuous row of
evergreen high level screening shrubs.
required yes provided yes

3501 OLYMPUS BLVD, SUITE 100
DALLAS, TEXAS 75019
PHONE: (817) 416-4536
WWW.KFM-LLC.COM
TBPE #: F-20821

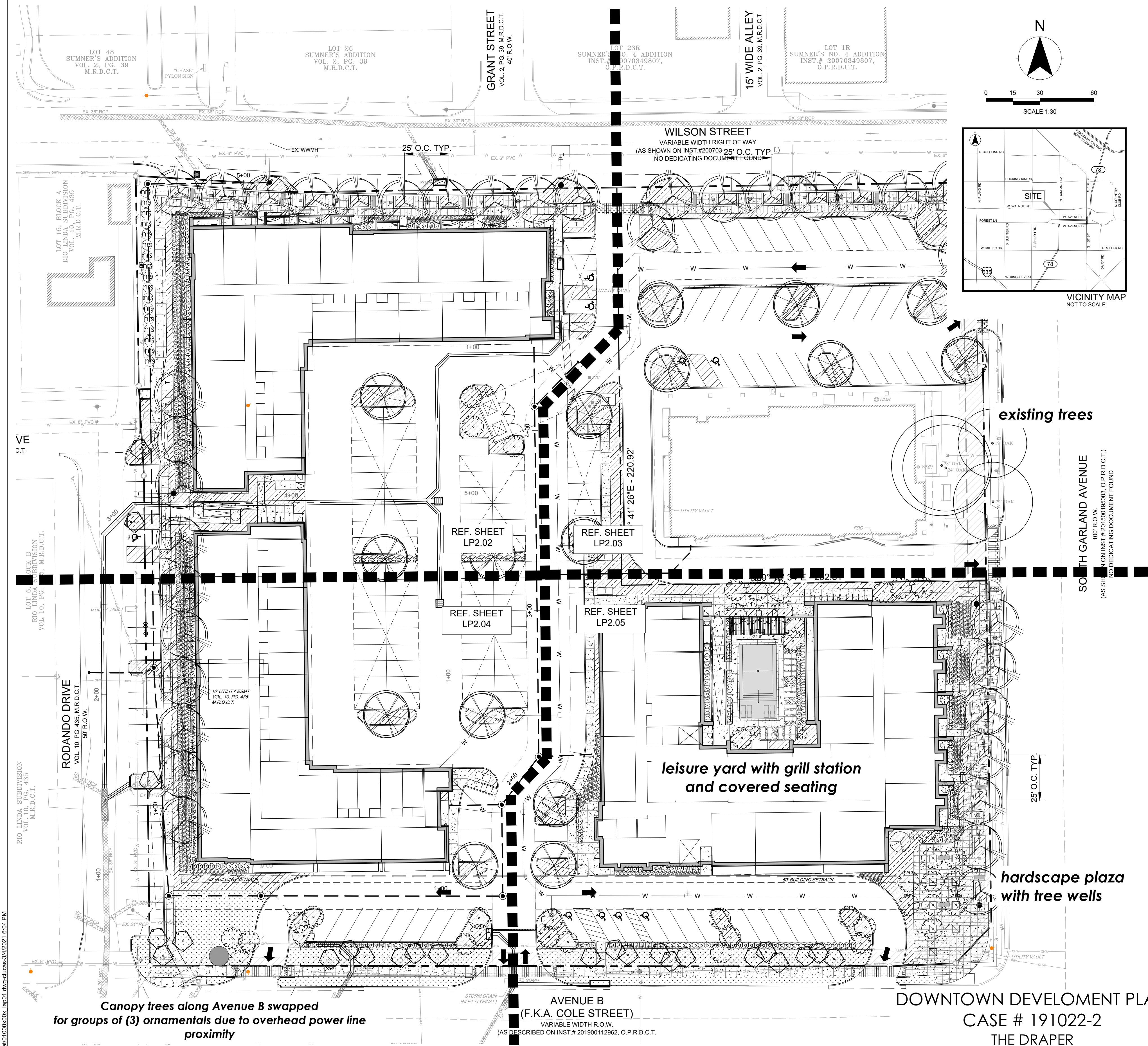
CLIENT: THE DRAPER
PROJECT: GROUND FLOOR DEVELOPMENT
SHEET TITLE: LANDSCAPE HARDSCAPE PLAN
DATE: _____
DESCRIPTION: _____
DELTA: _____
DATE: _____
ISSUE: _____

EXHIBIT D

PRELIMINARY
NOT FOR CONSTRUCTION
KFM
ENGINEERING & DESIGN
LANDSCAPE
ARCHITECT: Nathan R. Parrott
TBPE No.: 3237 DATE: 01/25/21

PROJECT NUMBER:
010017001
DRAWN BY: LL/GW DESIGNED BY: JDB CHECKED BY: JAM
DATE: 2021/02/26
SHEET:

LH 1.01



canopy trees		species	specifications
symbol	count		
	38	Allee Elm <i>ulmus parvifolia 'emer II'</i>	4" caliper, minimum 10' height, full canopy
	16	Highrise™ Live Oak <i>quercus virginiana 'highrise™'</i>	4" caliper, minimum 10' height, full canopy

ornamental trees		species	specifications
symbol	count		
	1	Pond Cypress <i>taxodium ascendens</i>	2" caliper, 6-8' height, even canopy
	25	Chaste Tree <i>vitex agnus-castus</i>	3 canes minimum w/ average of 2" caliper, 6' height, full canopy, 30g
	43	Timeless Beauty® Desert Willow <i>chilopsis linearis 'monhews'</i>	3 canes minimum w/ average of 2" caliper, 6' height, full canopy
	11	Fireglow Japanese Maple <i>acer palmatum 'fireglow'</i>	3 canes minimum w/ average of 2" caliper, 6' height, full canopy

shrubs/succulents/grasses		species	specifications
symbol	count		
	245	Texas Sage 'Green Cloud' <i>leucophyllum frutescens 'green cloud'</i>	3g, 3' on center. 4' height minimum
	602	Mexican Feather Grass <i>nassella tenuissima</i>	1g, 18" on center, ref. details
	17	Holly 'Nellie R. Stevens' <i>ilex x 'Nellie R. Stevens'</i>	7g, 6' on center. 4' height minimum
	66	Mr. Goldstrike Aucuba <i>aucuba japonica 'mr. goldstrike'</i>	3g, 3' on center, ref. details
	104	Purple Diamond® Fringe Flower <i>loropetalum chinense 'shang-hi'</i>	1g, 2' on center
	212	Pink Muhly Grass 'Regal Mist' <i>muhlenbergia capillaris 'lenca'</i>	1g, 18" on center, ref. details
	25	Variegated Pittosporum <i>pittosporum tobira variegata</i>	3g, 3' on center, ref. details
	48	Wax Myrtle <i>Myrica cerifera</i>	3g, 3' on center, ref. details

groundcovers/native seed mixes		species	specifications
symbol	count		
	x sf	Mondo Grass <i>othiopogon japonicus</i>	4" pot, 1' on center, ref. details
	x sf	Bermuda Turfgrass	ref. seedsources.com for seeding rates/ instructions

landscare tabulations (garland) downtown district - article 6 - landscape 7.17 streetscaping
trees shall be space (1) every 25' on center and be atleast 3" in caliper. Trees shall be planted in 6' x 8' tree wells
Along avenues b and d where there is no on-street parking allowed, trees may be planted in a continuous 6' landscape strip long back of curb

7.20 interior parking lot landscaping	
Each row of parking shall be configured so that there is a minimum 9' wide landscape island with each run of eight parking spaces. Parking lots shall have (1) tree for every six parking spaces - 159 internal parking spaces/6 =	
parking lot trees required	27
provided	27+

article 3 - screening & landscape 4.34 perimeter screening - site and perimeter landscape
Along major thoroughfares, 7 shrubs or ornamental grasses per every 30' lineal feet are required.

s. garland ave		avenue b	
shrubs required	77	shrubs required	88
provided	77+	provided	88+

4.39 perimeter screening - single family adjacency
Option 2 - ornamental metal fence - minimum 5' tall ornamental metal fence with masonry columns spaced a maximum of 50' on center with a continuous row of evergreen high level screening shrubs.
required yes provided yes

DOWNTOWN DEVELOPMENT PLAN
CASE # 191022-2
THE DRAPER
3.619 ACRES
ALL OF LOT 1, BLOCK C, PORTION OF LOT 2, BLOCK C & LOT 16, BLOCK A, OF RIO LINDA SUBDIVISION
WILLIAM BASSELL SURVEY ABSTRACT NO. 156
CITY OF GARLAND, DALLAS COUNTY, TEXAS
JUNE 29, 2020

LANDSCAPE ARCHITECT:
KFM ENGINEERING & DESIGN, LLC
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GRAPEVINE, TEXAS 76051
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PHONE: (817) 416-4536
EMAIL: NPARROTT@KFM-LLC.COM

SURVEYOR:
JPH LAND SURVEYING, INC
785 LONESOME DOVE TRAIL
HURST, TEXAS 76054
CONTACT: JOSE B. NAJARRO III
PHONE: (817) 431-4971
EMAIL: JOSE@JPHLS.COM

OWNER:
THE DRAPER GARLAND, LLC
6125 LUTHER LANE, STE. 574
DALLAS, TEXAS 75225
CONTACT:
PHONE:

DEVELOPER:
GROUND FLOOR DEVELOPMENT
8117 PRESTON ROAD, STE. 300
DALLAS, TEXAS 75225
CONTACT: MARK DRUMM
PHONE: (214) 766-5522
EMAIL: MARK.DRUMM@REGENTPARKHOLDINGS.COM

ENGINEER/PREPARER:
KFM ENGINEERING & DESIGN, LLC
621 N. MAIN STREET
SUITE 415
GRAPEVINE, TEXAS 76051
CONTACT: JOSH MILLSAP, P.E.
PHONE: (817) 416-4536
EMAIL: JMILLSAP@KFM-LLC.COM

3501 OLYMPUS BLVD, SUITE 100
DALLAS, TEXAS 75019
PHONE: (817) 416-4536
WWW.KFM-LLC.COM
TBE # F-20821

CLIENT: THE DRAPER

PROJECT: THE DRAPER

SHEET TITLE: LANDSCAPE PLANTING PLAN

PRELIMINARY
NOT FOR CONSTRUCTION

LANDSCAPE ARCHITECT: Nathan R. Parrott
TBAE No.: 3237 DATE: 01/25/21

PROJECT NUMBER: 010017001

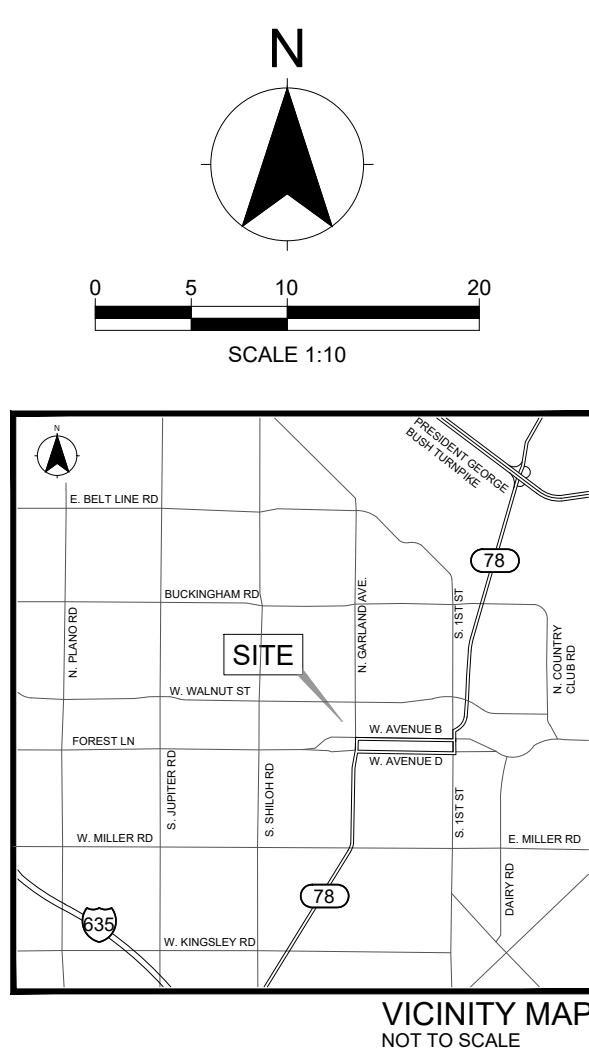
DRAWN BY: LL/GW DESIGNED BY: JDB CHECKED BY: JAM

DATE: 2021/03/01

SHEET: LP 2.01

GROUND FLOOR DEVELOPMENT

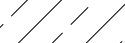
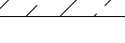
EXHIBIT D



canopy trees			
symbol	count	species	specifications
	38	Allee Elm <i>ulmus parvifolia</i> 'emer II'	4" caliper, minimum 10' height, full canopy
	16	Highrise™ Live Oak <i>quercus virginiana</i> 'highrise™'	4" caliper, minimum 10' height, full canopy

ornamental trees			
symbol	count	species	specifications
	1	Pond Cypress <i>taxodium ascendens</i>	2" caliper, 6-8' height, even canopy
	25	Chaste Tree <i>vifex agnus-castus</i>	3 canes minimum w/ average of 2" caliper, 6' height, full canopy, 30g
	43	Timeless Beauty® Desert Willow <i>chilopsis linearis 'monhews'</i>	3 canes minimum w/ average of 2" caliper, 6' height, full canopy
	11	Fireglow Japanese Maple <i>acer palmatum 'fireglow'</i>	3 canes minimum w/ average of 2" caliper, 6' height, full

shrubs/succulents/grasses			canopy
symbol	count	species	specifications
(ts)	245	Texas Sage 'Green Cloud' <i>leucophyllum frutescens</i> 'green cloud'	3g, 3' on center. 4' height minimum
(tg)	602	Mexican Feather Grass <i>nassella tenuissima</i>	1g, 18" on center, ref. details
(nrs)	17	Holly 'Nellie R. Stevens' <i>ilex</i> x 'Nellie R. Stevens'	7g, 6' on center. 4' height minimum
(ag)	66	Mr. Goldstrike Aucuba <i>aucuba japonica</i> 'mr. goldstrike'	3g, 3' on center, ref. details
(ff)	104	Purple Diamond® Fringe Flower <i>loropetalum chinense</i> 'shang-hi'	1g, 2' on center
(mg)	212	Pink Muhly Grass 'Regal Mist' <i>muhlenbergia capillaris</i> 'lenca'	1g, 18" on center, ref. details
(ry)	25	Variegated Pittosporum <i>pittosporum tobira</i> 'variegata'	3g, 3' on center, ref. details
(wm)	48	Wax Myrtle <i>myrica caribaea</i>	3g, 3' on center, ref. details

groundcovers/native seed mixes			
symbol	count	species	specifications
	x sf	Mondo Grass <i>othiopogon japonicus</i>	4" pot, 1' on center, ref. details
	x sf	Bermuda Turfgrass	ref. seedsources.com for seeding rates/ instructions
	x sf	Cobble Rock	2-4"

landscape tabulations (garland)	
downtown district - article 6 - landscape	
7.17 streetscaping	
trees shall be space (1) every 25' on center and be atleast 3" in caliper. Trees shall be planted in 6' x 8' tree wells	
Along avenues b and d where there is no on-street parking allowed, trees may be planted in a continuous 6' landscape strip long back of curb	
7.20 interior parking lot landscaping	
s. garland ave - 187 ft.	
street trees required	13
provided	13
avenue b - 473 ft.	
street trees required	15
provided	15
wilson street - 459 ft.	
street trees required	18
provided	18
rodando drive - 327 ft.	
street trees required	13
provided	13

Each row of parking shall be configured so that there is a minimum 9' wide landscape island with each run of eight parking spaces. Parking lots shall have (1) tree for every six parking spaces - $159 \text{ internal parking spaces} / 6 =$

parking lot trees required 27
provided 27+

article 3 - screening & landscape

4.34 perimeter screening - site and perimeter landscape

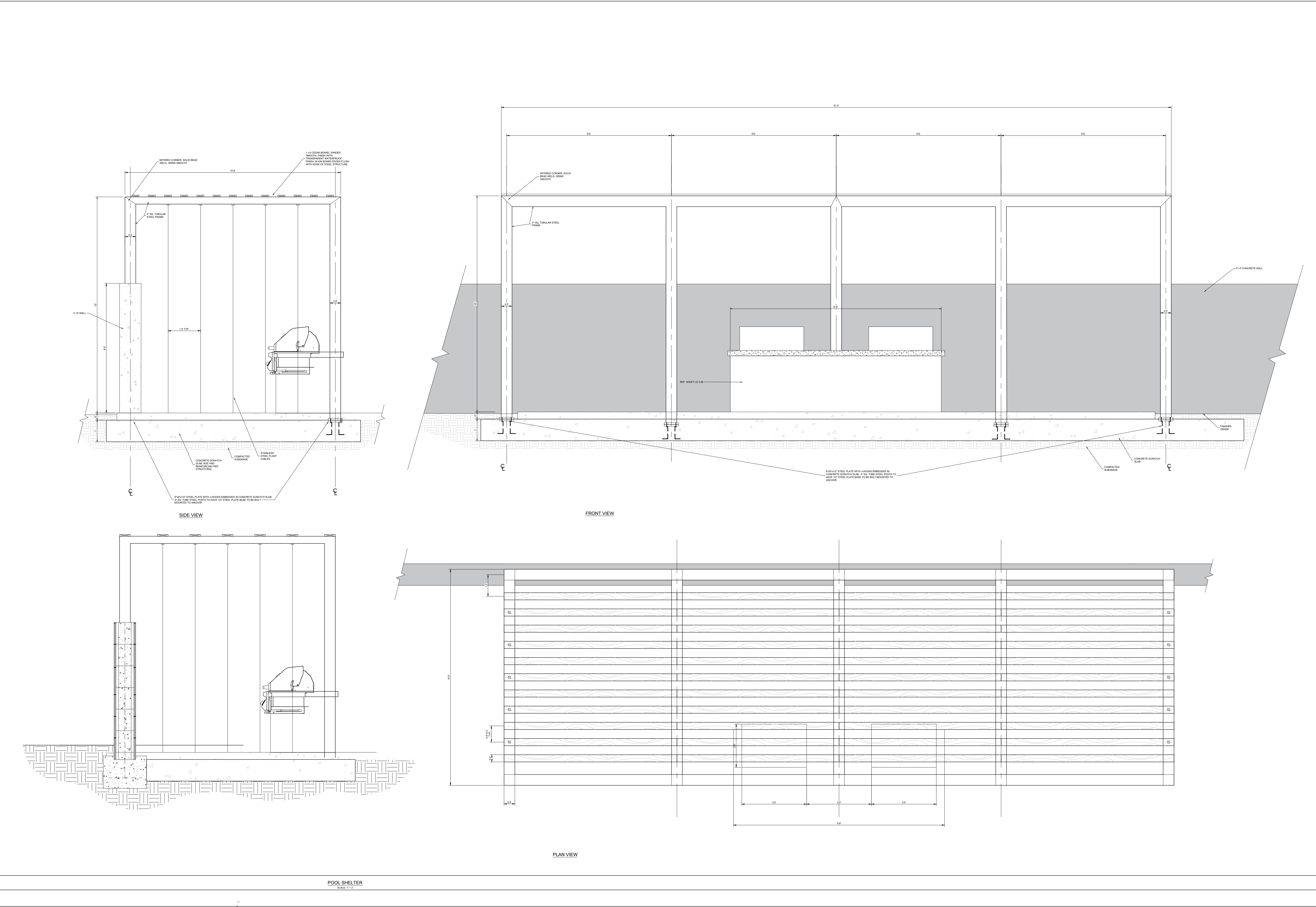
Along major thoroughfares, 7 shrubs or ornamental grasses per every 30' lineal feet are required.

shrubs required	<u>77</u>	shrubs required	<u>88</u>
provided	<u>77+</u>	provided	<u>88+</u>

4.39 perimeter screening - single family adjacency

Option 2 - ornamental metal fence - minimum 5' tall ornamental metal fence with masonry columns spaced a maximum of 50' on center with a continuous row of evergreen high level screening shrubs.

required yes provided yes



No.:	BY:	DATE:	REVISION:

CLIENT
PROJECT
THE DRAPER
GROUND FLOOR DEVELOPMENT

SHEET TITLE
POOL DETAILS

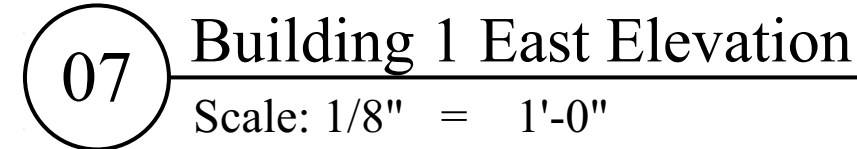
EXHIBIT D

PRELIMINARY
NOT FOR CONSTRUCTION

KFM
ENGINEERING & DESIGN

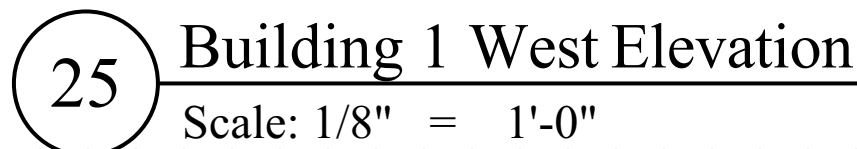
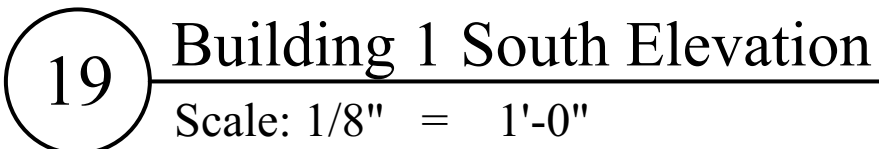
LANDSCAPE
ARCHITECT: Nathan R. Parrott
TBAE No.: 3237 DATE: 01/25/21

PROJECT NUMBER: 010017001	DRAWN BY: GDW	DESIGNED BY: JDB	CHECKED BY: JAM
DATE: 2021/01/25			
SHEET: LD 3.05			



11 Material Legend

24 Zoning Compliance



- (a) **Awnings or canopies;**
- (b) **Display windows;**
- (c) Divided light windows;
- (d) **Transoms;**
- (e) Shutters;
- (f) Alcoves/porticos;
- (g) Recessed entries;
- (h) Ornamental window headers/lintels;
- (i) Quoins;
- (j) **Distinctive lighting features;**
- (k) **Planters or fountains;**

(Re: *Landscape plans*)

- (L) **Benches for outdoor seating;**

(Re: *Landscape plans*)

- (m) Dormers;
- (n) **Varied roof heights;**
- (o) Ornamental facade trims;
- (p) Bay windows; and
- (q) Gable windows.



Delta	Issue Name	Date
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FIBER CEMENT PANEL JOINTS TO BE IDENTIFIED AND PROVIDED PRIOR TO CONSTRUCTION.

PD Ordinance NO. 6713 Requirements:	
V. Specific Regulations	
G. Building Height Number of Stories	
Maximum height for new construction is 65 feet, allowing maximum of 4 stories for residential structure and 5 stories for parking structures.	
H. Residential Units at Grade:	
i. All buildings which have residential unit floor plates within four feet of grade facing streets shall include a front door entrance into the unit which is accessed from the sidewalk for a minimum of 70% of exterior units. # of units applicable per H, i. 18 # of units required: 70% x 18 = 13 # of units complying: 13	
ii. Entries for grade-level units should be located a minimum of one foot above the sidewalk and include a minimum twenty four square foot stoop... All applicable units provide min. requirements per H, ii.	
iv. Balcony and patio railings and fences shall be largely transparent...	
I. Residential Units above Grade:	
i. At least fifty percent of residential units above-grade shall have balconies that are at least four feet in depth. # of units above grade: 128 # of balconies required: 50% x 128 = 64 # of balconies provided: 112	

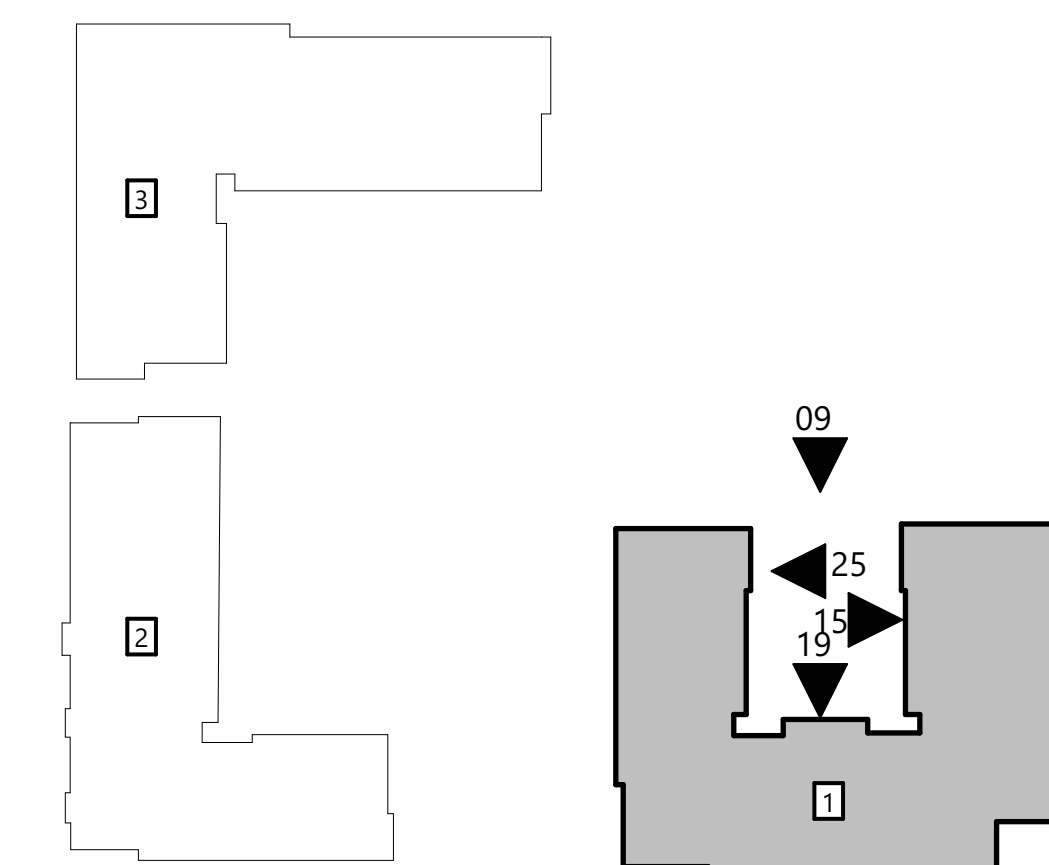
GDC Downtown District Requirements:	
VI	(H) Architectural Articulation: Where clearly visible from a public street or open space, buildings shall demonstrate both horizontal and vertical articulation...
	(1) All buildings shall be designed and constructed in tri-partite architecture, with a distinct base, middle and top... (2) Buildings shall generally maintain a facade rhythm of twenty to thirty feet...
VII	(H) Building Entries: Each building and separate lease space at-grade along the street edge shall have a functioning primary entry from the sidewalk...Entries to lease spaces from a courtyard, plaza or parking may be flush with the building facade provided there is an awning or other weather protective cover.

GDC Multi-family District Requirements:	
Ch. 2 Zoning Article 4, Div. 2	
(I) Other Requirements	
(1) Storage Space: An enclosed storage facility must be constructed on-site for each dwelling unit in a MF structure, with convenient access to its corresponding unit. The minimum size of each storage facility must be twenty-five square feet, and must contain not less than one hundred and seventy-five cubic feet. A garage may not count as a storage facility unless the required storage space is added to the size of the garage. Deviation proposed: The total storage requirements be met with compilation of unit storage, unit closets and building storage. Refer to A200's for unit storage data and A321 and A331 for building storage data.	
(2) Clubhouse:	
(a) An MF development with two hundred dwelling units of less must have a clubhouse that is a minimum 2,500 square feet in size. Club/Lounge: 762SQ FT Fitness: 1328 SQ FT Total: 2090 SQ FT Deviation proposed: The clubhouse will have a minimum of 2000 square feet in size.	

24 Zoning Compliance

Material Legend		
ID	Material	Color
01	BRICK	COLOR 1
02	BRICK	COLOR 2
03	FIBER CEMENT PANEL	COLOR 1
04	FIBER CEMENT PANEL	COLOR 2
05	FIBER CEMENT PANEL	COLOR 3
06	FIBER CEMENT PANEL	COLOR 4
07	FIBER CEMENT PANEL	COLOR 5
08	FIBER CEMENT PANEL	COLOR 6
10	FIBER CEMENT SIDING	COLOR 2
11	PREFINISHED SIDING	COLOR 1
12	LIMESTONE	SMOOTH CUT
13	FLUSH SEAM METAL PANEL	COLOR 1
14	METAL PICKETS	BRONZE
15	STANDING SEAM METAL ROOF	
16	TPO ROOF	
17	BRICK	DECORATIVE PATTERN
18	RAILING	COMPOSITE WOOD
19	MTL. FLAT SEAM ROOF	ANODIZED

29 Material Legend



30 Key Plan

GFNT
Opportunity II, LC

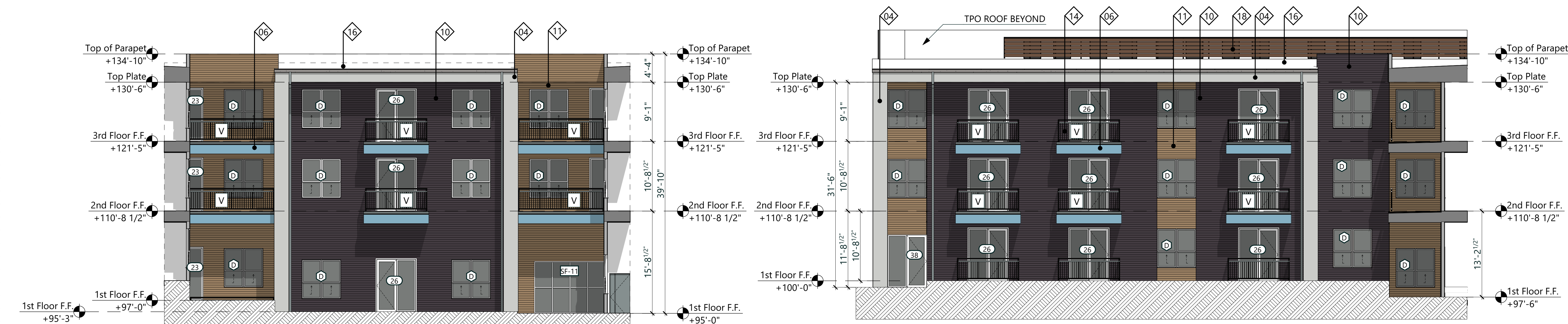
Project Number: 2019028
Drawn By: epariente
Issue for: City Submittal
1.25.2021

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Delta	Issue Name	Date

07 Building 1 North Elevation

Scale: 1/8" = 1'-0"



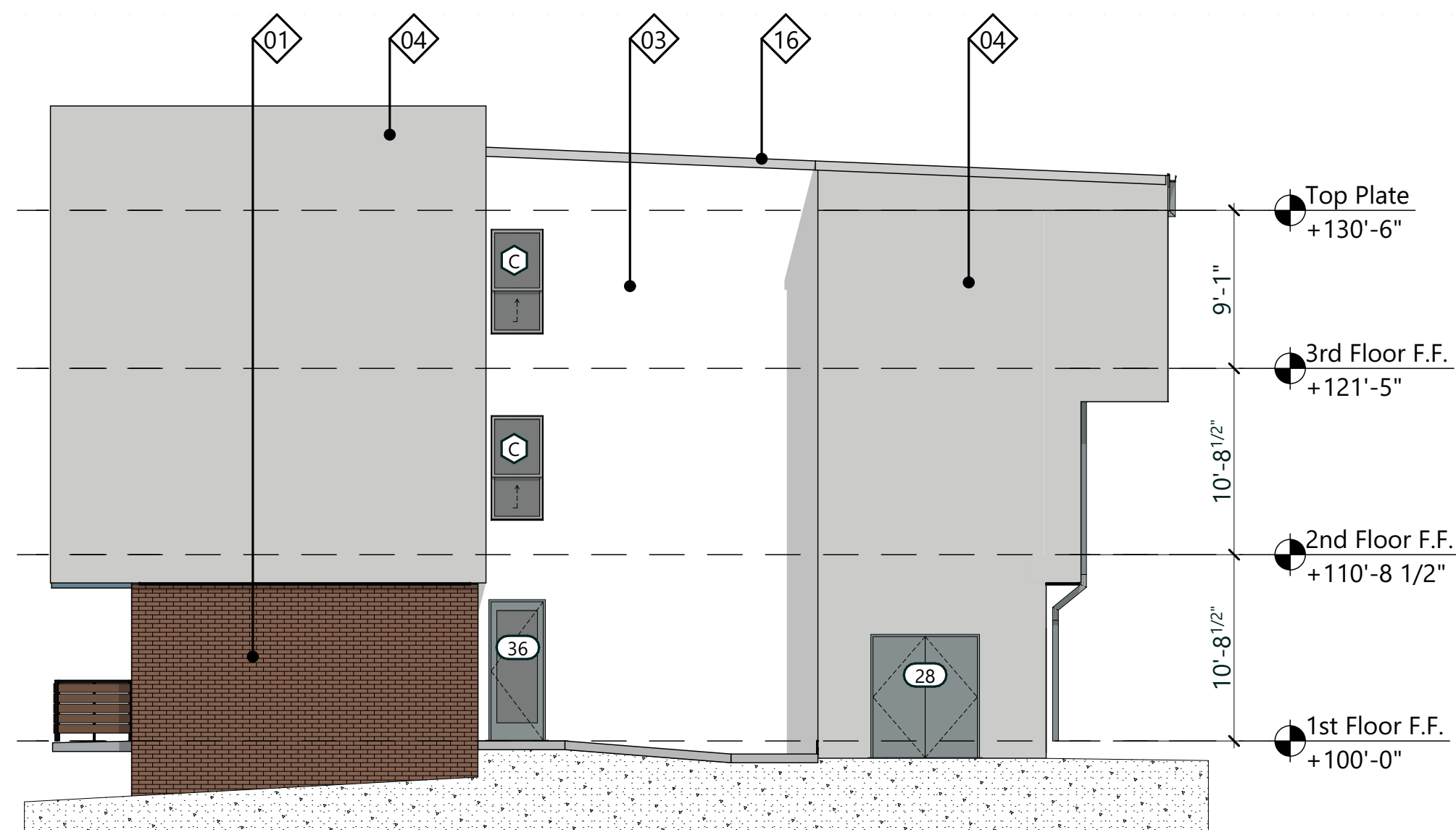
15 Building 1 Courtyard West Elevation

Scale: 1/8" = 1'-0"



25 Building 1 Courtyard East Elevation

Scale: 1/8" = 1'-0"



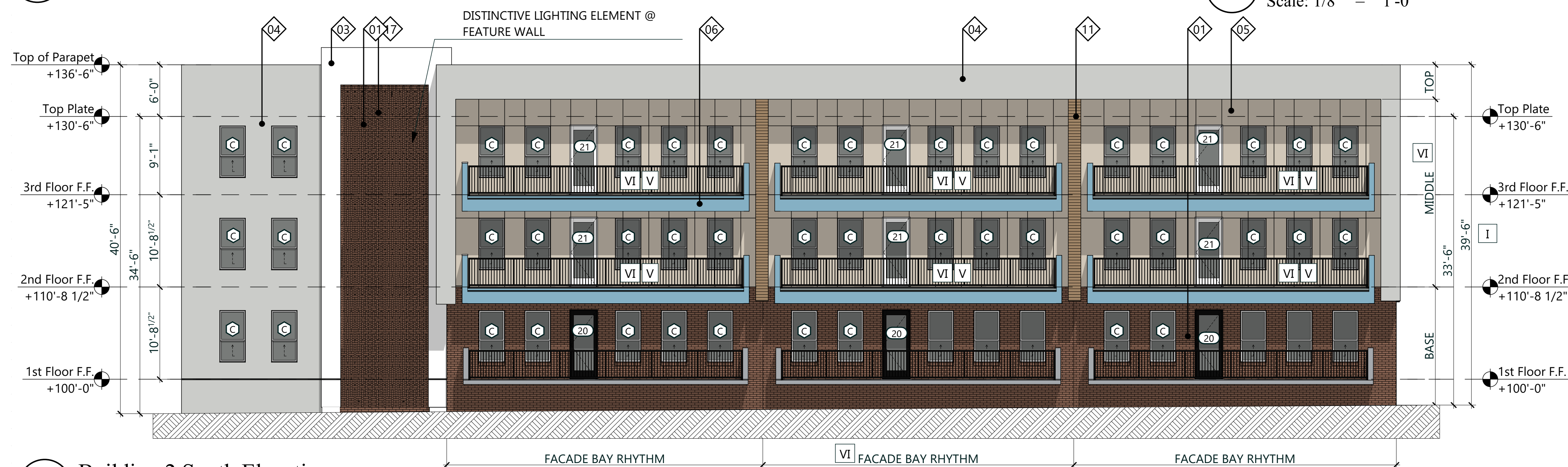
07 Building 2 East Elevation
Scale: 1/8" = 1'-0"



09 Building 2 Parking Court North Elevation
Scale: 1/8" = 1'-0"



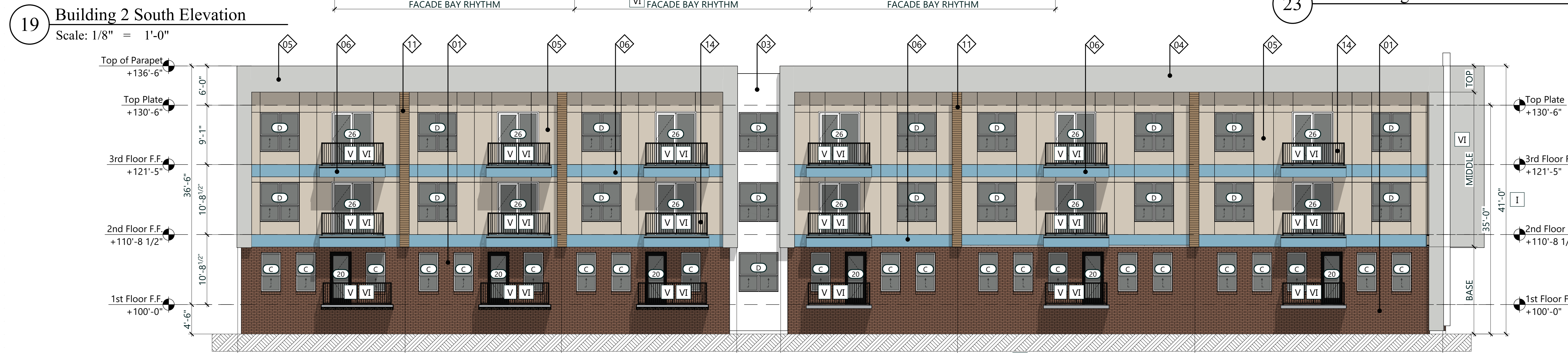
13 Building 2 Parking Court East Elevation
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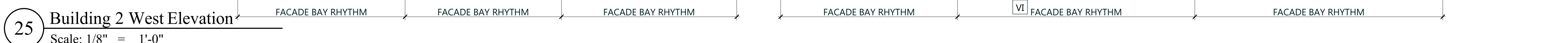
16 Building 2 North Elevation
Scale: 1/8" = 1'-0"

Material Legend		
ID	Material	Color
01	BRICK	COLOR 1
02	BRICK	COLOR 2
03	FIBER CEMENT PANEL	COLOR 1
04	FIBER CEMENT PANEL	COLOR 2
05	FIBER CEMENT PANEL	COLOR 3
06	FIBER CEMENT PANEL	COLOR 4
07	FIBER CEMENT PANEL	COLOR 5
08	FIBER CEMENT PANEL	COLOR 6
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13	FLUSH SEAM METAL PANEL	COLOR 1
14	METAL PICKETS	BRONZE
15	STANDING SEAM METAL ROOF	
16	TPO ROOF	
17	BRICK	DECORATIVE PATTERN
18	RAILING	COMPOSITE WOOD
19	MTL. FLAT SEAM ROOF	ANODIZED

23 Material Legend



19 Building 2 South Elevation
Scale: 1/8" = 1'-0"



25 Building 2 West Elevation
Scale: 1/8" = 1'-0"

FIBER CEMENT PANEL JOINTS TO BE IDENTIFIED AND PROVIDED PRIOR TO CONSTRUCTION.

PD Ordinance NO. 6713 Requirements:

V. Specific Regulations

G. Building Height Number of Stories

Maximum height for new construction is 65 feet, allowing maximum of 4 stories for residential structure and 5 stories for parking structures.

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of units applicable per H, i: 18
of units required: 70% x 18 = 13
of units complying: 13

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All applicable units provide min. requirements per H, ii.
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i. At least fifty percent of residential units above-grade shall have balconies that are at least four feet in depth.
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of balconies required: 50% x 128 = 64
of balconies provided: 112

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(2) Buildings shall generally maintain a facade rhythm of twenty to thirty feet...

(H) **Building Entries.** Each building and separate lease space at-grade along the street edge shall have a functioning primary entry from the sidewalk...Entries to lease spaces from a courtyard, plaza or parking may be flush with the building facade provided there is an awning or other weather protective cover.

GDC Multi-family District Requirements:

Ch. 2 Zoning Article 4, Div. 2

(I) Other Requirements

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(a) An MF development with two hundred dwelling units of less must have a clubhouse that is a minimum 2,500 square feet in size.

Club/Lounge: 7625Q FT
Fitness: 1328 SQ FT
Total: 2090 SQ FT
Deviation proposed: The clubhouse will have a minimum of 2000 square feet in size.

24 Zoning Compliance

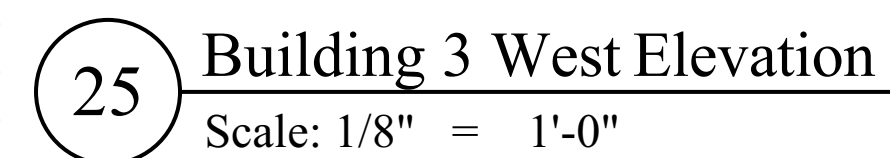
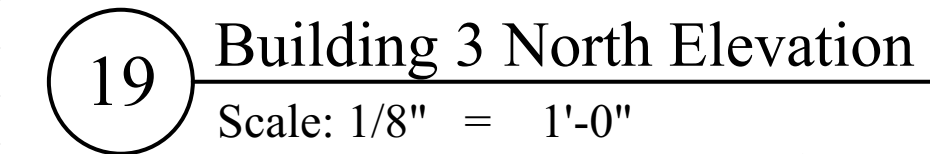
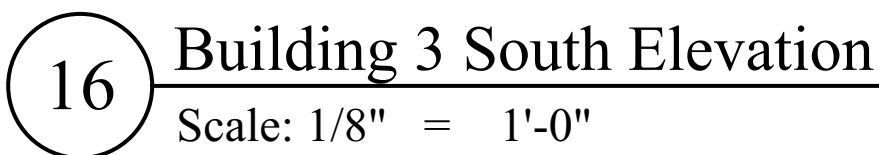
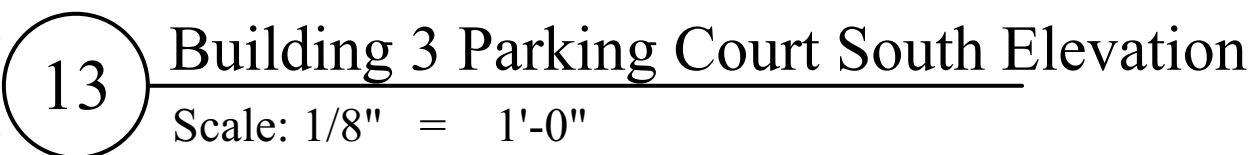
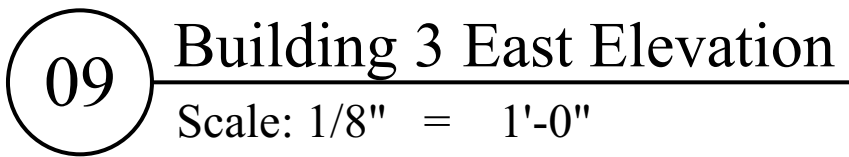
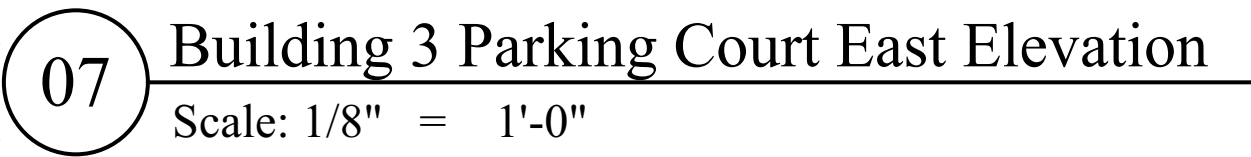
GFNT
Opportunity II, LC

Project Number: 2019028
Drawn By: epariente
Issue for: City Submittal
Date: 1.25.2021

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Delta Issue Name Date

The Draper Garland, Texas

29 Material Legend

20 Key Plan

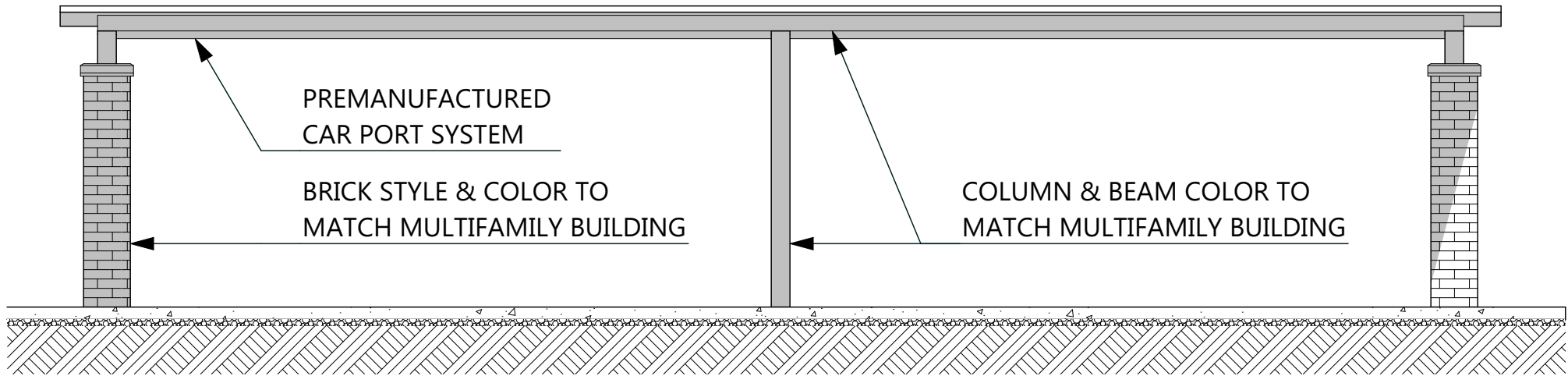
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NOT FOR REGULATORY
APPROVAL, PERMIT, OR
CONSTRUCTION.

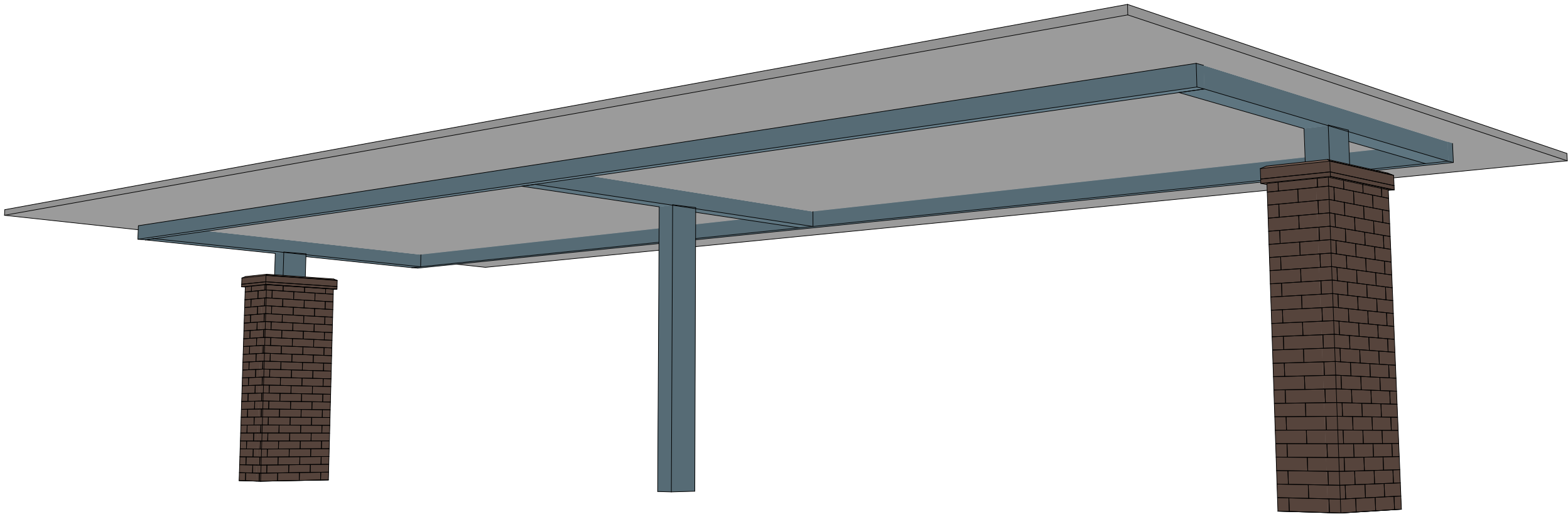
J. Mark Wolf

Registered Architect of the State of:
Texas

Registration Number:
9129



1 Elevation
Scale: 1/4" = 1'-0"



2 Car Port Perspective

EXHIBIT E
The Draper
Garland, Texas

The Draper, LLC

Project Number: 2019028
Drawn By: epariente
Issue for: City Submittal
1.25.2021

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Delta	Issue Name	Date

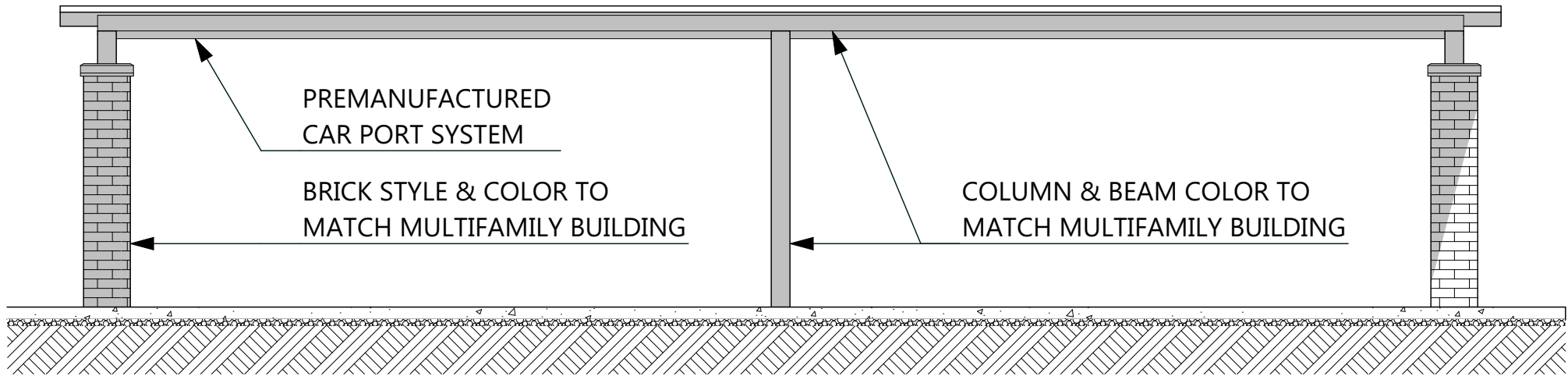
Car Port

NOT FOR REGULATORY
APPROVAL, PERMIT, OR
CONSTRUCTION.

J. Mark Wolf

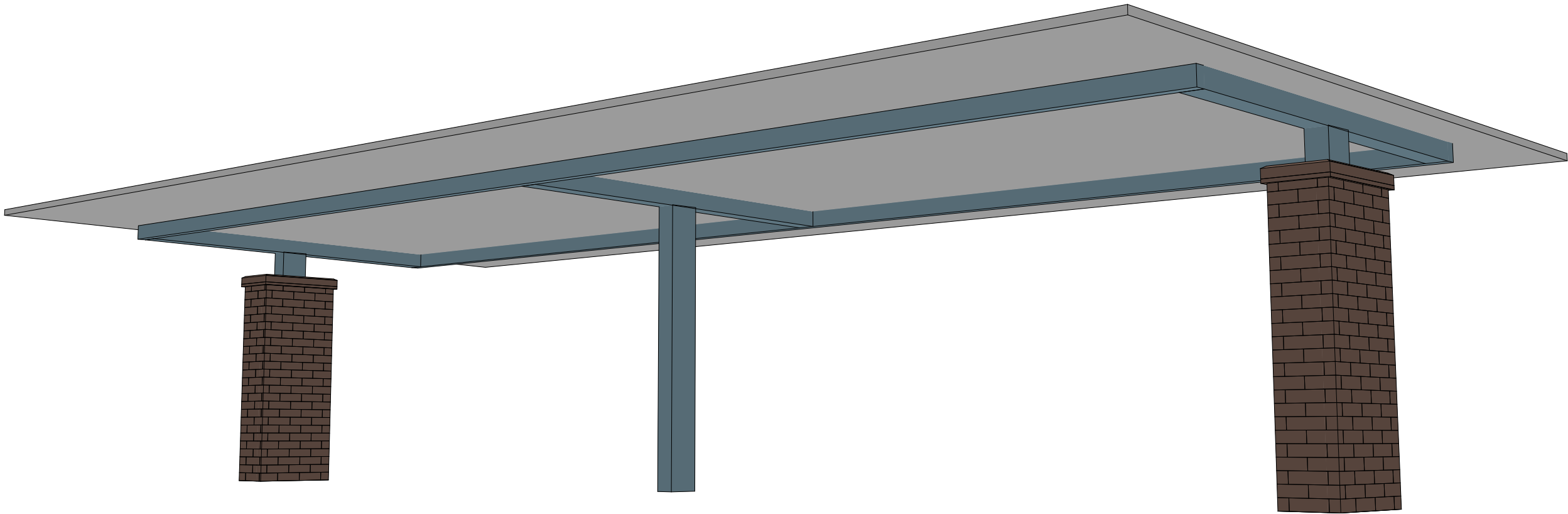
Registered Architect of the State of:
Texas

Registration Number:
9129



1 Elevation

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



2 Car Port Perspective

EXHIBIT E
The Draper
Garland, Texas

The Draper, LLC

Project Number: 2019028
Drawn By: epariente
Issue for: City Submittal
1.25.2021

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Delta	Issue Name	Date

Car Port

REPORT & MINUTES

P.C. Meeting, February 22, 2021

Consideration of the application of **Masterplan**, requesting approval of a Detail Plan for Multi-Family (MF) Uses on a property zoned Planned Development (PD) 14-23 for Downtown Uses. This property is located at 111 and 217 South Garland Avenue; 1413 West Avenue B; and 1412 and 1413 Rodando Drive. (District 2) (File Z 20-29 - Detail Plan)

Motion was made by Commissioner Jenkins to close the public hearing and **approve** the Detail Plan. Seconded by Commissioner Williams. **Motion carried: 9 Ayes, 0 Nays**

Comment Form

Case Z 20-29

Z 20-29 Masterplan. The applicant proposes to develop a mixed-use community. Three buildings would be constructed for apartment dwelling units in Phase 1. An existing Chase Bank building would be repurposed to add upper-floor apartment units in Phase 2. This site is located at 111 and 217 South Garland Avenue; 1413 West Avenue B; and 1412 and 1413 Rodando Drive. (District 2)

Z 20-29 Masterplan - El solicitante propone desarrollar una comunidad de uso mixto. Se construirían tres edificios para unidades de vivienda de apartamentos en la Fase 1. Un edificio existente de Chase Bank se reutilizaría para agregar unidades de apartamentos en el piso superior en la Fase 2. Este sitio está ubicado en 111 y 217 South Garland Avenue; 1413 West Avenue B; y 1412 y 1413 Rodando Drive. (Distrito 2)

Z 20-29 Masterplan - Người nộp đơn đề xuất phát triển một cộng đồng sử dụng hỗn hợp. Ba tòa nhà sẽ được xây dựng cho các căn hộ ở trong Giai đoạn 1. Một tòa nhà Chase Bank hiện có sẽ được chuyển đổi mục đích để bổ sung thêm các căn hộ ở tầng trên trong Giai đoạn 2. Khu đất này tọa lạc tại số 111 và 217 Đại lộ South Garland; 1413 Đại lộ Tây B; và 1412 và 1413 Rodando Drive. (Quận 2)

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 / Por favor complete la siguiente información / Vui lòng điền các thông tin sau:

PATSY R REEVES

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.)

119 N. GARLAND AVE

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

GARLAND TX

City, State / Estado de la Ciudad / Thành bang

75040

Zip Code / Código postal / Mã Bưu Chính

Patsy R. Reeves

Signature / Firma / Chữ ký

3-1-21

Date / Fecha / Ngày

MAR 4 '21 PM 3:46

Comment Form

Case Z 20-29

Z 20-29 Masterplan. The applicant proposes to develop a mixed-use community. Three buildings would be constructed for apartment dwelling units in Phase 1. An existing Chase Bank building would be repurposed to add upper-floor apartment units in Phase 2. This site is located at 111 and 217 South Garland Avenue; 1413 West Avenue B; and 1412 and 1413 Rodando Drive. (District 2)

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Please Check One Below / Marque uno a continuación / Vui lòng kiểm tra một bên dưới

☐

For / A Favor / Đúng

☒

Against / En Contra / Không

Please complete the following information / Por favor complete la siguiente información / Vui lòng điền các thông tin sau:

Christopher Garrison and Barbara Koos

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.)

1421 Rodando Dr. Garland TX 75042

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

Garland TX 75042

City, State / Estado de la Ciudad / Thành bang

75042

Zip Code / Código postal / Mã Bưu Chính

Ching Durr

Barbara Koos

Signature / Firma / Chữ ký

02/16/2021

Date / Fecha / Ngày

Comment Form Continued – Case Z 20-29

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

Las declaraciones a continuación reflejan mi (nuestra) opinión con respecto a las solicitudes propuestas.

Các tuyên bố dưới đây phản ánh quan điểm của tôi (chúng tôi) về (các) yêu cầu được đề xuất

- We Strongly Object and Vote against
Case Z 20-29 for the following
Reasons:

1. decreased property value
2. decreased Resell value of our home
3. increased noise pollution in an
already noisy area (Police station,
train, MART, auto shops etc.)
4. increased traffic congestion on
side streets that are already small
and congested
5. decreased privacy and overall
decreased quality of our neighborhood
6. I work from home and need a
~~quiet~~ quiet environment. This noise
would severely affect my professional
life + personal life

- Barbara Kees + Chris
Garrison

1421 Bodando Pkwy
Carland TX 75042

Zoning Response Cases

Case Number

Z 20-29

The applicant KFM Engineering & Design, proposes to develop a mixed-use community. Three buildings would be constructed for apartment dwelling units in Phase 1. An existing Chase Bank building would be repurposed to add upper-floor apartment units in Phase 2. This property is located at 111 and 217 South Garland Avenue, 1413 West Avenue B and 1412 and 1413 Rodando Drive.

<null>

Barbara Koos
<null>

Against
1421 Rodando Drive
Garland
Texas
United States
75042
barbaralorrainek@yahoo.com
972-998-6214

We strongly object to this proposed zoning change. This will decrease property values and increase noise pollution and traffic congestion in our neighborhood that is already small. I work from home and this would severely impact my ability to make income. This plan overall would decrease our home's value and our quality of life.

From: [Wauwie, Kira](#)
To: [Guerin, Will](#); [Allmendinger, Tracy](#)
Subject: FW: [EXTERNAL] Updated Comment Form Regarding Case Z 20-29
Date: Wednesday, March 10, 2021 2:53:51 PM

Response for Z 20-29.

-Kira

From: Barbara Koos <barbaralorrainek@yahoo.com>
Sent: Wednesday, March 10, 2021 2:02 PM
To: Wauwie, Kira <KWauwie@garlandtx.gov>
Cc: Morris, Councilwoman Deborah <DMorris@garlandtx.gov>
Subject: [EXTERNAL] Updated Comment Form Regarding Case Z 20-29

Kira,

This is Barbara Koos at 1421 Rodando Drive. I along with My husband Chris Garrison submitted comments for the February Planning meeting. After understanding more about the plans for The Draper Garland we would like to update and specify our comments.

If we are understanding correctly, Rodando Drive would have parking spots and an entrance to the complex on the East side of Rodando Drive.

We are **against** and **object** to an entrance and parking on Rodando Drive.

Signs and changing the angle of the parking spot are not enough to keep traffic off of our street. Our Street dead ends into a U shape, you can only turn right from each exit because Ave. B is a one way road. In other words, with the current plan; you are inviting everyone to enter our road, park there, and drive through while also blocking off the one alleyway that could be another exit off of our street and making it a sidewalk.

Please keep in my mind that our street is old asphalt with no curbs or sidewalks that kids and pets play on, and the current plan would increase traffic through our already congested neighborhood.

It's one thing to add apartments there and it's another to add parking and entrances on our street.

1. Please let me know if we are understanding the plan correctly
2. Please let me know if there is anything else we can do to get our voice heard in regards to this matter. I cc'ed our District Councilwoman.

Thank You,
Barbara Koos
Chris Garrison
1421 Rodando Drive

From: [Teresa Sutherland](#)
To: [Planning Group](#)
Subject: [EXTERNAL] Z 20-29 City of Garland Notice of Public Hearing-Master Plan (3.16.21)
Date: Thursday, March 4, 2021 10:56:43 AM
Attachments: [image001.png](#)
[Z 20-29 City of Garland Notice of Public Hearing-Master Plan \(3.16.21\).pdf](#)

Attached please find the Z 20-29 City of Garland Notice of Public Hearing-Master Plan (3.16.21) signed by Paul Gonzales, GISD Executive Director of Facilities & Maintenance.

TERESA L. SUTHERLAND, CEOP

Garland Independent School District

Secretary to Paul P. Gonzales Sr., Executive Director of Facilities & Maintenance

Marvin Padgett Auxiliary Services Center | 701 N. First Street | Garland, TX 75040

Phone: (972)487-4101

tsutherl@garlandisd.net



Comment Form

Case Z 20-29

Z 20-29 Masterplan. The applicant proposes to develop a mixed-use community. Three buildings would be constructed for apartment dwelling units in Phase 1. An existing Chase Bank building would be repurposed to add upper-floor apartment units in Phase 2. This site is located at 111 and 217 South Garland Avenue; 1413 West Avenue B; and 1412 and 1413 Rodando Drive. (District 2)

Z 20-29 Masterplan - El solicitante propone desarrollar una comunidad de uso mixto. Se construirían tres edificios para unidades de vivienda de apartamentos en la Fase 1. Un edificio existente de Chase Bank se reutilizaría para agregar unidades de apartamentos en el piso superior en la Fase 2. Este sitio está ubicado en 111 y 217 South Garland Avenue; 1413 West Avenue B; y 1412 y 1413 Rodando Drive. (Distrito 2)

Z 20-29 Masterplan - Người nộp đơn đề xuất phát triển một cộng đồng sử dụng hỗn hợp. Ba tòa nhà sẽ được xây dựng cho các căn hộ ở trong Giai đoạn 1. Một tòa nhà Chase Bank hiện có sẽ được chuyển đổi mục đích để bổ sung thêm các căn hộ ở tầng trên trong Giai đoạn 2. Khu đất này tọa lạc tại số 111 và 217 Đại lộ South Garland; 1413 Đại lộ Tây B; và 1412 và 1413 Rodando Drive. (Quận 2)

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 / Por favor complete la siguiente información / Vui lòng điền các thông tin sau:

Paul Gonzales, GISD Executive Director of Facilities & Maintenance

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.)

310 South Garland Avenue

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

Garland, TX

City, State / Estado de la Ciudad / Thành bang

75040

Zip Code / Código postal / Mã Bưu Chính



Signature / Firma / Chữ ký

3-1-21

Date / Fecha / Ngày

Z 20-29

The applicant requests to construct a multi-family residential apartment community, and reuse an existing bank building for bank with a drive-up service, retail, and apartment uses.

[Planned Development Amendment, Specific Use Provision and Plan for a mixed-use multi-family residential and commercial development on a property zoned Planned Development (PD) District 14-43.]



GARLAND

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**City Council Meeting
March 16, 2021**

Location: 111 and 217 South Garland Avenue; 1413 West Avenue B; and 1412 and 1413 Rodando Drive

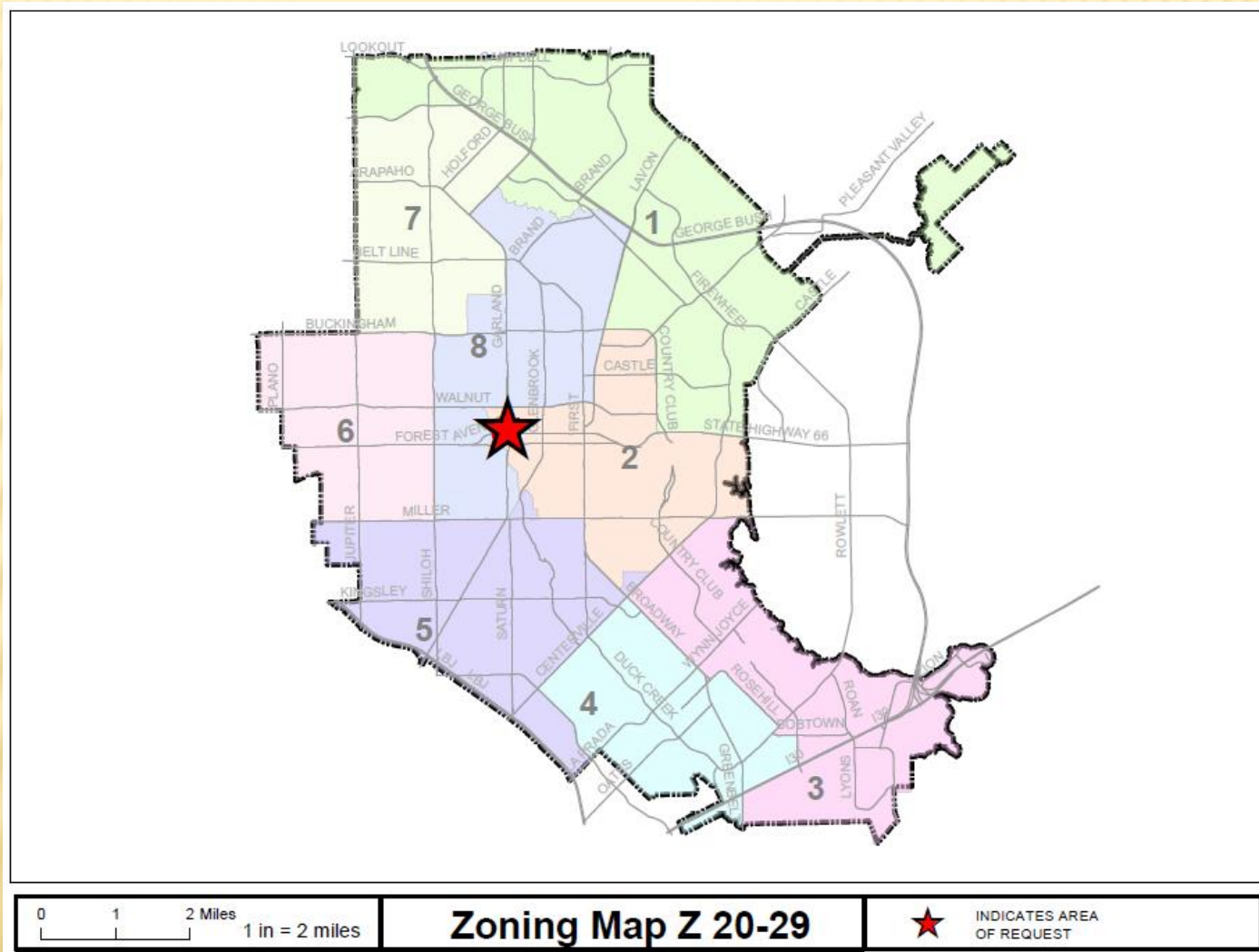
Applicant: Masterplan

Owner: The Draper Garland LLC

Acreage: 4.65 acres

Zoning: Planned Development (PD) District 14-23

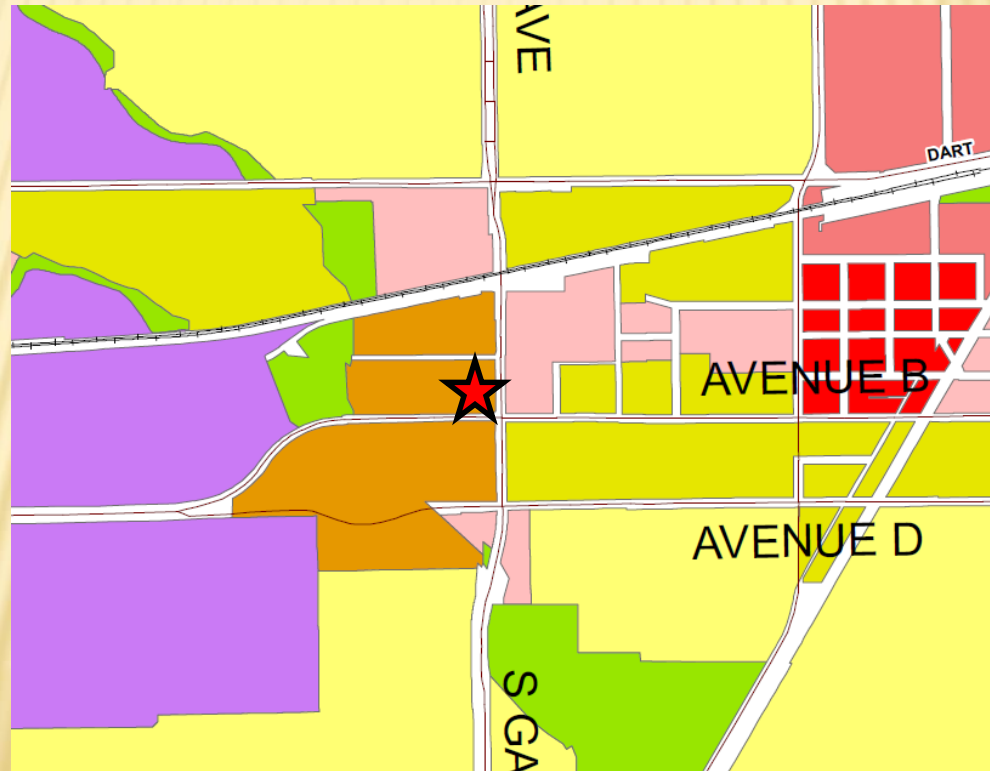
CITYWIDE LOCATION MAP





Z 20-29

COMPREHENSIVE PLAN





COMPREHENSIVE PLAN

- ✘ Plan recommends Urban Neighborhoods for the subject property. Urban Neighborhoods are vibrant higher-density neighborhoods offering urban amenities and a concentration of activities. Urban Neighborhoods provide a variety of high density housing types, including single-family attached and multifamily, and may include compatible non-residential uses, such as shopping, restaurants, offices, entertainment and daily services, in a vertical mixed-use development. This type of neighborhood may be located along major transportation corridors and/or community amenities, such as parks, greenways, and major shopping or entertainment areas.

- ✘ The proposed Planned Development (PD) District is consistent with the recommendation of the Envision Garland Plan in that it would allow for a high density residential development and the incorporation of non-residential uses on a site located along Garland Avenue, a highly capacity road that traverses the City from south to north and provides direct access to Downtown from SH 190 and IH 635. Additionally, DART bus service lines run along Avenue D and Garland Avenue; and the DART rail station is approximately one mile from the site although the distance seems less far in the downtown urban environment.



PHOTOS

Z 20-29



Looking towards the site from Garland Avenue and Avenue B



View of site from Rodando Drive



Residential to west of Rodando Drive



Looking east of site across Garland Avenue

Z 20-29

PD 14-23

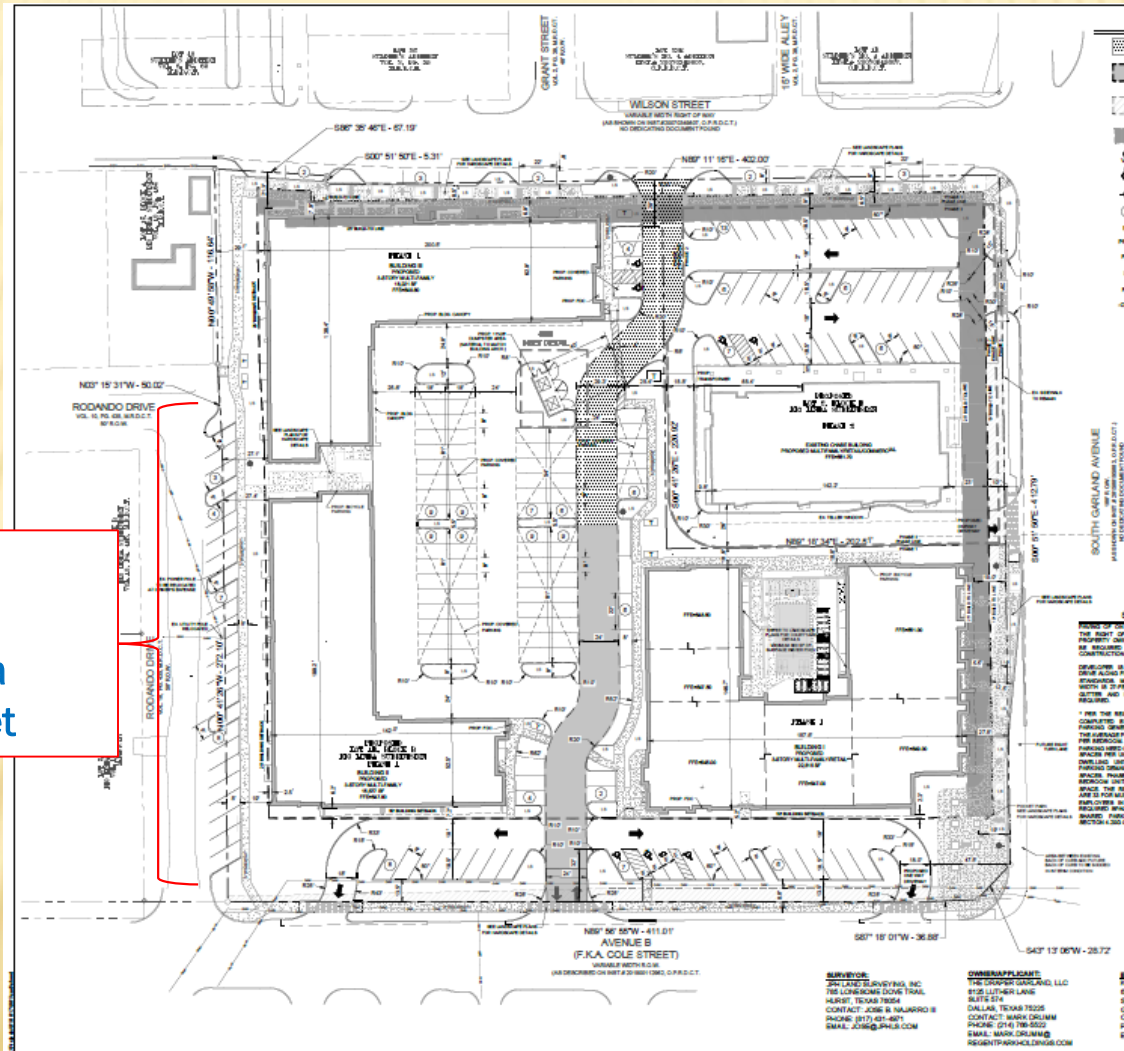




GARLAND
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SITE PLAN - AT PLAN COMMISSION

- Plan Commission
- a. 90° parking
 - b. Signage not a through street

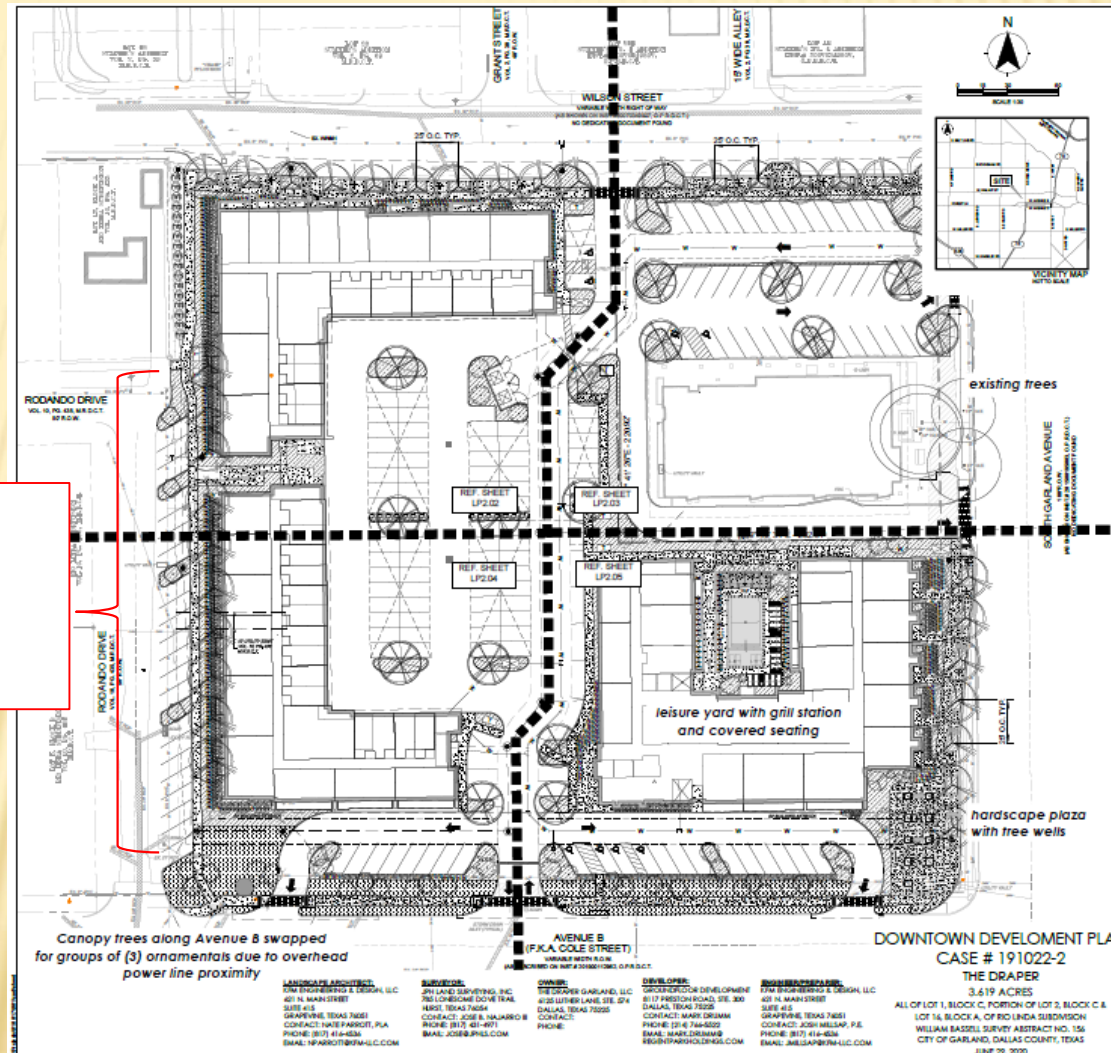


Z 20-29



Plan Commission

- a. 90° parking
- b. Signage not a through street

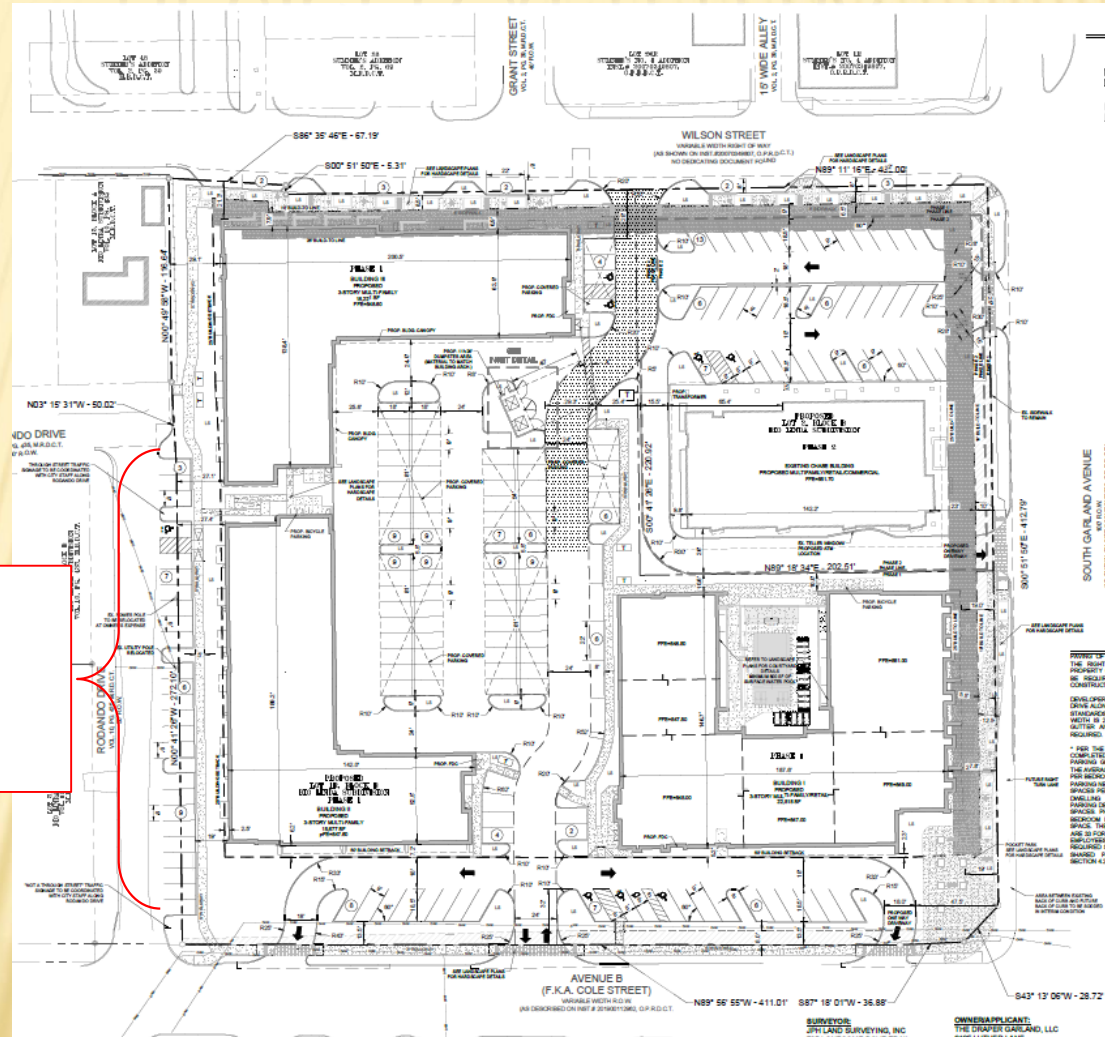




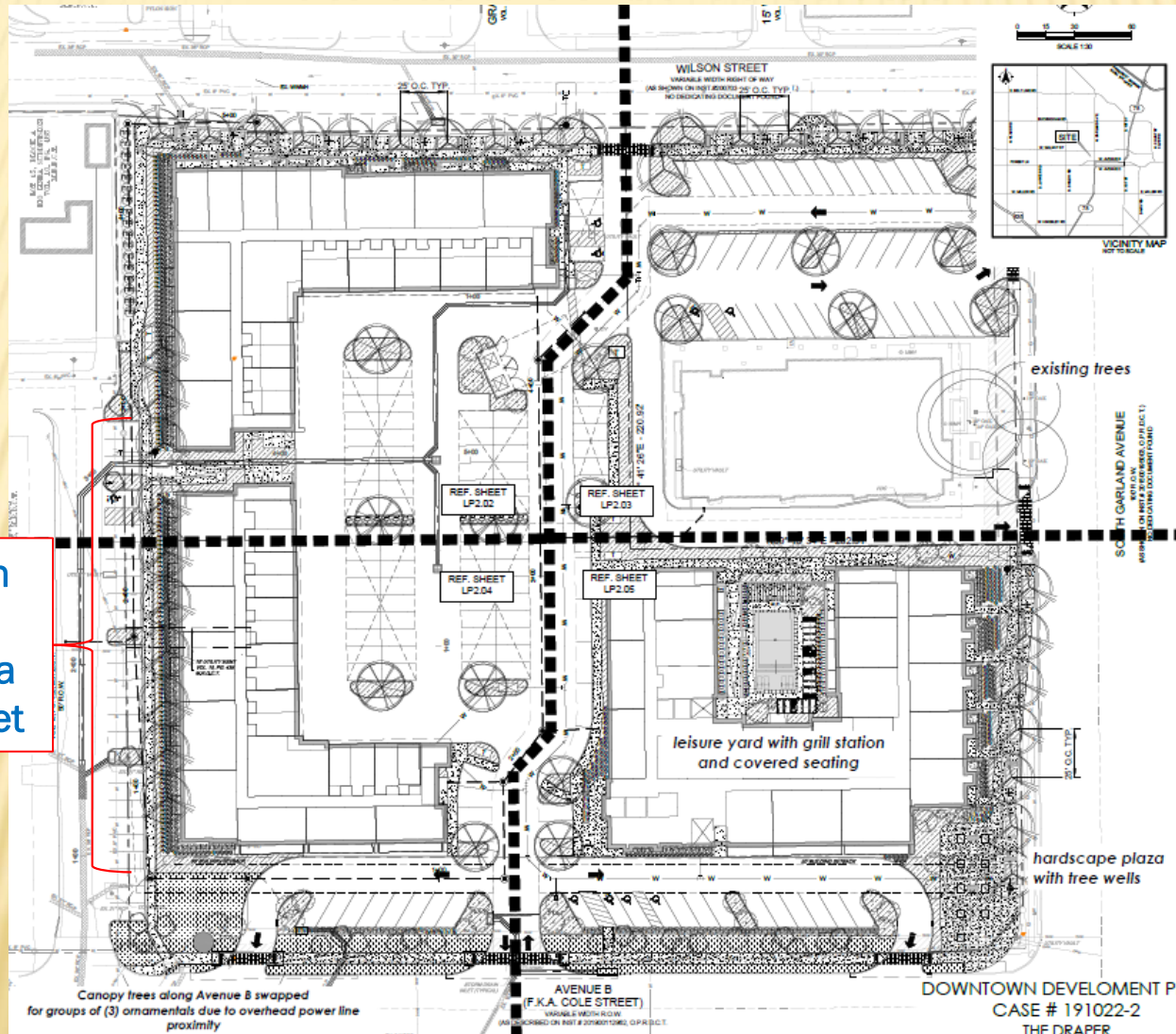
GARLAND
TEXAS MADE HERE

SITE PLAN - REVISED AFTER PC

- Plan Commission
- 90° parking
 - Signage not a through street



LANDSCAPE PLAN - REVISED AFTER PC



Plan Commission

- 90° parking
- Signage not a through street



Z 20-29

KFM

[illegible]

EXHIBIT D

THE DRAPER
STREET FURNISHINGS

PRELIMINARY
NOT FOR CONSTRUCTION
KFM
LANDSCAPE
ARCHITECT: William B. Powell
TS&E No. 3237 DATE: 03/06/02

LD 3.06



The image displays four architectural drawings for Building 1, a multi-story structure. The drawings are as follows:

- 07 Building 1 East Elevation:** A side elevation showing the building's profile with five bays. It includes floor levels from 1st to 5th, window and door details, and a material legend table.
- 09 Building 1 South Elevation:** A side elevation showing the building's profile with multiple bays. It includes floor levels from 1st to 5th, window and door details, and a material legend table.
- 11 Building 1 West Elevation:** A side elevation showing the building's profile with multiple bays. It includes floor levels from 1st to 5th, window and door details, and a material legend table.
- Material Legend:** A table listing materials and their corresponding colors. The legend is divided into two sections: "Material Legend" and "Material Legend".

Material Legend Table:

Material Legend	Material Legend
01 BRICK	01 BRICK
02 BRICK	02 BRICK
03 BRICK	03 BRICK
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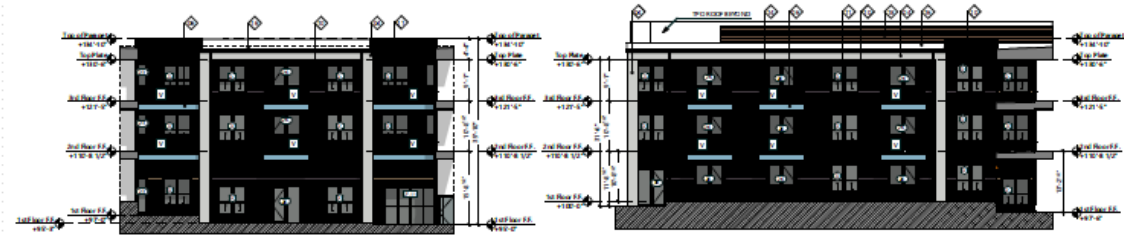


GARLAND
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ELEVATIONS



07 Building 1 North Elevation
Scale: 1/8" = 1'-0"



19 Building 1 Courtyard North Elevation
Scale: 1/8" = 1'-0"

15 Building 1 Courtyard West Elevation
Scale: 1/8" = 1'-0"



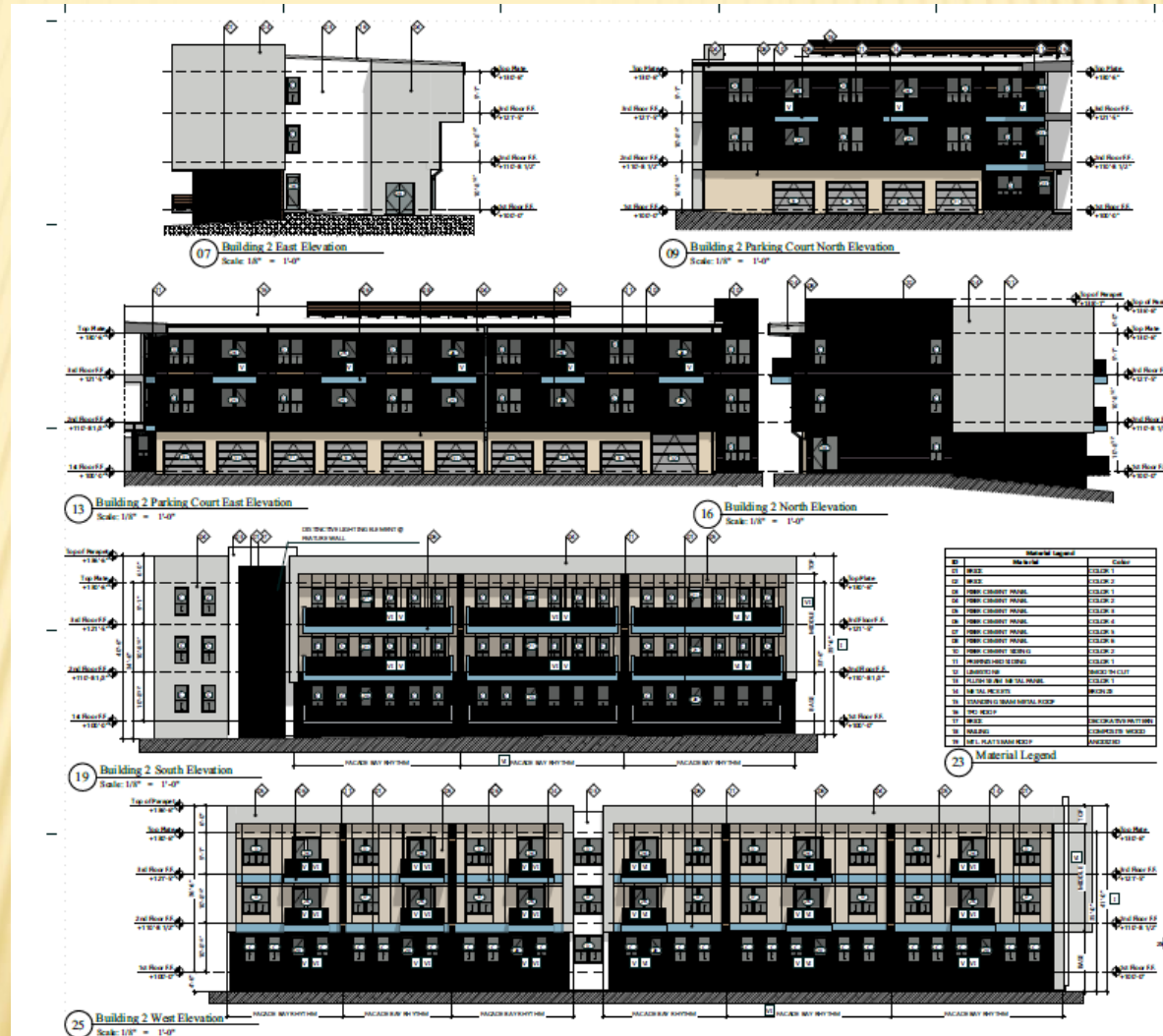
25 Building 1 Courtyard East Elevation
Scale: 1/8" = 1'-0"

Material Legend	Material	Color
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04	BRICK (CONCRETE)	2552014
05	BRICK (CONCRETE)	2552015
06	BRICK (CONCRETE)	2552016
07	BRICK (CONCRETE)	2552017
08	BRICK (CONCRETE)	2552018
09	BRICK (CONCRETE)	2552019
10	BRICK (CONCRETE)	2552020
11	BRICK (CONCRETE)	2552021
12	BRICK (CONCRETE)	2552022
13	BRICK (CONCRETE)	2552023
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15	BRICK (CONCRETE)	2552025
16	BRICK (CONCRETE)	2552026
17	BRICK (CONCRETE)	2552027
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29 Material Legend



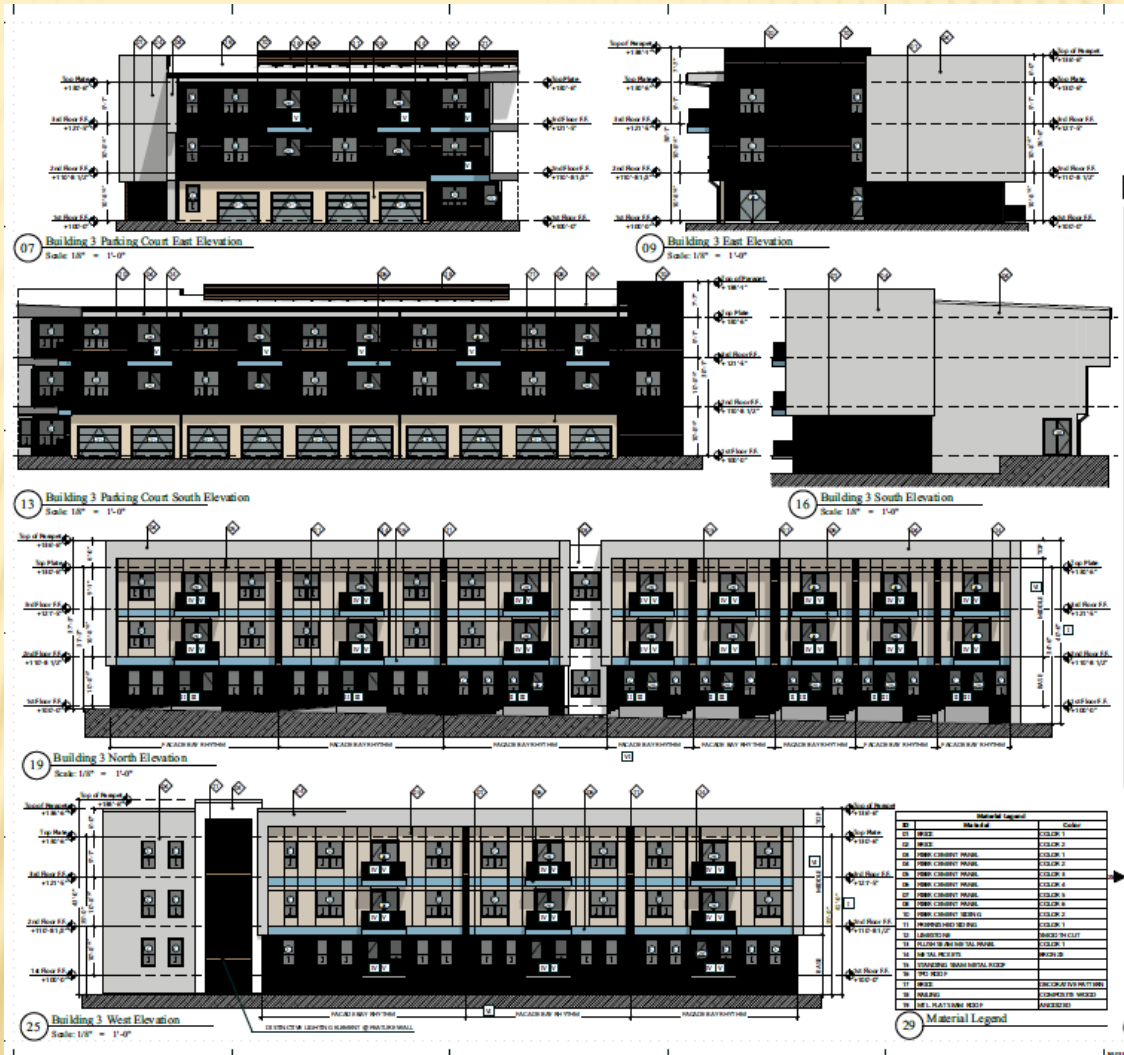
ELEVATIONS





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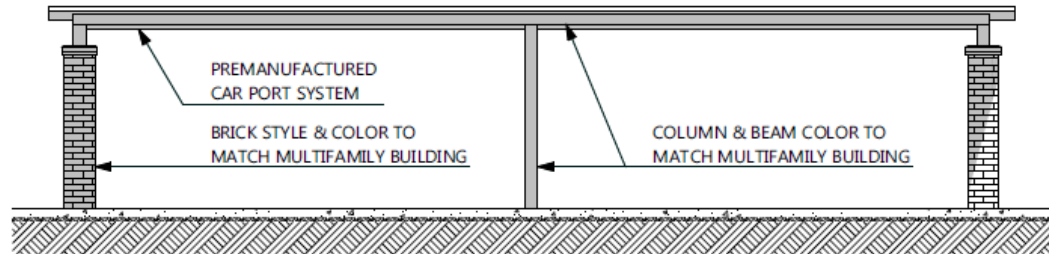
ELEVATIONS



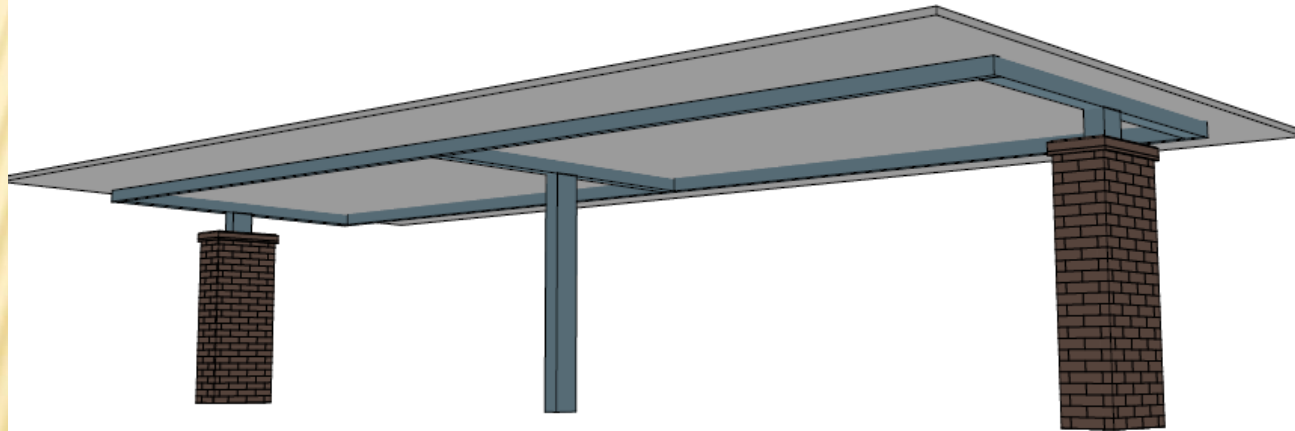


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ELEVATIONS



1 Elevation
Scale: 1/4" = 1'-0"



2 Car Port Perspective

DEVIATIONS

Development Standards	Summarized Required	Proposed
Efficiency Units	Maximum 10 percent of all units may be efficiency units	Maximum 19 are allowed; proposal is for 21
Primary Building Entrance	Location of primary entrances (doors) to the building are to be located at the street frontage	The leasing lobby for Phase 1 is shown on the plans with its primary building entrance facing and interior drive; the Bank Building has an existing primary entry facing to the parking lot

DEVIATIONS

Development Standards	Summarized Required	Proposed
Parking	PD 14-23 establishes a parking ratio of 1.3 parking spaces per dwelling unit	Reduction of parking ration from 1.3 parking spaces per dwelling unit to 1.1 parking space per dwelling unit
Streetscaping	Streetscape includes the following from the curb: double row of trees in tree wells, sidewalk, planter and front door with patio	Avenue B, Wilson Street, Rodando Drive all have variations of deviations from the Streetscape standards

DEVIATIONS

Development Standards	Summarized Required	Proposed
Covered parking	50% of required parking is to be covered	88 covered parking spaces are provided in garages and under carports
Parking lot trees	One large canopy tree is required per 6 parking spaces	One large canopy tree is provided at the end of all except one parking row
Carport column cladding	Carport columns to be clad with masonry and a color similar to the building	Carports are proposed with cladding of columns only at the ends of the structures, the middle columns are not cladded

CONSIDERATION

The applicant requests the Specific Use Provision (SUP) for the Drive-Through Service for a period of fifteen (15) years.

PLAN COMMISSION RECOMMENDATION

- ✘ On February 22, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of an Amendment to Planned Development (PD) District 14-23 for Downtown District Uses and Mixed Uses with 90-degree parking on Rodando Drive, and with a parking study submitted 5 years after completion of project construction.
- ✘ The Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision to allow a Drive-Through Service on a property zoned Planned Development (PD) District 14-23 for fifteen (15) years.
- ✘ The Plan Commission, by a vote of nine (9) to zero (0), recommended approval Detail Plan for Downtown District Uses and Mixed Uses on a property zoned Planned Development (PD) District 14-23.

STAFF RECOMMENDATION

- ✘ Approval of an Amendment to Planned Development (PD) District 14-23 for Downtown District Uses and Mixed Uses.
- ✘ Approval of a Specific Use Provision to allow a Drive-Through Service on a property zoned Planned Development (PD) District 14-23.
- ✘ Approval of a Detail Plan for Downtown District Uses and Mixed Uses on a property zoned Planned Development (PD) District 14-23.



7557 Rambler Road, Suite 1400
Dallas, Texas 75231-2388
(972) 235-3031 www.pkce.com
TX. REG: ENGINEERING FIRM F-469
TX. REG. SURVEYING FIRM LS-100080-00

TECHNICAL MEMORANDUM

To: Josh Millsap – KFM
From: Steve E. Stoner, P.E., PTOE
Date: September 29, 2020
Subject: **Draper Building – Residential Parking Demand Review**
PK#4577-20.146

The services of **Pacheco Koch** (PK) were retained to evaluate the projected parking demand for the proposed multifamily residential component of the proposed development known as “The Draper”. The Draper is located on the northwest quadrant of the intersection of Garland Avenue and Avenue B in Garland, Texas. Phase 1 of the Project will contain 155 dwelling units, or 204 bedrooms; and, Phase 2 will add thirty one-bedroom apartments in the existing bank building (bank use to remain on the ground floor).

The property is zoned Planned Development (PD) 14-23, which has a base parking requirement for multifamily uses of 1.3 spaces per unit. Based upon this ratio, the standard parking requirement for the first 155 dwelling units is 202 spaces. However, the Developer is seeking a reduction of the parking requirement to obtain a more optimal supply.

The *Parking Generation* manual, 5th Edition (2019), published by the **Institute of Transportation Engineers (ITE)**, is the preeminent source of technical parking demand data. The manual is a compilation of actual parking generation data and statistics by land use as collected over several decades by creditable sources across the country. Though the manual is not comprehensive, data are provided for several land uses. Use of the ITE equations and rates to project peak parking demand is widely recognized, when applicable; however, application of engineering judgment to interpret the data is strongly advised.

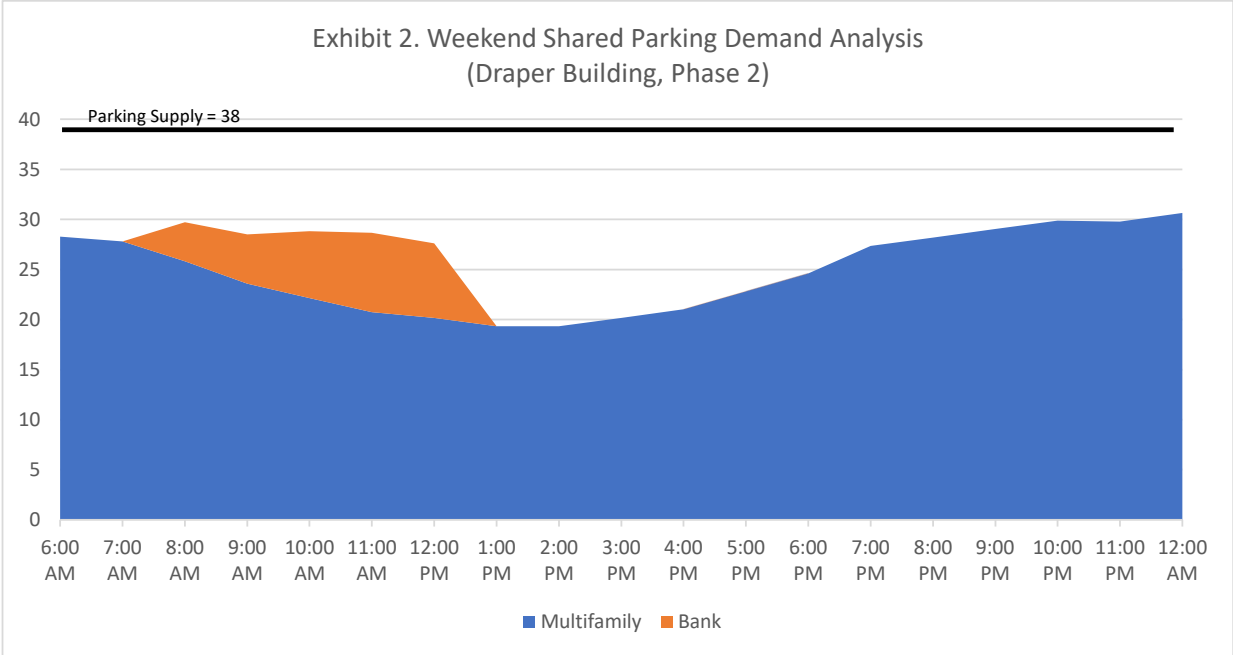
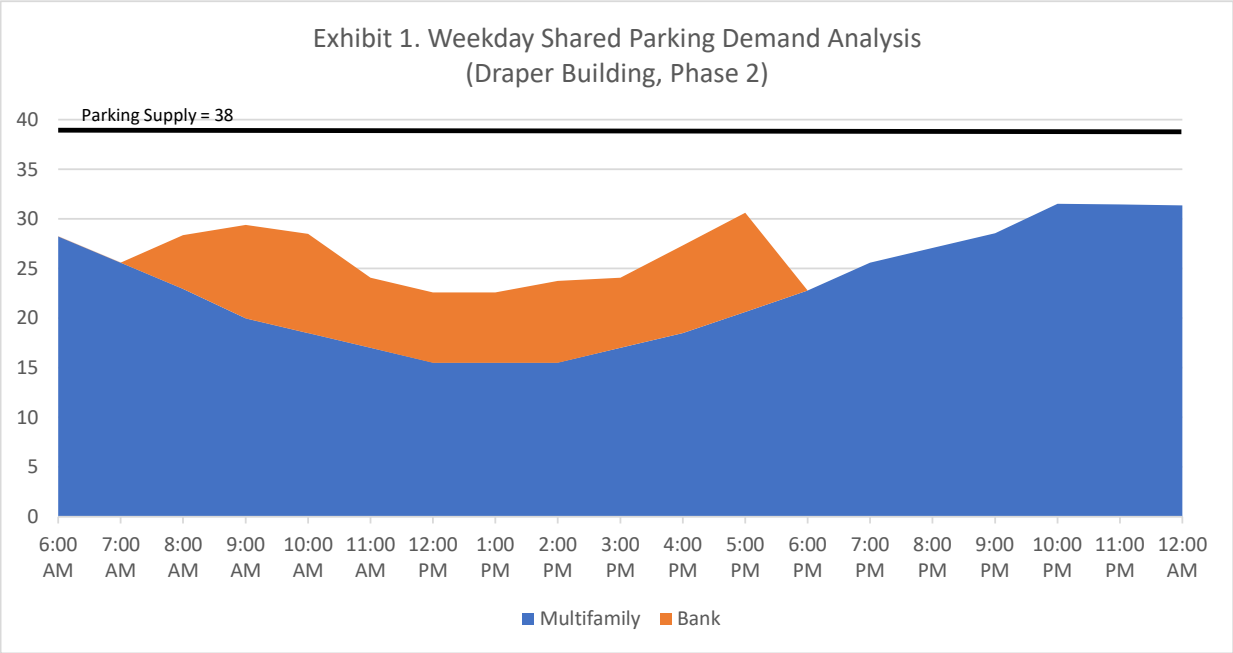
The ITE *Parking Generation* manual indicates the average peak parking demand for mid-rise (defined as three to eight stories) is 1.31 spaces per dwelling unit, or 0.75 spaces per bedroom. The per-bedroom ratio is considered to be more precise, since the per-unit ratio does not take the mix of one- and two-bedroom units. Using the ratio of 0.75 spaces per bedroom to project the peak demand, the resulting parking need for Phase 1 is 153 spaces (equivalent to 0.99 spaces per dwelling unit). Hence, the request is to reduce the parking requirement for the multifamily component from 1.3 spaces per dwelling unit to 1.1 spaces per dwelling unit.

Applying this parking rate to Phase 2, plus the existing bank use (at a requirement of one space per employee for ten employees), would require an additional 43 parking spaces. Thirty-eight parking spaces are available within Phase 2, so utilization of shared parking provisions, as defined in Section 4.20G of the Development Code, is proposed. The request would require sharing five parking spaces, or 11.6%, of the available parking spaces in Phase 2; the shared parking provisions allow for up to a fifty percent (50%) of spaces to be shared, subject to the results of a shared parking demand analysis.

The attached exhibits (Exhibit 1 and 2) illustrate Pacheco Koch's projected shared parking demand for the multifamily and bank uses in Phase 2 based upon the hourly parking profile factors provided in the Urban Land Institute's *Shared Parking* model, 3rd Edition (pro-rated to match the City of Garland requirements). The factors illustrate the fluctuation parking compatibility of the parking needs for each land use by hour of day. So, if the parking supply is accessible to all users, the combined parking demand is considered shared. Exhibits 1 and 2 illustrate how the bank and multifamily parking demands are complementary and result in effective shared parking.

In conclusion, the standard parking requirement of 202 parking spaces for 155 dwelling units (204 bedrooms) may result in a parking surplus of as many as 49 parking spaces. Therefore, reducing the standard parking requirement from 1.3 parking spaces per dwelling unit to 1.1 spaces per dwelling unit should be considered, which is supported by data from the ITE *Parking Generation* manual. Additionally, implementing shared parking in Phase 2 will offset the deficiency of five parking spaces.

END OF MEMO





GARLAND PLANNING REPORT

City Council Regular Session Agenda

12. d.

Meeting Date: 03/16/2021

Item Title: Z 20-41 Armando Palacios - Zoning (District 4)

Submitted By: Nabiha Ahmed, Development Planner

REQUEST

Approval of an amendment to Planned Development (PD) District 80-42 for Community Retail Uses.

Approval of a Specific Use Provision to allow a Restaurant, Drive-Through Use.

Approval of a Detail Plan to on a property zoned Planned Development (PD) District 80-42 for Community Retail Uses.

LOCATION

5621 Broadway Boulevard

OWNER

KPP Group, LLC.

PLAN COMMISSION RECOMMENDATION

On February 22, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of an amendment to Planned Development (PD) District 80-42 for Community Retail Uses.

The Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision to allow a Restaurant, Drive-Through Use.

The Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Detail Plan to on a property zoned Planned Development (PD) District 80-42 for Community Retail Uses.

STAFF RECOMMENDATION

Approval of an amendment to Planned Development (PD) District 80-42 for Community Retail Uses.

Approval of a Specific Use Provision to allow a Restaurant, Drive-Through Use.

Approval of a Detail Plan to on a property zoned Planned Development (PD) District 80-42 for Community Retail Uses.

BACKGROUND

The subject property currently has a building which was previously used as a restaurant with a drive-through, which was built in 1985. The applicant proposes to reconstruct the building facades for a restaurant with a drive-through. The GDC states that reconstruction of buildings will require full compliance of the GDC development standards. The site layout will remain consistent to what is existing now.

SITE DATA

The subject property consists of approximately 0.627 acres. The site has approximately 135 linear feet of frontage along Duck Creek Drive, 171 linear feet of frontage along Broadway Boulevard and 131 lineal feet of frontage along Robin Road. The site can be accessed from Broadway Boulevard and Robin Road.

USE OF PROPERTY UNDER CURRENT ZONING

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

The subject property is a part of Planned Development (PD) District 80-42 for Community Retail uses and it consists of two (2) tracts. The subject property is in Tract 1 for retail uses and Tract 2 had a Specific Use Provision for a Private Club that was valid for five (5) years and has expired.

CONSIDERATIONS

1. Detail Plan

The applicant proposes to reconstruct the 2,760-square foot building facades of a restaurant building with a drive-through. The building footprint will remain the same and the existing drive-through lane will remain at the same location.

2. Parking

Per the GDC calculation, a total of twenty-eight (28) spaces are required. The site

complies with the parking requirements.

3. Screening and Landscaping

Section 4.29 of the GDC requires full compliance of the screening and landscaping standards.

- A fifteen (15)-foot wide landscape buffer is required along Broadway Boulevard. Additionally, six (6) canopy trees and forty-two (42) shrubs or ornamental grass are required on the landscape buffer. The landscape plan (Exhibit D) shows the landscape buffer to be seven (7)-feet wide along Broadway Boulevard and a total of ten (10) ornamental trees and fifty-five (55) shrubs are proposed on the landscape buffer due to the overhead utility line.
- A fifteen (15)-foot wide landscape buffer is required along Duck Creek Drive. Additionally, four (4) canopy trees and twenty-eight (28) shrubs or ornamental grass are required on the landscape buffer are required. The landscape plan shows the landscape buffer to be seven (7)-feet wide along Duck Creek Drive. The applicant proposes a total of six (6) ornamental trees, one (1) canopy tree and forty-three (43) shrubs per Exhibit D.
- The GDC requires five (5) percent of the parking area to be landscaped. Per the calculation, a total of 232 square feet of the parking area should be landscaped. Furthermore, three (3) canopy trees are required on the parking lot islands. Exhibit D reflects 996 square feet of parking lot landscaping, exceeding the minimum requirements. However, a total of one (1) canopy and four (4) ornamental trees are proposed due to the overhead utility lines.
- Robin Road is a thirty-five (35)-foot public access easement. Therefore, a landscape buffer is not required. However, the applicant proposes twenty-one (21) shrubs along the outer edge of the drive-through.

4. Building Design

The reconstruction of the building facades requires full compliance of the building design standards.

- A minimum of six (6) architectural elements must be provided per Section 4.83 (A). The building elevations complies with this requirement.
- The GDC's provisions for Building Articulation are applicable to the east and south elevations.
- Horizontal articulation is required for buildings greater than forty (40) feet in width. The east elevation does not comply with the horizontal articulations due to current building footprint.
- Vertical articulation is required for buildings greater than fifty (50) feet in width. Both east and south elevations comply with the vertical articulations.

5. Signage

The applicant intends to use and re-face the existing nonconforming pole sign on the property. The applicant has not requested any deviations regarding attached/wall signage; therefore, wall signage will comply with the Garland Development Code (GDC).

6. Specific Use Provision

The existing drive-through is nonconforming and the GDC requires a Specific Use Provision for a drive-through use. The applicant requests a Specific Use Provision for a time period of thirty (30) years. This will allow the applicant to continue the Restaurant,

Drive-Through Use.

7. Summary Table:

Development Standards	Required (per the GDC)	Existing	Proposed	Justification
Landscape Buffer	• 15-ft wide landscape buffer along Broadway Boulevard and 6 canopy trees and 42 shrubs. • A 15-ft wide landscape buffer is required along Duck Creek Drive. along with 4 canopy trees and 28 shrubs.	• A variable landscape buffer between 1-ft to 6-ft. No tree or shrubs in the buffer. • A variable landscape buffer width between 5-ft to 6-ft. No trees or shrubs existing.	• A 7-ft wide landscape buffer proposed along with 10 ornamental trees and 55 shrubs. • A 7-ft wide landscape buffer proposed along with 6 ornamental trees, 1 canopy tree and 43 shrubs.	The applicant requests these deviations due to the site constraints. The canopy trees cannot be provided due to the overhead utility lines.
Parking Area Landscaping	A total of three (3) canopy trees are required on the parking islands.	No trees or shrubs are existing.	One (1) canopy tree and four (4) ornamental trees.	Large canopy trees will interfere with the overhead utility lines.
Building Articulation-East elevation	Horizontal Articulation on east facade	Not available	Not Provided	The applicant will reconstruct using the same building footprint. Therefore, adding horizontal articulation will cause a hardship in the site layout.

COMPREHENSIVE PLAN

The Envision Garland Plan designates the subject property as Transit-Oriented Centers.

Transit-oriented centers are areas of concentrated activity and increased density with maximum access to public transportation options. This type of center should be developed as mixed-use with live/work/play/shop opportunities. Transit-oriented development should be within ¼ to ½ mile of transit centers and/or rail stations and provide pedestrian and bicycle friendly access.

This development is conveniently located close to a Dallas Area Rapid Transit (DART) bus stop.

The proposal represents redevelopment of the existing site.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The property to the north of the subject property is zoned Light Commercial (LC) District; it has a Specific Use Provision for a minor automobile repair use. The property to the east, across Broadway Boulevard, is zoned Community Retail (CR) District; it is developed with a bank. The property to the south, across Duck Creek Drive, is zoned Community Retail (CR) District; it is developed with a gas station and a restaurant with a drive-through. The property to the west, across Robin Road, is zoned Planned Development (PD) District 80-32 for Community Retail Uses; it is developed with a shopping center.

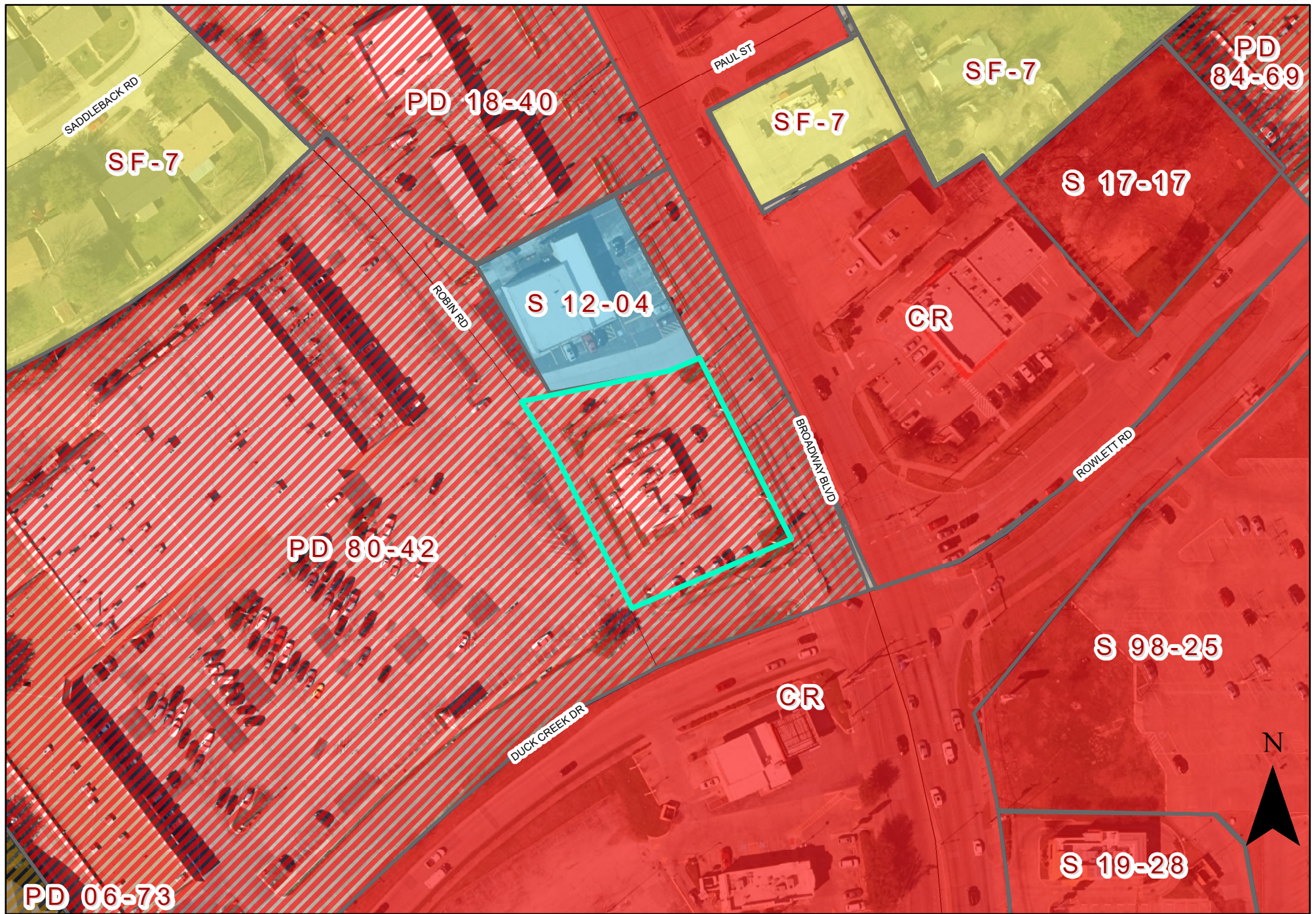
Attachments

Z 20-41 Armando Palacios Attachments (Zoning)

Z 20-41 Exhibit B

Z 20-41 Armando Palacios Responses

Z 20-41 Armando Palacios Staff Presentation



0 75 150 Feet
1 inch = 104 feet

Zoning Map Z 20-41



INDICATES AREA
OF REQUEST

REPORT & MINUTES

P.C. Meeting, February 22, 2021

Consideration of the application of **Amando Palacios**, requesting approval of an Amendment to Planned Development (PD) District 80-42 for Community Retail Uses to reconstruct an existing Restaurant, Drive-Through. This property is located at 5621 Broadway Boulevard. (District 4) (File Z 20-41 - Zoning)

Nabiha Ahmed, Development Planner, presented the staff report.

There was discussion between Plan Commission and Ms. Ahmed to confirm replacement of landscaping and landscaping buffers, and existing and proposed signage.

The applicant Armando Palacios, 4821 Kingfisher Lane, Mesquite, TX 75181 provided additional information regarding the requested Specific Use Provision time period and remained available for questions.

There were no questions for this applicant.

Motion was made by Commissioner O'Hara to close the public hearing and **approve** the request. Seconded by Commissioner Williams. **Motion carried: 9 Ayes, 0 Nays**

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 20-41

5621 BROADWAY BOULEVARD

- I. Statement of Purpose:** The purpose of this Planned Development is to approve a Detail Plan for a Restaurant, Drive-Through.
- II. Statement of Effect:** This Planned Development shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of Planned Development (PD) District 80-42 and the Community Retail (CR) District as set forth in Chapter 2 of the Garland Development Code are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Development Plans:**

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

V. Specific Conditions:

A. Permitted Uses:

Land Uses are permitted as in the Community Retail (CR) District.

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

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

D. Maintenance requirements:

(1) Landscaping must be continuously maintained in a healthy, growing condition and in compliance with this ordinance, the Garland Development Code, the Code of Ordinances of the City of Garland, and the landscaping plan attached hereto at all times. The property owner is responsible for regular weeding, mowing of grass, irrigation, fertilizing, pruning, or other maintenance of all landscaping as promptly as needed to comply with the requirements of this subsection. All exposed ground surfaces shall be properly improved, covered with screening or other approved solid material, or protected with a vegetative growth that prevents soil erosion and ameliorates objectionable dust conditions.

(2) Any dead or dying plant or vegetation, whether or not a component of required landscaping, must be promptly replaced with another approved plant or vegetation variety that complies with the approved landscape plan and in no event later than sixty days after notification by the City. In the event the property owner fails to remedy a violation of any landscaping maintenance regulation within sixty days of the City sending notice, the City may, in addition to any other remedy available by law, suspend, withhold, or revoke city permits, approvals, consents and the certificate of occupancy for the retail fuel pumps and convenience store. See Section 4 of the granting ordinance.

(3) Screening and paving must be installed and continuously maintained in compliance with this ordinance, the Garland Development Code, and the Code of Ordinances of the City of Garland at all times. The property owner is responsible for regular maintenance of all screening and paving as needed. In the event the property owner fails to remedy a violation of any screening or paving maintenance regulation within sixty days of the City sending notice, the City may, in addition to any other remedy available by law, suspend, withhold, or revoke city permits, approval, consents and the certificate of occupancy for the travel center.

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

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 20-41

5621 BROADWAY BOULEVARD

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to allow a Restaurant, Drive-Through Use.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- II. General Regulations:** All regulations of Planned Development (PD) District 80-42 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.
- III. Specific Use Provision:**
- A. SUP Time Period:** The Specific Use Provision shall be in effect for thirty (30) years.



5621 Broadway Boulevard

■ INDICATES AREA OF REQUEST ○ INDICATES NOTIFICATION AREA

Comment Form

Case Z 20-41

Applicant Armando Palacios proposes to reconstruct an existing restaurant drive-through building. This site is located at 5621 Broadway Boulevard, Garland, Texas. (Z 20-41) (District 4)

El solicitante Armando Palacios propone reconstruir el edificio de un restaurante existente. Este sitio está ubicado en 5621 Broadway Boulevard, Garland, Texas. (Z 20-41) (Distrito 4)

Người nộp đơn Armando Palacios đề xuất xây dựng lại một tòa nhà nhà hàng hiện có. Địa chỉ này tọa lạc tại 5621 Broadway Boulevard, Garland, Texas. (Z 20-41) (Quận 4)

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 / Por favor complete la siguiente información / Vui lòng điền các thông tin sau:

Wesley H Jable

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.)

5513 Broadway Blvd

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

GARLAND TX

City, State / Estado de la Ciudad / Thành bang

750433621

Zip Code / Código postal / Mã Bưu Chính

Wesley H Jable

Signature / Firma / Chữ ký

2-20-21

Date / Fecha / Ngày

Z 20-41

The applicant proposes to reconstruct an existing drive-through restaurant building.

[Planned Development, Specific Use Provision and Plan for a drive-through restaurant use on a property zoned Planned Development (PD) District 80-42 for Community Retail Uses.]

**City Council Meeting
March 16, 2021**



GARLAND

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CASE INFORMATION

Location: 5621 Broadway Boulevard

Applicant: Armando Palacios

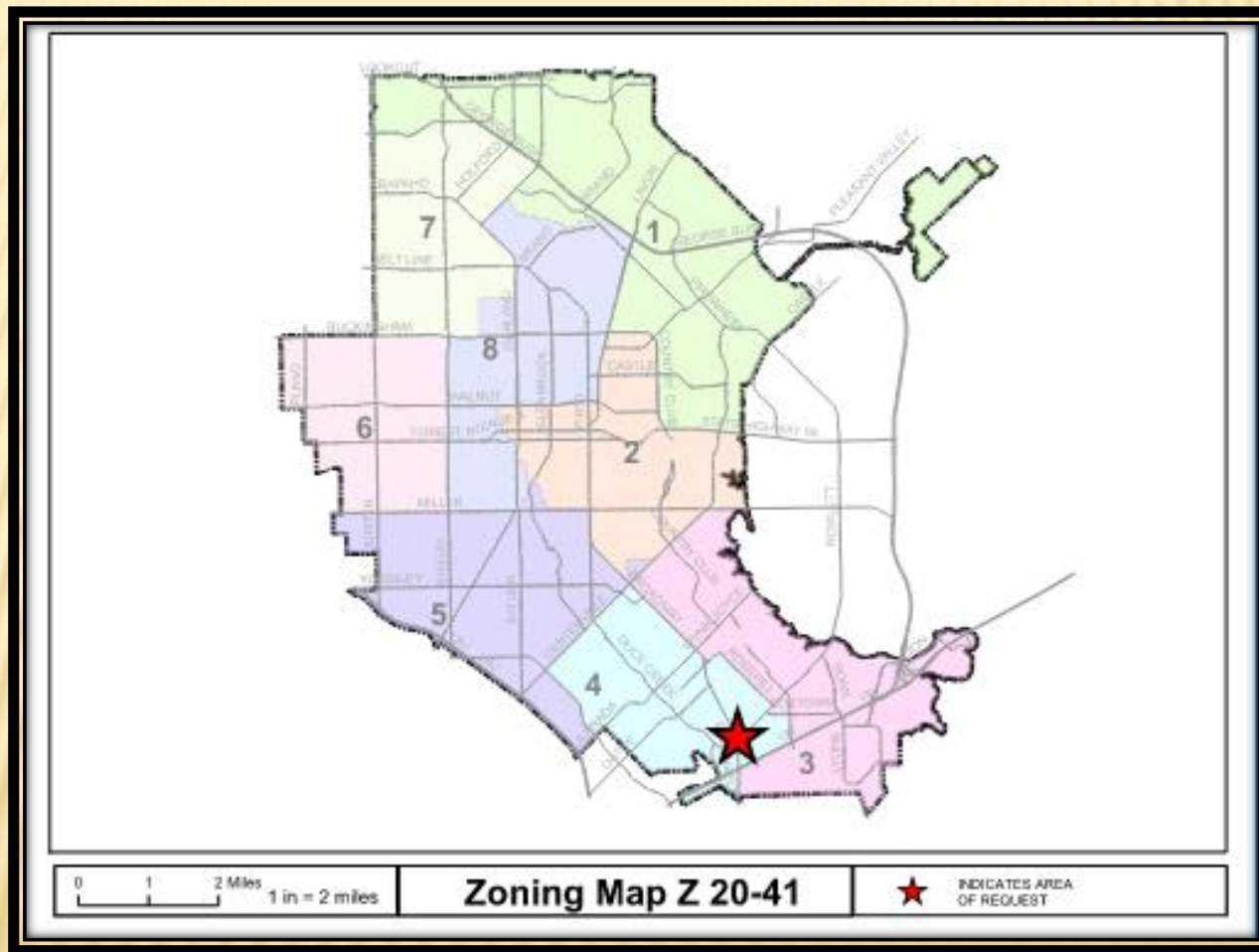
Owner: KPP Group, LLC.

Acreage: 0.627 acres

Zoning: Planned Development (PD) District 80-42

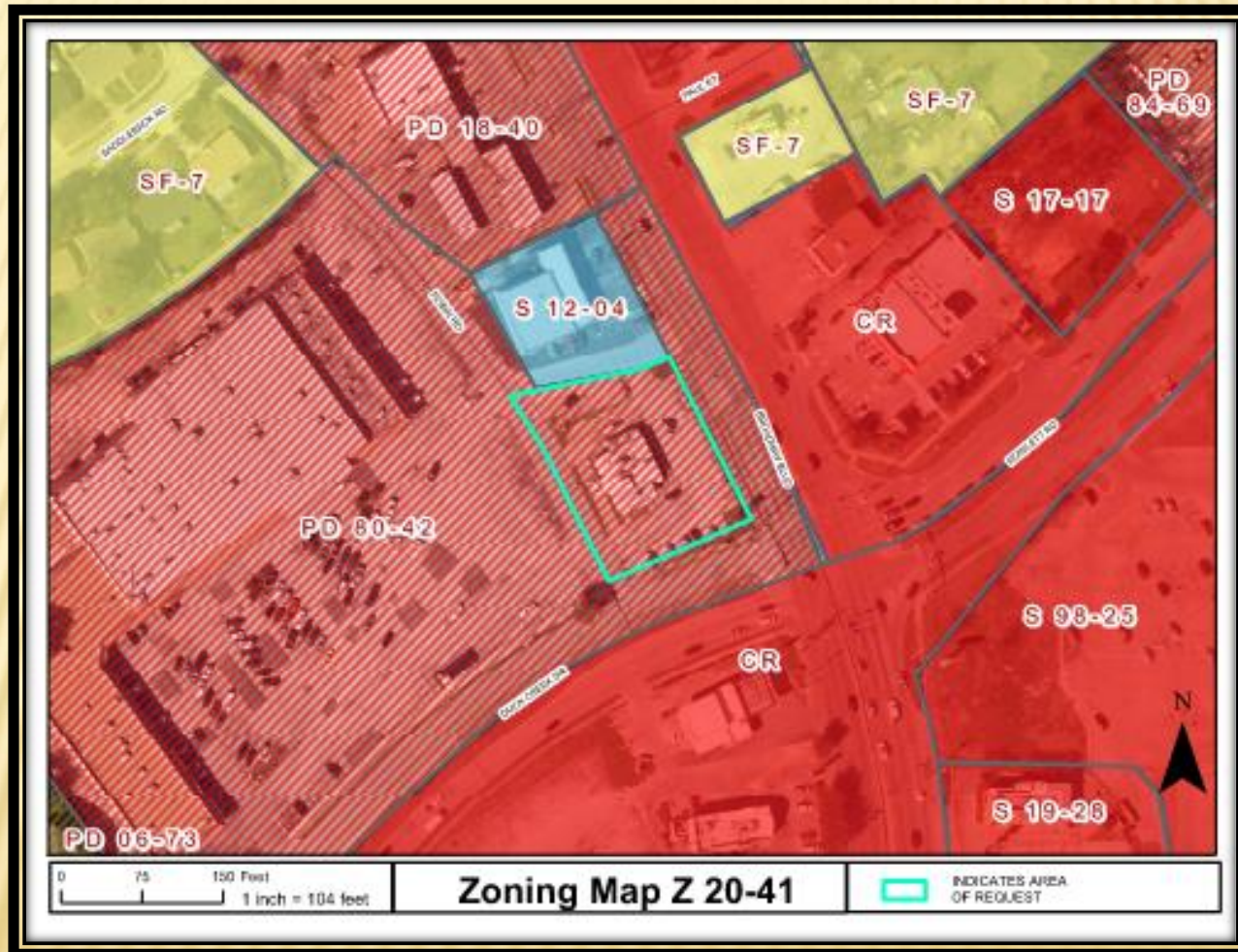
Z 20-41

CITYWIDE LOCATION MAP



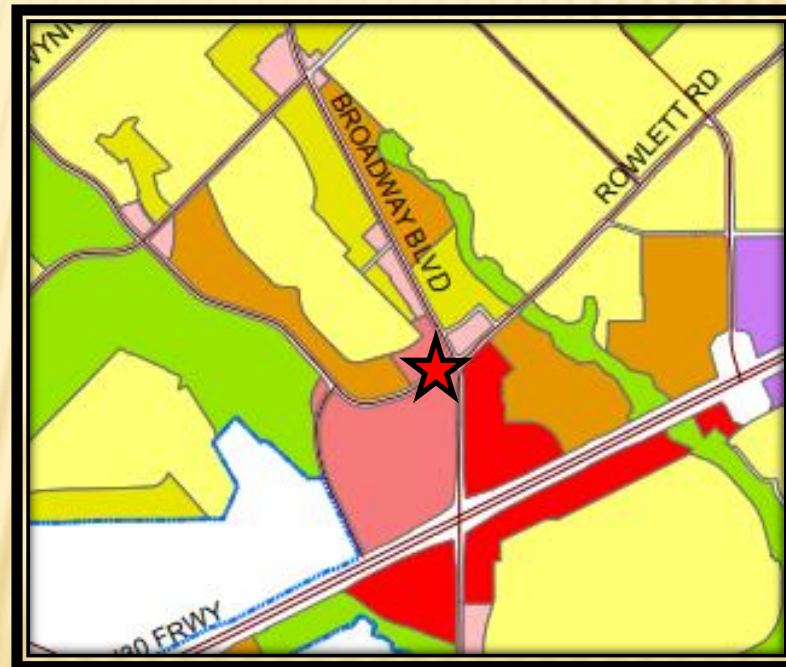
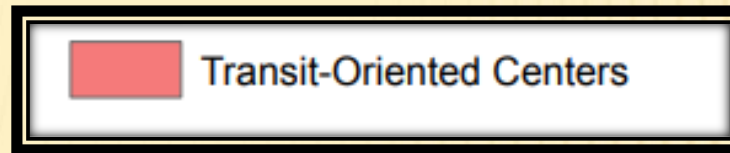
Z 20-41

LOCATION MAP



Z 20-41

COMPREHENSIVE PLAN





COMPREHENSIVE PLAN

- The Envision Garland Plan designates the subject property as Transit-Oriented Centers.
- Transit-oriented centers are areas of concentrated activity and increased density with maximum access to public transportation options. This type of center should be developed as mixed-use with live/work/play/shop opportunities. Transit-oriented development should be within $\frac{1}{4}$ to $\frac{1}{2}$ mile of transit centers and/or rail stations and provide pedestrian and bicycle friendly access.
- This development is conveniently located close to a Dallas Area Rapid Transit (DART) bus stop.
- The proposal represents redevelopment and reinvestment of the existing site.



GARLAND
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PHOTOS



Looking at the subject property from Duck Creek Drive



Looking east of the subject property



Looking south of the subject property



Looking west of the subject property

Z 20-41



STILL BEATIN'

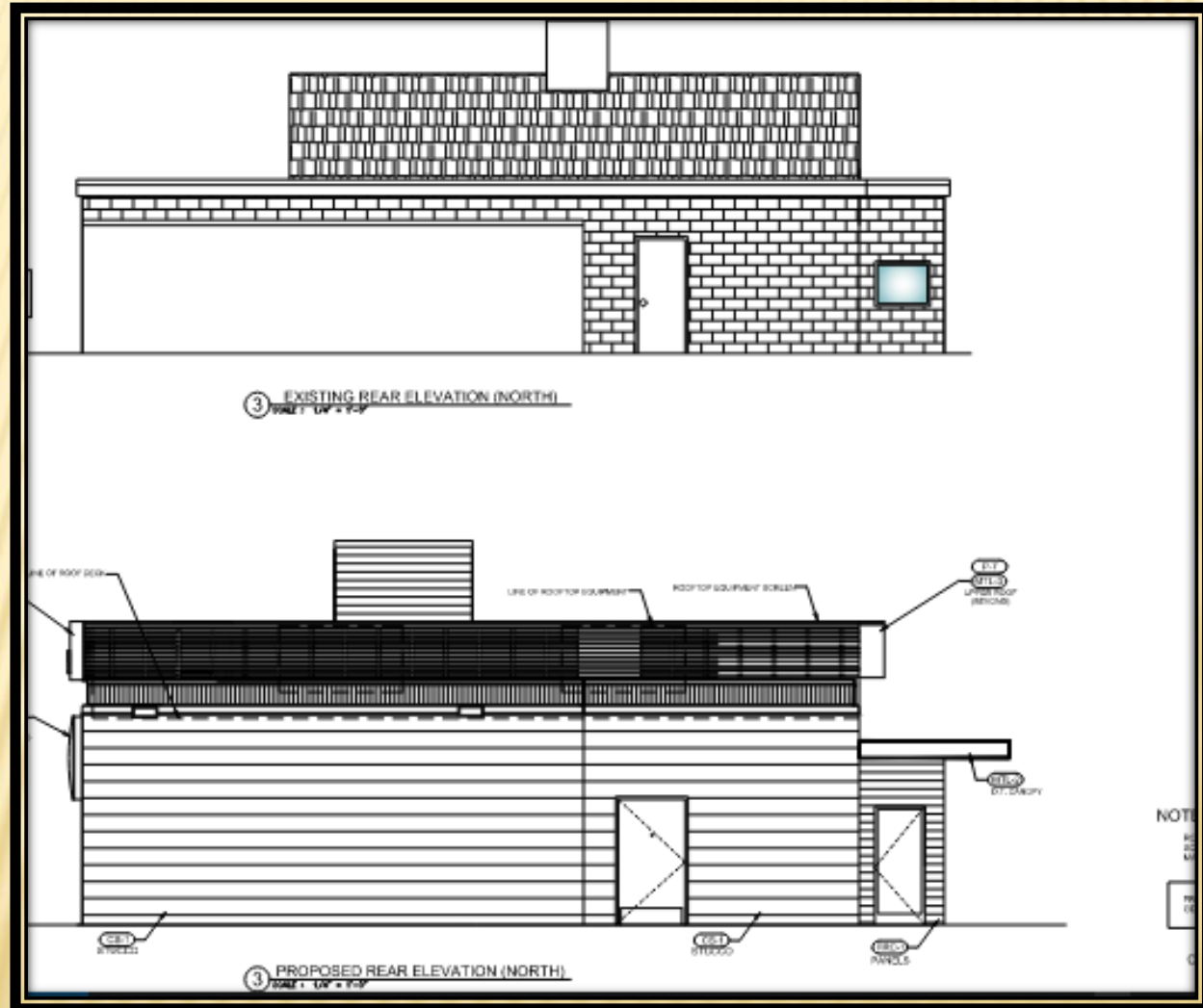




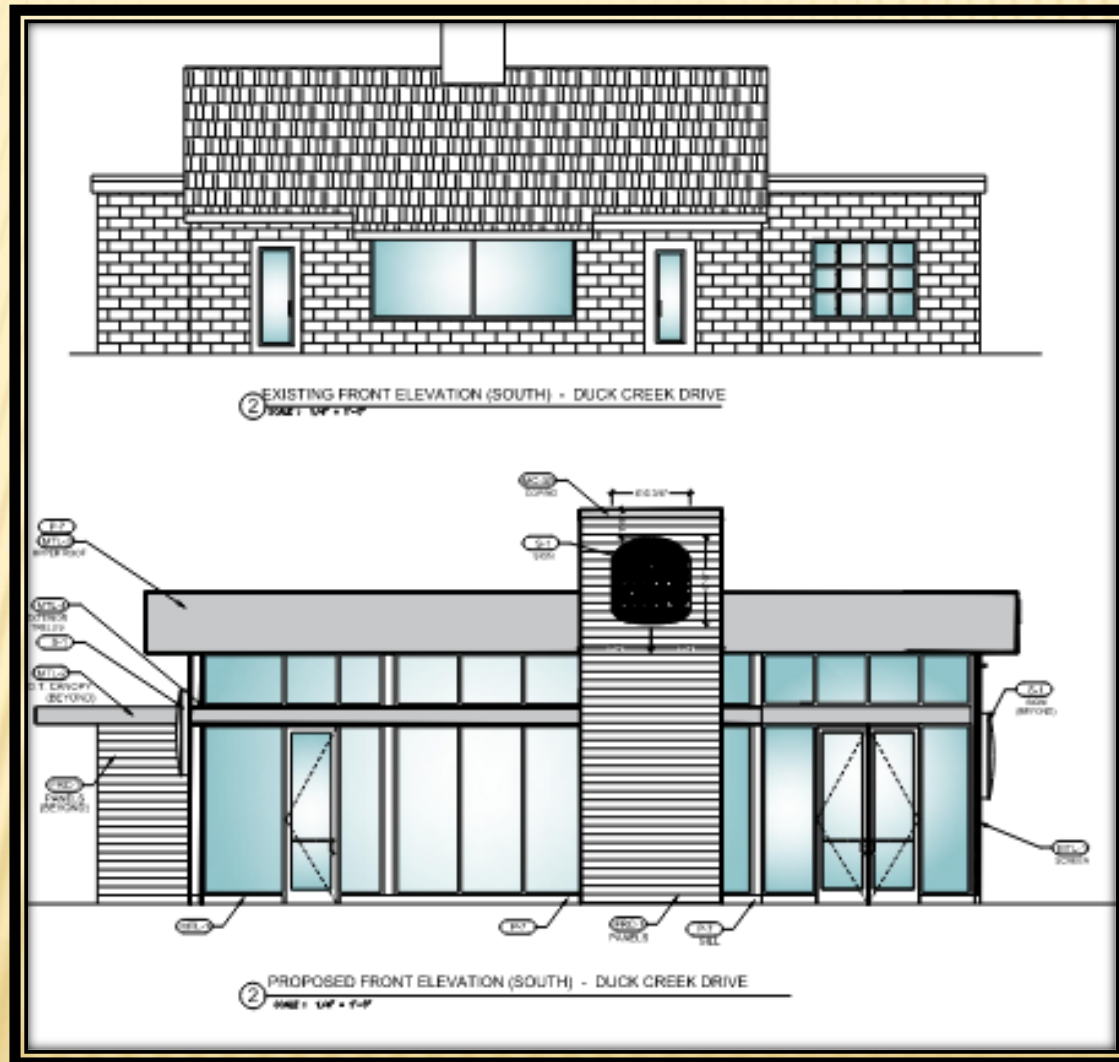
LANDSCAPE PLAN



BUILDING ELEVATIONS



BUILDING ELEVATIONS

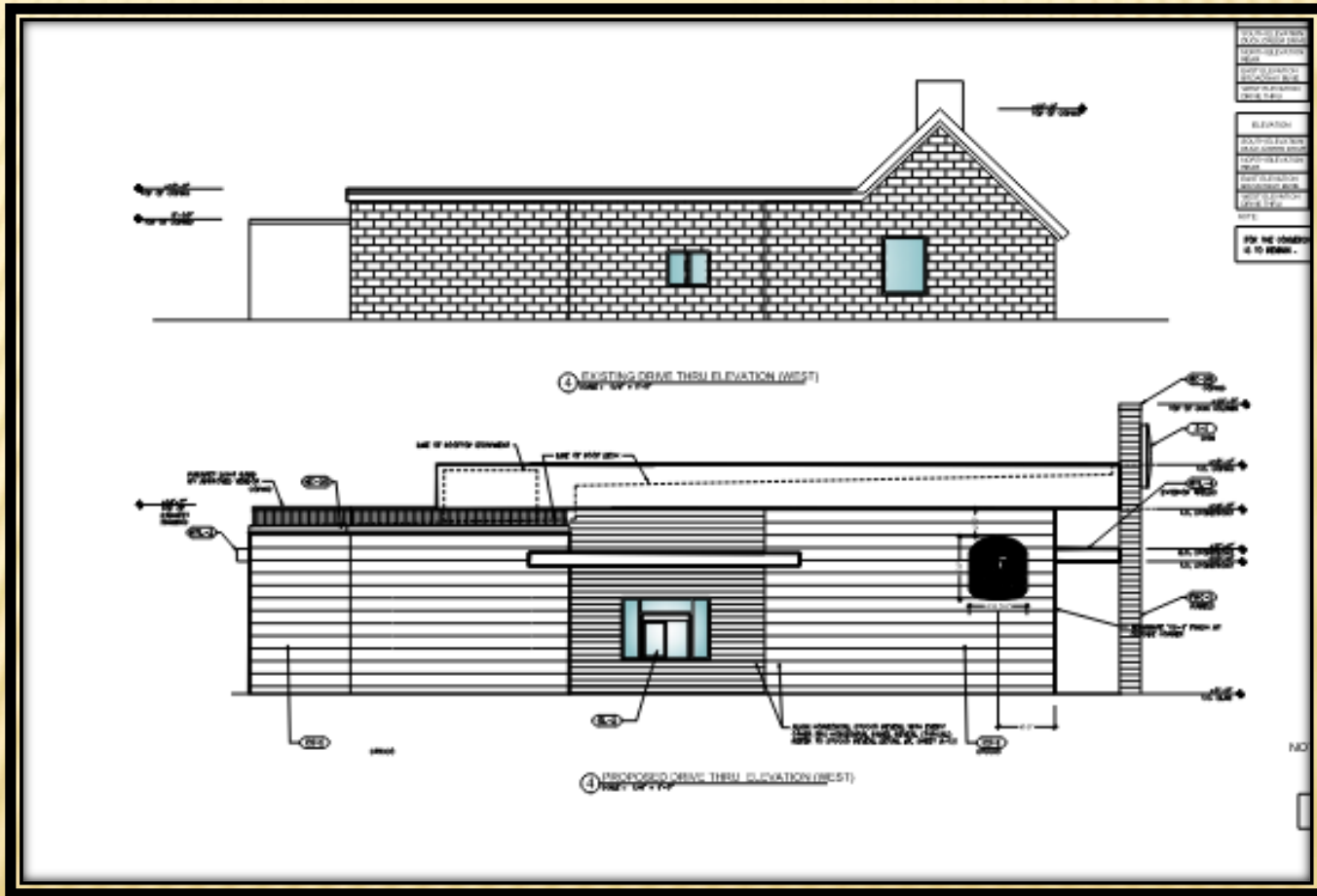


BUILDING ELEVATIONS





BUILDING ELEVATIONS



BUILDING ELEVATIONS



BUILDING ELEVATIONS



SUMMARY TABLE

Development Standards	Required (per the GDC)	Existing	Proposed	Justification
Landscape Buffer	15-ft wide landscape buffer along Broadway Boulevard and 6 canopy trees and 42 shrubs. - A 15-ft wide landscape buffer is required along Duck Creek Drive along with 4 canopy trees and 28 shrubs.	- A variable landscape buffer between 1-ft to 6-ft. No tree or shrubs on the buffer. - A variable landscape buffer width between 5-ft to 6-ft. No trees or shrubs existing.	- A 7-ft wide landscape buffer proposed along with 10 ornamental trees and 55 shrubs. - A 7-ft wide landscape buffer proposed along with 6 ornamental trees, 1 canopy tree and 43 shrubs.	The applicant request these deviations due to the site constraint. The canopy trees cannot be provided due to the overhead utility lines.
Parking Area Landscaping	A total of three (3) canopy trees are required on the parking islands.	No trees or shrubs are existing.	One (1) canopy tree and four (4) ornamental trees.	Large canopy trees will interfere with the overhead utility lines.
Building Articulation- East elevation	Horizontal Articulation on east facade	Not available	Not Provided	The applicant will reconstruct using the same building footprint. Therefore, adding horizontal articulation will cause a hardship in the site layout.

CONSIDERATION

- ✖ The applicants requests the Specific Use Provision to be in effect for a time period of thirty (30) years.

PLAN COMMISSION RECOMMENDATION

- ✘ On February 22, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of an amendment to Planned Development (PD) District 80-42 for Community Retail Uses.
- ✘ The Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision to allow a Restaurant, Drive-Through Use.
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STAFF RECOMMENDATION

- ✘ Approval of an amendment to Planned Development (PD) District 80-42 for Community Retail Uses.
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GARLAND PLANNING REPORT

City Council Regular Session Agenda

12. e.

Meeting Date: 03/16/2021

Item Title: Z 20-41 Armando Palacios - Specific Use Provision (District 4)

Submitted By: Nabiha Ahmed, Development Planner

REQUEST

Approval of an amendment to Planned Development (PD) District 80-42 for Community Retail Uses.

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LOCATION

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CONSIDERATIONS

1. Detail Plan

The applicant proposes to reconstruct the 2,760-square-foot building facades of a restaurant building with a drive-through. The building footprint will remain the same and the existing drive-through lane will remain at the same location.

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7. Summary Table:

Development Standards	Required (per the GDC)	Existing	Proposed	Justification
Landscape Buffer	• 15-ft wide landscape buffer along Broadway Boulevard and 6 canopy trees and 42 shrubs. • A 15-ft wide landscape buffer is required along Duck Creek Drive. along with 4 canopy trees and 28 shrubs.	• A variable landscape buffer between 1-ft to 6-ft. No tree or shrubs in the buffer. • A variable landscape buffer width between 5-ft to 6-ft. No trees or shrubs existing.	• A 7-ft wide landscape buffer proposed along with 10 ornamental trees and 55 shrubs. • A 7-ft wide landscape buffer proposed along with 6 ornamental trees, 1 canopy tree and 43 shrubs.	The applicant requests these deviations due to the site constraints. The canopy trees cannot be provided due to the overhead utility lines.
Parking Area Landscaping	A total of three (3) canopy trees are required on the parking islands.	No trees or shrubs are existing.	One (1) canopy tree and four (4) ornamental trees.	Large canopy trees will interfere with the overhead utility lines.
Building Articulation-East elevation	Horizontal Articulation on east facade	Not available	Not Provided	The applicant will reconstruct using the same building footprint. Therefore, adding horizontal articulation will cause a hardship in the site layout.

COMPREHENSIVE PLAN

The Envision Garland Plan designates the subject property as Transit-Oriented Centers.

Transit-oriented centers are areas of concentrated activity and increased density with maximum access to public transportation options. This type of center should be developed as mixed-use with live/work/play/shop opportunities. Transit-oriented development should be within ¼ to ½ mile of transit centers and/or rail stations and provide pedestrian and bicycle friendly access.

This development is conveniently located close to a Dallas Area Rapid Transit (DART) bus stop.

The proposal represents redevelopment of the existing site.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

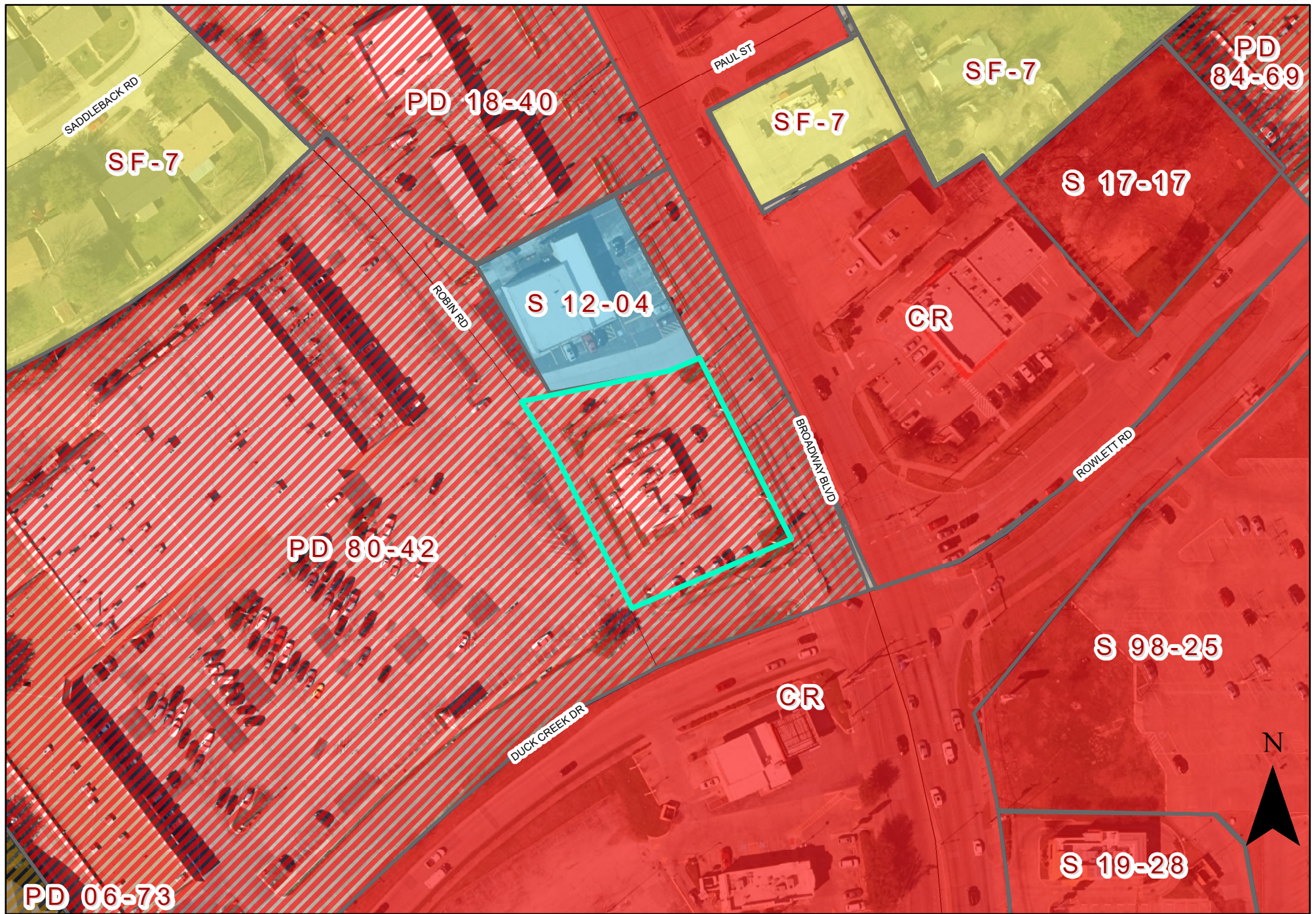
The property to the north of the subject property is zoned Light Commercial (LC) District; it has a Specific Use Provision for a minor automobile repair use. The property to the east, across Broadway Boulevard, is zoned Community Retail (CR) District; it is developed with a bank. The property to the south, across Duck Creek Drive, is zoned Community Retail (CR) District; it is developed with a gas station and a restaurant with a drive-through. The property to the west, across Robin Road, is zoned Planned Development (PD) District 80-32 for Community Retail Uses; it is developed with a shopping center.

Attachments

Z 20-41 Armando Palacios Attachments (Specific Use Provision)

Z 20-41 Armando Palacios Responses

Z 20-41 Armando Palacios Staff Presentation



0 75 150 Feet
1 inch = 104 feet

Zoning Map Z 20-41



INDICATES AREA
OF REQUEST

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 20-41

5621 BROADWAY BOULEVARD

- I. Statement of Purpose:** The purpose of this Planned Development is to approve a Detail Plan for a Restaurant, Drive-Through.
- II. Statement of Effect:** This Planned Development shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of Planned Development (PD) District 80-42 and the Community Retail (CR) District as set forth in Chapter 2 of the Garland Development Code are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Development Plans:**

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

V. Specific Conditions:

- A. Permitted Uses:**
Land Uses are permitted as in the Community Retail (CR) District.
- B. Site Plan:** The site layout, building placement, parking shall be in general conformance with the approved Site Plan labeled Exhibit C.
- C. Landscape Plan:** Screening and landscaping shall be in general conformance with the landscape plan labeled Exhibit D.
- D. Maintenance requirements:**

(1) Landscaping must be continuously maintained in a healthy, growing condition and in compliance with this ordinance, the Garland Development Code, the Code of Ordinances of the City of Garland, and the landscaping plan attached hereto at all times. The property owner is responsible for regular weeding, mowing of grass, irrigation, fertilizing, pruning, or other maintenance of all landscaping as promptly as needed to comply with the requirements of this subsection. All exposed ground surfaces shall be properly improved, covered with screening or other approved solid material, or protected with a vegetative growth that prevents soil erosion and ameliorates objectionable dust conditions.

(2) Any dead or dying plant or vegetation, whether or not a component of required landscaping, must be promptly replaced with another approved plant or vegetation variety that complies with the approved landscape plan and in no event later than sixty days after notification by the City. In the event the property owner fails to remedy a violation of any landscaping maintenance regulation within sixty days of the City sending notice, the City may, in addition to any other remedy available by law, suspend, withhold, or revoke city permits, approvals, consents and the certificate of occupancy for the retail fuel pumps and convenience store. See Section 4 of the granting ordinance.

(3) Screening and paving must be installed and continuously maintained in compliance with this ordinance, the Garland Development Code, and the Code of Ordinances of the City of Garland at all times. The property owner is responsible for regular maintenance of all screening and paving as needed. In the event the property owner fails to remedy a violation of any screening or paving maintenance regulation within sixty days of the City sending notice, the City may, in addition to any other remedy available by law, suspend, withhold, or revoke city permits, approval, consents and the certificate of occupancy for the travel center.

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

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 20-41

5621 BROADWAY BOULEVARD

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to allow a Restaurant, Drive-Through Use.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- II. General Regulations:** All regulations of Planned Development (PD) District 80-42 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.
- III. Specific Use Provision:**
- A. SUP Time Period:** The Specific Use Provision shall be in effect for thirty (30) years.

REPORT & MINUTES

P.C. Meeting, February 22, 2021

Consideration of the application of **Amando Palacios**, requesting approval of an Amendment to Planned Development (PD) District 80-42 for Community Retail Uses to reconstruct an existing Restaurant, Drive-Through. This property is located at 5621 Broadway Boulevard. (District 4) (File Z 20-41 - Zoning)

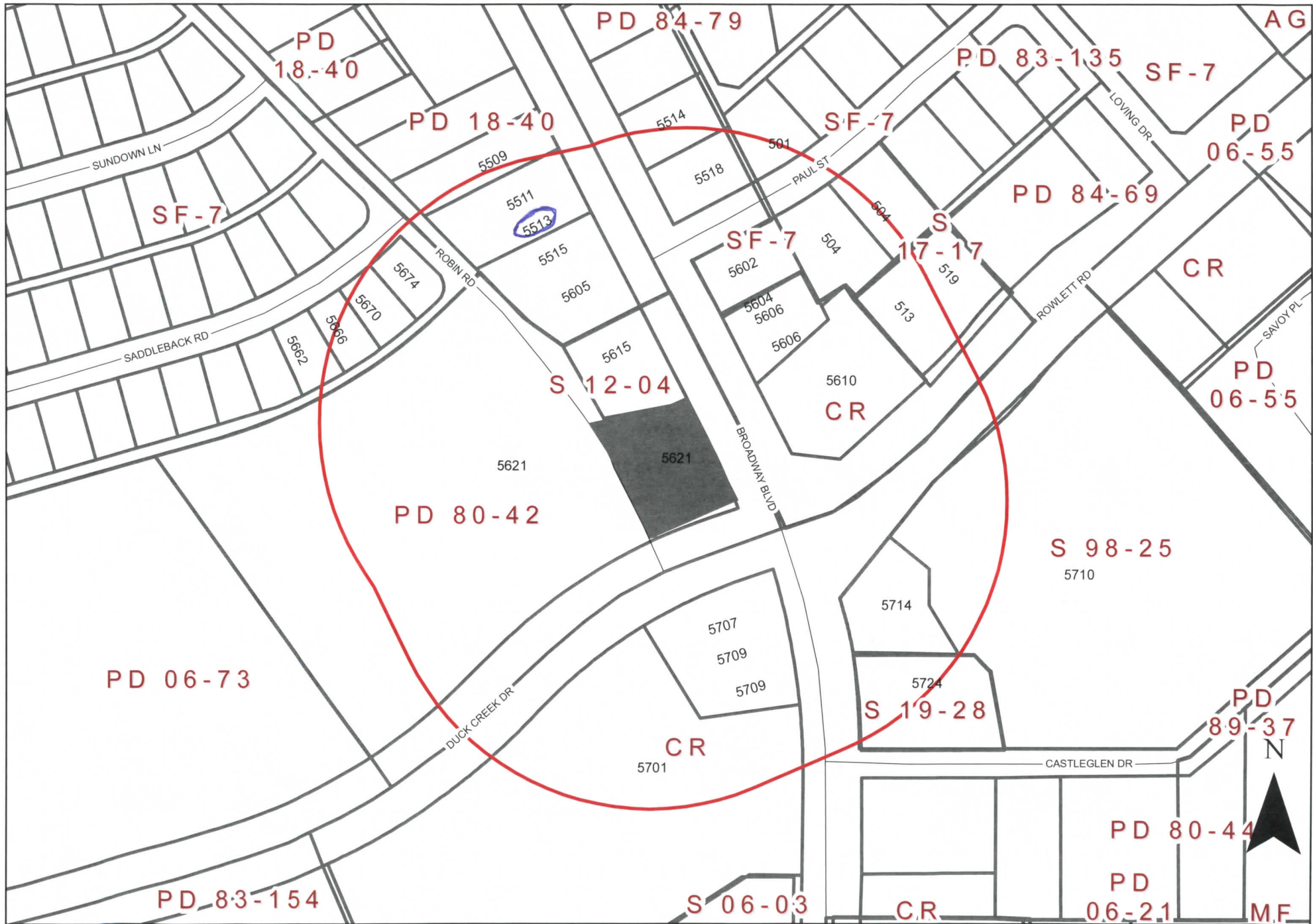
Nabiha Ahmed, Development Planner, presented the staff report.

There was discussion between Plan Commission and Ms. Ahmed to confirm replacement of landscaping and landscaping buffers, and existing and proposed signage.

The applicant Armando Palacios, 4821 Kingfisher Lane, Mesquite, TX 75181 provided additional information regarding the requested Specific Use Provision time period and remained available for questions.

There were no questions for this applicant.

Motion was made by Commissioner O'Hara to close the public hearing and **approve** the request. Seconded by Commissioner Williams. **Motion carried: 9 Ayes, 0 Nays**



0 125 250 Feet
1 inch = 188 feet

Zoning Map Z 20-41

INDICATES AREA OF REQUEST
INDICATES NOTIFICATION AREA

5621 Broadway Boulevard

Comment Form

Case Z 20-41

Applicant Armando Palacios proposes to reconstruct an existing restaurant drive-through building. This site is located at 5621 Broadway Boulevard, Garland, Texas. (Z 20-41) (District 4)

El solicitante Armando Palacios propone reconstruir el edificio de un restaurante existente. Este sitio está ubicado en 5621 Broadway Boulevard, Garland, Texas. (Z 20-41) (Distrito 4)

Người nộp đơn Armando Palacios đề xuất xây dựng lại một tòa nhà nhà hàng hiện có. Địa chỉ này tọa lạc tại 5621 Broadway Boulevard, Garland, Texas. (Z 20-41) (Quận 4)

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 / Por favor complete la siguiente información / Vui lòng điền các thông tin sau:

Wesley H Jable

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.)

5513 Broadway Blvd

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

Garland Tx

City, State / Estado de la Ciudad / Thành bang

750433621

Zip Code / Código postal / Mã Bưu Chính

Wesley H Jable

Signature / Firma / Chữ ký

2-20-21

Date / Fecha / Ngày

Z 20-41

The applicant proposes to reconstruct an existing drive-through restaurant building.

[Planned Development, Specific Use Provision and Plan for a drive-through restaurant use on a property zoned Planned Development (PD) District 80-42 for Community Retail Uses.]

**City Council Meeting
March 16, 2021**



GARLAND

TEXAS MADE HERE

Location: 5621 Broadway Boulevard

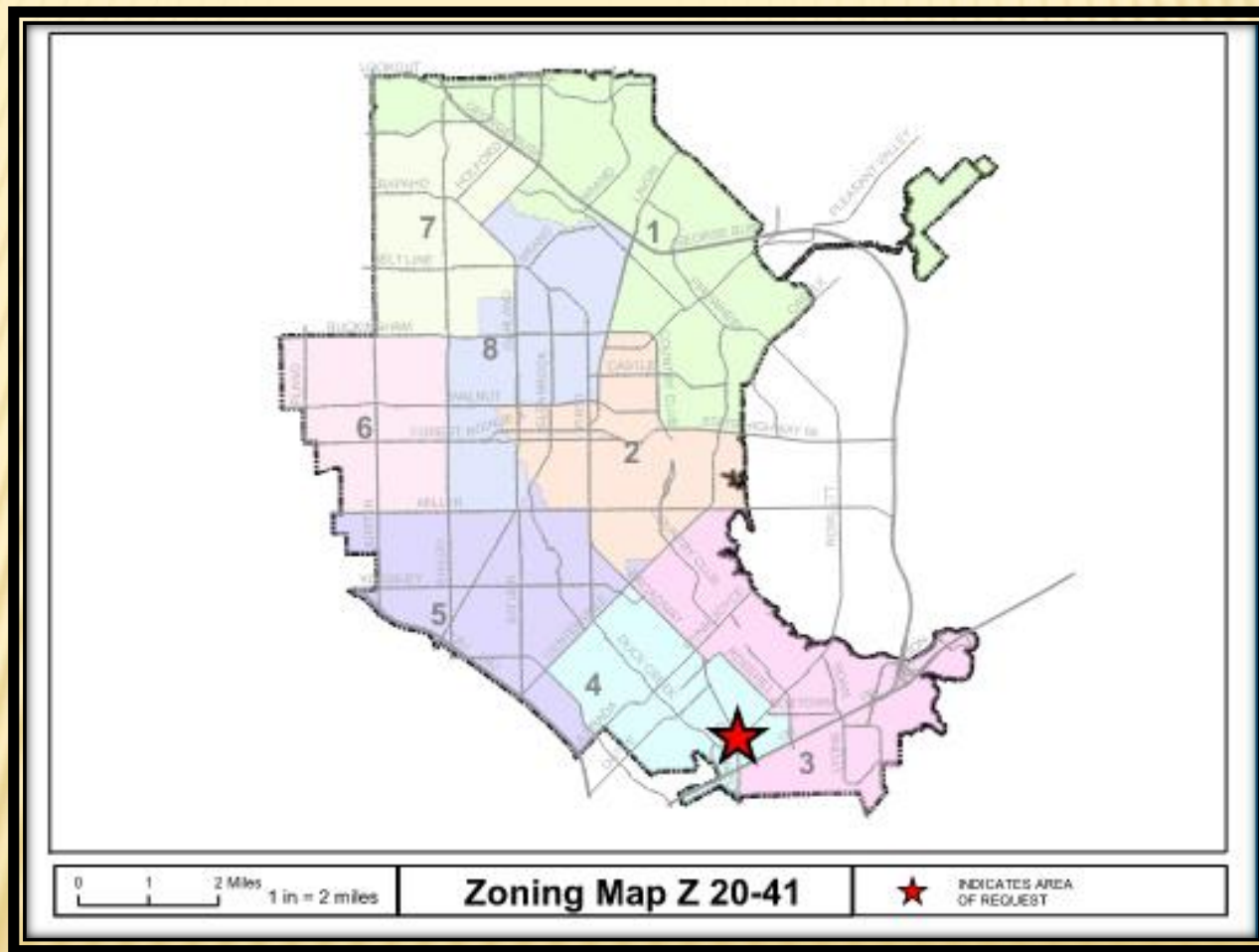
Applicant: Armando Palacios

Owner: KPP Group, LLC.

Acreage: 0.627 acres

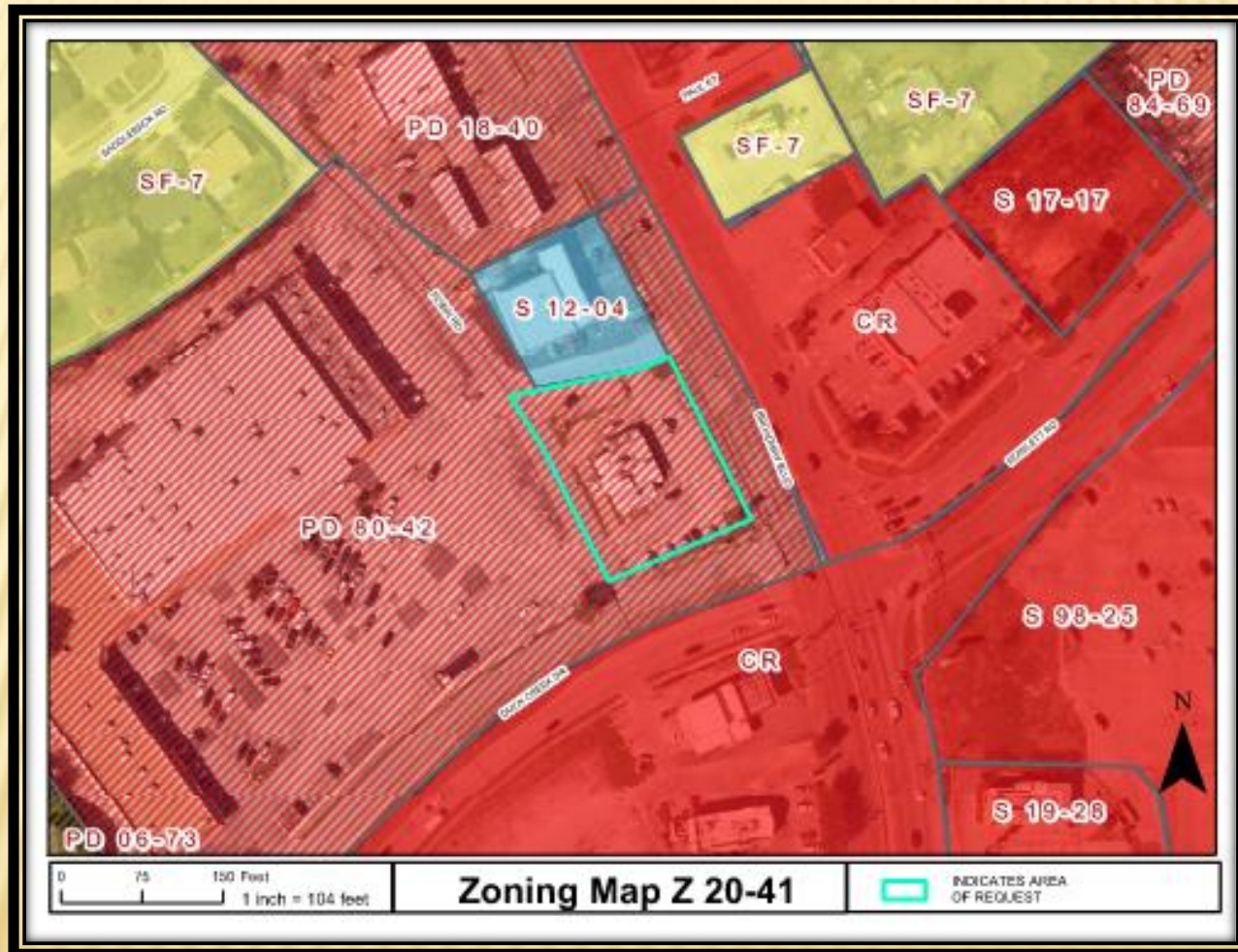
Zoning: Planned Development (PD) District 80-42

CITYWIDE LOCATION MAP



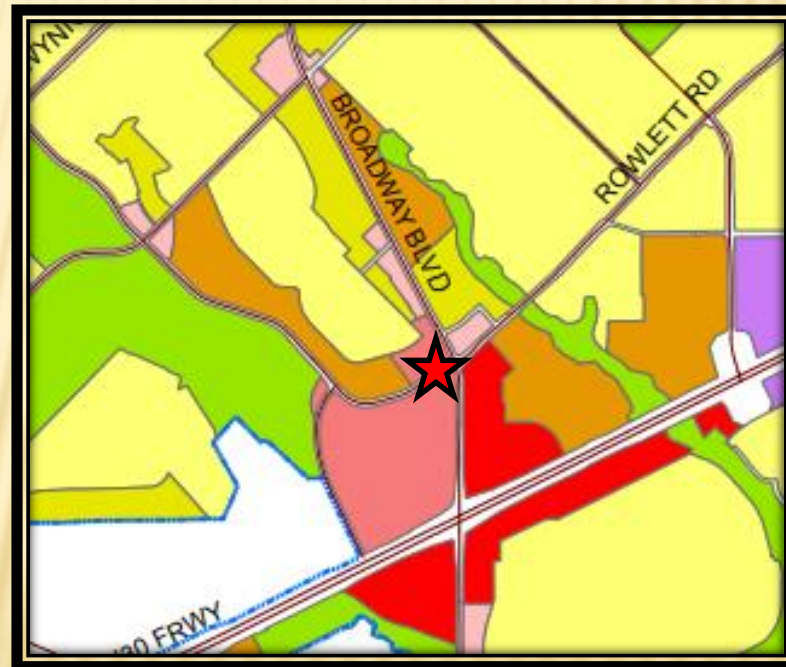
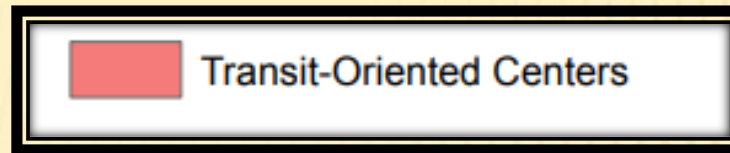
Z 20-41

LOCATION MAP



Z 20-41

COMPREHENSIVE PLAN





COMPREHENSIVE PLAN

- The Envision Garland Plan designates the subject property as Transit-Oriented Centers.
- Transit-oriented centers are areas of concentrated activity and increased density with maximum access to public transportation options. This type of center should be developed as mixed-use with live/work/play/shop opportunities. Transit-oriented development should be within $\frac{1}{4}$ to $\frac{1}{2}$ mile of transit centers and/or rail stations and provide pedestrian and bicycle friendly access.
- This development is conveniently located close to a Dallas Area Rapid Transit (DART) bus stop.
- The proposal represents redevelopment and reinvestment of the existing site.



GARLAND
TEXAS MADE HERE

PHOTOS



Looking at the subject property from Duck Creek Drive



Looking east of the subject property



Looking south of the subject property



Looking west of the subject property

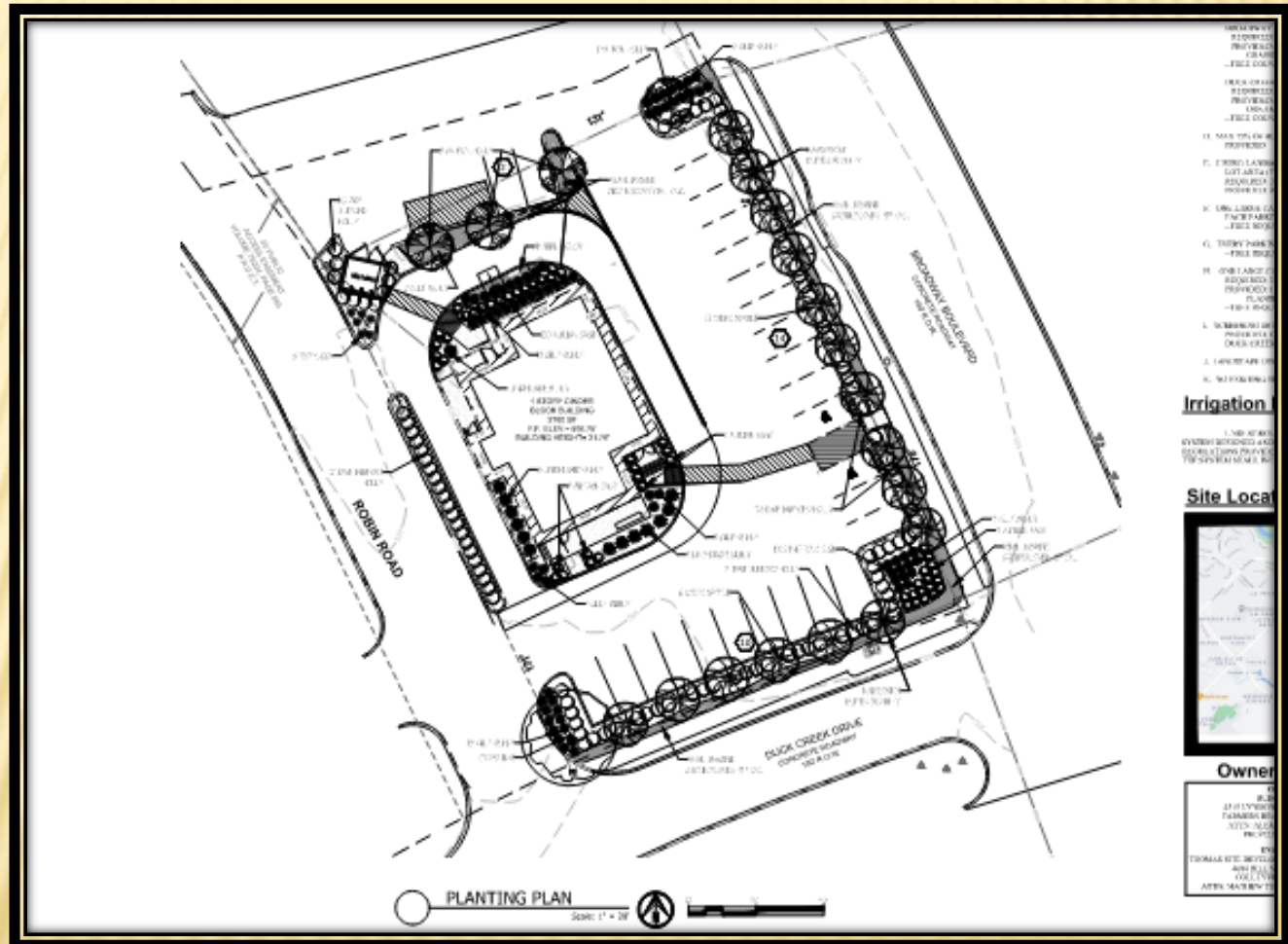
Z 20-41



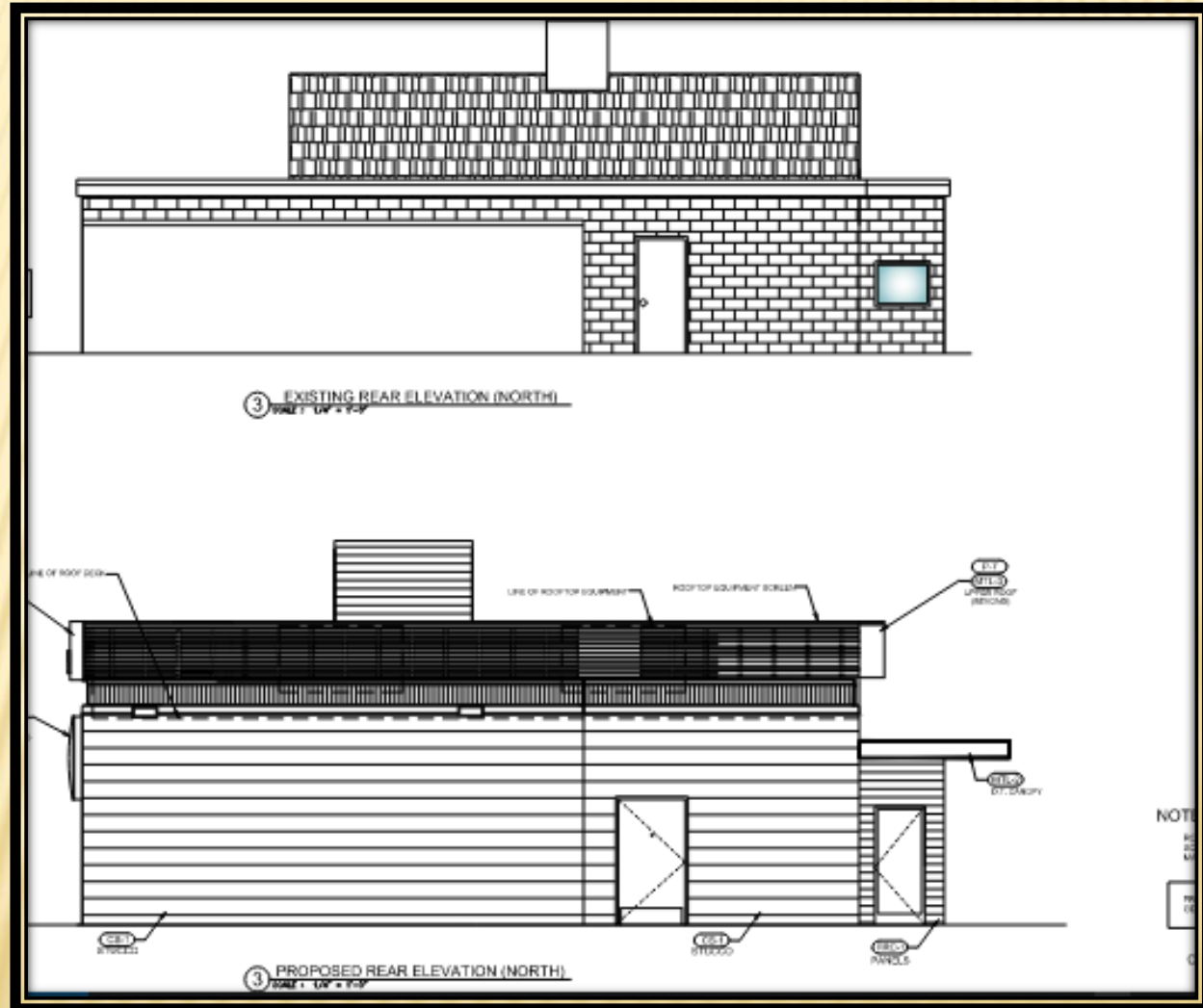
STILL BEATIN'



LANDSCAPE PLAN

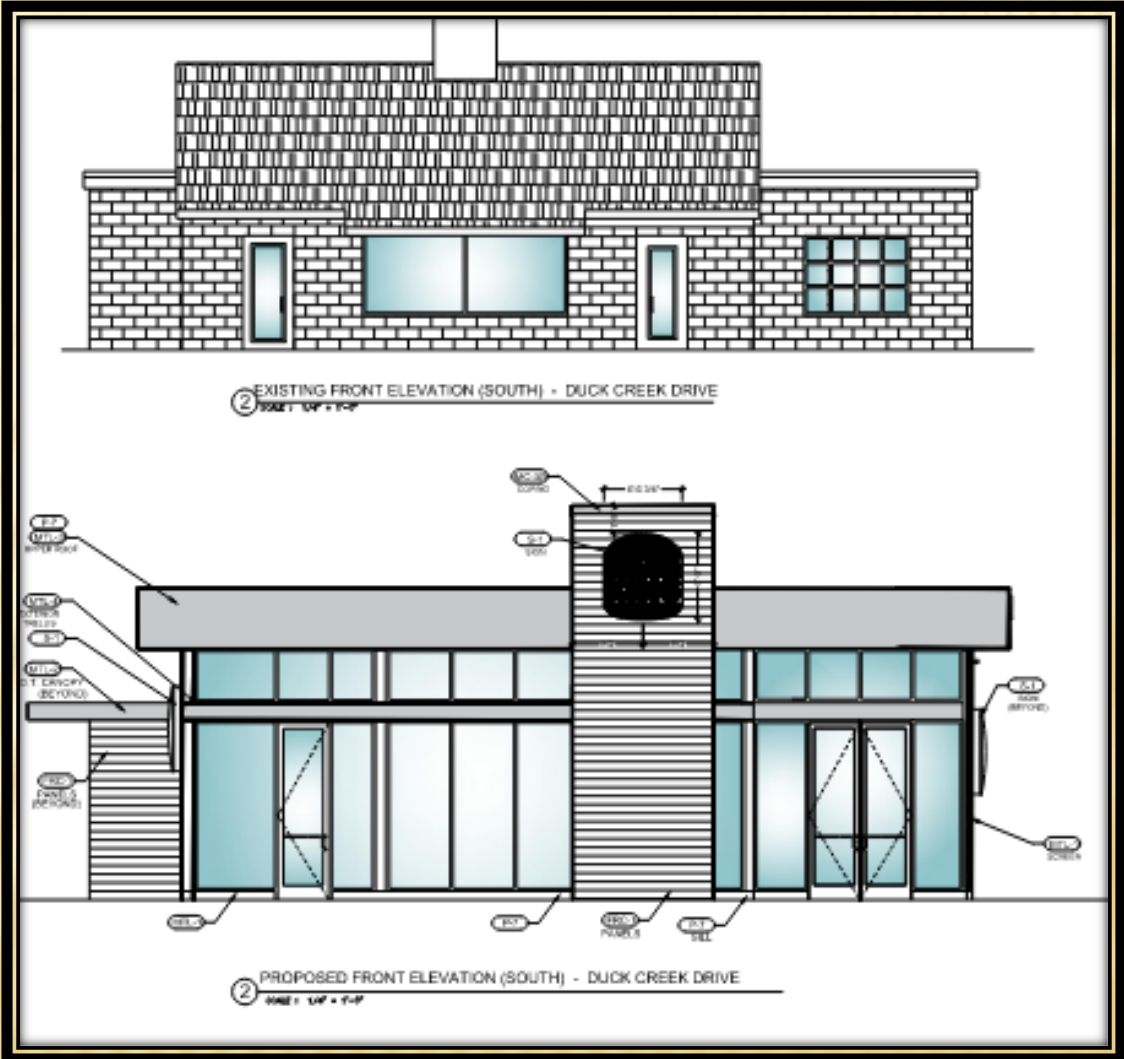


BUILDING ELEVATIONS





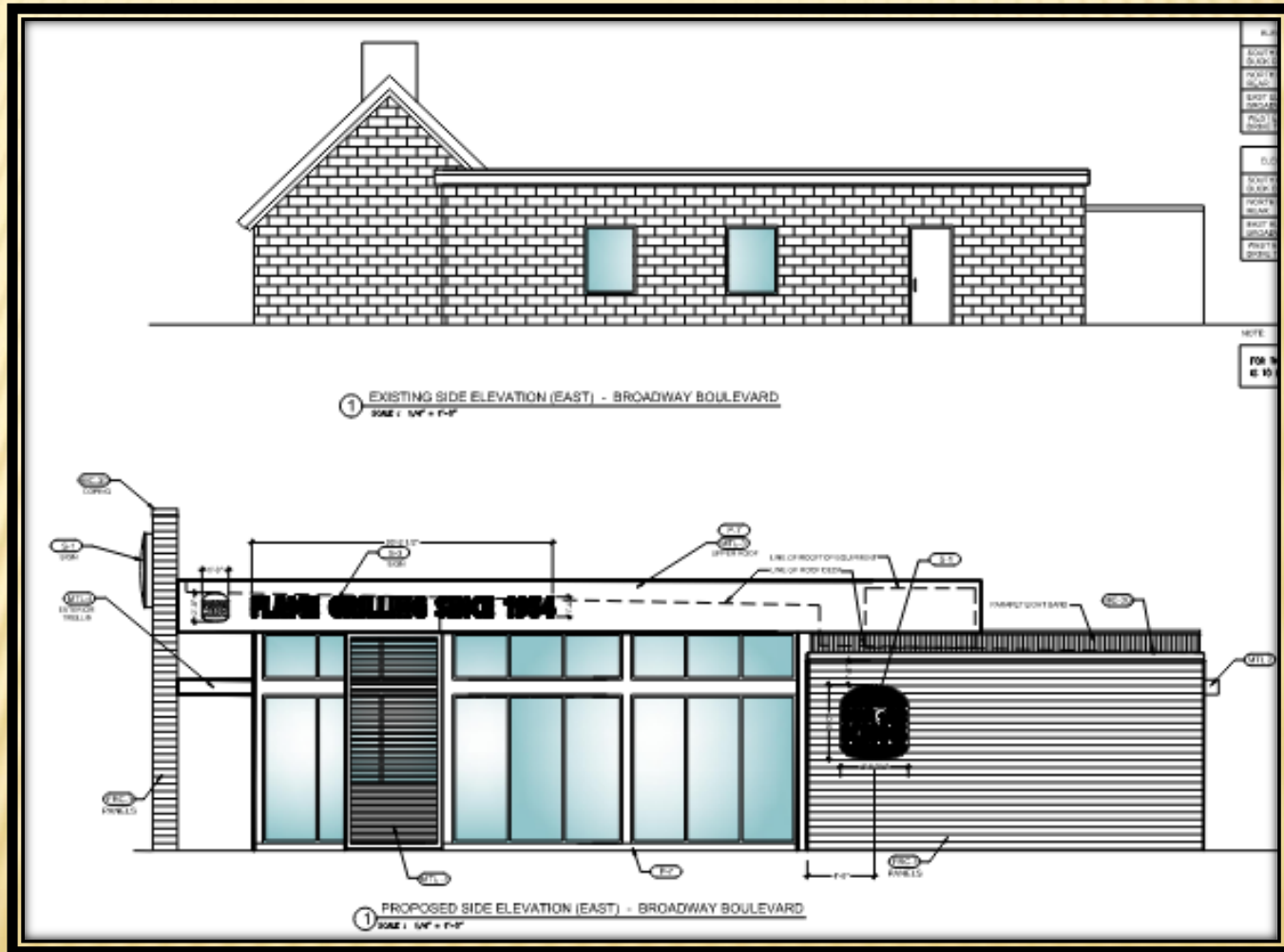
BUILDING ELEVATIONS



Z 20-41



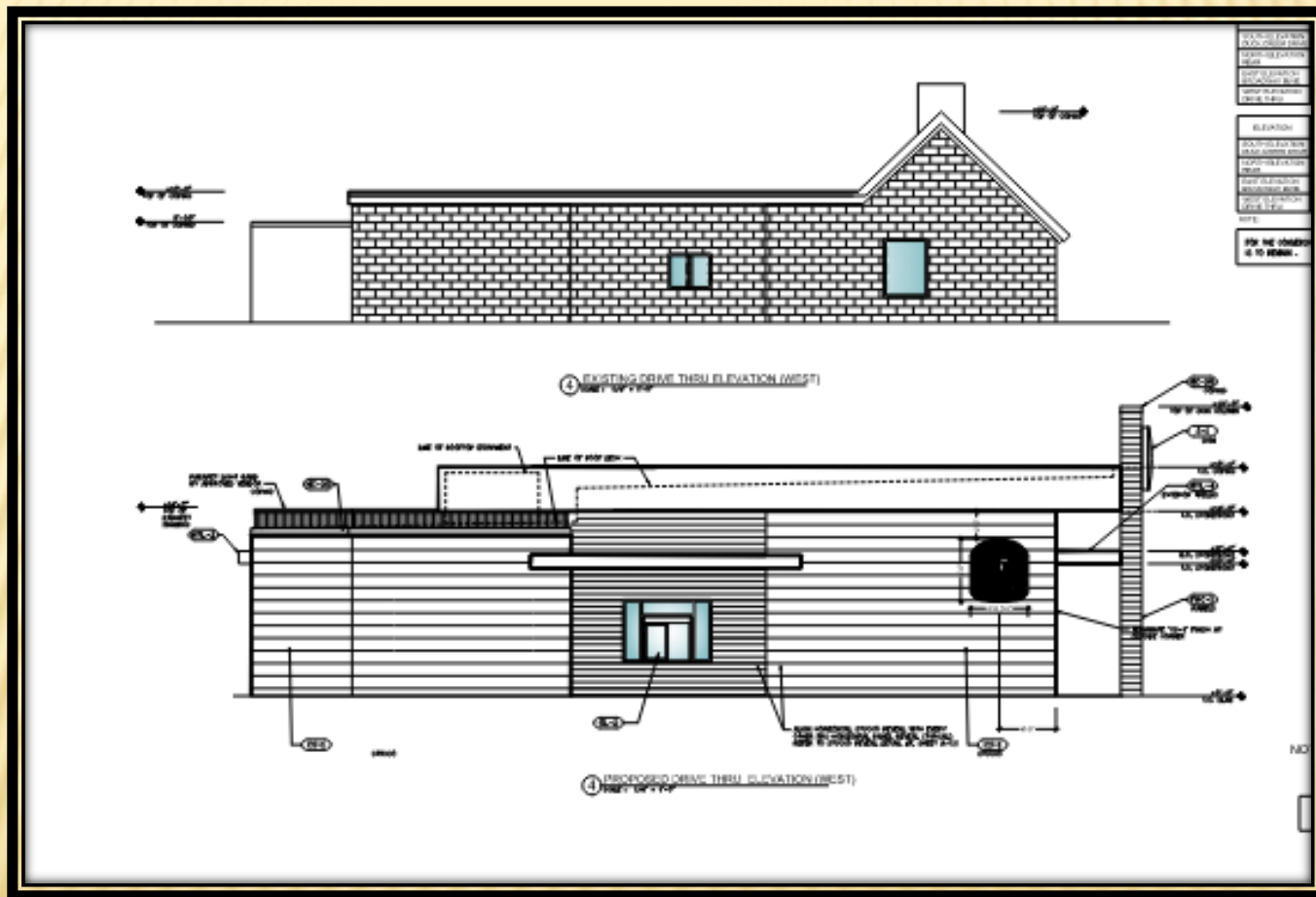
BUILDING ELEVATIONS





GARLAND
TEXAS MADE HERE

BUILDING ELEVATIONS



BUILDING ELEVATIONS



BUILDING ELEVATIONS



SUMMARY TABLE

Development Standards	Required (per the GDC)	Existing	Proposed	Justification
Landscape Buffer	15-ft wide landscape buffer along Broadway Boulevard and 6 canopy trees and 42 shrubs. - A 15-ft wide landscape buffer is required along Duck Creek Drive along with 4 canopy trees and 28 shrubs.	- A variable landscape buffer between 1-ft to 6-ft. No tree or shrubs on the buffer. - A variable landscape buffer width between 5-ft to 6-ft. No trees or shrubs existing.	- A 7-ft wide landscape buffer proposed along with 10 ornamental trees and 55 shrubs. - A 7-ft wide landscape buffer proposed along with 6 ornamental trees, 1 canopy tree and 43 shrubs.	The applicant request these deviations due to the site constraint. The canopy trees cannot be provided due to the overhead utility lines.
Parking Area Landscaping	A total of three (3) canopy trees are required on the parking islands.	No trees or shrubs are existing.	One (1) canopy tree and four (4) ornamental trees.	Large canopy trees will interfere with the overhead utility lines.
Building Articulation- East elevation	Horizontal Articulation on east facade	Not available	Not Provided	The applicant will reconstruct using the same building footprint. Therefore, adding horizontal articulation will cause a hardship in the site layout.

CONSIDERATION

- ✖ The applicants requests the Specific Use Provision to be in effect for a time period of thirty (30) years.

PLAN COMMISSION RECOMMENDATION

- ✘ On February 22, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of an amendment to Planned Development (PD) District 80-42 for Community Retail Uses.
- ✘ The Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision to allow a Restaurant, Drive-Through Use.
- ✘ The Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Detail Plan to on a property zoned Planned Development (PD) District 80-42 for Community Retail Uses.

STAFF RECOMMENDATION

- ✘ Approval of an amendment to Planned Development (PD) District 80-42 for Community Retail Uses.
- ✘ Approval of a Specific Use Provision to allow the Restaurant, Drive-Through Use.
- ✘ Approval of a Detail Plan to on a property zoned Planned Development (PD) District 80-42 for Community Retail Uses.



GARLAND PLANNING REPORT

City Council Regular Session Agenda

12. f.

Meeting Date: 03/16/2021

Item Title: Z 20-41 Armando Palacios - Detail Plan (District 4)

Submitted By: Nabiha Ahmed, Development Planner

REQUEST

Approval of an amendment to Planned Development (PD) District 80-42 for Community Retail Uses.

Approval of a Specific Use Provision to allow a Restaurant, Drive-Through Use.

Approval of a Detail Plan to on a property zoned Planned Development (PD) District 80-42 for Community Retail Uses.

LOCATION

5621 Broadway Boulevard

OWNER

KPP Group, LLC.

PLAN COMMISSION RECOMMENDATION

On February 22, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of an amendment to Planned Development (PD) District 80-42 for Community Retail Uses.

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STAFF RECOMMENDATION

Approval of an amendment to Planned Development (PD) District 80-42 for Community Retail Uses.

Approval of a Specific Use Provision to allow a Restaurant, Drive-Through Use.

Approval of a Detail Plan to on a property zoned Planned Development (PD) District 80-42 for Community Retail Uses.

BACKGROUND

The subject property currently has a building which was previously used as a restaurant with a drive-through, which was built in 1985. The applicant proposes to reconstruct the building facades for a restaurant with a drive-through. The GDC states that reconstruction of buildings will require full compliance of the GDC development standards. The site layout will remain consistent to what is existing now.

SITE DATA

The subject property consists of approximately 0.627 acres. The site has approximately 135 linear feet of frontage along Duck Creek Drive, 171 linear feet of frontage along Broadway Boulevard and 131 lineal feet of frontage along Robin Road. The site can be accessed from Broadway Boulevard and Robin Road.

USE OF PROPERTY UNDER CURRENT ZONING

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

The subject property is a part of Planned Development (PD) District 80-42 for Community Retail uses and it consists of two (2) tracts. The subject property is in Tract 1 for retail uses and Tract 2 had a Specific Use Provision for a Private Club that was valid for five (5) years and has expired.

CONSIDERATIONS

1. Detail Plan

The applicant proposes to reconstruct the 2,760-square-foot building facades of a restaurant building with a drive-through. The building footprint will remain the same and the existing drive-through lane will remain at the same location.

2. Parking

Per the GDC calculation, a total of twenty-eight (28) spaces are required. The site

complies with the parking requirements.

3. Screening and Landscaping

Section 4.29 of the GDC requires full compliance of the screening and landscaping standards.

- A fifteen (15)-foot wide landscape buffer is required along Broadway Boulevard. Additionally, six (6) canopy trees and forty-two (42) shrubs or ornamental grass are required on the landscape buffer. The landscape plan (Exhibit D) shows the landscape buffer to be seven (7)-feet wide along Broadway Boulevard and a total of ten (10) ornamental trees and fifty-five (55) shrubs are proposed on the landscape buffer due to the overhead utility line.
- A fifteen (15)-foot wide landscape buffer is required along Duck Creek Drive. Additionally, four (4) canopy trees and twenty-eight (28) shrubs or ornamental grass are required on the landscape buffer are required. The landscape plan shows the landscape buffer to be seven (7)-feet wide along Duck Creek Drive. The applicant proposes a total of six (6) ornamental trees, one (1) canopy tree and forty-three (43) shrubs per Exhibit D.
- The GDC requires five (5) percent of the parking area to be landscaped. Per the calculation, a total of 232 square feet of the parking area should be landscaped. Furthermore, three (3) canopy trees are required on the parking lot islands. Exhibit D reflects 996 square feet of parking lot landscaping, exceeding the minimum requirements. However, a total of one (1) canopy and four (4) ornamental trees are proposed due to the overhead utility lines.
- Robin Road is a thirty-five (35)-foot public access easement. Therefore, a landscape buffer is not required. However, the applicant proposes twenty-one (21) shrubs along the outer edge of the drive-through.

4. Building Design

The reconstruction of the building facades requires full compliance of the building design standards.

- A minimum of six (6) architectural elements must be provided per Section 4.83 (A). The building elevations complies with this requirement.
- The GDC's provisions for Building Articulation are applicable to the east and south elevations.
- Horizontal articulation is required for buildings greater than forty (40) feet in width. The east elevation does not comply with the horizontal articulations due to current building footprint.
- Vertical articulation is required for buildings greater than fifty (50) feet in width. Both east and south elevations comply with the vertical articulations.

5. Signage

The applicant intends to use and re-face the existing nonconforming pole sign on the property. The applicant has not requested any deviations regarding attached/wall signage; therefore, wall signage will comply with the Garland Development Code (GDC).

6. Specific Use Provision

The existing drive-through is nonconforming and the GDC requires a Specific Use Provision for a drive-through use. The applicant requests a Specific Use Provision for a time period of thirty (30) years. This will allow the applicant to continue the Restaurant,

Drive-Through Use.

7. Summary Table:

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This development is conveniently located close to a Dallas Area Rapid Transit (DART) bus stop.

The proposal represents redevelopment of the existing site.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

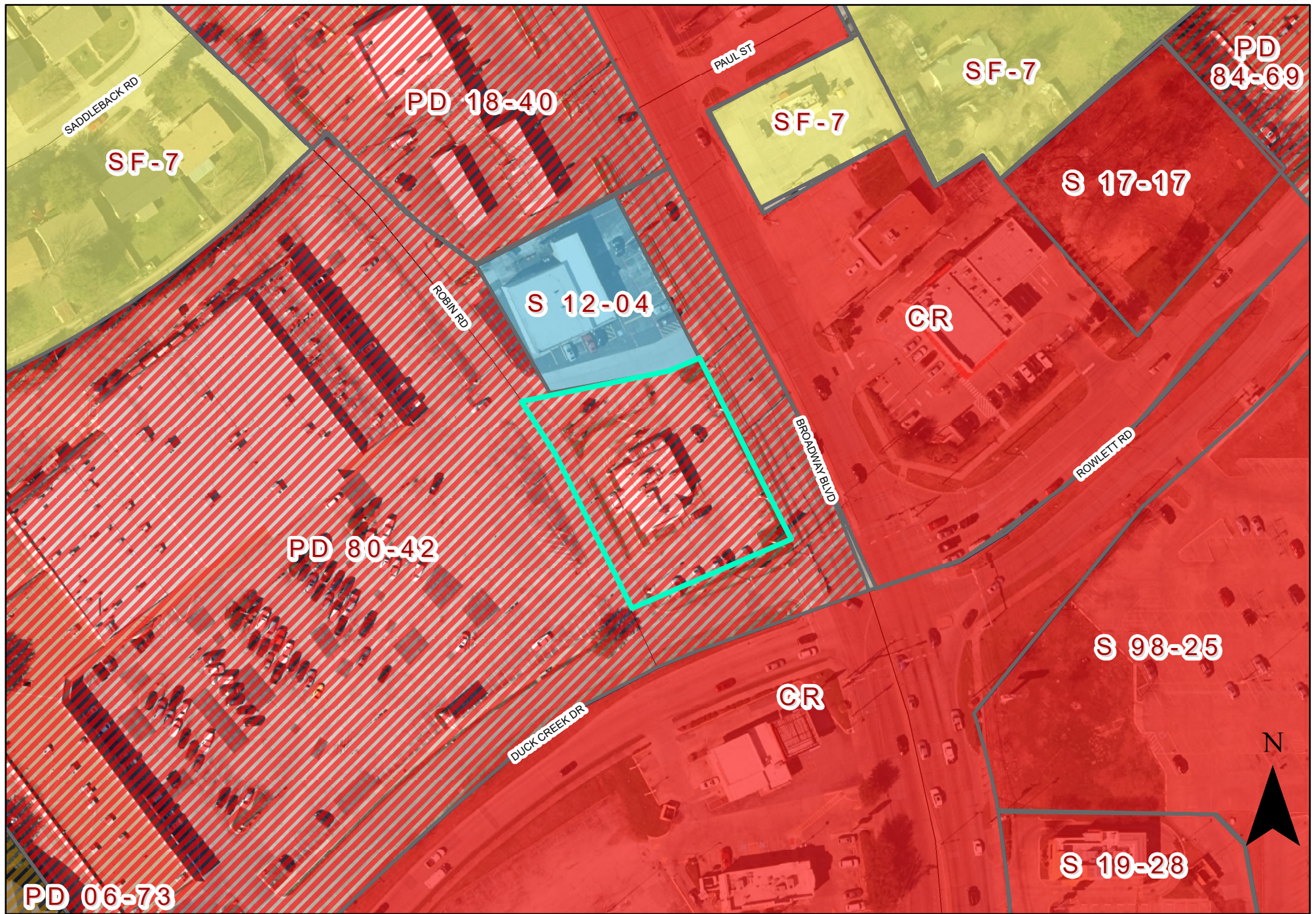
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Attachments

Z 20-41 Armando Palacios Attachments (Detail Plan)

Z 20-41 Armando Palacios Responses

Z 20-41 Armando Palacios Staff Presentation



0 75 150 Feet
1 inch = 104 feet

Zoning Map Z 20-41



INDICATES AREA
OF REQUEST

NOTES BY SYMBOL:

- 1

EXISTING RESTAURANT STRUCTURE.
- 2

INSTALL 8' TALL DUMPSTER WITH ENCLOSURE. REFER TO ARCHITECTURAL PLANS FOR DETAILS
- 3

ADA COMPLIANT PARKING SPACE (TYP.) 2 PLACES
- 4

ACCESSIBLE PARKING POLE SIGNAGE & WHEELSTOPS (TYP.) - 2 PLACES
(1 REGULAR AND 1 VAN ACCESSIBLE SIGNAGE)
- 5

BARRIER FREE RAMP
- 6

ADA COMPLIANT WALKWAY
- 7

EXISTING SIDEWALK IN CITY R.O.W.
- 8

CONNECT WALKWAY TO SIDEWALK
- 9

EXISTING FIRE HYDRANT 233' NORTH OF THIS POINT ALONG BROADWAY BLVD
- 10

EXISTING POLE SIGNAGE. ALL SIGNAGE TO BE APPROVED AND INSTALLED UNDER SEPARATE SIGNAGE PERMIT.
- 11

BUILDING TOWER WITH SIGNAGE. (SIGNAGE BY SEPARATE PERMIT)
- 12

PICKUP WINDOW
- 13

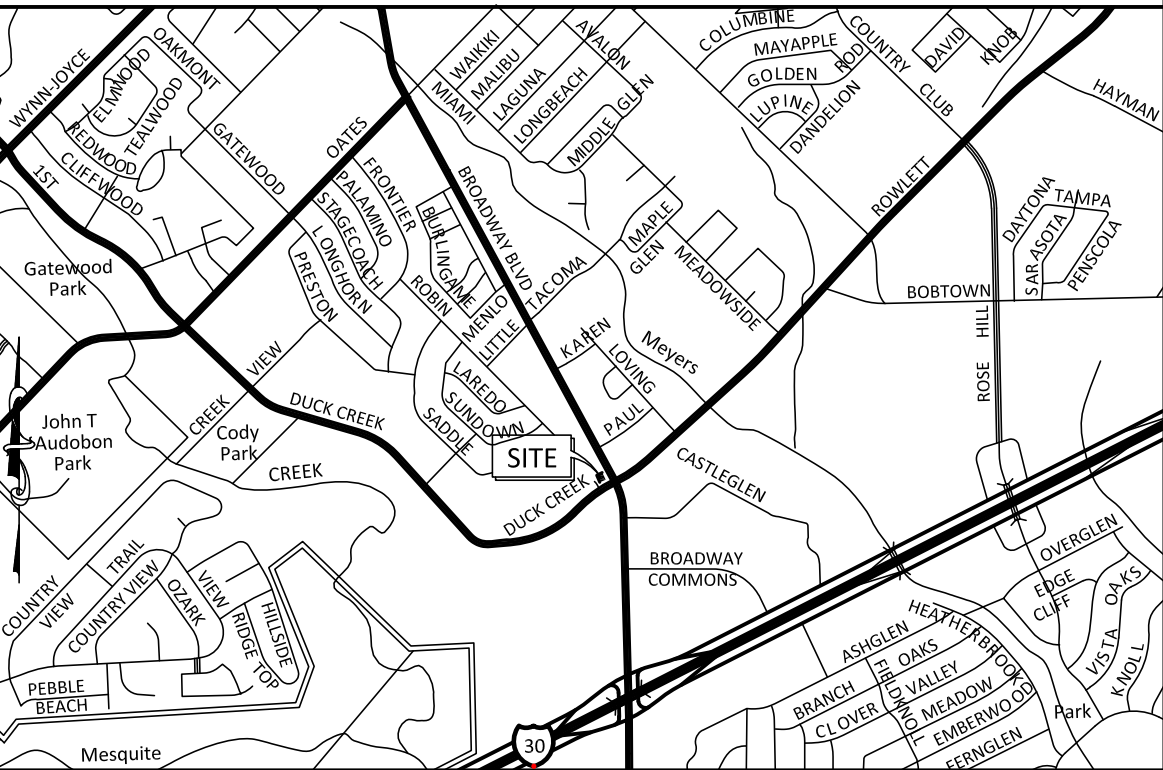
10'X25' LOADING AREA
- 14

FIRE LANE STRIPING PER CITY OF GARLAND FIRE DEPARTMENT
- 15

BENCH
- 16

PLANTER

VICINITY MAP (NTS)



LEGEND:

- PROPERTY LINE
- ADJOINED PROPERTY
- BUILDING SETBACK LINE
- EASEMENTS
- EXISTING CURB
- PROPOSED CURB AND GUTTER
- PAINTED STRIPE (TRAFFIC WHITE)
- PAINTED WALKWAY (TRAFFIC WHITE)
- NEW CONCRETE PAVING
- 4" THICK CONC. SIDEWALK
- INTERIOR LANDSCAPED AREA (RE: LANDSCAPE PLANS)
- PARKING STALL COUNT

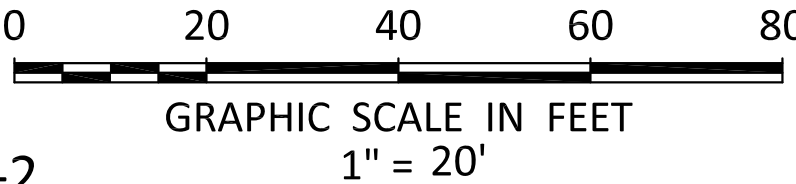
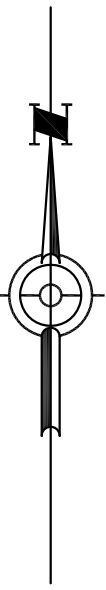
LAND USE CHART

PROPOSED DEVELOPMENT	BURGER KING RESTAURANT
EXISTING ZONING	PD 80-42 (COMM. RETAIL BASE ZONING)
PROPOSED USE	RESTAURANT WITH DRIVE-THRU
SITE AREA (Ac.)	0.627 Ac. (27,312 sf)
BUILDING AREA (sf)	2,760
PROPOSED DINING AREA (sf)	682
BUILDING HEIGHT (ft) ALLOWED/PROPOSED	30' / 19'-9"
FLOOR AREA RATIO	0.09
FLOOR AREA RATIO ALLOWED	0.75
LOT COVERAGE ALLOWED/PROPOSED	60% / 8%
FRONT SETBACK REQUIRED / PROVIDED	60' /68.82' MIN
SIDE/REAR SETBACK REQUIRED / PROVIDED	0' / 56.46' (MIN.)
PARKING REQUIRED (1 PER 100SF GFA)	28
PARKING PROVIDED	26
DRIVE THRU STACKING REQUIRED	5 SPACES FROM MENU BOARD
DRIVE THRU STACKING PROVIDED	6
HANDICAP SPACE PROVIDED	2 SPACES

GENERAL NOTES

1. ALL PAVEMENT DIMENSIONS ARE TO FACE OF CURB UNLESS INDICATED OTHERWISE. ALL BUILDING DIMENSIONS ARE TO OUTSIDE FACE OF WALL UNLESS INDICATED OTHERWISE.
2. SEE ARCHITECTURAL SHEETS FOR EXACT DIMENSIONS OF BUILDING, AND DETAILS AROUND THE BUILDING.
3. ALL CURVE RADII ARE 3' UNLESS NOTED OTHERWISE.
4. SEE ARCHITECTURAL PLANS FOR SITE LIGHTING DESIGN AND DETAILS.
5. MECHANICAL AND HEATING AND AIR CONDITIONING EQUIPMENT IN NON-RESIDENTIAL USES SHALL BE SCREENED FROM VIEW FROM THE PUBLIC RIGHT-OF-WAY AND FROM ADJACENT RESIDENTIAL PROPERTIES
6. LIGHTING FOR THIS PROPERTY TO BE CONSTRUCTED AND OPERATED IN CONFORMANCE TO CHAPTER 58 OF THE CITY OF MCKINNEY CODE OF ORDINANCES.
7. SANITATION CONTAINER SCREENING WALLS WILL BE BRICK MASONRY, STONE MASONRY, OR OTHER ARCHITECTURAL MASONRY FINISH, INCLUDING A METAL GATE, PRIMED AND PAINTED, AND THE SANITATION CONTAINER SCREENING WALLS, GATE, AND PAD SITE WILL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY'S DESIGN SPECIFICATIONS."

BENCHMARKS:
1. CITY OF GARLAND GPS 85, 2" BRASS DISK STAMPED 85.
N : 6996087.91396 ; E : 2553351.66166
ELEVATION : 505.70765
2. TEMPORARY BENCHMARK: 3/4" IRON ROD FOUND AT NORTHWEST CORNER OF DUCK CREEK DR. & ROBIN ROAD.
ELEVATION : 504.69



CASE NO.: 201008-2

SITE PLAN

0.627 Acre PORTION OF LOT 1, BLOCK 1
NEW WEST NO. 5
VOL. 78204, PAGE 882, P.R.D.C.T.
DALLAS COUNTY, GARLAND, TEXAS

OWNER

BURGER KING

4515 LYNDON B. JOHNSON FWY

FARMERS BRANCH, TEXAS 75244

ATTN: ALEJANDRO ORFANOS PH: 972.620.2287 X 297

ENGINEER

THOMAS SITE DEVELOPMENT ENGINEERING INC.

P.O. BOX 1261, COLLETVILLE, TX 76034

ATTN: MATHEW THOMAS, PE

PH: (214) 680-2728

BURGER KING RESTAURANT

5621 BROADWAY BLVD.
GARLAND, TEXAS 75043

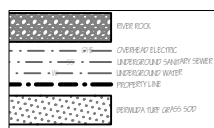
THOMAS
SITE DEVELOPMENT
ENGINEERING INC.

REGISTRATION NO. F-10289
7001 BEDFORD ROAD, SUITE 300, BEDFORD, TX 76021
PHONE: (214) 680-2728; THOMAS-ENG.COM
EMAIL: MATHEW@THOMAS-ENG.COM

REVISION	DESCRIPTION	DATE

C-2.0

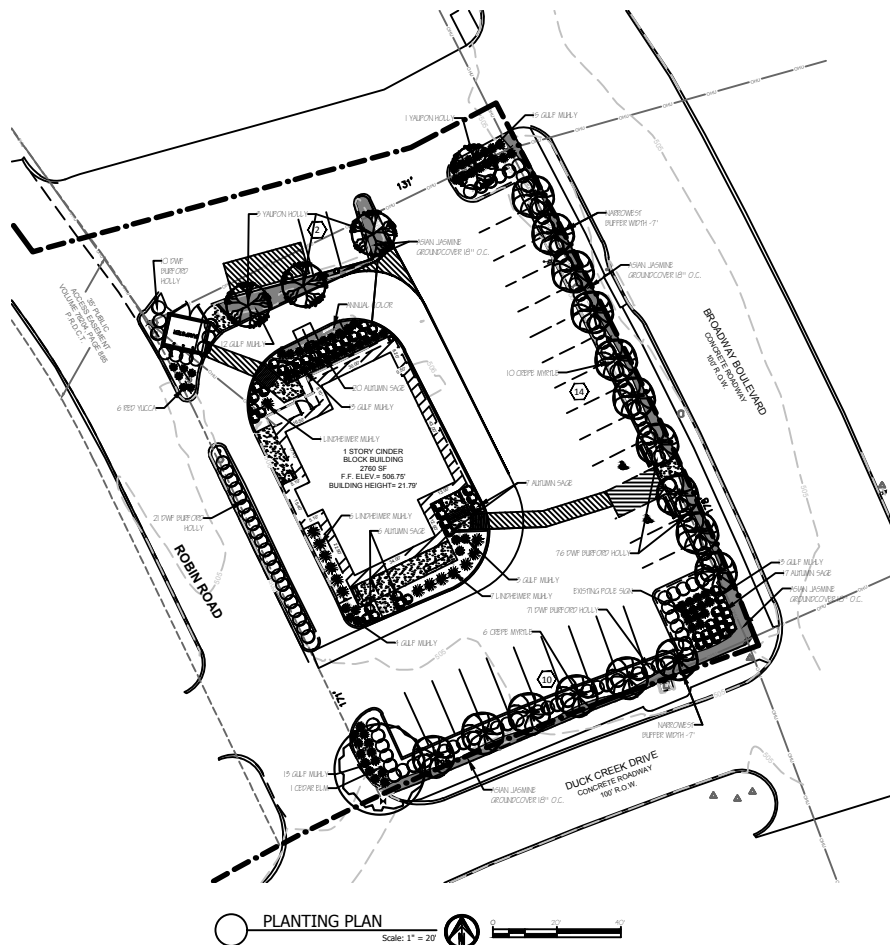
EXHIBIT D



DRAWING KEY

Common Name	Botanical Name	Native Name	Height	Qty	Remarks
Anjan Jasmine		Groundcover	1	gal	530
Antennaria sp. - Saliva greggii 'coral'	<i>Salvia greggii</i>	Potential	1	gal	530
Cedar Elm	<i>Ulmus crumegis</i>	Tree	15	gal	530
Coral Myrtle 'Mia'	<i>Lagerströmia speciosa</i>	Small tree	10	15 gal	6 - 1 1/2' cal & 5' min height
Drum Barked Holly	<i>Laurel camara</i>	Shrub	5	gal	107
Malabar Cypripedium	<i>Malabar cypripedium</i>	Grass	5	gal	117
Reddish Myrtle / Big Mahli	<i>Malabar cypripedium</i>	Grass	5	gal	6
Red Yucca	<i>Hesperaloe parviflora</i>	Shrub-like	5	gal	6
Shrimp Holly	<i>Salvia virens</i>	Small tree	15	gal	6 - 1 1/2' cal & 5' min height
Annual Celosia			sf	sf	42
Annual Celosia again seed			sf	sf	42
Trillium			sf	sf	42

PLANT LIST



Jurisdiction of Project

REGULATORY AUTHORITIES:

CITY OF GARLAND
DEVELOPMENT SERVICES
200 N FIFTH ST
GARLAND, TEXAS 75040

TEXAS DEPARTMENT OF LICENSING AND REGULATION
ELIMINATION OF ARCHITECTURAL BARRIERS
E.O. THOMPSON STATE OFFICE BUILDING
920 COLORADO
AUSTIN, TEXAS 78701
(512) 463-3211
(512) 475-2886 (FAX)

Landscaping Requirements

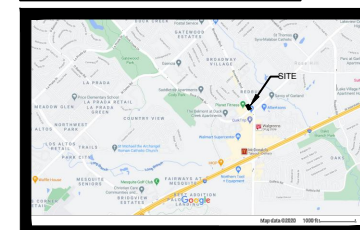
CITY OF GARLAND DEVELOPMENT CODE
CHAPTER 4 SITE DEVELOPMENT
ARTICLE 3 - SCREENING & LANDSCAPING

- A. LANDSCAPE AREAS MINIMUM 10% SITE, 27.1% SF
REQUIRED: 2.718 SF PROVIDED: 3.546 SF
- B. LANDSCAPE BUFFERS
BROADWAY 7' F
REQUIRED: 15 LIN FT WIDTH
PROVIDED: 7.7 LIN FT WIDTH
DUCK CREEK DRIVE: 4' F
REQUIRED: 15 LIN FT WIDTH
PROVIDED: 7.7 LIN FT WIDTH
- C. TREE AND / OR SHRUBS OR ORNAMENTAL GRASSES PER 30 LIN FT OF
BROADWAY OR PARKWAY STRIPS
BROADWAY (17.9 LIN FT)
REQUIRED: 10 TREE AND / OR 41 SHRUBS OR 45 ORNAMENTAL
GRASSES
BROADWAY (17.9 LIN FT)
REQUIRED: 10 ORNAMENTAL TREES, 45 OR 45 SHRUBS OR ORNAMENTAL
GRASSES
TREE STRIPS DOES NOT COMPLY, OVERHEAD POWER LINES
- D. DUCK CREEK (126 LIN FT)
REQUIRED: 42 TREES, 29 SHRUBS OR ORNAMENTAL GRASSES
OR 42 ORNAMENTAL TREES, 13 CANOPY TREE, 41 SHRUBS
OR 45 ORNAMENTAL GRASSES
TREE STRIPS DOES NOT COMPLY, OVERHEAD POWER LINES
- D. MAX 75% OF BUFFER IN TURF GRASS
TOTAL
- E. LIVING LANDSCAPE MATERIAL TO BE GREATER THAN 5% OF PARKING
LOT AREA (PROVIDED PARKING AREA 4.60 SF)
REQUIRED: 325 SF
PROVIDED: 325 SF
- F. ONE LARGE CANOPY TREE LOCATED IN THE TERMINUS ISLAND OF
EACH PARKING ROW
REQUIRED: 1 CANOPY TREE
PROVIDED: 1 CANOPY TREE
- G. EVERY PARKING STRIP WITH 45' OF A CANOPY TREE
- TREE REQUIREMENT DOES NOT COMPLY
- H. ONE LARGE CANOPY TREE PER EVERY 10 PARKING SPACES, (26 SPACES
REQUIRED) 1 CANOPY TREES
REQUIRED: 1 CANOPY TREE
PROVIDED: 1 CANOPY TREE
ONE CANOPY TREE (4 EVERGREEN ORNAMENTAL HAVE BEEN
PLANTED ARE ALONG WITH OVERHEAD POWER LINES)
- I. TREE REQUIREMENT DOES NOT COMPLY
- J. SCREENING OF PARKING AREAS ADJACENT TO A PUBLIC STREET
PROVIDED CONTINUOUS ROW OF SHRUBS ON BROADWAY & ON
DUCK CREEK
- K. LANDSCAPE DOES NOT OBSTRUCT TRAFFIC VISIBILITY.
- K. NO EXISTING TREES ON SITE

Irrigation Requirements

UNDERGROUND AUTOMATIC SPRINKLING SYSTEM PROVIDED.
SYSTEM DESIGNED AND INSTALLED ACCORDING TO TCEQ LAWS AND
REGULATIONS PROVIDING FOR 100% COVERAGE ON ALL LANDSCAPE AND TURF
THE SYSTEM SHALL INCLUDE A FREEZE & MOISTURE SENSOR.

Site Location



Owner & Professionals Information

OWNER
BURGER KING
4515 LYNDON B. JOHNSON FWY
FARMERS BRANCH, TEXAS 75242
ATTN: ALEJANDRO ORFANOS
PH: 972.620.2287 X 297

ENGINEER
THOMAS SITE DEVELOPMENT ENGINEERING INC.
4604 BILL SIMMONS ROAD
COLLEYVILLE, TX. 76034
ATTN: MATHEW THOMAS, PE, 214-680-2728

ARCHITECT
AP DESIGNS
ATTN: ARMANDO
PALACIOS 214-551-0921
APALACIOS0127@GMAIL.COM

LANDSCAPE ARCHITECT
FELDMAN DESIGN STUDIOS
P.O. BOX 832346, RICHARDSON, TEXAS 75083
ATTN: CAROL FELDMAN, 972-523-4944
CAROL@FELDMANDESIGN.COM

**FELDMAN
DESIGN STUDIO**
O. Box 832346, Richardson, Texas 75083
Office: 972.980-1730 Mobile: 972.980-1730
info@feldmandesign.com

NO.	ITEM DESCRIPTION	DATE:
1.	SITE PLAN SUBMITTAL	12/7/20
2.	REVISED PER COMMENTS	1/12/21
3.	REVISED PER COMMENTS	2/1/21
4.		
5.		
6.		
7.		



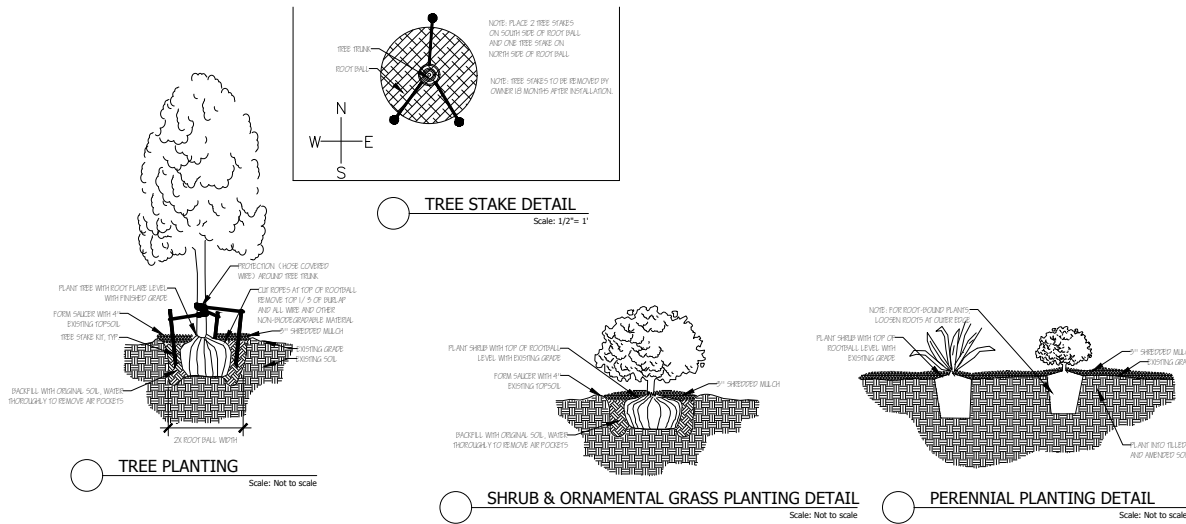
These drawings have been prepared by or under the supervision of Carol Feldman, Registered Landscape Architect #2080, Licensed Irrigator LI #20245

BURGER KING
5621 BROADWAY
GARLAND, TEXAS

SHEET NO.

L1.01

CASE #201008-2
LANDSCAPE PLANTING PLAN



SECTION 02910 - SOIL PREPARATION

PART 1 - GENERAL

A. DESCRIPTION

1. PROVIDE COMPLETE GRADING AND SOIL PREPARATION, INCLUDING AMENDMENTS, AS SPECIFIED HEREIN.
2. EXAMINATION
EXAMINE SITE TO VERIFY REQUIRED ROUGH GRADING HAS BEEN COMPLETED CORRECTLY PRIOR TO BED PREPARATION WORK.
3. EXAMINE SITE TO VERIFY THAT ALL INVASIVE PLANTS AND THEIR ROOTS HAVE BEEN REMOVED PRIOR TO BED PREPARATION WORK.

C. APPROVALS

1. ALL 'APPROVED EQUAL' MATERIALS MUST BE APPROVED BY LANDSCAPE ARCHITECT.

PART 2 - PRODUCTS

A. MATERIALS

1. COMPOST:
 - 1.1. COTTON BUR COMPOST.
 - 1.2. SHALL BE SUPPLIED BY: GREENSENSE COMPOST, GARLAND, TX, OR CLEAR FARM MATERIALS, ALEDO, TX, OR APPROVED EQUAL.
2. FERTILIZERS AND SUPPLEMENTS:
 - 2.1. A 6-2-4 GRANULAR FERTILIZER WITH A WATER SOLUBLE SLOW RELEASE ORGANIC BASE SUCH AS GREENSENSE, OR SUSTANE, OR APPROVED EQUAL.
3. MULCH
 - 3.1. SHALL BE SHREDDED HARDWOOD MULCH, SHREDDED CEDAR MULCH, SHREDDED NATIVE MULCH, OR APPROVED EQUAL.

PART 3 - EXECUTION

A. BED PREPARATION AND PREPARATION FOR SOD INSTALLATION

1. GENERAL
 - 1.1. INSPECT ALL EXISTING CONDITIONS AND OTHER ITEMS OF WORK PREVIOUSLY COMPLETED. DO NOT PROCEED UNTIL DEFECTS ARE CORRECTED.
 - 1.2. INSPECT THAT ALL INVASIVE PLANTS AND THEIR ROOTS HAVE BEEN REMOVED COMPLETELY.
 - 1.3. ALL AREAS TO BE PREPARED WITH ORGANIC TECHNIQUES ONLY.
2. SHRUB BEDS:
 - 2.1. BREAK UP AND TILL EXISTING SOIL TO A DEPTH OF 8 INCHES.
 - 2.2. ADD A 3 INCH LAYER OF COMPOST TO THE BEDS.
 - 2.3. TILL EXISTING SOIL AND COMPOST TOGETHER TO A TOTAL OVERALL DEPTH OF 8 INCHES.
 - 2.4. RAKE OUT ROCKS AND CLODS AND FINE GRADE THE BEDS TO DRAIN IN APPROPRIATE DIRECTIONS.
 - 2.5. TOP-DRESS BED WITH A 3 INCH LAYER OF MULCH AFTER PLANTING.
3. SOD AND SEED AREAS
 - 3.1. LIGHTLY CULTIVATE COMPACTED SOIL AND RAKE THE SOIL SMOOTH.
 - 3.2. ADD 3/4 INCH COMPOST TO ALL AREAS.
 - 3.3. FINE GRADE TO DRAIN IN APPROPRIATE DIRECTIONS.

END OF SECTION 02910

NOTES

GENERAL LANDSCAPE

1. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND STRUCTURES WHETHER OR NOT SHOWN ON THE PLANS, AND SHALL BE RESPONSIBLE FOR DAMAGE TO SAID UTILITIES OR STRUCTURES CAUSED BY HIS/HER CREW AND SUBCONTRACTORS.
2. NO PLANTING TO TAKE PLACE UNTIL OWNER HAS INSPECTED AND APPROVED THE BED PREPARATION.
3. NO PLANTING TO TAKE PLACE UNTIL OWNER HAS INSPECTED AND APPROVED ALL PLANT MATERIAL AND ALL PLANT PLACEMENT. FIELD ADJUSTMENTS OF PLANT LOCATIONS TO BE COORDINATED WITH OWNER.
4. ALL CANOPY AND ORNAMENTAL TREES TO BE STAKED (SEE DETAIL.)
5. 14 GAUGE EDGING TO SEPARATE BED AND GROUND COVER IN LOCATIONS SHOWN ON PLANS.

SECTION 02915 - LANDSCAPE PLANTING

PART 1 - GENERAL

A. SPECIAL CONDITIONS

1. COMPLY WITH APPLICABLE FEDERAL, STATE, COUNTY AND LOCAL REGULATIONS CONCERNING LANDSCAPE MATERIALS AND WORK.
2. EMPLOY ONLY EXPERIENCE PERSONNEL FAMILIAR WITH REQUIRED WORK. PROVIDE ADEQUATE SUPERVISION BY A QUALIFIED FOREMAN WITH A MINIMUM OF TEN(10) YEARS EXPERIENCE WITH PROJECTS OF SIMILAR COMPLEXITY.
3. DO NOT MAKE SUBSTITUTIONS OF TREE, SHRUB AND GRASS MATERIALS. IF REQUIRED MATERIAL IS NOT OBTAINABLE, SUBMIT PROOF OF NON-AVAILABILITY TO OWNER'S REPRESENTATIVE.
4. PROVIDE QUANTITY, SIZE, GENUS, SPECIES AND VARIETY OF TREES AND SHRUBS INDICATED AND SCHEDULED FOR LANDSCAPE WORK WHICH COMPLY WITH APPLICABLE REQUIREMENTS OF ANSI Z60.1 AMERICAN STANDARD FOR NURSERY STOCK, AND ANY APPLICABLE STATE AND FEDERAL LAWS CONCERNING DISEASE AND INSECT INFESTATION.

B. REFERENCE STANDARDS

1. AMERICAN STANDARD FOR NURSERY STOCK, ANSI Z60.1, 2014 BY AMERICAN NATIONAL STANDARDS INSTITUTE, INC.
2. SHINNERS & MAHLER'S, ILLUSTRATED FLORA OF NORTH CENTRAL TEXAS, BOTANICAL RESEARCH INSTITUTE OF TEXAS (BRIT), FORT WORTH, TEXAS, 1999.
3. HORTUS THIRD, CORNELL UNIVERSITY, 1967.

C. PREPARATION

4. COORDINATION WITH BUILDING AND ENGINEERING PROJECT ACTIVITIES.
5. COORDINATE THE WORK OF THIS SECTION WITH THAT OF REGULAR AND EMERGENCY WATER UTILITY ACTIVITIES ON THE SITE.
6. COORDINATION WITH IRRIGATION SYSTEM:
 - 6.1. THE UNDERGROUND IRRIGATION SYSTEM MUST BE INSTALLED PRIOR TO COMMENCEMENT OF THE PLANTING OPERATIONS.
 - 6.2. THE IRRIGATION SYSTEM SHALL BE OPERATIONAL AT THE TIME THAT PLANTING OPERATIONS COMMENCE.
 - 6.3. COORDINATE WORK WITH THE IRRIGATION CONTRACTOR TO PREVENT DAMAGE TO THE IRRIGATION SYSTEM.

D. ALL PLANT MATERIALS FOR THIS PROJECT SHALL BE NURSERY-GROWN, INCLUDING TREES.

1. CONTAINER GROWN PLANTS SHALL HAVE BEEN STEPPED-UP AS NECESSARY TO PREVENT ROOT GIRDLING.
2. CONTAINER GROWN PLANTS SHALL HAVE BEEN IN THE CONTAINER FOR A MINIMUM OF SIX (6) MONTHS PRIOR TO DELIVERY TO THE SITE TO ENSURE ADEQUATE ROOT DEVELOPMENT.
3. THE 'ROOT FLARE' OF ALL TREES AND SHRUBS SHALL NOT BE COVERED WITH SOIL.

E. THE FOLLOWING TREE CARE PROCEDURES SHALL BE ADHERED TO:

1. DO NOT MAKE FLUSH CUTS OR LEAVE STUBS WHEN PRUNING. LEAVE THE BRANCH COLLAR INTACT.
2. DO NOT USE ANY TYPE OF PRUNING PAINT ON WOUNDS.
3. DO NOT USE ANY TYPE OF TREE WRAP, EXCEPT, TRUNKS MAY BE WRAPPED WITH BURLAP DURING PLANTING OPERATIONS ONLY.
4. STAKE AND BUY ANY TREES AS PER DETAIL. THE CONTRACTOR WILL BE RESPONSIBLE FOR THE REMOVAL OF STAKES AND GUYS AFTER TREES HAVE BEEN IN THE GROUND 6 MONTHS, AND BEFORE THE ONE YEAR ANNIVERSARY OF PLANTING.
5. DO NOT HANDLE ANY TREE BY ITS TRUNK. ANY TREE HANDLED IN SUCH A MANNER SHOULD BE REJECTED.

F. WARRANTY

1. UNCONDITIONALLY WARRANT ALL PLANTS FOR A PERIOD OF ONE (1) YEAR AFTER THE DATE OF INSTALLATION INITIAL ACCEPTANCE. REPLACE MATERIALS NOT IN VIGOROUS, THRIVING CONDITION AS SOON AS WEATHER PERMITS AFTER NOTIFICATION BY OWNERS THAT THE PLANTS HAVE DIED OR ARE OTHERWISE NOT ACCEPTABLE. GUARANTEE REPLACEMENT PLANTS FOR ONE YEAR, STARTING FROM THE DATE REPLACEMENT IS MADE.

2. WARRANTY EXCLUDES REPLACEMENT OF PLANTS BECAUSE OF INJURY BY STORM, NATURAL DROUGHT, DROWNING, HAIL, OR FREEZING, IF REASONABLE CARE WAS TAKEN TO ADEQUATELY PROTECT THE MATERIAL, AND IN THE OPINION OF THE OWNER'S REPRESENTATIVE THAT THE PROBLEM OCCURRED AFTER THE DATE OF INITIAL ACCEPTANCE.

PART 3 - EXECUTION

A. PREPARATION FOR PLANT MATERIAL INSTALLATION

1. EXAMINE THE SUB-GRADE UPON WHICH THE WORK IS TO BE PERFORMED. VERIFY GRADE ELEVATIONS AND VERIFY THAT BEDS HAVE BEEN LEFT LOW BY OTHER TRADES. OBSERVE THE CONDITIONS UNDER WHICH THE WORK IS TO BE PERFORMED AND CONFIRM THAT UNSATISFACTORY CONDITIONS HAVE BEEN CORRECTED PRIOR TO PROCEEDING.

B. TIME OF PLANTING

1. CARE IS TO BE TAKEN SO THAT NO PLANTS SIT IN POTS IN THE SUMMER HEAT FOR MORE THAN 1 HOUR. IF PLANTING DURING HOT SEASONS (NOT PREFERRED) PLANTING IS TO BE DONE IN SMALL SECTIONS WITH STOCKPILED PLANTS TO BE PROTECTED FROM THE SUMMER HEAT (SHADE AREAS).

C. TREE PLANTING

1. STAKE LOCATIONS FOR TREES PRIOR TO DIGGING HOLES.
2. DIG PITS WITH ROUGH SIDES AND WHICH HAVE TAPERED WALLS. A MINIMUM OF TWICE THE WIDTH OF THE TREE BALL. A PEDESTAL SHOULD BE LEFT IN THE CENTER OF THE HOLE AND THE TREE BALL SET UPON THAT PEDESTAL.
3. SET PLANTS IN THE CENTER OF THE HOLE AND ON THE PEDESTAL PLUM AND VERTICAL, AND AT SUCH A DEPTH THAT THE CROWN OF THE TREE BALL WILL BE LEVEL WITH THE SURROUNDING GRADE.
4. ALL PLANTS SHALL BE SET TO MEET THE SAME RELATIONSHIP TO THE FINISHED GRADE OF THE SURROUNDING SOIL THAT THEY BORE TO PREVIOUS EXISTING GRADE OF SOIL.
5. BACKFILL WITH EXISTING TOPSOIL AND WATER IMMEDIATELY.
6. FORM A SHALLOW BASIN SLIGHTLY LARGER THAN THE PIT TO FACILITATE WATERING. REMOVE PRIOR TO MULCHING.
7. COVER ALL TREE BALLS WITH A MINIMUM OF 3" OF SPECIFIED MULCH. EXTEND MULCH OUT TO THE EDGE OF THE TREE PIT BUT KEEP AWAY FROM TRUNKS.
8. ALL EXCAVATED MATERIAL UNACCEPTABLE FOR REUSE SHALL BE DISPOSED OF OFF SITE, OR AS DIRECTED BY THE OWNER.
9. SHRUBS, TALL GRASSES AND PERENNIAL PLANTING.
 1. REMOVE CONTAINER AND SET PLANT MATERIAL AT SUCH A LEVEL THAT AFTER SETTLEMENT, THE CROWN OF THE BALL WILL BE AT FINISHED GRADE.
 2. GENTLY CUT OUTER ROOTS OF ANY ROOTBALLS THAT HAVE POT-BOUND PRIOR TO INSTALLATION.
 3. COVER PLANTING BEDS WITH A MINIMUM 3 LAYER OF SPECIFIED MULCH.

END OF SECTION 02915



NO.	ITEM DESCRIPTION	DATE
1.	SITE PLAN SUBMITTAL	12/7/20
2.	REVISED PER COMMENTS	1/19/21
3.	REVISED PER COMMENTS	2/1/21
4.		
5.		
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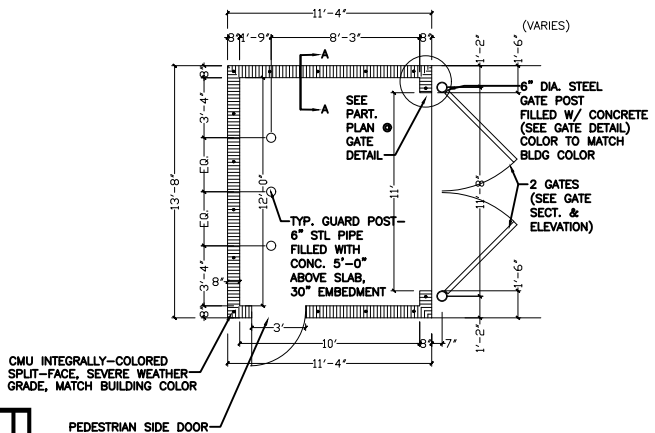
BURGER KING
5621 BROADWAY
GARLAND, TEXAS

SHEET NO.

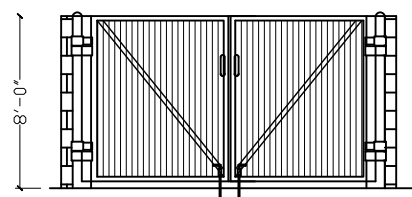
L1.02

CASE #201008-2
LANDSCAPE DETAILS

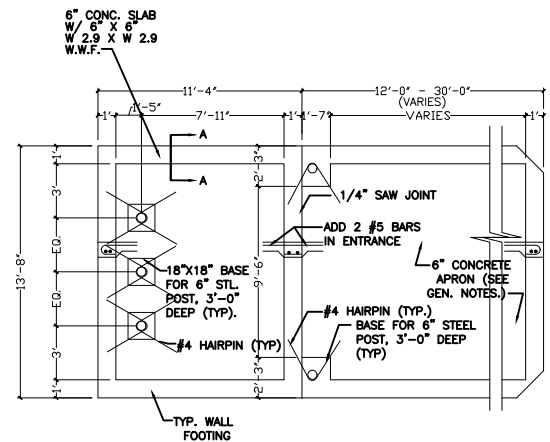
1. DEPTH OF T/E APRON VARIES DEPENDING ON SITE CONDITIONS.



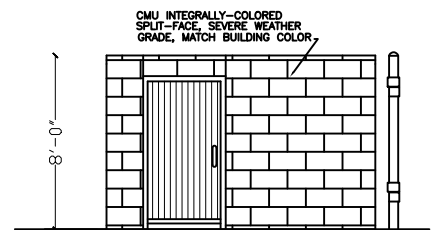
WALL PLAN
3/8"=1'-0"



FRONT ELEVATION
3/8"=1'-0"



FOUNDATION PLAN
3/8"=1'-0"

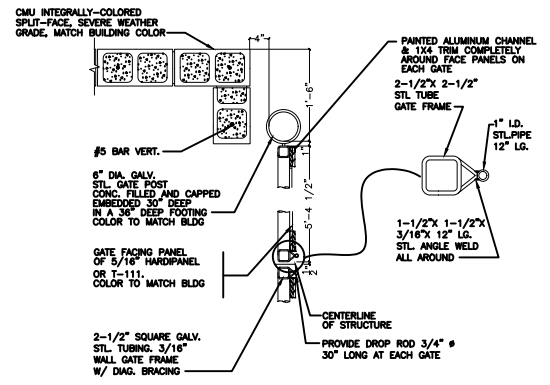


SIDE ELEVATION
3/8"=1'-0"

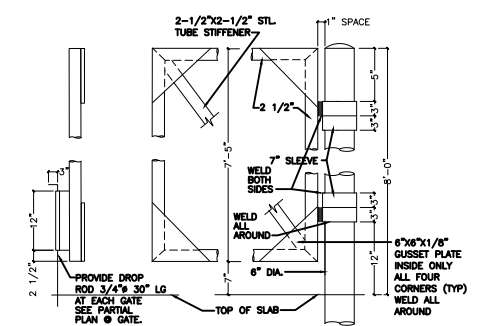
PEDESTRIAN SIDE DOOR
3' WIDE BY 7" TALL
GATE REQUIRED
SECTION 4.45 OF THE GDC

NOTE:
THE CONCRETE TRASH ENCLOSURE APRON SHALL BE 6" THICK OF 3,000 PSI CONC. REINFORCED W/ #4 @ 16" O.C. EACH WAY. OPTIONAL TO COLOR CONCRETE BLACK USING ADMIXTURE (CHROMIX C-24 CHARCOAL BY SCOFIELD CO., OR EQUAL.)

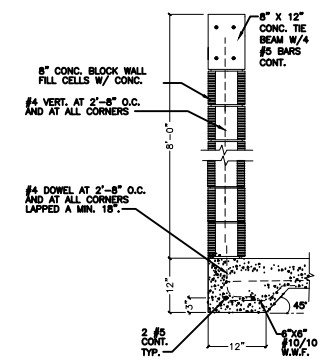
6" CONC. SLAB
W/ 6" X 6"
W 2.9 X W 2.9
W.W.F.



PART.GATE PLAN FRAME DETAIL
3/4"=1'-0"



PART.GATE SECTION / GATE ELEV.
3/4"=1'-0"



NOTES:

1. CMU INTEGRALLY-COLORED SPLIT-FACE, SEVERE WEATHER GRADE, MATCH BUILDING COLOR. SEE SECTION "A-A" FOR DETAILS.
2. ALL STEEL & ALUMINUM FINISHES ARE TO BE PAINTED TO MATCH BUILDING COLOR.
3. ALL PANELS FOR GATES ARE TO BE THRU-BOLTED TO TUBE FRAME WITH 3/8" GALV. BOLTS AND HARDWARE.

DATE: _____
REVISION: _____
DRAWN BY: _____
CHECKED BY: _____
DATE: _____

214-551-0921

Burger King Restaurant
5621 Broadway Blvd.
Garland, TX 75043
TRASH ENCLOSURE

REPORT & MINUTES

P.C. Meeting, February 22, 2021

Consideration of the application of **Amando Palacios**, requesting approval of a Detail Plan for Restaurant, Drive-Through. This property is located at 5621 Broadway Boulevard. (District 4) (File Z 20-41 - Detail Plan)

Motion was made by Commissioner O'Hara to close the public hearing and **approve** the Detail Plan. Seconded by Commissioner Williams. **Motion carried: 9 Ayes, 0 Nays**



5621 Broadway Boulevard

INDICATES AREA OF REQUEST INDICATES NOTIFICATION AREA

Comment Form

Case Z 20-41

Applicant Armando Palacios proposes to reconstruct an existing restaurant drive-through building. This site is located at 5621 Broadway Boulevard, Garland, Texas. (Z 20-41) (District 4)

El solicitante Armando Palacios propone reconstruir el edificio de un restaurante existente. Este sitio está ubicado en 5621 Broadway Boulevard, Garland, Texas. (Z 20-41) (Distrito 4)

Người nộp đơn Armando Palacios đề xuất xây dựng lại một tòa nhà nhà hàng hiện có. Địa chỉ này tọa lạc tại 5621 Broadway Boulevard, Garland, Texas. (Z 20-41) (Quận 4)

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 / Por favor complete la siguiente información / Vui lòng điền các thông tin sau:

Wesley H Jable

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.)

5513 Broadway Blvd

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

GARLAND TX

City, State / Estado de la Ciudad / Thành bang

750433621

Zip Code / Código postal / Mã Bưu Chính

Wesley H Jable

Signature / Firma / Chữ ký

2-20-21

Date / Fecha / Ngày

Z 20-41

The applicant proposes to reconstruct an existing drive-through restaurant building.

[Planned Development, Specific Use Provision and Plan for a drive-through restaurant use on a property zoned Planned Development (PD) District 80-42 for Community Retail Uses.]

**City Council Meeting
March 16, 2021**



GARLAND

TEXAS MADE HERE

CASE INFORMATION

Location: 5621 Broadway Boulevard

Applicant: Armando Palacios

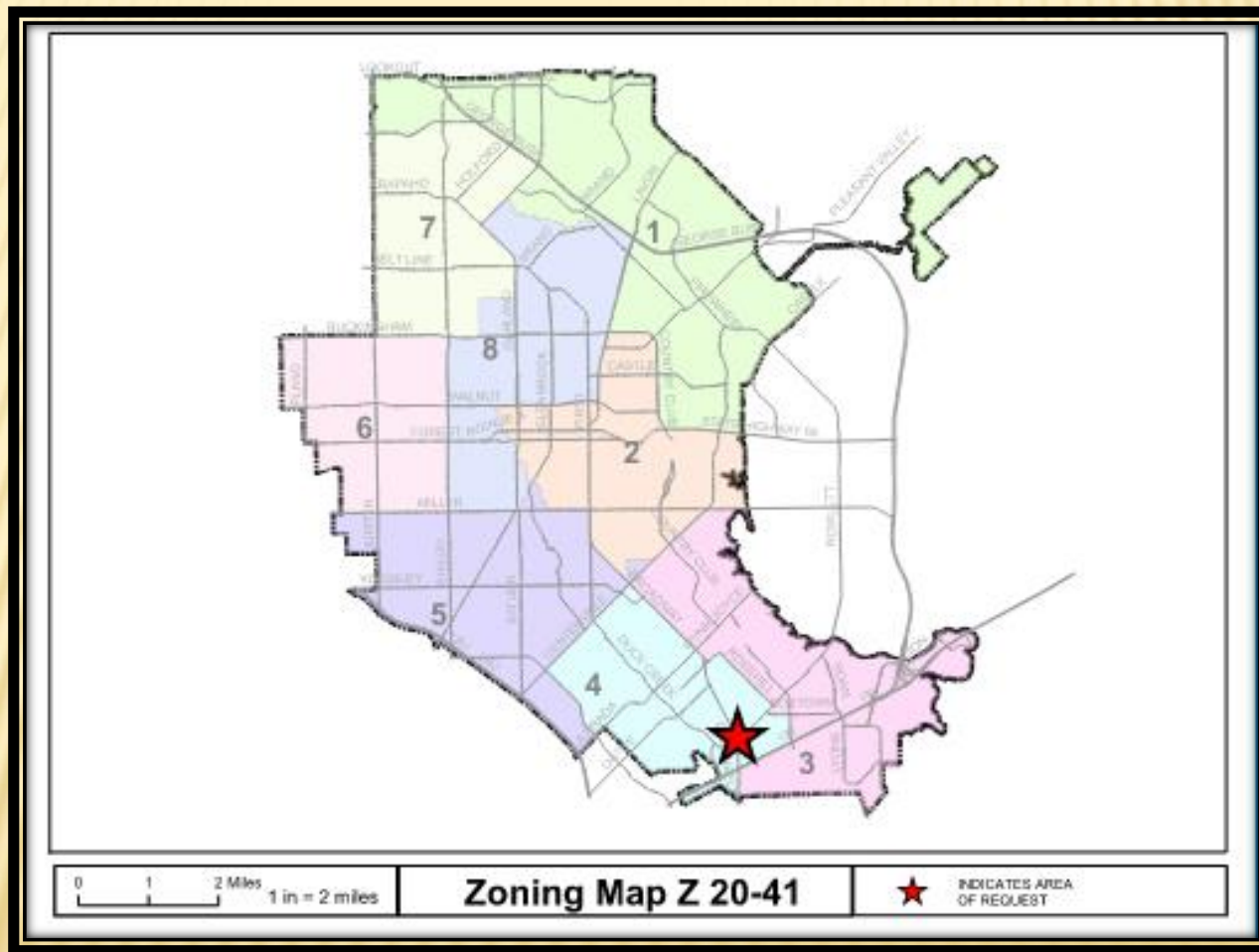
Owner: KPP Group, LLC.

Acreage: 0.627 acres

Zoning: Planned Development (PD) District 80-42

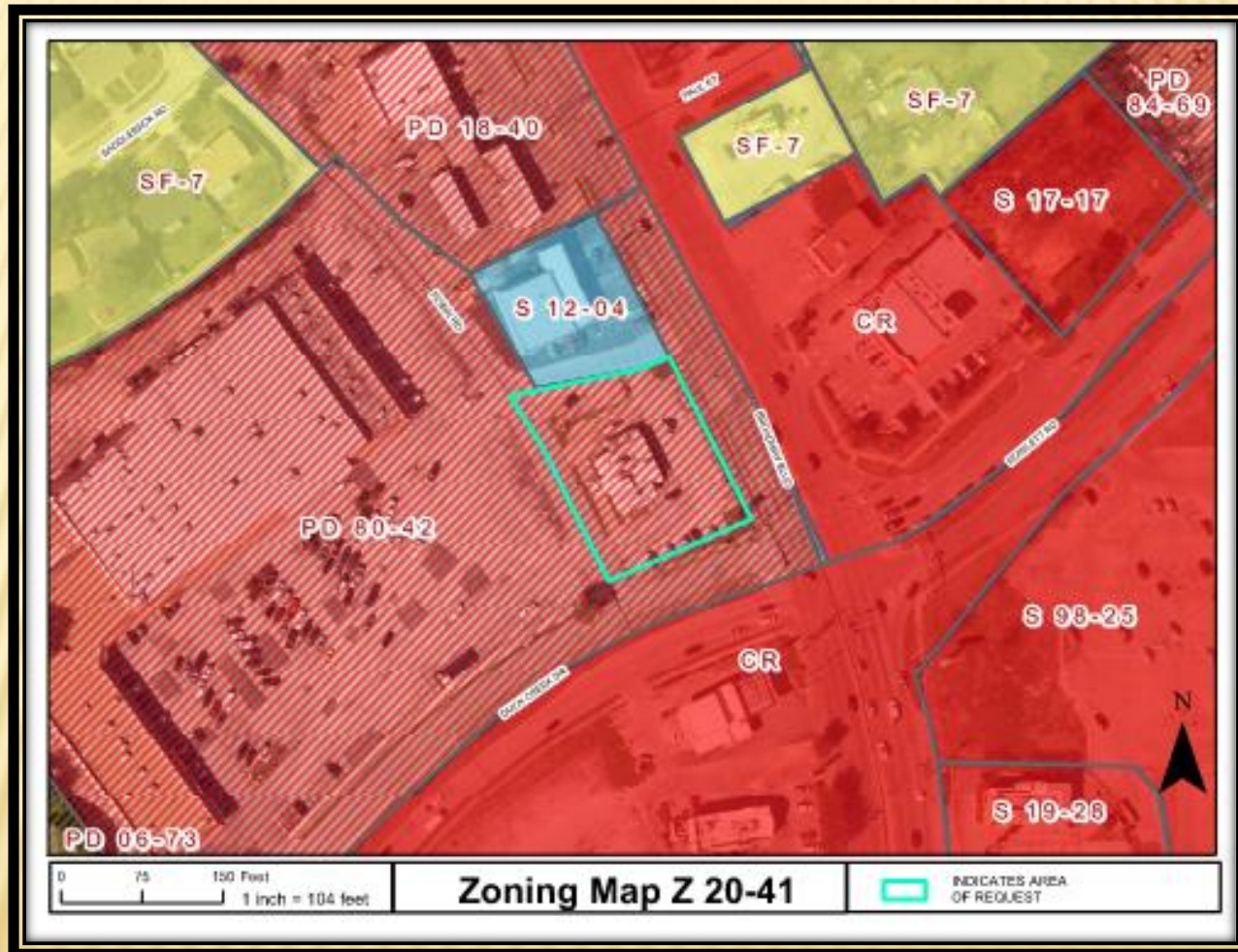
Z 20-41

CITYWIDE LOCATION MAP



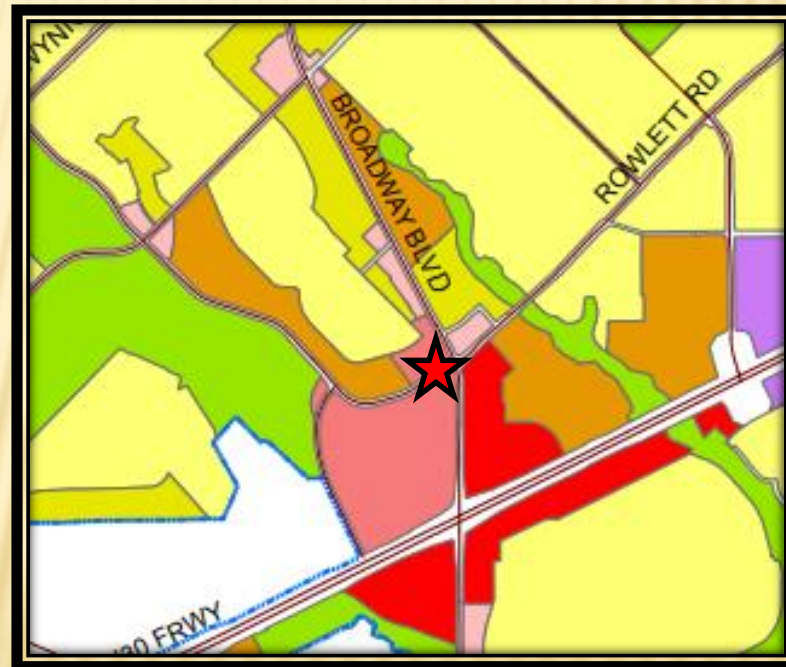
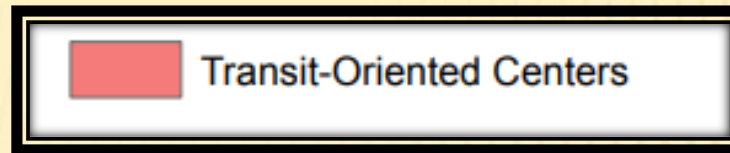
Z 20-41

LOCATION MAP



Z 20-41

COMPREHENSIVE PLAN





COMPREHENSIVE PLAN

- The Envision Garland Plan designates the subject property as Transit-Oriented Centers.
- Transit-oriented centers are areas of concentrated activity and increased density with maximum access to public transportation options. This type of center should be developed as mixed-use with live/work/play/shop opportunities. Transit-oriented development should be within $\frac{1}{4}$ to $\frac{1}{2}$ mile of transit centers and/or rail stations and provide pedestrian and bicycle friendly access.
- This development is conveniently located close to a Dallas Area Rapid Transit (DART) bus stop.
- The proposal represents redevelopment and reinvestment of the existing site.



GARLAND
TEXAS MADE HERE

PHOTOS



Looking at the subject property from Duck Creek Drive



Looking east of the subject property



Looking south of the subject property



Looking west of the subject property

Z 20-41



STILL BEATIN'

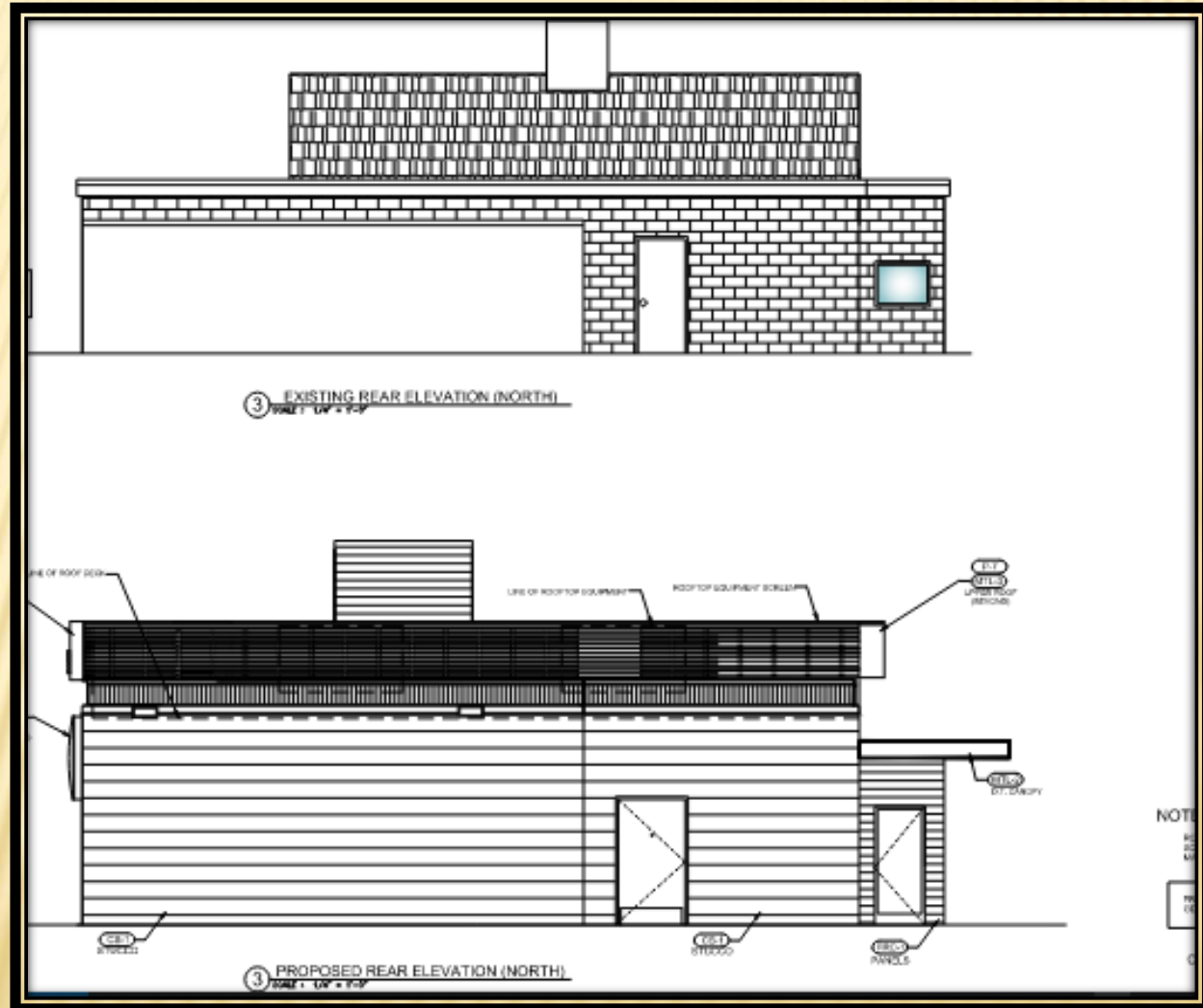




LANDSCAPE PLAN

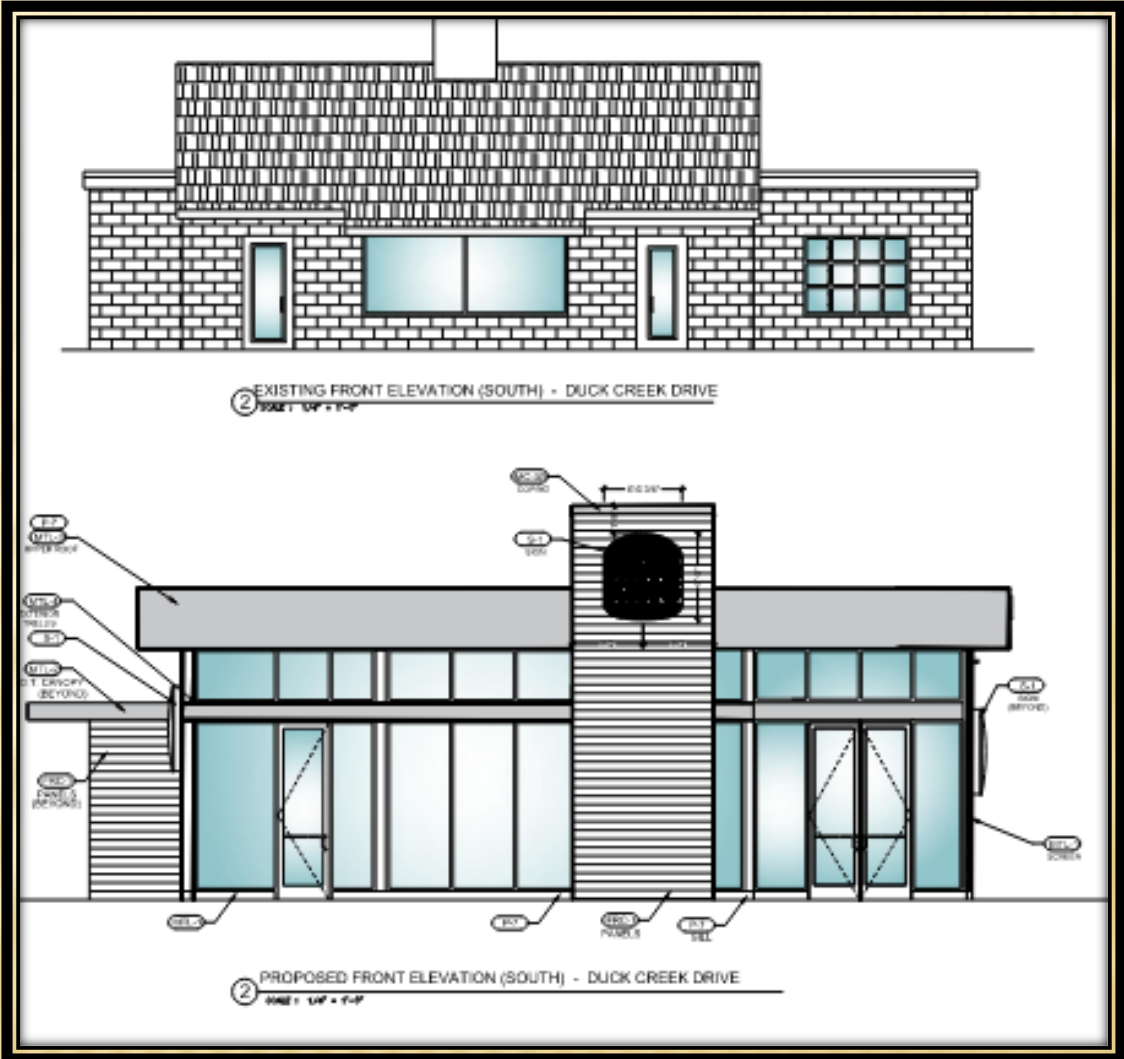


BUILDING ELEVATIONS





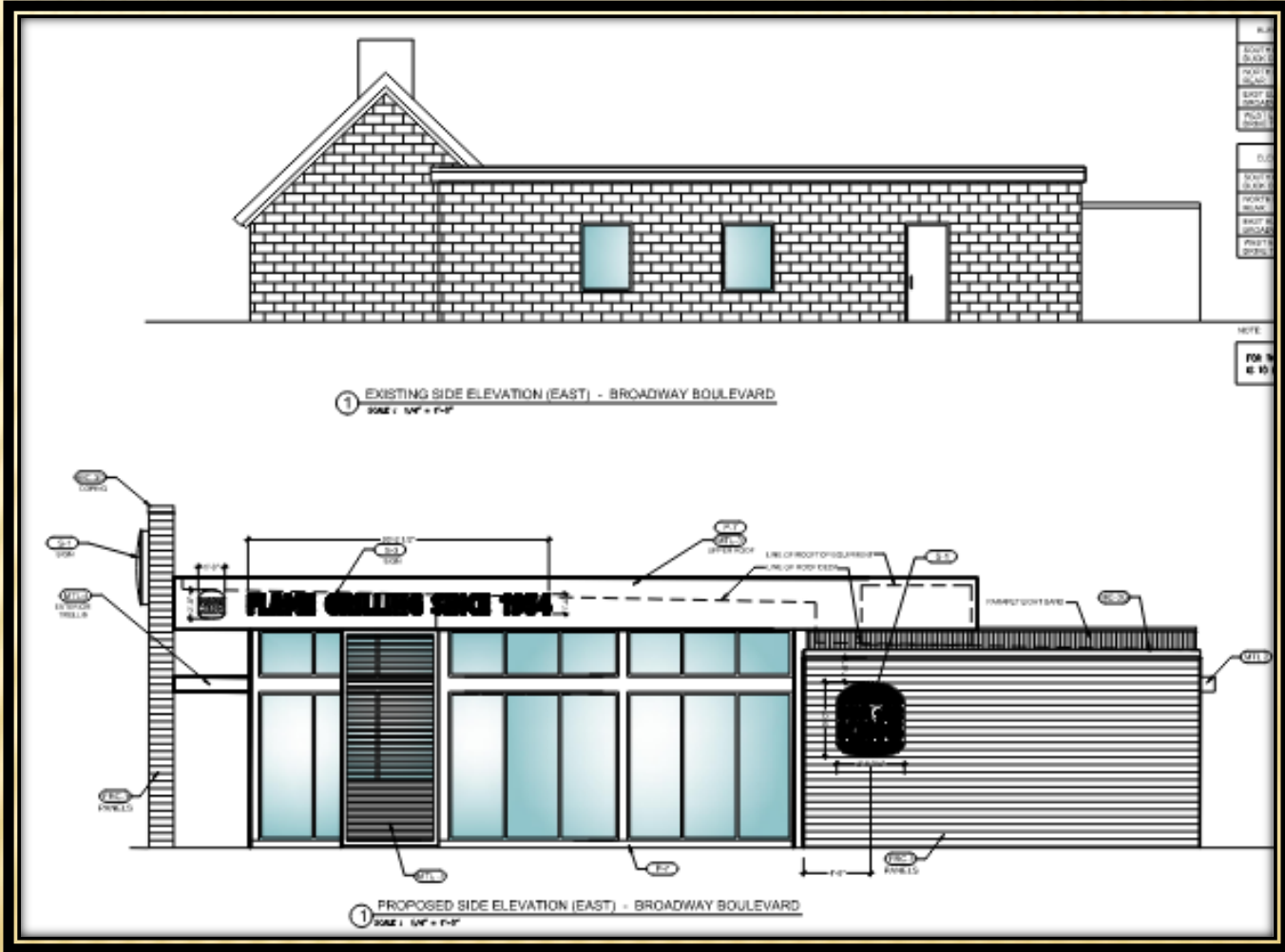
BUILDING ELEVATIONS



Z 20-41



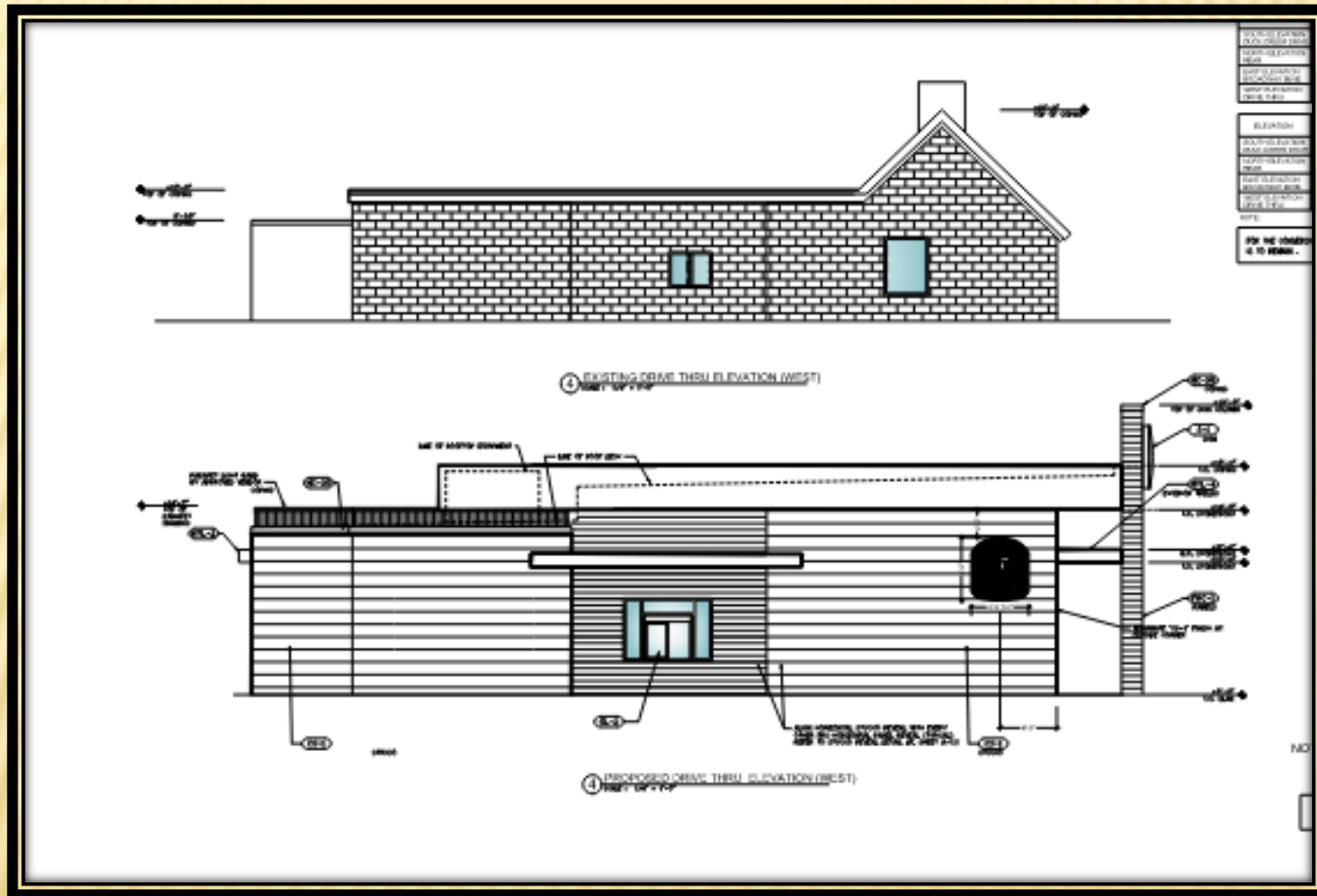
BUILDING ELEVATIONS





GARLAND
TEXAS MADE HERE

BUILDING ELEVATIONS



BUILDING ELEVATIONS



BUILDING ELEVATIONS



SUMMARY TABLE

Development Standards	Required (per the GDC)	Existing	Proposed	Justification
Landscape Buffer	15-ft wide landscape buffer along Broadway Boulevard and 6 canopy trees and 42 shrubs. - A 15-ft wide landscape buffer is required along Duck Creek Drive along with 4 canopy trees and 28 shrubs.	- A variable landscape buffer between 1-ft to 6-ft. No tree or shrubs on the buffer. - A variable landscape buffer width between 5-ft to 6-ft. No trees or shrubs existing.	- A 7-ft wide landscape buffer proposed along with 10 ornamental trees and 55 shrubs. - A 7-ft wide landscape buffer proposed along with 6 ornamental trees, 1 canopy tree and 43 shrubs.	The applicant request these deviations due to the site constraint. The canopy trees cannot be provided due to the overhead utility lines.
Parking Area Landscaping	A total of three (3) canopy trees are required on the parking islands.	No trees or shrubs are existing.	One (1) canopy tree and four (4) ornamental trees.	Large canopy trees will interfere with the overhead utility lines.
Building Articulation- East elevation	Horizontal Articulation on east facade	Not available	Not Provided	The applicant will reconstruct using the same building footprint. Therefore, adding horizontal articulation will cause a hardship in the site layout.

CONSIDERATION

- ✖ The applicants requests the Specific Use Provision to be in effect for a time period of thirty (30) years.

PLAN COMMISSION RECOMMENDATION

- ✘ On February 22, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of an amendment to Planned Development (PD) District 80-42 for Community Retail Uses.
- ✘ The Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision to allow a Restaurant, Drive-Through Use.
- ✘ The Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Detail Plan to on a property zoned Planned Development (PD) District 80-42 for Community Retail Uses.

STAFF RECOMMENDATION

- ✘ Approval of an amendment to Planned Development (PD) District 80-42 for Community Retail Uses.
- ✘ Approval of a Specific Use Provision to allow the Restaurant, Drive-Through Use.
- ✘ Approval of a Detail Plan to on a property zoned Planned Development (PD) District 80-42 for Community Retail Uses.



GARLAND PLANNING REPORT

City Council Regular Session Agenda

12. g.

Meeting Date: 03/16/2021

Item Title: Z 20-46 JDJR Engineers & Consultants, Inc. / Jim Dewey, Jr. - Zoning (District 3)

Submitted By: Nabiha Ahmed, Development Planner

REQUEST

Approval of a Change of Zoning from Community Retail (CR) District to a Planned Development (PD) District to allow deviations for an existing pole sign and a new pylon sign.

Approval of a Specific Use Provision renewal to continue a Restaurant, Drive-Through Use and a Fuel Pumps, Retail Use.

Approval of a Detail Plan for Community Retail Uses.

LOCATION

801 East Interstate 30

OWNER

Victron Stores, LP / Walid Alameddine

PLAN COMMISSION RECOMMENDATION

On February 22, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Change of Zoning from Community Retail (CR) District to a Planned Development (PD) District to allow deviations for an existing pole sign and a new pylon sign.

The Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision renewal to continue a Restaurant, Drive-Through Use and a Fuel Pumps, Retail Use.

The Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Detail Plan for Community Retail Uses.

STAFF RECOMMENDATION

Approval of a Change of Zoning from Community Retail (CR) District to a Planned Development (PD) District to allow deviations for an existing pole sign and a new pylon sign.

Approval of a Specific Use Provision renewal to continue a Restaurant, Drive-Through Use and a Fuel Pumps, Retail Use.

Approval of a Detail Plan for Community Retail Uses.

BACKGROUND

In 2007, the City Council approved a Specific Use Provision for a Retail Sales with Gas Pumps use with truck fueling services and a Specific Use Provision for a Restaurant with a Drive-Through use. Although the building was built in 1982, the scope of work in 2007 included a building expansion to increase the retail sales area and add a restaurant with a drive-through use, landscaping and signage. Additionally, the applicant has applied for a permit to expand the building in January 2020.

The applicant requests the establishment of a Planned Development (PD) District due to changes to an existing pole sign and reconstruction of a new pylon sign. In addition, the applicant requests a renewal of the existing Specific Use Provision.

SITE DATA

The subject property consists of approximately 2.32 acres. The site has approximately 350 linear feet of frontage along Zion Road and 308.29 linear feet of frontage along East Interstate 30. There are two (2) access points from East Interstate 30 and one (1) access point from Zion Road.

USE OF PROPERTY UNDER CURRENT ZONING

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

The subject property currently has a Specific Use Provision (S 07-49) for a Retail Sales with Gas Pumps for automobile and trucks and a Specific Use Provision for a Restaurant, Drive Through use.

CONSIDERATIONS

1. The applicant proposes to establish a Planned Development (PD) District to improve an existing nonconforming pole sign and reconstruct a pylon sign.
2. Pole Sign Section 4.78 (N) of the GDC states a pole sign is a single-support style sign that is placed on or anchored in the ground, and that is structurally independent of any building or other structure. Pole signs are prohibited in all zoning districts.

The site plan (Exhibit C) shows the location of an existing seventy-five (75)-foot tall nonconforming pole sign. The applicant requests to increase the sign area to allow greater visibility from the thoroughfares. The GDC does not have standards for a pole sign, as new pole signs are not allowed. The existing sign area is 140-square feet and the proposed area is 650-square feet. The height will remain as seventy-five (75) feet. The sign is distanced approximately fifty-four (54) feet from East Interstate 30.

3. Pylon Sign

Section 4.78 of the GDC states pylon sign is a double (or multiple) support single-tenant or multi-tenant style sign that is placed on, or anchored in, the ground, and that is structurally independent of any building or other structure. Pylon signs must be designed in such a manner so that the support structures are architecturally and visibly distinct from one another. Pylon signs must be located entirely on private property and not within any public right-of-way or easement. All sign panels on a multi-tenant pylon sign must be architecturally compatible and cohesively designed. All supports for a pylon sign must be constructed of masonry products (or be constructed in such a manner as to have the appearance of masonry).

The subject property has a seventeen and a half (17.5)-foot tall pylon sign and a surface area of forty-six (46) square feet. The applicant proposes to demolish the existing pylon and construct a new pylon sign at the same location as reflected on Exhibit C in the Detail Plan item. The GDC allows the pylon sign to have a maximum height of twenty-two (22) feet, a maximum surface area of 150 square feet and a minimum setback of twenty (20) feet from any property or right-of-way line. The proposed height is twenty-seven (27)-feet and surface area will be 136 square feet. The pylon sign will be approximately thirty (30) feet from the property line.

Additionally, the support structure will be constructed of masonry material per the GDC requirement.

All other signage on the site shall meet the GDC requirements.

4. Summary Table:

Development Standards	Required (per the GDC)	Existing	Proposed	Justification
Pole Sign	Not Provided	<u>Height:</u> 75 feet <u>Surface Area:</u> 140 SF <u>Setback:</u> 54 feet	<u>Height:</u> 75 feet <u>Surface Area:</u> 650 SF <u>Setback:</u> 54 feet	The applicant contends the deviation is necessary for advertisement. The proposed sign would allow greater visibility from the SH 190, East IH-30 corridor and Zion road.

Pylon Sign	<u>Height:</u> 22 feet (maximum)	<u>Height:</u> 17.5 feet	<u>Height:</u> 27 feet	The applicant contends the new and improved pylon sign to be a better design and to allow advertisement from a farther distance.
	<u>Surface Area:</u> 150 SF (maximum)	<u>Surface Area:</u> 46 SF	<u>Surface Area:</u> 136 SF	
	<u>Setback:</u> 20 feet	<u>Setback:</u> 30 feet	<u>Setback:</u> 30 feet	

5. Parking:

The applicant does not intend to change the parking layout. Per the GDC calculation, a total of forty-one (41) parking spaces are required. The site layout complies with the parking requirements. There are no designated parking spaces for the trucks.

6. Screening and Landscaping:

The landscape layout (Exhibit D) complies with the applicable screening and landscape regulations of the GDC. A revised landscape plan has been approved with the City along with other development plans for expansion. The applicant is currently in the process of installing new landscaping.

7. Building Design: The building elevations comply with the applicable building design standards per the GDC.

8. Specific Use Provision:

The subject property has a Specific Use Provision to allow the Restaurant with Drive-Through Use and Retail Sales with Fuel Pumps Use. The Specific Use Provision will expire in November 2027.

The applicant would like to renew the existing Specific Use Provision for a time period of thirty (30) years to continue the Restaurant with Drive-Through Use and Retail Use with Fuel Pumps for automobiles and trucks.

COMPREHENSIVE PLAN

The Envision Garland Plan designates the subject property as Neighborhood Centers. Neighborhood centers provide a mix of retail, services and community gathering places.

This center should be appropriately scaled to adjacent residential areas. This type of center is predominantly, but not exclusively, non-residential. Neighborhood centers are served by local roads and transit routes.

The request is compatible with the Comprehensive Plan. The tall freestanding signs primarily orient towards I-30. In addition, the proposal represents reinvestment to the property.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The property to the north of the subject property is zoned Community Retail (CR) District; it is developed with a home office. The property to the east is zoned Community Retail (CR) District; it is developed with a hotel. The properties to the south, across East Interstate 30, are zoned Light Commercial (LC) District. A portion of the land is developed with a medical office and the remaining portion is unimproved. The property to the west, across Zion Road, is zoned Planned Development (PD) District 97-39 for Mixed Use; this property is currently undeveloped.

Attachments

Z 20-46 JDJR Engineers & Consultants, Inc. / Jim Dewey, Jr. Attachments

Z 20-46 Exhibit B

Z 20-46 JDJR Engineers & Consultants, Inc. Jim Dewey, JR Responses

Z 20-46 Staff Presentation

REPORT & MINUTES

P.C. Meeting, February 22, 2021

Consideration of the application of **JDJR Engineers & Consultants, Inc., Jim Dewy Jr.**, requesting approval of a Change of Zoning from Community Retail (CR) District to a Planned Development (PD) District to allow deviations for an existing pole sign and a new pylon sign. This property is located at 801 East Interstate Highway 30. (District 3) (File Z 20-46 - Zoning)

Nabiha Ahmed, Development Planner, presented the staff report.

The applicant Mohamed Sharaf, 105 YMCA Drive, Waxahachie, TX 75165 identified Melinda Nelson, 105 YMCA Drive, Waxahachie, TX 75165 as the Permitting Manager and the Construction Manager, Nick Vasquez 105 YMCA Drive, Waxahachie, TX 75165.

Mr. Sharaf provided an overview of the request and remained available for questions.

There was discussion between the Plan Commission and the applicants regarding signage. The Plan Commission also spoke in favor of the request.

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

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 20-46

801 EAST IH-30

- I. Statement of Purpose:** The purpose of this Planned Development is to approve a Detail Plan for signage.
- 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 Community Retail (CR) District as set forth in Chapter 2 of the Garland Development Code are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Development Plans:**

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

V. Specific Conditions:

A. Permitted Uses:

Land Uses are permitted as in the Community Retail (CR) District.

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

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

D. Maintenance requirements:

- (1) Landscaping must be continuously maintained in a healthy, growing condition and in compliance

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

(2) Any dead or dying plant or vegetation, whether or not a component of required landscaping, must be promptly replaced with another approved plant or vegetation variety that complies with the approved landscape plan and in no event later than sixty days after notification by the City. In the event the property owner fails to remedy a violation of any landscaping maintenance regulation within sixty days of the City sending notice, the City may, in addition to any other remedy available by law, suspend, withhold, or revoke city permits, approvals, consents and the certificate of occupancy for the retail fuel pumps and convenience store. See Section 4 of the granting ordinance.

(3) Screening and paving must be installed and continuously maintained in compliance with this ordinance, the Garland Development Code, and the Code of Ordinances of the City of Garland at all times. The property owner is responsible for regular maintenance of all screening and paving as needed. In the event the property owner fails to remedy a violation of any screening or paving maintenance regulation within sixty days of the City sending notice, the City may, in addition to any other remedy available by law, suspend, withhold, or revoke city permits, approval, consents and the certificate of occupancy for the travel center.

E. Elevations: Building Elevations shall be in general

conformance with the elevations labeled Exhibit E.

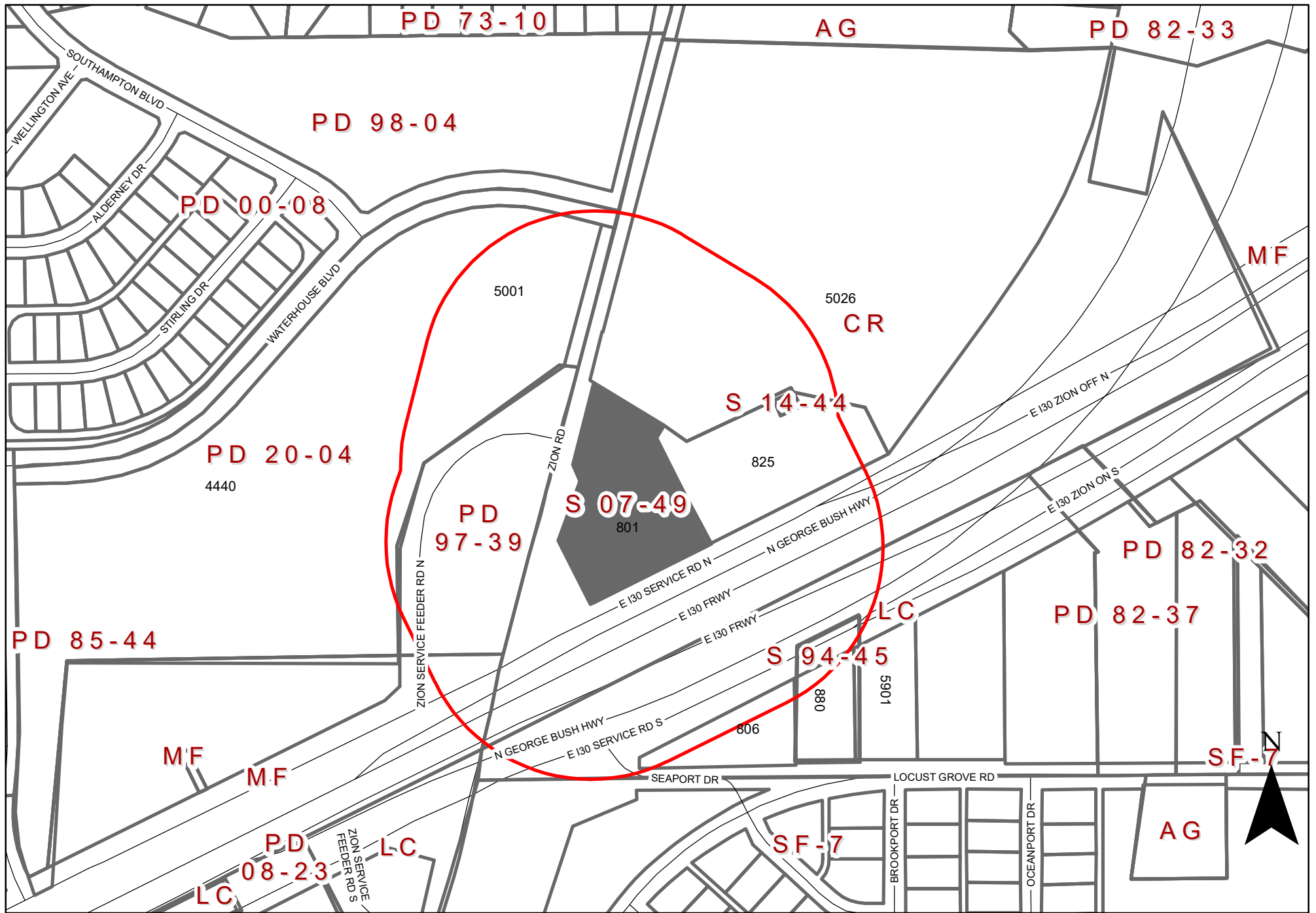
- F. Pole Sign: A total of one (1) pole sign shall be permitted per Exhibit C. The existing sign is located along East Interstate 30. The maximum sign height shall be seventy-five (75) feet and the maximum sign surface area shall be 650 square feet.
- G. Pylon Sign: A total of one (1) pylon sign shall be permitted per Exhibit C. The sign shall be located at the corner of East Interstate 30 and Zion Road. The maximum sign height shall be twenty-seven (27) feet.

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 20-46

801 EAST IH-30

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to allow continuation of a Fuel Pumps, Retail Use and a Restaurant, Drive-Through Use.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- II. 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.
- III. Specific Use Provision:**
- A. SUP Time Period:** The Specific Use Provision shall be in effect for thirty (30) years.



0 220 440 Feet
1 inch = 289 feet

Zoning Map Z 20-46

 INDICATES AREA OF REQUEST  INDICATES NOTIFICATION AREA

801 East Interstate Highway 30

Zoning Response Cases

Outside the
Notification area

Case Number

Z 20-46

The applicant JDJR Engineering & Consultants Inc., Jim Dewey Jr., propose to improve the existing pole sign and reconstruct a new pylon sign. Additionally, the applicant requests to continue the gas station (including gas pumps for trucks) and drive-through restaurant uses. This property is located at 801 East Interstate 30.

<null>

Michael Miller

<null>

Against

1617 Skyline Dr

Garland

Texas

United States

75043

mgmb04@aol.com

2145429617

Address/name not shown, where is this?

Z 20-46

The applicant proposes to improve the existing pole sign and reconstruct a new pylon sign. Additionally, the applicant requests to continue the gas station (including gas pumps for trucks) and drive-through restaurant uses.

[Planned Development, Specific Use Provision and Plan for signage and to continue the gas station and drive-through restaurant uses on a property zoned Community Retail (CR) District.]



GARLAND

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**City Council Meeting
March 16, 2021**

CASE INFORMATION

Location: 801 East Interstate 30

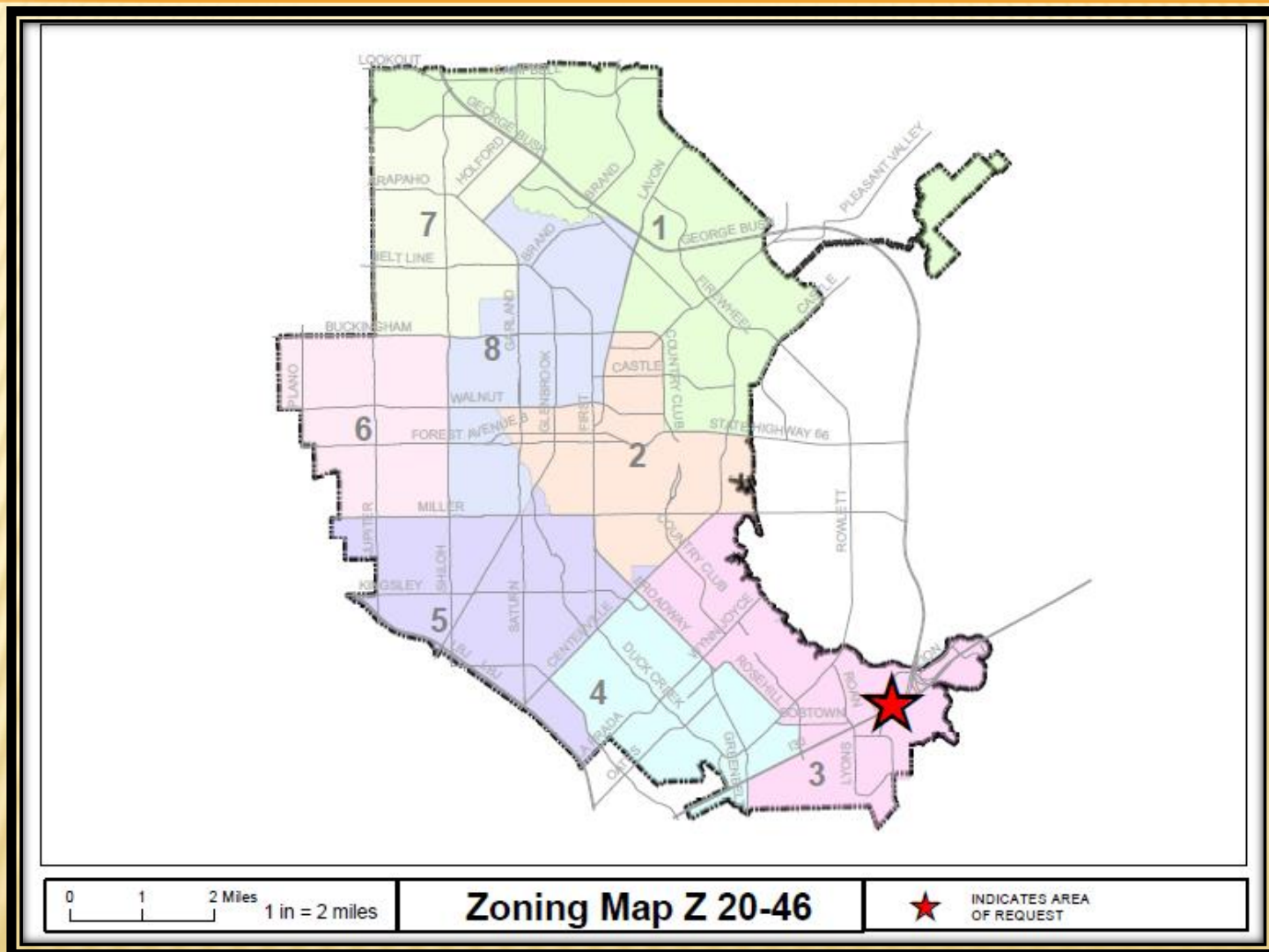
Applicant: JDJR Engineers & Consultants, Inc./Jim Dewey, Jr.

Owner: Victron Stores, LP / Walid Alameddine

Acreage: 2.32 acres

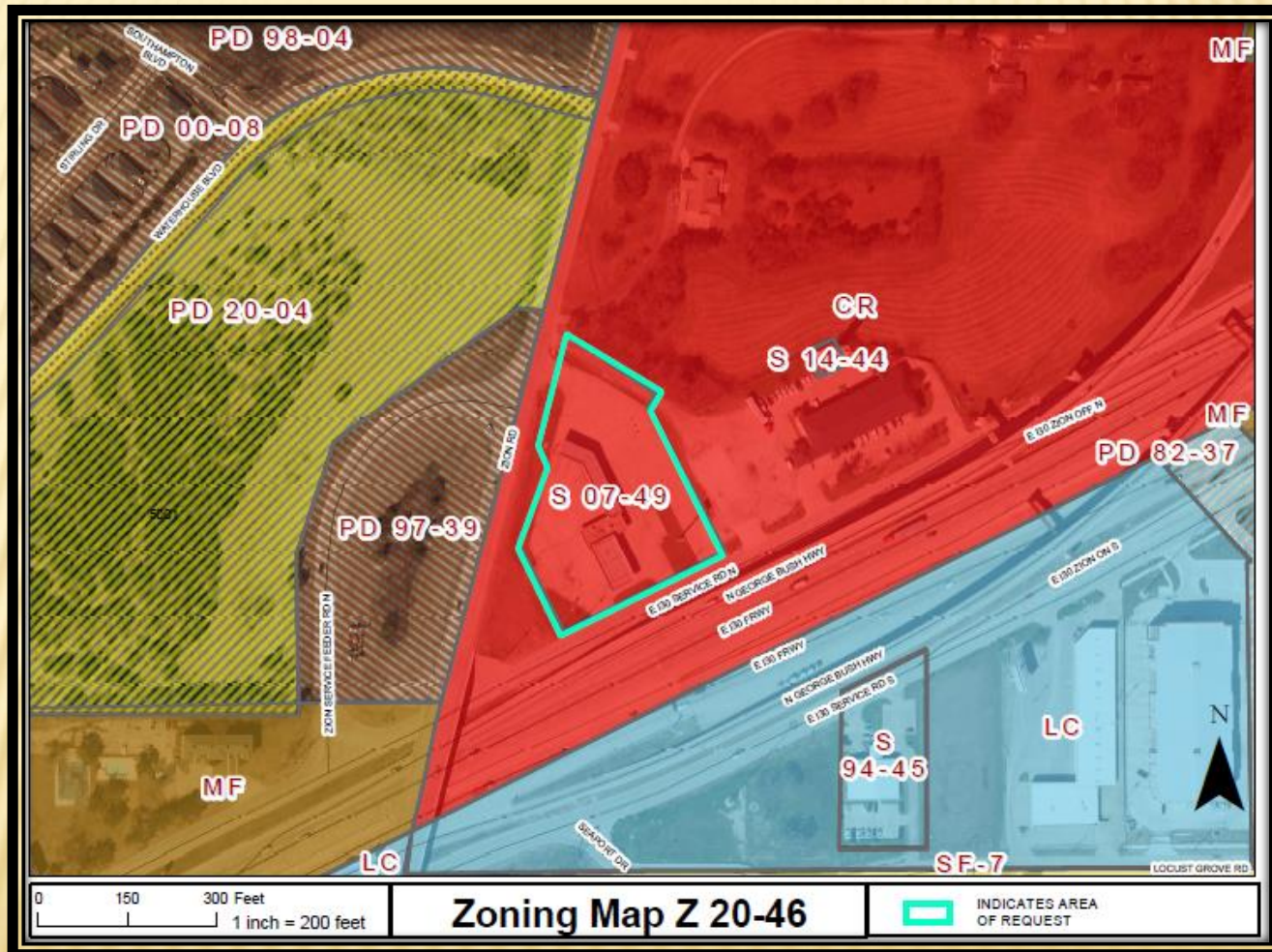
Zoning: Community Retail (CR) District

CITYWIDE LOCATION MAP

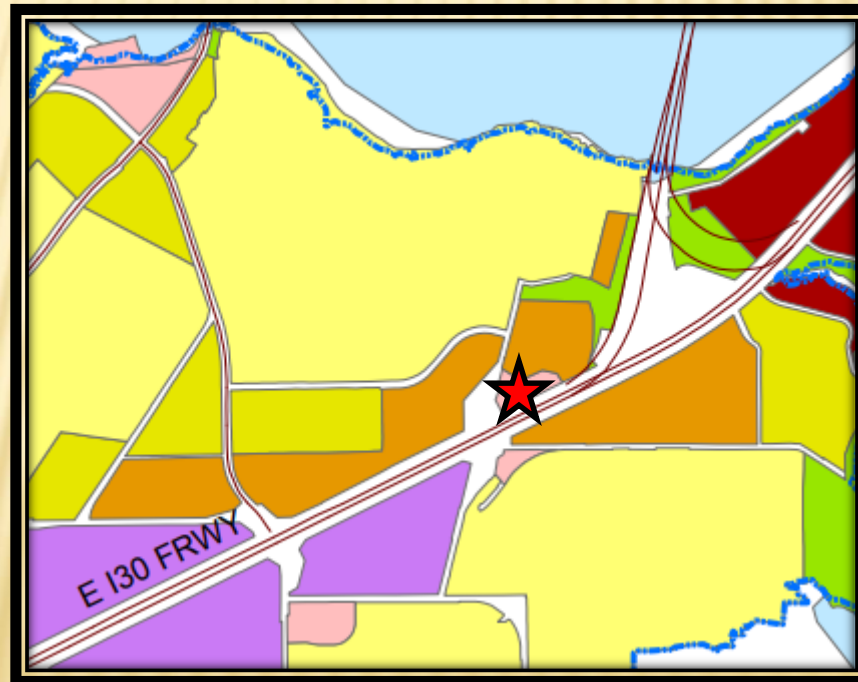


Z 20-46

LOCATION MAP



COMPREHENSIVE PLAN





COMPREHENSIVE PLAN

- The Envision Garland Plan designates the subject property as Neighborhood Centers. Neighborhood centers provide a mix of retail, services and community gathering places.
- This center should be appropriately scaled to adjacent residential areas. This type of center is predominantly, but not exclusively, non-residential. Neighborhood centers are served by local roads and transit routes.
- The proposal is compatible with the comprehensive plan. The tall freestanding signs primarily orient towards I-30. In addition, the proposal is a reinvestment for the subject property.



PHOTOS



Looking at the subject property from East Interstate 30



Looking east of the subject property



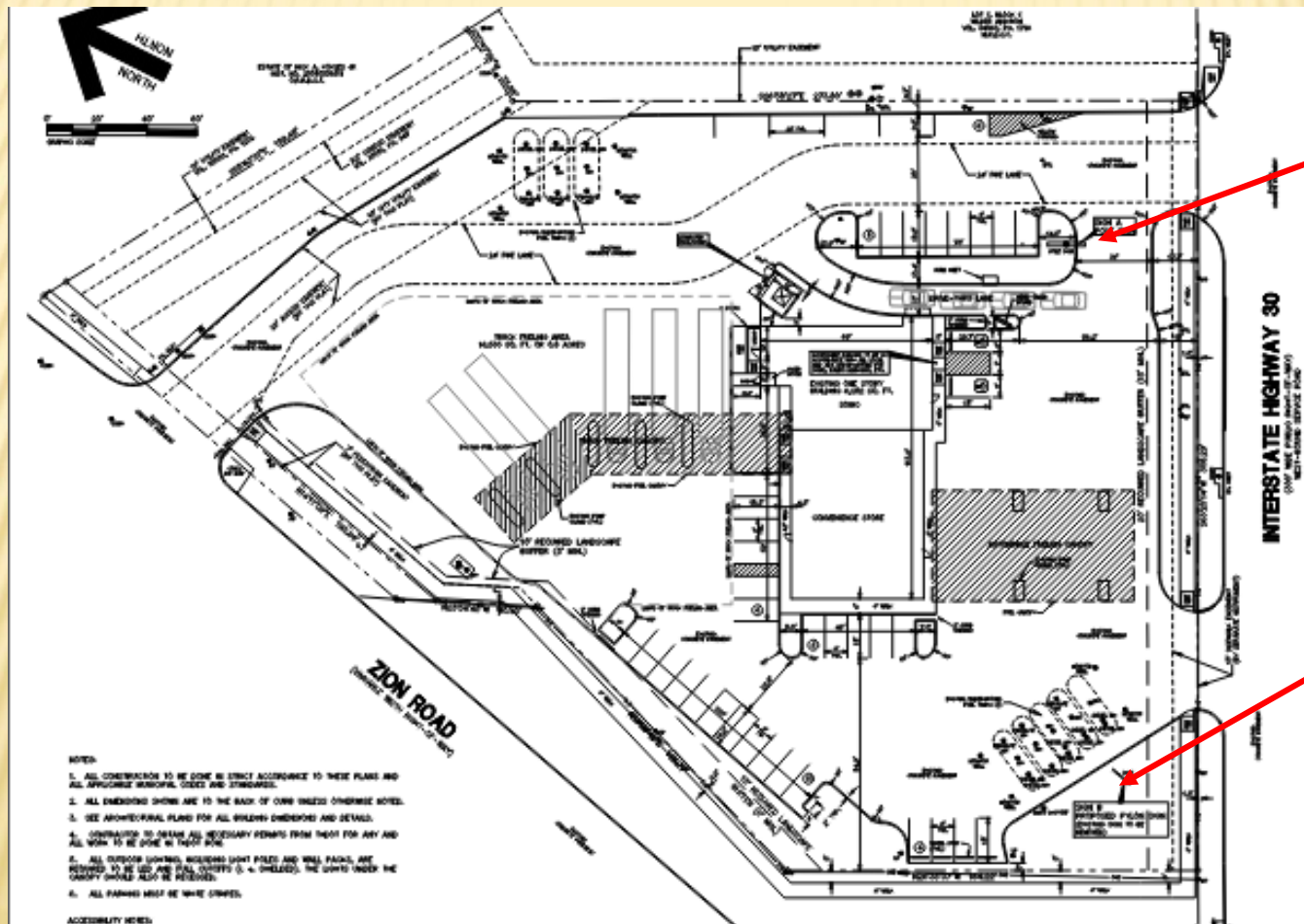
Looking south of the subject property across East Interstate 30



Looking west of the subject property



SITE PLAN

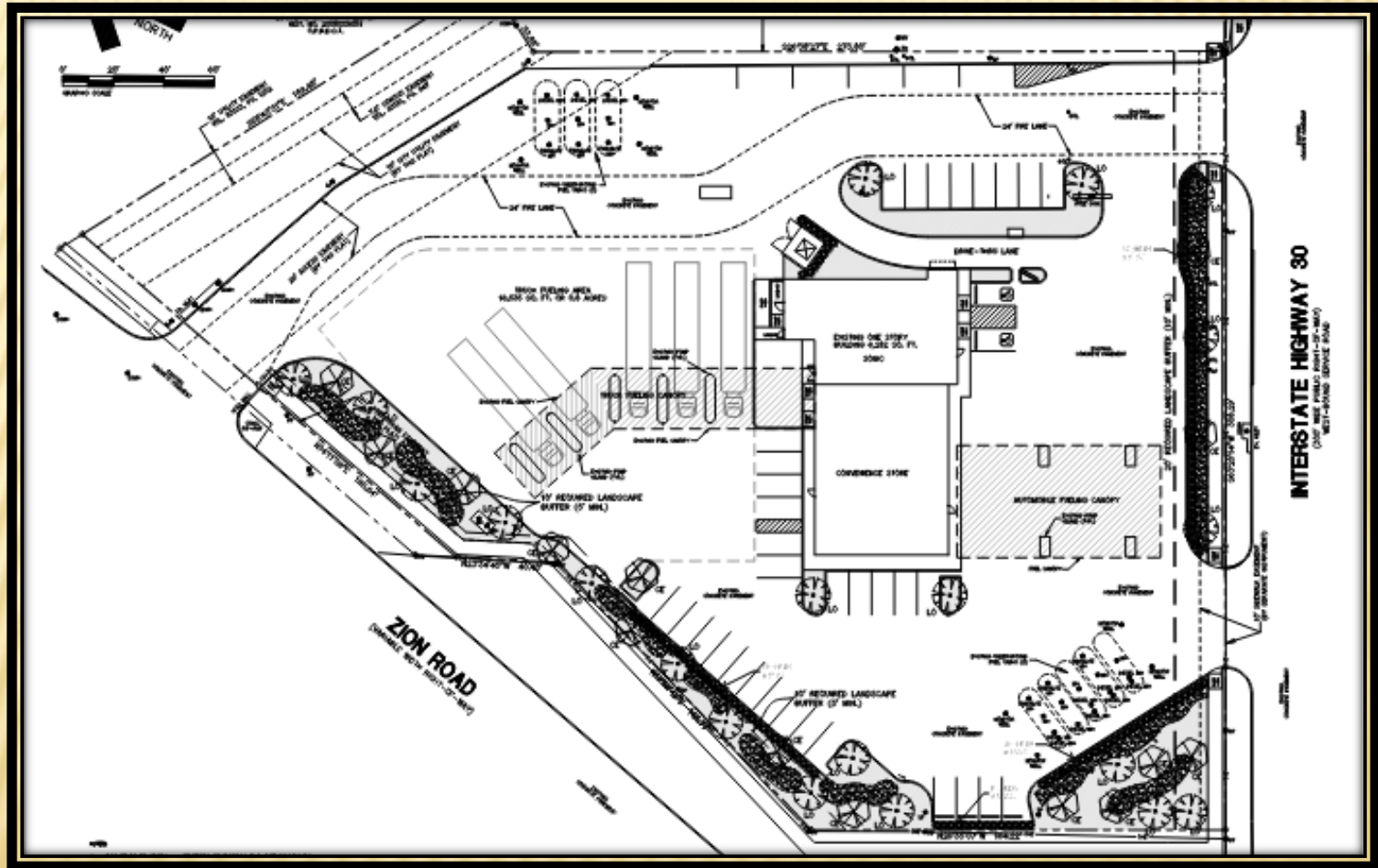


Existing Pole Sign

Existing Pylon to be demolished. New pylon sign proposed at the same location.

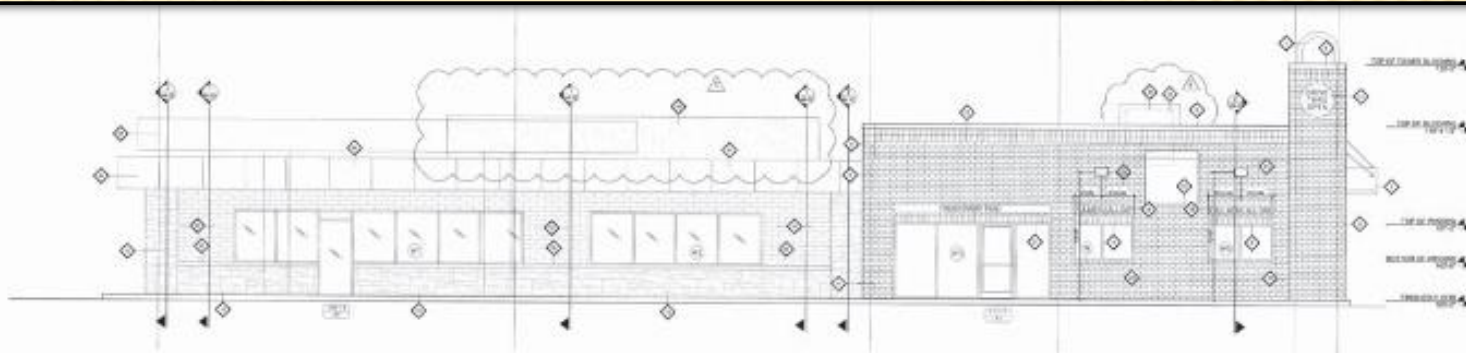


LANDSCAPE PLAN

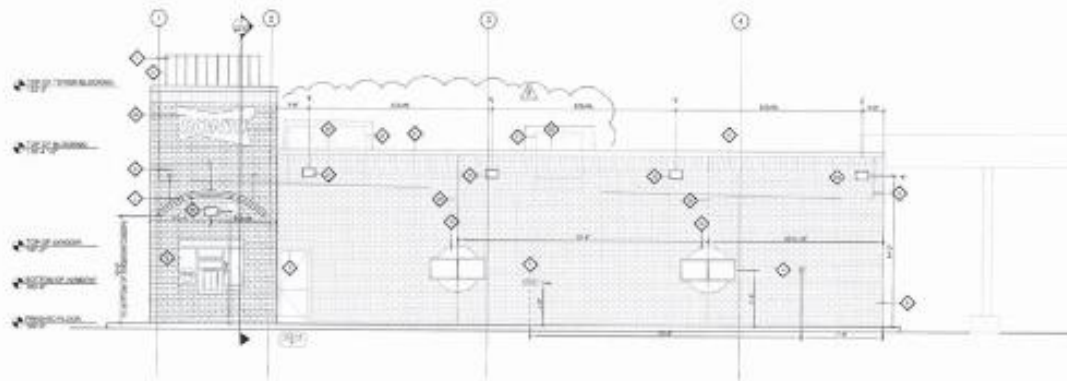


Z 20-46

BUILDING ELEVATIONS



1 SOUTH ELEVATION
SCALE: 1/2" = 1'-0"
SHEET 14-231



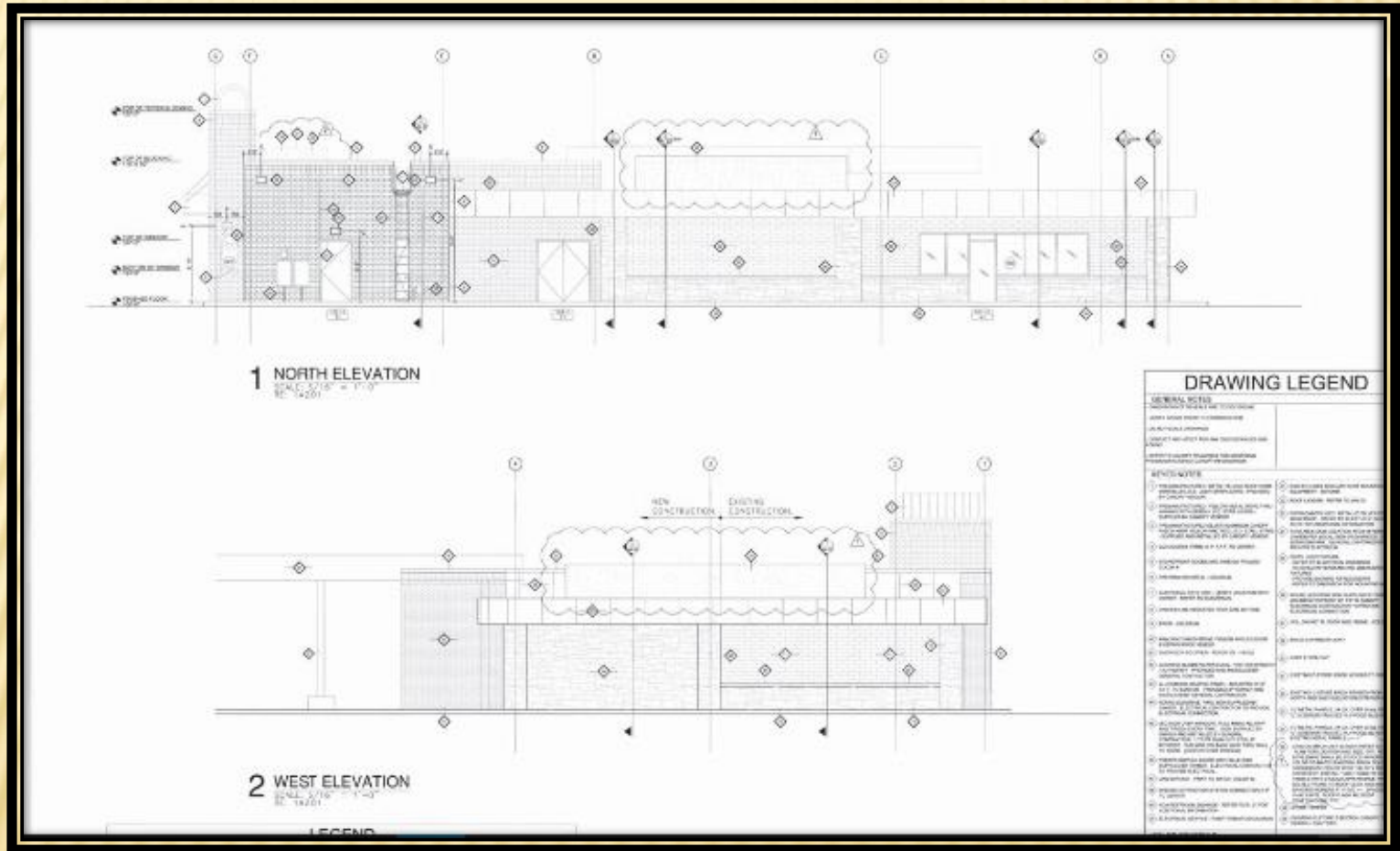
2 EAST ELEVATION
SCALE: 5/8" = 1'-0"
SHEET 14-232

DRAWING LEGEND

GENERAL NOTES	
1. GENERAL NOTES TO BE READ IN CONJUNCTION WITH THE DRAWING.	
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.	
3. ALL MATERIALS AND FINISHES TO BE AS SHOWN ON THE DRAWING.	
4. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.	
SPECIFIC NOTES	
1. EXTERIOR WALLS SHALL BE CONCRETE BLOCK WITH A MINIMUM OF 8" THICKNESS.	11. EXTERIOR WALLS SHALL BE CONCRETE BLOCK WITH A MINIMUM OF 8" THICKNESS.
2. EXTERIOR WALLS SHALL BE CONCRETE BLOCK WITH A MINIMUM OF 8" THICKNESS.	12. EXTERIOR WALLS SHALL BE CONCRETE BLOCK WITH A MINIMUM OF 8" THICKNESS.
3. EXTERIOR WALLS SHALL BE CONCRETE BLOCK WITH A MINIMUM OF 8" THICKNESS.	13. EXTERIOR WALLS SHALL BE CONCRETE BLOCK WITH A MINIMUM OF 8" THICKNESS.
4. EXTERIOR WALLS SHALL BE CONCRETE BLOCK WITH A MINIMUM OF 8" THICKNESS.	14. EXTERIOR WALLS SHALL BE CONCRETE BLOCK WITH A MINIMUM OF 8" THICKNESS.
5. EXTERIOR WALLS SHALL BE CONCRETE BLOCK WITH A MINIMUM OF 8" THICKNESS.	15. EXTERIOR WALLS SHALL BE CONCRETE BLOCK WITH A MINIMUM OF 8" THICKNESS.
6. EXTERIOR WALLS SHALL BE CONCRETE BLOCK WITH A MINIMUM OF 8" THICKNESS.	16. EXTERIOR WALLS SHALL BE CONCRETE BLOCK WITH A MINIMUM OF 8" THICKNESS.
7. EXTERIOR WALLS SHALL BE CONCRETE BLOCK WITH A MINIMUM OF 8" THICKNESS.	17. EXTERIOR WALLS SHALL BE CONCRETE BLOCK WITH A MINIMUM OF 8" THICKNESS.
8. EXTERIOR WALLS SHALL BE CONCRETE BLOCK WITH A MINIMUM OF 8" THICKNESS.	18. EXTERIOR WALLS SHALL BE CONCRETE BLOCK WITH A MINIMUM OF 8" THICKNESS.
9. EXTERIOR WALLS SHALL BE CONCRETE BLOCK WITH A MINIMUM OF 8" THICKNESS.	19. EXTERIOR WALLS SHALL BE CONCRETE BLOCK WITH A MINIMUM OF 8" THICKNESS.
10. EXTERIOR WALLS SHALL BE CONCRETE BLOCK WITH A MINIMUM OF 8" THICKNESS.	20. EXTERIOR WALLS SHALL BE CONCRETE BLOCK WITH A MINIMUM OF 8" THICKNESS.



BUILDING ELEVATIONS

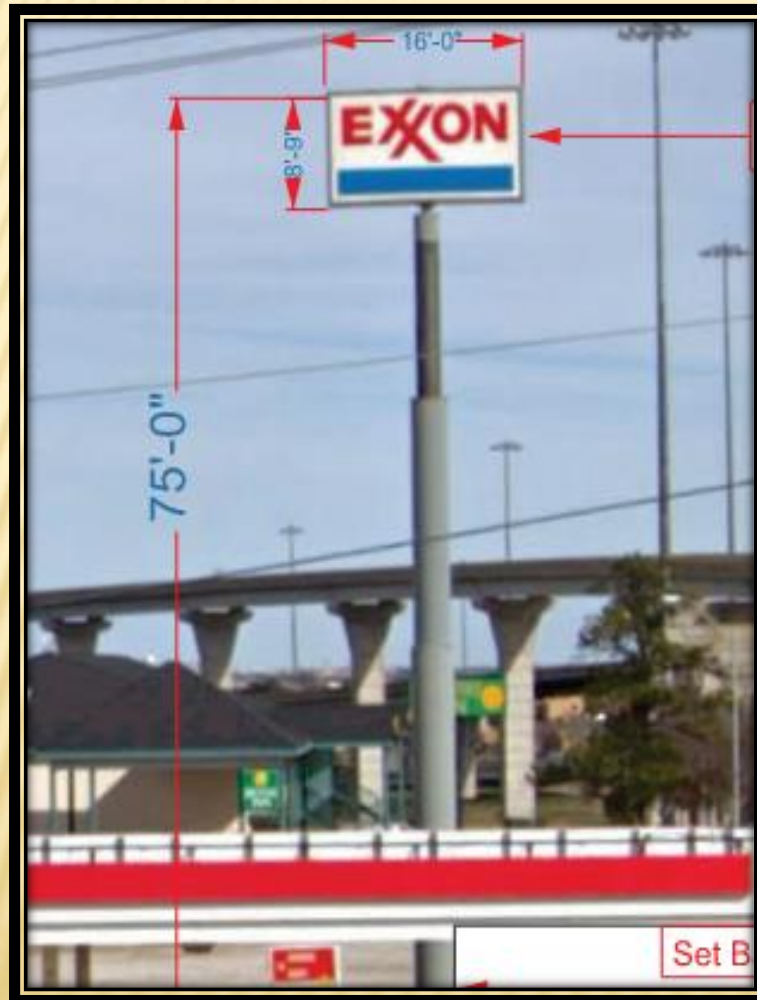


EXISTING FUEL CANOPIES

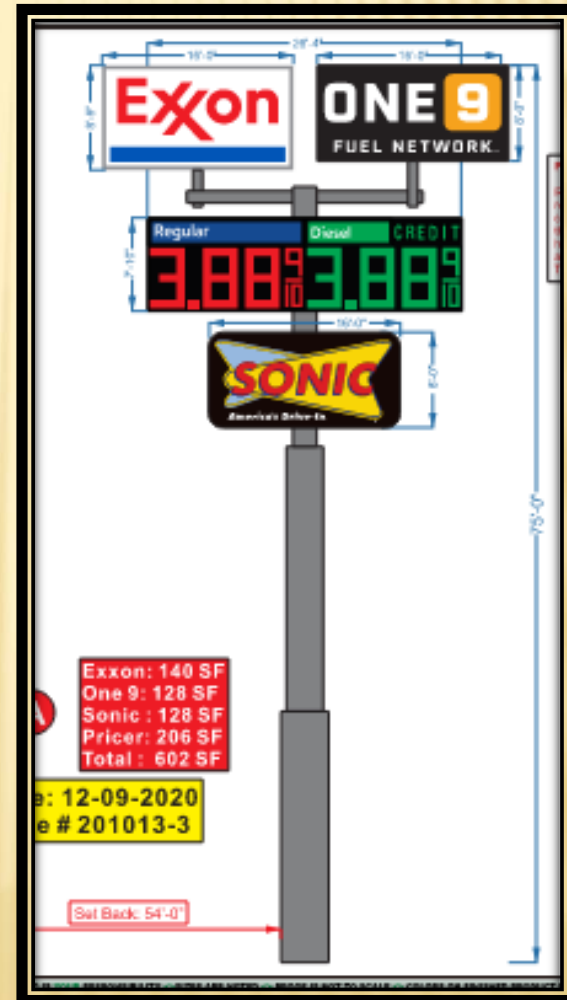


POLE SIGN

Existing Pole Sign



Proposed Pole Sign

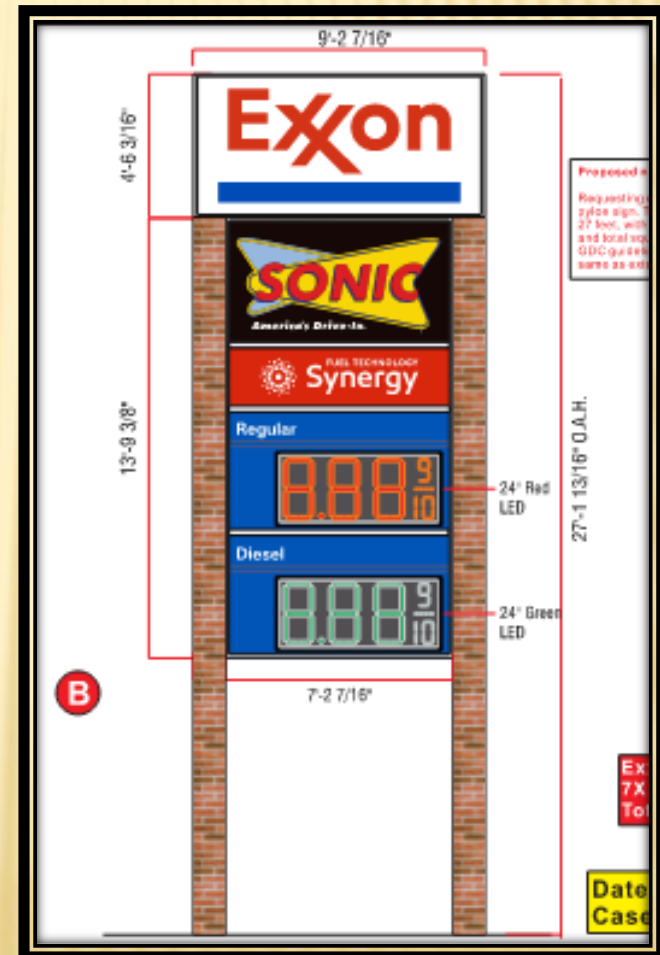


PYLON SIGN

Existing Pylon Sign



Proposed Pylon Sign



SUMMARY TABLE

Development Standards	Required (per the GDC)	Existing	Proposed	Justification
Pole Sign	Not Provided	<u>Height:</u> 75 feet <u>Surface Area:</u> 140 SF <u>Setbacks:</u> 54 feet	<u>Height:</u> 75 feet <u>Surface Area:</u> 650 SF <u>Setbacks:</u> 54 feet	The applicant contends the deviation is necessary for advertisement The proposed sign would allow greater visibility from the SH 190, East IH-30 corridor and Zion road.
Pylon Sign	<u>Height:</u> 22 feet (maximum) <u>Surface Area:</u> 150 SF (maximum) <u>Setbacks:</u> 20 feet	<u>Height:</u> 17.5 feet <u>Surface Area:</u> 46 SF <u>Setbacks:</u> 30 feet	<u>Height:</u> 27 feet <u>Surface Area:</u> 136 SF <u>Setbacks:</u> 30 feet	The applicant contends the new and improved pylon sign to be a better design and to allow advertisement from a farther distance.

CONSIDERATION

- ✘ The applicants requests the Specific Use Provision to be in effect for a time period of thirty (30) years.

PLAN COMMISSION RECOMMENDATION

- ✘ On February 22, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Change of Zoning from Community Retail (CR) District to a Planned Development (PD) District to allow deviations for an existing pole sign and a new pylon sign.
- ✘ The Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision renewal to continue a Restaurant, Drive-Through Use and a Fuel Pumps, Retail Use.
- ✘ The Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Detail Plan for Community Retail Uses.

STAFF RECOMMENDATION

- ✘ Approval of a Change of Zoning from Community Retail (CR) District to a Planned Development (PD) District to allow deviations for an existing pole sign and a new pylon sign.
- ✘ Approval of a Specific Use Provision renewal to continue a Restaurant, Drive-Through Use and a Fuel Pumps, Retail Use.
- ✘ Approval of a Detail Plan for Community Retail Uses



GARLAND PLANNING REPORT

City Council Regular Session Agenda

12. h.

Meeting Date: 03/16/2021

Item Title: Z 20-46 JDJR Engineers & Consultants, Inc. / Jim Dewey, Jr. - Specific Use Provision (District 3)

Submitted By: Nabihah Ahmed, Development Planner

REQUEST

Approval of a Change of Zoning from Community Retail (CR) District to a Planned Development (PD) District to allow deviations for an existing pole sign and a new pylon sign.

Approval of a Specific Use Provision renewal to continue a Restaurant, Drive-Through Use and a Fuel Pumps, Retail Use.

Approval of a Detail Plan for Community Retail Uses.

LOCATION

801 East Interstate 30

OWNER

Victron Stores, LP / Walid Alameddine

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The Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision renewal to continue a Restaurant, Drive-Through Use and a Fuel Pumps, Retail Use.

The Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Detail Plan for Community Retail Uses.

STAFF RECOMMENDATION

Approval of a Change of Zoning from Community Retail (CR) District to a Planned Development (PD) District to allow deviations for an existing pole sign and a new pylon sign.

Approval of a Specific Use Provision renewal to continue a Restaurant, Drive-Through Use and a Fuel Pumps, Retail Use.

Approval of a Detail Plan for Community Retail Uses.

BACKGROUND

In 2007, the City Council approved a Specific Use Provision for a Retail Sales with Gas Pumps use with truck fueling services and a Specific Use Provision for a Restaurant with a Drive-Through use. Although the building was built in 1982, the scope of work in 2007 included a building expansion to increase the retail sales area and add a restaurant with a drive-through use, landscaping and signage. Additionally, the applicant has applied for a permit to expand the building in January 2020.

The applicant requests the establishment of a Planned Development (PD) District due to changes to an existing pole sign and reconstruction of a new pylon sign. In addition, the applicant requests a renewal of the existing Specific Use Provision.

SITE DATA

The subject property consists of approximately 2.32 acres. The site has approximately 350 linear feet of frontage along Zion Road and 308.29 linear feet of frontage along East Interstate 30. There are two (2) access points from East Interstate 30 and one (1) access point from Zion Road.

USE OF PROPERTY UNDER CURRENT ZONING

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

The subject property currently has a Specific Use Provision (S 07-49) for a Retail Sales with Gas Pumps for automobile and trucks and a Specific Use Provision for a Restaurant, Drive Through use.

CONSIDERATIONS

1. The applicant proposes to establish a Planned Development (PD) District to improve an existing nonconforming pole sign and reconstruct a pylon sign.
2. Pole Sign Section 4.78 (N) of the GDC states a pole sign is a single-support style sign that is placed on or anchored in the ground, and that is structurally independent of any building or other structure. Pole signs are prohibited in all zoning districts.

The site plan (Exhibit C) shows the location of an existing seventy-five (75)-foot tall nonconforming pole sign. The applicant requests to increase the sign area to allow greater visibility from the thoroughfares. The GDC does not have standards for a pole sign, as new pole signs are not allowed. The existing sign area is 140-square feet and the proposed area is 650-square feet. The height will remain as seventy-five (75) feet. The sign is distanced approximately fifty-four (54) feet from East Interstate 30.

3. Pylon Sign

Section 4.78 of the GDC states pylon sign is a double (or multiple) support single-tenant or multi-tenant style sign that is placed on, or anchored in, the ground, and that is structurally independent of any building or other structure. Pylon signs must be designed in such a manner so that the support structures are architecturally and visibly distinct from one another. Pylon signs must be located entirely on private property and not within any public right-of-way or easement. All sign panels on a multi-tenant pylon sign must be architecturally compatible and cohesively designed. All supports for a pylon sign must be constructed of masonry products (or be constructed in such a manner as to have the appearance of masonry).

The subject property has a seventeen and a half (17.5)-foot tall pylon sign and a surface area of forty-six (46) square feet. The applicant proposes to demolish the existing pylon and construct a new pylon sign at the same location as reflected on Exhibit C in the Detail Plan item. The GDC allows the pylon sign to have a maximum height of twenty-two (22) feet, a maximum surface area of 150 square feet and a minimum setback of twenty (20) feet from any property or right-of-way line. The proposed height is twenty-seven (27)-feet and surface area will be 136 square feet. The pylon sign will be approximately thirty (30) feet from the property line.

Additionally, the support structure will be constructed of masonry material per the GDC requirement.

All other signage on the site shall meet the GDC requirements.

4. Summary Table:

Development Standards	Required (per the GDC)	Existing	Proposed	Justification
		<u>Height:</u> 75 feet	<u>Height:</u> 75 feet	The applicant contends the deviation is necessary for advertisement. The

Pole Sign	Not Provided	<u>Surface Area:</u> 140 SF <u>Setback:</u> 54 feet	<u>Surface Area:</u> 650 SF <u>Setback:</u> 54 feet	advertisement. The proposed sign would allow greater visibility from the SH 190, East IH-30 corridor and Zion road.
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5. Parking:

The applicant does not intend to change the parking layout. Per the GDC calculation, a total of forty-one (41) parking spaces are required. The site layout complies with the parking requirements. There are no designated parking spaces for the trucks.

6. Screening and Landscaping:

The landscape layout (Exhibit D) complies with the applicable screening and landscape regulations of the GDC. A revised landscape plan has been approved with the City along with other development plans for expansion. The applicant is currently in the process of installing new landscaping.

7. Building Design:

The building elevations comply with the applicable building design standards per the GDC.

8. Specific Use Provision:

The subject property has a Specific Use Provision to allow the Restaurant with Drive-Through Use and Retail Sales with Fuel Pumps Use. The Specific Use Provision will expire in November 2027.

The applicant would like to renew the existing Specific Use Provision for a time period of thirty (30) years to continue the Restaurant with Drive-Through Use and Retail Use with Fuel Pumps for automobiles and trucks.

COMPREHENSIVE PLAN

The Envision Garland Plan designates the subject property as Neighborhood Centers. Neighborhood centers provide a mix of retail, services and community gathering places.

This center should be appropriately scaled to adjacent residential areas. This type of center is predominantly, but not exclusively, non-residential. Neighborhood centers are served by local roads and transit routes.

The request is compatible with the Comprehensive Plan. The tall freestanding signs primarily orient towards I-30. In addition, the proposal represents reinvestment to the property.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

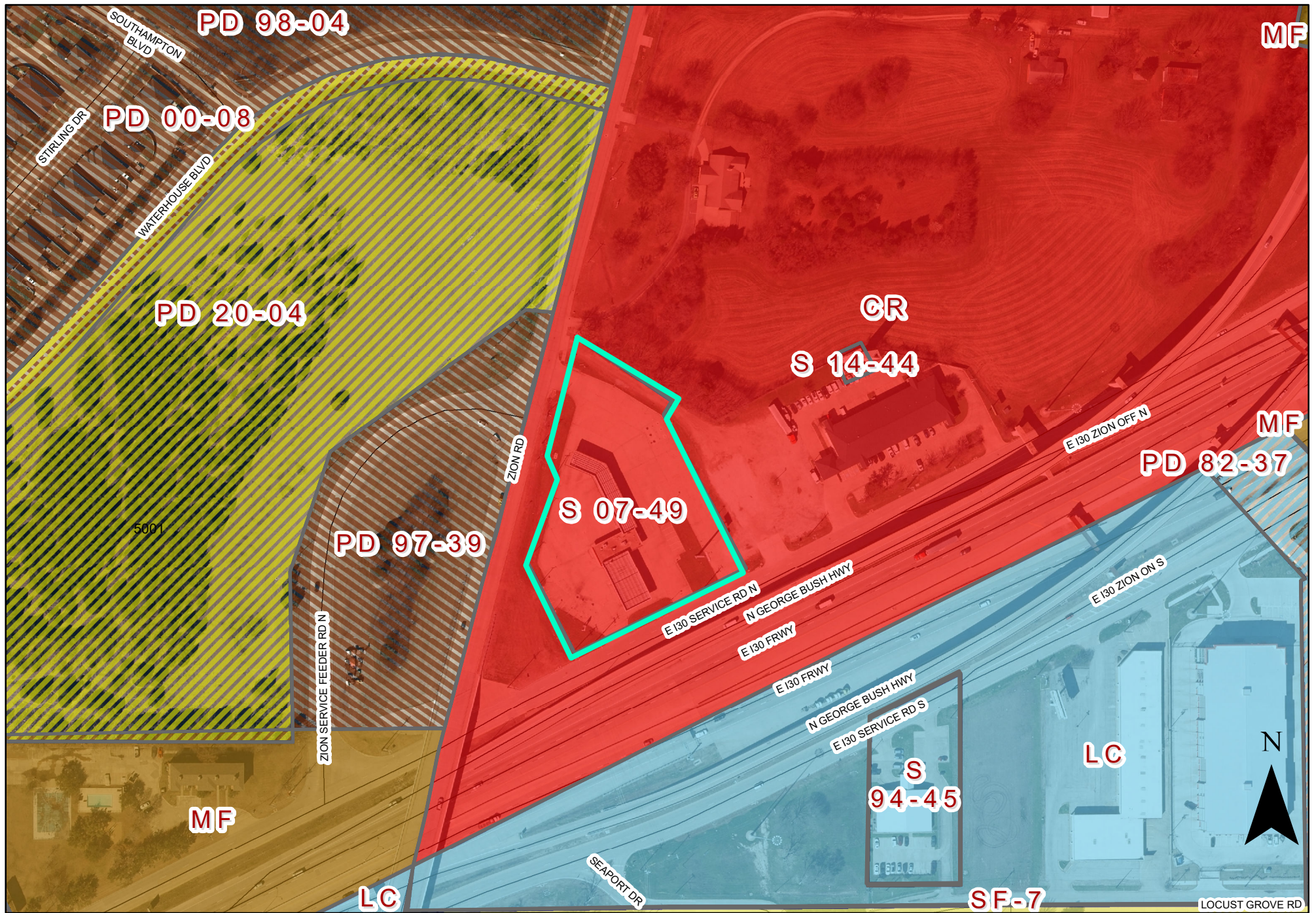
The property to the north of the subject property is zoned Community Retail (CR) District; it is developed with a home office. The property to the east is zoned Community Retail (CR) District; it is developed with a hotel. The properties to the south, across East Interstate 30, are zoned Light Commercial (LC) District. A portion of the land is developed with a medical office and the remaining portion is unimproved. The property to the west, across Zion Road, is zoned Planned Development (PD) District 97-39 for Mixed Use; this property is currently undeveloped.

Attachments

Z 20-46 JDJR Engineers & Consultants, Inc. / Jim Dewey, Jr. Attachments (Specific Use Provision)

Z 20-46 JDJR Engineers & Consultants, Inc. Jim Dewey, JR Responses

Z 20-46 JDJR Engineers & Consultants, Inc. Jim Dewey, JR Staff Presentation



0 150 300 Feet
1 inch = 200 feet

Zoning Map Z 20-46



INDICATES AREA
OF REQUEST

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 20-46

801 EAST IH-30

- I. Statement of Purpose:** The purpose of this Planned Development is to approve a Detail Plan for signage.
- 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 Community Retail (CR) District as set forth in Chapter 2 of the Garland Development Code are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Development Plans:**

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

V. Specific Conditions:

A. Permitted Uses:

Land Uses are permitted as in the Community Retail (CR) District.

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

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

D. Maintenance requirements:

- (1) Landscaping must be continuously maintained in a healthy, growing condition and in compliance

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

(2) Any dead or dying plant or vegetation, whether or not a component of required landscaping, must be promptly replaced with another approved plant or vegetation variety that complies with the approved landscape plan and in no event later than sixty days after notification by the City. In the event the property owner fails to remedy a violation of any landscaping maintenance regulation within sixty days of the City sending notice, the City may, in addition to any other remedy available by law, suspend, withhold, or revoke city permits, approvals, consents and the certificate of occupancy for the retail fuel pumps and convenience store. See Section 4 of the granting ordinance.

(3) Screening and paving must be installed and continuously maintained in compliance with this ordinance, the Garland Development Code, and the Code of Ordinances of the City of Garland at all times. The property owner is responsible for regular maintenance of all screening and paving as needed. In the event the property owner fails to remedy a violation of any screening or paving maintenance regulation within sixty days of the City sending notice, the City may, in addition to any other remedy available by law, suspend, withhold, or revoke city permits, approval, consents and the certificate of occupancy for the travel center.

E. Elevations: Building Elevations shall be in general

conformance with the elevations labeled Exhibit E.

- F. Pole Sign: A total of one (1) pole sign shall be permitted per Exhibit C. The existing sign is located along East Interstate 30. The maximum sign height shall be seventy-five (75) feet and the maximum sign surface area shall be 650 square feet.
- G. Pylon Sign: A total of one (1) pylon sign shall be permitted per Exhibit C. The sign shall be located at the corner of East Interstate 30 and Zion Road. The maximum sign height shall be twenty-seven (27) feet.

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 20-46

801 EAST IH-30

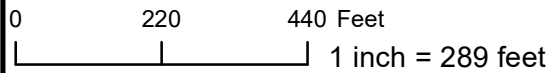
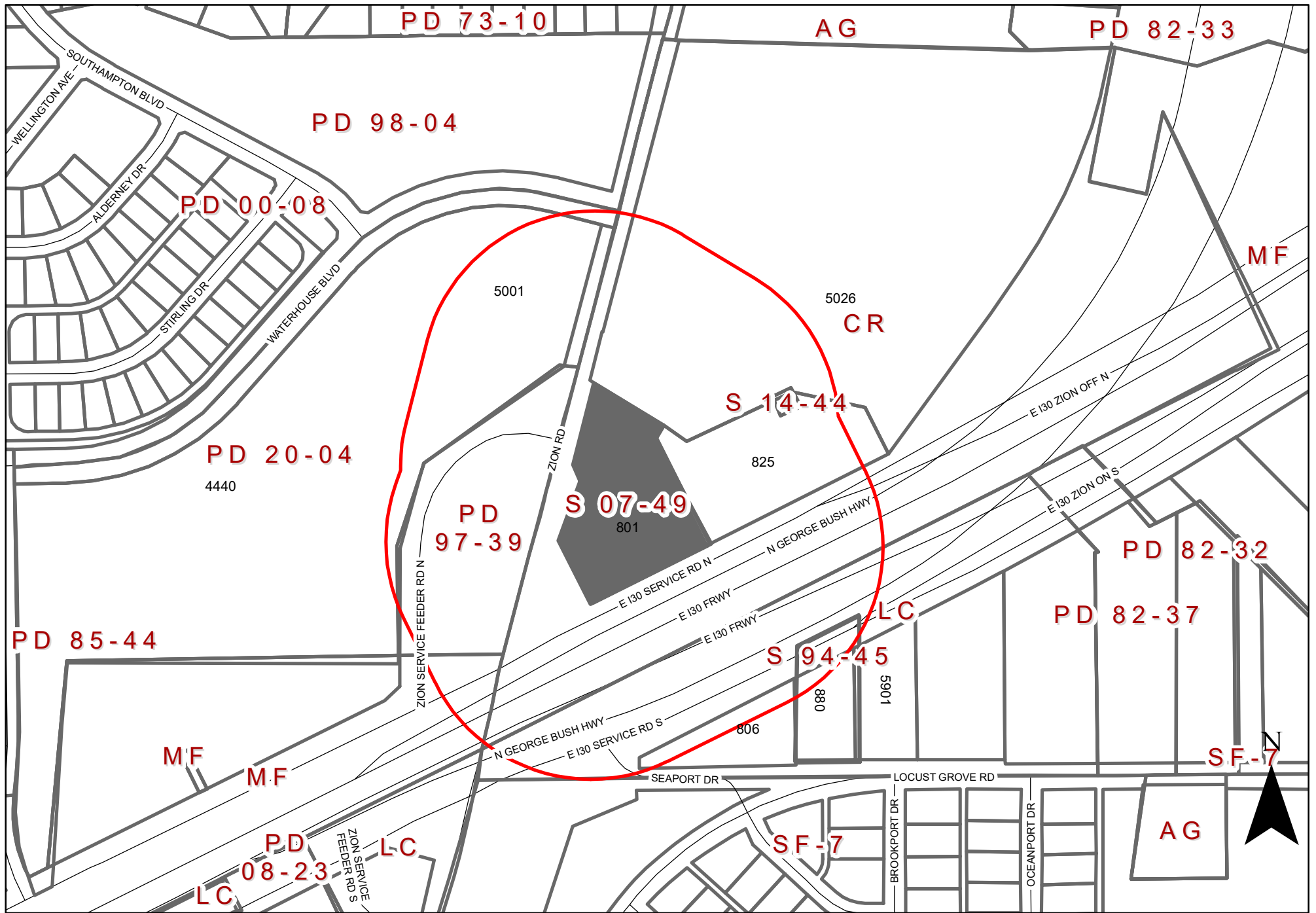
- I. Statement of Purpose:** The purpose of this Specific Use Provision is to allow continuation of a Fuel Pumps, Retail Use and a Restaurant, Drive-Through Use.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- II. 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.
- III. Specific Use Provision:**
- A. SUP Time Period:** The Specific Use Provision shall be in effect for thirty (30) years.

REPORT & MINUTES

P.C. Meeting, February 22, 2021

Consideration of the application of **JDJR Engineers & Consultants, Inc., Jim Dewy Jr.**, requesting approval of a Specific Use Provision renewal to continue the Drive-Through, Restaurant Use and Fuel Pumps, Retail Use. This property is located at 801 East Interstate Highway 30. (District 3) (File Z 20-46 - Specific Use Provision)

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



Zoning Map Z 20-46

 INDICATES AREA OF REQUEST  INDICATES NOTIFICATION AREA

801 East Interstate Highway 30

Case Number

Z 20-46

The applicant JDJR Engineering & Consultants Inc., Jim Dewey Jr., propose to improve the existing pole sign and reconstruct a new pylon sign. Additionally, the applicant requests to continue the gas station (including gas pumps for trucks) and drive-through restaurant uses. This property is located at 801 East Interstate 30.

<null>

Michael Miller

<null>

Against

1617 Skyline Dr

Garland

Texas

United States

75043

mgmb04@aol.com

2145429617

Address/name not shown, where is this?

Z 20-46

The applicant proposes to improve the existing pole sign and reconstruct a new pylon sign. Additionally, the applicant requests to continue the gas station (including gas pumps for trucks) and drive-through restaurant uses.

[Planned Development, Specific Use Provision and Plan for signage and to continue the gas station and drive-through restaurant uses on a property zoned Community Retail (CR) District.]



GARLAND

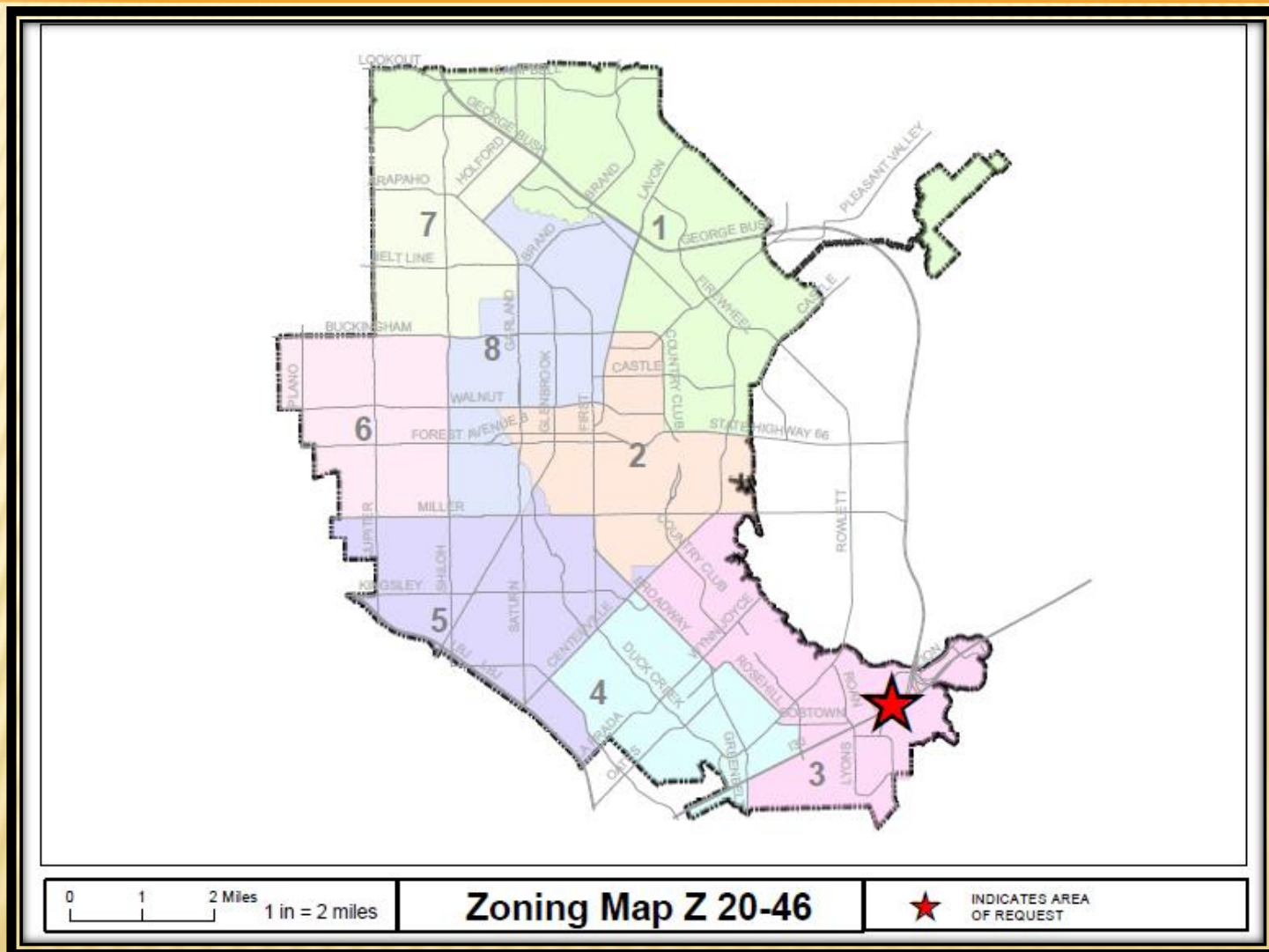
TEXAS MADE HERE

**City Council Meeting
March 16, 2021**

CASE INFORMATION

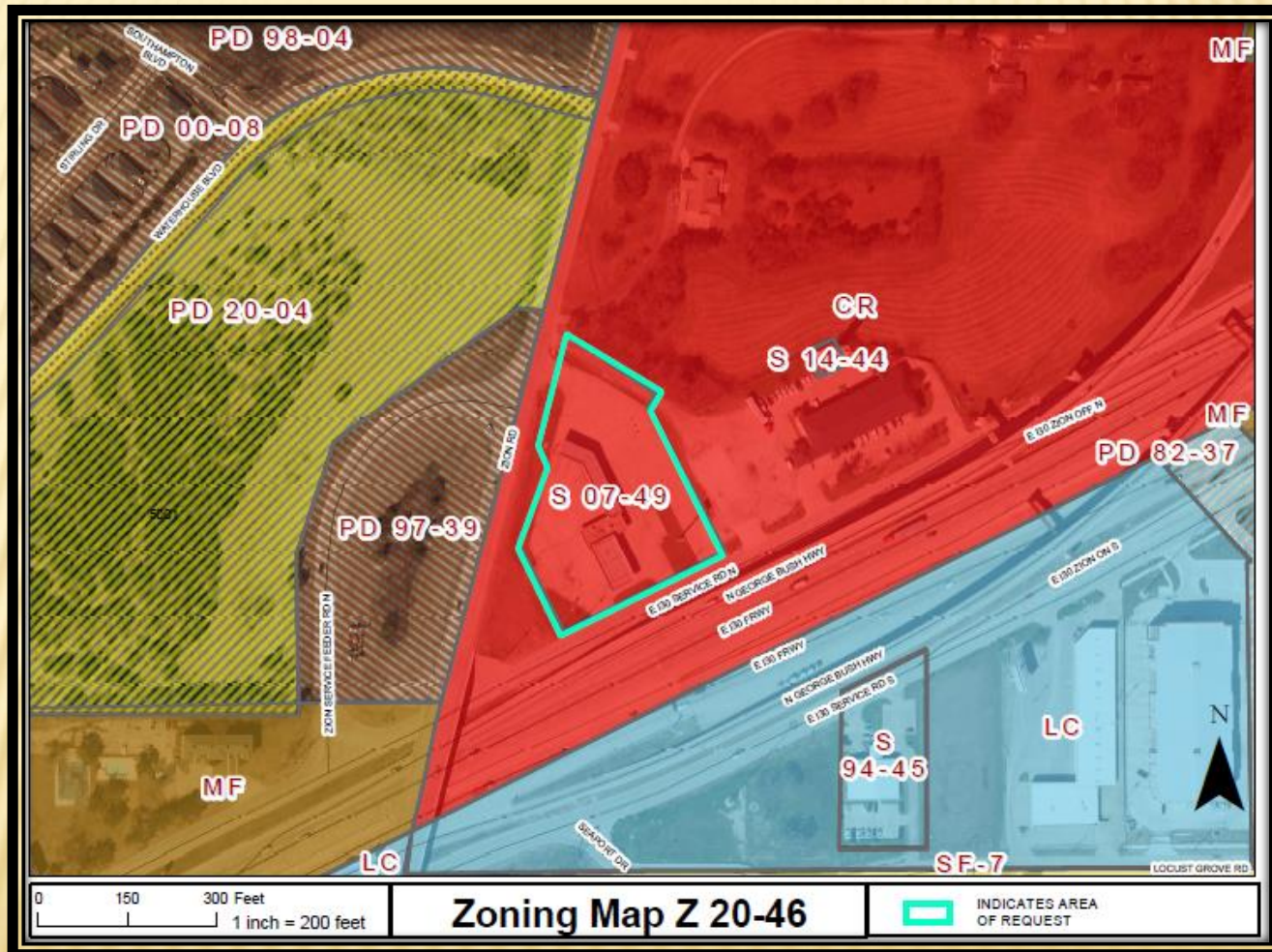
- Location:** 801 East Interstate 30
- Applicant:** JDJR Engineers & Consultants, Inc./Jim Dewey, Jr.
- Owner:** Victron Stores, LP / Walid Alameddine
- Acreage:** 2.32 acres
- Zoning:** Community Retail (CR) District

CITYWIDE LOCATION MAP

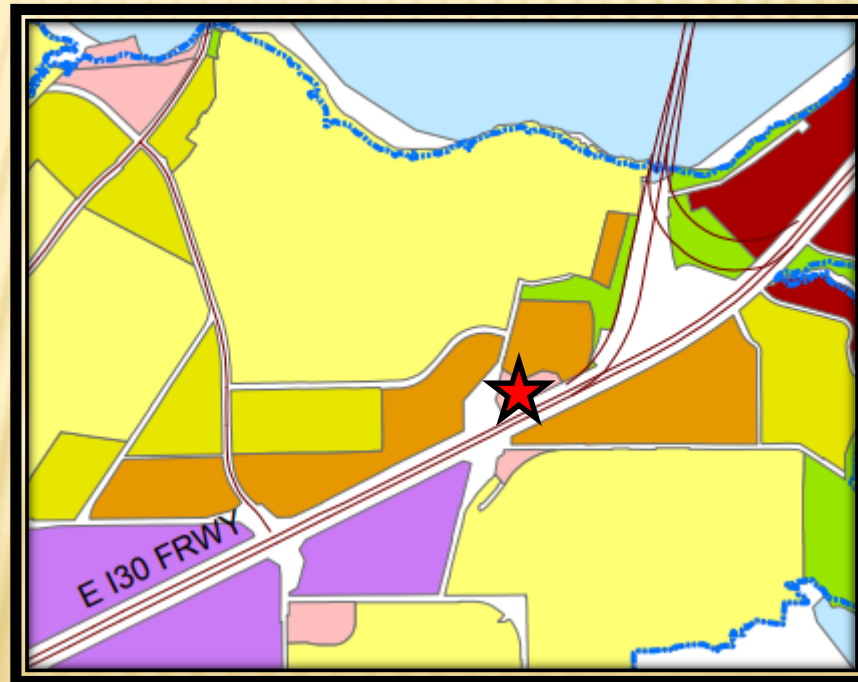


Z 20-46

LOCATION MAP



COMPREHENSIVE PLAN





COMPREHENSIVE PLAN

- The Envision Garland Plan designates the subject property as Neighborhood Centers. Neighborhood centers provide a mix of retail, services and community gathering places.
- This center should be appropriately scaled to adjacent residential areas. This type of center is predominantly, but not exclusively, non-residential. Neighborhood centers are served by local roads and transit routes.
- The proposal is compatible with the comprehensive plan. The tall freestanding signs primarily orient towards I-30. In addition, the proposal is a reinvestment for the subject property.



PHOTOS



Looking at the subject property from East Interstate 30



Looking east of the subject property



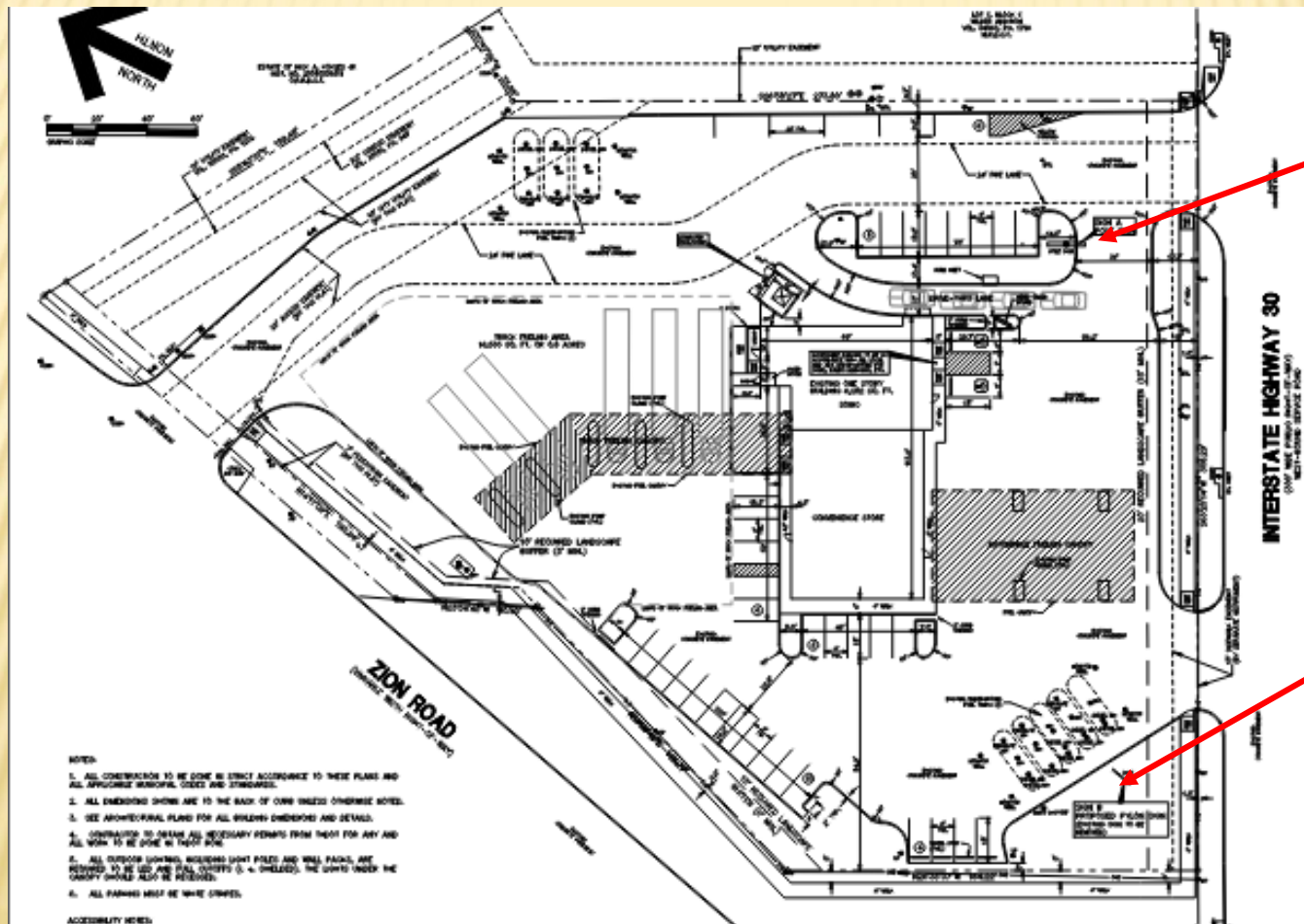
Looking south of the subject property across East Interstate 30



Looking west of the subject property



SITE PLAN

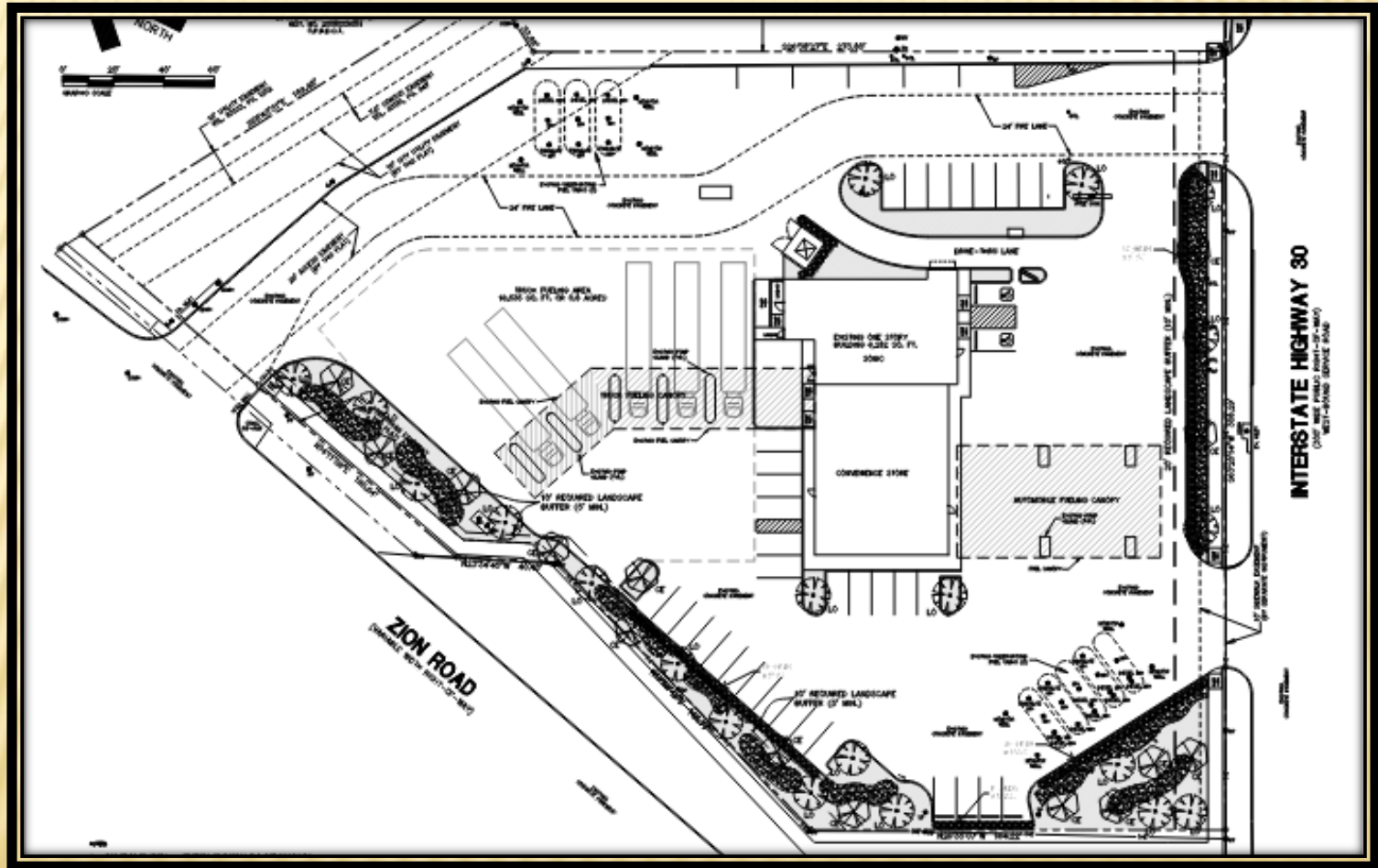


Existing Pole Sign

Existing Pylon to be demolished. New pylon sign proposed at the same location.

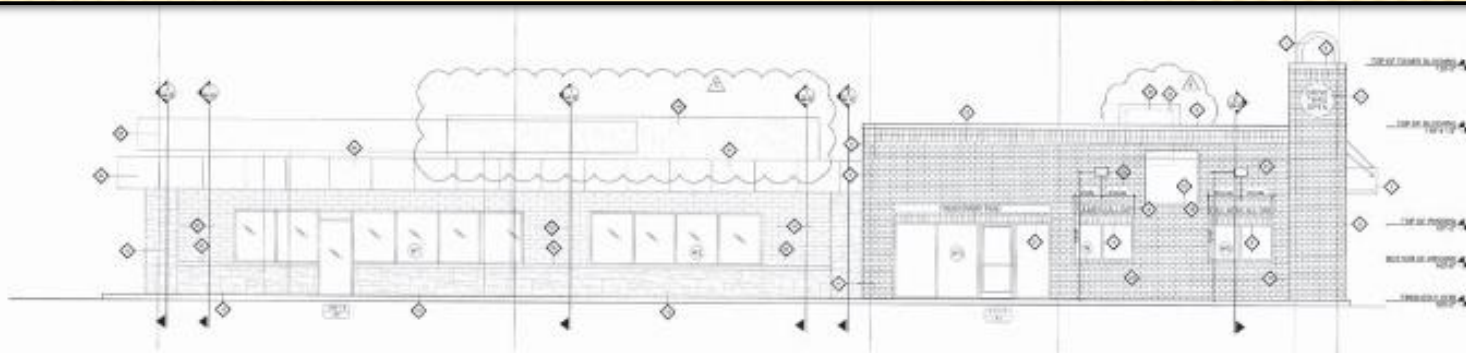


LANDSCAPE PLAN

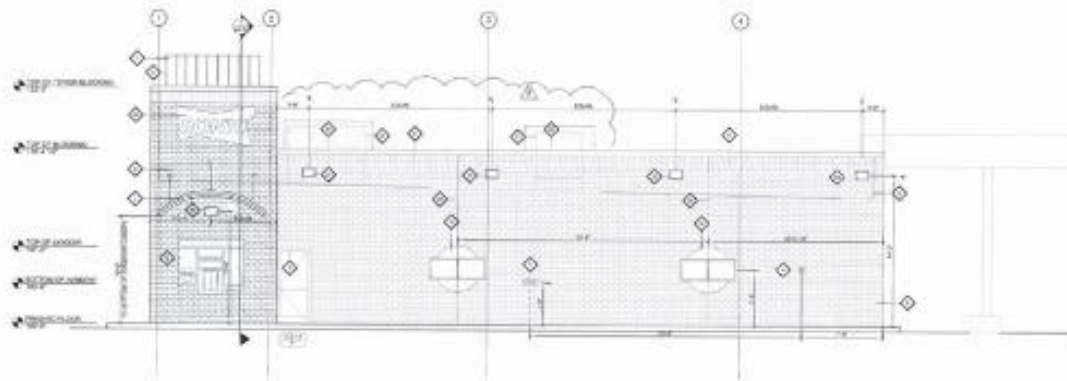


Z 20-46

BUILDING ELEVATIONS



1 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"
SHEET 14-231

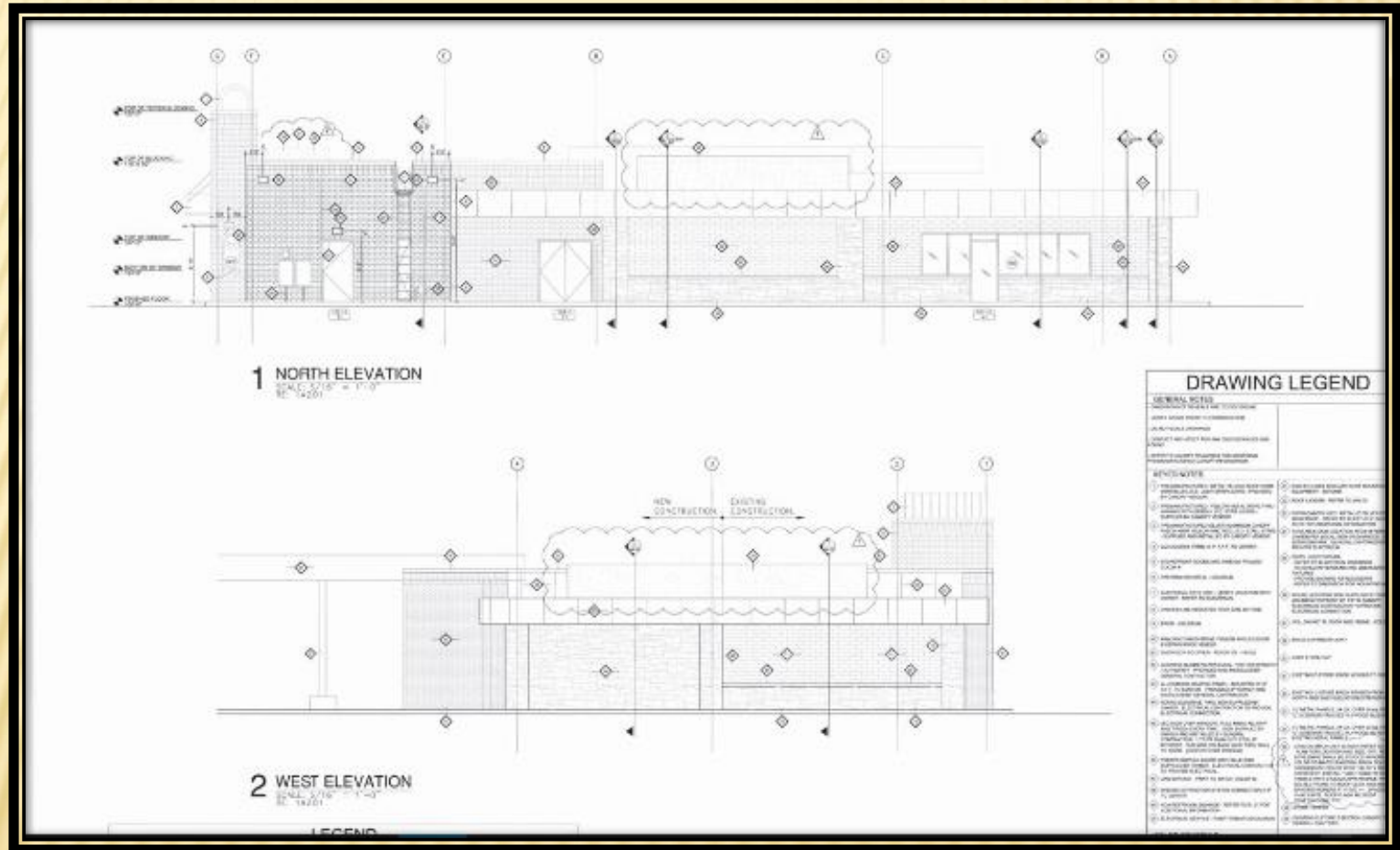


2 EAST ELEVATION
SCALE: 5/16" = 1'-0"
SHEET 14-231

DRAWING LEGEND

GENERAL NOTES	
1. GENERAL NOTES TO BE READ IN CONJUNCTION WITH THE DRAWING.	
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.	
3. ALL MATERIALS AND FINISHES TO BE AS SHOWN ON THE DRAWING.	
4. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.	
SPECIFIC NOTES	
1. EXISTING BUILDING TO REMAIN.	11. EXISTING BUILDING TO REMAIN.
2. EXISTING BUILDING TO REMAIN.	12. EXISTING BUILDING TO REMAIN.
3. EXISTING BUILDING TO REMAIN.	13. EXISTING BUILDING TO REMAIN.
4. EXISTING BUILDING TO REMAIN.	14. EXISTING BUILDING TO REMAIN.
5. EXISTING BUILDING TO REMAIN.	15. EXISTING BUILDING TO REMAIN.
6. EXISTING BUILDING TO REMAIN.	16. EXISTING BUILDING TO REMAIN.
7. EXISTING BUILDING TO REMAIN.	17. EXISTING BUILDING TO REMAIN.
8. EXISTING BUILDING TO REMAIN.	18. EXISTING BUILDING TO REMAIN.
9. EXISTING BUILDING TO REMAIN.	19. EXISTING BUILDING TO REMAIN.
10. EXISTING BUILDING TO REMAIN.	20. EXISTING BUILDING TO REMAIN.

BUILDING ELEVATIONS

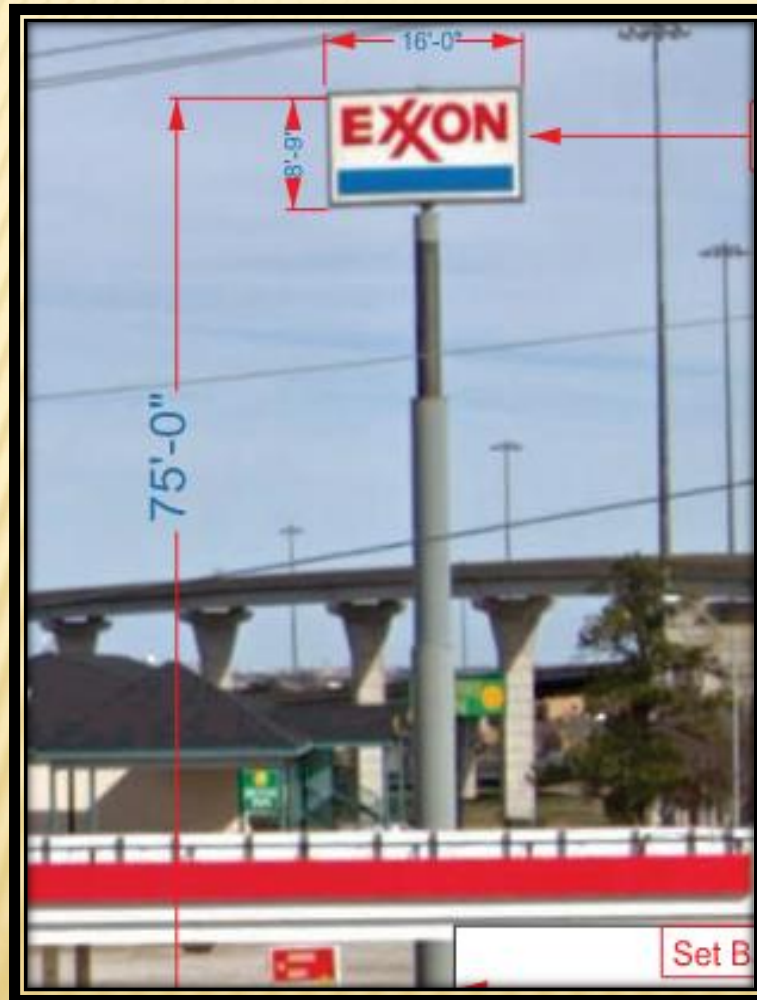


EXISTING FUEL CANOPIES

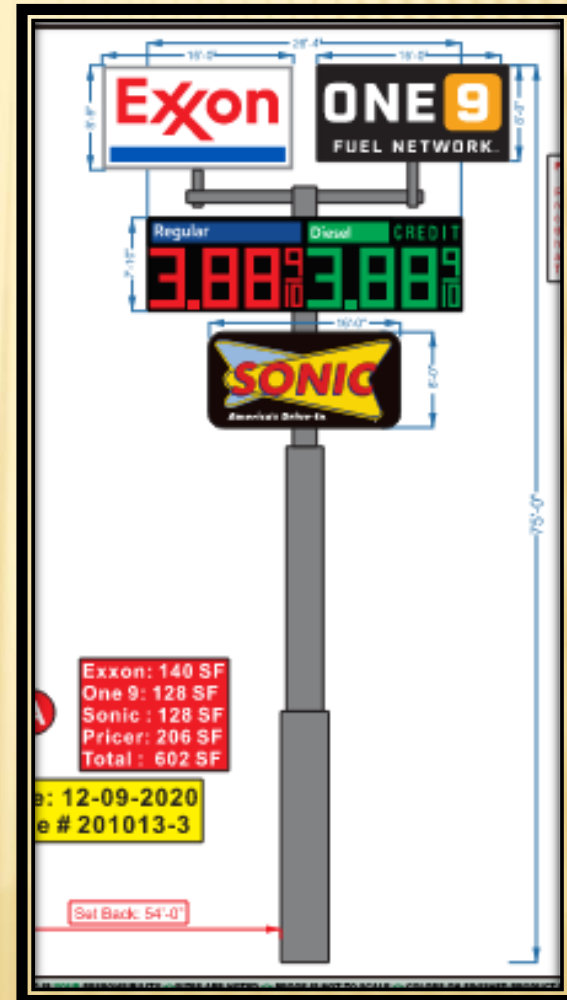


POLE SIGN

Existing Pole Sign



Proposed Pole Sign

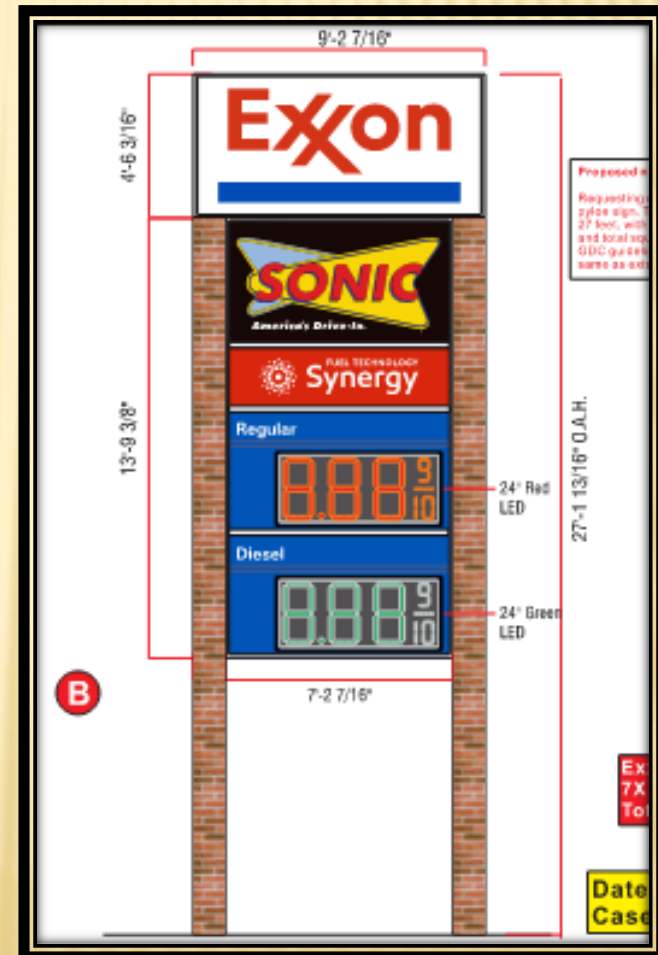


PYLON SIGN

Existing Pylon Sign



Proposed Pylon Sign



SUMMARY TABLE

Development Standards	Required (per the GDC)	Existing	Proposed	Justification
Pole Sign	Not Provided	<u>Height:</u> 75 feet <u>Surface Area:</u> 140 SF <u>Setbacks:</u> 54 feet	<u>Height:</u> 75 feet <u>Surface Area:</u> 650 SF <u>Setbacks:</u> 54 feet	The applicant contends the deviation is necessary for advertisement The proposed sign would allow greater visibility from the SH 190, East IH-30 corridor and Zion road.
Pylon Sign	<u>Height:</u> 22 feet (maximum) <u>Surface Area:</u> 150 SF (maximum) <u>Setbacks:</u> 20 feet	<u>Height:</u> 17.5 feet <u>Surface Area:</u> 46 SF <u>Setbacks:</u> 30 feet	<u>Height:</u> 27 feet <u>Surface Area:</u> 136 SF <u>Setbacks:</u> 30 feet	The applicant contends the new and improved pylon sign to be a better design and to allow advertisement from a farther distance.

CONSIDERATION

- ✘ The applicants requests the Specific Use Provision to be in effect for a time period of thirty (30) years.

PLAN COMMISSION RECOMMENDATION

- ✘ On February 22, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Change of Zoning from Community Retail (CR) District to a Planned Development (PD) District to allow deviations for an existing pole sign and a new pylon sign.
- ✘ The Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision renewal to continue a Restaurant, Drive-Through Use and a Fuel Pumps, Retail Use.
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STAFF RECOMMENDATION

- ✘ Approval of a Change of Zoning from Community Retail (CR) District to a Planned Development (PD) District to allow deviations for an existing pole sign and a new pylon sign.
- ✘ Approval of a Specific Use Provision renewal to continue a Restaurant, Drive-Through Use and a Fuel Pumps, Retail Use.
- ✘ Approval of a Detail Plan for Community Retail Uses



GARLAND PLANNING REPORT

City Council Regular Session Agenda

12. i.

Meeting Date: 03/16/2021

Item Title: Z 20-46 JDJR Engineers & Consultants, Inc. / Jim Dewey, Jr. - Detail Plan (District 3)

Submitted By: Nabiha Ahmed, Development Planner

REQUEST

Approval of a Change of Zoning from Community Retail (CR) District to a Planned Development (PD) District to allow deviations for an existing pole sign and a new pylon sign.

Approval of a Specific Use Provision renewal to continue a Restaurant, Drive-Through Use and a Fuel Pumps, Retail Use.

Approval of a Detail Plan for Community Retail Uses.

LOCATION

801 East Interstate 30

OWNER

Victron Stores, LP / Walid Alameddine

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Approval of a Detail Plan for Community Retail Uses.

BACKGROUND

In 2007, the City Council approved a Specific Use Provision for a Retail Sales with Gas Pumps use with truck fueling services and a Specific Use Provision for a Restaurant with a Drive-Through use. Although the building was built in 1982, the scope of work in 2007 included a building expansion to increase the retail sales area and add a restaurant with a drive-through use, landscaping and signage. Additionally, the applicant has applied for a permit to expand the building in January 2020.

The applicant requests the establishment of a Planned Development (PD) District due to changes to an existing pole sign and reconstruction of a new pylon sign. In addition, the applicant requests a renewal of the existing Specific Use Provision.

SITE DATA

The subject property consists of approximately 2.32 acres. The site has approximately 350 linear feet of frontage along Zion Road and 308.29 linear feet of frontage along East Interstate 30. There are two (2) access points from East Interstate 30 and one (1) access point from Zion Road.

USE OF PROPERTY UNDER CURRENT ZONING

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CONSIDERATIONS

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The Envision Garland Plan designates the subject property as Neighborhood Centers. Neighborhood centers provide a mix of retail, services and community gathering places.

This center should be appropriately scaled to adjacent residential areas. This type of center is predominantly, but not exclusively, non-residential. Neighborhood centers are served by local roads and transit routes.

The request is compatible with the Comprehensive Plan. The tall freestanding signs primarily orient towards I-30. In addition, the proposal represents reinvestment to the property.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

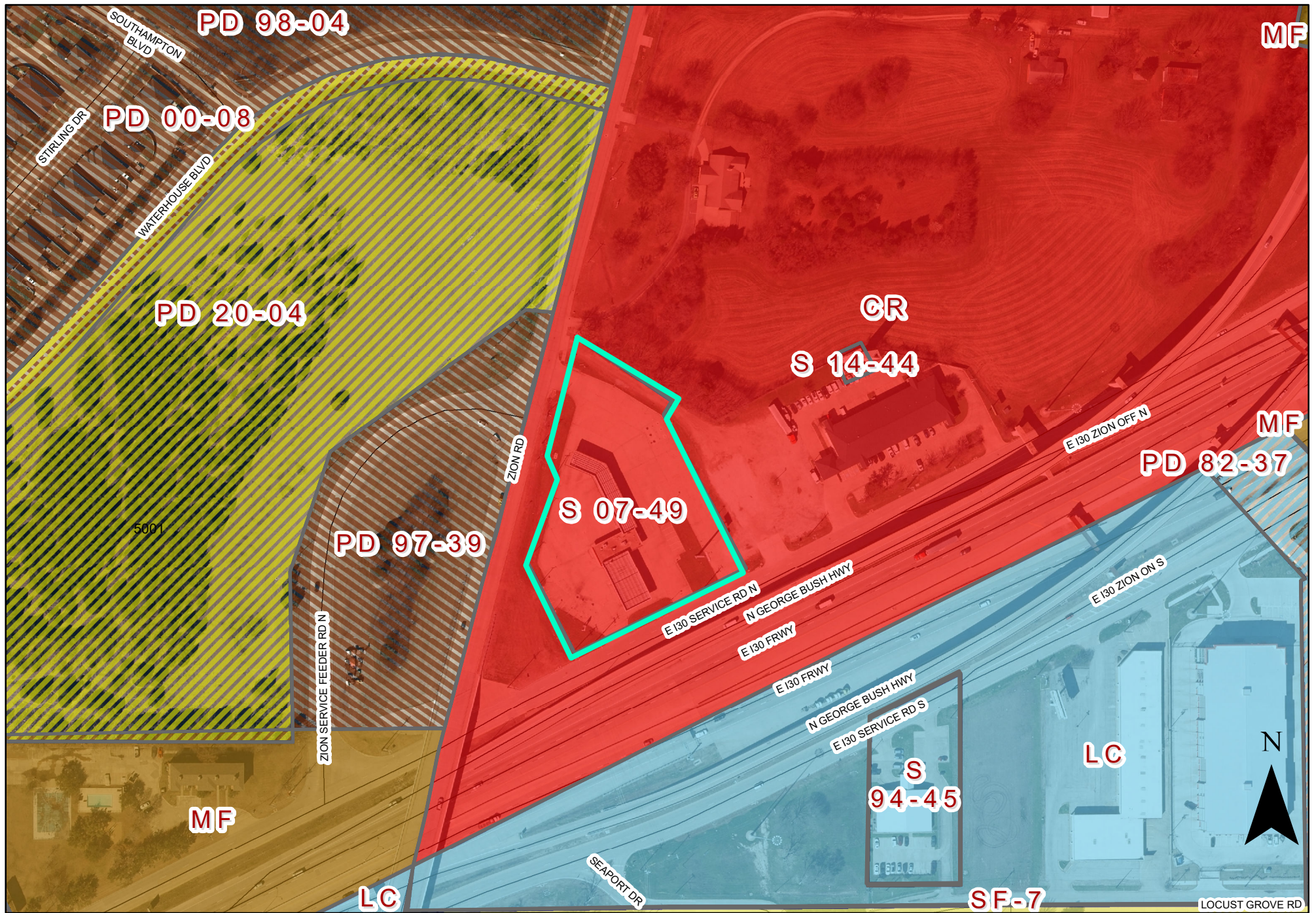
The property to the north of the subject property is zoned Community Retail (CR) District; it is developed with a home office. The property to the east is zoned Community Retail (CR) District; it is developed with a hotel. The properties to the south, across East Interstate 30, are zoned Light Commercial (LC) District. A portion of the land is developed with a medical office and the remaining portion is unimproved. The property to the west, across Zion Road, is zoned Planned Development (PD) District 97-39 for Mixed Use; this property is currently undeveloped.

Attachments

Z 20-46 JDJR Engineers & Consultants, Inc. / Jim Dewey, Jr. (Detail Plan)

Z 20-46 JDJR Engineers & Consultants, Inc. Jim Dewey, JR Responses

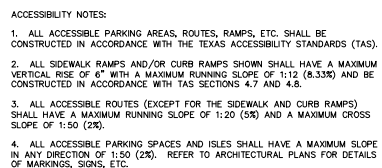
Z 20-46 JDJR Engineers & Consultants, Inc. Jim Dewey, JR Staff Presentation



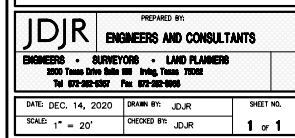
Zoning Map Z 20-46



INDICATES AREA
OF REQUEST



VICTRON STORES, LP
105 YMCA DRIVE
WAXAHACHIE, TEXAS 75165-5124
CONTACT: MELINDA NELSON
TEL: 469-517-2051
email: mnelson@victrongroup.com



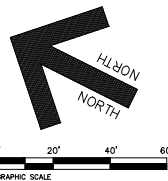


EXHIBIT D

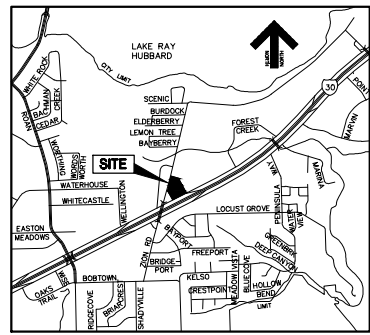
- NOTES:
1. LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR MAKING HIMSELF FAMILIAR IN ALL UNDERGROUND UTILITIES, PIPES, STRUCTURES AND LINE BODIES.
 2. CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF ALL QUANTITIES PER DRAWING AND SPECIFICATIONS BY LANDSCAPE DESIGNER. PLANT QUANTITIES HAVE BEEN PROVIDED AS A CONVENIENCE ONLY TO THE CONTRACTOR AND SHALL NOT BE CONSIDERED GUARANTEES.
 3. ALL BED AREAS SHALL BE REVEGETATED TO A DEPTH OF 6" ADDING PLANTING SOIL TEXTURE DURING PROCESS. THE LEVEL OF THE BED AREAS SHOULD BE LEFT 2" ABOVE THE PROPOSED FINISHED GRADE TO ALLOW FOR COMPACTION AND SETTLEMENT.
 4. AFTER SETTLEMENT AND COMPACTION ALL PLANTING BEDS SHALL RECEIVE A 2" (200) LAYER OF SANITIZED CYPRINUS FILLING.
 5. PLANTING SOIL TEXTURE FOR BED AREAS SHALL BE 60% EXISTING SOIL, 40% BULKY SAND AND 40% SOIL CONDITIONER (BACK TO BAREN ON SOIL).
 6. ALL TREES ARE TO BE SEARED AND SKIVED THROUGH THE ONE YEAR WARRANTY AT WHICH TIME THE COVER SHALL DETERMINE IF RETENTION IS NECESSARY.
 7. ALL BED AREAS SHALL BE SEPARATED FROM TURF AREAS USING RYNGRUND STEEL EDGING.
 8. ALL LANDSCAPED AREAS SHALL BE IRRIGATED WITH AN UNDERGROUND IRRIGATION SYSTEM WITH AN AUTOMATIC CONTROLLER PER CITY CODE.

ZION ROAD
(VARIABLE WIDTH RIGHT-OF-WAY)

PLANT SCHEDULE						
COMMON NAME	BOTANICAL NAME	QUANTITY	SIZE	SPACING	REMARKS	
HIGHRISE LIVE OAK	QUERCUS VIRGINIANA	20	3" CAL.	AS SHOWN	BALLED/BURLAP	
CELANO ELM	ULMUS CRASSIFOLIA	10	3" CAL.	AS SHOWN	BALLED/BURLAP	
CARISSA HOLLY	ILEX CORNATA	05	5 CAL.	30" C-C	CONTAINER	
BAR HARBOR JUNIPER	JUNIPERUS HORIZONTALIS	3,024 SF.	5 CAL.	30" C-C	CONTAINER	
BERMUDA TURF	CYNODON DACTYLON	6,042 SF.	-	-	SOD/HYDROMULCH	

OWNER/APPLICANT:

VICTRON STORES, LP
105 YMCA DRIVE
WAXAHACHIE, TEXAS 75165-5124
CONTACT: MELINDA NELSON
TEL: 469-517-2051
email: mnelson@victrongroup.com



LANDSCAPE LEGEND

- PROPOSED HIGH RISE LIVE OAK TREE (OR APPROVED EQUAL)
- PROPOSED CEDAR ELM (OR APPROVED EQUAL)
- PROPOSED CARISSA HOLLY (OR APPROVED EQUAL)
- BAR HARBOR JUNIPER
- BERMUDA TURF

REVISIONS		
1-26-21	TECH. REVIEW MTD.	
2-9-20	REV. TITLE BLOCK	

CASE NO. 201013-3

SHEET TITLE:

LANDSCAPE PLAN

EXHIBIT / SONIC DRIVE IN

LOT 1, BLOCK 1, ECOL ADDITION

801 E INTERSTATE HIGHWAY 30, GARLAND, TEXAS

PREPARED BY:

JDJR

ENGINEERS AND CONSULTANTS

ENGINEERS • SURVEYORS • LAND PLANNERS

2000 Texas Drive Suite 100 Irving, Texas 75038

Tel: 972-255-0550 Fax: 972-255-0550

DATE: DEC. 14, 2020

SCALE: 1" = 20'

DRAWN BY: JDJR

CHECKED BY: JDJR

SHEET NO.

L1 of 1

Architectural elevation drawing of the building facade, showing the main structure and a tower. The drawing includes grid lines A through G, section markers (A, B, C, D, E, F, G), and various annotations such as "TOP OF TOWER BLOCKING 122.2", "TOP OF BLOCKING 119.4-12", "TOP OF WINDOWS 120.2", "BOTTOM OF WINDOWS 120.0", and "FINISHED FLOOR 120.0". The facade features large windows, a central entrance, and a brick section on the right.

2 EAST ELEVATION

SCALE: $\frac{3}{16}'' = 1'-0''$
 RE: 1A2.01

LEGEND

DOOR NUMBER DOOR TAG RE: 1/3A3.01 DOOR TYPE WINDOW TAG RE: A3.01 WINDOW SCHEDULE 1/A3.01 SHEET ENLARGED PLAN OR DETAIL WINDOW	DWG NUMBER →  SHEET BUILDING SECTION DWG NUMBER →  SHEET ELEVATION REFERENCE	 PARTITION TYPE NEW WOOD STUD PARTITION RE: WALL TYPE SCHEDULE A2.02  ONE HOUR RATED WALL PARTITION VS. SECTION VS. UATIS.  KEYNOTE.
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LEGEND

 DOOR NUMBER DOOR TYPE	DOOR TAG REF. 1/2A3.01  WINDOW TAG REF. A3.01 WINDOW SCHEDULE	DWG NUMBER  SHEET BUILDING SECTION DWG NUMBER  SHEET ELEVATION REFERENCE
 1/2A3.01 SHEET ENLARGED PLAN OR DETAIL DWG NUMBER	○ PARTITION TYPE NEW WOOD STUD PARTITION REF. WALL TYPE SCHEDULE A2.02 ONE HOUR RATED WALL PARTITION UL DESIGN 1A, U419. ◆ KEYNOTE.	

GENERAL NOTES	
DIMENSIONS OF REVEALS ARE TO CENTERLINE	
VERY FINE GRADE PRIOR TO CONSTRUCTION	
NO HOT SCALE DRAWINGS	
CONTRACT ARCHITECT FOR ANY DISCREPANCIES OR INQUIRY	
FOR COST DRAWINGS FOR ADDITIONAL PRELIMINARY AND CANOPY PROVISIONS	
KEYED NOTES	
1. PREMANUFACTURED VELLO METAL ROOF DOOR FRAME WITH 1.5" LIFT STRAPLIFTS PROVIDED BY SUPPLIER	2. DASHED LINE INDICATE ROOF MOUNTED EQUIPMENT - BEYOND
3. PREMANUFACTURED VELLO METAL DRIVE-TROUGH ROOF (GREEN) U.S.S. STRIP GUTTER SUPPLIED BY GUTTER VENDOR	3. ROOF JOISTS - REFER TO 34-65.6
4. PREMANUFACTURED VELLO METAL U.S.S. LAMIN/CLIFF ROOF WITH YELLOW AND RED U.S.S. STRIPS SUPPORT SUPPLIED BY GUTTER VENDOR	4. PATED GUTTER WITH FALL TO ITS OWN DRAIN BEYOND - REFER TO 35-64.1 AND 35.1 FOR ADDITIONAL INFORMATION
5. GUTTER DOWNSPOUTS AND FLASHING - REFER TO 35-64.1 AND 35.1 FOR ADDITIONAL INFORMATION	5. AVAILABLE ROOF HEIGHTS AS DETERMINED BY VENDOR FOR LOCAL CONDITIONS. ROAD SIGN BOARD CONTRACTOR TO PROVIDE ELEVATION
6. GUTTER DOWNSPOUTS AND FLASHING - REFER TO 35-64.1 AND 35.1 FOR ADDITIONAL INFORMATION	6. DOWN-SLOPE FUTURE
7. ACCESS PANELS AND HATCHES - FRAMES - COLOR 42	7. REFER TO ELECTRICAL DRAWINGS NATCHES ARE INDICATED AND ARE EMERGENCY REFER TO DIMENSION FOR LOCATING HATCHES
8. PREFINISHED METAL - COLOR 42	8. REFER TO VISIONS AS NECESSARY
9. ADDITIONAL LINE - VERY LITTLE LOCATED WITHIN ELECTRICAL	9. REFER TO DIMENSION FOR LOCATING HATCHES
10. DASHED LINE INDICATE ROOF LINE BEYOND	10. MOUNTED OPEN SIGN SUPPLIED BY OWNER AS REFERRED TO POINT C1. PATED GUTTER ELECTRICAL CONNECTION
11. MATCH - COLOR 44	11. MOLDED METAL DOWN FRAME - COLOR 42
12. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	12. PAVED EXPANSION JOINT
13. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	13. CAST STONE CAP
14. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	14. EXISTING GUTTER BRICK VENEER TO REMAIN
15. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	15. EXISTING GUTTER BRICK VENEER TO REMAIN
16. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	16. EXISTING GUTTER BRICK VENEER TO REMAIN
17. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	17. EXISTING GUTTER BRICK VENEER TO REMAIN
18. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	18. EXISTING GUTTER BRICK VENEER TO REMAIN
19. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	19. EXISTING GUTTER BRICK VENEER TO REMAIN
20. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	20. EXISTING GUTTER BRICK VENEER TO REMAIN
21. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	21. EXISTING GUTTER BRICK VENEER TO REMAIN
22. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	22. EXISTING GUTTER BRICK VENEER TO REMAIN
23. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	23. EXISTING GUTTER BRICK VENEER TO REMAIN
24. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	24. EXISTING GUTTER BRICK VENEER TO REMAIN
25. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	25. EXISTING GUTTER BRICK VENEER TO REMAIN
26. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	26. EXISTING GUTTER BRICK VENEER TO REMAIN
27. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	27. EXISTING GUTTER BRICK VENEER TO REMAIN
28. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	28. EXISTING GUTTER BRICK VENEER TO REMAIN
29. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	29. EXISTING GUTTER BRICK VENEER TO REMAIN
30. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	30. EXISTING GUTTER BRICK VENEER TO REMAIN
31. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	31. EXISTING GUTTER BRICK VENEER TO REMAIN
32. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	32. EXISTING GUTTER BRICK VENEER TO REMAIN
33. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	33. EXISTING GUTTER BRICK VENEER TO REMAIN
34. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	34. EXISTING GUTTER BRICK VENEER TO REMAIN
35. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	35. EXISTING GUTTER BRICK VENEER TO REMAIN
36. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	36. EXISTING GUTTER BRICK VENEER TO REMAIN
37. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	37. EXISTING GUTTER BRICK VENEER TO REMAIN
38. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	38. EXISTING GUTTER BRICK VENEER TO REMAIN
39. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	39. EXISTING GUTTER BRICK VENEER TO REMAIN
40. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	40. EXISTING GUTTER BRICK VENEER TO REMAIN
41. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	41. EXISTING GUTTER BRICK VENEER TO REMAIN
42. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	42. EXISTING GUTTER BRICK VENEER TO REMAIN
43. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	43. EXISTING GUTTER BRICK VENEER TO REMAIN
44. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	44. EXISTING GUTTER BRICK VENEER TO REMAIN
45. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	45. EXISTING GUTTER BRICK VENEER TO REMAIN
46. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	46. EXISTING GUTTER BRICK VENEER TO REMAIN
47. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	47. EXISTING GUTTER BRICK VENEER TO REMAIN
48. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	48. EXISTING GUTTER BRICK VENEER TO REMAIN
49. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	49. EXISTING GUTTER BRICK VENEER TO REMAIN
50. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	50. EXISTING GUTTER BRICK VENEER TO REMAIN
51. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	51. EXISTING GUTTER BRICK VENEER TO REMAIN
52. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	52. EXISTING GUTTER BRICK VENEER TO REMAIN
53. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	53. EXISTING GUTTER BRICK VENEER TO REMAIN
54. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	54. EXISTING GUTTER BRICK VENEER TO REMAIN
55. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	55. EXISTING GUTTER BRICK VENEER TO REMAIN
56. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	56. EXISTING GUTTER BRICK VENEER TO REMAIN
57. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	57. EXISTING GUTTER BRICK VENEER TO REMAIN
58. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	58. EXISTING GUTTER BRICK VENEER TO REMAIN
59. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	59. EXISTING GUTTER BRICK VENEER TO REMAIN
60. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	60. EXISTING GUTTER BRICK VENEER TO REMAIN
61. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	61. EXISTING GUTTER BRICK VENEER TO REMAIN
62. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	62. EXISTING GUTTER BRICK VENEER TO REMAIN
63. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	63. EXISTING GUTTER BRICK VENEER TO REMAIN
64. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	64. EXISTING GUTTER BRICK VENEER TO REMAIN
65. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	65. EXISTING GUTTER BRICK VENEER TO REMAIN
66. UNPAVED - CONCRETE DRIVE VENEER WITH OVER EXISTING BRICK VENEER	

CITY OF GARLAND
BUILDER'S REVIEWED
THIS PERMITTED SET OF
KEPT ON THE JOB SITE
AVAILABLE FOR INSPECTION
UPON REQUEST.

AS NOTED
PROJECT NO. 131-02
SITE AT THE
BY INSPECTORS AT

CA&D
CHOWN ARCHITECTURE & DEVELOPMENT, PLLC
WWW.CHOWN-A-D.COM
2409 BLUEBERRY LN. GARETDA, TEXAS 75648
RICHARD MING, AIA, TX LICENSE 10007; 214-234-4744
rming@chown-a-d.com

EXTERIOR ELEVATIONS

SONIC.

SONIC DRIVE-IN RESTAURANT
801 EAST I-30 GARLAND, TX.

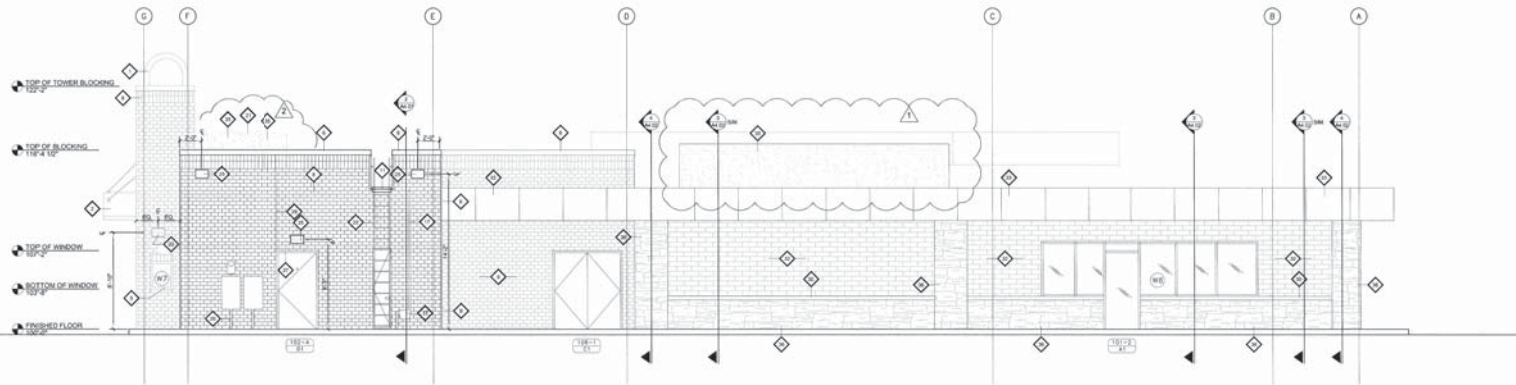
DATE	DESCRIPTION	BY
10/04/18	CLIENT REVIEW	
△ 2-6-19	REV 1 CITY COMMENTS	
△ 12-9-19	REVISION - CITY COMMENTS	RK

SCALE:
AS NOTED

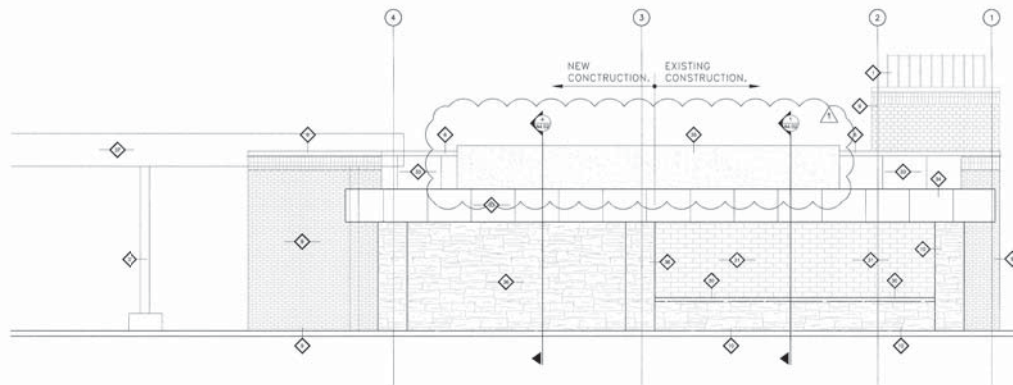
PROJECT NO.
131102

SHEET NO.
A3.01

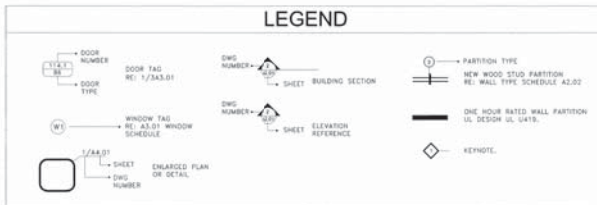
EXHIBIT E



1 NORTH ELEVATION
SCALE: 3/16" = 1'-0"
RE: 1A2.01



2 WEST ELEVATION
SCALE: 3/16" = 1'-0"
RE: 1A2.01



DRAWING LEGEND

GENERAL NOTES	
DIMENSIONS OF REVEALS ARE TO CENTERLINE	
VERIFY SHOTS PRIOR TO CONSTRUCTION	
DO NOT SCALE DRAWINGS	
CONTACT ARCHITECT FOR ANY DISCREPANCIES ARE FOUND	
REFER TO CANOPY DRAWINGS FOR ADDITIONAL PREMANUFACTURED CANOPY INFORMATION	
KEYED NOTES	
1) PREMANUFACTURED METAL YELLOW ROOF DOME WITH BLUE LED LIGHT STRIPS - PROVIDED BY CANOPY VENDOR	2) DASHED LINES INDICATE ROOF MOUNTED EQUIPMENT - REFER TO 3A.02
2) PREMANUFACTURED YELLOW METAL DRIVE THRU RAMP WITH GREEN LED STRIP LIGHTS SUPPLIED BY CANOPY VENDOR	3) ROOF LADDERS - REFER TO 3A.02
3) PREMANUFACTURED SILVER ALUMINUM CANOPY FACIA WITH YELLOW AND RED LED STRIP LIGHTS SUPPLIED AND INSTALLED BY CANOPY VENDOR	4) PAINT CANOPY WITH METALLIC SILVER STANDING SEAM ROOF - REFER TO SHEET A1.01.01 AND 3A.02 FOR ADDITIONAL INFORMATION
4) COX ADDRESS PANEL 4" X 4" A.F.F. TO CENTER	5) AVAILABLE SIGN LOCATION AS DETERMINED BY COMMERICAL LOCAL SIGN ORDINANCES. SIGN BY SIGN COMPANY. GENERAL CONTRACTOR TO PROVIDE ELECTRICAL
5) STOREFRONT DOORS AND WINDOW FRAMES - COLOR #1	6) DOWN LIGHT ROUTING - REFER TO ELECTRICAL DRAWINGS
6) PREPARED METAL - COLOR #2	7) DOWN LIGHT ROUTING - REFER TO ELECTRICAL DRAWINGS
7) ADDITIONAL PAINT LIFT - VERIFY LOCATION WITH OWNER - REFER TO ELECTRICAL	8) ROUNDED OPEN SIGN SUPPLIED BY OWNER AND MOUNTED TO FRONT OF PAINT CANOPY
8) DASHED LINE INDICATES ROOF LINE BEHIND	9) ELECTRICAL CONTRACTOR TO PROVIDE ELECTRICAL CONNECTION
9) BRICK - COLOR #4	10) YELLOW METAL DOOR AND FRAME - COLOR #2
10) MANUFACTURED STONE VENEER APPLIED OVER EXISTING BRICK VENEER	11) BRICK EXPANSION JOINT
11) DOWNFLOW SLOTTED - REFER TO 11A.02	12) CAST STONE CAP
12) ADDRESS NUMBERS PER LOCAL FIRE DEPARTMENT AUTHORITY - PROVIDED AND INSTALLED BY GENERAL CONTRACTOR	13) EXISTING G-STONE BRICK VENEER TO REMAIN
13) ALUMINUM GRAPHIC PANEL - MOUNTED 11" X 4" A.F.F. TO CENTER - PROVIDED BY OWNER AND INSTALLED BY GENERAL CONTRACTOR	14) EXISTING BRICK REVEAL FROM OLD NORTH AND EAST ELEVATION EXTERIOR WALLS
14) ROUNDED OPEN SIGN SUPPLIED BY OWNER - ELECTRICAL CONTRACTOR TO PROVIDE ELECTRICAL CONNECTION	15) METAL PANELS 24 GA. OVER 36 IN. P.E.T. ON 1" EXTERIOR TREATED 1/2" WOOD BATTLES
15) LED SIGN OVER WINDOW "WALL METAL ALL DAY" AND "YES EVERY TIME" SIGN SUPPLIED BY OWNER AND INSTALLED BY GENERAL CONTRACTOR. VOLTAGE OUTLETS RELAY INTERIOR. RUN LOW VOLTAGE WIRE THRU WALL TO SIGN. (OWNER OVER WINDOW)	16) METAL PANELS 24 GA. OVER 36 IN. P.E.T. ON 1" EXTERIOR TREATED 1/2" WOOD BATTLES
16) PORTER DISPLAY BOARD WITH BLUE SIGN SUPPLIED BY OWNER. ELECTRICAL CONTRACTOR TO PROVIDE ELECTRICAL	17) STUCCO MEDIUM UNIT SCREEN REFER TO ROOF PLAN FOR LOCATION AND SIZE. THE ROOF SCREENING SHALL BE STUCCO APPEARANCE WITH COLOR TO MATCH EXISTING BRICK COLOR
17) GAS SERVICE - PAINT TO MATCH COLOR #4	18) ARCHITECT INSTALL TIE FRAME IN CONCRETE AND BOLTED FRAME TO ROOF DECK AND ANGLE BRACING WEDGES AT 4" O.C. - SPACES AROUND WALL UNITS. ROOF FLASH ALL ROOF PENETRATIONS. TYP.
18) GREASE EXTRACTION SYSTEM CONNECTION 3" AT CENTER	19) STONE VENEER
19) A/C REFRIGERATION SERVICE - REFER TO 3A.01 FOR ADDITIONAL INFORMATION	20) EXISTING STONE SECTION CANOPY TO REMAIN - PAINT RED
20) ELECTRICAL SERVICE - PAINT TO MATCH COLOR #4	
COLOR SCHEDULE	
COLOR #1 WINDOW AND STOREFRONT DOOR FRAMES COLOR: DARK BRONZE ANODIZED MATERIAL: ALUMINUM CORP.	
COLOR #2 PREPARED METAL BELLOUP FLASHING COLOR: ENAMELED BRONZE BUTTES	
COLOR #3 NOT USED	
COLOR #4 WALL BRICKING (DRINK) MATERIAL: ADAMS BRICK COLOR: DUMMIE VINTAGE MATERIAL: GRAY 3 SOLID COULES (6 PARAPET 1 SOLID COULES (6 PARAPET NON-SLICK BALL BLOW WINDOW OPENING SUCKET DRIVE THRU WINDOW	

CITY OF GARLAND
BUILDER'S REVIEWED COPY
THIS PRINTED SET OF PLANS IS
KEPT ON THE JOB SITE AT ALL TIMES
AVAILABLE FOR USE BY INSPECTORS
AT THE PROJECT.

DATE	DESCRIPTION	BY
1/24/19	CLIENT REVIEW	RK
1/24/19	REV. CITY COMMENTS	RK
1/24/19	REVISION - CITY COMMENTS	RK

SCALE:
AS NOTED

PROJECT NO.
131-02

SHEET NO.
A3.02

DRAWN BY: KPE2
CHECKED BY: RK

C&D
CITY OF GARLAND & SONIX DRIVE-IN RESTAURANT
300 GARLAND, OK, 73104
OFFICE: 405-225-9000
FAX: 405-225-9991

SONIX
Sonix Drive-In Restaurant

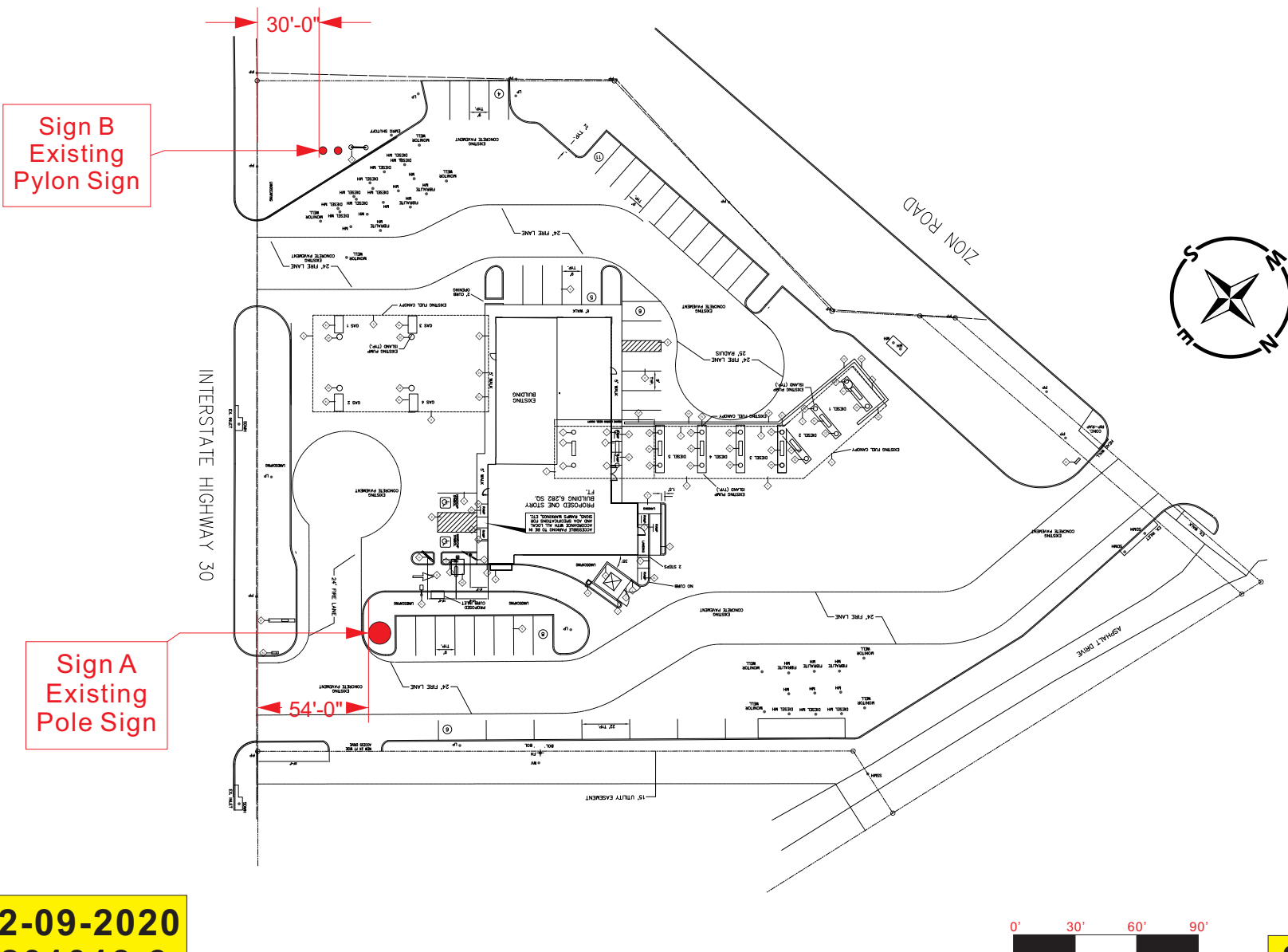
SONIX CORP.
300 GARLAND, OK, 73104
OFFICE: 405-225-9000
FAX: 405-225-9991

REGISTERED ARCHITECT
STATE OF TEXAS
MAY 14, 2018

EXTERIOR ELEVATIONS
SONIX
SONIX DRIVE-IN RESTAURANT
801 EAST I-30 GARLAND, TX.

NOTES: These plans are the property of professional architect and are prepared for the use of the architect only. They may not be reproduced or used for any purpose without the written consent of the architect. The architect assumes no responsibility for the construction of the building or for the performance of the building after completion.

EXHIBIT F



Date: 12-09-2020
Case # 201013-3

Site Plan

◁ SPELLING IS YOUR RESPONSIBILITY ▷ SIZES ARE NOTED ▷ PROOF IS NOT TO SCALE ▷ COLORS ON FINISHED PRODUCT MAY VARY SLIGHTLY FROM ELECTRONIC PROOF



CUSTOMER Exxon / Sonic
COMPANY VICTRON ENERGY, INC.
LOCATION 801 East I30
CITY/STATE Garland TX 75043

REINFORCEMENT OF BUILDING, PHYSICAL CONDITIONS: If installation is a part of this Agreement, Buyer shall be responsible and pay for all necessary reinforcements to the building or any other structures on which Display is installed, for relocating power lines or other obstacles, and for any additional installation costs incurred by Seller due to adverse soil conditions, underground or other obstructions including but not limited to drilling for excavation or removal of any rock. Unless notified of sprinkler lines or private utility lines prior to drilling Seller is not responsible for damage caused and shall be indemnified against claims, losses or proceeding arising by replacement, repair or diversion of such services. When pier drilling is necessary, Seller will contact Dig Tess or other agents for location of all public utilities. Location of private utilities is the sole responsibility of the Buyer. In the event rock or adverse soil conditions are encountered in the drilling process, additional monies will be requested by the Seller.

Customer Signature:

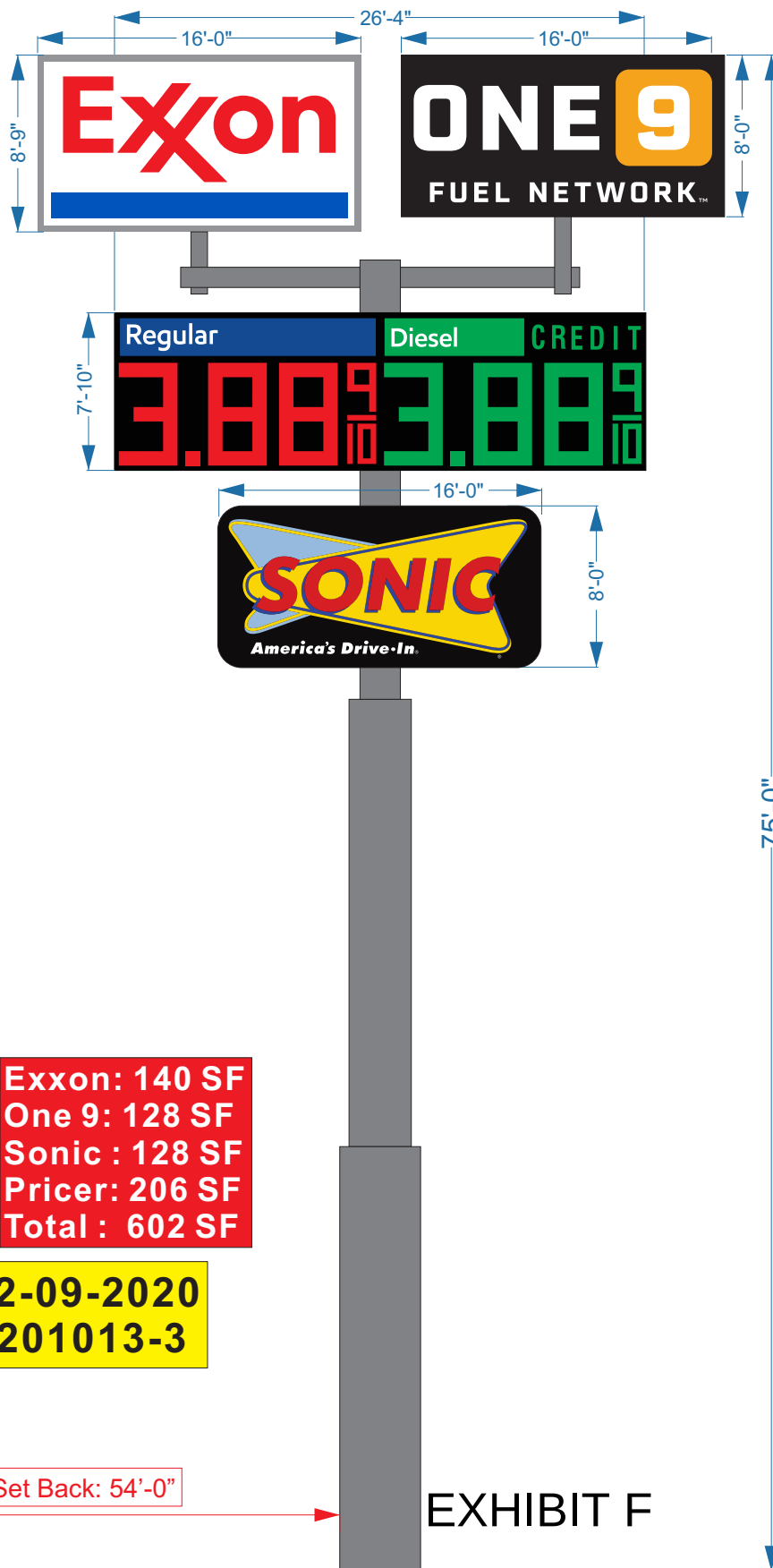
CUSTOMER DATE
LANDLORD DATE

PHONE: (972) - 205 - 9090

EMAIL: SALES@MYFUTURESIGNS.COM

ADDRESS: 11624 Chairman Dr Dallas, TX 75243

WEB: myfuturesigns.com

**Proposed Pole Sign (Sign A)**

Requesting deviation to maintain, reface, add programmable component, and add square footage to the existing non-confirming sign. The height will remain the same 75 feet and the proposed square footage is 650. The setback is the same as existing

A

Exxon: 140 SF
One 9: 128 SF
Sonic : 128 SF
Pricer: 206 SF
Total : 602 SF

Date: 12-09-2020
Case # 201013-3

EXHIBIT F

◁ SPELLING IS YOUR RESPONSIBILITY ▷ SIZES ARE NOTED ▷ PROOF IS NOT TO SCALE ▷ COLORS ON FINISHED PRODUCT MAY VARY SLIGHTLY FROM ELECTRONIC PROOF



CUSTOMER: Exxon / Sonic
COMPANY: VICTRON ENERGY, INC.
LOCATION: 801 East I30
CITY/STATE: Garland TX 75043

REINFORCEMENT OF BUILDING, PHYSICAL CONDITIONS: If installation is a part of this Agreement, Buyer shall be responsible and pay for all necessary reinforcements to the building or any other structures on which Display is installed, for relocating power lines or other obstacles, and for any additional installation costs incurred by Seller due to adverse soil conditions, underground or other obstructions including but not limited to drilling for excavation or removal of any rock. Unless notified of sprinkler lines or private utility lines prior to drilling Seller is not responsible for damage caused and shall be indemnified against claims, losses or proceeding arising by replacement, repair or diversion of such services. When pier drilling is necessary, Seller will contact Dig Toss or other agents for location of all public utilities. Location of private utilities is the sole responsibility of the Buyer. In the event rock or adverse soil conditions are encountered in the drilling process, additional monies will be requested by the Seller.

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LANDLORD: DATE

PHONE: (972) - 205 - 9090

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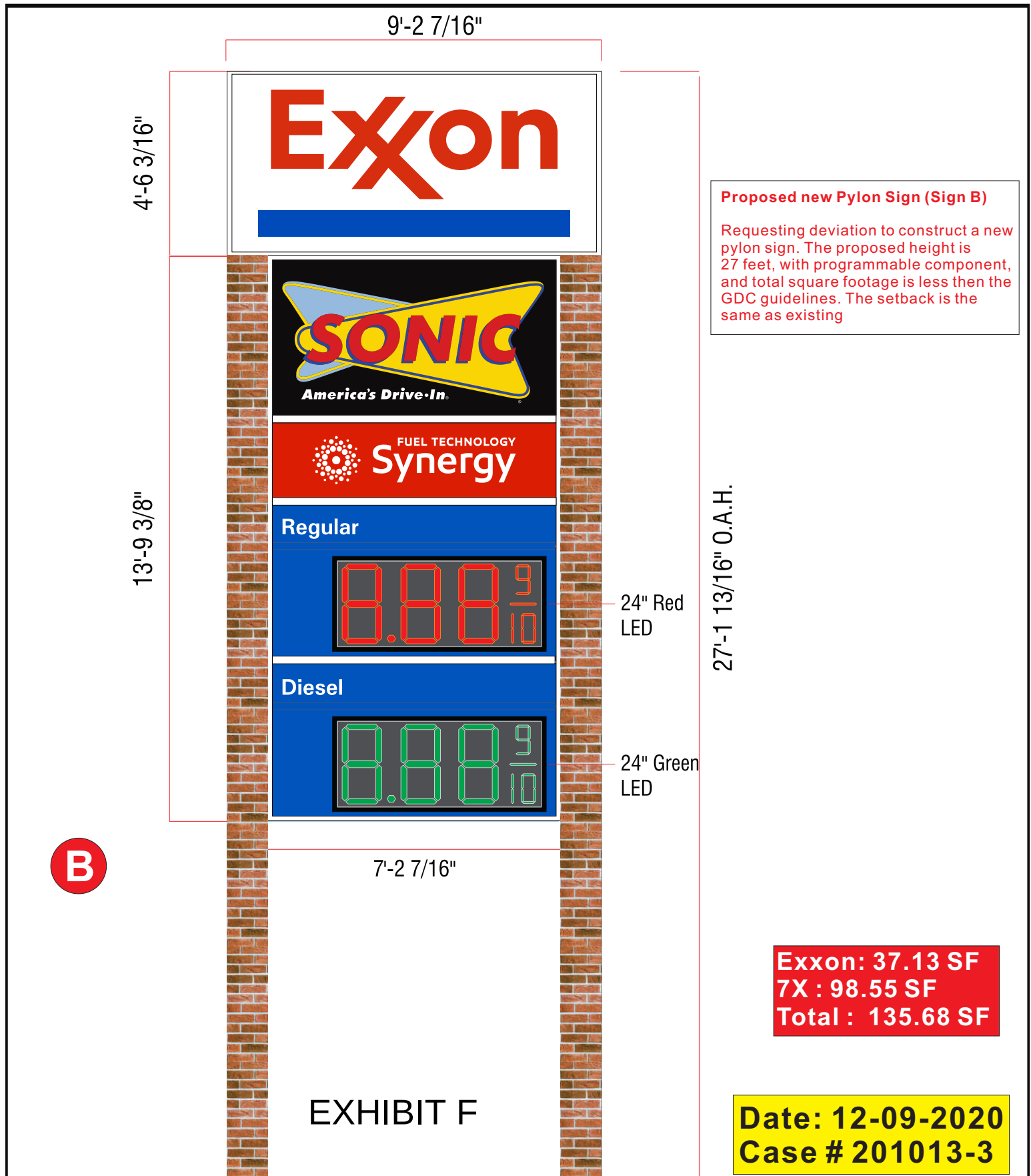
WEB: myfuturesigns.com



MATERIAL AND INSTALLATION COMPLIES WITH NATIONAL ELECTRICAL
SIGN CODE AND USES ONLY UL LISTED COMPONENTS

Regulated by the Texas Department of Licensing & Regulation
Website: www.license.state.tx.us

ATTN ELECTRICAL SIGNS: FINAL PLANS ARE DESIGNED, PERMITTED, MANUFACTURED, INSTALLED, AND INSPECTED BY A
LICENSED MASTER SIGN ELECTRICIAN AS REGULATED BY THE TEXAS DEPARTMENT OF LICENSING AND REGULATION

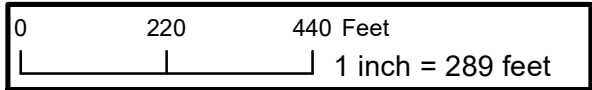


REPORT & MINUTES

P.C. Meeting, February 22, 2021

Consideration of the application of **JDJR Engineers & Consultants, Inc., Jim Dewy Jr.**, requesting approval of a Detail Plan for Community Retail Uses. This property is located at 801 East Interstate Highway 30. (District 3) (File Z 20-46 – Detail Plan)

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



 INDICATES AREA OF REQUEST
 INDICATES NOTIFICATION AREA

801 East Interstate Highway 30

Zoning Response Cases

Outside the
Notification area

Case Number

Z 20-46

The applicant JDJR Engineering & Consultants Inc., Jim Dewey Jr., propose to improve the existing pole sign and reconstruct a new pylon sign. Additionally, the applicant requests to continue the gas station (including gas pumps for trucks) and drive-through restaurant uses. This property is located at 801 East Interstate 30.

<null>

Michael Miller

<null>

Against

1617 Skyline Dr

Garland

Texas

United States

75043

mgmb04@aol.com

2145429617

Address/name not shown, where is this?

Z 20-46

The applicant proposes to improve the existing pole sign and reconstruct a new pylon sign. Additionally, the applicant requests to continue the gas station (including gas pumps for trucks) and drive-through restaurant uses.

[Planned Development, Specific Use Provision and Plan for signage and to continue the gas station and drive-through restaurant uses on a property zoned Community Retail (CR) District.]



GARLAND

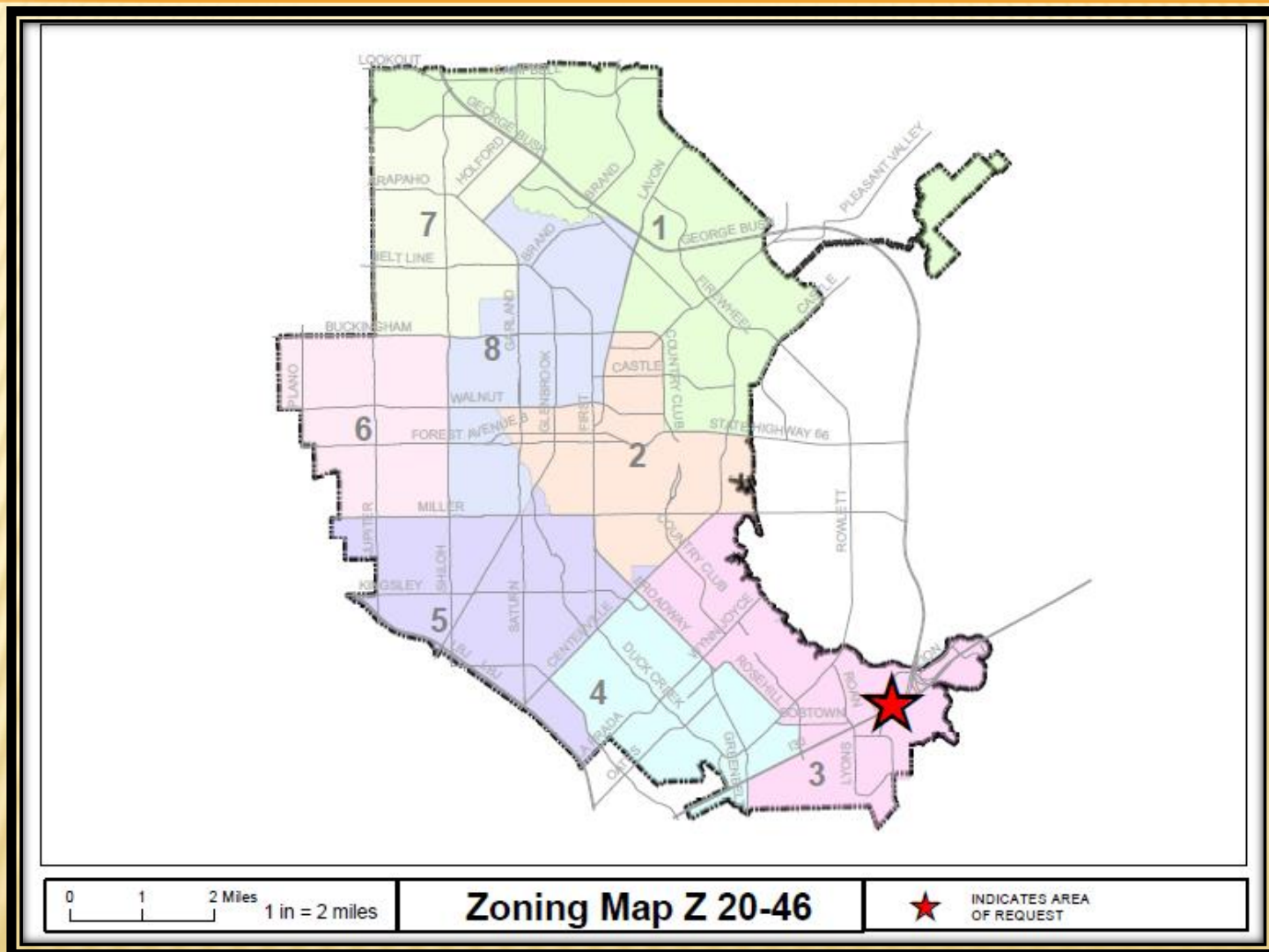
TEXAS MADE HERE

**City Council Meeting
March 16, 2021**

CASE INFORMATION

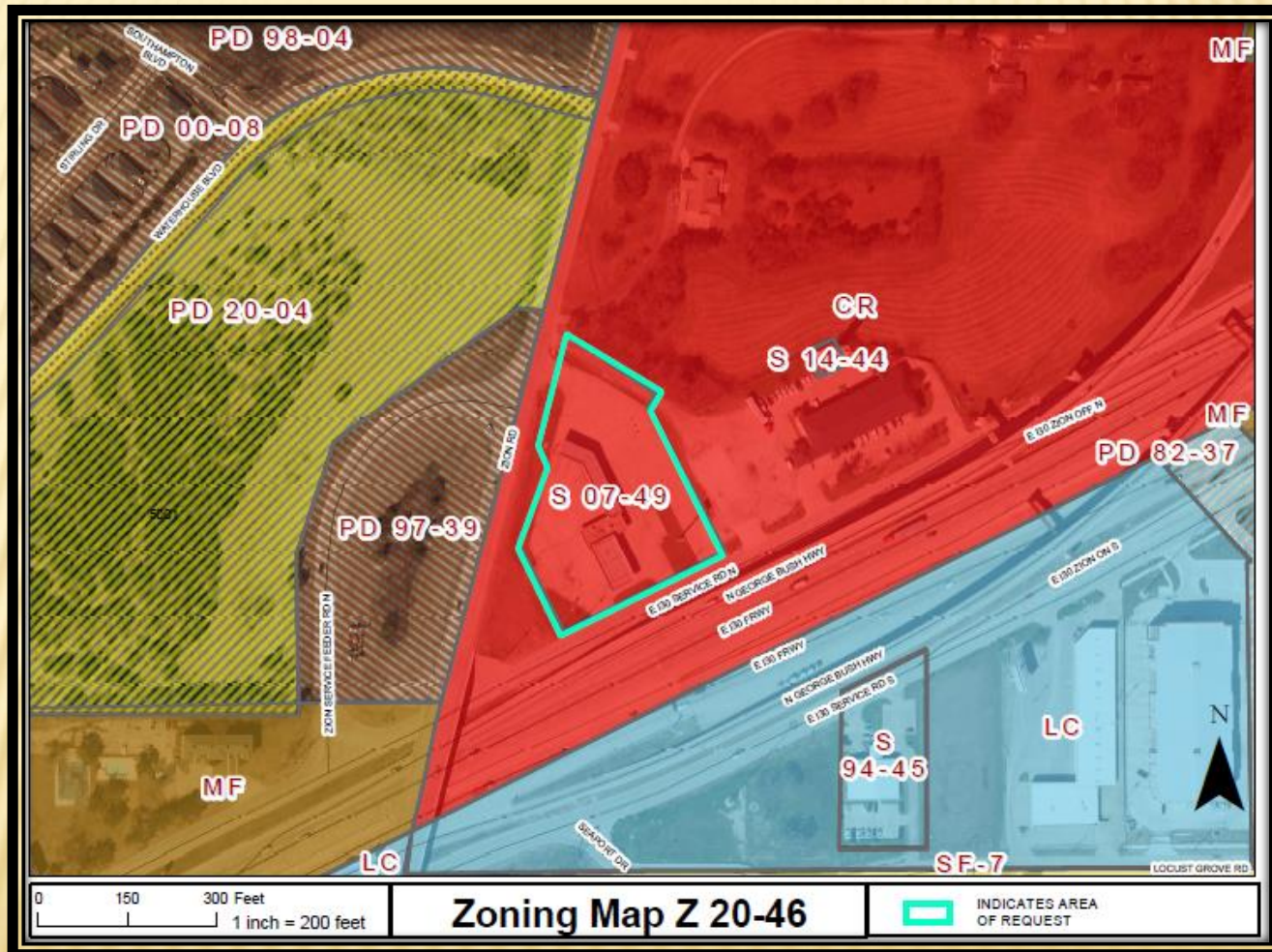
- Location:** 801 East Interstate 30
- Applicant:** JDJR Engineers & Consultants, Inc./Jim Dewey, Jr.
- Owner:** Victron Stores, LP / Walid Alameddine
- Acreage:** 2.32 acres
- Zoning:** Community Retail (CR) District

CITYWIDE LOCATION MAP

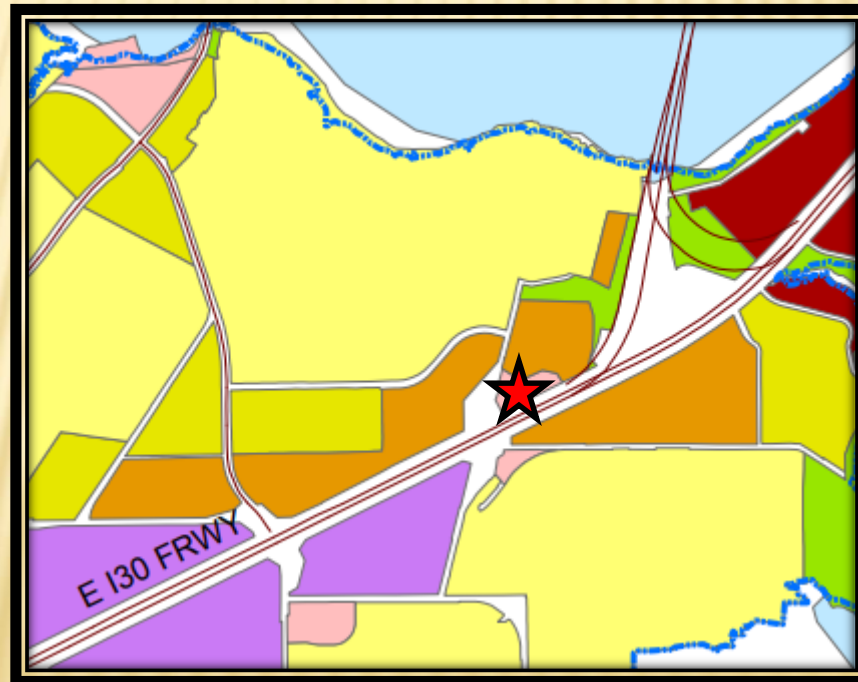


Z 20-46

LOCATION MAP



COMPREHENSIVE PLAN





COMPREHENSIVE PLAN

- The Envision Garland Plan designates the subject property as Neighborhood Centers. Neighborhood centers provide a mix of retail, services and community gathering places.
- This center should be appropriately scaled to adjacent residential areas. This type of center is predominantly, but not exclusively, non-residential. Neighborhood centers are served by local roads and transit routes.
- The proposal is compatible with the comprehensive plan. The tall freestanding signs primarily orient towards I-30. In addition, the proposal is a reinvestment for the subject property.



PHOTOS



Looking at the subject property from East Interstate 30



Looking east of the subject property



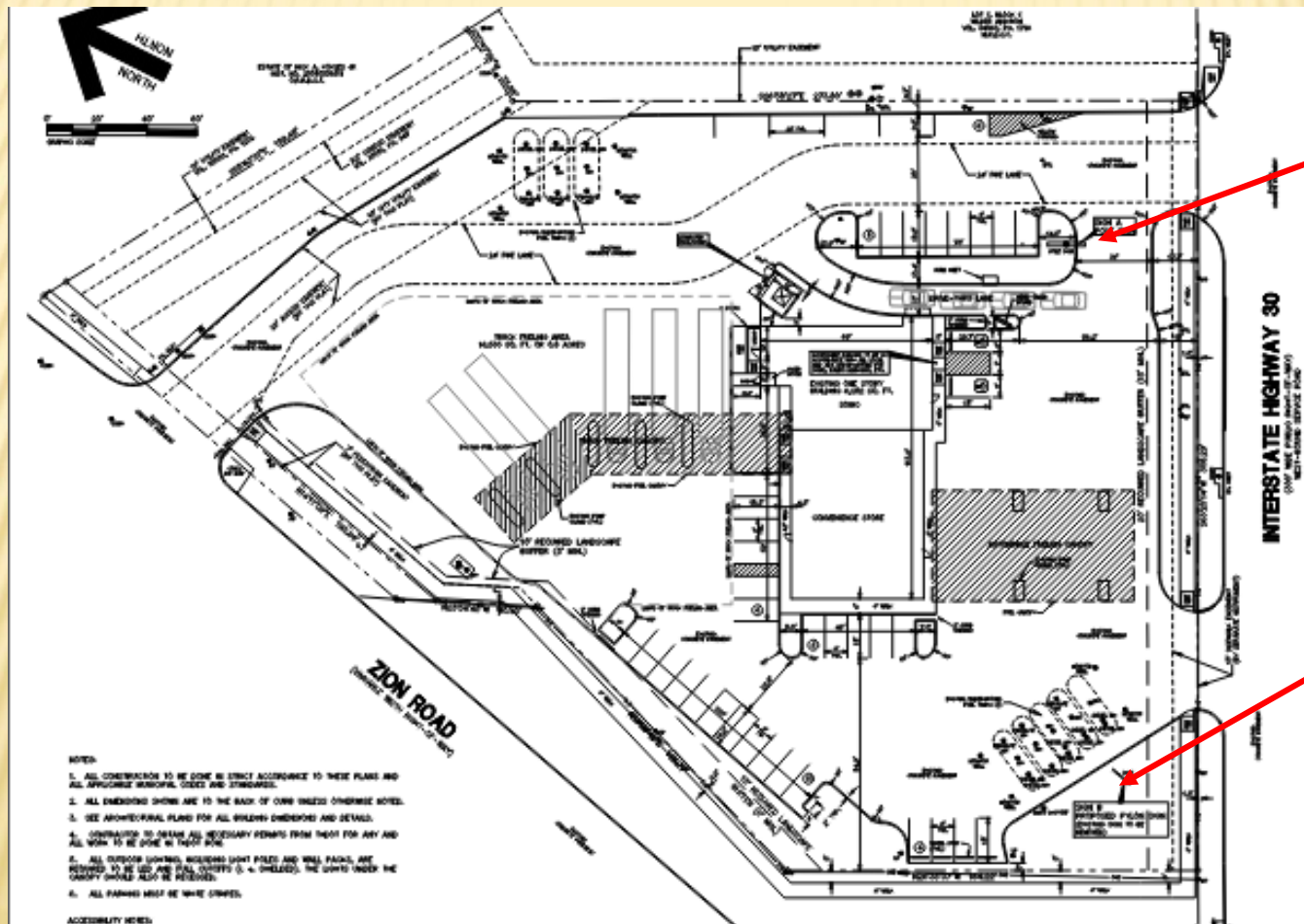
Looking south of the subject property across East Interstate 30



Looking west of the subject property



SITE PLAN

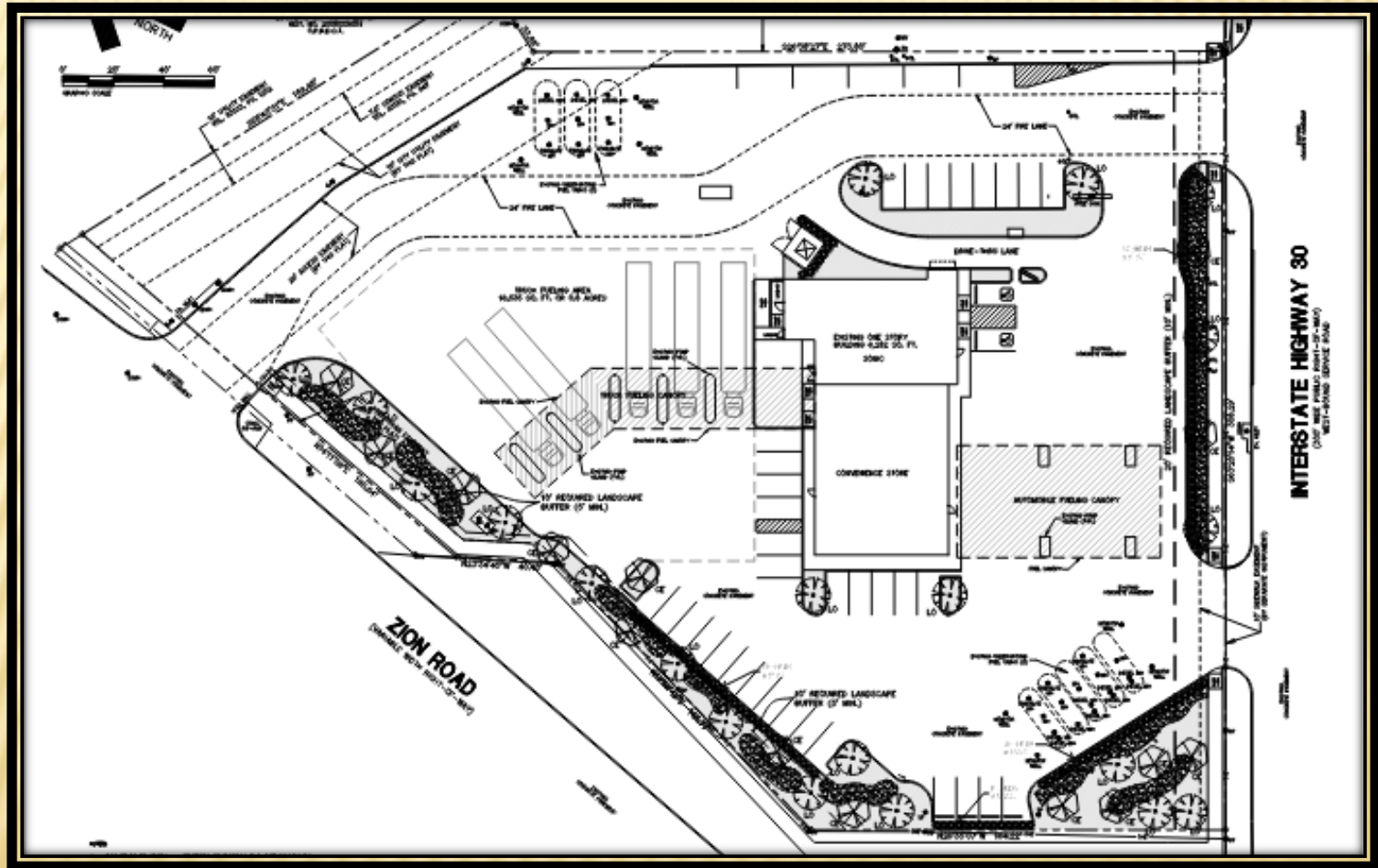


Existing Pole Sign

Existing Pylon to be demolished. New pylon sign proposed at the same location.

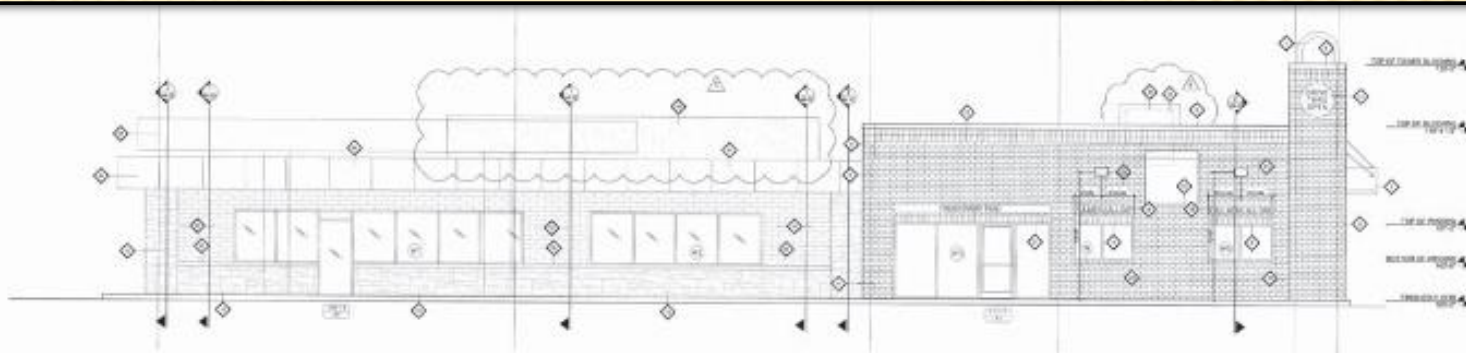


LANDSCAPE PLAN

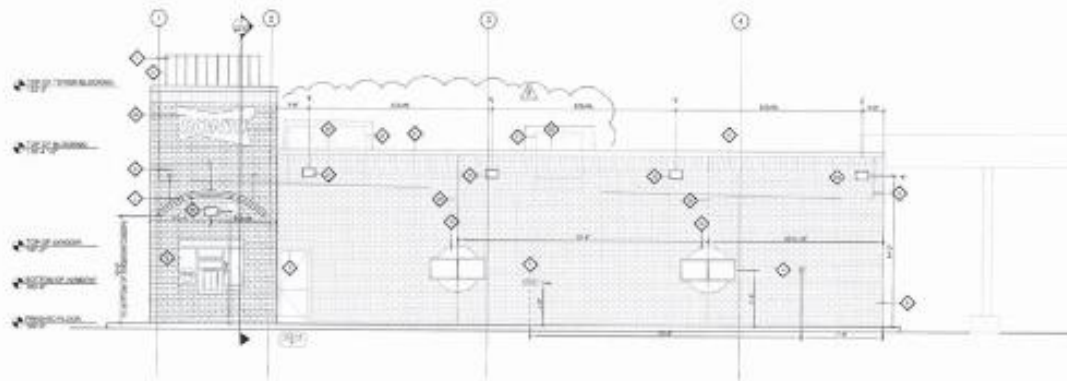


Z 20-46

BUILDING ELEVATIONS



1 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"
SHEET 14-231

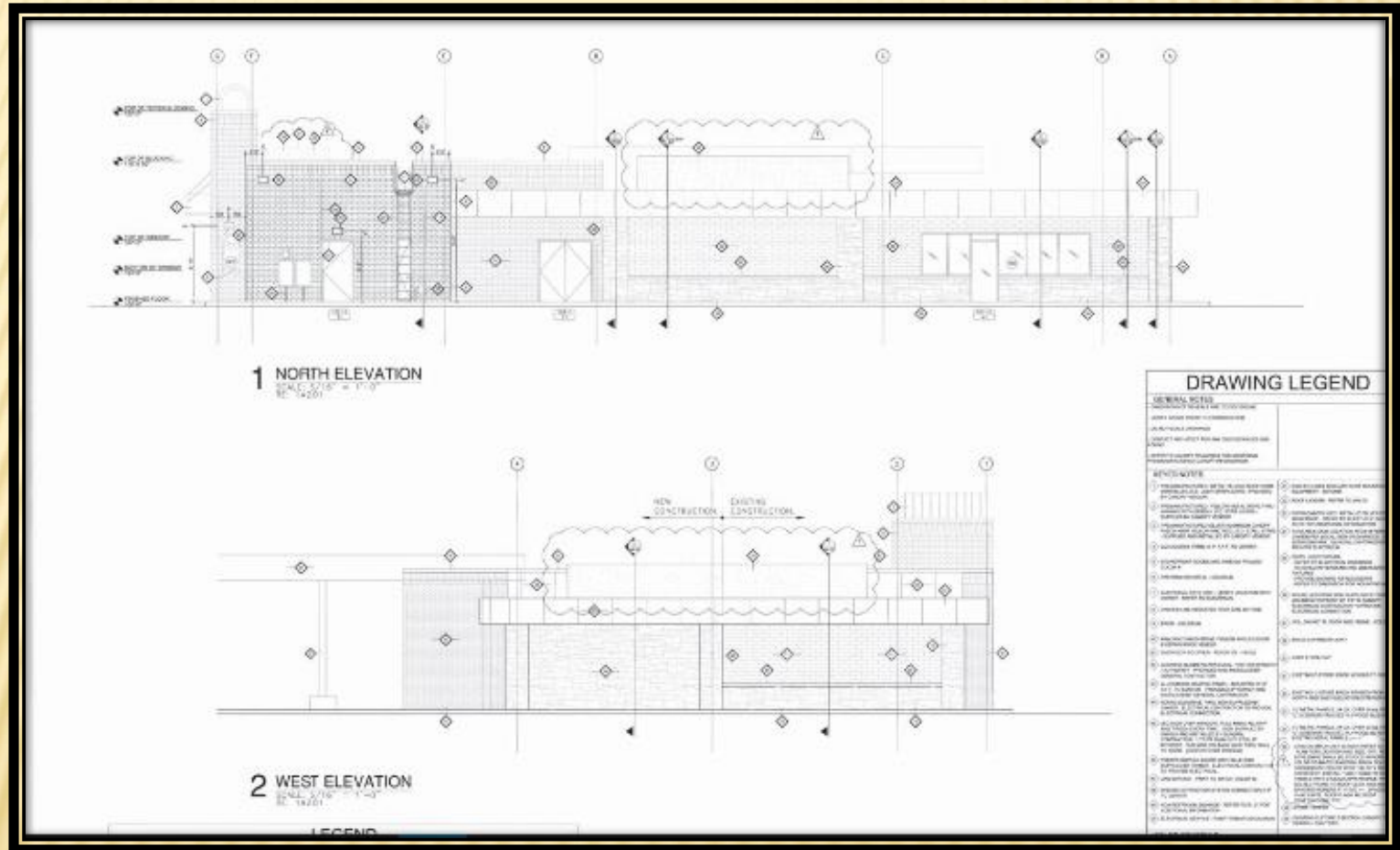


2 EAST ELEVATION
SCALE: 5/16" = 1'-0"
SHEET 14-231

DRAWING LEGEND

GENERAL NOTES	
1. GENERAL NOTES TO BE READ IN CONJUNCTION WITH THE DRAWING.	
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.	
3. ALL MATERIALS AND FINISHES TO BE AS SHOWN ON THE DRAWING.	
4. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.	
SPECIFIC NOTES	
1. EXISTING FOUNDATION TO REMAIN.	11. EXISTING ROOF TO REMAIN.
2. EXISTING WALLS TO REMAIN.	12. EXISTING FLOOR TO REMAIN.
3. EXISTING CEILING TO REMAIN.	13. EXISTING DOORS TO REMAIN.
4. EXISTING WINDOWS TO REMAIN.	14. EXISTING STAIRS TO REMAIN.
5. EXISTING PORCHES TO REMAIN.	15. EXISTING PATIO TO REMAIN.
6. EXISTING DRIVEWAY TO REMAIN.	16. EXISTING LANDSCAPE TO REMAIN.
7. EXISTING UTILITY SERVICE TO REMAIN.	17. EXISTING ELECTRICAL SERVICE TO REMAIN.
8. EXISTING PLUMBING SERVICE TO REMAIN.	18. EXISTING MECHANICAL SERVICE TO REMAIN.
9. EXISTING TELEPHONE SERVICE TO REMAIN.	19. EXISTING CABLE SERVICE TO REMAIN.
10. EXISTING GAS SERVICE TO REMAIN.	20. EXISTING WATER SERVICE TO REMAIN.
21. EXISTING SEWER SERVICE TO REMAIN.	22. EXISTING RAINWATER SERVICE TO REMAIN.
23. EXISTING AIR CONDITIONING SERVICE TO REMAIN.	24. EXISTING HEATING SERVICE TO REMAIN.
25. EXISTING FIRE ALARM SERVICE TO REMAIN.	26. EXISTING SECURITY SERVICE TO REMAIN.
27. EXISTING PA SYSTEM SERVICE TO REMAIN.	28. EXISTING SOUND SERVICE TO REMAIN.
29. EXISTING LIGHTING SERVICE TO REMAIN.	30. EXISTING VENTILATION SERVICE TO REMAIN.
31. EXISTING EXHAUST SERVICE TO REMAIN.	32. EXISTING FAN SERVICE TO REMAIN.
33. EXISTING PUMP SERVICE TO REMAIN.	34. EXISTING LIFT SERVICE TO REMAIN.
35. EXISTING ELEVATOR SERVICE TO REMAIN.	36. EXISTING STAIR LIFT SERVICE TO REMAIN.
37. EXISTING RAMP SERVICE TO REMAIN.	38. EXISTING CURB SERVICE TO REMAIN.
39. EXISTING DRIVEWAY SERVICE TO REMAIN.	40. EXISTING PARKING SERVICE TO REMAIN.
41. EXISTING LOADING SERVICE TO REMAIN.	42. EXISTING UNLOADING SERVICE TO REMAIN.
43. EXISTING STORAGE SERVICE TO REMAIN.	44. EXISTING DISPLAY SERVICE TO REMAIN.
45. EXISTING SALES SERVICE TO REMAIN.	46. EXISTING SERVICE SERVICE TO REMAIN.
47. EXISTING REPAIR SERVICE TO REMAIN.	48. EXISTING MAINTENANCE SERVICE TO REMAIN.
49. EXISTING CLEANING SERVICE TO REMAIN.	50. EXISTING PROTECTION SERVICE TO REMAIN.
51. EXISTING REMEDIATION SERVICE TO REMAIN.	52. EXISTING RESTORATION SERVICE TO REMAIN.
53. EXISTING RECONSTRUCTION SERVICE TO REMAIN.	54. EXISTING RENOVATION SERVICE TO REMAIN.
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59. EXISTING REMEDIATION SERVICE TO REMAIN.	60. EXISTING RESTORATION SERVICE TO REMAIN.
61. EXISTING RECONSTRUCTION SERVICE TO REMAIN.	62. EXISTING RENOVATION SERVICE TO REMAIN.
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65. EXISTING CLEANING SERVICE TO REMAIN.	66. EXISTING PROTECTION SERVICE TO REMAIN.
67. EXISTING REMEDIATION SERVICE TO REMAIN.	68. EXISTING RESTORATION SERVICE TO REMAIN.
69. EXISTING RECONSTRUCTION SERVICE TO REMAIN.	70. EXISTING RENOVATION SERVICE TO REMAIN.
71. EXISTING REPAIR SERVICE TO REMAIN.	72. EXISTING MAINTENANCE SERVICE TO REMAIN.
73. EXISTING CLEANING SERVICE TO REMAIN.	74. EXISTING PROTECTION SERVICE TO REMAIN.
75. EXISTING REMEDIATION SERVICE TO REMAIN.	76. EXISTING RESTORATION SERVICE TO REMAIN.
77. EXISTING RECONSTRUCTION SERVICE TO REMAIN.	78. EXISTING RENOVATION SERVICE TO REMAIN.
79. EXISTING REPAIR SERVICE TO REMAIN.	80. EXISTING MAINTENANCE SERVICE TO REMAIN.
81. EXISTING CLEANING SERVICE TO REMAIN.	82. EXISTING PROTECTION SERVICE TO REMAIN.
83. EXISTING REMEDIATION SERVICE TO REMAIN.	84. EXISTING RESTORATION SERVICE TO REMAIN.
85. EXISTING RECONSTRUCTION SERVICE TO REMAIN.	86. EXISTING RENOVATION SERVICE TO REMAIN.
87. EXISTING REPAIR SERVICE TO REMAIN.	88. EXISTING MAINTENANCE SERVICE TO REMAIN.
89. EXISTING CLEANING SERVICE TO REMAIN.	90. EXISTING PROTECTION SERVICE TO REMAIN.
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93. EXISTING RECONSTRUCTION SERVICE TO REMAIN.	94. EXISTING RENOVATION SERVICE TO REMAIN.
95. EXISTING REPAIR SERVICE TO REMAIN.	96. EXISTING MAINTENANCE SERVICE TO REMAIN.
97. EXISTING CLEANING SERVICE TO REMAIN.	98. EXISTING PROTECTION SERVICE TO REMAIN.
99. EXISTING REMEDIATION SERVICE TO REMAIN.	100. EXISTING RESTORATION SERVICE TO REMAIN.

BUILDING ELEVATIONS

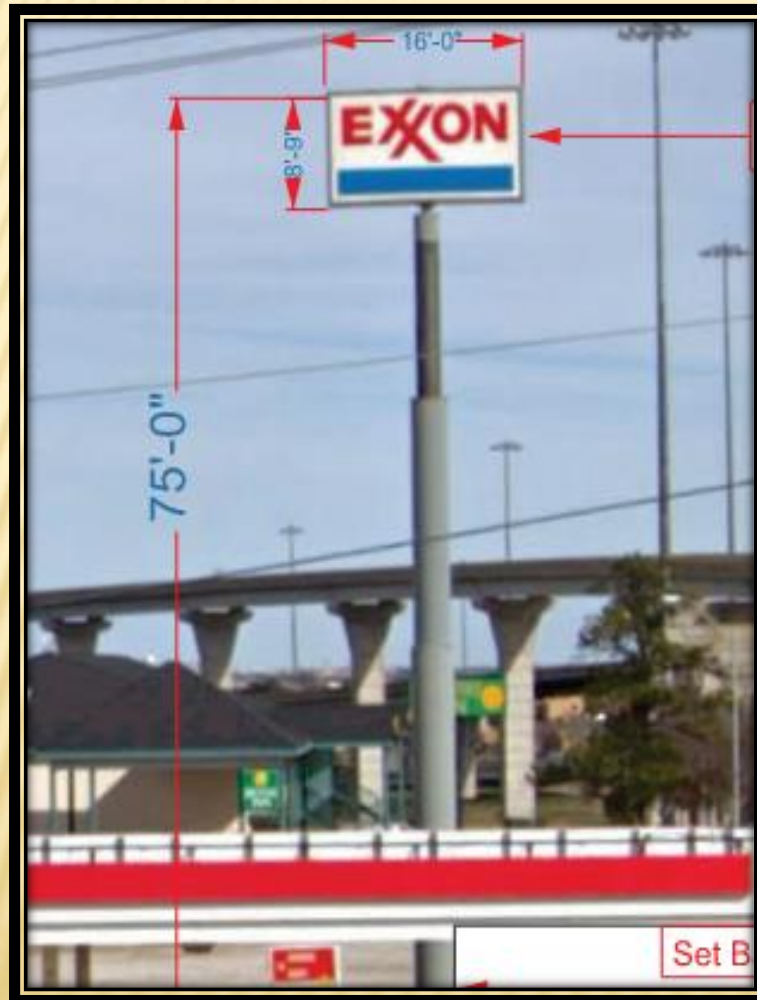


EXISTING FUEL CANOPIES

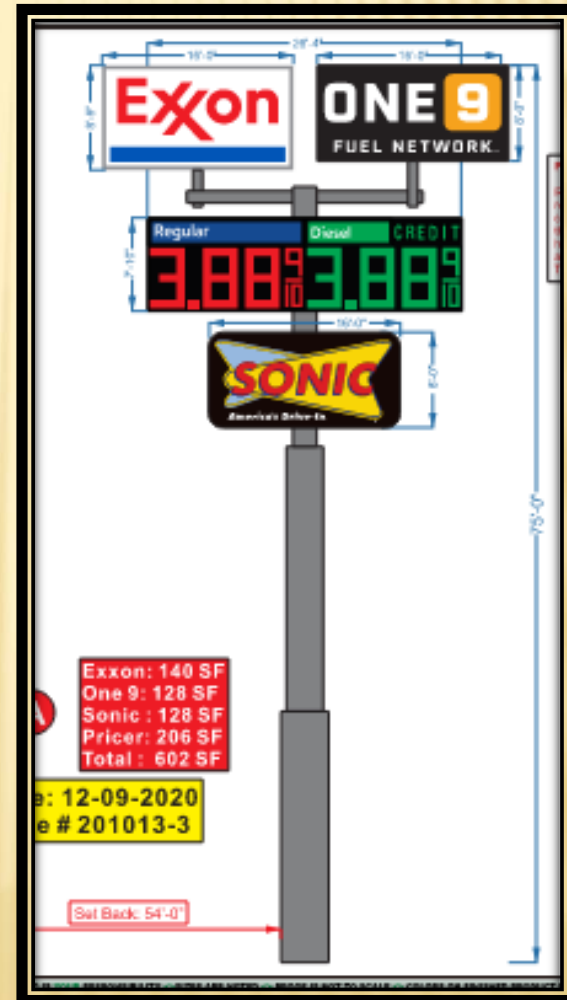


POLE SIGN

Existing Pole Sign



Proposed Pole Sign

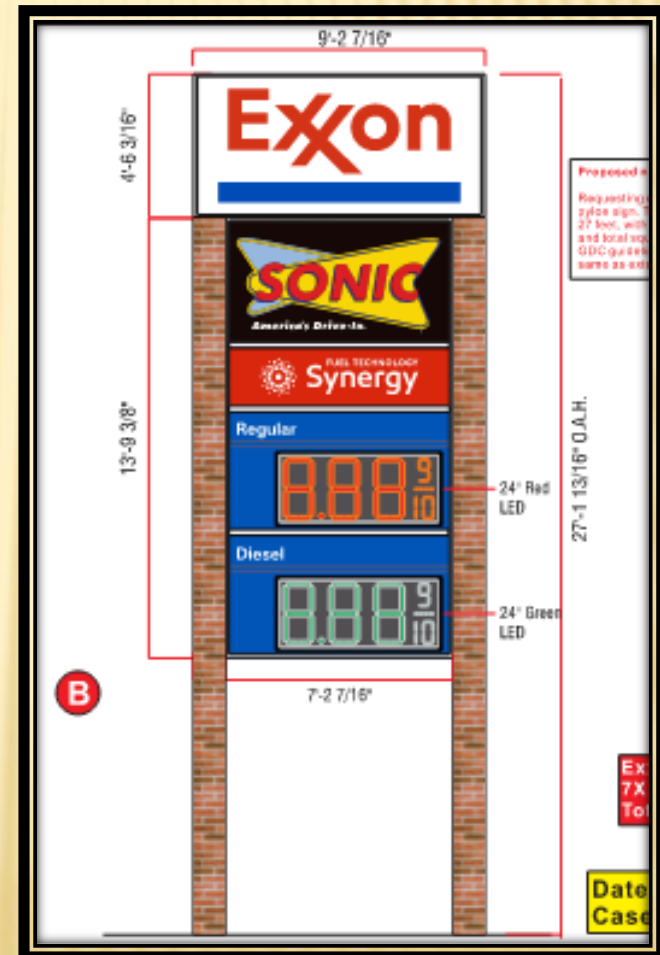


PYLON SIGN

Existing Pylon Sign



Proposed Pylon Sign



SUMMARY TABLE

Development Standards	Required (per the GDC)	Existing	Proposed	Justification
Pole Sign	Not Provided	<u>Height:</u> 75 feet <u>Surface Area:</u> 140 SF <u>Setbacks:</u> 54 feet	<u>Height:</u> 75 feet <u>Surface Area:</u> 650 SF <u>Setbacks:</u> 54 feet	The applicant contends the deviation is necessary for advertisement The proposed sign would allow greater visibility from the SH 190, East IH-30 corridor and Zion road.
Pylon Sign	<u>Height:</u> 22 feet (maximum) <u>Surface Area:</u> 150 SF (maximum) <u>Setbacks:</u> 20 feet	<u>Height:</u> 17.5 feet <u>Surface Area:</u> 46 SF <u>Setbacks:</u> 30 feet	<u>Height:</u> 27 feet <u>Surface Area:</u> 136 SF <u>Setbacks:</u> 30 feet	The applicant contends the new and improved pylon sign to be a better design and to allow advertisement from a farther distance.

CONSIDERATION

- ✘ The applicants requests the Specific Use Provision to be in effect for a time period of thirty (30) years.

PLAN COMMISSION RECOMMENDATION

- ✘ On February 22, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Change of Zoning from Community Retail (CR) District to a Planned Development (PD) District to allow deviations for an existing pole sign and a new pylon sign.
- ✘ The Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision renewal to continue a Restaurant, Drive-Through Use and a Fuel Pumps, Retail Use.
- ✘ The Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Detail Plan for Community Retail Uses.

STAFF RECOMMENDATION

- ✘ Approval of a Change of Zoning from Community Retail (CR) District to a Planned Development (PD) District to allow deviations for an existing pole sign and a new pylon sign.
- ✘ Approval of a Specific Use Provision renewal to continue a Restaurant, Drive-Through Use and a Fuel Pumps, Retail Use.
- ✘ Approval of a Detail Plan for Community Retail Uses