



GARLAND

NOTICE OF MEETING CITY OF GARLAND, TEXAS

PLAN COMMISSION
City Hall, Council Chambers
William E. Dollar Municipal Building
200 N. Fifth Street
Garland, Texas
September 9, 2024 at 7:00 p.m.

A meeting of the Plan Commission of the City of Garland, Texas will be held at the aforementioned location, date, and time to discuss and consider the following agenda items.

INVOCATION AND PLEDGE OF ALLEGIANCE: It is the custom and tradition of the members of the Plan Commission 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 Plan Commission and will not affect the decisions to be made during the meeting.

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

Public Comments

Your comments must relate to an item on this agenda - non-germane comments are not in order. Time limits will be imposed by the Chairman as appropriate to the nature of the agenda item. Generally, public speakers are given three minutes.

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

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

If the Plan Commission adjourns into executive session during this meeting, the executive session will be conducted between and among the members of the Plan Commission and relevant City staff. Public access to that meeting is prohibited by State law.

CONSENT AGENDA

All items under this section are recommended for approval by a single motion of the Plan Commission, without discussion. The Plan Commission has had the opportunity to review each of these items during a pre-meeting. The Chairman will announce the agenda and provide an opportunity for members of the audience and the Plan Commission to request that an item be removed and considered separately.

1. MINUTES

- a. Consider approval of the Plan Commission Minutes for the August 12, 2024 meeting.

2. PLATS

- a. P 24-22 Tricon Garland - Final

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 Plan Commission Secretary before speaking (cards are located at the entrance to the Council Chambers). The Chairman 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.

3. MISCELLANEOUS

- a. Election of Officers
- b. Discussion and possible adoption of amendments to the Plan Commission By-laws
- c. Plan Commission Teams IT Training

4. ADJOURN

NOTICE: The Plan Commission may recess from the open session and convene in a closed session if the discussion of any of the listed agenda items concerns matters regarding privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct. Sec. 551.071, Tex. Gov't Code.

NOTE: A quorum of the City Council may be in attendance and may or may not participate in the discussions of the Committee or board.



GARLAND

Plan Commission

1. a.

Meeting Date: 09/09/2024

Item Title: Plan Commission Minutes for August 12, 2024

Summary:

Consider approval of the Plan Commission Minutes for the August 12, 2024 meeting.

Attachments

August 12, 2024 Plan Commission Minutes



GARLAND

MINUTES

The Plan Commission of the City of Garland convened in regular session at 7:00 p.m. on Monday, August 12, 2024, in the Council Chambers at the William E. Dollar Municipal Building, 200 N. Fifth Street, Garland, Texas, with the following members present:

Present: Scott Roberts, Chairman
Julius Jenkins, 1st Vice Chair
Stephanie Paris, Commissioner
Georgie Cornelius, Commissioner
Patrick Abell, Commissioner
Michael Rose, Commissioner
Bob Duckworth, Commissioner

Absent: Wayne Dalton, 2nd Vice Chair
Jaric Jones, Commissioner

Staff Present: Angela Self, Interim Planning Director
Matthew Wolverton, Planner II
Trey Lansford, Deputy City Attorney
Elisa Morales, Recording Secretary

CONSENT AGENDA

All items under this section are recommended for approval by a single motion of the Plan Commission, without discussion. The Plan Commission has had the opportunity to review each of these items during a pre-meeting. The Chairman will announce the agenda and provide an opportunity for members of the audience and the Plan Commission to request that an item be removed and considered separately.

Motion was made by Commissioner Jenkins to **approve** the Consent Agenda. Seconded by Commissioner Abell. **Motion carried: 6 Ayes, 1 Abstention** by Commissioner Paris.

1. MINUTES

- a. Consider approval of the Plan Commission Minutes for the July 22, 2024 meeting.

APPROVED

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 Plan Commission Secretary before speaking (cards are located at the entrance to the Council Chambers). The Chairman 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.

2. ZONING

- a. Consideration of the application of **JQ Infrastructure**, requesting approval of an amendment to **APPROVED** Planned Development (PD) District 23-46 for Mixed Uses to 1) Amend Table 5-1 (Schedule of Uses) to add the Ground Water Storage Tank Use to the Employment Mixed Use (EMU) Character Zone and 2) a Detail Plan for a Ground Water Storage Tank Use. This property is located at 2301 Lookout Drive. (District 1) (File Z 23-07)

The applicant, Chris Bitter, 100 Glass Street, Dallas, Texas 75207, provided an overview of the request and remained available for questions.

Commissioner Rose asked the applicant if they have given consideration to painting the exterior of the storage tank once it is up.

The applicant stated that at the time that has not been considered.

Commissioner Duckworth asked the applicant if they would be open to putting a mural or wrap around the storage tank to help blend in with the surrounding landscape.

The applicant stated that the type of tank they are proposing do not typically have that type of design on them.

The applicant, Travis Marcum, 505 E Brown Street, Wylie, Texas, stated that the NTMWD has only done one other tank where they put logos on it and that was in the City of Allen. The City of Allen paid for the murals on that storage tank. Wrapping or painting the storage tanks is not something that the applicants would normally initiate on their own.

The Deputy City Attorney reminded the Commission that while they could make suggestions regarding wrapping or painting the storage tank, the decision for this proposal should be based on use of the site only.

Commissioner Abell asked the applicant if the proposal was a need-based request as a result of pressure around the surrounding areas and the developments nearby.

The applicant confirmed that this is based on need and strategically chosen because of the location.

Commissioner Rose asked the applicant if there was room for a second tank and if they foresee when that might be installed.

The applicant confirmed that there is in fact room for a second tank but there are no plans at the moment for a second tank.

Chair Roberts asked the applicant if there was any consideration given to installing the tank towards the back of the property.

The applicant stated that there were several factors in play to installing the tank at its proposed location, leaving the second location option available in the future to tie into the first storage tank.

Chair Roberts asked the applicant if they have considered selling the property to the west of the road for a small doctors' office or other similar uses.

The applicant stated that at the moment they plan on keeping and maintaining that portion of the site and not develop to the south or west.

Commissioner Rose asked the applicant what their time schedule was regarding building the storage tank if this is approved by Council.

The applicant stated that they would award a construction contract in October.

Motion was made by Commissioner Paris to close the public hearing and **approve** the application as presented. Seconded by Commissioner Jenkins. **Motion carried: 7 Ayes, 0 Nays.**

- b. Consideration of the application of **Moin Muhammad**, requesting approval of a Change in Zoning from Industrial (IN) District to Community Retail (CR) District. This property is located at 1010 N Shiloh Road. (District 8) (File Z 24-27) **APPROVED**

The applicant, Moin Muhammad, 609 Saint George, Richardson, Texas 75081, provided an overview of the request and remained available for questions.

Residents speaking on the request:

Scott Yousfa, 2706 Big Oaks Drive, Garland, Texas 75044
Yolanda Do, 2518 Poplar Trail, Garland, Texas 75044

Residents speaking on the request expressed concerns about the beautiful park that would be blocked by the proposed development as well as the potential for an increase in property taxes.

Chair Roberts stated that the proposed development would actually have no effect on the surrounding homes.

The applicant clarified that the proposed development would be surrounded by single-family homes to the west and to the east would be a 55+ assisted living community. The applicant stated that they are working with that developer for access to the property and that they would in no way add to the traffic flow. The applicant stated that he is unfamiliar with the park that was mentioned but that their goal is to enhance the site with a development that adds value to their development and the surrounding area.

Commissioner Abell stated that the Parks Masterplan would come along the creek near the development and eventually there will be community use besides the hospital that would protect the wooded area nearby.

Motion was made by Commissioner Duckworth to close the public hearing and **approve** the application as presented. Seconded by Commissioner Paris. **Motion carried: 7 Ayes, 0 Nays.**

3. ADJOURN

There being no further business to come before the Plan Commission, the meeting adjourned at 7:30 p.m.

CITY OF GARLAND, TEXAS

/s/ Scott Roberts, Chairman

/s/ Elisa Morales, Secretary



GARLAND

Plan Commission

2. a.

Meeting Date: 09/09/2024

Item Title: P 24-22 Tricon Garland - Final

Summary:

P 24-22 Tricon Garland - Final

Attachments

P 24-22 Tricon Garland - Final Plat Report & Attachments

Planning Report

File No: P 24-22 / District 3

Agenda Item:

Meeting: Plan Commission

Date: September 9, 2024



GARLAND

TEXAS MADE HERE

PRELIMINARY PLAT

Tricon Garland

LOCATION

3020 Bobtown Road

ZONING

Planned Development (PD) District 24-25

NUMBER OF LOTS

One hundred one (101) Total Lots and five (5) HOA lots.

ACREAGE

11.00 acres

BACKGROUND

The purpose of this Preliminary Plat to create a townhome development.

STAFF RECOMMENDATION

Approval of the Preliminary Plat. All technical requirements have been addressed and the plat is in order as submitted.

ADDITIONAL INFORMATION

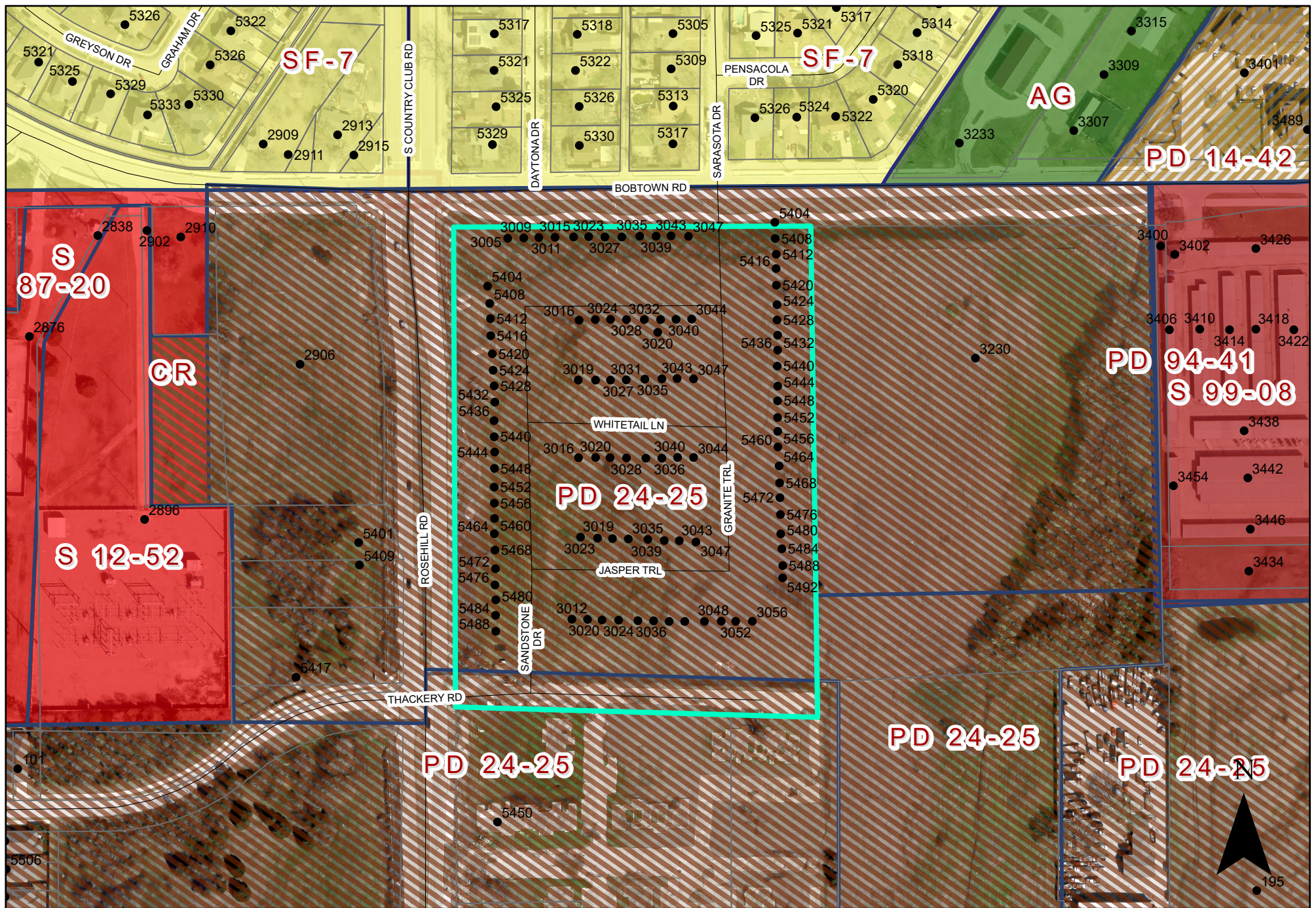
- i. Location Map
- ii. 24 x 36 Plat

PREPARED BY:

Matthew Wolverton
Planner II
Planning and Development
972-205-2454
mwolverton@garlandtx.gov

REVIEWED BY:

Angela Self, FAICP
Interim Director of Planning



0 250 500 Feet

PLAT MAP P 24-22

 INDICATES AREA OF REQUEST

OWNER'S CERTIFICATE

STATE OF TEXAS §

COUNTY OF DALLAS §

WHEREAS BOBTOWN VILLAS PROPERTY LLC is the owner of a tract of land located in the City of Garland, Dallas County, Texas, being part of the McKinney and Williams Survey, Abstract No. 1037 and part of the A.J. Robinson Survey, Abstract No. 1260, being part of Lot 1A, Block 1, The Fountains No. 2, an addition to the City of Garland as recorded in Volume 87185, Page 129, Deed Records, Dallas County, Texas, being part of Lots 2 and 3, Block 1, Pilot Service Center Addition, an addition to the City of Garland as recorded in Volume 98119, Page 23, Deed Records, Dallas County, Texas and being all of that called 11.00 acre tract of land described in Special Warranty Deed to Bobtown Villas Property, LLC. as recorded as Instrument No. 202200031162, Official Public Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a one-half inch iron rod with yellow cap stamped "JBI" set at the northwest corner of said 11.00 acre tract, being the intersection of the south right-of-way line of Bobtown Road (called 95 foot wide R.O.W.) and the east right-of-way line of Rosehill Road (variable width R.O.W.);

THENCE, along the north line of said 11.00 acre tract and the south right-of-way of Bobtown Road, North 89 degrees 47 minutes 17 seconds East, a distance of 591.76 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for the northeast corner of said 11.00 acre tract, said point being the northwest corner of a called 10.00 acre tract of land described in deed to Permalut Properties, LLC recorded as instrument No. 200900281960, Official Public Records, Dallas County, Texas;

THENCE, South 00 degrees 52 minutes 08 seconds East along the east line of said 11.00 acre tract and the west line of said 10.00 acre tract, passing at a distance of 753.61 feet a one-half inch iron rod found for the southwest corner of said 10.00 acre tract, being the most northerly northeast corner of a called 8.8173 acre tract of land described in deed to ABC Land Development, Inc. recorded as Instrument No. 201800181065, Official Public Records, Dallas County, continuing for a total distance of 813.72 feet to an "X" in concrete set for the southeast corner of said 11.00 acre tract, being an "ell" corner in the north line of said 8.8173 acre tract;

THENCE, along the south line of said 11.00 acre tract and the north line of said 8.8173 acre tract, North 88 degrees 25 minutes 41 seconds West, a distance of 600.10 feet to an "X" in concrete found for the southwest corner of said 11.00 acre tract and the north line of said 8.8173 acre tract, being in the east right-of-way line of Rosehill Road (variable width R.O.W.);

THENCE, along the west line of said 11.00 acre tract and the east right-of-way line of Rosehill Road, North 00 degrees 18 minutes 16 seconds West, a distance of 794.99 feet to the POINT OF BEGINNING and containing 479,157 square feet or 11.000 acres of land.

OWNER'S DEDICATION

STATE OF TEXAS §

COUNTY OF DALLAS §

NOW THEREFORE, KNOW ALL BY THESE PRESENTS:

That BOBTOWN VILLAS PROPERTY LLC, the owner of the property described in this plat, acting by and through its duly authorized agent, does hereby adopt this plat, designating the property as **TRICON GARLAND**, an addition to the City of Garland, Dallas County, Texas and does hereby dedicate, in fee simple and to the public use forever, any streets and alleys shown thereon and does further dedicate to the public use forever the easements shown thereon for the purposes indicated; provided, however, that no public dedication is made or intended as to any private easement, screen wall easement, or wall maintenance easement shown on this plat. All easements dedicated by this plat shall be open to, without limitation, all public and private utilities using or desiring to use the same for the purposes dedicated. No building, fence, tree, shrub, or other structure, improvement or growth shall be constructed, reconstructed or placed upon, over or across any easement dedicated by this plat in such a manner as to restrict the use or scope of, or interfere with the purpose and intent of the easement. Any public or private utility shall have: (1) the right to remove and keep removed all or any part of any building, fence, tree, shrub, or other structure, improvement or growth which in any way may endanger or interfere with the construction, reconstruction, maintenance, operation or efficiency of such utility; and (2) the right of ingress and egress to or from and upon such easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to, enlarging, or removing all or parts of its operation without the necessity at any time of procuring the permission of anyone. The maintenance of paving on utility easements and fire lanes is the responsibility of the property owner. Any and all maintenance of screening walls, screen wall easements, retaining walls, and wall maintenance easements is the responsibility of the property owner, its successors, or assigns. All utility easements dedicated by this plat shall also include an additional area of working space for construction, reconstruction, additions, enlargements, and maintenance including such additional area necessary for installation and maintenance of manholes, cleanouts, fire hydrants, water services and wastewater services from the main to the curb or pavement line.

Each property owner shall keep the drainage channels and/or drainage and floodway easements traversing or adjacent to his property clean and free of debris, silt, and any other substance which may impede the flow of stormwater or result in unsanitary conditions. This includes all necessary establishment of ground cover, slope stabilization, mowing, weeding, litter pick-up, and other normal property owner responsibilities. The City of Garland shall have the right of ingress and egress for the purposes of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions which may occur.

No obstruction to the natural flow of stormwater runoff shall be permitted by filling or by construction of any type, including, but not limited to, construction of any dam, building, fence, bridge, walkway, or any other structure within the drainage channels or easements, unless approved by the City of Garland, provided, however, it is understood that in the event it becomes necessary for the City of Garland to erect any type of drainage structure in order to improve the storm drainage that may be occasioned by the streets and alleys in or adjacent to the subdivision, then in such event, the City shall have the right to enter upon the drainage or floodway easements at any point or points to erect, construct, or maintain any drainage facility deemed necessary for drainage purposes.

The area or areas shown on the plat as "VAM" (Visibility, Access and Maintenance) Easement(s) are hereby given and granted to the City of Garland ("City"), its successors and assigns, as an easement to provide visibility, right of access, and maintenance upon and across said VAM Easement. Property owners of corner lots shall maintain the VAM Easement(s) in accordance with Chapter Eight of the Technical Standards Manual of the City of Garland, Texas. The City shall have the right, but not the obligation, to maintain all landscaping within the VAM Easement. Should the City exercise this maintenance right it shall be permitted to remove and dispose of any and all landscaping improvements, including without limitation, any trees, shrubs, flowers, ground cover, structure and/or fixtures. The City in its sole discretion may withdraw maintenance of the VAM Easement at any time. The ultimate maintenance responsibility for the VAM Easement shall rest with the property owner(s). No building, fence, wall, screen, berm, sign, parking stall, drive aisle, driveway, hedge, shrub, tree, or other improvements or growths, which in any way endanger or interfere with the visibility, shall be constructed in, on, over, or across the VAM Easement. The City shall also have the right, but not the obligation, to add any landscape improvements to the VAM Easement, to erect any traffic control devices or signs on the VAM Easement, and to remove any obstruction thereon. The City, its successors, assigns, or agents shall have the right and privilege at all times to enter upon the VAM Easement or any part thereof for the purposes and with all rights and privileges set forth herein.

The Recreational Trail Easement is hereby dedicated for pedestrian, passive recreational trail purposes, such as walking, hiking, jogging, bicycling, and other similar recreational purposes. The City of Garland shall have the right to occupy, maintain, re-grade, modify, and expand trail improvements and use the surface of the Recreational Trail Easement Area. However, Grantor shall retain title to all improvements and is responsible for designing, constructing, and maintaining all improvements to the minimum standards set by applicable city, state, and federal laws and regulations. Notwithstanding any other language contained herein to the contrary, the City is not required to maintain the Recreational Trail Easement or any improvements therein.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Garland, Texas.

Witness my hand at Garland, Texas this the ____ day of _____, 2024.

By: Joshua Welty
Vice President, Development

STATE OF CALIFORNIA §

COUNTY OF ORANGE §

BEFORE ME, the undersigned authority in and for the State of Texas, on this day personally appeared JOSHUA WELTY, known to me to be the person whose name is subscribed to the forgoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 2024.

Notary Public in and for the State of California

SURVEYOR'S CERTIFICATE

I, WILLIAM J. JOHNSON, a Registered Professional Land Surveyor, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from recorded documentation, evidence collected on the ground during field operations and other reliable documentation; and that this plat substantially complies with the Rules and Regulations of the Texas Board of Professional Engineers and Land Surveyors, Texas Local Government Code, Chapter 212, and the City of Garland Development Code. I further affirm that monumentation shown hereon was either found or placed as described hereon and is in substantial compliance with the City of Garland Development Code; and that the digital drawing file accompanying this plat is a precise representation of this Signed Final Plat.

Dated this the ____ day of _____, 2024.

William J. Johnson, R.P.L.S. No. 5426

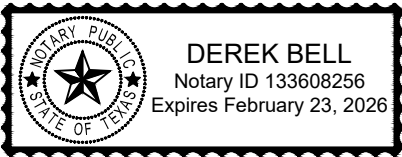
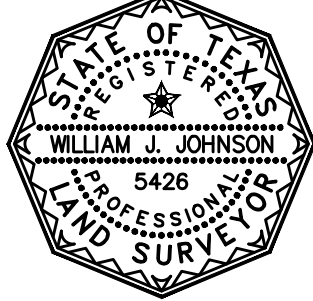
STATE OF TEXAS §

COUNTY OF DALLAS §

BEFORE ME, the undersigned authority in and for the State of Texas, on this day personally appeared WILLIAM J. JOHNSON known to me to be the person whose name is subscribed to the forgoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 2024.

Notary Public, State of Texas



Approved and accepted for the City of Garland this ____ of _____, 20__ by the City Plan Commission of the City of Garland, Texas.

Chairman of the City Plan Commission

Director of Planning

The approval of this plat is contingent upon the plat being filed with the County Clerk of Dallas County with 180 days from the date above.

FINAL PLAT
TRICON GARLAND
BLOCK 1, LOTS 1-35, 36X; BLOCK 2,
LOTS 1-34, 35X-36X; BLOCK 3, LOTS 1-1, 17X;
BLOCK 4, 1-16, 17X

101 SINGLE FAMILY LOTS, 5 COMMON AREA LOTS,
11.000 ACRES

BEING A REPLAT OF
PART OF LOT 1A, BLOCK 1, THE FOUNTAINS NO. 2,
VOL. 87185, PG. 129, D.R.D.C.T.
AND PART OF LOTS 2 AND 3, BLOCK 1,
PILOT SERVICE CENTER ADDITION,
VOL. 98119, PG. 23, D.R.D.C.T.

MCKINNEY & WILLIAMS SURVEY, ABSTRACT NO. 1037
ANDREW J. ROBINSON SURVEY, ABSTRACT NO. 1260
CITY OF GARLAND, DALLAS COUNTY, TEXAS

CITY CASE NO. 211007-2
BOBTOWN VILLAS PROPERTY LLC OWNER/APPLICANT (714) 689-6549
c/o Tricon Residential
15771 Red Hill Avenue
Tustin, CA 92780
Contact: Joshua Welty
JBI PARTNERS, INC. SURVEYOR/ENGINEER (972)248-7676
2121 Midway Road, Suite 300
Carrollton, Texas 75006
Contact: Young Wook Choi, P.E.
TBPE No. F-438 TBPLS No. 10076000

AUGUST 27, 2024

Sheet 2 of 2



GARLAND

Plan Commission

3. b.

Meeting Date: 09/09/2024

Item Title: Plan Commission By-Laws

Summary:

Discussion and possible adoption of amendments to the Plan Commission By-laws

Attachments

Plan Commission By-Laws

BYLAWS
OF
THE PLAN COMMISSION
GARLAND, TEXAS

ARTICLE I

Powers and Duties

Section 1. The powers, duties, objectives, and purposes of the Plan Commission of the City of Garland, Texas are those set forth under state law, the Garland City Charter, Garland Code of City Ordinances, and the Garland Development Code.

ARTICLE II

Officers

Section 1. The officers of the Plan Commission shall be a Chairperson, First Vice Chairperson, Second Vice Chairperson, and Secretary - the Secretary shall not be a member of the Commission.

Section 2. The Chairperson shall preside over all meetings of the Commission and have all duties conferred by Robert's Rules of Order, state or local law, or Council policy. The Chairperson may participate in the discussion of all matters before the Commission and vote thereon. The Chairperson, on behalf of the Commission, shall sign subdivision plats approved by the Commission and all other necessary papers and documents related to matters brought before the Commission. The Chairperson shall be responsible for appointing members to committees and may call special meetings of the Commission. The Chairperson shall be responsible for the efficient and orderly transaction of Commission business.

Section 3. The First Vice Chairperson shall have the authority to perform all duties of the Chairperson in the event the Chairperson is absent or unable to perform the duties of the office. In the event both the Chairperson and First Vice Chairperson are absent or unable to perform their duties, the Second Vice Chairperson shall have the authority to perform all duties of the Chairperson.

Section 4. The Secretary, or the Director of Planning's designee in the event the Secretary is absent or unable to perform the duties of the office, shall keep the minutes and records of the

Commission, prepare the agenda of regular and special meetings, provide notice of meetings and copies of minutes to members of the Commission, arrange proper and legal notice of all hearings, attend to the correspondence of the Commission, and other duties that are normally performed by the office of Secretary. It shall be the duty of the Secretary to submit to the Commission the minutes of the previous meeting so that the same may be corrected, if necessary, to accurately reflect the proceedings of the last meeting. The minutes shall not be official until they are adopted by a majority vote of the Commission.

ARTICLE III

Appointment of Officers

Section 1. The Chairperson, First Vice Chairperson and Second Vice Chairperson shall be elected annually at the first regular meeting in September. Nominations shall be made from the members of the Commission and the election shall follow immediately thereafter. The candidate receiving the most votes for the office for which the candidate was nominated shall be declared elected and shall take office immediately. Upon request of a member of the Commission, or at the discretion of the Chairperson, the election may be by ballot.

Section 2. The Director of Planning shall appoint the Secretary from staff of the Department of Planning.

Section 3. In the event of a mid-term vacancy, for whatever reason, it shall be filled by the Commission at a regular or special meeting pursuant to the procedures described in Section 1 of this Article III.

ARTICLE IV

Meetings

Section 1. Regular meetings will be held on the second and fourth Monday of each month at 7:00 p.m. In the event a regular meeting falls on a holiday or upon a day resulting in a conflict with another city or special event, the Commission, by a majority vote, may change the date and time of the regular meeting of the Commission.

Section 2. Special meetings may be called at any time by the Chairperson or upon written request by three members of the Commission.

Section 3. Five members of the Commission shall constitute a quorum. No official action shall be taken unless a quorum is present on the item or matter being considered by the Commission.

Section 4. Except as otherwise set by state or local law, or by these Bylaws, an affirmative vote of the majority of the Commission membership is required to approve any matter before the Commission. Each member of the Commission present, including the Chairperson, shall vote on all matters unless the member (1) has a direct interest as a neighboring property owner, (2) a conflict of interest as described in Section 10.52 of the City Code, (3) knows his or her participation in the discussion or decision of the matter is likely to affect the substantial economic interests of one of the entities or individuals described in Section 10.53(A), or (4) for reason of nepotism as defined by State law or prohibited by state law.

Section 5. All decisions and recommendations of the Commission shall be made in meetings open to the public and a vote taken at such meetings and duly recorded. All meetings shall be held in accordance with the provisions of the Open Meetings Act.

Section 6. Parliamentary procedure shall be governed by Roberts Rules of Order, which may be suspended upon a majority vote of the Commission, except when in conflict with state or local law. In the event of a conflict between Robert's rules of Order and state or local law, then state and local law shall govern.

Section 7. Subject to the time limitations set forth in state law and the Garland Development Code, the Commission may take a matter under advisement and announce its decision at a subsequent meeting that is open to the public. However, in order to do so, the Commission must first set a date certain when such hearing will be resumed.

Section 8. Upon a timely and written request directed to the Plan Director, from the Chairperson, or any two members of the Plan Commission, to place an item for consideration or recommendation on the agenda, the item shall be added to the next regularly scheduled Plan Commission meeting agenda.

ARTICLE V

Committees

Section 1. Special committees may, from time to time, be appointed by the Chairperson of the Commission. Among other tasks, including field inspections, a special committee may be assigned any issue that may be considered by the Commission. Special committees shall be composed of at least three members of the Commission.

Section 2. A committee chairperson shall be appointed from the membership of each committee by the Chairperson of the Commission. The committee chairperson shall preside over committee meetings, shall vote upon all matters and shall report the results of committee meetings to the Commission.

ARTICLE VI

Zoning Hearings, Procedures and Rules

Section 1. A special committee may make visual inspection of the site of an application, and the area around, and in the vicinity of, application subject property prior to or after a public hearing.

Section 2. At the hearing, proponents and opponents of a matter before the Commission shall be given a reasonable and adequate opportunity to be heard and present their respective views.

Section 3. The Secretary shall include in the minutes of a meeting a brief synopsis of the evidence presented at the hearing.

Section 4. After the Commission has reached a decision and taken official action on a zoning case, the recommendation shall be forwarded to the City Council so that the Council may review the report and recommendation when the matter comes before the Council.

Section 5. In a public hearing, the Chairperson may ask for each delegation to appoint a speaker, or speakers, to represent the delegation in order to conserve the Commission's time. The applicant shall have 15 minutes to present an application with a rebuttal time of 5 minutes, if necessary. All other speakers shall have 3 minutes to give testimony. The Chairperson, and the Commission upon a majority vote, shall have the authority to modify the time allotted to speakers.

Section 6. Rehearings.

- (a) In the event that an applicant desires to submit an application for a change of zoning on a tract of land, or any portion thereof, to which the City Council has denied a zoning change with the previous 12 months, the Plan Commission shall adhere to processes and requirements set forth in the Garland Development Code, Article 2, Division 1, Section 2.05(K).
- (b) In the event that the Plan Commission makes a recommendation to disapprove a request to change a zoning designation for a tract of land and the Council has not made a decision on the application, no additional zoning application may be considered by the Plan Commission within six months of the Commission's recommended disapproval, except:
 - 1. Where reconsideration has been requested by the City Council;
 - 2. Where the Plan Commission waives the six-month requirement at the time it recommends disapproval of the application for zoning change; or
 - 3. Upon the written request of the applicant where pertinent facts are sufficient for the Plan Commission to determine that a new hearing is warranted.

In the event that a rehearing is granted by the Commission, then the procedure thereon will be the same as if the original application for a zoning change had been filed pursuant to the Garland Development Code, Article 2, Division 1.

Section 7. Withdrawals, postponements for same.

- (a) Withdrawals
 - (1) Written request by the applicant to withdraw a petition for zoning change prior to mailing hearing notices shall be honored.
 - (2) Written request by the applicant for a withdrawal made after mailing hearing notices, but prior to commencement of the public hearing on such application, shall be honored but shall be subject to the hearing provisions

set forth in Article VI, Section 6(b) as if the application had been heard and the Plan Commission had recommended disapproval of the application.

(b) Postponements

- (1) Written request by the applicant to postpone an application for zoning change prior to mailing hearing notices shall be honored.
- (2) Written request by the applicant for hearing postponement made after mailing hearing notices shall be honored if there is proper time to be mailed to property owners. In the event there is not adequate time for notification, a postponement request shall be subject to the discretion of the Commission.
- (3) In the event property owners of 20% of the land within 200 feet of the notification area are in opposition, only one request for postponement by the applicant may be permitted.
- (4) If a request for a postponement is made by an applicant before the Commission hears the request, the applicant will have three months from the time this request is received to decide whether to proceed with the zoning change or the file will be closed.

Section 8. Plans

- (a) A "Plan" has the meaning set forth in Section 2.04 of the Garland Development Code. Where required by the Garland Development Code or state law, a Plan must be submitted by the applicant in connection with a request for a change or amendment to the Zoning Regulations set forth in the Garland Development Code.
- (b) The Plan Commission shall recommend approval, approval with conditions, or disapproval of a Plan within thirty (30) days after the date the Plan is filed with the Planning Department. The Plan Commission may, by written request of the applicant postpone making a decision on the application of a Plan for a period that does not exceed thirty (30) calendar days, in accordance with state law and Article 2, Division 1, Section 2.05(F) of the Garland Development Code.

ARTICLE VII

Special Hearings

Section 1. Special hearings may be held by the Commission or by a special committee, under the direction of the Commission, on any matter other than zoning and subdivision cases when a public hearing would be in the public interest.

Section 2. Notice of such special hearing shall be in accordance with the Texas Open Meetings Act, or other applicable state and local laws.

ARTICLE VIII

Amendments

These Bylaws may be changed at any regular meeting of the Commission by a two-thirds vote of all members. Any proposed change or amendment of these rules shall be delivered to Plan Commission members for not less than three days in advance of the meeting at which a change or amendment is considered for adoption.

ARTICLE IX

Temporary Waiver of Bylaws

These Bylaws may be temporarily waived for the duration of a meeting by a two-thirds (2/3) vote of the members present.

ARTICLE X

Miscellaneous

Section 1. Severability. If any part or provision of these Bylaws, or the application of these Bylaws to any person or circumstance, is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the

judgment shall be rendered, and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The Plan Commission hereby declares that it would have enacted the remainder of these Bylaws even without any such part, provision, or application that is judged to be invalid.

Section 2. Savings Provision. These Bylaws shall not be construed as terminating, dismissing, or abating any action now pending under, or by virtue of, prior existing regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the Plan Commission or the City under any section or provision existing at the time of the effective date of these Bylaws, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the Plan Commission or the City except as shall be expressly provided herein.

Adopted by the Plan Commission on this 10th day of April, 2023.