

AGENDA

REGULAR MEETING OF THE CITY COUNCIL

City of Garland
Council Chambers, City Hall
William E. Dollar Municipal Building
200 North Fifth Street
Garland, Texas
Tuesday, October 17, 2023
7:00 p.m.

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

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

NOTICE: The City Council may recess from the open session and convene in a closed executive session if the discussion of any of the listed agenda items concerns one or more of the following matters:

- (1) Pending/contemplated litigation, settlement offer(s), and matters concerning 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.
- (2) The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Sec. 551.072, Tex. Gov't Code.
- (3) A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person.

City Council Agenda October 17, 2023 Page 2

Sec. 551.073, Tex. Gov't Code.

- (4) Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Sec. 551.074, Tex. Gov't Code.
- (5) The deployment, or specific occasions for implementation of security personnel or devices. Sec. 551.076, Tex. Gov't Code.
- (6) Discussions or deliberations regarding commercial or financial information that the City has received from a business prospect that the City seeks to have to locate, stay, or expand in or near the territory of the City and with which the City is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect of the sort described in this provision. Sec. 551.087, Tex. Gov't Code.
- (7) Discussions, deliberations, votes, or other final action on matters related to the City's competitive activity, including information that would, if disclosed, give advantage to competitors or prospective competitors and is reasonably related to one or more of the following categories of information:
 - generation unit specific and portfolio fixed and variable costs, including forecasts of those costs, capital improvement plans for generation units, and generation unit operating characteristics and outage scheduling;
 - bidding and pricing information for purchased power, generation, and fuel, and Electric Reliability Council of Texas bids, prices, offers, and related services and strategies;
 - effective fuel and purchased power agreements and fuel transportation arrangements and contracts:
 - risk management information, contracts, and strategies, including fuel hedging and storage;
 - plans, studies, proposals, and analyses for system improvements, additions, or sales, other than transmission and distribution system improvements inside the service area for which the public power utility is the sole certificated retail provider; and
 - customer billing, contract, and usage information, electric power pricing information, system load characteristics, and electric power marketing analyses and strategies. Sec. 551.086; Tex. Gov't Code; Sec. 552.133, Tex. Gov't Code]

NOTICE: Pursuant to Section 551.127 of the Texas Government Code, one or more members of the City Council may attend this meeting by internet/video remote means. A quorum of the City Council, as well as the presiding officer, will be physically present at the above identified location. Members of the public that desire to make a public comment must attend the meeting in person.



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 October 17, 2023, Regular Meeting.
- 2. Consider approval of the following bids:

a. GP&L Girvin to Greasewood II 345kV Transmission Line Steel Structures

Bid No. 0946-23

Techline, Inc. \$2,268,735.00
Optional Contingency 226,874.00
TOTAL: \$2,495,609.00

This request is for the purchase of eleven (11) tubular steel transmission structures and associated apparatus needed for the construction of the GP&L Girvin to Greasewood II 345kV Transmission Line. An optional contingency is included for any additional materials that may be required. This is part of the approved Girvin to Greasewood II 345kV Transmission Line CIP project.

b. Fire Station 7 - Design Services

Bid No. 0020-24

Martinez Architects

\$935,455.00

This request is to obtain professional architectural design and engineering services for the new Fire Station 7, relocating from 2545 Naaman School Road to 1805 Pleasant Valley Road. This project is part of the 2019 Bond Program and was approved in the 2023 CIP.

c. GP&L Olinger and Spencer Plant Electrical Services

Bid No. 0006-24

Boyd Electric

\$350,000.00

This request is to provide as-needed electrical maintenance and repair services for the GP&L Olinger and Spencer Generation Plants. This approval is for a term agreement with three (3) optional renewals.

d. Front Loader Chassis

Bid No. 0017-24

Bond Equipment Company, Inc.

\$654,340.00

This request is for two vehicles approved for replacement in the 2022 CIP and one vehicle approved for replacement in the 2023 CIP.

- 3. Public hearing(s) were previously conducted for the following zoning case(s). Council approved the request(s) and instructed staff to bring forth the following ordinance(s) for consideration.
 - a. Z 23-25, Pacheco Koch, a Westwood Company (District 1)

Consider an ordinance amending the Garland Development Code of the City of Garland, Texas, by approving 1) a Specific Use Provision for an Electric Substation on a property zoned Planned Development (PD) District 20-17 and 2) a Detail Plan for an Electric Substation on a 6.77-acre tract of land located at 741 Holford Road; providing for conditions, restrictions, and regulations; providing for a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; providing a Savings Clause and a Severability Clause; and providing an effective date.

b. Z 23-29, Spiars Engineering (District 5)

Consider an ordinance amending the Garland Development Code of the City of Garland, Texas, by approving 1) a Change in Zoning from Community Office (CO) District and Neighborhood Office (NO) District to a Planned Development (PD) District for Elder Care – Independent Living Use and 2) a Detail Plan for Elder Care – Independent Living Use on a 4.361-acre tract of land located at 413 and 505 West Centerville Road and 510 Candlewood Lane; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; providing a Savings Clause and a Severability Clause; and providing an effective date.

4. Garland Cultural Arts Commission Inc. Hotel Occupancy Tax Revenue Budget, Sub-grant Recipients and Hotel Occupancy Tax Program Management Agreement

Consider and take appropriate action to authorize the City Manager to execute the "Hotel Occupancy Tax Program Management Agreement" between the City and Garland Cultural Arts Commission. Inc.

5. Bottleneck Improvements Program - Project Specific Agreement with Dallas County

Consider and take appropriate action to authorize the City Manager to execute the PSA with Dallas County for the intersections at: Broadway Boulevard at Interstate Highway 30 Service Road, Buckingham Road at Plano Road, Forest Lane at Jupiter Road, and Apollo / Spring Creek at Garland Avenue.

6. Consider authorizing the City Manager to execute the Funding Agreement with Dallas County

Consider and take appropriate action to authorize the City manager to execute the Funding Agreement with Dallas County for the intersections at: Broadway Boulevard at Interstate Highway 30 Service Road, Buckingham Road at Plano Road, Forest Lane at Jupiter Road, Apollo / Spring Creek Drive at Garland Avenue, Arapaho Road at Shiloh Road, Buckingham Road at Shiloh Road, First Street at Miller Road, Belt Line Road at Shiloh Road, Campbell Road at SH 190, Garland Avenue at SH 190, Garland Avenue at Belt Line Road, and First Street at SH 78.

7. Consider a City Council Resolution in Compliance with SB 1413 Regarding Clearing of Roadways

Consider and take appropriate action to regarding the adoption of a resolution approving the Garland Fire Department to consult with the Garland Police Department to develop a policy for removing property from roadways or right-of-ways within the city.

8. New Sidewalk Dallas Area Rapid Transit (DART) Downtown Garland Station

Consider and take appropriate action to approve a resolution authorizing the City Manager to execute an Advance Funding Agreement with TxDOT.

9. Consider a Lease with Boy Scouts of America Troop 100 for 116 S. Sixth Street

Consider and take appropriate action to approve a one-year lease with Boy Scouts of America Troop 100 for the 116 S. Sixth Street building.

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 public hearings on:

a. Consider a request by Momentum Tattoo LLC to renew a Specific Use Provision for an existing Tattooing Establishment. The site is located at 532 Main Street, Suite B in District 2. (This item was postponed from the October 10, 2023, Regular City Council meeting.)

Consideration of the application of Momentum Tattoo LLC., requesting approval of a 1) Specific Use Provision Renewal for a Tattooing/Body Piercing Establishment Use, 2) a Major Waiver to Table 7-1 of the Garland Development Code regarding the location and Special Standards of Tattooing/Body Piercing Establishments, and 3) a Downtown Development Plan for a Tattooing/Body Piercing Establishment Use. This property is located at 532 Main Street, Suite B. (File Z 23-30, District 2)

b. Consider a request by NetInversion, LLC to construct seventeen (17) condominium dwelling units in a townhouse-style configuration. The site is located at 5324 Broadway Boulevard in District 4.

Consideration of the application of NetInversion, LLC., requesting approval of a 1) Change in Zoning from Multi-Family-1 (MF-1) District to a Planned Development (PD) District for Multi-Family (MF-1) Use, and 2) a Detail Plan for a multi-family development. This property is located at 5324 Broadway Boulevard. (File Z 22-74, District 4)

c. Consider a request by EDG Architects to allow an Automated/Rollover Car Wash use. The site is located at 4249 Bobtown Road in District 3.

Consideration of the application of EDG Architects, requesting approval of a 1) Specific Use Provision for an Automated/Rollover Car Wash Use on a property zoned Planned Development (PD) District 19-22 for Community Retail Uses, and 2) a Detail Plan for an Automated/Rollover Car Wash Use. This property is located at 4249 Bobtown Road. (File 23-27, District 3)

11. 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.

12. 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.



City Council Regular Session Agenda

Meeting Date: 10/17/2023

Item Title: Minutes October 10

Submitted By: Rene Dowl, City Secretary

Summary of Request/Problem

Consider approval of the minutes of the October 10, 2023, Regular Meeting.

Recommendation/Action Requested and Justification

Attachments

Minutes October 10

1.



MINUTES

The City Council of the City of Garland convened in regular session at 7:00 p.m. on Tuesday, October 10, 2023, in the Council Chambers at the William E. Dollar Municipal Building, 200 North Fifth Street, Garland, Texas, with the following members present:

Present: Mayor Scott LeMay

Mayor Pro Tem Jeff Bass

Deputy Mayor Pro Tem Ed Moore Council Member Deborah Morris Council Member B.J. Williams Council Member Carissa Dutton Council Member Margaret Lucht Council Member Dylan Hedrick Council Member Chris Ott

Staff Present: Deputy City Manager Mitch Bates

Assistant City Manager Andy Hesser Assistant City Manager Phillip Urrutia

City Attorney Brian England

City Secretary Eloyce René Dowl

LEGISLATIVE PRAYER AND PLEDGE OF ALLEGIANCE

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MAYORAL PROCLAMATIONS, RECOGNITIONS AND ANNOUNCEMENTS

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

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

Mayor LeMay presented a proclamation to Christina Coultas, CEO of Hope's Door New Beginning, proclaiming October 2023 to be Domestic Violence Awareness Month.

Mayor LeMay, Michael Polocek, Director of Engineering and Jake Fisher, Sr. Civil Engineer, accepted a plaque from Gilbert Gironjr, FEMA Region VI Representative, recognizing Garland as a Class 6 participant in the National Flood Insurance Program (NFIP).

CONSENT AGENDA

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

The motion was made by Deputy Mayor Pro Tem Moore to approve the Consent Agenda, as presented, excluding Item 4, seconded by Council Member Morris. Motion carried:

Vote: 9 ayes, 0 nays

1. MINUTES

a. APPROVED Consider approval of the minutes of the September 19, 2023, Regular Meeting.

2. Consider approval of the following bids:

a. APPROVED 2023 Term Contract For Concrete Ready Mix Bid No. 1095-23

Cooper Concrete Company (Primary) \$ 1,875,000.00

Bodin Concrete (Secondary) \$ 625,000.00

TOTAL: \$ 2,500,000.00

This request is for the 2023 Term Contract for Concrete Ready Mix. The recommended contract award to two (2) bidders will ensure the availability and supply of concrete ready mix for Street Department projects constructed by in-house resources. Staff recommends awarding each vendor a one-year contract with four (4) one-year renewal options. A 30-day written termination clause shall remain in effect.

b. APPROVED TMPA Rayburn Country 138kV POI- Steel Structures Bid No. 1017-23

Techline, Inc \$ 416,347.80

This request is for the purchase of steel structures and associated materials needed for the construction of the TMPA 138kV point of interconnection with Rayburn Country Electric Cooperative. This project is part of the approved TMPA Rayburn Country 138kV Point of Interconnection CIP project and will be reimbursed at 100%.

c. APPROVED GP&L Fairdale Substation Terminal Upgrade Bid No. 1291-23 Engineering Services

Burns & McDonnell \$ 256,500.00

This request is to obtain professional engineering services to support the College Terminal upgrade at the GP&L Fairdale Substation. This is part of the approved Substation Terminal Upgrades CIP project.

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 Z 23-06 Jamecisa Sims / Ron Hobbs Architecture & Interior Design LLP (District 4)

Ordinance No. 7468 amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision for a Restaurant, Drive-Through Use on a 0.289-acre tract of land zoned Community Retail (CR) District and located at 5514 & 5516 Broadway Boulevard; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; providing a

Savings Clause and a Severability Clause; and providing an effective date.

b. APPROVED Z 23-26, Larry Hishmeh (District 2)

Ordinance No. 7469 amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision for a Mobile Food Truck Use on a 0.078-acre tract of land located at 101 South Sixth Street zoned Downtown (DT) District, Downtown Historic Sub-District; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; providing a Savings Clause and a Severability Clause; and providing an effective date.

4. PULLED Purchase of Real Property and Approval of the Disposition and Development Agreement Related to 519 State Street, Garland, Texas.

Approve the purchase of real property located at 519 State Street, Garland, Texas and the ancillary Disposition and Development Agreement, and authorize the City Manager to execute any necessary documents related to the same. Council discussed this item and the substantive terms and conditions in executive session at the October 9th Work Session.

Mayor LeMay gave Council Member Hedrick the floor to speak on this item. Council Member Hedrick presented his views and concerns regarding the purchase of the property. Additionally, Council Members, Lucht, Dutton, Morris, Ott, Williams and Deputy Mayor Pro tem Moore presented comments.

The speakers in support of this item were Jamie Miller, Donna Baird and Matt Archer. The speaker in opposition to the item was Jocelyn Mintzlaff. Kara McElroy registered a position for the item. The following persons registered a position against the item: Karin Wiseman, Trayc Claybrook, Chris Fagan, and Larry Hishmeh.

Matt Watson, Director of Finance, explained the structure of the Downtown/Forest Tax Increment Finance Zone #2. He explained how funding has been used for current and future redevelopment and for this acquisition.

There was additional discussion by Council Member Morris and rebuttal by Council Member Hedrick.

Mayor LeMay presented opined on historical economic development events in Garland, ending his comments and calling for the question from Council Member Morris.

The motion was made by Council Member Morris to approve the item as presented, seconded by Deputy Mayor Pro Tem Moore. Motion carried:

Vote: 6 ayes, 3 nays (Council Members: Dutton, Hedrick and Williams). Mayor LeMay proceeded to sign the contract at the dais.

Mayor LeMay recessed the meeting at 8:18 p.m.

Mayor LeMay reconvened the meeting at 8:35 p.m.

5. APPROVED Ordinance No. 7470 for the removal of the right turn restriction at Garland Avenue and Miller Road

Council approved an ordinance to remove the right on red prohibition at Garland Avenue and Miller Road based on geometric improvements at the intersection.

6. APPROVED Ordinance No. 7471 to reconfigure speed limit revisions on Bobtown Road

Council approved an ordinance for the reconfiguration of the speed limit on Bobtown Road due to recent roadway construction.

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

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7. Hold public hearings on:

a. APPROVED

Consider a Specific Use Provision request by Pacheco Koch, a Westwood Company for an Electric Substation to support Garland Power & Light (GP&L) and a future data center. The site is located at 741 Holford Road in District 1.

Consideration of the application of Pacheco Koch, a Westwood Company, requesting approval of a Specific Use Provision for an Electric Substation use on a property zoned Planned Development (PD) District 20-17. This property is located at 741 Holford Road. (File Z 23-25, District 1)

The staff report was presented by William Guerin, Director of Planning.

The motion was made by Council Member Bass to approve the Specific Use Provision (Item 7a) and the Detail Plan (Item 7b), seconded by Council Member Hedrick. Motion carried:

Vote: 9 ayes, 0 nays

b. APPROVED Consider a Detail Plan request by Pacheco Koch, a Westwood Company for an Electric Substation to support Garland Power & Light (GP&L) and a future data center. The site is located at 741 Holford Road in District 1.

Consideration of the application of Pacheco Koch, a Westwood Company, requesting approval of a Detail Plan for an Electric Substation. This property is located at 741 Holford Road. (File 23-25, District 1)

c. APPROVED Consider a Zoning request by Spiars Engineering for a senior independent living development with 152 dwelling units. The site is located at 413 and 505 West Centerville Road and 510 Candlewood

Consideration of the application of Spiars Engineering, requesting approval of a Change in Zoning from Community Office (CO) District and Neighborhood Office (NO) District to a Planned Development (PD) District for Elder Care – Independent Living Use. This property is located at 413 & 505 West Centerville Road and 510 Candlewood Lane. (File Z 23-29, District 5)

The staff report was presented by William Guerin, Director of Planning.

The speaker on this item was Scott Theeringer, Developer. The speakers in favor of the item were Mark Ewing, Kathleen Johnson, Maxine Priebe and Sam Pierre-Auguste. The speaker in opposition to the item was Dr. Tricia Harris. Terri Bradshaw registered a position in favor of the item.

There was discussion by the Council.

The motion was made by Council Member Lucht to approve the Zoning request (Item 7c) and the Detail Plan (Item 7d), seconded by Council Member Williams. The motion carried:

Vote: 9 ayes, 0 nays

Lane in District 5.

d. APPROVED Consider a Detail Plan request Spiars Engineering for a senior independent living development with 152 dwelling units. The site is located at 413 and 505 West Centerville Road and 510 Candlewood Lane in District 5.

Consideration of the application of Spiars Engineering, requesting approval of a Detail Plan for Elder Care-Independent Living Use. This property is located at 413 & 505 West Centerville Road and 510 Candlewood Lane. (File Z 23-29, District 5)

e. POSTPONED Consider a Downtown Development Plan request by Momentum Tattoo LLC for an existing Tattooing Establishment. The site is located at 532 Main Street, Suite B in District 2.

Consideration of the application of Momentum Tattoo LLC., requesting approval of a Downtown Development Plan for a Tattooing/Body Piercing Establishment Use. This property is located at 532 Main Street, Suite B. (File Z 23-30, District 2) (The applicant requests postponement to the

October 17, 2023, Regular City Council meeting.)

The motion was made by Council Member Morris to this application to October 17, 2023, seconded by Mayor Pro Tem Bass. Motion carried:

Vote: 9 ayes, 0 nays

f. Consider a Downtown Development Plan request by Momentum Tattoo LLC for an existing Tattooing Establishment. The site is located at 532 Main Street, Suite B in District 2.

Consideration of the application of Momentum Tattoo LLC., requesting approval of a Downtown Development Plan for a Tattooing/Body Piercing Establishment Use. This property is located at 532 Main Street, Suite B. (File Z 23-30, District 2) (The applicant requests postponement to the October 17, 2023, Regular City Council meeting.)

8. Consider appointments to Boards and Commissions.

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

- a. Council Member Carissa Dutton
 - Susan Vaden Library Board
 - Patrick Abell Plan Commission

Council Member Dutton read her nominations into the record and a vote was cast with the following result:

Vote: 9 ayes, 0 nays

- **9. Citizen comments:** There were no speakers on this item.
- **Adjourn:** There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 9:18 p.m.

Submitted By:

Scott LeMay, Mayor

Eloyce René Dowl, City Secretary



City Council Regular Session Agenda

2. a.

Meeting Date: 10/17/2023

Item Title: GP&L Girvin to Greasewood II 345kV Transmission Line Steel Structures

Submitted By: Steve Martin, GP&L

Transmission Director

Bid Number: 0946-23

Purchase Justification:

This request is for the purchase of eleven (11) tubular steel transmission structures and associated apparatus needed for the construction of the GP&L Girvin to Greasewood II 345kV Transmission Line. An optional contingency is included for any additional materials that may be required. This is part of the approved Girvin to Greasewood II 345kV Transmission Line CIP project.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Four (4) bids were received and evaluated. MVA Power, Inc. and Skipper Limited quoted unapproved manufacturers for the steel structures, and are considered non-responsive. Techline, Inc. is recommended as the Lowest Responsible Bid.

Award Recommendation:

Vendor	Item	Amount
Techline, Inc.	All	\$2,268,735.00
Optional Contingency		226,874.00
	TOTAL:	\$2,495,609.00

Basis for Award: Lowest Responsible Bid

Purchase Requisition #: 49524

Fiscal Impact

Total Project/Account: \$4,986,000 **Expended/Encumbered to Date:** \$1,086,045 **Balance:** \$3,899,955

This Item: \$2,495,609 **Proposed Balance:** \$1,404,346

Account #: 210-3599-3145601-6051

Fund/Dept/Project - Description and Comments:

Electric CIP / Transmission Lines Program

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP Fiscal Year: 2023

Document Location: Page 270

Budget Director Approval: Allyson Bell Steadman Approval Date: 10/04/2023

Purchasing Director Approval: Gary L. Holcomb Approval Date: 10/03/2023

OPE REQ BID PAG	CITY OF GARLAND - BID RECAP SHEET DPENED: July 11, 2023 REQ. NO. PR 49524 BID NO. 0946-23 PAGE: 1 of 1 BUYER: Teresa Smith		Techline, Inc.		Texas Electric Cooperatives, Inc.		MVA Power, Inc.		Skipper Limited		
I T E M	QTY	U N I T	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	Lt.	Girvin to Greasewood T-Line		\$2,268,735.00		\$2,465,000.00		\$1,441,173.20		\$1,597,617.00
			Steel Structures						Non-Responsive		Non-Responsive
		TOTAL GROSS PRICE		\$2,268,735.00		0 \$2,465,000.00					•
			CASH DISCOUNT		. , ., .,		. , .,				
	TOTAL NET PRICE F.O.B.			\$2,268,735.00		\$2,465,000.00					
			DELIV			ERED	DFI IV	/ERED	DFI I\	/ERED	
			DELIVERY	DELIV	\	DELIV	\	DELIV	\	DELIV	
	IEXT L	OW:		314	# IonWave Notifica	itions bid on this	sheet should not be	e construed as a co	reflected on this bid	onsiveness of such	n bid or as any

 NEXT LOW:
 \$2,465,000.00

 LOW:
 \$2,268,735.00

 SAVINGS:
 \$196,265.00

314 # IonWave Notification 31 # IonWave HUBS

6 # Direct Contact HUBS
0 # HUBS Responded

All bids submitted for the designated project are reflected on this bid tab sheet. However, the listing of 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. 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.



City Council Regular Session Agenda

2. b.

Meeting Date: 10/17/2023

Item Title: Fire Station 7 - Design Services

Submitted By: Laura Dunn, Capital Project

Management Director

Bid Number: 0020-24

Purchase Justification:

This request is to obtain professional architectural design and engineering services for the new Fire Station 7, relocating from 2545 Naaman School Road to 1805 Pleasant Valley Road. This project is part of the 2019 Bond Program and was approved in the 2023 CIP.

Evaluation:

Martinez Architects was selected as the Most Qualified firm for this project from RFQ 0754-20. As competitive bids were not received, a Bid Recap is not included.

Award Recommendation:

Vendor	Item	Amount
Martinez Architects	All	\$935,455.00
	TOTAL:	\$935,455.00

Basis for Award: Most Qualified

Purchase Requisition #: 50115

Fiscal Impact

Total Project/Account: \$1,801,000 Expended/Encumbered to Date: \$900,026 Balance: \$900,974 This Item: \$935,455 Proposed Balance: \$(34,481)*

Account #: 652-1429-1209919-7101 & 220-4049-3019200-7101

Fund/Dept/Project - Description and Comments:

Public Safety CIP / Relocate Fire Station No. 7		\$927,455
Water CIP / Relocation of Mains Prior to Paving		\$8,000
	Total	\$935,455

^{*} The Fire Station No. 7 project will continue into 2024; 2019 GO Bond and Certificates of Obligation funding will be included in the 2024 Capital Improvement Program for the continuation of the Fire Station No. 7 project, as projected in the 2023 CIP.

Fiscal Reference:

Budget Type: CIP Fiscal Year: 2023

Document Location: Pages 158 & 231

Budget Director Approval: Allyson Bell Steadman Approval Date: 10/05/2023

Purchasing Director Approval: Gary L. Holcomb Approval Date: 10/04/2023



City Council Regular Session Agenda

2. c.

Meeting Date: 10/17/2023

Item Title: GP&L Olinger and Spencer Plant Electrical Services

Submitted By: David Bernard, GP&L

Production Services Director

Bid Number: 0006-24

Purchase Justification:

This request is to provide as-needed electrical maintenance and repair services for the GP&L Olinger and Spencer Generation Plants. This approval is for a term agreement with three (3) optional renewals.

Evaluation:

Boyd Electric was awarded the original Bid 0311-23 for \$750,000 for Facilities Management at the February 21, 2023, City Council Meeting. This Change Order will extend the same pricing and services to GP&L As competitive bids were not received for the Change Order, a Bid Recap is not included.

Award Recommendation:

Vendor	Item	Amount
Boyd Electric	All	\$350,000.00
	TOTAL:	\$350,000.00

Basis for Award: Change Order

Purchase Requisition #: 50120

Fiscal Impact

Total Project/Account:

Expended/Encumbered to Date:

N/A

N/A

Balance:

N/A

This Item:

This Item: \$350,000

Proposed Balance: N/A

Account #: 451-6999

Fund/Dept/Project - Description and Comments:

Term Agreement sets price but does not commit funds. Expenses will be charged to the appropriate Electric Production account(s) as incurred.

Fiscal Reference:

Budget Type: Operating Budget

Fiscal Year: 2023-24

Document Location: Prop. Budget - Page 241

Budget Director Approval: Allyson Bell Steadman Approval Date: 10/05/2023

Purchasing Director Approval: Gary L. Holcomb Approval Date: 10/04/2023



City Council Regular Session Agenda

2. d.

Meeting Date: 10/17/2023

Item Title: Front Loader Chassis

Submitted By: Garth Sanich, Director of Fleet

Services

Bid Number: 0017-24

Purchase Justification:

This request is for two vehicles approved for replacement in the 2022 CIP and one vehicle approved for replacement in the 2023 CIP. This order replaces units #430-0249, #430-0362, and #430-1859.

Evaluation:

The Front Loader Chassis are available from Bond Equipment Company, Inc. through the BuyBoard Cooperative Purchasing Contract 601-19. As competitive bids were not received, a Bid Recap is not included.

Award Recommendation:

Vendor	Item	Amount
Bond Equipment Company, Inc.	All	\$654,340.00
	TOTAL:	\$654,340.00

Basis for Award: Cooperative Purchase

Purchase Requisition #: 50103

Fiscal Impact

Total Project/Account: \$1,740,696 Expended/Encumbered to Date: \$1,114,850 Balance: \$625,846 This Item: \$653,940 Proposed Balance: (\$28,094) * **Account #:** 246-4319-2107500-9007

Fund/Dept/Project - Description and Comments:

Miscellaneous Revenue Supported and Internal Service / Replacement of Commercial Front-Load Trucks

This request is for two vehicles approved for replacement in the 2022 CIP and one vehicle approved for replacement in the 2023 CIP. This order replaces units #430-0249, #430-0362, and #430-1859.

A Budget Amendment to the 2023 Capital Improvement Program will be brought to City Council for consideration at a future date to appropriate additional funds to the Replacement of Commercial Front-Load Trucks capital project for cost increases associated with production delays. The City's cash reserves will be used to fund this capital request, and a Reimbursement Certificate will be issued allowing the reserve to be replenished in May 2024 when Certificates of Obligation are issued to fund this request and the upcoming 2024 CIP.

Attachments

Units being replaced

Fiscal Reference:

Budget Type: CIP
Fiscal Year: 2023
Document Location: Page 206

Budget Director Approval: Allyson Bell Steadman Approval Date: 10/05/2023

Purchasing Director Approval: Gary L. Holcomb Approval Date: 10/04/2023

Units being			
430-0249:	2013 Crane Carrier LET 2-26	Hours	11,525
430-0362:	2014 Crane Carrier Let 2-46	Hours	12,019
430-1859:	2018 Mack MRU-613	Hours	8,903



City Council Regular Session Agenda

3. a.

Meeting Date: 10/17/2023

Item Title: Z 23-25 Pacheco Koch, a Westwood Company (District 1)

Submitted By: Will Guerin, Planning Director

Summary of Request/Problem

Zoning Ordinance Z 23-25 Pacheco Koch, a Westwood Company

Recommendation/Action Requested and Justification

Consider adoption of the attached ordinance.

Attachments

Z 23-25 Ordinance

Z 23-25 Exhibit A

Z 23-25 Exhibit B

Z 23-25 Exhibits C & D

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING 1) A SPECIFIC USE PROVISION FOR AN ELECTRIC SUBSTATION ON A PROPERTY ZONED PLANNED DEVELOPMENT (PD) DISTRICT 20-17 AND 2) A DETAIL PLAN FOR AN ELECTRIC SUBSTATION ON A 6.77-ACRE TRACT OF LAND LOCATED AT 741 HOLFORD ROAD; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A NOTICE OF CONDITIONS OF COMPLIANCE CLAUSE; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 11th day of September 2023, the Plan Commission did consider and make recommendations on a certain request for 1) a Specific Use Provision for an Electric Substation use on a property zoned Planned Development (PD) District 20-17 and 2) a Detail Plan for an Electric Substation by Pacheco Koch, a Westwood Company; and

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

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

Section 1

The Garland Development Code is hereby amended by approving 1) a Specific Use Provision for an Electric Substation use on a property zoned Planned Development (PD) District 20-17 and 2) a Detail Plan for an Electric Substation 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 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 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, regulations contained within this Ordinance are allowed except as may be provided by the City Council after a public hearing.

Section 5

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

Section 6

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

Section 7

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

FILE NO. Z 23-25								
PASSED AN	ND A	.PPROVED	this		day	of		
				THE	CITY	OF	GARLAND,	TEXAS
				By:				
						Má	ayor	
ATTEST:								
	Cit	y Secret	ary					

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 23-25

COMMENCING, at a point in the west line of Holford Road (a 91' wide right of way), the northeast corner of said Lot 2 and the southeast corner of Lot 15 Common Area, Block 6, of Gramercy Park an addition to the City of Garland, Texas according to the plat recorded in Instrument No. 201800054016 of said Official Public Records; said point having Grid Coordinates of North: 7,044,117.94, East: 2,536,351.82 (coordinates are based on the State Plane Coordinate System, North American Datum of 1983 (Adjustment Realization 2011), Texas North Central Zone 4202);

THENCE, South 00 degrees, 40 minutes, 18 seconds East, along the said west line of Holford Road and the east line of said Lot 2 and east line of said Digital Garland Campbell, L.P. tract, a distance of 309.99 feet to the POINT OF BEGINNING;

THENCE, South 00 degrees, 40 minutes, 18 seconds East, continuing along the said west line of Holford Road and said east line of Lot 2 and said east line of the Digital Garland Campbell, L.P. tract, at a distance of 19.81 feet passing a corner in the east line of said Lot 2 and the northeast corner of said Lot 3, along the east line of said Lot 3 and at a distance 529.81 passing a corner in the east line of said Lot 3, continuing along said east line of Lot 2 and said east line

of the Digital Garland Campbell, L.P. tract, continuing in all a total distance of 546.54 feet;

THENCE, departing said west line of Holford Road and into and across said Lot 2, the following three (3) calls:

South 89 degrees, 19 minutes, 58 seconds West, a distance of 237.43 feet;

South 44 degrees, 19 minutes, 58 seconds West, a distance of 81.10 feet;

South 00 degrees, 46 minutes, 40 seconds East, at a distance of 451.96 feet passing the south line of said Digital Garland Campbell, L.P. tract, at a distance of 480.20 feet passing the north line of said Digital Garland Ferris, L.P. tract, continuing in all a total distance of 501.96 feet; said point being in the south line of said Lot 2 and the north line of Lot 1 of said Block 1, Digital Realty;

THENCE, South 89 degrees, 13 minutes, 20 seconds West, along the said south line of Lot 2 and said north line of Lot 1, a distance of 100.82 feet;

THENCE, departing the said south line of Lot 2 and said north line of Lot 1, into and across said Lot 2, the following four (4) calls:

North 00 degrees, 46 minutes, 40 seconds West, a distance of 1,306.21 feet;

North 89 degrees, 21 minutes, 07 seconds East, a distance of 67.93 feet;

South 19 degrees, 09 minutes, 41 seconds East, a distance of 210.95 feet;

North 89 degrees, 21 minutes, 07 seconds East, a distance of 262.26 feet to the POINT OF BEGINNING;

CONTAINING: 294,861 square feet or 6.77 acres of land, more or less.

EXHIBIT A

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 23-25

741 Holford Road

- I. Statement of Purpose: The purpose of this Planned Development is to approve an Electric Substation.
- II. Statement of Effect: This Planned Development shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations: All regulations of Planned Development (PD) District 20-17 and 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:

<u>Detail Plan</u>: Development shall be in general conformance with the Detail Plan labeled Exhibit C through Exhibit D. 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. <u>Permitted Uses</u>: Land Uses are permitted as in Planned Development (PD) District 20-17.
- B. <u>Site Plan</u>: The site layout, building placement, parking shall be in general conformance with the approved Site Plan labeled Exhibit C.
- C. <u>Parking:</u> A minimum of one (1) parking space shall be provided on site.

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 23-25

741 Holford Road

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

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

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

The termination of utilities on the premises for a period of 180 calendar days is prima facie evidence of

abandonment and the owner shall have the burden to prove that the Land Use has not been abandoned.

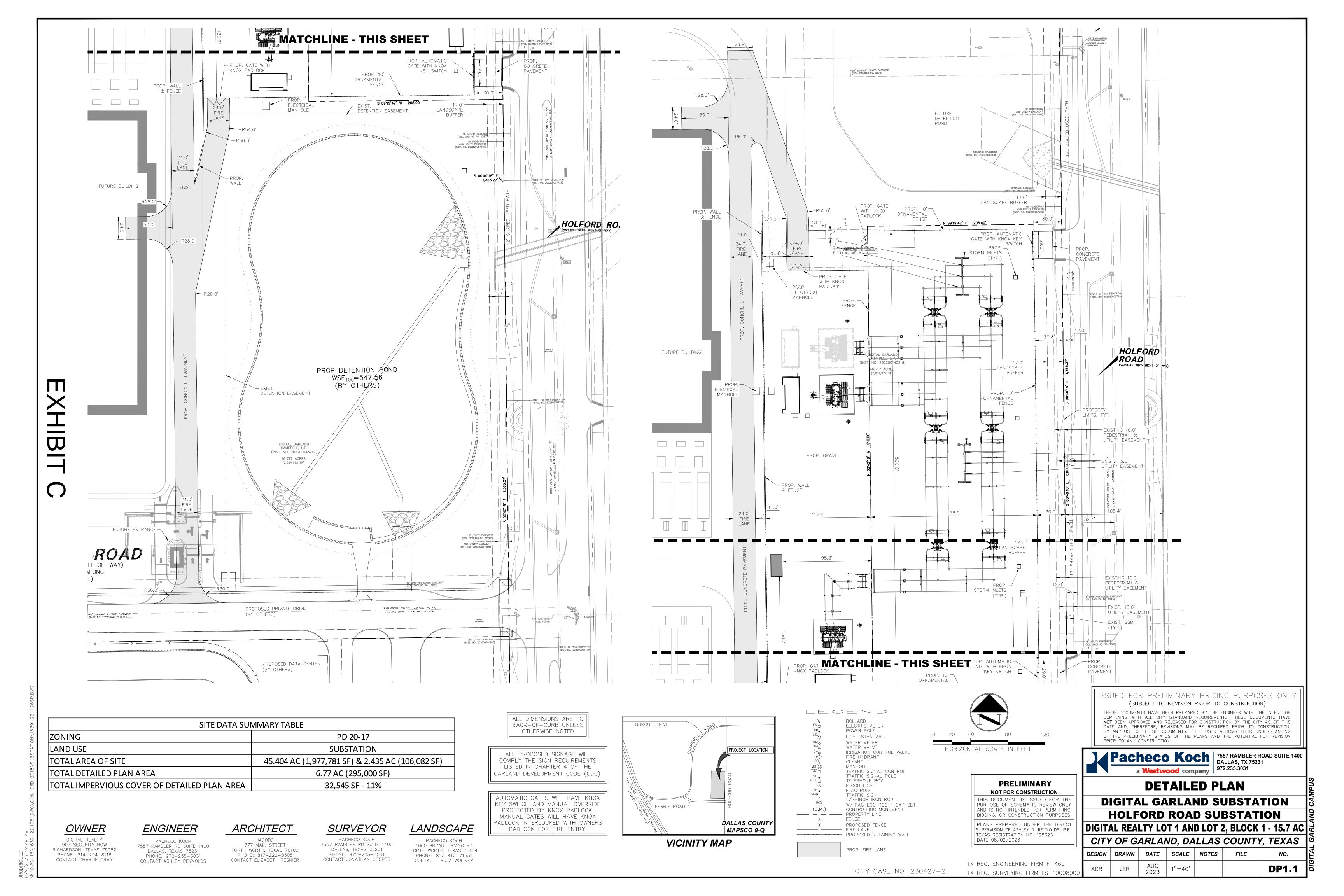
IV. General Regulations: All regulations of Planned Development (PD) District 20-17 and as set forth in Chapter 2 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.

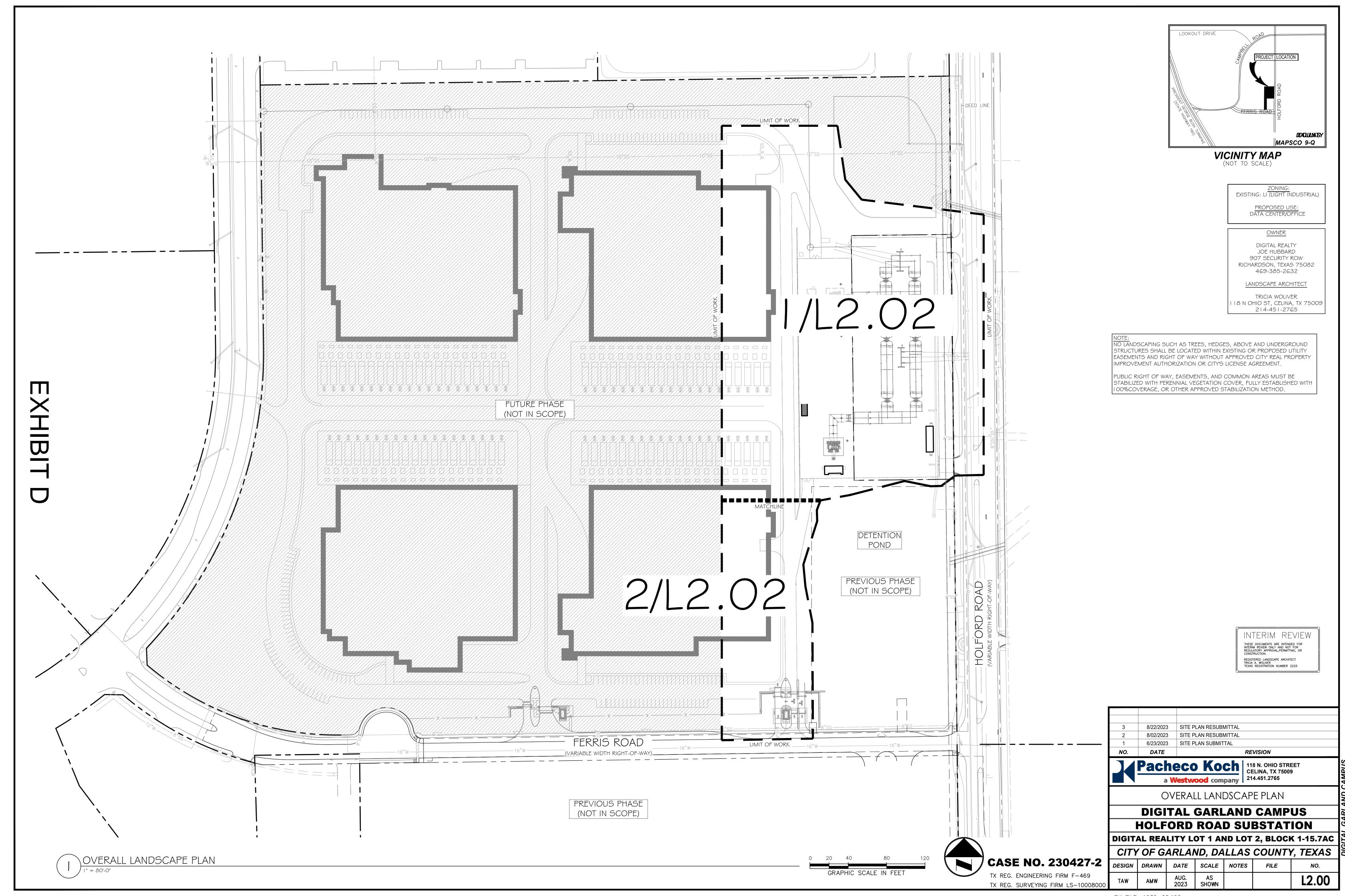
V. Development Plans:

<u>Site Layout</u>: The site shall be in general conformance with the approved development plans labeled Exhibit C to Exhibit F. In the event of conflict between the conditions and the site plan, the written conditions listed below are to apply.

VI. Specific Use Provision:

A. <u>SUP Time Period</u>: The Specific Use Provision for the Electric Substation shall be in effect for an indefinite time period.





PK FILE: 1639-22.196

PLANT SCHEDULE

PLANT 5	CHE	ノレレ	.C				
ORNAMENTAL TR	REES C	ODE	QTY	BOTANICAL / COMMON NAME	SIZE/COND.		REMARKS
•	LI	5	8	LAGERSTROEMIA INDICA `SIOUX` SIOUX CRAPE MYRTLE LANDSCAPE BUFFER TREE	3" / CONT		MULTI-STEM, FULL, MATCHING
	5	05	8	SOPHORA SECUNDIFLORA TEXAS MOUNTAIN LAUREL LANDSCAPE BUFFER TREE	3" / CONT		MULTI-LEADER, FULL, MATCHING
SHRUBS	<u>C</u>	ODE	QTY	BOTANICAL / COMMON NAME	SIZE	<u>SPACING</u>	REMARKS
£:3	Н	Р	42	HESPERALOE PARVIFLORA RED YUCCA	3 GAL	36" o.c.	NURSERY GROWN, MATCHED & WELL ROOTED, PLANT AS SHOWN
\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	H	Y	28	HESPERALOE PARVIFLORA 'YELLOW' YELLOW YUCCA	3 GAL	36" o.c.	NURSERY GROWN, MATCHED & WELL ROOTED, PLANT AS SHOWN
\bigcirc	LS	52	27	LIGUSTRUM SINENSE 'SUNSHINE' SUNSHINE CHINESE PRIVET	5 GAL	48" o.c.	FULL, MATCHING
\bigcirc	LF	Þ	18	LOROPETALUM CHINENSE `PIPA`S RED` RED CHINESE FRINGE FLOWER	5 GAL	48" o.c.	FULL, MATCHING
GROUND COVER	<u>c</u>	ODE	QTY	BOTANICAL / COMMON NAME	SIZE	SPACING	<u>REMARKS</u>
b. b.	El	F	338	EUONYMUS FORTUNEI `COLORATUS` PURPLE WINTERCREEPER	I GAL	8" o.c.	FULL, MATCHING
SOD/SEED	<u>C</u>	ODE	QTY	BOTANICAL / COMMON NAME	SIZE	SPACING	REMARKS
	С	DS	50,139 SF	CYNODON DACTYLON BERMUDA GRASS	SEED		100% WEED, PEST AND DISEASE FREE
	С	D	50,576 SF	CYNODON DACTYLON BERMUDA GRASS	SOD		SOLID, ROLLED TIGHT, SAND FILLED JOINTS, 100% WEED, PEST AND DISEASE FREE
+ + + + + + + + + + + + + + + + + + +	D	S	89,003 SF	DAM SLOPE GRASS MIX	SEED		DAM SLOPE GRASS MIX BY NATIVE AMERICAN SEED

REFERENCE NOTES SCHEDULE

STEEL EDGING 4/L2.03

PLANTING GENERAL NOTES

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

NO LANDSCAPING SUCH AS TREES, HEDGES, ABOVE AND UNDERGROUND STRUCTURES SHALL BE LOCATED WITHIN EXISTING OR PROPOSED UTILITY EASEMENTS AND RIGHT OF WAY WITHOUT APPROVED CITY REAL PROPERTY IMPROVEMENT AUTHORIZATION OR CITY'S LICENSE AGREEMENT.

PUBLIC RIGHT OF WAY, EASEMENTS, AND COMMON AREAS MUST BE STABILIZED WITH PERENNIAL VEGETATION COVER, FULLY ESTABLISHED WITH 100%COVERAGE, OR OTHER APPROVED STABILIZATION METHOD.

LANDSCAPE REQUIREMENTS TABLE

SITE AREA: 295,000 SF (6.77 ACRES)

ZONING: OFFICE / INDUSTRIAL

LANDSCAPE AREA		REQUIRED	PROVIDED
LANDSCAPE AREAS MUST TOT	AL 10% OF TOTAL SITE AREA		
	(295,000 SF X 10% = 29,500 SF)	29,500 SF (10%)	99,935 SF (34%)
BUFFER REQUIREMENTS)	REQUIRED	PROVIDED
HOLFORD ROAD (485 LF): C-2	2 (100' 4-LANE DIVIDED) - 10' LANDSCAPE BUFFER		
I TREE / 30 LF	(485 LF / 30 = 16 TREES)	I G TREES	16 TREES
7 SHRUBS / 30 LF	((485 LF / 30) X 7 = 113 SHRUBS)	113 SHRUBS	II5 SHRUBS
PARKING REQUIREMENT	5	REQUIRED	PROVIDED
LANDSCAPE ISLAND WITH ONE	(I) TREE AT EACH TERMINUS OF PARKING	N/A	N/A
ONE (I) CANOPY TREE PER TEN	(10) PARKING SPACES	N/A	N/A
CONTINUOUS ROW OF SHRUB	S ALONG PARKING FACING STREET	N/A	N/A
NO PARKING SPACE FURTHER	THAN 65 FT FROM REQUIRED TREE	N/A	N/A
DETENTION POND REQU	IREMENTS		
TREES AND SHRUBS SCREENIN	IG PERIMETER OF DETENTION POND FROM ROAD	N/A	N/A
TREE MITIGATION REQU	IREMENTS - SEE SHEET LI.OO THROUGH	L1.03	

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

NO.	Pach	PECO Koch 118 N. OHIO STREET CELINA, TX 75009
1	6/23/2023	SITE PLAN SUBMITTAL
2	8/02/2023	SITE PLAN RESUBMITTAL
3	8/22/2023	SITE PLAN RESUBMITTAL
4	9/22/2023	RESUBMITTAL

LANDSCAPE NOTES & SCHEDULE

DIGITAL GARLAND CAMPUS

HOLFORD ROAD SUBSTATION

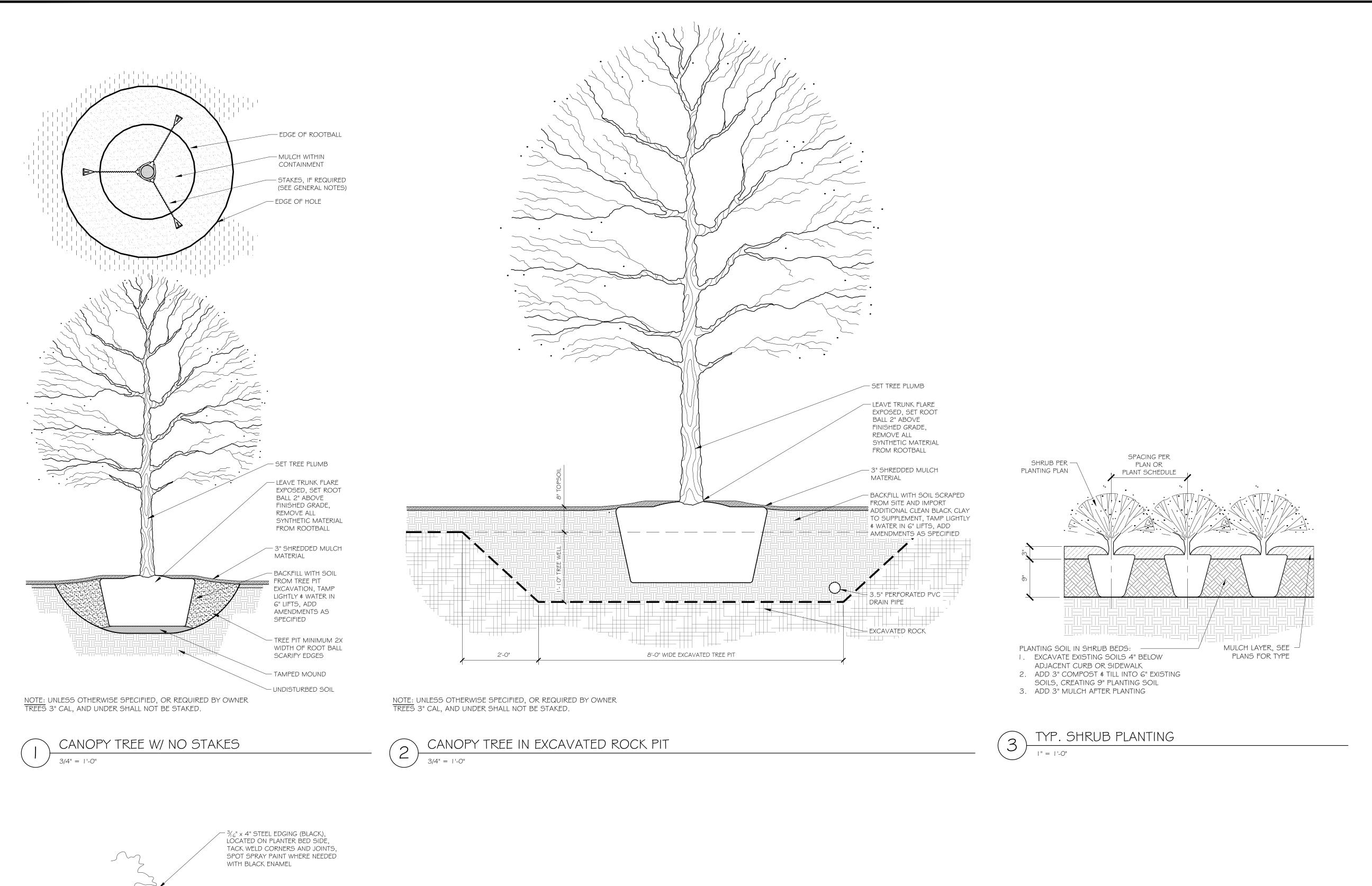
DIGITAL REALITY LOT 1 AND LOT 2, BLOCK 1-15.7AC CITY OF GARLAND, DALLAS COUNTY, TEXAS

DESIGN DRAWN DATE SCALE NOTES SEPT. 2023 L2.01 AS AMW SHOWN

CASE NO. 230427-2 TX REG. ENGINEERING FIRM F-469

TX REG. SURVEYING FIRM LS-10008000

TAW



— TOP OF SOD LAYER NOTE: STEEL EDGE SHALL CREATE A CLEAN SEPARATION BETWEEN AREAS \$ SHALL CREATE SMOOTH, EVEN LINES (AS INDICATED ON THE PLANS)

- TOPSOIL

STEEL EDGING AT PLANTING

TURF, REF. PLANTING PLANS FOR TYPE EXISTING SOIL -THEM OFF OWNER'S PROPERTY.

FINISH GRADE TOPSOIL BY REMOVING STONES LARGER THAN I" IN ANY DIMENSION AND STICKS, ROOTS, RUBBISH, AND OTHER EXTRANEOUS MATTER TO LEGALLY DISPOSE OF 2. ADD I" COMPOST ON THE SURFACE, THEN TILL TO 4" DEPTH 3. INSTALL SOD AND SEED AS SHOWN AND NOTED PER SPECIFICATIONS, REF. PLANTING PLANS FOR TYPE

SOIL PROFILE FOR SOD- TYP.

— SEED, REF. PLANTING PLANS FOR TYPE - EXCAVATE 6" OF SOIL PROFILE, BACKFILL WITH CLEAN BLACK CLAY SOIL FROM SITE EXISTING SOIL -I. FINISH GRADE TOPSOIL BY REMOVING STONES LARGER THAN I" IN ANY DIMENSION AND STICKS, ROOTS, RUBBISH, AND OTHER EXTRANEOUS MATTER TO LEGALLY DISPOSE OF THEM OFF OWNER'S PROPERTY. 2. ADD I "COMPOST ON THE SURFACE, THEN TILL TO 4" DEPTH 3. INSTALL SOD AND SEED AS SHOWN AND NOTED PER

SPECIFICATIONS, REF. PLANTING PLANS FOR TYPE SOIL PROFILE FOR SEED

9/22/2023 RESUBMITTAL 8/22/2023 SITE PLAN RESUBMITTAL 8/02/2023 SITE PLAN RESUBMITTAL 6/23/2023 SITE PLAN SUBMITTAL REVISION

INTERIM REVIEW

THESE DOCUMENTS ARE INTENDED FOR INTERIM REVIEW ONLY AND NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION.

REGISTERED LANDSCAPE ARCHITECT TRICIA A. WOLIVER TEXAS REGISTRATION NUMBER 2225

a Westwood company 214.451.2765

LANDSCAPE DETAILS

DIGITAL GARLAND CAMPUS

HOLFORD ROAD SUBSTATION

DIGITAL REALITY LOT 1 AND LOT 2, BLOCK 1-15.7AC

CITY OF GARLAND, DALLAS COUNTY, TEXAS DATE SCALE NOTES DESIGN DRAWN SEPT. 2023 L2.03 AS AMW SHOWN

TX REG. SURVEYING FIRM LS-10008000

TAW

PK FILE: 1639-22.196

CASE NO. 230427-2 TX REG. ENGINEERING FIRM F-469



City Council Regular Session Agenda

3. b.

Meeting Date: 10/17/2023

Item Title: Z 23-29 Spiars Engineering (District 5)

Submitted By: Will Guerin, Planning Director

Summary of Request/Problem

Zoning Ordinance Z 23-29 Spiars Engineering

Recommendation/Action Requested and Justification

Consider adoption of the attached ordinance.

Attachments

Z 23-29 Ordinance

Z 23-29 Exhibit A

Z 23-29 Exhibit B

Z 23-29 Exhibits C-E

ORDINANCE NO.

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING 1) A CHANGE IN ZONING FORM COMMUNITY OFFICE (CO) DISTRICT AND NEIGHBORHOOD OFFICE (NO) DISTRICT TO A PLANNED DEVELOPMENT (PD) DISTRICT FOR ELDER CARE - INDEPENDENT LIVING USE AND 2) A DETAIL PLAN FOR ELDER CARE - INDEPENDENT LIVING USE ON A 4.361-ACRE TRACT OF LAND LOCATED AT 413 AND 505 WEST CENTERVILLE ROAD AND 510 CANDLEWOOD LANE; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A NOTICE OF CONDITIONS OF COMPLIANCE CLAUSE; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 11th day of September 2023, the Plan Commission did consider and make recommendations on a certain request for 1) a Change in Zoning from Community Office (CO) District and Neighborhood Office (NO) District to a Planned Development (PD) District for Elder Care - Independent Living Use and 2) a Detail Plan for Elder Care - Independent Living Use by Spiars 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 zoning laws would provide for and would be in the best interest of the health, safety, morals, and general welfare:

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

Section 1

The Garland Development Code is hereby amended by approving 1) a Change in Zoning from Community Office (CO) District and Neighborhood Office (NO) District to a Planned Development (PD) District for Elder Care - Independent Living Use and 2) a Detail Plan for Elder Care - Independent Living Use 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 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, regulations contained within this Ordinance are allowed except as may be provided by the City Council after a public hearing.

Section 5

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

Section 6

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

Section 7

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

PASSED 2023.	AND	APPROVED	this		day	of		,
				THE	CITY	OF	GARLAND,	TEXAS
				By:				
						Má	ayor	
ATTEST:								
	C	ity Secret	ary					

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 23-29

BEING a 4.361-acre tract of land situated in the John W. Keen Survey, Abstract No. 742, City of Garland, Dallas County, Texas, and being a part of Lot 1, Block 1, of Silver Leaves Retirement Home, an addition to the City of Garland, Dallas County, Texas, according to the plat thereof recorded in Vol. 72143, Pg. 1656, Map Records, Dallas County, Texas (MRDCT), and being all of Lot 8 and 13 and part of Lot 9, Block 5, of Linda Heights Terrance Addition, according to the plat recorded in Vol. 16, Pg. 399 MRDCT, with the subject tract being more particularly described as follows:

BEGINNING at a 5/8" iron rod found for the easternmost southern corner of the subject tract also being the east corner of Lot 1, Block 1, Bob Patel Addition, an addition to the City of Garland, Dallas County, Texas, according to the plat recorded in Vol. 98174, Pg. 2781 MRDCT, also being on the northwest line of West Centerville Road, a variable width public right-of-way;

THENCE along the shared line of the subject tract and said Lot 1, the following:

N $46^{\circ}02'35"$ W, 281.52 feet to a 5/8" iron rod found for the southern inverted corner of the subject tract, also being the north corner of said Lot 1;

EXHIBIT A

S 44°12'25" W, 200.50 feet to a mag nail found for the westernmost southern corner of the subject tract, also being the west corner of said Lot 1, also being on the northeast line of Lot 3, Block B, Dal-Castle Estates, according to the plat recorded in Vol. 16, Pg. 369 MRDCT;

THENCE N 46°02'35" W, 396.71 feet to a point for the northwest corner of the subject tract, also being on the south line of Lot 3, Block 5, Linda Heights Terrace Addition;

THENCE N 89°11'25" E, 644.49 feet along the shared line of the subject tract and said Block 5 to a point for the northern inverted corner, also being the southeast corner of Lot 7, Block 5, Linda Heights Terrance Addition;

THENCE N 0°23'35" W, 124.67 feet along the shared line of the subject tract and east line of said Lot 7 to an "X" found in concrete for the northeast corner of said Lot 7, also being on the south line of Candlewood Lane, a 60' public right-of-way;

THENCE along the shared line of the subject tract and Candlewood Lane, around a non-tangent curve to the left having a central angle of 25°49'44", a radius of 189.33 feet, a chord of N 70°54'25" E - 84.63 feet, an arc length of 85.35 feet to a 5/8" iron rod found for the northernmost northeast corner of the subject tract, also being on the south line of Candlewood Lane, also being on the southwest line of the remainder of Lot 9, Block 5, Linda Heights Terrace Addition;

EXHIBIT A

THENCE along the shared line of said Block 5 with the east line of the subject tract, the following:

S 30°31'35" E, 78.48 feet to a 5/8" iron rod found for corner;

S 51°53'53" E, 56.76 feet to a point for corner;

N 44°12'25" E, 3.56 feet to a point for corner, also being on the southwest line of Lot 12, Block 5, Linda Heights Terrace Addition;

S 45°47'35" E, 140.00 feet along the shared line thereof to a point for the easternmost south corner of the subject tract, also being the south corner of said Lot 12, also being on the northwest line of West Centerville Road;

THENCE S 44°12'25" W, 405.70 feet along the shared line of the subject tract and West Centerville Road to the POINT OF BEGINNING with the subject tract containing 189,947 square feet or 4.361 acres of land.

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 23-29

413 and 505 West Centerville Road and 510 Candlewood Lane

- I. Statement of Purpose: The purpose of this Planned Development is to approve an Elder Care-Independent Living Use.
- II. Statement of Effect: This Planned Development shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations: All regulations of the Multi-Family-2 (MF-2) 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:

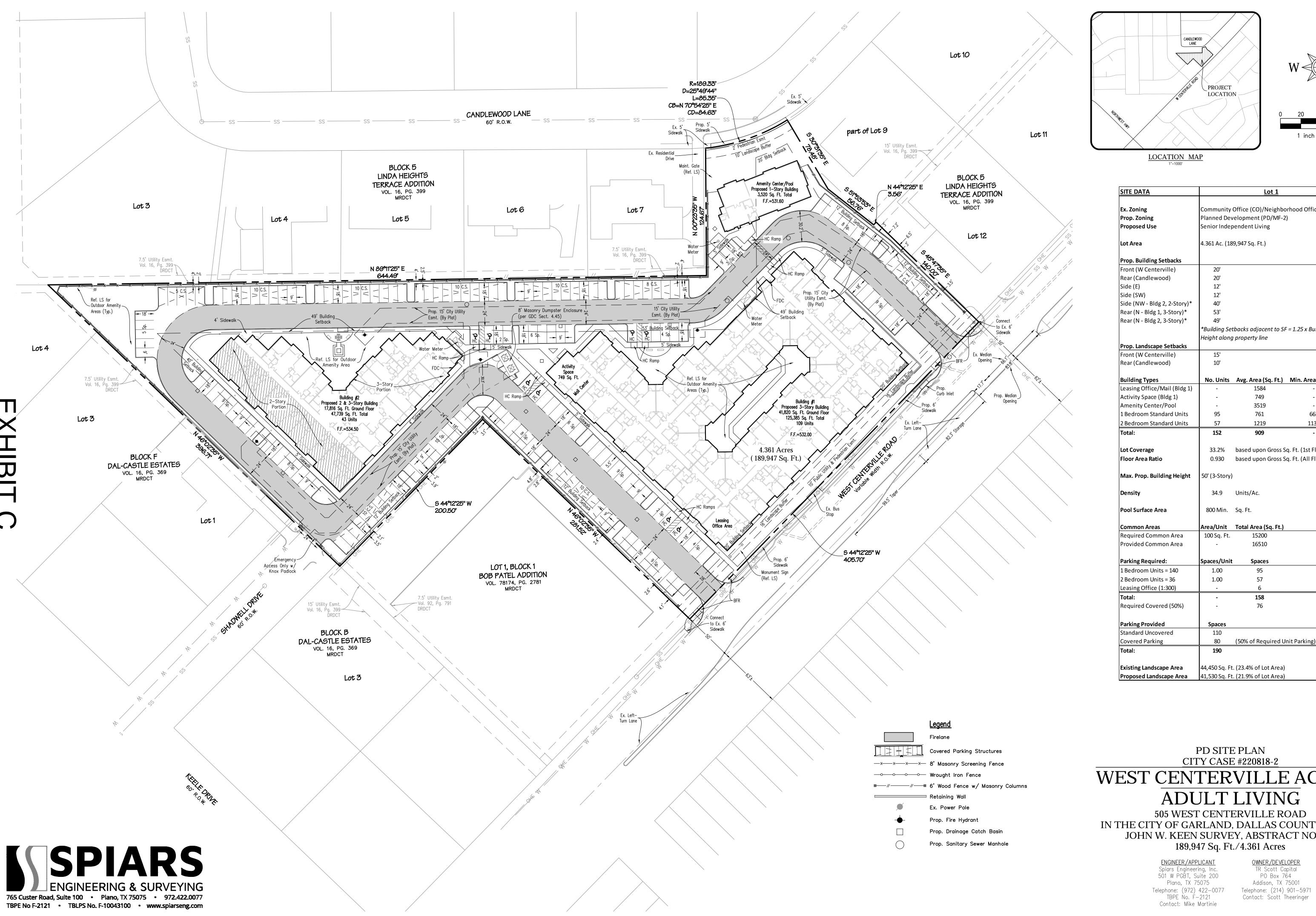
- A. <u>Permitted Use</u>: The only permitted land use on the subject property is Elder Care Independent Living Use. The minimum resident age shall be fifty-five (55) years of age.
- B. <u>Site Plan</u>: The site layout, building placement, parking, walking paths, and other development proposed shall be in general conformance with the approved Site Plan labeled Exhibit C.
- C. <u>Dwelling Units:</u> A total of 152 dwelling units shall be permitted.
- D. Amenities: Amenities shall be provided as shown on the

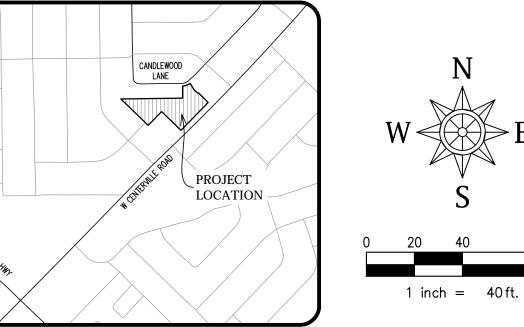
Exhibits C and D.

- E. <u>Landscape Plan</u>: Screening and landscaping shall be in general conformance with the landscape plan labeled Exhibit D. A minimum of twenty-one (21%) of the site shall be landscaped.
 - 1. Landscaping must be regularly maintained in a healthy, growing condition and in compliance with this PD Ordinance, the Garland Development Code, the Code of Ordinances of the City of Garland, and the landscaping plan attached hereto at all times. The property owner is responsible for regular weeding, mowing of grass, irrigation, fertilizing, pruning, or other maintenance of all plantings as needed. All exposed ground surfaces on or within the premises shall be properly improved, covered with screening or other approved solid material, or protected with a vegetative growth that prevents soil erosion and ameliorates objectionable dust conditions.
 - 2. Any plant or vegetation that dies must be replaced with another approved plant variety that complies with the approved landscape plan within sixty (60) days after receipt of written notification from the City. In the event the property owner fails to remedy a violation of any landscaping maintenance regulation within sixty (60) days after receipt of written notification from the City, the City may, in addition to any other remedy available by law, withhold future city permits, licenses and/or certificates requested by the property owner for the premises to which such violation applies.
 - 3. Screening and paving must be regularly maintained in compliance with this PD Ordinance, the Garland Development Code, and the Code of Ordinances of the City of Garland at all times. The property owner is responsible for regular maintenance of all screening and paving as needed. In the event the property owner fails to remedy a violation of any screening or paving maintenance regulation within sixty (60) days after receipt of written notification from the City, the City may, in

addition to any other remedy available by law, withhold future city permits, licenses and/or certificates requested by the property owner for the premises to which such violation applies.

F. <u>Elevations</u>: Building Elevations shall be in general conformance with the elevations labeled Exhibit E.





SITE DATA	<u>Lot 1</u>					
Ex. Zoning	Community	Office (CO)/Noighbo	urhand Office (NO)			
Prop. Zoning	Community Office (CO)/Neighborhood Office (NO) Planned Development (PD/MF-2)					
Proposed Use	Senior Independent Living					
Proposed ose	Sellioi ilidek	Dendent Living				
Lot Area	4.361 Ac. (189,947 Sq. Ft.)					
Prop. Building Setbacks						
Front (W Centerville)	20'					
Rear (Candlewood)	20'					
Side (E)	12'					
Side (SW)	12'					
Side (NW - Bldg 2, 2-Story)*	40'					
Rear (N - Bldg 1, 3-Story)*	53'					
Rear (N - Bldg 2, 3-Story)*	49'					
	*Building Set	tbacks adjacent to SF	= 1.25 x Building			
	Height along	property line				
Prop. Landscape Setbacks						
Front (W Centerville)	15'					
Rear (Candlewood)	10'					
Building Types	No. Units	Avg. Area (Sq. Ft.)	Min. Area (Sq. Ft			
Leasing Office/Mail (Bldg 1)	-	1584	-			
Activity Space (Bldg 1)	-	749	-			
Amenity Center/Pool	-	3519	-			
1 Bedroom Standard Units	95	761	662			
2 Bedroom Standard Units	57	1219	1137			
Total:	152	909	-			
Lot Coverage	33.2%	based upon Gross S	q. Ft. (1st Floor)			
Floor Area Ratio	0.930	based upon Gross S	q. Ft. (All Floors)			
Max. Prop. Building Height	50' (3-Story)					
Density	34.9	Units/Ac.				
Pool Surface Area	800 Min.	Sq. Ft.				
Pool Surface Area Common Areas		·				
Common Areas	Area/Unit	Sq. Ft. Total Area (Sq. Ft.) 15200				
		Total Area (Sq. Ft.)				
Common Areas Required Common Area	Area/Unit	Total Area (Sq. Ft.) 15200 16510				
Common Areas Required Common Area Provided Common Area	Area/Unit 100 Sq. Ft. -	Total Area (Sq. Ft.) 15200 16510				
Common Areas Required Common Area Provided Common Area Parking Required:	Area/Unit 100 Sq. Ft Spaces/Unit	Total Area (Sq. Ft.) 15200 16510 Spaces				
Common Areas Required Common Area Provided Common Area Parking Required: 1 Bedroom Units = 140	Area/Unit 100 Sq. Ft. - Spaces/Unit 1.00	Total Area (Sq. Ft.) 15200 16510 Spaces 95				
Common Areas Required Common Area Provided Common Area Parking Required: 1 Bedroom Units = 140 2 Bedroom Units = 36	Area/Unit 100 Sq. Ft. - Spaces/Unit 1.00	Total Area (Sq. Ft.) 15200 16510 Spaces 95 57				
Common Areas Required Common Area Provided Common Area Parking Required: 1 Bedroom Units = 140 2 Bedroom Units = 36 Leasing Office (1:300)	Area/Unit 100 Sq. Ft. - Spaces/Unit 1.00	Total Area (Sq. Ft.) 15200 16510 Spaces 95 57 6				
Common Areas Required Common Area Provided Common Area Parking Required: 1 Bedroom Units = 140 2 Bedroom Units = 36 Leasing Office (1:300) Total:	Area/Unit 100 Sq. Ft. - Spaces/Unit 1.00	Total Area (Sq. Ft.) 15200 16510 Spaces 95 57 6 158				
Common Areas Required Common Area Provided Common Area Parking Required: 1 Bedroom Units = 140 2 Bedroom Units = 36 Leasing Office (1:300) Total: Required Covered (50%)	Area/Unit 100 Sq. Ft. - Spaces/Unit 1.00 1.00 - - -	Total Area (Sq. Ft.) 15200 16510 Spaces 95 57 6 158				
Common Areas Required Common Area Provided Common Area Parking Required: 1 Bedroom Units = 140 2 Bedroom Units = 36 Leasing Office (1:300) Total: Required Covered (50%)	Area/Unit 100 Sq. Ft. - Spaces/Unit 1.00 1.00 - - Spaces	Total Area (Sq. Ft.) 15200 16510 Spaces 95 57 6 158	nit Parking)			

WEST CENTERVILLE ACTIVE

IN THE CITY OF GARLAND, DALLAS COUNTY, TEXAS JOHN W. KEEN SURVEY, ABSTRACT NO. 742

Sheet 1 of 1 Scale: 1"=40' Sep-23 SEI Job No. 22-169

REQUIREMENT

REQUIREMENT

30 LINEAR FEET

REQUIREMENT

PARKING ROW

PARKING SPACE

5% OF PARKING AREA

15' LANDSCAPE BUFFER

MIN. 40% OF GROSS PLATTED AREA

CANOPY TREE / 30 LINEAR FEET

1 SHRUBS OR ORN. GRASSES ,

MAX. 75% TURF WITHIN LS BUFFER

LIVING LS MATERIAL MUST COVER MIN.

CANOPY TREE / 10 PARKING SPACES

CANOPY TREE AT TERMINUS OF EACH

CANOPY TREE WITHIN 65' OF EVERY

TOTAL LANDSCAPE AREA

75,979 SF (189,947 X 40%)

LS BUFFER (CENTERVILLE ROAD)

12 TREES (385LF / 30LF)

PARKING LOT

1,740 SF MIN (34,810 X 5%)

19 TREES (190 SPACES / 10)

AS SHOWN ON PLANS

AS SHOWN ON PLANS

84 SHRUBS (385LF / 30LF X 7)

4,028 SF MAX (5,370SF X 75%)

PROVIDED

41,530 SF

PROVIDED

PROVIDED

21 CANOPY TREES

PROVIDED ACCORDINGLY

PROVIDED ACCORDINGLY

1,800 SF

15' LANDSCAPE BUFFER

173 SHRUBS OR ORN. GRASSES

3,352 SF TURF (62% OF LS BUFFER

12 CANOPY TREES

(21.9% OF GROSS PLATTED AREA)

TOTAL

TOTAL

15' MIDTH

TOTAL

COMMON/BOTANICAL NAME

3" CALIPER AS SHOWN

3" CALIPER AS SHOWN

3" CALIPER AS SHOWN

AS SHOWN

AS SHOWN

AS SHOWN

CUBIC

FEET

YARDS SQUARE

2" CALIPER

7 GALLON

3 GALLON

SOLID SOD

MINIMUM 7' HEIGHT ABOVE GRADE AT TIME OF PLANTING

MINIMUM 7' HEIGHT ABOVE

MINIMUM 7' HEIGHT ABOVE

MINIMUM 7' HEIGHT ABOVE

MINIMUM 5' HEIGHT ABOVE

MINIMUM 5' HEIGHT ABOVE

GRADE AT TIME OF PLANTING

2' HEIGHT AT TIME OF PLANTING

12" HEIGHT AT TIME OF PLANTING

33,000 MINIMUM 100% COVERAGE

" HEIGHT AT TIME OF PLANTING

4" DEPTH W/ BINDER & FILTER FABRIC

SHUMARD OAK / QUERCUS SHUMARDII

CEDAR ELM / ULMUS CRASSIFOLIA

LIVE OAK / QUERCUS VIRGINIANA

YAUPON HOLLY / ILEX VOMITORIA

CERCIS CANADENSIS VAR. 'TEXENSIS'

'SNOW WHITE' INDIAN HAWTHORNE /

NANDINA DOMESTICA 'FIREPOWER'

4" DEPTH DECOMPOSED GRANITE

COMMON BERMUDA GRASS SOLID SOD

MISCANTHUS SINENSIS 'GRACILLIMUS'

'MORNING LIGHT' MISCANTHUS /

LIRIOPE / LIRIOPE MUSCARI

'FIREPOWER' NANDINA /

RHAPHIOLEPSIS INDICA 'SNOW WHITE'

BURFORD HOLLY / ILEX CORNUTA 'BURFORDII'

GULF MUHLY GRASS / MUHLENBERGIA CAPILLARIS 3 GALLON

CHINESE PISTACHE /

PISTACIA CHINENSIS

TEXAS REDBUD /

50

CE

LO

CP

REQUIRED LANDSCAPE BUFFER TREE

PLANTED AT A RATIO OF I TREES / 30 LF (3 ORNAMENTAL TREES MAY BE SUBSTITUTED FOR I REQUIRED CANOPY TREE)

REQUIRED PARKING AREA TREE TO BE PLANTED AT A RATIO OF I TREE / 10 PARKING SPACES *MUST HAVE I CANOPY TREE AT TERMINUS OF EACH PARKING ROW *MUST HAVE I CANOPY TREE WITHIN 65' OF EVERY PARKING SPACE

ALL OPEN SPACES WILL COMPLY WITH APPLICABLE CITY OF

- GARLAND REQUIREMENTS AND ORDINANCES. ALL LANDSCAPE AREAS WILL BE IRRIGATED BY AN
- UNDERGROUND AUTOMATIC IRRIGATION SYSTEM. EXACT LOCATION OF PEDESTRIAN PATH LIGHTING TO BE DETERMINED AT A LATER DATE.
- SCREENING ALONG WEST CENTERVILLE ROAD WILL COMPLY WITH THE CITY OF GARLAND ORDINANCE AND REQUIREMENTS THE PROPOSED SIGNAGE SHALL COMPLY WITH THE
- REQUIREMENTS OF THE GARLAND DEVELOPMENT CODE (GDC) CHAPTER 4, ARTICLE 5. TREE, SHRUB AND ORNAMENTAL GRASS SPECIES SHALL BE
- SELECTED FROM CITY OF GARLAND APPROVED PLANT LIST. NO LANDSCAPING SUCH AS TREES, HEDGES, ABOVE AND UNDERGROUND STRUCTURES SHALL BE LOCATED WITHIN EXISTING
- OR PROPOSED UTILITY EASEMENTS AND RIGHT OF WAY WITHOUT APPROVED CITY'S REAL PROPERTY IMPROVEMENT AUTHORIZATION FORM OR CITY'S LICENSE AGREEMENT.
- ALL AMENITIES WILL REQUIRE SEPARATE PERMITTING THROUGH THE BUILDING DEPARTMENT

WEST CENTERVILLE ACTIVE **ADULT LIVING**

~CONCEPTUAL LANDSCAPE PLAN~ CITY CASE #220818-2

OWNER / TR SCOTT CAPITAL, LLC **DEVELOPER:** P.O. BOX 764

ADDISON, TEXAS 75001 PH. (214) 901-5971 **CONTACT: SCOTT THEERINGER**

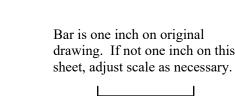
CIVIL **SPIARS ENGINEERING ENGINEER:** 501 W PRESIDENT GEORGE BUSH HWY, **SUITE 200**

RICHARDSON, TEXAS 75080 PH. (469) 395-0528 CONTACT: MIKE MARTINIE, P.E. LANDSCAPE STUDIO 13 DESIGN GROUP, PLLC.

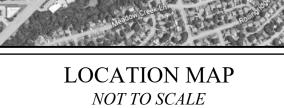
386 WEST MAIN STREET LEWISVILLE, TEXAS 75057 PH. (469) 635-1900 CONTACT: LEONARD REEVES, ASLA, LI

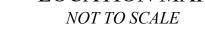






One Inch





ALL IMPROVEMENTS SHOWN ON THIS PLAN ARE CONCEPTUAL IN NATURE & SUBJECT TO CHANGE



DESIGN GROUP

Studio 13 Design Group, PLLC.

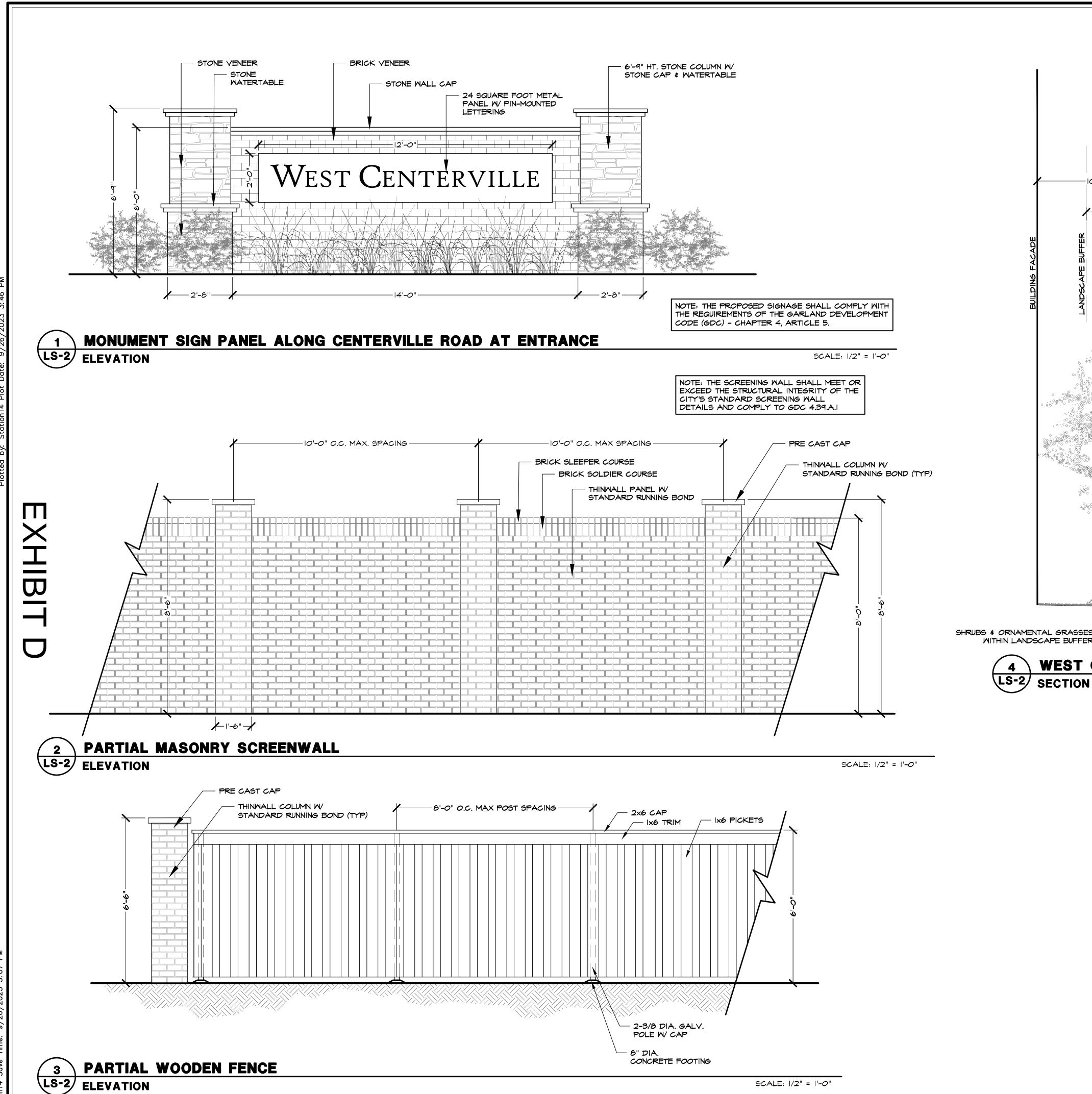
386 W. Main Street

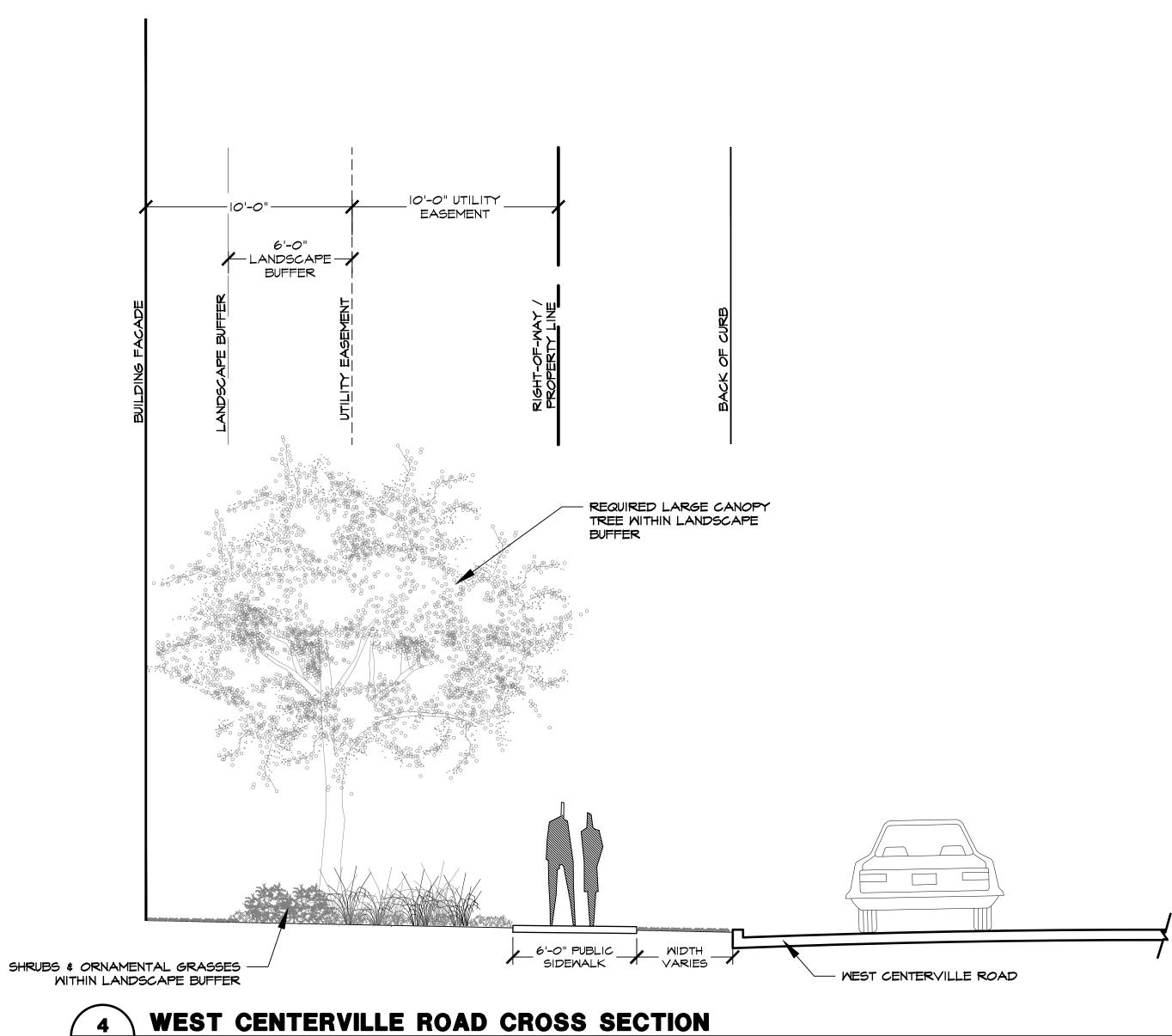
469-635-1900

Lewisville, Texas 75057

TBAE Firm #BR643

LS-





WEST CENTERVILLE ACTIVE **ADULT LIVING**

~CONCEPTUAL SCREENING & FENCING~ CITY CASE #220818-2

OWNER / **DEVELOPER:**

TR SCOTT CAPITAL, LLC P.O. BOX 764

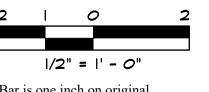
ADDISON, TEXAS 75001 PH. (214) 901-5971 **CONTACT: SCOTT THEERINGER**

CIVIL ENGINEER: SPIARS ENGINEERING 501 W PRESIDENT GEORGE BUSH HWY,

> **SUITE 200** RICHARDSON, TEXAS 75080 PH. (469) 395-0528

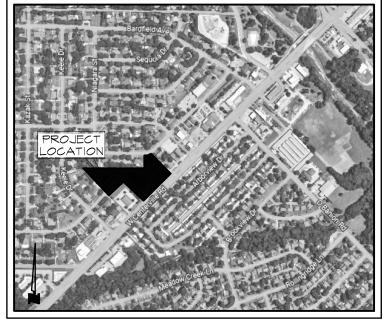
CONTACT: MIKE MARTINIE, P.E.

LANDSCAPE **ARCHITECT:** STUDIO 13 DESIGN GROUP, PLLC. 386 WEST MAIN STREET LEWISVILLE, TEXAS 75057 PH. (469) 635-1900 CONTACT: LEONARD REEVES, ASLA, LI



Bar is one inch on original drawing. If not one inch on this sheet, adjust scale as necessary.

One Inch



LOCATION MAP NOT TO SCALE

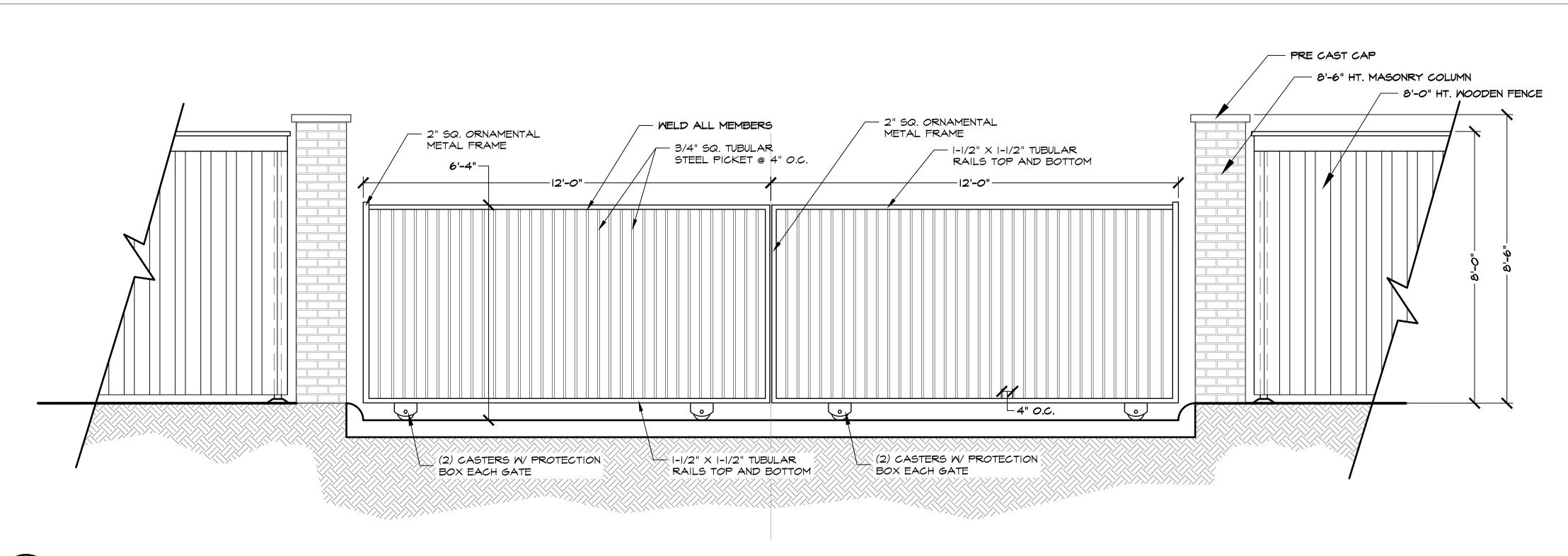
NOTE: ALL IMPROVEMENTS SHOWN ON THIS PLAN ARE CONCEPTUAL IN NATURE & SUBJECT TO CHANGE.



SCALE: 1/4" = 1'-0"



September 26, 2023 LS-2



VEHICULAR GATES FOR EMERGENCY ACCESS LS-3/ ELEVATION

SCALE: 1/2" = 1'-0"

WEST CENTERVILLE ACTIVE ADULT LIVING

~CONCEPTUAL SCREENING & FENCING~ CITY CASE #220818-2

OWNER / **DEVELOPER:**

ARCHITECT:

TR SCOTT CAPITAL, LLC P.O. BOX 764

ADDISON, TEXAS 75001

PH. (214) 901-5971 CONTACT: SCOTT THEERINGER

CIVIL ENGINEER: SPIARS ENGINEERING

501 W PRESIDENT GEORGE BUSH HWY, **SUITE 200**

RICHARDSON, TEXAS 75080

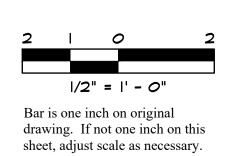
PH. (469) 395-0528

CONTACT: MIKE MARTINIE, P.E.

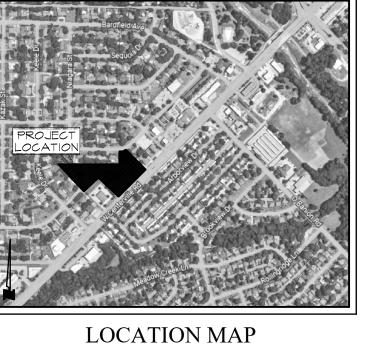
LANDSCAPE STUDIO 13 DESIGN GROUP, PLLC.

386 WEST MAIN STREET LEWISVILLE, TEXAS 75057

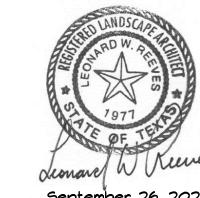
PH. (469) 635-1900 CONTACT: LEONARD REEVES, ASLA, LI



NOT TO SCALE NOTE: ALL IMPROVEMENTS SHOWN ON THIS PLAN ARE CONCEPTUAL IN NATURE & SUBJECT TO CHANGE.







September 26, 2023 LS-3

01 - BUILDING ARTICULATION - SOUTH EAST ELEVATION BUILDING 1 02 - BUILDING ARTICULATION - SOUTH WEST ELEVATION BUILDING 1 COLOR OF SIDING, COLOR OF STUCCO, AND A. HORIZONTAL ARTICULATION FOOTPRINT STATUS | B. VERTICAL ARTICULATION FOOTPRINT A. HORIZONTAL ARTICULATION FOOTPRINT STATUS | B. VERTICAL ARTICULATION FOOTPRINT BUILDING FACADE LENGTH 261.5 FT. X 20% = 52.3 FT. MIN. PERPENDICULAR OFFSET OF 2 FEET BUILDING FACADE LENGTH 247.16 FT. X 20% = 49.43 FT. MIN. PERPENDICULAR OFFSET OF 2 FEET TRIM TO MATCH EXISTING PHASE 1 BUILDING FACADE LENGTH 261.5 FT. X 20% = 52.3 FT. BUILDING FACADE LENGTH 247.16 FT. X 20% = 49.43 FT. N/A MIN. VERTICAL ELEVATION CHANGE (FLAT ROOF) MIN. VERTICAL ELEVATION CHANGE ARCHITECTURAL ELEMENTS BUILDING FACADE LENGTH 261.5 FT. X 30% = 78.45 FT. MIN. PERPENDICULAR OFFSET OF 4 FEET BUILDING FACADE LENGTH 247.16 FT. X 30% = 74.15 FT. MIN. PERPENDICULAR OFFSET OF 4 FEET 3'-0"/ MINIMUM 3 FOOT VERTICAL ELEVATION CHANGE EVERY 50 FEET 4'-0" VERTICAL ELEVATION CHANGE (FLAT ROOFS) MINIMUM 3 FOOT VERTICAL ELEVATION CHANGE EVERY 50 FEET N/A VERTICAL ELEVATION CHANGE (FLAT ROOFS) 1. DIVIDED LIGHT WINDOWS AVERAGE NON-ARTICULATED BUILDING HEIGHT (ROOF EAVE)
AVERAGE NON-ARTICULATED BUILDING HEIGHT (MAIN RIDGE) AVERAGE NON-ARTICULATED BUILDING HEIGHT (ROOF EAVE)
AVERAGE NON-ARTICULATED BUILDING HEIGHT (MAIN RIDGE) MINIMUM 2 FOOT PERPENDICULAR BUILDING OFFSET EVERY 30 MINIMUM 2 FOOT PERPENDICULAR BUILDING OFFSET EVERY 30 OK 2. ALCOVES 3. RECESSED ENTRIES 4. ORNAMENTAL WINDOW HEADERS / LINTELS 5. VARIED ROOF HEIGHTS 6. ORNAMENTAL FACADE TRIMS 7. COVERED AWNINGS 8. DISTINCTIVE LIGHTING FEATURE 9. BENCHES (REFER TO CIVIL DRAWINGS) 10. PLANTER (5) VARIED ROOF HEIGHTS (1) DIVIDED LIGHT WINDOWS (4) DECORATIVE HEADER MAIN ROOF PEAK 44'-2" CEMENT PLASTER VERTICAL CEMENT FIBER SIDING -RAILING -HORIZONTAL CEMENT HORIZONTAL CEMENT FIBER SIDING FIBER SIDING ---CEMENT PLASTER -RAILING (7) ARCHITECTURAL METAL ROOF ON CEDAR AWNING (7) ARCHITECTURAL METAL ROOF ON CEDAR AWNING (8) DISTINCTIVE LIGHT FIXTURE (6) BANDED STUCCO BASE - (8) DISTINCTIVE LIGHT FIXTURE ── (9) DECORATIVE IRON BENCHES BRICK VENEER ----(10) INTEGRATED PLANTERS (2 & 3) RECESSED ENTRY AND ALCOVE -. 02 BUILDING 1 - SOUTH-WEST ELEVATION SCALE: 3/32" = 1'-0"(FRONT ENTRY VIEW) **BLDUILDING 1** 3-STORY APARTMENTS П (5) VARIED ROOF HEIGHTS (4) DECORATIVE HEADER (1) DIVIDED LIGHT WINDOWS - CEMENT PLASTER MAIN ROOF PEAK 44'-2" HORIZONTAL CEMENT FIBER SIDING ——— HORIZONTAL CEMENT FIBER SIDING BRICK VENEER - BRICK VENEER (6) BANDED STUCCO BASE

11'-5"

13'-6"

261'-6"

13'-6"

(CENTERVILLE VIEW)

35'-2"

ARCHITECTURE DIANNING
16660 DALLAS PKWY. SUITE 2900 DALLAS, TX 97

20818

INTERIORS FAX 972-248

BUILDING TYPE 1
ELEVATIONS 1

35'-2"

SCALE: 3/32" = 1'-0"

JOB # 222063

CASE NO: 220818-2



CASE

W. CENTERVILLE A

NUMBER

152-UNIT ACTIVE ADULT LI

STORYS

TERIORS

220818-2

GARLAND TX 75041

ECTURE . PLANNING . INTERIORS

BUILDING TYPE 1
A04.02

JOB # 222063

DATE:

BUILDING TYPE 2 ELEVATIONS A04.03

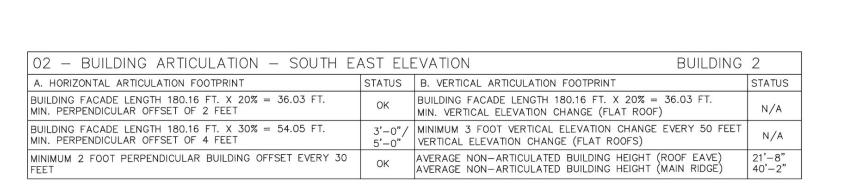
JOB # 222063



25'-9"

14'-6"

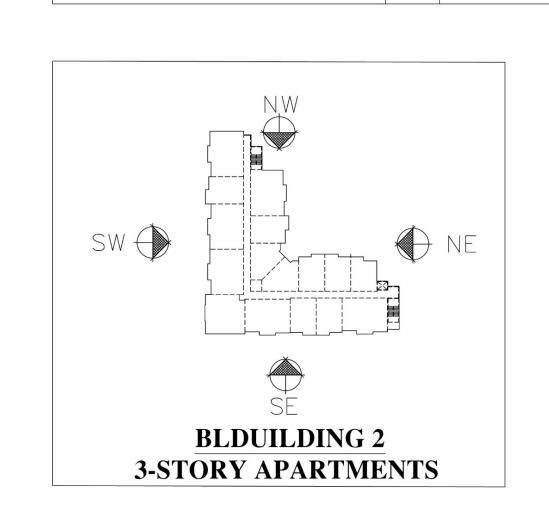
SCALE: 3/32" = 1'-0"



13'-0"

01 - BUILDING ARTICULATION - SOUTH W	EST ELE	EVATION BUILDING	2
A. HORIZONTAL ARTICULATION FOOTPRINT	STATUS	B. VERTICAL ARTICULATION FOOTPRINT	STATUS
BUILDING FACADE LENGTH 172.16 FT. X 20% = 34.43 FT. MIN. PERPENDICULAR OFFSET OF 2 FEET	OK	BUILDING FACADE LENGTH 172.16 FT. X 20% = 34.43FT. MIN. VERTICAL ELEVATION CHANGE	OK
BUILDING FACADE LENGTH 172.16 FT. X 30% = 51.65 FT. MIN. PERPENDICULAR OFFSET OF 4 FEET	3'-0"	MINIMUM 3 FOOT VERTICAL ELEVATION CHANGE EVERY 50 FEET VERTICAL ELEVATION CHANGE (FLAT ROOFS)	OK
MINIMUM 2 FOOT PERPENDICULAR BUILDING OFFSET EVERY 30 FEET		AVERAGE NON-ARTICULATED BUILDING HEIGHT (ROOF EAVE) AVERAGE NON-ARTICULATED BUILDING HEIGHT (MAIN RIDGE)	32'-4" 43'-4"





COLOR OF SIDING, COLOR OF STUCCO, AND

4. ORNAMENTAL WINDOW HEADERS / LINTELS

9. BENCHES (REFER TO CIVIL DRAWINGS)

TRIM TO MATCH EXISTING PHASE 1

ARCHITECTURAL ELEMENTS 1. DIVIDED LIGHT WINDOWS

5. VARIED ROOF HEIGHTS

6. ORNAMENTAL FACADE TRIMS

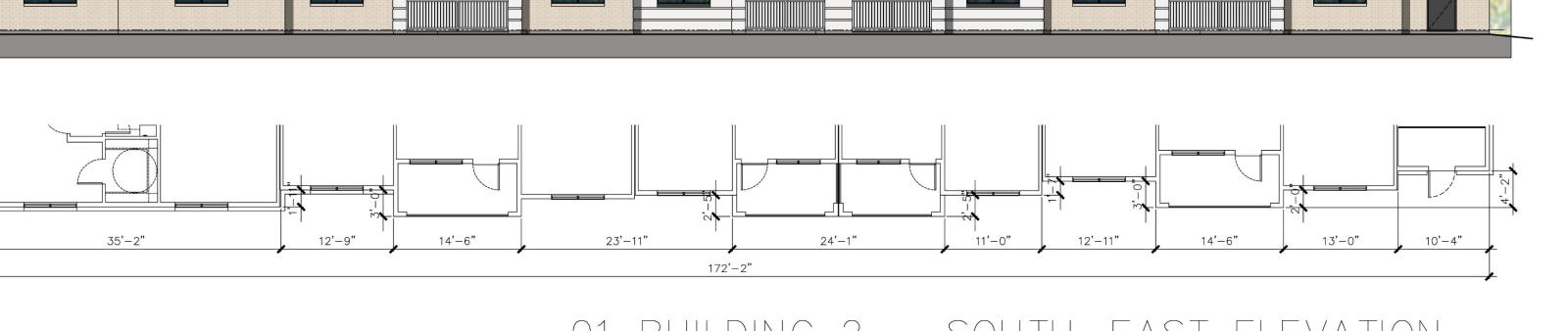
8. DISTINCTIVE LIGHTING FEATURE

3. RECESSED ENTRIES

7. COVERED AWNINGS

2. ALCOVES

10. PLANTER

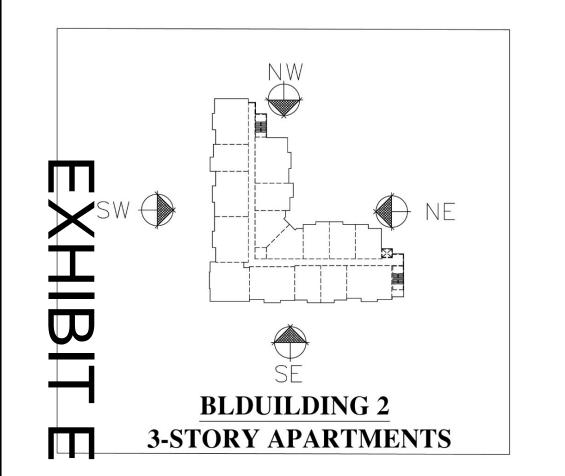


01 BUILDING 2 - SOUTH-EAST ELEVATION SCALE: 3/32" = 1'-0"(CENTERVILLE VIEW)

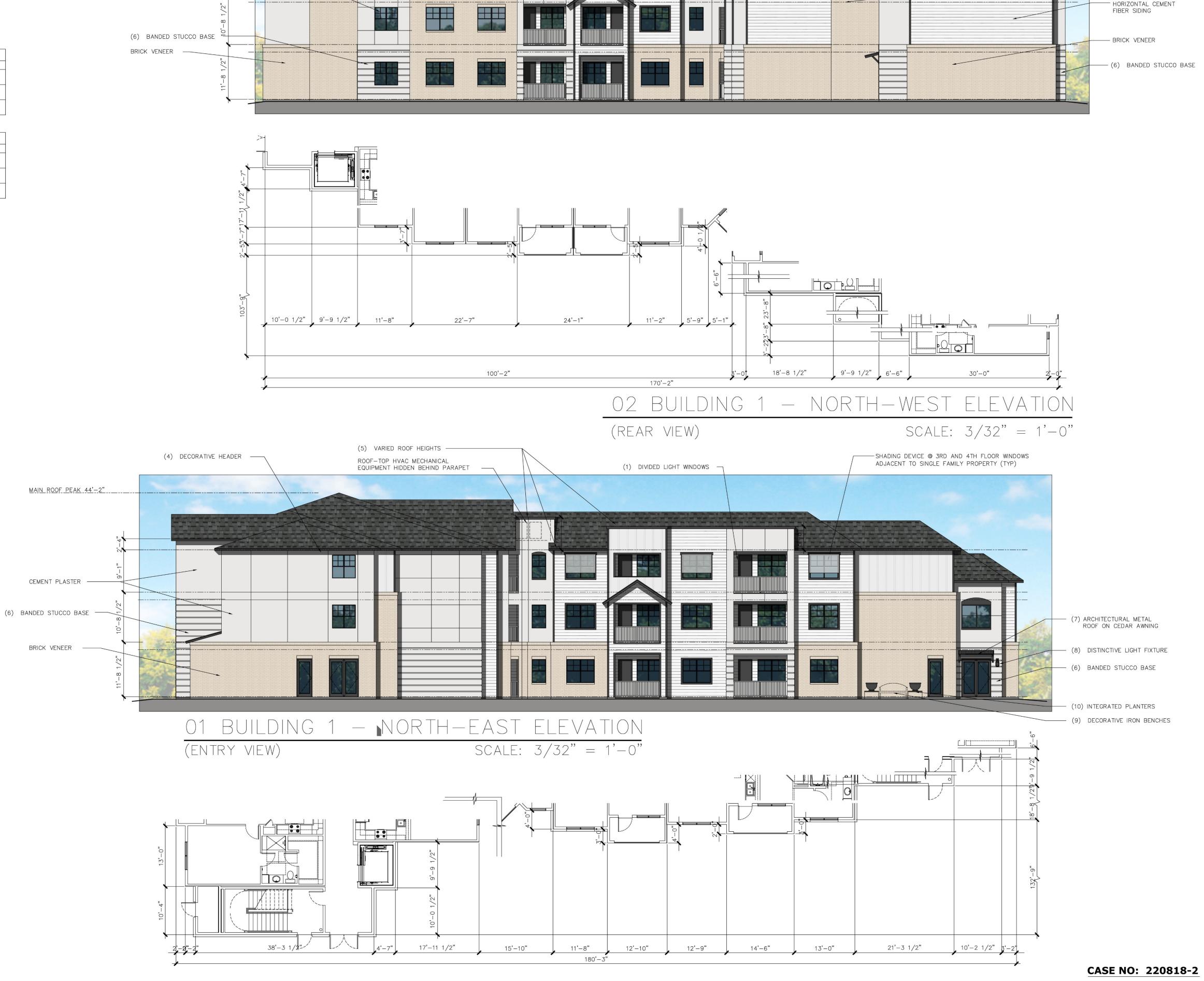
CASE NO: 220818-2

01 - BUILDING ARTICULATION - NORTH EA	AST ELE	EVATION BUILDING	2
A. HORIZONTAL ARTICULATION FOOTPRINT	STATUS	B. VERTICAL ARTICULATION FOOTPRINT	STATUS
BUILDING FACADE LENGTH 180.25 FT. X 20% = 36.05 FT. MIN. PERPENDICULAR OFFSET OF 2 FEET	OK	BUILDING FACADE LENGTH 180.25 FT. X 20% = 36.05 FT. MIN. VERTICAL ELEVATION CHANGE	ок
BUILDING FACADE LENGTH 180.25 FT. X 30% =54.08 FT. MIN. PERPENDICULAR OFFSET OF 4 FEET	OK	MINIMUM 3 FOOT VERTICAL ELEVATION CHANGE EVERY 50 FEET VERTICAL ELEVATION CHANGE (FLAT ROOFS)	OK
MINIMUM 2 FOOT PERPENDICULAR BUILDING OFFSET EVERY 30 FEET	OK	AVERAGE NON-ARTICULATED BUILDING HEIGHT (ROOF EAVE) AVERAGE NON-ARTICULATED BUILDING HEIGHT (MAIN RIDGE)	32'-4" 43'-8"

02 - BUILDING ARTICULATION - NORTH WEST ELEVATION BUILDING					
A. HORIZONTAL ARTICULATION FOOTPRINT	STATUS	B. VERTICAL ARTICULATION FOOTPRINT	STATUS		
BUILDING FACADE LENGTH 170.16 FT. X 20% = 34.03 FT. MIN. PERPENDICULAR OFFSET OF 2 FEET	ок	BUILDING FACADE LENGTH 170.16 FT. X 20% = 34.03 FT. MIN. VERTICAL ELEVATION CHANGE (FLAT ROOF)	ОК		
BUILDING FACADE LENGTH 170.16 FT. X 30% = 51.05 FT. MIN. PERPENDICULAR OFFSET OF 4 FEET	ок	MINIMUM 3 FOOT VERTICAL ELEVATION CHANGE EVERY 50 FEET VERTICAL ELEVATION CHANGE (FLAT ROOFS)	OK		
MINIMUM 2 FOOT PERPENDICULAR BUILDING OFFSET EVERY 30 FEET	ОК	AVERAGE NON-ARTICULATED BUILDING HEIGHT (ROOF EAVE) AVERAGE NON-ARTICULATED BUILDING HEIGHT (MAIN RIDGE)	32'-4" 43'-4"		



10. PLANTER



ROOF-TOP HVAC MECHANICAL

EQUIPMENT HIDDEN BEHIND PARAPET

W: CLINILLIN VILLL ACTIVE ADULT LIVING COMMUNITY

505 W. CENTERVILLE ROAD\

- CEMENT PLASTER

FIBER SIDING

HORIZONTAL CEMENT

CASE NUMBER 220818-2

TECTURE DEANNING INTERIORS

INTERIORS

ILLAS PKWY. SUITE 2900 DALLAS, TX 972-248-2486 FAX 972-248-155

BUILDING TYPE 2
ELEVATIONS 2

JOB # 222063

POOL BUILDING ELEVATIONS A04.05

JOB # 222063

CASE NO: 220818-2

(FRONT VIEW)



City Council Regular Session Agenda

4.

Meeting Date: 10/17/2023

Item Title: Garland Cultural Arts Commission Inc. Hotel Occupancy Tax Revenue Budget,

Sub-grant Recipients and Hotel Occupancy Tax Program Management

Agreement

Submitted By: Amy Rosenthal, Cultural Arts Director

Summary of Request/Problem

At the October 9, 2023, Work Session, Council reviewed Garland Cultural Arts Commission, Inc.'s 2023-2024 budget, execution of the "Hotel Occupancy Tax Program Agreement" between the City of Garland and the GCACI, and the recommended grant award amounts from applying arts organizations.

Recommendation/Action Requested and Justification

Approve by minute action the 2023-2024 GCACI budget, the sub-grant recipients, and authorize the City Manager to execute the "Hotel Occupancy Tax Program Management Agreement" between the City and Garland Cultural Arts Commission, Inc.

Attachments

FY24 Hotel Agreement GCAC Inc FY24 GCAC Inc Budget FY24 GCAC Inc Grant Awards

GARLAND CULTURAL ARTS COMMISSION, INC. (GCACI) HOTEL OCCUPANCY TAX PROGRAM MANAGEMENT AGREEMENT

This Hotel Occupancy Tax Program Management Agreement (this "Agreement") is made and entered into by and between the City of Garland, Texas, a Texas home-rule municipality (the "City") and the Garland Cultural Arts Commission, Inc., a non-profit corporation organized under the laws of Texas ("GCACI").

WHEREAS, Chapter 351, TEXAS TAX CODE authorizes a municipality that levies and collects a hotel occupancy tax to expend a portion of the revenues from such tax for the encouragement, promotion, improvement and application of the arts, and for certain historical preservation and restoration projects, activities and related promotions; and

WHEREAS, Sec. 351.101(c), TEX. TAX CODE, authorizes the governing body of a municipality to delegate by contract the management or supervision of programs and activities funded with revenue from the hotel occupancy tax authorized by Chapter 351, Texas Tax Code; and

WHEREAS, GCACI has agreed to manage and supervise various programs and activities relating to the encouragement, promotion, improvement and application of the arts;

NOW, THEREFORE, in consideration of the following mutual covenants and promises, the City and GCACI agree as follows:

Section 1. General Responsibilities of the GCACI. GCACI shall develop, operate, and administer: (i) programs and activities for the encouragement, promotion, improvement, and application of cultural arts within the City and at City facilities; and (ii) projects, activities, advertising and promotional programs for historical restoration and preservation. A detailed, written description of all such programs, activities, projects, advertisements, and promotions (collectively referred to as the "Program") shall be provided to the City Manager annually upon renewal of this Agreement and shall be updated not less than quarterly as part of the periodic reporting required by Section 4 of this Agreement.

Section 2. Hotel Occupancy Tax Revenues. In consideration of GCACI's development, operation, and administration of the Program, the City shall pay to GCACI \$190,843.00. In no event shall the payment under this Agreement exceed the amount City may lawfully allocate under Sec. 351.103(c) or fifteen percent (15%) of the hotel occupancy tax revenue actually received in hand by the City for the applicable fiscal quarter(s) used to calculate the amount. The City shall remit payment of Program funds to GCACI on or before October 30, 2023. GCACI shall maintain all revenues received by the City under this Agreement in a separate account established for that purpose and may not commingle that revenue with any other money.

Section 3. <u>Budget</u>. GCACI shall annually prepare and submit to the City a budget detailing all proposed uses and expenditures of the revenues to be provided to the GCACI under this Agreement, including any and all proposed uses and expenditures of revenues intended to be granted by GCACI to subgrantees. If approved by the City Council of the

City, the budget shall be made a part of this Agreement as Exhibit "A", and all of GCACI expenditures of revenues received by the City under this Agreement shall be made in accordance with the approved budget.

Section 4. <u>Limitation on Expenditures; Periodic Reporting</u>.

- (A) For the purposes of this agreement, "convention center facilities" means facilities that are primarily used to host conventions and meetings. The term means civic centers, civic center buildings, auditoriums, exhibition halls, and coliseums that are owned by the City or that are managed in whole or part by the City.
- (B) Revenue from hotel occupancy taxes paid to GCACI by the City under this Agreement shall be used only to promote tourism and the convention and hotel industry, and that use is limited to the following:
 - (1) the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers, or both;
 - (2) the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;
 - (3) advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the City;
 - (4) The encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creating writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms.
 - (5) Historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums:
 - (a) at or in the immediate vicinity of convention center facilities or visitor information centers; or
 - (b) located elsewhere in the City or its vicinity that would be frequented by tourists and convention delegates; and
 - (6) Any other related purpose authorized by Chapter 351, TEX. TAX CODE, as may be amended from time to time.
- (C) None of the hotel occupancy tax revenues provided to GCACI under this Agreement may be spent for:

- (1) travel for a person to attend an event or conduct an activity, the primary purpose of which is not directly related to the promotion of tourism and the convention and hotel industry or the performance of the person's job in an efficient and professional manner; or
- (2) programs, activities, or any other use located outside the territorial limits of the City of Garland.
- (D) GCACI shall provide a written report to the City Council, through the City Manager no less than quarterly each City fiscal year listing the expenditures made by the GCACI with and or the hotel occupancy tax revenue provided to GCACI under this Agreement. Additionally, on an annual basis, GCACI shall send to the City Manager a written report showing the activities conducted under the GCACI program for the preceding year. The report shall also indicate cumulative expenses and revenues for the preceding year. Financial reports shall show the relationship of actual expenses to the authorized budgeted expenses shown in the budget.
- (E) In addition to making, submitting, and filing the report in the manner described above, GCACI, if requested by the City shall make an oral presentation of such report at a regular City Council meeting. Minutes and financial reports shall be sent to the City Manager and City's Internal Audit Department after each quarterly meeting.
- (F) <u>Subgrants.</u> GCACI may by written contract make subgrants of Program funds for the encouragement, promotion, improvement, and application of the arts, to another person, entity or private organization. Prior to making subgrants of Program funds to third-parties, GCACI must include the proposed subgrant, including detailing the identity of the subgrantee and all proposed uses of the Program funds, in the budget required by above Section 3 and approved by the City Council. Written contracts between GCACI and subgrantees shall require that the subgrantee:
 - (1) restrict the use of Program funds to the program or activity expressly identified in the approved budget;
 - (2) at least annually make periodic reports to the governing body of its expenditures of Program funds;
 - (3) make any and all records of these expenditures available for review by the City; and
 - (4) return to GCACI any and all Program funds not spent within the budget year in which the funds were granted.

Section 5. Responsibility for Funds; Audit of the GCACI.

(A) GCACI acknowledges that the approval by the City Council of the annual budget of the GCACI for the functions and activities to be undertaken by GCACI pursuant to this Agreement creates a fiduciary duty in the GCACI with respect to the revenue provided by the hotel occupancy taxes that are made available to GCACI under this Agreement.

- (B) GCACI shall maintain complete and accurate financial records of all expenditures of revenues provided to GCACI by the City under this Agreement. GCACI shall make all such books and records fully, completely and promptly available to the City through which an operational audit of all funds and activities of the Program may be made by the Internal Auditor of the City.
- **Section 6.** <u>Prohibition on Discrimination.</u> GCACI shall not discriminate against any person in the development, operation or administration of any aspect of the Program on the basis of race, creed, sex, national origin or handicapped status.
- **Section 7. Termination.** Either party may terminate this Agreement, at will and without cause, by giving written notice of termination to the other party not less than thirty-days prior to the date of termination. Upon the termination of this contract, either due to the expiration of the stated term hereof or due to the exercises by either party of the above described right of termination, any balance of funds in the account established for the GCACI program, as well as any equipment or other party which has been purchased from those accounts or transferred from the City shall belong to and be returned to the City. This provision shall not prevent the City and the GCACI from agreeing to use any such fund balance for the continuation of the GCACI program in the event the parties enter into another subsequent contract. The City shall not be responsible for any obligations made outside the contract period.
- **Section 8.** Notices. Any notice required or desired to be given from one party to the other party to this Agreement shall be in writing and shall be given and shall be deemed to have been served and received (whether actually received or not) if (i) delivered in person to the address set forth below; (ii) deposited in an official depository under the regular care and custody of the United States Postal Service located within the confines of the United States of America and sent by certified mail, return receipt requested, and addressed to such party at the address hereinafter specified; or (iii) delivered to such party by a courier receipted delivery. Either party may designate another address within the confines of the continental United States of America for notice, but until written notice of such change is actually received by the other party, the last address of such party designated for notice shall remain such party's address for notice.
- **Section 9.** No Assignment. Neither party shall have the right to assign that party's interest in this Agreement without the prior written consent of the other party.
- **Section 10.** <u>Severability</u>. If any term or provision of this Agreement is held to be illegal, invalid or unenforceable, the legality, validity or enforceability of the remaining terms or provision of this Agreement 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 Agreement a legal, valid or enforceable term or provision as similar as possible to the term or provision declared illegal, invalid or unenforceable.
- **Section 11.** Waiver. Either City or GCACI shall have the right to waive any requirement contained in this Agreement, which 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. No waiver of any breach or violation of any term of this Agreement shall be deemed or construed to constitute a waive of any

- other breach or violation, whether concurrent or subsequent, and whether of the same or of a different type of breach or violation.
- **Section 12.** Governing Law; Venue. This Agreement 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 Agreement are performable in Dallas County, Texas such that exclusive venue for any action arising out of this Agreement shall be in Dallas County, Texas.
- **Section 13.** Paragraph Headings; Construction. The paragraph headings contained in this Agreement 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 Agreement and this Agreement shall not be construed either more or less strongly against or for either party.
- **Section 14.** <u>Binding Effect</u>. Except as limited herein, the terms and provisions of this Agreement 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.
- **Section 15.** Gender. Within this Agreement, 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 contest otherwise requires.
- **Section 16.** <u>Counterparts.</u> This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, and all of which shall constitute but one and the same instrument.
- **Section 17.** Exhibits. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.
- **Section 18.** <u>Computation of Deadlines</u>. If any deadline contained herein ends on a Saturday, Sunday or a legal holiday recognized by the Texas Supreme Court, such deadline shall automatically be extended to the next day that is not a Saturday, Sunday or legal holiday.
- **Section 19.** Entire Agreement. It is understood and agreed that this Agreement contains the entire agreement between the parties and supersedes any and all prior agreements, arrangements or understandings between the parties relating to the subject matter. No oral understandings, statements, promises or inducements contrary to the terms of this Agreement exist. This Agreement cannot be changed or terminated orally and no written modification of this Agreement shall be effective unless executed by both parties.
- **Section 20.** Relationship of Parties; No Third-Party Beneficiaries. Nothing contained in this Agreement shall be deemed or construed by the parties hereto or by any third party to create the relationship of principal and agent or of partnership, joint venture, or employment, it being expressly understood and agreed that no provision contained in this Agreement nor any act or acts of the parties hereto shall be deemed to create any relationship between the parties other than the relationship of independent parties contracting with each other solely for the purpose of effecting the provisions of this

Agreement. Neither party has the authority to enter into contracts or to assume any obligation for the other, nor to make warranties or representations on behalf of the other except in accordance with the express terms of this Agreement or as otherwise authorized in writing by the other. There are no third-party beneficiaries to this Agreement and no third-party beneficiaries are intended by implication or otherwise.

Section 21. 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 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.

Section 22. 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.

EXECUTED on the dates indicated below but deemed to be effective as of the 17th day of October, 2023.

KTS COMMISSION, INC.
DeAnne Driver, Chairman
KAS

CARLAND CHI THRAL ARTS COMMISSION INC

FY24 - 2023-2024 Proposed Budget

Garland Cultural Arts Commission, Inc.

RE	VE	NU	IES
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Hotel Occupancy Tax Revenue	190,843
Site fees & Fundraising	6,000
TOTAL INC	\$196,800
EXPENDITURES	
Grant Awards	147,000
Additional Arts Activities & Promotions	
GISD Arts Competition Awards & Reception	4,500
Advertising Mailers & Promotions	10,000
Event Support & Entertainers	11,500
Art Vibe Garland!	3,000
Pop-ups, Public Art	7,375
Special projects	3,043
Membership/Misc Administrative	
Chamber & Arts Memberships	3,425
CPA Fees	800
Misc. Administrative Services	200
TOTAL EXP	\$190,843
Reserve	\$6,000

2023-2024

	Organization	GCAC Grant Amount	Youth Subsidy Waiver Amount
es	Garland Summer Musicals	\$30,000.00	\$3,500.00
Affiliates	Garland Symphony Orchestra	\$28,000.00	\$1,200.00
Af	Garland Civic Theatre	\$25,000.00	\$3,000.00
tes	Breitling Performing Arts	\$6,000.00	\$3,000.00
Associates	Company of Rowlett Performers	\$5,000.00	\$3,500.00
Ass	Garland Landmark Society	\$4,000.00	
	Dallas Ballet Company	\$21,000.00	
	Garland Youth MLK	\$4,000.00	
	Magic 11th Street	\$3,500.00	
	Spectacular Follies	\$3,000.00	
	Accolade Community Theatre	\$2,000.00	
	Texas Winds Musical Outreach	\$2,000.00	
	Master's Music Company	\$3,000.00	
	Reel Owl Cinema Booster	\$2,500.00	
	Achievement Center of Texas	\$2,000.00	
	Red Warriors	\$2,000.00	
	Culture Makers	\$2,000.00	
	Prism Movement Theater	\$1,000.00	
	Ek Sitara	\$1,000.00	

TOTALS: \$147,000.00 \$14,200.00



City Council Regular Session Agenda

5.

Meeting Date: 10/17/2023

Item Title: Bottleneck Improvements Program - Project Specific Agreement with

Dallas County

Submitted By: Laura Dunn, Capital Project Management Director

Strategic Focus Areas: Well-Maintained City Infrastructure

ISSUE

Council to consider entering into a Project Specific Agreement (PSA) with Dallas County for partnership funding to improve mobility at multiple intersections associated with the Bottleneck Improvements Program.

OPTIONS

A. Adopt a Resolution authorizing the City Manager to execute the PSA with Dallas County.

B. Take no action.

RECOMMENDATION

Option A - Authorize the City Manager to execute the PSA with Dallas County.

BACKGROUND

- 1. In 2021, the City executed a Master Agreement with Dallas County providing general terms regarding funding availability, agency responsibilities, etc., for "partnering" on eligible Transportation Improvements on roads inside Dallas County. The Master Agreement is the contractual agreement for eventual specific projects. A Project Specific Agreement (PSA) is then required to finalize specific costs and project management. Generally, Dallas County provides a 50% share of all eligible paving and drainage costs.
- 2. The Bottleneck Improvement Program proposes to improve bottlenecks (traffic flow) at 12 major intersections by adding additional turning movements and providing improvements such as paving, signals, and pavement markings. The intersections are divided into four design packages. In the first two design packages, four intersections have been identified within the scope of this PSA: Broadway Boulevard at IH 30 Service Road, Buckingham Road at Plano Road, Forest Lane at Jupiter Road, and Apollo / Spring Creek at Garland Avenue.
- 3. The PSA establishes the total cost of the project estimated to be \$6,089,807.00 The County's commitment is \$3,044,903.50 with the City's share being the remaining \$3,044,903.50.

- 4. The City's funding for this project is included in the 2023 Capital Improvement Program, utilizing funds established as part of the 2019 Bond Program.
- 5. The PSA will be amended in the future to include intersections from the three remaining design packages of the Bottleneck Improvement Program.

CONSIDERATION

The Funding Agreement (FA) must be approved in order for the Project Specific Agreement (PSA) to be approved.

Attachments

Dallas County Project Specific Agreement - MCIP12022 - Bottleneck Improvements Resolution for Dallas County Project Specific Agreement - MCIP12022 - Bottleneck Improvements

DALLAS COUNTY CAPITAL IMPROVEMENT PROJECT SPECIFIC AGREEMENT TO THE MASTER AGREEMENT GOVERNING MAJOR CAPITAL IMPROVEMENT PROGRAM

This Project Specific Agreement ("PSA") to the Master Agreement Governing Major Capital Improvement Program ("Master Agreement") is made by and between the City of Garland, Texas, ("City"), and the County of Dallas, Texas, ("County"), acting by and through its duly authorized officials, for the purpose of constructing transportation improvements on Garland Intersections, MCIP 12022 Project, from various limits (see Attachment C) ("Project").

WHEREAS, the City and County entered into a Master Agreement Governing Major Capital Improvement Program, hereinafter ("Master Agreement") on May 18, 2021, by Commissioners Court Order 2021-0494 for the purpose of transportation improvements on roads inside Dallas County;

WHEREAS, the City has requested that it be designated as the Lead Agency for the Project and will provide the Project Manager;

WHEREAS, Chapter 791 of the Texas Government Code and Chapters 251 and 472 of the Texas Transportation Code provide authorization for local governments to contract with each other for the performance of governmental functions and services, as well as joint funding of road construction or improvements of road or street projects.

NOW THEREFORE THIS PSA is made by and entered into by the City and the County for the mutual consideration stated herein.

Article I. <u>Project Specific Agreement</u>

This PSA is to specifically identify the Project, changes in the rights and responsibilities of each of the parties as set forth in the Master Agreement and any additions thereto as incorporated herein. This PSA will be an addition to the Master Agreement and incorporate each of its terms and conditions. All terms of the Master Agreement remain in full force and effect except as modified herein. In the event of any conflict between the Master Agreement and this PSA, this PSA shall control.

Article II. **Incorporated Documents**

This PSA incorporates, as if fully reproduced herein word for word and number for number, the following items:

- 1. Master Agreement authorized by County Commissioners Court Order 2021-0494 dated May 18, 2021, and additions thereto as incorporated herein by reference.
- 2. Project Scoping Sheets, which are attached and incorporated herein by reference as Attachments "A-1," "A-2," and "A-3."
- 3. Current Cost Estimates and Funding Sources, which is attached and incorporated herein by reference as Attachment "B."
- 4. Project vicinity map, which is attached and incorporated herein by reference as Attachment C."

Article III. Term of Agreement

This PSA shall become effective when signed by the last party whose signature makes the respective agreement fully executed and shall terminate upon the completion and acceptance of the Project by Dallas County Commissioners Court or upon the terms and conditions in the Master Agreement, Article IV, Section A, Termination.

Article IV. **Project Description**

This PSA is entered into by the parties for public transportation improvements within the City of Garland and Dallas County, Texas. This PSA will be for County funding participation on up to 50% of eligible construction costs on an initial set of four intersections from the overall twelve proposed intersections identified in the Funding Agreement. The four intersections are: Intersection 4 - Apollo/Spring Creek at Garland Avenue, Intersection 7 - Buckingham Road at Plano Road, Intersection 9 - Forest Lane at Jupiter Road, and Intersection 12 - Broadway Boulevard at IH 30 Service Road. The project intersection improvements will provide new turn lanes, increase storage lengths, improve traffic signal phasing, and/or sequencing and lane use modifications based on traffic flows.

This Project will facilitate the improvement of public transportation to benefit both the City and County. The City does hereby give its approval for expenditure of County funds for the construction, improvement, maintenance, or repair of a street located within the municipality, subject to City Council approval.

Article V. Fiscal Funding

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

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

Article VI. Agreements

I. County and City Responsibilities:

- 1. City will be the Lead Agency for the Project from commencement of planning to completion of construction.
- 2. City and County mutually agree that the Project limits are from various limits (see Attachment B).
- 3. The design shall be the agreed upon Standard Basic Project Design for the Project and specifically does not include Road or Street Amenity, Paving and Drainage Amenities or Utility Betterments as defined in the Master Agreement. If the City adds relocation or adjustment of City Utilities or Utility Betterments, the City agrees that it will pay 100% of the costs of these additions.
- 4. The City agrees that County may include any such item as an optional item to the construction bidding. City further agrees to review the bids submitted, the bid specifications, quantities, bid amount and any other item the City shall choose to review and furnish a written acceptance or rejection of the bid within ten (10) days of receipt. In the event the bid is accepted, City agrees to encumber an amount adequate for the total estimated project costs as indicated in Attachment "B."
- 5. The Project will require the acquisition of transportation/road right-of-way which is specifically all real property needed or convenient for roadway and/or drainage purposes as shown in the Project design or right-of-way plans and specifically includes all real property outside of the designed right-of-way needed, if applicable, or convenient to the construction, drainage, interface with adjoining streets or alleys, driveways or other access ways or other Project permanent or temporary easements which is approved by City and County. Such right-of-way acquisition shall be the responsibility of the City as Lead Agency. The City shall coordinate any necessary City-owned utility adjustments for construction of the Project. Such acquisitions will be transferred into the City's name as owner as the City will be solely responsible for maintenance after construction is completed.
- 6. In order to certify compliance with the expenditure of the Project funding for this PSA, the City agrees to furnish to the County, its Auditor, or its designated representative(s) the unrestricted right to audit any and all accounting and other records regarding any funds paid or claimed under this agreement, including, but not limited to all books, records, reports, tickets, deposits, expenditure, budget or any item therein, supporting data, computer records and programs, and all items of hardware, software or firmware, or any other item utilized by the City regarding this PSA (records). City contracts and agrees that all records shall be kept and maintained for a period of time not less than four (4) years from the date of the termination of this PSA. Such records shall be provided to the County in Dallas County, Texas and available for any audit at any time upon request.
- 7. The results of any audit may be furnished to City for comment. In the event that any audit shall determine that moneys are owed to County, such sums are deemed to be due and payable to Dallas County, Texas, within thirty (30) days of the date of an invoice for such cost being deposited in the United States mail, via certified mail, with return receipt requested.
- 8. The audit provisions of this agreement shall survive the termination of this agreement until all Project claims to which the County is or may be a party, are fully paid or reduced to judgment not subject to appeal and barred by the Texas statute regarding limitation of actions.

II. City Responsibilities:

1. City shall be the Lead Agency for the Project. As the Lead Agency, City will provide project management of the Project from commencement of planning to completion of construction.

- 2. City will execute the necessary agreements, subject to City Council approval, for the implementation of design and construction of the Project mutually agreed upon and incorporated herein by this PSA, including for the acquisition of right-of-way and any utility relocation.
- 3. City will accomplish all tasks and responsibilities of the Lead Agency as set forth in the Master Agreement. City will provide management in accordance with the 5 Phase Project Delivery System detailed in Attachment "A" of the Master Agreement.
- 4. City shall provide a City Council Resolution commitment to meet the Project funding subject to City Council authorization of required additional funds.
- 5. This PSA is City approval of the preferred alignment and the proposed estimated budget and funding.
- 6. City agrees that it shall be responsible for contractual requirements with each party utilized or related to the completion of the Project. City further agrees that it will include in its contractual or procurement specification all items necessary for full compliance with the rules, regulations and requirements of all City, state, and federal laws.
- 7. City shall coordinate any necessary utility adjustments for construction of the Project.
- 8. City will work to ensure design and construction are completed in a timely and effective manner.
- 9. City shall allow the County an opportunity to review and comment on the design plans, change orders, and amendments.
- 10. City shall inform County of all Project activity and approvals.
- 11. City shall provide a final accounting of Project costs once the planning is complete and accepted by the County. The accounting shall have sufficient detail for the County Auditor to verify Project costs.
- 12. City shall be responsible for maintaining the roadway, transportation improvements, grading area, drainage structures, striping, and signage after the Project is complete.

III. County Responsibilities:

- 1. County agrees to participate in the City led project as a funding participant.
- 2. The County will attend task force meetings, field construction meetings and will retain right during construction to confirm progress through inspection and to review and provide comments to plans, change orders, and amendments in a timely manner.
- 3. The review of, comments to, and approval or acceptance of work performed by the City, its contractors or subcontractors, by the County shall not constitute nor be deemed either controlling or a release of the responsibility, and liability of City regarding its consultant, employees, subcontractors, agents, and consultants for the accuracy and competency of their work. Nor shall such approval and acceptance be deemed to be an assumption of such responsibility by the County for any defect, error or omission in the work prepared.

Article VII. Funding

County and City mutually agree to proportionately fund the Direct Project and Program cost as follows and as summarized in Attachment "B":

1. Notwithstanding any provision in the Master Agreement, this PSA, any amendment thereto, or any other agreement between the parties regarding this Project, the total Project cost for intersections 4, 7, 9, and 12 is estimated to be <u>Six Million Eighty Nine Thousand Eight Hundred Seven Dollars and</u> no cents (\$6,089,807.00) as shown in Attachment "B."

- Intersection 4 Apollo Road/Spring Creek at Garland Avenue is estimated to be <u>Four Hundred Ninety Nine Thousand One Hundred Dollars and no cents</u> (\$499,100.00).
- b. Intersection 7 Buckingham Road at Plano Road is estimated to be <u>Two Million Seven Hundred Fifteen Thousand One Hundred Fifty Dollars and no cents</u> (\$2,715,150.00).
- c. Intersection 9 Forest Lane at Jupiter Road is estimated to be <u>One Million Five Hundred Three Thousand One Hundred Forty Seven Dollars and no cents</u> (\$1,503,147.00).
- d. Intersection 12 Broadway Boulevard at IH-30 is estimated to be <u>One Million Two Hundred Ninety Two Thousand Four Hundred Ten Dollars and no cents</u> (\$1,292,410.00).
- e. In House Project Delivery is estimated to be <u>Eighty Thousand Dollars and no cents</u> (\$80,000.00). In-House Project Delivery will be split 50/50 between County and City.
- 2. The County's total obligation to this Project is to provide funding in the amount not to exceed Three Million Forty Four Thousand Nine Hundred Three Dollars and fifty cents (\$3,044,903.50), reduced by all County in-house project delivery costs of the total Project cost, estimated to be Eighty Thousand Dollars and no cents (\$80,000.00). In-House Project Delivery will be split 50//50 between County and City. County will pay Project costs as invoiced by the City after construction is completed for each intersection and accepted by all agencies involved. Once County's funding is complete, City and County agree that the project is complete for County and will be closed.
 - a. Intersection 4 Apollo Road/Spring Creek at Garland Avenue is estimated to be Two Hundred Forty Nine Thousand Five Hundred Fifty Dollars and no cents (\$249,550.00).
 - b. Intersection 7 Buckingham Road at Plano Road is estimated to be <u>One Million</u> <u>Three Hundred Fifty Seven Thousand Five Hundred Seventy Five Dollars and no cents (\$1,357,575.00).</u>
 - c. Intersection 9 Forest Lane at Jupiter Road is estimated to be <u>Seven Hundred Fifty</u> One Thousand Five Hundred Seventy Three Dollars and fifty cents (\$751,573.50).
 - d. Intersection 12 Broadway Boulevard at IH-30 is estimated to be <u>Six Hundred</u> Forty Six Thousand Two Hundred Five Dollars and no cents (\$646,205.00).
 - e. In House Project Delivery is estimated to be <u>Eighty Thousand Dollars and no cents</u> (\$80,000.00). In-House Project Delivery will be split 50/50 between City and County.
- 3. The County in-house Project delivery ("IHPD") costs may include, but are not limited to, design costs, preliminary scoping and research, preliminary design services, design review, special services, site inspection, meetings, and preliminary utility coordination.
- 4. The City agrees to provide funding to this Project in the amount of at least <u>Three Million</u> Forty Four Thousand Nine Hundred Three Dollars and fifty cents (\$3,044,903.50), to fully match Dallas County MCIP funding commitment..
 - a. Intersection 4 Apollo Road/Spring Creek at Garland Avenue is estimated to be Two Hundred Forty Nine Thousand Five Hundred Fifty Dollars and no cents (\$249,550.00).
 - b. Intersection 7 Buckingham Road at Plano Road is estimated to be <u>One Million</u> Three Hundred Fifty Seven Thousand Five Hundred Seventy Five Dollars and no cents (\$1,357,575.00).

- c. Intersection 9 Forest Lane and Jupiter Road is estimated to be <u>Seven Hundred Fifty One Thousand Five Hundred Seventy Three Dollars and fifty cents</u> (\$751,573.50).
- d. Intersection 12 Broadway Boulevard and IH-30 is estimated to be <u>Six Hundred</u> Forty Six Thousand Two Hundred Five Dollars and no cents (\$646,205.00).
- e. In House Project Delivery is estimated to be <u>Eighty Thousand Dollars and no cents</u> (\$80,000.00). In-House Project Delivery will be split 50/50 between City and County.
- 5. The City shall be responsible for any additional Project costs if such additional funding commitments are approved by Administrative Action signed by the Mayor or by resolution of the City Council.
- 6. City agrees to encumber an amount adequate for total estimated Project costs as determined by the County within thirty (30) days of notification by the County.
- 7. If the total Project costs excluding paving and drainage amenities or utility betterments should exceed the total Project cost, the City and County agree to amend the Project's scope to remain within the current estimated not to exceed amount.
- 8. Any payments to be made by any party hereto shall be from current revenue or other lawfully available funds in accordance with Chapter 791 of the Texas Government Code.

Article VIII. Miscellaneous

- I. Indemnification. County and City agree that each shall be responsible for its own negligent acts or omissions or other tortious conduct in the course of performance of this PSA, without waiving any governmental/sovereign immunity available to the County or City or their respective officials, officers, employees, or agents under Texas or other law and without waiving any available defenses under Texas or other law. Nothing in this paragraph shall be construed to create or grant any rights, contractual or otherwise, in or to any third persons or entities.
- II. No Third Party Beneficiaries. The terms and provisions of this PSA are for the benefit of the parties hereto and not for the benefit of any third party. It is the express intention of the City and County that any entity other than the City or County receiving services or benefits under this PSA shall be deemed an incidental beneficiary only. This PSA is intended only to set forth the contractual right and responsibilities of the parties hereto.
- III. Applicable Law. This PSA is and shall be expressly subject to the Sovereign Immunity of the County and the Governmental Immunity of the City, pursuant to Title 5 of the Texas Civil Practice and Remedies Code, as amended, and all applicable federal and state laws. This PSA shall be governed by and construed in accordance with the laws and case decisions of the State of Texas. Exclusive venue for any legal action regarding this PSA filed by either the City or County shall be in Dallas County, Texas.
- IV. Notice. Any notice provided for in this PSA to be given by either party to the other, shall be required to be in writing and shall be deemed given when personally delivered, or two (2) business days after being deposited in the United States Mail, postage prepaid, by certified mail, return receipt requested; or by registered mail; and addressed as follows:

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

To: City of Garland
Director of Public Works
200 N. Fifth St.
Garland, TX 75040

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

- V. Assignment. This PSA may not be assigned or transferred by either party without the prior written consent of the other party.
- VI. Binding Agreement; Parties Bound. When this PSA has been duly executed and delivered by both parties, this PSA shall constitute a legal, valid and binding obligation of the parties, their successors and permitted assigns.
- VII. Amendment. This PSA may not be amended except in a written instrument specifically referring to this PSA and signed by the parties hereto.
- VIII. Number and Gender. Words of any gender used in this PSA shall be held and construed to include any other gender and words in the singular shall include the plural and vice versa, unless the context clearly requires otherwise.
- IX. Effective Date. This PSA shall commence on the Effective Date. The Effective Date of this PSA shall be the date it is expressly executed by the last of the parties. Reference to the date of execution shall mean the Effective Date.
- X. Counterparts. This PSA may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
- XI. Severability. If one or more of the provisions in this PSA shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not cause this PSA to be invalid, illegal or unenforceable, but this PSA shall be construed as if such provision had never been contained herein, and shall not affect the remaining provisions of this PSA, which shall remain in full force and effect.
- XII. Entire Agreement. This PSA embodies the complete agreement of the parties, and supersedes all oral or written previous and contemporary agreements between the parties and relating to matters in the PSA.
- XIII. No Joint Enterprise/Venture. City and County agree that neither party is an agent, servant, or employee of the other party. No joint enterprise/venture exists between the City and the County.
- XIV. Contingent. This PSA is expressly subject to and contingent upon formal approval by the Dallas County Commissioners Court and by resolution of the City Council. If any agreement terminates, then this PSA shall also terminate.

(the remainder of this page intentionally left blank)

(signatures appear on the following page)

	has executed this PSA pursuant to dated theday of	
	s, has executed this PSA pursuant sed on theday of	
County of Dallas:	City of Garland:	
Clay Lewis Jenkins, Dallas County Judge	 By: Title:	
Date	 Date	
Approved as to Form*: John Creuzot District Attorney	Attest:	
By:	By:	

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

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland Intersection	ons - Intersection 4 - A	pollo Rd. and	Garland Ave.
CSJ No:			
LEAD AGENCY: City of Garland			
LEAD AGENCY'S PROJECT MANA	AGER: Shafik Salamor,	P.E.	
CONTACT INFORMATION: 972-20	05-2126		
PROJECT LIMITS: Decel/Right Turn	Lane eastbound Apollo	Rd. onto south	bound N. Garland Ave.
DEEDCECT			10
INTERSECT	TION PAVEMEN	NT TOPIC	2 <u>S</u>
GENERAL INFORMATION			
DESIGN STANDARDS TO BE USE	D (IN ORDER OF PRE	ECEDENCE):	
City of Garland			
IS INTERSECTION ADJACENT TO	BACK OF CURB?	YES X	NO
IF YES, BY HOW MANY FEET?	N/A		
IS IT ADJACENT TO SHARED USE	E PATH?	YES	NO
IF YES, BY HOW MANY FEET?	N/A		
MID BLOCK CROSSINGS INVOLV	ED?	YES	NO
DRIVEWAY CROSSINGS INVOLV	ED?	YES⊠	NO
RAILROAD CROSSINGS INVOLVE	ED?	YES	NO 🗵
IS A TRAFFIC STUDY REQUIRED	7	YES□	NOX

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland MCIP Project No: 120		14 - Apollo Rd. and Garland Ave.		
TYPE OF INTERSECTION	DNS:			
X CROSS INTERSECTION		▼ T- INTERSECTION		
FIVE OR MORE LEG	S AND NOT CIRCULAR	X Y- INTERSECTION		
X ROUNDABOUT		⊠ OTHER		
PLEASE DESCRIBE:				
Intersection is a Cross Inters divided thoroughfare.	sections. Apollo is 3 lane un	ndivided and Garland Ave. is a 4-Lane		
PAVEMENT SECTIO	<u>N</u>			
PAVEMENT WIDTH:				
Existing:	34'- 43'			
Proposed:	34'- 65'			
PAVEMENT CROSSFAL	L:			
PROPOSED: 2%				
MINIMUM: 1%				
MAXIMUM: 2%				

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland Intersections - Intersection 4 - Apollo Rd. and Garland Ave. MCIP Project No: 12022:
VERTICAL GRADE:
MINIMUM 0.5%
MAXIMUM 0.6%
SIGNALS
HAWK SIGNAL? YES NO ∑
LEFT TURN LANES? YES ✓ NO ✓
If yes, are turn lanes designated or continuous? DESIGNATED CONTINOUS
MINIMUM LENGTH 247'
MINIMUM STORAGE 163'
WIDTH 16'
ANY DUAL LEFT LANES? YES NO
RIGHT TURN LANES? YES ☑ NO ☐
If yes, are turn lanes designated or continuous? DESIGNATED CONTINOUS
MINIMUM LENGTH 247'
MINIMUM STORAGE 163'
WIDTH 16'
ANY DUAL RIGHT LANES? YES NO NO
CRASH CUSHIONS/ ATTENTUATORS INVOLVED? YES ☒ NO ☒
RAILROAD CROSSINGS INVOLVED? YES ☐ NO ☒
NOTE: IF CURRENT CROSSINGS IS NOT USED, IS ABANDONMENT AN OPTION?
YES NO NO N/A

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garla	nd Intersections - Intersectio	n 4 - Apollo Rd. and Gar	land Ave.
MCIP Project No: 12	022:		
PAVEMENT STRUC	ΓURE		
DESIGN WHEEL LOAD	HS20		
BUS AND HEAVY TRU	CK TRAFFIC?	YES 🔀	NO
ROADWAY CLASSIFIC	ATION Type F		
MINIMUM PAVEMENT	STRUCTURE THICKNESS	S <u>8"</u>	
MINIMUM PAVEMENT	BASE OR SUBGRADE TH	IICKNESS 8"	
DESIGN SPEED 35mph	and 45mph		
POSTED SPEED 35mph	and 45mph		
DRIVEWAYS INCLU	DED IN THE INTERSI	ECTION IMPROVE	<u>MENTS</u>
MAXIMUM RESIDENTI	AL GRADE (%) <u>8%</u>		
MAXIMIUM COMMERO	CIAL GRADE (%) <u>8%</u>		
MINIMUM COMMERCI	AL DRIVEWAY WIDTH	25'	
SIDE STREET CONSIDE	RATIONS:		
TURNING RADIUS, MIN	MMUM <u>25'</u>		
PAVEMENT THICKNES	S <u>6"</u>		
COMMERCIAL DRIVEV	VAY THICKNESS 6"		
	DRAINAGE T	OPICS	
STORM SEWER DESIGI		ГР-40	

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland Intersections - Intersection 4 - Apollo Re MCIP Project No: 12022:	d. and Garland	Ave.
TYPE OF INLETS: Recessed Curb Inlets		
INLET DEPTHS (APPROPRIATE FOR PAVEMENT THICKNESS	S) <u>4'-6"</u>	
RECESSED CURB INLET? WILL INLET BE ADJACENT TO SIGNIFICATION OF STREET $^{3'}$	DE WALK? YE	S⊠ NO□
BRIDGES/ BOX CUVERTS INVOLVED? If yes, specify involvement: BRIDGE(S) BOX CULVERT 100 YEAR FLOOD PLAIN CONSIDERATION? YES NO If yes, how many feet of freeboard are required? Doweling to existing		
If No, please describe any requirements:		
PERMITS		
COE 404 PERMITS NEEDED	YES	NOX
TCEQ PERMIT	YES	NOX
CDC PERMIT	YES	NOX
EIS OR ANY OTHER ENVIRONMENTAL REQUIREMENTS	YES	NOX
ADA PERMIT	YESX	NO
CLOMR	YES	NOX
ANY OTHER PERMITS FROM OTHER AGENCIES SUCH AS T DART, UTILITY COMPANIES, ETC? YES NO I NO I If yes, please document below:	xDOT, DFW A	IRPORT,

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland Intersections - Intersection 4 - Apollo Rd. and Garland Ave.
MCIP Project No: 12022:
<u>UTILITIES</u>
LIST OF ALL KNOWN UTILITIES:
GP&L, Atmos, Oncor, Frontier, AT&T, Charter/Spectrum, City of Garland Water, Wastewater and Fiber, GISD
DOCUMENT KNOWN RISKS (TRA lines, Transmission Towers, Lone Star Gas Valve Stations) FOR OUR UTILITY PARTNERS:
6" gas main and telecommunications will need to be relocated. Signal poles will need to be relocated.
ARE UTILITIES ON EXISTING STREET R.O.W.? YES NO
DOES UTILITIES OWN THEIR R.O.W. OR HAVE PREVIOUS EASEMENTS? YES NO If yes, please describe below
HAS WORK ORDER BEEN ISSUED FOR SUE (Subsurface Utility Engineering)?
YES NO
ANY UNUSUAL CONSIDERATIONS? YES NO NO If yes, please document below

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland Intersections - Intersection 4 - A	Apollo Rd. a	nd Garland Ave.
MCIP Project No: 12022:		
R-O-W ACQUISI	TION	
RIGHT OF WAY CONSTRAINTS, IF ANY, PROVIDE WITH DATA FOR RISK ASSESSMENT: YES N	A LIST AN O□	ND DESCRIPTION ALON
Affecting businesses with ROW acquisition. Franchise re	elocations.	
ANY NON-ROUTINE, i.e., CEMETARY, JUNK YARD, STATIONS, CONTAMINATED SOILS, LANDFILLS, NTRAILER PARKS, TREE ORDINANCES? YES		, , , , , , , , , , , , , , , , , , ,
Planter area and fence on adjacent property will need to b	e relocated.	
ANY NON-CONFORMING ISSUES?	YES 🗌	NO⊠
R.O.W. MAP NEEDED?	YES 🔀	NO
FIELD NOTES NEEDED?	YES⊠	NO
R.O.W. PLATS NEEDED?	YES⊠	NO 🗌
RELOCATION ASSISTANCE INVOLVED?	YES	NO 🔀
PARKING/LOSS OF PARKING CONSIDERATIONS?	YES	NO 🔀
HISTORICAL SITE CONSIDERATONS?	YES	NOX

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland Intersections	- Intersecti	on 4 - A	pollo Rd. and	d Garland A	ve.	
MCIP Project No: 12022:					-	
USUAL CITY	TOPIC	CS OF	CONCE	RN		
DESIGN STANDARDS TO BE USED?	City of Ga	rland, Tx	DOT			
ORDER OF PRECEDENCE 1. City of G	arland; 2.	ГхДОТ				
AUXILIARY LANES?			YES 🗌	NOX		
MID-BLOCK SIGNALS?			YES 🗌	NOX		
CROSSWALK MARKINGS?			YES 🔀	NO		
LANDSCAPING?			YES 🔀	NO 🗌		
STAMPED/COLORED CONCRETE?			YES⊠	NO		
RRIGATION?			YES 🔀	NO 🗌		
BRICK PAVERS?			YES	NO 🔀		
If yes, please define location(s):						
Pavement markings, median nose paving,	landscape	removal	l <u>.</u>			
STREET/TRAIL/SIDWALK LIGHTING	?YES 🔀	NO 🗌				
TRAFFIC SIGNALS REPLACEMENT?	YES 🔀	NO				
PAVEMENT MARKINGS?	YES 🔀	NO 🗌				
BIKE LANES (EXTRA WIDTH)?	YES	NOX	If yes, speci	fy width:		
NEW/REPLACEMENT SIDEWALKS?	YES 🔀	NO				
BUS TURNOUTS?	YES□	NOX				

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland Intersections	- Intersect	ion 4 - Apol	lo Rd	. and Gar	land Ave.
MCIP Project No: 12022:					
BUS STOPS OR BUS SHELTERS?	YES	NO X			
WATER UTILITY BETTERMENTS?	YES	NO 🔀			
WATER UTILITY RELOC.?	YES	NOX			
SAN. SEWER BETTERMENTS?	YES	NOX			
SAN. SEWER RELOC.?	YES	NO 🔀			
RETAINING WALLS? If yes, please specify wall type (stone, block Requirements and if it is tied to a Sidewall)	_	NO ⊠ ns, proprieta	ary ty	pes, etc.),	Height
City Type C sidewalk/wall combination i Sprinkler systems.	in other are	as. Water m	neter a	and fire hy	ydrant relocations.
SOD, SEEDING, TOPSOIL? PLEASE S	PCIFIY LO	OCATION A	AND .	APROX.	QUANTITY?
SOD ☐ SEEDING ☐ TOPSOIL	ОТН	ER:			
DRAINAGE IMPROVEMENTS?		YES	X	NO 🗌	
RR CROSSING IMPROVEMENTS?		YES		NOX	N/A
GRADE SEPARATIONS?		YES		NOX	
RAMPS OR CONNECTORS TO TxDO	Γ FACILIT	TES? YES		NOX	
If yes, please specify facility(ies) below					
Storm Sewer System relocations.					

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland Intersections - Intersection 4 - Apollo Rd. and Garland Ave.	
MCIP Project No: 12022:	
SPECIAL SCHOOL OR EMERGENCY VEHICLE	
CONSIDERATIONS	
ANY NEARBY OR ADJACENT SCHOOLS, CITY HALL, FIRE OR POLICE DEPARTMENT REQUIRING SPECIAL CONSIDERATION? YES NO If yes, please list the special consideration(s) below	
Nearby school. This is a large school crossing intersection.	
PUBLIC INVOLVEMENT HAS CITY COUNCIL BEEN BRIEFED ON THE PROPOSED IMPROVEMENTS? YES N	vio[_
	NO[
PUBLIC MEETING REQUIRED? YES NO X	
HAVE ALL NEIGHBORHOOD GROUPS/ STAKEHOLDERS PROVIDED EARLY INPUT? YES NO N/A X	
PLEASE PROVIDE INFORMATION ON FUTURE BRIEFINGS OR PUBLIC MEETINGS:	

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

PROJECT SCOPING SHEETS FOR INTERSECTION IMPROVEMENTS

Project Name: Garland Intersections - Intersection 4 - Apollo Rd. and Garland Ave.

MCIP Project No: 12022:
CONSTRUCTABILITY REPORT
FROM INSPECTION STAFF, DOCUMENT ANY AND ALL ISSUES THAT MAY AFFECT PROJECT SCOPE, BUDGET, CONSTRUCTABILITY, THE PROJECT SCHEDULE AND/OR THE SAFETY OF PROJECT?
This is a large school crossing area. Getting this project constructed during the summer months to prevent any issues would be ideal.
ADDITIONAL REMARKS

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland Intersection	ons - Intersection 7 - Bu	uckingham Rd	and Plano Rd.
MCIP Project No: 12022			
CSJ No:			
LEAD AGENCY: City of Garland			
LEAD AGENCY'S PROJECT MANA	AGER: Shafik Salamor,	P.E.	
CONTACT INFORMATION: 972-20	05-2126		
PROJECT LIMITS: 2000 LF through the		400 LF through	the intersection (Plano Rd.)
TROJECT ENVITS.			(
INTERSECT	ION PAVEMEN	NT TOPIC	<u>S</u>
GENERAL INFORMATION			
DESIGN STANDARDS TO BE USEI	O (IN ORDER OF PRE	ECEDENCE):	
City of Garland			
IS INTERSECTION ADJACENT TO	DACV OF CLIDD?	YES⊠	NO
		I LSZ	NOL
IF YES, BY HOW MANY FEET?	N/A		
IS IT ADJACENT TO SHARED USE	PATH?	YES	NOX
IF YES, BY HOW MANY FEET?	N/A		
MID BLOCK CROSSINGS INVOLV	ED?	YES	NO
DRIVEWAY CROSSINGS INVOLV	ED?	YES⊠	NO
RAILROAD CROSSINGS INVOLVE	ED?	YES	NO 🗵
IS A TRAFFIC STUDY REQUIRED?	•	YES 🔲	NOX

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garlan	d Intersections - Intersection	n 7 - Buckingham Rd. and Plano Rd.
MCIP Project No: 120		
TYPE OF INTERSECTION	ONS:	
X CROSS INTERSECTI	ON	T- INTERSECTION
FIVE OR MORE LEG	S AND NOT CIRCULAR	Y- INTERSECTION
ROUNDABOUT		⊠ OTHER
PLEASE DESCRIBE:		
All intersections are Cross I	ntersections. 4-Lane and 6-	Lane divided thoroughfares.
PAVEMENT SECTIO	N	
PAVEMENT WIDTH:		
Existing:	34'- 43'	
Proposed:	34'- 65'	
PAVEMENT CROSSFAL	L:	
PROPOSED: 2%		
MINIMUM: 1%		
MAXIMUM: 2%		

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland Intersections - Intersection 7 - Buckingham Rd. and Plano Rd. MCIP Project No: 12022
VERTICAL GRADE:
MINIMUM 0.6%
MAXIMUM <u>6.0%</u>
SIGNALS
HAWK SIGNAL? YES NO ∑
LEFT TURN LANES? YES NO X
If yes, are turn lanes designated or continuous? DESIGNATED CONTINOUS
MINIMUM LENGTH 321'
MINIMUM STORAGE 183
WIDTH 11' - 24'
ANY DUAL LEFT LANES? YES NO
RIGHT TURN LANES? YES NO
If yes, are turn lanes designated or continuous? DESIGNATED CONTINOUS CONTINOUS
MINIMUM LENGTH 321'
MINIMUM STORAGE 183
WIDTH 11' - 24'
ANY DUAL RIGHT LANES? YES NO
CRASH CUSHIONS/ ATTENTUATORS INVOLVED? YES ☒ NO ☒
RAILROAD CROSSINGS INVOLVED? YES ☐ NO ☒
NOTE: IF CURRENT CROSSINGS IS NOT USED, IS ABANDONMENT AN OPTION?
YES NO N/A

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland Intersections - Intersection 7 - Buckingham Rd. and Plano Rd.
MCIP Project No: 12022
PAVEMENT STRUCTURE
DESIGN WHEEL LOAD HS20
BUS AND HEAVY TRUCK TRAFFIC? YES ☒ NO ☐
ROADWAY CLASSIFICATION Type B
MINIMUM PAVEMENT STRUCTURE THICKNESS 10"-11"
MINIMUM PAVEMENT BASE OR SUBGRADE THICKNESS 8"
DESIGN SPEED 40mph-45mph
POSTED SPEED 40mph-45mph
DRIVEWAYS INCLUDED IN THE INTERSECTION IMPROVEMENTS
MAXIMUM RESIDENTIAL GRADE (%) 8%
MAXIMIUM COMMERCIAL GRADE (%) 8%
MINIMUM COMMERCIAL DRIVEWAY WIDTH 25'
SIDE STREET CONSIDERATIONS:
TURNING RADIUS, MINIMUM 25'
PAVEMENT THICKNESS 6"
COMMERCIAL DRIVEWAY THICKNESS 6"
DRAINAGE TOPICS
STORM SEWER DESIGN CRITERIA: TXDOT CITY HYDRO-35 TP-40

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland Intersections - Intersection 7 - Buckingha MCIP Project No: 12022	m Rd. and Pla	no Rd.
TYPE OF INLETS: Recessed Curb Inlets		
INLET DEPTHS (APPROPRIATE FOR PAVEMENT THICKNESS)	4'-6"	
RECESSED CURB INLET? WILL INLET BE ADJACENT TO SIDE	E WALK? YE	S NOX
MINIMUM COVER FOR LATERALS 3'		
BRIDGES/ BOX CUVERTS INVOLVED? YES NO]	
If yes, specify involvement: BRIDGE(S) BOX CULVERT((S)	
100 YEAR FLOOD PLAIN CONSIDERATION? YES ▼ NO□		
If yes, how many feet of freeboard are required? Doweling to existing p	paving. Buckin	gham @ Shiloh
If No, please describe any requirements:		
PERMITS		
COE 404 PERMITS NEEDED	YES	NOX
TCEQ PERMIT	YES	NOX
CDC PERMIT	YES	NOX
EIS OR ANY OTHER ENVIRONMENTAL REQUIREMENTS	YES	NOX
ADA PERMIT	YES	NO
CLOMR	YES	NOX
ANY OTHER PERMITS FROM OTHER AGENCIES SUCH AS TX DART, UTILITY COMPANIES, ETC? YES NO Types, please document below: TxDOT ROW at IH-30	DOT, DFW A	IRPORT,

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland Intersections - Intersection 7 - Buckingham Rd. and Plano Rd.
MCIP Project No: 12022
<u>UTILITIES</u>
LIST OF ALL KNOWN UTILITIES:
GP&L, Atmos, Oncor, Frontier, AT&T, Charter/Spectrum, City of Garland Water, Wastewater and Fiber, GISD
DOCUMENT KNOWN RISKS (TRA lines, Transmission Towers, Lone Star Gas Valve Stations) FOR OUR UTILITY PARTNERS:
ARE UTILITIES ON EXISTING STREET R.O.W.? YES NO
DOES UTILITIES OWN THEIR R.O.W. OR HAVE PREVIOUS EASEMENTS? YES NO If yes, please describe below
HAS WORK ORDER BEEN ISSUED FOR SUE (Subsurface Utility Engineering)?
YES NO NO
ANY UNUSUAL CONSIDERATIONS? YES ☐ NO ☒ If yes, please document below

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland Intersections - Intersection 7 - E	Buckingham	Rd. and Plano l	Rd.
MCIP Project No: 12022			
R-O-W ACQUISI RIGHT OF WAY CONSTRAINTS, IF ANY, PROVIDE WITH DATA FOR RISK ASSESSMENT: YES NO		ID DESCRIPT	ION ALONG
Affecting businesses with ROW acquisition. Franchise re	elocations.		
ANY NON-ROUTINE, i.e., CEMETARY, JUNK YARD, STATIONS, CONTAMINATED SOILS, LANDFILLS, NTRAILER PARKS, TREE ORDINANCES? YES TRYES, PLEASE DEFINE BELOW:		· · · · · · · · · · · · · · · · · · ·	
ANY NON-CONFORMING ISSUES?	YES 🗌	NOX	
R.O.W. MAP NEEDED?	YES 🔀	NO	
FIELD NOTES NEEDED?	YES⊠	NO	
R.O.W. PLATS NEEDED?	YES⊠	NO 🗌	
RELOCATION ASSISTANCE INVOLVED?	YES⊠	NO 🗌	
PARKING/LOSS OF PARKING CONSIDERATIONS?	YES⊠	NO	
HISTORICAL SITE CONSIDERATONS?	YES	NOX	

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland Intersections	- Intersect	ion 7 - B	uckingham R	Rd. and Plano	Rd.
MCIP Project No: 12022					
USUAL CITY	TOPIC	CS OF	CONCE	<u>RN</u>	
DESIGN STANDARDS TO BE USED?	City of Ga	rland, Tx	DOT		
ORDER OF PRECEDENCE 1. City of G	arland; 2.	TxDOT			
AUXILIARY LANES?			YES 🗌	NOX	
MID-BLOCK SIGNALS?			YES 🗌	NOX	
CROSSWALK MARKINGS?			YES 🔀	NO	
LANDSCAPING?			YES 🔀	NO 🗌	
STAMPED/COLORED CONCRETE?			YES⊠	NO	
RRIGATION?			YES 🔀	NO 🗌	
BRICK PAVERS?			YES 🗌	NO 🔀	
If yes, please define location(s):					
Pavement markings, median nose paving,	landscape	removal	l.		
STREET/TRAIL/SIDWALK LIGHTING	?YES 🔀	NO 🗌			
TRAFFIC SIGNALS REPLACEMENT?	YES 🔀	NO			
PAVEMENT MARKINGS?	YES 🔀	NO 🗌			
BIKE LANES (EXTRA WIDTH)?	YES	NOX	If yes, speci	fy width:	
NEW/REPLACEMENT SIDEWALKS?	YES 🔀	NO			
BUS TURNOUTS?	YES□	NOX			

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland Intersections - Intersection 7 - Buckingham Rd. and Plano Rd.					
MCIP Project No: 12022					
BUS STOPS OR BUS SHELTERS?	YES	NO 🔀			
WATER UTILITY BETTERMENTS?	YES	NO 🔀			
WATER UTILITY RELOC.?	YES⊠	NO			
SAN. SEWER BETTERMENTS?	YES	NOX			
SAN. SEWER RELOC.?	YES	NO 🔀			
RETAINING WALLS? YES NO If yes, please specify wall type (stone, blocks, gabions, proprietary types, etc.), Height Requirements and if it is tied to a Sidewalk or not?					
City Type C sidewalk/wall combination is Sprinkler systems.	in other are	as. Water me	eter and fire h	ydrant relocations.	
SOD, SEEDING, TOPSOIL? PLEASE SPCIFIY LOCATION AND APROX. QUANTITY?					
SOD ☐ SEEDING ☐ TOPSOIL	ОТН	ER:			
DRAINAGE IMPROVEMENTS?		YES [NO 🗌		
RR CROSSING IMPROVEMENTS?		YES[NOX	N/A	
GRADE SEPARATIONS?		YES[NOX		
RAMPS OR CONNECTORS TO TxDO	Γ FACILIT	TIES? YES	NOX		
If yes, please specify facility(ies) below					
Storm Sewer System relocations.					

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland Intersections - Intersection 7 - Buckingham Rd. and Plano Rd.
MCIP Project No: 12022
SPECIAL SCHOOL OR EMERGENCY VEHICLE
CONSIDERATIONS
ANY NEARBY OR ADJACENT SCHOOLS, CITY HALL, FIRE OR POLICE DEPARTMENT REQUIRING SPECIAL CONSIDERATION? YES NO SIDERATION NO SIDER
PUBLIC INVOLVEMENT
HAS CITY COUNCIL BEEN BRIEFED ON THE PROPOSED IMPROVEMENTS? YES∑ NO[
PUBLIC MEETING REQUIRED? YES NO ▼
HAVE ALL NEIGHBORHOOD GROUPS/ STAKEHOLDERS PROVIDED EARLY INPUT? YES
PLEASE PROVIDE INFORMATION ON FUTURE BRIEFINGS OR PUBLIC MEETINGS:

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland Intersections - Intersection 7 - Buckingham Rd. and Plano Rd.
MCIP Project No: 12022
CONSTRUCTABILITY REPORT
FROM INSPECTION STAFF, DOCUMENT ANY AND ALL ISSUES THAT MAY AFFECT PROJECT SCOPE, BUDGET, CONSTRUCTABILITY, THE PROJECT SCHEDULE AND/OR THE SAFETY OF PROJECT?
ADDITIONAL REMARKS

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland Intersections:	Intersection 12-Broadway@	VIH-30 and Inter	section 9-Forest@	Jupiter
MCIP Project No: 12022				
CSJ No:				
LEAD AGENCY: City of Garland				
LEAD AGENCY'S PROJECT MANA	GER: Shafik Salamor,	P.E.		
CONTACT INFORMATION: 972-20	5-2126			
PROJECT LIMITS: 14 Intersection Lo	cations (See Attached Li	st)		
INTERSECT	ION PAVEMEN	T TOPIC	S	
GENERAL INFORMATION				
DESIGN STANDARDS TO BE USEI	O (IN ORDER OF PRE	CEDENCE):		
City of Garland				
IS INTERSECTION ADJACENT TO	BACK OF CURB?	YES⊠	NO	
IF YES, BY HOW MANY FEET?	4'			
IS IT ADJACENT TO SHARED USE	PATH?	YES	NO	
IF YES, BY HOW MANY FEET?	4'			
MID BLOCK CROSSINGS INVOLVE	ED?	YES⊠	NOX	
DRIVEWAY CROSSINGS INVOLVE	ED?	YES⊠	NO	
RAILROAD CROSSINGS INVOLVE	D?	YES	NO 🗵	
IS A TRAFFIC STUDY REQUIRED?		YES	NOX	

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland	Intersections: Intersection 12-Bro	padway@IH-30 and Intersection 9-Forest@Jupiter	
MCIP Project No: 120	022		
TYPE OF INTERSECTION	ONS:		
X CROSS INTERSECTION		▼ T-INTERSECTION	
FIVE OR MORE LEGS AND NOT CIRCULAR		X Y- INTERSECTION	
X ROUNDABOUT		∑ OTHER	
PLEASE DESCRIBE:			
All intersections are Cross I	ntersections. 4-Lane and 6-	Lane divided thoroughfares.	
PAVEMENT SECTIO	N		
PAVEMENT WIDTH:			
Existing:	45'		
Proposed:	45' - 70'		
PAVEMENT CROSSFAL	L:		
PROPOSED: 2%			
MINIMUM: 1%			
MAXIMUM: 2%			

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland Intersections: Intersection 12-Broadway@IH-30 and Intersection 9-Forest@Jupiter MCIP Project No: 12022
VERTICAL GRADE:
MINIMUM 0.6%
MAXIMUM <u>6.0%</u>
SIGNALS
HAWK SIGNAL? YES NO ∑
LEFT TURN LANES? YES ✓ NO ✓
If yes, are turn lanes designated or continuous? DESIGNATED CONTINOUS
MINIMUM LENGTH 210'
MINIMUM STORAGE 150'
WIDTH 11' - 24'
ANY DUAL LEFT LANES? YES NO
RIGHT TURN LANES? YES ∑ NO ☐
If yes, are turn lanes designated or continuous? DESIGNATED CONTINOUS
MINIMUM LENGTH 210'
MINIMUM STORAGE 150'
WIDTH 11' - 24'
ANY DUAL RIGHT LANES? YES NO
CRASH CUSHIONS/ ATTENTUATORS INVOLVED? YES ☒ NO ☒
RAILROAD CROSSINGS INVOLVED? YES ☐ NO ☒
NOTE: IF CURRENT CROSSINGS IS NOT USED, IS ABANDONMENT AN OPTION?
YES NO N/A

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland Intersections: Intersection 12-Broadway@IH-30 and Intersection 9-Forest@Jupiter
MCIP Project No: 12022
PAVEMENT STRUCTURE
DESIGN WHEEL LOAD HS20
BUS AND HEAVY TRUCK TRAFFIC? YES ▼ NO □
ROADWAY CLASSIFICATION Type A and Type B
MINIMUM PAVEMENT STRUCTURE THICKNESS 10"-11"
MINIMUM PAVEMENT BASE OR SUBGRADE THICKNESS 8"
DESIGN SPEED 40mph-45mph
POSTED SPEED 40mph-45mph
DRIVEWAYS INCLUDED IN THE INTERSECTION IMPROVEMENTS
MAXIMUM RESIDENTIAL GRADE (%) 8%
MAXIMIUM COMMERCIAL GRADE (%) 8%
MINIMUM COMMERCIAL DRIVEWAY WIDTH 25'
SIDE STREET CONSIDERATIONS:
TURNING RADIUS, MINIMUM 25'
PAVEMENT THICKNESS 6"
COMMERCIAL DRIVEWAY THICKNESS 6"
DRAINAGE TOPICS
STORM SEWER DESIGN CRITERIA: TXDOT CITY HYDRO-35 TP-40

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland Intersections: Intersection 12-Broadway@IH-3	0 and Intersection 9-1	Forest@Jupiter
MCIP Project No: 12022		
TYPE OF INLETS: Recessed Curb Inlets		
INLET DEPTHS (APPROPRIATE FOR PAVEMENT THICKNE	ESS) <u>4'-6"</u>	
RECESSED CURB INLET? WILL INLET BE ADJACENT TO S	IDE WALK? YE	S□ NO⊠
MINIMUM COVER FOR LATERALS 3'		
BRIDGES/ BOX CUVERTS INVOLVED? YES NO		
If yes, specify involvement: BRIDGE(S) BOX CULVE	RT(S)	
100 YEAR FLOOD PLAIN CONSIDERATION? YES★ NO		
If yes, how many feet of freeboard are required? Doweling to existing	ng paving. Buckin	gham @ Shiloh
If No, please describe any requirements:		
PERMITS		
COE 404 PERMITS NEEDED	YES	NOX
TCEQ PERMIT	YES	NOX
CDC PERMIT	YES	NOX
EIS OR ANY OTHER ENVIRONMENTAL REQUIREMENTS	YES	NOX
ADA PERMIT	YESX	NO
CLOMR	YES	NOX
ANY OTHER PERMITS FROM OTHER AGENCIES SUCH AS DART, UTILITY COMPANIES, ETC? YES NO Transfer No Transfer Row at IH-30	TxDOT, DFW A	IRPORT,

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland Intersections: Intersection 12-Broadway@IH-30 and Intersection 9-Forest@Jupiter MCIP Project No: 12022
170 170 12022
<u>UTILITIES</u>
LIST OF ALL KNOWN UTILITIES:
GP&L, Atmos, Oncor, Frontier, AT&T, Charter/Spectrum, City of Garland Water, Wastewater and Fiber, GISD
DOCUMENT KNOWN RISKS (TRA lines, Transmission Towers, Lone Star Gas Valve Stations) FOR OUR UTILITY PARTNERS:
Oncor Transmission on Forest Ln.
ARE UTILITIES ON EXISTING STREET R.O.W.? YES ☑ NO ☐
DOES UTILITIES OWN THEIR R.O.W. OR HAVE PREVIOUS EASEMENTS? YES NO If yes, please describe below
HAS WORK ORDER BEEN ISSUED FOR SUE (Subsurface Utility Engineering)?
YES NO NO
ANY UNUSUAL CONSIDERATIONS? YES NO NO If yes, please document below

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland Intersections: Intersection 12-Broadw	/ay@IH-30 ar	nd Intersection 9-Forest@Jupite	r
MCIP Project No: 12022		 	
R-O-W ACQUISI RIGHT OF WAY CONSTRAINTS, IF ANY, PROVIDE WITH DATA FOR RISK ASSESSMENT: YES NO		ND DESCRIPTION ALON	10
Affecting businesses with ROW acquisition. Franchise re			
ANY NON-ROUTINE, i.e., CEMETARY, JUNK YARD, STATIONS, CONTAMINATED SOILS, LANDFILLS, NTRAILER PARKS, TREE ORDINANCES? YES IF YES, PLEASE DEFINE BELOW:		*	
ANY NON-CONFORMING ISSUES?	YES 🗌	NOX	
R.O.W. MAP NEEDED?	YES 🔀	NO	
FIELD NOTES NEEDED?	YES⊠	NO	
R.O.W. PLATS NEEDED?	YES⊠	NO 🗌	
RELOCATION ASSISTANCE INVOLVED?	YES⊠	NO 🗌	
PARKING/LOSS OF PARKING CONSIDERATIONS?	YES⊠	NO 🗌	
HISTORICAL SITE CONSIDERATONS?	YES	NOX	

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland Intersections: Inte	rsection 12-1	Broadway(@IH-30 and Int	tersection 9-	Forest@Jup	oiter
MCIP Project No: 12022						
USUAL CITY	TOPIC	CS OF	CONCE	<u>RN</u>		
DESIGN STANDARDS TO BE USED?	City of Ga	rland, Tx	xDOT			
ORDER OF PRECEDENCE 1. City of G	arland; 2.	TxDOT				
AUXILIARY LANES?			YES 🗌	NOX		
MID-BLOCK SIGNALS?			YES 🗌	NOX		
CROSSWALK MARKINGS?			YES 🔀	NO		
LANDSCAPING?			YES 🔀	NO 🗌		
STAMPED/COLORED CONCRETE?			YES	NO		
IRRIGATION?			YES 🔀	NO 🗌		
BRICK PAVERS?			YES	NOX		
If yes, please define location(s):						
STREET/TRAIL/SIDWALK LIGHTING	?YES 🔀	NO 🗌				
TRAFFIC SIGNALS REPLACEMENT?	YES 🔀	NO				
PAVEMENT MARKINGS?	YES 🔀	NO 🗌				
BIKE LANES (EXTRA WIDTH)?	YES	NOX	If yes, speci	fy width:		
NEW/REPLACEMENT SIDEWALKS?	YES 🔀	NO				
BUS TURNOUTS?	YES 🗌	NOX				

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland Intersections: Intersection 12-Broadway@IH-30 and Intersection 9-Forest@Jupiter				
MCIP Project No: 12022				
BUS STOPS OR BUS SHELTERS?	YES⊠	NO _		
WATER UTILITY BETTERMENTS?	YES	NO		
WATER UTILITY RELOC.?	YES⊠	NO		
SAN. SEWER BETTERMENTS?	YES	NOX		
SAN. SEWER RELOC.?	YES 🔀	NO 🗌		
RETAINING WALLS? If yes, please specify wall type (stone, block Requirements and if it is tied to a Sidewa	_		y types, etc.),	Height
City Type C sidewalk/wall combination in c Jupiter Rd. Water meter and fire hydrant re		•	-	
SOD, SEEDING, TOPSOIL? PLEASE SEEDING ☐ TOPSOIL			ND APROX.	QUANTITY?
DRAINAGE IMPROVEMENTS?	_	YES >	NO 🗌	
RR CROSSING IMPROVEMENTS?		YES	NOX	N/A
GRADE SEPARATIONS?		YES[NOX	
RAMPS OR CONNECTORS TO TXDO	Γ FACILIT	TES? YES	NOX	
If yes, please specify facility(ies) below				
Storm Sewer System relocations.				

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland Intersections: Intersection 12-Broadway@IH-30 and Intersection 9-Forest@Jupiter	
MCIP Project No: 12022	
SPECIAL SCHOOL OR EMERGENCY VEHICLE CONSIDERATIONS	
ANY NEARBY OR ADJACENT SCHOOLS, CITY HALL, FIRE OR POLICE DEPARTMENT REQUIRING SPECIAL CONSIDERATION? YES NO SIDERATION NO SIDER	
PUBLIC INVOLVEMENT	
HAS CITY COUNCIL BEEN BRIEFED ON THE PROPOSED IMPROVEMENTS? YES NO	
PUBLIC MEETING REQUIRED? YES NO	
HAVE ALL NEIGHBORHOOD GROUPS/ STAKEHOLDERS PROVIDED EARLY INPUT? YES □ NO □ N/A ☑	
PLEASE PROVIDE INFORMATION ON FUTURE BRIEFINGS OR PUBLIC MEETINGS:	

Project Specific Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

Project Name: Garland Intersections: Intersection 12-Broadway@IH-30 and Intersection 9-Forest@Jupiter		
MCIP Project No: 12022		
CONSTRUCTABILITY REPORT		
FROM INSPECTION STAFF, DOCUMENT ANY AND ALL ISSUES THAT MAY AFFECT PROJECT SCOPE, BUDGET, CONSTRUCTABILITY, THE PROJECT SCHEDULE AND/OR THE SAFETY OF PROJECT?		
ADDITIONAL REMARKS		

ATTACHMENT "B"

Dallas County Capital Improvement Program Project Specific Agreement

CURRENT COST ESTIMATES & FUNDING SOURCES

Project Name: GARLAND INTERSECTIONS MCIP 12022 (Intersections 4, 7, 9, and 12)

Agency			
Task	Dallas County	City of Garland	Task Total
1. Miscellaneous			\$ -
1.1 Contingencies			
1.2 IHPD*	\$40,000.00	\$40,000.00	\$80,000.00
2. Design			
3. ROW			
4. Professional Services			
4.1 Utilities			
4.2 Lab			
4.3 Survey			
5. Construction	\$3,004,903.50	\$3,004,903.50	\$6,009,807.00
Funding Split Totals	\$3,044,903.50	\$3,044,903.50	\$6,089,807.00
Total Project Cost			\$6,089,807.00

^{*}Includes In-house Project Delivery which is split 50/50 between City and County

Estimated Project Cost			
Expenditure	Estimated Cost		
Apollo/Spring Creek at Garland Avenue - CITY PACKAGE 2			
Intersection #4			
Construction Eligible	\$499,100.00		
Subtotal:	\$499,100.00		
Buckingham Road at Plano Road - CITY PACKAGE 2			
Intersection #7			
Construction Eligible	\$2,715,150.00		
Subtotal:	\$3,214,250.00		
Forest Lane at Jupiter Road - CITY PACKAGE 1			
Intersection #9			
Construction Eligible	\$1,503,147.00		
Subtotal:	\$4,717,397.00		
Broadway Boulevard at IH 30 Service Road - CITY PACKAGE 1			
Intersection #12	44.000.440.00		
Construction	\$1,292,410.00		
Subtotal:	\$6,009,807.00		
In House Project Delivery (IHPD) - (\$20,000 per intersection)*	\$80,000.00		
Total Overall Cost of Project	\$6,089,807.00		
Funding Sources			
Dallas County MCIP Funding**	\$3,044,903.50		
City of Garland Funding	\$3,044,903.50		
Total	\$6,089,807.00		

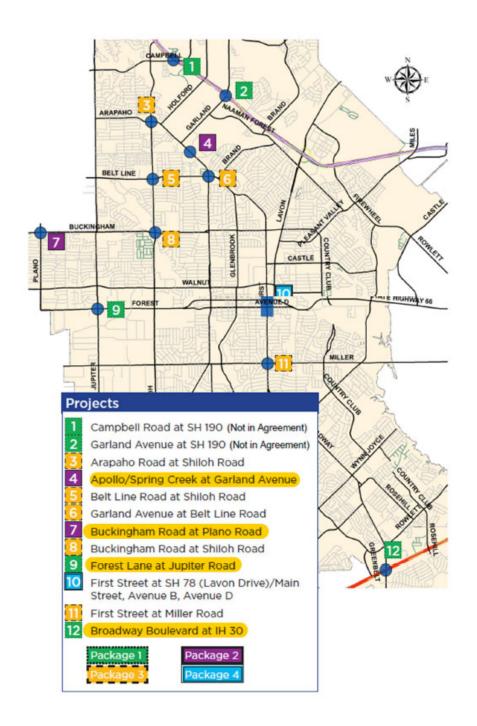
^{*}Includes In-house Project Delivery which is split 50/50 between City and County

^{**}Funding Construction Only- Intersections 4, 7, 9, & 12. Includes IHPD of \$80,000.00. In-House Project Delivery which is split 50/50 with City. (Reference Funding Agreement for complete funding for all 12 intersections). Total funding listed for County in the Funding Agreement with City of Garland regarding Garland Intersections MCIP 12022 Project from various limits is \$10,488,458.50.

ATTACHMENT C

Garland Intersections 4, 7, 9, and 12*

"Not in Agreement" 3, 5, 6, 8, 10, and 11



^{*}The labeling does not dictate the order in which projects will be completed.

RESOLUTION NO
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROJECT SPECIFIC AGREEMENT WITH DALLAS COUNTY FOR TRANSPORTATION IMPROVEMENTS AS PART OF THE BOTTLENECK IMPROVEMENTS PROGRAM (MCIP 12022, PROJECT 14500), WITHIN THE CITY OF GARLAND, DALLAS COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:
Section 1
That the City Manager is hereby authorized to execute a Project Specific Agreement with Dallas County for transportation improvements as part of the Bottleneck Improvements Program (MCIP 12022, Project 14500), which is attached hereto as Exhibit "A" and incorporated herein by reference.
Section 2
That this Resolution shall be and become effective immediately upon and after its adoption and approval.
PASSED AND APPROVED this the day of October, 2023.
CITY OF GARLAND, TEXAS
Mayor
ATTEST:

City Secretary



City Council Regular Session Agenda

6.

Meeting Date: 10/17/2023

Item Title: Bottleneck Improvements Program - Funding Agreement with Dallas

County

Submitted By: Laura Dunn, Capital Project Management Director

Strategic Focus Areas: Well-Maintained City Infrastructure

ISSUE

Council to consider entering into a Funding Agreement (FA) with Dallas County for partnership funding to improve mobility at multiple intersections associated with the Bottleneck Improvements Program.

OPTIONS

A. Adopt a Resolution authorizing the City Manager to execute the Funding Agreement with Dallas County.

B. Take no action.

RECOMMENDATION

Option A - Authorize the City Manager to execute the Funding Agreement with Dallas County.

BACKGROUND

- 1. In 2021 the City executed a Master Agreement with Dallas County providing general terms regarding funding availability, agency responsibilities, etc., for "partnering" on eligible Transportation Improvements on roads inside Dallas County. The Master Agreement is the contractual agreement for eventual specific projects. A Funding Agreement (FA) is then required to establish a preliminary proposed budget for the Project, and identify changes in the rights and responsibilities of each party as set forth by the Master Agreement. Dallas County has proposed provision of a 50% share of all eligible costs until the County's funding for this project is completely expended.
- 2. The Bottleneck Improvement Program project proposes to improve bottlenecks (traffic flow) at 12 major intersections by adding additional turning movements and providing improvements such as paving, signals, and pavement markings. The intersections identified within the scope of this agreement include Broadway Boulevard at IH 30 Service Road, Buckingham Road at Plano Road, Forest Lane at Jupiter Road, Apollo / Spring Creek Drive at Garland Avenue, Arapaho Road at Shiloh Road, Buckingham Road at Shiloh Road, First Street at Miller Road, Belt Line Road at Shiloh

- Road, Campbell Road at SH 190, Garland Avenue at SH 190, Garland Avenue at Belt Line Road, and First Street at SH 78.
- 3. The Funding Agreement establishes the total cost of the project estimated to be \$20,976,917.00. The County's commitment is \$10,488,458.50 with the City's share being the remaining \$10,488,458.50.
- 4. The City's funding for this project is included in the 2023 CIP utilizing funds established as part of the 2019 Bond Program.

CONSIDERATION

The Funding Agreement (FA) must be approved in order for the Project Specific Agreement (PSA) to be approved.

Attachments

Resolution for Dallas County Funding Agreement - MCIP12022 - Bottleneck Improvements Dallas County Funding Agreement - MCIP12022 - Bottleneck Improvements

RESOLUTION NO
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A FUNDING AGREEMENT WITH DALLAS COUNTY FOR TRANSPORTATION IMPROVEMENTS AS PART OF THE BOTTLENECK IMPROVEMENTS PROGRAM (MCIP 12022, PROJECT 14500), WITHIN THE CITY OF GARLAND, DALLAS COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE. BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GARLAND,
TEXAS:
Section 1
That the City Manager is hereby authorized to execute a Funding Agreement with Dallas County for funding relating to transportation improvements as part of the Bottleneck Improvements Program (MCIP 12022, Project 14500), which is attached hereto as Exhibit "A" and incorporated herein by reference.
Section 2
That this Resolution shall be and become effective immediately upon and after its adoption and approval.
PASSED AND APPROVED this the day of October, 2023.
CITY OF GARLAND, TEXAS
Mayor
ATTEST:

City Secretary

DALLAS COUNTY CAPITAL IMPROVEMENT PROGRAM FUNDING AGREEMENT TO THE MASTER AGREEMENT GOVERNING MAJOR CAPITAL IMPROVEMENT PROGRAM

This Funding Agreement hereinafter ("FA") to the Master Agreement Governing Major Capital Improvement Program, hereinafter ("Master Agreement"), is made by and between the City of Garland, Texas, hereinafter ("City"), and the County of Dallas, Texas, hereinafter ("County"), acting by and through its duly authorized officials, for the purpose of constructing transportation improvements to the Garland Intersections MCIP Project 12022 from various limits (see Attachment B), hereinafter ("Project").

Witnesseth

WHEREAS, the City and County entered into a Master Agreement Governing Major Capital Improvement Program, hereinafter ("Master Agreement") on May 18, 2021, by Commissioners Court Order 2021-0494 for the purpose of transportation improvements on roads inside Dallas County;

WHEREAS, the City has requested that it be designated as the Lead Agency for the Project and will provide the Project Manager;

WHEREAS, Chapter 791 of The Texas Government Code and Chapters 251 and 472 of the Texas Transportation Code provide authorization for local governments to contract with each other for the performance of governmental functions and services, as well as joint funding of road construction or improvements of road or street projects.

NOW THEREFORE THIS FA is made by and entered into by the City and the County for the mutual consideration stated herein.

Article I Funding Agreement

This FA is between the County and the City to establish a preliminary proposed budget for the Project, which will facilitate the movement of public transportation to benefit both the City and the County. This FA is to specifically identify the project, changes in the rights and responsibilities of each party as set forth in the Master Agreement and additions thereto as incorporated herein. This FA will be an addition to the Master Agreement and incorporate each of its terms and conditions. All terms of the Master Agreement remain in full force and effect except as modified herein. In the event of any conflict between the Master Agreement and this FA, this FA shall control as to the Project.

Article II Term of Agreement

This FA shall become effective when signed by the last party whose signature makes the respective agreement fully executed and shall terminate upon the completion and acceptance of the Project by Dallas

County Commissioners Court or upon the terms and conditions in the Master Agreement, Article IV, Section A, Termination.

Article III Incorporated Documents

This FA incorporates, as if fully reproduced herein word for word and number for number, the following items:

- 1. Master Agreement authorized by County Commissioners Court Order 2021-0494 dated May 18, 2021, and additions thereto as incorporated herein by reference.
- 2. Current Cost Estimates and Funding Sources, which is attached and incorporated herein by reference as Attachment "A."
- 3. Project location Map, which is attached and incorporated herein by reference as Attachment "B."

Article IV **Project Description**

This FA is entered into by the parties for public transportation improvements within the City of Garland and Dallas County, Texas. The overall project will be for County funding participation on as many of the 12 proposed intersection locations identified in a City of Garland study until the County's funding for this project is completely expended. Once the County funding has been exhausted, the project will be considered closed from the County standpoint. Project intersection improvements will provide new turn lanes, increase storage lengths, improve traffic signal phasing, and/or sequencing and lane use modifications based on traffic flows.

This Project will facilitate the improvement of public transportation to benefit both the City and County. The City does hereby give its approval for expenditure of County funds for the construction, improvement, maintenance, or repair of a street located within the municipality, subject to City Council approval.

Article V Fiscal Funding

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

Notwithstanding anything to the contrary herein, this FA is expressly contingent upon the availability of City funding for each item and obligation contained herein. County shall have no right of action against the City as regards this FA, specifically including any funding by City for the Project in the event that the City is unable to fulfill its obligations under this FA as a result of the lack of sufficient funding for any item or obligation from any source utilized to fund this FA or failure of any funding party to budget

or authorize funding for this FA during the current or future fiscal years. In the event of insufficient funding, or if funds become unavailable in whole or part, the City, as its sole discretion, may provide funds from a separate source or terminate this FA. In the event that payments or expenditures are made, they shall be made from current funds as required by Chapter 791, Texas Government Code.

Article VI Agreements

I. County and City Responsibilities:

- 1. City will be the Lead Agency for the Project from commencement of planning to completion of construction.
- 2. City and County mutually agree that the Project limits for the Garland Intersections MCIP Project 12022 are from various limits (see Attachments A and B).
- 3. The design shall be the agreed upon Standard Basic Project Design for the Project and specifically does not include Road or Street Amenity, Paving and Drainage Amenities or Utility Betterments as defined in the Master Agreement. If the City adds relocation or adjustment of City Utilities or Utility Betterments, the City agrees that it will pay 100% of the costs of these additions.
- 4. The City agrees that County may include any such item as an optional item to the construction bidding. City further agrees to review the bids submitted, the bid specifications, quantities, bid amount and any other item the City shall choose to review and furnish a written acceptance or rejection of the bid within ten (10) days of receipt. In the event the bid is accepted, City agrees to encumber an amount adequate for the total estimated project costs as indicated in Attachment "A."
- 5. The Project will require the acquisition of transportation/road right-of-way which is specifically all real property needed or convenient for roadway and/or drainage purposes as shown in the Project design or right-of-way plans and specifically includes all real property outside of the designed right-of-way needed, if applicable, or convenient to the construction, drainage, interface with adjoining streets or alleys, driveways or other access ways or other Project permanent or temporary easements which is approved by City and County. Such right-of-way acquisition shall be the responsibility of the City as Lead Agency. The City shall coordinate any necessary City-owned utility adjustments for construction of the Project. Such acquisitions will be transferred into the City's name as owner as the City will be solely responsible for maintenance after construction is completed.
- 6. In order to certify compliance with the expenditure of the Project funding for this FA, the City agrees to furnish to the County, its Auditor, or its designated representative(s) the unrestricted right to audit any and all accounting and other records regarding any funds paid or claimed under this agreement, including, but not limited to all books, records, reports, tickets, deposits, expenditure, budget or any item therein, supporting data, computer records and programs, and all items of hardware, software or firmware, or any other item utilized by the City regarding this FA (records). City contracts and agrees that all records shall be kept and maintained for a period of time not less than four (4) years from the date of the termination of this FA. Such records shall be provided to the County in Dallas County, Texas and available for any audit at any time upon request.
- 7. The results of any audit may be furnished to City for comment. In the event that any audit shall determine that moneys are owed to County, such sums are deemed to be due and payable to Dallas County, Texas, within thirty (30) days of the date of an invoice for such cost being deposited in the United States mail, via certified mail, with return receipt requested.

8. The audit provisions of this agreement shall survive the termination of this agreement until all Project claims to which the County is or may be a party, are fully paid or reduced to judgment not subject to appeal and barred by the Texas statute regarding limitation of actions.

II. City Responsibilities:

- 1. City shall be the Lead Agency for the Project. As the Lead Agency, City will provide project management of the Project from commencement of planning to completion of construction.
- 2. City will execute the necessary agreements, subject to City Council approval, for the implementation of design and construction of the Project mutually agreed upon and incorporated herein by this FA, including for the acquisition of right-of-way and any utility relocation.
- 3. City will accomplish all tasks and responsibilities of the Lead Agency as set forth in the Master Agreement. City will provide management in accordance with the 5 Phase Project Delivery System detailed in Attachment "A" of the Master Agreement.
- 4. City shall provide a City Council Resolution commitment to meet the Project funding subject to City Council authorization of required additional funds.
- 5. This FA is City approval of the preferred alignment and the proposed estimated budget and funding.
- 6. City agrees that it shall be responsible for contractual requirements with each party utilized or related to the completion of the Project. City further agrees that it will include in its contractual or procurement specification all items necessary for full compliance with the rules, regulations and requirements of all City, state, and federal laws.
- 7. City shall coordinate any necessary utility adjustments for construction of the Project.
- 8. City will work to ensure design and construction are completed in a timely and effective manner.
- 9. City shall allow the County an opportunity to review and comment on the design plans, change orders, and amendments.
- 10. City shall inform County of all Project activity and approvals.
- 11. City shall provide a final accounting of Project costs once the planning is complete and accepted by the County. The accounting shall have sufficient detail for the County Auditor to verify Project costs.
- 12. City shall be responsible for maintaining the roadway, transportation improvements, grading area, drainage structures, striping, signage, and related improvements after the Project is complete.

III. County Responsibilities:

- 1. County agrees to participate in the City led project as a funding participant.
- 2. The County will attend task force meetings, field construction meetings and will retain right during construction to confirm progress through inspection and to review and provide comments to plans, change orders, and amendments in a timely manner.
- 3. The review of, comments to, and approval or acceptance of work performed by the City, its contractors or subcontractors, by the County shall not constitute nor be deemed either controlling or a release of the responsibility, and liability of City regarding its consultant, employees, subcontractors, agents, and consultants for the accuracy and competency of their work. Nor shall such approval and acceptance be deemed to be an assumption of such responsibility by the County for any defect, error or omission in the work prepared.

IV. Funding

County and City mutually agree to proportionately fund the Direct Project and Program cost as follows:

- 1. Notwithstanding any provision in the Master Agreement, this FA, and any amendment thereto, or any other agreement between the parties regarding this Project, the total Project cost is estimated to be <u>Twenty Million Nine Hundred Seventy Six Thousand Nine Hundred Seventeen Dollars and no cents</u> (20,976,917.00).
- 2. The County's total obligation to this Project is to provide funding for the Project in the amount not to exceed Ten Million Four Hundred Eighty Eight Thousand Four Hundred Fifty Eight Dollars and fifty cents (10,488,458.50), reduced by all County in-house project delivery costs of the total Project cost, estimated to be Two Hundred Eighty Thousand Dollars and no cents (280,000.00). In-house project delivery costs will be split 50/50 between County and City. County will pay Project costs as invoiced by the City after construction is completed for each intersection and accepted by all agencies involved. Once County's funding is exhausted, County and City agree that the project is complete for County and will be closed.
- 3. The County in-house Project delivery ("IHPD") costs may include, but are not limited to, design costs, preliminary scoping and research, preliminary design services, design review, special services, site inspection, meetings, and preliminary utility coordination.
- 4. The City agrees to provide funding for this Project in the amount of at least <u>Ten Million Four Hundred Eighty Eight Thousand Four Hundred Fifty Eight Dollars and fifty cents (10,488,458.50)</u>. In-house project delivery costs will be split 50/50 between County and City.
- 5. The City shall be responsible for any additional Project costs if such additional funding commitments are approved by Administrative Action signed by the Mayor or by resolution of the City Council.
- 6. City agrees to encumber an amount adequate for total estimated Project costs as determined by the County within thirty (30) days of notification by the County.
- 7. If the total Project costs excluding paving and drainage amenities or utility betterments should exceed the total Project cost, the City and County agree to amend the Project's scope to remain within the current estimated not to exceed amount.
- 8. Any payments to be made by any party hereto shall be from current revenue or other lawfully available funds in accordance with Chapter 791 of the Texas Government Code.

Article VII Miscellaneous

- I. <u>Indemnification.</u> County and City agree that each shall be responsible for its own negligent acts or omissions or other tortious conduct in the course of performance of this FA, without waiving any governmental/sovereign immunity available to County or City or their respective officials, officers, employees, or agents under Texas or other law and without waiving any available defenses under Texas or other law. Nothing in this paragraph will be construed to create or grant any rights, contractual or otherwise, in or to any third persons or entities.
- II. No Third Party Beneficiaries. The terms and provisions of this FA are for the benefit of the parties hereto and not for the benefit of any third party. It is the express intention of City and County that any entity other than City or County receiving services or benefits under this FA shall be deemed an incidental beneficiary only. This FA is intended only to set forth the contractual right and responsibilities of the parties hereto.
- III. <u>Applicable Law</u>. This FA is and shall be expressly subject to the sovereign immunity of County and governmental immunity of City, pursuant to Title 5 of the Texas Civil Practice and Remedies Code, as amended, and all applicable federal and state laws. This FA shall be governed by and construed in

- accordance with the laws and case decisions of the State of Texas. Exclusive venue for any legal action regarding this FA filed by either City or County shall be in Dallas County, Texas.
- IV. <u>Notice</u>. Any notice provided for in this FA to be given by either party to the other, shall be required to be in writing and shall be deemed given when personally delivered, or two (2) business days after being deposited in the United States Mail, postage prepaid, by certified mail, return receipt requested; or by registered mail; and addressed as follows:

To County: County of Dallas

Ms. Alberta L. Blair, P.E. Director of Public Works

Dallas County Records Building 500 Elm Street, Fifth Floor Suite 5300

Dallas County, Texas 75202

To City: City of Garland

Director of Public Works

200 N. Fifth St. Garland, TX 75040

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

- V. <u>Assignment</u>. This FA may not be assigned or transferred by either party without the prior written consent of the other party.
- VI. <u>Binding Agreement; Parties Bound.</u> When this FA has been duly executed and delivered by both parties, this FA shall constitute a legal, valid and binding obligation of the parties, their successors and permitted assigns.
- VII. <u>Amendment</u>. This FA may not be amended except in a written instrument specifically referring to this FA and signed by the parties hereto.
- VIII. <u>Number and Gender</u>. Words of any gender used in this FA shall be held and construed to include any other gender and words in the singular shall include the plural and vice versa, unless the context clearly requires otherwise.
- IX. <u>Effective Date.</u> This FA shall commence on the Effective Date. The Effective Date of this FA shall be the date it is executed by the last of the parties. Reference to the date of execution shall mean the Effective Date.
- X. <u>Counterparts.</u> This FA may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
- XI. <u>Severability</u>. If one or more of the provisions in this FA shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not cause this FA to be invalid, illegal or unenforceable, but this FA shall be construed as if such provision had never been contained herein, and shall not affect the remaining provisions of this FA, which shall remain in full force and effect.
- XII. <u>Entire Agreement</u>. This FA embodies the complete agreement of the parties, supersedes all oral or written previous and contemporary agreements between the parties and relating to matters in the FA.
- XIII. <u>Contingent</u>. This Agreement is expressly subject to and contingent upon formal approval by the Dallas County Commissioners Court and by resolution of the City Council. If any agreement terminates, this FA shall terminate as well.
 - No Joint Enterprise/Venture. The City and County agree that neither party is an agent, servant, or employee of the other party. No joint enterprise/venture exists between the City and County.

ed this FA pursuant to duly authorized City Dated theday of, 2023.
ted this FA pursuant to Commissioners Courtday of, 2023.
City of Garland:
By: Title:
Date
Attest:
By: Title:

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

ATTACHMENT A

Dallas County Capital Improvement Program Funding Agreement

CURRENT COST ESTIMATES & FUNDING SOURCES Project Name: GARLAND INTERSECTIONS MCIP 12022

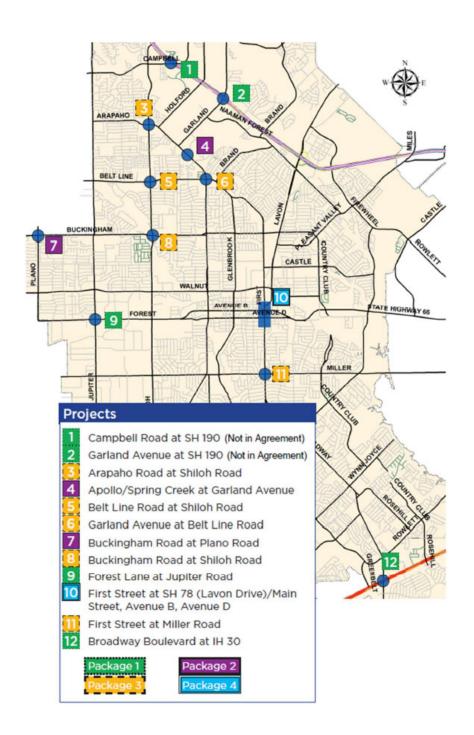
Agency			
Task	Dallas County	City of Garland	Task Total
1. Miscellaneous			\$
1.1 Contingencies			
1.2 IHPD*	\$140,000.00	\$140,000.00	\$280,000.00
2. Design			
3. ROW			
4. Professional Services			
4.1 Utilities			
4.2 Lab			
4.3 Survey			
5. Construction	\$10,348,458.50	\$10,348,458.50	\$20,696,917.00
Funding Split Totals	\$10,488,458.50	\$10,488,458.50	\$20,976,917.00
Total Project Cost			\$20,976,917.00

^{*}Includes IHPD which will be split 50/50 with the City

Expenditure Estimated Cost Campbell Road at SH 190 - CITY PACKAGE 1 (CIP#) Intersection #1 Construction Eligible Subtotal: Garland Avenue at SH 190 - CITY PACKAGE 1 (CIP#) Intersection #2 Construction Eligible Subtotal: Arapaho Road at Shiloh Road - CITY PACKAGE 3 (CIP#14510) Intersection #3	\$0.00 \$0.00 \$0.00 \$0.00 \$1,250.00
Intersection #1 Construction Eligible Subtotal: Garland Avenue at SH 190 - CITY PACKAGE 1 (CIP #) Intersection #2 Construction Eligible Subtotal: Arapaho Road at Shiloh Road - CITY PACKAGE 3 (CIP #14510)	\$0.00 \$0.00 \$0.00
Construction Eligible Subtotal: Garland Avenue at SH 190 - CITY PACKAGE 1 (CIP #) Intersection #2 Construction Eligible Subtotal: Arapaho Road at Shiloh Road - CITY PACKAGE 3 (CIP #14510)	\$0.00 \$0.00 \$0.00
Subtotal: Garland Avenue at SH 190 - CITY PACKAGE 1 (CIP #) Intersection #2 Construction Eligible Subtotal: Arapaho Road at Shiloh Road - CITY PACKAGE 3 (CIP #14510)	\$0.00 \$0.00 \$0.00
Garland Avenue at SH 190 - CITY PACKAGE 1 (CIP #) Intersection #2 Construction Eligible Subtotal: Arapaho Road at Shiloh Road - CITY PACKAGE 3 (CIP #14510)	\$0.00 \$0.00
Intersection #2 Construction Eligible Subtotal: Arapaho Road at Shiloh Road - CITY PACKAGE 3 (CIP #14510)	\$0.00
Subtotal: Arapaho Road at Shiloh Road - CITY PACKAGE 3 (CIP #14510)	\$0.00
Arapaho Road at Shiloh Road - CITY PACKAGE 3 (CIP #14510)	1,250.00
· · · · · · · · · · · · · · · · · · ·	
Intersection #3	
0	
	,250.00
Apollo/Spring Creek at Garland Avenue - CITY PACKAGE 2 (CIP #14504)	
Intersection #4	
	9,100.00
Subtotal: \$2,080	,350.00
Belt Line Road at Shiloh Road - CITY PACKAGE 3 (CIP #14508)	
Intersection #5	
·	1,450.00
	1,800.00
Garland Avenue at Belt Line Road - CITY PACKAGE 3 (CIP #14512) Intersection #6	
	5,850.00
Subtotal: \$4,290	,650.00
Buckingham Road at Plano Road - CITY PACKAGE 2 (CIP #14507)	
Intersection #7	
Construction Eligible \$2,715	5,150.00
	5,800.00
Buckingham Road at Shiloh Road - CITY PACKAGE 3 (CIP #14511)	
Intersection #8	
	0,650.00
	5,450.00
Forest Lane at Jupiter Road - CITY PACKAGE 1 (CIP #14506) Intersection #9	
	3,147.00
	,597.00
First Street at SH 78 (Lavon Drive)/Main Street, Avenue B, Avenue D - CITY PACKAGE 4	
(CIP #14513)	
Intersections #10	
),560.00
),157.00
First Street at Miller Road - CITY PACKAGE 3 (CIP #14509) Intersection #11	
	1,350.00
	1,507.00
Broadway Boulevard at IH 30 Service Road - CITY PACKAGE 1 (CIP #14505)	
Intersection #12	
	2,410.00
Subtotal: \$20,690	5,917.00
In House Project Delivery (IHPD)*	0,000.00
Total Overall Cost of Project \$20,970	5,917.00
Funding Sources	
Dallas County MCIP Funding \$10,488,458.50	
City of Garland Funding \$10,488,458.50	
Total \$20,976,917.00	

^{*}Includes IHPD which will be split 50/50 with the City

ATTACHMENT B Garland Intersections 1 – 12*



^{*}The labeling does not dictate the order in which projects will be completed.



City Council Regular Session Agenda

7.

Meeting Date: 10/17/2023

Item Title: Approval of a City Council Resolution in Compliance with SB 1413 Regarding

Clearing of Roadways

Submitted By: Mark Lee, Fire Chief

Summary of Request/Problem

As call volumes increase along with traffic conditions and secondary crashes upstream of collision scenes, early clearing of roadways is imperative. Recognizing this, the Texas State Legislature passed a bill signed by the Governor authorizing fire departments to be included in agencies that can clear personal property, including vehicles from roadways. That bill requires the governing body of a fire department and police department to implement a policy concerning the fire department consulting with the police department regarding the removal of property.

This item is the resolution that will implement that policy of fire and police working together to develop the policy to expedite clearing of roadways when legally feasible. There will be times when police will arrive ahead of fire department responders and this policy will not be necessary. When fire department responders arrive ahead of police department responders, and the situation allows, fire department officers may begin efforts to get the roadway cleared. Typically, in Garland, the arrival of both agencies is such that this responsibility will still reside with the police department.

Recommendation/Action Requested and Justification

Staff recommends approval of the attached resolution approving the Garland Fire Department to consult with the Garland Police Department on developing a policy for removing property from roadways or right-of-ways within the city.

Attachments

Resolution on Clearing Roadways

RESOLUTION	NO
KESCHOTTOM	110.

A RESOLUTION APPROVING THE GARLAND FIRE DEPARTMENT TO CONSULT WITH THE GARLAND POLICE DEPARTMENT ON A DEVELOPING A POLICY FOR REMOVING PROPERTY FROM ROADWAYS OR RIGHT-OF-WAYS WITHIN THE CITY.

WHEREAS, the Texas Legislature passed Senate Bill 1413 during the 88th Legislative Session and the Governor signed the bill into law;

WHEREAS, where the bill added fire departments to the list of authorized entities listed in the Texas Transportation Code that can remove personal property, including vehicles, from any roadway or rights-of-way; and

WHEREAS, the bill requires the governing body of a political subdivision that has a fire department to develop and implement a policy concerning the fire department consulting with the law enforcement agencies regarding removal of the personal property.

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

Section 1

That the Garland Fire Department shall consult with the Garland Police Department and create a policy outlining the Garland Fire Department's procedures related to removing personal property from the roadway and right-of-ways of the City of Garland.

Section 2

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

PASSED AND APPROVED this the 10^{th} day of October 2023.

	CITY OF GARLAND, TEXAS
ATTEST:	Mayor
City Secretary	

City Council Regular Session Agenda

Meeting Date: 10/17/2023

Item Title: New Sidewalk to DART Downtown Garland Station

Submitted By: Michael Polocek, Engineering Director

Summary of Request/Problem

The City of Garland was successful with its application for the 2022 Transportation Alternatives Set Aside Call For Projects For North Central Texas Region – Safe Routes To Rail Application, the Regional Transportation Council (RTC) approved the funding to the City on October 8, 2022. The project includes approximately 1.5 miles of the construction of sidewalks to provide safe pedestrian routes to Dallas Area Rapid Transit (DART) Downtown Garland Station. The North Central Texas Council of Governments (NCTCOG) and Regional Transportation Council (RTC) agreed to fund an amount of \$3,344,389.00 for the construction of the "Garland New Sidewalk to DART Downtown Station" project in Garland. The remaining balance would be paid through a commitment of local funds. The following is the estimated funds for the project by each Agency:

Description	Fiscal Year	Total Estimate Cost	Federal	State	Local Government Contribution
TXDOT Direct Costs (Engineering/ Environmental)		\$83,609.72	0	0	\$83,609.72
TXDOT Direct Costs (Construction)		\$83,609.72	\$66,887.78	0	\$16,721.94
Construction	2025	\$4,096,876.78	\$3,277,501.22	0	\$819,375.26
TXDOT Indirect Cost		\$193,782.25	0	\$193,782.25	0
TOTAL		\$4,457,877.97	\$3,344,389.00	\$193,782.25	\$919,706.92

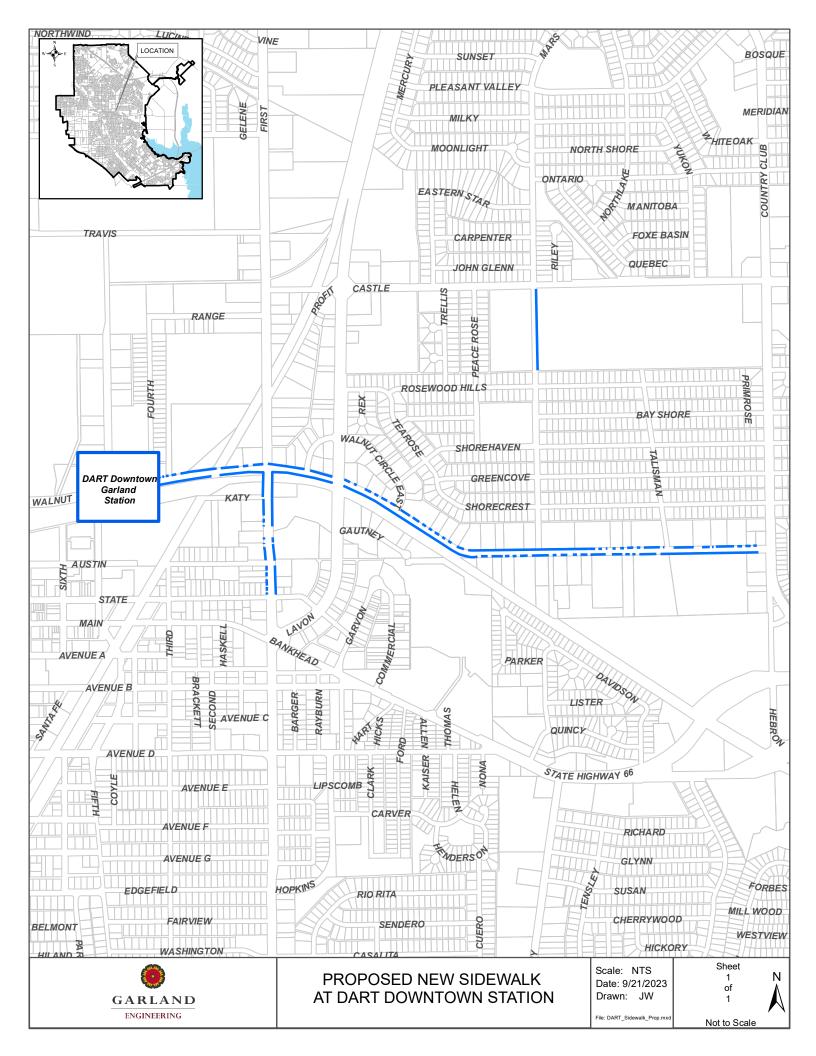
2. Local Government (City of Garland) shall be responsible for 20% of project construction cost and 100% of engineering design and construction cost overruns.

Recommendation/Action Requested and Justification

8.

Approve a resolution authorizing the City Manager to execute an Advance Funding Agreement with TxDOT.

Attachments			
Location Map			
Resolution			



	_	
RESOLUTION	NO.	

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ADVANCED FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the subject of the proposed Advance Funding Agreement ("AFA") involves the Garland New Sidewalk to DART Downtown Station in the City of Garland (the "Project"); and

WHEREAS, in accordance with the "2022 Transportation Alternatives Set-Aside Call for Projects for North Central Texas Region - Safe Routes to Rail Application", the Regional Transportation Council approved the funding to the City on October 8, 2022. The Project includes approximately 1.5 mile of construction of sidewalks to provide safe pedestrian routes to Dallas Area Rapid Transit Downtown Garland Station ("Downtown Dart Station").

WHEREAS, the Project construction cost is estimated to be Four Million One hundred Eighty thousand Four hundred Eighty-Six Dollars and no cents (\$4,180,486.00); and

WHEREAS, The North Central Texas Council of Governments (NCTCOG) and Regional Transportation Council (RTC) agreed to fund an amount of Three Million Three hundred Forty-Four Thousand Three Hundred Eighty-Nine Dollars and no cents (\$3,344,389.00). Local Government (City of Garland) shall be responsible for 20% of project construction cost and 100% of Preliminary Engineering, Environmental study, and cost overruns. Estimated City Cost is Nine Hundred Nineteen Thousand Seven Hundred and Six Dollars and Seventy-Two Cents (\$919,706.72) plus overruns. The State Indirect Cost is One Hundred Ninety-Three Thousand Seven Hundred Eighty-Two Dollars and Twenty-Five cents (\$193,782.25); and

WHEREAS, the City is the Lead Agency for the Project and will provide the Project Manager; and

WHEREAS, a copy of the AFA in substantially final form is attached hereto as Exhibit "A"; and

WHEREAS, Chapter 791 of the Texas Government Code and Chapters 251 and 472 of the Texas Transportation Code provide authorization for local governments to contract with one another for the performance of governmental functions and services, as well as joint funding of road construction or improvements of road or street projects;

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

Section 1

That the City of Garland authorizes the City Manager to enter into an Advanced Funding Agreement (AFA) with the Texas Department of Transportation for the construction of the Garland New Sidewalk to the Downtown DART Station in Garland, Texas, as set out in the AFA attached hereto as Exhibit "A".

That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

Section 2

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

PASSED AND APPROVED this the 17th day of October, 2023.

Mayor	

CITY OF GARLAND, TEXAS

City	Secretary		

ATTEST:



City Council Regular Session Agenda

9.

Meeting Date: 10/17/2023

Item Title: Consider a Lease with Boy Scouts of America Troop 100 for 116 S. Sixth Street

Submitted By: Phillip Urrutia, Assistant City Manager

Summary of Request/Problem

Approval of this agenda item will allow for a one-year lease beginning on November 1, 2023, for the property located at 116 S. Sixth Street. The Board of Boy Scouts of America Troop 100 has approved the lease and procured the required insurance.

Recommendation/Action Requested and Justification

Boy Scouts of America Troop 100 is seeking a lease to continue operations at 116 S. Sixth Street, Garland, Texas to serve as a meeting location for Troop activities. The lease is set to begin November 1, 2023, with a one-year term however the City has the right to renew the agreement for up to two annual terms. The City will be responsible for utility cost for the term of the agreement, maintenance of the facility will be the responsibility of Boy Scouts of America Troop 100. The troop must also maintain insurance coverage per the executed License Agreement.

Facilities Management has made several repairs to the facility including plumbing, doors and safety requirements. Boy Scouts of America Troop 100 accepts the building in an as-is condition.

Attachments

License Agreement
Terms and Conditions



LICENSE AGREEMENT

This License Agreement ("License") is made and entered between the City of Garland, Texas, a Texas home-rule municipality ("Licensor"), and Licensee 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. Notwithstanding any term herein to the contrary, this License is nonexclusive as between the Licensor and Licensee, and Licensor reserves the absolute right to use the Premises at any date or time. In the event of an express conflict between this License and the Terms, the Terms shall control.

WITNESETH

- 1. Agreement to License; Concessions. Subject to the terms and conditions of this License, Licensor hereby licenses and grants access to Licensee, and Licensee hereby takes the premises located in Garland, Dallas County, Texas, and being more particularly described in the Terms. 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 Stand Rider, which is attached hereto as Exhibit "B," and incorporated herein by reference.
- 2. <u>Term</u>. Licensee shall be permitted to use the Premises for the times indicated in the Terms for the purposes stated therein. Licensor shall make the Premises available to the Licensee at the times specified in the Terms for any set-up required prior to the event.
- 3. Allowed Use. The Premises licensed is to be used by Licensee for the purposes stated within the Terms and for no other uses or purposes whatsoever ("Allowed Use"). Licensee 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 Licensor.
- 4. <u>Licensee Fee; Deposit</u>. Licensee shall pay Licensor a non-refundable license fee under the terms and conditions,

and in the amount, indicated within the Terms. User shall pay Licensor the deposit amount indicated within the Terms.

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

LICENSEE ACKNOWLEDGES THAT LICENSOR EXPRESSLY DISCLAIMS AND LICENSEE EXPRESSLY WAIVES, ANY WARRANTY OR REPRESENTATION, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION ANY CONDITION, HABITABILITY, MERCHANTABILITY, WARRANTY OF USEABILITY, OR FITNESS FOR A PARTICULAR PURPOSE OF THE PREMISES, AND LICENSEE FURTHER ACKNOWLEDGES THAT LICENSOR HAS NOT MADE ANY OTHER REPRESENTATIONS TO LICENSEE AS TO WHETHER OR NOT THE PREMISES ARE FIT AND SATISFACTORY FOR THE USE INTENDED BY LICENSEE. LICENSOR **DISCLAIMS** RESPONSIBILITY AS TO THE ACCURACY OR COMPLETENESS OF ANY INFORMATION RELATING TO THE PREMISES, WHETHER PROVIDED BY LICENSOR OR OTHERWISE. WITHOUT LIMITING THE FOREGOING, LICENSOR MAKES NO REPRESENTATIONS OF ANY NATURE REGARDING PREMISES AND SPECIFICALLY DISCLAIMS ANY WARRANTY, GUARANTY OR REPRESENTATION, ORAL OR WRITTEN, EXPRESS OR IMPLIED, PAST, PRESENT, OR FUTURE, CONCERNING: NATURE AND CONDITION OF THE PREMISES, INCLUDING WITHOUT THE WATER, SOIL AND GEOLOGY, AND LIMITATION, SUITABILITY THEREOF AND THE PREMISES FOR ANY AND ACTIVITIES AND USES WHICH LICENSEE 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 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 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, LICENSEE WAIVES AND DISCLAIMS ANY CAUSE OF ACTION THAT LICENSEE MAY NOW OR HEREAFTER HAVE OR OBTAIN AGAINST LICENSOR, ITS AGENTS, EMPLOYEES OR SERVANTS ARISING FROM THE USE, OCCUPATION OR CONDITION OF THE PREMISES OR THE EXISTENCE OF THIS LICENSE.

LICENSEE FURTHER AGREES TO INDEMNIFY AND HOLD LICENSOR 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 LICENSE.

- 6. Fixtures, Improvements, and Liability for Loss or Damage to Property. In the event Licensee elects to make capital improvements or construct attachments to the Premises, Licensee must first receive express written approval from the Licensor. Licensor may deny improvement request from Licensee for any reason, or no reason at all. As of the Effective Date, Licensee is authorized to make the improvements detailed in Exhibit "C," which is attached hereto and incorporated herein by reference. Title to any fixtures and improvements constructed by Licensee and attached to the Premises shall transfer to the City of Garland upon termination of this License, unless otherwise agreed upon in writing by both However, during the term of this License, Parties. Licensee 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 Licensee or the owner of such personal property.
- No Waste or Contamination. Licensee 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 Licensee. Licensee shall, on the Termination Date or any earlier termination of this License, surrender the Premises clean, free of debris, and in substantially the same condition as received, except for normal wear and tear. Licensee may not discharge any waste or hazardous materials on the Premises. Any use of fertilizers, herbicides, pesticides or other similar chemicals by Licensee shall be done in strict accordance with all applicable federal, state and local laws. Licensee shall, upon request, provide Licensor 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 and the Terms, Licensee must make any necessary improvements or repairs necessary to use the Premises for the allowed use(s). Maintenance, including any necessary repairs to, including but not limited to any fixtures and improvements, shall be at the sole expense of Licensee and Licensor shall have no maintenance responsibility regarding the Premises whatsoever, such responsibilities being fully assumed by Licensee. Licensee 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 Licensed. If the Premises become, as a practical matter, totally untenantable 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 Licensee or the Licensee's employees, guests or invitees, either Licensor or Licensee may terminate the License at any time by giving written notice to the other.
- Licensee to Provide Insurance. Unless expressly waived under the Terms, Licensee agrees to carry, during the term of this License, 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 The policy or policies shall name Licensor as an additional insured and shall provide coverage of at least \$250,000.00 per person, \$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 Licensee and the policy or policies shall bear an endorsement providing at least ten (10) days written notice to Licensor of cancellation or material alteration. Licensee shall provide the Licensor with a copy the insurance policy listing the Licensor as additional insured and reflecting the required minimum coverage amounts herein at the time of executing this License.
- 11. <u>Assignment or Sublicense</u>. Unless expressly allowed under the Terms, Licensee shall not assign this License or sublicense the Premises, or any part thereof, without the prior written consent of the Licensor, which may be denied for any reason or no reason at all.

- 12. <u>Utilities</u>. Licensee shall pay, during Licensee's occupancy of the Premises, for all utilities and services, if any, supplied to the Premises, and Licensee shall not cause or suffer the imposition of any lien against the Premises arising from the provision of any utility or related services.
- 13. Right to Audit; Inspections. In permitting the use of the Premises, Licensor does not relinquish its rights to access and enter the Premises and does hereby expressly retain the right to enforce any and all laws and applicable rules and regulations. The Licensor's agents, officers, and employees (including law enforcement) may enter upon and into the Premises at all times to make inspections and perform compliance audits to ensure compliance with this License. In the event Licensor elects to do a compliance audit to confirm Licensee 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 License, Licensor shall give Licensee written notice three business days in advance of entering the Premises to conduct a compliance audit.
- 14. <u>Termination</u>. This License may be terminated by Licensor for any reason, or no reason at all, upon three (3) days written notice to Licensee.
- 15. <u>Severability</u>. If any term or provision of this License is held to be illegal, invalid or unenforceable, the legality, validity or enforceability of the remaining terms or provisions of this License 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 License a legal, valid or enforceable term or provision as similar as possible to the term or provision declared illegal, invalid or unenforceable.
- 16. <u>Waiver</u>. Either Licensor or Licensee shall have the right to waive any requirement contained in this License 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. <u>Governing Law</u>. This License 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 License are

performable in Dallas County, Texas such that exclusive venue for any action arising out of this License shall be in Dallas County, Texas.

- 18. Paragraph Headings; Construction. The paragraph headings contained in this License 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 License and this License shall not be construed either more or less strongly against or for either party.
- 19. <u>Complete Agreement</u>. This License contains the entire agreement between Licensor and Licensee with respect to the Premises and, except as set forth herein and in written instruments executed in connection herewith, neither Licensor nor Licensee 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. <u>Binding Effect</u>. Except as limited herein, the terms and provisions of this License 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. <u>Gender</u>. Within this License, 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. <u>Counterparts</u>. This License 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 License are incorporated herein by reference for all purposes wherever reference is made to the same.

- 24. 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.
- 25. Relationship of Parties. Nothing contained in this License 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 License nor any act or acts of the parties hereto shall be deemed to create any relationship between the parties other than the relationship of Licensor and Licensee as those terms are understood herein.
- 26. <u>Mon-Discrimination</u>. Licensee 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.
- 27. Signature Authority. Both Parties represent, warrant, and agree that they have the full right and authority to enter into this License, and that the person executing this License on behalf of the respective Party has the full right and authority to enter into this License and bind the Party to each and every obligation contained herein. Licensee understands and acknowledges that Licensor cannot be lawfully held responsible for any obligation contained herein and this License cannot be amended, without the authorization of the express authorization of the City Manager of the City of Garland and executed by the City Manager of the City of Garland.

EXECUTED as of	the day	of	, 2023
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LICENSOR:	LICENSEE:
CITY OF GARLAND, TEXAS	Aaron Mixell on behalf of BOY SCOUTS OF AMERICA TROOP 100
By:	
Title:	
Address:	Address:
City of Garland 200 N. Fifth Street P. O. Box 469002 Garland, Texas 75046-9002 Attn: City Manager	2332 Penrose Drive Mesquite, Texas 75150
With a copy to:	
Office of the City Attorney City of Garland 200 N. Fifth Street, 4 th Floor P.O. Box 469002	

Garland, Texas 75046-9002

Exhibit A

Exhibit B

Exhibit C



EXHIBIT "A" TERMS AND CONDITIONS FOR LICENSE

This License is administered by the Office of the City Manager of the City of Garland, Texas ("City Manager"), and is made and entered into between the City of Garland, Texas ("LICENSOR") AND Aaron Mixwell on behalf of Boy Scouts of America Troop 100.("LICENSEE").

- 1.0 Agreement Period; Location; LICENSE Fee; Deposit:
 - 1.1 TERM: The term of this License shall commence on November 1, 2023 and end on October 31, 2024 ("Term"). This agreement may be renewed on an annual basis at the Licensor's option for up to two renewals. However, notwithstanding any other provision contained herein, or within the License, this License shall terminate upon 30 days written notice and LICENSEE shall at its own expense will restore the site to its original condition.
 - 1.2 PREMISES: The Premises is located at the following address 116.5. Sixth Street, Garland, Dallas County, Texas, and is more particularly described as follows: Lot 6R, Block 9 of the Foundry Church Addition of the City of Garland, according to the plat thereof, recorded in County Clerk Instrument no. 202000209006. ("Premises").
 - 1.3 LICENSE FEE: In consideration for LICENSEE'S use of the Premises, LICENSEE shall pay LICENSOR a fee in the amount of \$1.00/month, due on the 1st day of each month during the Term and beginning on the 1st day of November, 2023.
 - 1.4 DEPOSIT: LICENSEE shall pay LICENSOR a non-refundable security deposit of \$_10.00 within 10 business days of executing this LICENSE.
 - 1.5 UTILITIES: The LICENSEE is responsible for all utilities $\underline{\hspace{1cm}}$ yes $\underline{\hspace{1cm}}$ no.
 - 1.5.1 Party responsible for utilities:

	Licensor ("City")	Licensee
Solid Waste	х	
Electric	Х	
Water/Sewer	Х	

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

2.0 Allowed Use:

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

Hold meetings, store service-related equipment and supplies as described in this document .

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

2.3 MISCELLANEOUS OR SPECIFIC ALLOWED USE PROVISIONS:

- 2.3.1 LICENSEE may use City owned waste containers for reasonable amount of trash and debris generated by LICENSEE, in its normal operations, and in connection with the allowed Use.
- 2.3.2 PARKING: LICENSEE may use the parking spaces designated by LICENSOR and located upon City property adjacent to the Premises for any vehicle directly connected with the Allowed Use.

3.0 Premises Maintenance:

- 3.1 LICENSEE shall have responsibility to maintain Premises during the Term of this License. LICENSEE is expected to maintain and keep in a good commensurate with the age of the building, the interiors and exteriors of Premises, including any grounds or real property immediately adjacent to the Premises and used by LICENSEE.
- 3.2 LICENSEE is responsible to keep all Premises operated by LICENSEE in good condition. Any damage to the Premises or City equipment during the Term must be repaired in a timely manner. LICENSEE is responsible for year-round minor maintenance of the Premises. LICENSOR is responsible for all major repairs to fixtures, HVAC, structdural components, and improvements. Failure to maintain or make necessary repairs for minor damage to Premises shall be grounds for prohibition of any activity by LICENSEE on the Premises until the repair is made to LICENSOR's satisfaction. If LICENSEE does not make minor repairs in time frame set by LICENSOR, repairs will be made by LICENSOR and the LICENSEE shall be charged all expenses for the repairs.
- 3.3 STORAGE: LICENSEE will store maintenance equipment and supplies in LICENSOR 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. LICENSOR reserves the right to remove and dispose of improperly stored maintenance equipment or materials. Only locks and keys issued by LICENSOR may be used to secure storage Premises.
- 3.4 Access to LICENSEE owned Premises on the Premises shall be granted to City of Garland employees, agents, and officers in the exercise of government functions. LICENSEE shall provide a key to all LICENSEE owned Premises located on the Premises to LICENSOR.
- 3.5 All LICENSEE Premises repairs requested by LICENSOR shall be completed by the requested date. Failure to complete repairs may result in delay to LICENSEE's use of the Premises until repairs or corrections are completed.
- 3.6 LICENSEE 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, LICENSOR has authority to take possession and/or dispose of this equipment.

4.0 Premises Improvements by LICENSOR:

- 4.1 LICENSEE shall submit a written request, with design drawings, to LICENSOR for LICENSEE to perform Premises improvements to the Premises. Upon confirmation that LICENSEE"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, LICENSOR may issue written authorization for work to proceed. LICENSEE may not begin work on any Premises improvements without prior written consent of LICENSOR to proceed.
- 4.2 Any unauthorized structures, building installations or additions on City owned property shall be removed by LICENSEE at LICENSEE'S sole cost and expense.
- 4.3 LICENSOR must approve irrigation systems installed and maintained by LICENSEE. Any grass or other landscaped areas identified by LICENSOR as the LICENSEE's responsibility shall be maintained year round.
- **5.0 Articles of Formation:** LICENSEE shall provide LICENSOR a copy of its Articles of Formation filed with the Secretary of State, contemporaneously with the execution of this LICENSE.

- **6.0 Criminal Background Checks.** LICENSEE, 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 LICENSEE 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 LICENSEE 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:

Date: __

- While engaged in carrying out and complying with the terms and conditions of this License, the LICENSEE 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 LICENSEE 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 LICENSEE is and shall be an <u>Independent Contractor</u>, 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 LICENSEE'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 LICENSEE as an <u>Independent Contractor</u> with respect to either the City's representative or to the LICENSEE'S own employees or agents or to any other person, firm or corporation.

9.0 Miscellaneous/Additional	Provisions: LICENS	SEE shall schedule an ai	nnual meeting with the
LICENSOR	to	inspect	the
premises.			
* For any additional Miscellaneou reference.	ıs Provisions, see atı	tached Exhibit A-1, which i	s incorporated herein by
16.0 Authorized Signatures:			
LICENSOR:	l	ICENSEE:	
	-	Aaron Mixwell on behalf	of Troop 100,
City of Garland, Texas		Boy Scouts of America	
Dv.			
Ву:			
Title :			



City Council Regular Session Agenda

10. a.

Meeting Date: 10/17/2023

Item Title: Z 23-30 Momentum Tattoo LLC (District 2) **Submitted By:** Matthew Wolverton, Development Planner

REQUEST

Approval of a Specific Use Provision Renewal for a Tattooing/Body Piercing Establishment Use.

Approval of a Major Waiver to Table 7-1 of the Garland Development Code regarding the location and special standards of the Tattooing/Body Piercing Establishments.

Approval of a Downtown Development Plan for a Tattooing/Body Piercing Establishment Use.

LOCATION

532 Main Street, Suite B

OWNER

Porras Enterprise LLC

PLAN COMMISSION RECOMMENDATION

On September 11, 2023 the Plan Commission, by a vote of seven (7) to zero (0), recommended approval of a Specific Use Provision for a Tattooing/Body Piercing Establishment Use on a property zoned Downtown (DT) District and Downtown Square (DS) Sub-District.

In addition, the Plan Commission approved a Major Waiver to Table 7-1 of the Garland Development Code (GDC) regarding the location and special standards of the Tattooing/Body Piercing Establishments.

The Plan Commission, by a vote of seven (7) to zero (0), also recommended approval of a Downtown Development Plan for a Tattooing/Body Piercing Establishment Use.

STAFF RECOMMENDATION

Approval of a Specific Use Provision Renewal for a Tattooing/Body Piercing Establishment Use on a property zoned Downtown (DT) District and Downtown Historic (DH) Sub-District.

Approval of a Major Waiver to Table 7-1 of the Garland Development Code regarding the location and special standards of the Tattooing/Body Piercing Establishments.

Approval of a Downtown Development Plan for a Tattooing/Body Piercing Establishment.

BACKGROUND

The subject property has an approved SUP for a Tattooing/Body Piercing Establishment Use; however, the SUP will expire in October 2023. The applicant proposes a Specific Use Provision (SUP) Renewal for the existing Tattooing/Body Piercing Establishment.

SITE DATA

The site is accessed from Main Street. The tenant space for the use is approximately 2,300 square feet.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Downtown (DT) District in the Downtown Square (DS) Sub-District. The current SUP [S 20-23] remains valid for the existing Tattoo Establishment until October 2023.

The purpose of the Downtown (DT) district is to establish a pedestrian-oriented district with an infrastructure of streets and buildings that are flexible in terms of use, and that will attract ongoing reinvestment.

The goals of this district are:

- A. To make Downtown viable through:
 - 1. Providing for integrated mixed-use;
 - 2. Embodying LEED-ND (Leadership in Energy and Environmental Design Neighborhood Development) and LEED building principles;
 - 3. Providing focal open space amenities;
 - 4. Assuring pedestrian and bicycle friendliness; and
 - 5. Minimizing the "heat island" effect of large expanses of paving.
- B. To provide a mixture of residential, retail, entertainment, office, and government uses.
- C. To encourage high-quality development by providing a balance of development standards and expedited administrative approvals for projects which meet the intent of this district.
- D. To create standards that ensure an appropriate transition between existing neighborhoods and new development.

CONSIDERATIONS

1. Specific Use Provision:

The applicant proposes to continue operating the tattoo shop within the existing building downtown. The hours of operation would remain the same: Tuesday through Saturday 12:00 pm to 9:00 pm.

2. Major Waiver:

A Major Waiver was granted with the previous SUP approval (S 20-23). The applicant makes the same request with the continuation of the SUP. The Garland Development Code's Special Standards impose a setback of 500 feet from a Tattooing/Body Piercing Establishment to any residence or residential subdivision, church or place of worship, public or private school, public park, public hospital, child care center, senior living facility, or other tattooing/body piercing establishment. The measurement shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.

The applicant requests approval of a Major Waiver from the above mentioned distance requirements for Tattooing/Body Piercing Establishments. The proposed tattoo shop is located a distance of less than 500 feet from two churches [The Foundry Church is approximately 480 feet away and Lifewell Church is approximately 388 feet away according to the GDC measurement guidelines].

The Downtown Square is a public open space located directly across Main Street from the subject site, but is not listed as a municipal park by ordinance. The proposed location is more than 500 feet from the nearest existing tattoo shop [Rock Ink Tattoos].

Section 7.30(C) of the GDC states that Major Waivers are material and substantial changes to the design standards in the Downtown District, or changes which may initially appear to be in conflict with the goals and intent of this district. Major Waivers may only be approved by the City Council, following a recommendation by the Planning Director and the Plan Commission. In order to approve a Major Waiver, the City Council shall find that the Waiver:

- Meets the general intent of this district; and
- Will result in an improved project, which will be an attractive contribution to the Downtown District.
- 3. The applicant is requesting approval of a ten (10) year duration of the Specific Use Provision. The current SUP was approved for three (3) years. The SUP Time Period Guide recommends between five (5) to ten (10) years.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommend Community Centers for the subject site. Community centers are areas with compact development, primarily non-residential, serving a collection of neighborhoods. This type of development consists of a mix of uses, including retail, services, office use, multi-family residential, and entertainment.

The proposal is consistent with the Community Centers designation.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The surrounding properties are in the Downtown (DT) District. These properties are developed with restaurants, a bank, other retail uses, as well as the Downtown Square. The use is generally compatible with the surrounding zoning and land uses.

Attachments

Z 23-30 Location Map

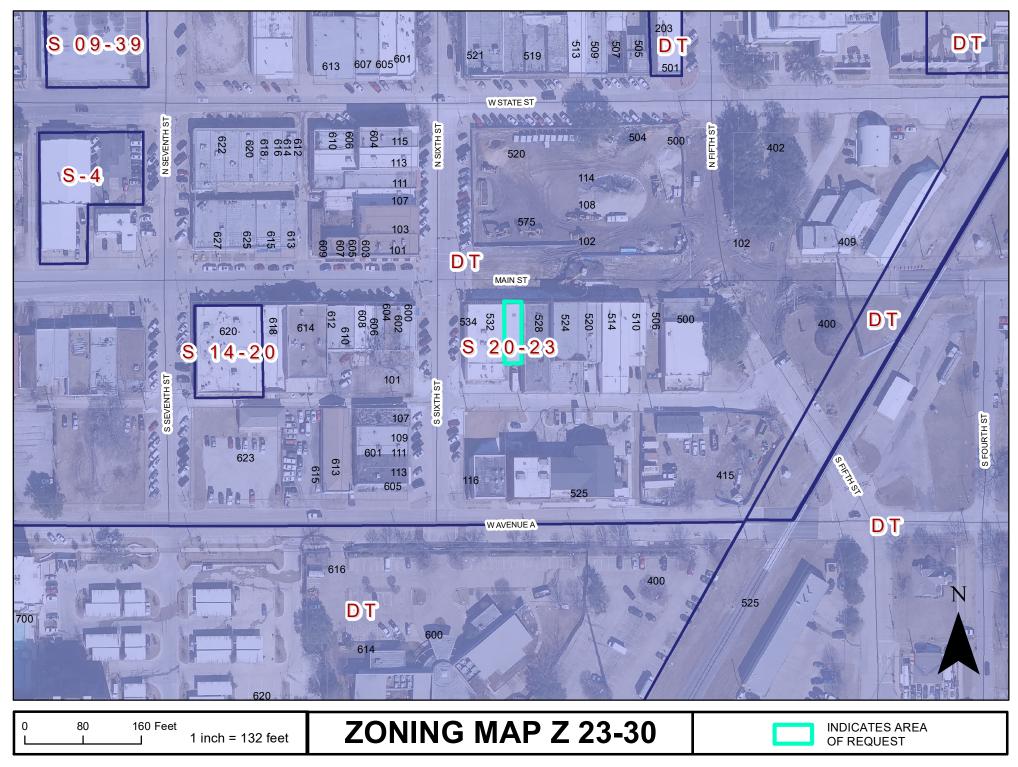
Z 23-30 SUP Conditions

Z 23-30 Exhibits

Z 23-30 R&M

Z 23-30 Responses

Z 23-30 Staff Presentation



SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 23-30

532 Main Street, Suite B

- I. Statement of Purpose: The purpose of this Specific Use Provision is to allow a Tattooing/Body Piercing Establishment.
- 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 Downtown (DT) District, Downtown Historic Sub-District and Site Development Standards as set forth in Chapter 2 and 4 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.

IV. Development Plans:

<u>Site Layout</u>: The site shall be in general conformance with the approved Site Plan, Landscape Plan, and Elevations labeled Exhibit C. In the event of conflict between the conditions and the site plan, the written conditions listed below are to apply.

V. Abandonment: In the event the land use for which this Specific Use Provision was granted ("Land Use") is abandoned, the SUP and all rights to the Land Use are automatically terminated, and the premises must be used in conformance with the PD, GDC, federal, and state law.

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

- A. A failure to apply for a site or building permit on the premises, where applicable, within 180 days of the effective date of this SUP;
- B. A failure to obtain a certificate of occupancy for the Land use within 730 days of the effective date of this SUP;

- C. A failure to commence operating the Land Use on the premises within 90 days of receiving a final certificate of occupancy for the Land Use;
- D. Discontinuance of the Land Use for a period of 180 days;
- E. Applying for, and receiving, a new Certificate of Occupancy for a use other than the Land Use; or
- F. Operating a use on the premises, whether as a primary or secondary use, that is not allowed within the PD District, by the GDC, or by state or federal law.

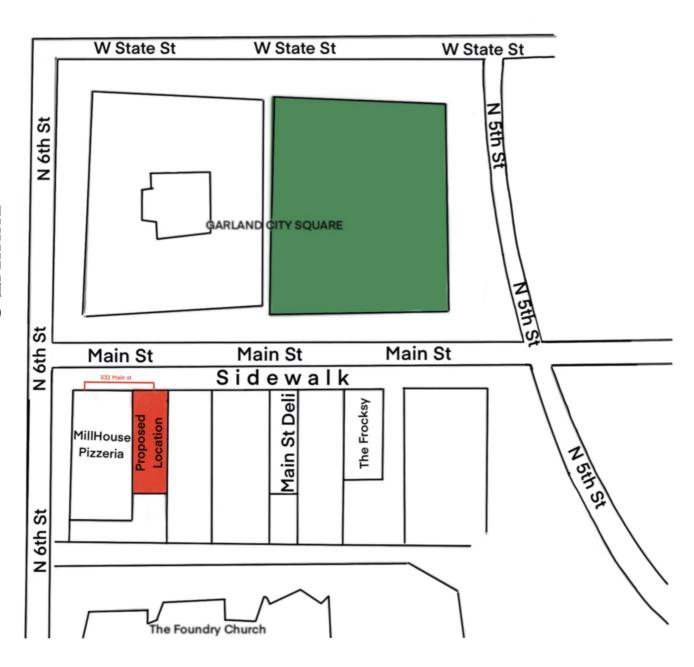
The termination of utilities on the premises for a period of 180 calendar days is prima facie evidence of abandonment and the owner shall have the burden to prove that the Land Use has not been abandoned.

VI. Specific Regulations:

- A. <u>Time Period:</u> The Specific Use Provision shall have a ten (10) year time period.
- B. <u>Site Plan</u>: The Tattooing/Body Piercing Establishment shall conform to the site layout as shown in Exhibit C.
- C. <u>Signage:</u> All signage shall comply with the standards in the Garland Development Code.

Site Plan Momentum Tattoo Case Number 200611-2 532 Main st, Unit A

Building SQFT	2,300
Parking Calculation	1/250gfa= 9.2
Total Building coverage	
Total imprevious Surface	7,260sqft
Legal description	BLK 9 18ft Lot 4 &
Zoning	Historical



REPORT & MINUTES

P.C. Meeting, September 11, 2023

3e & 3f. APPROVED Consideration of the application of **Momentum Tattoo LLC.**, requesting approval of a 1) Specific Use Provision Renewal for a Tattooing/Body Piercing Establishment Use; and 2) a Major Waiver to Table 7-1 of the Garland Development Code regarding the location and special standards of Tattooing/Body Piercing Establishments. This property is located at 532 Main Street, Suite B. (District 2) (Z 23-30)

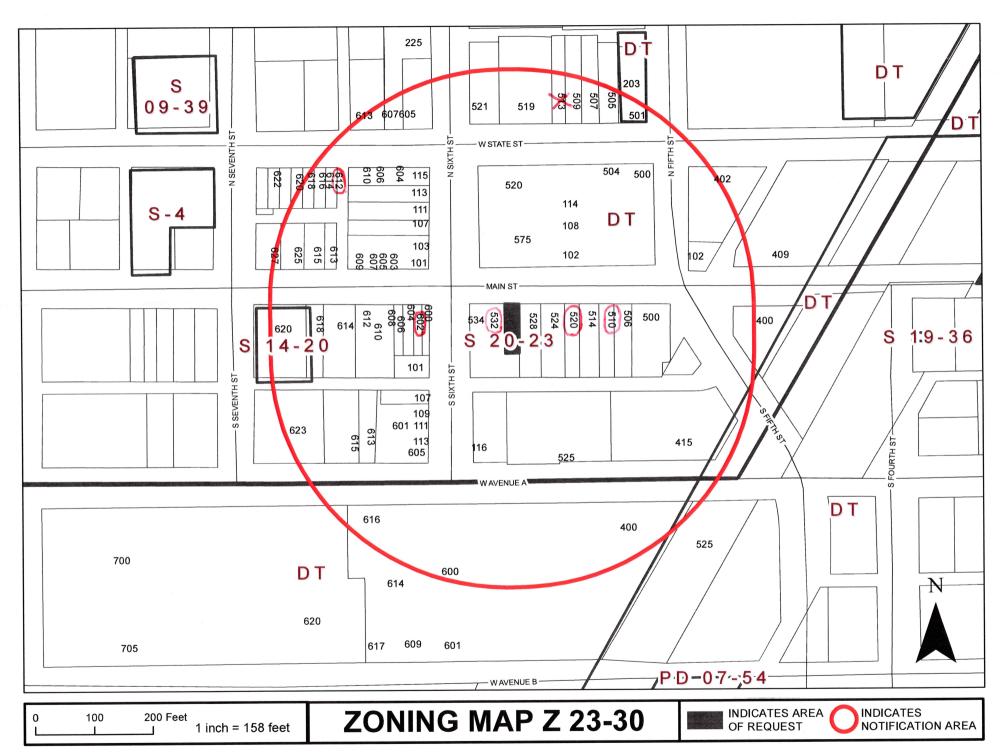
Commissioner Jenkins complimented the applicant on the look of their business.

Chair Roberts informed the applicant that when they first came before the Commission with their proposal, he was not in favor as he did not believe the establishment would be a good fit for the area but was proven wrong.

Commissioner Williams also shared that when the applicant initially came before the Commission, he was against the proposal but was very impressed with the establishment once he visited it.

The applicant, Caitrin Walter, 11920 State Highway 11, Cumby, TX, shared that she is thankful that the Commission is pleased with her establishment.

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



532 Main Street, Suite B

Comment	Form
Z 23-30 Momentum Tattoo LLC. The applicant prop (SUP) for an existing Tattooing Establishment. The (District 2)	23-30 oses a renewal of a Specific Use Provision site is located at 532 Main Street, Suite B.
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Comment Form Continued – Case Z 23-30 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 Momentum Tattoo is

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Comment Form Case Z 23-30

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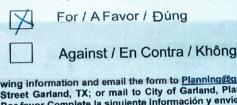
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City, State / Estado de la Ciudad / Thành bang

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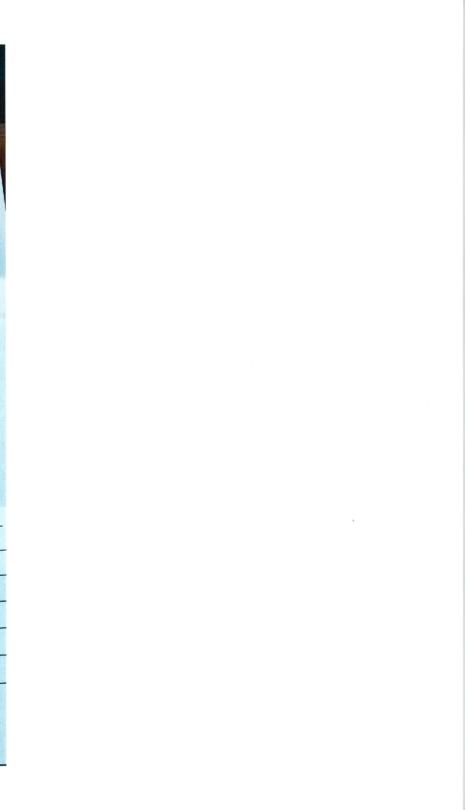
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Comment Form Continued – Case Z 23-30

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

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Comment Form Case Z 23-30

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

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JAMES O. BORCHARDT Property OWNER

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề (Property Owner, Business Owner, Tenant, etc.) / (Dueño de la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chù sở hữu bắt động sắt

nghiệp, Người thuê, v.v.) 513 STATE 57

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Zip Code / Código postal / Mã B u Ohính

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Case Z 23-30 Z 23-30 Momentum Tattoo LLC. The applicant proposes a renewal of a Specific Use Provision (SUP) for an existing Tattooing Establishment. The site is located at 532 Main Street, Suite B. (District 2) Z 23-30 Momentum Tattoo LLC. El solicitante propone una renovación de una Disposición de uso específico (SUP) para un establecimiento de tatuajes existente. El silto está ublcado en 532 Main Street, Suite B. (District 2) Z 23-30 Momentum Tattoo LLC. Người nộp đơn đề xuất gia hạn Điều khoản sử dụng cụ thể (SUP) cho Cơ số xám minh hiện có. Địa điểm tọa lạc tại 532 Main Street, Suite B. (Quận 2) Please Check One Below / Marque uno a continuación / Vui lỏng kiểm tra một bên đười For / A Favor / Đúng Against / En Contra / Không Please complete the following information and email the form to Planning@garlandtx.gov; deliver to the Planning Department at 800 Main Street Garland, TX; or mail to City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002 / Por favor Complete la siguiente información y envie el formulario por correo electrónico a Planning@garlandtx.gov; entregar al Departamento de Planning@garlandtx.gov; deliver to the Planning Department, P.O. Box 469002 Garland, TX 7406-9002 / Por favor Complete la siguiente información y envie el formulario por correo electrónico a Planning@garlandtx.gov; eliver de Planning@garlandtx.gov; deliver to the Planning Department, P.O. Box 469002 Garland, TX 7406-9002 / Vui lòng din đầy đủ thông thi sau và giờ biểu mầu que email tôt planning@garlandtx.gov; giao che Phōng Ké hoạch tại 800 Main Street Garland, TX; to nộc giời thư đến Thành phố Garland, Số Kế hoặch, P.O. Hộp 469002 Garland, TX 75406-9002. EAVIN Ni SUMA, OMBRE Market Department, P.O. Box 469002 Garland, TX 75406-9002. EAVIN Ni SUMA, OMBRE Market Department de la empreso, inquilino, etc.) (Chủ sở hữu bắt động sản, Chủ doanh nghiện khoặt thug, v.) Filo Main Suret Stado de la Ciudad / Thành bang

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The applicant requests approval of a Specific Use Provision Renewal for a Tattooing Establishment on a property zoned Downtown (DT) District & Downtown Square (DS) Sub-District

City Council Meeting

October 10, 2023



CASE INFORMATION

Location: 532 Main Street, Suite B

Applicant: Momentum Tattoo LLC

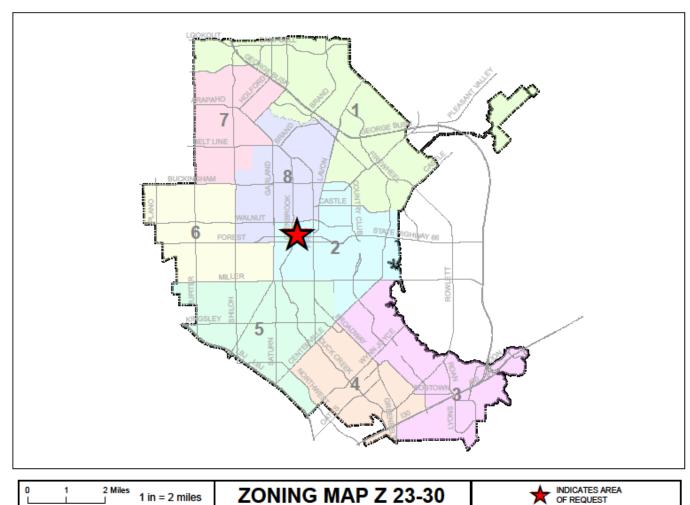
Owner: Porras Enterprise LLC

Square Footage: ~2,300 Square Feet

Zoning: Downtown (DT) District | Downtown Square (DS) Sub-District

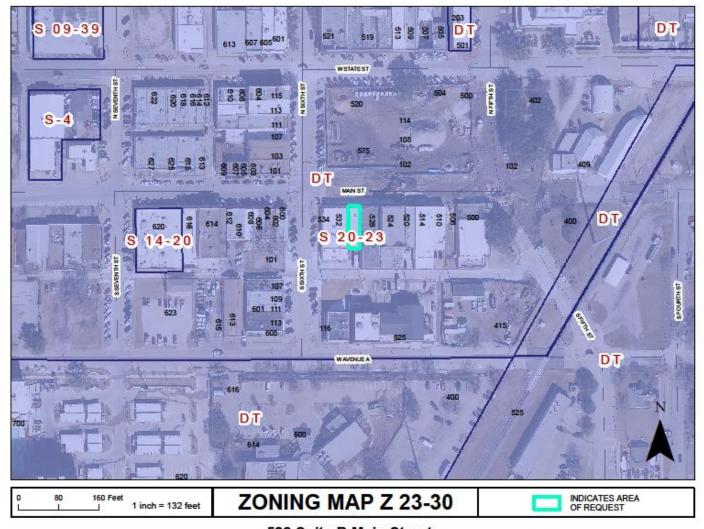


CITYWIDE LOCATION MAP





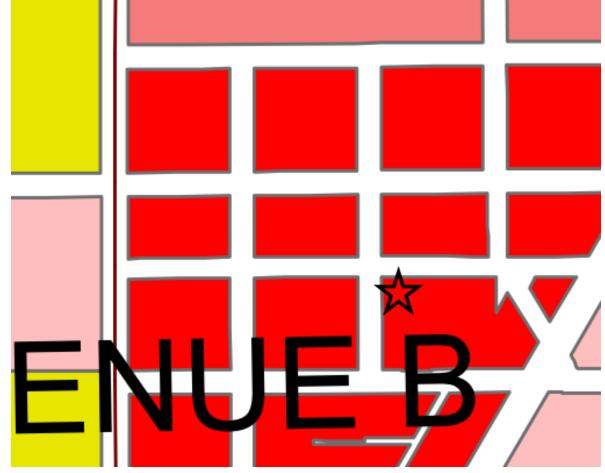
LOCATION MAP





COMPREHENSIVE PLAN

Community Centers





COMPREHENSIVE PLAN

• The Future Land Use Map of the Envision Garland Plan recommend Community Centers for the subject site. Community centers are areas with compact development, primarily non-residential, serving a collection of neighborhoods. This type of development consists of a mix of uses, including retail, services, office use, multi-family residential, and entertainment.

• The proposal is consistent with the Community Centers designation.

Z 23-30



PHOTOS

Z 23-30



View of the subject site looking South from Main Street



View from the subject site looking North across Main Street



PHOTOS





View from the subject site looking West down Main Street View from the subject site looking East down Main Street

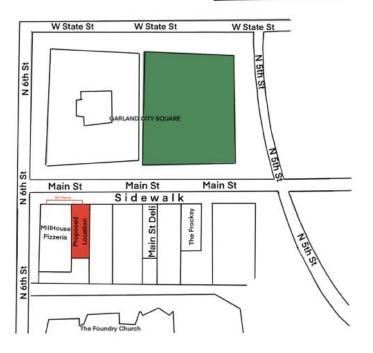


FLOOR PLAN

Site Plan Momentum Tattoo Case Number 200611-2 532 Main st, Unit A

Zoning	Historical
Legal description	BLK 9 18ft Lot 4 & !
Total imprevious Surface	
Total Building coverage	7,260sqft
Parking Calculation	1/250gfa= 9.2
Building SQFT	2,300

Page 5





SPECIFIC USE PROVISION

• The applicant is requesting approval of a ten (10) year duration of the Specific Use Provision. The SUP Time Period Guide recommends five (5) to ten (10) years for a Tattooing/Body Piercing Establishment.



MAJOR WAIVER

- The proposed tattoo shop is located a distance of less than 500 feet from two churches [The Foundry Church is approximately 480 feet away and Lifewell Church is approximately 388 feet away according to the GDC measurement guidelines].
- The Downtown Square is a public open space located directly across Main Street from the subject site, but is not listed as a municipal park by ordinance. The proposed location is more than 500 feet from the nearest existing tattoo shop [Rock Ink Tattoos].



STAFF RECOMMENDATION

Approval of a Specific Use Provision Renewal for a Tattooing/Body Piercing Establishment Use.

Approval of a Major Waiver to Table 7-1 of the Garland Development Code regarding the location and special standards of the Tattooing/Body Piercing Establishments.

Approval of a Downtown Development Plan for a Tattooing/Body Piercing Establishment Use.



PLAN COMMISSION

On September 11, 2023 the Plan Commission, by a vote of seven (7) to zero (0), recommended approval of a Specific Use Provision for a Tattooing/Body Piercing Establishment Use on a property zoned Downtown (DT) District and Downtown Square (DS) Sub-District.

In addition, the Plan Commission approved a Major Waiver to Table 7-1 of the Garland Development Code (GDC) regarding the location and special standards of the Tattooing/Body Piercing Establishments.

The Plan Commission, by a vote of seven (7) to zero (0), also recommended approval of a Downtown Development Plan for a Tattooing/Body Piercing Establishment Use.







City Council Regular Session Agenda

10. b.

Meeting Date: 10/17/2023

Item Title: Z 22-74 NetInversion, LLC (District 4)

Submitted By: Nabiha Ahmed, Lead Development Planner

REQUEST

Approval a Change in Zoning from Multi-Family-1 (MF-1) District to a Planned Development (PD) District for Multi-Family (MF-1) Use.

Approval of a Detail Plan for a multi-family (condominium) development.

LOCATION

5324 Broadway Boulevard

OWNER

NetInversion, LLC

PLAN COMMISSION RECOMMENDATION

On September 25, 2023 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Change in Zoning from Multi-Family-1 (MF-1) District to a Planned Development (PD) District for Multi-Family (MF-1) Use.

The Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Detail Plan for a multi-family (condominium) development.

STAFF RECOMMENDATION

Approval a Change in Zoning from Multi-Family-1 (MF-1) District to a Planned Development (PD) District for Multi-Family (MF-1) Use.

Approval of a Detail Plan for a multi-family (condominium) development.

BACKGROUND

The subject property us currently unimproved. The applicant proposes seventeen (17) condominium units in a townhouse-style configuration.

SITE DATA

The subject property contains approximately 0.99 acres and has approximately ninety-nine (99) linear feet of frontage along Broadway Boulevard. The property can be accessed from Broadway Boulevard and an emergency access is proposed from Loving Drive.

USE OF PROPERTY UNDER CURRENT ZONING

The property is currently zoned Multi-Family-1 (MF-1) District. The multifamily district is an attached residential district intended to promote stable, quality, attached-occupancy residential development in livable, sustainable, and compact residential communities at a maximum density of eighteen dwelling units per acre. The principal allowed land uses include low-rise to mid-rise multiple-family dwelling structures that are renter-occupied or owner-occupied (as in condominiums). Recreational, religious, health, and educational uses normally located to serve residential areas are also allowed in this district. This district should be located adjacent to an arterial or collector street, and can serve as a buffer between nonresidential development or heavy automobile traffic and medium-density or low-density residential development. This district accommodates a variety of housing types including triplexes, quadplexes, apartments, and condominiums. The MF-1 District, as mentioned in certain sections of the Garland Development Code, is intended to accommodate standard multifamily development.

CONSIDERATIONS

1. Detail Plan:

The applicant proposes to construct a total of seventeen (17) multi-family units and three (3) buildings in a townhouse-style configuration.

2. Building Setback

The GDC requires a setback of 1.25 times the maximum building height of the building, when adjacent to single-family residential district. The maximum building height is thirty-seven (37) feet, which calculates to 46.3 feet. The proposed minimum building setback is approximately thirty-one (31) feet and five (5) inches. However, the proposed buildings have a staggered design and the height closest to the single-family residential district is twenty-four (24) feet and six (6) inches, which is approximately thirty-one (31) feet and five (5) inches away from the Single-Family-7 (SF-7) District boundary line. However, the highest point (37 feet) is approximately forty-eight (48) feet from the Single-Family-7 (SF-7) District boundary line.

3. Amenities

- Clubhouse: Section 2.39 (I) states that a minimum 2,500 square-foot clubhouse must be constructed on site and made available to all residents. The applicant is not proposing a clubhouse.
- **Swimming Pool**: One (1) swimming pool having a minimum of eight hundred (800) square feet of surface water must be provided for each multi-family development. The applicant is not proposing a swimming pool.
- Leisure Areas: One leisure areas having a minimum area of one thousand square feet, containing at least two (2) pieces of play equipment, or other outdoor amenities (such as, picnic areas with tables, barbeque pits, arbors, or gazebos) must be provided for each multi-family development. The applicant will comply with this requirement by providing a barbeque grills, pergola, horse shoes and picnic table.

4. Dwelling unit/mix

The submittal materials indicate compliance with the required unit size and mix. More specifically:

Minimum dwelling unit size.

Required three-bedroom: 950 square feet Proposed: 2,000 square feet

Number of units: 17 units

5. Parking

The site plan (Exhibit C) complies with the parking requirements per the GDC. Each unit has a two-car garage, and four surface parking spaces have been proposed for visitors.

6. Screening and Landscaping

The GDC requires forty (40%) percent of the site to be landscaped. The landscape plan (Exhibit D) reflects 26.3% of the lot to be landscaped. However, each unit will have a rooftop that will be landscaped.

The property to the east is residential and screening required between multi-family development and single-family residential development. The GDC offers an ornamental fence with masonry columns, a berm or a masonry wall. The applicant proposes a six (6)-foot cedar wood fence with masonry columns.

In addition, the applicant proposes a wood fence along the rear perimeter of the property.

The existing masonry wall to the west of the property belongs to the existing multi-family. The applicant may repair the wall in the future.

7. Building Design

This multi-family design standards requires a minimum of six (6) architectural elements. The building elevations (Exhibit E) reflects four (4) architectural elements per building. The applicant requests a deviation to maintain the modern contemporary design.

However, the building elevations complies with the articulation standards.

8. Transportation

The Transportation Department did not require a Traffic Impact Analysis, due to the low volume of traffic generated by this development. The Transportation Department has reviewed the project and does not have any concerns.

9. Signage

The applicant is not requesting any signage deviations with this request.

10. Deviations

GDC standard	Required	Proposed	Applicant's Justification
Building Setback	The GDC requires a setback of 1.25 times the maximum building height of the building, when adjacent to single-family residential district. The maximum building height is thirty-seven (37) feet, which calculates to a 46.2 foot setback.	The proposed building setback is approximately thirty-four (34) feet and one (1) inch.	The proposed buildings have a staggered design and the height closest to the single-family residential district is twenty-four (24) feet and six (6) inches, which is approximately thirty-one (31) feet and five (5) inches away from the Single-Family-7 (SF-7) District boundary line.
Amenities	A minimum of 2,500 square-foot clubhouse must be constructed on site and made available to all residents. One (1) swimming pool having a minimum of eight hundred (800) square feet of surface water must be provided for each multi-family development.	Clubhouse and swimming pool not proposed. The applicant proposes amenitized open space as well as private rooftop space, further described in the Justification section.	The proposed developed is small scale townhouse-style configuration. The applicant contends the current open space can be of better use to accommodate a grill pit and open games (as proposed on landscape plan) this will allow this small community to get to know each other as there are only 17 units in the proposed development. Each unit will have its own rooftop patio and terrace.
Screening	The property to the east is residential and screening required between multi-family development and single-family residential development. The	The applicant proposes a six (6)-foot cedar wood fence with masonry columns and landscaping	The proposed fencing will provide more privacy for the residents. The ornamental fence allows for more transparency and the masonry will not leave enough room for landscaping.

and Landscaping	GDC offers an ornamental fence with masonry columns, a berm or a masonry wall. 40% of the site should be landscaped.	26.3% landscaped	In addition to the 26.3% landscaping, the applicant proposes all seventeen (17) rooftops to be landscaped by 19% and increasing the total percentage to 45.3%
Building Design	This multi-family design standards requires a minimum of six (6) architectural elements.	The building elevations (Exhibit E) reflects four (4) architectural elements per building.	The applicant requests a deviation to maintain the modern contemporary design with strong horizontal lines, large glazing, and flat rooftop design. The building elevations reflect recessed entrances and awnings to accommodate some traditional architectural features.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Urban Neighborhood. Urban neighborhoods are higher density residential developments. This residential option may utilize vertical mixed-use integrated into the surrounding area, reflecting the area's dominant character or, when desired, promoting a new character. Urban neighborhoods are characterized by moderate to high density single-family attached and multifamily residential units, greater than 12 dwelling units per acre.

The proposed density is seventeen (17) dwelling units per acre; therefore, this development complies with the Comprehensive Plan.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The properties to the north and west are zoned Multi-Family-1 (MF-1) District; it is developed with an apartment complex. The property to the east is zoned Single-Family-7 (SF-7) District; these properties are developed with single-family homes. The property to the south, across Broadway Boulevard, are zoned Planned Development (PD) District 18-40 for Community Retail Uses; these properties are developed with retail uses.

Attachments

Z 22-74 Location Map

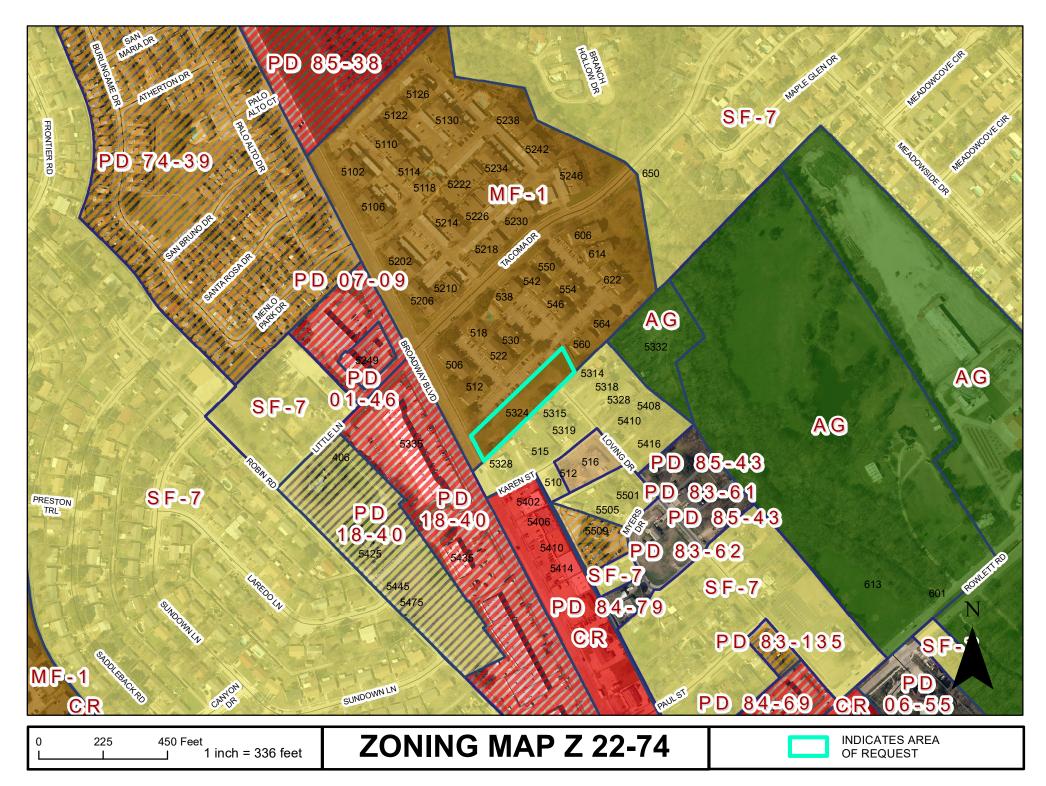
Z 22-74 PD Conditions

Z 22-74 Exhibits

Z 22-74 R&M

Z 22-74 Responses

Z 22-74 Staff Presentation



PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 22-74

5324 Broadway Boulevard

- I. Statement of Purpose: The purpose of this Planned Development is to approve a multi-family (condominium) development.
- II. Statement of Effect: This Planned Development shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations: All regulations of the Multi-Family-1 (MF-1) District as set forth in Chapter 2 of the Garland Development Code are included by reference and shall apply, except as otherwise specified by this ordinance.

IV. Development Plans:

<u>Detail Plan</u>: 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.

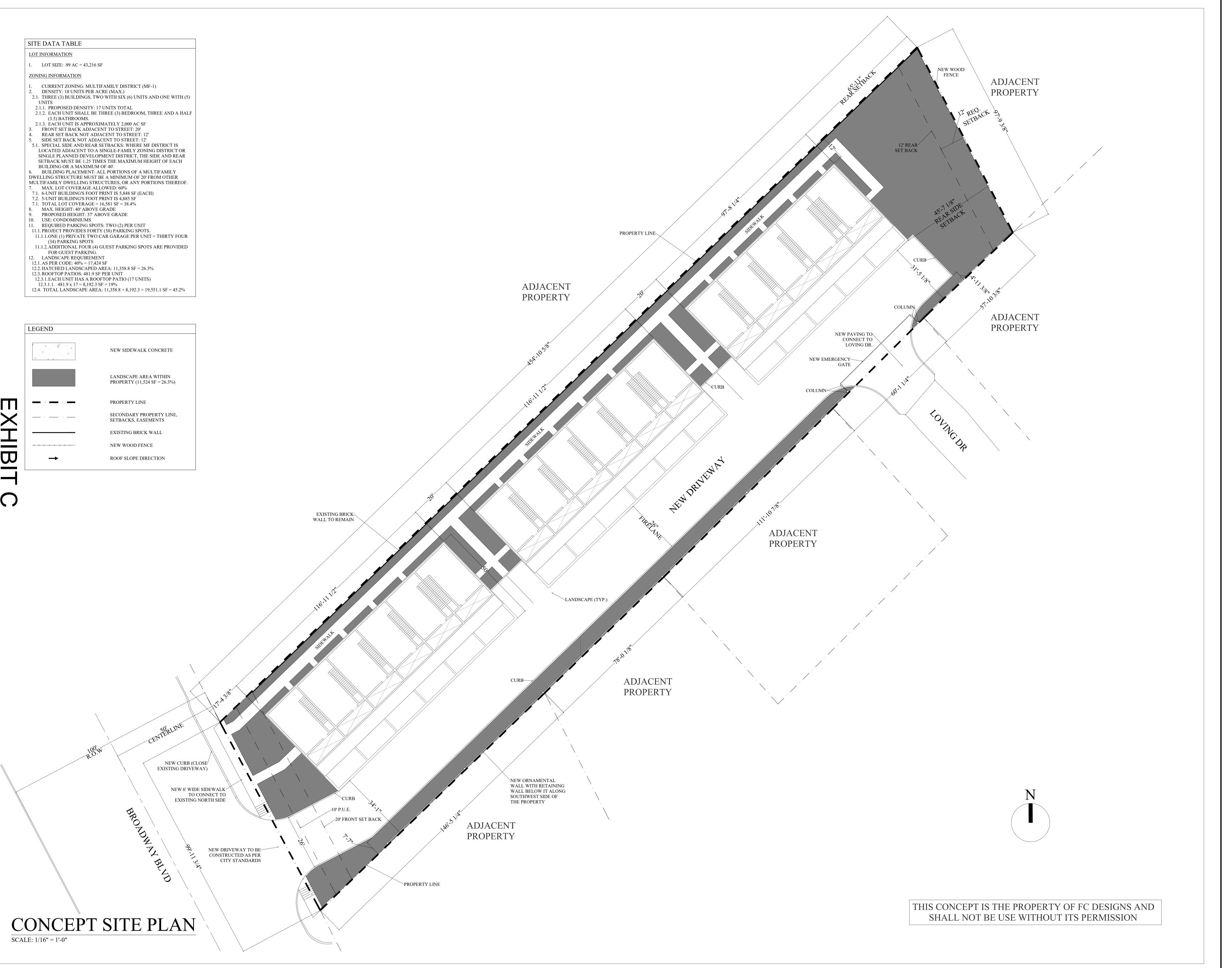
V. Specific Conditions:

- A. <u>Permitted Uses</u>: Land Uses are only permitted as in Multi-Family-1 (MF-1) District.
- B. <u>Site Plan</u>: The site layout, building placement, parking, and other development proposed shall be in general conformance with the approved Site Plan labeled Exhibit C.
- C. <u>Building Setback</u>: The minimum setback from the Single-Family-7 (SF-7) District shall be thirty-one (31) feet as reflected in Exhibit C.

- D. Landscape Plan: Screening and landscaping shall be in general conformance with the landscape plan labeled Exhibit D. A minimum six (6)-foot tall cedar wood fence with masonry columns shall be proposed along the eastern perimeter line, where adjacent to single-family residential.
 - 1. Landscaping must be regularly maintained in a healthy, growing condition and in compliance with this PD Ordinance, the Garland Development Code, the Code of Ordinances of the City of Garland, and the landscaping plan attached hereto at all times. The property owner is responsible for regular weeding, mowing of grass, irrigation, fertilizing, pruning, or other maintenance of all plantings as needed. All exposed ground surfaces on or within the premises shall be properly improved, covered with screening or other approved solid material, or protected with a vegetative growth that prevents soil erosion and ameliorates objectionable dust conditions.
 - 2. Any plant or vegetation that dies must be replaced with another approved plant variety that complies with the approved landscape plan within sixty (60) days after receipt of written notification from the City. In the event the property owner fails to remedy a violation of any landscaping maintenance regulation within sixty (60) days after receipt of written notification from the City, the City may, in addition to any other remedy available by law, withhold future city permits, licenses and/or certificates requested by the property owner for the premises to which such violation applies.
 - 3. Screening and paving must be regularly maintained in compliance with this PD Ordinance, the Garland Development Code, and the Code of Ordinances of the City of Garland at all times. The property owner is responsible for regular maintenance of all screening and paving as needed. In the event the property owner fails to remedy a violation of any screening or paving maintenance regulation within sixty (60) days after receipt of written

notification from the City, the City may, in addition to any other remedy available by law, withhold future city permits, licenses and/or certificates requested by the property owner for the premises to which such violation applies.

E. <u>Elevations</u>: Building Elevations shall be in general conformance with the elevations labeled Exhibit E.





FEDERICO CANOURA FCANOURA@FC-DESIGNS.NET (682) 407-5770

MR. PACHA

ENT:

NDWAY MINIUMS

CONDOMIN

PROPOSED SITE PLAN

NO.	REVISION/ISSUED	DATE
1	SITE PLAN APPROVAL	10/07/22
2	REV 1	12/28/22
3	REV 3	03/20/23
3	REV 4	06/22/23

DRAWN BY: F. CANOURA

CHECKED BY:

DATE: 10-07-22

SCALE: AS NOTED

A1.0



NO LANDSCAPE PLANTINGS

WITHIN 18" OF PARKING

CAUTION!!!

CALL BEFORE YOU DIG:

TEXAS ONE CALL SYSTEMS

1-800-669-8344 EXT. 5

LONE STAR NOTIFICATION CENTER

1-800-344-8377

1-800-245-4545

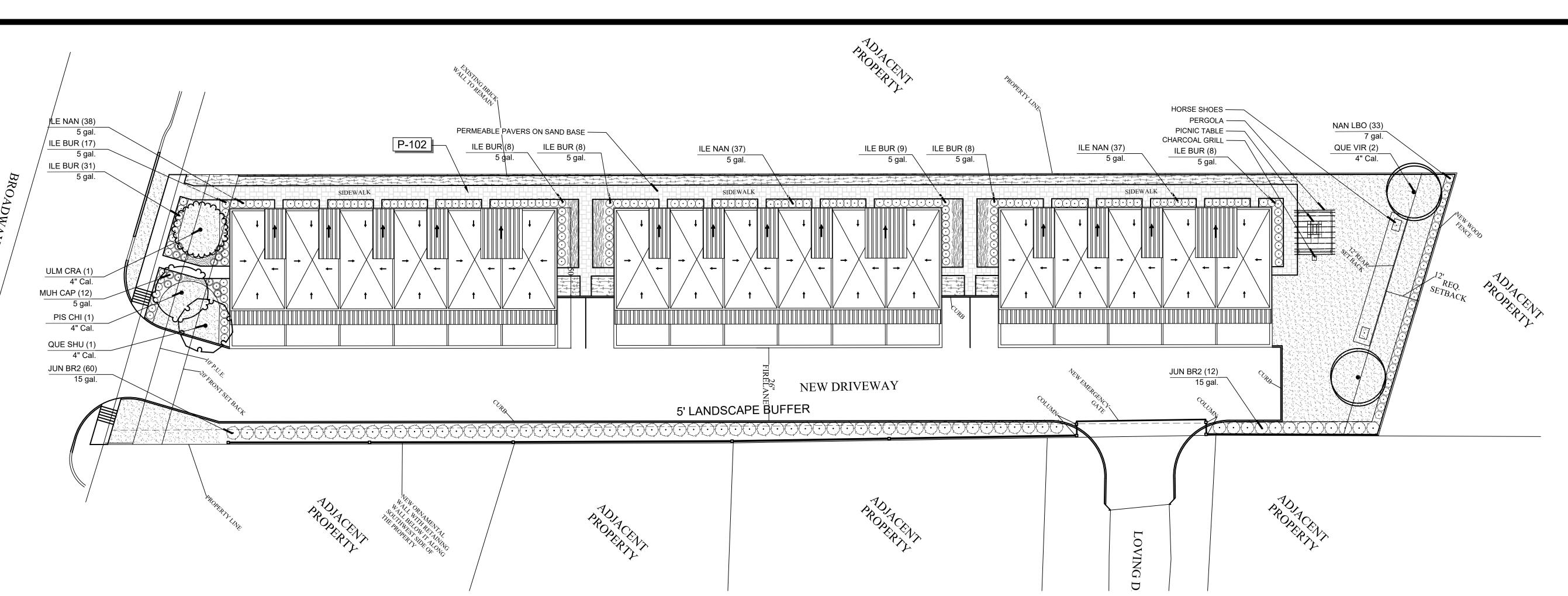
UNDERGROUND UTILITIES ARE LOCATED IN THIS AREA. 48 HOURS PRIOR TO ANY

CONSTRUCTION ACTIVITIES, CONTACT LINE

TEXAS EXCAVATION SAFETY SYSTEM (TESS)

LOT CURBS.

LOCATES FOR FRANCHISE UTILITY INFO.



LANDSCAPE AREA	40% OF SITE SHALL BE LANDSCAPE		
	REQUIRED	PROVIDED	
	43,200 X 40% = 17,280 SF	11,524 SF PLANTING 2,691 SF PERMEABLE DECORATIVE PAVING 9,027 SF ROOFTOP PATIOS 23,242 SF LANDSCAPE AREA	
LANDSCAPE BUFFER	20' LANDSCAPE STREET BUFFER		
	REQUIRED	PROVIDED	
	20'	20'	
STREET TREES AND SHRUB REQUIRED IN	FOR EVERY 30 LF PROVIDE 1 TREE AN	ID 7 SHRUBS	
SETBACKS	REQUIRED (50% MIN. EVERGREEN)	PROVIDED (50% MIN. EVERGREEN)	
	100'/30 X 7 =3 TREE, 23 SHRUBS	3 TREES 29 SHRUBS	
PARKING LOT LANDSCAPE	5% OF PARKING LOT SHALL BE LANDSCAPE		
LANDSCAFE	REQUIRED	PROVIDED	
	NA	NA	
	1 ISLAND W/ TREE AT TERMINUS OF EACH ROW		
	REQUIRED	PROVIDED	
	NA	NA	
INTERIOR PARKING LANDSCAPE	1 TREE PER 10 PARKING SPACES		
LANDSCAFL	REQUIRED	PROVIDED	
	NA	NA	
SCREEN BETWEEN DISTRICTS	SCREENING ZONING DISTRICTS (AS PER	R PLAN)	
DISTRICTS	REQUIRED	PROVIDED	
SOUTHWEST	FENCING (6' MIN. HT)	EXISTING MASONRY FENCING (6' MIN. HT)	
NORTHEAST	FENCING (6' MIN. HT)	WOOD FENCING (6' MIN. HT)	
SOUTHEAST	FENCING (6' MIN. HT)	WOOD FENCING (6' MIN. HT)	

PLANTING NOTES:

- PLANT SIZE, TYPE, AND CONDITION SUBJECT TO APPROVAL OF OWNER'S REPRESENTATIVE.
- ALL PLANT MATERIAL TO BE NURSERY GROWN STOCK.
- . CONTRACTOR RESPONSIBLE FOR MAINTENANCE OF ALL PLANT MATERIAL UNTIL PROJECT ACCEPTANCE.
- 4. ALL CONTAINER GROWN PLANTS TO HAVE FULL, VIGOROUS ROOT SYSTEM, COMPLETELY ENCOMPASSING CONTAINER. 5. ALL PLANTS WELL ROUNDED AND FULLY BRANCHED. ALL TREES WITH SPREAD 2/3 OF
- HEIGHT. 6. CONTRACTOR TO PROVIDE OWNER WITH PREFERRED MAINTENANCE SCHEDULE OF ALL PLANTS AND LAWNS.
- 7. MAINTAIN/PROTECT VISIBILITY TRIANGLE WITH PLANT MATERIAL PER CITY STANDARDS AT ALL ENTRANCES TO SITE.
- 8. PREP ENTIRE WIDTH OF ALL DEFINED PLANTING BEDS WITH MIX AS OUTLINED IN SPECS. WHERE SHRUBS ARE LOCATED ALONG CURB, SET SHRUBS BACK FROM CURB 3 FT. 9. SEE DETAIL SHEET L-8 FOR PLANTING DETAILS.
- 10. CONTRACTOR RESPONSIBLE FOR LOCATION OF ALL UTILITIES, INCLUDING BUT NOT LIMITED TO TELEPHONE, TELECABLE, ELECTRIC, GAS, WATER AND SEWER. ANY DAMAGE TO UTILITIES TO BE REPAIRED BY CONTRACTOR AT NO COST TO OWNER.
- 11. EXISTING TREES ARE SHOWN TO REMAIN, CONTRACTOR SHALL PRUNE WITH APPROVAL OF OWNER AND CITY ARBORIST. WORK TO INCLUDE REMOVAL OF ALL SUCKER GROWTH; DEAD AND DISEASED BRANCHES AND LIMBS; VINES, BRIARS AND OTHER INVASIVE GROWTH; AND ALL INTERFERING BRANCHES, AS WELL AS BRANCHES THAT OBSTRUCT SIGN VISIBILITY. MAKE ALL CUTS FLUSH TO REMAINING LIMB. RETAIN NATURAL SHAPE OF PLANT. ALL WORK SUBJECT TO APPROVAL OF OWNER'S REPRESENTATIVE.
- 12. QUANTITIES ARE PROVIDED AS A COURTESY AND NOT INTENDED FOR BID PURPOSES. CONTRACTOR TO VERIFY PRIOR TO PRICING. 13. INSTALL EDGING BETWEEN LAWN AND PLANTING BEDS. REFER TO SPECIFICATIONS. FILE
- ALL CORNERS SMOOTH. 14. INSTALL CURLEX BLANKET (OR EQUAL) PER MANUFACTURES INSTRUCTIONS ON ALL
- GROUNDCOVER/SHRUB BEDS WITH A SLOPE OF 4;1 OR GREATER. 15. AT TIME OF PLAN PREPARATION, SEASONAL PLANT AVAILABILITY CANNOT BE DETERMINED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO SECURE AND RESERVE
- ALL B&B PLANTS WHEN AVAILABLE IN CASE ACTUAL INSTALLATION OCCURS DURING THE OFF-SEASON. PURCHASE AND HOLD B&B PLANTS FOR LATE SEASON INSTALLATION. 16. BERM ALL PARKING LOT ISLANDS AS SHOWN ON ENCLOSED DETAIL SHEET. (BERMS MAY
- NOT BE SHOWN ON GRADING PLAN.) 17. PRIOR TO TREE PLANTING, CONTRACTOR SHALL STAKE TREE LOCATIONS FOR APPROVAL BY OWNER.
- ALL REQUIRED LANDSCAPE AREAS SHALL BE PERMANENTLY MAINTAINED AND SHALL HAVE AN IRRIGATION SYSTEM INSTALLED MEETING ALL APPLICABLE CITY CODES AND APPROVED BY THE BUILDING OFFICIAL. • AT THE TIME OF PERMITTING, A FULLY AUTOMATIC IRRIGATION SYSTEM DESIGNED BY LICENSED IRRIGATOR WILL BE
- PROVIDED. IRRIGATION SYSTEM SHALL COMPLY TO ALL CODES AND ORDINANCES. TEMPORARY IRRIGATION WILL BE REQUIRED TO ESTABLISH TURF IN ALL OFF SITE DISTURBED AREAS WITHOUT A PERMANENT IRRIGATION SYSTEM.
- HYDRO MULCH IN ALL DISTURBED AREAS AS IDENTIFIED ON GRADING AND EROSION CONTROL PLAN.
- THE PROPERTY OWNER IS RESPONSIBLE FOR REGULAR WEEDING, MOWING, IRRIGATION, FERTILIZING, PRUNING AND OTHER MAINTENANCE OF ALL PLANTINGS. THE REQUIRED LANDSCAPING MUST BE MAINTAINED IN A HEALTHY, GROWING CONDITION AT ALL TIMES.
- IN CASE OF CONFLICT WITH OTHER NOTES OR SPECIFICATIONS, CITY REQUIREMENTS OVER RULE. • THE SITE WILL BE IRRIGATED WITH A BELOW GROUND AUTOMATIC IRRIGATION SYSTEM WITH A FREEZE SENSOR, THAT IS CAPABLE OF PROVIDING THE PROPER AMOUNT OF WATER FOR THE PARTICULAR TYPE OF PLANT MATERIAL USED. • ALL LANDSCAPING WITHIN THE VISIBILITY TRIANGLES SHALL COMPLY WITH THE VISIBILITY TRIANGLE REQUIREMENTS
- AS STATED IN THE CITY CODE. • NO LANDSCAPE PLANTINGS WITHIN 18" OF PARKING LOT CURBS.
- LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR AND SHALL MAINTAIN THE LANDSCAPING FOR 90 DAYS PAST THE
- IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CONFIRM TREE CALIPER MEASUREMENT HEIGHT ABOVE GRADE AS REQUIRED BY CITY.

DI ANT SCHEDI II E

PLANT SCH	IEDULE							
TREES	CODE	<u>QTY</u>	BOTANICAL NAME	COMMON NAME	SIZE	<u>HEIGHT</u>	SPACING	REMARKS
	PIS CHI	1	Pistacia chinensis	Chinese Pistache	4" Cal.	10` Min.	30` O.C. Minimum	Single Straight Trunk
· }	QUE SHU	1	Quercus shumardii	Shumard Oak	4" Cal.	12` Height Min	30` O.C. Minimum	Single Straight Trunk
	QUE VIR	2	Quercus virginiana	Southern Live Oak	4" Cal.	12` Height Min	As Shown	Single Straight Trunk
· 3	ULM CRA	1	Ulmus crassifolia	Cedar Elm	4" Cal.	12` Height Min	As Shown	Single Straight Trunk
SHRUBS	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	<u>HEIGHT</u>	<u>SPACING</u>	<u>REMARKS</u>
2)	ILE BUR	72	llex cornuta 'Burfordii Nana'	Dwarf Burford Holly	5 gal.	24" min.	36" O.C.	
\odot	ILE NAN	100	llex vomitoria 'Nana'	Dwarf Yaupon Holly	5 gal.	18"-24"	36" O.C.	
\odot	JUN BR2	72	Juniperus virginiana 'Brodie'	Brodie Eastern Redcedar	15 gal.	8` Min Ht	60" O.C.	
Manual Company of the	MUH CAP	12	Muhlenbergia capillaris	Pink Muhly Grass	5 gal.		36" O.C.	
\odot	NAN LBO	31	Nandina domestica	Heavenly Bamboo	7 gal.	36" Min	36" O.C.	
GROUND COVERS	CODE	<u>QTY</u>	BOTANICAL NAME	COMMON NAME	SIZE	<u>HEIGHT</u>	SPACING	REMARKS
	CYN DAC	5,029 sf	Cynodon dactylon	Bermudagrass	Solid Sod			
	LIR BIG	408	Liriope muscari 'Big Blue'	Big Blue Lilyturf	4" pots		12" O.C.	
त्वातात्वात्वात्वात्वात्वात्वात्वात्वात्	NAS TEN	16	Nassella tenuissima	Mexican Feather Grass	4" pots		18" O.C.	
	TRA ASI	1,869	Trachelospermum asiaticum	Asiatic Jasmine	4" pots		12" O.C.	

REFERENCE NOTES SCHEDULE

SYMBOL	01 GENERAL DESCRIPTION	<u>QTY</u>	<u>DETAIL</u>
01-01	composite edging	234 If	
SYMBOL	ROCK DESCRIPTION	<u>QTY</u>	<u>DETAIL</u>
K-102	Decomposed Granitr	2.16 cy	
SYMBOL	CONCRETE DESCRIPTION	<u>QTY</u>	DETAIL
P-102	Permeable Paver on sand base	2,692 sf	

TEMPORARY IRRIGATION WILL BE REQUIRED TO ESTABLISH TURF IN ALL DISTURBED AREAS WITHOUT A PERMANENT IRRIGATION SYSTEM. SOD TURF IN ALL DISTURBED AREAS AS IDENTIFIED ON GRADING AND EROSION CONTROL PLANS.

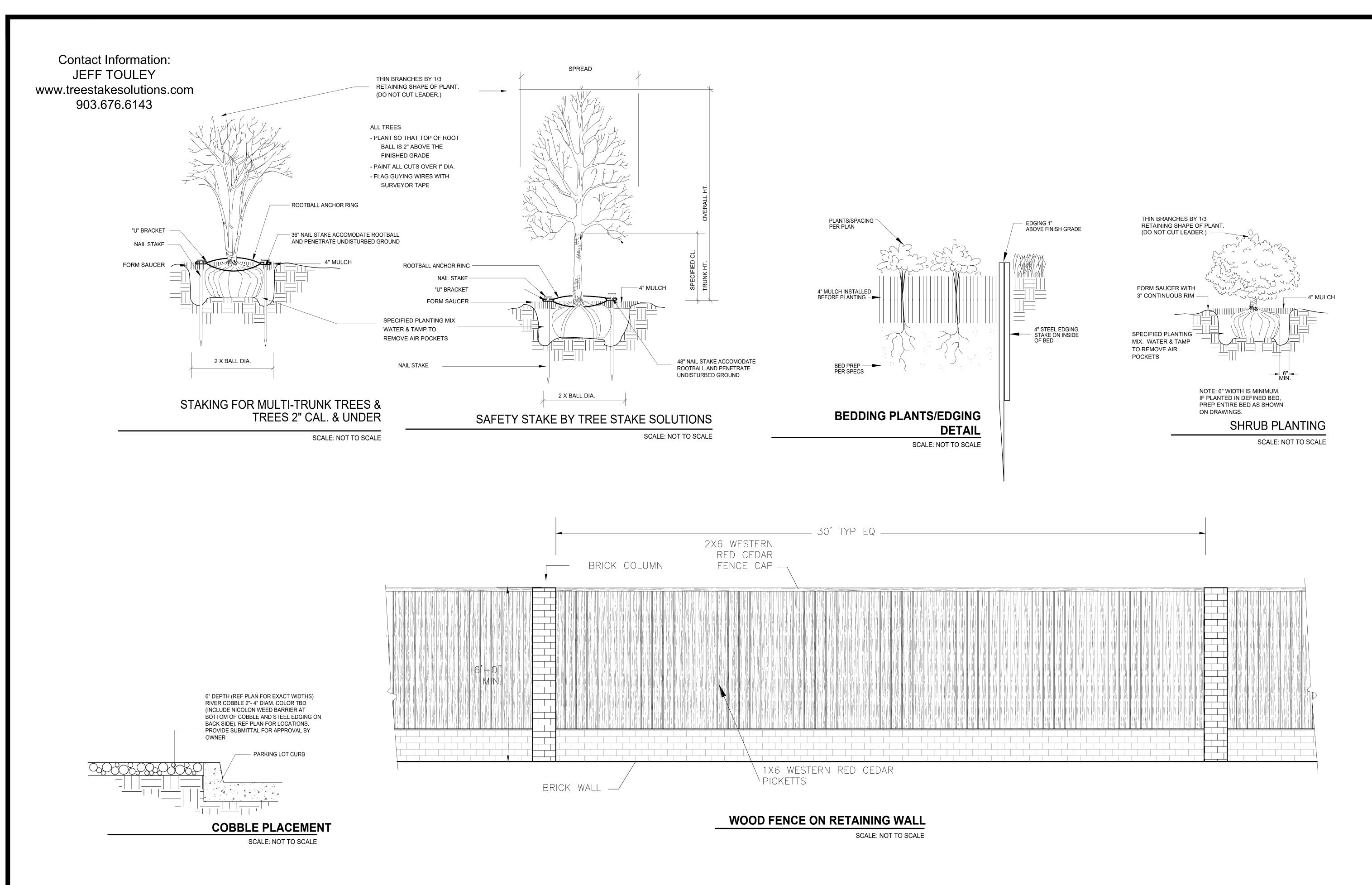
Drawn By <u>GAC</u> Checked By <u>GAC</u>



BEFORE

YOU DIG

Sheet No.



Date <u>MAR 20, 2023</u> Drawn By <u>GAC</u> Checked By <u>GAC</u> Revisions

FAIN • CUPPETT

LANDSCAPE ARCHITECTS, LLC

1921 MAPLEWOOD DRIVE
WEATHERFORD, TEXAS 76087 682-215-9151

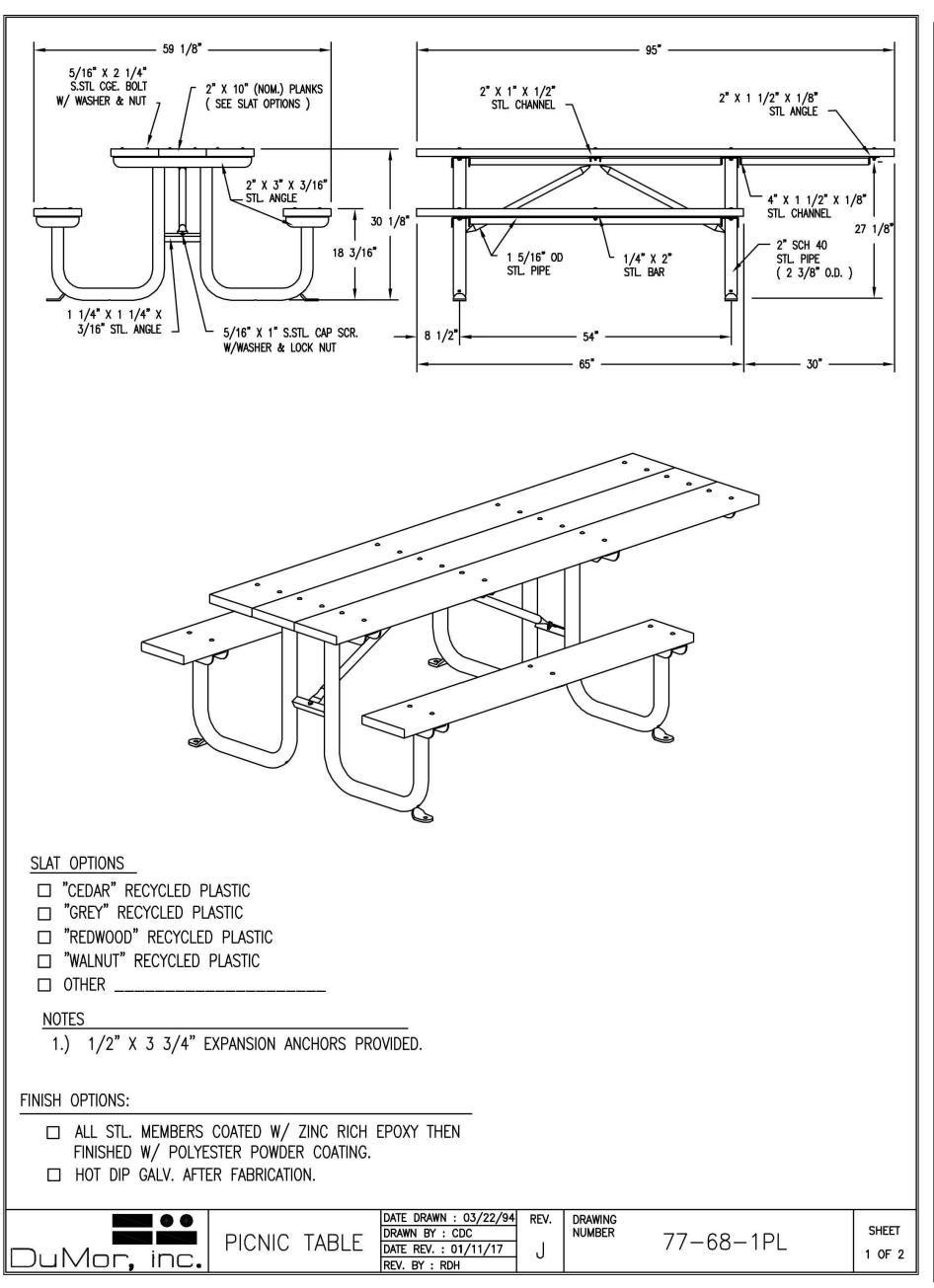
PARKS AND OPEN SPACE PLANNING • LANDSCAPE ARCHITECTURE • IRRIGATION DESIGN

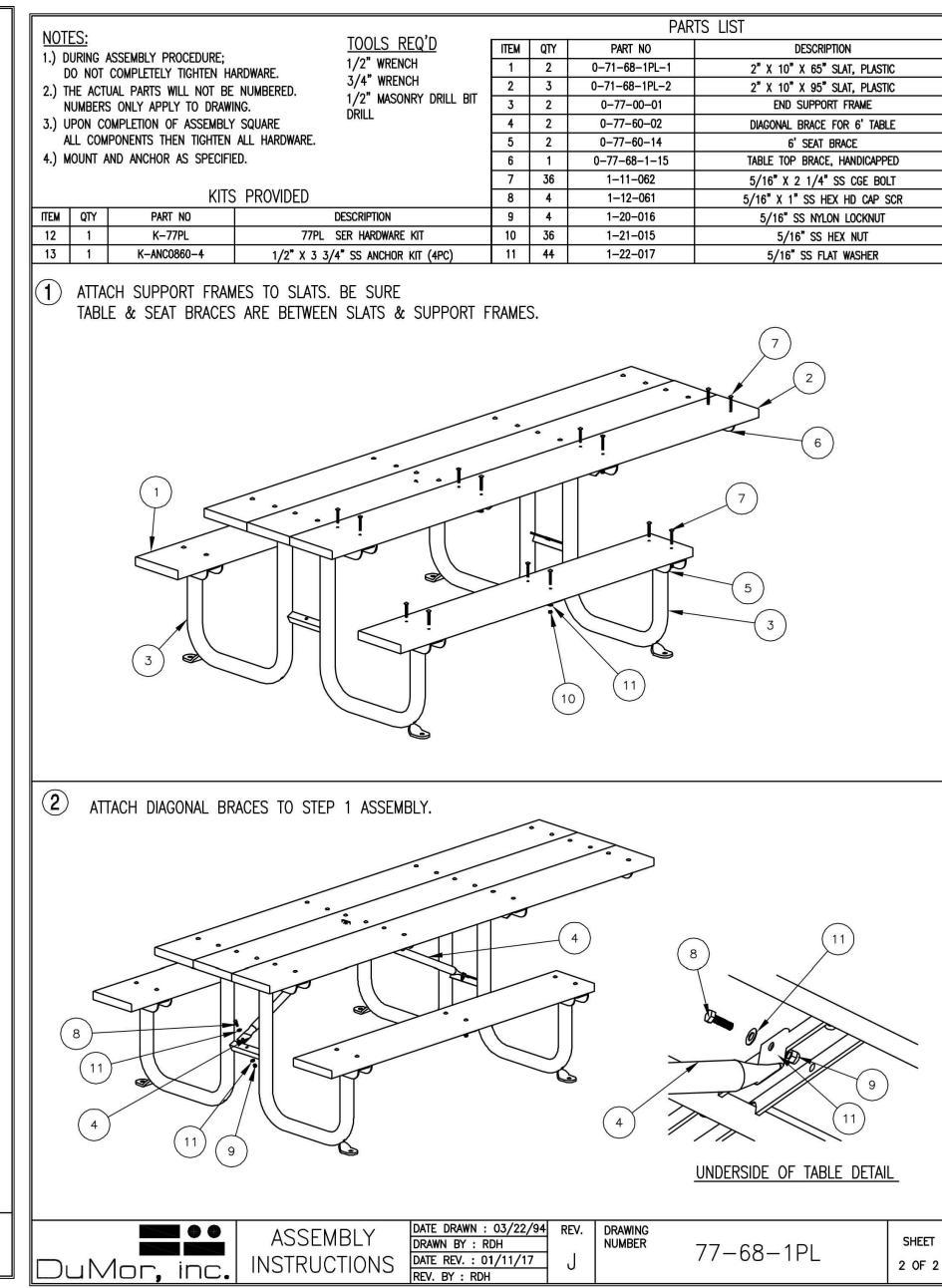


THIS ELECTRONIC DRAWING FILE IS RELEASED UNDER THE AUTHORITY OF GREG CUPPETT, LANDSCAPE ARCHITECT REGISTRATION NUMBER 2672 ON 03/20/23, WHO MAINTAINS THE ORIGINAL FILE. THIS ELECTRONIC DRAWING FILE MAY BE USED AS A BACKGROUND DRAWING. PURSUANT TO RULE 3,103(F) OF THE RULES AND REGULATIONS OF THE TEXAS BOARD OF ARCHITECTURAL EXAMINERS, THE USER OF THIS ELECTRONIC DRAWING FILE AGREES TO ASSUME ALL RESPONSIBILITY FOR ANY MODIFICATION TO ROUSE OF THIS DRAWING FILE THAT IS INCONSISTENT WITH THE REQUIREMENTS OF THE RULES AND REGULATIONS OF THE TEXAS BOARD OF ARCHITECTURAL EXAMINERS. NO PERSON MAY MAKE MODIFICATIONS TO THIS ELECTRONIC DRAWING FILE WITHOUT THE LANDSCAPE ARCHITECT'S EXPRESS WRITTEN PERMISSION.

BROADWAY CONDOS 5324 BROADWAY

Sheet No.



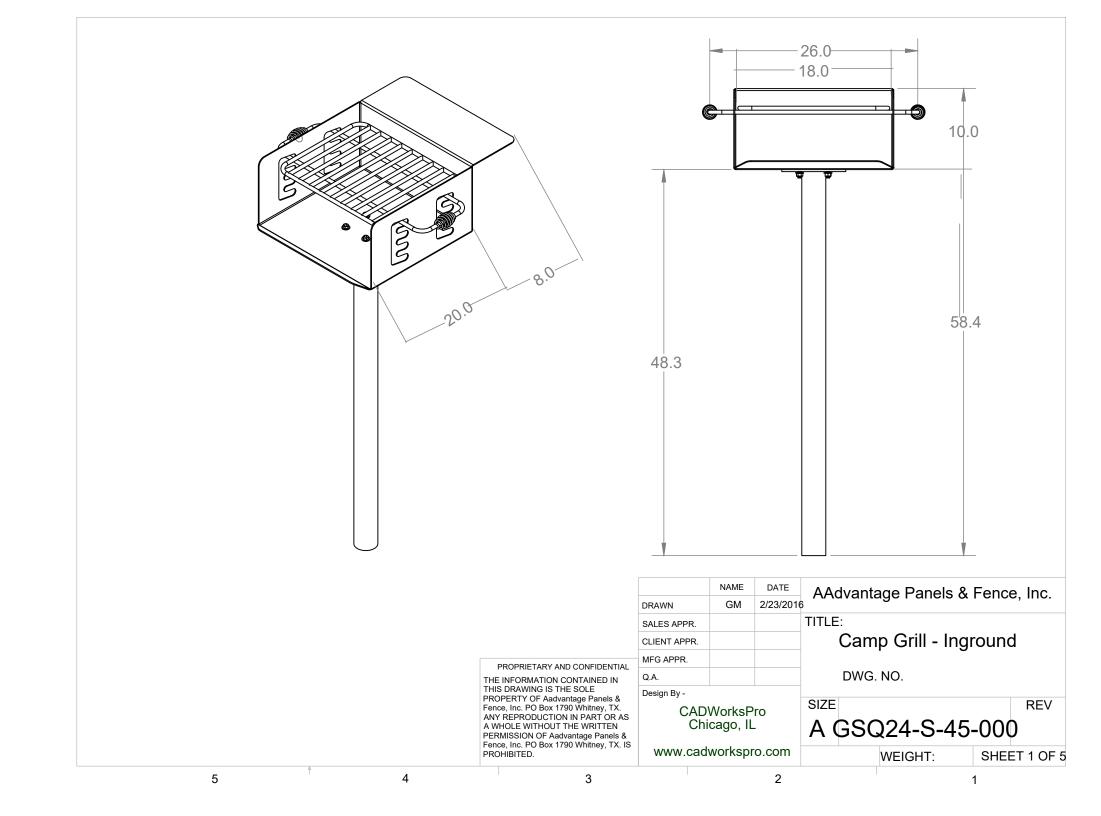


PICNIC TABLE

SCALE: NOT TO SCALE

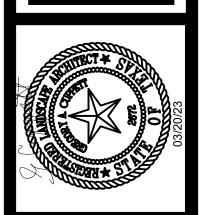
77-68-1PL

2 OF 2

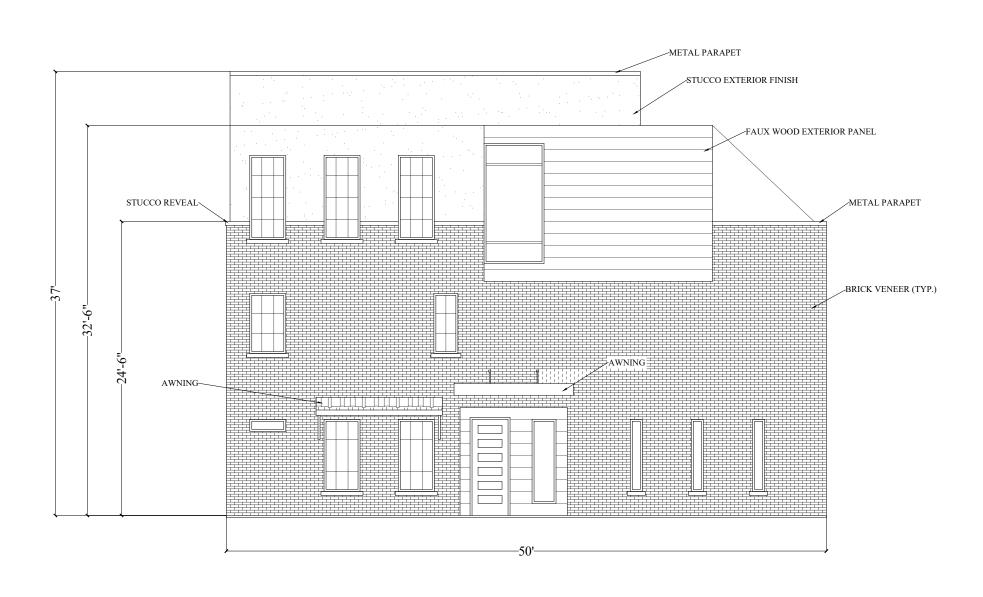


CHARCOAL GRILL SCALE: NOT TO SCALE

Date MAR 20, 2023 Drawn By <u>GAC</u> Checked By <u>GAC</u> Revisions



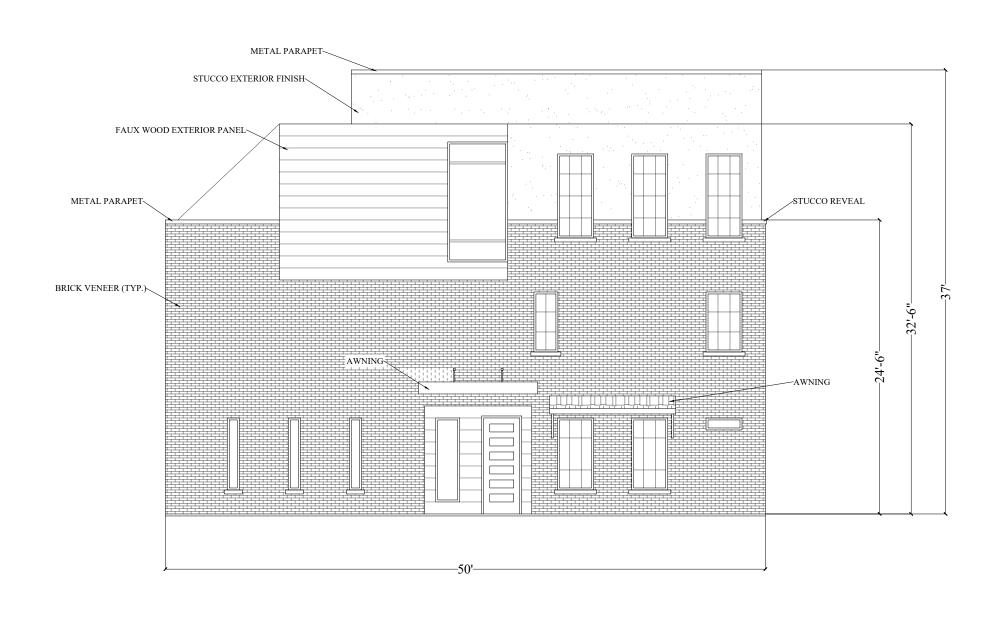
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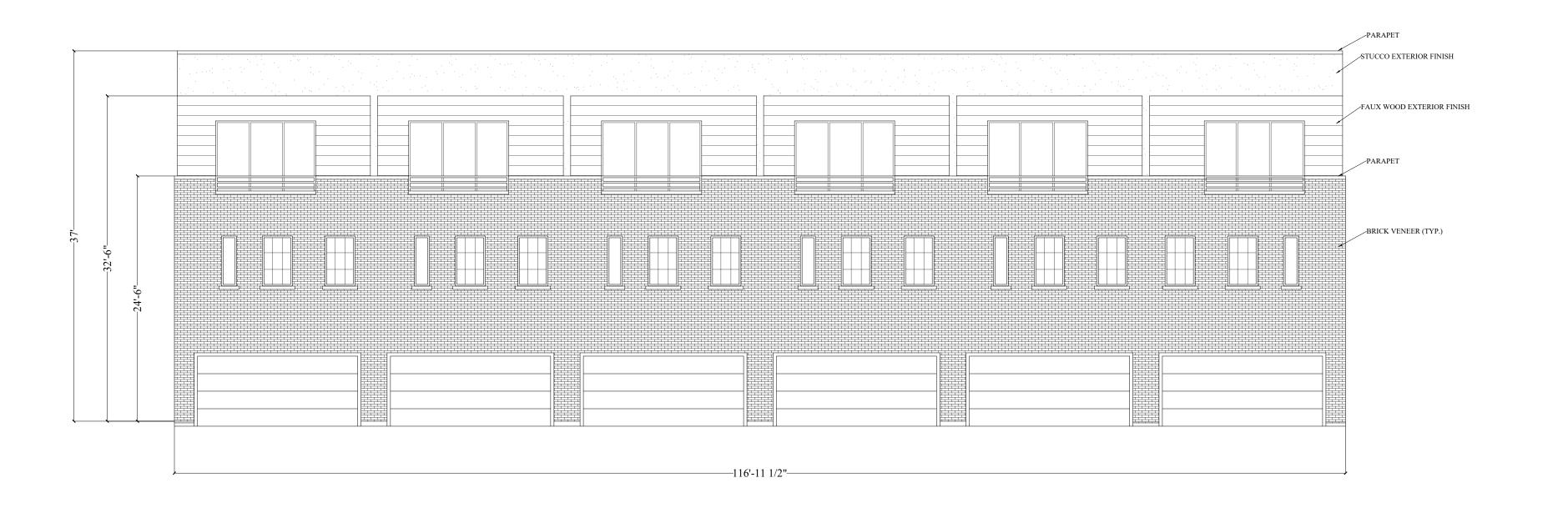
→ FRONT SIDE FLEVATION



SIDEWALK SIDE ELEVATIO



BACK SIDE ELEVATION



DRIVEWAY SIDE ELEVATION

THIS CONCEPT IS THE PROPERTY OF FC DESIGNS AND SHALL NOT BE USE WITHOUT ITS PERMISSION

CONCEPT EXTERIOR ELEVATION - TYPICAL

SCALE: 1/8" = 1'-0"

ARCHITECTURAL DRAFTING AND DESIGNS

FEDERICO CANOURA FCANOURA@FC-DESIGNS.NET (682) 407-5770

MR. PACHA

IENT:

ADWAY MINIUMS

BROADV

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6 UNIT BUILDING EXTERIOR ELEVATION

NO.	REVISION/ISSUED	DATE
1	SITE PLAN APPROVAL	10/07/22
2	REV 1	12/28/22
3	REV 3	03/20/23
3	REV 4	06/22/23

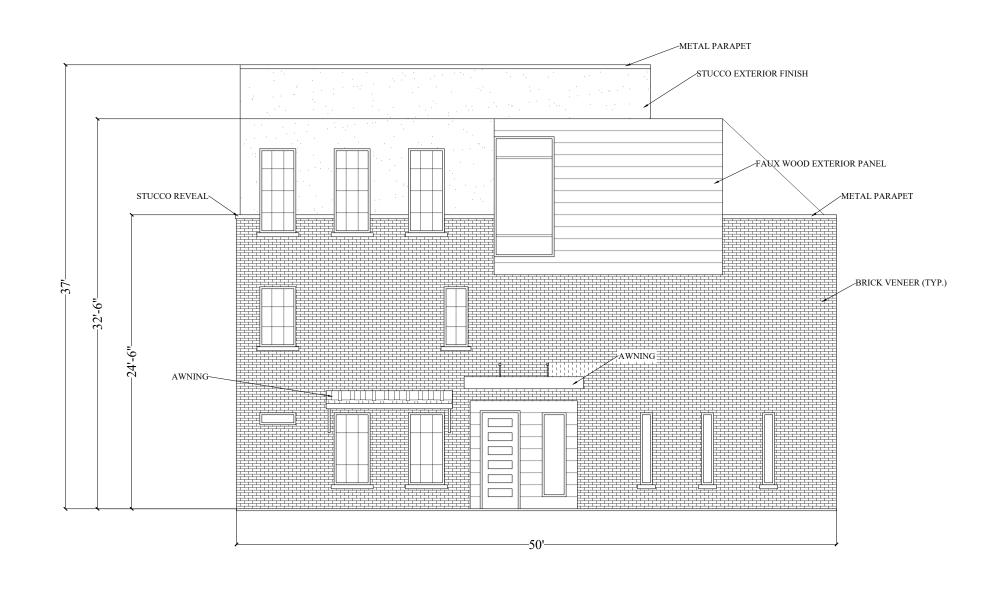
DRAWN BY: F. CANOURA

CHECKED BY:

DATE: 10-07-22

SCALE: AS NOTED

A3.0





01 FRONT SIDE ELEVATION

O2 SIDEWALK SIDE ELEVATION





THIS CONCEPT IS THE PROPERTY OF FC DESIGNS AND SHALL NOT BE USE WITHOUT ITS PERMISSION

CONCEPT EXTERIOR ELEVATION - TYPICAL SCALE: 1/8" = 1'-0"

ARCHITECTURAL DRAFTING AND DESIGNS

FEDERICO CANOURA FCANOURA@FC-DESIGNS.NET (682) 407-5770

5 UNIT BUILDING EXTERIOR ELEVATION

2
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23
23
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DRAWN BY: F. CANOURA

CHECKED BY:

DATE: 10-07-22

SCALE: AS NOTED









COLOR ELEVATION

SCALE: NTS

ARCHITECTURAL DRAFTING AND DESIGNS

FEDERICO CANOURA FCANOURA@FC-DESIGNS.N (682) 407-5770

MR. PACHA

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SHEET TITLE:

COLOR ELEVATIONS

NO.	REVISION/ISSUED	DATE
1	SITE PLAN APPROVAL	10/07/22
2	REV 1	12/28/22
3	REV 3	03/20/23
3	REV 4	06/22/23

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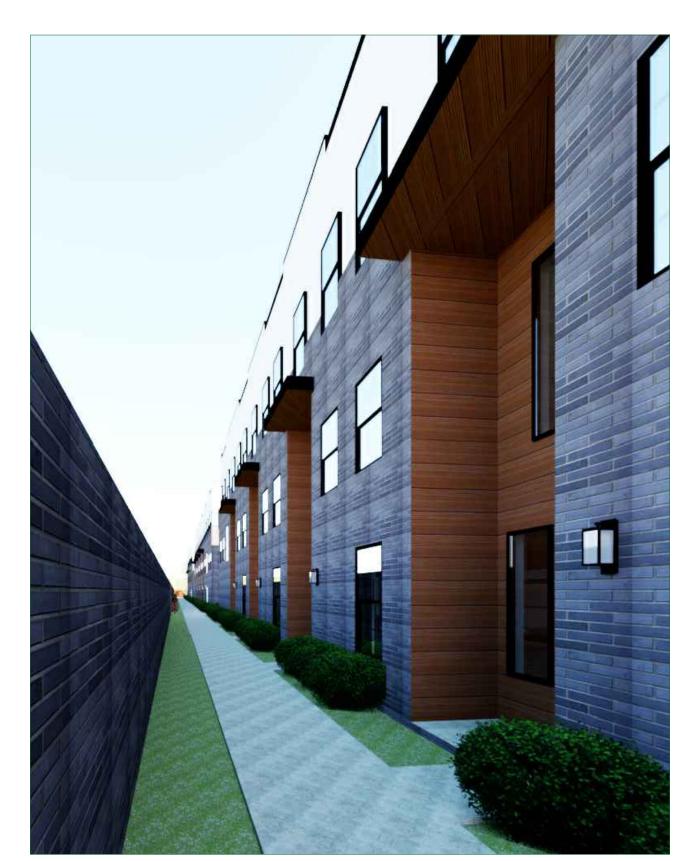
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SCALE: AS NOTED

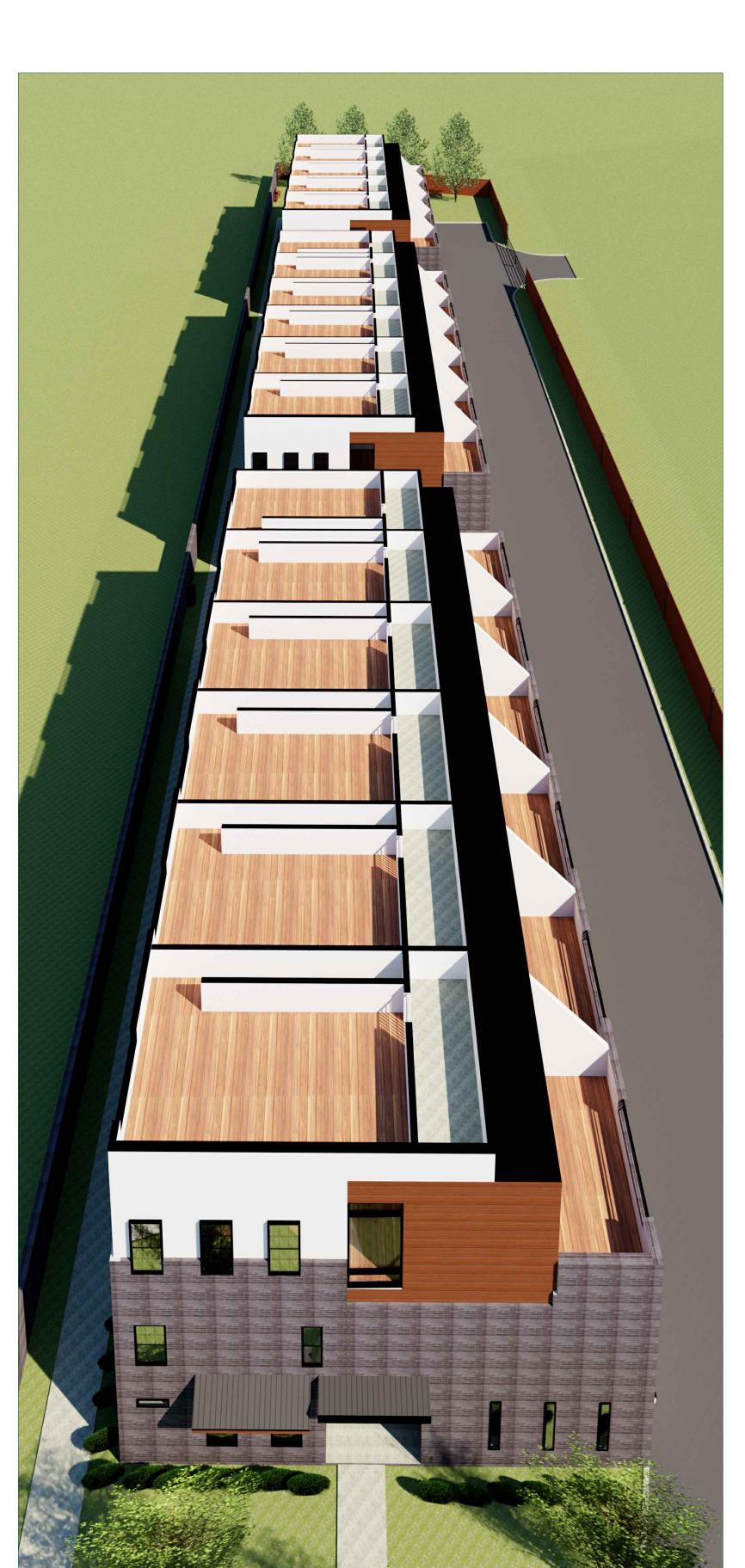
A5.0











ARCHITECTURAL DRAFTING AND DESIGNS

FEDERICO CANOURA FCANOURA@FC-DESIGNS.NET (682) 407-5770

3D PERSPECTIVE STUDY RENDERINGS

NO.	REVISION/ISSUED	DATE
1	SITE PLAN APPROVAL	10/07/22
2	REV 1	12/28/22
3	REV 3	03/20/23
3	REV 4	06/22/23

DRAWN BY: F. CANOURA

CHECKED BY:

DATE: 10-07-22

SCALE: AS NOTED

A6.0

09 OF 11

RENDERINGS SCALE: 1/8" = 1'-0"



PROXIMITY SLOPE STUDY AT SHORTEST DISTANCE

 $\overline{\text{SCALE: } 1/4" = 1'-0"}$

ARCHITECTURAL DRAFTING AND DESIGNS

FEDERICO CANOURA FCANOURA@FC-DESIGNS.NET (682) 407-5770

MR. PACHA

CLIENT:

OADWAY JOMINIUMS

PROJECT:

PROXIMITY SLOPE

 STUDY

 NO.
 REVISION/ISSUED
 DATE

 1
 SITE PLAN APPROVAL
 10/07/22

 2
 REV 1
 12/28/22

 3
 REV 3
 03/20/23

DRAWN BY: F. CANOURA

CHECKED BY:

DATE: 10-07-22

SCALE: AS NOTED

A4.0

REPORT & MINUTES

P.C. Meeting, September 25, 2023

3c & 3d. APPROVED Consideration of the application of **NetInversion**, **LLC.**, requesting approval of a 1) Change in Zoning from Multi-Family-1 (MF-1) District to a Planned Development (PD) District for Multi-Family (MF-1) and 2) a Detail Plan for a multi-family development. This property is located at 5324 Broadway Boulevard. (District 4) (Z 22-74)

The applicant, Federico Canouva, 390 E. Oakenwald #134, Dallas, TX 75203, gave an overview of the request and remained available for questions.

Commissioner Jenkins asked the applicant if he could speak to the decision-making process regarding the overall design of the development, the idea for the landscaping on the top floor and whether there would be an HOA for the development.

The applicant explained that the decision was made due to the narrow size of the lot and the adjacent single-family and multi-family homes nearby. Things that were taken into consideration were providing a fire lane, access into the lot and setback requirements. Once these things were identified, it became clear that the development needed to be three stories but still met the setback requirements. In regard to the landscaping, the applicant explained that the goal was to provide grassy areas where cement had taken its place. The applicant also explained that the development would have an HOA in place that would maintain the landscaping but the patios would be the responsibility of the tenants. He also added that an access door would be available for only emergency vehicles and the trash collection company.

Chair Roberts thanked the applicant for the staggered design of the development and asked about the divided light in the windows and whether the applicant would possibly want to leave those out for a more contemporary look.

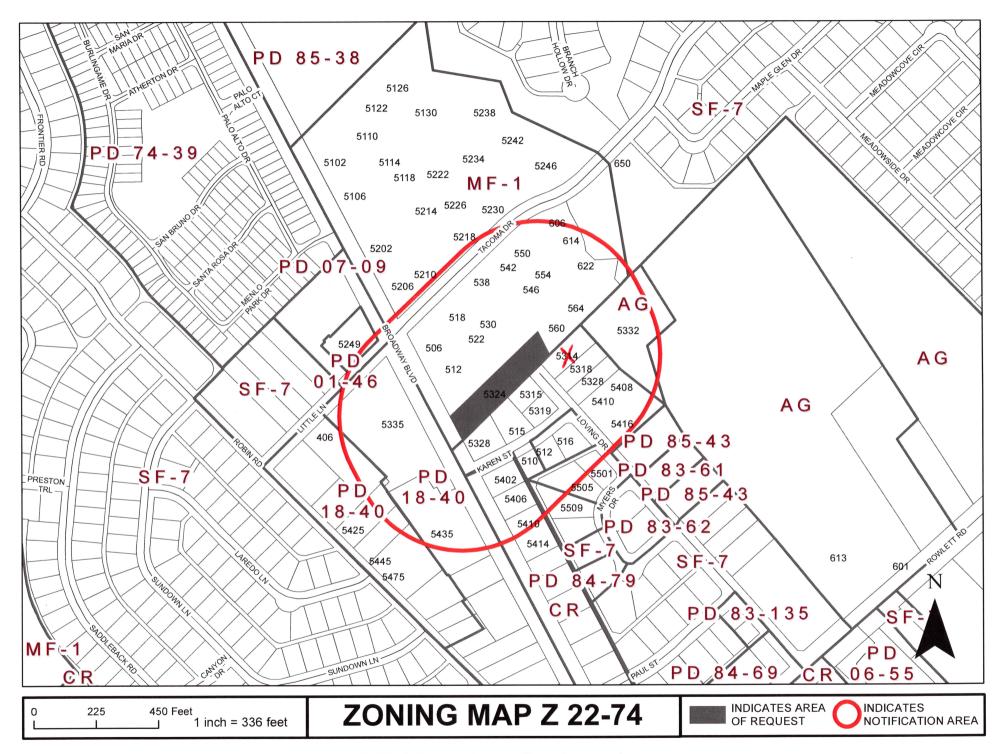
The applicant stated that the recommendation would definitely be taken into consideration.

Commissioner Jenkins asked a question for staff regarding the lighting for the property and if it was sufficient.

Staff indicated that a Photometric Plan was reviewed and there are no concerns at this time.

Commissioner Dalton thanked the applicant for their efforts in working to put something on this tough property.

Motion was made by Commissioner Jenkins to close the public hearing and **approve** the application as presented. Seconded by Commissioner Williams. **Motion carried**: **9** Ayes, **0** Nays.



Comment Form Case Z 22-74

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For / A Favor / Đúng	
Against / En Contra / Không Please complete the following information and email the form to Planning@garlandtx.gov ; deliv Department at 800 Main Street Garland, TX; or mail to City of Garland, Planning Department,	P.U. DUX 403002
Garland, TX 75406-9002./ Por favor Complete la siguiente información y envíe el formulario por da Planning@garlandtx.gov; entregar al Departamento de Planificación en 800 Main Street Garla por correo a City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002./ Vu thông tin sau và gửi biểu mẫu qua email tới Planning@garlandtx.gov; giao cho Phòng Kế hoạch (Garland, TX; hoặc gửi thư đến Thành phố Garland, Sở Kế hoạch, P.O. Hộp 469002 Garland, TX 7	i lòng điền đầy đủ tại 800 Main Street
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Comment Form Continued – Case Z 22-74

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

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The reason is not against the issue, it is because we need a green plan to send the storm drain to the corresponding place without affecting my properties.

Case Z 22-74 Comment Form Outside the Notification Area

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phát triển. Địa điểm tọa lạc tại 5324 Broadway Boulevard. (Q	uận 4)
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(Providing email address and phone number is optional. / La dirección de correo electrónico y el número de teléfono son opcionales. / Địa chỉ

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Please complete the following information and email Department at 800 Main Street Garland, TX; or mai Garland, TX 75406-9002./ Por favor Complete la sigui a Planning@garlandtx.gov; entregar al Departament por correo a City of Garland, Planning Department, P hông tin sau và gửi biểu mẫu qua email tới Planning	En Contra / Không I the form to Planning@garlandtx.gov; deliver to the Planning I to City of Garland, Planning Department, P.O. Box 46900 iente información y envíe el formulario por correo electrónico de Planificación en 800 Main Street Garland, TX; o envíe I.O. Box 469002 Garland, TX 75406-9002./ Vui lòng điền đầy đ@garlandtx.gov; giao cho Phòng Kế hoạch tại 800 Main Street Kế hoạch, P.O. Hộp 469002 Garland, TX 75406-9002.
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Your Property Address / La dirección de su propiedad	d / địa chỉ tài sản
Garland TX	24, 34, 9777
City, State / Estado de la Ciudad / Thành bang	
75040	
Zip Code / Código postal / Mã B u Ohính	
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Signature / Firma / Ch ữ ký	Date / Fecha / Ngày
Providing email address and phone number is optional. / La direct	ción de correo electrónico y el número de teléfono son opcionales. / Địa chỉ

email và số điện thoại là tùy chọn.)

Comment Form Case Z 22-74 Putside the Notification Area

Z 22-74 NetInversion, LLC. The applicant proposes to construct seventeen (17) condominium dwelling units in a townhouse-style configuration. The property is currently zoned Multi-Family-1 (MF-1) District; however, the applicant proposes a Planned Development and Detail Plan for the development. The site is located at 5324 Broadway Boulevard. (District 4)

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

Fo	or / A Favor / Đúng
Please complete the following information Department at 800 Main Street Garland, Garland, TX 75406-9002. Por favor Compa Planning@garlandtx.gov; entregar al Dipor correo a City of Garland, Planning De thông tin sau và gửi biểu mẫu qua email t	gainst / En Contra / Không on and email the form to <u>Planning@garlandtx.gov</u> ; deliver to the Planning TX; or mail to City of Garland, Planning Department, P.O. Box 469002 Dete la siguiente información y envíe el formulario por correo electrónico Departamento de Planificación en 800 Main Street Garland, TX; o envíelo Epartment, P.O. Box 469002 Garland, TX 75406-9002./ Vui lòng điền đầy đủ Bráy Planning@garlandtx.gov; giao cho Phòng Kế hoạch tại 800 Main Street Tố Garland, Sở Kế hoạch, P.O. Hộp 469002 Garland, TX 75406-9002.
Jose A velasquez	
Printed Name & Title / Nombre Impreso	
(Property Owner, Business Owner, Tenant, etc.) / (Duer nghiệp, Người thuế, v.v.)	ño de la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bắt động sản, Chủ doanh
2001 Oak Creek Ct	
Your Property Address / La dirección de s	su propiedad / địa chỉ tài sản
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Comment Form Case Z 22-74 Outside the Notification Area

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Please Check One Below / Marque uno a continuación / Vui lòng kiểm tra một bên dưới
For / A Favor / Đúng
Against / En Contra / Không Please complete the following information and email the form to Planning@garlandtx.gov ; deliver to the Planning Department at 800 Main Street Garland, TX; or mail to City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002./ Por favor Complete la siguiente información y envíe el formulario por correo electrónico a Planning@garlandtx.gov; entregar al Departamento de Planificación en 800 Main Street Garland, TX; o envíeto por correo a City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002./ Vui lòng điền đầy để thông tin sau và gửi biểu mẫu qua email tới Planning@garlandtx.gov; giao cho Phòng Kế hoạch tại 800 Main Street Garland, TX; hoặc gửi thư đến Thành phố Garland, Sở Kế hoạch, P.O. Hộp 469002 Garland, TX 75406-9002.
Luis C. Santeina
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 thuế, v.v.)
Your Property Address / La dirección de su propiedad / địa chỉ tài sản
Garland TX
City, State / Estado de la Ciudad / Thành bang
75044
Zip Code Código postal / Mã B u Ohính
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Signature / Firma / Ch ữ ký Date / Fecha / Ngày
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Comment Form

Case Z 22-74

Outside the Notification Area

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Please Check One	Below / Marque uno a continuación / Vui lòng kiểm tra một bên dưới
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ERICA MEDEL	ROS
Printed Name & Title / No	mbre Impreso y Título / Tên in và Tiêu đề
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email và số điện thoại là tùy chọn.)

Comment Form

Case Z 22-74

Outside the Notification Area

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Please complete the following information ar Department at 800 Main Street Garland, TX; Garland, TX 75406-9002./ Por favor Complete a Planning@garlandtx.gov; entregar al Department correo a City of Garland, Planning Depart thông tin sau và gửi biểu mẫu qua email tới P	nst / En Contra / Không nd email the form to Planning@garlandtx.gov; deliver to the Planning or mail to City of Garland, Planning Department, P.O. Box 469002 la siguiente información y envíe el formulario por correo electrónico rtamento de Planificación en 800 Main Street Garland, TX; o envíelo tment, P.O. Box 469002 Garland, TX 75406-9002./ Vui lòng điền đầy đủ lanning@garlandtx.gov; giao cho Phòng Kế hoạch tại 800 Main Street rland, Sở Kế hoạch, P.O. Hộp 469002 Garland, TX 75406-9002.
SAUNDRA L. GUEST, FR	
Printed Name & Title / Nombre Impreso y Tít	ulo / Tên in và Tiêu đề
(Property Owner, Business Owner, Tenant, etc.) / (Dueño de nghiệp, Người thuế, v.v.)	la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bất động sản, Chủ doanh
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Signature / Firma / Ch ữ ký	Date / Fecha / Ngày

(Providing email address and phone number is optional. / La dirección de correo electrónico y el número de teléfono son opcionales. / Địa chỉ

email và số điện thoại là tùy chọn.)

Comment Form Continued – Case Z 22-74

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

Case Z 22-74 Outside the Notification Area

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Please Check One Below / Marque uno a continuación / Vui lòng kiểm tra một bên dưới
For / A Favor / Đúng
Against / En Contra / Không Please complete the following information and email the form to

Comment Form Continued – Case Z 22-74

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

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Comment Form Case Z 22-74 Outside the Notification Area

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Fo	or / A Favor / Đúng	g	
Please complete the following information Department at 800 Main Street Garland, Garland, TX 75406-9002./ Por favor Compa Planning@garlandtx.gov; entregar al Dipor correo a City of Garland, Planning Dethông tin sau và gửi biểu mẫu qua email trugarland, TX; hoặc gửi thư đến Thành phố	IX; or mail to City of G plete la siguiente informac pepartamento de Planifica partment, P.O. Box 46900 ói Planning@garlandtx.g	Planning@garlandtx.gov; carland, Planning Depart ción y envíe el formulario ación en 800 Main Street D2 Garland, TX 75406-900	ment, P.O. Box 469002 por correo electrónico Garland, TX; o envíelo 2./ Vui lòng điền đầy đủ
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(Providing email address and phone number is optional. / La dirección de correo electrónico y el número de teléfono son opcionales. / Địa chi email và số điện thoại là tùy chọn.)

City, State / Estado de la Ciudad / Thành bang

Zip Code / Código postal / Mã B u

Santa Physical Physic

Comment Form Continued – Case Z 22-74

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It will be an improvement for the City of Garland

There will be a source of work while the project is built and finished

There will be living space for families who wish to live in Garland

Comment Form Outside the Notification Area Case Z 22-74

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Please Check One Below / Marque uno a	a continuación / Vui lòng kiểm tra một bên dưới
For / A F	avor / Đúng
Department at 800 Main Street Garland, TX; or modernation and em Department at 800 Main Street Garland, TX; or modernation and England, TX 75406-9002./ Por favor Complete la signation processed a Planning@garlandtx.gov; entregar al Departament, por correo a City of Garland, Planning Department, hong tin sau và gửi biểu mẫu qua email tới Planning	En Contra / Không ail the form to Planning@garlandtx.gov; deliver to the Planning ail the form to Planning@garlandtx.gov; deliver to the Planning ail to City of Garland, Planning Department, P.O. Box 46900 guiente información y envíe el formulario por correo electrónicento de Planificación en 800 Main Street Garland, TX; o envíe P.O. Box 469002 Garland, TX 75406-9002./ Vui lòng điền đầy động@garlandtx.gov; giao cho Phòng Kế hoạch tại 800 Main Street, Sở Kế hoạch, P.O. Hộp 469002 Garland, TX 75406-9002.
Printed Name & Title / Nombre Impreso y Título / T	- Tân in và Tiâu đầ
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Your Property Address / La dirección de su propied	lad / địa chỉ tài sản
CARLARA TX 7504C	
City, State / Estado de la Ciudad / Thành bang	
75040	<u> </u>
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Comment Form Case Z 22-74

Outside the Notification Area

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Comment Form Continued – Case Z 22-74

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

I HAVE lived in GARLAND SINCE 1996.	IHAVE
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Comment Form Case Z 22-74

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The applicant proposes to construct seventeen (17) condominium units in a townhouse-style configuration.

City Council Meeting

October 17, 2023



CASE INFORMATION

Location: 5324 Broadway Boulevard

Applicant: NetInversion, LLC

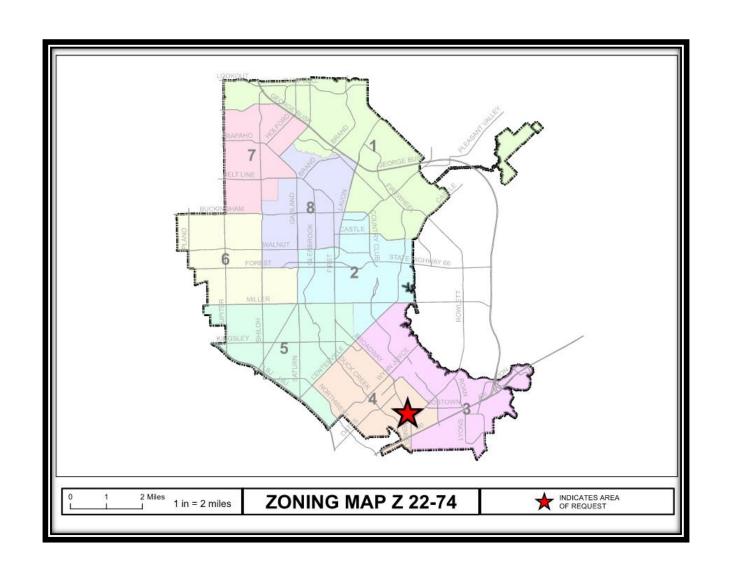
Owner: NetInversion, LLC

Acreage: 0.99 acres

Zoning: Multi-Family-1 (MF-1) District

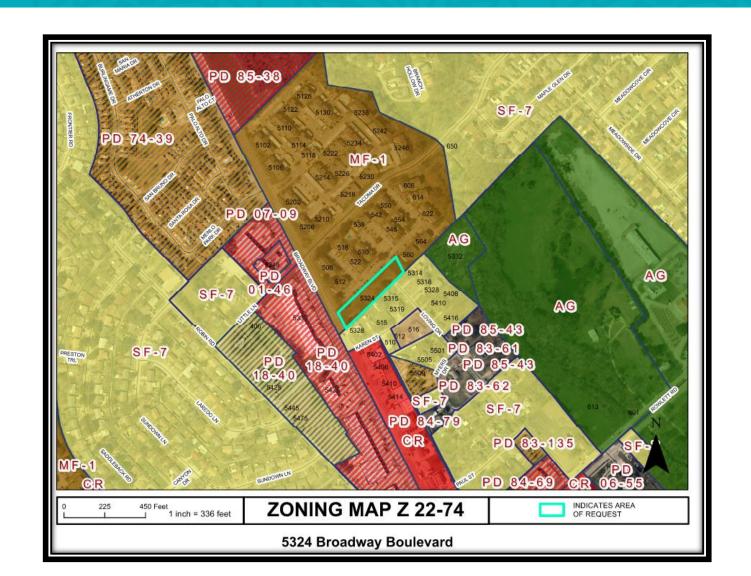


CITYWIDE LOCATION MAP





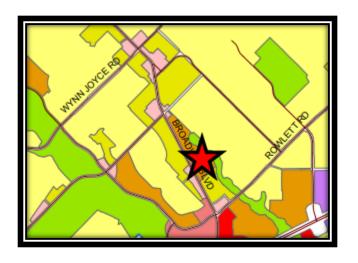
LOCATION MAP





COMPREHENSIVE PLAN







COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Urban Neighborhood. Urban neighborhoods are higher density residential developments. This residential option may utilize vertical mixed-use integrated into the surrounding area, reflecting the area's dominant character or, when desired, promoting a new character. Urban neighborhoods are characterized by moderate to high density single-family attached and multifamily residential units, greater than 12 dwelling units per acre.

The proposed density is seventeen (17) dwelling units per acre; therefore, this development complies with the Comprehensive Plan.



ECONOMIC DEVELOPMENT STRATEGIC PLAN

New multi-family development is considered the second highest revenue per acre generator per the Economic Development Strategic Plan. The subject property is an infill lot and is currently zoned for multi-family use.



PHOTOS



View of the subject property



West of the subject property



PHOTOS



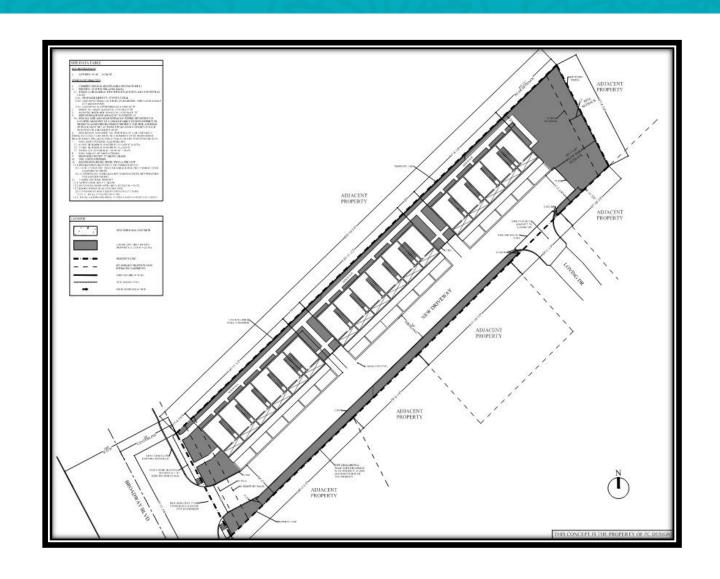


East of the subject property

South of the subject property

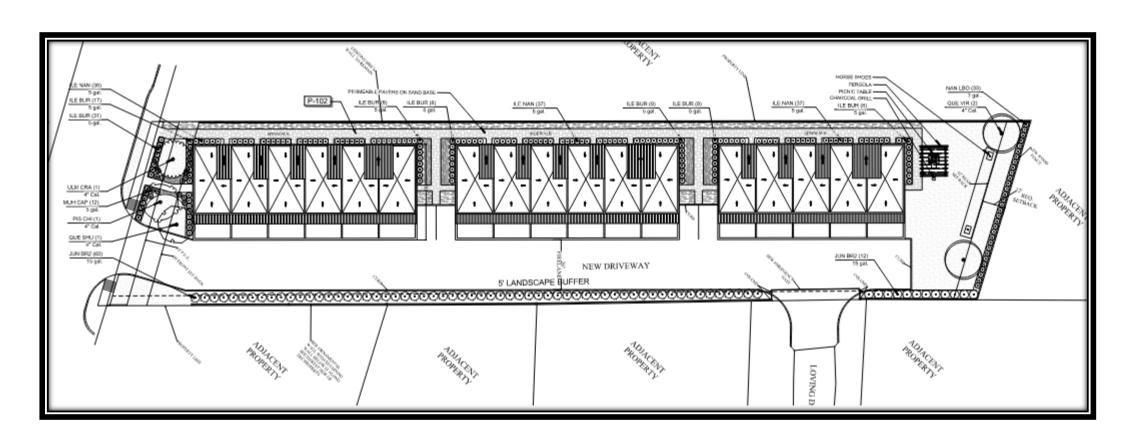


SITE PLAN



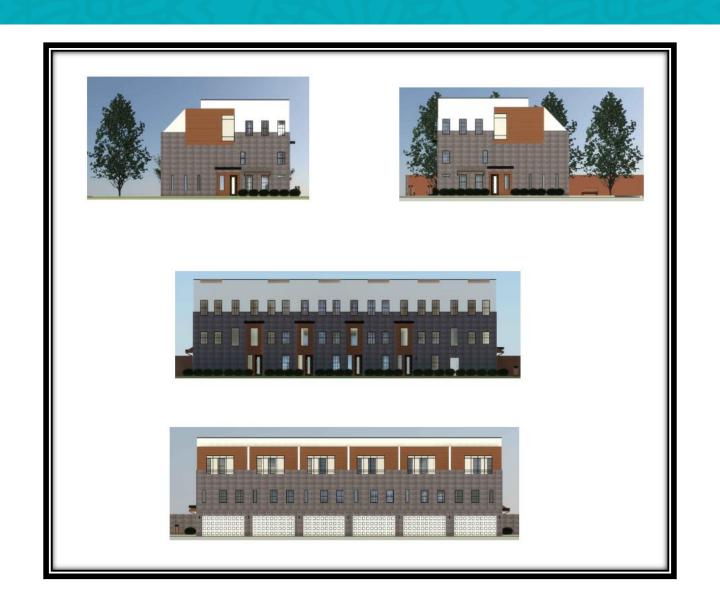


LANDSCAPE PLAN





BUILDING ELEVATIONS



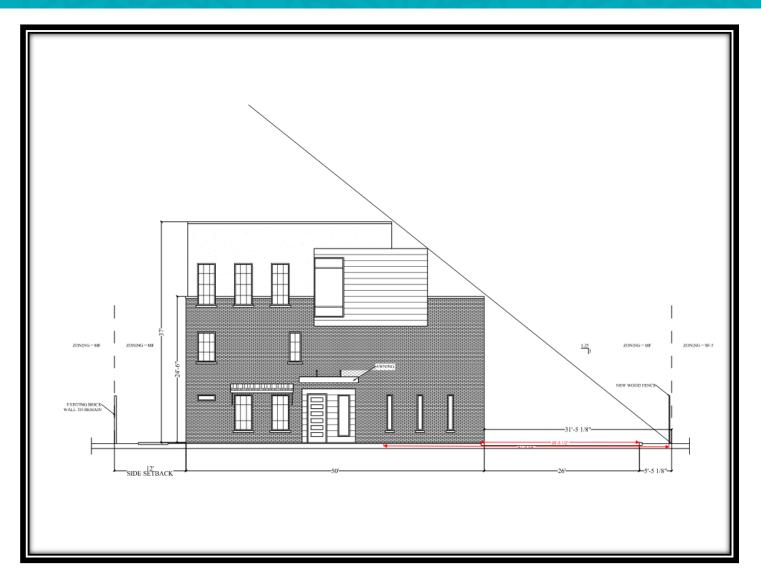


3-D Renderings





VISIBILITY STUDY





DEVIATIONS

GDC standard	Required	Proposed	Applicant's Justification
Building Setback	The GDC requires a setback of 1.25 times the maximum building height of the building, when adjacent to single-family residential district. The maximum building height is thirty-seven (37) feet, which calculates to a 46.2 foot setback.	The proposed building setback is approximately thirty-one (31) feet and five (5) inches.	The proposed buildings have a staggered design and the height closest to the single-family residential district is twenty-four (24) feet and six (6) inches, which is approximately thirty-four (34) feet and one (1) inch away from the Single-Family-7 (SF-7) District boundary line.
Amenities	A minimum of 2,500 square-foot clubhouse must be constructed on site and made available to all residents. One (1) swimming pool having a minimum of eight hundred (800) square feet of surface water must be provided for each multifamily development.	Clubhouse and swimming pool not proposed. The applicant proposes amenitized open space as well as private rooftop space, further described in the Justification section.	The proposed development is small scale townhouse-style configuration. The applicant contends the current open space can be of better use to accommodate a grill pit and open games (as proposed on landscape plan) this will allow this small community to get to know each other as there are only 17 units in the proposed development. Each unit will have its own rooftop patio and terrace.



DEVIATIONS

GDC standard	Required	Proposed	Applicant's Justification
Screening and Landscaping		(6)-foot cedar wood fence	The proposed fencing will provide more privacy for the residents. The ornamental fence allows for more transparency and the masonry will not leave enough room for landscaping and required driveway depth.
	40% of the site should be landscaped.	26.3% landscaped	In addition to the 26.3% landscaping, the applicant proposes all seventeen (17) rooftops to be landscaped by 19 % and increasing the total percentage to 45.3%.
Building Design	standards requires a minimum	The building elevations (Exhibit E) reflects four (4) architectural elements per building.	The applicant requests a deviation to maintain the modern contemporary design with strong horizontal lines, large glazing, and flat rooftop design. The building elevations reflect recessed entrances and awnings to accommodate some traditional architectural features.



STAFF RECOMMENDATION

Approval a Change in Zoning from Multi-Family-1 (MF-1) District to a Planned Development (PD) District for Multi-Family (MF-1) Use.

Approval of a Detail Plan for a multi-family (condominium) development



PLAN COMMISSION RECOMMENDATION

On September 25, 2023 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Change in Zoning from Multi-Family-1 (MF-1) District to a Planned Development (PD) District for Multi-Family (MF-1) Use.

The Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Detail Plan for a multi-family (condominium) development.



City Council Regular Session Agenda

10. c.

Meeting Date: 10/17/2023

Item Title: Z 23-27 EDG Architects (District 3)

Submitted By: Matthew Wolverton, Development Planner

REQUEST

Approval of a Specific Use Provision for an Automated/Rollover Car Wash use on a property zoned Planned Development (PD) District 19-22 for Community Retail Uses.

Approval of a Detail Plan for an Automated/Rollover Car Wash Use.

LOCATION

4249 Bobtown Road

OWNER

Pappy's MC, LLC

PLAN COMMISSION RECOMMENDATION

On September 25th, 2023 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision for an Automated/Rollover Car Wash use on a property zoned Planned Development (PD) District 19-22 for Community Retail Uses.

The Plan Commission, by a vote of nine (9) to zero (0), also recommended approval of a Detail Plan for an Automated/Rollover Car Wash Use.

STAFF RECOMMENDATION

Denial of a Specific Use Provision for an Automated/Rollover Car Wash use on a property zoned Planned Development (PD) District 19-22 for Community Retail Uses.

Denial of a Detail Plan for an Automated/Rollover Car Wash Use.

Staff finds the proposed use inconsistent with the recommendations of the Comprehensive Plan, Economic Development Strategic Plan, and compatibility with the nearby approved and existing residential uses. The subject property allows other land use opportunities by right, such as Retail Stores, Restaurants, and General Office.

BACKGROUND

The subject property is currently unimproved. In 2019, the adjacent QuikTrip Travel Center was approved on the northern lot of Planned Development (PD) District 19-22. The subject property is a vacant pad site, which requires a Detail Plan for future development through the Public Hearing process.

The GDC also requires a Specific Use Provision for an Automated/Rollover Car Wash use in the Community Retail (CR) District, which is the base zoning for PD 19-22.

SITE DATA

The site is 1.204 acres. The site is accessed from Bobtown Road through a mutual access easement. It can also be accessed from the northern property through mutual access easement.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Planned Development (PD) District 19-22 for Community Retail Uses. Planned Development (PD) District 19-22 contains three (3) lots, and one lot is currently developed with the QuikTrip Travel Center. The remaining two lots are unimproved and requires approval of a Detail Plan through the Public Hearing process for future development. 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 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.

CONSIDERATIONS

Specific Use Provision and Detail Plan:

- 1. The applicant proposes to construct a 4,363 square-foot automated/rollover car wash.
 - The GDC defines a Car Wash, Automated/Rollover as a "Washing, waxing, or cleaning of automobiles involving automated self-service (drive-through/rollover) wash bays and apparatuses."
- 2. The landscape plan (Exhibit D) complies with applicable screening and landscaping standards per the GDC.
- 3. The building elevations (Exhibit E) complies with the applicable building design standards per the GDC.
- 4. The applicant is requesting approval of a thirty (30) year Specific Use Provision. The SUP Time Period Guide recommends a range of twenty-five (25) to thirty (30) years.
- 5. The business will be open every day and the hours of operation will be 8:00 am to 8:00 pm in the summer and 8:00 am to 6:00 pm in the winter.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommend Business Center for the subject site. Business centers provide a cluster of business offices and/or low impact industry, including campus-type development, that cumulatively employ large numbers of people. Operations within this development type occur internal to buildings resulting in minimal negative impacts (sound, air, traffic, outdoor lighting, storage, etc.) and are compatible with adjacent development types in architecture, character, scale, and intensity.

ECONOMIC DEVELOPMENT STRATEGIC PLAN

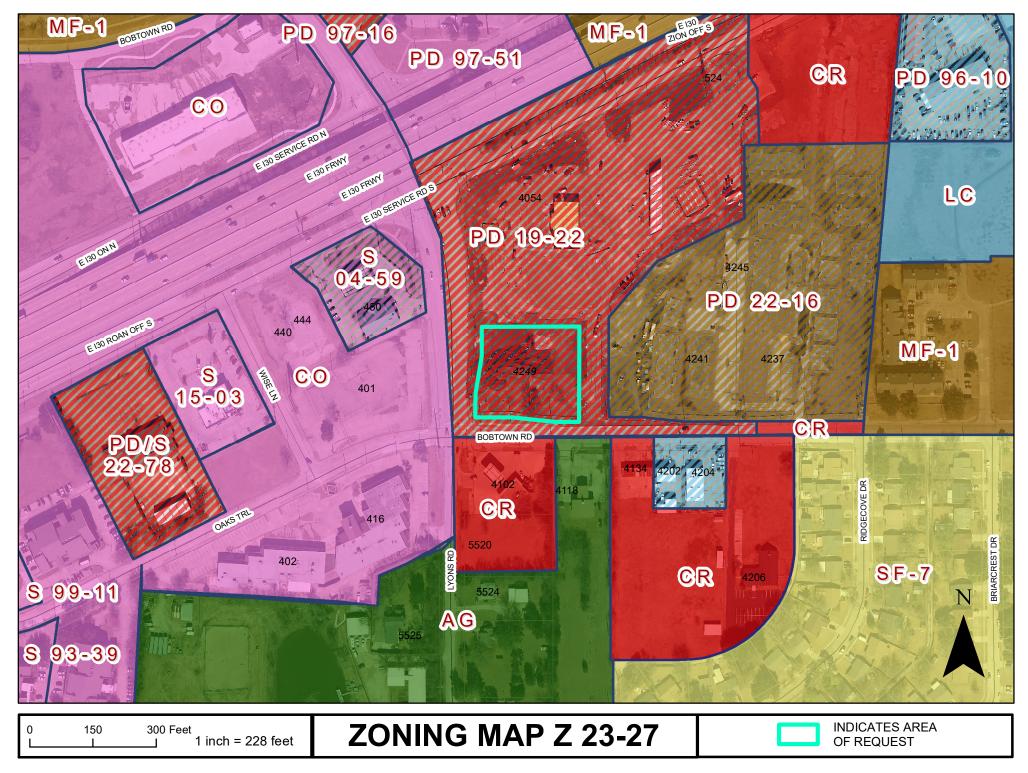
Per the Economic Development Strategic Plan, consideration should be given to whether certain automotive-related uses such as a car wash and similar "stand alone commercial" that require zoning changes are the best use of land at this location. The Plan recommends being selective on land use requests requiring re-zonings such as SUP's.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The property to the north is zoned Planned Development (PD) District 19-22 for Community Retail Uses; it is developed with a QuikTrip Travel Center, Convenience Store and Gas Station. The property to the east is zoned Planned Development (PD) District 22-16; the site was approved for multi-family use (238 dwelling units). The properties to the south, across Bobtown Road, are zoned Community Retail (CR) District and Agricultural (AG) District; these properties are developed with a gas station and a church. The property to the west, across Lyons Road, is zoned Community Office (CO) District; it is constructed with a parking lot that contains a burial site. Consideration should be given to approved and existing residential uses nearby.

Attachments

Z 23-27 Location Map
Z 23-27 PD & SUP Conditions
Z 23-27 Exhibits
Z 23-27 R&M
Z 23-27 Responses
Z 23-27 Staff Presentation



PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 23-27

4054 Bobtown Road

- I. Statement of Purpose: The purpose of this Planned Development is to approve an Automated/Rollover Car Wash Use.
- 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 19-22 and 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:

<u>Detail Plan</u>: 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. <u>Permitted Uses</u>: Land Uses are permitted as in Planned Development (PD) District 19-22.
- B. <u>Site Plan</u>: The site layout, building placement, parking shall be in general conformance with the Site Plan labeled Exhibit C.
- C. <u>Landscape Plan</u>: Landscaping shall be in general conformance with the Landscape Plan labeled Exhibit D.
- D. <u>Elevations</u>: Building Elevations shall be in general conformance with the elevations labeled Exhibit D.

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 23-27

4249 Bobtown Road

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

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

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

PD/SUP Requirements Zoning File 23-27 Page 2

the PD District, by the GDC, or by state or federal law.

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

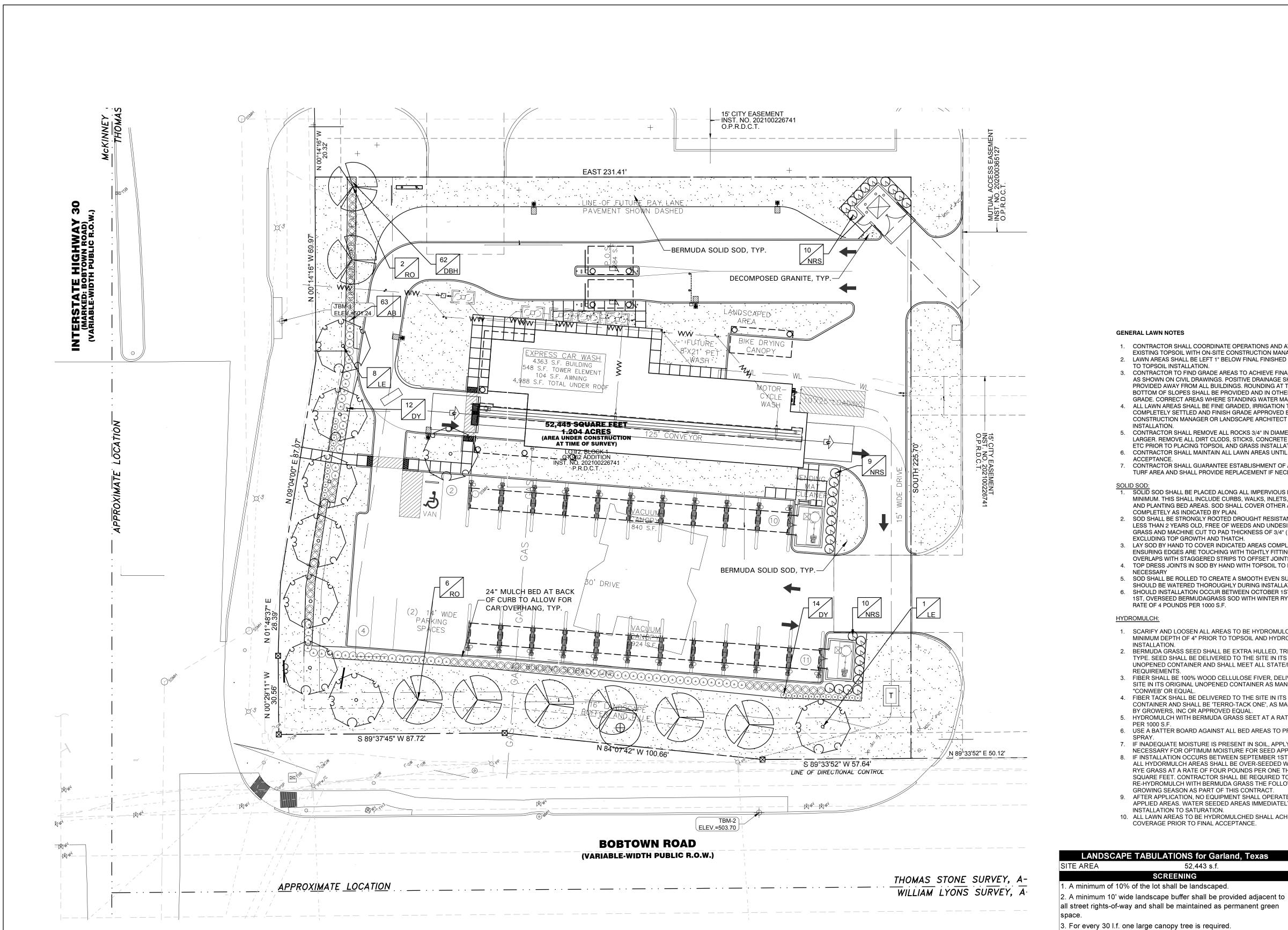
IV. General Regulations: All regulations of Planned Development (PD) District 19-22 and the Community Retail (CR) District as set forth in Chapter 2 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.

V. Development Plans:

<u>Site Layout</u>: The site shall be in general conformance with the approved development plans labeled Exhibit C to Exhibit F. In the event of conflict between the conditions and the site plan, the written conditions listed below are to apply.

VI. Specific Use Provision:

A. <u>SUP Time Period</u>: The Specific Use Provision for the Car Wash Automated/Rollover shall be in effect for thirty (30) years.



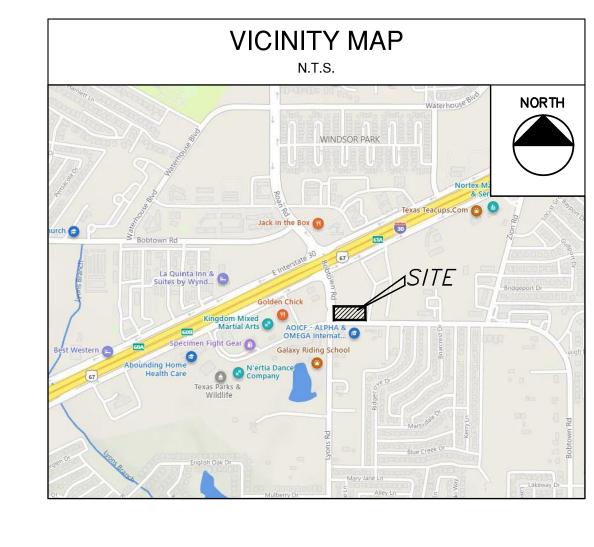
NO LANDSCAPING SUCH AS TREES, HEDGES, ABOVE AND UNDERGROUND STRUCTURES SHALL BE LOCATED WITHIN EXISTING OR PROPOSED UTILITY EASEMENTS AND RIGHT OF WAY WITHOUT APPROVED CITY'S REAL PROPERTY IMPROVEMENT AUTHORIZATION FORM OR CITY'S LICENSE AGREEMENT. PUBLIC RIGHT OF WAY, EASEMENTS AND COMMON AREAS MUST BE STABILIZED WITH PERENNIAL VEGETATION COVER, FULLY ESTABLISHED WITH 100% COVERAGE, OR OTHER APPROVED STABILIZATION METHOD.

QTY	LABEL	COMMON NAME	SCIENTIFIC NAME	SIZE	NOTES
		SHADE TREES			
9	LE	'Bosque' Lacebark Elm	Ulmus parvifolia 'UPMTF'	3" cal.	12' ht., 4' spread, matching
8	RO	Texas Red Oak	Quercus texana	3" cal.	12' ht., 4' spread, matching
		SHRUBS			
63	AB	Abelia 'Twist of Lime'	Abelia x grandiflora 'Hopley's'	5 gal.	full, 24" spread, 36" o.c.
62	DBH	Dwarf Burford Holly	llex cornuta ' Burford Nana'	5 gal.	full, 20" spread, 36" o.c.
26	DY	Dwarf Yaupon Holly	llex vomitoria 'Condeaux'	5 gal.	full, 24" sprd, 24" o.c.
29	NRS	Nellie R Stevens Holly	Illex x 'Nellie R. Stevens'	7 gal.	full, 40" o.c.

GROUNDCOVER/VINES/GRASS

Bermuda Solid Sod Cynodon dactylon Decomposed Granite

Plant list is an aid to bidders only. Contractor shall verify all quantities on plan. All heights and spreads are minimums. Trees 1 trees, 3" cal. shall have a strong central leader and be of matching specimens. All plant material shall meet or exceed remarks as indicated.



GENERAL LAWN NOTES

- 1. CONTRACTOR SHALL COORDINATE OPERATIONS AND AVAILABILITY OF EXISTING TOPSOIL WITH ON-SITE CONSTRUCTION MANAGER 2. LAWN AREAS SHALL BE LEFT 1" BELOW FINAL FINISHED GRADE PRIOR TO TOPSOIL INSTALLATION.
- 3. CONTRACTOR TO FIND GRADE AREAS TO ACHIEVE FINAL CONTOURS AS SHOWN ON CIVIL DRAWINGS, POSITIVE DRAINAGE SHALL BE PROVIDED AWAY FROM ALL BUILDINGS. ROUNDING AT TOP AND BOTTOM OF SLOPES SHALL BE PROVIDED AND IN OTHER BREAKS IN GRADE. CORRECT AREAS WHERE STANDING WATER MAY OCCUR. 4. ALL LAWN AREAS SHALL BE FINE GRADED, IRRIGATION TRENCHES COMPLETELY SETTLED AND FINISH GRADE APPROVED BY THE OWNER'S
- 5. CONTRACTOR SHALL REMOVE ALL ROCKS 3/4" IN DIAMETER AND LARGER. REMOVE ALL DIRT CLODS, STICKS, CONCRETE SPOILS, TRASH ETC PRIOR TO PLACING TOPSOIL AND GRASS INSTALLATION. 6. CONTRACTOR SHALL MAINTAIN ALL LAWN AREAS UNTIL FINAL

CONSTRUCTION MANAGER OR LANDSCAPE ARCHITECT PRIOR TO LAWN

ACCEPTANCE. 7. CONTRACTOR SHALL GUARANTEE ESTABLISHMENT OF ACCEPTABLE TURF AREA AND SHALL PROVIDE REPLACEMENT IF NECESSARY.

1. SOLID SOD SHALL BE PLACED ALONG ALL IMPERVIOUS EDGES, AT A MINIMUM. THIS SHALL INCLUDE CURBS, WALKS, INLETS, MANHOLES AND PLANTING BED AREAS. SOD SHALL COVER OTHER AREAS COMPLETELY AS INDICATED BY PLAN.

- 2. SOD SHALL BE STRONGLY ROOTED DROUGHT RESISTANT SOD. NOT LESS THAN 2 YEARS OLD. FREE OF WEEDS AND UNDESIRABLE NATIVE GRASS AND MACHINE CUT TO PAD THICKNESS OF 3/4" (+1/4"), EXCLUDING TOP GROWTH AND THATCH. 3. LAY SOD BY HAND TO COVER INDICATED AREAS COMPLETELY,
- ENSURING EDGES ARE TOUCHING WITH TIGHTLY FITTING JOINTS, NO OVERLAPS WITH STAGGERED STRIPS TO OFFSET JOINTS. 4. TOP DRESS JOINTS IN SOD BY HAND WITH TOPSOIL TO FILL VOIDS IF
- 5. SOD SHALL BE ROLLED TO CREATE A SMOOTH EVEN SURFACE. SOD SHOULD BE WATERED THOROUGHLY DURING INSTALLATION PROCESS. 6. SHOULD INSTALLATION OCCUR BETWEEN OCTOBER 1ST AND MARCH 1ST, OVERSEED BERMUDAGRASS SOD WITH WINTER RYEGRASS AT A

RATE OF 4 POUNDS PER 1000 S.F.

- 1. SCARIFY AND LOOSEN ALL AREAS TO BE HYDROMULCHED TO A MINIMUM DEPTH OF 4" PRIOR TO TOPSOIL AND HYDROMULCH
- 2. BERMUDA GRASS SEED SHALL BE EXTRA HULLED, TREATED LAWN TYPE. SEED SHALL BE DELIVERED TO THE SITE IN ITS ORIGINAL UNOPENED CONTAINER AND SHALL MEET ALL STATE/LOCAL LAW REQUIREMENTS.
- FIBER SHALL BE 100% WOOD CELLULOSE FIVER, DELIVERED TO THE
 SITE IN ITS ORIGINAL UNOPENED CONTAINER AS MANUFACTURED BY "CONWEB' OR EQUAL.
- 4. FIBER TACK SHALL BE DELIVERED TO THE SITE IN ITS UNOPENED CONTAINER AND SHALL BE 'TERRO-TACK ONE', AS MANUFACTURED BY GROWERS, INC OR APPROVED EQUAL HYDROMULCH WITH BERMUDA GRASS SEET AT A RATE OF 2 POUNDS
- 6. USE A BATTER BOARD AGAINST ALL BED AREAS TO PREVENT OVER
- 7. IF INADEQUATE MOISTURE IS PRESENT IN SOIL. APPLY WATER AS NECESSARY FOR OPTIMUM MOISTURE FOR SEED APPLICATION. 8 IF INSTALLATION OCCURS BETWEEN SEPTEMBER 1ST AND MAY 1ST ALL HYDORMULCH AREAS SHALL BE OVER-SEEDED WITH WINTER RYE GRASS AT A RATE OF FOUR POUNDS PER ONE THOUSAND
- SQUARE FEET. CONTRACTOR SHALL BE REQUIRED TO RE-HYDROMULCH WITH BERMUDA GRASS THE FOLLOWING GROWING SEASON AS PART OF THIS CONTRACT. 9. AFTER APPLICATION, NO EQUIPMENT SHALL OPERATE OVER
- INSTALLATION TO SATURATION. 10. ALL LAWN AREAS TO BE HYDROMULCHED SHALL ACHIEVE 100% COVERAGE PRIOR TO FINAL ACCEPTANCE.

APPLIED AREAS. WATER SEEDED AREAS IMMEDIATELY AFTER

52,443 s.f.

PROVIDED

10' buffer

trees, 3" cal.

8 trees, 3" cal.

81 shrubs

73 shrubs

PROVIDED

1 trees, 3" cal.

211 s.f.

screening

PARKING AREA

1. A minimum of 5% of the total parking area shall be landscaped. 2. One large tree shall be provided for each 10 parking spaces. No

parking space shall be further than 65 from a tree.

Parking Spaces = 7 (standard spaces)

3. Parking areas shall be screened from public streets.

19991 s.f. (38%)

1 existing tree; 8 proposed

SCREENING

4. A maximum of 75% of the landscape buffer shall be grass

REQUIRED

10' buffer

81 shrubs

72 shrubs

REQUIRED

133 s.f. (5%)

I-30 = 216 I.f.

8 trees, 3" cal.

5244 s.f. (10%)

Bobtown = 245 l.f.

9 trees, 3" cal.

- 1. CONTRACTOR TO VERIFY AND LOCATE ALL PROPOSED AND EXISTING ELEMENTS. NOTIFY LANDSCAPE ARCHITECT OR DESIGNATED REPRESENTATIVE FOR ANY LAYOUT DISCREPANCIES OR ANY CONDITION THAT WOULD PROHIBIT THE INSTALLATION AS SHOWN. SURVEY DATA OF EXISTING CONDITIONS WAS SUPPLIED BY OTHERS 2 CONTRACTOR SHALL CALL 811 TO VERIFY AND LOCATE ANY AND ALL
- UTILITIES ON SITE PRIOR TO COMMENCING WORK, LANDSCAPE ARCHITECT SHOULD BE NOTIFIED OF ANY CONFLICTS. CONTRACTOR TO EXERCISE EXTREME CAUTION WHEN WORKING NEAR UNDERGROUND 3. A MINIMUM OF 2% SLOPE SHALL BE PROVIDED AWAY FROM ALL STRUCTURES.
- CONTRACTOR SHALL FINE GRADE AREAS TO ACHIEVE FINAL CONTOURS AS INDICATED. LEAVE AREAS TO RECEIVE TOPSOIL 3" BELOW FINAL FINISHED GRADE IN PLANTING AREAS AND 1" BELOW FINAL FINISHED GRADE IN LAWN AREAS. 5. LANDSCAPE ISLANDS SHALL BE CROWNED, AND UNIFORM THROUGHOUT
- 6. PLANTING AREAS AND SOD TO BE SEPARATED BY STEEL EDGING. NO STEEL EDGING SHALL BE INSTALLED ADJACENT TO BUILDINGS, WALKS OR CURBS. EDGING NOT TO BE MORE THAN 1/2" ABOVE FINISHED GRADE. EDGING SHALL BE CUT AT 45 DEGREE ANGLE WHERE IT INTERSECTS
- WALKS AND/OR CURBS. 8. MULCH SHALL BE INSTALLED AT 1/2" BELOW THE TOPS OF SIDEWALKS
- 9. QUANTITIES ON THESE PLANS ARE FOR REFERENCE ONLY. THE SPACING OF PLANTS SHOULD BE AS INDICATED ON PLANS OR OTHERWISE NOTED. ALL TREES AND SHRUBS SHALL BE PLANTED PER DETAILS. 10. CONTAINER GROWN PLANT MATERIAL IS PREFERRED HOWEVER BALL AND BURLAP PLANT MATERIAL CAN BE SUBSTITUTED IF NEED BE AND IS APPROPRIATE TO THE SIZE AND QUALITY INDICATED ON THE PLANT
- 11. TREES SHALL BE PLANTED AT A MINIMUM OF 5' FROM ANY UTILITY LINE, SIDEWALK OR CURB. TREES SHALL ALSO BE 10' CLEAR FROM FIRE
- 12. 4" OF SHREDDED HARDWOOD MULCH (2" SETTLED THICKNESS) SHALL BE PLACED OVER WEED BARRIER FABRIC. MULCH SHALL BE SHREDDED HARDWOOD MULCH OR APPROVED EQUAL, PINE STRAW MULCH IS PROHIBITED.
- 13. WEED BARRIER FABRIC SHALL BE USED IN PLANT BEDS AND AROUND ALL TREES AND SHALL BE MIRAFI 1405 WEED BARRIER OR APPROVED EQUAL. 14. CONTRACTOR TO PROVIDE UNIT PRICING OF LANDSCAPE MATERIALS AND BE RESPONSIBLE FOR OBTAINING ALL LANDSCAPE AND IRRIGATION

IRRIGATION:

1. ALL REQUIRED LANDSCAPE AREAS SHALL HAVE AN AUTOMATIC IRRIGATION SYSTEM WITH A FREEZE/RAIN SENSOR. SYSTEM SHALL ALSO HAVE AN ET WEATHER BASED CONTROLLER AND BE DESIGNED AND INSTALLED BY A LICENSED IRRIGATOR.

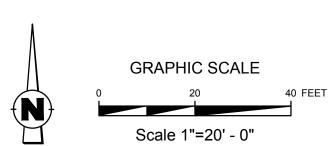
VEGETATION SHOULD BE INSPECTED REGULARLY TO ENSURE THAT PLANT MATERIAL IS ESTABLISHING PROPERLY AND REMAINS IN A HEALTHY GROWING CONDITION APPROPRIATE FOR THE SEASON. IF DAMAGED OR REMOVED, PLANTS MUST BE REPLACED BY A SIMILAR

- 2. MOWING, TRIMMING, EDGING AND SUPERVISION OF WATER APPLICATIONS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR UNTIL THE OWNER OR OWNER'S REPRESENTATIVE ACCEPTS AND ASSUMES REGULAR MAINTENANCE.
- 3. ALL LANDSCAPE AREAS SHOULD BE CLEANED AND KEPT FREE OF TRASH, DEBRIS, WEEDS AND OTHER MATERIAL.

MISCELLANEOUS MATERIALS:

1. STEEL EDGING SHALL BE 3/16" X 4 X 16' DARK GREEN DURAEDGE STEEL LANDSCAPE EDGING UNLESS NOTED OTHERWISE ON

PLANS/DETAILS. DECOMPOSED GRANITE SHALL CONSIST OF A NATURAL MIX OF GRANITE AGGREGATE NOT TO EXCEED 1/8" IN DIAMETER AND COMPOSED OF VARIOUS STAGES OF DECOMPOSED EARTH BASE. DG SHALL BE PLACED OVER FILTER FABRIC AT A MINIMUM OF 3" DEPTH.



CASE #220407-2

CURRENT ZONING: APPLICANT:

PROPERTY ADDRESS: 4054 BOBTOWN ROAD PD 19-22 PROPOSED ZONING: CR-SUP/CARWASH KEN ECKENROTH

PAPPY'S EXPRESS CAR WASH 901 S. ERBY CAMPBELL BLVD. ROYSE CITY, TX 75189

OWNER:

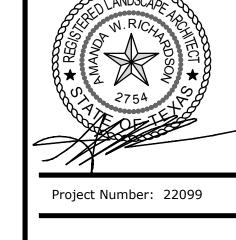
214-697-1130 **BILL FOOSE** I-30 BOBTOWN, LLC 5622 DYER ST #200 DALLAS, TEXAS 75206

214-336-9303

Sheet Title:

LANDSCAPE PLAN

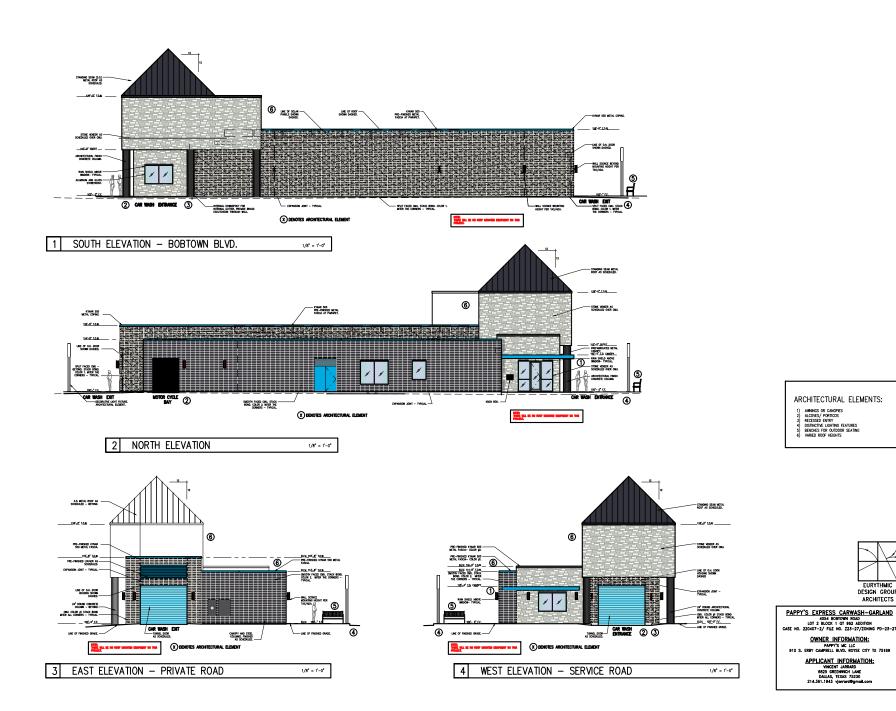
Sheet Number:



Drawn By: AWR Checked By: AWR

Issue Date: 7-17-23

Revisions



TACADE PLAM

OB.02.2023

FACADE PLAM



2910 S. ERBY CAMPBELL BLVE ROYCE CITY, TEXAS 75189 CONTACT: KEN ECKENROTH

GARLAND EXPRESS CARWASH 4054 BOBTOWN ROAD . DALLAS COUNTY TEXA:

PAPPY'S

SHEET:

EURYTHMIC DESIGN GROUP

OWNER INFORMATION:

APPLICANT INFORMATION:
VINCENT JARRARD
6825 GREENWICH LAME
DALAS, TEXAS 75230
214.361.1943 ylarrard@gmail.com

FA-4 4 OF (6)FA SHEETS

1/4" = 1'-0"



2910 S. ERBY CAMPBELL BLVD. ROYCE CITY, TEXAS 75189 CONTACT: KEN ECKENROTH DEVELOPER PAPPY'S MC, LLC

PAPPY'S EXPRESS CARWASH GARLAND

DESIGN GROUP O .

EURYTHMIC DESIGN GROUP **○ EURYTHMIC** ARCHITECTS PAPPY'S EXPRESS CARWASH—GARLAND

4054 BOBTOWN ROAD

LOT 2 BLOCK 1 OT 982 ADDITION

CASE NO. 220407-2/ FILE NO. Z23-27/ZONING PD-23-2 OWNER INFORMATION:

PAPPY'S MC LLC

910 S. ERBY CAMPBELL BLYD. ROYSE CITY TX 75189

APPLICANT INFORMATION:
VINCENT JARRARD
6825 GREENWICH LAME
DALLS, TEXAS 75230
214.361.1943 vjorrard@gmail.com

SHEET: FA-6

REPORT & MINUTES

P.C. Meeting, September 25, 2023

3e & 3f. APPROVED Consideration of the application of **EDG Architects**, requesting approval of a 1) Specific Use Provision for an Automated/Rollover Car Wash Use on a property zoned Planned Development (PD) District 19-22 for Community Retail Uses and 2) a Detail Plan for an Automated/Rollover Car Wash Use. This property is located at 4249 Bobtown Road. (District 3) (Z 23-27)

The applicant, Ken Eckenroth, 8400 Sunset Blvd. #7403, Rowlett, TX 75088, gave an overview of the request and remained available for questions.

Commissioner Paris asked the applicant for clarification on whether the rollers and vacuums would be outdoors as well as whether there are any traffic concerns with the development at that location.

The applicant explained that the type of car wash he is proposing is called an "express tunnel," where all the wraps and rollers would be inside the tunnel. It would be a drive-through set up with the vacuums located past the tunnel on the outside. The applicant explained that the majority of the residents utilizing their car wash would be those residents in the nearby neighborhoods as well as those visiting the nearby QT but that in his opinion there would be minimal impact to the traffic in the area.

Commissioner Rose asked the applicant if he had read the staff's report in regard to his proposal and their recommendation to denial the application as well as clarification on whether this development would be strictly a car wash not to include any type of automotive repair.

The applicant responded that he had in fact read the report and understood why staff was recommending denial it due to the I-30 Corridor Strategic Plan but he still felt that his proposed development would be an asset to the area. He also confirmed that the development would be strictly a car wash.

Commissioner Dalton asked the applicant for the number of outside vacuums on site, whether they would be self-contained and shut off when the business closed and what their hours of operation would be.

The applicant stated that there would be 10 self-contained vacuums. Their hours of operation in the summer time would be from 8 a.m. to 8 p.m. and when the time changes, the hours would change to their winter hours from 8 a.m. to 6 p.m. The vacuums would shut down once the business was

closed for the day.

Commissioner Aubin asked the applicant if he was aware of how many automated car washes similar to his were in the area.

The applicant explained that in the surrounding area there is a car wash on Broadway about 4-5 miles away but that it is not an express tunnel car wash.

Commissioner Jenkins clarified that at the Pre-Meeting he mentioned there was another car wash adjacent to the property he is proposing to develop one on and he wanted to clarify that in fact the signage being displayed is regarding his proposed car wash.

The architect for the company, Vincent Jarrard, 6825 Greenwich Ln., Dallas, TX 75230, explained that he has been in the business of developing car washes for the last 25 years and has seen the change in the design and layout. He explained that these types of business have minimal traffic impact and have a lot of green space surrounding their areas. The vaccums do not produce a lot of noise.

Motion was made by Commissioner Paris to close the public hearing. Seconded by Commissioner Williams. **Motion carried**: **9** Ayes, **0** Nays.

Commissioner Cornelius commented that there is a newly built car wash on I-30 & Galloway and it does not have a lot of traffic around it.

Commissioner Cornelius believes the configuration would be appropriate for the area and she is in support of the development.

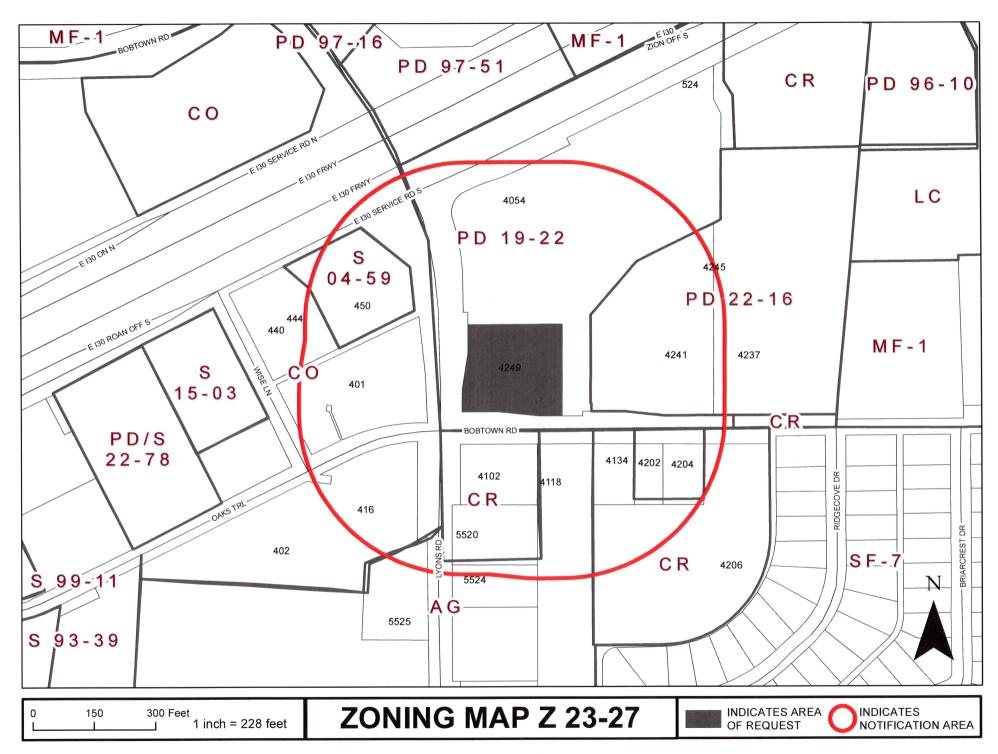
Chair Roberts added that initially he was in agreement with staff's recommendation to deny the application but after giving consideration that the surrounding neighbors are in favor and that other possible developments such as a fast food restaurant might draw complaints from nearby residents in regard to increased noise, trash and traffic, he is now in favor of this proposed request.

Commissioner Dalton expressed that he does not see a downside to approving this car wash at this location.

Commissioner Aubin stated that he supports this proposed development as it will complement the nearby QT and would not be competing with similar nearby businesses.

Commissioner Paris stated that the concerns she had in regard to the use of land and noise impact to nearby residents were answered. She stated that she is also in favor of the 30-year SUP.

Motion was made by Commissioner Paris to **approve** the application as presented. Seconded by Commissioner Williams. **Motion carried**: **9** Ayes, **0** Nays.



Comment Form Case Z 23-27 Outside the Notification Area

Z 23-27 EDG Architects. The applicant requests an Automated/Rollover Car Wash use. The site is located at 4249 Bobtown Road. (District 3)

Z 23-27 EDG Architects. El solicitante solicita un uso de Lavado de Autos Automatizado/Rollover. El sitio está ubicado en 4249 Bobtown Road. (Distrito 3)

Z 23-27 EDG Architects. Người nộp đơn yêu cầu sử dụng dịch vụ Rửa xe Tự động/Rollover. Địa điểm này nằm ở số 4249 Bobtown Road. (Quận 3)
Please Check One Below / Marque uno a continuación / Vui lòng kiểm tra một bên dưới
For / A Favor / Đúng
Against / En Contra / Không
Please complete the following information and email the form to Planning@garlandtx.gov ; deliver to the Plannin Department at 800 Main Street Garland, TX; or mail to City of Garland, Planning Department, P.O. Box 46900 Garland, TX 75406-9002./ Por favor Complete la siguiente información y envíe el formulario por correo electrónica Planning@garlandtx.gov; entregar al Department de Planificación en 800 Main Street Garland, TX; o envíel por correo a City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002./ Vui lòng điền đầy đ thông tin sau và gửi biểu mẫu qua email tới Planning@garlandtx.gov; giao cho Phòng Kế hoạch tại 800 Main Street Garland, TX; hoặc gửi thư đến Thành phố Garland, Sở Kế hoạch, P.O. Hộp 469002 Garland, TX 75406-9002.
BILL FOOSE, Manager I-30 Bobtown, LLC
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.)
500 Block E. IH ≥0, Garland, TX
Your Property Address / La dirección de su propiedad / địa chỉ tài sản
Garland Texas
City, State / Estado de la Ciudad / Thành bang
Zip Code / Código postal / Mã B u Ohính
Zip Code / Código postal / Mã B u Ohính
Pac/ Joon 9=17-2023
Signature / Firma / Ch

(Providing email address and phone number is optional. / La dirección de correo electrónico y el número de teléfono son opcionales. / Địa chỉ email và số điện thoại là tùy chọn.)

Comment Form Continued – Case Z 23-27

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

cau dược de xuat	
I-30 Bostown LLC Sold to P	roperty
T-30 Bostown LC Sold to po to Ken Eckenroth Pappy's Care	Jash.
Due to the increased resident	tial
being constructed in the area	
the car wash should be su	ceesful
I have Visited Mr. Ectenrot	
other can wash and it was	
in a first class manner.	
I-30 Bolton, LLC ons-	the
northern 2.5 acro of Lot 4	_
which trougs Ltt 30	
We are in favor of this	zoning
request.	



The applicant proposes an Automated/Rollover Car Wash use.

City Council Meeting

October 17, 2023



CASE INFORMATION

Location: 4249 Bobtown Road

Applicant: EDG Architects

Owner: Pappy's MC, LLC

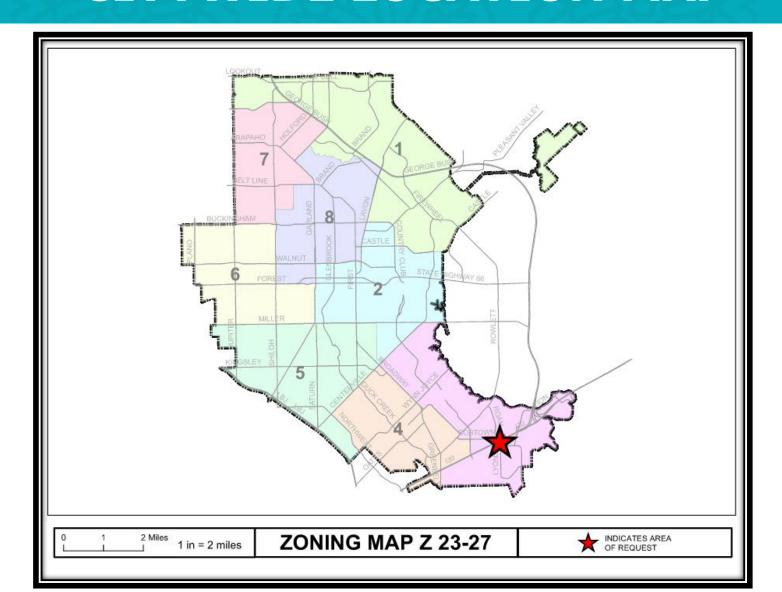
Acreage: 1.204 acres

Zoning: Planned Development (PD) District 19-22 for Community

Retail Uses

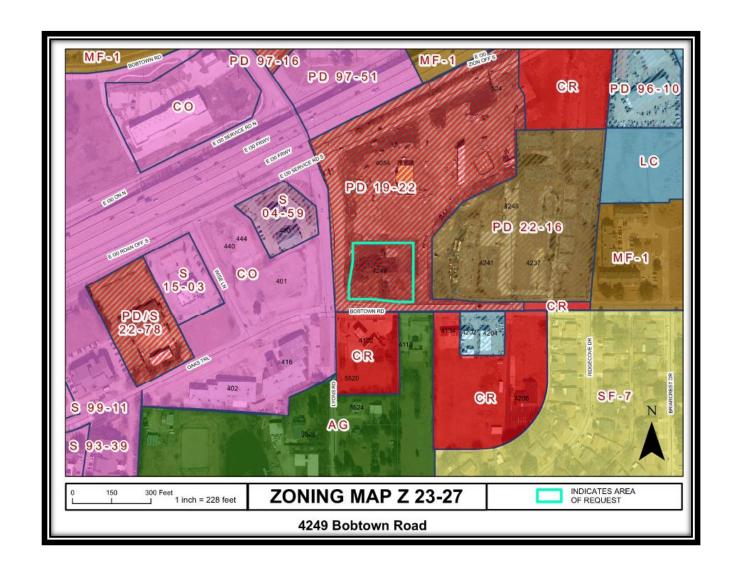


CITYWIDE LOCATION MAP





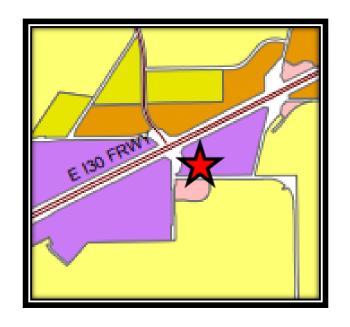
LOCATION MAP





COMPREHENSIVE PLAN







COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommend Business Center for the subject site. Business centers provide a cluster of business offices and/or low impact industry, including campus-type development, that cumulatively employ large numbers of people. Operations within this development type occur internal to buildings resulting in minimal negative impacts (sound, air, traffic, outdoor lighting, storage, etc.) and are compatible with adjacent development types in architecture, character, scale, and intensity.

GARLAND TEXAS MADE HERE

AND ECONOMIC DEVELOPMENT STRATEGIC PLAN

Per the Economic Development Strategic Plan, consideration should be given to whether certain automotive-related uses such as a car wash and similar "stand alone commercial" that require zoning changes are the best use of land at this location. The Plan recommends being selective on land use requests requiring re-zonings such as SUP's.



PHOTOS



View of the subject site looking East from Bobtown Road (Lyons)



View of the subject site looking North down Bobtown Road (Lyons)



PHOTOS



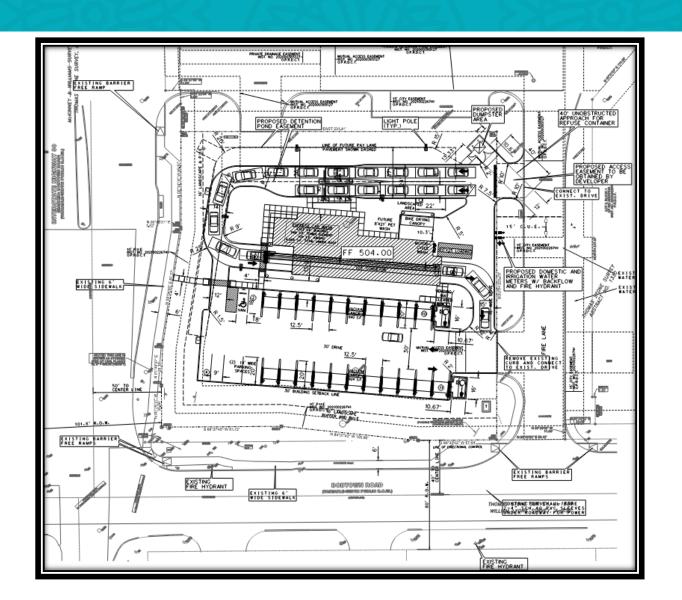




View from the subject site looking East down Bobtown Road

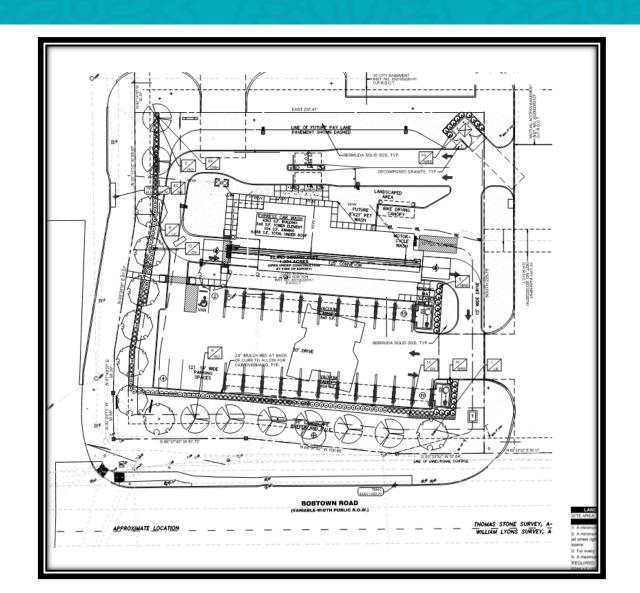


SITE PLAN



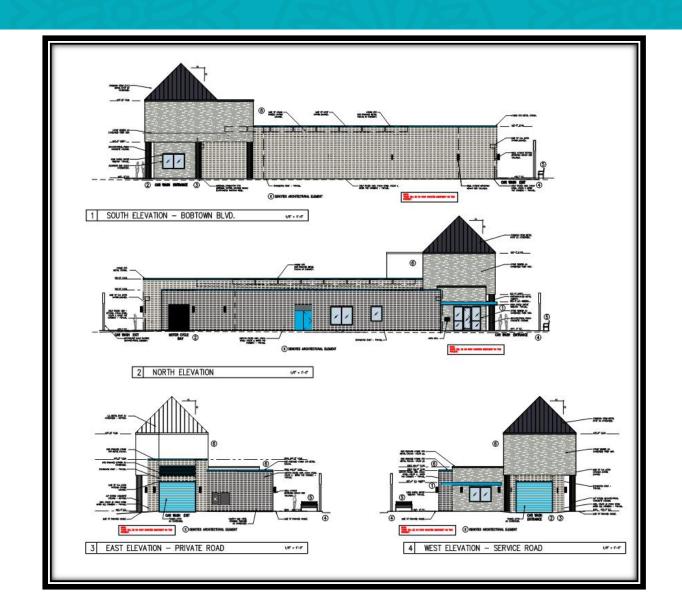


LANDSCAPE PLAN





BUILDING ELEVATIONS





CONSIDERATIONS

No GDC deviations have been requested by the applicant.

The applicant is requesting approval of a thirty (30) year Specific Use Provision. The SUP Time Period Guide recommends a range of twenty-five (25) to thirty (30) years.



STAFF RECOMMENDATION

Denial of a Specific Use Provision for an Automated/Rollover Car Wash use on a property zoned Planned Development (PD) District 19-22 for Community Retail Uses.

Denial of a Detail Plan for an Automated/Rollover Car Wash Use.

Staff finds the proposed use inconsistent with the recommendations of the Comprehensive Plan, Economic Development Strategic Plan, and compatibility with the nearby approved and existing residential uses. The subject property allows other land use opportunities by right, such as Retail Stores, Restaurants, and General Office.

Z 23-27



PLAN COMMISSION

On September 25th, 2023 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision for an Automated/Rollover Car Wash use on a property zoned Planned Development (PD) District 19-22 for Community Retail Uses.

The Plan Commission, by a vote of nine (9) to zero (0), also recommended approval of a Detail Plan for an Automated/Rollover Car Wash Use.



