

Council Chambers at City Hall
Tuesday, April 16, 2024
7 p.m.



William E. Dollar Municipal Building
200 N. Fifth St.
Garland, Texas

GARLAND

CITY OF GARLAND REGULAR MEETING OF THE CITY COUNCIL

The Garland City Council extends to all visitors a sincere welcome. We value your interest in our community and your participation in the meetings of this governing body. Visit GarlandTX.gov/Council for a full list of meeting dates.

The Council Chambers at Garland City Hall is wheelchair accessible, and ADA parking is available on the street as well as in the public parking garage. Persons with disabilities 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: 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

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MAYORAL PROCLAMATIONS, RECOGNITIONS AND ANNOUNCEMENTS

The Mayor may present proclamations, recognize attendees or accomplishments, and make announcements regarding City events or other matters of interest to citizens including but not limited to listed items. There will be no Council discussion or votes on these matters.

- National Day of Prayer
- Volunteer Appreciation Week
- 2023 Achievement of Excellence in Libraries Award

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 or his designee to execute each item. The Mayor will announce the consent agenda and provide an opportunity for members of the audience, as well as Council, to request that any item be removed and considered separately.

1. Consider approval of Minutes from the April 2, 2024 meeting
2. Approve the following bids:

- a. Two replacement Aerial Bucket Trucks for the Transportation Department

Bid No. 0789-24

Altec Industries, Inc.

\$541,391.00

This purchase is for the replacement of one 2027 Ram 5500 Aerial Bucket Truck, and for one 2028 Ram 5500 Aerial Bucket Truck for the Transportation Department.

- b. **2024 Where the Heart Is Sidewalk Replacement Project** **Bid No. 0447-24**

R&A Legacy, LLC **\$356,804.00**

This request is to award the 2024 "Where the Heart Is" Sidewalk Replacement Project to R&A Legacy, LLC in the amount of \$356,804.00 for the reconstruction of portions of concrete sidewalks in Western Heights and Gatewood Estates subdivisions.

- c. **GP&L Holford to Campbell Switch 138kV Transmission Line Engineering Services** **Bid No. 0794-24**

Burns & McDonnell Engineering Company, Inc. **\$547,000.00**

This request is to obtain engineering and design services to support the construction of the GP&L Holford to Campbell Switch 138kV Transmission Line. This is part of the approved GP&L Holford 138kV Line Loop Addition CIP project.

- d. **GP&L Holford to Lookout 138kV Transmission Line Engineering Services** **Bid No. 0795-24**

Burns & McDonnell Engineering Company, Inc. **\$651,000.00**

This request is to obtain engineering and design services to support the construction of the GP&L Holford to Lookout 138kV Transmission Line. This is part of the approved GP&L Holford 138kV Line Loop Addition CIP project.

- e. **GP&L Shiloh Road to McCree 138kV Transmission Line Engineering and Surveying Addendum No. 1** **Bid No. 0601-20**

R-Delta Engineers, Inc. **\$103,000.00**

This request is to obtain Change Order # 1 to Purchase Order 29988 with an addendum for engineering services associated with GP&L Shiloh Road to McCree 138kV Transmission Line Engineering and Surveying. The addendum will include additional studies, design services, design changes, and revised engineering plans and bid packages to accelerate the increased power flow capacity of the line to meet ERCOT required upgrades.

- f. **Term Contract for Median Maintenance and Porter Service** **Bid No. 0634-24**

Carruthers Landscape Management **\$576,000.00**

This request is for a term contract for median mowing maintenance and porter service for downtown and park areas. This approval is for a term agreement with four (4) optional renewals.

3. **A public hearing was previously conducted for the zoning case(s) below. Council approved the zoning request(s) and instructed staff to bring forth the following ordinances:**

- a. **Z 24-09 Texas Taco Cabana, LP (District 4)**

Consider and take appropriate action on an ordinance amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision Renewal for a Restaurant, Drive-Through use on a

property zoned Community Retail (CR) District and on a 1.2697-acre tract of land located at 5959 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.

4. First Amendment to the Project Specific Agreement with Dallas County for Rowlett Road Cycle Track from Greenbelt Parkway to Lake Ray Hubbard

Approve a resolution authorizing the City Manager to execute the First Amendment to the Project Specific Agreement with Dallas County.

5. Water Conservation and Resource Emergency Management Plan Update

Consider and take appropriate action on an ordinance amending the Water Conservation and Resource Emergency Management Plan.

ITEMS FOR INDIVIDUAL CONSIDERATION

Members of the audience may provide public comment in favor, in opposition or about any of the items for individual consideration. Anyone wishing to speak must fill out a speaker card (located at the entrance to the Council Chambers) and give it to the City Secretary in advance of the respective agenda item. Speakers are grouped by agenda item and will be called in the order of the agenda. All comments and testimony are to be presented from the podium. The Mayor may impose a time limit and may provide for rebuttal.

6. Hold public hearing(s) on the following Item(s):

a. Youth Programs Standards of Care Ordinance

Consider and take appropriate action regarding approval of an ordinance for the youth programs Standards of Care.

7. Hold public hearing(s) on the following Zoning Case(s):

a. Consider amendments to the Garland Development Code

Consideration to amend various Sections of Chapter 1, "General Provisions," Chapter 2, "Zoning Regulations," Chapter 3, "Subdivision Regulations," Chapter 4, "Site Development," Chapter 5, "Relief Procedures & Enforcement," and Chapter 7, "Downtown (DT) District" of the Garland Development Code of the City of Garland, Texas. This GDC amendment is regarding requiring Concept Plans instead of Detail Plans and other detailed site plans with Zoning applications. This item was recommended by the Development Services Committee and directed by the City Council during the December 4, 2023 Work Session.

b. Consider a request by David Gibbons to construct twenty (20) senior assisted living units. The site is located at 1922 Castle Drive in District 2.

Consider and take appropriate action on the application of David Gibbons, requesting approval of 1) an Amendment to Planned Development (PD) District 17-25 for Multi-Family-1 (MF-1) Uses and 2) a Detail Plan for an Elder Care-Assisted Living Use. This property is located at 1922 Castle Drive. (District 2) (File Z 23-28)

c. Consider a request by Kimley Horn to construct a restaurant with a drive-through [Swig]. The site is located at 2301 Arapaho Road in District 7.

Consider and take appropriate action on the application of Kimley Horn, requesting approval of 1) a Change in Zoning from Planned Development (PD) District 99-49 for Neighborhood Office Uses to Community Retail (CR) District and 2) a Specific Use Provision for a Restaurant, Drive-Through Use. This property is located at 2301 Arapaho Road (District 7) (File Z 24-11)

- d. Consider a request by Golden Bee Trove LLC for a Specific Use Provision for a thrift store use. The site is located at 5501 Broadway Boulevard, Suite 105 in District 4.

Consider and take appropriate action on the application of Golden Bee Trove LLC, requesting approval of 1) a Specific Use Provision for a Used Goods, Retail Sales (Indoors) Use and 2) a Plan for a Used Goods, Retail Sales (Indoors) Use on a property zoned Planned Development (PD) District 18-40. This property is located at 5501 Broadway Boulevard, Suite 105. (District 4) (File Z 24-04)

CITIZEN COMMENTS

Members of the audience wishing to address issues not on the meeting agenda may have three minutes to speak. However, according to the Texas Open Meetings Act, Council is prohibited from discussing any item not on the posted agenda.

ADJOURN

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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. 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]



Each year, the City Council reviews and updates its goals for the Garland community and City operations. City management uses these goals to guide operational priorities, decision-making and resource allocation.



**GARLAND
CITY COUNCIL STAFF REPORT**

City Council Regular Session

1.

Meeting Date: 04/16/2024

Title: Minutes April 2, 2024

Issue/Summary

Approve the minutes of the April 2, 2024, Regular Meeting

Background

Consideration / Recommendation

Attachments

Minutes April 2, 2024

DRAFT



GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7:00 p.m. on Tuesday, April 2, 2024, 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 Margaret Lucht
 - Council Member Carissa Dutton
 - Council Member Dylan Hedrick
 - Council Member Chris Ott
- Staff Present:**
- City Manager Jud Rex
 - Deputy City Manager Mitch Bates
 - Assistant City Manager Andy Hesser
 - Assistant City Manager Phillip Urrutia
 - Assistant City Manager Crystal Owens
 - City Attorney Brian England
 - Deputy City Secretary Tracy Allmendinger

LEGISLATIVE PRAYER AND PLEDGE OF ALLEGIANCE

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MAYORAL PROCLAMATIONS, RECOGNITIONS AND ANNOUNCEMENTS

The Mayor may present proclamations, recognize attendees or accomplishments, and make announcements regarding City events or other matters of interest to citizens including but not limited to listed items. There will be no Council discussion or votes on these matters.

- Pet of the Month
- 2024 Proclamation for National Surveyor's Week
- 2024 Registered Dietitian Nutritionist Day
- Salvation Army's Special Recognition for Mayor and Council for Red Kettle Challenge
- GHFC Check Presentation

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 or his designee to execute each item. The Mayor will announce the consent agenda and provide an opportunity for members of the audience, as well as Council, to request that any item be removed and considered separately.

Council Member Williams requested item #7 Water and Sewer System Refunding Bonds be pulled for individual consideration.

Council Member Dutton requested item #8 Agreement with Good Samaritans of Garland, Inc. Regarding the Purchase and Leaseback of 210/214 N. Twelfth St. and the Lease of 3319 Edgewood Drive be pulled for individual consideration.

Motion was made by Council Member Hedrick to approve all items of the Consent Agenda except for items #7 Consider an ordinance to issue Water and Sewer System Revenue Refunding and item #8 Agreement with Good Samaritans of Garland, Inc. Regarding the Purchase and Leaseback of 210/214 N. Twelfth St. and the Lease of 3319 Edgewood Drive, seconded by Council Member Ott. **Vote:** 9 ayes, 0 nays

1. **APPROVED** Consider Approval of Minutes from the March 19, 2024 Meeting

2. **Approve the following bids:**

a. **APPROVED** Woodbury, Ticonderoga & Quail Paving Water Wastewater Improvements **Bid No. 0652-24**

Lam Consulting Engineering **\$345,291.00**

This contract is to provide Professional Engineering Services for designing 8-inch water and wastewater mains replacement for E. Woodbury Drive from S. First Street to 114 E. Woodbury Drive, Ticonderoga Drive from Spindrift Passage to Windward Passage, and Quail Drive from S. Country Club Road East to High Meadow Drive. This project will include approximately 3,085 linear feet of 8" water and wastewater main replacement with full concrete street pavement replacement.

b. **APPROVED** GP&L Firewall Replacements **Bid No. 0729-24**

DISYS Solutions, Inc. **\$331,841.79**

This request is to obtain replacement firewalls for the main and backup GP&L system sites. These end-of-life replacements are needed for GP&L to meet cyber security requirements. Associated software will provide firmware and anti-virus updates as well as vendor support for the deployed firewalls.

c. **APPROVED** GP&L and TMPA Transmission Line Tree Trimming **Bid No. 0465-24**

F&F Expert Tree Service, LLC. **\$412,000.00**

This request is to obtain transmission line tree trimming services for GP&L and TMPA transmission right-of-ways. TMPA expenses will be reimbursed at 100%.

d. **APPROVED** Police Vehicle Safety Equipment **Bid No. 0741-24**

Stop Stick, Plastx Plus LLC, Kustom Signals & GT Distributors **\$363,917.47**

This request is to provide the purchase of the safety and technology equipment for the new Police vehicles that were purchased through BID# 0517-24. Most of the peripheral equipment

will not transfer to the new vehicles.

**e. APPROVED Ancilla/ Bethany Alley, Bethany/ Concord Alley,
Plano Road Water & Wastewater Improvements**

Bid No. 0366-24

Iron T Construction, Inc.

\$4,249,763.00

The purpose of this request is to provide construction services to remove and replace the existing 6" clay wastewater main with 3,460 linear feet of 8" PVC wastewater main, existing 10" clay wastewater main with 2,072 linear feet of 10" PVC wastewater main, existing 6" ductile iron water pipe with 1,119 linear feet of 8" PVC pipe, existing concrete street, alley, driveway, and sidewalk pavement (11,296 square yard), and all incidentals as shown on the approved plans. An owner contingency is included for any additional work or materials that may be required.

**f. APPROVED Ashville, Colonel, Palm Valley, Tobin Trail
Drainage Improvements**

Bid No. 0199-24

Iron T Construction, Inc.

\$2,533,936.00

This request is for the construction of drainage, water and wastewater improvements along Ashville Drive, Colonel Drive, Palm Valley Drive, Tobin Trail and Nancy Jane Circle Drainage Easement Area. The scope of work consists of drainage improvements including construction of 3,300 linear feet of storm drain pipe, 5,600 square yards of concrete pavement, and adjustments of water and wastewater facilities due to conflicts with the storm drain pipe improvements.

3. APPROVED Ordinance Adopting FY 2023-24 Budget Amendment No. 2

***Ordinance No. 7516** amending the FY 2023-24 Annual Operating Budget for Budget Amendment No. 2, as presented at the March 18, 2024, Work Session. FY 2023-24 Budget Amendment No. 2 includes adjustments to the General Fund and Federal Coronavirus Relief and Recovery Fund appropriations to allocate American Rescue Plan Act funds according to Federal guidance.*

4. APPROVED Sale of Property at 600 Rayburn Street

***Resolution No. 10609** approving the sale of 600 Rayburn Street to Garland Housing Finance Corporation and provide an executed deed without warranty. This item was previously presented at the March 18, 2024 Work Session.*

5. APPROVED Resolution Approving the Urban & Community Forestry Grant with the Arbor Day Foundation

***Resolution No. 10610** authorizing the acceptance of a sub-award agreement for a grant from the National Arbor Day Foundation.*

6. APPROVED Consider an Ordinance related to the issuance of up to \$112,500,000 in General Obligation Refunding and Improvement Bonds, Series 2024

***Ordinance No. 7517** considering all matters incident and related to the issuance, sale and delivery of up to \$112,500,000 in principal amount of "City of Garland, Texas General Obligation Refunding and Improvement Bonds, Series 2024"*

7. APPROVED Water and Sewer System Refunding Bonds

***Ordinance No. 7518** refunding approximately \$45 million of Water and Sewer System Commercial Paper Notes, Series 2015 and approximately \$10.5 million Water and Sewer System Revenue Bonds, Series 2012 with Water and Sewer System Revenue Refunding Bonds, Series 2022.*

Matthew Watson, Chief Financial Officer provided a briefing to Council on the Water and Sewer System Revenue Refunding Bonds, Series 2024.

There was no discussion by the Council.

Motion was made by Council Member Williams, seconded by Mayor Pro Tem Bass. Motion Carried: 9 ayes, 0 nays.

8. APPROVED Agreement with Good Samaritans of Garland, Inc. Regarding the Purchase and Leaseback of 210/214 N. Twelfth St. and the Lease of 3319 Edgewood Drive

Approve an Agreement regarding the purchase of 210/214 N. Twelfth Street and the lease of 3319 Edgewood Drive., Garland, TX and authorize the City Manager and Mayor to execute such documents necessary to complete the transactions.

Becky King, Managing Director Community and Neighborhood Development provided a briefing to Council on the Agreement with Good Samaritans of Garland, Inc. Regarding the Purchase and Leaseback.

There was no discussion by Council.

Motion was made by Council Member Dutton, seconded by Council Member Hedrick. Motion carried 9 ayes, 0 nays.

9. A public hearing was previously conducted for the zoning case(s) below. Council approved the zoning request(s) and instructed staff to bring forth the following ordinances:

a. APPROVED Z 24-03 ZoneDev (District 5)

Ordinance No. 7519 amending the Garland Development Code of the City of Garland, Texas, by approving an Amendment of Conditions to Planned Development (PD) District 01-26 for Heavy Commercial (HC) Uses to allow Automobile Sales, New or Used by right; and Boat Sales, Leasing and Repair; Motorcycle/ATV Sales Leasing and Repair (New and Used - Indoors only); Personal Watercraft Sales, Leasing and Repair (New or Used); and Recreational Vehicles/Trailer sales, Leasing and Repair by Specific Use Provision only on a 6.150-acre tract of land located at 11675 Lyndon B. Johnson Freeway; 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 23-47 Prime Data Centers / Munsch Hardt Kopf & Harr (District 7)

Ordinance No. 7520 amending the Garland Development Code of the City of Garland, Texas, by approving a Change in Zoning from Agricultural (AG) District to a Planned Development (PD) District based in the Community Office (CO) District and 2) a Detail Plan for a Data Center and Electric Substations on a 48.93-acre tract of land located at 2000 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.

ITEMS FOR INDIVIDUAL CONSIDERATION

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10. Hold public hearing(s) on the following Zoning Case(s):

- a. **APPROVED** Consider a request by SignSmiths of TX for a "Major Waiver" to the Downtown Sign Standards to install a new sign on the existing awning. The site is located at 823 Main Street in District 2.

Consider and take appropriate action on the application of SignSmiths of TX, requesting approval of 1) a Major Waiver to Chapter 7, Table 7-7 of the Garland Development Code and 2) a Downtown Development Plan to allow an awning sign on a property zoned Downtown (DT) District, Uptown (U) sub-district. This property is located at 823 Main Street. (District 2) (File DD 24-01)

The staff report was presented by William Guerin, Director of Planning. The applicant was present but did not speak.

There was no discussion by the Council.

Motion was made by Council Member Morris, seconded by Deputy Mayor Pro Tem Moore. Motion carried: 9 ayes, 0 nays.

- b. **APPROVED** Consider a request by Texas Taco Cabana, LP to renew the Specific Use Provision for an existing restaurant with a drive-through [Taco Cabana]. The site is located at 5959 Broadway Boulevard in District 4.

Consider and take appropriate action on the application of Texas Taco Cabana, LP, requesting approval of 1) a Specific Use Provision Renewal for a Drive-Through, Restaurant Use and 2) a Plan on a property zoned Community Retail (CR) District with a Specific Use Provision (S 02-36). This property is located at 5959 Broadway Boulevard. (District 4) (File Z 24-09)

The staff report was presented by William Guerin, Director of Planning. The applicant was present but did not speak.

There was no discussion by the Council.

Motion was made by Council Member Williams, seconded by Council Member Lucht. Motion carried: 9 ayes, 0 nays.

CITIZEN COMMENTS

Members of the audience wishing to address issues not on the meeting agenda may have three minutes to speak. However, according to the Texas Open Meetings Act, Council is prohibited from discussing any item not on the posted agenda.

Citizen comments were by: Thomas

ADJOURN

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There being no further business to come before the City Council, Mayor LeMay, adjourned the meeting at 7:47 p.m.

Submitted By:

Scott LeMay, Mayor

Tracy Allmendinger, Deputy City Secretary



**GARLAND
PURCHASING REPORT**

City Council Regular Session

2. a.

Meeting Date: 04/16/2024

Item Title: Two replacement bucket trucks for the Transportation Department

Submitted By: Garth Sanich, Director of Fleet Services

Bid Number: 0789-24

Purchase Justification:

This purchase is for the replacement of one 2027 Ram 5500Aerial Bucket Truck, and for one 2028 Ram 5500 Aerial Bucket Truck for the Transportation Department.

Evaluation:

The Aerial Bucket Trucks are available from Altec Industries, Inc. through the Sourcwell Cooperative Purchasing Contract 110421-ALT. The purchase includes \$103,455 in unpublished options that are being provided and installed by Altec Industries, Inc. during assembly. As competitive bids were not received, a Bid Recap is not included.

Award Recommendation:

<i>Vendor</i>	<i>Item</i>	<i>Amount</i>
Altec Industries, Inc.	All	\$541,391.00
	TOTAL:	\$541,391.00

Basis for Award:

Cooperative Purchase

Purchase Requisition #:

51195

Fiscal Impact

Total Project/Account: \$586,154 *
 Expended/Encumbered to Date (Including this Item): \$541,391
 Proposed Balance: \$44,763
 Account #: 444-1711-9009

Fund/Dept/Project Description and Comments:

Equipment Replacement Fund - Transportation Department

* A Budget Amendment to the FY 2023-24 Operating Budget will be brought to City Council for consideration at a future date to appropriate funds in the Equipment Replacement Fund for the purchase of two replacement bucket trucks.

Attachments

Units being replaced

Budget Type:

Operating Budget

Fiscal Year:

2023-24

Document Location:

Page 285

Budget Director Approval:

Allyson Bell Steadman

Approval Date:

04/04/2024

Purchasing Director Approval:

Gary L. Holcomb

Approval Date:

03/29/2024

Units being replaced:			MILES	HOURS
170-1395	2015 Dodge 5500 Bucket Truck			3,451
170-1439	2015 Dodge 5500 Bucket Truck			4,535



**GARLAND
PURCHASING REPORT**

City Council Regular Session

2. b.

Meeting Date: 04/16/2024

Item Title: 2024 Where the Heart Is Sidewalk Replacement Project

Submitted By: Tye Tingey, Sr. Civil Engineer

Bid Number: 0447-24

Purchase Justification:

This request is for the 2024 "Where the Heart Is" Sidewalk Replacement Project for the reconstruction (repair) of portions of concrete sidewalks in the following subdivisions: Western Heights (District 6) and Gatewood Estates (District 4). This project is funded with American Rescue Plan Act (ARPA) funding. Subdivisions identified for sidewalk repairs are based on the most recent subdivisions where neighborhood improvements were made in connection with the Where the Heart Is Program managed by the Office of Neighborhood Vitality.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Eight (8) bids were received and evaluated with R&A Legacy Construction, LLC submitting the Straight Low Bid.

Award Recommendation:

<i>Vendor</i>	<i>Item</i>	<i>Amount</i>
R&A Legacy Construction, LLC	All	\$356,804.00
	TOTAL:	\$356,804.00

Basis for Award:

Straight Low Bid

Purchase Requisition #:

50835

Fiscal Impact

Total Project/Account: \$921,779

Expended/Encumbered to Date (Including this Item): \$825,409

Proposed Balance: \$96,370

Account #: 661-4699-1029900-7111

Fund/Dept/Project Description and Comments:

Street CIP / ARPA-Funded Sidewalk Program

Attachments

Bid Recap

Location Maps

Budget Type:

CIP

Fiscal Year:

2024

Document Location:

2024 Prop. CIP - Page 109

Budget Director Approval:

Allyson Bell Steadman

Approval Date:

04/04/2024

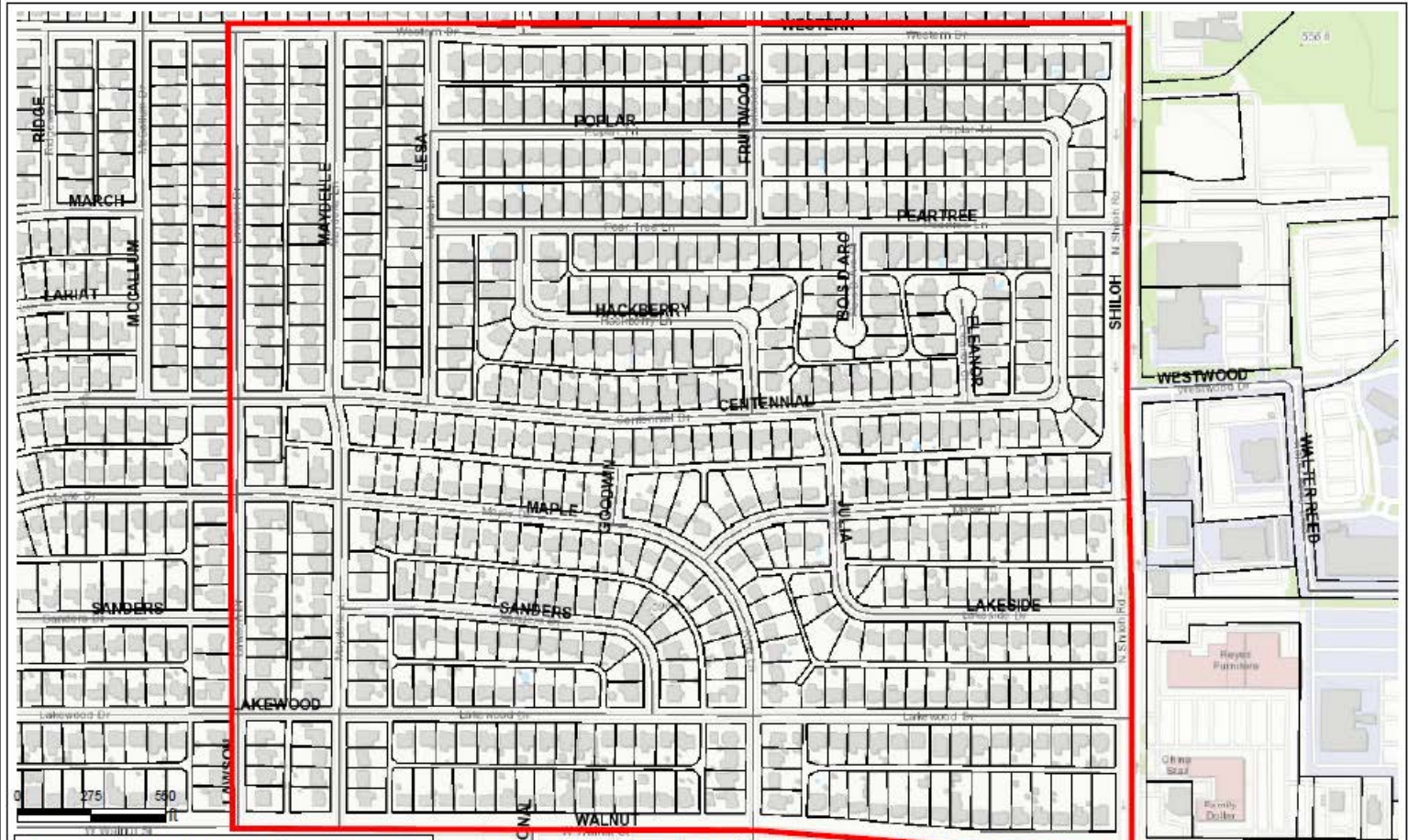
Purchasing Director Approval:

Gary L. Holcomb

Approval Date:

03/29/2024

Where The Heart Is-Neighborhood-Western Heights

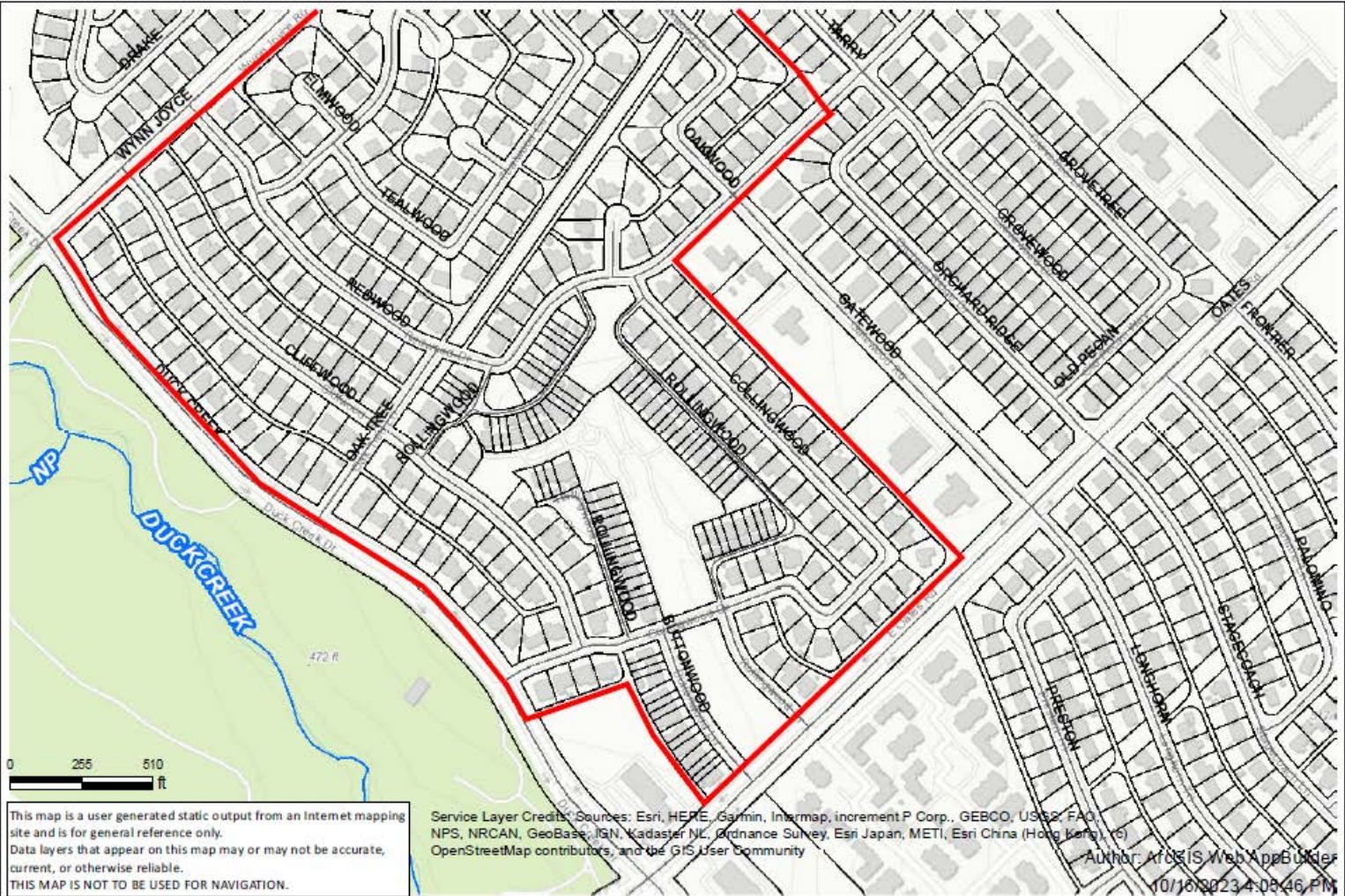


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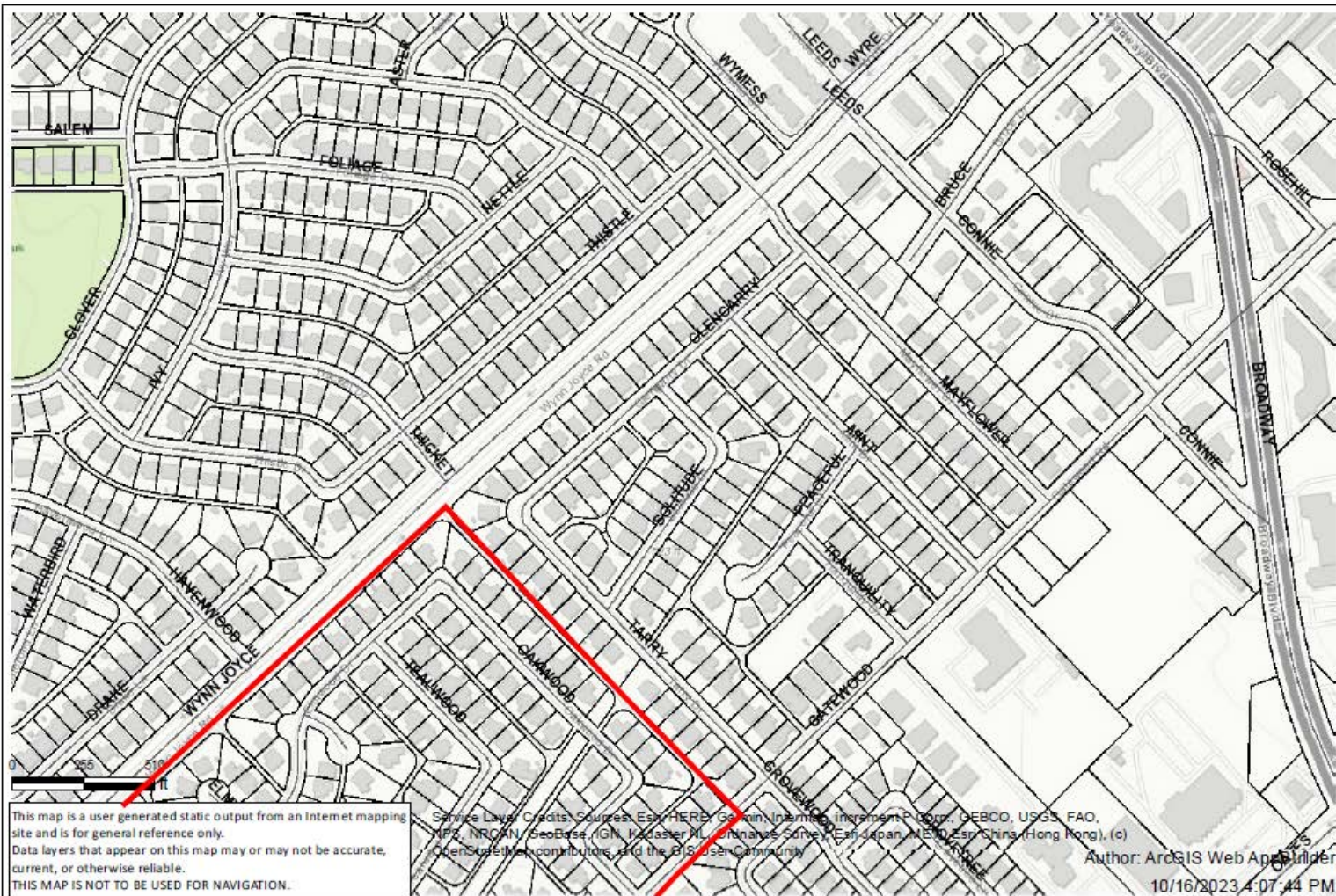
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Author: ArcGIS Web App Builder
5/23/2024 3:29:37 PM

Gatewood-Exhibit-1



Gatewood-Exhibit-2



This map is a user generated static output from an Internet mapping site and is for general reference only.
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Author: ArcGIS Web App Builder
10/16/2023 4:07:44 PM



GARLAND
PURCHASING REPORT

City Council Regular Session

2. c.

Meeting Date: 04/16/2024

Item Title: GP&L Holford to Campbell Switch 138kV Transmission Line Engineering Services

Submitted By: Steve Martin, GP&L Transmission
Director

Bid Number: 0794-24

Purchase Justification:

This request is to obtain engineering and design services to support the construction of the GP&L Holford to Campbell Switch 138kV Transmission Line. This is part of the approved GP&L Holford 138kV Line Loop Addition CIP project.

Evaluation:

Burns & McDonnell Engineering Company, Inc. was selected as the Most Qualified firm for this project from RFQ 0753-19. As competitive bids were not received, a Bid Recap is not included.

Award Recommendation:

<i>Vendor</i>	<i>Item</i>	<i>Amount</i>
Burns & McDonnell Engineering Company, Inc.	All	\$547,000.00
	TOTAL:	\$547,000.00

Basis for Award:

Most Qualified

Purchase Requisition #:

51278

Fiscal Impact

Total Project/Account: \$6,000,000

Expended/Encumbered to Date (Including this Item): \$2,320,363

Proposed Balance: \$3,679,637

Account #: 210-, 215-3599-3144301-7111

Fund/Dept/Project Description and Comments:

Electric CIP / Transmission Program

Budget Type:

CIP

Fiscal Year:

2024

Document Location:

2024 Prop. CIP - Page 272

Budget Director Approval:

Allyson Bell Steadman

Approval Date:

04/04/2024

Purchasing Director Approval:

Gary L. Holcomb

Approval Date:

03/29/2024



**GARLAND
PURCHASING REPORT**

City Council Regular Session

2. d.

Meeting Date: 04/16/2024

Item Title: GP&L Holford to Lookout 138kV Transmission Line Engineering Services

Submitted By: Steve Martin, GP&L Transmission
Director

Bid Number: 0795-24

Purchase Justification:

This request is to obtain engineering and design services to support the construction of the GP&L Holford to Lookout 138kV Transmission Line. This is part of the approved GP&L Holford 138kV Line Loop Addition CIP project.

Evaluation:

Burns & McDonnell Engineering Company, Inc. was selected as the Most Qualified firm for this project from RFQ 0753-19. As competitive bids were not received, a Bid Recap is not included.

Award Recommendation:

<i>Vendor</i>	<i>Item</i>	<i>Amount</i>
Burns & McDonnell Engineering Company, Inc.	All	\$651,000.00
	TOTAL:	\$651,000.00

Basis for Award:

Most Qualified

Purchase Requisition #:

51277

Fiscal Impact

Total Project/Account: \$6,000,000
Expended/Encumbered to Date (Including this Item): \$1,669,363
Proposed Balance: \$4,330,637
Account #: 215-3599-3144301-7111

Fund/Dept/Project Description and Comments:

Electric CIP / Transmission Lines Program

Budget Type:

CIP

Fiscal Year:

2024

Document Location:

2024 Prop. CIP - Page 272

Budget Director Approval:

Allyson Bell Steadman

Approval Date:

04/04/2024

Purchasing Director Approval:

Gary L. Holcomb

Approval Date:

03/29/2024



GARLAND
PURCHASING REPORT

City Council Regular Session

2. e.

Meeting Date: 04/16/2024

Item Title: GP&L Shiloh Road to McCree 138kV Transmission Line Engineering and Surveying Addendum No. 1

Submitted By: Steve Martin, GP&L Transmission
Director

Bid Number: 0601-20

Purchase Justification:

This request is to obtain Change Order # 1 to Purchase Order 29988 with an addendum for engineering services associated with GP&L Shiloh Road to McCree 138kV Transmission Line Engineering and Surveying. The addendum will include additional studies, design services, design changes, and revised engineering plans and bid packages to accelerate the increased power flow capacity of the line to meet ERCOT required upgrades.

Evaluation:

R-Delta Engineers, Inc. was awarded the original PO 29988 in the amount of \$442,000 at the March 17, 2020 City Council Meeting. As competitive bids were not received for the change order, a Bid Recap is not included.

Award Recommendation:

<i>Vendor</i>	<i>Item</i>	<i>Amount</i>
R-Delta Engineers, Inc.	All	\$103,000.00
	TOTAL:	\$103,000.00

Basis for Award:

Change Order

Purchase Requisition #:

51091

Fiscal Impact

Total Project/Account: \$4,435,802

Expended/Encumbered to Date (Including this Item): \$4,394,367

Proposed Balance: \$41,435

Account #: 210-, 215-3599-3144801-7111

Fund/Dept/Project Description and Comments:

Electric CIP - Transmission Lines Program

Budget Type:

CIP

Fiscal Year:

2024

Document Location:

2024 Prop. CIP - Page 272

Budget Director Approval:

Allyson Bell Steadman

Approval Date:

04/04/2024

Purchasing Director Approval:

Gary L. Holcomb

Approval Date:

03/29/2024



**GARLAND
PURCHASING REPORT**

City Council Regular Session

2. f.

Meeting Date: 04/16/2024

Item Title: Term Contract for Medians and Porter Service

Submitted By: Matthew Grubisich, Parks Director

Bid Number: 0634-24

Purchase Justification:

This request is for a term contract for median mowing maintenance and porter service for downtown and park areas. This approval is for a term agreement with four (4) optional renewals.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Two (2) bids were received and evaluated based on published criteria. Carruthers Landscape Management received the highest evaluated score, offering the Best Value for the City.

Award Recommendation:

<i>Vendor</i>	<i>Item</i>	<i>Amount</i>
Carruthers Landscape Management	All	\$576,000.00
	TOTAL:	\$576,000.00

Basis for Award:

Best Value

Purchase Requisition #:

51010

Fiscal Impact

Total Project/Account: N/A

Expended/Encumbered to Date (Including this Item): N/A

Proposed Balance: N/A

Account #: 100-2431-711111

Fund/Dept/Project Description and Comments:

Term Contract sets price but does not commit funds. Expenses will be charged to Parks Maintenance accounts as incurred.

Attachments

Bid Recap

Budget Type: Operating Budget

Fiscal Year: 2023-24

Document Location: Page 144

Budget Director Approval: Allyson Bell Steadman

Approval Date: 04/09/2024

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 04/09/2024

CITY OF GARLAND - BID RECAP SHEET OPENED: 03/28/2024 REQ. NO. PR 51010 BID NO. 0634-24 PAGE: 1 of 1 BUYER: S. Slover			Carruthers Landscape Management		SRH Landscapes, LLC			
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ITEM	QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
			Price for Evaluation		\$576,000.00		\$945,744.00				
			Evaluation Criteria								
			Price	Maximum=45	45		27				
			Qualifications	Maximum=20	20		20				
			Equipment List	Maximum=10	10		10				
			References	Maximum=20	20		20				
			COG Experience	Maximum=5	0		0				
			Total	Maximum=100	95		77				

TOTAL GROSS PRICE			\$576,000.00	\$945,744.00		
CASH DISCOUNT						
TOTAL NET PRICE			\$576,000.00	\$945,744.00		
F.O.B.			DELIVERED	DELIVERED	DELIVERED	DELIVERED
DELIVERY						

NEXT LOW: \$945,744.00 LOW: \$576,000.00 SAVINGS: \$369,744.00	149 # IonWave Notifications 3 # IonWave HUBS 1 # Direct Contact HUBS 0 # HUBS Responded	All bids submitted for the designated project are reflected on this bid tab sheet. However, the listing of a bid on this sheet should not be construed as a comment on the responsiveness of such bid or as any indication that the city accepts such bid as responsive. <u>The City will notify the successful bidder upon award of the contract and, according to the law, all bids received will be available for inspection at that time.</u>
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GARLAND
CITY COUNCIL STAFF REPORT

City Council Regular Session

3. a.

Meeting Date: 04/16/2024

Title: Z 24-09 Texas Taco Cabana, LP (District 4)

Submitted By: Will Guerin, Planning Director

Issue/Summary

Zoning Ordinance Z 24-09 Texas Taco Cabana, LP

Background

Case Z 24-09 was approved via public hearing during the April 2, 2024 Regular City Council meeting.

Consideration / Recommendation

Consider adoption of the attached ordinance.

Attachments

Z 24-09 Ordinance

Z 24-09 Exhibit A

Z 24-09 Exhibit B

Z 24-09 Exhibits C-E

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PROVISION RENEWAL FOR A RESTAURANT, DRIVE-THROUGH USE ON A PROPERTY ZONED COMMUNITY RETAIL (CR) DISTRICT AND ON A 1.2697-ACRE TRACT OF LAND LOCATED AT 5959 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.

WHEREAS, at its regular meeting held on the 11th day of March, 2024, the Plan Commission did consider and make recommendations on a certain request for a Specific Use Provision Renewal for a Restaurant, Drive-Through Use on a property zoned Community Retail (CR) District by **Texas Taco Cabana, LP**; 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 a Specific Use Provision Renewal for a Restaurant, Drive-Through Use on a property zoned Community Retail (CR) District being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2

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

Section 3

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

Section 4

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

Section 5

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

Section 6

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

Section 7

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

FILE NO. Z 24-09

PASSED AND APPROVED this _____ day of _____,
2024.

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 24-09

BEING all that certain lot, tract or parcel of land situated in. the E. T. Myers Survey, Abstract No. 944, Dallas County, Texas, and being a part of the. 4.591 acre tract of land described in Deed of Trust to J. D. Clark, Ill, recorded in Volume 94044 at Page 1852 of the Deed Records of Dallas County, Texas, and being known as Lots 4 and 5 of Broadway Wal-Mart Addition, an addition to the City of Garland, Texas, as recorded in Volume 2000111 at Page 4958 of the Map Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows;

COMMENCING at a ½" iron rod found for the Southeast comer of Lot 1 in Block 2, K-Mart Square Addition, an addition to the City of Garland, Dallas County, Texas, according to the plat thereof recorded in Volume 78227 at Page 12 of the Deed Records of Dallas County, Texas, said point also being in the West right of way line of Broadway Boulevard (100 foot wide at this point);

THENCE South 00° 42' 04" West along East line of the Broadway Wal-Mart Addition for a distance of 291.01 feet to a 5/8" iron rod set for comer, said point being the Northeast Corner of said Lot 4 of the Broadway Wal-Mart Addition;

THENCE South 09° 42' 00" West and continuing along the East line of said Lot 4 and being common to the West right of way line of Broadway Boulevard for a distance of 78.42 feet to an "x". set in concrete for corner;

THENCE South 07° 19' 36" West and continuing along the common line of Lot 4 and Broadway Boulevard for a distance of 21.67 feet to a 5/8" iron rod set for comer,

THENCE South 00° 42' 00" West and continuing along the common line of Lot 5 and' the West right of way line of Broadway Boulevard and passing the Southeast comer of Lot 4,

ZONING FILE NUMBER Z 24-09

same being the Northeast comer of Lot 5 at a distance of 60.17 feet and continuing along the East line of Lot 5 and the West right of way line of Broadway Boulevard for a total distance of 85,05 to the POINT OF BEGINNING for this tract;

THENCE South 00° 42' 00" West and continuing along the common line of Lot 5 and the West right of way line of Broadway Boulevard for a distance of 146.29 feet to a 5/8" iron rod set for corner;

THENCE South 45° 42' 43" West along the Southeast line of said Lot 5 for a distance of 33.94 feet to a 5/8" iron rod set for corner;

THENCE North 89° 17' 17" West along the South line of said Lot 5 for a distance of 43.89 feet to a 5/8" iron rod set for corner, said point being the beginning of a curve to the right having a central angle of 32° 36' 42" and a radius of 140.00 and whose chord bears South 74° 24' 22" West at a distance of 78.61 feet;

THENCE Southwesterly along said curve to the right and continuing along the South line of said Lot 5 for an arc distance of 79.69 feet to a 5/8" iron rod set for corner;

THENCE South 58° 06' 01" West and continuing along the South line of Lot 5 for a distance of 70.71 feet to a 5/8" iron rod set for corner;

THENCE North 76° 53' 59" West along the Southwest line of said Lot 5 for a distance of:21.21 feet to a 5/8" iron rod set for corner;

THENCE North 31° 53' 59" West along the West line of said Lot 5 for a distance of 128.45' feet to a 5/8" Iron rod set for corner, said point being the beginning of a curve to the right having a central angle of 32° 36' 03" and a radius of 90.00 feet and whose chord bears North 15° 35' 58" West at a distance of 50.52 feet;

THENCE Northwesterly along said curve to the right for an arc distance of 51.21 feet to a 5/8" iron rod set for corner;

THENCE North 0° 42' 04" East along the West line for a distance of 69.17 feet to a 5/8" iron rod set for corner;

EXHIBIT A

ZONING FILE NUMBER Z 24-09

THENCE. South 89° 17' 56" East for a distance of 307.02 feet to the POINT OF BEGINNING AND CONTAINING 1.2697 ACRES OF LAND, more or less.

EXHIBIT A

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 24-09

5959 Broadway Boulevard

I. Statement of Purpose: The purpose of this Specific Use Provision is to renew the Specific Use Provision (S 02-36) for a Restaurant with a Drive-Through Use.

II. Statement of Effect: This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.

III. General Regulations: All regulations of the Community Retail (CR) 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:

Site Layout: The site shall be in general conformance with the approved Site Plan, Landscape Plan, and Elevations labeled Exhibit C, Exhibit D, and Exhibit E. In the event of conflict between the conditions and 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 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. SUP Time Period: The Specific Use Provision for a Drive-Through, Restaurant Use shall be in effect for a period of twenty (20) years.

B. Maintenance requirements:

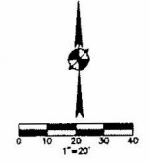
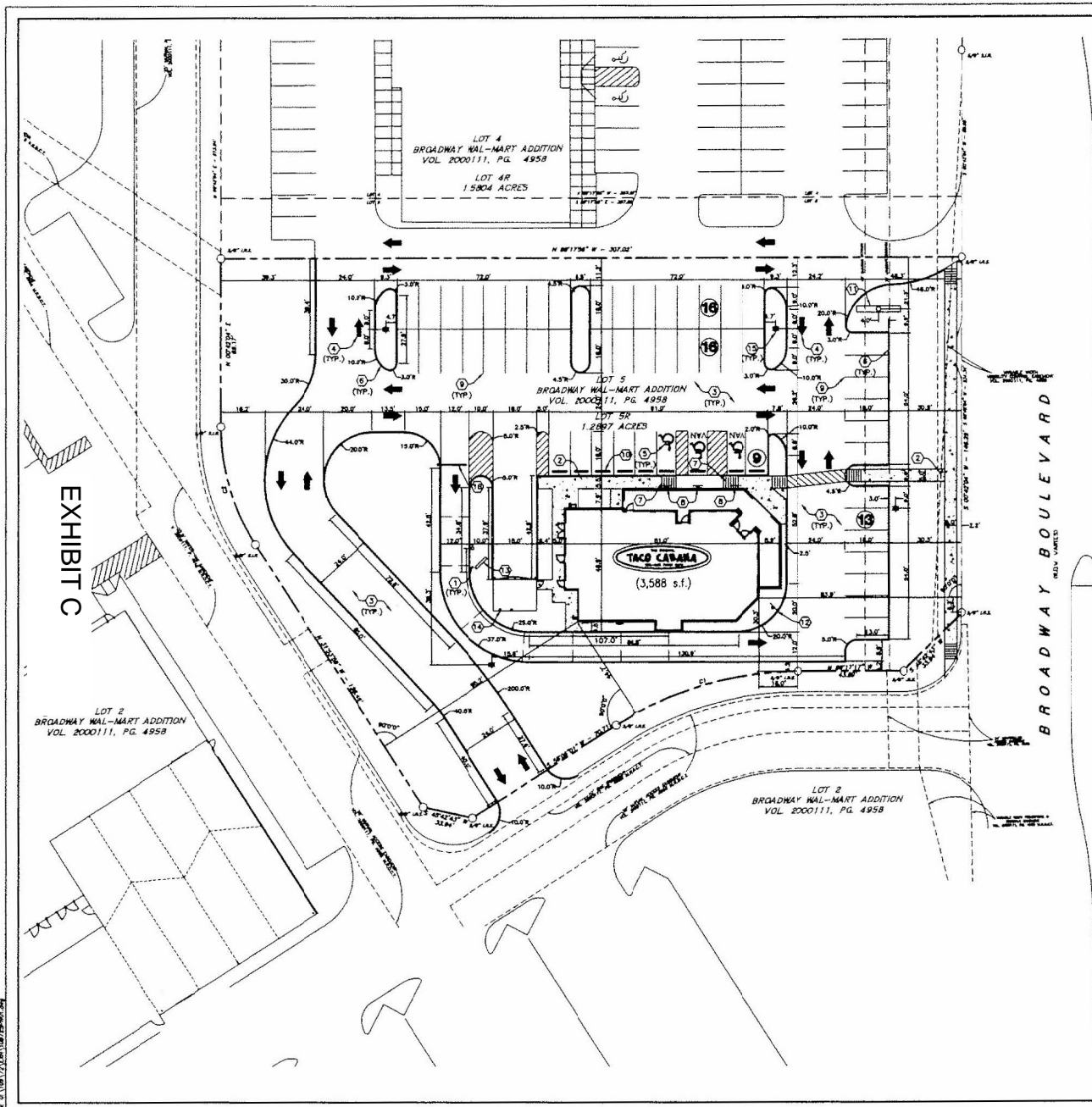
(1) Landscaping must be continuously maintained in a healthy, growing condition and in compliance with this ordinance, the Garland Development Code, the Code of Ordinances of the City of Garland, and the landscaping plan attached hereto at all times. The property owner is responsible for regular weeding,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

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

with a Drive-Through Use. See Section 4 of the granting ordinance.

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

- C. Signage: One freestanding pole sign, 22 feet in height, 150 square feet in area and set back 25 feet from the property line may remain on the site.



KEY NOTES:

- ① BOLLARD
- ② SIOCKALK
- ③ PAVEMENT
- ④ TRAFFIC FLOW ARROWS
- ⑤ HANDICAP PARKING
- ⑥ CURB
- ⑦ HANDICAP RAMP
- ⑧ HANDICAP SIGN
- ⑨ 4" STROPPING (YELLOW)
- ⑩ WHEEL STOP
- ⑪ TACO CABANA PYLON SIGN
- ⑫ "DO NOT ENTER" SIGN
- ⑬ MENU BOARD
- ⑭ DUMSTER ENCLOSURE
- ⑮ LIGHT POST
- ⑯ TRAFFIC CLEARANCE BAR

VICINITY MAP
N.T.S.
GARLAND, TEXAS

LEGEND

EXISTING	PROPOSED	DESCRIPTION
○	○	1/2" IRON ROD FOUND
○	○	1/2" IRON ROD SET
○	○	REIN. PIPE FOUND
○	○	WAL FOUND
○	○	CONCRETE FOOT
○	○	MOMENT FOUND
○	○	POINT OF BEGINNING
○	○	RECORDING
○	○	RECORD INFORMATION
○	○	LIGHT POLE
○	○	POWER POLE
○	○	BORN OUT
○	○	FIRE HYDRANT
○	○	WATER VALVE
○	○	WATER METER
○	○	ONE METER
○	○	SHOWING WELL
○	○	ONE WALK
○	○	WOOD FENCE
○	○	CHAIN LINK FENCE
○	○	WIRE FENCE
○	○	ELECTRICAL HANDBOLE
○	○	WATERMETER HANDBOLE
○	○	STANDARD HANDBOLE
○	○	WIDER HANDBOLE
○	○	CLEAN OUT
○	○	DRAINAGE INLET
○	○	CURB INLET
○	○	CLUB IN OUTLET
○	○	FIRE LINE
○	○	UNRECORDED
○	○	PARKING SPACE
○	○	IRON
○	○	VARIABLE HEIGHT
○	○	CALLS SUFFERING WALL
○	○	ELECTRIC PULL BOX
○	○	ELECTRIC METER
○	○	ELECTRIC TRANSFORMER
○	○	TELEPHONE SERVICE BOX
○	○	BOLLARD
○	○	OVER HEAD ELEC. LINE
○	○	OVER HEAD TELEPHONE
○	○	STORM SEWER LINE
○	○	WATER LINE
○	○	WASTEWATER LINE
○	○	FORCE MAIN
○	○	UNDERGROUND ELECTRIC
○	○	UNDERGROUND TELEPHONE
○	○	GAS LINE
○	○	PROPERTY LINE
○	○	LINE LINE
○	○	CONTOUR
○	○	SPOT ELEVATION
○	○	TOP OF CURB ELEVATION
○	○	EDGE OF PAVEMENT ELEVATION
○	○	OUT/PEL SLURPER
○	○	FLOW DIRECTION
○	○	CONCRETE SURFACE
○	○	LAND AREA (GIVE 2% SLOPE ANY DIRECTION)
○	○	NUMBER OF PARKING SPACES

PARKING SUMMARY

LEASE AREA:	1.2897 ACRES
BUILDING AREA:	3,588 S.F.
DRIVING AREA:	1,856 S.F.
PARKING REQUIRED:	48 SPACES
PARKING AVAILABLE:	54 SPACES
HANDICAP PARKING REQ'D:	3 SPACES
HANDICAP PARKING PROVIDED:	3 SPACES
(TOTAL BUILDING AREA/TOTAL SPACES)	
STALL SIZE:	9.0' x 18.0'
ISLE WIDTH:	24.0'

- NOTES:**
1. ALL DIMENSIONS ARE TO FACE OF CURB.
 2. ALL RADII ARE 5.0' UNLESS OTHERWISE NOTED.
 3. ALL PROPOSED PARKING SHALL BE 9.0' x 18.0' UNLESS OTHERWISE NOTED.

CURVE TABLE

CURVE	DELTA	ANGLE	LENGTH	CHORD	CHORD
C1	90.00°	150.00'	78.85'	87.212' x 27.0"	78.85'
C2	90.00°	90.00'	81.0'	81.000' x 0.0"	81.00'

LEGAL DESCRIPTION:

A 1.2897 ACRE TRACT OUT OF LOT 5 BROADWAY WALMART ADDITION, AN ADDITION TO THE CITY OF GARLAND, TEXAS, AS RECORDED IN VOLUME 2000111 AT PAGE 4958 OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS.

ZONING

FW - (FREWAY) DISTRICT WITHIN THE INTERSTATE 30-OVERLAY DISTRICT

Bury+Partners
Consulting Engineers and Surveyors
10000 Preston Road, Suite 1000
Dallas, Texas 75242

TACO CABANA
THE ORIGINAL
TACO CABANA
TACO-MEXICAN PASTO CAFE
GARLAND, TEXAS

SITE PLAN

TACO CABANA
1.1455 ACRES
GARLAND, TEXAS

PLOTTING SCALE: 1" = 1'

DATE ISSUED: 09/17/02

FILE NO: 108-127-109725P001.DWG

DRAWN BY: JLD

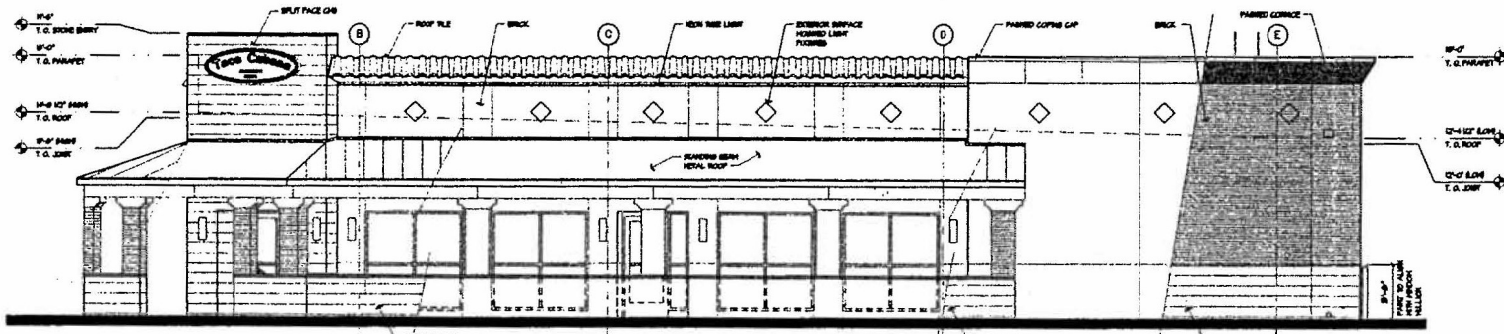
CHECKED BY: EES

PROJECT NO.: 108-72.00

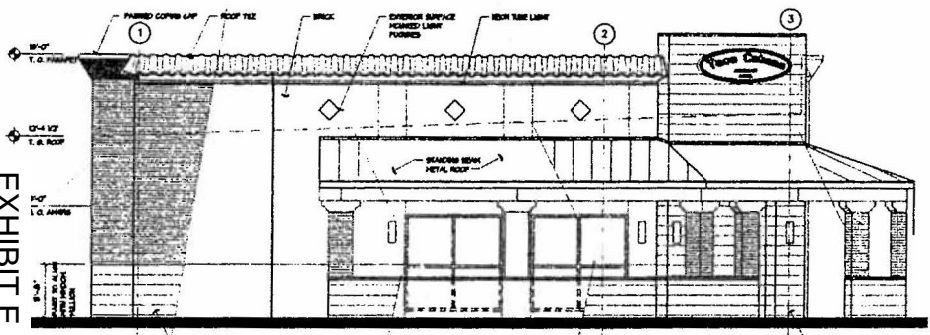
SHEET

1

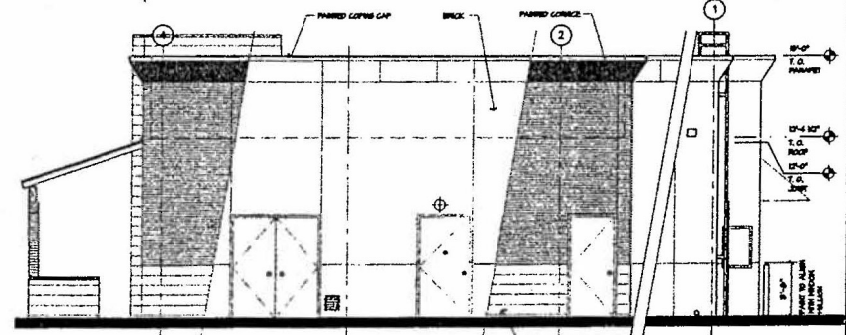
OF 1



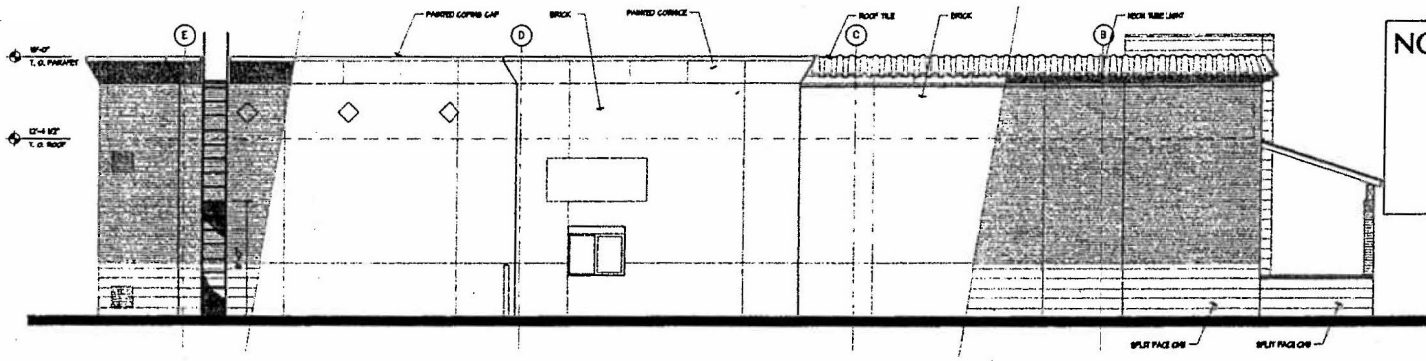
1 ELEVATION RIGHT SIDE
 SCALE: 1/4" = 1'-0"
 BRICK = 70%
 CMU = 30%



2 ELEVATION FRONT
 SCALE: 1/4" = 1'-0"
 BRICK = 62%
 CMU = 38%



4 ELEVATION REAR
 SCALE: 1/4" = 1'-0"
 BRICK = 80%
 CMU = 20%



3 ELEVATION LEFT SIDE
 SCALE: 1/4" = 1'-0"
 BRICK = 76%
 CMU = 24%

NOTE: NO EXTERIOR INSULATION FINISHING SYSTEM (E.I.F.S) IS TO BE USED IN THIS PROJECT

EXHIBIT E

reviewed by:
 date:
 residence:
 CITY/ PRESIDENTIAL
 5/16/02



MDN ARCHITECTS
 2001
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MDN
 Middelman + de la Garza + Neugebauer
 ARCHITECTS
 14329 MacGregor, San Antonio, Texas 78241 Tel: 210 340-2400 Fax: 210 340-3448

PROPOSED EXT. ELEVATIONS
 TACO CABANA PROTOTYPE III
 GARLAND, TEXAS

Job: 2001099
 Date: 10-04-01
 Sheet: 1 of 1

ELEV



GARLAND
CITY COUNCIL STAFF REPORT

City Council Regular Session

4.

Meeting Date: 04/16/2024
Title: First Amendment to the Project Specific Agreement with Dallas County for Rowlett Road Cycle Track from Greenbelt Parkway to Lake Ray Hubbard
Submitted By: Michael Polocek, Engineering Director
Strategic Focus Area: Well-Maintained City Infrastructure
Safe Community
Vibrant Neighborhoods and
Commercial Centers

Issue/Summary

Consideration of a Resolution authorizing the City Manager to enter into and execute the First Amendment to the Project Specific Agreement with Dallas County for Rowlett Road Cycle Track from Greenbelt Parkway to Lake Ray Hubbard for the design and construction for increased participation in the design and construction of the Rowlett Road Cycle Track from Greenbelt Parkway to Lake Ray Hubbard.

Background

The City of Garland (City) and Dallas County (County) entered into a Master Agreement Governing Major Capital Improvement Program ("Master Agreement") on May 18, 2021 with Dallas County. The City and County entered into a Project Specific Agreement on November 2, 2021 for the purpose of constructing transportation improvements to the Rowlett Road Multimodal Connection, from Greenbelt Parkway to Lake Ray Hubbard. The City of Garland originally agreed to provide funding for this project in the amount of Eight Hundred Ninety-Five Thousand, Six Hundred Fifty-One Dollars and no cents (\$895,651.00).

The First Amendment to the PSA is for the additional amount needed to cover costs associated with material and labor market adjustments and construction methods per the latest Opinion of Probable Construction Cost (OPCC) provided by the County. The final cost share amounts, along with the original amounts are as follows:

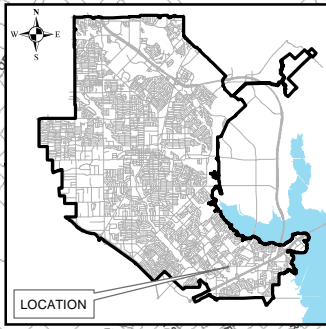
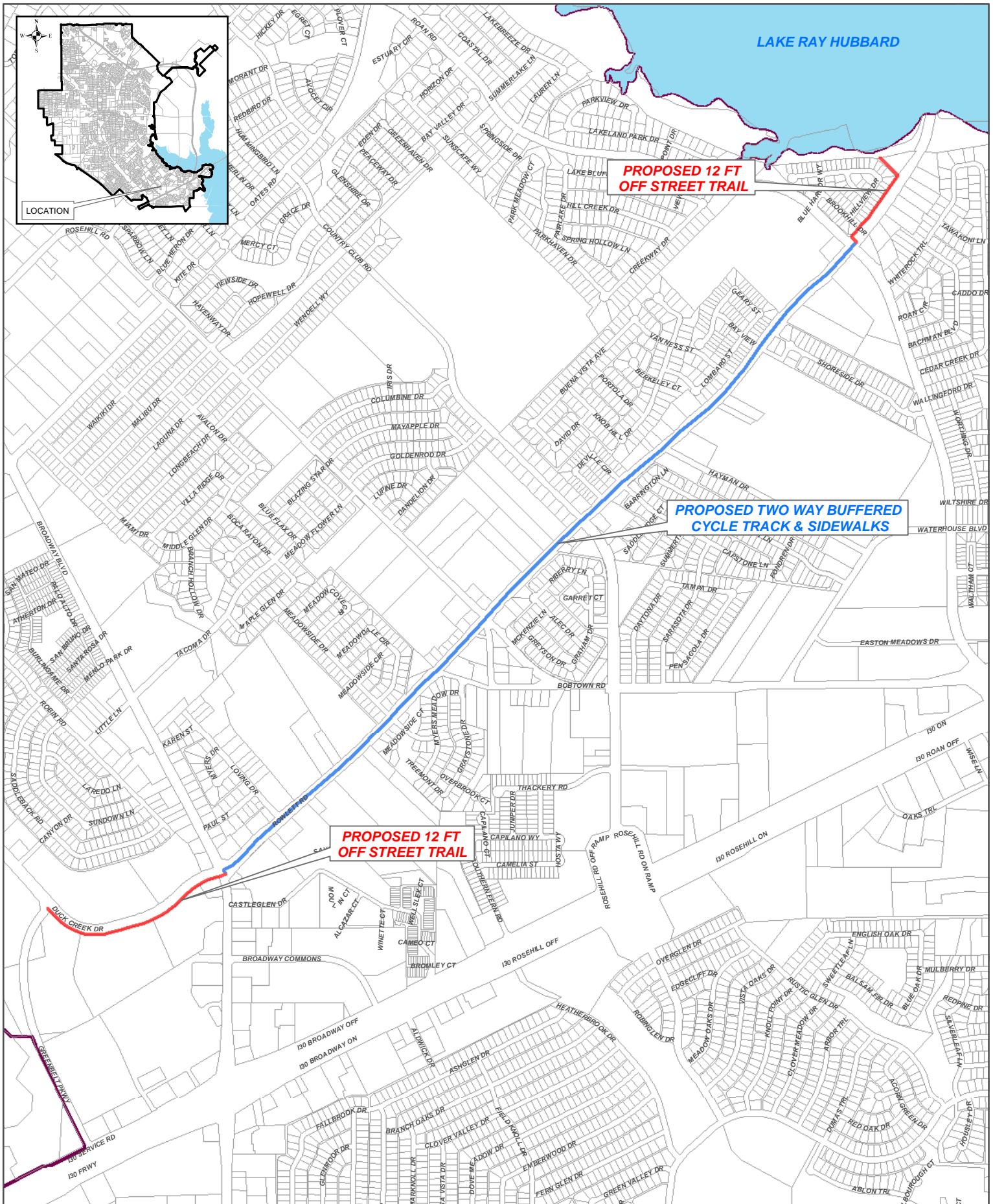
Agency	Total project cost based on the original PSA	Total project cost based on Amendment No. 1 to PSA
TxDOT (TA Set-Aside)	\$4,179,705.00	\$4,179,705.00
Dallas County	\$1,988,468.00	\$4,596,674.00
City of Garland	\$895,651.00	\$1,695,651.00
Total	\$7,063,824.00	\$10,472,030.00

Consideration / Recommendation

Council considered this item on the April 1, 2024 Work Session Agenda.

Attachments

Location Map
Resolution



**PROPOSED 12 FT
OFF STREET TRAIL**

**PROPOSED TWO WAY BUFFERED
CYCLE TRACK & SIDEWALKS**

**PROPOSED 12 FT
OFF STREET TRAIL**



ROWLETT RD MULTIMODAL CONNECTION

Scale: NTS
Date: 9/8/2021
Drawn: JW

File: Rowlett_Rd_Trail.mxd

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1
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Not to Scale

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE FIRST AMENDMENT TO THE PROJECT SPECIFIC AGREEMENT (PSA) WITH DALLAS COUNTY FOR TRANSPORTATION IMPROVEMENTS TO THE ROWLETT ROAD MULTIMODAL CONNECTION MCIP PROJECT FROM DUCK CREEK TRAIL AT GREENBELT PARKWAY TO GARLAND EAST CITY LIMITS (PROJECT 12706), WITHIN THE CITY OF GARLAND AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Garland desires to execute first amendment to the Project Specific Agreement (PSA) with Dallas County for Transportation Improvement to the Rowlett Road Multimodal Connection MCIP Project from Duck Creek Trail at Greenbelt Parkway to Garland East City Limits (Project 12706);

WHEREAS, the Project expands regional bicycle and pedestrian connectivity in the City of Garland by completing a missing section of the Regional Veloweb. The proposed 2.3 miles project will include a two-way buffered cycle track, 12-ft wide sidepath, and new sidewalks.

WHEREAS, the total project cost, based on the original Project Specific Agreement dated November 2, 2021, was estimated to be Seven million, Sixty-Three Thousand, Eight Hundred Twenty-Four Dollars and no cents (\$7,063,824.00). The City of Garland share was in the amount of Eight Hundred Ninety-Five Thousand, Six Hundred Fifty-One Dollars and no cents (\$895,651.00).

WHEREAS, the total Project revised cost is estimated to be Ten Million, Four Hundred Seventy- Two Thousand, Thirty Dollars and no cents (\$10,472,030.00) due to an increased in material and labor cost. TxDOT's total obligation to this Project is to provide funding in the amount not to exceed Four Million, One Hundred Seventy-Nine Thousand, Seven Hundred Five Dollars and no cents (\$4,179,705.00). The County's total obligation to this Project is to provide funding in the amount not to exceed Four Million, Five Hundred Ninety-Six Thousand, Six Hundred Seventy-Four Dollars and no cents (\$4,596,674.00). The City agrees to provide funding for the Project in the amount not to exceed One Million, Six Hundred Ninety-Five Thousand, Six Hundred Fifty-One Dollars and no cents (\$1,695,651.00).

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

WHEREAS, City approval of the First Amendment to the project specific agreement is necessary to fund and proceed with the project;

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

Section 1

That the City Manager is hereby authorized to execute the First amendment to the Project Specific Agreement with Dallas County for transportation improvements on Rowlett Road Multimodal Connection MCIP Project from Duck Creek Trail at Greenbelt Parkway to Garland East City Limits (Project 12706), which is attached hereto as Exhibit "A" and incorporated herein by reference.

Section 2

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

Section 3

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

PASSED AND APPROVED this the 16th day of April, 2024.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



GARLAND
CITY COUNCIL STAFF REPORT

City Council Regular Session

5.

Meeting Date: 04/16/2024
Title: Water Conservation and Resource Emergency Management Plan Update
Submitted By: Michael Brinkmann, Managing Director
Strategic Focus Area: Reliable, Cost Efficient Utility Services

Issue/Summary

Every five (5) years, the Texas Commission of Environmental Quality requires public utilities that provide potable water service to 3,300 or more connections to update their water Conservation and Resource Emergency Management Plan. This updated plan reflects conservation measures, best management practices, and historical water use and outlines emergency actions when the water supply is threatened by drought, equipment failure and other scenarios that could impact water deliveries.

Background

Every five (5) years, the Texas Commission of Environmental Quality requires public utilities that provide potable water service to 3,300 or more connections to update their water Conservation and Resource Emergency Management Plan. The current plans were updated in 2019 and are required to be updated by May 1, 2024.

Consideration / Recommendation

Staff recommends adopting the ordinance. The City Attorney's Office has reviewed and approved the updated plans.

Attachments

Water Conservation Plan Adoption

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF GARLAND, TEXAS, AMENDING ARTICLE VI, "WATER RESOURCE EMERGENCY MANGEMENT PLAN", AND ARTICLE VIII, "WATER CONSERVATION PLAN", OF CHAPTER 51, "GENERAL UTILITY PROVISIONS", OF THE CODE OF ORDINANCES OF THE CITY; PROVIDING A PENALTY CLAUSE, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That Article VI, "Water Resource Emergency Management Plan", of Chapter 51, "General Utility Provisions", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"ARTICLE VI. WATER RESOURCE EMERGENCY MANAGEMENT PLAN

Sec. 51.90 Declaration of policy, purpose, and intent

(A) In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection; and to protect and preserve public health, welfare, and safety; minimize the adverse impacts of a water supply shortage or other water supply emergency conditions, the City of Garland hereby adopts ;, the following regulations and restrictions on the delivery and consumption of water.

(B) Water uses regulated or prohibited under this Water Resource Emergency Management Plan (the "plan") are considered to be non-essential and the continuation of such uses during times of a water shortage or other emergency water supply conditions are deemed to constitute a waste of water that will subject offenders to both civil and criminal fines and penalties.

Sec. 51.91 Definitions

In this article:

Aesthetic water use means water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Aquatic life means a vertebrate organism dependent upon an aquatic environment to sustain its life.

Athletic field means a sports competition field used primarily for organized sports practice, competition or exhibition events for schools, professional sports or sanctioned league play.

Automatic shutoff nozzle means a device which permits water to flow through it only when outside pressure is applied.

Cool season grasses are varieties of turf grass that grow best in cool climates primarily in northern and central regions of the United States (i.e. perennial and annual rye grass, Kentucky blue grass and fescues).

Commercial users means commercial, institutional and industrial customers using water that is integral to its operations.

Conservation means those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water or increase the recycling and reuse of water so that an adequate supply of water is conserved and made available for future or alternative uses.

Customer means any person (as that term is defined in [section 10.03](#) of this Code) using or receiving water supplied by the City.

Director means the Managing Director of Water, Wastewater, and Water Recycling of the City, his or her designee, or such other individual to whom the City Manager has appointed the duties and authority under this article.

Drip irrigation (also known as micro irrigation) means the application of small quantities of water as drops, small streams or miniature sprays through emitters or applicators placed along a water delivery line. The drip method encompasses a number of systems or concepts such as bubbler, dripper, trickle, line source mist or miniature spray.

Landscape irrigation use means water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Landscaped areas mean areas of decorative plantings of vegetation generally consisting of shrubs, vines, groundcovers, trees, ornamental trees, and decorative grass species that are planted to

improve aesthetic qualities or natural beauty of a site and/or to stabilize the soil conditions, thereby minimizing water runoff. These areas may also include vegetation planted in containers intended to supplement or highlight areas of the landscape or garden.

Lawns mean an open area covered by closely mown and cultivated perennial turf grass.

Soaker hose is a type of water hose made of porous material that allows water to seep out of the hose without spraying water into the air.

Sec. 51.92 Triggering criteria for initiation and termination of emergency response stages

(A) The director shall monitor water supply or demand conditions on a daily basis and will determine when conditions warrant the initiation or termination of any emergency response stage of the plan. The director shall endeavor to provide public notification of the initiation or termination of an emergency response stage by means of publication of notice in a newspaper of general circulation in the City, the "City Press," and the City's website, by posting notices on the City's public access CATV channel and social media channels, through customer mailings when applicable, and by posting signs in City buildings. The director shall endeavor to notify any wholesale water customers and the North Texas Municipal Water District ("NTMWD") by telephone and a follow-up letter, e-mail, or fax when an emergency response stage is initiated. The director shall notify the executive director of the TCEQ within 5 business days when any mandatory provisions of the plan are activated.

(B) When the director determines that a water shortage or water supply emergency requires activation of the plan, the provisions of the plan shall go into effect immediately upon the first publication of notice and shall remain in effect until terminated by the director.

(C) The director may order the termination of an emergency response stage or water emergency when the conditions for termination are met or at his discretion. The director may decide not to order the termination of an emergency response stage or water emergency even though the conditions for termination of the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of potential changed conditions

that warrant the continuation of the emergency response stage. The director shall endeavor to take the following actions when an emergency response stage is terminated:

(1) Notify the public by means of publication of notices in a newspaper of general circulation in the City; publication in the "City press"; posting notices on the City's website, social media channels and on the City's public access CATV channel; through customer mailings if applicable, and by posting signs in City buildings.

(2) Notify any wholesale water customers and the NTMWD in a timely manner.

(3) Notify the executive director of the TCEQ within five (5) business days that activated mandatory provisions of the plan are terminated.

(D) Depending on the circumstances prevailing at the time the plan is put into effect, the director may determine that a water shortage or other water supply emergency exists under one of the following stages:

(1) Stage 1.

(a) Requirements for initiation. The director may initiate restrictions on certain nonessential water uses applicable to a Stage 1 water shortage when:

(i) The City's wholesale water provider, NTMWD, notifies the director of delivery or source shortages, requests initiation of Stage 1 of the plan, and the director concurs;

(ii) Total daily water demand exceeds 95 percent of the amount that can be delivered to customers for three consecutive days;

(iii) Water demand for all or part of the delivery system equals delivery capacity because delivery capacity is inadequate;

(iv) Supply source becomes contaminated;

(v) Water system is unable to deliver water due to the failure or damage of major water system components; or

(vi) The water system experiences continually falling treated water storage levels that do not refill above 65 percent overnight.

(b) Requirements for termination. Stage 1 may terminate when the circumstances that caused the initiation of Stage 1 no longer prevail and the director authorizes.

(2) Stage 2.

(a) Requirements for initiation. The director may initiate restrictions on certain nonessential water uses applicable to a Stage 2 water shortage when:

(i) The City's wholesale water provider, NTMWD, notifies the director of delivery or source shortages, requests initiation of Stage 2 of the plan, and the director concurs;

(ii) Total daily water demand exceeds 98 percent of the amount that can be delivered to customers for three consecutive days;

(iii) Water demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate;

(iv) Supply source becomes contaminated;

(v) Water system is unable to deliver water due to the failure or damage of major water system components; or

(vi) The water system experiences Continually falling treated water storage levels that do not refill above 50 percent overnight.

(b) Requirements for termination. Stage 2 may terminate when the circumstances that caused the initiation of Stage 2 no longer prevail and the director authorizes.

(3) Stage 3.

(a) Requirements for initiation. The director may initiate restrictions on certain nonessential water uses applicable to a Stage 3 water shortage when:

(i) The City's wholesale water provider, NTMWD, notifies the director of delivery or source shortages, requests initiation of Stage 3 of the plan, and the director concurs;

(ii) Total daily water demand exceeds the amount that can be delivered to customers;

(iii) Water demand for all or part of the delivery system seriously exceeds delivery capacity because delivery capacity is inadequate;

(iv) Supply source becomes contaminated;

(v) Water supply system is unable to deliver water due to the failure or damage of major water system components; or

(vi) The water system experiences continually falling treated water storage levels that do not refill above 20 percent overnight.

(b) Requirements for termination. Stage 3 may terminate when the circumstances that caused the initiation of Stage 3 no longer prevail and the director authorizes.

Sec. 51.93 Emergency Response Stages

Based upon an analysis of water supply and demand conditions and in accordance with the triggering criteria set forth above, the director may implement the following emergency response stages as appropriate to the water shortage or water emergency being experienced.

(1) Stage 1. The goal for water use reduction under Stage 1 is a two percent (2%) reduction in the use that would have occurred in the absence of emergency management measures. During a Stage 1 shortage:

(a) The City will, in the manner it deems necessary and appropriate, endeavor to:

(i) Accelerate public education efforts on ways to reduce water use.

(ii) Halt nonessential city government water use.

(iii) Encourage the public to wait until the current drought or emergency situation has passed before establishing new landscaping.

(iv) The City will, in the manner it deems necessary and appropriate, endeavor to implement viable alternative supply strategies.

(v) Allow irrigation in Stage 1 as follows:

A. Between April 1 and October 31, irrigation of landscape areas, foundations, trees and lawns with hose-end sprinklers or automatic irrigation systems is prohibited except on Tuesdays and Saturdays; and from November 1 to March 31 the irrigation of landscape areas, foundations, trees and lawns with hose-end sprinklers or automatic irrigation systems is limited to once per week as approved by the Director. An exception is allowed where establishment of vegetation is required by TCEQ for stormwater permits on new construction.

B. Irrigation of landscape areas, foundations, and trees is allowed on any day provided it is accomplished using a handheld hose equipped with an automatic shutoff nozzle, a hose filled bucket or watering can of five (5) gallons or less, a soaker hose, or a drip irrigation system. Excessive runoff is prohibited.

C. The City and School District may water parks, sports fields, landscaped and lawn areas of medians and parkways, or other municipal facilities throughout the week in a manner that achieves the equivalent of two water days between April 1 and October 31 and from November 1 to March 31 the equivalent of once a week as approved by the Director.

D. Except for hand watering with an automatic shutoff nozzle, or the use of soaker hoses or drip irrigation systems, irrigation of lawns or

landscape areas is prohibited between the hours of 10:00 a.m. and 6:00 p.m. from April 1 through October 31.

(vi) Discourage over seeding of cool season turf grasses (such as rye grass or other similar grasses) that intensify cool season water requirements, except where establishment of vegetation is required by TCEQ for stormwater permits on new construction.

(2) Stage 2. The goal for water use reduction under Stage 2 is a reduction of five percent (5%) in the use that would have occurred in the absence of emergency management measures. During a Stage 2 shortage:

(a) The City will endeavor to continue or initiate actions available under Stage 1.

(b) The City will, in the manner it deems necessary and appropriate, endeavor to implement viable alternative water supply strategies.

(c) The operation of any ornamental fountain or pond for aesthetic or scenic purposes, if it uses potable water, is prohibited except when necessary to support aquatic life.

(d) The use of water to wash down sidewalks, walkways, driveways, parking lots, tennis courts, or other hard surfaces areas is prohibited except for human health and safety purposes. Use of water for dust control on construction projects is permitted to the extent allowed or required by law or regulation.

(e) Use of water to wash any vehicle, including without limitation a motor vehicle, motorcycle, boat, trailer, or airplane, is prohibited unless the source of water is equipped with an automatic shutoff nozzle that will stop the flow of water when that flow is not needed to rinse the vehicle being washed.

(f) Use of water in such a manner as to allow runoff or other waste is prohibited. Water runoff is excessive when it extends for a distance greater than ten (10) feet from the property's boundary lines; onto an adjacent property; or ten (10) feet past the targeted irrigation area for commercial sites. Excessive water runoff can be cause for termination of water service.

(g) Irrigation is allowed in Stage 2 as follows:

(i) Between April 1 and October 31, irrigation of landscape areas, foundations, trees and lawns with hose-end sprinklers or automatic irrigations systems is limited to one day per week on the day designated for residential trash pickup in customer's area; and from November 1 to March 31 the irrigation of landscaped areas, foundations, trees and lawns with hose-end sprinklers or automatic irrigation systems is limited to one day every other week on the day designated for collection of recyclable materials in customer's area.

(ii) The City and School District may water parks, sports fields, landscaped and lawn areas of medians and parkways, or other municipal facilities throughout the week in a manner that achieves the equivalent of one water day between April 1 and October 31 and from November 1 to March 31 the equivalent of once every other week as approved by the Director.

(iii) Irrigation of landscaped areas, trees, lawns or foundations is permitted at any time if it is done by means of a handheld hose equipped with an automatic shutoff nozzle, soaker hoses, or by drip irrigation. Water runoff (Paragraph 2(f) continues to be prohibited.

(iv) Golf courses using potable water may water fairways on designated watering days only, but may water greens and tee boxes as necessary. Athletic fields may be watered as necessary to insure the safety and well-being of the public.

(v) An exception is allowed where establishment of vegetation is required by TCEQ for stormwater permits on new construction.

(vi) Irrigation systems may be run for ten (10) minutes per station to test and repair the system and insure proper operation.

(vii) Except for hand watering with a handheld hose equipped with an automatic shutoff nozzle, or the use of soaker hoses or drip irrigation systems, irrigation of lawns or landscape areas is prohibited between the hours of 10:00 a.m. and 6:00 p.m. from April 1 - October 31.

(h) Existing swimming pools, wading pools, hot tubs or spa-type pools may not be drained and refilled; provided, however, that water may be added to swimming pools to replace losses during normal use or may be refilled immediately after repair by a commercial pool company.

(i) Discourage hydroseeding, hydromulching, and sprigging, except where establishment of vegetation is required by TCEQ for stormwater permits on new construction.

(j) Tenants of a rental property may not be required to plant or irrigate turfgrass. The Landlord, Home Owner's Association or designated representative, may hand water the turfgrasses for a maximum of two hours per day. If a Landlord chooses to hand water, they agree to deduct 75% of the retail public utility's master meter bill for water and sewer service before allocating it to the tenants (in accordance with Texas Administrative Code, Public Utility Commission of Texas, Chapter 24, Subchapter I, Rule 24.281, ii).

(3) Stage 3. The goal for water use reduction under Stage 3 is a reduction thirty percent (30%) in the use that would have occurred in the absence of emergency management measures. During a Stage 3 shortage:

(a) The City may continue or initiate any actions available under Stages 1 and 2.

(b) The City will, in the manner it deems necessary and appropriate, endeavor to implement viable alternative water supply strategies.

(c) Use of water to wash any vehicle at any location other than a commercial vehicle washing facility, including without limitation a motor vehicle, motorcycle, boat, trailer, or airplane, is prohibited unless for health, sanitation or safety reasons and for essential governmental purposes. A hose-end automatic shutoff nozzle must be used for this exception.

(d) Irrigation of landscape areas, foundations, trees and lawns with hose-end sprinklers or automatic irrigation systems is prohibited. Landscape areas, foundations, and trees may be watered for up to 2 hours on any day by a handheld hose equipped with an automatic shutoff nozzle, a soaker hose, or a drip irrigation system. Athletic fields may be watered

as necessary to insure the safety and well-being of the public. Excessive run-off continues to be prohibited.

(e) Permitting of pools is prohibited. Pools already permitted may be completed and filled with water. Existing pools may add water to maintain pool levels but may not be drained and refilled.

(f) Discourage the establishment of new landscaping. An exception is allowed where establishment of vegetation is required by TCEQ for stormwater permits on new construction.

(g) Prohibit golf course watering with potable water except for greens and tee boxes.

(h) Require all commercial users to reduce water use by a percentage established by the City Manager or his designee.

(i) The operation of any ornamental fountain or pond for aesthetic or scenic purposes, if it uses potable water, is prohibited except where necessary to support aquatic life.

Sec. 51.94 Water rationing surcharges

Surcharges on water consumption may be imposed and collected during any emergency response stage approved by the Council.

Sec. 51.95 Enforcement

Water use restrictions imposed in Stage 1, 2 and 3 emergency response stages may be enforced as follows:

(1) Upon the first or a subsequent violation, a customer may be issued a citation, with minimum and maximum fines as established by ordinance.

(2) Upon the second or a subsequent violation, the City may terminate water service to the customer. Services discontinued pursuant to this subsection will be restored only upon payment of a reconnection charge as set forth in [section 50.30](#)(D)(1)(b) of this Code.

(3) Any person in apparent control of the premises where a violation occurs or originates is presumed to be the violator, and proof that the violation occurred on the person's premises constitutes a rebuttal presumption that the person in apparent control of the property committed the violation. Parents are

presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on the premises under the parent's control constitutes a rebuttal presumption that the parent committed the violation. The presumption may be rebutted by proof that the parent had previously directed the child not to use the water as it was used in violation of the plan and that the parent could not have reasonably known of the violation.

Sec. 51.96 Variances

(A) The director may, in writing, grant a temporary variance of existing water uses otherwise prohibited under the plan if the director determines that the failure to grant such a variance would cause an emergency condition adversely affecting the public health, safety or welfare, or the person requesting the variance would suffer an undue hardship and the person demonstrates that:

(1) Compliance with the plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the plan is in effect; or

(2) Alternative methods can be implemented which will achieve a similar level of reduction in water use.

(B) A petition for a variance must include the following:

(1) The name and address of petitioners;

(2) The purpose of the intended water use;

(3) The specific requirement of the plan from which the petitioner is requesting relief;

(4) A detailed statement as to how the specific requirement creates a hardship unique to the petitioner or adversely affects the petitioner, and a statement as to what damage or harm will occur to the petitioner or others if the petitioner complies with this article;

(5) A description of the relief requested;

(6) The period of time for which the variance is sought;
and

(7) A description of what alternative water use restrictions or other measures the petitioner is taking or proposes to take in order to meet the intent of this plan.

(C) Unless waived or modified in writing by the director, a variance granted under this section shall include a timetable for compliance and shall contain a condition terminating the variance if the petitioner fails to meet a specified requirement of the variance.

(D) No variance will be retroactive or otherwise justify any violation of this plan that occurs prior to the issuance of the variance.

Sec. 51.97 Provisions to inform the public and opportunity for public comment

The City will provide the opportunity for public input in the development of this water resource emergency plan by the following means:

(1) Providing written notice of the proposed plan and opportunity to comment on the plan by newspaper, posted notice and/or notice on the City's website.

(2) Providing the draft plan to anyone requesting a copy.

(3) Holding a public meeting to give the public the opportunity to provide input on the plan. The meeting will be held at a time and location convenient to the public.

Sec. 51.98 Provisions for continuing public education and information

(A) The City will inform and educate the public about the water resource emergency plan by the following means:

(1) Preparing a bulletin describing the plan and making it available at City Hall and other appropriate locations.

(2) Making the plan available to the public through the City's website.

(3) Including information about the water resource emergency plan on the City's website.

(4) Notifying local organizations, schools, and civic groups that staff are available to make presentations on the plan (usually in conjunction with presentations on water conservation programs).

(B) At any time that the plan is activated or the emergency response stage changes, the City will notify local media of the issues, the current emergency response stage, and the specific actions required of the public. The information will also be publicized on the City's website and on social media channels. Billing inserts will also be used as appropriate.

Sec. 51.99 Coordination with the regional water planning group

A letter will be sent to the chair of the region C water planning group with a copy of this water resource emergency plan. The city will also send a copy of this water resource emergency plan to NTMWD.

Sec. 51.99.1 Review and update of water resource emergency plan

As required by TCEQ rules, the City will review and update the water resource emergency plan every five years. The plan will be updated as appropriate based on new or updated information."

Section 2

That Article VIII, "Water Conservation Plan", of Chapter 51, "General Utility Provisions", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"ARTICLE VIII. WATER CONSERVATION PLAN

Sec. 51.116 Declaration of policy, purpose, and intent

In order to conserve the available water supply by providing a consistent mechanism for preventing the waste of water resources, the following regulations and restrictions on the delivery and consumption of water are hereby adopted.

Sec. 51.117 Definitions

In this article:

Advanced Metering Infrastructure (AMI) means an integrated system that enables secure two-way communication between City of Garland

utilities and customers. The system collects, stores, and presents utility usage data in real time identifying use trends that can be used to improve efficiency.

Code means the Code of Ordinances of the City, as amended.

Conservation means those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water, or increase the recycling and reuse of water so that an adequate supply of water is conserved and made available for future or alternative uses.

Customer means any person (as that term is defined in [section 10.03](#) of this Code) using or receiving water supplied by the City.

Dedicatory instrument means each document governing the establishment, maintenance, or operation of a residential subdivision, planned unit development, condominium or townhouse regime, or any similar planned development. (i.e. a Home Owners Association (HOA)).

Director means the Managing Director of Water, Wastewater, and Water Recycling of the City, his or her designee, or such other individual to whom the City Manager has appointed the duties and authority under this article.

Drip irrigation is a method of landscape irrigation involving irrigation tubing that provides water directly to the roots of the plants.

Institutional use means the use of water by an entity dedicated to public service, such as a school, university, church, hospital, nursing home, or government facility. All facilities dedicated to public service are considered institutional regardless of ownership.

Landscape irrigation use means water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Municipal per capita water use is the sum total of water diverted into a water supply system for residential, commercial, public, and institutional uses divided by actual population served.

Municipal use means the use of potable water provided by a public water supplier as well as the use of treated wastewater effluent

for residential, commercial, public, and institutional applications.

Reclaimed water means reclaimed municipal wastewater that has been treated to a quality that meets or exceeds the minimum standards of Chapter 210 of the Texas Administrative Code and is used for lawn irrigation, industrial purposes, or other non-portable purposes.

Regulated irrigation property means any commercial property that uses one million gallons of water or more for irrigation purposes in a single calendar year.

Residential Gallons Per Capita Per Day ("Residential GPCD") means the total gallons sold for residential use by a public water supplier divided by the residential population served and then divided by the number of the days in the year.

Reuse is the authorized use for one or more beneficial purposes of water that remains unconsumed after the water is used for the original purpose of use and before that water is either disposed of or discharged or otherwise allowed to flow into a watercourse, lake, or other body of state-owned water.

Soaker hose is a type of water hose made of porous material that allows water to seep out of the hose without spraying water into the air.

Total Gallons Per Capita Per Day ("Total GPCD") means the total amount of water diverted and/or pumped for potable use divided by the total permanent population divided by the days of the year. Diversion volumes of reuse as defined in 30 T.A.C. 288.1 shall be credited against total diversion volumes for the purposes of calculating Total GPCD for targets and goals.

Unaccounted-for water is the difference between the amount of water delivered by the City's wholesale water supplier and the amount of water sold by the City. Unaccounted-for water can include inaccurate or incomplete recordkeeping, meter error, unmetered uses (i.e. firefighting), leaks, and water theft or unauthorized use.

Water conservation goals are measures of water consumption on a per capita basis set by the City as a benchmark for evaluating the effectiveness of the water conservation plan.

Water conservation plan is a strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing the loss or waste of water, for maintaining or improving the efficiency in the use of water, for increasing the recycling and reuse of water, and for preventing the pollution of water. A water conservation plan is required by title 30, part 1, chapter 288, subchapter A, rule 288.2 of the Texas Administrative Code.

Sec. 51.118 Water utility profile

The director shall endeavor to set water conservation goals for the City based on data collected and reported in the water utility profile filed with the Texas Commission on Environmental Quality (or successor agency) as required or provided by law. The profile shall include information regarding population and customer data, water usage data, water supply system data, and wastewater system data. The director shall ensure that a copy of the most current filed report is available for public inspection and copying.

Sec. 51.119 Water conservation goals

Water conservation goals are established to provide a reduction and/or stabilization in the per capita water use over current water use trends. These goals can be realized from incorporation of water savings measures. The planning goals for the City include the following:

Total Municipal per capita water use at or below 130.0
Total GPCD by the year 2029 and at or below 125.0
Total GPCD by the year 2034. Municipal per capita water use shall be calculated on an annual basis.

Sec. 51.120 Water conservation savings elements

The following measures shall be implemented as a part of the water conservation plan in an effort to track water use and control water losses.

(1) Water source metering. The Director shall endeavor to take monthly meter readings at each pumping station that pumps water into the City's water distribution system. These meters shall be within an accuracy of plus or minus 5 percent. These readings shall be recorded in a recordkeeping data base.

(2) Enforcement measures. The City has established criminal penalties and provided for the assessment of service fees for tampering with, bypassing, or diverting water distributed by the Water Department.

(3) Universal metering. The Director shall endeavor to meter all water connections to the City's water distribution system including all residential, commercial, and industrial users, parks, public areas, and municipal facilities; provided however, that the Director need not attempt to meter connections for water uses which are not from permanently metered locations, such as water used in fire protection, new construction, line flushing, maintenance flushing, storm sewer flushing, jet truck filling, fire hydrant flushing, and other required system flushing.

(4) Meter repair and replacement. The Director shall endeavor to test and repair meters on an as needed basis. All meters shall be periodically replaced on an as needed basis.

(5) Control of unaccounted-for water. The Director shall endeavor to maintain unaccounted-for water below 12 percent, as recommended by the City's water purveyor, the North Texas Municipal Water District (NTMWD). The amount of unaccounted-for water shall be monitored on an annual basis. If the amount of unaccounted-for water exceeds 12 percent, the director shall take appropriate actions to reduce the amount of unaccounted-for water. Actions may include the following:

- (a) Meter replacement and/or repair.
- (b) Large meter recalibration.
- (c) Aggressive leak detection program.
- (d) Water audit.

(e) Any other action deemed necessary to reduce the unaccounted-for water use.

(6) Record management. Based on requirements of the Texas Administrative Code, the Director shall separate water use into the following categories:

- (a) Residential.
 - (i) Single-family
 - (ii) Multifamily
- (b) Commercial.
- (c) Public/institutional.
- (d) Industrial.
- (e) Agricultural.
- (f) Wholesale.

(7) Leak detection and repair. The Director shall endeavor, on a continual basis, to monitor water lines by visual inspection and sound amplifiers on a daily basis for potential water leaks. Satellite inspection shall be used on an as needed basis. Water lines shall be upgraded and replaced as necessary to correct any deficiencies. AMI shall be used to provide the public with information regarding their water usage.

(8) Public education and information. The Director shall endeavor to provide the public with information on water conservation with activities such as:

- (a) Publication of information in a newspaper of general circulation in the City; publication in the "City Press"; posting information on the City's internet website; posting information on the City's social media channels; and including inserts in utility bills highlighting water conservation material;
- (b) Water conservation presentations at schools and other meetings at the request of the organization;
- (c) Providing water conservation material at City public buildings;
- (d) Encouraging the use of AMI to monitor leaks and water usage when available;
- (e) Encouraging the use of native, drought-tolerant, or adaptive plants;

(f) Promoting the use of drip irrigation and rain barrels;

(g) Offering, as funding permits, educational water audits to water customers on a first-come, first-served basis.

(h) Promoting the use of regional evapotranspiration-based weekly watering advice through the online platforms "Water My Yard" and "Water is Awesome".

(9) Conservation water rate structure. The City has implemented a three-tier increasing block rate structure to discourage waste of water replacing the existing uniform rate type structure.

(10) Water reuse and recycling. Treated wastewater plant effluent is reused at the City's two wastewater treatment facilities for plant wash down, on-site plant irrigation, and chlorination/dechlorination. Additional reuse includes diversion of treated effluent to a local power plant and NTMWD. The Director shall continue to identify additional opportunities for treated effluent reuse.

(11) Water conserving water fixtures. [Section 30.80](#) of this Code adopts the plumbing code, which requires new toilets, showerheads, and faucets that are installed to meet reduced water use requirements. Use of these new fixtures in new construction and in remodeling will reduce water demand.

(a) As funding permits, conservation credits shall be applied to a customer's utility bill when proof of purchase and a signed application has been received for the purchase of up to three (3) new toilets and up to one (1) new clothes washing machine.

(12) Wholesale water customers. Any contract that the director may enter into for the wholesale sale of water after the adoption of the water conservation plan shall include the requirements that the wholesale customer develop and implement a water conservation plan that meets the requirements of title 30, part 1, chapter 288, subchapter A, rule 288.2 of the Texas Administrative Code.

(13) Water service in food service establishments. It is an offense for an owner or employee of a food service establishment to serve water to a patron unless requested by the patron.

(14) Reservoir system operation plan. The City purchases all of its water from NTMWD, which utilizes system operation. The City does not have its own surface water supplies for which to implement a system operation plan.

(15) Monitoring effectiveness of the water conservation plan. The City monitors the effectiveness of the Water Conservation Plan on an annual basis through yearly reports and updates the plan every five (5) years.

(16) Conservation measures relating to lawn and landscape irrigation. Lawn and landscape irrigation practices within the City can cause a waste of valuable water resources. The purpose of this subsection is to assure that water be used for lawn and landscape irrigation in a manner that prevents waste and conserves water resources. All new irrigation systems must be in compliance with state design and installation regulations (Title 30, Part 1, Chapter 344 of the Texas Administrative Code).

(a) Lawn and landscape irrigation restrictions; offenses.

(i) Watering with sprinklers or irrigation systems is limited to no more than two days per week (during April 1 - October 31), and no more than one day a week (during November 1 - March 31) provided no active drought restrictions are in effect. A person commits an offense if he knowingly or recklessly irrigates, waters, or causes or permits the irrigation or watering of a lawn or landscape located on premises owned, leased, or managed by him or a dedicatory instrument in a manner which exceeds the weekly watering limitations set forth in this section.

(ii) Except for hand watering using an automatic shutoff nozzle and or the use of soaker hoses or drip irrigation systems, a person commits an offense if, between the hours of 10:00 a.m. and

6:00 p.m., he knowingly or recklessly irrigates, waters, or causes or permits the irrigation or watering of a lawn or landscape located on premises owned, leased, or managed by him or a dedicatory instrument.

(iii) A person commits an offense if he knowingly or recklessly irrigates, waters or causes or permits the irrigation or watering of a lawn or landscape located on premises owned, leased, or managed by the person in a manner that causes:

a. A substantial amount of water to fall upon impervious areas instead of upon the lawn or landscape, such that a constant stream of water overflows from the lawn or landscape onto a street or other drainage area; or

b. An irrigation system or other lawn or landscape watering device to operate during any form of precipitation or freeze event.

(iv) A person commits an offense if, on premises owned, leased, or managed by him, he operates a lawn or landscape irrigation system or device that:

a. Has any broken or missing sprinkler head; or

b. Has not been properly maintained in a manner that prevents the waste of water.

(v) A person commits an offense if he requires the installation of turfgrass or the irrigation of turfgrass, on a lawn or landscape of the premises owned, leased, or managed by him or a dedicatory instrument.

(vi) Except for golf courses and athletic fields, a person commits an offense if he knowingly allows the overseeding, sodding, sprigging, broadcasting or plugging with cool season grasses or watering of cool season grasses on a lawn or landscape of the premises owned, leased, or managed by him or a dedicatory instrument.

(b) Rain sensing devices and freeze gauges.

i. Any new irrigation system installed within the City on or after June 1, 2007, must be equipped with rain sensing devices and freeze gauges.

ii. A person commits an offense if, on premises owned, leased, or managed by him, he:

a. Installs, or causes or permits the installation of, a new irrigation system in violation of subsection (b) (i);

b. Operates, or causes or permits the operation of, an irrigation system that does not comply with subsection (b) (i); or

c. Fails to maintain the rain/freeze sensor in proper functioning order.

(c) Regulated irrigation premises.

A person commits an offense if, on a regulated irrigation premises owned, leased, or managed by him, he:

(i) Installs, or causes or permits the installation of a new irrigation system that has not been inspected at the same time as the initial backflow preventer inspection.

(ii) Does not regularly obtain and submit the results of an irrigation evaluation conducted by a licensed Texas irrigator.

(d) At home car washing can be done only when using a water hose with an automatic shut-off nozzle.

(17) The Director shall endeavor to coordinate with the regional water planning group in order to ensure consistency with the approved regional water plan.

(18) Hotels and motels are encouraged to offer a linen reuse water conservation option to customers."

Section 2

That, except as otherwise provided in this Ordinance, a violation of any provision of this Ordinance shall be a misdemeanor

punishable in accordance with Section 10.05 of the Code of Ordinances of the City of Garland, Texas. The City's authority to seek injunctive relief or other civil relief available under the law is not limited by this section.

Section 3

That Chapter 51, "General Utility Provisions", of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 4

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

Section 5

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

PASSED AND APPROVED this the _____ day of _____, 2024.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

Deputy City Secretary



GARLAND
CITY COUNCIL STAFF REPORT

City Council Regular Session

6. a.

Meeting Date: 04/16/2024
Title: Youth Programs Standards of Care
Submitted By: D'Lee Williams, Recreation Director
Strategic Focus Area: Safe Community

Issue/Summary

Public Hearing and consideration of a Resolution to approve the Youth Programs Standards of Care to meet the requirements of Texas Human Resource Code, Section 42.041(b)(14) to exempt recreational programs for children operated by municipalities from state child care licensing.

Background

Council is asked to adopt an ordinance with public comments for the Standards of Care. Texas Human Resources Code, Section 42.041(b)(14) establishes requirements to exempt recreational programs for children operated by municipalities from state child care licensing. In order to receive exempt status for elementary age (ages 5 to 13) and teen recreation programs, a municipality must adopt a youth programs standards of care ordinance after a public hearing, then submit a copy of the standards, a notice of the public hearing and a copy of the program and ordinance adopting the standards to the state. Parks and Recreation department staff have formulated standards of care for youth programs that include staffing ratios, minimum staff qualifications, minimum facilities, health and safety standards, and a mechanism for monitoring and enforcing the local standards; and further provides for notifying parents that the program is not licensed by the state and that the program may not be advertised as a daycare facility.

No changes were made to this year's Standards of Care.

This item was considered by Council at the April 1, 2024 Work Session

Consideration / Recommendation

Staff recommends the City Council adopt an ordinance with public comments for Youth Programs Standards of Care.

Attachments

Youth Programs Standards of Care
Youth Programs Standards of Care Ordinance



GARLAND

City of Garland Youth Program Standards of Care

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

GENERAL ADMINISTRATION

1) Organization

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

2) Definitions

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

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

been assigned responsibility for managing, administering, or implementing some portions of the Programs.

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

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

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

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

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

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

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

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

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

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

3) Inspections/Monitoring/Enforcement

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

- (1) Program will be inspected twice during the summer 8-week session.
- (2) Programs scheduled during winter break and spring break will be inspected once.
- (3) The inspection schedule of other Programs shall be determined when established and will be based on the duration of the Program.

B. Complaints regarding enforcement of the Standards of Care will be directed to the Supervisor. The Supervisor will be responsible to take the necessary steps to resolve the problems. Complaints regarding enforcement of the Standards of Care and their resolution will be recorded by the Supervisor. Serious complaints regarding enforcement of the Standards of Care will be addressed by the Director and the complaint and the resolution will be noted.

4) Participation

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

- (1) The name, address, phone number of the Youth.
- (2) The name, address, and phone number of the Youth's Parent or Guardian.
- (3) The names and phone numbers of people to whom the Youth can be released.
- (4) A statement/description of the Youth's special problems or needs.
- (5) Emergency medical authorization.
- (6) Proof of residency when appropriate; and
- (7) A liability waiver.
- (8) Disciplinary action forms

5) Suspected Abuse

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

STAFFING - RESPONSIBILITIES AND TRAINING

6) Youth Program Supervisor Qualifications

A. Supervisors will be full-time, professional employees of the city assigned to the Department and will be required to have all Program Leaders qualifications as outlined in Section 8 of these Standards of Care.

B. Supervisors must be at least 21 years old

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

Acceptable degrees include:

(1) Recreation Administration or General Recreation.

(2) Physical Education; or

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

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

E. Supervisors are required to undergo a background investigation.

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

7) Supervisor's Responsibilities:

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

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

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

8) Youth Program Leader Qualifications:

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

B. Leaders working with Youth must be age 18 or older.

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

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

E. Leaders must have successfully completed a course in first aid, CPR, and AED based on either American Heart Association or American Red Cross standards.

F. Leaders must pass a background investigation.

9) Leader Responsibilities:

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

10) Training/Orientation:

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

OPERATIONS

11) Staff-Participant Ratio

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

12) Discipline

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

13) Programming

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

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

- (1) Alternating active and passive activities.
- (2) Opportunity for individual and group activities.
- (3) Outdoor time each day as weather permits.

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

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

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

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

14) Communication

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

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

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

15) Transportation

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

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

FACILITY STANDARDS

16) Safety

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

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

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

- D. Program employees must have first aid supplies readily available in a designated location at each Program Site, during transportation to an off-site activity, and for the duration of any off-site activity. Program employees must have an immediately accessible guide to first aid and emergency care.
- E. Air conditioners, electric fans, and heaters at the Program Site must be mounted out of Participants' reach or have safeguards that keep Participants from being injured.

17) Fire

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

18) Health

A. Illness or Injury

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

B. Administration of Medication

Program employees will administer medication to a Participant only if:

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

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

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

C. Toilet Facilities

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

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

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

D. Sanitation

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

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

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

ORDINANCE NO. _____

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

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

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

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

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

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

Section 1

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

Section 2

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

Section 3

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

PASSED AND APPROVED this the _____ day of April, 2024.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



GARLAND

PLANNING REPORT

City Council Regular Session

7. a.

Meeting Date: 04/16/2024

Item Title: Consider amendments to the Garland Development Code

Submitted By: Will Guerin, Planning Director

REQUEST

Consider amending various Sections of Chapter 1, "General Provisions," Chapter 2, "Zoning Regulations," Chapter 3, "Subdivision Regulations," Chapter 4, "Site Development," Chapter 5, "Relief Procedures & Enforcement," and Chapter 7, "Downtown (DT) District" of the Garland Development Code of the City of Garland, Texas.

PLAN COMMISSION RECOMMENDATION

Approval to amend various Sections of Chapter 1, "General Provisions," Chapter 2, "Zoning Regulations," Chapter 3, "Subdivision Regulations," Chapter 4, "Site Development," Chapter 5, "Relief Procedures & Enforcement," and Chapter 7, "Downtown (DT) District" of the Garland Development Code of the City of Garland, Texas. In addition, the Commission suggested removing Section 2.05(f)(9) to allow the Plan Commission and City Council to postpone cases, and to amend Section 2.11 (B) regarding Concept Plans to add verbiage related to "scale" and "scope".

STAFF RECOMMENDATION

Approval to amend various Sections of Chapter 1, "General Provisions," Chapter 2, "Zoning Regulations," Chapter 3, "Subdivision Regulations," Chapter 4, "Site Development," Chapter 5, "Relief Procedures & Enforcement," and Chapter 7, "Downtown (DT) District" of the Garland Development Code of the City of Garland, Texas.

BACKGROUND

The City of Garland currently requires Detail Plans and other detailed site plans with Planned Development and Specific Use Provision applications. In 2023, following interviews with developers and presenting findings to the Development Services Committee, it was recommended by the Committee to reduce the "front-loaded" nature of Garland's zoning application requirements. The City Council has directed staff to bring forward an ordinance that amends the zoning process requirements in Garland as it pertains to Planned Developments and Specific Use Provisions. It is proposed to require Concept Plans instead, thus reducing the level of details and engineering-level documents required prior to zoning entitlements.

CONSIDERATIONS

1. It is proposed to eliminate the Detail Plan and detailed site plan requirements with Planned Developments and Specific Use Provisions, and instead require Concept Plans. This will reduce significant costs, and most likely time, for developers and development professionals during the zoning stage of the development process, where initial land use entitlements are being sought. The intent of the change is to establish a more development-friendly process for the City of Garland. Such detailed requirements will continue to be required during the permitting stage of the process, following zoning approval.
2. In addition to establishing a more development-friendly process competitive with other cities in the region, the proposed changes offer an opportunity to utilize Planned Developments in a manner that establishes unique standards, conditions and "tradeoffs" for flexibilities sought by developers, with the intent of creating quality development in Garland.
3. The purpose of a Concept Plan is to provide a general layout of the proposed development. The City's approval of a Concept Plan will allow the applicant to determine whether the City is generally in agreement with the land usage and development proposed, and will provide the City with an overall impression of the development proposed. A Concept Plan shall be construed to be an illustration of the layout and development concepts only and not an exact engineered representation of the specific development proposed.

4. In the draft ordinance, the fee section in Chapter 1 is proposed to be amended to reflect Concept Plans, as well as eliminating the "30-day shot clock" fees which no longer apply due to recent State law changes. These changes are anticipated to be minimal in terms of revenue impact.
5. This item was directed by the City Council during their December 4, 2023 Work Session. The Plan Commission was briefed on this item during the January 8, 2024 meeting and recommended the item during the March 25, 2024 meeting.
6. The draft ordinance as drafted by the City Attorney's Office is attached for the City Council's review.

Attachments

Draft Ordinance
Staff Presentation

ORDINANCE NO. _____

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 1, "GENERAL PROVISIONS," CHAPTER 2, "ZONING REGULATIONS," CHAPTER 3, "SUBDIVISION REGULATIONS," CHAPTER 4, "SITE DEVELOPMENT," CHAPTER 5, "RELIEF PROCEDURES & ENFORCEMENT," AND CHAPTER 7, "DOWNTOWN (DT) DISTRICT" OF THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE; A SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE.

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

Section 1

That Chapter 1, "General Provisions" of the Garland Development Code of the City of Garland, Texas, is hereby amended in part to read as follows:

"
...

Section 1.12 Procedures of the Development Review Committee.

(A) Types of Applications Reviewed. The DRC shall review the following types of applications:

- (1) An application for a Concept Plan for a Planned Development District, along with any related application requirements.

...

Section 1.14 Initiation of Application.

...

(D) Application Appointments. Zoning, development plan, redevelopment, concept plan, or land subdivision applications may be filed, by appointment only, with the Planning Director, upon the date and time identified in the Development Application Schedule, as provided in Section 1.18 of this GDC. The Planning Director may limit the number of applications filed on a particular day if the Planning Director determines that it is not administratively feasible to process any additional applications within 30 days.

...

Section 1.15 Deleted.

...

Section 1.21 Technical Review Meeting.

...

(C) Applications Requiring Technical Review Meeting. Pre-filing documents and working files that require a technical review meeting (unless otherwise determined as unnecessary by the City) include documents related to a proposed application for the following:

- (1) Specific Use Provision;
- (2) Concept Plan (submitted as part of a Planned Development application;

...

Section 1.100 Fees.

The following fees shall apply to all filings, except where otherwise noted:

- (A) Zoning change, specific use provision, or plat applications.

Type of Application	Fee
Planned development (PD) zoning (new or revised concept plan)	\$4,600.00 + \$50.00 per acre
Planned development - amendment of conditions	\$2,000.00
Specific use provision - new construction or expansion	\$2,000.00 + \$50.00 per acre
Specific use provision - use change	\$2,000.00
Specific use provision - residential less than one (1) acre	\$500.00 (o - 1 acre)

Type of Application	Fee
Zoning change request	\$2,000.00
Preliminary, final, or replats	\$1,000.00 + \$50.00 acre or portion thereof
Residential replats/final plat involving residentially zoned platted property	\$1,000.00 + \$50.00 acre or portion thereof
Amending plats	\$500.00 + \$50.00 acre or portion thereof
Minor plats	\$500.00 + \$50.00 acre or portion thereof
Plat vacation	\$500.00 + \$50.00 acre or portion thereof
Conveyance plats	\$500.00 + \$50.00 acre or portion thereof
Downtown development plan - less than 1 acre	\$1,000.00
Downtown development plan - 1 acre or above	\$6,000.00

(B) Variance, appeal, waiver, and miscellaneous applications.

Type of Application	Fee
Alcohol distance	\$500.00
Alley waiver	\$300.00
Building line modification	\$150.00
Building line modification, if board of adjustment appeal is also required	None

Type of Application	Fee
Development standards variance (screening and landscaping, signage)	\$350.00
Alternative compliance	\$200.00
Fence variance	\$250.00
House conversion	\$800.00
Downtown development plan/regulating plan (new construction - includes major waiver)	\$1,000.00
Downtown minor waiver	\$250.00
Reasonable accommodations	\$0.00
Vested rights petition	\$0.00
Sidewalk waiver	\$200.00
Sign variance	\$250.00
Tree removal permit (application fee only; tree mitigation fees required as applicable)	\$150.00
Tree preservation variance	\$300.00
Municipal setting designation	\$5,000.00

(C) Zoning verification letters.

Type	Fee
Zoning verification letter	\$200.00 (per DCAD Parcel ID)

Section 1.101 Refund Policy for Planning & Zoning Fees.

..."

Section 2

That Chapter 2, "Zoning Regulations" of the Garland Development Code of the City of Garland, Texas, is hereby amended in part to read as follows:

"
...

Section 2.04 General Provisions.

...

(B) Definitions. Following are definitions, general terms, and special terms used in this GDC that are related to the approval process for land development applications.

(1) "Plan" means a subdivision development plan, including a subdivision plan, subdivision construction plan, site plan, concept plan, detail plan, land development application, and site development plan.

...

Section 2.05 Processing of Zoning Application, Plat, Plan, and Decision.

...

(F) Plan Commission - Public Hearing & Recommendation.

...

(3) Mandatory Approval. The Plan Commission shall recommend approval of a plat that is required to be prepared under this GDC or state law and that satisfies all applicable regulations.

...

(5) Recommendation on a Plan. The Plan Commission shall recommend approval, approval with conditions, or disapproval of a plan.

(6) Decision Deadline on a Plat. The Plan Commission shall approve, approve with conditions, or disapprove a plat within 30 days after date the plat is filed. A plat shall be considered approved by the Plan Commission unless it is disapproved

within the 30 day period.

(7) Deleted.

(8) Deleted.

(9) Postponement of Decision. The Plan Commission may, by written request of the applicant, postpone making a decision on the application of a plan or plat. Upon approval of the Plan Commission, the postponement may be for a period not to exceed 30 calendar days, and does not require additional public notice if such postponement is to a date certain. An applicant may request multiple 30-day postponements, but each must be approved by the Plan Commission. The Plan Commission may not request or require an applicant to request postponement, waive a deadline or other approval procedure under this GDC or Chapter 212, Subchapter A of the Texas Local Government Code.

...

(G) City Council - Public Hearing & Decision.

...

(4) Deleted.

...

(6) Decision on a Plan. The City Council shall approve, approve with conditions, or disapprove a plan.

(7) Deleted.

...

(9) Postponement of Decision. The City Council may, by written request of the applicant, postpone making a decision on the application of a plan or plat and may defer its final decision. The City Council may not request or require an applicant to request postponement, waive a deadline or other approval procedure under this GDC or Chapter 212, Subchapter A of the Texas Local Government Code. Upon approval of the City Council, the postponement may be for a period not to exceed 30 calendar days, and does not require additional public notice if such

postponement is to a date certain. An applicant may request multiple 30-day postponements, but each must be approved by the City Council.

...

Section 2.07 Purpose, Applicability, Nature and Size of District.

- (A) Purpose. The purpose of a Planned Development zoning district (PD district) is to provide for the development of land as an integral unit for single or mixed uses in accordance with special conditions or a Concept Plan that may include uses, regulations and other requirements that vary from the provisions of other zoning districts. PD districts are generally intended to encourage flexible and creative planning, to ensure the compatibility of land uses, to allow for the adjustment of changing demands to meet the current needs of the community, and to result in a higher quality development for the community than would result from the use of standard zoning districts.

...

- (C) Nature of the District. Each PD district is based on the standard zoning district(s) that most closely resembles the development anticipated. Development in a PD district must be generally consistent with the Concept or Detail Plan (where required) submitted in the application or approved for a Planned Development.

...

Section 2.08 Authorized Uses; Consistency with Concept or Detail Plan.

...

- (C) Location and Arrangement of Buildings. The location and arrangement of all buildings in the PD district must be generally consistent with the Detail or Concept Plan, if any, approved with the district.
- (D) Consistency Required. All development applications within a PD district must be generally consistent with the Detail or Concept Plan that is part of the PD. Failure of a subsequent development application to

generally conform to the approved Detail or Concept Plan will result in denial of the application, unless the PD district regulations are amended through incorporation of a revised Concept or Detail Plan with which the development application is consistent.

...

Section 2.11 Concept Plan

- (A) Requirement for Concept Plan. The Planning Director shall determine whether a Concept Plan is required as part of an application for a PD or SUP. If a Concept Plan is determined to be required, such Plan must be included with the PD or SUP change of zoning application and is, if the application is approved, incorporated as part of the PD or SUP ordinance.
- (B) Purpose of Concept Plan. The purpose of a Concept Plan is to provide a general layout of the proposed development. The City's approval of a Concept Plan will allow the applicant to determine whether the City is generally in agreement with the land usage and development proposed, and will provide the City with an overall impression of the development proposed. A Concept Plan shall be construed to be an illustration of the development concepts only and not an exact representation of the specific development proposed.
- (C) Contents of Concept Plan. Requirements for the format and contents of a Concept Plan must be in accordance with requirements in the *Development Application Packet*, as may be amended from time to time.
- (D) Planning Director Review. The planning director is authorized to require the applicant to make additions and corrections to Concept Plans before moving the application forward to the public hearing stage.

Section 2.12 Amending a Planned Development (PD)

- (A) Existing PD containing requirement for Detail Plan. When amending an existing PD that contains a requirement for a Detail Plan, a Concept Plan may be used in place of the Detail Plan.

Section 2.13 Approval of a Planned Development District.

- (A) Factors. The following criteria will be used by the City in deciding whether to approve, approve with modifications, or deny an application for a PD district:

...

- (5) The extent to which proposed uses and the configuration of uses depicted in the Concept Plan are compatible with existing and planned adjoining uses; and

...

- (B) Approval Process. The establishment of a PD district is a change of zoning; therefore, the approval process for a PD district ordinance, including the approval of related applications such as a Concept Plan, must follow the process set forth for a change of zoning in Article 2, Division 1 of this Chapter 2.

- (C) Conditions. The Plan Commission and City Council may impose such conditions to the PD district regulations and Concept Plan (as applicable) as are necessary to assure that the purpose of the PD district is implemented and to safeguard the public health, safety, and welfare.

Section 2.14 Adopting Ordinance.

Items Specific to the Ordinance. The ordinance establishing a PD district shall incorporate an approved Concept Plan as part of the district regulations and shall set forth the following:

...

Section 2.15 Subsequent Development Applications.

- (A) Minor Deviations from Approved Planned Development (PD). In determining whether development applications are consistent with the approved PD, minor deviations from the PD may be approved by the Planning Director. Unless otherwise specified in the PD adopting ordinance, the Planning Director has the discretion to determine whether deviations from the PD are minor

deviations, upon a determination that the deviations meet the intent of the PD conditions, and meet or exceed the requirements of the PD.

- (B) Major Deviations from Approved Planned Development (PD). All other deviations from the approved PD that the Planning Director has not determined to be minor, will be considered major and must be submitted for approval as a change of zoning application to amend the PD district to the Plan Commission and City Council.

...

Section 2.17 Purpose, Applicability, and Effect.

...

- (B) Applicability. A Specific Use Provision is required to use or develop property within the City limits for any use designated as a specific use in the Land Use Matrix in Article 5 of this Chapter 2 for the zoning district in which the property is located. The Specific Use Provision application may be accompanied by a Concept Plan prepared in accordance with requirements set forth in the *Development Application Packet*, as may be amended from time to time.

...

Section 2.19 Application Requirements.

...

- (B) Concept Plan. A Concept Plan may be required as part of an SUP application. The requirements for the format and content of a Concept Plan must be in compliance with the requirements in the *Development Application Packet*, as may be amended from time to time. The Concept Plan may be incorporated into the regulations of the SUP ordinance and must be construed in conjunction with the authorized uses and development standards, if any, set forth in the SUP ordinance.

...

Section 2.52 Special Standards for Certain Uses.

- (A) Specific Requirements. The City has established the

following standards for certain land uses that apply to the uses regardless of the zoning district in which they are located, unless otherwise stated within other sections of this GDC. The definitions for each land use listed below are contained within Chapter 6 of this GDC.

...

(34) Recreational Vehicle (RV) Park. A Recreational Vehicle Park must comply with the following provisions of this Subsection (36):

(a) Planned Development (PD) District Required. An RV Park is allowed only within a PD district. The approval of a Concept Plan is required.

..."

Section 3

That Chapter 3, "Subdivision Regulations" of the Garland Development Code of the City of Garland, Texas, is hereby amended in part to read as follows:

"

...

Section 3.05 Relationship Between Platting & Zoning.

(A) Zoning. Inside the corporate limits of the City, the following shall apply:

...

(3) Planned Development (PD) District and Specific Use Provision (SUP) Zoning. In a Planned Development (PD) district (refer to Chapter 2, Article 2, Division 2) or for Specific Use Provision (SUP) zoning (refer to Chapter 2, Article 2, Division 3), a plat application must conform with all PD/SUP and other applicable zoning regulations, and with the approved PD/SUP zoning exhibit, Concept Plan, Detail Plan, Site Plan, or other layout plan approved as part of the PD/SUP ordinance.

...

Section 3.46 Timing & Relief.

(A) Timing of Dedication & Construction.

(1) Initial Provision for Dedication or Construction.

The developer shall submit for approval Schematic Engineering Drawings that demonstrate a proposed development will be adequately served by public facilities and services at the time for approval of a site permit application for a development, including: a petition for an annexation agreement or an annexation development agreement (if applicable).

As a condition of approval of the development application, the City may require the dedication of rights-of-way or easements for, and construction of, capital improvements to serve the proposed development.

...

Section 3.62 Schematic Drainage Plan Review.

A Schematic Stormwater Plan (SSP) shall be submitted to the City for review prior to submission of a site permit that involves construction pursuant to Subsection 3.61(B) above (whichever occurs first). Schematic Drainage Plan requirements are in the Technical Standards, and basic information regarding the site shall be provided including, but not limited to, the following:

..."

Section 4

That Chapter 4, "Site Development" of the Garland Development Code of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

"

...

Section 4.55 Definitions for Tree Preservation.

The following terms and phrases, as used in this Article 4, have the following meanings (other related definitions are contained within Article 3 of this Chapter 4, and also within Chapter 6, of this GDC):

...

- (O) "Tree Removal Authorization" means an approval issued by the Planning Director based on a Tree Management Plan that has been approved by the Planning Director during Site Plan, PD Concept or Detail Plan, Site Permit, or Building Inspection review and approval (as applicable, and whichever occurs first).

..."

Section 5

That Chapter 5, "Relief Procedures & Enforcement" of the Garland Development Code of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

"

...

Section 5.21 Dormant Projects.

- (A) Definitions. For purposes of this section only:

- (1) Initial Permit means any of the following types of applications or approvals granted under the Garland Comprehensive Zoning Ordinance or subdivision regulations (including Chapter 31 of the City Code), as amended, or any predecessor zoning, subdivision or development-related ordinance that was in effect prior to the effective date of this GDC: any Site Plan, Concept Plan, Detail Plan, Specific Use Permit/Provision, any type of plat, or any other application that was approved subject to a schematic drawing illustrating the location, arrangement, orientation, or design of land uses, lots, or improvements on a site intended for development.

..."

Section 6

That Chapter 7, "Downtown (DT) District" of the Garland Development Code of the City of Garland, Texas, as amended,

shall be and remain in full force and effect save and except as amended by this Ordinance.

"
...

Section 7.28 Downtown Development Plan.

(A) Prior to obtaining a Site or Building Permit, an approved Downtown Development Plan must be obtained from the Planning Director (or from the City Council, if the Director's decision is appealed) demonstrating that the proposal meets the goals, intent, and general standards contained in these district regulations.

(B) A Downtown Development Plan application shall include the following information and documents that demonstrate compliance with the Downtown district:

...
(10) Minor or Major Waivers being requested or previously approved
...

Section 7.30 Waivers of Design Standards.

(A) Types of Waivers. For the purposes of this district, there shall be two types of Waivers of design standards - Minor and Major. A Waiver may be made in conjunction with an application for a Downtown Development Plan, or prior to and independent of the application. Any Waiver must be specifically requested by the Applicant. No Waivers to standards will be considered approved if not specifically identified in the request for approval of a Development Plan.

...

(C) 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:

...”

Section 7

That Chapters 1,2,3,4,5, and 7 of the Garland Development Code shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 8

That the terms and provisions of this Ordinance are severable and are governed by Sec. 1.07 of the Garland Development Code of the City of Garland, Texas.

Section 9

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

PASSED AND APPROVED this the ____ day of April 2024.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

Deputy City Secretary



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Consider amending various Sections of Chapter 1, "General Provisions," Chapter 2, "Zoning Regulations," Chapter 3, "Subdivision Regulations," Chapter 4, "Site Development," Chapter 5, "Relief Procedures & Enforcement," and Chapter 7, "Downtown (DT) District" of the Garland Development Code of the City of Garland, Texas.



Background

- Development Services Committee discussion, Spring 2023
- Numerous workshops among staff, facilitated by Dillon Morgan Consulting, Inc.
- Interviews with developers
- Recommendation by Development Services Committee, and direction from City Council, December 4, 2023
- Plan Commission briefing Jan 8, 2024
- Plan Commission recommendation March 25, 2023



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Background

Current zoning process, outside of straight zoning, requires detailed planning documents including engineering schematics, detailed site plan, landscape plan, building elevations, etc. From a developer's perspective, he/she cannot close on the purchase of a property until zoning entitlement is secured.



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Shifting risk for developers:

- Reducing risks in time and costs prior to entitlement, but the risk of the zoning layout not working or some additional deviations or flexibilities being requested and going back through zoning process increases.



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Planned Development (PD) Zoning: *A Fundamental Change*

Current:

- Developer in the driver's seat
- De facto variance process; PD zoning as relief to base zoning requirements: "deviations"
- PDs written as an overlay with base zoning requirements
- Developer proposes land use and the PD process is used to mitigate perceived/real issues with proposed use

Future:

- City in the driver's seat
- A path for highest/best uses and higher-quality development
- A tool to maximize opportunity in redevelopment and remnant parcel scenarios
- Provide alignment with plans (Catalyst Areas, Parks, Trails, Economic Development, etc.)



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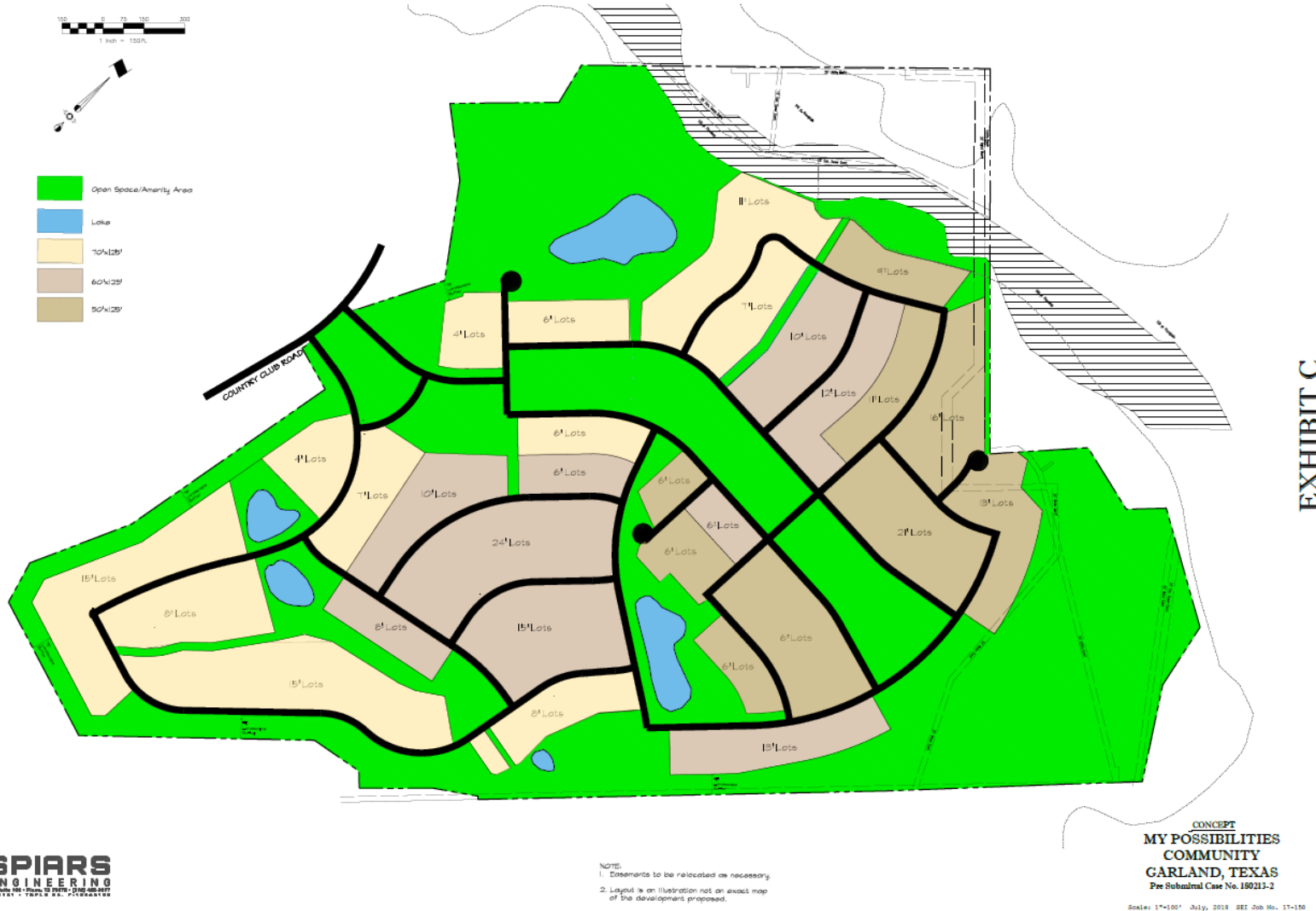
Concept Plans

The purpose of a Concept Plan is to provide a general layout of the proposed development. The City's approval of a Concept Plan will allow the applicant to determine whether the City is generally in agreement with the land usage and development proposed, and will provide the City with an overall impression of the development proposed. A Concept Plan shall be construed to be an illustration of the layout and development concepts only and not an exact engineered representation of the specific development proposed.



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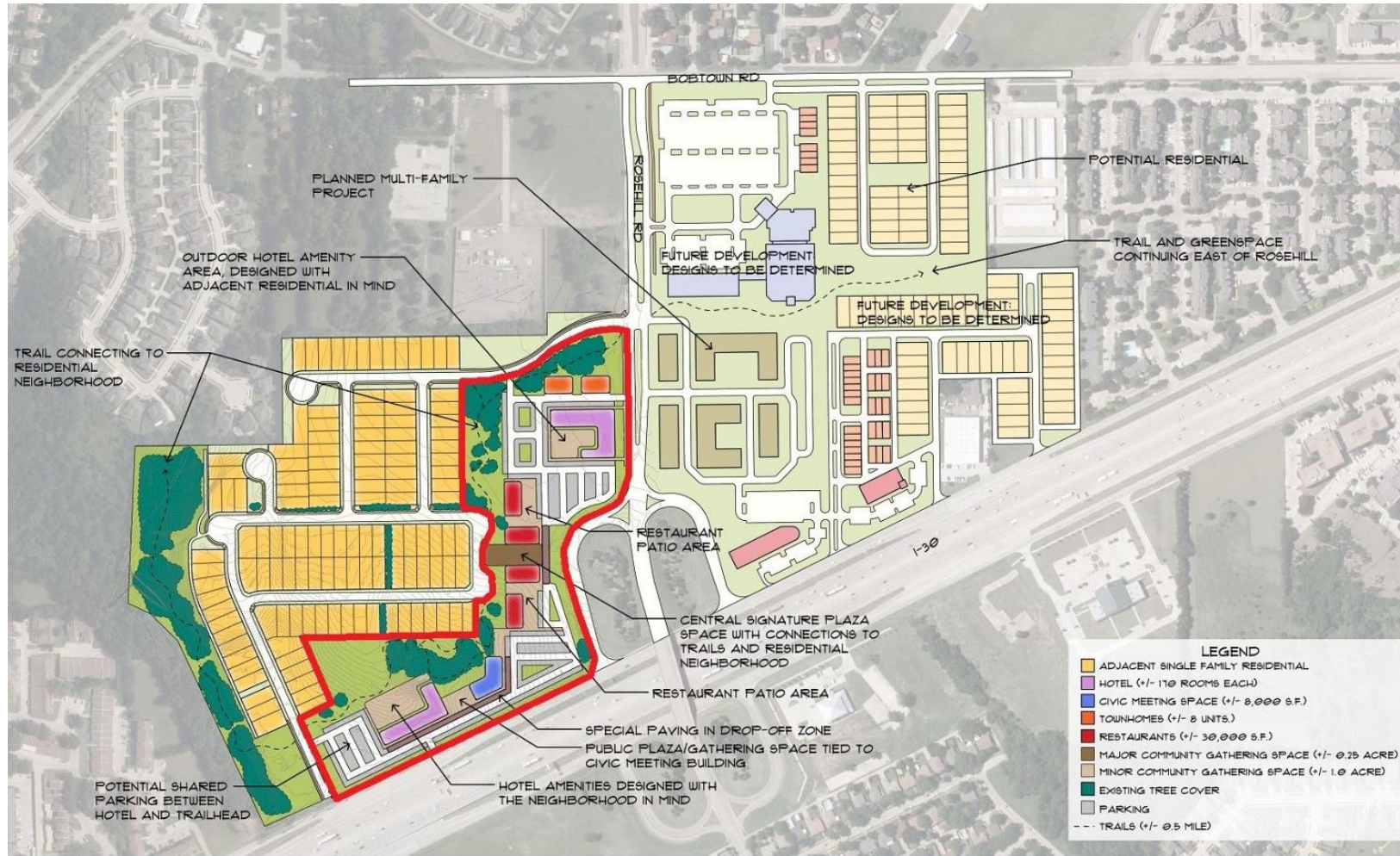
Concept Plan examples





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Concept Plan examples





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City Council Direction

Replace Zoning Detail Plans with Concept Plans. [Includes SUP site plans.]

Also, no longer require such Plans through the public hearing process per a PD when all zoning and technical requirements are met.

Note: Detailed review of compliance with GDC and any approved PD requirements will continue to be reviewed in the permitting stages of development by City staff.



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PLANNING REPORT

City Council Regular Session

7. b.

Meeting Date: 04/16/2024

Item Title: Z 23-28 David Gibbons (District 2)

Submitted By: Nabihah Ahmed, Lead Development Planner

REQUEST

Approval of 1) an Amendment to Planned Development (PD) District 17-25 for Multi-Family-1 (MF-1) Uses and 2) a Detail Plan for an Elder Care- Assisted Living Use.

LOCATION

1922 Castle Drive

OWNER

Garland Housing Finance Corporation

PLAN COMMISSION RECOMMENDATION

On March 25, 2024, the Plan Commission, by a vote of six (6) to zero (0), recommended approval of 1) an Amendment to Planned Development (PD) District 17-25 for Multi-Family-1 (MF-1) Uses and 2) a Detail Plan for an Elder Care- Assisted Living Use.

STAFF RECOMMENDATION

Approval of 1) an Amendment to Planned Development (PD) District 17-25 for Multi-Family-1 (MF-1) Uses and 2) a Detail Plan for an Elder Care- Assisted Living Use.

BACKGROUND

The site was developed with a 22,000 square-foot Nursing Home that was constructed in 1970. In the early 2000's, the facility ceased to operate, and the property was sold.

In 2017, the City Council approved to use the vacant building as an Elder Care -- Assisted Living. However, the building was demolished in 2021.

The applicant is now proposing a new layout for an Elder Care- Assisted Living Use. Per the applicant's narrative, "The mission is to provide affordable housing for seniors. These planned twenty (20) residences will provide new, safe, sanitary, and sustainable housing to Garland seniors."

SITE DATA

The subject property contains approximately 2.52 acres and has approximately 236.59 linear feet of frontage along Castle Drive. The property has two access points from Castle Drive.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is currently zoned Planned Development (PD) District 17-25 for an Assisted Living Use.

The GDC defines Elder Care -- Assisted Living as "A type of Personal Care Facility in which five or more elderly (over 55 years of age) persons, regardless of legal relationship, live and who need limited assistance with daily living activities."

CONSIDERATIONS

1. Detail Plan

The site plan (Exhibit C) reflects a total of four (4) buildings and each building consists of five (5) dwelling units. A total of twenty (20) dwelling units are proposed surrounding an internal courtyard.

Additionally, this development will comply with the minimum GDC dwelling unit size.

2. Screening and Landscaping

The GDC requires a minimum of forty (40%) percent of the site to be landscaped and the landscape plan meets the required landscaping.

Additionally, an Elder Care Assisted Living requires perimeter fencing. The applicant is proposing an eight (8)-foot tall ornamental fence with masonry columns along the northern, eastern and southern property lines. The existing wood fence along the western perimeter will remain as it is. It should be noted that in Planned Development (PD) District 17-25, the City Council approved the wood fence to remain along the western perimeter and an ornamental fence with masonry columns was proposed along the remaining perimeter of the property.

Along with the ornamental metal fence, a continuous row of evergreen high-level screening shrubs are required along all portions of the fence that are not opaque masonry. The applicant is requesting partial relief from this requirement due to large drainage easements. The landscape plan reflects high-level screening and large canopy trees along the northern perimeter and partial row of shrubs along the eastern and western perimeter.

3. Amenities

The GDC requires indoor common or recreational areas must be provided at a ratio of at least one hundred square feet of gross floor area per dwelling unit. This development would require 2,000 square-foot of indoor recreational space. The applicant is not proposing indoor recreational space with amenities. However, per the applicant's narrative, "Each dwelling unit has been designed to have a direct access to a common porch (733 sq. ft) which will overlook and provide access to a planted interior garden environment. This common area is meant to create opportunity for connections within the individual structure allowing for residence an opportunity to sit and gather with natural light and air. It is meant to encourage connection to the internal garden area. The spaces then interlock to encourage connections to other structures thus developing a sense of the community. A total of 2,932 sq. ft. of total covered common area is provided by these porches."

4. Parking

The site plan (Exhibit C) complies with the parking requirement per the GDC.

5. Building Design

The GDC requires a minimum of six (6) architectural elements for multi-family and non-residential developments. This proposed development is a low-density residential style layout. The building elevations (Exhibit E) reflect three (3) architectural elements per units that is required per Section 4.84 of the GDC for single-family, duplex and townhouse developments.

6. Planned Development Flexibilities

The applicant requests a Planned Development (PD) District amendment to accommodate a senior assisted living development. The applicant is requesting the following flexibilities:

- Screening: The applicant is not proposing a dense row of high-level screening shrubs along the ornamental fence with masonry columns, due to the site configuration and large drainage easements.
- Amenities: This development would require 2,000 square feet of indoor recreational space. This proposed development is a low-density, residential style senior living. Instead, each dwelling unit will have a porch which will overlook and provide access to a planted interior garden environment.
- Building Design: This proposal fits a residential building design. Therefore, the applicant is proposing the three (3) architectural elements per residential style, in lieu of the six (6) architectural elements are required for conventional multi-family and non-residential developments.

It should be noted the applicant is redeveloping a site that was previously a Nursing Home.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Compact Neighborhoods.

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

The Compact neighborhood development type is primarily characterized as moderate residential (between six and twelve dwelling units per acre).

The proposed net density is 8.4 dwelling units per acre; therefore, the development is supportive of the Comprehensive Plan.

ECONOMIC DEVELOPMENT STRATEGIC PLAN

Per the Economic Development Strategic Plan, additional density leads to increased sales tax and supports existing businesses. The subject property will provide additional housing to the area for seniors.

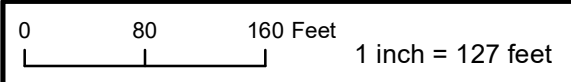
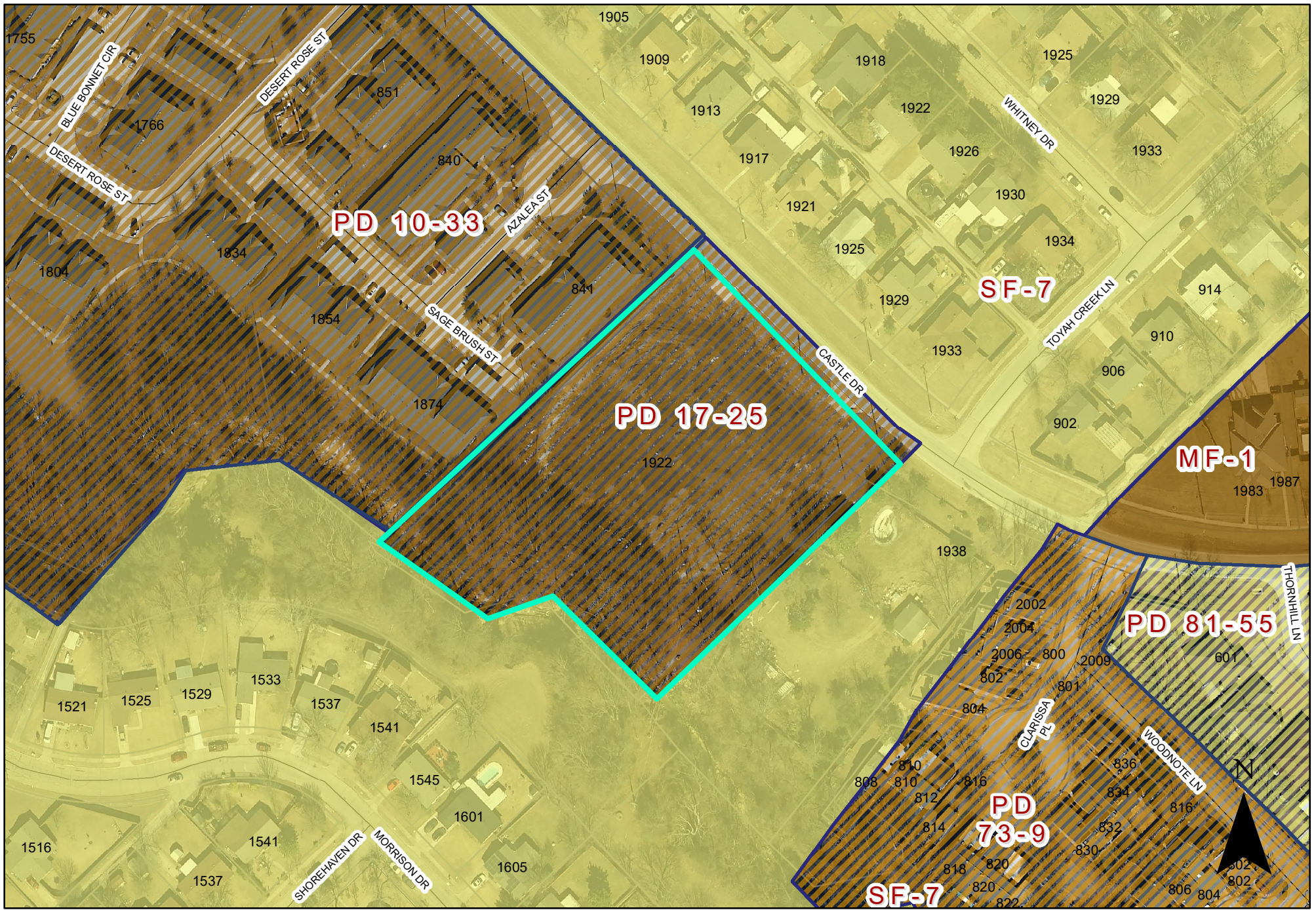
COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The properties to the north, across Castle Drive, are zoned Single-Family-7 (SF-7) District; these properties are developed with single-family homes. The properties directly to the east and south are zoned Single-Family-7 (SF-7) District; these properties are developed with single-family homes. The property to the west is zoned Planned Development (PD) District 10-33; it is developed with an apartment complex.

The property was previously developed with a 22,000 square-foot nursing home. This low-density proposal will blend with the surrounding residential developments.

Attachments

- Z 23-28 Location Map
 - Z 23-28 PD Conditions
 - Z 23-28 Exhibits
 - Z 23-28 R&M
 - Z 23-28 Responses
 - Z 23-28 Staff Presentation
-



ZONING MAP Z 23-28

 INDICATES AREA OF REQUEST

1922 Castle Drive

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 23-28

1922 Castle Drive

I. Statement of Purpose: The purpose of this Planned Development is to approve an Elder Care- Assisted Living development.

II. Statement of Effect: This Planned Development shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.

III. General Regulations: All regulations of the Multi-Family-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:

Detail Plan: Development shall be in general conformance with the Detail Plan labeled Exhibit C through Exhibit E. In the event there is conflict between the approved Detail Plan and the Specific Regulations below, the Specific Regulations shall apply.

V. Specific Conditions:

A. Permitted Uses: Elder Care - Assisted Living Use and Elder Care - Independent Living Use, as defined by the Garland Development Code, only shall be permitted.

B. Site Plan: The site layout, building placement, parking, and other development proposed shall be in general conformance with the approved Site Plan labeled Exhibit C.

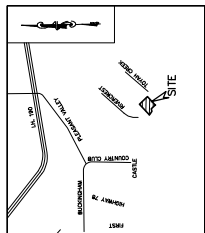
C. Dwelling Units: A total of twenty (20) dwelling units shall be permitted.

D. Landscape Plan: Screening and landscaping shall be in general conformance with the landscape plan labeled Exhibit D. The existing wood fence along the northwest property line shall remain. At all other locations the perimeter fencing shall be developed with ornamental

metal fence with masonry columns.

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



- ### LEGEND
- PROPERTY LINE
 - EX. WATER
 - EX. SANITARY SEWER
 - EX. SS MANHOLE
 - EX. GAS METER
 - EX. WATER METER
 - EX. WATER VALVE
 - EX. LIGHT POLE
 - EX. POWER POLE
 - EX. TELEPHONE BOX
 - EXISTING STORM MANHOLE
 - EX. FIRE HYDRANT
 - EXISTING
 - LANDSCAPE
 - BACK OF CURB
 - TO BACK OF CURB
 - CENTRELINE TRIANGLE
 - PROP. FIRE HYDRANT
 - FIRE ALARM CALL BOX
 - EPSON SETBACK HAZARD
 - PROPOSED PRELAME

NOT FOR CONSTRUCTION



CASE NO: 230228-1

PRELIMINARY SITE PLAN

GARLAND HOUSING AUTHORITY

1922 CASTLE DRIVE
NORTHLAKE ESTATES NO. 6
1000 W. State Street, Garland, Texas 75040
972 272-1785 Fax 972 272-6911
City of Garland, Dallas County, Texas

GARLAND HOUSING FINANCE CORPORATION
8172 W. Campbell Road, Garland, TX 75044
Contact: David W. Gibbons 469-716-4629

MOCK CONSULTING ENGINEERS
1300 W. State Street, Garland, Texas 75040
972 272-1785 Fax 972 272-6911
Contact: David W. Gibbons 469-716-4629

DATE: 1/24/24
SCALE: 1"=30'

C101

**!!! CAUTION !!!
CALL 811 TO LOCATE
UNDERGROUND LINES
48 HRS PRIOR TO CONSTRUCTION**

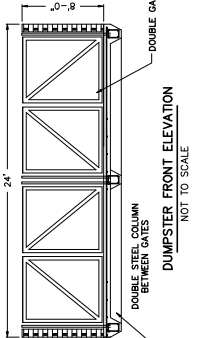
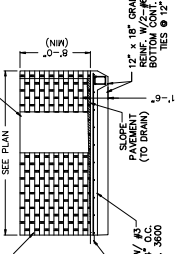
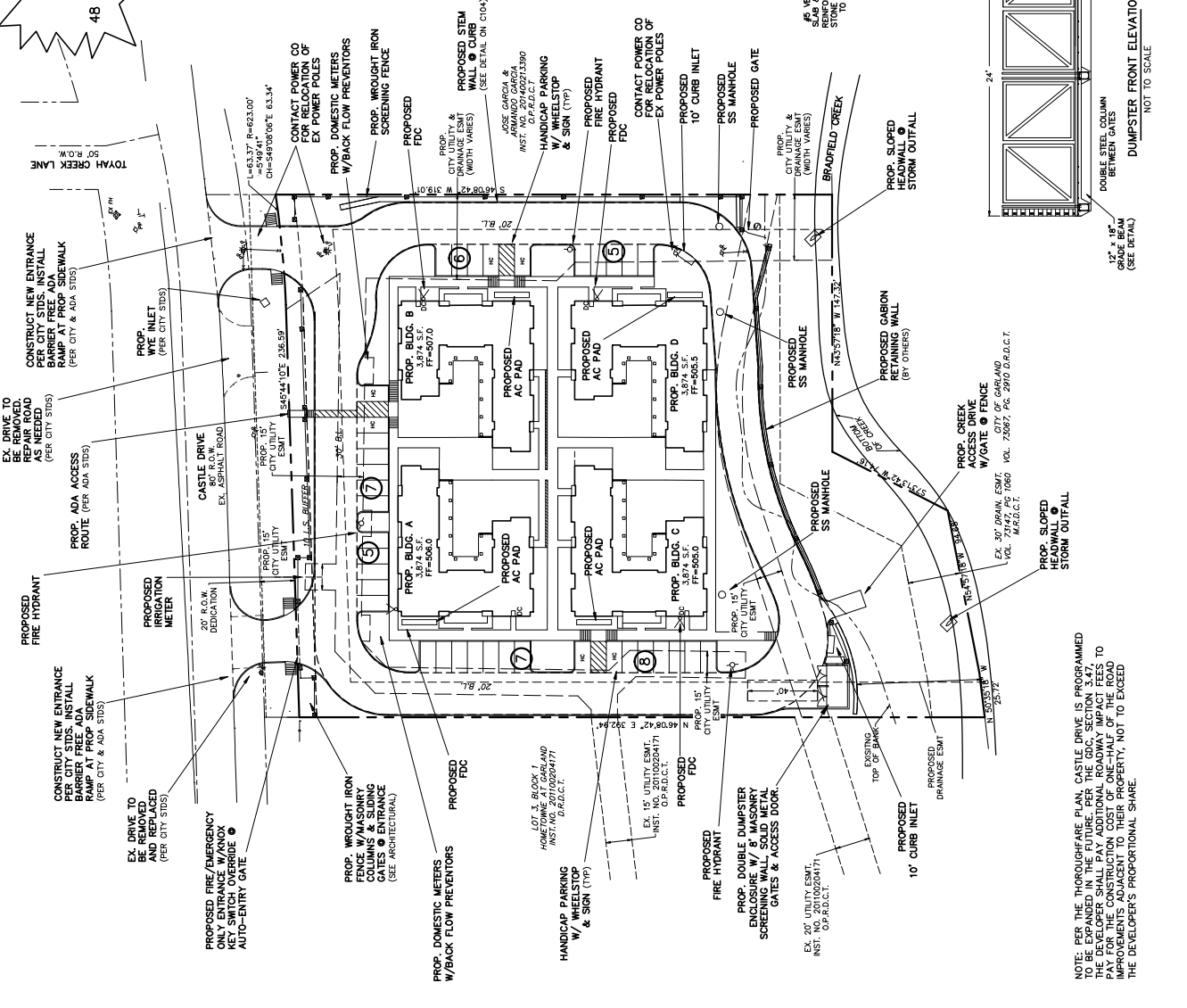
- NOTES:
- 1) WORK MUST CONFORM TO CITY OF GARLAND & METRO STANDARDS AND DETAILS.
 - 2) ALL WORK IN PUBLIC RIGHT-OF-WAY SHALL CONFORM TO METRO STANDARDS AND DETAILS.
 - 3) SEE DETAILS SHEETS FOR PRIVATE DETAILS. ALL PRIVATE DETAILS SHALL BE IN ACCORDANCE WITH METRO ORDINANCE NO.5034 "STANDARDS AND DETAILS FOR PRIVATE DETAILS".
 - 4) ALL DIMENSIONS ARE FACE OF CURB TO FACE OF CURB UNLESS OTHERWISE NOTED.
 - 5) ALL DIMENSIONS ARE FACE OF CURB TO FACE OF CURB UNLESS OTHERWISE NOTED. (INCLUDING LIGHT POLES AND INLETS) MAY BE PLACED WITHIN A PUBLIC UTILITY EASEMENT. BACKFLOW PREVENTION DEVICES MUST BE PLACED ON PRIVATE PROPERTY (NOT IN AN EASEMENT).

SITE DATA:

LOT AREA: 2,373 Acres, 103,385.18 sq. ft.
 LOT COVERAGE: 10%
 FLOOR TO AREA RATIO: 6.28:1
 BUILDING AREA: 15,496 sq.ft.
 (4 BLDGS @ 3,874 sq.ft.)
 TOTAL UNITS: 20 (5 PER BLOG)
 THE SHT: 17,177 (5 PER BLOG)
 BUILDING SETBACKS:
 Front: 30'
 Side: 20'
 Proposed Use: Assisted Living
 IMPERVIOUS AREA (Including all buildings): 61,338 sq.ft.
 ZONING: PD 17-25
 PARKING: Required = 7 (1 space/3 units)
 Provided = 32
 Standard = 1
 Handicapped Provided = 6
 Total Provided = 38
 ADA Space = 6
 Request = 4,354 sq.ft. (40%)
 Provided = 4,047 sq.ft.

BUILDING SITE DATA:

NUMBER OF BUILDINGS: 4
 NUMBER OF UNITS PER BUILDING: 5
 MINIMUM WELLING: 19.846
 TOTAL BUILDING: 38850 SF
 UNIT 1-BEDROOM: 613 SF
 UNIT 2-BEDROOM: 613 SF
 UNIT 3-BEDROOM: 613 SF



NOTE: PER THE THOROUGHFARE PLAN, CASTLE DRIVE IS PROGRAMMED TO BE EXPANDED IN THE FUTURE. PER THE GDC, SECTION 2.4.7, THE DEVELOPER SHALL PROVIDE ADDITIONAL ROADWAY IMPROVEMENTS TO THE DEVELOPER'S PROPORTIONAL SHARE. THE DEVELOPER SHALL PROVIDE IMPROVEMENTS ADJACENT TO HIS PROPERTY, NOT TO EXCEED THE DEVELOPER'S PROPORTIONAL SHARE.

EXHIBIT C



LANDSCAPE PLAN

CASTLE DRIVE-GARLAND HUD

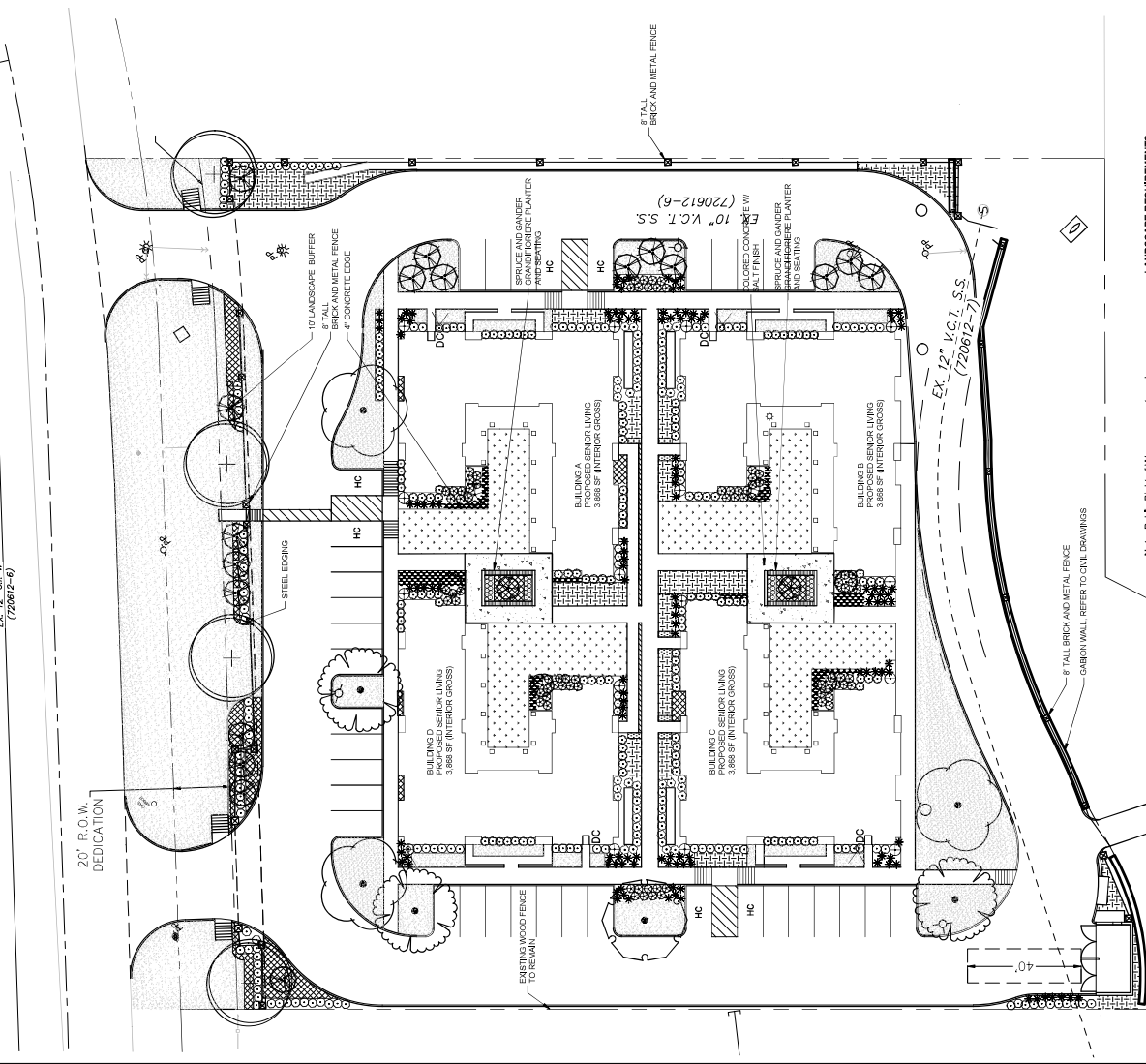
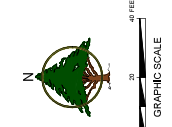
CITY OF GARLAND, TEXAS

DRAWN: MEP
CHECKED: DBS
DATE: 3/12/2024
SCALE: AS SHOWN
JOB NO.: 23-008

L1

PLANT SCHEDULE

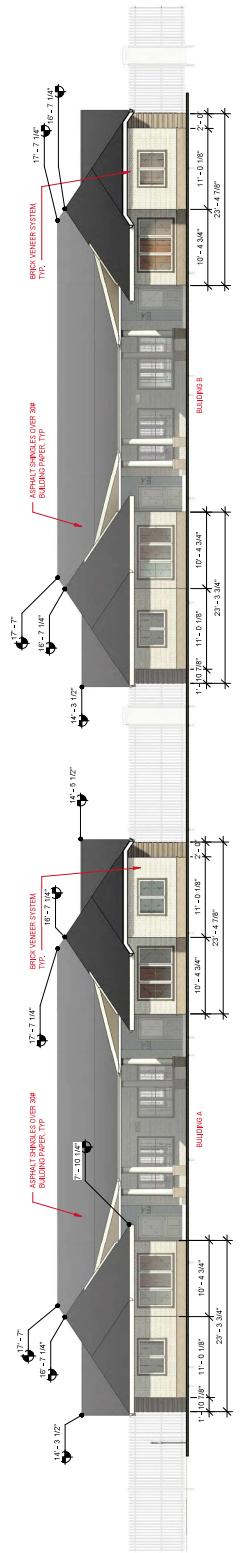
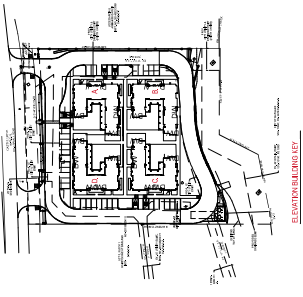
SYMBOL	BOTANICAL / COMMON NAME	CONT.	SIZE	QTY
(+)	Platanus chinensis / Chinese Platanche	65 gal.	12" MIN HT/6" MIN W	4
(O)	Quercus muhlenbergii / Chinquapin Oak	65 gal.	12" MIN HT/6" MIN W	3
(O)	Quercus shumardii / Shumard Red Oak	65 gal.	12" MIN HT/6" MIN W	3
(O)	Ulmus crassifolia / Cedar Elm	65 gal.	12" MIN HT/6" MIN W	1
ORNAMENTAL TREES				
(O)	Acer palmatum dissectum 'Waterfall' / Waterfall Japanese Maple	30 gal.		2
(O)	Ilex vomitoria 'Pride of Houston' / Pride of Houston Yaupon Holly	30 gal.		2
(O)	Lagotis indica x fauriei / Avapaho / Avapaho Cape Myrtle	30 gal.		18
(O)	Magnolia grandiflora 'Little Gem' / Little Gem Dwarf Southern Magnolia	30 gal.		4
SHRUBS				
(*)	Abelia x grandiflora 'Kalkedscope' / Kalkedscope Glossy Abelia	3 gal.		79
(*)	Hesperaloe x Perita / Pink Parrot Red Yucca	3 gal.		132
(*)	Ilex comuta 'Burfordii Nana' / Dwarf Burford Holly	7 gal.		134
(*)	Ilex vomitoria 'Nana' / Dwarf Yaupon Holly	3 gal.		107
(*)	Leucophyllum frutescens 'Compacta' / Compact Texas Ranger	7 gal.		16
(*)	Lonicera chinensis 'Shanghai' / Purple Diamond Fringe Flower	15 gal.		55
(*)	Nandina domestica 'Munataki' / Flirtin' Heavenly Bamboo	3 gal.		44
(*)	Teucrium tritaceum 'Silver Bush' / Silver Bush Germanier	3 gal.		20
TURFCOVERS				
(T)	Liriope gigantea / Giant Liriope	1 gal.	24" o.c.	314
(T)	Dianthus gratiopolitanus / Cheddar Pink	1 gal.	8" o.c.	183
GROUND COVERS				
(G)	Elymus tenuis / Wintercreeper	4' pot	12" o.c.	2,208
(G)	Liriope densiflora / Liriope	4' pot	12" o.c.	381
TURFCOVERS				
(T)	Cynodon dactylon / Bermudagrass	Soil		16,473 sf
(T)	Synthetic Turf: ForeverLawn Fresh or Approved Equal	4,914 SF		
CONCRETE				
(C)	Steel Edging	8' 10' LF		
(C)	Concrete Edging	200' LF		
(C)	Bed Preparation Material (See Technical Specification Section 32311.3)	4,27,576 SF		



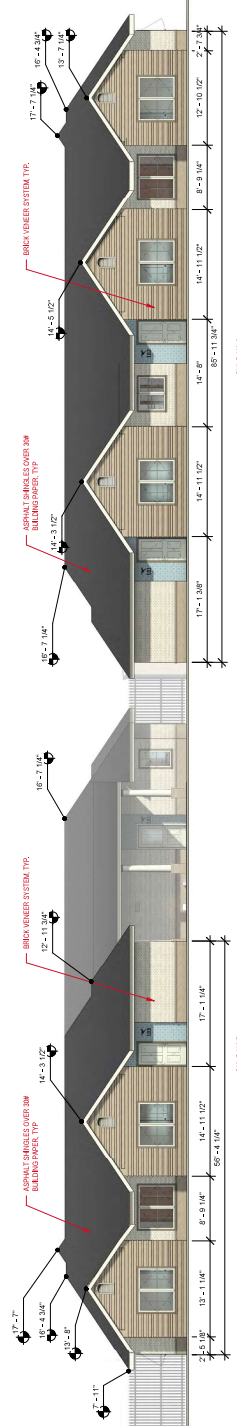
LANDSCAPE REQUIREMENTS
 Note: Public Right of Way easements and common areas shall be established with 100% coverage, or other approved stabilization method.
 No landscaping such as trees, hedges, above and below ground structures, or any other planting or proposed utility easements and right of way without approved City's Real Property Improvement Authorization form or City's License Agreement.
 Landscaping Required: 43,809 SF
 Planting Provided: 37
 Landscaping Provider: 35,261 SF
 Planting Provider: 11
 Shade Trees Provided: 14
 Ornamental Trees Provided: 23
 Shrubs Provided: 453



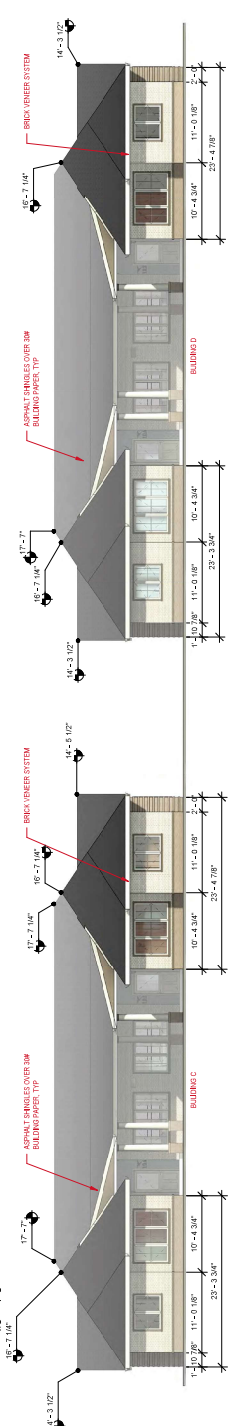
Know what's below.
Call before you dig.



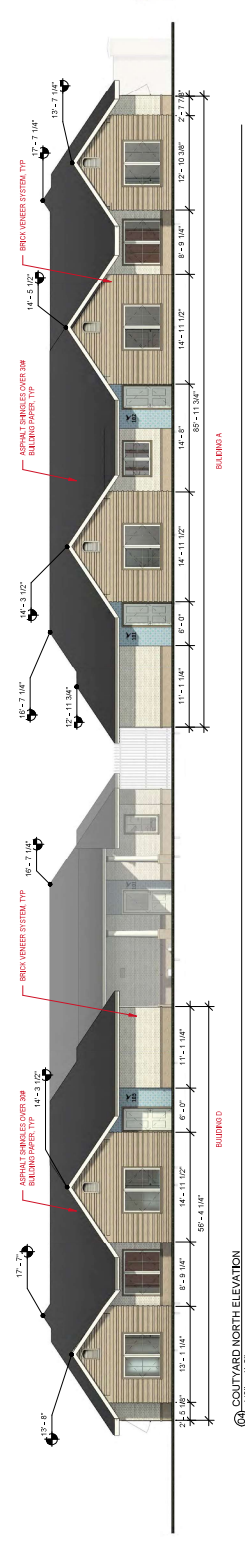
① COURTYARD EAST ELEVATION
1/8" = 1'-0"



② COURTYARD SOUTH ELEVATION
1/8" = 1'-0"

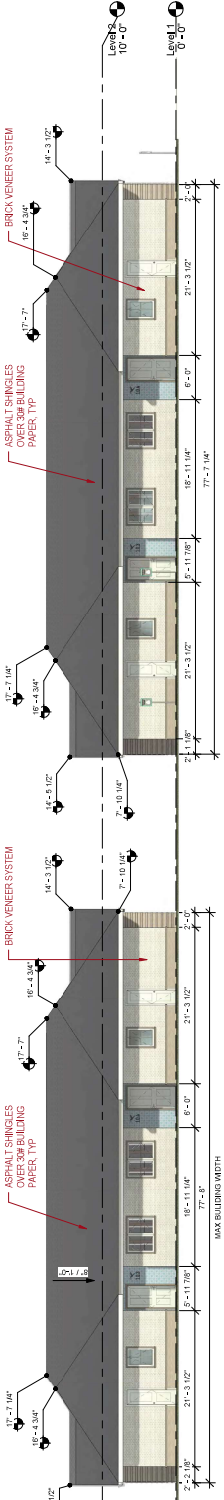
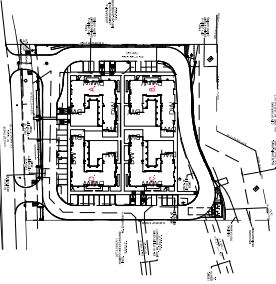


③ COURTYARD WEST ELEVATION
1/8" = 1'-0"

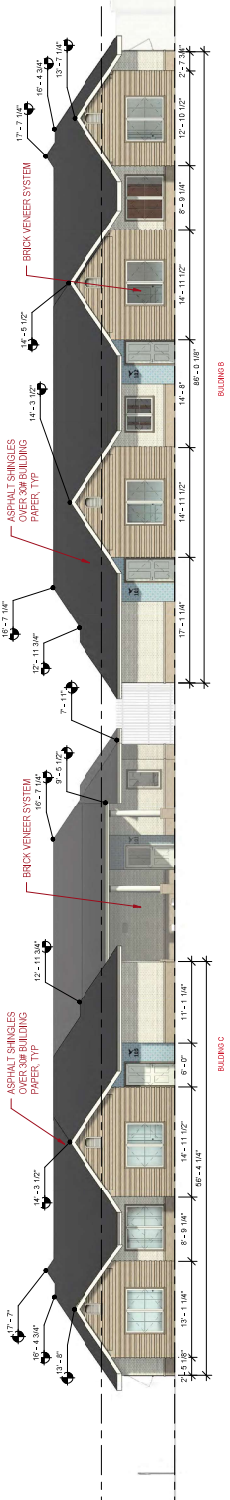


④ COURTYARD NORTH ELEVATION
1/8" = 1'-0"

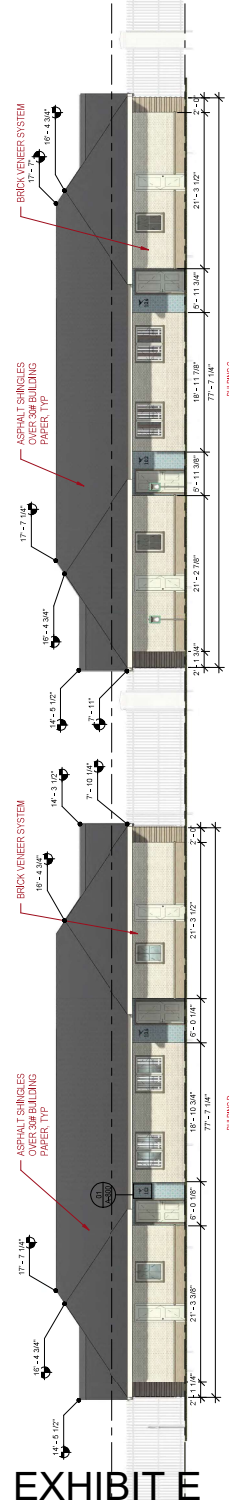
EXHIBIT E



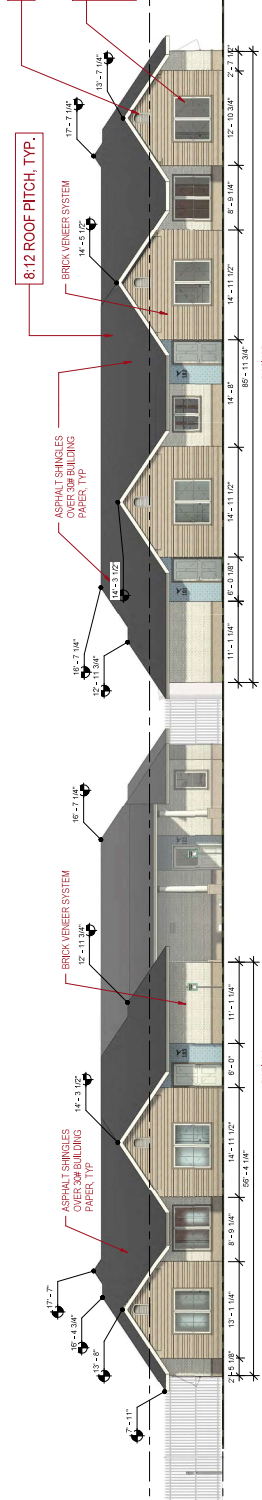
① EAST ELEVATIONS
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② SOUTH ELEVATION
 1/8" = 1'-0"



③ WEST ELEVATIONS
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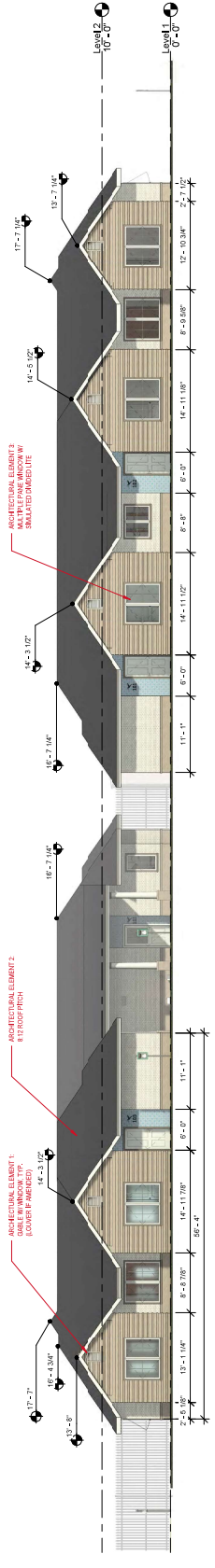


④ NORTH ELEVATION
 1/8" = 1'-0"

Architectural Elements
 The following elements are to be used in the residential exterior elevations unless otherwise specified in the residential contract and/or detail sheets with the intent of Section 4.84 of the GDC. A deviation is requested to utilize the GDC residential building design per Section 4.84 of the GDC is requested to utilize the smaller residential scale.
 The three elements designated in Section 4.84 of the GDC are:
 i. Multiple pane windows featuring divided light or simulated divided light
 ii. Gables with windows
 a. Note that a deviation is requested to allow for a decorative baffle as provided in the gables. This is requested to promote air flow in the attic space as an environmental & energy strategy.

EXHIBIT E

ELEVATION FACING CASTLE DRIVE



ZONING CALCULATIONS
ELEVATION AREA = 520 SQ. FT.
WINDOWS & DOORS = 134.75 SQ. FT.
WINDOW & DOOR % = 25.9%

HORIZONTAL LENGTH OF FACADE = 96'-4"
HORIZONTAL LENGTH OF FACADE (MINIMUM) = 11'-1"
UNARTICULATED FACADE AS DESIGNED = 11'-1"

ZONING CALCULATIONS
ELEVATION AREA = 797.75 SQ. FT.
WINDOWS & DOORS = 211.3 SQ. FT.
WINDOW & DOOR % = 26.5%

HORIZONTAL LENGTH OF FACADE = 86'-0"
HORIZONTAL LENGTH OF FACADE (MINIMUM) = 11'-1"
UNARTICULATED FACADE AS DESIGNED = 11'-1"



LANDSCAPE PLAN

CASTLE DRIVE-GARLAND HUD

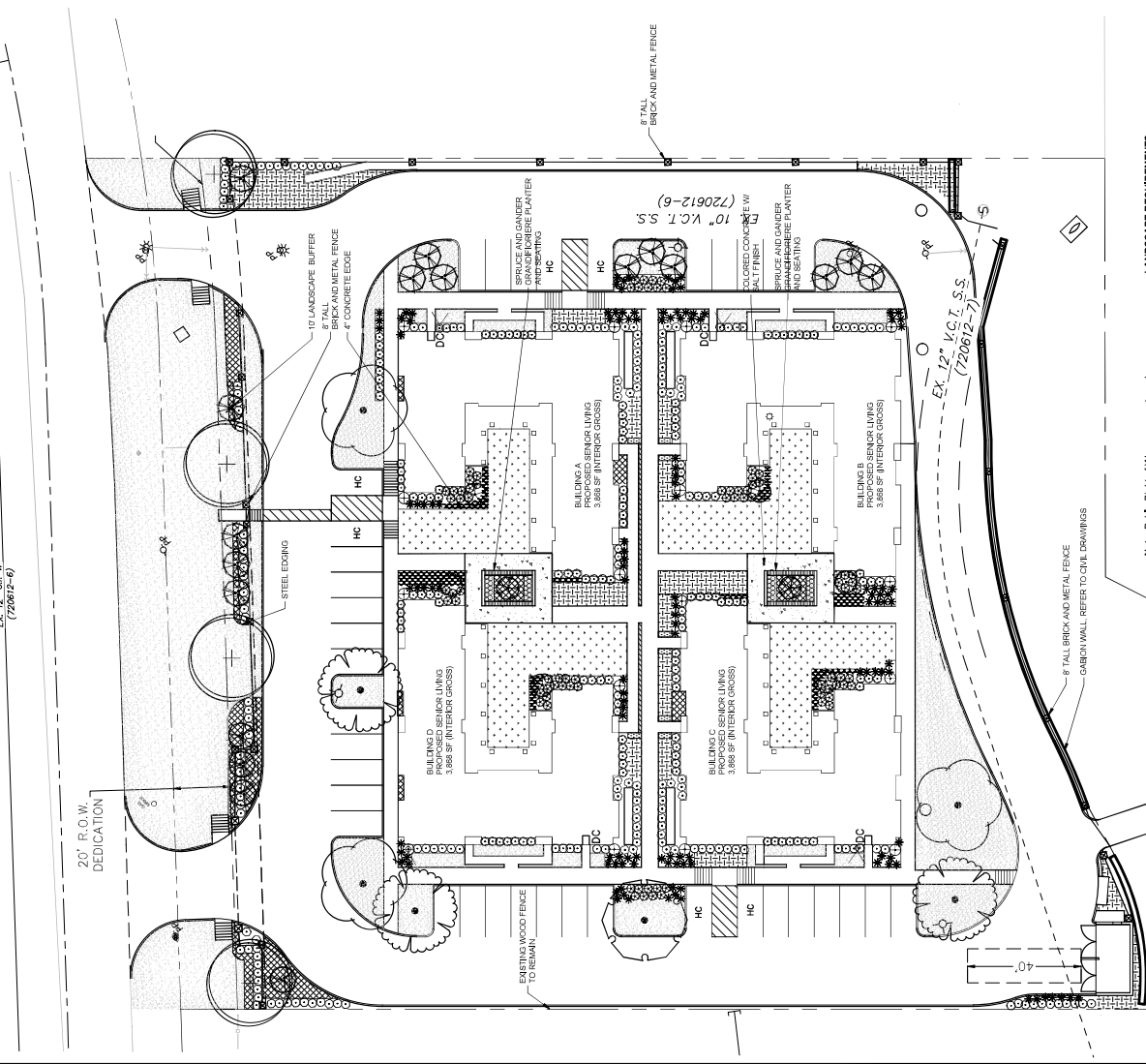
CITY OF GARLAND, TEXAS

DRAWN: MEP
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L1

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(T)	Synthetic Turf: ForeverLawn Fresh or Approved Equal	4,914 SF		
OTHER MATERIALS				
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(C)	Concrete Edging	200' LF		
(B)	Bed Preparation Material (See Technical Specification Section 32311.3)	4,27,576 SF		



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 Shrubbery Provided: 23
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Call before you dig.

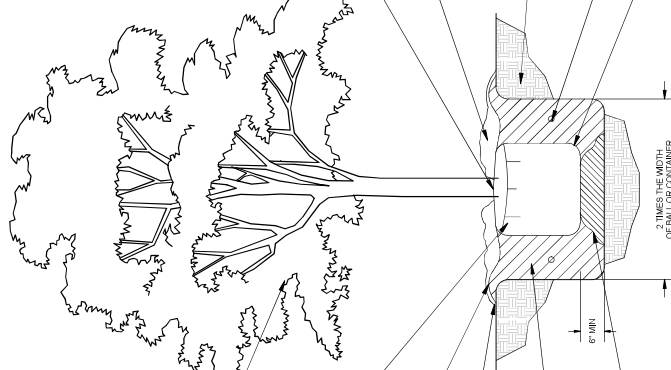


LANDSCAPEDETAIL
CASTLE DRIVE-GARLAND HUD
CITY OF GARLAND, TEXAS

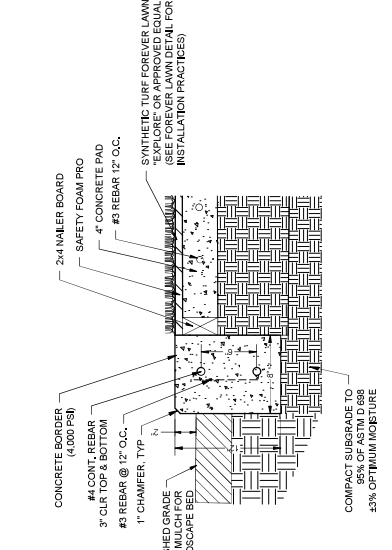
DRAWN:	MEP
CHECKED:	DBS
DATE:	3/12/2024
SCALE:	AS SHOWN
JOB NO.:	23-008

L2

PRUNING: DO NOT HEAVILY PRUNE TREES AT PLANTING. PRUNE ONLY CROSSOVER LIMBS, CO-DOMINANT LEADERS & BROKEN BRANCHES. RETAIN NATURAL FORM OF TREE.

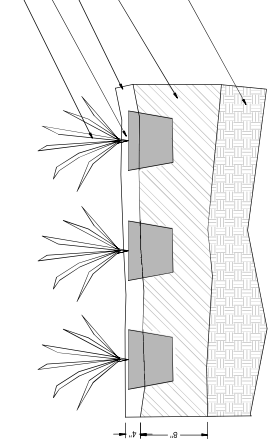


TREE PLANTING DETAIL
N.T.S.



SYNTHETIC TURF CONCRETE BORDER
N.T.S.

SHRUBS & GROUNDCOVERS
DO NOT COVER PLANT STEMS OR BRANCHES WITH MULCH
4" SHREDDED HARDWOOD MULCH
PLANTING SOIL MIX, 1:3 BY VOLUME COMPOST, 1:3 TOPSOIL, 1:6 NATIVE SUBSOIL.
SEE SPECIFICATIONS.



UNDERGROUND ROOT BALL TREE STAKE ARBOR STAKES (2x4) 810-6878
WATERING BASIN: MAX. WIDTH 12" BEYOND EDGE OF HOLE. MAX. HEIGHT 8". TO BE CONSTRUCTED W/ PLANTING MIX. WATER TWICE WITHIN FIRST 24 HRS.
2" OF MULCH EXTENDING OVER BERM.
BACKFILL W/ TOPSOIL MIX (AS PER SPECS) & PEATMOSS AT A 3:1 RATIO BY VOLUME IN 7 LAYERS. WATER EACH LAYER UNTIL SETTLED, BUT NOT TAMPE.
COMPACTED PLANTING MIX TO LEVEL TREE & ESTABLISH PROPER PLANTING ELEVATION.

SHRUBS & GROUNDCOVER PLANTING DETAIL
N.T.S.

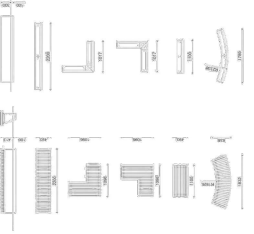
GRANDIFLORE
MASSIMO TASCA

The Grandiflores, designed by Massimo Tasca, is a specially VITRUFIBRE® Collection. The productivity of the Grandiflores is due to the use of a special manufacturing process that allows the plants to be installed with no need for watering.

MATERIALS & FINISHES
-Box: Carbon Black, Walnut
-Treatment: Light request
-Hardware: Hardware

DIMENSIONS
-All dimensions are in mm

FOOTING
-Aggr. 10mm



877-890-7705
info@foreverlawn.com
foreverlawn.com

ForeverLawn Landscape System
Installed over rooftop or solid surface with SafetyFoam Pro

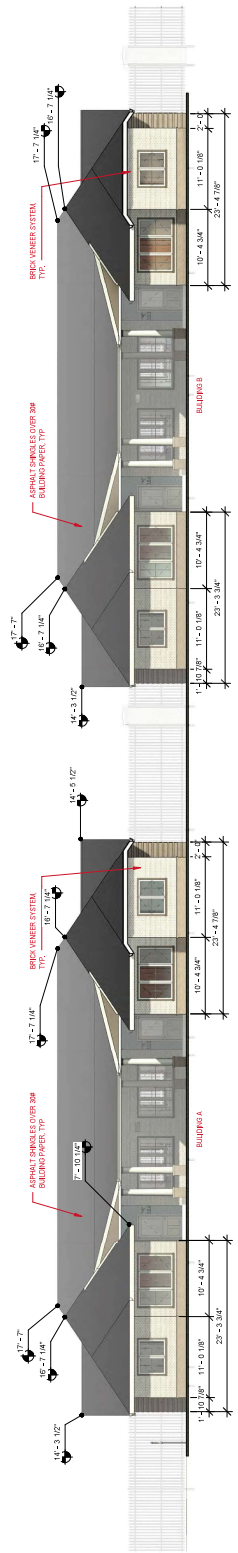
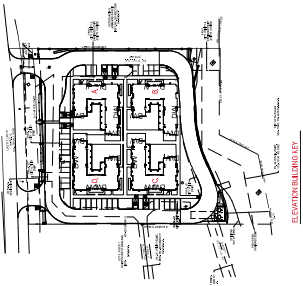
Stapilis
Staple
ForeverLawn synthetic grass
SafetyFoam Pro™
Concrete surface
Channels to allow for drainage
Screw or wedge concrete anchor
Ground contact treated lumber or plastic nailer board
Premium three-layer backing
Staple
SafetyFoam Pro™
Concrete surface
Channels to allow for drainage
Screw or wedge concrete anchor
Ground contact treated lumber or plastic nailer board
Premium three-layer backing

By	G. Chavez	1/02/23
Scale	Not to scale	
Drawing No.	1/1618	

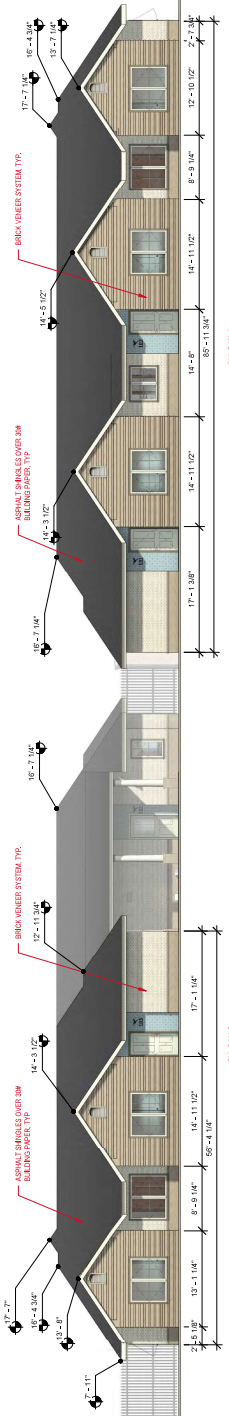
CADdetails
info@cadetails.com | 468

330.888.8929 • Toronto, Ontario
8007 Beaman St., Louisville, OH 44641

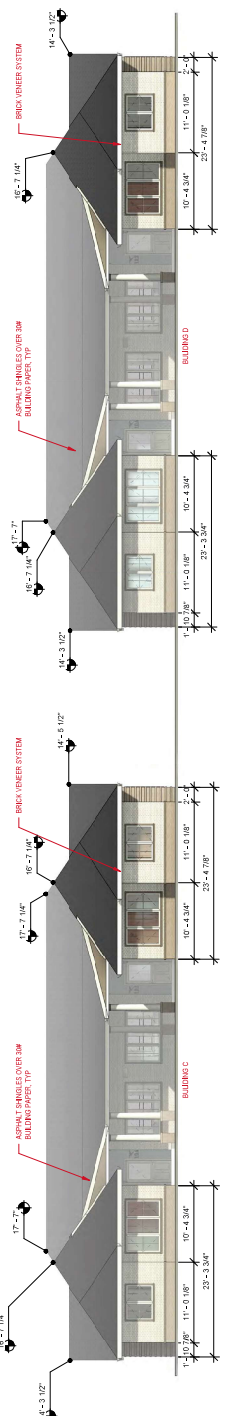
ForeverLawn



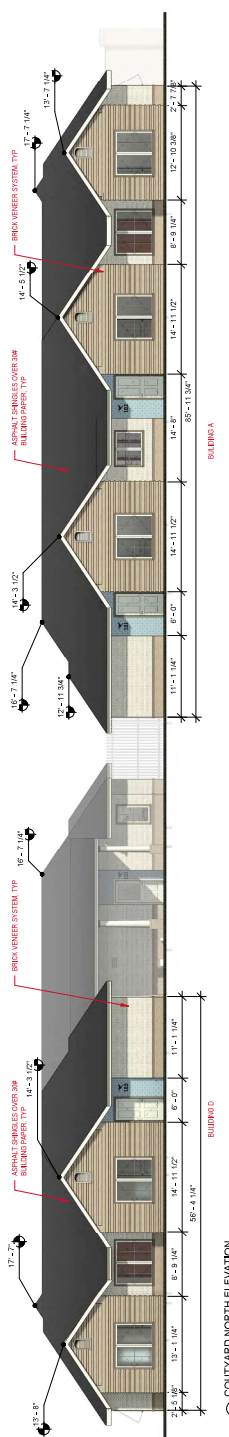
⑥ COURTYARD EAST ELEVATION
 1/8" = 1'-0"



⑦ COURTYARD SOUTH ELEVATION
 1/8" = 1'-0"

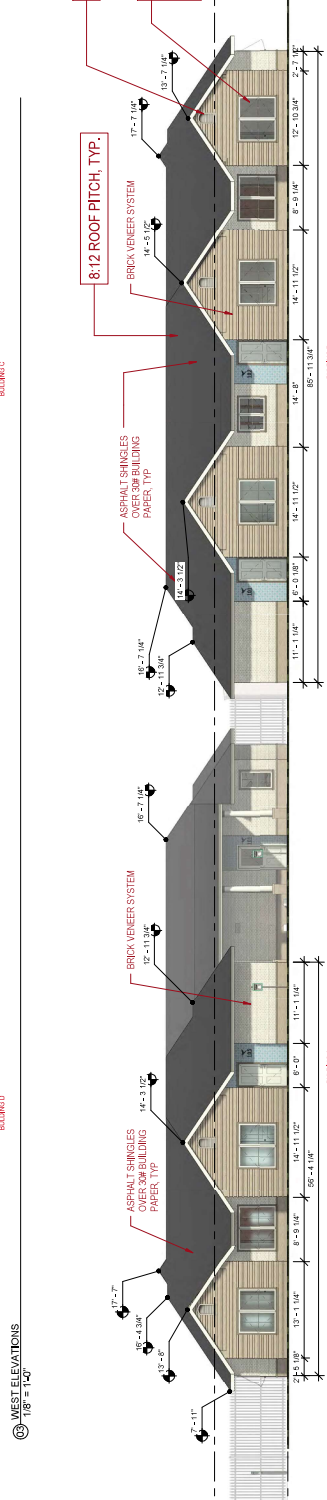
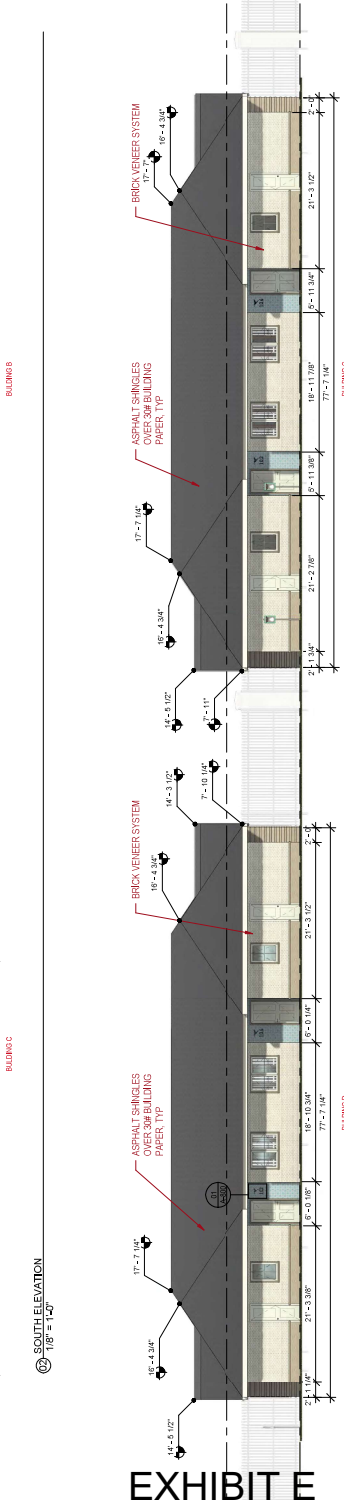
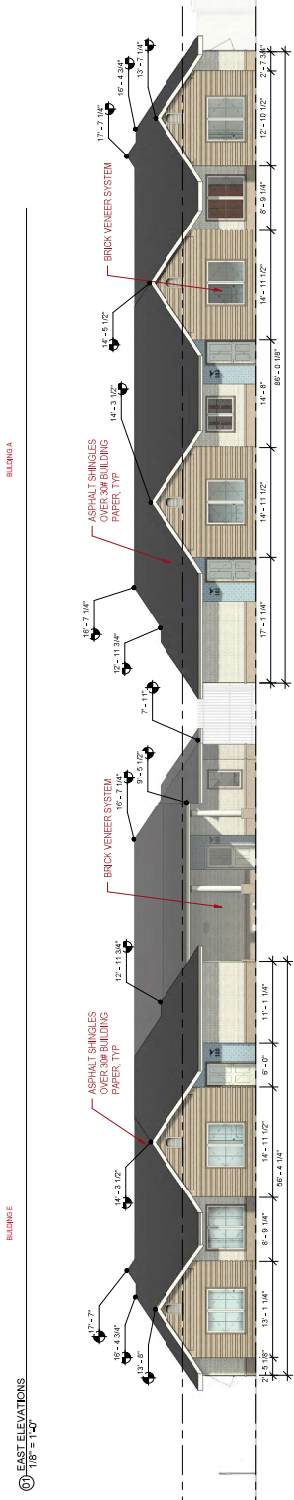
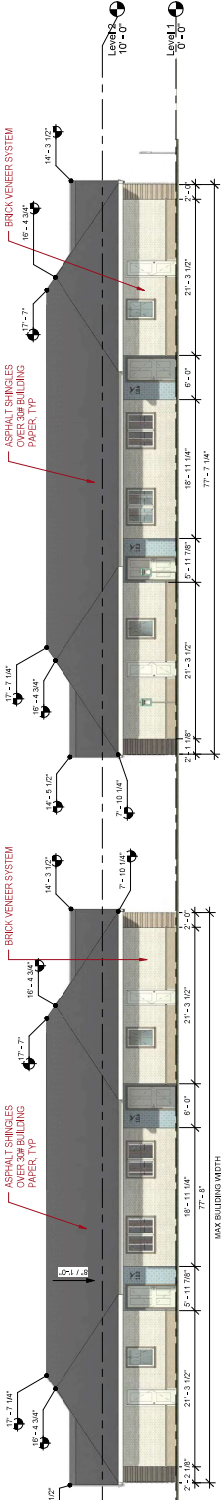
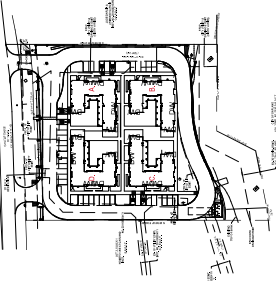


⑧ COURTYARD WEST ELEVATION
 1/8" = 1'-0"



⑨ COURTYARD NORTH ELEVATION
 1/8" = 1'-0"

EXHIBIT E



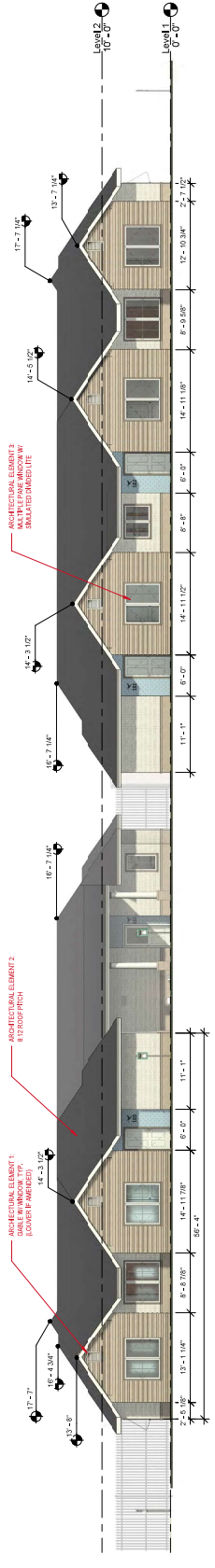
Architectural Elements

1. Multiple pane windows featuring divided light or simulated divided light gables with windows.

2. Note that a deviation is requested to allow for a decorative feature as provided in the gables. This is requested to promote air quality of the site space as an environmental strategy.

EXHIBIT E

ELEVATION FACING CASTLE DRIVE



ZONING CALCULATIONS
ELEVATION AREA = 520 SQ. FT.
WINDOWS & DOORS = 134.75 SQ. FT.
WINDOW & DOOR % = 25.9%

HORIZONTAL LENGTH OF FACADE = 86'-0"
HORIZONTAL LENGTH OF UNARTICULATED FACADE AS DESIGNED = 11'-1"

ZONING CALCULATIONS
ELEVATION AREA = 797.75 SQ. FT.
WINDOWS & DOORS = 211.3 SQ. FT.
WINDOW & DOOR % = 26.5%

HORIZONTAL LENGTH OF FACADE = 86'-0"
HORIZONTAL LENGTH OF UNARTICULATED FACADE AS DESIGNED = 11'-1"

REPORT & MINUTES

P.C. Meeting, March 25, 2024

3a. APPROVED Consideration of the application of **David Gibbons**, requesting approval of 1) an Amendment to Planned Development (PD) District 17-25 for Multi-Family-1 (MF-1) Uses and 2) a Detail Plan for an Elder Care-Assisted Living Use. This property is located at 1922 Castle Drive. (District 2) (File Z 23-28).

The applicant, David Gibbons, 1675 W. Campbell Road, Garland, TX 75044, provided an overview of the request and remained available for questions.

Commissioner Dalton asked the applicant for clarification on why the development is being presented as an assisted living versus an independent living but reiterated that he fully supports this development.

The applicant responded that they decided to go the route of assisted living since under the current PD 17-25, assisted living is in place and would be easier to amend the existing PD versus starting from scratch.

Commissioner Jenkins asked the applicant how the issue of pets and any potential conflicts between residents might be mitigated if there will be no staff on site.

The applicant responded that at the moment, he did not have an answer but that would certainly be something they would address once the property is developed. One option they are considering is partnering with the property next door, Hometown Garland, and outsourcing their management to them to help provide a better on-site experiences for their residents.

Commissioner Jenkins asked the applicant about the fencing and wanted clarification on the different types of fencing between the existing wood fence on the western side of the property and the mixture of metal and wood component on the south side.

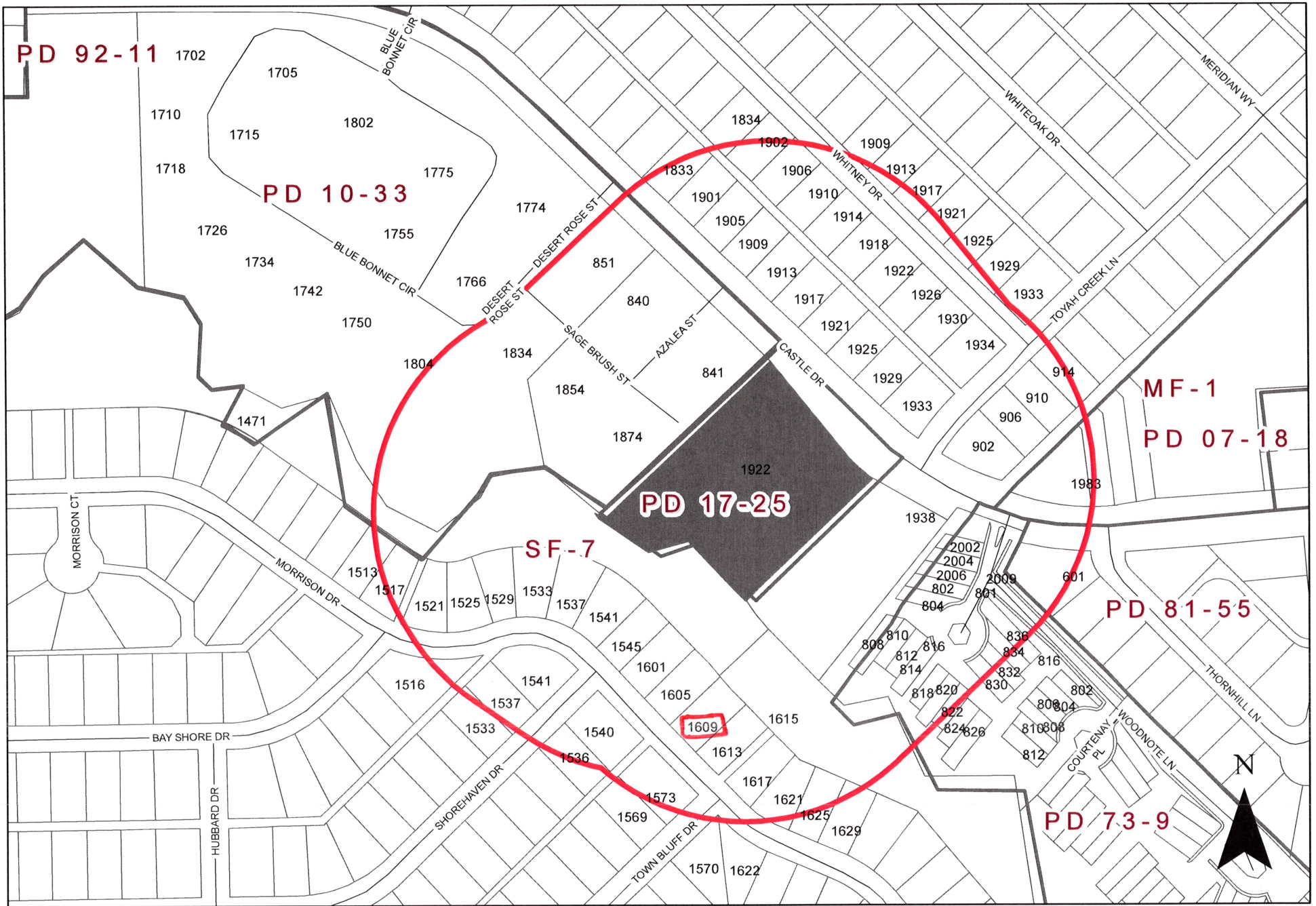
The applicant clarified that on the north, east and south side of the property, the fencing would all be wrought iron with masonry pylons with landscaping as the barrier except on the back side where the fence will actually be on the gabion wall. The applicant further explained that they are putting in a substantial amount of creek erosion prevention which will not only benefit the property but also the surrounding homes. As a result, the back fence will not have any landscaping because the fence is going to be right at the edge of the gabion wall. The front and the east side will be the masonry columns with the wrought iron and the existing fence to the west, the wooden fence, will remain as approved in the existing PD 17-25.

Commissioner Cornelius asked the applicant about the amenities besides the courtyard that the residents would be offered and what exactly would be the age limit for this assisted living space.

The applicant clarified that the minimum age would be 55 years of age. He further clarified that the amenities were not necessarily excluded so as to not provide them but to be able to provide the additional five units that would remain in place of having a community center on site to be shared between 15 residents. Again, should they move forward with having the adjacent property do the management for them, they have a clubhouse, pool and other amenities that would be available for the residents of their development to use.

Chair Roberts pointed out that he believes some of the confusion with the development is that it is being advertised as an assisted living when it is essentially an independent living facility, hence why the additional parking spaces. He further clarified that in spite of this, the use is good and not any different concept wise than the use previously for this subject property.

Motion was made by Commissioner Jenkins to close the public hearing and **approve** the application as presented. Seconded by Commissioner Abell. **Motion carried: 6** Ayes, **0** Nays.



ZONING MAP Z 23-28

 INDICATES AREA OF REQUEST
  INDICATES NOTIFICATION AREA

1922 Castle Drive

Comment Form

Case Z 23-28

Z 23-28 David Gibbons. The applicant proposes to construct twenty (20) senior assisted living units. The site is located at 1922 Castle Drive. (District 2)

Z 23-28 David Gibbons. El solicitante propone construir veinte (20) unidades de vivienda asistida para personas mayores. El sitio está ubicado en 1922 Castle Drive. (Distrito 2)

Z 23-28 David Gibbons. Người nộp đơn đề xuất xây dựng hai mươi (20) đơn vị hỗ trợ sinh hoạt dành cho người cao tuổi. Địa điểm này nằm ở 1922 Castle Drive. (Quận 2)

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



For / A Favor / Đúng



Against / En Contra / Không

Please complete the following information and email the form to Planning@garlandtx.gov; deliver to the Planning Department at 800 Main Street Garland, TX; or mail to City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002. / Por favor Complete la siguiente información y envíe el formulario por correo electrónico a Planning@garlandtx.gov; entregar al Departamento de Planificación en 800 Main Street Garland, TX; o envíelo por correo a City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002. / Vui lòng điền đầy đủ thông tin sau và gửi biểu mẫu qua email tới Planning@garlandtx.gov; giao cho Phòng Kế hoạch tại 800 Main Street Garland, TX; hoặc gửi thư đến Thành phố Garland, Sở Kế hoạch, P.O. Hộp 469002 Garland, TX 75406-9002.

Crystal Torres / tenant

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.)

1109 Morrison Drive ~~Garland~~

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

Garland, TX

City, State / Estado de la Ciudad / Thành bang

75040

Zip Code / Código postal / Mã B u Chính

Crystal Torres

Signature / Firma / Chữ ký

3/29/24

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.)



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The applicant proposes to construct a Senior Assisted Living complex with 20 dwelling units.

City Council Meeting

April 16, 2024

Z 23-28

CASE INFORMATION

Location: 1922 Castle Drive

Applicant: David Gibbons

Owner: Garland Housing Finance Corporation

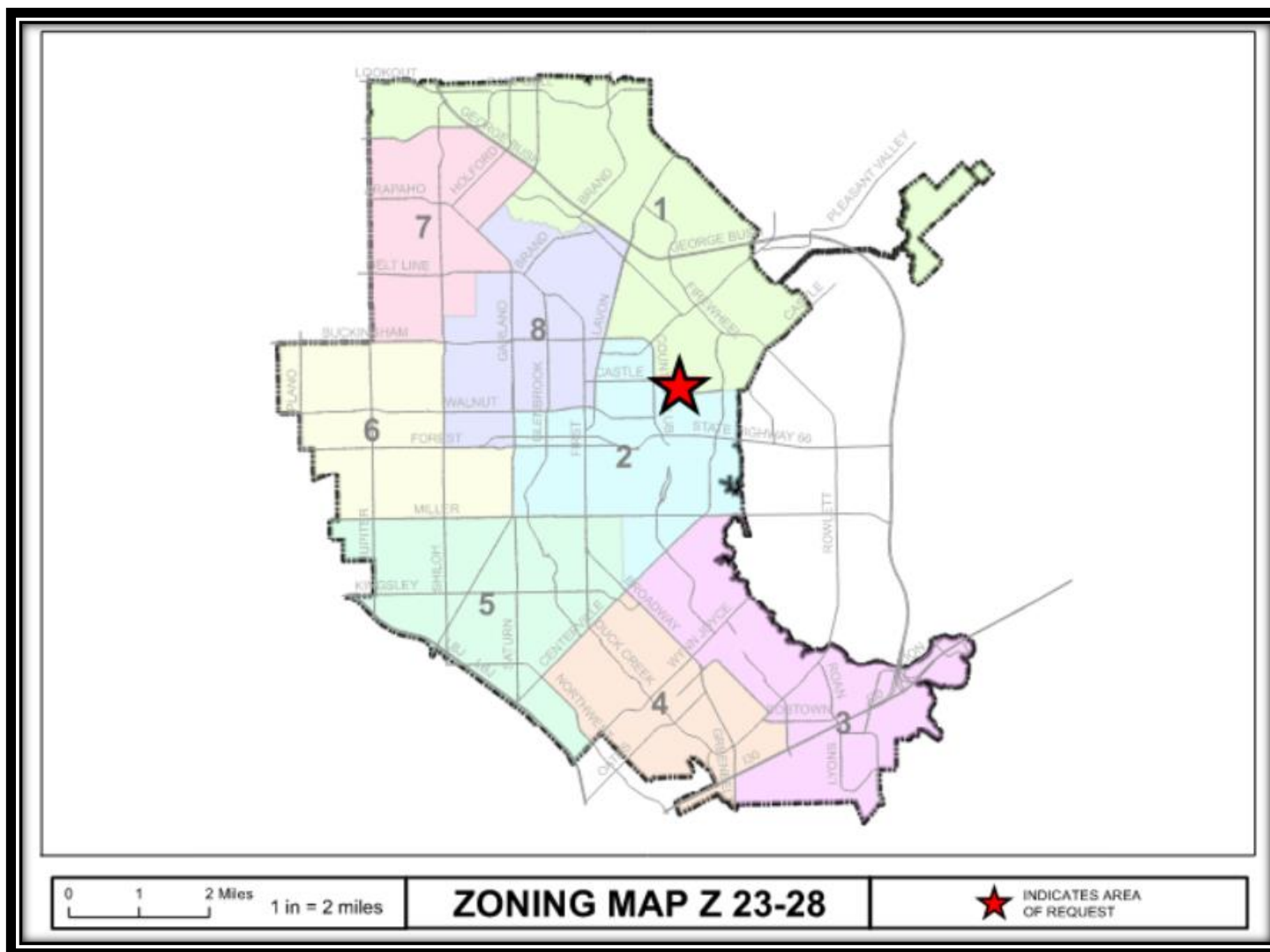
Acreage: 2.373 acres

Zoning: Planned Development (PD) District 17-25



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CITYWIDE LOCATION MAP

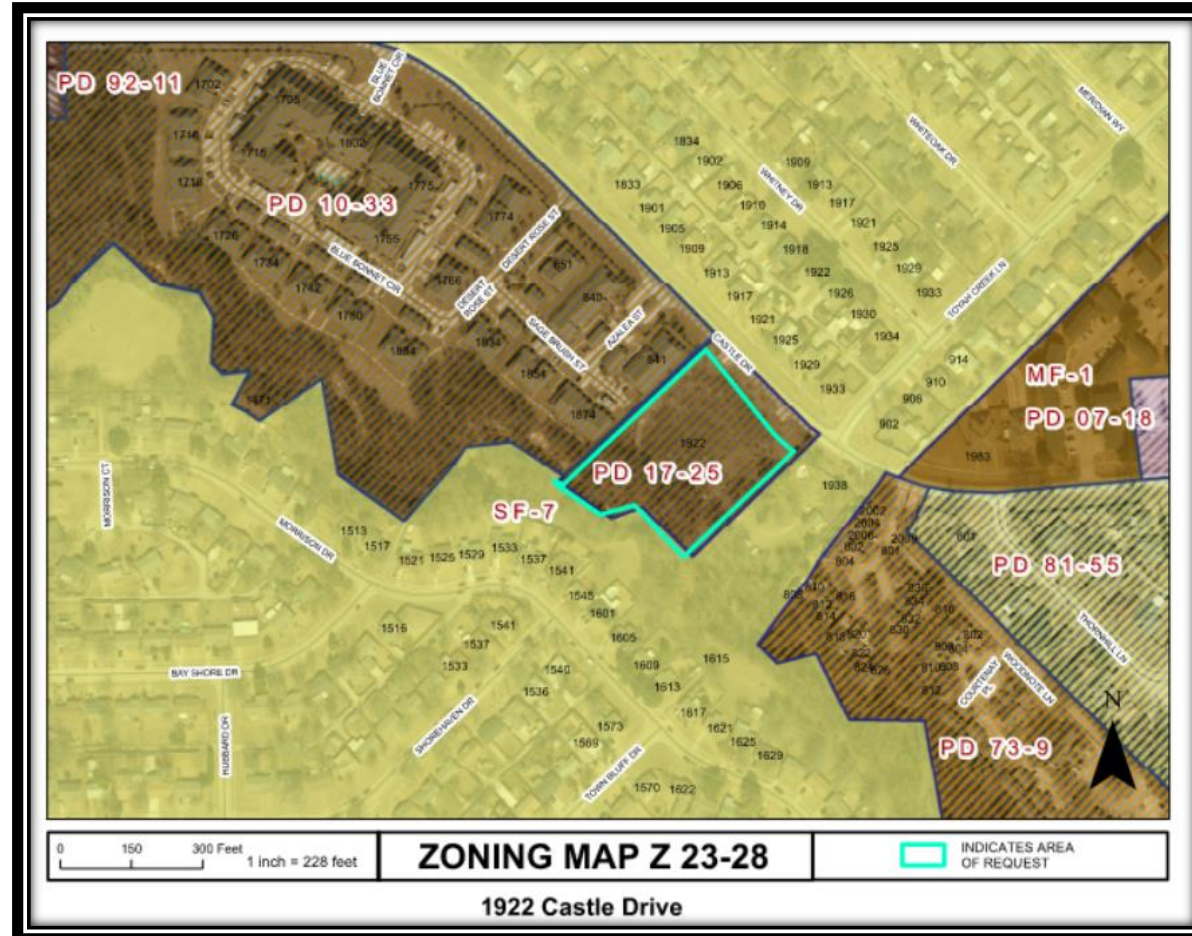


Z 23-28



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LOCATION MAP



Z 23-28



COMPREHENSIVE PLAN



COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Compact Neighborhoods.

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

The Compact neighborhood development type is primarily characterized as moderate residential (between six and twelve dwelling units per acre).

The proposed net density is 8.4 dwelling units per acre; therefore, the development is supportive of the Comprehensive Plan.



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ECONOMIC DEVELOPMENT STRATEGIC PLAN

Per the Economic Development Strategic Plan, additional density increases sales tax and supports existing businesses. The subject property will provide additional housing to the area for seniors.



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PHOTOS



View of the subject property



North of the subject property



GARLAND
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PHOTOS



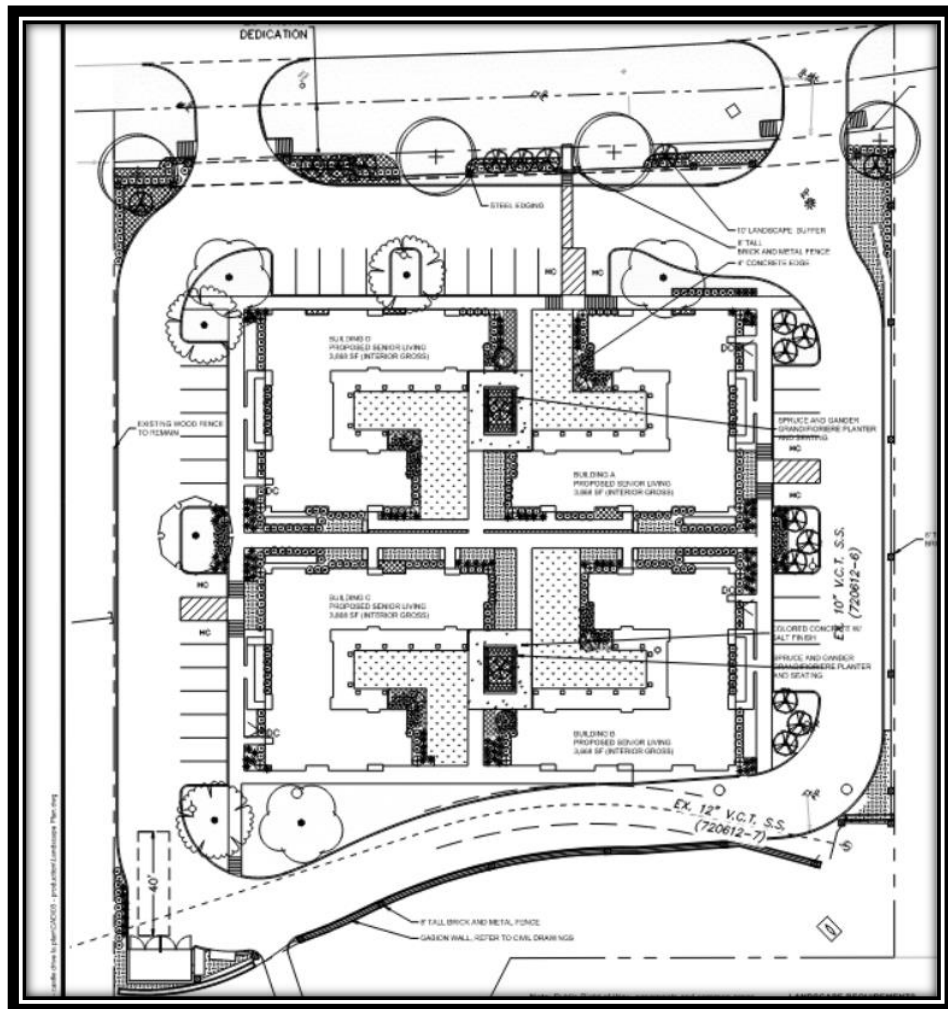
East of the subject property



West of the subject property



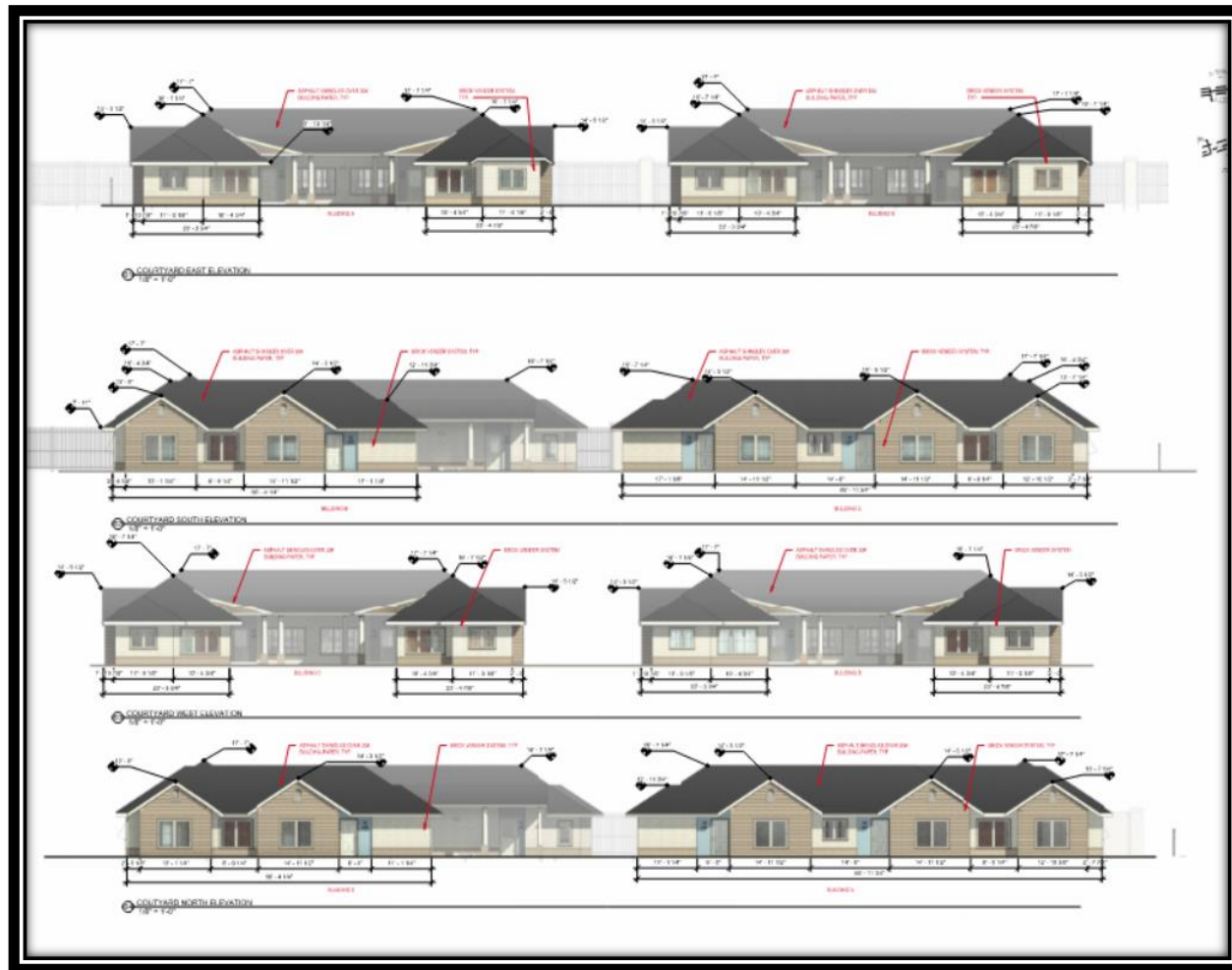
LANDSCAPE PLAN





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BUILDING ELEVATIONS





GARLAND
TEXAS MADE HERE

BUILDING ELEVATIONS





PLANNED DEVELOPMENT FLEXIBILITIES

The applicant requests a Planned Development (PD) District amendment to accommodate a senior assisted living development. The applicant is requesting the following flexibilities:

- **Screening:** Ornamental fence with masonry columns with no shrubs along southern perimeter, due to the site configuration and large drainage easements.
- **Amenities:** Outdoor shared space vs. indoor recreational space. This proposed development is a low-density, residential style assisted living. "Each dwelling unit will have a porch which will overlook and provide access to a planted interior garden environment. This common area is meant to create opportunity for connections within the individual structure allowing for residence an opportunity to sit and gather with natural light and air. It is meant to encourage connection to the internal garden area. The spaces then interlock to encourage connections to other structures thus developing a sense of the community. A total of 2,932 sq. ft. of total covered common area is provided by these porches."
- **Building Design:** This proposal fits a residential building design. Therefore, the applicant is proposing the three (3) architectural elements per residential style, in lieu of the six (6) architectural elements are required for conventional multi-family and non-residential developments.



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PLANNED DEVELOPMENT

The proposal represents a redevelopment of a previous nursing home site to a senior living facility, with a residential style appropriate to the area. The proposal aligns with the Comprehensive Plan and Economic Development Strategic Plan.



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STAFF RECOMMENDATION

Approval of 1) an Amendment to Planned Development (PD) District 17-25 and 2) a Detail Plan for an Elder Care-Assisted Living Use



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PLAN COMMISSION RECOMMENDATION

On March 25, 2024, the Plan Commission, by a vote of six (6) to zero (0), recommended approval of 1) an Amendment to Planned Development (PD) District 17-25 for Multi-Family-1 (MF-1) Uses and 2) a Detail Plan for an Elder Care- Assisted Living Use



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GARLAND

PLANNING REPORT

City Council Regular Session

7. c.

Meeting Date: 04/16/2024

Item Title: Z 24-11 Kimley Horn (District 7)

Submitted By: Nabihah Ahmed, Lead Development Planner

REQUEST

Approval of 1) a Change in Zoning from Planned Development (PD) District 99-49 for Neighborhood Office Uses to Community Retail (CR) District and 2) a Specific Use Provision for a Restaurant, Drive-Through Use

LOCATION

2301 Arapaho Road

OWNER

John D. Gonzales Trustee

PLAN COMMISSION RECOMMENDATION

On March 25, 2024, the Plan Commission, by a vote of six (6) to zero (0) recommended approval of 1) a Change in Zoning from Planned Development (PD) District 99-49 for Neighborhood Office Uses to Community Retail (CR) District and 2) a Specific Use Provision for a Restaurant, Drive-Through Use.

In addition, the Plan Commission approved a variance to Section 4.39 of the GDC regarding perimeter screening adjacent to residential development.

STAFF RECOMMENDATION

Approval of 1) a Change in Zoning from Planned Development (PD) District 99-49 for Neighborhood Office Uses to Community Retail (CR) District and 2) a Specific Use Provision for a Restaurant, Drive-Through Use

BACKGROUND

The subject property is currently unimproved. The applicant proposes to construct a restaurant with a drive-through service ["Swig"].

SITE DATA

The subject property contains approximately 1.15 acres and has approximately 271 linear feet of frontage along Arapaho Road and 288 linear feet of frontage along Holford Road. The site can be accessed from Holford Road and Arapaho Road.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Planned Development (PD) District 99-49 for Neighborhood Office Uses.

The Neighborhood Office (NO) district is intended to create an appropriate setting for low-intensity office and professional uses. The district may be used as a transition district between residential uses and more intense uses. With appropriate buffers and landscaping, this district may be located contiguous to residential districts. Allowed uses should be compatible with adjacent residential areas by limiting heights to one story and may not include uses that create excessive amounts of traffic, noise, trash, or late-night business operations.

CONSIDERATIONS

1. Change in Zoning:

The applicant proposes to rezone the property to Community Retail (CR) District.

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 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.

2. Specific Use Provision

A Specific Use Provision is required for a Restaurant, Drive-Through Use in the Community Retail (CR) District. The applicant proposes a 705 square-foot restaurant [Swig] with a drive-through to sell various types of drinks made by mixing base name-brand sodas such as Coca-Cola or Dr. Pepper with add-ins such as flavored syrups, creams and fruit-purees.

The applicant is proposing a time period of twenty-five (25) years. The SUP time period guide recommends between twenty (20) to twenty-five (25) years.

3. Parking:

The site plan (Exhibit C) meets the parking requirements per the GDC.

4. Screening and Landscaping:

The GDC requires perimeter screening when a non-residential development is adjacent a residential development. The property is abutting a residential development to the north. The landscape plan (Exhibit D) reflects an eight (8)-foot tall masonry wall; however, it does not extend the entire length of the property line due to a large power pole and utility easement. There are low-level screening shrubs proposed in lieu of the screening wall extension.

Additionally, large canopy trees are required every twenty-five (25) feet along the masonry wall. The large canopy trees are located at the edge of the drive-through due to a large utility easement.

It should be noted that the Plan Commission approved a variance to allow the masonry wall length and large canopy trees location as reflected in Exhibit D.

The landscape plan (Exhibit D) meets all other applicable screening and landscaping standards per the GDC.

5. Building Design

The building elevations (Exhibit E) for the proposed restaurant with Drive-Through are in compliance with the Garland Development Code (GDC).

6. Signage

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

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Neighborhood Centers for the subject site. Description Neighborhood centers provide a mix of retail, services and community gathering places. This center should be appropriately scaled to adjacent residential areas.

ECONOMIC DEVELOPMENT STRATEGIC PLAN

The proposal is considered "Stand Alone Commercial" per the Economic Development Strategic Plan; this category represents a property tax revenue per acre at \$5,380. In addition, the proposal will add sales tax revenue to the City.

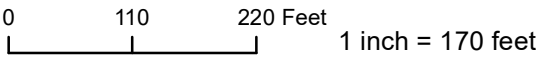
COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The properties to the north are zoned Planned Development (PD) District 83-143; these properties are developed with single-family homes. The property to the east, across Holford Road, is zoned Agricultural (AG) District; it is currently unimproved. The property to the south, across Arapaho Road, is zoned Planned Development (PD) District 08-45; it is undeveloped. The property to the west is zoned Planned Development (PD) District 99-49; it is unimproved.


The subject property is located at the intersection of Holford Road and Arapaho Road, which are Type "D" and Type "B" thoroughfares and appropriate for Community Retail zoning. The proposed use is generally compatible with the surrounding area.

Attachments

Z 24-11 Location Map
Z 24-11 Exhibit B
Z 24-11 Exhibits
Z 24-11 R&M
Z 24-11 Responses
Z 24-11 Staff Presentation



ZONING MAP Z 24-11

 INDICATES AREA OF REQUEST

2301 Arapaho Road

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 24-11

2301 Arapaho Road

I. Statement of Purpose: The purpose of this Specific Use Provision is to allow a Restaurant, Drive-Through.

II. Statement of Effect: This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.

III. General Regulations: All regulations of the Community Retail (CR) 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:

Site Layout: The site shall be in general conformance with the approved Site Plan, Landscape Plan, and Elevations labeled Exhibit C, Exhibit D, and Exhibit E. In the event of conflict between the conditions and 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 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;

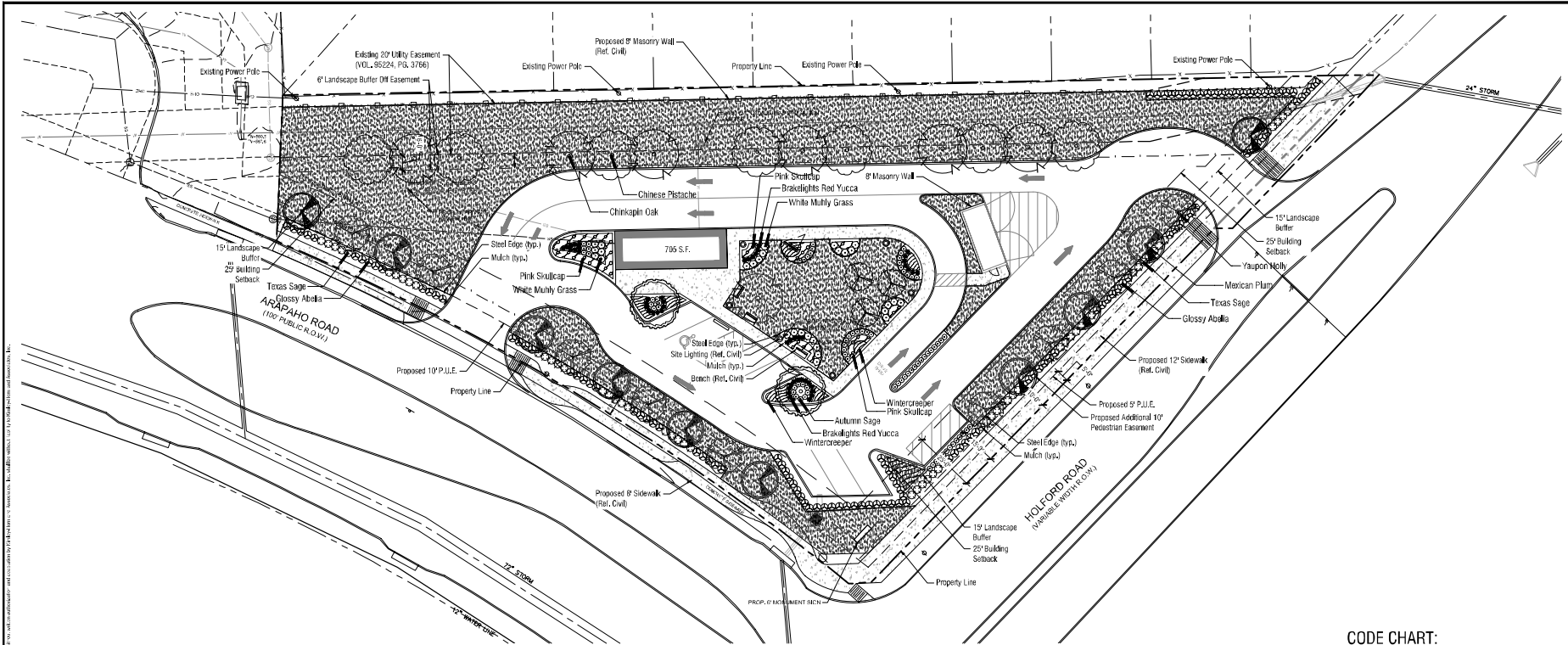
B. A failure to obtain a certificate of occupancy for the Land use within 730 days of the effective date of this SUP;

- 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. Time Period: The Specific Use Provision shall have a twenty-five (25) year time period.
- B. Menu Board: The menu board, as shown on Exhibit C, shall not have a speaker.



PLANT SCHEDULE

TREES	COMMON / BOTANICAL NAME	CONT.	SIZE	SPACING	QTY	REMARKS
	Cedar Elm / <i>Ulmus crassifolia</i>	3' cal	12'-14'		2	B&B, HURSEY GROWN, MATCHED, FULL, WELL-BRANCHED, STRONG CENTRAL LEADER
	Chinese Pistache / <i>Pistacia chinensis</i>	2' cal	12'-14'	5'-6'	7	B&B, HURSEY GROWN, MATCHED, FULL, WELL-BRANCHED, STRONG CENTRAL LEADER
	Chinkapin Oak / <i>Quercus muhlenbergii</i>	3' cal	12'-14'		7	B&B, HURSEY GROWN, MATCHED, FULL, WELL-BRANCHED, STRONG CENTRAL LEADER
ORNAMENTAL TREES	COMMON / BOTANICAL NAME	CONT.	SIZE	SPACING	QTY	REMARKS
	Chaste Tree / <i>Viburnum coccineum</i>	3' cal	8'-10'		3	CONTAINER, HURSEY GROWN, MATCHED, FULL, WELL-BRANCHED, STRONG CENTRAL LEADER
	Mexican Plum / <i>Prunus mexicana</i>	2' cal. min.	7'-9" Ht	4'-5' Spread	10	B&B, HURSEY GROWN, MATCHED, FULL, WELL-BRANCHED, STRONG CENTRAL LEADER
	Yaupon Holly / <i>Ilex vomitoria</i>	3' cal	7'-9" Ht.	4'-5' Spread	9	CONTAINER, HURSEY GROWN, MATCHED, FULL, WELL-BRANCHED, MULTITRUNK (3 MIN.), TREE FORM
SHRUBS	COMMON / BOTANICAL NAME	CONT.	SIZE	SPACING	QTY	REMARKS
	Autumn Sage / <i>Salvia greggii</i>	3 gal	12" h x 18" w	24" OC	76	CONTAINER, HURSEY GROWN, MATCHED AND WELL ROOTED
	Brakelights Red Yucca / <i>Hesperaloe parviflora</i> 'Brakelights'™	3 gal	12" h x 12" w	24" OC	51	CONTAINER, HURSEY GROWN, MATCHED AND WELL ROOTED
	Glossy Abelia / <i>Abelia grandiflora</i>	3 gal	24" h x 24" w	30" OC	120	CONTAINER, HURSEY GROWN, MATCHED AND WELL ROOTED
	Texas Sage / <i>Leucophyllum frutescens</i>	3 gal	24" h x 24" w	30" OC	58	CONTAINER, HURSEY GROWN, MATCHED AND WELL ROOTED
	White Mulberry Grass / <i>Muhlenbergia capillaris</i> 'White Cloud'	3 gal	24" h x 18" w	30" OC	29	CONTAINER, HURSEY GROWN, MATCHED AND WELL ROOTED

GROUND COVERS	COMMON / BOTANICAL NAME	CONT.	SIZE	SPACING	QTY	REMARKS
	Bermuda Grass / <i>Cynodon dactylon</i>		500	20' 10" sq		REFER TO SPECIFICATIONS
	Pink Shallop / <i>Scaevola taccuinensis</i>	18" O.C.	1 Gal.	18" o.c.	154	CONTAINER, NURSEY GROWN, MATCHED AND WELL ROOTED
	Wintercreeper / <i>Eurostymus fortunei</i>	4 pot	8" h x 6" w	18" o.c.	120	CONTAINER, NURSEY GROWN, MATCHED AND WELL ROOTED
MISCELLANEOUS	COMMON / BOTANICAL NAME	QTY	REMARKS			
	Steel Edge	450 LF	3/4" x 6" BLACK			
	Shaded Hardwood Mulch		DARK BROWN IN COLOR, ALL TREES IN SOO TO RECEIVE A 1/4" MULCH EDGE			

NOTE: PLANT QUANTITIES ARE PROVIDED FOR REFERENCE ONLY. IN THE CASE OF A DISCREPANCY, THE DRAWING SHALL TAKE PRECEDENCE.

NOTE: PLANTS ARE SPECIFIED BY HEIGHT, SPREAD AND CONTAINER SIZE. ALL PLANTINGS ARE EXPECTED TO MEET ALL SPECIFICATIONS PROVIDED.

PLANTING NOTES:

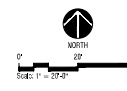
- LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UNDERGROUND UTILITIES, PIPES, STRUCTURES, AND LINE BOUNDS IN THE FIELD PRIOR TO THE INSTALLATION OF ANY PLANT MATERIAL. IF IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO AVOID THE LANDSCAPE ARCHITECT FOR ANY CONDITION EXISTING ON THE SITE WHICH PROHIBITS INSTALLATION AS SHOWN ON THESE DRAWINGS.
- ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY AND GROWING CONDITION AND MUST BE REPLACED WITH PLANT MATERIAL OF SAME VARIETY AND SIZE IF DAMAGED, DESTROYED, OR REMOVED.
- LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE TRIMMING AND REMOVAL OF BRANCHES PRIOR TO PLANTING ALL AREAS.
- FINAL FINISH GROUNDS SHALL BE REVIEWED BY THE LANDSCAPE ARCHITECT. LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY ADDITIONAL TOPSOIL REQUIRED TO CREATE A SMOOTH CONDITION PRIOR TO PLANTING.
- ALL PLANT QUANTITIES LISTED ARE FOR REFERENCE ONLY. IF THE CONTRACTOR'S RESPONSIBILITY TO PROVIDE ALL SOIL USE IN ALL PLANTING AREAS AS SPECIFIED IN THE PLANT SCHEDULE AND VERIFY ALL QUANTITIES.
- LANDSCAPE CONTRACTOR TO PROVIDE STEEL EDGING REFER TO WHITE MULCH SPREAD BETWEEN ALL PLANTING AREAS, HOLD AWAY AREAS.
- ALL PLANT MATERIAL SHALL CONFORM TO THE SPECIFICATIONS AND SELECT FROM THE PLANT LIST AND SHALL BE PLANTED IN CONTAINERS ACCORDANCE WITH THE AMERICAN STANDARD HURSEY GROWN, LATEST EDITION AMERICAN ASSOCIATION OF NURSERIES STANDARDS. ALL PLANT SUBSTITUTION SHALL BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO PURCHASE.
- LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR ANY COORDINATION WITH OTHER CONTRACTORS ON SITE AS REQUIRED TO ACCOMPLISH ALL PLANTING OPERATIONS.
- ALL NEW PLANTING AREAS TO BE AMENDED PER SPECIFICATIONS.
- ALL PLANT MATERIAL THAT DOES NOT SURVIVE SHALL BE REPLACED WITH AN EQUIVALENT SIZE AND SPECIES WITHIN THIRTY (30) DAYS.
- PLANT MATERIAL SHALL BE PROVIDED AS NECESSARY TO CONTROL, SEE BUT NOT TO OBSTRUCT THE NATURAL GROWTH PATTERN OR CHARACTERISTIC FORM OF THE PLANT EXCEPT AS NECESSARY TO ACHIEVE HEIGHT CLEARANCE FOR UTILITY AND OVERHEAD PASSENGERS OR TO PROVIDE A CONTINUOUS SPRADE WIND BARRIER.
- LANDSCAPE CONTRACTOR SHALL BE KEPT FREE OF TRASH, WEEDS, DEBRIS, AND DEAD PLANT MATERIAL.
- ALL LINES STAKEDECKED OR BARRIERS SELECTED FOR BUILDING SHOULD BE REMOVED FROM PLANTING AREAS TO A DEPTH OF 2" x REPLACED WITH ORGANIC IMPORTED TOPSOIL, FILL.
- TREES OVERHANGING PEDESTRIAN WALKWAYS AND PARKING SHALL HAVE A MINIMUM CLEAR TRUNK HEIGHT TO MEET ACCESSIBILITY STANDARDS. TREES OVERHANGING PUBLIC STREETS, DRIVE AWAYS AND SIDE LANES SHALL HAVE A 1" MINIMUM CLEAR TRUNK HEIGHT.
- CONSTRUCTION OF PLANTING IS TO BE INITIATED IMMEDIATELY AFTER ALL CONSTRUCTION IS COMPLETE.

CODE CHART:

City of Garland Landscape Requirements	REQUIRED	PROVIDED
Total Landscape Area 10% of the overall site must be landscaped (50,000 SF x .10 = 5,000 SF) 50% of the parking lot must be landscaped. (12,720 SF x .50 = 6,360 SF)	MIN. 10% OR 5,000 SF MIN. 5% OR 2,450 SF 8% = 3,780 SF	53% OR 26,514 SF 24% OR 12,168 SF 4,285 SF
Buffer Requirements Provide a combination of one (1) canopy tree and seven (7) shrubs per 30' linear foot of landscape buffer		
Holford Road		
125 LF / 30' - 60' Trees	10 TREES	*10 TREES
100 LF x 70' - 100' Shrubs	70 SHRUBS	70 SHRUBS
Arapaho Road		
248 LF / 30' - 70' Trees	9 TREES	*9 TREES
9 x 7' - 60' Shrubs	63 SHRUBS	63 SHRUBS
coverage within the landscape buffer, with the following 20' trunk x shrub/ground cover: 9,247 SF x .75 = 6,935 SF	MAX. 25% OR 4,685 SF OF SOO 4,285 SF OF SOO	68% OR 3,465 SF OF SOO
Parking Lot Requirements All landscape is to be provided at the end of each parking row, and will contain one (1) canopy tree per 15' front	YES	YES
One (1) canopy tree is to be provided for every ten (10) parking spaces (7' spaces / 10' = 7 TREES)	3 TREES	1 TREE
Screening Requirements Plant screening to be provided along parking lot adjacent to public streets with a continuous row of the 40s or grasses that are a min. trunk height of 24" at install 10-12' Canopy trees - required every 30' along the masonry screen wall. (147 LF / 25' = 5.88 Trees)	YES	YES
1.0 TREES	5.88 TREES	

NOTE: Due to constraints in overall site plan, dimensional enclosure proposed along Arapaho Rd. and Holford Rd. was not selected from the recommended list.

****NOTE:** All code calculations are subject to change with site plan changes



NO.	REVISIONS	DATE	BY

Kimley-Horn
 1000 W. UNIVERSITY BLVD., SUITE 200, GARLAND, TX 75042
 200 EAST HAVES STREET, SUITE 100, GARLAND, TX 75042
 WWW.KIMLEY-HORN.COM TX-05300

PRELIMINARY
Kimley-Horn
 1000 W. UNIVERSITY BLVD., SUITE 200, GARLAND, TX 75042
 200 EAST HAVES STREET, SUITE 100, GARLAND, TX 75042
 WWW.KIMLEY-HORN.COM TX-05300

PKA PROJECT	DATE	SCALE	DESIGNED BY	INCHES	DATE	BY

ARAPAHO RD. & HOLFORD RD.
 GARLAND, TEXAS



LANDSCAPE PLAN

SHEET NUMBER
LP 1.01

DATE: 02/28/2024
 TIME: 10:00 AM
 USER: JHORN
 PROJECT: ARAPAHO RD. & HOLFORD RD.
 SHEET: LP 1.01

THIS PLAN AND ALL ATTACHED SHEETS ARE THE PROPERTY OF KIMLEY-HORN AND ASSOCIATES, INC. NO PART OF THIS PLAN OR ANY INFORMATION CONTAINED HEREIN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF KIMLEY-HORN AND ASSOCIATES, INC.

REPORT & MINUTES

P.C. Meeting, March 25, 2024

3c. APPROVED Consideration of the application of **Kimley Horn**, requesting approval of 1) a Change in Zoning from Planned Development (PD) District 99-49 for Neighborhood Office Uses to Community Retail (CR) District; 2) a Specific Use Provision for a Restaurant, Drive-Through Use and 3) a Variance to Section 4.39 of the GDC regarding perimeter screening adjacent to residential development. This property is located at 2301 Arapaho Road. (District 7) (File Z 24-11).

The applicant, Garrett Johnson, 6901 La Manga Dr., Dallas, TX 75248, provided an overview of the request and remained available for questions.

Commissioner Dalton asked the applicant that since that their proposal is a fairly new concept, are there any other similar venues nearby.

The applicant stated that there is another store in Murphy off of Fairview and Murphy Road. Commissioner Jenkins asked the applicant to describe the concept of the drinks that would be sold at the establishment.

The applicant explained that the product would be a drink concept that would involve adding different flavors of fountain drinks to make your own. Examples of drinks would be mixing coke with mango slices, adding strawberries to your Coca-Cola, etc. Other additional snacks such as packaged muffins and cookies would also be sold at the establishment.

Commissioner Rose asked the applicant how the entrance and exit would look to get into the establishment. He also asked about the on-site parking and if that would be strictly for the workers of the establishment.

The applicant explained that as of now, both Holford and Arapaho would serve as access points so that traffic could continue to circulate and not spill onto the roadway. In regards to the parking spaces, the applicant confirmed those would be primarily for the employees on site, although he could not say with 100% certainty that at any given point, a customer would not choose to park and finish their drink, though he does not see that happening often.

Commissioner Rose asked the applicant if he believes this concept would be successful as a drive-through only option.

The applicant explained that he has seen a shift in retail, and in the last four years there has been a big push for drive-through-only concepts. Most of these concepts are getting 75 to 80% of their revenue from the drive-through, so they are questioning the need for a 4,500 square foot establishment that no one is sitting in. There will be businesses that will continue to have inside dining such as Chick-fil-A, Raising Cane's, etc., but that is their brand. McDonald's is currently introducing a new concept similar to this with CosMc's.

Commissioner Abell commented that this establishment would be similar to the multiple pop-up coffee stands that are drive-through only.

Residents speaking in opposition of the request:

Rob Garner, 2246 Walnut Grove, Garland, TX 75044
Marc S. Quinn, 2125 Jasmine Ln., Garland, TX 75044

The residents speaking in opposition expressed concerns on the proposed zoning change use, noise and traffic concerns, hours of operation and the possibility of alcohol being sold in the future.

Chair Roberts did clarify to the residents that the establishment will not have drive-through speaker boxes and will be having employees take the orders at the drive-through, so this should help with any noise concerns.

Resident speaking in favor of the request:

John David Gonzalez, 10135 Rockmore Drive, Dallas, TX

The resident explained that he is the trustee of the Seven Investment Partnership and holds the title to the land and is therefore the seller. The resident explained that he has been trying to sell this property for approximately 10-12 years. Previous prospective buyers have included oil change shops, tire shops, etc. and as the seller, they have tried to be mindful to sell the property to the best buyer that will contribute to the Garland community. Given the length of time they have owned the property, since April 1967, the resident is asking that the Commission give serious consideration to the proposed development, given the time and effort that has been put into this property for the last decade to sell to the best developer.

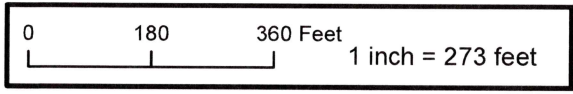
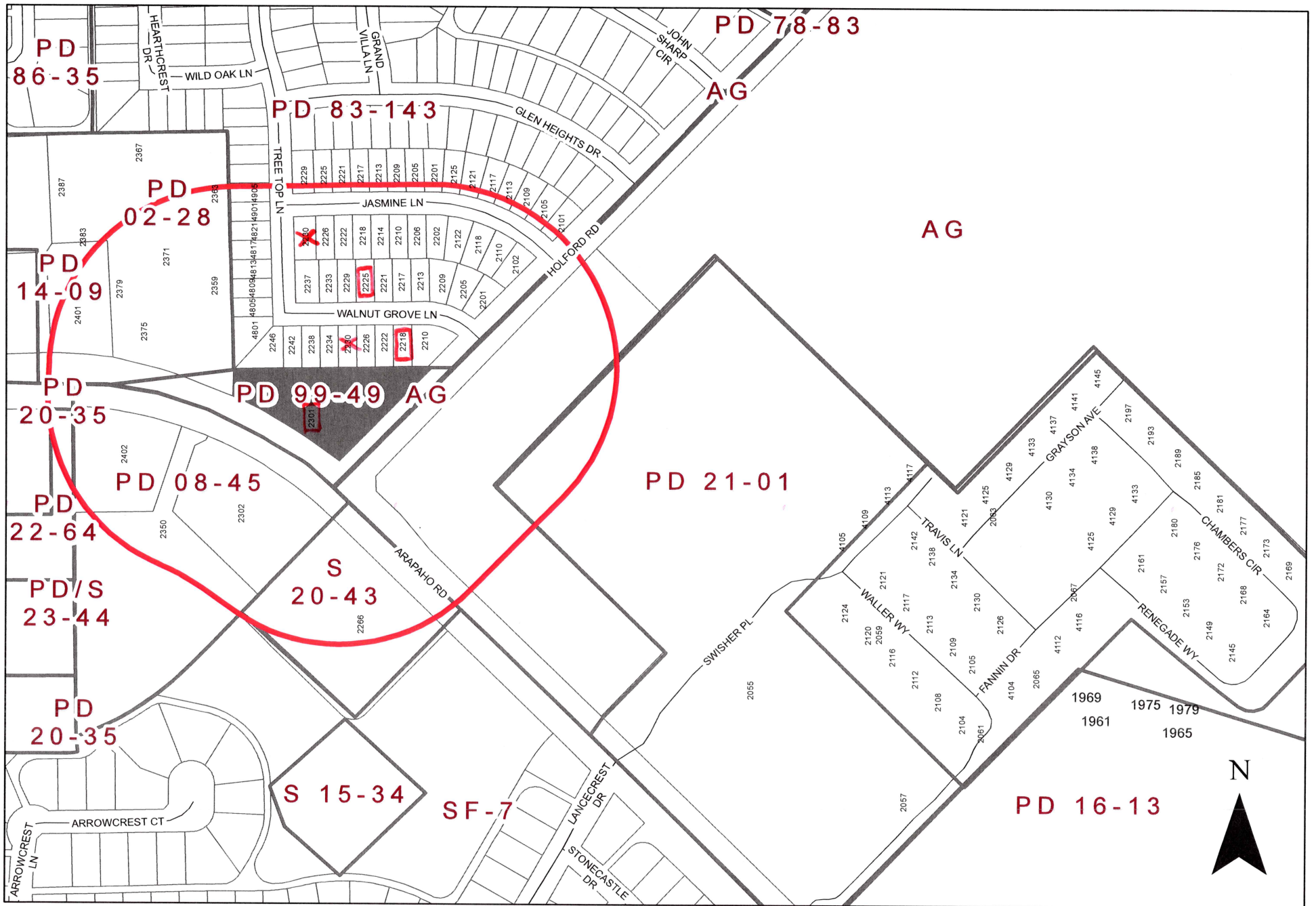
The applicant explained that the hours of operation would be Monday - Thursday 8 a.m. to 9 p.m., Friday 8 a.m. to 10 p.m., Saturday 9 a.m. to 10 p.m. and Sunday would be closed. There would be no overnight operations. In regards to selling any alcohol in the future, the applicant clarified that selling alcohol would go against the religious background of the company managing the establishment. The applicant also clarified that he made attempts to reach out to the HOA President but was unsuccessful, but would be more than happy to meet with any additional residents to answer their questions.

Motion was made by Commissioner Jenkins to close the public hearing. Seconded by Commissioner Rose. **Motion carried: 6 Ayes, 0 Nays.**

Commissioner Jenkins stated that while he was originally in opposition to this development, after hearing from the applicant and other adverse uses that could potentially be developed at this location, he is currently inclined to support this development.

Commissioner Dalton stated that he believes the proposed use is the best alternative and that this use would be no different than a drive-through coffee shop.

Motion was made by Commissioner Rose to **approve** the application as presented. Seconded by Commissioner Dalton. **Motion carried: 6 Ayes, 0 Nays.**



ZONING MAP Z 24-11

INDICATES AREA OF REQUEST
 INDICATES NOTIFICATION AREA

2301 Arapaho Road

Comment Form

Case Z 24-11

Z 24-11 Kimley Horn. The applicant proposes to construct a restaurant with a drive-through [Swig]. The site is located at 2301 Arapaho Road. (District 7)

Z 24-11 Kimley Horn. El solicitante propone construir un restaurante con servicio de autoservicio [Swig]. El sitio está ubicado en 2301 Arapaho Road. (Distrito 7)

Z 24-11 Kimley Horn. Người nộp đơn đề xuất xây dựng một nhà hàng có [Swig] lái xe qua. Địa điểm tọa lạc tại 2301 Arapaho Road. (Quận 7)

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

For / A Favor / Đúng

Against / En Contra / Không

Please complete the following information and email the form to Planning@garlandtx.gov; deliver to the Planning Department at 800 Main Street Garland, TX; or mail to City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002./ Por favor Complete la siguiente información y envíe el formulario por correo electrónico a Planning@garlandtx.gov; entregar al Departamento de Planificación en 800 Main Street Garland, TX; o envíelo por correo a City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002./ Vui lòng điền đầy đủ thông tin sau và gửi biểu mẫu qua email tới Planning@garlandtx.gov; giao cho Phòng Kế hoạch tại 800 Main Street Garland, TX; hoặc gửi thư đến Thành phố Garland, Sở Kế hoạch, P.O. Hộp 469002 Garland, TX 75406-9002.

JOHN DAVID GONZALES, SELLER, 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.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

10135 Rockmoor Dr (2301 ARAPAHO RD. OWNER)

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

DALLAS, TX.

City, State / Estado de la Ciudad / Thành bang

75229

Zip Code / Código postal / Mã B u Chính

John David Gonzales

Signature / Firma / Ch ữ ký

3.18.24

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.)

MAR 20 24 PM 1:30

**Comment Form Continued –
Case Z 24-11**

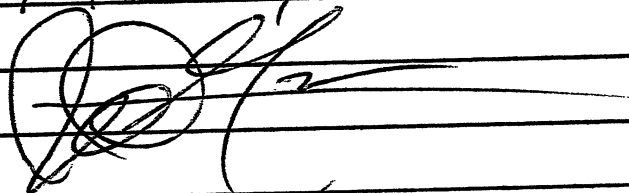
The statements below reflect my (our) opinion regarding the proposed request(s).

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

SEVEN INVESTMENTS HAS OWNED THIS
LAND SINCE 1967! IT IS TIME TO SELL
& THE BUYER IS AN OUTSTANDING DEVELOPER
WHO WILL PUT THE PROPERTY TO GREAT
USE. SWIG WILL BE A COMPATIBLE
LAND USER GIVEN THE ADDITION BEHIND
IT. AND, GARLAND'S TAX BASE WILL
ALSO SERVE AS A BENEFICIARY

THANK YOU –



3.18.21

Comment Form

Case Z 24-11

Z 24-11 Kimley Horn. The applicant proposes to construct a restaurant with a drive-through [Swig]. The site is located at 2301 Arapaho Road. (District 7)

Z 24-11 Kimley Horn. El solicitante propone construir un restaurante con servicio de autoservicio [Swig]. El sitio está ubicado en 2301 Arapaho Road. (Distrito 7)

Z 24-11 Kimley Horn. Người nộp đơn đề xuất xây dựng một nhà hàng có [Swig] lái xe qua. Địa điểm tọa lạc tại 2301 Arapaho Road. (Quận 7)

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



For / A Favor / Đúng



Against / En Contra / Không

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MARGARET JANE PARKER, 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.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

2225 WALNUT GROVE LANE

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

GARLAND, TX 75044

City, State / Estado de la Ciudad / Thành bang

75044

Zip Code / Código postal / Mã B u Chính

Margaret Jane Parker

Signature / Firma / Ch ữ ký

3-15-24

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 24-11

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

Although my house does not back up to the proposed project, I know All of my neighbors that do have homes that ~~do~~ back up to it, they request the following:

8 foot ~~fence~~ wall between their homes and Swigs

Current ditch to be filled

Old trees to be removed and some new smaller trees to be planted maybe along the new wall.

Request Swigs to be a drive-thru only and No tables outside to prevent loitering, etc.

Comment Form

Case Z 24-11

Z 24-11 Kimley Horn. The applicant proposes to construct a restaurant with a drive-through [Swig]. The site is located at 2301 Arapaho Road. (District 7)

Z 24-11 Kimley Horn. El solicitante propone construir un restaurante con servicio de autoservicio [Swig]. El sitio está ubicado en 2301 Arapaho Road. (Distrito 7)

Z 24-11 Kimley Horn. Người nộp đơn đề xuất xây dựng một nhà hàng có [Swig] lái xe qua. Địa điểm tọa lạc tại 2301 Arapaho Road. (Quận 7)

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

For / A Favor / Đúng

With conditions...

Against / En Contra / Không

Please complete the following information and email the form to Planning@garlandtx.gov; deliver to the Planning Department at 800 Main Street Garland, TX; or mail to City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002. / Por favor Complete la siguiente información y envíe el formulario por correo electrónico a Planning@garlandtx.gov; entregar al Departamento de Planificación en 800 Main Street Garland, TX; o envíelo por correo a City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002. / Vui lòng điền đầy đủ thông tin sau và gửi biểu mẫu qua email tới Planning@garlandtx.gov; giao cho Phòng Kế hoạch tại 800 Main Street Garland, TX; hoặc gửi thư đến Thành phố Garland, Sở Kế hoạch, P.O. Hộp 469002 Garland, TX 75406-9002.

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.)

Ms. Jackie McFarland

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

2218 Walnut Grove Ln. Garland, TX 75044

City, State / Estado de la Ciudad / Thành bang

Garland, TX

Zip Code / Código postal / Mã B u Chính

75044

Signature / Firma / Ch ữ ký

Jackie McFarland

Date / Fecha / Ngày

3/20/2024

(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 24-11**

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 would like the ditch just below my property line filled in, and a barrier wall of 6-8 ft erected there. Which would provide some privacy & act as a noise barrier to the drive-thru Swig restaurant.

Kindly submitted for consideration.

Jackie McFarland
1/20/2024

Comment Form

Case Z 24-11

Z 24-11 Kimley Horn. The applicant proposes to construct a restaurant with a drive-through [Swig]. The site is located at 2301 Arapaho Road. (District 7)

Z 24-11 Kimley Horn. El solicitante propone construir un restaurante con servicio de autoservicio [Swig]. El sitio está ubicado en 2301 Arapaho Road. (Distrito 7)

Z 24-11 Kimley Horn. Người nộp đơn đề xuất xây dựng một nhà hàng có [Swig] lái xe qua. Địa điểm tọa lạc tại 2301 Arapaho Road. (Quận 7)

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

For / A Favor / Đúng

Against / En Contra / Không

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MeKeshha Johnson, Homeowner

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.)

2230 Jasmine Ln

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 Chính

[Signature]

Signature / Firma / Chữ ký

3/29/24

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 24-11

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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

Part of the charm of this neighborhood ^{was} ~~is~~ that it was tucked away. As more apartments are built & more businesses move in, more & more traffic invades our neighborhood. To add a restaurant on the corner would cause more congestion, making it even more difficult to get onto the main road. I believe that it would cause more litter as people discard their trash & possibly increase loitering. I liked having a nice quiet neighborhood to live in, but adding a restaurant changes that. And I'm completely against the rezoning effort.

Zoning Response Case Comments

Case Number	PC Hearing Date	CC Hearing Date	Planner Name
Z 24-11	March 25, 2024	April 16, 2024	

Z 24-11 Kimley Horn. The applicant proposes to construct a restaurant with a drive-through [Swig]. The site is located at 2301 Arapaho Road. (District 7)

Marian Mihelcic

Against

3/25/2024
4:24:09 PM

1721 Highgate P

mmihelcic@yahoo.com

Garland

972-495-8354

Texas

United States

Outside the Notification Area

75044

There are coffee and tea shops on 3 corners of Arapaho and Shiloh. We do not need another coffee/drink shop. Also cars going eastbound could make U-turns at Holford to get to this Swig location-this would be a hazard to oncoming traffic. Also traffic backs up westbound and additional traffic is not needed. At Holford there is a stop sign and vast majority of traffic makes a right hand turn on to westbound Arapaho. Cars making a left turn could block oncoming westbound traffic. Th Traffic could back up on both Holford and Arapaho with the drive thru. I have been in traffic going westbound on Arapaho by the storage units between Holford and Shiloh and will take two green lights to get through this intersection. Swig is not a good fit for the location. Will existing trees be cut down? These are older trees and are good for the environment.

**Robert R &
Beatriz A
Gonzalez**

Against

3/22/2024
10:34:40 PM

2230 Walnut Grove Lane

robandgonzalez@aol.com

Garland

915-497-6926

Texas

United States

75044

Issues with traffic, smell of food and commercial trash, noise from speaker and additional traffic. And lastly it borders our backyard fence, concerned with our safety.

**Randall & Lydia
Umana**

against

3/16/2024

4817 Tree Top Lane

Outside the Notification Area

rumana752@gmail.com

Case Number	PC Hearing Date	CC Hearing Date	Planner Name
Z 24-11	March 25, 2024	April 16, 2024	

8:44:26 PM

Garland 972-530-4936
Texas
United States
75044

We have lived here over thirty years and have seen many changes. Some good and some bad. But putting a restaurant or drive-through at that corner in our opinion would create a traffic nightmare. As it is already traffic is terrible both morning and evening and certain times of the afternoons. I would certainly would reconsider another location. Maybe across the the street they certainly have more space if a drive -thru is a major factor. Thank you.



The applicant proposes to construct a restaurant with a drive-through [Swig].

City Council Meeting

April 16, 2024

Z 24-11

CASE INFORMATION

Location: 2301 Arapaho Road

Applicant: Kimley Horn

Owner: John D. Gonzales Trustee

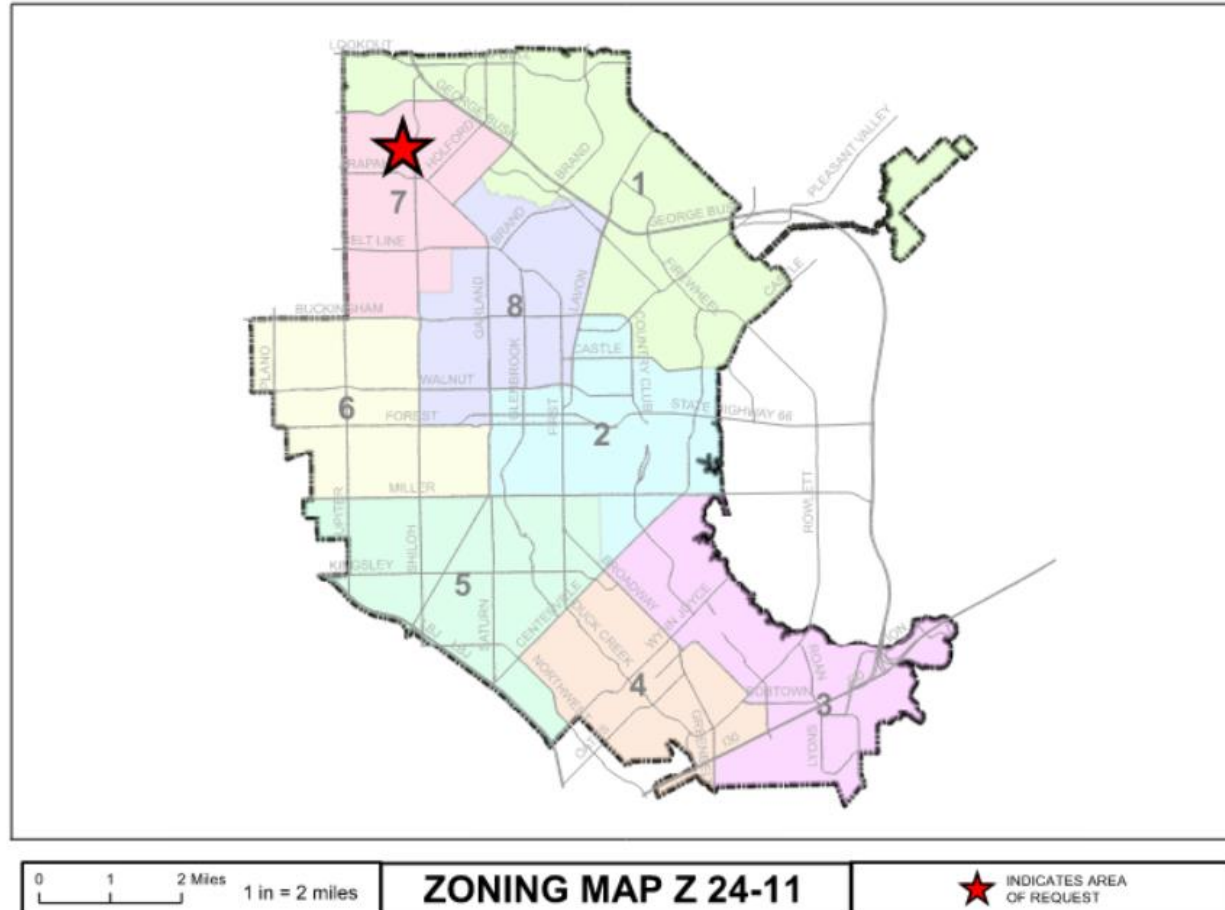
Acreage: 1.15 acres

Zoning: Planned Development (PD) District 99-49



GARLAND
TEXAS MADE HERE

CITYWIDE LOCATION MAP

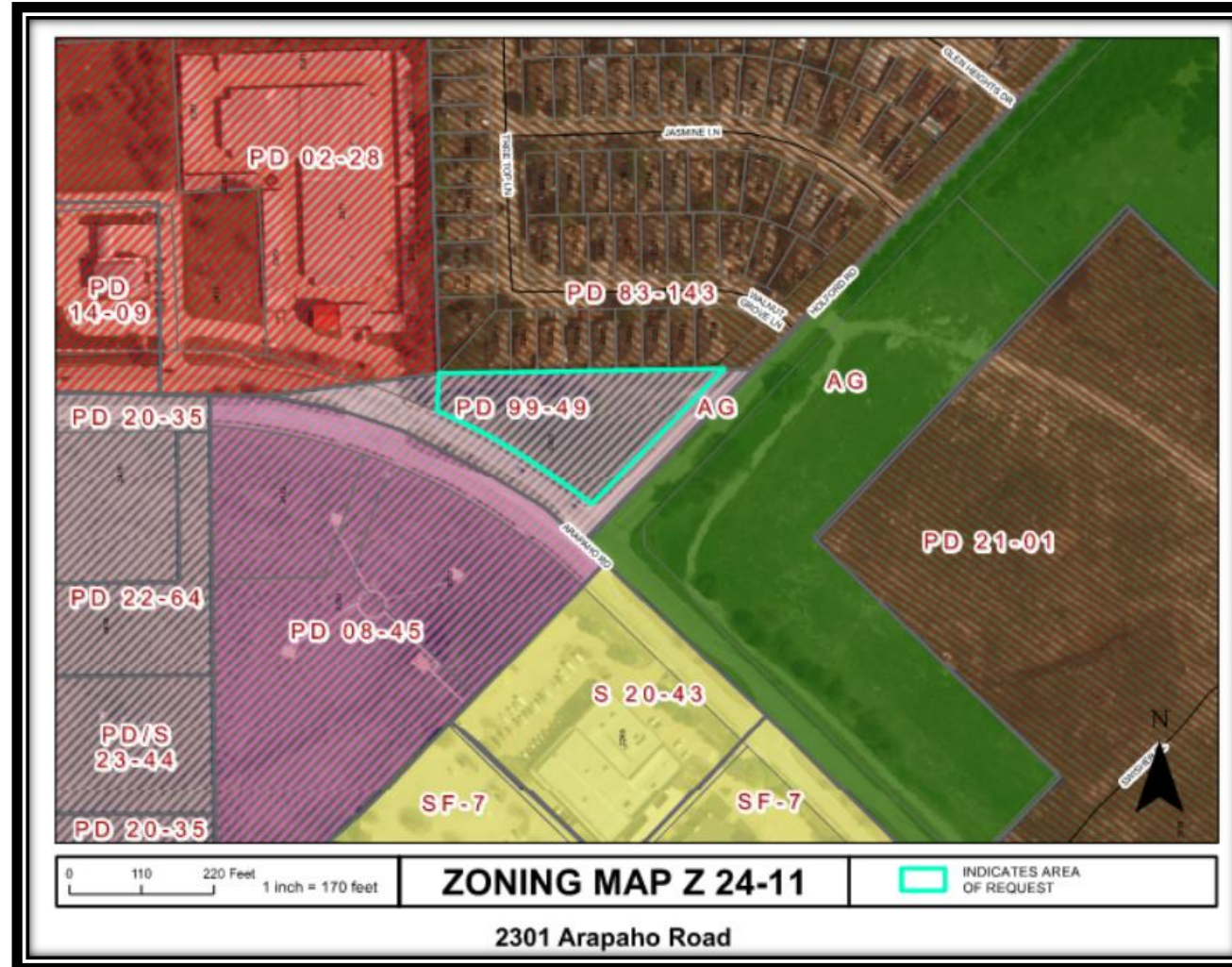


Z 24-11



GARLAND
TEXAS MADE HERE

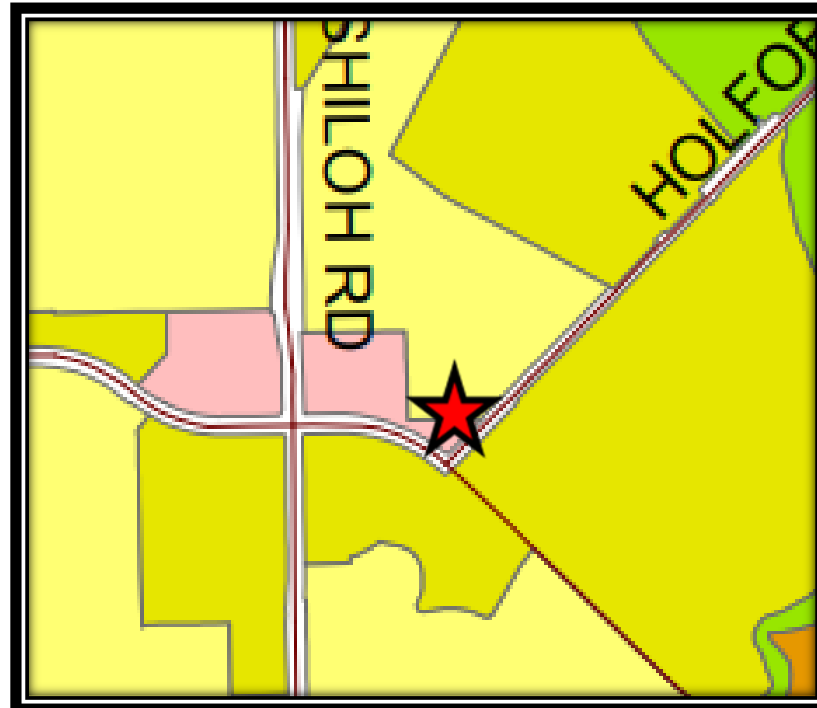
LOCATION MAP



Z 24-11



COMPREHENSIVE PLAN





COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Neighborhood Centers for the subject site. Description Neighborhood centers provide a mix of retail, services and community gathering places. This center should be appropriately scaled to adjacent residential areas.

The proposed use complies with the Comprehensive Plan and offers a supportive use to the area.



GARLAND
TEXAS MADE HERE

ECONOMIC DEVELOPMENT STRATEGIC PLAN

The proposal is considered “Stand Alone Commercial” per the Economic Development Strategic Plan; this category represents a property tax revenue per acre at \$5,380. In addition, the proposal will add sales tax revenue to the City.



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PHOTOS



View of the subject property



East of the subject property

Z 24-11



GARLAND
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PHOTOS



North of the subject property

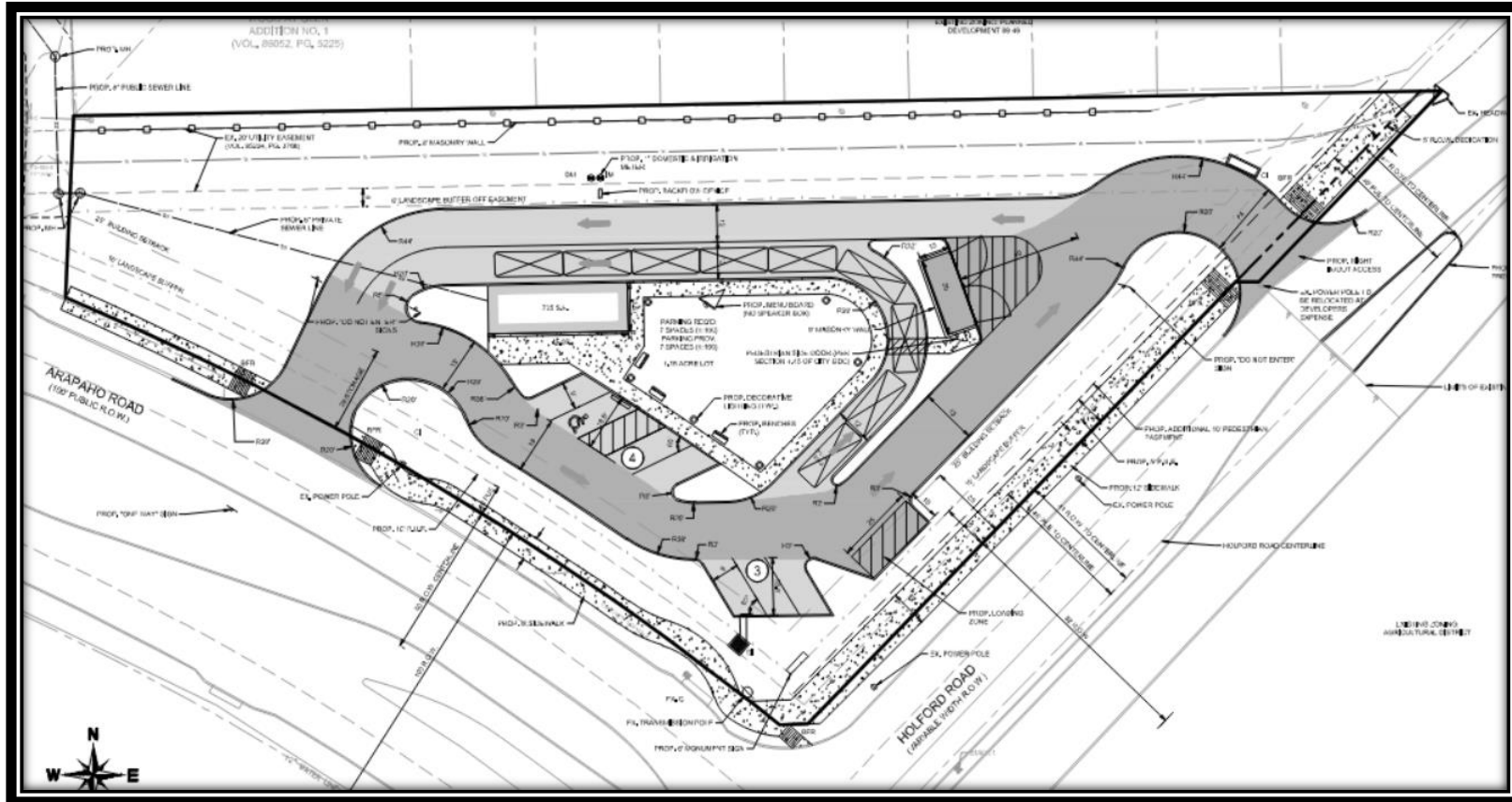


West of the subject property

Z 24-11



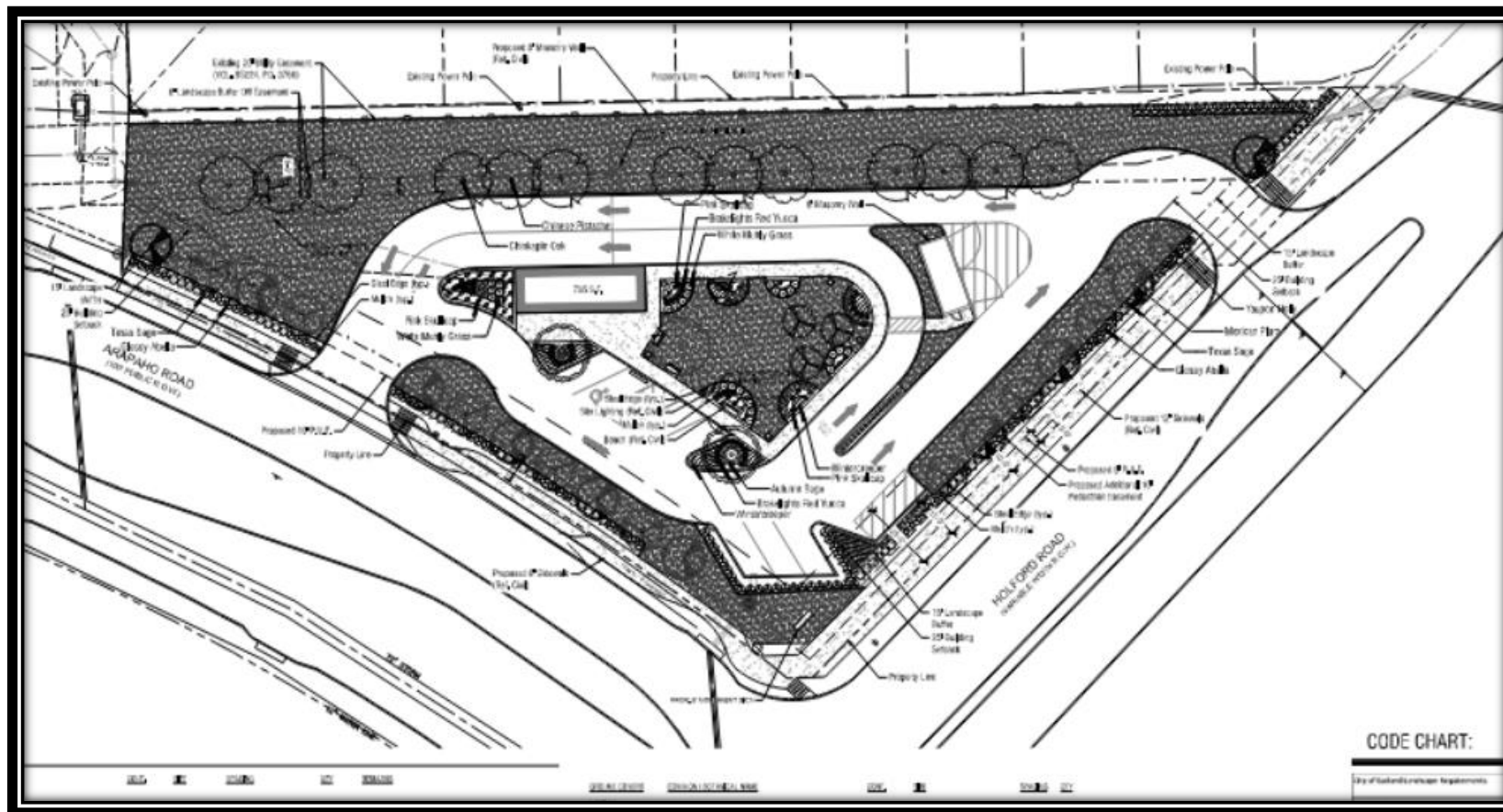
SITE PLAN





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LANDSCAPE PLAN

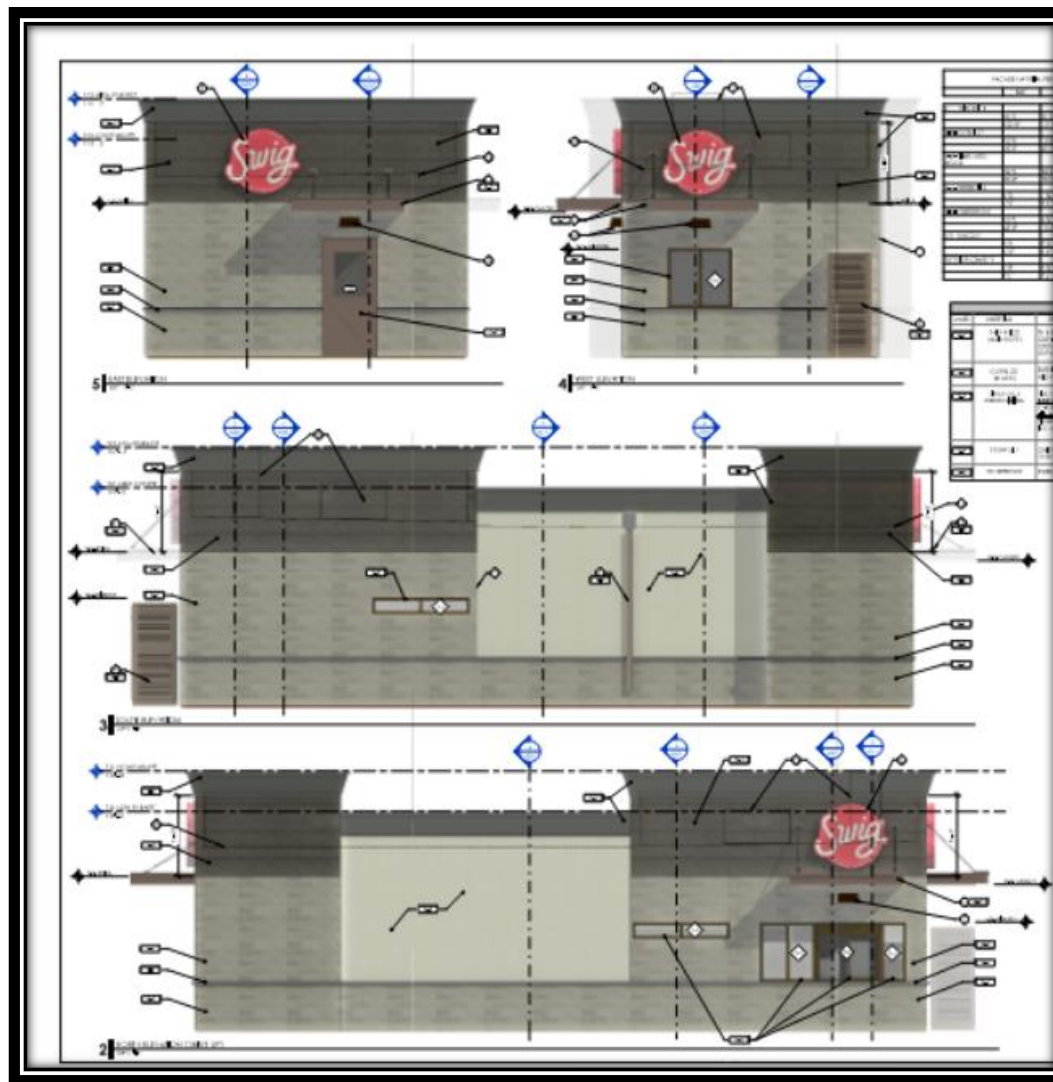


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BUILDING ELEVATIONS



Z 24-11



CONSIDERATIONS

- A Change in Zoning from Planned Development (PD) District 99-49 for Neighborhood Office Uses to Community Retail (CR) District.
- The applicant is requesting approval of a twenty-five (25) year Specific Use Provision, which aligns with the SUP Time Period Guide.



STAFF RECOMMENDATION

- Approval of 1) a Change in Zoning from Planned Development (PD) District 99-49 for Neighborhood Office Uses to Community Retail (CR) District and 2) a Specific Use Provision for a Drive-Through, Restaurant Use.



PLAN COMMISSION RECOMMENDATION

On March 25, 2024, the Plan Commission, by a vote of six (6) to zero (0) recommended approval of 1) a Change in Zoning from Planned Development (PD) District 99-49 for Neighborhood Office Uses to Community Retail (CR) District and 2) a Specific Use Provision for a Restaurant, Drive-Through Use.

In addition, the Plan Commission approved a variance to Section 4.39 of the GDC regarding perimeter screening adjacent to residential development.



GARLAND

PLANNING REPORT

City Council Regular Session

7. d.

Meeting Date: 04/16/2024

Item Title: Z 24-04 Golden Bee Trove, LLC (District 4)

Submitted By: Matthew Wolverton, Development Planner

REQUEST

Approval of 1) a Specific Use Provision for a Used Goods, Retail Sales (Indoors) Use and 2) a Plan for a Used Goods, Retail Sales (Indoors) Use on a property zoned Planned Development (PD) District 18-40.

LOCATION

5501 Broadway Boulevard, Suite 105

OWNER

Garland Broadway Shopping Center, Inc.

PLAN COMMISSION RECOMMENDATION

On March 25, 2024, the Plan Commission, by a vote of six (6) to zero (0) recommended approval of 1) a Specific Use Provision for a Used Goods, Retail Sales (Indoors) Use and 2) a Plan for a Used Goods, Retail Sales (Indoors) Use on a property zoned Planned Development (PD) District 18-40.

STAFF RECOMMENDATION

Approval of 1) a Specific Use Provision for a Used Goods, Retail Sales (Indoors) Use and 2) a Plan for a Used Goods, Retail Sales (Indoors) Use on a property zoned Community Retail (CR) District.

BACKGROUND

The subject property is developed with a 25,394 square-foot multi-tenant shopping center. The applicant wishes to move into Suite 105, a 530 square-foot suite to open a Used Goods, Retail Sales (Indoors) Use.

SITE DATA

The site is 2.01 acres and is accessed from two points along Broadway Boulevard and one point along Robin Road.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Planned Development (PD) District 18-40 with a Community Retail (CR) District base zoning.

The Community Retail (CR) District is intended to accommodate a variety of retail, service, and business establishments that may or may not be designed in a shopping center configuration. The district may be used as a transition district between lower intensity retail or office uses and more intense uses. A 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.

CONSIDERATIONS

1. The subject property is currently constructed with a 25,394 square-foot shopping center. The applicant is not proposing any changes to the property at this time.
2. The proposed business is a thrift store that will sell both new and used items. The store will largely consist of clothing, furniture, fashion accessories, home decor, kitchen products, kids toys, and other household items. According to the applicant the goal is to provide a middle ground business between a standard retail store and a thrift store.

3. The request does not trigger any additional screening or landscaping standards.
4. The request does not trigger any building design standards.
5. The applicant is requesting approval of a twenty (20) year Specific Use Provision. The SUP Time Period Guide recommends twenty (20) to thirty (30) years for a Used Goods, Retail Sales (indoors).

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan designates this property as Neighborhood Centers.

Neighborhood Centers provide a mix of retail, services and community gathering places. This center should be appropriately scaled to adjacent residential areas. This type of center is predominantly, but not exclusively, non-residential. Neighborhood centers are served by local roads and transit routes.

The use adds retail business activity to the area and is compatible with the Comprehensive Plan.

ECONOMIC DEVELOPMENT STRATEGIC PLAN

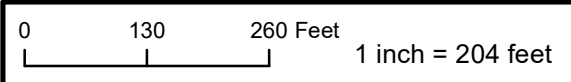
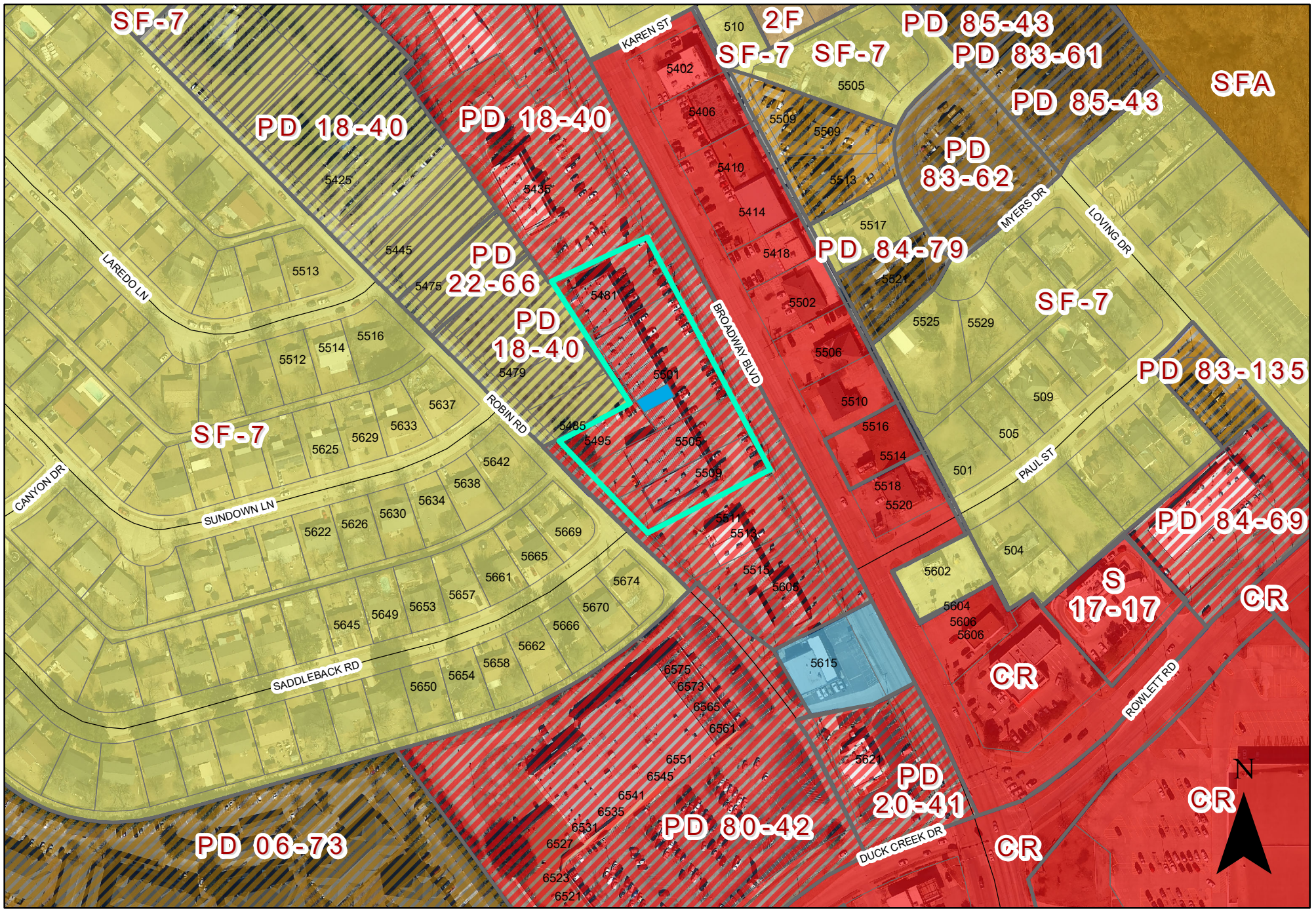
Per the Economic Development Strategic Plan, the proposal is considered part of a "Retail Strip" building type and will generate sales tax for the city.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The surrounding properties to the West are zoned Planned Development (PD) District 18-40 for Single-Family uses, containing mostly empty lots and Single-Family homes. Properties to the North and South are also zoned Planned Development (PD) 18-40, for Community (CR) District Retail Uses. These properties contain various retail, restaurant, personal services, and office businesses. Finally, properties to the East across Broadway Boulevard are zoned Community Retail (CR) District and contain similar retail-oriented uses.

Attachments

Z 24-04 Location Map
Z 24-04 SUP Conditions
Z 24-04 Exhibits
Z 24-04 R&M
Z 24-04 Responses
Z 24-04 Staff Presentation



ZONING MAP Z 24-04

INDICATES TENANT SPACE
 INDICATES AREA OF REQUEST

5501 Broadway Boulevard, Suite 105

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 24-04

5501 Broadway Boulevard, Suite 105

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to allow a Used Goods, Retail Sales (Indoors) Use.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Planned Development (PD) District 18-40 for Community Retail (CR) District Uses 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:**
- Site Layout: The site shall be in general conformance with the approved Site Plan 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 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:

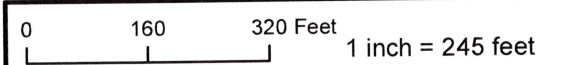
- A. SUP Time Period: The Specific Use Provision for a Used goods, Retail Sales Use shall be in effect for a period of twenty (20) years.
- B. Site Plan: The Used Goods, Retail Sales (Indoors) Use shall be limited to the approximately 530 square-foot tenant space as shown in Exhibit C.

REPORT & MINUTES

P.C. Meeting, March 25, 2024

3b. APPROVED Consideration of the application of **Golden Bee Trove LLC**, requesting approval of 1) a Specific Use Provision for a Used Goods, Retail Sales (Indoors) Use and 2) a Plan on a property zoned Planned Development (PD) District 18-40. This property is located at 5501 Broadway Boulevard, Suite 105. (District 4) (File Z 24-04).

Motion was made by Commissioner Cornelius to close the public hearing and **approve** the application as presented. Seconded by Commissioner Dalton. **Motion carried: 6** Ayes, **0** Nays.



ZONING MAP Z 24-04

- INDICATES AREA OF REQUEST
- INDICATES NOTIFICATION AREA
- INDICATES TENANT SPACE

5501 Broadway Boulevard, Suite 105

Comment Form

Case Z 24-04

Z 24-04 Golden Bee Trove LLC. The applicant is requesting a Specific Use Provision for a Used Goods, Retail Sales (Indoors) use. The site is located at 5501 Broadway Boulevard Suite 105. (District 4)

Z 24-04 Golden Bee Trove LLC. El solicitante solicita una Disposición de uso específico para productos usados, venta minorista (interiores). El sitio está ubicado en 5501 Broadway Boulevard Suite 105. (Distrito 4)

Z 24-04 Golden Bee Trove LLC. Người nộp đơn đang yêu cầu Điều khoản sử dụng cụ thể cho việc sử dụng Hàng hóa đã qua sử dụng, Bán lẻ (Trong nhà). Địa điểm tọa lạc tại 5501 Broadway Boulevard Suite 105. (Quận 4)

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

For / A Favor / Đúng

Against / En Contra / Không

Please complete the following information and email the form to Planning@garlandtx.gov; deliver to the Planning Department at 800 Main Street Garland, TX; or mail to City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002./ Por favor Complete la siguiente información y envíe el formulario por correo electrónico a Planning@garlandtx.gov; entregar al Departamento de Planificación en 800 Main Street Garland, TX; o envíelo por correo a City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002./ Vui lòng điền đầy đủ thông tin sau và gửi biểu mẫu qua email tới Planning@garlandtx.gov; giao cho Phòng Kế hoạch tại 800 Main Street Garland, TX; hoặc gửi thư đến Thành phố Garland, Sở Kế hoạch, P.O. Hộp 469002 Garland, TX 75406-9002.

Bobby Brininstool

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.)

5414 Broadway

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

Garland Tx

City, State / Estado de la Ciudad / Thành bang

75043

Zip Code / Código postal / Mã B u Qhính

B Brininstool

3/18/24

Signature / Firma / Chữ ký

Date / Fecha / Ngày

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

Comment Form

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Bobby Brininsteele

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5418 Broadway

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

Garland TX

City, State / Estado de la Ciudad / Thành bang

75043

Zip Code / Código postal / Mã B u Qhính

75043

B Brininsteele

3/18/24

Signature / Firma / Ch ữ ký

Date / Fecha / Ngày

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5410

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Garland Tx

City, State / Estado de la Ciudad / Thành bang

75043

Zip Code / Código postal / Mã B u Chính

B Brininstool

Signature / Firma / Chữ ký

3/18/24

Date / Fecha / Ngày

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Comment Form

Case Z 24-04

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5406

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

Garland Tx

City, State / Estado de la Ciudad / Thành bang

75043

Zip Code / Código postal / Mã B u Chính

B Brininstool

Signature / Firma / Chữ ký

3/18/24

Date / Fecha / Ngày

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The applicant is requesting a Specific Use Provision (SUP) for a Used Goods, Retail Sales (Indoors) Use.

City Council Meeting

April 16, 2024

Z 24-04

CASE INFORMATION

Location: 5501 Broadway Boulevard Suite, 105

Applicant: Golden Bee Trove LLC

Owner: Garland Broadway Shopping Center, Inc.

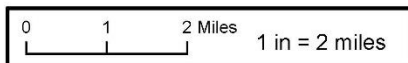
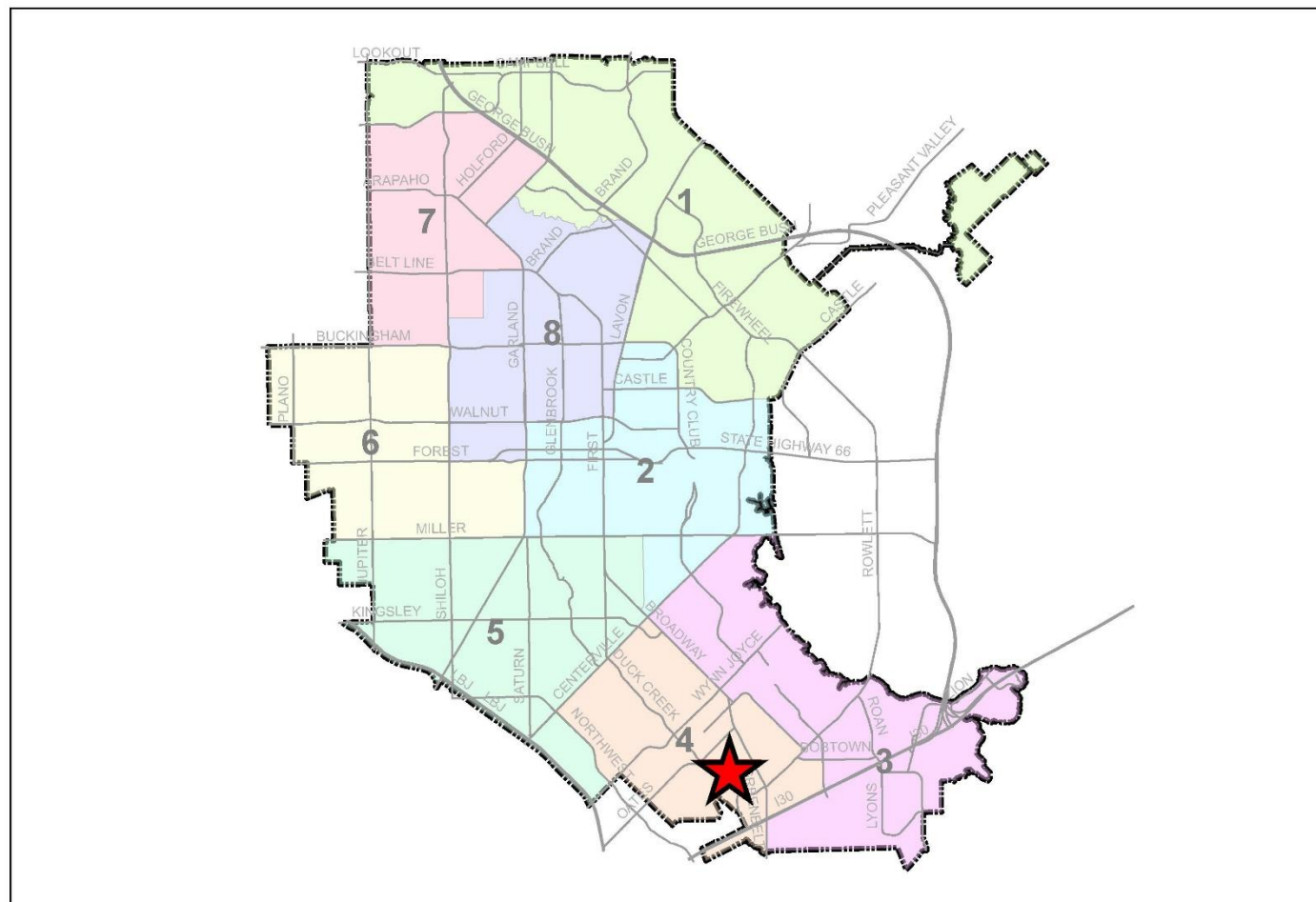
Acreage: 2.01 acres (overall site)
530 square feet (tenant space)

Zoning: Planned Development (PD) District 18-40




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CITYWIDE LOCATION MAP



ZONING MAP Z 24-04

 INDICATES AREA OF REQUEST

Z 24-04



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LOCATION MAP



ZONING MAP Z 24-04



5511 Broadway Boulevard, Suite 105

Z 24-04



COMPREHENSIVE PLAN

 *Neighborhood Centers*





COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan designates this property as Neighborhood Centers.

Neighborhood Centers provide a mix of retail, services and community gathering places. This center should be appropriately scaled to adjacent residential areas. This type of center is predominantly, but not exclusively, non-residential. Neighborhood centers are served by local roads and transit routes.

The use adds retail business activity to the area and is compatible with the Comprehensive Plan.



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ECONOMIC DEVELOPMENT STRATEGIC PLAN

Per the Economic Development Strategic Plan, the proposal is considered part of a “Retail Strip” building type and will generate sales tax for the city.



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PHOTOS

Z 24-04



View of the subject property looking West from Broadway Boulevard



View from the subject property looking East across Broadway Blvd

Z 24-04



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PHOTOS



View looking North on Broadway Boulevard



View looking South down Broadway Blvd

Z 24-04



CONSIDERATIONS

The applicant is requesting approval of a twenty (20) year Specific Use Provision. The SUP Time Period Guide recommends twenty (20) to thirty (30) years for a Used Goods, Retail Sales (indoors).



PLAN COMMISSION

On March 25, 2024, the Plan Commission, by a vote of six (6) to zero (0) recommended approval of 1) a Specific Use Provision for a Used Goods, Retail Sales (Indoors) Use and 2) a Plan for a Used Goods, Retail Sales (Indoors) Use on a property zoned Planned Development (PD) District 18-40.



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STAFF RECOMMENDATION

Approval of 1) a Specific Use Provision for a Used Goods, Retail Sales (Indoors) Use and 2) a Plan for a Used Goods, Retail Sales (Indoors) Use on a property zoned Planned Development (PD) District 18-40.

Z 24-04



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