



City of Glenn Heights

City Council Meeting

Agenda Packet

May 5, 2020

Meeting starts at 7:00 p.m.



**NOTICE AND AGENDA
CITY COUNCIL
TUESDAY, MAY 5, 2020 7:00 P.M.
REGULAR CITY COUNCIL MEETING**

Notice is hereby given in accordance with the Order of the Office of the Governor issued March 16, 2020, that the City of Glenn Heights will conduct a Regular Meeting by telephone and video conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Novel Coronavirus (COVID-19).

This Notice and Meeting Agenda, and the Agenda Packet, are posted online at <https://www.glennheightstx.gov/AgendaCenter>.

To view this Council Meeting live, please use the following link (you are not required to have a Facebook account to access this meeting):
<https://www.facebook.com/CityofGlennHeights>.

Notice is hereby given that the City of Glenn Heights City Council will hold a Regular City Council Meeting on Tuesday, May 5, 2020, beginning at 7:00 P.M. via telephone and video conference as prescribed by Vernon’s Texas Civil Statutes, Government Code Section §551.041, to consider and possibly take action on the following agenda items. Items do not have to be taken in the same order as shown in this meeting Notice and Agenda.

CALL TO ORDER

INVOCATION – Council Member Emma Ipaye

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

If you would like to make a Public Comment during the “Public Comment” portion of the meeting, please email Brandi Brown, City Secretary, at brandi.brown@glennheightstx.gov no later than **6:00 P.M. on May 5, 2020**. Please include the following information in your email:

- Name
- Address
- Email Address and Phone Number
- Agenda Item or General Subject of Your Comment

Once your request is received, you will be given information to access the meeting via telephone or video conference (which provides two-way communication during the Public Comment portion of the meeting).

PROCLAMATIONS

- Mental Health Awareness Month, May 2020
- Cinco de Mayo, May 5, 2020

- National Nurse's Week, May 6-12, 2020
- National Day of Prayer, May 7, 2020
- Mother's Day, May 10, 2020

CONSENT AGENDA

1. Discuss and take action to approve City Council Meeting Minutes of the April 21, 2020, Regular Called City Council Meeting. (Brandi Brown, City Secretary)
2. Discuss and take action to approve City Council Meeting Minutes of the April 22, 2020, Special Called Town Hall Meeting. (Brandi Brown, City Secretary)
3. Discuss and take action to approve Ordinance O-03-20, an Ordinance of the City Council of the City of Glenn Heights, Texas amending the Code of Ordinances of the City of Glenn Heights by repealing in its entirety Article 15.05 "Development Regulation Variance Board" of Chapter 15 "Development Regulations" and replacing it with new Article 15.05 "Variances or Special Exceptions to Requirements of Chapter 15"; providing a repealing clause, providing a severability clause, and providing an effective date. (Second Reading) (Brian Lockley, Deputy City Manager)
4. Discuss and take action to approve Ordinance O-05-20, an Ordinance of the City Council of the City of Glenn Heights, Texas amending the Code of Ordinances of the City of Glenn Heights by replacing in its entirety Subsection (a) "Acceptable Materials" of Section 15.02.091 "General Provisions" of division 4 "Fence and Screening Regulations" of Article 15.02 "Landscape and Screening" of Chapter 15 "Development Regulations"; providing a repealing clause, providing a severability clause, and providing an effective date. (Second Reading) (Brian Lockley, Deputy City Manager)

AGENDA

1. Discuss and take action to approve Resolution R-06-20, a Resolution of the City Council of the City of Glenn Heights, Texas, adopting the Parks Programming and Design Master Plan for Heritage Community Park, Gateway Park, and Courtney Park; and providing for an effective date. (Brian Lockley, Deputy City Manager)
2. Discuss and take action to approve Ordinance O-08-20, an Ordinance of the City Council of the City of Glenn Heights, Texas amending the Zoning Ordinance and Map of the City of Glenn Heights, as heretofore amended by granting a change in zoning for a 10.502-acre tract described as Lot 3 of Williams Farm, located at 3119 South Hampton Road, Glenn Heights, Ellis County, Texas zoned Single Family-1 ("SF-1") to add a Specific Use Permit for the construction and agricultural use of an accessory structure with a floor area of 2,732 square feet; repealing all conflicting ordinances, orders or resolutions; providing a severability clause; and providing an effective date. (First Reading) (Brian Lockley, Deputy City Manager)

3. Discuss and take action to approve Ordinance O-09-20, an Ordinance of the City Council of the City of Glenn Heights, Texas amending the Zoning Ordinance and Map of the City of Glenn Heights, as heretofore amended by granting a change in zoning for a 1.740-acre tract of land situated in the John F Porter Abstract, Survey No. 1118, located at 610 East Bear Creek Road, Glenn Heights, Dallas County, Texas zoned Retail (“R”) to add a Specific Use Permit for the sale of off-premises consumables via a self-serve vending kiosk; repealing all conflicting Ordinances, orders or resolutions; providing a severability clause; and providing an effective date. (First Reading) (Brian Lockley, Deputy City Manager)
4. Discuss and take action authorizing the City Manager to expend an amount not to exceed THIRTY-FIVE THOUSAND DOLLARS (\$35,000) from the Road Impact Fee Fund, for the purpose of sharing the cost to repair the South Hampton Road Bridge with Ellis County and the City of Oak Leaf. (David Hall, City Manager)
5. Discuss and take action to approve an Interlocal Cooperation Contract between Ellis County and the City of Glenn Heights. (Phillip Conner, Finance Director)
6. Discuss and take action to approve Resolution R-11-20, a Resolution of the City Council of the City of Glenn Heights, Texas approving and adopting the Dallas County Multi-Jurisdiction Hazard Mitigation Plan Update; providing a severability clause; providing a savings clause and providing an effective date. (Keith Moore, Fire Chief)
7. Update on the approved drainage plan and associated watershed for Maplewood Phase 2. (Brian Lockley, Deputy City Manager)

ADJOURNMENT

In accordance with the Americans with Disabilities Act, If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodations, please contact the City Secretary at least 48 hours in advance of the event at 972-223-1690 ext. 125 or email brandi.brown@glennheightstx.gov. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

I, Brandi Brown, City Secretary, do hereby certify that the above Meeting Notice and Agenda were posted in a place convenient to the Public at Glenn Heights City Hall, 1938 South Hampton Road, Glenn Heights, Texas by 5:00 p.m. on Friday, May 1, 2020, Pursuant to Section 551.071 of the Texas Government Code, the City Council reserves the right to consult in closed session with its attorney at any time during the course of this meeting and to receive legal advice regarding any item listed on this agenda.

Brandi Brown, City Secretary

Invocation



Council Member Emma Ipaye



PROCLAMATION SUMMARY SHEET MAY 5, 2020

- Mental Health Awareness Month, May 2020
- Cinco de Mayo, May 5, 2020
- National Nurse's Week, May 6-12, 2020
- National Day of Prayer, May 7, 2020
- Mother's Day, May 10, 2020

PROCLAMATION



Office of the Mayor • City of Glenn Heights

Mental Health Awareness Month May 2020

WHEREAS, during National Mental Health Awareness Month, we recognize the vital role mental health plays in the well-being of individuals and our Nation. We also reaffirm our commitment to facilitating research and education, dispelling stigma around mental illnesses, and reassuring every individual suffering from mental illnesses that they are not alone; and

WHEREAS, mental illnesses can impair mental health in many ways, through a wide range of conditions that affect mood, thinking, and behavior. While we have made great strides in addressing mental illnesses, millions of Americans still grapple with various forms of it. Nearly 47 million American adults are living with a mental illness. Additionally, the effects of mental illnesses on our country's youth and young adults is tragically becoming more apparent. Rates of major depression, reports of suicidal thoughts and attempts, and instances of serious mental illness have all increased for our youth and young adults.

WHEREAS, this month, and throughout the year, let us work together to understand the importance of mental health. Let us recommit to making every effort to provide Americans suffering from mental illnesses with the care they need. Mental health is not just an individual issue, but a national issue. Together, by focusing on and understanding these issues, we can reduce the effects of mental illnesses on our communities and enable all citizens to live healthy and productive lives.

NOW, THEREFORE, I, Harry A. Garrett, Mayor of the City of Glenn Heights, Texas, do hereby, proclaim May 2020 as **Mental Health Awareness Month**. I call upon all residents to support citizens suffering from mental illnesses, raise awareness of mental health conditions through appropriate programs and activities, and commit ourselves to innovative prevention, diagnosis, and treatment.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of May in the year of our Lord two thousand twenty.

Harry A. Garrett, Mayor
Glenn Heights, Dallas County, Texas

PROCLAMATION



Office of the Mayor • City of Glenn Heights

Cinco de Mayo
May 5, 2020

WHEREAS, Cinco de Mayo commemorates Mexico's May 5, 1862, victory over the French at the Battle of Puebla during the Franco-Mexican War (1861-1867), which began when the French invaded Mexico in 1861. France's intention was to establish dominance in Mexico while the United States was preoccupied with the Civil War and then to provide military support to the Confederate cause; and

WHEREAS, the first Cinco de Mayo celebrations were held by Mexican-Americans living in California during the American Civil War, but were not so much "celebrations", but rather political rallies held for the purpose of generating support for Mexico during the Franco-Mexican War. Although Cinco de Mayo was observed throughout the remainder of the 19th and the first third of the 20th centuries, true celebrations begin after President Franklin D. Roosevelt enacted the "Good Neighbor Policy" in 1933, which was geared toward improving relations with Latin American countries. Cinco de Mayo's purpose was to function as a bridge between the U.S. and Mexican cultures. Its popularity grew in the 1960s when Mexican-Americans embraced it as a means of building their cultural pride.

WHEREAS, Cinco de Mayo became an official U.S. Holiday in 2005, when the United States Congress declared it as such and called upon the President of the United States to issue a proclamation that Americans should observe the day by celebrating Mexico's freedom from France and the Mexican-American heritage.

NOW, THEREFORE, I, Harry A. Garrett, Mayor of the City of Glenn Heights, Texas, do hereby proclaim May 5, 2020, as **Cinco de Mayo**, and encourage all citizens of Glenn Heights to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of May in the year of our Lord two thousand twenty.

Harry A. Garrett, Mayor
Glenn Heights, Dallas County, Texas

PROCLAMATION



Office of the Mayor • City of Glenn Heights

National Nurse's Week
May 6-12, 2020

“Compassion, Expertise, and Trust”

WHEREAS, every day more than 3.4 million registered nurses are considered the cornerstone of patient care. They compassionately care for patients and families of all walks of life at their most vulnerable times, and make our community a better and healthier place to live and work; and

WHEREAS, nurses make up the largest group of healthcare professionals in the United States and execute their skills in a variety of environments, including in-patient clinics, schools, nursing homes, home care, and institutions to name a few; and

WHEREAS, nurses are important contributors to our healthcare, human services, and public health policies, as their specialized knowledge and skills, encompassing the entire spectrum of nursing care, make valuable contributions to the health and wellness of all residents of our community; and

WHEREAS, nurses are especially important now as they are operating in a tremendous role during the current coronavirus pandemic – nurses are connecting individual, team, and organizational safety goals in all healthcare settings. Due to this, the continuing expansion of life-sustaining technologies, and the explosive growth of home health care services, the demand for skilled registered nurses will continue to grow.

NOW, THEREFORE, I, Harry A. Garrett, Mayor of the City of Glenn Heights, Texas, do hereby, proclaim May 6-12, 2020, as **National Nurse's Week**. I also encourage all residents to recognize May 10-16, 2020, as **National Skilled Nursing Care Week**. During these periods, uplift and thank those in this essential role as they care for those in need in our community.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of May in the year of our Lord two thousand twenty.

Harry A. Garrett, Mayor
Glenn Heights, Dallas County, Texas

PROCLAMATION



Office of the Mayor • City of Glenn Heights

National Day of Prayer May 7, 2020

- WHEREAS**, our Nation acknowledges that religious liberty is a natural right, given to us by our Creator, not a courtesy that government extends to us. The First Amendment recognizes the freedom of religion and safeguards this right against government infringement. The United States' steadfast commitment to upholding religious freedom has ensured that people of different faiths can pray together and live in peace as fellow American citizens; and
- WHEREAS**, in our times of greatest need, Americans have always turned to prayer to help guide us through trials and periods of uncertainty. As we continue to face the unique challenges posed by the coronavirus pandemic, millions of Americans are unable to gather in their churches, temples, synagogues, mosques, and other houses of worship; and
- WHEREAS**, in this time we must not cease asking God for added wisdom, comfort, and strength, and we must especially pray for those who have suffered harm or who have lost loved ones. I ask you to join me in a day of prayer for all people who have been affected by the coronavirus pandemic and to pray for God's healing hand to be placed on the people of our Nation. I also ask you to pray for the health and well-being of your fellow Americans on the front lines of the response efforts who are working tirelessly to protect all of us; and
- WHEREAS**, our Nation's honored tradition of prayer has sustained us and strengthened our trust that God will continue to watch over and accompany us through the best of times and the darkest hours. On this National Day of Prayer, may we as Americans never forget the power of prayer and the greatness of our Creator.

NOW, THEREFORE, I, Harry A. Garrett, Mayor of the City of Glenn Heights, Texas, do hereby, proclaim May 7, 2020, as **National Day of Prayer**. I invite the citizens of our City to pray, in accordance with their own faiths and consciences, in thanksgiving for the freedoms and blessings we have received, and for God's guidance and continued protection as we meet the challenges before us.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of May in the year of our Lord two thousand twenty.

Harry A. Garrett, Mayor
Glenn Heights, Dallas County, Texas

PROCLAMATION



Office of the Mayor • City of Glenn Heights

**Mother's Day
May 10, 2020**

WHEREAS, for more than a century, Americans have set aside the second Sunday in May to honor, celebrate, and thank the inspirational mothers in our lives. In 1914, the Congress, by joint resolution (38 Stat. 770), designated this day as Mother's Day. Today, we recognize mothers everywhere who inspire us to dream big and to never give up; and

WHEREAS, even in our lowest moments, mothers see the best in their children. Through their guidance and unwavering love, they prepare us for the challenges of adulthood and provide us with the confidence we need to reach our full potential. They are some of the best examples of everyday heroes, and their consistent devotion to family and grace under pressure too often go overlooked. At any stage in life, we find comfort in knowing that we can call on our mothers and grandmothers or reflect on our wonderful memories of them to find wisdom and strength; and

WHEREAS, on this Mother's Day, we pay tribute to our mothers, whether we are their children by birth, adoption, or foster care, for their devotion to seeing us lead happy and successful lives. Today, and every day, let us ensure that our mothers know and feel our deep gratitude for the gift of life and for their unmatched sacrifices to strengthen our families and our City.

NOW, THEREFORE, I, Harry A. Garrett, Mayor of the City of Glenn Heights, Texas, do hereby, proclaim May 10, 2020 as **Mother's Day**. I encourage all citizens to express their love and respect for their mothers or beloved mother figures, whether with us in person or in spirit, and to reflect on the importance of motherhood to the prosperity of our families and community.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of May in the year of our Lord two thousand twenty.

Harry A. Garrett, Mayor
Glenn Heights, Dallas County, Texas

**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF GLENN HEIGHTS, TEXAS**

APRIL 21, 2020

STATE OF TEXAS *

COUNTIES OF DALLAS AND ELLIS *

CITY OF GLENN HEIGHTS *

On the 21st day of April 2020, the City Council of the City of Glenn Heights met in a Regular Called meeting via video conference with the following members present:

CITY COUNCIL:

Harry A. Garrett	*	Mayor
Sonja A. Brown	*	Mayor Pro Tem
Emma Ipaye	*	Council Member
Jeremy Woods, Sr.	*	Council Member
Ron Adams	*	Council Member
Shaunte L. Allen	*	Council Member
Machanta Newson	*	Council Member

STAFF:

David Hall	*	City Manager
Brian Lockley	*	Deputy City Manager
Brandi Brown	*	City Secretary
Phillip Conner	*	Finance Director
V.E. Dooley	*	Chief of Police
Marlon Goff	*	Economic Development Administrator
Byron Hardy	*	IT Administrator
Keith Moore	*	Fire Chief
Jaynice Porter-Brathwaite	*	Human Resources Director

CONSULTANT:

Victoria Thomas	*	City Attorney's Office
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CALL TO ORDER

Mayor Harry A. Garrett called the City Council Meeting to order at 7:04 P.M. with a quorum of the City Council present.

INVOCATION

Mayor Pro Tem Sonja A. Brown delivered the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Harry A. Garrett led the assembly in the Pledge of Allegiance.

PUBLIC COMMENTS

There were no Public Comments.

PROCLAMATION

Mayor Harry A. Garrett read the following Proclamation:

- Public Service Recognition Week, May 3-9, 2020

CONSENT AGENDA

1. Discuss and take action to approve City Council Meeting Minutes of the April 7, 2020, Special Called City Council Meeting. (Brandi Brown, City Secretary)
2. Discuss and take action to approve City Council Meeting Minutes of the April 7, 2020, Regular Called City Council Meeting. (Brandi Brown, City Secretary)
3. Discuss and take action to approve City Council Meeting Minutes of the April 13, 2020, Special Called City Council Meeting. (Brandi Brown, City Secretary)
4. Discuss and take action accepting the 2020 Consumer Price Index (CPI) Adjustment to Municipal Telecommunications Right-of-Way Access Line Rates. (Phillip Conner, Finance Director)

Council Member Ron Adams made a motion to approve Consent Agenda items 1-4. Council Member Shaunte L. Allen made the second. The motion carried with the following vote:

VOTE 7 Ayes – Garrett, Brown, Ipaye, Woods, Adams, Allen, and Newson

AGENDA

1. February 2020 Financial Report.
2. March 2020 Financial Report.

David Hall, City Manager, introduced Agenda items 1 and 2. Phillip Conner, Finance Director, completed a formal presentation regarding the City's revenues, expenditures, and fund balances through March 2020. He also answered Council's questions related to the General Fund and days in reserve.

3. Discuss and take action to approve Resolution R-06-20, a Resolution of the City Council of the City of Glenn Heights, Texas, adopting the Parks Programming and Design Master Plan for Heritage Community Park, Gateway Park, and Courtney Park; and providing for an effective date.

Council Member Jeremy Woods, Sr. made a motion to table Agenda item 3 until May 5, 2020. Mayor Pro Tem Sonja A. Brown made the second. The motion carried with the following vote:

VOTE 7 Ayes – Garrett, Brown, Ipaye, Woods, Adams, Allen, and Newson

4. Discuss and take action to approve Ordinance O-03-20, an Ordinance of the City Council of the City of Glenn Heights, Texas amending the Code of Ordinances of the City of Glenn Heights by repealing in its entirety Article 15.05 “Development Regulation Variance Board” of Chapter 15 “Development Regulations” and replacing it with new Article 15.05 “Variances or Special Exceptions to Requirements of Chapter 15”; providing a repealing clause, providing a severability clause, and providing an effective date. (First Reading)

Brian Lockley, Deputy City Manager, introduced this item and completed a formal presentation related to the reason for the amendment, current Chapter 15 Development Regulations, the Texas Local Government Code, and the changes made by Ordinance O-03-20.

Council Member Ron Adams made a motion to approve Ordinance O-03-20, an Ordinance of the City Council of the City of Glenn Heights, Texas amending the Code of Ordinances of the City of Glenn Heights by repealing in its entirety Article 15.05 “Development Regulation Variance Board” of Chapter 15 “Development Regulations” and replacing it with new Article 15.05 “Variances or Special Exceptions to Requirements of Chapter 15”; providing a repealing clause, providing a severability clause, and providing an effective date. Council Member Jeremy Woods, Sr. made the second. The following no action vote was recorded:

VOTE 7 Ayes – Garrett, Brown, Ipaye, Woods, Adams, Allen, and Newson

5. Discuss and take action to approve Ordinance O-05-20, an Ordinance of the City Council of the City of Glenn Heights, Texas amending the Code of Ordinances of the City of Glenn Heights by replacing in its entirety Subsection (a) “Acceptable Materials” of Section 15.02.091 “General Provisions” of division 4 “Fence and Screening Regulations” of Article 15.02 “Landscape and Screening” of Chapter 15 “Development Regulations”; providing a repealing clause, providing a severability clause, and providing an effective date. (First Reading)

Brian Lockley, Deputy City Manager, introduced this item and completed a formal presentation related to the current Chapter 15 Code of Ordinances and various fencing materials. He also answered Council’s questions regarding material costs and if requests to use vinyl fencing materials had been received from residents and/or developers.

Council Member Shaunte L. Allen made a motion to approve Ordinance O-05-20, an Ordinance of the City Council of the City of Glenn Heights, Texas amending the Code of Ordinances of the City of Glenn Heights by replacing in its entirety Subsection (a) “Acceptable Materials” of Section 15.02.091 “General Provisions” of division 4 “Fence and Screening Regulations” of Article 15.02 “Landscape and Screening” of Chapter 15 “Development Regulations”; providing a repealing clause, providing a severability

clause, and providing an effective date. Council Member Emma Ipaye made the second. The following no action vote was recorded:

VOTE 7 Ayes – Garrett, Brown, Ipaye, Woods, Adams, Allen, and Newson

ADJOURNMENT

Council Member Ron Adams made a motion to adjourn. Mayor Pro Tem Sonja A. Brown made the second. The motion carried with the following vote:

VOTE 7 Ayes – Garrett, Brown, Ipaye, Woods, Adams, Allen, and Newson

Mayor Harry A. Garrett adjourned the meeting at 7:39 P.M.

Harry A. Garrett, Mayor

Attest:

Brandi Brown, City Secretary
Passed and approved on the 5th day of May 2020

**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF GLENN HEIGHTS, TEXAS**

APRIL 22, 2020

STATE OF TEXAS *

COUNTIES OF DALLAS AND ELLIS *

CITY OF GLENN HEIGHTS *

On the 22nd day of April 2020, the City Council of the City of Glenn Heights met in a Special Called Town Hall meeting via video conference with the following members present:

CITY COUNCIL:

Harry A. Garrett	*	Mayor
Sonja A. Brown	*	Mayor Pro Tem
Emma Ipaye	*	Council Member
Jeremy Woods, Sr.	*	Council Member
Shaunte L. Allen	*	Council Member

STAFF:

David Hall	*	City Manager
Brian Lockley	*	Deputy City Manager
Brandi Brown	*	City Secretary
V.E. Dooley	*	Chief of Police
Marlon Goff	*	Economic Development Administrator
Byron Hardy	*	IT Administrator
Keith Moore	*	Fire Chief

COMMUNITY LEADERS:

Mythe Kirven, Partnership Specialist, United States Census Bureau
Pastor Kevin Taylor, Harvest of Praise Ministry

CALL TO ORDER

Mayor Harry A. Garrett called the Town Hall Meeting to order at 4:08 P.M. with a quorum of the City Council present.

INVOCATION

Shaunte L. Allen, Complete Count Committee Chair, delivered the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Harry A. Garrett led the assembly in the Pledge of Allegiance.

DISCUSSION

1. Discussion Items addressed by the City Council and Community Leaders related to the 2020 Census:
 - Census Background and Overview
 - Importance of the Census
 - Census Awareness Campaign
 - Fears surrounding the Census
 - Self-Response Rate and ROAM
 - Hard-to-Count situations
 - Key Dates

2. City Council and Community Leaders answered questions presented during the Town Hall Meeting via the Comment Section of the City of Glenn Heights' Facebook Profile live video feed related to Census Tracts, where and how to complete the Census Questionnaire, response rates, boundaries, and how Census data is used by Public Schools.

ADJOURNMENT

Council Member Jeremy Woods, Sr. made a motion to adjourn. Mayor Pro Tem Sonja A. Brown made the second. The motion carried with the following vote:

VOTE 5 Ayes – Garrett, Brown, Ipaye, Woods, and Allen

Mayor Harry A. Garrett adjourned the meeting at 5:26 P.M.

Harry A. Garrett, Mayor

Attest:

Brandi Brown, City Secretary
Passed and approved on the 5th day of May 2020



CITY OF GLENN HEIGHTS CITY COUNCIL REPORT

Date: May 5, 2020

SUBJECT

Discuss and take action to approve Ordinance O-03-20, an Ordinance of the City Council of the City of Glenn Heights, Texas amending the Code of Ordinances of the City of Glenn Heights by repealing in its entirety Article 15.05 "Development Regulation Variance Board" of Chapter 15 "Development Regulations" and replacing it with new Article 15.05 "Variances or Special Exceptions to Requirements of Chapter 15"; providing a repealing clause, providing a severability clause, and providing an effective date.

REPORT IN BRIEF

On March 13, 2013, City Council adopted Ordinance O-04-13 which established the Development Regulation Variance Board (DRVB). This Ordinance created the purpose, meeting schedule, and procedures for seeking variances and special exceptions. At issue, are the analogous duties and responsibilities of the Board of Adjustment.

BACKGROUND / DISCUSSION

Section 211.008 of the Texas Local Government Code authorizes the City to appoint a board of adjustment,

"The governing body of a municipality may provide for the appointment of a board of adjustment. In the regulations adopted under this subchapter, the governing body may authorize the board of adjustment, in appropriate cases and subject to appropriate conditions and safeguards, to make special exceptions to the terms of

the zoning ordinance that are consistent with the general purpose and intent of the ordinance and in accordance with any applicable rules contained in the ordinance.

Section 211.009 of the Texas Local Government Code grants the Authority of the Board to:

- (1) hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this subchapter or an ordinance adopted under this subchapter;
- (2) hear and decide special exceptions to the terms of a zoning ordinance when the ordinance requires the board to do so;
- (3) authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done; and
- (4) hear and decide other matters authorized by an ordinance adopted under this subchapter.

Conversely, pursuant to ARTICLE 12, Boards and Commissions Section 12.01 Boards and Commissions of the City Charter,

“The City Council shall have authority to establish by ordinance such boards and commissions as it may deem necessary for the conduct of City business and management of municipal affairs including appointments of city hall officers to such boards and commissions except as otherwise provided in the Charter. The authority, functions and responsibilities of such the boards and commissions shall be such as is spelled out in the ordinance establishing them. All existing boards and commissions heretofore established shall be continued in accordance with the ordinance or other acts under which they have been created, or until the City Council shall by ordinance abolish, modify or alter the ordinances or acts under which they exist. Notwithstanding any other provision of this Charter, the elected City Council shall have paramount authority over all matters affecting the budgets, appropriation of funds, expenditures, purchases and sale of properties and procedures for accounting therefor, consistent with the express provisions of this Charter and applicable provisions of the State constitution and laws of this State.

Although the City Council has the authority to create a Board, at issue is the responsibilities and authority given to the DVRB by Article 15.05 are identical to those given under state law to Chapter 211 of the Texas Local Government Code. Chapter 211 states that a city does not have to but may constitute a Board of Adjustment to grant variances, consider requests for special exceptions, and determine appeals from building official decisions. Article 15.05 similarly provides the DVRB with these powers.

Despite the difference in the name provided to the board, it is the City Attorney's opinion that the DRVB and Board of Adjustment operate as the same, therefore creating a conflict. Further, due to the similarities between each Board, if an action by the DRVB is challenged it is likely that a Court would make a favorable determination to the property owner, ruling that the City's Article 10.05 is illegal and nonbinding.

As such, staff is proposing an amendment to the Zoning Ordinance that would abolish the DRVB and move all variance requests from Subchapter 15 to be reviewed and determined by the Board of Adjustment. In making this determination, all previous decisions by the DRVB would be considered final and not subject to revocation.

FISCAL IMPACT

N/A

PUBLIC CONTACT

Notice was published in a local newspaper by March 29, 2020 as required by state law and the City of Glenn Heights Comprehensive Zoning Ordinance.

ALTERNATIVES / RECOMMENDATION

Staff recommends approval of the amendment to the City's Code of Ordinances. On April 13, 2020 the Planning and Zoning Commission recommended approval of this amendment to the City's Code of Ordinances.

PREPARED BY: Brian Lockley, Deputy City Manager

ATTACHMENT: Ordinance O-03-20

ORDINANCE O-03-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GLENN HEIGHTS, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF GLENN HEIGHTS BY REPEALING IN ITS ENTIRETY ARTICLE 15.05 “DEVELOPMENT REGULATION VARIANCE BOARD” OF CHAPTER 15 “DEVELOPMENT REGULATIONS” AND REPLACING IT WITH A NEW ARTICLE 15.05 “VARIANCES OR SPECIAL EXCEPTIONS TO REQUIREMENTS OF CHAPTER 15”; PROVIDING A REPEALING CLAUSE, PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City desires to amend its Code of Ordinances for the process, procedure, and review and approval for variances to development standards from Chapter 15; and to conform with Chapter 211 of the Texas Local Government Code; and

WHEREAS, after public notice and public hearing, the Planning and Zoning Commission of the City of Glenn Heights, Texas, has recommended repealing Section 15.05 “Development Regulation Variance Board” of Chapter 15 “Development Regulations” in the City’s Code of Ordinances and replacing it with a new Article 15.05 “Variances or Special Exceptions to Requirements of Chapter 15” to provide that all applications for variances or special exceptions to the Requirements of Chapter 15 shall be made to the Zoning Board of Adjustment and to further vest power to determine those variances or special exceptions in the Zoning Board of Adjustment; and

WHEREAS, the City Council of the City of Glenn Heights, Texas, after public notice and public hearing, has determined it is in the public’s best interest and in furtherance of the health, safety, morals and general welfare of the citizens of the City of Glenn Heights that the Code of Ordinances be amended as described and recommended by the Planning and Zoning Commission and as set forth herein;

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

SECTION 1. The Code of Ordinances of the City of Glenn Heights, Chapter 15 Development Regulations is hereby amended by repealing Article 15.05 “Development Regulation Variance Board” in its entirety and replacing it with a new Article 15.05 “Variances or Special Exceptions to Requirements of Chapter 15” to read as follows:

“Chapter 15 Development Regulations

...

Article 15.05 Variances or Special Exceptions to Requirements of
Chapter 15

Section 15.05.001 A person seeking a variance or special exception to any of the requirements of Chapter 15 "Development Regulations" shall submit a written application for such variance or special exception to the Board of Adjustment as set forth in Chapter 14 "Zoning," Exhibit A "Zoning Ordinance", Article II "Administrative Mechanisms", Section 2 "Zoning Board of Adjustment. The Zoning Board of Adjustment is hereby granted authority to determine such applications for variance or special exception to the provisions of Chapter 15 "Development Regulations."

SECTION 2. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Glenn Heights, Texas, are hereby repealed to the extent that said ordinances, orders, or resolutions, or parts thereof, are in conflict herewith.

SECTION 3. If any section, article, paragraph, sentence clause, phrase or word in this ordinance or application thereto any person or circumstances is held invalid or unconstitutional by court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect,

SECTION 4. This Ordinance shall become effective immediately upon its passage and adoption

ADOPTED AND APPROVED the 5th day of May 2020.

Harry A. Garrett, Mayor

ATTEST:

Brandi Brown, City Secretary

APPROVED AS TO FORM:

Victoria Thomas, City Attorney
041520TM115149



CITY OF GLENN HEIGHTS CITY COUNCIL REPORT

Date: May 5, 2020

SUBJECT

Discuss and take action concerning on Ordinance O-05-20, an Ordinance of the City of Glenn Heights, Texas, amending Chapter 15 “Development Regulations” of the City’s Code of Ordinances by amending Article 15.02 “Landscaping and Screening” Section 15.02.091 “General Provisions” by amending subpart A thereof; providing a repealing clause, providing a severability clause, and providing for an effective date.

REPORT IN BRIEF

Given the recent upgrades to the durability and cost efficiency of certain fence materials and construction methods, Staff is proposing an update to the list of acceptable fence materials in Chapter 15 “Development Regulations” of the City’s Code of Ordinances by amending Article 15.02.091.

BACKGROUND / DISCUSSION

Under the current fence and screening requirements in the City’s Code of Ordinances, acceptable materials for constructing fence and screening devices include wood, stone, performed concrete block, concrete, brick, masonry, natural and treated woods, and ornamental metal or wrought iron. However, the Ordinance prohibits the use of pine for picket fence material. This amendment would permit the use of all natural and treated wood for fence construction.

A vinyl fence is a type of plastic fence made with polyvinyl chloride (PVC). The PVC resin is combined with special ingredients to increase the product’s ability to withstand

impact and extreme weather conditions. The material serves as an easy-care, non-toxic, and eco-conscious alternative to most other fence materials. This amendment would permit the use of such material. In analyzing the lists of acceptable fence material in surrounding cities, Staff has discovered the following:

Residential Fence Material							
	Wood	Wrought Iron / Decorative Metal	Chain link	Vinyl	Aluminum	Masonry	Other
Glenn Heights	x	x				x	
Desoto	x	x	x			x	
Cedar Hill	x	x				x	
Duncanville	x	x		x		x	
Red Oak	x	x				x	
Ovilla	x	x	x	x		x	
Lancaster	x	x	x			x	
Ferris	x	x	x			x	
Waxahachie	x	x		x		x	
Wilmer	x	x				x	
Hutchins	x	x				x	

FISCAL IMPACT

N/A

PUBLIC CONTACT

Notice was published in a local newspaper on March 29, 2020 as required by state law and the City of Glenn Heights Comprehensive Zoning Ordinance.

RECOMMENDATION

Staff recommends approval of the proposed changes to Chapter 15 “Development Regulations” of the City’s Code of Ordinances by amending Article 15.02.091. On April 13, 2020 the Planning and Zoning Commission recommended approval of the proposed changes to the City’s Code of Ordinances.

PREPARED BY

Miamauni Hines, Planner

REVIEWED BY

Brian Lockley, AICP, Deputy City Manager

ATTACHMENTS

A. Ordinance O-05-20

ORDINANCE O-05-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GLENN HEIGHTS, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF GLENN HEIGHTS BY REPLACING IN ITS ENTIRETY SUBSECTION (a) "ACCEPTABLE MATERIALS" OF SECTION 15.02.091 "GENERAL PROVISIONS" OF DIVISION 4 "FENCE AND SCREENING REGULATIONS" OF ARTICLE 15.02 "LANDSCAPE AND SCREENING" OF CHAPTER 15 "DEVELOPMENT REGULATIONS"; PROVIDING A REPEALING CLAUSE, PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City desires to amend its Zoning Ordinance regarding fence materials for various types of residential development; and

WHEREAS, after public notice and public hearing, the Planning and Zoning Commission of the City of Glenn Heights, Texas, has recommended the amendment of the Code Of Ordinances of the City of Glenn Heights, by replacing in its entirety Subsection (a) "Acceptable Materials" of Section 15.02.091 "General Provisions" of Division 4 "Fence and Screening Regulations" of Article 15.02 "Landscaping and Screening" of Chapter 15, "Development Regulations" and

WHEREAS, the City Council of the City of Glenn Heights, Texas, after public notice and public hearing, has determined it is in the public's best interest and in furtherance of the health, safety, morals and general welfare of the citizens of the City of Glenn Heights that the Code of Ordinances be amended as recommended by the Planning and Zoning Commission and as set forth herein;

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

SECTION 1. The Code of Ordinances of the City of Glenn Heights, Chapter 15, "Development Regulations", Article 15.02 "Landscaping and Screening", Division 4 "Fence and Screening Regulations", Section 15.02.091 "General Provisions", Subsection (a) "Acceptable materials" is hereby amended to read in its entirety as follows:

“Chapter 15. Development Regulations

...

Article 15.02 Landscaping and Screening

...

Division 4 Fence and Screening Regulations

...

Section 15.02.091 General Provisions

(a) Acceptable materials. Acceptable materials for constructing fence and screening device include wood, stone, preformed concrete block, concrete, brick, masonry, natural and treated woods, ornamental metal or wrought iron, and vinyl.

SECTION 2. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Glenn Heights, Texas, are hereby repealed to the extent that said ordinances, orders, or resolutions, or parts thereof, are in conflict herewith.

SECTION 3. If any section, article, paragraph, sentence clause, phrase or word in this ordinance or application thereto any person or circumstances is held invalid or unconstitutional by court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect,

SECTION 4. This Ordinance shall become effective immediately upon its passage and adoption

ADOPTED AND APPROVED the 5th day of May 2020.

Harry A. Garrett, Mayor

ATTEST:

Brandi Brown, City Secretary

APPROVED AS TO FORM:

Victoria Thomas, City Attorney
(041520TM115128)



CITY OF GLENN HEIGHTS CITY COUNCIL REPORT

Date: May 5, 2020

SUBJECT

Discuss and take action to approve Resolution R-06-20, a Resolution of the City of Glenn Heights, Texas, adopting the Parks Programming and Design Master Plan for Heritage Community Park, Gateway Park, and Courtney Park; and providing for an effective date.

BACKGROUND / DISCUSSION

To better utilize the City owned and maintained park spaces, the City partnered with Norris Design in August of 2019 on the Parks Programming and Design exercise focusing on Heritage Community Park, Gateway Park, and Courtney Park. The scope of the project included:

- Community outreach and engagement
- Gathering of base information, documenting site inventories, and analyzing existing conditions
- Drafting of conceptual redesigns, and
- Completion of a summary report on the final design concepts and cost estimates

After completing these tasks, Staff and the Norris Design team presented the final design concepts to the Planning and Zoning Commission on April 13, 2020. The Norris Design team will present the cost estimates and final designs representative of community feedback, Board recommendation, and Staff input for the City Council's consideration.

FISCAL IMPACT

The Norris Design team will present phasing and cost estimates for the redesign of Heritage Community Park, Gateway Park, and Courtney Park.

PUBLIC CONTACT

To initiate this project, the Norris Design team launched surveys soliciting community feedback on the existing conditions of the parks. The links to these surveys were posted on the City's website and pushed on all City social media platforms in September of 2019. City Staffed publicly briefed the Parks and Recreation Board on August 29, 2019 and September 26, 2019 and received an official recommendation of the redesign concepts on February 27, 2020. Additionally, the City hosted public open houses on October 24, 2019 and March 5, 2020.

ALTERNATIVES / RECOMMENDATION

Staff recommends approval of the Parks Programming and Design Master Plans as presented. On April 13, 2020 the Planning and Zoning Commission also recommended approval of this plan as presented.

PREPARED BY

Miamauni Hines, Planner

REVIEWED BY

Brian Lockley, AICP, Deputy City Manager

ATTACHMENTS

A. Resolution R-06-20

RESOLUTION R-06-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GLENN HEIGHTS, TEXAS, ADOPTING THE PARKS PROGRAMMING AND DESIGN MASTER PLAN FOR HERITAGE COMMUNITY PARK, GATEWAY PARK, AND COURTNEY PARK; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Glenn Heights desires that Heritage Community Park, Gateway Park and Courtney Park be programmed and designed pursuant to a master plan; and

WHEREAS, to facilitate that goal the City retained a professional Planning Consultant to assist in the preparation of a Parks Programming and Design Master Plan for Heritage Community Park, Gateway Park, and Courtney Park; and

WHEREAS, the Staff Advisory Committee reviewed and studied recommendations made by the Planning Consultant for the Parks Programming and Design Master Plan (the "Plan"); and

WHEREAS, the Staff Advisory Committee presented the Plan to the Parks and Recreation Board on February 27, 2020; and

WHEREAS, the Staff Advisory Committee and Planning Consultant presented the Plan in a public open house on March 5, 2020; and

WHEREAS, on April 13, 2020 the Planning and Zoning Commission reviewed and recommended approval of the Plan to the City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF GLENN HEIGHTS, THAT:

SECTION 1. That the Parks Programming and Design Master Plan for Heritage Community Park, Gateway Park and Courtney Park which is attached hereto as Exhibit "A" and incorporated herein for all purposes is hereby adopted by the City Council.

SECTION 2. That this Plan is intended to serve as the Parks Programming and Design Master Plan for Heritage Community Park, Gateway Park, and Courtney Park with regard to all matters relating to park development, amenities, and maintenance.

SECTION 3. This Resolution shall become effective immediately from and after its passage.

READ, CONSIDERED, PASSED AND ADOPTED by the City Council for the City of Glenn Heights at a meeting on the 5th day of May 2020, at which a quorum was present, and for which due notice was given.

APPROVED:

Harry A. Garrett, Mayor

ATTEST:

Brandi Brown, City Secretary

APPROVED AS TO FORM:

Victoria Thomas, City Attorney
(041520TM115130)

Exhibit “A”
Parks Programming and Design Master Plan
for Heritage Community Park, Gateway Park and Courtney Park

(To be attached)

Heritage Community Park

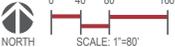


PLAY
EXPLORE
DISCOVER



Legend

- 1 Entry signage
- 2 Entry drive
- 3a Basketball court
- 3b Basketball court with cover
- 4 Baseball field
- 5 Soccer fields
- 6 Splash pad w/ shade structure
- 7 Playground and playground expansion area
- 8 Exercise lawn
- 9 Fitness node w/ seating
- 10 Walking trail w/ safety lighting
- 11 Ball field removal and enlarged open space
- 12 Pedestrian Plaza
- 13 Existing concession building
- 14 Lookout point
- 15 Dry creek bed swale
- 16 Pollinator garden
- 17 Pavilion
- 18 Park entry gateway
- 19 Overflow parking



Heritage Community Park

Potential Phasing



Phase I
Loop Trail

Phase II
Playground + Basketball Court

Phase III
Baseball + Open Space

Phase IV
Southern Area + Boardwalk

Phase V
Splash Pad



Gateway Park

Draft Site Plan



PLAY
EXPLORE
DISCOVER



Legend

- ① Entry signage
- ② Expanded playground and swing area
- ③ Street trees and seating nodes
- ④ New pedestrian bridge
- ⑤ 6' sidewalk
- ⑥ Culvert crossing
- ⑦ Seating in existing trees
- ⑧ Trail entry features



NORRIS DESIGN
Planning | Landscape Architecture | Branding

Gateway Park

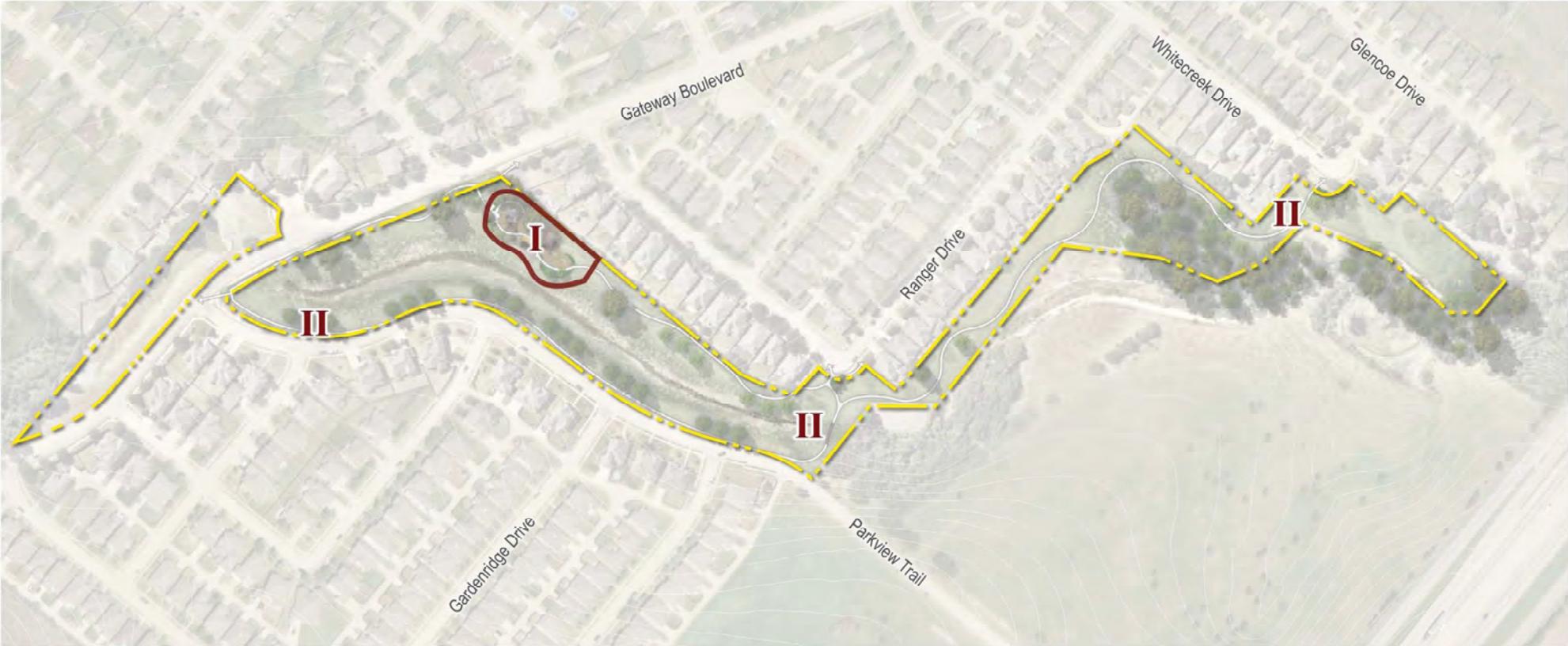
Draft Site Plan - Enlargement



- Legend**
- ① Entry signage
 - ② 2-5 year playground
 - ③ 5-12 year playground
 - ④ Swingset
 - ⑤ Picnic tables and bench seating
 - ⑥ Street trees and seating nodes
 - ⑦ Drainage outfall

Gateway Park

Potential Phasing



Phase I
Playground Improvements

Phase II
Walking Trail + Trail Gateways



Courtney Park

Draft Site Plan



PLAY
EXPLORE
DISCOVER



Legend

- ① Entry signage
- ② Re-aligned walkway
- ③ Landscape enhancements
- ④ Walk connection to existing picnic table
- ⑤ Existing trees
- ⑥ New picnic table

Phase I Site Improvements



0 10 20 40
SCALE: 1"=20'


NORRIS DESIGN
Planning | Landscape Architecture | Branding



CITY OF GLENN HEIGHTS CITY COUNCIL REPORT

Date: May 5, 2020

SUBJECT

Discuss and take action on Ordinance O-08-20, an Ordinance of the City Council of the City of Glenn Heights, Texas amending the Zoning Ordinance and Map of the City of Glenn Heights, as heretofore amended by granting a change in zoning for a 10.502-acre tract described as Lot 3 of Williams Farm, located at 3119 South Hampton Road, Glenn Heights, Ellis County, Texas zoned Single Family-1 ("SF-1") to add a Specific Use Permit for the construction and agricultural use of an accessory structure with a floor area of 2,732 square feet; repealing all conflicting ordinances, orders or resolutions; providing a severability clause; and providing an effective date.

BACKGROUND / DISCUSSION

Given the underlying zoning and existing development, the applicant proposes to further develop the property by constructing an accessory structure with a floor area of 2,732 square feet. The applicant proposes to use this structure for the storing and keeping of livestock and agricultural equipment that currently exist on this property.

Zoning Ordinance

The Zoning Ordinance defines an accessory building:

ACCESSORY BUILDING. A subordinate building or a portion of the main building located on the same lot as the main building, the use of which is incidental to that of the dominant use of the building or premises and not exceeding the maximum lot coverage. Accessory buildings must meet all requirements of the zoning district in

which they are located. Accessory buildings generally include parking garages, adjacent farm structures, home workshops and tool houses, storage shed, home greenhouses, etc. Farms with working barns may be exempt if the land is subject to an agricultural use exemption; proof of receipt of such an exemption from the applicable appraisal district must be available for inspection. Accessory buildings may only exist in conjunction with a primary structure and may not be constructed in the absence of a primary structure unless provided by ordinance. In the event a primary structure is destroyed, the accessory building may continue to exist in the absence of the primary structure for six months provided a primary structure is being reconstructed. Failure to timely construct a primary structure requires the removal of the accessory structure. Accessory structures shall not include structures commonly known as sea boxes, PODs, trailer containers, railroad boxes and the like.

For all properties zoned SF-1, an accessory building is allowed if it is under 650 square feet and meets all applicable design criteria as stated in the City's Zoning Ordinance. However, an accessory building with a floor area greater than 650 square feet requires that a Specific Use Permit request be considered by the Planning and Zoning Commission and City Council. Approval of this request would allow the applicant to submit a building permit application for the construction of such structure at 3119 South Hampton Road. Approval of this request would subsequently approve the intended use of the proposed structure.

Section IX4.4.B – Status of Conditionally Permitted Uses

The following general rules apply to all conditional uses:

1. The designation of a use in a zoning district as may be permitted by SUP in Section XI.4.4 of this Ordinance does not constitute an authorization or assurance that such use will be approved.
2. Approval of a Specific Use Permit shall authorize only the particular use for which the SUP is issued. An SUP may only be issued to the identified property and to the applicant. Any change in applicant shall render the SUP null and void. An SUP cannot be transferred to any other owner, applicant or property.

3. No use authorized by a Specific Use Permit shall be enlarged, extended or relocated, nor may the number of dwelling units be increased, unless an application is made for approval of a new Specific Use Permit in accordance with the procedures set forth in Section XI.4.4 of City Code of Ordinances.
4. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these zoning regulations, the City Code of Ordinances, and any permits that may be required by regional, State or Federal agencies.

The applicant meets and is amendable to these requirements. If reviewed favorably by the Planning and Zoning Commission and approved by the City Council, the applicant will process a Site Plan for approval that reflects the requirements of the Zoning Ordinance for the proposed use and any conditions of approval that will become part of the ordinance granted with this SUP request.

FISCAL IMPACT

N/A

PUBLIC CONTACT

Notices were mailed to adjacent property owners within two hundred feet (200') of the subject property by March 27, 2020. Notice was also published in a local newspaper by March 29, 2020 as required by state law and the City of Glenn Heights Comprehensive Zoning Ordinance.

ALTERNATIVES / RECOMMENDATIONS

Staff recommends approval of this Specific Use Permit request with the condition that the site be further developed in accordance with the presented site plan and elevations. On April 13, 2020, the Planning and Zoning Commission accepted Staff's recommendation of approval with condition.

PREPARED BY

Miamauni Hines, Planner

REVIEWED BY

Brian Lockley, AICP, Deputy City Manager

ATTACHMENTS

- A. Ordinance O-08-20
 - a. Exhibit A – Property Survey
 - b. Exhibit B – Proposed Site Plan
 - c. Exhibit C – Proposed Floor Plan
 - d. Exhibit D – Proposed Building Elevations

ORDINANCE O-08-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GLENN HEIGHTS, TEXAS AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF GLENN HEIGHTS, AS HERETOFORE AMENDED BY GRANTING A CHANGE IN ZONING FOR A 10.502-ACRE TRACT DESCRIBED AS LOT 3 OF WILLIAMS FARM, LOCATED AT 3119 SOUTH HAMPTON ROAD, GLENN HEIGHTS, ELLIS COUNTY, TEXAS AS DESCRIBED AND DEPICTED IN EXHIBIT A ATTACHED HERETO ZONED SINGLE FAMILY-1 ("SF-1") TO ADD A SPECIFIC USE PERMIT FOR THE CONSTRUCTION AND AGRICULTURAL USE OF AN ACCESSORY STRUCTURE WITH A FLOOR AREA OF 2,732 SQUARE FEET; REPEALING ALL CONFLICTING ORDINANCE, ORDERS OR RESOLUTIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, after public notice and public hearing as required by law, the Planning and Zoning Commission of the City of Glenn Heights, Texas, has recommended the amendment of the Zoning Ordinance of the City of Glenn Heights, Texas by changing the zoning on approximately 10.502 acres of land described as Lot 6 of Williams Farm, located at 3119 South Hampton Road, Glenn Heights, Ellis County, Texas, Single Family-1 ("SF-1") to add a Specific Use Permit ("SUP") for the construction and agricultural use of an accessory structure with a floor area of 2,732 square feet; and

WHEREAS, after public notice and public hearing as required by law and upon due deliberation and consideration of the recommendation of said Planning and Zoning Commission and of all testimony and information submitted during said public hearing, the City Council of Glenn Heights, Texas, has determined it is in the public's best interest and in furtherance of the health, safety, morals and general welfare of the citizens of the City of Glenn Heights that the Zoning Ordinance be amended as described below;

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

SECTION 1. All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. From and after the effective date of this Ordinance, the Zoning Map, and all existing sections, subsections, paragraphs, sentences, definitions, phrases and words of said Zoning Ordinance are not amended, yet shall remain intact and are hereby ratified, verified and affirmed: "The Zoning Map and Zoning Classification relative to the uses allowed on a certain tract of land being approximately 10.502 acres of land described as Lot 6, located at 3119 South Hampton Road, Glenn Heights, Ellis County, Texas, as described and depicted in Exhibit A attached hereto zoned Single Family-1 ("SF-1") to add a Specific Use Permit ("SUP") for the construction and agricultural use of an accessory structure with a floor area of 2,732 square feet."

SECTION 3. The Specific Use Permit established and described in Section 2. Herein shall be and is hereby made subject to the following conditions and requirements:

Specific Use Permit:

1. The Specific Use Permit shall be specific to the owner/applicant Barry Brewer, and may not be transferred or assigned.
2. There must be comply with all applicable local and state laws regulating said activity on the property.
3. No businesses shall be operated from the establishment unless approved by the City Council of the City of Glenn Heights.
4. There may be no creation of a nuisance by unreasonable odor, noise, glare, litter or unsightly matter, and there must be general compliance with health and sanitation ordinances and state laws regulating said agricultural activities.
5. No outdoor storage shall be visible from the public street.
6. Applicant shall comply with the site plan, attached hereto as Exhibit B, and is incorporated herein for all purposes.
7. Applicant shall comply with the floor plan, attached hereto as Exhibit C, and is incorporated herein for all purposes.
8. Applicant shall comply with the elevations for the site, attached hereto as Exhibit D and incorporated herein for all purposes.
9. Any violations of the terms and conditions of the SUP shall render the same null and void without necessity of further hearing.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES. All ordinances, orders or resolution heretofore passed and adopted by the City Council of the City of Glenn Heights, Texas, are hereby repealed to the extent that said ordinances, orders or resolutions, or parts thereof, are in conflict herewith.

SECTION 5. SEVERABILITY. If any section, article, paragraph, sentence, clause, phrase or word in this ordinance or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption

**PASSED, ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY
OF GLENN HEIGHTS, TEXAS ON THE ____ DAY OF _____ 2020.**

Harry A. Garrett, Mayor

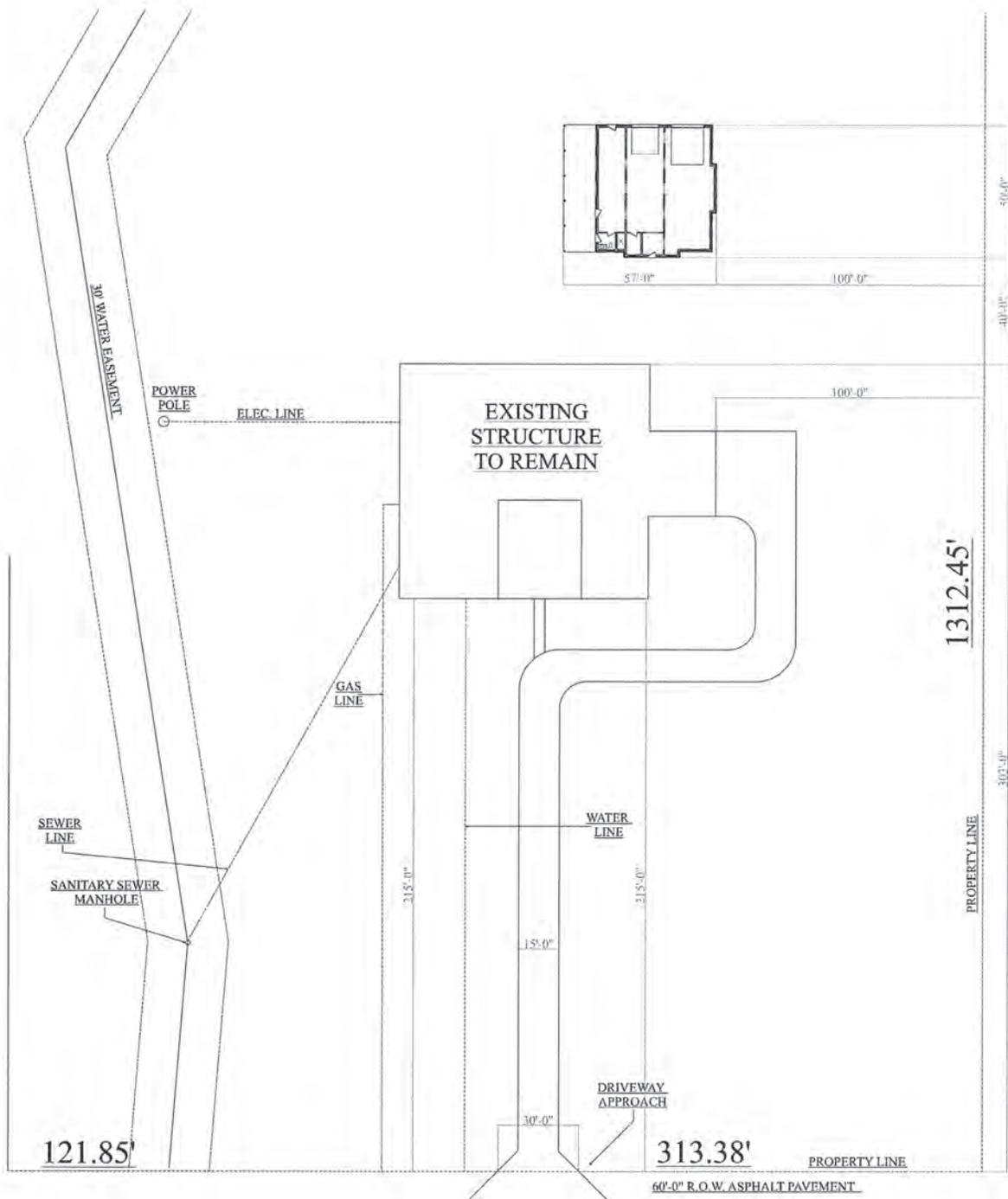
ATTEST:

Brandi Brown, City Secretary

APPROVED AS TO FORM:

Victoria Thomas, City Attorney

Exhibit B



315 S. HAMPTON ROAD

SITE PLAN
SCALE: 1" = 40'-0"



Residential Home Designs
dyw DESIGN YOUR WAY
 (214) 399-0663
 DesignsYourWay.RC@gmail.com
 18756 Stone Oak Pkwy., Suite 200
 San Antonio, TX 78258

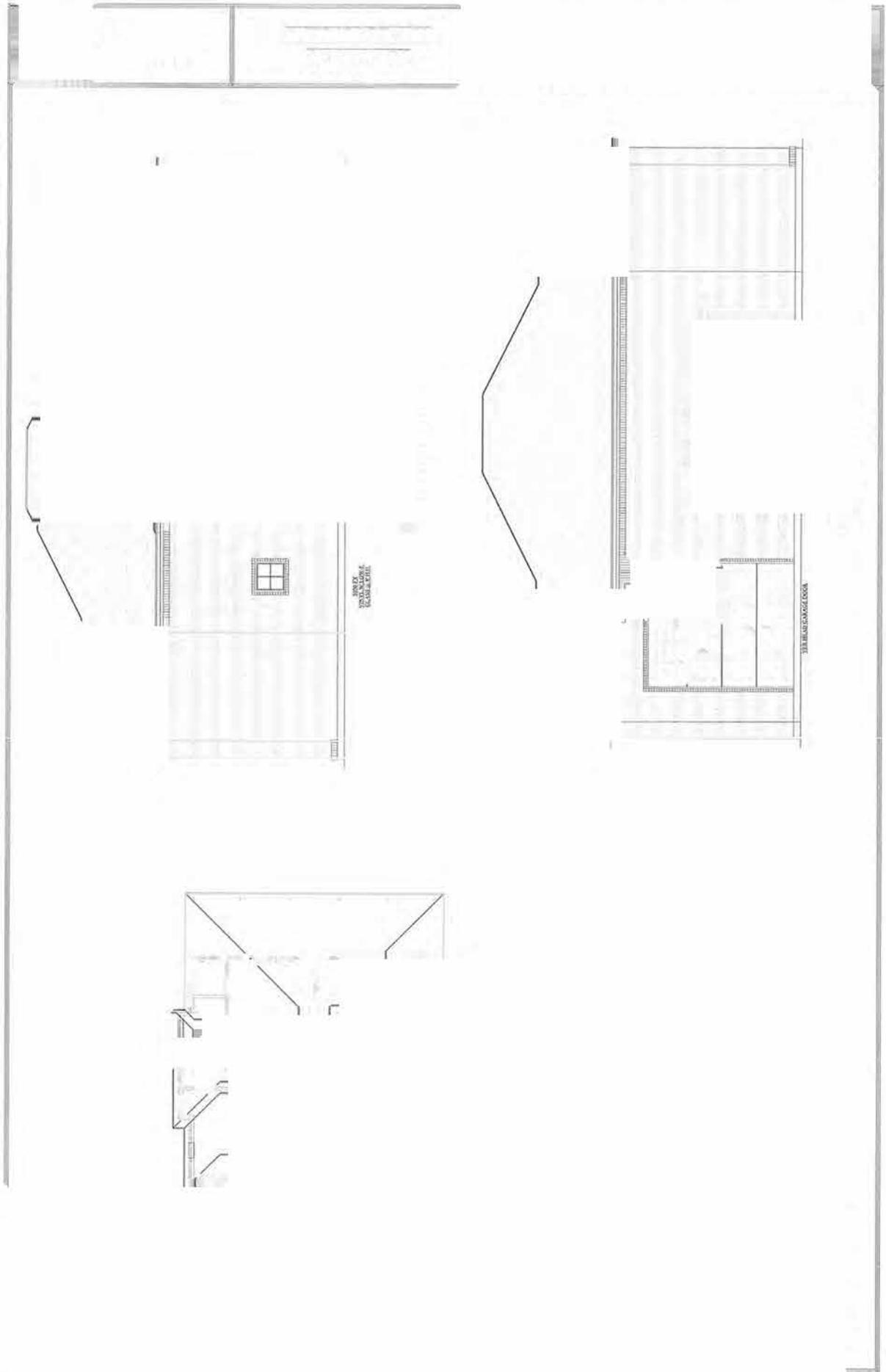
JANUARY 26th, 2020
 A NEW ASSESSOR BUILDING
 TO BE CONSTRUCTED @
 3115 S. HAMPTON RD. ABSTRACT 295
 GLEN HEIGHTS, TEXAS 75154
 ELLIS COUNTY

**CITY WIDE
 DEVELOPMENT**

**PLAN ID
 ASSESSOR
 BUILDING**

**MEMBER
 AI
 BD**
 AMERICAN INSTITUTE OF
 BUILDING DESIGN

Exhibit D



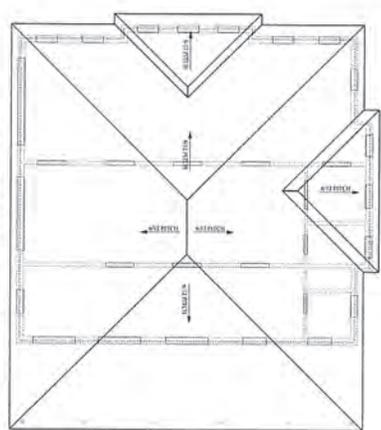
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Designer Your Way, LLC, assumes no liability for any of the provisions of this plan in the event of an emergency. It is the responsibility of the contractor to verify all dimensions before beginning any construction. Use and modification of this plan is at the discretion of the contractor. The contractor shall verify all dimensions and building methods with the local engineer and building officials.

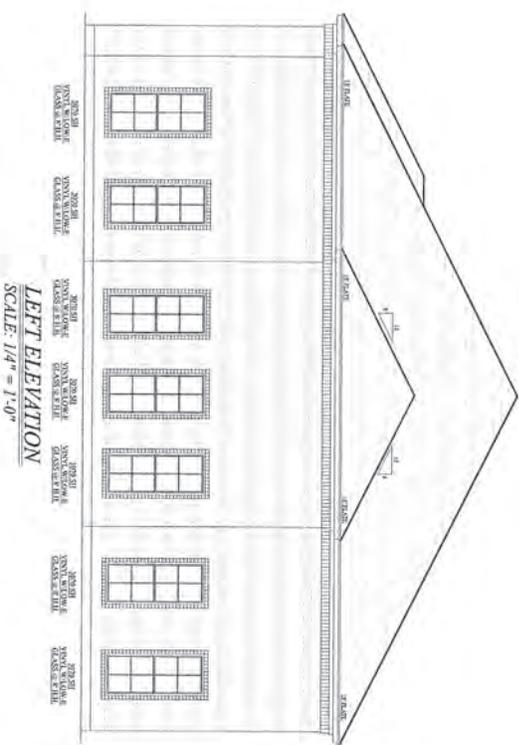
1. Compliance with all local codes and provisions shall be maintained.
2. All dimensions shall be maintained.
3. All dimensions shall be maintained.
4. All dimensions shall be maintained.
5. All dimensions shall be maintained.
6. All dimensions shall be maintained.
7. All dimensions shall be maintained.
8. All dimensions shall be maintained.
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13. All dimensions shall be maintained.

NOTES:

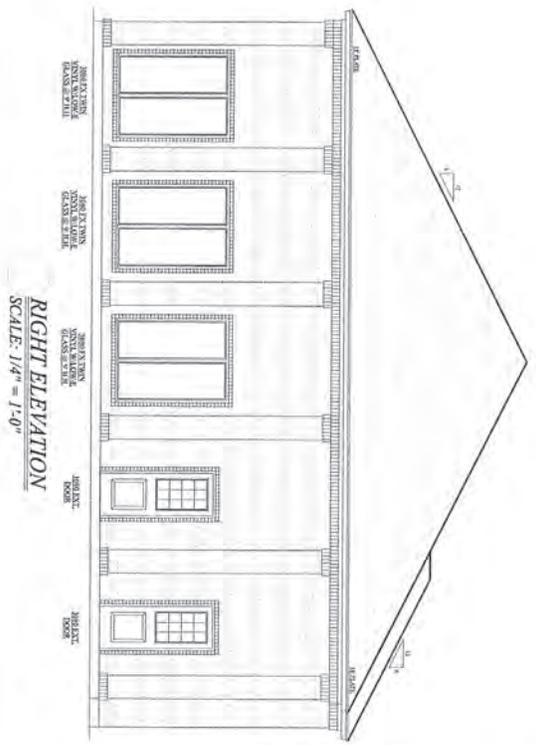
1. These plans are intended to provide the basic construction information for the contractor. The contractor shall verify all dimensions and building methods with the local engineer and building officials.
2. All dimensions shall be maintained.
3. All dimensions shall be maintained.
4. All dimensions shall be maintained.
5. All dimensions shall be maintained.
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11. All dimensions shall be maintained.
12. All dimensions shall be maintained.
13. All dimensions shall be maintained.



ROOF FRAMING PLAN
 SCALE: 1/8" = 1'-0"



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



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

Residential Home Designs
 (214) 399-0663
 DesignsYourWay.RC@gmail.com
 18756 Stone Oak Pkwy, Suite 200
 San Antonio, TX 75258

JANUARY 26th, 2020
 A NEW ASSESSOR BUILDING
 TO BE CONSTRUCTED @
 3115 S. HAMPTON RD.
 GLEN HEIGHTS, TEXAS 75154
 ELLIS COUNTY

**CITY WIDE
 DEVELOPMENT**

**PLAN ID
 ASSESSOR
 BUILDING**

**MEMBER
 AI
 BD
 AMERICAN INSTITUTE OF
 BUILDING DESIGNERS**



CITY OF GLENN HEIGHTS CITY COUNCIL REPORT

Date: May 5, 2020

SUBJECT

Discuss and take action on Ordinance O-09-20, an Ordinance of the City Council of the City of Glenn Heights, Texas amending the Zoning Ordinance and Map of the City of Glenn Heights, as heretofore amended by granting a change in zoning for a 1.740-acre tract of land situated in the John F Porter Abstract, Survey No. 1118, located at 610 East Bear Creek Road, Glenn Heights, Dallas County, Texas zoned Retail ("R") to add a Specific Use Permit for the sale of off-premises consumables via a self-serve vending kiosk; repealing all conflicting Ordinances, orders or resolutions; providing a severability clause; and providing an effective date.

BACKGROUND / DISCUSSION

Given the underlying zoning, the applicant proposes to develop the property by constructing an ice vending kiosk. The applicant proposes to use this structure for self-serve ice and water vending. An ice vending kiosk is a small, one-story, unoccupied structure that dispenses ice or water after a customer inserts payment. Although the structure's function is like that of a freestanding vending machine, the Zoning Ordinance does not provide standards that would allow this use to operate in a structure of its own.

Zoning Ordinance

The Zoning Ordinance defines a kiosk:

KIOSK. A small, freestanding, one-story structure having a maximum floor area of 350 square feet and used for commercial purposes or the posting of temporary information

and/or posters, notices and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of twenty-five (25) square feet.

Although an ice vending kiosk is not designed to display temporary information, it is a small freestanding, one-story structure used for commercial purposes. Additionally, the proposed structure has a floor area of 270 square feet. Given this information, Staff has decided that the *kiosk* definition, standards, and restrictions would best fit the overall form and function of the proposed ice vending kiosk.

For all properties zoned Retail, an SUP is required for the development of a kiosk of any kind. Approval of this request would allow the applicant to submit a building permit application for the construction of such structure at 610 East Bear Creek Road. Approval of this request would subsequently approve the intended use of the proposed structure.

Section IX4.4.B – Status of Conditionally Permitted Uses

The following general rules apply to all conditional uses:

1. The designation of a use in a zoning district as may be permitted by SUP in Section XI.4.4 of this Ordinance does not constitute an authorization or assurance that such use will be approved.
2. Approval of a Specific Use Permit shall authorize only the particular use for which the SUP is issued. An SUP may only be issued to the identified property and to the applicant. Any change in applicant shall render the SUP null and void. An SUP cannot be transferred to any other owner, applicant or property.
3. No use authorized by a Specific Use Permit shall be enlarged, extended or relocated, nor may the number of dwelling units be increased, unless an application is made for approval of a new Specific Use Permit in accordance with the procedures set forth in Section XI.4.4 of City Code of Ordinances.
4. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these zoning regulations, the City Code

of Ordinances, and any permits that may be required by regional, State or Federal agencies.

The applicant meets and is amendable to these requirements. If reviewed favorably by the Planning and Zoning Commission and approved by the City Council, the applicant will process a Site Plan for approval that reflects the requirements of the Zoning Ordinance for the proposed use and any conditions of approval that will become part of the ordinance granted with this SUP request.

FISCAL IMPACT

The City of Glenn Heights will receive a tax revenue of 2.000% on all taxable goods sold on-site. Additionally, the development of this site will raise the property value and the City will collect \$0.833523 in property taxes for every \$100 of the property's taxable value.

PUBLIC CONTACT

Notices were mailed to adjacent property owners within two hundred feet (200') of the subject property by March 27, 2020. Notice was also published in a local newspaper by March 29, 2020 as required by state law and the City of Glenn Heights Comprehensive Zoning Ordinance.

ALTERNATIVES / RECOMMENDATIONS

Staff recommends approval of this Specific Use Permit request with the condition that the property be developed in accordance with the presented site plan and elevations. On April 13, 2020, the Planning and Zoning Commission accepted Staff's recommendation of approval with condition.

PREPARED BY

Miamauni Hines, Planner

REVIEWED BY

Brian Lockley, AICP, Deputy City Manager

ATTACHMENTS

- A. Ordinance O-09-20
 - a. Exhibit A – Property Survey
 - b. Exhibit B – Proposed Site Plan & Landscape Plan
 - c. Exhibit C – Proposed Building Elevations
 - d. Exhibit D – Proposed Building Color Scheme

ORDINANCE O-09-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GLENN HEIGHTS, TEXAS AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF GLENN HEIGHTS, AS HERETOFORE AMENDED BY GRANTING A CHANGE IN ZONING FOR A 1.740-ACRE TRACT OF LAND SITUATED IN THE JOHN F PORTER ABSTRACT, SURVEY NO. 1118, LOCATED AT 610 EAST BEAR CREEK ROAD, GLENN HEIGHTS, DALLAS COUNTY, TEXAS AS DESCRIBED AND DEPICTED IN EXHIBIT A ATTACHED HERETO ZONED RETAIL (“R”) TO ADD A SPECIFIC USE PERMIT FOR THE SALE OF OFF-PREMISES CONSUMABLES VIA A SELF-SERVE VENDING KIOSK; REPEALING ALL CONFLICTING ORDINANCE, ORDERS OR RESOLUTIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, after public notice and public hearing as required by law, the Planning and Zoning Commission of the City of Glenn Heights, Texas, has recommended the amendment of the Zoning Ordinance of the City of Glenn Heights, Texas by changing the zoning on approximately 1.740 acres of land located in the John F Porter Abstract, Survey No. 1118, at 610 E. Bear Creek Road, Glenn Heights, Dallas County, Texas, Retail (“R”) to add a Specific Use Permit (“SUP”) for the sale of off-premise consumables via a self-serve vending kiosk; and

WHEREAS, after public notice and public hearing as required by law and upon due deliberation and consideration of the recommendation of said Planning and Zoning Commission and of all testimony and information submitted during said public hearing, the City Council of Glenn Heights, Texas, has determined it is in the public’s best interest and in furtherance of the health, safety, morals and general welfare of the citizens of the City of Glenn Heights that the Zoning Ordinance be amended as described below;

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

SECTION 1. All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. From and after the effective date of this Ordinance, the Zoning Map, and all existing sections, subsections, paragraphs, sentences, definitions, phrases and words of said Zoning Ordinance are not amended, yet shall remain intact and are hereby ratified, verified and affirmed: “The Zoning Map and Zoning Classification relative to the uses allowed on a certain tract of land being approximately 1.740 acres of land situated in the John F Porter Abstract, Survey No. 1118, located at 610 E. Bear Creek Road, Glenn Heights, Dallas County, Texas, Retail (“R”) to add a Specific Use Permit (“SUP”) for the sale of off-premise consumables via a self-serve vending kiosk as provided below.”

SECTION 3. The Specific Use Permit established and described in Section 2. Herein shall be and is hereby made subject to the following conditions and requirements:
Specific Use Permit:

1. The Specific Use Permit shall be specific to the owner/applicant Mark Sellers and Michael Young, and may not be transferred or assigned.
2. There must be comply with all applicable local and state laws regulating said business activity and license and all licenses applicable to the business operations in full force, effect and of good standing.
3. No other business is permitted without the authorization of the City Council of the City of Glenn Heights.
4. There may be no creation of a nuisance by unreasonable odor, noise, glare, litter or unsightly matter, and there must be general compliance with health and sanitation ordinances and state laws regulating said business activities.
5. No outdoor storage is permitted.
6. Applicant shall comply with the site plan and landscape plan, attached hereto as Exhibit B, and incorporated herein for all purposes.
7. Applicant shall comply with the elevations and building color scheme for the site, attached hereto as Exhibit C and Exhibit D and incorporated herein for all purposes.
8. The parking requirements for this property shall be as follows: 1 parking space per 200 square feet of gross floor area.
9. Any violations of the terms and conditions of the SUP shall render the same null and void without necessity of further hearing.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES. All ordinances, orders or resolution heretofore passed and adopted by the City Council of the City of Glenn Heights, Texas, are hereby repealed to the extent that said ordinances, orders or resolutions, or parts thereof, are in conflict herewith.

SECTION 5. SEVERABILITY. If any section, article, paragraph, sentence, clause, phrase or word in this ordinance or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption

PASSED, ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GLENN HEIGHTS, TEXAS ON THE ____ DAY OF _____ 2020.

Harry A. Garrett, Mayor

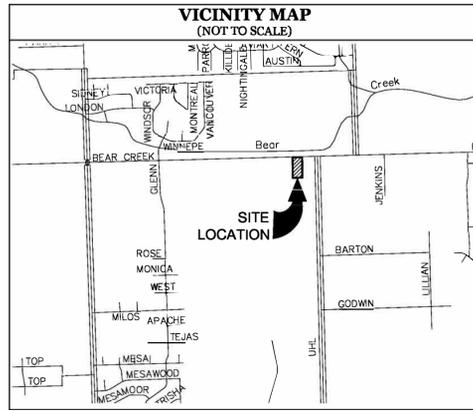
ATTEST:

Brandi Brown, City Secretary

APPROVED AS TO FORM:

Victoria Thomas, City Attorney

Exhibit A



- GENERAL NOTES**
- 1.) The purpose of this plat is to create an official lot of record from a tract of land.
 - 2.) This property is located in "Non-shaded Zone X" according to the F.E.M.A. Flood Insurance Rate Map dated July 7, 2014 as shown on Map Number 48113C0640K.
 - 3.) The grid coordinates shown on this plat are based on GPS observations utilizing the AllTerra RTKNET Cooperative network, NAD 83(2011) State Plane Coordinate System (Texas North Central Zone - 4202).
 - 4.) Selling a portion of this addition by metes and bounds is a violation of City Ordinance and State Law, and is subject to fines and/or withholding of utilities and building permits.
 - 5.) All interior property corners are marked with a 1/2-inch iron rod with a green plastic cap stamped "EAGLE SURVEYING" unless noted otherwise.
 - 6.) The bearings shown on this plat are based on GPS observations utilizing the AllTerra RTKNET Cooperative network, NAD 83(2011) Datum.

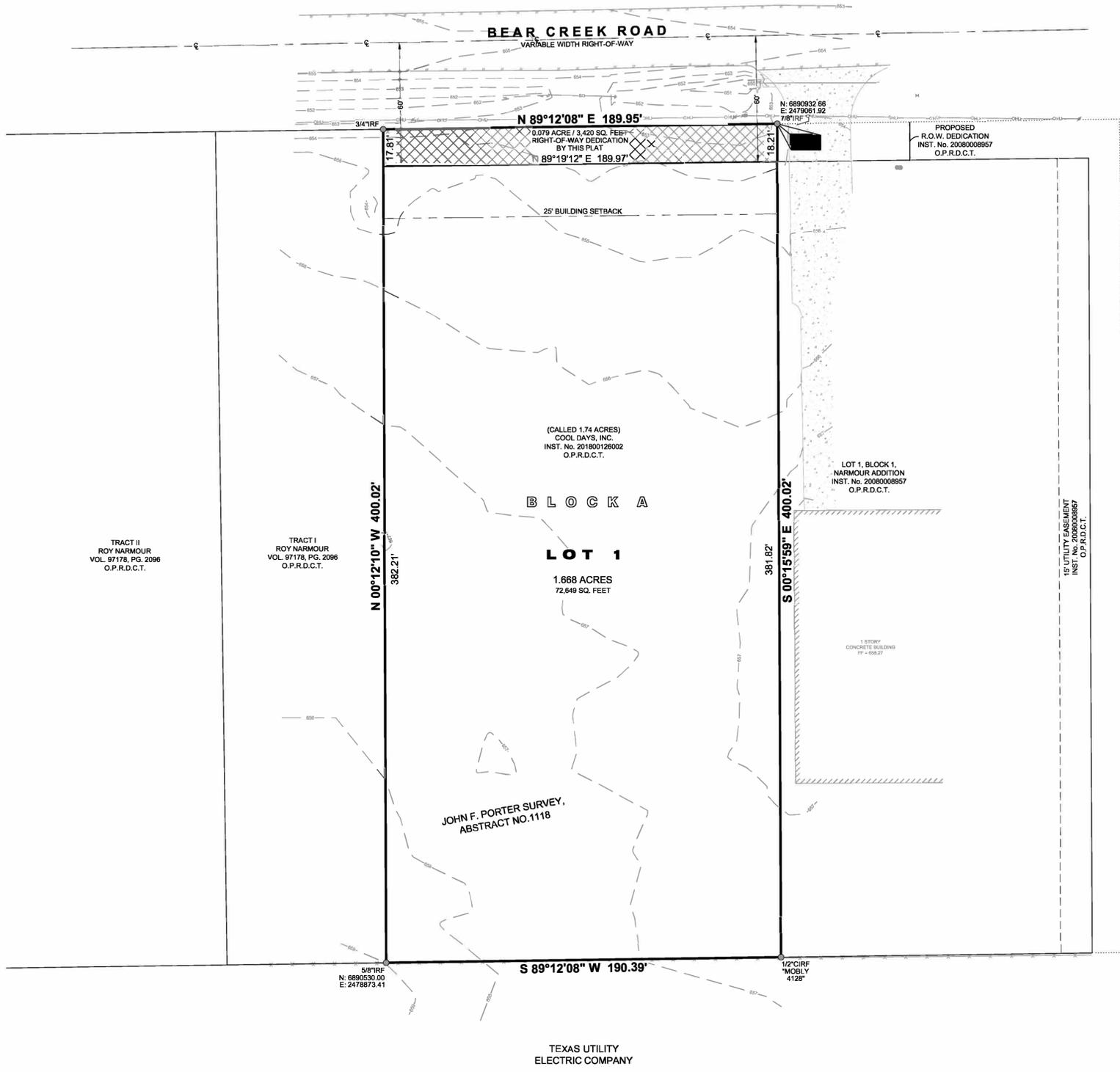
LEGEND

PG	=	PAGE
VOL	=	VOLUME
POB	=	POINT OF BEGINNING
IRF	=	IRON ROD FOUND
CIRF	=	CAPPED IRON ROD FOUND
INST. NO.	=	INSTRUMENT NUMBER
D.R.D.C.T.	=	DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	=	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

Project 1908.074-01	<p>EAGLE SURVEYING, LLC 210 S. Elm Street, Suite: 104 Denton, TX 76201 (940) 222-3009 TX Firm #10194177</p>
Date 01/13/2020	
Drafter JDC	

SURVEYOR
Eagle Surveying, LLC
Contact: John Cox
210 S. Elm Street, Suite: 104
Denton, TX 76201
(940) 222-3009

OWNER
Cool Days, Inc.
Contact: Michael R. Young
8000 Choctaw Lane
McKinney, TX 75070
(214) 562-7510



APPROVED FOR PREPARATION OF FINAL PLAT

Chairman Planning and Zoning Commission	Date	Mayor	Date
Secretary Planning and Zoning Commission	Date	City Secretary	Date

OWNER'S CERTIFICATE & DEDICATION

STATE OF TEXAS §
COUNTY OF DALLAS §

WHEREAS, COOL DAYS, INC., is the owner of a 1.746 acre tract of land out of the JOHN F. PORTER SURVEY, ABSTRACT NUMBER 1118, situated in the City of Glenn Heights, Dallas County, Texas and being all of a called 1.74 acre tract of land conveyed to Cool Days, Inc. by deed of record in Instrument Number 201800126002 of the Official Public Records of Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING, at a 7/8 inch iron rod found in the South right-of-way line of Bear Creek Road, being the Northwest corner of Narmour Addition, a subdivision of record in Instrument Number 20080008957 of the Plat Records of Dallas County, Texas, also being the Northeast corner of said 1.74 acre tract and hereof;

THENCE, S00°15'59"E, leaving the South right-of-way of Bear Creek Road, along the West line of said Narmour Addition and the common East line of said 1.74 acre tract, a distance of 400.02 feet to a 1/2 inch iron rod with plastic cap stamped "MOBLY 4128" found at the Southwest corner of said Lot 1, being the Southeast corner of said 1.74 acre tract and hereof;

THENCE, S89°12'08"W, along the South line of said 1.74 acre tract, a distance of 190.39 feet to a 5/8 iron rod found in the South line of that certain Tract I, conveyed to Roy Narmour by deed of record in Volume 97187, Page 2096 of the Deed Records of Dallas County, Texas, being the Southwest corner of said 1.74 acre tract and hereof;

THENCE, N00°12'10"W, along the West line of said 1.74 acre tract, a distance of 400.02 feet to a 3/4 inch iron rod found in the South right-of-way line of Bear Creek Road, being the common North line of said Tract I, also being the Northwest corner of said 1.74 acre tract and hereof;

THENCE, N89°12'08"E, along the South right-of-way line of Bear Creek Road and the common North line of said 1.74 acre tract, a distance of 189.95 feet to the POINT OF BEGINNING and containing an area of 1.746 Acres, or (76,069 Square Feet) of land, more or less.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT, COOL DAYS, INC., does hereby adopt this plat, designating herein described property as COOL DAYS ADDITION, an addition to the City of Glenn Heights, Dallas County, Texas, and does hereby dedicate to public use forever all streets, alleys, parks, watercourses, drains, easements and public places thereon shown for the purpose and consideration therein expressed. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the drainage and utility easements as shown. Said drainage and utility easements being hereby reserved for the mutual use and accommodation of all public utilities desiring to use same. All and any public utility shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of its respective system on the drainage and utility easement and all public utilities shall at all times have the full right of ingress and egress to or from and upon the said drainage and utility easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone.

OWNER: COOL DAYS, INC., a Texas Corporation

BY: _____ Date _____
Michael R. Young
President

STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared MICHAEL R. YOUNG, President of COOL DAYS, INC., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE this _____ day of _____, 2019.

Notary Public in and for the State of Texas

CERTIFICATE OF SURVEYOR

STATE OF TEXAS §
COUNTY OF DALLAS §

I, MATTHEW RAABE, Registered Professional Land Surveyor, do hereby certify that this plat was prepared from an actual survey made on the ground and that the monuments shown hereon were found or placed with 1/2-inch iron rods with green plastic caps stamped "EAGLE SURVEYING" under my direction and supervision in accordance with the current provisions of the Texas Administrative Code and the Ordinances of the City of Glenn Heights, Dallas County, Texas.

PRELIMINARY
this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document

Matthew Raabe, R.P.L.S. # 6402 _____ Date _____

STATE OF TEXAS §
COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, on this day personally appeared MATTHEW RAABE, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

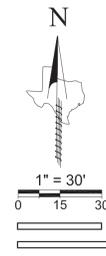
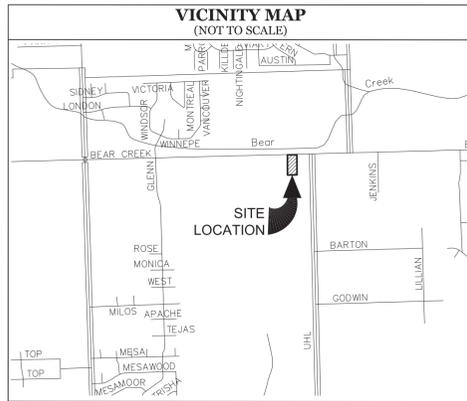
GIVEN UNDER MY HAND AND SEAL OF THE OFFICE this _____ day of _____, 2019.

John Cox, Notary Public in and for the State of Texas

PRELIMINARY PLAT
COOL DAYS ADDITION
LOT 1, BLOCK A

BEING 1.746 ACRES OF LAND SITUATED IN THE JOHN F. PORTER SURVEY, ABSTRACT No. 1118, CITY OF GLENN HEIGHTS, DALLAS COUNTY, TEXAS

Exhibit B



- ### GENERAL NOTES
- The purpose of this plat is to create an official lot of record from a tract of land.
 - This property is located in "Non-shaded Zone X" according to the F.E.M.A. Flood Insurance Rate Map dated July 7, 2014 as shown on Map Number 48113C0640K.
 - The grid coordinates shown on this plat are based on GPS observations utilizing the AllTerra RTKNET Cooperative network, NAD 83(2011) State Plane Coordinate System (Texas North Central Zone - 4202).
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LEGEND

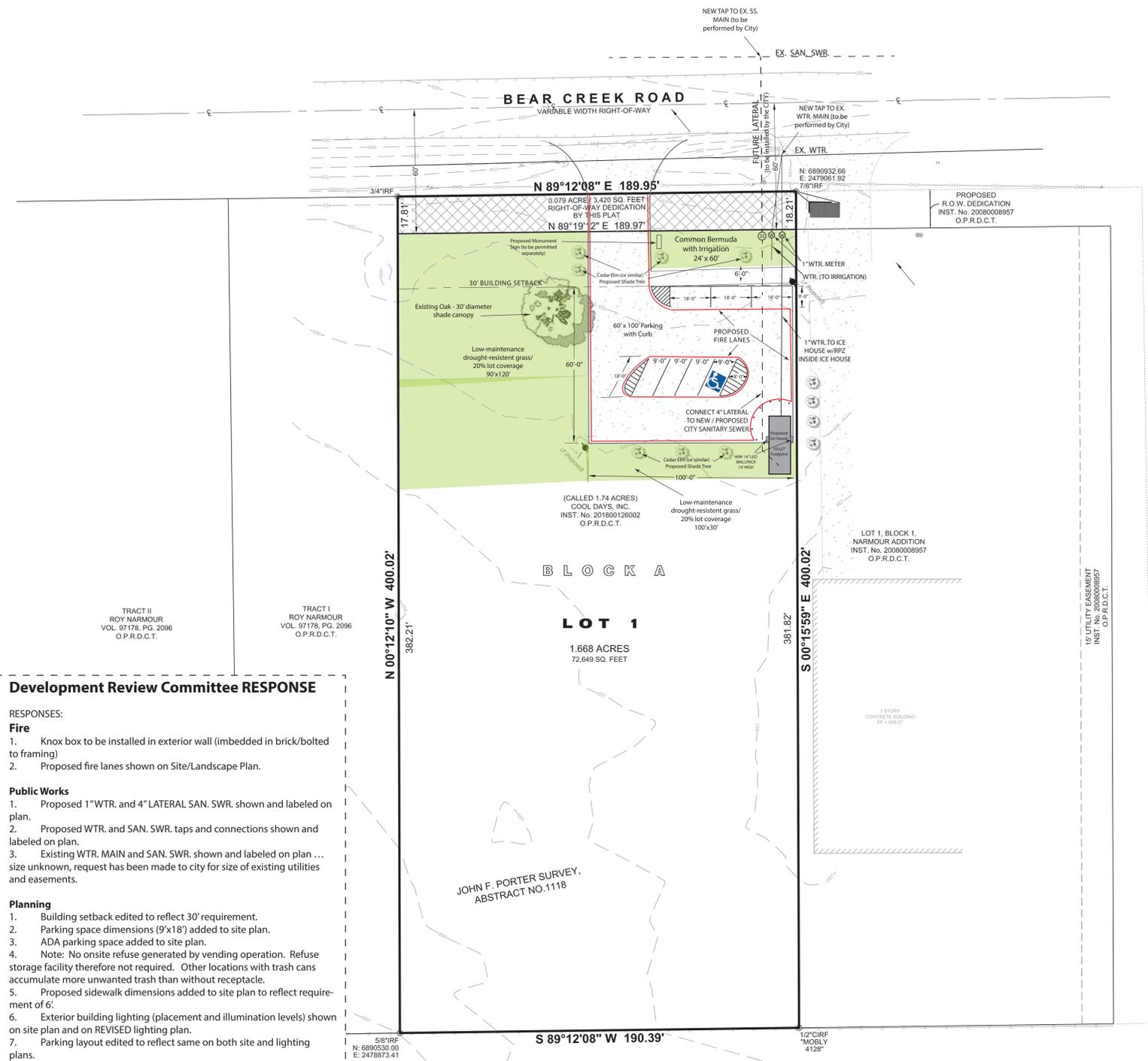
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Date 01/13/2020	
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Denton, TX 76201
(940) 222-3009

OWNER
Cool Days, Inc.
Contact: Michael R. Young
8000 Choctaw Lane
McKinney, TX 75070
(214) 562-7510

- ### Development Review Committee RESPONSE
- RESPONSES:
- Fire**
- Knox box to be installed in exterior wall (imbedded in brick/bolted to framing)
 - Proposed fire lanes shown on Site/Landscape Plan.
- Public Works**
- Proposed 1" WTR. and 4" LATERAL SAN. SWR. shown and labeled on plan.
 - Proposed WTR. and SAN. SWR. taps and connections shown and labeled on plan.
 - Existing WTR. MAIN and SAN. SWR. shown and labeled on plan ... size unknown, request has been made to city for size of existing utilities and easements.
- Planning**
- Building setback edited to reflect 30' requirement.
 - Parking space dimensions (9'x18') added to site plan.
 - ADA parking space added to site plan.
 - Note: No onsite refuse generated by vending operation. Refuse storage facility therefore not required. Other locations with trash cans accumulate more unwanted trash than without receptacle.
 - Proposed sidewalk dimensions added to site plan to reflect requirement of 6'.
 - Exterior building lighting (placement and illumination levels) shown on site plan and on REVISED lighting plan.
 - Parking layout edited to reflect same on both site and lighting plans.
 - Landscape area dimensions added to Site/Landscape Plan.
 - Size, location, and species of existing and proposed landscaping added to plan.
 - Tree requirements added to plan.
 - Sod requirement added to plan: 20% of lot to receive low-maintenance / drought-resistant grass sod.
 - Stamped irrigation plan to be prepared and submitted with building plans.
 - Business sign (monument sign) added to site plan, to be permitted separately.
 - Wall signs consistent with City sign ordinance (no more than 2 S.F. per linear foot of building frontage) to be permitted separately.
 - All mechanical equipment to be screened from public view - all parapet walls to extend above top edge of rooftop equipment (15'-4").



OWNER'S CERTIFICATE & DEDICATION

STATE OF TEXAS §
COUNTY OF DALLAS §

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THENCE, S00°15'59"E, leaving the South right-of-way of Bear Creek Road, along the West line of said Narmour Addition and the common East line of said 1.74 acre tract, a distance of 400.02 feet to a 1/2 inch iron rod with plastic cap stamped "MOBLY 4128" found at the Southwest corner of said Lot 1, being the Southeast corner of said 1.74 acre tract and hereof;

THENCE, S89°12'08"W, along the South line of said 1.74 acre tract, a distance of 190.39 feet to a 5/8 iron rod found in the South line of that certain Tract I, conveyed to Roy Narmour by deed of record in Volume 97187, Page 2096 of the Deed Records of Dallas County, Texas, being the Southwest corner of said 1.74 acre tract and hereof;

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OWNER: COOL DAYS, INC., a Texas Corporation

BY: Michael R. Young, President Date

STATE OF TEXAS §
COUNTY OF §

BEFORE ME, the undersigned authority, on this day personally appeared MICHAEL R. YOUNG, President of COOL DAYS, INC., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE this _____ day of _____, 2019.

Notary Public in and for the State of Texas

CERTIFICATE OF SURVEYOR

STATE OF TEXAS §
COUNTY OF DALLAS §

I, MATTHEW RAABE, Registered Professional Land Surveyor, do hereby certify that this plat was prepared from an actual survey made on the ground and that the monuments shown hereon were found or placed with 1/2-inch iron rods with green plastic caps stamped "EAGLE SURVEYING" under my direction and supervision in accordance with the current provisions of the Texas Administrative Code and the Ordinances of the City of Glenn Heights, Dallas County, Texas.

PRELIMINARY
this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document

Matthew Raabe, R.P.L.S. # 6402 Date

STATE OF TEXAS §
COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, on this day personally appeared MATTHEW RAABE, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE this _____ day of _____, 2019.

John Cox, Notary Public in and for the State of Texas

SITE / LANDSCAPE PLAN

PAGE-1

2-27-20

APPROVED FOR PREPARATION OF FINAL PLAT

Chairman Planning and Zoning Commission	Date	Mayor	Date
Secretary Planning and Zoning Commission	Date	City Secretary	Date

PRELIMINARY PLAT
COOL DAYS ADDITION
LOT 1, BLOCK A

BEING 1.746 ACRES OF LAND SITUATED IN THE
JOHN F. PORTER SURVEY, ABSTRACT No. 1118,
CITY OF GLENN HEIGHTS, DALLAS COUNTY, TEXAS

Exhibit D

610 E Bear Creek SUP Application

2/28/2020

Cool-Days Twice The Ice

Proposed Masonry Colors/Pattern



Proposed Elevation w/10'x8' attached storage



**INTERLOCAL COOPERATION CONTRACT
BETWEEN COUNTY OF ELLIS AND CITY OF GLENN HEIGHTS**

WHEREAS, the hereinafter below described government entities desire to increase their efficiency and effectiveness by entering into this contract one with the other; and

WHEREAS, such contracts are authorized under Chapter 791 of the Government Code of the State of Texas, said law cited as the Interlocal Cooperation Act of the State of Texas; and

WHEREAS, the function of service contracted for and to be provided by this agreement is within the definition of “Governmental Function and Services” as defined by Section 791.003 of the Government Code; and

WHEREAS, the function of service contracted to be provided is a function or service that each party to the contract is authorized to perform individually;

NOW THEREFORE, the parties agree and covenant one with the other as follows:

- A. The County of Ellis (hereinafter COUNTY) and the City of Glenn Heights (hereinafter CITY) shall establish a cooperative purchasing program between the parties, which will allow each party to purchase goods and services under each other’s competitively bid contracts, competitive sealed proposals and request for statement of qualifications pursuant to Subchapter F, Chapter 271 of the Tex. Loc. Gov’t Code. This shall include contracts for the maintenance, repair and construction of streets, roads, alleys, bridges, and parking areas, as well as the maintenance and construction of waterways and ditches. The COUNTY and the CITY shall further be authorized to sell each other; goods and services.
- B. The COUNTY and the CITY shall make payments to the local government, a local cooperative organization or directly to a vendor under a contract made, as provided in the agreement between the participating local governments or between a local government and a local cooperative organization; and for such function, goods and/or services.
- C. The COUNTY and the CITY, as paying parties acknowledge and certify, as required by the Interlocal Cooperation Act, that all payments shall be made from the current revenues available to County and City.
- D. The term of this Agreement shall be for a fixed period commencing on the date of execution by the last governing body’s authorized agent and ending on December 31, 2020.

- E. Both parties acknowledge and understand, in reference to any project undertaken under this contract involving the maintenance, repair, and construction of streets, roads, alleys, bridges and parking areas, as well as the maintenance and construction of waterways and ditches, the following:
1. that prior to beginning said project, a work order in the form similar to Exhibit A attached hereto shall be adopted describing the project to be undertaken and identifying the project's location; and
 2. that the payment and penalty provisions set out in Section 791.014 (c and d) of the Government Code Interlocal Cooperation Act shall apply to this contract.
- F. The CITY, hereby makes, constitutes and appoints COUNTY it's true and lawful purchasing agent for the purchase of various commodities and services using Annual Contracts (Bids, Proposals, Request for Qualifications). COUNTY will maintain a listing of Annual Contracts which are available for local entities use. To utilize one or more of these contracts, local entities must request authorization, in writing, to COUNTY. Upon receipt of request, COUNTY will send a form letter to the appropriate vendor(s) for their approval and signature. Upon receipt of authorizing letter from the vendor(s), COUNTY will forward a copy of the letter and appropriate Annual Contract to the requesting entity. CITY agrees that COUNTY shall serve as the purchasing agent for selected items, and agrees that the bidding shall be conducted by COUNTY according to its usual bidding procedures and in accordance with applicable State statutes.
- G. CITY agrees that all specifications for selected items bid by the COUNTY shall be as determined solely by the COUNTY.
- H. CITY shall be the party receiving the function, goods, or service and providing payment for such function, goods and /or services.
- I. CITY agrees to pay the supplier for all functions, goods, or services pursuant to this agreement. The successful bidder or bidders shall bill CITY directly for all items purchased, and CITY shall be responsible for vendor's compliance with all conditions of delivery and quality of the purchased items.
- J. Phillip Conner, Purchasing Agent for the CITY, is hereby designated as the official representative to act for the CITY in all matters relating to this agreement.
- K. The COUNTY, hereby makes, constitutes and appoints CITY it's true and lawful purchasing agent for the purchase of various commodities and services

using Annual Contracts (Bids, Proposals, Request for Qualifications). CITY will maintain a listing of Annual Contracts which are available for local entities use. To utilize one or more of these contracts, local entities must request authorization, in writing, to CITY. Upon receipt of request, CITY will send a form letter to the appropriate vendor(s) for their approval and signature. Upon receipt of authorizing letter from the vendor(s), CITY will forward a copy of the letter and appropriate Annual Contract to the requesting entity. COUNTY agrees that CITY shall serve as the purchasing agent for selected items, and agrees that the bidding shall be conducted by CITY according to its usual bidding procedures and in accordance with applicable State statutes.

- L. COUNTY agrees that all specifications for selected items bid by the CITY shall be as determined solely by the CITY.
- M. COUNTY shall be the party receiving the function, goods, or service and providing payment for such function, goods and /or services.
- N. COUNTY agrees to pay the supplier for all functions, goods, or services pursuant to this agreement. The successful bidder or bidders shall bill COUNTY directly for all items purchased, and COUNTY shall be responsible for vendor's compliance with all conditions of delivery and quality of the purchased items.
- O. E.J. Harbin, Purchasing Agent for the COUNTY, is hereby designated as the official representative to act for the COUNTY in all matters relating to this agreement.
- P. COUNTY or CITY agrees to pay within (30) days of billing for the goods, governmental function, and/or services provided in an amount that fairly compensates for service or functions performed by under this Contract, or as outlined by the Texas Prompt Payment Act.
- Q. Nothing contained in this Agreement is intended to create a partnership or joint venture between the Parties, and any implication to the contrary is hereby expressly disavowed. This Agreement does not create a joint enterprise, nor does it appoint any Party as an agent of the other Party, for any purpose whatsoever.
- R. Both Parties agree to require any applicable vendors to comply with Sections 2270.002 and 2252.152 of the Texas Government Code.
- S. Either Party may terminate this contract upon thirty (30) days written notice to the other Party's designated official representative.

EXECUTED in duplicate this the 5th day of May, 2020.

ELLIS COUNTY, TEXAS

By: _____
Todd B. Little, County Judge

ATTEST:

By: _____
Krystal C. Valdez, County Clerk

CITY OF GLENN HEIGHTS, TEXAS

By: _____
Mayor Harry A. Garrett

Attest:

Brandi Brown, City Secretary

RESOLUTION R-11-20

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GLENN HEIGHTS, TEXAS APPROVING AND ADOPTING THE DALLAS COUNTY MULTI-JURISDICTION HAZARD MITIGATION PLAN UPDATE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE AND PROVIDING AN EFFECTIVE DATE

WHEREAS, natural hazards in the City of Glenn Heights area historically have caused significant disasters with losses of life and property and natural resources damage; and

WHEREAS, the Federal Disaster Mitigation Act of 2000 and Federal Emergency Management Agency (FEMA) require communities to adopt a hazard mitigation action plan to be eligible for the full range of pre-disaster and post-disaster federal funding for mitigation purposes; and

WHEREAS, FEMA requires that communities update hazard mitigation action plans every five years in order to be eligible for the full range of pre-disaster and post-disaster federal funding for mitigation purposes; and

WHEREAS, the City of Glenn Heights has assessed the community's potential risks and hazards and is committed to planning for a sustainable community and reducing the long-term consequences of natural and man-caused hazards; and

WHEREAS, the Dallas County Multi-Jurisdictional Hazard Mitigation Plan Update outlines a mitigation vision, goals and objectives; assesses risk from a range of hazards; and identifies risk reduction strategies and actions for hazards that threaten the community.

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

SECTION 1. The Dallas County Multi-Jurisdictional Hazard Mitigation Plan Update is hereby approved and adopted in its entirety and the City Manager is authorized to take such actions as may be reasonably necessary to carry out the objectives of the Plan and report on progress as required by FEMA and the Texas Division of Emergency Management.

SECTION 2. The City of Glenn Heights will pursue available funding opportunities for implementation of the proposals designated in the Dallas County Multi-Jurisdictional Hazard Mitigation Plan Update and will, upon receipt of such funding or other necessary resources, seek to implement the actions contained in the mitigation strategies.

SECTION 3. The Mayor shall have the responsibility, authority, and means to assure that the Hazard Mitigation Plan Update will be reviewed at least annually and that any needed adjustments will be presented to the City Council for consideration.

SECTION 4. Should any word, phrase, paragraph, or section of this Resolution be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Resolution as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Resolution as a whole.

SECTION 5. All provisions of the resolutions of the City of Glenn Heights, Texas in conflict with the provisions of this Resolution be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this Resolution shall remain in full force and effect.

SECTION 6. This Resolution shall take effect immediately from and after its passage as the law and charter in such cases provide.

READ, CONSIDERED, PASSED AND ADOPTED by the City Council of the City of Glenn Heights at a regular meeting on the 5th day of May, 2020 at which a quorum was present and for which due notice was given.

APPROVED:

Harry A. Garrett, Mayor

ATTEST:

Brandi Brown, City Secretary

APPROVED AS TO FORM:

Victoria W. Thomas, City Attorney
(042920TM115360)

