

Sep 25 9:01 am Text: CH to DM

Good morning Deborah, Thankyou for the encouragement about the hearing. We are very pleased with the outcome and the opportunity to reach out to more neighbors. We are completely flexible on the signage and positioning. Signage is just for way finding, not for advertising anyway. And yes all staff/volunteers will park off site. We will make these adjustments and clarifications for our next presentation and will work with city staff on this as well.

Sep 25 9:03 am Text: CH to DM

Louis is going to facilitate deeper conversation with first baptist with the goal of securing additional parking at the 9th and Ave D lot, which would eliminate the ave d crossing "concerns" (not that it is truly an issue for clients or staff, as is preceded by both the high school students, the Catholic Church and students, and first baptist)

Sep 25 9:05 am Text: DM to CH

Great. I think if you go with a plaque-style sign affixed to your house, and maybe just a small decorative house number sign out by the street (I think residences are allowed to use house number signs without drama), that might assuage some of the neighbors' fears about attracting other business uses.



Sep 25 9:38 am Text: DM to CH

Oh, great idea about FBC parking! That's what I thought you had arranged from the start. The neighbors near F&10th are very concerned that people will park in the neighborhood.

Sep 25 9:38 am Text: DM to CH

I meant E & 10th

Sep 25 10:31 am Text: DM to CH

How will SPC differ from Metro? <https://www.garlandpregnancy.com/free-services>

Sep 25 1:36 pm Text: CH to DM

Metro doesn't provide ultrasounds or STI testing, nor prenatal care. They offer no RN instructed classes, they are only open 3 days a week for a total

of 10 hours. They don't outreach to men nor do they provide post abortion care. Not to mention they are extremely hard to reach. We've attempted to call them during their business hours on a few occasions and weren't successful at reaching anyone.

Sep 25 1:38 pm Text: DM to CH

Great, thanks.

BEGINNING OF ZONING/CHURCH CONVERSATION

Sep 25 1:39 pm Text: DM to CH

Meanwhile I'm puzzling over why you even NEED a zoning change to do what you're doing.

Here's our Home Occupation Ordinance:

HOME OCCUPATION: Any activity conducted by a resident of a dwelling unit on the premises of the residence. It includes, without limitation, any activity that results in the manufacturing, repair, or provision of goods or services.

Section 2.61 Home Occupations

(A) Definition. A Home Occupation may be lawfully conducted only as a secondary, accessory use.

(B) General Prohibition. A Home Occupation is prohibited, unless: (i) it is conducted entirely indoors, only by a person residing in the home; (ii) it offers no goods for sale or display on the premises; and (iii) it does not require the delivery or shipment of goods from the residence.

(C) Criteria. It is an affirmative defense to prosecution under Section 2.61(B) above, that the Home Occupation meets each of the following criteria:

(1) Only one person, other than occupants of the residence, is engaged in the Home Occupation at the residence regardless whether that person is a volunteer, an employee or is otherwise compensated;

(2) There is no outside storage of materials connected with the Home Occupation;

(3) There is not more than one vehicle used in connection with the Home Occupation located on the premises or on an adjacent street. A vehicle used in the operation of the home occupation may be no larger than a passenger van or pick-up truck;

(4) There is no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the Home Occupation, and no use of a sign, including any sign on a vehicle parked on the premises or on an adjacent street, to advertise the Home Occupation;

(5) There is no substantial increase in traffic and no need for additional parking;

(6) The Home Occupation does not create noxious conditions to abutting or neighboring property such as noise, odor, light, or smoke; and

(7) The business is conducted completely indoors, etc

Sep 25 1:42 pm Text: DM to CH

You're very close to fitting between the lines. I'm wondering how you wound up with the DT zoning request, which was way way overkill.

Sep 25 1:47 pm Text: DM to CH

Will you have more than one volunteer?

At a time, I mean?

Sep 25 1:42 pm Text: CH to DM

We reviewed the home occupation at length with the city staff to conclude

that we did not meet the criteria to operate as a home occupation

Sep 25 1:43 pm Text: CH to DM

Yes we will have multiple volunteers at a time

Sep 25 1:44 pm Text: CH to DM

Understood, I was not aware of a PD as an option nor was it proposed by any city staff

Sep 25 1:44 pm Text: DM to CH

Okay. So close but not close enough. Too bad. If you were a church, it would change the rules to allow various types of ministry.

Sep 25 1:45 pm Text: CH to DM

That's interesting that you bring it up as being a church, because as a nonprofit we are registered as a religious organization

Sep 25 1:45 pm Text: CH to DM

So from reading the development code it appeared that rezoning to downtown district was the only option and have the best precedent with adjacent properties

Sep 25 1:49 pm Text: DM to CH

Well, clearly that wasn't accurate. It would indeed open the door for a whole bunch of undesirable future uses. I don't think it will fly on Plan, and frankly I couldn't support a DT rezoning on Council.

Hopefully keeping the underlying SF-7 zoning with a PD will give you what you need. That's what Lucille's B&B has (since 2001) and what another property in the 300 block of 9th (at B) has had since 1988.

Sep 25 1:50 pm Text: DM to CH

If you wanted to stop and re-approach as a church facility—which is allowed by right in SF-7 zoning—you should explore that with P&Z.

Sep 25 1:53 pm Text: DM to CH

I think it's defined as a "house of worship". I don't know what all that would entail. I've wondered if Paul Burns might somehow make your house an extended outreach, like Friendship House is for FBC. Still not sure that would qualify as a house of worship.

Sep 25 1:53 pm Text: CH to DM

I agree that a PD is definitely the route to go as planned commission recommended instead of the downtown zoning

Sep 24 1:54 pm Text: DM to CH

Since you're registered as a religious org, it's worth exploring. Quickly.

Sep 25 1:55 pm Text: DM to CH

I am concerned that Council may be a hard climb.

Sep 25 2:07 pm Text: CH to DM

I will look into this although we likely won't fully qualify

Sep 25 2:08 pm Text: DM to CH

Probably not but leave no stone unturned.

Sep 25 2:10 pm Text: DM to CH

I can ask P&Z for the guidelines if you'd like

From: "Morris, Councilwoman Deborah" <DMorris@garlandtx.gov>
Date: September 25, 2019 at 2:20:53 PM CDT
To: "Guerin, Will" <[\[REDACTED\]](#)>
Subject: One more question...☺

Will,

Thank you for your patience. You're partly working through this annoying zoning case and partly educating me, which I appreciate.

I read through our home occupation ordinances for the first time in a while, and groaned at how close the Hensons came to being able to just do what they planned (aside from needing a sign and the backyard cottage).

Can you please send me the applicable language that addresses churches' use of residential properties in providing services or ministries? I can't imagine it would apply to the Hensons; they are registered as a religious 501(c) organization, but do not seem to be opening a "house of worship". I'd just like to add that information to my list.

Sep 25 2:23 pm Text: DM to CH

I did just request that information. Won't hurt to read through it.

Sep 25 2:39 pm Text: DM to CH

Below are the Special Standards for Churches from the GDC which includes some clarification on the residence question, and the actual definition for Churches in the GDC. In the Land Use Matrix of the GDC churches are listed as permitted by right in every zoning district, which is in accordance with Federal law.

Special Standards (from Chapter 2):

(29) Church, or Place of Worship. Any religious accessory activities and services (including, but not limited to, meal service, charitable food and goods distribution, recreational and entertainment functions, retail sales, and residential quarters) must be oriented toward the primary non-profit mission of the establishment and may not be for profit. Residential uses are limited to a rectory or parsonage residence for ministers, priests, nuns, or rabbis on the premises, which may not be sold or rented out to any entity who is not directly employed by the establishment, and that are allowed as an accessory use or structure on the same premises. Bible study and other similar activities which occur in a person's primary residence do not fall under the definition of Church or Place of Worship.

Sep 26 8:39 am Text: DM to CH

Keeping the SF-7 underlying zoning and adding the limited PD does indeed seem to be the best (and only) path forward for you aside from the unwelcome DT/UT zoning change.

There are some good arguments for approving this PD, but it is always-always-always a fight to change the use of a residential home to anything else. If you can get FBC to lease you spaces in the large lot across 9th St (SE corner of 9th & Ave D) it would be very helpful. It would also possibly allow you to

put up parking signs there saying "Shiloh Pregnancy Center Parking" that would help advertise your presence nearby.

END OF PRE-ANNOUNCEMENT TEXT EXCHANGE

Sep 26 9:24 am Text: DM to CH

I will caution yet again re: passing out brochures talking about the center as a sure thing and saying "Opening in 1st Quarter 2020". Presumption in your messaging has already created opposition in the neighborhood, and you haven't stood before Council yet. Given the level of opposition, including from a former Councilman (John Willis), I have no idea how Council will vote.

Primarily because of presumptuous messaging, rumors are now flying that this is already a "done deal", that "backroom deals" have been cut, etc. That is both ugly and, as you know, untrue, but it harms your case. Please be very clear with people that this is NOT a sure thing.

I do wish you well in this.

Sep 26 9:26 am Text: CH to DM

Agree. Did you see anything publicly posted that says Opening First Quarter 2020? If so we can remove and describe it as proposed.

Sep 26 9:33 am Text: DM to CH

Just the printed brochures you were handing out at the open house. Your original FB event invitation also said that, I believe. People remember, and it makes them suspicious and defensive, like they have no voice.

Sep 26 9:34 am Text: DM to CH

It wouldn't help you to have someone present that brochure to Council.

Sep 26 9:56 am Text: DM to CH

I can't emphasize enough how important humility is when you face Council. Even powerful, rich developers don't come with an overconfident or assertive attitude. They say things like, "If you allow us, we'd like to..."

I'm telling you this to prepare you, not to frighten you.

Sep 26 12:15 pm Text: DM to CH

You can request copies of all the responses from P&Z. They'll be sorted as in-notification area and outside-notification area.

Sep 26 12:52 pm Text: DM to CH

Upon further consideration, I think off-street parking along 10th would still cause problems. It would look "commercial". Given the neighborhood's objections, I think keeping it residential in appearance would provide your best chance for success.

Sep 26 1:04 pm Text: CH to DM

Understood. I will adjust the plan moving forward to maintain a residential look for parking on site

Sep 26 7:02 pm Text: DM to CH

Trying to set up a neighborhood meeting about 920 next Fri Oct 4th at the Castle on Ave E. Can you come? It will be my meeting, as Council, to discuss this with the neighborhood.

Sep 26 7:11 pm Text: CH to DM

Yes that should work. What timeframe?

Sep 26 7:12 pm Text: DM to CH

[6:30-8](#)

Sep 26 7:21 pm Text: CH to DM

Wonderful

Sep 27 8:31 am Text: DM to CH

More questions. They're nosy and you absolutely don't have to answer; they're just things people have asked me:

1. Did you buy the house with an escape clause if you couldn't get zoning to open the center?
2. What condition was the house in when you bought it? What repairs/rehabs have you done since taking ownership? (General question, no need for details.)
3. How long was the house on the market before you bought it?
4. If you don't get the zoning you need, will you still live there? If not, what will you do with the house?
5. Have you considered living in part of the "big house" and using the cottage for several of the counseling rooms or other SPC rooms?

Sep 27 12:08 pm Text: DM to CH

Okay, never mind on the questions. If they come up at the meeting you can answer (or not) directly.

Sep 27 1:34 pm Email: DM to Embree Neighborhood, cc: CH/RH

On Fri, Sep 27, 2019 at 1:34 PM Councilwoman Deborah Morris

 wrote:

Dear Embree & 11th Street Neighbors,

I'm calling a neighborhood meeting so we can informally discuss the upcoming zoning case related to 920 W. Ave D, located directly across the street from First Baptist Church's McDonald Activity Center. The house was on and off the market last year and offered "as-is" due to its badly deteriorated condition. A young couple, the Hensens, purchased it last December in hopes of rehabbing it and using it for a home-based nonprofit pregnancy resource center--a use that almost, but not quite, fits into the normal use "by rights" of any residential home. The Hensens and their baby plan to continue to live onsite.

We'll meet next Friday, October 4th, at 6:30 pm, at the Castle (1010 W. Ave E). I'll provide light snacks. Mary Brumbach requests that everyone RSVP.

The process for something like this involves first the City's Planning & Zoning Department review and recommendations, then a hearing before the Plan Commission, and finally a hearing and decision by the City Council. Prior to the Plan Commission hearing the City mails out formal notifications to all property owners located within 400' of the site. (State law requires a 200' notification; Garland doubles it.) In this case that meant that notifications went out a couple weeks ago to some or all property owners on the 900 & 1000 blocks of W. Ave D, the 400 block of 11th Street, the 800, 900 & 1000 blocks of W. Ave E, and the 800, 900 & 1000 blocks of W. Ave F (north side only). The rest of the neighborhood, and portions of some of those blocks, fell outside those boundaries.

The Plan Commission reviewed the case early this week, and voted to postpone the decision until their next meeting. They directed staff to draft a different alternative to the original zoning application, which would retain the existing SF-7 (single family residential) zoning and add a restrictive Planned Development to the property to allow limited use as a pregnancy resource center. In my opinion, and apparently in the Plan Commission's opinion as well, the original zoning proposal was unacceptable. It would have opened the door to some undesirable future uses within our neighborhood.

That's where we are now. I'd like to provide more details about the direction this seems to be going with the Plan Commission, at least, and address some of the personal offenses and concerns that I've heard voiced in the neighborhood. I'd also like to make sure everyone knows what's coming next and how the process works. **I am not yet committed to a position for the very practical reason that my job is to represent YOU, collectively, and at the moment the neighborhood's opinion is divided. Like many of you I look favorably on the general idea of a nonprofit pregnancy center convenient to Garland High School and downtown,** but Terry and I also have a lot of our financial eggs in the Embree basket, with 7 residential properties in the neighborhood (including our own home). I don't take your concerns lightly.

So please plan to attend this meeting (remembering to RSVP!). Our neighborhood is far too wonderful to let conflicts, especially ones based on rumors or faulty information, to create divisions. We don't all have to agree, but we can at least make sure we're on the same page.

COLE'S FIRST ANNOUNCEMENT RE: CHURCH CHANGE, FOLLOW-UP EXCHANGE

Sep 30, 1:45 am Email: CH to DM

On Sep 30, 2019, at 1:45 AM, Cole Henson

<[REDACTED]> wrote:

Greetings Deborah,

Your comment regarding operating as a religious organization (place of worship) provided quite the revelation to me this weekend. After reviewing all of the codes and requirements on the subject, I am 100% convinced that we can move forward with Shiloh Pregnancy Care BY RIGHT in SF-7!!!! Please see below for my email to city staff.

Good morning Kira and team,

It was brought to my attention this weekend that we do not need to proceed forward with the rezoning request due to our faith-based nonprofit being a religious organization (place of worship) and therefore allowed by right within SF-7! This is great news and quite the revelation (which I admit I neglected to consider prior to our rezoning request) because it greatly simplifies our requirements to move forward. Please see below for a detailed explanation clarifying why we are able to withdraw from the rezoning case and proceed as a by-right place of worship:

According to Section 2.36 of the GDC, a church or place of worship is allowed by right in SF-7.

Shiloh Pregnancy Care is a 501c3 faith-based non-profit (religious organization) and currently occupies the home at 920 W Ave D as a tenant of the property owner, Brian Cole Henson. Cole also resides on the property and is an ordained minister. The primary use of Shiloh Pregnancy Care is for religious worship. The secondary and incidental uses include:

Pregnancy & Prenatal Care, Sexual Risk Education, Pregnancy Test, Limited Ultrasound, Adoption Information, Family Planning, Limited STI testing, Referrals to Community Resources, Parenting Skill Training, Baby Supplies, Decision Coaching, Educational Classes and Fatherhood Coaching.

The above listed primary and secondary uses are religious accessory activities & services and therefore in compliance with the definitions set forth in Sec. 2.52(A)(29) of the GDC and also protected by the RLUIPA (Religious Land Use and Institutionalized Persons Act). Residential use will be limited to a minister on the premises, occupying the accessory dwelling, in accordance with Sec. 2.52(A)(29) of the GDC.

No new construction or remodeling is proposed for the main structure (existing house) and therefore no building permit is required. An interior remodel is proposed for the accessory dwelling. A minor waiver for signage shall be proposed for the center.

Please call me at your earliest convenience tomorrow morning to discuss further. For reference, I have attached our Articles of Incorporation, filed with the State, outlining our function as a religious organization. Thank-you again for all of your time and attention to our needs.

Sincerely,

*Cole Henson, AIA, CDT
Principal, Main Street Architecture*

Sep 30 5:11 am Email: DM to CH/cc:RH

From: "Morris, Councilwoman Deborah" <DMorris@garlandtx.gov>
Date: September 30, 2019 at 5:11:03 AM CDT
To: Cole Henson <[REDACTED]>
Cc: [REDACTED]
[REDACTED]
Subject: Re: Neighborhood Meeting Re: 920 W. Ave D (Zoning Case)

Cole,

I explored this a bit with P&Z last week, but your proposed uses did not seem to meet the requirements. Please, before you make any plans or announcements, let the city attorneys & staff review what you sent and confirm (or not) that you qualify. It's very much a legal question.

The neighborhood can't bear much more drama. In all these years I've never seen such conflict here. It's sad.

Sep 30 9:40 am Email: DM to CH/cc:RH

From: "Morris, Councilwoman Deborah" <DMorris@garlandtx.gov<<mailto:DMorris@garlandtx.gov>>>
Date: September 30, 2019 at 9:40:05 AM CDT
To: Cole Henson <[REDACTED]>
Cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Subject: Re: Neighborhood Meeting Re: 920 W. Ave D (Zoning Case)

Until I hear a definitive opinion from Legal about the church option, I will continue to work toward neighborhood reconciliation and the possibility of the PD approval.