

**AGENDA**  
**Irving City Council Regular Meeting**  
**Thursday, October 24, 2019 at 7:00 PM**  
**City Hall, First Floor, Council Chambers**  
**825 W. Irving Blvd., Irving, Texas 75060**

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Organizational Service Announcements

Invocation

Rabbi Frank Joseph, Irving Havurah

Pledge of Allegiance

Proclamations and Special Recognitions

Citizens' Forum

Citizens are invited to speak for three (3) minutes on matters relating to City government and on items not listed on the regular agenda.

Public Hearing: Items 1 through 43

## **CITY COUNCIL AGENDA**

**1 City Operations Update**

**2 Public Hearing - Receiving Resident Input on Projects for Consideration by the Irving Citizen Bond Task Force Committee**

**Administrative Comments**

1. City Council formed the Irving Citizen Bond Task Force Committee (Bond Committee) on August 1, 2019. The Bond Committee is charged with recommending a total bond package to City Council for a Bond Election to be held in May 2020.

2. There is a form on the website for residents to submit projects and feedback to the

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This meeting can be adjourned and reconvened, if necessary, the following regular business day.

Any item on this posted agenda could be discussed in executive session as long as it is within one of the permitted categories under sections 551.071 through 551.076 and section 551.087 of the Texas Government Code.

A member of the public may address the City Council regarding an item on the agenda either before or during the Council's consideration of the item, upon being recognized by the presiding officer or the consent of the Council.

This facility is physically accessible and parking spaces for the disabled are available. Accommodations for people with disabilities are available upon request. Requests for accommodations must be made 48 hours prior to the meeting. Contact the City Secretary's Office at 972-721-2493 or Relay Texas at 7-1-1 or 1-800-735-2988.

Bond Committee at <https://www.cityofirving.org/FormCenter/Budget-Department-27/Irving-Citizens-Bond-Task-Force-Committe-264>.

3. The Bond Committee has held a public hearing at its meeting on October 22, 2019. To receive as much public input as possible, a public hearing is scheduled for a City Council Meeting.

**Recommendation**

Input be taken under advisement.

## CONSENT AGENDA

**3 Approving Work Session Minutes for Wednesday, October 02, 2019**

**4 Approving Regular Meeting Minutes for Thursday, October 03, 2019**

**5 Resolution - Adopting the Parks, Recreation and Open Space Master Plan**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program Department and the Parks and Recreation Department. It supports Strategic Objective 3.5 – Effectively plan and manage land use.
2. **Impact:** The Parks and Recreation Master Plan provides a community driven needs assessment of the system as a whole through a citizen input planning process, inventory of existing facilities, needs assessment, prioritization of capital improvement projects and provides a 5-year action plan to guide the Parks and Recreation Department in setting goals and budgets.
3. **This item was presented at the City Council Work Session on October 2, 2019.**
4. The Parks and Recreation Department last had a full master plan adopted in 1996 with an update in 2000.
5. The City's Comprehensive Plan, *Imagine Irving*, in 2017, identified the need for a Parks, Recreation and Open Space Master Plan as the top priority for the Parks and Recreation Department.

**Recommendation**

The resolution be approved.

**6 Resolution - Reimbursing the City of Irving for Capital Expenditures for Projects in Advance of the Fiscal Year 2019-20 General Obligation Bond Sale, Sale of Tax Notes, and Water and Sewer Revenue Bond Sale and Municipal Drainage Utility Revenue Bond Sale in an Amount Not to Exceed \$72,820,000**

**Administrative Comments**

1. This item is recommended by the Financial Services Department.
2. **Impact:** This resolution provides that any funds advanced for the projects listed in Attachment A will be reimbursed with proceeds from the FY 2019-20 General Obligation Bond Sale, sale of Tax Notes, Water and Sewer Revenue Bond Sale, and Municipal Drainage Utility Revenue Bond Sale.
3. The City wishes to begin capital projects in the FY 2019-20 Budget in effort to expedite the design and construction of projects.
4. The proposed reimbursement resolution allows the City to be reimbursed for eligible costs for the projects listed in Attachment A.
5. Any funds advanced for the General Obligation projects listed in Attachment A will be from currently available funds in the General Fund and those funds will be reimbursed in proceeds from the General Obligation Bonds issued in FY 2019-20.
6. Any funds advanced for the Tax Notes vehicle and equipment purchases listed in Attachment A will be from currently available funds in the Vehicle and Equipment Replacement Fund, the Technology Fund, or the General Fund and those funds will be reimbursed with proceeds from the Tax Notes issued in FY 2019-20.
7. Any funds advanced for the Water and Sewer Revenue Bonds will be using currently available funds in the Water and Sewer Operating Fund and the Water and Sewer Non-Bond CIP Fund and reimbursing those funds once the Water and Sewer Revenue Bonds are issued in FY 2019-20.
8. Any funds advanced for the Municipal Drainage Utility Revenue Bonds will be using currently available funds in the Municipal Drainage Utility Operating Fund and Municipal Drainage Utility Non-Bond CIP Fund and reimbursing those funds once the Municipal Drainage Utility Revenue Bonds are issued in FY 2019-20.

**Recommendation**

The resolution be approved.

**7 Resolution - Approving an Interlocal Agreement with Dallas County in the Amount of \$20,000 to Promote the 2020 Census to Increase Engagement and Participation Among Historically Underrepresented and Undercounted Communities in Dallas County**

**Administrative Comments**

1. This item is recommended by the Planning and Community Development Department.
2. **Impact:** This agreement will support county-wide outreach into “Hard to Count” areas in Irving and throughout Dallas County in order to maximize public awareness and participation in the 2020 U.S. Census.
3. Dallas County is making this request of every city in the county, generally requesting a financial contribution of \$5,000 per 50,000 residents to cover the cost of outreach in that city. For the City of Irving, the county is requesting a contribution of \$20,000.
4. The county is scheduled to select the contractor for the work by November 2019, who in turn will work with local Complete Count Committees. By working collaboratively across the entire county, greater media and other outreach resources can be brought to bear on the campaign.
5. Funding in the amount of \$20,000 is available in the FY19-20 Planning and Community Development Department budget within the General Fund.

**Recommendation**

The resolution be approved.

**8 Resolution - Approving a Professional Services Agreement with Cariloop, Inc., in the Average Estimated Annual Amount of \$52,000.000 for a Contract to Provide Third Party Administration Services for Care Giving Advocacy Services for a Three Year Period**

**Administrative Comments**

1. This item is recommended by the Human Resources Department.
2. **Impact:** There are 26 million employees providing care to a family member in the United States; resulting in employee’s lost income, stress and decreased productivity.
3. Cariloop, Inc. provides dedicated support for employees who are providing care giving support to parents and children with special needs.
4. Cariloop’s Caregiver Support Platform features a HIPAA-compliant, cloud based

application that helps families securely communicate across all devices and store important health, financial, and legal documents while having on-demand access to a dedicated, licensed and certified Healthcare Advocate.

5. Cariloop conducts a Caregiver Risk Assessment which identifies strengths and opportunities within a family’s current caregiving plan and provides resources, plan enhancements and or changes. This includes researching service providers, scheduling appointments and fielding any caregiving related questions or concerns.
6. Access to Cariloop’s services will be made available to all full-time employees.

Funding for Fiscal Year’s 2019-20 through 2021-2022 is subject to budget appropriation in the Health Self-Insurance Fund.

Vendor	Contract Term	FY 2019-20 Est. Amt.	FY 2020-21 Est. Amt.	FY 2021-22 Est. Amt.	Total Estimated Amount
Cariloop, Inc.	11/1/2019 -10/31/2022	\$48,600	\$54,000	\$54,000	\$156,600

**Recommendation**

The resolution be approved.

**9 Resolution - Authorizing the Additional Expenditure of Funds in an Amount Not to Exceed \$250,000 to Construction Companies Group, LLC for Concrete Repair of Sidewalks, Utility Cuts, and Alleys**

**Administrative Comments**

1. This item is recommended by the Traffic and Transportation Department. This item supports Objective 2.3: Expand, Extend, and Maintain the major thoroughfare network.
2. **Impact:** This work supplements the Streets Operations in concrete repair and maintenance of sidewalks, utility cuts, streets, and alleys. This is a part of the **Road to the Future Program.**
3. On May 2, 2019, the City Council awarded Construction Companies Group, LLC, in the amount of \$1,000,000.00.
4. These expenditures increase the contract amount by 25% to the original contract for a new contract amount of \$1,250,000.00.
5. Funding in the amount of \$250,000.00 is available within General and Bond Funds.

**Recommendation**

The resolution be approved.

**10 Resolution - Approving the Purchase from Trittech Software Systems, a CentralSquare Technologies Company, in the Total Amount of \$143,454.70 for Trittech Public Safety System Software Support and Maintenance**

**Administrative Comments**

1. This item is recommended by the Information Technology Department and the Police Department.
2. **Impact:** This support renewal keeps the Police Department’s Trittech public safety administration system comprised of computer aided dispatching (CAD) and mobile police vehicle software operating efficiently and legally licensed.
3. This software facilitates rapid, accurate communication to the field and promotes safety of personnel, as well as enabling communication with other agencies in a crisis situation. Trittech CAD and mobile is designed as an integrated, modular solution, providing the foundation to fully automate law enforcement operations from incident tracking to crime analysis and case management to state reporting. The Trittech system supports the entry of an event from dispatch through closing and assignment of a final disposition.
4. Funding is available in the Information Technology Internal Service Fund.

Vendor	Contract Term	Total Estimated Amount	Fiscal Year
Trittech Software Systems	10/25/19 – 10/24/20	\$143,454.70	2019-20

**Recommendation**

The resolution be approved.

**11 Resolution - Approving the Purchase from ESRI in the Total Estimated Amount of \$94,113.91 for the Annual Renewal of Geographic Information System (GIS) Software Maintenance and Support**

**Administrative Comments**

1. This item is recommended by Water Utilities and the Information Technology Departments.
2. **Impact:** The maintenance agreement keeps the city’s GIS software running efficiently. GIS is the software currently used to produce maps, deliver information to the public, and solve issues through geographical analysis.
3. This system is utilized by several departments to document the location and details of city assets including the water distribution system, wastewater collection system, storm water collection system and traffic signage. It is the document of record for the city’s zoning information. It provides roads and addressing for the 911 system

and is used to generate detailed maps used by many departments including Water Utilities, Traffic and Transportation, CIP, Police, Fire, Planning and Community Development, and Solid Waste Services Departments.

- Funding is available in the Information Technology Internal Service Fund and within the Water and Sewer System Fund.

Vendor	Contract Term	Total Amount	Fiscal Year(s)
ESRI	10/31/19 – 10/30/20	\$94,113.91	2019-20

**Recommendation**

The resolution be approved.

**12 Resolution - Approving the Purchase from Tyler Technologies, Inc., in the Total Estimated Amount of \$159,806.14 for Incode Court Case Management and Brazos System Hardware and Software Maintenance**

**Administrative Comments**

- This item is recommended by the Information Technology Department and Municipal Court.
- Impact:** Renewal of this support keeps the City's Municipal Court Management software and the Brazos Electronic Ticket Writer system legally licensed and under support by Tyler Technologies, Inc.
- The Tyler Technologies Incode court case management software is used for Municipal Court case management functions by the City. The Police Department also uses this system to clear warrants and interface with their electronic ticket writers. This system is critical to the functioning of the City.
- The Brazos Ticket Writer system is used by the Police Department to enter traffic tickets into mobile ticket writing devices and download them into a central data repository. Municipal Court then imports the ticket data into the Court Case Management system.
- The support cost has increased by 4.28% this year over the previous year.
- Funding is available in the Information Technology Internal Service Fund.

Vendor	Contract Term	Total Estimated Amount	Fiscal Year
Tyler Technologies, Inc.	11/01/19 – 10/31/20	\$159,806.14	2019-20

**Recommendation**

The resolution be approved.

**13 Resolution - Approving an Economic Development Incentive Agreement Between the City of Irving and Microsoft Corporation in an Amount Dependent Upon Annual Qualification**

**Administrative Comments**

1. This item is recommended by the Office of Economic Development.
2. **Impact:** Microsoft Corporation desires to consolidate two major business units and seeks to hire 575 new employees over four years with an average annual salary of \$120,000. The company plans to invest approximately \$22,900,000 in real property and \$8,400,000 in business personal property.
3. **This Chapter 380 agreement was discussed in Executive Session at the February 13, 2019 Irving City Council Work Session meeting.**
4. The City and the Greater Irving-Las Colinas Chamber of Commerce are working with Microsoft Corporation to attract the company's expansion and their investment at their current location at 7000 N. State Highway 161 in Irving.
5. Grant A – Real Property Tax Rebate: Reimbursement of 50% of the net new real property taxes paid for up to seven (7) years following achievement of the Minimum Qualifications. Minimum Qualifications, to be achieved by January 1, 2021, are for the company to maintain business operations and the current number of existing employees at current Irving facility; increase the taxable value of real property owned by Microsoft at current Irving facility by at least \$5,000,000 over the January 1, 2019 valuation and maintain for the entire term of the agreement
6. Grant B – Business Personal Property (BPP) Tax Rebate: Reimbursement of 75% of the net new BPP taxes paid for up to seven (7) years following achievement of the Minimum Qualifications for Grant B. Minimum Qualifications, to be achieved by January 1, 2021, are for the company to maintain business operations and the current number of existing employees at current Irving facility; increase the taxable value of BPP owned by Microsoft at current Irving facility by at least \$2,000,000 over the January 1, 2019 valuation and maintain for the entire term of the agreement.
7. Grant C – Job Creation Grant: Grant of \$750 per new job with an average annual salary of at least \$120,000, created at the current Irving facility; available for up to 575 new jobs. Partial payment of Grant C would be available in the four (4) consecutive years following the achievement of minimum qualifications. Grant C total shall not exceed \$431,250. Minimum Qualification levels, to be achieved by December 31, 2020, are for the company to maintain business operations and the current number of existing employees at the current Irving facility; hire and maintain at least 325 additional employees at current Irving facility with an average annual salary of at least \$120,000 before benefits; and maintain those same 325 jobs for the entire term of the agreement. The requirements for new jobs can be fulfilled by the Company and/or an Affiliate.



8. Grant D – Residency Bonus Grant: Grant of \$250 for each new job created under Grant C with an average annual salary of at least \$120,000 before benefits that is held by a resident of the City of Irving; available up to 575 new jobs. Partial payments of Grand D would be available in the four (4) consecutive calendar years following the achievement of minimum qualifications. Grant D total shall not exceed \$143,750. Minimum Qualification levels, to be achieved by December 31, 2020, are for the company to maintain all Minimum Qualifications under Grant C. Grant D shall only be available to those new hires under Grant C who were Irving residents at the time of hire.
9. The term of the agreement shall be for ten (10) years following achievement of the Minimum Qualifications, but no later than June 30, 2031.
10. The economic development incentive agreement commits a total of \$575,000 in fund balance in the General Fund.

**Recommendation**

The resolution be approved.

**14 Resolution - Awarding a Contract to SYB Construction Company, Inc. in the Amount of \$973,986.00 for the Bradford Alley Wastewater Improvements Project**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program Department. This item supports Objective 2.4: Maintain and extend water, wastewater and storm water systems.
2. **Impact:** This work is part of the Water Utilities Department wastewater system improvements. This project impacts 29 residential properties along Bradford Alley from Standish Drive to S. Plymouth Drive and will improve the wastewater system.
3. Bids were received from two (2) bidders. SYB Construction Company, Inc. submitted the lowest responsive responsible bid of \$973,986.00. This is \$128,986.00 (13%) above the estimate for this project.
4. Minority and/or Women-owned Business (M/WBE) participation in this award is 100%.
5. Funding in the amount of \$973,986.00 is available within Water and Sewer System Non-Bond CIP Fund.

**Recommendation**

The resolution be approved.

**15 Resolution - Awarding a Contract to SYB Construction Company, Inc., in the Amount of \$739,568.00 for the River Oaks, Camelia and Fair Court Water Main Improvements Project**

**Administrative Comments**

1. This item supports Objective 2.4: Maintain and extend water, wastewater and storm water systems.
2. **Impact:** This work is part of the Water Utilities Department water system improvements. This project impacts 22 residential properties along River Oaks Drive from Bowman Street to Camelia Court, Camelia Court to River Oaks Drive to Cul-de-sac and Fair Court to Bowman St to East Dead End and will improve the water system.
3. Bids were received from three (3) bidders. SYB Construction Company, Inc. submitted the lowest, responsive, responsible bid of \$739,568.00. This is \$110,432.00 (13%) below the estimate for this project.
4. Minority and/or Women-owned Business (M/WBE) participation in this award is 100%.
5. Funding in the amount of \$739,568.00 is available in the Water and Sewer System Non-Bond CIP Fund

**Recommendation**

The resolution be approved.

**16 Resolution - Authorizing the Irving Convention and Visitors Bureau to Purchase Advertising Space in the Media in the Amount of \$400,000.00 for Calendar Year 2019**

**Administrative Comments**

1. This item is recommended by the Irving Convention & Visitors Bureau. It supports Strategic Objectives 3.1: Promote revitalization of targeted areas and 3.2: Create a thriving downtown.
2. **Impact:** Through its targeted advertising program, the Irving Convention & Visitors Bureau promotes the City of Irving as a premier destination in order to generate additional visitor revenues for Irving.
3. Funding in the amount of \$400,000.00 is available in the Irving Convention & Visitors Bureau budget within its General Fund.
4. The advertising schedule includes traditional and digital media in both the trade and leisure markets. The trade markets have seen a significant cost increase in advertising placements in the last few years as the industry marketplace has remained strong. ICVB staff is estimating a 20% cost increase from the core trade

publications for 2020.

5. Destination messaging will be focused primarily on the meetings trades and specialty publications within that segment, promoting Irving hotels and the Irving Convention Center for meetings and events, and will include third-party lead generation outlets.
6. Leisure/consumer messaging will utilize the Visit Dallas/Fort Worth regional co-operative program and may also include the Texas Tourism co-op program; messaging for the leisure traveler will primarily focus on the 150-500 mile “drive-to” radius.
7. The final advertising schedule will be determined based on proposals submitted and the evaluation of these, to select those that best address the primary objectives of the 2019-20 ICVB Marketing Plan. The media schedule is placed on a calendar year.
8. All City of Irving purchasing polices will be adhered to, ensuring the required notarized forms will be received before any funds are disbursed.
9. Past ICVB advertising conversion studies reported the following impacts and return on investment: for each \$1 the ICVB spent on advertising, \$31 was spent by travelers in Irving businesses. (Irving Conversion Study, Smart Business, 2000.)

### **Recommendation**

The resolution be approved.

## **17 Resolution - Approving the First Amendment to the Irving Convention Center Management Agreement with SMG**

### **Administrative Comments**

1. This item is recommended by the Irving Convention and Visitors Bureau.
2. **Impact:** The contract positively impacts City of Irving residents, visitors and businesses by providing professional management and food and beverage services for the convention center which generates additional visitor spending in Irving, thus generating additional community revenues.
3. The City Council Resolution No. Res-2014-216 approved the management agreement between the City and SMG, a Pennsylvania general partnership, for the management of the Irving Convention Center. The initial Management Term was three years beginning October 1, 2015. Per the agreement, on October 1, 2018 it extended for a Renewal Term of three five-year Renewal Terms.
4. With the opening of the Westin Irving Convention Center Hotel, SMG has assumed additional responsibilities in the operations of the hotel parking garage. Funding in

the Parking Facilities Agreement with Provident Group – Irving Properties, LLC relating to the Irving Convention Center Headquarter Hotel (“Parking Agreement”) is intended to cover partial operating costs for this garage to SMG. The Parking Agreement reserves up to 300 spaces within the parking garage for Hotel use. As consideration for these reserved spaces, the Hotel owner will pay the City \$20,625 per month which will be deposited in the Irving Convention and Visitors Bureau account and applied toward the maintenance and operations of the Parking Garage. Other garage parking fees paid by the general public will be retained by SMG as part of the Management Agreement. The Irving Convention Center operating budget is responsible for all other costs and any ancillary revenues that may be associated with this operation.

### **Recommendation**

The resolution be approved.

## **18 Resolution - Approving the Contract with Groom Lake Media, LLC for the Production of the Surveyor Magazine Visitor Publication, in the Total Amount of \$75,000.00**

### **Administrative Comments**

1. This item is recommended by the Irving Convention and Visitors Bureau (ICVB).
2. **Impact:** The Surveyor Magazine directly enhances the efforts of the ICVB to promote the city as a destination for visitors, conventions, meetings and events.
3. Surveyor Magazine was conceived by the ICVB to serve as a new type of visitor publication, to reposition Irving in the marketplace.
4. The first edition of the magazine won an international APEX award, as Best One-Of-A-Kind Publication; there were 1,400 entries in the APEX competition that year. The second edition won a silver medal in the North American Travel Journalists Association annual competition.
5. Groom Lake Media has provided all development, editorial, design and production for the Surveyor magazine since its inception, as a sub-contractor to the ICVB advertising agency.
6. As a cost-savings measure, the ICVB will contract directly with Groom Lake for all future editions.
7. Funding in the amount of \$75,000.00 is available in the Irving Convention and Visitors Bureau budget within the General Fund.

### **Recommendation**

The resolution be approved.

**Bids & Purchasing Items  
Items 19-27**

**19 Resolution - Renewing the Annual Contract with Sunbeam Foods, Inc., in the Total Estimated Amount of \$105,088.12 for Prisoner Food**

**Administrative Comments**

1. This item is recommended by the Police Department.
2. **Impact:** The city is able to provide nutritious meals for jail inmates in the most cost effective manner.
3. This renewal establishes the continuation of an annual contract to provide prisoner food for the City of Irving jail facility. This is the first of four one-year renewal options. The current contract expires October 31, 2019.
4. Funding for Fiscal Year 2019-20 is available in the Police Department budget within the General Fund while funding for Fiscal Year 2020-21 is subject to budget appropriation.

<b>Vendor</b>	<b>Contract Term</b>	<b>Total Estimated Amount</b>	<b>Fiscal Year(s)</b>
Sunbeam Foods, Inc.	11/1/19 –10/31/20	\$100,088.12	2019-20
		\$5,000.00	2020-21
<b>TOTAL</b>		\$105,088.12	

**Recommendation**

The resolution be approved.

**20 Resolution - Approving a Vendor/Member Contract Pursuant to a Cooperative Purchasing Agreement Between the City of Irving and Galls, LLC, through an Interlocal Agreement with the City of Frisco and Authorizing Spending in the Total Estimated Amount of \$160,000.00 for As-Needed Purchases of Fire Department Uniforms and Related Items**

**Administrative Comments**

1. This item is recommended by the Fire Department and the Financial Services Department – Purchasing Division.
2. **Impact:** Establishment of a Vendor/Member contract between the City of Irving and Galls, LLC, for utilization of City of Frisco Contract #1905-082 which expires August 5, 2020 will allow the city to purchase fire department uniforms and related items under the best possible terms and conditions for the city.
3. Approval of this contract supports as-needed purchases of polo shirts, jackets, trousers, and other related items.
4. Funding for Fiscal Year 2019-20 is available in the Fire Department budget within the General Fund.

Vendor	Spending Term	Total Estimated Amount
Galls, LLC	10/25/19 – 8/5/2020	\$ 160,000.00

**Recommendation**

The resolution be approved.

**21 Resolution - Approving and Accepting the Bids from Bound Tree Medical, LLC, Henry Schein Inc., Life-Assist, Inc., NAO Global Health, LLC, Performance Safety Group, LP, and QuadMed, Inc., in an Amount Not to Exceed \$200,000.00 for Medical Supplies**

**Administrative Comments**

1. This item has been recommended by the Fire Department.
2. **Impact:** Firefighters and paramedics are able to provide the highest quality of treatment for residents by having these approved supplies available for use in emergency response vehicles.
3. This award establishes an annual contract for the continuation of purchasing medical supplies. The current contract expired September 30, 2019. This award is for one year with two one-year renewals.

4. Funding for Fiscal Year 2019-20 is available in the Fire Department budget within the General Fund.

Vendor	Item(s)	Contract Term	Total Not to Exceed Amount	Fiscal Year(s)
Bound Tree Medical, LLC	1-3,5,6,9,12-14,17,19-21,25,30, 31 and 34	10/25/19 – 9/30/20	\$200,000.00	2019-20
Henry Schein, Inc.	33,35			
Life-Assist, Inc.	7,8,10,15,16,22-24,29, and 36			
NAO Global Health, LLC	27,28,37			
Performance Safety Group LP	4			
QuadMed, Inc.	11,18, 26 and Group B			

**Recommendation**

The resolution be approved.

**22 Resolution - Approving and Accepting the Bid of in Depth Events, Inc., in an Amount Not to Exceed \$81,000.00 for Stage, Sound, Lighting, Video and Special Effects Production for City of Irving Special Events**

**Administrative Comments**

1. This item is recommended by the Parks & Recreation Department.
2. **Impact:** Stage, sound, lighting, video and special effects production services are needed at citywide special events to provide music and visual entertainment.
3. This award establishes an annual contract for the continuation of providing special events production services. The current contract expired on September 30, 2019.
4. Funding is available in the Parks & Recreation Department budget within the General Fund.

Vendor	Contract Term	Amount Not To Exceed	Fiscal Year
In Depth Events, Inc	10/25/19 – 9/30/20	\$81,000.00	2019-20

**Recommendation**

The resolution be approved.

**23 Resolution - Renewing the Professional Services Agreement between the City of Irving and LCA Environmental, Inc., in an Amount Not to Exceed \$400,000.00 for Environmental Assessment Services**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program Department.
2. **Impact:** Environmental Assessment Services are necessary to ensure compliance with state and federal environmental regulations when acquiring, remediating, and/or demolishing property. Various departments utilize these services including CIP, Water Utilities, Economic Development, Planning & Community Development, Parks & Recreation and Code Enforcement.
3. **This item will be discussed at the October 23, 2019 Transportation & Natural Resources Committee meeting.**
4. Utilization of these services has averaged approximately \$15,000.00 annually over the past five fiscal years. Examples of services provided under this contract include, but are not limited to, usage by CIP for underground storage tank assessment, by Water Utilities for industrial hygiene issues, and by Economic Development and Code Enforcement for comprehensive asbestos surveys on abandoned buildings.
5. This renewal establishes the continuation of an annual contract to provide environmental assessment services. The original contract was awarded as the result of a negotiated agreement with the respondent receiving the highest evaluation criteria score through a Request for Qualifications process. This is the first one-year renewal. The current contract expires October 31, 2019.
6. Funding for Fiscal Year 2019-20 is available within various project funds, while funding for Fiscal Year 2020-21 is subject to budget appropriation.
7. Because this contract runs from November 2019 through October 2020 it is possible that more than the estimated amounts shown in the chart below may be spent in one operating year or the other as long as there are budget funds available to accommodate that year's additional purchases and the contract total amount is not exceeded.

Vendor	Contract Term	Estimated Expenditure	Fiscal Year(s)
LCA Environmental, Inc.	11/1/19 – 10/31/20	\$366,000.00	2019-20
		\$ 34,000.00	2020-21
<b>TOTAL NOT TO EXCEED AMOUNT</b>		<b>\$400,000.00</b>	

**Recommendation**

The resolution be approved.



**24 Resolution - Approving the Purchase from DLT Solutions, LLC, for AutoDesk Subscription Renewals in the Total Estimated Amount of \$75,000.00 through the Texas Department of Information Resources (DIR)**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program (CIP), Traffic & Transportation, and Solid Waste Services departments.
2. **Impact:** AutoDesk software is critical to the design of construction projects for the installation of new infrastructure and the replacement of old and failing infrastructure.
3. Annual AutoDesk software subscription renewals are supported by a Vendor/Member contract between the City of Irving and DLT Solutions, LLC, utilizing DIR-TSO-3400 which was approved by Administrative Award No. 5119 and expires on June 29, 2020. The attached quote represents subscription renewal for the CIP department in the estimated amount of \$65,008.50 for the period of October 29, 2019 through October 28, 2020. The remaining amount is designated for subscription renewals for Traffic & Transportation and Solid Waste Services which will also occur during the current contract term.
4. Funding is available in the CIP and Traffic & Transportation budgets within the General Fund and in the Solid Waste Enterprise Fund.

Vendor	Spending Term	Total Est. Expenditure	Fund(s)
DLT Solutions, LLC	10/25/19 – 6/29/20	\$72,000.00	General
		\$ 3,000.00	Solid Waste Enterprise
<b>TOTAL</b>		<b>\$75,000.00</b>	

**Recommendation**

The resolution be approved.

**25 Resolution - Renewing the Annual Contract with Martin Marietta Materials, Inc., in the Total Estimated Amount of \$66,000.00 for Ice Control Sand**

**Administrative Comments**

1. This item is recommended by the Traffic & Transportation Department.
2. **Impact:** This contract will provide ice control sand necessary for crews to perform emergency operations to maintain the safety of the transportation network within the City of Irving.

3. This renewal establishes the continuation of an annual contract to provide ice control sand. This is the first of two one-year renewal options. The current contract expires October 31, 2019.
4. Funding for Fiscal Year 2019-20 is available in the Traffic & Transportation Department budget within the General Fund, while funding for Fiscal Year 2020-21 is subject to budget appropriation.

Vendor	Contract Term	Estimated Expenditure	Fiscal Year(s)
Martin Marietta Materials, Inc.	11/01/19 – 10/31/20	\$55,000.00	2019-20
		\$11,000.00	2020-21
<b>TOTAL</b>		<b>\$66,000.00</b>	

**Recommendation**

The resolution be approved.

**26 Resolution - Approving and Accepting the Bid from K & L Supply, Inc., in the Total Estimated Amount of \$208,539.45 for Sewer Chemicals**

**Administrative Comments**

1. This item is recommended by the Water Utilities Department.
2. **Impact:** Sewer chemicals are used in the wastewater collection system to help break up fats, oils, and grease, and to dissolve plant roots preventing backups and overflows.
3. This award establishes an annual contract for the continuation of providing sewer chemicals to be used by the Water Utilities Department. The current contract expired October 1, 2019.
4. Funding is available in the Water Utilities Department budget within the Water and Sewer System Fund.

Vendor	Contract Term	Total Est. Amount	Fiscal Year
K & L Supply, Inc.	10/25/19 – 9/30/20	\$208,539.45	2019-20

**Recommendation**

The resolution be approved.

**27 Resolution - Approving and Accepting the Bid of Town East Ford II, LLC, in an Amount Not to Exceed \$75,000.00 for Ford OEM Parts**

**Administrative Comments**

1. This item is recommended by the Fleet Services Division.
2. **Impact:** The city’s public safety vehicles will continue to be repaired and maintained with minimum downtime, keeping service levels high.
3. This award establishes an annual contract for the continuation of providing Ford OEM (Original Equipment Manufacturer) parts for public safety vehicles on an as-needed basis.
4. Funding for Fiscal Year 2019-20 is available in the Garage Fund, while funding for Fiscal Year 2020-21 is subject to budget appropriation.
5. Because this contract runs from November 2019 through October 2020, it is possible that more than the estimated amounts shown in the chart below may be spent in one operating year or the other as long as there are budget funds available to accommodate that year’s additional purchases and the total contract award amount is not exceeded.

Vendor	Contract Term	Total Estimated Amount	Fiscal Year(s)
Town East Ford II, LLC	11/1/19 – 10/31/20	\$64,000.00	2019-20
		\$11,000.00	2020-21
<b>TOTAL AMOUNT NOT TO EXCEED</b>		<b>\$75,000.00</b>	

**Recommendation**

The resolution be approved.

**End of Bids**

**28 Ordinance - Amending Chapter 5 Entitled "Ambulance Service" of the Code of Civil and Criminal Ordinances of the City of Irving, Texas, by Providing a Waiver of Fees for Transportation by Emergency Ambulance for Charity Care Patients**

**Administrative Comments**

1. This item is recommended by Finance and the Fire Department. It supports Strategic Objective 1.1 – Contain costs and increase operational efficiency.
2. **Impact:** For ambulance services fees occurring on or after October 1, 2019, the city may waive the fees under this Section if a determination is made that the patient qualifies as a charity care patient pursuant to federal or state law in accordance with the City of Irving Charity Care Policy and Guidelines, as amended.

3. The Finance Department will need to implement the policy.

**Recommendation**

The ordinance be adopted.

**29 Ordinance - Authorizing the Abandonment and Vacation of a Certain Portion of a Electric Easement in Lot 1, Block B, of the Sierra at Las Colinas Addition**

**Administrative Comments**

1. This item has been recommended by the Capital Improvement Program Department.
2. **Impact:** The 15' foot electric easement being abandoned is not now needed for public utility purposes and will not be needed in the future for such purposes. A new drainage easement will be constructed south of the proposed abandonment.
3. **This item was presented to the Transportation and Natural Resources Committee on July 31, 2019.**
4. Capital Improvement Program Department has approved the abandonment of this easement.

**Recommendation**

The ordinance be adopted.

**INDIVIDUAL CONSIDERATION**

**30 Resolution - Authorizing the Exercise of the Right of Eminent Domain and the Initiation of Condemnation Proceedings in Accordance with the City Charter and Chapter 21 of the Texas Property Code to Acquire Real Property Interests for Public Use on Parcel 1 (1905 Hard Rock Road)**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program Department.
2. **Impact: This item supports the city's Road to the Future initiative.** Authorization of condemnation proceedings for procurement of the essential easement parcels necessary for the completion of the Hard Rock Road Project.
3. **This item was discussed at the Transportation and Natural Resource Committee on October 2, 2019.**

4. Conventional negotiations have proven unsuccessful due to varying reasons and circumstances with the owner of this parcel required for this project.
5. The specified parcel must be acquired as it is essential to the completion of the project.
6. Funding in the amount \$50,000.00 is available within the Sanitary Sewer Bond Fund.

**Recommendation**

The resolution be approved.

**31 Resolution - Authorizing the Exercise of the Right of Eminent Domain and the Initiation of Condemnation Proceedings in Accordance with the City Charter and Chapter 21 of the Texas Property Code to Acquire Real Property Interests for Public Use on Parcel 3 (1418 Hard Rock Road) and Parcel 4 (1406 Hard Rock Road)**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program Department.
2. **Impact: This item supports the city's Road to the Future initiative.** Authorization of condemnation proceedings for procurement of the essential easement parcels necessary for the completion of the Hard Rock Road Project.
3. **This item was discussed at the Transportation and Natural Resource Committee on October 2, 2019.**
4. Conventional negotiations have proven unsuccessful due to varying reasons and circumstances with the owner of these parcels required for this project.
5. The specified parcels must be acquired as it is essential to the completion of the project.
6. Funding in the amount \$100,000.00 is available within the Sanitary Sewer Bond Fund.

**Recommendation**

The resolution be approved.

## ZONING CASES AND COMPANION ITEMS

- 32 **Ordinance - Zoning Case #ZC19-0010 - Considering a Comprehensive Plan Amendment Changing the Recommended Future Land Use from "Business District" to "Neighborhood Commercial", and Considering a Zoning Change from S-P-1 (Detailed Site Plan) District for Single Family and Nursery Greenhouse Uses to S-P-1 (Detailed Site Plan) District for C-O (Commercial Office) and Senior Independent Living Facility Uses - Approximately 1.511 Acres Located at 4216 S. Greenview Drive - JDJR Engineers and Consultants, Inc., Applicant - Segu D. Jameel, Owner**

### Administrative Comments

1. The Planning and Zoning Commission Hearing Date and Recommendation: September 16, 2019 – Postpone to October 7, 2019, 9-0. October 7, 2019 – Favorable subject to providing additional sound attenuation from the freeway, 4-3 (Commissioners Taylor, Cronenwett, Zeske, nay; Commissioners Patel and Richards, absent).
2. The applicant is requesting to amend the 2017 Imagine Irving Comprehensive Plan Future Land Use Map from *Business District* to *Neighborhood Commercial* and rezone the property from S-P-1 (Detailed Site Plan) for Single Family and Nursery Greenhouse and R-6 (Single Family) District to S-P-1 (Detailed Site Plan) for C-O (Commercial Office) and Senior Independent Living Facility allow a 50-unit senior independent living facility.

### **Comprehensive Plan Change**

3. The Comprehensive Plan recommends Business District uses for this property since it is adjacent to SH 161 and was part of the airport mitigation program for the former Greenwood Hills and Highlands neighborhoods. The applicant is requesting the Neighborhood Commercial land use category which is for mixed-use commercial areas along major corridors. This provides opportunities for residential and commercial infill and reinvestment with a net residential units per acre of 10-150.
4. The applicant has provided a letter requesting to amend the Comprehensive Plan. The letter provided that the approval of residential by the Council in the past near the Airport that included noise attenuation at the time of construction, the possibility of a new city park nearby, and the lack of commercial development in the area since the surrounding property was bought by DFW Airport justified the change in future land use and the requested use.
5. **The property is well within the adopted 70 DNL noise contour line and is approximately 9,600 feet from the end of runway 17L/35R, and approximately 11,200 feet from runway 18C/35C.** For a frame of reference, this is less than the length of the main runways (such as 17C/35C), which are 13,400 feet long. Additionally, **the property is adjacent to State Highway 161**, and is subject to the

noise created by the roadway as well.

6. **The subject property is adjacent to and surrounded on three sides by property owned by DFW Airport.** While this area is zoned “R-6”, most of the property is owned by DFW Airport and **can never be redeveloped for any residential uses.** In the 1990’s, the construction of a new runway on the eastern side of the airport caused the areas near the ends of the runways to be affected by aircraft noise and placed in the noise contour. As a result, the majority of homes in two fully built out single family residential subdivisions, Greenwood Hills and Highlands, were purchased by the airport using funding from the FAA. The purchased homes were removed, leaving vacant land and streets. Regulations for use of the federal funding for the purchase do not allow future residential use of this property. The owners of the subject property at the time chose not to participate in the buy out.
7. City staff has begun discussions with DFW Airport staff to consider future appropriate uses for the former subdivisions. These uses could include commercial, light industrial and open space. There will be no residential uses of any type.
8. While the applicant’s letter discusses the possibility of a future park in the area, no such plans have been finalized, and the area is just as likely to redevelop with commercial or industrial uses. **Based on these issues and that senior independent living functions as a full time, higher density residential use, staff cannot support an amendment to the Future Land Use Map that would allow residential uses at this location.**

### **Zoning Change**

9. The property is currently zoned S-P-1 (Detailed Site Plan) for Single Family and Nursery Greenhouse and still has existing residential and commercial buildings.
10. **The applicant requests to redevelop the property with a 4-story, 50-unit senior independent living facility. The facility will include 20 one-bedroom units and 30 two-bedroom units.**
11. The applicant has provided on the site plan that the proposed senior independent living facility will be “a facility that provides services to elderly residents. These services include planned activities, exercise, eating, and other incidental activities. These services are performed in a residential environment 24 hours per day. Although residents may have health care problems, the senior living facility is not considered or licensed to be a skilled nursing facility or similar licensed facility including without limitation a licensed personal care facility, save and except any such license may be required by government regulators to operate an “independent living” retirement residence.” This is generally consistent with the State Highway 161 Overlay District, which states that such a facility is “A development providing dwelling units specifically designed for the needs of elderly persons. In addition to housing, this type of facility may provide convenience services, such as meals, housekeeping and transportation, and community facilities, such as central dining

rooms and activity rooms.”

12. The applicant’s site plan states that “At least 80% of the occupied units are occupied by at least one person who is 55 years of age or older. The age restriction shall be enforced by onsite management of the facility.”
13. According to the National Council for Aging Care, typical services and amenities for independent living facilities include:
  - a. Payment of all electric, gas and water bills;
  - b. Housekeeping services;
  - c. Laundry services;
  - d. Transportation, in addition to residents’ own cars;
  - e. Organized social activities and special events;
  - f. Security and property surveillance;
  - g. Extra storage spaces on site;

Additionally, some facilities offer restaurants/dining, gyms, pools, spas, and salons. Not all of these services may be included in the standard rates, but independent living facilities generally have a majority of these services available.

14. The following amenities and services are stipulated on the site plan:
  - a. A multi-purpose room that accommodates communal dining and special events, along with “interior common areas...to support resident activities and programs”;
  - b. Qualified and reputable transportation providers shall be made available to residents;
  - c. Limited and controlled access, including security gates;
  - d. Grab bars and easy access handles in common areas;
  - e. Passive and active exterior spaces; and
  - f. Emergency call systems with alarms in bedrooms and bathrooms; with “response services by an independent specialty senior medical home alert service provider.”

15. While the proposed facility does not appear to provide all of the typical services of an independent living facility as defined by the National Council on Aging Care, the site plan does define the facility as one whose services “include planned activities, exercise, eating, and other incidental activities.” Since this is a stipulation on the site plan, **staff believes it meets the minimum requirements of an “independent living facility” as defined by the State Highway 161 Overlay District.**

16. Section 33A-3 of the Land Use Development Code requires all buildings, structures and fences to be set back 40 feet from the State Highway 161 right-of-way. **The**



**applicant is proposing a 30-foot building setback, and a 6-ft tall wrought iron fence along the property line within the setback.** In addition, the applicant is proposing that the landscape setback also be used as “outdoor activity space” for the residents. Staff does not believe that it is appropriate to put “outdoor activity space” adjacent to the highway right-of-way. Furthermore, the site plan does not specifically state that all other landscaping requirements will be met.

17. A total of five (5) public notices were mailed. Staff received no responses in support and one (1) response in opposition to this request. **The opposition represents 55.26% of the land within 200 feet of the subject property. Since this is greater than 20%, a ¾-vote is required for approval.**
18. While staff acknowledges the need for senior independent living facilities in Irving, the proposed project is in an area influenced by DFW Airport where residential uses are considered incompatible, and no additional residential use will ever be built on the surrounding properties. Additionally, the outdoor activity space is not in a usable area, with no noise barrier between it and the highway. Therefore, staff cannot support this request.
19. Staff recommends denial, based on the proximity to the airport runway, location in the noise contour, and the location adjacent to DFW Airport owned property purchased to minimize residential development in the noise area.
20. The consideration of this item supports Strategic Objective 3.5 – Effectively plan and manage land use.
21. On October 14, 2019, staff received a written request from the applicant to postpone the case to November 14, 2019 due to a scheduling conflict.

### **Recommendation**

Postpone to November 14, 2019.

## **33 Ordinance - Zoning Case #ZC19-0039 - Considering a Zoning Change from R-6 (Single Family) District to S-P-2 (Generalized Site Plan) District for R-6 (Single Family) and R-3.5 (Two-Family) Uses - Approximately 0.38 Acres Located at 936 Elwood Road - Davis Land Surveying, Applicant - Pro Builders USA LLC, Owner**

### **Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: October 7, 2019 – Favorable 4-3 (Commissioners Taylor, Cronenwett, and

Hoedebeck, nay; Commissioners Patel and Richards, absent).

2. The applicant is seeking approval to develop a new duplex dwelling on a developed R-6 (Single Family) lot that is proposed to be subdivided.
3. The 2017 Imagine Irving Comprehensive Plan recommends *Residential Neighborhood* uses for the subject property, which allows predominantly single-family detached homes or duplexes with some mix of non-residential uses, particularly in-home businesses. The proposed use is in conformance with the Comprehensive Plan.
4. The subject property is a 197-ft. deep, 0.4-acre tract that is developed with a single family dwelling under R-6 zoning. The applicant is requesting to divide the lot into two zoning districts: R-6 for the existing house on the corner of Elwood Road and Nursery and R-3.5 (two-family) for a proposed duplex to be developed fronting on Nursery Road.
5. The existing dwelling has a 15-foot setback from the property line on Nursery Road, where a 20-foot setback is required. This is due to right-of-way acquisition for expanding Nursery Road. The tract exceeds the minimum lot width of 75-feet for a corner lot by being 85.58 feet wide.
6. The R-6 lot size is subject to Subdivision Ordinance Sec. 35-16(e), which requires any proposed lot zoned for single family uses to be at least eighty (80) percent of the area of adjacent developed tracts or lots. The average size of the lots is calculated to be:

Average surrounding lot size	21,489 sq. ft.
80% of average lot size	16,625 sq. ft.
<b>Proposed R-6 tract lot size</b>	<b>8,844 sq. ft.</b>

7. In order to subdivide the lots, the following exceptions are required for the zoning districts per Sect. 35-16(e):

<b>R-6 (corner lot)</b>	<b>Required</b>	<b>Provided</b>
Minimum lot depth required	100 feet	98.5 feet
Minimum side yard required	20 feet	15 feet
<b>R-3.5</b>	<b>Required</b>	<b>Provided</b>
Minimum lot depth required	100 feet	85.58 feet

8. A total of 24 public notices were mailed. Staff received no responses in support and one (1) response in opposition. The opposition represents 9.99% of the land within 200 feet of the subject property. Since this is less than 20%, a  $\frac{3}{4}$ -vote is not required for approval.
9. The Comprehensive Plan calls for different housing types, including duplexes, in

residential neighborhoods. While there does not appear to be additional opportunities for duplexes nearby, the neighborhood includes existing duplex and multifamily uses, and the proposed lots are larger than required by the zoning district.

10. This item supports Strategic Objective 3.5 – Effectively plan and manage land use.

### **Recommendation**

The ordinance be adopted per the recommendation of the Planning and Zoning Commission.

## **34 Ordinance - Zoning Case #ZC19-0041 - Considering a Comprehensive Plan Amendment Changing the Recommended Land Use from "Residential Neighborhood" to "Neighborhood Commercial", and Considering a Zoning Change from S-P (Site Plan) District for Retail and Multifamily Uses to C-N (Neighborhood Commercial) District - Approximately 1.165 Acres Located at 2308 W. Pioneer Drive - American 786, LLC, Applicant/Owner**

### **Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: October 7, 2019 – Postpone to October 21, 2019, 7-0 (Commissioners Patel and Richards, absent). October 21, 2019 – Pending.

### **Comprehensive Plan Amendment**

2. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends *Residential Neighborhood District* uses for this property. The *Residential Neighborhood District* land use category is predominantly single-family detached homes or duplexes with some mix of non-residential uses, particularly in-home businesses. The proposed zoning change is not in conformance with the Comprehensive Plan. **The applicant is requesting to amend the Comprehensive Plan Future Land Use Map to Neighborhood Commercial District land use category, which includes mixed-use commercial areas along major corridors with opportunities for residential and commercial infill and reinvestment.**
3. The Comprehensive Plan provides that if an area that is designated as residential desires to transition to nonresidential uses, the City should require the following:
  - a. The area is physically appropriate for nonresidential use;
  - b. The area is adjacent to nonresidential zoning and not separated from other nonresidential zoning by a major thoroughfare;

- c. The rezoning does not allow nonresidential traffic to negatively impact established and proposed future neighborhoods, schools, and parks;
- d. The rezoning does not leave any residential residual tracts;
- e. The rezoning provides an appropriate transition between nonresidential and residential uses through separation by distance, screening or land use; and
- f. The nonresidential use is the same intensity or is compatible in density and intensity with the existing adjacent/surrounding land uses

Staff believes the proposed use meets these criteria.

- 4. A letter has been provided from the applicant with various reasons for changing the Comprehensive Plan to neighborhood commercial uses. This property lies within a mixture of retail, office, single-family, multifamily and church uses. The proposed future land use and zoning district would eliminate the multifamily use and allow the office use. The proposed rezoning would allow some office and additional retail uses to be provided to the mixture of existing single family and multifamily uses already established in the area.

### **Zoning Change Request**

- 5. In 1970, the City Council approved Ordinance No. 70-1420 for S-P (Site Plan) for Retail and Multifamily uses. This approved site plan is specific with regard to the number and type of multifamily units, size of building footprints, number of parking spaces and with a small portion of the site for retail uses. The site plan labeled the small portion of the site as a “dry cleaners”, and in December of 2001, an amended site plan was administratively approved to change the “dry cleaners” label to “retail” as referenced in the approved ordinance. The multifamily units have never been constructed.
- 6. A new owner/developer has since acquired the property and would like to develop it with a two-story building for office and retail uses. Since the existing site plan shows a detailed site layout for multifamily development on this portion of the property, the property must be rezoned to allow the office and retail uses.
- 7. The applicant is not proposing any variances to the C-N (Neighborhood Commercial) District for setbacks, parking and landscaping. Since the applicant is able to meet the regulations of the district, the applicant prefers to use the requirements of the base zoning district. The applicant requested that the case be postponed to the October 21, 2019 Planning and Zoning Commission meeting to allow the property to be re-advertised as a C-N zoning case and remove the S-P site plan requirement.
- 8. The applicant is calculating parking on the site as office and retail uses, per the zoning ordinance. If any uses are desired in the future that require a larger ratio of parking, such as restaurants, the applicant must add these parking spaces or request a variance.

9. At the October 7, 2019 meeting, a number of the surrounding property owners spoke in opposition to this case regarding existing drainage issues and concerns about the height, drainage and traffic that this proposed development would add to the existing neighborhood. A drainage study is completed and drainage issues are typically addressed during the platting process. Additionally, the Transportation Department reviewed the site for any traffic issues and did not believe the increase in traffic requires a separate traffic study.
10. A total of 48 public notices were mailed. Staff received no responses in support, and 16 responses and a petition with 31 signatures in opposition to this request. The opposition represents 27.31% of the land within 200 feet of the subject property. Since this is over 20%, a ¾-vote will be required for approval.
11. This item supports Strategic Objective 3.5 – Effectively plan and manage land use.

**Recommendation**

The ordinance be adopted.

**35 Ordinance - Zoning Case #ZC19-0047 - Considering a Zoning Change from C-C (Community Commercial) District to S-P-1 (Detailed Site Plan) District for Hotel and Related Uses - Approximately 1.1354 Acres Located at 2100 Valley View Lane - Ajay Desai, Applicant - Panade, LTD, Owner**

**Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: October 7, 2019 – Favorable 6-1 (Commissioner Hoedebeck, nay; Commissioners Patel and Richards, absent).
2. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends *Commercial Corridor* District uses for this property. This land use category is an “Auto-oriented district for retail, office and commercial uses. Parking in front with buildings set back from the street with low to mid-rise buildings.” The requested zoning is in conformance with the Comprehensive Plan.
3. The applicant is requesting approval to develop the property with a new 6-story, 120 room *Tru Hotel by Hilton*. The site is currently undeveloped and adjacent to two existing hotels with another hotel across the street.
4. The proposed new hotel provides a total of 120 rooms. The hotel will have 2,891 square feet of lobby/lounge area, 233 square feet of meeting space, 374 square feet of registration area, 224 square feet for work zone, 693 square feet for a “game

zone”, and 1,001 square feet for a fitness center. It will also have 610 square feet for breakfast and dining.

5. The applicant is planning to construct a hotel with the following exceptions to the hotel development and commercial design standards:

<b>Hotel Development Standards</b>	<b>Required</b>	<b>Provided Exceptions Requested</b>
Guest Rooms	200 minimum	120
Full Service Restaurant	Shall provide	Breakfast only
Meeting Space	5,000 sq. ft. minimum	233 sq. ft.
Room Size	300 sq. ft. minimum	60 rooms: 231 sq. ft. 50 rooms: 279 sq. ft. 10 rooms: 300 sq. ft.
Swimming Pool/Recreational Facilities	Shall provide	No swimming pool 693 sq. ft. game area and 1,001 sq. ft. fitness center

Landscaping	Front Yard: 5,950 sq. ft. minimum Parking Lot: 5 trees (minimum)	1,013 sq. ft. 4 trees
Parking Spaces	129 spaces 1 per room = 120 spaces 1 per 125 sq. ft. per meeting space = 2 spaces 1 space per 5 lounge seats = 7 spaces	78 spaces 38.6% difference

The following items conform to the Hotel Development Standards and do not require an exception:

Hotel Development Standards	Required	Provided
Lobby/Lounge	2,200 sq. ft. minimum (combined)	2,891 sq. ft.
Daily housekeeping	Provided	Provided
24-hr staff	Provided	Provided

6. Sixty of the rooms will be 231 sq. ft. in size, 50 rooms will be 279 sq. ft. and 10 will meet the 300 sq. ft. requirement.
7. A total of 63 parking spaces are being provided on site. While a parking agreement with the Hilton Garden Inn will provide 33 parking spaces, there are only 15 extra spaces per the S-P-1 site plan on the adjacent site. Therefore, the true amount of parking provided for this site is 78 spaces (63 spaces on-site and 15 spaces off-site). A total of 129 parking spaces are required and 78 are proposed for a 38.6% parking variance. The hotel will provide a shuttle service to DFW Airport. The applicant provided a parking analysis showing that the proposed parking is adequate.
8. The landscaping shall be provided as shown on the attached landscape plan. It includes a variance to the front yard landscaping and to the number of trees in the parking lot.
9. **While the applicant regards this as part of a “hotel complex” with the same property owner and “shared facilities”, the City cannot stipulate the shared use of amenities with other hotels because those hotels are not part of this zoning case and the city cannot enforce the sharing activities.** Any reference on the site plans to properties not included in the boundaries of the zoning case is unenforceable.
10. A total of nine (9) public notices were mailed. Staff received one (1) response in support and eight (8) responses in opposition to this request. The opposition represents 49.77% of the land within 200 feet of the subject property. Since this is

more than 20%, a ¾-vote is required for approval.

11. Staff cannot support this request with the number of significant variances being requested to the Hotel Development Standards.
12. The consideration of this item supports Strategic Objective 3.5 – Effectively plan and manage land use.

### **Recommendation**

The ordinance be denied.

## **36 Ordinance - Zoning Case #ZC19-0055 - Considering a Zoning Change from R-6 (Single Family) District to S-P-2 (Generalized Site Plan) District for R-6 (Single Family) Uses- Approximately 0.20 Acres Located at 2413 LaSalle Drive - Precise Contracting Services, Applicant - Charles and Marilyn Wolford, Owners (Postponed from October 3, 2019)**

### **Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: September 3, 2019 – Favorable 5-2 (Commissioners Spurlock and Burns, nay; Commissioners Cronenwett and Richards, absent).
2. The owner is requesting a zoning change to allow a 20-foot by 20-foot carport attached to the overhang of the main house. **An exception is being requested for the carport encroaching into the required 25-foot front setback by 15 feet, resulting in a 10 ft. front yard.**
3. The 2017 Imagine Irving Comprehensive Plan recommends *Residential Neighborhood* uses for the subject property, which allows predominantly single-family detached homes or duplexes with some mix of non-residential uses, particularly in-home businesses. The proposed use is in conformance with the Comprehensive Plan.
4. The front wall of the existing dwelling on this property is approximately 33 feet from the front property line. The applicant has indicated the proposed carport would be attached to the eave which appears to be at the 30 ft. platted setback. A 20-foot long carport attached to the eave of the home would be 10 feet from the front property line.



	<b>Required in R-6</b>	<b>Proposed</b>
Front Setback	30 ft. Platted building line 25 ft. front yard in zoning district	10 ft.

5. There are 2 carports west of the subject property in this particular block. One carport is on the north side of the street, 9 lots to the west. Staff can find no record of this carport being approved or permitted. This carport first appears on aerial photos in 2007. A second carport is on the south side of the street, 11 lots to the west. This particular carport has been in place for over 25 years, and appears on the 1993 city-wide inventory of nonconforming carports. Neither carport is visible from the subject property. Additionally, two other carports are located on this street in the next block, approximately 1,600 ft. from the subject property. Both of these carports have been in place for over 25 years, appearing on the 1993 city-wide inventory of nonconforming carports.
6. A total of 29 public notices were mailed. Staff received one (1) response in support and no responses in opposition to this request.
7. Staff does not recommend approval of the encroachment of a carport into the front setback at this location in context with the adjacent properties.
8. The consideration of this item supports Strategic Objective 3.5 – Effectively plan and manage land use.
9. This item was postponed from October 3, 2019 to allow the applicant time to modify his request to reduce the amount of encroachment. On October 14, the applicant left a voice message stating he was willing to modify his request to increase the setback to 10 ft. instead of the original 6 ft.

**Recommendation**

The ordinance be denied.

- 37 **Ordinance - Zoning Case #ZC19-0061 - Considering a Comprehensive Plan Amendment Changing the Recommended Land Use from "Neighborhood Commercial" to "Industrial", and Considering a Zoning Change from S-P-1 (Detailed Site Plan) for R-AB (Restaurant with the Attendant Accessory Use of the Sale of Alcoholic Beverages for On-Premises Consumption) and C-W (Commercial Warehouse) District Uses to S-P-1 (Detailed Site Plan) for R-AB (Restaurant with the Attendant Accessory Use of the Sale of Alcoholic Beverages for On-Premises Consumption) Uses on Tract 1 and S-P-2 (Generalized Site Plan) District for C-W (Commercial Warehouse) Uses Including Overnight Parking of Commercial Vehicles as a Principal Use on Tract 2 - Approximately 7.95 Acres Located at 101, 200 and 300 N. Rogers Road - Freight Operations Services, LLC, Applicant - SJ Irving Properties, LLC, Owner**

**Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: Favorable 5-2 (Commissioners Taylor and Cronenwett, nay; Commissioners Patel and Richards, absent).

**Comprehensive Plan Amendment request**

2. The 2017 Imagine Irving Comprehensive Plan recommends Neighborhood Commercial uses for the subject property, which allows mixed-use commercial areas along major corridors, and opportunities for residential and commercial infill and reinvestment. **Commercial truck parking is an industrial use and not consistent with the intent of the Neighborhood Commercial future land use. The proposed use is not in conformance with the Comprehensive Plan.**

**Zoning change request**

3. The subject property consists of two tracts of land on either side of N. Rogers Road. Tract 1 is on the west side of N. Rogers Rd. and Tract 2 is on the east side.
4. In 2016, the site was rezoned to allow a dance hall, exhibition hall and restaurant with the sale of alcoholic beverages for on-premises consumption in the existing 51,170 square foot building on Tract 1. Tract 2 was included in the zoning case to provide additional area for required parking.
5. **On Tract 1, the owner plans to continue to operate the existing dance hall/restaurant uses.** In the 2016 zoning case that was approved, a total of 610 parking spaces were required (due to the size of the dance hall/restaurant) and 612 were provided. Of that total, 288 parking spaces were located on Tract 2. In order to satisfy parking requirements fully on Tract 1 for the use as proposed, the number of seats in the restaurant portion of the building has been reduced from 650 to 350, requiring 140 parking spaces. The dance hall/exhibition hall will contain 18,000 square feet and require 180 parking spaces. A total of 320 spaces are required on Tract 1 and 324 will be provided. If either of these businesses expands to a greater number of seats or square footage without providing the proper amount of required

spaces, it will be considered a violation of zoning which could result in Code Enforcement action.

	Prior	Current
# restaurant seats	650	350
Dance/exhibition hall size (sq/ ft.)	18,000	18,000
Required Parking total	610 required 612 provided	320 required 140 for restaurant 180 for dance hall
Provided on Tract 1	324	324
Provided on Tract 2	288	0

6. On Tract 2, the owner now has an operator that would like to use the property **for overnight parking/storage of commercial vehicles**. C-W was the original underlying zoning on Tract 2 before it was rezoned to be included as a parking area for the dance hall/restaurant. Tract 2 consists of two legally platted lots. There is an existing 4,065 square-foot building on Lot 2 that will provide 18 passenger vehicle parking spaces. It is proposed to serve as an office for the proposed business on Lot 3 but the owner did not want to combine the lots to have the flexibility of keeping it as a stand-alone operation. On Lot 3, the applicant is proposing 10 passenger vehicle parking spaces and approximately 35 commercial vehicle spaces. Of the 35 commercial vehicle spaces, 23 can accommodate tractor trailers.
7. The commercial vehicle parking/storage will be screened from Rogers Road by an 8-foot tall board-on-board solid wood fence set back 80 ft. from the road to allow space for entrance through a gate. The site plan shows screening from West Irving Boulevard only by the existing natural tree line along the existing chain link fence. The tree line appears to consist of deciduous trees that do not create a full visual block from the view of Irving Blvd. The fencing on the adjacent properties to the south and north also appear to have chain link fencing adjacent to Irving Blvd.
8. No additional landscaping is proposed to what already exists on both Tracts. No additional landscaping is proposed along N. Rogers Road. There is adequate room in the 10-foot landscape buffer along N. Rogers Road to add at least two trees.
9. The commercial vehicles would be stored on a milled asphalt surface. While vehicle parking is required to be on a paved asphalt or concrete surface, vehicle storage may be on an alternative, dust-free surface such as milled asphalt. The operator will be responsible for keeping dust on the property and not tracked onto the public streets or airborne.
10. While Irving Boulevard is designated as a commercial truck route by the city, no direct access to Irving Boulevard exists from this site. N. Rogers Road, indicated as a Minor Collector on the Comprehensive Master Thoroughfare Plan, intersects

Irving Boulevard just to the north of the property and provides primary access to the site. **As the existing uses in the area are heavily auto repair and other light commercial uses that do not generate large truck traffic, Staff believes it is not appropriate to introduce an operation to this area that would encourage heavy commercial truck traffic.**

11. A new narrative was not provided for the restaurant portion of this case. Staff has included the narrative from the previous zoning case in the packet.
12. A total of 23 public notices were mailed. Staff received one (1) response in support and one (1) response in opposition to this request. The opposition represents 1.88% of the land within 200 feet of the subject property. Since this is less than 20%, a  $\frac{3}{4}$ -vote is not required for approval.
13. Staff does not believe the proposed rezoning is appropriate on the site. The proposed use **is not in compliance with the Neighborhood Commercial category of the Master Land Use Plan.** Auto repair, light commercial, retail and residential are currently the predominant uses in the area. Rather than uses that lean toward heavier commercial or industrial attributes, the Master Plan is setting a vision to encourage more neighborhood-friendly commercial uses as this area evolves. Since the proposed use is not in compliance with the Master Land Use Plan and is not consistent with the existing uses in the area, staff recommends denial of both the Comprehensive Plan amendment and the zoning change.
14. The consideration of this item supports Strategic Objective 3.5 – Effectively plan and manage land use.

### **Recommendation**

The ordinance be denied.

- 38 Ordinance - Zoning Case #ZC19-0070 - Considering a Zoning Change from S-P-2 (Generalized Site Plan) District for C-O (Commercial Office) Uses Including Skilled Nursing & Assisted Living to S-P-2 (Generalized Site Plan) District for C-O (Commercial Office) Uses with Senior Independent Living Facility - Approximately 5.9 Acres Located at 4700 N. Belt Line Road - Arrive Architecture Group, Applicant - Storey Health Realty, LLC, Owner**

### **Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: September 16, 2019 – Postpone to October 7, 2019, 9-0. October 7, 2019 –

Favorable 7-0 (Commissioners Patel and Richards, absent).

2. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends *Neighborhood Commercial* uses for this property. This land use category allows for “opportunities for residential and commercial infill and redevelopment.” The proposed use is in conformance with the Comprehensive Plan.
3. The applicant is seeking rezoning to allow the development of a 4-story, 142-unit Senior Independent Living Facility restricted to a minimum 55 years of age for 80% of the units.
4. The property is within **Segment 2C of the State Highway 161 Overlay District, which does not allow a Senior Independent Living Facility by right**, as provided in the permitted use table. Two of the six segments allow senior independent living facilities. These facilities were not allowed by right in this section due to certain areas in this segment being incompatible with residential uses due to the DFW Airport adopted noise contour lines. The proposed facility is outside of the 65 DNL Noise Contour Line.
5. On July 7, 2016, the City Council approved zoning case ZC16-0038 to allow a skilled nursing facility and/or an assisted living facility on the site. This facility has not been constructed.
6. On the proposed site plan, the applicant provides that a “Senior Independent Living Facility” is “a facility that provides supportive services to elderly residents. These services could include health screening, exercise classes, tax preparation, and social activities on a monthly basis.” The site plan states that at least 80% of the 142 units will be occupied by at least one person who is 55 years of age or older. Additionally, the following amenities and services are stipulated on the site plan:
  - a. A “community kitchen” that residents can use to order catered meals;
  - b. A club room, along with other “interior common areas...to support resident activities and programs”;
  - c. Controlled access;
  - d. Grab bars and easy access door handles in common areas;
  - e. Possible outdoor amenities such as benches and cooking areas;
  - f. A pool and fitness center; and
  - g. An onsite manager during business hours

Electric bills will be paid by the tenants and other services such as housekeeping, laundry, transportation, extra storage space, and a salon will be provided at an additional cost for tenants who choose these services. A dining room and catering kitchen will be on-site for the tenants use and an optional catered meal program, will be offered at an additional cost. An available catering program would provide options for the tenants’ meal choices, however it is not known how tenants who choose not to cook or no longer can cook will be accommodated.

7. The definition provided in the State Highway 161 Overlay District states that an Independent Living Facility is “A development providing dwelling units specifically designed for the needs of elderly persons. In addition to housing, this type of facility may provide convenience services, such as meals, housekeeping and transportation, and community facilities, such as central dining rooms and activity rooms.”
8. According to the National Council for Aging Care, typical services and amenities for independent living facilities include:
  - a. Payment of all electric, gas and water bills;
  - b. Housekeeping services;
  - c. Laundry services;
  - d. Transportation, in addition to residents’ own cars;
  - e. Organized social activities and special events;
  - f. Security and property surveillance;
  - g. Extra storage spaces on site;

Additionally, some facilities offer restaurants/dining, gyms, pools, spas, and salons. Not all of these services may be included in the standard rates, but independent living facilities generally have a majority of these services available.

<b>“Typical” Amenity Provided By Facility (may be extra charge)</b>	<b>National Council for Aging Care</b>	<b>Proposed Senior Development</b>
<b>Payment of electric in rent</b>	Yes	No
<b>Payment of water &amp; sewer in rent</b>	Yes	Yes
<b>Housekeeping services</b>	Yes	Yes* <i>*Provided at Additional Fee</i>
<b>Laundry Services</b>	Yes	Yes* <i>*Provided at Additional Fee</i>
<b>Transportation</b>	Yes	Yes* <i>*Provided at Additional Fee</i>
<b>Organized Social activities and special events</b>	Yes	Yes
<b>Property security &amp; surveillance</b>	Yes	Yes
<b>24 hour security</b>	Yes	No
<b>Extra storage space on site</b>	Most	Yes* <i>*Provided at Additional Fee</i>

<b>Dining Facilities / Room With Catering Kitchen</b>	Most	Yes
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9. The proposed development will meet all landscaping and setback requirements.
10. The applicant is providing 197 parking spaces for 142 residential units for a senior independent living facility. This is approximately 1.4 spaces per unit. This compares to the required ratio for one-bedroom apartments in the Multifamily Development Standards (Section 52-59) of 1.5 spaces per unit or 213 total parking spaces (a difference of 16 spaces).
11. At the September 16, 2019, Planning and Zoning Commission meeting, the applicant requested that this item be postponed to the October 7 agenda. On September 30, 2019, the applicant submitted a chart that further specifies the amenities they plan to provide as a side-by-side comparison with those outlined by the National Council for Aging Care.
12. A total of eight (8) public notices were mailed. Staff has received one (1) response in support and no responses in opposition to this request.
13. The senior independent living facilities as proposed does not provide all the amenities that are often found in senior facilities and allows for 20% non-seniors to live in the units. However, the proposal does provide a more affordable option and will give tenants choices as to the services they need and want at an additional cost. Since the Comprehensive Plan encourages additional senior housing within the city, Staff recommends approval of the request.
14. This item supports Strategic Objective 3.5 – Effectively plan and manage land use.

**Recommendation**

The ordinance be adopted per the recommendation of the Planning and Zoning Commission.

**39 Resolution - Special Fence Project Plan #ZC19-0071 - Considering a Variance to Chapter 15 of the City of Irving Land Development Code to Allow a Six (6) Foot Tall Fence Within the Front Setback - Property Located at 704 Bowman Street - James and Susie Cassel , Applicant/Owner**

**Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: October 7, 2019 – Favorable 7-0 (Commissioners Patel and Richards, absent).

2. The applicant is requesting an exception to construct a six (6) foot tall wrought-iron fence in the required 25-foot front yard setback along Bowman St.
3. The proposed fence will be located approximately five (5) feet from the front property line at the south end of the lot to approximately seven and a half (7.5) feet from the property line at the north end of the lot. The fence is proposed in order to discourage pedestrian traffic through the front yard, which includes a concrete channel, and to provide extra security and privacy for the residents of the single family home.
4. There are other fences within the front yards of other homes in the area, however, they are either chain link or wood and meet the four (4) foot height requirement.
5. A 4 ft. fence is allowed by right, which could also serve the purpose of deterring traffic through the applicant's front yard without the height of a 6 ft. fence. However, this property has a large concrete drainage channel that crosses the lot. The channel divides a large portion of the front yard from the portion of the lot where the home sits. Because it is not clear that that portion of the lot is private, the owner has had a problem with people parking in that area of their property. The owner believes that the fence will provide a clear indicator of the private property limits and that the six (6) foot height will be a better deterrent to keep children from possibly accessing and/or playing in the drainage channel.
6. A total of 29 public notices were mailed. Staff received two (2) responses in support and none in opposition to this request.
7. Since the new fence will not cause any sight visibility obstructions on any street frontage, the fence is open, and the front yard iron fence is typical of the larger lot homes in the area, staff has no objection to a fence in this location.
8. This item supports Strategic Objective 3.5 – Effectively plan and manage land use.

### **Recommendation**

The resolution be approved per the recommendation of the Planning and Zoning Commission.



**40 Ordinance - Zoning Case #ZC19-0075 - Considering a Zoning Change from R-MF-1 (Multifamily) District to R-6 (Single Family) District - Approximately 0.29 Acres Located at 302 W. Cason Street - B&D Surveying, Investment, Applicant - Rogelio & Marisela Gonzalez, Owners**

**Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: October 7, 2019 – Postpone to October 21, 2019 7-0 (Commissioners Patel and Richards, absent). October 21, 2019 – Pending.
2. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends *Compact Neighborhood* uses for this property. The *Compact Neighborhood* land use category is described as being for predominantly single-family homes with a diverse mix of building types. The proposed zoning change is in conformance with the Comprehensive Plan.
3. The applicant is requesting a zoning change in order to plat the property and develop a single family home.
4. The property was part of a larger rezoning case in 1974 to R-MF-1 (Multifamily) district uses which does not allow single family construction by right. The property was never developed for multifamily uses. The property had a single family house that was demolished in 2018.
5. The surrounding neighborhood has a mix of residential uses and zoning. The neighborhood includes single family, duplexes, and small multifamily development.
6. A total of 21 public notices were mailed. Staff received one (1) response in support and none in opposition to this request.
7. This case was postponed due to the applicant's failure to appear at the Planning and Zoning Commission public hearing.
8. Since the proposed single family use is compatible with the other single family and duplex lots in the surrounding neighborhood, and since the applicant is not requesting any exceptions to the R-6 standards, staff can support this request.
9. This item supports Strategic Objective 3.5 – Effectively plan and manage land use.

**Recommendation**

The ordinance be adopted.

**41 Ordinance - Amending the Comprehensive Zoning Ordinance No. 1144 of the City of Irving, Texas by Repealing Section 52-64C “Transit Mall Overlay District” in Its Entirety and Amending Section 52-64A “Urban Business Overlay District” to Allow for Certain Signage**

**Administrative Comments**

1. This item has been recommended by the Planning and Community Development Department.
2. The Planning and Zoning Commission Hearing Date and Recommendation: October 7, 2019 – Favorable 7-0 (Commissioners Patel and Richards, absent).
3. The purpose of this ordinance is to repeal Section 52-64c, Transit Mall Overlay District of the Zoning Ordinance, and to amend Section 52-64a, Urban Business Overlay District of the Zoning Ordinance to allow special event banners and A-frame or “sandwich” signs within the Urban Business Overlay District.

**Repeal of Transit Mall Overlay District**

4. The Urban Business Overlay District was adopted in 1994. The purpose was to allow high density multifamily development in the area known as the Las Colinas Urban Center. In 1997 it was amended to establish a “cap” of 4,000 units within the District. In 2000, it was further amended to clarify that the 4,000 unit cap was in addition to the 910 multifamily units already constructed, for a maximum build out of 4,910.
5. The Transit Mall Overlay District was established in 2002 in order to encourage development of new multifamily projects that comply with the design standards of the Overlay District. Such projects were to be allowed by right and could be approved administratively without the need for either Planning and Zoning Commission or City Council approval. The Transit Mall Overlay District covers the east side of the Urban Center along Lake Carolyn Parkway and the surface area of Lake Carolyn. Multifamily units approved under the Transit Mall Overlay District count toward the 4,910 unit cap.
6. In early 2018, the cap in the Urban Business Overlay District was reached, and actually exceeded since two projects were approved at the same Planning and Zoning Commission meeting. Since the cap in the Urban Business Overlay District has been reached (5,110 units approved), no additional multifamily units can be developed under either the Urban Business Overlay District or the Transit Mall Overlay District. Any future multifamily development can only be developed under the Transit Oriented Development (TOD) District. New units developed under the TOD District do not count towards the cap. Since the Transit Mall Overlay District is now outdated, it should be repealed to eliminate confusion and misunderstanding.
7. All projects approved under the Transit Mall Overlay District will be considered conforming uses, and can be rebuilt in the same configuration should they be damaged or destroyed.

## **Amend Urban Business Overlay District**

8. The Transit Mall Overlay District allows for certain signage that the Urban Business Overlay District currently does not. This ordinance amendment will add these signage provisions to the Urban Business Overlay District:
  - a. Special event banners may be mounted to a vertical support (such as pedestrian light poles), a building or parking deck, or across a street. Banners may display artwork or a message that pertains to the district or a special event.
  - b. A-frame or “sandwich” signs will be permitted within the public right-of-way during normal business hours, provided they are sufficiently weighted or anchored. The sign shall not impede pedestrian access and must be placed in front of the tenant space being advertised on the sign. The innermost edge of the sign may not be placed beyond two (2) feet from the facade of the building and may not encroach into the ADA accessible route.
  
9. This item was discussed at the July 18, 2019 City Council Planning and Development Committee meeting.

### **Recommendation**

The ordinance be adopted per the recommendation of the Planning and Zoning Commission.

- 42 Ordinance - Amending the Comprehensive Zoning Ordinance No. 1144 of the City of Irving, Texas, by Amending Section 52-24 (“C-W Commercial Warehouse District”), Section 52-26A (“MI-20A Light Industrial District Regulations”), Section 52-30 (“C-P Commercial Park District”), Section 52-75 (“Definitions”), and by Adding a New Section 52-35F (“Mini-Warehouse and Self-Storage Facilities”) to Provide for the Creation of Definitions and Standards for Mini-Warehouse and Self-Storage Facilities**

### **Administrative Comments**

1. This item has been recommended by the Planning and Community Development Department.
2. The Planning and Zoning Commission Hearing Date and Recommendation: October 7, 2019 – Favorable 7-0 (Commissioners Patel and Richards, absent).

3. The purpose of this ordinance is to adopt Section 52-35f, Mini-Warehouse and Self-Storage Facilities of the Zoning Ordinance in order to have citywide design standards for mini-warehouses.
4. The proposed ordinance would apply the design standards already in place in the State Highway 161 Overlay District citywide. These standards include:
  - a. 8 ft. wide loading area (outside of fire lanes)
  - b. Specific parking requirements
  - c. Solid masonry fences for screening
  - d. 10 ft. min. setback from residential
  - e. 25 ft. max. height; 11 ft. max within 30 ft. of residential
  - f. Signage prohibited on walls and roofs
  - g. Storage use only; no other business activity;
  - h. Outside storage prohibited
  - i. Accessory retail for items related to shipping and storage
  - j. Manager's residence
5. The Police Department and Fire Department have each reviewed the draft ordinance and have no objections.
6. This item was discussed at the July 18, 2019 meeting of the City Council Planning and Development Committee.

### **Recommendation**

The ordinance be adopted per the recommendation of the Planning and Zoning Commission.

## **APPOINTMENTS AND REPORTS**

### **43 Mayor's Report**

### **Adjournment**