

AGENDA
Irving City Council Regular Meeting
Thursday, May 7, 2020 at 7:00 PM
City Hall, First Floor, Council Chambers
825 W. Irving Blvd., Irving, Texas 75060

Members of the City Council and public may participate in the Regular Meeting by telephone conference or videoconference call. Sign-in via telephone or online will be from 6:00 p.m. to 7:00 p.m. on May 7, 2020. Citizens that would like to provide a presentation to Council must submit their presentation(s) to Information Technology no later than 2:00 p.m. on the Tuesday prior to the work session or council meeting at councilpubpres@cityofirving.org. All participants by telephone conference or videoconference will be able to speak when called upon, however video images of the citizen participants will not be available. The phone numbers to sign-in and participate are **1-888-475-4499** (Toll Free) or **1-877-853-5257** (Toll Free) or online at <https://zoom.us/j/91554247166> Meeting ID: 915 5424 7166

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 39

CITY COUNCIL AGENDA

1 City Operations Update

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.

CONSENT AGENDA

2 **Approving Work Session Minutes for Thursday, April 16, 2020**

3 **Approving Regular Meeting Minutes for Thursday, April 16, 2020**

4 **Ordinance - Amending Ordinance No. 2019-10250 Providing Budget Adjustment #4 to the 2019-20 Fiscal Year Budget**

Administrative Comments

1. This item has been recommended by the Financial Services Department.
2. Budget Adjustments are needed in the following funds: Economic Development Incentive Fund, Entertainment Venue Post ARK Fund, ICVB General Fund, ICVB Convention Center Fund, ICVB Reserve Fund, and ICVB Computer Replacement Fund.
3. The adjustment has been proposed by city staff, and has been reviewed and recommended by Budget staff and Financial Services.

Recommendation

The ordinance be adopted.

5 **Ordinance - Take Appropriate Action Concerning the Ordinance Establishing Emergency Measures in a Local State of Disaster for Public Health Emergency**

Administrative Comments

1. This item has been recommended by the City Manager's Office.
2. **Impact:** The proposed ordinance repeals the ordinance establishing emergency measures in a Local State of Disaster for Public Health Emergency, approved by City Council on March 19, 2020, relating to a novel coronavirus designated as COVID-19.

Recommendation

The ordinance be adopted.

6 Resolution - Take Appropriate Action Concerning Declaration of Local Disaster for Public Health Emergency to Address COVID-19

Administrative Comments

1. This item is recommended by the City Manager's Office and the Office of Emergency Management.
2. **Impact:** The proposed resolution would ratify the local state of disaster declared by the Mayor on March 12, 2020, and extend it to May 20, 2020.
3. On March 12, 2020, Mayor Richard H. Stopfer issued a proclamation declaring a local state of disaster resulting from a public health emergency caused by the 2019 Coronavirus Disease (COVID-19). This order was effective through 11:00 a.m. on March 20, 2020.
4. On March 19, 2020, City Council approved a Resolution ratifying and extending the Declaration of Local Disaster for Public Health Emergency until April 18, 2020. On April 16, 2020, City Council approved a Resolution ratifying and extending the Declaration until May 8, 2020.
5. The Dallas County Commissioner's Court ordered the continuance of its Declaration of Local Health Disaster for Public Health Emergency until May 20, 2020.

Recommendation

The resolution be approved.

7 Resolution - Denying Oncor Electric Delivery Company LLC's Application to Amend Its Distribution Cost Recovery Factor to Increase Distribution Rates Within the City

Administrative Comments

1. This item is recommended by the City Manager's Office and the City Attorney's Office.
2. **Impact:** The resolution denies Oncor's application to amend its Distribution Cost Recovery Factor and increase its Distribution Rates. It authorizes the City to join with the Oncor Cities Steering Committee ("OCSC") to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.
3. On or about April 3, 2020 Oncor Electric Delivery Company LLC ("Oncor") filed an Application to Amend its Distribution Cost Recovery Factor ("DCRF") to increase distribution rates with each of the cities in its service area. In the filing, Oncor asserts that it is seeking an increase in distribution revenues of \$75.9 million annually, or approximately \$0.88 cents per month on an average residential

customer's bill.

4. All electric utility customers in the City will be impacted by Oncor's ratemaking application that seeks to increase distribution rates.
5. The Oncor Cities Steering Committee recommends that all members deny the DCRF submitted by Oncor. The OCSC is a coalition of similarly situated cities served by Oncor that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in Oncor's service area. The City is a member of OCSC.
6. The Resolution denies the DCRF and authorizes the hiring of Lloyd Gosselink Rochelle & Townsend, PC and consultants to review the filing, negotiate with Oncor, and make recommendations to the City regarding reasonable rates. Additionally, it authorizes OCSC to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the Public Utility Commission.
7. Oncor will reimburse cities for their reasonable rate case expenses. Legal counsel and consultants approved by the OCSC will submit monthly invoices that will be forwarded to Oncor for reimbursement
8. The resolution must be approved by June 2, 2020 or Oncor's rate increase will go into effect in the City.

Recommendation

The resolution be approved.

8 Resolution - Designating the Mayor as the Authorized Official and Authorizing the Mayor to Apply for and Accept a Grant from the Criminal Justice Division of the Texas Governor's Office in the Amount of \$172,358.88 for Rifle Resistant Body Armor

Administrative Comments

1. This item is recommended by the Police Department. It supports Strategic Objective No. 4.1: Safeguard public safety, security and health.
2. **Impact:** The Criminal Justice Division of the Governor's Office has made funds available to the City of Irving Police Department for a Rifle-Resistant Body Armor grant. This will equip 228 officers with Type III body armor, which provides an added level of protection for officers.
3. This subscription agreement will remain in effect for one year, from October 01, 2020 to September 30, 2021.
4. No funding is required.

Recommendation

The resolution be approved.

9 Resolution - Appointments to the Trinity River Authority of Texas (TRA) Advisory Committee for the Central Regional Wastewater System

Administrative Comments

1. This item is recommended by the Water Utilities Department.
2. **Impact:** The resolution ensures that the City of Irving is represented on the Trinity River Authority's Advisory Committee to consult with and advise the Authority on future capital projects, plans of expansion, operational issues, methods for improved services, and on the proposed annual budget .
3. The Bylaws specify that a voting member and an alternate representative be appointed to serve on the committee. The alternate representative will serve as the voting member in the event the voting member is unable to attend.
4. Todd Reck, Water Utilities Director, is the current voting member and Steve Pettit, Assistant Water Utilities Director, is the alternative representative.
5. This resolution will reappoint Todd Reck and Steve Pettit to an additional term of twelve months.

Recommendation

The resolution be approved.

10 Resolution - Approving an Electronic Signature Policy for the City of Irving, Texas

Administrative Comments

1. This item is recommended by the City Attorney's Office, Financial Services, and the Information Technology departments. It is in support of Strategic Objective 4.2 Leverage information technology to drive efficient and responsive service delivery.
2. **Impact:** Adoption of the proposed policy will allow the City to use electronic signatures (e-signatures) when processing documents in the City.
3. State and federal law allow for e-signatures to satisfy a legal requirement for written signature generally. The Texas Government Code requires that a written policy must adopted to accept e-signatures for municipalities.
4. Currently, the City does not have an adopted e-signature policy. The need has

arisen in light of recent stay at home orders throughout the country to obtain verifiable e-signatures to conduct business in the City.

5. The purpose of the proposed resolution is to approve an Electronic Signature Policy as an integral component of achieving council's strategic goal to provide an inclusive and collaborative governance. Through the adoption of this policy, the City will establish the process for designating transactions which may appropriately utilize e-signatures. It will identify the City of Irving's requirements for the use of e-signatures and allow the City to conduct business in a more efficient manner.

Recommendation

The resolution be approved.

11 Resolution - Authorizing Payment to Tyler Technologies in the Amount of \$312,461.00 for Munis Enterprise Resource Planning (ERP) Software Annual Maintenance

Administrative Comments

1. This item is recommended by the Information Technology Department.
2. **Impact:** Software maintenance for Munis will allow for continued legal licensed use of the software, software support and updates.
3. The original contract was awarded as the result of a negotiated agreement with the vendor receiving the highest evaluation criteria score through a Request for Proposals process. This is the third of five one-year renewal options and is paid in advance of the service year.
4. Funding of \$312,461.00 is available in the Information Technology Internal Service Fund.

Recommendation

The resolution be approved.

12 Resolution - Approving Change Order No. 2 to the Citywide Communications System Maintenance Agreement Between the City of Irving and Motorola Solutions, Inc., for the Removal of Managed Services Associated with Microwave Point-To-Point Infrastructure

Administrative Comments

1. This item is recommended by the Information Technology (IT) Department.
2. **Impact:** The Citywide Communication System agreement provides hardware, software, maintenance and technical support necessary to maintain the city’s radio communications network. This change order allows the removal of an obsolete subscriber maintenance included in the original contract.
3. The original maintenance agreement was approved by Council on December, 8, 2011 for a ten-year term beginning in 2015. The removal of this subscription from the anticipated maintenance costs results in a total savings of \$1,405,556 that will not be expended resulting in a new contract value of \$11,192,517 as reflected in the attached Change Order No. 2.
4. The originally approved contract yearly cost after changer order 1 breaks down as follows with the savings from change order 2 below. The requested budget number would be our Motorola budget request each year.

Motorola Contract Year & FY	2019 FY 2020	2020 FY 2021	2021 FY 2022	2022 FY 2023	2023 FY 2024	2024 FY 2025
Requested Budget	\$1,249,224	\$1,268,892	\$1,287,767	\$1,306,962	\$1,326,484	\$1,387,239
Change Order Savings	\$223,462	\$225,763	\$228,866	\$232,410	\$235,701	\$239,353

5. The savings from this change order reduction will be used to purchase bank repairs, onsite training and a Critical Connect subscription as presented in the following item.

Recommendation

The resolution be approved.

13 Resolution - Approving a Subscription Services Agreement Between the City of Irving and Motorola Solutions, Inc., for Critical Connect Interoperability Solution Associated with the Citywide Communications System Maintenance Agreement

Administrative Comments

1. This item is recommended by the Information Technology (IT) Department.
2. **Impact:** The addition of Critical Connect to the Citywide Communication System will provide an interface to the city’s P25 Land Mobile Radio System to the carrier networks for Push to Talk (PTT) functionality. This capability will save the city money on radios by allowing the use of issued city cell phones to replace more expensive radios for some users. This interface to the carrier networks will also provide extended coverage capability of the radio system on cellular devices which will allow first responders the ability to access and coordinate anywhere cell coverage is present.
3. The new services will include the following: 24x7x365 operations management, remote and on-site response and restoral, problem management, change management, configuration management, performance management, availability management, and real time performance reporting.
4. This subscription agreement will cost an initial \$130,307.00 with \$103,800.00 annually for the next two years with a need to negotiate a new agreement. This expenditure will be covered from savings of removing obsolete equipment support from the previous agenda item, Motorola maintenance contract change order 2.
5. Funding for Fiscal Year 2019-20 is available in the Information Technology Internal Service Fund, while funding for Fiscal Years 2020-21 and 2021-22 is subject to budget appropriation.

Vendor	Total Amount	Fiscal Year
Motorola Solutions, Inc.	\$130,307.00	2019-20
	\$103,800.00	2020-21
	\$103,800.00	2021-22
Total Amount	\$337,907.00	

Recommendation

The resolution be approved.

**Bids & Purchasing Items
Items 14-24**

14 Resolution - Renewing the Contract with EBSCO Information Services in the Total Estimated Amount of \$58,125.00 for Library Serials Subscription Services & Digital Magazine Interface

Administrative Comments

1. This item is recommended by the Library Services Department.
2. **Impact:** Library serials subscriptions require extensive handling to ensure that all expected magazine titles, volumes and issues are ordered and received according to complex publication patterns established by scores of individual publishing establishments. Subscription management services provide great efficiency in serving the city’s library customers’ needs for both print and digital materials.
3. Approximately 335 print serials and 105 digital magazine subscriptions are managed through this contract. Renewal of this contract covers digital subscription service from June 15, 2020 through June 14, 2021, and print subscription service for calendar year 2021.
4. This renewal establishes the continuation of an annual contract for providing print serials subscription services as well as a user-friendly online interface for digital subscriptions. This is the fourth and final one-year renewal option. The current contract expires on June 14, 2020.
5. Funding for Fiscal Year 2019-20 is available in the Library Services Department budget within the General Fund, while funding for Fiscal Year 2020-21 is subject to budget appropriation.

Vendor	Contract Term	Total Est. Expenditure	Fiscal Year(s)
EBSCO Information Services	6/15/20 – 6/14/21	\$23,375.00	2019-20
		\$34,750.00	2020-21
TOTAL		\$58,125.00	

Recommendation

The resolution be approved.

15 Resolution - Renewing the Annual Contracts with Interline Brands, Inc., and MedWaste Solutions, Inc., in the Total Estimated Amount of \$153,951.43 for the Purchase of Janitorial Supplies

Administrative Comments

1. This item is recommended by the Parks & Recreation Department and the Capital Improvement Program Department – Facility Services Division.
2. **Impact:** These janitorial supplies will provide city departments with items needed to maintain a safe and healthy atmosphere. Group I includes paper products such as paper towels and toilet tissue; Group II includes conventional janitorial supplies such as brushes, mops, soaps, all-purpose cleaners, bug spray, gloves, etc.; Group III provides environmentally friendly janitorial supplies; and Group IV provides non-stock janitorial items that can be purchased directly by city departments.
3. This renewal establishes the continuation of an annual contract for providing janitorial supplies. This is the second and final one-year renewal option. The current contract expires May 31, 2020.
4. Funding for Fiscal Year 2019-20 is available in various departmental budgets within various funds, while funding for Fiscal Year 2020-21 is subject to budget appropriation.

Vendor	Group	Contract Term	Estimated Expenditures FY 2019-20	Estimated Expenditures FY 2020-21	Total Estimated Expenditure
Interline Brands, Inc.	I & III	6/1/20 – 5/31/21	\$26,666.16	\$ 52,332.33	\$ 78,998.49
MedWaste Solutions, Inc.	II & IV		\$25,317.65	\$ 49,635.29	\$ 74,952.94
TOTAL			\$51,983.81	\$101,967.62	\$153,951.43

Recommendation

The resolution be approved.

16 Resolution - Rejecting All Bids for ITB No. 083R-20F, North Lake College Pool Fiberglass Surface Replacement

Administrative Comments

1. This item is recommended by the Parks and Recreation Department.
2. **Impact:** Fiberglass surface replacement for the North Lake Aquatic Center pool is necessary to assure integrity of the pool shell, enable continued operations of the facility, and ensure the health and safety of patrons.

3. A best value solicitation was issued for this project and responses were received from two bidders on April 17, 2020, one of which was a conditional bid and therefore non-responsive. Additionally, neither bidder provided pricing for the alternate items, one of which staff has now determined should be a mandatory part of the base bid in order to provide the best and safest environment for those patrons making use of this aquatic facility.
4. Staff recommends rejection of all bids in order to revise the specifications to include restoration of the bulkhead and to require that all respondents include pricing for the alternate line items in their bid response.

Recommendation

The resolution be approved.

17 Resolution - Approving a Vendor/Member Contract Pursuant to a Cooperative Purchasing Agreement between the City of Irving and Paradigm Traffic Systems, Inc., and Authorizing As-Needed Purchases in the Total Estimated Amount of \$200,000.00 for Traffic Signal Parts and Equipment through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

Administrative Comments

1. This item is recommended by the Traffic & Transportation Department and Financial Services Department – Purchasing Division.
2. **Impact:** Establishment of Vendor/Member Contract between the City of Irving and Paradigm Traffic Systems, Inc., for utilization of BuyBoard Contract No. 603-20 for Public Safety & Fire House Supplies & Equipment which expires March 31, 2021, will allow for these types of procurements under the best possible terms and conditions for the city.
3. Approval of this contract supports as-needed purchases of traffic signal parts and equipment through the designated BuyBoard contract for the specified contract term. This will allow the Transportation Department to procure parts and equipment for installing and maintaining traffic signals within the City of Irving.
4. Typical traffic signal equipment to be purchased with this contract includes but is not limited to: alpha battery backup units, traffic signal heads, traffic signal LED's, traffic signal head back plates, FLIR camera systems and replacement parts (IR video detection used when sun glare/shadows are an issue), and traffic signal cabinets.

5. Funding for Fiscal Year 2019-20 is available in the General Fund, while funding for Fiscal Year 2020-21 is subject to budget appropriation.

Vendor	Contract Term	Total Estimated Expenditures	Fiscal Year(s)
Paradigm Traffic Systems, Inc.	5/7/20 – 3/31/21	\$100,000.00	2019-20
		\$100,000.00	2020-21
TOTAL		\$200,000.00	

Recommendation

The resolution be approved.

18 Resolution - Approving and Accepting the Bid from Core & Main LP, in the Total Estimated Amount of \$118,486.11 for Couplings, Clamps, and Service Saddles

Administrative Comments

1. This item is recommended by the Water Utilities Department.
2. **Impact:** Couplings, clamps, and service saddles are used to make repairs and establish new service connections in the city’s water distribution system.
3. This award establishes an annual contract for the continuation of providing couplings, clamps and service saddles. This award is for a one-year period with two one-year renewal options.
4. Funding for Fiscal Year 2019-20 is available in the Water and Sewer System Fund while funding for Fiscal Year 2020-21 is subject to budget appropriation.

Vendor	Contract Term	Total Estimated Expenditure	Fiscal Year(s)
Core & Main LP	5/8/20 – 4/30/21	\$49,370.21	2019-20
		\$69,115.90	2020-21
TOTAL		\$118,486.11	

Recommendation

The resolution be approved.

19 Resolution - Approving and Accepting the Bid from Global Building Maintenance in the Total Estimated Amount of \$61,842.48 for Custodial Services for the Valley View Municipal Complex

Administrative Comments

1. This item is recommended by the by the Water Utilities Department.
2. **Impact:** Custodial services provide clean and attractive facilities for residents and visitors at the Valley View Municipal Complex.
3. This award establishes an annual contract for the continuation of providing custodial services for the Valley View Municipal Complex. The scope of the custodial services was expanded in light of staff safety concerns over COVID-19 and the bid reflects an additional person on-site to provide more frequent cleanings. This award is for a one-year period with two one-year renewal options.
4. Funding for Fiscal Year 2019-20 is available in the Water and Sewer System Fund while funding for Fiscal Year 2020-21 is subject to budget appropriation.

Vendor	Contract Term	Total Estimated Expenditure	Fiscal Year(s)
Global Building Maintenance	6/1/20 – 5/31/21	\$20,670.00	2019-20
		\$41,172.48	2020-21
TOTAL		\$61,842.48	

Recommendation

The resolution be approved.

20 Resolution - Approving a Vendor/Member Contract Pursuant to a Cooperative Purchasing Agreement between the City of Irving and Altec Industries, Inc., through Sourcwell

Administrative Comments

1. This item is recommended by the Fleet Services Division and the Financial Services Department – Purchasing Division.
2. **Impact:** Establishment of a Vendor/Member Contract between the City of Irving and Altec Industries, Inc., for the utilization of Sourcwell Contract No. 012418-ALT for Utility, Tree Care, Lights and Signs Equipment, which expires on March 14, 2022, will allow the city to purchase and replace older vehicles.
3. Approval of this item allows for the purchase of a 2020 Altec Model AT37G bucket

truck as presented in the following item on this agenda as well as any future purchases from this vendor through the designated Sourcewell contract during the specified contract term.

Recommendation

The resolution be approved.

21 Resolution - Approving the Purchase of a 2020 Altec Model AT37G Bucket Truck from Altec Industries, Inc., in the Total Estimated Amount of \$123,824.00 through Sourcewell

Administrative Comments

1. This item is recommended by Traffic & Transportation Department and approved by the Fleet Services Division.
2. **Impact:** Purchase of a 2020 Altec Model AT37G bucket truck will allow for replacement of an older vehicle in order to reduce vehicle downtime and to facilitate efficient repair and maintenance of infrastructure.
3. This budgeted replacement is made in accordance with the city’s vehicle and equipment replacement policy. It is supported by a Vendor/Member contract between the City of Irving and Altec Industries, Inc., utilizing Sourcewell Contract No. 012418-ALT for Utility, Tree Care, Lights and Signs Equipment, which expires on March 14, 2022 and is presented as the previous item on this agenda.
4. Funding is available in the Vehicle & Equipment Replacement Fund.

Department	Item Description	Qty	Replaces City Tag #	Total Est. Expenditure	Fund
Traffic & Transportation	2020 Altec Model AT37G Bucket Truck	1	21073	\$123,824.00	Vehicle & Equipment Replacement
TOTAL				\$123,824.00	

Recommendation

The resolution be approved.

22 Resolution - Approving and Accepting the Bid of Herco Equipment, Inc., in the Total Estimated Amount of \$80,000.00 for Motor Vehicle Hydraulic Repairs & Optional Parts Only

Administrative Comments

1. This item is recommended by the Fleet Services Division.
2. **Impact:** City equipment will continue to be repaired and maintained with minimum downtime, keeping service levels high.
3. This award establishes an annual contract to provide as-needed motor vehicle hydraulic parts and repairs. Repairs done under this contract supplement the routine preventive maintenance services provided by the Fleet Services Division. The contract is eligible for two renewals each for a one-year period of time.
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.

Vendor	Contract Term	Total Est. Expenditure	Fiscal Year(s)
Herco Equipment, Inc.	5/8/20-4/30/21	\$26,667.00	2019-20
		\$53,333.00	2020-21
TOTAL		\$80,000.00	

Recommendation

The resolution be approved.

23 Resolution - Approving a Vendor/Member Contract Pursuant to a Cooperative Purchasing Agreement Between the City of Irving and Presidio Networked Solutions Group, LLC, through the State of Texas Department of Information Resources (DIR)

Administrative Comments

1. This item is recommended by the Information Technology Department.
2. **Impact:** Establishment of a Vendor/Member contract between the City of Irving and Presidio Networked Solutions Group, LLC, for the utilization of Department of Information Resources (DIR) Contract No. DIR-TSO-4331 which expires on December 13, 2020, will allow the city to purchase Data Storage, Data Communications & Networking Equipment and Related Services, under the best possible terms and conditions for the city.
3. Approval of this contract supports the purchase of a Storage Area Network (SAN) as presented in the following item on this agenda as well as any future purchases from this vendor through the designated DIR contract during the specified contract

term.

Recommendation

The resolution be approved.

24 Resolution - Approving the Purchase of a Storage Area Network (SAN) Presidio Networked Solutions Group, LLC, in a Total Estimated Amount of \$977,138.66 through the State of Texas Department of Information Resources (DIR)

Administrative Comments

1. This item is recommended by the Information Technology Department.
2. **Impact:** The existing Storage Area Networks (SAN) infrastructure has been discontinued and will no longer be supported as of 8/5/2020. Replacement of this hardware will ensure Information Technology's ability to maintain 24/7/365 support of its most critical data such as email storage, user/department drives and enterprise databases. The new storage infrastructure will also provide an increased performance for our existing server and virtual environments.
3. This purchase is supported by a Vendor/Member contract between the City of Irving and Presidio Networked Solutions Group, LLC, utilizing contract DIR-TSO-4331 which expires on December 13, 2020 as presented in the previous item on this agenda.
4. Funding in the amount of \$977,138.66 is available in the Infrastructure Fund.

Recommendation

The resolution be approved.

End of Bids

25 Ordinance - Authorizing the Abandonment of Certain Portions of Drainage, Utility, and Access Easements at the Southeast Corner Lot of Belt Line Road and Hackberry Road and Being Part of Lot 1, Block "A" of the Cypress Waters Commercial Addition

Administrative Comments

1. This item has been recommended by the Capital Improvement Department.
2. **Impact:** This utility and access abandonment is requested by Orange Cypress

Waters, LLC for the development at the southeast corner lot of Belt Line Road and Hackberry Road.

3. Adjacent property owners consent for abandonment of these easements.
4. Capital Improvement Program and Water Utilities Department has approved the requested abandonment of this public utility easement.

Recommendation

The ordinance be adopted.

ZONING CASES AND COMPANION ITEMS

- 26 Ordinance - Amending Section 2-6 “Provisions for Vacation and Abandonment” of Chapter 2 of the Code of Civil and Criminal Ordinances of the City of Irving, Texas, to Remove the Requirement of City Council Approval for Abandonment of an Easement and Delegate that Authority to the City Manager; Amending Section 35-10.2 of Part IV (“Subdivisions”) of the City of Irving Land Development Code by Renaming Said Section 35-10.2 “Provisions for Vacation and Abandonment” and Providing that Certain Real Property Interests May be Vacated or Abandoned through the Platting Process**

Administrative Comments

1. This item has been recommended by the Planning and Community Development Department.
2. The proposed amendment to the Subdivision Ordinance would allow the Planning and Zoning Commission to approve easement abandonments and plat vacations.
3. The existing process to abandon an easement or vacate a plat requires City Council approval, which adds at least one month to the development process. The property then has to be replatted through the Planning and Zoning Commission to document the change in the county records.
4. The amendment will allow for easement abandonments and plat vacations to be reviewed and considered in coordination with a replat presented for approval by the Planning and Zoning Commission.
5. Staff would retain the ability to place any item on an agenda that they determine should receive Council consideration. Every request and consideration for an easement abandonment will continue to receive a full review by the city’s professional engineering staff and evaluation by the applicable potential easement holders.
6. Section 2-6 of the Code of Civil and Criminal Ordinances will also be amended to allow for this approval process.

7. The item was presented to the City Council Planning and Development Committee on December 12, 2019 and moved forward to the City Council work session on March 18, 2020, at which time staff was directed to place it on the agenda for consideration.

Recommendation

The ordinance be adopted.

27 Resolution - Considering Sign Variance Case #S2001-0051 to Allow Modifications to the Required Materials for Monument Signs- Property Located at 950 N. Belt Line Road- Bank of the West, Applicant/Owner

Administrative Comments

1. The applicant is seeking approval of a Sign Variance to allow a new 7'x10' monument sign without the required brick, stone or like materials encasing the aluminum cabinet.
2. The property is located at 950 N. Belt Line Road, southwest of North Belt Line Road and Stovall Road.
3. The applicant currently has a nonconforming pole sign. On October 15, 2019, the pole sign suffered wind damage resulting in a small part of the casing to separate from the sign's shell. Since this is a nonconforming sign, the owner cannot make any permanent repairs to the sign. Accordingly, it must be removed and replaced with a monument sign.
4. Chapter 7, Section 7-3 (7)e of the City of Irving Land Development Code states, "Structures shall be made of brick, stone or similar materials. Such materials shall be used to frame the sign in such a way as to completely surround the sign area. No part of the metal may be left exposed."
5. The building underwent a major exterior remodel approximately two years ago. **The applicant's proposed monument sign is designed to match the remodeled exterior of the building.** While it does not have a masonry encasement, it does have a masonry base approximately 2½ feet tall.
6. According to the applicant, the other tenant on the existing pole sign is for a church administrative organization on adjacent property, and has no need for a sign on this property.
7. Since the proposed sign complements the recently remodeled exterior of the bank, staff can support this request.

Recommendation

The resolution be approved.

28 Resolution - Considering Sign Variance Case #S2002-0017 to Allow Modifications to the Required Materials for Monument Signs- Property Located at 4323 North Shore Drive - Byrum Sign and Lighting, Inc., Applicant - Kensley Apartment Homes, Owner

Administrative Comments

1. The applicant is seeking approval of a Sign Variance to allow a new monument sign without the required brick, stone or like materials encasing the aluminum cabinet.
2. The property is located at 4323 North Shore Drive. The location of the proposed sign is at the driveway located at Las Brisas and North Shore Drive.
3. The proposed monument sign is 5'4" tall and 10' wide, with the sign face being 53.3 square feet.
4. Chapter 7, Section 7-3 (7)e of the City of Irving Land Development Code states, "Structures shall be made of brick, stone or similar materials. Such materials shall be used to frame the sign in such a way as to completely surround the sign area. No part of the metal may be left exposed."
5. The owner is rebranding the apartments, **and is requesting a modern, all-aluminum sign with halo-lit reverse channel letters. In keeping with the rebranding and the modern look of the sign, the applicant is requesting to forego the masonry encasement.**
6. While the sign is all metal, staff believes it meets the intent of the ordinance, which is to have a high-quality monument sign with an attractive appearance. Accordingly, staff can support this request.

Recommendation

The resolution be approved.

29 Ordinance - Zoning Case # ZC20-0002 - Considering a Comprehensive Plan Amendment from "Open Space" to "Business District", and a Proposed Zoning Change from R-6 (Single Family) District Use to FWY (Freeway) District Use - Approximately 1.85 Acres Located at 2932 Proctor Street and 1110 N. Union Bower Road - Rusell Driver, Applicant/Owner

Administrative Comments

1. The Planning and Zoning Commission Hearing Date and Recommendation – March 16, 2020 – Favorable 5-0 (Commissioners Burns, Collins, Joy and Patel, absent).
2. The applicant is requesting to amend the Comprehensive Plan recommendation of "Open Space" to "Business District" and a zoning change to allow future nonresidential development.

3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends *Open Space* uses for this property. This land use category is described as public and semi-public parks, open spaces, recreation centers and golf courses. Although the requested zoning is not in conformance with the Comprehensive Plan, rezoning as requested would be in line with the character of business/commercial related uses in the area and support Goal 6 of the Land Use + Urban Design section of the 2017 Imagine Irving Comprehensive Plan which speaks of “preserving and developing appropriate real estate options to meet the needs of current and prospective businesses”, and in particular Strategy 6.2.2 which states “Protect potential non-residential development sites from residential subdivision or intrusion and promote them for commercial development.”
4. The subject property is a 1.859-acre tract of undeveloped land with some single family residential uses to the west, light industrial uses across Proctor Street to the north, and other nonresidential uses to the east and south. The property adjacent to the east, south and west is under the same ownership as the subject property. **The applicant is proposing rezoning to allow future development of this property in a manner consistent with the adjacent property.**
5. The surrounding property is mostly zoned M-FW (Freeway) District. The M-FW zoning district was repealed in 1983. Per Section 52-57 Repealed Zoning Districts of the Irving Zoning Ordinance, properties zoned under a repealed district are allowed to be developed and maintained in accordance with the repealed district standards until rezoned to another zoning district. However, no property can be rezoned to a repealed district.
6. Since the applicant is attempting to match the existing M-FW zoning on the surrounding property as closely as possible, the applicant has applied for FWY (Freeway) District zoning, which took the place of the old M-FW (Freeway) zoning district in the zoning ordinance.

	M-FW District	FWY District
Front Yard Setback	50 feet	50 feet
Rear Yard Setback	None if no windows or doors; otherwise, 5 feet plus the building height	None if no windows or doors; otherwise, 5 feet plus the building height
Side Yard Setback	30 feet	10 feet or 10% of the width of the lot, but no more than 25 feet
Width of Lot	80 feet	80 feet
Depth of Lot	80 feet	80 feet
Uses	Generally manufacturing, warehousing, and office uses	Generally manufacturing, warehousing, and office uses

7. Currently, the owner has no plans for any development on the site. If this property

is developed in the future, it will be required to meet all of the FWY (Freeway) zoning district requirements and must be platted. The owner has been made aware of this and acknowledges it.

8. Since the owner has adjacent properties with the proposed zoning already and it does not cause any negative impacts on the adjacent uses, staff can support this request.
9. A total of nine (9) public notices were mailed. Staff has not received any responses in support of or in opposition to this request.
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.

30 Ordinance - Zoning Case # ZC20-0003 - Considering a Comprehensive Plan Amendment from "Compact Neighborhood" to "Residential Neighborhood", and a Proposed Zoning Change from R-MF-2 (Multifamily 2) District Use to R-6 (Single Family) District Use - Approximately 0.93 Acres Located at 1102 Hilltop Drive - Binsy Abraham, Applicant/Owner

Administrative Comments

1. The Planning and Zoning Commission Hearing Date and Recommendation – April 20, 2020 – Favorable 8-0 (Commissioner Patel, absent).
2. The applicant is requesting to amend the Comprehensive Plan recommendation of “Compact Neighborhood” to “Residential Neighborhood” and a zoning change to develop one (1) single family residence.
3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends *Compact Neighborhood* uses for this property. This land use category is described as predominantly single family homes with a diverse mix of building types including small lot cottage homes, clustered courtyard homes, townhouses, rowhouses, and small-scale apartment buildings. Some mix of non-residential uses, especially at intersections and commercial corners. Net units per acre: 10-40. The requested zoning is not in conformance with the Comprehensive Plan.
4. Goal 1 Strategies 1.5.7 and 1.5.8 of the 2017 Imagine Irving Comprehensive Plan encourages providing for a variety of single-family residential types and densities

and approving development that is consistent with and enhances existing development. **Single-family of any type would appropriately fit within the existing context of single-family detached and small scale multi-family present in the area.**

5. The subject property is a vacant 0.93 acre portion of an existing lot, formerly the site of a single family residence. The dwelling was demolished in September 2019.
6. The property was part of a large tract rezoned to the R-MF-2 (Multifamily 2) district in 1974 as part of the *Southeast Area C Study*. However, the neighborhood did not transition to multifamily, but remained primarily single family detached residential uses.
7. The surrounding neighborhoods maintained R-6 and R-7.5 zoning, with neighborhood-scale commercial and retail properties.
8. Since this is a request to transition to a different residential use (medium density to low density), the following issues shall be considered:
 - a. The area is physically appropriate (i.e., size, shape, etc.) for the proposed residential use.
 - b. The area provides adequate access and parking capacity required for the proposed residential development.
 - c. The rezoning does not create any foreseeable negative impacts on the adjacent uses.

Staff believes the request meets these requirements.

9. As the lot is a portion of another lot, replatting will be required prior to construction.
10. A total of 14 public notices were mailed. Staff has received two (2) responses in support and one (1) in opposition to this request. The opposition represents 2.72% 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.
11. Since the request is consistent with the goals of the Comprehensive Plan and is an appropriate size and location for single family detached uses, staff can support both the Comprehensive Plan Amendment and the zoning change request.

Recommendation

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

31 Ordinance - Zoning Case ZC20-0004 - Considering a Zoning Change from R-7.5 (Single Family) District Uses to S-P-2 (Generalized Site Plan) District for R-7.5 (Single Family) Uses - Approximately 7,502 Square Feet Located at 1425 Strawberry Circle - Tad Foreman, Owner/Applicant

Administrative Comments

1. The Planning and Zoning Commission Hearing Date and Recommendation: March 2, 2020 – Postpone to March 16, 2020, 7-0 (Commissioners Joy and Patel, absent). March 16, 2020 – Favorable 3-2 (Commissioners Spurlock and Cronenwett, nay; Commissioners Burns, Collins, Joy and Patel, absent).
2. The 2017 Imagine Irving Comprehensive Plan recommends **Residential Neighborhood** uses for this property. This land use category is described as predominantly single-family detached homes or duplexes with some mix of non-residential uses, particularly in-home businesses. The requested zoning is in conformance with the Comprehensive Plan.
3. The subject property is a 7,502 square foot single family lot in an existing residential neighborhood. The applicant is proposing rezoning to allow a pergola within the front yard that would encroach approximately 10 feet into the established 30 ft. front yard setback. The structure will comply with the side setback and height limitations. There is already a single family home on the lot. The survey provided by the applicant also shows that there are two accessory buildings in the rear yard.
4. The pergola is proposed to be 12 feet by 12 feet in area (144 square feet total) and approximately eight (8) feet in height. While the City cannot regulate the materials of which the pergola is constructed, the applicant has provided an elevation drawing showing what it is proposed to look like. The City cannot enforce any architectural standards.
5. Section 52-10 (c) states that “Unless attached to the main building, an accessory building in an "R" district **shall be located on or behind the required front building line** at least ten (10) feet from any dwelling building existing or under construction on the same lot or any adjacent lot, except swimming pools, which may be located nearer than ten (10) feet from any dwelling building existing as long as the excavation of the swimming pool does not in any way harm or endanger any existing building.”
6. The owner maintains that the main reason for the request is to provide shade in the front yard.
7. Since the pergola within the front yard would not be in character with the surrounding neighborhood, is not needed for the reasonable use of the property, and may set a precedent for allowing other accessory structures within a front yard setback, staff cannot support this request.
8. A total of 26 public notices were mailed. Staff has received seven (7) responses in support and none in opposition to this request.

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

Recommendation

The ordinance be denied.

32 Resolution - Special Fence Project Plan #ZC20-0005 - Considering a Variance to Chapter 15 of the City of Irving Land Development Code to Allow a Six (6) Foot Tall Wrought Iron Fence Within the Front Setback - Property Located at 2020 Rocky Cove - J.G. Fence, Applicant/Owner

Administrative Comments

1. The Planning and Zoning Commission Hearing Date and Recommendation: March 16, 2020 – Favorable 3-2 (Commissioners Spurlock and Cronenwett, nay; Commissioners Burns, Collins, Joy and Patel, absent), subject to the gate having corner clips as directed by staff and the fence being set 1 foot from the property line.
2. The subject property is a 6,300 square feet site developed with a single family home. **The applicant is proposing a special fence project plan to allow 6-foot wrought iron fence and sliding gate within the front yard setback.**
3. Sec. 15-10 of the fence ordinance prohibits fences within the front yard setback from exceeding four (4) feet in height.
4. Fences in front yards must also allow for 50 percent through-visibility. The wrought iron material will meet the visibility requirement.
5. The site plan shows a six-foot tall wrought iron fence extending from the house into the 25-foot required setback, five feet from the side property lines, and one foot off the sidewalk, which will place it six inches from the front property line. The applicant is also proposing a 19-foot wide sliding gate, to extend across the driveway.
6. The applicant states that the reason for the request is to halt the vandalism of his vehicles.
7. No other homes along Rocky Cove have a fence in the front setback. A proposed variance for a six-foot tall fence and a motorized gate are not consistent with the block face of Rocky Cove, and are not in character with the neighborhood.
8. Since the fence is not in character with the rest of the neighborhood and poses safety concerns as currently located, staff cannot support this request.
9. A total of 29 public notices were mailed. Staff received four (4) notices in support and three (3) notices and one (1) email in opposition to this request. The three

notices in opposition represent 10.52% of the land within 200 feet. Since this is a Special Fence Project Plan and not a zoning case, only a simple majority is required for approval of this case.

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

Recommendation

The resolution be denied.

33 Ordinance - Zoning Case ZC20-0008 - Considering a Zoning Change from C-C (Community Commercial) District Uses to S-P-1 (Detailed Site Plan) District for C-C (Community Commercial) District Uses with an Exception to the 300-Foot Distance Requirement to a Public School - Approximately 0.4817 Acres Located at 2330 W. Airport Freeway - Southern United Enterprise LLC., DbA Chill & Fill, Owner/Applicant. Barbosa Professional Services, Agent

Administrative Comments

1. The Planning and Zoning Commission Hearing Date and Recommendation: March 2, 2020 – Denial 5-1 (Commissioner McPhail, nay; Commissioner Zeske, abstain; Commissioners Joy and Patel, absent).
2. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Commercial Corridor** uses for this property. This land use category is described as an auto-oriented district for retail, office and commercial uses. Parking in front with buildings set back from the street. The requested zoning is in conformance with the Comprehensive Plan.
3. The subject property is a 0.482 acre lot with an existing gasoline service station and convenience store. **The applicant is proposing rezoning to allow an exception from the 300-foot distance requirement required between an establishment that sells alcohol for off-premises consumption and a public school.**
4. Crockett Middle School is located on the west side of Story Road, with the school's track and soccer field directly across the street from the convenience store, with a chain-link fence surrounding the track and field.
5. The applicant wants to add the sale of alcoholic beverage for off-premises consumption to the existing convenience store on the east side of Story Road. Section 52-49(a)(10) states, **"The sale of alcoholic beverages within three hundred (300) feet of a church, public or private school, or public hospital is**

hereby prohibited.” It further specifies, “The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections”.

6. Using the measurement requirements above, the distance between the property lines of the subject property and Crockett Middle School (across N. Story Road) is 125 feet. This is a variance of 175 feet.
7. The applicant is proposing to add some additional landscaping. The site plan indicates a row of Dwarf Burford Hollies (at 36 inches on center) in between the existing trees along the frontage of N. Story Rd., and one additional Crepe Myrtle tree along the State Highway 183 frontage road.
8. While the Council has given variances to the distance separation from a school in the past, these have been due to unique circumstances of the property. In one case, it was due to the school being on an extended flag lot. In another case, it was due to the school property meeting the intent of the ordinance, as determined by the City Council. In this case, there is no unique property shape, and the portion across the street is developed and used for athletic activities. In staff’s opinion, no true “hardship” exists.
9. Given the clear nature of the language of the code and the very large exception being requested, even with increased landscaping, staff cannot support this request.
10. A total of 35 public notices were mailed. Staff has received one (1) in support and two (2) in opposition to this request. The opposition represents 19.46% 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.
11. This item supports Strategic Objective 3.5 – Effectively plan and manage land use.

Recommendation

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

34 Ordinance - Zoning Case # ZC20-0010 - Considering a Comprehensive Plan Amendment from "Commercial Corridor" and "Open Space" to "Compact Neighborhood", and Considering a Proposed Zoning Change from M-FW (Freeway) District Use and R-SFA (Single Family Attached) District Use to S-P-2 (Generalized Site Plan) District Use for R-TH (Townhouse) Uses- Approximately 20.71 Acres Located at 920 S. Belt Line Road and 3324 W. Shady Grove Road - Frye Road 9 Acres LLC, Owner. JDJR Engineers Inc, Applicant

Administrative Comments

1. The Planning and Zoning Commission Hearing Date and Recommendation – April 20, 2020 – Approval of R-TH zoning with no exceptions 5-3 (Commissioners Zeske, McPhail, and Collins, nay; Commissioner Patel, absent).
2. The applicant is requesting to amend the Comprehensive Plan recommendation of “Open Space” and “Commercial Corridor” to “Compact Neighborhood” and a zoning change to develop approximately 184 townhomes with multiple exceptions to the R-TH development standards.
3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends *Commercial Corridor* uses for this property. This land use category is described as auto-oriented district for retail, office and commercial uses. The requested zoning is not in conformance with the Comprehensive Plan
4. One of the major issues analyzed during the formation of the 2017 Imagine Irving Comprehensive Plan was the need to identify suitable tracts of land for residential development (especially a variety of types and of higher density than standard large lot single-family detached) to address Irving’s share of housing the anticipated population growth in the region out to the year 2040. This site would be ideal for the proposed townhouse use with needed retail/restaurant/commercial within 1-2 miles of the site to the north, east and south. With existing single-family detached predominant in this area of the city, this proposed development would support Strategies 1.5.7 and 1.5.8 of Goal 1 promoting a variety of single-family residential types and densities and approving new development that is consistent with and enhances existing development.
5. The subject property is a 20.71 acre undeveloped tract on the southeast corner of S. Belt Line Road and W. Shady Grove Road, with approximately 1,750 feet of frontage on S. Belt Line Road, and 117 feet of frontage on W. Shady Grove Road. **The applicant is requesting a zoning change to allow a 186-unit townhouse development with variances to the lot area, setbacks, building height, and other requirements.**
6. The majority of the property is currently zoned M-FW (Freeway) district, and a portion adjacent to W. Shady Grove is zoned R-SFA (Single-Family Attached) district. Right-of-way had previously been dedicated to widen Belt Line Road, and large utility easements exist adjacent to the Belt Line frontage. Large culverts were

constructed as part of the drainage work which limits the driveway accessibility to Belt Line Road. Both floodplain and floodway cover a large portion of the western and southern portions of the property.

7. A commercial parcel is on the southeast corner of S. Belt Line Road and W. Shady Grove Road, northwest of the subject property. The Graff Farms residential development is adjacent to the east, rezoned in 2004 and developed for 361 R-6 (Single Family) lots.
8. The applicant has asked for **the following exceptions to the R-TH zoning district:**

	Required for R-TH	Requested	Difference
Minimum lot area	2,240 sq. ft.	1,750 sq. ft.	-490 sq. ft. (22%)
Minimum lot depth	80 ft.	70 ft.	-10 ft. (12.5%)
Front yard setback	25 ft.	15 ft.	-10 ft. (40%)
Rear yard setback	25 ft.	10 ft.	-15 ft. (60%)
Garage door setback (from alley)	25 ft.	10 ft.	-15 ft. (60%)
Maximum lot coverage	70%	80%	+10% (14%)
Minimum distance between structures	12 ft.	10 ft.	-2 ft. (17%)
Maximum building height	30 ft.	3 stories or 45 ft.	+15 ft. (50%)

The applicant was asked to explain the need for the multiple variances requested, and stated that these variances had been granted in similar projects in other parts of the City. However, the applicant did not provide examples of what makes this project unique in either use or location to need the same variances. With almost 21 acres to work with, the applicant has room to meet all the area requirements of lots in R-TH zoning, and so would also not need a height variance, a separation between buildings variance, and forcing extra parking onto the street.

9. Some of the property is located in FEMA floodplain and floodway. Significant changes were made to the property several years ago during a major drainage improvement. **No floodplain studies have yet been submitted for this development and any necessary mitigation.**
10. Two fire access points are required for the number of units in the development. Staff can support the proposed access points and bridge location.
11. The property must be platted prior to development. **The drainage/floodplain and**

access issues are typically addressed in the platting process.

12. The site plan notes that a six-foot tall masonry screening wall will be constructed in private easements for the frontages along S. Belt Line Road and Shady Grove Road, subject to sight visibility and existing or proposed utility easements which will be provided in the platting process. The HOA will maintain these walls and a note will be provided at the time of platting. A fence is not required between the residential townhouse and single family uses nor is one provided on the site plan, however it is expected that the townhouse developer will provide a screening fence where one does not exist.
13. Nine open space lots are proposed, to be maintained by the HOA.
14. The proposed site plan establishes a minimum of 1,600 sq. ft. of air-conditioned living space per unit with two parking spaces to be provided within **rear garages with alley access. With the variance request for 10 ft. rear setback, only a 10 ft. driveway would be possible which would not allow for two parking spaces in the driveway. No guest parking areas are provided within the community for additional parking spaces.**
15. A total of 61 public notices were mailed. Staff has received no responses in support and 15 responses in opposition to this request. The opposition represents 8.09% of the land within 200 feet of the subject property. Since this is less than 20%, a ¾-vote is not required for approval.
16. Although the property is suitable for both the Compact Neighborhood land use and the R-TH zoning, and the development provides for housing needed by the community, staff does not find that variances to the majority of R-TH district standards are necessary and justifiable.

Recommendation

The ordinance be approved for R-TH uses with no exceptions per the recommendation of the Planning and Zoning Commission.

- 35 Ordinance - Zoning Case #ZC20-0011 - Considering a Zoning Change from S-P-2 (Generalized Site Plan) District for ML-20 (Light Industrial) Uses to S-P-1 (Detailed Site Plan) District for ML-20 (Light Industrial) and Wireless Telecommunications Facility Uses - Approximately 600 Square Feet Located at 5260 Valley View Lane - Verizon Wireless, Applicant - Boston & Portsmouth Accessory Services, LLC, Owner**

Administrative Comments

1. The Planning and Zoning Commission Hearing Date and Recommendation: April 20, 2020 – Favorable with “lampshade-style” concealment design 8-0

(Commissioner Patel, absent).

2. The applicant is proposing to rezone the property to allow a new 115-ft tall wireless telecommunications tower and equipment cabinet.
3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends *Business District* uses for this property. This land use category is described as flexible use district for retail, office and commercial uses, predominantly mid-rise with a mix of surface and structured parking. The requested zoning does not change the primary land use and is in conformance with the Comprehensive Plan.
4. The tower will be 115-foot tall monopole with a 5-foot lightning rod and internal antenna arrays. The tower will be in a 20' x 30' leased area in the northeast corner of a lot that is owned by BP Aerospace, which contains aviation engine services with two stories of offices fronting Valley View Lane.
5. The tower will be approximately 90 feet south of Valley View Road, approximately 12 feet from the east (side) property line and over 550 feet from the south (rear) property line. Access is provided through an existing 30-foot wide access drive that serves the existing development on the lot.
6. To the east of proposed tower is a flood plain area within Harrington Park; the park is frequently used for playing the sport of Cricket. To the south and west is the BP Aerospace building and related parking areas. To the north, across Valley View Lane, is DFW Airport property. The surrounding area is generally industrial in nature, with the exception of Harrington Park.
7. The tower was originally able to accommodate up to three (3) antenna arrays with related equipment for various carriers. The antennas arrays were not proposed to be inside the pole or covered by concealment shrouds that would screen the equipment from view. On April 29, the applicant submitted a revised design. The revised design will be a "flagpole" design and have all the antenna inside the pole. However, the tower will now only be able to accommodate two (2) levels of antenna arrays. This is consistent with the intent of the Planning and Zoning Commission's recommendation to conceal the antennas.
8. Telecommunications towers are required to be a minimum of 200 feet or 3-to-1 distance-to- height ratio, whichever is greater, from structures used for residential purposes. For a 115-foot tower this would be a minimum of 345 feet. No residential property exists within 345 feet of the tower.
9. As required, no other towers exist within 5,000 feet of the proposed location.
10. The leased portion of the lot will be enclosed by an 8-foot tall masonry wall on three sides. The gate on the southeast facing part of the enclosure is proposed to be wrought iron.
11. The applicant indicates one 9-foot by 18-foot parking space adjacent to the compound. While the parking space is outside of the lease space, the space will be included in the lease agreement with the property owner. The space will be striped

so that it remains open for use by the cell tower operator.

12. A total of 21 public notices were mailed. Staff has not received any responses in support of or in opposition to this request.
13. With the exception of the lack of antenna array concealment, the proposed tower is in compliance with the Zoning Ordinance and the Planning and Zoning Commission's adopted Antenna/Tower Siting Policies and Guidelines. Staff believes this is an appropriate location for a tower, and can support this 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, subject to the "lampshade design" being replaced by a "flagpole design" as now proposed by the applicant.

36 Resolution - Special Fence Project Plan #ZC20-0018 - Considering a Variance to Chapter 15 of the City of Irving Land Development Code to Allow a Seven (7) Foot Tall Corrugated Sheet Metal Fence in Single Family Zoning - Property Located at 1317 S. Nursery Road - Plymouth Heritage LLP, Applicant - Anjuman-E-Nagmi, Owner

Administrative Comments

1. The Planning and Zoning Commission Hearing Date and Recommendation: March 16, 2020 – Denial 5-3 (Commissioners Zeske, McPhail and Collins, nay; Commissioner Patel, absent).
2. The subject property is a 0.21 acre lot developed with a single family home. **The applicant is proposing a special fence project plan to allow a seven-foot tall R-panel metal fence in the rear yard in single family residential zoning.**
3. Chapter 15 of the Development Standards and Building Codes provides fence regulations which state that only materials designed to be used as fencing can be used for fence construction. Additionally, metal fencing is not permitted on residential property.
4. The applicant began construction of a fence built with a welded tubular metal frame with powder-coated corrugated metal panels, seven-feet tall on the side and rear property lines, with gates on each side of the house without a fence permit. The construction has been halted by Code Enforcement.
5. The applicant stated that the fence was built because the neighbor to the west, adjacent to the rear of the lot, has constructed the same type of metal fence to replace sections of the existing wood fence on that lot. However, this was also constructed without a fence permit and a Special Fence Project Plan has been submitted for that code violation. The applicant also expresses the desire to have a

minimal maintenance, longer-lasting fence that will also inhibit wildlife movement.

6. A proposed seven-foot tall corrugated sheet metal fence is not consistent with the character of a residential neighborhood and is not allowed by the Fence Ordinance in a residentially zoned area. Therefore, staff cannot support this request.
7. A total of 25 public notices were mailed. Staff received three (3) notices in support and two (2) notices in opposition to this request. The two notices in opposition represent 5.59% of the land within 200 feet. Since this is a Special Fence Project Plan and not a zoning case, only a simple majority is required for approval of this case.
8. This item supports Strategic Objective 3.5 – Effectively plan and manage land use.

Recommendation

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

37 Ordinance - Zoning Case ZC20-0020 - Considering a Zoning Change from ML-20A (Light Industrial) District Uses to S-P-2 (Generalized Site Plan) District for ML-20A (Light Industrial) Uses - Approximately 3.64 Acres Located at 1329 W. Walnut Hill Lane - Tisara, LLC, Owner/Applicant

Administrative Comments

1. The Planning and Zoning Commission Hearing Date and Recommendation – April 20, 2020 – Postpone to May 4, 2020 8-0 (Commissioner Patel, absent). May 4, 2020 – Pending.
2. The applicant is requesting rezoning to allow exceptions to the required parking in order for the building to be converted to office uses.
3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Neighborhood Commercial** uses for this property. This land use category is described as mixed-use commercial areas along major corridors with opportunities for residential and commercial infill and reinvestment. The requested zoning is in conformance with the Comprehensive Plan.
4. The property is currently developed with a 52,800 sq. ft. building. The owner is proposing to remodel the existing building to create additional office suites.
5. The property was originally built for flex office/warehouse uses and met the parking requirements for the use. Later, it was converted to the Boy Scout Museum, Student and Family Training Center. The Boy Scouts are vacating the property, and the building is being subdivided into five separate office suites (including for one tenant who already occupies 30,150 square feet of office space).
6. **The proposal to lease the entire building as office space causes the property**

to be deficient in required parking. The applicant is requesting an exception to the required parking due to the creation of four (4) additional office suites. The parking for professional offices is a minimum of eight (8) parking spaces for the first 1,000 square feet of floor area and one additional space for each additional three hundred (300) square feet or portion thereof. The parking calculations are as follows:

Building Size	Parking Required for Office	Parking Provided
52,800 sq. ft.	8 spaces for first 1,000 square feet, plus 1 per each additional 300 sq. ft. = 181 parking spaces	142 parking spaces (Exception requested for 39 spaces)

Four (4) additional new office suites would require a total of 181 parking spaces. The proposed site plan shows 142 parking spaces being provided, a 21.6% (39 spaces) reduction to the required parking.

7. The surrounding area is occupied by other low-rise office buildings. While the use is appropriate, the number of parking spaces being requested to be varied is somewhat high. However, there are no residential properties in the area that would be negatively impacted if the site reaches parking capacity. The applicant understands that it would be their responsibility to ensure adequate parking exists for the proposed tenants. The property is surrounded by other office facilities and their associated parking lots that could possibly be shared if there are surplus spaces, and the owners agree to a shared arrangement.
8. Approximately 13 parking spaces could possibly be added along the High Pointe Drive frontage, but this would require encroachment into a 30 ft. +/- deep landscape buffer that has some mature trees. Staff is reluctant to recommend removal of mature landscaping along this street frontage.
9. A total of 15 public notices were mailed. Staff has not received any responses in support of or in opposition to this request.
10. Since the applicant is proposing renovations to an existing building which supports the Comprehensive Plan for redevelopment, the use is appropriate for the area, no residential properties will be impacted, and no other variances are being requested, staff can support this request.

Recommendation

The ordinance be adopted.

38 Ordinance - Zoning Case ZC20-0022 - Considering a Zoning Change from S-P-1 (Detailed Site Plan) District for C-C (Community Commercial) Uses to S-P-1 (Detailed Site Plan) District for C-C (Community Commercial) Uses with Outdoor Storage of Vehicles - Approximately 1.59 Acres Located at 222 West Airport Freeway- JDS Collision Repair, Owner/Applicant

Administrative Comments

1. The Planning and Zoning Commission Hearing Date and Recommendation: April 20, 2020 – Postpone to May 4, 2020 8-0 (Commissioner Patel, absent). May 4, 2020 – Pending.
2. **The applicant is requesting to rezone the property to allow exceptions to the required parking and landscaping requirements to remodel an existing building for a new auto repair business that will include outdoor storage of vehicles.**
3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Commercial Corridor** uses for this property. This land use category is described as “Auto-oriented district for retail, office and commercial uses. Parking is in front with buildings set back from the street, with low to midrise buildings.” The requested zoning is in conformance with the Comprehensive Plan.
4. **History:** The property previously used as a furniture store that consisted of a 29,598-square foot metal building and a 13,441-square foot tilt wall structure that was added to the front. When the applicant purchased the site, he submitted and was approved for an Administrative Amendment to make minor modifications to the original site plan to demolish the 13,441-square foot tilt wall structure and adding a canopy to the remaining metal building. Subsequently, when the applicant needed to modify the parking and landscaping areas to complete the rest of the remodel, this zoning case was submitted.
5. **Access:** The site currently has access from one (1) drive opening located at the north end of the property that abuts W. Airport Freeway and two (2) drive openings on the southern portion of the property that abuts Shoaf Drive. The applicant is currently working with TxDOT to eliminate the drive opening on W. Airport Freeway. If it is approved, this will improve movement along the access road. The applicant is also proposing to move the northernmost drive opening on Shoaf Dr. approximately 60 feet further to the south. This will improve traffic movements from W. Airport Freeway turning onto Shoaf Drive and allow more space for vehicles that will be turning into the site.
6. **Exception to Outside Storage:** The applicant will be operating a collision repair center and will require some ability to store inoperable vehicles until they can be worked on. **The applicant is proposing a secured area along Shoaf Drive consisting of a solid eight (8) foot tall R-panel, painted metal fence.** The fence will be gated in 2 locations and equipped with Knox boxes for access by emergency

personnel. This area will screen 19 spaces for storing inoperable vehicles for repair as well as the dumpster.

7. **Exception to Required Parking:** The area along the 183 frontage is also encumbered with a 20-foot water and sanitary sewer easement along this frontage. The 20-foot easement and 30-foot required landscape buffer is in an area that could typically be used for parking (a typical landscape buffer would be 15 feet). As stated above, the applicant is also planning to eliminate the drive opening along W. Airport Freeway (pending approval from TxDOT) but, since that area falls within the easement and landscape buffer, it cannot be used for parking

The proposed facility’s parking is calculated based on three different uses of the structure:

USE	SQUARE FEET	REQUIRED PARKING
Office	2,971 sq. ft.	10 spaces (1/300 sq. ft.)
Workshop	17,852 sq. ft.	45 spaces (1/400 sq. ft.)
Warehouse	9,775 sq. ft.	9 spaces (1/1000 sq. ft.)
Total parking spaces required		64 spaces
Total parking spaces provided for employee and customer parking		47 spaces (exception of 17 parking spaces requested)

The proposed site plan provides 47 spaces accessible to employees and customers. 19 parking spaces are provided behind a secured area and used for the outdoor storage of vehicles held for repair. **As 64 parking spaces are required, the applicant is requesting an exception for the provision of 17 additional parking spaces.** The owner maintains that, since the business is for collision repair, there will not be high customer parking demand as they are typically only parking to get estimates and to pick up or drop off a vehicle.

8. **Exception to Landscaping Requirements:** Due to the remodeling of the site, the applicant is required to comply with the State Highway 183 Overlay District landscaping standards. Section 52-64d (e)(2) of the State Highway 183 Overlay District requires a 30-foot landscaped buffer be provided along W. Airport Freeway and a 15-foot landscape buffer along Shoaf Drive.
9. The site currently has no landscaping, with the exception of 3 small trees within the parking area along Shoaf Drive that are proposed to be removed. The proposed site plan provides the required 30-foot landscape buffer along W. Airport Freeway, including all of the required trees for the buffer. However, due to the need for parking and driveway circulation, **the applicant is requesting an exception for the 15-foot landscape buffer along Shoaf Drive.**
10. Along Shoaf Drive, the ratio is one (1) tree per 40 linear feet of frontage, which

would require a total of 10 street buffer trees. The applicant maintains that, because of their efforts to provide as much parking as possible, it is not possible to provide a buffer wide enough to accommodate trees along Shoaf Drive. While not proposing any trees in this area, the applicant has proposed to add an additional four (4) trees to the 30-foot landscape buffer along W. Airport Fwy., for an exception request of six (6) trees.

11. Additionally, Section 52-64d (e)(2) requires parking lot trees be provided at a ratio of one (1) tree per 10 parking spaces. Given that the usable parking spaces amount to 47, a total of five (5) parking lot trees would be required. The applicant is proposing zero parking lot trees. They explain their ability to provide landscape islands that could accommodate trees is limited in order to provide the needed parking. In addition, the placement of the new canopy that is proposed to be added to the front of the building prevents additional trees from being located in that portion of the parking lot. The applicant has offered to plant an additional hedgerow adjacent to the parking spaces at the northern property line, along W. Airport Freeway and is planting a 30-inch tall Dwarf Burford Holly hedge row along Shoaf Drive.

12. Below is a chart summarizing the proposed landscaping:

EXCEPTIONS	Required	Provided	Deficient
Parking	64	47	17
Landscaping			
Landscape buffer – W. Airport Fwy	30 feet	30 feet	N/A
Landscape buffer – Shoaf Drive	15 feet	0 feet	15 feet
Landscape buffer trees – W. Airport Fwy	5 trees	6 trees	N/A
Landscape buffer trees – Shoaf Drive	10 trees	4 trees (located along W. Airport Fwy)	6 trees
Parking lot trees	5 trees	0	5 trees
Total Trees	20 trees	10 trees	10 trees

13. A total of six (6) public notices were mailed. Staff has not received any responses in support of or in opposition to this request.

14. While the applicant is requesting multiple exceptions, **they are making several significant improvements to the site and reinvesting in a site that was vacant and had become an eyesore in the State Highway 183 corridor.** The current building will be renovated, parking areas will be repaved, new landscaping will be added, and a driveway will likely be eliminated.

15. Given the benefits of the redevelopment of the site, staff can support the exception

for the outdoor storage since it will be totally screened from public view by the solid metal fence. Staff can also support the exceptions to the lack of a 15-foot buffer along Shoaf Drive since the applicant is proposing additional trees in the 30-foot buffer. However, regarding the exception to the provision of the buffer and parking areas trees, **staff would propose that two (2) additional ornamental trees (such as crepe myrtles) be added to the two landscape islands that align the northernmost drive opening on Shoaf Drive.** This would further make up for the 3 existing trees that will be removed.

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

Recommendation

The ordinance be adopted subject to the addition of two (2) trees along Shoaf Drive.

APPOINTMENTS AND REPORTS

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Adjournment