

**AGENDA**  
**Irving City Council Regular Meeting**  
**Thursday, February 25, 2021 at 7:00 PM**  
**City Hall, First Floor, Council Chambers**  
**825 W. Irving Blvd., Irving, Texas 75060**

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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 February 25, 2021. 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](mailto: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), **1-877-853-5257** (Toll Free) or +1 346 248 7799 or online at <https://zoom.us/j/95288006176> Meeting ID: 952 8800 6176

Organizational Service Announcements

Invocation

Reverend Adriana Elliott, Saint Mary's Episcopal Church

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 18

## **CITY COUNCIL AGENDA**

### **1 City Operations Update**

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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.

## CONSENT AGENDA

- 2 **Approving Work Session Minutes for Thursday, February 11, 2021**
- 3 **Approving Regular Meeting Minutes for Thursday, February 11, 2021**
- 4 **Resolution - Authorizing the Approval of an Election Services Contract with Dallas County on Behalf of the Dallas County Elections Administrator in an Amount Not to Exceed \$160,000.00 to Administer the Regular Municipal Election for the Purpose of Electing City Council Places Four (4), Six (6), and Eight (8) and the Special Bond Election to be Held on Saturday, May 1, 2021 and Subsequent Run-Off Election If Necessary**

### **Administrative Comments**

1. This item is recommended by the City Secretary's Office.
2. **Impact:** The contract with the Dallas County Elections Administrator streamlines the administration of elections; reduces costs by splitting fees amongst all Dallas County entities, including school districts, community college districts and hospital authorities, having elections on May 1, 2021; and reaches the broadest spectrum of Irving voters due to various early voting polling locations and election day Vote Centers available throughout Dallas County.
3. Dallas County has implemented countywide polling places, also known as Vote Centers. On Election Day, voters may vote at any countywide polling place within Dallas County. Voters are no longer limited to the polling place designated by their precinct.
4. The standard contract that the City will enter into with Dallas County Elections Administrator is in compliance with the Texas Election Code and has been reviewed by the City Secretary's Office and the City Attorney's Office.
5. Council has approved up to \$160,000.00 for the May election and run-off election, if needed, and the Special Bond Election; these funds are available in the General Fund.
6. The City of Irving's total contract amount due is subject to increase pending cancellation of elections by various entities in Dallas County.

### **Recommendation**

The resolution be approved.

**5 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 March 11, 2021, which is the date of the next City Council meeting.
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 ratified and extended the Declaration of Local Disaster for Public Health Emergency until April 18, 2020, and subsequently ratified and extended the Declaration until February 25, 2021.

**Recommendation**

The resolution be approved.

**6 Resolution - Approving Submission of an Application for the Fiscal Year 2021 Emergency Management Performance Grant (EMPG) to the Texas Division of Emergency Management and Designating the Mayor as the Authorized Official to Apply For, Accept, Reject, Alter, or Terminate the Grant and Execute Any Necessary Grant Documents on Behalf of the City**

**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:** This grant assists local governments in maintaining viable emergency management/homeland security programs.
3. This reimbursement grant is for the period of October 1, 2020 to September 30, 2022.
4. This grant will reimburse the city up to 50% of allowable Emergency Management program costs, which covers a portion of staff payroll, benefits, travel, and general administrative expenses for the Emergency Management Office.
5. The City has participated in this EMPG program since 2003.

### **Recommendation**

The resolution be approved.

## **7 Resolution - Approving a Lease Agreement with 1915 Office Park, LLC for an Office/Showroom/Warehouse Located at 1915 Peters Road, Suite 113, for Use by the Irving Police Department for a One-Year Term**

### **Administrative Comments**

1. This item is recommended by the Police Department. It supports Strategic Objective 4.1: Safeguard public safety, security and health.
2. **Impact:** The use of a satellite office for the Irving Police Department Tactical Team for training purposes.
3. The lease is for a period of 12 months, commencing on March 1, 2021 and expiring on February 29, 2022, with an option to extend the lease. The monthly base rent amount is \$0.08, and the security deposit has been waived. The Police Department will be responsible for electricity in the space, and the landlord shall provide ware and sewage at no cost.
4. Funding is available in the General Fund.

### **Recommendation**

The resolution be approved.

## **8 Resolution - Awarding a Contract to Structure Tone Southwest LLC, in the Amount of \$7,788,703.37 for the Williams Square Plaza Renovation Project**

### **Administrative Comments**

1. This item is recommended by the Capital Improvement Program Department and the Economic Development Department. It supports Strategic Objective 4.5 – Implement enhancements to cultural and recreational facilities.
2. **Impact:** This project will provide for the renovation and updating of the Williams Square Plaza including repairs to the mustang statues and fountain. It is associated with and dependent upon the following two items on this agenda.
3. The renovation of the plaza will provide for a vibrant pedestrian friendly destination with opportunities for planned events and public gatherings. Green spaces will be created within the plaza resulting in a more inviting environment. The planned work

will also include needed updates and repairs to the fountain mechanical equipment and lighting. The mustang statues will also be refurbished.

4. Bids were received from 5 bidders. Structure Tone Southwest LLC, submitted the lowest responsive responsible bid of \$7,788,703.37. This is \$1,224,672.63 (14%) below the funding allocated for this project.
5. Minority- and/or Women-owned Business (M/WBE) participation in this award is 30%.
6. Funding in the amount of \$7,788,703.37 is available in the Non-Bond CIP Fund.

### **Recommendation**

The resolution be approved.

## **9 Resolution - Approving an Interlocal Cooperation Agreement Between the City of Irving and the Dallas County Utility Reclamation District for the Conveyance, Renovation, and Maintenance of Williams Square and the Mustangs of Las Colinas**

### **Administrative Comments**

1. This item is recommended by the Office of Economic Development. It supports Strategic Objective 2.5 – Support strategic investments in City facilities and Objective 3.1 – Promote revitalization of targeted areas.
2. **Impact:** The Interlocal Agreement (ILA) with Dallas County Utility Reclamation District (DCURD) provides for the transfer of Williams Square property from DCURD to the City of Irving, allowing the City to renovate the plaza including hardscape, finish grading, pedestrian pathways and planting areas, fountain system engineering, exterior lighting design for landscape and central tower, planting and irrigation design, and information technology engineering design. The purpose of the project is to re-energize, enhance, and activate the use of this iconic public gathering space. This item is associated with and dependent upon the immediately previous and following items on this agenda.
3. On September 19, 2017, staff briefed the Tax Increment Reinvestment Zone No. 1 (TIF #1) Board on the Williams Square plaza conceptual redesign project. On October 17, 2017, the TIF #1 Board approved a resolution recommending \$400,000 in funding for the conceptual redesign of Williams Square plaza.
4. On December 14, 2017, City Council approved an Interlocal Cooperation Agreement with Dallas County Utility Reclamation District (DCURD) to assess the current conditions of Williams Square plaza and coordinate master planning for future enhancements, renovations, and maintenance of the plaza. The Interlocal

Agreement established a committee comprised of representatives from the City, DCURD, Las Colinas Association (LCA), and ownership of the Towers of Williams Square to recommend a design firm through a Request for Qualifications (RFQ) process.

5. On December 14, 2017, City Council also approved FY 2017-18 Budget Adjustment #1, allocating \$400,000 in the TIF #1 Project Fund for the conceptual redesign of Williams Square plaza and legal costs for the potential transfer of ownership of Williams Square plaza from DCURD to the City.
6. The committee (representatives from the City, DCURD, LCA, and ownership of the Towers) identified SWA Group as the highest qualified respondent to the Request for Qualifications (RFQ). On August 2, 2018, City Council approved RES-2018-285, approving a Professional Services Agreement with the SWA Group for conceptual design.
7. During August and December of 2018, SWA met with the stakeholder group and engaged the public to develop a design for the Plaza by hosting five (5) public meetings. SWA developed numerous concepts and refined the design based on feedback from public stakeholders.
8. January 2019, SWA presented the preferred design to the TIF #1 Board and City Council and received feedback. In March 2019, SWA presented the proposed design and cost estimate to Council and received feedback to provide design options at various cost levels.
9. December 2019, Council approved RES-2019-463, amending the Professional Services Agreement with SWA for full design services for the re-design of the Williams Square plaza. SWA has completed the design and in September 2020, Council supported soliciting a construction bid for the reconstruction of Williams Square. Staff received five (5) bid responses and will be providing a recommendation to Council for consideration.
10. Prior to construction, conveyance of the property from DCURD to the City should occur. The ILA outlines the duties, obligations, and understandings of the City and DCURD for:
  - a. the conveyance of Williams Square to the City;
  - b. the assignment of the Williams Square Lease Agreement to the City;
  - c. completion of the renovation of Williams Square;
  - d. funding for the continued maintenance of Williams Square after project completion; and
  - e. coordinating the future assignment and transfer of the Museum Lease Agreement to the City.
11. DCURD will contribute \$50,000 annually to the maintenance of Williams Square for a term of 30 years. Prior to each annual payment, the District may inspect Williams

Square to verify that Williams Square is being reasonably maintained in accordance with the City's Williams Square Landscape Maintenance Manual. The term of the ILA will continue for thirty (30) years, with the option of mutual agreement to extend for two (2) consecutive periods of thirty (30) years each.

### **Recommendation**

The resolution be approved.

## **10 Resolution - Approving (1) an Amendment and Assignment of Lease Agreement Between the Dallas County Utility Reclamation District, AGRE Williams Square Holdings, LLC, and the City of Irving, and (2) an Amended and Restated Reciprocal Easement Agreement Between AGRE Williams Square Holdings, LLC and the City of Irving**

### **Administrative Comments**

1. This item is recommended by the Office of Economic Development. It supports Strategic Objective 2.5 – Support strategic investments in City facilities and Objective 3.1 – Promote revitalization of targeted areas.
2. **Impact:** The Amendment and Assignment Lease Agreement with AGRE Williams Square Holdings, LLC (AGRE) amends the current lease between Dallas County Utility Reclamation District (DCURD) as the landlord and AGRE as the tenant and assigns and transfers to the City all the rights, obligations, and interest of the landlord in the lease. This item is associated with and dependent upon the previous two items on this agenda.
3. On September 19, 2017, staff briefed the Tax Increment Reinvestment Zone No. 1 (TIF #1) Board on the Williams Square plaza conceptual redesign project. On October 17, 2017, the TIF #1 Board approved a resolution recommending \$400,000 in funding for the conceptual redesign of Williams Square plaza.
4. On December 14, 2017, City Council approved an Interlocal Cooperation Agreement with Dallas County Utility Reclamation District (DCURD) to assess the current conditions of Williams Square plaza and coordinate master planning for future enhancements, renovations, and maintenance of the plaza. The Interlocal Agreement established a committee comprised of representatives from the City, DCURD, Las Colinas Association (LCA), and ownership of the Towers of Williams Square to recommend a design firm through a Request for Qualifications (RFQ) process.
5. On December 14, 2017, City Council also approved FY 2017-18 Budget Adjustment #1, allocating \$400,000 in the TIF #1 Project Fund for the conceptual redesign of

Williams Square plaza and legal costs for the potential transfer of ownership of Williams Square plaza from DCURD to the City.

6. The committee (representatives from the City, DCURD, LCA, and ownership of the Towers) identified SWA Group as the highest qualified respondent to the Request for Qualifications (RFQ). On August 2, 2018, City Council approved RES-2018-285, approving a Professional Services Agreement with the SWA Group for conceptual design.
7. During August and December of 2018, SWA met with the stakeholder group and engaged the public to develop a design for the Plaza by hosting five (5) public meetings. SWA developed numerous concepts and refined the design based on feedback from public stakeholders.
8. In January 2019, SWA presented the preferred design to the TIF #1 Board and City Council and received feedback. In March 2019, SWA presented the proposed design and cost estimate to Council and received feedback to provide design options at various cost levels.
9. In December 2019, Council approved RES-2019-463, amending Professional Services Agreement with SWA full design services for the re-design of the Williams Square plaza. SWA has completed the design and in September 2020, Council supported soliciting a construction bid for the reconstruction of Williams Square. Staff received five (5) bid responses and will be providing a recommendation to Council for consideration at this meeting.
10. Prior to construction, conveyance of the property from DCURD to the City should occur. The transfer of Williams Square property from DCURD to the City of Irving will allow the City to renovate the plaza including hardscape, finish grading, pedestrian pathways and planting areas, fountain system engineering, exterior lighting design for landscape and central tower, planting and irrigation design, and information technology engineering design. The purpose of the project is to re-energize, enhance, and activate the use of this iconic public gathering space.
11. The Interlocal Agreement between the City and DCURD (a companion agenda item) outlines the duties, obligations, and understandings of the City and DCURD regarding the conveyance of Williams Square to the City and the assignment of the Williams Square Lease Agreement to the City.
12. As part of the property conveyance, the City obtains all DCURD's rights, title, and interest to Williams Square, which includes the current lease between DCURD and AGRE. DCURD will assign the lease to the City. Terms of the lease were amended and include the following:
  - a. Coordinates a future separate agreement relating to Museum lease and exhibit;
  - b. Sets a lease term of thirty (30) years with the right and option to extend for two (2) consecutive periods of thirty (30) years;



- c. Provides a Maintenance Fee of \$139,000 to be used for maintenance for Williams Square;
- d. Contemplates the City paying for the professional design and construction costs related to the Williams Square Renovation Project, grants the City a temporary construction easement and lease to make renovations and install new improvements located on AGRE's property, amends a reciprocal easement pertaining to property updating the rights and responsibilities of each party (the City and AGRE) concerning Williams Square, such as access, storm sewer, and utilities, and outlines the maintenance obligations and responsibilities of the City;
- e. Details the uses by landlord and tenant pertaining to Williams Square;
- f. Updates the limitation of liability and indemnification of the City;
- g. Provides updates regarding default by landlord, notices, annual appropriation, and governing law.

**Recommendation**

The resolution be approved.

**Purchasing Items  
Items 11-12**

**11 Resolution - Approving and Accepting the Bid from Waste Connections Lone Star, Inc., dba Waste Connections in the Total Estimated Amount of \$98,536.22 for Collection of Containerized Refuse for City Facilities**

**Administrative Comments**

1. This item is recommended by the by Solid Waste Services Department.
2. **Impact:** Services provided by this contract help to improve the appearance of city facilities by providing regular refuse collection. The current vendor could not maintain their price for a contract renewal. Accordingly, the contract was re-bid and we were able to secure a lower contract price saving \$6,868.34 annually.
3. This award establishes an annual contract for the collection of containerized refuse for city facilities. The award is for one year with two, two-year renewal options.
4. Funding for Fiscal Year 2020-21 is available in the Non-Departmental budget within the General Fund, while funding for Fiscal Year 2021-22 is subject to budget appropriation.

Vendor	Contract Term	Estimated Expenditure	Fiscal Year
Waste Connections Lone Star, Inc., dba Waste Connections	3/1/21 - 2/28/22	\$57,479.46	2020-21
		\$41,056.76	2021-22
<b>TOTAL</b>		\$98,536.22	

**Recommendation**

The resolution be approved.

**12 Resolution - Authorizing As-Needed Expenditures with FleetCor Technologies Operating Company, LLC, dba Fuelman in the Total Estimated Amount of \$124,000.00 for the Fleet Fuel Card Program through a Master Intergovernmental Cooperative Purchasing Agreement with OMNIA Partners**

**Administrative Comments**

1. This item is recommended by the Fleet Services Division.
2. **Impact:** This contract will allow the city to purchase fuel from affiliated stations during emergency situations with less travel time to sites thus reducing fuel consumption and vehicles out of service time.
3. A Vendor/Member contract between the City of Irving and FleetCor Technologies Operating Company, LLC, dba Fuelman was approved on June 19, 2020 by Administrative Award No. 6860, in an estimated amount of \$49,999.99 for as-needed purchases of fuel. The contract supports utilization of OMNIA Partners Contract No. R161501 for Fuel Card Services and Related Services, which has been renewed through March 31, 2022 by OMNIA Partners.
4. Staff recommends increasing the current contract amount by \$6,000.00 immediately so that vehicles can continue to obtain fuel without disruption prior to expiration of the current contract term on March 31, 2021.
5. In addition, staff requests approval of as-needed expenditures for the fleet fuel card program in the total estimated amount of \$118,000.00 for the new contract term which begins on April 1, 2021.
6. Funding for Fiscal Year 2020-21 is available in the Garage Fund, while funding for Fiscal Year 2021-22 is subject to budget appropriation.

Vendor	Contract Term	Total Estimated Amount	Fiscal Year(s)
FleetCor Technologies Operating Company, LLC, dba Fuelman	2/26/21-3/31/21	\$ 6,000.00	2020-21
	4/1/21-3/31/22	\$ 31,000.00	
			\$ 87,000.00
<b>TOTAL</b>		<b>\$124,000.00</b>	

**Recommendation**

The resolution be approved.

**ZONING CASES AND COMPANION ITEMS**

- 13 Ordinance - Zoning Case ZC20-0066 - Considering a Zoning Change from S-P-2 (R-6) "Generalized Site Plan - Single Family Residential" to S-P-2 (R-3.5) "Generalized Site Plan - Two Family Residential" - Approximately 0.203 Acres Located at 936 Elwood Rd. - Pro Builders USA, Owner/Applicant**

**Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: January 4, 2021 – Postpone to February 1, 2021 8-0 (Commissioner Collins, absent). February 1, 2021 – Favorable 7-1 (Commissioner Cronenwett, nay; Commissioner Spurlock, absent).
2. The subject property is currently developed with a single-family home. **The applicant is proposing rezoning to remodel the existing home to convert it into a two-story duplex.**
3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Residential Neighborhood** uses for this property. This land use category is described as being predominantly single-family homes detached homes or duplexes with some mix of non-residential uses, particularly in-home businesses. **The proposed zoning conforms to this land use type.**
4. In 2019, the City Council approved Ordinance No. 2019-10278 (Zoning Case #ZC19-0039) for S-P-2 (R-6) “Generalized Site Plan – Single Family Residential” for this lot and S-P-2 (R-3.5) “Generalized Site Plan – Two-Family Residential” for the adjacent lot to the south. This site plan was approved with a 13-foot setback along Nursery Road for this portion of the property. The property was subsequently

subdivided into two lots.

5. Rather than demolishing the existing house, the applicant is requesting the zoning change to remodel and expand the existing structure and convert it into a duplex (2 units total).
6. Each unit includes a 20.5' x 20.5', 423 square foot garage along with a two-car driveway for a total of four (4) off street spaces per unit. The proposed site plan shows two 2-story duplex units with the following variance to the UDC 2.4.10 R-3.5 Two Family requirements:

R-3.5	Required	Provided
Minimum front yard required	30 feet	13 feet (previously approved along Nursery Road)
Minimum rear yard required	25 feet	20 feet

7. Staff can support this case since 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 it will be consistent with the approved development to the south, previously rezoned for duplex uses.
8. A total of 24 public notices were mailed. Staff has not received any responses in support of or in opposition to this request.

**Recommendation**

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

**14 Ordinance - Special Fence Project Plan ZC20-0067 - Considering an Amendment to ZC16-0109 and a Variance to Chapter 15 of the Land Development Code to Construct a 6-Foot Tall Wood Fence Within the Setback Along Horsetail Place - Property Located at 10561 Duckling Drive - Sibaranjan Mohapatra, Owner/Applicant**

**Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: January 4, 2021 – Postpone to February 1, 2021 8-0 (Commissioner Collins, absent). February 1, 2021 – Favorable 8-0 (Commissioner Spurlock, absent).
2. The subject property is an approximately 10,575 square foot corner lot in the South Haven Addition single family subdivision in far north Irving, which is currently under construction. **The applicant is proposing a Special Fence Project Plan to allow a 6-foot tall, solid wood fence along the side property line, which is**

**considered a front yard setback due to its adjacency to the front yard of the adjacent lot.**

3. The site is currently developed with a single-family home. The property is a corner lot and has double frontage on both Duckling Drive and Horsetail Place. The property currently has a 4-foot wrought iron fence along the side property line adjacent to Horsetail Place. The owner would like to replace this fence with one that is made of wood to match the fence in their back yard and six (6) feet in height.
4. The zoning site plan adopted with this property, an S-P-2 "Generalized Site Plan" District with seven (7) variances, included reducing the front yard setback from 25 feet to 15 feet and reducing the side yard setback on corner lots from 20 feet to 15 feet. This essentially established that a side yard setback on a corner lot would be the same as the front yard setback.
5. The home on the adjacent lot to the west with the front yard abutting the subject property is currently under construction. The applicant has worked with the Traffic Department to provide visibility clips in the fence at the front and rear corners of the lot so that there will not be any visibility issues at the corner, or from the driveway on the adjacent lot to the west.
6. The applicant is requesting a six (6) foot tall wooden fence. The majority of the fences in the subdivision constructed so far are also six (6) feet tall, with the exception of a few other lots that have four (4) foot wrought iron fences on similar reverse frontage lots.
7. The applicant maintains that the reason for the request is to provide increased privacy, safety, and security for their side yard. It also enables the use of more of their yard. The lot across the street is not buildable as it is adjacent to a floodplain.
8. While there are no visibility issues with the design of the fence and the six (6) foot height is compatible with the other fences in the neighborhood, staff believes that this may set a precedent for other homeowners to request similar variances. **This is a new subdivision, and staff recommends that no further variances be granted beyond those originally approved for the neighborhood.** The applicant purchased the property knowing the established setback lines on the lot.
9. A total of 14 public notices were mailed. Staff received three (3) responses in support and one (1) response in opposition to this request.

### **Recommendation**

The ordinance be **denied**.

**15 Ordinance - Zoning Case ZC20-0068 - Considering a Zoning Change from R-6 “Single Family Residential” to S-P-2 (R-6) “Generalized Site Plan – Single Family Residential” - Approximately 0.721 Acres Located at 1512 Trinity View Rd. - William Valladares, Applicant; Jose Carcamo, Owner**

**Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: February 1, 2021 – Favorable 8-0 (Commissioner Spurlock, absent).
2. The subject property is currently developed with a single family home. **The applicant is proposing rezoning to remodel and expand the existing home and to construct an oversized detached garage.**
3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Residential Neighborhood** uses for this property. This land use category is described as being predominantly single-family homes, detached homes or duplexes with some mix of non-residential uses, particularly in-home businesses. **The proposed zoning conforms to this land use type.**
4. The current 1,380 square foot home was built around 1932. The applicant is proposing a 1,057 square foot addition to the house (76% increase for a total 2,437 square foot house), and a detached 4-car (1,560 square foot) garage with a covered breezeway between the two buildings.
5. The requested exceptions to the zoning ordinance are as follows:

R-6	Required	Provided
Minimum side yard required – principal building	5 feet	4 feet
Maximum size of detached garage	700 square feet	1,560 square feet
Accessory building requirements	No built-in HVAC	Built-in HVAC

6. The existing home encroaches approximately 10 inches into the required side yard setback, and is not fully parallel to the side property line. In order to continue the line of the house with the expansion, **the encroachment would increase to approximately 1 foot, leaving a four-foot setback from the side property line at the closest point.**
7. Additionally, the applicant is **proposing a 1,560 square foot detached garage, with a height of 28.67 feet.** Detached garages are limited by Section 3.1.5 of the Unified Development Code to 700 square feet and one (1) story in height. While a covered breezeway is proposed to connect the garage to the house, this is not considered a structural attachment of the garage to the house since it could be removed or omitted from the construction of the garage. Although the garage is taller than the house, since there is no functional habitable space above the ground floor it meets the definition of “one story”.

8. A detached garage is considered a non-habitable structure for purposes of storing vehicles. The applicant's letter dated January 8, 2021 **indicates that the garage will include a 70 square foot office, 60 square foot bathroom (toilet and sink), and 140 square foot tool storage and work bench area.** It also states that the building will be **fully insulated and have a stand-alone HVAC system for heating and cooling.** These items are not typical of an accessory detached garage with climate control being more indicative of a structure to be used for a habitable purpose.
9. Section 9.3 of the Unified Development Code defines a dwelling accommodation as having built-in heating, ventilation or air conditioning system, excluding window air conditioning units and portable space heaters. The letter states that the oversized garage is to accommodate four vehicles, a large truck, an office, storage area, laundry area, and bathroom. However, a note has been added to the site plan **that the garage cannot be used as an accessory dwelling unit or for commercial uses.**
10. The garage is proposed to have a paved driveway pad from the street to the garage.
11. Staff can support this case with the encroachment into the side yard setback and the proposed detached garage, since the site plan notes the garage cannot be used as an accessory dwelling unit or for commercial uses.
12. A total of 21 public notices were mailed. Staff has not received any responses in support of or in opposition to this request.

### **Recommendation**

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

- 16 **Ordinance - Zoning Case ZC20-0070 - Considering a Zoning Change from C-C “Community Commercial” District and S-P-1 (R-AB) “Detailed Site Plan – Restaurant with the Attendant Accessory Use of the Sale of Alcoholic Beverages for On-Premises Consumption” to S-P-1 (R-AB and C-C) “Detailed Site Plan for Restaurant with the Attendant Accessory Use of the Sale of Alcoholic Beverages for On-Premises Consumption and Community Commercial Uses” - Approximately 1.485 Acres Located at 510 W. Lyndon B. Johnson Fwy. - EYM Realty of Texas, Applicant; Knudson Family Trust, Owner**

**Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: February 1, 2021 – Favorable 8-0 (Commissioner Spurlock, absent).
2. The subject property was an Original Pancake House restaurant. The applicant is proposing rezoning to **convert the existing building into a multi-tenant building which will to allow a new Denny’s restaurant to continue to sell alcoholic beverages for on-premises consumption and create a separate retail suite.**
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 a flexible use district for retail, office and commercial uses. **The proposed zoning conforms to this land use type.**
4. The property is a pad site in a shopping center generally zoned C-C. Currently, only the building is zoned S-P-1 (R-AB) with the parking lot zoned C-C. The proposal will rezone the entire lot to S-P-1 and both tenant spaces will be delineated on the site plan.
5. The new tenant space will permit all allowed uses in the C-C district. The rezoning into the S-P-1 district will not limit the flexibility of this tenant space. The proposed use is anticipated to be future retail non-restaurant type uses.
6. The original restaurant had a total of 230 seats, requiring 92 parking spaces at one space for each 2.5 seats. The new Denny’s restaurant has a total of 147 seats, requiring 59 parking spaces. The retail suite will be 1,358 square feet, requiring seven (7) parking spaces at one space for every 200 square feet. The two uses combined require 66 total parking spaces. A total of 116 parking spaces are provided on the property.
7. Section 3.3.5 (c) of the Unified Development Code states, “The sale of alcoholic beverages within three hundred (300) feet of a church, public or private school, or public hospital is hereby prohibited”. The existing S-P-1 RAB district continues to meet the distance requirement regulations, and all other requirements of the S-P-1 (R-AB) “Detailed Site Plan - Restaurant with the Attendant Accessory Use of the Sale of Alcoholic Beverages for On-Premises Consumption” district.
8. A total of seven (7) public notices were mailed. Staff has not received any responses in support of or in opposition to this request.



## Recommendation

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

### 17 Ordinance - Zoning Case ZC20-0073 - Considering a Zoning Change from C-C “Community Commercial” to ML-20 “Light Industrial” - Approximately 4.4 Acres Located at 300 N. Walton Walker Blvd. - Baldwin Associates, LLC, Applicant; Samitrod, LP, Owner

#### Administrative Comments

1. The Planning and Zoning Commission Hearing Date and Recommendation: February 1, 2021 – Favorable 8-0 (Commissioner Spurlock, absent).
2. The subject property is a 4.40-acre vacant portion of Lot 1, Block A, of the Big D Travel Center. **The applicant is requesting to rezone the property to allow a new warehouse/distribution center.**
3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends ***Industrial*** uses for this property. This land use category is described as being for light to heavy industrial and manufacturing uses. **The proposed zoning conforms to this land use type.**
4. The portion of the property requested to be rezoned is currently not being used by the owner, who would like to sell it to a prospective buyer interested in developing a warehouse distribution facility. The applicant is aware the sale will also require that the property be replatted and that any development will need to be in conformance with the ML-20 “Light Industrial” district standards.
5. Since the proposed zoning category is compatible with the surrounding uses and the Comprehensive Plan Future Land Use Map, and the development will comply with the standards of the ML-20 “Light Industrial” district, staff can support this request.
6. A total of eight (8) public notices were mailed. Staff has not received any responses in support of or in opposition to this request.

#### Recommendation

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

## **APPOINTMENTS AND REPORTS**

**18 Mayor's Report**

**Adjournment**