

**AGENDA**  
**Irving City Council Regular Meeting**  
**Thursday, January 13, 2022 at 7:00 PM**  
**City Hall, First Floor, Council Chambers**  
**825 W. Irving Blvd., Irving, Texas 75060**

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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).

Organizational Service Announcements

Invocation

Dr. Douglas Fox, First United Methodist Church

Pledge of Allegiance

Proclamations and Special Recognitions

Public Hearing: Items 1 through 35

**CITY COUNCIL AGENDA**

**1 City Operations Update**

**CONSENT AGENDA**

**2 Approving the Work Session Minutes for Thursday, December 09, 2021**

**3 Approving Regular Meeting Minutes for Thursday, December 09, 2021**

**4 Resolution - Approving Consulting Agreement with Strategic Government Resources in the Total Not-To-Exceed Amount of \$125,000 to Provide Recruitment Services**

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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.

### **Administrative Comments**

1. This item is recommended by the City Manager's Office.
2. **Impact: Additional funds for Strategic Government Services (SGR) to support executive recruitment services.** The City of Irving typically budgets \$50,000 and utilizes the Administrative Awards process. However, due to the unanticipated number of executive-level positions that will soon be vacant, staff is requesting additional funds for recruitment services to backfill them.
3. The City Manager's Office desires to enter into an agreement with SGR for \$125,000.00 in order to provide full recruitment services of various executive-level positions.
4. The total contract total is not to exceed \$125,000.00.
5. Funding for this expenditure is available in the Non-Departmental Fund.

### **Recommendation**

The resolution be approved

## **5 Resolution - Awarding a Contract to Infra Construction, LLC in the Amount of \$524,865.00 for the Wyche Park Detention Pond Modifications Project**

### **Administrative Comments**

1. This item is recommended by the Capital Improvement Program Department. It supports Strategic Objective: 2.4 – Maintain and extend water, wastewater and storm water systems.
2. **Impact: This contract supports the Drainage Solutions for a Better Tomorrow.** The drainage improvements will benefit residential properties in the Sherwood Forest and Barton Estates located downstream of Wyche Park by reducing their flood risk.
3. The improvements will increase the flood storage capacity of the 9.7-acre Wyche Park Detention Pond by lowering the bottom of the pond an additional 2-feet. Approximately 16,600 cubic yards of material will be excavated and hauled off. The ground cover will be restored by hydromulch seeding.
4. Bids were received from five (5) bidders. Infra Construction, LLC submitted the lowest responsive, responsible bid of \$524,865.00, which is \$121,768.00 (30.2%) above the engineer's estimate.
5. Minority/Women Business Enterprise (M/WBE) Program participation in this award is 30%.

6. Funding in the amount of \$524,865.00 is available within the Municipal Drainage Utility C.O. Fund.

**Recommendation**

The resolution be approved.

**6 Resolution - Authorizing an Award to MART, Inc., in the Amount of \$217,795.00 for the 2022 Miscellaneous Demolition Project through the Interlocal Purchasing System (TIPS)**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program Department. It supports Strategic Objective 2.3 – Expand, Extend and Maintain the major thoroughfare network.
2. **Impact: This contract supports The ROAD TO THE FUTURE Program and The Drainage Solutions for a Better Tomorrow Program.** The work to be performed under this contract is to demolish four (4) City owned buildings.
3. Each building contains asbestos. Work to include asbestos abatement, demolition of structure and foundation. Locations as follows:
  - 1029 Hadrian and 1032 W. Northgate (both for MacArthur - Metker to Byron Nelson Way) RTTF project for a dedicated Right-Turn Lane. Combined cost \$110,535.00.
  - 540 Cedar to construct a cul-de-sac to allow for a Fire Truck to negotiate maneuvers around the bulb of the street. RTTF project cost \$57,260.00.
  - 401 E. Irving Boulevard as part of the Irving Reconstruction Project, it is necessary to build a dedicated right-Turn Lane at Britain Road. Project cost \$50,000.00.
4. This work is to be completed within 60 days of starting.
5. This project utilizes a Vendor/Member Contract between the City of Irving and Mart, Inc., which is supported by The Interlocal Purchasing System (TIPS) contract #200201 for Trades, Labor & Materials (JOC), which expires on April 30, 2022.
6. Funding in the amount of \$167,795.00 is available within the Street Improvement Bond Fund and funding in the amount of \$50,000.00 is available within the Non-Bond CIP Fund.

**Recommendation**

The resolution be approved.

**7 Resolution - Approving Request of ARK Group of Irving, Inc. for a Structural Alteration to Allow Rooftop Cellular Equipment and Screening on Building B1 at Toyota Music Factory Located at 300 West Las Colinas Boulevard**

**Administrative Comments**

1. This item is recommended by the Office of Economic Development.
2. **Impact:** Approval of this item will allow ARK Group of Irving, Inc. to make a structural alteration to allow rooftop cellular equipment and screening on building B1 at Toyota Music Factory.
3. Although not a part of ARK's Annual Work Plan and Budget for FY 2021-22, ARK proposes 120 square feet to install cellular equipment concealed behind the existing screening of the building-B1 roof, proposes 100 square feet to install antennas with new screening on the northeast corner of the building B-1 roof, and proposes 121 square feet to install antennas with new screening on the southeast corner of the building B-1 roof. The new screening for the antennas will be eight (8) feet high louver screen panels with a color finish to match the existing mechanical screening and sitting on a dunnage rack approximately three (3) feet high and attached to FRP square tube columns anchored to the roof. The bottom of the screening will align with the roof parapet to fully screen the antennas from public view. ARK proposes that after permit issuance, the project will take approximately three to four months to complete, but the city does not have authority to enforce a specific deadline for completion.
4. Section 6(b) of the City's lease with ARK Group provides, "After completion of construction of the Entertainment Center under the Development Agreement, the Company may, at any time and from time to time and at no out-of-pocket cost to the City, alter structurally or otherwise remodel, reconstruct, and add to the Entertainment Center, or any part thereof, subject to approval by the City of any structural alterations to the Entertainment Center."
5. Should the Council choose to approve this request, ARK Group is required to comply with all applicable codes and regulations that govern the structural alterations, and to secure appropriate permits before proceeding.

**Recommendation**

The resolution be approved.

**8 Resolution - Approving Request of ARK Group of Irving, Inc. for a Structural Alteration to Allow Additional Exterior Stairs at Building C1 at Toyota Music Factory Located at 300 West Las Colinas Boulevard**

**Administrative Comments**

1. This item is recommended by the Office of Economic Development.
2. **Impact:** Approval of this item will allow ARK Group of Irving, Inc. to make a structural alteration to allow additional exterior stairs at building C1 at Toyota Music Factory.
3. Although not a part of ARK's Annual Work Plan and Budget for FY 2021-22, ARK proposes four additional exterior concrete stairsteps to the west direction near building C-1 Mercy Bar entrance. A Letter of Accessibility Compliance was provided for the proposed work by a Registered Accessibility Specialist. ARK proposes that after permit issuance, the project will take approximately one month to complete, but the city does not have authority to enforce a specific deadline for completion.
4. Section 6(b) of the City's lease with ARK Group provides, "After completion of construction of the Entertainment Center under the Development Agreement, the Company may, at any time and from time to time and at no out-of-pocket cost to the City, alter structurally or otherwise remodel, reconstruct, and add to the Entertainment Center, or any part thereof, subject to approval by the City of any structural alterations to the Entertainment Center."
5. Should the Council choose to approve this request, ARK Group is required to comply with all applicable codes and regulations that govern the structural alterations, and to secure appropriate permits before proceeding.

**Recommendation**

The resolution be approved.

**9 Resolution - Approving Amendment No. 1 to the Professional Services Agreement Between the City of Irving and ASM Global, LLC in an Amount Not to Exceed \$82,500.00 for the Toyota Music Factory Venue Assessment & Maintenance Plan for 2022**

**Administrative Comments**

1. This item is recommended by the Office of Economic Development.
2. **Impact:** The city's Lease Agreement for the Entertainment Center provides the city

with the right to inspect the facility annually in order to identify any deficiencies in the facility or any maintenance needs to be addressed in the annual maintenance and operations budget. This inspection is necessary to ensure that the Toyota Music Factory Entertainment Center (the "Entertainment Center") is maintained in a good, safe, attractive, sanitary order, and that repairs are consistent with the industry standards and practices for a first-class, multi-use, multi-venue public entertainment center with restaurants.

3. Request for Proposal No. 062D-20F was issued on January 3, 2020 and closed on February 7, 2020 seeking proposals from qualified companies to perform this venue and facilities condition assessment. The proposal of ASM Global, LLC received the highest scores based on staff's evaluation of the criteria as published in the Request for Proposals.
4. On March 19, 2020, the City Council approved RES-2020-108 awarding a contract with a one-year term to ASM Global, LLC to perform a venue and facilities condition assessment of the Entertainment Center.
5. In July 2020, ASM Global, LLC completed a Facility Condition Assessment Report (FCAR) identifying an estimated \$238,000 of deficiencies and maintenance needs to be completed in the next 18 months.
6. On January 28, 2021, the City Council approved RES-2021-33 awarding a contract with the option for two (2) one-year renewal terms to ASM Global, LLC to perform a venue and facilities condition assessment of the Entertainment Center.
7. In March 2021, ASM Global, LLC completed a Facility Condition Assessment Report (FCAR) identifying an estimated \$185,725 of deficiencies and maintenance needs to be completed in the next 18 months.
8. Based on their intellectual expertise, demonstrated ability and project experience, staff is recommending the approval of Amendment No. 1 for the first of two one-year renewals to ASM Global, LLC for the annual inspection and assessment for 2022.
9. The scope of work includes the following seven (7) deliverables:
  - An Executive Summary of the 2022 TMF Facility Condition Assessment Report
  - An updated and detailed 2022 TMF FCAR of all current findings and recommendations with supporting photographs and exhibits. The updated TMF FCAR will identify current deficiencies and their associated costs, broken down by location and their main components (such as plumbing, mechanical, electrical, building envelope, interior space, parking area, landscaping, etc.) and prioritized by urgency or necessity. The estimated costs are to be probable construction estimates based on current construction standards and exclude any markup factor to cover "soft costs" (such as project management, permitting, drawings, etc.).

- An update to the TMF FCAR 20-year CAPEX forecast spreadsheets of recommended maintenance activities and their associated costs. This table summary will be updated with all current deficiencies, estimated costs and priorities. Also included will be recommendations of specific items (if needed) within the TMF FCAR 20-year CAPEX forecast that are most urgent and should be addressed within the next 18-months.
  - An update to the Maintenance Record, Policy and Practice Review Matrix in the TMF FCAR by performing a current review of the lessee's and sub-lessee's maintenance records, and existing maintenance policies and practices, and any new recommendations for improving scheduled preventative and non-routine maintenance activities to reduce future capital costs.
  - An update of all previously provided TMF FCAR Matrices and review for alignment with City of Irving's quarterly updates.
  - An update to the TMF FCAR forecast spreadsheet that identifies the status of maintenance items that were to be completed within 18-months.
  - In-depth review as part of the TMF FCAR of the property management firms computerized maintenance management system (cmms) implementation YTD with recommendations to ensure that the Entertainment Center is maintained to the industry standard and practice for a first-class, multi-use, multi-venue, public entertainment venue with restaurants.
8. Funding in an amount not to exceed \$82,500.00 is available in the Entertainment Venue Administrative Expense Fund.

**Recommendation**

The resolution be approved.

**Bids & Purchasing Items**

**Items 10 - 21**

- 10 Resolution - Approving and Accepting the Bids of Leslie's Poolmart, Inc., dba Leslie's Swimming Pool Supplies and DPC Industries, Inc., dba Petra Chemical Acquisition Company, LLC, in the Total Estimated Amount of \$120,000.00 for Swimming Pool Chemicals**

**Administrative Comments**

1. This item is recommended by the Parks and Recreation Department.
2. **Impact:** Swimming pool chemicals are required to ensure the safety and sanitation

of swimming pools, aquatic centers, water parks, spray parks, and fountains for our customers.

3. This award establishes an annual contract for the continuation of providing swimming pool chemicals. This contract is for one year with three, one-year renewal options.
4. Funding is available in the Parks and Recreation Department budget within the General Fund.

Vendor	Item(s)	Contract Term	Est. Exp. FY 2021-22	Est. Exp. FY 2022-23	Total Est. Expenditure
Leslie's Poolmart, Inc.	1	1/14/22 – 12/31/22	\$19,200.00	\$ 3,800.00	\$23,000.00
DPC Industries, Inc. dba Petra Chemical Acquisition Company, LLC	2 & 3		\$77,550.00	\$19,450.00	\$97,000.00
<b>TOTAL</b>			<b>\$96,750.00</b>	<b>\$23,250.00</b>	<b>\$120,000.00</b>

**Recommendation**

The resolution be approved.

**11 Resolution - Approving a Vendor/Member Contract Pursuant to a Cooperative Purchasing Agreement Between the City of Irving and Peruna Glass Inc., dba Glass Doctor of North Texas and Authorizing As-Needed Expenditures in the Total Estimated Amount of \$175,000.00 for Glass Replacement Services through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program (CIP) Department – Facilities Maintenance Division, the Parks & Recreation Department, and the Financial Services Department - Purchasing Division.
2. **Impact:** Establishment of a Vendor/Member Contract between the City of Irving and Peruna Glass Inc., dba Glass Doctor of North Texas for utilization of BuyBoard Contract No. 657-21, which expires on November 30, 2022, will allow the city to procure window and glass replacement services on as-needed basis, thereby increasing the operational efficiency of the facilities.
3. Approval of this contract supports as-needed glass replacement services through the designated BuyBoard contract for the specified contract term. This will allow the



city to respond to glass repairs and replacements due to unforeseen damages caused by inclement weather events, vandalism, accidents, etc. quickly and efficiently.

- Funding for Fiscal Year 2021-22 is available in various departmental budgets within various funds, while funding for Fiscal Year 2022-23 is subject to budget appropriation.

Vendor	Contract Term	Total Estimated Amount	Fiscal Year(s)
Peruna Glass Inc., dba Glass Doctor of North Texas	1/14/22 – 11/30/22	\$ 155,000.00	2021-22
		\$ 20,000.00	2022-23
<b>TOTAL</b>		<b>\$ 175,000.00</b>	

**Recommendation**

The resolution be approved.

**12 Resolution - Approving an Engineering Services Agreement Between the City of Irving and Burgess & Niple, Inc., in the Total Estimated Amount of \$500,000.00 for an Annual Contract for Indefinite Delivery/Indefinite Quantity (IDIQ) Engineering Design Services for Water/Wastewater Projects**

**Administrative Comments**

- This item is recommended by the Capital Improvement Program (CIP) Department.
- Impact: This annual contract supports The ROAD TO THE FUTURE and Drainage Solutions for a Better Tomorrow programs.** The contract will provide professional services for fast tracked, high priority water and wastewater improvements that exceed internal design staff’s capacity or design expertise.
- Requests for Qualifications (RFQ) were solicited for these services; qualifications were received from 21 firms and three were selected to be interviewed. Of these firms, Burgess & Niple, Inc., was determined to be the most highly qualified provider for the services solicited.
- Staff has negotiated a fair and reasonable agreement with Burgess & Niple, Inc., for these services and recommends award.
- Minority and/or Women-owned Business (MWBE) participation in this award is anticipated to be 28%.

6. This award establishes an annual contract for the continuation of providing IDIQ engineering design services for water and wastewater projects. The contract may be renewed by mutual agreement of the parties for up to two additional one-year terms.
7. Funding for Fiscal Year 2021-22 is available in various project funds, while funding for Fiscal Year 2022-23 is subject to budget appropriation.

Vendor	Contract Term	Estimated Expenditure	Fiscal Year(s)
Burgess & Niple, Inc.	1/13/22 – 1/12/23	\$375,000.00	2021-22
		\$125,000.00	2022-23
<b>TOTAL</b>		<b>\$500,000.00</b>	

**Recommendation**

The resolution be approved.

**13 Resolution - Approving an Engineering Services Agreement Between the City of Irving and Teague Nall & Perkins, Inc., in the Total Estimated Amount of \$200,000.00 for an Annual Contract for Indefinite Delivery/Indefinite Quantity (IDIQ) Engineering Design Services for Miscellaneous Drainage Projects**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program (CIP) Department.
2. **Impact: This annual contract supports the Drainage Solutions for a Better Tomorrow and ROAD TO THE FUTURE programs.** The contract will provide professional services for fast tracked, high priority small and/or complex projects related to drainage that exceed internal design staff's capacity or design expertise.
3. The work will include transmission, collection and conveyance design; alignment studies; condition assessments; design of major elements, complex coordination; complex hydrologic & hydraulic analysis; or environmental issues. It will ensure the drainage systems in the city are being constructed, maintained, and repaired in a timely manner.
4. Requests for qualifications were solicited for these services; qualifications were received from 14 firms; 3 firms were selected to be interviewed. Of these firms, Teague Nall & Perkins, Inc., was determined to be the most highly qualified provider for the services solicited.
5. Staff has negotiated a fair and reasonable agreement with Teague, Nall, & Perkins,

Inc., for these services and recommends award.

6. Minority and/or Women-owned Business (MWBE) participation in this award is anticipated to be 28%.
7. This award establishes an annual contract for the continuation of providing IDIQ engineering design services for miscellaneous drainage projects. The contract may be renewed by mutual agreement of the parties for up to two additional one-year terms.
8. Funding for Fiscal Year 2021-22 is available in various project funds, while funding for Fiscal Year 2022-23 is subject to budget appropriation.

Vendor	Contract Term	Estimated Expenditure	Fiscal Year(s)
Teague Nall & Perkins, Inc.	1/13/22 – 1/12/23	\$150,000.00	2021-22
		\$ 50,000.00	2022-23
<b>TOTAL</b>		<b>\$200,000.00</b>	

**Recommendation**

The resolution be approved.

**14 Resolution - Approving the Expenditure with Mart, Inc., in the Total Estimated Amount of \$51,400.00 for Minor Building Repairs and Painting at Valley View Municipal Complex (VVMC) through The Interlocal Purchasing System (TIPS) Program Administered by the Region VIII Education Service Center**

**Administrative Comments**

1. This item is recommended by the Water Utilities Department. It supports Strategic Objective 2.5 – Support strategic investments in city facilities.
2. **Impact:** Approval of this item provides for minor repairs to the building façades and painting of the buildings’ steel surfaces at VVMC.
3. The dirt barn, canopy, warehouse, Building C, and fuel island at VVMC are over 16 years old and are showing the effects of long-term weathering. The attached quote from Mart, Inc., reflects the necessary repairs as well as preparation and painting of the steel surfaces in these areas. Mart, Inc., has already completed the painting of Buildings A and B, and this project will complete the makeover of the entire complex.
4. This expenditure is supported by a Vendor/Member contract between the City of Irving and Mart, Inc., which was approved on June 25, 2020 by RES-2020-202. The

contract supports utilization of TIPS Contract No. 200201 for Trades, Labor & Materials (JOC), which expires on April 30, 2022.

- Funding in the total estimated amount of \$51,400.00 is available in the Water-Sewer Non-Bond CIP Fund.

**Recommendation**

The resolution be approved.

**15 Resolution - Approving and Accepting the Bid of Austin Asphalt, Inc., in the Total Estimated Amount of \$271,000.00 for Asphalt Patching Materials**

**Administrative Comments**

- This item is recommended by the Traffic & Transportation and Water Utilities departments.
- Impact: These materials are utilized as part of the Road to the Future Program.** Asphalt patching materials are utilized to maintain and enhance mobility for the safe and effective transit of motorists throughout the City of Irving. This contract will provide the necessary resources to expedite repair of damaged existing roadways and to temporarily fix existing roadways due to water and sewer line repairs.
- Staff recommends awarding this contract to Austin Asphalt, Inc., a 100% owned by Austin Industries, Inc., as the lowest responsive, responsible bidder after thorough examination of the samples received.
- This award establishes an annual contract for the continuation of providing asphalt patching materials. The contract is for one year with two, one-year renewal options.
- Funding for Fiscal Year 2021-22 is available in the Traffic & Transportation Department budget within the General Fund and in the Water & Sewer System Fund, while Funding for Fiscal Year 2022-23 is subject to budget appropriation.

Vendor	Contract Term	Total Estimated Expenditure	Fiscal Year(s)
Austin Asphalt, Inc., (a 100% owned by Austin Industries, Inc.)	2/1/22 – 1/31/23	\$183,000.00	2021-22
		\$ 88,000.00	2022-23
<b>TOTAL</b>		<b>\$271,000.00</b>	

**Recommendation**

The resolution be approved.

**16 Resolution - Approving and Accepting the Bid from Midway Press, Ltd., in the Total Estimated Amount of \$115,356.80 for Printing of Resident Newspaper**

**Administrative Comments**

1. This item is recommended by the Communications Department.
2. **Impact:** Printing and distribution of the City Spectrum ensures that city information and events are communicated to residents in a timely manner.
3. This award establishes an annual contract for the continuation of printing the resident newspaper. The contract includes two, one-year renewal options.
4. Funding for Fiscal Year 2021-22 is available in the Communications Department budget within the General Fund while funding for Fiscal Year 2022-23 is subject to budget appropriation.

Vendor	Contract Term	Total Estimated Amount	Fiscal Year(s)
Midway Press, Ltd.	3/1/22 – 02/28/23	\$ 53,352.00	2021-22
		\$ 62,004.80	2022-23
<b>TOTAL</b>		\$115,356.80	

**Recommendation**

The resolution be approved.

**17 Resolution - Authorizing Expenditures with Kirby-Smith Machinery, Inc., in the Total Estimated Amount of \$150,000.00 for As-Needed Equipment Rentals through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)**

**Administrative Comments**

1. This item is recommended by the Parks & Recreation, and Solid Waste Services departments and the Capital Improvement Program Department – Municipal Drainage Utility Division.
2. **Impact:** Approval of this item will allow the departments to rent specialty equipment that is not currently available in the City’s fleet to complete projects in a timely manner. These rentals will aid the departments to expedite services in providing safe and aesthetically pleasing amenities to our customers.
3. A Vendor/Member contract between the City of Irving and Kirby-Smith

Machinery, Inc., was approved on December 10, 2021 by Administrative Award No. 7525. This contract supports the utilization of BuyBoard Contract No. 646-21 for Rental Services of Construction Equipment, Vehicles, and Other Equipment, which expires on June 30, 2022.

4. Funding for Fiscal Year 2021-22 is available in the Parks & Recreation Department budget within the General fund, and in the Solid Waste Enterprise and Municipal Drainage Utility funds.

Vendor	Contract Term	Total Estimated Amount	Fiscal Year
Kirby-Smith Machinery, Inc.	1/14/22 - 6/30/22	\$150,000.00	2021-22

**Recommendation**

The resolution be approved.

**18 Resolution - Renewing the Annual Contract with U.S. Oil, a Division of U.S Venture, Inc., in an Amount Not to Exceed \$3,625,000.00 for Unleaded Gasoline, Diesel and Biodiesel Fuels**

**Administrative Comments**

1. This item is recommended by the Fleet Services Division.
2. **Impact:** Awarding this contract will ensure a continuous fuel supply for city fleet vehicles and equipment in order to serve citizens, businesses, and visitors throughout the City of Irving.
3. This renewal establishes the continuation of an annual contract to provide unleaded, diesel, and biodiesel fuels on an as-needed basis. This is the first of two, one-year renewal options. The current contract expires on January 31, 2022.
4. Fleet Services recommends increasing the spending amount by \$725,000.00, which represents the 25% allowable increase on the initial contract award, per State law. The requested increase will accommodate fluctuations in the market price of the fuel.
5. Funding for Fiscal Year 2021-22 is available in the Garage Fund, while funding for Fiscal Year 2022-23 is subject to budget appropriation.
6. Because this contract runs from February 2022 through January 2023, it is possible that more than the estimated amounts shown in the chart below may be spent in one operating year or the other if there are budget funds available to accommodate that year's additional purchases and the total contract award amount is not exceeded.

Vendor	Contract Term	Total Estimated Amount	Fiscal Year(s)
U.S. Oil, a division of U.S. Venture, Inc.	2/1/22 – 1/31/23	\$2,420,000.00	2021-22
		\$1,205,000.00	2022-23
<b>TOTAL AMOUNT NOT TO EXCEED</b>		<b>\$3,625,000.00</b>	

**Recommendation**

The resolution be approved.

**19 Resolution - Approving the Purchase from Houston Mac Haik Dodge Chrysler Jeep Ram Ltd., for a Frazer Ltd., Type I 14' Ambulance Mounted on a 2023 Dodge Ram 4500 Diesel Chassis in the Total Estimated Amount of \$247,618.28 through the Houston-Galveston Area Council of Governments (H-GAC)**

**Administrative Comments**

1. This item is recommended by the Fire Department and approved by the Fleet Services Division.
2. **Impact:** Purchase of a Frazer Ltd. ambulance will maintain uniformity in our ambulance fleet which ensures familiarity for Fire Department members regardless of which ambulance they are responding on or with, ensuring that they are better able to serve Irving residents by the most effective and efficient means possible.
3. This purchase will replace City Tag No. 05172, a 2013 Ford F450 Ambulance with Frazer body.
4. A Vendor/Member contract between the City of Irving and Houston Mac Haik Dodge Chrysler Jeep Ram Ltd., was approved on February 11, 2021 by RES-2021-65. The contract supports utilization of H-GAC Contract No. AM10-20 for Ambulances, EMS & Other Special Service Vehicles, which expires on September 30, 2022.
5. Funding is available in the Vehicle & Equipment Replacement Fund.

Vendor	Item Description (Quantity)	Replaces City Tag #	Total Est. Expenditure
Houston Mac Haik Dodge Chrysler Jeep Ram Ltd.	Frazer Ltd., Type I 14' Ambulance Mounted on a 2023 Dodge Ram 4500 Diesel Cab & Chassis (1)	05172	\$247,618.28

**Recommendation**

The resolution be approved.

**20 Resolution - Approving the Purchase of a 2022 Chevrolet 4500 or Larger Dump Truck with a 4-6 yard Dump Body and a 2022 Chevrolet 4500 LCF Crew Cab Truck from Caldwell Country Chevrolet in the Total Estimated Amount of \$149,320.00 through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)**

**Administrative Comments**

1. This item is recommended by the Parks & Recreation Department and approved by the Fleet Services Division.
2. **Impact:** Replacement of the aging vehicles shown below will reduce vehicle downtime and provide the department with critical resources to maintain optimal services for the Irving community.
3. A Vendor/Member contract between the City of Irving and Caldwell Country Chevrolet was approved on October 21, 2020 by Administrative Award No. 7005. The contract supports utilization of BuyBoard Contract No. 601-19 for Vehicles, Heavy Duty Trucks, Police Motorcycles, Parts and Service Labor, which has been renewed through November 30, 2022.
4. Funding is available in the Vehicle & Equipment Replacement Fund.
5. Budgeted replacements are as follows:

Department	Item Description (Quantity)	Replaces City Tag #	Total Est. Expenditure
Parks & Recreation	2022 Chevrolet 4500-5500 Medium, 4X2 Crew Cab Dump Truck with a 4-6-yard dump body CC56403 (1)	07129	\$ 76,845.00
	2022 Chevrolet 4500LCF 4X2 LCF Crew Cab CP31003 (1)	07171	\$ 72,475.00
<b>TOTAL</b>			<b>\$149,320.00</b>

**Recommendation**

The resolution be approved.



**21 Resolution - Approving the Purchase of a 2022 or Newer Ford F-750 Two-Door Cab Truck with 1,500-2,000-Gallon Water Tank from Sam Pack's Five Star Ford in the Total Estimated Amount of \$106,634.91 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 approved by the Fleet Services Division.
2. **Impact:** This purchase will allow for replacement of an older vehicle to reduce vehicle downtime as well as enhance mobility for the safe and effective transit of motorists throughout the City of Irving.
3. A Vendor/Member contract between the City of Irving and Sam Pack’s Five Star Ford was approved on July 8, 2021 by Administrative Award No. 7274. The contract supports utilization of BuyBoard Contract No. 601-19 for Vehicles, Heavy Duty Trucks, Police Motorcycles, Parts and Service Labor, and has been renewed through November 30, 2022.
4. Funding is available in the Vehicle & Equipment Replacement Fund.
5. Budgeted replacement is as follows:

Department	Item Description (Quantity)	Replaces City Tag #	Total Est. Expenditure
Traffic & Transportation	2022 or Newer Ford F-750 2-door Cab with 1500–2000-gallon Water Truck (1)	18111	\$106,634.91
<b>TOTAL</b>			<b>\$106,634.91</b>

**Recommendation**

The resolution be approved.

**End of Bids**

**22 Ordinance - Amending Chapter 38 Entitled "Boards, Commissions and Committees" of the Code of Civil and Criminal Ordinances of the City of Irving, Texas, Relating to the Number of Members on the Irving Green Advisory Board**

**Administrative Comments**

1. This item has been recommended by the City Secretary's Office
2. **Impact:** The proposed revision to the Irving Green Advisory Board ordinance will reduce the number of board members from fifteen (15) to nine (9).
3. The Irving Green Advisory Board was created on September 6, 2012 with fifteen (15) voting members.
4. City Management staff is recommending the Irving Green Advisory Board have nine (9) members. A nine-member board more readily allows for a quorum to be reached.
5. Most of the City Council appointed advisory boards have nine (9) board members.

**Recommendation**

The ordinance be adopted.

## **ZONING CASES AND COMPANION ITEMS**

**23 Resolution - Temporary Use Permit G2111-0004 - Considering a Request for a Temporary Use Permit to Allow Outside Storage at Property Located at 2000 Estrada Parkway from January 14, 2022 to June 13, 2022 - Jose M. Ramirez Sr., Applicant**

**Administrative Comments**

1. The applicant is requesting approval of a Temporary Use Permit to allow the storage of seven (7) trailers on the property from January 14, 2022 through June 13, 2022.
2. The property was previously used as overflow used car sales for the auto dealership that was formerly on the west side Estrada Parkway. Once the dealership closed, this property has been the subject of numerous code violations since 2007. The property was purchased by the applicant in 2020.
3. The applicant formerly had a restaurant and banquet hall in Irving Mall, both of which closed in 2020. The applicant began storing equipment from those facilities in trailers on this site in 2020, in violation of the approved zoning.

4. On June 17, 2021, the Council approved a six-month Temporary Use Permit for the same use. This request is to continue that use for an additional six months.
5. The property is currently zoned S-P-2 (C-OU-2) "Generalized Site Plan – Commercial Outdoor 2". The applicant intends to build an event center on this property. A zoning application which would allow this use was submitted on November 12, 2021 and is elsewhere on this agenda (ZC21-0071).
6. Since the applicant has already been approved for this use, and since the applicant is working toward development of the site, staff can support this request.

**Recommendation**

The resolution be approved.

**24 Resolution - S2111-0026 - Considering a Request for a Special Sign Permit to Allow a Double-Sided Digital Face on a Pole Sign - 100 West Airport Freeway - Advantage Signs, Applicant - Texas Med Properties, Business Owner - Pacific Nut Company, Owner.**

**Administrative Comments**

1. The applicant is seeking approval of a Special Sign Permit to allow a new 151.2 square foot sign cabinet with a 75.6 square foot digital face (bottom half of the sign) on each side.
2. The sign is currently located approximately 24 feet from the property line, as measured from the edge of the sign. A permit for the construction of the original sign was issued in 2012. The sign is not located within an easement.
3. The building is currently vacant. A building permit application has been made for a medical office.
4. Chapter 7, Section 7-3.1 of the City of Irving Land Development Code states that the City Council can approve a Special Sign Permit for an on-premises electronic sign on any new or lawfully existing sign. Section 7-3 (6)(d) includes requirements for electronic signs, including the following:
  - a. No animated, moving video or scrolling elements;
  - b. Each message is displayed for at least 8 seconds;
  - c. Change of message shall occur simultaneously on the entire sign face;
  - d. Freezes the sign in one position if a malfunction occurs;
  - e. Automatically adjusts display brightness based on light conditions;

- f. Brightness does not interfere with drivers' vision; and
  - g. The sign can be turned off within 1 hour of a malfunction for traffic safety
5. The business owner's letter states that the sign "will save lives in our community by educating the public about the many ways we can service them." The letter also states that the sign will not adversely affect public safety, and will follow the rules for message style, type and transition.
  6. Since the proposal enhances the existing sign and is not located near a residential neighborhood, staff can support the request.

**Recommendation**

The Resolution be approved.

**25 Ordinance - Zoning Case ZC19-0008 - Considering a Zoning Change from S-P-1 (C-N) "Detailed Site Plan – Neighborhood Commercial" and ML-20 "Light Industrial" to S-P-2 (ML-20) "Generalized Site Plan – Light Industrial" and Environmentally Sensitive Land Use - Approximately 2.8 Acres Located at 2232 E. Grauwylar Road - J. Piano Concrete Construction, Owner/Applicant**

**Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: January 3, 2022 – Approval 7-0 including stipulations for fences to be out of the utility easements, tree planting along the streets, and a required note. (Commissioners Burns and Klinier, absent).
2. The subject property is a 2.8-acre tract developed with an existing concrete manufacturing batch plant. **The applicant is requesting a zoning change to S-P-2 Generalized Site Plan to allow an environmentally sensitive land use and to legally expand the concrete manufacturing batch plant use.**
3. Comprehensive Plan Future Land Use Map:
  - a. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends *Industrial District* uses for this property. This land use category is described as light to heavy manufacturing. The requested zoning is in conformance with the Comprehensive Plan.
  - b. **The Future Land use in the larger area east of Loop 12 was recently changed to Industrial to reflect the pattern of redevelopment and the**

**predominant use is industrial.** While there are some remaining single family homes in the area, the area has been shifting toward industrial uses.

4. Section 3.6.1 *Environmentally Sensitive Land Use* in the Unified Development Code requires that any uses which have the potential to cause substantial environmental impacts beyond the boundaries of the property on which the activity or use is conducted to be permitted only through Site Plan zoning.
5. Section 3.6.5 (attached to this report) requires additional information to be submitted with the rezoning application for an Environmentally Sensitive Land Use. Section 3.6.6 (Waiver of Requirements) allows the applicant/owner to request a waiver of such requirements, if:
  - a. Full compliance with the application requirements of the section would be unreasonably burdensome; and
  - b. The proposed use or activity will not have a substantial impact on the surrounding area.

**The applicant has provided a letter requesting a waiver to the requirements.**

Some of the reasons stated are that the use requested is for a concrete operation called “dry-batch”, that the operation does not produce cement on site but instead assembles the dry ingredients that will, at another location, be mixed into the wet cement product and that “this business has been in this location performing exactly the same operation for 30 years.”

6. Property History.
  - a. The properties addressed as 1412/1502 on Irene St. have been used for industrial uses since at least 1989 and received a Certificate of Occupancy for “yard mix concrete” in 2007 and included an office with truck parking and outside storage. The applicant was informed in 2008 that the lots needed to be platted for the business. According to aerial photos, around 2016, the business appears to have expanded to the north into 1506 Irene, 1510 Irene and 2232 E. Grauwyler. Staff and the property owner have been unable to locate any Certificates of Occupancy for these properties.

These properties have been zoned ML-20 since July 15, 1965; a concrete batch yard has never been a permitted use in the ML-20 district. Additionally, 2232 E. Grauwyler is zoned for S-P-1 (C-N) “Detailed Site Plan – Neighborhood Commercial” which also does not allow a concrete batch plant or outdoor storage.
  - b. Various permits, including fence permits and trade permits, have been requested in the past for the properties which were not properly zoned for the batch plant use; zoning is not verified during the consideration for trade permits. Additionally, driveways were installed without city permits. In 2021, the applicant began to construct a screening fence around 2232 E. Grauwyler and fence poles remain on the site.

7. Outside Storage. The site plan notes that the outside storage must be located a minimum of 10 feet from Peters Road, 15 feet from Grauwlyer Road and 15 feet from Irene Drive. Per code, the outside storage must be screened by a minimum 7-foot tall blind fence with stacking no taller than 1-foot below top of fence.
8. Screening. The subject property is surrounded on three sides by city streets. The applicant has previously installed a combination of an 8-ft. tall metal screening fence and a 7-ft. tall concrete wall around the majority of the property.
  - a. The site plan indicates the applicant is requesting to install a **10-ft. tall metal screening fence** around the northern portion of the property along Grauwlyer Rd. to shield the operations of the batch plant and the outside storage from public view. However, Note #8 simply indicates a minimum 7-ft. tall fence, and the remainder of the property has an 8 ft. tall metal fence.
  - b. The 10-ft. tall fence is shown on the site plan **to be along the property line of Irene Drive and Peters Road** and is set back 15 feet from E. Grauwlyer Road. The proposed fence along Irene Drive is **within an existing 15-ft. wide utility easement**, and the proposed fence along Peters Road is **within an existing 10-ft. wide utility easement**. No site plan zoning case can provide a variance that would allow a fence within a utility easement. If this zoning case is approved, the fences will still be required to be located outside of the utility easements or the easements need to be abandoned, and no building permit can be issued unless the fences are located outside of the easements.

While walls and fences have apparently been permitted within city utility easements in the past, their location has caused difficulty in using the easement and/or maintaining utilities within the easement. The Water and CIP departments have since changed their policy and no longer permit fences or walls within city utility easements. **Furthermore, the dedication language on the plat specifically prohibits structures from being placed in public easements.**

Similarly, Section 2.7.4 of the UDC of the S-P-2 district states that “No variances to any other city ordinance, code or regulation will be permitted within this district”. A standard statement is also included on the site plan to clarify that the S-P-2 process cannot waive other codes:

Comments made by CIP, TXDOT, Fire, Parks, Planning and the Water Department staff during the S-P-2 Site Plan approval process does not waive or vary any city ordinances, codes, or regulations and that only variances specifically authorized by city ordinances shall be permitted and shown on the final approved site plan.

Therefore, the screening fences should be located outside of the easements: 10 feet from Peters Road, and 15 feet from E. Grauwlyer Road and Irene Drive. While water and sewer are currently provided in the right-of way and

no utilities appear to exist within the easements on Peters Road or Irene Drive, the easements cannot be encroached upon in case the city needs an easement for maintenance or future construction. If the applicant prefers to continue to install the fences in the easements, the easements would need to complete the abandonment process.

- c. Staff believes a uniform height for all metal fencing is preferable. Accordingly, **staff recommends all proposed fencing be 8 feet tall to match the existing metal fence height.**

9. Landscaping.

- a. Approval of this site plan would result in landscaping only installed along Grauwlyer Road. Since fences cannot be within utility easements, trees as approved by the city arborist should be required at a spacing of 1 tree per 30 feet. The applicant proposes six (6) trees being installed along Grauwlyer Road. Tree species and any other landscaping would be determined by the city arborist, to ensure they are compatible within the utility easement along Grauwlyer Road.
- b. The site plan notes that any available landscape areas in front of the proposed fences and on the subject property shall be landscaped with 2-foot tall shrubs on 3-foot spacing.
- c. The site plan also includes a **variance that eliminates any landscaping requirement** behind the fences within the work area.

10. Surface Material. The site plan as submitted provides that the primary surface material of the business will be compacted gravel base with concrete in the office and passenger/employee vehicle parking areas.

11. The following use and variances are being proposed:

	Required (ML-20)	Proposed	Staff Recommendation
<b>Use</b>	Concrete Batch Plant not allowed	Allow Concrete Batch Plant	Allow Concrete Batch Plant
<b>Outside Storage</b>	Allowed behind a blind fence at least 7 feet tall, and not located in any required setbacks. Materials shall be stacked no higher than one (1) foot below the top of the fence or wall	Allow behind a blind fence varying between 7 and 10 feet tall, no closer than 10 feet from Peters Road and no closer than 15 feet from Irene Drive and E. Grauwylar Rd.	Allow behind a blind fence varying between 7 and 10 feet tall, no closer than 10 feet from Peters Road and no closer than 15 feet from Irene Drive and E. Grauwylar Rd.
<b>Screening and Fencing</b>	<ul style="list-style-type: none"> <li>No screening fence allowed in 30' front setback;</li> <li>Fences within front yards require 50% through-visibility (Sec. 15-10 (a)(2));</li> <li>Fences within a zoning district designated for outside storage cannot be within 10' of any right-of-way (Sec. 15-10 (b)(2))</li> </ul>	<ul style="list-style-type: none"> <li><b>Grauwylar Road:</b> solid 10' tall fence 15 feet from property line.</li> <li><b>Irene Drive (new fence):</b> solid 10' tall fence on the property line and within a utility easement</li> <li><b>Peters Road (new fence):</b> solid 10' tall fence on the property line and within a utility easement</li> </ul>	<ul style="list-style-type: none"> <li><b>Grauwylar Road:</b> solid 8' tall fence 15 feet from property line.</li> <li><b>Irene Drive (new fence):</b> solid 8' tall fence 15 feet from property line, outside of the utility easement</li> <li><b>Peters Road (new fence):</b> solid 8' tall fence 10 feet from property line, outside of the utility easement</li> </ul>
<b>Landscaping: Interior Parkway</b>	A landscape interior parkway required adjacent to all streets	6 trees along E. Grauwylar; Shrubs will be planted in front of fences which are not located on property lines	6 trees along E. Grauwylar; <b>1 tree per 30 feet in front of fences which are not located on property lines</b>
<b>Landscaping: Interior</b>	1 tree per 10 parking spaces	No trees or other landscaping on the property behind existing or proposed fences	No trees or other landscaping on the property behind existing or proposed fences

12. The rezoning case is intended to bring all of the property that includes the entire business into a legal zoning district which would allow the business to receive a proper CO for the operation. For these reasons, staff can support this use.

13. A total of 27 public notices were mailed. Staff has received one (1) response in



support and none in opposition to this request.

14. The staff recommendation to the P&Z included the below 4 items. The P&Z recommendation included all of the items except #2, the requirement for the maximum 8 foot tall metal fence. Staff continues to recommend the 8 ft. fence to be consistent with the height of the existing adjacent fence.

1. All fences be properly located on the site plan outside of the utility easements; new fences to be 15 feet from E. Grauwlyer Road and Irene Drive, and 10 feet from Peters Road;
2. The site plan and Note #8 be revised to require an 8-foot maximum tall metal screening fence on the portion of the site plan labeled "Lot 1, Block B"; and
2. Note #9 be modified to indicate 1 tree per 30 feet along Peters Road and Irene Drive, as approved by the city arborist
4. Add a note to the site plan regarding a variance for the solid screening wall within the front yard setback along Peters Road.

**A revised site plan was not received from the applicant after the Planning and Zoning Commission hearing.** The site plan attached to the zoning case does not reflect the changes stated above or that were included as part of the recommendation.

### **Recommendation**

The ordinance be adopted per the recommendation of the Planning and Zoning Commission including fences outside of the utility easements, trees provided along streets, and the required note, but also including a maximum 8 foot tall fence.

**26 Ordinance - ZC21-0040 - Considering a Zoning Change from C-N "Neighborhood Commercial" to S-P-2 (R-6) "Generalized Site Plan – Single Family Residential" - Approximately 1.073 Acres Located at 2206 Rock Island Road - Guido DFW Estate Investments LLC, Owner/Applicant (Postponed from December 9, 2021)**

### **Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: December 6, 2021 – Postpone to January 3, 2022. January 3, 2022 – Approval 7-0 (Commissioners Burns and Kliner, absent).
2. The subject property is a vacant 1.073-acre tract. The applicant is requesting a zoning change from C-N "Neighborhood Commercial" **to develop the property**

**with five (5) single family lots and requests a variance to the minimum lot width for two of the proposed lots.**

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, townhomes, rowhouses, and small-scale apartment buildings. Some mix of non-residential uses is allowed, especially at intersections and commercial corners. **The requested zoning is in conformance with the Comprehensive Plan.**
4. The applicant is proposing a variance to the minimum lot width on the southern and northern lots, as shown in the table below:

	Required	Proposed
Minimum Lot Width – Interior Lot	50 feet	43.64 feet (southern lot only)
Minimum Lot Width – Corner Lot	75 feet	72 feet

The other middle three lots will meet the required minimum lot width of 50 feet. All lots are in excess of the 6,000 square foot minimum area requirement for the R-6 district.

5. This property will be required to be replatted prior to development. Staff has advised the applicant that this is required and that the existing sight easement along Rolston may need to be abandoned prior to replatting the property.
6. The subject property has frontage on Rock Island Road and Rolston Road. The railroad runs along the north side of Rock Island Road, which is classified as a Minor Arterial on the Master Thoroughfare Plan. Rolston Road is classified as a residential street. This section of Rolston is fronted by a church and several duplexes. Immediately to the south of the subject property is Jimmydee Drive, which has single family detached homes and, further to the west, townhomes. The property to the west is single family but is zoned for C-N “Neighborhood Commercial” uses and could transition to such uses at any time.
7. The **Compact Neighborhood** future land use designation is intended to provide for a variety of homes, especially smaller lot homes (cottage homes), duplexes, triplexes, townhomes and small-scale apartment buildings. The designation also allows for non-residential uses at intersections and commercial corners.
8. Staff believes this is an ideal site for the existing C-N “Neighborhood Commercial” zoning. While the existing C-N zoning appears to be appropriate, it is unlikely that the property will develop with office or retail use in the short term. Additionally, there are several other residential neighborhoods in this area that side to Rock Island Road as this development proposes. Considering the need for additional infill housing, staff can support this request.

9. A total of 26 public notices were mailed. Staff has not received any responses in support of or in opposition to this request.
10. The case was postponed from the December 6, 2021 hearing due to a necessary postponement by the Planning and Zoning Commission. The P&Z has made a recommendation and the case is ready to proceed.

### **Recommendation**

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

## **27 Ordinance - Zoning Case ZC21-0057 - Considering a Zoning Change from 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) "Detailed Site Plan – Restaurant with the Attendant Accessory Use of the Sale of Alcoholic Beverages for On-Premises Consumption" and Public Event Center and Outdoor Market Uses - Approximately 7.55 Acres Located at 101 and 200 North Rogers Road - AMB Services, Applicant; SJ Irving Property LLC, Owner**

### **Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: January 3, 2022 – Approval 7-0 (Commissioners Burns and Kliner absent).
2. The subject property consists of two tracts of land on either side of N. Rogers Road. Tract 1 (101 N. Rogers) is on the west side of N. Rogers Rd. and Tract 2 (200 N. Rogers) is on the east side.  
  
Tract 1 consists of a 51,170-square foot building, a covered parking area, and an uncovered parking lot. Tract 2 is vacant except for a wireless communication tower and serves as parking for Tract 1.
3. The applicant is seeking **permanent approval** for the sale of items that are beyond the traditional definition of a "Farmer's Market", therefore the applicant is applying to **add the use of "Outdoor Market"** to the existing S-P-1 (R-AB) zoning. Additionally, since only accessory retail sales are currently allowed with the S-P-1 (R-AB) zoning, and since some of the market activities will be indoors, limited indoor retail sales as a principal use are also included on this zoning site plan.
4. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends *Neighborhood Commercial* uses for the east side of this property. This is described as a mixed-use commercial district along major corridors. Opportunities for

residential and commercial infill and reinvestment. The requested zoning is in conformance with the Comprehensive Plan.

The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends *Commercial Corridor* uses for the west side of this property. This is described as an auto-oriented district for retail, office and commercial uses.

The requested zoning is in conformance with the Comprehensive Plan.

5. Site History:

- a. In 2016, the property was rezoned to 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 allow for the operation of a restaurant with a related dance hall and event center. The property has continued to serve as a restaurant with dance hall and provide concerts and public ticketed events on a regular basis.
- b. On April 15, 2021, the City Council approved a Temporary Use Permit for an outdoor Farmer’s Market to operate on Saturdays and Sundays. The permit was granted for a 6-month period. Booths and exhibits were limited to 101 N. Rogers Road, and excess parking was available at 200 N. Rogers Road.

On October 14, 2021 the City Council approved a second Temporary Use Permit from October 15, 2021 through April 14, 2022. At that time, staff advised the applicant that if the use was to be continued beyond April 14, permanent rezoning would be required to permit the use on an ongoing basis.

6. **Additional proposed uses to the existing S-P-1 (R-AB)** through this site plan include:

- a. Sale of fresh produce including fresh fruits, vegetables, flowers, herbs, or plants, processed food stuffs and products such as jams, honey, pickled products, sauces, baked goods
- b. Crafts, art, clothing and other artisanal goods that are designed and/or made by the seller
- c. Seasonal products
- d. Advertising and exhibits for personal and business services
- e. Any general retail sales (not listed above) that occur during Outdoor Market days will only be permitted indoors and under the covered parking area.

7. The following uses **are expressly prohibited** on the site plan:

- a. Second-hand or used merchandise
- b. The operation of gaming and other amusements, such as a “midway” or other carnival activities not specifically permitted
- c. Any type of outdoor ticketed event or concert

- d. The sale or consumption of alcoholic beverages in the outdoor market
8. Notes outlining days of operation of the Outdoor Market have also been included on the site plan. Staff expressed parking concerns if the event business and outdoor market operate at the same time. The applicant has explained that the outdoor market is not intended to operate at the same time since it will be using parking needed by the event center.
  9. The site plan shows areas of the parking lot on Tract 1 that will be used by vendors, consistent with the Temporary Use permit. The Fire Department has reviewed the plan; however, no vendors may park or set up within fire lanes at any time.
  10. Parking will be provided from the existing spaces on the lots on both sides of N. Rogers Rd. The restaurant requires 260 spaces and the event center and outdoor market require 350 spaces. A total of 610 spaces is required and 612 are provided.
  11. Approximately 9,200 square feet within the existing building is identified for the sale of general retail sales that cannot be categorized under the Outdoor Market uses. **The owner understands that he will need to bring this portion of the building up to current Fire Code requirements before it can be occupied for this use.**
  12. This proposed zoning case meets the alcohol distance requirement regulations from a religious facility, school, or hospital as required in Section 3.3 of the Unified Development Code.
  13. The Farmers' Market has been operating successfully on a temporary basis and has allowed for a complimentary use of the property during the off hours of the events within the indoor restaurant and event center. It has brought retail activity to the site, which was a desire of the Future Land Use Plan's Neighborhood and Community Commercial designations for the property. Since the proposed use will continue to bring retail activity to the site as an Outdoor Market that is more in conformance with the goals of the master plan and long-term vision of this area, staff can support this request.
  14. A total of 19 public notices were mailed. Staff has received one (1) response in support and none in opposition to this request.

### **Recommendation**

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

- 28 **Ordinance - ZC21-0061 - Considering a Zoning Change from S-P-2 (FWY) "Generalized Site Plan – Freeway" to Include a Childcare Center to S-P-1 (R-AB) "Detailed Site Plan – Restaurant with the Attendant Accessory Use of the Sale of Alcoholic Beverages for On-Premises Consumption" and Hotel and Related Uses - Approximately 2.982 Acres Located at 550 E. John Carpenter Freeway - PED DFW John Carpenter LLC, Applicant; 500 EJC Land Owner LLC, Owner**

**Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: January 3, 2022 – **Denial** 5-2 (Commissioners McPhail and Collins, nay; Commissioners Burns and Kliner, absent).
2. The subject property is an approximately 2.982-acre site that is currently undeveloped. **The applicant is requesting a zoning change to construct a new dual-branded hotel with alcoholic beverage sales and variances to the hotel development standards.** The hotel is oriented so that the back of the building faces State Highway 114 with a series of patios, and the front primary entry faces the parking garage on the adjacent property.
3. The current Hotel Development Standards are codified as Section 3.10 of the Unified Development Code (UDC). The Irving Convention and Visitors Bureau (ICVB) and City Planning staff have made several recommendations for changes to these standards. The ICVB was asked by Council to survey the hotel operators; this was delayed due to the pandemic and was completed in May 2021 and the results were reflected in the proposed ordinance amendments. While these changes have not been adopted by the Council, they have been used to evaluate the appropriateness of certain requested variances to the current hotel standards.
4. The site plan proposes a 5-story, 220 room dual brand hotel with a full-service restaurant, meeting space, a fitness center and pool, and other amenities. This includes a 112-room "Residence Inn by Marriott" and a 108-room "Courtyard by Marriott".
5. Below is a summary of the standards and variances being requested:

	Current Hotel Development Standards	Proposed Amendments (Scheduled adoption Spring 2022)	Proposed
<b>Room count Minimum</b>	200 rooms	200 rooms	<b>Total 220 rooms</b> in two wings of one structure  Courtyard by Marriott: 108  Residence Inn: 112
<b>Parking</b>	1 space per room  1 space per 125 sq. ft. for meeting rooms  1 space/5 restaurant seats  <b>Total 307 spaces</b>	0.7 space per room = 154 spaces  1 space per 125 sq. ft. for meeting room = 15 spaces  <b>Total 169 spaces</b>	<b>88 spaces</b> provided on hotel property <b>77 spaces</b> in parking garage on adjacent property within 300 feet – excess spaces from adjacent business (Sect. 4.4.6a) <b>4 shared spaces</b> provided based on documentation of alternate time usage of office and hotel uses in the parking study (Sect. 4.4.3d)  <b>Total 169 spaces minimum on- and off-site</b>
<b>Height</b>	None	Six (6) stories for Urban Business Overlay and PUD 6 only no minimum elsewhere	5 stories  70 feet tall, including parapet
<b>Meeting or Conference Rooms</b>	Combined minimum area of 5,000 square feet	Combined minimum area of 5,000 square feet	<b>1,887 sq. ft.</b>  (3,113 sq. ft. or -62% <i>variance requested</i> )

6. **Room Count.** The current hotel development standards (Section 3.10.2 (d)(7)) simply require that “All hotels and motels shall provide a minimum of 200 sleeping rooms”. Since the two hotels are within one permanent structure and share an entry feature and amenities, the total room count is being considered for purposes of compliance with this section.
7. **Height.** The Hotel Development Standards do not currently have a minimum height requirement. The proposed amendments do not propose a minimum height outside of the Urban Center.
8. **Parking.** The most notable variance requested is for the total of required on-site parking spaces. Per Section 3.10.2 (b)(5) of the UDC, a total of 307 parking spaces are required based on the current ordinance.

Amendments to the Hotel Regulations have been in process since 2019 and were delayed due to the pandemic but are being processed for a Spring 2022 approval. Included in the amendments is an allowed reduction of parking to 0.7 spaces per room. This has been supported for multiple hotel cases where the parking was provided on the site, and this reduction is supported for this case.

- a. With an approved variance, a total of 169 spaces will be required for the rooms and meeting space. The applicant is providing 88 spaces within the lot with the hotel building. This is 81 spaces short of the required parking.
  - b. The applicant indicates that they will enter into a parking agreement with the owner of the parking garage associated with an office building on a separate property to the south (to be recorded with the county) for the additional 81 required spaces. A parking agreement cannot be required as a condition of the zoning case.
  - c. The adjacent parking garage has 77 existing surplus parking spaces beyond the minimum requirements for the office building. The applicant has stated that the parking agreement will designate these excess parking spaces (above the minimum required for the adjacent office building) specifically for hotel use, providing a total of 165 spaces for the hotel. Section 4.4.6 (a) of the UDC allows such excess spaces to be counted since they are within 300 feet of the hotel property.
  - d. The UDC also allows for shared parking, which would account for the remaining four (4) spaces needed to reach 169 spaces. The applicant has provided a parking study that concludes that the parking garage on the adjacent lot has an abundant off-peak surplus of spaces after 5:00 p.m., which is when the need for the hotel parking increases. The hotel will also be providing a shuttle service to area airports.
9. Staff's recommendation to the Planning and Zoning Commission was for Denial based on the large request for a variance to the on-site parking. After the P&Z hearing, staff discussed the case further and determined that the reduced parking amount (0.7 spaces per room) should be supported to be consistent with other hotel cases, and that considerations in Section 4.4.3d for shared parking can also apply to offsite parking. The allowance of the shared parking adds the needed four spaces necessary to comply with the reduced amount of parking of 169 spaces, if approved as a variance. **Therefore, the staff recommendation has been changed from Denial to Approval.**

The parking agreement for any necessary off-site spaces to reach a minimum of 169 is not part of this zoning case; a recorded document must be included in the application for a building permit to show compliance with the parking requirement set in this Site Plan case.

10. **Concerns remain about several items.** While staff believes it is important to encourage infill commercial development, the subject site is very small and not an ideal configuration to accommodate the proposed hotel. Staff has asked the applicant to consider construction of a level or two of structured parking spaces under the 5 stories of hotel to provide more parking on-site.



The parking variances/reductions approved for other hotels have been on the same site as the hotel development. However, no hotel has requested to provide the required parking spaces on another property or via the shared parking consideration.

The parking agreement is a private document; the city is not a party to nor will enforce the agreement. Should the office building's parking needs ever change and the agreement voided or altered that reduces the total number of available parking spaces dedicated to the hotel use, the hotel would be in violation of zoning with potential enforcement as necessary.

Finally, while the parking garage is on an adjacent lot and within 300 feet as allowed by the ordinance, it is separated by a driveway and will be connect by one crosswalk. The applicant stated that parking spaces will not be dedicated or marked within the garage for use by the hotel and the garage will be card access only. Staff also retains concerns about the actual usage of the garage by hotel guests and potential for on-street parking on Brim Street; the applicant indicates that the hotel management will provide the guests guidance on proper parking locations.

10. A total of 8 public notices were mailed. Staff has received three (3) responses in support and none in opposition to this request.

### **Recommendation**

The ordinance be **approved with a minimum of 169 required parking spaces**

- 29 **Ordinance - ZC21-0068 - Considering a Zoning Change from S-P-2 (C-C) "Generalized Site Plan - Community Commercial" to S-P-2 (C-C) "Generalized Site Plan - Community Commercial" and Outdoor Display, Storage and Sales - Approximately 5.75 Acres Located at 2800 Ranch Trail - GANS DFW, LLC, Applicant; Billingsley 380 North GP, LLC, Owner (Postponed from December 9, 2021)**

### **Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: December 6, 2021 – Approval 7-0 (Commissioners Joy and Kliner, absent).
2. The subject property is a 5.75-acre tract partially developed with an existing large box retail shopping center. **The applicant is requesting a zoning change to redevelop the property with a plant nursery to include outside display, sales and storage of plants and related items with a reduction to the required parking.**
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 an auto-oriented district for retail, office and commercial uses. Parking in front with buildings set back from the street. Low to mid-rise buildings. **The requested zoning is in conformance with the Comprehensive Plan.**

4. The applicant is proposing to renovate a 35,000 square foot portion of the existing building (former Conn’s HomePlus) for the nursery and add an 18,000 square foot greenhouse on the west side of the building. The northern 69,000 sq. ft. portion of the site will be used for a “lath house” (open structure similar to a large pergola), outside display, sales and storage of plants and nursery related items.
5. The applicant is proposing to add the following uses:

Land Use	C-C Requirements	Proposed
C-C	No Outside Display, Sales or Storage	Outside Display, Sales, and Storage of plant nursery and related items

6. The City’s parking requirement for all retail (indoor and outdoor) is 1 space per 200 square feet. Based on the applicant’s plans, this would require 610 parking spaces. The applicant is proposing a variance to the parking requirement for the greenhouse and outdoor sales area. Based on the proposed development, the applicant would provide 259 parking spaces, a 57.4% reduction.

Land Use	Parking Standard	Required Parking	Proposed Parking Standard	Proposed Parking
Indoor Sales	1 space per 200 sq. ft.	175 spaces	1 space/200 sq. ft. (Meets Requirement)	175 spaces
Greenhouse	1 space per 200 sq. ft.	90 spaces	1 space/300 sq. ft.	60 spaces
Outdoor Sales	1 space per 200 sq. ft.	345 spaces	1 space/2,875 sq. ft.	24 spaces
<b>TOTAL</b>		<b>610 spaces</b>	1 space/471 sq. ft.	<b>259 spaces</b>

The applicant has provided a parking analysis for the proposed reduction. Based on parking at their similarly designed stores, the study concludes that the parking variance is warranted, as the parking ratio per square foot (including outdoor and indoor spaces) is **1 space per 471 square feet**, whereas 5 similar stores have an average parking ratio of 1 space per 574 square feet. Staff concurs with the proposed parking variance, based on the parking analysis and the nature of the business.

7. The general area includes big box retail stores with large parking lots. A cross-access and cross-parking agreement exists for the entire shopping center, allowing overflow parking on adjacent property when necessary. No residential property is in the area that would be impacted by any overflow parking.
8. Since the proposed use is compatible with the other surrounding retail uses, and since the parking variance is reasonable given the nature of the proposed use and the experience of the applicant at other store locations, staff can support this request.
9. A total of 3 public notices were mailed. Staff has received one (1) response in support and none in opposition to this request.
10. The case was postponed from the December 6, 2021 hearing for further communications with the property owner. The case is ready to proceed.

**Recommendation**

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

**30 Ordinance - Comprehensive Plan Amendment CP21-0004 - Considering a Comprehensive Plan Amendment Changing the Recommended Future Land Use from "Neighborhood Commercial" to "Commercial Corridor" - Approximately 2.998 Acres Located at 2000 Estrada Parkway - JMR Properties, Inc., Applicant; MSR Los Lupes Enterprises, Inc., Owner**

**Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: January 3, 2022 – Approval 6-0 (Commissioner Cronenwett, not voting; Commissioners Burns and Kliner, absent).
2. This case is in conjunction with Zoning Case ZC21-0071, also on this agenda.
3. The applicant is seeking to amend the Comprehensive Plan Future Land Use Map from “Neighborhood Commercial” to “Commercial Corridor” to facilitate a zoning change.
4. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Neighborhood Commercial** uses. *Neighborhood Commercial* is described as “Mixed-use commercial areas along major corridors. Opportunities for residential and commercial infill and reinvestment.”
5. In conjunction with the related rezoning request, the applicant proposes

**Commercial Corridor** uses for this property. This land use category is described as an “auto-oriented district for retail, office and commercial uses” with “parking in front with buildings set back from the street” and “low- to mid-rise buildings”.

6. The Future Land Use Map Interpretation Policies under Goal 1 of the Land Use + Urban Design Section of the 2017 Imagine Irving Comprehensive Plan requires that, **if an area that is designated and/or developed as non-residential use desires to transition to a different non-residential use**, the City of Irving should require the following:
  - a. If new construction, the development **conforms to new use standards** and concepts.
  - b. The area **meets all compatibility standards** for adjacent uses.
  - c. The rezoning **does not cause any negative impacts** on adjacent uses.

The applicant has provided a letter of justification for the requested amendment that states the proposed use meets all compatibility standards and conforms to new use standards since they are not requesting any variances as part of the corresponding zoning case for C-C “Community Commercial” district. The applicant states that no negative impacts on neighboring property will result from this change in the Future Land Use.

7. The “Vision Map” in the Comprehensive Plan denotes this property as part of a “Major Center” in the general vicinity of the Irving Mall located at the intersection of Highway 183 and N. Belt Line Road (Figure 14, Page 58). As described in the Comprehensive Plan, major centers are “iconic Irving landmarks, districts, and destinations that serve the entire region as concentrations of commerce, employment, and activity”.
8. The Comprehensive Plan encourages infill development at appropriate locations. The vicinity of the proposed development is not designated as an “Area of Stability” in the Comprehensive Plan (Figure 15, page 60). As such, this is an area where “opportunities exist on underutilized land that could be developed or redeveloped to provide additional high-quality housing and employment areas” (page 59). Thus, this development is in accordance with this section of the Comprehensive Plan.
9. Furthermore, the property is located on Estrada Parkway, which is defined as a Minor Collector on the Master Throughfare Plan. Aside from the business requesting this amendment, Estrada Parkway provides local access to seven apartment complexes, a hotel, a restaurant, and a Walmart.
10. Finally, the property is within 600 feet from State Highway 183 which is an appropriate distance for larger commercial activity, and much of the existing activity such as auto sales and Walmart are designed to draw from an area larger than a neighborhood. As such, staff intends to examine this surrounding area in 2022 to review the most appropriate future land use designation for these and similar properties.

11. A companion zoning case, ZC21-0071, was filed for this case to allow for event center and retail uses.
12. Given all the factors listed above, staff can support this Comprehensive Plan amendment.

### **Recommendation**

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

- 31 Ordinance - ZC21-0071 - Considering a Zoning Change from S-P-2 (C-OU-2) "Generalized Site Plan - Commercial Outdoor" to C-C "Community Commercial" - Approximately 2.998 Acres Located at 2000 Estrada Parkway - JMR Properties, Inc., Applicant; MSR Los Lupes Enterprises, Inc., Owner**

### **Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: January 3, 2022 – Approval 6-0 (Commissioner Cronenwett, not voting; Commissioners Burns and Kliner, absent).
2. The subject property is a 2.998-acre portion of a vacant lot that has been partially paved for parking. The applicant is requesting a zoning change to allow for event center and retail uses. The event center is intended to be rented out for private party uses.
3. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Neighborhood Commercial** uses. A companion Comprehensive Plan Amendment CP21-0004 on this agenda would amend the Future Land Use Map to recommend **Commercial Corridor** uses. This case was filed the uses under the proposed C-C “Community Commercial” District are not compatible with the current future land use designation of “Neighborhood Commercial”. While the applicant was given the option to rezone the property to C-N “Neighborhood Commercial”, they declined because the maximum height in the C-N “Neighborhood Commercial” district is 2.5 stories or 30 feet, and the C-C “Community Commercial” district has no such height requirement.
4. Site History:
  - a. The applicant applied for a six-month temporary use permit to allow outside storage on March 3, 2021. The applicant noted they sought to store

restaurant and banquet hall equipment in trailers on the existing parking lot of the property. Per Council Resolution No. 2021-222, this permit was approved by City Council on June 17, 2021, and recently expired on December 16, 2021. The applicant applied for a secondary temporary use permit on November 18, 2021 for the same use. This case is scheduled for the January 13, 2022 City Council meeting.

- b. The lot where this subject property is located was sold without benefit of plat sometime between 2019 and 2020. The applicant has been made aware that, in accordance with state law, the property cannot be developed unless both portions of the lot (Lot 2 and Lot 2.1) have been legally replatted. Both property owners will have to participate in the replat by co-signing the application and the plat. Neither portion will receive a building permit until the replat has occurred.
5. The property was rezoned from S-P-2 (FWY) “Generalized Site Plan – Freeway and Retail, Automobile Rental, and Two-Story Mini-Storage Units” to S-P-2 (C-OU-2) “Generalized Site Plan - Commercial Outdoor 2” uses in 1994 to allow for an expansion of the auto sales facility on the west side of Estrada. While the existing parking lot was added between 1994 and 2000, the property has never been developed.
6. The subject property is not located near any single family residential uses but is adjacent to multifamily uses. Per Section 4.6.1 of the Unified Development Code, the commercial property is responsible for providing and maintaining a minimum 7-foot tall blind fence or wall along the common property line with the multifamily property.
7. The property will have to comply with all zoning, parking, and landscaping regulations, as well as all other City of Irving ordinances.
8. **Since the applicant is not requesting any variances, and, with the amendment to the future land uses, the C-C district is appropriate and serves as a buffer between the multifamily uses to the south and the freeway-oriented businesses to the north, staff can support this request.**
9. A total of 11 public notices were mailed. Staff has not received any responses in support of or in opposition to this request.

### **Recommendation**

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

**32 Ordinance - ZC21-0075 - Considering a Zoning Change from R-7.5 "Single Family Residential" to S-P-2 (R-7.5) "Generalized Site Plan – Single Family Residential" - Approximately 0.24 Acres Located at 2419 West 5th Street - Adriana and Cesar Figueroa, Owners/Applicants**

**Administrative Comments**

1. The Planning and Zoning Commission Hearing Date and Recommendation: January 3, 2022 – **Denial** 4-3 (Commissioners Spurlock, McPhail and Collins, nay; Commissioners Burns and Kliner, absent).
2. The subject property is a 10,285 square foot lot that is currently developed with a single-family home and a detached accessory building. **The applicant is proposing to rezone for variances to permit: 1) a detached accessory building to be expanded and used as a second dwelling unit, and 2) a detached accessory building to exceed 25% of the square footage of the main building.**
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 predominantly single-family homes or duplexes with some mix of non-residential uses, particularly in-home businesses. The requested zoning is in conformance with the Comprehensive Plan.
4. A building permit had been issued for a 16'x16' shed in 2016. In November 2021, the City received a complaint that a structure in the rear yard of the subject property had been converted to living quarters. Upon inspection by Code Enforcement, it was discovered that the structure had been altered to have a full kitchen, a full bathroom, a closet, and living/sleeping quarters. Electricity and plumbing to the structure were connected from the main residence through a series of pipes and extension cords.
5. The Unified Development Code (UDC) currently **does not permit accessory structures to be used for dwelling purposes**. The property owner was issued a zoning violation and informed that they must file permits to correct the violation unless they could get approval of a variance. Otherwise, an accessory building that is not used for dwelling purposes requires that the stove in the kitchen, the shower in the bathroom, and the closet must all be removed.
6. The owner initially agreed to cease using the structure and obtain permits necessary to convert it back to an accessory building. Permits were issued by Inspections in November for the removal of the closet, the shower, and the built-in stove/oven. However, before the owner removed everything, they wanted to go through the zoning process to see if they could obtain approval to have the structure remain as secondary living quarters.
7. Per Chapter 9 of the UDC, "dwelling accommodations" shall mean any of the following improvements within an accessory building in a residential district:

- a. A kitchen, being defined as an area that includes a dishwasher, oven, stove, or range, excluding a non-built-in microwave oven;
  - b. Indoor bathtub or shower facilities, excluding exterior shower facilities associated with a swimming pool;
  - c. Built-in heating, ventilation, or air conditioning system, excluding window air conditioning units and portable space heaters;
  - d. Natural gas service;
  - e. More than two (2) rooms in the building, however a separately enclosed area with only a toilet and sink will not be counted as a room; or
  - f. A closet in any room
8. The existing structure currently includes (a), (b), and (f) from the above list.
9. In addition to keeping the structure as secondary living quarters, **the applicant wants to nearly double the size of the structure, expanding it from 264 square feet to 480 square feet.** This expanded structure would have one bedroom, a bathroom, and kitchenette. The applicant requests that the building include cooking facilities including connections for a cooktop and oven. The expanded part of the building measures 12 feet in height to the peak of the roof and meets the setbacks from the side and rear property lines.
10. Section 3.1.6 (a) of the Unified Development Code requires detached accessory structures to be a maximum size of 250 square feet or 25% of the square footage of the main structure, whichever is larger. The main home is approximately 1,220 square feet and 25% would equal a maximum 305 square foot accessory building. **The proposed expansion would be a 57% increase in square footage over what is permitted.**
11. The requested variances are summarized below:

Category	Required	Proposed	Variance
Max. size of accessory structure	305 sq. ft. maximum (25% of main house)	480 sq. ft.	<b>+175 sq. ft. (57%)</b>
Use of accessory structure	Not used as a dwelling accommodation	<b>Used as a dwelling accommodation,</b> including items (a) kitchen including oven and cooktop, (b) indoor shower, (e) more than 2 rooms; and (f) a closet	N/A

12. Staff asked about the intended future use of the building, and the owner maintains that the accessory structure has been used to house family members and will



continue to be used for additional family who may need it. The owner also maintains that the existing driveway is adequate to handle the parking of four (4) vehicles. The driveway appears to be approximately 78 feet in length, which could accommodate about four (4) vehicles if parked in a parallel fashion.

13. Since the structure was altered without permits, **if this request is not approved, the owner will have to go forward with the changes to remove the oven from the kitchen, the shower in the bathroom, and the closet.** The structure could not be legally used as a bedroom under those conditions.
14. A total of 31 public notices were mailed. Staff has not received any responses in support of or in opposition to this request.

#### **Recommendation**

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

## **APPOINTMENTS AND REPORTS**

### **33 Resolution - Casting City of Irving's Vote for the Fourth Member of the Board of Directors of the Dallas Central Appraisal District in the Runoff Election**

#### **Administrative Comments**

1. This item is recommended by the City Council.
2. **Impact:** A Suburban Voting Representative on the Board of Directors of the Dallas Central Appraisal District assures positive representation of the interest of the cities in Dallas County, other than Dallas.
3. In the election for the suburban cities representative, one candidate did not receive the required majority, 16 votes. A runoff election is necessary between the top two finishers: Michael Hurtt of Desoto received 13 votes and Brett Franks of Sachse received four votes.

#### **Recommendation**

The resolution be approved.

**34 Resolution - Appointments to the Irving Green Advisory Board, the Irving Advisory Committee on Disabilities, and the Irving Arts Board to Fill Various Terms**

**Administrative Comments**

1. This item is recommended by the City Secretary's Office.
2. **Impact:** This item is a companion item to the amended Irving Green Advisory Board (IGAB) ordinance which reduces the number of IGAB board members from fifteen (15) to nine (9). This item also includes additional appointments to fill vacant positions on the Irving Advisory Committee on Disabilities and the Irving Arts Board.
3. With regard to the IGAB, this item moves members in Places 10, 14 and 15 to Places 7, 6, and 1. No IGAB board members were removed from the board, as six (6) current board members declined reappointment.
4. The City Council conducted interviews for various vacancies on October 18, 23, and 25, 2021.

**Recommendation**

The resolution be approved.

**35 Mayor's Report**

**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.

**Adjournment**