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.

Organizational Service Announcements

Invocation

Reverend Ernesto Esqueda, St. Luke Catholic 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 38

CITY COUNCIL AGENDA

1 City Operations Update

CONSENT AGENDA

2 Approving the Work Session Minutes for Thursday, February 08, 2024

3 Approving the Regular Meeting Minutes for Thursday, February 08, 2024
4 Ordinance - Amending Ordinance No. 2023-10795 Providing Budget Adjustment #4 to the 2023-24 Fiscal Year Budget

**Administrative Comments:**

1. This item has been recommended by the Financial Services Department. It supports Future in Focus - Government Sustainability, protect the city’s financial integrity and credibility.

2. Budget Adjustments are needed in the following funds: General Fund, Vehicle Replacement Fund, Municipal Drainage Utility Fund, Street Improvement Bond Fund, Municipal Drainage Utility Nonbond CIP Fund, Infrastructure Bond Fund, Operations and Maintenance Facilities Bond Fund, ICVB General Fund, Miscellaneous Special Revenue Fund and Miscellaneous Grants Fund.

3. The adjustments have been proposed by city staff and have been reviewed and recommended by Financial Services.


**Recommendation:**

The ordinance be adopted.

---

5 Resolution - Approving a Regional Asset Transfer Addendum to the Local Administrative Agreement Between the City of Irving and the City of North Richland Hills for the Purpose of the Transfer of Asset(S) to Assist the North Texas Anti-Gang Center Task Force.

**Administrative Comments**

1. This item is recommended by the Police Department. It supports Future in Focus: Safeguard public safety, security and health.

2. **Impact:** This regional asset transfer addendum is entered between the City of Irving Police Department and the City of North Richland Hills as part of the Local Administrative Agreement between constituent agencies of the Texas Anti-Gang Center – North Texas (TAG) task force.

3. The addendum allows for the exchange of inventory items purchased using TAG grant funds between the TAG task force constituent agencies, at no cost to the recipient agency.

4. This item requires no funding.
Recommendation
The resolution be approved.

6 Resolution - Approving an Amended Addendum No. 1 to the Data Use Agreement Included in the Fiscal Year 2023-2024 Contract Between the City of Irving and Dallas Area Agency on Aging (DAAA) for Reimbursement of Expenses Related to the Congregate Meal Program Provided at Heritage Senior Center

Administrative Comments

1. This item is recommended by the Parks and Recreation Department and supports the Future in Focus: Sense of Community – Provide exceptional recreational, cultural, and educational opportunities.

2. Impact: Approval of the attached Amended Addendum No. 1 to the Data Use Agreement (DUA) included in the Fiscal Year 2023-2024 agreement between the City of Irving (“Subcontractor”) and Dallas Area Agency on Aging (“Contractor”), clarifies the applicability of certain provisions within the Data Use Agreement.

3. The Fiscal Year 2023-2024 Contract with Dallas Area Agency on Aging (DAAA), which included Rate Setting Documents, a Data Use Agreement, Subcontractor Agreement Forms, and Addendum No. 1 (Agreement), for reimbursement of expenses related to the congregate meal program provided at Heritage Senior Center, was approved by City of Irving City Council Resolution RES 2023-487 on November 9, 2023.

4. Addendum No. 1 to the DUA, written by City of Irving, was edited by DAAA after the November 9, 2023 approval. The revisions have been reviewed and approved by the City Attorney’s Office, and the Amended Addendum requires a new Council approval.

Recommendation
The resolution be approved.
Resolution - Approving a Professional Services Agreement Between the City of Irving and Brinkley Sargent Wiginton Architects, Inc., in the Amount of $2,251,472.00 for Design Services of the Senter Park Indoor Aquatic Facility Project

Administrative Comments

1. This item is recommended by the Capital Improvement Program Department and the Parks and Recreation Department. It supports Future in Focus: Sense of Community – Provide exceptional recreational, cultural and educational opportunities.

2. **Impact:** This item will provide for the design services for the construction of the Indoor Aquatic Facility at Senter Park.

3. **This item was presented to the Parks and Recreation Advisory Board on January 8, 2024 and at City Council Work Session on June 29, 2023.**

4. Requests for qualifications were solicited for these services through RFQ#029D-24F. Qualifications were received from 10 firms, of which three (3) were chosen to be interviewed. Brinkley Sargent Wiginton Architects, Inc. was determined to be the most highly qualified provider for these services solicited.

5. The project will include a 100% demolition of the existing swimming facility and provide a design for a new indoor family-oriented year-round pool.

6. The project will make a connection with the existing recreation center.

7. Funding in the amount of $2,251,472.00 is available in the General Non Bond CIP Fund.

**Recommendation**

The resolution be approved.

Resolution - Approving a Professional Services Agreement Between the City of Irving and Oxley Williams Tharp Architects, PLLC, in the Amount of $4,695,250.00, for ARPA Funded Architectural Design Services for the Mustang Park Multi-Generational Community Recreation and Aquatics Center and Indoor Aquatic Facility

Administrative Comments

1. This item is recommended by the Capital Improvement Program Department and the Parks and Recreation Department. It supports Future in Focus: Sense of Community – Provide exceptional recreational, cultural and educational opportunities.

2. **Impact:** This item will provide for the design services for construction of the Multi-
Generational Community Recreation and Aquatics Center and Indoor Aquatic Facility at Mustang Park.

3. **This item was presented to the Parks and Recreation Advisory Board on January 8, 2024, and at City Council Work Session on June 29, 2023.**

4. Requests for qualifications were solicited for these services through RFQ#041D-24F. Qualifications were received from 11 firms, of which three (3) were chosen to be interviewed. Oxley Williams Tharp Architects, PLLC was determined to be the most highly qualified provider for the services solicited.

5. The project will include a gymnasium, fitness space, indoor track, locker rooms, senior activities, multi-purpose rooms, party rooms, indoor playground, administrative spaces, an indoor family-oriented pool with zero depth entry and children’s aquatic features, as well as all mechanical spaces, changing rooms, restrooms, and lifeguard structures.

6. The estimated 71,000 SF facility will include all necessary parking, site lighting, signage, landscape, and irrigation. The project will maintain the existing recreation center with future uses to be determined.

7. Funding of this item has been requested from the American Rescue Plan Act (ARPA) funds received by the City; the City’s ARPA team has reviewed this request and recommends the use of ARPA funds for this expenditure.

8. Funding in the amount of $2,240,000.00 is available in American Rescue Act Fund and funding in the amount of $2,455,250.00 is available in the General Non Bond CIP Fund.

**Recommendation**

The resolution be approved.

9 **Resolution - Awarding a Contract to PJM Construction dba Foam Works, in an Amount not to exceed $288,000.00 for the ARPA Funded Geofoam Concrete Leveling Services at City Facilities**

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program Department and supports Future in Focus: Infrastructure Investment – Maintain roadways, sidewalks and transportation infrastructure.

2. **Impact:** This project will provide for the as needed leveling of sidewalks at various locations throughout the city.

3. Bids were received from one (1) bidder. Foam Works submitted the lowest responsive responsible bid of $288,000.00.
4. Funding of this item has been requested from the American Rescue Plan Act (ARPA) funds received by the City; the City’s ARPA team has reviewed this request and recommends the use of ARPA funds for this expenditure.

5. Funding in the amount of $288,000.00 is available in the American Rescue Plan Act (ARPA) Fund.

**Recommendation**

The resolution be approved.

10 Resolution - Awarding a Contract to V.L.I., Inc. Dba Urban Landscaping & Irrigation in the Amount of $217,414.00 for the American Rescue Plan Act (ARPA) Funded Cricket Fields Irrigation Project

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program Department and the Parks and Recreation Department. It supports Future in Focus: Sense of Community – Provide exceptional recreational, cultural and educational opportunities.

2. **Impact:** This project will install an irrigation system for the cricket fields at Mountain Creek Preserve, Sam Houston Trail Park, Spring Trail Park and W.O. Harrington Park.

3. **This project was presented to the Parks and Recreation Advisory Board on November 13, 2023.**

4. For the safety of the players during summer months and times of drought, the irrigation systems will assist in keeping a reliable turf surface for play.

5. Currently, there are five (5) cricket fields throughout the park system. With this contract, three (3) of the existing fields, two (2) at Spring Trail Park and one (1) at W.O. Harrington Park will have an irrigation system installed.

6. Two (2) new fields will be built at Mountain Creek Preserve and Sam Houston Trail Park and irrigation will be provided.

7. Proposals were received from two (2) vendors on February 2, 2024. Upon review from staff, the bid received from Urban Landscaping & Irrigation, is the lowest, most responsive, and responsible bid and is recommended for award.

8. Funding of this item has been requested from the American Rescue Plan Act (ARPA) funds received by the City; the City’s ARPA team has reviewed this request and recommends the use of ARPA funds for this expenditure.
9. Funding for this project, in the amount of $217,414.00 is available through the American Rescue Plan Act (ARPA) Fund.

**Recommendation**

The resolution be approved.

---

**11 Resolution - Approving the Season Seat Agreement Between the City of Irving on Behalf of the Irving Convention and Visitors Bureau and Live Nation Marketing, Inc. for the Purchase of Seats at the Pavilion at the Toyota Music Factory**

**Administrative Comments**

1. This item is recommended by the Irving Convention and Visitors Bureau and supports Future in Focus: Vibrant Economy – Market Irving as a destination.

2. **Impact:** Approval of this season seat agreement will provide seats for the Irving Convention & Visitors Bureau to use to capitalize on marketing and promotional opportunities, as well as customer networking throughout the year.

3. The Pavilion at the Toyota Music Factory is Irving’s primary entertainment venue for events and use of the venue to entertain clients is an opportunity for the ICVB to capitalize on this distinct attraction to continue to tell the Irving story.

4. The agreement provides for eight premium seats, and two parking passes at each concert promoted and produced by Live Nation, plus the option to purchase additional tickets on an as-needed basis for client entertainment throughout the season, in the amount of $72,000 plus $20,000 for as-needed tickets.

5. This is an agreement for the 2024 event season from February 22, 2024, to December 31, 2024.

6. The ICVB will adhere to the policy established by the ICVB Board regarding use of the box seats. The seats will be used with local clients, familiarization tours, media tours, industry partners, etc.

7. The ICVB represents Irving’s $3.45 billion-per-year visitor economy, which welcomes over 4.27 million visitors with 1.96 million staying in Irving hotels and generates $64.3 million in taxes annually for the City of Irving.

8. Funding in the amount of $92,000.00 is available in the ICVB general fund for FY23/24.

**Recommendation**
The resolution be approved.

**Approving the Bids and Purchasing Items**

Items 12 - 20

12 Resolution - Authorizing As-Needed Expenditures with Staples Contract & Commercial, Inc., in the Total Estimated Amount of $200,000.00 for Office Supplies through Sourcewell

**Administrative Comments**

1. This item is recommended by the Financial Services Department - Purchasing Division. It supports Future in Focus: Government Sustainability - Protect the City’s financial integrity and credibility.

2. **Impact:** Utilization of this contract will allow for as-needed purchases of office supplies.

3. A Vendor/Member contract between the City of Irving and Staples Contract & Commercial, Inc., for utilization of Sourcewell Contract No. 012320-SCC supports as needed purchases of Office Supplies and has been renewed through April 6, 2025.

4. Funding for Fiscal Year 2023-24 is available in various departmental budgets within various funds, while funding for Fiscal Year 2024-25 is subject to budget appropriation.

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Spending Term</th>
<th>Total Estimated Amount</th>
<th>Fiscal Year(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staples Contract &amp; Commercial, Inc.</td>
<td>4/7/24 – 4/6/25</td>
<td>$ 100,000.00</td>
<td>2023-24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$ 100,000.00</td>
<td>2024-25</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$200,000.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Recommendation**

The resolution be approved.
Resolution - Approving Amendment No. 3 to the Professional Services Agreement between the City of Irving and Avenu Insights & Analytics, LLC, for the Renewal of Sales Tax Compliance, Monitoring, Forecasting, and Reporting Services

Administrative Comments

1. This item is recommended by the Financial Services Department. It supports Future in Focus: Government Sustainability – Protect the city’s financial integrity and credibility.

2. Impact: Through utilization of this contract, the city is able to recover sales tax collections that have been misfiled or were not paid correctly to the city going back four years. The contract also allows for increased analysis and review of sales tax revenues that would otherwise not be possible without adding additional city personnel.

3. The city has over 10,000 businesses with 1,000 new sales tax permits added each year. Sales tax geographical analysis provides a tool for economic development to better gauge the commercial viability of an area and make better informed development incentive agreements.

4. The annual fee for sales tax analysis and reporting is $12,500, or $3,125 per quarter. Additional specific reports are available as requested, with an anticipated annual cost of $5,000 ($1,000 per report with a one-time setup fee of $500 per report). Although the contract allows for the annual fee and optional fees to increase annually at least 2% but not more than 10% per the Consumer Price Index for Dallas County, there is no change in the cost of services for the upcoming renewal term. The fee for sales tax recovery is a 25% contingency of revenues recovered.

5. This renewal establishes the continuation of a contract for sales tax compliance, monitoring, forecasting and reporting. The original agreement was awarded to the respondent receiving the highest evaluation criteria score through a Request for Proposals process. This is third and final, one-year renewal for this contract for the period of March 21, 2024, through March 20, 2025.

6. Funding for Fiscal Year 2023-24 is available in the Financial Services Department budget within the General Fund, while funding for Fiscal Year 2024-25 is subject to budget appropriation.

Recommendation

The resolution be approved.
14 Resolution - Approving and Accepting the Bid of Comprehensive Communications Services, LLC in the Total Amount of $86,791.24 for Surveillance Trailers

Administrative Comments

1. This item is recommended by the Police Department. It supports Future in Focus: Safe and Beautiful City – Safeguard public safety, security, and health.

2. Impact: Approval of this item allows the purchase of two surveillance trailers which provide increased video surveillance for potential threats and the ability to quickly identify criminal activity occurring in real time.

3. An Invitation for Bid (ITB) was issued for these goods which closed on January 5, 2024. Staff recommends awarding this contract to Comprehensive Communications Services, LLC, as the lowest responsive, responsible bidder.

4. These mobile camera surveillance trailers will replace outdated equipment, providing flexible functionality for deployment at both special events and in high crime areas.

5. Funding in the total amount of $86,791.24 is available in the Emergency Management Grants and Police Narcotics Treasury funds.

Recommendation

The resolution be approved.

15 Resolution - Awarding an Annual Contract to SLM Landscaping & Maintenance in the Total Estimated Amount of $229,859.00 for Mowing & Litter Control on City Rights of Way and Public Properties

Administrative Comments

1. This item is recommended by the Parks & Recreation Department. It supports Future in Focus: Safe and Beautiful City – Improve property conditions and overall appearance of the city.

2. Impact: Mowing and litter control services help to enhance the visual impression of the city by maintaining city rights of way and acquired city properties. This service is essential in maintaining vegetation adjacent to city roadway corridors as well as undeveloped land owned by the city in order to enhance community appearance.

3. This award establishes an annual contract for the continuation of providing mowing and litter control services on city rights of way and public properties on either 30-day or 14-day cycles. The contract is subject to two, two-year renewal options.

4. A contingency amount of $30,000.00 has been specified and unit pricing has been provided as part of this bid to accommodate unforeseen maintenance needs for
properties not specifically identified in the specifications.

5. Funding for Fiscal Year 2023-24 is available in the Parks & Recreation Department budget within the General Fund and in the Economic Development Fund, while funding for Fiscal Year 2024-25 is subject to budget appropriation.

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Contract Term</th>
<th>Total Est. Expenditure</th>
<th>Fiscal Year(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SLM Landscape &amp; Maintenance</td>
<td>3/1/24 – 2/28/25</td>
<td>$173,433.00</td>
<td>2023-24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$ 56,426.00</td>
<td>2024-25</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$229,859.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Recommendation**

The resolution be approved.

16 Resolution - Approving Additional Spending in the Total Estimated Amount of $250,000.00 for the Remainder of the Current Spending Term and Authorizing Expenditures in the Total Estimated Amount of $900,000.00 for the Upcoming Annual Spending Term with Mart, Inc., for Minor Construction, Repair, and Renovations Services through the Interlocal Purchasing System (TIPS) Program Administered by the Region VII Education Service Center

**Administrative Comments**

1. This item is recommended by the Capital Improvement Program (CIP) Department. It supports Future in Focus: Infrastructure Investment – Support strategic investment in city facilities.

2. **Impact:** Approval of this contract will allow the city to address infrastructure issues that necessitate minor construction projects and to respond to as-needed repairs to existing city facilities.

3. A Vendor/Member contract between the City of Irving and Mart, Inc., was approved on June 8, 2023, by RES 2023-223. The contract supports the utilization of TIPS Contract No. 23010402, for trades, labor, and materials services, which expires May 31, 2028.
4. CIP is seeking an additional authorization of $250,000.00 to complete the current spending term which expires April 30, 2024. This amount will be available for as-needed minor construction, repair, and renovation services.

5. In addition, staff recommends authorizing as-needed expenditures for the period beginning May 1, 2024, and running through April 30, 2025, which will support handling of as-needed small construction projects, minor remodeling, and emergency response situations in a timely and cost-effective manner during heavy work-load periods for Building Services.

6. Funding for Fiscal Year 2023-24 is available in various departmental budgets within various funds, while funding for Fiscal Year 2024-25 is subject to budget appropriation.

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Spending Term</th>
<th>Total Estimated Expenditures</th>
<th>Fiscal Year(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mart, Inc.</td>
<td>2/23/24 – 4/30/24</td>
<td>$250,000.00</td>
<td>2023-24</td>
</tr>
<tr>
<td></td>
<td>5/1/24- 4/30/25</td>
<td>$400,000.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5/1/24- 4/30/25</td>
<td>$500,000.00</td>
<td>2024-25</td>
</tr>
</tbody>
</table>

**TOTAL** $1,150,000.00

**Recommendation**

The resolution be approved.

17 **Resolution - Renewing the Annual Contract with 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 and supports Future in Focus: Sense of Community – Actively engage and communicate with the community.

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 renewal establishes the continuation of an annual contract to provide printing service for the resident newspaper. This is the second and final, one-year renewal options. The current contract expires on February 29, 2024.

4. Funding for Fiscal Year 2023-24 is available in the Communications Department budget within the General Fund, while funding for Fiscal Year 2024-25 is subject to
budget appropriation.

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Contract Term</th>
<th>Total Estimated Amount</th>
<th>Fiscal Year(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Midway Press, Ltd.</td>
<td>3/1/24 – 02/28/25</td>
<td>$53,352.00</td>
<td>2023-24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$62,004.80</td>
<td>2024-25</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$115,356.80</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Recommendation**

The resolution be approved.

18 Resolution - Renewing the Annual Contract with DPC Industries, Inc., dba Petra Chemical Company, LLC in the Total Estimated Amount of $153,000.00 for Potable Water Disinfectant

**Administrative Comments**

1. This item is recommended by the Water Utilities Department. It supports Future in Focus Strategy: Infrastructure Investment – Maintain and extend water, wastewater, and storm water systems.

2. **Impact:** Renewal of this contract will allow the department to purchase sodium hypochlorite, which is added to potable water at Irving’s pump stations to maintain adequate disinfection and ensure the water supply is safe to drink.

3. This renewal establishes the continuation of the contract for the supply of potable water disinfectant. This is the first of two, one-year renewal options.

4. Funding for Fiscal Year 2023-24 is available in the Water-Sewer Operating Fund, while funding for Fiscal Year 2024-25 is subject to budget appropriation.

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Contract Term</th>
<th>Total Estimated Amount</th>
<th>Fiscal Year(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>DPC Industries, Inc.</td>
<td>4/1/24 – 3/31/25</td>
<td>$76,500.00</td>
<td>2023-24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$76,500.00</td>
<td>2024-25</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$153,000.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Recommendation**
The resolution be approved.

19 Resolution - Renewing the Annual Contract with Hach Company in the Total Estimated Amount of $105,000.00 for Compliance Sampling Chemicals and Testing Instruments for Water Utilities

Administrative Comments

1. This item is recommended by the Water Utilities Department. It supports Future In Focus: Infrastructure Investment – Maintain water, wastewater and drainage infrastructure.

2. Impact: Chemicals and instruments used for compliance sampling are necessary for Water Utilities to meet TCEQ requirements with regard to providing safe drinking water protecting the city’s water supply.

3. This renewal establishes the continuation of a contract to provide compliance sampling chemicals and instruments. This is second and final, one-year renewal option.

4. Funding for Fiscal Year 2023-24 is available in the Water-Sewer Operating Fund, while funding for Fiscal Year 2024-25 is subject to budget appropriation.

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Contract Term</th>
<th>Estimated Expenditure</th>
<th>Fiscal Year(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hach Company</td>
<td>4/1/24 – 3/31/25</td>
<td>$ 43,750.00</td>
<td>2023-24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$ 61,250.00</td>
<td>2024-25</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>$105,000.00</td>
<td></td>
</tr>
</tbody>
</table>

Recommendation

The resolution be approved.

20 Resolution - Renewing the Annual Contract with George McKenna Electrical Contractors, LLC, in the Total Estimated Amount of $100,000.00 for Electrical Services for Water Utilities

Administrative Comments

1. This item is recommended by the Water Utilities Department. It supports Future in Focus – Infrastructure Investment: Maintain water and wastewater infrastructure.

2. Impact: This contract provides for electrical maintenance, service upgrades, and additional electrical services for the Water Utilities Department, including the Lake
Chapman pumping facility.

3. This renewal establishes the continuation of an annual contract to provide electrical services for the Water Utilities Department. The current contract expires on March 31, 2024. This is the second and final, one-year renewal options.

4. Funding for Fiscal Year 2023-24 is available in the Water-Sewer Operating Fund while funding for Fiscal Year 2024-25 is subject to budget appropriation.

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Contract Term</th>
<th>Total Est. Expenditure</th>
<th>Fiscal Year(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>George McKenna Electrical Contractors, LLC</td>
<td>04/1/24 – 03/31/25</td>
<td>$60,000.00</td>
<td>2023-24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$40,000.00</td>
<td>2024-25</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$100,000.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Recommendation**

The resolution be approved.

**End of Bids**
INDIVIDUAL CONSIDERATION

21 Resolution - Consider a Request by Palladium, for Local Support for an Application to the Texas Department of Housing and Community Affairs to Develop Affordable Housing at 8000 Walton Blvd

Administrative Comments

1. This item is presented by the Housing and Redevelopment Division under the Future in Focus Strategy: Safe and Beautiful City – Improve property conditions and overall appearance of the city.

2. Impact: If a resolution of support is approved, Palladium’s application for the Low Income Housing Tax Credits will qualify for 17 additional points. If a resolution of no objection is approved, Palladium’s application will qualify for 14 additional points. If a resolution of no action is approved, Palladium’s application will qualify for 0 additional points. If their application is approved by the Texas Department of Housing and Community Affairs (TDHCA) Palladium plans to construct 90 new income qualified affordable housing unit in Irving.

3. Palladium is requesting a resolution of support from the City of Irving as part of its application to the Texas Department of Housing and Community Affairs (TDHCA) Low Income Housing Tax Credit (LIHTC) program.

4. The location of the proposed project is 8000 Walton Boulevard.

5. The City Council has three (3) different resolutions for its consideration. Resolution #1 is a resolution of support. Resolution #2 is a resolution of no objection. Resolution #3 is a resolution of no determination.

6. The City Council was briefed on the LIHTC program at the City Council Work Session on February 8, 2024.

ZONING CASES AND COMPANION ITEMS

22 Ordinance - ZC23-0064 - Considering a Zoning Change from R-6 "Single-Family Residential 6" to S-P-2 (R-6) "Generalized Site Plan - Single-Family Residential 6" for an Accessory Dwelling Unit with a Variance to the Minimum Side Yard Setback - 915 Hadrian Street (Postponed Indefinitely from December 7, 2023)

Administrative Comments

1. The Planning and Zoning Commission recommended approval on December 4,
2023 by a vote of 8-1.

**Commissioners in support:** Skinner, Burns, Prichard, Haacke, Myrick, Vigliante, Lightfoot, Reyes

**Commissioners in opposition:** Denny

2. Owners/Applicants: Gavin and Rebekah Grubbs

3. The subject property is a 0.18-acre lot with a single-family home. The applicant is requesting approval to build an **accessory dwelling unit with a variance to the minimum side yard setback**.

4. The R-6 "Single-family Residential 6" district allows only one dwelling unit per lot. An “accessory dwelling unit” can only be approved through a site plan zoning case.

5. An accessory dwelling unit (or “dwelling accommodation”) is defined in the UDC as an accessory building with any of the following:
   - A kitchen, being defined as an area that includes a dishwasher, oven, stove, or range;
   - Indoor bathtub or shower facilities;
   - Built-in HVAC, excluding window air conditioning units and space heaters;
   - Natural gas service
   - More than two (2) rooms, excluding a half-bath area (toilet and sink); or
   - A built-in closet in any room.

6. The applicant is proposing to build an **18 ft. x 36 ft. (648 sq. ft.) accessory dwelling unit**. The illustrative floor plan (not for Council approval) indicates the building will have two rooms, two closets, and a full bath.

7. The applicant is requesting a one foot (1 ft.) variance to the side yard setback to preserve an existing redbud tree. The building would be nine (9) feet tall on the side closest to the side property line.

8. The following use/variances are requested:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Current Ordinance</th>
<th>Request (Variance)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Dwelling Unit</td>
<td>Not Permitted</td>
<td>One (1) accessory dwelling unit</td>
</tr>
<tr>
<td>Sec. 2.4.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Side Yard Setback</td>
<td>5 feet</td>
<td>4 feet (-1 foot variance)</td>
</tr>
</tbody>
</table>

9. The applicant’s letter of intent states that the accessory dwelling unit is to be used for his mother as a long-term residence. The house has a two garage with two car driveway.

10. Staff from Traffic and Transportation, Fire, Water Utilities, and CIP have reviewed
the request and have no objections to this request. The Inspections Department has noted that, if approved, a 1-hour rated fire wall will be required since the structure is less than 5 feet from the property line.

11. On December 7, 2023, the City Council indefinitely postponed this case to allow staff the opportunity to brief the Council about “accessory dwelling units”. The applicant has requested that this item be put back on the Council agenda for final action.

12. Staff initially recommended approval of this case. Since the case was first heard at City Council, discussions have begun regarding how ADUs might exist in Irving; however, the City has not adopted standards for evaluating the appropriateness of individual requests for ADUs. Without such standards, staff cannot provide consistent recommendations. Therefore, staff cannot support this request at this time.

13. A total of 33 public notices were mailed. Staff has received one (1) response in support and one (1) in opposition to this request. The opposition represents 6.08% of the land within 200 feet of the subject property. Since this is less than 20%, a ¾-vote is not required for approval.

**Staff Recommendation**

The ordinance be denied.

---

23  
**Ordinance - 2023-77-ZC - Considering a Zoning Change from S-P-2 (R-6) "Generalized Site Plan - Single-Family Residential 6" to S-P-2 (R-6) "Generalized Site Plan - Single-Family Residential 6" with a Variance to Allow a House to Encroach into the Required Rear Yard Setback and to Allow a Maximum Lot Coverage for Buildings, Driveways and Parking to be 65% - 4604 Biruni Street (Postponed from December 7, 2023)**

**Administrative Comments**

1. The Planning and Zoning Commission recommended **denial** on December 4, 2023 by a vote of 8-1.

   Commissioners in support of recommendation for denial: Skinner, Burns, Prichard, Haacke, Myrick, Denny, Lightfoot, Reyes

   Commissioner in opposition to recommendation for denial: Vigliante

2. Owner/Applicant: Syed Arifuddin
3. The subject property is a 0.15-acre lot with a single-family house. The applicant is requesting a variance to allow an addition to the house to encroach 14.1 feet into the established 25-foot rear building setback, a variance to the maximum lot coverage for buildings, driveways, and parking and to establish a maximum of 65%.

4. This property, along with rest of the subdivision, was rezoned in 2012 (ZC12-0006) to S-P-2 (R-6) “Generalized Site Plan – Single-family Residential 6” and State Highway 161 Overlay District with variances to the maximum height and minimum garage door setback. The subject property backs up to W. Rochelle Rd., a major collector in the city’s Thoroughfare Plan.

5. On October 3, 2023, the applicant received a Notice of Violation from the Inspections Department for constructing a sunroom to the rear of the existing house without a permit. When the applicant proceeded to file for a permit, he was informed that the addition encroached into the established rear yard setback.

6. The addition is 17 feet wide and 13.6 feet deep and is directly attached to the rear of the house. The applicant’s Justification Letter states that this addition serves as a sunroom and that they were not aware a permit was necessary for “such a small room”.

7. The R-6 zoning requires a 20-ft. rear yard setback and a maximum lot coverage (by the principal building) of 40%; however, the approved 2012 Site Plan district established a 25-foot rear yard setback for the properties within this subdivision that back onto W. Rochelle Road, and established a maximum lot coverage by buildings, driveways, and parking of 60%.

8. The following additional variances are being requested:

<table>
<thead>
<tr>
<th>Standards</th>
<th>Required (Established by ZC12-0016)</th>
<th>Provided (Variance)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Rear Yard Setback</td>
<td>25 feet</td>
<td>10.9 feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(14.1-foot variance)</td>
</tr>
<tr>
<td>Maximum Lot Coverage by Buildings, Driveways, and Parking</td>
<td>60%</td>
<td>65%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(5% additional coverage)</td>
</tr>
</tbody>
</table>

9. The plat for the subdivision provided a 10 ft. utility and screening wall maintenance easement. As shown on the site plan for this case, a solid masonry wall with columns has been constructed in the middle of this easement. The requested setback is measured from the property line which is the Rochelle Rd. right of way on the outside of the masonry wall, causing the new addition to be approximately 6 ft. from the screening wall.

10. The current zoning site plan also includes variances allowing a maximum building height of three (3) stories or 35 feet, and a garage door setback of 22 feet. These variances are being carried over to the current case.
11. Staff from Traffic and Transportation, Fire, Water Utilities, and CIP have reviewed the request and have no objections to this request.

12. This case was previously postponed from the December 7, 2023 public per the applicant’s request. Staff has reached out to the applicant and has not received any additional information from the applicant since the previous public hearing.

13. A total of 28 public notices were mailed. Staff received three (3) responses in support and no responses in opposition to this request.

Staff Finding
No unnecessary hardship is evident, and the site plan does not comply with the development standards outlined in Section 2.4.8 (Single-family Residential 6) of the Unified Development Code.

24 Ordinance - 2023-104-SFP - Considering a Special Fence Project Plan to Allow a Variance to Chapter 15 of the Land Development Code to Allow an Eight-Foot Tall Metal Fence on Residentially Zoned Property - 2013 Spanish Trail

Administrative Comments
1. The Planning and Zoning Commission recommended approval, subject to replacing the front of the fence with a wooden fence and adding decorative steel caps to the remaining metal fence, on February 5, 2024 by a vote of 6-1.

   Commissioners in support: Skinner, Prichard, Haacke, Vigliante, Myrick, Lightfoot

   Commissioners in opposition: Denny

   Commissioner absent: Reyes

2. Owner/Applicant: Marina Rodriguez

3. The subject property is a 0.18-acre single-family lot. The applicant is requesting a special fence project plan to allow an eight-foot (8-foot) tall fence with metal panels on a residentially zoned property.

4. The site is currently developed with a single-family house and is zoned R-6 “Single-family Residential 6”.

5. On October 8, 2023, the applicant replaced their wood fence with a sheet metal fence without filing for a permit. On November 27, 2023, the applicant received a notice of violation from the Inspections Department stating that the commercial “R-”
panels are not permitted as a fencing material on residentially zoned property.

6. The metal fence is eight feet tall, located behind the house approximately 60 feet from the front property line, and spans about 190 feet along the perimeter of the rear of the property. A portion of the fence is visible from the street where the sides of the fence connect to the house but is otherwise only visible internally from the adjacent properties.

7. The fence perpendicularly crosses a 10-ft. wide drainage and utility easement in two locations at the rear of the property, enclosing approximately 640 square feet of the easement within the metal fence. The city would have the right to enter the property to access the easement for maintenance and to remove fence panels as necessary.

8. Per Chapter 15-6 of the Land Development Code, metal panels on a residentially-zoned property are listed as prohibited fence materials unless in compliance with Appendix B – Fence Design Guidelines. While Appendix B provides two examples of metal fence designs that would be permitted, the fence as constructed does not match these guidelines. Thus, the applicant is requesting a variance to allow sheet metal as a permitted fencing material and keep the new fence.

9. The applicant noted on their Letter of Justification that they were not aware a permit was required for a fence replacement nor that the constructed material was prohibited. The applicant also explained that they chose a sheet metal fence as it provides “safety, durability, and long-term cost-effectiveness.”

10. Section 15-17 “Variance Procedures” of the Fence Ordinance states that a variance shall not be granted to relieve a self-created or personal hardship. In order to grant a variance, it must be determined that:
   a. The requested variance does not violate the intent of this chapter;
   b. The requested variance will not adversely affect surrounding properties;
   c. The requested variance will not adversely affect public safety; and
   d. Special conditions exist which are unique to this applicant or property.

   Staff does not believe all the conditions for approval have been met. A metal fence violates the intent of the ordinance since the material is specifically prohibited on residential property. Additionally, staff does not find any special conditions exist which are unique to this applicant or property.

11. Staff from the Fire, Inspections, and Traffic and Transportation departments have reviewed this application and have no objection to this request. Staff from the Water Utilities and CIP departments have stated that the fence cannot cross into an easement without a license agreement with the City to be executed prior to issuance of a permit.

12. A total of 38 public notices were mailed. Staff received five (5) responses in support
and no responses in opposition to this request.

**Staff Finding**

The requested proposal does not comply with the development standards and variance criteria set forth in Sections 15-6 and 15-17 of the Fence Ordinance.

25 Ordinance - 2023-111-ZC - Considering a Zoning Change from R-6 "Single-Family Residential 6" to S-P-2 (R-6) “Generalized Site Plan – Single-Family Residential 6" with a Variance to the Minimum Lot Width - 408 S. Story Road (Postponed from January 25, 2024)

**Administrative Comments**

1. The Planning and Zoning Commission recommended **denial** on January 2, 2024 by a vote of 7-1.

   Commissioners in support of recommendation for denial: Skinner, Prichard, Haacke, Vigliante, Denny, Lightfoot, Reyes

   Commissioners in opposition to recommendation for denial: Myrick

   Commissioner absent: Burns

2. **Owner:** Sabino Vanegas

   **Applicant:** JDJR Engineers & Consultants, Inc.

3. The subject property is a 0.49-acre vacant tract zoned R-6 “Single-family Residential 6". **The applicant requests a zoning change to allow variances to the minimum lot width for the proposed “Tract 1” as required by the R-6 “Single-family Residential 6" district and as established by Section 5.3.5 (Single-family Residential Lot Size Compatibility) of the Unified Development Code.**

4. The property was once occupied by a single-family house that was demolished in the late 1990’s. The applicant wants to subdivide the property into two (2) lots.

5. The R-6 district requires a **minimum lot width of 50 feet**. The proposed Tract 2 has an approximate lot width of 63.25 feet and would not require any variances. However, **Tract 1 has a lot width of 23.33 feet**, creating a flag lot with a 20 ft. driveway that extends further back into the buildable area. The Unified Development Code measures the “lot width” at the minimum front building setback line – in this case, at the 25-foot building line.

6. Section 5.3.5, “Single-family Residential Lot Size Compatibility”, known as the “Neighborhood Protection Ordinance”, requires that proposed lots within 250 feet of existing developed single family lots fronting the same street are required to be no
less than 80% of the lot width and lot area of the average of the lots in the area. The proposed “Tract 1” would be less than 80% of the applicable adjacent properties.

7. The requested variances are summarized below:

<table>
<thead>
<tr>
<th>Lot Width</th>
<th>Required per R-6, Sec. 2.4.8</th>
<th>Required per Sec. 5.3.5</th>
<th>Proposed Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. 50 feet</td>
<td>51 feet (80% of average)</td>
<td>Min. 23.33 feet (proposed Tract 1) 27.67 ft. variance from Sec. 5.3.5 (-0.46%)</td>
<td></td>
</tr>
</tbody>
</table>

8. A variable width mutual access easement located along the narrow portion of the flag lot is being proposed so the owner of Tract 2 would have access to their property with the ability to install a side driveway. This easement would be subject to review and approval during the platting process.

9. The development will comply with all other requirements of the R-6 “Single-family Residential 6” zoning district.

10. Staff from Traffic and Transportation, Fire, Water Utilities, Inspections, and CIP have reviewed the request and have made the following comments:

   a. The **Fire Department** will require a residential fire apparatus access road if the front of any residential structure is more than 150 ft. from the public road. The residential fire apparatus access road shall have a minimum of 16 ft. paved surface capable of supporting 75,000 lbs. Residential structures shall have a fire hydrant within 500 ft. as measured by an approved route to all portions of the building.

   b. The **Traffic Department** will require a minimum of a 12-foot wide driveway with 10-foot curb radii, so a minimum of 32 feet of frontage at the curb is required. If the driveway needs to be 16 feet or larger to satisfy Fire Department requirements, this required width plus 20 feet (2-to-10-foot radii) will be required at the street frontage.

11. As the narrow portion of the lot measures approximately 135 ft., the new home on “Tract 1” may be more than 150 feet from the roadway pavement. If so, according to the Traffic Department, the lot would need to be a minimum of 36 feet wide at the street frontage to accommodate the required 16-foot-wide driveway.

12. This case was previously postponed from the January 25, 2024 public hearing per the applicant’s request. Staff contacted the applicant and has not received any additional information from the applicant since the previous public hearing.
13. A total of 37 public notices were mailed. Staff received 25 responses in support and three (3) responses in opposition to this request. The opposition represents 15.07% of the land within 200 feet of the subject property. Since this is less than 20%, a ¾-vote is not required for approval.

**Staff Finding**

No unnecessary hardship is evident, and the site plan does not comply with the development standards outlined in Section 2.4.8 (Single-family Residential 6) and Section 5.3.5 (Single-family Residential Lot Size Compatibility) of the Unified Development Code.

---

**Ordinance - 2023-112-ZC - Considering a Zoning Change from S-P-2 (R-7.5) "Generalized Site Plan - Single-Family Residential 7.5" to S-P-2 (R-7.5) "Generalized Site Plan – Single-Family Residential 7.5" with Variances to the Maximum Height, and Front Setbacks Along Hancock Road and State Highway 183 - 2431 Hancock Street (Postponed from January 25, 2024)**

**Administrative Comments**

1. The Planning and Zoning Commission recommended approval on January 2, 2024 by a vote of 7-0.

   **Commissioners in support:** Skinner, Prichard, Haacke, Myrick, Vigliante, Denny, Reyes

   **Commissioners in opposition:** None

   **Commissioner absent:** Burns

   **Commissioner abstaining:** Lightfoot

2. Owner: Irving ISD

   Applicant: JEM Design & Consulting

3. The subject property is a 14.22-acre lot occupied by Crockett Middle School. The applicant wants to construct a new main building on the campus. The applicant is requesting a zoning change to allow variances to the maximum height, the front setback along State Highway 183, and to carry over the 2012 front setback variance.

4. The property was rezoned in 2012 to allow a variance for a 15-foot front setback along Hancock Street. This variance is being carried over in this current zoning request.
5. The new school will be in the current location of the athletic field on the north end of the property. The applicant’s letter states that the new school building will be constructed while the old school building is still operational. Once the new school is complete, the old building will be demolished and replaced with new athletic fields and open space.

6. In order to construct the new school while the old school remains operational, the applicant is planning a 4-story, 72-ft. tall building, thereby necessitating a variance from the height requirement of the underlying R-7.5 “Single-family Residential 7.5” district.

7. As stated in the letter of intent, another purpose of increasing the height of the building is to condense the building footprint so they can maintain more green space to enhance the neighborhood.

8. Additionally, Chapter 33A-2 of the Land Development Code requires a 30-foot building setback from the State Highway 183 right-of-way. Due to the site constraints, the applicant is requesting a 25-foot setback from State Highway 183.

9. The following variances are being requested:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height of principal structure (Sec. 2.4.7(e)(1))</td>
<td>25 feet or 2 stories</td>
<td>72 feet or 4 stories (47-foot variance)</td>
</tr>
<tr>
<td>Front Yard Setback along Hancock St. (Sec.2.4.7(d)(1))</td>
<td>25 feet</td>
<td>15 feet (10-foot variance – carried over from ZC12-0013)</td>
</tr>
<tr>
<td>Front Yard Setback along State Highway 183 (Sec. 33A-2)</td>
<td>30 feet</td>
<td>25 feet (5-foot variance)</td>
</tr>
</tbody>
</table>

10. The development will comply with all other requirements of the R-7.5 “Single-family Residential 7.5” zoning district.

11. The property is not expected to be permitted for direct access to State Highway 183. The Traffic and Transportation Department will require submission and approval of a Traffic Management Plan prior to issuance of a building permit. In addition, the zoning site plan does not waive any other City codes or ordinances; any representation on a site plan or exhibit does not infer approval contradictory to such codes.

12. Staff from Fire, Water Utilities, and CIP have reviewed the request and have no objections to this request.

13. Since the existing school must remain operational while the new one is being
constructed on the same site, staff finds there is a physical hardship necessitating the additional height and setbacks.

14. On January 25, 2024, the City Council postponed this case at the applicant’s request so they may conduct further outreach. The school district held a “town hall” meeting at 5:30 p.m. on Tuesday, February 13 at Crockett Middle School. Additionally, the school district and its consultants held a meeting with city staff on Friday, February 9 to review this and other bond projects planned for the next five years.

15. A total of 50 public notices were mailed. Staff received one (1) response in support and none in opposition to this request.

**Staff Finding**

*A hardship exists* due to the configuration of the property and the need to continue operations in the existing building while the new building is under construction.

**Ordinance - 2023-117-SFP - Considering a Special Fence Project Plan to Allow a Variance to Chapter 15 of the Land Development Code to Allow a Six-Foot Wood Fence on the Side Yard Property Line of a Corner Lot - 824 Edith Street**

**Administrative Comments**

1. The Planning and Zoning Commission recommended *approval* on February 5, 2024 by a vote of 5-2.

   **Commissioners in support:** Skinner, Haacke, Vigliante, Myrick, Lightfoot

   **Commissioners in opposition:** Prichard, Denny

   **Commissioner absent:** Reyes

2. **Owner/Applicant:** Ezbenth Obed Garcia Morales

3. The subject property is a 0.17-acre single-family lot. The applicant is requesting a special fence project plan to *construct a six-foot-tall solid wooden fence within the side setback for a fence on a reverse frontage lot.*

4. In 2020, the existing single-family house was demolished and redeveloped with a larger house within the R-6 district.

5. This property is a reverse frontage lot relative to the house directly south, although there is a 15-foot alley between both properties. A “reverse frontage lot” is a corner lot where the side yard of one house is adjacent to the front yard of the adjacent home. If an alley separates the two lots, they are still considered “adjacent” per the Unified Development Code.

6. An existing chain link fence is located along a portion of the side yard property line, which is consistent in height and location with neighboring properties that share a
side yard and with a property to the northwest that has a side yard to E. Edith Street. The reverse frontage property on the northeast corner does not encroach into the setback.

7. The applicant is proposing to build a 6-foot-tall solid wooden fence. The fence would be approximately 80 feet long along N. Nursery Road.

8. Per Chapter 15-12 of the Land Development Code, a reverse frontage lot may have a 4-foot-tall fence with 50% visibility along the side property line, as is allowed for a front yard fence. A 6-foot-tall solid fence is only allowed if placed at least 15 feet from the property line. Therefore, the following variance is being requested:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side Yard Setback of a Solid Fence on a Reverse Frontage Corner Lot (Sec. 15-12 (a)(2) of the Fence Ordinance)</td>
<td>15 Feet</td>
<td>1 Foot (14-Foot Variance)</td>
</tr>
</tbody>
</table>

9. On their Letter of Intent, the applicant noted they are requesting this variance as this fence would provide additional safety for their “children and pets” and as they have “suffered some acts of vandalism on the property”.

10. Section 15-17 “Variance Procedures” of the Fence Ordinance states that a variance shall not be granted to relieve a self-created or personal hardship. In order to grant a variance, it must be determined that:
   a. The requested variance does not violate the intent of this chapter;
   b. The requested variance will not adversely affect surrounding properties;
   c. The requested variance will not adversely affect public safety; and
   d. Special conditions exist which are unique to this applicant or property.

   Staff does not believe all the conditions for approval have been met. While staff agrees that the first three criteria have been met, staff questions whether “special conditions exist which are unique” to the applicant or property.

11. Staff from Traffic and Transportation, Fire, Water Utilities, Inspections, and CIP have reviewed the request and made the following informational comments:
   a. The Traffic and Transportation Department provided that the fence must be at least 13 feet from the edge of curb of N. Nursery Road, which is approximately one (1) foot from the eastern side yard property line. Placing the fence in this location would also put it in compliance with the required sight lines. Additionally, no additional corner clip would be required in this case.
   b. The Water Utilities Department stated that the fence would not be permitted to encroach into any right-of-way or within an easement.

12. A total of 28 public notices were mailed. Staff received no responses in support or
in opposition to this request.

**Staff Finding**

The requested proposal does not comply with the development standards and variance criteria set forth in Sections 15-12 and 15-17 of the Fence Ordinance.

---

28 **Ordinance - 2024-17-CP - Considering a Comprehensive Plan Amendment Changing the Future Land Use Category from "Local Commercial" to "Regional Commercial" - 1144 E. Irving Boulevard and 113 Glenmore Street**

**Administrative Comments**

1. The Planning and Zoning Commission recommended approval on February 5, 2024 by a vote of 7-0.

   **Commissioners in support:** Skinner, Prichard, Haacke, Vigliante, Myrick, Denny, Lightfoot

   **Commissioners in opposition:** None

   **Commissioner absent:** Reyes

2. Owner: Robert Alaniz, Jr.

   Applicant: Barbosa Professional Services

3. The subject property is a 0.52-acre tract. The Imagine Irving Comprehensive Plan Future Land Use Map recommends **Local Commercial** uses for the subject property. The **Local Commercial** land use category is described as “Neighborhood serving commercial areas along collector or minor arterial roads in close proximity and safely walkable from nearby residences.”

4. In conjunction with the companion zoning case (2023-134-ZC), the applicant seeks to change the future land use to **Regional Commercial**, being described as an “Auto-oriented district for larger scale retail, office and commercial uses. This area provides destination services to multiple neighborhoods and the region and is dependent on automobile or transit rather than pedestrian access. It is generally appropriate for placement along major arterial roads and freeways.” The companion zoning case seeks to rezone the property to allow auto sales and auto repair uses.

5. The property is located on E. Irving Blvd., a principal arterial on the city’s Thoroughfare Plan. The **northern section of the subject property has been used for auto sales and repair since 2009 and does not represent any change from**
the long-time use of the property. The southern lot of the subject property on Glenmore on which the auto uses are proposed for expansion has been vacant since 2018.

6. The property has non-residential uses to the north, west and east. A restaurant is located on the southeast corner of E. Irving Boulevard and Glenmore Street, and retail and auto repair uses are to the north and west. The adjacent lot to the south has an existing single-family residence; the remainder of Glenmore Street to the south is fronted by residential uses.

7. Despite the location on Irving Blvd., the Local Commercial classification was likely chosen to provide a transition between the heavier commercial uses to the east and the single-family residential uses to the south. Staff will review this area in the 2024 Future Land Use update and may recommend changes to the land use categories in the area.

8. If an area that is designated and/or developed as non-residential 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.

   Staff believes the request meets the above criteria.

9. Since nonresidential uses surround three sides, and the existing lot on Glenmore Street has been vacant for at least five years, staff can support the proposed change to the future land use map; however, staff would be unlikely to support any further changes on Glenmore Street, since the remainder of the street is occupied by residential uses.

10. A total of 21 public notices were mailed. Staff received one (1) response in support and no responses in opposition to this request.

**Staff Recommendation**

The ordinance be adopted per the recommendation of the Planning and Zoning Commission
Ordinance - 2023-134-ZC  - Considering a Zoning Change from R-3.5 “Single-Family Residential 3.5” and S-P-1 (C-OU-2) “Detailed Site Plan – Commercial Outdoor 2” to S-P-1 (C-OU-2) “Detailed Site Plan – Commercial Outdoor 2” with a Variance to the Front Landscape Buffer Along E. Irving Boulevard - 1144 E. Irving Blvd. and 113 Glenmore Street

Administrative Comments

1. The Planning and Zoning Commission recommended approval on February 5, 2024 by a vote of 7-0.

   Commissioners in support: Skinner, Prichard, Haacke, Vigliante, Myrick, Denny, Lightfoot

   Commissioners in opposition: None

   Commissioner absent: Reyes

2. Owner: Robert Alaniz, Jr.

   Applicant: Barbosa Professional Services

3. The subject property is a 0.52-acre tract that is currently occupied with the Alaniz Auto Ranch along East Irving Boulevard and an adjacent vacant single-family lot to the south along Glenmore Street. The applicant is requesting a zoning change to expand the auto sales and service on the entire site.

4. The existing detailed site plan zoning case for the northern portion of the property was approved in 2009 per zoning case #ZC08-0080. That site plan included a variance to the front landscape setback and additional stipulations, including limiting height, building materials, and vehicle display.

5. The 2009 site plan shows the “10-ft. landscape buffer” was within the Irving Boulevard right-of-way and not on the private property. The right-of-way cannot be designated as part of any required landscape buffer, and any existing landscaping could be removed at any time if needed. Five (5) trees are currently within this area of the right of way, outside of a low pipe fence on the front property line.

6. Accordingly, what was actually approved in 2009 was a zero-foot (0-ft.) setback with no official landscape buffer. The applicant will not be changing the landscape buffer; therefore, the new site plan will note that the landscape buffer is zero (0) feet along Irving Boulevard.

7. The applicant will demolish the two existing buildings and build a new 4,744 sq. ft. building for the dealership and auto repair uses across the new expanded property. The back of the building will be a minimum of six feet (6 ft.) from the side yard of the adjacent property to the south and from the adjacent properties to the west, which complies with the C-OU-2 “Commercial Outdoor 2” district requirements.

8. The site will continue to display vehicles for sale along E. Irving Boulevard. Display spaces are not considered nor counted as parking spaces. Parking is based on a
ratio of one (1) space per 400 sq. ft. of floor area for auto sales office uses, and one (1) space per bay for auto repair uses. Based on the applicant’s preliminary floor plan, a total of 11 parking spaces would be required. The site plan shows a total of 15 parking spaces are provided, primarily in the interior of the site and adjacent to the new building.

9. Due to changes in state law, not all provisions from the 2009 site plan can be carried over to the new zoning site plan. The following variances and stipulations are included in the proposed site plan:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Required</th>
<th>Provided</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Landscape Setback</td>
<td>25 feet</td>
<td>10 feet per text; zero (0) feet per site plan</td>
<td>Zero (0) feet</td>
</tr>
<tr>
<td>Max. Building Height</td>
<td>30 feet</td>
<td>25 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>Lighting</td>
<td>N/A</td>
<td>Shielded and directed away from adjacent properties</td>
<td>Shielded and directed away from adjacent properties</td>
</tr>
<tr>
<td>Vehicle Display Requirements</td>
<td>N/A</td>
<td>May only be displayed on the ground; no lifting of vehicles on cranes, lifts, ramps, or other artificial means</td>
<td>May only be displayed on the ground; no lifting of vehicles on cranes, lifts, ramps, or other artificial means</td>
</tr>
<tr>
<td>Outside Speakers</td>
<td>Allowed in accordance with regulations.</td>
<td>Outside speakers prohibited</td>
<td>Outside speakers prohibited</td>
</tr>
</tbody>
</table>

10. The primary access will be from E. Irving Boulevard, and the new building will serve as a buffer from the adjacent residential lot as the back of the building will face the south. The applicant will also be installing a 7-ft. tall solid wood fence adjacent to the residential properties.

11. Since this is an S-P-1 “Detailed Site Plan”, the applicant will be required to comply with the detailed site plan layout, including the location of parking spaces, display spaces, and buildings.

12. Staff from Traffic and Transportation, Fire, Water Utilities, and CIP have reviewed the request and have no objections to the zoning request.

13. A total of 21 public notices were mailed. Staff received one (1) response in support and no responses in opposition to this request.
Staff Recommendation
The ordinance be adopted per the recommendation of the Planning and Zoning Commission

30   Ordinance - 2023-140-ZC - Considering a Zoning Change from R-6 "Single-Family Residential 6" to S-P-2 (R-6) “Generalized Site Plan – Single-Family Residential 6" with Variances to the Minimum Lot Size and Lot Width - 1016 Iowa Street

Administrative Comments
1. The Planning and Zoning Commission recommended denial on February 5, 2024 by a vote of 5-2.
   Commissioners in support: Skinner, Prichard, Vigliante, Myrick, and Denny
   Commissioners in opposition: Haacke and Lightfoot
   Commissioner absent: Reyes
2. Owner: City of Irving
   Applicant: Bear Creek Development Corporation
3. The subject property is a 0.326-acre vacant tract zoned R-6 "Single-family Residential 6". The applicant requests a zoning change to allow a variance to the minimum lot width for the proposed “Lot 13R1” and “Lot 14R1” as required by Section 2.4.8 “Single-family Residential 6 (R-6)” district, and variances to the minimum lot width and lot size as established by Section 5.3.5 “Single-family Residential Lot Size Compatibility” of the Unified Development Code.
4. The City acquired the subject property in 2012. The previous single-family house on the site was demolished in 2014.
5. The City’s Housing and Redevelopment department is in the process of conveying the property to the applicant, Bear Creek Development Corporation, for the construction of affordable housing for low- to moderate-income homebuyers/first time homebuyers. The City has recently conveyed other properties in the surrounding area as a commitment to creating affordable housing opportunities.
6. The R-6 “Single-family Residential 6” district requires a minimum lot width of 50 feet. Since the applicant would like to divide the property into two lots, the proposed lots (Lots 13R1 and 14R1) would both be approximately 43 feet wide at the 25-foot front setback line.
7. Section 5.3.5, “Single-family Residential Lot Size Compatibility”, requires that
proposed lots within 250 feet of existing developed single family lots fronting the same street are required to be no less than 80% of the lot area and lot width of the average of the lots in the area. The proposed lots would be less than 80% of both the lot area and the lot width of the applicable adjacent properties.

8. The requested variances are summarized below:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Required per R-6, Sec. 2.4.8</th>
<th>Required per Sec. 5.3.5</th>
<th>Proposed Lot 13R1</th>
<th>Proposed Lot 14R1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot width</td>
<td>Min. 50 feet</td>
<td>59 feet (80% of average)</td>
<td>Min. 43 feet</td>
<td>Min. 43 feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>16 ft. variance from Sec. 5.3.5</td>
<td>16 ft. variance from Sec. 5.3.5</td>
</tr>
<tr>
<td>Minimum Lot size</td>
<td>Min. 6,000 sq. ft.</td>
<td>8,727 sq. ft. (80% of average)</td>
<td>7,001 sq. ft.</td>
<td>7,193 sq. ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1,726 sq. ft. variance from Sec. 5.3.5 (-20%)</td>
<td>1,534 sq. ft. variance from Sec. 5.3.5 (-18%)</td>
</tr>
</tbody>
</table>

9. The development will comply with all other requirements of the R-6 “Single-family Residential 6” zoning district.

10. Staff from Traffic and Transportation, Fire, Water Utilities, Inspections, and CIP have reviewed the request and indicated no objections to the zoning site plan.

11. A total of 19 public notices were mailed. Staff received no responses in support and nine (9) responses in opposition to this request. The opposition represents 47.47% of the land within 200 feet of the subject property. Since this is greater than 20%, a ¾-vote is required for approval.

**Staff Finding**

No unnecessary hardship is evident, and the site plan does not comply with the development standards outlined in Section 2.4.8 “Single-family Residential 6 (R-6)” and Section 5.3.5 “Single-family Residential Lot Size Compatibility” of the Unified Development Code.
Ordinance - 2023-141-ZC  - Considering a Zoning Change from R-MF "Multifamily" and R-6 "Single-Family Residential 6" to S-P-2 (R-6) “Generalized Site Plan – Single-Family Residential 6" with a Variance to the Maximum Height - 3211 W. Pioneer Drive

Administrative Comments

1. The Planning and Zoning Commission recommended approval on February 5, 2024 by a vote of 7-0, subject to adding an eight-foot tall privacy fence around the perimeter of the site and directing lighting downward and into the property.

   Commissioners in support: Skinner, Prichard, Haacke, Vigliante, Myrick, Denny, Lightfoot

   Commissioners in opposition: None

   Commissioner absent: Reyes

A revised site plan has been submitted, showing that the stipulations of the Planning and Zoning Commission has been met.

2. Owner: Irving Independent School District (IISD)

   Applicant: PBK Architects

3. The subject property is an 8.29-acre tract that is currently developed with the Irving Independent School District (IISD) Transportation Center, which operates as a school bus maintenance and parking facility. The applicant is requesting a zoning change to allow a variance to the maximum height of a principal building in an R-6 “Single-family Residential 6” district.

4. The site is zoned R-6 “Single-family Residential 6”; however, schools and school facilities are permitted uses in residential zoning districts.

5. The IISD is planning to replace three older buildings on the site with one modern building. The proposed building will exceed the 25-foot height limit for a principal building.

6. The IISD Letter of Intent states that the school district is requesting a height of 35 feet, and that the variance is necessary to accommodate modern bus maintenance facilities, which include large roll-up doors, overhead clearance space in the bays, and a mezzanine area for parts storage.

7. The requested variance is summarized below:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum height of a principal building</td>
<td>2 stories or 25</td>
<td>2 stories or 35</td>
</tr>
<tr>
<td>Sec. 2.4.8 (e) Height and Area</td>
<td>feet</td>
<td>feet, 10-ft. variance</td>
</tr>
</tbody>
</table>

8. The development will comply with all other requirements of the R-6 “Single-family Residential 6” zoning district.

9. Staff from Traffic and Transportation, Fire, Water Utilities, Inspections, and CIP
have reviewed the request and indicated no objections to the zoning site plan.

10. On February 13, 2024, the Irving ISD held a town hall with area residents at Crockett Middle School to discuss this case and Case 2023-112-ZC.

11. As a public school facility, the use is permitted in the R-6 zoning under the R-6 standards. While some adjustments may have to be made to the planned structure, Staff does not find that the use cannot be conducted within the maximum height of the district, and therefore does not find that a hardship exists.

12. A total of 70 public notices were mailed. Staff received one (1) response in support and one (1) response in opposition to this request. The opposition was not within 200 feet of the subject property.

**Staff Finding**

No unnecessary hardship is evident, and the site plan does not comply with the development standards in Section 2.4.8 “Single-family Residential 6”

---

**32 Ordinance - 2023-142-ZC - Considering a Zoning Change from C-C "Community Commercial" to S-P-1 (C-C) “Detailed Site Plan – Community Commercial” and Automated Car Wash with a Variance to the Minimum Side Yard Setback - 3997 N. Belt Line Road**

**Administrative Comments**

1. The Planning and Zoning Commission recommended approval on February 5, 2024 by a vote of 7-0.

   Commissioners in support: Skinner, Prichard, Haacke, Vigliante, Myrick, Denny, Lightfoot, Reyes

   Commissioners in opposition: 

   Commissioner absent: Reyes

2. Owner: Nasser Safa Investments LLC

   Applicant: ROC Design Engineers

3. The subject property is a 0.94-acre tract that is currently developed with a gasoline service station that has an accessory single vehicle automated car wash. The applicant is proposing to demolish the existing structures and **redevelop the site with an automated car wash.**
4. The recently adopted Ordinance 2023-10829 provides that an automated car wash is permitted in the C-C district by a Conditional Use Permit. However, since there was an existing car wash on the site and the applicant is also requesting a variance to the side yard setback, this request is being processed as a Site Plan zoning change instead.

5. The site plan proposes a three-lane automated car wash building that is approximately 110 feet long by 39 feet wide. The facility will also have 23 vacuum stations between the building and West Country Club Drive. All but three (3) of the vacuum stations will be covered by a shade canopy.

6. The site currently has one drive opening on W. Country Club Drive and two drive openings on N. Belt Line Road. The northernmost drive opening onto N. Belt Line Road will be removed and replaced with materials to match the existing landscape buffer, sidewalk, curb, and gutter. The southernmost drive opening along N. Belt Line Road is half of a mutual access easement that is shared with the property to the south.

7. In accordance with Sec. 4.6 “Screening” of the Unified Development Code, any non-residential site that is adjacent to a residentially zoned property must provide a seven (7) foot tall solid screening fence. An existing seven (7) foot tall screening fence is currently provided adjacent to the multi-family property to the west.

8. The main building, canopies and structures meet all setback requirements except as summarized below:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Side Yard Setback Sec. 2.5.7 (d)</td>
<td>5 feet plus the building height at that point; or one-half the length of the side of the building at that point (31 feet)</td>
<td>Zero (0) feet</td>
</tr>
<tr>
<td></td>
<td>For a dumpster enclosure</td>
<td></td>
</tr>
</tbody>
</table>

9. The development will comply with all other requirements of the C-C “Community Commercial” zoning district.

10. Staff from Traffic and Transportation, Fire, Water Utilities, Inspections, and CIP have reviewed the request and indicated no objections to this zoning request.

11. The site is on a commercial corner, conforms to the comprehensive plan, and was previously developed for auto-oriented uses (gasoline service station). Additionally, the proposed dumpster enclosure is adjacent to other commercial property to the south, and not to the residential property to the west. Accordingly, staff can support the request.

12. A total of 80 public notices were mailed. Staff received no responses in support or in opposition to this request.
Staff Recommendation

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

Ordinance - 2023-144-ZC - Considering a Zoning Change from R-6 "Single-Family Residential 6" to S-P-2 (R-6) “Generalized Site Plan – Single-Family Residential 6" for an Accessory Dwelling Unit - 2633 DeWitt Street

Administrative Comments

1. The Planning and Zoning Commission recommended Denial on February 5, 2024 by a vote of 6-1.
   Commissioners in support: Prichard, Haacke, Vigliante, Myrick, Denny, Lightfoot
   Commissioner in opposition: Skinner
   Commissioner absent: Reyes

2. Owner: Erik Enrique Vanegas
   Applicant: Ruben Vanegas

3. The subject property is a 0.32-acre lot with a single-family home. The applicant is requesting approval to build an accessory dwelling unit.

4. The R-6 "Single-family Residential 6" district allows only one dwelling unit per lot. The UDC allows "guest house or servants quarters" by S-P-1. An “accessory dwelling unit” can only be approved through a site plan zoning case.

5. An “dwelling accommodation” is defined in the UDC as an accessory building with any of the following:
   a. A kitchen, being defined as an area that includes a dishwasher, oven, stove, or range;
   b. Indoor bathtub or shower facilities;
   c. Built-in HVAC, excluding window air conditioning units and space heaters;
   d. Natural gas service
   e. More than two (2) rooms, excluding a half-bath area (toilet and sink); or
   f. A built-in closet in any room.

6. Per the AARP, an accessory dwelling unit (ADU) is:
a. A small house or apartment, attached or detached secondary to the primary structure and exists on the same property lot as a single-family residence;

b. An independent unit with a kitchen, bathrooms, and living/sleeping area; and

c. May have its own utility connections (water, sewer, electric, gas)

7. The applicant is proposing an accessory dwelling unit that is **11 feet tall and measures 20 ft. x 30 ft. (600 sq. ft.)**. The illustrative floor plan (not for Council approval) indicates the building will have two bedrooms, two closets, a living room and a full bath. The site plan includes a note stating that no separate utility meters will be installed on the accessory building.

8. The minimum side setback for an accessory building is five feet (5 ft.) if the building is no more than 10 feet tall. Since the proposed building is 11 feet tall, the building is required to be at least six feet (6 ft.) from the side property line. The site plan indicates conformance to this requirement.

9. The following use/variances are requested:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Current Ordinance</th>
<th>Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Dwelling unit</td>
<td>Not permitted</td>
<td>One (1) accessory dwelling unit</td>
</tr>
</tbody>
</table>

Sec. 2.4.8(a)

10. The applicant’s letter of intent states that the accessory dwelling unit is to be used for his grandparents as a long-term residence.

11. The proposed accessory dwelling unit will consist of:

   a. A kitchen with a range
   
   b. One full bathroom
   
   c. A built-in HVAC, planning to have this in the attic
   
   d. Natural gas services
   
   e. 2 bedrooms with a built-in closet in each room

12. No additional parking spaces are being provided for the accessory dwelling unit. The lot does not allow for driveway access to the rear of the lot or along the side of the main house. The existing home provides a one car garage with a two car driveway.

13. Staff from Traffic and Transportation, Fire, Water Utilities, Inspections and CIP have reviewed the request and have no objections to this zoning request.

14. Discussions have begun regarding how ADUs might exist in Irving; however, the City has not adopted standards for evaluating the appropriateness of individual requests for ADUs. **Without such standards, staff cannot provide consistent recommendations. Therefore, staff cannot support this request at this time.**

15. A total of 37 public notices were mailed. Staff received no responses in support and 1 response in opposition to this request. The opposition represents 3.17% of the
land within 200 feet of the subject property. Since this is less than 20%, a ¾-vote is not required for approval.

**Staff Recommendation**

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

34 **Ordinance - 2023-145-ZC** - Considering a Zoning Change from S-P-1 (C-C) "Detailed Site Plan - Community Commercial" and Car Wash Uses to S-P-1 (C-C) "Detailed Site Plan – Community Commercial" and Car Wash Uses with a Variance to the Side Yard Setback - 1650 Market Place Boulevard

**Administrative Comments**

1. The Planning and Zoning Commission recommended approval on February 5, 2024 by a vote of 7-0.
   - **Commissioners in support:** Skinner, Prichard, Haacke, Vigliante, Myrick, Denny, Lightfoot
   - **Commissioners in opposition:** None
   - **Commissioner absent:** Reyes

2. Owner: HTCM Enterprises LLC
   Applicant: Lonestar Builders LLC

3. The subject property is a 1.08-acre tract with a building for automated car wash and auto repair. The applicant is proposing to **remodel and redevelop the site with a car wash and outdoor vacuum stalls and retain the variance to the side setback for the existing building on the east side.**

4. The site is currently zoned S-P-1 (C-C) “Detailed Site Plan – Community Commercial” and car wash uses with a variance to the interior side yard setback. The existing site plan includes two auto repair bays and two auto detailing bays, along with the existing automated car wash building. **The applicant is seeking to keep the car wash building but remove the auto repair and auto detailing bays.** The applicant would install between 18 and 20 vacuum stall spaces.

5. The parking requirement is one space per 400 square feet of floor area (1/400). The main building is approximately 4,884 square feet, requiring 13 parking spaces. Since most of the building houses the car wash equipment, the applicant is requesting a variance to allow four (4) parking spaces for the employees; the customers’ cars would utilize the vacuum stations.
6. In 2019, a 12.6-ft. variance was granted to allow the car wash building to be no less than 10 feet from the east (interior) property line. Since the car wash building itself is unchanged, the applicant is requesting to retain the previously approved variance.

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Proposed (Variance)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Side Yard Setback:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 2.5.7 (d)(3) of the UDC</td>
<td>22.6 feet</td>
<td>10 feet (-12.6 feet)</td>
</tr>
<tr>
<td><strong>Minimum Parking Requirement:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sec. 4.4.3 of the UDC</td>
<td>13 spaces</td>
<td>4 spaces (-9 spaces)</td>
</tr>
</tbody>
</table>

7. The site will continue to maintain a single access point to Market Place Boulevard. The proposed site complies with the 40-ft. building setback from IH-635 and the minimum 10-ft. wide interior parkway for landscaping along all street frontages. Any canopies and structures will meet the required setbacks.

8. Staff from Traffic and Transportation, Fire, Water Utilities, CIP and Inspections have reviewed this request and have no objections to the proposed zoning site plan.

9. Since this site plan represents a redevelopment of an existing use, staff can support this request.

10. A total of eight (8) public notices were mailed. Staff received no responses in support of or in opposition to this request.

**Staff Recommendation**

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


**Administrative Comments**

1. The Planning and Zoning Commission recommended approval on February 5, 2024 by a vote of 6-1.
Commissioners in support: Skinner, Haacke, Vigliante, Myrick, Denny, Lightfoot
Commissioner in opposition: Prichard
Commissioner absent: Reyes

2. Owner: KBM Fleming, LLC
   Applicant: JDJR Engineers & Consultants, Inc.
   Agent: Barbosa Professional Services

History

3. In October 2022, the applicant submitted cases ZC22-0074 and CP22-0013 to request a comprehensive plan amendment and a zoning change to develop townhouses with variances to the minimum front and side yard, minimum lot area, minimum distance between structures, and maximum lot coverage requirements. These two cases were indefinitely postponed in February 2023 per the applicant’s request so the applicant could re-evaluate the project and were eventually withdrawn.

4. In July 2023, the applicant submitted cases ZC23-0051 and CP23-0015 to request a comprehensive plan amendment and a zoning change to develop single-family detached, zero-lot-line residential uses with variances to the minimum front and side yard setbacks, minimum lot area and depth, and maximum lot coverage requirements. These two cases were also indefinitely postponed in October 2023 per the applicant’s request so the applicant could re-evaluate the project. These cases were eventually withdrawn.

5. While previous zoning requests required a change to the Comprehensive Plan Future Land Use Map, the currently proposed single-family zoning and uses are compatible with the existing “Traditional Neighborhood” future land use designation. Therefore, a comprehensive plan amendment is no longer necessary.

Zoning Analysis

6. The subject property is a 2.74-acre tract with six (6) existing single-family houses zoned R-7.5 “Single-family Residential 7.5”. The applicant intends to demolish the existing houses and change the zoning to R-6 “Single-family Residential 6” with variances to the minimum lot width, minimum lot area, and minimum side yard adjacent to a side street to create an estimated fourteen (14) single-family residential lots and one (1) HOA lot.

7. The site fronts both State Highway 356 and Fleming Avenue, which is one block east of Loop 12. The illustrative exhibit shows all lots would front one new internal street from Fleming Avenue as the primary point of access. All lots would have front driveway access and would provide a 20 ft. x 20 ft., 400 sq. ft. garage and a 25 ft., two-car driveway, for a total of four (4) available on-site parking spaces.

8. The applicant has indicated that they will request TxDOT approval of emergency-only access to State Highway 356. The ability to gain this access will dictate the
cul-de-sac size per the Fire Code at the time of platting.

9. Section 8.4.1 “Corner Lots” establishes for the minimum side yard on a corner lot to be twenty (20) feet or the same as the depth of front building setback, whichever is less. The illustrative exhibit provides that four (4) lots would side a street.

10. The requested variances are summarized below:

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot Width</strong></td>
<td>Min. 50 feet</td>
<td>45 feet</td>
</tr>
<tr>
<td>(Sec. 2.4.8 “Single-family Residential 6”)</td>
<td>(-5 ft. variance)</td>
<td></td>
</tr>
<tr>
<td><strong>Lot Area</strong></td>
<td>Min. 6,000 sq. ft.</td>
<td>5,000 sq. ft.</td>
</tr>
<tr>
<td>(Sec. 2.4.8 “Single-family Residential 6”)</td>
<td>(-1,000 sq. ft. variance)</td>
<td></td>
</tr>
<tr>
<td><strong>Side yard adjacent to a side street</strong></td>
<td>Min. 20 feet for 3 lots, and</td>
<td>10 feet</td>
</tr>
<tr>
<td>(Sec. 8.4.1 “Corner Lots”)</td>
<td>Min. 25 feet for 1 lot</td>
<td></td>
</tr>
</tbody>
</table>

11. The development will comply with all other requirements of the R-6 “Single-family Residential 6” zoning district.

12. Staff from Traffic and Transportation, Fire, Water Utilities, and CIP have reviewed the request and made the following informational comments:

   a. The CIP Department stated that storm water detention would be required on this site, with details to be finalized at the time of platting.

13. This proposal is compatible with the “Traditional Neighborhood” future land use designation and the surrounding uses, and the development would provide for additional housing needed in the city, as identified in the 2021 Housing Study. **While the lots might be smaller than those to the east, they would provide single family, for-sale products and would provide a buffer between the heavier uses and traffic to the west and south. Therefore, staff can support this request.**

14. A total of 32 public notices were mailed. Staff received no responses in support and three (3) responses in opposition to this request. The opposition represents 4.84% of the land within 200 feet of the subject property. Since this is less than 20%, a ¾-vote is not required for approval.

**Staff Recommendation**

The ordinance be adopted per the recommendation of the Planning and Zoning Commission
Ordinance - 2023-147-ZC - Considering a Zoning Change from R-7.5 "Single-Family Residential 7.5" to S-P-2 (R-7.5) “Generalized Site Plan – Single-Family Residential 7.5” with Variances to the Minimum Lot Width and Lot Area - 1638 W. Shady Grove Road

Administrative Comments

1. The Planning and Zoning Commission recommended denial on February 5, 2024 by a vote of 7-0.
   Commissioners in support of recommendation for denial: Skinner, Prichard, Haacke, Vigliante, Myrick, Denny, Lightfoot
   Commissioners in opposition to recommendation for denial: None
   Commissioner absent: Reyes

2. Owner: Javed Mohammed Saleem Mustaff Khan
   Applicant: JDJR Engineers & Consultants, Inc.
   Agent: Barbosa Professional Services

History

3. In September 2016, per ZC16-0080, a previous owner of this property applied for a zoning change to S-P-2 (R-ZLa) “Generalized Site Plan – Single-family Residential ZLa” with variances to the minimum lot depth and area. Per the site plan, 10 lots were proposed to front a new street connecting Bowman St. and Shadow Lane. The case generated significant opposition and was ultimately withdrawn by the applicant.

4. In April 2022, per ZC22-0030, the current owner of this property applied for a zoning change to R-3.5 "Two-family Residential 3.5". Since no variances were being requested, no site plan was associated with the case. Following numerous opposition letters, the applicant modified the request to change the zoning to S-P-2 (R-7.5) “Generalized Site Plan – Single-family Residential 7.5” with variances to the minimum lot area and lot width. On July 14, 2022, the City Council denied the requested zoning.

Zoning Analysis

5. The subject property is a 0.58-acre vacant lot zoned R-7.5 “Single-family Residential 7.5”. The lot was partially occupied by a single-family house until it was demolished in 2018 and the original tract was subdivided into five (5) lots for single-family uses. This plat created four (4) lots fronting a cul-de-sac on Shadow Lane to the south and one (1) lot (subject property) fronting W. Shady Grove Road.

6. The applicant intends to subdivide this property into three (3) lots to construct three single family homes. The applicant requests a zoning change to allow variances to
the minimum lot width and minimum lot area requirements established by Section 5.3.5 (Single-family Residential Lot Size Compatibility) of the Unified Development Code.

7. The R-7.5 district requires a minimum lot width of 60 feet. Per the site plan, the three proposed tracts would each have an approximate lot width of 63 feet, exceeding the minimum lot width for the R-7.5 district.

8. However, Section 5.3.5 “Single-family Residential Lot Size Compatibility” requires that proposed lots within 250 feet of existing developed single family lots fronting the same street are required to be no less than 80% of the average lot width and lot area of the lots in the immediate area. The lots that fall within these criteria and were used towards the respective calculations include the two lots directly across the street from the subject property and the lot adjacent to the east.

9. The requested variances are summarized below:

<table>
<thead>
<tr>
<th></th>
<th>Required per R-7.5, Sec. 2.4.7</th>
<th>Required per Sec. 5.3.5</th>
<th>Proposed Dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Width</td>
<td>Min. 60 feet</td>
<td>Min. 123 feet</td>
<td>Min. 60 feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(80% of surrounding lots)</td>
<td>63-foot variance (-0.51%)</td>
</tr>
<tr>
<td>Lot Size</td>
<td>Min. 7,500 sq. ft.</td>
<td>Min. 21,970 sq. ft.</td>
<td>Min. 8,300 sq. ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(80% of surrounding lots)</td>
<td>13,670-foot variance (-0.62%)</td>
</tr>
</tbody>
</table>

10. The development will comply with all other requirements of the R-7.5 “Single-family Residential 7.5” zoning district.

11. Staff from Traffic and Transportation, Fire, Water Utilities, Inspections, and CIP have reviewed the request and made the following informational comments:

   a. The Traffic and Transportation Department stated that they may require a shared access easement between lots for driveway access at the time of platting.

12. A total of 27 public notices were mailed. Staff received three (3) responses in support and 46 responses in opposition to this request. The opposition represents 36.18% of the land within 200 feet of the subject property. Since this is more than 20%, a ¾-vote is required for approval.

Staff Finding
No unnecessary hardship is evident, and the site plan does not comply with the development standards outlined in Section 5.3.5 “Single-family Residential Lot Size Compatibility” of the Unified Development Code.

**Ordinance - 2024-12-ZC** - Considering a Zoning Change from R-6 "Single-Family Residential 6" to S-P-2 (R-6) “Generalized Site Plan – Single-Family Residential 6" Allow the Parking of Commercial Vehicles on a Residential Lot and a Variance for an 8-Foot Solid Screening Fence Within the Front Yard Setback - 2723 Grove Street

**Administrative Comments**

1. The Planning and Zoning Commission recommended **denial** on February 5, 2024 by a vote of 7-0.
   
   Commissioners in support: Skinner, Prichard, Haacke, Vigliante, Myrick, Denny, Lightfoot
   
   Commissioners in opposition: None
   
   Commissioner absent: Reyes

2. Owner/Applicant: James and Linda Hunt

3. The subject property is a 0.22-acre lot with a single-family house. The applicant/owner is requesting **variances** to (1) allow the storage of two commercial vehicles in a residential district, and (2) to allow an 8-foot-tall solid fence within the side yard setback of a corner lot along Walnut Street to screen the commercial vehicle.

4. The owner is currently storing (parking when not in use) two commercial trucks for his business on a concrete pad between the house and Walnut Street. According to aerial photography, the concrete pad was installed around 2022. The property owner received notices of violation from Code Enforcement in September and December 2023 for parking a commercial vehicle on a residential property.

5. The owner prefers to continue parking the commercial vehicles at this location and is offering to screen the property with a new eight-foot (8 foot) tall fence with a sliding gate across the driveway. The fence would be located 1.5 feet from the side property line.

6. The subject property is a corner lot with a reverse frontage (per Section 8.4.1 of the UDC, the side of the lot along the street has the same setback as the front of the adjacent lot), and per Chapter 15-12 of the Land Development Code a reverse frontage lot may not have an 8-foot tall solid fence within 15 feet of the side property line. Therefore, a variance is required.
7. The following variances are being requested:

<table>
<thead>
<tr>
<th>Category</th>
<th>Required</th>
<th>Request (Variance)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside Storage in Residential Districts Sec. 3.18.2(a)(5)</td>
<td>Not permitted</td>
<td>Permit Storage/Parking for Two Commercial Vehicles</td>
</tr>
<tr>
<td>Side Yard Setback of a Solid Fence on a Reverse Frontage Corner Lot (Sec. 15-12 (a)(2) of the Fence Ordinance)</td>
<td>15 Feet</td>
<td>0 Feet (-15 Feet)</td>
</tr>
</tbody>
</table>

8. On their letter of justification, the applicant stated he is requesting the fence variance to have more “privacy and security” for his trucks and is requesting the variance for the commercial vehicle storage because of the cost of finding a commercial location.

9. Staff from Traffic and Transportation, Fire, Water Utilities, and CIP have reviewed the request and have no objections to this zoning request.

10. It is not customary to park or store commercial vehicles at a residential property or permitted per Section 3.18 “Outside Storage”. Additionally, the home address is advertised as a business address, and while the administrative activities of the business may occur by occupants of the home as a “customary home occupation”, parking/storage of the commercial vehicles is not consistent with a residential area and therefore is not permitted by right as part of the home occupation activities. Finally, an eight-foot tall fence on the property line of a reverse frontage lot is not consistent with the rest of the neighborhood. Accordingly, staff cannot support this request.

11. A total of 35 public notices were mailed. Staff received no responses in support and one (1) response in opposition to this request. The opposition represents 0.37% of the land within 200 feet of the subject property. Since this is less than 20%, a ¾-vote is not required for approval.

**Staff Recommendation**

The ordinance be **denied** per the recommendation of the Planning and Zoning Commission
APPOINTMENTS AND REPORTS

38 Mayor's Report

Adjournment