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 Shea Reyenga, First Methodist 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 27

CITY COUNCIL AGENDA

1 City Operations Update
   - Storm Response

2 Public Hearing - Public Hearing #1 on the 2024-25 City of Irving Fiscal Year Budget
   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. In accordance with Fiscal Year 2024-25 Budget Calendar, public hearings have been scheduled for June 13, 2024 and June 27, 2024 prior to City Council meetings.

3. Notice of the public hearings have been published in the City Spectrum and on the City’s website.

4. Public comments can also be submitted through the city website.

**Recommendation**

Input be taken under advisement.

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**CONSENT AGENDA**

3 Approving Special Meeting Minutes for Wednesday, May 15, 2024

4 Approving Work Session Minutes for Thursday, May 30, 2024

5 Approving Regular Meeting Minutes for Thursday, May 30, 2024

6 Resolution - Accepting the Certification from the City Secretary that the Petition for Collective Bargaining for Fire Fighters, Received on May 14, 2024, Contained the Requisite Number of Signatures of Qualified Voters of the City of Irving to Order an Election on the Question of Whether Chapter 174 of the Texas Local Government Code Should be Adopted

**Administrative Comments**

1. This item is recommended by the City Secretary’s Office.

2. **Impact**: A Petitioner's Committee has submitted petitions for collective bargaining for fire fighters under the Local Government Code Chapter 174.

3. The City Secretary/Chief Compliance Officer has determined that the petition is sufficient and is presenting the certificate to Council per Article XI, Sect. 4 of the City Charter.

**Recommendation**

The resolution be approved.
Resolution - Approving Revisions to the Irving Library Board Bylaws

Administrative Comments

1. This item is recommended by the Library Department.
2. **Impact:** The Irving Library Board Bylaws were updated to align with City of Irving ordinances 2012-9320 which provides general information such as terms, vacancy, attendance, and meetings, and 2022-10651 which details requirements, duties and responsibilities.
3. The revisions include updating the language font and style, and fixing typing errors in nine sections.
4. A section on Training was also added to align with the General Board Ordinance.
5. The Library Board approved the revisions to the bylaws on January 22, 2024.
6. No cost to the city.

Recommendation

The resolution be approved.

Resolution - Approving an Amendment to the Economic Development Incentive Agreement, through the Corridor Enhancement Incentive Program, with Momans Investments, Inc., for Property Located at 642 E. Second Street and Clarifying the Completion Deadline.

Administrative Comments

1. This item is recommended by the Housing and Redevelopment Department and supports Future in Focus: Vibrant Economy - Support strategic development and redevelopment including revitalization of targeted areas.
2. **Impact:** Approval of this matching grant through the city’s Corridor Enhancement Program will serve to further private investment in the renovation and rehabilitation of existing building sites along commercially developed streets and thoroughfares within the boundaries of Tax Increment Reinvestment Zone No. 2.
3. On October 12, 2023 Council approved RES-2023-444, approving the original agreement.
4. The scope of work includes a new 3,600 sq. ft., 4-unit lease space with concrete parking lot and related site improvements at a total cost of approximately $650,000. The qualifying exterior improvements portion of the total cost is approximately $450,000.
5. The agreement provides for a 50% grant reimbursement up to $150,000 for all qualifying exterior improvements to the building and site.
6. The program requires projects to be completed within 180 days of notice of award, unless Council adjusts the completion time period. Council approved the agreement with a 1 year completion term October 12, 2024. The original agreement included the date certain completion date of October 12, 2024. However, further in the agreement a completion period of 180 days after the Effective Date is mentioned, which would have been April 9, 2024.

7. This amendment fixes the contradiction that was originally inserted in the terms and requirements, and clearly states that the project must be complete by October 12, 2024.

**Recommendation**

The resolution be approved.

9 Resolution - Approving an Agreement with Fannin Electric Cooperative, Inc., in the Estimated Amount of $60,000.00 for Preconstruction Engineering Services Related to Required Improvements to the Fannin County Electric Facilities for the Princeton Booster Pump Station Expansion Project

**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:** This item supports the city’s Investing in Our Future Initiative. Approval of this agreement will upgrade Irving’s water supply facilities, provide new revenues, provide flexibility to deal with emergencies, and optimize daily water supply operations.

3. Irving and Upper Trinity Regional Water District ("Upper Trinity") have a decades-long history working together developing water supplies and related infrastructure to transport water and serve the needs of their respective customers and residents.

4. Upper Trinity initially contracted with Irving for transportation of their Chapman Lake water supply and delivery to Lewisville Lake beginning in 2002.

5. Irving and Upper Trinity recently amended and restated the existing agreement (RES-2021-343) to include transportation of raw water from Lake Ralph Hall ("LRH"). Under this agreement, Upper Trinity will provide funding for Irving to replace and upgrade pumping equipment at the Princeton Booster Pump Station and will increase their pumping capacity from approximately 17 million gallons per
day (MGD) to 42 MGD to transport the additional supply from LRH.

6. Fannin County Electric Cooperative, Inc. (“FCEC”) provides electrical service to the Princeton Booster Pump Station. Design of the Princeton Booster Pump Station Expansion Project is on-going. Improvements to FCEC facilities are required to meet the increased loads of the expanded pump station. This agreement provides funding in the amount of $60,000.00 for design of these improvements to the FCEC facilities.

7. Funding in the amount of $60,000.00 is available in the Water Utilities budget within the Water Improvement Bond Fund. Upper Trinity will provide funding in the amount of $60,000.00.

**Recommendation**
The resolution be approved.

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**Bids and Purchasing Items**
Items 10-15

10 Resolution - Approving an Interlocal Agreement between the City of Irving and the City of Carrollton to Establish a Cooperative Purchasing Program between the Cities

**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:** Approval of this Interlocal agreement between the City of Irving and the City of Carrollton entitles each entity to utilize the other’s competitively solicited contracts for various goods and services when such utilization is determined to create significant savings for the entity.

**Recommendation**
The resolution be approved.
Resolution - Renewing the Annual Contract with Big City Crushed Concrete, in the Total Estimated Amount of $200,000.00 for Concrete Recycling (Crushing) Services

Administrative Comments

1. This item is recommended by the Solid Waste Services and Water Utilities departments. It supports Future in Focus: Safe and Beautiful City – Safeguard public safety, security, and health.

2. **Impact**: This contract renewal will allow Solid Waste Services and Water Utilities to recycle and crush concrete into flex base and 3-inch rock onsite at the Landfill at a unit price of $15.00 per ton.

3. Solid Waste uses flex base and 3-inch rock for upkeep of interior roads as well as stormwater controls throughout the landfill as required by 30 TAC 330.153 in Subchapter D-Operational Standards for Municipal Solid Waste Facilities – (a) all weather roads must be provided from the facility to public access roads and within the facility to the unloading area(s) designated for wet weather operation.

4. Water Utilities uses crushed stone for backfill and embedding of water and sewer main repairs.

5. This renewal establishes the continuation of an annual contract to provide concrete recycling (crushing) services. The current contract expires June 30, 2024. This is the first of four, one-year renewal options.

6. Funding for Fiscal Year 2023-24 is available in the Solid Waste Services Operating and Water-Sewer Operating funds, 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>Big City Crushed Concrete</td>
<td>7/1/24 – 6/30/25</td>
<td>$160,000.00</td>
<td>2023-24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$ 40,000.00</td>
<td>2024-25</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$200,000.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

Recommendation

The resolution be approved.
12 Resolution - Approving As-Needed Expenditures with Centerline Supply, Inc., in the Total Estimated Amount of $160,000.00 for Installing and Maintaining Traffic Markings and Signs through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

Administrative Comments

1. This item is recommended by the Traffic & Transportation, Parks and Recreation, and Water Utilities Departments. It supports Future in Focus: Infrastructure Investment - Maintain roadways, sidewalks, and transportation infrastructure.

2. Impact: Approval of this item will allow the city to purchase parts and materials for installing and maintaining traffic markings and signs on as-needed basis. It will also allow the Parks & Recreation department to purchase the paint necessary for restriping recreation center parking lots and allow the Water Utilities Department to purchase poles and brackets used by the water pumping division to mount communication cabinets to transmit pressure point readings to SCADA pumping operators to monitor the water distribution system.

3. A Vendor/Member contract between the City of Irving and Centerline Supply Inc., was approved through RES-2023-370 on August 31, 2023. This contract supports the utilization of BuyBoard 703-23 for Highway Safety and Traffic Control Products which has been renewed through May 31, 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>Centerline Supply, Inc.</td>
<td>6/1/24 – 5/31/25</td>
<td>$ 25,000.00</td>
<td>2023-24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$135,000.00</td>
<td>2024-25</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$160,000.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

Recommendation

The resolution be approved.
Resolution - Renewing the Annual Contract with Unica Enterprises, LLC, in the Total Estimated Amount of $164,000.00 for Custodial Services at the Valley View Municipal Complex (VVMC)

Administrative Comments
1. This item is recommended by the Water Utilities Department. It supports Future in Focus: Infrastructure Investment – Support strategic investment in city facilities.
2. **Impact:** Custodial Services provide clean and attractive facilities for customers and visitors at the Valley View Municipal Complex.
3. Water Utilities renewal because Unica Enterprises, LLC has done an excellent job during the first initial term of the contract for the Valley View Municipal Complex.
4. This renewal establishes the continuation of a contract to provide Custodial Services for VVMC. It is the first of two, one-year renewal options. The current contract expires June 30, 2024.
5. 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</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unica Enterprises, LLC</td>
<td>7/1/24 – 6/30/25</td>
<td>$ 41,000.00</td>
<td>2023-24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$ 123,000.00</td>
<td>2024-25</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$ 164,000.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

Recommendation
The resolution be approved.

Resolution - Approving and Accepting the Bid of Guillermo Luevano dba Memos Auto Body & Fiberglass Repair, LLC, in an Amount Not to Exceed $900,000.00 for Auto Body Repair of Vehicles for a Two-Year Period

-Storm Response

Administrative Comments
1. This item is recommended by the Fleet Services Division. It supports Future in Focus: Infrastructure Investment – Maintain roadways, sidewalks, and transportation infrastructure.
2. **Impact:** The city’s fleet and public safety vehicles will continue to be repaired and
maintained with minimum downtime, keeping service levels high and enhancing Fleet services.

3. Guillermo Luevano dba Memos Auto Body & Fiberglass Repair, LLC, received the highest points based on the evaluation criteria established in this Best Value bid and is recommended for award.

4. This award establishes a contract for the continuation of providing auto body repair of vehicles on an as-needed basis. The contract is for two years with two, two-year renewal options.

5. Funding for Fiscal Year 2023-24 is available in the Garage and Property & Casualty funds, while funding for Fiscal Years 2024-25 and 2025-26 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>Guillermo Luevano dba Memos Auto Body Repair &amp; Fiberglass, LLC</td>
<td>6/14/24 – 5/31/26</td>
<td>$150,000.00</td>
<td>2023-24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$450,000.00</td>
<td>2024-25</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$300,000.00</td>
<td>2025-26</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>TOTAL $900,000.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

Recommenda
d
The resolution be approved.

15 Resolution - Approving an Engineering Services Agreement between the City of Irving and Finley Engineering Company, Inc., in the Amount of $385,100.00 for the Community Development Block Grant COVID-19 (CDBG-CV) Funded Broadband Assessment Study & Strategic Plan Development

Administrative Comments
1. This item is recommended by the Information Technology Department. It supports Future in Focus: Government Sustainability – Improve efficiency through data, technology, and thoughtful, innovative approaches.

2. Impact: Performance of a broadband assessment study will focus on creating a structured evaluation of the wide range of strategies available to the city for deploying broadband service.

3. Approval of this item will provide the city with the information needed to analyze, select, and implement the best solutions to improve broadband across the entire city and possible Private Public Partnerships to accomplish this goal.
4. A Request for Qualifications (RFQ) was issued for these services which closed on January 25, 2024. Five proposals were received, two of which were non-responsive. Finley Engineering Company, Inc. scored the highest points based upon the evaluation criteria in the RFQ and is recommended for award.

5. Funding in the amount of $385,100.00 is available in the CDBG-CV Fund.

**Recommendation**

The resolution be approved.

**End of Bids**

**INDIVIDUAL CONSIDERATION**

16 Resolution - Special Sign Permit 2024-04-2979 - Considering a Special Sign Permit to Allow an Existing Pole Sign to be Refaced with LED Electronic Messaging Center Pricers for Digital Pricing on Property Located at 1215 South Loop 12

**Administrative Comments**

Owner: Shady Grove Oil, Inc.

Applicant: Zulkar Nain

1. The applicant is seeking approval of a *Special Sign Permit for on-premises sign to be refaced with LED Electronic Messaging Center pricers.*

2. The property is located at 1215 South Loop 12 (Shell Gas Station). The applicant is proposing to reface a cabinet of an existing pole sign to LED Electronic Messaging Center pricers.

3. The sign is on the northwest corner of Loop 12 and West Shady Grove Rd. It is 248 feet from the nearest residential property line

4. The proposed changes will not change the current height of 28 feet 10¼ inches or sign area of 60 square feet. The current size meets sign code of maximum 35 feet in height and 150 square feet sign face area.

5. The following is being requested from the Sign Ordinance:
<table>
<thead>
<tr>
<th>Sign Code</th>
<th>Requirement</th>
<th>Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electronic Signs: Sec. 7-3 (6) c 1.</td>
<td>Shall be installed as a component of a monument or multi-tenant sign</td>
<td>Reface 15 sq. ft. of the cabinet on an existing pole sign to LED Electronic Messaging Center pricers.</td>
</tr>
</tbody>
</table>

6. The electronic sign will meet all the performance requirements set forth in Section 7-3 (6) d of the sign ordinance.

**Staff Recommendation**

Approval

---

**ZONING CASES AND COMPANION ITEMS**

17 **Ordinance - 2024-28-ZC** - Considering a Zoning Change from S-P-1 "Detailed Site Plan" for Hotel Uses and S-P-1 (C-C) "Detailed Site Plan - Community Commercial" and Hotel Uses to S-P-2 (C-C) "Generalized Site Plan - Community Commercial" and Hotel Uses with Variances to the Hotel Development Standards - 4500 and 4700 Plaza Drive (Postponed from March 21, 2024)

**Administrative Comments**

1. The Planning and Zoning Commission recommended denial on March 4, 2024 by a vote of 7-0.

   Commissioners in support: Skinner, Haacke, Vigliante, Denny, Lightfoot, Reyes, Sanguino

   Commissioners in opposition: None

   Commissioners absent: Prichard, Myrick

2. **Owner:** Kriya Hotels

   **Applicant/Agent:** ADR Designs LLC

3. The subject property is a 2.69-acre tract that is currently developed with a hotel.

   The applicant is proposing to expand the existing hotel.

4. The subject property was recently replatted to combine two lots. The western portion of the new lot contains the existing hotel. The eastern 0.69-acre portion of the new lot is vacant.
5. In 2019, the eastern (vacant) portion of the property was rezoned S-P-1 (C-C) “Detailed Site Plan – Community Commercial” and Hotel uses. The previous owner originally intended to build a separate hotel. The current owner would now like to expand the existing hotel onto the eastern portion of the property. The applicant is requesting variances to permit a hotel as a use in the C-C zoning district, to the total number of required guest rooms, and to the total square footage of required meeting space.

6. The existing 4-story hotel contains 56,480 square feet and is proposing an expansion of 22,253 square feet for a total of 78,733 square feet. This is a 39% increase in the building area.

7. The expansion increases the number of rooms from 93 to 133 rooms. All existing rooms and proposed rooms will include a kitchenette and cater to extended stay customers or families who need a larger space.

8. The parking requirements for hotels have changed since the original hotel was approved and, while the hotel originally required a variance from the parking standards, the number of parking spaces provided with the expansion will be 143 spaces, exceeding the minimum requirement of 105 parking spaces.

9. The hotel was originally approved to have 1,300 square feet of meeting space, which was a variance to the requirement of 5,000 square feet. The meeting space requirement was not changed in 2022. The applicant is requesting an additional variance to reduce the meeting space to 1,380 square feet.

10. The applicant maintains that due to the extended stay nature of the hotel and the increased use of online meetings, their need for physical meeting space has declined. However, they are proposing to expand their lobby to include more flex workspace as well as upgrading their audio/video capabilities for clients to work virtually when necessary.

11. The approved variances for the existing hotel approved in 2011, and the proposed variances for the expanded hotel are summarized below:
### Hotel Development Standards (Sec. 3.10) vs Approved S-P-1 (2019) vs Current Request (Variance)

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Approved S-P-1 (2019)</th>
<th>Hotel Development Standards</th>
<th>Current Request (Variance)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Number of Rooms</td>
<td>93 (-107 room variance)</td>
<td>200</td>
<td>133 (-67 rooms)</td>
</tr>
<tr>
<td>Minimum Size of Meeting Space</td>
<td>1,300 sq. ft. (-3,700 sq. ft.)</td>
<td>5,000 sq. ft.</td>
<td>1,380 sq. ft. (785 sq. ft. + 620 sq. ft. “adaptable flex space”) (-3,620 sq. ft.)</td>
</tr>
<tr>
<td>Required Parking</td>
<td>95 spaces (-10 spaces)</td>
<td>105 (2019) 105 (2022)</td>
<td>143 spaces provided (No Variance Required)</td>
</tr>
<tr>
<td>0.7 spaces per room plus 1 space</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>per 125 sq. ft. of meeting space</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

12. **In May,** the applicant submitted a revised site plan. The site plan includes 1,380 square feet of meeting space, which is comprised of the original 785 square feet of meeting rooms with an additional 620 square feet of “adaptable flex space.” The “adaptable flex space” is an area of the lobby/breakfast space that can be closed off for meetings with a sliding door.

13. The development will comply with all other requirements of the C-C “Community Commercial” zoning district and the Hotel Development Standards.

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

15. Staff cannot support the further reduction in meeting space and cannot support any variances to existing hotels that do not bring the hotel into further compliance with Section 3.10 (Hotel Development Standards) as adopted by the City Council on April 21, 2022.

16. A total of 11 public notices were mailed. No responses have been received in support of or in opposition to this request.

17. On March 8, the applicant submitted a request for indefinite postponement. If granted by the City Council, the case will need to be re-advertised prior to any future public hearing.

**Staff Recommendation**

The ordinance be **denied** per the recommendation of the Planning and Zoning Commission.
Ordinance - 2024-103-ZC - Considering a Zoning Change from S-P-2 (R-6) “Generalized Site Plan – Single-Family Residential 6” and Valley Ranch PUD “Planned Unit Development” for R-6 “Single-Family Residential 6” Uses to S-P-2 (R-6) "Generalized Site Plan - Single-Family Residential 6" with Variances to the Minimum Front Setback, Rear Setback, Lot Width, Maximum Height, and Maximum Lot Coverage - 8001 Mustang Drive (Postponed from May 30, 2024)

Administrative Comments

1. The Planning and Zoning Commission recommended denial on May 6, 2024 by a vote of 8-1.

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

   Commissioners in opposition to recommendation for denial: Vigliante

2. **Owner:** Sherman Park Place Estates LLC  
   **Applicant:** JDJR Engineers & Consultants Inc.

3. The subject property is a vacant 6.164-acre lot that was recently subdivided from the lot that contains MacArthur Boulevard Baptist Church. The applicant requests a zoning change to S-P-2 (R-6) “Generalized Site Plan – Single Family Residential 6” with variances to develop the property with center-loaded single-family homes.

4. In 2023, the applicant submitted requests for townhouse and zero-lot-line zoning that were subsequently withdrawn after opposition was received.

5. Most of the property is within the Valley Ranch PUD (Planned Unit Development) zoning district. Approximately 0.25 acres of the 6.16 acres included in this case are located outside of the PUD. If this zoning case is approved, it would remove 5.91 acres of this property out of the Valley Ranch PUD, and the entire property would simply be zoned S-P-2 (R-6).

6. The S-P-2 Generalized Site Plan does not require a lot and street layout but includes notes that would regulate the development when the site is replatted. An “illustrative plan” has been submitted to provide a possible layout of the development but is not adopted as part of the rezoning request. The illustrative plan shows a total of 31 lots accessed via a single point of access. It should be noted that, in order to comply with Fire Code, if there are more than 30 dwelling units accessed from a single public or private fire apparatus access road, all dwelling units must be equipped throughout with an approved automatic sprinkler system. If this is not possible, a second point of access must be provided.

7. The applicant is requesting the following variances. The applicant indicates the development will comply with all other regulations of the R-6 district.
<table>
<thead>
<tr>
<th>R-6 Requirement</th>
<th>Current Ordinance</th>
<th>Current Request</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Front Yard Setback</strong></td>
<td>25 feet</td>
<td>15 feet</td>
<td><strong>10 feet</strong></td>
</tr>
<tr>
<td>Sec. 2.4.8 (d)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Minimum Rear Yard Setback</strong></td>
<td>20 feet</td>
<td>10 feet</td>
<td><strong>10 feet</strong></td>
</tr>
<tr>
<td>Sec. 2.4.8 (d)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Minimum Lot Width</strong></td>
<td>50 feet</td>
<td>45 feet</td>
<td><strong>5 feet</strong></td>
</tr>
<tr>
<td>Sec. 2.4.8 (d)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Maximum Lot Coverage of Principal Bldg.</strong></td>
<td>40%</td>
<td>60%</td>
<td><strong>50% increase in max. lot coverage</strong></td>
</tr>
<tr>
<td>Sec. 2.4.8 (e)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Maximum Height of Principal Structure</strong></td>
<td>2 stories or 25 feet</td>
<td>2.5 stories or 35 feet (Max. 30’ at eave)</td>
<td><strong>0.5 story or 10 feet (Max. 30’ at eave)</strong></td>
</tr>
<tr>
<td>(as measured at midpoint per the UDC Sec. 2.4.8 (e)**</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

8. The following chart provides a comparison of existing single-family residential developments to the north and east to the proposed development.
Zoning  
ZC98-4798 (East of subject property)  
DP #56 (North of subject property)  
DP #57 (Northeast of subject property)  
2024-103-ZC (Subject property)

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Minimum Lot Area</th>
<th>Maximum Height of a Principal Structure (2 stories or 25 feet)</th>
<th>Minimum Lot Depth</th>
<th>Minimum Rear Setback</th>
<th>Minimum Front Setback</th>
<th>Minimum Side Setback (8” one side; 10’ on opposite side)</th>
<th>Garage Door Setback</th>
<th>Corner Lot Setback</th>
<th>Minimum lot width</th>
<th>Lot coverage for buildings, driveways and parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-ZLa w/variances</td>
<td>Min. 4,000 sq. ft.</td>
<td>2.5 stories or 30 feet</td>
<td>Min. 90 feet</td>
<td>Min. 10 feet for 2-story structures (certain interior lots)</td>
<td>Min. 15 feet</td>
<td>3 feet on each side</td>
<td>Front entry: Min. 20 feet</td>
<td>Min. 10 feet (certain lots)</td>
<td>Min. 40 feet</td>
<td>Max. 60%</td>
</tr>
<tr>
<td>R-ZLa w/variances</td>
<td>Min. 4,000 sq. ft.</td>
<td>2.5 stories or 30 feet</td>
<td>Min. 70 to 72.5 feet</td>
<td>Min. 5 feet for one- and two-story</td>
<td>Min. 5 feet</td>
<td>3 feet on each side</td>
<td>Side entry: Min. 15 feet</td>
<td>Min. 5 feet</td>
<td>Min. 40 feet</td>
<td>Max. 80%</td>
</tr>
<tr>
<td>R-ZLa w/variances</td>
<td>Min 4,000 sq. ft.</td>
<td>2.5 stories or 30 feet</td>
<td>Min. 70 feet</td>
<td>Min. 5 feet for one- and two-story</td>
<td>Min. 5 feet</td>
<td>3 feet on each side</td>
<td></td>
<td></td>
<td></td>
<td>Max. 80%</td>
</tr>
<tr>
<td>R-6 w/variances</td>
<td>Min. 6,000 sq. ft.</td>
<td>2.5 stories or 35 feet (Max. 30’ at eave)</td>
<td>Min. 100 feet</td>
<td>Min. 10 feet</td>
<td>Min. 15 feet</td>
<td>Min. 5 feet on each side</td>
<td></td>
<td></td>
<td></td>
<td>Max. 60% for main building</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 this zoning request; however, the Traffic and Transportation, Fire, and Water Utilities departments had the following informational comments:

a. **Traffic and Transportation**: Street entrance should line up with Chinaberry Street.

b. **Fire**: Your submission fails to comply with the following provisions of the 2021 International Fire Code and the City of Irving Land Development Code.
D107.1 One- or two-family dwelling residential developments.

Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.

Exceptions:

i. Where there are more than 30 dwelling units accessed from a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, access from two directions shall not be required.

c. Water Utilities: Water and sewer capacity study may be required prior to approval of any plats or building permits.

11. Apart from the variance to the maximum height of the principal structure, the variances requested by the applicant will create lots and building envelopes are similar in nature to the zero lot line developments approved for the adjacent neighborhoods. However, there is no evidence of undue hardship since the site could be developed with large lots and a single street.

12. A total of 25 public notices were mailed. Staff received one (1) response with no position and 15 responses in opposition to this request. The opposition represents 3.57% of the land within 200 feet of the subject property. Since this is less than 20%, per state law a 3/4-vote is not required for approval.

13. On May 30, the City Council postponed this case per the applicant’s 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.

19 Ordinance - 2024-107-CP - Considering a Comprehensive Plan Amendment Changing the Future Land Use Category from "Main Street/Downtown" to "Regional Commercial" - 100 N. MacArthur Boulevard

Administrative Comments

1. The Planning and Zoning Commission recommended approval on June 3, 2024 by
a vote of 8-0.

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

Commissioners in opposition: None

Commissioner absent: Sanguino

2. **Owner:** Public Storage
   **Applicant:** Kimley-Horn

3. The subject property is an approximate 7.22-acre lot that is developed with a self-storage/mini warehouse facility with an area of outdoor storage of vehicles. The Imagine Irving Comprehensive Plan Future Land Use Map currently designates the property for **Main Street/Downtown** uses for the subject property. This change was likely made as part of the Heritage Crossing District and downtown redevelopment; however, the property is some distance from and is divided from downtown by the railroad.

4. The **Main Street/Downtown** land use category is described as “Mixed-use walkable area with continuous building frontages, on-street and rear parking, oriented towards outdoor public spaces and activities. Uses should include retail, office, restaurant, entertainment with a focus on drawing visitors from other parts of the region and community to the site. Upper floor residential and/or office uses are encouraged. Net units per acre: 20-40 Likely Compatible Zoning: HCD”. The existing and future mini-storage uses do not fit into this description.

5. In conjunction with the companion zoning case (2024-104-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.” Likely Compatible Zoning: P-O, C-O, C-N, C-C, C-OU-1, C-OU-2, C-OU-3.

6. The companion zoning case (2024-104-ZC) seeks to rezone the property to allow for the redevelopment of a portion of the existing self-storage/mini warehouse facility.

7. The self-storage/mini warehouse and outdoor storage was permitted by right when the property was originally developed several decades ago. There is an area of approximately 84,000 square feet in the center of the site that has been used for outdoor storage of vehicles and the applicant is proposing to develop this portion of the site with a new interior access storage building.

8. The property has had “industrial” or “warehouse” zoning since 1958 and has generally been designated as “industrial” on future land use maps as far back as 1954.
9. This case was originally advertised as a change to *Manufacturing/Warehouse* uses. After further discussion, staff advised the applicant that it may be more appropriate to request *Regional Commercial* due to the proximity to the single family uses. Staff also advised requesting a zoning district such as C-C “Community Commercial” with the additional use of “Self Storage – Mini Warehouses” rather than C-W “Commercial Warehouse”. The applicant agreed, and the case was postponed on May 6 by the Planning and Zoning Commission to allow the case to be re-advertised with the request to *Regional Commercial* uses.

10. Given that the site is directly adjacent to a single-family neighborhood on the north side, staff believes it may be more prudent for the long-term protection of the neighborhood to request a future land use and zoning district that are more commercial as opposed to warehouse or industrial in nature. The current use has been in operation for several decades but, should the owner ever decide to sell the property, a future land use category such as *Regional Commercial* would ensure that a more intense use permitted in the *Manufacturing/Warehouse*, would not be able to locate there.

11. 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.

12. **Staff believes the request meets the above criteria.** New development will generally conform to new use standards and concepts. The Regional Commercial future land use category is used elsewhere for properties abutting the railroad with residential property to the north, east of N. MacArthur Boulevard. Finally, the proposal would not allow the property to be rezoned for industrial or commercial warehousing uses and would only facilitate the historic “self-storage” use on the property.

13. The self-storage use has existed adjacent to the neighborhood to the north for approximately 40 years. The proposed Future Land Use category of *Regional Commercial* will protect the adjacent neighborhood from the more intense uses in the future. Accordingly, staff can support this request.

14. A total of 43 public notices were mailed. Staff received zero (0) response in support and one (1) response in opposition to this request.

**Staff Recommendation**

The ordinance be adopted per the recommendation of the Planning and Zoning
Ordinance - 2024-104-ZC - Considering a Zoning Change from C-W "Commercial Warehouse" to S-P-2 (C-C) “Generalized Site Plan – Community Commercial” and Self-Storage - Mini-Warehouse Uses with Variances to the Site Design and Landscape Buffer Requirements of Section 3.16 in the Unified Development Code - 100 N. MacArthur Boulevard

Administrative Comments

1. The Planning and Zoning Commission recommended approval on June 3, 2024 by a vote of 8-0.
   Commissioners in support: Skinner, Prichard, Haacke, Vigliante, Myrick, Lightfoot, Reyes, Denny
   Commissioners in opposition: None
   Commissioner absent: Sanguino

2. **Owner:** Public Storage
   **Applicant:** Kimley-Horn

3. The subject property is an approximate 7.22-acre lot that is developed with a self-storage/mini warehouse facility constructed in 1983. The applicant requests a zoning change to S-P-2 (C-C) “Generalized Site Plan – Community Commercial” with variances to Sec. 3.16 “Self Storage – Mini Warehouses” to allow construction of a new two story storage building.

4. The property was zoned C-W on June 22, 1989 as part of the Central Neighborhood Zoning Transition (Zoning Case 89-3981). Prior to that, the property was zoned "K – Industrial” in 1958 under the city’s original zoning code (Zoning Ordinance #209). The Main Street future land use category was set in 2017 with the adoption of the Heritage Crossing District for downtown redevelopment. However, a companion case 2024-107-CP is being processed to request a change to the future land use classification since the property is not within the downtown core.

5. The applicant proposes to develop a new two-story interior access, climate controlled storage building within an area of approximately 84,000 square feet in the center of the site that has been used for outdoor storage of vehicles.

6. Section 3.16.1 of the UDC requires that when proposed improvements exceed 50 percent of the assessed Dallas County Appraisal District value, any improvement would require conformance with the current requirements of Section 3.16 “Self Storage – Mini Warehouses”. Since the value of the new self-storage structure will
exceed the 50% threshold for the property, the existing mini warehouse buildings would need to officially be brought into compliance with development criteria in Sec. 3.16 “Self Storage - Mini Warehouses”.

7. This case was originally advertised with a variance with a C-W “Commercial Warehouse” base district. After further discussion, staff advised the applicant that it may be more appropriate to request a base zoning district such as C-C “Community Commercial” with the additional use of “Self Storage – Mini Warehouses” rather than C-W “Commercial Warehouse” due to the adjacency to the single family residential use. The applicant agreed, and the case was postponed on May 6 by the Planning and Zoning Commission to allow the case to be re-advertised as a site plan with the C-C “Community Commercial” base district. The C-C “Community Commercial” base district will also allow more flexibility with the office/retail buildings fronting N. MacArthur Boulevard.

8. The applicant is requesting the following variances from Sec. 3.16 “Self Storage – Mini Warehouses”:
### UDC Code

<table>
<thead>
<tr>
<th>Section</th>
<th>Applicability</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 3.16.1</td>
<td>Redevelopment or expansion beyond 50% of appraised value (per DCAD) or 50% of gross floor area requires compliance with new standards</td>
<td>Permit existing structures to remain as originally constructed.</td>
<td>Only new buildings will comply with new standards.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>Loading Area</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 3.16.2 (a)</td>
<td>A continuous loading area eight (8) feet wide along any building side with access to individual storage units</td>
<td>No separate loading area. Loading may be in drive aisles but shall not be in any fire lane. (Existing)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>Screening – Buildings with individual entry to exterior units</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 3.16.2 (c)(1)(a)</td>
<td>Buildings on the perimeter of the site shall be connected by masonry fences a minimum of eight (8) feet in height</td>
<td>Wrought iron fencing instead of masonry fence for connection between perimeter buildings (Existing)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>Screening – Buildings with individual entry to exterior units</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 3.16.2 (c)(1)(b)</td>
<td>Rear of building may be utilized with required screening if a landscape buffer with 1 tree per 25 linear feet is provided</td>
<td>No trees required. Shrubs to be used instead of trees due to power lines. (Existing)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>Screening</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 3.16.2 (c)(2)</td>
<td>Barbed wire prohibited</td>
<td>Barbed wire fence between storage buildings and residential uses (Existing)</td>
<td></td>
</tr>
</tbody>
</table>

9. The applicant indicates the development will comply with all other regulations of the C-C “Community Commercial” district and the additional standards outlined in Sec. 3.16 “Self Storage – Mini Warehouses” section of the Unified Development Code.

10. Staff from Traffic and Transportation, Fire, Water Utilities, Inspections, and CIP have reviewed the request and indicated no objections to this zoning request; however, the Fire Department had the following informational comment:

   a. **Fire:** All parts of the structure shall be within 150 feet of a fire lane and 400 feet of a fire hydrant.

11. The self-storage use has existed adjacent to the neighborhood to the north for approximately 41 years. The proposed zoning change will continue the historic self-storage uses on the property while eliminating the outside storage and the possibility of commercial warehouse and distribution uses without a future zoning case. Accordingly, staff can support this request.

12. A total of 32 public notices were mailed. Staff received no responses in support and
one (1) response in opposition to this request. The opposition represents 1.74% of the land within 200 feet of the subject property. Since this is less than 20%, per state law a ¾-vote is not required for approval.

**Staff Recommendation**

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

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21 **Ordinance - 2024-145-ZC - Considering a Zoning Change from S-P-2 (C-C) “Generalized Site Plan – Community Commercial” and State Highway 183 Overlay District to S-P-1 (C-C) “Detailed Site Plan – Community Commercial” and State Highway 183 Overlay District with Variances to the Maximum Parking Allowed Between a Building and SH 183 - 3143 W. Airport Fwy.**

**Administrative Comments**

1. The Planning and Zoning Commission recommended **approval** on June 3, 2024 by a vote of 8-0.

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

   **Commissioners in opposition:** None

   **Commissioner Absent:** Sanguino

2. **Owner:** Bayview Tower GP

   **Applicant:** Plavans LLC

3. The subject property is an approximately 1.016 vacant lot. The **applicant is requesting a variance from Sec. 2.3.4 of the Unified Development Code to the maximum parking allowed between a building and State Highway 183.**

4. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends Regional Commercial.

5. The applicant is proposing to construct a new 5,905 sq. ft. building for four retail and restaurant tenant spaces with drive-through access on the west side. The site will have 40 parking spaces, which exceeds the minimum required parking for the proposed uses by five (5) parking spaces; however, the State Highway 183 Overlay District allows for a maximum of 25% of the parking (10 spaces) to be located between a building and State Highway 183. The applicant is proposing that around 62.5% of the parking (25 spaces) will be situated between the building and State
Highway 183.

6. The S-P-1 “Detailed Site Plan” includes the following variance to the building setback requirements in Sec. 2.3.4 of the Unified Development Code:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Current Ordinance</th>
<th>Request (Variance)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Parking Between a Building and State Highway 183 (Sec. 2.3.4 (4)(b))</td>
<td>25% (10 spaces)</td>
<td>62.5% (25 spaces) (+ 15 spaces)</td>
</tr>
</tbody>
</table>

7. The applicant’s letter of intent requests the variance due to the 15-ft. drainage easement through the center of the property. The applicant states the easement makes it difficult to place the building on the south side of the property while leaving enough room on the west side of the property for a drive-through lane.

8. The proposed use and development will comply with all other C-C “Community Commercial” district and State Highway 183 Overlay District requirements.

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

   a. The Traffic Department noted that trees shown in sight lines will need to be two (2) feet tall or less or pruned to a height of seven (7) feet.

10. While the property could be developed with a smaller building and/or without a drive-through lane on the west side of the proposed building, staff believes the location of the easement through the middle of the property is a hardship, forcing the building to be best located north of the easement and the majority of the parking to be located south of the easement, between the building and State Highway 183.

11. A total of nine (9) public notices were mailed. No responses have been received in support of or in opposition to this request.

**Staff Finding**

Staff finds that a hardship is evident.
Ordinance - 2024-148-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 Allow a Carport to Encroach into the Front Yard Setback - 2609 Edinburgh Street

Administrative Comments

1. The Planning and Zoning Commission recommended approval on June 3, 2024 by a vote of 6-2.

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

   Commissioners in opposition: Denny, Prichard

   Commissioners Absent: Sanguino

2. Owner/Applicant: Alberto Gonzalez

3. The subject property is a 0.19-acre lot with an existing single-family house. The applicant is requesting a zoning change to allow a carport to encroach 11 feet into the established 30 ft. front yard setback.

4. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends Traditional Neighborhood.

5. In 2023, the owner purchased the house which already had a carport on the property which was installed without the proper permits in approximately 2022. The city informed the owner of this issue and suggested applying for a zoning case.

6. Per Section 8.4.2 “Established Front Yard”, the front yard setback shall be the same as the average front yard line of the street if thirty (30) percent or more of the street’s frontage has an observed front yard line. While the R-6 district currently requires a minimum 25-foot front yard setback, the houses fronting this side of Edinburgh Street were built when a 30-foot front yard setback was the requirement.

7. The following variance is being requested:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Established Front Yard Setback</td>
<td>30 feet</td>
<td>19 feet (11-foot variance)</td>
</tr>
</tbody>
</table>

8. In their letter of intent, the applicant mentioned that they were not aware that the carport lacked the proper permits from the previous owner.

9. Eleven (11) zoning cases approving variances for front carports have been approved within ¼-mile of the subject property; however, no such variances have been approved on this block of Edinburgh Street.

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

11. A total of 35 public notices were mailed. Staff has received no responses in support
and one (1) response in opposition to this request. The opposition represents 5.11% of the land within 200 feet of the subject property. Since this is less than 20%, per state law a ¾-vote is not required for approval.

**Staff Finding**

No undue hardship is evident, and the site plan does not comply with the development standards outlined in Section 8.4.2 (Established Front Yard) in the Unified Development Code.

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**Ordinance - 2024-159-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 Allow a Carport to Encroach into the Front Yard Setback - 2113 Meadow Dale**

**Administrative Comments**

1. The Planning and Zoning Commission recommended approval on June 3, 2024 by a vote of 6-2.
   - **Commissioners in support:** Skinner, Haacke, Reyes, Vigliante, Myrick, Lightfoot
   - **Commissioners in opposition:** Denny, Prichard
   - **Commissioner Absent:** Sanguino

2. **Owner/Applicant:** Karen & Felipe Nevarez

3. The subject property is a 0.16-acre lot with an existing single-family house. The applicant is requesting a zoning change to allow a front carport to encroach 17.5 feet into the established 30-foot front yard setback.

4. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends Traditional Neighborhood uses.

5. The proposed carport is 8 feet tall and measures 20 ft. x 18 ft. in size. The carport has not been built.

6. Per Section 8.4.2 “Established Front Yard”, the front yard setback shall be the same as the average front yard line of the street if thirty (30) percent or more of the street’s frontage has an observed front yard line. While the R-6 district currently requires a minimum 25-foot front yard setback, the houses fronting this side of Meadow Dale were built following a 30-foot front yard setback, as was required in the R-6 district at the time.

7. The following variance is being requested:
<table>
<thead>
<tr>
<th>Standard</th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Established Front Yard Setback (Sec. 8.4.2)</td>
<td>30 feet</td>
<td>12.5 feet <em>(17.5-foot variance)</em></td>
</tr>
</tbody>
</table>

8. The applicant states they are requesting a carport because the previous owner converted the garage into a room. They need the carport to protect their cars from weather damage, as the garage is no longer usable for parking.

9. Seven (7) zoning cases approving variances for front carports have been approved within approximately ¼-mile of the subject property. Two (2) cases have been approved on the block of Meadow Dale west of the subject property between Glenwick Lane and S. Story Road; none have been approved on the block including the subject property along Meadow Dale between Glenwick Lane and Meandering Drive.

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

11. A total of 45 public notices were mailed. Staff received one (1) response in support and none in opposition to this request.

**Staff Finding**

No undue hardship is evident, and the site plan does not comply with the development standards outlined in Section 8.4.2 (Established Front Yard) in the Unified Development Code.

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**Ordinance - 2024-160-ZC - Considering a Zoning Change from S-P-2 (C-C) “Generalized Site Plan – Community Commercial” and Senior Independent Living, Assisted Living, Nursing Home Uses and State Highway 183 Overlay District to S-P-2 (C-C) “Generalized Site Plan – Community Commercial” and Senior Independent Living Facility, Assisted Living, Nursing Home Uses and State Highway 183 Overlay District with Variances to the Minimum Front Yard Setback Along Wingren Rd. and the Minimum Rear Yard Setback - 215 E. Airport Freeway**

**Administrative Comments**

1. On June 3, 2024, the Planning and Zoning Commission voted 4-4 on a motion for approval. Per the Planning and Zoning Commission Rules and Procedures adopted in 2021, a tie vote on a motion to recommend that the matter be approved by the City Council shall be reported as a recommendation of Denial.
Therefore, the Planning and Zoning Commission has recommended Denial of this item.

Commissioners in support: Haacke, Reyes, Vigliante, Lightfoot

Commissioners in opposition: Skinner, Prichard, Myrick, Denny

Commissioners Absent: Sanguino

2. **Owner:** State Bank of Texas  
**Applicant:** PRP ARQ Corp.

3. The subject property is a 5.031-acre vacant lot. **The applicant is requesting a variance to the minimum front yard setback along Wingren Rd. and the minimum rear yard setback for future construction of a senior living facility.**

4. The 2017 Imagine Irving Comprehensive Plan Future Land Use Map recommends **Regional Commercial.**

5. In 2018, this property was rezoned in zoning case ZC18-0042 from “Community Commercial” to **“Generalized Site Plan – Community Commercial” including Senior Independent Living, Assisted Living, and Nursing Home Uses.**

6. **The applicant is proposing to construct a senior independent living facility and cottage homes as allowed under the approved zoning for the property.** The concept plan shows a five-story building with 57 units on the southern end of the property with different amenities for the residents, while the northern side of the property will feature 26 cottage homes.

7. **The variances are being requested in order to build independent living cottage homes on the north end of the property and still meet the traffic and fire requirements.**

8. The applicant indicates that the structure will include numerous amenities such as open space, a kitchen, a gym, a spa, and a game room.

9. Based on the requirements of the site plan and 183 overlay the applicant is requesting two variances. The applicant is requesting the following variances to the requirements of Section 2.3.4 “State Highway 183 Overlay” of the Unified Development Code and the approved site plan.

<table>
<thead>
<tr>
<th>Standards</th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Front Yard Landscape Buffer along Wingren Road (2.3.4(e)(2)(a))</strong></td>
<td>15 feet</td>
<td><strong>10 feet</strong> ( - 5-foot variance)</td>
</tr>
<tr>
<td><strong>Minimum Rear Yard Setback (2.3.4(f)(1))</strong></td>
<td>30 feet</td>
<td><strong>10 feet</strong> ( - 20-foot variance)</td>
</tr>
</tbody>
</table>

10. The development will comply with all other requirements of the approved site plan,
Community Commercial district and State Highway 183 Overlay.

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

- **Fire Department:**
  - Automatic gates crossing fire department access roads shall be equipped with an approved infrared detection system (Opticom) which is also GPS compatible.
  - Automatic and Manual gates crossing fire department access roads shall be equipped with manual means of emergency access using a light duty chain or Knox padlock.
  - Cottages over 6,000 sq ft shall be equipped with an automatic sprinkler system.

12. The property has space to include cottages and the independent living facility within the existing setbacks. Therefore, staff does not see a hardship for this case.

13. A total of 17 public notices were mailed. No responses have been received in support of or 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 2.3.4 (State Highway 183 Overlay District) in the Unified Development Code.

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25 **Ordinance - 2024-187-UDC - Consideration of Amendment to the Unified Development Code Regarding Adoption of Development Standards for Data Centers**

**Administrative Comments**

1. On June 3, The Planning and Zoning Commission postponed this item to June 18, 2024 by a vote of 8-0.
   - Commissioners in support: Skinner, Prichard, Haacke, Vigliante, Myrick, Lightfoot, Reyes, Denny
   - Commissioners in opposition: None
   - Commissioners absent: Sanguino

2. Data Centers have become one of the highest demand light industrial uses in the
last few years with the increasing demand for data-based business and infrastructure. The Dallas-Fort Worth area is the third largest market for data center development as of 2024. No specific standards (other than standards for other warehouse or industrial uses) currently exist in Irving to provide residential adjacency protections for their external affects or to address the parking needs of the unique use. The goal of the proposed development standards is to allow data centers “by right” in appropriate areas and with appropriate neighborhood protection.

3. Development of data centers must take into account physical considerations such as property security, high requirements for equipment cooling units, external power including generators and operating supplies, and the potential structure height and ability to operate in multiple stories. At the same time, considerations must be given to the external effects of data centers on the surrounding properties, especially any residential uses. Noise generated by data center cooling units has been identified as one of the most significant concerns.

4. Amendments to the UDC will create development standards for the development and construction of data centers, whether a single building or as a campus development with multiple buildings. Specific consideration is given in the proposed amendments to data center uses adjacent or in proximity to residential uses.

5. The proposed amendments will create a new Section 3.20 and will be allowed:
   a. As a Principal Use in the C-W, ML-20, ML-20a, ML-40-ML-120, and C-P Light Industrial Districts, subject to the new development standards, and
   b. As an Accessory Use: P-O, C-O, C-N, C-C, and FWY Commercial Districts, subject to the new development standards.

6. The proposed amendments will create development standards as a principal use in light industrial districts, with certain requirements when adjacent to residential districts (except R-40):
   a. 150 foot front, side and rear setbacks from residentially zoned property lines.
   b. Ground-Mounted Equipment not located between a building wall and a street and at least 150 feet from any residentially zoned property.
   c. Ground-mounted equipment to be screened with a masonry wall on all sides that is one (1) foot taller than the height of the ground-mounted equipment, or 10 feet tall, whichever is greater (perforation for ventilation is allowed); however, if the subject property is adjacent to property zoned ML-20, ML-20a, ML-40, ML-120, or C-P, and provided that equipment is at least 300 feet from residentially zoned property, then screening would not be required.
   d. Rooftop equipment shall be screened on all sides by an opaque wall (perforation for ventilation allowed) and shall be at least 5 feet tall or the height of the rooftop equipment, whichever is greater.
e. Maximum Building Height is 35 feet if <= 150 feet from residentially zoned property and can increase by 1 foot for each additional 1-foot setback from residentially zoned property, to a maximum height of 75 feet. For the purpose of this ordinance, “height” is measured at the top plate line (e.g., excludes screening for rooftop equipment).

f. Lighting shall be regulated the same as the State Highway 183 Overlay District requirements including shielding, glare, and maximum height of light poles.

g. Parking shall be provided at one space per 300 sq. ft. of floor area used for office, meeting, training, or security personnel uses.

7. The proposed amendments will create development standards as an **accessory use in commercial districts**:

   a. Maximum size of 1,000 sq. ft. and a maximum height of 15 feet.

   b. Accessory data centers may not be located in a required front, side or rear setback, between a principal building and a street and within 50 feet of residentially zoned property.

   c. Supporting equipment to accessory data center such as cooling systems, UPSs, etc. shall be located in the structure and/or the principal building; any backup generators or fuel tanks must comply with the same ground-mounted setback requirements as for Data Centers as a principal use.

   d. Shall be fully screened on all sides by a solid masonry wall of a minimum height of 10 feet or 1 foot taller than data center structure.

8. The proposed amendments will create definitions as provided below:

   - **Data Center – Principal Use**: An establishment engaged in the storage, management, processing, and/or transmission of digital data, which houses computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations.

   - **Data Center – Accessory Use**: A container or equipment structure no larger than 1,000 square feet in area that is engaged in the storage, management, processing, and/or transmission of digital data, which houses computer and/or network equipment, systems, servers and other associated components related to digital data operations.

9. During the drafting process, staff contacted multiple data center companies, including two in Irving, for input on the ordinance. Upon request of Council, staff also contacted Holt CAT, as a manufacturer of generator equipment. Holt CAT did not have any comments on the draft ordinance.

10. Also upon request of Council, staff contacted the Planning Department in Loudon County, Virginia, regarding the effectiveness of their data center ordinances. The staff in Loudon County stated that the top three issues for their citizens are noise,
building aesthetics, and the proliferation of power lines. They also stated that they, along with Fairfax County, are considering making modifications to development standards to increase aesthetic controls and allow greater maximum height.

11. The considerations and recommended development standards were presented to the City Council Planning and Development Committee on February 22, 2024 with direction given to staff to proceed with drafting an ordinance. The Planning and Zoning Commission reviewed and commented on the proposal on March 4. The City Council Planning and Development Committee reviewed and commented on the draft ordinance on May 2, 2024.

**Recommendation**
Postpone to June 27, 2024

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**Ordinance - 2024-188 UDC - Consideration of Amendments to the Unified Development Code Regarding the Definition of "Customary Home Occupation" and Add Definition of "Auto Related Business"**

**Administrative Comments**

1. This item is recommended by the Code Enforcement Department.

2. **Impact:** This amendment would clarify the existing terms and requirements regarding home-based businesses, providing for improved understanding of the public, enhanced communication from the department, and increased compliance with the standards.

3. The language proposed in this ordinance was presented to the Planning and Development Committee on May 2, 2024, during which the committee expressed support thereof.

4. The language was presented to the Planning and Zoning Commission at their work session on May 6, 2024, wherein the Commission provided feedback.

5. This amendment was scheduled for, but unable to be heard at, the Planning and Zoning Commission public hearing on June 3, 2024, being rescheduled to June 18, 2024.

6. No funding is required.

**Recommendation**
That the consideration of this ordinance be postponed to the June 27, 2024 City Council Meeting.

APPOINTMENTS AND REPORTS

27 Mayor’s Report

Adjournment