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
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.

**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.
7 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.

8 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.

**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.

---

**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.
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 re-striping recreation center parking lots and allowing 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.
13 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.

14 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>TOTAL</td>
<td></td>
<td>$900,000.00</td>
<td></td>
</tr>
</tbody>
</table>

**Recommendation**

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 10½ 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:</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:
<table>
<thead>
<tr>
<th>Hotel Development Standards (Sec. 3.10)</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</td>
<td>200</td>
<td>133 (-67 rooms)</td>
</tr>
<tr>
<td></td>
<td>(-107 room variance)</td>
<td></td>
<td></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)</td>
<td>143 spaces provided</td>
</tr>
<tr>
<td></td>
<td>105 (2022)</td>
<td></td>
<td>(No Variance Required)</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>Minimum Front Yard Setback</td>
<td>25 feet</td>
<td>15 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>Sec. 2.4.8 (d)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Rear Yard Setback</td>
<td>20 feet</td>
<td>10 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>Sec. 2.4.8 (d)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>50 feet</td>
<td>45 feet</td>
<td>5 feet</td>
</tr>
<tr>
<td>Sec. 2.4.8 (d)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Lot Coverage of Principal Bldg.</td>
<td>40%</td>
<td>60%</td>
<td>50% increase in max. lot coverage</td>
</tr>
<tr>
<td>Sec. 2.4.8 (e)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Height of Principal Structure</td>
<td>2 stories or 25 feet</td>
<td>2.5 stories or 35 feet (Max. 30’ at eave)</td>
<td>0.5 story or 10 feet (Max. 30’ at eave)</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.
<table>
<thead>
<tr>
<th></th>
<th>ZC98-4798 (East of subject property)</th>
<th>DP #56 (North of subject property)</th>
<th>DP #57 (Northeast of subject property)</th>
<th>2024-103-ZC (Subject property)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning</td>
<td>R-ZLa w/variances</td>
<td>R-ZLa w/variances</td>
<td>R-ZLa w/variances</td>
<td>R-6 w/variances</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>Min. 4,000 sq. ft.</td>
<td>Min. 4,000 sq. ft.</td>
<td>Min 4,000 sq. ft.</td>
<td>Min. 6,000 sq. ft.</td>
</tr>
<tr>
<td>Maximum Height of a Principal Structure</td>
<td>2.5 stories or 30 feet</td>
<td>2.5 stories or 30 feet</td>
<td>2.5 stories or 30 feet</td>
<td>2.5 stories or 35 feet (Max. 30' at eave)</td>
</tr>
<tr>
<td>(2 stories or 25 feet)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Min. Lot Depth</td>
<td>Min. 90 feet</td>
<td>Min. 70 to 72.5 feet</td>
<td>Min. 70 feet</td>
<td>Min. 100 feet</td>
</tr>
<tr>
<td>Min. Rear Setback</td>
<td>Min. 10 feet for 2-story structures</td>
<td>Min. 5 feet for one- and two-story</td>
<td>Min. 5 feet for one- and two-story</td>
<td>Min. 10 feet</td>
</tr>
<tr>
<td>(certain interior lots)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Min. Front Setback</td>
<td>Min. 15 feet</td>
<td>Min. 5 feet</td>
<td>Min. 5 feet</td>
<td>Min. 15 feet</td>
</tr>
<tr>
<td>Min. Side Setback</td>
<td>(8&quot; one side; 10' on opposite side)</td>
<td>3 feet on each side</td>
<td>3 feet on each side</td>
<td>Min. 5 feet on each side</td>
</tr>
<tr>
<td>Garage Door Setback</td>
<td>Front entry: Min. 20 feet</td>
<td>Min. 25 feet</td>
<td>Min. 25 feet</td>
<td>Min. 25 feet</td>
</tr>
<tr>
<td></td>
<td>Side entry: Min. 15 feet</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Corner Lot Setback</td>
<td>Min. 10 feet (certain lots)</td>
<td>Min. 5 feet</td>
<td>Min. 5 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>Minimum lot width</td>
<td>Min. 40 feet</td>
<td>Min. 40 feet</td>
<td>Min. 40 feet</td>
<td>Min. 45 feet</td>
</tr>
<tr>
<td>Lot coverage for buildings, driveways and parking</td>
<td>Max. 60%</td>
<td>Max. 80%</td>
<td>Max. 80%</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 (Ord-2023-10699)

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.
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, Vigiante, 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 Commission

---

**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”: 

<table>
<thead>
<tr>
<th>UDC Code</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicability</strong> 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 <strong>existing</strong> structures to remain as originally constructed.</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Only new buildings will comply with new standards.</strong></td>
</tr>
<tr>
<td><strong>Loading Area</strong> 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.</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>(Existing)</strong></td>
</tr>
<tr>
<td><strong>Screening – Buildings with individual entry to exterior units</strong> 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</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>(Existing)</strong></td>
</tr>
<tr>
<td><strong>Screening – Buildings with individual entry to exterior units</strong> 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.</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>(Existing)</strong></td>
</tr>
<tr>
<td><strong>Screening</strong> Sec. 3.16.2 (c)(2)</td>
<td>Barbed wire prohibited</td>
<td>Barbed wire fence between storage buildings and residential uses</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>(Existing)</strong></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.

---

**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</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 (Sec. 8.4.2)</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.

---

**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.

---

**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.
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.
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

26 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
AGENDA ITEM SUMMARY – PUBLIC INPUT HEARING

Meeting: 6/13/2024
Recommending Department: Financial Services

Public Hearing -- Public Hearing #1 on the 2024-25 City of Irving Fiscal Year Budget

DISCUSSION:

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.

ATTACHMENTS:

Seeking Resident Input on Budget (PDF)

REVISION INFORMATION:
Prepared: 5/9/2024 09:43 AM by Anita Gomez
Last Updated: 5/15/2024 02:50 PM by Anita Gomez
PARADE APPLICATIONS DUE BY JUNE 18

Irving’s annual Sparks & Stripes Fourth of July Parade will be in the Heritage District on Thursday, July 4 at 9 a.m., with the sounds of marching bands, floats and all things red-white-and-blue! Following the parade, enjoy live music at Heritage Park located at 217 S. Main St.

Applications are due no later than Tuesday, June 18 at 5 p.m. Participants are required to attend a mandatory parade meeting on Wednesday, June 26 at 6 p.m., at Irving City Hall, 825 W. Irving Blvd., in the Council Chambers. Entries should be decorated with a patriotic theme. Entries can opt to be judged in one of the following categories: Most Creative, Most Patriotic and the Grand Marshal Award.

Visit IrvingEvents.org for more information and to complete the online parade application.

Celebrating Juneteenth is June 14 & 15

Juneteenth Celebration is June 14 & 15

Celebrate Juneteenth at Irving’s two-day event on Friday, June 14 and Saturday, June 15 at Heritage Park located at 217 S. Main St. Bring a lawn chair and blanket.

June 14 | 6:30 to 8:30 p.m.
Enjoy Jazz in the park.

June 15 | 3:30 to 8 p.m.
Enjoy live music, family fun and local vendors. Free food courtesy of Aspen Creek is available while supplies last.

For more information, call (972) 721-2119 or visit IrvingEvents.org.
The Irving City Council met in special session on May 15, 2024. The following members were present / absent:

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Organization</th>
<th>Title</th>
<th>Status</th>
<th>Arrived</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor Rick Stopfer</td>
<td>Irving City Council</td>
<td>Mayor</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>John Bloch</td>
<td>Irving City Council</td>
<td>Councilman</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Brad M. LaMorgese</td>
<td>Irving City Council</td>
<td>Councilman</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Abdul Khabeeer</td>
<td>Irving City Council</td>
<td>Councilman</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Phil Riddle</td>
<td>Irving City Council</td>
<td>Councilman</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Mark Cronenwett</td>
<td>Irving City Council</td>
<td>Councilman</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Al Zapanta</td>
<td>Irving City Council</td>
<td>Councilman</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Kyle Taylor</td>
<td>Irving City Council</td>
<td>Councilman</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Dennis Webb</td>
<td>Irving City Council</td>
<td>Councilman</td>
<td>Present</td>
<td></td>
</tr>
</tbody>
</table>

8:00 AM Breakfast

Mayor Stopfer called the meeting to order at approximately 8:36 a.m.

8:30 AM Meeting

A. Citizen Comments on Items Listed on the Agenda

No one signed up to speak at this meeting.

B. Action Items

1 Ordinance ORD-2024-10918 -- Canvassing the Returns and Declaring the Results of the Regular Municipal Election Held on May 4, 2024; for the Purpose of Electing City Council Places 4, 6, and 8

Motioned by Councilman LaMorgese, seconded by Councilman Taylor to approve Ordinance - Canvassing the Returns and Declaring the Results of the Regular Municipal Election Held on May 4, 2024; for the Purpose of Electing City Council Places 4, 6, and 8.

Motion approved 9-0.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Brad M. LaMorgese, Councilman
SECONDER: Kyle Taylor, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabee, Riddle, Cronenwett, Zapanta, Taylor, Webb
2 **Ordinance ORD-2024-10919** -- Canvassing the Returns and Declaring the Results of the Bond Election Held on Saturday, May 4, 2024

Motioned by Councilman LaMorgese, seconded by Councilman Taylor to approve Ordinance - Canvassing the Returns and Declaring the Results of the Bond Election Held on Saturday, May 4, 2024.

Motion approved 9-0.

<table>
<thead>
<tr>
<th>RESULT:</th>
<th>ADOPTED [UNANIMOUS]</th>
</tr>
</thead>
<tbody>
<tr>
<td>MOVER:</td>
<td>Brad M. LaMorgese, Councilman</td>
</tr>
<tr>
<td>SECONDER:</td>
<td>Kyle Taylor, Councilman</td>
</tr>
<tr>
<td>AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor, Webb</td>
<td></td>
</tr>
</tbody>
</table>

3 Administer Statement of Elected Officer and Oath of Office to Elected Council Members Place 6 and Place 8

Shanae Jennings, City Secretary/Chief Compliance Officer, administered the Statement of Elected Officer and Oath of Office to Albert Zapanta, elected council member for District Place 6 and Dennis Webb, elected council member to Place 8.

4 **Ordinance ORD-2024-10920** -- Ordering a Runoff Election to be Held on June 15, 2024, for the Purpose of Electing City Council Place 4 in District 4; Designating the Place at Which Said Election is to be Held; Making Provisions for the Conduct of that Election

Motioned by Councilman Bloch, seconded by Councilman Webb to approve Ordinance - Ordering a Runoff Election to be Held on June 15, 2024, for the Purpose of Electing City Council Place 4 in District 4; Designating the Place at Which Said Election is to be Held; Making Provisions for the Conduct of that Election.

Motion approved 9-0.

<table>
<thead>
<tr>
<th>RESULT:</th>
<th>ADOPTED [UNANIMOUS]</th>
</tr>
</thead>
<tbody>
<tr>
<td>MOVER:</td>
<td>John Bloch, Councilman</td>
</tr>
<tr>
<td>SECONDER:</td>
<td>Dennis Webb, Councilman</td>
</tr>
<tr>
<td>AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor, Webb</td>
<td></td>
</tr>
</tbody>
</table>

Council recessed at approximately 8:44 a.m.

Council reconvened at approximately 9:05 a.m.
5  **Ordinance ORD-2024-10921** -- Public Hearing and Ordinance - Designating Approximately 50.0276 Acres of Land Located at 111 Customer Way as Tax Abatement Reinvestment Zone No. 60

Bryan Haywood, Economic Development Manager, described the process to designate 111 Customer Way as Tax Abatement Reinvestment Zone No. 60.

Mayor Stopfer opened the public hearing at approximately 9:06 a.m.

No one signed up to speak on this item.

Mayor Stopfer closed the public hearing at approximately 9:06 a.m.

Motioned by Councilman Taylor, seconded by Councilman Webb to approve Ordinance - Designating Approximately 50.0276 Acres of Land Located at 111 Customer Way as Tax Abatement Reinvestment Zone No. 60.

Motion approved 9-0.

**RESULT:**

<table>
<thead>
<tr>
<th>MOVER:</th>
<th>ADOPTED [UNANIMOUS]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kyle Taylor, Councilman</td>
<td></td>
</tr>
<tr>
<td>Dennis Webb, Councilman</td>
<td></td>
</tr>
</tbody>
</table>

| AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor, Webb |

6  **Resolution RES-2024-191** -- Approving a Tax Abatement Agreement Between the City of Irving and Powerhouse Data LCX, LLC., in an Amount Dependent Upon Annual Qualifications

Bryan Haywood, Economic Development Manager, described the proposed tax abatement agreement with Powerhouse Data LCX, LLC.

Motioned by Councilman Taylor, seconded by Councilman Bloch to approve Resolution - Approving a Tax Abatement Agreement Between the City of Irving and Powerhouse Data LCX, LLC., in an Amount Dependent Upon Annual Qualifications.

Motion approved 7-2.

Councilmember(s) voting in opposition of this motion include: Riddle and LaMorgese
Chris Hillman, City Manager, provided an introduction and outlined the budget retreat agenda.

C. 2024 Resident Survey Preliminary Results

Lauren Hale, Senior Strategic Services Manager, presented the preliminary results of the 2024 resident survey, describing demographics of the respondents and the various sections of the survey. She noted that street and sidewalk maintenance, homelessness and housing efforts, economic development, code enforcement, and parks and recreation were identified as the top priorities by residents.

It was noted that the final results will be provided at the May 30, 2024 meeting.

Mayor Stopfer discussed the results related to public transportation, noting he will take this information to DART.

Council and staff had a lengthy discussion on the City’s investment into DART and the low rate of return.

D. Fiscal Year (FY) 2024-25 Preliminary Revenue Outlook and FY 2023-24 Year To Date (YTD) Summary (General, Water, Municipal Drainage (MDU), Solid Waste Services, Hotel Occupancy Tax)

Shannon Phillips, Budget Manager, provided the FY23-24 year to date outlook for the General Fund, Water and Sewer Fund, Municipal Drainage Utility Fund (MDU), Solid Waste Services Fund, and Hotel Occupancy Tax allocations. She noted for the General Fund and MDU Fund revenues are slightly above projections; Water and Sewer fund revenues are slightly below projections; Solid Waste Services fund revenues are in line with projections and market adjustments and inflation effects have been absorbed with revenue increases, operational and vacancy savings for all funds. Related to the Hotel Occupancy Tax, it was noted an economic slowdown is likely in 2024 and intent to travel remains strong.

Chris Hillman, City Manager, provided additional information on how the market adjustments for employees affects the current and future budget.

Derick Miller, Police Chief, noted that the Police Department is currently analyzing data to identify the future needs for police officers and working on hiring for the current vacancies.
Ms. Phillips also presented the FY24-25 preliminary revenue outlook for the various funds, noting slight property and sales tax growth, increased costs for water treatment, a new five-year rate plan for MDU, no projected rate increase for solid waste services, and revenues projected to be flat for the Hotel Occupancy Tax.

E. Property Tax Update
1. Senior/Disabled Exemption
2. Recommendation to Maintain Tax Rate

Bret Starr, Chief Financial Officer, outlined the current tax rate strategy and detailed the over 65/disabled persons property tax exemptions and the FY24-25 budget assumptions based on the maintaining the current tax rate of $0.5891.

Council discussed the increases in property value and exemptions.

Chris Hillman, City Manager, stated that he recommends increasing the exemption for the over 65 homestead $5,000 each year for the next three years to get to a $65,000 exemption.

Councilman LaMorgese asked for information on the impact if the tax rate was to be lowered.

Council and staff discussed the amount of sales tax funds sent to the state annually. Mayor Stopfer asked for information on funds going to the state and what the state provides to the City so that council members can speak with the state representatives before the next legislative session.

Councilman Cronenwett noted the need to add amenities in District 5 and identify how it would be funded.

Councilman Bloch asked about the no new revenue rate. Bret Starr, Chief Financial Officer, stated that the no new revenue rate will be determined in June or July.

Council recessed at approximately 11:21 a.m.

Council reconvened at approximately 12:10 p.m.

F. Capital Improvement Program (CIP) Updates
1. General Debt

Pat Lamers, Capital Improvement Program Director, presented a recap of the FY22-23 bond sale, the proposed projects funded by FY23-24 GO Bonds and COs, and the proposed FY 24-25 GO Bond sale projects.

Staff discussed the increased costs for improvements to Fire Station 8.

Council discussed meeting with the Las Colinas Association (LCA) and Dallas County Utility and Reclamation District (DCURD) on the property restrictions in the LCA area.
Council and staff discussed expanding the Animal Shelter.

Council and staff discussed the gun range design. Councilman Zapanta asked for more information on this.

Mayor Stopfer discussed the focus on public safety and water infrastructure.

2. Water and Sewer

Todd Reck, Water Utilities Director, provided an overview of the proposed investment in water and wastewater infrastructure. Projects included replacement of Esters Elevated Storage Tank, expanding capacity for future development, and water main replacements. He also discussed the future use of reuse water that may reduce the need to purchase water from the City of Dallas.

Councilman Zapanta asked about the material used for the new water pipes.

Councilman Riddle asked about the proposed location of moving the Esters Elevated Storage tank.

3. MDU Updates

Pat Lamers, Capital Improvement Program Director, outlined the City’s drainage assets and the major channel projects funded with MDU. Projects funded included Embassy Channel Basin, West Irving Basin, Delaware Creek Basin; projects in planning and design included Brockbank Channel, North Delaware Creek, Lindy Lane, and Hilburn Ct.

4. Solid Waste Services Updates

Travis Switzer, Solid Waste Services Director, described the current solid waste CIP projects for the landfill. Projects included new disposal cells, drainage improvements, a new citizens convenience center, and a new landfill vehicle maintenance shop.

G. Drainage Solutions for a Better Tomorrow Phase II

Pat Lamers, Capital Improvement Program Director, provided an overview of the drainage projects completed in Phase I and the projects for Phase II which are currently unfunded. His presentation included the current annual revenue and asked for Council’s consideration for a drainage rate increase.

Mayor Stopfer and Councilman LaMorgese, noted support for at least $0.50/year increase but would support higher.

Councilman Riddle noted his support of a $0.50/year increase.

Councilmen Cronenwett, Taylor, Bloch, Khabeer, and Webb supported $1.00/year increase.

Councilman LaMorgese also discussed the flood control fees already paid by property owners in the Valley Ranch area.
Bret Starr, Chief Financial Officer, discussed various options to adjust the rate per year based on the projects funded that year.

Councilman Zapanta recommended being consistent with the rate increase each year.

It was the consensus of Council to move forward with a $1.00/year increase.

Council moved to item I.

H. Consolidated Fee Schedule Update

This item was not discussed at this meeting.

I. Child-Care Facilities Property Tax Exemption

Bret Starr, Chief Financial Officer, described the child-care facilities property tax exemption recently approved by voters and the financial impact to the City.

Council discussed how the state defined “child-care facility.”

It was the consensus of the Council to wait until the next legislative session to see how the state changes this exemption.

Council moved to item K.

J. Redevelopment Land Bank Policy Overview

This item was not discussed at this meeting.

K. Aquatics/Pools – Community Center Concept Update

Michael Buchler, Capital Improvement Program Assistant Director, provided an update on the aquatic facilities: Lee Park Pool, Senter Aquatic Facility, and the Mustang Park Multi-Generational Center and Indoor Aquatic Facility.

Councilman Zapanta asked for more drawings on Mustang Park when available.

Councilman LaMorgese noted the importance of including weight equipment. He also discussed the current flooding concerns at the property of the new Mustang Recreation Center.

Joe Moses, Parks and Recreation Director, confirmed that a new master plan will be designed to include the park area; noting the current outdoor amenities will remain.

Councilman Cronenwett asked about tennis courts at Mustang and Senter parks.

Mr. Moses confirmed that additional tennis courts will be considered when designing the master plan for the Mustang facility and noted that the tennis court in Senter will be relocated.
Council recessed at approximately 2:38 p.m.

Council reconvened at approximately 3:05 p.m.

L. **TIF #1 Update and Financing Strategy Discussion**

Brad Duff, Financial Director, provided a background on the TIF and presented an update on the TIF No. 1 project and finance plan and duties of the TIF No. 1 Board.

Councilman LaMorgese noted his support to extend the TIF and look into if there was a way to expand the TIF area.

Council and staff discussed the current ratchet down plan to scale down the TIF’s percentage of the OM rate.

M. **City Hall Space and Funding Discussion**

Chris Hillman, City Manager, discussed the challenges with the current city hall facility and funding options; noting the City Manager’s recommendation is to continue utilizing the current location with expansion into Huffman building, make basic improvements and work towards a build-to-suit lease and own approach.

Councilman Webb and Riddle supported adding an annex and not moving city hall to TIF No. 1 area.

Councilman Bloch supported the build to suit lease and own approach at the current city hall location and add an annex if a new city hall is not the consensus of the council.

Councilman LaMorgese supported keeping the current facility at this time.

Councilman Zapanta supported keeping city hall at its current location and adding an annex location.

Councilman Cronenwett supported the City Manager's recommendation and have city hall in central Irving/TIF No. 1.

Mayor Stopfer supported the City Manager's recommendation and have city hall moved more north, possibly in the PUD 6 area.

Councilman Khabeer supported a new city hall whether it’s in the north or south without raising taxes.

Councilman Taylor noted the need to consider the employees’ wishes and supported a new city hall.

Staff discussed the age of the current city hall and ongoing maintenance needs.

It was the consensus of the Council to continue at the current facility and look at other options in the future.
Council moved to item O.

N. **Multi-family Rehab Incentive Program**

This item was not discussed at this meeting.

O. **City Manager FY25 Budget Focus Areas**

Chris Hillman, City Manager, outlined the following as his FY25 budget focus areas:
1. Adopt a structurally balanced budget
2. Fund existing employee needs (step increases, COLA, market match)
3. Absorb increases from 80th percentile and civil service into base budget
4. Continue robust infrastructure and CIP investment
5. Fund anticipated operational increases for Senter & Mustang
6. Prioritize Parks and Recreation and city hall capital funds
7. Economic development strategic property purchases
8. Focus on diversion program & rehabilitation program
9. Future in Focus operational increases: litter control, Code Enforcement enhancements, Library Services enhancements, etc.

P. **Future in Focus**

1. Vibrant Economy
2. Infrastructure Investment
3. Sense of Community
4. Government Sustainability
5. Safe and Beautiful City

This item was not discussed at this meeting.

Q. **Citizen Input Summary**

Bret Starr, Chief Financial Officer, noted that the City has received one comment related to the daycare tax exemption.
The meeting was adjourned at approximately 4:25 p.m.

__________________________________________
Richard H. Stopfer, Mayor

ATTEST:

______________________
Shanae Jennings, TRMC
City Secretary/Chief Compliance Officer
The Irving City Council met in work session on May 30, 2024 at approximately 1:00 p.m. The following members were present/absent:

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Organization</th>
<th>Title</th>
<th>Status</th>
<th>Arrived</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor Rick Stopfer</td>
<td>Irving City Council</td>
<td>Mayor</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>John Bloch</td>
<td>Irving City Council</td>
<td>Councilman</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Brad M. LaMorgese</td>
<td>Irving City Council</td>
<td>Councilman</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Abdul Khabeer</td>
<td>Irving City Council</td>
<td>Councilman</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Phil Riddle</td>
<td>Irving City Council</td>
<td>Councilman</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Mark Cronenwett</td>
<td>Irving City Council</td>
<td>Councilman</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Al Zapanta</td>
<td>Irving City Council</td>
<td>Councilman</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Kyle Taylor</td>
<td>Irving City Council</td>
<td>Councilman</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Dennis Webb</td>
<td>Irving City Council</td>
<td>Councilman</td>
<td>Absent</td>
<td></td>
</tr>
</tbody>
</table>

**DISCUSSION TOPIC**

1. **Citizen Comments on Items Listed on the Agenda**
   
   No one signed up to speak at this meeting.

2. **City Operations Update**
   
   There was no City Operations Update at today's meeting.

3. **Review of Regular Agenda**

   **CONSENT AGENDA**

8. Resolution -- Approving and Accepting a Proposal of Muckleroy & Falls, in the Amount of $17,667,445.00 for the Construction of the Fleet Maintenance Facility Construction Project

   Mayor Stopfer noted that this item is being postponed to a future meeting.

9. Resolution -- Awarding a Contract to Flow-Line Construction, Inc. in the Amount of $2,373,809.00 for the Abraham Court Wastewater Improvements Project

   Pat Lamers, Capital Improvement Program Director, detailed the Abraham Court wastewater improvements.

12. 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 East Irving Boulevard and Clarifying the Completion Deadline.

   The address should reflect property located at 642 East 2nd Street, Irving, Blvd. and is being pulled for a future meeting.
21 Resolution -- Approving Amendment No. 2 to the Professional Services Agreement Between the City of Irving and Array Technologies, Inc., in an Amount Not to Exceed $600,000.00 to Renew Right-Of-Way Acquisition and Real Estate Appraisal Services Associated with Water/Wastewater Projects

Pat Lamers, Capital Improvement Program Director, described items 21-23 related to real estate services that are specialized and not available with current staff. He noted that the amount is not to exceed so the contract is only used when needed.

Councilman Riddle discussed bringing these real estate needs in house instead of contracting it out.

22 Resolution -- Approving Amendment No. 2 to the Professional Services Agreement Between the City of Irving and Halff Associates, Inc., in an Amount Not to Exceed $600,000.00 to Renew Right-Of-Way Acquisition and Real Estate Appraisal Services Associated with Roadway Projects

23 Resolution -- Approving Amendment No. 2 to the Professional Services Agreement Between the City of Irving and HDR Engineering, Inc., in an Amount Not to Exceed $600,000.00 to Renew Right-Of-Way Acquisition and Real Estate Appraisal Services Associated with Drainage Projects

43 Ordinance -- Amending Chapter 16 Entitled “Finance and Taxation” of the Code of Civil and Criminal Ordinances of the City of Irving, Texas, by Amending Sections 16-4, 16-5, 16-7, 16-20, 16-23, 16-26 and 16-27 Regarding Thresholds Requiring Council Approval and Other Matters

Council and staff discussed the benefits to increase the Council approval threshold.

**ZONING CASES AND COMPANION ITEMS**

47 Ordinance -- ZC23-0046 - 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 Rear Yard Setback, Lot Depth, Lot Area, and Side Setback for a Reverse Frontage Lot - 2512 Cantrell Street

Jocelyn Murphy, Planning Director, presented the applicant’s request, noting staff finds no undue hardship.

48 Ordinance -- 2024-20-CP - Considering a Comprehensive Plan Amendment Changing the Future Land Use Category from "Business/Office" to "Traditional Neighborhood" - 6801 Colwell Blvd.

Jocelyn Murphy, Planning Director, presented the applicant’s request, noting staff recommends approval.

49 Ordinance -- 2024-18-DVP - Considering Approval of Development Plan #16, 2Nd Revision, PUD 4 for R-10 "Single Family Residential 10" Uses with
Variances to the Minimum Front Setback, Minimum Rear Setback, Minimum Garage Door Setback, and Maximum Lot Coverage - 6801 Colwell Blvd.

Jocelyn Murphy, Planning Director, presented the applicant’s request, noting staff recommends approval.

50 Ordinance -- 2024-132-CP - Considering a Comprehensive Plan Amendment Changing the Future Land Use Category from "Traditional Neighborhood" to "Mid-Density Residential" - 720 N. Britain Road

Jocelyn Murphy, Planning Director, presented the applicant’s request, noting staff recommends approval.

51 Ordinance -- 2024-102-ZC - Considering a Zoning Change from S-P-2 (R-XF) “Generalized Site Plan – Extra Family Residential” to S-P-2 (R-XF) “Generalized Site Plan – Extra Family Residential” and Senior Independent Living Facility with Variances to the Minimum Required Parking and Minimum Rear Yard Setback - 720 N. Britain Road

Jocelyn Murphy, Planning Director, presented the applicant’s request, noting staff recommends denial.

52 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

Jocelyn Murphy, Planning Director, noted the applicant has requested this case be postponed to the June 13 Council meeting.

4 2024 Resident Survey Results

Rene Paulson with Elite Research, presented the final results of the 2024 resident survey. Results included comparisons by government type, general characteristics of the City, development characteristics, and ratings for specific City departments, such as Parks and Recreation, Library, Arts and Culture, Communication, Police, Fire, Solid Waste Services, Water Utilities, Traffic and Transportation, and Code Enforcement. Other topics rated included transparency, maintenance and appearance, and public transportation. She noted that street and sidewalk maintenance, homelessness and housing efforts, economic development, code enforcement, and parks and recreation were identified as the top priorities by residents.

Council discussed the increased response rates of public safety compared to 2022 ratings, and how the City rates compared to other government types.
5 Future in Focus Presentations: City Secretary's Office, Communications

Jennifer Phillips, Deputy City Secretary, presented the Future in Focus presentation for the City Secretary’s Office.

Council and staff discussed retention rules set forth by the Texas State Library and Archives Commission.

April Reiling, Communications Director, presented the Future in Focus presentation for the Communications Department.

Council discussed utilizing and expanding the Neighborhood Associations to promote the City and complimented the communication tools used throughout the City.

Council recessed at approximately 2:45 p.m.

Council reconvened at approximately 3:15 p.m.

6 Affordable Housing Land Bank Policy Overview

Imelda Speck, Senior Housing and Redevelopment Manager, provided an overview of the proposed affordable housing land bank policy.

Council discussed ways to address substandard properties and other ways to purchase property for affordable housing.

7 O'Connor Bridge Trinity Railway Express (TRE) Mural Project Request for Proposal (RFP) Process

Megan Gordon, Redeveloper Coordinator, outlined the O'Connor Bridge Trinity Railway Express (TRE) Mural Project request for proposal (RFP) process.

8 Redevelopment Land Bank Policy Overview

Imelda Speck, Housing and Redevelopment Senior Manager, detailed the redevelopment land bank policy, the program goals and the current budget.

Council and staff discussed engaging a broker for property disposition.

9 Multi-Family Rehab Incentive Program

Imelda Speck, Housing and Redevelopment Senior Manager, described the multi-family rehab incentive program, incentivized loan terms, unit affordability mx, potential projects and their impact.

Council and staff discussed rehabbing current apartment complexes, current conditions of multi-family housing and how they are inspected, and how to strategically target certain areas.
Council adjourned at approximately 4:43 p.m.

___________________________
Richard H. Stopfer, Mayor

ATTEST:

_____________________
Shanae Jennings, TRMC
City Secretary/Chief Compliance Officer
The City Council met in regular session in the Council Chambers of the City Hall Complex on Thursday, May 30, 2024 at approximately 7:00 p.m. The following members were present / absent:

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Organization</th>
<th>Title</th>
<th>Status</th>
<th>Arrived</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rick Stopfer</td>
<td>Irving City Council</td>
<td>Mayor</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>John Bloch</td>
<td>Irving City Council</td>
<td>Councilman</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Brad M. LaMorgese</td>
<td>Irving City Council</td>
<td>Councilman</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Abdul Khabeer</td>
<td>Irving City Council</td>
<td>Councilman</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Phil Riddle</td>
<td>Irving City Council</td>
<td>Councilman</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Mark Cronenwett</td>
<td>Irving City Council</td>
<td>Councilman</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Al Zapanta</td>
<td>Irving City Council</td>
<td>Councilman</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Kyle Taylor</td>
<td>Irving City Council</td>
<td>Councilman</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Dennis Webb</td>
<td>Irving City Council</td>
<td>Councilman</td>
<td>Absent</td>
<td></td>
</tr>
</tbody>
</table>

**ORGANIZATIONAL SERVICE ANNOUNCEMENTS**

Susan Motley, 2617 Still Meadow Rd., Irving, TX – Mrs. Motley invited the public to attend the Irving Heritage Society First Sunday tours.

**INVOCATION**

The invocation was delivered by Pastor Greg Beauchamp, Christ Church Irving, Irving, Texas.

**PLEDGE OF ALLEGIANCE**

The pledge of allegiance was led by Councilman Kyle Taylor.

**PROCLAMATIONS**

There were no proclamations or special recognitions at tonight’s meeting.
CITY COUNCIL MEETING

CITY COUNCIL AGENDA

1 City Operations Update

There was no operations update at tonight’s meeting.

CONSENT AGENDA

Motioned by Councilman Taylor, seconded by Councilman LaMorgese to approve consent agenda items 2-46 and pull item(s) 8 and 12 for postponement to a future agenda.

2 Approving Minutes for Thursday, May 02, 2024

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb

3 Approving Minutes for Thursday, May 02, 2024

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb
Resolution No. RES-2024-192 -- Approving a Memorandum of Understanding (MOU) with Family Place, Inc. to Provide Funding in an Amount Not to Exceed $50,000.00 to Conduct a Feasibility Study for a Domestic Violence Shelter

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb

Resolution No. RES-2024-193 -- Approving Agreement with Dallas County Utility and Reclamation District (DCURD) for Access/Use of District Property Along Lake Carolyn for the 2024 City of Irving Sparks and Stripes Event

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb

Resolution No. RES-2024-194 -- Approving an Amendment to the Fiscal Year 2023-2024 Contract with Dallas Area Agency on Aging (DAAA) for Reimbursement of Expenses Related to the Congregate Meal Program Provided at Heritage Senior Center to Increase the Not to Exceed Amount of Grant Fund Reimbursements

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb
Resolution No. RES-2024-195 -- Approving a Professional Services Agreement Between the City of Irving and Brinkley Sargent Wiginton Architects, Inc., in the Amount of $397,225.00 for a Facility Condition Assessment and Master Planning Services for Public Works Departments and the Police Department

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb

Resolution No. RES-2024-196 -- Approving and Accepting a Proposal of Muckleroy & Falls, in the Amount of $17,667,445.00 for the Construction of the Fleet Maintenance Facility Construction Project

This item has been pulled and postponed to a future agenda.

RESULT: POSTPONED NO VOTE

Resolution No. RES-2024-197 -- Awarding a Contract to Flow-Line Construction, Inc. in the Amount of $2,373,809.00 for the Abraham Court Wastewater Improvements Project

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb
10 Resolution No. RES-2024-198 -- Renewing the Agreement with Xylem Water Solutions USA in the Amount of $140,000.00 for Parts and Services for Flygt Branded Equipment to Operate and Maintain Wastewater Pumps and Equipment

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb

11 Resolution No. RES-2024-199 -- Approving Additional Spending in the Total Estimated Amount of $346,000.00 for the Remainder of the Current Contract Term with Parkhill, Smith & Cooper for Geotechnical Testing

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb

12 Resolution No. RES-2024-200 -- Approving an Amendment to the Economic Development Incentive Agreement, through the Corridor Enhancement Incentive Program, with Momans Investments, Inc., for Property Located at 642 East Irving Boulevard and Clarifying the Completion Deadline.

This item has been pulled and postponed to a future agenda.

RESULT: POSTPONED NO VOTE
13 Resolution No. RES-2024-201 -- Approving Addendum Three to the Master Order Agreement Between City of Irving and Norstan Communications, Inc. dba Black Box Network Services for the Phone System Upgrade in the Amount of $76,284.01

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb

14 Resolution No. RES-2024-202 -- Authorizing Payment to Tyler Technologies in the Amount of $370,923.16 for Munis Enterprise Resource Planning (ERP) Software Annual Maintenance

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb

15 Resolution No. RES-2024-203 -- Approving an Interlocal Agreement between the City of Irving and the City of Garland to Establish a Cooperative Purchasing Program between the Cities

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb
16 Resolution No. RES-2024-204 -- Authorizing As-Needed Expenditures with Fastenal Company in the Total Estimated Amount of $125,000.00 for Maintenance, Repair & Operations (MRO) Supplies and Related Services through the National Intergovernmental Purchasing Alliance Company dba Omnia Partners, Public Sector (Omnia Partners)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb

17 Resolution No. RES-2024-205 -- Approving Amendment No. 3 to the Professional Services Agreement Between the City of Irving and Weaver and Tidwell, L.L.P., in the Estimated Annual Amount of $209,500.00 for Professional Auditing Services Relating to Fiscal Year 2023-24 and in the Estimated Annual Amount of $26,500.00 for As-Needed Compliance Audit Project Assistance

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb

18 Resolution No. RES-2024-206 -- Approving a Vendor/Member Contract Pursuant to a Cooperative Purchasing Agreement Between the City of Irving and Facilities Solutions Group, Inc. (FSG), in the Total Estimated Amount of $325,000.00 for Trade Services through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb
19 **Resolution No. RES-2024-207** -- Approving As-Needed Expenditures with Nema 3 Electrical Contractors, Inc., dba Nema 3 Electric, Inc., in the Total Estimated Amount of $325,000.00 for Trade Services through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

<table>
<thead>
<tr>
<th>RESULT:</th>
<th>ADOPTED [UNANIMOUS]</th>
</tr>
</thead>
<tbody>
<tr>
<td>MOVER:</td>
<td>Kyle Taylor, Councilman</td>
</tr>
<tr>
<td>SECONDER:</td>
<td>Brad M. LaMorgese, Councilman</td>
</tr>
<tr>
<td>AYES:</td>
<td>Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor</td>
</tr>
<tr>
<td>ABSENT:</td>
<td>Dennis Webb</td>
</tr>
</tbody>
</table>

20 **Resolution No. RES-2024-208** -- Renewing the Annual Contract with Turf Aggregates, LLC, dba Turf Materials in the Total Estimated Amount of $91,719.00 for Parks Ground Maintenance Materials

<table>
<thead>
<tr>
<th>RESULT:</th>
<th>ADOPTED [UNANIMOUS]</th>
</tr>
</thead>
<tbody>
<tr>
<td>MOVER:</td>
<td>Kyle Taylor, Councilman</td>
</tr>
<tr>
<td>SECONDER:</td>
<td>Brad M. LaMorgese, Councilman</td>
</tr>
<tr>
<td>AYES:</td>
<td>Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor</td>
</tr>
<tr>
<td>ABSENT:</td>
<td>Dennis Webb</td>
</tr>
</tbody>
</table>

21 **Resolution No. RES-2024-209** -- Approving Amendment No. 2 to the Professional Services Agreement Between the City of Irving and Array Technologies, Inc., in an Amount Not to Exceed $600,000.00 to Renew Right-Of-Way Acquisition and Real Estate Appraisal Services Associated with Water/Wastewater Projects

<table>
<thead>
<tr>
<th>RESULT:</th>
<th>ADOPTED [UNANIMOUS]</th>
</tr>
</thead>
<tbody>
<tr>
<td>MOVER:</td>
<td>Kyle Taylor, Councilman</td>
</tr>
<tr>
<td>SECONDER:</td>
<td>Brad M. LaMorgese, Councilman</td>
</tr>
<tr>
<td>AYES:</td>
<td>Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor</td>
</tr>
<tr>
<td>ABSENT:</td>
<td>Dennis Webb</td>
</tr>
</tbody>
</table>
Resolution No. RES-2024-210 -- Approving Amendment No. 2 to the Professional Services Agreement Between the City of Irving and Halff Associates, Inc., in an Amount Not to Exceed $600,000.00 to Renew Right-Of-Way Acquisition and Real Estate Appraisal Services Associated with Roadway Projects

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb

Resolution No. RES-2024-211 -- Approving Amendment No. 2 to the Professional Services Agreement Between the City of Irving and HDR Engineering, Inc., in an Amount Not to Exceed $600,000.00 to Renew Right-Of-Way Acquisition and Real Estate Appraisal Services Associated with Drainage Projects

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb

Resolution No. RES-2024-212 -- Authorizing Expenditures with Cousin's Waterproofing LLC, dba Next Gen Construction in the Total Estimated Amount of $385,000.00 for Minor Construction, Repair, and Renovations Services through The Interlocal Purchasing System (TIPS) Program Administered by the Region VII Education Service Center

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb
25 Resolution No. RES-2024-213 -- Authorizing As-Needed Expenditures with Dealers Electrical Supply Co., in the Total Estimated Amount of $140,000.00 for the Purchase of Lighting Products through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb

26 Resolution No. RES-2024-214 -- Approving As-Needed Expenditures with Innovation HVAC Services, LLC, dba Assured Comfort Services in the Total Estimated Amount of $600,000.00 for Plumbing Services through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb

27 Resolution No. RES-2024-215 -- Authorizing Expenditures with McMillan James Equipment Company in the Total Estimated Amount of $200,000.00 for the Service and Repair of Pumping Systems and Equipment through The Interlocal Purchasing System (TIPS) Program Administered by the Region VIII Education Service Center

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb
28 Resolution No. RES-2024-216 -- Renewing the Annual Contract with Pritchard Industries Southwest, LLC, in the Total Estimated Amount of $123,519.12 for Custodial Services for Irving Arts Center

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb

29 Resolution No. RES-2024-217 -- Approving a Vendor/Member Contract Pursuant to a Cooperative Purchasing Agreement Between the City of Irving and Crafco, Inc., through the State of Texas Local Government Statewide Purchasing Cooperative Program (BuyBoard)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb

30 Resolution No. RES-2024-218 -- Approving the Purchase from Crafco, Inc., of a 2024 Crackseal Supershoot 250 Machine in the Total Estimated Amount of $94,000.94 through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb
31 Resolution No. RES-2024-219 -- Approving and Accepting the Bid of Highway Intelligent Traffic Solutions, LLC, in the Total Estimated Amount of $650,000.00 for Freeway & Street Lighting Maintenance and On-Call Services

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb

32 Resolution No. RES-2024-220 -- Approving the Purchase from Caldwell Country Ford dba Rockdale Country Ford, LLC, (Rockdale Country Ford) for a 2024 Ford F250 Single Cab in the Total Estimated Amount of $71,980.00 through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb

33 Resolution No. RES-2024-221 -- Approving the Purchase from Caldwell Country Chevrolet II, LLC, for a 2024 Chevrolet Silverado 2500HD Crew Cab in the Total Estimated Amount of $72,930.00 through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb
34 Resolution No. RES-2024-222 -- Approving a Vendor/Member Contract Pursuant to a Cooperative Purchasing Agreement Between the City of Irving and Chastang Enterprises - Houston, LLC, through the State of Texas Local Government Statewide Purchasing Cooperative Program (BuyBoard)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb

35 Resolution No. RES-2024-223 -- Approving the Purchase from Chastang Enterprise - Houston, LLC, for Various Equipment in the Total Estimated Amount of $668,408.00 through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb

36 Resolution No. RES-2024-224 -- Approving a Vendor/Member Contract Pursuant to a Cooperative Purchasing Agreement Between the City of Irving and Texas Packer + Loader Sales, Inc., Dba Texas Pack + Load, an Authorized Dealer of Scranton Manufacturing Co. Inc., through the State of Texas Local Government Statewide Purchasing Cooperative Program (BuyBoard)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb
37 Resolution No. RES-2024-225 -- Approving the Purchase from Texas Packer + Loader Sales, Inc., Texas Pack + Load, an Authorized Dealer of Scranton Manufacturing Co. Inc., for a 6RL Diamondback Rear Loader Body, Installed on City Owned 2023 Ford F450 Cab and Chassis in the Total Estimated Amount of $106,409.00 through the State of Texas Local Government Statewide Cooperative Purchasing Program (BuyBoard)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb

38 Resolution No. RES-2024-226 -- Approving Additional Expenditures with Carahsoft Technology Corporation, in the Total Estimated Amount of $125,000.00 for Software, Products and Related Services through the State of Texas Department of Information Resources (DIR) Cooperative Purchasing Program

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb

39 Resolution No. RES-2024-227 -- Authorizing Expenditures with Vertosoft, LLC, in the Total Estimated Amount of $157,945.20 for Renewal of CaseWare’s Budget Book Software through The Interlocal Purchasing System (TIPS) Program

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb
40 **Resolution No. RES-2024-228** -- Awarding a Contract to Nema 3 Electric, Inc., in the Amount of $244,067.00 for the American Rescue Plan (ARPA) Funded City Wi-Fi Park System Electrical Phase 2

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb

41 **Resolution No. RES-2024-229** -- Awarding a Contract to SOLID IT NETWORKS, INC., in the Total Amount of $407,547.78 for the American Rescue Plan Act (ARPA) Funded City Outdoor Wi-Fi Project Phase 2

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb

42 **Resolution No. RES-2024-230** -- Renewing the Annual Contract with USIC Locating Services, LLC, in the Total Estimated Amount of $180,000.00 for Fiber Optic Network Locate Services

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb
Ordinance No. ORD-2024-10922 -- Amending Chapter 16 Entitled “Finance and Taxation” of the Code of Civil and Criminal Ordinances of the City of Irving, Texas, by Amending Sections 16-4, 16-5, 16-7, 16-20, 16-23, 16-26 and 16-27 Regarding Thresholds Requiring Council Approval and Other Matters

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SEONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb

Ordinance No. ORD-2024-10923 -- Authorizing an Agreement with Explorer Pipeline to Grant a License for Use of City Right-Of-Way for a Ten-Year Term to Construct, Lay and Maintain a Pipeline; to Provide for Consideration for the License; and to Approve the City’s Share of Relocation Costs for Pipeline in an Amount Not to Exceed $540,000.00

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SEONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb

Ordinance No. ORD-2024-10924 -- Authorizing the Abandonment and Vacation of Certain Portions of a 15’ Drainage and Utility Easement Along a Portion of Property Located at 7815 Jetstar Drive, Owned by TX Jetstar, LP

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SEONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb
46 Ordinance No. ORD-2024-10925 -- Authorizing the Abandonment and Vacation of Certain Portions of a 22 Foot Easement Along a Portion of Property Located at 4961 Courtside Drive, Part of the J. Burdett Survey, Abstract 49, and Being a Portion of Tract 1, Broadmoor Hills, Phase Two, Owned by Harlan Properties, Inc.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kyle Taylor, Councilman
SECONDER: Brad M. LaMorgese, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb

ZONING CASES AND COMPANION ITEMS

47 Ordinance No. ORD-2024-10926 -- ZC23-0046 - 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 Rear Yard Setback, Lot Depth, Lot Area, and Side Setback for a Reverse Frontage Lot - 2512 Cantrell Street

Mayor Stopfer opened the public hearing at approximately 7:10 p.m.

The following individual(s) signed up in opposition of this item but did not want to speak:
Ronald Wayne Turner, 3728 Pocatello St., Irving, TX
Laura Anderson, 305 N. O'Connor, Irving, TX
Phyllis Baidy, 2817 Lago Vista Loop, Irving, TX
Theresa Canales, 2525 Cantrell, Irving, TX
Gretchen Brosch, 2804 Lago Vista, Irving, TX
Kathy Bongfeldt, 2520 Cantrell St., Irving, TX
Jeff Bongfeldt, 2520 Cantrell St., Irving, TX

The following individual(s) signed up to speak in opposition of this item:
William Canales, 2525 Cantrell St., Irving, TX
Roderick Roberts, 2733 Cibola Dr., Irving, TX

Mayor Stopfer closed the public hearing at approximately 7:14 p.m.

Motioned by Councilman LaMorgese, seconded by Councilman Taylor to Deny Ordinance -- ZC23-0046 - 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 Rear Yard Setback, Lot Depth, Lot Area, and Side Setback for a Reverse Frontage Lot - 2512 Cantrell Street.
Motion approved 8-0.

RESULT: DENIED [UNANIMOUS]
MOVER: Brad M. LaMorgese, Councilman
SECONDER: Kyle Taylor, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb


Mayor Stopfer opened the public hearing at approximately 7:15 p.m.

The following individual(s) signed up to speak in support of this item:
Brian Bore, 2805 Dallas Parkway, Suite 210, Plano, TX

Mayor Stopfer closed the public hearing at approximately 7:16 p.m.

Motioned by Councilman LaMorgese, seconded by Councilman Taylor to Approve Ordinance -- 2024-20-CP - Considering a Comprehensive Plan Amendment Changing the Future Land Use Category from "Business/Office" to "Traditional Neighborhood" - 6801 Colwell Blvd.

Motion approved 8-0.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Brad M. LaMorgese, Councilman
SECONDER: Kyle Taylor, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb

Mayor Stopfer opened the public hearing at approximately 7:16 p.m.

The following individual(s) signed up in support of this item but did not want to speak:
Ankita Thakkar, 7312 Reverchon Dr., Irving, TX

The following individual(s) signed up to speak in support of this item:
Brian Bore, 2805 Dallas Parkway, Suite 210, Plano, TX
Smit Shah, 4940 N. Grant Parkway, Irving, TX
Jay P. Shah, 125 Guadalupe Dr., Irving, TX
Arpit Parikh, 7319 San Marcos Dr, Irving, TX
Parth Soni, 3619 Coldstream Dr., Irving, TX
Bina Panchal, 9010 Laredo Dr., Irving, TX
Sarju Chavda, 7345 Canadian Dr., Irving, TX
Vijay Shah, 131 Darbonne Ln., Irving, TX

Mayor Stopfer closed the public hearing at approximately 7:22 p.m.

Motioned by Councilman LaMorgese, seconded by Councilman Riddle to Approve Ordinance -- 2024-18-DVP - Considering Approval of Development Plan #16, 2Nd Revision, PUD 4 for R-10 “Single Family Residential 10” Uses with Variances to the Minimum Front Setback, Minimum Rear Setback, Minimum Garage Door Setback, and Maximum Lot Coverage - 6801 Colwell Blvd.

Motion approved 8-0.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Brad M. LaMorgese, Councilman
SECONDER: Phil Riddle, Councilman
AYES: Stopfer, Bloch, LaMorgese, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
ABSENT: Dennis Webb
Ordinance No. ORD-2024-10929 -- 2024-132-CP - Considering a Comprehensive Plan Amendment Changing the Future Land Use Category from "Traditional Neighborhood" to "Mid-Density Residential" - 720 N. Britain Road

Mayor Stopfer opened the public hearing at approximately 7:23 p.m.

There were no speakers on this item.
Daniel Box, 2728 N. Harwood, #500, Dallas, TX

Mayor Stopfer closed the public hearing at approximately 7:23 p.m.

Motioned by Councilman Taylor, seconded by Councilman Riddle to Approve Ordinance -- 2024-132-CP - Considering a Comprehensive Plan Amendment Changing the Future Land Use Category from "Traditional Neighborhood" to "Mid-Density Residential" - 720 N. Britain Road.

Motion approved 7-1.

Councilmember(s) voting in opposition of this motion include: LaMorgese

RESULT: ADOPTED [7 TO 1]
MOVER: Kyle Taylor, Councilman
SECONDER: Phil Riddle, Councilman
AYES: Stopfer, Bloch, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
NAYS: Brad M. LaMorgese
ABSENT: Dennis Webb

Ordinance No. ORD-2024-10930 -- 2024-102-ZC - Considering a Zoning Change from S-P-2 (R-XF) "Generalized Site Plan – Extra Family Residential" to S-P-2 (R-XF) "Generalized Site Plan – Extra Family Residential" and Senior Independent Living Facility with Variances to the Minimum Required Parking and Minimum Rear Yard Setback - 720 N. Britain Road

Mayor Stopfer opened the public hearing at approximately 7:23 p.m.

The following individual(s) signed up to speak in support of this item:
Daniel Box, 2728 N. Harwood, #500, Dallas, TX
Dick Blaylock, 12700 Park Central, #300, Dallas, TX
Cliff Rangle, 820 N. Britain, Irving, TX
Artie Giles, 820 N. Britain, Irving, TX
Louise Giles, 820 N. Britain, Irving, TX
Kitty Kontac, 820 N. Britain, Irving, TX

Mayor Stopfer closed the public hearing at approximately 7:37 p.m.

Motion approved 7-1

Councilmember(s) voting in opposition of this motion include: LaMorgese

RESULT: ADOPTED [7 TO 1]
MOVER: Abdul Khabeer, Councilman
SECONDER: John Bloch, Councilman
AYES: Stopfer, Bloch, Khabeer, Riddle, Cronenwett, Zapanta, Taylor
NAYS: Brad M. LaMorgese
ABSENT: Dennis Webb

52 Ordinance No. ORD-2024-10931 -- 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

Applicant has requested this case be postponed to the June 13 Council meeting. Since the public hearing on this item was already scheduled, Council must open it and hold the public hearing.

Mayor Stopfer opened the public hearing at approximately 7:38 p.m.

The following individual(s) signed up in opposition of this item but did not want to speak:
Deepak Biyani, 8311 Richmond Ct., Irving, TX
Anand Villengala, 8342 Richmond Ct., Irving, TX
Vijayakumar Thangavel, 8321 Charleston St., Irving, TX
Swamy Pabbisetty, 8316 Richmond Ct., Irving, TX
Subramonion Vecsoppay, 443 Richmond St., Irving, TX
Sanjay Prachan, 8304 Charleston St., Irving, TX
Palmira Rivera, 8124 Dogwood Ln., Irving, TX
Rosalind K. Barnes, 541 Smithridge Way, Irving, TX
The following individual(s) signed up to speak in opposition of this item:
Ravindra Palshettar, 8300 Charleston St., Irving, TX
Aminda Rodgen, 566 Southridge Way, Irving, TX
Miguel Miron Mendoza, 8124 Dogwood Ln., Irving, TX
Mario A. Barnes, 541 Southridge Way, Irving, TX

Mayor Stopfer closed the public hearing at approximately 7:48 p.m.

Motioned by Councilman Zapanta, seconded by Councilman Taylor to Deny the Postponement of 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 to June 13, 2024.

Motion failed 3-5.

Councilmember(s) voting in opposition of this motion include: LaMorgese, Bloch, Riddle, Stopfer, and Taylor

Motioned by Councilman Riddle, seconded by Councilman LaMorgese to Postpone 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 to June 13, 2024.

Motion approved 5-3.

Councilmember(s) voting in opposition of this motion include: Cronenwett, Zapanta and Khabeer

<table>
<thead>
<tr>
<th>RESULT:</th>
<th>POSTPONED [5 TO 3]</th>
</tr>
</thead>
<tbody>
<tr>
<td>MOVER:</td>
<td>Phil Riddle, Councilman</td>
</tr>
<tr>
<td>SECONDER:</td>
<td>Brad M. LaMorgese, Councilman</td>
</tr>
<tr>
<td>AYES:</td>
<td>Stopfer, Bloch, LaMorgese, Riddle, Taylor</td>
</tr>
<tr>
<td>NAYS:</td>
<td>Abdul Khabeer, Mark Cronenwett, Al Zapanta</td>
</tr>
<tr>
<td>ABSENT:</td>
<td>Dennis Webb</td>
</tr>
</tbody>
</table>

Next: 6/13/2024 7:00 PM
APPOINTMENTS AND REPORTS

53 Mayor’s Report

There was no mayor’s report at tonight's meeting.

Adjournment

Council adjourned at approximately 7:51 p.m.

_________________________
Richard H. Stopfer, Mayor

ATTEST:

______________________
Shanae Jennings, TRMC
City Secretary/Chief Compliance Officer
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.

ADDITIONAL COMMENTS:

Contract Required: No  Review Completed By:
Previous Action: NA  Council Action: NA
Discretionary Contract Disclosure Form Required: NA
Certificate of Interested Parties (Form 1295) Required: NA
TGC 2271 Verification Form Required: NA
TGC 2274 Verification Form Required: NA

ATTACHMENTS:

Certificate  (PDF)
Proposed collective bargaining ordinance  (PDF)

CURRENT YEAR FINANCIAL IMPACT:

NA

REVISION INFORMATION:

Last Updated: 6/7/2024 09:40 AM by Jennifer Phillips
CITY OF IRVING

COUNCIL RESOLUTION NO. (ID # 14718)

WHEREAS, on April 11, 2024, the City of Irving received an Affidavit of Petitioners’ Committee requesting a petition for Irving’s governing body to order an election for the adoption of the Fire and Police Employee Relations Act, Texas Local Government Code Chapter 174 (collective bargaining) for the Fire Department; and

WHEREAS, on April 15, 2024, the City Secretary’s Office issued a petition for an initiative measure for “Adoption of the state law applicable to fire fighters that establishes collective bargaining if a majority of the affected employees favor representation by an employees association, preserves the prohibition against strikes and lockouts, and provides penalties for strikes and lockouts;” and

WHEREAS, on May 14, 2024, the petition was returned for City Secretary’s Office review; and

WHEREAS, on May 31, 2024, the City Secretary’s Office timely completed review of the petition for collective bargaining for the fire fighters and determined that the petition contained a sufficient number of signatures as required by Section 174.051 of the Texas Local Government Code; and

WHEREAS, pursuant to Article XI, Section 4 of the City of Irving Charter, the City Secretary must present the City Secretary’s certificate as to the sufficiency of the petition to the City Council at the next regularly scheduled council meeting after certifying the petition as sufficient.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION I. THAT the City Secretary presents the attached certificate to the City Council, as required by Article XI, Section 4 of the City of Irving Charter, certifying that the petition for collective bargaining for the fire fighters has a sufficient number of signatures required by Section 174.051 of the Texas Local Government Code.

SECTION II. THAT the City Council hereby accepts the City Secretary’s certificate as to the sufficiency of the petition for collective bargaining for the fire fighters and will order, at a future meeting within the time period prescribed by state law, an election to be held on the first authorized uniform election date prescribed by Chapter 41 of the Texas Election Code for adoption of the state law applicable to fire fighters that establishes collectively bargaining.

SECTION III. THAT this resolution shall take effect from and after its final date of passage, and it is accordingly so ordered.
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS, on June 13, 2024.

______________________________
RICHARD H. STOPFER
MAYOR

ATTEST:

______________________________
Shanae Jennings
City Secretary/Chief Compliance Officer

APPROVED AS TO FORM:

______________________________
Kuruvilla Oommen
City Attorney
City of Irving, Texas  
Certificate of City Secretary

THE STATE OF TEXAS §  
COUNTY OF DALLAS §  
CITY OF IRVING §

CERTIFICATION

I, Shanae Jennings, City Secretary for the City of Irving, Texas, do hereby certify that the petition for collective bargaining for fire fighters, issued by the City Secretary’s Office on April 15, 2024 and returned on May 14, 2024, has the sufficient number of valid signatures required by Texas Local Government Code (TLGC) Section 174.051.

TLGC Section 174.051 states that “The governing body of a political subdivision to which this chapter applies shall order an election for the adoption of this chapter on receiving a petition signed by qualified voters of the political subdivision in a number equal to or greater than the lesser of:
(1) 20,000; or
(2) five percent of the number of qualified voters voting in the political subdivision in the preceding general election for state and county officers.”

Per TLGC Section 174.051, 2,181 valid signatures were required, and upon review as to the form and content of the petition, 2,322 signatures have been determined to be valid signatures in conformance with the Texas Election Code.

This certificate is being presented to the City Council, per Article XI, Section 4 of the City Charter on June 13, 2024.

WITNESS MY HAND AND OFFICIAL SEAL of the City of Irving, Texas this the 31st day of May, 2024.

Shanae Jennings  
City Secretary  
City of Irving
ORDINANCE NO. __________

AN ORDINANCE ORDERING AN ELECTION SUBMITTING TO THE VOTERS THE QUESTION OF WHETHER THE FIRE AND POLICE EMPLOYEE RELATIONS ACT SHOULD BE ADOPTED FOR THE IRVING FIRE DEPARTMENT.

Whereas, a petition requesting an election submitting to the voters the question of whether the Fire and Police Employee Relations Act should be adopted for the Irving Fire Department has been filed with the City Secretary and has been certified as sufficient by the City Secretary;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION 1. That the City Council hereby orders an election submitting to the voters the question of whether the Fire and Police Employee Relations Act should be adopted for the Irving Fire Department. The election will be held on the first authorized uniform election date prescribed by Chapter 41, Texas Election Code, that allows sufficient time to comply with other requirements of law.

SECTION 2. That the ballot shall be printed to provide for voting for or against the proposition: “Adoption of the state law applicable to fire fighters that establishes collective bargaining if a majority of the affected employees favor representation by an employees association, preserves the prohibition against strikes and lockouts, and provides penalties for strikes and lockouts.”

SECTION 3. That if a majority of the votes received in the election are in favor of adoption of the Fire and Police Employee Relations Act for the Irving Fire Department, the City Council shall implement the Fire and Police Employee Relations Act, Chapter 174 of the Texas Local Government Code, for the Irving Fire Department.

SECTION 4. That this ordinance shall be effective upon passage and publication in accordance with the provisions of the Texas Local Government Code and the Irving City Charter.

SECTION 5. That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.
SECTION 6. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS, on ________________, 2024.

________________________________________
RICHARD H. STOPFER
MAYOR

ATTEST:

__________________________
Shanae Jennings
City Secretary/Chief Compliance Officer

APPROVED AS TO FORM:

__________________________
Kuruvilla Oommen
City Attorney
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.

ADDITIONAL COMMENTS:

Contract Required: No
Previous Action: RES 2018-454

Review Completed By: Zachary Noblitt
Council Action: Approved

ATTACHMENTS:
Library Board Bylaws - Revised 2024 (PDF)
2024 Library Board Bylaws Red-lined version (PDF)

CURRENT YEAR FINANCIAL IMPACT:
NONE

REVISION INFORMATION:
Prepared: 5/16/2024 01:28 PM by Rachel Bohn
Last Updated: 6/6/2024 03:13 PM by Zachary Noblitt
WHEREAS, Section 38-13 of Article I “General” of Chapter 38 “Boards, Commissions, and Committees” of the Code of Civil and Criminal Ordinances of the City of Irving, Texas, provides that bylaws adopted by a City board are not effective unless they are approved by the City Council; and

WHEREAS, the Irving Library Board (“Board”) unanimously recommended the revised Bylaws to the City Council for approval at its May 20, 2024 meeting;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION I. THAT the City Council hereby approves the attached Bylaws of the Irving Library Board as approved by the Library Board on May 20, 2024.

SECTION II. THAT this resolution shall take effect from and after its final date of passage, and it is accordingly so ordered.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS, on June 13, 2024.

____________________________
RICHARD H. STOPFER
MAYOR

ATTEST:

_______________________________
Shanae Jennings
City Secretary/Chief Compliance Officer

APPROVED AS TO FORM:

_______________________________
Kuruvilla Oommen
City Attorney
IRVING LIBRARY BOARD

BYLAWS

Department of Libraries
City of Irving, Texas

Revised 2024
BYLAWS

IRVING LIBRARY BOARD
CITY OF IRVING

ARTICLE I
DEFINITIONS

Board means a board, commission, or committee which is appointed by the mayor or the city council of the city.

City means the City of Irving, Texas.

Staff liaison means a city staff person designated by the city manager to serve as a liaison between the city and a board.

(Ord. No. 2012-9320, § 1, 2-23-12)

Board means the Irving Library Board.

Director means the director or designee for the libraries department.

Library system means the Irving Public Library System.

(Ord. No. 2012-9332, § 2, 5-24-12)

ARTICLE II
NAME AND ESTABLISHMENT

There is hereby created and established the Irving Library Board which shall be an advisory body to the city council.

(Ord. No. 2012-9332, § 2, 5-24-12)
ARTICLE III

PURPOSE

The purpose of the board is to advise the City Council and the Director on matters pertaining to the operation of the library system. The board shall participate in recommending policies for both the maintenance and improvement of library service to the residents of Irving. The board shall make recommendations concerning the adoption and enforcement of policies deemed necessary for the administration of the library system.

(Ord. No. 2012-9332, § 2, 5-24-12)

ARTICLE IV

NUMBER: QUALIFICATIONS; AND TERMS OF OFFICE.

(a) Number. The board shall consist of nine (9) voting members. The city council shall appoint eight (8) members, and the Friends of the Library Board shall appoint one (1) as the Friends of the Library Liaison.

(b) Qualifications. The members of the board shall be residents of the city for one (1) year prior to their appointment.

(c) Term of Office. The nine (9) voting members shall occupy a place on the board, such places being numbered 1, 2, 3, 4, 5, 6, 7, 8, and 9, respectively. The term of office for all voting members is two (2) years. The term of office for places 1, 3, 5, 7, and 9 expire on odd-numbered years. The term of office for places 2, 4, 6, and 8 shall expire on even-numbers years.

(Ord. No. 2012-9332, § 2, 5-24-12)
ARTICLE V

DUTIES AND RESPONSIBILITIES

The board shall have the following duties and responsibilities:

Section 1. Cooperate with other governmental agencies and civic groups in the advancement of library service.

Section 2. Make recommendations concerning the adoption and enforcement of all necessary rules, regulations, and ordinances deemed necessary for the administration of the library system.

Section 3. Make recommendations for the establishment of such branches of the library as the growth of the city may from time to time demand.

Section 4. May interview with the city manager and make recommendations relating to the employment and duties of the director.

Section 5. Make recommendations relating to the enlargement, expansion, or rebuilding of a library, including the selection of site.

Section 6. Review and provide input on the annual budget of the department proposed by the Director before submission to the City Manager, and advise on other fiscal matters pertaining to the department.

Section 7. Inform the public regarding the policies and functions of the library; and

Section 8. Review the effectiveness of library service.

THE LIBRARY DIRECTOR SHALL HAVE THE FOLLOWING OBLIGATIONS TO THE BOARD

1. The Director or his/her designee shall attend all Library Board meetings.

2. Shall make available to this Board monthly and annual reports.

3. Shall recommend to this Board such policies and procedures as, in the opinion of said Library Director, will promote the efficiency and effectiveness of the Library in its service to the people of the community.

(Ord. No. 2012-9332, § 2, 5-24-12)
ARTICLE VI
TERMS OF OFFICE

(a) Terms of office for all boards shall commence on the date of the first official city council meeting in November, and the expiration date of each office shall fall on the date of the first official city council meeting in November during the year in which the terms shall expire. All members shall continue to perform the duties of their appointment until their successors shall be duly appointed in accordance with the Texas Constitution.

(b) Board members’ terms will not exceed three (3) consecutive, two-year terms or approximately six (6) continuous years. These term limits are at the discretion of the city council. If a board member serves less than a full term, that term shall not be counted in determining how many terms the member has served.

(c) If a board member submits a board application for another board position, the board member shall immediately forfeit the current board position.

(Ord. No. 2012-9320, § 1, 2-23-12; Ord. No. 2022-10651, § 1, 10-27-22)

ARTICLE VII
REMOVAL

A board member serves at the will of the city council. A board member may be removed by the city council for any cause deemed by the city council as sufficient for removal or for no cause. The city council may remove a board member whose service is found to be in conflict with article I of the Irving Ethics Code, entitled "Ethics Code of Conduct."

(Ord. No. 2012-9320, § 1, 2-23-12; Ord. No. 2022-10651, § 2, 10-27-22)
ARTICLE VIII
ATTENDANCE

If a board member fails to attend seventy-five (75) percent of regularly scheduled or special called board meetings within a twelve-month period, the board member shall immediately forfeit the board member's position. The seventy-five (75) percent rule does not apply to boards that meet less than four (4) times a year. If a board holds a work session meeting prior to a regular meeting, each meeting will be considered a separate meeting for purposes of attendance.

(Ord. No. 2012-9320, § 1, 2-23-12; Ord. No. 2022-10651, § 3, 10-27-22)

ARTICLE IX
VACANCY

If a board member is unable to complete his or her term for any reason, the city council may appoint a person to complete the unexpired term of the vacated position.

(Ord. No. 2012-9320, § 1, 2-23-12)

ARTICLE X
SERVICE

A person may serve on only one (1) board at a time with the exception that the person may serve concurrently on one (1) board and one (1) ad-hoc committee.

(Ord. No. 2012-9320, § 1, 2-23-12)

ARTICLE XI
QUORUM

A majority of voting board members constitutes a quorum for the transaction of all matters and business.

(Ord. No. 2012-9320, § 1, 2-23-12; Ord. No. 2012-9332, § 1, 5-24-12)
ARTICLE XII
MEETINGS AND VOTING

(a) Board meetings shall be held in accordance with the Texas Open Meetings Act.

(b) The board shall hold a meeting at least once each quarter and thereafter as necessary at a place and time to be determined by the board, except as provided by subsection (c) of this section.

(c) When no apparent board business is required, the board chair may cancel a regularly scheduled meeting.

(Ord. No. 2012-9320, § 1, 2-23-12; Ord. No. 2019-10174, § 1, 4-4-19 )

ARTICLE XIII
OFFICERS AND DUTIES

(a) The board shall appoint one (1) chair and one (1) vice-chair to serve for one-year term.

(b) The duties of the chair shall be to preside at all meetings of the board; to appoint committees, subcommittees, or task forces of the board; to work with staff liaison to coordinate agendas for meetings; and to represent the board before the city council or in other capacities as required or authorized by the board.

(c) The duties of vice-chair shall be those of the chair in the absence of the chair.

(d) The board shall elect the chair and vice-chair from its members by a majority vote based on nominations from the floor at the first meeting of each calendar year or at the first meeting after appointment and qualification of its new members, whichever is first.

(e) The terms of office of the chair and vice chair shall be for one (1) year, at which time a newly elected chair and vice-chair will assume office.

(f) If an elected officer vacates the position of chair and vice-chair for any reason prior to the end of their term, the board will elect, at its next regular meeting following vacancy, another board member to fill the office. This person shall hold the position until the next regular election in accordance with subsection (d) of this section.

(Ord. No. 2012-9320, § 1, 2-23-12)
ARTICLE XIV
EX OFFICIO MEMBERS

The city council, if it deems desirable, may appoint ex officio, non-voting members to a board.

Ordinance 2012-9320, Chapter 38, Article I, Sec. 38-11

ARTICLE XV
FORFEITURE OF POSITION

If a board member shall become a candidate for nomination or election to any public office, the board member shall immediately forfeit the board position in accordance with Article IV, Section 8-B of the City of Irving Charter.

(Ord. No. 2012-9320, § 1, 2-23-12)

ARTICLE XVI
BOARD BYLAWS

(a) Bylaws adopted by a board are not effective unless they are approved by the city council.

(b) Board bylaws may be reviewed, altered, or amended by a majority vote of the board.

(c) Any changes made to the bylaws must be reviewed and approved by the city council.

(d) Board bylaws shall not be in conflict with the chapter or resolution creating the board and shall not be in conflict with the City of Irving Charter.

(Ord. No. 2012-9320, § 1, 2-23-12)
ARTICLE XVII
TRAINING

A board member shall complete training pursuant to the Texas Open Meetings Act and Texas Public Information Act not later than the 90th day after taking the oath of office, if required to take an oath to assume duties as a member of a board, or after the member otherwise assumes these duties if the oath is not required. The training requirement shall apply to a board member who is either appointed or reappointed to a board. If a board member fails to complete training required by this section, the board member shall immediately forfeit the board member's position.

(Ord. No. 2022-10651, § 4, 10-27-22)
BY-LAWS

IRVING LIBRARY BOARD
CITY OF IRVING

ARTICLE I
DEFINITIONS

Board means a board, commission, or committee which is appointed by the mayor or the city council of the city.

City means the City of Irving, Texas.

Staff liaison means a city staff person designated by the city manager to serve as a liaison between the city and a board.

Ordinance 2012-9320, Chapter 38, Sec. 38-1

Board means the Irving Library Board.

Director means the director or designee for the libraries department.

Library system means the Irving Public Library System.

Ordinance 2012-9332, Chapter 38, Article V, Sec. 38-50

ARTICLE II
NAME AND ESTABLISHMENT

The name of this body shall be the IRVING LIBRARY BOARD of the City of Irving, Texas which shall be an advisory body to the city council.

It is established under the City of Irving Ordinance No. 2012-9332, Chapter 38, Article V, Sec. 38-51.

Suggestion: Reword entire section to match Library Board Ordinance.

There is hereby created and established the Irving Library Board which shall be an advisory body to the city council.

(Ord. No. 2012-9332, § 2, 5-24-12)
ARTICLE III

PURPOSE

The purpose of the board is to advise the City Council and the Director on matters pertaining to the operation of the library system. The board shall participate in recommending policies for both the maintenance and improvement of library service to the residents of Irving. The board shall make recommendations concerning the adoption and enforcement of policies deemed necessary for the administration of the library system.

Ordinance 2012-9332, Chapter 38, Article V, Sec. 38-52.

ARTICLE IV

NUMBER; QUALIFICATIONS; AND TERMS OF OFFICE.

(a) Number. The board shall consist of nine (9) voting members. The city council shall appoint eight (8) members, and the Friends of the Library Board shall appoint one (1) as the Friends of the Library Liaison.

(b) Qualifications. The members of the board shall be qualified voters of the city and residents of the city for not less than one (1) year immediately prior to the date of their appointment. – Does not match the Ordinance.

(c) Term of Office. The nine (9) voting members shall occupy a place on the board, such places being numbered 1, 2, 3, 4, 5, 6, 7, 8, and 9, respectively. The term of office for all voting members is two (2) years. The term of office for places 1, 3, 5, 7, and 9 expire on odd-numbered years. The term of office for places 2, 4, 6, and 8 shall expire on even-numbered years.

Ordinance 2012-9320, Chapter 38, Sec. 38-11.

Suggestion:

(b). Qualifications. The members of the board shall be residents of the city for one (1) year prior to their appointment.
ARTICLE V

POWERS, DUTIES, AND RESPONSIBILITIES

The Board shall have the following powers, duties, and responsibilities:

Section 1. Cooperate with other governmental agencies and civic groups in the advancement of library service.

Section 2. Make recommendations concerning the adoption and enforcement of all necessary rules, regulations, and ordinances deemed necessary for the administration of the library system.

Section 3. Make recommendations for the establishment of such branches of the library as the growth of the city may from time to time demand.

Section 4. May interview with the City Manager and make recommendations for the employment and duties of the director. Does not match the Ordinance.

Section 5. Make recommendations relating to the enlargement, expansion, or rebuilding of a library, including the selection of site.

Section 6. Review and provide input on the annual budget of the department proposed by the Director before submission to the City Manager, and advise on other fiscal matters pertaining to the department.

Section 7. Inform the public regarding the policies and functions of the library; and

Section 8. Review the effectiveness of library service.

THE LIBRARY DIRECTOR SHALL HAVE THE FOLLOWING OBLIGATIONS TO THE BOARD

1. The Director or his/her designee shall attend all Library Board meetings.

2. Shall make available to this Board monthly and annual reports.

3. Shall recommend to this Board such policies and procedures as, in the opinion of said Library Director, will promote the efficiency and effectiveness of the Library in its service to the people of the community.

Ordinance No. 2012-9332, Chapter38, Article V, Sec. 38-54

Suggestions:

The board shall have the following duties and responsibilities:

Section 4. May interview with the city manager and make recommendations relating to the employment and duties of the director.
ARTICLE VI

TERMS OF OFFICE

(a) Terms of office for all boards shall commence on the date of the first official city council meeting in November, and the expiration date of each of office shall fall on the date of the first official city council meeting in November during the year in which the terms shall expire. All members shall continue to perform the duties of their appointment until their successors shall be duly appointed in accordance with the Texas Constitution Does not match the Ordinance.

(b) Board member’s terms will not exceed three (3) consecutive, two (2) year terms of approximately six (6) continuous years. These terms limits are at the discretion of the city council. If a board member serves less than a full term, that term shall not be counted in determining how many terms the member has served. Does not match the Ordinance.

Ordinance 2012-9320, Chapter 38, Sec. 38-3

SUGGESTION:

(a) Terms of office for all boards shall commence on the date of the first official city council meeting in November, and the expiration date of each of office shall fall on the date of the first official city council meeting in November during the year in which the terms shall expire. All members shall continue to perform the duties of their appointment until their successors shall be duly appointed in accordance with the Texas Constitution.

(b) Board members’ terms will not exceed three (3) consecutive, two-year terms or approximately six (6) continuous years. These term limits are at the discretion of the city council. If a board member serves less than a full term, that term shall not be counted in determining how many terms the member has served.

(c) If a board member submits a board application for another board position, the board member shall immediately forfeit the current board position. Add to match the Ordinance.

(Ord. No. 2012-9320, § 1, 2-23-12; Ord. No. 2022-10651, § 1, 10-27-22)
ARTICLE VI

REMOVAL

A board member serves at the will of the city council. A board member may be removed by the city council for any cause deemed by the city council as sufficient for removal or for no cause.

Ordinance 2012-9320, Chapter 38, Sec. 38-4

Suggestion:

A board member serves at the will of the city council. A board member may be removed by the city council for any cause deemed by the city council as sufficient for removal or for no cause. The city council may remove a board member whose service is found to be in conflict with article I of the Irving Ethics Code, entitled "Ethics Code of Conduct." Add to match the Ordinance.

(Ord. No. 2012-9320, § 1, 2-23-12; Ord. No. 2022-10651, § 2, 10-27-22)

ARTICLE VII

REMOVAL

A board member serves at the will of the city council. A board member may be removed by the city council for any cause deemed by the city council as sufficient for removal or for no cause.

Ordinance 2012-9320, Chapter 38, Sec. 38-4

Suggestion:

A board member serves at the will of the city council. A board member may be removed by the city council for any cause deemed by the city council as sufficient for removal or for no cause. The city council may remove a board member whose service is found to be in conflict with article I of the Irving Ethics Code, entitled "Ethics Code of Conduct." Add to match the Ordinance.

(Ord. No. 2012-9320, § 1, 2-23-12; Ord. No. 2022-10651, § 2, 10-27-22)

ARTICLE VIII

ATTENDANCE

If a board member is absent, without providing notice to the staff liaison, for three (3) consecutive regularly schedule meetings or 70 percent of the regularly schedule meetings within a twelve (12) month period, the board member shall immediately forfeit the board position. The 70 percent-rule does not apply to boards that meet less than four (4) times per year. These attendance provisions are at the discretion of the city council.

Ordinance 2012-9320, Chapter 38, Sec. 38-5. Does not match the Ordinance.

Suggestion:

If a board member fails to attend seventy-five (75) percent of regularly scheduled or special called board meetings within a twelve-month period, the board member shall immediately forfeit the board member's position. The seventy-five (75) percent rule does not apply to boards that meet less than four (4) times a year. If a board holds a work session meeting prior to a regular meeting, each meeting will be considered a separate meeting for purposes of attendance.

Ordinance 2022-10651, Chapter 38, Sec. 38-5.
ARTICLE IX

VACANCY

If a board member is unable to complete his or her term for any reason, the city council may appoint a person to complete the unexpired term of the vacated position.

Ordinance 2012-9320, Chapter 38, Sec. 38-6

ARTICLE X

SERVICE

A person may serve on only one board at a time with the exception that the person may serve concurrently on one board and one ad-hoc committee. Does not match the Ordinance.

Ordinance 2012-9320, Chapter 38, Sec. 38-7

Suggestion:

A person may serve on only one (1) board at a time with the exception that the person may serve concurrently on one (1) board and one (1) ad-hoc committee.

(Ord. No. 2012-9320, § 1, 2-23-12)

ARTICLE XI

QUORUM

A majority of board members constitutes a quorum for the transaction of all matters and business. Does not match the Ordinance.

Ordinance 2012-9320, Chapter 38, Sec. 38-8

Suggestion:

A majority of voting board members constitutes a quorum for the transaction of all matters and business.

(Ord. No. 2012-9320, § 1, 2-23-12; Ord. No. 2012-9332, § 1, 5-24-12)
ARTICLE XI
MEETINGS AND VOTING

(a) Board meetings shall be held in accordance with the Texas Open Meetings Act.

(b) Each board shall hold a meeting at least once each quarter and thereafter as necessary at a place and time to be determined by the board, except as provided by subsection (c) of this section.

(c) When no apparent board business is required, the board chair may cancel a regularly scheduled meeting.

Ordinance 2012-9320, Chapter 38, Sec. 39-9

ARTICLE XII
OFFICERS AND DUTIES

(a) Each board shall appoint one chair and one vice-chair to serve for one-year term. Does not match the Ordinance.

(b) The duties of the chair shall be to preside at all meetings of a board; to appoint committees, subcommittees, or task forces of the board; to work with staff liaison to coordinate agendas for meetings; and to represent the board before the city council or in other capacities as required or authorized by the board. Does not match the Ordinance.

(c) The duties of vice-chair shall be those of the chair in the absence of the chair.

(d) The board shall elect the chair and vice-chair from its members by a majority vote based on nominations from the floor at the first meeting of each calendar year or at the first meeting after appointment and qualification of its new members, whichever comes first. Does not match the Ordinance.

(e) The terms of office of the chair and vice chair shall be for one (1) year, at which time a newly elected chair and vice-chair will assume office.

(f) If an elected officer vacates the position of chair and vice-chair for any reason prior to the end of their term, the board will elect, at its next regular meeting following vacancy, another board member to fill the office. This person shall hold the position until the next regular election in accordance with subsection (d) of this section.

Ordinance 2012-9320, Chapter 38, Sec. 38-10

Suggestion:

(a) Each board shall appoint one (1) chair and one (1) vice-chair to serve for a one-year term.
(b) The duties of the chair shall be to preside at all meetings of the board; to appoint committees, subcommittees, or task forces of the board; to work with the staff liaison to coordinate agendas for meetings; and to represent the board before the city council or in other capacities as required or authorized by the board.

(c) The duties of the vice-chair shall be those of the chair in the absence of the chair.

(d) The board shall elect the chair and vice-chair from its members by a majority vote at the first meeting of each calendar year or at the first meeting after appointment and qualification of its new members, whichever is first.

(e) The terms of office of the chair and vice-chair shall be for one (1) year, at which time a newly elected chair and vice-chair will assume office.

(f) If an elected officer vacates the position of chair or vice-chair for any reason prior to the end of their term of office, the board will elect, at its next regular meeting following the vacancy, another board member to fill the office. This person shall hold the position until the next regular election in accordance with subsection (d) of this section.

(Ord. No. 2012-9320, § 1, 2-23-12)

ARTICLE XIV
EX OFFICIO MEMBERS
The city council, if it deems desirable, may appoint ex officio, non-voting members to a board.

Ordinance 2012-9320, Chapter 38, Article I, Sec. 38-11

ARTICLE XV
FORFEITURE OF POSITION
If a board member shall become a candidate for nomination or election to any public office, the board member shall immediately forfeit the board position in accordance with Article IV, Section 8-B of the City of Irving Charter.

Ordinance 2012-9320, Chapter 38, Sec. 38-12
ARTICLE XVI
BOARD BYLAWS

(a) Bylaws adopted by a board are not effective unless they are approved by the city council.

(b) Board bylaws may be reviewed, altered, or amended by a majority vote of the board.

(c) Any changes made to the bylaws must be reviewed and approved by the city council.

(d) Board bylaws shall not be in conflict with the chapter or resolution creating the board and shall not be in conflict with the City of Irving Charter.

Ordinance 2012-9320, Chapter 38, Sec. 38-13

ARTICLE XVII
TRAINING

Add this entire section to match the Ordinance.

A board member shall complete training pursuant to the Texas Open Meetings Act and Texas Public Information Act not later than the 90th day after taking the oath of office, if required to take an oath to assume duties as a member of a board, or after the member otherwise assumes these duties if the oath is not required. The training requirement shall apply to a board member who is either appointed or reappointed to a board. If a board member fails to complete training required by this section, the board member shall immediately forfeit the board member's position.

(Ord. No. 2022-10651, § 4, 10-27-22)
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.

ADDITIONAL COMMENTS:

<table>
<thead>
<tr>
<th>Contract Required: Yes</th>
<th>Review Completed By: Jennifer DeCurtis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Previous Action: RES-2023-444</td>
<td>Council Action: Approved</td>
</tr>
</tbody>
</table>
Discretionary Contract Disclosure Form Required: Yes
Certificate of Interested Parties (Form 1295) Required: Yes
TGC 2271 Verification Form Required: Yes
TGC 2274 Verification Form Required: Yes

ATTACHMENTS:
CC-642 E. Second Street. Amendment Presentation (PDF)
2024 Update CEIP_Agreement_642 E. Second Street (PDF)

CURRENT YEAR FINANCIAL IMPACT:
None

REVISION INFORMATION:
Prepared: 4/25/2024 09:54 AM by Megan Gordon
Last Updated: 6/3/2024 04:44 PM by Megan Gordon
WHEREAS, pursuant to Chapter 380 of the Texas Local Government Code, the City Council has adopted a program for granting public funds to promote local economic development, and stimulate business and commercial activity in the City of Irving; and

WHEREAS, the City Council finds the economic development incentive offered in the attached agreement will secure the public purposes of development and diversification of the economy of the state, elimination of unemployment or underemployment in the state, and development or expansion of commerce in the state and the grant provided for in this agreement is made in furtherance of and to secure those public purposes of promoting economic development, stimulating private sector investment, increasing the City’s tax base, and securing the creation of jobs in the City;

WHEREAS, City Council approved RES-2023-444 approving the original agreement;

WHEREAS, the amended agreement would allow for the full calendar year from the original agreement’s effective date to complete the improvements outlined in the original agreement in accordance with the program’s requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION I. THAT the City Council hereby approves the attached amendment to the Economic Incentive Agreement between the City of Irving and Momans Investments, Inc., and the City Manager or designee is authorized to execute said agreement.

SECTION II. THAT the payment of any grant in future budget years, as provided in this Agreement, shall be subject to annual appropriation by the City Council in the annual budget and the City’s obligations under this Agreement shall not constitute a general obligation of the City or indebtedness under the constitution or laws of the State of Texas.

SECTION III. THAT this resolution shall take effect from and after its final date of passage, and it is accordingly so ordered.
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS, on June 13, 2024.

______________________________
RICHARD H. STOPFER
MAYOR

ATTEST:

______________________________
Shanae Jennings
City Secretary/Chief Compliance Officer

APPROVED AS TO FORM:

______________________________
Kuruvilla Oommen
City Attorney
Corridor Enhancement
Grant Agreement
Amendment
642 E. Second St.

June 13, 2024
Corridor Enhancement Program Overview

- Program established through Chapter 380 of the Texas Local Government Code.
- Reimbursed, matching grant program to support downtown retail and commercial property owners in revitalizing and improving the street-side appearance and site features that enhance corridor appearance, attract new business, activity and foster new employment opportunities.
- The maximum grant available is $150,000 in matching funds, sourced from the Housing & Redevelopment Budget within the ED Fund.
642 E. Second St. Scope of Work

• The scope of work includes demolition of existing single-story (already completed), and the building and construction of a new 3,600 SF 4-unit retail lease space.

• The total estimated cost for the exterior building improvements is $650K.
Project Update/Amendment

- Original contract executed on October 12, 2023, per resolution No. 2023-444, with a contradiction written regarding the completion date of the project.
- The revised agreement clearly states the grant recipient has one year to complete the project from the original contract execution date.
THE STATE OF TEXAS § AGREEMENT FOR CORRIDOR ENHANCEMENT ECONOMIC DEVELOPMENT INCENTIVES

COUNTY OF DALLAS §

THIS AGREEMENT is executed as of the ___ day of ______ 2024, (the “Effective Date”) by and between Momans Investments, Inc. (“Owner”), and the CITY OF IRVING, TEXAS, a home-rule city and municipal corporation located in Dallas County, Texas, (“City”).

W I T N E S S E T H:

WHEREAS, the City has created the Corridor Enhancement Incentive Program to encourage private investment in the renovation and rehabilitation of existing building sites along the city’s corridors; and

WHEREAS, City has found that providing a one-time grant of funds to Owner in exchange for Owner’s completion of the project proposed by Owner will promote local economic development and stimulate business and commercial activity and create jobs within the City (“Program”); and

WHEREAS, City has determined that the Program will directly establish a public purpose and that all transactions involving the use of public funds and resources in the establishment and administration of the Program contain controls likely to ensure that public purpose is accomplished; and

WHEREAS, Chapter 380 of the LOCAL GOVERNMENT CODE provides statutory authority for establishing and administering the Program provided herein; NOW THEREFORE,

The City and Owner, for and in consideration of the mutual covenants and promises contained herein, do hereby agree, covenant and contract as set forth below:

1. **Definitions.**

   **Eligible expenditure** means documented expenses for material, labor, testing, permits for architectural, structural, mechanical, electrical and plumbing supplies and services to design and construct the Improvements.

   **Facility or Property** means existing building and site located at 642 E. Second Street, Irving, Texas 75060, as described in **Exhibit “A”** attached hereto and made a part hereof for all purposes.

   **Building Improvements** mean the demolition of existing single-story building and construction of new 3,600 SF 4-unit retail lease space, substantially similar to that described and depicted in **Exhibit “B”**.

Corridor Enhancement Program – 642 E. Second Street Agreement
Site Improvements means the replacing of the existing parking lot with new concrete parking lot and sidewalks serving the lease spaces.

2. Term.

This Agreement shall be effective as of the date of execution by all parties and shall remain in full force and effect for five years after completion of the Building and Site Improvements. In the event Owner fails to complete the Improvements by October 12, 2024, this Agreement shall automatically terminate and no payment shall be due to Owner.

3. Owner Requirements.

In consideration of the City entering into this Agreement providing for the payment of funds constituting a Grant to Owner, Owner agrees that it, or its permitted assigns, during the Term of this Agreement, will comply with the following requirements:

(1) Provide proof of ownership of real property and all improvements thereon on or before October 5, 2023.

(2) Design and construct the Building and Site Improvements to completion by October 12, 2024.

(3) Continue existing lease for the term of this Agreement or obtain a new tenant within 180 days of termination of existing lease for the remaining term of this Agreement.

(4) Use the Facility in accordance with all applicable state and local laws and regulations. Conduct the Owner’s business operations (through existing and/or new leases) at the Facility and remit sales taxes to Irving, Texas for the term of this Agreement.

(5) Purchase construction material for the Improvements from vendors within the City of Irving, if available in Irving at a competitive price.

(6) Diligently and faithfully maintain the Building and Site Improvements in like new condition for the term of this Agreement.

(7) Render the Facility to the Dallas Central Appraisal District and remain current on all property taxes for the term of this Agreement.

(8) Agree not to protest with the Dallas Central Appraisal District for the purpose of reducing any increase in appraised property value for the term of this Agreement.

(9) Covenant and certify that Owner does not and will not knowingly employ an undocumented worker as that term is defined by Section 2264.001(4) of the Texas Government Code. In accordance with Section 2264.052 of the Texas Government Code.
Code, if the Owner is convicted of a violation under 8 U.S.C. Section 1324a(f), the Owner shall repay to the City the full amount of the Grant made under Section 4 of this Agreement, plus ten percent (10%) per annum from the date the Grant was made. Repayment shall be paid within one hundred twenty (120) days after the date the Owner receives notice of violation from the City.

4. **Payment by City.**

In exchange for Owner’s compliance with all terms and provisions of this Agreement, City shall, as an incentive, make a one-time Grant in an amount not to exceed **One Hundred Fifty Thousand and no/100 Dollars ($150,000.00)** to be paid within 45 days after the Owner provides City with satisfactory documentation evidencing completion of Improvements in accordance with City regulations. Final amount to be paid to the Owner will be determined after staff review and verification of invoices and/or proof of payment by the Owner to all contractors, material suppliers and vendors for eligible work performed and/or material and services rendered in accordance with the provisions of this Agreement.

The Grant shall be subject to annual appropriation by the City Council in the annual budget and the City’s obligations under this Agreement shall not constitute a general obligation of the City or indebtedness under the constitution or laws of the State of Texas.

5. **Improvements.**

The Owner shall be solely responsible for the design and construction of all Improvements and shall comply with all subdivision regulations, building codes and other ordinances of the City applicable to the Improvements.

**Governmental Powers, Approval Not Guaranteed.** By execution of this Agreement, the City does not waive or surrender any of its governmental powers, immunities, or rights. Nothing in this Agreement is intended to delegate or impair the performance by the City of its governmental functions. Nothing contained in this Agreement shall be construed as obligating the City to approve any application required for development of the Property that is not in conformity with the City's adopted development regulations.

6. **Event of Default by Owner.**

(1) Should Owner fail to comply with any material term of this Agreement, the Owner shall have thirty (30) days after written notice from City to come into compliance. **IF THE NONCOMPLIANCE IS NOT CURED WITHIN THAT PERIOD, THIS SHALL CONSTITUTE A DEFAULT BY THE OWNER (“EVENT OF DEFAULT”) UNDER THIS AGREEMENT AND THE CITY’S FINANCIAL OBLIGATION TO OWNER TERMINATES IMMEDIATELY.**
(2) IN THE EVENT OF DEFAULT BY THE OWNER, OWNER AGREES TO REMIT TO THE CITY A SUM EQUAL TO THE AMOUNT OF THE GRANT PAYMENT MADE BY THE CITY TO THE OWNER PURSUANT TO THIS AGREEMENT, PLUS INTEREST AT TEN PERCENT (10%) PER ANNUM FROM THE DATE PAYMENT WAS MADE.

(3) If Owner fails to repay to the City any amounts due under this Agreement, in addition to the monetary damages above, Owner shall be obligated to pay all legal costs and reasonable attorney’s fees of the City associated with the enforcement of this Agreement and/or recovering any unpaid amounts due under this Agreement.

7. **Indemnification.**

THE OWNER IN PERFORMING ITS OBLIGATIONS UNDER THIS AGREEMENT IS ACTING INDEPENDENTLY, AND THE CITY ASSUMES NO RESPONSIBILITIES OR LIABILITIES TO THIRD PARTIES IN CONNECTION WITH THE FACILITY OR IMPROVEMENTS. THE OWNER AGREES TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY, ITS OFFICERS, AGENTS, AND EMPLOYEES FROM AND AGAINST CLAIMS, SUITS, DEMANDS, LOSSES, DAMAGES, CAUSES OF ACTION, AND LIABILITY OF EVERY KIND, INCLUDING, BUT NOT LIMITED TO, EXPENSES OF LITIGATION OR SETTLEMENT, COURT COSTS, AND ATTORNEYS FEES WHICH MAY ARISE DUE TO ANY DEATH OR INJURY TO A PERSON OR THE LOSS OF, LOSS OF USE, OR DAMAGE TO PROPERTY, ARISING OUT OF OR OCCURRING AS A CONSEQUENCE OF THE PERFORMANCE OF THIS AGREEMENT AND/OR THE DESIGN OR CONSTRUCTION OF THE IMPROVEMENTS.

**Immunity Retained.** Nothing contained in this Agreement shall be construed as constituting a waiver of the City’s governmental immunity from suit or liability, which is expressly reserved to the extent allowed by law. The City and Owner hereby acknowledge and agree that City is entering this Agreement pursuant to its governmental function and that nothing contained in this Agreement shall be construed as constituting a waiver of the City’s governmental immunity from suit or liability, which is expressly reserved to the extent allowed by law.

**Limited Waiver of Immunity.** Notwithstanding anything to the contrary herein, the City and Owner hereby acknowledge and agree that to the extent this Agreement is subject to the provisions of Subchapter I of Chapter 271, TEXAS LOCAL GOVERNMENT CODE, as amended, the City’s immunity from suit is waived only as set forth in Subchapter I of Chapter 271, TEXAS LOCAL GOVERNMENT CODE.

Should a court of competent jurisdiction determine the City’s immunity from suit is waived in any manner other than as provided in Subchapter I of Chapter 271, TEXAS LOCAL
GOVERNMENT CODE, as amended, the City and Owner hereby acknowledge and agree that in a suit against the City for breach of this Agreement:

(a) the total amount of money awarded is limited to actual damages in an amount not to exceed the balance due and owed by City under this Agreement;
(b) the recovery of damages against City may not include consequential damages or exemplary damages;
(c) Owner may not recover attorney’s fees; and
(d) Owner is not entitled to specific performance or injunctive relief against the City.

8. **Access to Information.**

The Owner agrees to provide the City access to information related to the construction of the Improvements during regular business hours upon reasonable notice. The City shall have the right to require the Owner to submit any necessary information, documents, invoices, receipts or other records to verify costs and completion of the Improvements.

9. **General Provisions.**

a. **Assignment.** This Agreement is not assignable by Owner without prior approval of the City Council.

b. **Notice.** Any notice and/or statement required and permitted to be delivered shall be deemed delivered by depositing same in the United States mail, certified with return receipt requested, postage prepaid, addressed to the appropriate party at the following addresses, or at such other addresses provided by the parties in writing:

   OWNER: Momans Investments, Inc.
   P.O. Box 170965
   Irving, Texas 75017
   Attention: Sonny Mansoori

   CITY: City of Irving
   825 West Irving Blvd.
   Irving, Texas 75060
   Attention: Kevin L. Kass

c. **Interpretation.** Regardless of the actual drafter of this Agreement, this Agreement shall, in the event of any dispute over its meaning or application, be interpreted fairly and reasonably, and neither more strongly for or against any party.

d. **Applicable Law.** This Agreement is made, and shall be construed and interpreted under the laws of the State of Texas and venue shall lie in Dallas County, Texas.

e. **Severability.** In the event any section, subsection, paragraph, sentence, phrase or word is held invalid, illegal, or unconstitutional, the balance of this Agreement shall
stand, shall be enforceable and shall be read as if the parties intended at all times to delete said invalid section, subsection, paragraph, sentence, phrase or word.

f. **Force Majeure.** If either party hereto shall be delayed or hindered in or prevented from the performance of any act required hereunder by reason of strikes, lock-outs, inability to procure materials, failure of power, injunction or court order, terrorist attacks, riots, insurrection, war, fire, earthquake, flood or other natural disaster or other reason of a like nature not the fault of the party delaying in performing work or doing acts required under the terms of this Agreement (but excluding delays due to financial inability), then performance of such act shall be excused for the period of the delay and the period for the performance of any such act shall be extended for a period equivalent to the period of such delay.

g. **Independent Parties.** It is acknowledged and agreed by the Parties that the terms hereof are not intended to, and shall not be deemed to, create any partnership or joint venture among the Parties. The past, present and future officers, elected officials, employees and agents of the City do not assume any responsibilities or liabilities to any third party in connection with the development, design, construction or operation of any of the improvements contemplated by this Agreement. In addition, Company acknowledges and agrees that there shall be no recourse against any of the aforesaid parties, none of whom will incur any liability in respect to any claims based upon or relating to the Agreement.

h. **No Third-Party Beneficiaries.** The provisions of this Agreement are solely for the benefit of the Parties hereto and not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

i. **Entire Agreement.** This Agreement constitutes the entire agreement between the Parties with respect to the Property and supersedes all prior understandings and writings, which shall be of no further force or effect upon execution of this Agreement, and this Agreement may be amended or modified only by a writing signed by the City and Owner.

j. **Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall be considered an original, but all of which shall constitute one instrument.
EXECUTED on this _____ day of __________________________, 2024.

CITY OF IRVING, TEXAS:

Phillip Sanders, Assistant City Manager

ATTEST:

_____________________________
Shanae Jennings, City Secretary

APPROVED AS TO FORM:

_____________________________
Kuruvilla Oommen, City Attorney

OWNER:

_____________________________
Sonny Mansoori, Owner
BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared **Sonny Mansoori**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same as **Owner** of the property generally described as 642. E. Second Street, and for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ______ day of ___________________, 2024.

__________________________
Notary Public In and For The State of Texas

My Commission Expires:
Exhibit “A”

Description of Property:
For the property located at 642 E. Second Street, Irving, Texas, 75060 and more specifically described in the metes and bounds survey below.

DESCRIPTION OF PROPERTY

BEING Lot 1, Block A of Queal Addition, an addition to the City of Irving, Dallas County, Texas, according to the Map thereof recorded in Volume 86151, Page 5282, Map Records, Dallas County, Texas. Together with Certificate of Correction recorded in Volume 89026, Page 3172, Real Property Records, Dallas County, Texas, being the same tract of land conveyed to Mamans Investments, Inc., by deed recorded in Instrument No. 200600176396, Official Public Records, Dallas County, Texas, and being more particularly described as follows;

BEGINNING at the most Southerly corner of a visibility cut-back line at the intersection of the East line of Falcon Drive, (a 50’ R.O.W.), with the South line of E. 2nd Street, (a variable width R.O.W.), said point also being the most Westerly Northwest corner of said Lot 1, an “x” cut in concrete for corner;

THENCE: North 44 deg. 58 min. 05 sec. East, with said visibility cut-back line, a distance of 14.57 feet to a point in the said South line of E. 2nd Street, an “x” cut in concrete for corner;

THENCE: South 85 deg. 30 min. 00 sec. East, with the said South line of E. 2nd Street, a distance of 97.00 feet to the Northeast corner of said Lot 1, an “x” cut in concrete for corner;

THENCE: South, with the common line of said Lot 1 and Lot 10 of Lee Britton Addition, an addition to the City of Irving, Dallas County, Texas, according to the Map thereof recorded in Volume 4, Page 439, Map Records, Dallas County, Texas, a distance of 100.70 feet to the Northeast corner of Lot 2, Block A, of said Queal Addition, said point also being the Southeast corner of said Lot 1, a 1/2” capped iron rod set for corner;

THENCE: West, with the common line of said Lots 1 and 2, a distance of 107.00 feet to a point in the said East line of Falcon Drive, said point also being the common Westerly corner of said Lots 1 and 2, an “x” cut in concrete for corner;

THENCE: North, with the said East line of Falcon Drive, a distance of 98.00 feet to the PLACE OF BEGINNING and CONTAINING 11,168 square feet or 0.256 acres of land.

Ben D. Rychlik  R.P.L.S. No. 1630
Exhibit “B”

I. Description of work to be performed: Demolition of existing single-story building and construction of new 3,600 SF 4-unit retail lease space, substantially similar to that depicted in the building elevations below.

North Elevation

South Elevation
II. Site Improvements: Replacement of existing parking lot with new concrete parking lot and sidewalks serving the lease spaces, substantially similar to that depicted in the site plan below.
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.

ADDITIONAL COMMENTS:

Contract Required: Yes  Review Completed By: Zachary Noblitt
Previous Action: N/A  Council Action: N/A  
Discretionary Contract Disclosure Form Required: No  
Certificate of Interested Parties (Form 1295) Required: No  
TGC 2271 Verification Form Required: No  
TGC 2274 Verification Form Required: No  

ATTACHMENTS:  
PreConstruction Agreement  (PDF)  

CURRENT YEAR FINANCIAL IMPACT:  
60CIP21002-50256009-700205  Budget: $60,000.00  Actual: $60,000.00  
Req No.  
Budget Adjustment/Transfer Required: No  

REVISION INFORMATION:  
Prepared: 5/15/2024 01:11 PM by Elsy Ramirez  
Last Updated: 6/7/2024 10:48 AM by Jennifer Lei Earhart
CITY OF IRVING

COUNCIL RESOLUTION NO. (ID # 14681)

WHEREAS, Irving is a home rule city incorporated and operating pursuant to its home-rule charter, the Texas Constitution and the laws of the State of Texas; and

WHEREAS, Fannin is an electric cooperative corporation organized under the laws of the State of Texas and operating an electric distribution system in Fannin County, Texas (the “Fannin System”); and

WHEREAS, Fannin has provided electrical service to the Irving Princeton Booster Pump Station since 2002; and

WHEREAS, Irving plans to expand the capacity of the Princeton Booster Pump Station and this expansion may flood or cause to be inaccessible portions of the Fannin System, or otherwise require additional work to be performed to preserve the current operations of the Fannin System; and

WHEREAS, Fannin desires to provide to Irving, and Irving desires to accept from Fannin and to reimburse Fannin for its costs in providing (a) certain preconstruction engineering services related to designing electric utility facilities for the mitigation of conflicts between the Fannin System and the expected scope of the Princeton Booster Pump Station Expansion, including without limitation, potential flooding of and around the Princeton Booster Pump Station (“Preconstruction Services”) and (b) certain project management services (“Management Services”) and

WHEREAS, Fannin and Irving desire to enter into this Agreement in order to define the rights and obligations of each Party with respect to the Preconstruction Services and the Management Services.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION I. THAT the City Council hereby approves the preconstruction agreement between the City of Irving and Fannin Electric Cooperative, Inc., for Preconstruction Engineering Services related to required improvements to Fannin County Electric Cooperative, Inc., facilities due to the Princeton Booster Pump Station Expansion Project in an estimated amount of $60,000.00, and the Mayor is authorized to execute said agreement.

SECTION II. THAT funding for this expenditure is available in the Water Utilities budget within the Water Improvement Bond Fund.

SECTION III. THAT this resolution shall take effect from and after its final date of passage, and it is accordingly so ordered.
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS, on June 13, 2024.

_____________________________________________________
  RICHARD H. STOPFER
  MAYOR

ATTEST:

_____________________________________________________
  Shanae Jennings
  City Secretary/Chief Compliance Officer

APPROVED AS TO FORM:

_____________________________________________________
  Kuruvilla Oommen
  City Attorney
PRECONSTRUCTION AGREEMENT

This Preconstruction Agreement (this "Agreement") is entered into effective _____________, 2024 (the "Effective Date") by and between Fannin County Electric Cooperative, Inc. ("Fannin") and the City of Irving, Texas ("Irving"). Fannin and Irving are sometimes each referred to herein as a "Party" and are collectively referred to herein as the "Parties". This Agreement defines the obligations and terms of the Parties' performance with respect to the relocation of certain electric distribution lines associated with the Princeton Booster Pump Station Capacity Expansion.

RECITALS

A. Irving is a home rule city incorporated and operating pursuant to its home-rule charter, the Texas Constitution and the laws of the State of Texas.

B. Fannin is an electric cooperative corporation organized under the laws of the State of Texas and operating an electric distribution system in Fannin County, Texas (the "Fannin System").

C. Fannin has provided electrical service to the Irving Princeton Booster Pump Station since 2002.

D. Irving plans to expand the capacity of the Princeton Booster Pump Station and this expansion may flood or cause to be inaccessible portions of the Fannin System, or otherwise require additional work to be performed to preserve the current operations of the Fannin System, as further described in Exhibit A.

E. Fannin desires to provide to Irving, and Irving desires to accept from Fannin and to reimburse Fannin for its costs in providing (a) certain preconstruction engineering services related to designing electric utility facilities for the mitigation of conflicts between the Fannin System and the expected scope of the Princeton Booster Pump Station Expansion, including without limitation, potential flooding of and around the Princeton Booster Pump Station ("Preconstruction Services") and (b) certain project management services ("Management Services").

F. Fannin and Irving desire to enter into this Agreement in order to define the scope of the projects identified in Exhibit A (the "Projects") and the rights and obligations of each Party with respect to the Preconstruction Services and the Management Services.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

ARTICLE I
DEFINITIONS

Section 1.01 Defined Terms. As used in this Agreement, the following terms have the following meanings:

3568367.v1
(a) “Actual Cost” means all costs associated with performance or preparation for performance of work related to the Projects described in Exhibit A, which Fannin may incur, allocate, or become obligated to pay. Actual Costs shall include, but not be limited to the following to the extent required to perform the Work: cost of materials, labor, overhead, administration, land rights, permits and compliance with regulatory requirements. Actual Costs also shall include, but not be limited to, costs associated with the preparation and negotiation of this Agreement.

(b) “Project” means each of the projects described in Exhibit A, which is made a part hereof for all purposes. The Parties currently intend for this Agreement to cover two (2) Projects.

(c) The term “Work” means: all activity, effort, services, or tasks relating to the Projects, including without limitation preparation and development of impact studies, engineering and staking, preparation and tasks for construction and or other required bidding processes, any project management activities. For the avoidance of doubt, it is understood the Work shall not include the ordering or acquisition of materials or equipment, fabrication of materials or construction of any Project.

ARTICLE II
PERFORMANCE OF SERVICES, PAYMENT

Section 2.01 Responsibility for Services.

(a) Preconstruction and Management Services. Fannin shall be solely responsible for the performance of the Work as contemplated by Exhibit A (including all associated Preconstruction Services and Management Services), except where Exhibit A requires items to be performed by, or information to be provided by, Irving; Irving shall compensate Fannin for the performance of the Work as described in Section 2.02.

Section 2.02 Payment. Subject to Section 2.02, in consideration for the Work, Irving shall pay to Fannin the Actual Cost of the Work, which currently is estimated to be $60,000.00 as described further on Exhibit B attached hereto and made a part hereof (the “Initial Estimate”). All payments by Irving shall be made from currently available funds. Fannin agrees not to exceed the amount of the Initial Estimate without first notifying Irving and obtaining Irving’s written approval, not to be unreasonably withheld. Irving shall pay the approved Actual Cost of the Work to Fannin as follows:

(a) The entire amount of the Initial Estimate shall be due and payable within (60) calendar days of the Effective Date.

(b) If Fannin determines additional amounts beyond the Initial Estimate will be required to complete the Work (and such amounts have been approved), Irving shall pay such amounts in the same manner as described in Section 2.03(a). Any such subsequent payment obligations may be subject to appropriations by Irving’s governing body.

(c) If, following the reconciliation process described in Section 2.03(b), additional amounts are due from Irving to compensate Fannin for the Actual Cost of the Work, Irving shall pay such amounts as described in Section 2.03(b).
Section 2.03 Additional Amounts: Reconciliation.

(a) **Additional Amounts.** During performance of the Preconstruction Services and Management Services, Fannin shall review the Actual Cost of the Work in comparison to the Initial Estimate and provide a progress report, with updated costs, to Irving on a quarterly basis. If at any time Fannin reasonably determines that additional amounts beyond the Initial Estimate will be required to complete the Work, Fannin shall estimate such additional amounts required, and shall provide Irving with justification for the additional amounts, request approval from Irving for the additional amounts, and then invoice Irving for such amounts, which shall be due and payable sixty (60) days after delivery of the invoice. Irving shall not be liable for any costs over the Initial Estimate that it does not agree to in advance.

(b) **Reconciliation.** Once all the Preconstruction Services and Management Services for the Projects have been completed, Fannin shall notify Irving and shall then review the total Actual Cost of the Work for all Projects. If the total Actual Cost of the Work is less than the total of Irving’s payments under Section 2.02, then Fannin shall remit to Irving the amount by which Actual Cost of the Work is less than the total of Irving’s payment, unless Irving agrees to have the unused sums credited against future work or service. If the total Actual Cost of the Work is more than the total of Irving’s payments under Section 2.02, then Fannin shall provide Irving with justification for the additional amounts, request approval from Irving, and then invoice Irving for such amounts, which shall be due and payable sixty (60) days after delivery of the invoice. The reconciliation shall be completed within thirty (30) days after the last to occur of (i) completion of the Projects or (ii) Fannin’s receipt of all third party invoices relating to the Projects.

Section 2.04 Change Orders. The preconstruction cost estimates set forth in Exhibit B are based on the current understanding of the Parties regarding the scope of the Project as set forth in Exhibit A, including without limitation the assumptions therein, and as based on the information that previously has been provided to Fannin regarding the Projects. In the event that Irving desires to change the scope of the Project, including without limitation any assumptions, or in the event that Fannin determines that the Projects cannot be completed as proposed, the Party desiring a change to the Project scope shall provide a written request for change order to the other Party. The Parties agree to negotiate a change order in good faith. Fannin shall have no obligation to perform any Preconstruction Services beyond the scope contemplated by Exhibit A until the Parties have executed a written change order describing the changed scope and any changes to cost estimates.

**ARTICLE III**
**REPRESENTATIONS AND WARRANTIES OF FANNIN**

Fannin represents and warrants to Irving that the statements contained in this ARTICLE III are true and correct as of the date hereof.

Section 3.01 Organization and Qualification. Fannin has all necessary power and authority to carry on its business as presently conducted, to own or hold its properties, and to enter into and perform its obligations under this Agreement.

Section 3.02 Authority. The execution, delivery and performance of this Agreement by Fannin (a) has been duly authorized by its governing body; (b) to Fannin’s knowledge will not conflict
with any provisions of applicable law, and (c) to Fannin’s knowledge will not conflict with any legal or contractual obligation to which it is a party or by which it or its property is affected.

Section 3.03 Enforceability. This Agreement constitutes the legal, valid and binding obligation of Fannin in accordance with its terms, except as enforceability may be limited by law, including without limitation bankruptcy, insolvency, or similar laws affecting creditors’ rights generally.

Section 3.04 Legal Proceedings. There is no action, suit or proceeding, at law or in equity, or official investigation by or before any governmental authority, arbitral tribunal or any other body pending or, to the knowledge of Fannin threatened, against or affecting it or any of its properties, rights or assets, which could reasonably be expected to result in a material adverse effect on Fannin’s ability to perform its obligations under this Agreement or on the validity or enforceability of this Agreement.

ARTICLE IV
REPRESENTATIONS AND WARRANTIES OF IRVING

Irving represents and warrants to Fannin that the statements contained in this ARTICLE IV are true and correct as of the date hereof.

Section 4.01 Organization and Qualification. Irving represents that Irving has all necessary power and authority to carry on its business as presently conducted, to own or hold its properties, and to enter into and perform its obligations under this Agreement.

Section 4.02 Authority. Irving represents that the execution, delivery and performance of this Agreement by Irving (a) has been duly authorized by its governing body; (b) to Irving’s knowledge will not conflict with any provisions of applicable law, and (c) to Irving’s knowledge will not conflict with any legal or contractual obligation to which it is a party or by which it or its property is affected.

Section 4.03 Enforceability. Irving represents that this Agreement constitutes the legal, valid and binding obligation of Irving in accordance with its terms, except as enforceability may be limited by law, including without limitation, bankruptcy, insolvency, or similar laws affecting creditors’ rights generally.

Section 4.04 Legal Proceedings. Irving represents that there is no action, suit or proceeding, at law or in equity, or official investigation by or before any governmental authority, arbitral tribunal or any other body pending or, to the knowledge of Irving threatened, against or affecting it or any of its properties, rights or assets, which could reasonably be expected to result in a material adverse effect on Irving’s ability to perform its obligations under this Agreement or on the validity or enforceability of this Agreement.

ARTICLE V
COVENANTS

Section 5.01 Mutual Covenants. Irving and Fannin each covenant to the other as follows:
(a) Both Parties shall use the normal standard of care for all safety procedures.

(b) Both Parties shall reasonably cooperate and provide assistance to the other Party as reasonably required, including without limitation in the provision of documents and in obtaining any needed authorizations.

(c) Both Parties shall promptly respond, including making appropriate representatives available with decision-making authority, to the reasonable requests of the other party.

(d) Both Parties shall use diligence in completing all Work to be performed by such Party hereunder, and shall abide by, and require their respective and employees and agents to abide by, all rules provided by the other Party in writing relating to the provision of such Work, including without limitation rules pertaining to safety, security procedures or requirements, and designated entrances, and rules regarding contacting Fannin members, customers, and other property owners.

(e) Both Parties shall provide to the other Party adequate access at the site of any of the Projects where such Party owns or possesses the right to do so.

(f) Both Parties will perform the Work necessary to complete the Projects or cause the work to be completed by others and shall allow the Party with expertise in the particular endeavor to carry out the appropriate Work.

(g) Both Parties agree the Work will commence as soon as reasonably practicable following execution of this Agreement unless the Work have already begun.

(h) Both Parties agree to use commercially reasonable efforts to complete all of the Work reasonably promptly. The Parties acknowledged and agree that completion of the Work by any particular date is not guaranteed, and there may be significant delays in completion of the Work with respect to any of the Projects.

ARTICLE VI
MISCELLANEOUS

Section 6.01 Term and Termination.

(a) This Agreement shall commence on the Effective Date and shall continue until (i) the Work is completed and any reconciliation and required additional payments are made pursuant to Section 2.03(b) or (ii) either Party terminates this Agreement on sixty (60) days written notice to the other Party.

(b) Upon termination by either Party, Fannin shall: (1) use commercially reasonable efforts to cancel any pending Work, including pending purchase orders, and (2) take other action deemed prudent by Fannin to wind up the Work on the Projects.

(c) In the event of termination by either Fannin or Irving, Irving shall be responsible for all Actual Costs incurred by Fannin related to the Work, prior to and after termination that could not reasonably be avoided plus any cancellation fees or other expenses incurred. Irving shall promptly
pay to Fannin the Actual Cost of all Work whether performed by Fannin or others at Fannin's request, or both, reasonably necessary to perform the Work.

Section 6.02 Waiver of Special Damages. The Parties shall not be liable for any lost profits or indirect, consequential, special, multiple, or punitive damages arising out of or in connection with this Agreement, even if they have been informed of the possibility of such damages.

Section 6.03 Disclaimer of Warranties. Except with respect to any obligations to the contrary in its tariff, Fannin hereby disclaims any and all warranties, express or implied, relating to the Work, the Preconstruction Services and the Management Services, including without limitation warranties of merchantability or fitness for a particular purpose. The Work, the Preconstruction Services and the Management Services all are provided strictly on an “AS IS,” “WHERE IS,” and “WITH ALL FAULTS” basis.

Section 6.04 Force Majeure. Neither Party shall be considered in default with respect to any obligation hereunder, other than the payment of money, if prevented from fulfilling such obligation by reason of any cause beyond its reasonable control including, but not limited to, (a) outages or interruptions due to weather, (b) accidents, (c) equipment failures or threat of failure, strikes, labor slowdown or stoppage, (e) civil unrest, (f) injunction or order of any court or governmental authority having jurisdiction, (g) inability to obtain or delay in obtaining regulatory approvals; (h) inability to obtain or delay in obtaining property or easements relating to the Projects, (i) inability to obtain or delay in obtaining labor, materials, equipment or supplies or delay by or the failure of contractors or suppliers, (j) explosion, acts of terrorism (including sabotage), (k) interruptions or delays caused by fire, flood, earthquake, lightning, storm, ice, severe weather conditions or other acts of God, (l) acts of any government, public authority (including the Public Utility Commission of Texas and Electric Reliability Council of Texas), military, or public enemy (in) civil disturbance, (n) embargoes, (o) epidemics or pandemics, (p) inability to obtain or delay in obtaining information relating to the Projects (each, a “Force Majeure Event”). Any Force Majeure Event claimed by one party may be granted at the other party’s discretion and the time for such performance shall be extended by the amount of time of such delay. The party asserting a Force Majeure Event shall use diligent efforts to end the failure or delay and ensure the effects of such Force Majeure Event are minimized. The party shall resume the performance of its obligations as soon as reasonably practicable after the removal of the cause of the Force Majeure Event.

Section 6.05 Notices. All notices, claims, demands, and other communications hereunder shall be in writing and shall be deemed to have been given: (a) when delivered by hand (with written confirmation of receipt); (b) when received by the addressee if sent by a nationally recognized overnight courier (receipt requested); (c) on the date sent by email of a PDF document (with confirmation of transmission) if sent during normal business hours of the recipient, and on the next business day if sent after normal business hours of the recipient; or (d) on the third day after the date mailed, by certified mail, return receipt requested, postage prepaid, if sent to the respective parties at the following addresses (or at such other address for a party as shall be specified in a notice given in accordance with this Section):

If to Irving:  
City Manager, and City Attorney
City of Irving
825 W. Irving Blvd.
Irving, TX 75060

with a copy (which shall not constitute notice) to:
Water Utilities Director
City of Irving
825 W. Irving Blvd.
Irving, TX 75060

If to Fannin:
Fannin County Electric Cooperative, Inc.
1530 Silo Road
Bonham, Texas 75418
Attn: General Manager

with a copy (which shall not constitute notice) to:
McGinnis Lochridge
1111 West 6th St., Building B, Suite 400
Austin, Texas 78703
Attn: Manuel Escobar

Section 6.06 Further Assurances. Each Party agrees to execute and deliver any such instruments and to perform any such acts as may be necessary or reasonably requested by any other Party in order to give full effect to the terms of this Agreement.

Section 6.07 No Partnership. The Parties shall have the relationship of independent contractor with respect to this Agreement, and hereby expressly disclaim any intention to create any joint venture or partnership relationship between the Parties.

Section 6.07 No Agreement for Electric Service. This Agreement does not constitute an agreement for electric service.

Section 6.08 Interpretation; Headings. This Agreement shall be construed without regard to any presumption or rule requiring construction or interpretation against the party drafting an instrument or causing any instrument to be drafted. The headings in this Agreement are for reference only and shall not affect the interpretation of this Agreement.

Section 6.09 Severability. If any term or provision of this Agreement is invalid, illegal, or unenforceable in any jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other term or provision of this Agreement.

Section 6.10 Entire Agreement. This Agreement constitutes the sole and entire agreement of the parties to this Agreement with respect to the subject matter contained herein and therein, and supersedes all prior and contemporaneous understandings and agreements, both written and oral, with respect to such subject matter.

Section 6.11 Successors and Assigns. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and permitted assigns. Neither party may assign its rights or obligations hereunder without the prior written consent of the other party,
which consent shall not be unreasonably withheld or delayed. No assignment shall relieve the
assigning party of any of its obligations hereunder.

Section 6.12 Amendment and Modification Waiver. This Agreement may only be amended,
modified, or supplemented by an agreement in writing signed by each party hereto. No waiver by any
party of any of the provisions hereof shall be effective unless explicitly set forth in writing and signed
by the party so waiving. No failure to exercise, or delay in exercising, any right or remedy arising
from this Agreement shall operate or be construed as a waiver thereof. No single or partial exercise
of any right or remedy hereunder shall preclude any other or further exercise thereof or the exercise
of any other right or remedy.

Section 6.12 Governing Law; Submission to Jurisdiction. This Agreement was executed in
the State of Texas and must in all respects be governed by, interpreted, construed, and enforced in
accordance with the laws thereof. The Parties agree that venue for any action arising out of this
agreement shall be in Collin County, Texas. This Agreement is subject to all valid, applicable federal,
state, and local laws, ordinances, and rules and regulations of duly constituted regulatory authorities
having jurisdiction (including tariffs approved by such regulatory authorities).

Section 6.13 Counterparts. This Agreement may be executed in counterparts, each of which
shall be deemed an original, but all of which together shall be deemed to be one and the same
agreement. A signed copy of this Agreement delivered by email or other means of electronic
transmission shall be deemed to have the same legal effect as delivery of an original signed copy of
this Agreement.
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed effective as of the Effective Date by their duly authorized respective officers.

City of Irving

By: _____________________________
Name: ___________________________
Title: ____________________________

THE STATE OF TEXAS §

COUNTY OF DALLAS §

This instrument was acknowledged before me on __________, 2024, by [name], [title] of the City of Irving, a home rule city organized and operating pursuant to the Texas Constitution and the laws of the State of Texas.

Notary Public, State of Texas

Fannin County Electric Cooperative, Inc.

By: _____________________________
Name: ___________________________
Title: ____________________________

THE STATE OF TEXAS §

COUNTY OF FANNIN §

This instrument was acknowledged before me on May 24, 2024, by [name], [title] of Fannin County Electric Cooperative, Inc., a Texas electric cooperative corporation, on behalf of said corporation.

Notary Public, State of Texas
Exhibit A
FCEC Distribution Project Scope
Princeton Booster Pump Station Expansion
Revised January 29, 2024

The City of Irving (Irving) has notified Fannin County Electric Cooperative, Inc. (FCEC) that the
Princeton Booster Pump Station which is currently served by FCEC is going to be expanded. The
following Project descriptions were developed from information furnished by Irving to date. This
scope is for pre-construction efforts including impact study, drafting pre-construction agreement,
engineering/staking, construction bid documentation and bidding.

1) In order to accommodate the additional load at the Princeton Booster Pump Station with
the planned expansion, load from the Climax substation will need to be moved to
accommodate the 10,160 kVA total load. A line upgrade for an approximate distance of
four and one-half miles is required to allow moving additional load to the Leonard Pump
Station.

2) The three-phase overhead line along FM 1377 that currently provides service to the
Princeton Booster Pump Station is inadequate for the load of the expanded facility. The
Princeton Booster Pump Station will need to be supplied from a different distribution
line which will require upgrading for an approximate distance of two and one-quarter
miles.
### Exhibit B

**Princeton Booster Pump Station Expansion Cost Estimates - January 29, 2024**

Based on Project Scope dated January 29, 2024

**FCEC Engineering, Project Management & Bid Acquisition Costs**

<table>
<thead>
<tr>
<th>Project</th>
<th>Description</th>
<th>Length (Miles)</th>
<th>Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Line Upgrade to move load to Leonard Substation</td>
<td>4.5</td>
<td>$30,000</td>
</tr>
<tr>
<td>2</td>
<td>Upgrade three-phase overhead line to increase capacity</td>
<td>2.2</td>
<td>$20,000</td>
</tr>
</tbody>
</table>

Legal Costs for Agreements and Construction Bid Documentation

<table>
<thead>
<tr>
<th></th>
<th>$10,000</th>
</tr>
</thead>
</table>

**Total** 60,000
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.

ADDITIONAL COMMENTS:

Contract Required: Yes Review Completed By: Christina N. Weber
Previous Action: None Council Action: None
Discretionary Contract Disclosure Form Required: No
Certificate of Interested Parties (Form 1295) Required: No
TGC 2271 Verification Form Required: No
TGC 2274 Verification Form Required: No

Comments: This agreement will enable the City of Irving and the City of Carrollton to procure goods and services through either entity’s competitively solicited contracts when it is in the entity’s best interests to do so. The City of Irving considers cooperative purchasing with other governmental entities as a valuable tool for obtaining goods and services at a competitive cost and in a timely manner.

ATTACHMENTS:

IRVING_-_CARROLLTON_INTERLOCAL_AGREEMENT (PDF)

CURRENT YEAR FINANCIAL IMPACT:

None

REVISION INFORMATION:

Prepared: 5/29/2024 05:50 PM by Darlene Humphries
Last Updated: 6/5/2024 05:41 PM by Darlene Humphries
WHEREAS, this agreement is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code; and

WHEREAS, Section 791.011 of the Texas Government Code authorizes a local government to contract or agree with another local government to perform governmental functions and services; and

WHEREAS, Section 271.102 of the Texas Local Government Code authorizes a local government to participate in a cooperative purchasing program with another local government or a local cooperative organization; and

WHEREAS, a local government that purchases goods and services pursuant to a cooperative purchasing program with another local government satisfies the requirement of the local government to seek competitive bids for the purchase of the goods and services; and

WHEREAS, participation in a cooperative purchasing program will be highly beneficial to the contracting parties through the anticipated savings to be realized and is of mutual concern to both parties;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION I. THAT the City Council hereby approves the attached Interlocal Agreement between the City of Irving and the City of Carrollton to establish a Cooperative Purchasing Program between the cities for participation in various competitively solicited contracts for the purchase of goods and services, and the City Manager or designee is authorized to execute the attached agreement.

SECTION II. THAT this resolution shall take effect from and after its final date of passage, and it is accordingly so ordered.
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS, on June 13, 2024.

____________________________
RICHARD H. STOPFER
MAYOR

ATTEST:

____________________________
Shanae Jennings
City Secretary/Chief Compliance Officer

APPROVED AS TO FORM:

____________________________
Kuruvilla Oommen
City Attorney
INTERLOCAL AGREEMENT

This Interlocal Agreement ("Agreement") is made and entered into, by and between the CITY OF IRVING, Texas (hereinafter called "CITY OF IRVING"), and the CITY OF CARROLLTON, Texas (hereinafter called "CITY OF CARROLLTON"), each acting by and through its duly authorized officials:

WHEREAS, CITY OF IRVING and CITY OF CARROLLTON are both governmental entities engaged in the purchase of goods and services, which is a recognized governmental function;

WHEREAS, CITY OF IRVING and CITY OF CARROLLTON wish to enter into this Agreement pursuant to Chapter 791 of the Texas Government Code (hereinafter "Interlocal Cooperation Act") to set forth the terms and conditions upon which CITY OF IRVING and CITY OF CARROLLTON may purchase various goods and services commonly utilized by each party;

WHEREAS, participation in an interlocal agreement will be highly beneficial to the taxpayers of CITY OF IRVING and CITY OF CARROLLTON through the anticipated savings to be realized and is of mutual concern to the contracting parties;

WHEREAS, CITY OF IRVING and CITY OF CARROLLTON have current funds available to satisfy any fees owed pursuant to this Agreement.

NOW, THEREFORE, in consideration of the foregoing and the mutual promises, covenants and obligations as set forth herein; CITY OF IRVING and CITY OF CARROLLTON agree as follows:

1. The purpose of this Agreement is to provide CITY OF IRVING and CITY OF CARROLLTON with additional purchasing options by satisfying the provisions of Section 271.102 of the Local Government Code. CITY OF IRVING and CITY OF CARROLLTON may cooperate in the purchase of various goods and services commonly utilized by the participants, where available and applicable, and may purchase goods and services from vendors under present and future contracts.

CITY OF IRVING and CITY OF CARROLLTON agree that each of the parties shall respectively designate a person to act under the direction of, and on behalf of, the designating party (the "Designated Representative"). At the request of the other party, a party that enters into a contract with a vendor for goods or services (the "First Purchasing Party") shall attempt to obtain the vendor’s agreement to offer those goods and services to the other party (the "Second Purchasing Party") for the same price and on the same terms and conditions as have been offered to the First Purchasing Party. If the vendor so agrees, and if the Second Purchasing Party is agreeable to such terms and conditions, the Second Purchasing Party may enter into its own separate contract with the vendor for the purchase of such goods or services.
Unless otherwise agreed between the Designated Representatives, payments for a
purchase made by the Second Purchasing Party shall be paid directly to the vendor and
not to the First Purchasing Party. The Second Purchasing Party shall have the
responsibility of determining whether the vendor has complied with any provisions in its
contract with the vendor, including but not limited to those relating to the quality of items
and terms of delivery, and shall be responsible for enforcement of its contract against the
vendor, including all cost of enforcement. This Agreement will be subject to all applicable
federal, state and local laws, ordinances, rules and regulations.

2. CITY OF IRVING and CITY OF CARROLLTON shall each be individually
responsible for payments directly to the vendor and for the vendor’s compliance with all
conditions of delivery and quality of purchased items under such contracts. CITY OF
IRVING and CITY OF CARROLLTON shall each make their respective payments from
current revenues available to the paying party.

3. Notwithstanding anything herein to the contrary, participation in this Agreement
may be terminated by any party upon thirty (30) days written notice to the other
participating party(ies).

4. Notices given pursuant to this Agreement shall be sufficient if actually received and
sent certified or registered mail, postage fully prepaid to:

   CITY OF CARROLLTON    CITY OF IRVING
   Blake Williams          Darlene Humphries
   Purchasing Manager     Purchasing Manager
   1945 E. Jackson Rd     835 W. Irving Blvd.
   Carrollton, Texas 75006 Irving, TX  75060

5. The undersigned officer and/or agents of the party(ies) hereto are duly authorized
officials and possess the requisite authority to execute this Agreement on behalf of the
parties hereto.

6. This Agreement may be executed separately by the participating entities, each of
which shall be deemed an original and all of which together shall constitute one and the
same instrument.

7. This Agreement shall become effective on the day and year first written above (the
“Effective Date”). The primary term of this Agreement shall be for one (1) year,
commencing on the Effective Date, and shall thereafter automatically renew for
successive one-year terms, unless terminated according to the terms set forth in
Paragraph 3.
8. Each Party, to the extent allowed by law and without waiving any rights, defenses or protections provided therein, agrees to be responsible for its own acts of negligence. In the event of joint or concurrent negligence of the Parties, responsibility, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas without, however, waiving any governmental immunity or defense available to any Party individually under Texas law. CITY OF IRVING and CITY OF CARROLLTON shall each be individually responsible for its sole negligence. The provisions of this Agreement are solely for the benefit of the Parties hereto and does not create or grant any rights, contractual or otherwise, to any other person or entity.

9. The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this Agreement.

10. The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held by a court of competent jurisdiction to be contrary to law or contrary to any rule or regulation having the force and effect of the law, the remaining portions of the Agreement shall be enforced as if the invalid provision had never been included.

11. This Agreement embodies the entire agreement between the parties and may only be modified by mutual agreement of the parties in writing.

12. This Agreement shall be binding upon the parties hereto, their successors, heirs, personal representatives and assigns. Neither party will assign or transfer an interest in this Agreement without the written consent of the other party.

13. It is expressly understood and agreed that, in the execution of this Agreement, neither party waives, nor shall be deemed hereby to have waived any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this Agreement, the parties do not create any obligations, express or implied other that those set forth herein, and this Agreement shall not create any rights in parties not signatories hereto.

14. The declarations, determinations and findings declared, made and found in the preamble to this Agreement are hereby adopted, restated and made part of the operative provisions hereof.
EXECUTED hereto on the day and year first above written.

CITY OF IRVING

By: CHRIS HILLMAN,
City Manager

CITY OF CARROLLTON

By: ERIN RINEHART,
City Manager

STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on the ___ day of __________, 2024, by
CHRIS HILLMAN, City Manager of the CITY OF IRVING, TEXAS, a home-rule municipal
corporation, on behalf of such corporation.

Notary Public in and for the State of Texas

STATE OF TEXAS

COUNTY OF DENTON

This instrument was acknowledged before me on the ___ day of __________, 2024, by
ERIN RINEHART, City Manager of the CITY OF CARROLLTON, TEXAS, a home-rule
municipal corporation, on behalf of such corporation.

Notary Public in and for the State of Texas
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>TOTAL</td>
<td></td>
<td>$200,000.00</td>
<td></td>
</tr>
</tbody>
</table>

Recommendation
The resolution be approved.

ADDITIONAL COMMENTS:
Contract Required: No                  Review Completed By: N/A
Previous Action: 2023-274            Council Action: Approved Award
Discretionary Contract Disclosure Form Required: No
Certificate of Interested Parties (Form 1295) Required: No
TGC 2271 Verification Form Required: No
TGC 2274 Verification Form Required: No

Comments: Services provided by the vendor meet the specifications and performance criteria: pricing remains the same. These as-needed expenditures will be tracked using Contract No. 42300244-3.

CURRENT YEAR FINANCIAL IMPACT:

<table>
<thead>
<tr>
<th>Code</th>
<th>Budget</th>
<th>Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td>51016012-600201</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>51016014-600201</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>51016502-610009</td>
<td>$100,000.00</td>
<td>$100,000.00</td>
</tr>
<tr>
<td>51016502-640021</td>
<td>$40,000.00</td>
<td>$40,000.00</td>
</tr>
</tbody>
</table>

Budget Adjustment/Transfer Required: No
Purchase orders will be issued as needed for annual contract.

REVISION INFORMATION:

Prepared: 5/7/2024 04:51 PM by Maria Collier
Last Updated: 6/5/2024 06:11 PM by Darlene Humphries
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION I. THAT the City Council hereby renews the annual contract with Big City Crushed Concrete, in the estimated amount of $160,000.00 for the period of July 1, 2024, through September 30, 2024, and in the estimated amount of $40,000.00 for the period of October 1, 2024, through June 30, 2025, subject to funds being appropriated in Fiscal Year 2024-25, for Concrete (Recycling) Crushing Services.

SECTION II. THAT funding for these expenditures is available in the Solid Waste Operating and Water-Sewer Operating funds.

SECTION III. THAT this resolution shall take effect from and after its final date of passage, and it is accordingly so ordered.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS, on June 13, 2024.

____________________________
RICHARD H. STOPFER
MAYOR

ATTEST:

____________________________
Shanae Jennings  
City Secretary/Chief Compliance Officer

APPROVED AS TO FORM:

____________________________
Kuruvilla Oommen 
City Attorney
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 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.

**ADDITIONAL COMMENTS:**

**Contract Required:** No  **Review Completed By:** N/A

**Previous Action:** RES-2023-370  **Council Action:** Approved Contract

**Discretionary Contract Disclosure Form Required:** No

**Certificate of Interested Parties (Form 1295) Required:** No
TGC 2271 Verification Form Required: No
TGC 2274 Verification Form Required: No

Comments: Purchases under Contract No. 703-23 meets competitive bid requirements with the State of Texas statutes, rules, policies, and procedures. Pricing is reasonable and within budget. These as-needed expenditures will be tracked using Contract No. 42300316-1.

ATTACHMENTS:

Centerline Supply, Inc. Renewal Letter (PDF)

CURRENT YEAR FINANCIAL IMPACT:

Various Budget: $25,000.00 Actual: $25,000.00
Budget Adjustment Required: No
Purchase orders will be issued as needed.

REVISION INFORMATION:

Prepared: 5/30/2024 08:48 AM by Leona Franklin
Last Updated: 6/6/2024 07:55 AM by Leona Franklin
WHEREAS, the City of Irving is authorized, pursuant to Chapter 271, Texas Local Government Code, and Section 791.025, Texas Government Code, to enter into cooperative purchase agreements and is deemed thereby to satisfy state laws requiring competitive bidding; and

WHEREAS, the City of Irving entered into an Interlocal Cooperative Purchasing Agreement with the Texas Local Government Statewide Purchasing Cooperative administered by the Texas Association of School Boards (BuyBoard) on January 11, 2001, which was amended on February 8, 2007; and

WHEREAS, the City of Irving entered into a Vendor/Member Contract Pursuant to an Interlocal Cooperative Purchasing Agreement with Centerline Supply, Inc. on August 31, 2023 by Resolution No. 2023-370 for utilization of BuyBoard Contract No. 703-23 for Highway Safety and Traffic Control Products, which has been renewed through May 31, 2025;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION I. THAT the City Council hereby authorizes as-needed expenditures with Centerline Supply, Inc., in the estimated amount of $25,000 for the period of June 1, 2024, through September 30, 2024, and in the estimated amount of $135,000.00 for the period of October 1, 2024, through May 31, 2025, subject to funds being appropriated in Fiscal Year 2024-25, utilizing BuyBoard Contract No. 703-23.

SECTION II. THAT funding for these expenditures is available in various departmental budgets within various funds.

SECTION III. THAT this resolution shall take effect from and after its final date of passage, and it is accordingly so ordered.
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS, on June 13, 2024.

____________________________

RICHARD H. STOPFER
MAYOR

ATTEST:

____________________________

Shanae Jennings
City Secretary/Chief Compliance Officer

APPROVED AS TO FORM:

____________________________

Kuruvilla Oommen
City Attorney
April 21, 2024

Sent via email to: shane.richmond@clsusa.com

Shane Richmond  
Centerline Supply, Inc.  
530 Jesse St.  
Grand Prairie TX  75051

Re: Highway Safety and Traffic Control Products  
BuyBoard Contract 703-23

The Local Government Purchasing Cooperative (BuyBoard) awarded your company a contract under Highway Safety and Traffic Control Products, Contract 703-23 effective 6/1/2023 through May 31, 2024, with two possible one-year renewals. At this time the BuyBoard is renewing your contract through May 31, 2025.

All discounts, terms, and conditions of your contract will remain the same. If you agree to this renewal, there is nothing you need to do. However, if you do not agree to this renewal, you must notify me via email at contractadmin@buyboard.com prior to the start of the renewal term.

Reminder: Once a BuyBoard contract is awarded, vendors must generate a minimum of $15,000 annually or they may not be offered a contract renewal.

If you have questions or comments concerning this renewal, please contact me as soon as possible at contractadmin@buyboard.com. We appreciate your interest in The Local Government Purchasing Cooperative.

Sincerely,

Jim Tulberg

Jim Tulberg  
Contract Administrator
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>TOTAL</td>
<td></td>
<td>$ 164,000.00</td>
<td></td>
</tr>
</tbody>
</table>

Recommendation
The resolution be approved.

ADDITIONAL COMMENTS:
Contract Required: No
Previous Action: RES-2023-238
Review Completed By: N/A
Council Action: Approved Award
Discretionary Contract Disclosure Form Required: No
Certificate of Interested Parties (Form 1295) Required: No
TGC 2271 Verification Form Required: No
TGC 2274 Verification Form Required: No
Comments: Services provided by the vendor meet specifications and performance criteria; pricing remains the same. These as-needed expenditures will be tracked using Contract 13 Packet Pg. 153
CURRENT YEAR FINANCIAL IMPACT:

50016001-620008  Budget: $41,000.00  Actual: $41,000.00
Budget Adjustment/Transfer Required: No
Purchase orders will be issued as needed for annual contract.

REVISION INFORMATION:

Prepared: 5/29/2024 09:49 AM by Maria Collier
Last Updated: 6/6/2024 09:12 AM by Maria Collier
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION I. THAT the City Council hereby renews the annual contract with Unica Enterprises, LLC, in the estimated amount of $41,000.00 for the period of July 1, 2024, through September 30, 2024, and in the estimated amount of $123,000.00 for the period of October 1, 2024, through June 30, 2025, subject to funds being appropriated in Fiscal Year 2024-25, for Custodial Maintenance Services for the Valley View Municipal Complex.

SECTION II. THAT funding for these expenditures is available in the Water-Sewer Operating Fund.

SECTION III. THAT this resolution shall take effect from and after its final date of passage, and it is accordingly so ordered.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS, on June 13, 2024.

____________________________
RICHARD H. STOPFER
MAYOR

ATTEST:

____________________________
Shanae Jennings
City Secretary/Chief Compliance Officer

APPROVED AS TO FORM:

____________________________
Kuruvilla Oommen
City Attorney
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

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></td>
<td>TOTAL</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$900,000.00</td>
<td></td>
</tr>
</tbody>
</table>

Recommendation
The resolution be approved.

ADDITIONAL COMMENTS:

Contract Required: No  Review Completed By: N/A
Previous Action: None  Council Action: None
Discretionary Contract Disclosure Form Required: No
Certificate of Interested Parties (Form 1295) Required: Yes
TGC 2271 Verification Form Required: Yes
TGC 2274 Verification Form Required: Yes
Purchasing sent solicitations notices for ITB No. 098LR-24F to 580 vendors, 328 of whom were MWBE or HUB vendors. Five responses were received, four of which were from a M/WBE or HUB vendor. These as-needed purchases will be tracked using Contract No. 42400302-2.

The evaluation criteria are as follows: Pricing (includes hourly labor rate, shop charges and parts discount) (50%); capacity of repair facility to accommodate repairs (15%); pricing to pick up and deliver vehicles (15%); past performance - experience and references (15%); and warranty (5%).

ATTACHMENTS:

2271-2274 forms- Memo’s Auto Body & Fiberglass Repair  (PDF)

CURRENT YEAR FINANCIAL IMPACT:

<table>
<thead>
<tr>
<th></th>
<th>Budget: $45,000.00</th>
<th>Actual: $45,000.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>60017005-601010</td>
<td>Budget: $105,000.00</td>
<td>Actual: $105,000.00</td>
</tr>
</tbody>
</table>

Budget Adjustment/Transfer Required: No
Purchase orders will be issued as needed for annual contract.

REVISION INFORMATION:

Prepared: 5/21/2024 04:55 PM by Lauren Rodriguez
Last Updated: 6/6/2024 03:55 PM by Lauren Rodriguez
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION I. THAT the City Council hereby approves and accepts the bid of Guillermo Luevano dba Memos Auto Body & Fiberglass Repair, LLC, in the estimated amount of $150,000.00 for the period of June 14, 2024, through September 30, 2024, in the estimated amount of $450,000.00 for the period of October 1, 2024, through September 30, 2025, and in the estimated amount of $300,000.00 for the period of October 1, 2025, through May 31, 2026, subject to funds being appropriated in Fiscal Years 2024-25 and 2025-26, for ITB No. 098LR-24F for Auto Body Repair of Vehicles and awards a contract to said company in said amount.

SECTION II. THAT funding for these expenditures is available in the Garage and Property & Casualty funds.

SECTION III. THAT this resolution shall take effect from and after its final date of passage, and it is accordingly so ordered.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS, on June 13, 2024.

____________________________
RICHARD H. STOPFER
MAYOR

ATTEST:

____________________________
Shanae Jennings
City Secretary/Chief Compliance Officer

APPROVED AS TO FORM:

____________________________
Kuruvilla Oommen
City Attorney
Form TGC 2271

VERIFICATION REQUIRED BY TEXAS GOVERNMENT CODE CHAPTER 2271

Please read both pages.

By signing below, Company hereby verifies the following:

1. Company does not boycott Israel; and
2. Company will not boycott Israel during the term of the contract.

SIGNED BY:
GUILLERMO LUEVANO
GUILLERMO LUEVANO (May 20, 2021 15:26 CDT)

Print Name: Guillermo Luevano  Title: Owner
Company Name: Memos Auto Body And Fiberglass Repair
Date Signed: May 20, 2021

NOTARIZATION

THE STATE OF  §
COUNTY OF  §

BEFORE ME, the undersigned notary public on this day personally appeared ____________________________, on behalf of ____________________________, (Company Name), who, being duly sworn, stated under oath that he/she has read the foregoing verification required by Texas Government Code Section 2271.002 and said statements contained therein are true and correct.

SWORN TO AND SUBSCRIBED before me on the ______ day of ____________, 20___.

NOTARY PUBLIC IN AND FOR THE STATE OF ________________

The following definitions apply to TEXAS GOVERNMENT CODE SECTION 2271.001:

(1) "Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes; and

(2) "Company" means a for-profit organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations that exists to make a profit, but does not include a sole proprietorship.

State law requires verification from a Company for a contract involving goods or services: (1) between a government entity and a Company with 10 or more full-time employees, and (2) that has a value of $100,000 or more to be paid wholly or partly from public funds, before the City can enter into the contract.

Contract #098LR-24F  LSR #__________
Form TGC 2274

VERIFICATION REQUIRED BY TEXAS GOVERNMENT CODE CHAPTER 2274

By signing below, Company hereby verifies the following:

1. Company does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and
2. Company will not discriminate during the term of the contract against a firearm entity or firearm trade association.

SIGNED BY:

GUILLERMO LUEVANO

GUILLERMO LUEVANO (May 21, 2024 15:26:50.273)

Print Name: Guillermo Luevano  Title: Owner

Company Name: Memos Auto Body and Fiberglass Repair

Date Signed: May 21, 2024

NOTARIZATION

THE STATE OF ____________________________  §

COUNTY OF ____________________________  §

BEFORE ME, the undersigned notary public on this day personally appeared ____________________________, on behalf of ____________________________, (Company Name), who, being duly sworn, stated under oath that he/she has read the foregoing verification required by Texas Government Code Section 2274.002 and said statements contained therein are true and correct.

SWORN TO AND SUBSCRIBED before me on the ______day of ________, 20__

NOTARY PUBLIC IN AND FOR THE STATE OF ____________________________

The following definition applies to TEXAS GOVERNMENT CODE SECTION 2274.001:

(2) "Company" means a for-profit organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations that exists to make a profit. The term does not include a sole proprietorship.

Additional definitions under TEXAS GOVERNMENT CODE SECTION 2274.001 can be found here https://capitol.texas.gov/tlodocs/87R/billtext/pdf/SB00019F.pdf.

State law requires verification from a Company for a contract involving goods or services: (1) between a government entity and a Company with 10 or more full-time employees, and (2) that has a value of $100,000 or more to be paid wholly or partly from public funds, before the City can enter into the contract; unless an applicable exception under Chapter 2274 applies.

Contract # 0981R-24F  LSR # __________
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.

ADDITIONAL COMMENTS:

Contract Required: Yes
Previous Action: None
Discretionary Contract Disclosure Form Required: Yes
Certificate of Interested Parties (Form 1295) Required: Yes
TGC 2271 Verification Form Required: Yes
TGC 2274 Verification Form Required: Yes
Comments: Purchasing sent solicitation notices for RFQ #042T-24F to 6,908 vendors, of which 4,567 were M/WBE or HUB vendors. Pricing is reasonable and within budget.

Evaluation criteria were as follows: qualifications of the team (30%); experience with work of a similar scope and complexity (30%); evaluation of prior customer’s satisfaction (20%); and ability to adequately convey the scope, opportunities and constraints
surrounding the project (20%).

ATTACHMENTS:

H-3 Engineering Services Agreement - signed (PDF)
TGC 2271 and 2274 (PDF)
Discretionary Contract Disclosure - signed (PDF)

CURRENT YEAR FINANCIAL IMPACT:

22302657-640021  Budget $385,100.00  Actual $385,100.00
Budget Adjustment/Transfer Required:  No
Requisition #12403480

REVISION INFORMATION:

Prepared:  5/7/2024 05:34 PM by Tonya White
Last Updated:  6/7/2024 08:56 AM by Tonya White
CITY OF IRVING

COUNCIL RESOLUTION NO. (ID # 14657)

WHEREAS, the City of Irving desires to conduct a Broadband Assessment Study & Strategic Plan Development (the “Project”); and

WHEREAS, the 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; and

WHEREAS, the contract award 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;

WHEREAS, the Project would not be funded without the availability of federal funds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION I. THAT the City Council hereby approves the attached Engineering Services Agreement between the City of Irving and Finley Engineering Company, Inc. in the amount of $385,100.00, for RFQ No. 042T-24F for Professional Services for Community Development Block Grant COVID-19 (CDBG-CV) Funded Broadband Assessment Study & Strategic Plan Development, and the City Manager or designee is authorized to execute said agreement with Federal Funds Addendum.

SECTION II. THAT funding for this expenditure is available in the CDBG-CV Fund.

SECTION III. THAT this resolution shall take effect from and after its final date of passage, and it is accordingly so ordered.
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,
on June 13, 2024.

______________________________
RICHARD H. STOPFER
MAYOR

ATTEST:

______________________________
Shanae Jennings
City Secretary/Chief Compliance Officer

APPROVED AS TO FORM:

______________________________
Kuruvilla Oommen
City Attorney
ENGINEERING SERVICES AGREEMENT

This Engineering Services Agreement (the “Agreement”) is made and entered into by and between the City of Irving, Texas (the “City”), and Finley Engineering Company, Inc. (the “Engineer” or “Consultant”).

RECITALS

WHEREAS, the City intends to perform a Broadband Assessment Study and develop a Strategic Plan for Broadband Development as specified in RFQ #042T-24F (the “Project”); and

WHEREAS, the City desires to obtain engineering services in connection with the Project; and

WHEREAS, in accordance with Texas Gov’t Code Ch. 2254, the Irving City Council has determined that the Engineer is acceptable to the City, and the Engineer is willing to enter into an Agreement with the City to perform such services; and

NOW, THEREFORE, in consideration of the premises and mutual covenants contained herein, the City and the Engineer agree as follows:

CONTRACTUAL UNDERTAKINGS

SECTION I
CONTROLLING DOCUMENTS

The following documents are incorporated as if written word for word in this Agreement and should be interrupted in the following order if any conflict(s) exist:
1. This Agreement;
2. Special Federal Provisions (Attachment 1);
3. Specifications to the Request for Qualifications (“RFQ”);
4. Special Instructions to Submitters;
5. General Instructions to Submitters;
6. City’s Standard Terms and Conditions; and
7. Response document(s) from the Engineer.

SECTION II
SERVICES TO BE PROVIDED

The Engineer agrees to furnish engineering services to the City’s satisfaction in connection with the Project, and for having rendered such services, the City agrees to pay to the Engineer compensation as indicated in Exhibit A (Basic Engineering Services Scope and Fee Schedule) attached hereto.
Engineer agrees to furnish engineering services in accordance with the terms and conditions of this Agreement (1) with the professional skill and care ordinarily provided by competent engineers practicing under the same or similar circumstances and professional license; and (2) as expeditiously as is prudent considering the ordinary professional skill and care of a competent engineer.

SECTION III
AUTHORIZATION OF SERVICES

No professional services of any nature shall be undertaken by the Engineer under this Agreement without written authorization from the City.

SECTION IV
PERIOD OF SERVICE

This Agreement shall be effective upon execution by the City and the Engineer and shall remain in force until terminated under the provisions of this Agreement.

SECTION V
COORDINATION WITH THE CITY

The Engineer shall hold periodic conferences with the City, or its representatives, to the end that the Project, as perfected, and shall have full benefit of the City’s experience and knowledge of existing needs and facilities and be consistent with its current policies and construction standards. To implement this coordination, the City may make available to the Engineer for use in planning the Project all existing plans, maps, field notes, statistics, computations, and other data in its possession relative to existing facilities and to the Project.

SECTION VI
THE ENGINEER’S COMPENSATION

A. Basic Engineering Services. During the term of this Agreement, Engineer shall perform at the request and satisfaction of the City, the Basic Engineering Services for the indicated fee schedule attached as EXHIBIT A. All remittances by the City of compensation for services performed by the Engineer to the City’s satisfaction shall either be mailed or delivered to the Engineer in accordance with this Agreement and Texas Government Code Chapter 2251.

B. Special Services. Compensation for “Special Services” not covered by the Basic Engineering Services shall be as follows:

I. For all of Engineer’s personnel time applied to the Special Services, on an hourly basis per Engineer’s established hourly rates included as EXHIBIT B to this Agreement.

II. All reimbursable expenses shall meet the requirements of the attached City of Irving Consultant Reimbursement Guidelines, attached to this Agreement as
EXHIBIT C. The council or council’s designee may review, examine, or audit all documents supporting any requests for reimbursement.

III. Payments to the Engineer for authorized Special Services will be due monthly, upon presentation of monthly statements by the Engineer for such services.

C. No Additional Amounts Authorized. It is agreed by both the Engineer and the City that the fees paid under this Agreement for Basic Engineering Services and Special Services shall not exceed the budgeted amounts approved by the City unless authorized pursuant to the City of Irving Charter, the City of Irving Code of Civil and Criminal Ordinances, or City Council approval. The amounts set forth in this section shall be the only amounts due from the City, and the Engineer shall not be reimbursed for additional expenses not in accordance with this section in addition to the fee.

SECTION VII
REVISION OF REPORTS, PLANS, SPECIFICATIONS AND OTHER DOCUMENTS

The revision and rework of reports, plans, specifications, and other documents during the formative stages as an orderly process in the development of the Project to meet the needs of the City shall be considered as part of the Basic Engineering Services. After a definite plan has been approved by the City, if a decision is subsequently made by the City, which, for its proper execution involved Special Services and expenses for changes in, or additions to the drawings, specifications or other documents, or if the Engineer is put to labor or expense by delays imposed on the Engineer from causes not within its control, such as, but not limited to the re-advertisement of bids or by the delinquency or insolvency of Contractors, the Engineer shall be compensated for such extra expense which shall be considered as Special Services.

SECTION VIII
OWNERSHIP OF DOCUMENTS

All of Engineer’s designs and work products under this Agreement including, but not limited to, tracings, drawings, plans, specifications, studies, and other documents completed or partially completed, shall be the property of the City, to be used as the City desires, without restriction. Engineer specifically waives and releases any proprietary rights or ownership claims herein. The City shall have unlimited right for the benefit of the City for use in future projects to all drawings, designs, specifications, Engineer’s designs and structures, notes and other pertinent consultant-engineer work procured in the performance of this Agreement or in contemplation thereof, and all as-built drawings produced after completion of the Project, if any, including the right to use same on any other City work without additional cost to the City. Any use of the aforementioned documents for future projects shall be without use of Engineer’s name or registration seal and without any liability to the Engineer its agents, employees, subcontractors, and consultants.

All information, documents, and communications relating to this Agreement, including the Agreement itself, shall be subject to the Texas Public Information Act (“Act”) and any opinion of the Texas Attorney General or a court of competent jurisdiction relating to the Act. The requirements of Subchapter J, Chapter 552, Texas Government Code, may apply to this Agreement and the Engineer agrees that the Agreement may be terminated if the Engineer knowingly or
intentionally fails to comply with a requirement of that subchapter. In accordance with the Act, the Engineer agrees to:

(1) preserve all contracting information related to the Agreement as provided by the records retention requirements applicable to the City for the duration of the Agreement;

(2) promptly provide to the City any contracting information related to the Agreement that is in the custody or possession of the Engineer on request of the City; and

(3) on completion of the Agreement, either:

   (A) provide, at no cost to the City, all contracting information related to the Agreement that is in the custody or possession of the Engineer; or

   (B) preserve the contracting information related to the Agreement as provided by the records retention requirements applicable to the City.

SECTION IX
TERMINATION/INTERRUPTION

The City may terminate or suspend the Engineer’s services under this Agreement at any time upon paying all sums due the Engineer for work to time of termination and after giving the Engineer seven (7) calendar days prior written notice by certified mail, stating the reason for such termination or suspension. Upon delivery of such notice by the City to the Engineer, the Engineer shall discontinue all services in connection with the performance of the Agreement and shall proceed to cancel promptly all existing orders and contracts insofar as such orders or contracts are chargeable to the Agreement. As soon as practicable after receipt of notice of termination, the Engineer shall submit a statement, showing in detail, the services performed under this Agreement less such payments on account of the charges as have been previously made. Copies of all completed or partially completed designs, plans and reports prepared under this Agreement shall be delivered to the City when and if this Agreement is terminated.

In the event of termination or abandonment of the Engineer’s services under this Agreement, payment shall be made to the Engineer for all services performed to the date of same.

If this Agreement is terminated because of material breach of this Agreement by the Engineer, the City may have the remaining work and services to be performed by the Engineer performed by another engineer, and the Engineer shall be liable to the City for any excess costs accrued by the City thereof.

SECTION X
SUCCESSORS AND ASSIGNMENTS

The City and the Engineer each bind itself and its successors, executors, administrators and assigns to any other party of the Agreement and to the successors, executors, administrators, and assigns of such other party, in respect to all covenants of this Agreement. Except as above, neither the City nor the Engineer shall assign, sublet, or transfer its interest in this Agreement without the
written consent of the other. Nothing herein shall be constituted as creating any personal liability on the part of any officer or agent of any public body which may be a party thereto.

SECTION XI
TIME OF COMPLETION

The prompt completion of this Project is critical and time is of the essence. Unnecessary delays to the Project shall be grounds for dismissal of the Engineer and the termination of this Agreement without any or further liability to the City other than a prorated payment for necessary and timely work done on the Project to the time of termination. Engineer proposes to complete the Basic Services for the entire Project within five (5) months of the date this Agreement is executed by Engineer and City. This time frame, shall not, except for cause of force majeure, be exceeded by Engineer. For purposes of this section, “force majeure” is when services to be rendered by Engineered are delayed as a result of circumstances which are beyond the reasonable control of such party and such party gives the other party to this Contract written notice of the event causing such delay within thirty days of such event causing the delay (“Force Majeure Event”). Any Force Majeure Event claimed by the Engineer may be granted at the City’s sole discretion and the time for such performance shall be extended by the amount of time of such delay. If a Force Majeure Event is claimed by the City the time for such performance shall be extended by the amount of time of such delay. Such circumstances that are considered a Force Majeure Event include, without limitation, acts of God; war; acts of civil disobedience; fire or other casualty; adverse weather conditions that cause work to stop completely (such as, by way of illustration and not limitation, severe rain storms, below-freezing temperatures which cause icing conditions, hurricanes, or tornadoes); and labor actions, strikes or similar acts. Furthermore, the party asserting a Force Majeure Event shall use diligent efforts to end the failure or delay and ensure the effects of such Force Majeure Event are minimized. The party shall resume the performance of its obligations as soon as reasonably practicable after the removal of the cause of the Force Majeure Event.

Engineer shall pay City the sum of $200.00 per calendar day for each and every calendar day of unexcused delay in performing its services within the time frame stated in this Section. Any sums due and payable hereunder by Engineer shall be payable, not as a penalty, but as liquidated damages representing a reasonable estimate of damages because the harm caused by the breach is incapable or difficult of estimation due to the public nature of the work and the likely loss to be sustained by City and the general public, estimated at or before the time of executing this Agreement. The Engineer agrees that the liquidated damages provisions in this Agreement are reasonable, facially valid, are not a penalty, and do not otherwise operate as a penalty.

Further, the parties acknowledge the City’s paramount purposes and duty to protect the public fisc and the general health, safety, and welfare of the public, and the parties agree that any alleged disparity between actual and liquidated damages shall be construed as bridgeable and acceptable as a matter of public policy and shall be calculated and construed in favor of the City.

When the City reasonably believes that performance of Engineer’s services will be inexcusably delayed, City shall be entitled, but not required, to withhold from any amounts otherwise due Engineer an amount then believed by City to be adequate to recover liquidated damages applicable to such delay. If the Engineer performs its services in a manner satisfactory to
the City, the City may, but is not obligated to, release to Engineer those funds withheld as liquidated damages.

SECTION XII
INSURANCE

The Engineer shall carry and maintain insurance as required by Attachment D-2 to the RFQ and shall provide continuing insurance under the same terms and conditions of this Agreement for three (3) years after final completion of the Project.

SECTION XIII
INDEMNIFICATION

The Engineer shall hold harmless, defend, and indemnify the City from all claims and liability for damage arising out of or in connection with this Agreement to the extent that the damage is caused by or results from an error, omission, act of negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor or supplier committed by the Engineer or the Engineer’s agent, consultant under Agreement, or another entity over which the Engineer exercises control. The Engineer shall also reimburse the City for any and all legal costs and expenses, including reasonable attorney fees which might be incurred by the City in litigation or otherwise resisting said claim or liabilities, which might be incurred by, charged against, or imposed on the City as the result of such negligent acts or omissions by the Engineer in proportion to the Engineer’s liability.

The parties hereby acknowledge and agree that the City is entering into this Agreement pursuant to its governmental functions and that nothing contained in the Agreement shall be construed as constituting a waiver of the City’s governmental immunity from suit or liability, which is expressly reserved to the extent allowed by law. Notwithstanding anything to the contrary herein, the parties hereby acknowledge and agree that to the extent this Agreement is subject to the provisions of Subchapter I of Chapter 271, TEXAS LOCAL GOVERNMENT CODE, as amended, the City’s immunity from suit is waived only as set forth in Subchapter I of Chapter 271, TEXAS LOCAL GOVERNMENT CODE. Further, the parties agree that this Agreement is made subject to all applicable provisions of the Texas Civil Practices and Remedies Code (“CPRC”), including but not limited to all defenses, limitations, and exceptions to the limited waiver of immunity from liability provided in Chapter 101 and Chapter 75.

Should a court of competent jurisdiction determine the City’s immunity from suit is waived in any manner other than as provided in Subchapter I of Chapter 271, Texas Local Government Code, as amended, the parties hereby acknowledge and agree that in a suit against the City for breach of this Agreement:

(a) the total amount of money awarded is limited to actual damages in an amount not to exceed the balance due and owed by the City under this Agreement;
(b) the recovery of damages against the City may not include consequential damages or exemplary damages;
(c) Engineer may not recover attorney’s fees; and
(d) Engineer is not entitled to specific performance or injunctive relief against the City.

Engineer further agrees that during the course and scope of this Agreement, except with City’s knowledge and consent, Engineer shall not represent any third party against the City in any claim, litigation, or other matter, or be retained to act as an expert witness for any third party in any claim, litigation, or any other matter that is, or may be, adversarial to the City, as determined by the City.

Acceptance by the City of the Engineer’s work shall not constitute nor be deemed a release of the responsibility and liability of Engineer, its employees, subcontractors, agents, or consultants for the accuracy and competency of Engineer’s work; nor shall such acceptance be deemed to be an assumption of such responsibility by the City for any defect, error, or omission in the Engineer’s work, its employees, subcontractors, agents, and consultants. Engineer, shall without additional costs or fee to the City, correct or revise any errors or deficiencies in Engineer’s performance.

SECTION XIV
NOTICES

All notices and billings shall be in writing and sent to the following addresses:

To City:

City of Irving
ATTN: IT Communications Manager
825 W. Irving Boulevard
Irving, Texas 75060

or
jchaney@cityofirving.org

To Engineer:

Finley Engineering Company, Inc.
Attn: Andy Heins
104 E. 11th Street
Lamar, MO 64759

or
t.arbeiter@finleyusa.com

SECTION XV
COMPLIANCE WITH LAWS

The Engineer, its consultants, agents, employees, and subcontractors shall comply with all applicable Federal and State laws, charter, and ordinances of the City of Irving, as amended, and all other applicable rules and regulations promulgated by federal, local, state, and national boards, bureaus, and agencies. Engineer shall complete only the professional engineering services as required in the performance of the services contracted for herein.
SECTIO\nENGINEER'S SEAL

The Engineer shall place a Texas Professional Engineer's seal of endorsement on all documents and engineering data furnished by Engineer to the City.

SECTION XVII
CONFIDENTIALITY

The Engineer will maintain as confidential any documents or information provided by City and will not release or publish same to any third party without prior permission from City, unless compelled by law or order of a court or regulatory body of competent jurisdiction. Such release will occur only after prior notice to City.

SECTION XVIII
GOVERNING LAW

This Agreement shall be governed in all respects by the laws of the State of Texas, without regard for conflict of laws principles. Venue for any dispute arising out of this Agreement shall lie exclusively in Dallas County, Texas.

SECTION XIX
SURVIVAL

All provisions of this Agreement for indemnity or allocation of responsibility or liability between City and Engineer shall survive the completion of the services and the termination of the Agreement.

SECTION XX
SEVERABILITY

In case any one or more of the provisions contained in the Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of the Agreement, and the Agreement shall be considered as if such invalid, illegal, or unenforceable provision had never been contained in the Agreement.

SECTION XXI
PUBLIC FUNDING

This Agreement is subject to the appropriation of public funds by the City in its budget adopted for any fiscal year for the specific purpose of making payments pursuant to this Agreement for that fiscal year. The obligation of the City pursuant to this Agreement in any fiscal year for which this Agreement is in effect shall constitute a current expense of the City for that fiscal year only and shall not constitute an indebtedness of the City of any monies other than those lawfully appropriated in any fiscal year. In the event of non-appropriation of funds in any fiscal year to make payments pursuant to this Agreement, this Agreement may be terminated without any liability to either party.
SECTION XXII
INDEPENDENT CONTRACTOR

The Engineer shall perform its obligations under this Agreement as an independent contractor and shall not be considered an employee of the City for any purpose whatsoever, including, but not limited to, entitlement to City employee benefits. The Engineer hereby expressly waives any claim or entitlement to such benefits. Furthermore, this Agreement is not intended to create, nor should it be construed as creating, a partnership, association, joint venture, or trust. Nothing contained herein shall create a contractual relationship with, or any rights in favor of, any third party.

SECTION XXIII
LEGAL CONSTRUCTION

The judicial doctrine that provides that documents or exculpatory provisions are to be construed against the drafter or provider of such documents or provisions does not apply to this Agreement, as each party has had a reasonable opportunity to obtain and consult with their own legal counsel regarding this Agreement.

SECTION XXIV
MEANING OF TERMS

Terms in this Agreement and in the construction contract which results from the services provided by the Engineer pursuant to this Agreement shall be construed in accordance with their common and ordinary meaning, unless otherwise specifically defined in this Agreement or said construction contract.

[Remainder of page left blank]
SECTION XXV
ENTIRE AGREEMENT

This Agreement represents the entire agreement between the City and the Engineer and supersedes all prior communications, negotiations, representations, or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both the City and the Engineer.

Executed in three (3) counterparts (each of which is an original) on behalf of the Engineer shown below, and on behalf of the City by the City Manager or Designee (thereunto duly authorized) this _____ day of ______, 20_______.

CITY OF IRVING, TEXAS

______________________________
Signature

______________________________
Printed Name: _______________________

______________________________
Title: _____________________________

Finley Engineering Company, Inc.

______________________________
Signature

______________________________
Printed Name: Benjamin L. Humphrey

______________________________
Title: COO/Vice President
EXHIBIT A

BASIC ENGINEERING SERVICES SCOPE AND FEE SCHEDULE

Scope of Work

Following is a detailed scope of work to accomplish the project as described in the cover letter submitted with the response documents. As outlined below Finley Engineering will subcontract portions of the project to CCG Consulting.

Technical Research (Finley Engineering)

Kickoff Meeting
A kickoff meeting will be held to introduce our plans to the staff and to determine whether our planned approach will need modifications.

Broadband Mapping
We will map the existing broadband in the City. We’ll start with publicly available mapping data like the FCC BDC information. We know the FCC data is flawed, but we think it’s important to see what ISPs report to the FCC. We’ll also look at any mapping done by the State or any other sources we can find, like Fiber Locator (utilized by our team to locate metro and long-haul fiber networks). The collection of this information serves as the foundation and provides our team with a good baseline to start.

We will layer as much data as we can onto the maps that might be related to identifying areas of broadband speeds. For example, there might be great benefit in mapping things like the location of Section 8 housing or the addresses of students who qualify for school lunches. We will work with City agencies to identify data that might be valuable for this purpose. We will also carefully use such data to maintain residents’ anonymity. We will map any existing City broadband infrastructure. As described in the interview, we will be voracious in looking for usable data.

Our ultimate goal with the mapping will be to create a map that shows the real state of broadband in the City. We will strive to pinpoint areas that have the poorest broadband options. We will modify the maps based on other facts we gather during the study, such as speed test data and an engineering inspection of the available broadband infrastructure.

Speed Tests
One of the important components of our analysis is the ability to map detailed Ookla speed test data as a layer on the maps. This data will play several important roles in our analysis.

We will use the speed test data to identify parts of a market with slower speeds than surrounding areas. - We’ve discovered that cable companies do not deliver at the same speeds everywhere.

We will also use the Ookla speed test data to evaluate areas where broadband penetration rates are the lowest. We’ve discovered in most markets- a correlation between the number of speed tests taken and the number of broadband customers. We will use the speed tests to provide clues about neighborhoods with a lower broadband penetration rate than average.

Interview ISPs
We will interview the ISPs providing services in and near Irving. Our purpose for these interviews is to discuss their current networks and plans with us and perhaps share maps or other information about their networks. It is likely that even if they share such information, it will be provided under the NDA, so the ISP data will likely not be displayed on maps that would be public. We are aware from experience that we can use the ISP data to search for solutions and partners.

We will discuss the potential interest of the ISPs in working with the city to implement solutions. We believe these discussions will be the first step to identify ISP partners.
Community Outreach (CCG Consulting)

Our comprehensive community outreach plan is as follows:

Product and Price Research.
We will determine what people are paying for broadband today. This study is useful because it will help us understand why some households can't afford a broadband subscription. The analysis will look at published list rates of ISPs, the special introductory rates, and the rates available with any low-income broadband programs. We generally undertake this in several ways. We first conduct standard research, such as web searches, to determine if we can determine the cost of existing service providers and the services they offer. We are also going to ask about prices in the various surveys.

Interviews with Key Stakeholders
We will delve deep into the market to hear from stakeholders in the City. We will handle these interviews in several ways:

- Focus Groups. We will conduct focus groups, either in person or virtually, to meet with specific groups of stakeholders. For example, we might have a focus group to talk to individuals involved in Section 8 housing or with local real estate agents. The decision will be made based on the stakeholders' schedules, indicating whether a specific group meeting is live or virtual. Even with in-person meetings, we will allow stakeholders to join online. We can't anticipate the number of such meetings in advance. Our goal will be to hear from the full range of key community stakeholders. We would expect this might result in 6 – 10 different focus groups.
- Individual Stakeholder Interviews. We will also conduct individual interviews with key stakeholders. These interviews will be reserved for individuals with specific knowledge we want to discuss in more detail. This could involve various stakeholders like a few school principals, medical folks involved in telemedicine, etc. It would not be unusual for us to conduct twenty or more detailed interviews.

Statistically Valid Residential Survey
A statistically valid survey is one of the most useful tools for understanding satisfaction with current broadband and the desire for more competition. Such a survey can provide some high confidence in the survey responses. We will anticipate survey accuracy of 95%, plus or minus 5%. This is the same degree of accuracy that most businesses strive for when doing detailed market research.

This survey will be conducted by telephone. Our group of in-house callers has worked for CCG for over twenty years. We will conduct the surveys in English or Spanish. We will coordinate with city staff to obtain a valid database of telephone numbers, but are also prepared to purchase additional numbers if needed.

Online Surveys
We will supplement the telephone survey with an online residential survey. Part of our market outreach will be to try to convince key groups of stakeholders to disseminate word of the survey. We prefer online surveys for several reasons. First, it gives everybody in the City a chance to get heard if they are interested in the broadband or digital equity topic. We have always believed that the more responses we receive from the public, the greater our confidence in what they are telling us. We will make the online survey available in both English and Spanish.

We will also launch an online business survey. This format differs from the residential survey and asks businesses to tell us their broadband story. We want to know how they use broadband today and if broadband issues are hindering them from taking full advantage of digital tools. Our public outreach effort will hopefully identify groups willing to spread the word on the survey.

The breakdown of Community Outreach costs includes Stakeholder Interviews ($4,000), Statistically Valid Residential Survey ($17,500), Statistically Valid Cellular Survey ($17,500), Outreach Coordination ($20,000), Facilitate Online Surveys ($6,000), and a Broadband Rate Study ($3,500).

Identify Broadband Projects (Finley Engineering & CCG Consulting)

GAP Analysis
A gap analysis is one of the core components of the study. This analysis aims to gather the facts needed to understand the Digital Divide in the City. That means looking at issues like broadband affordability, homes without...
computers, or residents without computer skills. We will handle the gap analysis in numerous ways: We always start with U.S. Census data plus whatever we can find locally from the City. We will also look towards non-profits and others with detailed local knowledge of issues impacting the local digital divide. We will issue data requests early in the process to uncover data sources.

**Identify Specific Broadband Projects**

This is likely the most important step in the study. We will take all of the information we have learned about the City and look for potential broadband projects. The analysis described above is intended to understand better the broadband environment neighborhood by neighborhood and even block by block.

We will analyze the detailed maps we have created to identify the parts of the City that could use better broadband infrastructure. The projects we identify will likely vary in size from a single block of apartments up to larger neighborhoods. In developing projects, we will examine logical groupings of areas with broadband needs to try to combine potential projects. For example, a project might consist of a half dozen small pockets of households in a portion of the City. A project can’t be so small that it’s not worth trying to solve and fund but not so large as to become financially challenging. We have no preconceptions about what we will find. We might only identify a few potential projects, or we could identify a dozen.

**Prioritize the Projects**

Our next step will be to meet with the City to prioritize the list from the most to the least important or desirable. We have often worked with cities and ISPs to assign priority projects.

At this early stage, there will be no cost associated with each project or any look at the sustainability of a given project. The goal at this stage is to select the projects that provide the most community benefit and make the most sense. The City might likely assign a different priority to projects after we’ve calculated implementation costs.

**Technical Analysis (Finley Engineering)**

**Assessing Telecommunications Environment & Engineering Analysis**

After we have created the maps, absorbed all the possible data sources, talked to the ISPs, and prioritized the projects, Finley Engineering will send experienced broadband professionals to visit the city to verify the existing broadband environment. The hands-on field review will meet several goals for our team:

- We will verify that the chosen study areas have the needs we identified during the research. For example, we might have identified a neighborhood as having little fiber, and we can verify this.
- We will gather the local facts needed to estimate the proposed project's cost. Looking at local conditions can provide valuable feedback, such as if networks in an area must be buried or aerial. We can identify physical impediments that can increase the cost of building fiber, like railroads, bridges, and freeways.

As part of this research, we will seek local experts who can tell us about local conditions for constructing fiber. For example, is the local utility difficult to work with for aerial fiber? Are there issues underground that will add significantly to the cost of burying fiber?

We will spend as much time as needed at each site to fully understand local issues that will impact the cost of building fiber. We will also investigate any needed middle-mile fiber routes that might be required to connect neighborhoods.

Our deliverable for each project area is a detailed estimate of the cost of building fiber and the electronics needed to operate the fiber network. These estimates will be detailed enough to be ready for the funding effort.

**Quantifying the Cost of Broadband Projects (Completed by CCG)**

**Financial Analysis**

We will create a financial analysis for each project. The financial forecasts will serve several purposes:

- We will gather the full costs needed to build and launch each project – not just the hard costs of building infrastructure but the softer costs needed to raise the needed funding.
- The analysis for each project will also look at the ongoing cost of each project to determine what it will take for a project to be sustainable. This analysis will include ongoing maintenance and operational costs, and the cost of any debt financing used to finance a project.
The goal is to create projects that bring benefits to the community and can be made self-sustaining. If a given project is not self-sustaining, we’ll quantify the amount of ongoing support needed to sustain the project.

The forecasts will include in-depth details about the organization, operating costs, overheads, equipment, and materials required to operate each chosen project. We normally build our models to coincide with the expected length of the debt to be sure that there are no underlying assumptions that eventually mean trouble. One of the most useful outputs of our studies is that we will calculate the breakeven revenue needed to sustain each project.

We also will perform a sensitivity analysis on the important variables for each project to make sure we understand the range of possible financial outcomes.

Each forecast will be presented using a GAAP accounting financial format.

**Funding Analysis**

We will examine a range of ways to finance each project. This could include various funding sources such as grants, equity from commercial partners, or municipal debt. For each project, we will provide our opinion of the best path for funding a project.

This discussion will also include details about any likely grant programs that might be used for the projects.

**Potential Partnerships & Funding Opportunities (Completed by CCG & Finley)**

**Examples of Public-Private Partnerships (PPPs)**

The report will discuss the many kinds of public-private partnerships created nationwide to fund broadband projects. We’ll give examples of working partnerships for each example. The partnerships will vary according to the degree to which the City must participate. The PPP with the least City involvement would be one where you convince commercial ISPs to solve the identified problem. The PPP with the most City involvement would be where the City builds and owns the infrastructure and finds a commercial ISP to operate the network.

**Finding Broadband Partners**

This section of our report will examine how the City can form a successful partnership. We will describe the ways that other communities have been able to attract ISP partners. Solidify the best course of action and launch the process.

After the study has been delivered, we will facilitate a mutually agreed-upon process to find broadband partners. Most cities do this using an RFI or an RFP to describe what they are seeking in a partner and then invite ISPs to open a dialogue. We have helped dozens of cities and counties through this process, and we will work with the City to find the best candidates to fulfill the various projects.

**Pursuing Grant Funding (optional)**

Our team has helped many clients with State and Federal grant funding applications and competitive bidding opportunities to secure funding for broadband projects. We have a long track record of evaluating, sourcing, and applying for funding programs that can assist in achieving the connectivity goals of the City. Included within our proposal is the ability to leverage our team to identify and apply for up to two (2) funding opportunities the City qualifies for to achieve the objectives laid out within the study. Sources of urban funding for initiatives include HUD/CDBG, the U.S. Department of Commerce (Economic Development Administration or EDA), and the U.S. Department of Energy.

The price quoted on page 17 is presented as a turn-key application and all-inclusive for two (2) grant submissions. We’ve quoted the typical price we’ve experienced for dozens of recent federal grants where we did everything. To the extent that the City handles a lot of the grant work, our actual fees will be a lot less. We know you will still need our help with federal broadband grants because there are requirements in grants that we’ve learned how to address effectively – but we are always happy to see clients who take charge of these efforts directly.

We won't charge the City for work that we don't do. However, we always ensure that you know the likely cost if we undertake all the effort.
Economic and Community Impacts of Broadband Issues *(Completed by CCG)*

**Economic and Community Impact of Broadband**

This analysis will look at the impact of broadband from several different perspectives.

- First, we will detail the many benefits communities have noted from having better broadband. We’ll look at benefits for residences, businesses, and the community as a whole.
- Second, we’ll look at the specific incremental benefits that would come from each of the identified projects.

The first analysis looks at benefits and impacts on a macroscale, while the second looks at a microscale.

**Evaluate Cellular Coverage (Completed by Finley Engineering and CCG)**

**Evaluate Cellular Coverage**

- We will evaluate the cellular coverage in the City using a number of different research tools.
- We’ll gather any evidence the City has collected on cellular coverage.
- We’ll take the FCC mapping data, where cellular carriers have reported coverage and speeds to the FCC. This is a relatively new process, and there is no way to know the accuracy of the data reported to the FCC – but it’s a starting point. At a minimum, we can probably believe the areas where cellular carriers say they don’t cover.
- We are also obtaining Ookla speed test data for cellular. This will show the speeds that people are receiving on cell phones. There are always some interesting findings when we match up speed and coverage claims by carriers against what people are experiencing.
- We’ll also be conducting both a statistically significant and online survey asking the public about their experiences with cellular coverage.
- Our engineers will endeavor to identify all the city's cellular towers. We don’t know the extent to which carriers have implemented small cell sites; if they have, we probably will not find them all. But since you are having cellular issues, small cell sites are likely not common – there may be none.
- At the direction of the project managers, our team is prepared to utilize field technology capable of collecting and recording the different types of cellular signals provided within the City. This strategy will be in collaboration with existing technologies being utilized by the Information Technology Team and will serve as a secondary source of analytics for identified targeted areas for testing. Our pricing proposal includes this as an optional item for the project.

We will aggregate this data to paint an understandable picture of cellular coverage. We will do this with maps and create a map for each carrier.

If there are identified cellular coverage holes, we recommend steps the City should consider to improve cellular coverage.

**Written Report**

We will provide a written report that will describe everything we did and everything we learned. The report will be presented in plain English to make the reports understandable to the public. The written report will be authored by Doug Dawson of CCG Consulting.

We will present the written report to staff as a draft and only make it final after staff’s approval.

The written report will include:

- An executive summary of the most important results of our analysis.
- A finding section, a longer executive summary version, includes key facts, statistics, and findings.
- A description of our technical analysis of the market. We’ll describe the technology we found and how that translates into a believable broadband map.
- A description of the community outreach and the results we obtained.
- A description of how we developed a list of specific broadband ‘projects’ and how we determined the cost of each one.
- The description of assumptions used in the financial analysis and the results we obtained in defining the viability of the specific ‘projects.’
• An in-depth discussion about how to fund the network, including any possible grant funding.
• A detailed discussion of how to best take this study and find ISP partners.
• A description of the impacts on the community of poor broadband, including tying these issues to specific ‘projects.’
• A list of specific recommendations based on what our analysis tells us.
• A list of ideas and next steps for moving forward after you get our analysis.

Presentation of Results *(Completed by Finley and CCG)*

Finley Engineering and CCG Consulting will present our findings to the City Council.

We will make several visits to Irving as part of this project as follows:
• At least two visits for focus groups as part of the community outreach.
• At least one multi-day engineering visit to examine the proposed project areas in detail.
• A final in-person presentation of results by Finley Engineering to City Council.

Our pricing includes an estimate of travel expenses; actual travel expenses will be billed without markup and in accordance with the city’s consultant reimbursement guidelines included in this Agreement.

**Deliverables**

Our deliverables to the City include the following:
• GIS mapping data for everything we’ve mapped during the project. This will include engineering data and maps of various other kinds of data, such as demographic data.
• Shape files of any maps we create.
• A spreadsheet budget for each project.
• Copies of the raw data from surveys.
• A final written report including all information outlined in the RFQ Specifications.

**Project Schedule**

We realize the importance of timely completion of our efforts to support the City of Irving. Finley Engineering and CCG Consulting commits to completing the City of Irving Broadband Study in five (5) months from contract execution. Schedule for completion is as follows:

<table>
<thead>
<tr>
<th>City of Irving, Texas Broadband Study Timeline</th>
<th>June 2024</th>
<th>July 2024</th>
<th>August 2024</th>
<th>September 2024</th>
<th>October 2024</th>
<th>November 2024</th>
<th>December 2024</th>
<th>January 2025</th>
<th>February 2025</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract Execution</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Kickoff Meeting</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Broadband/Cellular Mapping and ISP Review</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Selection of Priority Project Areas for Design Broadband/Cellular Infrastructure Analysis</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Market Analysis and Surveys</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Network Design and Technology Review</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business Plan and Finance Evaluation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Policy Analysis and Next Steps Evaluation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Report and Presentation of Results</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ISP RFI Partnership Process</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

◆ Study Concludes
Cost of Service
Please find below our pricing; we present these tasks and costs as an all-inclusive proposal and shall not exceed this amount. Our team does not request any money upfront and bills the City monthly as tasks are completed.

Our work will be completed, and our findings and report issued within five months of the project award. Please find below our pricing for the City of Irving. The client will be billed for actual work performed and not to exceed this amount.

- Technical Analysis, Mapping, & Field Review (Last & Middle Mile, Cellular) $44,200\(^1\)
- Cellular Signal Testing $35,500\(^2\)
- Community Outreach $68,500\(^3\)
- Gap Analysis, Project Identification & Prioritization $38,000
- Strategic Network Design and Cost Estimates $44,600
- Financial Models $33,500
- Partnership Development $24,000
- Economic Impact $8,500
- Written Strategic Plan $17,700
- Presentation of Results $3,500
- Grant Submissions (up to 2 applications, $25,000 each) $50,000\(^4\)
- Travel-Onsite-Incidental Expenses $17,100

**Total Project Cost** $385,100

---

\(^1\) Ookla Proprietary fixed broadband quote at $4,950.
\(^2\) Cellular Analytics and Testing quote by Ookla at $35,500.
\(^3\) Breakdown of Community Outreach pricing can be found on the top of page 4.
\(^4\) Grant submissions are quoted as all-inclusive; the team will adjust the cost estimate downwards pending funding notification review and assignment of tasks to the consultant by City leadership.
STANDARD RATE SCHEDULE
Effective

PERSONNEL

Ranges of hourly rates by personnel classification are as follows:

- Principal: $226.00 – 295.00
- Project Manager: $204.00
- Engineer: $143.00 – 176.00
- Technical Support: $84.00 – 128.00
- Clerical Support: $57.00 – 69.00

REIMBURSABLES FOR IN-HOUSE SERVICES

Computer Services:
- Computer Time: N/A

In-House Printing:
- Xerox Copies (8½ x 11): $0.__/sheet
- Xerox Copies Plain Paper (24 x 36): $0.__/sheet
- Xerox Copies Vellum Paper (24 x 36): $0.__/sheet
- Repro Film: $0.__/sheet
- Bluelines: $0.__/sheet
- Sepias: $0.__/sheet
- Color Plots: $0.__/S. F.

REIMBURSABLES FOR PURCHASED SERVICES

All purchased services are invoiced at actual cost. These include but are not limited to courier services, outside reproduction services, computer time, long distance telephone, and rented or leased equipment and expendable supplies.
EXHIBIT C
CITY OF IRVING
CONSULTANT REIMBURSEMENT GUIDELINES

This policy has been established to provide uniform guidelines for proper, complete, and timely reimbursement of reasonable business and travel expenses incurred by consultants engaged by the City of Irving.

NON-COMPLIANCE

Failure to comply with this policy will result in disallowance of the requested reimbursement.

EXPENSE REPORTING

Itemized expense reports must be submitted with the request for reimbursement. The expense report should include, at a minimum, the date, amount, and purpose for the expenditure.

Receipts are required for all travel-related expenses regardless of the amount, including lodging, meals, transportation, and qualified miscellaneous expenses. If a receipt is unavailable, a written explanation of the expenditure is required.

Use of the IRS standard per diem rate, in lieu of itemizing expenses, is allowed.

LOCAL TRAVEL

There will be no reimbursement for the consultant’s local travel if the consultant’s offices are located in or within 75 miles of Irving.

OUT OF TOWN TRAVEL

A. **Transportation** – City will reimburse Consultant’s travel at economy/tourist or full fare coach class when engaged in work-related travel on behalf of the City.

1. **Air Travel** – The goal is to book flights with consideration given to travel time, convenience to the traveler and cost effectiveness without interfering with the business purpose of the travel.
   a. Travelers are not expected to fly at unusual times or make flight connections to qualify for discounted fares.
   b. Air travel shall be coach class using the lowest available fare.
   c. If a substantially reduced airfare is available with a Saturday night stay, the City will cover additional hotel and meal expenses provided these expenses do not exceed the airfare savings. To be covered for the additional day’s expenses, the traveler must attach a copy of the airfare quotation to the expense report.
   d. The City will not be responsible for the cost of additional flight insurance.
   e. Any change in flight plans before or during the trip that increases the cost must be documented and substantiated.

2. **Ground Transportation**
   a. Airport parking may be at the short-term lot for a period up to 24 hours. Longer times will be reimbursed at the long-term lot rate.
   b. As an alternative to airport parking, a shared-ride shuttle service may be used.
   c. Use of a personal automobile in lieu of air travel is allowed. The traveler will be reimbursed for mileage at the currently allowable rate or the least expensive
airfare, whichever is the least amount. The airfare quote must be documented with the expense report. Incidents associated with automobile travel, other than taxi and airport parking, will not be included in the calculation of the lower cost. However, the incidents will be reimbursed in addition to mileage up to the air travel cost.

d. Taxi fares and shuttles at the destination are reimbursable only if required for business purposes.
e. The City will reimburse rental of mid-size or full-size vehicles but not luxury class vehicles.

B. Lodging – Consultants representing the City should secure accommodations in business class hotels. For example, Sheraton, D/FW Marriott, Westin, etc. Local lodging must be secured in a hotel located within the City of Irving. There will be no reimbursement for consultant’s local lodging if consultant’s offices are located in or within 75 miles of Irving.

C. Meals – The City will reimburse reasonable meal expenses up to $25 per meal. All meals, regardless of cost, must be documented with receipts. There will be no reimbursement for the consultant’s meals if consultant’s offices are located in or within 75 miles of Irving.

D. Miscellaneous Expenses – The City will not reimburse charges listed as miscellaneous. All expenses must be identified and backup documentation must be provided upon request.

1. Reasonable tips for luggage, housekeeping, hotel shuttles, etc. are allowable business expenses, including overweight baggage fees associated with City materials.
2. Costs for personal expenses such as, but not limited to, movies, laundry, pain medication, writing instruments and materials, personal hygiene products, reading materials, etc. are not reimbursable.
3. Expenses associated with obtaining a passport for foreign travel are not reimbursable.
4. Spouse or companion travel is not reimbursable.

BUSINESS EXPENSES

A. Computer Research – The City will reimburse the actual cost unless a reasonable markup is agreed upon at inception of contract.

B. Incidental Charges – The City will reimburse the actual cost of reasonable incidental charges exclusive of markup for delivery charges, fax, reproduction, long distance telephone calls, postage, and similar charges. However, backup documentation must be provided. Disbursements for regular intra-office copying are not considered compensable.

BILLING/INVOICES

A. Billed Hours – All invoices for work shall state the specific number of hours spent and the hourly rate of consultant and the task performed in sufficient detail to permit review of the time charged.

B. Billing Time – The City will not pay for hourly time worked by consultants for preparing invoices, gathering receipts or documentation, or researching questions regarding invoices sent to the City.

C. Invoices – Invoices for services rendered shall include all backup documentation in sufficient detail to permit review.
ATTACHMENT 1:
SPECIAL FEDERAL PROVISIONS

This Agreement is funded with federal Community Development Block Grant (CDBG-CV) funds. As such, Engineer agrees to comply with all laws and regulations applicable to the use of CDBG-CV funds. Without limiting the generality of the foregoing, Engineer hereby agrees and certifies as follows:

Federal Regulations

Engineer acknowledges that this project will utilize funds that are subject to the Coronavirus Aid, Relief, & Economic Security Act, as amended, and CDBG-CV program regulations of HUD, 24 C.F.R. 570.203, §570.208, and certain other federal laws and regulations. Accordingly, Engineer agrees, represents and warrants that Engineer shall comply with all applicable requirements under HUD regulations for the CDBG-CV program and under other laws and regulations applicable to grants of such federal funds, including without limitation those cited in this Section, and to comply with all of the provisions below:

1. Nondiscrimination. No person shall on the grounds of race, color, national origin, religion or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with CDBG funds. All requirements of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., which provides that no person in the United States shall on the ground of race, color or national origin, be excluded from participation in, denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance; and Department of Housing and Urban Development (“HUD”) regulations implementing such requirements, 24 C.F.R. Part 1 shall be complied with fully.

Engineer shall comply and ensure compliance with all of the requirements and prohibitions of 24 C.F.R. Section 570.602, implementing the nondiscrimination requirements of Section 109 of the Housing and Community Development Act of 1974, as amended; those of the Americans with Disabilities Act, and regulations at 28 C.F.R. Parts 35 and 36 thereunder; those of HUD regulations under the Age Discrimination Act of 1975, 42 U.S.C. Section 6101 et seq., 24 C.F.R. Part 146; and those of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794), and implementing regulations at 24 C.F.R. Part 8. Engineer shall ensure compliance with contracting opportunity laws, regulations and executive orders referenced in 24 CFR Section 570.607 (as amended by Executive Order 13403), and the regulations in 41 C.F.R. Part 60, which provide that no person shall be discriminated against because of race, color, religion, sex or national origin in all phases of employment during the performance of federal contracts and subcontracts, and Engineer shall take affirmative action to ensure fair treatment in employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay, or other forms of compensation and selection for training or apprenticeship. The “equal opportunity clause” set forth in 41 C.F.R. Section 60-1.4(a) is hereby incorporated by reference as though fully set forth, with Engineer as “Contractor” thereunder. Engineer shall cause the appropriate “equal opportunity clause” to be set forth in each “federally assisted construction contract” (as defined in 41 CFR Section 60-1.3, including subcontracts) for the Project, except as expressly exempted under 41 C.F.R. Part 60.
No otherwise qualified handicapped individual in the United States shall, solely by reason of handicap, be excluded from the participation in, be denied the benefits, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

2. Conflict of Interest. Engineer shall ensure compliance with the provisions of 24 CFR Section 570.611, which provide generally that no officer, agent, employee, consultant or elected or appointed official of the Grantor, who exercises or has exercised any functions or responsibilities with respect to activities assisted by CDBG funds or who is in a position to participate in a decision-making process or gain inside information with respect to these activities, shall obtain any financial interest or benefit from, or have any financial interest in, the activity funded under this Grant Agreement or any contract or subcontract or agreement with respect thereto or the proceeds thereof, for himself or herself or those with whom he or she has business or immediate family ties; nor shall (s)he for one year after completion of his or her tenure with the Grantor obtain or have any such financial interest or benefit. Engineer shall incorporate in all such contracts or subcontracts a provision prohibiting any conflict of interest prohibited by this subsection.

3. Debarred Contractors. No portion of the Grant Award shall be used directly or indirectly to employ, award contracts to, or otherwise engage the services of, or fund, any contractor or subrecipient during any period of debarment, suspension, or placement in ineligibility status of such contractor or subrecipient under the provisions of 2 C.F.R. Part 2424. Engineer represents and warrants that neither Engineer nor its principals is debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in federal assistance programs under such regulations or Executive Order 12549, “Debarment and Suspension.” Engineer shall require compliance with subpart C of 2 CFR Part 180, as supplemented by Subpart C of 2 CFR Part 2424, and shall require that include a term or condition requiring the same compliance be included in each lower tier “covered transaction” as defined in those regulations.

4. Lobbying. Engineer hereby certifies and agrees as follows, in accordance with 31 U.S.C. Section 1352, to the best of its knowledge and belief:

   a. No Federal appropriated funds have been paid or will be paid, by or on behalf of Engineer, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal Grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, or cooperative agreement;

   b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal Grant, it will complete and submit Standard Form-LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions; and
c. Engineer shall require that the language of this Section be included in the award documents for subawards at all tiers (including subcontracts, subgrants, and contracts under grants, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is made a prerequisite for making or entering into this transaction by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

5. Economic Opportunities for Low- and Very Low-Income Persons. There shall be compliance with, and Engineer shall comply, and cause all contractors and subcontractors to comply, with any and all applicable provisions of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u, the purpose of which is to ensure that employment and other economic opportunities generated by Federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low- and very low-income persons, particularly those who are recipients of government assistance for housing. Engineer shall comply, and shall require all contractors and subcontractors to comply, with all applicable provisions of regulations issued pursuant thereto by the Secretary of HUD and set forth in 24 C.F.R. Part 135, and with all applicable rules and orders of HUD issued thereunder. Without limiting the foregoing, unless another method of demonstrating compliance has been approved in writing by the Grantor or by HUD, Engineer shall comply, and require cause all contractors and subcontractors to comply, with the applicable numerical goals in 24 C.F.R. Section 135.30.

6. Records. Engineer shall maintain and make available to the Grantor and HUD all records reasonably required to demonstrate compliance with all the requirements of this Agreement, for at least four (4) years after disbursement of the Grant Award.

7. Disclosures. Engineer represents, warrants and agrees that it has provided to the Grantor any and all disclosures required by the HUD Reform Act, 42 U.S.C. Section 3545, and regulations thereunder, 24 CFR Part 4; that it will provide timely updated disclosures to the extent required by such act and regulations; and that all such disclosures are and shall be complete and accurate.

8. Prior Actions. Engineer represents and warrants that in all actions related to the Grant Award to date Engineer and each of its affiliates involved, each has complied with all requirements referred to in this Section.

9. Indemnity. Engineer shall indemnify and hold harmless the Grantor and City from any loss, damage, expense, claim or demand resulting from Engineer’s failure to comply with any federal requirement to be complied with pursuant to this Agreement or failure to maintain adequate records to demonstrate such compliance. This provision shall survive expiration or termination of this Agreement.

11. Equal Employment Opportunity. Engineer shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, sexual orientation, gender identity, or national origin. Engineer shall take affirmative actions to ensure that applicants are employed, and that employees are treated, during their employment, without regard to their race, religion, color, sex, sexual orientation, gender identity, or national origin. Such actions shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
Form TGC 2271

VERIFICATION REQUIRED BY TEXAS GOVERNMENT CODE CHAPTER 2271

Please read both pages.

By signing below, Company hereby verifies the following:

1. Company does not boycott Israel; and
2. Company will not boycott Israel during the term of the contract.

SIGNED BY: ______________________________________________________________________
Print Name: Benjamin L Humphrey Title: COO/Vice President

Company Name: Finley Engineering Company, Inc.
Date Signed: June 6, 2024

NOTARIZATION

THE STATE OF §
COUNTY OF §

BEFORE ME, the undersigned notary public on this day personally appeared ______________________________________________________________________, on behalf of ______________________________________________________________________ (Company Name), who, being duly sworn, stated under oath that he/she has read the foregoing verification required by Texas Government Code Section 2271.002 and said statements contained therein are true and correct.

SWORN TO AND SUBSCRIBED before me on the _____ day of ____________, 20__.

NOTARY PUBLIC IN AND FOR THE STATE OF ________________

The following definitions apply to TEXAS GOVERNMENT CODE SECTION 2271.001:

(1) "Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes; and

(2) "Company" means a for-profit organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations that exists to make a profit, but does not include a sole proprietorship.

State law requires verification from a Company for a contract involving goods or services: (1) between a government entity and a Company with 10 or more full-time employees, and (2) that has a value of $100,000 or more to be paid wholly or partly from public funds, before the City can enter into the contract.

Contract #042T-24F LSR #___________
Form TGC 2274

VERIFICATION REQUIRED BY TEXAS GOVERNMENT CODE CHAPTER 2274

By signing below, Company hereby verifies the following:

1. Company does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and
2. Company will not discriminate during the term of the contract against a firearm entity or firearm trade association.

SIGNED BY:  
Print Name: Benjamin L Humphrey  
Title: COO/Vice President

Company Name: FinleyEngineering Company, Inc.

Date Signed: June 6, 2024

NOTARIZATION

THE STATE OF §  
COUNTY OF §  

BEFORE ME, the undersigned notary public on this day personally appeared ________________________, on behalf of ____________________________(Company Name), who, being duly sworn, stated under oath that he/she has read the foregoing verification required by Texas Government Code Section 2274.002 and said statements contained therein are true and correct.

SWORN TO AND SUBSCRIBED before me on the _______ day of ________, 20__.  

NOTARY PUBLIC IN AND FOR THE STATE OF

The following definition applies to TEXAS GOVERNMENT CODE SECTION 2274.001:

(2) "Company" means a for-profit organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations that exists to make a profit. The term does not include a sole proprietorship.

Additional definitions under TEXAS GOVERNMENT CODE SECTION 2274.001 can be found here https://capitol.texas.gov/tlodocs/87R/billtext/pdf/SB00019F.pdf. 

State law requires verification from a Company for a contract involving goods or services: (1) between a government entity and a Company with 10 or more full-time employees, and (2) that has a value of $100,000 or more to be paid wholly or partly from public funds, before the City can enter into the contract; unless an applicable exception under Chapter 2274 applies.

Contract #042T-24F  
LSR #_________
DISCRETIONARY CONTRACT DISCLOSURE FORM

SECTION I: BASIC GUIDELINES

The Irving Ethics Code requires individuals or entities who seek a contract with the City of Irving which is awarded on a basis other than competitive bidding, and which exceeds $100,000 in payments by the City, to file certain disclosures with the City. This form should be filed with any proposal by the individual or entity, with extra pages attached as needed to complete the responses. In the case of any change in the information, this form should be supplemented within five (5) days of such change or prior to any Council action, whichever is first.

SECTION II: PROJECT

A. Project Description: Professional Services for Community Development Block

B. RFP or RFQ, Number and Date of Issuance: RFP 042T-24F - 12/19/2023

SECTION III: IDENTITY OF PARTIES AND SUBCONTRACTORS TO THE DISCRETIONARY CONTRACT

A. Individual Parties to the Contract

(Includes all natural persons who are parties, partners or subcontractors of the contract)

Name: ___________________________________________________________________
Address: __________________________________ City: _____________ Zip: _________
Email: __________________________________________________________ Telephone: __________

Name: ___________________________________________________________________
Address: __________________________________ City: _____________ Zip: _________
Email: __________________________________________________________ Telephone: __________

Name: ___________________________________________________________________
Address: __________________________________ City: _____________ Zip: _________
Email: __________________________________________________________ Telephone: __________

B. Entity Parties to the Discretionary Contract

(Includes all business entities such as corporations, partnerships, and limited liability companies, and also includes any subcontractors, parent and subsidiary corporations to the entity parties).

Name: Finley Engineering Company Inc. (Prime)
Officer, Agent or other Contact: Andy Heins
Address: 603 Lafayette Ave S City: Lamar Zip: 64759
Email: a.heins@finleyusa.com Telephone: (417) 681-5310
Name: CCG Consulting (Sub-contractor)
Officer, Agent or other Contact: Douglas Dawson
Address: 825C Merrimon Ave #290 City: Fulda Zip: 28804
Email: blackbean2@ccgcomm.com Telephone: 202-255-7689

C. Identity of all lobbyists, attorneys or other consultants to be utilized in seeking or executing the proposed discretionary contract with the City of Irving.

Name: Cline Williams Wright Johnson and Oldfather LLP (Attorney for Prime Consultant)
Officer, Agent or other Contact: Rochelle A. Mullen
Address: 603 Lafayette Ave S City: Omaha Zip: 68144
Email: rmullen@clinewilliams.com Telephone: __________________________
☐ Lobbyist  ☐ Attorney  ☐ Consultant

Name: __________________________
Officer, Agent or other Contact: __________________________
Address: __________________________ City: ___________ Zip: ___________
Email: __________________________ Telephone: __________________________
Name: __________________________
☐ Lobbyist  ☐ Attorney  ☐ Consultant

Name: __________________________
Officer, Agent or other Contact: __________________________
Address: __________________________ City: ___________ Zip: ___________
Email: __________________________ Telephone: __________________________
Name: __________________________
☐ Lobbyist  ☐ Attorney  ☐ Consultant

SECTION IV: INDIVIDUAL, OFFICER, EMPLOYEE OR AGENT SIGNATURE

______________________________  Date: _____________________
Individual, Officer, Employee or Agent

Printed Name: Benjamin L Humphrey
Position: COO/Vice President
"042T-24F Required Documents" History

Document created by Tonya White (twhite@cityofirving.org)
2024-06-06 - 6:44:22 PM GMT

Document emailed to Ben Humphrey (b.humphrey@finleyusa.com) for signature
2024-06-06 - 6:44:29 PM GMT

Email viewed by Ben Humphrey (b.humphrey@finleyusa.com)
2024-06-06 - 8:23:07 PM GMT

Signer Ben Humphrey (b.humphrey@finleyusa.com) entered name at signing as Benjamin L Humphrey
2024-06-06 - 8:57:11 PM GMT

Document e-signed by Benjamin L Humphrey (b.humphrey@finleyusa.com)
Signature Date: 2024-06-06 - 8:57:13 PM GMT - Time Source: server

Agreement completed.
2024-06-06 - 8:57:13 PM GMT
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:</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>
<tr>
<td>Sec. 7-3 (6) c 1.</td>
<td></td>
<td></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

ADDITIONAL COMMENTS:

Contract Required: NA                  Review Completed By: NA
Previous Action: NA                    Council Action: NA
Discretionary Contract Disclosure Form Required: NA
Certificate of Interested Parties (Form 1295) Required: NA
TGC 2270 Verification Form Required: NA
ATTACHMENTS:

Exhibit A: Site Plan (PDF)
Exhibit B: Sign Details and Elevation (PDF)
Applicant's Letter of Intent (PDF)
Council Presentation (PDF)

CURRENT YEAR FINANCIAL IMPACT:

N/A

REVISION INFORMATION:

Prepared: 5/13/2024 04:20 PM by Kim Ellison
Last Updated: 6/7/2024 08:31 AM by Kim Ellison
CITY OF IRVING

COUNCIL RESOLUTION NO. (ID # 14676)

WHEREAS, there is a lawfully existing pole sign on property located at 1215 South Loop 12; and

WHEREAS, the owner of the premises located at 1215 South Loop 12 has applied for a Special Sign Permit for an on-premises sign with digital images in accordance with Section 7-3.1 of Chapter 7 of the Irving Land Development Code; and

WHEREAS, the applicant has shown that the proposed digital image will meet required performance standards as described in subsection 7-3(6)(d) or proposed other performance standards and provided information that would ameliorate any effects of the digital image;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION 1. That the Irving City Council hereby approves a Special Sign Permit for Case No. 2024-04-2979, to allow a 15 square foot electronic sign to be installed as a component of a lawfully existing pole sign located at 1215 South Loop 12 and described in Exhibit A, attached hereto.

SECTION 2: That use of the sign shall comply with all performance standards listed in Section 7-3(6)(d) of Chapter 7 of the Irving Land Development Code.

SECTION 3: That the Director of Inspections is hereby authorized to issue a sign permit pursuant to Sign Details and Elevation as shown on Exhibit B and authorized by this resolution.

SECTION 4: That this Resolution shall not repeal any provisions of Chapter 7 of the Irving Land Development Code; however, it shall be an affirmative defense to a prosecution if the violations alleged are specifically authorized by this resolution.

SECTION 5. THAT this resolution shall take effect from and after its final date of passage, and it is accordingly so ordered.
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS, on June 13, 2024.

____________________________
RICHARD H. STOPFER
MAYOR

ATTEST:

____________________________
Shanae Jennings
City Secretary/Chief Compliance Officer

APPROVED AS TO FORM:

____________________________
Kuruvilla Oommen
City Attorney
EXHIBIT A: SITE PLAN

Sign Location: 1215 S Loop 12
(Block A, Lot 1, Rosa Walker Addition)

- 20’ to Loop 12 property line East
- 36’ to property line West
- 241’ to property line North
- 25’ to E Shady Grove Rd. property line South
EXHIBIT B: SIGN PLAN

Current Existing Sign

Proposed Sign

6'

Total height 28' - 10 1/4"

EMC area - 15sf
Subject property (from Loop 12 Frontage Rd.)
Hello Team,

The reason why the digital sign is needed is that we are on the corner of a major Highway at 1215 S LOOP 12 and Shady Grove. There are constantly cars going through Dallas, Irving, Arlington area back and forth to work and travel. The main reason is to save time, it can be frustrating to spend much time and money to purchase other numerical that are missing and manual putting them up. Also, it will guarantee security, safety and it will stand out knowing that a Shell is there and visible to spot the Shell location. Plus, we are upgrading the site improvement and painting the canopy.

There is a nearby Valero that has a digital sign in plain sight. It looks very nice and visible as well.

![Image of Valero gas station with digital sign]

Your Truly,

Zulkar Nain, Dealer
SPECIAL SIGN PERMIT

2024-04-2979
06.13.2024
SPECIAL SIGN PERMIT

• 1215 S Loop 12

• Request: Approval of a Special Sign Permit for on-premises sign to be refaced with EMC Pricers

• Staff recommendation: Approval
EXHIBIT A: SITE PLAN

Sign Location: 1215 S Loop 12
(Block A, Lot 1, Rosa Walker Addition)
• 20’ to Loop 12 property line East
• 36’ to property line West
• 241’ to property line North
• 25’ to E Shady Grove Rd. property line South
EXHIBIT B: SIGN PLAN

Current Existing Sign

Proposed Sign

- Total height: 28' - 10 1/4"
- 6'
- EMC area: 15sf
Subject property (from Loop 12 Frontage Rd.)
Thank you

Questions?
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:

<table>
<thead>
<tr>
<th>Hotel Development Standards (Sec. 3.10)</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)</td>
<td>143 spaces provided (No Variance Required)</td>
</tr>
<tr>
<td>0.7 spaces per room plus 1 space per 125 sq. ft. of meeting space</td>
<td>105 (2022)</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.

**ADDITIONAL COMMENTS:**

<table>
<thead>
<tr>
<th>Contract Required:</th>
<th>Review Completed By:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Previous Action:</td>
<td>Council Action:</td>
</tr>
<tr>
<td>Discretionary Contract Disclosure Form Required:</td>
<td></td>
</tr>
</tbody>
</table>

**Certificate of Interested Parties (Form 1295) Required:**

**TGC 2271 Verification Form Required:**

**TGC 2274 Verification Form Required:**

**ATTACHMENTS:**

- Exhibit A - Legal Description (PDF)
- Exhibit B - Site Plan (PDF)
- Vicinity Map (PDF)
- Aerial Map (PDF)
- Future Land Use Map (PDF)
- Surrounding Zoning Map (PDF)
- Property Owner Notification Map (PDF)
- Property Owner Notification List (PDF)
- Applicant Letter of Intent (PDF)
- Sec. 2.5.7 - Community Commercial (C-C) District (PDF)
- Sec. 3.10 - Hotel Development Standards (PDF)
- Applicant's Request for Indefinite Postponement (PDF)
- Draft P&Z Minutes - 03-04-24 (PDF)
- Applicant's Revised Illustrative Plan (PDF)
- Applicant's May 30 email to City Council (PDF)
- Council Presentation (PDF)

**CURRENT YEAR FINANCIAL IMPACT:**

NONE

**REVISION INFORMATION:**

Prepared: 2/19/2024 02:43 PM by Kenneth Bloom
Last Updated: 6/5/2024 09:21 AM by Kenneth Bloom
ORDINANCE NO. ORD-2024-10890

ZONING CASE NO. 2024-28-ZC
ZONING CLASSIFICATION – S-P-2

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF IRVING, TEXAS NO 2020-10370 BY REZONING A TRACT OF LAND OUT OF THE FRAZER HOTEL ADDITION, LOCATED AT 4500 AND 4700 PLAZA DRIVE 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; PROVIDING FOR SPECIAL CONDITIONS AND REGULATIONS RELATIVE TO LAND USE; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR CONFLICT RESOLUTION, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY, AND AN EFFECTIVE DATE.

WHEREAS, after proper notice and public hearing the Planning and Zoning Commission considered the zoning amendment and recommended denial on March 4, 2024; and

WHEREAS, after proper notice and public hearing, and upon consideration of the recommendation of the Planning and Zoning Commission and of all testimony and information submitted during the public hearing, the City Council has determined that the zoning change is in accordance with the comprehensive plan, complies with all legal requirements, is in the best interest of the public, and is for the purpose of promoting the health, safety, morals, and general welfare of the citizens and protecting and preserving places and areas of historical, cultural, or architectural importance and significance; and

WHEREAS, among other things, the City Council considered the following factors: safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site; safety from fire hazards, and measures of fire control; protection of adjacent property from flood or water damage; noise producing elements; glare of vehicular and stationary lights and effect of such lights on established character of the neighborhood; street size and adequacy of pavement width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood; adequacy of parking, as determined by requirements of this ordinance for off-street parking facilities, location on ingress/egress points for parking and off-street loading spaces, and protection of public health by surfacing on all parking areas to control dust; and such other measures as will secure and protect public health, safety, morals, and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION 1. That the Irving City Council hereby approves Zoning Case 2024-28-ZC, changing the zoning classification of certain property located at 4500 and 4700 Plaza Drive, described in Exhibit A attached hereto, 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.

SECTION 2. That the change approved in Section 1 is granted subject to the following:

-1-
a) That development and use shall be in conformance with Exhibit B: Site Plan attached hereto and made a part hereof for all purposes, which reflects a deviation from the requirements of Section 3.10 of the City of Irving Unified Development Code (Hotel Development Standards) as follows:
   i) A decrease to the minimum room count allowing a minimum of 133 rooms; and
   ii) A decrease to the minimum combined meeting room space allowing a minimum combined meeting room space of 1,380 square feet, inclusive of 620 square feet of “flex space”.

b) That development and use shall be in conformance with all applicable laws, ordinances, and regulations.

c) That a true and correct copy of the site plan attached hereto shall be retained by the Department of Planning of the City of Irving.

SECTION 3. That the official zoning map of the City of Irving be changed to reflect the zoning classification established by this Ordinance.

SECTION 4. That this ordinance shall be cumulative of all other ordinances of the City of Irving affecting zoning and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are inconsistent or in direct conflict with the provisions of this ordinance.

SECTION 5. That should any paragraph, sentence, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal, or unconstitutional, and shall not affect the validity of the comprehensive zoning ordinance as a whole.

SECTION 6. That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 7. That any person violating or failing to comply with any provisions of this ordinance shall be fined, upon conviction, not less than one dollar ($1.00) nor more than two thousand dollars ($2,000.00), and each day any violation or noncompliance continues shall constitute a separate offense.

SECTION 8. That this ordinance shall take effect immediately upon its passage.
EXHIBIT A: LEGAL DESCRIPTION

ZONING CASE: 2024-28-ZC - S-P-2 (C-CFWY) and Hotel uses

Being all of Lot 1R, Block A, Frazer Hotel Addition
Date: Monday, January 29, 2024

Geographic Information Systems (GIS) Disclaimer/Limitation of Liability:
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries and other geographic features. All data, specifically including the geographic data herein are provided "as is" without warranty of any kind, either expressed or implied. Use of the information is the sole responsibility of the user.

City of Irving
Aerial View Map
No: 2024-28-ZC
City of Irving
Future Land Use Map
Zoning Case
No: 2024-28-ZC

Legend
- Case Boundary
- Municipal Boundary
- DFW Noise Contour
  - 65
  - 70
  - 75
- Future Land Use
  - Residential Categories
    - Traditional Neighborhood
    - Compact Neighborhood
    - Mid Density Residential
  - Mixed Use Categories
    - Urban District
    - Transit Oriented Development
    - Community Village
  - Main Street/Downtown
  - Non-Residential Categories
    - Local Commercial
    - Regional Commercial
    - Business/Office
    - Manufacturing/Warehouse
    - Industrial
    - Public/Semi-Public
    - Open Space
    - DFW Airport

Date: Monday, January 29, 2024
Geographic Information Systems (GIS) Disclaimer/Limitation of Liability:
This product is for informational purposes and may not have been prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries and other geographic features. All data, specifically including the geographic data herein are provided "as is" without warranty of any kind, expressed or implied. Use of the information is the sole responsibility of the user.

Packet Pg. 217 - 17.e
City of Irving
Surrounding Zoning Map
Zoning Case
No: 2024-28-ZC

Date: Monday, January 29, 2024

Geographic Information Systems (GIS) Disclaimer/Limitation of Liability:
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries and other geographic features. All data, specifically including geographic data herein are provided "as is" without warranty of any kind, either expressed or implied. Use of the information is the sole responsibility of the user.

Attachment: Surrounding Zoning Map (ORD-2024-10890 : 56 - 2024-28-Zc)
City of Irving
Notification Map
Zoning Case
No: 2024-28-ZC

Date: Monday, January 29, 2024

Geographic Information Systems (GIS) Disclaimer/Limitation of Liability:
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries and other geographic features. All data, specifically including the geographic data herein are provided "as is" without warranty of any kind, either expressed or implied. Use of the information is at the sole responsibility of the user.

200 Ft Notification Boundary
Property Under Consideration

200 Ft Notification
Boundary

Property Under
Consideration

1:2,400

Packet Pg. 219

Attachment: Property Owner Notification Map (ORD-2024-10890 : 56 - 2024-28-ZC)
<table>
<thead>
<tr>
<th>ID</th>
<th>DCAD_ID</th>
<th>OWNER NAME</th>
<th>ST NUM</th>
<th>ST DIR</th>
<th>ST NAME</th>
<th>ST SUFFIX</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>321136000A0020000</td>
<td>BRE TX PROPERTIES LP</td>
<td>7825</td>
<td></td>
<td>HEATHROW</td>
<td>DR</td>
</tr>
<tr>
<td>2</td>
<td>320030000A0010000</td>
<td>FRAZER HOTELS LP</td>
<td>4500</td>
<td></td>
<td>PLAZA</td>
<td>DR</td>
</tr>
<tr>
<td>3</td>
<td>322575100A0030000</td>
<td>DOABA HOSPITALITY LLC</td>
<td>7800</td>
<td></td>
<td>HEATHROW</td>
<td>DR</td>
</tr>
<tr>
<td>4</td>
<td>320964500A0040000</td>
<td>FRAZER HOTELS LP</td>
<td>4700</td>
<td></td>
<td>PLAZA</td>
<td>DR</td>
</tr>
<tr>
<td>5</td>
<td>320964500A0030000</td>
<td>SABILS HOSPITALITY INC</td>
<td>4770</td>
<td></td>
<td>PLAZA</td>
<td>DR</td>
</tr>
<tr>
<td>6</td>
<td>32DFW0OS000000000</td>
<td>DALLAS &amp; FT WORTH CITIES</td>
<td>750</td>
<td>N</td>
<td>ROYAL</td>
<td>LN</td>
</tr>
<tr>
<td>7</td>
<td>32391560000000000</td>
<td>PRG IRVING GP LLC</td>
<td>4600</td>
<td>W</td>
<td>JOHN W CARPENTER</td>
<td>FWY</td>
</tr>
<tr>
<td>8</td>
<td>32DFW0OS000000990</td>
<td>BLUE STAR CONCESSIONS</td>
<td>2900</td>
<td>N</td>
<td>AIRFIELD</td>
<td>DR</td>
</tr>
<tr>
<td>9</td>
<td>320030000A2B10000</td>
<td>PRATIMA LLC</td>
<td>7501</td>
<td></td>
<td>ESTERS</td>
<td>BLVD</td>
</tr>
<tr>
<td>10</td>
<td></td>
<td>Coppell ISD</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td></td>
<td>Coppell ISD</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**Subject:** Request for Variance Regarding Meeting Space Requirements for Hotel Project

Dear Members of the Planning & Zoning Committee,

I am writing to request a variance for the meeting space requirements outlined by the City of Irving for our hotel project. Our proposal involves the addition of 40 additional guest rooms to our existing hotel.

Our hotel, situated in close proximity to the airport, caters primarily to transient travelers, making it an integral part of the hospitality infrastructure serving the needs of travelers passing through the area. As such, the demand for traditional meeting spaces within our establishment is considerably low. Furthermore, our hotel operates as an extended stay facility, with each guest room already equipped with large personal workspaces, catering to the evolving needs of modern travelers.

The landscape of business meetings and gatherings has undergone significant transformation in the wake of the pandemic. With the widespread adoption of virtual communication platforms such as Zoom and Microsoft Teams, the reliance on physical meeting spaces has diminished considerably. Recognizing this shift, we are adapting our facilities and technologies to better align with the changing needs of our guests.

As part of our proposed expansion, we intend to reconfigure our lobby area that incorporates a flexible space that can accommodate small group gatherings and collaborative sessions. This versatile "flex space" concept will serve as a multifunctional area capable of meeting the diverse needs of our guests, whether it be for informal meetings, networking sessions, or collaborative work sessions.

We believe that this approach not only optimizes the utilization of our existing space but also reflects the evolving trends in hospitality and business practices. By repurposing our lobby area into a dynamic and adaptable environment, we aim to enhance the overall guest experience while remaining responsive to the changing dynamics of the hospitality industry.

We kindly request your consideration and support for the variance outlined above. Should you require any further information or clarification regarding our proposal, please do not hesitate to contact us. We are committed to working closely with the City of Irving to ensure that our hotel project aligns with local regulations and enhances the community in which we operate.

Thank you for your time and attention to this matter.

Sincerely,

Raj Chudasama  
Managing Partner, Kriya Hotels  
972.821.2781  
raj@krivahotels.com
2.5.7 Community Commercial (C-C).

In a C-C community commercial district no land shall be used and no building shall be erected or converted to any use other than:

a) **Principal uses:** The following uses shall be permitted as principal uses:

1) Any use permitted in a P-O professional office district or C-N neighborhood commercial district subject to the regulations of this district.

2) Ambulance service.

3) Hospital.

4) Automobile repair garage.

5) Mortuary and funeral home.

6) Motion picture theater within an enclosed building.

7) Office building.

8) Public storage garages.

9) Taxi dispatch office.

10) Wholesale office and business completely within an enclosed building, but excluding warehouse storage.

11) Any commercial business or service not included in any of the foregoing districts, excluding hotel/motel operations, provided that such uses shall be completely enclosed within an enclosed building and are not noxious or offensive by reason of the emission of odor, dust, gas fumes, noise or vibration, and provided that no warehousing or manufacturing or treatment of products or equipment shall be permitted, except such as is clearly incidental to the conduct of a permitted use.

b) **Accessory uses:** The following uses shall be permitted as accessory uses:

1) Private garage.

2) Swimming pool no nearer than one hundred twenty (120) feet to any principal building used for single-family residence within an R-40, R-15, R-10, R-7.5, or R-6 district.

3) Mechanical equipment no nearer than one hundred twenty (120) feet to any principal building used for single-family residence within an R-40, R-15, R-10, R-7.5, or R-6 district.

4) Garbage storage no nearer than thirty (30) feet to a developed lot in an R-40, R-15, R-10, R-7.5, or R-6 district used as a single-family dwelling.

5) Provisions for the parking of automobiles provided that such provisions within sixty (60) feet of a developed lot in an "R" district shall be separated from said lot by a blind fence or wall at least six (6) feet high.

c) **Parking regulations:** Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.
2.5.7 Community Commercial (C-C).

d)  **Area regulations**: The following minimum requirements shall be required:
   1)  Depth of the front yard: none
   2)  Depth of rear yard: none, where no windows or other openings for light face the rear yard or rear lot line. In all other cases, one of the following, whichever is least: 5 feet plus the building height at that point; or one-half the length of the side of the building at that point.
   3)  Width of side yard: none, where no windows or other openings for light face the side yard or side lot line. In all other cases, one of the following, whichever is least: 5 feet plus the building height at that point; or one-half the length of the side of the building at that point.
   4)  Width of lot: 80 feet
   5)  Depth of lot: 80 feet
   6)  Distance between detached buildings: 10 feet, where no windows or other openings for light face upon the space between buildings. In all other cases, one of the following, whichever is least: 10 feet plus the sum of the two (2) building heights at those points which establish the distance between; or one-half the smallest building side forming space between.


e)  **Height and area regulations**: The following maximum height and area regulations shall be observed:
   1)  Height of structure: one-half shortest distance between the structure and the nearest developed lot in an R-40, R-15, R-10, R-7.5, R-6 or A district used as a single-family residence.
   2)  Lot coverage by buildings: 50 percent
   3)  Lot coverage by buildings, driveways and parking spaces: 100 percent
3.10 Hotel Development Standards.

3.10.1 Applicability. The standards and criteria contained within this section are deemed to be minimum standards, and shall apply to all new hotel and/or motel construction, and renovation or reconstruction of existing hotels and/or motels the value of which renovation or reconstruction exceeds fifty (50) percent of the current improvement value as shown on the most current City of Irving tax roll.

3.10.2 Minimum Standards.
   a) Building materials. All new construction shall be in conformance with section 3.4 "Commercial Design Standards" of the Unified Development Code.
   b) Site Design.
      1) All outside equipment such as air conditioners, pool equipment, satellite dishes over thirty-six (36) inches high, etc., shall be screened from view from any adjacent street by a solid fence or dense shrubbery/landscaping.
      2) Any parking designated for trucks, recreational vehicles and other large vehicles shall be placed in a location which is not adjacent to either any street or to any residentially zoned property.
      3) A minimum seven (7) foot solid masonry screening fence shall be provided adjacent to any property line abutting residentially zoned or used land, with a landscaped area of a minimum depth of ten (10) feet inside the fence, including, at a minimum, trees from the city's tree list spaced at a maximum of thirty (30) feet for the length of the abutting property line.
      4) Parking. Parking shall be provided in accordance with the following standards: 0.70 space per guest room, plus one (1) space for each one hundred twenty-five (125) square feet of meeting/conference room area.
   c) Building design.
      1) Building articulation shall be included on all facades.
      2) A porte-cochere or other covered area shall be provided immediately adjacent to the building entrance nearest the registration desk with an area for temporary parking of at least two (2) vehicles underneath the covered area for guests checking in or out.
      3) All units shall be accessed from an interior hallway, except for first floor units which may have direct access from an interior courtyard or swimming pool area instead of, or in addition to, hallway access.
      4) Exterior balconies shall not be allowed within two hundred (200) feet of any residentially zoned property unless they are located in an interior courtyard or are physically separated or screened from the residentially zoned property by another building or portion of a building.
      5) Height. Hotels built within the Urban Business Overlay and Planned Unit Development 6 (PUD 6) shall be a minimum of seven (7) stories.
   d) Interior design.
      1) Each guest room shall have a minimum area of three hundred (300) square feet including sleeping area, bathroom, and closet space.
2) Each guest room shall be fully furnished with a minimum of a bed, clothes dresser, chair, table, bath or shower, sink, toilet, telephone, and television.

3) A lounge or waiting area with a minimum area of five hundred (500) square shall be provided. Atriums or other open areas may be counted as waiting area if seating is provided.

4) A lobby area (not counting the work area for hotel or motel employees) which is designed as part of the check-in/out area for guests with a minimum size of five hundred (500) square feet. The lobby and lounge/waiting areas may be designed as a single space but in such case the area shall be a minimum of one thousand (1,000) square feet. The lobby check-in/out area (registration desk) shall be open and unobstructed.

5) All hotels or motels shall provide meeting or conference rooms with a combined minimum area of five thousand (5,000) square feet. Individual guest rooms cannot be counted as meeting rooms.

6) All hotels or motels shall provide recreational facilities with a minimum combined area of one thousand (1,000) square feet such as, but not limited to, swimming pool, exercise rooms, sport courts, spas, or game areas.

7) All hotels or motels shall provide a minimum of two hundred (200) sleeping rooms.

8) All hotels and motels shall provide a minimum of continental breakfast to hotel guests and a convenience retail market or pantry with food items available for purchase twenty-four (24) hours, which shall include frozen foods and meals.

e) **Guest services.**

1) Daily housekeeping service shall be available to every guest room at no extra charge.

2) Staffing shall be available twenty-four (24) hours per day to provide check-in/out services, custodial or maintenance response, or other guest services.

f) **Zoning approvals.**

1) Where not permitted by right within an Overlay District, Hotels and motels are allowed only by Site Plan zoning approval, either Site Plan One (S-P-1) Detailed Site Plan or Site Plan Two (S-P-2) Generalized Site Plan, as applicable. As part of any application for a zoning change to authorize a hotel or motel use, the city staff, planning and zoning commission and/or city council may request an independent third-party market need study for the particular product segment being proposed.

2) Modifications to the above minimum standards may be requested through the Site Plan zoning process. As part of any such request for modifications to the standards, the city staff, Planning and Zoning Commission and/or city council may request any or all of the following information to assist the staff, commission, and council in determining whether the modifications should be approved:

   a. Product data to include projected daily rate, occupancy, average length of stay (for the brand proposed), and revenue per available room.

   b. Competitive set data to identify brands in the proposed development’s competitive set, and projected daily rate, occupancy, average length of stay, and revenue per available room for the competitive set.
c. Current hotel market segment assessment by an independent third party to determine the market success, financial success, and consumer demand for the proposed development.

d. Any feasibility studies that may have been completed pertaining to the proposed development.

3) The city council reserves the right to approve any request for a hotel development or redevelopment not in keeping with all the requirements set forth herein when in its judgment the proposed project will be of such high quality, innovative design, and/or architectural significance so as to complement surrounding development, satisfy an important market demand, or substantially contribute to the physical, social and/or economic well-being of the community and surrounding region.

(Ord. No. 2022-10580, § 1, 4-21-22)
From: Paresh Patel <paresh@kriyahotels.com>
Sent: Friday, March 8, 2024 11:14 AM
To: Gina Costanza-Grant <ggrant@cityofirving.org>
Cc: Bob Williams <blank>
Subject: [External] Re: Re: 2024-28-ZC - S-P-2 (C-C) + Hotel (4700 Plaza Dr) gg

USE CAUTION when clicking links & opening attachments!

Hello Gina,

I presume the postponement fee is the same for April or indefinite? If so let's go with indefinite for the time being. I will reach out to you again if something changes. Thank you!

Regards,

Paresh Patel
Kriya Hotels

2451 W. Grapevine Mills Circle
Grapevine, TX  76051
Office| 214.446.6741 ext. 102
Mobile| 972.821.2996
Facsimile| 866.864.1950
paresh@kriyahotels.com

**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

Chair Skinner read the item into the record. He then called on the applicant.

Bob Williams, 2549 Walsh Court, general contractors, have built many projects for the owners. They build hotels all around the country, they understand that there have been amendments to the Unified Development Code in the last few years. They understand that there are new regulations to bring in a higher end hotel. They are adding 35 rooms as they currently have 92. Regarding the meeting rooms, they are requesting that variance as the demand for meeting rooms drastically dropped after covid, meetings are held online now. This hotel is adding and remodeling the whole lobby with flex space and gathering area. The demand is not there for the room size and meeting spaces.

Commissioner Haacke feels that they must follow the standards in place, for that reason she cannot support this project.

Commissioner Denny stated that he is persuaded by the recent standards that City Council adopted.

Chair Skinner called for individuals wishing to speak in favor of this item. There was no one to speak in favor of this item. He then called for individuals wishing to speak in opposition. There was no one to speak in opposition to this item.

Discussion was closed to the floor and returned to the Commission for their consideration and a motion.

Commissioner Haacke moved to forward Zoning Case #2024-28-ZC to the City Council with a recommendation of denial. Commissioner Lightfoot seconded the motion. There was no discussion of the motion. The motion carried unanimously.

**Ayes:** Joshua Skinner, Debbi Haacke, Priscilla Vigliante, Daniel Denny, Alicia Reyes, Ricky Lightfoot, Gerald Sanguino

**Absent:** Terry Prichard, April Myrick

Discussion Time: 3 minutes
From: Ronald K. Smith < >
Sent: Thursday, May 30, 2024 11:02 AM
To: Mayor < >
Cc: Radhika Gammampila < >; Raj Chudasama < >
Subject: [External] FW: #22063_Home 2 Hotel_Irving_TX - Email to City council

Rick Stopfer, - Mayor City of Irving

We are reaching out to you on behalf of our client, Kriya Hospitality. We have worked with them to enhance, expand, and update the existing Home 2 Hilton hotel at 4500 Plaza Drive, Irving, Texas. This expansion/update opportunity for the Hilton Hotel will be presented at the city council meeting on June 13th. We hope to introduce you to this project and its value to the community in advance in hopes of having you support. The existing Home2 by Hilton Hotel is 10 years old and in need of an update. The existing Hilton Home2 Hotel is currently comprised of 93 guest rooms with a 550 sq. ft. fitness room and a small meeting room.

The Hilton brand requires existing hotels to maintain brand standards, and this generally requires refreshing the hotels to various degrees every 7, 14, and 21 years. Hilton has high standards and requires ownership/management of their hotels to maintain high-quality hotels, meet or exceed Hilton standards, and perform regular inspections across the country. Due to COVID-19, this update is being done at the 10-year mark. The ownership team is excited to have the opportunity to expand the Hotel in conjunction with the 10-year Hilton refresh. The owner plans to add 40 guest rooms while refreshing the existing building. This requires a city SUP approval. With the added guestrooms Hilton will require a larger lobby area, we are incorporating flexible space that can adapt to a meeting room when needed. We are proposing moving and enlarge the existing fitness center with the hotel expansion. This expansion will include the following: bringing the hotel closer to complying with the new City of Irving Hotel standards.

• The expansion would bring the room count **20% closer to compliance by adding 40 rooms** to have a total of 133 rooms, with all rooms being larger than the required 300 sq. ft. area.

• With the existing meeting room and proposed adaptable flex space, **we would have 1,380sq. ft. of meeting room space that surpasses the originally approved** meeting space. The flex space is designed to close off when needed for meetings by a sliding door. The sliding door can be kept open for a greater guest experience in the lobby during high usage times (i.e. our early morning complimentary breakfast service). This adaptable space also enhances the guest experience during high-traffic events due to weather events at DFW airport. This Flex space would allow us to accommodate more guests at unusually high traffic time due to flight cancellations. Note the Hotel provides a free breakfast and a shuttle service to DFW Airport for our guest.
• The enlarged updated lobby area will be in compliance with the 1,000 sq. ft lobby & lounge area that is required by the City of Irving’s current hotel ordinance.

• Our recreational facility will be over the city’s current requirement of 1,000 sq. ft. We are expanding the exercise room to 1,230 sq. ft. from the exiting fitness area of 550 sq. ft. as this is a guest amenity that is in very high demand.

• The existing swimming pool area and furniture will be upgraded, which is a highly visible guest amenity.

• A free breakfast per Hilton’s breakfast program is provided for all guests.

• The market is open 24 hours a day with access to snacks and food items to purchase.

• We are in compliance with the daily housekeeping which is provided to guests at no additional charge. Staff are available 24 hours per day to provide check-in/out services, custodial services, maintenance services, and guest services.

• Parking spaces provided with the extension have a total of 143 spaces. This surpasses the required parking spaces by 38 per the ordinance of 0.70 space per room plus 1 space per 125 sq. ft. of meeting space.

The extension of the 40-room expansion and refresh of the existing building is a major reinvestment to this Hilton Hotel of over $7 million of which over $1.5 million will be spent to upgrade the existing rooms for an enhanced guest experience. This budget for the upgrade also hinges on the extension as Hilton brand has required some of the upgrades such as the reconfiguration of the lobby area that incorporates the new flexible space and upgrades that can accommodate group gatherings and collaborative sessions.

If this extension and upgrade is not completed, Hilton has the authority to take away the flag and potentially put the hotel in a position to have to operate as a lower branded hotel. Home2 by Hilton has done well in this market due to its proximity to the airport and our high-quality award-winning hotel operator, Kriya Hotels.

Also of interest, there is currently a 122 room Home2 Suites under construction north of our location in Coppell. Increasing our room count and upgrading/renovating the hotel will help us keep and capture market share rather than leaving the City of Irving to other new construction projects such as the Home2 in Coppell. We working to creating a win/win situation for the City of Irving and currently ownership who has been heavily invested in Irving since 2005.

We respectfully request your consideration and support for the variance outlined above. Should you require any further information or clarification regarding our proposal, please do not hesitate to reach out.
We are committed to working closely with the City of Irving to make this project a success and enhance the community experience.

Please find link below for the PowerPoint presentation and site plan.

Zoning case 2024-28-ZC

Thank you,

Sincerely,

Ronald K. Smith AIA, P.E.
Architect & Architectural Engineer
President - Mayse & Associates
972-386-0338 ext. 204
Zoning Case 2024-28-ZC

- 4500 – 4700 Plaza Dr.
- 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**
- Staff Recommendation: Denial
- P&Z Recommendation: Denial 7-0
- Public Comment Forms: None in support or opposition
- Indefinitely Postponed on March 21 by the applicant.
City of Irving
Notification Map
Zoning Case
No: 2024-28-ZC

200 Ft Notification Boundary
Property Under Consideration

Date: Monday, January 29, 2024

Geographic Information Systems (GIS) Disclaimer/Limitation of Liability:
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative locations of property boundaries and other geographic features. All data, specifically included, the geographic data herein are provided "as is" without warranty of any kind, either expressed or implied. Use of the information is the sole responsibility of the user.
<table>
<thead>
<tr>
<th>Hotel Standards required</th>
<th>Existing</th>
<th>Amenities Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lounge lobby 1000sqft</td>
<td>1000sqft</td>
<td>1000 sqft</td>
</tr>
<tr>
<td>Meeting room 5000sqft</td>
<td>760sqft</td>
<td>1380sqft (760sqft+620sqft adaptable flex space)</td>
</tr>
<tr>
<td>Recreational facility 1000sqft</td>
<td>620sqft (fitness)</td>
<td>1150sqft (fitness)</td>
</tr>
<tr>
<td>Guestroom count 200</td>
<td>93</td>
<td>133 (93existing+40 new)</td>
</tr>
<tr>
<td>Guestroom 300sqft</td>
<td>330sqft</td>
<td>330sqft</td>
</tr>
<tr>
<td>Continental breakfast</td>
<td>Provided</td>
<td>Provided</td>
</tr>
<tr>
<td>Market</td>
<td>Provided</td>
<td>Provided</td>
</tr>
</tbody>
</table>
Applicant’s Illustrative Plan
Subject Property from Plaza Dr.
North of Subject property
# Hotel Standards

<table>
<thead>
<tr>
<th>Hotel Standards required</th>
<th>Existing</th>
<th>Amenities Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lounge lobby 1000sqft</td>
<td>1000sqft</td>
<td>1000 sqft</td>
</tr>
<tr>
<td>Meeting room 5000sqft</td>
<td>760sqft</td>
<td>1380sqft (760sqft+620sq ft adaptable flex space)</td>
</tr>
<tr>
<td>Recreational facility 1000sqft</td>
<td>620sqft (fitness)</td>
<td>1150sqft (fitness)</td>
</tr>
<tr>
<td>Guestroom count 200</td>
<td>93</td>
<td>133 (93existing+40 new)</td>
</tr>
<tr>
<td>Guestroom 300sqft</td>
<td>330sqft</td>
<td>330sqft</td>
</tr>
<tr>
<td>Continental breakfast</td>
<td>Provided</td>
<td>Provided</td>
</tr>
<tr>
<td>Market</td>
<td>Provided</td>
<td>Provided</td>
</tr>
</tbody>
</table>
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> Sec. 2.4.8 (d)</td>
<td>25 feet</td>
<td>15 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td><strong>Minimum Rear Yard Setback</strong> Sec. 2.4.8 (d)</td>
<td>20 feet</td>
<td>10 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td><strong>Minimum Lot Width</strong> Sec. 2.4.8 (d)</td>
<td>50 feet</td>
<td>45 feet</td>
<td>5 feet</td>
</tr>
<tr>
<td><strong>Maximum Lot Coverage of Principal Bldg.</strong> Sec. 2.4.8 (e)</td>
<td>40%</td>
<td>60%</td>
<td>50% increase in max. lot coverage</td>
</tr>
<tr>
<td><strong>Maximum Height of Principal Structure</strong> (as measured at midpoint per the UDC Sec. 2.4.8 (e))</td>
<td>2 stories or 25 feet</td>
<td>2.5 stories or 35 feet (Max. 30’ at eave)</td>
<td>0.5 story or 10 feet (Max. 30’ at eave)</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.

<table>
<thead>
<tr>
<th>Zoning</th>
<th>ZC98-4798 (East of subject property)</th>
<th>DP #56 (North of subject property)</th>
<th>DP #57 (Northeast of subject property)</th>
<th>2024-103-ZC (Subject property)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>R-ZLa w/variances</td>
<td>R-ZLa w/variances</td>
<td>R-ZLa w/variances</td>
<td>R-6 w/variances</td>
</tr>
<tr>
<td><strong>Minimum Lot Area</strong></td>
<td>Min. 4,000 sq. ft.</td>
<td>Min. 4,000 sq. ft.</td>
<td>Min 4,000 sq. ft.</td>
<td>Min. 6,000 sq. ft.</td>
</tr>
<tr>
<td><strong>Maximum Height of a Principal Structure</strong> (2 stories or 25 feet)</td>
<td>2.5 stories or 30 feet</td>
<td>2.5 stories or 30 feet</td>
<td>2.5 stories or 30 feet</td>
<td>2.5 stories or 35 feet (Max. 30’ at eave)</td>
</tr>
<tr>
<td><strong>Min. Lot Depth</strong></td>
<td>Min. 90 feet</td>
<td>Min. 70 to 72.5 feet</td>
<td>Min. 70 feet</td>
<td>Min. 100 feet</td>
</tr>
<tr>
<td><strong>Min. Rear Setback</strong></td>
<td>Min. 10 feet for 2-story structures (certain interior lots)</td>
<td>Min. 5 feet for one- and two-story</td>
<td>Min. 5 feet for one- and two-story</td>
<td>Min. 10 feet</td>
</tr>
<tr>
<td><strong>Min. Front Setback</strong></td>
<td>Min. 15 feet</td>
<td>Min. 5 feet</td>
<td>Min. 5 feet</td>
<td>Min. 15 feet</td>
</tr>
<tr>
<td><strong>Min. Side Setback</strong></td>
<td>(8” one side; 10’ on opposite side)</td>
<td>3 feet on each side</td>
<td>3 feet on each side</td>
<td>Min. 5 feet on each side</td>
</tr>
<tr>
<td><strong>Garage Door Setback</strong></td>
<td>Front entry: Min. 20 feet</td>
<td>Side entry: Min. 15 feet</td>
<td>Min. 25 feet</td>
<td>Min. 25 feet</td>
</tr>
<tr>
<td><strong>Corner Lot Setback</strong></td>
<td>Min. 10 feet (certain lots)</td>
<td>Min. 5 feet</td>
<td>Min. 5 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>Minimum lot width</td>
<td>Min. 40 feet</td>
<td>Min. 40 feet</td>
<td>Min. 40 feet</td>
<td>Min. 45 feet</td>
</tr>
<tr>
<td>-------------------</td>
<td>--------------</td>
<td>--------------</td>
<td>--------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Lot coverage for buildings, driveways and parking</td>
<td>Max. 60%</td>
<td>Max. 80%</td>
<td>Max. 80%</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 (Ord-2023-10699)

   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.
ADDITIONAL COMMENTS:

Contract Required: Review Completed By:
Previous Action: Council Action:
Discretionary Contract Disclosure Form Required:
Certificate of Interested Parties (Form 1295) Required:
TGC 2271 Verification Form Required:
TGC 2274 Verification Form Required:

ATTACHMENTS:

• Exhibit A: Legal Description (PDF)
• Exhibit B: Site Plan (PDF)
• Vicinity Map (PDF)
• Aerial Map (PDF)
• Future Land Use Map (PDF)
• Surrounding Zoning Map (PDF)
• Notification Map (PDF)
• Notification List (PDF)
• Public Response in Support (PDF)
• Public Responses in Opposition (PDF)
• Protest Analysis Map (PDF)
• Sec. 2.4.8 R-6 "Single-family Residential 6" District Requirements (PDF)
• P&Z Minutes (PDF)
• Request to Postpone to June 13, 2024 (PDF)
• Council Presentation (PDF)

CURRENT YEAR FINANCIAL IMPACT:

NONE

REVISION INFORMATION:

Prepared: 5/7/2024 10:28 AM by Kenneth Bloom
Last Updated: 6/5/2024 01:37 PM by Kenneth Bloom
ORDINANCE NO. ORD-2024-10931

ZONING CASE NO. 2024-103-ZC
ZONING CLASSIFICATION – S-P-2

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF IRVING, TEXAS NO 2020-10370 BY REZONING A TRACT OF LAND OUT OF THE MACARTHUR BOULEVARD BAPTIST CHURCH REVISED ADDITION, LOCATED AT 8001 MUSTANG DRIVE FROM PUD (VALLEY RANCH PUD) WITH DEVELOPMENT PLAN DP #75 FOR R-6 “SINGLE-FAMILY RESIDENTIAL 6” USES AND 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”; PROVIDING FOR SPECIAL CONDITIONS AND REGULATIONS RELATIVE TO LAND USE; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR CONFLICT RESOLUTION, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY, AND AN EFFECTIVE DATE.

WHEREAS, after proper notice and public hearing the Planning and Zoning Commission considered the zoning amendment and recommended denial on May 6, 2024; and

WHEREAS, after proper notice and public hearing, and upon consideration of the recommendation of the Planning and Zoning Commission and of all testimony and information submitted during the public hearing, the City Council has determined that the zoning change is in accordance with the comprehensive plan, complies with all legal requirements, is in the best interest of the public, and is for the purpose of promoting the health, safety, morals, and general welfare of the citizens and protecting and preserving places and areas of historical, cultural, or architectural importance and significance; and

WHEREAS, among other things, the City Council considered the following factors: safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site; safety from fire hazards, and measures of fire control; protection of adjacent property from flood or water damage; noise producing elements; glare of vehicular and stationary lights and effect of such lights on established character of the neighborhood; street size and adequacy of pavement width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood; adequacy of parking, as determined by requirements of this ordinance for off-street parking facilities, location on ingress/egress points for parking and off-street loading spaces, and protection of public health by surfacing on all parking areas to control dust; and such other measures as will secure and protect public health, safety, morals, and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION 1. That the Irving City Council hereby approves Zoning Case 2024-103-ZC, changing the zoning classification of certain property located at 8001 Mustang Drive, described in Exhibit A attached hereto, from PUD (Valley Ranch PUD) with Development Plan DP #75 for R-6 “Single-family Residential 6” uses and S-P-2 (R-6) “Generalized Site Plan – Single-family Residential 6” to S-P-2 (R-6) “Generalized Site Plan – R-6 “Single-family Residential 6”.

SECTION 2. That the change approved in Section 1 is granted subject to the following:

a) That development and use shall be in conformance with Exhibit B: Site Plan attached
hereto and made a part hereof for all purposes, which reflects a deviation from the requirements of Section 2.4.8 of the City of Irving Unified Development Code (Single-family Residential 6) and Section 5.3.5 the City of Irving Unified Development Code (Single-family Residential Lot Size Compatibility) as follows:

i) A decrease to the minimum front yard setback to allow a minimum front yard setback of 15 feet.

ii) A decrease to the minimum rear yard setback to allow a minimum rear yard setback of 10 feet.

iii) A decrease to the minimum lot width to allow a minimum lot width of 45 feet.

iv) An increase to the maximum lot coverage of a principal building by allowing a maximum lot coverage of sixty percent (60%).

v) An increase to the maximum height of a principal structure to allow a maximum height of 2.5 stories or 35 feet, with a maximum eave height of 30 feet.

b) That development and use shall be in conformance with all applicable laws, ordinances, and regulations.

c) That a true and correct copy of the site plan attached hereto shall be retained by the Department of Planning of the City of Irving.

SECTION 3. That the official zoning map of the City of Irving be changed to reflect the zoning classification established by this Ordinance.

SECTION 4. That this ordinance shall be cumulative of all other ordinances of the City of Irving affecting zoning and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are inconsistent or in direct conflict with the provisions of this ordinance.

SECTION 5. That should any paragraph, sentence, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal, or unconstitutional, and shall not affect the validity of the comprehensive zoning ordinance as a whole.

SECTION 6. That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 7. That any person violating or failing to comply with any provisions of this ordinance shall be fined, upon conviction, not less than one dollar ($1.00) nor more than two thousand dollars ($2,000.00), and each day any violation or noncompliance continues shall constitute a separate offense.

SECTION 8. That this ordinance shall take effect immediately upon its passage.
EXHIBIT A: LEGAL DESCRIPTION
ZONING CASE 2024-103-ZC

BEING ALL of Lot 2R, Block A in the MacARTHUR BOULEVARD BAPTIST CHURCH REVISED ADDITION, an addition to the City of Irving, Dallas County, Texas according to the plat recorded in Document No. 202300150309 of the Official Records of Dallas County, Texas.

CONTAINING 267,478 square feet or 6.140 acres of land, more or less.
Property Under Consideration

City of Irving
Aerial View Map
No: 2024-103-ZC

Esri Community Maps Contributors, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Date: Wednesday, April 3, 2024
Subject Property

Legend

- Case Boundary
- Municipal Boundary
- DFW Noise Contour
  - 65
  - 70
  - 75
- Future Land Use
  - Residential Categories
    - Traditional Neighborhood
    - Compact Neighborhood
    - Mid Density Residential
  - Mixed Use Categories
  - Urban District
  - Transit Oriented Development
  - Community Village
  - Main Street/Downtown
- Non-Residential Categories
  - Local Commercial
  - Regional Commercial
  - Business/Office
  - Manufacturing/Warehouse
  - Industrial
  - Public/Semi-Public
  - Open Space
  - DFW Airport

City of Irving
Future Land Use Map
Zoning Case
No: 2024-103-ZC

Geographic Information Systems (GIS) Disclaimer/Limitation of Liability:
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries and other geographic features. All data, specifically including the geographic data herein are provided "as is" without warranty of any kind, either expressed or implied. Use of the information is the sole responsibility of the user.

Date: Wednesday, April 3, 2024

Packet Pg. 254
Attachment: Future Land Use Map (ORD-2024-10931 : 56 - 2024-103-ZC)
City of Irving
Surrounding Zoning Map
Zoning Case
No: 2024-103-ZC
City of Irving
Notification Map
Zoning Case
No: 2024-103-ZC

Date: Wednesday, April 3, 2024

Geographic Information Systems (GIS) Disclaimer/Limitation of Liability:
This product is for informational purposes and may not have been prepared for
or be suitable for legal, engineering, or surveying purposes. It does not represent
an on-the-ground survey and represents only the approximate relative location
of property boundaries and other geographic features. All data, specifically including
the geographic data herein are provided "as is" without warranty of any kind, either
expressed or implied. Use of the information is the sole responsibility of the user.

200 Ft Notification Boundary
Property Under Consideration

18.g
Packet Pg. 256
Attachment: Notification Map (ORD-2024-103-ZC : 56 - 2024-103-ZC)
<table>
<thead>
<tr>
<th>ID</th>
<th>DCAD_ID</th>
<th>OWNER NAME</th>
<th>ST NUM</th>
<th>ST DIR</th>
<th>ST NAME</th>
<th>ST SUFFIX</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>324993000A0160000</td>
<td>NALLAM RAMAKRISHNA &amp;</td>
<td>567</td>
<td>SOUTH</td>
<td>SOUTHRIDGE</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>324993000B0040000</td>
<td>SPAIN GAVIN D</td>
<td>584</td>
<td>SOUTH</td>
<td>SOUTHRIDGE</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>324993000A0140000</td>
<td>NEELAKANTAN SHASHI &amp;</td>
<td>559</td>
<td>SOUTH</td>
<td>SOUTHRIDGE</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>324993000B0060000</td>
<td>JUNG WEON KIL &amp; MI HWA</td>
<td>574</td>
<td>SOUTH</td>
<td>SOUTHRIDGE</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>324993000B0080000</td>
<td>SANDERS PAUL DANIEL &amp;</td>
<td>566</td>
<td>SOUTH</td>
<td>SOUTHRIDGE</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>322778800A05R0000</td>
<td>MACARTHUR RANCH LLC</td>
<td>8140</td>
<td>N</td>
<td>MACARTHUR BLVD</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>324993000B0050000</td>
<td>SADLER BRANDON &amp; LISA BEYERSTE</td>
<td>578</td>
<td>SOUTH</td>
<td>SOUTHRIDGE</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>324993000B0070000</td>
<td>NORGUCHI RONALD MASAYUKI &amp;</td>
<td>570</td>
<td>SOUTH</td>
<td>SOUTHRIDGE</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>324993000A0210000</td>
<td>ALQUADRI MUHAMMAD</td>
<td>589</td>
<td>SOUTH</td>
<td>SOUTHRIDGE</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>324993200A0010000</td>
<td>KASTURI GAUTAM &amp;</td>
<td>463</td>
<td>RICHMOND</td>
<td>ST</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>322778800A06R0000</td>
<td>MACARTHUR VILLAGE LLC</td>
<td>8350</td>
<td>N</td>
<td>MACARTHUR BLVD</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>324993200A0410000</td>
<td>DIAZ TRACY M</td>
<td>460</td>
<td>SOUTH</td>
<td>SOUTHRIDGE</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>325598700B0190000</td>
<td>MIRONMENDOZA MIGUEL &amp; PALMIRA</td>
<td>8124</td>
<td>DOGWOOD</td>
<td>LN</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>325598700A0240000</td>
<td>CHOI JIN W</td>
<td>8219</td>
<td>DOGWOOD</td>
<td>LN</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>325598700B0170000</td>
<td>JARAMILLO GERARDO &amp; ARACELI</td>
<td>8116</td>
<td>DOGWOOD</td>
<td>LN</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>6515066451800000</td>
<td>TEXAS UTILITIES ELEC CO</td>
<td>599</td>
<td>W</td>
<td>LBJ</td>
<td>FWY</td>
</tr>
<tr>
<td>17</td>
<td>325598700A0210000</td>
<td>ERAZO DIEGO</td>
<td>619</td>
<td>POPLAR</td>
<td>LN</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>325598700B0240000</td>
<td>SHELVEY STEPHEN F III</td>
<td>8216</td>
<td>DOGWOOD</td>
<td>LN</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>324993000B0020000</td>
<td>JENIGIRI SHARAT</td>
<td>592</td>
<td>SOUTH</td>
<td>SOUTHRIDGE</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>325598700B0040000</td>
<td>WAN SOMEN GLORIA &amp; SAYCHEN HO</td>
<td>8109</td>
<td>DOGWOOD</td>
<td>LN</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>325598700B0180000</td>
<td>SAWAF KARIM ADAM &amp; ASHLEY D</td>
<td>8120</td>
<td>DOGWOOD</td>
<td>LN</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>324993000A0200000</td>
<td>PETERSON LARRY S &amp; WILLA JO</td>
<td>585</td>
<td>SOUTH</td>
<td>SOUTHRIDGE</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>32C2020000000A00</td>
<td>IAG PPTIES LLC</td>
<td>612</td>
<td>S</td>
<td>VALLEY RANCH PKWY</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>325598700B0200000</td>
<td>FAEHEM FARHAAN &amp;</td>
<td>8128</td>
<td>DOGWOOD</td>
<td>LN</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>324993000A0230000</td>
<td>APATIRA UTHMAN ADEWALE &amp;</td>
<td>597</td>
<td>SOUTH</td>
<td>SOUTHRIDGE</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>325598700B0010000</td>
<td>LIEW KIM LONG &amp;</td>
<td>8123</td>
<td>DOGWOOD</td>
<td>LN</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>324993200A0420000</td>
<td>GARG ANIL KUMAR &amp; BHAWANA</td>
<td>464</td>
<td>SOUTH</td>
<td>SOUTHRIDGE</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>325598700B0220000</td>
<td>BALAN PRASHANTH</td>
<td>8206</td>
<td>DOGWOOD</td>
<td>LN</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>325598700B0210000</td>
<td>ROA YOLANDA &amp; KHALID YANOUN</td>
<td>8200</td>
<td>DOGWOOD</td>
<td>LN</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>324993000A0190000</td>
<td>LEILA HOLDINGS LLC</td>
<td>581</td>
<td>SOUTH</td>
<td>SOUTHRIDGE</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>325598700A0230000</td>
<td>SWAMINATHAN GOPIKRISHNAN</td>
<td>8223</td>
<td>DOGWOOD</td>
<td>LN</td>
<td></td>
</tr>
</tbody>
</table>

City of Irving
Notification List
Zoning Case No: 2024-103-ZC

Date: Wednesday, April 3, 2024
I am FOR Zoning Case 2024-103-ZC as explained on the attached public notice.

I am AGAINST Zoning Case 2024-103-ZC as explained on the attached public notice.

Date, Location & Time of:

**PLANNING & ZONING COMMISSION MEETING:**
Monday, May 6, 2024, 7:00 p.m.
City Hall, 825 W. Irving Blvd., Irving, Texas

**CITY COUNCIL MEETING:**
Thursday, May 30, 2024, 7:00 p.m.
City Hall, 825 W. Irving Blvd., Irving, Texas

Name: Robert Bolander, MacArthur Blvd. Baptist
(please print)
Address: 8001 Mustang Dr.

Tax Account (DCAD) Number (if shown on enclosed map):

Signature: 

Date: 4/29/24

Phone (optional):

Please provide comments explaining the reasons for your support or opposition:

This is not a zoning change but minor variances consistent with the area. Please support the variance change request for developer.

Note: We received two forms, this is two of two.
PUBLIC COMMENT FORM  
(2024-103-ZC – 8001 Mustang Dr.)  
*** Please type or use black ink ***

Planning Department  
PO Box 152288  
Irving, Texas 75015-2288  
or  
planning@cityofirving.org  

X I am FOR Zoning Case 2024-103-ZC as explained on the attached public notice.  
___ I am AGAINST Zoning Case 2024-103-ZC as explained on the attached public notice.  

Date, Location & Time of:  
PLANNING & ZONING  
COMMISSION MEETING:  
Monday, May 6, 2024, 7:00 p.m.  
City Hall, 825 W. Irving Blvd., Irving, Texas  

CITY COUNCIL MEETING:  
Thursday, May 30, 2024, 7:00 p.m.  
City Hall, 825 W. Irving Blvd., Irving, Texas  

Name: Robert Bolander, MacArthur Blvd. Baptist  
(Address: 8001 Mustang Dr., please print)  

Signature:  

Date: 4.29.24  

Phone (optional):  

Please provide comments explaining the reasons for your support or opposition:  

We support variance request changes  

Note: We received two forms, this is one of two  

GG
I am FOR Zoning Case 2024-103-ZC as explained on the attached public notice.

I am AGAINST Zoning Case 2024-103-ZC as explained on the attached public notice.

PLANNING & ZONING COMMISSION MEETING:
Monday, May 6, 2024, 7:00 p.m.
City Hall, 825 W. Irving Blvd., Irving, Texas

CITY COUNCIL MEETING:
Thursday, May 30, 2024, 7:00 p.m.
City Hall, 825 W. Irving Blvd., Irving, Texas

Name: Ann Gargas
Address: 464 Southridge Way Irving TX 75063

Tax Account (DCAD) Number (if shown on enclosed map):
3249932200 A 042 0000

Signature:

Date: 05/18/2024

Phone (optional): 682-365-3650

Please provide comments explaining the reasons for your support or opposition:

The case is submitted with a variance. The side lot back not defined, less number of houses need to be built similar to existing housing to avoid congestion and overload on the infrastructure.

GG
I am AGAINST Zoning Case 2024-103-ZC as explained on the attached public notice.

Date, Location & Time of:

**PLANNING & ZONING COMMISSION MEETING:**
Monday, May 6, 2024, 7:00 p.m.
City Hall, 825 W. Irving Blvd., Irving, Texas

**CITY COUNCIL MEETING:**
Thursday, May 30, 2024, 7:00 p.m.
City Hall, 825 W. Irving Blvd., Irving, Texas

**Name:** Nancy B. Kuhl  
(please print)

**Address:** 523 Southridge Way, Irving, TX 75062

**Tax Account (DCAD) Number**
324993000AP060000

**Signature:** Nancy B. Kuhl

**Date:** 5/22/2024

**Phone (optional):** 518-424-2417

**Please provide comments explaining the reasons for your support or opposition:**

Opposition - traffic, additional schools - community

Owner of property will not follow what he is directed to do - I care about my community -

Very much -
PUBLIC COMMENT FORM
(2024-103-ZC – 8001 Mustang Dr.)
*** Please type or use black ink ***

Planning Department
PO Box 152288
Irving, Texas 75015-2288

or
planning@cityofirving.org

I am FOR Zoning Case 2024-103-ZC as explained on the attached public notice.

XX I am AGAINST Zoning Case 2024-103-ZC as explained on the attached public notice.

Date, Location & Time of:

PLANNING & ZONING
COMMISSION MEETING:
Monday, May 6, 2024, 7:00 p.m.
City Hall, 825 W. Irving Blvd., Irving, Texas

CITY COUNCIL MEETING:
Thursday, May 30, 2024, 7:00 p.m.
City Hall, 825 W. Irving Blvd., Irving, Texas

Name: Garry Woo
(please print)

Address:
531 Southridge Way
Irving, TX. 75063-4244

Tax Account (DCAD) Number
(if shown on enclosed map):
324993000A0080000

Signature: ________________

Date: May 8, 2024

Phone (optional):

Please provide comments explaining the reasons for your support or opposition:

Variances requested would increase traffic, decrease property values and detract neighborhood quality of life.

________________________________________
GG
Planning Department
PO Box 152288
Irving, Texas 75015-2288

or planning@cityofirving.org

_____ I am FOR Zoning Case 2024-103-ZC as explained on the attached public notice.

X  I am AGAINST Zoning Case 2024-103-ZC as explained on the attached public notice.

Date, Location & Time of:

PLANNING & ZONING COMMISSION MEETING: Monday, May 6, 2024, 7:00 p.m.
City Hall, 825 W. Irving Blvd., Irving, Texas

CITY COUNCIL MEETING: Thursday, May 30, 2024, 7:00 p.m.
City Hall, 825 W. Irving Blvd., Irving, Texas

Name: Mario and Rosalind Barnes
(please print)
Address: 541 Southridge Way
Irving, Texas 75063

Tax Account (DCAD) Number (if shown on enclosed map): 324993000A0100000

Signature: [Signature]
Date: MAY 21, 2024
Phone (optional): 214-457-0778

Please provide comments explaining the reasons for your support or opposition:

The variances requested do not adhere to the current landscape of the surrounding subdivisions. There are no 3 story homes, which this request is proposing. This would lead to the new houses towering over the existing houses next and across the street. Also, the increase to the lot coverage is ridiculous; this will lead to huge houses that will take up most of the 6,000 square feet lot, basically leaving little room for greenery/landscaping and will result in all the houses pushing up against each other. Plus, price point for these houses is a concern; may lead to hurting market values of existing homes and significantly drive-up property taxes. Builder needs to build R-6 houses and adher to current, existing ordinances (i.e. height, setbacks, lot coverage, etc.).
I am FOR Zoning Case 2024-103-ZC as explained on the attached public notice.

X I am AGAINST Zoning Case 2024-103-ZC as explained on the attached public notice.

Date, Location & Time of:

PLANNING & ZONING COMMISSION MEETING: Monday, May 6, 2024, 7:00 p.m.
City Hall, 825 W. Irving Blvd., Irving, Texas

CITY COUNCIL MEETING: Thursday, May 30, 2024, 7:00 p.m.
City Hall, 825 W. Irving Blvd., Irving, Texas

Name: Angela Smallwood
Address: 560 Silver Maple Dr.
Irving, TX 75063

Tax Account (DCAD) Number: 32559870080340000

Signature: [Signature]
Date: 5/11/24

Phone (optional):

Please provide comments explaining the reasons for your support or opposition:

Please keep this area as traditional residence. I've lost track of how many times the developer has come back with a request for revisions. This is getting old-- enough is enough! As a mom to 2 small children, I worry about the impact to traffic and wildlife. I also have concerns about parking & impact to home values. I am unable to attend on 5/30 due to business travel but ask that maintain this as traditional residence, as is. I will be (and have been) a single-issue voter at the ballot box.
PUBLIC COMMENT FORM
(2024-103-ZC – 8001 Mustang Dr.)
*** Please type or use black ink ***

Planning Department
PO Box 152288
Irving, Texas 75015-2288

or

planning@cityofirving.org

I am FOR Zoning Case 2024-103-ZC as explained on the attached public notice.

I am AGAINST Zoning Case 2024-103-ZC as explained on the attached public notice.

Date, Location & Time of:

PLANNING & ZONING
COMMISSION MEETING:
Monday, May 6, 2024, 7:00 p.m.
City Hall, 825 W. Irving Blvd., Irving, Texas

CITY COUNCIL MEETING:
Thursday, May 30, 2024, 7:00 p.m.
City Hall, 825 W. Irving Blvd., Irving, Texas

Name: Aminica Rodgers
(please print)
Address: 5616 Southridge Way
Irving, TX 75063

Tax Account (DCAD) Number
(if shown on enclosed map):

Signature: Aminica Rodgers

Date: 5/8/2024

Phone (optional):

Please provide comments explaining the reasons for your support or opposition:

We do not support cramming in 31 homes in the small parcel of land.
The planning suggested only has one point of entry and exit which creates
an issue for emergency vehicles when responding to accidents. 31 homes
bring a minimum of 1-62 cars to the already over-crowded
roads. The Valley Ranch Parkway, to get to I-635, is already a problem
without adding a new sub-division and influx of new cars. We
oppose this builders plan and hope that citizen elected council people
listen to residents and their constituents. Please deny to the
Zoning Case 204-103-ZC.
Good afternoon I am writing to Vote Against and express my opposition to the Zoning Case #2024-103-ZC-8001 Mustang Drive Irving. As a nearby resident we are not in favor of building 31 homes with the proposed variances on such a small parcel of land. This will not be beneficial for the community and is only in the best interest of the developer’s goal to develop as many houses as possible.

Please ensure that my feedback is shared with the City Counsel members so that they can consider this and review this if this Zoning Case is sent for a review since the Planning and Zoning Commission already took action to deny the request.

Thank you.

Mindy Rodgers
Min1944@yahoo.com

This e-mail, including attachments, may include confidential and/or proprietary information, and may be used only by the person or entity to which it is addressed. If the reader of this e-mail is not the intended recipient or intended recipient’s authorized agent, the reader is hereby notified that any dissemination, distribution or copying of this e-mail is prohibited. If you have received this e-mail in error, please notify the sender by replying to this message and delete this e-mail immediately.
PUBLIC COMMENT FORM  
(2024-103-ZC – 8001 Mustang Dr.)  
*** Please type or use black ink ***

Planning Department  or  planning@cityofirving.org
PO Box 152288
Irving, Texas 75015-2288

I am FOR Zoning Case 2024-103-ZC as explained on the attached public notice.

X  I am AGAINST Zoning Case 2024-103-ZC as explained on the attached public notice.

Date, Location & Time of:

PLANNING & ZONING  
COMMISSION MEETING:  
Monday, May 6, 2024, 7:00 p.m.  
City Hall, 825 W. Irving Blvd., Irving, Texas

CITY COUNCIL MEETING:  
Thursday, May 30, 2024, 7:00 p.m.  
City Hall, 825 W. Irving Blvd., Irving, Texas

Name:  RONALD M. NOGAUCHI  
(please print)

Address:  570 Southridge Way  
Irving, TX 75063

Tax Account (DCAD) Number (if shown on enclosed map):  

Signature:  Rondel M. Naguh  

Date:  MAY 1, 2024

Phone (optional):  

Please provide comments explaining the reasons for your support or opposition:

Over crowding is never a good thing. Open space are beneficial to the community. If developed there will be a stress on the infrastructure. (Electric, water, sewer etc)

GG
I am AGAINST Zoning Case 2024-103-ZC as explained on the attached public notice.

PLANNING & ZONING COMMISSION MEETING:
Monday, May 6, 2024, 7:00 p.m.
City Hall, 825 W. Irving Blvd., Irving, Texas

CITY COUNCIL MEETING:
Thursday, May 30, 2024, 7:00 p.m.
City Hall, 825 W. Irving Blvd., Irving, Texas

Name: SHARAT JENIGIO
Address: 592 Southridge Way, Irving, TX
Tax Account (DCAD) Number (if shown on enclosed map): 32499300030020000
Signature: [Signature]
Date: 05/03/2024
Phone (optional): [Phone]

Please provide comments explaining the reasons for your support or opposition:

That is a green zone. More residences in the area will increase traffic and reduce overall quality of life. Need to preserve some green areas.
PUBLIC COMMENT FORM
(2024-103-ZC – 8001 Mustang Dr.)
*** Please type or use black ink ***

Planning Department
PO Box 152288
Irving, Texas 75015-2288
or planning@cityofirving.org

I am FOR Zoning Case 2024-103-ZC as explained on the attached public notice.

I am AGAINST Zoning Case 2024-103-ZC as explained on the attached public notice.

Date, Location & Time of:
PLANNING & ZONING COMMISSION MEETING: Monday, May 6, 2024, 7:00 p.m.
City Hall, 825 W. Irving Blvd., Irving, Texas

CITY COUNCIL MEETING: Thursday, May 30, 2024, 7:00 p.m.
City Hall, 825 W. Irving Blvd., Irving, Texas

Name: Elle Cesar
(please print)
Address: 8108 Dogwood Lane
Irving, TX 75063

Tax Account (DCAD) Number
(signature on enclosed map):

Signature: Elle Cesar

Date: 5/15/24

Phone (optional): 

Please provide comments explaining the reasons for your support or opposition:

Our yards are already small enough. Would like to keep the neighborhoods consistent.

GG
PUBLIC COMMENT FORM
(2024-103-ZC – 8001 Mustang Dr.)
*** Please type or use black ink ***

Planning Department
PO Box 152288
Irving, Texas 75015-2288

or planning@cityofirving.org

I am FOR Zoning Case 2024-103-ZC as explained on the attached public notice.

✓ I am AGAINST Zoning Case 2024-103-ZC as explained on the attached public notice.

Date, Location & Time of:

PLANNING & ZONING COMMISSION MEETING: Monday, May 6, 2024, 7:00 p.m.
City Hall, 825 W. Irving Blvd., Irving, Texas

CITY COUNCIL MEETING: Thursday, May 30, 2024, 7:00 p.m.
City Hall, 825 W. Irving Blvd., Irving, Texas

Name: Aranely Herrera

Address: 8119 Dogwood Ln
Irving, TX 75063

Tax Account (DCAD) Number
(if shown on enclosed map): 3255987200800,20000

Signature: Aranely Herrera

Date: 5/03/2024

Phone (optional): ________________

Please provide comments explaining the reasons for your support or opposition:

I'm concerned with excessive traffic and energy outages in the zone.
PUBLIC COMMENT FORM
(2024-103-ZC – 8001 Mustang Dr.)
*** Please type or use black ink ***

Planning Department
PO Box 152288
Irving, Texas 75015-2288

or
planning@cityofirving.org

_____ I am FOR Zoning Case 2024-103-ZC as explained on the attached public notice.

X  I am AGAINST Zoning Case 2024-103-ZC as explained on the attached public notice.

Date, Location & Time of:

PLANNING & ZONING
COMMISSION MEETING:  Monday, May 6, 2024, 7:00 p.m.
City Hall, 825 W. Irving Blvd., Irving, Texas

CITY COUNCIL MEETING:  Thursday, May 30, 2024, 7:00 p.m.
City Hall, 825 W. Irving Blvd., Irving, Texas

Name:  Karim & Ashley Sawaf
(please print)
Address:  8120 Dogwood Ln
Irving, TX 75063

Tax Account (DCAD) Number (if shown on enclosed map):  325598700B0180000

Signature:  Ashley Sawaf

Date:  5/6/24

Phone (optional):  

Please provide comments explaining the reasons for your support or opposition:

The neighborhood still has concerns about the number of homes that will be built. Additional vehicles will cause too much traffic on the streets.

____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
__________________________________________________________________________________

Karim & Ashley Sawaf
8120 Dogwood Ln
Irving, TX 75063
325598700B0180000
5/6/24

The neighborhood still has concerns about the number of homes that will be built. Additional vehicles will cause too much traffic on the streets.
I am AGAINST Zoning Case 2024-103-ZC as explained on the attached public notice.

Name: Loi Ly
Address: 8205 Dogwood Ln.
Tax Account (DCAD) Number (if shown on enclosed map):
Signature: Loi Ly
Date:
Phone (optional):

Please provide comments explaining the reasons for your support or opposition:

When I purchase this home I like like the neighborhood it nice and it all a single family home. I really wanted to see it kept it that way.

Thank You GG
PUBLIC COMMENT FORM

Case # 2024-103-ZC

I am FOR the requested zoning

I am AGAINST the requested zoning

Name: Ravindra Palshottan

Address: 8300 Charleston St, Irving, TX

Signature:  

Date: 5/7/2024

Comments:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________
I am AGAINST Zoning Case 2024-103-ZC as explained on the attached public notice.

Date, Location & Time of:

PLANNING & ZONING COMMISSION MEETING: Monday, May 6, 2024, 7:00 p.m.
City Hall, 825 W. Irving Blvd., Irving, Texas

CITY COUNCIL MEETING: Thursday, May 30, 2024, 7:00 p.m.
City Hall, 825 W. Irving Blvd., Irving, Texas

Name: SHRIKANT PATEL
(please print)

Address: 8316 CHARLESTON ST. IRVING, TX 75063

Tax Account (DCAD) Number (if shown on enclosed map): 32493200A0230000

Signature: [Signature]

Date: MAY-02-2024

Phone (optional): 817-992-7713

Please provide comments explaining the reasons for your support or opposition:

I relocated to Valley Ranch back in 2012, drawn to serene and tranquil ambiances of the Southridge neighborhood. I felt profound sense of belonging and pride in being part of the community. However, in the last few years, I have witnessed remarkable changes in our surroundings. There is surge of high traffic turning once quiet streets into bustling thoroughfares. The tranquility has given way to the struggle for parking space, weathering it for a leisurely lunch or a relaxing dinner at our favorite restaurant or shopping an hour. Even within our community, during events and gatherings, parking can be difficult. It's disheartening to witness cars lined up on Mustang Drive.

Our cherished community in Southridge and Valley Ranch deserves careful consideration and protection and we weight the consequences of our decision.
PUBLIC COMMENT FORM

Case # 2024 1032 C

___ I am FOR the requested zoning
___ I am AGAINST the requested zoning

Name: SNA RASIMHA P ABBASI ETTY
(please print)

Address: 8316 RICHMOND CT, 75063

Signature: [signature]

Date: 05/06/2024

Comments:

____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
City of Irving
Protest Analysis Map
Zoning Case
No. 2023-103-ZC

Total Area within 200'
(Excluding Subject Parcel) =12.5737 AC
Total Area Protesting =0.4489 Ac
Percentage of Area Protesting =3.57%
2.4.8 Single-family Residential 6 (R-6).

In a R-6 single-family district no land shall be used and no building shall be erected for or converted to any use other than:

a) **Principal uses:** The following uses shall be permitted as principal uses:
   1) Single-family detached dwellings.
   2) Public and non-profit institutions of an educational, religious or cultural type excluding corrective institutions and hospitals.
   3) Governmental buildings and uses.
   4) Public utility uses required to service the district.
   5) Public and private noncommercial recreational areas and facilities such as public parks, country clubs and golf courses, excluding miniature golf courses and driving ranges.
   6) Temporary buildings when they are to be used only for construction purposes or as a field office within a subdivision approved by the city for the sale of the real estate of that subdivision only. Such temporary construction buildings shall be removed immediately upon completion or abandonment of construction and such field office shall be removed immediately upon occupancy of ninety-five (95) percent of the lots in the subdivision.
   7) Customary home occupation, provided that no person other than a member of the family of the owner or user of the principal single-family dwellings, shall be employed or work in or at such home occupation.
   8) Garage sales if conducted pursuant and in conformity with all other applicable ordinances of the City of Irving.

b) **Accessory uses:** The following uses shall be permitted as accessory uses to a single-family detached dwelling provided that none shall be a source of income to the owner or user of the principal single-family dwellings.
   1) Private garage.
   2) Guest and servant’s quarters may be permitted as an accessory use to a residential dwelling upon such accessory use being approved as an S-P-1 site plan district under section 2.7.3 of this ordinance.
   3) Private swimming pool.
   4) When any of the foregoing permitted accessory uses are detached from the principal single-family dwelling, said use shall be located not less than forty-five (45) feet from the front lot line nor less than twenty (20) feet from any street right-of-way.

c) **Parking regulations:** Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.

d) **Area regulations:** The following minimum requirements shall be required:
   1) Depth of front yard: 25 feet (see Section 8.4.2, Established Front Yard, as applicable)
2) Depth of rear yard: 20 feet
3) Width of side yard: 5 feet
4) Width of lot: 50 feet
5) Depth of lot: 100 feet
6) Land area per dwelling unit: 6,000 square feet
7) Only one (1) single-family detached dwelling shall be permitted on each lot or lot of record as the case may be.

e) Height and area regulations: The following maximum height and area regulations shall be observed:
1) Height of principal structure: 2 stories or 25 feet
2) Lot coverage by principal building: 40 percent of total lot area

**From:** S-P-2 (R-6) “Generalized Site Plan – Single-family Residential 6” and Valley Ranch PUD “Planned Unit Development” – Development Plan DP #75 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

Chair Skinner read the item into the record. He then called on the applicant.

Sharon Barbosa-Crain, 2608 Alan-A-Dale, spoke regarding the variances. The owner and applicant came by previously with a denser proposal, there is no variance to the lot area on any lot planned for this development. The requested variances are to allow flexibility of the interior design of the development to better meet the desires of the buyers. The driveway will be 35 feet and the garage will face the side, not the front. The ceilings today will be taller as that is more common today. There are a few lots that will be more reduced as there is requirement to be increased in height as they will be squeezed a bit due to the configuration of the lot. There are no other variances than these, this development complies with everything else. The Fire, Traffic, and Water Departments made notes to the platting issues which the owner and applicant have been notified about.

Jim Dewey, Jr., 2500 Texas Drive #100, stated that the developer wants to build larger homes, you can’t really do that in an R-6 district. The reason for this variance is to allow for a larger, nicer home. Allowing for a j-swing garage, you can pull the side of the garage up closer to 15 feet, you still must have the measurement for the turn. If they do build a front entry garage, it must comply with the 25-foot setback. There is a note on the site plan that states that.

Commissioner Prichard asked if the Fire Department was asking for two points of access instead of just one, Ms. Murphy stated that if the unit count is over 30, that triggers the two points of access.

Chair Skinner called for individuals wishing to speak in favor of this item.

Jatin Jariwala, 7127 Angelina Dr, here in support of this project, is a current broker in the residential area. He feels that the city needs these types of products. This gives residents the option to do what they want with their homes. This would be adding tax dollars to the city.

Chair Skinner then called for individuals wishing to speak in opposition.

Ravindra Palshetkar, 8300 Charleston Street, advised that the developer has been before the commission with this proposal three times. They don’t have a problem with the product if they comply with the city. If they are planning 2.5 stories, they strongly oppose that.

Mario Barnes, 541 Southridge Way, said they have been dealing with this since January. He has been living in this area since the late 1990’s. The green space, spacing of homes and businesses is the reason he came to this area. The city and this area are dense now. The developers are building huge houses in small spaces. He suggests that the Commission drive and attempt to exit through these access points and see the congestion issue. There is a concern about sewer capacity from the staff findings, the fire code states that this does not comply with or meet the requirements. There are ordinances for a reason. They brought approximately 125 or more signatures from the residents petitioning against this case. No one is against the developer, just against the variances.

Chair Skinner then called on the applicant for a rebuttal.
Ms. Barbosa-Crain stated that this zoning case doesn’t request for more density than R-6. They are intending to build a larger and nicer home than would be allowed with current regulations. The variances are in the law, the reason is because everything that is done in construction or zoning, is not done with cookie cutters, not everything is the same. When the Fire, Traffic, and Water Departments review the metrics, they use the facts and knowledge that they have based on the request that is presented today.

Commissioner Lightfoot asked how many of the lots would be 45 feet tall. Mr. Dewey stated that the two lots on the northeast corner of the plan.

Commissioner Haacke didn’t like the original project, the second and third time the product got better and less dense. She was supportive of the project. She feels for the developer, what has been presented was on lot sizes similar or better than what she lives in. This time she can’t support this as 3,500 – 4,500 square foot houses, if she were to think that each of these properties were to be two-story houses with no trees around with that size width, this would be too dense. For that reason, she can’t support this.

Commissioner Sanguino asked what the square footage would be on an R-6 house. Ms. Murphy stated that there is no direct correlation between the square footage of the house and the lot, possibly a maximum if they max out their setbacks.

Ms. Barbosa-Crain stated that if you take an R-6 lot with 40% lot coverage by the primary structure, you will get about 2400 square feet in a one-story. The way you would increase the size would be to build up. Not everyone will want any one type of house, you want to provide the greatest flexibility for what people would like to live in. None of these homes would abut the other houses. The homes in the north are 100 feet from the next development because of the easement that exists today.

Commissioner Lightfoot asked what Commissioner Haacke feels comfortable as far as the lots. Commissioner Haacke stated the size of these houses similar in size to what she lives in now feels very dense. Commissioner Reyes doesn’t feel that all these custom homes could fit on these lots.

Discussion was closed to the floor and returned to the Commission for their consideration and a motion.

Commissioner Reyes moved to forward Zoning Case #2024-103-ZC to the City Council with a recommendation of denial. Commissioner Prichard seconded the motion. There was no discussion of the motion. The motion carried 8-1.

**Ayes:** Joshua Skinner, Terry Prichard, Debbi Haacke, April Myrick, Daniel Denny, Alicia Reyes, Ricky Lightfoot, Gerald Sanguino

**Nay:** Priscilla Vigliante

Discussion Time: 5 minutes
Gina -

Please accept this email as our request to postpone this zoning case to now be heard at City Council on Thursday, 6-13-24.

Thank you for your reply to confirm receipt.

Debra Cox
Project Coordinator

JDJR Engineers & Consultants, Inc.
2500 Texas Drive, Suite 100
Irving, Texas  75062
(972) 252-5357
Zoning Case 2024-103-ZC

- 8001 Mustang Dr.

- From: S-P-2 (R-6) “Generalized Site Plan – Single-family Residential 6” and Valley Ranch PUD “Planned Unit Development” – Development Plan DP #75 for R-6 “Single-family Residential 6” uses

- To: S-P-2 (R-6) “Generalized Site Plan – Single Family Residential 6” with variances

- Staff Finding: No unnecessary hardship

- P&Z Recommendation: Denial 8-1

- Public Comment Forms: One (1) in support and 15 in opposition (3.57% within 200 feet)

- Postponed from May 30, 2024 by the applicant.
Site Plan and Illustrative Plan

Site Plan

Illustrative Plan
### Variances Requested

<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></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sec. 2.4.8 (d)</td>
<td>25 feet</td>
<td>15 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td><strong>Minimum Rear Yard Setback</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sec. 2.4.8 (d)</td>
<td>20 feet</td>
<td>10 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td><strong>Minimum Lot Width</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sec. 2.4.8 (d)</td>
<td>50 feet</td>
<td>45 feet</td>
<td>5 feet</td>
</tr>
<tr>
<td><strong>Maximum Lot Coverage of Principal Bldg.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sec. 2.4.8 (e)</td>
<td>40%</td>
<td>60%</td>
<td>50% increase in max. lot coverage</td>
</tr>
<tr>
<td><strong>Maximum Height of Principal Structure</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(as measured at midpoint between the eave and peak of roof, per the UDC)</td>
<td>2 stories or 25 feet</td>
<td>2.5 stories or 35 feet</td>
<td>0.5 story or 10 feet</td>
</tr>
<tr>
<td>Sec. 2.4.8 (e)</td>
<td></td>
<td>(Max. 30’ at eave)</td>
<td>(Max. 30’ at eave)</td>
</tr>
</tbody>
</table>
# Surrounding Developments

<table>
<thead>
<tr>
<th>Zoning</th>
<th>ZC98-4798 (East of subject property)</th>
<th>DP #56 (North of subject property)</th>
<th>DP #57 (Northeast of subject property)</th>
<th>2024-103-ZC (Subject property)</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-2La w/variances</td>
<td>R-ZLa w/variances</td>
<td>R-ZLa w/variances</td>
<td>R-ZLa w/variances</td>
<td>R-6 w/variances</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>Min. 4,000 sq. ft.</td>
<td>Min. 4,000 sq. ft.</td>
<td>Min. 4,000 sq. ft.</td>
<td>Min. 6,000 sq. ft.</td>
</tr>
<tr>
<td>Maximum Height of a Principal Structure</td>
<td>Max. 2 ½ stories or 30 feet</td>
<td>Max. 2 ½ stories or 30 feet</td>
<td>Max. 2 ½ stories or 35 feet (top of eave = max 30 feet)</td>
<td>Max. 2 ½ stories or 35 feet (top of eave = max 30 feet)</td>
</tr>
<tr>
<td>Min. Lot Depth</td>
<td>Min. 90 feet</td>
<td>Min. 70 to 72.5 feet</td>
<td>Min. 70 feet</td>
<td>Min. 100 feet</td>
</tr>
<tr>
<td>Min. Rear Setback</td>
<td>Min. 10 feet for 2-story structures (certain interior lots)</td>
<td>Min. 5 feet for one- and two-story</td>
<td>Min. 5 feet for one- and two-story</td>
<td>Min. 10 feet</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Zoning</th>
<th>ZC98-4798 (East of subject property)</th>
<th>DP #56 (North of subject property)</th>
<th>DP #57 (Northeast of subject property)</th>
<th>2024-103-ZC (Subject property)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Front Setback</td>
<td>Min. 15 feet</td>
<td>Min. 5 feet</td>
<td>Min. 5 feet</td>
<td>Min. 15 feet</td>
</tr>
<tr>
<td>Min. Side Setback</td>
<td>(8” one side; 10’ on opposite side)</td>
<td>3 feet on each side</td>
<td>3 feet on each side</td>
<td>5 feet on each side</td>
</tr>
<tr>
<td>Garage Door Setback</td>
<td>Front entry: Min. 20 feet Side entry: Min. 15 feet</td>
<td>Min. 25 feet</td>
<td>Min. 25 feet</td>
<td>Min. 25 feet</td>
</tr>
<tr>
<td>Corner Lot Setback</td>
<td>Min. 10 feet (certain lots)</td>
<td>Min. 5 feet</td>
<td>Min. 5 feet</td>
<td>Min. 15 feet</td>
</tr>
<tr>
<td>Minimum lot width</td>
<td>Min. 40 feet</td>
<td>Min. 40 feet</td>
<td>Min. 40 feet</td>
<td>Min. 45 feet</td>
</tr>
<tr>
<td>Lot coverage for buildings, driveways and parking</td>
<td>Max. 60%</td>
<td>Max. 80%</td>
<td>Max. 80%</td>
<td>Max. 60%</td>
</tr>
</tbody>
</table>
Subject Property
North of the Subject Property
South of the Subject Property
East of the Subject Property
Site Plan and Illustrative Plan

Site Plan

Illustrative Plan
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 Commission
ADDITIONAL COMMENTS:

Contract Required: Review Completed By:
Previous Action: Council Action:
Discretionary Contract Disclosure Form Required:
Certificate of Interested Parties (Form 1295) Required:
TGC 2271 Verification Form Required:
TGC 2274 Verification Form Required:

ATTACHMENTS:

- Exhibit A: Legal Description (PDF)
- Vicinity Map (PDF)
- Aerial Map (PDF)
- Future Land Use Map (PDF)
- Property Owner Notification Map (PDF)
- Property Owner Notification List (PDF)
- Applicant's Letter of Justification (PDF)
- Council Presentation (PDF)

CURRENT YEAR FINANCIAL IMPACT:

NONE

REVISION INFORMATION:

Prepared: 5/29/2024 12:54 PM by Kenneth Bloom
Last Updated: 6/4/2024 02:31 PM by Kenneth Bloom
ORDINANCE NO. (ID # 14705)

AN ORDINANCE AMENDING THE CITY OF IRVING 2017 IMAGINE IRVING COMPREHENSIVE PLAN (ORD 2016-9869) BY CHANGING THE DESIGNATION OF PROPERTY AT 100 N. MACARTHUR BOULEVARD FROM “MAIN STREET/DOWNTOWN” TO “REGIONAL COMMERCIAL”; DIRECTING A CHANGE ACCORDINGLY IN THE FUTURE LAND USE MAP AND OFFICIAL ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE, CONFLICT RESOLUTION, AND A SEVERABILITY CLAUSE.

WHEREAS, the Irving City Council adopted the City of Irving 2017 Imagine Irving Comprehensive Plan (ORD 2016-9869) on July 20, 2017 for the purpose of promoting sound development of the municipality and public health, safety, and welfare;

WHEREAS, after proper notice and public hearing the Planning and Zoning Commission recommended approval of the requested Comprehensive Plan Amendment on June 3, 2024; and

WHEREAS, after proper notice and public hearing, and upon consideration of the recommendation of the Planning and Zoning Commission and of all testimony and information submitted during the public hearing, the City Council has determined that amending the comprehensive plan is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION 1. That the Irving City Council hereby amends the City of Irving 2017 Imagine Irving Comprehensive Plan by changing the designation of the property located at 100 N. MacArthur Boulevard, described in the attached Exhibit A, from “Main Street/Downtown” to “Regional Commercial”.

SECTION 2. That the Future Land Use Map and the Official Zoning Map be changed to render the maps consistent with this ordinance for the property.

SECTION 3. That this ordinance shall take effect immediately upon its passage.

SECTION 4. That this ordinance shall prevail over any other ordinance which is in conflict with the provisions of this ordinance, including previous comprehensive plans.

SECTION 5. Should any paragraph, sentence, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal, or unconstitutional, and shall not affect the validity of the comprehensive zoning ordinance as a whole.
Exhibit A: Legal Description

Comprehensive Plan Amendment 2024-107-CP

BEING LOT 1, BLOCK A, OF STOCKADE STORAGE ADDITION I, AN ADDITION TO THE CITY OF IRVING, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 83103, PAGE 1053, OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS.
Geographic Information Systems (GIS) Disclaimer/Limitation of Liability:
This product is for informational purposes and may not have been prepared for
or be suitable for legal, engineering, or surveying purposes. It does not represent
an on-the-ground survey and represents only the approximate relative location
of property boundaries and other geographic features. All data, specifically including
the geographic data herein are provided "as is" without warranty of any kind, either
expressed or implied. Use of the information is the sole responsibility of the user.
Property Under Consideration

City of Irving
Aerial View Map
No: 2024-104-ZC

Geographic Information Systems (GIS) Disclaimer/Limitation of Liability:
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries and other geographic features. All data, specifically including the geographic data herein are provided "as is" without warranty of any kind, either expressed or implied. Use of the information is the sole responsibility of the user.

Date: Monday, April 1, 2024

Packet Pg. 302
City of Irving
Future Land Use Map
Zoning Case
No: 2024-104-ZC

Legend
- Case Boundary
- Municipal Boundary
- DFW Noise Contour
  - 65
  - 70
  - 75
- Future Land Use
  - Residential Categories
    - Traditional Neighborhood
    - Compact Neighborhood
    - Mid Density Residential
  - Mixed Use Categories
  - Urban District
  - Transit Oriented Development
  - Community Village
  - Main Street/Downtown
  - Non-Residential Categories
    - Local Commercial
    - Regional Commercial
    - Business/Office
    - Manufacturing/Warehouse
    - Industrial
    - Public/Semi-Public
    - Open Space
    - DFW Airport

Date: Monday, April 1, 2024

Geographic Information Systems (GIS) Disclaimer/Limitation of Liability:
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries and other geographic features. All data, specifically including the geographic data herein are provided "as is" without warranty of any kind, either expressed or implied. Use of the information is the sole responsibility of the user.
City of Irving
Notification Map
Zoning Case
No: 2024-104-ZC

Date: Monday, April 1, 2024

Geographic Information Systems (GIS) Disclaimer/Limitation of Liability:
This product is for informational purposes and may not have been prepared for
or be suitable for legal, engineering, or surveying purposes. It does not represent
an on-the-ground survey and represents only the approximate relative location
of property boundaries and other geographic features. All data, specifically including
the geographic data herein are provided "as is" without warranty of any kind, either
expressed or implied. Use of the information is the sole responsibility of the user.
## Notification List

**Zoning Case No:** 2024-104-ZC  
**City of Irving**

<table>
<thead>
<tr>
<th>ID</th>
<th>DCAD_ID</th>
<th>OWNER_NAME</th>
<th>ST NUM</th>
<th>ST DIR</th>
<th>ST NAME</th>
<th>ST SUFFIX</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>32213500030150000</td>
<td>DENNINGTON THOMAS E EST OF &amp;</td>
<td>724</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
</tr>
<tr>
<td>2</td>
<td>323244900A0010000</td>
<td>SAVARIA JULIO CESAR</td>
<td>1005</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
</tr>
<tr>
<td>3</td>
<td>65012284010370000</td>
<td>SLCP RC</td>
<td>100</td>
<td>S</td>
<td>MACARTHUR</td>
<td>BLVD</td>
</tr>
<tr>
<td>4</td>
<td>324450500A0010000</td>
<td>BIG DIAMOND INC</td>
<td>101</td>
<td>S</td>
<td>MACARTHUR</td>
<td>BLVD</td>
</tr>
<tr>
<td>5</td>
<td>32213500030070000</td>
<td>ROCHA FERNANDO</td>
<td>914</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
</tr>
<tr>
<td>6</td>
<td>32070720000010000</td>
<td>IRVING CITY OF</td>
<td>825</td>
<td>W</td>
<td>IRVING</td>
<td>BLVD</td>
</tr>
<tr>
<td>7</td>
<td>32213500030150100</td>
<td>ANDREWS BARRY REVOCALBLE TRUST</td>
<td>726</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
</tr>
<tr>
<td>8</td>
<td>325036700A0010000</td>
<td>MALIYIL GEORGE &amp; SANTHAMMA G</td>
<td>150</td>
<td>N</td>
<td>MACARTHUR</td>
<td>BLVD</td>
</tr>
<tr>
<td>9</td>
<td>32213500020030000</td>
<td>MILLER MICHAEL G</td>
<td>917</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
</tr>
<tr>
<td>10</td>
<td>32213500030030000</td>
<td>GARCIA MELCHOR</td>
<td>1002</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
</tr>
<tr>
<td>11</td>
<td>323244900A0020000</td>
<td>SARAVIA JULIO</td>
<td>1001</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
</tr>
<tr>
<td>12</td>
<td>32501600010010000</td>
<td>LLLD ASSOCIATES LP</td>
<td>225</td>
<td>N</td>
<td>SOWERS</td>
<td>RD</td>
</tr>
<tr>
<td>13</td>
<td>325225500A0010000</td>
<td>SHURGARD TEX LTD PS</td>
<td>100</td>
<td>N</td>
<td>MACARTHUR</td>
<td>BLVD</td>
</tr>
<tr>
<td>14</td>
<td>32213500020020000</td>
<td>FREEMAN ANNIE G ET AL</td>
<td>923</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
</tr>
<tr>
<td>15</td>
<td>32213500030100000</td>
<td>MESZAROS STEVEN A</td>
<td>820</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
</tr>
<tr>
<td>16</td>
<td>325355300A0010000</td>
<td>CRISTAN RODOLFO JR &amp;</td>
<td>700</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
</tr>
<tr>
<td>17</td>
<td>32213500030010000</td>
<td>FRAZIER ROBERT</td>
<td>1012</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
</tr>
<tr>
<td>18</td>
<td>32213500020050000</td>
<td>PHILLIPS JERRY &amp; SANDY</td>
<td>401</td>
<td></td>
<td>PECAN</td>
<td>DR</td>
</tr>
<tr>
<td>19</td>
<td>32213500030060000</td>
<td>MILLER MICHAEL G</td>
<td>920</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
</tr>
<tr>
<td>20</td>
<td>32213500020010000</td>
<td>JACINTO JOEL &amp;</td>
<td>927</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
</tr>
<tr>
<td>21</td>
<td>32213500030020000</td>
<td>SANCHEZ JAVIER RODEO &amp;</td>
<td>1008</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
</tr>
<tr>
<td>22</td>
<td>32213500030050000</td>
<td>LAMPKIN W ILLIAM C JR</td>
<td>926</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
</tr>
<tr>
<td>23</td>
<td>32213500030140000</td>
<td>COBB LARRY J</td>
<td>730</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
</tr>
<tr>
<td>24</td>
<td>65104264010120000</td>
<td>DOMINGUEZ BIANA J &amp;</td>
<td>1018</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
</tr>
<tr>
<td>25</td>
<td>322776500A0020000</td>
<td>ORAN BROTHERS LLC</td>
<td>101</td>
<td>N</td>
<td>MACARTHUR</td>
<td>BLVD</td>
</tr>
<tr>
<td>26</td>
<td>65089351010200000</td>
<td>PRINCE DANNY</td>
<td>507</td>
<td>N</td>
<td>SOWERS</td>
<td>RD</td>
</tr>
<tr>
<td>27</td>
<td>32213500030120000</td>
<td>KENYON GARY D</td>
<td>804</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
</tr>
<tr>
<td>28</td>
<td>32213500030080000</td>
<td>GARCIA ERASTO</td>
<td>908</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
</tr>
<tr>
<td>29</td>
<td>322776500A0010000</td>
<td>CUBE INVESTMENTS LLC</td>
<td>109</td>
<td>N</td>
<td>MACARTHUR</td>
<td>BLVD</td>
</tr>
<tr>
<td>30</td>
<td>32213500030130000</td>
<td>AMAYA JOSE GILBERTO</td>
<td>802</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
</tr>
<tr>
<td>31</td>
<td>32213500020040000</td>
<td>COX BRIAN V &amp;</td>
<td>911</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
</tr>
<tr>
<td>32</td>
<td>32213500030040000</td>
<td>HERNANDEZ JESSICA R</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>32213500031100000</td>
<td>GARCIA EDUVIGES C &amp;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>32213500030900000</td>
<td>ESPINOZA JUAN H</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>322776500A0030000</td>
<td>CHORAGUS INVESTMENT</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>32ROCKISLANDRT310</td>
<td>DART &amp; FT WORTH TRANSP AUTH</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>32ROCKISLANDRT310</td>
<td>DART &amp; FT WORTH TRANSP AUTH</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>32006500030100000</td>
<td>HOOTMAN MICHAEL E</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>Irving ISD</td>
<td>Irving ISD</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**City of Irving**  
**Notification List**  
**Zoning Case No:** 2024-104-ZC
May 21, 2024

Ms. Gina Costanza-Grant  
Senior Planner, City of Irving  
Planning Department  
825 W Irving Boulevard  
Irving, TX 75060  

2024-107-CP – Letter of Justification

Dear Ms. Gina Costanza-Grant:

On behalf of Public Storage, we are formally requesting an update to the future land use of the property located at 100 N Macarthur Blvd, Irving TX. The Future Land Use is currently designated as Main Street/Downtown and we would like to update the Future Land Use designation to Regional Commercial.

- The proposed portion of this development will adhere to Irving Standards and concepts.
- The project area meets all compatibility standards for adjacent uses.
- The rezoning of this property does not negatively impact any of the adjacent uses.
- The property is currently being used for self storage/mini-warehouses and amending the future land use to match the current use would ensure the property is able to maintain its use going into the future.

If you need anything further to evaluate our request, please feel free to contact me at jared.earney@kimley-horn.com.

Sincerely,

[Signature]

Jared Earney, P.E.  
Project Manager  
KIMLEY-HORN AND ASSOCIATES, INC.
Comprehensive Plan Amendment 2024-107-CP

- 100 N. MacArthur Blvd.
- **From:** Main Street/Downtown
- **To:** Regional Commercial
- **Staff Recommendation:** Approval
- **P&Z Recommendation:** Approval 8-0
- **Public Comment Forms:** None in support and one (1) opposition
City of Irving
Protest Analysis Map
Zoning Case
No. 2023-104-ZC

Total Area within 200' (Excluding Subject Parcel) = 19,786.3 AC
Total Area Protested = 0.3440 AC
Percentage of Area Protested = 1.74%

200 Ft Protest Calculation Boundary
Existing: Main Street/Downtown

- 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

Proposed: Regional Commercial

- 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
Criteria for Change of Future Land Use

The Future Land Use Map Interpretation Policies of the Imagine Irving Comprehensive Plan requires that, 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:

1. If new construction, the development conforms to new use standards and concepts.
2. The area meets all compatibility standards for adjacent uses.
3. The rezoning does not cause any negative impacts on adjacent uses.

Staff believes the application meets these criteria.
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”:

<table>
<thead>
<tr>
<th>UDC Code</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicability</strong> 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. Only new buildings will comply with new standards.</td>
</tr>
<tr>
<td><strong>Loading Area</strong> 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>
</tr>
<tr>
<td><strong>Screening – Buildings with individual entry to exterior units</strong> 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>
</tr>
<tr>
<td><strong>Screening – Buildings with individual entry to exterior units</strong> 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>
</tr>
<tr>
<td><strong>Screening</strong> Sec. 3.16.2 (c)(2)</td>
<td>Barbed wire prohibited</td>
<td>Barbed wire fence between storage buildings and residential uses (Existing)</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.

**ADDITIONAL COMMENTS:**

**Contract Required:**

**Review Completed By:**

**Previous Action:**

**Council Action:**

**Discretionary Contract Disclosure Form Required:**

**Certificate of Interested Parties (Form 1295) Required:**

**TGC 2271 Verification Form Required:**

**TGC 2274 Verification Form Required:**

**ATTACHMENTS:**

- Exhibit A: Legal Description (PDF)
- Exhibit B: Site Plan (PDF)
- Vicinity Map (PDF)
- Aerial Map (PDF)
- Future Land Use Map (PDF)
- Surrounding Zoning Map (PDF)
- Property Owner Notification Map (PDF)
- Property Owner Notification List (PDF)
- Applicant's Letter of Intent (PDF)
- Sec. 2.5.7 - Community Commercial (C-C) District Regulations (PDF)
- Sec. 3.16 - Self Storage / Mini-Warehouse Regulations (PDF)
- Council Presentation (PDF)

**CURRENT YEAR FINANCIAL IMPACT:**

NONE

**REVISION INFORMATION:**

Last Updated: 6/4/2024 02:51 PM by Kenneth Bloom
ORDINANCE NO. (ID # 14706)

ZONING CASE NO. 2024-104-ZC
ZONING CLASSIFICATION – S-P-2

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF IRVING, TEXAS NO 2020-10370 BY REZONING A TRACT OF LAND OUT OF THE STOCKADE STORAGE 1 ADDITION, LOCATED AT 100 N. MACARTHUR BOULEVARD FROM C-W “COMMERCIAL WAREHOUSE” TO S-P-2 (C-C) “GENERALIZED SITE PLAN – COMMUNITY COMMERCIAL” AND SELF STORAGE – MINI-WAREHOUSE USES; PROVIDING FOR SPECIAL CONDITIONS AND REGULATIONS RELATIVE TO LAND USE; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR CONFLICT RESOLUTION, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY, AND AN EFFECTIVE DATE.

WHEREAS, after proper notice and public hearing the Planning and Zoning Commission considered the zoning amendment and recommended approval on June 3, 2024; and

WHEREAS, after proper notice and public hearing, and upon consideration of the recommendation of the Planning and Zoning Commission and of all testimony and information submitted during the public hearing, the City Council has determined that the zoning change is in accordance with the comprehensive plan, complies with all legal requirements, is in the best interest of the public, and is for the purpose of promoting the health, safety, morals, and general welfare of the citizens and protecting and preserving places and areas of historical, cultural, or architectural importance and significance; and

WHEREAS, among other things, the City Council considered the following factors: safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site; safety from fire hazards, and measures of fire control; protection of adjacent property from flood or water damage; noise producing elements; glare of vehicular and stationary lights and effect of such lights on established character of the neighborhood; street size and adequacy of pavement width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood; adequacy of parking, as determined by requirements of this ordinance for off-street parking facilities, location on ingress/egress points for parking and off-street loading spaces, and protection of public health by surfacing on all parking areas to control dust; and such other measures as will secure and protect public health, safety, morals, and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION 1. That the Irving City Council hereby approves Zoning Case 2024-104-ZC, changing the zoning classification of certain property located at 100 N. MacArthur Boulevard, described in Exhibit A attached hereto, from C-W “Commercial Warehouse to S-P-2 (C-C) “Generalized Site Plan – Commercial Warehouse” and Self Storage – Mini-Warehouse uses.

SECTION 2. That the change approved in Section 1 is granted subject to the following:

a) That development and use shall be in conformance with Exhibit B: Site Plan attached hereto and made a part hereof for all purposes, which reflects a deviation from the
requirements of Section 3.16 of the City of Irving Unified Development Code (Self Storage – Mini-Warehouses) as follows:

i.) Allow existing structures to remain as originally constructed;

ii.) No separate loading area required for existing structures;

iii.) Allow wrought iron fencing instead of a masonry fence;

iv.) No trees required under existing power lines;

v.) Allow a barbed wire fence between storage buildings and residential uses, in accordance with Sec. 15-7 (Use of barbed, concertina or razor wire) of the Land Development Code.

b) That development and use shall be in conformance with all applicable laws, ordinances, and regulations.

c) That a true and correct copy of the site plan attached hereto shall be retained by the Department of Planning of the City of Irving.

SECTION 3. That the official zoning map of the City of Irving be changed to reflect the zoning classification established by this Ordinance.

SECTION 4. That this ordinance shall be cumulative of all other ordinances of the City of Irving affecting zoning and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are inconsistent or in direct conflict with the provisions of this ordinance.

SECTION 5. That should any paragraph, sentence, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal, or unconstitutional, and shall not affect the validity of the comprehensive zoning ordinance as a whole.

SECTION 6. That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 7. That any person violating or failing to comply with any provisions of this ordinance shall be fined, upon conviction, not less than one dollar ($1.00) nor more than two thousand dollars ($2,000.00), and each day any violation or noncompliance continues shall constitute a separate offense.

SECTION 8. That this ordinance shall take effect immediately upon its passage.
Exhibit A: Legal Description

Zoning Case: 2024-104-ZC

BEING LOT 1, BLOCK A, OF STOCKADE STORAGE ADDITION I, AN ADDITION TO THE CITY OF IRVING, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 83103, PAGE 1053, OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS.
Property Under Consideration

City of Irving
Aerial View Map
No: 2024-104-ZC

Geographic Information Systems (GIS) Disclaimer/Limitation of Liability:
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries and other geographic features. All data, specifically including the geographic data herein are provided "as is" without warranty of any kind, either expressed or implied. Use of the information is the sole responsibility of the user.

Date: Monday, April 1, 2024

Packet Pg. 325

Attachment: Aerial Map  (14706 : 56 - 2024-104-Zc)
City of Irving
Future Land Use Map
Zoning Case
No: 2024-104-ZC

Legend
- Case Boundary
- Municipal Boundary
- DFW Noise Contour
  - 65
  - 70
  - 75
- Future Land Use
  - Residential Categories
    - Traditional Neighborhood
    - Compact Neighborhood
    - Mid Density Residential
  - Mixed Use Categories
    - Urban District
    - Transit Oriented Development
    - Community Village
    - Main Street/Downtown
  - Non-Residential Categories
    - Local Commercial
    - Regional Commercial
    - Business/Office
    - Manufacturing/Warehouse
    - Industrial
    - Public/Semi-Public
    - Open Space
    - DFW Airport

Date: Monday, April 1, 2024

Geographic Information Systems (GIS) Disclaimer/Limitation of Liability:
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries and other geographic features. All data, specifically including the geographic data herein are provided "as is" without warranty of any kind, either expressed or implied. Use of the information is the sole responsibility of the user.

DFW Airport
City of Irving
100 0 100
1:2,400

Future Land Use Map
Zoning Case
No: 2024-104-ZC

Packet Pg. 326
Attachment: Future Land Use Map (17056 : 56 - 2024-104-ZC)
City of Irving

Surrounding Zoning Map

Zoning Case

No: 2024-104-ZC

Packet Pg. 327

Attachment: Surrounding Zoning Map (14705-56 - 2024-104-ZC)
Geographic Information Systems (GIS) Disclaimer/Limitation of Liability:
This product is for informational purposes and may not have been prepared for
or be suitable for legal, engineering, or surveying purposes. It does not represent
an on-the-ground survey and represents only the approximate relative location
of property boundaries and other geographic features. All data, specifically including
the geographic data herein are provided "as is" without warranty of any kind, either
expressed or implied. Use of the information is the sole responsibility of the user.

City of Irving
Notification Map
Zoning Case
No: 2024-104-ZC
<table>
<thead>
<tr>
<th>ID</th>
<th>DCAD_ID</th>
<th>OWNER NAME</th>
<th>ST NUM</th>
<th>ST DIR</th>
<th>ST NAME</th>
<th>ST SUFFIX</th>
<th>OWNER NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>32213500030150000</td>
<td>DENNINGTON THOMAS E EST OF &amp;</td>
<td>724</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>323244900A0010000</td>
<td>SAVARIA JULIO CESAR</td>
<td>1005</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>65012284010370000</td>
<td>SLCP RC</td>
<td>100</td>
<td>S</td>
<td>MACARTHUR</td>
<td>BLVD</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>324450500A0010000</td>
<td>BIG DIAMOND INC</td>
<td>101</td>
<td>S</td>
<td>MACARTHUR</td>
<td>BLVD</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>32231500030070000</td>
<td>ROCHA FERNANDO</td>
<td>914</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>32070720000010000</td>
<td>IRVING CITY OF</td>
<td>825</td>
<td>W</td>
<td>IRVING</td>
<td>BLVD</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>32231500030150100</td>
<td>ANDREWS BARRY REVOCABLE TRUST</td>
<td>726</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>325036700A0010000</td>
<td>MALIYIL GEORGE &amp; SANTHAMMA G</td>
<td>150</td>
<td>N</td>
<td>MACARTHUR</td>
<td>BLVD</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>32213500020030000</td>
<td>MILLER MICHAEL G</td>
<td>917</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>32213500030030000</td>
<td>GARCIA MELCHOR</td>
<td>1002</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>323244900A0020000</td>
<td>SARAVIA JULIO</td>
<td>1001</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>32501600010010000</td>
<td>LLLD ASSOCIATES LP</td>
<td>225</td>
<td>N</td>
<td>SOWERS</td>
<td>RD</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>325225500A0010000</td>
<td>SHURGARD TEX LTD PS</td>
<td>100</td>
<td>N</td>
<td>MACARTHUR</td>
<td>BLVD</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>32213500020020000</td>
<td>FREEMAN ANNIE G ET AL</td>
<td>923</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>32213500030100000</td>
<td>MESZAROS STEVEN A</td>
<td>820</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>325355300A0010000</td>
<td>CRISTAN RODOLFO JR &amp;</td>
<td>700</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>32213500030010000</td>
<td>FRAZIER ROBERT</td>
<td>1012</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>32213500020050000</td>
<td>PHILLIPS JERRY &amp; SANDY</td>
<td>401</td>
<td></td>
<td>PECAN</td>
<td>DR</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>32213500030060000</td>
<td>MILLER MICHAEL G</td>
<td>920</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>32213500020010000</td>
<td>JACINTO JOEL &amp;</td>
<td>927</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>32213500030020000</td>
<td>SANCHEZ JAVIER RODEO &amp;</td>
<td>1008</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>32213500030050000</td>
<td>LAMPKIN W ILLIAM C JR</td>
<td>926</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>32213500030140000</td>
<td>COBB LARRY J</td>
<td>730</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>65104264010120000</td>
<td>DOMINGUEZ BIANCA J &amp;</td>
<td>1018</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>322776500A0020000</td>
<td>ORAN BROTHERS LLC</td>
<td>101</td>
<td>N</td>
<td>MACARTHUR</td>
<td>BLVD</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>65089351010200000</td>
<td>PRINCE DANNY</td>
<td>507</td>
<td>N</td>
<td>SOWERS</td>
<td>RD</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>32213500030120000</td>
<td>KENYON GARY D</td>
<td>804</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>32213500030080000</td>
<td>GARCIA ERASTO</td>
<td>908</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>322776500A0010000</td>
<td>CUBE INVESTMENTS LLC</td>
<td>109</td>
<td>N</td>
<td>MACARTHUR</td>
<td>BLVD</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>32213500030130000</td>
<td>AMAYA JOSE GILBERTO</td>
<td>802</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>32213500020040000</td>
<td>COX BRIAN V &amp;</td>
<td>911</td>
<td></td>
<td>SUNSET</td>
<td>DR</td>
<td></td>
</tr>
</tbody>
</table>
May 21, 2024

Ms. Gina Costanza-Grant
Senior Planner, City of Irving
Planning Department
825 W Irving Boulevard
Irving, TX 75060

2024-104-ZC – Letter of Intent

Dear Ms. Gina Costanza-Grant:

On behalf of Public Storage, we are formally requesting the below listed variances for the property located at 100 N Macarthur Blvd, Irving TX.

(2.5.2) Variance to add the use of Self Storage/Mini Warehouse to Community Commercial Zoning (C-C)
(3.16.1) Variance to permit existing structures to remain as they were originally constructed and as shown on this site plan, with the following variances to the requirements in Ch. 3.16.
(3.16.2A) Variance to allow external loading to be within drive aisles but outside of fire lane for existing structures.
  o The existing exterior storage units have 20ft drive aisles that currently act as loading areas and drive aisles.
(3.16.2C) Variance to allow wrought iron fence instead of masonry for connection between perimeter buildings for existing and proposed structures.
  o Wrought iron fence is Public Storage’s preference across their sites and they would like to maintain standard site look.
(3.16.2C) Variance to allow side of perimeter building to act as screening for existing and proposed structures.
  o The two existing buildings on the western side of the site, near MacArthur Blvd, have their sidewall facing the adjacent property.
(3.16.2C) Variance to allow no trees in buffer screen for back of building and able to use shrubs instead due to hardship caused by existing overhead electric lines. Variance is for existing and proposed structures.
  o There are existing overhead electric lines that would conflict with any proposed trees that are in the buffer screen area.
(3.16.2C) Variance to allow existing barbed wire screening fence to remain.
  o The barbed wire on top of the screening fence is not visible from the adjacent right of way along Macarthur, nor from the ROW along Rock Island Parkway.

If you need anything further to evaluate our request, please feel free to contact me at jared.earney@kimley-horn.com.

Sincerely,

Jared Earney, P.E.
2.5.7 Community Commercial (C-C).

In a C-C community commercial district no land shall be used and no building shall be erected or converted to any use other than:

a) **Principal uses:** The following uses shall be permitted as principal uses:

1) Any use permitted in a P-O professional office district or C-N neighborhood commercial district subject to the regulations of this district.
2) Ambulance service.
3) Hospital.
4) Automobile repair garage.
5) Mortuary and funeral home.
6) Motion picture theater within an enclosed building.
7) Office building.
8) Public storage garages.
9) Taxi dispatch office.
10) Wholesale office and business completely within an enclosed building, but excluding warehouse storage.
11) Any commercial business or service not included in any of the foregoing districts, excluding hotel/motel operations, provided that such uses shall be completely enclosed within an enclosed building and are not noxious or offensive by reason of the emission of odor, dust, gas fumes, noise or vibration, and provided that no warehousing or manufacturing or treatment of products or equipment shall be permitted, except such as is clearly incidental to the conduct of a permitted use.

b) **Accessory uses:** The following uses shall be permitted as accessory uses:

1) Private garage.
2) Swimming pool no nearer than one hundred twenty (120) feet to any principal building used for single-family residence within an R-40, R-15, R-10, R-7.5, or R-6 district.
3) Mechanical equipment no nearer than one hundred twenty (120) feet to any principal building used for single-family residence within an R-40, R-15, R-10, R-7.5, or R-6 district.
4) Garbage storage no nearer than thirty (30) feet to a developed lot in an R-40, R-15, R-10, R-7.5, or R-6 district used as a single-family dwelling.
5) Provisions for the parking of automobiles provided that such provisions within sixty (60) feet of a developed lot in an "R" district shall be separated from said lot by a blind fence or wall at least six (6) feet high.

c) **Parking regulations:** Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.
d) **Area regulations**: The following minimum requirements shall be required:

1) Depth of the front yard: none

2) Depth of rear yard: none, where no windows or other openings for light face the rear yard or rear lot line. In all other cases, one of the following, whichever is least: 5 feet plus the building height at that point; or one-half the length of the side of the building at that point.

3) Width of side yard: none, where no windows or other openings for light face the side yard or side lot line. In all other cases, one of the following, whichever is least: 5 feet plus the building height at that point; or one-half the length of the side of the building at that point.

4) Width of lot: 80 feet

5) Depth of lot: 80 feet

6) Distance between detached buildings: 10 feet, where no windows or other openings for light face upon the space between buildings. In all other cases, one of the following, whichever is least: 10 feet plus the sum of the two (2) building heights at those points which establish the distance between; or one-half the smallest building side forming space between.

e) **Height and area regulations**: The following maximum height and area regulations shall be observed:

1) Height of structure: one-half shortest distance between the structure and the nearest developed lot in an R-40, R-15, R-10, R-7.5, R-6 or A district used as a single-family residence.

2) Lot coverage by buildings: 50 percent

3) Lot coverage by buildings, driveways and parking spaces: 100 percent
3.16 Self Storage—Mini Warehouses.

3.16.1 Applicability. This section applies to all new building permit applications, and all repair, redevelopment or expansion of existing facilities in which the repair, redevelopment or expansion exceeds fifty (50) percent of the appraised value as determined by the Dallas Central Appraisal District or exceeds fifty (50) percent of the total gross floor area.

3.16.2 Facility standards.
   a) Loading area.
      1) Buildings with individual entry to exterior units shall have the following:
         a. A continuous loading area that is a minimum eight (8) feet in width shall be provided along any building side where there is access to individual storage units for parking and loading.
         b. The loading area(s) shall be in addition to and outside of any fire lane or drive aisle.
      2) Buildings with interior entry to units shall provide a minimum of one (1) loading area for every seventy (70) units.
   b) Parking.
      1) A mini-warehouse or self-storage facility shall adhere to the following parking requirements:
         a. Buildings with individual entry to exterior units: 1 space per 20,000 square feet of leasable storage space.
         b. Buildings without individual entry to exterior units: 1 space per 7,500 square feet of leasable storage space.
         c. Office and retail accessory uses: 1 space per 250 square feet.
         d. On-site residence for manager: 2 spaces.
      2) No fewer than seven (7) spaces shall be provided, with at least five (5) spaces located outside any gated or controlled access area. Compact car spaces are not permitted.
   c) Screening.
      1) Buildings with individual entry to exterior units.
         a. Buildings on the perimeter of the site shall be connected by masonry fences a minimum of eight (8) feet in height, except at the entrance area where wrought iron fencing may be used. Maximum height shall be ten (10) feet.
         b. The rear of the building(s) may be utilized as the required screening wall if a landscape buffer with one (1) tree every twenty-five (25) linear feet is provided between the building and the property line.
      2) Barbed wire, razor wire, electric fences, and all other types of security fencing shall be prohibited from being placed on a screening wall, between a screening wall and a property line, or inside a screening wall when visible from the exterior of the property.
   d) Setbacks. The front, side and rear building setback lines of the zoning district in which a mini-warehouse facility is to be built shall apply to the construction of a mini-warehouse facility; however,
said setbacks shall not be less than ten (10) feet when the property is adjacent to any residentially-zoned or residentially-used property.

e) **Height.** Maximum height of buildings within thirty (30) feet of a residential structure shall be eleven (11) feet, measured from the foundation to the peak of the roof. Maximum height in all other areas shall be twenty-five (25) feet.

f) **Signage.**

1) All signage shall be prohibited from being placed on exterior screening walls or on the rear of a building utilized as a screening wall.

2) All signage shall be prohibited on roofs.

3) Lighted signage shall not face adjacent property zoned for or used as a residential use.

g) **Lighting.**

1) Outdoor lighting shall be shielded from adjacent property zoned for or used as a residential use, and shall not be a brightness that causes an ambient glow that extends into such property. No pole lights taller than fifteen (15) feet shall be permitted.

2) Indoor lighting shall be shielded from adjacent residential uses and shall not be a brightness that causes an ambient glow that extends into a residential property.

h) **Use of facilities.**

1) Mini-warehouse and self-storage units shall be used exclusively for storage purposes and not for any other use, processing, services, or activities.

2) Outside storage is prohibited in conjunction with this use. Overnight outdoor storage or parking of trucks, recreational vehicles, boats, watercraft, trailers, and automobiles for more than twenty-four (24) hours is prohibited, except as noted herein.

3) Retail space may be provided as an accessory use to the mini-warehouse use. Retail shall be limited to items directly related to the shipping, packaging, storage and transport of items to and from the mini-warehouse facility, and for the leasing of individual storage units.

4) Vehicles, trailers and related equipment may be rented or leased on site as an accessory use to the mini-warehouse use. However, no more than three (3) vehicles, trailers and/or related equipment that are for rent or lease may be parked, displayed or stored in front of a front building line for more than twenty-four (24) hours.

i) **On-site residence.** One (1) residential unit is permitted for an on-site manager and may contain no more than seven hundred fifty (750) square feet of living space.
Zoning Case 2024-104-ZC

- **100 N. MacArthur Blvd.**
- **From:** C-W “Commercial Warehouse”
- **To:** S-P-2 (C-C) “Generalized Site Plan – Community Commercial” plus mini warehouse with variances to mini warehouse standards
- **Staff Recommendation:** Approval
- **P&Z Recommendation:** Approval 8-0
- **Public Comment Forms:** None in support and one (1) in opposition (1.74%)
<table>
<thead>
<tr>
<th>UDC Code</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicability</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. <strong>Only new buildings will comply with new standards.</strong></td>
</tr>
<tr>
<td>Sec. 3.16.1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loading Area</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. <strong>(Existing)</strong></td>
</tr>
<tr>
<td>Sec. 3.16.2 (a)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Screening – Buildings with individual entry to exterior units</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. <strong>(Existing)</strong></td>
</tr>
<tr>
<td>Sec. 3.16.2 (c)(1)(a)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Screening – Buildings with individual entry to exterior units</td>
<td>Rear of building may be utilized with required screening with a landscape buffer of 1 tree per 25 linear feet</td>
<td>No trees required. Shrubs to be used instead of trees due to power lines. <strong>(Existing)</strong></td>
</tr>
<tr>
<td>Sec. 3.16.2 (c)(1)(b)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Screening</td>
<td>Barbed wire prohibited</td>
<td>Barbed wire fence between storage buildings and residential uses. <strong>(Existing)</strong></td>
</tr>
<tr>
<td>Sec. 3.16.2 (c)(2)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Subject Property
Subject Property
Subject Property
<table>
<thead>
<tr>
<th>UDC Code</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicability</strong>&lt;br&gt;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. Only new buildings will comply with new standards.</td>
</tr>
<tr>
<td><strong>Loading Area</strong>&lt;br&gt;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. <em>(Existing)</em></td>
</tr>
<tr>
<td><strong>Screening – Buildings with individual entry to exterior units</strong>&lt;br&gt;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. <em>(Existing)</em></td>
</tr>
<tr>
<td><strong>Screening – Buildings with individual entry to exterior units</strong>&lt;br&gt;Sec. 3.16.2 (c)(1)(b)</td>
<td>Rear of building may be utilized with required screening with a landscape buffer of 1 tree per 25 linear feet</td>
<td>No trees required. Shrubs to be used instead of trees due to power lines. <em>(Existing)</em></td>
</tr>
<tr>
<td><strong>Screening</strong>&lt;br&gt;Sec. 3.16.2 (c)(2)</td>
<td>Barbed wire prohibited</td>
<td>Barbed wire fence between storage buildings and residential uses. <em>(Existing)</em></td>
</tr>
</tbody>
</table>
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</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.

ADDITIONAL COMMENTS:

Contract Required: Review Completed By:
Previous Action: Council Action:
Discretionary Contract Disclosure Form Required:

Certificate of Interested Parties (Form 1295) Required:
TGC 2271 Verification Form Required:
TGC 2274 Verification Form Required:

ATTACHMENTS:

- Exhibit A: Legal Description (PDF)
- Exhibit B: Site Plan (PDF)
- Vicinity Map (PDF)
- Aerial Map (PDF)
- Future Land Use Map (PDF)
- Surrounding Zoning Map (PDF)
- Property Owner Notification Map (PDF)
- Property Owner Notification List (PDF)
- Letter of Intent (PDF)
- Illustrative Elevations (PDF)
- Sec. 2.5.7 - Community Commercial (C-C) District Regulations (PDF)
• Sec. 2.3.4 - State Highway 183 Overlay (parking) (PDF)
• Council Presentation (PDF)

CURRENT YEAR FINANCIAL IMPACT:

NONE

REVISION INFORMATION:

Prepared: 5/29/2024 12:56 PM by Kenneth Bloom
Last Updated: 6/6/2024 11:47 AM by Kenneth Bloom
ORDINANCE NO. (ID # 14707)

ZONING CASE NO. 2024-145-ZC
ZONING CLASSIFICATION – S-P-1

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF IRVING, TEXAS NO 2020-10370 BY REZONING A TRACT OF LAND OUT OF THE DON HERRING MITSUBISHI REVISED ADDITION, LOCATED AT 3143 W. AIRPORT FREEWAY 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; PROVIDING FOR SPECIAL CONDITIONS AND REGULATIONS RELATIVE TO LAND USE; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR CONFLICT RESOLUTION, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY, AND AN EFFECTIVE DATE.

WHEREAS, after proper notice and public hearing the Planning and Zoning Commission considered the zoning amendment and recommended approval on June 3, 2024; and

WHEREAS, after proper notice and public hearing, and upon consideration of the recommendation of the Planning and Zoning Commission and of all testimony and information submitted during the public hearing, the City Council has determined that the zoning change is in accordance with the comprehensive plan, complies with all legal requirements, is in the best interest of the public, and is for the purpose of promoting the health, safety, morals, and general welfare of the citizens and protecting and preserving places and areas of historical, cultural, or architectural importance and significance; and

WHEREAS, among other things, the City Council considered the following factors: safety of motoring public and of pedestrians using the facility and the area immediately surrounding the site; safety from fire hazards, and measures of fire control; protection of adjacent property from flood or water damage; noise producing elements; glare of vehicular and stationary lights and effect of such lights on established character of the neighborhood; location, lighting, and type of signs, and relation of signs to traffic control and adverse effect on adjacent properties; street size and adequacy of pavement width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood; adequacy of parking, as determined by requirements of the Unified Development Code for off-street parking facilities, location on ingress/egress points for parking and off-street loading spaces, and protection of public health by surfacing on all parking areas to control dust; and such other measures as will secure and protect public health, safety, morals, and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION 1. That the Irving City Council hereby approves Zoning Case 2024-145-ZC, changing the zoning classification of certain property located at 3143 W. Airport Freeway, described in Exhibit A attached hereto, 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.
SECTION 2. the change approved in Section 1 is granted subject to the following:

a) That development and use shall be in conformance with Exhibit B: Site Plan attached hereto and made a part hereof for all purposes, which reflects a deviation from the requirements of Section 2.5.7 of the City of Irving Unified Development Code (Community Commercial) and Section 2.3.4 the City of Irving Unified Development Code (State Highway 183 Overlay), to wit: a variance to increase the maximum parking allowed between a building and State Highway 183 allowing up to 65% of all parking spaces to be located between the building and State Highway 183.

b) That development and use shall be in conformance with all applicable laws, ordinances, and regulations.

a) That a true and correct copy of the site plan attached hereto shall be retained by the Department of Planning of the City of Irving.

SECTION 3. That the official zoning map of the City of Irving be changed to reflect the zoning classification established by this Ordinance.

SECTION 4. That this ordinance shall be cumulative of all other ordinances of the City of Irving affecting zoning and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are inconsistent or in direct conflict with the provisions of this ordinance.

SECTION 5. That should any paragraph, sentence, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal, or unconstitutional, and shall not affect the validity of the comprehensive zoning ordinance as a whole.

SECTION 6. That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 7. That any person violating or failing to comply with any provisions of this ordinance shall be fined, upon conviction, not less than one dollar ($1.00) nor more than two thousand dollars ($2,000.00), and each day any violation or noncompliance continues shall constitute a separate offense.

SECTION 8. That this ordinance shall take effect immediately upon its passage.
EXHIBIT A: LEGAL DESCRIPTION

ZONING CASE #2024-145-ZC

3143 W Airport Fwy, Irving, TX 75062, Dallas County

Lot 2A, Block A, Don Herring Mitsubishi Revised, State Hwy No. 183 At Imperial Drive,
Irving, Texas – 1.0158 Acres

Being A Replat Of All Of Lot 2, Block A, Don Herring Mitsubishi, An Addition To The City
Of Irving, Dallas County, Texas, Recorded In Inst. No: 201000043526, Official Public
Records, Dallas County, Texas.

Henry Grough Survey, Abstract No.493, City of Irving, Dallas County, Texas.

May – 2014

Case No. PL14-0022
GENERAL NOTES:

1. ALL USES PERMITTED BY CHAPTER 2.5.7.C COMMUNITY COMMERCIAL DISTRICT AND CHAPTER 2.6.4 STATE HIGHWAY 183 OVERLAY DISTRICT OF THE UNIFIED DEVELOPMENT CODE WILL BE ALLOWED AND ALL REQUIREMENTS OF CHAPTER 2.5.7 AND 2.6.4 APPLICABLE REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE AND ANY OTHER REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE WILL BE COMPLIED WITH EXCEPT:

   A. VARIANCE TO ALLOW 62.5% OF THE REQUIRED PARKING TO BE LOCATED BETWEEN THE FACADE OF THE BUILDING AND STATE HIGHWAY 183;

2. ALL NEW UTILITIES WILL BE INSTALLED UNDERGROUND;

3. ALL FENCES, LIGHTS, LUMINARIES, AND EXTERIOR AUDITORY SPEAKERS WILL COMPLY WITH THE CITY OF IRVING ORDINANCES;

4. ALL SURFACE MATERIAL TO MEET THE MINIMUM STANDARDS OF THE CITY OF IRVING.

PARKING TABLE

<table>
<thead>
<tr>
<th>OCCUPANCY</th>
<th>GFA AREA (measured inside exterior walls)</th>
<th>CALCULATION</th>
<th>PARKING REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>BUSINESS OR RETAI</td>
<td>1,388 SF</td>
<td>1,388</td>
<td>10</td>
</tr>
<tr>
<td>BUSINESS OR RETAI</td>
<td>1,388 SF</td>
<td>1,388</td>
<td>10</td>
</tr>
<tr>
<td>TOTAL PARKING REQUIRED</td>
<td>20</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TOTAL PROVIDED: 40
STANDARD PARKING SPACES PROVIDED: 36
ADA PARKING SPACES PROVIDED: 2
HERE ROCKS PROVIDED: 1
Geographic Information Systems (GIS) Disclaimer/Limitation of Liability:
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries and other geographic features. All data, specifically including the geographic data herein are provided "as is" without warranty of any kind, either expressed or implied. Use of the information is the sole responsibility of the user.

Date: Monday, April 22, 2024

City of Irving
Aerial View Map
No: 2024-145-ZC
City of Irving
Future Land Use Map
Zoning Case
No: 2024-145-ZC

Subject Property

Legend
- Case Boundary
- Municipal Boundary
- DFW Noise Contour
- 65
- 70
- 75

Future Land Use
- Residential Categories
  - Traditional Neighborhood
  - Compact Neighborhood
  - Mid Density Residential
  - Mixed Use Categories
  - Urban District
  - Transit Oriented Development
  - Community Village
  - Main Street/Downtown
- Non-Residential Categories
  - Local Commercial
  - Regional Commercial
  - Business/Office
  - Manufacturing/Warehouse
  - Industrial
  - Public/Semi-Public
  - Open Space
  - DFW Airport

Geographic Information Systems (GIS) Disclaimer/Limitation of Liability:
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries and other geographic features. All data, specifically including the geographic data herein are provided "as is" without warranty of any kind, either expressed or implied. Use of the information is the sole responsibility of the user.

Date: Monday, April 22, 2024
Packet Pg. 358
Geographic Information Systems (GIS) Disclaimer/Limitation of Liability:
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries and other geographic features. All data, specifically including the geographic data herein are provided "as is" without warranty of any kind, either expressed or implied. Use of the information is the sole responsibility of the user.

Date: Monday, April 22, 2024
Surrounding Zoning Map
Zoning Case
No: 2024-145-ZC
City of Irving

Packet Pg. 359
City of Irving
Notification Map
Zoning Case
No: 2024-145-ZC

Geographic Information Systems (GIS) Disclaimer/Limitation of Liability:
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries and other geographic features. All data, specifically including the geographic data herein are provided "as is" without warranty of any kind, either expressed or implied. Use of the information is the sole responsibility of the user.

Date: Monday, April 22, 2024
<table>
<thead>
<tr>
<th>ID</th>
<th>DCAD_ID</th>
<th>OWNER NAME</th>
<th>ST NUM</th>
<th>ST DIR</th>
<th>ST NAME</th>
<th>ST SUFFIX</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>320970800A02A0000</td>
<td>BAYVIEW TOWER GP</td>
<td>3143</td>
<td></td>
<td>AIRPORT</td>
<td>FWY</td>
</tr>
<tr>
<td>2</td>
<td>320970800A0010000</td>
<td>HERRING INV</td>
<td>2901</td>
<td>W</td>
<td>AIRPORT</td>
<td>FWY</td>
</tr>
<tr>
<td>3</td>
<td>320970800A0010100</td>
<td>HERRING INVESTMENTS LTD</td>
<td>3123</td>
<td>W</td>
<td>AIRPORT</td>
<td>FWY</td>
</tr>
<tr>
<td>4</td>
<td>320970800A0030000</td>
<td>CLC IRVINGTX I LLC</td>
<td>2300</td>
<td></td>
<td>IMPERIAL</td>
<td>DR</td>
</tr>
<tr>
<td>5</td>
<td>322056500A0020100</td>
<td>GLOBAL UNIQUE LOGISTICS CORP</td>
<td>3201</td>
<td>W</td>
<td>AIRPORT</td>
<td>FWY</td>
</tr>
<tr>
<td>6</td>
<td>320970800A02B0100</td>
<td>CFT NV DEVELOPMENTS LLC</td>
<td>3123</td>
<td>W</td>
<td>AIRPORT</td>
<td>FWY</td>
</tr>
<tr>
<td>7</td>
<td>320970800A02B0000</td>
<td>CFT NV DEVELOPMENTS LLC</td>
<td>3133</td>
<td>W</td>
<td>AIRPORT</td>
<td>FWY</td>
</tr>
<tr>
<td>8</td>
<td></td>
<td>Irving ISD</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td></td>
<td>Irving ISD</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Narrative Description

Project name: IMPERIAL CORNER
Project address: 3143 Airport Fwy, Irving, TX 75062
Property Owner: Peter Kavoian - Bayview Tower GP
Legal Description: Lot 2A, Block A, Don Herring Mitsubishi Revised, State hwy NO. 183 at Imperial Drive, Irving, Texas
Project Number: 2024-03-2479
Description: 5,905 sf new commercial shell building with lease spaces and a drive-thru

To Whom It May Concern,

Enclosed please find our application for a variance of the “25% maximum front building parking restriction” for our property at 3143 Airport Fwy, Irving, TX 75062.

The entire property currently holds 100% parking lot (Re: “Site_Photos.pdf” attached). The property owner has intent to build a 5,905 sf new commercial shell building with lease spaces and a drive-thru, as this is the main demand for the area (Re: “Site_ExistingProposed.pdf” attached). We have worked long and hard together with city of Irving staff to meet all of the various City Ordinances and 183 Overlay District requirements. This has been a particular challenge in designing the build out of this lot as 40.44% (17,893 SF) out of 44,249 SF of the lot is taken up by easements (Re: “Site_Easements.pdf” attached and Re: “GIS_Utility MAP.pdf” attached), including the Drainage one that dissects the lot diagonally. This easement layout limits our options for building placement. We cannot move the building towards south, as it would encroach the easement, nor place it on the south side as it won’t allow a drive-thru access. We have tried many layouts and orientations and have finally got all the boxes checked off, except one.

As this lot is in the 183 Overlay District, there is a limitation of parking allowed at the front of the building as it faces the highway. This limitation is 25%. Unfortunately, there is no way for us to be able to adhere to that limitation and still comply with all of the other requirements that we’ve been able to work through. Our best efforts have resulted in still having 62.5% of the parking in front.

In order to mitigate the visual impact of the additional parking we have put extra effort into the design of the building so that passersby are drawn to the building and not the parking (Re: “Elevations.pdf” and “3D_SKETCH.pdf” attached).

We believe our project is a benefit to the corridor and the extenuating circumstances of the easements and their placement creates a design conundrum that any developer would be challenged to overcome and results in a hardship to the property owner. In fact we believe the neighboring property must also have received a variance as 60% of their parking is in front.

We are available to answer any questions and we appreciate your consideration of our request.

Sincerely,

Tatiana Plavans - Building Designer
2.5.7 Community Commercial (C-C).

In a C-C community commercial district no land shall be used and no building shall be erected or converted to any use other than:

a) **Principal uses:** The following uses shall be permitted as principal uses subject to the limitations indicated:

1) Any use permitted in a P-O professional office district or C-N neighborhood commercial district subject to the regulations of this district.

2) Ambulance service.

3) Hospital.

4) Automobile repair garage.

5) Mortuary and funeral home.

6) Motion picture theater within an enclosed building.

7) Office building.

8) Public storage garages.

9) Taxi dispatch office.

10) Wholesale office and business completely within an enclosed building, but excluding warehouse storage.

11) Any commercial business or service not included in any of the foregoing districts, excluding hotel/motel operations, provided that such uses shall be completely enclosed within an enclosed building and are not noxious or offensive by reason of the emission of odor, dust, gas fumes, noise or vibration, and provided that no warehousing or manufacturing or treatment of products or equipment shall be permitted, except such as is clearly incidental to the conduct of a permitted use.

12) Hookah lounge.

13) Event center/rental hall. CUP required when within five hundred (500) feet of an "R" single-family district, measured property line to property line and/or the total square footage of the space is greater than two thousand (2,000) square feet.

14) Amusement, indoor. CUP required when within five hundred (500) feet of an "R" single-family district, measured property line to property line.

15) Recreation, indoor.

16) Nightclub/dance hall. CUP required when within five hundred (500) feet of an "R" single-family district, measured property line to property line.

17) Theater/concert hall. CUP required for seating greater than 2,500.

18) Sport shooting range, indoor. By CUP only.

b) **Accessory uses:** The following uses shall be permitted as accessory uses:
2.5.7 Community Commercial (C-C).

1) Private garage.
2) Swimming pool no nearer than one hundred twenty (120) feet to any principal building used for single-family residence within an R-40, R-15, R-10, R-7.5, or R-6 district.
3) Mechanical equipment no nearer than one hundred twenty (120) feet to any principal building used for single-family residence within an R-40, R-15, R-10, R-7.5, or R-6 district.
4) Garbage storage no nearer than thirty (30) feet to a developed lot in an R-40, R-15, R-10, R-7.5, or R-6 district used as a single-family dwelling.
5) Provisions for the parking of automobiles provided that such provisions within sixty (60) feet of a developed lot in an "R" district shall be separated from said lot by a blind fence or wall at least six (6) feet high.

c) Parking regulations: Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.

d) Area regulations: The following minimum requirements shall be required:
   1) Depth of the front yard: none
   2) Depth of rear yard: none, where no windows or other openings for light face the rear yard or rear lot line. In all other cases, one of the following, whichever is least: 5 feet plus the building height at that point; or one-half the length of the side of the building at that point.
   3) Width of side yard: none, where no windows or other openings for light face the side yard or side lot line. In all other cases, one of the following, whichever is least: 5 feet plus the building height at that point; or one-half the length of the side of the building at that point. (see Section 8.4.1, Corner Lots, as applicable)
   4) Width of lot: 80 feet
   5) Depth of lot: 80 feet
   6) Distance between detached buildings: 10 feet, where no windows or other openings for light face upon the space between buildings. In all other cases, one of the following, whichever is least: 10 feet plus the sum of the two (2) building heights at those points which establish the distance between; or one-half the smallest building side forming space between.

e) Height and area regulations: The following maximum height and area regulations shall be observed:
   1) Height of structure: one-half shortest distance between the structure and the nearest developed lot in an R-40, R-15, R-10, R-7.5, R-6 or A district used as a single-family residence.
   2) Lot coverage by buildings: 50 percent
   3) Lot coverage by buildings, driveways and parking spaces: 100 percent

(Ord. No. 2023-10734, § 2, 4-20-23; Ord. No. 2023-10760, § 3, 6-8-23)
2.3.4 State Highway 183 Overlay.

a) **Description.** The State Highway 183 overlay district is a zoning district that regulates land uses and development standards within the State Highway 183 corridor.

b) **Purpose.** The purpose of the State Highway 183 overlay district is to guide new development and redevelopment along the State Highway 183 corridor by designating permitted uses and establishing enhanced standards for the design, appearance, and placement of buildings and other site improvements, landscaping, signs, utilities, lighting, fences, and screening.

e) **Required standards for new development.**

1) **Applicability.**
   a. **New construction.** The standards established by this subsection 2.3.4(e) shall apply to all newly constructed nonresidential structures and all new nonresidential development within the boundaries of the State Highway 183 overlay district.

4) **Site design.**
   a. **Minimize paving.** Development shall be designed to minimize the amount of paving and parking between buildings and the State Highway 183, Loop 12, State Highway 114, Spur 482, or State Highway 161 frontage.
   b. **Parking location.** No more than twenty-five (25) percent of the required parking for a use may be located between the façade of a building and the State Highway 183, Loop 12, State Highway 114, Spur 482, and State Highway 161 right-of-way. The additional seventy-five (75) percent may be located beside or behind the façade facing the State Highway 183, Loop 12, State Highway 114, Spur 482, and State Highway 161 right-of-way.
Zoning Case 2024-145-ZC

• 3143 W. Airport Fwy.

• From: S-P-2 (C-C) “Generalized Site Plan – Community Commercial” and State Highway 183 Overlay District

• To: S-P-2 (C-C) “Generalized Site Plan – Community Commercial” and State Highway 183 Overlay District for a variance to the maximum parking between a building and State Highway 183

• Staff Finding: A hardship is evident

• P&Z Recommendation: Approval 8-0

• Public Comment Forms: None in support or in opposition
Maximum Parking Between a Building and State Highway 183

(Req. 2.3.4 (4)(b))

Current Ordinance
25% (10 spaces)

Request (Variance)
62.5% (25 spaces) (+15 spaces)

Ordinance
25% (10 spaces)

25% (10 spaces) + 15 spaces

 Packet Pg. 372

Attachment: Council Presentation (14707 : 56 - 2024-145-Zc)
Subject Property
Subject Property from Imperial Rd.
North of Subject Property
East of Subject Property
Maximum Parking Between a Building and State Highway 183
(Sec. 2.3.4 (4)(b))

<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</td>
<td>25% (10 spaces)</td>
<td>62.5% (25 spaces) (+ 15 spaces)</td>
</tr>
</tbody>
</table>
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>
<tr>
<td>(Sec. 8.4.2)</td>
<td></td>
<td></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.

**ADDITIONAL COMMENTS:**

<table>
<thead>
<tr>
<th>Contract Required:</th>
<th>Review Completed By:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Previous Action:</td>
<td>Council Action:</td>
</tr>
<tr>
<td>Discretionary Contract Disclosure Form Required:</td>
<td></td>
</tr>
</tbody>
</table>

**Certificate of Interested Parties (Form 1295) Required:**

**TGC 2271 Verification Form Required:**

**TGC 2274 Verification Form Required:**

**ATTACHMENTS:**

- Exhibit A: Legal Description  (PDF)
- Exhibit B: Site Plan  (PDF)
- Vicinity Map  (PDF)
- Aerial Map  (PDF)
- Future Land Use Map  (PDF)
- Surrounding Zoning Map  (PDF)
- Property Owner Notification Map  (PDF)
- Property Owner Notification List  (PDF)
- Letter of Intent  (PDF)
- Public Response in Opposition  (PDF)
- Protest Analysis Map  (PDF)
- Sec. 2.4.8 - Single-family Residential 6 (R-6) District Requirements  (PDF)
- Council Presentation  (PDF)

**CURRENT YEAR FINANCIAL IMPACT:**

NONE

**REVISION INFORMATION:**

Last Updated: 6/4/2024 05:03 PM by Kenneth Bloom
ORDINANCE NO. (ID # 14708)

ZONING CASE NO. 2024-148-ZC
ZONING CLASSIFICATION – S-P-2

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF IRVING, TEXAS NO 2020-10370 BY REZONING A TRACT OF LAND OUT OF THE PLYMOUTH PARK NORTH 5 ADDITION, LOCATED AT 2609 EDINBURGH STREET FROM R-6 “SINGLE-FAMILY RESIDENTIAL 6” TO S-P-2 (R-6) “GENERALIZED SITE PLAN- SINGLE-FAMILY RESIDENTIAL 6”; PROVIDING FOR SPECIAL CONDITIONS AND REGULATIONS RELATIVE TO LAND USE; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR CONFLICT RESOLUTION, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY, AND AN EFFECTIVE DATE.

WHEREAS, after proper notice and public hearing the Planning and Zoning Commission considered the zoning amendment and recommended approval on June 3, 2024; and

WHEREAS, after proper notice and public hearing, and upon consideration of the recommendation of the Planning and Zoning Commission and of all testimony and information submitted during the public hearing, the City Council has determined that the zoning change is in accordance with the comprehensive plan, complies with all legal requirements, is in the best interest of the public, and is for the purpose of promoting the health, safety, morals, and general welfare of the citizens and protecting and preserving places and areas of historical, cultural, or architectural importance and significance; and

WHEREAS, among other things, the City Council considered the following factors: safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site; safety from fire hazards, and measures of fire control; protection of adjacent property from flood or water damage; noise producing elements; glare of vehicular and stationary lights and effect of such lights on established character of the neighborhood; street size and adequacy of pavement width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood; adequacy of parking, as determined by requirements of this ordinance for off-street parking facilities, location on ingress/egress points for parking and off-street loading spaces, and protection of public health by surfacing on all parking areas to control dust; and such other measures as will secure and protect public health, safety, morals, and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION 1. That the Irving City Council hereby approves Zoning Case 2024-148-ZC, changing the zoning classification of certain property located at 2609 Edinburgh Street, described in Exhibit A attached hereto, from R-6 “Single-family Residential 6” to S-P-2 (R-6) “Generalized Site Plan – Single-family Residential 6”.

SECTION 2. That the change approved in Section 1 is granted subject to the following:

a) That development and use shall be in conformance with Exhibit B: Site Plan attached hereto and made a part hereof for all purposes, which reflects a deviation from the requirements of Section 8.4.2 of the City of Irving Unified Development Code
(Established Front Yard), to wit: a decrease to the minimum front yard setback by allowing a minimum front yard setback of 19 feet for a carport.

b) That development and use shall be in conformance with all applicable laws, ordinances, and regulations.

c) That a true and correct copy of the site plan attached hereto shall be retained by the Department of Planning of the City of Irving.

SECTION 3. That the official zoning map of the City of Irving be changed to reflect the zoning classification established by this Ordinance.

SECTION 4. That this ordinance shall be cumulative of all other ordinances of the City of Irving affecting zoning and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are inconsistent or in direct conflict with the provisions of this ordinance.

SECTION 5. That should any paragraph, sentence, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal, or unconstitutional, and shall not affect the validity of the comprehensive zoning ordinance as a whole.

SECTION 6. That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 7. That any person violating or failing to comply with any provisions of this ordinance shall be fined, upon conviction, not less than one dollar ($1.00) nor more than two thousand dollars ($2,000.00), and each day any violation or noncompliance continues shall constitute a separate offense.

SECTION 8. That this ordinance shall take effect immediately upon its passage.
EXHIBIT A: LEGAL DESCRIPTION ZONING
CASE 2024-148-ZC
2609 Edinburgh St.
Being all of Lot 8, Block 8, Plymouth Park North 5
Lot 8, Block 8 of First Increment of Plymouth Park North, an addition to the City of Irving, Dallas County, Texas, according to the plat thereof recorded in Volume 31, Page 209, Map Records, Dallas County, Texas.

General Notes:
Address: 2609 Edinburgh St., Irving, Texas 75062
Owner/Applicant: Alberto Gonzalez
1. All uses permitted by Chapter 2.4.8 will be allowed and all requirements of Chapter 2.4.8, R-6 Single Family District of the Unified Development Code and any other applicable requirements of the Unified Development Code will be complied with, except:
a) Variance of 11’ Feet from the front yard setback. Per UDC 8.4.2 “Established Front Yard”.
Required: 30 Feet
Proposed: 19 Feet
2. All new utilities will be installed underground.
3. All fences, signs lighting, luminaries, and exterior auditory speakers will comply with the City of Irving Ordinances.
4. All surface material to meet the minimum standards of the City of Irving.
5. The purpose of this request is to allow a carport to encroach into the front yard setback.

EXHIBIT B: SITE PLAN
2024-148-ZC

NOTES:
NOTE: BEARING, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.
FLOOD NOTE: According to the F.I.R.M. No. 4811300305L, this property does lie in Zone X and does NOT lie within the 100 year flood zone.

This survey is made in conjunction with the information provided by the Client. Use of this survey by any other parties and/or for other purposes shall be at user’s own risk and any loss resulting from either use shall not be the responsibility of the Surveyor. This is to certify that I have on this date made a careful and accurate survey of the grounds of the subject property. The plat herein is a correct and accurate representation of the subject property as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or violations on the ground.

Dated: 6/16/2022

2609 Edinburgh Street
Lot 8, Block 8 of First Increment of Plymouth Park North, an addition to the City of Irving, Dallas County, Texas, according to the plat thereof recorded in Volume 31, Page 209, Map Records, Dallas County, Texas.

Attachment: Exhibit B: Site Plan 2024-148-ZC
City of Irving
Surrounding Zoning Map
Zoning Case
No: 2024-148-ZC

Geographic Information Systems (GIS) Disclaimer/Limitation of Liability:
This product is for informational purposes and may not have been prepared for
or be suitable for legal, engineering, or surveying purposes. It does not represent
an on-the-ground survey and represents only the approximate relative location
of property boundaries and other geographic features. All data, specifically including
the geographic data herein are provided "as is" without warranty of any kind, either
expressed or implied. Use of the information is the sole responsibility of the user.

Date: Friday, April 26, 2024

Surrounding Zoning Map
Zoning Case
No: 2024-148-ZC
City of Irving

100 0 100 Feet
1:2,400

Packet Pg. 388

Attachment: Surrounding Zoning Map (14703:56; 2024:148-Zc)
City of Irving
Notification Map
Zoning Case
No: 2024-148-ZC

200 Ft Notification Boundary

Property Under Consideration

Date: Friday, April 26, 2024

Geographic Information Systems (GIS) Disclaimer/Limitation of Liability:
This product is for informational purposes and may not have been prepared for
or be suitable for legal, engineering, or surveying purposes. It does not represent
an on-the-ground survey and represents only the approximate relative location
of property boundaries and other geographic features. All data, specifically including
the geographic data herein are provided "as is" without warranty of any kind, either
expressed or implied. Use of the information is the sole responsibility of the user.
<table>
<thead>
<tr>
<th>ID</th>
<th>DCAD_ID</th>
<th>OWNER NAME</th>
<th>ST NUM</th>
<th>ST DIR</th>
<th>ST NAME</th>
<th>ST SUFFIX</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>32413500080250000</td>
<td>DICKEY SANDRA J</td>
<td>2528</td>
<td>DUNBAR</td>
<td>ST</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>32413500080240000</td>
<td>TEJEDA RENE GUTIERREZ &amp;</td>
<td>2524</td>
<td>DUNBAR</td>
<td>ST</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>32413500090800000</td>
<td>POSEY ROBBY E</td>
<td>2612</td>
<td>EDINBURGH</td>
<td>ST</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>32413500080300000</td>
<td>MORENO ANGELA</td>
<td>3012</td>
<td>COMMONWEALTH</td>
<td>ST</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>32413500050140000</td>
<td>MORRIS AMY M &amp;</td>
<td>2521</td>
<td>DUNBAR</td>
<td>ST</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>32410500120150000</td>
<td>RODAS MARIA LETICIA</td>
<td>2709</td>
<td>N</td>
<td>HARVARD</td>
<td>ST</td>
</tr>
<tr>
<td>7</td>
<td>32413500090500000</td>
<td>WALKER LINDA E</td>
<td>2624</td>
<td>EDINBURGH</td>
<td>ST</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>32413500080100000</td>
<td>TIDWELL STACI &amp;</td>
<td>2601</td>
<td>EDINBURGH</td>
<td>ST</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>32413500080600000</td>
<td>VELAZQUEZ BENNY &amp; MARIA</td>
<td>2617</td>
<td>EDINBURGH</td>
<td>ST</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>32413500080700000</td>
<td>MARTINEZGONZALEZ JOSE M &amp; GLAD</td>
<td>2613</td>
<td>EDINBURGH</td>
<td>ST</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>32413500082300000</td>
<td>HAGELSTEIN ELDORA</td>
<td>2520</td>
<td>DUNBAR</td>
<td>ST</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>32413500080200000</td>
<td>AMMONS KRISTOFER THOMAS</td>
<td>3016</td>
<td>COMMONWEALTH</td>
<td>ST</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>32413500081200000</td>
<td>IBARRA LUIS ENRIQUE &amp;</td>
<td>2513</td>
<td>EDINBURGH</td>
<td>ST</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>32413500090700000</td>
<td>GRANADOS JORGE YANEZ</td>
<td>2616</td>
<td>EDINBURGH</td>
<td>ST</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>32413500091100000</td>
<td>STRONG MICHAEL A &amp;</td>
<td>2600</td>
<td>EDINBURGH</td>
<td>ST</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>32413500080900000</td>
<td>AHSANULLAH YAR</td>
<td>2605</td>
<td>EDINBURGH</td>
<td>ST</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>32410500120130000</td>
<td>ORTIZ RENE BALLEZA &amp; YANCY HER</td>
<td>2701</td>
<td>N</td>
<td>HARVARD</td>
<td>ST</td>
</tr>
<tr>
<td>18</td>
<td>32413500080500000</td>
<td>MCCALEB BLAIRE T</td>
<td>2621</td>
<td>EDINBURGH</td>
<td>ST</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>32413500090900000</td>
<td>JACOBA ROSSANA HILARIO &amp;</td>
<td>2608</td>
<td>EDINBURGH</td>
<td>ST</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>32410500120110000</td>
<td>STEPHENS PATRICK S &amp;</td>
<td>2609</td>
<td>N</td>
<td>HARVARD</td>
<td>ST</td>
</tr>
<tr>
<td>21</td>
<td>32413500081100000</td>
<td>DUPREE RANDALL</td>
<td>2517</td>
<td>EDINBURGH</td>
<td>ST</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>32413500082200000</td>
<td>CASTRO MARIA DE LA LUZ VILLELA</td>
<td>2516</td>
<td>DUNBAR</td>
<td>ST</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>32413500051300000</td>
<td>SAMPINO FRANK PAUL</td>
<td>2525</td>
<td>DUNBAR</td>
<td>ST</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>32413500080100000</td>
<td>FERLANDEZ AMANDA M &amp;</td>
<td>3020</td>
<td>COMMONWEALTH</td>
<td>ST</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>32410500120140000</td>
<td>MARTINEZ LEONEL ETAL</td>
<td>2705</td>
<td>N</td>
<td>HARVARD</td>
<td>ST</td>
</tr>
<tr>
<td>26</td>
<td>32413500090600000</td>
<td>KERSS TERESA</td>
<td>2620</td>
<td>EDINBURGH</td>
<td>ST</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>32410500120120000</td>
<td>BAUTISTA PETRA</td>
<td>2613</td>
<td>N</td>
<td>HARVARD</td>
<td>ST</td>
</tr>
<tr>
<td>28</td>
<td>32413500082600000</td>
<td>KHAN MEHJABEEN &amp;</td>
<td>2532</td>
<td>DUNBAR</td>
<td>ST</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>32413500080400000</td>
<td>GIBBS CHRISTINA VEGA &amp;</td>
<td>3004</td>
<td>COMMONWEALTH</td>
<td>ST</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>32413500091000000</td>
<td>BOND JAMES &amp; BOUAVANH</td>
<td>2604</td>
<td>EDINBURGH</td>
<td>ST</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>32413500080800000</td>
<td>TREVINO ALBERTO GONZALEZ</td>
<td>2609</td>
<td>EDINBURGH</td>
<td>ST</td>
<td></td>
</tr>
</tbody>
</table>

City of Irving
Notification List
Zoning Case No: 2024-148-ZC
To whom it may concern,

I started the process of buying my home in October of 2022 and closed on February of 2023. My house already previously had a carport built in and I was never made aware that it was built without the proper permits till a few months after I had already purchased the house. The city of Irving suggested me to apply for a zoning change to be able to keep my front carport.

Thanks,

Alberto Gonzalez
Planning Department  
PO Box 152288  
Irving, Texas 75015-2288

I am FOR the requested zoning as explained on the attached public notice for Zoning Case #2024-148-ZC.

I am AGAINST the requested zoning as explained on the attached public notice for Zoning Case #2024-148-ZC.

Date, Location & Time of:

**PLANNING & ZONING COMMISSION MEETING:**  
Monday, June 3, 2024, 7 p.m.  
City Hall, 825 W. Irving Blvd., Irving, Texas

**CITY COUNCIL MEETING:**  
Thursday, June 13, 2024, 7 p.m.  
City Hall, 825 W. Irving Blvd., Irving, Texas

Name: JAMES BOND  
(please print)  
Address: 2604 EDINBURG IRVING, TX

75062

Tax Account (DCAD) Number (if shown on enclosed map): 30

Signature: JAMES BOND

Date: 5/28/2024

Phone (optional): 214 995 6030

Please provide comments explaining the reasons for your support or opposition:

It's going to look bad for neighborhood.

__________________________

JG
2.4.8 Single-family Residential 6 (R-6).

In a R-6 single-family district no land shall be used and no building shall be erected for or converted to any use other than:

a) **Principal uses:** The following uses shall be permitted as principal uses:

1) Single-family detached dwellings.
2) Public and non-profit institutions of an educational, religious or cultural type excluding corrective institutions and hospitals.
3) Governmental buildings and uses.
4) Public utility uses required to service the district.
5) Public and private noncommercial recreational areas and facilities such as public parks, country clubs and golf courses, excluding miniature golf courses and driving ranges.
6) Temporary buildings when they are to be used only for construction purposes or as a field office within a subdivision approved by the city for the sale of the real estate of that subdivision only. Such temporary construction buildings shall be removed immediately upon completion or abandonment of construction and such field office shall be removed immediately upon occupancy of ninety-five (95) percent of the lots in the subdivision.
7) Customary home occupation, provided that no person other than a member of the family of the owner or user of the principal single-family dwellings, shall be employed or work in or at such home occupation.
8) Garage sales if conducted pursuant and in conformity with all other applicable ordinances of the City of Irving.

b) **Accessory uses:** The following uses shall be permitted as accessory uses to a single-family detached dwelling provided that none shall be a source of income to the owner or user of the principal single-family dwellings.

1) Private garage.
2) Guest and servant’s quarters may be permitted as an accessory use to a residential dwelling upon such accessory use being approved as an S-P-1 site plan district under section 2.7.3 of this ordinance.
3) Private swimming pool.
4) When any of the foregoing permitted accessory uses are detached from the principal single-family dwelling, said use shall be located not less than forty-five (45) feet from the front lot line nor less than twenty (20) feet from any street right-of-way.

c) **Parking regulations:** Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.

d) **Area regulations:** The following minimum requirements shall be required:

1) Depth of front yard: 25 feet
2.4.8 Single-family Residential 6 (R-6).

2) Depth of rear yard: 20 feet
3) Width of side yard: 5 feet
4) Width of lot: 50 feet
5) Depth of lot: 100 feet
6) Land area per dwelling unit: 6,000 square feet
7) Only one (1) single-family detached dwelling shall be permitted on each lot or lot of record as the case may be.

e) Height and area regulations: The following maximum height and area regulations shall be observed:

1) Height of principal structure: 2 stories or 25 feet
2) Lot coverage by principal building: 40 percent of total lot area
Zoning Case 2024-148-ZC

• 2609 Edinburgh St.
• **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
• **Staff Finding**: No unnecessary hardship
• **P&Z Recommendation**: Approval 6-2
• **Public Comment Forms**: None in support and one (1) in opposition (5.11%)
Surrounding Properties with Carports

Zoning Case #2024-148-ZC
2609 Edinburgh St.

Date Saved: 06/03/2024 2:00 PM

Geographic Information Systems (GIS) Disclaimer/Limitation of Liability:

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries and other geographic features. All data, specifically including the geographic data herein are provided "as is" without warranty of any kind, either expressed or implied. Use of the information is the sole responsibility of the user.

Name: (2024-148-ZC): Carports in the Surrounding Area
Standard | Required | Provided
--- | --- | ---
Established Front Yard Setback (Sec. 8.4.2) | 30 feet | 19 feet (11-foot variance)
Subject Property
East of Subject Property
North of Subject Property
General Notes:
Address: 2609 Edinburgh St., Irving, Texas 75062
Owner/Applicant: Alberto Gonzalez
1. All uses permitted by Chapter 2.4.8 will be allowed and all requirements of Chapter 2.4.8, R-6 Single
Family District of the Unified Development Code and any other applicable requirements of the Unified Development Code will be complied with, except:
   a) Variance of _11_ Feet from the front yard setback.
      Per UDC 8.4.2 "Established Front Yard":
      Required: 30 Feet
      Proposed: 19 Feet
2. All new utilities will be installed underground.
3. All fences, signs lighting, luminaries, and exterior auditory speakers will comply with the City of Irving Ordinances.
4. All surface material to meet the minimum standards of the City of Irving.
5. The purpose of this request is to allow a carport to encroach into the front yard setback.

<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>19 feet</td>
</tr>
</tbody>
</table>

(11-foot variance)
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</td>
<td>30 feet</td>
<td>12.5 feet</td>
</tr>
<tr>
<td>(Sec. 8.4.2)</td>
<td></td>
<td><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.

**ADDITIONAL COMMENTS:**

<table>
<thead>
<tr>
<th>Contract Required:</th>
<th>Review Completed By:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Previous Action:</td>
<td>Council Action:</td>
</tr>
<tr>
<td>Discretionary Contract Disclosure Form Required:</td>
<td></td>
</tr>
<tr>
<td>Certificate of Interested Parties (Form 1295) Required:</td>
<td></td>
</tr>
<tr>
<td>TGC 2271 Verification Form Required:</td>
<td></td>
</tr>
<tr>
<td>TGC 2274 Verification Form Required:</td>
<td></td>
</tr>
</tbody>
</table>

**ATTACHMENTS:**

- Exhibit A: Legal Description (PDF)
- Exhibit B: Site Plan (PDF)
- Vicinity Map (PDF)
- Aerial Map (PDF)
- Future Land Use Map (PDF)
- Surrounding Zoning Map (PDF)
- Property Owner Notification Map (PDF)
- Property Owner Notification List (PDF)
- Narrative description (PDF)
- Public Comment Form in Support (PDF)
- Sec. 2.4.8 - Single-family Residential 6 (R-6) District Requirements (PDF)
- Council Presentation (PDF)

**CURRENT YEAR FINANCIAL IMPACT:**

NONE

**REVISION INFORMATION:**

Last Updated: 6/4/2024 05:02 PM by Kenneth Bloom
ORDERED NO. (ID # 14709)

ZONING CASE NO. 2024-159-ZC
ZONING CLASSIFICATION – S-P-2

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF IRVING, TEXAS NO 2020-10370 BY REZONING A TRACT OF LAND OUT OF THE MEADOWS ADDITION, LOCATED AT 2113 MEADOW DALE FROM R-6 “SINGLE-FAMILY RESIDENTIAL 6” TO S-P-2 (R-6) “GENERALIZED SITE PLAN- SINGLE-FAMILY RESIDENTIAL 6”; PROVIDING FOR SPECIAL CONDITIONS AND REGULATIONS RELATIVE TO LAND USE; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR CONFLICT RESOLUTION, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY, AND AN EFFECTIVE DATE.

WHEREAS, after proper notice and public hearing the Planning and Zoning Commission considered the zoning amendment and recommended approval on June 3, 2024; and

WHEREAS, after proper notice and public hearing, and upon consideration of the recommendation of the Planning and Zoning Commission and of all testimony and information submitted during the public hearing, the City Council has determined that the zoning change is in accordance with the comprehensive plan, complies with all legal requirements, is in the best interest of the public, and is for the purpose of promoting the health, safety, morals, and general welfare of the citizens and protecting and preserving places and areas of historical, cultural, or architectural importance and significance; and

WHEREAS, among other things, the City Council considered the following factors: safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site; safety from fire hazards, and measures of fire control; protection of adjacent property from flood or water damage; noise producing elements; glare of vehicular and stationary lights and effect of such lights on established character of the neighborhood; street size and adequacy of pavement width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood; adequacy of parking, as determined by requirements of this ordinance for off-street parking facilities, location on ingress/egress points for parking and off-street loading spaces, and protection of public health by surfacing on all parking areas to control dust; and such other measures as will secure and protect public health, safety, morals, and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION 1. That the Irving City Council hereby approves Zoning Case 2024-159-ZC, changing the zoning classification of certain property located at 2113 Meadow Dale, described in Exhibit A attached hereto, from R-6 “Single-family Residential 6” to S-P-2 (R-6) “Generalized Site Plan – Single-family Residential 6”.

SECTION 2. That the change approved in Section 1 is granted subject to the following:

a) That development and use shall be in conformance with Exhibit B: Site Plan attached hereto and made a part hereof for all purposes, which reflects a deviation from the requirements of Section 8.4.2 of the City of Irving Unified Development Code
(Established Front Yard), to wit: a decrease to the minimum front yard setback by allowing a minimum front yard setback of 12 feet 6 inches for a carport.

b) That development and use shall be in conformance with all applicable laws, ordinances, and regulations.

c) That a true and correct copy of the site plan attached hereto shall be retained by the Department of Planning of the City of Irving.

SECTION 3. That the official zoning map of the City of Irving be changed to reflect the zoning classification established by this Ordinance.

SECTION 4. That this ordinance shall be cumulative of all other ordinances of the City of Irving affecting zoning and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are inconsistent or in direct conflict with the provisions of this ordinance.

SECTION 5. That should any paragraph, sentence, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal, or unconstitutional, and shall not affect the validity of the comprehensive zoning ordinance as a whole.

SECTION 6. That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 7. That any person violating or failing to comply with any provisions of this ordinance shall be fined, upon conviction, not less than one dollar ($1.00) nor more than two thousand dollars ($2,000.00), and each day any violation or noncompliance continues shall constitute a separate offense.

SECTION 8. That this ordinance shall take effect immediately upon its passage.
EXHIBIT A: LEGAL DESCRIPTION ZONING

CASE 2024-159-ZC

2113 Meadow Dale

Being all of Lot 29, Block G, Meadows Addition
EXHIBIT B: SITE PLAN
ZONING CASE
2024-159-ZC
S-P-2 for R-6

General Notes:
Address: 2113 Meadow Dr.,
Irving, Texas 75060
Owner/Applicant: Felipe
Nevarez/Karen Nevarez
1. All uses permitted by Chapter 2.4.8 will be allowed and all
requirements of Chapter 2.4.8,
R-6 Single
Family District of the Unified
Development Code and any
other applicable requirements of
the Unified
Development Code will be
complied with, except:
a) Variance of 17.5 Feet
from the front yard
setback.
Per UDC 8.4.2 "Established
Front Yard":
Required: 30 Feet
Proposed: 12.5 Feet
2. All new utilities will be installed
underground.
3. All fences, signs lighting,
plinths, and exterior auxiliary
speakers will comply with the
City of
Irving Ordinances.
4. All surface material to meet
the minimum standards of the
City of Irving.
5. The purpose of this request is
to allow a carport to encroach
into the front yard setback.
Geographic Information Systems (GIS) Disclaimer/Limitation of Liability:
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries and other geographic features. All data, specifically including the geographic data herein are provided "as is" without warranty of any kind, either expressed or implied. Use of the information is at the sole responsibility of the user.

Date: Monday, April 29, 2024
City of Irving

Surrounding Zoning Map

Zoning Case

No: 2024-159-ZC

Date: Monday, April 29, 2024

Geographic Information Systems (GIS) Disclaimer/Limitation of Liability:
This product is for informational purposes and may not have been prepared or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries and other geographic features. All data, specifically including the geographic data herein are provided "as is" without warranty of any kind, either expressed or implied. Use of the information is the sole responsibility of the user.
Date: Monday, April 29, 2024

Geographic Information Systems (GIS) Disclaimer/Limitation of Liability:
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries and other geographic features. All data, specifically including the geographic data herein are provided "as is" without warranty of any kind, either expressed or implied. Use of the information is the sole responsibility of the user.

City of Irving
Notification Map
Zoning Case
No: 2024-159-ZC

Property Under Consideration

200 Ft Notification Boundary
<table>
<thead>
<tr>
<th>ID</th>
<th>DCAD_ID</th>
<th>OWNER NAME</th>
<th>ST NUM</th>
<th>ST DIR</th>
<th>ST NAME</th>
<th>ST SUFFIX</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>32306500070050000</td>
<td>GRAVES LOTTIE I LIFE ESTATE</td>
<td>2108</td>
<td></td>
<td>MEADOW LARK</td>
<td>LN</td>
</tr>
<tr>
<td>2</td>
<td>32306500070260000</td>
<td>CESILLON DANIEL I</td>
<td>2101</td>
<td></td>
<td>MEADOW DALE</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>32306500070340000</td>
<td>RAMOS ZIOLA G</td>
<td>2008</td>
<td></td>
<td>GLENWICK</td>
<td>LN</td>
</tr>
<tr>
<td>4</td>
<td>32306500080040000</td>
<td>ROBLES JUAN GABRIEL &amp; MARIBEL</td>
<td>2120</td>
<td></td>
<td>MEADOW DALE</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>32306500070270000</td>
<td>HALCOMB KENNETH WAYNE</td>
<td>2105</td>
<td></td>
<td>MEADOW DALE</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>32306500070600000</td>
<td>TORRES GONZALO &amp; VERONICA</td>
<td>2104</td>
<td></td>
<td>MEADOW LARK</td>
<td>LN</td>
</tr>
<tr>
<td>7</td>
<td>32306500070290000</td>
<td>NEVAREZ GANDARA FELIPE N &amp;</td>
<td>2113</td>
<td></td>
<td>MEADOW DALE</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>32306500050090000</td>
<td>PRECIADO MA SOFIA DE LA ROSA &amp;</td>
<td>2033</td>
<td></td>
<td>MEADOW LARK</td>
<td>LN</td>
</tr>
<tr>
<td>9</td>
<td>32306500080030000</td>
<td>MATA FRANCIS</td>
<td>2124</td>
<td></td>
<td>MEADOW DALE</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>32306500070030000</td>
<td>VELASQUEZ JACOB &amp; NORMA T</td>
<td>2116</td>
<td></td>
<td>MEADOW LARK</td>
<td>LN</td>
</tr>
<tr>
<td>11</td>
<td>32306500070250000</td>
<td>BROBST DONALD A</td>
<td>2033</td>
<td></td>
<td>MEADOW DALE</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>32306500050070000</td>
<td>KOK HUY &amp; SIM NARY</td>
<td>2105</td>
<td></td>
<td>MEADOW LARK</td>
<td>LN</td>
</tr>
<tr>
<td>13</td>
<td>32306500080070000</td>
<td>ROBERTSON MARTIN A</td>
<td>2108</td>
<td></td>
<td>MEADOW DALE</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>32306500070100000</td>
<td>VALLE HECTOR</td>
<td>2124</td>
<td></td>
<td>MEADOW LARK</td>
<td>LN</td>
</tr>
<tr>
<td>15</td>
<td>32306500070300000</td>
<td>LINDSEY MICHELLE E</td>
<td>2117</td>
<td></td>
<td>MEADOW DALE</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>32306500080050000</td>
<td>GONZALES FRANK A</td>
<td>2116</td>
<td></td>
<td>MEADOW DALE</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>32306500070320000</td>
<td>ECKERT LYDIA A</td>
<td>2125</td>
<td></td>
<td>MEADOW DALE</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>32306500070200000</td>
<td>AVILA JUAN CARLOS PICHARDO &amp;</td>
<td>2120</td>
<td></td>
<td>MEADOW LARK</td>
<td>LN</td>
</tr>
<tr>
<td>19</td>
<td>32306500070330000</td>
<td>JANES NIKKI EST OF</td>
<td>2129</td>
<td></td>
<td>MEADOW DALE</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>32306500070310000</td>
<td>HARLESS JIM D</td>
<td>2121</td>
<td></td>
<td>MEADOW DALE</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>32306500080060000</td>
<td>MCCONATHY BIBI NAZEEMA</td>
<td>2112</td>
<td></td>
<td>MEADOW DALE</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>32306500070280000</td>
<td>GARCIA ARACELY &amp;</td>
<td>2109</td>
<td></td>
<td>MEADOW DALE</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>32306500050040000</td>
<td>ARMSTRONG ROBERT P &amp;</td>
<td>2117</td>
<td></td>
<td>MEADOW LARK</td>
<td>LN</td>
</tr>
<tr>
<td>24</td>
<td>32306500050050000</td>
<td>DELAPENA NORMA</td>
<td>2113</td>
<td></td>
<td>MEADOW LARK</td>
<td>LN</td>
</tr>
<tr>
<td>25</td>
<td>32306500070350000</td>
<td>JOHNSTON RICHARD C &amp; NANCY K</td>
<td>2004</td>
<td></td>
<td>GLENWICK</td>
<td>LN</td>
</tr>
<tr>
<td>26</td>
<td>32306500050060000</td>
<td>GUEVARA FREDY</td>
<td>2109</td>
<td></td>
<td>MEADOW LARK</td>
<td>LN</td>
</tr>
<tr>
<td>27</td>
<td>32306500070400000</td>
<td>JUAREZ LORENZO</td>
<td>2112</td>
<td></td>
<td>MEADOW LARK</td>
<td>LN</td>
</tr>
<tr>
<td>28</td>
<td>32306500070360000</td>
<td>ROMAN ERNESTO &amp; CRUZ ROMAN</td>
<td>2128</td>
<td></td>
<td>MEADOW LARK</td>
<td>LN</td>
</tr>
<tr>
<td>29</td>
<td>32306500080300000</td>
<td>BRETH FUJI S</td>
<td>2109</td>
<td></td>
<td>MEADOW GLEN</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>32306500070070000</td>
<td>SERNA JUAN A &amp; JUANA</td>
<td>2100</td>
<td></td>
<td>MEADOW LARK</td>
<td>LN</td>
</tr>
<tr>
<td>31</td>
<td>32306500080330000</td>
<td>HALE ROBERT E JR &amp;</td>
<td>2121</td>
<td></td>
<td>MEADOW GLEN</td>
<td></td>
</tr>
</tbody>
</table>
To whom it may concern,

As the owner of 2113 Meadow Dale, I am trying to get permission from the City of Irving to be able to build a carport in our driveway. When we bought the house, it already had the garage turned into a room. We currently have 4 cars, 3 of them have hail damage and we have already claimed the damages with the insurance twice. One of the cars, we recently bought it since the previous car had way too many hails damage to be able to fix it. With the insurance prices going up, including the deductible, we believe the best route would be building the carport to be able to keep our cars safe when we are at home.

We have noticed a few carports already in the Meadows, two of them build in the last two years. We are aware of the certain requirements needed to get approved and are more than willing to comply, we just want to keep our cars safe since hailing in Texas has increased over the years and be able to keep the insurance prices from going up more.

As of right now we are still considering the material, but we are thinking of doing wood or metal. For measurements, we are leaving 11ft from the sidewalk before the carport begins, the carport would be 21ft long and 18ft of width.

Thank you for your time and consideration.

Regards,

Felipe Nevarez
PUBLIC COMMENT FORM: 2024-159-ZC  
(2113 Meadow Dr.)  
(Please type or use black ink)

Planning Department  
PO Box 152288  
Irving, Texas 75015-2288

I am ✔️ FOR the requested zoning as explained on the attached public notice for Zoning Case #2024-159-ZC.

I am ☐ AGAINST the requested zoning as explained on the attached public notice for Zoning Case #2024-159-ZC.

Date, Location & Time of:  
PLANNING & ZONING COMMISSION MEETING:  
Monday, June 3, 2024, 7 p.m.  
City Hall, 825 W. Irving Blvd., Irving, Texas

CITY COUNCIL MEETING:  
Thursday, June 13, 2024, 7 p.m.  
City Hall, 825 W. Irving Blvd., Irving, Texas

Name: Michelle Lindsey  
Address: 2117 Meadow Dale  
Irving, TX 75060

Tax Account (DCAD) Number (if shown on enclosed map): 32306500070300000

Signature: Michelle Lindsey

Date: 07/24

Phone (optional): 214-500-0630

Please provide comments explaining the reasons for your support or opposition:

I have no issues with building a car part next door.

JG
2.4.8 Single-family Residential 6 (R-6).

In a R-6 single-family district no land shall be used and no building shall be erected for or converted to any use other than:

a) **Principal uses:** The following uses shall be permitted as principal uses:
   1) Single-family detached dwellings.
   2) Public and non-profit institutions of an educational, religious or cultural type excluding corrective institutions and hospitals.
   3) Governmental buildings and uses.
   4) Public utility uses required to service the district.
   5) Public and private noncommercial recreational areas and facilities such as public parks, country clubs and golf courses, excluding miniature golf courses and driving ranges.
   6) Temporary buildings when they are to be used only for construction purposes or as a field office within a subdivision approved by the city for the sale of the real estate of that subdivision only. Such temporary construction buildings shall be removed immediately upon completion or abandonment of construction and such field office shall be removed immediately upon occupancy of ninety-five (95) percent of the lots in the subdivision.
   7) Customary home occupation, provided that no person other than a member of the family of the owner or user of the principal single-family dwellings, shall be employed or work in or at such home occupation.
   8) Garage sales if conducted pursuant and in conformity with all other applicable ordinances of the City of Irving.

b) **Accessory uses:** The following uses shall be permitted as accessory uses to a single-family detached dwelling provided that none shall be a source of income to the owner or user of the principal single-family dwellings.
   1) Private garage.
   2) Guest and servant's quarters may be permitted as an accessory use to a residential dwelling upon such accessory use being approved as an S-P-1 site plan district under section 2.7.3 of this ordinance.
   3) Private swimming pool.
   4) When any of the foregoing permitted accessory uses are detached from the principal single-family dwelling, said use shall be located not less than forty-five (45) feet from the front lot line nor less than twenty (20) feet from any street right-of-way.

c) **Parking regulations:** Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.

d) **Area regulations:** The following minimum requirements shall be required:
   1) Depth of front yard: 25 feet
2.4.8 Single-family Residential 6 (R-6)

- Depth of rear yard: 20 feet
- Width of side yard: 5 feet
- Width of lot: 50 feet
- Depth of lot: 100 feet
- Land area per dwelling unit: 6,000 square feet
- Only one (1) single-family detached dwelling shall be permitted on each lot or lot of record as the case may be.

**e) Height and area regulations:** The following maximum height and area regulations shall be observed:

1. Height of principal structure: 2 stories or 25 feet
2. Lot coverage by principal building: 40 percent of total lot area
Zoning Case 2024-159-ZC

- 2113 Meadow Dr.
- **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
- **Staff Finding**: No unnecessary hardship
- **P&Z Recommendation**: Approval 6-2
- **Public Comment Forms**: One (1) in support; none opposed
Surrounding Properties with Carports
Zoning Case #2024-159-ZC
2113 Meadow Dr.

Legend
- ROADS
- Surrounding Carport
- Parcels
- Subject Property

Date Saved 06/03/2024 2:00 PM

Geographic Information Systems (GIS) Disclaimer/Limitation of Liability:

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries and other geographic features. All data, specifically including the geographic data herein are provided "as is" without warranty of any kind, either expressed or implied. Use of the information is the sole responsibility of the user.

Names: (2023-159-ZC) Carports in the Surrounding Area
Standard | Required | Provided
--- | --- | ---
Established Front Yard Setback (Sec. 8.4.2) | 30 feet | 12.5 feet (17.5-foot variance)
Subject Property
South of Subject Property
West of Subject Property
East of Subject Property
Established Front Yard Setback (Sec. 8.4.2)

<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>12.5 feet (17.5-foot variance)</td>
</tr>
</tbody>
</table>
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>Minimum Front Yard Landscape Buffer along Wingren Road</td>
<td>15 feet</td>
<td>10 feet (- 5-foot variance)</td>
</tr>
<tr>
<td>(2.3.4(e)(2)(a))</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Rear Yard Setback</td>
<td>30 feet</td>
<td>10 feet (- 20-foot variance)</td>
</tr>
<tr>
<td>(2.3.4(f)(1))</td>
<td></td>
<td></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.

**ADDITIONAL COMMENTS:**

**Contract Required:**

**Review Completed By:**

**Previous Action:**

**Council Action:**

**Discretionary Contract Disclosure Form Required:**

**Certificate of Interested Parties (Form 1295) Required:**

**TGC 2271 Verification Form Required:**

**TGC 2274 Verification Form Required:**

**ATTACHMENTS:**
• Exhibit A: Legal Description (PDF)
• Exhibit B: Site Plan (PDF)
• Vicinity Map (PDF)
• Aerial Map (PDF)
• Future Land Use Map (PDF)
• Surrounding Zoning Map (PDF)
• Property Owner Notification Map (PDF)
• Property Owner Notification List (PDF)
• Illustrative Plans (PDF)
• Letter of Intent (PDF)
• Sec. 2.5.7 - Community Commercial (C-C) District Regulations (PDF)
• Sec. 2.3.4 - State Highway 183 Overlay (setbacks) (PDF)
• Council Presentation (PDF)

CURRENT YEAR FINANCIAL IMPACT:

NONE

REVISION INFORMATION:

Prepared: 5/29/2024 12:59 PM by Kenneth Bloom
Last Updated: 6/4/2024 05:01 PM by Kenneth Bloom
ORDINANCE NO. (ID # 14710)

ZONING CASE NO. 2024-160-ZC
ZONING CLASSIFICATION – S-P-2

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF IRVING, TEXAS NO 2020-10370 BY REZONING A TRACT OF LAND OUT OF THE SBT ADDITION, LOCATED AT 215 E. AIRPORT FREEWAY FROM S-P-2 (C-C) “GENERALIZED SITE PLAN – COMMUNITY COMMERCIAL” AND SENIOR INDEPENDENT LIVING, ASSISTED LIVING, NURSING HOMES USES AND STATE HIGHWAY 183 OVERLAY DISTRICT TO S-P-2 (C-C) “GENERALIZED SITE PLAN- COMMUNITY COMMERCIAL” AND SENIOR INDEPENDENT LIVING, ASSISTED LIVING, NURSING HOMES USES AND STATE HIGHWAY 183 OVERLAY DISTRICT; PROVIDING FOR SPECIAL CONDITIONS AND REGULATIONS RELATIVE TO LAND USE; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR CONFLICT RESOLUTION, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY, AND AN EFFECTIVE DATE.

WHEREAS, after proper notice and public hearing the Planning and Zoning Commission considered the zoning amendment and recommended denial on June 3, 2024; and

WHEREAS, after proper notice and public hearing, and upon consideration of the recommendation of the Planning and Zoning Commission and of all testimony and information submitted during the public hearing, the City Council has determined that the zoning change is in accordance with the comprehensive plan, complies with all legal requirements, is in the best interest of the public, and is for the purpose of promoting the health, safety, morals, and general welfare of the citizens and protecting and preserving places and areas of historical, cultural, or architectural importance and significance; and

WHEREAS, among other things, the City Council considered the following factors: safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site; safety from fire hazards, and measures of fire control; protection of adjacent property from flood or water damage; noise producing elements; glare of vehicular and stationary lights and effect of such lights on established character of the neighborhood; street size and adequacy of pavement width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood; adequacy of parking, as determined by requirements of this ordinance for off-street parking facilities, location on ingress/egress points for parking and off-street loading spaces, and protection of public health by surfacing on all parking areas to control dust; and such other measures as will secure and protect public health, safety, morals, and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION 1. That the Irving City Council hereby approves Zoning Case 2024-160-ZC, changing the zoning classification of certain property located at 215 E. Airport Freeway, described in Exhibit A attached hereto, 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 to S-P-2 (C-C) “Generalized Site Plan – Community Commercial” and Senior Independent Living, Assisted Living, Nursing Home Uses and State Highway 183 Overlay.
SECTION 2. That the change approved in Section 1 is granted subject to the following:

a) That development and use shall be in conformance with Exhibit B: Site Plan attached hereto and made a part hereof for all purposes, which reflects a deviation from the requirements of Section 2.5.7 of the City of Irving Unified Development Code (Community Commercial) and Section 2.3.4 the City of Irving Unified Development Code (State Highway 183 Overlay) as follows:

i) A decrease to the minimum front yard setback along Wingren Road by establishing a minimum setback of 10 feet.

ii) A decrease to the minimum rear yard setback by establishing a minimum setback of 10 feet.

b) That development and use shall be in conformance with all applicable laws, ordinances, and regulations.

c) That a true and correct copy of the site plan attached hereto shall be retained by the Department of Planning of the City of Irving.

SECTION 3. That the official zoning map of the City of Irving be changed to reflect the zoning classification established by this Ordinance.

SECTION 4. That this ordinance shall be cumulative of all other ordinances of the City of Irving affecting zoning and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are inconsistent or in direct conflict with the provisions of this ordinance.

SECTION 5. That should any paragraph, sentence, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal, or unconstitutional, and shall not affect the validity of the comprehensive zoning ordinance as a whole.

SECTION 6. That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 7. That any person violating or failing to comply with any provisions of this ordinance shall be fined, upon conviction, not less than one dollar ($1.00) nor more than two thousand dollars ($2,000.00), and each day any violation or noncompliance continues shall constitute a separate offense.

SECTION 8. That this ordinance shall take effect immediately upon its passage.
EXHIBIT A: LEGAL DESCRIPTION

ZONING CASE #2024-160-ZC

Part of Lot 2, Block A, SBT Addition Volume 93231, PG. 4204 D.R.D.C.T.
City of Irving Instrument No. 20080203073  O.P.R.D.C.T
215 E. Airport Freeway, LLC  Inst. No. 201900201327  O.P.R.D.C.T.

Being a 5.031 acre (219,140 square feet) track of land situated in the M. L. Swing Survey,
Abstract Number 1395, and the William Irby Survey, Abstract Number 667, In the City of
Irving, Dallas County, Texas, recorded in volume 93231, Page 4204, Deed Records of
Dallas County, Texas.
All uses permitted by Chapter 2.5.7 C-C "Community Commercial" district and Chapter 2.3.4 "State Highway 183 Overlay District" of the Unified Development Code will be allowed and all requirements of chapter 2.5.7 and 2.3.4 applicable requirements of the Uniform Development Code and any other applicable requirements of the Unified Development Code will be complied with except:

c. Minimum front yard setback along Wingren Rd. of 10 feet.
d. Minimum rear yard setback of 10 feet.

1. Automatic Gates crossing Fire Department access roads shall be equipped with an approved infrared detection system (Opticom) which is also GPS compatible.

2. Automatic and Manual Gates crossing Fire Department access roads shall be equipped with manual means of emergency access using a light duty chain or knoxpadlock.

3. Cottages over 6000 sq.ft. shall be equipped with an automatic sprinkler system.

4. All proposed fences walls shall be located outside of the existing Sight Easement.

5. Detention may be required on this site. One or more proposed cottages may be needed for detention location.

6. "Concrete Fence" should not be shown in public utility easements.

EXHIBIT B: SITE PLAN
2024-160-ZC
S-P-2 (C-C) AND SENIOR ASSISTED AND NURSING USES.
215 E. AIRPORT FREEWAY.
City of Irving
Future Land Use Map
Zoning Case
No: 2024-160-ZC

Date: Wednesday, May 15, 2024

Geographic Information Systems (GIS) Disclaimer/Limitation of Liability:
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries and other geographic features. All data, specifically including the geographic data herein are provided "as is" without warranty of any kind, either expressed or implied. Use of the information is the sole responsibility of the user.
Geographic Information Systems (GIS) Disclaimer/Limitation of Liability:
This product is for informational purposes and may not have been prepared for use in legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries and other geographic features. All data, specifically including the geographic data herein are provided "as is" without warranty of any kind, either expressed or implied. Use of the information is the sole responsibility of the user.

City of Irving
Surrounding Zoning Map
Zoning Case
No: 2024-160-ZC

Date: Wednesday, May 15, 2024

1:2,400

Packet Pg. 446

Attachment: Surrounding Zoning Map (14710:56-2024-160-ZC)
City of Irving
Notification Map
Zoning Case
No: 2024-160-ZC
<table>
<thead>
<tr>
<th>ID</th>
<th>DCAD_ID</th>
<th>OWNER NAME</th>
<th>ST NUM</th>
<th>ST DIR</th>
<th>ST NAME</th>
<th>ST SUFFIX</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>32329500020090000</td>
<td>GEORGE BUEAL DON &amp; DIXIE O</td>
<td>135</td>
<td>E</td>
<td>HOLLAND</td>
<td>DR</td>
</tr>
<tr>
<td>2</td>
<td>32329500020070000</td>
<td>TYLOCK GARY R</td>
<td>140</td>
<td>E</td>
<td>IRELAND</td>
<td>DR</td>
</tr>
<tr>
<td>3</td>
<td>323295000100102000</td>
<td>IRVING CITY OF</td>
<td>129</td>
<td>E</td>
<td>AIRPORT</td>
<td>FWY</td>
</tr>
<tr>
<td>4</td>
<td>65066751210010000</td>
<td>KECHEJIAN ENTERPRISES LP</td>
<td>205</td>
<td>E</td>
<td>AIRPORT</td>
<td>FWY</td>
</tr>
<tr>
<td>5</td>
<td>324615500A00200000</td>
<td>215 RST PROPERTIES LLC</td>
<td>215</td>
<td>E</td>
<td>AIRPORT</td>
<td>FWY</td>
</tr>
<tr>
<td>6</td>
<td>65066751210020000</td>
<td>WINGREN VILLAGE L P</td>
<td>2400</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>32329500010060000</td>
<td>HERRERA ARTURO</td>
<td>142</td>
<td>E</td>
<td>HOLLAND</td>
<td>DR</td>
</tr>
<tr>
<td>8</td>
<td>32329500020080000</td>
<td>ANTUNEZ JOSE ANDRES &amp; AURORA</td>
<td>143</td>
<td>E</td>
<td>HOLLAND</td>
<td>DR</td>
</tr>
<tr>
<td>9</td>
<td>324615500A00100000</td>
<td>K SERIES II LLC</td>
<td>315</td>
<td>E</td>
<td>AIRPORT</td>
<td>FWY</td>
</tr>
<tr>
<td>10</td>
<td>323295000100500000</td>
<td>OSTEEN DAVID C</td>
<td>134</td>
<td>E</td>
<td>HOLLAND</td>
<td>DR</td>
</tr>
<tr>
<td>11</td>
<td>323295000100105000</td>
<td>IRVING CITY OF</td>
<td>2205</td>
<td></td>
<td>WINGREN</td>
<td>RD</td>
</tr>
<tr>
<td>12</td>
<td>32329500020060000</td>
<td>HARRISON CHARLES</td>
<td>132</td>
<td>E</td>
<td>IRELAND</td>
<td>DR</td>
</tr>
<tr>
<td>13</td>
<td></td>
<td>Irving ISD</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td></td>
<td>Irving ISD</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td></td>
<td>NICHOLS PARK NHA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
May 20/2024

New Senior Living project – Surti Patidar Village (SPV). Location: 215 E. Airport Freeway, Irving, Texas-75039
Attention: PLANNING COMMISSION.

REQUEST FOR Re-ZONING VARIANCE SETBACK REQUEST: LETTER OF INTENT.
Zoning Case Number: 2024-160-ZC - Senior Assisted & Nursing Uses.

Dear Sir/Madame,

It has been an absolute pleasure working with the Planning Department at City of IRVING. Thank you for considering our project for schematic site plan acceptance. In our Generalized site plan layout, you will see all the required high-level info. that we feel express our intent to develop this high-end Senior Living residential development in the City of Irving.

Thank you all for your valuable time to review our project.

Pankaj R. Patel - AIA
Principal Architect; Registered Architect, member of the American Institute of Architects
President

PRP Architects under
PRP arq Corporation
2600 Ventura Drive, Suite 1334,
Plano, Texas – 75093
972-900-3104
ppatel2030@gmail.com
www.prparq.com
The following project narrative for 26 senior independent living residences + 5 story Senior independent Living complex with 57 Units development:

1. GENERAL:
   1.1 New 26 units senior independent living semi-detached development + 5 story Building with 57 Units with elaborate ground floor common amenities for senior living.
   1.2 Site area is 5.031 Acres or 219,140 s.f
   1.3 Current zoning is “C-C (Community Commercial) district”
   1.4 Property address: **215 E. Airport Freeway, Irving, Texas-75039**.
   1.5 As per our discussion with Pre-Development Meeting, the City officials are very happy to see senior living development.
   1.6 We think this new proposed development would be a nice compact - ultra modern development will attract 55 + (Plus) year old seniors to enjoy their golden years. This new development will have a good demographic balance and enhance this area a quiet gated private safe seniors happening area.

2. ARCHITECTURAL:
   2.1 The project is being developed based on ADA requirements for seniors.
   2.2 Reference were used from the City of Frisco Zoning Ordinance - permitted uses by SEC. 52-20 C-C (Community Commercial) District and 52-64D (State highway 183 Overlay District) of zoning ordinance No. 1144.
   2.3 Senior Independent Living is a Permitted use for this development.
   2.4 Sub-section 2.06.04 – Residential District Development Standards have been used for Setbacks etc. Standards for this project. Setbacks are used based on Min. 7000 s.f lot for SF-7.
   2.5 Each cottage is 1 story or 2 stories maximum with front entry and front one car garage.
   2.6 All Cottages will have 2 bedrooms and Senior living 5 story complex will have 52 units with 2 bedrooms and 5 units will have 1 Bedroom.
   2.7 This project will be developed based on City of Irving’s Unified Development Code (UDC).
   2.8 There is a provision for open green spaces with common community open spaces including Benches & BBQ + play/Yoga areas.
2.9 - See below anticipated look of residence designs:

1. Image 1 - Sample exterior look.
3.0 Variance request:

3.1 North side property setback 10’ in lieu of required 20’ from property line. This gives us additional interior space for better movement in the entire unit meeting ADA requirements.

3.2 West side property setback 10’ in lieu of required 20’ from property line. This gives us additional interior space for better movement in the entire unit meeting ADA requirements.

I hope that this proposal and variance request is acceptable to the Planning Department. Please review and advise of any question/concern.

Sincerely,

Pankaj R. Patel - AIA  
Principal Architect; Registered Architect, member of the American Institute of Architects  
President

PRP Architects under  
PRP ARQ Corporation  
3 Colonial Court, Frisco. Texas – 75034  
972-900-3104  
ppatel2030@gmail.com  
www.prparq.com
2.5.7 Community Commercial (C-C).

In a C-C community commercial district no land shall be used and no building shall be erected or converted to any use other than:

a) **Principal uses:** The following uses shall be permitted as principal uses subject to the limitations indicated:

1) Any use permitted in a P-O professional office district or C-N neighborhood commercial district subject to the regulations of this district.

2) Ambulance service.

3) Hospital.

4) Automobile repair garage.

5) Mortuary and funeral home.

6) Motion picture theater within an enclosed building.

7) Office building.

8) Public storage garages.

9) Taxi dispatch office.

10) Wholesale office and business completely within an enclosed building, but excluding warehouse storage.

11) Any commercial business or service not included in any of the foregoing districts, excluding hotel/motel operations, provided that such uses shall be completely enclosed within an enclosed building and are not noxious or offensive by reason of the emission of odor, dust, gas fumes, noise or vibration, and provided that no warehousing or manufacturing or treatment of products or equipment shall be permitted, except such as is clearly incidental to the conduct of a permitted use.

12) Hookah lounge.

13) Event center/rental hall. CUP required when within five hundred (500) feet of an "R" single-family district, measured property line to property line and/or the total square footage of the space is greater than two thousand (2,000) square feet.

14) Amusement, indoor. CUP required when within five hundred (500) feet of an "R" single-family district, measured property line to property line.

15) Recreation, indoor.

16) Nightclub/dance hall. CUP required when within five hundred (500) feet of an "R" single-family district, measured property line to property line.

17) Theater/concert hall. CUP required for seating greater than 2,500.

18) Sport shooting range, indoor. By CUP only.

b) **Accessory uses:** The following uses shall be permitted as accessory uses:
2.5.7 Community Commercial (C-C).

1) Private garage.
2) Swimming pool no nearer than one hundred twenty (120) feet to any principal building used for single-family residence within an R-40, R-15, R-10, R-7.5, or R-6 district.
3) Mechanical equipment no nearer than one hundred twenty (120) feet to any principal building used for single-family residence within an R-40, R-15, R-10, R-7.5, or R-6 district.
4) Garbage storage no nearer than thirty (30) feet to a developed lot in an R-40, R-15, R-10, R-7.5, or R-6 district used as a single-family dwelling.
5) Provisions for the parking of automobiles provided that such provisions within sixty (60) feet of a developed lot in an "R" district shall be separated from said lot by a blind fence or wall at least six (6) feet high.

c) Parking regulations: Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.

d) Area regulations: The following minimum requirements shall be required:
   1) Depth of the front yard: none
   2) Depth of rear yard: none, where no windows or other openings for light face the rear yard or rear lot line. In all other cases, one of the following, whichever is least: 5 feet plus the building height at that point; or one-half the length of the side of the building at that point.
   3) Width of side yard: none, where no windows or other openings for light face the side yard or side lot line. In all other cases, one of the following, whichever is least: 5 feet plus the building height at that point; or one-half the length of the side of the building at that point. (see Section 8.4.1, Corner Lots, as applicable)
   4) Width of lot: 80 feet
   5) Depth of lot: 80 feet
   6) Distance between detached buildings: 10 feet, where no windows or other openings for light face upon the space between buildings. In all other cases, one of the following, whichever is least: 10 feet plus the sum of the two (2) building heights at those points which establish the distance between; or one-half the smallest building side forming space between.

e) Height and area regulations: The following maximum height and area regulations shall be observed:
   1) Height of structure: one-half shortest distance between the structure and the nearest developed lot in an R-40, R-15, R-10, R-7.5, R-6 or A district used as a single-family residence.
   2) Lot coverage by buildings: 50 percent
   3) Lot coverage by buildings, driveways and parking spaces: 100 percent

(Ord. No. 2023-10734, § 2, 4-20-23; Ord. No. 2023-10760, § 3, 6-8-23)
2.3.4 State Highway 183 Overlay.

a) **Description.** The State Highway 183 overlay district is a zoning district that regulates land uses and development standards within the State Highway 183 corridor.

b) **Purpose.** The purpose of the State Highway 183 overlay district is to guide new development and redevelopment along the State Highway 183 corridor by designating permitted uses and establishing enhanced standards for the design, appearance, and placement of buildings and other site improvements, landscaping, signs, utilities, lighting, fences, and screening.

e) **Required standards for new development.**

1) **Applicability.**

   a. **New construction.** The standards established by this subsection 2.3.4(e) shall apply to all newly constructed nonresidential structures and all new nonresidential development within the boundaries of the State Highway 183 overlay district.

2) **Landscaping.**

   a. **Landscaped buffer.** A thirty-foot-wide landscaping buffer shall be required along any property line adjacent to the right-of-way of State Highway 183, Loop 12, State Highway 114, Spur 482, or State Highway 161, and a fifteen-foot-wide landscaping buffer shall be required along any property line adjacent to any other thoroughfare.
f) **Residential adjacency/protection.** All new development and redevelopment under this section that abuts or is adjacent to any residential use (other than residential use within a mixed-use or transit oriented development, or a residential use accessory to a nonresidential use) shall provide for the protection of the adjacent residential uses by complying with the following regulations.

1) **Setback from adjacent residential for buildings up to twenty (20) feet high:** 30 feet

![Setback Diagram 1](image)

2) **Setback from adjacent residential for buildings over twenty (20) feet high:** 30 feet plus 3 feet for each additional 1 foot in height with a maximum of 60 feet

![Setback Diagram 2](image)
Zoning Case 2024-160-ZC

• 215 E. Airport Fwy.

• **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

• **To:** S-P-2 (C-C) “Generalized Site Plan – Community Commercial” and Senior Independent Living, Assisted Living, Nursing Home Uses and State Highway 183 Overlay with **variances to the minimum front yard setback along Wingren Rd. and the minimum rear yard setback**

• **Staff Finding:** No unnecessary hardship

• **P&Z Recommendation:** Vote to approve tied 4-4; therefore, recommendation is for **denial**

• **Public Comment Forms:** None in support or in opposition
City of Irving
Surrounding Zoning Map
Zoning Case
No: 2024-160-ZC

Date: Wednesday, May 15, 2024

Geographic Information Systems (GIS) Disclaimer/Limitation of Liability:
This product is for informational purposes and may not have been prepared for
or be suitable for legal, engineering, or surveying purposes. It does not represent
an on-the-ground survey and represents only the approximate relative location
of property boundaries and other geographic features. All data, specifically including
the geographic data herein, are provided "as is" without warranty of any kind, either
expressed or implied. Use of this information is the sole responsibility of the user.
Standards | Required | Provided |
---|---|---|
Minimum Front Yard Landscape Buffer along Wingren Road (2.3.4(e)(2)(a)) | 15 feet | 10 feet ( - 5-foot variance) |
Minimum Rear Yard Setback (2.3.4(f)(1)) | 30 feet | 10 feet ( - 20-foot-variance) |
Illustrative Plan only – not for approval
Subject Property
Subject Property from Wingren Rd.
South of Subject Property
North of Subject Property
West of Subject Property
<table>
<thead>
<tr>
<th>Standards</th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Front Yard Landscape Buffer along Wingren Road</td>
<td>15 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>(2.3.4(e)(2)(a)</td>
<td></td>
<td>( - 5-foot variance)</td>
</tr>
<tr>
<td>Minimum Rear Yard Setback</td>
<td>30 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>(2.3.4(f)(1))</td>
<td></td>
<td>( - 20-foot variance)</td>
</tr>
</tbody>
</table>
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

**ADDITIONAL COMMENTS:**

<table>
<thead>
<tr>
<th>Contract Required:</th>
<th>Review Completed By:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Previous Action:</td>
<td>Council Action:</td>
</tr>
<tr>
<td>Discretionary Contract Disclosure Form Required:</td>
<td></td>
</tr>
</tbody>
</table>

**Certificate of Interested Parties (Form 1295) Required:**

**TGC 2271 Verification Form Required:**

**TGC 2274 Verification Form Required:**

**ATTACHMENTS:**

- Council Presentation (PDF)

**CURRENT YEAR FINANCIAL IMPACT:**

NONE

**REVISION INFORMATION:**

Prepared: 4/1/2024 11:59 AM by Jocelyn Murphy
Last Updated: 6/6/2024 11:48 AM by Kenneth Bloom
AN ORDINANCE AMENDING PART II OF THE CITY OF IRVING LAND DEVELOPMENT CODE, “UNIFIED DEVELOPMENT CODE (UDC)” TO AMEND SECTION 2.5.2 “NON-RESIDENTIAL LAND USE TABLE” TO ADD “DATA CENTER”; AMENDING THE FOLLOWING SECTIONS TO IDENTIFY “DATA CENTER” AS AN ALLOWED PRINCIPAL USE: 2.5.11 C-W “COMMERCIAL WAREHOUSE”, 2.5.13 ML-20 “LIGHT INDUSTRIAL 20”, 2.5.14 ML-20A “LIGHT INDUSTRIAL 20A”, 2.5.15 ML-40 “LIGHT INDUSTRIAL 40”, 2.5.16 ML-120 “LIGHT INDUSTRIAL 120” AND 2.5.17 C-P “COMMERCIAL PARK”; AMENDING THE FOLLOWING SECTIONS TO IDENTIFY “DATA CENTER” AS AN ALLOWED ACCESSORY USE: 2.5.4 P-O “PROFESSIONAL OFFICE”, 2.5.5 C-O “COMMERCIAL OFFICE”, 2.5.6 C-N “NEIGHBORHOOD COMMERCIAL”, 2.5.7 C-C “COMMUNITY COMMERCIAL” AND 2.5.12 FWY “FREEWAY”; ADDING SECTION 3.20 “DATA CENTER STANDARDS” TO ESTABLISH MINIMUM PERFORMANCE STANDARDS; AMENDING SECTION 4.4 “PARKING AND LOADING” TO ESTABLISH A MINIMUM PARKING REQUIREMENT; AMENDING SECTION 9.3 “DEFINITIONS” TO ADD DEFINITIONS FOR “DATA CENTER – PRINCIPAL USE” AND “DATA CENTER – ACCESSORY USE”; PROVIDING FOR CONFLICT RESOLUTION, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY, AND AN EFFECTIVE DATE.

WHEREAS, “Data Centers” are a rapidly growing use currently undefined in the Unified Development Code; and

WHEREAS, it is necessary to define and clarify the appropriate locations and development standards for a “Data Center” in order to ensure such businesses are operated with reasonable safeguards in place for the community; and

WHEREAS, on February 22, 2024, the Irving City Council Planning and Development Committee received a presentation from staff regarding issues with Data Centers, and directed staff to begin drafting appropriate regulations; and

WHEREAS, on March 4, 2024, the Irving Planning and Zoning Commission received a presentation from staff regarding issues with Data Centers and discussed possible development standards; and

WHEREAS, on May 2, 2024, the Irving City Council Planning and Development Committee reviewed a draft of the proposed amendments, expressed support thereof, and provided additional feedback; and

WHEREAS, on June 3, 2024, after notice and public hearing, the Planning and Zoning Commission considered the proposed amendments and was postponed to June 18, 2024; and

WHEREAS, after notice and public hearing, and upon consideration of the recommendation of the Planning and Zoning Commission and of all testimony and information submitted during the public hearing, the City Council has determined that it is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens that the zoning ordinance be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:
SECTION 1: That Section 2.5.2 “Non-Residential Land Use Table” of Chapter 2 “Zoning districts, uses, and standards” of the City of Irving Unified Development Code is amended to add the following and the table shall be adjusted accordingly.

Under the “Light Industrial uses” subsection, add “Data Center” in alphabetical order and add a “P” to the chart under the C-W, ML-20, ML-20a, ML-40, ML-120 and C-P columns to indicate the use is allowed in the districts. In the column for Development Standards, add “3.20”.

Under the “Accessory Uses” subsection, add “Data Center” in alphabetical order and add a “P” to the chart under the P-O, C-O, C-N, C-C, and FWY columns to indicate the use is allowed as an accessory use in the districts. In the column for Development Standards, add “3.20”.

SECTION 2: That Section 2.5.11 “Commercial Warehouse (C-W)” of Section 2.5 “Non-Residential Districts” of Chapter 2 “Zoning districts, uses, and standards” of the City of Irving Unified Development Code is amended to add 2.5.11(a)(11) as follows:

2.5.11 Commercial Warehouse (C-W)
   a) Principal uses. The following uses shall be permitted as principal uses:
      11. Data Center, subject to compliance with Section 3.20

SECTION 3: That Section 2.5.13 “Light Industrial 20 (ML-20)” of Section 2.5 “Non-Residential Districts” of Chapter 2 “Zoning districts, uses, and standards” of the City of Irving Unified Development Code is amended to add 2.5.13(a)(13) as follows:

2.5.13 Light Industrial 20 (ML-20)
   a) Principal uses. The following uses shall be permitted as principal uses:
      13. Data Center, subject to compliance with Section 3.20

SECTION 4: That Section 2.5.14 “Light Industrial 20a (ML-20a)” of Section 2.5 “Non-Residential Districts” of Chapter 2 “Zoning districts, uses, and standards” of the City of Irving Unified Development Code is amended to add 2.5.14(a)(13) as follows:

2.5.14 Light Industrial 20a (ML-20a)
   a) Principal uses. The following uses shall be permitted as principal uses:
      13. Data Center, subject to compliance with Section 3.20

SECTION 5: That Section 2.5.15 “Light Industrial 40 (ML-40)” of Section 2.5 “Non-Residential Districts” of Chapter 2 “Zoning districts, uses, and standards” of the City of Irving Unified Development Code is amended to add 2.5.15(a)(11) as follows:

2.5.15 Light Industrial 40 (ML-40)
   a) Principal uses. The following uses shall be permitted as principal uses:
      11. Data Center, subject to compliance with Section 3.20

SECTION 6: That Section 2.5.16 “Light Industrial 120 (ML-120)” of Section 2.5 “Non-Residential Districts” of Chapter 2 “Zoning districts, uses, and standards” of the City of Irving Unified Development Code is amended to add 2.5.16(a)(11) as follows:

2.5.16 Light Industrial 120 (ML-120)
   a) Principal uses. The following uses shall be permitted as principal uses:
11. Data Center, subject to compliance with Section 3.20

SECTION 7: That Section 2.5.17 “Commercial Park (C-P)” of Section 2.5 “Non-Residential Districts” of Chapter 2 “Zoning districts, uses, and standards” of the City of Irving Unified Development Code is amended to add 2.5.17(a)(14) as follows:

2.5.17 Commercial Park (C-P)
   a) Principal uses. The following uses shall be permitted as principal uses:
      14. Data Center, subject to compliance with Section 3.20

SECTION 8: That Section 2.5.4 “Professional Office (P-O)” of Section 2.5 “Non-Residential Districts” of Chapter 2 “Zoning districts, uses, and standards” of the City of Irving Unified Development Code is amended to add 2.5.4(b)(4) as follows:

2.5.4 Professional Office (P-O)
   b) Accessory uses. The following uses shall be permitted as accessory uses, provided that such use shall be located not less than twenty (20) feet from any street right-of-way:
      4) Data Center, subject to compliance with Section 3.20

SECTION 9: That Section 2.5.5 “Commercial Office (C-O)” of Section 2.5 “Non-Residential Districts” of Chapter 2 “Zoning districts, uses, and standards” of the City of Irving Unified Development Code is amended to add 2.5.5(b)(6) as follows:

2.5.5 Commercial Office (C-O)
   b) Accessory uses. The following uses shall be permitted as accessory uses, provided that such use shall be located not less than twenty (20) feet from any street right-of-way:
      6) Data Center, subject to compliance with Section 3.20

SECTION 10: That Section 2.5.6 “Neighborhood Commercial (C-N)” of Section 2.5 “Non-Residential Districts” of Chapter 2 “Zoning districts, uses, and standards” of the City of Irving Unified Development Code is amended to add 2.5.6(b)(5) as follows:

2.5.6 Neighborhood Commercial (C-N)
   b) Accessory uses. The following uses shall be permitted as accessory uses, provided that such use shall be located not less than twenty (20) feet from any street right-of-way:
      5) Data Center, subject to compliance with Section 3.20

SECTION 11: That Section 2.5.7 “Community Commercial (C-C)” of Section 2.5 “Non-Residential Districts” of Chapter 2 “Zoning districts, uses, and standards” of the City of Irving Unified Development Code is amended to add 2.5.7(b)(6) as follows:

2.5.7 Community Commercial (C-C)
   b) Accessory uses. The following uses shall be permitted as accessory uses:
      6) Data Center, subject to compliance with Section 3.20

SECTION 12: That Section 2.5.12 “Freeway (FWY)” of Section 2.5 “Non-Residential Districts” of Chapter 2 “Zoning districts, uses, and standards” of the City of Irving Unified Development Code is amended to add 2.5.12(b)(7) as follows:

2.5.12 Freeway (FWY)
b) **Accessory uses.** The following uses shall be permitted as accessory uses elsewhere than within a front yard and no nearer than thirty (30) feet to any street right-of-way, except as noted in subsection (5) below:

7) Data Center, subject to compliance with Section 3.20

SECTION 13: That Chapter 3 “Performance Standards for Selected Uses” of the City of Irving Unified Development Code is amended to add Section 3.20 as follows:

### 3.20 Data Center Standards

#### 3.20.1 Applicability

The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new data centers. For the purpose of this section, “residentially zoned property” shall be any property with a base zoning district of R-15, R-10, R-7.5, R-6, R-ZL, R-ZLa, R-3.5, R-SFA, R-TH, R-2.5, R-MF, R-MF-1, R-MF-2, or TOD.

#### 3.20.2 Minimum Standards – Principal Use

a) **Residential Adjacency.**

1. Minimum front building setback: 150 feet to nearest property line of residentially zoned property.

4. Ground-mounted equipment, including but not limited to generators, fuel tanks, cooling equipment, heat exchangers, universal power supply units, or any other outdoor equipment related to the functioning of a data center as a principal use shall be prohibited from being located in any of the following:

   a. Between a building wall and a public or private street; and
   
   b. Within 150 feet of any residentially zoned property
b) Screening: Ground-mounted Equipment

1. All ground-mounted equipment shall be fully screened by a masonry wall on all sides. Screening shall be one (1) foot taller than the height of the ground-mounted equipment, or ten (10) feet tall, whichever is greater. Perforation for ventilation is allowed, provided that the equipment remains fully visually screened.

2. Screening of ground-mounted equipment is not required from adjacent property zoned ML-20, ML-20a, ML-40, ML-120, or C-P, provided that the equipment is at least 300 feet from any residentially zoned property.

c) Screening: Rooftop Equipment

1. All rooftop equipment shall be fully screened on all sides by an opaque wall. Perforation for ventilation is allowed, provided that the equipment remains fully visually screened.
2. Screening shall be one (1) foot taller than the height of the rooftop equipment or five (5) feet tall, whichever is greater.

d) Height

1. The maximum allowable height of any point of the building is measured between the setback from residentially zoned property and that point on the building.

2. Maximum height: 35 feet, if the building is 150 feet or less from residentially zoned property.

3. Height may be increased by one (1) foot for each one (1) additional foot of setback from residentially zoned property to a maximum height of 75 feet.

4. For the purposes of this section, maximum height shall be measured at top plate and shall exclude any parapets, rooftop screening or equipment.

e) Lighting

1. Concealment and shielding. Light sources shall be concealed or shielded with luminaries containing shielding, skirts, or cut-offs with a cutoff angle not exceeding ninety (90) degrees to minimize the potential for glare and unnecessary diffusion on adjacent property. For purposes of this requirement, the angle shall be measured using a line drawn from the direction of light rays at the light source or reflector, and a line perpendicular to the ground from the light source above from which no light is emitted.

2. Glare prohibited. Lighting shall not cast glare onto adjacent lots or streets in any way that decreases the safety of pedestrians and vehicles.

3. Maximum spillover. In no case shall exterior lighting add more than one (1) footcandle to illumination levels at any point off-site.

4. Uplighting. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.

5. Building-mounted fixtures. Building-mounted light fixtures shall be attached to walls, and the top fixture shall not be lower than ten (10) feet or higher.
than eighteen (18) feet above finished grade, except entry/exit lighting positioned above the entry/exit.

6. Security lighting. Any exterior lighting device (luminaire) designed for security lighting shall be protected by weather- and vandal-resistant covering, be a managed light source, and directed down to minimize glare and intrusiveness.

7. Height of fixtures. Freestanding light fixtures shall not exceed twenty (20) feet in height within fifty (50) feet of any residential zoning district, twenty-five (25) feet in height within fifty (50) to one hundred fifty (150) feet of any residential zoning district, and thirty-five (35) feet in all other locations. For the purposes of this requirement, height shall be measured from the top of a light fixture to the adjacent grade at the base of the support for that light fixture.

3.20.3 Minimum Standards – Accessory Use
   a) Size: Data centers used as an accessory use may not exceed 1,000 square feet.
   b) Maximum Height: 15 feet
   c) Location:
      1. May not be located in any required front, side or rear setback;
      2. May not be located between a principal building and a public or private street; and
      3. May not be located within 50 feet of residentially zoned property.
   d) Accessory equipment: Cooling systems, uninterrupted power supplies (UPSs), and other associated equipment shall be contained within the container or structure of the accessory data center and/or the principal building on the site. Any backup generators and fuel tanks shall comply with the setback and screening standards in Section 3.20.2(a) and Section 3.20.2(b).
   e) Screening: the accessory data center shall be fully screened on all sides by a solid masonry wall.
      1. The screening wall shall be a minimum height of one (1) foot taller than the data center structure.
      2. Perforation for ventilation is allowed, provided that it remains fully visually screened.

SECTION 14: That Section 4.4.3 “Off-Street Parking Requirements” of Section 4.4 “Parking and Loading” of Chapter 4 “Development and Performance Standards” of the City of Irving Unified Development Code is amended to add 4.4.3(c)(33) to read as follows:

4.4.3 Off Street Parking Requirements
   c) Number of parking spaces required: The minimum number of off-street parking spaces required shall be as follows:
      33. Data Center – Principal Use – One (1) for each three hundred (300) square feet of floor area used for office, meeting, training, or security personnel uses.
SECTION 15: That Section 9.3 “Definitions” of Chapter 9 of the City of Irving Unified Development Code is amended to add new definitions to read as follows. All definitions shall be renumbered to retain their alphabetical order.

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.

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.

SECTION 16. That this ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Irving, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION 17. Should any paragraph, sentence, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal, or unconstitutional, and shall not affect the validity of the comprehensive zoning ordinance as a whole.

SECTION 18. That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 19. That any person violating or failing to comply with any provisions of this ordinance shall be fined, upon conviction, not less than one dollar ($1.00) nor more than two thousand dollars ($2,000.00), and each day any violation or noncompliance continues shall constitute a separate offense.

SECTION 20. That this ordinance shall take effect upon adoption and shall be published in accordance with the provisions of the Texas Local Government Code and the Irving City Charter.
2024-187-UDC

Create Data Center Development Standards

• P&Z Recommendation: Postpone to Tuesday, June 18, 2024
• Staff Recommendation: Postpone to Thursday, June 27, 2024
“Data Centers” are a Unique Use

• No specific standards (other than standards for other warehouse or industrial uses)
• No residential adjacency protections
• No specific parking standard

Goal is to allow data centers “by right” in appropriate areas and with appropriate neighborhood protection

Source: BDCNetwork.com
Design Requirements for Modern Data Centers

- Physical security
- Chillers and cooling units
- Energy generators, fuel tanks, fuel cells, and energy storage
- Height:
  - 1-story: 25 to 27 feet
  - 2-story: 47 to 49 feet
- Increasing desire for multiple stories due to cost of infrastructure and land
Common Concerns with Data Centers

- Building Height
- Building Setbacks
- Noise
  - HVAC “humming”
  - Diesel backup generators (including activation for routine maintenance)
- Screening (on ground and on rooftop)
- Minimum Parking
- Landscaping
Proposed Amendments

1. Allowed as a Principal Use:
   - C-W, ML-20, ML-20a, ML-40-ML-120, and C-P
   - Subject to development standards (new Section 3.20.2)

2. Allowed as an Accessory Use:
   - P-O, C-O, C-N, C-C, and FWY
   - Subject to development standards (Section 3.20.3)
3. Create development standards *(principal use)*

- Residential Adjacency (all residential districts except R-40):
  - Front, Side and Rear Building Setbacks: 150 feet from residentially-zoned property lines
  - Setbacks for Ground-Mounted Equipment:
    - Not located between a building wall and a street
    - At least 150 feet from any residentially zoned property
- Screening for Ground-mounted equipment:
  - Minimum 1 foot taller than height of equipment or 10-ft. tall masonry wall (whichever is greater) on all sides (perforation for ventilation is allowed if fully visibly screened)
  - Not required if adjacent to property zoned ML-20, ML-20a, ML-40, ML-120, or C-P, provided that equipment is at least 300 feet from residentially zoned property
Proposed Amendments

3. Create development standards (principal use), cont.

• Screening for Rooftop Equipment:
  • Screened on all sides by an opaque wall (perforation for ventilation allowed)
  • Shall be at least 5 feet tall or the height of the rooftop equipment, whichever is greater

• Maximum Building Height:
  • 35 feet if \( \leq 150 \) feet from residentially zoned property
  • Height can increase by 1 foot for each additional 1-foot setback from residentially zoned property, to a maximum height of 75 feet
  • “Height” measured at the top plate line (e.g., excludes screening for rooftop equipment)
Proposed Amendments

3. Create development standards (principal use), cont.

- Lighting: Same as State Highway 183 Overlay District requirements
  - Lighting shielded/angled downward
  - Glare onto adjacent lots or streets prohibited
  - Maximum spillover: 1 footcandle
  - Uplighting must be a narrow cone and not extend beyond the illuminated object
  - Building-mounted fixtures: top of fixture shall be between 10 and 18 feet above finished grade, except for entry/exit lighting.

- Security lighting: weather-protected, be a managed light source, and be directed downward

- Maximum height of light poles:
  - 20 feet if < 50 feet from residentially zoned property
  - 25 feet if 50 to 150 feet from residentially zoned property
  - 35 feet if > 150 feet from residentially zoned property
Proposed Amendments

4. Create development standards (accessory use)

- Maximum size: 1,000 sq. ft.
- Maximum height: 15 feet
- Location/Placement: may not be located
  - In a required front, side or rear setback
  - Between a principal building and a street
  - Within 50 feet of residentially zoned property
- Supporting equipment (cooling systems, UPSs, etc.) shall be located in the structure and/or the principal building
  - If backup generators or fuel tanks are needed, these must comply with the same ground-mounted setback requirements as for Data Centers (Principal Use)
- Screening: Fully screened on all sides by a solid masonry wall
  - Minimum height: one (1) foot taller than the data center structure
Proposed Amendments

5. Parking

- 1 space per 300 sq. ft. of floor area used for office, meeting, training, or security personnel uses

6. Definitions

- **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.
## Next Steps

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>February 22, 2024</td>
<td>Planning and Development Committee Discussion</td>
</tr>
<tr>
<td>March 4</td>
<td>Planning and Zoning Commission Discussion</td>
</tr>
<tr>
<td>May 2</td>
<td>Planning and Development Committee Proposed Amendments</td>
</tr>
<tr>
<td>June 18</td>
<td>Planning and Zoning Commission Public Hearing and</td>
</tr>
<tr>
<td></td>
<td>Recommendation</td>
</tr>
<tr>
<td>June 27</td>
<td>City Council Public Hearing and Consideration</td>
</tr>
</tbody>
</table>
AGENDA ITEM SUMMARY

**Meeting:** 6/13/2024  
**DOC ID:** 14687  
**Recommending Department:** Code Enforcement  
**LSR No:**

**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.

**ADDITIONAL COMMENTS:**
- This is a companion ordinance to agenda item # amending the same definition in the Unified Development Code.

**ATTACHMENTS:**
- 2024-188-UDC (PDF)

**CURRENT YEAR FINANCIAL IMPACT:**
This item has no financial impact.

**REVISION INFORMATION:**
Prepared: 5/17/2024 07:06 AM by Shane Diller  
Last Updated: 6/7/2024 08:49 AM by Jennifer Phillips
ORDINANCE NO. (ID # 14687)

AN ORDINANCE AMENDING PART II OF THE CITY OF IRVING LAND DEVELOPMENT CODE, “UNIFIED DEVELOPMENT CODE (UDC)” AS FOLLOWS: AMENDING SECTION 9.3 “DEFINITIONS” TO ADD THE DEFINITION OF “AUTO RELATED BUSINESS” AND AMEND THE DEFINITION FOR “CUSTOMARY HOME OCCUPATION”; PROVIDING FOR CONFLICT RESOLUTION, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY, AND AN EFFECTIVE DATE.

WHEREAS, the City Council finds that business activity conducted from a residence, defined in the Unified Development Code as a “Customary Home Occupation” should be done in a manner unlikely to constitute a nuisance to the City and its residents and visitors; and

WHEREAS, the City Council finds that clearly defining the existing Customary Home Occupation activities that may be likely to negatively impact the residential character of a neighborhood assists in helping those that operate home occupations better comply with the City’s standards; and

WHEREAS, the City Council finds that further clarity is needed regarding auto-related businesses which are currently restricted to commercial or industrial zoned properties, to ensure that the language related to this type of business included in the Customary Home Occupation definitions is specifically defined in the Unified Development Code; and

WHEREAS, on May 2, 2024, the Planning and Development Committee of the Irving City Council received a presentation of the proposed amendment, expressed support thereof, and provided additional feedback; and

WHEREAS, on May 6, 2024, the Planning and Zoning Commission reviewed a draft of the proposed amendment, expressed support thereof, and provided additional feedback; and

WHEREAS, on June 3, 2024, the Planning and Zoning Commission considered a draft of the proposed amendment during a public hearing and recommended XX; and

WHEREAS, after notice and public hearing, and upon consideration of the recommendation of the Planning and Zoning Commission and of all testimony and information submitted during the public hearing, the City Council has determined that it is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens that the zoning ordinance be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION 1. That Section 9.3 “Definitions” of Chapter 9 of the City of Irving Unified Development Code is amended to add the below definition, to be inserted in alphabetical order, to read as follows:

Auto related business means the sale of more than four (4) vehicles in a twelve (12) month period; vehicle rental or leasing; keeping of vehicle inventory for the purpose of sales, rental, or leasing; or vehicle maintenance, cleaning, repair, or painting.

SECTION 2. That Section 9.3 “Definitions” of Chapter 9 of the City of Irving Unified Development Code is amended to revise the below definition to read in its entirety as follows:

-1-
Customary home occupation shall mean an occupation customarily carried on inside a residence by an occupant without structural alteration in the building or any of its rooms and without the installation or use of machinery or additional equipment, other than that customary to normal household operation. Additionally, no person other than the occupants of the principal single-family dwelling shall be employed to work in or at such a home occupation.

The following activities are expressly prohibited as customary home occupations: the physical or medical treatment of persons; electrical shops; plumber shops; and auto related businesses. The following activities are expressly not prohibited as customary home occupations: a Licensed or Registered Child Care Home, or a Listed Family Home licensed with and inspected by the State of Texas.

SECTION 3. That this ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Irving, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION 4. Should any paragraph, sentence, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal, or unconstitutional, and shall not affect the validity of the comprehensive zoning ordinance as a whole.

SECTION 5. That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 6. That any person violating or failing to comply with any provisions of this ordinance shall be fined, upon conviction, not less than one dollar ($1.00) nor more than two thousand dollars ($2,000.00), and each day any violation or noncompliance continues shall constitute a separate offense.

SECTION 7. That this ordinance shall take effect upon adoption and shall be published in accordance with the provisions of the Texas Local Government Code and the Irving City Charter.
Amend Definition of Customary Home Occupation

- P&Z Recommendation: Postpone to Tuesday, June 18, 2024
- Staff Recommendation: Postpone to Thursday, June 27, 2024
Amendment Intent

• “Customary Home Occupations” is the term used for businesses operated at or from a residence

• This amendment would:
  • Clarify existing restrictions on home-based businesses
  • Not to adopt new or stricter regulations
  • Ensure consistency with state law
Proposed Amendment

- Clarifies that:
  - Home businesses operate inside a residence
    Undetectable from the outside
  - “Machinery” broadly means equipment used for, or as part of, a home business
  - Reduces the listed categories of businesses as examples since they are not wholly inclusive
  - Changes “family” references to “occupants”
  - Clarifies the intended limitations on auto-related businesses
Proposed Amendment

- Customary home occupation shall mean an occupation customarily carried on inside a residence by an occupant without structural alteration in the building or any of its rooms and without the installation or use of machinery or additional equipment, other than that customary to normal household operation. Additionally, no person other than the occupants of the principal single-family dwelling shall be employed to work in or at such a home occupation.

- The following activities are expressly prohibited as customary home occupations: the physical or medical treatment of persons; electrical shops; plumber shops; and auto related businesses. The following activities are expressly not prohibited as customary home occupations: a Licensed or Registered Child Care Home, or a Listed Family Home licensed with and inspected by the State of Texas.
• Auto related business means the sale of more than four (4) vehicles in a twelve (12) month period; vehicle rental or leasing; keeping of vehicle inventory for the purpose of sales, rental, or leasing; or vehicle maintenance, cleaning, repair, or painting.

Proposed Amendment
Amendment Timeline

• Planning and Development Committee May 2, 2024
• Planning and Zoning Work Session on May 6, 2024
• Planning and Zoning recommendation on June 18, 2024
• City Council for consideration on June 27, 2024