

M . K A N G E R G A & B R O

March 16, 2021

City of Temple Planning & Zoning Commission

Temple City Council

Ladies & Gentlemen,

In September of 2020, the Temple City Council approved by unanimous vote the change of zoning for parcel number 493143 to allow for a self-storage facility to be built on the 3 acre site as a buffer which separates the main TMED South Gateway from the rail line at its eastern edge. When zoning was approved, there was a caveat that construction on the self-storage project could not commence until construction had started on at least one of the three parcels between the self-storage site and the 1st Street extension South of the H K Dodgen Loop. At the time, this condition was not a concern because construction had already been started on all three of the neighboring parcels. Unfortunately, the developer of the mixed-use project planned for those three parcels has since ceased work and is now showing every sign of abandoning – or at least delaying indefinitely – the mixed-use project.

Since zoning the self-storage project was approved, the project developer - M. Kangerga & Bro (MKB) – has proceeded with the expectation that we would be able to start construction on our project as quickly as we could get mobilized. For the project to remain economically viable, it is imperative that we finalize contracts with our materials and labor suppliers before we face another round of price increases. Building plans have been submitted to and approved by City of Temple staff, but when we tried to pick-up building permits we were denied because no building had been erected on our neighbor's site. City staff and the City's attorney believe that, while the ordinance calls only for "construction" to have begun on the mixed-use project, *vertical* construction was the City Council's intent when approving the self-storage zoning. Because of this difference between the ordinance as worded and what is believed to be the Council's intent, City staff has requested the MKB bring the project back before the City Council to get approval for the self-storage project to begin construction.

While the mixed-use project neighboring MKB's self-storage project has stalled, construction certainly began on the site. Earthwork permits were issued, and pad sites were built on all three parcels. Additionally, in the course of building the self-storage project, MKB will be installing utilities across all three parcels and will be constructing driveways and parking on one of the three parcels with the owner's consent. The utilities will be large enough to support the

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mixed-use project in accordance with the City's wishes which is far more capacity than the self-storage project itself would need. This will further contribute to significant construction being undertaken on all three lots and will materially add value to all three lots. Building this infrastructure will give the neighboring mixed-use project the easiest path to getting back on track, but that infrastructure work will not get done if the self-storage project isn't allowed to proceed.

It is MKB's wish to bring a modern, first class storage facility to the City of Temple both for the benefit of its residents and because we believe storage is the best use for this buffer parcel of land. The surprise cessation of work on the neighboring mixed-use project is both unexpected and outside of MKB's control. The self-storage project is ready to move forward as soon as we have Council's final sign-off.

Sincerely,



Andrew Kangerga

Managing Partner – M. Kangerga & Bro, LLC

ajk@mkbmanagement.com

Site & Surrounding Property Photos



Aerial: Aerial / Vicinity Map



Site: Undeveloped (TMED-T-South)



West: Previously graded but inactive development site (TMED-T South)

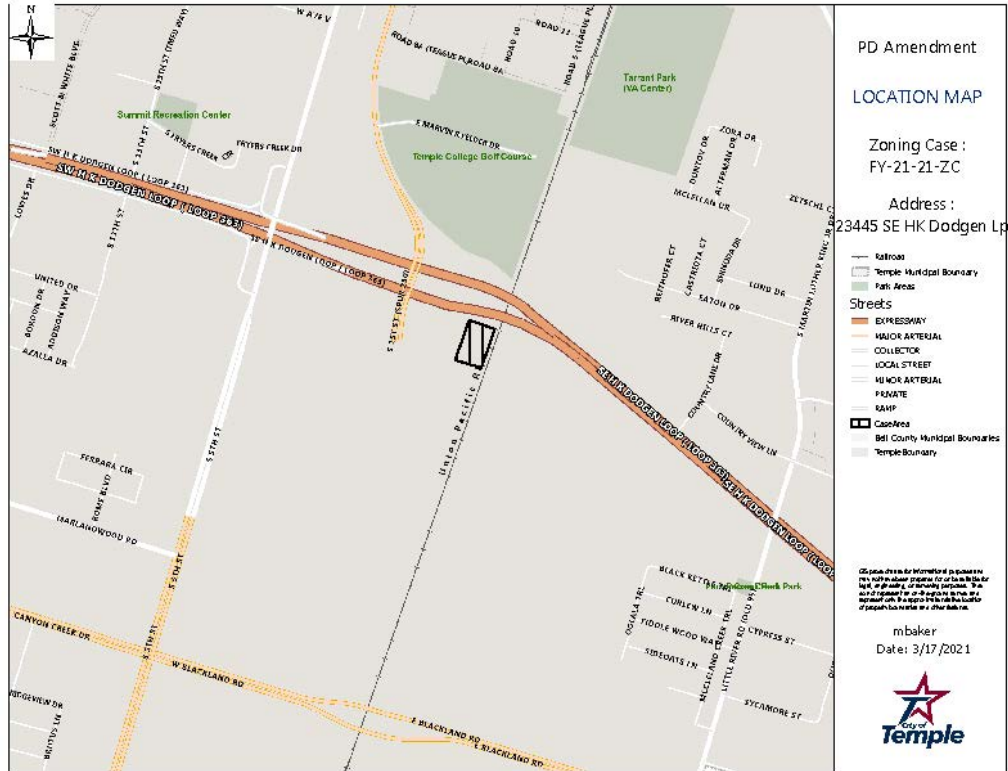


West: Previously graded but inactive development site (TMED-T South)

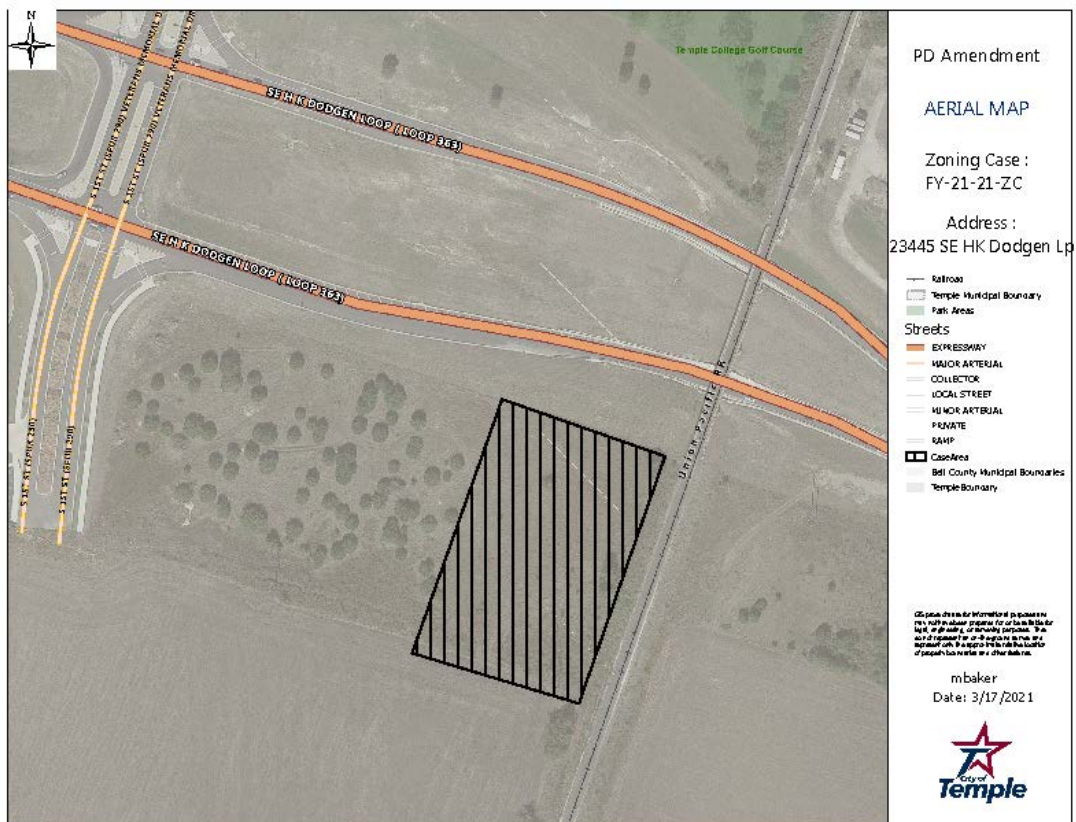


West: Previously graded but inactive development site (TMED-T South)

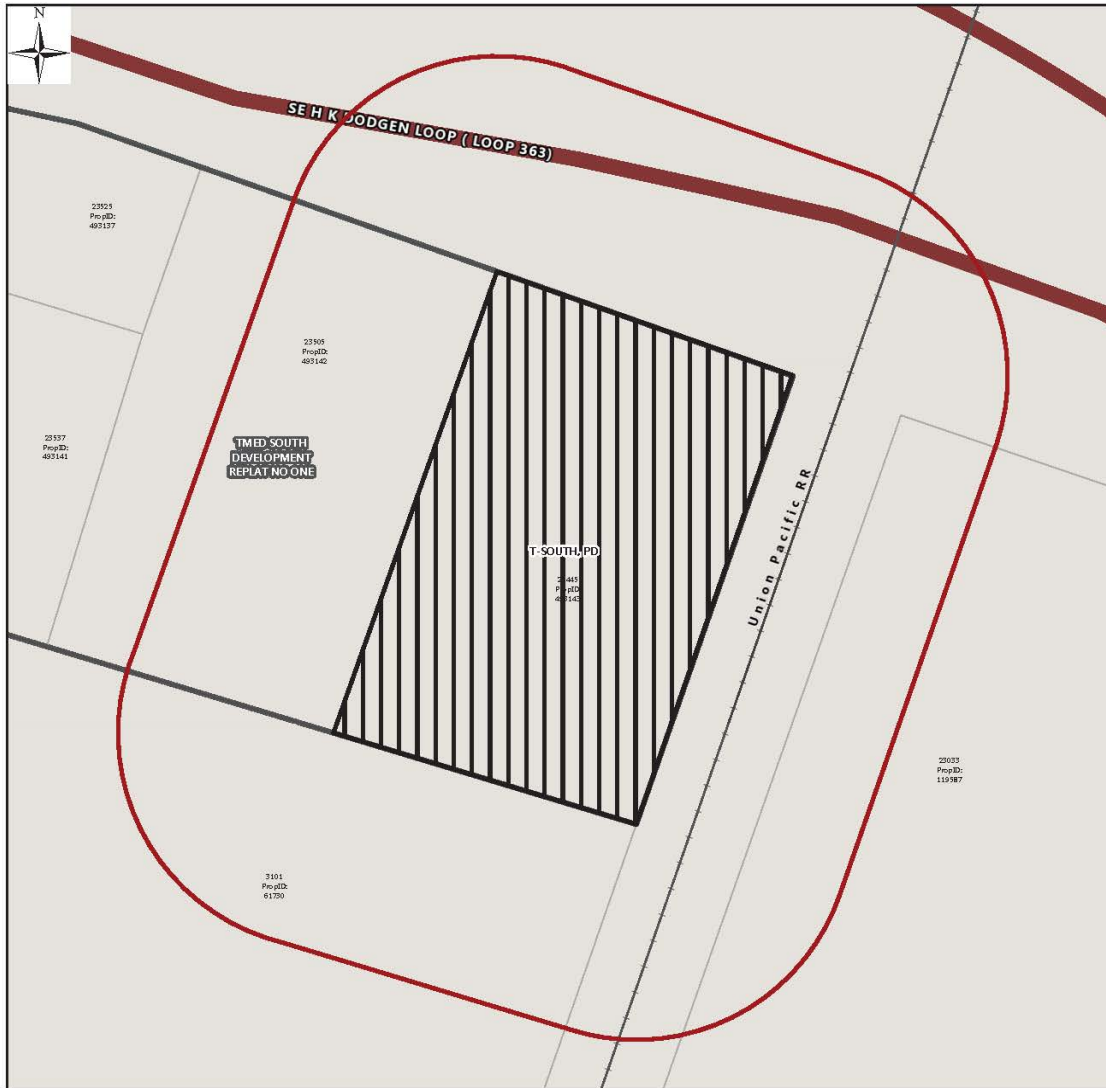
Maps



Location Map



Aerial Map



PD Amendment
200'
NOTIFICATION MAP
Zoning Case :
FY-21-21-ZC
Address :
23445 SE HK Dodgen Lp

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

mbaker
Date: 3/17/2021



Notification Map

ORDINANCE NO. 2020-5052
(FY-20-10-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM TEMPLE MEDICAL AND EDUCATIONAL ZONING DISTRICT, SOUTH TRANSECT TO PLANNED DEVELOPMENT - TEMPLE MEDICAL & EDUCATIONAL ZONING DISTRICT, SOUTH TRANSECT WITH DEVELOPMENT/SITE PLAN APPROVAL TO ALLOW A SELF-STORAGE FACILITY LOCATED ON LOT 4, TEMPLE MEDICAL & EDUCATIONAL ZONING DISTRICT SOUTH DEVELOPMENT, REPLAT NO. 1, ADDRESSED AS 23445 SE H.K. DODGEN LOOP, TEMPLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Turley Associates, on behalf of UTEX Holdings Group, requests a rezoning from the Temple Medical and Educational Zoning District (TMED), South Temple Medical and Educational Zoning district Transect - the zoning district was assigned by Ordinance 2018-4897, but a Planned Development (PD) process is required in order to accommodate the proposed use;

Whereas, the Planned Development is proposed with Development/Site Plan approval for a 92,800 square foot self-storage facility on Lot No. 4 TMED South Development Replat No. 1 being approximately 3.001 acres as further described by "Exhibit D" attached hereto self-storage is not recognized as a permitted use within the TMED South zoning District with the base T-South transect;

Whereas, the proposed self-storage facility would be east of the existing Everest Rehabilitation Hospital as well as proposed apartments, a hotel and retail service uses that are currently in the building permit review stage - these proposed uses are within the recorded final plats of TMED South Development and TMED South Development Replat No. 1;

Whereas, since adjacent development will include residential uses, timing of the self-storage should not commence until after construction begins in order to adequately address needed buffering and screening - the location of the facility will also serve as sound and visual barrier between the railroad tracks and the developing uses to the west;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, at its July 20, 2020 meeting, voted 7 to 0 to recommend Council approve of the rezoning request;

Whereas, Staff approval of the proposed Planned Development and development/site plan, as described and as attached below and made a part hereof for all purposes, subject to the following conditions:

- That the approximately 3.001-acre site may be developed with a self-storage facility as shown and further described by "Exhibits A, B & C" or any permitted use within

the TMED T-South transect;

- That development of the self-storage does not commence until after construction begins on either Lots 1, 2 or 3 of TMED South Development, Replat No. 1 immediately to the west;
- That the Landscape Plan reflect enhanced landscaping along the southern boundary in accordance with TMED South standards in anticipation of future residential uses;
- That the Director of Planning & Development may be authorized discretion to approve minor modifications to the City Council-approved development plan for the approximately 3.001-acre tract, including but not limited to, screening, buffering, enhanced landscaping and minor modifications to the overall site layout; and
- Significant changes to the Development/ Site Plan require review by the Planning & Zoning Commission and City Council; and

Whereas, the City Council has considered the matter and deems it in the public interest to authorize this action.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Part 2: The City Council approves of the rezoning from Temple Medical and Educational Zoning District, South Transect to Planned Development - Temple Medical & Educational Zoning District, South Transect with Development/Site Plan approval to allow a self-storage facility located on Lot 4, TMED South Development, Replat No. 1, addressed as 23445 SE H.K. Dodgen Loop, Temple, Texas, as described and attached below and incorporated herein for all purposes, and subject to the following conditions:

- That the approximately 3.001-acre site may be developed with a self-storage facility as shown and further described by "Exhibits A, B & C" or any permitted use within the TMED T-South transect;
- That development of the self-storage does not commence until after construction begins on either Lots 1, 2 or 3 of TMED South Development, Replat No. 1 immediately to the west;
- That the Landscape Plan reflect enhanced landscaping along the southern boundary in accordance with TMED South standards in anticipation of future residential uses;
- That the Director of Planning & Development may be authorized discretion to approve minor modifications to the City Council-approved development plan for the approximately 3.001-acre tract, including but not limited to, screening, buffering, enhanced landscaping and minor modifications to the overall site layout; and
- Significant changes to the Development/ Site Plan require review by the Planning & Zoning Commission and City Council.

Part 3: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

Part 4: 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, clause, 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 or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

Part 5: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 6: It is hereby officially found and determined that the meeting at which this Ordinance was 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 on First Reading and Public Hearing on the 20th day of August, 2020.


PASSED AND APPROVED on Second Reading on the 3rd day of September, 2020.

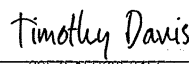
THE CITY OF TEMPLE, TEXAS

ATTEST:


DocuSigned by:

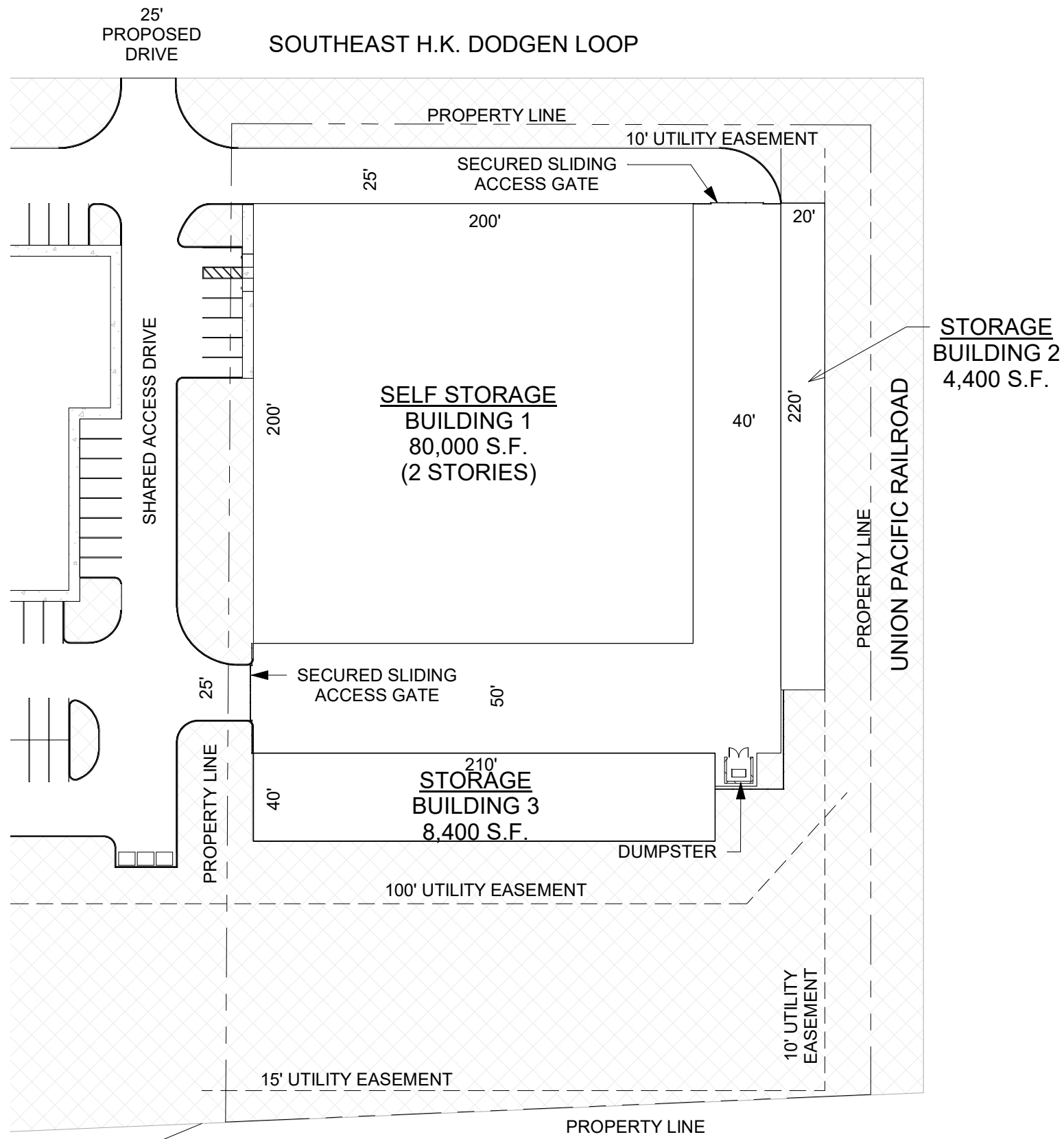
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Jana Lewellen
City Secretary

DocuSigned by:


DocuSigned by:

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TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

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Kathryn H. Davis
City Attorney



PROJECT SUMMARY

JURISDICTION: CITY OF TEMPLE

CODE ANALYSIS:
INTERNATIONAL BUILDING CODE 2015 ED.
INTERNATIONAL FIRE CODE 2015 ED.
INTERNATIONAL ENERGY CODE 2015 ED.
INTERNATIONAL PLUMBING CODE 2015 ED.
INTERNATIONAL MECHANICAL CODE 2015 ED.
INTERNATIONAL ELECTRICAL CODE 2015 ED.

BUILDING 1:
OCCUPANCY: B, S-1
SQUARE FOOTAGE: 80,000 S.F.

BUILDING 2:
OCCUPANCY: S-1
SQUARE FOOTAGE: 4,400 S.F.

BUILDING 3:
OCCUPANCY: S-1
SQUARE FOOTAGE: 8,400 S.F.

TOTAL PARKING SPACES:
REQUIREMENTS:
OFFICE: 2.5 SPACES PER 1,000 S.F.
WAREHOUSE: 1 SPACE PER 5,000 S.F.
TOTAL REQUIRED: 16 SPACES

PROVIDED: 4 STANDARD SPACES
2 ADA SPACES
10 SHARED SPACES
16 TOTAL SPACES

TURLEY ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYING

301 N. 3rd St.
Temple, Texas 76501

254.773.2400
www.turley-inc.com

Trpf No. F-1658 • TPBIS No. 10056000

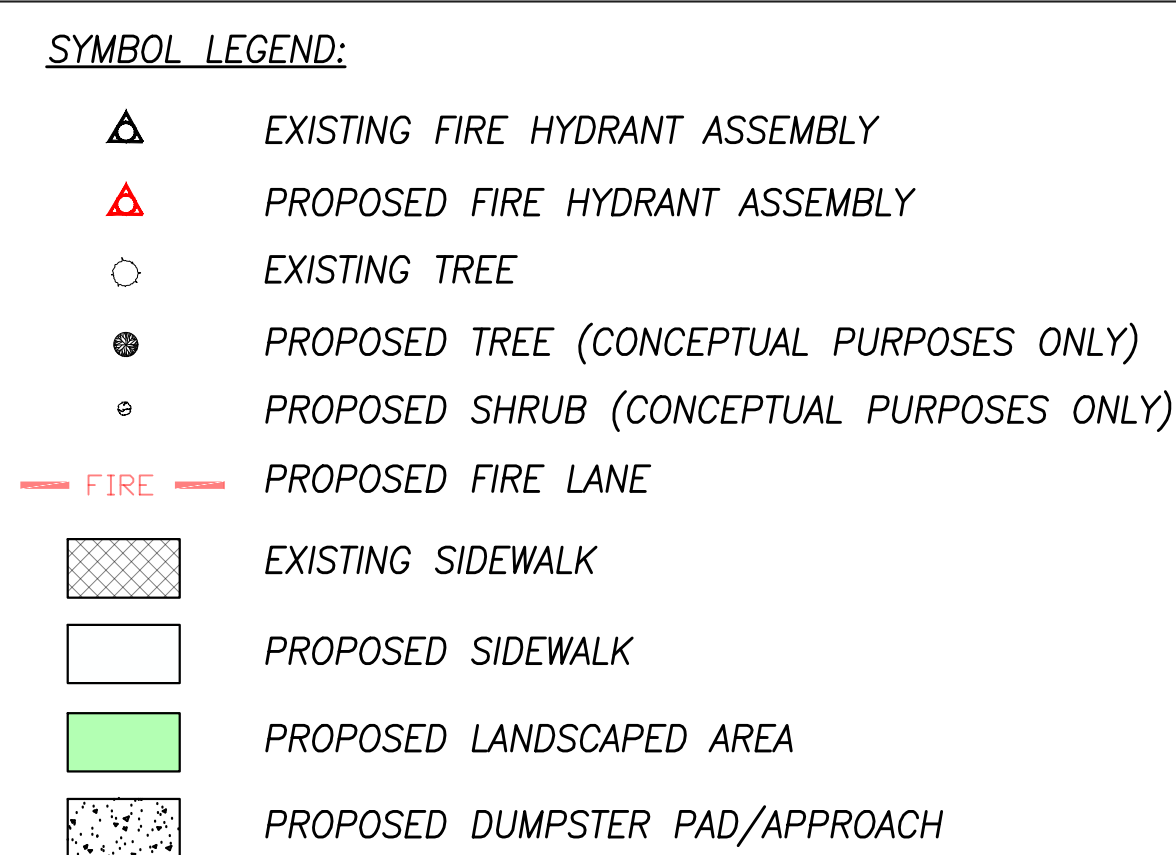
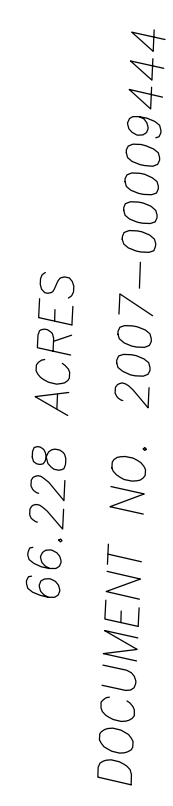
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PREPARED FOR:
UTEX HOLDINGS GROUP
3607 KIRK CIRCLE
SALT LAKE CITY, UTAH, 84124

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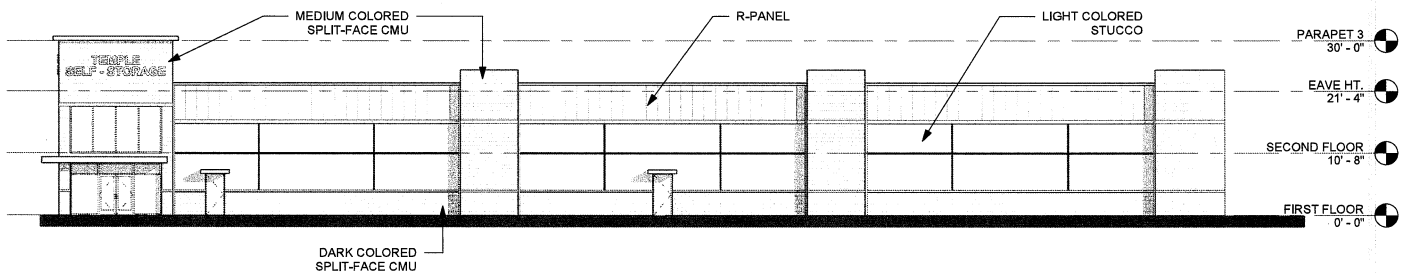
- MULTILEADER LEGEND:**
- 1—CONCEPTUAL TREE LOCATIONS. MINIMUM TREES PER COT UDC (6.3.11.B).
 - 2—CONCEPTUAL BUSH LOCATIONS. MINIMUM BUSHES PER COT UDC (6.3.11.B).
 - 3—PROPOSED BICYCLE FACILITIES PER COT UDC (6.3.10).
 - 4—PROPOSED LANDSCAPE BUFFER (SEE NOTE).
 - 5—PROPOSED MONUMENT SIGNAGE PER COT UDC (6.3.17.C.4)
 - 6—EXISTING TREES ALONG PUBLIC FRONTAGE PER COT UDC (6.3.12.D.1).
 - 7—SCREENED PUBLIC ROW PER COT UDC (6.3.12.E).
 - 8—GATED ACCESS TO MEET FIRE MARSHAL REQUIREMENTS

***A 20' WIDE ENHANCED LANDSCAPE BUFFER IS REQUIRED ALONG THE WEST LOT LINE. THE LANDSCAPE BUFFER SHALL INCLUDE 1 CANOPY TREE, 2 SMALL TREES (50% EVERGREEN) AND 5 SUPPLEMENTAL SHRUBS (50% EVERGREEN) PER 20 LINEAR FEET OF BUFFER. PLANTINGS SHALL BE SELECTED FROM THE APPROVED PLANTING LIST PER THE COT UDC. THE REQUIRED LANDSCAPING MAY BE REDUCED BY 30% WHEN USED IN COMBINATION WITH A WALL OR FENCE THAT IS A MINIMUM 6 FEET IN HEIGHT, CONSTRUCTED OF MASONRY, WOOD, WROUGHT IRON OR GALVANIZED ORNAMENTAL STEEL.

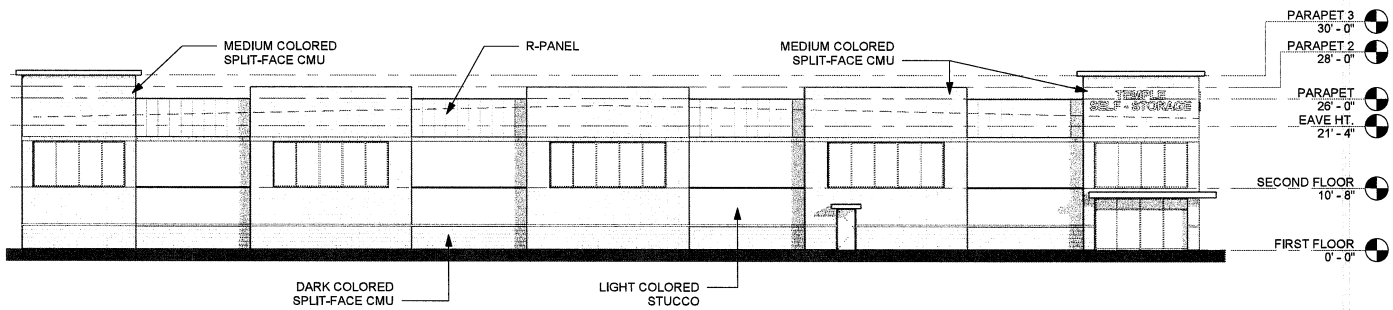








BUILDING 1 - WEST ELEVATION



BUILDING 1 - NORTH ELEVATION

