



## COUNCIL AGENDA ITEM MEMORANDUM

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**DEPT./DIVISION SUBMISSION & REVIEW:**

Brian Chandler, Director of Planning and Development  
Mark Baker, Principal Planner

**ITEM DESCRIPTION:** SECOND READING – PUBLIC HEARING - FY-21-21-ZC: Consider adopting an ordinance to amend Ordinance 2020-5052 to remove a Planned Development condition related to the timing of building construction for a self-storage facility located on Lot 4, TMED South Development, Replat No. 1, addressed as 23445 SE H.K. Dodgen Loop.

**BACKGROUND:** TMED Storage LLC requests an amendment to Ordinance 2020-5052 which requires as a Planned Development condition that self-storage building construction commences on Lot 4 after construction commences on either Lots, 1, 2 or 3 of the TMED South Development Replat No. 1. The ordinance was adopted by City Council by the 2<sup>nd</sup> reading on September 3, 2020.

To date, a grading permit for flat work (FY-20-40-FLAT) was issued for Lots 1, 2 & 3 but has since expired. Construction on Lot 4 would entail development of 3.001 +/- acres with the 92,800 square foot self-storage facility developed in accordance with the approved development/ site plan approved by Ordinance 2020-5052. No changes to the site plan are proposed, as only removal of the timing stipulation for the commencement of building construction is requested.

The applicant has provided a narrative (attached) detailing the nature for the requested removal of the condition. Highlights are summarized as follows:

- Construction activity has begun on Lots 1, 2 & 3 as earthwork permits were issued and pad sites were built;
- Further development on the adjacent lots has since ceased and showing signs of abandonment or at least indefinite delay; and
- Economic viability of the self-storage project is faced with price increases for materials while final contacts, materials and labor supplies are delayed and cannot be secured;

The applicant of the self-storage facility has indicated that in the course of their construction, utilities

across all three parcels would be installed as well as driveways and parking on one of the three parcels with the adjacent owner's consent. Building of this infrastructure will give the neighboring mixed-use project the easiest path to getting back on track, but that infrastructure work will not get completed by the developer of the self-storage project if it isn't allowed to proceed with construction.

**Development Review Committee (DRC):** As required by UDC Section 3.4.2B, the Development/ Site plan for the proposed self-storage was initially reviewed in 2020 and the amendment was discussed by the DRC on March 22, 2021. No issues were identified.

**Public Notice:** Owners of four (4) properties within 200-feet of the subject property, were sent notice of the public hearing as required by State law and City Ordinance. As of Thursday April 1, 2021, at 12:00 PM, no notices have been received. Staff will provide an update, if necessary, at the Planning and Zoning Commission meeting.

The newspaper printed notice of the public hearing on March 21, 2021, in accordance with state law and local ordinance.

**ALIGNMENT WITH ADOPTED PLANS:**

Plan	Comments
Strategic Plan	There are two applicable Strategic goals. They are as follows: (1) A City that supports well-managed growth and development to promote a thriving economy and (2) Infrastructure and systems that support exceptional services and community growth.
Comprehensive Plan	The proposed amendment to the ordinance has no impacts to the analysis of the project discussed during the review of zoning case FY-20-10-ZC.
Neighborhood Planning District (NPD)	The property is within the TMED Neighborhood Planning District boundary. While at present, no plan has been adopted, prepared for neighborhood plan is anticipated within the next year.

**STAFF RECOMMENDATION:** Based on the following:

1. In accordance with Ordinance 2020-5052, the required timing for the commencement of construction for an adjacent project has been indefinitely delayed or abandoned, resulting in the construction-ready self-storage project from proceeding;
2. Commencement of the self-storage facility will provide an easier pathway for the adjacent mixed-use project to recommence at a later day; and
3. No changes to the approved development/ site plan are proposed.

Staff recommends approval of the requested amendment, subject to the following conditions:

1. That the condition for the timing of building construction for an approved self-storage facility be waived and allow construction to proceed as approved by Ordinance 2020-5052;

2. That all other conditions of Ordinance 2020-5052 remain in effect and are included by reference;
3. That the Director of Planning & Development may be authorized discretion to approve minor modifications to the City Council-approved development/ site plan for Lot 4, including but not limited to, screening, buffering, enhanced landscaping and minor modifications to the overall site layout; and
4. Significant changes to the development/ site plan require review by the Planning & Zoning Commission and City Council.

**BOARDS & COMMISSIONS RECOMMENDATION:** On April 5, 2021, the Planning & Zoning Commission voted 8 to 0 to recommend approval per staff's recommendation.

**FISCAL IMPACT:** No fiscal impact has been identified by the approval of this requested ordinance amendment.

**ATTACHMENTS:**

Narrative Cover Letter (March 16, 2021)

Photos

Maps

Ordinance 2020-5052 (Development / Site Plan & Bldg Elevations Exhibits Only)

Ordinance