

ORDINANCE NO. {{item.custom_tracking_number}}
(FY-21-21-ZC)

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AMENDING 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, TEMPLE MEDICAL & EDUCATIONAL DISTRICT SOUTH DEVELOPMENT, REPLAT NO. 1, ADDRESSED AS 23445 SE H.K. DODGEN LOOP; AND PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, TMED Storage, LLC requests an amendment to Ordinance 2020-5052, adopted by Council on September 3, 2020, 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;

Whereas, to date, a grading permit for flat work (FY-20-40-FLAT) was issued for Lots 1, 2 & 3 but has since expired and construction on Lot 4 would entail development of approximately 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;

Whereas, the applicant has provided a narrative, attached here as 'Exhibit A', 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 contracts, materials and labor supplies are delayed and cannot be secured;

Whereas, 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;

Whereas, at its April 5, 2021 meeting, the Planning & Zoning Commission voted 8 to 0 to recommend approval of this request - Staff recommends Council 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, Temple Medical & Educational District South Development, Replat No. 1, addressed as 23445 SE H.K. Dodgen Loop, 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; and

Whereas, the City Council has considered these matters and deems it in the public interest to authorize these actions.

NOW, THEREFORE, 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 amends 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 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.

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.

PASSED AND APPROVED on First Reading and Public Hearing on the **15th** day of **April, 2021.**

PASSED AND APPROVED on Second and Final Reading on the **6th** day of **May, 2021.**

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Jana Lewellen
City Secretary

Kathryn H. Davis
City Attorney