

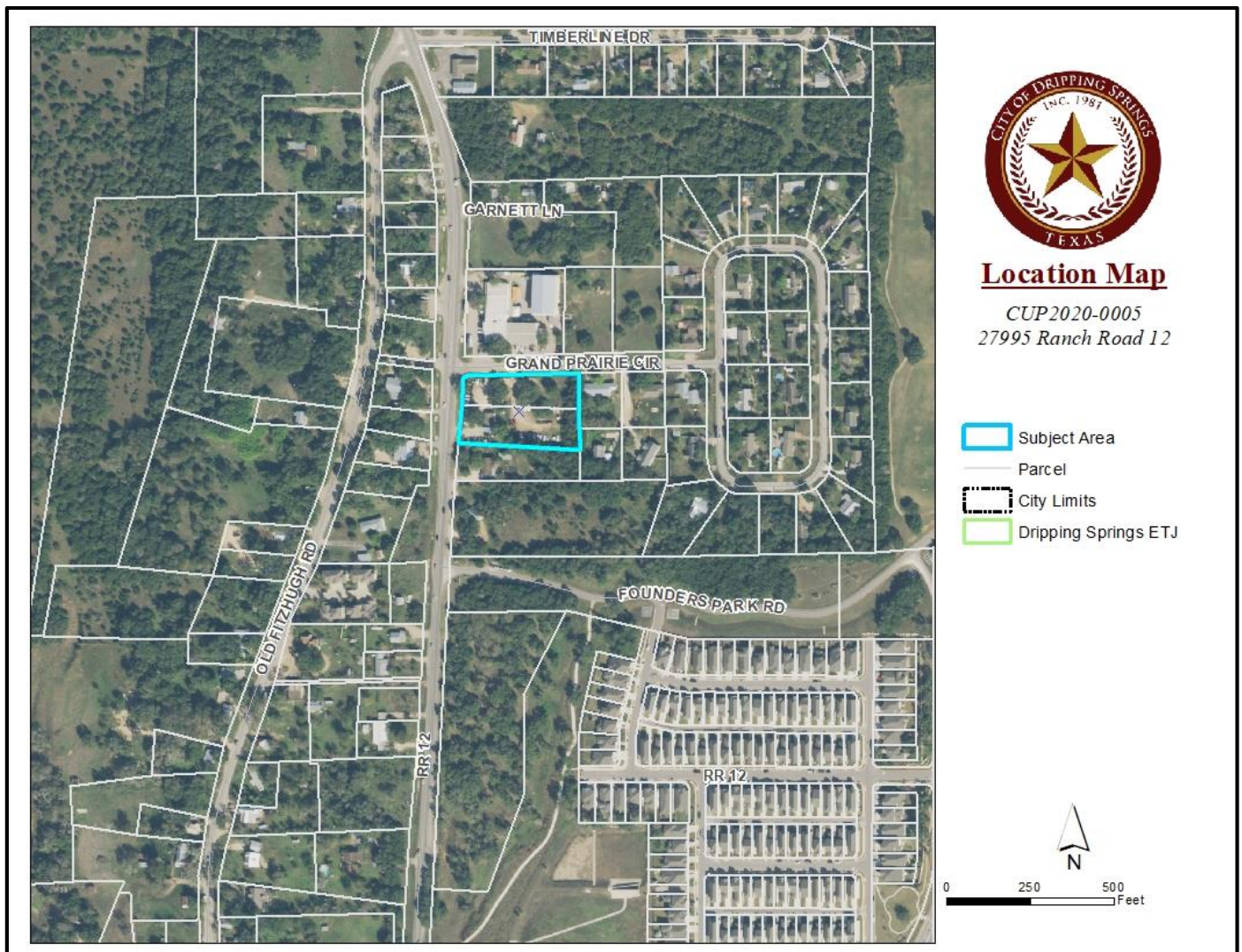


City Council Planning Department Staff Report

City Council: July 16, 2024
Project No: CUP2024-002
Project Planner: Tory Carpenter, AICP – Planning Director

Item Details

Project Name: WHIM Tent
Property Location: 27950 Ranch Road 12
Legal Description: Grand Prairie Subdivision, Lot 1
Applicant: Erin Banks, P.E.
Property Owner: Whit Hanks
Request: Conditional Use Permit extension to allow the continued use of a tent as a warehouse.
Staff Recommendation: Approval for an additional six months with additional conditions stated below.
Planning & Zoning Recommendation: Approval for an additional two years with additional comments stated below.



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Overview & History

The applicant is requesting the extension of an existing Conditional use Permit to allow the continued use of a warehouse located in a tent on the property. The tent was requested to allow temporary storage on the site while the applicant went through the development process for a permanent office/storage facility.

Timeline:

- **July 2020** –City Council approved a Conditional Use Permit for the tent with an expiration of July 14, 2022.
- **December 2020** – The building permit was issued for the Tent.
- **July 2022** –City Council approved an extension of the original Conditional Use Permit for the tent with an Expiration of July 14, 2022.
- **August 15, 2022** – A site Development Permit application was submitted for the permanent Whim Corporate Headquarters.
- **April 4, 2023** – City Council approved a Conditional Use Permit for the Office/Warehouse use for the permanent Whim Corporate Headquarters
- **March 15, 2024** – The site Development Permit for the Whim Corporate Headquarters was approved.

Note that there is a detailed permit timeline attached to this report:

The next step in the development process for the permanent headquarters is the building permit process. The applicant stated that their team is designing the buildings but has yet to apply for the permits. The City's Building Official stated that the building permit process can take as little as two to four weeks. This process may take longer depending on the quality of submittal and the responsiveness of the applicant and designer while addressing comments.

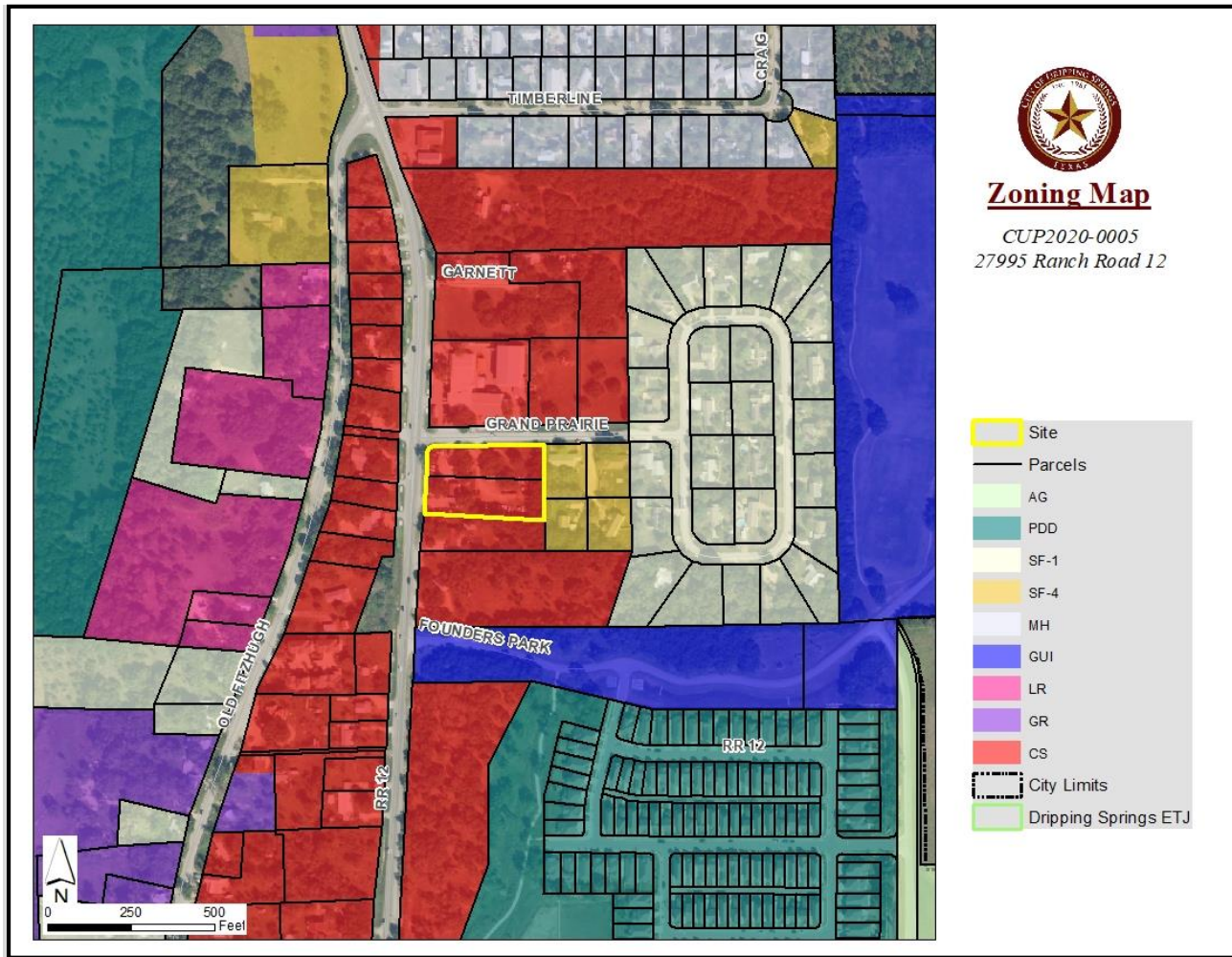
Planning & Zoning Commission Recommendation

At their meeting on June 25, 2024 the Planning & Zoning Commission considered this item and made the following recommendation:

Approval of the Conditional Use Permit extension with the following conditions:

1. *The property shall adhere to all City codes.*
2. *The Conditional Use Permit shall expire on March 14, 2026.*
3. *The applicant shall submit a complete building permit application by March 1 2025. If this condition is not met, the permit shall expire on March 1, 2025.*
4. *If the tent on the site reaches a point where damages are visible, the tent shall be required to be replaced or repaired.*
5. *Delivery and pickups shall only be allowed between the hours of 7 a.m. and 7 p.m.*
6. *Delivery trucks shall limit traffic through the Grand Prairie subdivision.*

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Surrounding Properties

The current zoning and existing uses of the adjacent properties to the north, south, east, and west are outlined in the table below:

Direction	Zoning District	Existing Use	Comprehensive Plan
North	Commercial Services (CS)	Whim Rental Warehouse	The property is located on the edge of a mixed-use activity center on the Future Land Use Map
East	Two-Family Residential (SF-4)	Residential structures	
South	Commercial Services (CS)	Commercial Structure that appears to be leased out to tenants	
West	Commercial Services (CS)	Under development for single-family	

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Determination of Extension (3.17.9(e)-Zoning Ordinance)

Approval Criteria	Staff Comments
1. Reason for the request;	The applicant stated that the reason for the lapse was a result of longer than expected permitting process and partly related to the Covid-19 pandemic.
2. Ability of the property owner to comply with any conditions attached to the original approval;	Staff did not find any evidence that the conditions listed above were violated.
3. Extent to which development regulations would apply to the plan at that point in time;	No comments.
4. History of code compliance at the premises;	None noted.
5. Consistency of the CUP with the current comprehensive plan.	This request is consistent with the goal of the comprehensive plan to “support the expansion of business and professional services.”

Additional Analysis

The applicant is requesting an extension of the CUP to allow the use of the tent for an additional two years for design and permitting of the buildings.

With the issuance of the site development permit, the property owner can start construction of all horizontal improvements, including grading, parking, and detention features. Given the recent issuance of the site development permit and the relatively quick turnaround for building permit issuance, staff finds that an extension of six months is appropriate.

Staff recommends approval of the extension with the following conditions:

1. The property shall adhere to all City codes.
2. The Conditional Use Permit shall expire on December 14, 2024.
3. If the tent on the site reaches a point where damages are visible, the tent shall be required to be replaced or repaired.
4. Delivery and pickups shall only be allowed between the hours of 7 a.m. and 7 p.m.
5. Delivery trucks shall limit traffic through the Grand Prairie subdivision.

The Planning & Zoning Commission recommends approval of the extension with the following conditions:

1. The property shall adhere to all City codes.
2. The Conditional Use Permit shall expire on March 14, 2026.
3. The applicant shall submit a complete building permit application by March 1 2025. If this condition is not met, the permit shall expire on March 1, 2025.
4. If the tent on the site reaches a point where damages are visible, the tent shall be required to be replaced or repaired.
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Public Notification

All property owners within a 300-foot radius of the site were notified of the request and signs were placed on the site. Staff received one phone call from a nearby property owner in opposition of the request. The same owner spoke opposing the request at the Planning & Zoning Commission meeting.

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Attachments

Attachment 1 – Conditional Use Permit Application

Attachment 2 – Site Plan

Attachment 3 – Previously Approved Conditional Use Permit

Attachment 4 – Permit Timeline

Recommended Action:	Approval of the requested Conditional Use Permit, with the conditions listed above.
Alternatives/Options:	Denial of the Conditional Use Permit; recommend approval of the Conditional Use Permit with no, or alternate, conditions.
Budget/Financial Impact:	None calculated at this time.
Public Comments:	One phone call in opposition.