

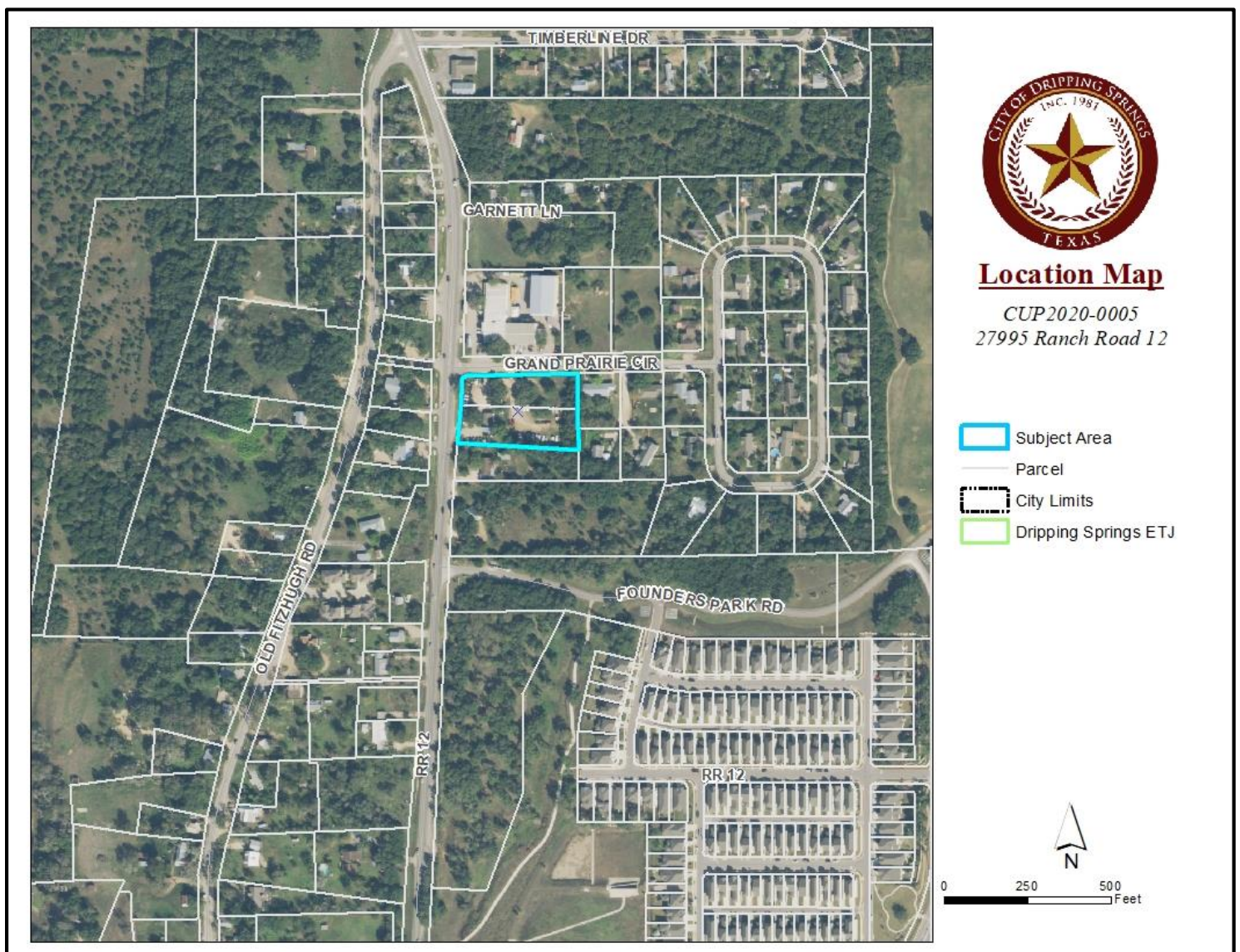


City Council Planning Department Staff Report

**Planning and Zoning
Commission Meeting:** July 7, 2022
Project No: CUP2022-0003
Project Planner: Tory Carpenter, AICP - Senior Planner

Item Details

Project Name: WHIM Tent
Property Location: 27950 Ranch Road 12
Legal Description: Grand Prairie Subdivision, Lot 1, and approximately
Applicant: Jon Thompson
Property Owner: Whit Hanks
Request: Conditional Use Permit extension to allow the continued use of a tent as a warehouse.



Planning Department Staff Report

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.

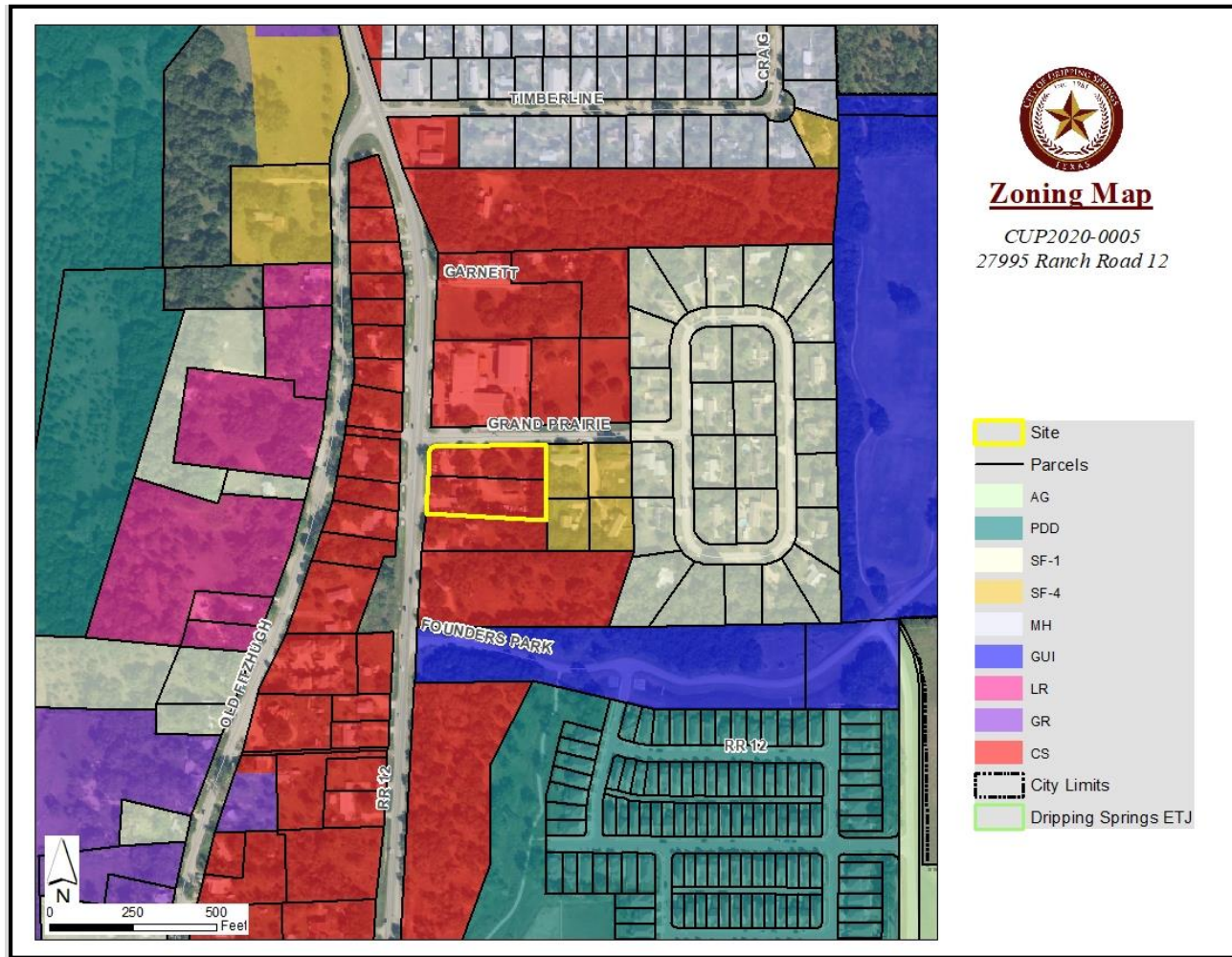
The original Conditional Use Permit (CUP) was approved by City Council July 2020 with an expiration date of July 14, 2022. This CUP was approved with the following conditions:

1. The property shall adhere to all City codes.
2. The temporary structures and the use are only allowed for a period of two (2) years and will expire without renewal after such time.
3. Upon expiration of the Conditional Use Permit, all temporary structures shall be removed from the site.
4. If the property owner wishes to construct any permanent structures on the site that are not shown on the provided conceptual plan, they shall be required to reapply for a Conditional Use Permit, with the exception of the replacement of the existing manufactured home on the site.
5. If the tent on the site reaches a point where damages are visible, the tent shall be required to be replaced or repaired.
6. All existing structures on the property shall be removed.
7. The tent and storage containers (as shown and allowed by the conceptual plan) shall be properly screened from the right-of-way and are required to be setback at least 25' from the property line where adjacent to residential.
8. A landscape plan shall be required at the time of site plan, which may include the utilization of the existing trees on the site, as well as additional requirements for a landscape buffer.
9. Property owner shall be required to coordinate with the City's architect on the color of the shipping containers, in accordance with 24.03.052(4) of the City's Code of Ordinances.
10. The applicant shall provide plans with the site development permit, which includes drainage improvements as shown on the attached exhibit.
11. Delivery and pickups shall only be allowed between the hours of 7 a.m. and 7 p.m.
12. Delivery trucks shall limit traffic through the Grand Prairie subdivision.
13. The property shall adhere to all Fire and Life Safety Codes found in the International Fire Code.

After approval of the CUP, the applicant began the site development and building permitting process. The building permit was ultimately issued for the tent on December 4, 2020 and the tent was erected and inspected in April.

The applicant intends to submit a new site development permit for a permanent headquarters on this property, at which point they intend to remove the tent.

Planning Department Staff Report



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	

Planning Department Staff Report

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

Approval Criteria	Staff Comments
1. Reason for the lapse;	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;	While there are not records of code violations on the site, it is evident that the business is storing equipment and materials outdoors which is not an allowed use in this zoning district. Staff recommends a condition be added to the extension to remove all outdoor storage from the property by August 5, 2022.
5. Consistency of the CUP with the current comprehensive plan.	Approval of this CUP extension would.

Additional Analysis

Staff finds it appropriate to extend the CUP a duration that is approximately equal to the time it took the applicant to erect the usable tent, which was approximately eight months. With that, staff recommends that the CUP expire on March 31, 2023.

Additionally, to address the apparent outdoor storage, staff recommends that a new condition be added to require the removal of all outdoor storage from the site by August 5, 2022.

Planning Department Staff Report

Staff Recommendation:

Staff recommends approval of the CUP, subject to conditions as outlined in the staff report.

1. The property shall adhere to all City codes.
2. The Conditional Use Permit shall expire on March 31, 2023.
3. Upon expiration of the Conditional Use Permit, all temporary structures shall be removed from the site.
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. The tent and storage containers (as shown and allowed by the conceptual plan) shall be properly screened from the right-of-way and are required to be setback at least 25' from the property line where adjacent to residential.
6. Delivery and pickups shall only be allowed between the hours of 7 a.m. and 7 p.m.
7. Delivery trucks shall limit traffic through the Grand Prairie subdivision.
8. All outdoor storage must be removed from the property by August 5, 2022.

Public Notification

All property owners within a 300-foot radius of the site were notified of the request.

Attachments

Attachment 1 – Conditional Use Permit Application

Attachment 2 – Proposed Site Plan, Example Elevations, Floor Plans

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:	None at this time