

MEMORANDUM

TO: Claire Powell, City Manager

FROM: Richard E. Luedke, AICP, Planning Director

DATE: March 4, 2024

SUBJECT: **Public Hearing: Consideration of the Removal of Deed Restrictions Contained Within Document Number 2012-3565, on 1.029 Acres, Being a Portion of Riverview Industrial Park, Block A, Lot 11R1; Located on the South Side of Stonewall Drive, Approximately 200 Feet West of Huffines Boulevard; as Requested by Paul Bartel, Halff Associates Inc., on Behalf of Prologis-Exchange TX 2004 LLC, the Property Owner.**

BACKGROUND:

The subject property is a remnant parcel of land with unique geometry created by the fall zone of radio towers. In 2011, the property was rezoned from Light Industrial (LI) District to Warehouse (WH) District for a proposed storage facility. Shortly thereafter, a deed restriction was placed on the property further limiting the uses. The contemplated storage yard was never built, and the radio towers have since been removed. Prologis is now looking to develop a business park with two distribution warehouses on the subject property and the property to the south and are replatting all the parcels together. The deed restrictions contained the stipulation that only the City Council could remove the restrictions from the property. The applicant is requesting that the deed restrictions be removed. The Planning and Zoning Commission recommended unanimous approval (6-0) on February 20, 2024.

ANALYSIS:

The deed restrictions, filed January 12, 2012, placed the following limitations on the subject property:

- 1) Office Rental, Sales and Service and Inside Storage – Approximately 4,950 square feet of the Property may be used for the purpose of a commercial warehouse building to be used for the rental of office space, storage, repair, maintenance and operation of equipment related to such uses.
- 2) Outside Vehicle Storage – Those portions of the Property which are not being used for commercial warehouse buildings shall only be used for the outdoor storage of Vehicles.
- 3) Height – In no case shall the height of any Outside Vehicle Storage exceed 20 feet. In addition, Vehicles may not be stacked on top of one another.

The deed restriction does not allow the proposed use of a distribution warehouse. Its purpose was to limit the uses and was written for the specific use of a storage facility with unlimited outdoor storage for vehicles and modular buildings. The development was never

built. This request is a companion item to the proposed zone change request to Light Industrial (LI) District that appears as a continued public hearing item on this agenda.

CITY STAFF’S RECOMMENDATION:

That the City Council approve the removal of the deed restrictions as set forth in the caption above.