

Item 23-0882: Request to approve a variance to the Deed Restrictions and Covenants In Southpoint Commerce Park

Item 23-0883: Request to amend the Development Agreement with 318 College Ave LLC

Community & Economic Development Committee

Wed, Jul 26, 2023 6:30PM

Aldersperson Denise Fenton (District 6) 01:06

We have no public hearings or appearances. So, we will move directly to our action items. The first item is number 23-0882 request to approve a variance to the deed restriction and covenants to allow for an approximately 3,120 square foot truck maintenance facility on the approximately 16 acres of the approximately total 30 acres under contract for lot 26 (Tax Id #31-9-5712-26), lot 27 (Tax Id #31-9-5712-27) lot 28 (Tax Id #31-9-5712-28) and Lot 29 (Tax Id #31-9-5712-29) Southpoint commerce part plat number 3 and Tax Id #31-9-5712-00 for Hayden properties LLC, an entity of F Street Development. Can we get a motion?

Aldersperson Israel Del Toro (District 4) 02:20

Move to approve.

Aldersperson Joss Thyssen (District 8) 02:21

Second.

Aldersperson Denise Fenton (District 6) 02:22

Second. Okay, um, Mr. Kress would you like to tell us about this?

Deputy Director David Kress (Community and Economic Development) 02:27

Yes, thank you, Chair. So really, it's two separate variances that are being requested and bundled together in one action item here. The first variance is pertaining to land use. In the deed restrictions and covenants, it doesn't specifically call out a truck shop as an allowed land use. And then the second variance request is pertaining to the building standards, which in the deed restrictions and covenants requires a building be at least 7,500 square feet in area.

Deputy Director David Kress (Community and Economic Development) 02:57

So important things to note here, the applicant has prospective tenant for a build to suit project, the actual primary building will be well over that 7,500 square foot threshold. I think it's around 106,000 square feet that they're proposing. But there's an ancillary building that would be used strictly for maintenance of their vehicles. So, there'll be no offsite trucks coming and utilizing the truck shop building. But because it's an out building, rather than within the main building footprint, we didn't need to bring the size requirement through. And from a land use standpoint, still, the principal or primary use of the property would be manufacturing, whole wholesaling, and warehousing, which are all allowed, but because it didn't specifically call attention to truck shop, we thought it would make sense just to wrap it into this request as well. So, staff has done our typical review of these variance requests and is recommending approval.

Aldersperson Denise Fenton (District 6) 03:59

Just one question. So, I know it mentioned in the staff review that there weren't going to be any commercial vehicle repairs on the site. So, I my understanding that this is more to maintain their own smaller vehicles. Is this something that the other businesses in the commerce park would have—I mean, would we go to them and say do you have any objections or...?

Deputy Director David Kress (Community and Economic Development) 04:27

So, through the variance request process for the deed restrictions and covenants, there isn't a public notice requirement, unlike some other actions that come before the board of zoning appeals or planning commission. And in this case, it's just unique in that it's its own outbuilding as opposed to being housed within the primary building side. Obviously, many of the business users, manufacturing users, within the industrial park have some element of maintenance happening in some

fashion. Here it's just unique in that it would be its own standalone building so warrants some extra attention from not just staff, but from CEDC and Council as well.

Alderson Denise Fenton (District 6) 05:08

All right, thank you. Any other questions from the committee? All right, hearing none, let's go ahead and vote. All those in favor, please signify by saying aye. Chair votes, Aye. That passes for zero.

Alderson Denise Fenton (District 6) 05:22

So, moving to our next action item number 23-0883 request to amend the development agreement with 318 College Avenue LLC to extend the completion date for a period of an additional six months for improvements and redevelopment of the property located at 318 West College Avenue, the Park Central property, in tax increment financing district number 11. Can I get a motion?

Alderson Joss Thyssen (District 8) 05:53

Move to approve.

Alderson Israel Del Toro (District 4) 05:54

Second.

Alderson Denise Fenton (District 6) 05:55

All right. So, we have a motion and a second. Deputy Director Kress, you want to talk to us about this one?

Deputy Director David Kress (Community and Economic Development) 06:01

Yes, thank you again, chair. Really, the request is pretty straightforward here. They haven't quite completed all construction necessary to obtain a certificate of occupancy from the building inspections division, and therefore are requesting an amendment to the development agreement to extend the completion date. This in no way changes their obligation in terms of the date to achieve a certain assessed value. So, there's no fiscal impact of any kind. They still fully expected will be required to create \$8.1 million in increment by January 1 of 2024. This is really just to recognize that there have been some supply chain and construction related delays so they haven't obviously hit the June 30th completion target that was originally established. So, they're requesting a six-month extension, basically through the through the end of the calendar year to complete the project.

Deputy Director David Kress (Community and Economic Development) 06:56

The residential floors of the building—our understanding is that those are completely built out and good to go. It's really the ground floor that will be utilized for commercial purposes that have some outstanding items that need to be completed before inspections division can issue that certificate of occupancy, but they're close. I'd heard from our building commercial building inspector that it's probably just a matter of a few weeks. But given the way that the development agreement is structured, these extensions are done in six-month increments.

Alderson Denise Fenton (District 6) 07:24

And this is their second one, right?

Deputy Director David Kress (Community and Economic Development) 07:26

It is their second one. So, the amendment that was most recently approved in December of last year did two things. It gave them a six-month extension for the completion date, which is how they arrived at the June 30 of 2023 completion date. But it also extended that assessed value date and gave them until January one of 2024. Now here today it's just it's just asking for one of those things. It's the completion date only that they're requesting an extension on and staff is recommending approval.

Alderson Denise Fenton (District 6) 07:56

Just comment-wise, they must be close because their—the advertisements for the apartments are all over all of my social media feeds.

Deputy Director David Kress (Community and Economic Development) 08:07

I think that's an accurate statement.

Aldersperson Denise Fenton (District 6) 08:09

Any questions from anyone else on the committee? All right, hearing none, let's go ahead and vote. All those in favor, please signify by saying aye. Chair votes aye. Aye that passes for zero.