



## Memorandum

**To:** Honorable Mayor Jeff Cheney and Members of the Frisco City Council

**Cc:** Wes Pierson, City Manager  
Ben Brezina, Assistant City Manager  
John Lettelleir, FAICP, Director of Development Services

**From:** Rolandrea Russell, Planner II

**Date:** January 17, 2023

**Subject:** Public Hearing: A request for a Specific Use Permit (SUP) and an Alternative Compliance Standard for number of building stories, for a mini warehouse/self-storage facility on one lot on 8.0± acres on the northwest corner of Frisco Street and Research Road. Zoned Commercial-1, and to consider to direct Staff to prepare an Ordinance of the same. Neighborhood #46. Specific Use Permit Case No. SUP22-0006. Owner: Jon Ferguson. (Development Services/RR)

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**Action Requested:** Hold the Public Hearing and direct Staff to prepare an Ordinance.

**Background Information:** The applicant is requesting a Specific Use Permit (SUP) and an Alternative Compliance Standard for building height, for a mini warehouse/self-storage facility.

The proposed facility consists of five buildings totaling 126,100± square feet as follows:

- Self-Storage Building #1 – a three-story self-storage building with a height of 40.0 feet (see Alternative Compliance Standard on page 2 of the City Council Staff Report);
- Garage Buildings #1 and 2 – two, one-story garage buildings, each with a building height of 24.5 feet; and
- Garage Buildings #3 and 4 – two, one-story garage buildings, each with a building height of 26.6 feet.

The request under consideration consists of two parts, (1) the approval of the

mini warehouse Use through the Specific Use Permit (SUP) and (2) the approval of an Alternative Compliance Standard to allow a three-story building, specifically related to Self-Storage Building #1. While the two requests are related, per the Zoning Ordinance, each part of the request should be acted on separately.

## **1. Specific Use Permit**

When considering an application for a SUP, the Planning & Zoning Commission may recommend, and the City Council may establish, conditions and regulations necessary to protect the health, safety, morals, and general welfare of the neighborhood and/or the City. In addition, the use shall be in general conformance with the Comprehensive Plan and general objectives of the City. Staff finds that the proposed use is compatible with the surrounding land uses and does not interfere with the safety, morals, and general welfare of the City. The Planning & Zoning Commission in considering any request for Specific Use Permit shall only approve such request after they have determined that the use or uses allowed will not be detrimental to the adjacent properties or to the City as a whole.

## **2. Alternative Compliance Standard**

The Zoning Ordinance limits buildings within the Commercial-1 zoning district to two stories, with a maximum building height of 40.0 feet. The applicant is proposing a three-story self-storage building with a height of 40.0 feet.

After working with the applicant on his proposal throughout the course of the development review process, staff failed to recognize that the proposed Storage Building #1 contained three-stories. Unfortunately, it was not until staff was preparing this staff report for the Planning & Zoning Commission that the error was noticed.

Upon recognizing this error, staff met with the city attorney to develop a proposed solution. Zoning Ordinance Section 6.18 Alternative Compliance Standards provides a method for the approval of alternative compliance standards for Building Heights with City Council approval.

The purpose of the alternative compliance standards is to allow for different standards that agree with the City's Comprehensive Plan and will produce an equal level of results as intended by the original development standards.

### Applicability of Section 6.18:

Under Section 6.18, alternative compliance standards are only applicable to properties zoned nonresidential and designated as mixed use within the Comprehensive Plan. The property in question is zoned Commercial-1 (nonresidential). It's Future Land Use Classification within the Comprehensive Plan is Commercial Node and not Mixed Use that allows residential.

Section 6.18 further provides that an alternative compliance standard for building height only applies where the change will not adversely affect or potentially adversely affect adjacent residential property. There is no adjacent residential property to the property, and the building height will not exceed the maximum 40-foot building height.

The property owner has agreed to voluntarily enter into a Development Agreement to establish building material standards and codes. This agreement has been signed by the property owner and is also on this City Council agenda for consideration on the Consent Agenda.

**Financial Considerations:** Not applicable.

**Legal Review:** The City Attorney's Office will prepare the Ordinance if that is the City Council's direction.

**Alternatives:** The City Council can:

- Approve the request and direct staff to prepare Ordinance;
- Approve the request with conditions and direct staff to prepare Ordinance;
- Deny the request; or
- Table for further review.

**Board/Citizen Input:** The Planning & Zoning Commission held a public hearing on December 13, 2022, and voted 5-1 (Cone against – does not believe that Frisco should allow self-storage units in non-industrial zoning and that close to the toll road) to recommend approval of the request as outlined in the Outcome Memo.

**Supporting Documents:**

- Planning & Zoning Commission Outcome Memo dated December 14, 2022;
- Staff report;
- Locator Map;
- Exhibits; and
- Project Input Forms.

**Recommendation:** The Planning & Zoning Commission has recommended approval of the request with the following

1. Site shall develop in accordance with an alternative compliance standard for number of building stories to three-stories, for Self-storage Building #1;
2. Site shall develop in accordance with the site plan shown in Exhibit B;
3. Site shall develop in accordance with the open space plan shown in Exhibit C; and
4. Site shall develop in accordance with the façade plan in Exhibit D.