



Legislation Text

File #: DIS 17-022, **Version:** 2

Discussion of issues relating to a request from Wal-Mart regarding use of external shipping containers.

Summary:

The City's Zoning Ordinance prohibits the use of shipping containers for external storage in a commercial zoning district. Historically, the only exception to this rule is the Public Works Director on occasion has granted commercial businesses the ability to use one (1) shipping container for external storage during the Holiday Season. This generally entailed the unit arriving no earlier than mid-October and being removed by mid-January.

Through 2015, enforcement of this zoning restriction has been a low priority, to the benefit of Wal-Mart. During the 2015 Holiday Season Wal-Mart used as 30-40 shipping containers in support of its holiday layaway program. These were placed along the western and northern boundaries of their property. In early 2016, City staff informed Wal-Mart officials the shipping containers were not allowed by Code, the 30-40 containers used during the 2015 Holiday Season needed to be removed, and our zoning restrictions forbidding these shipping containers would enforced during the 2016 Holiday season. Wal-Mart officials then complied by removing the containers, and did not bring them back last fall.

Over the past year or so, Wal-Mart staff has made numerous inquiries regarding the future possibilities of allowing them to utilize external shipping containers for their storage needs. Several times they have questioned the definition of a "shipping container" and have questioned if the Zoning Ordinance as presently written allows for the use of shipping containers via a Specific Use Permit (SUP). Chief Building Official Larry Brotherton, City Attorney Jim Fox, and I on many occasions have informed Wal-Mart officials that our Zoning Ordinance presently contains no mechanism for Council to allow this in a commercial district, though shipping containers may be permitted via SUP in an industrial zoning district. Further, we have consistently reiterated only the City Council could make such a change to the Zoning Ordinance which would allow the use of shipping containers in a commercial zoning district.

Last month Mr. Daniel Morales with Wal-Mart asked if he could discuss this matter with Council

during Workshop on March 21st. The full contents of the email seeking this request are italicized and listed below:

Walmart would like to discuss at an upcoming City Council Workshop our inability to fully serve our Deer Park area customers during the holiday season. Walmart's Layaway program is so successful with our Deer Park customers that our backrooms are unable to hold all the Holiday merchandise put on layaway. Normally at other stores and previously in Deer Park we have employed storage units to allow us to keep the merchandise at our stores so that we can quickly retrieve it.

We would like to discuss during the workshop the necessary steps that would allow us to maintain a temporary presence of these storage containers for a period of four months from September to December. We understand that under Section 8.29 to the code of Ordinances of the City of Deer Park, Texas it would be necessary to obtain a Specific Use Permit. We are open to listening and finding a solution that will allow us to serve our Deer Park customers while abiding by the City's ordinances.

We are available to attending a City Council Workshop on or after March 21st. Thank you in advance for your willingness to work with us on this issue.

This item will give Council the opportunity to discuss this request openly with Wal-Mart officials to gauge whether or not there is interest in amending our Zoning Ordinance to accommodate their request.

Fiscal/Budgetary Impact:

N/A

Discussion only in Workshop.