

# Planning Staff Analysis

**S25-0014 / Lot 4 Lattimore Industrial Park**

**City Council District 3**

## REQUEST:

Specific Use Permit (SUP) to allow for an Outdoor Storage use on approximately 4.95 acres of land, generally located on the west side of Interstate Highway 35 West, approximately 287 feet north of Metro Street in the City of Denton, Denton County, Texas.

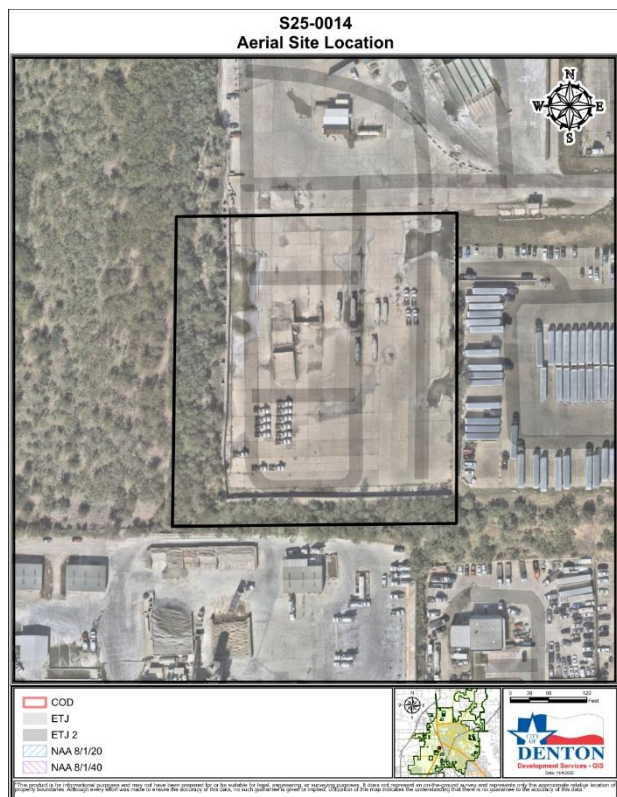
## APPLICANT:

Gregg Madsen of Wier & Associates

## STAFF RECOMMENDATION:

Staff recommends **approval** of the SUP subject to the following conditions:

1. Development of the site shall substantially comply with the attached Site Plan. Administrative approval of changes that do not increase the size and number of the Outdoor Storage buildings and equipment, change the number of parking spaces, or decrease the buffer and screening requirements may be administratively approved, if such changes are permissible per the Denton Development Code. All other changes shall require a Specific Use Permit amendment in accordance with the Denton Development Code.
2. The City reserves the right to require approval by ordinance of any amendments or alterations to the SUP, the attached site plan, and the attached landscape plan. The attached site plan and landscape plan are incorporated as requirements of the SUP.
3. The zoning map shall reflect the Specific Use Permit on the property consistent with the DDC.



## SITE DATA:

The subject property is located on the west side of Interstate Highway 35 West, approximately 287 feet north of Metro Street and is currently used as a parking and storage area for the adjacent Concrete Batch Plant and is developed with existing concrete paving and perimeter fencing. The subject property is situated in an area largely comprised of light industrial uses, and abuts a 9.8-acre tract of undeveloped land, owned by Rayzor Investments LTD.

The applicant has submitted the request in order to facilitate the continued use of the subject property separate from the existing Concrete Batch Plant. In the Light Industrial Zoning District, Outdoor Storage as a primary use requires approval of an SUP. No development meeting the tier one or tier two thresholds as specified in the Denton Development Code (DDC) Subsection 7.2.2 has been proposed at this time. The subject property will take access from an existing entryway on the Interstate Highway 35 West frontage road.

There is no FEMA floodplain, floodway, or Environmentally Sensitive Area (ESA) on site.

The subject property is zoned Light Industrial (LI) District (see Exhibit 5). The area surrounding the subject property is predominantly made up of industrial zoning districts, with Light Industrial Zoning present to the north, east, and south, and Heavy Industrial Zoning to the west, as further described in the table below.

#### **SURROUNDING ZONING AND LAND USES:**

<b>Northwest:</b> <ul style="list-style-type: none"> <li>• Zoning: Heavy Industrial (HI)</li> <li>• Use: Undeveloped</li> </ul>	<b>North:</b> <ul style="list-style-type: none"> <li>• Zoning: Light Industrial (LI)</li> <li>• Use: Concrete Batch Plant</li> </ul>	<b>Northeast:</b> <ul style="list-style-type: none"> <li>• Zoning: Light Industrial (LI)</li> <li>• Use: Equipment Sales and Rental</li> </ul>
<b>West:</b> <ul style="list-style-type: none"> <li>• Zoning: Heavy Industrial (HI)</li> <li>• Use: Undeveloped</li> </ul>	<b>SUBJECT PROPERTY</b>	<b>East:</b> <ul style="list-style-type: none"> <li>• Zoning: Light Industrial (LI)</li> <li>• Use: Equipment Sales and Rental</li> </ul>
<b>Southwest:</b> <ul style="list-style-type: none"> <li>• Zoning: Light Industrial (LI)</li> <li>• Use: Concrete Batch Plant</li> </ul>	<b>South:</b> <ul style="list-style-type: none"> <li>• Zoning: Light Industrial (LI)</li> <li>• Use: Concrete Batch Plant</li> </ul>	<b>Southeast:</b> <ul style="list-style-type: none"> <li>• Zoning: Light Industrial (LI)</li> <li>• Use: Automotive Wrecking Service</li> </ul>

#### **CONSIDERATIONS:**

A. Section 2.4.5E of the Denton Development Code (DDC) provides approval criteria applicable to all applications.

1. *General Criteria*

a. *Unless otherwise specified in this DDC, City review and decision-making bodies must review all development applications submitted pursuant to this subchapter for compliance with the general review criteria stated below.*

The general criteria have been applied.

b. *The application may also be subject to additional review criteria specific to the type of application, as set forth in sections 2.5 through 2.9.*

Section 2.5.2D of the DDC applies to Specific Use Permit (SUP) requests. An analysis of this request per those criteria can be found below in Consideration B.

- c. *If there is a conflict between the general review criteria in this section and the specific review criteria in sections 2.5 through 2.9, the applicable review criteria in sections 2.5 through 2.9 controls.*

There are no conflicts between the general criteria and the criteria specific for Specific Use Permit requests.

## 2. *Prior Approvals*

No prior approvals have taken place on the subject property.

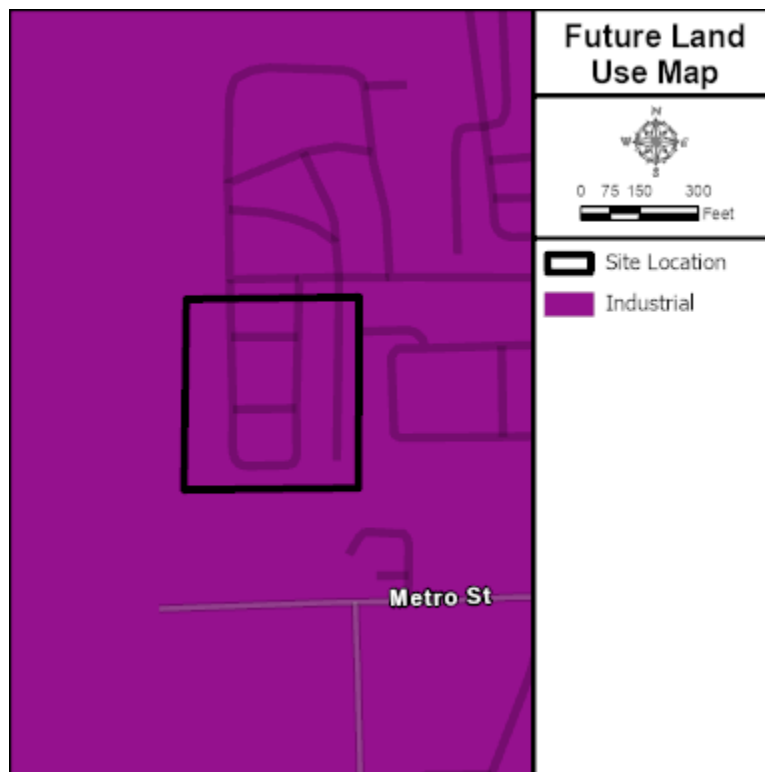
## 3. *Consistent with the Comprehensive Plan and Other Applicable Plans*

*The decision-making authority:*

- a. *Shall weigh competing goals, policies, and strategies.*

There are no competing goals, policies nor strategies associated with the proposed request. As noted below, the request conforms to the Future Land Use Map and is designed to minimize adverse impacts to the maximum extent possible.

- b. *May approve an application that furthers the overall goals of the Comprehensive Plan even if the development does not match the future land use designation in the Comprehensive Plan.*



The use and scale of the proposed Outdoor Storage use conforms to the Future Land Use element of the Denton 2040 Comprehensive Plan. Per the Future Land Use Map in the Denton 2040 Comprehensive Plan, the subject property and surrounding area is designated as Industrial Commerce (see inset map and provided as Exhibit 4). The Industrial Commerce designation applies to areas where the predominant uses include light and heavy industrial uses such as

moderate to heavy manufacturing, assembly, fabrication, and wholesaling.

The subject property is adequately spaced and buffered from adjacent industrial uses per Denton Development Code buffering requirements. Outdoor Storage is a compatible use with the surrounding area and is in line with the Industrial Commerce FLUM designation.

4. *Compliance with this DDC*

- a. *The proposed development shall comply with all applicable standards in this DDC, unless the standard is to be lawfully modified.*

The development proposed with this application does not meet Tier 1 or Tier 2 development thresholds. Staff performed a review for this application and determined that the existing site meets the DDC standards associated with an Outdoor Storage use.

- b. *Compliance with these standards is applied at the level of detail required for the subject submittal.*

No additional development has been proposed on this site at this time. Should a future application for development be submitted, Staff will perform a review in accordance with all applicable DDC standards.

5. *Compliance with Other Applicable Regulations*

This proposed request complies with all other applicable regulations.

6. *Consistent with Interlocal and Development Agreements*

There are no interlocal or development agreements for the subject site.

7. *Minimizes Adverse Environmental Impacts*

There is no change proposed to the current site. No adverse environmental impacts are expected with this request.

8. *Minimizes Adverse Impacts on Surrounding Property*

The proposed use is not expected to generate adverse impacts for the surrounding properties. Development in the vicinity consists of a variety of light and heavy industrial uses. Should further development be proposed on this site, an SUP Amendment may be required per the Denton Development Code to verify adequate landscaping and buffering elements are provided. As described in Criteria B3, the site complies with the use-specific standards required for Outdoor Storage related to screening and location of stored materials.

9. *Minimizes Adverse Fiscal Impacts*

The proposed use is not expected to generate adverse fiscal impacts.

10. *Complies with Utility, Service, and Improvement Standards*

The proposed use does not require any changes to utilities existing on site.

### *11. Provides Adequate Road Systems*

The subject property will take access from a 125-foot-wide access easement stemming from Interstate Highway 35 West.

### *12. Provides Adequate Public Services and Facilities*

The proposed Outdoor Storage use will not affect public services and facilities within the area.

### *13. Rational Phasing Plan*

The project does not have a phasing plan.

- B. Section 2.5.2D of the DDC states that in reviewing a proposed SUP, the Planning and Zoning Commission and City Council shall consider the general approval criteria in Subsection 2.4.5E and whether:

1. *The specific use proposed is compatible with the surrounding area;*

The proposed Outdoor Storage use is compatible with the surrounding area containing a mixture of light and heavy industrial uses.

2. *The specific use proposed has negative impacts on future development of the area; and*

The proposed Outdoor Storage use is not anticipated to have negative impacts on future development of the area. The area immediately surrounding the property has largely been developed with uses that are compatible with the proposed Outdoor Storage use. The subject property's zoning designation of Light Industrial combined with adjacency to industrial developments allows for a variety of supporting uses to be proposed by right or with a Specific Use Permit. This request for an Outdoor Storage use is a supporting use for all surrounding properties. The proposed Outdoor Storage use is anticipated to have minimal impact on the future development of the overall region.

3. Any impacts associated with access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, and odor have been adequately mitigated.

The proposed use is not anticipated to generate offensive odors, fumes, dust, or noise. A Trip Generation report was reviewed, and a Traffic Impact Analysis was not triggered. All proposed parking is located on-site.

In addition, the proposed Outdoor Storage use is required to comply with the Use-Specific Standards specified DDC 5.3.6.F and are intended to minimize any adverse impacts associated with the use. Particularly, the Use-Specific Standards specify screening requirements for the establishment of an Outdoor Storage use, including the following:

- Materials shall not be stored in areas intended for vehicular or pedestrian circulation.
  - *No storage of material is proposed within areas intended for vehicular or pedestrian circulation.*

- Materials stored outdoors shall be setback at least five feet from all property lines.
  - *No material storage is proposed within five feet of any property line.*
- Outdoor storage shall be opaquely screened from all rights-of-way, residential zoning districts, and residential uses, and shall comply with standards in Subsection 7.7.8: Walls, Fences, and Screening.
  - *The subject property is not visible from adjacent rights-of-way. No residential zoning districts or uses are within the immediate vicinity of the subject property.*