

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF DENTON, TEXAS REGARDING A REQUEST FOR A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A HIGH-IMPACT MANUFACTURING USE ON APPROXIMATELY 8 ACRES OF LAND, GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF SHELBY LANE AND DAKOTA LANE, IN THE CITY OF DENTON, DENTON COUNTY, TEXAS; ADOPTING AN AMENDMENT TO THE CITY’S OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$2,000.00 FOR VIOLATIONS THEREOF; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE. (S24-0003a)

WHEREAS, Jesse Copeland with Winstead, representing the applicant, Advanced Microbial Solutions, LLC has applied for a new Specific Use Permit (“SUP”) to allow for a High-Impact Manufacturing use on an approximately 8-acre site, within the Heavy Industrial (HI) zoning district and use classification, platted as Corbin Road Business Park Ph III Block C Lot 7, (hereinafter, “the Property”); and

WHEREAS, on June 12, 2024, the Planning and Zoning Commission, in compliance with the laws of the State of Texas, having given the requisite notices by publication and otherwise, and having afforded full and fair hearings and to all property owners interested in this regard, has recommended approval [6 – 0] of the requested SUP, subject to conditions; and

WHEREAS, on July 16, 2024, the City Council likewise conducted a public hearing as required by law to consider the SUP request. Upon consideration, the City Council hereby finds that the request is consistent with the Denton Plan and federal, state, and local law, and that the Applicant has agreed to comply with all provisions of the Denton Development Code (“DDC”), and has further agreed to comply with the additional restrictions and conditions set forth herein; and

WHEREAS, the City Council has determined that it will be beneficial to Denton and its citizens to grant the SUP; that such grant will not be detrimental to the public welfare, safety, or health; that proposed permit, as conditioned below, satisfies criteria set forth in Sections 2.4.5E and 2.5.2D of the Denton Development Code; and that the SUP should be granted; NOW THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this ordinance are incorporated herein by reference and found to be true.

SECTION 2. The SUP to allow the High-Impact Manufacturing use on the Property as shown on the site plan and building and storage area layout attached and incorporated herein as **Exhibit “A” and Exhibit “B,”** is hereby approved, with the following conditions:

1. The zoning map shall reflect the Specific Use Permit on the property consistent with the DDC.

2. Maintain compliance with the Texas Multisector Storm Water General Permit and update the certification every 5 years or as required by Texas Commission on Environmental Quality. Documentation shall be provided to the City upon request demonstrating compliance.
3. Maintain a spill response team that requires staff training at least once a year to review Standard Operating Procedures. Documentation shall be provided to the City upon request demonstrating compliance.
4. Outdoor storage tanks shall be screened from the right-of-way with an 8-foot wood fence and evergreen trees with a minimum 30-foot mature height as shown on the attached site plan.
5. All stored hazardous chemicals shall be located inside the building only. Outdoor storage tanks shown on the plans are not permitted to hold hazardous materials.
6. Obtain all necessary permits within 90 days of the SUP effective date to achieve proper storage and placement of materials or chemicals within control area(s) in accordance with the 2021 International Building Code.
7. Any hazardous chemicals stored onsite shall require approval from the Fire Department prior to storage commencing, including obtaining any necessary permits.
8. Prior to any manufacturing or processing wastewater discharge being connected to the City's wastewater collection system, building permit plans shall be submitted to the City for review and approval and issuance of applicable wastewater discharge permit.

SECTION 3. Failure to Comply. Except as otherwise stated above, all terms of the SUP shall be complied with prior to issuance of a Certificate of Occupancy. Failure to comply with any term or condition of the Ordinance will result in the SUP being declared null and void, and of no force and effect. The SUP is issued to the entity named above runs with the land and is assignable and transferable to subsequent owners of the Property.

SECTION 4. SUP Regulations. Upon notice to the property owner and a hearing before the City Council, a SUP may be revoked or modified if: 1. There is one or more of the conditions imposed by this Ordinance that has not been met or has been violated on the Property; or 2. The SUP was obtained or extended by fraud or deception; or 3. As otherwise permitted by law and/or permitted by the Denton Development Code.

SECTION 5. Unlawful use. It shall be unlawful for any person, firm, entity, or corporation to make use of the above-referenced Property in some manner other than as authorized by the Denton's Codes of Ordinances and this Ordinance.

SECTION 6. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by any court, such invalidity shall affect the validity of the provisions or applications, and to this end the provisions of this ordinance are severable.

SECTION 7. Penalty. Any person, firm, entity or corporation violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding \$2,000.00 for each violation. Each day that a provision of this ordinance is violated shall constitute a separate and distinct offense. The penal provisions imposed under this Ordinance shall not preclude Denton from filing suit to enjoin the violation and it retains all legal rights and remedies available to it under local, state and federal law.

SECTION 8. In compliance with Section 2.09(c) of the Denton Charter, this ordinance shall become effective fourteen (14) days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record-Chronicle, a daily newspaper published in the City of Denton, Texas, within ten (10) days of the date of its passage.

The motion to approve this ordinance was made by \_\_\_\_\_ and seconded by \_\_\_\_\_, the ordinance was passed and approved by the following vote [\_\_- \_\_]:

	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Paul Meltzer, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Jill Jester, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
GERARD HUDSPETH, MAYOR

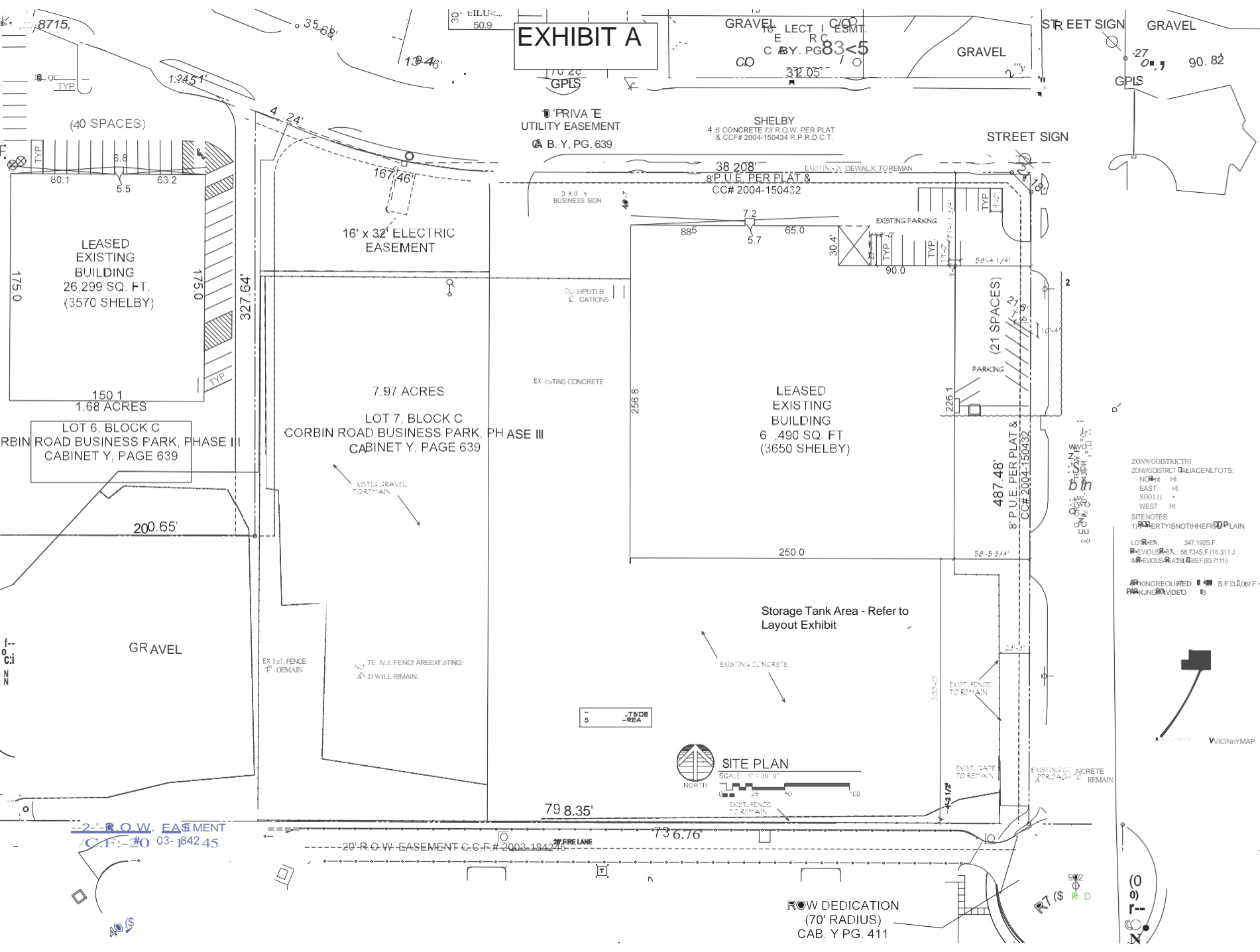
ATTEST:  
LAUREN THODEN, CITY SECRETARY

BY: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:  
MACK REINWAND, CITY ATTORNEY

BY:  \_\_\_\_\_

**EXHIBIT A**



**BATESMARTIN**  
**B ARCHITECTS**

Architects & Planners  
1101 W. 22nd St. #200  
Des Moines, IA 50319  
(515) 266-0000  
www.batesmartin.com

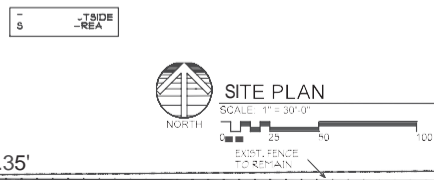
W/ Air...  
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Og...  
LC...  
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ZONING DISTRICT: DJ  
ZONING DISTRICT ADJACENT LOTS:  
NORTH: HI  
EAST: HI  
SOUTH: HI  
WEST: HI

SITE NOTES:  
1) PROPERTY IS NOT THE PROPERTY OF PLAIN

LOT AREA: 347,192 S.F.  
PREVIOUS AREA: 567,345 S.F. (16,311 J  
PREVIOUS AREA: 234,855 S.F. (80,711 J)

AS REQUIRED BY S.F. 13.006.F.16  
PARKING PROVIDED: 45



April 2, 2024

Michael Bates  
May 20, 2021

REV. 2.5.0.7

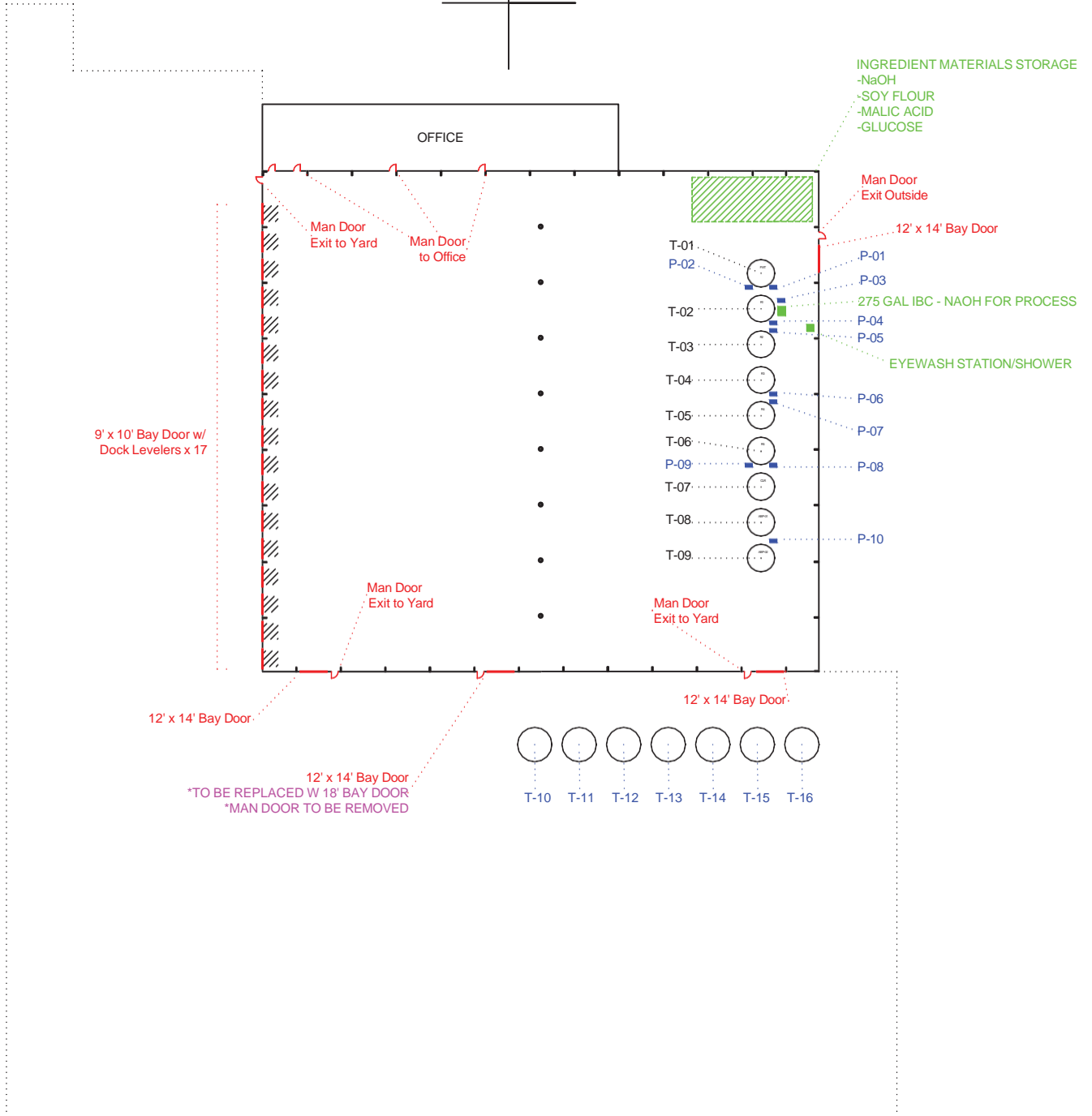
SHEET  
**A1**

ROW DEDICATION  
(70' RADIUS)  
CAB. Y PG. 411

# EXHIBIT B

AGRICEN  
3650 SHELBY LN  
CONCEPT LAYOUT, MK II  
4/2/24

N



## Legend for 3650 Shelby Site Layout

CODE	TANK MATERIAL	TYPE	CAPACITY (GAL)	SG RATING	HEIGHT	DIAMETER	DESCRIPTION
T-01	FIBERGLASS	CONE BOTTOM 45	10K	1.5	20'0"	12'0"	FRESH WATER SUPPLY TANK FOR NTS-C% R1
T-02	FIBERGLASS	CONE BOTTOM 45	10K	1.5	20'0"	12'0"	NTS-C REACTOR 1% NAO IN REACTION% DR INGREDIENT ADDITION
T-03	FIBERGLASS	CONE BOTTOM 45	10K	1.5	20'0"	12'0"	NTS-C REACTOR 2
T-04	FIBERGLASS	CONE BOTTOM 45	10K	1.5	20'0"	12'0"	NTS-C REACTOR 3
T-05	FIBERGLASS	CONE BOTTOM 45	10K	1.5	20'0"	12'0"	NTS-C REACTOR 4
T-06	FIBERGLASS	CONE BOTTOM 45	10K	1.5	20'0"	12'0"	NTS-C REACTOR 5
T-07	FIBERGLASS	CONE BOTTOM 45	10K	1.5	20'0"	12'0"	NTS-C CLARIFIER% FLITE DRIVE
T-08	FIBERGLASS	CONE BOTTOM 45	10K	1.5	20'0"	12'0"	NTS-C ABP COLLECTION TANK 1
T-09	FIBERGLASS	CONE BOTTOM 45	10K	1.5	20'0"	12'0"	NTS-C ABP COLLECTION TANK 2
T-10	FIBERGLASS	FLAT BOTTOM	42K	1.5	30'0"	15'6"	FINAL PRODUCT STORAGE TANK
T-11	FIBERGLASS	FLAT BOTTOM	42K	1.5	30'0"	15'6"	FINAL PRODUCT STORAGE TANK
T-12	FIBERGLASS	FLAT BOTTOM	42K	1.5	30'0"	15'6"	FINAL PRODUCT STORAGE TANK
T-13	FIBERGLASS	FLAT BOTTOM	42K	1.5	30'0"	15'6"	FINAL PRODUCT STORAGE TANK
T-14	FIBERGLASS	FLAT BOTTOM	42K	1.5	30'0"	15'6"	FINAL PRODUCT STORAGE TANK
T-15	FIBERGLASS	FLAT BOTTOM	42K	1.5	30'0"	15'6"	FINAL PRODUCT STORAGE TANK
T-16	FIBERGLASS	FLAT BOTTOM	42K	1.5	30'0"	15'6"	FINAL PRODUCT STORAGE TANK
PUMPS							
CODE	TYPE	PUMP SIZE	VOLTAGE	RUN AMPS			
P-01	SCOT - CENTRIFUGAL	3 X 3	460	2.56			
P-02	APEX 20 - POSITIVE DISPLACEMENT	3/4 X 3/4	460	1.14			
P-03	APEX 10 - POSITIVE DISPLACEMENT	1/2 X 1/2	460	1.21			
P-04	SCOT - CENTRIFUGAL	3 X 3	460	2.56			
P-05	SCOT - CENTRIFUGAL	3 X 3	460	2.56			
P-06	SCOT - CENTRIFUGAL	3 X 3	460	2.56			
P-07	SCOT - CENTRIFUGAL	3 X 3	460	2.56			
P-08	SCOT - CENTRIFUGAL	3 X 3	460	2.56			
P-09	APEX 10 - POSITIVE DISPLACEMENT	3 X 3	460	1.21			
P-10	SCOT - CENTRIFUGAL	3 X 3	460	2.56			

# SCREENING PLAN

