

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

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, APPROVING A SPECIFIC USE PERMIT TO ALLOW FOR AN EQUIPMENT SALES AND RENTAL USE ON APPROXIMATELY 4.25 ACRES OF LAND, GENERALLY LOCATED WEST OF NORTH INTERSTATE-35, EAST OF THE TERMINUS OF JIM CRISTAL ROAD, AND APPROXIMATELY 1,000 FEET NORTH OF WEST OAK STREET 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 AN EFFECTIVE DATE. (S24-0006 – NATIONAL EQUIPMENT DEALERS - DENTON)

WHEREAS, Mack Mattke with Kimley-Horn & Associates (the "Applicant"), representing the property owner Texas Blue Horseshoe LTD applied for a Specific Use Permit ("SUP") to allow for an equipment sales and rental use on approximately 4.25 acres of land within the Light Industrial (LI) zoning district, legally described in **Exhibit "A"** (hereinafter, the "Property"); and

WHEREAS, on March 19, 2025, 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 to all property owners interested in this regard, recommended approval [4-0] of the requested SUP, subject to conditions; and

WHEREAS, on April 15, 2025, the City Council likewise conducted a public hearing as required by law to consider the SUP request, and finds that the request is consistent with the Denton 2040 Comprehensive 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 Equipment Sales and Rental use on the Property as shown on the site plan and landscape plan attached and incorporated herein as **Exhibit "B" and Exhibit "C,"** is hereby approved, with the following conditions:

1. Development of the site shall substantially comply with the attached Site Plan and Landscape Plan. Administrative approval of changes that do not increase the size of the designated equipment rental display and storage areas, change the number of

parking spaces, decrease the buffer and screening requirements, or result in a decrease of more than 5 percent in the landscape area for the whole site 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. Notwithstanding the limited administrative approvals authorized in condition 1, 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, including those referenced in condition 1. The attached site plan and landscape plan are incorporated as requirements of the SUP.
3. Improvements within the Texas Department of Transportation (TxDOT) right-of-way require approval by TxDOT. If TxDOT plans for the widening of North Interstate-35 impact the subject property and minor alterations are required to realign the proposed drive aisle, add a turn lane, or any other changes required by TxDOT, these changes may be approved by City staff, provided that the final configuration of the right-of-way complies with the TxDOT requirements as well as all elements of the DDC and that the drive aisle width remains no less than 30-foot wide at the subject property line. All other changes to site access shall require a Specific Use Permit amendment in accordance with the Denton Development Code.
4. Repairs and maintenance services of equipment shall be conducted entirely within an enclosed structure. Inoperable or wrecked equipment or materials shall be maintained entirely within an enclosed structure or shall be opaquely screened from the North Interstate-35 and Jim Christal rights-of-way, and shall comply with standards in Subsection 7.7.8: Walls, Fences, and Screening. Staff may approve changes to fences proposed on the attached Site Plan and Landscape Plan to accommodate for screening of future outdoor storage.
5. The zoning map shall reflect the Specific Use Permit on the property consistent with the Post-Decision Action Steps for Specific Use Permits in the 2019 DDC.

**SECTION 3. Failure to Comply.** 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 this 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 the current DDC.

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 current DDC, Code 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 not 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 \_\_\_\_\_, 2025.

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

ATTEST:

LAUREN THODEN, CITY SECRETARY

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

APPROVED AS TO LEGAL FORM:

MACK REINWAND, CITY ATTORNEY

A handwritten signature in blue ink, reading "Haley Negron", is written over the signature line.

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

**Exhibit A**  
**Legal Description**

**BEING** a 4.2535 acre (185,284 square foot) tract of land situated in the BBB & C RR Co Survey, Abstract No. 192 and the Eugene Puchalski Survey, Abstract No. 996, City of Denton, Denton County, Texas, being part of a tract of land described as Tract One in a Special Warranty Deed to Texas Blue Horseshoe, LTD. recorded in Instrument No. 2007-143669, Official Records, Denton County, Texas (O.R.D.C.T.), said tract being more particularly described as follows:

**BEGINNING** at a 1/2" iron rod found with a cap in the southwest right-of-way line of Interstate Highway No. 35 (a variable width right-of-way);

**THENCE** along the said southwest right-of-way line of Interstate Highway No. 35 the following seven (7) calls:

South 16°24'04" East, a distance of 239.59 feet to a 5/8" iron rod found;  
South 39°58'38" West, a distance of 12.86 feet to a point for corner;  
South 54°07'22" East, a distance of 17.46 feet to a point for corner;  
South 16°26'08" East, a distance of 62.79 feet to a 5/8" iron rod found;  
South 18°23'57" East, a distance of 200.12 feet to an aluminum TxDOT disc found;  
South 14°40'35" East, a distance of 100.04 feet to a 5/8" iron rod found;  
South 16°23'41" East, a distance of 0.32 feet to a point for corner;

**THENCE** South 45°16'00" West, departing the said southwest right-of-way line of Interstate Highway No. 35, a distance of 242.97 feet to a point for corner in the northeast right-of-way line of the Kansas City Southern Railway (a 150' right-of-way);

**THENCE** North 22°24'12" West, along the said northeast right-of-way line of the Kansas City Southern Railway, a distance of 828.47 feet to a 5/8-inch iron rod with cap stamped "KHA" found;

**THENCE** North 89°35'35" East, departing the said northeast right-of-way line of the Kansas City Southern Railway, a distance of 308.46 feet to the **POINT OF BEGINNING** and containing 185,284 square feet or 4.2535 acres of land, more or less.

[illegible]



## Exhibit C

### Landscape Plan

