

S24-0003a/S24-0004a Advanced Microbial Solutions

Ashley Ekstedt, AICP

Associate Planner

July 16, 2024

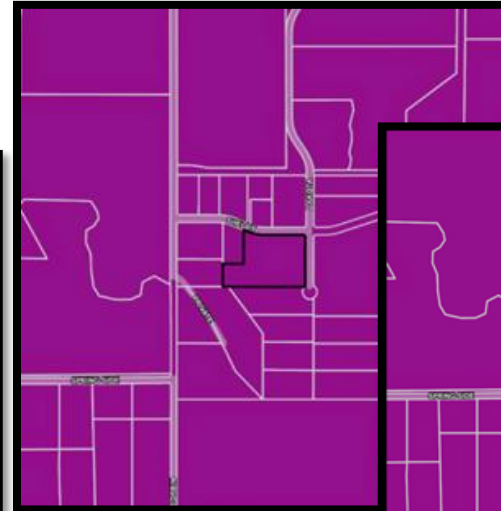


Request

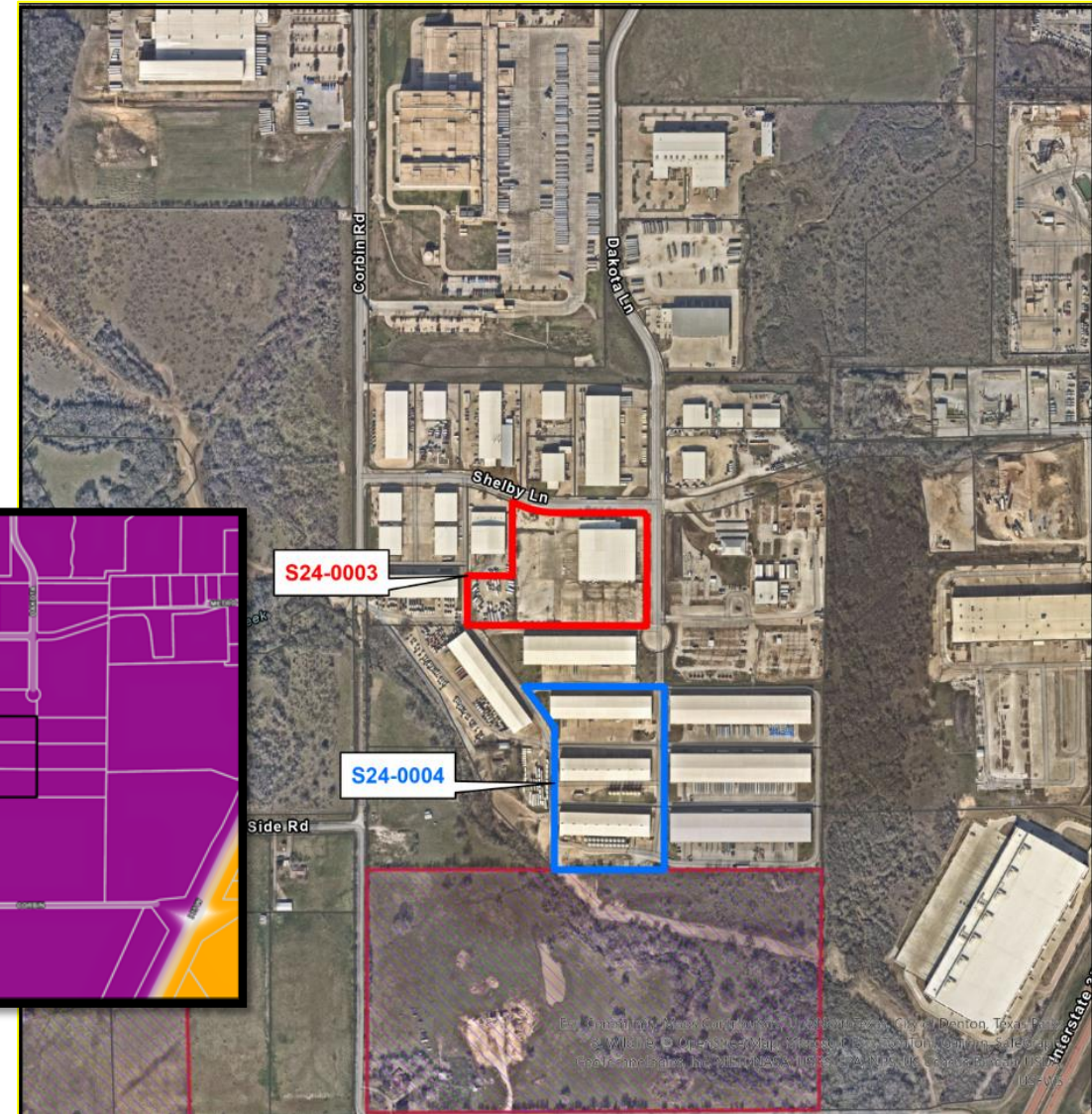
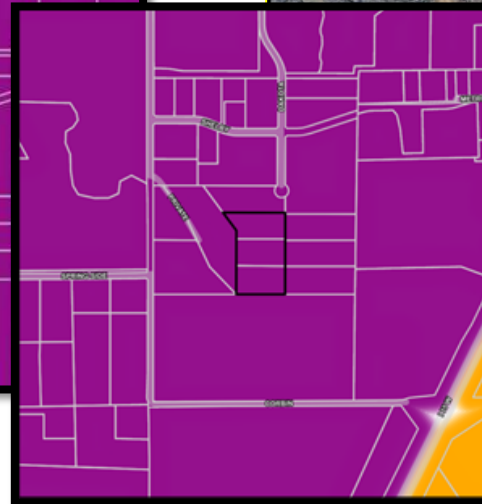
- **Request:** Specific Use Permit (SUP) to allow a **High-Impact Manufacturing** use on approximately 8 acres of land (S24-0003) and 9.5 acres of land (S24-0004) generally located on the southwest corner of the intersection of Shelby Lane and Dakota Lane and on the west side of Dakota Lane, 800 feet south of Shelby Lane



Existing Zoning -
Residential Heavy Industrial (HI)



Future Land Use Map -
Industrial Commerce



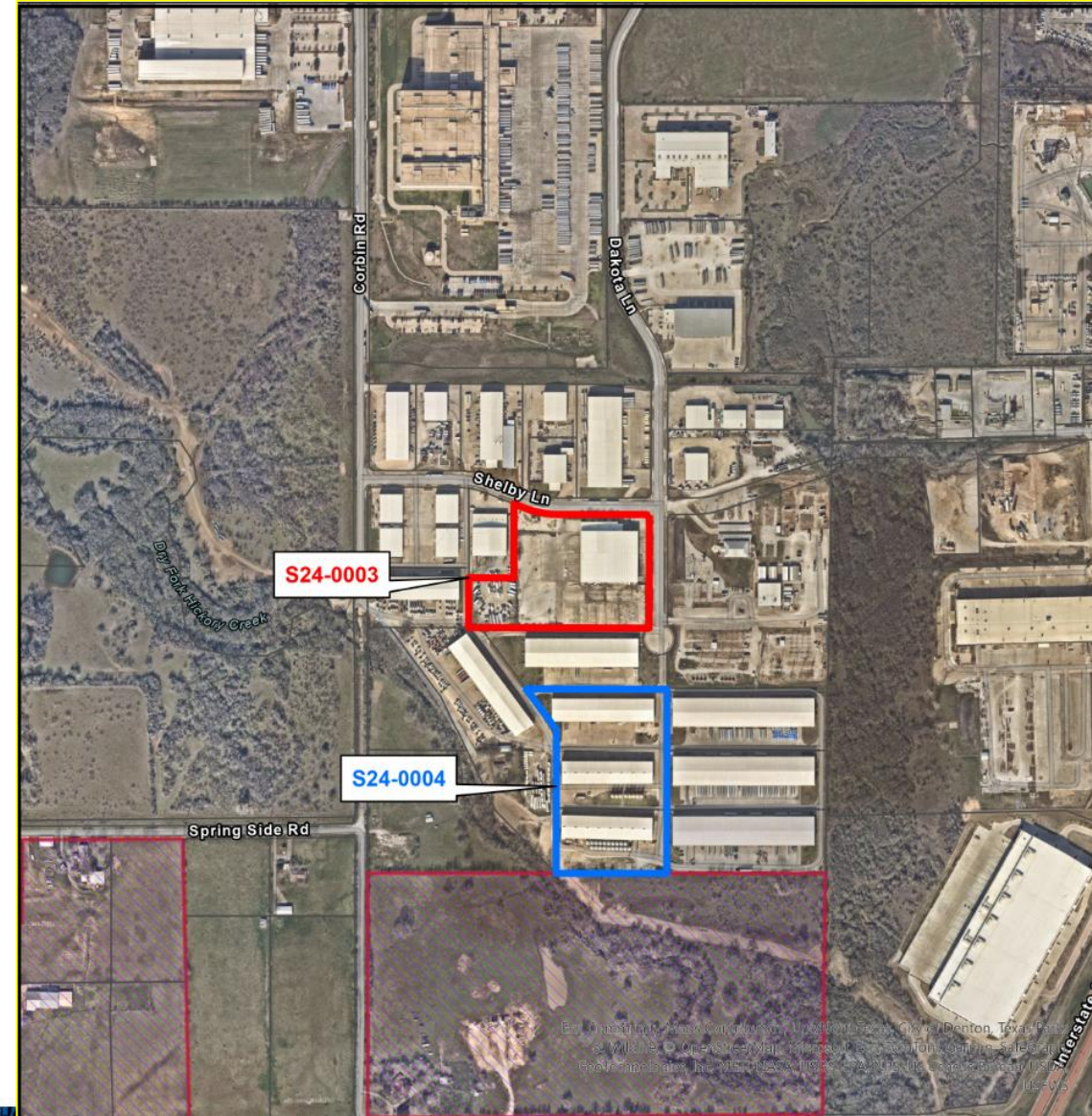
Site History

S24-0004 Properties:

- **2011-** Certificate of Occupancy is issued for 4951 Dakota Lane (Heavy Manufacturing use) (southernmost building)
- **2016-** Certificate of Occupancy is issued for 5001 Dakota Lane (Warehouse use) (middle building)
- **2022-** Certificate of Occupancy is issued for 5071 Dakota Lane (Warehouse use) (northmost building)

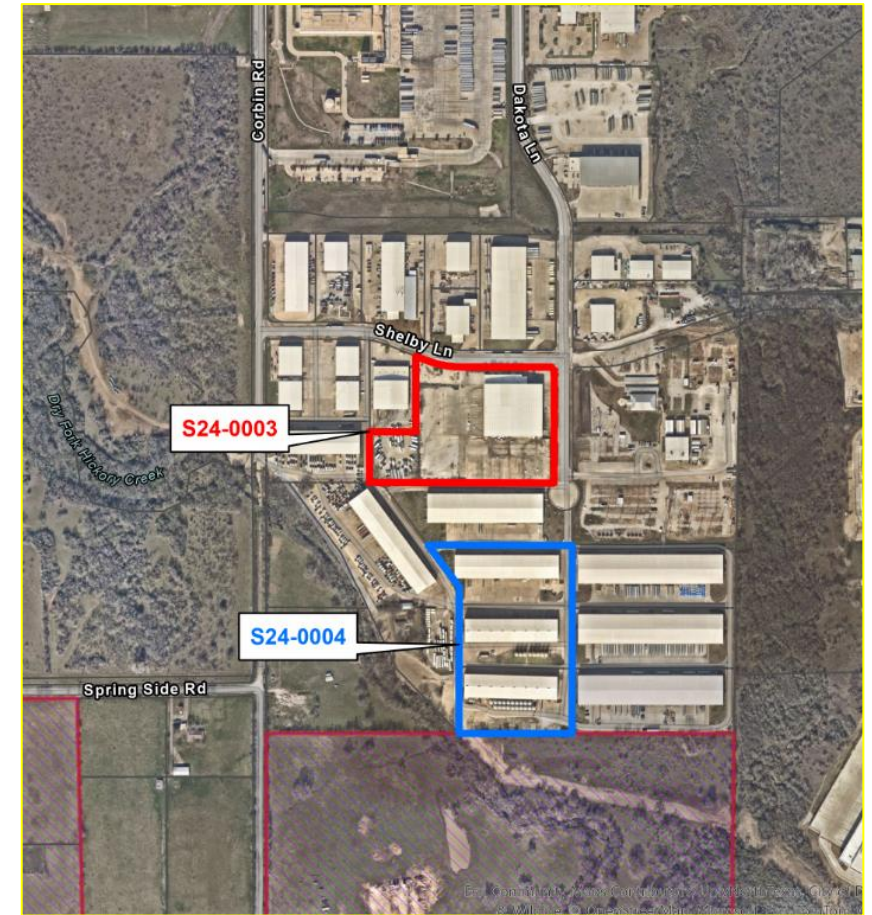
S24-0003 Property:

- **2024-** Request for a Certificate of Occupancy for 3650 Shelby Lane for bio-stimulant manufacturing – Applicant notified that a Specific Use Permit was required to begin operations at this location and to continue operations at the three other locations



Business Operations

- **High-Impact Manufacturing:**
 - An establishment or business that **uses hazardous inputs** or creates hazardous by-products **in the course of manufacturing**, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts on the environment or surrounding areas. Examples include but are not limited to: acid manufacture; acid bulk storage; cement, lime, gypsum or plaster manufacture; central concrete mixing or concrete proportioning plant; distillation, manufacture or refining of bones, coal or tar asphalt; explosives, manufacture or storage; fat, grease, lard or tallow rendering or refining; **fertilizer manufacture from organic matter**; glue or size manufacture; paper manufacture; petroleum or asphalt refining or storage; smelting of tin, copper, zinc or iron ores; and storage or processing raw hides or fur.
- **Manufacturing and outdoor storage** of finished product occur in the southernmost building, the middle building, and is proposed to occur in the northernmost (single lot) building.
- Majority of **the inputs are stored** in the northernmost building of the three-lot site
- **Operational controls** in place include trenching to contain spills inside the buildings, secondary containment where necessary, safety plan and emergency response plan, outdoor storage tanks appropriately constructed for the product and hazard rating
- Proposed and existing operations are **located within an industrial park** with similar types of uses, similar outdoor storage, similar type of vehicles, and similar operations



Site Layouts

S24-0004

- Four existing buildings
 - Sizes range from approximately 40,000-61,000 square feet
- Outdoor storage tanks hold nonhazardous finished product

S24-0003



EXISTING OUTDOOR STORAGE



Criteria for Approval – Development Code

General Approval Criteria for All Applications (Sec. 2.4.5E)

1. General Criteria
2. Prior Approvals
3. Consistent with the Comprehensive Plan and Other Applicable Plans
4. Compliance with this DDC
5. Compliance with other regulations
6. Consistent with Interlocal and Development Agreements
7. Minimizes Adverse Environmental Impacts
8. Minimizes Adverse Impacts on surrounding Property
9. Minimizes Adverse Fiscal Impacts
10. Compliance with Utility, Service, and Improvement Standards
11. Provides Adequate Road Systems
12. Provides Adequate Public Services and Facilities
13. Rational Phasing Plan

Specific Use Permit Criteria for Approval (Sec 2.5.2D)

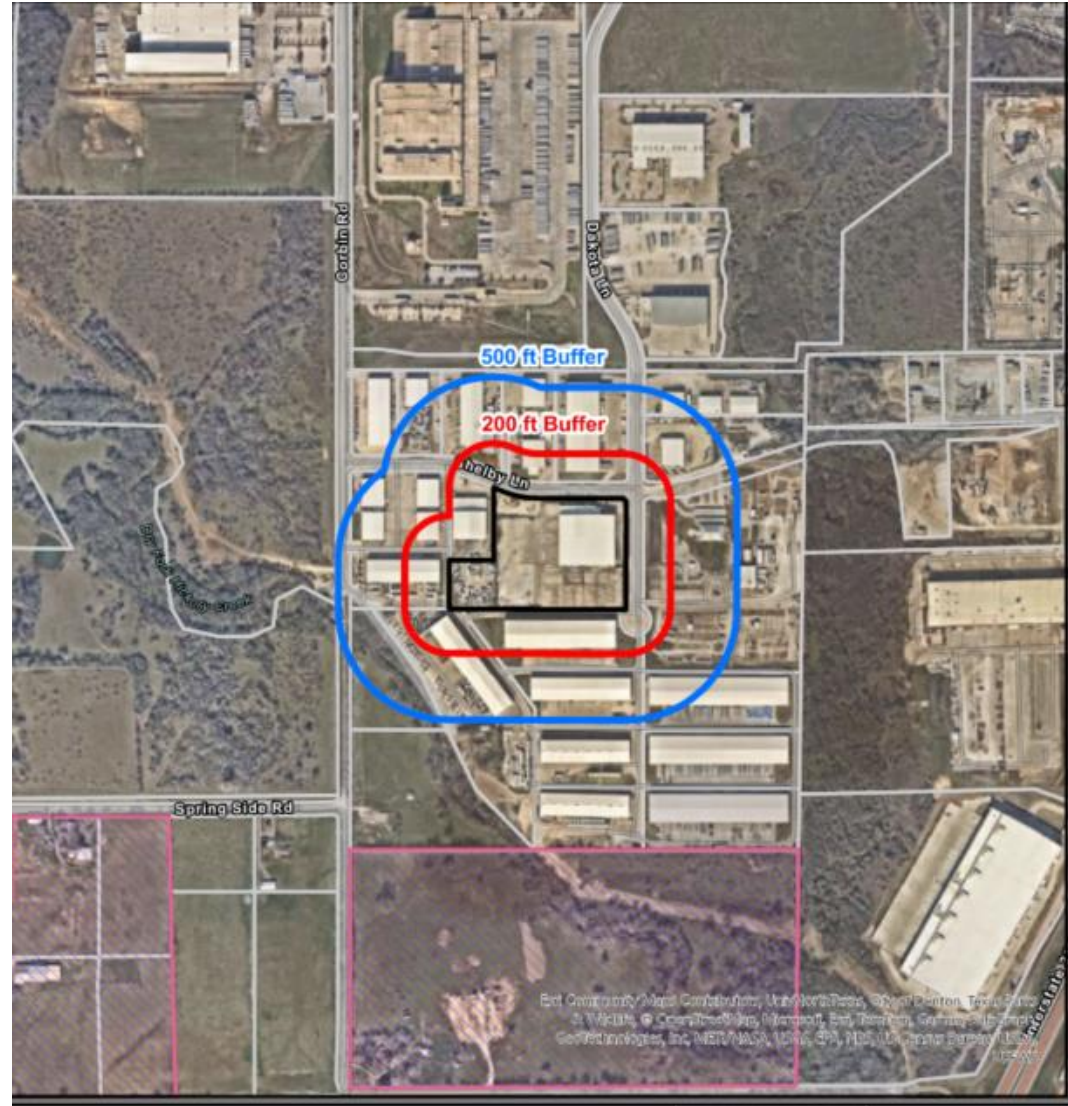
1. The specific use proposed is compatible with the surrounding area;
2. The specific use proposed has no negative impacts on future development of the area; and
3. Any impacts associated with access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, and odor have been adequately mitigated.

Summary:

- ✓ Proposals are consistent with the goals and policies of the Denton 2040 Comprehensive Plan and the Future Land Use Map.
- ✓ Proposals are compatible with the surrounding area.
- ✓ Approval of the Specific Use Permits is not expected to generate significant adverse environmental, infrastructure, or fiscal impacts.
- ✓ Utilities and infrastructure are already serving the subject properties.

Public Outreach (S24-0003)

- Newspaper Ad: May 26 and June 29, 2024
- Website: May 23 and June 27, 2024
- Property Posted: May 28, 2024
- Mailed Notices:
 - 200 ft. Public Notices mailed: 12
 - 500 ft. Courtesy Notices mailed: 15
- Responses:
 - In Opposition: 0
 - In Favor: 0
 - Neutral: 0
- May 20, 2024- applicant delivered letters in person to addresses within 500 feet



Recommendation (S24-0003) (Northernmost)

Staff recommends **approval** of the SUP 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.



Recommendation (S24-0003) (Northernmost)

Staff recommends **approval** of the SUP with the following conditions:

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.



Recommendation (S24-0004) (Three Buildings)

Staff recommends **approval** of the SUP 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. **The chiller shall be relocated outside of the floodway and the 100-year floodplain** within 90 days of the SUP effective date. Additionally, **all mechanical equipment** shall be located outside of the floodway and the 100-year floodplain.
4. **Outdoor storage is not permitted within the floodway and 100-year floodplain.** Therefore, all outdoor storage, including tractor trailers, shall be removed within 90 days of the SUP effective date and not stored in the floodway and floodplain.
5. All stored hazardous chemicals shall be located inside the buildings only. Outdoor storage tanks shown on the plans are not permitted to hold hazardous materials.

Recommendation (S24-0004) (Three Buildings)

Staff recommends **approval** of the SUP with the following conditions:

6. Any hazardous chemicals stored onsite shall require approval from the Fire Department within 90 days of the SUP effective date, including obtaining any necessary permits.
7. 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.
8. Maintain a spill response team that entails staff training at least once a year to review Standard Operating Procedures. Documentation shall be provided to the City upon request demonstrating compliance.
9. 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.

Recommendations

S24-0003 (Northernmost lot): The Planning & Zoning Commission recommended approval with the conditions as presented [6-0].

Staff recommends **approval** of the SUP with the conditions as presented.

S24-0004 (Three Buildings): The Planning & Zoning Commission recommended approval with the conditions as presented [6-0].

Staff recommends **approval** of the SUP with the conditions as presented.



QUESTIONS?

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Development Services