



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET

DEPARTMENT: Department of Development Services

ACM: Cassey Ogden

DATE: July 16, 2024

SUBJECT

Hold a public hearing and consider adoption of 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. The Planning and Zoning Commission voted [6-0] to recommend approval. Motion for approval by Commissioner Cole and second by Commissioner Pruett. (S24-0003a, Advanced Microbial Solutions, Ashley Ekstedt)

<https://dentontx.new.swagit.com/videos/307778?ts=0>

BACKGROUND

The applicant, Jesse Copeland with Winstead, representing the business owner, Advanced Microbial Solutions, LLC, is requesting a Specific Use Permit (SUP) to allow for a High-Impact Manufacturing use. The subject property is zoned Heavy Industrial (HI).

Specifically, this proposed development is for a fertilizer and soil amendment manufacturing business, which falls within the scope of a High-Impact Manufacturing use as defined in the DDC:

Manufacturing, High-Impact: 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.

In the HI Zoning District, High-Impact Manufacturing is permitted with an approved Specific Use Permit.

This SUP application is related to SUP request S24-0004, which is also on this agenda for consideration and which is for a property containing three platted lots located approximately 800 feet south of the intersection of Dakota Lane and Shelby Lane. Since the properties are physically separated by another lot owned and utilized by a different entity, the SUP requests are being considered independently. In summary, the owner is currently operating this use on the subject property of S24-0004 under Certificates of Occupancy (COs) for warehouse and nonconforming manufacturing uses. When a CO request was submitted for the subject property, staff became aware of the intensive nature of the manufacturing

operation that has been split over time to occur across multiple buildings and made the owner aware of the need for a Specific Use Permit for all of their properties.

The subject property is an approximately 8-acre site located on the southwest corner of the intersection of Shelby Lane and Dakota Lane. The existing building and parking areas on the subject property were developed prior to its annexation into the City in 2010. No changes or expansions to the existing building are proposed. The subject property consists of a 61,490 square foot building and includes proposed accessory outdoor storage that will be screened from the right-of-way. Material to be stored and manufactured on site includes inputs required to manufacture fertilizer and soil amendments and finished product. The portion of the site to the rear of the building will include storage tanks that will store the non-hazardous finished product that will be screened from the right-of-way by an eight-foot-tall wood fence and evergreen trees. The Site Plan provided as Exhibit 7 shows the proposed location of the storage tanks as well as the existing building and parking areas. Exhibit 8 shows in more detail the proposed location of indoor manufacturing equipment and storage areas in addition to the outdoor finished product storage tanks.

Staff Analysis is provided as Exhibit 2.

PLANNING AND ZONING COMMISSION

On June 12, 2024, the Planning & Zoning Commission held a public hearing and recommended approval of the Specific Use Permit [6-0]. The applicant spoke in support of the project. A summary of the Commission's questions and discussion is provided below. No members of the public spoke at the hearing.

During the work session and public hearing, the Commission asked questions related to potential impacts from this development, which are summarized below:

- The Commission asked about ongoing conversations with the Fire Marshal's Office related to storage of materials. Staff stated that conversations had been ongoing with representatives from both Fire and Building Safety relating to regulations within the International Building Code (IBC) and International Fire Code (IFC) relating to the maximum amount of certain materials that can be stored within a control area. If the SUP is approved, a list of all the chemicals that are being stored onsite (and in what quantities) will be submitted to Building Safety with the Certificate of Occupancy (CO) for review, as well as to the Fire Marshal for a Hazardous Materials Permit.
- Questions were raised whether there was any means of restricting the amount of each material stored on site using the CO or Hazardous Materials Permit referred to above. The IBC and IFC have established a cap, or maximum amount, of each material that can be stored within a control area based on the type of material and the hazards that it presents. If the amount of that chemical were to exceed the maximum amount, a new and separate control area would need to be created within the structure.
- The Commission also asked the business owner to explain how the biostimulant production process works in a non-technical way. The owner explained that there are fermentation tanks, and water flows from one tank to the next and consumes the organic feedstock. The newest facility will be manufacturing a product designed to fix nitrogen from the atmosphere and reduce the amount of nitrogen fertilizer applied to corn crops.

OPTIONS

1. Approve
2. Approve subject to conditions
3. Deny
4. Postpone consideration

RECOMMENDATION

The Planning and Zoning Commission recommended approval with the staff-recommended conditions [6-0].

Staff recommends **approval** of the SUP request 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.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

July 23, 2008	Planning & Zoning Commission	Final Plat	Approved
February 9, 2010	City Council	Public Hearing, and First Reading of the Annexation Ordinance	Public Hearing held, and First Reading conducted
May 4, 2010	City Council	Second Reading and consideration of Annexation Ordinance	Second Reading conducted, and Annexation Ordinance approved [2010-123]
September 21, 2011	Planning & Zoning Commission	Rezoning from Rural Residential 5 (RD-5) to Industrial Center General (IC-G) (2011-191)	Recommended Approval
October 4, 2011	City Council	Rezoning from Rural Residential 5 (RD-5) to Industrial Center	Approved

		General (IC-G) (2011-191)	
June 12, 2024	Planning & Zoning Commission	Specific Use Permit for a High-Impact Manufacturing Use	Recommended Approval

PUBLIC OUTREACH:

To comply with the public hearing notice requirements, the following were completed:

- On May 24, 2024 - 12 notices were sent to property owners within 200 feet of the subject property. As of the writing of this report, staff has not received any written responses.
- On May 24, 2024 - 15 courtesy notices were sent to physical addresses within 500 feet of the subject property.
- A notice was published on the City’s website on May 23, 2024 and again on June 27, 2024.
- A notice was published in the Denton Record Chronicle on May 26, 2024 and again on June 29, 2024.
- The week of May 20, 2024, the applicant mailed and dropped off letters in person to properties within 500 feet.
- One sign was posted on the property on May 28, 2024.

DEVELOPER ENGAGEMENT DISCLOSURES

No developer contact and/or meeting disclosures have been provided to staff as of the issuance of this report.

EXHIBITS

- Exhibit 1 - Agenda Information Sheet
- Exhibit 2 - Staff Analysis
- Exhibit 3 - Site Location Map
- Exhibit 4 - Future Land Use Map
- Exhibit 5 - Zoning Map
- Exhibit 6 - Applicant Project Narrative
- Exhibit 7 - Existing Site Plan
- Exhibit 8 - Building and Storage Area Layout
- Exhibit 9 - Fiscal Impact Summary
- Exhibit 10 - Notification Map
- Exhibit 11 - Draft Ordinance
- Exhibit 12 - LLC Members List
- Exhibit 13 - Staff Presentation

Respectfully submitted:
Tina Firgens, AICP
Deputy Director of Development Services/
Planning Director

Prepared by:
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Associate Planner