



City of Denton

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

AGENDA INFORMATION SHEET

DEPARTMENT: Department of Development Services

DCM: Cassey Ogden

DATE: April 15, 2025

SUBJECT

Hold a public hearing and consider adoption of 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 Christal 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 clause and an effective date. The Planning and Zoning Commission voted [4-0] to recommend approval of the request. Motion for approval was made by Commissioner Prado-Carrillo and seconded by Commissioner Dyer. (S24-0006a, National Equipment Dealers, Erin Stanley) <https://dentontx.new.swagit.com/videos/337896>

BACKGROUND

The applicant, Mack Mattke with Kimley Kimley-Horn & Associates, representing the property owner, Texas Blue Horseshoe LTD, has submitted a request 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.

The subject property, generally located west of North Interstate-35 (I-35), east of the terminus of Jim Christal Road, and approximately 1,000 feet north of West Oak Street, is currently undeveloped. There is an existing Self-Service Storage use to the north, Canadian Pacific Kansas City (CPKC) Railroad right-of-way to the west, an undeveloped parcel to the south, and North I-35 right-of-way to the east. There is no existing FEMA Floodplain on-site; however, the site is bisected by existing public utility and gas easements that extend from the terminus of Jim Christal Road east to the I-35 right-of-way.

The proposed development, National Equipment Dealers, will consist of an Equipment Sales and Rental use with accessory uses including storage warehouse and equipment washing and servicing. In the LI Zoning District, the Equipment Sales and Rental use is allowed with an approved Specific Use Permit (SUP). The proposed development will consist of a 12,000 square foot (SF) building, of which 5,000 SF is intended to be sales and rental space and 7,000 SF is intended to be warehouse space for storing and servicing of equipment. Equipment to be sold and displayed on site includes earth-moving and carrier equipment such as excavators, loaders, bulldozers, dump trucks, compactors, pavers, and similar equipment. The northern portion of the site along North I-35 will include a fenced outdoor equipment display along the right-of-way.

The Denton Development Code distinguishes between outdoor display, which relates to items for immediate sale lease, and outdoor storage of items that are not intended for immediate sale or lease (i.e. equipment awaiting maintenance), and storage areas that are required to be opaquely screened. The Site

Plan provided as Exhibit 7 shows the proposed location of the display areas as well as the sales building and parking areas. While the applicant has not indicated an area for outdoor storage, outdoor storage of any materials not intended for immediate sale would be required to be opaquely screened as indicated in the conditions of this request.

A full analysis of this request is provided as Exhibit 2.

PLANNING AND ZONING COMMISSION

On March 19, 2025, the Planning and Zoning Commission held a public hearing and voted [4-0] to recommend approval of the Specific Use Permit. Motion for approval was made by Commissioner Prado-Carrillo and seconded by Commissioner Dyer. During the public hearing, the Commission inquired about the widening of I-35 and how it would affect the subject site. The applicant and owner were available during the public hearing to answer questions from the Commission. No members of the public spoke.

OPTIONS

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

RECOMMENDATION

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

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Date	Council, Board, Commission	Request	Action
August 1, 2000	City Council	Jim Christal Right-of-Way Abandonment	Approved
March 19, 2025	Planning and Zoning Commission	S25-0006	Recommended Approval

PUBLIC OUTREACH:

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

- On February 28, 2025, five (5) notices were sent to property owners within 200 feet of the subject property, and twelve (12) courtesy notices were sent to physical addresses within 500 feet of the subject property. As of the writing of this report, staff has received one response in support of the request, totaling 38% of the property within 200 feet of the subject site.
- Notices were published on the City's website on February 27, 2025 and March 27, 2025.
- Notices were published in the Denton Record Chronicle on March 2, 2025 and March 29, 2025.
- The applicant mailed invites and held a virtual neighborhood meeting on March 13, 2025. No members of the public joined the meeting, so the applicant ended the meeting after 15 minutes.
- One sign was posted on the property on March 6, 2025.

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 - Proposed Site Plan

Exhibit 8 - Proposed Landscape Plan

Exhibit 9 - Fiscal Impact Summary

Exhibit 10 - Notification Map

Exhibit 11 - Draft Ordinance

Exhibit 12 - Presentation

Respectfully submitted:

Tina Firgens, AICP

Deputy Director of Development Services/Planning Director

Prepared by:

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