



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: March 19, 2024

SUBJECT

Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a change in zoning district and use classification from a Rural Residential (RR) district to a Light Industrial (LI) district on approximately 13.4 acres of land generally located on the south side of US 380 approximately 2,400 feet west of Masch Branch Road in the City of Denton, Denton County; 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 a severability clause and an effective date. The Planning and Zoning Commission voted [5-0] to recommend approval of the request. Motion for approval by Commissioner Cole and second by Commissioner Thaggard. (Z23-0014a, RDO Equipment – RR to LI, Ashley Ekstedt) <https://dentontx.new.swagit.com/videos/298668?ts=3891>

BACKGROUND

The applicant, Aimee Bissett of 97 Land Company, on behalf of the property owner, Henry Property Development LLC, has submitted an application to rezone approximately 13.4 acres of land from a Rural Residential (RR) District to a Light Industrial (LI) District to develop a portion of the site with an Equipment Sales and Rental and Warehouse use. Based on historic aerials, the subject property has not previously been developed.

An Equipment Sales and Rental use requires a Specific Use Permit in Light Industrial zoning, and a Specific Use Permit application is currently under review for compliance with all applicable City regulations. The applicant's Specific Use Permit that is currently under review includes a portion of the subject site as well as a portion of the property to the north with frontage on US 380. If the requested zoning change is approved, the SUP will be scheduled for public hearings before the Planning and Zoning Commission and City Council once the plans have been fully reviewed by Staff. Regardless of the associated SUP, the property owner is seeking this zoning change so that the entirety of their property has LI zoning and not just those parcels located adjacent to US 380.

The subject property was annexed into the City in 2010 along with several other properties in this area of the City. Following annexation, the property was assigned the placeholder zoning designation "RD-5X" under the 2002 Denton Development Code (DDC). The zoning of the property transitioned to RR with the adoption of the 2019 DDC.

The surrounding properties to the north, northwest, and northeast of the subject property were annexed into the City in the 1970s and are zoned Light Industrial (LI) District. Due to a similar annexation history, parcels to the east are Zoned Rural Residential (RR) and Light Industrial (LI). West of the subject property, the parcels are in the City's Extraterritorial Jurisdiction and are subject to a Non-Annexation Agreement (NAA). The property to the south of the subject property is also zoned Light Industrial (LI).

A full Staff Analysis is provided in Exhibit 2.

PLANNING AND ZONING COMMISSION

On February 28, 2024 the Planning and Zoning Commission held a public hearing and recommended approval of the zoning change [5-0]. The Commission asked questions regarding the adjacent gas wells. To the west, there is an active gas well located within the ETJ. To the east, there are both an active and a plugged gas well. The subject site is within 500 feet of the active gas wells to the east and west. The proposed uses of Equipment Sales and Rental and Warehouse are not Protected Uses per the DDC definition and are not required to meet the 500-foot Reverse Setback requirements. The applicant was available to answer questions, but no members of the public spoke at the public hearing.

OPTIONS

1. Approve
2. Deny
3. Continue the Item

RECOMMENDATION

Staff recommends **approval** of the rezoning of approximately 13.4 acres of land to a Light Industrial (LI) Zoning District as it complies with the criteria in Section 2.4.5.E of the Denton Development Code for approval of all applications, and Section 2.7.2.D of the DDC for approval of a Zoning Map Amendment (Rezoning).

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Date	Council, Board, Commission	Request	Action
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 [2010-122]
February 28, 2024	Planning & Zoning Commission	Rezoning of property from Rural Residential (RR) to Light Industrial (LI)	Recommend Approval

PUBLIC OUTREACH:

The following public outreach efforts were done to meet legal notice requirements and to seek feedback from adjacent property owners and residents:

- On February 8, 2024 a total of twenty (20) notices were mailed out to property owners within 200 feet of the subject property, and six (6) postcards were mailed out to current residents within 500

feet of the subject property. As of the writing of this report, staff has received no written response to the notices.

- A notice was published on the City's website on February 8, 2024 and again on February 29, 2024.
- A notice was published in the Denton Record Chronicle on February 11, 2024 and again on March 2, 2024.
- Two signs were posted on the subject property on January 11, 2024.
- The applicant sent out neighborhood meeting invitations for a virtual meeting on January 18, 2024 to addresses within 500 feet of the subject property. No RSVP's were received, and therefore, the neighborhood meeting was not held.

DEVELOPER ENGAGEMENT DISCLOSURES

No developer contact disclosures have been provided to staff from members of this body as of the issuance of this report.

EXHIBITS

Exhibit 1 - Agenda Information Sheet
Exhibit 2 - Staff Analysis
Exhibit 3 - Applicant's Project Narrative
Exhibit 4 - Site Location Map
Exhibit 5 - Future Land Use Map
Exhibit 6 - Existing Zoning Map
Exhibit 7 - Proposed Zoning Map
Exhibit 8 - Table of Allowed Uses
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:
Ashley Ekstedt
Assistant Planner