



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: April 24, 2024

SUBJECT

Hold a public hearing and consider making a recommendation to City Council regarding a request for a Specific Use Permit (SUP) to allow for an Equipment Sales and Rental use on approximately 10 acres of land, generally located on the south side of US 380 approximately 3,800 feet west of Masch Branch Road in the City of Denton, Denton County, Texas (S24-0001, RDO Equipment, Ashley Ekstedt)

BACKGROUND

Consider a request by Aimee Bissett with 97 Land Company, representing the property owner, Henry Property Development, LLC, for a Specific Use Permit (SUP) to allow for an Equipment Sales and Rental use. The subject property is zoned Light Industrial (LI).

This proposed development, a John Deere commercial business, will consist of an Equipment Sales and Rental use. In the LI Zoning District, Warehouses are a permitted use, and the Equipment Sales and Rental use is allowed with an approved Specific Use Permit.

The subject property is an approximately 10-acre site located on the south side of US 380, approximately 3,800 feet west of Masch Branch Road. The western portion of the site is encumbered by a variety of easements, primarily associated with overhead utilities, thus making the property difficult to develop. The proposed development will consist of a 28,000 square foot building, of which 13,000 SF will be Equipment Sales and Rental, which includes retail, sales offices, and product displays, and 15,000 SF will be accessory uses such as storage and warehousing and servicing of equipment. Equipment to be sold and displayed on site includes John Deere tractors and similar equipment. The portion of the site along US 380 will include outdoor equipment display along the right-of-way, and additional equipment storage is located adjacent to the building (west and east sides of building) and to the rear of the site that will be screened from the right-of-way by a six-foot tall wood fence located more interior to the site. A six-foot wrought iron fence is proposed along the right-of-way in order to enclose the equipment sales area. 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 are required to be opaquely screened. The Site Plan provided as Exhibit 7 shows the proposed location of the display and storage areas as well as the sales building and parking areas.

Staff Analysis is provided as Exhibit 2.

OPTIONS

1. Recommend approval as submitted
2. Recommend approval subject to conditions
3. Recommend denial

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. An encroachment agreement must be obtained prior to the approval of the Civil Engineering Plans for all encroachments into the private easements located on the property. Failure to obtain an encroachment agreement will require approval of an amendment to the SUP by ordinance.
4. Improvements within the TxDOT roadway require approval by TxDOT. If the modified traffic impact analysis (TIA) submitted to TxDOT requires minor alterations to relocate the cross-access connection, relocate the proposed driveway along US 380, relocate parking spaces impacted by the driveway relocation, or modify the median opening and turn lanes, or any other changes required by TxDOT, these changes may be approved by City staff, provided that the final configuration of the driveway and cross-access complies with the Texas Department of Transportation (TxDOT) requirements as well as all elements of the DDC. All other changes to site access shall require a Specific Use Permit amendment in accordance with the Denton Development Code.
5. Construction of the pavement within the cross-access easement is required when the adjacent property to the east develops.
6. The zoning map shall reflect the Specific Use Permit on the property consistent with the DDC.
7. Minor alterations to the building elevations may be approved by City staff, provided that the final project complies with Denton Development Code Subsection 7.10.5D, Building Mass and Form.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

February 28, 2024	Planning & Zoning Commission	Rezoning of property from Rural Residential (RR) to Light Industrial (LI)	Recommended Approval
March 19, 2024	City Council	Rezoning of property from Rural Residential (RR) to Light Industrial (LI)	Approved

PUBLIC OUTREACH:

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

- On April 5, 2024 - 11 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 April 5, 2024 - 1 courtesy notice was sent to physical addresses within 500 feet of the subject property.
- A notice was published on the City's website on April 5, 2024.
- A notice was published in the Denton Record Chronicle on April 7, 2024.
- The applicant sent out neighborhood meeting invitations to a virtual meeting on January 18, 2024 to addresses within 500 feet of the subject property. No RSVP's were received, and the neighborhood meeting was not held.
- One sign was posted on the property on April 11, 2024.

DEVELOPER ENGAGEMENT DISCLOSURES

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

EXHIBITS

1. Agenda Information Sheet
2. Staff Analysis
3. Site Location Map
4. Future Land Use Map
5. Zoning Map
6. Applicant Project Narrative
7. Proposed Site Plan
8. Proposed Landscape Plan
9. Proposed Building Elevations
10. Fiscal Impact Summary
11. Notification Map
12. Draft Ordinance
13. LLC Members List

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

Prepared by:
Ashley Ekstedt
Associate Planner