



Legislation Details (With Text)

File #: S14-0004 **Version:** 1 **Name:**
Type: Planning Case
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On agenda: 9/16/2014 **Final action:**
Title: Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, providing for a specific use permit for a “heavy manufacturing use” in an “Industrial Center General” (IC-G) zoning district and use classification on approximately 2.95 acres of land generally located on the west side of Worthington Drive, north of Barcelona Street and south of Schuyler Street being Lot 3, Block A of the Hull Addition; and providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. This is part three of a three-part request including CA14-0003 and Z14-0014. The Planning and Zoning Commission recommends approval (7-0).

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1 - Staff Analysis, 2. Exhibit 2 - Site Location Aerial Map, 3. Exhibit 3 - Existing Future Land Use Map, 4. Exhibit 4 - Proposed Future Land Use Map, 5. Exhibit 5 - Hot Dip Galvanization Process Summary, 6. Exhibit 6 - Federal Sewage Discharge Limits, 7. Exhibit 7 - Potential Pollutants the City Monitors, 8. Exhibit 8 - Letter from the Applicant, 9. Exhibit 9 - Site Plan, 10. Exhibit 10 - Notification Map and Responses, 11. Exhibit 11 - Site Photos, 12. Exhibit 12 - August 27, 2014, Planning and Zoning Commission Meeting Minutes (Draft), 13. Exhibit 13 - Draft Ordinance

Date	Ver.	Action By	Action	Result
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Agenda Information Sheet

DEPARTMENT: Planning and Development

CM/ ACM: John Cabrales, Jr.

Date: September 16, 2014

SUBJECT

Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, providing for a specific use permit for a “heavy manufacturing use” in an “Industrial Center General” (IC-G) zoning district and use classification on approximately 2.95 acres of land generally located on the west side of Worthington Drive, north of Barcelona Street and south of Schuyler Street being Lot 3, Block A of the Hull Addition; and providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. This is part three of a three-part request including CA14-0003 and Z14-0014. The Planning and Zoning Commission recommends approval (7-0).

BACKGROUND

The applicant is requesting a Specific Use Permit for approximately 2.95 acres for a heavy manufacturing use,

specifically hot dip galvanization, in the Industrial Center General (IC-G) zoning district. The request is being considered concurrently with two other applications, a Comprehensive Plan Amendment (CA14-0003) and a rezoning request (Z14-0014). All three requests are proposed to allow Edsco Fasteners to begin hot dip galvanization at their current location at 2200 Worthington Drive. Hot dip galvanization is a heavy manufacturing use involving dipping steel into baths of cleansing solutions and molten zinc. Galvanization protects the steel from corrosion by forming an alloy coating. Currently, Edsco Fasteners trucks their products off-site for galvanization. Having hot dip galvanization capabilities on-site would save time and money for their operations.

Edsco Fasteners has been located at the subject property since 2006 and has a Special Exception which means that the use, although not permitted in the governing zoning district under the current Denton Development Code, was permitted at the time the property was developed under a previous Code. The property was previously zoned Light Manufacturing and manufacturing uses have occupied the site since it was developed in 1996. Edsco now desires to add hot dip galvanization to their operations. The galvanization process requires dipping of metal into a variety of baths containing raw materials. First, the steel object is dipped into a degreasing or caustic cleaning solution to remove organic contaminants such as dirt. Second, the steel is dipped into a heated acid or sand blasted to remove any rust. Third, the metal is dipped into a zinc ammonium solution to remove remaining oxides and protect the steel from further oxides prior to the galvanization. Finally, the steel is dipping into a kettle of molten zinc heated to 815-850 degrees. The zinc, even when pre-processed into bricks and melted, is considered a raw material, see Exhibit 5 - Hot Dip Galvanization Process Summary.

There are concerns with pollutants from this use. Galvanization of steel is subject to federal sanitary sewer discharge limits found in 40 CFR Part 420, Sec. 420.126 (Exhibit 7). The pollutants that are regulated by the iron and steel subcategory for hot coating (galvanizing) are zinc, lead, and hexavalent chromium. This facility would therefore be required to hold a discharge permit since they would be considered a "Categorical Industrial User" as defined by the Environmental Protection Agency (EPA). In addition, there are number of potential pollutants listed by the EPA related to Hot Dip Galvanization. The City of Denton Industrial Pre-Treatment Program regulates and monitors for many of these pollutants. The pollutants the City will monitor are highlighted in Exhibit 8.

Staff has met with the applicant on several occasions to discuss the use and determined this to be a heavy manufacturing use. The property has a Special Exception for light manufacturing uses; however, heavy manufacturing uses are not permitted in the current zoning district and were not permitted in the previous zoning district. Edsco appealed staff's determination that hot dip galvanization is a heavy manufacturing use to the Zoning Board of Adjustment (ZBA14-0002). Based on the results of the ZBA hearing hot dip galvanization is considered a heavy manufacturing use as raw materials are used and it is consider a potential point source of pollution.

Staff has reviewed this request against the criteria listed in Section 35.6.4 of the Denton Development Code for SUP requests. Staff finds this SUP request is inconsistent and may be injurious to current and future development in the surrounding areas. To the east, along I-35 there are several hotel and office uses. The property to the west is zoned Neighborhood Residential 2 (NR-2) for single-family residential development. Hot dip galvanization would not be a compatible use.

Notification of the comprehensive plan amendment request (CA14-0003), rezoning request (Z14-0014), and SUP request (S14-0004) were sent out together on August 8, 2014. Notice was published in the Denton Record Chronicle on August 10, 2014 and again on August 31, 2014. As of the writing of this staff report, two responses have been received, one in favor of the request and one neutral to the request.

OPTIONS

1. Approve as submitted.
2. Approve subject to conditions.
3. Deny.
4. Postpone consideration.
5. Table the item.

RECOMMENDATION

The Development Review Committee recommends **denial** of the Specific Use Permit request as it is not compatible with the Comprehensive Plan and does not meet the criteria and considerations listed in the Denton Development Code.

The Planning and Zoning Commission recommends **approval** (7-0) of the Specific Use Permit with conditions:

- A. The heavy manufacturing use is limited to hot dip galvanization.
- B. The SUP is specific to Edsco Fasteners
- C. The applicant is required to comply with all building, environmental, and safety standards in the Denton Development Code and Denton Code of Ordinances.

The Planning and Zoning Commission also directed staff to work with the applicant to identify any other needed conditions before proceeding to City Council. These conditions are below:

- D. Development of the Property will provide 20 percent Tree Canopy consistent with the Regional Center Commercial Downtown zoning district.
- E. Development of the Property will follow the Non-residential and Mixed Use Buildings Site Development Requirements regarding Orientation, Building Materials, and Parking to help ensure compatibility with existing and future uses in the surrounding area.
- F. Operation Hours are limited to 7:00 a.m. to 7:00 p.m.

ESTIMATED SCHEDULE OF PROJECT

Not applicable.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

1. CA14-0003, Z14-0014, and S14-0004 Planning and Zoning Commission, August 17, 2014
2. CA14-0003, City Council, September 16, 2014 (being processed concurrently with this request)
3. Z14-0014, City Council, September 16, 2014 (being processed concurrently with this request)

FISCAL INFORMATION

None at this time.

BID INFORMATION

Not applicable.

EXHIBITS

1. Staff Analysis
2. Site Location/Aerial Map
3. Existing Future Land Use Map
4. Proposed Future Land Use Map
5. Hot Dip Galvanization Process Summary
6. Federal Sewage Discharge Limits
7. Potential Pollutants the City Monitors
8. Letter from the Applicant
9. Site Plan
10. Notification Map and Responses
11. Site Photos
12. August 27, 2014, Planning and Zoning Commission Meeting Minutes (Draft)
13. Ordinance

Respectfully submitted:
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