

Concrete or Asphalt Batch Plants – Ph II

Zoning Ordinance Advisory
Committee
(ZOAC)
April 18, 2023

The logo of the City of Dallas, featuring a stylized white 'D' with a three-lobed leaf inside, set against a dark blue background with a fine white grid pattern.

City of Dallas

Lori Levy, AICP, Senior Planner
Planning and Urban Design
City of Dallas

Presentation Overview



- Background/History
- Purpose
- Operational Issues/Concerns
- Staff Suggested Options
- Next Steps



Background/History



Timeline	
November 12, 2021	Staff prepared memo at the request of Councilmember Blackmon, Chair of the Environment & Sustainability Committee on strategies to effectively address batch plants.
January 28, 2022	Staff prepared memo on phasing approach to address batching plant zoning regulations.
March 3, 2022/March 24, 2022	Staff presented recommendations and received recommendation of approval for Phase I of a two-phased approach at the Zoning Ordinance Advisory Committee(ZOAC) and City Plan Commission(CPC) meetings, respectively.
May 11, 2022	Staff recommendations and ordinance to require a public process with public hearings by adding the requirement of a Specific Use Permit (SUP) for all temporary and permanent batch plants (Phase 1) was approved by City Council (CC).
September 13, 2022	Staff presented an update on Ph II and the Draft Batch Plant Interactive Map at the Zoning Ordinance Advisory Committee (ZOAC).
December 13, 2022	Staff presented strategies for Ph. II at the Zoning Ordinance Advisory Committee (ZOAC) meeting. ZOAC asked staff to engage with industry again, consider a tour, and that the item return with clarifications.
April 18, 2023	Staff presents clarifications and three (3) suggested options for ZOAC to choose for staff to bring back draft ordinance.



Purpose



Planning & Urban Design staff initiated a zoning code amendment for concrete batch plants in support of the adopted Comprehensive Environmental & Climate Action Plan (CECAP) goal of ensuring new industries are an appropriate distance away from neighborhoods.

- ❖ Protect sensitive uses such as residential, parkland, and schools.
- ❖ Improve public health and air quality.
- ❖ Provide appropriate locations for batch plant operations.





- ❖ Two-phased approach to address urgency of sensitive land use issues.
 - Phase I, short-term approach (Approved May 11, 2022):
 - To immediately address the lack of public process staff removed the administrative, by-right approval process.
 - Added a Specific Use Permit (SUP) process that requires public hearings at City Plan Commission (CPC) and City Council.





How Did We Get Here?

❑ **Comprehensive review and stakeholder meetings**

- Series of:
 - ✓ Public input meetings (English and Spanish)
 - ✓ Industry/Professional Organizations Input Meetings

❑ **Interdepartmental Coordination**

- Series of:
 - ✓ Input from various internal departments
 - ✓ Internal checklist (Zoning Application Intake/Final CO)

What's Next?

- Three (3) options for ZOAC to choose for staff to focus for draft ordinance
- Strategies staff has preliminarily considered to obtain feedback on which strategies are priorities of the committee



What to Remember

- Extensive list of possible recommendations and are not intended to represent staff's ultimate recommendations.
- Items demonstrate staff's in-depth consideration of the issues
- Items discussed with other departments, stakeholders, and the public
- Staff may adjust, omit, or expand the following strategies



Phase II Suggestions - Options



Options for ZOAC to Consider Staff to Focus on for Draft Ordinance:

Option #1: Keep Phase I (without amendments) that requires all batch plants to obtain an SUP without any of the proposed or modified Phase II requirements.

Pros (#1):

- ✓ All batch plants must have public hearings (public process) through an SUP
- ✓ Ordinance already in effect
- ✓ CPC/Council can specify standards on case-by-case basis
- ✓ Records of batch plants easily tracked through zoning process
- ✓ Internal processes improved with checks, and balances in place
- ✓ Affidavit with applicant's signature for accuracy of distances, and requirements

Cons (#1):

- ✎ Less predictability for applicants due to SUP process
- ✎ The set of required standards are not specified and may be applied without uniformity
- ✎ Lengthens development process (SUP's required for Temporary batch plants) which may serve public projects



Phase II Suggestions - Options



Options for ZOAC to Consider Staff to Focus on for Draft Ordinance:

Option #2: Keep Phase I that requires all batch plants to obtain an SUP with some of the proposed or modified Phase II standards

Pros (#2):

- ✓ All batch plants must have public hearings (public process) through an SUP
- ✓ Ordinance (zoning portion) already in effect
- ✓ Consistent set of standards
- ✓ Records of batch plants easily tracked through zoning case
- ✓ Internal processes improved with checks, and balances in place
- ✓ Affidavit with applicant's signature for accuracy of distances, and requirements

Cons (#2):

- ✗ Less predictability for applicants due to SUP process
- ✗ Lengthens development process (SUP's required for Temporary batch plants) which may serve public projects
- ✗ Staff would need at least a few months to bring back a new ordinance



Phase II Suggestions - Options



Options for ZOAC to Consider Staff to Focus on for Draft Ordinance:

Option #3: Covers all or most of the suggestions of Phase II, and allows by-right temporary batch plants under ideal circumstances.

Pros (#3):

- ✓ A more flexible and balanced approach that provides more predictability for applicants
- ✓ A more streamlined development process for temporary batch plants (on-site) and some public projects (off-site) without the need for an SUP
- ✓ Consistent set of development standards
- ✓ Some records of batch plants (SUP's only) easily tracked through zoning case

Cons (#3):

- ✗ Some temporary batch plants (on-site) would have much lesser distance requirements than temporary off-site, and permanent batch plants
- ✗ Some temporary batch plants (on-site) would be allowed in residential districts, if the temporary batch plant is serving a residential development
- ✗ Staff would need at least a few months longer than Option #2 to bring back a new ordinance



Proposed Suggestions - Standards (Options #2 & 3)



Phase II, long-term comprehensive approach

Overview of strategies that may be included:

- Revised Categories of land uses and definitions
- Distances from some or all of:
 - ❖ Other batch plants
 - ❖ Residential uses
 - ❖ Residential districts
 - ❖ Public and/or private schools
 - ❖ Public parkland; and
 - ❖ Areas within a floodplain
- Criteria for CPC/CC to approve SUPs/SUP renewals
- Revised standards based on BMP's (stormwater run-off, pollutants, and emissions)
- Standardized signs with pertinent information
- Additional application information (internal checklist at application intake/Final CO)
- Additional notification requirements
- Ingress, egress, and operational plans
- Landscaping and screening
- Site requirements
- Site restoration and remediation



Phase II Suggestions – Standards (Options #2 & 3)



Land Use Subcategory/ Zoning	Asphalt or Concrete Batch Plant (Permanent)	Temporary Asphalt or Concrete Batch Plant
		</= 180 days or the length of the project in which it serves per the submitted construction contract, whichever occurs first
Land Use Subcategory	Potentially Incompatible Industrial Use (when conducted outside)	Temporary Use, On-Site Temporary Use, Off-Site (Private Projects) Temporary Use, Off-Site (Public Projects)
Specific Uses	Asphalt or Concrete Batch Plant	Asphalt or Concrete Batch Plant
	Alternative (Green Concrete) Batch Plant	Alternative (Green Concrete) Batch Plant
Zoning Districts Allowed	<ul style="list-style-type: none"> ❖ Maintains required SUP ❖ IM District only 	<ul style="list-style-type: none"> ❖ Allowed by-right in all nonresidential districts ❖ Allowed by-right in residential (A, R, RTN, D, TH, CH, MF, WR and WH) <u>only</u> when the plant is serving construction or partial reconstruction of a residential development; otherwise, SUP required ❖ Temporary Use, Off-Site (Public or Private) will require an SUP



Phase II Suggestions – Standards (Options #2 & 3)



Subcategory Descriptions	Asphalt or Concrete Batch Plant (Permanent)	Temporary Asphalt or Concrete Batch Plant
Purpose	<p><u>Permanent</u></p> <ul style="list-style-type: none"> • To allow operators to provide concrete or asphalt to various off-site locations • Batch plants serve multiple projects • Designed not to be erected and removed with ease 	<p><u>Temporary Use, On-Site</u></p> <ul style="list-style-type: none"> • To allow operations to provide concrete or asphalt on the same site or subdivision in which the project site is intended to serve • Operate only for the length of time of construction project and needs concrete or asphalt • Designed to be erected and removed with ease • Typically serves large, high-rise construction on-site or for new infrastructure needs within a new residential subdivision
Intent	<ul style="list-style-type: none"> • To reduce the number of temporary batch plants by allowing some batch plants to operate off-site serving multiple sites 	<ul style="list-style-type: none"> • To minimize or eliminate amount of mixing truck traffic required for large asphalt and concrete construction projects



Phase II Suggestions – Standards (Options #2 & 3)



Subcategory Descriptions	Asphalt or Concrete Batch Plant (Permanent)	Temporary Asphalt or Concrete Batch Plant
Purpose	<p><u>Permanent</u></p> <ul style="list-style-type: none"> • To allow operators to provide concrete or asphalt to various off-site locations • Batch plants serve multiple projects • Designed not to be erected and removed with ease 	<p><u>Temporary Use, Off-Site (Public Projects)</u></p> <ul style="list-style-type: none"> • To allow operators performing work for public projects to move concrete or asphalt from an off-site location onto the project site it is intended to serve • Operate for one to several years, depending on scope of project • Provide concrete or asphalt for public use
Intent	<ul style="list-style-type: none"> • To reduce the number of temporary batch plants by allowing some batch plants to operate off-site serving multiple sites 	<ul style="list-style-type: none"> • To reduce the overall number of temporary batch plants that serve an individual project and for much larger projects



Phase II Suggestions – Standards (Options #2 & 3)



Subcategory Descriptions	Asphalt or Concrete Batch Plant (Permanent)	Temporary Asphalt or Concrete Batch Plant
Purpose	<p><u>Permanent</u></p> <ul style="list-style-type: none"> • To allow operators to provide concrete or asphalt to various off-site locations • Batch plants serve multiple projects • Designed not to be erected and removed with ease 	<p><u>Temporary Use, Off-Site (Private)</u></p> <ul style="list-style-type: none"> • To allow operators to move concrete or asphalt from an off-site location onto the project site or sites it is intended to serve • Operate for much longer periods and serve larger developments or multiple developments occurring simultaneously
Intent	<ul style="list-style-type: none"> • To reduce the number of temporary batch plants by allowing some batch plants to operate off-site serving multiple sites 	<ul style="list-style-type: none"> • Reduce overall number of temporary batch plants on the site of project or projects it serves • Allows operator to take advantage of multiple pours for nearby projects, such as large subdivisions or fast-growing areas where development occurs simultaneously or at similar times • Option for plants that cannot meet distance requirements by locating on site it is serving



Phase II Suggestions – Standards (Options #2 & 3)



Additional Provisions	Asphalt or Concrete Batch Plant (Permanent)		Temporary Asphalt or Concrete Batch Plant	
	Asphalt or Concrete Batch Plant	Alternative (Green Concrete) Batch Plant	Asphalt or Concrete Batch Plant Alternative (Green Concrete) Batch Plant	Asphalt or Concrete Batch Plant Alternative (Green Concrete) Batch Plant
Land Use Subcategories	Asphalt or Concrete Batch Plant	Alternative (Green Concrete) Batch Plant	Asphalt or Concrete Batch Plant Alternative (Green Concrete) Batch Plant	Asphalt or Concrete Batch Plant Alternative (Green Concrete) Batch Plant
			Temp, (On-Site)	Temp, (Off-Site) Private Temp, (Off-Site) Public Projects
Distances ¹ from a residential structure, residential district, public and/or private school or public parkland ²	>/= 1,640'	>/= 1,320'	>/= 330'	>/= 1,640'
Distances from another batch plant ³	>/= 1,640'	>/= 1,320'	N/A	>/= 1,640'

¹ Separation distance between Industrial and Sensitive Land Uses per Guidance for the Assessment of Environmental Factors (in accordance with Environmental Protection Act 1986), as amended

^{2,3} Measurements are from property line to property line



Phase II Suggestions – Standards (Options #2 & 3)



Additional Provisions	Asphalt or Concrete Batch Plant (Permanent)		Temporary Asphalt or Concrete Batch Plant	
	Land Use Subcategories	Asphalt or Concrete Batch Plant	Alternative (Green Concrete) Batch Plant	Asphalt or Concrete Batch Plant Alternative (Green Concrete) Batch Plant
			Temp, (On-Site)	Temp, (Off-Site) Private Temp, (Off-Site) Public Projects
<u>Distances</u> Distances ¹ from a residential structure, residential district, public and/or private school or public parkland ²	>/= 1,640'	>/= 1,320'	>/= 330'	>/= 1,640'
Distances from another batch plant ³	>/= 1,640'	>/= 1,320'	N/A	>/= 1,640'

¹ Separation distance between Industrial and Sensitive Land Uses per Guidance for the Assessment of Environmental Factors (in accordance with Environmental Protection Act 1986), as amended

^{2,3} Measurements are from property line to property line



Phase II Suggestions – Standards (Options #2 & 3)



Additional Provisions	Asphalt or Concrete Batch Plant (Permanent)		Temporary Asphalt or Concrete Batch Plant	
Land Use Subcategory	Asphalt or Concrete Batch Plant	Alternative (Green Concrete) Batch Plant	Asphalt or Concrete Batch Plant Alternative (Green Concrete) Batch Plant	Asphalt or Concrete Batch Plant Alternative (Green Concrete) Batch Plant
			Temp, (On-Site)	Temp, (Off-Site) Private Temp, (Off-Site) Public Projects
Exception	If located $\geq 1,640'$ from sensitive land uses & proposed along freight line route directly being used for transport by facility	If located $\geq 1,320'$ from sensitive land uses & proposed along freight line route directly being used for transport by facility	N/A (No Distance requirement between temp. batch plants – on-site)	Same as Permanent Batch Plant (Asphalt or Concrete and Alternative (Green Concrete) Batch Plant)
<u>Distance Exception Applies to:</u> Distances from another batch plant ³	May be reduced to $\geq 1,320'$ measured from nearest point to nearest point	May be reduced to $\geq 1,000'$ measured from nearest point to nearest point	N/A	May be reduced to $\geq 1,320'$ measured from nearest point to nearest point, and $1,000'$, respectively

¹ Separation distance between Industrial and Sensitive Land Uses per Guidance for the Assessment of Environmental Factors (in accordance with Environmental Protection Act 1986), as amended

^{2,3} Measurements are from property line to property line



Phase II Suggestions – Standards (Options #2 & 3)



Additional Provisions	Asphalt or Concrete Batch Plant (Permanent)	Temporary Asphalt or Concrete Batch Plant
<p><u>Site</u></p>	<ul style="list-style-type: none"> • Minimum of one acre site; • Distances for all equipment to the property line per TCEQ, as amended; • No closer than 100' from floodplain or floodway, as defined in Art. V; • Locate and operate no more than one batch plant on any one building site; • Locate and operate only outside storage of any equipment or vehicles on the property necessary to serve the batch plant on the site and occupy no more than 50 percent of the lot; • Notice to employees permanently posted in a prominent place advising whom to contact in the event of discharge of any kind and procedures to handle the discharge; • Notice to employees permanently posted in a prominent place advising whom to contact in the event of a complaint and educated on procedures of complaints 	



Phase II Suggestions – Standards (Options #2 & 3)



Additional Provisions	Asphalt or Concrete Batch Plant (Permanent)	Temporary Asphalt or Concrete Batch Plant
<p><u>Site Parking, Maneuvering, and Driveways:</u></p>	<ul style="list-style-type: none"> • Must be on a compacted subgrade and must be concrete or asphalt • Crushed or pervious surfaces are prohibited in places where vehicles are operated 	<ul style="list-style-type: none"> • Must be on a compacted subgrade and must be dust proof surface and maintained as such
<p>Access</p>	<ul style="list-style-type: none"> • Ingress/egress prohibited on residential streets 	<ul style="list-style-type: none"> • Ingress/egress prohibited on residential streets unless the project in which the temporary batch plant is serving is a residential site and the site has no other access



Phase II Suggestions – Standards (Options #2 & 3)



Additional Provisions	Asphalt or Concrete Batch Plant (Permanent)	Temporary Asphalt or Concrete Batch Plant
<i>Truck Routes</i>	<ul style="list-style-type: none"> • Truck routes should not be through public parks or public or private schools unless said trucks are serving these facilities and only for that duration • Truck routes per the approved Operations Plan 	
<i>Operations Plan</i>	<ul style="list-style-type: none"> • Number of trucks on-site; • Truck routes; • Schedule of procedures; • Hours of operations; • Drainage and erosion control measures; • Method of the disposal of concrete or asphalt or contaminants, if any; • Fences or other barriers necessary for safety; • Noise and dust control measures; • Maintenance plans; • Any other information the director determines is reasonably necessary for a complete review of the proposed operations 	



Phase II Suggestions – Standards (Options# 2 & 3)



Additional Provisions	Asphalt or Concrete Batch Plant (Permanent)	Temporary Asphalt or Concrete Batch Plant
Performance Bond	<ul style="list-style-type: none"> • Performance bond or insurance for the duration of the project or SUP approval period plus one year; • A video or photos of the entire site and a professionally prepared environmental report documenting existing conditions prior to any work or site disturbance 	
Site Restoration and Remediation	<ul style="list-style-type: none"> • OEQS must be contacted within 72 hrs. with notice of intent to vacate the property and with updated contact information to schedule an inspection of the site after expected site restoration date • Applicant shall provide copies of the original environmental report for inspection to confirm that site is restored to original condition • All structures and equipment shall be removed from the site and the site restored to original condition to begin within 24 hours of intent to vacate site or expiration of the approved SUP 	



Phase II Suggestions (Standards)



Additional Provisions	Asphalt or Concrete Batch Plant (Permanent)	Temporary Asphalt or Concrete Batch Plant
Signs	<ul style="list-style-type: none">• Shall be posted on the property at the entrance or screening wall of the main use and parking with the following:<ul style="list-style-type: none">○ Name of the facility○ Address of the facility○ Use, SUP number and expiration date per the CO, if any• Signs shall:<ul style="list-style-type: none">○ Be constructed of weather resistant material○ Be no less than 30 inches wide and 24 inches long; and○ Contain clearly legible letters in a color that contrasts with the background material of the sign	



Phase II Suggestions – Standards (Options #2 & 3)



Additional Provisions	Asphalt or Concrete Batch Plant (Permanent)	Temporary Asphalt or Concrete Batch Plant
Noise	<ul style="list-style-type: none"> Equipment must have devices, and systems to manage noise, including acoustic shields, enclosures, and silencers; Reversing alarms must be squawker type, and not beeper type Sound blankets must be used for batch plants, including Alternative (Green Concrete) Batch Plants where adjacent to residential zoning or residential uses 	
Dust Control/Best Management Practices (BMP's)	<ul style="list-style-type: none"> Dust cover or shroud shall be required on all three sides of the materials conveyor belt; Aggregate storage bins shall be 10' tall on all three sides; Wheel washing device shall be required for all trucks that traverse the site; New slump stands and bays and wheel-washing facilities shall be connected to the water management system to prevent contaminants such as spilt concrete, aggregate or concrete slurry from entering stormwater drains; Slump stands shall be designed to avoid trucks driving through slurry water generated by wash-downs; Dust or other contaminants shall not be discharged during <u>Representative Wind Storm Events</u>; <p>(i) <u>Representative Wind Storm Event</u> means a wind event that:</p> <ul style="list-style-type: none"> results in 10 Mph or more of wind or wind gusts as measured by a local weather forecast or alert located within five miles of a construction site or industrial facility; occurs at least 72 hours after the preceding wind event that resulted in 10 Mph or more of wind or wind gusts, as measured by the same local weather forecast or alert; and produces particulate matter or contaminants sufficient enough to obtain a discharge sample. 	



Phase II Suggestions – Standards (Options #2 & 3)



Additional Provisions	Asphalt or Concrete Batch Plant (Permanent)	Temporary Asphalt or Concrete Batch Plant
Dust Control/Best Management Practices (BMP's)	<ul style="list-style-type: none"> • all aggregates and materials that are open to the air shall be covered when they are not in use and prior to and during any representative wind event; • elevated hoppers, conveyors and dusty transfer points shall be sheltered from the wind at all times; • a burst bag detector system that has ducting to 1 m of ground level adjacent to the silo-filling pipe shall be used; • water sprays or filtered dust extraction systems shall be used around gob hoppers and across open sides of enclosures; 	
Stormwater/ Pollutant/ Water Conservation:	<ul style="list-style-type: none"> • batch plants shall be designed to enable recycled water from the water management system to be used for slumping; • testing reports shall be required to be kept on-site for water used for mixing water for concrete; • cleaning of batch plant rubbish on-site and off-site shall be required immediately upon spillage; • concentration of transport shall be to muck storage areas only; • truck wash out shall not be performed in residential neighborhoods; 	



Phase II Suggestions – Standards (Options #2 & 3)



Additional Provisions	Asphalt or Concrete Batch Plant (Permanent)	Temporary Asphalt or Concrete Batch Plant
Discharge, Prevention, Reporting and Clean-up (BMP's)	<ul style="list-style-type: none"> • permanent sprinkler system shall be required on-site installed so as to wet all roadways into and out of the site, and watering of the stockpiles; • no chemicals shall be used for watering of the site, and wheel washing for dust suppression – only water; • baghouses shall be maintained and emptied regularly, every 24 hrs. • a reverse pulse fabric filter dust collector (FFDC) or other dust control technology with an equivalent or better performance shall be used; • sand and aggregates shall be delivered on-site in a dampened state using covered trucks; • raw materials shall be loaded into truck agitators by either using a telescopic chute (preferred) or a flexible sleeve to prevent spillage of material; • adequate measures shall be put in place to ensure truck agitators are not overfilled; • dust accumulation on driveways, and roads shall be prevented, and spillages cleaned-up; • trucks leaving the premises shall be clean, focusing on draw bar and tail gate, to prevent material causing dust nuisance, and being tracked onto external roads; • incoming and outgoing truckloads of sand, aggregate, and concrete wash out shall be covered during transport; • all emission control equipment shall be regularly maintained; • all trucks shall provide spill kits to cover clean-up needs in transit 	



Phase II Suggestions – Standards (Options #2 & 3)



Additional Provisions	Asphalt or Concrete Batch Plant (Permanent)	Temporary Asphalt or Concrete Batch Plant
Screening	<ul style="list-style-type: none"> Screening with a minimum height of eight feet is required for the use 	<ul style="list-style-type: none"> A temporary screening wall is required for the use Screening must be opaque and may include a combination of landscaping and sound blankets Minimum solid screening wall shall be a minimum of 8' in height
Landscaping and Tree Conservation	<ul style="list-style-type: none"> Art. X (Landscaping and Tree Preservation) applies, except as provided. Div. 51A-10.120 Landscaping does not apply Section 51A-10.123 (c) Landscape Plan Submission is required. The landscape plan must be stamped by a landscape architect 	N/A



Phase II Suggestions – Standards (Options #2 & 3)



Additional Provisions	Asphalt or Concrete Batch Plant (Permanent)	Temporary Asphalt or Concrete Batch Plant
<p>Landscaping and Tree Conservation</p> <p>Buffer yard: (Adjacent to screening wall, full extent of property)</p>	<p>BUFFER YARD DEPTH:</p> <p><u>Adjacent To Streets:</u></p> <ul style="list-style-type: none"> • 30' <p><u>Adj. All Other Properties (Or Across An Alley):</u></p> <ul style="list-style-type: none"> • 20' <p><u>Street R.O.W. Buffer Yard:</u></p> <ul style="list-style-type: none"> • Street R.O.W. may be included up to 25% of required buffer yard (subject to city licensing, permit and tree location requirements of Art. X) 	<p>N/A</p>



Phase II Suggestions – Standards (Options #2 & 3)



Additional Provisions	Asphalt or Concrete Batch Plant (Permanent)	Temporary Asphalt or Concrete Batch Plant
<p>Landscaping and Tree Conservation</p> <p>Buffer yard: (Adjacent to screening wall, full extent of property)</p>	<p><u>Exterior and interior to screening wall:</u></p> <ul style="list-style-type: none"> • 1 lg. or med. canopy tree in a double staggered row every 30' linear feet for the total length of the perimeter • 75% of lg. or med. canopy trees must be evergreen <p><u>Exterior to screening wall:</u></p> <ul style="list-style-type: none"> • Min. 18 evergreen trees for every 100 linear feet along street R.O.W. (to provide continuous screen) or • Double staggered row of lg. evergreen shrubs along the front of screening wall • Continuous shrub row along front of fence if fence is placed within 5' of property line. Lawn or groundcover is required for the buffer yard outside of shrub and tree planting areas <p><u>Other Buffer Yards:</u> Exterior and interior screening walls, if applicable:</p> <ul style="list-style-type: none"> • A lg. or med. canopy tree is required in a single row for the total length of the perimeter • Min. of 75% of lg. canopy trees must be evergreen 	<p>N/A</p>



Phase II Suggestions – Standards (Options #2 & 3)



Additional Provisions	Asphalt or Concrete Batch Plant (Permanent)	Temporary Asphalt or Concrete Batch Plant
Alternative Buffering, Landscaping, and Screening	<ul style="list-style-type: none"> The applicant may submit alternative landscaping, buffering or screening or a combination thereof due to property constraints, water lines, easements or other constraints or opportunities for green infrastructure with a Specific Use Permit (SUP) as long as, at a minimum, the alternatives presented are equivalent to or superior to the minimum standard and meets the spirit and intent of this section 	N/A
Public Notices	<ul style="list-style-type: none"> 500' regardless of the size of area of request (Applies to SUP's only) - currently a min. of 200' for sites under one acre 	
Renewals	<ul style="list-style-type: none"> Performance Based - or as specified in SUP approval 	2 per the updated construction contract or as determined by the SUP (extensions will require an SUP; unless it is a public project)
To Be Considered For SUP's	<ul style="list-style-type: none"> In determining whether or not to approve the SUP, the commission and city council shall base the decision on a consideration of: <ul style="list-style-type: none"> Whether or not the requirements have been met; Public comments received; and Location of the proposed facility relative to residential districts, and structures used for residential, public and private schools, public parkland, and private outdoor sports fields, licensed daycare facilities, public hospitals, and places of worship within the distance requirements from the sensitive land uses 	Same (If SUP is required)



Phase II Suggestions – Checks and Balances (Options #1, 2 & 3) Batch Plant Application Packet



THE FOLLOWING ARE REQUIRED FOR ALL NEW BATCH PLANT APPLICATIONS:

Note: The following information is required to be submitted with a complete application. Staff reserves the right to ask for additional information to assist in reviewing all applications. Note that staff is required to initial all required items once completed on the checklist. Checklist is not considered complete and a final Certificate of Occupancy shall not be issued until the final inspection below is signed off by staff.

1. ___ Type of batch plant proposed:

- (Permanent) Asphalt or Concrete
- Temporary Asphalt or Concrete

2. ___ Batch plant will be for producing:

- Asphalt
- Concrete
- Alternative (Green Concrete)

3. ___ Batch plant will be for:

- Private development
- Public (City, County, TxDOT, etc.) project

4. ___ Attach the Operational Plan (Hours of operation for the batch plant, including maintenance and truck hauling arrival, number of trucks on-site, truck routes, schedule of procedures, maintenance plans, etc.) Note: Copies to be kept on-site will all other records (as required), and make all records available to government officials upon request.

5. ___ Total distance in linear feet from the nearest property line of the following and specify the name and address of the subdivision, residential property, public or private school, public park or outdoor sports or recreational field:

- Residential zoning district of the following, including those that are within PD's or CD's: A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MH and MH (A) to the property line of the proposed site (in feet).

- The nearest residential structure, including multi-family if not in a residential zoning district to the property line of the proposed site (in feet).

- Public Parkland or outdoor sports or recreational field to the property line of the proposed site (in feet).

- School, public or private to the property line of the proposed site (in feet).

- Floodplain from the top of bank of channel to the property line of the proposed site (in feet).

6. ___ Total distance in linear feet from the property line to the following on-site structures and equipment:

- Baghouse (exhaust) to property line (in feet) _____
- Stationary equipment to property line (in feet) _____
- Stockpiles to property line (in feet) _____
- Vehicles to property line (in feet) _____
- Silos to property line (in feet) _____

7. ___ List the names and addresses of any existing or known proposed batch plants within 1,640' linear feet of the property line of the proposed site and specify the total distance in linear feet from the proposed site.

8. ___ Name, phone number and email address of the contact person that will be answering the phone and email inquiries, and will be a constant contact for all site operations, including maintenance, incidents and accidents.

9. ___ Approximate number of diesel trucks that will be active on the site during operational hours.



Phase II Suggestions – Checks and Balances (Options #1, 2 & 3)

Batch Plant Application Packet



10. ___ Attach the proposed dust control spraying schedule for the site. (Note: Copies to be kept on-site with all other records (as required), and make all records available to government officials upon request.)

11. ___ Type(s) of particulate-matter control systems that are proposed or in-place on the site:

- Fabric
- Cartridge
- Vented to central baghouse
- Other (specify) _____

12. ___ Attach a copy or enter the file number of the TCEQ air permit application.

TCEQ Air Permit File No. _____

13. ___ Digital copies of all application materials and all required attachments. (Need to determine format requirements - .pdf?)

14. ___ An initialed acknowledgment of the **final on-site inspection** stating that all regulations, including on-site distances from the batching facilities to the property line have been met and the TCEQ Air Permit has been approved, if applicable prior to receipt of the Certificate of Occupancy. (Note: A certificate of occupancy shall not be issued until copies of the final on-site inspection acknowledgment have been provided to the director of Planning and Urban Design (Current Planning) and Development Services with copies of this completed checklist attached to the Certificate of Occupancy.)

THE FOLLOWING ADDITIONAL INFORMATION IS ALSO REQUIRED FOR ALL EXISTING (RENEWAL) BATCH PLANT APPLICATIONS:

15. ___ Copies of all reported pollution events that were submitted to TCEQ for the site. (Note: Copies to be kept on-site with all other records (as required), and make all records available to government officials upon request.)

16. ___ List any accidents or incidents (required fabric or other covering or cartridge, vented baghouse or other particulate-matter control system damaged, torn, removed, stolen, destroyed or some other malfunction). If any accidents, please provide the following information:

- Date and time of incident(s) _____
- Date and time resolved _____
- How incident(s) was/were resolved _____

17. ___ List any notices of violation(s) or citations that have been issued for the site. If any, please provide the following information:

Type of violation(s) and issuing department (i.e., Code Compliance, Office of Environmental Quality and Sustainability, etc.) _____

Date(s) issued _____

Date(s) resolved _____

How was/were the citation(s) or violation(s) resolved _____

Name(s) of the Code Compliance or other officer(s) _____

Written documentation regarding the matter attached _____

18. ___ An initialed acknowledgment of the final on-site inspection stating that all regulations, including on-site distances from the batching facilities to the property line have been met and the TCEQ Air Permit has been approved, if applicable prior to receipt of the Certificate of Occupancy. (Note: A certificate of occupancy shall not be issued until copies of the final on-site inspection acknowledgment have been provided to the director of Planning and Urban Design (Current Planning) and Development Services with copies of this completed checklist attached to the Certificate of Occupancy.)

19. ___ Outdated sign(s) and information for the site have been removed.

THE FOLLOWING IS INFORMATIONAL AND RECOMMENDED. NUMBER 20 APPLIES TO ALL SUP REQUESTS.

20. Staff strongly suggests that the applicant meet with property owners and Homeowner's Association on record within the 500' notification area of the site as required per Section 51A-4.XX of the Dallas Development Code, address any concerns regarding the request, incorporate into the site plan, and provide staff with any letters of support. This will help to avoid unnecessary holdovers and render a smoother public hearing.



Phase II Suggestions – Checks and Balances (Options #1, 2 & 3)

Batch Plant Application Packet



Affidavit of Measurements in Support of the TCEQ Air Permit and the Batch Plant Application Packet

State of Texas §

County of Dallas §

BEFORE ME, the undersigned authority, the affiant personally appeared and, who, being duly sworn, deposes and says:

"My name is _____. I am the applicant on a Texas Commission on Environmental Quality ("TCEQ") Application Packet for the following batch plant:

Name of batch plant: _____

Address: _____

Type of TCEQ Air Permit: _____

"I understand and acknowledge that Dallas Development Code Section 51A-4.203 prohibits batch plant uses near certain sensitive land uses ("sensitive land use" means residential district, a building in use as residential, public or private school, public parkland as defined in Section 51A-4.203 of the Dallas Development Code)."

"I swear and affirm that I have conducted (or caused to be conducted) a physical inspection of the area and a diligent search of public records to determine if the place of business is located near any "sensitive land uses."

"I have attached to this affidavit a signed and sealed survey map: (a) showing the place of business where the batching will occur and the measured distance from the sensitive land uses using the appropriate measurement in Dallas Development Code 51A-4.XX; and (b) prepared by a state of Texas licensed surveyor or engineer with a completed application packet as required for batching plant uses.

"I swear and affirm that the attached signed and sealed survey map shows that the business where batching will be conducted meets the location requirements in Dallas City Code Section 51A-4.XX.

I understand and agree that the city of Dallas shall revoke the certificate of occupancy if said permit and certificate was issued on the basis of false, incomplete or incorrect information supplied."

Signature: _____

Title: _____

Date: _____

This affidavit was acknowledged before me on _____

by _____ on behalf of _____

Notary Public

DRAFT



Next Steps



- Staff will focus on ZOAC's preferred option.
- If Option #1 is chosen by ZOAC, staff will forward that recommendation to CPC.
- If Option #2 or #3 is chosen by ZOAC, staff will work internally and with Counsel in crafting a draft ordinance to bring back in a few months or more.





Contact and More Information

Project webpage:

<https://dallascityhall.com/departments/pnv/Pages/CABatchPlants.aspx>

Contact us:

- Lori Levy, AICP
Lori.levy@dallas.gov
- Sarah May, AICP
Sarah.may@dallas.gov

The screenshot shows the City of Dallas website. The top navigation bar includes links for Mayor, City Council, City Manager, Departments, and Pay. A 'Select Language' button is on the right. Below this is the 'City of Dallas' logo and a secondary navigation bar with links for Resident, Visitor, Business, Government, News, and 311. The main content area features a 'P+UD' logo and the title 'Planning & Urban Design' with the subtitle 'Comprehensive plans, policies, and programs through effective community engagement.' A social media sidebar on the right shows icons for Facebook, Twitter, and Instagram. The bottom navigation bar includes links for Home, Zoning, Design + Code, Advisory Bodies, Planning + Plans, Maps + Stats, and Community Resources. The main heading on the page is 'CONCRETE OR ASPHALT BATCH PLANTS' with a sub-heading 'Two-phased approach for a Zoning code amendment to address concrete or asphalt batch plants in support of the adopted Comprehensive Environmental & Climate Action Plan (CECAP).'



Concrete or Asphalt Batch Plants – Ph. II

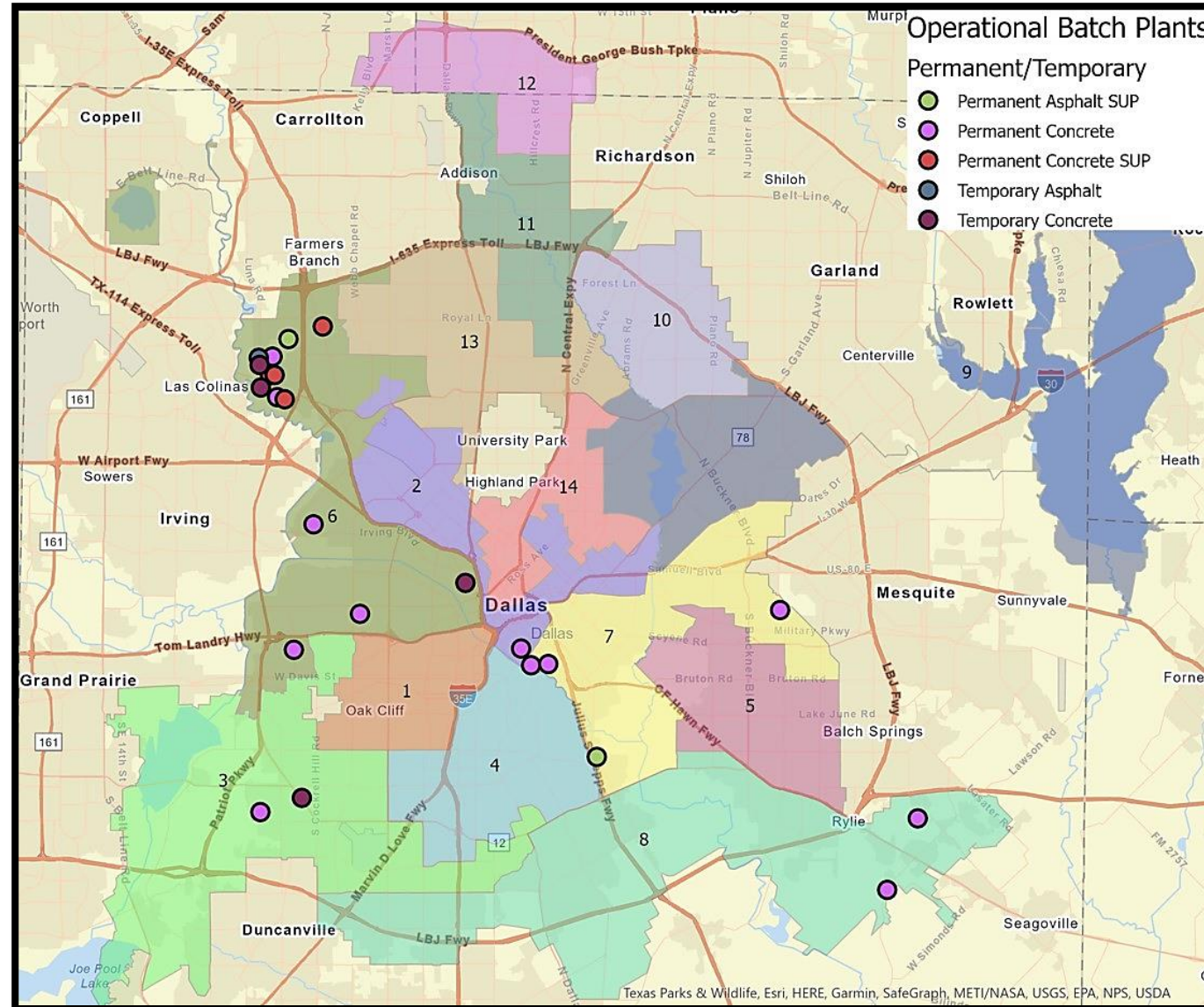
Zoning Ordinance Advisory
Committee
(ZOAC)
April 18, 2023

The logo of the City of Dallas, featuring a stylized white 'D' with a three-lobed leaf inside, set against a dark blue background with a fine white grid pattern.

City of Dallas

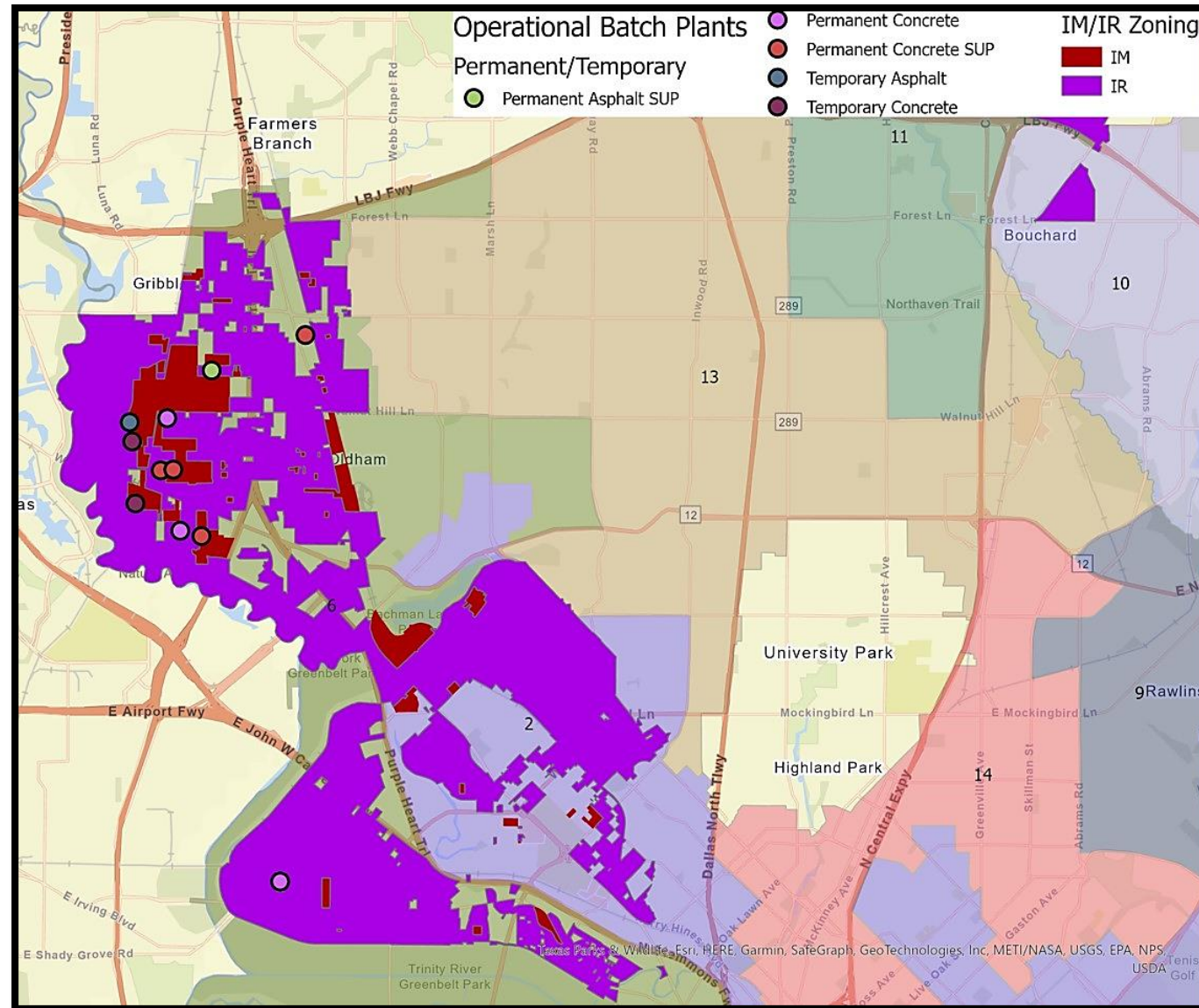
Lori Levy, AICP, Senior Planner
Planning and Urban Design
City of Dallas

Operational Batch Plant Map View

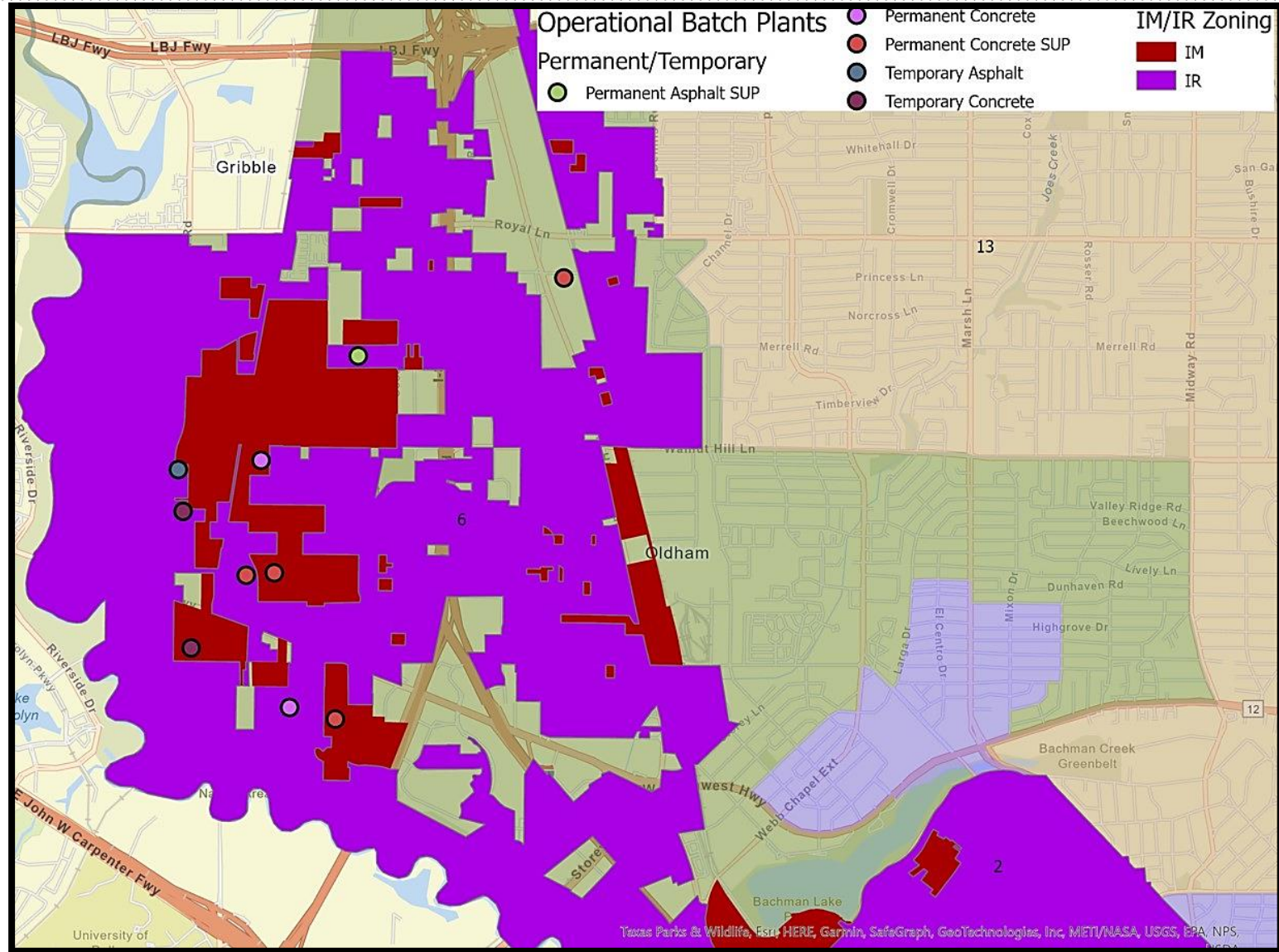


Map created by Ashley Mitchell, GIS Analyst, COD

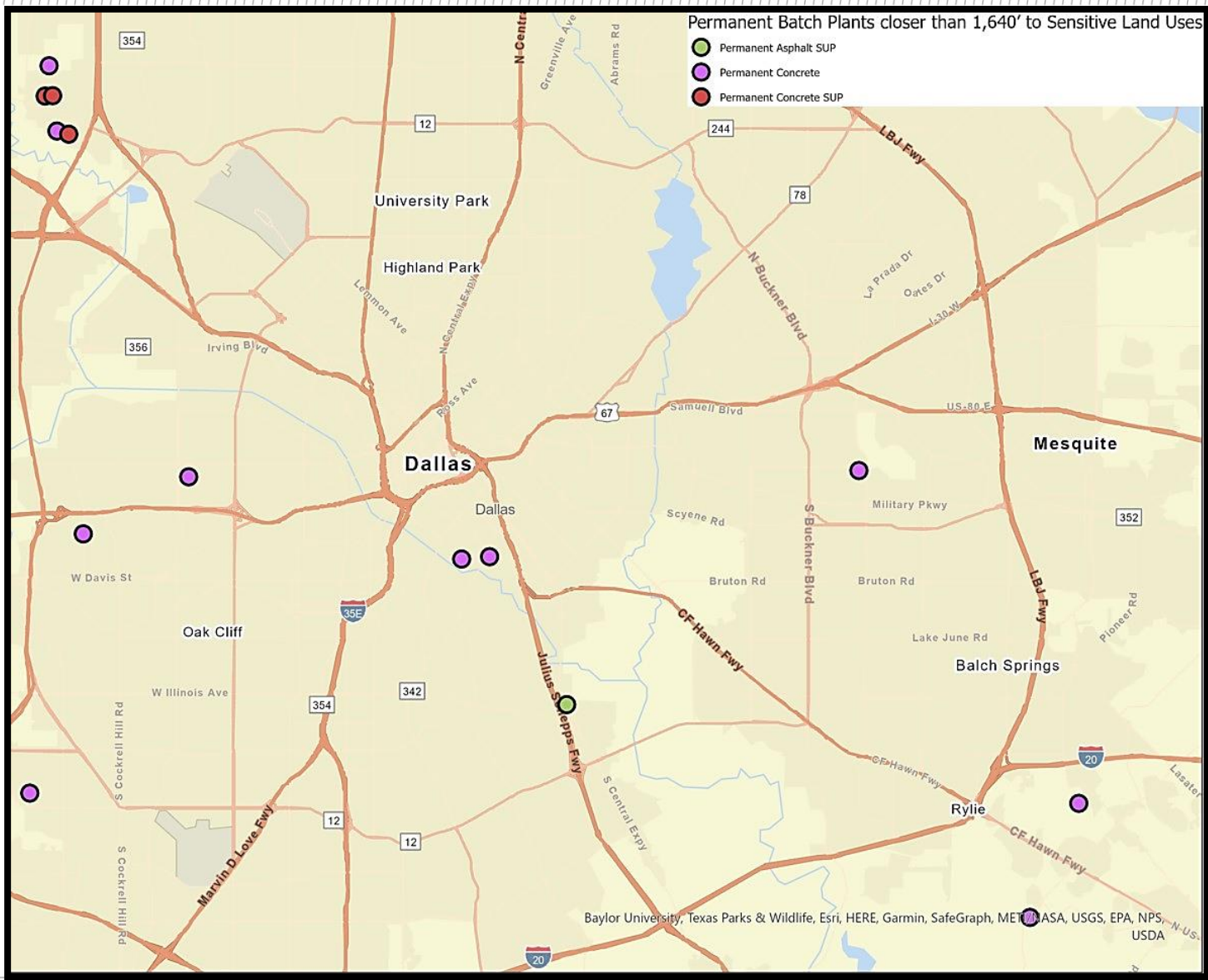
Permanent Batch Plants in IM and IR Zoning District



Permanent Batch Plants in IM and IR Zoning District

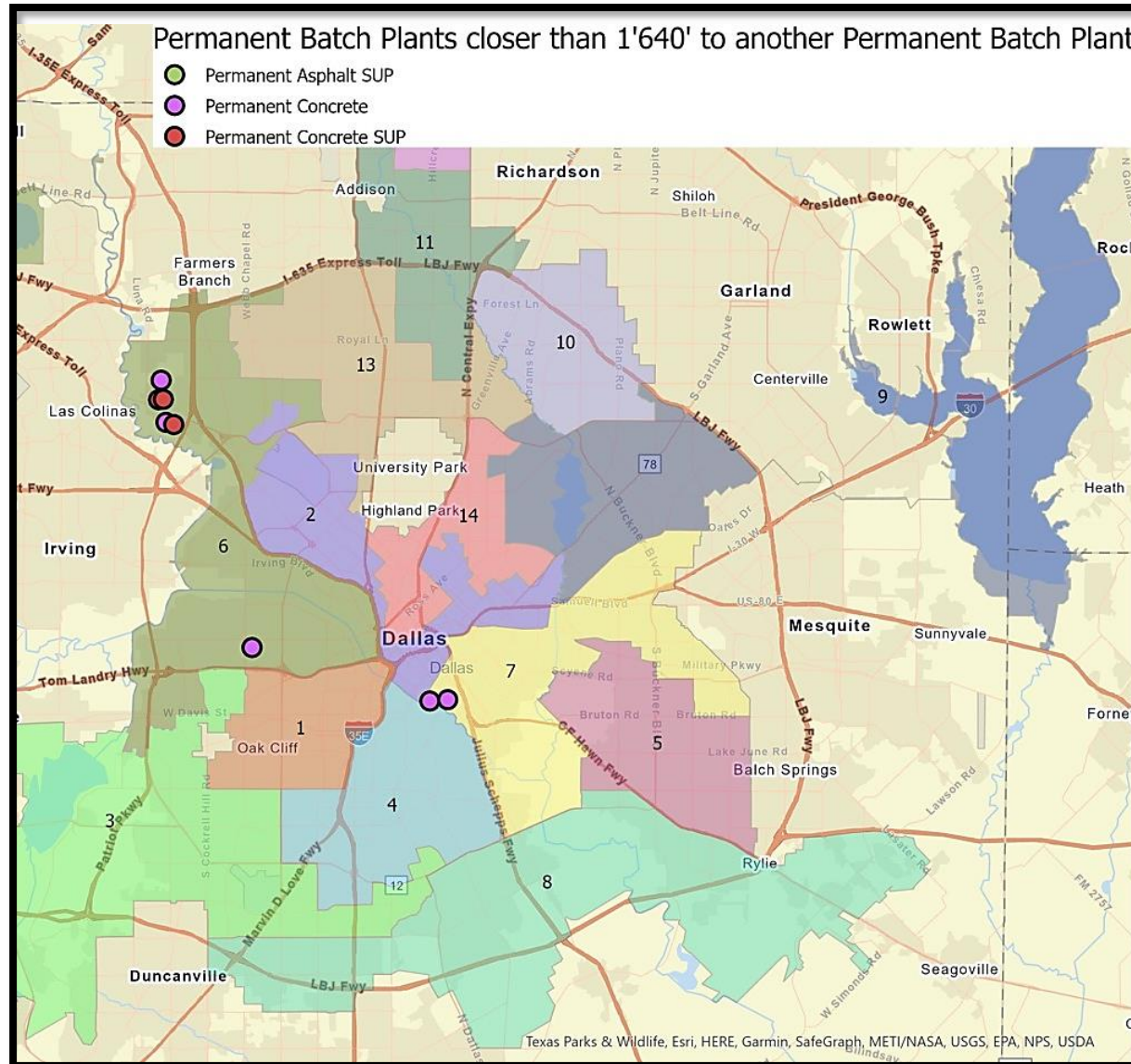


Permanent Batch Plants Closer than 1,640' to Sensitive Land Uses

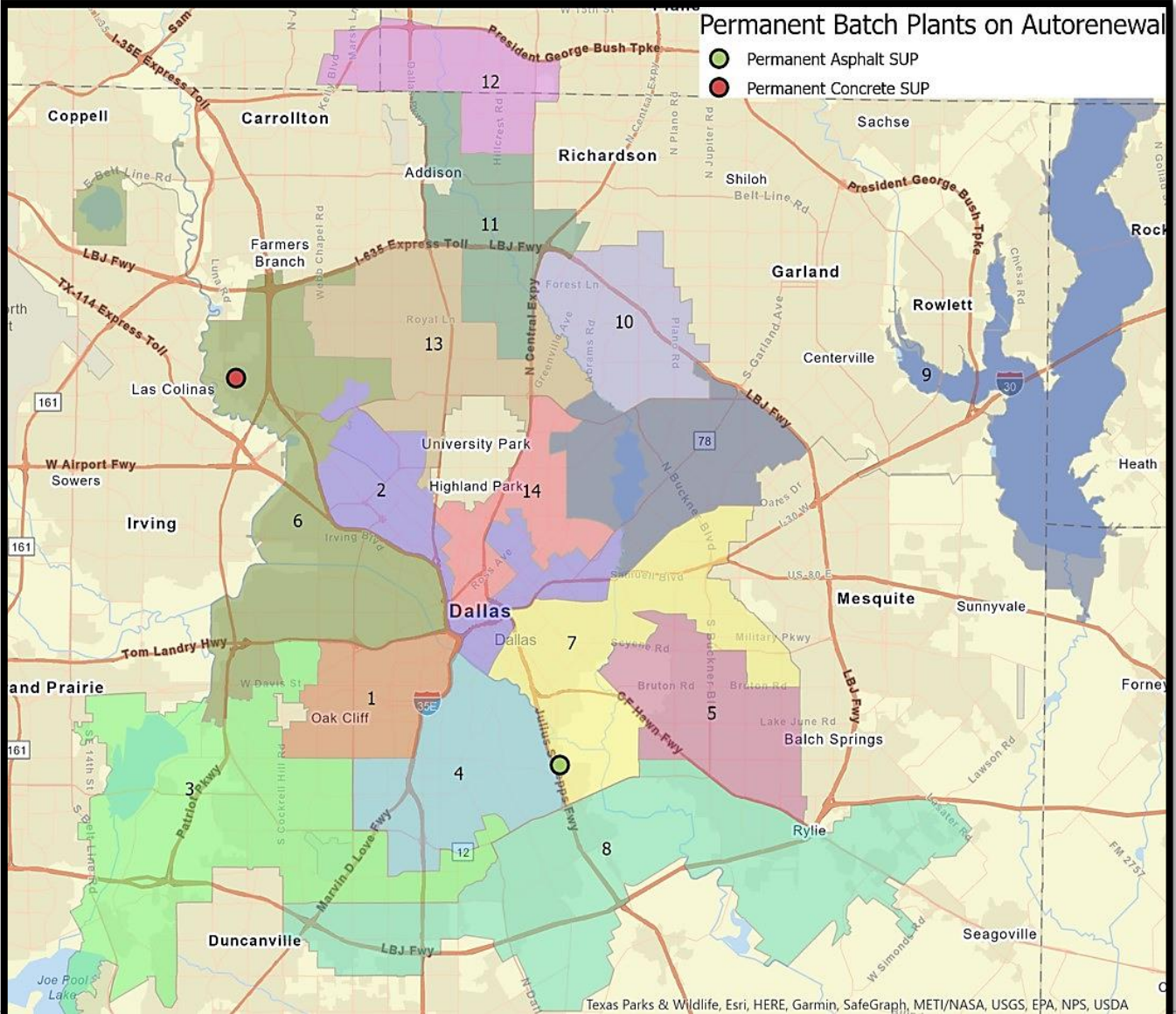


Map created by Ashley Mitchell, GIS Analyst, COD

Perm. Batch Plants Closer than 1,640' to Another Batch Plant



Permanent Batch Plants with Auto Renewal



Map created by Ashley Mitchell, GIS Analyst, COD