

Concrete or Asphalt Batching Plants

**Zoning Ordinance
Advisory Committee (ZOAC)
March 3, 2022**

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City of Dallas

Presentation Overview



- Background/History
- Purpose
- Issues/ Operational or Business Concerns
- Staff recommendation
- Next Steps



Background/History



- On November 12, 2021, staff prepared a memo at the request of Councilmember Blackmon, Chair of the Environment & Sustainability Committee on strategies to effectively address batch plants.
- On January 28, 2022, staff prepared a memo on a phasing approach to address batching plant zoning regulations.
- **On February 10, 2022, staff presented recommendations for Phase I of a two-phased approach.**



Purpose

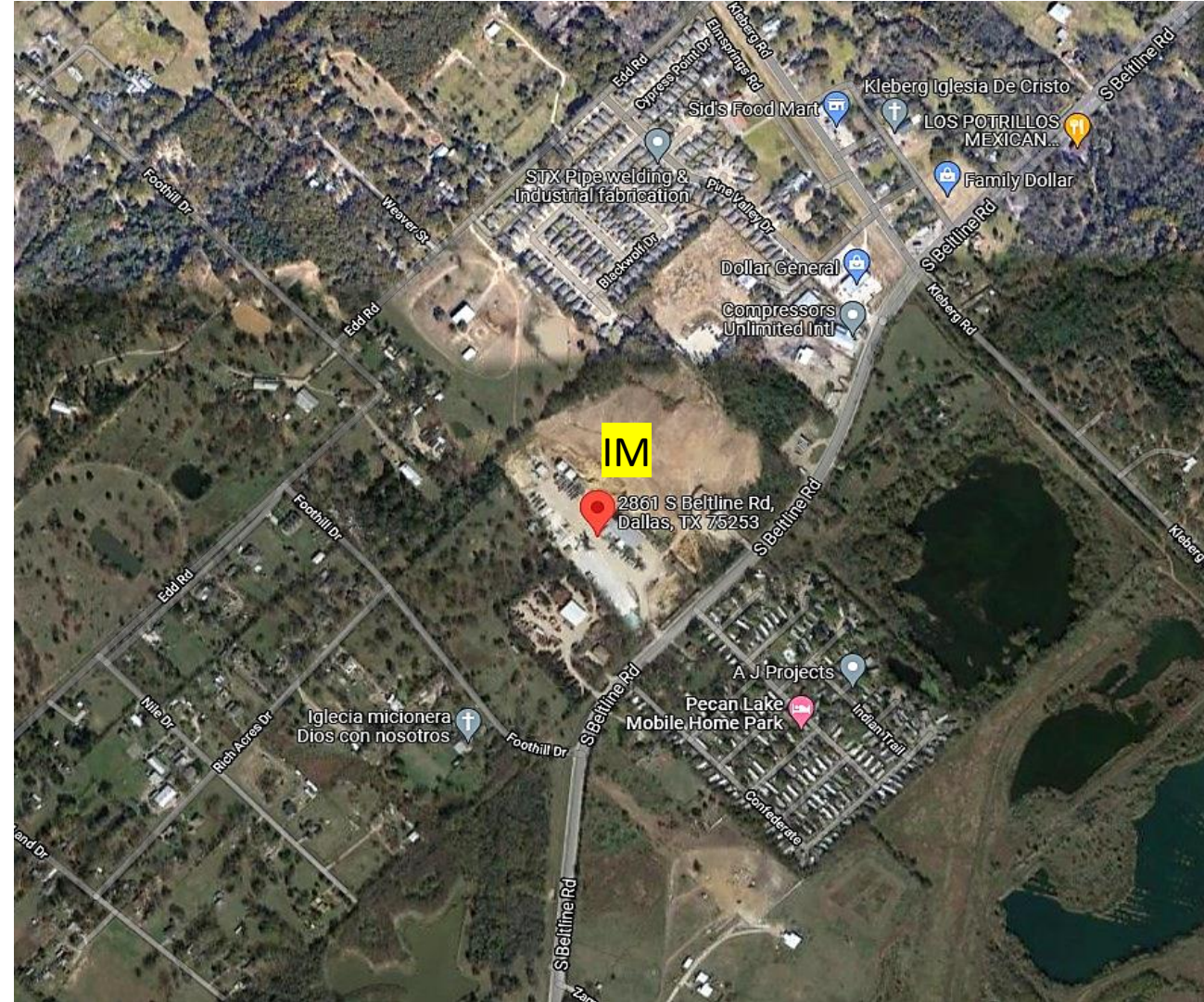


Planning & Urban Design staff initiated a zoning code amendment for concrete batch plants in support of the adopted Comprehensive Environmental & Climate Action Plan (CECAP) goal of ensuring new industries are an appropriate distance away from neighborhoods.

- ❖ Protect sensitive uses such as residences, parks, and schools.
- ❖ Improve public health and air quality.
- ❖ Provide appropriate locations for batching plant operations.



2861 S Beltline Rd



[2861 S Beltline Rd - Google Maps](#)



Operational Issues/Concerns (Temporary)



Sec. 51A-4.20 Industrial Uses

Temporary concrete or asphalt batching plant

- ❖ Definition: A temporary facility for mixing cement or asphalt.
- ❖ Permitted in All Districts, including Residential, some PD's by special authorization of building official (with additional provisions, such as screening and buffering).
- ❖ No public notification / public hearings required.



Operational Issues/Concerns (Permanent)



Sec. 51A-4.203 Industrial Uses

- ❖ Concrete or Asphalt Batching Plants are **not** listed as “Potentially Incompatible Industrial Use” in Industrial Manufacturing.
- ❖ Considered an industrial outside use and permitted in IM District with RAR required (No Public Hearing Process)



Proposed Actions



- ❖ Two-phased approach to address urgency of sensitive land use issues.
 - Phase I, short-term approach to immediately address the lack of public process for these industrial land uses by removing the administrative and by-right approval process allowed by Code and adding a Specific Use Permit (SUP) process that will require public hearings in City Plan Commission (CPC) and City Council.
 - Phase II, development of new regulations through a comprehensive review and public input, (4 to 6 months). Includes review of departmental coordination, legal considerations of implications on existing land uses, research of local and national cities regulations and best practices, input from the public, industry and professional organizations, and coordination with state and federal jurisdictions.



Proposed Actions



Phase I

Immediately add a public process for asphalt and concrete batch plants by:

- ❖ Removing administrative and by-right approval process for temporary concrete or asphalt batching plants and permanent concrete or asphalt batching plants allowed by Code.
- ❖ Adding Specific Use Permit (SUP) process that will require public hearings and City Plan Commission (CPC) and City Council approval.
- ❖ Adding, **Concrete batching** and **Asphalt batching** to the subsection with “potentially incompatible industrial uses” so that Concrete batching and Asphalt batching plants are permitted by SUP only in the IM district.



Staff Recommendation



- Move Phase 1 recommendation to require SUP for temporary and permanent concrete or asphalt batching plants to City Plan Commission for consideration.
- Move Phase 1 recommendation to add asphalt and concrete batching plants to potentially incompatible industrial uses in IM zoning to City Plan Commission for consideration (so that SUP is required).
- Continue working on Phase II zoning ordinance for future consideration by ZOAC.



ZOAC Q & A



ZOAC raised the following concerns and asked staff to consider these items and to include as part of the Phase II recommendations:

1. Buffering and spacing of concrete or asphalt batching plants from sensitive land uses, such as residential, schools and parks. The Dallas Oil and Gas Drilling ordinance was also suggested as a resource.
 - Staff will review:
 1. Dallas Oil and Gas Drilling Ordinance
 2. Continue to review other cities regulations
 3. BMP's, health industry standards and seek public input to determine the appropriate buffer and spacing for Dallas and bring recommendations back to ZOAC as part of Phase II recommendations.
2. Consider requiring an environmental study to determine if the site is suitable for uses other than industrial after the concrete or asphalt batching plant operation ceases and is removed from the site.
 - Staff will review options appropriate for Dallas to consider for language that can be included as part of the conditions for the concrete or asphalt batching plants to ensure that the site is restored back to the original condition when the operation ceases.



ZOAC Q & A



ZOAC raised the following concerns and asked staff to consider these items and to include as part of the Phase II recommendations:

3. How would the Specific Use Permit (SUP) process impact those current temporary concrete or asphalt batching plants that are not finished work on the site by the 6-month temporary time frame and request an extension?
 - As stated in the meeting, the required SUP process as proposed for Phase I would apply at the time of the effective date of ordinance approval.
 - If approved by City Council for any new applications coming in on or after the effective date and would **not** be retroactive.
 - **The SUP process, including expirations and renewals would remain under the current SUP process.**

Current SUP Process:

1. Auto renewal eligible if applied between 3 and 6 months prior to expiration.
2. Auto renewal approval requires Director to send public notices to all owners within 200' of SUP
3. If the owners of 20 percent or more of the land within 200 feet of the area of SUP file a written protest against the automatic renewal, director shall forward the application to the city plan commission and city council for further action.



ZOAC Q & A



ZOAC raised the following concerns and asked staff to consider these items and to include as part of the Phase II recommendations:

3. How would the Specific Use Permit (SUP) process impact those current temporary concrete or asphalt batching plants that are not finished work on the site by the 6-month temporary time frame and request an extension?
 - Staff will review options and bring back recommendations for a specified limit on the number of renewals, perhaps conditioned on performance regarding pollution and operating best management practices, as part of Phase II.
4. Requirements for streets and other public infrastructure to be repaired or restored back to original condition from any damages.
 - Staff will review options, such as performance bonds and other best management practices and other ways to document prior condition of site before batch plant use and bring recommendations forward as part of Phase II.



Next Steps



- City Plan Commission (CPC)
 - Staff anticipates bringing ZOAC recommendation for Phase I to CPC in April 2022 (Staff will continue to work through phase II).
 - If recommended by CPC, staff anticipates forwarding to City Council for final action approval and effective date in May 2022.
 - If Phase I is not approved, **applications for temporary concrete and asphalt batching plants and permanent batching plants in IM District will continue**, including sensitive locations **without public hearings/process.**





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