



**REGULAR PLANNING AND ZONING COMMISSION  
MEETING MINUTES  
MAY 6, 2019**

COMMISSIONERS PRESENT: Chairperson Josh Spare, Vice-Chairperson John Lopez, Secretary Cheryl Smith, Commissioners Max Coleman, Clayton Fisher, Bill Moser, Shawn Connor, Lynn Motley.

COMMISSIONERS ABSENT: Eduardo Carranza

CITY STAFF PRESENT: Steve Norwood, Director of Development Services, David Jones, Chief City Planner, Charles Lee, Senior Planner, Savannah Ware, Senior Planner, Nyliah Acosta, Planner, Mark Dempsey, Deputy City Attorney, Cindy Mendez, Environmental Manager, and Chris Hartmann, Executive Assistant.

Chairperson Josh Spare called the meeting to order in the Council Chambers in the City Hall Building at 6:35 p.m. Commissioner Motley gave the invocation, Chairperson Spare led the pledge of allegiance to the US Flag, and the Texas Flag.

PUBLIC HEARING AGENDA Item #10- SU190404 - Specific Use Permit - Batch Plant, 2400 W. Hunter Ferrell Road (City Council District 1). Chief City Planner David Jones presented the case report and gave a Power Point presentation for a Specific Use Permit to operate a permanent concrete batch plant. Property described as 13.611 acres out of the Israel Jennings survey, abstract no. 679, City of Grand Prairie, Dallas County, Texas, approximately 13.611 acres zoned LI, Light Industrial and addressed as 2400 W Hunter Ferrell Road, Grand Prairie, Texas. The applicant is Maria Bonilla, Winkelmann and the owner is Gary Gilmore, Hunter Ferrell Land LP.

Mr. Jones stated a Permit issued for operation of a temporary batch plant by Haydon Building Corporation in conjunction with the IH-30 Frontage Road project. Permit expired on December 11, 2018. The applicant intends to establish a batch plant and office on the western portion of the property. Operations will include cement and flyash silos up to 77 feet tall, materials/aggregate stockpiles, diesel fuel tank, and modular batch office. The site will be accessed from an existing median opening on Hunter Ferrell across from Wrangler Dr in Irving. A concrete fire lane will be installed to allow for one-way movement in a U-shape from the west side of the property to the east side with a right-only exit onto Hunter Ferrell. In its operational statement, the applicant states that the plant will usually operate from 1am to 7pm during warmer months, and 5am to 8pm during colder months or as allowed by City ordinance. Furthermore, the applicant requests the ability to operate 24/7 on demand. The plant is designed to serve a 15 mile radius by accommodating 12 mixer trucks as well as 18-wheelers to deliver the mix materials. The site sits on the south side of Hunter Ferrell Rd and to the north of Bear Creek. The surrounding area is contractor uses on the Grand Prairie side of Hunter Ferrell and low-density residential on the

north side. The Lone Star regional trail runs along the south side of Hunter Ferrell Road with a parking area and pavilion to the immediate west in Grand Prairie. The entire site lies within the mapped 100 year flood plain, though an applicant has a study underway as part of the process to reclaim a usable portion of the site. The site is served by City of Irving water and wastewater per the terms of an Interlocal Agreement approved by Grand Prairie and Irving on June 20, 2013. Water used onsite will flow into a retention pit for recycling, though some water will be released, ultimately to Bear Creek. pH levels in the pond will be monitored by the Environmental Services Department to determine whether maximum levels are being exceeded prior to discharge.

Mr. Jones stated the proposal meets or exceeds the density and dimensional requirements. The applicant is meeting required landscaping and screening for development in the LI zoning district. The applicant is exceeding the 50 foot height limitation in the LI zoning district by proposing a silo up to 77 feet in height. Max height in the LI district may be exceeded with an SUP. At staff's request, the applicant conducted a noise study. The results of the study demonstrate that the operation will contribute to the existing noise in the area, which already exceeds what is allowed by the City's Noise Ordinance. The applicant proposes to mitigate noise production by installing an 8 foot concrete wall along Hunter Ferrell Road. The other three sides of the property would be bounded by chain link fence. The Grand Prairie Environmental Services Department submitted a letter to the Planning Department on April 26, 2019, citing the hours of operation, noise from pneumatic delivery pumps, and production of dust migrating to the north due to the prevailing winds, and recommending denial of the application.

Mr. Jones noted the City of Irving provided staff with a letter of formal opposition. The Development Review Committee recommends denial due to the proximity of the site to a regional trail and neighboring residential areas in Irving and the potential for noise, dust, and traffic impacts upon the surrounding area.

Chairperson Spare stated there were no questions for staff, opened the public hearing, and called for individuals wishing to speak on this item.

Maria Bonilla with Winkelmann, 6750 Hillcrest Plaza Drive, Ste 215, Dallas, TX stepped forward representing the case and to answer questions from the commission. She stated in regards to the adjacent neighborhood they currently have a plant in Cedar Hill adjacent to residential and have only had one complaint. The property owner has own the property for 10 years and feels this is the best use for this land they have conducted a noise study and the property is zoned for light industrial. The City's Use Charts allow other uses by right in this zoning district that would exceed their noise levels the uses are allowed without a Specific Use Permit. They have tried to contact the adjacent homeowners, but most of the homes are renters and there is no HOA, they did reach out to the City of Irving, but they were not aware of the case they also tried to meet with the districts Councilmember, but were told they would meet with them after the P&Z meeting.

David Behring, 321 Brown Trail, Hurst, TX stepped forward in support of this request, their business manufactures concrete and deliver the concrete to area sites they have over 30 plants in the Dallas/Fort Worth Metroplex.

Chairperson Spare asked with the site being located next to a park and residential why would this area be the best location for this type of use. Mr. Behring stated they have been looking in Grand Prairie for a site and this is the best location available this area, it has water and sewer, but it is located within the flood plain therefore not a lot of uses could utilize this location. He noted the plant would be located towards the back of the property and Hunter Ferrell Road should be able to handle their trucks.

Commissioner Coleman stated the City has spent a lot of money improving Hunter Ferrell Road and feels this is not the best use for the area we do not need a batch plant at this location.

Commissioner Moser asked if the flood plain issue/problem had been addressed. Ms. Bonilla said a study is underway as part of the process to reclaim a usable portion of the site. Mr. Moser asked if they have approval from FEMA and the Corps of Engineers. Ms. Bonilla replied not at this time, but they are working on it.

Patrick Garrett, 331 N. Main Street, Corinth, TX was present in support of this request.

There being no further discussion on the case commissioner Moser moved to close the public hearing and deny case SU190404 as recommended by staff. The action and vote being recorded as follows:

Motion: Moser

Second: Coleman

Ayes: Coleman, Connor, Fisher, Lopez, Moser, Motley, Smith, Spare

Nays: None

**Denied: 8-0**

Motion: **carried.**