

**THE TOWN OF PONDER, TEXAS U.S.A.**  
**102 W BAILEY ST, PONDER, TEXAS 76259**  
**940-479-2396**

**MINUTES FROM PLANNING & ZONING MEETING HELD JULY 7, 2021**

**CALL TO ORDER**

- Meeting called to order at 6:00 PM by Chairperson Staci Johnson.

**ROLL CALL**

- Members present were John Estes, Crystal Ramsey, Brandon Mitchell, and Staci Johnson

**OPEN FORUM FOR CITIZEN INPUT** (Please limit to 5 minutes per person and if you wish to speak on a particular agenda item, please list the agenda item next to your name).

- Citizens signed up to speak during Items 5 & 7, for the Sonic & Ferti Technologies public hearings respectively.
- Ferti Technologies representative Frank DeRosa, was present to give some background and general information regarding the fertilizer company coming to Ponder, TX. He stated that Ferti Technologies is a privately owned company out of Quebec and was founded in 1987. They've been in the United States since 2007 and have four other blending sites across this country. Frank spoke about the particular product they make, package, and sell, that it's non-toxic, non-hazardous, non-flammable, non-combustible and safe to work around without the use of PPEs (personal protection equipment). Frank was asked many questions, many of them the same ones from different people in the gallery. He had a Power Point presentation showing the other facilities across the U.S., showing the close proximity of residential housing to other sites. He was knowledgeable, polite, and very transparent in his answers regarding the company.

**CONSENT AGENDA**

1. Consider and act on approval of the February 3, 2021 P & Z minutes.
  2. Consider and act on approval of the April 7, 2021 P & Z minutes.
  3. Consider and act on approval of the June 2, 2021 P & Z / CIAC minutes
  4. Consider and act on approval of the June 8, 2021 P & Z / CIAC minutes
- P&Z Member John Estes motioned to approve the February, April, June 2, and June 8 Planning & Zoning minutes.
  - P&Z Member Crystal Ramsey seconded.
  - Motion passed with 4 Ayes, 0 Nays, 0 Abstentions

**ITEMS OF BUSINESS**

5. Conduct a public hearing to hear public comments and consider recommendations regarding a Zoning Change Request for Lot 2, Block 2, Merrifield Estates, First Section, in the Town limits of Ponder. This 1.74-acre vacant lot is physically located on the West side of the 1000 Block of N. FM 156, South King George Rd, and North of Owendale Way. The property owner requests rezoning from MF (Multi-Family) to C2 (Commercial General) to build a Sonic Drive-In restaurant.
- P&Z Member John Estes motioned to open the public hearing.
  - P&Z Member Brandon Mitchell seconded
  - Public hearing open with 4 Ayes, 0 Nays, 0 Abstentions

- Ponder Resident, Craig Prince spoke about the poor drainage on the property in question and how if they choose to change the zoning to commercial to allow the Sonic Drive In, something must be done about it getting worse, about the noise that it will bring and car headlights shining on his property directly behind the property in question.
- Marty Rader with DFW Realty Partners and representative for the Sonic Family says they plan to be good neighbors and will look at possible solutions to the surrounding community's concerns.
- Cathy Green, a Ponder business owner spoke of how Steamboat Est, a neighboring subdivision was supposed to handle the drainage issue and never did and said it's an engineering problem.
- No others signed up to speak regarding this zoning change request.
- P&Z Member John Estes motioned to close the public hearing.
- P&Z Member Crystal Ramsey seconded
- Public hearing closed with 4 Ayes, 0 Nays, 0 Abstentions

6. Consider and act to recommend approval to the Town Council for the rezoning of Lot 2, Block 2, Merrifield Estates, First Section from MF (Multi-Family) to C2 (Commercial General) to build a Sonic Drive-In restaurant.

- P&Z Member Brandon Mitchell motioned to approve the zoning change request for Lot 2, Block 2, Merrifield Estates, First Section from MF (Multi-Family) to C2 (Commercial General) to build a Sonic Drive-In restaurant.
- P&Z Member John Estes seconded
- Motion passed with 4 Ayes, 0 Nays, 0 Abstentions

7. Conduct a public hearing to hear public comments and consider recommendations regarding an SUP/Site Plan for Ferti Technologies for Tieszen Industrial Park, Block A Lot 1, DCAD Property ID 201828. This property is physically located at 100 E FM 2449, in Ponder's Town limits and is zoned M1 (Manufacturing/Industrial Light) Ferti Technologies proposes to remodel the existing building and bring it up to code for the blending and distribution of dry lawn-grade fertilizers, which is allowed in this zoning designation. They request a Specific Use Permit to be approved with the Site Plan allowing for deviations in the maximum height allowance from 50 ft to 70 ft, fewer parking spaces from 111 to 75, and a phased landscape and buffer plan.

- P&Z Member Brandon Mitchell motioned to open the public hearing.
- P&Z Member Crystal Ramsey seconded
- Public hearing open with 4 Ayes, 0 Nays, 0 Abstentions
- Ponder Resident Richard Rolls requested to deny anything to do with Ferti Technologies. He spoke of his concerns about what happened in West, Texas several years ago. He spoke about the additional traffic it will cause on an already congested roadway and says that all the homeowners are agreeable with him.
- Ponder business owner, Cathy Green said she's concerned about what "they'll" do with the additional acreage on the property and spoke of problems with trains. She stated she didn't want another West, Texas incident. She stated that additional ingress/egress is needed for the company to operate. She spoke of her concern over the use of chemicals and the effects it would have on the environment. She stated that "they" (Ferti) only plan to bring about 30 jobs and its not many. She spoke of her concern over property values dropping.
- Ponder Resident Jorge Gonzalez stated he'd obtained safety sheets from "their" website and voiced his concern over water and air pollutants. He said the air pollution would cause cancer and he already has health issues.
- Ponder Resident Lael McWilliams stated he had not prepared his thoughts. He stated he was part of the community but did not receive notification. He stated he has no reason to doubt that due diligence to address the community's concerns was being done, and that 2 of his neighbors have recently put their houses up for sale. He stated that he hoped the plant will be as safe as he's told it is but thinks there could be a better use of the property.
- Ponder Resident Taylor Goerner said that he can see the roof of that building from his house (not within 200 feet) and complained about the poor job of the Town not properly notifying the entire community. He said that property values were dropping and there would be water contamination and the possibility of an explosion just like in West,

Texas. He complained of soil contamination and said the Fire Department must be concerned about chemical fire and shouldn't there be a blast wall installed.

- A Ponder Resident, unknown to me, asked if Ferti has good insurance so if something happens how much money would the community get.
- A Ponder Resident, later identified to me as Miranda McClain, sat in the front row acting dramatic and made snide remarks and comments the whole time.
- Frank DeRosa, Ferti representative stated that safety is their top priority, and they have very strict standards. He stated that Ferti is eco-friendly, and they do care about the environment.
- P&Z Chairperson & Ponder Resident Staci Johnson asked if the property values would drop.
- Town Engineer, Mike Anderson with Belcheff and Asso, covered Mr. Belcheff's review letter concerning the SUP/Site Plan conditions (review letter attached in full)
- Ponder Volunteer Fire Chief Charles Williams spoke about there being no hazardous chemicals involved in the Ferti process. He stated that he's had over 20 years of chemical training and has seen the chemical list used in the process. He stated there's no reason for concern, it's all environmentally safe and non-toxic.
- No others signed up to speak.
- P&Z Member John Estes motioned to close the public hearing
- P&Z Member Crystal Ramsey seconded.
- Public hearing closed with 4 Ayes, 0 Nays, 0 Abstentions

8. Consider and act on the SUP/Site Plan for Ferti Technologies for Tieszen Industrial Park, Block A Lot 1, DCAD Property ID 201828. This property is physically located at 100 E FM 2449, in Ponder's Town limits and is zoned M1 (Manufacturing/Industrial Light) Ferti Technologies proposes to remodel the existing building and bring it up to code for the blending and distribution of dry lawn-grade fertilizers, which is allowed in this zoning designation. They request a Specific Use Permit to be approved with the Site Plan allowing for deviations in the maximum height allowance from 50 ft to 70 ft, fewer parking spaces from 111 to 75, and a phased landscape and buffer plan.

- P&Z Member John Estes made a motion to deny the SUP/Site Plan.
- P&Z Member Brandon Mitchell seconded.
- P&Z Chairperson Staci Johnson said she thought they would vote on each of the conditions separately. She was advised that they all needed to discuss the conditions and decide what they want and then vote for the SUP/Site Plan in its entirety. (There was no discussion amongst the P&Z Commission)
- Motion passed, the Ferti Technologies SUP/Site Plan was denied with 4 Ayes, 0 Nays, 0 Abstentions.

#### **ADJOURN**

- P&Z Member John Estes motioned to adjourn
- P&Z Member Brandon Mitchell seconded.
- Meeting adjourned at 7:39 PM.

#### **APPROVED:**

---

**Matthew Poole, Mayor**

---

**Date**

#### **ATTEST:**

---

**Carolyn Farmer**  
**Planning & Zoning Director**