

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
Tuesday, February 15, 2022**

Members Present:

Ed FreibergChairman
Isaac T. Henry III.....Member
Linn Cardner.....Member
J. David Derosier Member
Keith Longlois..... Member

Members Absent:

Mark Ferrell.....Alternate Member

Council Members Present:

Brad Childs

Staff Present:

Kelvin Knauf, Director of Planning & Community Development
Wendy Lloyd, Planning Secretary

Chairman Freiberg called the meeting to order at 5:30 p.m.

CITIZEN COMMENTS

Chairman Freiberg asked for any comments. None were made.

REGULAR BUSINESS - MEETING MINUTES

Chairman Freiberg asked at last for a directory of positions and who held them. Mr. Knauf stated we will do that.

Chairman Freiberg asked for motion to approve the October 19, 2021, workshop meeting minutes

Member Derosier motioned to approve

Member Cardner 2nd

Vote: 5 - 0

Motion Carries

ELECTION OF OFFICERS

Election of Chair

Member Cardner nominated Ed Freiberg for Chair

Vote: 5 – 0

Nomination Carries

Election of Vice-Chair

Member Derosier nominated Isaac Henry for Vice-Chair

Vote: 5 – 0

Nomination Carries

PUBLIC HEARING

Conduct a public hearing on a request from Benny Coleman for a Special Exception to operate an amusement facility (escape room) located at Lots 1-4 and Lots 14-18, Block 4, Gates Addition also known as 307 Border Street

Chairman Freiberg opened the public hearing at 5:34 p.m.

Mr. Knauf stated Mr. Coleman owns this building here at 307 Border Street. It's currently a vacant building. They would like to put in an amusement center there and Mr. Coleman indicated to me an escape room. If you've never been in one of those, I think they're really neat. That's where you go in and you have to solve all these clues in order to find the key to escape from the room. They're very popular in other cities. This is an area that's zoned C-2 which is commercial but under the zoning ordinance, amusement services requires a Special Exception in C-2 zoning districts. That's why we're here tonight because the use that he wants to put this building to requires a Special Exception from the Board of Adjustment. This is a public hearing to allow Mr. Coleman to say anything or anybody to say anything about the request.

Benny Coleman – 4841 White Oak Road, Orange, TX: Mr. Coleman stated it's not going to start out as an escape room. That's going to come later on. We're just focusing on a haunted attraction for the month of October starting out and then if everybody picks up on it, then possibly turn it into an escape room later on so I can open it year round giving Orange something else to do.

Chairman Freiberg stated one word bothered me and you just mentioned it was haunted attraction. What's to prevent it from becoming a restaurant, fireworks place or something else. Mr. Knauf stated well if it's allowed by the zoning ordinance, by C-2, then he is permitted by right to do that. Restaurants are allowed in C-2 by right. Chairman Freiberg stated so anything under C-2. Mr. Knauf stated that's permitted by right now if it's prohibited, he can't or if it's permitted by Special Exception like this, then he has to come before this board to get permission to do it.

Mr. Coleman stated I currently do this at my house every year on Halloween and it's gotten a little bit too big. We actually had like 375 people at the house on Halloween and that was set up in a 40x60 building. Here we would be using about 18,000 square feet. So, I can expand to

accommodate more people and hopefully bring new people to Orange.

Member Longlois stated what is your vision. You say a haunted attraction. What does that mean? Mrs. Coleman stated like a haunted house you walk through and get scared. Mr. Knauf stated has Halloween decorations in it. You might have people dressed up as skeletons or something to scare the kids. Mrs. Coleman stated absolutely.

Chairman Freiberg stated are there bathrooms there. Mr. Coleman stated yes all that is there. I've gotten with the Fire Marshal, and we're supposed to have a meeting after this meeting over our plans and show him how the layout is going to be and he's going to explain to me the safety aspects of everything I have to go through. Mr. Knauf stated now if you do the haunted attraction, when would you start it and then when would it end. Mr. Coleman stated I'd like to run it the whole month of October. The first 4 weeks it would just be Friday and Saturday, no Sundays and on the week before Halloween it would be Thursday, Friday, Saturday, Sunday and Monday. Mr. Knauf stated and what hours. Mr. Coleman stated between 8 and midnight. Mr. Knauf stated 8 pm. Mr. Coleman stated 8 pm maybe 7 pm to midnight. Mr. Knauf stated so it would just be open in the evenings. Mr. Coleman stated yes.

Member Derosier stated since this is a Special Exception, how does that relate to the rest of the regulations within the zone such as parking, toilets or other things. Are they defined or undefined? Mr. Knauf stated it would still have to meet the rest of the building code ordinances as far as number of restrooms, it depends on the use. There are so many restrooms required. The park spaces depends on the size. Member Derosier stated but those differ according to use. This is an undefined use. Mr. Knauf stated actually we would determine which category it falls under. You would charge admission. Mr. Coleman stated yes. Mr. Knauf stated so we would probably define it as kind of along retail because their requirements are broadly written in terms of industrial and institutional which would be like hospitals and medical clinics and then retail and residential and multi-family residential is how it's written. So, we would probably classify it as more along a retail type establishment requirements. Member Derosier stated I was asking the question because I don't know if we need to consider that when we make our decision or whether we just assume that it's already taken care of within the ordinances. Mr. Knauf stated it's already taken care of in the ordinance. Now, suppose they don't have enough parking spaces, then they can either use adjoining parking spaces and credit those towards it with the adjoining property owner's permission or they can just cut down the size that they are using for the haunted house, escape room or whatever it is.

Member Longlois stated when you were on White Oak you said you had 300 something people. Mr. Coleman stated yes come in throughout the night not all at one time. Mrs. Coleman stated there were only 10 allowed in groups of 4.

Chairman Freiberg stated I only saw 1 house close by. Were there any comments sent in from anybody on the letters you sent out. Mr. Knauf stated letters were sent to people within 300 feet and we received no comments. I didn't get any phone calls and no letters.

Mr. Coleman stated the 18,000 square feet that was spoke about earlier is the front building, just a little over half of the back building and all this area over here on the north side of the property could be used as parking. It's just all open area. We probably wouldn't ever have to have anybody park across the street at Fukuda's place or anything like that or parking along Border Street. That was one of the big deals over at the Maze of Terror was people lining up and down Highway 12 and I think they actually had someone get hit by a car last year crossing over 12 to get to it.

Chairman Freiberg closed the public hearing at 5:43 p.m.

DISCUSSION/ACTION ITEMS

Consider a request from Benny Coleman for a Special Exception to operate an amusement facility (escape room) located at Lots 1-4 and Lots 14-18, Block 4, Gates Addition also known as 307 Border Street

Member Derosier stated based on the location and what's there now, I don't see that many major issues as long as the ancillary pieces such as parking, toilets and what not are taken care of. Then it's a question of the use and I don't have any objection to the use.

Chairman Freiberg stated I agree.

Member Cardner stated me too.

Member Longlois stated my only regret is it's only 1 month out of the year. I know he expresses a desire to maybe do more. I understand that's capital dependent. I get that. I think all of us here have run a business at one time or another or currently run a business. I get it.

Member Derosier stated I do think that what we are approving is not 1 month out of the year. That's what the current use will be but if we approve it, it's all year. Mr. Knauf stated that's absolutely correct.

Member Longlois stated he's already authorized by law to do whatever he wants to. It's just that this one aspect of that.

Member Cardner stated I would like for the lady to identify herself.

Whitney Coleman – 4841 White Oak Road, Orange, TX: Mrs. Coleman stated I'm sorry. I'm his wife. These are our kids.

Member Cardner motioned we accept their proposal

Mr. Knauf stated with the understanding that it would be like a haunted house, escape room.

Now if they want to do some other type of amusement services, do you want them to come back to you for that? Say he wants to add an arcade or something. Member Henry stated are you going to do anything other than Halloween? Mr. Coleman stated no just the Halloween and possibly an escape room later on. Chairman Freiberg stated but again but if it's allowed in C-2, he should be able to do it but if it's outside C-2, then he's got to come back and see us. Mr. Knauf stated so any amusement services you are approving. Chairman Freiberg stated that's my opinion. Member Cardner stated yes. Mr. Coleman stated some places like this they offer refreshments and stuff. Is that going to be an issue? Mr. Knauf stated we would consider that part of the establishment. Member Derosier stated and it would fit the food regulations for the county as well as the city. Mr. Knauf stated I just want to be clear on what the motion is. It is for any amusement services.

Member Derosier stated it's probably good that it was brought up. Perhaps we should make the approval with activities that are consistent with the intent that is expressed here so that if there are any extraordinary interpretations that the city has the right to come back and say that no that was not the intent. I'm not saying that you would. Mr. Coleman stated I understand what you're saying. Say I decide down the road to put a couple go karts out there. That's not what you're approving. Member Longlois stated are we approving a ferris wheel? Member Derosier stated I think this is if it goes inside the building with external parking. That's the intent. Mr. Coleman stated if it does expand the way I'm hoping it does and most of them do, we may use some of the parking area for a zombie run or something like that but no ferris wheels. I have looked at a ferris wheel but just for decoration.

Mr. Knauf stated let me just read to you some of the activities that are under SIC code 799 that are covered to give you a better idea as far as what we could be talking about. One would be like a physical fitness facilities, clubs, health clubs, salons, physical fitness centers, coin operated amusement devices, an arcade system, amusement park probably would work, memberships sports and recreation clubs, bowling clubs memberships, bowling leagues or teams, bridge clubs, gun clubs, racquetball clubs, and then some of these others that maybe billiard parlors, bingo parlors, card rooms, day camps. There's other things like go-kart rentals, go-kart raceway operation, gymnastic instruction, karate instruction.

Member Longlois stated do we want a motion that's narrowly defined or broadly defined. Member Henry stated probably like David said. You make the motion to grant Special Exception for the haunted house and escape room and anything other than that come back to here. Mrs. Coleman stated what about arcade if we put something in like the lobby. Mr. Coleman stated yes because part of the theme is a carnival when you walk through the door it would be a carnival room with clowns and stuff like that and I'd thought about axe throwing and stuff like that and just your traditional carnival games like shooting hoops or throwing darts or something like that. But it would all be confined within the building, not outside or anything. Member Cardner stated that's fine with me. Member Derosier stated it's consistent.

Chairman Freiberg stated so we'll take your motion as that. Mr. Knauf stated the way I understand it for a haunted house, escape room, arcades and related activities as discussed at

the meeting. Member Longlois stated to be contained within the building. Member Derosier stated I have a bit of hesitation there. I don't know who has the other blocks in that block. If for example they have that little shrub, wooded area and they extended out into that going outside doesn't create too many problems in what they're intending to do. So, if it's within the intent then we say yes it's good. But as long as we stay within that intent. We have the right to question if it goes way beyond. Mr. Knauf stated within the intent of the amusement related activities as discussed here. Are you guys clear? Mr. Coleman stated this is considered 307, this parking lot area, this building and this building just so you know. I've actually started to contact this guy about purchasing this just incase for expansion. Member Derosier stated I'm just looking at that and if you did want to have a gremlin hiding in the woods that's not enough to say no that's not what you intended. Councilmember Childs asked do you have the whole Harding Law area. Mr. Coleman stated trying to.

Mr. Coleman stated say we have 300 people show up at one time. Would I be required to have some police monitoring or something like that? Mr. Knauf stated I'm assuming there's no alcoholic beverages. Member Longlois stated I'm not aware of any requirement of that unless you sell alcohol. Mr. Knauf stated is it a good idea though. Member Longlois stated I don't know. That is just something we would have to look at down the road. Mr. Coleman stated I've seen where off-duties are hired to do something like that. Member Longlois stated that's a whole another area and that's an expense to you. Just know that I'm confident and we're not here representing the police department here but I'm confident you'll receive positive support down the road should that come up.

Member Derosier stated the fire department can give capacity. Mr. Knauf stated now if you do any remodeling you'll have to come in and get permits. Mr. Coleman stated ok.

Member Derosier motioned to approve Special Exception for haunted attraction, escape room, arcades and related activities consistent within the intent as discussed at the meeting.

Member Henry 2nd

Vote: 5 – 0

Motion Carries

Member Derosier motioned to adjourn

Member Cardner 2nd

Chairman Freiberg adjourned the meeting at 5:59 p.m.