

**PLANNING AND ZONING COMMISSION
MEETING MINUTES
TUESDAY, JULY 6, 2021**

Commissioners Present:

Weldon Smith... Chairman
Jamie Wilson Vice Chairman
George Mortimer. Commissioner
Gordon Worlow Commissioner
Michael Hennigan. Commissioner
Robert Vigil..... Commissioner

Commissioners Absent:

MaQuettia Ledet Commissioner

City Council Members Present:

Larry Spears, Jr.
Paul Burch
Brad Childs
Caroline Hennigan
David Bailey

City Council Members Absent:

Mary McKenna
Terrie Salter

Staff Present:

Kelvin Knauf, Director of Planning & Community Development
Wendy Lloyd, Planning Secretary
Amanda Strong, Code Enforcement Clerk
Mike Kunst, City Manager
Guy Goodson, City Attorney
Jay Trahan, Assistant City Manager & EDC Director
Patricia Anderson, City Secretary
Jennifer Krummel, Deputy City Secretary
Gerald Robinson, Code Enforcement Officer
Marvin Benoit, Building Official
Lane Martin, Chief of Police
Leigh Ann Dallas, Event Manager & EDC Assistant

Mayor Spears called the City Council meeting to order at 5:30 p.m.
Chairman Smith called the Planning & Zoning meeting to order at 5:30 p.m.

PUBLIC HEARING

- a. **Case No. 21:05. Conduct a public hearing on a request from Dana Swope to rezone Lots 1 and 2, Block 6, Abstract 26, Theron Strong Survey, Tract 041, Broadmoor Terrace Subdivision also known as 4702 Tejas Parkway and 3408 Willow Street (Free State Winery) from R-1 Low Density Residential zoning district and R-3 High Density Residential zoning district to IDC-Interstate Development Corridor zoning district.**

Public hearing opened at 5:31 p.m.

Mr. Knauf stated before you is an application from Dana Swope to rezone the Free State Winery properties from R-1 Low Density Residential and R-3 High Density Residential to IDC Interstate Development Corridor. The winery is currently a legal non-conforming use in the residential zoning districts and it's their desire to expand operations and better accommodate events at the winery. The Future Land Use Plan shows these properties to be low/medium density residential. These properties are not located in a historic preservation overlay district. The IDC zoning district requires a minimum lot area of 20,000 square feet and a minimum lot width of 100 feet. The maximum lot depth is not to exceed 3 times the width. Both parcels of property are wider than they are deep, so they meet that requirement. No access or egress shall be allowed to or from a street in a residential neighborhood, including a street that is adjacent to the residential property. There are no height restrictions for the IDC zone. The adjacent uses and zoning districts are to the north R-1 Low Density Residential. That's Adams Bayou and single family residential. To the south is R-1 Low Density Residential. That is single family residential. To the east is IDC Interstate Development Corridor. There is a pond located to the east that is zoned IDC. To the west is R-3 High Density Residential single family residential. Letters about the rezoning request were sent to property owners within 300 feet of the property being proposed for rezoning. More than 20 percent of the property owners within 300 feet of the subject properties either submitted emails or met with me in person to oppose the rezoning. Therefore, if the City Council desires to rezone the properties, it will take a 3/4th affirmative vote of the Council. In this case there are 5 council members, so it takes 4 of the 5 to approve the rezoning. Also, under Section 3.10 of the City Charter, it requires 4 affirmative votes for the council to approve an action. Since there are 5 council members here, 4 of you would have to vote yes to adopt the ordinances on the council agenda. A non-conforming use means that the use is frozen in time. It was legal at the time it was created but since has become illegal. So, it is frozen in time as-is. So, if you want to expand it or to increase it or whatever, then you would need to rezone. As long as it sits as-is frozen in time, it's okay. It's still legal non-conforming or what a lot of people call grandfathered. This has been there for a long, long time. At first it was a small winery with small wine operations and Dana Swope has some plans to expand the winery and expand the facilities out there. That is the reason why we are recommending that the rezoning procedure be implemented. You also have emails from people either supporting or opposing the rezoning. There were some emails that came in late and those have been laid at your places for you to consider. I believe all of those support the rezoning. Dana Swope is here, and she has a presentation that she would like to make on the plan for the winery.

Grace Hernandez -4702 Tejas Parkway, Orange, TX , Nicolas Swope – 3408 Willow Street, Orange, TX, Dana Swope – 4702 Tejas Parkway, Orange, TX

Ms. Hernandez stated I am the Free State Cellar's special events and promotions director and today I'm going to tell you who we are, what we do and what we bring to the City of Orange. We are part of the Texas wine industry that is a multibillion-dollar impact to the Texas economy. This was all started in Orange, Tx with one of the original 13 licensed wineries in the state. We are Willow Street Vineyards a family-owned small business with roots in the Orange community. We wear many hats. We are farm, a food manufacturer, a tasting room, and a retail shop. We operate an Ecommerce site, serve wine off-premise, run a wine club, host private events, and promote the local music scene. As a farm we grow over 8 tons of grapes annually which we invite the community to harvest with us in 2 large events. We

also produce honey on site. As a food manufacture, we take the grapes we grow and produce and sell wine. Our permits allow us to operate a tasting room and to travel to other businesses to serve our wine. You may have seen us at events at the Stark Museum, Matthews Jewelers and other small businesses around Orange and Beaumont. We run an Ecommerce site, a website basically that accounts for half of our sales. We also run a subscription wine club with over 400 members and promote local music. Who are our visitors – Interstate 10 travelers who see our billboards in Louisiana and Texas are going to exit the highway or visit the travel centers and see our signs are going to stop in and see what we are about. We also have our destination travelers who specifically visit Orange, Tx where Free State is their destination. We travelers from all over the east and central Texas as well as from Louisiana. Southeast Texas and southeast Louisiana locals, we estimate that half of our loyal patrons are from Orange County, but the other half are pulled in from both Louisiana and the mid cities, Jefferson County and beyond. We also have an active social media following of over 15,000 people which has not only nominated us for 9 categories of the Best of the Best in Orange County but in 2020 voted us as platinum Best of the Best Winery in the Beaumont Enterprise contest.

Mr. Swope stated I am a partner and head of wine making operations at Free State Cellars. I'm here to talk about facilities. We have 9 acres most of which are vineyards. The winery building is where we produce wine and within it is a small tasting room. There are outdoor seating areas as well as parking. The household site is a family retreat. We have been open for 2 years during which we have identified a few areas for improvement. We underwent a master planning exercise to organize architectural solutions to these opportunities and identify potential locations for new winery uses. On the right is the master plan I'm going to review. On the left is an aerial view of our current facilities. Existing features are: winery, house, vineyards, pond, Adams Bayou waterfront, adjacent lawn area, parking, and seating area. We anticipate 3 phases to our master plan. Phase 1: adds barn, moves our entry closer to our main parking area, replaces dock on pond and improves parking and lawn amenities. Phase 2: improves seating area, adding shade structures, outdoor service and expanding seating. Phase 3: residential improvements and a potential air-conditioned structure. The next couple of slides are inspiration imagery that reflect the look and feel we are trying to implement and continue, and we build out our master plan.

Ms. Swope stated I am a partner at Willow Street Vineyards. I signed the application and I'm going to explain why we are seeking this rezoning. In short, we have a difference of opinion with the City of Orange as to what is allowed and not allowed in our current grandfathered winery use. Rezoning is a path suggested by the city to resolve our differences. Nick covered the basics of our preferred master plan that shows how we intend to solve a number of operational challenges and how we might incorporate some new ideas. I'm going to quickly go through them and talk about how we deal with those challenges today as it is important to understand why rezoning is necessary now. So first we are a farm without a barn. We have a substantial agricultural operation, and we need a barn for tractors, mowers, equipment, barrels, etc. Today we use multiple storage containers on site, mobile trailers as well as renting offsite storage. We need more public restrooms. We have 1 restroom not 1 men's and 1 women's, 1 restroom. So, for a year we have been renting portable toilets and have even resorted to allowing guests to use our home. We'd like to introduce some shade structures. A great deal of our tree canopy was damaged during Hurricane Laura. We currently use pop up canopies to provide some shade. All of our seating is exterior. We have no interior seating. An outdoor service area as our tasting room is tiny. It's just a single counter in our manufacturing facility. So, when demand is high we set up outside counters on sawhorses using plywood, old doors, ice chests and we hope to do better than that. We encourage guests to wander our vineyard and the bayou. We have a rotten dock that needs to be replaced and upgraded on our pond. We would love to explore an airconditioned interior space. We currently don't have any options to receive guests in inclement hot or cold weather. So, what's are current zoning and that's R-3 and what's allowed. We are zoned R-3 blanketed east and west by IDC properties. R-3 is High Density Residential. In other words, we are zoned to allow apartments. We also have a winery allowable non-conforming use. So, we maximize the wineries non-conforming use. That's what our

master plan is. That's what we do. Now, how does this compare to our zoning. We discussed our issues. We came up with an architectural plan that we thought worked within our zoning and we went to visit the city with a courtesy review. Now our expectation was our plan fit within the winery's allowable use however the city's current interpretation is that the non-conforming use is restricted to no additional square footage. By this strict interpretation, we couldn't even add a bathroom. So, why do I call this an interpretation? There's no written description of what winery non-conforming use is so therefore there's no language specifically limiting square footage but as I understand it this is a common limitation to allowable non-conforming uses and is the city's current standard. So, what's next, what are our options? The first of course we could legally challenge the city interpretation of no new square footage. We believe we have a basis for reviewing that interpretation but obviously that's a last resort for us. Option 2 is we could take a step back, accept the city's interpretation and create an alternative master plan to solve our issues. Our biggest challenges are created by our agriculture. We could eliminate the vineyard and stay within the original R-3 intent and add 75-100 apartments and keep the winery. We did do some quick test fits and frankly this is a really attractive idea to us. We think that it could create a really unique development, living spaces, winery, water access and some amazing views. Option 3 at the city's suggestion would be to seek a zoning change that would allow the additional square footage and open up additional opportunities that we've not yet considered. Since we are flanked by 2 IDC sites, the logical choice was IDC zoning. Each of these plans have positives and negatives. So, plan 1 accepting R-3 and the allowable use interpretation, we would add apartments and eliminate the agriculture. The pros for that, the apartments are significantly more profitable than farming. In the 4 years since we've purchased the property, we've been impacted by 3 major hurricanes, a major tropical storm, and a weeklong ice storm. Apartments are definitely more profitable. The second pro is we could develop this plan 100 percent by right with no political process required, no rezoning, no special exceptions. The current zoning was written for us to add apartments. Cons to this is we like farming. It's part of our identity, our heritage, and our passion. We believe that marketing that we actually grow grapes and produce wine in Orange and that we're not just another tasting room is a better story for the winery. We think the vineyard is a more unique vineyard in Orange, in fact, in all of Southeast Texas than another apartment complex no matter how nice we make it. We like the community harvest aspect of our farm which we would lose. We also believe this would have a much greater impact on traffic by increasing the neighborhood density significantly. So, plan 2 seeking the IDC zoning pros are we keep the vineyard and the agriculture portion of our business, and we would gain flexibility to consider future ideas beyond what we do. Our design master plan was designed exclusively with winery use in mind. The third positive is we could potentially tie into future development that might happen along Adams Bayou after the access road bridges are removed and there's a better water connectivity to town. The con of course is the political rezoning process. So, we decided to heed the city's suggestion that we attempt to rezone to resolve our differences. The other options do remain available to us. We've read the opposition letters published in the agenda. I'd like to publicly address some of commentary about what we are not asking for. One is declining property values, although 3 of the 5 letters raise this concern, every single property in this neighborhood has seen an increase in property value since we've purchased the winery in 2017 and opened in 2019. Information is all publicly available at the Orange County Appraisal District. There is no evidence whatsoever to suggest that either the winery or a change to commercial zoning like the flanking 2 properties will have any negative effect on property values. In fact, the opposite is much more likely. Street widening was mentioned in 4 of the 5 opposition letters although never mentioned in the zoning articles. I'm not sure how this got started but to clarify we are not asking for nor do we believe there is any reason street widening would be necessary. We've already been operating for 2 years, and our master plan does not envision a change in use. The impact to the winery traffic is already well established and our road capacity is not an issue. We operate a tasting room 4 days a week a total of 19 hours. We close at 8 pm. We do not violate the noise ordinance. We have never received a complaint about noise nor has the City of Orange. This is also not a zoning issue. Speeding, this is not a zoning issue. Speed limit signs are posted. The only speeding complaints of which we are aware are from our own customers regarding aggressive neighbor behavior. We have encouraged them to notify law enforcement if they were inclined.

Overflow parking, this is also not a zoning issue, but I will clarify our current accommodations. Our code required parking is less than 10 spaces. On site we can accommodate 135 vehicles. It doesn't happen often but for every private event in which we expect large crowds, we or our clients notify the Orange Police Department for assistance with parking and traffic. One of these letters notes that the police have been called to address issues at this winery multiple times. This is an outright fabrication. It's simply not true. The police have never been called to address an issue at the winery except for 1 call generated by their own officer who was assisting with an event. The call concerned a missing and ill Houston man who needed to be restrained for his own safety. He was not a patron nor a customer of the winery. So, to summarize we have a master plan that in our opinion fits into our current zoning. The City of Orange has a different opinion and suggested seeking rezoning as a potential solution to our differences. We believe this master plan to be the best possible option for us, for the neighborhood, and for the City of Orange and so we respectfully request your consideration of this rezoning application.

Myra Alexander – 4310 Tejas Parkway, Orange, Tx: Ms. Alexander stated I've been there since 1987. I retired from WOCCISD in 2004 and went back to work and I re-retired in June 2021. I've been in and out of the neighborhood because I'm at home a lot. My plans are to really enjoy my house and my neighborhood and then 6 days later I receive a letter from the Planning and Zoning Commission to rezone the winery to Interstate Development Corridor zoning district. I read the letter but only 1 sentence really stood out in my mind and the 1 sentence was the desire to construct improvements and to expand operations of the winery. Well construction means to build, to make better and that's good but what are they going to build. Is it on paper what they are going to build? Expand operations, yes they're done by 9 o'clock for sure and everybody is gone but if they expand operations, does that mean louder music, more music, longer hours? Is that going to send some more water from across the street to my house because there are ditches around the house and in front of the winery there are the drain ditch, and all the water went in the drain ditch. But now since it is covered up and there is a culvert underneath that dirt, but it's covered up so when it rains that water comes straight across that driveway and my ditch takes on all that water and so far no problems, but I don't know what's going to happen. I've seen the drain boxes on the ground but they're a little bit too high to catch that rainwater. There's got to be a lot of rain to be able to go in those drain boxes. So where does that water go, right across to my house. Since Harvey, I'm very worried about flooding. I hear the music because I'm right across from the winery. No, it doesn't last all night but I'm afraid if you expand that maybe there will be longer hours. I haven't seen where there wasn't going to be longer hours. I just don't know what is going to happen if it is rezoned. Thank you for moving the Port-a-Potty. It was there for a long time facing our houses. Those 2 dumpsters are still there. We've been told they are going to be moved also but they're eyesores. We don't mind new businesses, money for the City of Orange because we need it, but we live in the neighborhood. We don't come to visit and go back to our peaceful and quiet houses. We stay there 24/7. So, we like it so we can rest in peace. Our homes are going to be affected by this rezoning one way or another. I think that we should all be comfortable where we live in our own home. The Alexanders oppose the rezoning.

Simmye Griffin – 4306 Tejas Parkway, Orange, Tx: Ms. Griffin stated I've lived at my home on Tejas Parkway for 34 years. The definition of nuisance: a person, thing, or circumstance inconvenience or annoyance. Here I am again. This is the 3rd council meeting I have been to in a year's time on the same subject. Previous times we were here we felt like all we received was a good laugh in the face. Not much has changed since last meeting. We still have speeding in and out of Tejas Parkway. I can just sit in my home and watch all the action. But the minute we receive notice of her plans from Kelvin Knauf about rezoning, the family, and the customers it's amazing how everyone started abiding by the speed limit. Most of the time parking is on Free State Cellars property until she has a smugglers meeting and then they park anywhere they can find. The front of this business has been an eyesore from the get-go with construction run off to containers, a port-a-potty on the edge of the street that was just moved last week thanks to Mr. Bailey. Obviously, they throw food waste in the construction roll off because we see vermin running around. An enclosed dumpster is needed

for food product not an open construction roll off. Now we are told that Dana Swope is starting another phase of her business wanting to change her R-1 and 3 to Interstate Development Corridor to build what we were told is an event center. We were told 3 things could happen: increasing hours of operation, longer times for bands to play that the neighbors can plainly hear and increasing the time for people to get intoxicated and driving. The worst part is, we are told that if she gets this IDC access to her property this could mean widening the street of Tejas Parkway. I don't know if that's gonna happen, but this is what we have been told possibly forcing the residents to sell some of our property to the city to complete this task or she could be shut down until she finds IDC access. We have been told by a realtor that came to us and told us that if this whole issue takes place, our property values are going down. I have to ask if this was your street in your neighborhood would you sit back and do nothing, or would you be as upset as we are or is it okay for the residents to suffer while you go down there and have fun? I wanted to hope this business would be neighborly and I wanted to support it, but I don't think this is the right place on a small piece of property for what she is proposing. We have never had issues in this neighborhood until this business opened. My neighborhood was a nice quiet place to live but this business has been a nuisance from day 1 to the neighborhood of Broadmoor Terrace.

Sarah Prejean (representing her mom) – 4037 Lakeshore Drive, Orange, Tx: Ms. Prejean stated I asked for open records so that we could see the things that these residents have been complaining about since this whole project started. One of the things that keeps coming up which you previously heard is garbage cans and dumpsters. I will tell you that these residents have complained time and time again about the dumpsters being used for waste products as well as the construction. This is something that it clearly states is not allowed but the city yet has done nothing about it. So, the residents do not feel as though the city has been following their own rules and regulations in regard to the improvements of this property. Also, in 2019 in January the winery was allowed to start with the understanding that the existing wine business was to operate as it had in the past. Since then, until now, I understand why they are wanting to do this rezoning, that has not happened. This winery was very small and had maybe 12 people a week that would come to tastings and now we have situations where there is over 200 people and not enough parking. Parking has been a concern since day 1. It's in writing if you open the records request you can see all of this public information. In 2019 they did have to pull permits in regard to the culvert I believe being put in which has been causing flooding issues for the Alexanders as their insurance agent I am very concerned of that. I literally go out there all the time and see that. It's definitely an issue that needs resolved with the city. May of 2019, it is also in writing that the courtyard that is in front of this winery is not allowed for parking and is not a driveway. They do park there. Once again this another issue where the city itself has not held this business up to their own code and standards that they have written here. There's no parking on the street right-of-way. It's in writing yet the city is allowing them to do that. In July of 2019 it says resolve parking problems so already within the last few months of 2019 when Tom Reynolds was here we had seen that there was a parking issue. They did come up with a plan and I wish I had presented it to you all and I wish that their picture was back up here where they had shown where they were going to have parking. I don't know if you remember on the screen where they had a building to the right-hand side, there's a vineyard there currently. Well, they knew that there was a parking issue that already was there, so they had to provide opportunities of where they were going to park to fix those issues which still have not been resolved. With that said, I don't understand how we can be here talking about an expansion when we still have not dealt with the first issue at hand. You can't continue to allow a business to keep expanding and expanding when the original issue of parking has yet to still be resolved. Based on what they did provide, it still shows no extended parking and if there's not enough parking now for the amount of people that they're having, how can you approve and allow them to expand.

Brandon Monk – 4875 Parker Drive, Beaumont, Tx: Mr. Monk stated I was asked to come and say a few words by the Shields, Griffins, and the Alexanders. I'm an attorney and so my arguments are going to be mostly for the context of trying to provide a little bit of legal color to the comments that have already been made. So, we see that there are 3

legal issues that the commission should be concerned about and should be thinking about in terms of its own rules. The first issue is the issue of spot zoning. We have a circumstance here where obviously we've selected a very small tract; we've had a presentation or an application that the zoning use of that very small tract be changed. There's also as part of that request or a request for a change to the rules associated with access. So, the reason that that in my opinion fits in the spot zoning concern is not only is the request for a certain type of zoning but it's also a request to ignore a part of that rule that was obviously contemplated for a reason and inserted for a reason at the time the rule was made and that is look if you're going to have this zoning, you need to access in another way. The request here is to do away with that part of it as well. My concern is that if we do away with the rules then what are they really there for. The second legal issue that we would like you to consider is this issue of taking or inverse condemnation. This could happen in a couple of different ways that could cost money to the city. One of the ways that it could cost money to the city is if at the end of the day a zoning change results in a decrease in a property value to a certain residential component and that's what we're talking about with these folks over here. We've got their beautiful subdivision that has been longstanding, long existing way before this winery came to town in other words knowing who their neighbors would be and now they've come in and basically asserted their presence being more important than this residential neighborhood. If that's the ruling of the commission, that could come with consequences if the property values decrease. There could be a taking and there's going to be a need to pay for that and if there's an expansion of roads, there's going to be a need to pay for that taking of land that's done there. The third point is your own rules. When you have an application, you require that they submit a site plan. The detailed definition of what a site plan is not just one thing, it's a long list. I've read the application. I've seen that a site plan was not submitted with this application so the commission really cannot approve this request unless it has a complete site plan that meets all the requirements of an application like this and if it were to do so without that in front of it then it would be an arbitrary act of government.

Denise Leblanc – Ms. LeBlanc stated I'm the Chief Financial Officer for Spindletop Center. We are one of the adjoining IDC properties. I'm representing Spindletop Center and I'm also here with our Chief Executive Officer, Holly Borrell. On our site we have housing for individuals that receive services from Spindletop Center. Currently we have 5 residents there. So, we really are speaking on their behalf. We did poll the individuals that live there and none of them have had any concerns or any issues with the winery. The only question that we have is and the concern has been brought up whenever there is an event center, what will the expanded hours be because we do know later into the evening encroaches on people's bedtime. We really would like to know what those extended hours would be once that event center is built. There had been some questions about parking and utilizing our parking. We had gone round and round and made a decision and said maybe we'll allow them to park in our parking because we are not doing services at that time but the more that we discussed amount our executives at the center we chose not to and we spoke with the owner and she understands and so it was kind of a miscommunication a couple years ago about it because we weren't sure but we felt for the better of our residents. That is their home and that wouldn't be a nice thing to do for them.

Jennifer McConnell – 2557 Carolyn, Orange, Tx: Ms. McConnell stated many people look at Free State Winery and see a thriving business and it is but what most don't see is how much Free State gives back to Orange. When needing to purchase anything for the winery be it shirts, hats, promotional items, Free State always, always looks at small local businesses right here in Orange. Because of that, Free State is helping grow other small businesses in this town. Free State also supports local non-profits in the area. I've gone to Mandy a time or two with a request for a woman's non-profit I'm involved in, and she never hesitated to help however she could, and I know Free State has helped many more local non-profits. By allowing Free State to expand and improve, you are helping the City of Orange, other small businesses in Orange, and local non-profits. Free State supports Orange and I'm asking Orange City Council to support Free State.

Leah Stark – 3182 Alice, Orange, Tx: Ms. Stark stated I'm writing to express my support for Free State Cellars in the rezoning of their property from residential zoning with grandfathered winery use to commercial zoning. When asked about the things to do in Orange, I've been in industrial sales, hospitality type industry, neighbors, friends, business owners talk about things that are unique that are fun and entertaining and bring people of our community together. Free State checks every single one of those boxes. After 1 visit to their beautiful winery, you'll have no doubt that the Free State team does have vision. The vineyard, the tasting room, the lovely outdoor courtyard, the overall atmosphere are unique and unlike anything else you'll find in southeast Texas. The passion for wine making, people, and our community are evident. Grape picking, outdoor live music, community events, outdoor movies, we went to an outdoor benefit for ALS for Tony Dallas, my 40th birthday party, wine tasting, education, are just the few of the things that my family and friends and out of town guests have been able to experience at the winery. The Free State Team: Dana, Nick, Mandy, Steph, Laura, and Mike are some of the most hardworking and resilient people that I have ever met despite hurricanes, pandemics, floods, government mandate closures, road construction, they have turned a blossoming little winery into the talk of the town. There's no denying this. They have big ideas in the works to keep things fresh and new at Free State Cellars improving and offering a more unique experience for locals, our out-of-town guests, businesses, and leisure travelers to Orange County. The Free State Cellars team might be growing grapes in their little vineyard but they're also growing Orange.

Robert Currie – 6320 Meadow Mist, Orange, Tx: Mr. Currie stated I own Innovative Air Solutions here in Orange. I'd like to address a couple of issues. I think one brought up tonight is about parking. If you can do something about parking, please come to Chasse Ridge and get people to stop parking on the side of the road. You can't hardly drive down there. This is everywhere in Orange, so I think this is kind of a moot point about parking. It just happens when you have overflow and things like that. I've never been and seen parking on any residents near the winery. I've never seen that. Secondly, consequences. What are the consequences for your decision? I think your consequences could be very dire. 150-unit apartment complex going in back there and you talk about traffic. Stop and think about that, now we go visitors, now we have 150 new cars, maybe 1, maybe 2 car families. So, now you are adding more and more, and they are within their legal rights to do that. Instead, they're choosing to put something in here for quality life for the residents of Orange, Texas. So, choose carefully. I've heard a lot tonight about fear, what may happen, what may not happen. We don't know. We may get hit with another hurricane this year. We have no clue, but we can't live our lives in fear, and we cannot let fear dictate our actions or anything that we do. The property value issue, the first time I heard anything about a property value issue was from the residents of Lindenwood when the Section 8 property housing went in across the street. Check property values. If a Section 8 complex with multiple units went in across the street and did not deter property values in Lindenwood, then why are we to think that this small expansion at a winery is going to affect property values negatively for a handful of residents. I think that fear is unfounded. Besides being good local business owners, they refer business to me and my business which we hire local people. Our people stay here. Our people pay our taxes. We pay business taxes. This business is generating revenue and income for this community. It is a quality-of-life issue more so than anything else. Leah was right when she mentioned that this is the talk of the town. When someone talks about Orange, Texas, they talk about this winery. It is an up class, high class, very nice place to be, place to visit, place to host birthday parties. We've hosted events out there. It's just a wonderful place to be. Carefully consider all these things but again do not let fear or legal threats guide your decision because I don't think those will be founded.

Steve Maddox – 1002 Cypress, Orange, Tx: Mr. Maddox stated I've been a resident of Orange County my whole life. I would ask that you would try to see the big pictures here of marketing. Some of the small items I've heard are complaints like open containers. These things can be fixed. These are just simple things to fix. Whenever you have a master plan and you're working towards something the next 50 years what this winery might mean to this city and this

county, that other entities should be involved in this like these smaller cities, the EDC, Orange County should be concerned and should be supporting this because this is an opportunity to have well it could be the first taste of Texas when you come in from Louisiana, the winery. I live in a historic district, and we have a real tight neighborhood. We have close friends. I see in the future that neighborhood, although that it might not include the people that live there now, but I would think that in the future that might be a destination neighborhood. A neighborhood where people would want to move to because of the winery. A neighborhood that's maybe called the wine district instead of the Old Orange Historic District and others. I think that although there are some people that currently think it's a bad idea, I think in the long run the property values there would skyrocket, and that people would want to move there and would want to be part of the scene let's say of what's going on down there. Yeah, there may be a time when music will not stop at 8, I don't know. I don't have an interest in this other than marketing and the growth of our city, but it may be 20 years, but it may be music until 10 o'clock. That's just a natural pattern for growth but I do think that there would be a huge interest of people wanting to move to that neighborhood because of the winery. I would ask that everyone on the board to consider the big picture and look further down the road than what we're seeing today and look at the growth particularly with bayou frontage and Interstate 10 connection. I would say let these people do what they do and the rest of us can benefit from it.

Mark Fry – 2200 Woodmont, Orange, Tx: Mr. Fry stated I have a couple businesses here in Orange. One is Fry's Landscaping and the other one is the new motorsports that's being built out on the corner of Tejas and Interstate 10. We've taken the new facility over there and breathed life into it. I didn't write a whole lot, but I've known Dana and her family for many, many years in fact we were kindergarteners together. I can't imagine that Dana would design anything that would be detrimental to somebody else. It's not the way she was raised. It's not the way this family thinks and they think for the better of the community in everything that they do. I think this for Orange is phenomenal opportunity for us to grow Orange and put us on the map and become that destination city that we've always wanted to be. I know I'm building a destination dealership that's going to draw people from many, many states. I think her winery is definitely drawing people already from many, many states and I feel confident that all the issues parking and various trashcan issues are resolvable issues that are preventable and fixable. I am for this project and think it's one of the best things we can do for the City of Orange.

David Derosier – 3853 Cochran, Orange, Tx: Mr. Derosier stated I'm here to support the move to rezone the winery property established in 1985 in the Tejas Parkway area north of I-10 to Interstate Development Corridor zoning. 16 properties border Tejas Parkway and the 3 adjoining streets. They represent approximately 65 acres of land including a large pond. Of the 16 properties, 9 contain residential homes, 3 lots are empty, and there are 4 non-residential houses. 1 of the residential houses approximately 15 acres including the large pond is in the IDC zone already and abuts the winery. 3 non-residential properties in the area are also in the IDC zone today. 4 properties already in the IDC zone plus the winery represent 80 percent of the land area and 67 percent of the appraised property values. The winery has created a family friendly environment for both locals and visitors to relax, enjoy nature, and socialize. It has created a new and very positive reason for people to come to Orange, spend money, enjoy themselves, and pay sales tax. Has very positive plans to continue to invest and improve their property in an environmentally conscious fashion. Has increased its own appraised tax value by 6.6 times in the last 2 years with property improvements. Of the respondents listed in your packet, more than 75 percent support the rezoning. All but 1 of those opposed in the packet said they did not want the road widened. It's not even part of the proposal. Those in favor have noted many varied and positive actual benefits both today and for the future. Although there would appear to be at least 8 property owners within 300 feet of the winery property, only 1 appears to have submitted a written response of opposition. I submit to you the acceptance and approval of the rezoning of the winery property is consistent with and supportive of the purpose of zoning

as defined in the Texas state code, which is to promote the public health, safety, morals, general welfare and protect and preserve places in areas of historical, cultural, or architectural importance and I support them.

b. Case No. 21:06. Conduct a public hearing on amending Chapter 12 “Planning and Zoning” Land Use Matrix of the Orange Code of Ordinances to permit wine manufacturing, wine wholesale distribution and on-site wine consumption if wine is produced on site in the Interstate Development Corridor Zoning District.

Mr. Knauf stated part of the zoning ordinance, you have the zoning map and then you have what’s called the Land Use Matrix. The Land Use Matrix determines what uses can be located in each zoning district, either permitted by right, prohibited, or permitted only by Special Exception in each zoning district. Right now, there is no established zoning for criteria for a winery. The zoning matrix is based upon Standard Industrial Code produced by the United States Department of Labor. There is no single winery code under the Standard Industrial Classification code. There are different aspects of the wineries. There’s wine manufacturing. There’s wine distribution. There’s wine consumption that is listed in the Standard Industrial Code so in order to make the winery whole if you will and in order to make it consistent with the Land Use Matrix, then we would need to amend the Land Use Matrix in addition to amending the zoning on the property itself. There are actually 2 aspects. 1 is the property itself and the zoning in it and the other one is the Land Use Matrix which determines if something is allowed by right, prohibited or allowed only by Special Exception. The proposal is to allow wineries, manufacturing by right in the Interstate Development Corridor zoning district. Right now, it would be under food and kindred products and food and kindred products are not allowed in the IDC zoning district. So, this would make wineries, not all food and kindred products, just wineries allowed by right in the IDC zoning district. It also would allow wholesale wine sales allowed by right in the IDC zoning district. Right now, code 51 wholesale goods, trades is allowed only by Special Exception but this will make it clear that wineries, wine wholesale distribution and sales would be allowed by right in the IDC zoning district. Then also, right now, in order to serve alcoholic beverages in an establishment or restaurant unless you’re a bar or a lounge but a restaurant or similar activity has to have 50 percent of its revenues from food sales in order to serve alcoholic beverages. A bar or lounge they can have more than that but that’s a different classification. What this would do, the change we are looking at as far as the Land Use Matrix, this would allow wine to be served without meeting that 50 percent food requirement but only wineries and only if wine is produced on the premises. So, they would actually have to produce wine, they could sell other wines that are produced elsewhere, but they would have to have their own wine that they produce on the premises. My recommendation is that we not open up into IDC zoning district to anybody being able to serve wine without meeting the food restriction requirement. Because that essentially make the IDC open like a bar or alcoholic beverages without the 50 percent. I don’t think we want to get rid of that 50 percent food requirement for restaurants and others, but this would let the winery not have to meet that 50 percent food requirement in order to serve alcoholic beverages in the IDC zoning district. There’s a little bit on the agenda that says if the wine is produced on the premises but the ordinance that is being proposed is if wine is produced on the premises. In my editing on the agenda, I forgot to go back that word “the”. So, you could read the agenda to say only that wine could be sold but that’s not the intent. The intent of the ordinance that’s presented before the council is yeah they have to have their own wine that they grow and manufacture on the premises, but they could serve other wines. My experience in going to wineries in Napa Valley, California is that they don’t serve food. You go in and you do a wine tasting and you can taste their wine, or some other wines produced in Napa Valley or whatever so that’s what the intent of the change in the Land Use Matrix. These changes would be essentially to make winery whole if you want to rezone it to IDC zoning district.

Mr. Derosier stated I feel that there is a bit of a conflict here with the state regulations. The state of Texas has in their code a wine, winery permit and a whole list of what it can do and cannot do. The wine permit does not restrict a winery from doing its job with wine made by the company but grown somewhere else or produced somewhere else. If you

think of the big wine operations, they may have vineyards here and there and so forth. I believe there's a conflict between the state permit and this proposal. I would suggest that a reference to having the state permit, the license from the state as a winery being a requirement but I'm not sure that we in the City of Orange should be creating restrictions that conflict with the state licensing and permitting operations as opposed to just leaving it to the state because otherwise we've got to get into it every time the state makes a change or something else happens. It's much easier to make that reference that you have to have a wine permit to do this.

- c. **Case No. 21:07. Conduct a public hearing on amending the Orange Code of Ordinances Chapter 12 "Planning and Zoning" by repealing in its entirety Section 12.603(e)(6)(D) concerning access or egress to properties in an IDC-Interstate Development Corridor zoning district from a street in a residential neighborhood, including a street that is adjacent to residential property.**

Mr. Knauf stated the zoning ordinance says that you cannot access an IDC property through a residential street or a street that is adjacent to a residential property. Tejas Parkway, Willow Street and Evergreen, those all are adjacent to a residential property. If you were to rezone the winery to IDC, there actually is a place over on Enner Road north of interstate, east of Bob Hall Road that if you were to turn off of Bob Hall Road onto Enner then that is a residential street that ends in an IDC zoning district. That is the other area that currently you can access an IDC zone through a residential street. The proposal is to just do away with that restriction if you want to redo the zoning for the winery to IDC and that way you would eliminate that conflict within the zoning ordinance.

Ms. Prejean representing Susan Shields at 4307 Lakeshore stated my question is if this is approved, can they come back and say we changed our mind and we want to widen the road or is this a one time. Chairman Smith stated it is just commenting on whether you are for or against it.

Larry Spears, Jr. – 2101 Yupon, Orange, TX: Mayor Spears stated this question has come up over and over again. Just to go ahead and answer your question, the money we have budgeted in our funding right now, there is no money allocated for any type of road widening or anything of that nature. We're still busy working on 50 million other projects so this is not on the table and if it was to even be brought up, there is no money for it anyway.

- d. **Case No. 21:08 Conduct a public hearing on amending the Future Land Use Map to change Lots 1 and 2, Block 6, Abstract 26, Theron Strong Survey, Tract 041, Broadmoor Terrace Subdivision also known as 4702 Tejas Parkway and 3408 Willow Street from Low/Medium Density Residential to Commercial.**

Mr. Knauf stated before you on the TV you see that section of the Future Land Use Map that contains the winery and the area. The Future Land Use Map is a guide as far as how the city might see itself developing in the future. It's strictly a guide. The arrow points to the winery and the yellow means low to medium density residential, the red means commercial and so if the desire is to rezone the winery to IDC then we would really need to amend the Future Land Use Map to show that as commercial instead of low to medium density residential.

- e. **Case No. 21:09. Conduct a public hearing on amending Chapter 12 "Planning and Zoning", Section 12.602(2)(C) pertaining to the side yard building setback lines in the R-2 Medium Density Residential Zoning District and Section 12.602(3)(C) pertaining to the side yard building setback lines in the R-3 High Density Residential Zoning District.**

Mr. Knauf stated in the zoning ordinance it provides for building setback lines. The building setback lines means you cannot build a vertical structure except outside of those lines. You have a front setback line, a rear setback line, and side setback lines and then for those at a location of an intersection, you have corner side setback lines. In the zoning ordinance, the way it is now, is that you have residential zoning districts R-1, R-2, and R-3 and the front setback lines in R-1 is 25 feet, in R-2 is 25 feet and R-3 is 20 feet. In the rear it's 15 feet for R-1, 15 feet for R-2 and 10 feet for R-3. The side setback line in R-1 is 5 feet, in R-2 is 15 feet and in R-3 is 5 feet and then the corner side for R-1 is 15 feet, for R-2 is 15 feet and then there is no restriction for R-3. You see the differences between R-1, R-2, and R-3 is the minimum lot size. R-1 is supposed to be low density residential I which the houses are fairly widely spaced. R-2 is medium density residential in which the houses are a little bit closer together. Then R-3 is high density residential in which you have things like apartments, and small single-family lots. If R-1 is low density and it has a 5 foot setback from the property lines but then R-2 is supposed to be a higher density, but its setback lines are 15 feet then that means the houses are further apart rather than closer together. So, when this ordinance was adopted, there may have been a reason for it, but that reason is not apparent. Also, in R-3 on a corner lot, the purpose of side setbacks on a corner lot is traffic hazards so that you can see coming down the street and you don't have a building blocking your view as you come to an intersection. With no restriction in R-3, then conceivable somebody on the side yard could build right up to the property line and create a traffic hazard. So, what we are looking at is amending the zoning ordinance so that R-2 would have a side yard setback of 5 feet just like R-1 and R-3 and then R-3 would have a 15 foot corner side setback just like R-1 and R-2. What the reason was for why it is now, again is not apparent, but it just doesn't seem to make a lot of sense.

Public hearing closed at 6:40 p.m.

Mayor Spears asked for a motion to adjourn
Council Member Hennigan motioned
Council Member Childs 2nd
Mayor Spears adjourned City Council at 6:40 p.m.

PLANNING & ZONING DISCUSSION/ACTION ITEMS

- a. **Case No. 21.05. Consider a recommendation to the City Council on a request from Dana Swope to rezone Lots 1 and 2, Block 6, Abstract 26, Theron Strong Survey, Tract 041, Broadmoor Terrace Subdivision also known as 4702 Tejas Parkway and 3408 Willow Street (Free State Winery) from R-1 Low Density Residential zoning district and R-3 High Density Residential zoning district to IDC-Interstate Development Corridor zoning district.**

Chairman Smith stated I have a few questions. I know that Mr. Goodson is here, and the other attorney brought up items that I wanted to see if you could clarify from what my knowledge is. One was the site plan that he said is required on the application. Mr. Goodson stated are you addressing me or Mr. Knauf. Chairman Smith stated well either or, but I know the language states that it should be there not shall. Mr. Knauf stated right it says should and not shall. Chairman Smith stated which means that is not required. Can I get clarification on that? Mr. Knauf stated that is correct. The ordinance says that it should be accompanied not shall be accompanied on a site plan. Chairman Smith stated also there was a question about spot zoning. Can someone clarify since there is IDC on either side of this property and if you were to do that, would that be considered spot zoning. Mr. Goodson stated the opinion of the city, it would not.

Vice Chair Wilson stated just for clarification, is a site plan required when the application is presented. I believe that he

says that it has to be, but Mr. Goodson says that it does not. Mr. Knauf stated Section 12.401 says amendments to zoning ordinance or zoning map if you look at number 2, accompanying data, an application for a zoning amendment shall be submitted to the director of planning and community development and should be accompanied by the following information: application form, fee, site plan, building plans such as floor plans, architectural elevations if applicable, written description of the proposed use of the property and any other data necessary to demonstrate the facts of the application. So, if you read this then the application shall be submitted to the director. It doesn't say to the planning and zoning commission, it says to the director and should be accompanied by an application form, fee, site plan, building plans, written description of the proposed use of the property and any other data necessary. Vice Chair Wilson stated I'm not because everything that was put in opposition was addressed. I'm making sure I understand there's no street widening, and I did take notes on who spoke and what the situations were. So, we don't have a property tax decrease, I mean property value. We have an increase. Nobody has said anything about street widening. Parking seems to be a bit of an issue as well as garbage and again those are somewhat of an easy fix. I've been out to Free State on multiple occasions, and I do know that after you hit 50, things start deteriorating. My hearing is not, and I've not noticed it to be a sound issue as far as I know but have there been complaints of noise with the city. Mr. Knauf stated that's a police department question. Chairman Smith stated from what I understand, the answer is no. Vice Chair Wilson stated so no noise ordinances, no complaints about the noise. I do know because I've been out there that they are very conscience about their neighbors, and they shut the music down like 30 minutes to an hour before they close. Her hours are not late. I don't think there's been any mention of extending hours because there's trees not streetlights out there. It's not lit and once it gets dark, it's dark. The other thing I will say is there's probably not an issue with staying open too late because we grow mosquitos really well here and she's on the water and that too tends to be an issue. So, I guess I don't understand the opposition because as Dana and Grace and Nick were doing their presentation, everything that was an issue was addressed. So, I can't see us stopping the economic growth because if you make this a destination, I know that right now people have gotten away from getting married in churches to getting married in outside venues and this opens up that opportunity which then opens up hotel usage because if they're out of town, opens up restaurants because they're out of town, opens up beauty salons because we've got people that need to get their hair done before the wedding and nail salons and those kind of things because those are big items for those that get married. So, I'm not sure why we are trying to stifle the economic growth here of this community. That's my comment and where I'm at.

Commissioner Worlow stated I agree about the stifling but the problem I have with this whole thing is we change the IDC and now we're going to dissect IDC and make changes to it, and I think that we have to look at that really hard as to what we are changing because once we change these things, it changes for everybody on IDC. It doesn't just change for this winery and that's something we really have to consider. What are these changes going to do because we are talking about the road and we're already breaking that one with Enner Road? You know, we're not even following our own policies now so what happens when we change the IDC. Now we have to make sure we have a road to get to it. There's a lot more to this than saying let's change to IDC. Now you have to dissect IDC. Vice Chair Wilson stated is that why you said make there specifically be a winery clause or winery specific in the IDC? Mr. Knauf stated as far as the alcohol, serving of alcohol. Now that is a good point though. If you rezone it to IDC, then anything allowed in IDC will be allowed at that location. They can sell the property and then a developer could come in another permitted use in IDC they could put in there and they would have every right to do that. That's just one of the considerations whenever you rezone property and that's true of any rezoning that if you rezone it to another category, anything permitted by right in that category can go there.

Commissioner Vigil stated I just want to make a couple comments. First comment deals with it is an R-3 area right now and with that being said it allows for apartments, etc. and could bring in a lot more traffic, etc. whereas the IDC is more restrictive in terms of how much population can grow in the area permanently. IDC means its short term. People aren't

staying there long so there's good and bad both sides of that. There's a lot of risk keeping it the way it is and there's an upside by changing it. Is one a lot better than the other? It just depends on your point of view but the risk today if you're worried about trash, population, noise, speed, etc. you know having an apartment complex raises that speed compared to IDC. Now, what I understand we're just talking about changing the zone. We're not approving what's going on there. We're just changing the zoning and so other permits; other applications will go before what to put there and make sure it passes code. Is that correct? Mr. Knauf stated the application is to change the zoning on that piece of property but then associated with that is changing the Land Use Matrix as well to make it clear that wineries and wine manufacturing and wine distribution and on-premise wine consumption would also be allowed by the Land Use Matrix.

Commissioner Worlow stated is there anyway to look at R-3 and change R-3 instead of changing IDC. Mr. Knauf stated well if you do that then you change that for R-3 everywhere and really if you are going to have a commercial business, it needs to be in a commercial zoning district or a mixed-use zoning district. R-3 and R-1 are not mix used zoning districts. Those are residential zoning districts.

Commissioner Moritmer stated just a quick couple of things. Number 1, we deal with a lot of what ifs all the time. What ifs are just going to be part of our lives. What if this happens? What if that happens? What we have to deal with is the facts. I'm a long-term resident of Orange and one of things that I've always talked about was lifestyle issues and in our town growing from a kid, going to proms, and having to go and eat in Beaumont or Lake Charles used to upset me. What I see here today and what I hear is your going to see issues with traffic or if this happens, we're going to see flooding issues. Those are things that can be resolved. The other is what if they sell this property at a later date and something else comes in. I look at what the facts are. The facts are in my opinion, here's a group that's been around since the mid 80's plus or minus, that has gone through thick or thin, through a lot of different situations from storms like most of us that's been in this area and come back and put their time, energy, and effort into it. We also have what looks to be multiple generations better involved in this. I think we have to look at yes, there's some what ifs that we may have to deal with, but the reality is there's a lot more what about growing the future of this community.

Commissioner Hennigan stated I agree with those comments whole heartedly. We can't live our lives on what ifs. A lot of what ifs aren't going to grow Orange. We have to grow Orange, and this is the best decision for Orange and Orange County. This is going to bring more businesses into Orange. This is going to bring more economy back to Orange. If we keep living on what ifs, we'll never get anything accomplished. So, I agree with you whole heartedly. We need to continue to grow and to continue to grow, you have to take chances. Some things are a risk, and you have to reach out there and take that risk sometimes because if you don't nothing is going to change. If you continue to do the same thing you're always doing, you're always going to get the same result, so I say we move forward.

Vice Chair Wilson motioned to recommend approval to City Council
Commissioner Hennigan 2nd

Vote: 5 – 1

Motion Carries

- b. Case No. 21:06. Consider a recommendation to the City Council on amending Chapter 12 "Planning and Zoning" Land Use Matrix of the Orange Code of Ordinances to permit wine manufacturing, wine wholesale distribution and on-site wine consumption if the wine is produced on site in the Interstate Development Corridor Zoning District.**

Mr. Knauf stated just a technicality but it's that little word the makes a difference in the interpretation so if wine is produced. I know the agenda said the wine and that makes it sound like only the wine and that wasn't the intent. The intent of the ordinance is you have to produce wine on premise, but you can sell other brands as well. I just wanted to make sure that is clear and see if you agree with that approach.

Commissioner Mortimer motioned to recommend approval to City Council
Vice Chair Wilson 2nd

Vote: 5 – 1

Motion Carries

- c. Case No. 21:07. Consider a recommendation to the City Council on amending the Orange Code of Ordinances Chapter 12 "Planning and Zoning" by repealing in its entirety Section 12.603(e)(6)(D) concerning access or egress to properties in an IDC-Interstate Development Corridor zoning district from a street in a residential neighborhood, including a street that is adjacent to residential property.**

Commissioner Vigil stated I just have a question. If this is not approved, what is the consequence. Mr. Knauf stated well then you have rezoned property to IDC but under the zoning ordinance people couldn't go there. I don't know how you would ever enforce that because there's a practicality to it if you don't repeal this. This is something that probably should have been repealed years ago because you have the pond there you could already access the pond in violation of this and like I pointed out Enner Road north of the interstate and east of Bob Hall. I've driven that road sometimes and that means I would have access the IDC property from a residential street so the practical implementation of this section is questionable. If you don't do it, then you've rezoned property but they're in conflict with the zoning ordinance. Chairman Smith stated so regardless of the other items, this thing needed to be addressed anyway. Mr. Knauf stated yes I think this is part of that ordinance clean up that may have sounded good at the time, but I don't know what caused this to be put into the ordinance years ago.

Chairman Smith asked for any other discussion. None was made.

Vice Chair Wilson motioned to recommend approval to City Council
Commissioner Hennigan 2nd

Vote: 5 – 1

Motion Carries

- d. Case No. 21:08. Consider a recommendation to the City Council to amend the Future Land Use Map to change Lots 1 and 2, Block 6, Abstract 26, Theron Strong Survey, Tract 041, Broadmoor Terrace Subdivision also known as 4702 Tejas Parkway and 3408 Willow Street from Low/Medium Density Residential to Commercial.**

Commissioner Mortimer motioned to recommend approval to City Council
Vice Chair Wilson 2nd

Vote: 5 – 1

Motion Carries

- e. Case No. 21:09. Consider a recommendation to the City Council to amend Chapter 12 "Planning and Zoning", Section 12.602(2)(C) pertaining to the side yard building setback lines in the R-2 Medium Density Residential**

Zoning District and Section 12.602(3)(C) pertaining to the side yard building setback lines in the R-3 High Density Residential Zoning District.

Vice Chair Wilson motioned to recommend approval to City Council
Commissioner Hennigan 2nd

Vote: 6 – 0

Motion Carries

- f. Case No. 21:10. Consider a preliminary plat submitted by QT South, LLC for the QuikTrip 7944 Addition located at Abstract 27, C. West Survey, Tract 075 and on part of Abstract 27, C. West Survey, Tract 073 on Highway 62 adjacent to the Blue Beacon Truck Wash.**

Mr. Knauf stated this is a plat submitted by QuikTrip. They want to put in a QuikTrip store out on Highway 62 just adjacent and to the north of Blue Beacon Truck Wash. This is a preliminary plat and whenever submitting a preliminary plat there are certain standards and regulations that are required to be put on the preliminary plat. This plat does not meet those regulations and in your packet there is a listing of where it does not meet the ordinance requirements. Under state law, once a preliminary plat or plat has been submitted, a city has 30 days in which to disapprove a plat otherwise by operation of law it's automatically approved. So, this was submitted on June 10th so we're still within that 30 days by which you can recommend that the preliminary plat be denied and then council would need to take action on the preliminary plat. But I've spoken to QuikTrip, and they understand, and they are working to get into compliance with this and they may come back at a later date. Part of the requirements is a drainage plan and a water plan and a sewer plan and a general plan for the property and those have not been submitted. They are still doing their engineering and calculations on those, and I really anticipate that they will be coming back with those probably in a few months with a revised preliminary plat.

Chairman Smith stated so this does not meet the requirements. Mr. Knauf stated it does not, no and there's a lot of areas where it does not meet the ordinance requirements.

Chairman Smith motioned to recommend City Council deny preliminary plat
Vice Chair Wilson 2nd

Vote: 6 – 0

Motion Carries

PLANNING & ZONING APPROVAL OF MINUTES

- a. Approval of June 1, 2021, Planning and Zoning Commission regular call meeting minutes**

Vice Chair Wilson motioned to approve
Commissioner Mortimer 2nd

Vote: 6 – 0

Motion Carries

Chairman Smith adjourned the Planning and Zoning Commission meeting at 7:01 p.m. *

*7.6.2021 City Council Minutes to be separate minutes