



City of Lorena
107-A S. Frontage Road
Lorena, Texas 76655
(254) 857-4641 Fax (254) 857-4118

**NOTICE OF PUBLIC MEETING AND PUBLIC HEARING
LORENA CITY COUNCIL
MONDAY, APRIL 19, 2021– 6:30 P.M.
LORENA CITY HALL
107-A S. FRONTAGE ROAD, LORENA TEXAS**

Some council and commission members may attend, while others may call to participate. To help contain and mitigate the spread of COVID-19, participation by the public may be done remotely in compliance with the Texas Open Meetings Act or pursuant to the Action issued by the Governor of Texas on March 16, 2020.

THE PUBLIC WILL BE ABLE TO JOIN THE MEETING BY VIDEO CONFERENCING AT THE FOLLOWING LINK <https://global.gotomeeting.com/join/826082405> and/or join the conference call at (254) 655-5400; GUEST PIN :2021

Questions and comments on items listed on the agenda may be emailed no later than NOON on the day of the meeting to the City Secretary via email to mhendrix@lorenatx.gov

MINUTES

1. Call to Order/Roll Call

Mayor Roper called the meeting to order at 6:30 p.m. Council members present were Mayor Chuck Roper, Jeff Linnstaedter, Emily McKenzie, Tommy Ross and Kelly Yarbrough. Bill Coleman was absent.

City Staff present were Tom Dickson, Monica Hendrix, Linda Klump, Kevin Neal, Joseph Pace and Peter Rivas.

2. Citizens questions or comments. None

3. Approval of Minutes:

a. March 15, 2021

Tommy Ross motioned to approve the minutes. Emily McKenzie seconded the motion. All in favor, motion carried.

4. Hold a Public Hearing to consider the request of Municipal Planning & Development Strategies, LLC, applicant, to rezone 7.79 acres out of the 10 acre tract of land in the T. Thatcher Survey A-847 being that same property described in the Warranty Deed recorded in Volume 1574, Page 321 of the Official Public Records of McLennan County, Texas, dated September 24, 1986 from Barclay, Inc. to John E. McCarthy, bishop of the Diocese of Austin,

and his successors in office in the City of Lorena, McLennan County, Texas, and 4.02 acres of land out of the T. Thatcher Survey A-847, in the City of Lorena, McLennan County, Texas and 1.92 acres of land out the T. Thatcher Survey A-847, in the City of Lorena, McLennan County, Texas, all being three (3) tracts of land containing 13.745 acres of land bounded by Interstate Highway 35 frontage road and Rosenthal Parkway, from (SF) Single Family District to (IC) Interstate Corridor District and take any action necessary.

Mayor Roper opened the public hearing at 6:35 p.m. Several citizens from the Quarry Subdivision and neighboring subdivisions attended the public hearing and spoke strongly opposing the rezoning. Citizens who spoke were Brent Harris, Katie Casper, Ann Springman, Dr. James Bryan, Michelle Tigelaar, Tim Thompson, Michael Green, Chuck Virnau, Donna Benton, Julia Becker, Suzanne Maxwell and Vickie Bracken. Citizens voiced their concern about the commercial rezoning bringing crime and possible trafficking of drugs, women and children. Citizens were also concerned about possible flooding, traffic in the area, lighting issues caused by the development and hours of operation. Citizens also voiced their concerns about notification on the public hearing and rezoning. All the citizens who spoke were opposed to the rezoning.

5. Discussion and possible action on Ordinance 2021-0419-01 amending the Zoning Ordinance of the City of Lorena by rezoning 13.745 Acres of land in the T. Thatcher Survey A-847 generally bounded by the Interstate Highway 35 Frontage Road and Rosenthal Parkway from (SF) Single Family District To (IC) Interstate Corridor District; making finding of fact; providing for related matters; and establishing an effect date.

City Planner Robert LaCroix gave background information to the council. The applicant is requesting a zoning change of three different tracts of land totaling 13.745 acres, and if approved, would effectively change the Future Land Use Plan for the subject property from Low Density Residential to High Intensity Commercial. The existing Neighborhood Service land use category which adjoins the request, lies to the north and provides a buffer to the proposed high intensity commercial land use category. Low Density Residential designation lies on the south side of Rosenthal Parkway. Additionally, the Future Land Use Plan indicates High Intensity Commercial Land use along both sides of Interstate Highway 35. The direct adjacency of this property to Interstate Highway 35 would seem to negate it being developed strictly as single-family residential. The subject property is located at the northeast corner of the intersection of Interstate Highway 35 and Rosenthal Parkway with access to Rosenthal Parkway and I-35. The land uses adjacent to the property are to the north is residential development and vacant land. To the south across Rosenthal Parkway is vacant property and residential development and directly to the east of the property is vacant land. To the west of the property is a church and a convenience store and Interstate Highway 35 right-of-way. LaCroix informed council that the Lorena Planning and Zoning Commission approve the request to rezone the property by a vote of 3 for and 2 against with the following conditions of approval:

- (1) By recommending this zoning change, the Planning & Zoning Commission effectively will be approving changes to the Comprehensive Plan and Future Land Use Map. Specifically, this will change the designation of the subject property from Low Density Residential designation to a High Intensity Commercial designation; and,
- (2) Any construction resulting from the approval of this zoning change shall conform to the requirements set forth by the Lorena Zoning Ordinance, the International Building Code (IBC), the Lorena Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

LaCroix stated should the City Council approve the zoning change they will be effectively amending the Comprehensive Plan and the Future Land Use Plan.

Robert Cervenka with Municipal Planning & Development Strategies, LLC who is the

representative for the potential property owner says it is a family from Houston. There is no site plan at this time nor does the family have a use in mind. The family simply wanted zoning with a variety of uses. Cervenka stated the contract for purchase of the property is contingent upon the rezoning. Cervenka also stated that after the Planning and Zoning meeting and the concerns about the property access off of Rosenthal Parkway, he met with TXDOT and there will be a secondary access to the property off of the Frontage Road on the north corner of the property. The Primary access to the property would be off of Rosenthal Parkway. Cervenka feels this is a reasonable request given the location of the property with access to the interstate and the frontage road. Cervenka also feels this is the highest and best use of the property. Cervenka appreciates the comments of the citizens, however, change is difficult and change at some point will happen here.

Emily McKenzie spoke and is concerned about the letter that Cervenka wrote to the City Manager Joseph Pace in his application for the rezoning. The letter states "Safe access to the proposed site is present and will not adversely affect the surrounding properties." McKenzie respectfully disagrees with that statement and is concerned about all the cars that already use Rosenthal to get to the residential neighborhoods and they would be competing with the 30,000 cars from the interstate to the primary access to the property which is Rosenthal Parkway. McKenzie is concerned about the changes to the Comprehensive Plan and Future Land Use Map that was recently updated. The request for rezoning does not keep with the updated plan. McKenzie also does not feel that the citizens are not opposed to change but feel developers should use vacant property along the interstate that is already zoned commercial at the north 323 exit and such.

Joseph Pace wanted for the record to state that the city did hear the citizens five years ago when they stated they did not want the property change to commercial when the Comprehensive Plan was updated recently. Thus, the reason the Future Land Use Map remained residential in that area.

Kelly Yarbrough spoke and wanted to be sure she understood that the potential property owner will not purchase the property without rezoning being approved and was told yes. Yarbrough is concerned about what type of companies the potential buyer owns or will propose. Cervenka says uses that are allowed in the zoning classification.

Mayor Chuck Roper asked about the other layers of this zoning classification and the next step of approval if the property was rezoned. Robert LaCroix and Joseph Pace explained the process.

McKenzie continued to refer to the Comprehensive Plan and the possible change to it and was adamantly against it. McKenzie feels that the request goes against the Comprehensive Plan.

Kelly Yarbrough spoke and understands the concerns of the citizens and Councilwoman McKenzie. Yarbrough feels there will never be a house built that close to IH-35 and says there are other zoning category's that could possibly utilize the land for better use. Yarbrough understands the city could use the taxable income but feels the developer needs to be more up front with what the use will be.

Jeff Linnstaedter talked about the size of the property and stated he sees no way that a reasonable size truck stop could fit on 13 acres, maybe a Travel Center but no truck stop. Linnstaedter asked the planner if it was feasible. Planner Robert LaCroix spoke and says with the access to the property and the CUP control mechanism in the ordinance, no council should ever approve a truck stop at that location. Linnstaedter is concerned about the developer not having transparency on what they want on the property. Linnstaedter is also concerned about the access to the property and the traffic

issues it would cause. Linnstaedter pointed out the secondary access to the property is his opinion is dangerous. Linnstaedter feels the property is in a good location to be zoned commercial but would like to see more transparency before he would possibly vote to rezone in the future. Linnstaedter pointed out the commercial property currently available along both sides of the interstate and the lack of transparency from the buyer has made his decision for his vote tonight.

Emily McKenzie motioned to deny the rezoning request and not allow the residential zoning to change to commercial. Kelly Yarbrough seconded the motion. Jeff Linnstaedter and Tommy Ross voted in favor to the motion to deny the rezoning request. Motion carried.

6. Discussion and possible action on approval of using remaining 2003 Street Improvement bond funds to fund an engineering study for street improvements.

Finance Officer Linda Klump informed council in 2003 the City of Lorena issued Refunding Bonds in the amount of \$1,100,000.00 to refund \$600,000.00 of existing debt for 1991 and 1993 issues and to provide \$500,000.00 for street improvements. There is \$67,000.00 left from the 2003 Street Improvement bond and is requesting authorization to utilize the remaining funds for engineering study to identify and plan for future street improvements. After speaking to bond council, the city was told the money could be used for street and drainage improvements. Joseph Pace explained that Bordon and Center Street would be the first streets that would be looked at in the study. Kelly Yarbrough asked if the \$67,000.00 would be enough money to cover the cost of the engineering study and was told they don't know at this point.

Kelly Yarbrough motioned to allocate the additional \$67,000.00 to be used for an engineering study for street improvements that will be brought back to council for approval at a later date. Emily McKenzie seconded the motion. Jeff Linnstaedter and Tommy Ross voted in favor to the motion. Motion carried.

7. Presentation of Summary of Cash and Investments and quarterly budget report ending 3/31/2021.

On the Summary of Cash and Investments Finance Officer Linda Klump reported that interest rates have plummeted and pointed out the CD that recently matured was at 1.1% is now at 0.30%. On the budget documents she has explanations for any great variances on the bottom of the page.

**8. Public Works Report
a. Well site #2 update**

Public Works Director Kevin Neal informed council that Jergenson Pump was the low bidder for the repairs to Well Site #2 that was damaged during the ice storm caused by electricity failure. The bid was for \$36,866.00 and some of the parts are not covered by insurance. There will be an expense of the column pipe and other routine maintenance items for approximately \$6000.00. Neal expects a check from insurance for approximately \$28,000.00 after deductible and the routine maintenance items. Neal expects the well to be down for another 3 weeks and says this is a seasonal use well that is mostly used during peak summer usage.

**9. Police Department Activity Report
a. March 2021 stats**

Chief Tom Dickson says the police are still responding to a lot of EMS calls. Due to the increase in medical calls, there are five officers currently in medical classes/training for Emergency Medical Responder and or Technician. The police department is usually the first on the scene. Mayor Roper says the surplus Tahoe that the PD sold to the Volunteer Fire Department has made responding to the medical calls so much easier for the volunteer department. The fire department no longer needs to take the big fire trucks to these calls. Dickson also reported

the department is partnering to help a local AMR employee who lost her home to a fire in Waco.

10. City Manager Report

a. Loera Development Update

Building infrastructure.

b. PUC Update

Met with Larry Hobbs with Spring Valley Water and the agreements/resolution have been signed by Spring Valley and Waco. Spring Valley is working to get the easements to serve the 3 homes on Pilgrim Lane in Spring Valley Waters CCN.

c. City Policy Manual Update and Purchasing Policy Manual

Still working to complete.

d. TxDOT Safe Routes to School and Transportation Alternative Grants

TxDOT is in a holding pattern at this time.

e. Monthly Meetings/ Future Meetings (Appendix "A")

Chuck Roper spoke to the council and wanted to let everyone know how much he has appreciated working with all the staff and council and thanked them. Roper says some days haven't always been roses and just like tonight there are hard issues that a council goes through.

11. Future Agenda Items.

Monica Hendrix informed council there will be a meeting on May 3rd to canvass the votes of the election and have an appreciation ceremony for outgoing Mayor Chuck Roper and Mayor Protem Bill Coleman.

12. Adjourn.

Due to no further business the meeting at 7:59 p.m.

These minutes were approved this 17th day of May 2021.



Tommy Ross, Mayor

Attest:



Monica Hendrix, City Secretary

