

**NOTICE OF MEETING AND PUBLIC HEARING
LORENA PLANNING AND ZONING COMMISSION
MONDAY, DECEMBER 12, 2022– 5:30 P.M.
LORENA CITY HALL
107-A S. FRONTAGE ROAD, LORENA TEXAS**

Some commissioner 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://meet.goto.com/636367549> and/or join the conference call (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

MEETING MINUTES

1. Call to Order/Roll Call

Chairman Don Bagby called the meeting to order at 5:30 p.m. Members present were Don Bagby, Julia Becker, Gary Payne and Brad Wetzel. Allison Vrana was present via teleconference. Members absent were Jeb Clemons and Austin Montgomery.

City Staff present were Monica Hendrix and Kevin Neal.

2. Approval of Minutes:

a. November 14, 2022

Brad Wetzel motioned to approve the minutes as submitted. Julia Becker seconded the motion.

Don Bagby, Gary Payne and Allison Vrana voted in favor and motion carried 5-0.

3. Public Hearing:

Hold a Public Hearing to consider approval of a request from Amir Maknojia, applicant, for a Conditional Use Permit for a Convenience Store with Fuel Sales located within the IC – Interstate Corridor zoning district and being 10.00 acres of land generally located northwest I-35 and S. Old Temple Road.

City Planner Robert LaCroix explained the request for the Conditional Use Permit.

The applicant is requesting to construct a convenience store/travel center business that will provide fuel sales and retail sales service to Interstate 35 travelers as well as the local residents of the City. The conceptual site plan indicates the C-store is proposed to be approximately 20,520 square feet in area. There are two gas canopy areas indicated on the concept plan, one parallel and in front of the main building indicates sixteen (16) pumps and the other canopy north of the building also has seven (7) diesel pumps primarily for fueling large transport trucks. Parking is utilized throughout the site with 115 spaces of conventional parking stalls and thirty two (32) large transport (semi-tractor) truck spaces.

The required parking for the convenience store is one (1) space per two hundred (200) square feet of floor area yielding 103 required spaces. The gas canopies will also provide parking spaces with an additional 32 spaces for the gas canopy and 8 spaces for the diesel pumps. A detention area for storm water runoff is shown in addition to a area designated for a septic system. Two points of access into and out of the site are shown on the I-35 Interstate frontage road and two points of access in indicated on S. Old Temple Road.

Don Bagby opened the public hearing at 5:39 p.m.

Steve Ihnen with Bleyl Engineering on behalf of the owners spoke and explained the project to the commission. Ihnen explained they are aware of the conditions of the Conditional Use Permit and are willing to meet those conditions. Ihnen says the project will be and look different than most travel centers. The name brand "Foodies" wants to be unique in design and products will be fresh baked foods on-site. They will serve bbq and baked goods. Bleyl presented a power point design image of the building inside and out.

Mubin Maredia spoke and says they are against the council approving this CUP since his project is only 4 miles away from this one. Maredia is concerned about the location being before them on the same side of the interstate and the competition and customers he will lose. Maredia says travelers will not make a stop on IH-35 and then stop again 4 miles later. Gary Payne asked Mr. Maredia about his locations in Jarrell and pointed out the competition at that location. Brad Wetzel asked Maredia about the amenities being offered and if they would be different. Allison Vrana asked questions about the location and was concerned about the northbound on ramp and the truck traffic impact on the Frontage Road. It was clarified to Vrana the location of the project and the impact of the traffic. Vrana also was concerned about the investment that Maredia has already spent on his project and feels the commission should take that into consideration. Gary Payne had questions about the parking requirements. Robert LaCroix explained. Allison Vrana asked if there was a restaurant and was told no. Vrana also asked about overnight parking and was told the overnight parking on the other travel center development was voluntary. Vrana asked if this could be added and LaCroix explained it could be added as a condition of the CUP.

Don Bagby closed the public hearing at 6:08 p.m.

Julia Becker spoke and would like to see no overnight parking added if the commission approves this. LaCroix explained there were other factors/set of circumstances for the overnight parking on the north end travel center. Again LaCroix says it could be added by the commission. Gary Payne pointed out the Future Land Use Map for the proposed area. Vrana still feels the city should be good stewards of the other development already approved. Brad Wetzel spoke and says the zoning commission should be careful in not characterizing business competitions when making decisions for the P&Z.

Julia Becker spoke and feels another gas station is not needed in the city with the Roadster coming. Becker says we should be careful about the use of space we have in the city and thinks we should consider what fits with the long term plans of the city.

Gary Payne spoke and says as far south as this location is, it is a different use that he feels will cater to the big truck where the location north will have more of the local traffic. After discussion a motion was made by Brad Wetzel to approve the Conditional Use Permit with the conditions as follows:

(1) That the development shall generally adhere to the conceptual Site Plan and Elevation.

(2) That no outside storage or display shall be allowed on the property with the exception of an ice sales freezer and a propane cage.

(3) Any construction resulting from the approval of this Conditional Use Permit 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.

Gary Payne seconded the motion. Don Bagby, Gary Payne and Brad Wetzel voted in favor to the motion. Julia Becker and Allison Vrana voted against the motion. Motion carried 3-2.

4. Discussion and possible action on a recommendation to the Lorena City Council on the request of Mubin Maredia, applicant, for approval of a Final Plat of I-35 Old Temple Road Addition, being a 13.28 acre tract of land and being all that tract of land located in the James Stewart Survey Abstract No. 815 in the City of Lorena, McLennan County, Texas, being part of that called 123.547 acres described in a deed to Alice Ann Rathe, Trustee for the Agnes Ann Barnes 2008 Trust No. 1 and Undivided One-Hal Interest and John Edward Barnes, II Trustee for the Agnes Ann Barnes 2008 Trust No. 2 an undivided one-half interest as recorded in McLennan County Clerk's Document (M.C.C.D) 2018001711 of the Official Public Records of McLennan County Texas (O.P.R.M.C.T.), located east of IH-35 and adjacent to and north of Old Temple Road.

City Planner Robert LaCroix explained the applicant is requesting approval of a Final Plat in order to construct a travel center with a convenience store, gas sales and a restaurant. The property is located east of IH-35 and adjacent to and north of Old Temple Road. A CUP (Conditional Use Permit) for a convenience store with fuel sales was approved by the City Council on July 19, 2021.

The C-store is proposed to be approximately 11,000 square feet in area with an additional 3,500 square feet in area of retail/restaurant space. There are two gas canopy areas indicated on the concept plan, one that is parallel and in front of the main building indicates eight (8) pumps and the other canopy north of the building also has eight diesel pumps primarily for fueling large transport trucks. Access to the property is proposed from two driveways on I-35 Service Road and a single driveway on Old Temple Road.

The applicant has submitted the engineering construction plans for the proposed Lot 1 where the travel center will be situated. The City Engineer has reviewed and approved the plans for construction.

The construction plans indicate the lots will have adequate domestic water and fire protection connected to the City's existing water main located in Old Temple Road. The engineering plans also indicate the ability to connect to City's existing sanitary sewer system.

Old Temple Road is designated as an "arterial road" on the City's Master Thoroughfare Plan. As required by the Subdivision Ordinance, "Substandard Street Improvements", where an

existing thoroughfare that does not meet the City's right-of-way or design standards abuts a proposed subdivision, the City may require that the entire right-of-way be dedicated and/or improved to the City's Design Standards, based upon factors including the impact of the proposed development on the road, safety to the traveling public, conditions and life expectancy of the road, the impact of the proposed subdivision on other roads, the timing of this development in relation to need for improving the road, the impact of the traffic on the road and City's roadway system as a whole. Any required improvements to substandard streets shall be limited to the effective frontage of the proposed development for half the width of the required roadway section. Section 7.01 (c)"

The applicant has submitted a TIA (Traffic Impact Analysis) that indicates the requirement to construct right-turn deceleration lanes on both north bound I-35 driveways. A left-turn deceleration lane on the Old Temple Road driveway is not needed according to the TIA. A rough proportionality analysis has been conducted utilizing the TIA data to determine the proportional responsibility of the developer for improvements to Old Temple Road.

The City Staff has met with the developer and have come to agreement on the improvement responsibility for Old Temple Road. That agreement as been drafted into a Developer's Agreement that will be presented to the City Council at the December 19, 2022 for approval prior to the City Council considering approval of the Final Plat.

LaCroix says the Final Plat meets the City's criteria for approval with the following conditions:

1. That the City Council approves a Developer's Agreement that determines the proportional responsibility for the improvements to Old Temple Road prior to approval of the Final Plat.

Gary Payne motioned to approve the final plat with the condition listed above. Brad Wetzel seconded the motion. Don Bagby, Julia Becker and Allison Vrana voted in favor and motion carried 5-0.


5. Adjourn.

Due to no further business the meeting adjourned at 6:27 p.m.

These mintues were approved this 8th day of May 2023.


Don Bagby, Chairman

Attest:


Monica Hendrix, City Secretary