

Minutes
Planning and Zoning Commission – City of Glen Rose, Texas
June 13, 2022 5:30pm

Agenda:

1) Call to Order

Chairperson, Pamela Streeter, called the P&Z meeting to order at 5:33pm

A. Pledge of Allegiance

Commission Members and citizens recited the US pledge of Allegiance

B. Roll Call and verification of quorum

Chairperson, Pamela Streeter called roll. Board members present: William Green, Larry Cremean, Greg Clanton, Joe Boles. A quorum was present

Staff member, Kyle Reeves, Jodi Holthe, Michael Leamons were present

2) Public Hearing

- a. Public hearing regarding proposed recommendation on Alcohol Sales including "Mixed Beverages" within the City limits of Glen Rose
 - i. No Public Comments were made
- b. Public hearing regarding proposed amendment to Appendix A Zoning Ordinance "Schedule of Uses" for B1 (Restricted Commercial District), B2 (General Commercial District) and B3 (Central Business District)
 - i. No Public Comments were made
- c. Public hearing regarding proposed amendments to the City of Glen Rose Code of Ordinances, Section 10.02.034 Subdivision Ordinances; General Requirements.
 - i. No Public Comments were made

3) Individual Items for Discussion

- a. Discussion, consideration, and possible acceptance of Alcohol Sales regulations including "Mixed Beverages" within the City limits of Glen Rose.
 - i. A discussion was held about a change in Texas TABC law stating that governing bodies MAY enact restrictions on distance of a alcohol related business to schools, churches, and hospitals. In the past, this was assumed to be a Texas requirement, however in reviewing the lasted documentation provided by TABC – the requirement is left to a governing body of an incorporated town, city or county commissioners of a county. After discussion, it was recommended by the P&Z commission that the City Council enact the requirement to keep in tradition the 300feet rule as was previously understood to be a requirement.
 - ii. All License types were reviewed along with the appropriate zoning for each license type. Standards of 300' from package store to another package store was discussed to ensure that we didn't allow retail stores of alcohol being directly next door to each other.
 - iii. A motion was made by board member Joe Boles to approve the proposed amendment on Alcohol Sales includes "Mixed Beverages"

within the city limits as provided in Reference Item A to this note. Greg Clanton seconded the motion.

iv. All voted in favor. Motion passed 5/0

- b. Discussion, consideration and possible action regarding proposed amendment to Appendix A "Schedule of Uses" for B1 (Restricted Commercial District), B2 (General Commercial District) and B3 (Central Business District)

i. A discussion was held to review the updated chart provided based on the previous workshops held in March, April and May. A discussion about "rumored" enterprises coming into Glen Rose and how the new Schedule of Uses would allow or disallow the enterprises were discussed. A discussion was held on ensuring we complied with the RLUIPA (Religious Land Use & Institutionalized Persons Act of 2000) and the update to ensure that any churches in B3 were zoned equal to other entities that had set start and end times and would drive an increase in traffic and pedestrian traffic were matching.

ii. A motion was made by board member Larry Cremean to approve the proposed amendment to Schedule of Uses for B1, B2 and B3 includes as provided in Reference B to this note. Greg Clanton seconded the motion.

iii. All voted in favor. Motion passed 5/0

- c. Discussion, consideration, and possible action regarding proposed amendments to the City of Glen Rose Code of Ordinances, Section 10.02.034 Subdivision Ordinances; General Requirements.

i. A discussion was held regarding the need for the changes, explaining that all subdivisions already in place or under construction will not conform to these new requirements, but all new developments would be required. Key items of concern by many individuals including staff, city council, residents included Repealing and Replacing Sec 10.02.034b storm sewers with sec 10.02.034b draining and storm water. This discussion including the fact that the city engineer has reviewed the changes, and believes the new information will prevent some of the drainage problems the city as endured from previous developments and also complies with information provided by NCTCOB (North Central Texas Council of Government) Criteria Manual for Site Development and Construction specifically as it related to Stormwater Management.

ii. A Discussion was held about Section 10.02.034c related to Sanitary Sewer and Section 10.02.034d Water related to the new language providing for new standards that if development is within 500' of a municipal line and said line is capable of the additional capacity, the developer must connect to the municipal line at their own expense.

iii. A discussion was held about the addition of Sec 10.02.034h Sidewalks. In reviewing the criteria for new developments to add sidewalks, the discussion of the need to be 4' or 5' wide in the residential area was held. We reviewed the information provided by Ms. Karen

Richardson, a resident of Glen Rose and landscape architect who recommended 4' in width in residential areas and 5' in commercial areas. Mr Leamons provided information about the grants for safe sidewalks, which stated a need for 5' in width, and we reviewed Accessory Guidelines for Pedestrian Facilities in Public Right-of-Way which stated you cannot go under the minimum 4-foot width. We then discussed the value of sidewalk vs front yard space and our goals for making the subdivisions family friendly for people walking strollers, the elderly, kids on bicycles, etc. Through polling and discussion, it was decided to recommend the sidewalk on residential streets be 4' wide and on one side of the streets within the Subdivision and 5' wide adjacent to screening and retaining walls and 6' wide along major arterial/thoroughfare streets. In addition, all sidewalks in nonresidential areas shall be 5'.

- iv. A discussion was held on the addition of Section 10.02.034i Retaining walls about the need for them, decorative vs support and the need for permits and engineering.
- v. A discussion was held on the addition of Section 10.02.034j Survey Monuments and Lot Markers.
- vi. A motion was made by board member Greg Clanton and seconded by Larry Creman to accept the recommendations for Glen Rose Code of Ordinances Section 10.02.034 with the amendment of the sidewalk wide from 5' to 4' in Sec 10.02.034h Sidewalks Item 3a.
- vii. All voted in favor, Motion passed 5/0

4) Adjournment

- a. Having not further business, the meeting was adjourned at 6:37pm

Chairperson

Kyle Reeves, Building Official

Reference A

TABC Definitions & Zones Permitted

Manufacturing

Brewers License (BW): Authorizes the holder to manufacture malt beverages, import malt beverages from out of state, transport malt beverages from the place where the BW holder purchased them to the BW holder's business, transfer malt beverages from the place of sale or distribution to the TABC-licensed or permitted purchaser, store malt beverages, and under certain conditions sell its malt beverages to consumers for on- or off-premise consumption.

Permitted in Industrial (I), General Business (B2) with SUP. See Note 1, 3

Winery Permit (G): Authorizes the manufacturing of wine. It includes the ability to transport alcoholic beverages from the place of purchase to the permit holder's business and from the place of sale or distribution to the purchaser, store wine, sell to consumers for on- or off-premise consumption, conduct off-premise deliveries to consumers, and to conduct wine festivals (there will be an approval process G Permit holders must follow).

Permitted in Industrial (I), General Business (B2) with SUP. See Note 1, 3

Distiller's and Rectifier's Permit (D): Authorizes the holder to manufacture distilled spirits and to rectify, purify, refine, or mix distilled spirits and wines. It includes the authority to transport alcoholic beverages from the place of purchase to the permit holder's business and from the place of sale or distribution to the TABC-licensed or permitted purchaser, and to store the products produced by the permit holder. Under certain conditions, the holder can sell their alcoholic beverages to consumers for on- or off-premises consumption.

Permitted in Industrial (I), General Business (B2) with SUP. See Note 1, 3

Distribution

General Distributor's License (BB): Authorizes the distribution of malt beverages. It includes the authority to import malt beverage products and transport products from the place of purchase to the permit holder's business and from the place of sale or distribution to the purchaser.

Permitted in Industrial (I)

Wholesaler's Permit (W): Authorizes the distribution of distilled spirits and wine. It includes the authority to import distilled spirits and wine, transport products from the place of purchase

to the permit holder's business and from the place of sale or distribution to the purchaser, and to store products.

Permitted in Industrial (I)

General Class B Wholesaler's Permit (X): Authorizes the distribution of wine. It includes the authority to import wine, transport wine products from the place of purchase to the permit holder's business and from the place of sale or distribution to the purchaser, and to store the products.

Permitted in Industrial (I).

Retail

Mixed Beverage Permit (MB): Authorizes the sale of distilled spirits, wine and malt beverages for on-premise consumption. It includes authority to transport alcoholic beverages from the place of purchase to the MB's licensed premises, provide guestroom minibars (hotels), and hold events at a temporary location away from the primary MB premises (there will be an approval process MB Permit holders must follow).

Permitted in Restricted Business (B1), General Business (B2), Central Business (B3) and Industrial (I). See Note 1

Mixed Beverage Permit with Food and Beverage Certificate Required: See the Mixed Beverage Permit (MB) and Food and Beverage Certificate (FB) for descriptions of the authorities. In certain circumstances, Mixed Beverage Permit holder must have a Food and Beverage Certificate. The MB Permit With FB Required is a designation that notes this requirement.

Permitted in Restricted Business (B1), General Business (B2), Central Business (B3) and Industrial (I). See Note 1

Wine and Malt Beverage Retailer's Permit (BG): Authorizes the sale of wine and malt beverages for on- and off- premise consumption. It also includes authority to hold events at a temporary location away from the primary BG premises (there will be an approval process BG Permit holders must follow).

Permitted in Restricted Business (B1), General Business (B2), Central Business (B3) and Industrial (I). See Note 1

Wine and Malt Beverage Retailer's Off Premise Permit (BQ): Authorizes the sale of malt beverages and wine for off-premise consumption.

Permitted in General Business (B2) and Industrial (I). See Note 1

Retail Dealer's On-Premise License (BE): Authorizes the sale of malt beverages for on-premise consumption. *Grandfathered BEs in beer-only local option areas can sell malt beverages of up to 5% alcohol by volume. It includes authority to hold events at a temporary location away from the primary BE premises (there will be an approval process BE License holders must follow). Allows the holder to sell beer for consumption on or off the premises where sold in a lawful container to the ultimate consumer. Holder can't sell the beer for resale. The license requires an adequate seating area for customers.

Permitted in Restricted Business (B1), General Business (B2), Central Business (B3) and Industrial (I). See Note 1

Retail Dealer's Off-Premise License (BF): Authorizes the sale of malt beverages for off-premise consumption. *Grandfathered BF's in beer-only local option areas can sell malt beverages of up to 5% alcohol by volume.

Permitted in General Business (B2) and Industrial (I). See Note 1

Private Club Registration Permit (N): Authorizes the storage and service of distilled spirits, wine and malt beverages for club members' on-premise consumption, even in dry areas. It includes authority to transport alcoholic beverages from the place of purchase to the private club's licensed premises and to hold events at a temporary location away from the primary N premises (there will be an approval process N Permit holders must follow).

Permitted in Restricted Business (B1), General Business (B2), Central Business (B3) and Industrial (I). See Note 1

Private Club Malt Beverage and Wine Permit (NB): Authorizes the storage and service of malt beverages and wine for club members' on-premise consumption, even in dry areas. It includes authority to transport alcoholic beverages from the place of purchase to the private club's licensed premises and to hold events at a temporary location away from the primary NB premises (there will be an approval process NB Permit holders must follow).

Permitted in Restricted Business (B1), General Business (B2), Central Business (B3) and Industrial (I). See Note 1

Private Club Exemption Certificate (NE): Authorizes the storage and service of malt beverages and wine for club members' on-premise consumption, even in dry areas. It includes authority to transport alcoholic beverages from the place of purchase to the private club's licensed premises

and to hold events at a temporary location away from the primary NB premises (there will be an approval process NB Permit holders must follow).

Permitted in Restricted Business (B1), General Business (B2), Central Business (B3) and Industrial (I). See Note 1

Package Store Permit (P): Authorizes the sale of distilled spirits, wine and malt beverages to its inventory between its other licensed locations within the same county, to transport alcoholic beverage orders to its end-consumer customers (certain limitations apply), and to conduct product tastings on the package store premises.

Permitted in General Business (B2) and Industrial (I). *Note 1, 2, 3

Wine-Only Package Store Permit (Q): Authorizes the sale of malt beverages and wine to consumers for off-premise consumption. It includes authority for the Q Permit holder to transport its inventory between its other licensed locations within the same county, to transport alcoholic beverage orders to its end-consumer customers (certain limitations apply), and to conduct product tastings on the permitted premises.

Permitted in General Business (B2) and Industrial (I). *Note 1, 2, 3

Others

Bonded Warehouse Permit (J/JD): Authorizes the holder to store distilled spirits and wine for producers and wholesalers.

Permitted in Industrial (I).

Manufacturer's Agent's Warehouseing Permit (AW): Authorizes the holder to store malt beverages imported from Mexico for export out of Texas.

Permitted in Industrial (I).

Brewpub License (BP): For holders of a Mixed Beverage Permit (MB), Wine and Malt Beverage Retailer's Permit (BG), or Retail Dealer's On-Premise License (BE). It authorizes a holder to brew, bottle, can, package, and label malt beverages. It authorizes the holder to sell the malt beverages it produces to ultimate consumers at the brewpub for on- or off-premise consumption.

Permitted in Restricted Business (B1), General Business (B2), Central Business (B3) and Industrial (I). See Note 1

NOTES:

- 1) Shall Not be located within 300 feet of School, Church or Hospital
- 2) Shall not be located within 300 feet of another Package Store (P) or Wine Only Package Store (Q) or Wine and Malt Beverage Retailers (BG)
- 3) Shall not be located within 300 feet of a Residentially zoned property.

ORDINANCE:

1) All TABC license Types are Prohibited to Sale Alcoholic Beverages within

(a) 300 feet of a church, public or private school, or public hospital

(B) The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:

(1) in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or

(2) if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

(C) Every applicant for an original alcoholic beverage license or permit for a location with a door by which the public may enter the place of business of the applicant that is within 1,000 feet of the nearest property line of a public or private school, measured along street lines and directly across intersections, must give written notice of the application to officials of the public or private school before filing the application with the commission. A copy of the notice must be submitted to the commission with the application. This subsection does not apply to a permit or license covering a premise where minors are prohibited from entering the premises under Section 109.53.

(D) As to any dealer who held a license or permit on September 1, 1983, in a location where a regulation under this section was in effect on that date, the measurement of the distance between the place of business of the dealer and a public or private school shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.

(E) the governing board of a city or town that has enacted a regulation may also allow variances to the regulation if governing body determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the court or governing board, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.