

Draft Minutes for the September 7, 2022 Planning Commission Regular Meeting

B) SUP22-221 Public hearing and recommendation to City Council regarding a proposed rezoning from “R-2” Single-Family and Two-Family District to “C-1A” Neighborhood Commercial District with a Special Use Permit to allow the addition of coffee roasting use and related warehousing with a coffee shop on approximately 0.85 of an acre of the Resubdivision plat of Lots 12A-12F, Block H, Cypress Rapids at Gruene Section 1, Lot 12E, addressed at 1720 Hunter Road. (Applicant: Gruene Coffee Haus (Rick Shuck); Owner: Larry Lehr; Case Manager: Stacy Snell)

Mrs. Snell presented recommended approval as stated in the staff report.

Chair Edwards asked if there were any questions for staff.

Vice-Chair Reaves stated that he knows this is unique and asked if there were any other coffee roasters in the city.

Mrs. Snell stated that there had been one but not sure if it was still operational.

Vice-Chair Reaves asked if anyone had checked with OSHA, FDA, or NIOSH to ensure worker safety or looked at any caustic or dangerous chemicals that might be released into the air.

Discussion followed on the possibility/feasibility of looking into the worker safety along with the air quality for neighbors and if that could be a condition for approval.

Commissioner Miedema stated that he went by the Coffee Haus and it was a nice establishment, but Starbucks has a two-pound coffee roaster and that it is more than adequate for their customers. He wondered what Coffee Haus business plan was with the larger coffee roaster.

Chair Edwards asked if there were any further questions for staff.

Chair Edwards invited the applicant or owner to speak.

Larry Lehr, 39 Stonecrest Circle, stated that he is the property owner, and that he was present to answer questions specific to the land use only. He spoke to the zone change request due to part of the land being commercial and the balance being residential (R-2) and that from his standpoint it should have been all commercial in the first place.

Commissioner Miedema stated that there were objections from the owner of the gravel parking lot behind the subject property.

Mr. Lehr stated that he had addressed the owner's concern with the parking lot and clarified that would not be a parking loss for that owner.

Chair Edwards asked Mrs. Snell if parking had been addressed.

Mrs. Snell stated that there will be requirements for parking and compliance confirmed at time of building permit.

Chair Edwards asked if the applicant or owner requested a waiver or variance for the fencing requirement.

Discussion followed regarding the residential masonry fence requirement and the existing tree coverage bordering the adjacent properties with Mrs. Snell stating that the staff was not recommending a waiver for the wall but there is the ability to have the neighbors to sign a waiver to leave the trees. Further clarifying that it would need to be a majority for the waiver to be approved.

Vice-Chair Reaves asked about the waiver for a smaller setback.

Mr. Lehr explained that the reasoning for a 10-foot setback in lieu of the 20-foot setback would be to cut down on the risk of additional parking.

Vice-Chair Reaves asked about people using the pathway to the other side of the coffee building.

Mr. Lehr stated that people do use the pathway to get to other areas and that he doesn't have a problem with that. He stated that all the equipment would be housed inside the new building. He further stated that he had discussed the smaller setback with the fire department and was told there was no issue as long as their trucks could maneuver around on the property.

Chair Edwards asked the business owner to speak.

Kelly Hall, 27238 Indian Crest, spoke about her previous presentation and gave background on the business and roasting coffee beans on site. Ms. Hall stated that she can only roast at 70% capacity of the roasting machines and presented additional photos and information. She spoke about wanting to clean up the back area where the new storage building would be. Ms. Hall discussed her attempts to communicate with the neighbors and has received very positive private emails, visits, and conversations along with some neighbors that apologized for signing a petition without knowing all the facts. Ms. Hall gave details on their conceptual ideas and what their needs are: a 3,500 sq ft metal building that would be designed to fit into the look of Gruene and not resemble a warehouse. She stated that her hope is that it will be an extension of the existing business with a restroom, small kitchen area for storing food and milk, espresso room for tasting, cupping, and training along with storage for the shop and roasting supplies. Ms. Hall discussed her current roasters and their maximum production volume, and the number of hours required to produce that volume. She further explained that her website sales were done on the machine located off premise. Ms. Hall clarified her request for a larger roaster stating that they would obtain the same volume in less time with the larger machine. She discussed "artisanal" and small batch definitions/descriptions stating that 150 pounds or less was considered a small batch roaster and described how she hand-packaged her coffee. She addressed the food manufacturing specifications and what businesses are considered as a food manufacturing as well as other business that are creating, packaging, and selling their items in Gruene. Ms. Hall spoke to the opposition likening her business to Starbucks and Maxwell House. She finished her presentation stating that if anyone had any questions to please ask.

Vice-Chair Reaves asked if there would be customers in the new building.

Ms. Hall answered no, stating that it would be a work area but had an idea of a mezzanine for visitors to view the roasting process.

Vice-Chair Reaves asked if Ms. Hall had a license.

Ms. Hall stated yes, she has a food license.

Vice-Chair Reaves asked what protections she had in place for employees and customers.

Ms. Hall stated roasting does release CO2 but with the venting it is negligent. She discussed studies done regarding potential health risks and that the new equipment along with proper venting helps reduce the risks. She further stated that they already do this type of roasting and are taking precautions.

Commissioner Miedema stated thank you for the excellent presentation and asked about future property owners and what use they would be able to have if the request was approved.

Ms. Hall stated that the Special Use Permit was for coffee roasting only.

Chair Edwards clarified the Special Use Permit and the Zoning for the life of the property.

Commissioner Allen asked if there was any estimation of the proximity of the exhaust in relation to the

neighboring residents.

Ms. Hall clarified how the equipment had an after-burner where the exhaust is burnt off and the new technology that does not vent outside along with building being over 100-feet away from the nearest home.

Chair Edwards discussed the issue of a prevailing wind and stated that the prevailing wind blows toward the parking lot and not the neighboring residential homes.

Vice-Chair Reaves asked about only having a one story building but Ms. Hall mentioned a mezzanine.

Ms. Hall clarified her statement about the mezzanine and that the building would not be two full stories.

Chair Edwards opened the public hearing and asked if anyone wished to speak to the opposition.

Ellen Morgan, 1742 Sunnybrook Drive, stated that she lives 4 blocks away from the facility and is concerned about the traffic being heavier with the employees. She discussed the amount of elderly living in the area and lack of emergency services being able to get to them. The addition of a 242-unit apartment complex would also bring more traffic. The ecological concern with the apartment complex and the 3,500 sq ft building leaves no place for animals to go. There is a rumor that on Hunter Road and FM 306 there will be a hotel built which would also add to the traffic going through the neighborhood.

Craig Hall, 1228 Rapids Rd, asked why the revised plan was not submitted. Mr. Hall discussed rumors that additional activities would be taking place such as training. He stressed that Gruene is a historical district and there is an ordinance regarding new buildings. He discussed the proposed structure would be lap-steel construction and that it does not comply with appearance and cohesiveness per city code. Mr. Hall asked what would come after the variation was granted. He stated that he checked the zoning around his home prior to purchase. He spoke to historic nature of area and that he was not opposed to development in Gruene but planning staff needs to look at their own code before allowing a one-off. Mr. Hall stated that any development should promote tourism and not manufacturing that is sold out of state and that it would be better served by small shops and businesses.

Mrs. Snell clarified the historic status of Gruene stating that it is a national historic area not local, and that the property owners have not applied for local status therefore the local regulations were not applicable.

Robert Barnett, 1224 Rapids Road, stated that he did not receive notification and that he was the last person anyone would expect to talk about this. Mr. Barnett stated that he understands that coffee sales are not making the money that the coffee beans will make but his property was expensive and that it is a legacy for his kids. He discussed the owner having a site near San Antonio where beans are roasted. He stated that at the last meeting it was not going to be a tall building but wanted to stack her beans higher and it sounded like the commission wanted to give her more time to prepare her plan. He stated that he was appealing to this body to keep Gruene the same because it matters to those of us who pay taxes. He further stated that the community relies on the commission to make good decisions.

Commissioner Sonier left dais at 7:23pm.

Linda Hall, 1839 Crystal Springs Rd, stated she does not live within 200-feet of the Coffee Haus but that she is a dietician and has worked in public health. She discussed pulling up environmental studies regarding coffee roasting with 10 studies that spoke to the lung disease that is associated with it. Ms. Hall stated the biggest impact is to the roaster but if the CO2 is not controlled it will impact those around the roaster. She stated that she is concerned about the size of the roaster and that this will become a bigger production and the air quality will be an issue.

Commissioner Sonier returned to dais at 7:26pm.

Becky Irish, 1225 Rapids Rd, stated that she lives within 200-feet of the coffee Haus and owns parcel #7 on the map and that it is not shown correctly on the map. She stated that she is speaking for the owners

of parcel #6 as well. Ms. Irish expressed that the statement regarding the amount of roasting is incorrect because they are selling bagged coffee to multiple outlets. She stated that she wants the applicant to pull the request and submit a new one so that new public notice is given. She discussed how Ms. Hall has admitted that she has been contaminating the area for 12 years and that she did not have a food processing license until last month when she was reported. Ms. Irish continued that Ms. Hall has storage containers stored improperly and is not a rule follower.

Chair Edwards asked if anyone want to speak in favor of this item.

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were further discussion or a motion.

Commissioner Sonier made a motion to approve with staff recommendations and a 22' maximum height.

Commissioner Anderson-Vie asked if they could amend the request to state just a one-story building.

Chair Edwards asked for clarification of the height of the building

Mrs. Snell clarified that the site plan does state a one-story building with a maximum of height of 20-feet and more specifics could be made.

Discussion followed regarding the proposed site plan and the proposed height of the building.

Commissioner Anderson Vie seconded the motion but asked to have the Commissioner who made the motion amend his motion to include a 22-foot maximum height of the building.

Vice-Chair Reaves stated that he did not see anything about the 10-foot setback versus the 20-foot setback.

Mrs. Snell clarified that staff is supportive of the setback.

Chair Edwards discussed the 10-foot setback versus the 20-foot setback for firetruck access.

Discussion followed regarding fire safety and fire department procedures.

Commissioner Anderson Vie stated the motion needed to be clarified to support staff recommendations.

Chair Edwards requested a roll call for the vote.

Motion by Commissioner Sonier, seconded by Commissioner Anderson-Vie, to recommend approval to City Council regarding a proposed rezoning from "R-2" Single-Family and Two-Family District to "C-1A" Neighborhood Commercial District with a Special Use Permit to allow the addition of coffee roasting use and related warehousing with a coffee shop with conditions including a maximum height of 22 feet on approximately 0.85 of an acre of the Resubdivision plat of Lots 12A-12F, Block H, Cypress Rapids at Gruene Section 1, Lot 12E, addressed at 1720 Hunter Road. Motion carried (7-2-0).