

A Joint Public Hearing was held April 12, 2021, in the Groves City Council Chamber with the following councilmembers present: Mayor Chris Borne, Mayor Pro Tem Sidney Badon, Councilmember Rhonda Dugas, Councilmember Mark McAdams, and Councilmember Paul Oliver. Planning and Zoning Commission members present were Rodney Pacetti and Chris Crain, Alternates Rod Hatch and Michael Campise, and Building Official Don Pedraza.

Mayor Borne called the meeting to order at 5:40 p.m., reading the Notice of Public Hearing as follows: "Notice is hereby given that a Joint Public Hearing between City Councilmembers and Planning and Zoning commissioners will be held on Monday, April 12, 2021, directly following the regular City Council meeting, which begins at 5:00 pm at 3947 Lincoln Avenue. Request by owner for the property listed herein. To consider rezoning of Mr. Antonio Lewis' property at 2100 Main Avenue, E290 of LT1 less NW 100X100 and W210 LT2 Warren 1. This meeting is a Joint Public Hearing in compliance with the rezoning ordinance of the City of Groves."

Mayor Borne stated that the requestor, Antonio Lewis, was unable to attend the meeting but did have his attorney in attendance to represent him. Mayor Borne recognized Mr. Lewis' attorney, Alan Parker. Mr. Parker addressed the Council and Planning and Zoning Commission members and stated that Mr. Lewis had purchased the property as described above with the understanding that it was all zoned commercial, but had recently found out that part of the property is zoned residential. Mr. Parker reported that Mr. Lewis has contracted with a company to clean up parts of the property in order to bring them into compliance and he understands that there is a need to screen the property. He stated that Mr. Lewis wishes to rezone the residential portion of the property and is willing to work with the City on this issue.

Mayor Borne asked for questions/comments from the Council. Mayor Pro Tem Badon remarked that to his knowledge the front of the property is zoned C-2 and that Mr. Lewis has a problem with storm water. Mayor Pro Tem Badon asked Mr. Parker if Mr. Lewis has corrected this problem. Mr. Parker stated that he had a letter from January stating that 2/3 of the repairs have been completed. Building Official Don Pedraza stated that he had provided the Council with a copy of the letter regarding storm water problems, which was from the City's consultant in Beaumont. Mayor Pro Tem Badon stated that the storm water report was dated 01/25/21 and Mayor Borne stated that the second letter was dated 04/01/21. Mr. Pedraza reported that according to Brian French, the investigator, the repairs are 2/3 complete. Mayor Pro Tem Badon stated that Mr. Lewis had received a letter telling him to remove some of his equipment from the property but has not done so. Mr. Pedraza stated that Mr. Lewis has removed some of the equipment, but not very much. Councilmember Oliver asked if the environmental issues have been resolved and Mr. Pedraza responded that TCEQ did investigate 2-3 weeks ago and the City is waiting to get the report on their findings. Councilmember Oliver stated that there is equipment that was placed on the residential portion of the property and it has not been moved. Councilmember Oliver remarked that the drainage issues have not been fully resolved. City Manager D.E. Sosa reported that Mr. Lewis had come to the City four years ago when the property was vacant and that Mr. Lewis has been good to work with. He stated that he told Mr. Lewis to take care of the environmental issues first. He explained that when Mr. Lewis purchased the property it was understood that it was zoned commercial. The property was sold as one piece of property. Councilmember Dugas asked Mr. Pedraza if he had pictures of the property and Mr. Pedraza did not. Mayor Borne reminded the attendees that the public hearing was about the rezoning issue only and concerned the back 200' of the property. Councilmember Oliver stated that he understood, but that if what Mr. Lewis has done

with the front portion of the property is any indication, it could have a bearing on the additional property. Mayor Borne stated that he understood that, but that if Mr. Lewis does not fix the problems, the City will shut the business down. He reiterated that these items have nothing to do with the rezone, which is what the hearing is about. Councilmember McAdams asked what will happen if the rezoning request is denied. Mayor Borne stated that Mr. Lewis will still own the property and can do anything allowed under the residential zoning. Councilmember McAdams asked if the tax rate is different for commercial and residential zoning and Mayor Borne stated that there is no difference. Councilmember Dugas asked why the City did not know about the zoning issue and Mr. Sosa said because it was a single piece of property. Mayor Pro Tem Badon stated that he was the one who noticed the problem with the zoning. There were no further questions from the Council.

Mayor Borne asked for questions/comments from the Planning and Zoning Commission. Rodney Pacetti, Chairman of the Planning and Zoning Commission, asked Mr. Pedraza if Mr. Lewis had completed the requested repairs/issues on the property and Mr. Pedraza stated that they were 2/3 complete. Mr. Pacetti stated that there are still vehicles parked on the residential portion of the property and Mr. Pedraza stated that was correct. There were no further comments from the Planning and Zoning Commission.

Mayor Borne asked if there were any property owners within 200' of the property who wished to speak in support of the request and there were none.

Mayor Borne asked if there were any property owners within 200' of the property who wished to speak in opposition of the request. Lynn Riley and Wilhelm Brown of 6099 David St. spoke of numerous problems they experience, as they live across the street from Mr. Lewis' business. They have problems with dust, noise, and traffic at all hours of the day and night. They reported that their ditch is also collapsing due to the large trucks backing up on their property. Christina Sims and Brent Crow of 2078 Ray Avenue spoke of the same problems of dust, noise, and traffic, along with trash and litter found in their neighbor's yard which they said blew out of the dump trucks. Ms. Sims provided pictures of the litter and dust on vehicles. Carol Becker of 2100 Ray Avenue stated that she is a teacher and has trouble resting at night due to the noise from the trucks. She also stated that the property was draining on her property and causing water to stand in her yard. Blaine Judice of 6156 Garner Street explained that his property is behind the trucking company and that he had built a levy around his property so that Mr. Lewis' property wouldn't drain onto his. Lucera Munguia of 2058 Ray Avenue stated that she agreed with the concerns shared by her neighbors.

Mayor Borne asked for citizens of Groves wishing to speak in support of the request and there were none.

Mayor Borne asked for citizens of Groves wishing to speak in opposition of the request. Barbara Edington of 3800 Russell Street reported that the Groves EDC had purchased a dust control product that would be made available for the businesses to try as a dust suppressant.

Mayor Borne stated that no action would be taken at this meeting and that the Planning and Zoning Commission would be meeting and making a recommendation to the Council for consideration at a later date. He also thanked the Planning and Zoning Commission for their efforts on behalf of the City.

There was no further business and Mayor Borne adjourned the meeting at 6:45 p.m.



Mayor

ATTEST:



City Clerk

