



AGENDA
PLANNING AND ZONING SPECIAL CALL MEETING
CITY COUNCIL CHAMBERS
(LIBRARY AUDITORIUM)
220 N. FIFTH STREET
ORANGE, TEXAS
APRIL 24, 2023 5:30 P.M.

NOTICE IS HEREBY GIVEN that:

- The Planning and Zoning Commission will conduct a special call meeting on April 24, 2023 in the City Council Chambers at 220 N. Fifth Street, Orange, Texas; and

This Notice and Agenda Packet are posted online at www.orangetexas.gov.

The public will be permitted to offer public comments as provided by the agenda and as permitted by the presiding officer during the meeting.

A recording of the meeting will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

1. Call to Order

- a. Planning and Zoning Commission

2. Citizen Comments

- a. At this time comments will be taken from the audience on any subject matter, whether or not that item is on the agenda. All comments are limited to a maximum three minutes for each speaker. Your comments are appreciated. As the Texas Open Meetings Act does not allow the Planning and Zoning Commission nor City Council to respond to items not listed on the agenda, your comments will be duly noted by the Planning and Zoning Commission and City Council and forwarded to the appropriate department for prompt consideration. A member of the audience that desires to speak during the Planning and Zoning Commission's consideration of any specific agenda item is requested to notify City staff prior to the start of the meeting.

3. Discussion/Action Items—Planning and Zoning Commission

- a. **Case No. 23:04.** Consider a recommendation to the City Council on a replat submitted by Nathan and Lisa Garrison to replat Drill Site #1, Block #1, Hi Ho Acres into Tracts 1A thru 1-D, Block #1, Hi Ho Acres

4. Minutes

- a. Consider the minutes of the April 4, 2023 Planning and Zoning Commission meeting.

5. Adjournment of Planning and Zoning Commission Meeting

Texas Penal Code 30.06:

“Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun”

“De conformidad con la Sección 30.06 del código penal (entrada de persona con licencia de portar o llevar armas de mano oculta), una persona licenciada bajo el subcapítulo H, capítulo 411 del código de gobierno (ley de licenciación para portar o llevar armas de mano) no se permite entrar en esta propiedad con “ninguna armas de mano oculta”

Texas Penal Code 30.07:

“Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly”

“De conformidad con la Sección 30.07 del código penal (entrada de una persona con licencia de portar o llevar armas de mano visible), una persona licenciada bajo el subcapítulo H, capítulo 411 del código de gobierno (ley de licenciación para portar o llevar armas de mano visible) no se permite entrar en esta propiedad con ninguna “armas de mano visible”

No Firearms Allowed

No se permite ninguna armas de fuego

Public Hearing Policy (adopted on August 3, 2004)

- Public comment time limits
- The applicant’s presentation is limited to fifteen (15) minutes.
- All persons wishing to speak in favor of or against any item shall be limited to three (3) minutes
- If a unified group wished to forfeit their three minutes per person a spokesperson can be selected and comments will be limited to fifteen (15) minutes
- All comments should be directed to the Commission on the case being discussed and comments should focus on the facts of the case and all speakers should refrain from comments based on personalities.

MEMORANDUM

To: Planning and Zoning Commission

From: Kelvin Knauf, Director of Planning and Community Development

Subject: Consider and possible recommendation on a replat submitted by Nathan and Lisa Garrison to replat Drill Site #1, Block #1, Hi Ho Acres into Tracts 1A thru 1-D, Block #1, Hi Ho Acres

Date: April 18, 2023

Attached for your consideration is a replat submitted by Nathan and Lisa Garrison to divide one parcel of land into four parcels. The property is located on Huntsman Street in the Hi Ho Acres subdivision. The replat does not meet the subdivision ordinance requirements as follows:

Item 1. Ordinance Requirement (Code of Ordinances, Chapter 9, Section 9.110). A filing fee as provided for in the fee schedule found in the appendix of this code. This fee shall not be refunded should the subdivider withdraw the plat from consideration or should the plat be disapproved.

Comment: A filing fee of \$27.00 is due to the City of Orange.

Item 2. Ordinance requirement (Code of Ordinances, Chapter 9, Section 9.110). The exact location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements, or other public rights-of-way within the subdivision intersecting or contiguous with its boundaries or forming such boundaries.

Comment: The right-of-way width for Huntsman Avenue.

Item 3. Ordinance requirement (Code of Ordinances, Chapter 9, Section 9.110). Zoning district classification (if there is more than one (1) classification, the dividing lines should be shown) on the land to be subdivided.

Comment: Add a plat note showing the zoning district classification as R-1 Low Density Residential.

Item 4. Ordinance requirement (Code of Ordinances, Chapter 9, Section 9.110). Names and addresses of the subdivider, owner of record, engineer and/or surveyor preparing the plat, and the designer/planner of the plat.

Comment: Show the address for Nathan Garrison and also Lisa Garrison underneath their names.

Item 5. Other

Comment: An application form needs to be submitted.

Comment: “Minor plat” needs to be changed to “re-plat”.

Comment: Change “DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT” to “CITY COUNCIL”, change “KELVIN KNAUF” to ‘LARRY SPEARS JR.’, and change ‘DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT’ to “MAYOR”. Also, delete the notary block underneath the City approval block and replace with the following:

ATTEST

PATRICIA ANDERSON, CITY SECRETARY

Comment: When we checked the original plat, there appears to be a 2 foot overhead easement along the front of the property. This easement is not shown on the proposed replat.

Comment; Change “Huntsman Street” to “Huntsman Avenue”.

Comment: Assign addresses to each tract as follows:

Tract 1-A 1300

Tract 1-B 1330

Tract 1-C 1350

Tract 1-D 1370

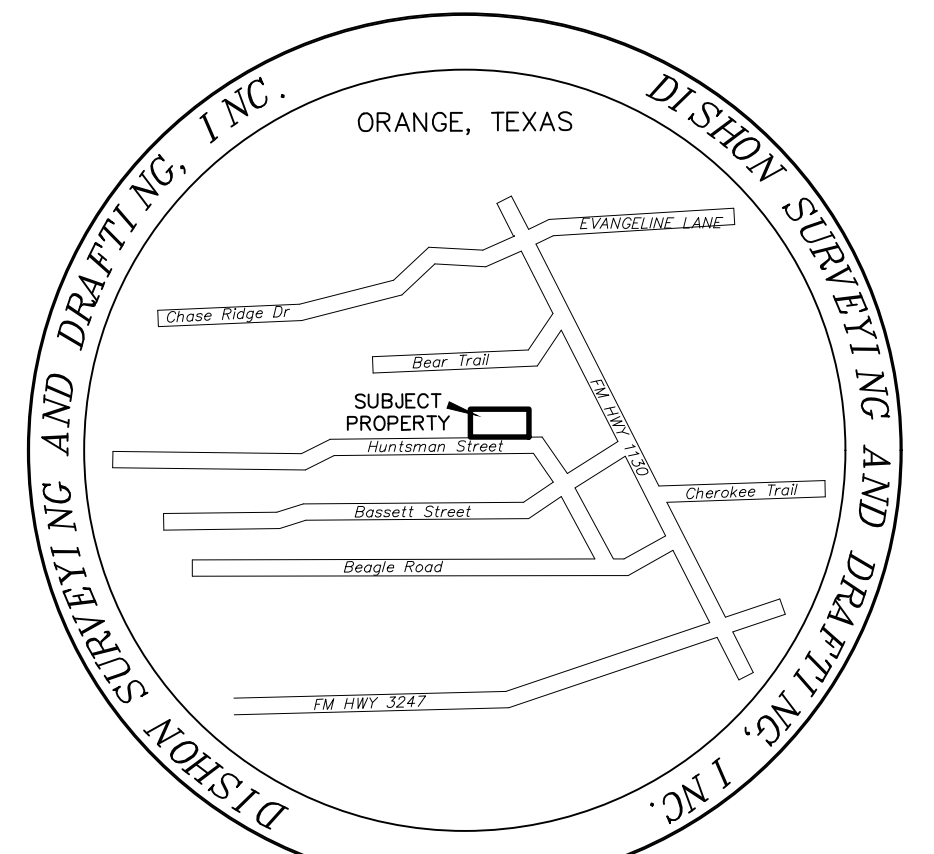
Comment: Before the plat can be filed at the Orange County Clerk’s Office, a fee of \$31.00 is due to the Orange County Clerk, a fee of \$98.71 is due to White Reprographics and a Statement of All Taxes Due showing there are no taxes due are required. These can be submitted at the same time that the revised plat is submitted.

The Planning and Zoning Commission will need to vote on a recommendation to the City Council.

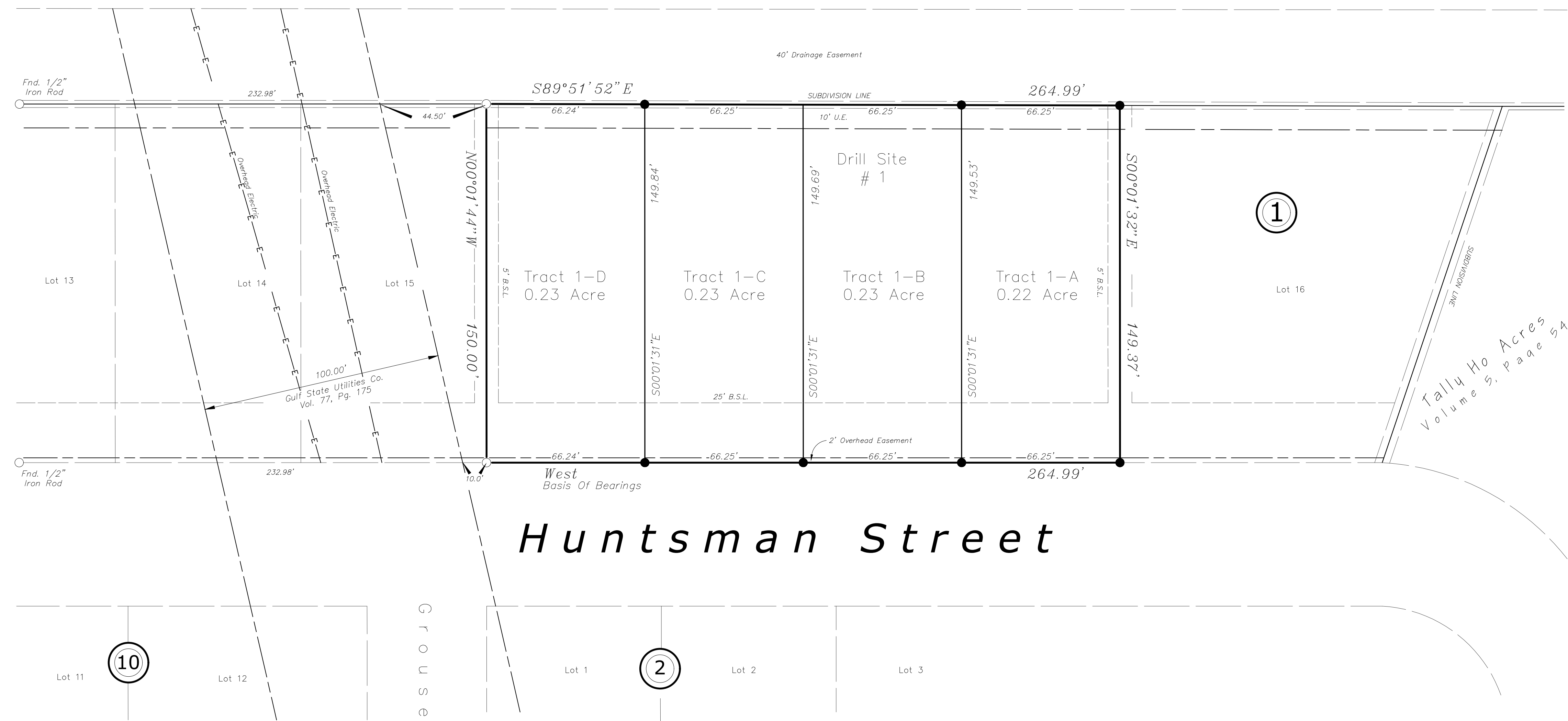
FILED FOR RECORD _____ 2023 AT _____ O'CLOCK _____ .
 RECORDED IN VOLUME _____ , PAGE _____ OF THE MAP RECORDS OF ORANGE COUNTY, TEXAS.
 BY _____ DEPUTY.
 RECORDED _____ 2023 AT _____ O'CLOCK _____ .

 COUNTY CLERK OF ORANGE COUNTY, TEXAS

Bear Trails Section # 1
 Volume 9, Page 91



VICINITY MAP
 NOT TO SCALE



Tally Ho Acres
 Volume 5, Page 54

OWNERSHIP CERTIFICATE:
 WE, NATHAN GARRISON & LISA GARRISON, OWNERS OF THE 0.91 ACRE OF LAND SUBDIVIDED AND DESCRIBED ON THIS MAP OF TRACTS 1-A THRU 1-D, DO HEREBY MAKE A SUBDIVISION OF PROPERTY THIS MAP IS HEREBY DEDICATED TO THE PUBLIC FOR USE FOREVER AND THE BASIC RESTRICTIONS, CONDITIONS, COVENANTS, AND LIMITATIONS SHOWN HEREBY IMPOSED ON SAID PROPERTY.

NATHAN GARRISON LISA GARRISON
 BY: _____ ATTEST: _____

STATE OF TEXAS
 COUNTY OF ORANGE

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY APPEARED PERSONALLY APPEARED NATHAN GARRISON & LISA GARRISON KNOWN TO ME TO BE THE PERSONS WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION HEREIN EXPRESSED IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2023

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: _____
 CERTIFICATION BY THE CITY OF ORANGE, TEXAS
 THIS PLAT HAS BEEN SUBMITTED TO AND APPROVED BY THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT OF THE CITY OF ORANGE.

APPROVALS
 I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING MINOR-PLAT OF TRACTS 1-A, 1-B, 1-C & 1-D TO THE CITY OF ORANGE, TEXAS WAS APPROVED THIS DAY _____ OF _____, 2023 BY THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT OF THE CITY OF ORANGE, TEXAS AND IS HEREBY APPROVED

KELVIN KNAUF _____ DATE _____
 DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT
 STATE OF TEXAS
 COUNTY OF ORANGE

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED VERGE TURNER KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS DATE _____
 MY COMMISSION EXPIRES: _____

SAID SUBDIVISION SHALL BE SUBJECT TO ALL OF THE VALID REQUIREMENTS OF THE DEVELOPMENT CODES OF THE CITY OF ORANGE, TEXAS.

APPROVED BY THE ORANGE COUNTY DRAINAGE DISTRICT.

 BY: GENERAL MANAGER DATE _____

- NOTES:**
- 1) Bearings are based on the South right-of-way line of Evangeline Lane as being South, according to the Larry Cochran Deed recorded in Orange County Clerk Volume 1028 Page 641 and is not referenced to the Texas Coordinate System.
 - 2) According to the Federal Insurance Rate Map, Community Panel Number 48361C0070-D, Dated: December 16, 2021, this property lies in Zone "X". Location on map determined by scale on map. Dishon Surveying & Drafting, Inc. does not warrant nor subscribe to the accuracy or scale of said maps.
 - 3) Tract Numbers 1-A, 1-B, 1-C & 1-D have direct access to and from a public roadway, as shown hereon.
 - 4) Not all easements or servitudes, whether of record or not, were researched at the time of this survey, nor shown hereon.
 - 5) The utility easements shown hereon include the right to remove all trees within the easements as well as the right to trim overhanging trees or shrubs located on the property belonging to or being a part of this addition.
 - 6) In addition to the utility easements shown hereon, there also exists on and across these lots a blanket easement to install, operate, and maintain electrical service to the residence situated on that lot.
 - 7) All property corners are set 1/2" iron rods with plastic caps stamped "Dishon RPLS 5756" unless shown to be otherwise.
 - 8) All interior drainage shall be directed to adjacent streets or drainage structures, to prevent any additional runoff created by new construction from affecting adjoining land owners. Further, any and all future development on the subject property must comply with Orange County Drainage District's Criteria Manual and regulations, if applicable.

SURVEYORS CERTIFICATE:
 I, WESLEY C. DISHON, DO HEREBY CERTIFY THAT THIS PLAT REPRESENTS A TRUE AND ACCURATE SURVEY MADE UNDER MY DIRECT SUPERVISION, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT ALL VISIBLE PIPELINES, RIGHT-OF-WAYS, EASEMENTS AND ENCROACHMENTS ARE SHOWN HEREON.

Preliminary Plat
 DO NOT RECORD

 WESLEY C. DISHON
 TEXAS REGISTERED PROFESSIONAL
 LAND SURVEYOR NUMBER 5756

STATE OF TEXAS
 COUNTY OF ORANGE
 BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY APPEARED _____ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION HEREIN EXPRESSED IN THE CAPACITY THEREIN STATED.
 GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2023

 NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MINOR PLAT

Subdividing a 0.91 acre tract of land being all of Drill Site Number 1, Block Number 1 of Hi Ho Acres Subdivision, Orange County Texas according to the Map or Plat thereof recorded in Volume 5, Page 99 (MR)

INTO

Tracts 1-A Thru 1-D

DISHON

SURVEYING & DRAFTING, INC.

FIRM REGISTRATION # 10132000
 355 North John--BRIDGE CITY, TX 77611--PH. (409) 735-2213 FAX (409) 735-2287

**PLANNING AND ZONING COMMISSION
MEETING MINUTES
TUESDAY, APRIL 4, 2023**

Commissioners Present:

Jamie WilsonChairman
Michael Hennigan. Vice Chairman
George Mortimer..... Commissioner
Daryl Cowart..... Commissioner
Becky Westmoreland Commissioner
Robert Vigil..... Commissioner
Tiffany Bell..... Commissioner

Commissioners Absent:

None

City Council Members Present:

Brad Childs

City Council Members Absent:

Larry Spears, Jr.
Paul Burch
Caroline Hennigan
Mary McKenna
David Bailey
Terrie Salter

Staff Present:

Kelvin Knauf, Director of Planning & Community Development
Wendy Lloyd, Planning Secretary
Marvin Benoit, Building Official
Divon Williams, Deputy Director of Planning & Community Development
Hillary Gravett, Assistant EDC Director
Alison Clary, Communications/Marketing Coordinator
Guy Goodson, City Attorney

Chairman Wilson called the Planning & Zoning meeting to order at 5:30 p.m.

CITIZEN COMMENTS

None

WORKSHOP

- a. Conduct a workshop on Zoning

Mr. Knauf stated before I start the workshop, I'd like to introduce, Divon Williams who is our new Deputy Director of Planning and Community Development. You will see her at our meetings. If you remember we did a workshop on planning. Planning is future oriented, where do we want to build? What kind of community do we want? What kind of issues are we going to encounter and how are we going to address those issues? We went over that a couple months ago. Tonight, we're going to talk about zoning and then after the legislature adjourns then we'll have a workshop on platting. There's some bills in the legislature that can significantly affect cities' authority in platting so we will wait until after the legislature adjourns so we can have the updated information on what that means for us. But, planning and zoning and platting are all related. They look like identical triplets but they each have their own personality. They all deal with land use and development and social issues but they do kind of relate to each other but are not the same. Actually, this commission will be dealing with all 3.

(Power Point Presentation on Zoning)

What is zoning?

- The delineation of geographic areas within a city for which specific standards (along with building codes and other codes) are applied to govern land use, site size, structure size and placement.
- Determining what kinds of land uses are compatible near each other.

Why do we have zoning?

- Protection of property values
- Control of nuisances
- Provide information to investors as to what can be built on a particular piece of property, near their property and the standards by which the development can occur
- Health, safety and aesthetics
 - Population density
 - Setback requirements to assist in firefighting and public safety
 - Provide/protect a quality of life
- 1867-San Francisco passes first ordinance regulating location of Chinese laundries
- 1916-first comprehensive zoning ordinance adopted by New York City
- 1924-Department of Commerce Standard State Zoning Enabling Act
- 1926-Village of Euclid (OH) v. Ambler Realty Company – Supreme Court rules that zoning is legal

Who is involved in the zoning process?

- Planning and Zoning Commission
- City Council
- Applicants – may or may not be local residents
- City Staff
- Public
 - Property owners – may or may not be local residents
 - Media
 - Special interests
- Federal and State Courts

Where does zoning occur?

- Zoning applies to any property within the city limits
- When a property is annexed to the City, then a zoning district is assigned
- Zoning does not apply to property in the City's extraterritorial jurisdiction

When does zoning or re-zoning occur?

- A zoning ordinance and zoning map is adopted by the City Council
- When the City Council determines that a change to the zoning ordinance or zoning of a parcel of property is desired
- When a property owner desires to use land that is not compatible with the zoning ordinance and requests that the zoning for the property be changed

What are the sections of the zoning ordinance?

- Article 12.100 Introduction
- Article 12.200 Official Zoning Map
- Article 12.300 Administration
- Article 12.400 Amending the Zoning Ordinance or Zoning Map, Variances, Special Exceptions and Appeals
- Article 12.500 Definitions
- Article 12.600 Zoning Districts and Other Regulations
- Article 12.700 Enforcement of Violations to the Zoning Ordinance
- Article 12.800 Bed and Breakfast Regulations
- Article 12.900 Communication Towers
- Article 12.1000 Sign Regulations
- Article 12.2000 Recreational Vehicle Parks

What are the zoning districts?

- Residential
 - R-1 Low Density (6000 sq. ft. lots minimum)
 - R-2 Medium Density (5000 sq. ft. lots minimum)
 - R-3 High Density (apartments)
 - R-4 Manufactured housing
- Commercial
 - C-1 Light Commercial
 - C-2 Commercial
 - C-S Commercial Special
 - C-S Cove Commercial Special-Cove
 - OTC Old Town Center/Waterfront
 - IDC Interstate Development Corridor
- Industrial
- Mixed Use Zoning District
- Historical Overlay Zoning Districts

What is the zoning map?

What is the land use matrix?

- Established what land uses are allowed, prohibited or allowed only by special exception in each zoning district
 - (P) Permitted – allowed “by right” (pre-approved)
 - (X) Prohibited – not allowed
 - (SE) Special Exception – the use may be appropriate for some areas within a zoning district but not other areas of the zoning district – it just depends on what is near the location. The Board of Adjustment determines whether or not to grant the special exception.
- Standard Industrial Code (SIC Code) is used to determine what land use fits into which zoning district
Standard Industrial Classification (SIC) System Search / Occupational Safety and Health Administration (osha.gov)

What are the regulations applicable to some districts or all districts?

- Lot sizes
- Building setback lines
- Height
- Density
- Open Space
- Signs
- Site Design
- Landscaping
- Flood hazard
- Fencing
- Home occupations
- Recreational vehicles
- Temporary outdoor sales
- Sexually oriented businesses
- Commercial vehicle storage
- Storage of unlicensed vehicles
- Childcare facilities
- Family day care homes
- Group homes
- Prohibited accessory storage buildings
- Searchlights or beacons
- Bed & Breakfast
- Cell towers
- RV Parks

How can the way zoning affects a parcel of property be changed?

- Option 1 – Change the zoning on a parcel of property
- Option 2 – Change the zoning ordinance itself
 - Verbiage/definitions
 - Land Use Map
 - Zoning district regulations
- Be careful of spot zoning

What is the process for changing the zoning on a parcel of property?

- Application to re-zone property unless is City-initiated
- Schedule public hearing and meeting
- Publish notice of public hearing at least 15 days before the meeting date
- Send letter notifying property owners within 300 feet of the subject property about the public hearing
- Conduct public hearing. After public hearing P&Z votes on a recommendation.
- City Council approves re-zoning on first reading of ordinance OR disapproves re-zoning
- If Council approves re-zoning on first reading, a second vote on the ordinance is done at a future Council meeting.
- Note: a $\frac{3}{4}$ vote (6 of the 7 members) of the City Council is necessary to approve a zoning district map amendment where the proposed amendment is opposed by 20% or more of the property owners whose lands are lying within 300 feet of the site being considered.

What is the process for changing the zoning ordinance itself?

- Schedule public hearing and meeting
- Publish notice of public hearing at least 15 days before the meeting date
- Conduct public hearing. After public hearing P&Z votes on a recommendation.
- City Council approves re-zoning on first reading of ordinance OR disapproves re-zoning
- If Council approves re-zoning on first reading, a second vote on the ordinance is done at a future Council meeting.

What issues arise in zoning?

- How much regulation is enough or too much
- Economic development at any cost?
- Timing of regulations
- Evolving trends
- P&Z and Council have a lot of discretion in making zoning decisions but there are restrictions:
 - Case laws
 - Takings – if a regulation goes too far, it can be considered a taking
 - Protected classes & group living quarters
 - Churches - RLUIPA
- Ugly can be legal
- NIMBYs, LULUs, BANANAs, and CAVE people – often based on emotions, not facts

How does planning, platting and zoning relate?

- Planning (Future Oriented)
 - Comprehensive Master Plan (no deadlines)
 - Future Land Use Map (no deadlines)
 - Subdivision Ordinance and State laws (deadlines)
 - Zoning Ordinance and Court Cases (no deadlines)

A final word on planning, platting and zoning

- A balancing of interests:

- Property owner's interests
- Surrounding property owners' interests
- Community's interests

Mr. Knauf asked for any questions or comments.

Council Member Childs stated many years ago before all of us there was a restaurant wanting to come to I-10 and the way I understand it was zoned C-2 and it needed to be C-1 for the restaurant and so the city had said they had to study it. Well, the restaurant said no problem this other town wants us so they left. Is that a problem that can happen? Can we be over zoned for a restaurant? Mr. Knauf stated yes it could happen. It depends on the location and what is that zoning. The restaurant needs C-2 but the area is zoned C-1 and the area around that location is C-1. Council Member Childs stated I might have had that backwards. It might have been zoned C-1 and it needed to be C-2 for the restaurant. It was long before all of our time. We really don't know what happened but maybe a landowner contested it. Council Member Childs stated well from what I was told they backed off because the city said let's see what we can do. I think with this crowd we would say we're going to figure this out. Mr. Knauf stated yes some businesses are like that and they will go someplace else. They're going to make the city bow down to their wishes. We have to be careful. Is that business really good for the city? Council Member Childs stated yes it was way before our time and back when I-10 wasn't really being developed like it is now.

Chairman Wilson stated thank you Kelvin for providing us with this information that is so valuable for our city and our board.

PLANNING & ZONING APPROVAL OF MINUTES

- Consider the minutes of the March 7, 2023, Planning and Zoning Commission meeting.**

Vice Chair Hennigan motioned to approve
Commissioner Vigil 2nd

Vote: 7 – 0

Motion Carries

Chairman Wilson adjourned the Planning and Zoning Commission meeting at 6:40 p.m.