

**PLANNING AND ZONING COMMISSION/CITY COUNCIL
REGULAR MEETING MINUTES
TUESDAY, FEBRUARY 1, 2022**

Commissioners Present:

Jamie WilsonChairman
Michael Hennigan..... Vice Chairman
George Mortimer..... Commissioner
Robert Vigil Commissioner
Tiffany Bell Commissioner

Commissioners Absent:

Daryl Cowart Commissioner
MaQuettia Ledet Commissioner

City Council Members Present:

Larry Spears, Jr.
Terrie Salter
Brad Childs
Caroline Hennigan
David Bailey

City Council Members Absent:

Mary McKenna
Paul Burch

Staff Present:

Kelvin Knauf, Director of Planning & Community Development
Amanda Strong, Clerk
Mike Kunst, City Manager
Jay Trahan, Assistant City Manager & EDC Director
Jennifer Krummel, Deputy City Secretary
Guy Goodson, City Attorney

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

CITIZEN COMMENTS

None

PLANNING & ZONING COMMISSION DISCUSSION/ACTION ITEMS

- a. **Case No. 22:01 Consider and possible action on a revised preliminary plat for the Orange Gardens Phase I subdivision submitted by J. Breaux Enterprises, LLC.**

Mr. Knauf stated this plat came before you in November. The Planning and Zoning commission recommended that the City Council approve the preliminary plat contingent upon the City and Orangefield Water Supply Corporation working out a mutual agreement. Orangefield Water Supply Corporation would provide utilities to the subdivision. The City of Orange and Orangefield Water Supply Corporation were not able to come to an agreement over the supply of water. Orangefield Water Supply Corporation does have a utility availability letter that is in your packet to supply the subdivision with water and sewer service. We also requested as part of that to also give additional protection to the subdivision. That pond in the subdivision was originally designated as a detention pond. We requested that the pond be redesignated as a retention pond, which means that there is water in the pond permanently rather than temporarily. Also, they are installing a dry hydrant next to the pond. A dry hydrant is used only when they hook up to the hydrant to suck water out of the pond through the hydrant for a fire. The city believes that the fire protection is adequate out there and the city has no interest in annexing the property. There is actually a little sliver of the property that is inside the city limits, the city will be disannexing that little sliver of property inside of the subdivision. We believe that this subdivision meets all the requirements.

Commissioner Mortimer stated I have a question. On changing this from a detention pond to a retention pond. When this was originally preliminary approved, that detention pond was set up to handle all the run off from the subdivision. Mr. Knauf stated that is right. Commissioner Mortimer asked has that changed physically? So, we are putting water in this pond, and we still have capacity to handle that? Mr. Knauf stated Yes. All the run off will go into this pond. Commissioner Mortimer stated that I understand. It was sized for the run off in accordance with everything the county needs. Now we are putting water into it, and there will still be enough capacity to handle it? Mr. Knauf stated Yes. The fire department is satisfied that we will have the capacity that is sufficient for yield. Commissioner Mortimer asked who was the one who said this? Mr. Knauf stated the fire department or the City fire Marshal, John Bilbo. They feel that it has adequate capacity to serve the dry hydrant. Commissioner Mortimer stated I'm talking about you are going to have so many feet of water in this pond. This pond was sized originally for being dry and water rain flow being put into it. Has that physically changed? Has the county or whoever has jurisdiction looked it over, and said that we still have enough capacity to handle having water into it? Mr. Knauf stated yes. The fire department has said that there will be enough capacity. They are not going to release the water like in a detention pond. Commissioner Mortimer stated that he is not clear on that. I don't really care about the fire department.

Chairman Wilson stated let me give you an analogy. We have a bath tub, and the bath tub has got water in it. If I turn the shower on, I am adding water to what is already standing. His question is do we need to make the bath tub bigger? To be able hold the water and the water that comes out of the shower. I don't know who the man is behind you, but his hand is up. Come forward and state your name and your address.

Samuel Fountain stated my name is Samuel Fountain I own S&R Consulting Engineer's at 87 North IH 10 in Beaumont, Texas. The way this retention pond is acting we needed to basically dig a pit to get enough dirt to raise this out of the flood zone. So, we have got a depth that is from the water level up that is going to be for basically detention and for the storm water. From there down we have twenty eight feet that is going to be full of water. Our pipe is going to go basically within six feet of the bottom of the pond. You will have twenty eight feet, three acres deep all the way for water for a fire prevention. We calculated just six feet of it was almost a million gallons.

Commissioner Vigil stated let me see if I understand. So much volume is required for the retention for the fire? And there is so much volume required for run off? In the beginning we didn't worry about the volume for fire,

so now we increase the need for volume than before? Samuel Fountain stated yes and no. See although we did not take into consideration the water for the fire, the pond was already big enough to handle that, seven times over. So, we have enough water already there. Commissioner Vigil stated its not a question of can it handle the fire case. It is a question of can it handle the volume of water from run off and the water that is stored for fire protection. Samuel Fountain stated yes. Like Ms. Wilson said, we have a bath tub that is full. We have an overflow structure that is on the bath tub that is below, that is basically like an orifice. You can only get to that level as it is filling up and it starts flowing out. We have almost two feet of free board on a one hundred year storm. That is from the top water level after all the run off goes into it, to the top of the bank.

City Attorney Guy Goodson stated the way they explained it to us in the meeting was that the Orange County Drainage District is more than satisfied, that volume amount of water or what we call retention is adequate plus two additional feet. He just said the amount the Orange County Drainage District requires is the one hundred year flood volume measure.

Samuel Fountain stated and we are required to have one foot of freeboard over that. This project has way more than we need due to the amount of dirt we need to get this out of the flood zone.

Commissioner Vigil asked so you have two feet of freeboard your overflow? Samuel Fountain stated over the overflow, yes sir.

City Attorney Guy Goodson stated I think all of us here in Southeast Texas realize that at some point if you dig enough you are going to have a retention pond no matter what happens. Samuel Fountain stated we have water when you hit three feet.

Chairman Wilson asked will there be any fire hydrants within? Mr. Knauf stated yes. Chairman Wilson stated okay. There are, so we are just putting in an extra dry hydrant somewhere else? Mr. Knauf stated yes. Right.

Chairman Wilson asked for any discussion. None was made.

Commissioner Mortimer motioned to recommend approval
Commissioner Bell 2nd

Vote: 5 – 0

Motion Carries

- b. Case No 22.02 Consider and possible action on a replat of a part of Lot 9 through part of Lot 14, Block 2, West Lawn subdivision, also known as 5344 Avenue A, into Lots 1 & 2, Jackson Addition submitted by Stewart Jackson and Tammy Dewars.**

Mr. Knauf stated this is replat actually, submitted as a minor plat, which it is not a minor plat. It is a replat because it is already platted lots. It takes this lot right here, and it divides it into two smaller lots. It needs to be relabeled into lots 1A and 1B, that is just how we do replats. That way it lets future people know who come after us that at some point it was a lot, but that they have changed the lots, and have replated it. There are some other things, they have not submitted; the application, the fees, they need to show some utility easements, change the signatures on the plat, also there needs to be some checks for filing the plat at the County Clerk's office as well as a tax statement showing that all taxes have been paid. Our recommendation is

that you approve this contingent upon all city and county ordinances, and policy and procedures have been met. That way we don't have to bring back to you after we have made the changes. We could make the changes, approve it, send it on the drainage district, and then to the county for their consideration.

Chairman Wilson asked for any discussion. None was made.

Commissioner Vigil motioned to recommend approval contingent upon all city and county policy and procedures being met

Commissioner Mortimer 2nd

Vote: 5 – 0

Motion Carries

PLANNING & ZONING APPROVAL OF MINUTES

- a. Consider the minutes of the November 30, 2021, Planning and Zoning Special Call Meeting.**

Vice Chair Hennigan motioned to approve

Commissioner Bell 2nd

Vote: 5 – 0

Motion Carries

- b. Consider the minutes of the January 4, 2022, Planning and Zoning Commission/City Council Joint Public Hearing & Regular Meeting.**

Commissioner Mortimer motioned to approve

Vice Chair Hennigan 2nd

Vote: 5 – 0

Motion Carries

Chairman Wilson adjourned the Planning and Zoning Commission meeting at 5:40 p.m. **

****City Council Special Call meeting minutes to be separate minutes.**