

**PLANNING AND ZONING COMMISSION
MEETING MINUTES
TUESDAY, APRIL 6, 2021**

Commissioners Present:

Weldon Smith..... Chairman
Jamie Wilson Vice Chairman
George Mortimer..... Commissioner
MaQuettia Ledet Commissioner
Gordon Worlow Commissioner
Michael Hennigan..... Commissioner
Robert Vigil..... Commissioner

Commissioners Absent:

None

City Council Members Present:

None

Staff Present:

Kelvin Knauf, Director of Planning & Community Development
Wendy Lloyd, Planning Secretary
Jay Trahan, Assistant City Manager & Director of Economic Development
Guy Goodson, City Attorney

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

CITIZEN COMMENTS

Chairman Smith asked if there were any comments. None were made.

APPROVAL OF MINUTES

Chairman Smith made a request for the minutes of the January 5, 2021 joint meeting to be approved
Vice Chair Wilson motioned to approve
Commissioner Mortimer 2nd

Vote: 7 – 0

Motion Carries

Chairman Smith made a request for the minutes of the February 2, 2021 workshop meeting to be approved
Vice Chair Wilson motioned to approve

Commissioner Ledet 2nd

Vote: 7 – 0

Motion Carries

PLANNING & ZONING DISCUSSION/ACTION ITEMS

- a. **Case No. 21.02. Consider a recommendation on a replat submitted by Robert Johnson for a replat of 7.804 acres (called 7.78) acres of land, all of Tract B J.O. Sims, et.al. lands out of the Richard Ballew League, Abstract No. 2 Orange County, Texas into Tracts B-1 and B-2.**

Mr. Knauf stated this a tract out in the ETJ so there is no zoning on this property and basically it's taking 1 large tract that was previously platted and dividing it into 2 smaller tracts. This plat meets all the ordinance requirements. In your agenda packet, I've listed all those requirements and all of those have been met for this.

Chairman Smith stated where is this at like a street location. Mr. Knauf stated this is on West Bluff Road and Highway 87.

Commissioner Ledet stated, and they've met all of the recommendations. Mr. Knauf stated yes they've met all of the ordinance requirements.

Commissioner Vigil stated the easement width of 10 feet, is that standard for properties in those kinds of areas. Mr. Knauf stated yes for utilities. Commissioner Vigil stated since that tract is being divided, what about drainage between the 2. Is that something that needs to be considered or should it drain towards West Bluff Road. Mr. Knauf stated yes, there's a plat note that all drainage should drain towards West Bluff Road, so it drains into those ditches along West Bluff and not onto adjacent property. That's something that the Orange County Drainage District insists on is having that plat note that all drainage will be to the road.

Chairman Smith asked for any further discussion. None was made.

Commissioner Ledet motioned to recommend to City Council to accept approval of replat

Commissioner Hennigan 2nd

Vote: 7 – 0

Motion Carries

WORKSHOP

- a. **Conduct a workshop on Zoning Policies, Practices and Procedures.**

Mr. Knauf stated this is a planning and zoning commission workshop on zoning. You remember we had 2 previous workshops. One last November on planning and one in February on platting. Tonight, we are going to talk about zoning. Remember, I talked about all 3 of these are like triplets except each have different personalities. In order to understand the personality of each, the thing they all have in common is that they have land use, development, social and economic issues that are involved in all 3 of them.

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 a 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, media, special interests)
- Federal & 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?

What Are the Zoning Districts?

- Residential
- Commercial
- Industrial
- Mixed Use
- Historical Overlay

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
- Schedule Public hearing/meeting
- Public Notice of Public hearing 15 days before
- Send letters to property owners within 300 feet of property regarding public hearing
- Conduct public hearing. P&Z votes to make recommendation to City Council.
- City Council approves or disapproves rezoning
- If council approves, a second vote at a future meeting

What is the Process for Changing the Zoning Ordinance Itself?

- Schedule public hearing/meeting
- Public notice of Public hearing 15 days before
- Conduct Public hearing. P&Z votes on a recommendation.
- City Council approves or disapproves
- If council approves, a second vote at a future 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 balance of interests
 - Property owner's interests
 - Surrounding property owner's interests
 - Community's interests

Chairman Smith adjourned the meeting at 6:45 p.m.