

**PLANNING AND ZONING COMMISSION  
SPECIAL CALL MEETING MINUTES  
TUESDAY, APRIL 24, 2023**

**Commissioners Present:**

Jamie Wilson . . . . .Chairman  
Michael Hennigan. . . . . Vice Chairman  
George Mortimer..... Commissioner  
Becky Westmoreland ..... Commissioner  
Robert Vigil..... Commissioner

**Commissioners Absent:**

Daryl Cowart..... Commissioner  
Tiffany Bell..... Commissioner

**City Council Members Present:**

Paul Burch  
Brad Childs

**City Council Members Absent:**

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

**Staff Present:**

Kelvin Knauf, Director of Planning & Community Development  
Wendy Lloyd, Planning Secretary

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. 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**

Mr. Knauf stated this is a replat. They're requesting to take 1 large tract of property and make it into 4 parcels in all. The 4 parcels meet the zoning ordinance as far as minimum size. The plat that they submitted does not comply with the subdivision ordinance in several respects. Those are outlined in your agenda packet. After the packet went out, I got a revised replat from them and there's still some issues with the revised replat they submitted. They haven't paid the fee as is required. They haven't noted on the plat what the zoning district is as is required. Then, the approval block for the city is not correct. So, there's still some issues with that.

Tomorrow night the city council will consider your recommendation on this replat.

Chairman Wilson stated so does this give us our 30 days back. If they're not in compliance, what are our options? Mr. Knauf then we respond back to them and they respond back to us and we have 15 days from that date to either disapprove it or it's approved by law. Now, what we've done in the past in situations like this is approved them conditioned upon all the city ordinance requirements and drainage district requirements being met. Chairman Wilson stated so why have they not paid the \$27.00. Why have they not complied? They've had time to file a replat and do all of that process. Why have they not done the rest? Mr. Knauf stated I don't know. Normally people don't until just right before filing and why I don't know. Then I'm always after them to submit the application form and other things too. It seems like they just can't get out of that rut and I don't know if it's the surveying engineer firms aren't pushing them. That's who I normally deal with is the surveying engineer firm. We won't file it until all the fees are paid and well as the county clerk's fee. We have to have those before we take it over to the county clerk's office and file it.

Vice Chair Hennigan stated that doesn't appear to be the largest item on here. The fee is \$27.00. It's the other 4 items on here that they're not in compliance with. Chairman Wilson stated right with the \$27 being a minimal issue why isn't that? Even if it's a small amount of money, it's still a big deal because you know all this has to be done in a timely manner. Are they doing it to parcel it off to sell the lots? Mr. Knauf stated yes to sell the lots so that people will build houses on them.

Commissioner Mortimer stated we know what they didn't have and what they have not done originally and went back to them and requested them to make sure they got those things done. They resubmitted to you and they still have this many things. Mr. Knauf stated right they corrected some of the items in your packet. Commissioner Mortimer stated right some but they had the list of all of them. Mr. Knauf stated right I send that out them. Commissioner Mortimer stated right have you mentioned that to them after the 2<sup>nd</sup> time. Mr. Knauf stated not after the 2<sup>nd</sup> time. I didn't get the revised one until like last Thursday or so and I was off Friday.

Commissioner Vigil stated you said these are just some of the deficiencies, there's more? Mr. Knauf stated no these are all of them. They corrected some of these but not all of these. Vice Chair Hennigan stated which ones have they corrected. Chairman Wilson stated so item 1 the filing fee, they've still not paid that correct. Mr. Knauf stated correct. Chairman Wilson stated item 2 you said there was an ordinance requirement of the exact location of the dimensions, etc. Have they done item 2? Mr. Knauf stated yes. Chairman Wilson stated item 3 where they have to add a plat note showing zoning district. Have they done that? Mr. Knauf stated no. Chairman Wilson stated in order to do a plat or replat, they had to hire a survey company. Mr. Knauf stated yes. Chairman Wilson stated so a survey company doesn't already know. Mr. Knauf stated we and the drainage district and the county has the same complaint. These survey engineering firms; they don't ever seem to learn. It's the same comments or very similar comments every single time and why they don't learn, I don't know. You would think after a couple times, they would know what the City of Orange requirements are. Now from their standpoint, I understand the city, the county and drainage district and all cities in Orange County have different subdivision requirements so it's probably hard for them to keep up which entity has which requirement. Chairman Wilson stated it would make sense to me that you would put everything down on paper on what the requirement was. I would rather give you more information than less information as a hang up. Mr. Knauf stated right and you would think what they would do is take this letter and make that change check it off, make that change check it off but they don't. Chairman Wilson stated so item 4 have they done the subdivider owner of record. Mr. Knauf stated about addresses, yes they've done that. Chairman Wilson stated item 5, have they submitted their application form. Mr. Knauf stated yes. Chairman Wilson stated have they changed minor plat

to replat. Mr. Knauf stated yes. Chairman Wilson stated have they changed director of planning. Mr. Knauf stated no. Chairman Wilson stated have they checked the original plat where there appears to be a 2 foot overhead easement along the front of the property. Mr. Knauf stated yes. Chairman Wilson stated have they changed Huntsman Street to Huntsman Avenue. Mr. Knauf stated yes. Chairman Wilson stated have they assigned addresses to the tracts. Mr. Knauf stated yes. Chairman Wilson stated have they paid this \$31.00 because now we're at \$58.00 correct? Mr. Knauf stated no. Then the orange county drainage district yes they've complied with that. So, there's just a few minor things that they have not complied with.

Commissioner Vigil stated I have some questions about the replatting. One is dealing with the easement. Are the easements described correctly on this and are they compliant? Mr. Knauf stated yes. Commissioner Vigil stated the easements are correct and are compliant. I'm surprised there aren't easements between lot to lot for utilities to come between. That's not a city requirement? Mr. Knauf stated no the public works department was satisfied with it. Vice Chair Hennigan stated it depends on where the utilities are run. Commissioner Vigil stated I always thought that adjacent to there was always some sort of easement between lots. Mr. Knauf stated not between lots just along the front or along the rear. Commissioner Vigil stated and then the question about drainage. It says the drainage district still has to approve this or they have approved this. Mr. Knauf stated they still have to approve this. Commissioner Vigil stated so if they find comments that hey it's not going to drain correctly, how do you make changes to a replat if they find fault with the layout. Mr. Knauf stated normally we just go ahead and accept those. We accept the drainage district's changes. They have reviewed the replat. Their comments are included in the original response back to the surveying engineering firm and then they get a copy of the revised replat also. Commissioner Vigil stated but we're still waiting for them to approve it. Mr. Knauf stated well to actually sign it. Once their changes are on the replat, then I check it over and make sure that their comments are included as well as the city comments and if they are it goes to council and then council approves it and they mayor signs it, the city secretary attests to it and then we take it out to the drainage district and they sign it. But if there's any changes, say we've approved it and later the drainage district thinks of something and makes a change on the replat, we have them submit the replat and we accept that change because they have complied with the city's ordinances. They may have not complied with everything the drainage district wants but that's between them and the drainage district. Commissioner Vigil stated maybe I need to ask a different way. I'm sure you answered the question but I don't understand. When the drainage district sees this and they have problems, are they required to correct and meet the drainage district requirements without us having to come back? Mr. Knauf stated yes. Commissioner Vigil stated do we do that as a conditional approval that they're compliant with whatever the city ordinances are for drainage. Mr. Knauf stated yes normally what you'll do is you will make a recommendation to the city council and the city council will approve it and if there's faults with it then normally it's approved conditionally to the city ordinances being complied with and then if the drainage district has additional requirements above and beyond what the city requires then we accept those. Those do not have to come back before the P&Z and the council for amendment. Commissioner Vigil stated so we have to make a statement that we recommend approval as to what is required by the orange drainage district. Mr. Knauf stated well we don't have authority to what the drainage district wants. Ours is only on the city ordinances and city requirements. But, say we go through this process and I take it out to them and the drainage district goes oh and by the way we want this, that and the other. Then they will put that on there and we will accept that because they've complied with the city ordinances. Commissioner Vigil stated now if I remember from previous meetings I thought this area had some drainage problems. I don't know if it's this lot or this street. I guess from my perspective if I were to buy a lot and I know that there's drainage problems. Commissioner Mortimer stated most of it was towards the back of that subdivision. That's why there was a lot of concern with the new subdivision. Commissioner Vigil stated right. I don't know front from back. Mr. Knauf stated but the drainage district looks at that also. That's why

they comply with the drainage district regulations. Commissioner Vigil stated I guess if I were a homeowner to buy a lot where there was a known drainage problem and it meets all the requirements I would feel like I was kind of snookered into buying this lot that had known problems even though the drainage district can enforce them to do that. I feel a little bit culpable for having a wet lot if you would potentially. Mr. Knauf stated the drainage district can't enforce things. They can enforce their own regulations but they can't enforce city regulations and we can't enforce regulations that they have that are different than ours. We don't have that authority. Each entity enforces their own regulations. Commissioner Vigil stated so what have you done in the past where there's similar issues. What have you recommended in the past? Mr. Knauf stated that you approve it conditioned upon it complying with the city ordinances and the drainage district regulations. That's what we've done in some of the plats in the past.

Commissioner Mortimer stated I guess my question is if we choose to not approve and not recommend go to the city council with it, tell me what happens at that point we go back to them and say it was not approved and here's the reasons why. They have a certain amount of time to get it back to us. Is that 15 days? Mr. Knauf stated yes 15 days. Commissioner Mortimer stated they have 15 days and we have to meet again and then do the approval. Mr. Knauf stated right if it complies with the ordinances. Commissioner Mortimer stated right if it complies. If we do it conditionally if they don't get back with you and do not comply with this within how long. Mr. Knauf stated they can take as long as they want. Now once we receive it, we have 15 days to disapprove it otherwise it's approved by operational law. Mr. Knauf stated so basically by conditionally approving it, you're not having to come back for additional meetings for just a few minor changes. Vice Chair Hennigan stated but even after the 15 days if they're still not in compliance and we reject it again then it starts the whole process of 15 days again. Mr. Knauf stated right its 15 days every time. We have 30 days from the initial submission. Chairman Wilson stated basically they are roughly 58 percent in compliance. If you're that dedicated into dividing a lot or a plat into 4 lots, I don't understand why we're not going step by step. It's frustrating. Mr. Knauf stated well they want to sell property but they have not complied with the city subdivision ordinance. Chairman Wilson stated right like you couldn't write a check for \$27 but you have addresses. Vice Chair Hennigan stated right but those addresses aren't approved yet until this whole thing is. Chairman Wilson stated right they've got the cart before the horse. Commissioner Vigil stated my belief is we conditionally approve it everything that's deficient will have to be addressed. Even though it's out of order, it's not done until they approve it. So, by conditionally approving everything gets done and there's no 15 day clock to reset and reset. Mr. Knauf stated by conditionally approving it you essentially give me the authority to basically keep sending it back without you guys having to meet.

Commissioner Vigil stated we talked about drainage and I know in this neighborhood I know there's a problem with the sewage. The commodes backing up and that. Is there anything in this replat that addresses that problem? Mr. Knauf stated no and there normally wouldn't in platting. That's a sewage infrastructure type problem but that's not a platting issue. That's not a land design issue. That's a physical operations type issue. You would not normally have that in a plat. Commissioner Vigil stated ok that almost sounds like it's a city's problem not the owner of the land problem. Mr. Knauf stated right plus it's not in the subdivision ordinance. If it's not in the subdivision ordinance, we can't enforce it.

Vice Chair Hennigan motioned to recommend conditionally approve upon compliance with the subdivision ordinance

Commissioner Mortimer 2<sup>nd</sup>

**Vote: 5 – 0**

**Motion Carries**

**PLANNING & ZONING APPROVAL OF MINUTES**

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

Commissioner Mortimer motioned to approve  
Commissioner Vigil 2<sup>nd</sup>

**Vote: 5 – 0**

**Motion Carries**

**Chairman Wilson adjourned the Planning and Zoning Commission meeting at 5:51 p.m.**