

**PLANNING AND ZONING COMMISSION/CITY COUNCIL  
JOINT MEETING MINUTES  
TUESDAY, JUNE 1, 2021**

**Commissioners Present:**

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

**Commissioners Absent:**

Michael Hennigan. . . . . Commissioner

**City Council Members Present:**

Larry Spears, Jr.  
Paul Burch  
Brad Childs  
Terrie Salter  
David Bailey

**City Council Members Absent:**

Mary McKenna  
Caroline Hennigan

**Staff Present:**

Kelvin Knauf, Director of Planning & Community Development  
Wendy Lloyd, Planning Secretary  
Mike Kunst, City Manager  
Guy Goodson, City Attorney

Mayor Spears called the City Council meeting to order at 5:30 p.m.  
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.

**PUBLIC HEARING**

- a. **Case No. 21:03. Conduct a public hearing on a request from Ron McAnelly to rezone Lots 2, 3 and 4 of Dileo Estate, also known as 1514 Dawnwood Drive, 1512 Dawnwood Drive and 1510 Dawnwood Drive from R-1 Low Density Residential zoning district to R-3 High Density Residential zoning district.**

Public hearing opened at 5:31 p.m.

Mr. Knauf stated before you is an application from Ron McAnelley to rezone lots 2, 3, and 4 of Dileo Estate also known as 1514 Dawnwood Drive, 1512 Dawnwood Drive, and 1510 Dawnwood Drive from R-1 Low Density Residential zoning district to R-3 High Density Residential zoning district. Mr. McAnelley would like to build duplex units on each lot. The R-1 Low Density Residential zoning district prohibits apartments, duplexes, townhomes, and condominiums. The Future Land Use Plan shows these properties to be low/medium density residential. These properties are not located in a historic preservation overlay district. The R-3 High Density Residential zoning district requires a minimum lots size of 4000 square feet with the exception of apartments (each of the three lots under consideration is a third of an acre or more). The maximum height allowed is 35 feet above grade except for normal appurtenances usually required to be placed above the roof level and not intended for occupancy such as antennas and chimneys, etc. The open space requirement is 25 percent of the square footage of each lot. The adjacent uses and zoning districts are north of this property – there is no zoning since it is outside the city limits and a church is located north of this subject property. To the south of the subject property, it's zoned R-3 High Density Residential and townhomes are located south of the property. To the east of the property, it's zoned R-1 Low Density Residential and single family residential homes are located to the east of this subject property. To the west is zoned C-1 Light Commercial and C-2 Commercial and there's a vacant lot and batting cages are located to the west. Letters about the rezoning request were sent out to property owners within 300 feet of the property being proposed for rezoning. Of the letters, there were 40 letters sent out and of that 12 responded and opposed the zoning request. That is 30 percent of the people within 300 feet. Under the city zoning ordinance, if more than 20 percent of the people within 300 feet oppose a rezoning request, then it will require  $\frac{3}{4}$  vote of the city council to approve the rezoning. Planning and zoning commission you don't have that  $\frac{3}{4}$  vote requirement just whatever the simple majority is, that is what your recommendation to the city council will be. But again, council members, when this comes before you, in order to approve it you will have to approve it on a  $\frac{3}{4}$  vote if that is your desire.

**Ron McAnelley – 5045 Elizabeth Lane, Orange, TX:** Mr. McAnelley stated I have a business here in Orange and my wife and I are trying to, we bought 3 lots and we are trying to develop, and we want to make them into duplexes. I have some pictures here of what we are wanting to actually put into the neighborhood. That's actually a 3 bedroom, 2 bath duplex. Through the front of it, it doesn't look like it's just a duplex, the garages are around back. It will fit into the neighborhood, along with the other homes. I'm asking to rezone it to a R-3 which is commercial for duplexes. Other than that, I think we got some feedback from people that we know that are opposed to it. I'm not quite sure why. They have basically R-3 right across the street which is condos which has 12 units in those condos. Matter of

fact, my wife and I actually owned one. She lived in it for about 5 years and then we lived in it together for about a year. We rented it out for over a year. I'm really not sure why the neighborhood is opposed to renting, personally. It's definitely going to help the community. There're not enough homes in the community to rent. We are just asking to rezone it to R-3.

**George Russell – 700 Hickory Trails, Orange, TX:** Mr. Russell stated I have been in Cypress Bayou area since, I'm one of the originals so I've been there roughly 28 years. I just want to go over 2 items that are important to me. First is safety. Everybody knows that Dawnwood intersects with Highway 87. We've got the businesses that are in the front. We've got the Exxon Mobile strip mall. We've got the Lorna Badon School of Dance and right behind that we've got the Grand Slam batting cages. So, that is a congested area. People go down that highway roughly 60 MPH and you're trying to make that turn and get into Dawnwood as quickly as possible, so you don't get rear-ended. Having additional high density housing in that area, that is going to congest that area even more. So, that is one major concern. The second concern is flooding. That area right in front of 87 and that Dawnwood section floods quite often. You're going to put in more concrete than you would for low density residential homes and asphalt for the parking. So, where is that storm water going to run off to. It's going to flood even more there and folks in that area and a lot of folks on Dawnwood have flooded. You talk about the condos there. They were there before we became annexed so a sump clause thing. That probably wouldn't fly now. But those folks have flooded tremendously over time and other folks on Dawnwood have. So, that's my major concerns and why I oppose this idea. Thank you.

**Michael Rhines – 1509 Dawnwood, Orange, TX:** Mr. Rhines stated I live adjacent to the property there. This is the third time we have been here on this property. The first time was the baseball diamonds. The second time was a multi housing complex and we are here again about multi housing. Yeah, we have concerns about our neighborhood because we own our property. We start letting multi housing complexes come in, we are going to have people in and out. We maintain our property and take care throughout the whole neighborhood, and we don't want this kind of action in our neighborhood period.

**Jeff Myers – Orange, TX:** Mr. Myers stated I am probably the closest individual to the proposed area. A lot of integrity there in that neighborhood and been there a long time. The house next to me, the resident just passed recently so I've got a lot of concerns backing up Mike as well. Flooding is going to be an issue. Myself and some other homeowners in the back have taken property that we purchased several years ago and allowed the county to come through and dig a big drainage ditch just to keep those houses from flooding. Somebody is going to have to bone up to keep our houses from flooding because you know what's going to happen when you start building up that high. We are going to suffer, and we've donated our time a lot of money and the help of the county to alleviate the flooding on the backside where the water treatment plant is and the Dawnwood side. The house next to me did go under water and I came within I can't tell you how many – maybe a sixteenth of an inch from getting water in my house. I'm not exaggerating. I'm an emergency responder for the area. I've been in the business for about 42 years with emergency response in the area for one of the prominent oil

companies in the area. I respectfully hope that you guys will help us out on this one.

**Darren Bonnette – 805 Dawnwood, Orange, TX:** Mr. Bonnette stated I too am concerned and opposed to this for the same reasons as the other gentleman here, primarily flooding. My house took on water during Harvey. It's not something I want to go through again. So, for the flooding and the traffic.

**Dianna Edwards – 605 Hickory Trails, Orange, TX:** Ms. Myers stated I want Ron and Becky both to know that it's nothing personal because I think you all are great people, but I too think that traffic is one of my main concerns because my youngest is 21 years old, but I've had 2 of my girls went to dance there. During the school year when dance is in full blown and then when baseball season opens up and the batting cages, I've seen kids almost get run over. I've seen multiple times wrecks almost happen right there. The traffic is very hazardous already. I would be opposed to any kind of commercial thing going in right there that is going to draw in high traffic. The flooding is also a huge and with very little rain the road is actually covered with water down there and I think that this would only add to that problem. I ditto pretty much; I think we are all saying the same thing. I've lived there since well longer than 2005 because I lived on Dawnwood first but even though I don't live in the 300 feet radius, it effects our whole neighborhood basically because that is the main entrance to our neighborhood. We have 2 others but they're to the back.

**Gail Schlabs – 1400 Dawnwood, Orange, TX:** Ms. Schlabs stated I'm not within the perimeter of the 300 feet, but it does affect me with the traffic and with the flooding. We've gone through this before with the Dileo when they first came, and we fought it then and I think each time we will do our best to fight it. It's a big neighborhood. I don't look big but there's a lot of houses in there and there's a lot of people that it would affect if the traffic does increase in that area. I don't know how you're going to stop the flooding on that road. It does flood and you have to try and go back out the other way or you go back home. So, we trust you guys but the again we want it our way. Thank you.

**Nacole Barron – 1101 Dawnwood, Orange, TX:** Ms. Barron stated to beat a dead horse, but I again have to say Beck and Ron are great people. They are business owners and are wonderful people and I'm sure they have the best of intentions. My concerns are later on if they sell. What happens when they sell? What happens to the duplexes and who purchases them and who they put in them? I don't know. I don't know the unknown but then you're also opening up, are you going to start spot zoning. No answers, maybe you can't answer. I don't know but that's not something that you all want to start doing. You're going to spot zone that one. 4 houses down are you going to spot zone there? We purchased this particular property after the city annexed so we would be protected by the zoning. If I didn't care and was open to whatever was next door to me, I would have bought outside of the city. The flooding on Dawnwood is an issue.

**John Grooters – 603 Hickory Trails, Orange, TX:** Mr. Grooters stated we have been residents for 26 years at that address. My really main concern is they already mentioned the flooding but the utilities.

The system out there right now is probably taxed as about as much as it can be. The electricity is not always that reliable. The drainage you mentioned that. The road and the traffic. When we bought out there it was residential and that's really why we bought. We want it to remain that. Being residential, we feel like people have more of a commitment than someone moving in and out.

**Larry Spears, Jr. – 2101 Yupon, Orange, TX:** Mayor Spears stated I do appreciate everyone coming out and hearing your concerns. I do appreciate Ron and Ms. Becky for what you are trying to do. The council and staff has sincerely tried to push an effort to grow Orange. Many of you know about the new businesses that have come and the new potential chemical plant that is bringing in people looking for these kinds of homes. So, we do appreciate you. What I did want to get up and say, for you to understand is, if this venture does not go through, we would like for you to know if there is a way for us to find another property or another situation in Orange to build these types of residences for others to enjoy, please know that we are here. We are supportive and we are welcome to what you are trying to do. I do understand what the citizens in this area are saying. But I do also know that we do need homes of this nature somewhere in Orange. Maybe not right here but we would like to work with you to find a place that would be suitable for your establishment. Thank you.

**William Crowley – 1202 Dawnwood, Orange, TX:** Mr. Crowley stated we moved in our house in 1997. I've lived in Orange and graduated high school here. I was here when 16<sup>th</sup> Street used to be a 2 lane road. I don't know how many of you all were here back then. But what I want you to do is look at 16<sup>th</sup> Street and see how the separate from commercial to housing is today. You cannot tell that there is housing just off 16<sup>th</sup> Street. That's because there is a lot of transition. There are trees planted, there's a lot of fencing but there's a lot of transition that took place between commercial and where housing is. 16<sup>th</sup> Street used to be a lot of housing 50 years ago. I'm opposed to this and the reason I'm opposed to it is what are neighborhood looks like as it transitions when you come into our neighborhood. If you vote to allow this to happen, what I'd like to see is a transition. As you come into our neighborhood you have open lots that make the transition from the commercial that is currently on 87 into a residential area. If they build these homes, I'd like to see either trees, rows of trees built and fencing put in such that can make the transition from a commercial type high volume area into a residential. So, that's my main concern with the transition into our nice area. We have a lot of nice homes back there and a lot of value in our property and I'm just concerned with what it looks like when you go into a residential area and what may happen to our property value.

Chairman Smith asked for any comments. None were made.

Public hearing closed at 5:50 p.m.

**Mayor Spears adjourned City Council at 5:50 p.m.**

#### **PLANNING & ZONING DISCUSSION/ACTION ITEMS**

- a. **Case No. 21.03. Consider a recommendation to the City Council on a request from Ron McAnelly to rezone Lots 2, 3 and 4 of Dileo Estate, also known as 1514 Dawnwood Drive, 1512 Dawnwood Drive and 1510 Dawnwood Drive from R-1 Low Density Residential zoning district to R-3 High Density Residential zoning district.**

Mr. Knauf stated one thing as the city attorney was pointing out before the meeting is that whenever you rezone from one zoning category to another then anything that is allowed either by right or by special exception in the new zoning district they can put there. They can come in with the best intentions of saying in this instance to put in duplexes but if you rezone it to R-3 then by right then they could put in condominiums, townhomes or apartment units as well and then there are other uses that would require special exception (health services, homes for destitute men and women, daycare, social services, private schools, educational services) that would require special exception approved by the Board of Adjustment. So just be aware that if it gets rezoned R-3, I think Mr. McAnelley is upstanding and straight forward and really does not intend on building duplexes there but you know should something happen to Mr. McAnelley and the property gets sold to somebody else then that person would have every right to either by right put in those things that are allowed or go before the Board of Adjustment for a special exception on those that are allowed only by special exception. That's true in any rezoning case whenever we rezone properties and something for you to keep in mind.

Chairman Smith stated I'm quite familiar with the flooding there. I had several issues with it while I agree with Mayor Spears and kind of what I was going to say here that the City of Orange is in need of something like that desperately. I'm quite familiar with that also but there is an overwhelming majority of people not supporting this from the neighborhood. I've actually never seen that many people come out against it from the letters we have sent out on anything since I've been on the board here. Another issue I have is during the application form, I don't have a site plan. I don't have building plans. There's like 6 items that are required on this application that should be there and I don't have that. I can't go to the people that have opposed it and say well this is what this person intends to do. I don't have that evidence here. Although you may say it here, it doesn't really have any pries there because you have spent the time or the money to do the site plan and have all that here so that I can defend what you're wanting to do. Like Mr. Knauf just said, if we do that and for some reason something doesn't go through, you change your mind or whatever, now we are bound to what somebody else may do if you sell that property. That's just my opinion on it.

Commissioner Mortimer stated I live in the same subdivision. I live over on Red Oak and been there since 1997. I'm outside the 300 so I don't have to recuse myself from this conversation. I just wanted to make sure I pointed that out in the beginning. Yes, it is sometimes tough to get through there when we have some pretty good rains. There is a couple of things that I want to bring forward. Part of it is out of the City of Orange ordinances Section 12.401 which is where we brought this up. The city council has to make these decisions. We make nothing more than a recommendation to the city council. That's why Mr. Knauf mentioned that I think more than 25 percent or 20 percent that it has to be more than a ¾ vote by the city council members not by what we do here. So, when I make a

recommendation and we as a team make a recommendation, it's really what would happen if it goes to the city council. We are making the best decisions to help them accomplish the goals for the city. If you look at 12.401 (2) it says to the city council that an application for zoning shall be submitted which was done and was done properly thank you very much. The next one is the development and should be accompanied by the following information. It's not saying it has to be with it. It's saying it should be with it and that's where you were mentioning application forms, fees, site plan, building plans, some of these things that we can make a quality decision on a recommendation to the city council with. So, that's a struggle for me. The second thing in that same section of the ordinance where the ¾ vote by the majority, the next section says this: if an application to amend the zoning ordinance or zoning map is denied by the city council, the application shall not be eligible for reconsideration for 1 year from subsequent denials. So, I wanted to make sure that you were aware of that piece also if that is the objective then you have basically another year before you can come back and apply for the same thing. I'm going to ask everybody who happened to be my neighbors a simple question or 2. I understand no. No one wants something and in fact I read all the emails and one of the emails, I don't know who it was from, I don't care, basically said there ought to be some other property somewhere. Nobody wants anything in our backyard, right. We don't mind it being somewhere, we just don't want it being in our backyard. I understand that completely. My question is, with these lots, what do you think should be done with them? Ms. Edwards stated residential homes like we live in. Commissioner Mortimer stated let me ask a question. Those lots have been there as long as I've been there and have been Residential-1, right. How many of you would build a home on one of those 3 lots? Take a look around in case something happens, you have some people to have some conversations with.

Mr. McAnalley stated I could build those and let them worry about the flooding. Commissioner Mortimer stated as far as the flooding issue goes, that's a drainage district issue. They have residential homes on those lots, that's what they are zoned for. That's what they can do today. Chairman Smith stated you can build a single family home there. Mr. McAnalley stated that was my original plan and then building materials went up and I was trying to give one option.

Vice Chair Wilson stated I just wanted to address Ms. Barron. When you come before us and speak, we aren't allowed to answer you. Ms. Barron stated when you didn't answer, I knew. Vice Chair Wilson stated right, it's just to hear what you have to say so I didn't want you to think that we were all as a group being ugly.

Commissioner Ledet stated I want to say first what you want to put there is beautiful, but I do understand that they want to protect the integrity of the community. But I think that what you want to put there is beautiful and you do have options with R-1 because it's your property. I just wanted to share that and echo what Mr. Spears said and what our chair said which is that we need things like this so thank you for what you are doing, endeavoring to do in the city. We hope that whatever you do it can be beneficial to you and to the city as well.

Council Member Salters stated I too wish you luck and we are here for you guys. That's why we are

here to be representatives of the people, so you have to do what is right. We have had several people come several times. I remember Mr. Stephenson coming several times talking about so much flooding and it's because that area was developed with commercial things around it, and it's caused great flooding to his home. So, we have to protect that. We have to do what we have to do to protect the people in the area. Mr. McAnalley stated I guess I just don't understand. You are all talking about the flooding, and I can still build the same size home whether it's a duplex or single family dwelling. The potential is still there I guess to possibly flood these homes. If you are looking at a 3000 square foot duplex compared to a 2500 square foot home that is a single family dwelling, what is really the difference? Chairman Wilson stated I'm going to let you debate that with city council at their meeting.

Commissioner Ledet stated I would like to comment on what you just said. Changing the zoning would open us up to other options as well and so the zoning protects us in that aspect as well.

Council Member Salters stated and not only that but what I heard from people as well is they have purchased their homes and having additional people coming and going, when renters come in, they rent, and they may be great renters and they may not be great renters.

Mr. Knauf stated we would recommend that you read the list people that submitted emails or petitions just so that we have that in the record.

Vice Chair Wilson stated I checked your math and it's 77 percent that opposed. I mean it doesn't matter if it's 30 or 77 but I want 77 percent of the cake not 30 percent. It's a big number. The gravity of the fact that 77 percent of all these people have said no. That should carry some weight.

Mayor Spears stated what he was saying was the people who live within 300 feet are the 30 percent. The emails are coming from people who live outside of the 300 feet. Chairman Smith stated right they didn't get letters.

Vice Chair Wilson stated so you didn't get a letter Ms. Barron. Ms. Barron stated no. Vice Chair Wilson stated ok well it's still a lot of people.

Chairman Smith stated so the only ones that are valid for this here are the people that responded to the letters that were sent out from the city. So, for the record I have those people that responded only that were sent out. Some people got letters that somebody in the neighborhood put on their doors or whatever.

Jeff Myers at 1504 Dawnwood

Don & Barbara Pastor at 1511 Dawnwood #1

Kristyn Pelt at 1511 Dawnwood #4

Justin & Laura Norsworthy at 1511 Dawnwood #3

Donald Miller at 1511 Dawnwood #5

Kim Ulery at 1511 Dawnwood #6

Betty June Baker at 1511 Dawnwood #9  
Earnest Procella & Emilee Procella at 1511 Dawnwood #11  
Gwendolyn Bland at 1511 Dawnwood #12  
Michael Rhines at 1509 Dawnwood

Those were the people that responded in the negative that actually received letters that were sent out from the city.

Commissioner Mortimer motioned to recommend to City Council to deny rezoning request  
Commissioner Worlow 2<sup>nd</sup>

**Vote: 6 – 0**

**Motion Carries**

- b. Case No. 21:04. Consider a request submitted by Expedition Properties Management, LLC for the replat of part of Lot 1 into Tract 1B and Tract 2B in the S. Peveto Survey, Abstract No. 154 and the S.M. Parish Survey, Abstract No. 238.**

Mr. Knauf stated this is a property that is out in the extra territorial jurisdiction so there is no zoning on this property. This is at the intersection of Buster Road and Moss Lane. What they want to do is take this ½ acre tract and subdivide it into 2 tracts of roughly ¼ of an acre each. It meets all of the ordinance requirements.

Chairman Smith asked for any discussion. None was made.

Chairman Smith motioned to recommend to City Council to approve replat  
Commissioner Mortimer 2<sup>nd</sup>

**Vote: 6 – 0**

**Motion Carries**

### **PLANNING & ZONING APPROVAL OF MINUTES**

- a. Approval of the April 6, 2021, Planning and Zoning Commission regular call meeting & workshop minutes**

Commissioner Ledet motioned to approve  
Vice Chair Wilson 2<sup>nd</sup>

**Vote: 6 – 0**

**Motion Carries**

**Chairman Smith adjourned the Planning and Zoning Commission meeting at 6:06 p.m.**