

**PLANNING AND ZONING COMMISSION
MEETING MINUTES
TUESDAY, JUNE 6, 2023**

Commissioners Present:

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

Commissioners Absent:

Jamie WilsonChairman
Daryl Cowart..... Commissioner
Becky Westmoreland Commissioner

City Council Members Present:

Larry Spears, Jr.
Brad Childs
Caroline Hennigan
Mary McKenna
David Bailey
Terrie Salter (arrived at 5:33 p.m.)

City Council Members Absent:

Paul Burch

Staff Present:

Kelvin Knauf, Director of Planning & Community Development
Wendy Lloyd, Planning Secretary
Divon Williams, Deputy Director of Planning & Community Development
Jay Trahan, Assistant City Manager & Director of EDC
Patricia Anderson, City Secretary
Jennifer Pool, Deputy City Secretary
Alison Clary, Communications/Marketing Coordinator
John Bilbo, Fire Chief
Guy Goodson, City Attorney

Vice Chair Hennigan called the Planning & Zoning meeting to order at 5:31 p.m.
Mayor Spears called the City Council meeting to order at 5:31 p.m.

CITIZEN COMMENTS

None

PUBLIC HEARING

- a. **Case No. 23:05.** Conduct a public hearing on an amendment to the Code of Ordinances Chapter 12 “Planning and Zoning” by adding Article 12.3000 pertaining to electric vehicle charging stations.

Public hearing opened at 5:33 p.m.

Mr. Knauf stated we’re getting more and more interest about electrical vehicle charging stations as electric vehicles are becoming more and more common. We think that it would be wise on behalf of the city to come up with some regulations on electric vehicle charging stations. So what we’ve done is that we’ve looked at them and there are pictures of what electric vehicle charging stations are like and what we are proposing is an amendment to the zoning ordinance. If you have an electric vehicle charging stations like what these photos show but there is a primary use on the lot say a convenience store or hotel or a business of some kind and the electric vehicle charging station is not the primary use for the lot then they would be considered an accessory use and they would not be required to do the whole site development regulations that’s required by the zoning ordinance. However, if you have a vacant lot and you want to make that an electric vehicle charging station and no other use is the primary use then the electric vehicle charging station becomes the primary use and in that case then it would have to comply with all the site development regulations like landscaping and all that other kind of stuff. That’s what we are trying to do. We are trying to encourage electric vehicle charging stations but we still want to make sure that people are compliant and are regulated and then the ordinance would also require these vehicle charging stations to meet the electrical code of the city as well. We think that this is a reasonable approach to regulating them and they would not be allowed in R-1, R-2 and R-3. They would be allowed in R-3 if it’s an apartment complex but not for single family houses. Now the ordinance excepts houses where you plug your electrical vehicle into an outlet at your house. You would not be subject to this ordinance at all. If you’re in a commercial or IDC zoning district or something like that then you would be as an accessory use. We would treat these kind of like we do with convenience stores that have the air and water stations. We would just consider them an accessory uses like those. But, if it’s a vacant lot and you intend to put this as a business and that’s the sole purpose of the business then it’s the primary use and you have to meet the whole site development requirements. This is the public’s opportunity to provide comments.

Vice Chair Hennigan stated on residential, they’re not included I understand that but most charging stations require 240 volt single phase 50 amp services and most of your homes built now don’t have an extra outlet like that in the garage area so is the city going to oversee that with any permits? Mr. Knauf stated they would have to have a permit for that to put in that 220, 240 connection.

Larry Spears, Jr – 2101 Yupon, Orange, TX: Mayor Spears stated I’m definitely in support of this. Last year around Christmas time we had several developers that came to visit with Mike and I and Jay at city hall and so I asked Mike following that meeting if we could look into this because charging stations became an issue that day when one of the developers had a Tesla and he literally had like 60 miles until it wasn’t going to make it. It just so happens I was thinking what you see on the first pictures is Shangri-la has one and thank God the gates were open that day and so he was able to go and charge it. After the meeting I called Mike and said how can we get one preferably maybe at city hall and hopefully maybe look in to some other places to have charging stations. I wanted to recommend that if there’s any way we could show support in this as mayor and anyone from council that supports it. It would be a good thing for us to have even though we are a small city. We’re the first city in the State of Texas and we can let people know with signage and things that we have charging stations and they can pull off and charge. Thank you Kelvin for getting on top of this and I just wanted to throw out my support.

Public hearing closed at 5:37 p.m.

Mayor Spears adjourned the city council meeting at 5:37 p.m.

PLANNING & ZONING COMMISSION DISCUSSION/ACTION ITEMS

- a. **Case No. 23:03.** Consider and possible action on a recommendation to the City Council on amending the Code of Ordinances Chapter 12, "Planning and Zoning" by adding Article 12.3000 pertaining to electric vehicle charging stations.

Mr. Knauf stated the planning and zoning commission will need to vote on a recommendation to council on amending the zoning ordinance for regulation of electric vehicle charging stations.

Commissioner Mortimer stated did you look through other city ordinances on these types of things. Mr. Knauf stated yes we look through other cities and we're pretty much consistent with what the other cities are doing as well.

Commissioner Mortimer motioned to recommend approval
Commissioner Vigil 2nd

Vote: 4 – 0

Motion Carries

- b. **Case No. 23:06.** Consider and possible action on a recommendation to the City Council on a final plat submitted by D and H Development LLC for the Little Cypress Grove subdivision being 27.74 acres of land in the David Odom Survey, Abstract No. 141, located in Orange County, Texas and in the City of Orange, Texas.

Mr. Knauf stated this is a subdivision going in off of MLK near the school. You approved the preliminary plat over a year ago. This is the final plat. The streets have been constructed. The water/utilities are in. The drainage structures are in. This is 98 lots, the first phase of a 2 phase subdivision. These are all single family homes. They have a neat feature in that there's a little sidewalk to the school so if there's children in the neighborhood then they can just walk to school and have a little cut through and not have to get out onto MLK to go to school. This subdivision when we sent out the agenda packet there were 3 outstanding items, 2 of those items have already been resolved. 1 is on the benchmarks to make sure it is stated on the plat to where it says they are and the other 1 was some wording on the dedication and that has been resolved also. Now there is a problem. The street lights have not been installed. They have been ordered but there is a supply chain problem with street lights with the transformers, the poles or whatever and so the street lights have not been installed. Once they come in, they will install those street lights. We have the developer, Derek Pelloquin here and he's requesting a variance to the street light requirement contingent upon once they come in, Entergy installing them but that's not a fault of the developer. This is a nationwide problem that is occurring. It's nothing that Mr. Pelloquin or his company has created. This is just a supply chain problem that is nationwide.

Derek Pelloquin: Mr. Pelloquin stated I simply wanted to elaborate. Probably ¾ of the way finishing up Little Cypress Grove development as well as Orange Gardens, we were notified by Entergy of this national shortage. We have since then sat through multiple national meetings with Entergy, Simco, every major electrical provider across the gulf south. Essentially what happened is during covid it created a massive issue within not only the supply chain management of this but from the manufacturing facilities that build these pad mounted

transformers. We're speaking of pad mounted transformers and underground only. There's no shortage of pole mounted transformers or pedestals but what happened in the manufacturing facilities we had massive companies like Amazon and these manufacturing companies across the country literally giving people signing bonuses to jump from one manufacturing company to another so it pulled people from a lot of these manufacturing facilities. They're starting to get ahead. We were told as of November it would be 18 to 24 months before the pad mounted transformers would be available. Orange Gardens development on Hwy 105 we showed up one day and everything was installed with no indication from Entergy that these were available or the light poles were available or anything. Orange Gardens which is the next item on your agenda is 100 percent completed. It's hot and everything is good to go. Little Cypress Grove to date we had a meeting with the city with Entergy's officials their management out of the Beaumont office and we sat down and said how can we make this happen. So Entergy required 3 things to make it happen for us. We had to have 100 percent completed and approved design by Entergy. We had to install 100 percent of the conduit based on that plan which has been completed and we had to pay our invoice in full months ahead of time in order to get on this waiting list for these pad mounted transformers. The pedestals are readily available. The only things not readily available at this point are the light poles and the pad mounted transformers. To date at Little Cypress Grove 100 percent of the invoices have been paid, all electrical conduit is installed, the electrical contractor which is Shelton has installed and pulled all wire, all pedestals have been set and 3 pad mounted transformers have been installed because that's what they had at the time. Entergy is a little bit subpar in the State of Texas because they're not regulated by the public service commission as they are in Louisiana so getting information is like pulling teeth. Shelton has told us we are on the list. We are within the next couple of weeks on the list to be completed but they can't give us a definitive date. The agreement between ourselves and the city at this point or the conversation was once we completed those 3 listed items by Entergy that Entergy would guarantee that as soon as the material was readily available they would be installed very quickly. The equipment is literally sitting on site waiting for these to come in. Aside from that how we regulate that, our builder is okay with taking these lots from us and purchasing all lots and waiting for the pad mounted transformers to be available. The upside to that with the city no permits will be issued to the builder until which point Entergy at least has at least a section that is hot. As those come in then they will fill out the rest of the subdivision. But as I understand from Entergy here is they like to finish jobs in it's entirety but with the shortage what we're asking is hey let's share amongst everybody so everybody can get started. Because if I'm falling on a list of 300 developments and I'm competing with Houston which is a completely different animal from where we are today in southeast Texas, give me 10, give that guy 12 and let everyone get a section started so everybody can get started instead of making everybody wait for this one massive job. I think they've finally gotten a hold of that. We've got 3 installed. It's not enough to get an entire section hot but we only lack 3 to do so which will give approximately 20-25 homes to be hot and they can get started issuing building permits for those first 25 lots and while that's getting built out that gives us plenty of time for the remainder of the subdivision. Our builder is willing to wait for that and wait for the permits to be readily available and issued by the city.

Vice Chair Hennigan stated and all the infrastructure is installed like the conduit and wiring and all that. Mr. Pelloquin stated absolutely. The wiring is already pulled. If you drive through you'll see the wiring for the light poles. The pedestals are already in their place and wired up. The pads for the pad mount transformers are installed with the wires sticking out. They're just waiting for the transformers to set in and tie in and wire everything up. We've never dealt with anything like this before.

Commissioner Mortimer motioned to recommend approval with the variance
Commissioner Bell 2nd

Vote: 4 – 0
Motion Carries

- c. **Case No. 23:07.** Consider and possible action on a recommendation to the City Council on a final plat submitted by Orangefield Gardens Development, LLC for the Orange Gardens subdivision being a 23.93 acre subdivision being out of and a part of a 37.06 acres of land out of the John Harmon Survey, Abstract No. 12, located in Orange County, Texas and in the extra-territorial jurisdiction of the City of Orange, Texas.

Mr. Knauf stated this is the subdivision that’s going in at Hwy 105 and Hwy 62 essentially and this is in the extra-territorial jurisdiction so there is no zoning on the property but they are still under our platting authority as of now. The only outstanding issue is that there is a street light that is not working properly in about the middle part of the subdivision. It meets all the subdivision ordinance requirements in all other aspects.

Vice Chair Hennigan stated didn’t they also add an extra fire hydrant somewhere. Mr. Knauf stated they did and that has been resolved also with the plat they sent to me after this one went out. Vice Chair Hennigan stated is this one also where they moved the discharge drain for the retention pond to the southern most point or something. Mr. Pelloquin stated ask that question again. Vice Chair Hennigan stated weren’t there some alterations made to this property on the drainage. Mr. Pelloquin stated we didn’t. So the centralized detention pond that you see there is our primary detention pond. We purchased an additional 4.36 acres if I’m not mistaken if you see the green line abutting the back. We purchased that additional area because our engineer made some mistakes on the calculations of the dirt needed to get the fill requirements needed to get the site for flood zone mitigation so we purchased an additional 4.26 acres from the Houseman Corporation simply to dig a pond to get the dirt that we needed. Absolutely no drainage from this subdivision goes there but our HOA for DSLD Homes is going to take that in for maintenance and an added amenity to the subdivision. We already have a drainage easement on that northeast corner if you notice which will provide access to that. They will maintain all the grass and everything around that pond as well but absolutely no drainage goes into it. The drainage district has approved that. It’s just an added amenity to the subdivision and the HOA will take it over but we’re not carrying any drainage from this subdivision to that pond. Everything as far as our subdivision goes the interior pond accommodates 100 percent of the required .65 acre per acre by Texas regulations for drainage. Mr. Knauf stated and this is phase I of II for that subdivision.

Commissioner Vigil motioned to recommend conditional approval
Commissioner Bell 2nd

Vote: 4 – 0
Motion Carries

- d. **Case No. 23:08.** Consider and possible action on a replat submitted by Marvin Montes to combine Lot 7 and Lot 8, Block 2 of the E. Willey 2nd Subdivision, J.M. Spaulding Survey , Abstract No. 171 into Lot 8-A located in Orange County, Texas and in the City of Orange, Texas.

Mr. Knauf stated this is a request to combine 2 lots into 1 lot on Barkins Avenue. This replat meets all the subdivision ordinance requirements.

Commissioner Mortimer motioned to recommend approval
Commissioner Bell 2nd

Vote: 4 – 0

Motion Carries

PLANNING & ZONING APPROVAL OF MINUTES

- a. **Consider the minutes of the April 24, 2023, Planning and Zoning Commission meeting.**

Commissioner Bell motioned to approve

Commissioner Vigil 2nd

Vote: 4 – 0

Motion Carries

Vice Chair Hennigan adjourned the Planning and Zoning Commission meeting at 5:53 p.m.