



**CITY COUNCIL AND PLANNING AND ZONING  
COMMISSION JOINT MEETING  
SPECIAL CALL**

**November 15, 2016, 3:00 P.M.  
Orange Public Library Auditorium  
(City Council Chambers)  
220 N. Fifth Street  
Orange, Texas 77630**

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- 1. Call to Order**
  - a. City Council
  - b. Planning and Zoning Commission
- 2. Public Hearing**
  - a. *Case No. 16:10.* Conduct a joint public hearing on a request by Lester Sanford, Trustee for Sandra Costello to rezone from “C-1” Light Commercial Zoning District to “C-2” Commercial Zoning District as provided in the Land Use Matrix on two parcels of property located at 1709 Lutchter Drive (ABST. 171 J. M. SPAULDING 121.26X152.185 AV TR 002C) and 1801 Lutchter Drive (ABST. 171 J. M. SPAULDING 216.120X171.470 AV TR 002C)
- 4. Adjournment of City Council**
- 5. Approval of Minutes**
  - a. Approval of September 29, 2016 Planning and Zoning Commission meeting minutes
- 6. Discussion/Action Items**
  - a. *Case No. 16:10.* Consider a recommendation to the City Council concerning a request by Lester Sanford, Trustee for Sandra Costello to rezone from “C-1” Light Commercial Zoning District to “C-2” Commercial Zoning District as provided in the Land Use Matrix on two parcels of property located at 1709 Lutchter Drive (ABST. 171 J. M. SPAULDING 121.26X152.185 AV TR 002C) and 1801 Lutchter Drive (ABST. 171 J. M. SPAULDING 216.120X171.470 AV TR 002C)
- 7. Adjournment of Planning and Zoning Commission**

**Texas Penal Code 30.06:**

“Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun”

“De conformidad con la Sección 30.06 del código penal (entrada de persona con licencia de portar o llevar armas de mano oculta), una persona licenciada bajo el subcapítulo H, capítulo 411 del código de gobierno (ley de licencia para portar o llevar armas de mano) no se permite entrar en esta propiedad con “ninguna armas de mano oculta”

**Texas Penal Code 30.07:**

“Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly”

“De conformidad con la Sección 30.07 del código penal (entrada de una persona con licencia de portar o llevar armas de mano visible), una persona licenciada bajo el subcapítulo H, capítulo 411 del código de gobierno (ley de licencia para portar o llevar armas de mano visible) no se permite entrar en esta propiedad con ninguna “armas de mano visible”

**No Firearms Allowed**

**No se permite ninguna armas de fuego**

Public Hearing Policy (adopted on August 3, 2004)

- Public comment time limits
- The applicant's presentation is limited to fifteen (15) minutes.
- All persons wishing to speak in favor of or against any item shall be limited to three (3) minutes
- If a unified group wished to forfeit their three minutes per person a spokesperson can be selected and comments will be limited to fifteen (15) minutes
- All comments should be directed to the Commission on the case being discussed and comments should focus on the facts of the case and all speakers should refrain from comments based on personalities.

**MEMORANDUM**

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**To:** Planning and Zoning Commission

**From:** Kelvin Knauf, Director of Planning and Community Development

**Subject:** *Case No. 16:10. Conduct a joint public hearing on a request by Lester Sanford, Trustee for Sandra Costello to rezone from "C-1" Light Commercial Zoning District to "C-2" Commercial Zoning District as provided in the Land Use Matrix on two parcels of property located at 1709 Lutcher Drive (ABST. 171 J. M. SPAULDING 121.26X152.185 AV TR 002C) and 1801 Lutcher Drive (ABST. 171 J. M. SPAULDING 216.120X171.470 AV TR 002C)*

**Date:** November 8, 2016

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**Background**

Attached for your consideration is an application for a re-zoning from Lester Sanford, Trustee for Sandra Costello to rezone property on Lutcher Drive (the frontage road for Interstate 10) from "C-1" Light Commercial Zoning District to "C-2" Commercial Zoning District. Modica Brothers, who own the auto services establishment at 16<sup>th</sup> Street and Lutcher Drive, is wanting to expand their parking operation to the property owned by Ms. Costello. The C-1 zoning district does not allow auto services but C-2 zoning district does allow auto service establishments.

The Adjacent Use and Zoning Districts are:

	<u>Adjacent Zoning</u>	<u>Adjacent Uses</u>
North	"C-2" Commercial	Interstate 10, Northway Shopping Center
South	"C-S" Commercial-Special	Single Family Residences
East	"C-2" Commercial	Auto Service Establishment (Modica Brothers)
West	"C-S" Commercial-Special	Single Family Residences

The Future Land Use Map shows this property as commercial property.

**Recommendation**

I recommend that the Planning and Zoning Commission and City Council conduct a joint public hearing on the application for rezoning.



## City of Orange, Texas APPLICATION TO THE PLANNING AND ZONING COMMISSION

Please type or print (except for signature) and submit to: Department of Planning and Community Development, PO Box 520, 303 8<sup>th</sup> Street, Orange, Texas 77631 or fax to 409-988-7407.

<b>Applicant:</b>	<b>Type of Request:</b>	<b>Has request been made before?</b>
Name: <u>LESTER SANFORD TRUSTEE</u> Mailing Address: <u>P.O. Box 443</u> City, State, ZIP: <u>KOUNTZE, TX 77625</u> Telephone: <u>409-246-3447</u> Email: _____  Name and address of property owner (if different from applicant) Name: <u>SANDRA COSTELLO</u> Mailing Address: <u>14105. FRY ROAD</u> City, State, ZIP: <u>KATY, TX 77450-4319</u> Telephone: _____ Email: _____	<input type="checkbox"/> Alley Abandonment <input type="checkbox"/> Ordinance change <input checked="" type="checkbox"/> Re-zoning <input type="checkbox"/> Preliminary plat <input type="checkbox"/> Final plat <input type="checkbox"/> Other (please state)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, date of last request: _____ If yes, action from previous request: _____  Current zoning district: <u>C1</u>  Requested zoning district: <u>C2</u>
For properties not in a recorded subdivision, submit a copy of a current survey or a plat showing the properties proposed and a complete legal field note description.		
Address: <u>1704 &amp; 1801 LUTCHER DR.</u>	Tract: <u>REF # 396754</u>	
Lot: _____	<b>OR</b>	Plat: _____
Block Number: _____		Survey, Abstract #: _____
Addition: _____		
<b>List Attachments (if any):</b>		
<u>SEE ORANGE CAD PLAT: R22117 and R21882</u>		
<u>ATTACHED</u>		
Signature of Applicant: <u>[Signature]</u>	Date: <u>10-21-16</u>	
Signature of Owner (if different from applicant): <u>[Signature]</u>	Date: <u>10-21-16</u>	

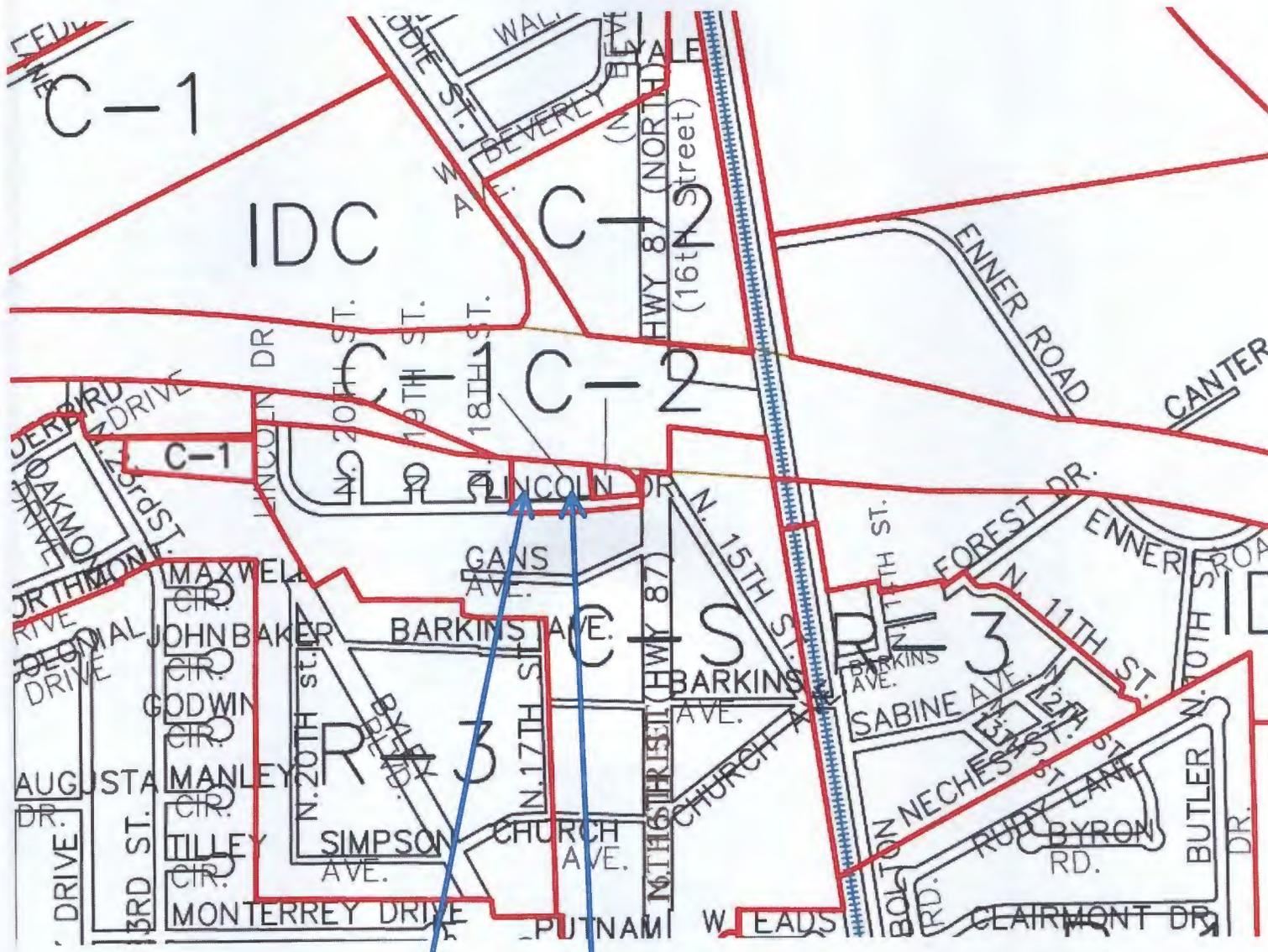


Briefly describe the action you are requesting from the Planning and Zoning Commission (attach additional pages if necessary). If applicant or his/her representative is not present at a required public hearing, the application may not be considered and a new application must be filed.

AUTOMOTIVE REPAIR, SERVICES, AND PARKING.

**For office use**

Date Received and Staff:	October 24, 2016 KER	
Receipt Number:	2016-822 @	Fee: \$ 300.00
P and Z Meeting Date:	11-15-16	
P and Z Action:	<input type="checkbox"/> Approved as requested <input type="checkbox"/> Modified <input type="checkbox"/> Denied	
City Council Meeting date:		
City Council Action:	<input type="checkbox"/> Approved as requested <input type="checkbox"/> Modified <input type="checkbox"/> Denied	

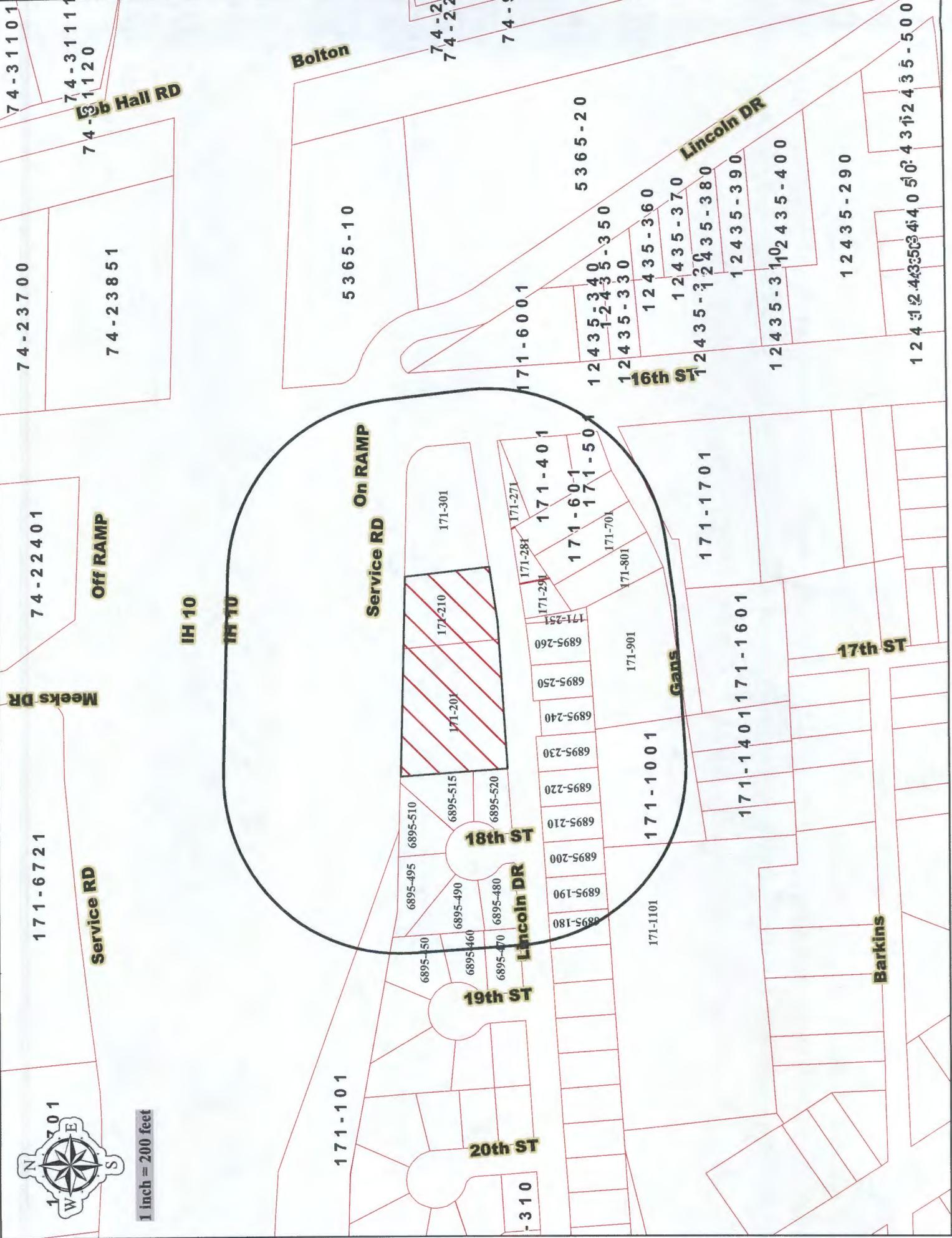


1801 Lutchter Drive

1709 Lutchter Drive



1 inch = 200 feet



74-31101  
74-31111  
74-31120  
74-23700  
74-23851  
74-22401  
74-31101

Bolton

74-221  
74-222  
74-9

5365-10

5365-20

171-6001

12435-340  
12435-350

12435-330

12435-360

12435-370

12435-380

12435-390

12435-310  
12435-400

12435-290

12435-410  
12435-420  
12435-430  
12435-440  
12435-450  
12435-500

171-6721  
Service RD  
Off RAMP  
Meeks DR

IH 10

IH 10

On RAMP

Service RD

171-301  
171-210  
171-201  
171-281  
171-291  
171-271  
171-401  
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171-2000

18th St

19th St

20th St

17th St

Gans

Barkins

Lincoln DR

Lincoln DR

16th St

171-101

-310

1709 and 1801 Lutchter Drive



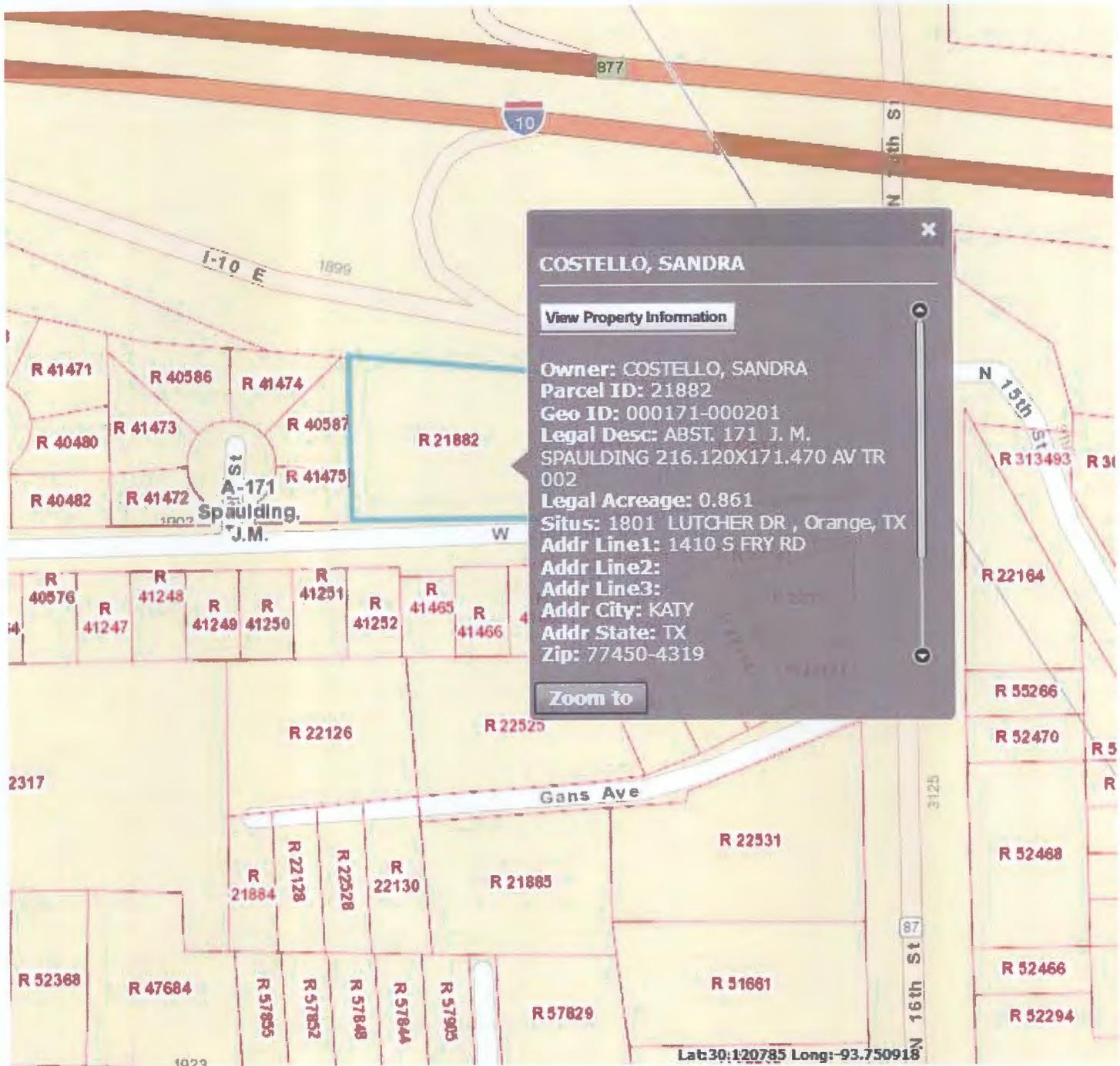
# 1709 Lutchter Drive

Tuesday, October 25, 2016 2:31 PM



# 1801 Lutchter Drive

Tuesday, October 25, 2016 2:32 PM



**PLANNING AND ZONING MEETING MINUTES**

**Thursday, September 29, 2016**

The Orange Planning and Zoning Commission and the City Council met for a joint session on **Thursday, September 29, 2016**, in the meeting room of the Orange Public Library with the following members present to-wit:

**Commissioners Present:**

Cullin Smith	.....	Chairman
Joe Love	.....	Vice Chairman
Jim Pledger	.....	Commissioner
Maquettia Ledet	.....	Commissioner
Michael Smith	.....	Commissioner

**Commissioners Absent:**

none

**City Council Members Present:**

Jimmy Sims, Mayor  
 Larry Spears, Jr.  
 Patrick Pullen  
 Dr. Wayne Guidry  
 Bill Mello

**Staff Present:**

Kelvin Knauf, Director of Planning & Community Development  
 Jennifer Krummel, Planning Secretary

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

Chairman Smith called the P & Z meeting to order at 5:30 p.m.

**PUBLIC HEARINGS**

- a. Conduct a joint public hearing on the proposed re-zoning of a 5.289 acre tract of land out of the Claiborne West Survey, Abstract No. 27, Orange County, Texas, being out of and a part of those certain 10.860 acre tract of land described in an instrument to Allen W. Peveto, et al, of record in Volume 54, Page 604 of the Deed Records of Orange County, Texas and called 44.010 acre tract of land described in an instrument to Charles Ray Peveto, et al, of record in Volume 475, Page 196 of said Deed Records, said 5.289 acre tract being more fully described as follows: Note: All bearings referenced hereon are based on the Texas State Plane Coordinate System-4203-Texas Central Zone, with a scale factor of 0.999999926 and

convergence mapping angle of  $03^{\circ}21'14''$  at N:10,066,521.83 & E: 4,354,449.90; all areas and distances are based on surface measurements.

Called bearings () from deed.

Beginning at a capped rod set in the West right-of-way line of State Highway 62 (120' ROW), in the East line of said 10.860 acre tract, for the Northeast corner of the herein described tract, from which a found  $\frac{1}{2}$ " iron rod bears  $N 04^{\circ}36'28'' W 484.76'$ ;

Thence  $S 04^{\circ}36'28'' E$  along and with the West right-of-way line of State Highway 62, the East line of the herein described tract for a distance of 147.00 feet ( $S 01^{\circ}15'00'' W$ ) to a capped iron rod set at the Northeast corner of that certain tract of land described in an instrument to Inayat J. Khoja, of record in Volume 1097, Page 648 of said Deed Records, for the most easterly Southeast corner of the herein described tract;

Thence  $N 78^{\circ}36'16'' W$  over and across said 10.860 acre tract, along and with North line of the said Khoja tract, for the most easterly South line of the herein described tract, for a distance of 256.13 feet ( $N 73^{\circ}01'00'' W 255.43'$ ) to a capped iron rod set at the Northwest corner of said Khoja tract, being an interior corner of the herein described tract;

Thence  $S 04^{\circ}55'16'' E$  over and across said 10.860 acre tract, along and with said Khoja tract, for the most southerly East line of the herein described tract, for a distance of 168.00 feet ( $S 00^{\circ}40'00'' E 168.05'$ ) to a capped iron rod set in the North right-of-way line of I.H. 10 (ROW width varies), in the South line of said 10.860 acre tract, at the Southwest corner of said Khoja tract, for the most southerly Southeast corner of the herein described tract;

Thence northwesterly along I.H. 10 right-of-way with a curve to the right having a radius of 5729.65 feet, chord bearing of  $N 74^{\circ}19'36'' W$ , a chord of 562.32 feet and a distance of 562.55 feet along the acre to a capped iron rod set at the Southeast corner of that certain Kathleen Swope tract of land bearing PID No. R15645, per OCAD, at the Southwest corner of said 44.010 acre tract, for the Southwest corner of the herein described tract;

Thence  $N 15^{\circ}24'05'' W$  along and with the East line of said Swope tract, the West line of said 44.010 acre tract, for the West line of the herein described tract for a distance of 369.76 feet ( $N 10^{\circ}09.78' W$ ) to a capped iron rod set in the East line of said Swope tract, in the West line of said 44.010 acre tract, for the Northwest corner of the herein described tract;

Thence  $S 74^{\circ}10'15'' E$  over and across said 44.010 acre tract and said 10.860 acre tract, for the North line of the herein described tract for a distance of 898.55 feet to the POINT AND PLACE OF BEGINNING, containing 5.289 acres of land, more or less

and located near the intersection of Interstate 10 and Highway 62 from R-1 “Low Density Residential” zoning district to IDC “Interstate Development Corridor” zoning district upon the property being annexed into the City of Orange.

Mayor Sims opened the floor to the public.

Mr. Knauf stated that this is a public hearing on rezoning and when a property is annexed into the City, it automatically comes in as R-1 Residential, which is the most restrictive zoning category. The property being annexed is for a truck wash, and the most appropriate category would be Interstate Development Corridor. Mr. Knauf stated that the surrounding properties, which are in the City, to the South and East are zoned IDC, and the properties North and West are vacant. Mr. Knauf introduced Mr. Dana Morse, with Blue Beacon.

**Dana Morse - Blue Beacon representative** - Mr. Morse stated that Blue Beacon is seeking rezoning in conjunction with their annexation request. Their intent is to build a truck wash on this site which is the sole purpose. It will be a 9,000 square foot building, 50 to 60 employees and a 24 hour operation.

Mayor Sims asked for any other comments.  
No comments were made.

Mayor Sims asked for a motion to adjourn the City Council meeting.  
Council Member Guidry motioned  
Council Member Pullen 2<sup>nd</sup>

**Vote: 5-0**

**City Council meeting adjourned @ 5:34 p.m.**

Chairman Smith introduced Ms. Maquettia Ledet as the newest member to the P & Z Commission.

### **Approval of Minutes**

Chairman Smith made a request for the minutes of the May 31, 2016 meeting to be approved.

Vice Chairman Love motioned  
Commissioner Smith 2<sup>nd</sup>

**Vote: 5 - 0**

**Motion Carried**

### **DISCUSSION/ACTION ITEMS**

A. Consider a recommendation to the City Council concerning the re-zoning of a 5.289 acre tract of land out of the Claiborne West Survey, Abstract No. 27, Orange

County, Texas, located near the Intersection of Interstate 10 and Highway 62 from R-1 "Low Density Residential" zoning district to IDC "Interstate Development Corridor" zoning district upon the property being annexed into the City of Orange.

Chairman Smith asked for any comments.  
No comments were made.

Chairman Smith asked for a motion.  
Commissioner Smith motioned  
Commissioner Ledet 2<sup>nd</sup>

**Vote: 5 - 0**

**Approved**

**b.** Consider a recommendation to the City Council concerning amending the Future Land Use Map to show a 5.289 acre tract of land out of the Claiborne West Survey, Abstract No. 27, Orange County, Texas.

Chairman Smith asked for any discussion.  
No comments were made.

Chairman Smith asked for a motion.  
Vice Chairman Love motioned.  
Commissioner Smith 2<sup>nd</sup>.

**Vote: 5 - 0**

**Approved**

**c.** Consider a request by the City of Orange to declare a .194 acre tract or parcel of land situated in ABST 74 JENNER TR 013 and located at 2943 11<sup>th</sup> Street currently owned by the City of Orange as surplus property.

Mr. Knauf stated that this is a vacant lot owned by the City, in which the City has no use for it and someone is interested in obtaining. He recommends it being declared as surplus property.

Chairman Smith asked for any discussion.  
No comments were made.

Chairman Smith asked for a motion.  
Commissioner Smith motioned.  
Commissioner Pledger 2<sup>nd</sup>.

**Vote: 5 - 0**

**Approved**

**d.** Consider a request by the City of Orange to declare a .26 acre tract or parcel of

land situated as Lot 45.5x248' of I O/L-20 SHELDON and located a 1404 Burton Avenue and currently owned by the City of Orange as surplus property.

Mr. Knauf stated that this is a vacant lot owned by the City, behind the water plant, in which the City has no use for it. He recommends it being declared as surplus property.

Commissioner Pledger asked if the City owned a lot of properties like this. Mr. Knauf stated yes, and someone is interested in buying this property.

Chairman Smith asked for any discussion.  
No comments were made.

Chairman Smith asked for a motion.  
Vice Chairman Love motioned.  
Commissioner Smith 2<sup>nd</sup>.

**Vote: 5 - 0**

**Approved**

Chairman Smith adjourned the meeting  
**Meeting adjourned at 5:42 p.m.**

MEMORANDUM

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**To:** Planning and Zoning Commission

**From:** Kelvin Knauf, Director of Planning and Community Development

**Subject:** *Case No. 16:10. Consider a recommendation to the City Council concerning a request by Lester Sanford, Trustee for Sandra Costello to rezone from "C-1" Light Commercial Zoning District to "C-2" Commercial Zoning District as provided in the Land Use Matrix on two parcels of property located at 1709 Lutcher Drive (ABST. 171 J. M. SPAULDING 121.26X152.185 AV TR 002C) and 1801 Lutcher Drive (ABST. 171 J. M. SPAULDING 216.120X171.470 AV TR 002C)*

**Date:** November 8, 2016

---

**Background**

Attached for your consideration is an application for a re-zoning from Lester Sanford, Trustee for Sandra Costello to rezone property on Lutcher Drive (the frontage road for Interstate 10) from "C-1" Light Commercial Zoning District to "C-2" Commercial Zoning District. Modica Brothers, who own the auto services establishment at 16<sup>th</sup> Street and Lutcher Drive, is wanting to expand their parking operation to the property owned by Ms. Costello. The C-1 zoning district does not allow auto services but C-2 zoning district does allow auto service establishments.

The Adjacent Use and Zoning Districts are:

	<u>Adjacent Zoning</u>	<u>Adjacent Uses</u>
North	"C-2" Commercial	Interstate 10, Northway Shopping Center
South	"C-S" Commercial-Special	Single Family Residences
East	"C-2" Commercial	Auto Service Establishment (Modica Brothers)
West	"C-S" Commercial-Special	Single Family Residences

The Future Land Use Map shows this property as commercial property.

**Recommendation**

I recommend that the Planning and Zoning Commission forward this request to the City Council with a favorable recommendation. If approved, no amendment to the Future Land Use Map would be necessary.