



**PLANNING AND ZONING COMMISSION
REGULAR MEETING
April 2, 2019 5:30 P.M.
Orange Public Library Auditorium
(City Council Chambers)
220 N. Fifth Street
Orange, Texas 77630**

1. Call to Order

- a. Planning and Zoning Commission

2. Discussion/Action Items

- a. *Case No. 19:03.* Consider a recommendation to the City Council concerning abandoning an alley located between 10th and the railroad tracks and between Cherry Avenue and Park Avenue.
- b. Discussion concerning the Comprehensive Master Plan.

3. Approval of Minutes

- a. Approval of February 19, 2019 joint Planning and Zoning Commission and City Council special call meeting minutes

4. 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 licenciación 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 licenciación 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

To: Planning and Zoning Commission

From: Kelvin Knauf, Interim City Manager

Subject: Consider a recommendation to the City Council concerning abandoning an alley located between 10 Street and the railroad tracks and between Cherry Avenue and Park Avenue

Date: March 27, 2019

The City has been requested to abandon the alley between 10th Street and the railroad tracks and between Cherry Avenue and Park Avenue. A map showing the location of the alley is included in your agenda packet. On April 24, 2007, the Board of Adjustment approved a special exception to allow additional rooms for a bed and breakfast to be built on the property. Recently, the property was put up for sale and at that time it was discovered that the building was located within the alley. The current owner is requesting that the alley be abandoned.

This alley is overgrown and no utilities are located. The City has no need to keep the alley.

Alley between Cherry and Park and from 10th Street to the Railroad Tracks



**JOINT CITY COUNCIL & PLANNING AND ZONING COMMISSION
SPECIAL CALL MEETING MINUTES
TUESDAY, FEBRUARY 19, 2019**

The Orange City Council and Planning and Zoning Commission met in joint session on **Tuesday, February 19, 2019**, in the meeting room of the Orange Public Library with the following members present to-wit:

Commissioners Present:

Weldon Smith..... Chairman
Jamie Wilson Vice Chairman
George Mortimer..... Commissioner
MaQuettia Ledet Commissioner
Mary McKenna..... Commissioner
Elizabeth Lemoine.....Commissioner

Commissioners Absent:

Gordon Worlow Commissioner

City Council Members Present:

Larry Spears, Jr.
Patrick Pullen
Annette Pernell
Brad Childs
Terrie Salter

City Council Members Absent:

Bill Mello
Paul Burch

Staff Present:

Kelvin Knauf, Interim City Manager/Director of Planning & Community Development
Jay Trahan, Assistant City Manager & Director of Economic Development
Wendy Lloyd, Planning Secretary

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

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

PUBLIC HEARING

- a. **Case 19:02. Conduct a public hearing on a zoning request from Dan Creel on behalf of Ben Nevis West, LTD for a 1.285 acre tract of land lying in the Claiborne West Survey, Abstract No. 27, Orange County, Texas, being out of and a part of that called**

2.50 acre tract of land described in an instrument to JMJR Investments, LLC of record in Clerk's File No. 329200 of the Official Public Records of Orange County, Texas

Public Hearing opened at 5:31 p.m.

Mr. Knauf stated this is a piece of property out on I-10 by Med Davis Road. The City Council last month granted a petition for annexation which starts the annexation process. As part of that process, we also need to make a recommendation to the City Council on the proper zoning for this piece of property. What you see up on the screen is the property. That is Med Davis Road to the right of it. What they would like to do is they would like to have that property annexed into the City so that they can build a billboard on that property. TxDot won't approve the billboard unless it's part of the City.

Chairman Smith asked why is that. Mr. Knauf stated that is just TxDot rules. Chairman Smith stated so we have no billboards out in the county. Mr. Knauf stated they do but I don't know if they've changed their rules or what.

Mr. Knauf stated here's the zoning for the property. The arrow shows the location of the property and as you can see, that is in Interstate Development Corridor property that goes out along I-10. Then there at 62 and I-10 you have IDC and also a little sliver there of commercial too. The property to the north and to the east are in the county and are not part of the City. They have petitioned for annexation but the City Council has not actually annexed them in. But what I will do is based on the Planning and Zoning Commission recommendation on the zoning, I will bring an annexation ordinance and a zoning ordinance to the City Council for them to consider at the same time. We have Mr. Creel here representing the land owner and they are the applicants. We just need to establish zoning since it is already in the county not in the city, it has no zoning right now.

Vice Chair Wilson asked if it would have to be within any regulations with how many feet and all of that stuff will have to fall under that ordinance for this billboard or are they going to ask for a variance for it as well. Mr. Knauf stated they would have to follow the city's regulation for a billboard. Vice Chair Wilson asked if we knew what the billboard is going to be advertising. Mr. Knauf asked Mr. Creel if he wanted to address that.

Dan Creel : Mr. Creel stated he is with Ben Nevis West and also Sign Ad. Generally on our advertising, we advertise restaurants, hotels, special events, recreational areas, some public service announcements. If the City wanted a public service announcement, we would make that available to the City. It is pretty generalized to local businesses. We are not a big national business company. We are more of a local business company.

Vice Chair Wilson asked so are you going to put the sign there in hopes that someone rents the sign or do you already have a plan for the sign. Mr. Creel stated what necessitated this is that we already have a sign there. It is a wood pole sign and what we want to do is take that sign down and put a steel pole sign in. So we are wanting to replace the sign that is currently there. It is on

the west end of the property.

Chairman Smith asked is the property owner going to be the one who actually owns the sign because I know sign companies will lease out that property for maybe \$500-600. Mr. Creel stated we are the property owner and the sign owner. We bought the property and we hold it in our real estate arm of our company. So the property is owned by our real estate arm and the sign is owned by Sign Ad. The reason we are getting it into the city is so that we can upgrade it. The state won't allow us to upgrade it to take that wood pole sign down and put in a nice new steel sign unless to meet the other criteria that they have for permitting, it needs to be in the city limits. Our plan is to get zoning and get annexed, apply for the permit with the state. We have to get the city permit first and then we get the state permit. We can't get the state without the city permit. Then we would take that sign down and move it to the other end of the property because you have to maintain a certain amount of spacing between signs for both the city regulations and the state regulations. So we are going to create that spacing to make it legal.

Council Member Salter asked if the sign would be a digital type sign. Vice Chair Wilson asked if it would be like that or constantly change. Mr. Creel stated it would be digital and the state allows the moving or flashing sign but I don't know if the City does or not. Mr. Knauf stated you can't have flashing digital signs. Mr. Creel stated the state doesn't allow flashing either. They limit the changing to eight seconds. The image has to stay up for eight seconds and then change and no flashing or moving.

Chairman Smith asked Mr. Knauf what the expense is to the City to annex this property. Mr. Knauf stated no other than time of the staff, there is no other expense.

Council Member Salter stated there is a digital one at MLK. Mr. Knauf stated right and there is also another one at Enner and I-10. They can put up one like that. It just can't be flashing. It would have to meet the City's regulations which is one hundred feet is the maximum height.

Mayor Pro-Tem Pullen asked what amount of land you own. Mr. Creel stated 1.25 acres. Mayor Pro-Tem asked if there is any future ideas or plans to build anything on the land besides the sign. Mr. Creel stated to buy the land and just do the sign doesn't make sense for us from a money stand point. At some point we need to put some kind of development in there or sell it for commercial development. To me it is very prime real estate being on I-10. Mr. Knauf stated the only thing he could put in there is what is allowed by the Interstate Development Corridor zoning district. He couldn't put anything in there that wasn't allowed by that zoning district if that is the zoning district that you recommend to adopt.

Commissioner Childs asked do you own the property that is behind. Mr. Creel stated no that is Mr. Murdock. That is who we bought the property from. Commissioner Childs asked if he is ok with the city annexing this small piece. Mr. Creel stated yes, that was one of our conditions to buy the property is that we would be able to annex it into the city. We have already purchased it and he knows what our plans are. We have worked with Mr. Murdock for six to eight months. Mr. Knauf stated and he would have been one of them that got the letter of people within three

hundred feet on the zoning. He was notified by letter about the zoning request. Commissioner Childs asked if his driveway bisects the property. Mr. Creel stated he actually has another driveway. He actually owns this property (pointing on map) and this driveway goes to his house. We actually agreed with Mr. Murdock when we bought the property that we would stay five foot off that and we would maintain all the way up to that road after we purchased the property.

Robbie McCabe – 240 McCabe Ln, Orange, TX: Ms. McCabe stated it is just our little private road off of I-10. We are only about five hundred feet off of the freeway. We only have three houses back there. Yvonne, my son and me. We were wondering how this was going to affect us back there. We drive right down beside it and would it affect us. Mr. Knauf stated no you are not part of the annexation or the zoning in question.

Commissioner Smith asked for any other comments or questions. None were made.

Public Hearing closed at 5:43 p.m.

Mayor Spears asked for a motion to adjourn City Council

Commissioner Pernell motioned

Commissioner Salters 2nd

Vote 5 – 0

Motion Carries

City Council adjourned at 5:43 p.m.

DISCUSSION/ACTION ITEMS

- a. ***Case 19:02. Consider a zoning request from Dan Creel on behalf of Ben Nevis West, LTD for a 1.285 acre tract of land lying in the Claiborne West Survey, Abstract No. 27, Orange County, Texas, being out of and a part of that called 2.50 acre tract of land described in an instrument to JMJR Investments, LLC of record in Clerk's File No. 329200 of the Official Public Records of Orange County, Texas***

Commissioner Smith asked for any suggestions on zoning from Mr. Knauf and knows that the zoning all around there is predominantly Interstate Development Corridor. Is that what the city would recommend. Mr. Knauf stated yes that is what I would recommend is that you make a recommendation to the City Council and the property be zoned upon annexation to the Interstate Development Corridor zoning district.

Commissioner Mortimer asked does the zoning of the IDC and signage for that with the city, does it also match up pretty well with the state. Mr. Knauf stated it follows along with the state pretty closely. We have a lot of the same. One of the requirements is that it meet the state requirement.

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

Vice Chair motioned to approve recommendation to City Council to zone IDC
Commissioner McKenna 2nd

Vote: 6 – 0

Motion Carries

APPROVAL OF MINUTES

Chairman Smith made a request for the minutes of the January 15, 2019, special call meeting to be approved.

Commissioner Ledet motioned to approve
Commissioner Mortimer 2nd

Vote: 6 – 0

Motion Carries

Chairman Smith adjourned the meeting at 5:46 p.m.