

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS AMENDING ORDINANCE NO. 20210810-008 EXHIBITS “B” AND “C” REZONING 164.50 ACRES TO CHAPTER 28 ZONING, ARTICLE III DISTRICTS, SEC. 28-62 PD PLANNED DEVELOPMENT OVERLAY DISTRICT THREE (3) OF THE CODE OF ORDINANCES OF THE CITY OF ANGLETON; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING FOR REPEAL AND EFFECTIVE DATE.

* * * * *

WHEREAS, the City is authorized by Chapter 211 of the Texas Local Government Code to promulgate rules and regulations governing the regulation of land use, structures, businesses, and related activities; and

WHEREAS, the City Council further finds that the rules and regulations governing land use, structures, and related activities within the territorial limits of the City promote the safe, orderly, and healthful development of the City; and

WHEREAS, Tejas-Angleton, L.L.C. is the owner of, or is under contract to purchase, an approximately 164.5-acre tract (the “Property”) located in the corporate limits of the City of Angleton, Texas more particularly depicted in Exhibit “A”; and

WHEREAS, Tejas-Angleton, L.L.C. intends to develop the Property in five (5) Phases or Sections as shown in Exhibit “B”; and

WHEREAS, On February 3, 2022, the Angleton Planning & Zoning Commission conducted a public hearing regarding a request by property owners and Tejas-Angleton Development, L.L.C. to amend Ordinance No. 20210810-008 Exhibits “B” and “C” following lawful publication of the notice of said public hearing; and

WHEREAS, on February 3, 2022 after considering the public testimony received at such hearing, if any, the Planning and Zoning Commission has recommended that the request by property owners and Tejas-Angleton Development, L.L.C. to amend Ordinance No 20210810-008 Exhibits “B” and “C” be approved; and:

WHEREAS, on February 22, 2022, the City Council of the City of Angleton, Texas conducted a public hearing regarding a request by property owners and Tejas-Angleton Development, L.L.C. to amend Ordinance No 20210810-008 Exhibits “B” and “C” Chapter 28, Zoning, Article III Zoning Districts, Sec. 28-62 PD Planned Development Overlay District Three (3) of the Angleton Code of Ordinances be approved; and

WHEREAS, on February 22, 2022, the City Council of the City of Angleton, Texas conducted a public hearing and considered the Planning & Zoning Commission

recommendation and decided to approve the amendment of Ordinance No 20210810-008 Exhibits “B” and “C” Chapter 28 Zoning, Article III Zoning Districts, Sec. 28-62 Planned Development Overlay District Three (3) of the Angleton Code of Ordinances be approved; and

WHEREAS, each and every applicable requirement set forth in Chapter 211, Subchapter A, Texas Local Government Code, and the Code of Ordinances, City of Angleton, Texas, concerning public notices, hearings, and other procedural matters has been fully complied with; and

WHEREAS, the City Council desires the amendment of Ordinance No 20210810-008 Exhibits “B” and “C” Chapter 28 Zoning, Article III Zoning Districts, Sec. 28-62 PD Planned Development Overlay District Three (3) of the Angleton Code of Ordinances be approved; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS:

Section 1. That all of the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated herein by this reference and expressly made a part hereof, as if copied herein verbatim.

Section 2. That the request by property owners and Tejas-Angleton Development, L.L.C. to amend Ordinance No 20210810-008 Exhibits “B” and “C” Chapter 28 Zoning, Article III Zoning Districts, Sec. 28-62 PD Planned Development Overlay District Three (3) of the Angleton Code of Ordinances be approved; and are subject to the district regulations and development standards and graphic and pictorial representations as shown and as attached to this Ordinance and made a part hereof.

Section 4. Penalty. Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Two Thousand and No/100 Dollars (\$2,000.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

Section 5. Repeal. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 6. Severability. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Ordinance as a whole or any part

or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Angleton, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 7. Effective date. That this Ordinance shall be effective and in full force immediately upon its adoption.

Section 8: Proper Notice & Meeting It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED, APPROVED, and ADOPTED this, the 22nd day of February 2022.

Jason Perez, Mayor

ATTEST:

Frances Aguilar, City Secretary

Exhibit A
The Property

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County: Brazoria
Project: 150 Acres Anchor Rd
Job No.: 14257

FIELD NOTES FOR 164.50 ACRE

Being a tract of land containing 164.50 acres (7,165,737 square feet), located within J. De J Valderas Survey, Abstract Number (No.) 380, in Brazoria County, Texas; Said 164.50 acre tract being all of Lots 74, 80, 81, 82 and 83 and a portion of Lots 73, 75, 76, 77 and 84 of the New York and Texas Land Company Subdivision recorded under Volume (Vol.) 26, Page 140 of the Brazoria County Deed Records (B.C.D.R.), being a 166.97 acre tract save and except a 2.472 acre tract recorded in the name of Thomas H. Journeay and Elizabeth Journeay under Brazoria County Clerk's File (B.C.C.F.) No. 2014047617; Said 164.50 acres being more particularly described by metes and bounds as follows (bearings are based on the Texas Coordinate System of 1983, (NAD83) South Central Zone, per GPS observations):

Overall 166.97 acre tract:

BEGINNING at a 1/2-inch iron rod with cap found on the northeast right-of-way (R.O.W.) line of Anchor Road (AKA County Road 44, one hundred ten feet wide), on the south line of said Lot 77, at the northwest corner of Lot 1 of the Angleton Meadows Business Park recorded under Plat No. 2005019895 of the Brazoria County Plat Records (B.C.P.R.), for the southwest corner of the herein described tract;

THENCE, with the northeast R.O.W. line of said Anchor Road, North 47 degrees 10 minutes 56 seconds West, a distance of 853.57 feet to a 5/8-inch iron rod with cap stamped "Baker & Lawson" set at the south corner of a called 1.50 acre tract recorded in the name of Williams M. Tigner, II under B.C.C.F. No. 2019055977, for an angle point of the herein described tract;

THENCE, with the easterly lines of said 1.50 acre tract the following four (4) courses:

1. North 43 degrees 09 minutes 58 seconds East, at a distance of 1.35 feet pass a 1/2-inch iron rod with cap found for reference, continue in all a distance of 122.66 feet to a 5/8-inch iron rod with cap stamped "Baker & Lawson" set for an interior corner of the herein described tract;
2. North 49 degrees 37 minutes 04 seconds West, a distance of 128.89 feet to a 1/2-inch iron rod with cap found for an angle point;
3. North 42 degrees 06 minutes 44 seconds East, a distance of 126.66 feet to a 1/2-inch iron rod with cap found for an interior corner of the herein described tract;
4. North 49 degrees 03 minutes 29 seconds West, a distance of 208.32 feet to a 1/2-inch iron rod with cap found at the north corner of said 1.50 acre tract, for an interior corner of the herein described tract;

300 E Cedar St, Angleton, Texas 77515 • Phone: (979) 849-6681
Texas Firm Registration No. 10052500

Exhibit A
The Property
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THENCE, with the northwest line of said 1.50 acre tract, South 43 degrees 14 minutes 22 seconds West, at a distance of 235.10 feet pass a 1/2-inch iron rod with cap found for reference, continue in all a distance of 237.02 feet to a 5/8-inch iron rod with cap stamped "Baker & Lawson" set on the northeast R.O.W. line of said Anchor Road, at the west corner of said 1.50 acre tract, for an angle point;

THENCE, with the northeast R.O.W. line of said Anchor Road, North 47 degrees 10 minutes 56 seconds West, a distance of 329.32 feet to a 5/8-inch iron rod with cap stamped "Baker & Lawson" set on the east line of an undeveloped road (sixty feet wide per Vol. 26, Page 140 B.C.D.R.) on the west line of said Lot 76, for the southwest corner of the herein described tract;

THENCE, with the east line of said undeveloped road and the west lines of said Lots 76, 75, 74 and 73, North 02 degrees 57 minutes 24 seconds West, a distance of 1,941.54 feet to a 5/8-inch iron rod with cap stamped "Baker & Lawson" set at the southwest corner of a called 10 acre tract recorded in the name of Benjamin F. Gray under B.C.C.F. No. 1999047350, for the northwest corner of the herein described tract;

THENCE, with the south line of said 10 acre tract, North 87 degrees 11 minutes 18 seconds East, a distance of 1,320.08 feet to a 5/8-inch iron rod found at southwest corner of a called 10 acre tract recorded in the name of Benjamin F. Gray under B.C.C.F. No. 2006070636, at the southeast corner of said 10 acre tract recorded in B.C.C.F. No. 1999047350, for the northwest corner of a 60' X 1,320' strip recorded in the name of Benjamin F. Gray under B.C.C.F. No. 2003054771, for an angle point;

THENCE, with the west line of said a 60' X 1,320' strip, South 02 degrees 52 minutes 02 seconds East, a distance of 60.00 feet to a 5/8-inch iron rod with cap stamped "Baker & Lawson" set at the southwest corner of said a 60' X 1,320' strip, for an interior corner of the herein described tract;

THENCE, with the south line of said a 60' X 1,320' strip, North 87 degrees 07 minutes 58 seconds East, a distance of 1,321.11 feet to a 5/8-inch iron rod with cap stamped "Baker & Lawson" set on the west line of Karankawa Road (undeveloped sixty feet wide per Vol. 26, page 140 B.C.D.R.), at the southeast corner of said a 60' X 1,320' strip, for the northeast corner of the herein described tract;

THENCE, with the west R.O.W. line of said Karankawa Road, being the east line of Lots 84, 83, 82, 81 and 80, South 02 degrees 52 minutes 54 seconds East, a distance of 2,970.25 feet to a 5/8-inch iron rod with cap stamped "Baker & Lawson" set at the northeast corner of a twenty-foot drainage easement dedicated by the Second Replat of Angleton Meadows Subdivision recorded under Vol. 17, Page 263 of the B.C.P.R., for the southeast corner of said Lot 80 and the herein described tract;

THENCE, with the north line of said Angleton Meadows Subdivision and Angleton Meadows Business Park, and the south lines of said Lots 80 and 77, South 87 degrees 09 minutes 29 seconds West, a distance of 1,575.33 feet to the **POINT OF BEGINNING** and containing 166.97 acres of land.

Exhibit A
The Property
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SAVE AND EXCEPT 2.47 ACRES:

COMMENCING at a 1/2-inch iron rod with cap found on the northeast right-of-way (R.O.W.) line of Anchor Road (AKA County Road 44, one hundred ten feet wide), on the south line of said Lot 77, at the northwest corner of Lot 1 of the Angleton Meadows Business Park recorded under Plat No. 2005019895 of the Brazoria County Plat Records (B.C.P.R.);

THENCE, with the northeast R.O.W. line of said Anchor Road, North 47 degrees 10 minutes 56 seconds West, a distance of 1,245.66 feet to an angle point;

THENCE, through and across said Lot 76 the following five (5) courses:

1. North 42 degrees 49 minutes 04 seconds East, a distance of 284.35 feet to a 5/8-inch iron rod found for the south corner and **POINT OF BEGINNING** of the herein described tract;
2. North 18 degrees 16 minutes 53 seconds West, a distance of 571.37 feet to a 5/8-inch iron rod found at the northwest corner of the herein described tract;
3. North 88 degrees 50 minutes 27 seconds East, a distance of 299.56 feet to a 5/8-inch iron rod found at the northeast corner of the herein described tract;
4. South 00 degrees 07 minutes 27 seconds West, a distance of 434.88 feet to a 5/8-inch iron rod found at the southeast corner of the herein described tract;
5. South 46 degrees 22 minutes 47 seconds West, a distance of 164.83 feet to the **POINT OF BEGINNING** and containing 2.47 acres of land.

OVERALL: 166.97 ACRES

SAVE AND EXCEPT: 2.47 ACRES

TOTAL: 164.50 ACRES

A land title survey of the herein described tract has been prepared by Baker & Lawson Inc. and accompanies this metes and bounds description.

Devin Royal 12-22-20
Devin R. Royal
Registered Professional Land Surveyor
Texas Registration No. 6667



300 E Cedar St, Angleton, Texas 77515 • Phone: (979) 849-6681
Texas Firm Registration No. 10052500

Exhibit B
Property Phases/Sections

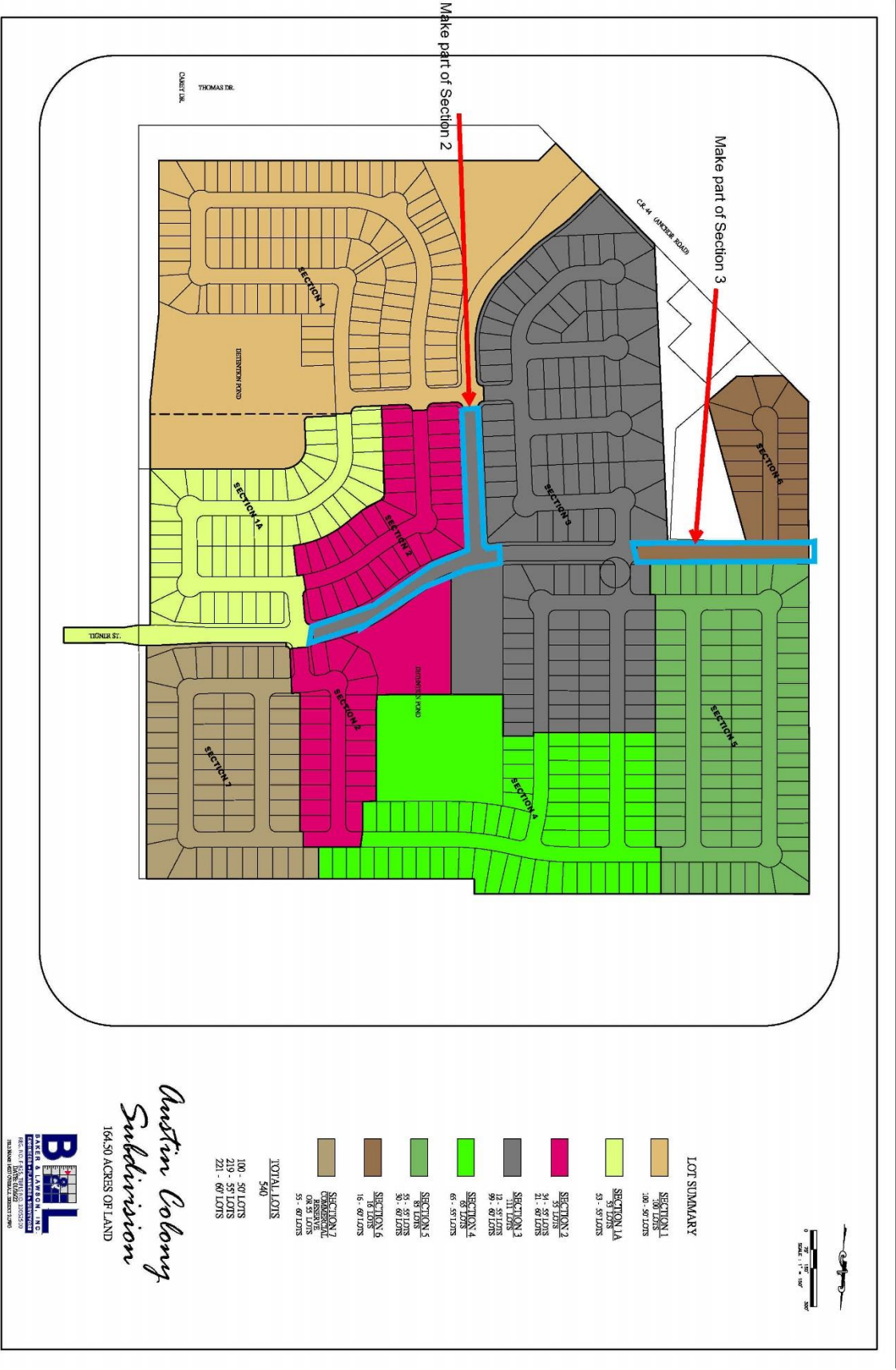


Exhibit C
Development Standards and District Regulations

All regulations of the Code of Ordinances of the City of Angleton shall apply in this Planned Development PD Three (3) unless otherwise modified in this Exhibit or the PD Planned Development Overlay District Three (3) Ordinance.

REGULATIONS for Phases 1, 1A, 2, 3, 4, 5 and 6 as identified in Exhibit "B":.

1. **Base District.** The provisions of Section 28-47 SF-5 Single Family Residential 5 District of the City of Angleton Code of Ordinances, as adopted upon the effective date of this ordinance shall apply to Phases 1, 1A, 2, 3, 4, 5 and 6 except as otherwise modified herein.
2. **Uses.** Those uses described for the SF-5 district in Section 28-81 Use Regulations (Charts) shall be permitted for Phases 1, 1A, 2, 3, 4, 5 and 6.
3. **Lot Dimensions and Development.** The lots shall be the size depicted in

SECTIONS AND LOT SUMMARY CHART				
Section	Lot Width 50 Feet	Lot Width 55 Feet	Lot Width 60 Feet	Section Lot Total
1	100 Lots			100 Lots
1A		53 Lots		53 Lots
2		34 Lots	21 Lots	55 Lots
3		12 Lots	99 Lots	111 Lots
4		65 Lots	Lots	65 Lots
5		55 Lots	30 Lots	85 Lots
6			16 Lots	16 Lots
7			55 Lots	
Lot Size Total	100 Lots	219 Lots	221 Lots	540 Lots
Size %	18.5%	40.5%	41%	100%

Exhibit "B" and shall be approximately 120 feet in length, with the front width of each lot as set forth in this Sections and Lot Summary Chart.

4. **Entry Monument.** An Entry Monument shall be placed at the corner of Austin Colony Boulevard and County Road 44, which is the entry to the Project off County Road 44. The Entry Monument shall be either brick or stone with landscaping, planted grass, shrubs, irrigation system and lighting.
5. **Fencing.** Developer agrees to install perimeter fencing as depicted in Exhibit "_____" attached hereto. Developer agrees to install premium, stained, crowned cedar fencing along the property lines of all lots along Austin Colony

Boulevard and Tigner Street. All perimeter fencing shall be maintained by the Homeowners' Association. Perimeter fencing shall not be installed within any street intersection sight triangles. All fencing for each proposed development phase shall be installed prior to the occupancy of any residence in that phase. All wood fencing will have a top cap.

REGULATIONS for Phase 5 as identified by Exhibit "B":

1. **Base District.** The provisions of Section 28-58 C-O/R Commercial-Office/Retail District. of the City of Angleton Code of Ordinances, as adopted upon the effective date of this ordinance shall apply to Phase 7 of the Property subject to the provisions of this Exhibit and the PD Planned Development Overlay District Three (3) Ordinance.
2. In the event the then current owner of the property depicted as Phase 7 of Exhibit "B" hereof has not applied for a building permit for an office or retail use permitted by Section 28-81 of the City of Angleton Code of Ordinances (C-O/R – Commercial office-Retail District) within five (5) years of the effective date, the then current owner shall be automatically, and with no additional legislative action, be permitted to take all necessary steps to construct single family residential product consistent with the requirements of Section 28-47 SF-5 Single Family Residential District and Exhibit "B."