

**MEETING DATE:** July 23, 2024

**PREPARED BY:** Otis T. Spriggs, AICP, Director of Development Services

**AGENDA CONTENT:** Conduct a public hearing, discussion, and take possible action to approve Ordinance No. 20240723-011 approving a request for a Rezoning Petition, for approximately 1 acre of land, currently zoned “C-OR”, Commercial- Office/Retail to be rezoned to “C-G”, Commercial-General District, for a shopping center currently located at 728-744 E. Henderson Rd., legally described as A0380 J DE J VALDERAS TRACT 110A7 (1Acre) (ANGLETON), Brazoria County, Texas.

**AGENDA ITEM SECTION:** Public Hearing and Action Item

**BUDGETED AMOUNT:** N/A

**FUNDS REQUESTED:** N/A

**FUND:** N/A

**EXECUTIVE SUMMARY:**

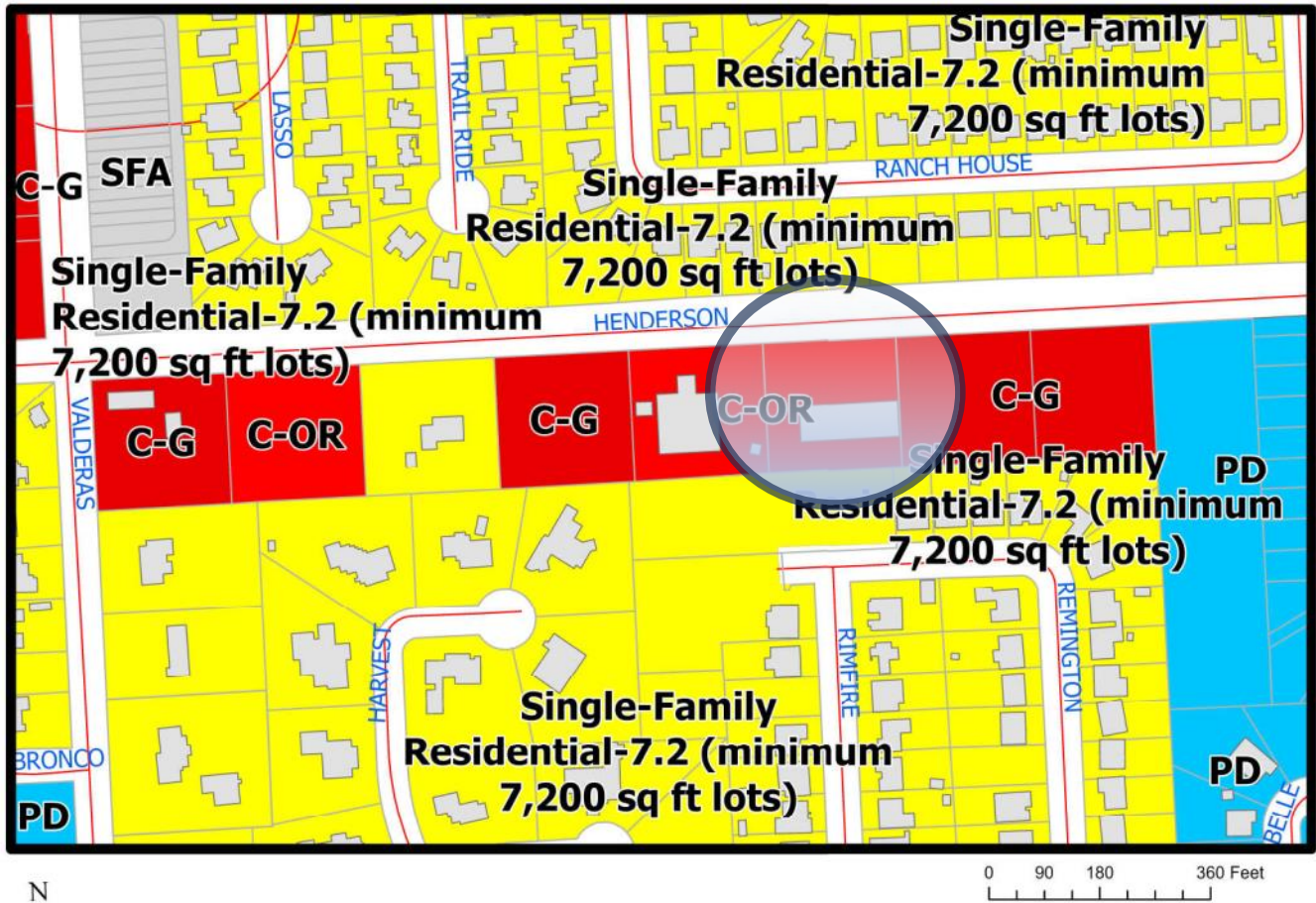
Dale Felder and Jonel Wilcox of Joray One, LLC are requesting a rezoning of the existing Angleton North Shopping Center from “C-OR”, Commercial Office-Retail to “C-G”, General Commercial District. The property was originally rezoned into the City in 1975, under Ordinance No. Ord 688 Tract 5, as a part of 683 approx. acres. The tract was later zoned to R-1 Single Family. City records indicate that 3 of the neighboring properties were rezoned to C-3 Commercial District (ORD No. 2005-O-10B) is now known as Commercial General District. The two (C-G) tracts directly east of the shopping center are owned by Joray One LLC. Unfortunately, Staff was not able to locate the ordinance that rezoned the subject property to C-OR, Commercial-Office/Retail. However, the current Map indicates the C-OR designation.



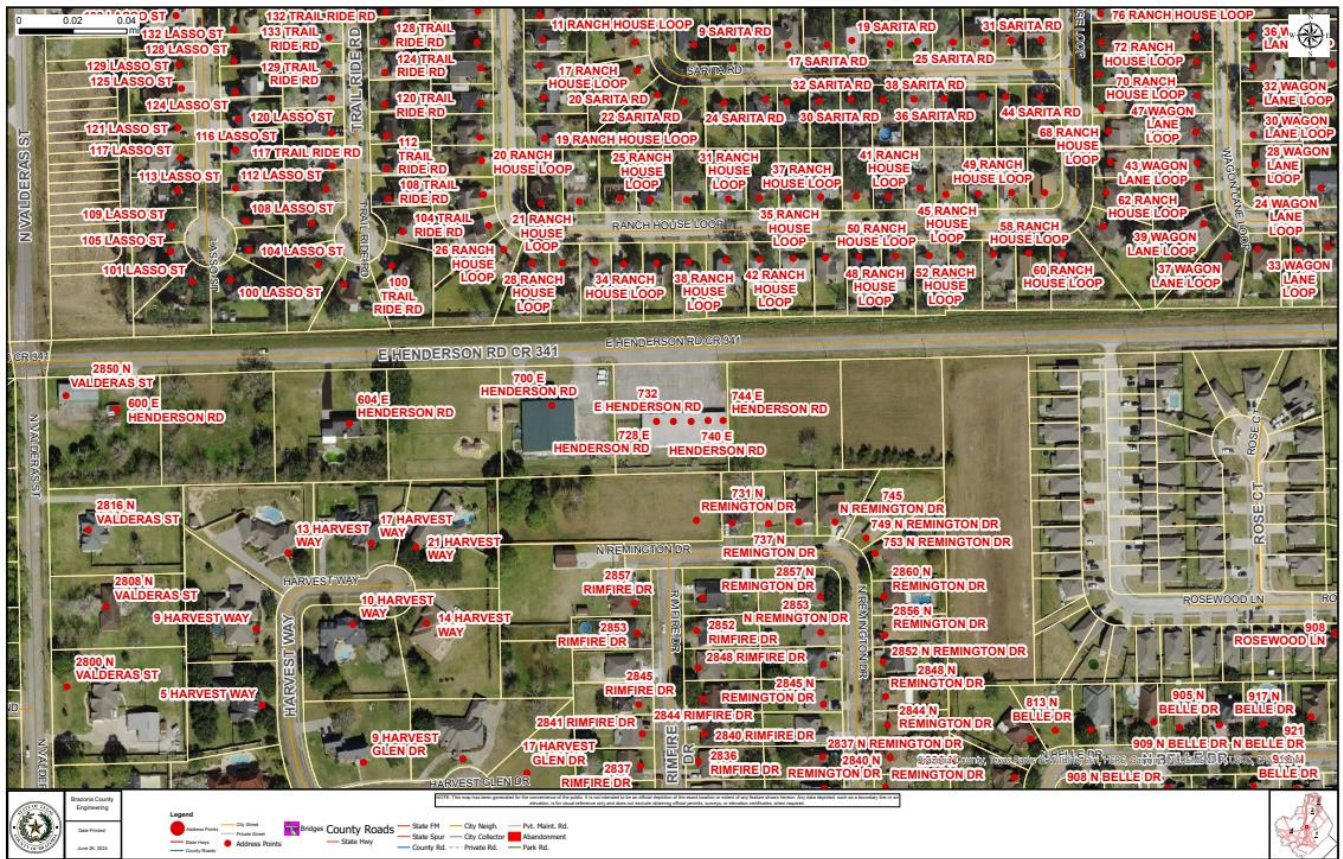
*Rezoning Exhibit Map from the 2005 Case*

The owner does not have plans to modify the existing shopping center structure but hopes to better market the tenants for the leasable spaces under the C-G Commercial District.

The owner indicates that his land/shopping center has always functioned as Commercial General, thus he is requesting that it be rezoned to be consistent with the adjacent tracts and the actual usage.



Zoning Map



## Aerial Map

### Staff Analysis

Notice was sent to property owners within a 200-foot radius from the subject property in accordance with the provisions of the City Code of Ordinances and State Code. Property owner names and addresses were located using the Brazoria County Appraisal District information.

### Proposal:

The requester wishes to have this most western tract of his land to be consistent with the adjacent tracts, as a shopping center use.

### Review Criteria and Findings of Fact:

In making a determination regarding a requested zoning change, the planning and zoning commission and the city council shall consider the following factors:

- a. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the city as a whole. ***(Staff concurs appropriateness is achieved; the project site and the adjacent land owned by the same owner is commercial in nature. This change will only make the rest of the acreage consistent.)***
- b. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the

area; ***(There will no proposed change to the use of the site nor negative impacts on said capacity of public improvements).***

- c. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances which may make a substantial part of such vacant land unavailable for development; ***(Although this area will continue to see infill commercial development, a change in the zoning will only make the property consistent with strip retail).***
- d. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change ***(no recent changes to the area have occurred recently from a commercial standpoint on E. Henderson. Recent requests and plans have been submitted for the daycare and storage facility on N. Valderas. )***
- e. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved. ***(This rezoning will not have any negative impact on other areas of reinvestment, but may lend for more flexibility).***
- f. Any other factors that will substantially affect the public health, safety, morals, or general welfare. ***(No factors will negatively affect the public health, safety, morals or general welfare).***

Future Land Use Map



The adopted Future Land Use/Comprehensive Plan designates the subject property requested to be rezoned as Office/Retail.

**Office/Retail Category (Coral):**

*This district is designed to reserve the most desirable retail areas for office and retail uses, such as sites along and near business SH 288. Office/Retail areas capture many of the locations in Angleton offering the high visibility needed for retail activity. In several instances, such as along SH 288, SH 288 and Business 288, the Office/Retail also serves as a buffer between arterial traffic and low density residential areas.*

**Existing Land Use and Zoning**

**North:** Residential Subdivision, zoned Single-Family Residential-7.2 (SF-7.2), Rancho Isabella

**West:** Land zoned Commercial-General (C-OR), Greenhouse Childcare

**South:** Residential Subdivision, zoned Single-Family Residential-7.2 (SF-7.2), Greenridge North

**East:** Land zoned Commercial-General (C-G), vacant lots

**SITE PHOTOS**



**View looking from Henderson Rd. looking Southwest toward Site**



**View from Henderson Rd. looking Southwest toward Site**



**View from Henderson Rd. looking Southwest toward Site**



View from Henderson Rd. looking Southwest toward Site

## *Record of Proceedings*

### *Planning and Zoning Commission Meeting held July 2, 2024*

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**Staff:** DS Director Otis Spriggs presented the staff findings for this rezoning petition for land located at 728 to 745 E. Henderson, which is an existing shopping center. He noted that the owners of the property do not have any plans to improve the actual property or shopping center in question. This request involves land use consistency in terms of the allowable uses that are listed in the code within the general commercial district. The property is currently zoned commercial office retail (C-OR), there are some uses (such as tattoo studios) that are not allowed, but they're allowed in the commercial general (C-G). The owners of the property wish to fully use the shopping center for its worth in terms of the Commercial General District allowed uses.

Mr. Spriggs gave the history of the zoning where the properties highlighted on the exhibit were previously rezoned to commercial general; however, the two tracts in the middle (daycare) and the subject shopping center tracts we're left commercial office. The applicants are asking as part of this public hearing that the P&Z Commission would consider this request. Staff has offered an analysis of the criteria for rezoning, and has weighed the type of potential impacts, but we see no negative impacts on the surrounding area as used in the past. Staff is recommending a positive recommendation for this request and that it be sent on to City Council for final action.

**Public Hearing:**

A motion was made by Commission Member Bieri, seconded by Commission Member Spoor to open the public hearing. The motion carried unanimously with all ayes. The public hearing was opened.

**None Appeared.**

A motion was made by Commission Member Spoor, seconded by Commission Member Bieri to close the public hearing. The motion carried unanimously with all ayes. The public hearing was closed.

**Commission Action:**

A motion was made by Commission Member Bieri to approve the rezoning as requested and forward it to Council for final action. Motion was seconded by Commission Member Clark.

**Roll Call Vote:** Commission Member Deborah Spoor- Aye; Commission Member Will Clark- Aye; Commission Member Regina Bieri- Aye; Commission Member Andrew Heston- Aye; Chair Bill Garwood- Aye. (5-0) Approved.

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**P&Z RECOMMENDATION:**

The Planning and Zoning Commission voted unanimously to adopt this as its final report and recommend approval of the ordinance rezoning 1 acre of land from the Commercial-Office/Retail to the Commercial General District, C-G for property located at 728-744 E. Henderson Rd. to City Council for final action.