



CITY OF ANGLETON
PLANNING AND ZONING COMMISSION MINUTES
120 S. CHENANGO STREET, ANGLETON, TEXAS 77515
THURSDAY, FEBRUARY 02, 2023 AT 12:00 PM

DRAFT MEETING MINUTES

NOTICE IS HEREBY GIVEN PURSUANT TO V.T.C.A., GOVERNMENT CODE, CHAPTER 551, THAT THE PLANNING AND ZONING COMMISSION FOR CITY OF ANGLETON WILL CONDUCT A MEETING, OPEN TO THE PUBLIC, ON THURSDAY, FEBRUARY 2, 2023, AT 12:00 P.M., AT THE CITY OF ANGLETON COUNCIL CHAMBERS LOCATED AT 120 S. CHENANGO STREET ANGLETON, TEXAS 77515.

DECLARATION OF A QUORUM AND CALL TO ORDER

With a quorum present, Chair Garwood called the Commission Meeting to order at 12:00 P.M.

PRESENT

Chair William Garwood
Commission Member Henry Munson
Commission Member Deborah Spoor
Commission Member Michelle Townsend
Commission Member Regina Bieri
Commission Member Bonnie McDaniel

ABSENT

Commission Member Ellen Eby

1. Discussion and possible action on the minutes for the Planning and Zoning Commission meeting on January 5, 2023.

Motion was made by Commission Member Henry Munson to approve the minutes;
Motion was seconded by Commission Member Regina Bieri.

Commission Action: Approved. Motion carried unanimously, 6-0 vote.

PUBLIC HEARINGS AND ACTION ITEMS

2. Conduct a public hearing, discussion, and take possible action on a request for approval of an ordinance rezoning approximately 3.35 acres from the Planned Development District (PD) to C-G, Commercial General Zoning District, for property located on the west side of the Shanks Road extension, at the intersection of CR220, Angleton, TX, Brazoria County.

D.S. Director Otis Spriggs: Presented the requested rezoning for the property that's currently zoned PD on the current zoning map. Mr. Spriggs noted that we have had an influx of applications in this area. This original tract was subdivided by the extension of

Shanks Road and was under one ownership. The upper 10 acres has changed hands; Planning and Zoning Commission heard that petition last meeting. The subject project site as notated is at the intersection of Shanks Road and County Road 220. This property has been requested for the commercial general zoning district. General Commercial category would allow for all uses in the “C-G” zoning district to be developed that would meet the code in terms of bulk restrictions as well as landscaping, access management, and site plan and planning processes. Staff has weighed the criteria for rezoning and felt that with the proximity to major arterials in the area, it would be fitting for service-oriented retail to serve the area. In terms of location, it meets the criteria in terms of impact and would not cause any adverse impact on the area, if were to go through the development process, Staff will ensure compatibility is achieved otherwise. We've listed the requirements for the C-G general commercial zoning standards that we will apply to this property, and we're requesting and recommending approval that the request be sent to City Council for final consideration and approval. The applicant is here to address the Commission as well.

Chairman Garwood recognized Ms. Nina Vrazel, property owner, who concurred with Staff.

Public Input: None.

Commission Action: Commission Member Bonnie McDaniel: Made a motion to approve the ordinance adopting this as the final report and recommended approval of an ordinance rezoning 3.35 acres from PD District to Commercial General District to the City Council for final consideration and approval. Motion was seconded by Commission Member Michelle Townsend.

Roll Call Vote: (6-0 Vote).

Commission Member Henry Munson- Aye; Commission Member Michelle Townsend- Aye; Commission Member Deborah Spoor- Aye; Commission Member Regina Bieri - Aye; Commission Member Bonnie McDaniel- Aye; Chair William Garwood- Aye. Motion carried unanimously.

3. Conduct a public hearing, discussion, and take possible action on an application for a **Special Use Permit (SUP)** pursuant to Sec. 28-63 of the Code of Ordinances to consider a request submitted by Why Not Bingo, LLC, to allow for a Specific Use Permit for a Bingo facility at property located at 1040 S. Velasco St., Angleton, TX.

D.S. Director Otis Spriggs presented the Staff Report findings noting that this is a specific use permit for the address noted at 1040 S. Velasco for the Pin 10 Bowling Alley facility, which has a ballroom area, in which, **Why Not Bingo** is hoping to locate into the space. This property is zoned light industrial and as part of our code requirement specific uses are allowed under certain conditions and restrictions as an overlay into the district in which will occur.

Staff weighed the approval criteria for specific use permits. In terms of its impact on the general vicinity, Staff felt that with the current parking facilities, and they are doing some enhancements in terms of striping and adding a small sign to the ground sign, there were no major impacts on this as part of their process. They are required to satisfy the state law in terms of gaming and would have to comply with the local and county restrictions. Staff is recommending approval for the proposal. We have provided surrounding photographs. Please consider recommending this S.U.P. to council for final consideration and approval.

Chairman Garwood opened the public hearing with no objection.

Applicant Adam Wise addressed the Commission stated it is actually a charity bingo hall, so it's for charities around the community. The sponsors include the Marine Corps League and the Knights of Columbus with four other charities out of Bay City and Clear Lake.

Mr. Wise added that it's easy access to the location. It is for family friendly entertainment, bringing friends and family and stuff like that to the community that. We actually were in Clute, TX and are moving our bingo hall to Angleton to be more centralized, because 80% of our bingo hall players come and play from Angleton. About \$37,000 would come to the city from bingo, prizes, winnings. We gave back to the city of Clute roughly around \$250,000 for two years. Quarterly earnings are up to \$45,000.

Chairman Garwood closed the public hearing with no objection.

COMMISSION DISCUSSION:

Chairman Garwood asked what percentage of your revenues end up going to the charities?

Applicant Adam Wise: 70 % goes to the customer/winners that play bingo that day. Then we take 30% that goes to the charities; the city gets 2.5% and the state gets 2.5%.

Applicant Adam Wise: The city gets 2.5% and the state gets 2.5%. House salary comes out of the 30% also.

Commission Member Regina Bieri asked about hours of operation.

Applicant Adam Wise: We will be closed on Mondays. Tuesday, Wednesday, Thursday, Friday, and Saturday: The doors open at 4 PM. And then Sunday the doors open at 10:00 AM.

Commission Member Regina Bieri: Is there smoking in there? **Applicant Adam Wise:** No. They do have alcohol, but it's just in the Bar area.

COMMISSION ACTION:

Commission Member Regina Bieri made a motion to move forward with this specific use permit. The application for 1040 S Velasco St. for a bingo facility to the City Council for approval consideration and appropriate action and there. There are findings of facts

of no negative impacts to the surrounding properties. Seconded by **Commission member Spoor**.

Roll Call Vote: (6-0 Vote).

Commission Member Henry Munson- Aye; Commission Member Michelle Townsend- Aye; Commission Member Deborah Spoor- Aye; Commission Member Regina Bieri - Aye; Commission Member Bonnie McDaniel- Aye; Chair William Garwood- Aye. Motion carried unanimously.

4. Conduct a public hearing, discussion, and take possible action on an application for a **Special Use Permit (SUP)** pursuant to Sec. 28-63 of the Code of Ordinances to consider a request submitted by Seven Souls Tattoo Studio, to allow for a Specific Use Permit for a Tattoo and Body Piercing Studio at the property located at 117 West Myrtle Street, Angleton, TX.

D.S. Director Otis Spriggs presented the findings of the report noting that the property is currently zoned “C-G” general commercial. It lies in the core of our downtown area on Myrtle St. Most of the land in the vicinity, is zoned CBD. Under the current zoning- “C-G” commercial, the tattoo salon and body piercing uses can only be in this district by applying a specific use. Staff has included a summary of the State health regulations, which are organized and enforced by the state in terms of inspection and licensing. The specific use criteria for evaluating specific uses are outlined. Some of us have had an opportunity to deal with this type of uses in downtown areas, and they tend to attract some evening activity as well as daytime. But when individuals get tattoos, they are usually downtown participating in other activities, such as dining or nighttime entertainment and enjoyment. The applicants approached the city early in the process, wanting to locate within the city limits.

Mr. Spriggs added that Staff sent letters of notice to owners within 200 feet of the property, as well advertised the legal notice in the local newspaper. The city received one letter of support from the Mayor of Lake Jackson, who has had some experience with this applicant in the City of Lake Jackson. The mayor provided some positive feedback in terms of the Seven Souls’ business reputation.

Since agenda posting, staff has discussed with the P&Z chairman, the possibility of placing some level of restriction on the use, to move towards a positive recommendation to Council, such as the hours of operation, which tends to be a concern for some specific uses, and as well as the duration of use. This would allow for interim inspections as well review of the operation to endure that the use does not violate some of the restrictions of the code or become a nuisance. The 5 added conditions would address some of those issues and hold the applicant to some level of responsibility with us.

Chairman Garwood opened the public hearing on this item with no objection.

Applicant: Mr. Alejandro Cantu appeared before the Commission expressing support of the use. **Ariel Laura** appeared in support as well.

Ariel Laura stated that she is a Lake Jackson resident and she's here in support of Seven Souls Tattoo studios and has had a wonderful experience with them in the City of Lake Jackson. She would love to see them grow and expand.

D.S. Director Otis Spriggs stated that he listed a suggested hour of operation, as a placeholder for discussion. Staff is open to Commission suggestions.

Commission Member Bonnie McDaniel stated that this is a good place. She noted that she worked on downtown revitalization very diligently, for about 15 years give or take. Although I would love to have the business in the downtown, that area is just that one or two blocks right there at Business 288 and 35 is just so critical on how it's developed. However, visiting with some of the business owners, they didn't have a problem with it. The only concern received was concerning the hours of operation, concerns of opening late at night or disturbances caused in the downtown area.

Applicant Alejandro Cantu stated that there hours at the Lake Jackson location is open from 10:00 AM to 6:00 PM or till 8. PM during the week, and 10:00 AM to midnight during the weekends. They had considered being open the same amount time as the Dirty South which closes at 2 AM. Mr. Cantu noted that he is open to recommendations on it, and asked if they could at least stay open till midnight. If the police are called our establishment could be shut down by the State.

D.S. Director Otis Spriggs commented regarding the layout, please verify for the Commission the number of stations and typically how many people you would have in the facility at one time.

Applicant Alejandro Cantu stated they will have five stations total. Four that are strictly tattoos and one that does tattoos and piercings. There are 5 artists, one client per artist with a front desk. There will be 25-30 people maximum at once.

Chairman Garwood closed the public hearing on this item with no objection.

Commission Member Bonnie McDaniel asked about the time element. Chairman Garwood clarified that there is a recommendation for a one year.

Commission Member Michelle Townsend asked the applicant how long they have been opened in Lake Jackson? He replied 1 year. She also asked would it still require a specific use permit under CBD?

D.S. Director Otis Spriggs stated that it's allowed as specific use permit in a number of our commercial districts. He also asked for clarification on the specifics on the hours of operation.

Commission Member Bonnie McDaniel asked for clarity on the hours of operation in Lake Jackson.

Applicant Alejandro Cantu answered from 10:00 AM to 8:00 PM during the week, then on Friday and Saturday 10:00 AM to midnight.

Commission Member Bonnie McDaniel made a motion to approve the S.U.P. and recommend it to Council subject to the noted conditions and that this particular business would have hours of operation from 10:00 AM to 8:00 PM during the week; then on Friday and Saturday from 10:00 AM to midnight with a one-year duration from the Certificate of Occupancy; Motion was seconded by **Commission Member Michelle Townsend**.

REGULAR AGENDA

5. Discussion, and possible action on a request for approval of the final replat of Riverwood Ranch Sections 3 & 4. The proposed final plat consists of approximately 145 single family residential lots on approximately 35.62 acres and is generally located north of Hospital Drive between N. Downing Street to the west and Buchta Road to the east.

D.S. Director Otis Spriggs introduced the request by Riverwood Ranch to approve the final plan for sections 3 and 4 for 35.62 Acres. The construction plans have been submitted as well as the plat to the city engineer for comment. All of the requirements have been followed through from the preliminary process on to the final plan, and they have cleared all of the comments. Some of the comments were around the traffic impact study and the Geotech report and what have you. All of those things are in compliance. Staff is recommending approval so that they can move toward the construction process.

Commission Member Deborah Spoor mentioned that she talked with one of the landowners. The concern was that they're sitting over there with 100 widths on their lots, and they were more amenable to 60 foot lots. They added this ditch or a strip on the backside as it's maintained that they'll accept that. 60-foot lots. We've got 50 foot lots coming out our ears and that's my comment.

Developer Michael Foley appeared before the Commission: That area would be an HOA responsibility to be maintained, as well as our detention pond and trail system at the front. We have a board right now. The board is still the developer board: Two other people from the development team and himself. Next year they plan to start transitioning to the homeowners. He has a landscaping team in place with othe HOA that maintains already an open space that we for Section 1.

Chairman Garwood asked does anyone to make a make a motion, going once, going twice. Let it be shown that Planning and Zoning did not take any action for lack of receiving a motion on the project.

D.S. Director Otis Spriggs alerted the Commission that we're on the timeclock/shot clock. If after 30 days no decision is rendered, then it's automatically approved, so I just wanted to make the Commission realize that it makes recommendation to Council and Staff tries to make sure that we have a complete record to forward as best possible.

Chairman Garwood stated that as he understands the law, this Final Replat meets all the conditions. Approval cannot be withheld by Council. However, this body has just declined to make a recommendation to plan to council.

No action was taken by the Commission on the final plat.

6. Conduct a public hearing, discussion, and take possible action on a request for approval of a Text Amendment, modifying various subsections of the City of Angleton Code of Ordinances, Chapter 23, Land Development Code. In addition to other minor changes to the chapter pertaining to cross references, duplications, clarifications, terminologies, reorganizations, and similar, the following sections are proposed to be amended: Sec. 23-5; Sec. 23.10; Sec. 23-12; Sec. 23-14; Sec. 23.37; Sec. 23-38; Sec. 23-60; Sec. 23.75; Sec. 23-81; Sec. 23-87; Sec. 23.95; Sec. 23-94 through Sec. 23-98.

Mr. Spriggs introduced the item and suggested that the Public Hearing be opened and continue the public hearing until the next meeting due to the newspaper legal advertisement being posted. The text changes have been in circulation for some time for the short-term changes such as Plat type consolidating, time-clock legislative compliance, code section organization. Legal has incorporated some comments but is still reviewing. We are receiving comments from the Commission such as Ms. Townsend. We will continue redline the changes and bring those back to the Commission. There are several references being removed such as the severability clause. Legal has suggested removing such language from the code itself. Some of those protections will continue to be included in individual ordinances drafted. Again, Mr. Spriggs requested the public hearing be continued. Developers have had an opportunity to be surveyed by the Consultant (Gunda Planning Group) and were able to give comment and suggestions in the past.

Chairman Garwood opened the public hearing on this item with no objection.

Commission Member Henry Munson added that the text amendments need to reflect what's best for "Angleton" and not other communities, referencing 40 ft. lots done in Missouri City.

Commission Member Michelle Townsend asked would our lot size minimums be within our Land Development Code? Mr. Spriggs explained the lot constraints are within the individual Zoning Districts/zone in terms of density. Mr. Spriggs stated that the Comprehensive Plan needs to be updated to reflect the vision and direction of the City in terms of density. A workshop/session has been requested by Council and Staff will be including the Commission in the future (perhaps May).

Chairman Garwood closed the public hearing on this item with no objection.

ADJOURNMENT: 12:44 PM.