

ORDINANCE NO. 20230523-007

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, TO AMEND THE "ZONING MAP OF THE CITY OF ANGLETON" BY CHANGING THE ZONING MAP DISTRICT DESIGNATION AND PROVIDING FOR A ZONING CHANGE OF 13.002 ACRES FROM THE (SF-6.3) SINGLE FAMILY ZONING DISTRICT TO A PLANNED DEVELOPMENT DISTRICT (PD), SFA FOR PROPERTY LOCATED AT 710 W. MULBERRY ST., WEST OF N. WALKER ST., 13.002 ACRE TRACT OUT OF A 20.751 ACRE TRACT IN THE J. DE J. VALDERAS SURVEY, ABSTRACT 380, AND THE M.C. TOBIN SURVEY, ABSTRACT 699, BRAZORIA COUNTY, TEXAS; PROVIDING FOR A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission conducted a public hearing on May 4, 2023; and

WHEREAS, the City Council conducted a public hearing on May 23, 2023; and

WHEREAS, notice of the public hearings was published in *The Facts* and mailed to property owners within 200 feet of the zoning request; and

WHEREAS, the Planning and Zoning Commission, on May 4, 2023, voted (3 to1) to deny the rezoning of 13.002 acres from SF-6.3, Single Family Zoning District to the Planned District (PD), SFA, Single Family Attached base zoning district for property located at 710 W. Mulberry St., west of N. Walker St., citing reasons of sewer capacity and opposers of the request; and

WHEREAS, the City Council, on May 23, 2023, adopted the petition of rezoning, referencing findings of fact that the planned development would be consistent with the adjacent property in the area with generally accepted urban planning principles.

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

SECTION 1. That the foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes as findings of fact.

SECTION 2. The Property is more fully described in Exhibit “A,” and depicted on the Rezoning Plat, Exhibit “B”, attached hereto and made a part hereof for all purposes be rezoned from SF-6.3, Single Family Zoning District to the Planned District (PD), SFA, Single Family Attached base zoning district.

SECTION 3. The planned development district shall be developed in accordance with the Angleton Code, including the City of Angleton LDC and Zoning Ordinance, specifically, all regulations governing the subdivision plat (Exhibit “B”), and the land plan (Exhibit “C”) attached hereto and made a part hereof for all purposes, and is subject to the following regulations and restrictions:

A. Use regulations. In the planned development district, no building, structure, or land shall be used, and no building or structure shall be hereafter erected, reconstructed, altered or enlarged except as provided in this Ordinance. The maximum 82 townhomes (doors) may only be located as indicated in Exhibit “C”:

B. The public improvements of the proposed Lilly View Drive shall comply with the requirements of TXDOT regarding access management at SH35 (West Mulberry), with no left turn out of the development onto SH35 (West Mulberry St.).

C. Landscaping and “premium” fencing shall be installed around the perimeter of the property, per the concept plan (Exhibit “C”). Parkland dedication shall be satisfied by the applicant/owner for the chosen option of parks fee-in-lieu of dedication of parkland, including the internal park as depicted on Exhibit “C”.

D. Details of the approved Planned Development District shall remain in full compliance upon submittal of Preliminary and Final Plat for consideration of approval.

E. Development Design Guidelines and Development Schedule. The property shall be developed in accordance with the development guidelines established by Council and the schedule as determined in an agreed upon development agreement to be executed prior to final plat approval.

SECTION 4. That the Official Zoning Map of the City of Angleton is hereby amended in accordance with the provisions of this Ordinance to show the change in zoning district classification.

SECTION 5. That any person or corporation violating any of the provisions of this Ordinance shall upon conviction be fined any sum not exceeding \$2,000 and each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense.

SECTION 6. That should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity of such section, or part shall in no way affect, impair or invalidate the remaining portion thereof, but as to such remaining portion, the same shall remain in full force and effect.

SECTION 7. That it is hereby found and determined that the meetings at which this Ordinance is considered are open to the public and that notice of the time, place and purpose thereof was given in accordance with the provisions of the Texas Government Code - Chapter 551, as amended, and that a quorum of the City Council was present.

SECTION 8. That this Ordinance shall be effective and in full force immediately upon its adoption.

PASSED AND APPROVED THIS 23rd DAY OF MAY, 2023.

CITY OF ANGLETON, TEXAS

John Wright
Mayor

ATTEST:

Michelle Perez, TRMC
City Secretary

Exhibit "A"

Legal Description of Land:

FIELD NOTES OF A 13.002 ACRE TRACT OUT OF A 20.751 ACRE TRACT IN THE J. DE J. VALDERAS SURVEY, ABSTRACT 380, AND THE M.C. TOBIN SURVEY, ABSTRACT 699, BRAZORIA COUNTY, TEXAS; SAID 20.751 ACRE TRACT BEING DESCRIBED 796 OF THE DEED RECORDS OF BRAZORIA COUNTY, TEXAS, AND SAID 13.002 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 2" iron pipe found in the West right-of-way line of Walker Street (City of Angleton, Texas); said iron pipe marking the Northeast corner of said 20.751 acre tract;

THENCE; South 0° 04' 17" East 99.87 feet, along the West right-of-way line of Walker Street, to a iron rod with metal cap stamped "INP" found for the place of beginning of the herein described tract at the Southeast corner of a 1.1478 acre tract out of said 20.751 acre tract; said 1.14 78 acre tract being described in a deed recorded in File (1988) Volume 362, Page 838 of the Official Records of Brazoria County, Texas;

THENCE; South 0° 04' 17" East 164.36 feet, along the West right-of-way line of Walker Street, to a 1/2" iron rod found inside a 2" iron pipe for corner at the Northeast corner of a 2.01 acre tract out of said 20.751 acre tract; said 2.01 acre tract being described in a deed recorded in File 1997-040105 of the Official Records of Brazoria County, Texas;

THENCE; North 89° 58' 33" West 350.50 feet, along the North line of said 2.01 acre tract, to a 1/2" iron rod found inside a 2" iron pipe for corner at the Northwest corner of said 2.01 acre tract;

THENCE; South 0° 02' 04" West 250.00 feet, along the West line of said 2.01 acre tract, to an iron rod with cap stamped "Cotton" found for corner at the Southwest corner of said 2.01 acre tract;

THENCE; South 89° 57' 11" East 141.97 feet, along the South line of said 2.01 acre tract, to a 1/2" iron rod with cap stamped "RPLS 2112 6017" found for corner at the Northwest corner of a one acre tract described in a deed recorded in File 2007-001722 of the Official Records of Brazoria County, Texas;

THENCE; South 0° 03' 51" East 232.72 feet, along the West line of said one acre tract and the West line of a one acre tract described in a deed recorded in File 1997-039266 of the Official Records of Brazoria County, Texas, to a 1/2" iron rod set for corner;

THENCE; South 89° 14' 32" West 392.09 feet to a 1/2" iron rod set for corner;

THENCE; South 0° 02' 09" West 178.77 feet to a 1/2" iron rod set for corner in the North right-of-way line of State Highway 35;

THENCE; North 89° 57' 50" West 60.00 feet, along the North right-of-way line of State Highway 35, to a concrete monument found for angle point in said right-of-way line;

THENCE; North 0° 21' 33" West 7.81 feet, along said right-of-way line, to a concrete monument found angle point in said right-of-way line;

THENCE; North 0° 02' 44" East 402.37 feet, along the East line of a 2.97 acre tract described in a deed recorded in Volume 1361, Page 274 of the Deed Records of Brazoria County, Texas, to a 1/2" iron rod found for corner at the Northeast corner of said 2.97 acre tract;

THENCE; North 89° 59' 46" West 391.46 feet, along the North line of said 2.97 acre tract, to a 1/2" iron rod found for corner in the West line of said 20.751 acre tract;

THENCE; North 28° 15' 19" West 540.89 feet, along the West line of said 20.751 acre tract, to a 1/2" iron rod found for corner at the Northwest corner of said 20.751 acre tract;

THENCE; North 88° 04' East (Reference Bearing) 808.25 feet, along the North line of said 20.751 acre tract, to an iron rod, with metal cap stamped "TNP", found for corner at the Northwest corner of the aforementioned 1.1478 acre tract;

THENCE; South 0° 06' 57" East 99.86 feet, along the West line of said 1.1478 acre tract, to an iron rod, with metal cap stamped "TNP", found for corner at the Southwest corner of said 1.1478 acre tract;

THENCE; North 88° 03' 44" East 499.92 feet, along the South line of said 1.1478 acre tract, to the place of beginning.

Said tract therein containing 13.02 acres of land.