



Draft

CITY OF ANGLETON  
PLANNING AND ZONING  
COMMISSION  
120 S. CHENANGO STREET,  
ANGLETON, TEXAS 77515  
THURSDAY, JANUARY 5, 2023 AT  
12:00 PM

---

## MINUTES

THE FOLLOWING REPRESENTS THE ACTIONS TAKEN BY THE ANGLETON PLANNING AND ZONING COMMISSION IN THE ORDER THEY OCCURRED DURING THE MEETING. THE PLANNING AND ZONING COMMISSION OF ANGLETON, TEXAS CONVENED IN A REGULAR MEETING ON THURSDAY, JANUARY 5, 2023 AT 12:00 PM, IN THE ANGLETON CITY HALL COUNCIL CHAMBERS, 120 S. CHENANGO, ANGLETON, TEXAS.

### 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 Ellen Eby  
Commission Member Deborah Spoor  
Commission Member Michelle Townsend  
Commission Member Regina Bieri  
Commission Member Bonnie McDaniel

#### 1. Approval of Meeting Minutes for December 1, 2022

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, 7-0 vote.

2. Discussion and possible action to approve the P&Z 2023 Meeting Calendar; an optional date for March 2023 is requested of the Planning and Zoning Commission, due to a City Holiday.

### PUBLIC HEARINGS AND ACTION ITEMS

3. Conduct a public hearing, discussion, and take possible action on a request for approval of an ordinance rezoning 15.895 acres from the Planned District to the Light Industrial (LI), for property located on the north side of CR220, 237 ft. East of the intersection of Shanks Rd., Angleton, TX.

**Staff Presentation:** Mr. Otis Spriggs introduced the case and presented the staff report findings.

This item came before the P&Z Commission about a month ago with the concept as a potential petition to rezone 15.895 acres from the planned district, which is our holding district to light industrial which would accommodate a future use as a metal fabrication, small instrument type business that would like to locate on that large site.

Photos were shown of the site being adjacent to the mobile home park to the north. They would access off County Road 220. The city limits would be along the frontage of CR220. Staff weighed in the criteria of findings of fact. The mobile home category is on the land use map, as a recommended use, and this is something that staff felt wasn't a great use for the property; the land use plan needs to be reconsidered.

The added density on that particular tract is not feasible. From County Road 220, there is probably about 400 feet setback from the rear of the property. There would be no negative impact on the area. It would be fitting in the area from a light industrial perspective, because we're seeing a demand for commercialization along the major arterials in the area. Staff is recommending an *approval* be sent to Council for final adoption; the draft ordinance is provided.

**Chair Garwood** opened the Public Hearing, with no objection.

**Applicant Mr. Robert Campbell** appeared before the P&Z Commission:

Mr. Campbell stated that he is the operations manager and works for the company that owns the property and is here to represent them. We are looking to rezone this from planned development to light industrial as Mr. Spriggs stated so that we construct a building on there for our company. We are building towards County Road 220, like what's going on right now. Kind of on the West side and want to stay in line with that but. It is a metal fabrication company, and it would be a good addition to what's going on down there.

**Chair William Garwood:** Recognized a person in the audience: Miss Rhonda Sollock, who is also in favor of the proposal; she didn't want to speak.

**Public Hearing** was closed with no objections.

**Commission Member Bonnie McDaniel:** Noted that a concern recently has been, having access to utilities, water and sewer. She asked will there be enough availability; Is this going to be low impact? She mentioned that the owner said he was willing to do a well and septic. She noted that there was a city policy that we didn't do those; but typically, they are supposed to tie in.

**DS Director Otis Spriggs:** Noted that is correct, if it's within a certain distance; otherwise, they may have to request a variance through proper procedures; if the variance is needed, due to lack of utilities and connections in the area, it could be justified.

**Commission Action:**

**Commission Member Michelle Townsend** made a motion that we approve the ordinance and recommend approval of the rezoning to Light Industrial for council's approval and consideration; 2<sup>nd</sup> by Commission member Bieri.

**Roll Call Vote: (7-0 Vote).**

Commission Member Henry Munson- Aye; Commission Member Ellen Eby- 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 a request for approval of an ordinance rezoning 0.4213 acres from Commercial Office-Retail District (C-OR) to 2F, Two-Family Residential District (duplex homes), for property located at 425 N. Walker St. at the SW corner of W. Live Oak St., Tract 163A20 Jose De Jesus Valderas Survey, A-380, City of Angleton, TX, Brazoria County.**

**Staff Presentation:** Mr. Otis Spriggs introduced the case and presented the staff report findings.

This is a request to rezone from the Commercial Office-retail District to convert an existing structure to a duplex. The property is located at 425 N Walker Street, and is surrounded by a well-established single family subdivision which probably has existed there for 30 to 40 years. However, this building has been in transition. It's what we would consider spot zoning in the middle of a residential area as commercial. Potentially, the owner could come in and do those things as allowed within the Commercial Code, as listed under the Commercial- Office Retail District. Staff feels that would be not fitting within the core residential area.

The overall future plan (land use) recommends the property as multifamily. The request would be consistent with our master land use and comprehensive plan. To the south is the power plant and the proposed use would provide a buffer to the neighborhood. Staff listed that point in the criteria section, justifying why this request makes practical sense. The duplex would probably be more compatible than commercial. The potential owner of the property would like to do some upgrades to the façade and provide a cover for the parking- with a carport option. Note that there is some existing vegetation in the rear of the property in which we made some suggestions that the landscaped area be manicured.

In terms of the previous uses of the property, we were told that at one time it was a laundry or washeteria. An individual later lived there and used the adjacent unit for storage. They later gutted the structure completely; and it is now vacant.

Typically, the SF-2 District requires 5,000 square foot area of lot per unit; so this would fall within those parameters in terms of density and will accommodate the required parking/2 spaces per units. Staff recommends approval and entertains any questions of the Commission.

**Chair Garwood opened the Public Hearing, with no objection.**

**Resident Patricia Milligan** appeared before the P&Z Commission:

Ms. Milligan stated that she has a problem with this. They have tried to use this as a residence before it brought bad company into the neighborhood. It was unsafe to the neighborhood; as well as I think it would devalue our property.

**Resident Iva Robinson** appeared before the P&Z Commission:

She stated that she is requesting that P&Z does not approve it, because of the things that have happened in the past. This is already a low-income area. And we would request that you please do not bring anything else into our area. It seems like our area gets everything that no one else wants and you just keep approving everything that comes along, gets dumped on us. Please do not do this for the safety of our children, and like she said, it devalues our property.

## **Applicants:**

Laura Cooper approached the mic and stated she is Mr. Warren's real estate agent. She stated she is a local real estate agent and she has worked in the area frequently. She has absolutely respect for the neighborhood and the feelings of the neighborhood. And whenever she first approached the property to show it, the property was unlocked, it was unsecured and there had been some property damage. You could tell that people were able to come in and out of the property without any security to the building.

She has shown the property to two or three real estate investors. And Mr. Morris was the most promising and he's just a regular individual who wants to make the area nicer. He has really great plans. She met with his contractor on several occasions, and he wants to make the property nice and he wants to bring higher value to the area and build nice units that bring decent rent, and he is not looking to bring low income, and low rental units to the property.

Resident Patricia Milligan gave a rebuttal: My question is, what's going to happen 10 years from now? Two years from now, when he decides he no longer wants to rent, he no longer wants the property and it gets sold. Same thing that happens to all the other low-income properties in town. It's going to happen. Someone else is going to purchase the property someone else is going to move people in. There's no homeowners association, there's nothing to stop people from destroying the property. What's going to happen then? He may fix it up now, but it's not going to stay that way.

**Commission Member Bonnie McDaniel**, asked under commercial office retail somebody could put in a bar?

**DS Director Otis Spriggs** noted that you can place a beauty shop or barber shop; laundry facility, financial institution bank; other retail types of service-oriented businesses including medical.

**Commission Member Bonnie McDaniel** noted that she understands their concerns, but then on the other hand, just knowing how real estate is developing at this point, this is probably as good a time as any for it to go into a state of improvement. She commented that she thinks the change will actually do the neighbor's a favor by allowing some improvement to the property. By changing the zoning, you are having a nice duplex for somebody to occupy, who can afford to pay the rent.

**Chair William Garwood** asked about the surrounding properties and uses; are the mostly residential?

**DS Director Otis Spriggs** noted that there was a petition for some form of daycare facility SUP, which is no longer across the street. The property has since been redeveloped as a single-family home on the corner.

The applicant **Mr. Morris** added that he is going to have strict guidelines.

## **Commission Action:**

### **Commission Member Bonnie McDaniel**

Made a motion that we accept the staff recommendation adopting this as the final report and recommend approval of the ordinance, rezoning these 0.4213 acres from commercial office retail district to 2F, Duplex homes for property located at 425 N Walker St. and forward it to the City Council for final consideration and approval.

**Commission Member Regina Bieri** seconded the motion .

**Roll Call Vote: (7-0 Vote).**

Commission Member Henry Munson- Aye; Commission Member Ellen Eby- 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.

5. **Conduct a public hearing, discussion, and take possible action on a request for approval of an ordinance amending the PD Planned Development Overlay District Three (3), ORD\_20220222-016 for Austin Colony Subdivision, rezoning 164.50 acres, for property located on the northside of Anchor Rd, East of Carr Rd., West of the terminus of Tigner St.**

**DS Director Otis Spriggs:** Presented this being brought as a request to amend what we call planned development district #3, which is further known as Austin Colony. This plan district development was approved in previous ordinances in 2021 amended in 2022 as noted in the report. Basically, the lot arrangements that you see there before you are what triggered this particular request and amendment. Austin Colony Blvd., one of the original arterial roads that extended into the planned community, was basically a street that had no lots fronting on it and it served as a major connection through the subdivision. Because of safety reasons and costs, the developer needed to redesign that area to have the houses front on Austin Colony Blvd., but to continue to utilize Tigner St. the major arterial that would provide us with the needed east/west connection from Walmart to County Road 44. As stated, this triggered and affected the lot layout changes.

Mr. Spriggs further illustrated the changes on the revised land plan. He noted that there is a development agreement tied to this; a Public Improvement District (PID); and, the C.A.F. analysis would have to be recalculated, due to the lot changes. The minimum 50' wide foot lots having a 100 quantity of the original PD remains; no additional 50' foot lots are added and we noted 26 lots are added, which would go into that 60 foot lot category.

**Public Input: None.**

**Commission Member Ellen Eby:** Referring to the Detention area, asked if they are planning on removing those trees and what is the vision for Section 9 commercial?

**Doug Roesling, Baker Lawson** explained that there are no heritage oak trees in that area. A tree survey was done. Trees will be removed for the detention area, and we will comply with the ordinance.

**Wayne "Sandy" Rea:** Council member Wright and I think the rest of Council insisted from the very beginning that there be an opportunity to have some commercial development within this subdivision. And we have agreed to not develop this in the single-family residential homes for seven years after the first home was built. If it doesn't sell and it's not developed as commercial, then we will build some houses. The commercial zoning would be mainly retail and office.

**Commission Action:**

**Commission Member Bonnie McDaniel:** Made a motion that we accept the staff recommendations and conditions and recommend approval of the amendment of PD. #3 plan development district, and forward it to City Council and final consideration.

**Commission Member Deborah Spoor** seconded the motion.

**Roll Call Vote: (7-0 Vote).**

Commission Member Henry Munson- Aye; Commission Member Ellen Eby- 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.

- 6. Conduct a public hearing, discussion, and take possible action on a request by R.B. Stewart Petroleum on an ordinance rezoning approximately 1.925 acres from the Central Business District (CBD) to Planned Development Overlay District No. 4, for property located within the city block bound by W. Peach St. to the South, S. Velasco St. to the East, W. Orange St. to the North and S. Front Street to the West, R.B. Stewart Petroleum.**

**Mr. Spriggs** presented the request noting the location as in our central downtown district. The R.B. Stewart Petroleum business is a non-conforming use that has been here for a long time and has been a great company in terms of services to the area. They approached the city prior to his arrival, attempting to deal with the nonconforming use regulations. They proposed to bring some of the structures up-to-code and provide for a space that will provide building coverage to maintain their fleet services. The company is majorly, a fleet maintenance or management type company that has a petroleum vehicles; this location serves as their headquarters. Offices are on-site as mentioned in the staff report. The difficulty of the non-conforming use code is you can only do a 10% increase to the site or increase to the area in which you operate. That led to some difficulty for staff in reviewing and approving a minor addition to one of the structures to provide that coverage.

**Mr. Spriggs** added that during the D.A.W.G., working group meeting the original request was for industrial zoning. In which we raised the red flag and noting it probably isn't a good idea, due to the I-Industrial District regulations. We recommended that the Planned District would be the better approach to make it a specific or particular use. R. B. Petroleum doesn't do any major industrial type activities onsite that would be detrimental to the area. In the keeping with the downtown recommendations of the Comprehensive Plan this would be a better fit. Staff further analyzed the criteria for approval and felt that based on the above the petition it met the criteria.

**Public Input:**

**Randy Stroud:** My office is right across the highway from this property. I've been there for 28 years, and they've been there forever. They've been nothing but great neighbors. There's nothing they've ever done that was not top class, so I'm strongly in favor of this recommendation.

**Commission Action:**

**Commission Member Henry Munson** made a motion that we accept staff recommendations and approve the ordinance adopting this as the final report and recommend forwarding the rezoning with 1.925 acres from the Central Business District (CBD) to Plan Development Overlay District #4 to the City Council for final approval.

**Commission Member Regina Bieri** seconded the motion.

**Roll Call Vote: (7-0 Vote).**

Commission Member Henry Munson- Aye; Commission Member Ellen Eby- 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.

- 7. Conduct a public hearing discussion and take possible action on the request for approval of an ordinance rezoning approximately 10.12 acres from the planned development district to agricultural districts for property located on the east side of Shanks Rd., North of County Road 220, Angleton TX, Brazoria County.**

**Staff Presentation:** Mr. Otis Spriggs presented the Staff Report stating this request is to rezone the property from our holding zone PD. This is a PD plan district that does not have an ordinance attached in terms of proposed or allowed uses. The applicant Mr. Roderick Williams would like to utilize the property for agricultural use, allowing for a single-family estate and some small farm animals with a small accessory barn.

The Comprehensive/Land Use plan recommends mobile homes for this tract. He added that with a high level of density on this large acreage, it would not be within the direction of what's happening in the area and along Shanks Rd., which basically is a major pass-through for most of the residential homes in the area. Mr. Spriggs discussed the approval criteria and noted Staff felt that it would be in keeping and spirit and the intent of the land development code as well as the zoning ordinance. Staff is recommending that you would forward this to Council for consideration and approval with a positive recommendation.

**Chair Garwood opened the Public Hearing, with no objection.**

**Robert Williams**, applicant, appeared before the Commission stated that he purchased the property build a house and have an area for his kids to show animals.

**Chair Garwood opened the Public Hearing, with no objection.**

**Commission Action:**

**Commission Member Michelle Townsend** made a motion to approve the ordinance adopting this as the final report. Recommended approval of the ordinance rezoning 10.12 acres from PD District to AG, Agricultural Zoning District, and that we send it to City Council for consideration and approval. The motion was seconded by **Commission Member Regina Bieri**

**Roll Call Vote: (7-0 Vote).**

Commission Member Henry Munson- Aye; Commission Member Ellen Eby- 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.

- 8. Discussion and possible action on a Final Plat for De La Garza Subdivision, 3.996 Acres, 2- Lots, 1 Block, located on the south side of Kiber Rd., just west of Sims Drive**

**Motion was made by Commission Member Bonnie McDaniel; Motion Seconded by Commission Member Michelle Townsend to approve the Final Plat and forward it to City Council for final action.**



**Roll Call Vote: (7-0 Vote).**

Commission Member Henry Munson- Aye; Commission Member Ellen Eby- 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

**9. Discussion and possible action on a proposed Concept Plan for Whispering Oaks Subdivision, for 49 lots, 2 Blocks, on 28.203 acres located north of Western Avenue and east of Heritage Oaks Drive.**

**Motion** was made by **Commission Member Bonnie McDaniel**; seconded by **Commission Member Michelle Townsend** to approve the motion.

**Commission Member Henry Munson** stated that he appreciates the applicant's willingness to continue to try to get this done and he is very much in favor of the subdivision; they have good sized lots and nice houses that are going to be there for 50 years. The entrance to it will have to be worked out, but I think you're doing everything you can to try to make it right, and I hope it works because I'd much rather see this type of subdivision than those with a 50 foot, 45 foot, 60 foot lots.

**Mr. Spriggs** reiterated that this is a Concept Plan. The Preliminary plan will come next.

**Roll Call Vote: (7-0 Vote).**

Commission Member Henry Munson- Aye; Commission Member Ellen Eby- 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

**10. Discussion and possible action on a Preliminary Plat for Ashland Development Wastewater Treatment Plant, for 14.44 acres of land, containing four reserves in three blocks out of the George Robinson League, A-126, Brazoria County, Texas as submitted by Ashton Gray Development.**

**Motion** was made by **Commission Member Ellen Eby** and a second by **Commission Member Bonnie McDaniel**, to approve.

**Roll Call Vote: (7-0 Vote).**

Commission Member Henry Munson- Aye; Commission Member Ellen Eby- 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

**11. Discussion and possible action on a Preliminary Plat for Ashland Development Water Treatment Plant, for 2.09 acres of land, containing one reserve in one block, Shubael Marsh Surveys A-81 & A-82, Brazoria County, Texas as submitted by Ashton Gray Development.**

**Motion** was made by **Commission Member Ellen Eby** and seconded by **Commission Member Bonnie McDaniel** to approve.



**Roll Call Vote: (7-0 Vote).**

Commission Member Henry Munson- Aye; Commission Member Ellen Eby- 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.

**12. Discussion and possible action on a Final replat for PT Patrick Thomas Estate, for a 7.732 -acre subdivision, 1-Block, 2 Lots, 1 Reserve.**

Mr. Spriggs presented the preliminary plat as described with the 2 tracts, one that's zoned commercial and one zoned residential. He noted staff conditions on properly labeling the reserves on the plan; the city engineer did forward some comments noted in the report.

**Motion was made by Commission Member Bonnie McDaniel; and a second by Commission Member Ellen Eby, to approve.**

**Roll Call Vote: (7-0 Vote).**

Commission Member Henry Munson- Aye; Commission Member Ellen Eby- 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.

**13. Discussion the Short Term Text Amendment Changes to the City's Land Development Code, Zoning Ordinance and other development regulations. No action required.**

Mr. Spriggs introduced an outline of the Text Amendment Changes and asked that the Commission would take the item home and review the changes and come back the next meeting for a public hearing, discussion and possible action.

**ADJOURNMENT**

Planning and Zoning Commission Chair Bill Garwood adjourned the meeting at 1:10 P.M.

These minutes were approved by Angleton Planning and Zoning Commission on this the \_\_\_day of January \_\_\_\_ 2023, upon a motion by Commission Member XX, seconded by Commission Member XX. The motion passed on X-X vote.

**CITY OF ANGLETON, TEXAS**

-----  
William Garwood  
Chair

-----  
Otis T. Spriggs, AICP  
Director of Development Services