



**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 WEDNESDAY THURSDAY, APRIL 6, 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 Deborah Spoor
- Commission Member Michelle Townsend
- Commission Member Regina Bieri
- Commission Member Ellen Eby
- Commission Member Bonnie McDaniel
- Commission Member Henry Munson

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

Motion was made by Commission Member Ellen Eby to approve the minutes subject to the noted corrections; Motion was seconded by Commission Member Regina Bieri.

**Commission Action:** Minutes were **Approved**. Motion carried unanimously, **7 -0 vote**.

**2. Discussion and Presentation recognizing April as National Fair Housing Month. No action is required.**

DS Director Otis Spriggs presented the Fair Housing slideshow before the Commission. He stated that in our efforts of affirmatively furthering Fair Housing, Mayor Perez and City Council on March 28, 2023 presented a proclamation recognizing April as National Fair Housing Month. This month is a designated time to recognize the advancements of equal housing access and to remind ourselves of the purpose of the Fair Housing Act.

**3. Discussion and possible action on determining possible meeting dates to meet with City Council for a workshop regarding the Zoning Code and various District Regulations.**

The Planning and Zoning Commission unanimously agreed that the best potential meeting date is: May 16, 2023 at 5:30 PM- 7:00 PM.

## **PUBLIC HEARINGS AND ACTION ITEMS**

### **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, for a Daycare within the Commercial General Zoning District(C-G), DBA Carwood Preparatory Academy Daycare/Preschool at 1100 E. Mulberry St., Angleton, TX, Stes. D&E.**

DS Director Otis Spriggs presented the SUP request and staff summary. He noted the criteria for approving SUP's was reviewed by staff and noted that there were no items in conflict.

He noted that staff recommends this Specific Use Permit (S.U.P.) application for a Daycare within the Commercial General Zoning District(C-G), for Carwood Preparatory Academy Daycare/Preschool at 1100 E. Mulberry St., Stes. D&E to the city council for approval consideration and appropriate action, and there are findings of fact of no negative impact to the surrounding properties and subject to the condition that:

1. The applicant should make a good faith effort to obtain permission of the property ownership to install speed bumps in the drop off area to ensure child safety for any speeding cars accessing the parking lot.
2. The applicant shall obtain and maintain Childcare licensing as regulated by the state of Texas Health and Human Services Commission.
3. The applicant shall obtain any City Final Occupancy permits prior to opening the facility.
4. The applicant shall maintain any required Health Permit for food services to the children.

Chair William Garwood opened the public hearing without any opposition.

Christopher Woodard, the daycare owner, stated that they w8ll have 50 children and will be open from 7:00 AM to 7:00 PM. Age will be from 18 months to age 13-year-olds.

Chair William Garwood closed the public hearing without any opposition.

Commission Member Regina Bieri commented on the existing playground area and its current bad condition and size. Mr. Woodard stated that he would be clearing the area and improving it.

#### **Commission Action:**

Motion was made by Commission Member Regina Bieri to approve the Specific Use Permit (S.U.P.) application for a Daycare within the Commercial General Zoning District(C-G), for Carwood Preparatory Academy Daycare/Preschool at 1100 E. Mulberry St., Stes. D&E to the city council for approval consideration and appropriate action, and there are findings of fact of no negative impact to the surrounding properties and subject to the 4 conditions; Motion was seconded by Commission Member Bonnie McDaniel.

Commission Action: Motion carried unanimously, 7 -0 vote.

5. 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.

DS Director Otis Spriggs presented an update on the LDC Text Amendment Case noting that the Planning and Zoning Commission is requested to continue the public hearing and discussion on pending short term amendments to the City's Land Development Code, Zoning Ordinance and other development regulations as recommended by the Gunda Corporation. He explained the pending legal comments received over the course of the public hearing. PowerPoint slides were provided highlighting pending changes per legal review as outlined below:

1. Minor deletions and changes:
2. Removed or added reference to TLGC as recommended.
3. Deleted or added other references.
4. Reworded as recommended to avoid double negative.
5. Deleted reference to specific codes and sections that may change in the future. Kept it more generic – “code of ordinances”, “thoroughfare plan”, or “LDC”.
6. Clarified language: permissive vs. mandatory; enforceable.
7. Referred to city code of ordinances for processes for universal processes for approvals, variance etc. Removed details from the LDC.

No further changes were suggested by the Commission. This public hearing remained tabled.

## REGULAR AGENDA

6. **Discussion of a Project Concept for the Mulberry Fields Subdivision site for consideration of a new concept, for approximately 13 acres of land located north of W. Mulberry St., West side of N. Walker St, and south of W. Live Oak St., within the SF-6.3 Zoning District. No action is required.**

DS Director Otis Spriggs introduced the item noting that Corey Boyer, Manager of Development of Texas, developer, hopes to discuss a new vision for the property to allow for a different product in response to the current market influences and interest rates. The applicant is proposing a rezoning of the property to SFA, Single-family attached residential district (Townhomes) (*See attachment 1 for the related Code regulations*). *The proposed number of units would result in 88 doors, depending on net density once public improvements and setbacks are finally designed.*

The Mulberry Fields Subdivision is platted under SF 6.3 for the most part ready for construction. The plans are copied in the packet.

Corey Boyer presented the concept and requested feedback. He has owned the property for 2 years and is requesting a single family attached townhouse product due to interest rates, construction, and insurance costs on the current site. He noted that he is leaving the roads the same. He noted they will meet and exceed all the SFA requirements including additional parking. The property is surrounded by commercial uses, substation, battery farm, residential, etc. These are not being sought out to be duplexes for rental.

Commission Member Michelle Townsend stated that the structure number will double, how are you dealing with any traffic concerns. Mr. Corey Boyer stated that he has had the traffic analyzed by the engineer and they are saying that he is far under the threshold with the 2 points of access.

Commission Member Regina Bieri stated that we do need more duplexes and townhomes; however, her customers are demanding more units like this for the elderly that are not 2-story. She also gave her opinion of PIDs.

Commission Member Bonnie McDaniel noted that her clients want something new in spite of the price point. There is a market for something different.

Commission Member Deborah Spoor expressed her opposition of smaller lots and higher density. She alerted the applicant of the neighbor's dissatisfaction.

**7. Consideration of approval of a Final Plat for Windrose Green Section 3 Subdivision. The subject property consists of 23.70 acres, 122 Lots, 3 Blocks, 4 Reserves, in the T.S. Lee Survey, Abstract#318, is in the City of Angleton ETJ and is located on the south side of FM 523 approximately 2,500 feet west of the FM 523/SH 35 intersection.**

Mr. Spriggs presented the staff review of the plat within the ETJ and noted the City Engineer reviewed the plat and offered 7 comments of which the applicants since the posting of the agenda have resubmitted and addressed each comment.

Mr. Spriggs informed that Staff recommends that the Planning and Zoning Commission approves of the proposed final plat and recommends it to the City Council for final action.

**Commission Action:**

Motion was made by Commission Member Bonnie McDaniel to approve of the proposed final plat and recommend it to the City Council for final action. Motion was seconded by Commission Member Michelle Townsend.

**Roll call vote:**

Chair William Garwood, Aye; Commission Member Deborah Spoor, Nay; Commission Member Regina Bieri- Nay; Commission Member Ellen Eby; Aye; Commission Member Bonnie McDaniel- Aye; and Commission Member Henry Munson- Nay and Commission Member Michelle Townsend- Aye.

**Motion carried with a 4 -3 vote.**

**8. Discussion and possible action on a Preliminary Plat for Ashland Utility Reserve, for 0.23 acres of land, containing two reserves in one block for utility purposes, out of the Shubael Marsh Survey A-81 &A-82, Brazoria County, Texas as submitted by Ashton Gray Development.**

Mr. Spriggs presented the Preliminary Plat for Ashland Utility Reserve, for 0.23 acres of land, containing two reserves in one block for utility purposes. The City Engineer has reviewed the submitted Preliminary Plat for Ashland Utility Reserve, and listed (9) comments which have all been addressed by the applicant after the agenda posting. Staff has cleared all the noted comments.

The planning commission should approve the Preliminary Plat for Ashland Development Utility Reserve, 0.23 acres of land, containing two reserves in one block for utility purposes and a lift station and recommend it to City Council for final action, subject the final approval of the Development Agreement.

**Commission Action:**

Motion was made by Commission Member Michelle Townsend to approve the proposed final plat and recommend it to the City Council for final action subject to final approval of the DA. Motion was seconded by Commission Member Regina Bieri.

**Roll Call vote:**

Chair William Garwood, Aye; Commission Member Deborah Spoor, Nay; Commission Member Regina Bieri- Nay; Commission Member Ellen Eby; Aye; Commission Member Bonnie McDaniel- Aye; and Commission Member Henry Munson- Aye and Commission Member Michelle Townsend- Aye.

**Motion carried unanimously, 5 -2 vote.**

**9. Discussion and possible action on the preliminary plat of the Ashland Project Coral Haven Street Dedication.**

Mr. Spriggs presented the Ashland Project Coral Haven Street Dedication. The City Engineer has reviewed the submitted Preliminary Plat, and listed (7)

comments which have all been addressed by the applicant after the agenda posting. Staff has cleared all the noted comments.

Recommendation. The Planning Commission should approve the Preliminary Plat for Ashland Coral Haven Street Dedication Plat and forward it to City Council for final action, subject to the final approval of the Development Agreement. Commission Action:

Motion was made by Commission Member Bonnie McDaniel to approve the proposed final plat and recommend it to the City Council for final action subject to final approval of the DA. Motion was seconded by Commission Member Michelle Townsend.

**Commission Action:**

Chair William Garwood, Aye; Commission Member Deborah Spoor, Nay; Commission Member Regina Bieri- Aye; Commission Member Ellen Eby; Aye; Commission Member Bonnie McDaniel- Aye; and Commission Member Henry Munson- Aye and Commission Member Michelle Townsend- Aye.

Roll Call vote:

Motion carried unanimously, 6 -1 vote.

**10. Discussion and possible action on the preliminary plat of Ashland Section 2**

Mr. Spriggs presented the preliminary plat of Ashland Section 2. The City Engineer has reviewed the submitted Preliminary Plat, and listed (6) comments which have all been addressed by the applicant after the agenda posting. Staff has cleared all the noted comments.

Recommendation. The Planning Commission should approve the Preliminary Plat for Ashland Section 2 Plat and forward it to City Council for final action, subject to the final approval of the Development Agreement.

Motion was made by Commission Member Bonnie McDaniel to approve the proposed final plat and recommend it to the City Council for final action subject to final approval of the DA. Motion was not seconded.

Commission Action: Motion failed due to the lack of a second to the motion.

**11. Discussion and possible action on a Preliminary Plat for Austin Colony Section 1 A, within Planned Development (PD) District No. 3., on an approximate 164.50 acres of land located on the north side of Anchor Road (CR 44) approximately 2,000 feet northwest of W. Wilkins Street.**

Mr. Spriggs presented Preliminary Plat for Austin Colony Section 1 A. He explained the reasoning behind the amendment to the PD which covered the

Austin Colony Boulevard classification. This proposal is in compliance with the PD Ordinance. The City Engineer has reviewed the submitted Preliminary Plat, and listed (11) comments which have all been addressed by the applicant after the agenda posting. Staff has cleared all the noted comments.

Recommendation. The Planning Commission should approve the Preliminary Plat for Austin Colony Section 1 A and forward it to City Council for final action.

Commission Action:

Motion was made by Commission Member Bonnie McDaniel to approve of the proposed preliminary plat and recommends it to the City Council for final action. Motion was seconded by Commission Member Michelle Townsend.

**Commission Action:**

Roll Call vote:

Chair William Garwood, Aye; Commission Member Deborah Spoor, Nay; Commission Member Regina Bieri- Nay; Commission Member Ellen Eby- Nay; Commission Member Bonnie McDaniel- Aye; and Commission Member Henry Munson- Nay; and Commission Member Michelle Townsend- Aye.

Motion failed to carry, 3-4 vote recommending denial.

**12. Discussion and possible action on a Final Plat for Riverwood Ranch Section 3. The proposed final plat consists of approximately 73 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.**

The City Engineer has reviewed the submitted the Riverwood Ranch Subdivision, Section 3, and the listed (10) comments have been addressed by the applicant since this agenda posting. The comments found in the review were minor and are primarily textual/formatting items noted for correction. Staff has cleared the noted comments.

Commissioner Ellen Eby asked how were the sales going for the subdivision phases 1 and 2.

Michael Foley reported from Riverway spoke on the raised interest rates which have slowed sales. His group is selling at a better pace than others. Lennar does a lot of spec homes and then sells them over a few months. He stated that they are not a custom builder.

Recommendation. The Planning Commission should approve the Final Plat for Riverwood Ranch Section 3 and forward it to City Council for final action.

**Commission Action:**

Motion was made by Commission Member Bonnie McDaniel to approve the proposed final plat and recommend it to the City Council for final action. Motion was seconded by Commission Member Munson.

**Roll Call Vote:** Chair William Garwood, Aye; Commission Member Deborah Spoor, Nay; Commission Member Regina Bieri- Nay; Commission Member Ellen Eby- Nay; Commission Member Bonnie McDaniel- Aye; and Commission Member Henry Munson- Nay; and Commission Member Michelle Townsend- Nay.

Motion failed to carry, 2-5 vote recommending denial.

**13. Discussion and possible action on a revised preliminary plat for Angleton Park Place Subdivision Section 1**

Mr. Spriggs presented Angleton Park Place Subdivision Section 1. He explained the reasoning the resubmitted preliminary was to readjust the 2 entrances off Phillips Rd. The City Engineer has reviewed the submitted Preliminary Plat, and listed (12) comments which have all been addressed by the applicant after the agenda posting. Staff has cleared all the noted comments.

Recommendation. The Planning Commission should approve the Angleton Park Place Subdivision Section 1 and forward it to City Council for final action.

**Commission Action:**

Motion was made by Commission Member Bonnie McDaniel to approve of the proposed Angleton Park Place Preliminary Subdivision Section 1 and recommend it to the City Council for final action. Motion was seconded by Commission Member Michelle Townsend.

Roll Call Vote:

Chair William Garwood, Aye; Commission Member Deborah Spoor, Aye; Commission Member Regina Bieri- Aye; Commission Member Ellen Eby- Aye; Commission Member Bonnie McDaniel- Aye; and Commission Member Henry Munson- Aye; and Commission Member Michelle Townsend- Aye.

Motion carried unanimously, 7 -0.

Chair William Garwood recognized and gave appreciation for commission Member Bonnie McDaniel for many years of participation and contribution to the Commission as this being her last meeting.

**The meeting was adjourned at 1:17 PM.**