



AGENDA SUMMARY/STAFF REPORT

MEETING DATE: February 27, 2024

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

AGENDA CONTENT: Conduct a hearing, discussion, and take possible action on Ordinance No. 20240227-003 approving a request to rezone approximately 0.1799 acres of land from the “SFA”, Single Family Attached District to the “C-G”, Commercial General District with a Specific Use Permit to allow for a small daycare addition on a tract of land located adjacent and south of 2924 N Valderas St., Angleton, TX 77515, Angleton, Texas, legally described as A0380 J DE J VALDERAS TRACT 125B7 (MOODY TR 2 (PT)) (ANGLETON) ACRES 0.1799, Brazoria County, Texas.

AGENDA ITEM SECTION: Public Hearing and Action Item

BUDGETED AMOUNT: N/A

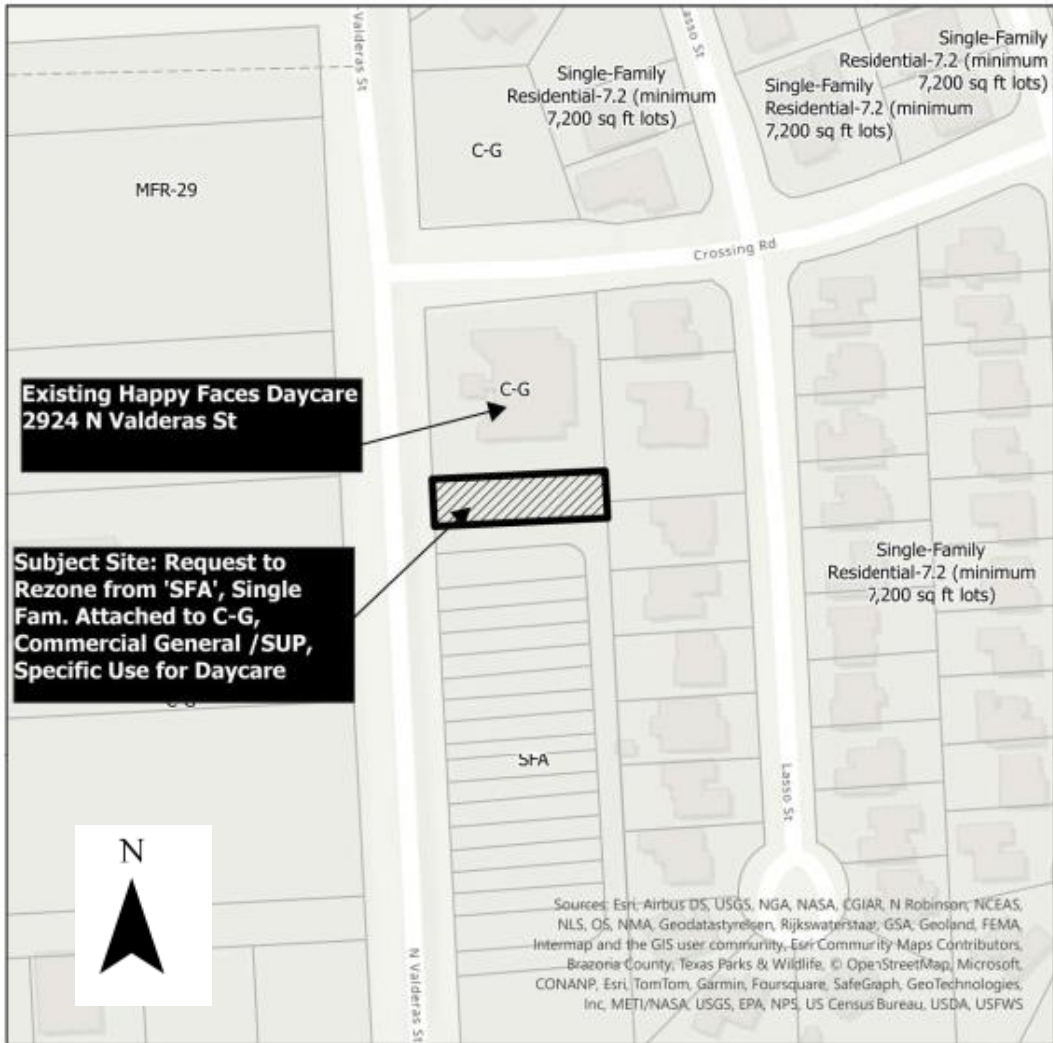
FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY: Miguel Saucedo, Agent is requesting consideration of a Rezoning and Specific Use Permit from the “SFA”, Single Family Attached District to the “C-G”, Commercial General District with a Specific Use Permit to allow for a small daycare addition on a tract of land located adjacent and south of 2924 N. Valderas St, Angleton, TX 77515, Angleton, Texas. The subject site is directly south of the existing/pre-existing Happy Faces Daycare located in the “C-G”, Commercial General District. The Specific Use will include a 3,450 square-foot, 1 story (standalone) building addition. The current state licensing for daycare limits the facility to a maximum capacity of 119 children.

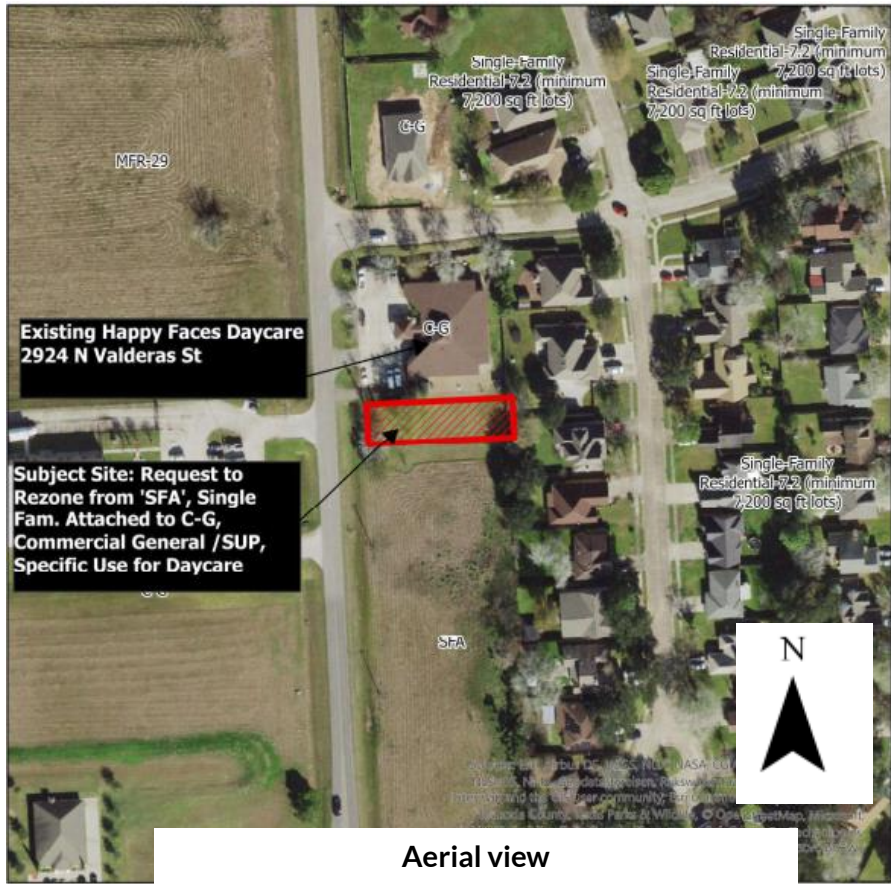
PROPERTY HISTORY:

The subject property is part of a divided property located in the “SFA”, single family attached residential zoning. The property plat is recorded as the Tripoli Subdivision and ownership has been held by Applicant Christi Beard’s, LLC companies for a number of years.



SURROUNDING CONDITIONS:

Location	Current Use	Zoning Classification/Use
North	Existing Happy Faces Daycare	C-G General Commercial
South	Vacant	SFA Single Family Attached
West	Vacant	C-G General Commercial
East	Single Family Homes	SF 7.2 - Single Family 7.2





View of existing building and parking lot



View of existing building and parking lot

Record of Proceedings

Planning and Zoning Commission Meeting Held Thursday, February 1, 2024, 12:00 PM

5. Conduct a hearing, discussion, and take possible action on Ordinance approving a request to rezone approximately 0.1799 acres of land from the "SFA", Single Family Attached District to the "C-G", Commercial General District with a Specific Use Permit to allow for a small daycare addition on a tract of land located adjacent and south of 2924 N Valderas St, Angleton, TX 77515, Angleton, Texas, legally described as A0380 J DE J VALDERAS 1 TRACT 125B7 (MOODY TR 2 (PT)) (ANGLETON) ACRES 0.1799, Brazoria County, Texas.

Development Coordinator, Kandice Haseloff-Bunker presented this item giving the following staff summary: Development Servies has advertised this public hearing per the requirements for newspaper legal notices and sent notices to property owners within 200 feet of subject property. An existing daycare abuts the subject property. The applicant wishes to rezone and obtain a SUP for this property to allow for expansion of the existing daycare. The current State Permit is for 119 students and there is no proposal to increase these attendance numbers. There has been one question concerning the road and traffic congestion that currently occurs in the intersections near the existing daycare. Although the daycare is not the sole contributor to increased traffic in the area, the proposed daycare expansion is presented with an increase of parking and line que spaces that will exceed the minimum requirements. There have been no objections filed.

Staff is asking for a recommendation from the Planning and Zoning Commission to council and then open this up into public hearing for council.

Applicant, Miguel Saucedo and Owner, Christi Beard did not request to speak but, were present and available for questions.

Commission Action:

Motion was made by Commission Member Michelle Townsend, seconded by Commission Member Regina Bieri to approve the requested rezoning and SUP, subject to the four notes listed in our packet and forward the ordinance to City Council for final consideration.

Roll Call Vote: Chair William Garwood - Aye; Commission Member Michelle Townsend - Aye; Commission Member Regina Bieri - Aye; Commission Member Will Clark - Aye; and Commission Member Deborah Spoor - Aye. The Planning & Zoning Commission voted unanimously 5-0 to approve the request to rezone 0.1799 acres of land from the "SFA", Single Family Attached District to the "C-G", Commercial General District with a Specific Use Permit.

STAFF ANALYSIS:

Section 28-63, 5 (e); SUP- Specific use permits, outlines the requirements and *factors for consideration*:

When considering applications for a specific use permit, the planning and zoning commission in making its recommendation and the city council in rendering its decision on the application shall, on the basis of the site plan and other information submitted, evaluate the impact of the specific use on, and the

compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The planning and zoning commission and the city council shall specifically consider the extent to which:

- a. The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted comprehensive plan;
- b. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- c. The proposed use meets all supplemental standards specifically applicable to the use as set forth in this chapter;
- d. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:
 - Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire; *A cross-access easement would promote good access management in the future case of the proposed abutting townhomes are built to the immediate south of the property.*

OFF STREET PARKING REQUIRED
119 PUPILS X (1 SPACE PER 10 PUPILS)
2 BUS/VANS x (1 SPACE FOR EACH BUS/VAN)
10 CLASSROOM X (1 SPACE PER CLASSROOM)
1 OFFICE X (1 SPACE PER OFFICE)
OFF STREET SPACES REQUIRED = 24
<u>OFF STREET SPACES PROVIDED = 26</u>
STACKING SPACES REQUIRED
1 STACK X (1 STACK PER 100 PUPILS)
STACKING SPACES REQUIRED = 10
<u>STACKING SPACES PROVIDED = 14</u>

- **Off-street parking and loading areas; *The revised parking lot and proposed traffic flow exceeds all the parking and loading code requirements as shown on the attached.***
- Refuse and service areas (adequate);
- Utilities with reference to location, availability, and compatibility; **(utilities already existing);**
- Screening and buffering, features to minimize visual impacts, and/or setbacks from adjacent uses **(No issues exist);**
- Control of signs, if any, and proposed exterior lighting with reference

to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district **(No issues exist);**

- Required yards and open space **(meet all requirements for open space and landscaping);**
- Height and bulk of structures **(1-story addition);**
- Hours of operation **(will meet and follow existing hours of operation without issue);**
- Exterior construction material and building design **(N/A, TBD);** and

- Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets (**No issues**).
- e. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity (**No detriments will exist**).

Staff has taken the above criteria into consideration when reviewing the proposed day care facility. The space adequately provides for the use and if approved, it will not be in conflict with the Zoning Resolution nor the Comprehensive Plan. The proposed use is compatible with the overall character of the area.

The purpose for the building addition to the daycare facility is not increase patron numbers but it provides additional square footage per child, to spread children out as stated by the owner. The current state licensing for the daycare, limits the facility to a maximum capacity of 119 children.

On 1/10/24, staff met with the Applicant and requested an analysis of parking site to ensure that the facility is not over parked. It has been concluded that the parking lot will adequately accommodate the proposed use, as seen on the updated layout attached.

Childcare licensing and regulations are handled by the state of Texas Health and Human Services Commission. The applicant has stated that food service is cooked on primary site, the applicant must comply with Food and Health Inspections and Permit requirements.

Public Notification

Staff sent public notices to the local newspaper, and to the property owners within 200 feet of the subject property under consideration for the Rezoning and SUP application.

Opposition to or Support of Proposed Request

To-date, Staff has not received any notices in support or opposition of the proposed Rezoning and SUP request.

Recommended Action:

Planning & Zoning Commission recommends that City Council approves the Ordinance No. 20240227-003 requesting to rezone 0.1799 acres of land from the "SFA", Single Family Attached District to the "C-G", Commercial General District with a Specific Use Permit for the Daycare expansion subject to the following conditions:

1. The applicant shall obtain and maintain Childcare licensing as regulated by the state of Texas Health and Human Services Commission.
2. The applicant shall obtain any City Final Occupancy permits prior to opening the expanded portion of the facility.
3. The applicant shall maintain any required Health Permit for food services to the children.

4. The applicant should consider adding a cross-access easement to the immediate south property line to promote a combined/consolidated ingress/easement between the subject property and the adjacent tract, if it is developed as townhomes as zoned.