



**CITY OF ANGLETON
PLANNING AND ZONING COMMISSION MEETING MINUTES
120 S. CHENANGO STREET, ANGLETON, TEXAS 77515
TUESDAY, SEPTEMBER 19, 2023 AT 12:00 PM**

Members Names

Chair | William Garwood

Commission Members | Deborah Spoor, Henry Munson (Acting Chair of this meeting), Michelle Townsend,

Regina Bieri, Ellen Eby, Shawn Hogan

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 TUESDAY, SEPTEMBER 19, 2023 , AT 12:00 P.M., AT THE CITY OF ANGLETON COUNCIL CHAMBERS LOCATED AT 120 S. CHENANGO STREET ANGLETON, TEXAS 77515.

ROLL CALL:

Present were: Deborah Spoor, Ellen Eby, Michelle Townsend, and Henry Munson (presiding)

Absent were: Shawn Hogan, Regina Bieri, and William Garwood.

1. Meeting Minutes Approval:

Motion was made by Commission Member Michelle Townsend; seconded by Commission Member Ellen Eby to approve the meeting minutes for August 3, 2023, for the Planning and Zoning Commission meeting.

Roll Call Vote: Commission Member Henry Munson- Aye; Commission Member Michelle Townsend- Aye; Commission Member Ellen Eby- Aye; Commission Member Deborah Spoor- Aye; with a 4-0 vote, the minutes were unanimously approved.

PUBLIC HEARINGS AND ACTION ITEMS

- 2. Conduct a Public Hearing, discussion and take possible action on an ordinance approving a request to rezone 1.67 acres from the Commercial General District to the SF- 7.2 Single Family Residential District, for property located at 2927 N. Valderas St., Angleton, TX; situated approximately 625 ft. north of the Henderson Rd./N. Valderas intersection, Brazoria County, Texas.**

Commission Member Henry Munson opened the public hearing, without any objection.

Kandice Haseloff-Bunker, Development Coordinator presented the application for a rezoning at 2927 Velasco Street, which is a request from Commercial General to Single

Family Residential 7.2 District. As you're aware, P&Z and City Council recently considered this application as a concept plan and provided positive feedback to the applicant. The area nears the northern city limits, in which some of the other properties have been developed as commercial and worship uses, but much of the area developed as residential.

This commercial zone property has been listed for-sale (45 days) and has remained unpurchased. As such, the Garcia family has been searching to purchase a large estate parcel to build a residential home and accessory barn for personal storage.

The family would like to purchase the property but discovered that it would need to be rezoned to suit their purposes. It's not expected to create any negative impact on the capacity or on the other properties in the area. The proposed home will be a great opportunity to allow for residential estate development.

Kandice Haseloff-Bunker ended by saying that Staff recommends that the Planning and Zoning Commission should adopt this final report and recommend approval for the ordinance rezoning 1.67 acres from the Commercial-General Zoning district to the Single Family 7.2. and that the Finding of Facts and Review Criteria for Section 28-24A2 are met and satisfied.

Commission Member Michelle Townsend inquired about the abutting land uses surrounding the property and expressed her concerns about the home being a stand-alone use in the middle of commercial. Mr. Spriggs described the uses and zoning designations as seen on the land use and zoning maps. The property to the north is zoned MFR 29 Multi-family residential. Two church uses are further north.

Commission Member Michelle Townsend inquired about the requirements for the barn. Mr. Spriggs explained that the new owner, if they receive the rezoning, could apply for the residence and barn structure under the same building permit. We would allow the barn to be built first, but the home would have to commence under the same active permit (extension of time is allowed). The barn is not permitted as a stand-alone structure in a residential area, absent a principal structure.

Commission Member Michelle Townsend asked what the recourse would be if they built the barn and not the house. Mr. Spriggs explained that it would be a violation of the code; and enforcement procedures could result in removal by court action.

The applicant Patsy Garcia explained their time schedule in which they would build the barn within a year and complete the home within another year.

Commission Member Eby asked about setbacks requirements of the MFR-29, and impact on the residential; are we tying our hands for potential problems?

Mr. Spriggs explained that the applicants were put on notice regarding the more intense zoning districts that surround the subject property.

Applicant Patsy Garcia gave comments, introducing her son-in-law, Steven Lanzillo. They would like store their camper, vehicles, trailers, etc., and build the residential estate.

Commission Member Michelle Townsend gave her reasons for not supporting, in that the property could be revenue generating for the city; instead of turning it into a private storage facility, subject to less revenue and for the city. She asked the applicant why they looked at commercial properties if they wanted to build a home. Ms. Garcia responded that when they saw the listing, it said commercial/residential. "Once we did the contract, we didn't realize that it was only commercial, thus we sought the rezoning".

Kandice Haseloff-Bunker provided that the Warranty Deed 1995008160 recorded on 03/13/1995 conveyed the property with protective covenants stating that for 5 years the property could solely be used for a day care center or related facility. After which the property could be used for any lawful purpose allowed by the zoning ordinance then in effect. Additionally, the protective covenants were deemed terminated after a period of 20 years. The zoning applied to the property is Commercial, no day care was developed on the site, and the property remained vacant and undeveloped as Commercial-General even after that. Year 2015 would have been the 20-year of expiration after the corporation of those protective covenants.

Commission Member Henry Munson closed the public hearing, without any objection.

Commission Acton:

Commission Member Ellen Eby made a motion to rezone 1.67 acres of land from Commercial General to Single Family Residential 7.2 for property located at 2927 N Valderas, and it's a recommendation to City Council for final action; Motion was seconded by Commission Member Henry Munson.

Roll Call Vote: Commission Member Henry Munson- Aye; Commission Member Michelle Townsend- Nay; Commission Member Ellen Eby- Aye; Commission Member Deborah Spoor- Aye; with a 3-1 vote the measure failed; a majority of 4 votes were needed.

REGULAR AGENDA

3. Discussion and possible action on Ashland Section Three Preliminary Plat

D.S. Director Otis Spriggs presented the item before the commission.

Section 3 preliminary plat consists of 75 lots, four blocks, eight reserves on 19.42 acres. For Section 3. As you know, the development agreement has been approved for the property. The plat is subject to the development agreement in terms of lot sizes and configurations. Staff recognized that Section 3 has an average 55' product; however, in some instances such as corner lots you'll see bigger lots typically, and on some of the curvature areas, there are 80' lots. Section 3 will access from Almandine Drive, which is off of Sapphire Dr. (Section 3 Street Dedication Plat), which the school is also served off of. The City Engineers review is copied for your reference, reflecting comments from the city Engineer, which were textual in nature. The applicant has responded to the comments.

As you recall, they are still under review with ADD and Brazoria County Engineering in terms of the mass drainage approval. After speaking with the school district, we learned that they are considering the approvals in in phases. Including the agencies having authority of drainage issues, they are considered the referral agencies such as the Angleton Drainage District, Brazoria Flood Control and the Drainage. Mr. Spriggs commented on the State highway department's review of any access off of FM 521, as you know would have to be approved by TxDOT regarding drive tie-ins, signalization, turn lanes, deceleration lanes, etc. The internal streets are subject to Brazoria County in terms of maintenance. Hence, the condition remains for those needed approvals being met prior to construction and/or recordation of these plats which would require signatures of certification.

Staff is recommending that P&Z forwards this plat to council with a positive recommendation, conditioned that all referral agency requirements and conditions be met and that the City Engineers final sign-off of all requirements is done in the end.

Commission Member Michelle Townsend asked about the lot mix.

Applicant: Caitlin King, META Planning/Design : Addressed the Commission's question about the influx of the smaller lots and when are we going to see like the 70 and 80 foot wide lots.

Ms. King replied that those will come a little bit later in the development. I believe our next sections, 7 through 9 and there are 60s. Usually, the larger products come a little bit later. From a financial perspective, the smaller lots come first typically, but they are slated to come in the next round of plats.

Commission Member Deborah Spoor asked, why don't we just take the whole development in as one? Instead of a motion on each section. I don't understand why we're looking at this section by section by section.

Mr. Spriggs responded, to answer the question of whether or not it can be approved all at once, noting that we have to treat them as separate applications in the manner the subdivision process works. You can combine your actions into one, but we must comply with state law, city ordinances and the L.D.C. The Planning Commission has the authority to forward a recommendation of approval or denial to Council on these plats (or approval with conditions). You act as a technical advisor to Council, as a Planning and Zoning Commission member.

Since it's in the E TJ, there are things that are beyond our control. Mr. Spriggs added that in so many ways, the development agreement becomes your zoning code or guiding document for this development.

Commission Action:

1st Motion. Commission Member Ellen Eby made a motion to deny the Ashland Section 3 Preliminary Plat; the motion was seconded by Commission Member Deborah Spoor

Roll Call Vote: Commission Member Henry Munson- Nay; Commission Member Michelle Townsend- Nay; Commission Member Ellen Eby- Aye; Commission Member Deborah Spoor- Aye; Vote was 2-2.

2nd Motion. Commission Member Michelle Townsend restated a second motion to approve the Ashland Section 3 Preliminary Plat with the noted conditions of the City Engineers final approval and the final approval of the referral agencies; the motion was seconded by Commission Member Henry Munson.

Roll Call Vote: Commission Member Henry Munson- Aye; Commission Member Michelle Townsend- Aye; Commission Member Ellen Eby- Nay; Commission Member Deborah Spoor- Nay; Vote was 2-2, the Preliminary Plat was denied.

4. Discussion and possible action on Ashland Section Six Preliminary Plat

D.S. Director Otis Spriggs presented the item before the commission noting that Section 6 parameters are very similar. The average lot would be the 55 foot lot, but a large amounts exceed that in size. The same as I stated before, the conditions were textual by the city engineer and have been cleared. The Referral Agency condition still follows this particular plat.

Staff recommends approval of the plat with those conditions as noted and that the plat be forwarded to council for final action.

Commission Member Michelle Townsend made a motion to approve the Ashland Section 6 Preliminary Plat with the noted conditions of the City Engineers final approval and the final approval of the referral agencies; the motion was seconded by Commission Member Henry Munson.

Roll Call Vote: Commission Member Henry Munson- Aye; Commission Member Michelle Townsend- Aye; Commission Member Ellen Eby- Nay; Commission Member Deborah Spoor- Nay; Vote was 2-2, the Section 6 Preliminary Plat was denied.

5. Discussion and possible action on Ashland Section Four Preliminary Plat

D.S. Director Otis Spriggs presented the item before the commission noting that the Section 4 preliminary plat request is very similar in nature with the 50' and 55' products, 88 lots, six reserves and five blocks.

Commission Member Michelle Townsend asked where we are on the mix with this plat submission. Mr. Spriggs clarified that we would need to have an average of 240 lots in the

various categories to exceed 10%. Staff will continue to track the lot mix. Mr. Spriggs stated that staff has the same recommendation as before on the Section 4 Preliminary Plat.

Commission Action:

Commission Member Michelle Townsend made a motion to approve the Ashland Section 4 Preliminary Plat with the noted conditions of the City Engineers final approval and the final approval of the referral agencies; the motion was seconded by Commission Member Henry Munson.

Roll Call Vote: Commission Member Henry Munson- Aye; Commission Member Michelle Townsend- Aye; Commission Member Ellen Eby- Nay; Commission Member Deborah Spoor- Nay; **Vote was 2-2**, the Section 4 Preliminary Plat was denied.

6. Discussion and possible action on Ashland Section Five Preliminary Plat

D.S. Director Otis Spriggs presented the item before the commission noting that Section 5, is directly next to Section 4, just east of it, having 102 lots at the 50-foot lot width average.

The same conditions would apply here for the textual changes all being cleared and all city engineering comments being met, and the referral agency conditions would follow as noted.

Commission Member Michelle Townsend asked for clarification on the attached concept plan. Caitlin King explained that Section 5 should have a land use of single family and lot specialty. She will provide the most recently approved Concept Plan which reflects the correction.

Commission Action:

Commission Member Michelle Townsend made a motion to approve the Ashland Section 5 Preliminary Plat with the noted conditions of the City Engineers final approval and the final approval of the referral agencies; the motion was seconded by Commission Member Henry Munson.

Roll Call Vote: Commission Member Henry Munson- Aye; Commission Member Michelle Townsend- Aye; Commission Member Ellen Eby- Nay; Commission Member Deborah Spoor- Nay; **Vote was 2-2**, the Section 5 Preliminary Plat was denied.

7. Discussion and possible action on the preliminary plat of the Ashland Project Street Dedication #4.

D.S. Director Otis Spriggs presented the item before the commission.

This particular area is in that northern eastern section of the concept plan east of the school site. This portion of the site is very close to where the school site is, but just a little bit east of it. This particular right away would be subject to the development agreement with the county, as it relates to right ways and street maintenance in the future. And

we're asking for a positive recommendation from the Council for final action. Caitlin King appeared before the Commission and pointed out this area being up past section one and two. That would have been in Street Dedication Section 2, Street Dedication Section Three, which kind of brought us to just right around the school site and then Street Dedication Section 3 picks up where we left off at the school site and it'll and will bring us over to that entrance that you see from those sections you saw this afternoon.

Commission Action:

Motion was made by Commission Member Michelle Townsend to approve final plat for Ashland Project Street Dedication #4, subject to satisfaction of any engineering and referral agency comments, corrections, recommendations and recommend to City Council for final action. Motion was seconded by Commission Member Spoor.

Roll Call Vote: Commission Member Henry Munson- Aye; Commission Member Michelle Townsend- Aye; Commission Member Ellen Eby- Aye; Commission Member Deborah Spoor- Aye; Motion Carried the Preliminary Plat was approved unanimously, 4-0.

8. Discussion and possible action on Angleton ISD Elementary No 7 and Junior High No 2 Final Plat

D.S. Director Otis Spriggs presented the item before the commission, noting that Angleton ISD is under a schedule to meet their construction approvals and work completion. The Ashland development plan has gone before the State Highway Department (TxDOT) in which you've seen the improvements along the quarter FM 521 as well as the connections to the development at Coral Haven and Sapphire Springs in terms of the right of way tie-ins. We have received some updates on the drainage approval in which the applicant is still working with ADD and Brazoria County. We understand that they will most likely split the development into phases that will facilitate the earlier approvals for the school district being done first. The applicant's engineer, who prepared the final plat is present. Staff and the City Engineer are recommending approval; as the city engineer's comments have been cleared and the referral agency conditions still lie on this plat as part of our recommendation to City Council. Also, Mr. Tim Richard, Bond Program Manager for Angleton ISD, is present. Mr. Richard spoke and confirmed that the school board is on board with everything noted.

Commission Action:

Motion was made by Commission Member Michelle Townsend to approve final plat for Angleton ISD Elementary Number 7 and Junior High Number 2, subject to condition that all referral agency approvals be met by applicant and the plat be forwarded to City Council for final consideration. Motion was seconded by Commission Member Ellen Eby.

Roll Call Vote: Commission Member Henry Munson- Aye; Commission Member Michelle Townsend- Aye; Commission Member Ellen Eby- Aye; Commission Member Deborah Spoor- Aye; Motion Carried the Preliminary Plat was approved unanimously, 4-0.

ADJOURNMENT TIME: 1:02 PM