



Members Names

Chair | William Garwood

Commission Members | Deborah Spoor, Will Clark, Michelle Townsend,

Regina Bieri, Ellen Eby, Michael Hogan

DRAFT

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 THURSDAY, NOVEMBER 2, 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

- 1. Discussion/Introduction and the Administering of the Oath of Office, for Mr. Will Clark, newly appointed Planning Commission member.**

Chair Bill Garwood introduced new Commission member Will Clark. City Secretary, Michelle Perez administered the Oath of Office and swearing-in to Commission Member Will Clark.

- 2. Discussion and possible action on the minutes for the Planning and Zoning Commission meeting held on September 19, 2023.**

Motion was made by Commission Member Ellen Eby and seconded by Commission Member Regina Bieri to approve the 9/19/2023 P&Z meeting minutes; Motion carried unanimously, 5-0. The Minutes were approved.

- 3. Discussion and possible action on the election of a Vice-chairperson for the Planning and Zoning Commission.**

Chair Bill Garwood opened the floor for nominations for the Vice-chairperson. Commission Member Regina Bieri nominated Commission Member Deborah Spoor as Vice-chair; there were no objections. The vote was unanimous, 5-0, to elect Commission Member Deborah Spoor as Vice Chair to the Planning and Zoning Commission.

PUBLIC HEARINGS AND ACTION ITEMS

4. **Conduct a public hearing, discussion, and possible action on a request for approval of an ordinance amending the City of Angleton Code of Ordinances, Zoning Chapter 28, and Chapter 23- Land Development Code, including Sections 28-41 through Sections 28-62 – Residential and Commercial Zoning Districts, Section 23-115–Standard language for special plat elements, Subsection C. Fire lanes and fire easements, Street pavement width requirement modifications. ARTICLE II. – Subdivision and Development Design, Section 23-12, Table 23-12.1, Street Dimension Standards, and Streets and Driveways, Section 129, and Section 28-101 Off-street and loading requirements (11).J. Fire Lanes, providing for clarity on area regulations, setback requirements and other standards, as set out and applicable in each Zoning district.**

Motion was made to open the public hearing by Commission Member Michelle Townsend, and seconded by Commission Member Regina Bieri. Motion carried unanimously.

Staff: D.S. Director Otis Spriggs presented this item giving the following staff summary: Development Services has advertised this public hearing per the requirements for newspaper legal notices. This is the first public hearing that we're hearing on this text amendment.

This item has been under discussion with City Council, as noted in the Staff Summary, in that we are looking at improving public safety within the city limits. Photographs are shown which summarize some of the cause-and-effect issues that we're having within some of the subdivisions. Setback requirement issues are illustrated denoting encroachments into the sidewalk travel area, whereas from a pedestrian standpoint this could be problematic when dealing with ADA compliance, as well as baby strollers and safety of children-at-play.

Street travel width distance, being 28' wide on new residential streets is the next issue. We're looking at increasing the travel distance to 30 feet back-of-curb to back-of-curb. On the current books (Code of Ordinances), we have an ordinance that states that City Council has the discretion of enforcing one side of street parking; however, the City does not enforce this regulation. The alternative could be to impose the one side of road parking in some of the newer neighborhoods, realizing that in some of the older neighborhoods that would be difficult. The other photographs show the cul-de-sac issue, where we are having another safety issue, where residents actually utilize cul-de-sacs for parking purposes within the subdivision. We're looking at possibly rating the cul-de-sacs as fire lanes to prevent this. We'll be working with the Fire Chief and PD, and working with council to derive details of enforcement.

On October the 26th, we held a work session to get feedback from the design community, builders, developers, and those who own property within the city limits, allowing for e-

mail, in-person, and virtual feedback. The Agenda Summary includes the collected comments.

Some of the comments were: *If you increase the front yard setback, then this would limit the rear yard situation in most residential circumstances.* But our hope here is that this would not be the case on your larger and standard lots such as Residential 6.3 or SF 7.2, those districts being typically the 60 foot lot threshold. We feel the increase of a setback to 10 feet could work in that situation.

However, if you look at the table (Exhibit B), there is an outline of the proposed front yard and side yard setback changes. Questions were raised and discussed on lots that called for a narrower and deeper house layout, which will be difficult to place on an increased front yard scenario having minimal rear yards.

Staff is asking for a recommendation from the Planning and Zoning Commission to council and then open this up into public hearing for council and maybe hold it two meetings hopefully just exhaust our efforts in educating the public.

The recording/video of the “Zoning Setback” workshop on October 26th is still available; the link is within the agenda summary and is available on facebook, in which you can review; the public can still offer comments. Legal is still reviewing the proposed text amendments. We are recommending that the Planning and Zoning Commission hear comments and possibly make a recommendation, subject to final legal review and then any comments that you might.

Public Input: None

Chair Bill Garwood entertained a motion to close the public hearing.

Motion was made to open the public hearing by Commission Member Ellen Eby; seconded by Commission Member Regina Bieri. Motion carried unanimously.

Commission Member Regina gave comments on car length whereas she and her husband both drive big cars, hers at 17 feet long and his- 20.5 feet, the two would be 37.5 feet, which would encroach the sidewalk.

Commission Member Michelle Townsend added that as somebody who lives on a cul-de-sac she appreciates this vision as well. She supports and is willing to make a recommendation whenever we're ready to entertain one. She asked how this affects current developments approved. Mr. Spriggs stated that the proposed amendments would pertain to new developments. We will work with Legal on any items that can include any sunshine clauses. This will afford us a way to negotiate development agreements in developments within the ETJ and within the City on HOA covenants, in promoting current City Council vision.

Commission Action:

Motion was made by Commission Member Ellen Eby; seconded by Commission Member Regina Bieri to accept staff's recommendations amending the text of the City of Angleton Code of Ordinance Zoning, Chapter 28 and Chapter 23 Land Development Code including Sections 28 to 41 through Sections 28 to 62 residential and commercial Zoning Districts regarding the zoning setback and lot size type regulations to City Council for final action and approval.

Roll call vote:

Commission Member Ellen Eby- Aye; Commission Member Michelle Townsend- Aye; Commission Member Will Clark- Aye; Commission Member Regina Bieri- Aye; Commission Chair Bill Garwood- Aye. **5-0, Unanimous Approval.**

REGULAR AGENDA

5. Discussion and possible action on a Final Plat for Angleton Park Place Subdivision Section 2.

Staff: Kandice Haseloff-Bunker, Development Coordinator presented the final plat, noting that the development agreement was approved by City Council in August and the signatures were executed in October. The final plat is subject to and is in compliance with that development agreement and the City development requirements except for the noted Engineering comments. The section one final plat was approved in June of 2023 and the preliminary plat for the second section was approved shortly after that in July 2023. Staff recommends approval subject to Final Engineer approval to Council for final action and approval.

Commission Member Michelle Townsend made a motion to approve the final plat for Angleton Park Place Subdivision, Section 2 as being in compliance with the development agreement that was previously accepted and forward to City Council for final action, subject to final approval of the development by the City Engineer. Motion was seconded by Commission Member Regina Bieri.

Roll call vote:

Commission Member Ellen Eby- Aye; Commission Member Michelle Townsend- Aye; Commission Member Will Clark- Aye; Commission Member Regina Bieri- Aye; Commission Chair Bill Garwood- Aye. **5-0, Unanimous Approval.**

6. Discussion and possible action on a Final Plat for Ashland Model Home Park.

Staff: Kandice Haseloff-Bunker, Development Coordinator presented the final plat, noting that this is a final plat for nine lots on 3.46 acres. As you know it is in the E TJ and we don't have zoning, except other than what's detailed in the development agreement that's been approved with City Council. The Ashland model Home Park is in compliance with that development agreement in terms of what size and configuration. The section has a range of lots that have frontage from 50 to 60 feet, and the lots are going to be developed

with model homes expected to showcase. The section will obtain access from Sapphire Springs Trail that connects to Ashland Blvd, that connects with FM 521.

Judith El Masri, City Attorney addressed the Planning Commission, introducing herself to the new member; adding that she works with the Randle Law Office. We are the appointed city attorney for the City of Angleton. She clarified that the role of the Planning and Zoning Commission, is an advisory committee created by statute. The timeline that everyone is referring to is in the vernacular, is known as the 'Shot Clock' statute. Much of the local government code is written to favor developers, so I always have to preface any discussion with that because I often hear from the P&Z members and the City Council members across the board from all 14 entities that our law firm represents. It is because of the people that go to Austin and pass the laws.

The shot clock basically means that once a developer files a plat, whether it be a preliminary plat or a final plat, there are 30 days that the municipal entity that has to review it, has to act. In your city ordinances, the way that happens is it comes to P&Z first and then P&Z approves, makes additional recommendations, and then it goes to your City Council for final approval. There are other cities that don't do it that way. There are other cities that sometimes the administrative building services department approves first and then it goes to City Council and even in some large cities like Houston or San Antonio (with corporate size departmental staff) where some things may not even be approved by City Council. You can imagine how big those development departments are, you know, just corporate size. So that's the way it works here, that it comes to you first. The answer to your question is if you do nothing (if something comes to you and you do nothing), my first response to that query would be you're not doing your job.

Judith El Masri added that the P&Z Commission lies in between the people that are living in the houses and your elected officials; So, it's really an important job. And then secondly, statutorily, the way these statutes are written, the approval process is ministerial and all that means is you have to approve. The municipal body has to approve, assuming the plat or plan or whatever that comes to you is correct. So if you're the building services director, Otis, Kyle, and Kandice tell you it's correct, and if your engineer says it's correct, then your job is to approve.

If those entities come to you and say we have a problem with. XYZ, and we don't recommend that you approve it yet, etc.. Judith El Masri ended by emphasizing how important the P&Z job is, right, that City Council needs to hear them, because City Council can't be on every residential street, in every business, and it can't be everywhere, every day.

Commission Member Michelle Townsend made a motion to approve the final plat for Final Plat for Ashland Model Home Park as being in compliance with the development agreement that was previously accepted and forwards to City Council for final action, subject to final approval of the City Engineer and all referral agencies. The motion was seconded by Commission Member Will Clark.

Roll call vote:

Commission Member Ellen Eby- Aye; Commission Member Michelle Townsend- Aye;
Commission Member Will Clark- Aye; Commission Member Regina Bieri- Aye;
Commission Chair Bill Garwood- Aye. 5-0, Unanimous Approval.

7. Discussion and possible action on a Final Plat for Ashland Subdivision Section 1.

Staff: Kandice Haseloff-Bunker, Development Coordinator presented the final plat and staff summary.

Commission Member Michelle Townsend made a motion to approve the final plat for Ashland Subdivision Section 1 as being in compliance with the development agreement that was previously accepted and forwards to City Council for final action, subject to final approval of the City Engineer and all referral agencies. The motion was seconded by Commission Member Will Clark.

Roll call vote:

Commission Member Ellen Eby- Aye; Commission Member Michelle Townsend- Aye;
Commission Member Will Clark- Aye; Commission Member Regina Bieri- Aye;
Commission Chair Bill Garwood- Aye. 5-0, Unanimous Approval.

8. Discussion and possible action on a Final Plat for Ashland Subdivision Section 2

Staff: Kandice Haseloff-Bunker, Development Coordinator presented the final plat and staff summary.

Commission Member Michelle Townsend made a motion to approve the final plat for Ashland Subdivision Section 2 as being in compliance with the development agreement that was previously accepted and forwards to City Council for final action, subject to final approval of the City Engineer and all referral agencies. The motion was seconded by Commission Member Regina Bieri.

Roll call vote:

Commission Member Ellen Eby- Aye; Commission Member Michelle Townsend- Aye;
Commission Member Will Clark- Aye; Commission Member Regina Bieri- Aye;
Commission Chair Bill Garwood- Aye. 5-0, Unanimous Approval.

ADJOURNMENT: Meeting was adjourned at 12:43 PM.