



AGENDA SUMMARY/STAFF REPORT

MEETING DATE: February 1, 2024

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

AGENDA CONTENT: Conduct a hearing, discussion, and take possible action on an Ordinance approving a request for a Specific Use Permit, for approximately 2.7 acres of land, currently zoned "C-G", Commercial General District, allowing for a daycare use on a tract of land located at 2700 E. Mulberry Street/E. SH 35 @ Rab Rd., also described as A0318 T S LEETRACT 38C1 ACRES 2.7 (ANGLETON), Brazoria County, Texas.

AGENDA ITEM SECTION: Public Hearing and Action Item

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

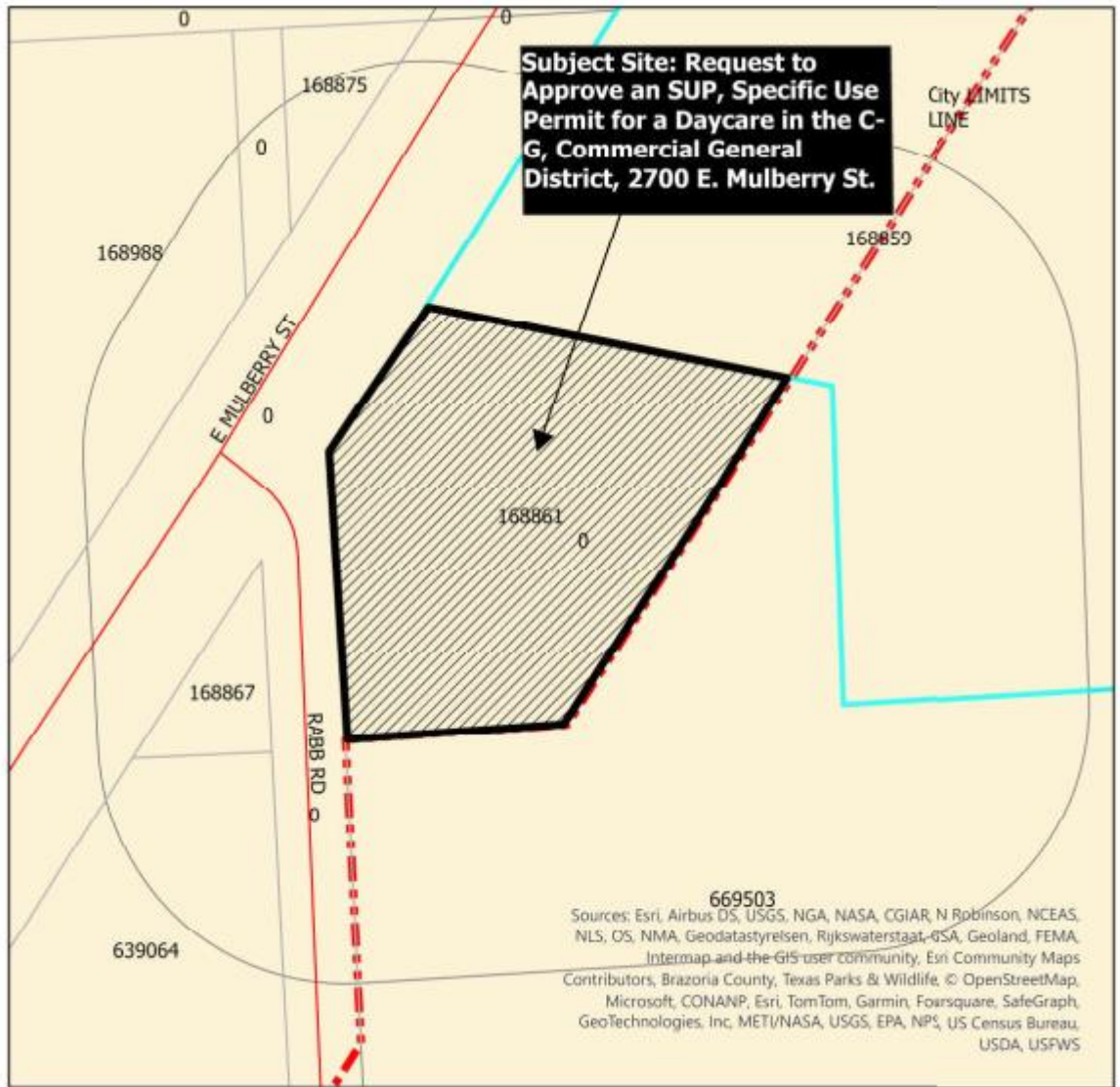
FUND: N/A

EXECUTIVE SUMMARY: David King, Applicant and Agent for Commerce Commercial Investments LLC, c/o Charles Smith, is requesting consideration of a Specific Use Permit within a C-G, Commercial General Zoning District to allow for a small daycare on a tract of land located at 2700 E. Mulberry Street/E. SH 35 @ Rab Rd., also described as A0318 T S LEETRACT 38C1 ACRES 2.7 (ANGLETON), Brazoria County, Texas.

PROPERTY HISTORY:

The original building is said to have been built in 1975 with a 5,500 sq. ft. building with a canopy. Property was last sold to current owner from Gulf Coast Baptist Association in 2023.

The building's closest setback distance will occur on the North rear property line and is 35' approximately. The maximum number of children proposed is 170 in total. The required child playground is proposed in the area adjacent to the entry courtyard.



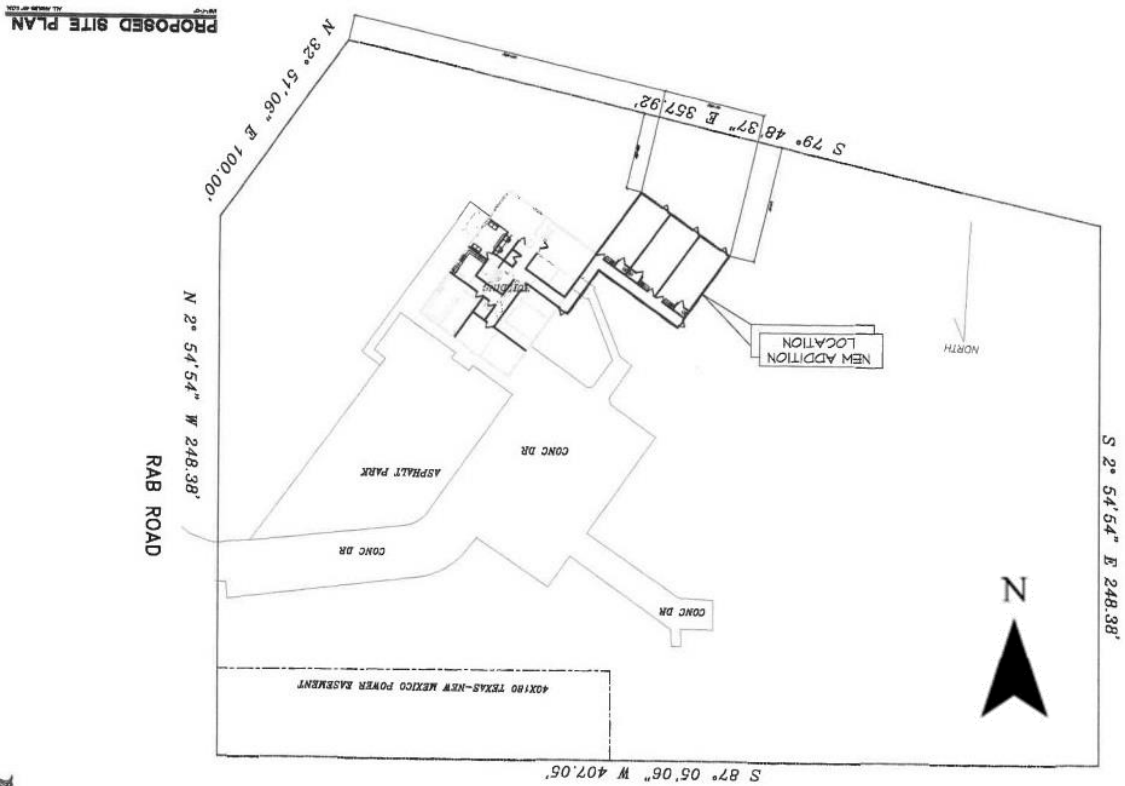
VICINITY MAP

SURROUNDING CONDITIONS:

Location	Current Use	Zoning Classification/Use
North	Angleton ISD School District Warehouse	C-G General Commercial
South	Single Family	ETJ
West	Vacant	C-G General Commercial
East	Warehouse	ETJ



Aerial Map



Proposed Site Plan



View of Site from SH 35



View of building and parking lot from Rab Rd.



View of building side from parking lot



Proposed building from SH 35



Proposed building view from Rab Rd.



Proposed building side and parking lot

PROPOSAL:

Mr. King proposes to add approximately 2,254 sq. ft. of classroom space to the existing 5,500 renovated structure (See attached architectural layout).

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 (**adequate**);
 - Off-street parking and loading areas; ***The parking lot and proposed traffic flow meet all requirements for parking and loading.***
 - Refuse and service areas (**adequate**);
 - Utilities with reference to location, availability, and compatibility (**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 (**adequate**);
 - Height and bulk of structures (**1-story building and proposed addition**);
 - Hours of operation (**will meet requirements for proposed use**);
 - Exterior construction material and building design (**No issues exist**); 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 daycare and learning center 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 parking lot will adequately accommodate the proposed use.

Childcare licensing and regulations are handled by the state of Texas Health and Human Services Commission. The applicant has stated that the food service will not be cooked on site, meals will be catered. In any case of prepared foods on 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 SUP application.

Opposition to or Support of Proposed Request

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

Recommended Action:

The Planning and Zoning Commission should adopt this Final Report and forward it to City Council with a positive recommendation of this Specific Use Permit (S.U.P.) application for a Child Daycare and Learning Center within the Commercial- General Zoning District, (C-G), for approval consideration and appropriate action.

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 permits and City Final Occupancy approvals prior to opening the facility.
3. The applicant shall maintain any required Health Permit for food services to the children.