

MEETING DATE: September 26, 2023

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

AGENDA CONTENT: 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.

AGENDA ITEM SECTION: Public Hearing and Action Item

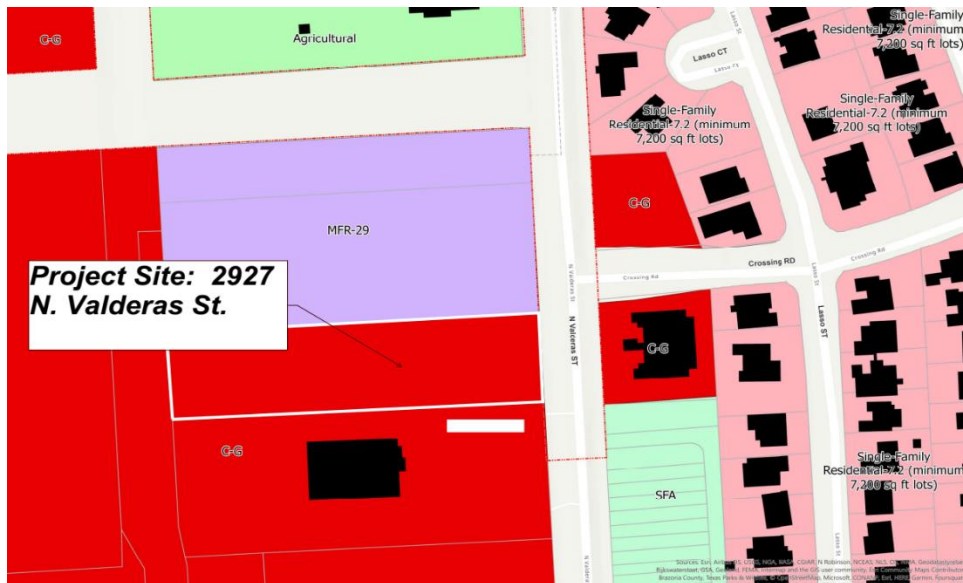
BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

Alexis K. Garcia-Lancello, Realtor with Mega Realty, LLC requests an informal discussion with the Planning and Zoning Commission for rezoning property located at 2927 N. Valderas St. currently zoned C-G, General Commercial to Residential. The property is pending a contract for purchase. The property currently has a legal description: A0380 J DE J VALDERAS TRACT 127E1 (ANGLETON) and comprises 1.67 acres. The current owner is listed as: N F GROUP INC, Brazoria Central Appraisal District website.



ZONING MAP



AERIAL MAP

Notice was sent to property owners within a 200-foot radius from the subject property in accordance with the provisions of the L.G.C. Chapter 211. Property owner names and addresses were located using the Brazoria County Appraisal District information.

Proposal:

The requester wishes to build 1-single family estate home on the property with an accessory barn to be used to store recreational vehicles, cars, and trailers. As described, included would be the following: (2 haul trailers, 2 car trailers, 2 covered trailers, 3 utility trailers and a camper).

Review Criteria and Findings of Fact:

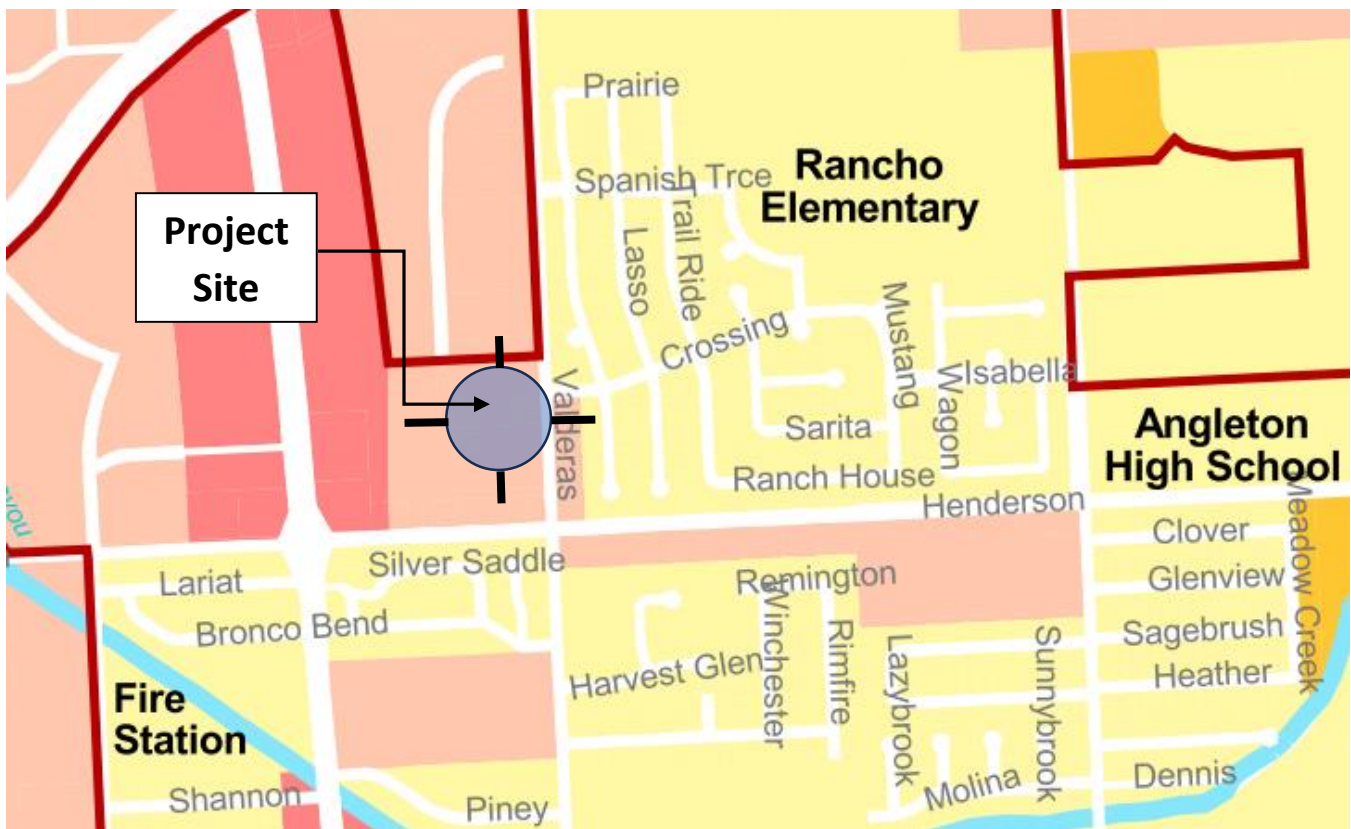
In making a determination regarding a requested zoning change, the planning and zoning commission and the city council shall consider the following factors:

- a. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the city as a whole. (**Staff concurs appropriateness is achieved; residential subdivision exists to the immediate east of the site**).
- b. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the

area; ***(There will be no negative impact on said capacity of public improvements of a single residential estate).***

- c. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances which may make a substantial part of such vacant land unavailable for development; ***(Although this area will continue to see infill commercial development, the scale will continue to be residential in scale, with neighborhood service oriented uses such as churches, attached living, professional and office uses).***
- d. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change ***(Similar request for estate residential has occurred along the same corridor).***
- e. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved. ***(This rezoning will not have any negative impact on other areas of reinvestment).***
- f. Any other factors that will substantially affect the public health, safety, morals, or general welfare. ***(No factors will negatively affect the public health, safety, morals or general welfare).***

Future Land Use Map



The adopted Future Land Use/Comprehensive Plan designates the subject property requested to be rezoned as Office/Retail.

Office/Retail Category (Coral):

This is a new district for Angleton designed to reserve the most desirable retail areas for office and retail uses, such as sites along SH 288. Office/Retail areas capture many of the locations in Angleton offering the high visibility needed for retail activity. In several instances, such as along SH 288, SH 288 and Business 288, the Office/Retail also serves as a buffer between arterial traffic and low density residential areas.

With this area along North Valderas being a transitional zone of the high intense commercial along 288B, the small pocket of residential will be less intense and a change can be justified.

Existing Land Use and Zoning

North: Vacant Land, zoned MFR-29 Multi-family Zoning District and 2-Church Uses

West: Vacant land, zoned Commercial-General (C-G) along I-288 Bus

South: Social Security Administration Office, zoned Commercial-General (C-G)

East: Happy Faces Daycare, zoned Commercial-General (C-G), Rancho Isabella Residential Subdivision, zoned Single-Family Residential-7.2 (SF-7.2) and Vacant land zoned Single Family Attached (SFA).

Record of Proceedings

Planning and Zoning Commission Meeting

TUESDAY, SEPTEMBER 19, 2023 , AT 12:00 P.M.,

ROLL CALL:

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

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

- 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.

SITE PHOTOS



View looking East toward the Subject Site



View looking North on N. Valderas, Site on left.



View looking West across from Site (Daycare)



View looking South on N. Valderas, Site on right.



View looking Southwest at the site



View looking Southwest at the site

RECOMMENDATION:

Staff recommends approval of this rezoning petition based on the findings in the analysis; however, the Planning and Zoning Commission on September 19, 2023 forwarded the application to City Council with a negative action/vote after considering of the ordinance rezoning 1.67 acres from the Commercial General District, C-G to the SF- 7.2 Single Family Residential District, for property located at 2927 N. Valderas St.