

**MEETING DATE:** January 14, 2025

**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 amend the Zoning Map from MFR-29, Multi-family Residential District to PD, Planned Development Overlay District, with a base LI- Light Industrial District for an RV/Boat parking use on approximately 2.359 acres (Part of Property ID: 171030), for property located at the rear of 105 Cemetery Rd., 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:**



**AERIAL MAP**

Ahsan Sattar of EDD Investment Group LLC requests to amend the Zoning Map from MFR-29, Multi-family Residential District to a L-1 Industrial Base District on approximately 2.594 acres (Part of Property ID: 171030, A0375 IT TINSLEY TRACT 128B1-128B2, ACRES 4.868 (ANGLETON), for property located at the rear of 105 Cemetery Road. Note that this agenda item is a resubmittal and modification of this rezoning petition as a Planned Development District.



## Public Notices:

Public notice letters were sent to all property owners within a 200-foot radius of the subject property in accordance with the provisions of the L.G.C. Chapter 211, and legal notices were published in the local newspaper for this public hearing. Property owner names and addresses were located using the Brazoria County Appraisal District information.

## Proposal:

The requester wishes to rezone the property to Planned District with a L-1 Industrial Base District, in order to improve the property for RV and Boat Parking. The current property owner also owns and operates the two apartment structures along the property frontage. The subject site will be accessed in the area between those two tracts of land. A preliminary layout has been provided; however, a final site plan shall be submitted and approved by the Planning Commission prior to any construction.

I-1 Industrial Districts permits *Auto Storage* in accordance with Chapter 28- Zoning/Article IV. Use Regulations (Allowable Use Table). **The applicant did not submit any plans or layout of the proposed parking lot. Parking lot design must adhere to the requirements of Section 28-60, Light Industrial District and the landscaping requirements:**

- *Maximum lot coverage: Maximum 90 percent impervious coverage (including all buildings, parking areas, sidewalks, etc.).*
- *Parking requirements: As established by section 28-101, off-street parking and loading requirements and Section 28-102. - Landscape requirements.*

***Staff cautions the applicant that access management and coordination must be designed to deal with any impacts of driveway separations, conflicts, and turning radiuses needed for large RV/Recreational vehicles.***

Note that in the State of Texas, sales tax is not due on the rental of most self-storage units. However, sales tax must be collected if the rented space is used to park a vehicle. A vehicle includes anything required to be registered—everything from passenger cars to trailers and RVs. The size of the vehicle does not matter—the tax treatment is the same.

## **Review Criteria and Findings of Fact:**

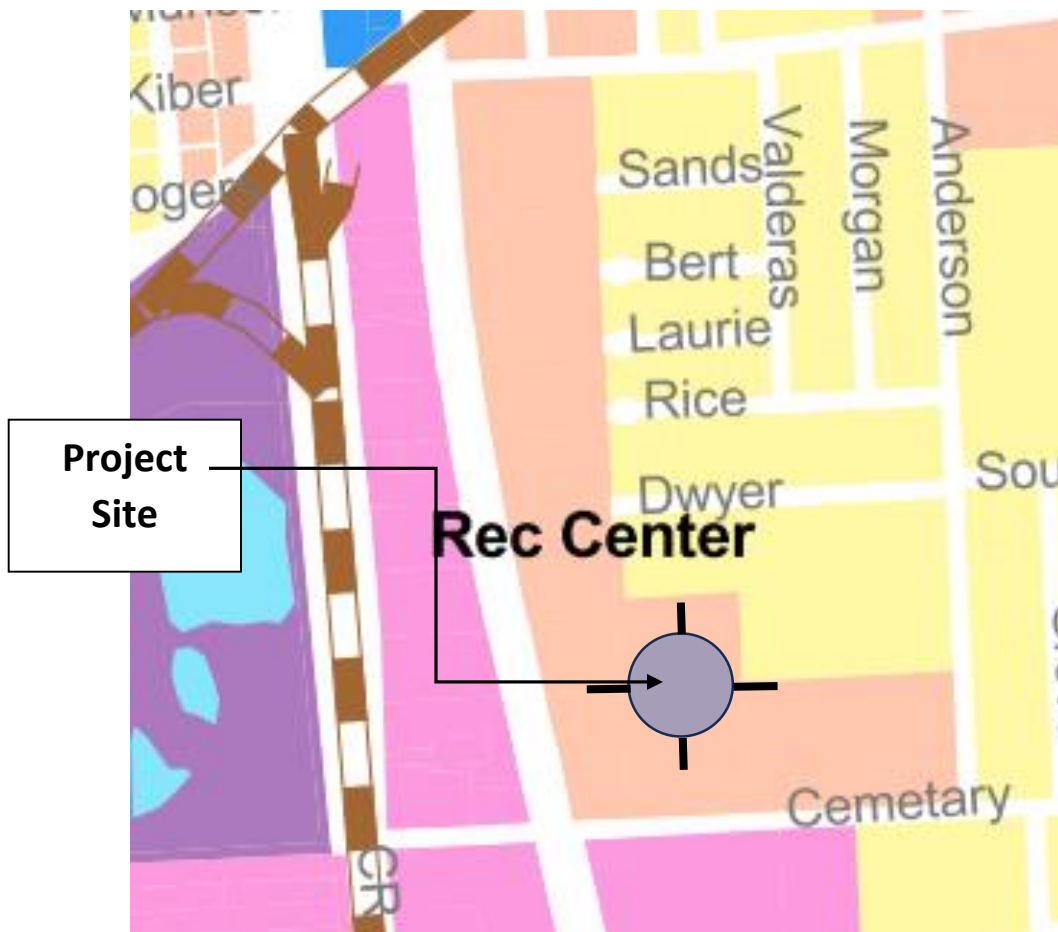
In making a determination regarding a requested zoning change, the planning and zoning commission and the city council shall consider the following factors:

- 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. ***(Compatibility may be an issue. Staff has concerns with the amount of available acreage and the expected number of units the parking lot will yield after an acceptable design is achieved, balanced with adherence to drainage requirements of the Angleton Drainage District for the increased hard surface). The Comprehensive Land Use Plan is provided below. The current use***

*of the property offers compatibility; however, the proposed use does not fulfill the transitional zone as recommended.*

- 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 utilities; drainage would have to meet the Angleton Drainage District guidelines and approvals).*
- 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 development, the scale will continue to be residential in scale, with neighborhood service oriented uses such as retail, 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 (No high rate of industrial uses have been requested along Cemetery Road).*
- e. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved. (The industrial use of the land is not the preferred use. Previous Pre-Development request occurred on the tract for mini-storage which was not favorable).*
- 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/Multi-Family Residential.

Office/Retail/Multifamily (Peach): This category incorporates many of the characteristics of the Office/Retail category but adds flexibility by including multifamily development outside of SH 288. The Office/Retail/Multifamily category recognizes both the need to promote quality office development, as well as the opportunity to permit a transition between uses when considered necessary. Examples of this category are found along FM 523, Business 288, and SH 35. While visibility remains important, the Office/Retail/Multifamily may also be located away from corridors or as a transition category for low-intensity areas.

**Existing Land Use and Zoning**

**North:** Vacant Land, zoned MFR-29 Multi-family Zoning, American Legion Owner

**West:** Residential Structures, zoned I-1 Industrial Zoning along I-288 Bus

**South:** Apartment Uses adjacent, MFR-29, Light Industrial on South side of Cemetery Rd.

**East:** Apartments, Single Family Residential



## SITE PHOTOS



View looking north along SH288B toward intersection of Cemetery Road, Site is to the right



View looking north from Cemetery Rd. from property frontage





**View looking north at subject tract north of the apartment units**



**View looking north at subject tract north of the apartment units**





**View looking south toward Cemetery Rd.**



**View looking West on Cemetery Rd. toward SH288 B, Mini-Storage Units to the right**





View looking east along Cemetery Rd. toward property frontage



View looking north-easterly from SH288B





View looking north-easterly along SH288B toward the intersection of Cemetery Road, Site is to the right

### **RECOMMENDATION (Draft Minutes Attached):**

The Planning and Zoning Commission considered this rezoning petition based on the findings in the analysis, subject to the listed conditions below, and forwards this request to the City Council for final consideration of the Ordinance approving a request to amend the Zoning Map from MFR-29, Multi-family Residential District to Planned Development District, with a LI- Light Industrial Base District, for approximately 2.594 acres located at the rear of 105 Cemetery Road:

### **Conditions:**

1. The applicants shall provide a detailed site plan layout to the Planning Commission before any permits are allowed for the proposed use, showing landscaping design, driveway access, and turning radius design for fire and emergency access.
2. Maximum lot coverage: Maximum 90 percent impervious coverage (including all buildings, parking areas, sidewalks, etc.).
3. Parking lot design shall meet all parking standards of the Code of Ordinances, Section 28-101, for off-street parking and loading requirements and Section 28-102. - Landscape requirements.
4. The applicants shall provide an 8 ft. wood or masonry perimeter fencing/wall screening around the proposed parking storage lot.
5. Overnight camping and lodging shall not be permitted.