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MINUTES

THE FOLLOWING REPRESENTS THE ACTIONS TAKEN BY THE ANGLETON PLANNING AND ZONING COMMISSION IN THE ORDER THEY OCCURRED DURING THE MEETING. THE PLANNING AND ZONING COMMISSION OF ANGLETON, TEXAS CONVENED IN A REGULAR MEETING ON THURSDAY, SEPTEMBER 01, 2022, AT 12:00 PM, IN THE ANGLETON CITY HALL COUNCIL CHAMBERS, 120 S. CHENANGO, ANGLETON, TEXAS.

**DECLARATION OF A QUORUM AND CALL TO ORDER**

With a quorum present, Chair Garwood called the Commission Meeting to order at 12:00 P.M.

**PRESENT**

Chair William Garwood  
Commission Member Bonnie McDaniel  
Commission Member Henry Munson  
Commission Member Regina Bieri  
Commission Member Deborah Spoor

**ABSENT**

Commission Member Ellen Eby  
Commission Member Michelle Townsend (Newly Appointed)

**PUBLIC HEARINGS AND ACTION ITEMS (None)**

**REGULAR AGENDA**

1. Discussion and possible action on a preliminary plat application and variances for 12.390 acres in the J. De J. Valderas Survey, Abstract No. 380

Mr. Wayne Neumann introduced himself as planning consultant for the City, due to Walter Reeves' last day of his resignation being on last Friday. He introduced the first applicant who submitted this plat and variance request of a small subdivision with much history.

Mr. Neumann stated that Staff's recommendation is to disapprove.

Mr. Rick Clark: Stated that he is asking for a variance and a replat. He is back again because the last application was filed incorrectly. The reason for variance is due to the city asking for sewer and water even before they are ready for development (\$130k preliminary estimate). We have no plans to develop immediately. We can do all those

improvements at the time of development, as opposed to the time of permit. We are asking to postpone that until we are ready to develop.

Chairman Garwood confirmed with the applicant that he doesn't know exactly what he wants to do with the property and is asking to wait further on the details.

Mr. Neumann noted that there is an attachment by Mr. Walter Reeves that explains the steps for the subdivision plat process. This type of requirement may be done during the preliminary plat phase; but it has to be done by the time of final platting. Mr. Neumann stated that he had no issues with that in lieu of the recommended Staff denial. You can have him do all the other items along with the submission of the final platting. The zoning district is Commercial General.

**Motion:** Motion was by Commission Member Henry Munson to approve the preliminary plat and variances and forward to City Council; Motion was seconded by Commission Member Regina Bieri.

**Role Call Vote:** 4 (Ayes: Commission Member Regina Bieri, Commission Member Henry Munson, Chairman Bill Garwood, Commission Member Deborah Spoor) to 1 (Nay: Commission Member Bonnie McDaniel); Motion Carried.

## **2. Discussion and possible action on a proposed land plan for 28.203 acres located north of Western Avenue and east of Heritage Oaks Drive.**

Mr. Wayne Neumann represented staff and came before the P&Z Commission stating that the main focus is the access, in which there are rules that dictate the character and boulevard width, as well as number of entrances/exits required per number of lots. More than thirty lots, but less than 40 lots would trigger certain requirements. He referred to previous conversations held between the commission, applicant and staff on the matter. (Note the recording was not audible)

The applicant gave testimony to the Commission, explaining his wish to develop the project with the entry point that will be a minimum of 48 ft. pavement, with rollover curbing, as required for the boulevard entrance point, from back of curb to back of curb. The only deviation will be not having the median. He explained the issue with the neighboring property owner, where 30 ft. is enough to have the cars park in the driveway. The applicant stated that he is willing to pave the additional driveway width, to allow for additional cars (6 total cars). Heritage Tree Protection was another concern. The applicant stated that he has to, and will comply to the tree saving requirements when the preliminary plat is submitted.

Mr. Pelletier gave testimony stated that the LDC requires a boulevard entrance with more than 30 homes, must have a broken median, but the applicant has stated he needs more space. He added that the person that lives there has enough room to park his boat, camper and trailer and stay off the street. In Heritage Oaks we saved every tree that we could. The trees to the north are pretty big trees. Our codes are more stringent than the city code on saving trees.

Mr. Lindsay, the adjacent homeowner appeared and stated he will have 16 feet taken from his driveway. He added that his 25 ft. long bed truck is too long. A light post will have to be moved towards his house.

Ms. Clara Danyouse, President of the Heritage Oaks HOA stated that she represented the neighborhood in general, with 185 property owners and they are on their 7th section. Each section has about 34 homes. They want the same size and custom houses, and to save the trees. She stated that she wants to see the tree survey. She added that she believes the developer will request a PID. She added that it doesn't fit in our neighborhood. She spoke on enforcement issues of concern as well.

The applicant appeared again to rebut the main issues. Regarding the driveway: They are parking in the right of way. He added that he is not taking any land away from anyone. The single entrance issue was discussed one year ago with the staff is the same. Regarding the Heritage Trees issue: This is conceptual, the trees will meet the requirement, and we will adjust the plan.

Board Deliberation:

The suggested motion was discussed. Commission member Bonnie McDaniel stated this is not a plat approval. Mr. Neumann stated that this is a concept plan. Mr. Neumann added that a preliminary and final plat will be submitted. With the heritage trees it will be modified. Mr. Neumann recommended denial and the prior director recommendation is to approve. Road right of way width is 60 ft. The payment is 28 ft. He will lose 16 ft. of right of way not property.

Commission Member Regina Bieri stated that this all has gotten sideways from the original intent. Let's punt this to City Council and let them decide.

Commission Member Bonnie McDaniel stated that we have folks in Heritage Oaks that do not own this property and trying to control property they do not own. This is exactly what happen for the development of Greystone, when everyone came and said they wanted cows in their backyard, which is fine; they were there when they bought the house, but they didn't own the property.

**Motion:** Commission Member Regina Bieri made a motion to recommended denial of the layout because they do not have the tree survey, it's not going to be the same. Commission Member Henry Munson seconded the motion.

**Roll Call Vote:** (3 to 2) to deny.

### **3. Discussion and possible action on a variance request to use septic systems on a propose 2 lot subdivision located on the south side of Kiber Road, just west of Sims Drive.**

**Mr. Wayne Neumann:** Staff Recommendation, due to expense and distance away from public utility: The application should be approved.

**Motion:** Commission Member Bonnie McDaniel made a motion to approve the variance subject to Section 23.15.c for use of septic system for the two lots. Motion was 2nd by Commission Member Henry Munson.

**Roll Call Vote:** Motion carried unanimously. (5 to 0)

**4. Discussion and possible action on a request for approval of a variance to the sidewalk requirement of Chapter 23, Section 23-14.A. Sidewalks, for Lot 24A of the Habitat for Humanity of Southern Brazoria County Caldwell Road Subdivision.**

Wayne Neumann introduced the item stating that there is not a place to place the sidewalk. Staff recommends approval.

**Action:** Commission Member Regina Bieri made a motion to approve the variance; Motion was 2nd by Commission Member Henry Munson.

**Role Call Vote:** 5-0 in favor, Motion carried unanimously.

**5. Discussion and possible action on the preliminary plat of Coleman Commercial Park.**

Wayne Neumann introduced the item and recommended approval.

Bonnie McDaniel added that this may be an attempt to fix the detention issues. The applicant stated that they are doing the design and drainage and it is zoned appropriately.

**Action:** Motion was made by Commission Member Bonnie McDaniel to approve with the attached comments and conditions. Motion was seconded by Commission Member Regina Bieri.

**Roll Call Vote:** 5 to 0 in favor. Unanimous.

**7. Discussion and possible action on a proposed concept plan for 879.9 acres located in the City's ETJ between SH 521 and SH 288 approximately 2,500 feet north of SH 523.**

Mr. Wayne Neumann introduced the item on behalf of staff. He added that the Concept Plan does not comply with the Parks dedication requirements. This is a big project at your front door, and it means a lot to the community. A development agreement is needed and has to be negotiated, which would address the parkland, design standards, etc. This is outside the city limits and outside the city's controls except for platting and parkland. In the DA you can specify when the property is annexed; typically, when it is almost completed. He noted that he highly recommends that that the P&Z look into this. We can work out the agreement fairly fast. He has spoken to the City Attorney who is on board. Staff would start the process and we would present to the Commission and Council. P&Z would have to approve before it goes to council.

Developer's attorney Richard Muller presented before the Commission noting that they have submitted a concept plan as regulated in the zoning and felt that they met all of the requirements except for the comments on the parks plan.

Mr. Muller added that a DA agreement makes a lot of sense. We are happy to negotiate on a reasonable DA agreement. This is the first large scale master plan in the Angleton ETJ. The City has limited authority to regulate. You can regulate your platting authority and the City can apply your public infrastructure i.e. water, sewer and drainage standards.

Mr. Muller added that the City cannot regulate lot sizes in the ETJ. The compromise that struck is that there are some design standards to modify to fit the land. Under current law if we go out and develop this within the ETJ, the owners can later vote in an election, whether they want to be annexed. This was a recent change in the State Legislation. Opposite of that, if we establish a DA with some certainty as to when we want to annex, along with a MUD and a strategic partnership agreement, you can annex that land in the future without an election in that community.

Mr. Muller stated there are advantages on both parties with the development agreement approach. We would take the City standards and tweak them to this property. This proposal is well in excess of what you require in terms of acreage on the Parkland Dedication, and we are happy to negotiate an agreement.

Chairman Garwood explained the Commission has to make a recommendation to Council; and that gives the developer time to work out details with the Staff and City Council.

City Manager Chris Whittaker interjected that's generally the way it works, in that the Concept Plan is approved first by Council before we approve a Development Agreement. So that Council can look at this and say this is what we agreed to. City Manager Chris Whitaker stated he supports the Concept Plan.

**Action:** Motion to approve the Concept Plan, subject to conditions the City and the Developer working out the Parkland Concept was made by Chairman Bill Garwood, Chair; 2nd by Commission Member Bonnie McDaniel;

**Roll Call Vote:** (2 Aye to 3 Nays), Recommendation to Council: Denial. (Ayes) Chairman Bill Garwood, Commission Member Bonnie McDaniel; (Nays) Commission Member Regina Bieri, Commission Member Henry Munson, Commission Member Deborah Spoor.

## **8. Discussion and possible action on the preliminary plat of the Ashland Project Street Dedication #1**

**Action:** Motion was made by Commission Member Henry Munson to approve with the noted conditions and comments clear before any construction plans are approved and the proposed dedication note is removed from the preliminary plat. **Motion was seconded by Commission Member Regina Bieri.**

**Roll Call Vote:** (5 Ayes to 0 Nays). Motion carried unanimously.

## **9. Discussion and possible action on the preliminary plat of the Ashland Project Street Dedication #2**

Staff recommend approval subject to conditions.

**Action:** Motion was made by Commission Member Henry Munson to approve with the noted conditions and comments clear before any construction plans are approved and the proposed dedication is removed from the preliminary plat. Motion was seconded by Commission Member Regina Bieri.

**Roll call Vote:** (5 Ayes to 0 Nays) Motion carried unanimously.

**10. Discussion and possible action on the preliminary plat of the Ashland Model Home Park**

**Action:** Motion was made by Commission Member Henry Munson to approve with the noted conditions and comments clear before any construction plans are approved and the proposed dedication statement is removed from the preliminary plat. Motion was seconded by Commission Member Regina Bieri.

**Roll Call Vote:** (5 Ayes to 0 Nays). Motion carried unanimously.

**ADJOURNMENT**

**Planning and Zoning Commission Chair Bill Garwood adjourned the meeting at 1:07 P.M.**

**CITY OF ANGLETON, TEXAS**



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**William Garwood**  
Chair