



**Members Names**

**Chair | William Garwood**

**Commission Members | Deborah Spoor, Will Clark, Michelle Townsend,  
Regina Bieri, Ellen Eby, Shawn Hogan**

**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, FEBRUARY 1, 2024, 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/ROLL CALL:**

**Present were:** Chair William Garwood, Commission Member Regina Bieri, Commission Member Will Clark, Commission Member Michelle Townsend, and Commission Member Deborah Spoor.

**Absent were:** Commission Member Shawn Hogan and Commission Member Ellen Eby.

**1. Discussion and possible action on the December 7, 2023 meeting minutes for the Planning and Zoning Commission.**

Motion by Commission member Regina Bieri to approve the minutes, motion was seconded by Commission Member Deborah Spoor. The minutes were unanimously approved 5-0. Motion carried.

**2. Discussion to receive useful information from the City Attorney regarding the role of the Planning and Zoning Commission Member.**

City Attorney Judith ElMasri provided folders for the commissions of helpful items. A sample description of Roberts Rules order (example from Austin); which are not the law, but the law would be the State statutes, City Ordinances and the charter, and the Texas Open Meetings Act on conducting your meetings. A draft of unadopted bylaws was included in the packet.

Judith ElMasri stated that back in November, she was asked to come back to the commission with a bullet point list of things that will assist the Commission during meetings.

Chair Garwood mentioned that when he was hoping to gain information on things like plat approval where the Commission is providing comments and recommendations of approval or denial with reasons for doing so. For the final plat, as long as it meets all of the requirements of the codes, our role is ministerial in nature, and we can't deny it. He wanted to make sure that Commission understands our role and what our options are and why.

Judith ElMasri: Your city ordinances dictate exactly what you are required to do. When staff presented the agenda and the summary it is dictated by State statute. Your guidance is in the packet for each item. We can tweak the detail and put the ordinance and statute reference. The "shot clock", 30-day State statute was explained.

Judith ElMasri also provided information on making motions and taking action on agenda items. A digital "walking quorum" was explained when anyone starts a back-and-forth conversation via email between a group of persons.

Judith ElMasri added: The law is your ordinances, your charter, city ordinances or city charter and state statutes. Those are what guide you on how you have a meeting. Most important is the Texas Open Meetings Act, and the way you conduct meetings, which are conducted by your internal policies and bylaws. The attached bullet-point list is provided as an abbreviated document to help you through a meeting.

Commissioner Michelle Townsend asked, when is it appropriate for Commissioners to voice concerns of a development (density, tax base, etc.) when they or citizens do not support the particular development?

Judith ElMasri suggested that the Commission should try and take care of the business first and as a representative of the Community, you could place concerns into the record.

Also discussed were the following:

- Understanding the Job
- Expectations of P & Z Members:
- Making P & Z Decisions: Making motions in the affirmative.
- Working Effectively
- P & Z Supported by & Works in Conjunction with Council, City Manager, other boards, Development Services, City Secretary/Attorney, city Departments, and Referral Agencies.

Judith ElMasri ended by welcoming emailed questions from the Commissioners; she and staff will work towards the recommended motion to include any statutes.

**PUBLIC HEARINGS AND ACTION ITEMS: None.**

**REGULAR AGENDA**

**3. Discussion of a Preliminary Plat for Mark Brown Preliminary Plat for 10 acres out of a 35.19-acre tract located at the Northwest corner of FM523 and SH-35. Application incomplete and tabled, no action is required.**

Director Otis Spriggs presented item 3 and explained item is to provide information that a proposed plat was filed with the department. That proposed plat does not meet the application completion requirements. The Development Department has communicated to the applicant as submitted proposed plat would be recommended for rejection. Applicant's Representative requested to withdraw and table the plat. They will come back with the corrective items on the proposal and development, and we will bring it back to you. Item number three has been tabled as a preliminary plan.

**4. 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 LETRACT 38C1 ACRES 2.7 (ANGLETON), Brazoria County, Texas.**

Director Otis Spriggs presented this request for a Specific Use Permit for a daycare, giving the following staff summary:

He added that Development Servies has advertised this public hearing per the requirements for newspaper legal notices. Applicants desire to repurpose an existing Commercial General zoned property that was formerly used by a church having various uses. The majority of the property is within City limits with a small portion being in the ETJ/County. Notices were mailed to property owners within 200 feet. An anonymous County property owner submitted an objection concerning the nearest road intersection's safety and suggestion to deny the SUP until the intersection is improved. The proposed daycare SUP would meet all setback/site plan requirements in terms of the proposed addition to the structure. There's an area provided on the site plan showing a parking lot that has sufficient space for drop-off/loading and parking requirements for this size daycare. The criteria for approval within the staff report addresses each item. Photographs are shown and renderings of before and after of what they are proposing to enhance the structure as provided. The conditions for approval were read including capacity requirements; they would have to meet state standards for licensing; there are provisions that would cover any type of food management services for the patrons/children such as prepackaged meals and/or a full commercial kitchen; they would have to meet the requirements of the building code, state health codes for food handling. It is noted that there have been zero reported accidents occurring at this intersection during the past 5 years. Staff is asking for a recommendation from the Planning and Zoning Commission to council and then open this up into public hearing for council.

Owners, David King and Veronica King were present and able to address the Commission's questions. Applicants noted that they drive into their other centers a couple days a week.

Commission Member Regina Bieri stated that she thinks we need this type of business on that side of town. I think we do. I think we're going to have an equal building location wise. In the crash report it says there's been no crashes in the last five years. But seems like the property across the street would be more of an issue. It is a pretty grown up on that side of the highway here.

Commission Member Deborah Spoor asked the expected traffic increase, number of students and hours of operation. Ms. Spoor noted that Judge Sebesta brings up some very valid points and it is difficult to see around the corner it is coming off a 55 mile an hour zone. It's not lit. You're going to have, you know, hours that extend beyond the daylight hours in the wintertime.

Mrs. King explained their ideal attendance would be between 70-90 students but, initial attendance is expected to be about 78. They will maintain attendance hours similar to other daycares, 6:00 am open and closing time at 6:00 pm. They will have some buses to transport students between daycare and public schools. Applicants do want to expand the facility later.

Chair William Garwood described driving to the site and encountering a FedEx box delivery truck turning on to the road and needing to maneuver to the edge of the narrow road to avoid the truck. He expressed concern that the city needs to go in and improve that intersection to prevent problems. He questioned a possible turn lane through that section of the 35. You have very limited visibility. You're asking for it at 55 miles an hour and we see that all the time out at 210 and 523 and I think that's again a precarious turn on a major roadway and that there's constantly wrecks out there.

Commission Member Regina Bieri stated an estimate of 6 day-cares around high schools, junior highs, elementaries, nobody has turn lanes or lights. She further explained further down Hwy 35 there is a 100-space mobile home park with 2 cars per lot and across the street, apartments with even more drivers coming out from there, both without a turn lane. She stated there have only been a handful of accidents over the last 20 years and the speed limit is 45. It doesn't increase to 55 to further past the proposed daycare location.

Mr. Spriggs explained that Council is about to embark upon the strategic plan process, and we work with the highway department on the regular basis in terms of developing the traffic improvement plans for the area. There is a pending improvement plan for Henderson Rd. This area you will see some future applications. We're getting a lot of interest from other users within this block area along FM 523, as well.

Mr. Spriggs agreed to forward the information back to council. He also mentioned provisions for larger development projects where traffic impacts are considered in a traffic impact study at different degrees.

Commission Action: Motion by Commission member Michelle Townsend to approve the final report to City Council with a positive recommendation of this specific use permit application for a child daycare and Learning Center within the Commercial General Zoning District for approval, consideration and appropriate action, subject to the three requirements listed in our packet on item number four, page 8; the motion was seconded by Commission Member Regina Bieri to approve. The vote was unanimous to approve 5-0. Motion carried.

Chair William Garwood additionally requests that his recommendation reflects his belief that the city needs to make the improvement of that intersection a priority.

**5. Conduct a hearing, discussion, and take possible action on Ordinance approving a request to rezone approximately 0.1799 acres of land from the “SFA”, Single Family Attached District to the “C-G”, Commercial General District with a Specific Use Permit to allow for a small daycare addition on a tract of land located adjacent and south of 2924 N Valderas St, Angleton, TX 77515, Angleton, Texas, legally described as A0380 J DE J VALDERAS 1 TRACT 125B7 (MOODY TR 2 (PT)) (ANGLETON) ACRES 0.1799, Brazoria County, Texas.**

Development Coordinator, Kandice Haseloff-Bunker presented this item giving the following staff summary: Development Servies has advertised this public hearing per the requirements for newspaper legal notices and sent notices to property owners within 200 feet of subject property. An existing daycare abuts the subject property. The applicant wishes to rezone and obtain a SUP for this property to allow for expansion of the existing daycare. The current State Permit is for 119 students and there is no proposal to increase these attendance numbers. There has been one question concerning the road and traffic congestion that currently occurs in the intersections near the existing daycare. Although the daycare is not the sole contributor to increased traffic in the area, the proposed daycare expansion is presented with an increase of parking and line que spaces that will exceed the minimum requirements. There have been no objections filed.

Staff is asking for a recommendation from the Planning and Zoning Commission to council and then open this up into public hearing for council.

**Applicant, Miguel Saucedo and Owner, Christi Beard** did not request to speak but were present and available for questions.

**Commission Action:**

Motion was made by Commission Member Michelle Townsend, seconded by Commission Member Regina Bieri to approve the requested rezoning and SUP, subject to the four notes listed in our packet and forward the ordinance to City Council for final consideration.

**Roll Call Vote:** Chair William Garwood - Aye; Commission Member Michelle Townsend - Aye; Commission Member Regina Bieri - Aye; Commission Member Will Clark - Aye; and Commission Member Deborah Spoor - Aye. The Planning & Zoning Commission voted unanimously 5-0 to approve the request to rezone 0.1799 acres of land from the “SFA”, Single Family Attached District to the “C-G”, Commercial General District with a Specific Use Permit.

**ADJOURNMENT TIME: 12:49 PM**



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**William Garwood    Chair**

