



CITY OF ANGLETON
PLANNING AND ZONING COMMISSION
SPECIAL MEETING AGENDA
120 S. CHENANGO STREET, ANGLETON, TEXAS 77515
TUESDAY, AUGUST 16, 2022 AT 12:00 PM

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 SPECIAL MEETING, OPEN TO THE PUBLIC, ON TUESDAY, AUGUST 16, 2022, 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

PUBLIC HEARINGS AND ACTION ITEMS

REGULAR AGENDA

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

ADJOURNMENT

CERTIFICATION

I, Walter Reeves, Development Services Director, do hereby certify that this Notice of a Meeting was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times and to the City's website, www.angleton.tx.us, in compliance with Chapter 551, Texas Government Code. The said Notice was posted on the following date and time: Friday, August 16, 2022, by 5:30 p.m. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

/S/ Walter Reeves

Walter Reeves

Development Services Director

In compliance with the Americans with Disabilities Act, the City of Angleton will provide reasonable accommodations for persons attending City Council meetings. The facility is wheelchair accessible and accessible parking spaces are available. Please contact the City Secretary at 979-849-4364, extension 2115 or email citysecretary@angleton.tx.us.

At the July 7, 2022, Planning and Zoning Commission meeting a question was raised about available water and sewer lines in the area, Attachment 6 provides that information. The City Engineer has provided comments (Attachment 7) on what little information was provided for review.

RECOMMENDATION:

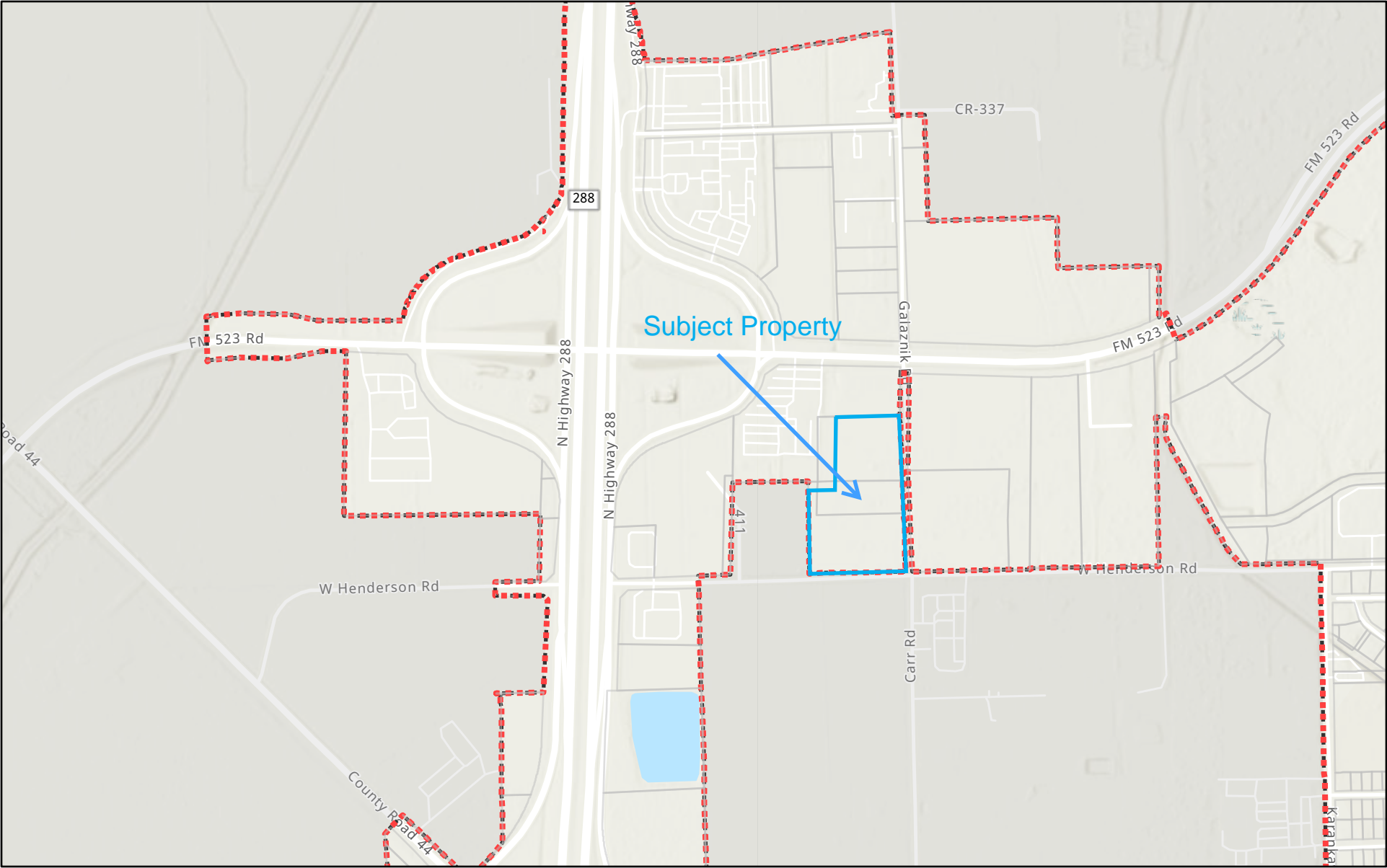
Staff recommends denial of the denial of the variances and denial of the preliminary plat.

SUGGESTED MOTION:

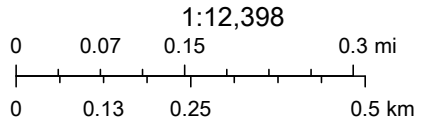
I move we recommend denial of the requested variances and denial of the preliminary plat.

Location Map

Item 1.



7/1/2022



Esri, NASA, NGA, USGS, FEMA, Esri Community Maps Contributors, Texas Parks & Wildlife, CONANP, Esri, HERE, Garmin, Foursquare, SafeGrp

Attachment 2

DEDICATION STATEMENT:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: THAT DANIELLE CLARK, acting herein by and through its duly authorized officers, does hereby adopt this plat designating the herein above described property as Angleton Park Place Subdivision, a subdivision in the jurisdiction of the City of Angleton, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets, alleys and public parkland shown thereon. The streets, alleys and parkland are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over, or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Angleton. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use of particular utilities, said use by public utilities being subordinate to the public's and City of Angleton's use thereof. The City of Angleton and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Angleton and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from the owner.

Drainage Easements Maintained by a Homeowners' Association.
STATE OF TEXAS §
COUNTY OF BRAZORIA §

This plat is hereby adopted by the owners (called "Owners") and approved by the City of Angleton, ("City") subject to the following conditions which shall be binding upon the Owners, their heirs, grantees, successor, and assigns:

"Drainage Easements" shown on the plat are reserved for drainage purposes forever, and the maintenance of the drainage easements shall be provided by all of the owners of lots in the subdivision by and through a lawfully created homeowners association to be created by the Owners. The Owners covenant and agree that such a homeowners association (called "Association") shall be created prior to the final acceptance of the City. All Association documents shall be subject to the approval of the City and shall specifically contain covenants binding the Association to continuously maintain all Drainage Easements. Such covenants shall not relieve the individual lot owners of the responsibility to maintain the Drainage Easements should the Association default in the performance of its maintenance responsibility. The Association documents shall also contain provisions that they may not be amended with regard to the Drainage Easement maintenance responsibilities without the approval of the City. The fee simple title to all Drainage Easements shall always remain in the Association.

The City and Angleton Drainage District are not responsible for the maintenance and operation of said easements or for any damage or injury to private property or person that results from the flow of water along said easement or for the control of erosion, but reserves the right to use enforcement powers to ensure that drainage easements are properly functioning in the manner in which they were designed and approved.

The City and Angleton Drainage District reserves the right, but not the obligation, to enter upon any Drainage Easement at any point, or points, with all rights of ingress and egress, to investigate, survey, erect, construct, or maintain any drainage facility deemed necessary by the City for drainage and safety purposes.

The Owners shall keep all Drainage Easements clean and free of debris, silt, and any substance which would result in unsanitary conditions or obstruct the flow of water, and the City of Angleton or Angleton Drainage District shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the Owners to alleviate any public health or safety issues. The Association hereby agrees to indemnify and hold harmless the City from any such damages and injuries.

OWNER'S ACKNOWLEDGEMENT:

STATE OF TEXAS §
COUNTY OF BRAZORIA §

The owner of land shown on this plat, in person or through a duly authorized agent, dedicates to the use of the public forever all streets, alleys, parks, watercourses, drains, easements and public places thereon shown for the purpose and consideration therein expressed.

DANIELLE CLARK, ASSIGNEE
SMART STORAGE ANGLETON, LLC

STATE OF TEXAS §
COUNTY OF BRAZORIA §

Before me, the undersigned, personally appeared DANIELLE CLARK, ASSIGNEE, SMART STORAGE ANGLETON, LLC, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and, in the capacity, therein stated. Given under my hand and seal of office this ____ day of _____, 20____.

Notary Public
State of Texas

PLANNING AND ZONING COMMISSION AND CITY COUNCIL:

APPROVED this _____ day of _____, 20____, by the Planning and Zoning Commission, City of Angleton, Texas.

Planning and Zoning Commission, Chairman

City Secretary

APPROVED this _____ day of _____, 20____, by the City Council, City of Angleton, Texas.

Mayor

City Secretary

STATE OF TEXAS §
COUNTY OF BRAZORIA §

This instrument was acknowledged before me on the _____ day of _____, 20____, by

City of Angleton, on behalf of the City.

Notary Public
State of Texas

NOTES:

- ALL BEARINGS AND DISTANCES ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD-83, U.S. SURVEY FEET.
- FLOOD ZONE STATEMENT: ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR BRAZORIA COUNTY, MAP NUMBER 48039C0435K, WITH EFFECTIVE DATE OF DECEMBER 30, 2020, THE PROPERTY SURVEYED LIES FULLY WITHIN ZONE "X" (UNSHADED). AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD-PLAIN. WARNING: THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR STRUCTURES WILL BE FREE FROM FLOODING OR FLOOD DAMAGE, AND WILL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.
- THE POSSIBLE EXISTENCE OF UNDERGROUND FACILITIES OR SUBSURFACE CONDITIONS OTHER THAN THOSE SHOWN MAY AFFECT THE USE AND DEVELOPMENT OF THE SUBJECT PROPERTY SHOWN HEREON.
- NOTICE: SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ANGLETON AND STATE PLATING STATUTES AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
- NOTICE: PLAT APPROVAL SHALL NOT BE DEEMED TO OR PRESUMED TO GIVE AUTHORITY TO VIOLATE, NULLIFY, VOID, OR CANCEL ANY PROVISIONS OF LOCAL, STATE, OR FEDERAL LAWS, ORDINANCES, OR CODES.
- NOTICE: THE APPLICANT IS RESPONSIBLE FOR SECURING ANY FEDERAL PERMITS THAT MAY BE NECESSARY AS THE RESULT OF PROPOSED DEVELOPMENT ACTIVITY. THE CITY OF ANGLETON IS NOT RESPONSIBLE FOR DETERMINING THE NEED FOR, OR ENSURING COMPLIANCE WITH ANY FEDERAL PERMIT.
- NOTICE: APPROVAL OF THIS PLAT DOES NOT CONSTITUTE A VERIFICATION OF ALL DATA, INFORMATION AND CALCULATIONS SUPPLIED BY THE APPLICANT. THE ENGINEER OF RECORD OR REGISTERED PUBLIC LAND SURVEYOR IS SOLELY RESPONSIBLE FOR THE COMPLETENESS, ACCURACY AND ADEQUACY OF HIS/HER SURVEY. WHETHER OR NOT THE APPLICATION IS REVIEWED FOR CODE COMPLIANCE BY THE CITY ENGINEER.
- NOTICE: ALL RESPONSIBILITY FOR THE ADEQUACY OF THIS PLAT REMAINS WITH THE ENGINEER OR SURVEYOR WHO PREPARED THEM. IN APPROVING THESE PLANS, THE CITY OF ANGLETON MUST RELY ON THE ADEQUACY OF THE WORK OF THE ENGINEER AND/OR SURVEYOR OF RECORD.
- SIDEWALKS SHALL BE REQUIRED PER ANGLETON LDC SEC. 23.14 - SIDEWALKS AND ACCESSIBILITY.
- A MINIMUM OF TWO PARKING SPACES ON THE SAME LOT AS THE MAIN STRUCTURE AND ON A PAVED DRIVEWAY HAVING A MINIMUM LENGTH OF 20 FEET AS MEASURED FROM THE STREET RIGHT-OF-WAY LINE.
- THE PURPOSE OF THIS PLAT IS TO CREATE 2 LOTS OUT OF 1 LOT.
- THE TRACT IS SUBJECT TO A BLANKET PIPELINE EASEMENT RECORDED UNDER VOL. 348, PG. 128 B.C.D.R. THE EASEMENT IS NOT PLOTTABLE.
- IF DEVELOPMENT OF TRACT 1 OCCURS FIRST, IT WILL REQUIRE EXTENDING WATERLINE FROM C.R. 341 (HENDERSON ROAD) WITHIN THE RIGHT OF WAY OF C.R. 340 (GALAZNIK ROAD) TO SERVE TRACT 2. IT WILL ALSO REQUIRE EXTENDING SANITARY SEWER WITHIN THE RIGHT OF WAY OF C.R. 340 (GALAZNIK ROAD) TO SERVE TRACT 2. SIMILARLY, TRACT 2 IS DEVELOPED FIRST, IT WILL REQUIRE EXTENDING WATERLINE FROM C.R. 341 (HENDERSON ROAD) WITHIN THE RIGHT OF WAY OF C.R. 340 (GALAZNIK ROAD) TO SERVE TRACT 1. IT WILL ALSO REQUIRE EXTENDING SANITARY SEWER WITHIN THE RIGHT OF WAY OF C.R. 340 (GALAZNIK ROAD) TO SERVE TRACT 1 AS IT IS EXTENDED TO SERVE TRACT 2.

ANGLETON DRAINAGE DISTRICT

ACCEPTED, THIS THE _____ DAY OF _____, 20____,
THE BOARD OF SUPERVISORS OF THE ANGLETON DRAINAGE DISTRICT DOES NOT WARRANT, REPRESENT OR GUARANTEE:

- THAT DRAINAGE FACILITIES OUTSIDE THE BOUNDARIES OF THE SUBDIVISION PLAT ARE AVAILABLE TO RECEIVE RUNOFF FROM THE FACILITIES DESCRIBED IN THIS PLAT.
- THAT DRAINAGE FACILITIES DESCRIBED IN THIS PLAT ARE ADEQUATE FOR RAINFALL IN EXCESS OF ANGLETON DRAINAGE DISTRICT MINIMUM REQUIREMENTS.
- THAT BUILDING ELEVATION REQUIREMENTS HAVE BEEN DETERMINED BY THE ANGLETON DRAINAGE DISTRICT.
- THAT THE DISTRICT ASSUMES ANY RESPONSIBILITY FOR CONSTRUCTION, OPERATION OR MAINTENANCE OF SUBDIVISION DRAINAGE FACILITIES.

THE DISTRICT'S REVIEW IS BASED SOLELY ON THE DOCUMENTATION SUBMITTED FOR REVIEW, AND ON THE RELIANCE ON THE REPORT SUBMITTED BY THE TEXAS REGISTERED PROFESSIONAL ENGINEER.

THE DISTRICT'S REVIEW IS NOT INTENDED NOR WILL SERVE AS A SUBSTITUTION OF THE OVERALL RESPONSIBILITY AND/OR DECISION MAKING POWER OF THE PARTY SUBMITTING THE PLAT OR PLAN HEREIN, THEIR OR ITS PRINCIPALS OR AGENTS.

CHAIRMAN, BOARD OF SUPERVISORS _____ BOARD MEMBER _____

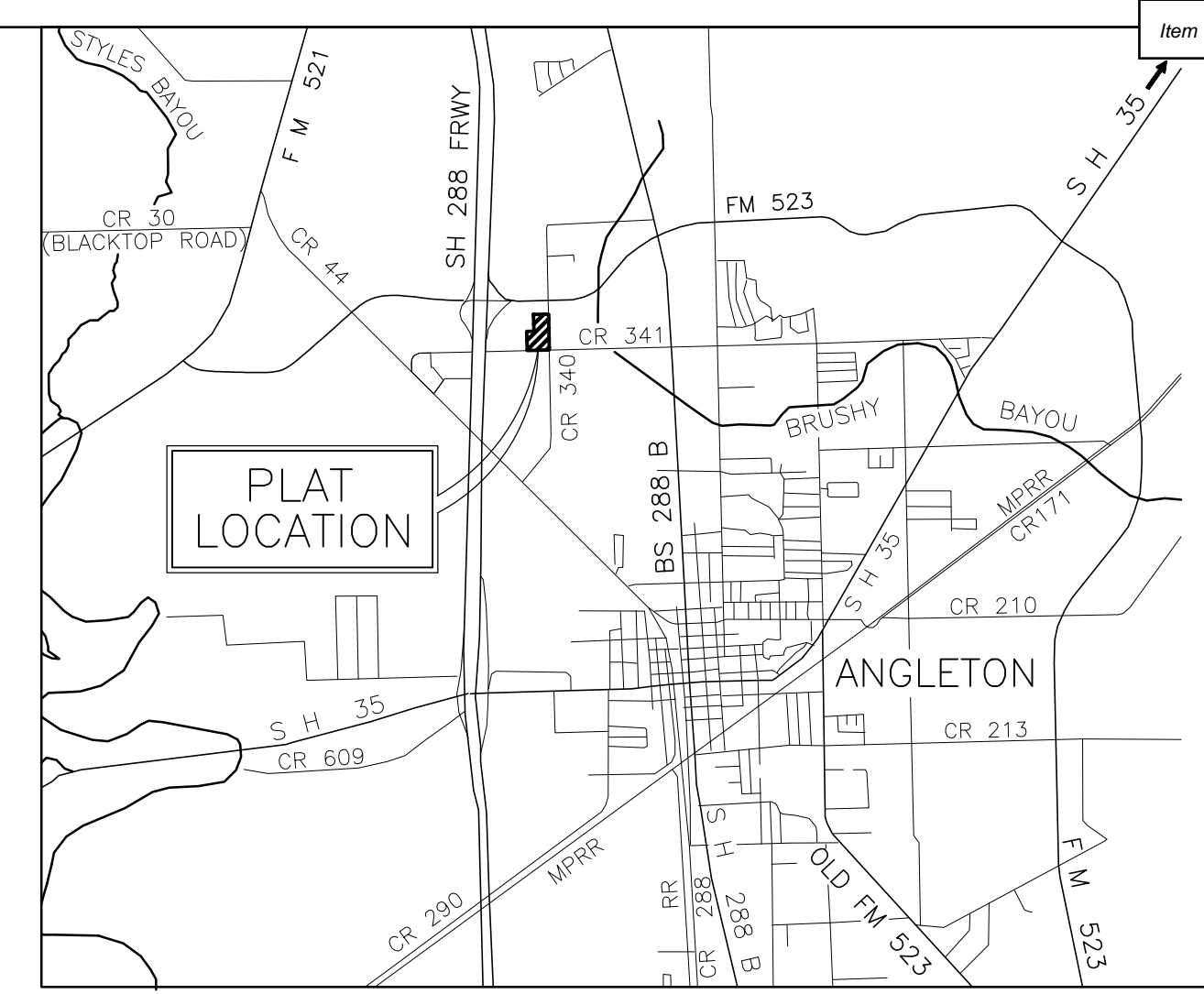
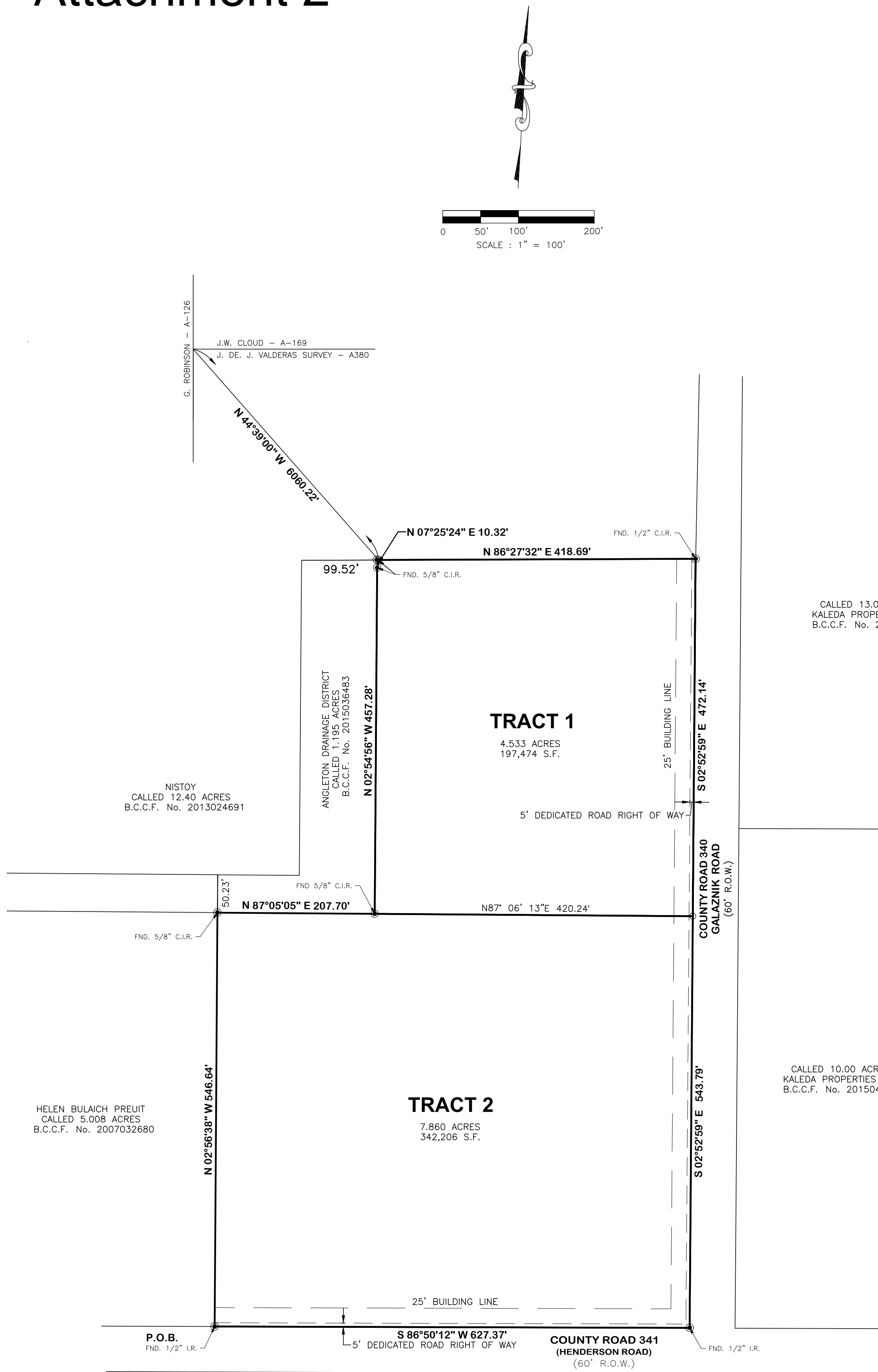
BOARD MEMBER

LEGEND

- A.D.D. = ANGLETON DRAINAGE DISTRICT
- C.C.F.N. = COUNTY CLERK'S FILE NUMBER
- O.P.R.B.C.T. = OFFICIAL PUBLIC RECORDS BRAZORIA COUNTY, TEXAS
- D.R.B.C.T. = DEED RECORDS BRAZORIA COUNTY TEXAS.
- B.L. = BUILDING LINE
- U.E. = UTILITY EASEMENT
- D.E. = DRAINAGE EASEMENT
- BM = BENCHMARK
- D.D.E. = DRAINAGE AND DETENTION EASEMENT
- G.B.L. = GARAGE BUILDING LINE
- FND = FOUND
- I.R. = IRON ROD
- I.P. = IRON PIPE
- P.O.B. = POINT OF BEGINNING
- R.O.W. = RIGHT-OF-WAY
- STM.S.E. = STORM SEWER EASEMENT
- VOL., Pg. = VOLUME, PAGE

SYMBOLS

- = SET 5/8" I.R. W/CAP "BAKER & LAWSON"
- = FOUND MONUMENT (AS NOTED)
- ⊕ = (TBM) TEMPORARY BENCHMARK



VICINITY MAP NTS

FIELD NOTES FOR 12.390 ACRE
Being a tract of land containing 12.390 acres (539,708 square feet), located within the Jesse De Jesus Valderas Survey, Abstract Number 380, in Brazoria County, Texas; Said 12.390 acre being the remainder of a called 13.58 acre tract of land conveyed to Bullard Millennium Joint Venture in Brazoria County Clerk's File (B.C.C.F.) Number 2005043342; Said 12.390 acres being more particularly described by metes and bounds as follows (bearings are based on the Texas Coordinate System of 1983, (NAD83) South Central Zone, per GPS observations):

BEGINNING at 1/2-inch iron rod found on the north right-of-way line of County Road 341 (Henderson Road) at the southwest corner of said 13.58-acre tract and the southeast corner of the remainder of a 447' X 600' tract recorded in B.C.C.F. No. 2007032680 (originally recorded in Volume 888, Page 156, of the Brazoria County Deed Records (B.C.D.R.);

THENCE, North 02° 56' 38" West, with the east line of said 13.58-acre tract, a distance of 546.64 feet to a 5/8-inch iron rod with cap stamped "BAKER & LAWSON" found for the southwest corner of a called 1.195-acre tract recorded in B.C.C.F. No. 2015036483;

THENCE, North 87° 05' 05" East, with the south line of said 1.195-acre tract, a distance of 207.70 feet to a 5/8-inch iron rod with cap stamped "BAKER & LAWSON" found;

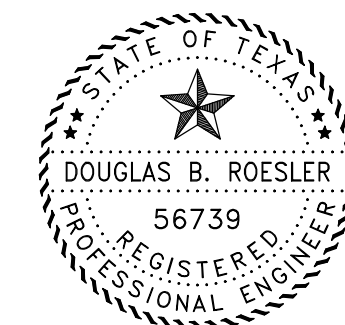
THENCE, North 02° 54' 56" West, along the east line of said 1.195-acre tract, a distance of 457.28 feet to a 5/8-inch iron rod with cap stamped "BAKER & LAWSON" found;

THENCE, North 07° 25' 24" East, continuing with said east line, a distance of 10.32 feet to a 5/8-inch iron rod with cap stamped "BAKER & LAWSON" found on the north line of aforesaid 13.58-acre tract common with the south line of a called 12.40-acre tract recorded in B.C.C.F. No. 2013024691;

THENCE, North 86° 27' 32" East, continuing with said common line, a distance of 418.69 feet to a 1/2-inch iron rod with cap found for the common east corner of said 13.58-acre tract and said 12.40-acre tract, same being on the west right-of-way line of County Road 340 (aka Galaznik Road);

THENCE, South 02° 52' 59" East, with the east line of said 13.58, a distance of 1015.93 feet to a 1/2-inch iron rod found for the southeast corner of said 13.58-acre tract being the northwest intersection of said County Road 340 and aforesaid County Road 341;

THENCE, South 86° 50' 12" West, with the south line of said 13.58-acre tract, a distance of 627.37 feet to the POINT OF BEGINNING and containing 12.390 acres of land.



The seal appearing on this document was authorized by Douglas B. Roesler P.E. 56739

Date: _____

KNOW ALL MEN BY THESE PRESENTS:

THAT I, DARREL HEIDRICH DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY SUPERVISION.

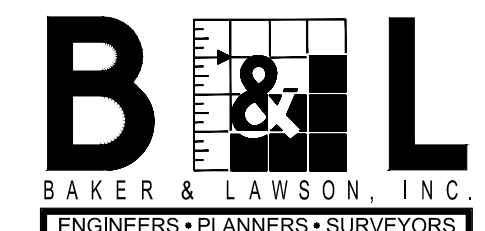


DARREL HEIDRICH DATE REGISTERED PROFESSIONAL LAND SURVEYOR TEXAS REGISTRATION NO. 5378

REVISED:

PRELIMINARY PLAT OF 12.390 ACRES

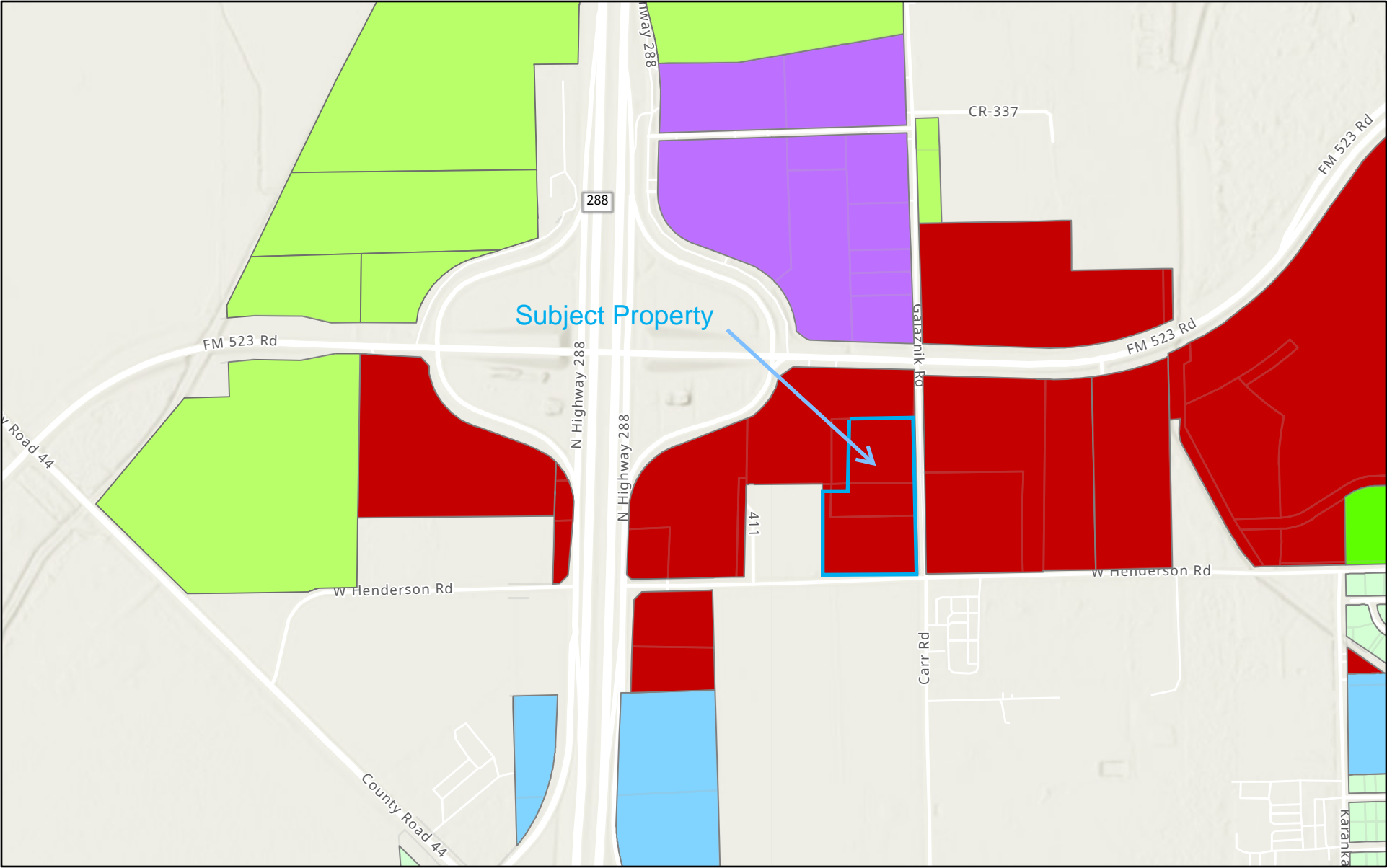
REMAINDER OF A CALLED 13.58 ACRE TRACT RECORDED IN B.C.C.F. No. 2005043342 LOCATED IN THE J. DE J. VALDERAS SURVEY, ABSTRACT No. 380 IN BRAZORIA COUNTY, TEXAS



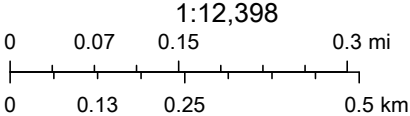
4005 TECHNOLOGY DR., SUITE 1530 ANGLETON, TEXAS 77515 OFFICE: (979) 849-6681 TBPELS No. 10052500 REG. NO. F-825

PROJECT NO.: 15282 SCALE: 1" = 100' DRAWN BY: CAP
DRAWING NO.: 15282 PRELPLAT.DWG DATE: 07/14/2022 CHECKED BY: AH

Zoning



7/1/2022



Esri, NASA, NGA, USGS, FEMA, Esri Community Maps Contributors, Texas Parks & Wildlife, CONANP, Esri, HERE, Garmin, Foursquare, SafeGrp

Ms. Danielle Clark
Smart Storage Angleton
105 Loganberry St.
Lake Jackson, Texas 77566

June 21, 2022

Mr. Walter Reeves
Director of Development and Planning
City of Angleton
121 S. Velasco
Angleton, Texas 77515

Re: Completeness Determination for Minor Plat Application
12.390 Acres in NW Quadrant of Henderson and Carr Road

Dear Mr. Reeves,

I have reviewed your "Completeness Determination" for the references plat dated May 16, 2022. The purpose of the plat is to subdivide a 12.390 acre tract into two tracts consisting 4.533 acres on the north part and 7.860 acres on the south part. There are no plans for a specific development on either tract. I am requesting variances for the following Sections of the City of Angleton Land Development Code (LDC):

Sec. 23- 117.A.3 – Preliminary Utility Plans

I have not provided a utility plan because extension of utilities will be determined by a planned development. There is a 16-inch waterline along Henderson which is adjacent to the south tract and an 8-inch sanitary sewer which can be extended about 200 feet from FM 523 south to the northeast corner of the north lot. On site lift stations can be utilized if sanitary sewer depth is an issue. These design issues can be resolved when the first tract is developed. At that time utilities will be extended to serve both tracts.

I request a variance to provide a utility plan at the time the first tract is developed.

Sec. 23-117.A.5 - Utility and Drainage Report

These reports will be prepared with each tract as they are developed. Detention not required for 4 acre tract, as per Angleton Drainage District. Utilities were discussed above.

I request a variance to provide a utility and drainage plans at the time that each tract is developed.

Sec. 23-117.A.6 - Geotechnical Report

Geotechnical studies are normally prepared based on a boring plan determined by planned development. I do not have a planned layout for each tract at this time.

I request a variance to provide a geotechnical report at the time that each tract is developed.

Sec. 23-117.A.12 - Heritage Tree Preservation Plan

Heritage tree preservation plans are prepared when there is a proposed site plan. Heritage trees can be planned around to save or removed and compensated per the Land Development Code. I do not have a planned layout for each tract at this time.

I request a variance to provide a heritage tree preservation plan at the time that each tract is developed.

I will provide current tax certificates if the above requested variances are approved. If you have any questions or require further information, please contact Baker & Lawson, Inc.

Sincerely,

A handwritten signature in cursive script that reads "Danielle Clark".

Danielle Clark, Owner



General Subdivision Process

Step 1. A pre-application conference with the Develop Angleton Working Group (DAWG) is required (see Section 23-77 and Section 23-94) prior to submittal of a preliminary plat/replat application.

DAWG is a group of City staff representing City departments having an interest or statutory role in the development process or the development of property within the City of Angleton and Angleton's Extraterritorial Jurisdiction.

- DAWG meetings are held every Wednesday from 1:30 pm to 4:30 pm. DAWG is scheduled by appointment only. Appointments are one (1) hour at 1:30 pm, 2:30 pm or 3:30 pm.
- There is currently no application form or fee required to meet with DAWG.
- DAWG meetings are intended to identify issues associated with proposed development within the City and the City ETJ, to determine all applications and approvals that are required, and to make potential applicants aware of the City's adopted Capacity Acquisition Fee and its requirement for parkland dedication or payment of fee-in-lieu (Section 23-14)
- Contact Mr. Walter E. Reeves Jr., AICP to check availability or schedule a meeting.

Step 2. Use of a Public Improvement District (PID) or Other Special District

If a project intends to petition the City to use a PID or seeks funding from the City by way of a Chapter 380 Agreement or TIF/TIRZ, no application for any type of City administered approval will be accepted until a Development Agreement has been finalized and executed by the developer and/or property owner(s) and the City of Angleton.

Step 3. Submittal of Preliminary Plat/Replat application and payment of application filing fee: see attached Subdivision Submittal Calendar for submittal dates. Applications **will not** be accepted outside of those calendar dates. All preliminary plat/replat applications shall include, but are not limited to, the following minimum submittal information (see Section 23-117):

- A completed application and payment of application filing fee; and
- One (1) 24" X 36" paper copy of the proposed preliminary plat/replat including all the property to be developed as part of the project; and
- Proposed phasing of the project; and
- A preliminary utility plan showing all existing and proposed utilities; and
- A TIA, if applicable (Section 23-25). Determination of TIA to be made before submittal of any preliminary plat/replat application; and
- A drainage report (Section 23-15); and
- Current tax certificate(s) indicating taxes have been paid; and
- Statement indicating whether parkland will be dedicated, or fee-in-lieu of dedication will be paid (see Section 23-20 for parkland dedication or fee-in-lieu details); and
- Heritage tree survey and tree preservation plan (Section 23-60) is required; and
- Any variances to be requested of Chapter 23 Land Development Code. The criteria for granting a variance to the requirements of Chapter 23 and the submittal requirements for such variances can be found in Section 23-102. Any variance request must specifically cite the section of Chapter 23 to be varied and provide reasoning for the variance addressing the criteria of Section 23-102; and
- All other information necessary to demonstrate compliance with all applicable requirements of the Code of Ordinances of the City of Angleton.

Step 4. Completeness determination (Sections 23-79 and 23-94): Preliminary plat/replat applications will not be considered accepted and processed until applications are determined to be



General Subdivision Process

complete (application is fully completed and signed), application filing fee is paid, and all required submittal materials accompany the application.

- Application completeness will be determined within five (5) business days.
- If the application is determined to be complete, the applicant will be notified, and the application will be distributed for review and comment; or
- If the application is determined to be incomplete, the applicant will be notified and will have forty-five (45) days from the date of application submittal to provide the missing submittal information (Local Government Code (LGC) Section 245.002(e)(1)). If the missing information is not provided within the forty-five (45) day period the application will be deemed expired and a new application, fee payment and submittal materials will be required.

Step 5. Application is distributed for review and comment:

- An application determined to be complete will be distributed for review and comment to all City departments having an interest in development within the City of Angleton.
- Comments will be provided to the applicant to make corrections or provide additional information as identified by staff pursuant to the Subdivision Submittal Calendar.
- If all comments are not cleared prior to the issuance of the P&Z packet, the preliminary plat will be recommended for approval with conditions (for minor comments) or denial if major issues remain outstanding.

Step 6. Planning and Zoning Commission Meeting:

- Depending on the circumstances a preliminary plat/replat may require notice of a public hearing to be published in the newspaper and notice of a public hearing be made to property owners within 200 ft. of the area being platted or replatted.
- After the public hearing is held and the public has had an opportunity to speak to the proposed preliminary plat/replat, the Planning and Zoning Commission will discuss the preliminary plat/replat and make a recommendation to City Council to approve the preliminary plat/replat, approve the preliminary plat/replat with conditions, continue the agenda item to another meeting (date certain), or deny the preliminary plat/replat (with reasons for the recommendation of denial).
- If a public hearing is not required, then the Planning and Zoning Commission will discuss the proposed preliminary plat/replat and make a recommendation to City Council to approve the preliminary plat/replat, approve the preliminary plat/replat with conditions, continue the agenda item to another meeting (date certain), or deny the preliminary plat/replat (with reasons for the recommendation of denial). As no public hearing was required the public can speak only at the discretion of the Chairman or Commissioner chairing the Planning and Zoning Commission meeting.

Step 7. City Council Meeting

- If a public hearing was held at the Planning and Zoning Commission meeting a public hearing will also be held at the City Council meeting. After the public hearing is held and the public has had an opportunity to speak to the proposed preliminary plat/replat, the City Council will discuss the preliminary plat/replat and decide to approve the preliminary plat/replat, approve the preliminary plat/replat with conditions, continue the item to another meeting (date certain) or deny the preliminary plat/replat.



General Subdivision Process

- Preliminary plats/replats that do not require a public hearing will normally be placed on the City Council Agenda under Consent items.
- If a preliminary plat/replat not requiring a public hearing is pulled from the Consent items for discussion, or is placed on the agenda for discussion, the City Council will discuss the proposed preliminary plat/replat and decide to approve the preliminary plat/replat, approve the preliminary plat/replat with conditions, continue the agenda item to another meeting (date certain), or deny the preliminary plat/replat (with reasons for the denial). As no public hearing was required the public can speak only at the discretion of the Mayor or Councilmember that is chairing the Council meeting.
- Approval of a preliminary plat/replat does not constitute approval of a final plat
- **LGC Section 212.005 APPROVAL BY MUNICIPALITY REQUIRED.** The municipal authority responsible for approving plats must approve a plat or replat that is required to be prepared under this subchapter and that satisfies all applicable regulations.

Step 8. Conditional Approval or Disapproval of Preliminary Plat/Replat

- If a preliminary plat/replat is conditionally approved or disapproved, pursuant to LGC Section 212.0093 the applicant “may submit to the municipal authority or governing body that conditionally approved or disapproved the plan or plat a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The municipal authority or governing body may not establish a deadline for an applicant to submit the response.”
- If a written response is received, pursuant to LGC Section 212.0095 “a municipal authority or governing body that receives a response under LGC Section [212.0093](#) shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved plan or plat not later than the 15th day after the date the response was submitted.”

Step 9. Expiration of Preliminary Plat/Replat Approval (Section 23-94.H)

- Preliminary Plat/Replat approval lapses twelve (12) months from the date of City Council approval.
- A Final Plat/Replat of all, or a portion of the area (identified by the phasing), of the approved preliminary plat/replat must be submitted (considered to be filed per Step 3) within twelve (12) months from the date of approval by City Council, but the approval may be extended by City Council for up to twelve (12) months at the request of the subdivider. Any requests for extension of approval must be submitted prior to the expiration date of the City Council approval.
- If a development is completed in phases (Section 23-18), the original preliminary plat shall not lapse or expire (Section 23-94.G.4)

Step 10. After Approval of Preliminary Plat/Replat but before submittal of a Final Plat/Replat application

- Construction Plans for public improvements, including but not limited to, water, wastewater, drainage, road and park improvements (Section 23-98.A.1.a) may be submitted with the preliminary plat/replat application but **must be approved** prior to submittal of any final plat application (Section 23-117.A.14).



General Subdivision Process

- A letter must be obtained from Angleton Drainage District (ADD) approving any proposed drainage plans prior to submittal of any final plat/replat application.
- Payment of the Capacity Acquisition Fee (CAF) determination fee of \$4,000 for the City Engineer's determination of the CAF prior to submittal of any final plat/replat application.
- Execution of a Development Agreement

Step 11. Submittal of Final Plat/Replat application and payment of application filing fee: see attached Subdivision Submittal Calendar for submittal dates. Applications **will not** be accepted outside of those calendar dates. All final plat/replat applications shall include, but are not limited to, the submittal information found in Section 23-118.A and shall contain the information found in Section 23-118.B

Step 12. Completeness determination (Sections 23-79 and 23-94): Final plat/replat applications will not be considered accepted and processed until applications are determined to be complete (application is fully completed and signed), application filing fee is paid, and all required submittal materials accompany the application.

- Application completeness will be determined within five (5) business days.
- If the application is determined to be complete, the applicant will be notified, and the application will be distributed for review and comment; or
- If the application is determined to be incomplete, the applicant will be notified and will have forty-five (45) days from the date of application submittal to provide the missing submittal information (Local Government Code (LGC) Section 245.002(e)(1). If the missing information is not provided within the forty-five (45) day period the application will be deemed expired and a new application, fee payment and submittal materials will be required.

Step 13. Application is distributed for review and comment:

- An application determined to be complete will be distributed for review and comment to all City departments having an interest in development within the City of Angleton.
- Comments will be provided to the applicant to make corrections or provide additional information as identified by staff pursuant to the Subdivision Submittal Calendar.
- If all comments are not cleared prior to the issuance of the P&Z packet, the final plat/replat will be recommended for approval with conditions (for minor comments) or denial if major issues remain outstanding.

Step 14. Planning and Zoning Commission Meeting:

- Depending on the circumstances a final plat/replat may require notice of a public hearing to be published in the newspaper and notice of a public hearing be made to property owners within 200 ft. of the area being platted or replatted.
- After the public hearing is held and the public has had an opportunity to speak to the proposed final plat/replat, the Planning and Zoning Commission will discuss the final plat/replat and make a recommendation to City Council to approve the final plat/replat, approve the final plat/replat with conditions, continue the agenda item to another meeting (date certain), or deny the final plat/replat (with reasons for the recommendation of denial).
- If a public hearing is not required, then the Planning and Zoning Commission will discuss the proposed final plat/replat and make a recommendation to City Council to approve the final



General Subdivision Process

plat/replat, approve the final plat/replat with conditions, continue the agenda item to another meeting (date certain), or deny the final plat/replat (with reasons for the recommendation of denial). As no public hearing was required the public can speak only at the discretion of the Chairman or Commissioner chairing the Planning and Zoning Commission meeting.

Step 15. City Council Meeting

- If a public hearing was held at the Planning and Zoning Commission meeting a public hearing will also be held at the City Council meeting. After the public hearing is held and the public has had an opportunity to speak to the proposed final plat/replat, the City Council will discuss the final plat/replat and decide to approve the final plat/replat, approve the final plat/replat with conditions, continue the item to another meeting (date certain) or deny the final plat/replat (with reasons for the denial).
- Final plats/replats that do not require a public hearing will normally be placed on the City Council Agenda under Consent items.
- If a final plat/replat not requiring a public hearing is pulled from the Consent items for discussion, or is placed on the Regular agenda for discussion, the City Council will discuss the proposed final plat/replat and decide to approve the final plat/replat, approve the final plat/replat with conditions, continue the agenda item to another meeting (date certain), or deny the final plat/replat (with reasons for the denial). As no public hearing was required the public can speak only at the discretion of the Mayor or Councilmember that is chairing the Council meeting.
- **LGC Section 212.005 APPROVAL BY MUNICIPALITY REQUIRED.** The municipal authority responsible for approving plats must approve a plat or replat that is required to be prepared under this subchapter and that satisfies all applicable regulations.

Step 16. Installation and Acceptance of Public Improvements

- Site grading and installation of required public improvements can begin only after:
 1. The construction plans for the required public improvements have been reviewed and approved by City staff (City Engineer); and
 2. The required Heritage Tree Survey and Tree Protection Plan has been reviewed and approved by the Planning and Zoning Commission and City Council.
 3. Issuance of a Development Permit. The Development Permit application submission requires (Section 23-93):
 - a. Completed application form; and
 - b. Payment of the Development Permit fee, calculated as; \$.008 X the value of the contract (to include all site work, materials, profit, and overhead) + \$75; and
 - c. As applicable there may be respective \$250 deposits for City Engineer plan review and other outside consultant review; and
 - d. A legal description of the property on which the work will be performed or a copy of the plat; and copy of approved construction plans; and
 - e. Authorization of Property Ownership form (if applicable); and
 - f. Copy of approved grading plan (if not part of construction plans); and
 - g. Copy of approved drainage plan (approved by both the City of Angleton and Angleton Drainage District); and
 - h. SWPP approval and submission of TCEQ NOI; and



General Subdivision Process

- i. Evidence that the proposed improvements will adhere to all applicable best management practices for erosion control; and
- j. Description of the extent that improvements will be provided to ensure that discharge will not threaten to cause pollution, contamination, or degradation of any state waters or regulated wetlands; and
- k. Proof of general liability insurance. Minimum limit of liability shall be \$300,000, combined, single limit. Such policy certificate shall provide that the insurance cannot be canceled, or the limit of coverage reduced without 30 days prior written notice to the City Engineer; and
- l. One copy of all plans, reports, and studies associated with the construction of the public improvements.
- m. After meeting the Development Permit submission requirements, a development permit may be issued when all of the following conditions are satisfied (Section 23-93):
 - 1) The applicant has notified the City Engineer and Building Official at least five (5) days before beginning any land disturbing activity and submitted a NOI from TCEQ; and
 - 2) The applicant has installed and started to maintain all required erosion controls measures; and
 - 3) The applicant has started to maintain all road drainage systems, stormwater drainage systems and other facilities; and
 - 4) The applicant has demonstrated how sediment resulting from land disturbing activities will be managed to avoid entry into adjacent surfaces and/or drainage courses; and
 - 5) The applicant will allow the City Engineer or their designees to enter the site to verify compliance or to require additional work to bring the site into compliance with approved permit; and
 - 6) The applicant agrees to submit revised plans and obtain a new permit if the nature of the project changes from that proposed under the approved permit.
 - 7) The City of Angleton has issued a Notice to Proceed.
 - After commencement of construction the applicant is responsible for:
 1. Posting of the Development Permit on-site; and
 2. Posting of the SWPP on site; and
 3. Posting of the TCEQ NOI on-site; and
 4. Submission of inspection and Geotech reports.
 - Public improvements acceptance is an administrative act following completion of all items in Sections 23-98.I and 23-98.K.

Step 17. Recording of Final Plat/Replat

The City will obtain all required City of Angleton signatures and record the final plat with Brazoria County after completion of the following items:

- The public improvements have been accepted: and
- A mylar of the approved final plat/replat has been submitted with all required original owner signatures and preparer stamps, including Angleton Drainage District signature; and



General Subdivision Process

- Payment of recording fees.
- Payment of all City of Angleton fees, including but not limited to CAF and park fee-in-lieu of dedication; and
- Execution of a development agreement.

Step 18. Issuance of Building Permits

With the exception of the issuance of Conditional Building Permits for model homes (Section 23-38.C) no building permits for construction will be issued until a final plat is recorded, all City of Angleton fees have been paid, and a development agreement has been executed.

July 29, 2022

Mr. Walter Reeves
Director of Development Services
City of Angleton
121 S. Velasco
Angleton, TX 77515

Re: On-Going Services
12 ac (Bullard Millennium Joint Venture) Preliminary Plat – 1st Submittal Review
Angleton, Texas
HDR Job No. 10336228

Dear Mr. Reeves:

HDR Engineering, Inc. (HDR) has reviewed the plat for the above referenced subdivision and offers the following comments:

1. A complete plat application shall be provided on the next submittal.
2. Label Owner and Address on the plat.
3. Provide a subdivision name on the plat title block.
4. Provide block, lot, and reserve information in plat title block.
5. Provide Engineer's Certificate found in Angleton LDC Sec. 23-114.
6. Provide topographic contours on the plat per Angleton LDC Sec. 23-117.
7. Update the subdivision name and text shown in the Dedication Statement on the attached plat review.
8. Verification of serviceability and requirements of utility extension is to be coordinated with the City. Extension of utilities would require utility easements within the proposed subdivision and adjacent parcels/tracts (see Angleton LDC Sec. 23-28. - Responsibilities of the subdivider or developer).
9. County Road 340 is a Major Collector with a minimum 80-ft ROW per Brazoria County GIS. Verify 10-ft dedication with Brazoria County. A 20-ft utility easement for future utility extension will be required if utilities are extended along this road.
10. Henderson Road (CR 341) is a Major Collector with an identified 90-ft ROW per current City planning. A 15-ft minimum ROW dedication is required along with 20-ft utility easement for future utility extension.
11. Review and include description information for the subdivision in the field notes and plat drawing.

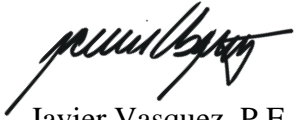
12. Revise text “Tract” to “Lots” on the plat drawing.
13. Note that detention to be verified and noted as a reserve on the Final Plat.
14. Note that a Fire Lane and Fire Easements Certificate found in Angleton LDC Sec. 23-115 is to be provided on the Final Plat.
15. Provide the applicable drainage/detention certificate found in Angleton LDC Sec. 23-115 on the Final Plat.

The proposed plat is incomplete. We are unable to complete the review until the recommended corrections/changes are made and the additional information requested is submitted. HDR recommends that the 12 ac (Bullard Millennium Joint Venture) Preliminary Plat be Revised and Resubmitted.

If you have any questions, please feel free to contact us at our office (713)-622-9264.

Sincerely,

HDR Engineering, Inc.



Javier Vasquez, P.E., CFM
Civil Engineer

cc: Files (10336228)

Attachments

ACM standards, are installed at any crossings, subject to a phasing plan that stipulates when the second access will be provided and the developer or subdivider posts surety for the second access point. The council may defer plat recordation until adequate access is provided.

As the Commission will recall there was a request for preliminary plat approval in June 2021 for a proposed 80 lot subdivision that requested a variance of Section 23-11.1.3. The Commission recommended denial of the requested variance and the preliminary plat. After the Commission recommendation the developer approached staff by an alternative design for the required boulevard entrance. Staff met with the original developer on June 9, 2021 and discussed the requirements of Section 23-11.1. To meet the boulevard entrance requirement the developer proposed a revised cross-section (Attachment 4) for the existing stub street that is the proposed entrance into the Whispering Pines project. After input from Fire Chief Scott Meyers, EMS Director Lucille Maes, and Police Chief Guadalupe Valdez, the consensus staff direction to the developer in regard to the proposed entrance cross-section was the following:

1. Widen the pavement to 48 feet in width and remove the median due to the property owner to the south taking driveway access to the existing stub street.
2. Post “No Parking” signs along the entrance into the Whispering Pines project.
3. The curbs be rollover curbs.

No proposal was made on the provision of secondary access with the original 80 lot preliminary plat, although several options were discussed. Ultimately, the variance and preliminary plat was denied by City Council.

Pursuant to Section 23-104 D.3. applicants are encouraged as part of the plan submittal contents to “Cite any design deviations that are contemplated. Without such declarations it is assumed that the project will comply with all applicable development requirements.” While no design deviations have been cited, the boulevard entrance requirement has been a topic of discussion with the new applicant. Unfortunately, even if a design deviation as proposed by the previous 80 lot development were specifically requested for the boulevard entrance, staff would advise that the Commission not address that deviation. Such a deviation is a variance of the requirement of Section 23-11.1.2 and variances requested as part of a residential replat (which this proposal would be) must comply with the requirements of the Texas Local Government Code (LGC).

LGC Section 212.015.(a).(1) requires conformance with LGC Section 212.015 if during the preceding five years, any lot in the preceding plat was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot. The subject property is in the (SF-7.2) district which limits the number of residential units per lot to one. As a result, conformance with LGC Section 212.015 is required. LGC Section 212.015.(a-1) requires that if a proposed replat described by LGC Section 212.015.(a) requires a variance or exception, a public hearing must be held by the municipal planning commission or governing body of the municipality. LGC Section 212.015.(b) requires notice of the public hearings, as required by LGC Section 212.015.(a-1), be published in the City’s official newspaper and sent to all property owners in the original subdivision within 200 feet of the lot(s) being replatted.

The process of Section 23-104 does not require public notice. As such, no deviation of the boulevard standard detailed in Section 23-11.1.2 can be recommended by the Commission as no

public hearing is being held on the deviation. At best, the Commission can recommend the proposed lot layout.

RECOMMENDATION:

Staff recommends approval of the proposed lot layout.

SUGGESTED MOTION:

I move we recommend approval of the proposed lot layout.

Attachment 1

Heritage Oaks Dr

W Miller St

288

Heritage Oaks Dr

Whispering Oaks Subdivision

Western Ave

288

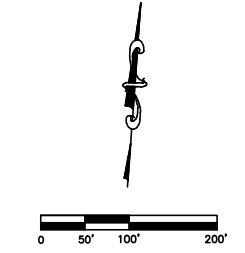
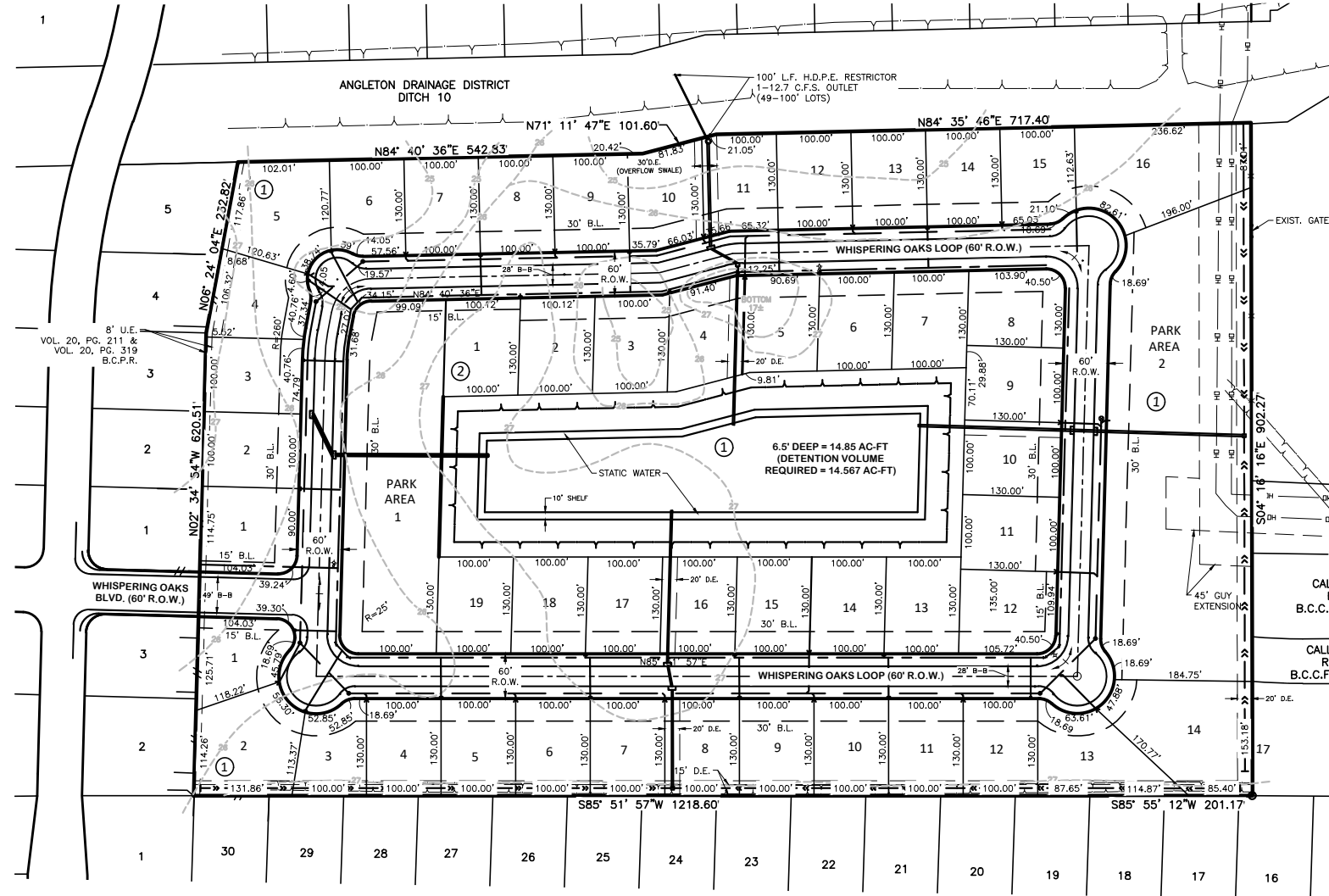
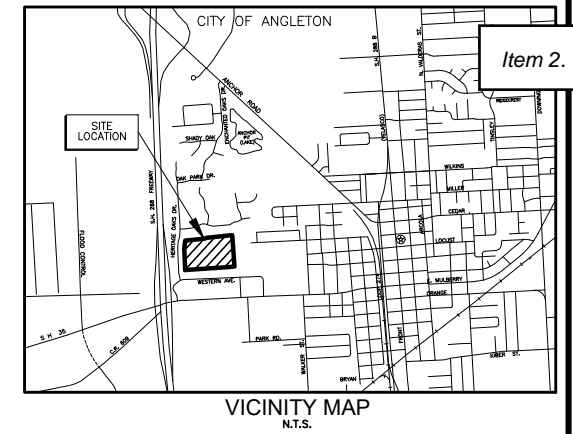
EXHIBIT 1

1000 ft



Attachment 2

LEGEND		SYMBOLS	
A.E.	= AERIAL EASEMENT	●	= FND IMPLEMENT AS NOTED
B.C.C.F.	= BRAZORIA COUNTY CLERK'S FILE	○	= SET 5/8" IRON ROD
B.C.D.R.	= BRAZORIA COUNTY DEED RECORDS	⊙	= BENCHMARK
B.C.P.R.	= BRAZORIA COUNTY PLAT RECORDS	⊕	= GAS VALVE
BL	= BUILDING LINE	⊖	= GAS METER
BM	= BENCHMARK	⊗	= IRRIGATION CONTROL
C.I.R.	= CAPPED IRON ROD	⊘	= WATER VALVE
E.E.	= ELECTRIC EASEMENT	⊙	= FIRE HYDRANT
FND	= FOUND	⊕	= GUY WIRE
I.R.	= IRON ROD	⊖	= POWER POLE
I.P.	= IRON PIPE	⊗	= SIGNAL POLE
MH	= MANHOLE	⊘	= LIGHT POLE
No.	= NUMBER	⊙	= LIGHT BOLLARD
P.O.B.	= POINT OF BEGINNING	⊕	= BOLLARD
P.O.C.	= POINT OF COMMENCEMENT	⊖	= MONITOR WELL
R.O.W.	= RIGHT-OF-WAY	⊗	= CLEANOUT
S.F.	= SQUARE FEET	⊘	= SIGN
S.S.E.	= SANITARY SEWER EASEMENT	⊙	= TELE PEDESTAL
STM.S.E.	= STORM SEWER EASEMENT	⊕	= TREE
U.E.	= UTILITY EASEMENT	⊖	= MANHOLE
D.E.	= DRAINAGE EASEMENT	⊗	= INLET
VOL., Pg.	= VOLUME, PAGE	⊘	= OVERHEAD ELECTRIC
W.L.E.	= WATER LINE EASEMENT	⊙	= BARBED WIRE FENCE
BOX	= BOX CULVERT	⊕	= WOOD FENCE
CONC.	= CONCRETE	⊖	= CHAIN LINK FENCE
FL	= FLOWLINE		
FO	= FIBER OPTIC		
GT	= GUTTER		
OHP	= OVERHEAD ELECTRIC POWER		
RCP	= REINFORCED CONCRETE PIPE		
SAN	= SANITARY		
SEW	= SEWER		
STM	= STORM		



49 LOTS
100' x 130' Usual

PROPOSED DETENTION POND
TOP 125,350 S.F.
BOTTOM 73,700 S.F.
AVERAGE AREA 99,525 S.F.
DEPTH 6.5' TO STATIC = 14.85 AC-FT
DET. REQ'D. = 73,700 S.F.

CALLED 7.71 ACRES
RICHARD WILLY
B.C.C.F. No. 2000014456

CALLED 1.08 ACRES
RICHARD WILLY
B.C.C.F. No. 2017062018

15328 - WHISPERING OAKS, S. OF HERITAGE OAKS, ANGLETON, TX
RESTRICTIVE OUTLET FLOW RATE OF 12.7 CFS AND 0.50" HEAD

A	B	C	D	E	F	G	H	I	J	K	L	M	N
1	H"	QR"	ENTR	n	L	D	EQ.	EQ.	EQ.	EQ.	EQ.	EQ.	EQ.
2	0.5	5.5	0.5	0.013	100	1.5	2.5204(1)	466.18**E4"	B4/(C4/10	14/G4	14/G4	14/G4	14/G4
3	0.5	10.8	0.5	0.013	100	2	3.7806	7.8784	1.6532	0.746	0.9065	0.0000	0.0000
4	0.5	17.9	0.5	0.013	100	2.5	3.7806	7.8784	0.1562	0.096	0.0595	0.0000	0.0000
5	0.5	26.9	0.5	0.013	100	3	3.7806	7.8784	0.0692	0.046	0.0225	0.0000	0.0000

ORIFICE EQUAT
Q = Cd * A * (2 * G)
Where:
Cd = 0.8
G = 32.2
H = 0.5
Q = 12
A = 2.8
USE 18" Dia. = 1.77 SF FOR REST

REVISED:

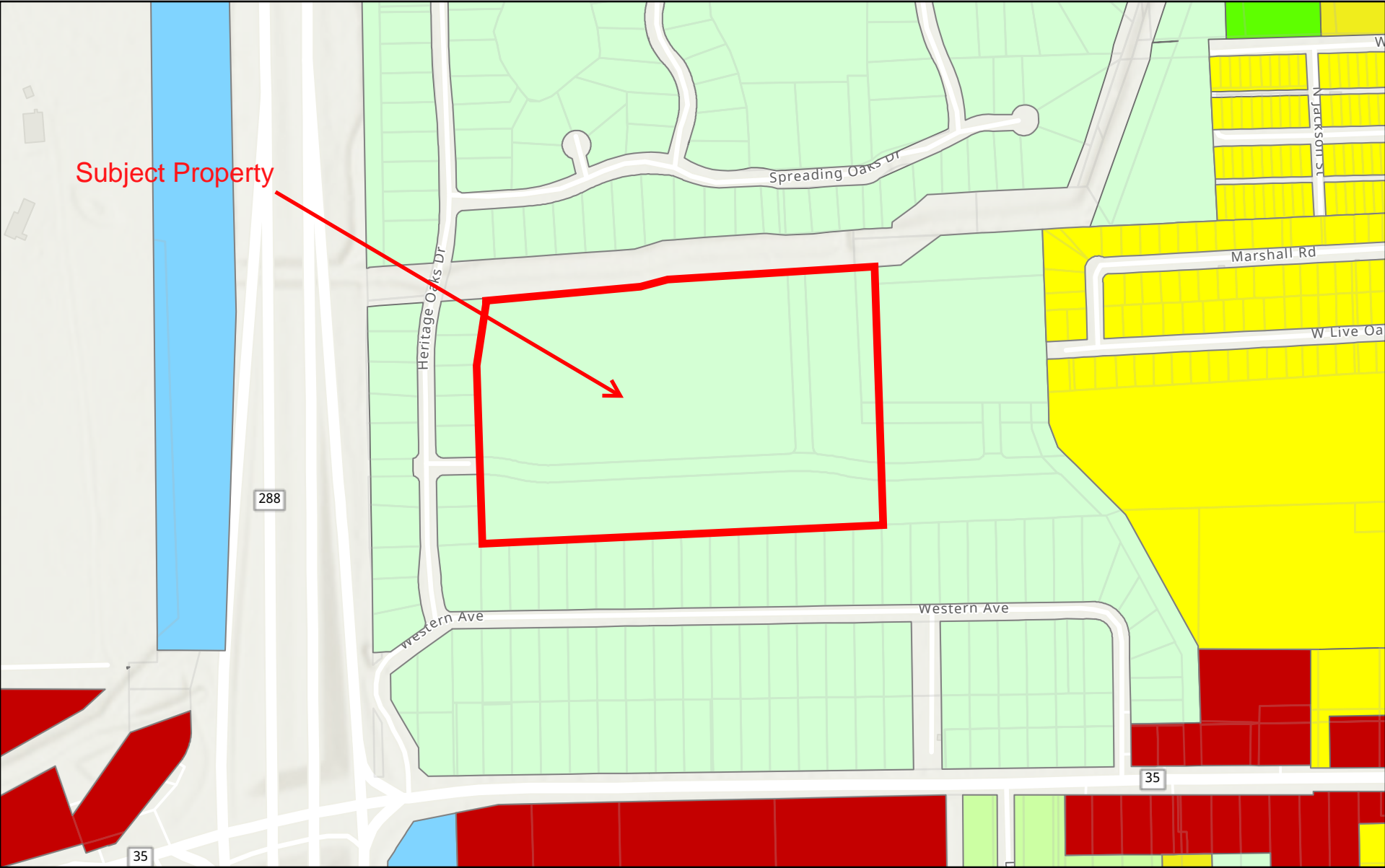
PRELIMINARY LAYOUT

28.203 ACRES
1,228,526 SQUARE FEET
ALL OF RESIDENTIAL RESERVE "B", BLOCK 4
A PORTION OF RESIDENTIAL RESERVE "A", BLOCK 3
RESIDENTIAL RESERVE "F" BLOCK 9
ENCHANTED OAKS DRIVE AND WHISPERING OAKS DRIVE
OUT OF RE-PLAT OF HERITAGE OAKS SUBDIVISION
VOL. 20, PG. 323 B.C.P.R. LOCATED IN THE
J. DE J. VALDERAS SURVEY, ABSTRACT No. 380
IN BRAZORIA COUNTY, TEXAS

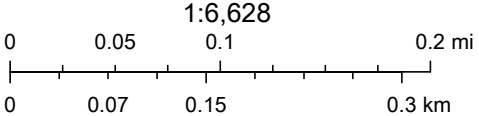
BAKER & LAWSON INC.
Baker & Lawson Inc.
4005 Technology Drive, Suite 1530,
Angleton, TX 77515
Phone # 979-849-6681
www.bakerlawson.com
Licensed Surveying Firm No. 10052500

PROJECT NO.: 15328	SCALE: 1" = 100'	DRAWN BY: CAP
DRAWING NO.: 15328 PRELIM.dwg	DATE: 07/08/2022	CHECKED BY: DBR

Zoning



8/12/2022



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEP, NLS, OS, NMA, Geodastatyselen, Rijkswaterstaat, GSA, Geoland, FEMA



AGENDA ITEM SUMMARY FORM

MEETING DATE: August 16, 2022

PREPARED BY: Walter E. Reeves Jr., AICP, Development Services Director

AGENDA CONTENT: 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.

AGENDA ITEM SECTION: Regular Agenda

BUDGETED AMOUNT: None

FUNDS REQUESTED: None

FUND: None

EXECUTIVE SUMMARY:

This is a request for a variance of Section 23-15.C to allow use of on-site sewerage facilities (OSSF) pursuant to Section 23-15.D.2. The proposed OSSF are septic systems. The subject property consists of 3.996 acres and is in the Single Family Estate Residential – 20 (SFE-20) zoning district (Attachment 1). The proposal is to subdivide the property into two lots (Attachment 2).

The ordinance (Attachment 3) annexing the property into the City (Ord. #2011-O-6C) Exhibit “B” of the ordinance, the Annexation Services Plan, requires that prior to the City providing sanitary sewer service to the area the property owner, at his/her own expense, must install a grinder pump or small lift station in accordance with applicable codes and departmental policies and maintain the lift station or install a gravity. The variance request (Attachment 4) outlines the reasons for the variance, and Mr. Javier Vasquez, PE with HDR has provided a timeline detailing efforts to meet Chapter 23 requirements (Attachment 5). As Attachments 4 and 5 indicate, the applicant has been unable to find a way to connect to the City’s sewer system, and while a solution could certainly be found if enough money is spent, that solution would not be consistent with the Section 23-32 Rough Proportionality requirement and pursuant to Section 23-33 the City Council can grant relief. After discussion with the City Attorney, it was determined that the controlling regulations in this instance are Sections 23-32 and 23-33 and not Ordinance #2011-o-6C.

RECOMMENDATION:

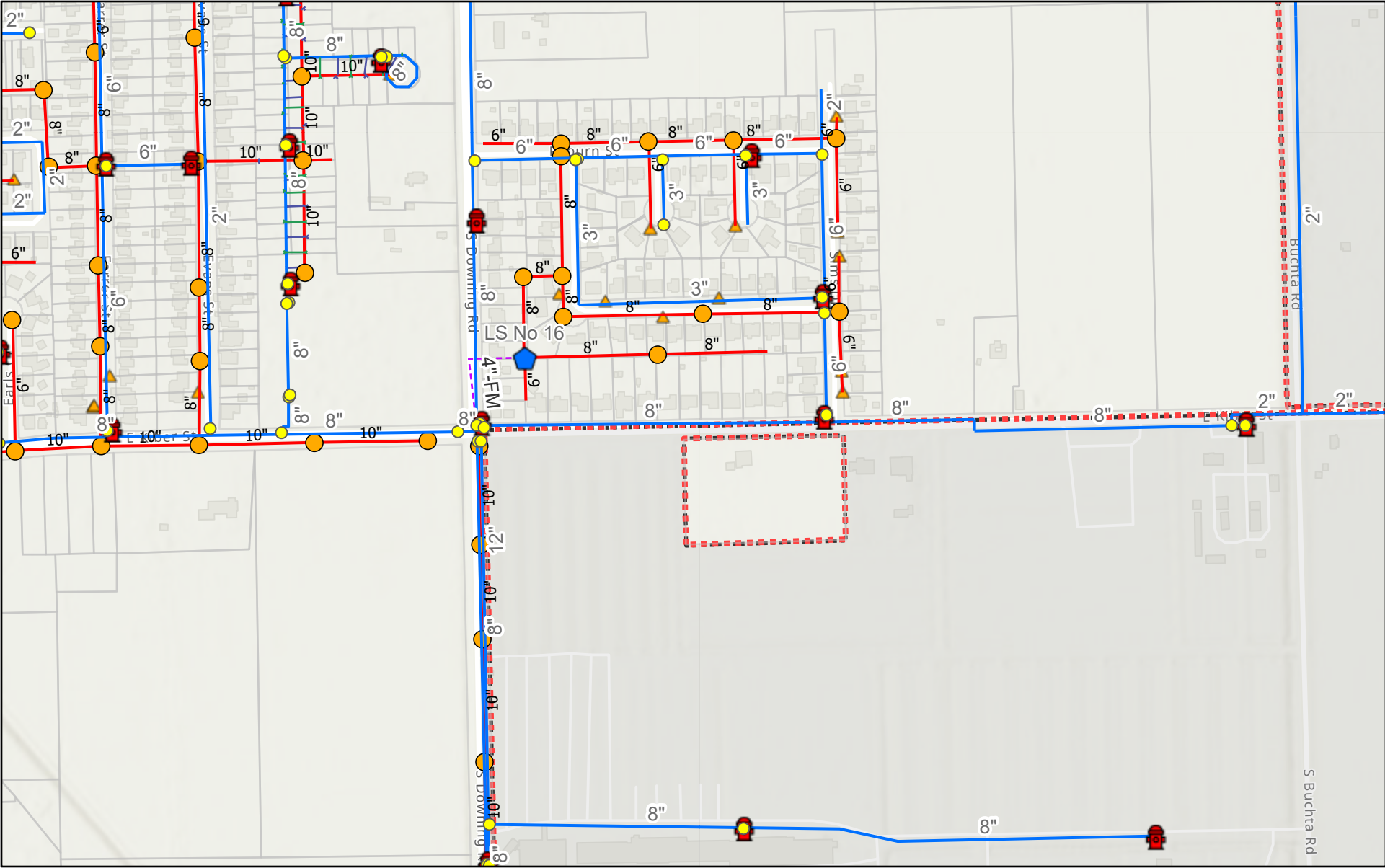
Staff recommends approval of the requested variance to Section 23-15.C to allow use of septic systems for the two lots.

SUGGESTED MOTION:

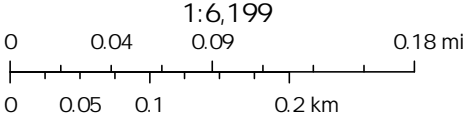
I move we recommend approval of the of the requested variance to Section 23-15.C to allow use of septic systems for the two lots.

Water & Sewer Utilities

Item 3.



8/12/2022



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCE, NLS, OS, NMA, Geodastyrrelsen, Rijkswaterstaat, GSA, Geoland, FEMA

DEDICATION STATEMENT:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: THAT JACOBO DE LA GARZA, owner, acting herein by and through its duly authorized officers, does hereby adopt this plat designating the hereinabove described property as De La Garza Subdivision, a subdivision in the jurisdiction of the City of Angleton, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets, alleys and public parkland shown thereon. The streets, alleys and parkland are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over, or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Angleton. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Angleton's use thereof. The City of Angleton and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Angleton and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

Drainage Easements Maintained by a Homeowners' Association.

STATE OF TEXAS § COUNTY OF BRAZORIA §

This plat is hereby adopted by the owners (called "Owners") and approved by the City of Angleton, ("City") subject to the following conditions which shall be binding upon the Owners, their heirs, grantees, successor, and assigns:

"Drainage Easements" shown on the plat are reserved for drainage purposes forever, and the maintenance of the drainage easements shall be provided by all of the owners of lots in the subdivision by and through a lawfully created homeowners association to be created by the Owners. The Owners covenant and agree that such a homeowners' association (called "Association") shall be created prior to the final acceptance of the City. All Association documents shall be subject to the approval of the City and shall specifically contain covenants binding the Association to continuously maintain all Drainage Easements. Such covenants shall not relieve the individual lot owners of the responsibility to maintain the Drainage Easements should the Association default in the performance of its maintenance responsibility. The Association documents shall also contain provisions that they may not be amended with regard to the Drainage Easement maintenance responsibilities without the approval of the City. The fee simple title to all Drainage Easements shall always remain in the Association.

The City and Angleton Drainage District are not responsible for the maintenance and operation of said easements or for any damage or injury to private property or person that results from the flow of water along said easement or for the control of erosion, but reserves the right to use enforcement powers to ensure that drainage easements are properly functioning in the manner in which they were designed and approved.

The City and Angleton Drainage District reserves the right, but not the obligation, to enter upon any Drainage Easement at any point, or points, with all rights of ingress and egress, to investigate, survey, erect, construct, or maintain any drainage facility deemed necessary by the City for drainage and safety purposes.

The Owners shall keep all Drainage Easements clean and free of debris, silt, and any substance which would result in unsanitary conditions or obstruct the flow of water, and the City of Angleton or Angleton Drainage District shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the Owners to alleviate any public health or safety issues. The Association hereby agrees to indemnify and hold harmless the City from any such damages and injuries.

DRAINAGE AND DETENTION EASEMENT.

STATE OF TEXAS § COUNTY OF BRAZORIA §

This plat is hereby adopted by the owners (called "Owners") and approved by the City of Angleton, ("City") subject to the following conditions which shall be binding upon the Owners, their heirs, grantees, successors, and assigns:

"Drainage Easements" shown on the plat are reserved for drainage purposes forever, and the maintenance of the drainage easements shall be provided by all of the owners of lots in the subdivision. All Owner documents shall specify, confirm and bind the Owner(s) to continuously maintain all Drainage Easements and shall relieve the City of Angleton of the responsibility to maintain any Drainage Easement. The fee simple title to the Drainage and Floodway Easement shall always remain in the Owner(s).

The City and Angleton Drainage District will not be responsible for the maintenance and operation of easement or for any damage or injury to private property or person that results from the flow of water along said easement or for the control of erosion, but reserves the right to use enforcement powers to ensure that drainage easements are properly functioning in the manner in which they were designed and approved.

The Owners shall keep all Drainage Easements clean and free of debris, silt, and any substance which would result in unsanitary conditions or obstruct the flow of water, and the City of Angleton or Angleton Drainage District shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the Owners to alleviate any public health or safety issues.

OWNER'S ACKNOWLEDGEMENT:

STATE OF TEXAS § COUNTY OF BRAZORIA §

The owner of land shown on this plat, in person or through a duly authorized agent, dedicates to the use of the public forever all streets, alleys, parks, watercourses, drains, easements and public places thereon shown for the purpose and consideration therein expressed.

Jacobo De La Garza, Owner

STATE OF TEXAS § COUNTY OF BRAZORIA §

Before me, the undersigned, personally appeared JACOBO DE LA GARZA known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and, in the capacity, therein stated. Given under my hand and seal of office this ____ day of _____, 20____.

Notary Public State of Texas

PLANNING AND ZONING COMMISSION AND CITY COUNCIL:

APPROVED this ____ day of _____, 20____, by the Planning and Zoning Commission, City of Angleton, Texas.

BILL GARWOOD, Chairman, Planning and Zoning Commission

FRANCES AGUILAR, City Secretary

APPROVED this ____ day of _____, 20____, by the City Council, City of Angleton, Texas.

JASON PEREZ, Mayor

FRANCES AGUILAR, City Secretary

STATE OF TEXAS § COUNTY OF BRAZORIA §

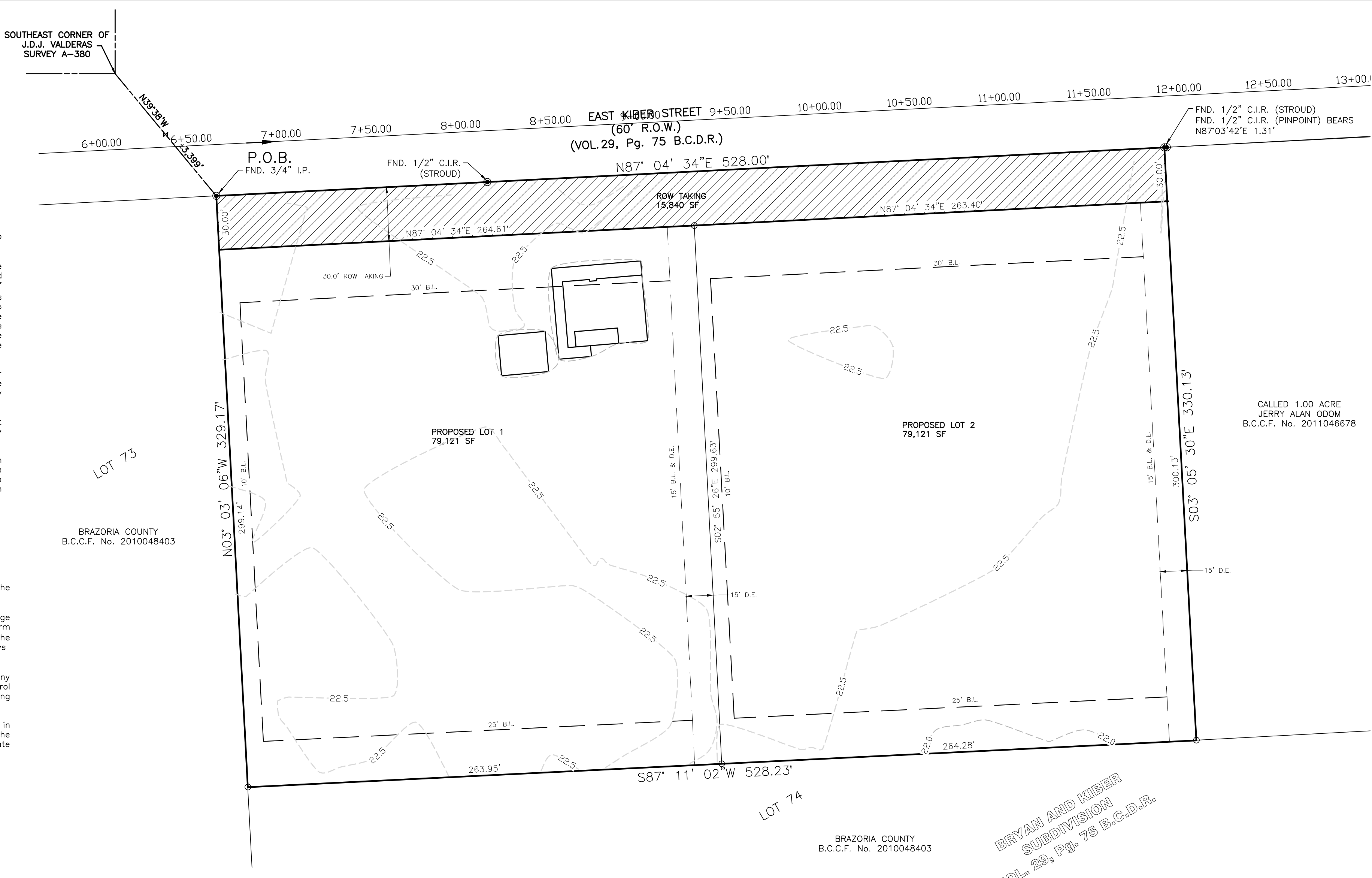
This instrument was acknowledged before me on the ____ day of _____, 20____, by

FRANCES AGUILAR, City Secretary, City of Angleton, on behalf of the City.

Notary Public State of Texas

KNOW ALL MEN BY THESE PRESENTS: That I, Miguelangel A. Saucedo, do hereby certify that proper engineering consideration has been provided in this plat. To the best of my knowledge, this plat conforms to all requirements of the Angleton LDC, except for any variances that were expressly granted by the City Council.

SIGNED: Miguelangel A. Saucedo DATE PROFESSIONAL ENGINEER TEXAS REGISTRATION NO. 121992



ANGLETON DRAINAGE DISTRICT

ANGLETON DRAINAGE DISTRICT ACCEPTED, THIS THE ____ DAY OF _____, 20____, THE BOARD OF SUPERVISORS OF THE ANGLETON DRAINAGE DISTRICT DOES NOT WARRANT, REPRESENT OR GUARANTEE:

- 1. THAT DRAINAGE FACILITIES OUTSIDE THE BOUNDARIES OF THE SUBDIVISION PLAT ARE AVAILABLE TO RECEIVE RUNOFF FROM THE FACILITIES DESCRIBED IN THIS PLAT.
2. THAT DRAINAGE FACILITIES DESCRIBED IN THIS PLAT ARE ADEQUATE FOR RAINFALL IN EXCESS OF ANGLETON DRAINAGE DISTRICT MINIMUM REQUIREMENTS.
3. THAT BUILDING ELEVATION REQUIREMENTS HAVE BEEN DETERMINED BY THE ANGLETON DRAINAGE DISTRICT.
4. THAT THE DISTRICT ASSUMES ANY RESPONSIBILITY FOR CONSTRUCTION, OPERATION OR MAINTENANCE OF SUBDIVISION DRAINAGE FACILITIES.

THE DISTRICT'S REVIEW IS BASED SOLELY ON THE DOCUMENTATION SUBMITTED FOR REVIEW, AND ON THE RELIANCE ON THE REPORT SUBMITTED BY THE TEXAS REGISTERED PROFESSIONAL ENGINEER.

THE DISTRICT'S REVIEW IS NOT INTENDED NOR WILL SERVE AS A SUBSTITUTION OF THE OVERALL RESPONSIBILITY AND/OR DECISION MAKING POWER OF THE PARTY SUBMITTING THE PLAT OR PLAN HEREIN, THEIR OR ITS PRINCIPALS OR AGENTS.

CHAIRMAN, BOARD OF SUPERVISORS BOARD MEMBER

BOARD MEMBER

I CERTIFY THAT THE HEREIN PLAT AND THE SURVEY ON WHICH IT WAS BASED MEET THE MINIMUM REQUIREMENTS OF A CATEGORY 1A, CONDITION II SURVEY, AS DESCRIBED IN THE TEXAS SOCIETY OF PROFESSIONAL LAND SURVEYORS - MANUAL OF PRACTICE. FIELDWORK WAS COMPLETED IN FEBRUARY, 2021.

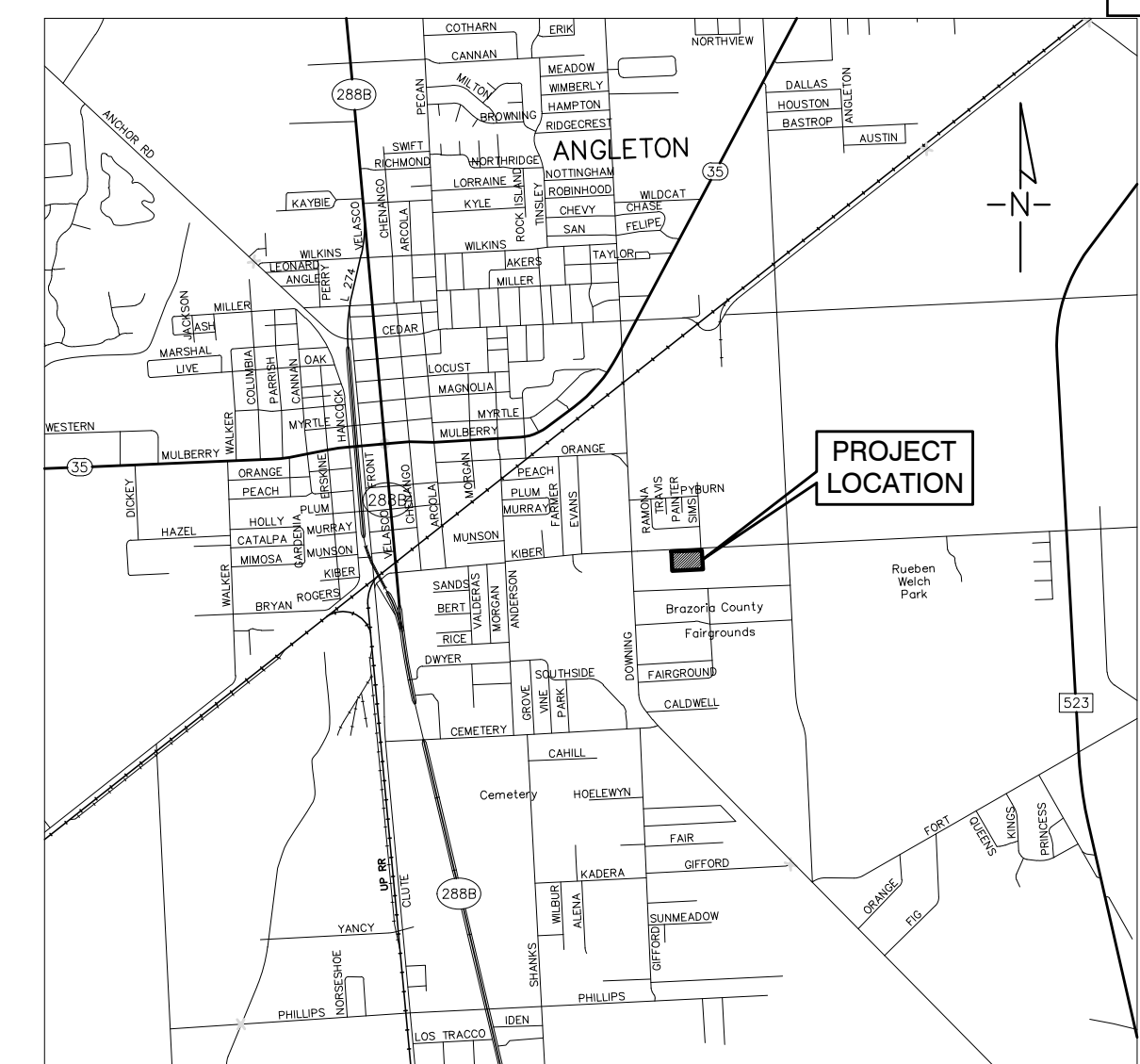
SIGNED: PHIL HAMMONS DATE REGISTERED PROFESSIONAL LAND SURVEYOR TEXAS REGISTRATION NO. 5840



NOTES:

- 1. ALL BEARINGS AND DISTANCES ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD-83, U.S. SURVEY FEET.
2. FLOOD ZONE STATEMENT: ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR BRAZORIA COUNTY, MAP NUMBER 48039C0445K, WITH EFFECTIVE DATE OF DECEMBER 30, 2021, THE PROPERTY SURVEYED LIES FULLY WITHIN ZONE "X" (UNSHADED). AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD-PLAIN. WARNING: THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR STRUCTURES WILL BE FREE FROM FLOODING OR FLOOD DAMAGE, AND WILL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.
3. REFERENCE BENCHMARK: NGS MONUMENT R1182 (PID AW1171) A BRASS DISK STAMPED R1182, ON THE NORTH LINE OF CR 171, ON THE CURB OF A BRIDGE, APPROXIMATELY 275 SOUTHWEST OF INTERSECTION WITH CR 428. ELEVATION = 26.31 FEET NGVD29
4. THE POSSIBLE EXISTENCE OF UNDERGROUND FACILITIES OR SUBSURFACE CONDITIONS OTHER THAN THOSE SHOWN MAY AFFECT THE USE AND DEVELOPMENT OF THE SUBJECT PROPERTY SHOWN HEREON.
5. NOTICE: SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ANGLETON AND STATE PLATTING STATUTES AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
6. NOTICE: PLAT APPROVAL SHALL NOT BE DEEMED TO OR PRESUMED TO GIVE AUTHORITY TO VIOLATE, NULLIFY, VOID, OR CANCEL ANY PROVISIONS OF LOCAL, STATE, OR FEDERAL LAWS, ORDINANCES, OR CODES.
7. NOTICE: THE APPLICANT IS RESPONSIBLE FOR SECURING ANY FEDERAL PERMITS THAT MAY BE NECESSARY AS THE RESULT OF PROPOSED DEVELOPMENT ACTIVITY. THE CITY OF ANGLETON IS NOT RESPONSIBLE FOR DETERMINING THE NEED FOR, OR ENSURING COMPLIANCE WITH ANY FEDERAL PERMIT.
8. NOTICE: APPROVAL OF THIS PLAT DOES NOT CONSTITUTE A VERIFICATION OF ALL DATA, INFORMATION AND CALCULATIONS SUPPLIED BY THE APPLICANT. THE ENGINEER OF RECORD OR REGISTERED PUBLIC LAND SURVEYOR IS SOLELY RESPONSIBLE FOR THE COMPLETENESS, ACCURACY AND ADEQUACY OF HIS/HER SUBMITTAL WHETHER OR NOT THE APPLICATION IS REVIEWED FOR CODE COMPLIANCE BY THE CITY ENGINEER.
9. NOTICE: ALL RESPONSIBILITY FOR THE ADEQUACY OF THIS PLAT REMAINS WITH THE ENGINEER OR SURVEYOR WHO PREPARED THEM, IN APPROVING THESE PLANS, THE CITY OF ANGLETON MUST RELY ON THE ADEQUACY OF THE WORK OF THE ENGINEER AND/OR SURVEYOR OF RECORD.
10. SIDEWALKS SHALL BE REQUIRED PER ANGLETON LDC SEC. 23.14 - SIDEWALKS AND ACCESSIBILITY.
11. A MINIMUM OF TWO PARKING SPACES ON THE SAME LOT AS THE MAIN STRUCTURE AND ON A PAVED DRIVEWAY HAVING A MINIMUM LENGTH OF 20 FEET AS MEASURED FROM THE STREET RIGHT-OF-WAY LINE.
12. ALL REAR BUILDING LINES SHALL BE 25 FEET FROM PROPERTY LINE. SIDE BUILDING LINES SHALL BE 10 FEET FOR INTERIOR SIDE LOTS. THE FRONT BUILDING LINE SHALL BE 30 FEET.
13. THE PURPOSE OF THIS REPLAT IS TO SUBDIVIDE THE TRACT INTO TWO LOTS.

OWNER: JACOBO DE LA GARZA 1236 KIBER STREET ANGLETON TEXAS 77515 832-630-4975



LEGEND: B.C.C.F. = BRAZORIA COUNTY CLERK'S FILE B.C.D.R. = BRAZORIA COUNTY DEED RECORDS B.C.F.P. = BRAZORIA COUNTY PLAT RECORDS B.L. = BUILDING LINE U.E. = UTILITY EASEMENT D.E. = DRAINAGE EASEMENT BM = BENCHMARK D.D.E. = DRAINAGE AND DETENTION EASEMENT G.B.L. = GARAGE BUILDING LINE FND = FOUND I.R. = IRON ROD P.I.P. = IRON PIPE P.O.B. = POINT OF BEGINNING R.O.W. = RIGHT-OF-WAY STM.S.E. = STORM SEWER EASEMENT VOL., Pg. = VOLUME, PAGE SYMBOLS: O = SET 5/8" I.R. W/CAP "BAKER & LAWSON" (with cap symbol) = FOUND MONUMENT (AS NOTED) (with TBM symbol) = (TBM) TEMPORARY BENCHMARK

FIELD NOTES FOR 3.996 ACRE TRACT

BEING A TRACT OF LAND CONTAINING 3.996 ACRES (174,082 FEET) OF LAND, LOCATED IN THE I.T. TINSLEY SURVEY, ABSTRACT NUMBER (NO.) 375, IN BRAZORIA COUNTY, TEXAS, BEING A PORTION OF TRACT 74 OF THE BRYAN AND KIBER SUBDIVISION RECORDED UNDER VOLUME (VOL.) 29, PAGE (PG.) 75 OF THE BRAZORIA COUNTY DEED RECORDS (B.C.D.R.), BEING ALL OF A CALLED 4 ACRE TRACT RECORDED IN THE NAME OF JOCOBO H. DELAGARZA UNDER BRAZORIA COUNTY CLERK'S FILE (B.C.C.F.) NO. 2017023710; SAID 3.996 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS AND COORDINATES ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, (NAD83) CENTRAL ZONE, PER GPS OBSERVATIONS):

BEGINNING AT A 3/4-INCH IRON ROD FOUND ON THE SOUTH RIGHT-OF-WAY (R.O.W.) LINE OF EAST KIBER STREET (SIXTY FEET WIDE PER VOL. 29, PG. 75 B.C.D.R.) AT THE NORTHEAST CORNER OF LOT 73 OF SAID BRYAN AND KIBER SUBDIVISION, AT THE NORTHWEST CORNER OF SAID LOT 74 AND THE HEREIN DESCRIBED TRACT; THENCE, WITH THE SOUTH R.O.W. LINE OF SAID EAST KIBER STREET, BEING THE NORTH LINE OF SAID LOT 74, NORTH 87 DEGREES 04 MINUTES 34 SECONDS EAST, A DISTANCE OF 528.00 FEET TO A 1/2-INCH IRON ROD WITH CAP (STROUD) FOUND AT THE NORTHWEST CORNER OF A CALLED 1.00 ACRE TRACT RECORDED IN THE NAME OF JERRY ALAN ODOM UNDER B.C.C.F. NO. 2011046678, FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT; THENCE, WITH THE WEST LINE OF SAID 1.00 ACRE TRACT, SOUTH 03 DEGREES 05 MINUTES 30 SECONDS EAST, A DISTANCE OF 330.13 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "BAKER & LAWSON" SET ON THE NORTH LINE OF A TRACT RECORDED IN THE NAME OF BRAZORIA COUNTY UNDER B.C.C.F. NO. 2010048403, AT THE SOUTHWEST CORNER OF SAID 1.00 ACRE TRACT, FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT; THENCE, WITH THE NORTH LINE OF SAID BRAZORIA COUNTY TRACT, SOUTH 87 DEGREES 11 MINUTES 02 SECONDS WEST, A DISTANCE OF 528.23 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "BAKER & LAWSON" SET ON THE COMMON LINE OF LOTS 73 AND 74, FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT; THENCE, WITH THE COMMON LINE OF SAID LOTS 73 AND 74, NORTH 03 DEGREES 03 MINUTES 06 SECONDS WEST, A DISTANCE OF 329.17 FEET TO THE POINT OF BEGINNING, CONTAINING 3.996 ACRES OF LAND, MORE OR LESS.

REVISED: PRELIMINARY/FINAL REPLAT DE LA GARZA SUBDIVISION A 3.996 ACRE, 2-LOT, 1 BLOCK SUBDIVISION PORTION OF OF TRACT 74 OF THE BRYAN AND KIBER SUBDIVISION, VOL. 29, Pg. 75 B.C.D.R. LOCATED IN THE I. T. TINSLEY SURVEY, ABSTRACT No. 375 BRAZORIA COUNTY, TEXAS

BAKER & LAWSON, INC. ENGINEERS - PLANNERS - SURVEYORS 300 EAST CEDAR ST. ANGLETON, TEXAS 77515 OFFICE: (979) 849-6681 TBPLS No. 10052500 REG. NO. F-825

Table with 3 columns: PROJECT NO., SCALE, DRAWN BY; DRAWING NO., DATE, CHECKED BY. Values: PROJECT NO.: 14526, SCALE: 1" = 40', DRAWN BY: MAS; DRAWING NO.: 14526 PLAT, DATE: 04/01/2020, CHECKED BY: DRR

ORDINANCE NO. 2011-O-6C

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ANGLETON TEXAS, AND THE VOLUNTARY ANNEXATION OF CERTAIN TERRITORY, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ANGLETON, TEXAS; AND PROVIDING THAT FROM HENCEFORTH SAID TERRITORY SHALL BE A PART OF THE CITY OF ANGLETON, TEXAS, SUBJECT TO AND BOUND BY THE PROVISIONS OF ALL ORDINANCES AND CODIFICATION OF ORDINANCES OF SAID CITY; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, two (2) public hearings were held before the City Council of the City of Angleton at Angleton, Texas, on the 10th day of May, 2011, and all interested persons were provided with an opportunity to be heard on the proposed annexation of the lands described in Exhibit "A" attached hereto and incorporated herein by reference:

WHEREAS, the population of the City of Angleton, Texas, is in excess of 5,000 inhabitants, to-wit: said City having had a population of 18,862 inhabitants according to the Federal Census Report of 2010; and

WHEREAS, the described territory lies within the extraterritorial jurisdiction of the City of Angleton;

WHEREAS, the land owner has voluntarily petitioned the City for annexation; and

WHEREAS, the territory lies adjacent to and adjoins the City of Angleton, Texas; and

WHEREAS, the territory described is one-half mile or less in width;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS, DULY ASSEMBLED:

SECTION 1. The City of Angleton hereby annexes for all purposes the territory described as follows:

Being a 4.000 acre tract of land, 375 IT Tinsley LTS 74A1, also known as 1236 E. Kiber, Angleton, Brazoria County, Texas,

and more particularly described in Exhibit "A", which is attached hereto and incorporated herein in full. The boundary limits of the City shall include said territory. The ordinances, codes, resolutions, regulations, and all laws of the City shall apply to said territory. The City Council finds that all requirements of law for this annexation have been satisfied.

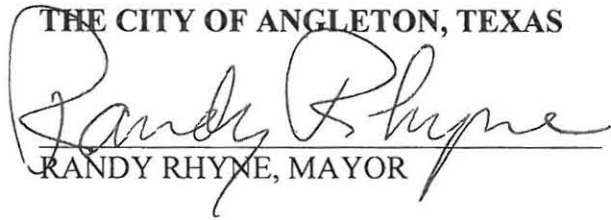
SECTION 2. Where applicable, the land owner shall be responsible for the cost of extending any water or sewer lines to his property and the City will then provide all City services to the area.

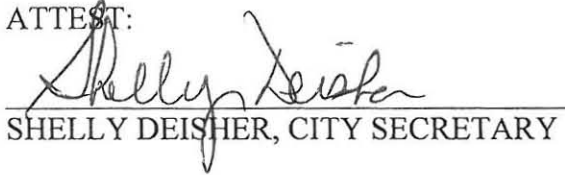
SECTION 3. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 4. If any section or part of this Ordinance is unconstitutional, illegal, or invalid, then such unconstitutionality, illegality, or invalidity of such section or part shall in no way effect, impair or invalidate the remaining portion thereof, but such remaining portion shall remain in full force and effect.

SECTION 5. This ordinance shall be effective from and after its passage and adoption.

PASSED AND ADOPTED, this 14th day of June, 2011.

THE CITY OF ANGLETON, TEXAS

RANDY RHYNE, MAYOR

ATTEST:

SHELLY DEISHER, CITY SECRETARY

APPROVED AS TO FORM:


MARY KAY FISCHER, CITY ATTORNEY

FIRE

Existing Services: Fire suppression is provided by the Angleton Volunteer Fire Fighters Association, who has an agreement with Brazoria County.

Services to be Provided: Fire suppression will be available by the Angleton Volunteer Fire Fighters Association, who has an agreement with the City of Angleton. Fire prevention and fire code enforcement activities will be provided by the Fire Marshal's office as needed. Fire cause and origin determination will be provided by the Fire Marshal's office and supported by the Angleton Police Department.

POLICE

Existing Service: None.

Services to be Provided: Currently, the area is under the jurisdiction of the Brazoria County Sheriff's Office. However, upon annexation, the City of Angleton Police Department will extend regular and routine patrols to that area. It is anticipated that the implementation of police patrol activities can be effectively accommodated with the current budget and staff appropriation.

BUILDING INSPECTION

Existing Services: None

Services to be Provided: The Building Department will provide Code Enforcement Services upon annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulated building construction within the City of Angleton.

PLANNING AND ZONING

Existing Services: None

Services to be Provided: The City of Angleton's responsibility for regulating development and land use through the administration of the City of Angleton Zoning Ordinance will extend to this area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Angleton Subdivision Ordinance. These services can be provided within the department's current budget.

EXHIBIT "B"

STORM WATER MANAGEMENT

Existing Services: None

Services to be Provided: Developers will provide storm water drainage at their own expense and will be inspected by city engineers at time of completion. Further expansion will require additional detention to compensate for lack of detention on existing area.

WATER SERVICE

Existing Services: None

Services to be Provided: Property owner shall be responsible for the cost of extending water lines to his/her property. After water line is constructed by property owner in accordance with all applicable codes, ordinances and departmental policies and final inspection has been completed and approved by the City, City water service will then be provided to the area.

SANITARY SEWER SERVICE

Existing Services: None

Services to be Provided: Prior to the City providing sanitary sewer service to the area, at his/her own expense, Property owner must install a grinder pump or small lift station in accordance with applicable codes and departmental policies and maintain said equipment or at owner's expense a gravity line could possibly be laid to the manhole at the corner of Downing Road and Kiber Street. Property owner's engineer would need to check if the gravity line is possible and present its findings to the city engineer. After proper facilities described above have been inspected and approved by the City, sanitary sewer service will then be provided to the area.

SOLID WASTE SERVICES

Existing Services: None

Services to be Provided: Solid Waste Collection shall be provided to the area of annexation in accordance with the present ordinance. Services shall comply with existing policies, beginning with occupancy of structures.

MISCELLANEOUS

All other applicable municipal services will be provided to the area in accordance with the City of Angleton's established policies governing extension of municipal services to newly annexed areas.

EXHIBIT "B"

PETITION REQUESTING ANNEXATION BY AREA LANDOWNER(S)

TO THE MAYOR OF THE GOVERNING BODY OF ANGLETON, TEXAS:

The undersigned owner(s) of the hereinafter described tract of land, which is vacant and without residents, or on which fewer than three qualified voters reside, hereby waive the requirement to be offered a development agreement pursuant to Section 43.035, and petition the City Council of the City of Angleton, Texas, to extend the present city limits so as to include as part of the City of Angleton, Texas, the following described territory, to wit:

375 IT Tinsley LTS 74A1, Acres 4.00 (see attached metes and bounds description)

I (We) certify that the above described tract of land is contiguous and adjacent to the City of Angleton, Texas, is not more than one-half mile in width, and that this petition is signed and duly acknowledged by each and every person having an interest in said land.

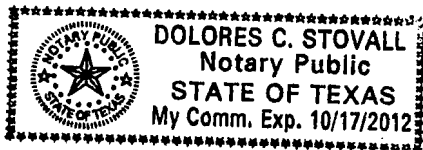
Signed: *Wilfredo Rivera*

THE STATE OF TEXAS
COUNTY OF BRAZORIA

BEFORE ME, the undersigned authority, on this day personally appeared *Wilfredo Rivera*, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this *13th* day of *April*, 20*11*.

[SEAL]



Dolores C. Stovall
Notary Public in and for
Brazoria County, Texas



CITY OF ANGLETON APPOINTMENT OF AGENT

As owner of the property described as 1236 Kiber - Angleton
I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: Robert H. Reed

Mailing Address: 270 Wayne DR Email: breed1288@

City: Clute, State: TX Zip: 77531 Comcast. Net

Home Phone: 979) 482-0915 Business Phone: () Same

I verify that I am the legal owner of the subject property and I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

be the point of contact between myself and the City; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; to consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.

I understand that the City will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, I agree to hold harmless and indemnify the City of Angleton, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter. If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to 'I', 'my', or 'me' is a reference to the entity.

Signature of owner [Signature] Title OWNER
Printed/Typed Name of owner Wilfredo Rivera Date 4/13/11

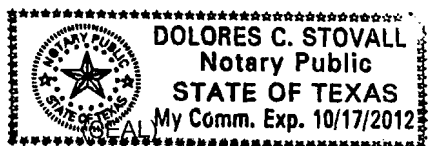
*Application must be signed by the individual applicant, by each partner of a partnership, or by an officer of a corporation or association.

STATE OF TEXAS §

COUNTY OF Brazoria § Dolores C. Stovall

Before me, Wilfredo Rivera on this day personally appeared Wilfredo Rivera known to me (or proved to me on the oath of _____ or through _____) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this 13th day of April, 2011



[Signature]
Notary Public Signature
10/17/2012
Commission Expires



07/08/2022

Mr. Walter Reeves
Director Of Development Services
City of Angleton
121 S. Velasco
Angleton, Texas 77515

Mr. Reeves,

This letter is a request for a variance for the De La Garza Subdivision. The variance is made by Baker and Lawson on the behalf of Jacobo De La Garza. The following is requested.

The owner requests a variance to Section 23-15(D)2.a.3 of the Land Development Code and Angleton Construction Manual. The purpose of this variance is to allow Jacob De La Garza to install aerobic septic systems. The excerpt is provided.

Sec. 23-15. Drainage and Utilities.

D. On-Site Sewerage Facilities (OSSF).

2. New / Replacement OSSF Systems Limited. Sanitary sewer service shall be provided to all properties unless one of the following circumstances is applicable:

- a. *New OSSF Service.* The City will allow the issuance of a permit for a new OSSF only if the following criteria are met:
 - i. Public sanitary sewer service is not available to the property;
 - ii. The property is not included in a public or privately funded project where sanitary sewer service is proposed to be extended to the property;
 - iii. An existing, or proposed, sanitary sewer service main is located more than 200 feet from the front of any lot proposing a new OSSF; and
 - iv. The proposed OSSF is approved by Brazoria County.

We stated the following reasons to support this variance request.

- 1) All proposed lots exceed 1.000 acres.
 - a. The property is zoned as SF-20, which requires 20,000 SF lots. However, the owner is subdividing his lots into two 2.00 acres lots. The acreage of the lots meets the minimum requirements for OSSF facilities allowed by TCEQ.
- 2) The need to extend sanitary services is cumbersome.
 - a. After discussion with the City Engineer and Public Works Director, the owner will need to pump his sewage to MH-823 via grinder pump. The manhole is located in the southeast corner of Downing and Kiber Road. There is no feasible route to the manhole.
 - i. Access to MH-823 via Kiber ROW: Under current conditions, Kiber Road is 60' ROW with a 20' wide asphalt road and roadside ditch on both sides of the roadway. Mr. De La Garza's Property is on the south side of Kiber Road. Between his property line and the road edge, there are 3 buried utilities (Centerpoint Gas, Fiber, and Southwestern Bell). These utilities and their service boxes are shown on the utility plan, Sheet C.3. Near the intersection of Kiber

DOUGLAS B. ROESLER, P.E. - Principal Engineer
4005 TECHNOLOGY DRIVE, SUITE 1530, ANGLETON, TEXAS 77515
(979) 849-6681 • Fax (979) 849-4689

Street and Downing Road, the service boxes block access to MH-823 (see Exhibit 1). As shown on the exhibit, there is no safe access to access MH-823.

- ii. Access to MH-823 via easement: due to lack of access in the Kiber ROW, Mr. De La Garza has reached out to the Brazoria County Fair Ground Association for a utility easement. The request for an easement was made on February 17, 2022. To this date, an agreement for an easement has not been reached.

Thank you for consideration of this variance request.

Sincerely,



Miguel Saucedo

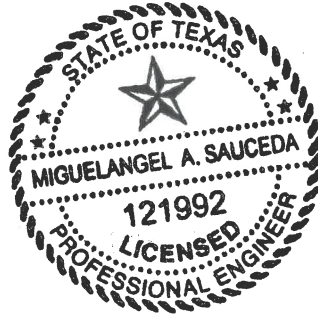


Exhibit 1 (Photo of Kiber Street: view from Downing Road)



Walter Reeves

From: Vasquez, Javier <Javier.Vasquez@hdrinc.com>
Sent: Thursday, August 11, 2022 9:27 PM
To: Walter Reeves
Cc: Peterson, John
Subject: RE: Bullet Points on De La Garza Sewer Connection

Walter,

Please see below regarding the Jacob De La Garza property and providing sanitary sewer service for the lot in accordance to Annexation Ordinance 2011-O-6C. I will need your help in identifying the date the letter for denial of the variance submitted back in April 8, 2021 and to review the timeline to note any inconsistencies in your understanding of the efforts to plat and obtain utility service:

- October 2020 – Letter issued by City regarding subdivision platting requirements
- March 22, 2021 – Plat coordination made to obtain utility information for providing water and sanitary sewer service to the De La Garza property on Kiber Street. Property Owner is made aware of the Annexation Ordinance 2011-O-6C utility requirements for sanitary sewer service.
- April 8, 2021 – Variance submitted for septic system along with plat, site plans.
- [Variance not granted for septic]
- July 15, 2021 – Property Owner coordinated potential option for de-annexation of his property or option to install a grinder pump system if not allowed to de-annex. The existing property is already serviced by water well and septic.
- August 10, 2021 – Coordination resumed for providing utility services to the De La Garza Property on Kiber Street. Utility information provided for completing a site plan.
- October 28, 2021 – Initial submittal for plating and site plan was coordinated.
- January 17, 2022 – A design plan was submitted to provide grinder pump installation for servicing sanitary sewer for the proposed subdivision. In review of the plans, the proposed system posed potential installation and operational conflicts due to the low pressure of the force main system and offsets required for utility conflicts. After discussion of the proposed grinder pump and force main location, another option was to look at running the force main west towards the Downing Street intersection and verify depth of sewer at the manhole located at the southeast corner of the intersection. This alignment would potentially require permission to run the utility within the County ROW or obtain utility easements.
- January 28, 2022 – Coordination was provided to confirm depths of the manhole at Downing and Kiber. It was noted that the manhole had 6.3-ft of depth per investigation of Baker & Lawson.
- February 17, 2022 – Coordination was made with Brazoria County to obtain an easement along Kiber Street within the County Fair Association property that is east of the De La Garza property.
- May 12, 2022 – Property was unsuccessful in acquiring an easement from Brazoria County and additional meeting coordinated with the City to identify alternatives.
- May 18, 2022 – Property Owner met with Development Services team to look over alternatives for sanitary sewer service. Connection to manhole on Sims was not feasible due to proposed force main operation and potential utility conflicts and crossing under Kiber Street. Septic option was discussed but would require a revision to the Annexation Ordinance 2011-O-6C and to the proposed plat to meet requirements for septic installation which is permitted by TCEQ through Brazoria County.
- August 2022 – Property Owner is seeking a revision to Annexation Ordinance 2011-O-6C to allow for OSSF (on-site sewage facilities) and is coordinating with Development Services for completing an application.

Sincerely,

Javier Vasquez, P.E., CFM