



Members Names

Chair | William Garwood

Commission Members | Deborah Spoor, Andrew Heston, Michelle Townsend,

Regina Bieri, Jeff Roberson, Will Clark

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, JANUARY 2, 2025, 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

1. Discussion and possible action on the minutes for the Planning and Zoning Commission meeting held on December 5, 2024.

PUBLIC HEARINGS AND ACTION ITEMS

2. Conduct a public hearing, discussion, and take possible action on an Ordinance approving a request to amend the Zoning Map from MFR-29, Multi-family Residential District to PD, Planned Development Overlay District, with a base LI- Light Industrial District for an RV/Board parking use on approximately 2.359 acres (Part of Property ID: 171030), for property located at the rear of 105 Cemetery Rd., Angleton, Brazoria County, Texas.

REGULAR AGENDA

ADJOURNMENT

CERTIFICATION

I, Otis Spriggs, 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: Monday, December 30, 2024, by 11:00 a.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

/S/ Otis Spriggs

Otis Spriggs

Development Services Director

Public participation is solicited without regard to race, color, religion, sex, age, national origin, disability, or family status. In accordance with the Americans with Disabilities Act, persons with disabilities needing special accommodation to participate in this proceeding, or those requiring language assistance (free of charge) should contact the City of Angleton ADA Coordinator, Colleen Martin, no later than seventy-two (72) hours prior to the meeting, at (979) 849-4364 ext. 2132, email: cmartin@angleton.tx.us.



AGENDA ITEM SUMMARY FORM

MEETING DATE: January 2, 2025

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

AGENDA CONTENT: Discussion and possible action on the minutes for the Planning and Zoning Commission meeting held on December 5, 2024.

AGENDA ITEM SECTION: Declaration of a Quorum and Call to Order

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

Staff requests a discussion and possible action on the minutes of the Planning and Zoning Commission meeting on December 5, 2024.

RECOMMENDATION: Staff recommends that the Planning and Zoning approve the minutes with any noted corrections.



CITY OF ANGLETON
PLANNING AND ZONING COMMISSION MINUTES
120 S. CHENANGO STREET, ANGLETON, TEXAS 77515
THURSDAY, DECEMBER 05, 2024 AT 12:00 PM

Members Names

Chair | William Garwood

Commission Members | Deborah Spoor, Andrew Heston, Michelle Townsend,

Regina Bieri, Jeff Roberson, Will Clark

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, DECEMBER 5, 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: Commission Member Michelle Townsend; Commission Member Jeff Roberson; Commission Member Andrew Heston; Commission Member Deborah Spoor; Commission Member Regina Bieri; and Chair Bill Garwood. Absent was: Commission Member Will Clark.

New Member Oath:

1. Introduction and Swearing-in of new Planning and Zoning Commission Member Jeff Roberson. Assistant City Clerk Desiree Henson administered the Oath to Mr. Jeff Roberson.

Approval of the Meeting Minutes:

2. Discussion and possible action on the minutes for the Planning and Zoning Commission meeting held on October 3, 2024.

Mr. Otis Spriggs noted that minor changes were recognized by Commission Member Michelle Townsend and have since been corrected.

The Motion was made by Commission Member Michelle Townsend to approve the minutes; the motion was seconded by Commission Member Deborah Spoor; The minutes were approved unanimously.

PUBLIC HEARINGS AND ACTION ITEMS

3. Conduct a public hearing, discussion, and take possible action on an Ordinance approving a request to amend the Zoning Map from MFR-29, Multi-family Residential District to LI-Light Industrial District on approximately 2.594 acres (Part of Property ID: 171030, A0375 IT TINSLEY TRACT 128B1-128B2, ACRES 4.868 (ANGLETON), for property located at the rear of 105 Cemetery Rd., Angleton, Brazoria County, Texas.

Staff: Director Otis Spriggs gave the following Staff summary comments:

This is a rezoning request for property located at 105 Cemetery Rd. in the rear of the existing apartments which front on Cemetery Road. The applicant, EDD Investments, is requesting that the City rezone this property from Multi-family, 'MFR-29' to 'LI' Light Industrial for the 2.5 acres reflected here on the property as multi-family residential.

As typical, staff notified property owners within 200 feet of the property and posted the legal ad in the newspaper for this requested public hearing.

The applicant is proposing to change the property to the Light Industrial District for the purposes of the RV and Boat Storage on the property. We have listed in the staff summary stipulations for Light Industrial. When it comes to these types of facilities, we have to consider the maximum impervious cover ratio of the property, which deals with the parking lot in this instance.

The review criteria have been weighed for this rezoning, to ensure that there are no negative impacts on the surrounding conditions of the property. Currently, there is a storage facility to the immediate West of the property (mini-storage), apartments that you see on the frontage, and in the rear and toward the east, some residential will remain. To the north of the property is also other 'MFR 29' property which is currently owned by American Legion, as vacant land, and to the immediate West of the property along Business 288, there is Light Industrial.

Staff wanted to ensure that there would be no spot-zoning resulting in terms of their request and with any impacts on the surrounding property. Some of the alerts we noted within the staff summary include access to the property and design layout. Typically, in these instances, there should be a site plan.

With only 2.5 acres, there's not much RV storage and boat storage that will occur in the future. There will potentially be a minimum number of units. We are asking P&Z to condition any approval upon a site plan coming back to you for consideration.

Mr. Spriggs also noted that the land use plan and comprehensive plan are referenced in the staff summary, and this property is listed as mixed commercial use, which would allow for office, retail, and multifamily. Consistency would be achieved with light commercial use and parking could be considered.

PUBLIC HEARING:

The motion was made by Commission Member Regina Bieri to open the Public Hearing, seconded by Commission Member Michelle Townsend. The motion carried unanimously, and the public hearing was opened.

Applicant Agent Amber Carter appeared before the Commission with the following comments:

Ms. Carter stated that she is the asset manager on behalf of the ownership group for the property and is also a licensed real estate broker. She noted that for the land in the back of the property, instead of continuing to keep it as a blight, we want to be able to clear that land off and put it to something of good use. We think that this would be the best option, and the highest and best use for the vacant land. We also looked into potentially adding at least 29 units there, but unfortunately it was not feasible, due to the price point, the cost of materials, and what we would have to lease those units out at to break even for our return on investment. Building 29 new units on the property would be very expensive, and the rent would not be sustainable for the market. Our feasibility study proved that the highest and best use would be RV and boat storage. We think that that would allow us to clear that land and bring some more clientele to the city and continue to keep Angleton growing.

The motion was made by Commission Member Michelle Townsend to close the Public Hearing, seconded by Commission Member Andrew Heston. The motion carried unanimously, and the public hearing was closed.

Commission Deliberation:

Chair Garwood asked what else is allowed in Light Industrial that would not be ideal to be located adjacent to residential.

Mr. Spriggs listed a few uses, such as auto salvage yards, automobile uses, collision repair, and recycling facilities. Mr. Spriggs referred to the conditions by staff, such as buffering and screening. He opened the floor to any discouraged limited list of uses.

Chair Garwood questioned limited uses, and will it stand up in court. Mr. Spriggs suggested a Planned Development District overlay with a Light Industrial District base district and gained legal consent and interpretation of the procedure.

Commission Member Michelle Townsend asked about the feasibility study for the RV storage and asked if there were any renderings or site plans done.

Ms. Carter responded that they are working with the consultant to flush out the schematic details. She concurred that they are opened to the PD District and conditions as an option after discussing with her client.

Mr. Spriggs noted that the use would not be for dwelling purposes.

Commission Member Jeff Roberson commented on the water extension and access issue regarding easements.

Commission Action:

Commission Member made a motion that the requested rezoning based on the findings in the analysis, the listed conditions, and that it be approved as a Planned Development Overlay District with the Light Industrial Base District with Legal approval and it be recommended to City Council for final action; Motion was seconded by Commission Member Regina Bieri.

Roll Call Vote:

Commission Member Michelle Townsend-Aye; Commission Member Jeff Roberson-Aye; Commission Member Andrew Heston- Aye; Commission Member Deborah Spoor-Aye; Commission Member Regina Bieri- Aye; and Chair Bill Garwood-Aye. 6-0 Approval.

ADJOURNMENT 12:24 PM



AGENDA ITEM SUMMARY REPORT

MEETING DATE: January 2, 2025

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

AGENDA CONTENT: Conduct a public hearing, discussion, and take possible action on an Ordinance approving a request to amend the Zoning Map from MFR-29, Multi-family Residential District to PD, Planned Development Overlay District, with a base LI- Light Industrial District for an RV/Board parking use on approximately 2.359 acres (Part of Property ID: 171030), for property located at the rear of 105 Cemetery Rd., Angleton, Brazoria County, Texas.

AGENDA ITEM SECTION: Public Hearing and Action Item

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:



AERIAL MAP

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

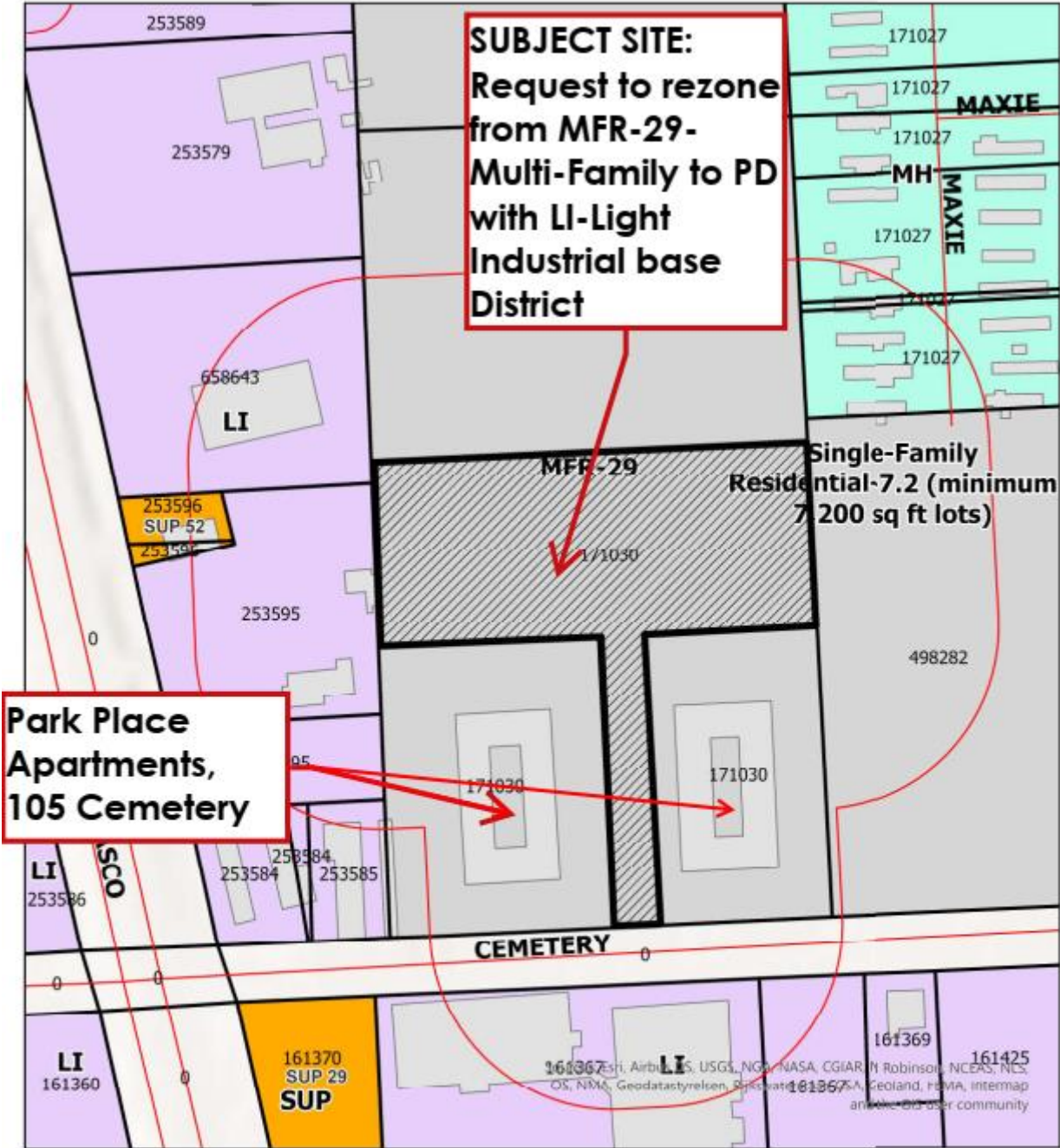
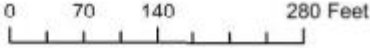


EXHIBIT A: REZONING MAP

105 Cemetery Rd. Rezoning From MFR-29 to I-I Industrial



Public Notices:

Public notice letters were sent to all property owners within a 200-foot radius of the subject property in accordance with the provisions of the L.G.C. Chapter 211, and legal notices were published in the local newspaper for the upcoming 2 public hearings. Property owner names and addresses were located using the Brazoria County Appraisal District information.

Proposal:

The requester wishes to rezone the property to Planned District with a L-1 Industrial Base District, in order to improve the property for RV and Boat Parking. The current property owner also owns and operates the two apartment structures along the property frontage. The subject site will be accessed in the area between those two tracts of land. No detailed layout has been provided.

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

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

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

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

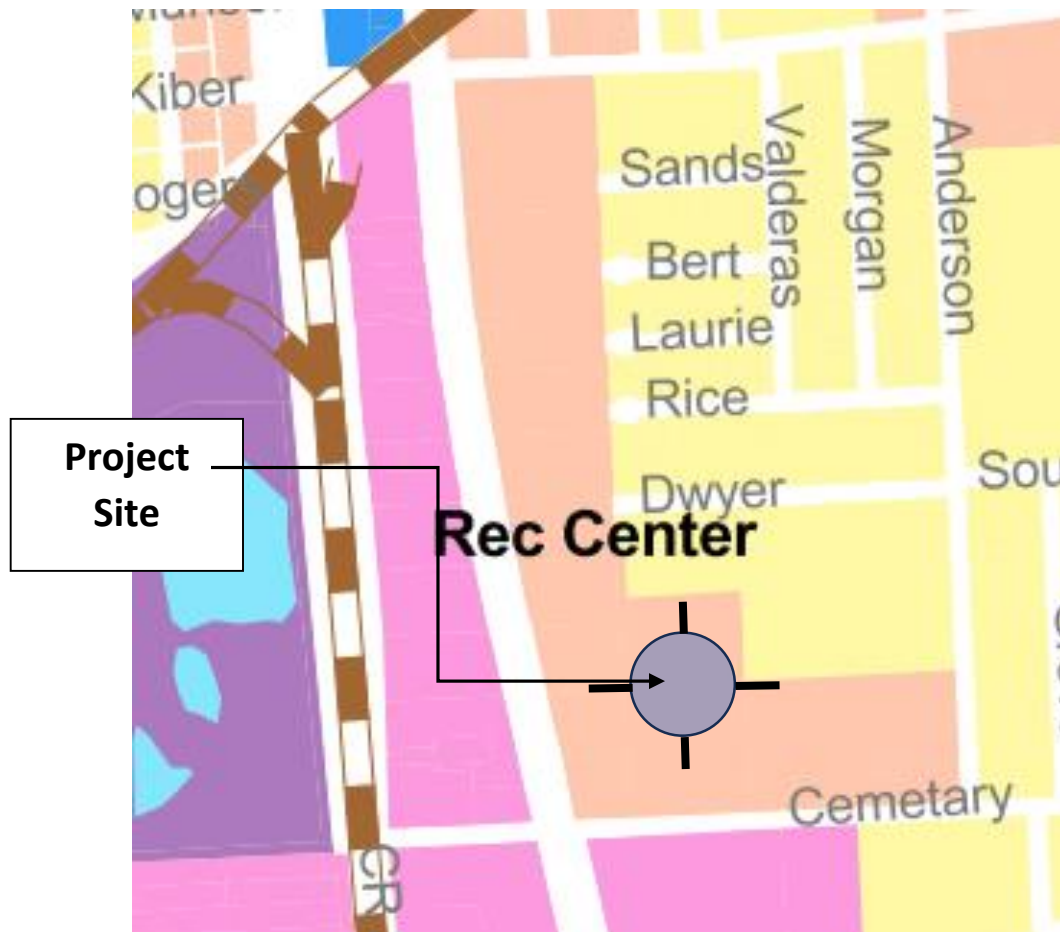
Review Criteria and Findings of Fact:

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

- a. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the city as a whole. ***(Compatibility may be an issue. Staff has concerns with the amount of available acreage and the expected number of units the parking lot will yield after an acceptable design is achieved, balanced with adherence to drainage requirements of the Angleton Drainage District for the increased hard surface). The Comprehensive Land Use Plan is provided below. The current use of the property offers compatibility; however, the proposed use does not fulfill the transitional zone as recommended.***

- b. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area; ***(There will be no negative impact on said capacity of public utilities; drainage would have to meet the Angleton Drainage District guidelines and approvals).***
- c. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances which may make a substantial part of such vacant land unavailable for development; ***(Although this area will continue to see infill development, the scale will continue to be residential in scale, with neighborhood service oriented uses such as retail, attached living, professional and office uses).***
- d. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change ***(No high rate of industrial uses have been requested along Cemetery Road).***
- e. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved. ***(The industrial use of the land is not the preferred use. Previous Pre-Development request occurred on the tract for mini-storage which was not favorable).***
- f. Any other factors that will substantially affect the public health, safety, morals, or general welfare. ***(No factors will negatively affect the public health, safety, morals or general welfare).***

Future Land Use Map



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

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

Existing Land Use and Zoning

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

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

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

East: Apartments, Single Family Residential

SITE PHOTOS



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



View looking north from Cemetery Rd. from property frontage



View looking north at subject tract north of the apartment units



View looking north at subject tract north of the apartment units



View looking south toward Cemetery Rd.



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



View looking east along Cemetery Rd. toward property frontage



View looking north-easterly from SH288B



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

RECOMMENDATION:

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

Conditions:

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



OFFICE USE ONLY	
Date received: _____	Fee: \$ _____
P&Z Public Hearing date: _____	
Date to send cert. letters: _____	
Date to publish: _____	
Proof of taxes paid: _____	date verified: _____

CITY OF ANGLETON RE-ZONE APPLICATION

Name(s) of Property Owner: _____ E D D Investment Group LLC

Current Address: _____ Email: _____

City: _____ State: _____ Zip: _____

Home Phone: _____ Business Phone: _____ Cell: _____

ATTACH PROOF THAT ALL TAXES, FEES AND OBLIGATIONS HAVE BEEN PAID TO THE CITY OF ANGLETON.

Name of Applicant: _____ Amber Carter

(If different than Property Owner)

Address: _____ Email: _____

City: _____ Angleton State: TX Zip: 77515

Home Phone: _____ Business Phone: _____ Cell: _____

Address/Location of Property to be Re-zoned: _____ 105 Cemetery Rd, Angleton, TX 77515

Legal Description: _____ A0375 I T TINSLEY TRACT 128B1- 128B2 ACRES 4.868 (ANGLETON)

Metes & Bounds	Lot(s)	Block	Subdivision
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ATTACH MAP/SURVEY OF PROPERTY

Has the property been platted? **YES** NO

Current Zoning: _____ MFR-29 Current Use: _____ Vacant Land

Proposed Zoning: _____ PD District LI base District Proposed Use: _____ RV and Boat Parking

Application Fee: \$150.00 (must be submitted with application)

County: Brazoria County
Project: 2.359 Acres
Job No.: 16214

DESCRIPTION OF 2.359 ACRES

Being a 2.359 acre tract of land located within the I.T. Tinsley Survey, Abstract No. 375, Brazoria County, Texas, being a portion of a called 4.8687 acre tract, as recorded in County Clerks File No. (C.C.F.N.) 1999003305 of the Official Public Records, Brazoria County, Texas (O.P.R.B.C.T.), referred to hereafter as the above referenced tract of land, said 2.359 acre tract 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 a 1/2-inch iron rod found for the Northwest corner of the above referenced tract, same being the Southwest corner of a called 4.8687 acre tract, as recorded in C.C.F.N. 2001040747 of the O.P.R.B.C.T., same being on the East line of a 30' alley, no recording information found;

THENCE North 86°52'55" East, along the North line of the above referenced tract, same being the South line of said called 4.8687 acre tract, a distance of 434.00 feet to a 5/8-inch iron rod found for the Northeast corner of the above referenced tract, same being on the West line of a called 6.920 acre tract, as recorded in C.C.F.N. 2022008094 of the O.P.R.B.C.T.;

THENCE South 02°49'36" East, along the East line of the above referenced tract, same being the West line of said called 6.920 acre tract, a distance of 204.00 feet to a point for corner, being in a 32" live oak tree;

THENCE South 86°52'55" West, over and across the above referenced tract, a distance of 192.00 feet to a 5/8-inch iron rod with cap, stamped "Baker & Lawson" set for corner;

THENCE South 02°49'36" East, over and across the above referenced tract, a distance of 284.67 feet to a 5/8-inch iron rod with cap, stamped "Baker & Lawson" set for corner;

THENCE South 86°52'55" West, along the South line of the above referenced tract, same being the North Right-of-Way (R.O.W.) line of Cemetery Road, a distance of 50.00 feet to a 5/8-inch iron rod with cap, stamped "Baker & Lawson" set for corner;

THENCE North 02°49'36" West, over and across the above referenced tract, a distance of 284.67 feet to a 5/8-inch iron rod with cap, stamped "Baker & Lawson" set for corner;

THENCE South 86°52'55" West, over and across the above referenced tract, a distance of 192.00 feet to a 5/8-inch iron rod with cap, stamped "Baker & Lawson" set for corner, being on the West line of the above referenced tract, same being the East line of said 30' alley;

THENCE North 02°49'36" West, along the West line of the above referenced tract, same being the East line of said 30' alley, a distance of 204.00 feet to the **POINT OF BEGINNING** of the herein described tract of land, and containing 2.359 acres of land, more or less.

The field notes of the herein described tract of land, have been prepared along with a survey plat of the subject tract.


11/07/2024
Darrel Heidrich
Registered Professional Land Surveyor
Texas Registration No. 5378

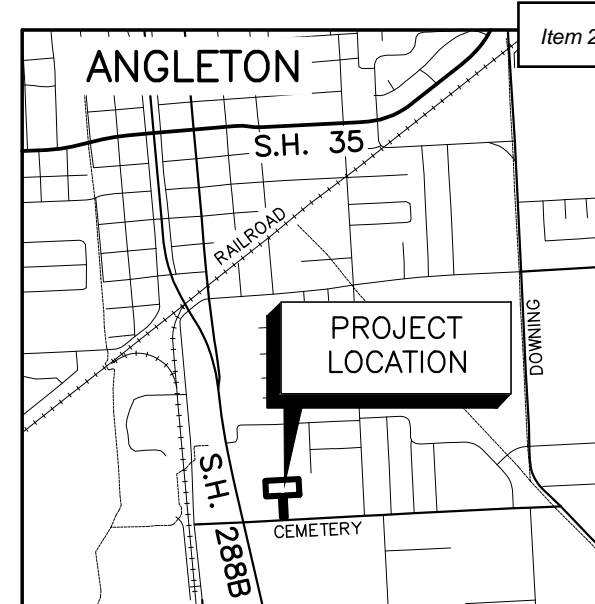


BRAZORIA COUNTY, TEXAS

I.T. TINSLEY SURVEY
ABSTRACT NO. 375

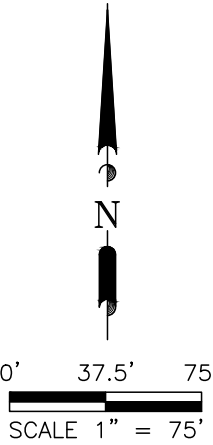
EXHIBIT "B"

CALLED 5.238 ACRES
C.C.F.N. 2022043888
O.P.R.B.C.T.



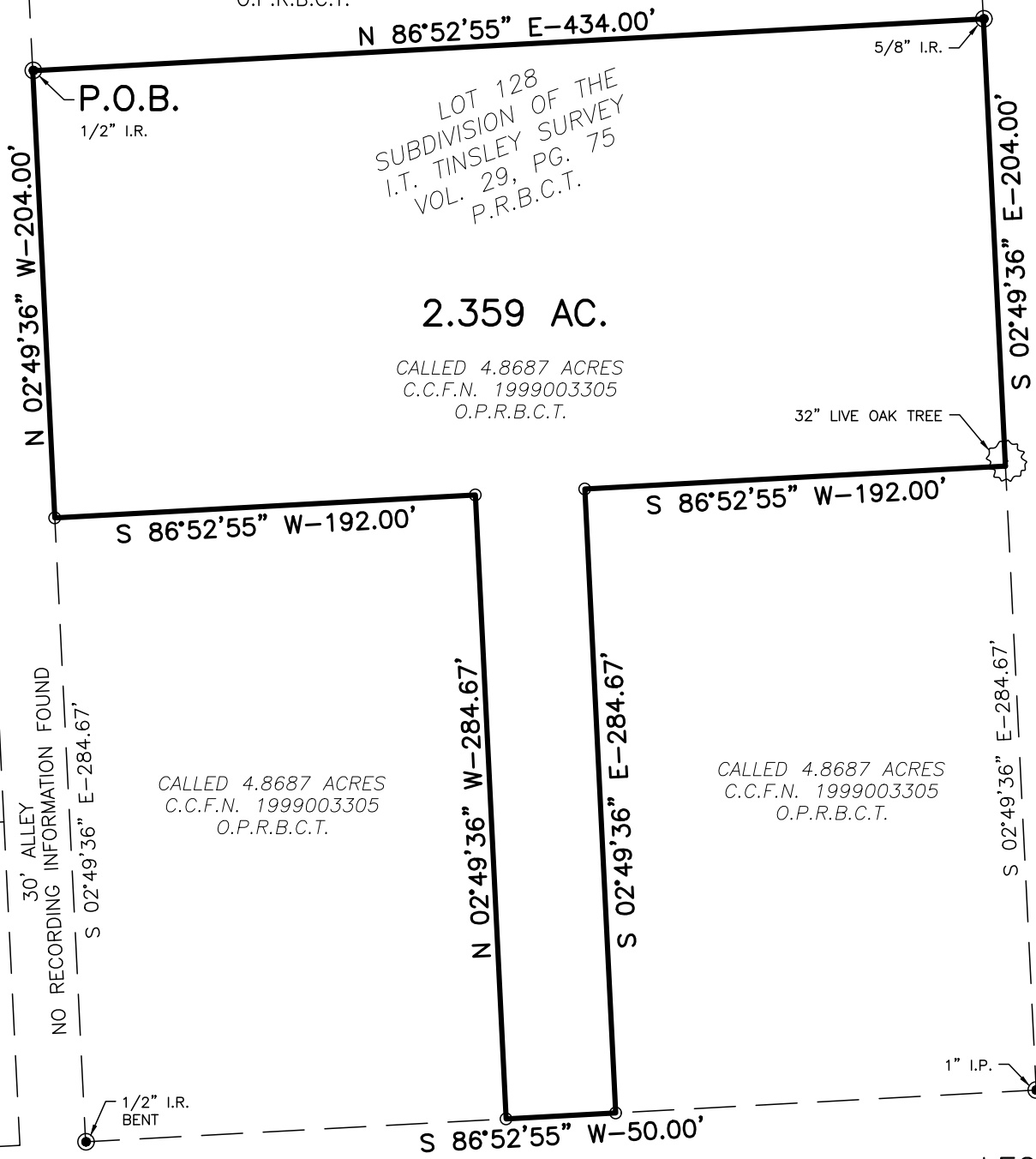
VICINITY MAP

CALLED 6.920 ACRES
C.C.F.N. 2022008094
O.P.R.B.C.T.



CALLED 1.690 ACRES
C.C.F.N. 2017027922
O.P.R.B.C.T.

CALLED 4.8687 ACRES
C.C.F.N. 2001040747
O.P.R.B.C.T.



2.359 AC.

CALLLED 4.8687 ACRES
C.C.F.N. 1999003305
O.P.R.B.C.T.

CALLLED 4.8687 ACRES
C.C.F.N. 1999003305
O.P.R.B.C.T.

CALLLED 4.8687 ACRES
C.C.F.N. 1999003305
O.P.R.B.C.T.

I, DARREL HEIDRICH, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, UNDER MY SUPERVISION AND CORRECTLY REPRESENTS THE FACTS AS FOUND, SURVEYED ON NOVEMBER 07, 2024.

Darrel Heidrich 11/7/2024
DARREL HEIDRICH
REGISTERED PROFESSIONAL LAND SURVEYOR
LAND SURVEYOR NO. 5378



SURVEY PLAT
2.359 ACRES
A PORTION OF A CALLED
4.8687 ACRE TRACT
C.C.F.N. 1999003305
O.P.R.B.C.T.
I.T. TINSLEY SURVEY
ABSTRACT NO. 375
BRAZORIA COUNTY, TEXAS



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

- SURVEYORS NOTES**
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMMITMENT FOR TITLE INSURANCE WITH REGARD TO ANY RECORDED EASEMENTS, RIGHTS-OF-WAYS, SETBACKS, RESTRICTIONS OR OTHER ENCUMBRANCES AFFECTING THE SURVEYED PROPERTY. NO ADDITIONAL RESEARCH WAS PERFORMED BY THE SURVEYOR, ANY OF THESE ITEMS MAY EXIST THAT ARE NOT SHOWN HEREON.
 - ALL BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, (NAD83) SOUTH CENTRAL ZONE, PER GPS OBSERVATIONS.
 - THIS SURVEY PLAT HAS BEEN PREPARED ALONG WITH A METES & BOUNDS DESCRIPTION OF SUBJECT TRACT.

- LEGEND**
- O.P.R.B.C.T. = OFFICIAL PUBLIC RECORDS BRAZORIA COUNTY, TEXAS
 - D.R.B.C.T. = DEED RECORDS BRAZORIA COUNTY, TEXAS
 - P.R.B.C.T. = PLAT RECORDS BRAZORIA COUNTY, TEXAS
 - C.C.F.N. = COUNTY CLERK'S FILE NUMBER
 - VOL, PG. = VOLUME, PAGE
 - P.O.B. = POINT OF BEGINNING
 - I.R. = IRON ROD
 - I.R.C. = IRON ROD W/CAP
 - I.P. = IRON PIPE

DRAWING NO.: 16214 2.359 AC.	DRAWN BY: DH	CKED	21
JOB NO.: 16214	SCALE: 1" = 75'	DATE: 11/7/2024	

J:\160005\16200\16214\ENGINEERING-SURVEY\SURVEY\BASE\2.359 AC\16214 2.359 AC.DWG PLOT DATE:11/7/2024 Dheidrich

ORDINANCE NO.

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS, REZONING PROPERTY FROM MFR-29, MULTI-FAMILY RESIDENTIAL DISTRICT TO PD-PLANNED DEVELOPMENT DISTRICT OVERLAY WITH A LI- LIGHT INDUSTRIAL BASE DISTRICT ON APPROXIMATELY 2.36 ACRES (PART OF PROPERTY ID: 171030, A0375 IT TINSLEY TRACT 128B1-128B2, ACRES 4.868 (ANGLETON), FOR PROPERTY LOCATED AT THE REAR OF 105 CEMETERY RD., ANGLETON, TEXAS, PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING FOR REPEAL AND EFFECTIVE DATE, AND FINDINGS OF FACT.

WHEREAS, the City of Angleton, Texas is granted implied powers under the Texas Local Government Code, Section 51.001 and may adopt, publish, amend or repeal an ordinance and adopt ordinances that are for the good government, peace, or order of the municipality and necessary for carrying out a power granted by law to the City of Angleton, Texas; and

WHEREAS, the City of Angleton, Texas may adopt or maintain an ordinance only if the ordinance is consistent with the laws of Texas as set out in Section 51.002 Texas Local Government Code; and

WHEREAS, On December 5, 2024, the City of Angleton Planning & Zoning Commission held a public hearing and approved the rezoning submitted by Ahsan Sattar of EDD Investment Group LLC, from MFR-29, Multi-family Residential District to PD-Development District, LI- Light Industrial Overlay District.

WHEREAS, on December 5, 2024, the City of Angleton Planning & Zoning Commission, after conducting a public hearing, discussed and considered the written recommendation of staff, responses to questions of the applicant regarding the proposed rezoning request; and

WHEREAS, on November 12, 2024, the City of Angleton City Council conducted a public hearing, discussed and considered the written recommendation of staff, responses to questions of the applicant regarding the proposed rezoning request; and

WHEREAS, the City considered the factors and provisions set forth in the City of Angleton Code of Ordinances, Chapter 28 Zoning, Sec. 28-24, Amendments to zoning ordinance and districts, and considered the proposed rezoning of property at the rear of 105 Cemetery Rd., Angleton, Texas., legally described as (Part of Property ID: 171030, A0375 IT TINSLEY TRACT 128B1-128B2, ACRES 4.868 (ANGLETON), as depicted on Exhibit A and B; and

WHEREAS, the City Council desires to grant the rezoning of the property, approximately 2.36 acres, at the rear of 105 Cemetery Rd., as submitted by Ahsan Sattar of EDD Investment Group LLC;

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

Section 1. That all of the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated herein by this reference and expressly made a part hereof, as if copied herein verbatim.

Section 2. City Council approves the rezoning from MFR-29, Multi-family Residential District to PD-Planned Development District Overlay, LI- Light Industrial Base District on approximately 2.36 acres, and adopts the recommendation with conditions made by the Planning and Zoning Commission as follows:

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

SECTION 3. Penalty. Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Two Thousand and No/100 Dollars (\$2,000.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

Section 4. Repeal. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 5. Severability. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Angleton, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. Effective date. That this Ordinance shall be effective and in full force immediately upon its adoption.

Section 7: Proper Notice & Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED, APPROVED and ADOPTED this 10th day of December, 2024.

John Wright, Mayor

ATTEST:

Michelle Perez, TRMC