

CITY OF ANGLETON

PLANNING AND ZONING COMMISSION AGENDA 120 S. CHENANGO STREET, ANGLETON, TEXAS 77515 THURSDAY, JUNE 06, 2024 AT 12:00 PM

Members Names

Chair | William Garwood

Commission Members | Deborah Spoor, Will Clark, Michelle Townsend,

Regina Bieri, Ellen Eby, Andrew Heston

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, JUNE 6, 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

1. Discussion and possible action on the minutes for the Planning and Zoning Commission meeting held on March 7, 2024.

PUBLIC HEARINGS AND ACTION ITEMS

Conduct a public hearing, discussion, and take possible action on Ordinance approving a request for a Specific Use Permit, for approximately .23 acres of land, currently zoned "C-G", Commercial General District, allowing for a cosmetic tattoo studio use on a tract of land located at 105 E Wilkins Street, legally described as A0380 J DE J VALDERAS TRACT 99C ACRES 0.23 (ANGLETON), Brazoria County, Texas.

REGULAR AGENDA

3. Discussion and possible action on a Final Plat for Ashland Utility and Lift Station Reserve, for 0.2320 acres of land, containing two reserves in one block for utility purposes, out of the Shubael Marsh Survey A-82, Brazoria County, Texas as submitted by Ashton Gray Development.

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: Saturday, Friday, May 30, 2024, by 5:30 p.m. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

/S/ Otis T. Spriggs, AICP Otis T. Spriggs, AICP 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: June 6, 2024

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 March 7, 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 for Planning and Zoning Commission meeting for March 7, 2024.

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



CITY OF ANGLETON

PLANNING AND ZONING COMMISSION MEETING MINTUES 120 S. CHENANGO STREET, ANGLETON, TEXAS 77515 THURSDAY, MARCH 07, 2024 AT 12:00 PM

Members Names

Chair | William Garwood

Commission Members | Deborah Spoor, Will Clark, Michelle Townsend,

Regina Bieri, Ellen Eby, Andrew Heston

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DECLARATION OF A QUORUM AND CALL TO ORDER

Chairman Bill Garwood introduced and welcomed new Commission Member Andrew Heston to the Planning and Zoning Commission. Commission Member Andrew Heston was sworn in right before this meeting began.

Present were: Chair William Garwood, Commission Member Andrew Heston, Commission Member Will Clark, and Commission Member Deborah Spoor.

Absent were: Commission Member Regina Bieri, Commission Member Michelle Townsend, and Commission Member Ellen Eby.

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

Planning Commission Action: Motion was made by Commission Member Will Clark and the second by Commission Member Deborah Spoor to approve the minutes. There was no further discussion.

Roll Call Vote: All Ayes. Motion carried unanimously; the minutes were approved.

PUBLIC HEARINGS AND ACTION ITEMS

2. Conduct a public hearing, discussion, and take possible action on an Ordinance approving a request to modify an existing Specific Use Permit within a Single-family Residential 7.2 District (SF-7.2) to allow for the installation of a proposed eighteen (18') foot tall acoustic fence to reduce noise levels and operate lawfully during special circumstances of extreme temperature and emergency situations at an existing energy

storage park on a 7.7 acre parcel identified by Property ID 570367, located at 319 Murray Ranch Rd., Angleton, Brazoria County, Texas.

D.S. Director Otis Spriggs presented the Staff report findings, noting that this is a request for a specific use permit modification to allow for a proposed acoustic fence as described. The applicant will provide you with detailed information about the 18-ft. fence along with the reason any extra measures they're taking regarding sound generated for the Gambit Battery Storage Park, which is within the SUP Zoning District.

Mr. Spriggs added that the applicant will be Illustrating a possible fix to some of the noise issues raised by some of the residents, as experienced during high temperatures during the summer months. Today we'll only discuss the modification to add the fence. The actual use of the property is under an SUP permit. We notified everyone within 200 feet of the property and posted notice in the local newspaper as required. There are a couple of proposed conditions that are in the proposed drafted ordinance in which we'll discuss later. Other than that, this is a public hearing, and staff is reporting this to you so that you can gain public input and answer any possible questions and make a recommendation to City Council with thumbs up or thumbs down on the proposed 18-ft. acoustic wall. The sound professionals are present to address the levels of noise to be abated with the structure. The staff report includes photographs of the facility, and all of the documents are on the website agenda packet.

Mr. Spriggs ended by noting that Staff will be available to address the Commission, regarding any of the conditions of the previous approval and any specifics as to what they're asking for.

Applicant's representative Bill Kaufman, introduced himself as a Land Use Lawyer from San Antonio, TX (, CEO, The Kaufman Group); Plus Power asked him to come assist with the SUP permit.

Mr. Kaufman introduced Applicant's Agent: Keith Merkel, Senior Technical Asset Manager, Plus Power and Mark Storm, Acoustic Services Manager, Dudek/Noise Expert, California.

Bill Kaufman gave background on the Plus Power Company, an electrical storage system, which employees around 150 persons and its importance to the power grid all over the state, and its capability to store energy in times of need and emergencies.

Bill Kaufman informed that Gambit Battery Park is the name of this project and is a subsidiary of Plus Power. Mr. Kaufman gave the history of the Council approval of the SUP, Specific Use Permit approved in January 2020. The next year it became operational. Mr. Kaufman showed PowerPoint slides of the facility with various photographs from different directions, with the existing vegetation, berms, and the 8-ft. masonry wall that

surrounds the property on all four sides. He went on to discuss the specific conditions of the former SUP approval, regarding the structure height limits and the conditions on ambient noise, and the current need to amend the original noise condition.

Bill Kaufman introduced the need to incorporate sound barriers under extreme heat during the summer months, when the fans are running, usually at temperatures over 100° degrees. In order to protect the batteries, the fans run and can be loud. Mark Storm, the noise expert, came out and over three days in the heat of the summer did performed studies. The team is trying to figure out what is the best solution and are recommending an 18-foot-high sound barrier.

Mr. Kaufman added that Plus Power wants two things to happen: *To block the noise, and to absorb the noise.* When they received complaints last summer, it triggered a lot of study as late as this past February. The team went to both neighborhoods and knocked on doors (approximately 22 plus people). Heritage Oaks residents were a lot more responsive and expressive. The other neighborhood really didn't want to hear about it and didn't answer their door. The team left flyers on all those doors, to call in case of questions.

Mr. Kaufman explained the proposal for the 18 ft. wall which will comply with all City requirements and will comply with all applicable laws and regulations.

Bill Kaufman completed his presentation by showing slides of the battery park, and an artistic rendering of the proposed acoustic wall to be 10 ft. higher than the masonry wall. There are color options as well: brown, green, camouflage, etc.

Mr. Kaufman explained that under the Sup we were required before anything was built to study the ambient sound levels currently on that site with nothing because you got to know what effects occurred on current sound ambient sound (to establish the baseline). Mr. Kaufman the results table which compared the decibel levels of the noise on-site and also the effects of the 18 ft. wall.

Bill Kaufman stated that he took Staff's recommendation and clarified it a little bit, defining the referenced term "emergency". We've added an example of ERCOT issued notification to conserve energy.

Chairman Bill Garwood recognized the sound expert: Mark Storm.

Mark Storm began by speaking on the sound barriers and sound blocking material, which could be a vinyl mesh or something more solid as acoustically absorptive material to reduce the reflection.

Chairman Bill Garwood asked how can the Angleton community be assured that those are the numbers that we will experience in periods of future heat, like we had in the July 2023?

Mark Storm, referring to the results table, explained the measurements that were conducted last summer, during elevated operation levels from the equipment.

Chair Bill Garwood inquired about Mr. Storm's background and previous experience.

Mark Storm stated he's done control engineering for over 30 years and is very familiar with three-dimensional sound and has experience with patent models. He added that he's actually been on the manufacturing side early in his career and then design engineering of noise barrier solutions similar to this. He has done stadium acoustic design for decades, design as well as designed fan tower acoustics in that type of facility.

Chairman Bill Garwood stated that these numbers are for a standard operating day in the summer at 85 to 100 degrees, do you guys have any similar numbers for the heat?

Mark Storm: Yes, we designed the barrier to function and absorb noise from the equipment. The fans are operating at system level. I am informed of what those levels are when the barriers are installed.

Board Member Andrew Heston asked, at what temperature is this thing going to start being louder than it was before we put the storage park in? Is there a chance that the ambient sound could increase higher than what we experienced in July 2023?

Mark Storm explained the fixed relationship between how fast the fans are running and the cooling systems running and operating to produce noise at that level. If we install this barrier, it's going to reduce the noise.

Board Member Andrew Heston added that this barrier is built to accommodate for the maximum noise level and keep the ambient noise down to where it was prior to the facility being created, so why do we need to grant additional exceptions?

Applicant Keith Merkel: Essentially, it is a combination of the temperature and the ambient temperature. So it depends on how the battery operates at a particular point in time. It makes the fans operate more or less; so it's hard to say with certainty that in all conditions it will never be at a point that is above the previously recorded ambient levels.

Applicant Keith Merkel explained the specifications that have been provided by the manufacturer allow for a variation in the speed limits up to a certain level. And it is an algorithm that they control in order to keep the battery operating safely. So, there's variability in the fans increasing or decreasing in order to maintain similar thresholds. So, the batteries are always operating in a safe manner, and they're not impacted or hurting themselves or taking themselves out of operation.

Chairman Bill Garwood made the observation that if these corrective measures don't work, then at such time as the sound exceeds that ambient level from 2020 the situation, you will have to be addressing this yet again under the SUP. Obviously, you don't want to address this more than once.

Applicant Keith Merkel concurred.

Board Member Andrew Heston added that if we were to make the changes to Condition 'F' (safely operations under emergencies), we could see an increase in sound level, and it would be permitted under the SUP, if we adopted the changes you're making. Is that correct?

Applicant Keith Merkel: Concurred, explaining that the emergency conditions that they are trying to address are triggered by ERCOT, in the case of great instability.

He added that the language is to provide some clarity around what constitutes an emergency condition.

Applicant Keith Merkel: But that includes ERCOT issued notifications for an emergency. And what that means is ERCOT is constantly looking at their ability to maintain energy for the public and at certain levels they reach a point of concern and great vulnerability. Like on the on "ramp-up" or "lead-up", which could lead to rolling blackouts and when ERCOT issues notifications to operators, asking for additional reserves during emergency situations.

Board Member Andrew Heston: Can you, under any circumstances, contemplate the situation where you don't have an emergency? And you could safely ramp the batteries down. Just with the pure temperature alone, it is going to create an increase of the ambient sound level.

PUBLIC HEARING OPENED:

Chairman Bill Garwood entertained a motion to open the public hearing:

A motion was made by **Commission Member Heston**, seconded by **Commission Member Clark** to open the public hearing. Motion passed unanimously.

City Attorney Judith ElMasri interjected that in the attached draft Ordinance in the packet, there is the absence of a reference of the adopted noise ordinance and to what state law is. If that will make the P&Z Commission more comfortable, we can certainly add that. Our noise ordinance tracks state law, and the maximum decibel measurement allowed is 85 decibels.

PUBLIC INPUT:

Chris Peltier, developer of Heritage Oaks Subdivision. He spoke on his involvement in every meeting for months with the former Mayor, and with Molly Anderson of Gambit Energy.

When we had problems, we would contact Michael Gradstein with Tesler, and he was very responsive.

He spoke on the Council's agreement and the conditions of the SUP, *Condition 'F'*, referencing "operating safely", which is an *open season* for violating.

The whole premise of the SUP was based on what we decided originally.

I understand you have to modify it, but that's a big problem. Mr. Peltier also played an audio recording of the loud noise.

It was discussed that prior to the SUP being created that we'll never have noise outside the boundary. And so we went on in good faith that was what was going to be done. He raised concern about the term "safely" which is scary.

Mr. Peltier added that he is not sure if the 18-ft. acoustic wall will meet windstorm approval, but Kyle Reynolds will have to look at it. He noted concerns about the fence flopping in the wind, which could produce noise on its own. He raised concerns about Texas New Mexico having possible issues with the tall structure next to their substation.

Ms. Clara Dannhaus passed out her typed questions. Stated that she was at the 2020 meetings and we asked all those questions and I'm looking back at the paper that they provided. They gave us an FAQ. The site is visible to us now, especially in the winter. We support the fence, but will it hold up in the winds? We all hope that it works. Most are the neighbors are in favor of the fence, but sound is our major concern (humming like vacuum cleaners, in mornings and evenings/she recorded the sound on Sept. 5th at 9:02 PM). She noted that her home is 500 ft. away, but she hears it in her backyard. Because of the direction of the wind, they hear it, but the folks to the east do not. She is not in support of giving them any leeway on the sound or any increase in the noise level. Who do we call when we have a complaint, she asked.

Mr. Spriggs informed that there is a process for filing complaints with the City and we will respond to the complaints.

Chairman Bill Garwood: Right now, I've got three more requests, but if the three folks feel exactly the same way as Mr. Peltier, I won't make you come up to the podium, but you're welcome to.

Mr. Gary McDaniel, 883 Spreading Oaks, Heritage Oaks (lives 351 ft. from the fence). Described his visit from Plus Power back on February 26th. Since they left that evening, he has heard the roaring noise on his back porch, six times since that day. He'll be happy to call and complain the next time. Added that we should hold to the original conditions.

Bill Kaufman: On the condition of "safely", it does appear to be broad and if that's a makes you uncomfortable, we are willing to delete that part of the request. Amend the rest of it, but just delete the part about the safety.

PUBLIC HEARING CLOSED:

Chairman Bill Garwood: Entertained a motion to close the public hearing:

A motion was made by Commission Member Spoor, seconded by Commission Member Clark to close the public hearing. Motion passed unanimously. **The Public hearing was closed.**

Commission Member Clark: Obviously, something's going to have to be done. Anything that they're going to try to do is going to improve what's already there.

Chairman Bill Garwood: I'm hoping that our visitors here do not want to spend any more on future improvements, and they want to get it fixed right the first time, correct?

Commission Deborah Spoor: What is the life of the original SUP?

D.S. Director Otis Spriggs explained that there is no expiration (or sunset).

Commission Member Andrew Heston: So, you're proposing that the only situations in which you would be allowed to exceed the ambient noise level would be in an ERCOT emergency, including an ERCOT declared emergency?

Bill Kaufman: I'll leave it to the City's legal counsel to give you advice. But the way I read this- but for extreme temperatures in emergency situations, and during days of extreme temperatures. Bill Kaufman concurred: We've got to comply with the requirements that you currently have.

COMMISSION ACTION:

Board Member Andrew Heston made a motion to approve the SUP modification for the 18ft. sound wall/fence conditioned that the sound level emitted from the energy storage facility shall be no louder than the ambient noise level prior to the installation of the project at 100 feet outside of the parcel boundary and the nearest existing receptor except under ERCOT declared emergency requesting additional resources and that the City's adopted ordinances and state law be fully complied with.

Roll Call Vote:

Commission Member Deborah Spoor- Aye; Commission Member Will Clark- Aye; Commission Member Andrew Heston- Aye; Chairman Bill Garwood- Aye.

Motion carried. The SUP modification was approved by the Commission. (4-0 vote).

REGULAR AGENDA

3. Update, discussion and possible action on General Commercial Zoning District use regulations as presented by the Development Services Department (Discussion was Tabled).

ADJOURNMENT: Meeting was adjourned at 12:03 PM.



AGENDA SUMMARY/STAFF REPORT

MEETING DATE: June 6, 2024

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

AGENDA CONTENT: Conduct a public hearing, discussion, and take possible action on

Ordinance approving a request for a Specific Use Permit, for approximately .23 acres of land, currently zoned "C-G", Commercial General District, allowing for a cosmetic tattoo studio use on a tract of land located at 105 E Wilkins Street, legally described as A0380 J DE J VALDERAS TRACT 99C ACRES 0.23 (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: Meagan Ward and Jaime Castaneda, Agent for Christi Beard are requesting consideration for a Specific Use Permit for a property currently zoned to the "C-G", Commercial General District, to allow for a cosmetic tattoo studio use on a tract of land located at 105 E Wilkins Street, Angleton, TX 77515, Angleton, Texas. The subject site is east of the intersection of N VELASCO ST Alias SH 288B and East Wilkins. The Specific Use will use the existing 5,000 square-foot, 1 story (standalone) building.

PROPOSAL

General services offered at Southern Sugar Spa are said to be different and a much safer technique than *microblading*, which is a temporary tattoo service that the city council has already approved previously as allowed under a Specific Use Permit (SUP).

Ms. Meagan Ward noted that she offers nano brows and powder brows, or a combination of both techniques together. The brow techniques offered are created using a thin single needle for maximum precision and a mechanical handle held tool that controls the speed of how fast the needle moves.

The needle's ultra-fine shape prevents the device from inflicting deep scarring or high levels of trauma to the skin, which microblading commonly does cause. Since this technique is a much gentler approach to implanting pigment into the brow skin, the likelihood of oversaturating the skin with pigment is extremely rare and allows the pigment to gently fade within 2 to 5 years as

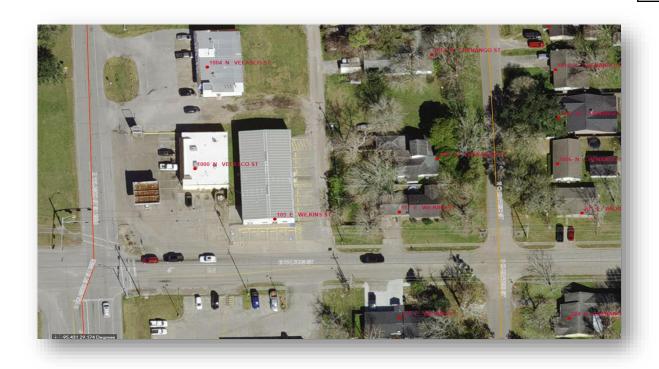
the body metabolizes the pigment ink over the course of several years. Oftentimes, microblading is too saturated and the body cannot easily metabolize it, so people are left having microbladed brows permanently or for an extended period of time (20+ years) which is not favorable.

The proposed cosmetic tattooing treatment can help restore the look of any brow hair loss due to aging, autoimmune disease, chemotherapy, or injury that impacts the brow shape. A majority of her clients fit in this category, but she does have clients that just have spare brows and request more visual detail.

Additionally, Ms. Ward specializes in medical Post-Mastectomy tattoos for cancer survivors, as well as other medical tattoos such as 3D belly buttons for clients that have had major weight loss surgery where they lost their belly button with skin removal or 3D nails for clients that have had impacted ingrown nails surgically removed from their hands or feet. She is able to treat scars and stretch marks with a technique called dry needling, which is a very light and targeted skin resurfacing treatment using a larger needle grouping and applying a medical grade scar serum to the surface of the targeted area to stimulate cellular regeneration and collagen production.



Zoning Map



Aerial Map



View of the Subject property looking Northeast from SH288 Business at E. Wilkins St.



View looking North at the Subject Site from E. Wilkins St.



View looking Northwest at the Subject from E. Wilkins St.

STAFF ANALYSIS:

Section 28-63, 5 (e); SUP- Specific use permits, outlines the requirements and factors for consideration:

When considering applications for a specific use permit, the planning and zoning commission in making its recommendation and the city council in rendering its decision on the application shall, on the basis of the site plan and other information submitted, evaluate the impact of the specific use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The planning and zoning commission and the city council shall specifically consider the extent to which:

- a. The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted comprehensive plan; The use is permitted as a specific use permit.
- **b.** The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations; **There are no issues of consistency.**
- **c.** The proposed use meets all supplemental standards specifically applicable to the use as set forth in this chapter; **All supplemental standards are met.**
- d. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:
 - Adequate ingress and egress to property and proposed structures thereon
 with particular reference to vehicular and pedestrian safety and
 convenience, and access in case of fire; Access is adequate.
 - Off-street parking and loading areas; Parking is sufficient for the proposed used.
 - Screening and buffering, features to minimize visual impacts, and/or setbacks from adjacent uses; No issues apply.
 - Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district; No issues apply.
 - Required yards and open space; No issues apply.
 - Height and bulk of structures; No issues apply.
 - Hours of operation; No issues apply.
 - Exterior construction material and building design; No issues apply.
 Roadway adjustments, traffic control devices or mechanisms, and access
 restrictions to control traffic flow or divert traffic as may be needed to
 reduce or eliminate development-generated traffic on neighborhood
 streets. Low volume use. No issues apply.
- e. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity. **No issues apply.**

Staff has taken the above criteria into consideration when reviewing the proposed temporary tattoo use within the spa facility. The space adequately provides for the use and if approved, it will not be in conflict with the Zoning Resolution nor the Comprehensive Plan. The use is compatible with the overall character of the area. The parking lot will adequately accommodate the proposed use.

Licensing and regulations are handled by the state of Texas Health and Human Services Commission. The applicant must acquire and maintain all required state licensing.

Public Notification

Staff sent public notices to the local newspaper, and to the property owners within 200 feet of the subject property under consideration for the SUP application.

Opposition to or Support of Proposed Request

To-date, Staff has not received any notices in in opposition of the proposed SUP request, only a call asking for clarification.

Recommended Action:

The Planning and Zoning Commission should adopt this Final Report, and forward it to City Council with a positive recommendation of this Specific Use Permit (S.U.P.) application for a temporary cosmetic tattoo studio use in the Commercial- General Zoning District, (C-G), for approval consideration and appropriate action.

- 1. The applicant shall obtain and maintain state licensing as regulated by the state of Texas Health and Human Services Commission.
- 2. The applicant shall obtain any City Final Occupancy permits prior to opening the facility.



P. O. BOX 549 CLUTE TX 77531 979-265-7411

STATE OF TEXAS **COUNTY OF BRAZORIA**

Cindy Cornette, being duly sworn, says:

That she is Classifieds Leader of the The Facts, a daily newspaper of general circulation, printed and published in Brazoria County, Texas; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

05/14/2024

That said newspaper was regularly issued and circulated on

those dates.

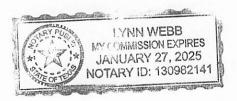
Advertising Director

Subscribed to and sworn to me this 14th day of May, 2024.

Lynn Webb

Notary Public, State of Texas, Brazoria County, Texas

My commission expires January 27, 2025



City Of Angleton 121 S Velasco Angleton, TX 77515

Acct #15239

Ad #1224297

Affidavit of Publication

City of Angleton Notice of Hearing

Notice is hereby given that the Planning & Zoning Commission of the City of Angleton, Texas will conduct a public hearing at 12:00 pm on Thursday, June 6, 2024, and the City Council will consider the same request on June 11, 2024 at 6:00 PM. The meetings will be held at Angleton City Hall in the City Council Chambers at 120 S. Chenango Street, Angleton, Texas 77515. At the meetings, the following public hearing will be held:

Conduct a hearing, discussion, and take possible action on Ordinance approving a request for a Specific Use Permit, for approximately .23 acres of land, currently zoned "C-G", Commercial General District, allowing for a cosmetic tattoo studio use on a tract of land located at 105 E Wilkins Street, legally described as A0380 J DE J VALDERAS TRACT 99C ACRES 0.23 (ANGLETON), Brazoria County, Texas.

The meeting agenda and agenda packet will be posted online at https://angleton-tx. municodemeetings.com/. The public will have the opportunity to offer comments on each agenda item by registering prior to the

For more information regarding these requests please contact Otis T. Spriggs, AICP, Development Services Director by email at ospriggs@angleton.tx.us or by phone at (979) 849-4364 x-2108 or Kandice Haseloff-Bunker, Development Coordinator by email at kbunker@angleton.tx.us or by phone at (979) 849-4364 x-2131.



YOU HAVE RECEIVED THIS NOTICE BECAUSE YOU ARE A PROPERTY OWNER WITHIN 200 FEET OF ONE OR MORE OF THE NOTICED PUBLIC HEARINGS.

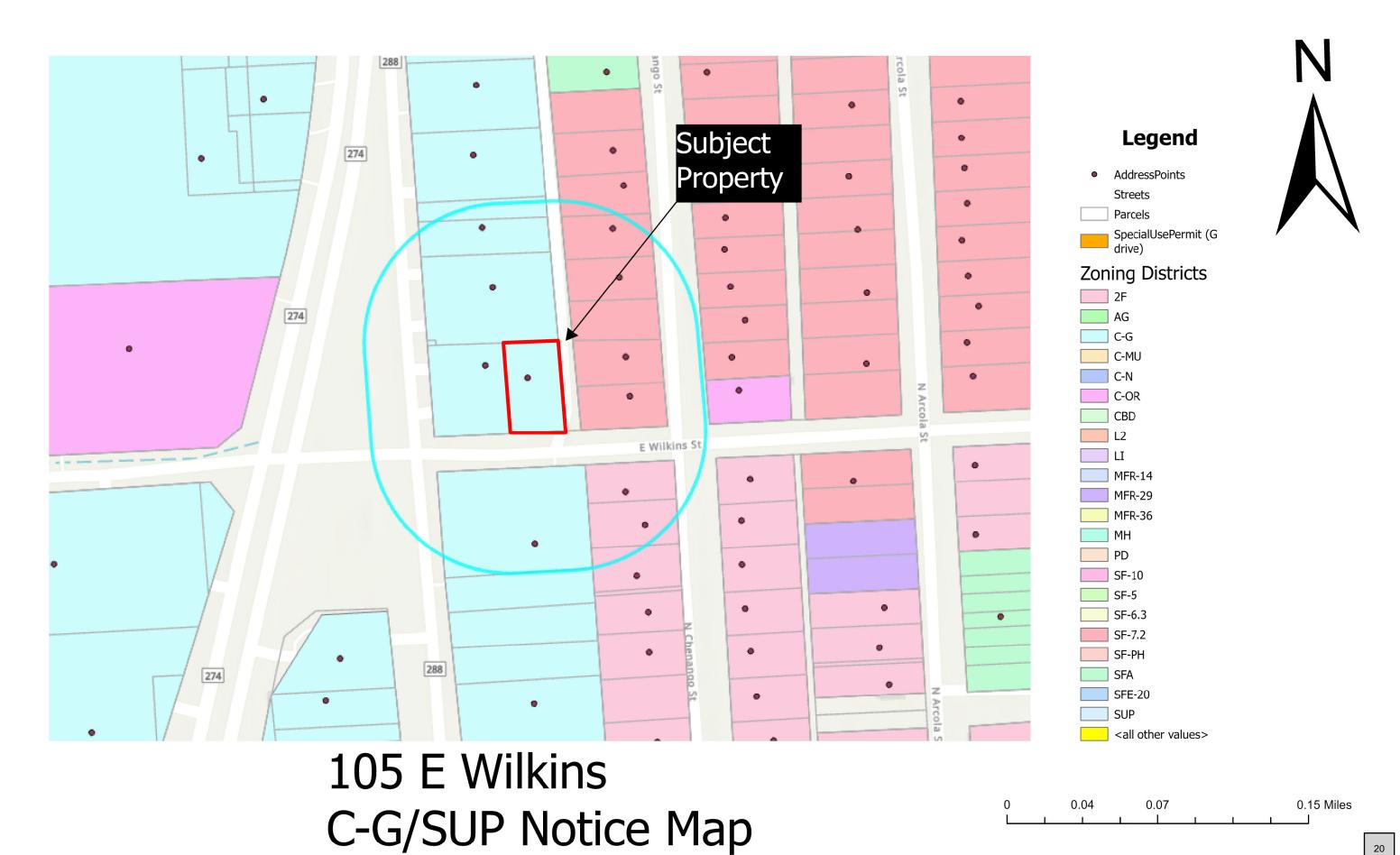
City of Angleton Letter of Public Hearing Notice

Notice is hereby given that the Planning & Zoning Commission of the City of Angleton, Texas will conduct a public hearing at 12:00 pm on Thursday, June 6, 2024, and the City Council will consider the same request on June 11, 2024 at 6:00 PM. The meetings will be held at Angleton City Hall in the City Council Chambers at 120 S. Chenango Street, Angleton, Texas 77515. At the meetings, the following public hearing will be held:

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ORDINANCE NO. xxxx

DRAIR AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, APPROVING SPECIFIC USE PERMIT TO ALLOW FOR A COSMETIC TATTOO STUDIO USE AT 105 E. WILKINS STREET, ANGLETON, TX., PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING FOR REPEAL AND EFFECTIVE DATE, AND FINDINGS OF FACT.

> WHEREAS, On June 6, 2024, the City of Angleton Planning & Zoning Commission held a public hearing and approved the Specific Use Permit (SUP) submitted by Meagan Ward and Jaime Castaneda, Agent for Christi Beard, for a cosmetic tattoo studio use to be located within the "C-G", Commercial General District, at 105 E. Wilkins Street, Angleton, TX.; and

> WHEREAS, on June 6, 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 microblading studio; and

> WHEREAS, on June 11, 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 a cosmetic tattoo studio; and

> **WHEREAS**, the City considered the factors and provisions set forth in the City of Angleton Code of Ordinances, Chapter 28 Zoning, Sec. 28-63 Specific Use Permits, and considered the proposal a cosmetic tattoo studio to be located at 105 E. Wilkins Street, Angleton, TX.;

> WHEREAS, the City Council desires to grant the Specific Use Permit (SUP) submitted by Southern Sugar Spa, at 105 E. Wilkins Street, Angleton, TX., to allow a cosmetic tattoo studio, with the conditions set forth below;

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 Specific Use Permit in accordance with City of Angleton Code of Ordinances Sec. 28-63 Specific Use Permits (SUP),

(a). The cosmetic tattoo studio operator shall acquire and maintain all required local and state certifications and permits to operate the approved use.

Section 3. 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.

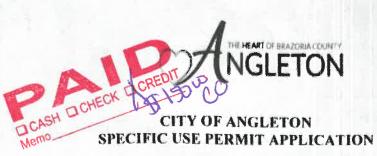
Section 4. Severability. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or 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 4. Effective date. That this Ordinance shall be effective and in full force immediately upon its adoption.

Section 5: 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.

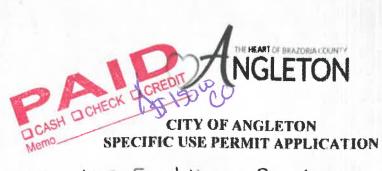
PASSED, APPROVED and ADOPTED this 11th day of June 2024.

John Wright, Mayor

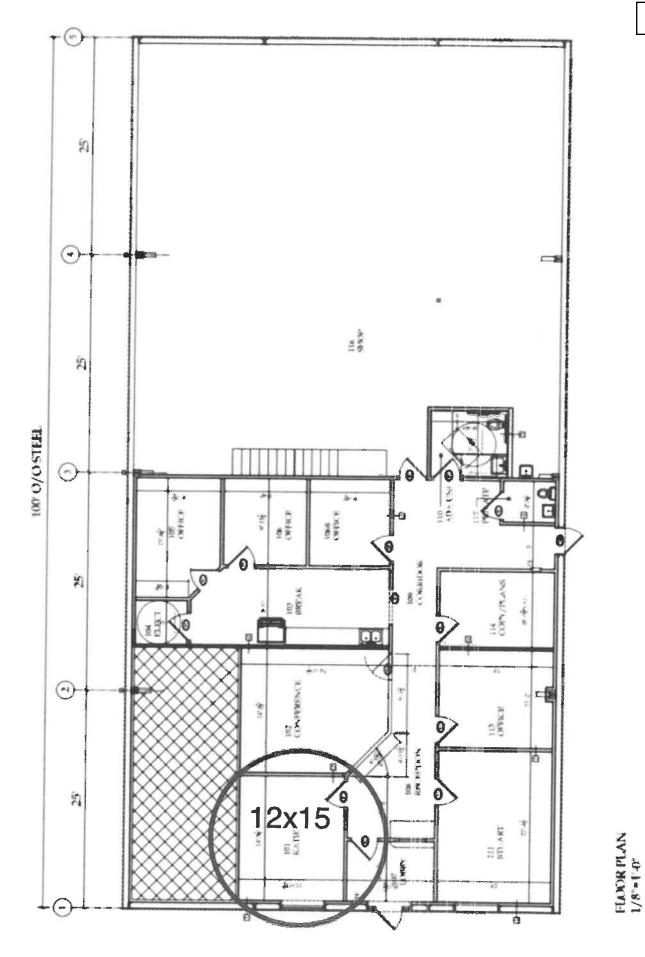


PROPERT	TY ADDRESS: 105 E WILKINS	St. Angleton.	TX 77515
	TY DESCRIPTION (Legal description): 5	ven Fixt Equip	Inv Other
Person	al Property	The state of the s	
RECORD	PROPERTY OWNER NAME	ADDRESS ANI	D PHONE NUMBER:
DESIGNA	TED REPRESENTATIVE.	ADDRESS	AND PHONE
NUMBER	:Meagan Ward,		
PROPOSI	ED USE FOR THE	PROPERTY A	DDRESS INDICATED
ABOVE:_	Cosmetic Tattoos (ie eyebear	us) and Medic	al Tattoos Cie Post
master	ctomy tattoos for cancers	urvivors)	
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use require for a Speci	such rezoning application shall accompany to a division of land, an application for subdific Use Permit.		
SIGNATI DATE:			At A town to the same
PLEASE		IS PROPERTY.	QPR 1.9 2024
ATTACE		ERMIT	- Mare
APPLIC.	975-843-5665		
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PROPOSE	
masteo	Cosmetic Tattoos (ie ajebrous) and Medical Tattoos (ie post- torny tattoos for cancer survivors)
Ordinances requested, suse requires for a Specific SIGNATUI DATE:	(City Code) must be attached to the application. If a base zoning district amendment is required or such rezoning application shall accompany the application for a Specific Use Permit. If the proposed is a division of land, an application for subdivision approval must be submitted with this application for Use Permit. RE: PROVIDE PROOF OF TAXES PAID ON THIS PROPERTY. MENT: SECTION 35 SUP – SPECIFIC USE PERMIT FION FEE: \$150.00 due upon submittal
	OFFICE USE ONLY Date received: Admin Fee Received: P&Z Public Hearing date: Date to send cert. letters: Date to publish: Site Plan submitted: Yes No Site Plan received & evaluated by City Staff: Yes No Proof of taxes paid: Date verified:





APPOINTMENT OF AGENT

	As owner of the property described as 115 E W1 Kins , Employer. I hereby appoint the person designated below to act for me, as my agent in this request.
	Name of Agent: Jaime Castaneda
	Mailing Address: Email:
	City Zip: Zip:
	Home Phone: ()_
	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 Ut Bland Title SWher
-	Printed/Typed Name of ownerDateDateDate
	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 §
C	COUNTY OF BRAZOCIA S
Đ	refore me, <u>Fabir Classe</u> , on this day personally appeared <u>Christi Black</u> nown to me (or proved to me on the oath of <u>NA</u> or through <u>Tracks DL</u>) to be the erson whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same or the purpose and consideration therein expressed.
	liven under my hand and seal of office this day of _Aporil 202U_
	(SEAL) KATTE CLASSEN Notary ID #131695888 My Commission Expires October 14, 2026 Commission Expires October 14, 2026 Notary Public Signature 10 - 14 - 2021 Commission Expires



AGENDA ITEM SUMMARY FORM

MEETING DATE: June 6, 2024

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

AGENDA CONTENT: Discussion and possible action on a Final Plat for Ashland Utility and

Lift Station Reserve, for 0.2320 acres of land, containing two reserves in one block for utility purposes, out of the Shubael Marsh

Survey A-82, Brazoria County, Texas as submitted by Ashton Gray

Development.

AGENDA ITEM SECTION: Regular Agenda

BUDGETED AMOUNT: N/A FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

Consideration of approval of a Final Plat for Ashland Utility and Lift Station Reserve, for 0.2320 acres of land, containing two reserves in one block for utility purposes, out of the Shubael Marsh Survey A-82, Brazoria County, Texas.

The property is located within the City of Angleton ETJ between SH 521 and SH 288, north of SH 523 and currently within the City of Angleton ETJ, Extraterritorial Jurisdiction within Brazoria County.

A Development Agreement is in place to establish standards for the Ashland Project. The proposed final plat meets all requirements of the Development Agreement and Code of Ordinances of the City of Angleton except as otherwise noted by the City Engineer comments; provided as an attachment to this item.

The preliminary plat for Ashland Utility and Lift Station Reserve was previously approved by City Council on April 11, 2023.

STAFF REVIEW

The City Engineer has reviewed the submitted Final Plat for Ashland Utility and Lift Station Reserve, and listed (6) comments which have all been addressed by the applicant after the agenda posting. Staff is working to clear all the noted comments.

City Engineer Review Comments:

- 1. Provide all plat certification blocks for Owner, Surveyor, Engineer, P&Z Approval, City Council/Approval, Dedication Statement, and Drainage Easements. Note, two sheets called out and only one sheet was submitted.
- 2. Show Metes and Bounds field notes on the plat.
- 3. Label the plat document as "Final Plat" in the document heading.
- 4. Provide Street Name. Verify how will site be addressed?
- 5. Provide widths and dimension each easement. Will any of these be dedicated in separate plat?
 - If so need to reference the associated subdivision/section. If with this plat, need to show where they end.
- 6. Remove contours from final plat.

RECOMMENDATION: The planning commission should approve the Final Plat for Ashland Utility and Lift Station Reserve, 0.2320 acres of land, containing two reserves in one block for utility purposes and a lift station and recommend it to City Council for final action, subject to all Engineer comments being cleared prior to the City Council meeting.

SUGGESTED MOTION:

I move we recommend approval of the proposed Final Plat of Ashland Utility and Lift Station Reserve subject to the condition that all comments are cleared prior to the next City Council meeting.



May 28, 2024

Mr. Otis Spriggs Director of Development Services City of Angleton 121 S. Velasco Angleton, TX 77515

Re: On-Going Services

Ashland Utility and Lift Station Reserves Final Plat – 2nd Submittal Review

Angleton, Texas

HDR Job No. 10391496

Dear Mr. Spriggs:

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

- 1. Provide all plat certification blocks for Owner, Surveyor, Engineer, P&Z Approval, City Council/Approval, Dedication Statement, and Drainage Easements. Note, two sheets called out and only one sheet was submitted.
- 2. Show Metes and Bounds field notes on the plat.
- 3. Label the plat document as "Final Plat" in the document heading.
- 4. Provide Street Name. Verify how will site be addressed?
- 5. Provide widths and dimension each easement. Will any of these be dedicated in separate plat? If so need to reference the associated subdivision/section. If with this plat, need to show where they end.
- 6. Remove contours from 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 Ashland Utility and Lift Station Reserves Final Plat be Revised and Resubmitted.

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

Sincerely,

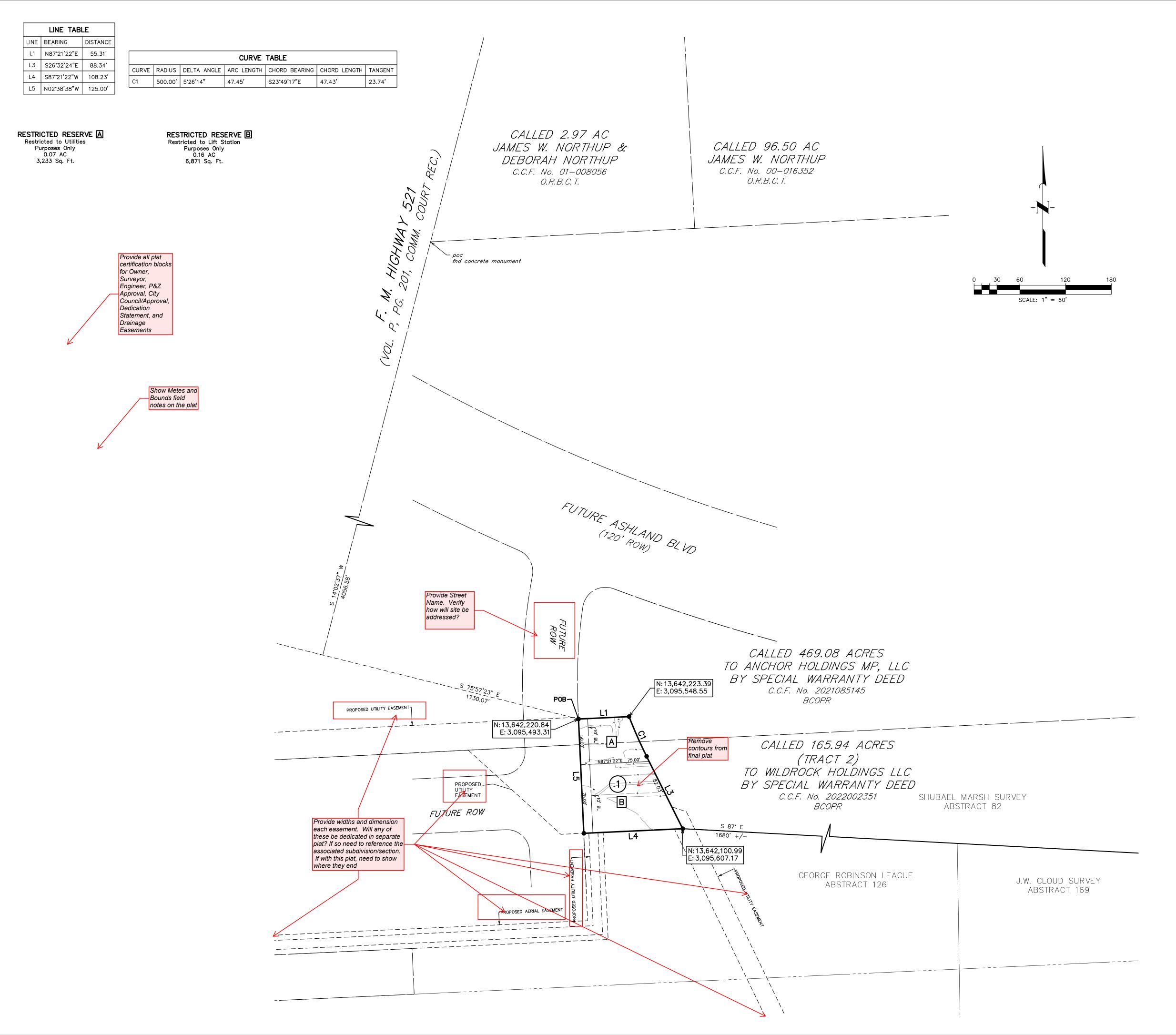
HDR Engineering, Inc.

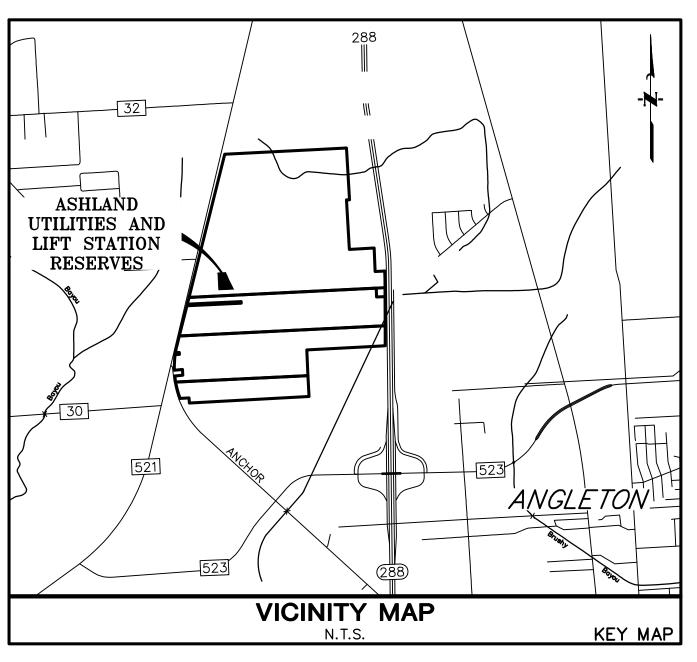
Javier Vasquez, P.E., CFM

Civil Engineer

cc: Files (10391496/10361761/10336228)

Attachments





General Notes

Legend

- 1. The coordinates shown hereon are Texas Coordinate System of 1983, South Central Zone, based upon GPS observations. To convert the coordinates shown hereon to surface coordinates, apply a combined scale factor of 0.999870017.
- 2. Absent written authorization by the affected utilities, all utility and aerial easements must be kept unobstructed from 11) any non—utility improvements or obstructions by the property owner. Any unauthorized improvements or obstructions may be removed by any public utility at the property owner's expense. While wooden posts and paneled wooden fences along the perimeter and back to back easements and alongside rear lots lines are permitted, they too may be removed by public utilities at the property owner's expense should they be an obstruction. Public Utilities may put said wooden posts and paneled wooden fences back up, but generally will not replace with new fencing.
- 3. According to Map No. 48039C0430K of the Federal Emergency Management Agency's Flood Insurance Rate Maps for Brazoria County, Texas and Incorporated Areas, dated December 30, 2020, the subject tract is situated within: Shaded Zone "X"; defined as areas of 500—year flood; areas of 100—year flood with average depths of less than 1—foot or with drainage areas less than 1 square mile; and areas protected by levees from 100—year flood.

This flood statement does not imply that the property or structures thereon will be free from flooding or flood damage. On rare occasions floods can and will occur and flood heights may be increased by man—made or natural causes. This flood statement shall not create liability on the part of the surveyor.

Elevations were obtained with Real Time Kinetic Global Positioning Satellite Equipment and are based on National Geodetic Survey Monument Designation: DG6956 DW1 CLUTE COOP CORS ARP DL3490 TXBC BAY CITY CORS ARP DH3614 TXLM LA MARQUE CORS ARP

- 4. 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 statues and is subject to fines and withholding of utilizes and building permits.
- 5. NOTICE: Plat approval shall not be deemed to or presumed to give authority to violate, nullify, void, or cancel any provisions of local, state,
- 6. 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.
- 7. 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.
- 8. 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.
- 9. Reserves A and B shall be owned and maintained by the Brazoira County MUD No. 82

ASHLAND UTILITY AND LIFT STATION RESERVES

A SUBDIVISION OF 0.2320 ACRES OF LAND OUT OF THE

> SHUBAEL MARSH SURVEY, A-82 BRAZORIA COUNTY, TEXAS

2 RESERVES

1 BLOCK

MAY 2024

OWNER
ANCHOR HOLDINGS MP LLC

101 PARKLANE BOULEVARD, SUITE 102
SUGARLAND, TX 77478
281.221.2699

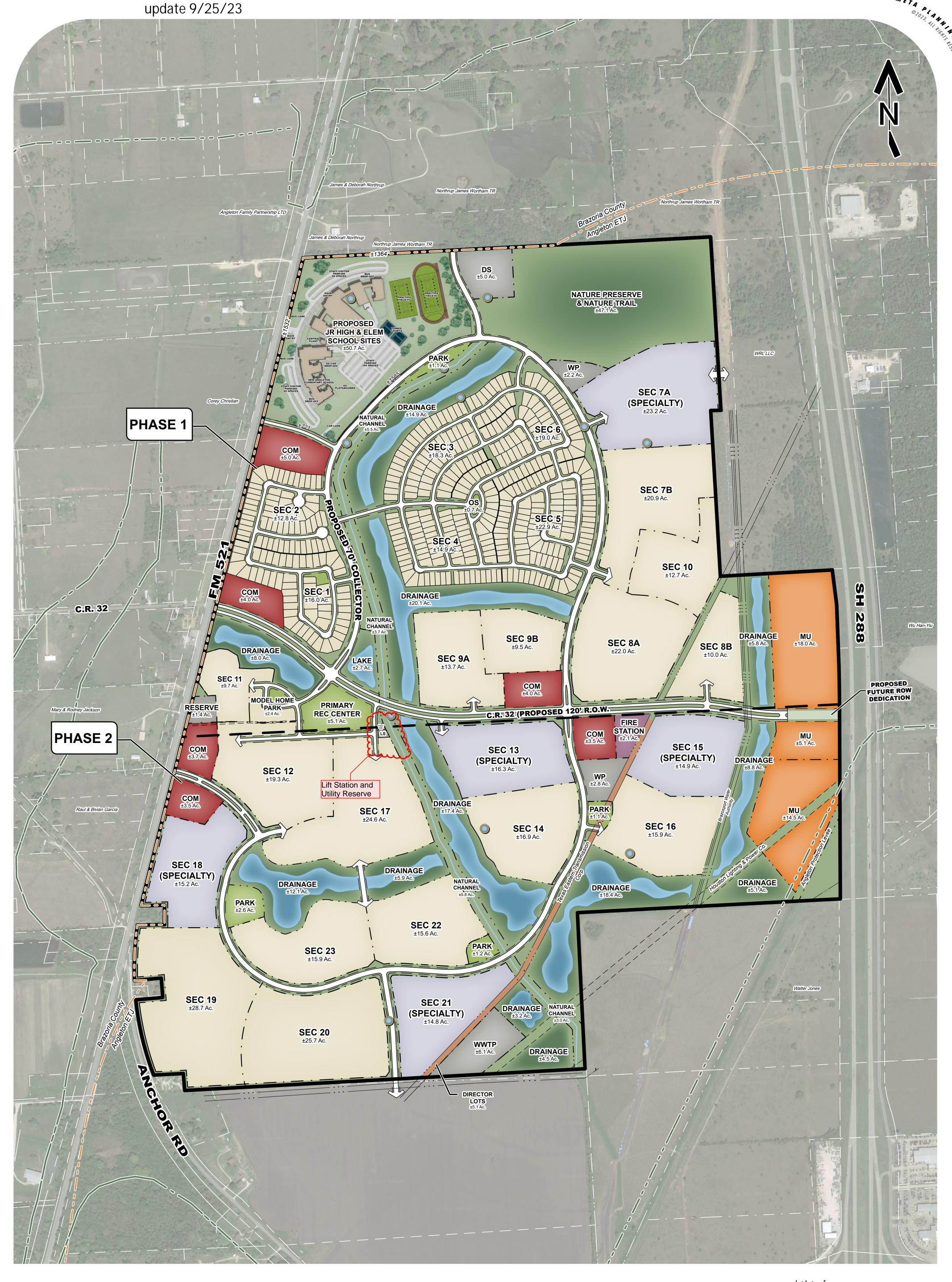
ENGINEER/PLANNER/SURVEYOR:

QUIDDDTY

Quiddity Engineering, LLC

Texas Board of Professional Engineers and Land Surveyors
Registration Nos. F-23290 & 10046100

1229 Corporate Drive, Suite 100 • Rosenberg, TX 77471 • 281.342.2033



an exhibit for

ASHLAND

±881.8 ACRES OF LAND

prepared for

ASHTON GRAY DEVELOPMENT



24285 Katy Freeway, Ste. 525 Katy, Texas 77494 Tel: 281-810-1422

> MTA-78006 **SEPTEMBER 25, 2023**

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