



CITY OF ANGLETON
PLANNING AND ZONING COMMISSION AGENDA
120 S. CHENANGO STREET, ANGLETON, TEXAS 77515
THURSDAY, JUNE 02, 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 MEETING, OPEN TO THE PUBLIC, ON THURSDAY, JUNE 2, 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

MINUTES

1. Discussion and possible action on the review and approval of minutes for the Planning and Zoning Commission meeting held on May 05, 2022.

PUBLIC HEARINGS AND ACTION ITEMS

2. Conduct a public hearing, discussion, and possible action on an ordinance amending Section 23-98 Public Improvement Acceptance of Chapter 23 Land Development Code, of the Code of Ordinances of the City of Angleton, Texas.

REGULAR AGENDA

3. Discussion on Commission directed future agenda items

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: Thursday, May 26, 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.



AGENDA ITEM SUMMARY FORM

MEETING DATE: May 5, 2022

PREPARED BY: Lindsay Koskiniemi, CPM, CGFO, Assistant Director of Development Services

AGENDA CONTENT: Discussion and possible action on the review and approval of minutes for the Planning and Zoning Commission meetings held on February 03, 2022, March 03, 2022, and April 07, 2022.

AGENDA ITEM SECTION: Regular Agenda

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

Meeting minutes from Planning and Zoning Commission meetings for February, March, and April 2022 have been prepared for the Commission's review and approval.

RECOMMENDATION:

Staff recommends approval.



CITY OF ANGLETON
PLANNING AND ZONING COMMISSION
120 S. CHENANGO STREET, ANGLETON, TEXAS 77515
THURSDAY, MAY 05, 2022 AT 12:00 PM

MINUTES

THE FOLLOWING REPRESENTS THE ACTIONS TAKEN BY THE ANGLETON PLANNING AND ZONING COMMISSION IN THE ORDER THEY OCCURRED DURING THE MEETING. THE PLANNING AND ZONING COMMISSION OF ANGLETON, TEXAS CONVENED IN A REGULAR MEETING ON THURSDAY, MAY 05, 2022, AT 12:00 PM, IN THE ANGLETON CITY HALL COUNCIL CHAMBERS, 120 S. CHENANGO, ANGLETON, TEXAS.

DECLARATION OF A QUORUM AND CALL TO ORDER

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

PRESENT

Chair William Garwood
 Commission Member Bonnie McDaniel
 Commission Member Henry Munson
 Commission Member Ellen Eby

ABSENT

Commission Member Deborah Spoor
 Commission Member Regina Bieri

MINUTES

1. Discussion and possible action on the review of Planning and Zoning Commission meeting minutes from meetings held in February, March, and April 2022.

Upon a motion Commission Member Bonnie McDaniel and seconded by Commission Member Henry Munson, the Commission voted to approve the minutes from the Planning and Zoning meetings held February, March, and April 2022. The motion passed unanimously with 4 approved, 0 opposed and 2 absent (one member previously resigned prior to the meeting held May 05, 2022).

PUBLIC HEARINGS AND ACTION ITEMS

2. Conduct a public hearing, discussion, and possible action on a request for approval of an ordinance rezoning an approximate 2.748 acres in the J. De J. Valderes Survey, Abstract No. 380, City of Angleton, Brazoria County, Texas, from the Commercial General (C-G) District to the Single Family Residential-7.2 (SF-7.2) District. The subject property is located on the west side of N. Valderas Street just north of N. Plantation

Drive.

Upon a motion by Commission Member Henry Munson, seconded by Commission Member Ellen Eby, the motion passed unanimously with 4 favor, 0 opposed, and 2 absent.

3. Conduct a public hearing, discussion, and possible action on a request for approval of the preliminary replat of Riverwood Ranch Sections 3 & 4. The proposed preliminary plat consists of approximately 144 single family residential lots on approximately 35.6 acres and is generally located north of Hospital Drive between N. Downing Street to the west and Buchta Road to the east.

Resident Mr. Goe addressed the Commission Members concerning flooding and drainage related to the Riverwood Ranch subdivision. Mr. Crenshaw of Colony Square subdivision addressed the Commission Members and expressed concern about the aesthetics of the elevation of the subdivision and perceived possibility of flooding. Doug Roesler of Baker and Lawson, engineer of record for the Riverwood Ranch subdivision, addressed the citizens' concerns to the members of the Planning and Zoning Commission and explained to where run off water drains. Additional discussion was held concerning conditional preliminary acceptance.

Commission Member Bonnie McDaniel moved to recommend approval of Riverwood Ranch subdivision sections 3 and 4 Preliminary Repat subject to the resolution of outstanding city engineer comments, seconded by Commission Member Ellen Eby, the motion passed with 3 in favor, 1 opposed, and 2 absent.

4. Conduct a public hearing, discussion, and possible action on a request for approval of an ordinance authorizing a Specific Use Permit for use of a recreational vehicle as a residence on property described as Lot 24, Block 134, of the Lorraine Subdivision. The subject property consists of an approximate 7,900 sq. ft., is in the Single Family Residential-7.2 (SF-7.2), is located on the east side of N. Arcola Street approximately 100 ft. south of E. Lorraine Street and is more commonly known as 1124 N. Arcola Street.

No members of the public or the applicant appeared in person to address the Planning and Zoning Commission. Upon a motion to deny a recommendation of approval to the City Council by Commission Member Ellen Eby, seconded by Commission Member Henry Munson, the motion passed unanimously with 4 in favor of denial, 0 opposed, and 2 absent.

REGULAR AGENDA

5. Discussion and possible action on Heritage Park Section Three Final Plat. Subject property is an approximate 11-acre tract of land proposed to have thirty lots, located in the T.S. Lee Survey, Abstract No. 318 in Brazoria County, Texas north of Henderson

Road and west of Heritage Park Drive and belonging to the Single Family Residential 7.2 (SF7.2) zoning district.

Upon a motion by Commission Member Ellen Eby to recommend approval subject to clearing all city engineer comments and the proposed final plat being reviewed and approved by Angleton Fire Department, and submittal of pond survey, and verification of established Homeowners' Association (HOA), seconded by Commission Member Bonnie McDaniel, the motion passed with 3 in favor, 1 opposed, and 2 absent.

ADJOURNMENT

Planning and Zoning Commission Chair Bill Garwood adjourned the meeting at 12:35 P.M.

These minutes were approved by Angleton Planning and Zoning Commission on this the 02 day of June 2022, upon a motion by Commission Member XX, seconded by Commission Member XX. The motion passed on X-X vote.

CITY OF ANGLETON, TEXAS

William Garwood
Chair

ATTEST:

Frances Aguilar, TRMC, MMC
City Secretary



AGENDA ITEM SUMMARY FORM

MEETING DATE: June 2, 2022

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

AGENDA CONTENT: Conduct a public hearing, discussion, and possible action on an ordinance amending Section 23-98 Public Improvement Acceptance of Chapter 23 Land Development Code, of the Code of Ordinances of the City of Angleton, Texas.

AGENDA ITEM SECTION: Public Hearing

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

The public improvement acceptance process, as described in Section 23-98 is a two-step process. The first step is preliminary acceptance which is an administrative process where the City Manager preliminarily accepts public improvements after the City Engineer determines that the public improvements are installed in compliance with the approved construction plans and requirements of the Angleton Code of Ordinances (Code) and submission of "as-built" construction plans and a one (1) year maintenance bond.

After one year, the next step is final acceptance, which requires City Council accept the public improvements upon recommendation by the City Manager and City Engineer. Final acceptance also requires submission of a one (1) year maintenance bond.

Until adoption of the LDC (Chapter 23 of the Code) the process used by the City appears to have been City Council acceptance of the public improvements with submission of "as-built" plans and a one (1) year maintenance bond. The process as detailed in the LDC is not inefficient and results in two different acceptances and a two-year maintenance bond period. Recognizing this inefficiency, staff has been processing a waiver of the preliminary acceptance and final acceptance to City Council for action. City Council has instructed that the process be amended to eliminate the need for the waiver of the preliminary acceptance, and the ordinance included with this agenda summary amends the process accordingly. Council also instructed that the maintenance bond period be one (1) year, that the acceptance of public improvements be done administratively (by the City Manager and not City Council), and that the maintenance bond requirement be 100% of the construction costs. The current maintenance bond amount is \$25,000 or 20% of the construction costs, whichever is greater.

The ordinance accompanying this agenda summary is a draft that is currently under review by the City Attorney.

RECOMMENDATION:

Staff recommends approval of the draft ordinance amending Section 23-98 Public Improvement Acceptance subject to any changes or revisions as required by the City Attorney.

SUGGESTED MOTION:

I move we recommend approval of the draft ordinance amending Section 23-98 Public Improvement Acceptance subject to any changes or revisions as required by the City Attorney.

ORDINANCE NO. 2022_____

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING CHAPTER 23 LAND DEVELOPMENT CODE ARTICLE VII PERMITS AND PROCEDURES SECTION 23-98 PUBLIC IMPROVEMENTS ACCEPTANCE OF THE CITY OF ANGLETON CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING FOR REPEAL AND EFFECTIVE DATE.

WHEREAS, the City is authorized by Chapter 212 of the Texas Local Government Code to adopt rules governing plats and subdivisions of land within the municipality's jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality; and;

WHEREAS, the City Council further finds that the rules and regulations governing plats and subdivisions of land within the municipality's jurisdiction promote the safe, orderly, and healthful development of the City; and

WHEREAS, each and every applicable requirement set forth in Chapter 212 Texas Local Government Code and the Code of Ordinances of the City of Angleton, Texas, concerning public notices, hearings, and other procedural matters has been fully complied with; and

WHEREAS, the City Council desires to amend Chapter 23 Land Development Code, Article VII. Permits and Procedures, Sec. 23-98 Public Improvements Acceptance in the City Code of Ordinances as it relates to the acceptance of public improvements;

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

Section 1. That all 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. Code of Ordinances, City of Angleton, Texas, Chapter 23 Land Development Code, Article II Subdivision and Development Design, Section 23-98 is hereby amended and replaced with the following:

“Section 23-98.I. Public acceptance-~~process~~ standards.

1. Criteria. The following criteria shall be used during the public acceptance process:
 - a. The city engineer shall determine if the improvements are consistent with the final plat and the approved set of construction plans; and
 - b. That the required public improvements conform to all LDC and ACM standards and specifications.
2. Maintenance bond filed. Prior to acceptance of improvements, the subdivider shall:
 - a. Furnish a good and sufficient maintenance (warranty) bond:
 - i. In the amount of ~~20~~ 100 percent of the contract price; ~~and~~
 - ~~ii. With a minimum bond amount of \$25,000.00; and~~
 - ~~iii.~~ ii. With a reputable and solvent corporate surety in favor of the city.

- b. Indemnify the city against any repairs that may become necessary to any part of the construction work performed in connection with the subdivision arising from defective workmanship or materials used therein; and
- c. Post the maintenance bond for a period of one year from the date of final acceptance by the ~~city council~~ city manager or his/her designee.”

“ Section 23-98.K Public acceptance process

~~1. Preliminary acceptance (part I)~~

- a. ~~The applicant shall submit a preliminary acceptance and maintenance bond instruments, in formats acceptable to city attorney, with the as-built plan documentation as set out in subsection H. As-built plan submittal requirements, above, to the city engineer;~~
- b. ~~After recommendations by the city engineer;~~
 - i. ~~The city engineer shall accept or reject the request for preliminary acceptance of public improvements;~~
 - ii. ~~The city may provide conditional preliminary acceptance, provided that the applicant guarantees that all materials and workmanship are to be in accordance with the approved plans and specifications prescribed by the city, and to correct any and all deficiencies not in accordance with approved plans prior to a designated deadline;~~
 - iii. ~~When the city engineer determines that public improvements are complete and in compliance with the approved construction plans, the developer may petition the city administrator for preliminary acceptance of public improvements by executing part I of the “developer petition for acceptance of public improvements”; and~~
 - iv. ~~Preliminary acceptance of such improvements shall mean that the property owner has transferred all rights to all the public improvements to the city for use and maintenance and that the city may accept dedication of portion of the required public improvements provided adequate surety has been given for the completion of all of the other improvements.~~

~~2. Final acceptance (parts II and III)~~

- a. ~~One year after the issuance of preliminary acceptance, the city engineer shall determine if the subdivider has;~~
 - i. ~~Maintained all public improvements in good condition;~~
 - ii. ~~Corrected any deficiencies specified in the preliminary acceptance procedure; and~~
 - iii. ~~Corrected any other deficiencies that have arisen since the effective date of the preliminary acceptance process.~~
- b. ~~The applicant shall request final acceptance by executing part II of the “developer petition for acceptance of public improvements”, with:~~
 - i. ~~A detailed list of all improvements being dedicated to the city itemized;~~
 - ii. ~~The linear distance of each water and sanitary sewer listed;~~
 - iii. ~~The acreage of all street and drainage improvements provided, and~~
 - iv. ~~The valuation of each improvement itemized.~~

~~e. Final acceptance of the all public improvements is subject to city council approval, based on the favorable recommendations of the city administrator and city engineer and the assurance that the maintenance bond will extend for 365 days after final acceptance is granted.~~

1. The applicant shall request acceptance of public improvements by providing:
 - a. A detailed list of all improvements being dedicated to the city itemized;
 - b. The linear distance of each water and sanitary sewer listed;
 - c. The acreage of all street and drainage improvements provided;
 - d. The valuation of each improvement itemized; and
 - e. An electronic copy of "as-built" plans as required by subsection H.
2. Acceptance of all the public improvements is subject to approval by the city manager or his/her designee based on the favorable recommendation of the city engineer and the assurance that the maintenance bond will extend for 365 days after acceptance is granted."

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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 Five Hundred and No/100 Dollars (\$500.00). 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 and publication as required by law.

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, the _____ day of June, 2022.

Jason Perez, Mayor

ATTEST:

Frances Aguilar, City Secretary



AGENDA ITEM SUMMARY FORM

MEETING DATE: June 2, 2022

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

AGENDA CONTENT: Discussion on Commission directed future agenda items

AGENDA ITEM SECTION: Regular Agenda

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

FUND: N/A

EXECUTIVE SUMMARY:

Discussion on Commission directed future agenda items.

RECOMMENDATION:

None.