

1. 6:00 P.M. April 12 2016 Special City Council Meeting

Documents: [MASTER AGENDA 4-12-16 SPECIAL MEETING.PDF](#)

City of Angleton, Texas
City Council Special Meeting
Tuesday, April 12, 2016
@ 6:00 p.m.

The City of Angleton, Texas, City Council will conduct a Special Meeting beginning at 6 p.m., Tuesday, April 12, 2016 at the City Council Chambers, 120 S. Chenango, Angleton, TX, for the purpose of considering the following agenda items.

1. Declaration of quorum and call to order.
2. Pledge of Allegiance.
3. Moment of silent reflection or prayer.
4. PRESENTATION: Employee appreciation.
5. Citizens Wishing to Address Council.
6. Requests to Address Council Other Than Citizenry.
7. *ALL ITEMS LISTED UNDER THE "CONSENT AGENDA" ARE CONSIDERED TO BE ROUTINE BY THE CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCIL MEMBER REQUESTS, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED BY A SEPARATE ACTION.*

Consent item: Consent to a Variance to the Noise Ordinance for Use of Amplified Devices at the National Day of Prayer Event on May 5, 2016 at the Brazoria County Historical Museum Lawn in Angleton, Texas, from 10:30 a.m. to 1:30 p.m.

8. Public Hearing on a Request to Rezone Tract 110A3 (Tract Two) at 2850 North Valderas Street, Abstract No. 380, J de J Valderas Survey, Consisting of 1.00 Acre from C-O/R – Commercial-Office/Retail District to C-G – Commercial-General District.
9. Discussion and Possible Action on ORDINANCE NO. 2016-O-4A; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING THE "ZONING MAP OF THE CITY OF ANGLETON" BY CHANGING THE ZONING DISTRICT DESIGNATION AND PROVIDING FOR A ZONING CHANGE TO TRACT 110A3 (TRACT TWO) AT 2850 NORTH VALDERAS STREET, ABSTRACT NO. 380, J DE J VALDERAS SURVEY,

CONSISTING OF 1.00 ACRE FROM C-O/R - COMMERCIAL-OFFICE/RETAIL DISTRICT TO C-G - COMMERCIAL-GENERAL DISTRICT; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000 FOR EACH AND EVERY OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE (Michael Stoldt, City Manager).

10. Public Hearing on a Request to Rezone the Property Located at the Northeast Corner of West Myrtle Street and North Erskine Street, with a Legal Description of Angleton (Angleton), Block 45, Lot 10-13, from C-O/R - Commercial-Office/Retail District to SF-6.3 - Single-Family Residential-6 District.
11. Discussion and Possible Action on ORDINANCE NO. 2016-O-4B; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING THE "ZONING MAP OF THE CITY OF ANGLETON" BY CHANGING THE ZONING DISTRICT DESIGNATION AND PROVIDING FOR A ZONING CHANGE TO PROPERTY LOCATED AT THE NORTHEAST CORNER OF WEST MYRTLE STREET AND NORTH ERSKINE STREET WITH A LEGAL DESCRIPTION OF ANGLETON (ANGLETON), BLOCK 45, LOT 10-13, FROM C-O/R - COMMERCIAL-OFFICE/RETAIL DISTRICT TO SF - 6.3 - SINGLE FAMILY RESIDENTIAL-6 DISTRICT; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE (Michael Stoldt, City Manager).
12. Council Will Adjourn Into Executive Session as Authorized by:
 - a) Texas Government Code Section 551.072 (Deliberations about Real Property) to deliberate the purchase, exchange, lease or value of real property for street construction purposes. Deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. There may be possible discussion and action related thereto in open session; and
 - b) Texas Government Code Section 551.072 (Deliberations about Real Property) to deliberate the purchase, exchange, lease or value of real property as it relates to the location of a pumping station. Deliberations in open meeting would have a detrimental effect on the position of the City in negotiations with a third person. There may be possible discussion and action related thereto in open session.
13. Adjourn.

The City Council reserves the right to meet in Executive Session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices) and 551.087 (economic development). The description of an item in "Executive Sessions" constitutes the written interpretation by the City Attorney of Chapter 551 of the Texas Government Code and her determination that said item may be legally discussed in Closed Meeting in compliance with Chapter 551 of the Texas Government Code. In compliance with the Americans with Disabilities Act, the City of Angleton will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Shelly Deisher, City Secretary, at 979-849-4364, extension 2115.

CERTIFICATION

I certify that copies of this agenda of items to be considered by the City of Angleton City Council were posted in the following locations:

City Hall Bulletin Board: Date: _____ Time: _____

City of Angleton Website: Date: _____ Time: _____

Shelly Deisher,
City Secretary



CITY COUNCIL AGENDA ITEM
Meeting Date: April 12, 2016

SUBJECT: Public Hearing on a request to rezone Tract 110A3 (Tract Two) at 2850 North Valderas Street, Abstract No. 380, J de J Valderas Survey, consisting of 1.00 acre from C-O/R – Commercial-Office/Retail District to C-G – Commercial-General District.

Consent item Discussion item
 Discussion and possible action Public Hearing

REQUESTED BY:

Budgeted amount: **Funds requested:** **Fund:**

Attachments: (Attachment description)
Public Hearing notice for the Facts and for property owners within 200' of subject property.

Executive Summary:

Recommendation:

Shelly Deisher

April 7, 2016

Name

Date

Public Hearing Notice

The City of Angleton has received a request to rezone Tract 110A3 at 2850 North Valderas Street, Abstract No. 380, J de J Valderas Survey, consisting of 1.00 acre from C-O/R – Commercial-Office/Retail District to C-G – Commercial-General District. The Planning and Zoning Commission will conduct a public hearing on this request on Wednesday, April 6, 2016 at 12:00 pm and the City Council will conduct a public hearing on this request on Tuesday, April 12, 2016 at 6:00 pm. The public hearings will be held in the Council Chambers located at 120 South Chenango, Angleton, Texas 77515. The purpose of the public hearings is to receive comments from residents and property owners on the requested rezone. City Hall is accessible to the disabled. Disabled individuals who might have difficulty attending these public hearings should contact the City Secretary's Office at (979) 849-4364, extension 2115, to arrange for special assistance. If anyone interested in attending these hearings requires a translator, please contact the City Secretary's Office prior to the hearing so arrangements can be made. If you are unable to attend the public hearings, comments may be sent to:

City of Angleton
121 South Velasco
Angleton, Texas 77515
Attn: Shelly Deisher, City Secretary

For additional information concerning this rezone, please contact Alyssa Deaton at (979) 849-4364 ext. 2114.

Date: March 10, 2016

To: The Facts – Public Hearing

From: City of Angleton

To be published once BY: Sunday, March 20th, 2016 (Can be published before)

Please provide publisher's affidavit and total amount to be billed

If you have any questions, please contact Alyssa @ 979-849-4364 ext. 2114.



March 10, 2016

Public Hearing Notice

The City of Angleton has received a request to rezone Tract 110A3 at 2850 North Valderas Street, Abstract No. 380, J de J Valderas Survey, consisting of 1.00 acre from C-O/R – Commercial-Office/Retail District to C-G – Commercial-General District. The Planning and Zoning Commission will conduct a public hearing on this request on Wednesday, April 6, 2016 at 12:00 pm and the City Council will conduct a public hearing on this request on Tuesday, April 12, 2016 at 6:00 pm. The public hearings will be held in the Council Chambers located at 120 South Chenango, Angleton, Texas 77515. The purpose of the public hearings is to receive comments from residents and property owners on the requested rezone. City Hall is accessible to the disabled. Disabled individuals who might have difficulty attending these public hearings should contact the City Secretary’s Office at (979) 849-4364, extension 2115, to arrange for special assistance. If anyone interested in attending these hearings requires a translator, please contact the City Secretary’s Office prior to the hearing so arrangements can be made. If you are unable to attend the public hearings, comments may be sent to:

City of Angleton
121 South Velasco
Angleton, Texas 77515

Attn: Shelly Deisher, City Secretary

Property owners should be aware that if they oppose or protest the requested rezone, such opposition should be submitted in written form, with the property owner’s signature and address included. Failing to provide a written protest for the requested rezone may reduce the legal impact of such opposition.

For additional information concerning this rezone please contact Alyssa Deaton at 979-849-4364, ext. 2114.

Sincerely,

Alyssa Deaton
Assistant City Secretary

Alyssa Deaton
Asst. City Secretary

Mayor
Randy Rhyne

Mayor Pro Tem
Roger Collins
Position 5

Council Members
Hardwick Bieri
Position 1

Williams Tigner
Position 2

Wesley Rolan
Position 3

Bonnie McDaniel
Position 4

City Manager
Michael Stoldt

121 S Velasco
Angleton, TX 77515
Phone: 979-849-4364
Fax: 979-849-5561

www.angleton.tx.us



CITY COUNCIL AGENDA ITEM
Meeting Date: April 12, 2016

SUBJECT: Discussion and Possible Action on ORDINANCE NO. 2016-O-4A; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING THE “ZONING MAP OF THE CITY OF ANGLETON” BY CHANGING THE ZONING DISTRICT DESIGNATION AND PROVIDING FOR A ZONING CHANGE TO TRACT 110A3 (TRACT TWO) AT 2850 NORTH VALDERAS STREET, ABSTRACT NO. 380, J DE JE VALDERAS SURVEY, CONSISTING OF 1.00 ACRE FROM C-O/R – COMMERCIAL-OFFICE/RETAIL DISTRICT TO C-G – COMMERCIAL-GENERAL DISTRICT; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Consent item Discussion item
 Discussion and possible action Public Hearing

REQUESTED BY: Helen Stevens, Property Owner

Budgeted amount: **Funds requested:** **Fund:**

Attachments: (Attachment description)
Ordinance and supporting documentation

Executive Summary:
Ms. Stevens owns two separate one acre lots. One of the lots is currently zoned C-G. The adjacent lot is C-O/R. The property owner would like to have both lots zoned the same. Written opposition of the rezone by property owners of more than 20% of the land area within 200’ of the subject property has been received by the City, therefore such zoning change shall not become effective except by a three-fourths vote of the full city council.

Recommendation:
Planning & Zoning met on Wednesday, April 6 and denied approval by a 6 against, 0 for; 1 absent vote.

Shelly Deisher

April 6, 2016

Name

Date

ORDINANCE NO. 2016-O-4A

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING THE “ZONING MAP OF THE CITY OF ANGLETON” BY CHANGING THE ZONING DISTRICT DESIGNATION AND PROVIDING FOR A ZONING CHANGE TO TRACT 110A3 (TRACT TWO) AT 2850 NORTH VALDERAS STREET, ABSTRACT NO. 380, J DE J VALDERAS SURVEY, CONSISTING OF 1.00 ACRE, FROM C-O/R – COMMERCIAL-OFFICE/RETAIL DISTRICT TO C-G – COMMERCIAL-GENERAL DISTRICT; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, That Ordinance 2009-O-4A and Chapter 28 of the Code of Ordinances authorizes the City Council to amend, supplement, or change the boundaries of zoning districts in the City of Angleton; and

WHEREAS, Helen Stevens, owner of the property described herein, that said property be rezoned from C-O/R – Commercial-Office/Retail District to C-G – Commercial-General District; and

WHEREAS, The Planning and Zoning Commission conducted a public hearing on April 6, 2016, and recommended rejecting the requested zoning by a 0 for; 6 against, 1 absent vote; and

WHEREAS, Notice of the City Council public hearing was published in the newspaper on March 20, 2016; and

WHEREAS, The City Council conducted a public hearing on this rezoning request on April 12, 2016; and

WHEREAS, The City Council finds the change in zoning is consistent with the Comprehensive Plan.

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

SECTION 1: That the foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes as findings of fact.

SECTION 2: That Tract 110A3 (Tract Two) at 2850 North Valderas Street, Abstract No. 380, J de J Valderas Survey, consisting of 1.00 acre, City of Angleton, Brazoria County, Texas, more particularly described in the attached Exhibit “B”, which is made a part of this Ordinance for all purposes, is hereby rezoned from C-O/R – Commercial-Office/Retail District to C-G – Commercial-General District and use designation.

SECTION 3: That the zoning map of the City of Angleton is hereby amended in accordance with the provisions of this Ordinance to show the change in zoning district classification.

SECTION 4: That any person or corporation violating any of the provisions of this Ordinance shall upon conviction be fined any sum not exceeding \$2,000 and each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense.

SECTION 5: That should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity of such section, or part shall in no wise affect, impair or invalidate the remaining portion thereof, but as to such remaining portion, the same shall remain in full force and effect.

SECTION 6: That it is hereby found and determined that the meetings at which this Ordinance is considered are open to the public and that notice of the time, place and purpose thereof was given in accordance with the provisions of the Texas Government Code – Chapter 551, as amended, and that a quorum of the City Council was present.

SECTION 7: That this Ordinance shall be effective not less than 10 days from the date of its passage and in accordance with the time set forth in the City Charter and the City Secretary is directed to cause the descriptive caption of this Ordinance to be published in the official newspaper of the City, at least once within ten days after the passing of the Ordinance.

SECTION 8: That this Ordinance shall be in full force and effect from and after April 22, 2016.

PASSED AND APPROVED this 12th day of April, 2016.

RANDY RHYNE, Mayor

ATTEST:

SHELLY DEISHER, City Secretary

APPROVED AS TO FORM:

MARY KAY FISCHER, City Attorney

Tract 110A.4

EXHIBIT A

Tract One - acre tract of land out of an 8.0 acre tract out of Tract No. 110, New York & Texas Land Company Subdivision, J. de J. Valderas Survey, Abstract No. 380, Brazoria County, Texas, and being described as follows:

Beginning at a 3/4" iron pipe in the Northwest corner of Tract No. 110, said point being at the intersection of the East right of way line of Airline Road and the South right of way line of a 60 foot County Road, and being the Northwest corner of said 8.0 acre tract;

Thence East along the North line of Tract No. 110, being also the South right of way line of a 60 foot County Road a distance of 218.62 feet to a 3/4" iron pipe for corner,

Thence South 199.36 feet to a 1/2" iron rod for corner, being in the South line of said 8.0 acre tract;

Thence West along the South line of said 8.0 acre tract a distance of 218.62 feet to a 3/4" iron pipe for corner, being in the East right of way line of Airline Road;

Thence North along the East right of way line of Airline Road a distance of 199.36 feet to the place of Beginning, and containing 1.00 acres tract of land, more or less.

Tract 110A.3

EXHIBIT B

Tract Two - 1.00 acre tract of land out of an 8.0 acre tract out of Tract No. 110, New York & Texas Land Company Subdivision, J. de J. Valderas Survey, Abstract No. 380, Brazoria County, Texas, and being described as follows:

Beginning at a 3/4" iron pipe in the North line of Tract No. 110 being also the South right of way line of a 60 foot County Road, said 3/4" iron pipe bears East 218.62 feet from a 3/4" iron pipe in the Northwest corner of Tract No. 110, said Northwest corner of Tract No. 110 being at the intersection of the East right of way line of a 60 foot County Road;

Thence East along the North line of Tract No. 110 being also the South right of way line of a 60 foot County Road a distance of 218.62 feet to a 3/4" iron rod for corner,

Thence South a distance of 199.36 feet to a 1/2" iron rod for corner being in the South line of said 8.00 acre tract;

Thence West along the South line of said 8.00 acre tract a distance of 218.62 feet to a 1/2" iron rod for corner,

Thence North a distance of 199.36 feet to the Place of Beginning and containing 1.00 acre of land, more or less.

STATE OF TEXAS
COUNTY OF BRAZORIA
I, JOYCE HUDMAN, Clerk of the County Court in and for Brazoria County, Texas do hereby certify that this instrument was FILED FOR RECORD and RECORDED in the OFFICIAL RECORD at the time and date as stamped hereon by me.



Joyce Hudman
County Clerk of Brazoria Co., TX

FILED FOR RECORD
00 NOV -7 AM 9:58

County Clerk
Brazoria County, Texas



OFFICE USE ONLY	
Date received: <u>2/22/16</u>	Fee: \$ <u>150.00</u>
P&Z Public Hearing date: <u>4/15/16</u>	etc <u>4/22/16</u>
Date to send cert. letters: _____	
Date to publish: _____	
Proof of taxes paid: <input checked="" type="checkbox"/>	date verified: <u>2/22/16</u>

**CITY OF ANGLETON
RE-ZONE APPLICATION**

Name(s) of Property Owner: Helen S. Stevens
 Current Address: 808 Western Ave Email: _____
 City: Angleton State: TX Zip: 77515
 Home Phone: 979-2-2222 Business Phone: NA Cell: 9

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

Name of Applicant: Helen S. Stevens
 (If different than Property Owner)

Address: 808 Western Ave Email: _____
 City: Angleton State: TX Zip: 77515
 Home Phone: _____ Business Phone: _____ Cell: _____

Address/Location of Property to be Re-zoned: 2850 Valderas Rd
Angleton TX 77515

Legal Description: Tract One & two old NY & TX LAND Sub. See
 Metes & Bounds Lot(s) Block Subdivision attached legal desc.

ATTACH MAP/SURVEY OF PROPERTY

Has the property been platted? YES NO
 Current Zoning: Residential/Office Current Use: Flea Market

Proposed Zoning: General Commercial Proposed Use: very nice storage facility

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



**CITY OF ANGLETON
APPOINTMENT OF AGENT**

As owner of the property described as 2850 Valderas
I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: CYNTHIA A. COMINS

Mailing Address: 3 Crossing Ct Email: C

City: Angleton State: TX Zip: 77515

Home Phone: () Business 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 Helen S. Stevens Title Owner

Printed/Typed Name of owner Helen S. Stevens Date Feb 18, 2016

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

STATE OF TEXAS §
COUNTY OF Brazoria §

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

Given under my hand and seal of office this 18th day of February, 2016



Patricia Cosme
Notary Public Signature
Feb 21, 2018
Commission Expires



CITY COUNCIL AGENDA ITEM
Meeting Date: April 12, 2016

SUBJECT: Public Hearing on a request to rezone the property located at the northeast corner of West Myrtle Street and North Erskine Street, with a legal description of ANGLETON (ANGLETON), BLOCK 45, LOT 10-13, from C-O/R – Commercial-Office/Retail District to SF-6.3 – Single-Family Residential-6 District.

Consent item Discussion item
 Discussion and possible action Public Hearing

REQUESTED BY:

Budgeted amount:

Funds requested:

Fund:

Attachments: (Attachment description)

Public Hearing notice for the Facts and for property owners within 200' of subject property.

Executive Summary:

Recommendation:

Shelly Deisher

April 4, 2016

Name

Date

Public Hearing Notice

The City of Angleton has received a request to rezone the property located at the northeast corner of West Myrtle Street and North Erskine Street, with a legal description of ANGLETON (ANGLETON), BLOCK 45, LOT 10-13, from C-O/R – Commercial-Office/Retail District to SF-6.3 – Single-Family Residential-6 District. The Planning and Zoning Commission will conduct a public hearing on this request on Wednesday, April 6, 2016 at 12:00 pm and the City Council will conduct a public hearing on this request on Tuesday, April 12, 2016 at 6:00 pm. The public hearings will be held in the Council Chambers located at 120 South Chenango, Angleton, Texas 77515. The purpose of the public hearings is to receive comments from residents and property owners on the requested rezone. City Hall is accessible to the disabled. Disabled individuals who might have difficulty attending these public hearings should contact the City Secretary's Office at (979) 849-4364, extension 2115, to arrange for special assistance. If anyone interested in attending these hearings requires a translator, please contact the City Secretary's Office prior to the hearing so arrangements can be made. If you are unable to attend the public hearings, comments may be sent to:

City of Angleton
121 South Velasco
Angleton, Texas 77515
Attn: Shelly Deisher, City Secretary

For additional information concerning this rezone, please contact Alyssa Deaton at (979) 849-4364 ext. 2114.

Date: March 15, 2016

To: The Facts – Public Hearing

From: City of Angleton

To be published once BY: Sunday, March 20th, 2016 (Can be published before)

Please provide publisher's affidavit and total amount to be billed

If you have any questions, please contact Alyssa @ 979-849-4364 ext. 2114.



March 15, 2016

Public Hearing Notice

The City of Angleton has received a request to rezone the property located at the northeast corner of West Myrtle Street and North Erskine Street, with a legal description of ANGLETON (ANGLETON), BLOCK 45, LOT 10-13, from C-O/R – Commercial-Office/Retail District to SF-6.3 – Single-Family Residential-6 District. The Planning and Zoning Commission will conduct a public hearing on this request on Wednesday, April 6, 2016 at 12:00 pm and the City Council will conduct a public hearing on this request on Tuesday, April 12, 2016 at 6:00 pm. The public hearings will be held in the Council Chambers located at 120 South Chenango, Angleton, Texas 77515. The purpose of the public hearings is to receive comments from residents and property owners on the requested rezone. City Hall is accessible to the disabled. Disabled individuals who might have difficulty attending these public hearings should contact the City Secretary’s Office at (979) 849-4364, extension 2115, to arrange for special assistance. If anyone interested in attending these hearings requires a translator, please contact the City Secretary’s Office prior to the hearing so arrangements can be made. If you are unable to attend the public hearings, comments may be sent to:

Alyssa Deaton
Asst. City Secretary

Mayor
Randy Rhyne

Mayor Pro Tem
Roger Collins
Position 5

Council Members
Hardwick Bieri
Position 1

Williams Tigner
Position 2

Wesley Rolan
Position 3

Bonnie McDaniel
Position 4

City Manager
Michael Stoldt

City of Angleton
121 South Velasco
Angleton, Texas 77515
Attn: Shelly Deisher, City Secretary

Property owners should be aware that if they oppose or protest the requested rezone, such opposition should be submitted in written form, with the property owner’s signature and address included. Failing to provide a written protest for the requested rezone may reduce the legal impact of such opposition.

For additional information concerning this rezone please contact Alyssa Deaton at 979-849-4364, ext. 2114.

Sincerely,

Alyssa Deaton
Assistant City Secretary

121 S Velasco
Angleton, TX 77515
Phone: 979-849-4364
Fax: 979-849-5561

www.angleton.tx.us



CITY COUNCIL AGENDA ITEM
Meeting Date: April 12, 2016

SUBJECT: Discussion and Possible Action on ORDINANCE NO. 2016-O-4B; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING THE “ZONING MAP OF THE CITY OF ANGLETON” BY CHANGING THE ZONING DISTRICT DESIGNATION AND PROVIDING FOR A ZONING CHANGE TO PROPERTY LOCATED AT THE NORTHEAST CORNER OF WEST MYRTLE STREET AND NORTH ERSKINE STREET WITH A LEGAL DESCRIPTION OF ANGLETON (ANGLETON), BLOCK 45, LOT 10-13, FROM C-O/R – COMMERCIAL-OFFICE/RETAIL DISTRICT TO SF – 6.3 – SINGLE FAMILY RESIDENTIAL-6 DISTRICT; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Consent item Discussion item
 Discussion and possible action Public Hearing

REQUESTED BY: Irene Hatfield, Property Owner

Budgeted amount: **Funds requested:** **Fund:**

Attachments: (Attachment description)
Application, zoning map

Executive Summary:
These will become two habitat homes and need to be rezoned from C-O/R to SF-6.3.

Recommendation:
Planning and Zoning met on Wednesday, April 6 and recommend approval. Staff recommends approval.

Shelly Deisher

April 4, 2016

Name

Date

ORDINANCE NO. 2016-O-4B

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING THE “ZONING MAP OF THE CITY OF ANGLETON” BY CHANGING THE ZONING DISTRICT DESIGNATION AND PROVIDING FOR A ZONING CHANGE TO PROPERTY LOCATED AT THE NORTHEAST CORNER OF WEST MYRTLE STREET AND NORTH ERSKINE STREET WITH A LEGAL DESCRIPTION OF ANGLETON (ANGLETON), BLOCK 45, LOT 10-13, FROM C-O/R – COMMERCIAL-OFFICE/RETAIL DISTRICT TO SF – 6.3 – SINGLE FAMILY RESIDENTIAL-6 DISTRICT; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, That Ordinance 2009-O-4A and Chapter 28 of the Code of Ordinances authorizes the City Council to amend, supplement, or change the boundaries of zoning districts in the City of Angleton; and

WHEREAS, Irene Hatfield, owner of the property described herein, has requested that said property be rezoned from C-O/R – Commercial-Office/Retail District to SF – 6.3 – Single Family Residential-6 District; and

WHEREAS, The Planning and Zoning Commission conducted a public hearing on April 6, 2016, and recommended approval of the requested zoning by a 6 for; 0 against, 1 absent vote; and

WHEREAS, Notice of the City Council public hearing was published in the newspaper on March 19, 2016; and

WHEREAS, The City Council conducted a public hearing on this rezoning request on April 12, 2016; and

WHEREAS, The City Council finds the change in zoning is consistent with the Comprehensive Plan.

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

SECTION 1: That the foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes as findings of fact.

SECTION 2: That the property located at the northeast corner of West Myrtle Street and North Erskine Street, with a legal description of Angleton (Angleton), Block 45, Lot 10-13, more particularly described in the attached Exhibit “A”, which is made a part of this Ordinance for all purposes, is hereby rezoned from C-O/R – Commercial-Office/Retail District to SF-6.3 – Single Family Residential-6 District and use designation.

SECTION 3: That the zoning map of the City of Angleton is hereby amended in accordance with the provisions of this Ordinance to show the change in zoning district classification.

SECTION 4: That any person or corporation violating any of the provisions of this Ordinance shall upon conviction be fined any sum not exceeding \$2,000 and each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense.

SECTION 5: That should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity of such section, or part shall in no wise affect, impair or invalidate the remaining portion thereof, but as to such remaining portion, the same shall remain in full force and effect.

SECTION 6: That it is hereby found and determined that the meetings at which this Ordinance is considered are open to the public and that notice of the time, place and purpose thereof was given in accordance with the provisions of the Texas Government Code – Chapter 551, as amended, and that a quorum of the City Council was present.

SECTION 7: That this Ordinance shall be effective not less than 10 days from the date of its passage and in accordance with the time set forth in the City Charter and the City Secretary is directed to cause the descriptive caption of this Ordinance to be published in the official newspaper of the City, at least once within ten days after the passing of the Ordinance.

SECTION 8: That this Ordinance shall be in full force and effect from and after April 22, 2016.

PASSED AND APPROVED this 12th day of April, 2016.

RANDY RHYNE, Mayor

ATTEST:

SHELLY DEISHER, City Secretary

APPROVED AS TO FORM:

MARY KAY FISCHER, City Attorney



AD

OFFICE USE ONLY	
Date received:	3-14-16
Fee:	\$ 150.00
P&Z Public Hearing date:	4-6-16
Date to send cert. letters:	3-18-16
Date to publish:	by 3-20-16
Proof of taxes paid:	yes
date verified:	3-14-16

CITY OF ANGLETON RE-ZONE APPLICATION

Name(s) of Property Owner: Irene L. Hatfield

Current Address: 8050 Braniff Email: _____

City: Houston State: Texas 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: _____
(If different than Property Owner)

Address: _____ Email: _____

City: ANGLETON State: TX Zip: _____

Home Phone: _____ Business Phone: _____ Cell: _____

Address/Location of Property to be Re-zoned: Lot 10-13 Block 45 Angleton

Legal Description: _____
Metes & Bounds 10-13 Lot(s) 45 Block Angleton Subdivision

ATTACH MAP/SURVEY OF PROPERTY

Has the property been platted? YES NO

Current Zoning: Commercial Current Use: Vacant

Proposed Zoning: Residential Proposed Use: Homes

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



Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user is encouraged to independently verify all information contained in this product. The City of Angleton makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Angleton from any damage, loss, or liability arising from such use.

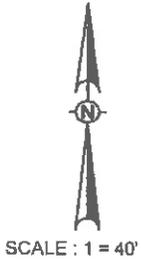
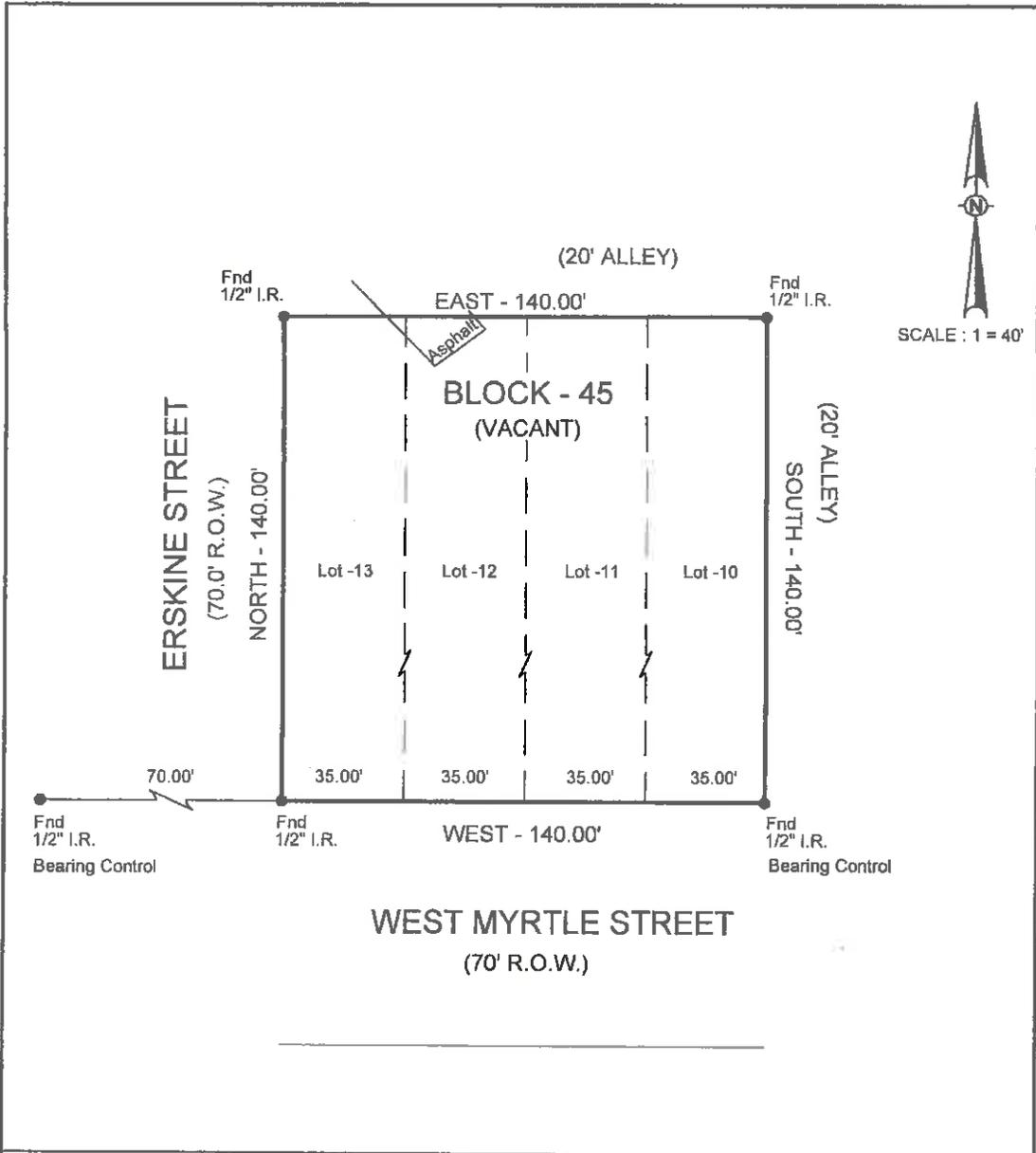


Operated by:
 City of Angleton
 121 S. Velasco St.
 Angleton, TX 77515
 979-849-4364

City of Angleton GIS Mapping

1" = 233'





Notes:

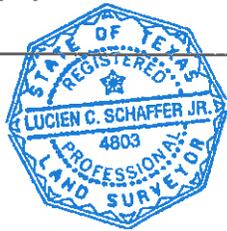
- Basis for Bearings: NORTH R.O.W. LINE OF WEST MYRTLE STREET.
- Distances shown are ground distances.
- All abstracting done by title company.
- All B.L.'s & U.E.'s taken from recorded plat unless otherwise noted.
- All fences are 6' wood unless otherwise noted.
- Dimension ties from improvements to property lines are calculated and should NOT be relied upon for construction and/or removal of any improvements including fences.
- Building dimensions may not be used to calculate square footage.
- This property subject to any and all recorded and unrecorded easements. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants or ownership title evidence.

This property appears to be out of the 100 year flood plain, & in insurance rate map zone X, as per map 48039C0445H Dated: 06-5-89

This determination to be used for flood insurance rate purposes ONLY and is NOT to be relied upon for ANY other purpose. Surveyor makes no representation as to whether property may Flood.

I hereby certify that this survey under my supervision was this day made on the ground and that this plat correctly represents the property legally described hereon (or on attached sheet). That the facts found at the time of this survey show the improvements and that there are no visible encroachments apparent on the ground, except as shown, to the best of my knowledge, surveyed 06-27-07.

Lucien C. Schaffer Jr. 6-28-07
LUCIEN C. SCHAFFER, JR., R.P.L.S. No. 4803 Date



This survey is certified for this transaction only, is not transferable to additional institutions or subsequent owners. If this survey does not bear an original BLUE seal it is invalid and should not be relied upon for any purpose.

LOT: 10-13	BLOCK: 45	SUBDIVISION: ANGLETON	SECTION: -
RECORDATION: VOLUME 1 PAGE 12 OF PLAT RECORDS		COUNTY: BRAZORIA	STATE: TEXAS
ADDRESS: 0 WEST MYRTLE	CITY: ANGLETON	LENDER:	
PURCHASER: IRENE LEILANI HATFIELD	TITLE COMPANY: STEWART TITLE COMPANY	G.F. # 07500182	

G GULLETT & ASSOCIATES, INC.
 P.O. BOX 230187
 HOUSTON, TEXAS 77223
 (713) 644-3218 • FAX (713) 644-4845

SURVEYED BY: M.E.
 DRAWN BY: R.K.B. Jr.
 DRAWING NO.: 07062103