Planning and Zoning Commission

City of Angleton, Texas

Meeting Minutes
Wednesday, June 1, 2016

COMMISSIONERS, STAFF & GUESTS

Bill Garwood - Chairman
Henry Munson - Vice-Chairman
Regina Bieri - Commissioner
Dorothy Hernandez - Commissioner (Absent)
Jason Perez - Commissioner
Deborah Spoor - Commissioner
Travis Townsend - Commissioner (Absent)

Michael Stoldt - City Manager
Patti Worfe - Assistant City Manager, Economic Development Director
Karen Barclay - Building Services Department Director
Shelly Deisher - City Secretary
Alyssa Deaton - Assistant City Secretary

Christi Beard - Applicant for Downing/Cedar Day Care SUP
Duane Lindsey - Realtor
Elroy & Kaye Griggs - Applicants for 921/911 & 1100 E. Mulberry SUP's
Carl & Nancy Bertoncelj - Property owners of 911 E. Mulberry
Artie Tropoli - Tropoli Townhomes

AGENDA

1. Declaration of Quorum and Call to Order at **12:00pm**.

2. Discussion and Possible Action on approving the May 4, 2016 meeting minutes.

   Motion by Commissioner Bieri to approve the minutes;
   Second by Commissioner Spoor.

   Motion carries 5 for; 0 against; 2 absent (Hernandez, Townsend)

3. Public Hearing on a request for a Specific Use Permit to operate a Child Day Care (Business) at the southwest corner of East Cedar Street and North Downing Street, with a legal description of 0.9204 Acres of Land out of Tract 9B1, Bryan and Kiber Subdivision, I. T. Tinsley Survey, Abstract 375, in Brazoria County, Texas.

Motion by Vice-Chairman Munson to open the Public Hearing; Second by Commissioner Bieri.

Motion carries 5 for; 0 against; 2 absent (Hernandez, Townsend)

Christi Beard with Happy Faces Learning Center explained that this will be her third location.

Motion by Vice-Chairman Munson to close the Public Hearing; Second by Commissioner Bieri.

Motion carries 5 for; 0 against; 2 absent (Hernandez, Townsend)

4. Discussion and Possible Action on a request for a Specific Use Permit to operate a Child Day Care (Business) at the southwest corner of East Cedar Street and North Downing Street, with a legal description of 0.9204 Acres of Land out of Tract 9B1, Bryan and Kiber Subdivision, I. T. Tinsley Survey, Abstract 375, in Brazoria County, Texas.

Chairman Garwood: So Mrs. Beard, you were telling us that this will be your third location?

Christi Beard: Yes

Chairman Garwood: In our community?

Christi Beard: No, two in Lake Jackson.

Vice-Chairman Munson: What are your ages?

Christ Beard: Our ages are from 4 weeks to 12 years of age. Our two locations… one on Garland Street, one on Flag Lake Dr.; both of them have a capacity of 110 and we've been to full capacity pretty much since we opened.

Chairman Garwood: Is this the old auto-parts store?

Christi Beard: It is the old one. Upstairs will be primarily for the big kids' afterschool program.

Vice-Chairman Munson: What is your capacity at this location?

Christi Beard: Probably about 150, but upstairs will be the before or after, or big kids during the summer and then the lower level will be the younger kids; each having their own classroom – three infant rooms, a one's, a two's, a three's, a four's and a cafeteria. It expands all the way to the corner so there will be a large play area.

Motion by Vice-Chairman Munson to recommend approval of the

request for the Specific Use Permit;
Second by Commissioner Bieri.

Motion carries 5 for; 0 against; 2 absent (Hernandez, Townsend)

5. Public Hearing on ORDINANCE NO. 2016-O-6A; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING THE ZONING ORDINANCE BY ADDING "MICRO WINERY" AS LAND USE THAT MAY BE APPROVED WITH A SPECIFIC USE PERMIT IN AREAS ZONED COMMERCIAL-GENERAL, COMMERCIAL-OFFICE/RETAIL AND LIGHT INDUSTRIAL; ADDING A DEFINITION FOR "MICRO WINERY"; AND AMENDING THE REQUIREMENTS FOR "SIGHT VISIBILITY" AT INTERSECTIONS.

Motion by Commissioner Perez to open the Public Hearing;
Second by Vice-Chairman Munson.

Motion carries 5 for; 0 against; 2 absent (Hernandez, Townsend)

No one wished to speak.

Motion by Vice-Chairman Munson to close the Public Hearing;
Second by Commissioner Bieri.

Motion carries 5 for; 0 against; 2 absent (Hernandez, Townsend)

6. Discussion and Possible Action on ORDINANCE NO. 2016-O-6A; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING THE ZONING ORDINANCE BY ADDING "MICRO WINERY" AS LAND USE THAT MAY BE APPROVED WITH A SPECIFIC USE PERMIT IN AREAS ZONED COMMERCIAL-GENERAL, COMMERCIAL-OFFICE/RETAIL AND LIGHT INDUSTRIAL; ADDING A DEFINITION FOR "MICRO WINERY"; AND AMENDING THE REQUIREMENTS FOR "SIGHT VISIBILITY" AT INTERSECTIONS.

Michael Stoldt, City Manager explained that there is no land use for micro-winery in the zoning ordinance and this would create one, limiting it to 5,000 gallons per year. He also explained that the sight visibility is being amended because there are two conflicting regulations in the zoning ordinance.

Motion by Commissioner Perez to recommend approval of Ordinance No. 2016-O-6A;
Second by Commissioner Spoor.

Motion carries 5 for; 0 against; 2 absent (Hernandez, Townsend)

7. Public Hearing on a request for a Specific Use Permit to operate a Micro Winery at 1014 North Velasco Street, with a legal description of A0380 J de J Valderas, Tract 99E2, Acres 0.210, in Brazoria County, Texas.

Motion by Commissioner Spoor to open the Public Hearing; Second by Commissioner Bieri.

Motion carries 5 for; 0 against; 2 absent (Hernandez, Townsend)

The property owner and the applicant state they are both in favor of the SUP.

Motion by Commissioner Spoor to close the Public Hearing; Second by Vice-Chairman Munson.

Motion carries 5 for; 0 against; 2 absent (Hernandez, Townsend)

8. Discussion and Possible Action on a request for a Specific Use Permit to operate a Micro Winery at 1014 North Velasco Street, A0380 J de J Valderas, Tract 99E2, Acres 0.210, in Brazoria County, Texas, with an effective date after June 24, 2016.

Vice-Chairman Munson: So you're going to be making wine?

Darrell Schwebel: Yes sir

Vice-Chairman Munson: And you're currently doing that out of your house?

Darrell Schwebel: I'm currently producing wine out of my home, under the limit of the law and I'm working through the process of getting a permit through the federal government to produce at above the limit. You can produce up to 200 gallons without a permit, but you can't sell it, so I've just been giving it away to friends.

Commissioners, staff and owner discuss the exact location and which part of the building he will utilize.

Mr. Schwebel explains that he will just use this building on a small scale and once he gets his permits, he will begin to sell. He also explained that it will be a manufacturing facility only and that it will not be open to the public nor will there be a sign advertising what is in the building. He stated that if his business takes off, he will move to a larger facility and produce on a larger scale. He states that the permit he will receive from the federal government is for 10,000 gallons, which is the smallest permit they issue.

Chairman Garwood: Does the City have any recommendations concerning conditions on this special use permit?

Michael Stoldt: Not for this. I think this is a great addition to the city. Something new that we don't have.

Motion by Commissioner Perez to recommend approval of the request

for the Specific Use Permit;
Second by Commissioner Bieri.

Motion carries 5 for; 0 against; 2 absent (Hernandez, Townsend)

9. Public Hearing on a request for a Specific Use Permit to operate a Child Day Care (Business) at 921 East Mulberry Street, with a legal description of Wilshire (Angleton), Block 4, Lot 20 (W/46.98')-NE/30.26' Lot 21; and 911 East Mulberry Street, with a legal description of Wilshire (Angleton), Block 4, Lot 23-24-W/12.5' Lot 22-E/53.61' Lot 5.

Motion by Commissioner Spoor to open the Public Hearing;
Second by Commissioner Perez.

Motion carries 4 for; 0 against; 2 absent (Hernandez, Townsend); 1 abstain (Bieri)

*Commissioner Bieri exited the room for this agenda item due to a conflict of interest.

Carl Bertoncelj, property owner stated that he and his wife are in favor.

Kaye Griggs: I am the owner of Kingdom Class Academy in Angleton. We just completed four years here in the City. This project will allow us to expand our facility and also add parking to the location where we currently are.

Motion by Vice-Chairman Munson to close the Public Hearing;
Second by Commissioner Perez.

Motion carries 4 for; 0 against; 2 absent (Hernandez, Townsend); 1 abstain (Bieri)

10. Discussion and Possible Action on a request for a Specific Use Permit to operate a Child Day Care (Business) at 921 East Mulberry Street, with a legal description of Wilshire (Angleton), Block 4, Lot 20 (W/46.98')-NE/30.26' Lot 21; and 911 East Mulberry Street, with a legal description of Wilshire (Angleton), Block 4, Lot 23-24-W/12.5' Lot 22-E/53.61' Lot 5.

Michael Stoldt: 911 actually goes all the way back to Myrtle Street.

Chairman Garwood: So you're looking to expand your business? Does the city have any comments?

Michael Stoldt: All of the 911 E Mulberry property must be owned by the daycare and reserved for the daycare's use. They need to understand that if you open back up pizza hut as a restaurant, you're going to be taking away from parking. There's not enough parking there right now for a business in the pizza hut building and the daycare so 911 has to be reserved for the daycare center. If you ever open up a business other than

daycare in the old pizza hut building, then this SUP would no longer be valid because you couldn't meet your parking requirements.
Second comment we've got is no pick-up and drop-off from 921; that's because 921 doesn't really have any parking. The parking that is there is partly in the right-of-way and everybody uses that, but it can't count toward parking requirement for the daycare and we really don't want to see parents dropping off kids, essentially within the highway right-of-way, so drop-off and pick-up has got to be from 911 where they can get off the street and the kids are not out in the right-of-way going from the car to the facility.
We wanted to make sure they kept the 15 foot access open on the east side so if an emergency happens and an ambulance has to come, they can get off the road, get in there and take care of an emergency and not have all this blocked off with parking and suddenly EMS is sitting out here in the right-of-way trying to address the emergency situation.
The last one is all the parking has got to be paved and striped. Pizza Hut parking is, parking on this lot is not.

Vice-Chairman Munson: Mrs. Griggs, y'all are aware of those restrictions and are okay with that?

Kaye Griggs: Yes sir.

Motion by Vice-Chairman Munson to recommend approval of the requested Specific Use Permit subject to the staff recommendations; Second by Commissioner Perez.

Motion carries 4 for; 0 against; 2 absent (Hernandez, Townsend); 1 abstain (Bieri)

Chairman Garwood: Let the record reflect that Mrs. Bieri has re-entered the room.

11. Public Hearing on a request to extend the current Specific Use Permit located at 1100 East Mulberry Street, Suites B, C, D, and E, to include an 'Outdoor Activity Space' at the rear of the Child Day Care (Business).

Motion by Commissioner Bieri to open the Public Hearing; Second by Commissioner Spoor.

Motion carries 5 for; 0 against; 2 absent (Hernandez, Townsend)

Elroy Griggs: We are just adding the fence for the playground area.

Motion by Commissioner Spoor to close the Public Hearing; Second by Commissioner Bieri.

Motion carries 5 for; 0 against; 2 absent (Hernandez, Townsend)

12. Discussion and Possible Action on a request to extend the current

Specific Use Permit located at 1100 East Mulberry Street, Suites B, C, D, and E, to include an 'Outdoor Activity Space' at the rear of the Child Day Care (Business).

Kaye Griggs: We're going to include an outdoor space for our infant and toddler center that's going to be tucked in the corner.

Chairman Garwood: So this is an entirely different location?

Kaye Griggs: Correct, we just have infants and toddlers from 0-18mos at this facility, well actually it's 0-3, it's just a toddler group.

Elroy Griggs: It's going to be 20 feet deep and 40 feet long.

Michael Stoldt: We actually approved the SUP for the four indoor places a year ago maybe. At the time they thought that the outdoor playground area would not be required.

Kaye Griggs: Right. The plan was to do a waiver for the outdoor space. Since then, we've just decided to allow our children to use the outdoor space and it's been recommended by licensing to have a outdoor space where they can get some sun even though we have gross motor activities for them inside. They'll be able to go outside and get some sun and run around a bit.

Michael Stoldt: Originally it was not proposed to you that there would be an outdoor playground area. This is just simply adding the playground area to the SUP.

Karen Barclay: It will be fenced and screened.

Motion by Commissioner Perez to recommend approval of the requested Specific Use Permit with the hours of operation set from 6 a.m. to 8 p.m. and the duration set to expire with the existing SUP on the daycare;
Second by Vice-Chairman Munson.

Motion carries 5 for; 0 against; 2 absent (Hernandez, Townsend)

13. Public Hearing on a request for renewal of a Specific Use Permit to operate an Amusement Redemption Machine Game Room at 1501 South Velasco Street, Angleton, Texas.

Motion by Commissioner Spoor to open the Public Hearing;
Second by Commissioner Bieri.

Motion carries 5 for; 0 against; 2 absent (Hernandez, Townsend)

No one wished to speak.

Motion by Vice-Chairman Munson to close the Public Hearing; Second by Commissioner Bieri.

Motion carries 5 for; 0 against; 2 absent (Hernandez, Townsend)

14. Discussion and Possible Action on a request for renewal of a Specific Use Permit to operate an Amusement Redemption Machine Game Room at 1501 South Velasco Street, Angleton, Texas.

Chairman Garwood: Does staff have any recommendations on this one?

Michael Stoldt: In the past for games rooms, we've always limited it to one year to have them come back and renew operations. With game rooms, we're thinking that's maybe not a bad idea, because sometimes there are some legalities there to make sure they are operating within the rules, so if you want to keep that one year duration, we certainly have no objection to that, and then last time we had a limit on hours of operation; 8 a.m. to 12 a.m.

Commissioner Perez: Are those hours of operation the same for all the other ones we have in place?

Michael Stoldt: I think we've been basing this on other ones y'all have done in the past.

Commissioner Perez: I'm assuming this one has been running efficiently without problems that we know of.

Michael Stoldt: Nothing that we've heard of that would make us change this recommendation.

Karen Barclay: They did put in their retention pond and put in hard surface parking and striped it. They have done that in the past year, so they are in compliance with that portion.

Commissioner Perez: Is there visibility... I know the frontage had to have so much exposure to the building?

Karen Barclay: When I saw them parking outside of the striped parking the other day, I did go in and tell them that they can't allow people to just pull up and park basically in the right-of-way, and they had to park in the striped designated locations.

Commissioner Perez: And then also, the part where they can see into the building?

Karen Barclay: Yes, they can see into the building.

Commissioner Perez: So they have the proper amount to look in and non-tinted windows?

Karen Barclay: Right.

Motion by Commissioner Perez to approve the requested Specific Use Permit with the operating hours set from 8 a.m. to 12 a.m. and for a duration of one year;
Second by Commissioner Bieri.

Motion carries 5 for; 0 against; 2 absent (Hernandez, Townsend)

15. Discussion and Possible Action on the Final Plat for the Tropoli Townhomes, a Subdivision Plat of a 1.8878 acre tract situated in the J de J Valderas Survey, A-380, Brazoria County, Texas, located at the northeast corner of Henderson Road and Valderas Street.

Michael Stoldt: All the comments in the preliminary plat have basically been addressed except for two problems we ran into, and they are being addressed now... it was fitting in the ditch and the sidewalk together.

Michael Stoldt explained that he and the engineer have studied the plans and how they could maintain the ditch capacity and still have room for a sidewalk, but came to the conclusion that they just can't. Keeping the ditch and adding a sidewalk would only leave 10 foot from the front door to the ditch and there's just not enough room to do both and keep the sidewalk to ADA standards.
He explained that the other problem is when you go downstream, there is no room for the sidewalk to continue north up Valderas Street. He suggests that in the future, a sidewalk will have to go on the other side of the street and that his immediate concern is with maintaining the drainage capacity over having a sidewalk on that side of the road.

Michael Stoldt outlines the three recommendations to P&Z Commissioners:
1. Extend the sidewalk from the subdivision entrance to the existing sidewalk on Henderson.
2. Revise the ditch cross-section to include retaining blocks along the property side of the ditch.
3. Change the 15 foot utility easement to be a drainage and utility easement.
4. Plat must be signed and sealed by an engineer.

Michael Stoldt stated that with these comments, staff recommends approval.

Motion by Commissioner Perez to approve the Final Plat subject to staff comments;
Second by Commissioner Bieri.

Motion carries 5 for; 0 against; 2 absent (Hernandez, Townsend)

16. Public Hearing on ORDINANCE NO. 2016-O-6B; AN ORDINANCE AMENDING CODE OF ORDINANCES, CHAPTER 28, ZONING, SECTIONS 28-24, 28-41, 28-46, 28-47, 28-52, 28-53, 28-81, 28-105, 28-106 AND 28-112 TO CORRECT INCONSISTENCIES AND GRAMMAR, REORGANIZE CHARTS AND ALPHABETIZE DEFINITIONS.

Motion by Commissioner Spoor to open the Public Hearing;
Second by Commissioner Bieri.

Motion carries 5 for; 0 against; 2 absent (Hernandez, Townsend)

No one wished to speak.

Motion by Commissioner Bieri to close the Public Hearing;
Second by Commissioner Spoor.

Motion carries 5 for; 0 against; 2 absent (Hernandez, Townsend)

17. Discussion and Possible Action on ORDINANCE NO. 2016-O-6B; AN ORDINANCE AMENDING CODE OF ORDINANCES, CHAPTER 28, ZONING, SECTIONS 28-24, 28-41, 28-46, 28-47, 28-52, 28-53, 28-81, 28-105, 28-106 AND 28-112 TO CORRECT INCONSISTENCIES AND GRAMMAR, REORGANIZE CHARTS AND ALPHABETIZE DEFINITIONS.

Michael Stoldt explained that these are just clerical changes.

Motion by Vice-Chairman Munson to approve Ordinance No. 2016-O-6B;
Second by Commissioner Bieri.

Motion carries 5 for; 0 against; 2 absent (Hernandez, Townsend)

18. Public Hearing on Ordinance 2016-O-6C; an Ordinance amending the Official Zoning Map for the City of Angleton, Texas.

Motion by Commissioner Perez to open the Public Hearing;
Second by Commissioner Spoor.

Motion carries 5 for; 0 against; 2 absent (Hernandez, Townsend)

No one wished to speak.

Motion by Vice-Chairman Munson to close the Public Hearing;
Second by Commissioner Bieri.

Motion carries 5 for; 0 against; 2 absent (Hernandez, Townsend)

19. Discussion and Possible Action on Ordinance 2016-O-6C; an Ordinance amending the Official Zoning Map for the City of Angleton, Texas.

Michael Stoldt: This is something we do periodically; as we do rezones and SUPs, that map becomes out of date.

Chairman Garwood: So we're simply cleaning up?

Michael Stoldt: We're simply printing out an updated version of that so that we have an up-to-date zoning map.

Chairman Garwood: So we're not changing zones from commercial to residential that weren't…

Michael Stoldt: … that weren't previously approved.

Chairman Garwood: Thank you.

Motion by Vice-Chairman Munson to approve Ordinance No. 2016-O-6C;
Second by Commissioner Spoor.

Motion carries 5 for; 0 against; 2 absent (Hernandez, Townsend)

20. Adjourned at **12:50pm**.

Motion by Commissioner Spoor to adjourn;
Second by Commissioner Perez.

Motion carries 5 for; 0 against; 2 absent (Hernandez, Townsend)

CERTIFICATION

Bill Garwood, Chairman

Alyssa Deaton, Asst. City Secretary