



Planning and Zoning Commission

City of Angleton, Texas
Meeting Minutes
Tuesday, August 23, 2016

COMMISSIONERS, STAFF & GUESTS

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

Michael Stoldt - City Manager
Mary Kay Fischer - City Attorney
Karen Barclay - Building Services Department Director
Laurie Rodriguez - Code Enforcement Officer
Martha Eighme - Tourism and Special Events Coordinator
Shelly Deisher - City Secretary
Alyssa Deaton - Assistant City Secretary

Bonnie McDaniel - City Councilwoman
Jennifer King - Teal Construction Plat
Jeannine Riney - 1501 S. Velasco Game room SUP
Art Dannhaus - Northview Duplexes Plat
Roshan - 2851 N. Downing U-Haul SUP
William Billingsley - 521 S. Arcola Rezone
M.E. Willis - Citizen
Lamar Jordan - Citizen

AGENDA

1. Declaration of Quorum and Call to Order at **12:01 pm**.
2. Discussion and Possible Action on approving the July 13, 2016 meeting minutes.

**Motion by Vice-Chairman Munson to approve the minutes;
Second by Commissioner Spoor.**

Motion carries 7 for; 0 against; 0 absent

3. Public Hearing on the Northview Duplexes Subdivision plat, which is a replat of Lot One (1), in Block Two (2), of NORTHVIEW SUBDIVISION, SECTION ONE (1), a subdivision in Brazoria County, Texas, according to the map or plat thereof recorded in Volume 15, Page 191 of the Plat Records of Brazoria County, Texas

(located on the southwest corner of Hospital Drive and Buchta Road).

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

Motion carries 7 for; 0 against; 0 absent

James Dannhaus states that he is in favor of the replat approval.

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

Motion carries 7 for; 0 against; 0 absent

4. Discussion and Possible Action on the Northview Duplexes Subdivision plat, which is a replat of Lot One (1), in Block Two (2), of NORTHVIEW SUBDIVISION, SECTION ONE (1), a subdivision in Brazoria County, Texas, according to the map or plat thereof recorded in Volume 15, Page 191 of the Plat Records of Brazoria County, Texas (located on the southwest corner of Hospital Drive and Buchta Road).

Michael Stoldt, City Manager, discusses staff comments for the replat, which are attached to the minutes.

Vice-Chairman Munson has some concern with the driveway's proximity to the intersection. Michael Stoldt assures him that it was measured and they meet the clearance.

**Motion by Vice-Chairman Munson to approve the plat subject to staff comments;
Second by Commissioner Bieri.**

Motion carries 7 for; 0 against; 0 absent

5. Public Hearing on a request to rezone a portion of 521 South Arcola Street, with a legal description of Lots 4 thru 8, Block H, Kiber Live Wire Addition to the City of Angleton, Brazoria County, Texas, according to the recorded map or plat thereof recorded in Volume 3, Page 174 of the Official Records of Brazoria County, Texas from LI - Light Industrial District to MH - Manufactured Home District.

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

Motion carries 7 for; 0 against; 0 absent

Mr. Jordan's mother owns the property across the street which is zoned SFA and is concerned that rezoning to Manufactured Home District will affect the development and value of future Townhomes on that lot.

Mr. Billingsley assures Mr. Jordan that he is only going to put one single-wide manufactured home on the lot to care for his mother.

**Motion by Commissioner Hernandez to close the Public Hearing;
Second by Commissioner Perez;**

Motion carries 7 for; 0 against; 0 absent

6. Discussion and Possible Action on a request to rezone a portion of 521 South Arcola Street, with a legal description of Lots 4 thru 8, Block H, Kiber Live Wire Addition to the City of Angleton, Brazoria County, Texas, according to the recorded map or plat thereof recorded in Volume 3, Page 174 of the Official Records of Brazoria County, Texas from LI - Light Industrial District to MH - Manufactured Home District.

Mr. Billingsley stated that his mother's home will be close to his home, away from the railroad tracks; and that the lots next to him are already zoned Manufactured Home district so it will just carry across to his land.

Mr. Jordan reiterated that he doesn't feel that having a manufactured home district across the street will help with the development of townhomes across the street.

Mr. Billingsley stated that it will look more like a house and even though it is on blocks, it will have skirting around it and will look nice. He also stated that he doesn't see how one manufactured home is going to affect Mr. Jordan.

Michael Stoldt, City Manager, pointed out that he understands that eventually at some point in the future someone could put more manufactured homes on there, but he does not foresee many being able to fit on there and the railroad tracks is a big deterrent for residential development. He also stated that in his mind, manufactured homes are less of an intrusion than the current zoning designation which is Light Industrial. He considers this rezone a move up for the neighborhood.

**Motion by Vice-Chairman Munson to approve the rezone;
Second by Commissioner Bieri.**

Motion carries 7 for; 0 against; 0 absent

7. Public Hearing on a request to rezone 744 Henderson Road, a 0.676 acre tract of land situated in the Theodore S. Lee Survey, Abstract 318, Brazoria County, Texas, Tract 33B, from PD - Planned Development Overlay District to C-G - Commercial-General District.

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

Motion carries 7 for; 0 against; 0 absent

No one wished to speak.

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

Motion carries 7 for; 0 against; 0 absent

8. Discussion and Possible Action on a request to rezone 744 Henderson Road, a 0.676 acre tract of land situated in the Theodore S. Lee Survey, Abstract 318, Brazoria County, Texas, Tract 33B, from PD - Planned Development Overlay

District to C-G - Commercial-General District.

Vice-Chairman Munson: Was there any opposition to it?

Alyssa Deaton: No.

**Motion by Commissioner Spoor to approve the rezone;
Motion by Commissioner Townsend.**

Motion carries 7 for; 0 against; 0 absent

9. Public Hearing on a request for a Specific Use Permit to rent U-Haul vehicles/trailers at 2851 North Downing Street, with a legal description of a 0.31 Acre Tract, being the Residue of a Called 0.321 Acre Tract out of a 1.00 Acre Tract out of a 36.75 Acre Tract out of Tracts 32 and 33 of the Theodore S. Lee Survey, Abstract 318, Brazoria County, Texas.

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

Motion carries 7 for; 0 against; 0 absent

No one wished to speak.

**Motion by Commissioner Hernandez to close the Public Hearing;
Second by Commissioner Townsend.**

Motion carries 7 for; 0 against; 0 absent

10. Discussion and Possible Action on a request for a Specific Use Permit to rent U-Haul vehicles/trailers at 2851 North Downing Street, with a legal description of a 0.31 Acre Tract, being the Residue of a Called 0.321 Acre Tract out of a 1.00 Acre Tract out of a 36.75 Acre Tract out of Tracts 32 and 33 of the Theodore S. Lee Survey, Abstract 318, Brazoria County, Texas.

Vice-Chairman Munson asks if this is the same property that was discussed on the last agenda item.

Michael Stoldt says it is, but only the convenient store. He also advises that staff worked with the applicant to ensure that the u-hauls will fit and not take up any of the convenient store's required parking or block the dumpster.

Commissioner Perez asks if they will be on the grass or if there is enough room on the concrete.

Karen Barclay, Building Services Director stated that they will be on the concrete, striped and that they will only be allowed to have three.

Commissioner Perez asks if by only allowing three, that it will limit the size of the u-hauls.

Karen Barclay stated that if they have one big one, then they can only have one small and if they only have small, even if they could fit more than three in the spaces, they are still limited to a max of three.

Chairman Garwood: And there has been no opposition?

Alyssa Deaton: No.

**Motion by Commissioner Spoor to grant the Specific Use Permit;
Second by Commissioner Perez.**

Motion carries 7 for; 0 against; 0 absent

**Travis Townsend exits the room due to a possible conflict of interest for items 11 & 12.*

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

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

Motion carries 6 for; 0 against; 0 absent; 1 abstain (Townsend)

Jeannine Riney stated that she is in favor.

**Motion by Commissioner Hernandez to close the Public Hearing;
Second by Commissioner Perez.**

Motion carries 6 for; 0 against; 0 absent; 1 abstain (Townsend)

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

Chairman Garwood: So this has had a Specific Use Permit in the past, is that correct?

Michael Stoldt: It expired. If you recall, it came to you twice, no one showed up. Went to City Council, no one showed up. Council denied it. We went over and informed them; at that point we found out they were in violation of some of the rules; they had the front door covered to where you couldn't see through, which is against the rules; and the door was locked, which is against the rules. There is no time limit if it's denied for how long you have to wait to reapply. As it stands right now, she can come back and reapply.

Vice-Chairman Munson: Well that's why we put time limits on the SUP's, is to ensure there is no violations, that it complies with the rules.

Regina Bieri asks what the city's feelings are.

Michael Stoldt states that it is in the right location, but the violations concern him and that he is not recommending approval but cannot deter the Commission to deny it.

Commissioner Spoor: Our choice is to not give the SUP, or give the SUP with the stipulations and let the law handle it, then she's shut down if she doesn't comply, correct?

Michael Stoldt: Well no. She was cited last time and I understand that she pled guilty to both of those and paid a fine. That doesn't necessarily mean you're shut down if you're in violation if you're cited.

Commissioner Spoor: So our other alternative is a vacant building?

Michael Stoldt: Correct

Jeannine Riney: I did not know about the film on the door, I did not know about this. No one ever told me about this. It's for the sun, to block the sun. It can be quickly remedied. And I had someone at the door, opening the door every time someone was there. It wasn't ever left unattended and it will never happen again.

Vice-Chairman Munson: To me, we set these SUP's with conditions for specific reasons and this was not followed.

**Motion by Vice-Chairman Munson to deny the SUP;
Second by Commissioner Hernandez.**

Motion to deny with SUP with a vote of 5 for; 1 against (Spoor); 0 absent; 1 abstain (Townsend)

**Travis Townsend re-enters the room.*

13. Discussion and Possible Action on the Final Plat of the Teal Industrial Angleton Business Park, with a legal description of 10.4731 acres of land, located in the Edwin Waller League, Abstract 134, City of Angleton, Brazoria County, Texas, being out of and a part of Lot 1 in Airport Meadows Subdivision (located off of County Road 220 and County Road 288).

Michael Stoldt went over the comments with Commissioners, which are attached to the minutes.

**Motion by Commissioner Perez to approve the final plat subject to staff comments;
Second by Commissioner Spoor.**

Motion carries 7 for; 0 against; 0 absent

14. Discussion and Possible Action on the Final Plat, which is a replat, of Tract 5 of the Angleton Commercial Subdivision No. 4, in the J De J Valderas Survey, Abstract 380, Brazoria County, Texas, According to the Plat of Said Subdivision Recorded in Volume 24, Pages 109-110, of the Plat Records of Brazoria County, Texas, located on the southwest corner of Highway 288B and FM 523.

Michael Stoldt went over the comments with Commissioners, which are attached to the minutes.

**Motion by Commissioner Spoor to approve the plat subject to staff comments;
Second by Commissioner Hernandez.**

Motion carries 7 for; 0 against; 0 absent

15. Public Hearing on ORDINANCE 2016-O-8A, AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING ORDINANCE 2009-O-4A, ARTICLE II, SECTION

28-24, AMENDMENTS TO ZONING ORDINANCE AND DISTRICTS, ADMINISTRATIVE PROCEDURES, AND ENFORCEMENT, BY ADDING SECTION 28-24 (g)(6) REQUIRED WAITING PERIOD.

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

Motion carries 7 for; 0 against; 0 absent

No one wished to speak.

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

Motion carries 7 for; 0 against; 0 absent

16. Discussion and Possible Action on ORDINANCE 2016-O-8A, AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING ORDINANCE 2009-O-4A, ARTICLE II, SECTION 28-24, AMENDMENTS TO ZONING ORDINANCE AND DISTRICTS, ADMINISTRATIVE PROCEDURES, AND ENFORCEMENT, BY ADDING SECTION 28-24 (g)(6) REQUIRED WAITING PERIOD.

Mary Kay Fischer, City Attorney stated that other cities have this waiting period. She also stated that there are waivers to reapply if conditions change, but if it's the same request, then the applicant has to wait twelve months to reapply. This prevents the same request being brought back repeatedly.

Michael Stoldt re-confirms Mary Kay's statement and said that this waiting period has been in all the other cities he has worked for.

**Motion by Vice-Chairman Munson to approve Ordinance 2016-O-8A;
Second by Commissioner Townsend.**

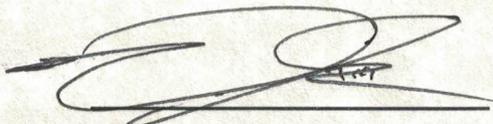
Motion carries 7 for; 0 against; 0 absent

17. Adjourned at 12:59 pm.

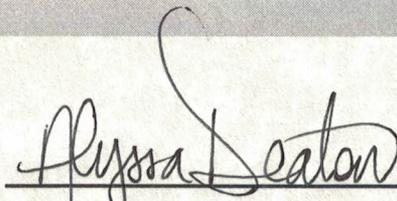
**Motion by Vice-Chairman Munson to adjourn;
Second by Commissioner Bieri.**

Motion carries 7 for; 0 against; 0 absent

CERTIFICATION



Bill Garwood, Chairman



Alyssa Deaton, Asst. City Secretary