



AGENDA ITEM SUMMARY FORM

MEETING DATE: January 25, 2022

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

AGENDA CONTENT: Discussion and possible action on Heritage Park Section Three Preliminary Plat and variances to Sections 23-11(I) and 23-25(B) of the City's Land Development Code. The 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 (SF-7.2) zoning district.

AGENDA ITEM SECTION: Regular agenda

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

This is a request for approval for the preliminary plat for Heritage Park Section Three, an approximate 11-acre tract of land proposed to have thirty lots and seventy-foot lot frontages, 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 (SF-7.2) zoning district.

Heritage Park Section Three is the third phase of the Heritage Park subdivision and includes phases one and two consisting of Bluebonnet Lanes North and South. With the inclusion of Phase Three, the Heritage Park Subdivision consists of 89 lots and a total of 15.872 acres.

Few comments for the Heritage Park Phase Three Plat were provided by the City's engineer, HDR, however the plat is considered incomplete and recommended for correction and resubmittal. In addition to HDR's recommendation to resubmit the plat, the City received a variance request to the requirement of having a minimum of two vehicular points of access for subdivisions with at least thirty lots.

Variance Request of Section 23-11(I):

Pursuant to the Angleton Land Development Code, Chapter 23 of the City's Code of Ordinances, Section 23-11(I)1., subdivisions consisting of at least thirty lots must have a minimum of two points of vehicular access to an existing public right-of-way. This requirement was not met with either of

the previous two sections of this project and the preliminary plat, as proposed, does not meet the minimum standards of this section. Pursuant to Section 23-103.B Variance Approval Standards: Variances may be granted when:

- 1. There are circumstances specific to the property that create an undue hardship that generally do not apply to surrounding properties; such as, but not limited to, its shape, or topography;**

This proposed section is the third section of this project. The undue hardship that exists with this section, and the project as a whole, is that after development of two previous sections, the only potential secondary access is through Angleton ISD property, which isn't available to be developed as secondary access for this project.

- 2. Special consideration is necessary to allow an applicant the same right of use enjoyed under the LDC by surrounding properties;**

As two previous sections have been developed, the ability to provide secondary access would be difficult, under the best of circumstances, to achieve. As such, special consideration is necessary.

- 3. Consideration is unique to the subject property and would not generally set an adverse precedent for other applications;**

Under the circumstances, the consideration is unique to the subject property and would not generally set an adverse precedent for other applications.

- 4. The hardship was not created by the applicant; and**

The hardship was not created by the applicant.

- 5. A variance would not be detrimental to any adjacent properties or to public health and safety.**

A variance would not be detrimental to any adjacent properties nor to public health and safety.

Waiver Request of Section 23-25(B):

In addition to the variance, the project's engineer, Baker and Lawson, submitted a letter requesting an exception to the City's requirement for a traffic impact analysis (TIA) for subdivisions of at least ten acres in size. Section Three of Heritage Park is approximately eleven acres. Pursuant to Section 23-25(B):

A TIA is required to be submitted at the time of platting or site plan review only for developments that exceed any thresholds described below. The city reserves the right to require a TIA for land developments that do not meet the threshold requirements but may impact a sensitive area with traffic issues or be a known public concern.

- 1. Development that generates more than 100 peak hour trips (PHT).*
- 2. Development that generates more than 5,000 vehicle trips per day (VTD).*

- 3. Development where more than 25.0 acres of property are involved. Minor subdivisions or low- intensity development on larger parcels do not require a TIA.*
- 4. Development that involve special traffic design considerations, such as oversized or slow-moving vehicles, that require special traffic geometry and traffic control needs.*
- 5. Development that would result in an amendment to the Angleton FTP.*
- 6. In-fill developments on properties greater than ten acres in area or where proposed streets will connect to and extend existing or proposed stub streets to ensure that the in-fill development will not adversely affect existing adjoining development.*

While the total number of lots for the two existing sections and the proposed section would not meet the trip generation requirements of Criteria 1 and 2; the proposed section does meet Criteria 6. Given that HDR is currently conducting a study of the Henderson Road corridor and the lack of a second access for this project, staff feels that a traffic study/traffic impact analysis is appropriate to determine what improvements (such as a left turn lane on Henderson Road or right turn lane on Henderson Road) are necessary to serve the project.

Finally, HDR noted a requirement for a temporary turnaround must be coordinated for the proposed street terminating in a cul-de-sac configuration, pursuant to Section 23-12 (G)3 of the Land Development Code – Streets and Driveways. The subject property has one boulevard entrance from Henderson Road to the south of the development. The single roadway into the subdivision, Heritage Park Drive, terminates to the north of the subject property and is surrounded by property owned by Angleton Independent School District to the north.

Corrections are necessary prior to the Final Plat submittal for Heritage Park Section Three as detailed in the City engineer's review letter. To appropriately address the variances requested, City staff needs additional detail addressed on the final plat when the application is made by the developer to include the following:

- 1) The plat should show a temporary right-of-way.
- 2) The plans should provide a temporary turn around at the end of Elm Court.
- 3) Reserve detention needs to be shown on the final plat.
- 4) Due to lack of secondary access to the subdivision and the upcoming Henderson Road project, a TIA or traffic study, as determined by the City's engineer, will be required for the final plat application.

The Planning and Zoning Commission met on January 6, 2022 and made a recommendation for approval with the variance to Section 23-11 of the Land Development Code but subject to the city engineer determination for a need of a traffic study or traffic impact analysis and correction of all comments provided by the city engineer. The motion passed unanimously with 7 members in favor, 0 opposed, and 0 abstained.

Subsequent to the Planning and Zoning meeting on January 6, 2022, staff became aware of a requirement noted on the recorded plat for Heritage Park Section 2 that provides a homeowners

association (HOA) will be created and be responsible for the maintenance of the development's green space and detention pond. To date, the Heritage Park HOA has not been adequately established to collect fees for the upkeep and maintenance of the areas assigned to the HOA. Presently, the wet-bottom detention pond is full of vegetation. Staff observed trees growing from the bottom of the pond that have surpassed the top elevation of the embankment in height.

Staff will require verification of an established, active HOA prior to recommending approval of the final plat for Heritage Park Section 3. Additionally, the city's engineer has recommended that the Developer for Section 3 provide verification by survey and engineering that the existing detention pond for Phase 1 & 2 is properly functioning and to provide any necessary maintenance (i.e. regrading) to the pond prior to construction of the Section 3 detention pond.

Heritage Park Section 2 Notes from Recorded Final Plat:

VICINITY MAP **KEY MAP #827-M**

NOTES:

1.) ALL DRAINAGE EASEMENTS & RESERVES SHOWN HEREON SHALL BE DEDICATED TO AND MAINTAINED BY THE HOME OWNERS ASSOCIATION AS STATED IN THE HERITAGE PARK COVENANTS SECTIONS 1.06 & 2.01 (FILE NO. 2004065826).

2.) ALL COMMON AREAS & FACILITIES SHALL BE MAINTAINED BY THE HOME OWNERS ASSOCIATION AS STATED IN THE HERITAGE PARK COVENANTS SECTIONS 1.06 & 2.01 (FILE NO. 2004065826), EXCLUDING THE LIFT STATION AND 30'x30' LIFT STATION EASEMENT. COMMON AREAS AND FACILITIES INCLUDE BUT ARE NOT LIMITED TO: THE GREEN BELT RESERVES 'A' & 'B' AS RECORDED IN HERITAGE PARK SUBDIVISION SECTION NO. 1 O.R.B.C. VOL. 24 PG. 203 AND DEEDED TO THE HOME OWNERS ASSOCIATION BY DEED FILE NO. 2010022289, WOOD FENCE ALONG HENDERSON RD., THE ENTRY FEATURE(S) TO THE HERITAGE PARK SUBDIVISION AND THE LAKE/DETENTION RESERVE FOR THE HERITAGE PARK DEVELOPMENT.

3.) EASEMENTS ARE HEREBY RESERVED AS SHOWN TO FACILITATE ROADWAYS, DRAINAGE AND INSTALLATION OF UTILITIES, INCLUDING BUT NOT LIMITED TO ELECTRICAL LINES, WASTE WATER DISPOSAL LINES, GAS AND WATER LINES. THERE IS ALSO A RESERVED TEN (10) FOOT STRIP CENTERED ALONG ALL TRACT LINES FOR A GENERAL DRAINAGE AND UTILITY EASEMENT.

4.) ALL BEARINGS AND COORDINATES SHOWN HEREON ARE GRID VALUES, REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE NO. 4204, NAD 83 (CORS 98, EPOCH 2002).

5.) ALL BOUNDARY CORNERS HAVE BEEN MARKED WITH 5/8" IRON RODS UNLESS OTHERWISE NOTED.

6.) LOTS 12 & 13 OF BLOCK 2 SHALL NOT DIRECTLY ACCESS HERITAGE PARK DRIVE AND SHALL ONLY ACCESS HERITAGE PARK CIRCLE.

Images of pond taken on 06 JAN 2022:



RECOMMENDATION:

Staff recommends approval of the preliminary plat for Heritage Park Section 3 Preliminary Plat and the variance of Section 23-11.(I), subject to the following conditions:

1. City Engineer comments are cleared with any final plat submittal.
2. Construction plans for Section 3 show a temporary turnaround at the end of Elm Court.
3. The detention reserve is noted as serving all three sections.

4. A TIA or traffic study, as determined by the City Engineer, is submitted for review and approval by the City Engineer prior to any final plat application for Section 3.
5. Provide verification of an established, active HOA prior to final plat application.
6. Provide verification by survey and engineering that the existing detention pond for Phase 1 & 2 is properly functioning and to provide any necessary maintenance (i.e. regrading) to the pond prior to construction of the Section 3 detention pond.

RECOMMENDED MOTION:

I move we recommend approval of Heritage Park Section 3 Preliminary Plat Preliminary Plat and the variance of Section 23-11.(l), subject to the following conditions:

1. City Engineer comments are cleared with any final plat submittal.
2. Construction plans for Section 3 show a temporary turnaround at the end of Elm Court.
3. The detention reserve is noted as serving all three sections.
4. A TIA or traffic study, as determined by the City Engineer, is submitted for review and approval by the City Engineer prior to any final plat application for Section 3.
5. Provide verification of an established, active HOA prior to final plat application.
6. Provide verification by survey and engineering that the existing detention pond for Phase 1 & 2 is properly functioning and to provide any necessary maintenance (i.e. regrading) to the pond prior to construction of the Section 3 detention pond.