



AGENDA ITEM SUMMARY FORM

MEETING DATE: May 24, 2022

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

AGENDA CONTENT: 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 (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 a recommendation for approval for the final plat for the Heritage Park Section Three subdivision. 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.

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.

In January 2022, a variance was granted to Section 23-11(I) of the Land Development Code which provides that subdivisions consisting of at least thirty lots must have a minimum of two points of vehicular access to an existing public right-of-way was granted.

The city engineer has provided a list of comments to be addressed in full, and several comments have already been addressed by the developer's engineer. Additionally, at the time of preparing this agenda item, the Angleton Fire Department had not reviewed the Elm Court turn radius at the terminating end of the street. The city engineer has requested AFD's review and approval.

Finally, in a review of prior phases of this project, staff became aware that the existing detention pond ("Reserve A," Phase 2) and common spaces within the subdivision are to be maintained by a homeowners' association and are presently not being managed by an HOA. As such, the existing

detention pond appears to be neglected, as trees and other vegetation have grown from the bottom of the pond.

On May 05, 2022, the Planning and Zoning Commission members voted to recommend approval of the proposed final plat for Section 3 of the Heritage Park subdivision, subject to clearing all city engineer comments and pending Angleton Fire Department's review and approval of the turn radii at the terminus of Elm Court (3 in favor/1 opposed/ 2absent – one member resigned).

Angleton Fire Department reviewed and approved the turn radius at the end of Elm Court.

UPDATE

On May 17, 2022, City staff met with developer Clint Peltier, Baker and Lawson, and Legal Counsel for Mr. Peltier to discuss the Homeowners' Association (HOA) at Heritage Park Section One. After hearing several complaints from Heritage Park residents after the preliminary plat went before Planning and Zoning and City Council earlier this year, staff and the City's engineer assessed the recommendation should be to recommend approval subject to the developer providing evidence to support a viable HOA and conducting a pond survey.

At the meeting, City staff learned that an HOA was filed in 2004, and the HOA Declaration of Covenants, Condition, and restrictions of Heritage Park Subdivision Section 1 provided that the developer cannot add additional to the subdivision after a period of 15 years. The developer's engineer suggested that an alternate name for the subdivision be created with a separate HOA. At the time of updating this item, an alternate name for Heritage Park Section 3 had not been provided to staff.

The ownership of the detention pond remains in question. The Brazoria County Appraisal District shows property ID 675057 as owned by Peltier Sebesta Investments, LLC., however, the Final (recorded) Plat for Section 2 of Heritage Park states:

"1) All drainage easements & reserves shown hereon shall be dedicated to and maintained by the Homeowners Association as stated in the Heritage Park covenants section 1.06 & 2.01 (File No. 2004065826).

2)All common areas & facilities shall be maintained by the homeowners association as stated in the Heritage Park Covenants Section 1.06 & 2.01, excluding the lift station and the 30' x 30' lift station easement. Common areas and facilities include but are not limited to: The section No. 1 O.R.B.C. Vol. 24 pg. 203 and deeded to the homeowners association by deed file No. 2010022289, wood fence along Henderson Rd., the entry features to the Heritage Park Subdivision and the lake/detention reserve for the Heritage Park Development."

It is unclear if the common areas and detention pond (Property ID 675057) were deeded and ownership transferred to the HOA. City has sought legal counsel's opinion.

With consideration to the additional information staff received regarding the possible ownership of the detention pond, common spaces, and deed restrictions excluding developer from adding additional lots to the Heritage Park subdivision, staff is willing to recommend approval subject to

the receipt of construction plans and plat that reflect no attachment to the Heritage Park subdivision and subdivision name change.

RECOMMENDATION:

Staff recommends conditional approval subject to the correcting all comments provided by the city engineer and the receipt of construction plans and plat that reflect no attachment to the Heritage Park subdivision or detention pond and subdivision name change.