



AGENDA ITEM SUMMARY FORM

MEETING DATE: April 25, 2023

PREPARED BY: Otis T. Spriggs AICP, Director of Development Services

AGENDA CONTENT: Discussion and possible action on the preliminary plat of Ashland Section 2 (Action Item tabled 4/11/2023)

AGENDA ITEM SECTION: Regular Agenda Item

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY. This item was tabled by City Council on April 11, 2023, due to concerns regarding the development agreement as it relates to lot size mix/percentages within the development agreement, and questions regarding Angleton Drainage District concerns on drainage.

This is a resubmittal (due to the addition of acreage) of Ashland Section 2 Preliminary Plat, which was approved by City Council on November 8, 2022 (4-2 vote) subject to the DA being approved. The subject property is located within the City of Angleton ETJ between SH 521 and SH 288 and north of SH 523. The draft development agreement is pending final approval by City Council which will establish standards for the Ashland Project. City Engineer comments are provided in the plat review attachment. The subject property consists of 21.5 acres and has 86 lots, 3 reserves and 3 blocks.

Pursuant to Section II County Regulatory Authority of the existing interlocal agreement between the City of Angleton and Brazoria County, the County shall have exclusive jurisdiction in the following matters: Subsection (b): Regulate the construction of any and all roads located within a subdivision of property that will be located within the City's ETJ, including but not limited to, planning, review, construction, bonding, inspection and acceptance of any newly constructed road or street. County authority shall also apply to the improvement, removal, relocation, or abandonment of any existing road or streets in City's ETJ. County's oversight of roads shall be performed using the most current and applicable construction standards adopted by County. For roads, the construction of which are governed by a development agreement between City and developer, County and City shall jointly coordinate and cross-reference construction standards to verify that the roads are constructed to meet or exceed County standards.

As the Council is aware, there is no zoning or land use control in the ETJ except for that allowed by the Texas Local Government Code. Those regulations that the LGC permits the City to extend into the ETJ are the subdivision regulations (Chapter 23 Land Development Code) and sign regulations. As such there is no City regulation of lot size, setbacks, maximum height, etc., except as detailed in a development agreement by City Council. Staff finds that the proposed section plat will comply with the proposed agreement as drafted.

A Traffic Impact Analysis has also been submitted and reviewed for the entirety of the project. That TIA will need to be considered by both TxDOT and Brazoria County for review and approval as well.

RECORD OF PROCEEDINGS: Planning and Zoning Commission Meeting held April 6, 2023

Mr. Spriggs presented the preliminary plat of Ashland Section 2. The City Engineer has reviewed the submitted Preliminary Plat, and listed (6) comments which have all been addressed by the applicant after the agenda posting. Staff has cleared all the noted comments.

Recommendation. The Planning Commission should approve the Preliminary Plat for Ashland Section 2 Plat and forward it to City Council for final action, subject to the final approval of the Development Agreement.

Motion was made by Commission Member Bonnie McDaniel to approve the proposed final plat and recommend it to the City Council for final action subject to final approval of the DA. Motion was **not** seconded.

Commission Action: Motion failed due to the lack of a second to the motion.

No vote.

STAFF REVIEW

The City Engineer has reviewed the submitted Preliminary Plat for Ashland Section 2, and listed (6) comments that were resubmitted and addressed by the applicant. Staff has cleared all comments.

Recommendation. The planning and zoning commission disapproved the preliminary plat due to failure of obtaining a second of the motion. Staff recommends that Council approves the Preliminary Plat for Ashland Section 2 for final consideration and appropriate action subject to the final approval of the Development Agreement.