



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 a Development Agreement (D.A.) for Ashland Development located north of Anchor Rd., East of FM521, and west of SH 288, ANGLETON, TEXAS, between the City of Angleton and ANCHOR HOLDINGS MP, LLC and WILDROCK HOLDINGS, LLC for approximately 879.9 acres of land located in the City's extraterritorial jurisdiction ("ETJ").

AGENDA ITEM SECTION: Regular Agenda

BUDGETED AMOUNT: \$0

FUNDS REQUESTED: \$0

FUND: N/A

EXECUTIVE SUMMARY:

The City of Angleton and Anchor Holdings MP, LLC seek to enter into a development agreement. The latest version of the agreement was received by the City on April 18, 2023 for final consideration before City Council.

Note that the Developer filed with the City a Petition to Extend the City's ETJ over the entire Tract. City approved and adopted Ordinance 20221213-022 on December 13, 2022 expanding the ETJ to include the entire tract/development.

The agreement establishes design standards for the construction (by the developer) of the Water/Wastewater/Drainage Services etc. As requested by Council, the developer has proposed the residential lot mix of lot by type as outlined below:

Lot Size (Width)/Product Type	Minimum Percentage of Lots	Potential Lot Quantity Totals
50-54 feet	10%, provided, however, not more than 50% of the number of lots will be within this lot size	1,242 lots (Maximum)
55-59 feet	10%	249 lots (Min.)
60+ feet (includes 60s,65s, 70s, 75s, 80s)	10%	249 lots (Min.)
Non-Traditional Homes	10%	249 lots (Min.)

Rental Communities. The Developer will not be allowed to create or allow "rental communities" within the district. A "rental community" shall mean any phase of the development comprised of residential single-family houses, where 10 % or more of the houses owned by corporate or business entities who own more than one house within said phase.

Parkland Dedication, Recreational Facilities, and Open Space: Senior leadership staff has reviewed the Parkland proposal as it relates to Section 23.20 of the City’s Development Code (the “Park Requirements”). The proposal as outlined in Exhibit F (attached) and as outlined below would not fully comply with the dedication requirements, had it been an inner-city development. In addition to what is proposed, staff recommends an additional fee in lieu be considered by the City Council.

As a deal point, which would need to be approved by Council, the Developer has agreed to dedicate a minimum of 250 acres of land to the MUD (which will ultimately be owned by the City after annexation) and will spend a minimum of \$5,045,000.00 on the development of improvements within those facilities in order to satisfy the Park Requirements. Any improvements within the 5-acre City Park will fully comply with the Park Requirements. Additionally counsel for the developer has suggested the Developer would consider a component of the agreement that a payment in the amount of \$250.00 to \$350.00 per house would be paid as a fee in lieu of park dedication, however, the latest draft received from the development group has no language to reflect this offer. An estimated amount to be collected would be calculated as follows: $2487 \times \$350.00 = \$870,450.00$.

PARK / GREENSPACE AREA MAP CHART		
AREA	DESCRIPTION	MAINTAINED BY
± 114.10 Acres	Wet Detention / Trail System	MUD / PUBLIC
± 5.10 Acres	Amenity Center Site	HOA / PRIVATE
± 10.40 Acres	City Park / Greenspace	PUBLIC
± 48.10 Acres	Trail System / Greenspace	MUD / PUBLIC
± 16.10 Acres	Natural Stream / Greenspace	MUD / PUBLIC
± 1.30 Acres	Park	MUD / PUBLIC
± 0.50 Acres	Park	MUD / PUBLIC
± 1.0 Acres	Park	MUD / PUBLIC
± 2.70 Acres	Park	MUD / PUBLIC
± 1.20 Acres	Park	MUD / PUBLIC
± 1.10 Acres	Park	MUD / PUBLIC
± 47.10 Acres	Nature Preserve	MUD / PUBLIC
TOTAL ACRES: ± 248.70 ACRES		

Other Site Dedication for City Facilities include:

- (a) A parcel not less than 2 acres for a future water plant or elevated storage tank site.
- (b) A 1.5 acre parcel in size for a fire station, at a mutually agreeable location to the Developer and the City or fire protection entity
- (c) A parcel not less than 0.1-acre along SH 288 for a City of Angleton welcome sign.

Architectural Design Standards and Guidelines:

Single-family homes within the Tract shall be developed with 100 % masonry on the front façade and 75% of the side facades with the remainder as secondary exterior finishes that prohibit vinyl siding and EIFS (Exterior Insulated Finish Systems). Photo examples are provided below.



Active Adult Single Family



PATIO HOME EXAMPLE



DETACHED TOWNHOME EXAMPLE



ATTACHED TOWNHOME EXAMPLE



SCHOOL EXAMPLE



SCHOOL MAIN ENTRY

Commercial uses/buildings shall be subject to a submitted and approved **master commercial exterior building material and architectural guidelines** forwarded to the City for review and comment. Thereafter, the Developer will include such architectural guidelines in its deed restrictions to be enforced by the Developer or HOA. Upon request, the HOA or Developer will certify to the City that each commercial building conforms to the Commercial Guidelines (Photo examples are above). Note that the City does not have permit oversight in this (ETJ) arrangement.

Signage. The community monument signage is illustrated on **Exhibit H**. Within 45 days from the Effective Date, the Developer will submit to the City for approval a master signage plan for the Tract that includes community monument signs, wayfinding signs, commercial signs, community advertising signs on SH 288, and may include any other type of sign within the community that the City and the Developer wish to include.

Site Plans: Per the development agreement, the director of Building Services is afforded review and approval capability for site plan and public improvements on any private amenity or facility comprised of one or more buildings (such as a private recreation/swimming facility, clubhouse, etc. or, a golf course; and/or gated (restricted access) entrance into the development. In these instances, site plan submission and approval will be required for those. Site plan submission and approval by the City of Angleton Development Services Director shall be in accordance with subsection 23-88 or the City Ordinances.

Road Facility Construction (Exhibits I & I-1): As presented previously before City Council, road facility types will be constructed as follows:

- **East/West Major Thoroughfare** (will be built to county standard and maintained by the County).
- **Collector roads** will be built to the County Standards (Wider pavement, deeper subgrade) but will be maintained by the MUD with Landscape reserves on each side of the right of way.
- **Local Streets** (Internal) Developer increased from 6" subgrade to an 8" subgrade. MUD maintained.

SH288 Frontage Road Improvements/ and Future Angleton Town Center Development:

The Developer agrees it will not develop the portion of the Tract shown on **Exhibit D** ("Commercial Tract") with residential development, without the City's consent, for a period of up to four (4) years from the Start Date as follows:

- (a) The Developer will not develop the Commercial Tract as residential within the first 2 years from the Start Date if the Developer and the City secure an agreement with TxDOT and the County within that time for the development and funding of these frontage roads.
- (b) If such an agreement is approved within the 2-year period, the Developer will not develop the Commercial Tracts for residential if a contract for the construction of the frontage roads is awarded and notice to proceed issued within 2 years from the approval of the agreement described in subsection (a).

Developer agrees to pay for the preliminary engineering and financial plan necessary to initiate negotiations with the County and the Texas Department of Transportation ("TxDOT"). Developer will dedicate any additional right of way for the frontage road that Developer owns without cost to TxDOT or the City. For purposes of this provision of the Agreement, "Start Date" means the date notice to proceed is issued for the first contract for public infrastructure within the Tract.

Note that a Strategic Partnership Agreement ("SPA Agreement") will be finalized and presented to city council for approval. As a component of the Development Agreement, the City and the Brazoria County Municipal Utility District No. 82 will execute the SPA Agreement that will allow limited purpose annexation

of the commercial property as permitted by the Texas Water Code wherein the City will be able to collect sales and use tax.

RECOMMENDATION:

Staff recommends that Council discusses and executes the proposed development agreement between City of Angleton and ANCHOR HOLDINGS MP, LLC and WILDROCK HOLDINGS, LLC for Ashland Development with the noted necessary revisions, and upon final legal review and approval.