



## AGENDA ITEM SUMMARY FORM

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**MEETING DATE:** September 27, 2022

**PREPARED BY:** Walter E. Reeves, Jr, AICP, Director of Development Services

**AGENDA CONTENT:** Discussion and possible action on the preliminary plat of Ashland Section 1

**AGENDA ITEM SECTION:** Consent Agenda

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**BUDGETED AMOUNT:** N/A **FUNDS REQUESTED:** N/A

**FUND:** N/A

**EXECUTIVE SUMMARY.** This is a request for approval of the Ashland Section 1 Preliminary Plat (Attachment 1). The subject property is located within the City of Angleton ETJ between SH 521 and SH 288 and north of SH 523. No development agreement is in place to establish standards for the Ashland Project. City Engineer comments are provided in Attachment 2. The subject property consists of 21.5 acres and has 77 60' X 120' lots.

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.

Further, the developer is proposing a dedication statement that reads as follows: "Fees in lieu of parkland dedication will be paid upon approval of the corresponding final plat. The improvement value of private parks shall be applied as credit to the fees-in-lieu of parkland dedication. Please see included Parks Plan and Parks Phasing Plan for how these fees and credits shall apply to the Ashland Development." Given the lack of a development agreement that details parkland dedication and improvements, or parkland improvements for privately

developed and maintained parks, it would be premature to agree to allow such a statement to be inserted into any required dedication statement or plat note.

As the Commission 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.

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

At the time of preparation of this agenda summary, no response to comments had been received.

**Action taken by the planning and zoning commission.** The planning and zoning commission voted to approve this application conditioned on staff comments and provided the details of this project can be ironed out possibly through the execution of a development agreement as mentioned in the concept plan for the project.

**Recommendation.** The planning and zoning commission forwarded this application to the city council for consideration and appropriate action.