



AGENDA ITEM SUMMARY FORM

MEETING DATE: September 1, 2022

PREPARED BY: Walter E. Reeves jr., AICP, Development Services Director

AGENDA CONTENT: Discussion and possible action on a proposed concept plan for property located in the City's ETJ on the east side of future Gifford Road north of CR 220.

AGENDA ITEM SECTION: Regular Agenda

BUDGETED AMOUNT: None **FUNDS REQUESTED:** None

FUND: None

EXECUTIVE SUMMARY:

Section 23-104.B.3 allows any person desiring to subdivide or develop land to submit a concept plan, master plan, or land study to obtain limited vesting rights to proceed with development applications in accordance with the specific conditions of approval of the plan that is approved by the city. To that end, a possible developer of property located on the east side of future Gifford Road north CR 220 (Attachment 1) has made such a submission in order to determine whether or not to go forward with a proposed development (Attachment 2).

The plan consists of the following:

1. A 110-lot single family residential development on an approximate 170.9 acres in the City's ETJ having a density of 0.64 dwelling units per acre,
2. Approximately 2.3 acres of "park" area,
3. Two existing pipeline easements,
4. Detention; and
5. Construction of ½ of future Gifford Road and all of a north/south major collector street, as designated on both the Brazoria County Thoroughfare Map and the City of Angleton Mobility Plan, through the property.

Attachment 3 depicts water and sewer service that can be extended to the property. The developer has submitted three (3) "variances" (Attachment 4) to go along with the concept plan for consideration and recommendation by the Commission. The first "variance" involving the use of bar ditches for drainage is not a "variance" as the project has a density of less than one (1) dwelling unit per acre and is allowed to use bar ditches under Section 23-12.J.4. As the City Engineer comments note (Attachment 4), there are additional criteria that must be met through

the construction plan review process to determine the applicability of bar ditches. No action is required, nor should be taken, on this “variance.”

The second “variance” is 23-15.B.2 which states; “It shall be the policy of the city council to require that all developments located within the city and its ETJ to request city water and sanitary sewer service.” The developer wishes to install septic systems rather than connect to the City sewer service. The nearest sewer connection point is a manhole located at the old end of Shanks Road and is approximately ½ mile from the property. As the City Engineer notes, there are criteria in Section 23-15.D.2.a regarding the use of Onsite Sewerage Facilities (OSSF). Only one (1) of those criteria need be met to allow use of OSSF. Pursuant to Section 23-15.D.2.a.iii no existing or proposed sanitary sewer line is available within 200 feet of the property. As a result, septic systems can be used to provide sanitary sewerage for the lots within this project provided that Brazoria County will issue a septic permit for each of the proposed lots within the proposed project.

However, this raises a parallel question for the Commission to decide upon. The City has approximately 1,400 Equivalent Service Units (ESU – equivalent to the water use of one single family residence) pending completion of some system improvements in the water system. Staff has been consistently informing developers during meetings that the City will not provide water and sewer services to properties outside the city limits due to the ongoing water capacity issue and due to area specific capacity issues in the sewer system. The developer of this project intends to connect to the city water service. Does the City wish those ESU's of capacity to be used in a low density, large lot subdivision outside of the city limits?

Finally, the third “variance” is to neither construct the major collector level street designated on both the City’s Mobility Plan and the County Thoroughfare Map nor to dedicate the right-of-way for said street through the eastern third of the property. The reasoning amounts to the “it’s a road to nowhere” argument, as there is no existing street to connect with north of the property. The normal process to forgo these requirements of the Land Development Code would be to amend the Mobility Plan to either redesignate the proposed road to a lower roadway classification or to remove it in its entirety from the Mobility Plan. At this point it is premature to consider this “variance” request. The developer has submitted a technical memo (Attachment 6) identifying that a Traffic Impact Analysis (TIA) is required for this project. Any TIA could be scoped to also consider and analyze the appropriateness of maintaining the proposed major collector road on the Mobility Plan.

RECOMMENDATION:

Staff recommends approval of the proposed Concept Plan subject to the following conditions:

1. That the developer submits a voluntary annexation petition to connect to the City of Angleton water service.
2. That OSSF would be permitted within the project subject to Brazoria County issuing an individual septic permit for each lot. Said permit to be provided with any building permit application for any lot within the proposed subdivision.
3. That the scope of any Traffic Impact Analysis for the project include analysis and consideration of the appropriateness of the current major collector street in the eastern third of the property identified on the Mobility Plan.

SUGGESTED MOTION:

I move we recommend approval of the proposed Concept Plan subject to the following conditions:

1. That the developer submits a voluntary annexation petition to connect to the City of Angleton water service.
2. That OSSF would be permitted within the project subject to Brazoria County issuing an individual septic permit for each lot. Said permit to be provided with any building permit application for any lot within the proposed subdivision.
3. That the scope of any Traffic Impact Analysis for the project include analysis and consideration of the appropriateness of the current major collector street in the eastern third of the property identified on the Mobility Plan.