



AGENDA ITEM SUMMARY FORM

MEETING DATE: February 13, 2024

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

AGENDA CONTENT: Discussion and possible action on the Development Agreement for Anderson Place Subdivision between Mr. Bobby A. Weaver and the City of Angleton, for a 16-lot subdivision located on the east side of S. Anderson Street, between Southside Dr. and Cemetery Rd.

AGENDA ITEM SECTION: Regular Agenda

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

FUND: None

EXECUTIVE SUMMARY:

The subject property consists of 4.8764 acres that was platted into 16 lots in October 2019 (final plat (Exhibit B) was recorded on February 13, 2020). While the plat is for 18 lots, Lots 2 and 12 both have/had existing houses under other ownership. The TPP applies only to Lots 1, 3-11, and 13-18. **Parts of the subject property were once used as a pecan orchard.**

The property was previously platted as noted, having a former executed Development Agreement established with the City by a different developer- Waterstone Development Group LLC on December 10, 2019. The land never sold to Waterstone as planned and provisioned escrow deposit was refunded back to the previous developer.

The proposed agreement outlines the various protections that give assurance that the developer will complete the proposed subdivision in accordance with the requirement in-place for the City.

Details regarding Parkland Dedication, adjusted Capacity Acquisition Fees (CAF fees/Exhibit C) for sewer and water (with credits noted in Exhibit D) have all been verified updated and coordinated within the D.A. Because there are no common areas in this 16 lot configuration, the Developer will not create an HOA, but has drafted Subdivision Deed Covenants as included in "Exhibit G", to be filed and recorded with Brazoria County.

Pursuant to Chapter 23 Land Development Code, Section 23-60, a Heritage Tree Survey/Tree Preservation Plan (TPP) is required as part of the development process.

If design solutions are not available to preserve heritage trees, the developer shall be required to determine the collective caliper of the heritage trees proposed to be removed and multiply that figure by three, to determine the aggregate amount of tree caliper that must be provided to replace removed

heritage trees. Heritage trees may be replaced with another heritage tree or a tree on the significant tree species classified list. This requirement can be satisfied with the planting of many trees, a few trees, or one tree; provided that the aggregate replacement caliper is equal the existing aggregate proposed to be replaced times three.

Since the last discussion of the Heritage Tree requirements on August 24, 2021, the current owner and developer has hired an arborist to evaluate and analyze the tree inventory and a new plan (Exhibit F attached) has been presented depicting a number of the damaged trees which could not be saved and would thus fall under the code provision, Section 23-60 Heritage Tree Protection, Section E. 4.

E. Exceptions. The requirements of this section shall not be applicable when:

4. Damaged or diseased trees that are beyond the point of recovery, in danger of falling, or endangering public health, welfare, property, or safety; ...

RECOMMENDATION:

Staff recommends approval of the Anderson Place Development Agreement as presented, subject to final approval by the City Attorney. project.