



## CITY COUNCIL AGENDA SUMMARY/ REPORT

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**MEETING DATE:** November 8, 2022

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

**AGENDA CONTENT:** Discussion and possible action on the Ashland Section 2, Preliminary Plat

**AGENDA ITEM SECTION:** Regular 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 2 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 15.5 acres and has 67 (50' X 120' lots) including 3 reserves in 3 blocks.

Note that this request was inadvertently mis-titled on the September 1, 2022 agenda during the Planning and Zoning Commission regular session, and had to be resubmitted for this agenda.

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.

The Concept Plan and Parks Plan and Parks Phasing Plan was submitted before the Planning and Zoning Commission on the September 1, 2022 agenda. The City Council has approved the Preliminary Plats forwarded by the P&Z Commission, subject to the approval of the development agreement, pending final development and approval which will address the details of parkland dedication and improvements, or parkland improvements for privately developed and maintained parks, signage and design standards, etc. Further, the developer is proposing a dedication

statement that reads as follows on the preliminary plats submitted including Section 2: "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. This statement should be removed.

As the Commission and City Council are 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 staff report, no response to comments had been received.

**Action taken by the planning and zoning commission.** The planning and zoning commission voted to deny this plat application, (3-2 vote), and forwards the plat to Council for final consideration.

**Recommendation.** Council should review and consider approval of the preliminary plat subject to the Engineer's comments, and final approval of the development agreement for the Ashland Development.