

August 4, 2023

Mr. Otis Spriggs
Development Services Director
121 S. Velasco Street,
Angleton, TX, 77515

Re: WINDROSE GREEN SECTION 5

Dear Otis,

On behalf of Emptor Angleton, we, Meta Planning + Design LLC, respectfully submit our response to the Results Letter dated July 31, 2023, regarding City Council's disapproval of the above referenced plat at the July 25, 2023, meeting.

In accordance with the process laid out in Texas Local Government Code (TX LGC) Chapter 212 for disapproval of plats, we have reviewed the reasons for disapproval in the Results Letter and offer the following responses:

1 (A) Missing dimensions on the preliminary plat were called out.

Response: Angleton's ordinance Sections 23-94 and 23-117 and Appendix A list the requirements for preliminary plat form and content. No specific line or item in these sections identifies dimension requirements for preliminary plats, other than the plat boundary. The plat has been labeled and dimensioned to the extent that is expected for preliminary plats, which is sufficient and adequate for the plat to be reviewed by staff. Any labeling or dimension clarification requested by staff during review was addressed, and staff did not issue any additional comments on deficiency of dimensions prior to the City Council meeting. Furthermore, this format matches Section 4 which was approved by City Council on July 25, 2023, and this format also matches that of previously approved preliminary plats in Windrose Green. No specific missing dimensions were called out in the City Council meeting, only a general dissatisfaction with the level of detail, and no reference has been made in the Results Letter to any specific dimensions or labels that are missing and that would be required by cited applicable regulations. This reason would be classified as "arbitrary" under TX LGC Ch. 212, is not based on any municipal ordinance, and does not comply with TX LGC Ch. 212.

1 (B) Contour lines are shown on the proposed preliminary plat and should be removed for clarity and readability.

Response: Contour lines are required by ordinance in Section 23-117-B-7, and were added to the plat in response to comments received during plat review per that regulation. That plat was resubmitted with contour lines to come into compliance with that comment, and staff did not issue any further comments on the contour lines or their general clarity on the face of the plat prior to the City Council meeting. Graphical clarity on a preliminary plat is an arbitrary judgement and is subject to interpretation, is contrary to the actual requirements, and does not comply with TX LGC Ch. 212. Acknowledging contours are required per the above mentioned section of the City of Angleton's ordinances, the Final Plat for Windrose Green Section 5 will omit showing contours if it would please City Council and provide a clearer understanding of the proposed section linework.

2) Diversity is lacking on the lot mix (lot size and width) in this section.

Response: The City of Angleton has no regulation or municipal ordinance requiring or defining diversity of lot size and width within platted subdivisions; therefore, the reason for disapproval would be considered arbitrary under TX LGC Ch. 212. Angleton's regulations in Section 23-11 regarding lot and block standards do not contain any requirements or standards for diversity of lot size or width. The Development Agreement (DA) does not establish any requirement for diversity, variety, or mixture of lot sizes, either within individual sections or the overall project and, on the contrary, the DA reserves to the developer the authority to decide the specific residential products provided in the project, subject to the minimums otherwise set out in the DA. The minimum lot width allowed within the development agreement is a 40' lot and the Developer has submitted numerous plats to the City for Windrose Green demonstrating their desire to provide a diversity of product sizes as part of their master



planned community in an effort to better meet existing and future market demands for residential homebuyers in the City of Angleton. Diversity in lot size throughout Windrose Green is seen in the square footage of products- the lot square footage ranges from 4,800 square feet to 15,305 square feet. Since diversity is not a requirement in either the City's regulations or the DA, the perceived lack of diversity cannot be held as a reason for denial of the plat. Furthermore, Windrose Green Section 4, which was approved by City Council in the same meeting, has no such diversity since all lots in that section are the same typical width at the building line. The subject plat of Windrose Green Section 5 has two typical lot widths. We contend with the disapproval of this plat, believing the reason is arbitrary, not based on any actual requirements, and therefore, does not comply with TX LGC Ch. 212.

We look forward to your response.

Sincerely,

Jennifer Curtis
Senior Planner

CC: Chris Whittaker, City Manager
Judith ElMasri, City Attorney
John Peterson, HDR/ City Engineer
Caitlin King, Planner, META Planning + Design