



# AGENDA ITEM SUMMARY FORM

**MEETING DATE:** August 22, 2023

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

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

**AGENDA ITEM SECTION:** Regular Agenda

**BUDGETED AMOUNT:** N/A

**FUNDS REQUESTED:** N/A

**FUND:** N/A

**EXECUTIVE SUMMARY.** This is a request for approval of the revision of 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 17.02 acres and has **58, 60' X 120' lots**, Four Reserves in Three Blocks.

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.

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 and the executed development agreement. 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.

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## RECORD OF PROCEEDINGS: PLANNING AND ZONING COMMISSION MEETING

ANGUST 3, 2023

### ROLL CALL:

#### Present were:

Chair William Garwood, Commission Member Deborah Spoor, Commission Member Michelle Townsend, Commission Member Henry Munson, and Commission Member Regina Bieri.

#### Absent were:

Commission Member Ellen Eby, Commission Member Shawn Hogan.

#### 1. **Approval of the July 6, 2023 minutes for the Planning and Zoning Commission meeting.**

Motion was made by Commission Member Henry Munson; Seconded by Commission Member Deborah Spoor.

Action: (5-0 Aye-Vote), The minutes were **unanimously approved**.

### REGULAR AGENDA

#### Agenda Item #5:

Ms. Kandice Haseloff-Bunker, Development Coordinator presented the Staff Summary findings noting that this is a proposed 17.02-acre section within the Ashland Development, which will have 58 lots that are 60 foot, within the ETJ, where the city doesn't have zoning but it falls under an executed development agreement with the city, where they agreed that to have a minimum percentage of 10% of this lot category (60 foot lots); which is in compliance with the development agreement.

The City Engineer has reviewed and cleared all the comments and we are staff is recommending approval.

The concept plan was displayed showing Section 1.

Chair Bill Garwood recognized Mr. David Spoor, Chairman of Angleton Drainage District who gave comments: We have an agreement with the city that all drainage project and new development supposed to come in from the drainage district and be approved, but we do not have an agreement with the Developer now. We're working with the developer and they're good to work with, but we do not have any approval for their drainage, which is outside it of our district, but they still have to drain into our ditch.

DS Director Otis Spriggs added that the SPA, Strategic Partnership Agreement is another agreement that was a result of the approved development agreement. The development agreement is the guiding document for the public improvements and any plans and plats

that have been approved are subject to the stipulations of the development agreement or any other agency have jurisdiction such as TxDot, Brazoria County Drainage, etc.

DS Director Otis Spriggs stated that for the purposes of the recommendation, we're asking for a positive recommendation of the preliminary plats, subject to any outstanding comments by the city engineer and any agency approvals having jurisdiction such as TxDot, the Angleton Drainage District, Brazoria County Drainage.

Mr. David Spoor added that what we're really fighting now is time, and once this is approved, we got "X" number of days to get this worked or it is automatically approved.

DS Director Otis Spriggs agreed on the 30-day time clock requirements and added that for all of the previously approved plats approved a month ago, the applicant signed a 30 day waiver letter waiving the limitation. This can be offered by the applicant when the time to review is expected to take longer. That would protect the City from any automatic approvals.

Commission Member Michelle Townsend asked about the differences in the Concept Plan presented.

DS Director Otis Spriggs explained that as part of Sections 1 &2, there is a decrease in the number of lots.

Ms. Caitlin King, META, confirmed yes, noting that there were further market studies in a few areas which were identified as good places for commercial such as Section 1 were a small chunk is removed for future commercial development; those are separated out because commercial tends to lag behind the residential.

**Commission Action:**

Commission Member Michelle Townsend made a motion to approve the proposed Ashland Section 1 Preliminary Plat, subject to an agreement and approval with the Angleton Drainage District and any other agency have jurisdiction over this plat, and we forward it to the City Council for final consideration and action, as they deem appropriate. Motion was seconded by Commission Member Regina Bieri.

**Roll Call Vote:** Chair William Garwood- Aye, Commission Member Deborah Spoor- Aye, Commission Member Michelle Townsend- Aye; and Commission Member Henry Munson- Aye; Commission Member Regina Bieri- Aye.

**Action: (5-0 Vote): Section 1 Preliminary Plat was approved unanimously.**

Note that the Development Agreement has been executed with the City for this development. Per the executed Development Agreement (6/6/2023), the developer may develop the residential sections to any residential lot size without limitation subject to the terms of and lot sizes set out below. The developer has agreed to develop traditional single-family lots in at least three different lot sizes as set out in the table below, and the lot sizes for traditional single-family homes will not include any lot size smaller than fifty (50) feet. The developer will also develop lots for Non-Traditional Homes to provide an additional mix of product types within the community, for which the fifty (50) foot lot minimum does not apply. The developer agrees that the mix of housing product at ultimate build out will meet the following:

Lot Size/Product Type	Minimum Percentage of Lots
50-54 feet	10%, provided, however, not more than 50% of the number of lots will be within this lot size
55-59 feet	10%
60+ feet (includes 60s,65s, 70s, 75s, 80s)	10%
Non-Traditional Homes	10%

**Staff concludes that Section 1 complies with the executed development approved percentages on lot mixes.**

The City Engineer has reviewed the plat and submitted textual comments which have all been cleared by the applicant in the plat attachments.

**Recommendation.** The planning and zoning commission and staff recommend approval of the proposed Section 1, Preliminary Plat and forwards this application to city council for final consideration and appropriate action.