



AGENDA ITEM SUMMARY FORM

MEETING DATE: April 13, 2021

PREPARED BY: Lindsay Koskiniemi, Assistant Director of Development Services

AGENDA CONTENT: Waterstone Development Request for Credit Toward Parkland Dedication Fees for Kiber Reserve Pond

AGENDA ITEM SECTION: Regular Agenda

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

Waterstone Development Group is in the process of developing the Kiber Reserve subdivision located between Kiber Street and Orange Street and east of South Downing Street. The subdivision will be comprised of 93 lots and will be constructed in two phases.

The developer claimed the former city manager requested the developer to construct a wet bottom pond with a fountain feature, additions to the original scope of the project that initially included a dry bottom pond that increased the project cost by \$70,614 (Additional dirt work: \$50,194, provision of pond swales \$4,920, and fountain feature \$ 15,500). Inclusion of a detention pond and swales was necessary to provide adequate drainage for the subdivision regardless of the depth of the pond.

On March 30, 2021, City Council held a special meeting to hear developer requests for fee waivers and find resolution on development matters so as to enter into development agreements on a number of active development projects. Mr. Von Schmidt stated he has no written evidence to support his claim the former city manager's requested changes to the Kiber Reserve project and made a request to city council on March 30, 2021 for a credit toward parkland dedication fees-in-lieu for the pond upgrades.

At \$575.00 per lot, the total cost of parkland dedication fees-in-lieu is \$53,475.00. Council indicated credit for the fountain feature (Valued at \$9,239.00; see Eagle Fountain Works proposal) may be considered. City staff does not have the authority to approve fee waivers. Requests must be made to City Council, and consideration of approval of fee waivers, credits, or other concessions are at the discretion of Council.

The total requested credit exceeds parkland dedication by \$17,139. Parkland dedication or fees-in-lieu are required by Chapter 23 of the City's Code of Ordinances since 2018 for all

developments. Additionally, the Code provides detention ponds are not acceptable as for parkland dedication.

The City requested the developer's design consultant, Baker and Lawson, provide the City with confirmation of payment in the amount of \$70,614 as well as original pond plans. As of April 7, 2021, the City has received neither proof of payment or original plans from the developer or the developer's consultant. Attachments for this item include: 1) request for credit, 2) civil plans that disclose specifications for the pond, 3) dirt work schedule of items, 4) lighted fountain package proposal from Eagle Fountain Works.

RECOMMENDATION:

City staff recommends payment of parkland dedication fees-in-lieu consistent with the City of Angleton Code of Ordinances.