



## AGENDA ITEM SUMMARY FORM

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**MEETING DATE:** September 26, 2023

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

**AGENDA CONTENT:** Discussion and possible action on Ashland Section Four Preliminary Plat

**AGENDA ITEM SECTION:** Regular Agenda Item.

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

**FUND:** None

### EXECUTIVE SUMMARY:

An application for approval of the Preliminary Plat of Ashland Section 4 has been submitted and reviewed by staff. (Attachment 1). A development agreement is in place to establish standards for the Ashland Project. The subject property is 19.38 acres located within the City of Angleton ETJ between SH 521 and SH 288 and north of SH 523, for 88 lots, 5 blocks, 6 reserves. The reserve land use is restricted for school and related uses. The City Engineer comments have been provided (Attachment 2).

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 Council 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.

A Traffic Impact Analysis has also been submitted and reviewed for the entirety of the project. That TIA has been submitted to both TxDOT and Brazoria County for review and approval as well.

## **Planning and Engineering Review:**

Note that the Development Agreement has been executed with the City for this development. Per the executed Development Agreement (6/6/2023). Staff has verified that Section 4 complies with the executed development approved percentages on lot mixes.

The City Engineer has reviewed the preliminary plat for the above referenced subdivision and has cleared the textual comments on the first review. The responses to the comments have been submitted and addressed by the applicant prior to this agenda posting. A no objection letter is attached with the referral agencies condition.

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*Record of Proceedings Planning and Zoning Commission Meeting*

**TUESDAY, SEPTEMBER 19, 2023, AT 12:00 P.M.,**

### **ROLL CALL:**

**Present were:** Deborah Spoor, Ellen Eby, Michelle Townsend, and Henry Munson (presiding)

**Absent were:** Shawn Hogan, Regina Bieri, and William Garwood.

### **5. Discussion and possible action on Ashland Section Four Preliminary Plat**

D.S. Director Otis Spriggs presented the item before the commission noting that the Section 4 preliminary plat request is very similar in nature with the 50' and 55' products, 88 lots, six reserves and five blocks.

Commission Member Michelle Townsend asked where we are on the mix with this plat submission. Mr. Spriggs clarified that we would need to have an average of 240 lots in the various categories to exceed 10%. Staff will continue to track the lot mix. Mr. Spriggs stated that staff has the same recommendation as before on the Section 4 Preliminary Plat.

### **Commission Action:**

Commission Member Michelle Townsend made a motion to approve the Ashland Section 4 Preliminary Plat with the noted conditions of the City Engineers final approval and the final approval of the referral agencies; the motion was seconded by Commission Member Henry Munson.

**Roll Call Vote:** Commission Member Henry Munson- Aye; Commission Member Michelle Townsend- Aye; Commission Member Ellen Eby- Nay; Commission Member Deborah Spoor- Nay; **Vote was 2-2**, the Section 4 Preliminary Plat was denied.

### **RECOMMENDATION:**

The Planning and Zoning Commission voted 2-2, to deny the application for the Preliminary Plat for Ashland Section 4. Staff recommends approval by City Council based on the findings and corrections cleared on the subject plat deficiencies, subject to final referral agency approvals and final sign-off by the City Engineer.