



## Legislation Text

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**File #:** 22-4738, **Version:** 1

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Consideration - Consideration of a Rough Proportionality Appeal for the Exaction Requirement of Fifty Percent of the Construction Cost of Howell Road Related to the Birdsong Addition, Phase II Development

Consideration of the Rough Proportionality Appeal.

Denial of the Rough Proportionality Appeal.

A development application for Birdsong Addition, Phase II, was submitted in April 2021. As part of this final plat, an exaction is being required for the funding of fifty percent of the cost of the construction of Howell Road, the proposed east-west collector on the north side of the development, within the limits of the development's frontage along the roadway (see exhibits).

For the surrounding roadways to function as modeled in the city's thoroughfare plan, the collector roadway is necessary for adequate access and circulation to and around this development, improved circulation east and west between this development and FM 917, and access to two future school sites on the north side of Howell. Without this roadway, there would be excessive through traffic volumes on residential roadways fronted by homes in both Birdsong and M3 Ranch on the north side of the roadway. It is also estimated that most of the traffic volume on this roadway will be from this development as well as M3 Ranch. Through-movements for this segment of roadway will be insignificant. Similarly, M3 Ranch will have the same requirement when a development application is made that will require the roadway for adequate access in this area. Additionally, staff has received input from the city attorney concerning the exaction.

It is staff's opinion that, in accordance with the subdivision ordinance, the exaction requirement being imposed is roughly proportionate to the impact and demand created on Howell Rd. by the Birdsong Addition, Phase II development. Also in accordance with the subdivision ordinance, a letter of appeal was sent to staff on June 2, 2022, with updated traffic impact analysis information, requesting a formal appeal (see attached). Although the calculated traffic volumes for the development are far lower than the capacity of the roadway, that is not the basis for the exaction. Based on staff's opinion that the roadway is necessary for adequate access and circulation to and around the subdivision, the required costs are not eligible for Roadway Impact Fee credit as requested in the letter of appeal.

In staff's opinion, fifty percent of the construction cost of Howell Road is considered roughly proportionate to the impact and demand created on Howell Rd. by the Birdsong Addition, Phase II development.

The Asst. Director of Public Works - City Engineer will be in attendance at the meeting to answer Council's questions regarding the consideration.

None

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