



City Council Agenda Item Summary Report

Meeting Date: October 19, 2021

Submitted by: Jon Thatcher, City Attorney

Consent

Public Hearing

Action Item X

Item Title: Consideration of an appeal to the City's Parkland Dedication determination associated with Windmill Farms Preliminary and Final Plats, Phases 4D-2 and 4D-3, in accordance with Section 212.904 of the Texas Local Government Code.

Summary Statement

This item was deferred from September 21, 2021 at the request of the applicant.

Windmill Farms has submitted residential preliminary and final plats for phases 4D-2 and 4D-3. The number of residential units in each phase totals 535 lots. In accordance with the City of Forney Parkland Dedication Ordinance, the development is responsible for dedicating a calculated number of acres for parkland, or pay fees in lieu of the dedication. Additionally, the development is required to pay park development fees.

On August 5, 2021, the Planning and Zoning Commission denied the plats on the basis that the development did not account for the parkland dedication requirements. Representatives for the development have appealed the City's determination of the apportionment to the City Council under Section 212.904 of the Texas Local Government Code.

At the appeal, the developer may present evidence and testimony to be considered by the City Council. The City Council shall make the applicable determination within 30 days following the final submission of any testimony or evidence by the developer.