

CITY OF COLLEGE STATION
*Home of Texas A&M University**

**Planning & Zoning
Commission**
April 19, 2012
City Hall
1101 Texas Avenue,
College Station, Texas

Workshop Meeting 6:30 PM
Regular Meeting 7:00 PM
Council Chambers



AGENDA
PLANNING & ZONING COMMISSION
WORKSHOP MEETING
APRIL 19, 2012, AT 6:30 PM
CITY HALL COUNCIL CHAMBERS
1101 TEXAS AVENUE
COLLEGE STATION, TEXAS

1. Call the meeting to order.
2. Discussion of consent and regular agenda items.
3. Discussion of Minor and Amending Plats approved by Staff.
 - Final Plat ~ Amending Plat ~ University Oaks Section 2 Block 2 Lots 14, 15R1, 16R1, 24R1 & 24R2
4. Presentation, possible action, and discussion regarding the status of items within the 2012 P&Z Plan of Work (see attached). **(JS)**
5. Presentation, possible action, and discussion regarding the Lick Creek Greenway Trail. **(VG)**
6. Presentation, possible action, and discussion regarding the P&Z Calendar of Upcoming Meetings.
 - April 25, 2012 ~ Joint Task Force on Neighborhood Parking Issues ~ 5:30 p.m.
 - April 26, 2012 ~ City Council Meeting ~ Council Chambers ~ Workshop 3:00 p.m. and Regular 7:00 p.m.
 - May 3, 2012 ~ P&Z Meeting ~ Council Chambers ~ Workshop 6:00 p.m. and Regular 7:00 p.m.
7. Discussion, review and possible action regarding the following meetings: BioCorridor Committee, Design Review Board, Joint Parks / Planning & Zoning Subcommittee, Neighborhood Plan Stakeholder Resource Team, Joint Task Force on Neighborhood Parking Issues, Lick Creek Nature Center Task Force, Wellborn District Plan Resource Team, and Zoning District Subcommittee.
8. Discussion and possible action on future agenda items – A Planning & Zoning Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.
9. Adjourn.

Consultation with Attorney {Gov't Code Section 551.071} ; possible action.

The Planning and Zoning Commission may seek advice from its attorney regarding a pending and contemplated litigation subject or attorney-client privileged information. After executive session discussion, any final action or vote taken will be in public. If litigation or attorney-client privileged information issues arise as to the posted subject matter of this Planning and Zoning Commission meeting, an executive session will be held.

Notice is hereby given that a Workshop Meeting of the College Station Planning & Zoning Commission, College Station, Texas will be held on April 19, 2012 at 6:30 PM at the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda.

Posted this the Day day of April, 2012, at time .

CITY OF COLLEGE STATION, TEXAS

By _____
Sherry Mashburn, City Secretary

By _____
David Neeley, City Manager

I, the undersigned, do hereby certify that the above Notice of the Workshop Meeting of the Planning & Zoning Commission of the City of College Station, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, www.cstx.gov. The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on April Day , 2012, at Time and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

This public notice was removed from the official posting board at the College Station City Hall on the following date and time: _____ by _____.

Dated this ____ day of _____, 2012.

CITY OF COLLEGE STATION, TEXAS

By _____

Subscribed and sworn to before me on this the _____ day of _____, 2012.

Notary Public- Brazos County, Texas

My commission expires: _____

This building is wheelchair accessible. Handicap parking spaces are available. Any request for sign interpretive service must be made 48 hours before the meeting. To make arrangements call (979) 764-3517 or (TDD) 1-800-735-2989. Agendas may be viewed on www.cstx.gov. Planning and Zoning Commission meetings are broadcast live on Cable Access Channel 19.



AGENDA
PLANNING & ZONING COMMISSION
REGULAR MEETING
APRIL 19, 2012, AT 7:00 P.M.
CITY HALL COUNCIL CHAMBERS
1101 TEXAS AVENUE
COLLEGE STATION, TEXAS

-
1. Call meeting to order.
 2. **Pledge of Allegiance.**
 3. **Hear Citizens.** At this time, the Chairman will open the floor to citizens wishing to address the Commission on planning and zoning issues not already scheduled on tonight's agenda. The citizen presentations will be limited to three minutes in order to accommodate everyone who wishes to address the Commission and to allow adequate time for completion of the agenda items. The Commission will receive the information, ask city staff to look into the matter, or will place the matter on a future agenda for discussion. (A recording is made of the meeting; please give your name and address for the record.)

All matters listed under Item 3, Consent Agenda, are considered routine by the Planning & Zoning Commission and will be enacted by one motion. These items include preliminary plans and final plats, where staff has found compliance with all minimum subdivision regulations. All items approved by Consent are approved with any and all staff recommendations. There will not be separate discussion of these items. If any Commissioner desires to discuss an item on the Consent Agenda it will be moved to the Regular Agenda for further consideration.

4. **Consent Agenda.**
 - 4.1 Consideration, discussion, and possible action to approve meeting Minutes.
 - April 5, 2012 ~ Workshop
 - April 5, 2012 ~ Regular

Regular Agenda

5. Consideration, discussion, and possible action on items removed from the Consent Agenda by Commission action.
6. Public hearing, presentation, possible action, and discussion on a Final Plat of University Oaks Section 2 Block 5, Lots 14R1 & 14R2 being a replat of University Oaks Section 2 Block 5, Lot 14 consisting of 2 R-2 Duplex Residential lots on approximately 0.2 acres located at 721/723 Dominik Drive. **Case # 12-00500047 (MTH)**

7. Public hearing, presentation, possible action, and discussion regarding an ordinance amendment to Chapter 12 of the Code of Ordinances "Unified Development Ordinance" Section 5.6.B "Northgate Districts (NG)" related to outdoor storage and display standards. **Case # 11-00500206 (LH) (Note: Final action on this item is scheduled for the April 26, 2012 City Council Meeting - subject to change)**
8. Discussion and possible action on future agenda items – A Planning & Zoning Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.
9. Adjourn.

Consultation with Attorney {Gov't Code Section 551.071} : possible action.

The Planning and Zoning Commission may seek advice from its attorney regarding a pending and contemplated litigation subject or attorney-client privileged information. After executive session discussion, any final action or vote taken will be in public. If litigation or attorney-client privileged information issues arise as to the posted subject matter of this Planning and Zoning Commission meeting, an executive session will be held.

Notice is hereby given that a Regular Meeting of the College Station Planning & Zoning Commission, College Station, Texas will be held on April 19, 2012 at 7:00 p.m. at the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda.

Posted this the ____ day of April, 2012, at _____

CITY OF COLLEGE STATION, TEXAS

By _____
Sherry Mashburn, City Secretary

By _____
David Neeley, City Manager

I, the undersigned, do hereby certify that the above Notice of Meeting of the Planning & Zoning Commission of the City of College Station, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, www.cstx.gov. The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on April __, 2011, at _____ and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

This public notice was removed from the official posting board at the College Station City Hall on the following date and time: _____ by _____.

Dated this ____ day of _____, 2012.

CITY OF COLLEGE STATION, TEXAS

By _____

Subscribed and sworn to before me on this the ____ day of _____, 2012.

Notary Public- Brazos County, Texas

My commission expires: _____

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2012 Planning & Zoning Commission Plan of Work

Comprehensive Plan Implementation

Implementation of Adopted Plans	
<p>Summary:</p> <p>Implementation of adopted master plans and neighborhood, district, and corridor plans, namely: Central College Station Neighborhood Plan, Eastgate Neighborhood Plan, Bicycle, Pedestrian, and Greenways Master Plan, Parks and Recreation Master Plan, Water Master Plan, and Waste Water Master Plan.</p>	<p>Project Dates:</p> <p>1/23/12 & 1/25/12: Lick Creek multi-use path public meetings.</p> <p>3/5/12: College Hills Neighborhood Association meeting to discuss single-family overlay.</p>
Staff Assigned: P&DS Staff	Anticipated Completion: On-going

Medical District Plan	
<p>Summary:</p> <p>In partnership with the College Station Medical Center and other stakeholders, development of a plan focused on the creation of a healthcare and wellness district centered at the intersection of Rock Prairie Road and State Highway 6.</p>	<p>Project Dates:</p> <p>10/25/11: Consultant presented draft plan at final Medical Corridor Advisory Committee meeting.</p> <p>1/12/12: Council update regarding plan.</p> <p>2/2/12: P&Z Workshop update regarding plan.</p>
Staff Assigned: JP	Anticipated Completion: Summer 2012

BioCorridor Plan	
<p>Summary:</p> <p>In collaboration with the City of Bryan and other stakeholders, development of a corridor plan near State Hwy 47 and Raymond Stotzer Pkwy to realize a unique research district where plant, animal, and human health may be studied in one place.</p>	<p>Project Dates:</p> <p>12/21/11: Councils adopted Inter-Local Agreement regarding BioCorridor.</p> <p>2/3/12: P&Z BioCorridor Subcommittee meeting.</p> <p>3/2/12: P&Z BioCorridor Subcommittee meeting.</p> <p>5/15/12: P&Z BioCorridor Subcommittee meeting.</p>
Staff Assigned: MH, BC	Anticipated Completion: Summer 2012

Southside Area Neighborhood Plan	
<p>Summary:</p> <p>Development of neighborhood plan for a number of unique neighborhoods including Oakwood, College Park, portions of the Knoll, McCullough Subdivision, Redmond Terrace, and Wolf Pen Village. The plan area is generally bounded by George Bush Drive, Texas Avenue, and Wellborn Road.</p>	<p>Project Dates:</p> <p>1/30/12-2/1/12: Neighborhood Area Meetings.</p> <p>2/13/12: Neighborhood Resource Team meeting.</p> <p>3/20/12: Neighborhood Resource Team meeting.</p> <p>4/16/12: Neighborhood Resource Team meeting.</p> <p>4/11/12: Lincoln Area Association meeting.</p> <p>5/14/12: Neighborhood Resource Team meeting.</p>
Staff Assigned: JP, LH	Anticipated Completion: Summer 2012

Wellborn District Plan	
<p>Summary:</p> <p>Development of district plan for the recently annexed Wellborn area that contains elements of a rural historic community with a unique character that residents of the area desire to retain.</p>	<p>Project Dates:</p> <p>2/6/12: Plan Kick-Off meeting at Wellborn Community Center at 6:30 PM.</p> <p>3/26/12: Wellborn Resource Team meeting at Wellborn Community Center at 630pm.</p> <p>4/10/12: Issues & Opportunities meeting at Wellborn Community Center</p>
Staff Assigned: MR, LH	Anticipated Completion: Fall 2012

Economic Development Master Plan	
<p>Summary:</p> <p>Development of a Master Plan to provide consistent direction on how the City will help ensure its economic health for years to come while providing a positive business development environment.</p>	<p>Project Dates:</p> <p>10/24/11: Statement of Qualifications received; currently working on Scope of Work with top candidate.</p> <p>2/23/12: Council approved consultant contract.</p> <p>3/22/12: Project Kick-off meeting with consultant.</p> <p>4/10/12: Staff meeting with consultant.</p>
Staff Assigned: P&DS Staff	Anticipated Completion: Fall 2012

New Zoning Districts	
<p>Summary:</p> <p>Create and adopt new zoning districts to implement character and land use designations identified in the Comprehensive Plan.</p>	<p>Project Dates:</p> <p>2/17/12: P&Z Subcommittee meeting.</p> <p>3/2/12: P&Z Subcommittee meeting.</p> <p>4/5/12: P&Z Subcommittee meeting.</p>
Staff Assigned: JP	Anticipated Completion:

Neighborhood Parking	
<p>Summary:</p> <p>Analyze neighborhood parking issues by engaging stakeholders, form Joint Task with Council and recommendations that seek solutions.</p>	<p>Project Dates:</p> <p>2/9/12: Council approved resolution establishing Joint Task Force on Neighborhood Parking Issues.</p> <p>2/16/12: P&Z appoints Joint Task Force members.</p> <p>3/21/12: Initial Joint Task Force meeting.</p> <p>4/25/12: Joint Task Force Meeting at 5 PM.</p>
Staff Assigned: BC, TR	Anticipated Completion:

Employment Diversification

Diversification of Employment Opportunities	
<p>Summary:</p> <p>Discuss workforce and employment opportunities in the community and strategies to increase their diversity and the City's role in providing a positive business development environment.</p>	<p>Project Dates:</p> <p>1/12/12: Strategic Plan policy discussion with Council.</p>
Staff Assigned: P&DS Staff	Anticipated Completion:

Housing

Affordable Housing	
Summary: Discuss how housing affordability is measured and provide information on affordability of homes in the College Station and Bryan housing markets.	Project Dates: 3/1/12: Discussion at P&Z Workshop, led by Community Development Division.
Staff Assigned: P&DS Staff	Anticipated Completion:

Role of Planning and Regulation	
Summary: Discuss role of planning and regulation on housing supply and value.	Project Dates:
Staff Assigned: P&DS Staff	Anticipated Completion:

Impact of Student Housing Market	
Summary: Discuss impact of single-family dwellings used for student rental purposes on the local housing market.	Project Dates:
Staff Assigned: P&DS Staff	Anticipated Completion:

MINUTES
PLANNING & ZONING COMMISSION
Workshop Meeting
April 5, 2012, 6:00 p.m.
City Hall Council Chambers
College Station, Texas

COMMISSIONERS PRESENT: Mike Ashfield, Craig Hall, Bo Miles, Jodi Warner, Jim Ross, James Benham, and Jerome Rektorik

COMMISSIONERS ABSENT: None

CITY COUNCIL MEMBERS PRESENT: Jess Fields

CITY STAFF PRESENT: Bob Cowell, Lance Simms, Alan Gibbs, Carol Cotter, Jennifer Prochazka, Jason Schubert, Teresa Rogers, Venessa Garza, Joe Guerra, Erika Bridges, Mary Ann Powell, Matt Robinson, Lauren Hovde, Brittany Caldwell, and Carrie McHugh

1. Call the meeting to order.

Chairman Ashfield called the meeting to order at 6:03 p.m.

2. Discussion of consent and regular agenda items.

There was general discussion amongst the Commission regarding Consent Agenda Item 4.2 and Regular Agenda Items 6, 7, 8, 10, and 11.

Staff Planner Hovde stated that the waiver that was being requested for Regular Agenda Item 6 was no longer applicable. She also said that the applicant for Regular Agenda Item 8 was no longer requesting a meritorious modification to the rear setback.

3. Discussion of Minor and Amending Plats approved by Staff.

- Final Plat ~ Amending Plat ~ Emerald Ridge Estates Phase 1

Principal Planner Schubert stated that the amending plat was to change a street name.

4. Presentation, possible action, and discussion regarding the status of items within the 2012 P&Z Plan of Work (see attached). **(JS)**

Principal Planner Schubert gave an update on the 2012 P&Z Plan of Work.

5. Presentation, possible action, and discussion regarding an update on the following item:
- A rezoning from R-2 Duplex Residential, R-4 Multi-Family, C-1 General Commercial, and C-2 Commercial Industrial to PDD Planned Development District for approximately 11 acres located at 410 Texas Avenue, generally located at the northwest corner of the intersection of Texas Avenue and University Drive. The Planning & Zoning Commission heard this item on March 1 and voted 6-0 to recommend approval. The City Council heard this item on March 8 and voted 7-0 to approve the rezoning.

There was no discussion.

6. Presentation, possible action, and discussion regarding the P&Z Calendar of Upcoming Meetings.
- April 10, 2012 ~ Wellborn Issues & Opportunity Meeting ~ Wellborn Community Center ~ 6:30 p.m.
 - April 12, 2012 ~ City Council Meeting ~ Council Chambers ~ Workshop 3:00 p.m. and Regular 7:00 p.m.
 - April 19, 2012 ~ P&Z Meeting ~ Council Chambers ~ Workshop 6:00 p.m. and Regular 7:00 p.m.

Director Cowell reviewed the upcoming meeting dates for the Planning & Zoning Commission.

7. Discussion, review and possible action regarding the following meetings: Design Review Board, Joint Parks / Planning & Zoning Subcommittee, Neighborhood Plan Stakeholder Resource Team, BioCorridor Committee, Lick Creek Nature Center Task Force, Zoning District Subcommittee, Joint Task Force on Neighborhood Parking Issues, and Wellborn District Plan Resource Team.

Commissioner Ross gave an update on the Joint Task Force on Neighborhood Parking Issues.

Commissioner Warner gave an update regarding the Southside Neighborhood Meetings.

Commissioner Rektorik gave an update regarding the Zoning District Subcommittee.

Commissioner Miles gave an update on the BioCorridor Committee.

8. Discussion and possible action on future agenda items – A Planning & Zoning Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.

Chairman Ashfield asked for a future agenda item regarding the Lick Creek Nature Trail.

Commissioner Hall asked for an update regarding Mobile Food Vendors.

Commissioner Miles asked for a future agenda item regarding Parkland Dedication and specifically wanted to discuss the fees being calculated by number of bedrooms rather than the number of units. Director Cowell suggested that this item could be addressed through the City Manager's Home Builder's Focus Group.

Commissioner Ross asked for a future agenda item regarding wayfinding signage.

9. Adjourn.

The meeting was adjourned at 6:50 p.m.

Approved:

Mike Ashfield, Chairman
Planning & Zoning Commission

Attest:

Brittany Caldwell, Admin. Support Specialist
Planning & Development Services

MINUTES
PLANNING & ZONING COMMISSION
Regular Meeting
April 5, 2012, 7:00 p.m.
City Hall Council Chambers
College Station, Texas

COMMISSIONERS PRESENT: Mike Ashfield, Craig Hall, Bo Miles, Jodi Warner, Jim Ross, James Benham, and Jerome Rektorik

COMMISSIONERS ABSENT: None

CITY COUNCIL MEMBERS PRESENT: Jess Fields

CITY STAFF PRESENT: Bob Cowell, Lance Simms, Alan Gibbs, Carol Cotter, Jason Schubert, Teresa Rogers, Venessa Garza, Joe Guerra, Erika Bridges, Mary Ann Powell, Matt Robinson, Lauren Hovde, Brittany Caldwell, and Carrie McHugh

1. **Call meeting to order**

Chairman Ashfield called the meeting to order at 7:00 p.m.

2. **Pledge of Allegiance**

3. **Hear Citizens**

No one spoke.

4. **Consent Agenda**

4.1 Consideration, discussion, and possible action to approve meeting Minutes.

- March 1, 2012 ~ Workshop
- March 1, 2012 ~ Regular

4.2 Presentation, possible action, and discussion regarding a Final Plat for We Rent Storage Subdivision consisting of two PDD Planned Development District lots and one R-1 Single-Family Residential lot on 8.21 acres located at 2672 Horse Haven Lane, generally located behind Academy Sports + Outdoors Store. **Case # 12-00500033 (LH)**

Commissioner Rektorik motioned to approve Consent Agenda Items 4.1 and 4.2. Commissioner Miles seconded the motion, motion passed (7-0).

Regular Agenda

5. Consideration, discussion, and possible action on items removed from the Consent Agenda by Commission action.

No items were removed from the Consent Agenda.

6. Presentation, possible action, and discussion regarding a waiver request to Section 8.2.G "Blocks" of the Unified Development Ordinance, and presentation, possible action, and discussion regarding a Development Plat for Chick's College Station Subdivision consisting of one PDD Planned Development District lot on 1.498 acres located at 13601 Wellborn Road, generally located at the intersection of Wellborn Road and William D. Fitch Parkway. **Case # 12-00500018 (LH)**

Staff Planner Hovde presented the Development Plat and recommended approval. She stated that the waiver that was being requested was no longer applicable.

There was no discussion regarding the item.

Commissioner Benham motioned to approve the Development Plat. Commissioner Miles seconded the motion, motion passed (7-0).

7. Public hearing, presentation, possible action, and discussion regarding a Final Plat for the F.S. Kapchinski Subdivision, Block 2, Lot 6R1, being a replat of the F.S. Kapchinski Subdivision, Block 2, Lot 6R and the remainder of Block 2, Lots 6 and 7, consisting of 1 lot on 1.11 acres located at 1713 Park Place, located immediately west of Harvey Washbanger's. **Case #12-00500025 (MR)**

Senior Planner Robinson presented the Replat and recommended approval.

There was no discussion regarding the item.

Chairman Ashfield opened the public hearing.

No one spoke during the public hearing.

Chairman Ashfield closed the public hearing.

Commissioner Miles motioned to approve the Replat. Commissioner Benham seconded the motion, motion passed (7-0).

8. Public hearing, presentation, possible action, and discussion regarding a zoning amendment request from R-6 High-Density Multi-Family Residential to PDD Planned Development District for 0.73 acres on Lots 9 and 10, Block 3 of the College Hills Estates Subdivision located at 1024 and 1026 Foster Avenue, generally located at the intersection of Foster Avenue and Francis Drive. **Case # 11-00500135 (LH) (Note:**

Final action on this item is scheduled for the April 26, 2012 City Council Meeting - subject to change)

Staff Planner Hovde presented the rezoning and recommended approval.

There was general discussion amongst the Commission regarding the rezoning and parking within the development.

Clint Cooper, Caldwell Company, stated that there would be more than one parking space per bedroom provided.

Jesse Durden, CapRock Texas, stated that the proposed use is the same as the current zoning and matches the Comprehensive Plan and the Eastgate Plan. He said that the plan is to do more one and two bedroom units.

Chairman Ashfield opened the public hearing.

Harriette Andreadis, 200 Francis Drive, College Station, Texas, expressed concern about there not being enough parking provided and also inquired about the timeline for the project.

Mr. Cooper said that the development should be complete by the Fall of 2013.

Chairman Ashfield closed the public hearing.

There was general discussion amongst the Commission regarding parking.

Commissioner Benham motioned to recommend approval of the rezoning with the meritorious modifications, including the front and side street setbacks of ten feet and a 75 percent parking requirement. Commissioner Hall seconded the motion, motion passed (7-0).

9. Public hearing, presentation, possible action, and discussion regarding a zoning amendment request from A-O Agricultural-Open to R-4 Multi-Family Residential for 5.379 acres within University Heights Subdivision Phase 5 located at 3182 Holleman Drive South, generally located north of Las Palomas Subdivision. **Case # 12-00500030 (LH) (Note: Final action on this item is scheduled for the April 26, 2012 City Council Meeting - subject to change)**

Staff Planner Hovde presented the rezoning and recommended approval.

There was no discussion regarding the item.

Joe Schultz, applicant, stated that he was available for questions and said that the previous developer tried to rezone this piece of property commercial.

Chairman Ashfield opened the public hearing.

No one spoke during the public hearing.

Chairman Ashfield closed the public hearing.

Commissioner Miles motioned to recommend approval of the rezoning. Commissioner Rektorik seconded the motion, motion passed (7-0).

10. Public hearing, presentation, possible action, and discussion on a Rezoning from PDD Planned Development District to PDD Planned Development District to add an additional use, for 108.88 acres located at 3100 Haupt Road, generally located between Old Wellborn Road and Holleman Drive South, North of the Buena Vida Subdivision. **Case #12-00500006 (MR) (Note: Final action on this item is scheduled for the April 26, 2012 City Council Meeting - subject to change)**

Senior Planner Robinson presented the rezoning and recommended approval with the condition that the commercial amusement/water recreation uses are removed from the concept plan and the list of permitted uses.

Heath Phillips, applicant, reviewed the project and the changes that were being requested.

Chairman Ashfield opened the public hearing.

Ken Tripp, 1393 Seamist, College Station, Texas, stated that there are flooding issues on Cain Road and requested that something be done to prevent flooding in the future.

City Councilman Fields clarified what happened at the City Council meeting when the item was heard the first time.

Kent Laza, applicant's engineer, stated that the development had not increased the stormwater flow. He said that there is a detention pond on the property that is working properly.

City Engineer Gibbs stated that the drainage had been designed to meet City standards and the City does not believe that this development is contributing to the existing problem of flooding on Cain Road.

There was general discussion amongst the Commission regarding drainage.

Charles Rutledge, 3033 Cain Road, College Station, Texas, opposed the rezoning due to flooding concerns on Cain Road.

Hartzel Elkins, mentioned the corner of Cain and Old Wellborn Road and stated that the drainage has gotten worse since houses have been built along Rock Prairie Road.

Chairman Ashfield closed the public hearing.

There was general discussion amongst the Commission regarding the rezoning.

Chairman Ashfield reopened the public hearing.

Chuck Ellison stated that he represents the Barger Trust that owns the property to the north and said that they are still in the process of trying to work through an agreement with the applicant.

Chairman Ashfield closed the public hearing.

Commissioner Miles motioned to recommend approval of the rezoning and to accept the water park and commercial amusement use, but limit the water park to having two, two tower cable systems. Commissioner Warner seconded the motion.

There was general discussion amongst the Commission regarding the rezoning.

The motion passed (7-0).

11. Public hearing, presentation, possible action, and discussion on a Rezoning from PDD Planned Development District to PDD Planned Development District, for 3.19 acres located at 2849 Barron Road, generally located at the corner of Barron Road and SH 40, North of the Sonoma Subdivision. **Case #12-00500041 (MR) (Note: Final action on this item is scheduled for the April 26, 2012 City Council Meeting - subject to change)**

Senior Planner Robinson presented the rezoning and recommended approval with the condition that the request of the waiver to the multi-use path be removed.

There was general discussion amongst the Commission regarding the multi-use path.

Greenways Program Manager Garza stated that this project is not one that the City currently has funding for.

Jesse Durden, applicant, gave an overview of the project and stated the reason for the waiver request is because the multi-use path connects to nowhere, there are safety concerns, and the location of the path is not feasible.

Ms. Garza explained to the Commission why the path was included on the Bike, Pedestrian, and Greenways Master Plan map.

There was general discussion amongst the applicant and the Commission regarding the multi-use path.

Joe Schultz, applicant's engineer, said that the applicant is not against the multi-use path being built, but they do not feel it is appropriate to be built at this time since it will not connect to another multi-use path.

Commissioner Benham suggested not requiring the construction of the multi-use path by the applicant, but requiring the applicant to set aside land for the City to build the multi-use path when the funds were available.

Chairman Ashfield opened the public hearing.

Sherry Ellison, representing the Bicycle, Pedestrian, and Greenways Advisory Board, said that the Board reviewed the waiver and felt that it was important that the multi-use path be built.

Chairman Ashfield closed the public hearing.

There was general discussion amongst the Commission regarding the multi-use path.

Commissioner Benham motioned to recommend that the waiver be granted that waives the requirement for the applicant to construct the multi-use path, but require the use of a Public Access Easement inside of the Public Utility Easement. Commissioner Miles seconded the motion, motion passed (4-3). Chairman Ashfield and Commissioners Warner and Ross were in opposition.

Commissioner Warner motioned to recommend approval of the rezoning. Commissioner Rektorik seconded the motion, motion passed (7-0).

12. Discussion and possible action on future agenda items – A Planning & Zoning Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.

There was no discussion.

13. Adjourn.

The meeting was adjourned at 9:40 p.m.

Approved:

Mike Ashfield, Chairman
Planning & Zoning Commission

Attest:

Brittany Caldwell, Admin. Support Specialist
Planning & Development Services



CITY OF COLLEGE STATION

FINAL PLAT
for
University Oaks Section 2 Block 5 Lots 14R1 & 14R2
Being a Replat of
University Oaks Section 2 Block 5 Lot 14A
12-00500047

SCALE: 2 lots on 0.239 acres

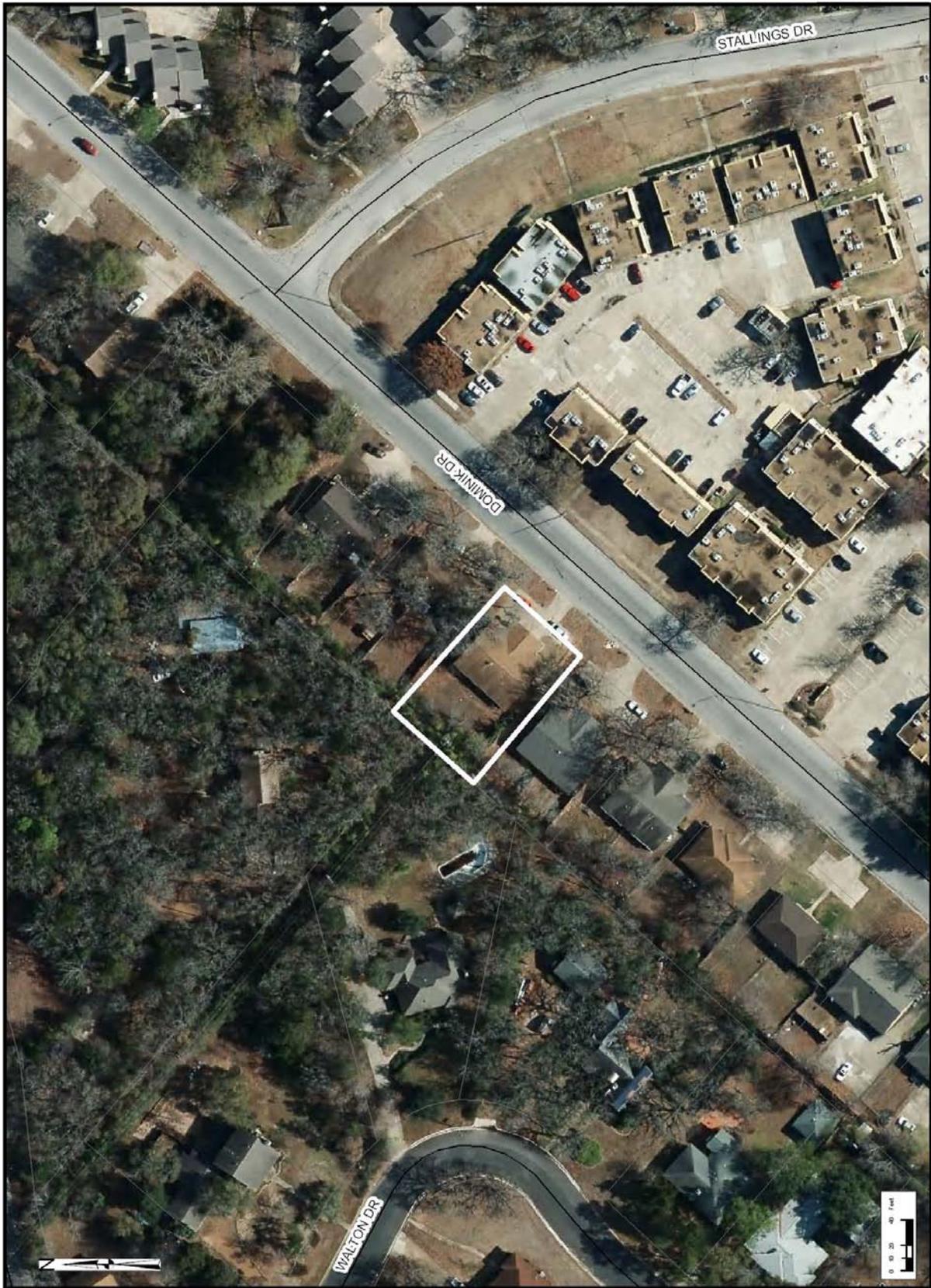
LOCATION: 721 & 723 Dominik Dr

ZONING: R-2 Duplex Residential

APPLICANT: Rabon Metcalf, RME Consulting Engineers

PROJECT MANAGER: Morgan Hester, Staff Planner
mhester@cstx.gov

RECOMMENDATION: Staff recommends approval.



FINAL
PLAT

Case: 12-047

UNIVERSITY OAKS SEC 2 LOT 14 BLK 5

DEVELOPMENT REVIEW



DEVELOPMENT HISTORY

- Annexation:** May 1956
- Zoning:** R-2 Duplex Residential
- Plat Activity:** September 1970 – University Oaks Block 5 Final Plat
- Site Development:** A duplex is currently constructed on the lot. The proposed replat divides the existing lot into individual lots so that each unit of a duplex would be on its own lot.

COMMENTS

- Parkland Dedication:** This replat is not creating additional duplex units, so no parkland dedication is required.
- Greenways:** N/A
- Pedestrian Connectivity:** The City of College Station anticipates continuing sidewalks along the other side of Dominik Drive in the future. The applicant proposes sidewalks on this side of the street.
- Bicycle Connectivity:** Bicycle facilities are not proposed with this replat and are not required.
- Impact Fees:** N/A

REVIEW CRITERIA

Compliance with Subdivision Regulations: The proposed Final Plat is a replat of one duplex lot within University Oaks Block 5 and is in compliance with the Subdivision Regulations contained in the Unified Development Ordinance.

STAFF RECOMMENDATIONS

Staff recommends approval.

SUPPORTING MATERIALS

1. Application
2. Copy of Final Plat (provided in packet)



FOR OFFICE USE ONLY	
CASE NO.:	<u>12-47</u>
DATE SUBMITTED:	<u>3.7.12</u>
TIME:	<u>9:30</u>
STAFF:	<u>PK</u>

FINAL PLAT APPLICATION

(Check one) Minor (\$700) Amending (\$700) Final (\$932) Vacating (\$932) Replat (\$932)

Is this plat in the ETJ? Yes No Is this plat Commercial or Residential

MINIMUM SUBMITTAL REQUIREMENTS:

- \$700-\$932 Final Plat Application Fee (see above).
- \$233 Waiver Request to Subdivision Regulations Fee (if applicable).
- \$600 (minimum) Development Permit Application / Public Infrastructure Review and Inspection Fee. Fee is 1% of acceptable Engineer's Estimate for public infrastructure, \$600 minimum (if fee is > \$600, the balance is due prior to the issuance of any plans or development permit).
- Application completed in full. This application form provided by the City of College Station must be used and may not be adjusted or altered. Please attach pages if additional information is provided.
- Fourteen (14) folded copies of plat. (A signed mylar original must be submitted after approval.)
- Two (2) copies of the grading, drainage, and erosion control plans with supporting drainage report.
- Two (2) copies of the Public infrastructure plans and supporting documents (if applicable).
- Copy of original deed restrictions/covenants for replats (if applicable).
- Title report for property current within ninety (90) days or accompanied by a Nothing Further Certificate current within ninety (90) days. The report must include applicable information such as ownership, liens, encumbrances, etc.
- Paid tax certificates from City of College Station, Brazos County and College Station I.S.D.
- The attached Final Plat checklist with all items checked off or a brief explanation as to why they are not.

NOTE: A mylar of the approved preliminary plan must be on file before a final plat application will be considered complete. If the mylar is submitted with the final plat application, it shall be considered a submittal for the preliminary plan project and processed and reviewed as such. Until the mylar has been confirmed by staff to be correct, the final plat application will be considered incomplete.

Date of Optional Preapplication or Stormwater Management Conference _____

NAME OF PROJECT Replat - University Oaks, Section Two: Lot 14, Block Five

ADDRESS 721/723 Dominik Drive

SPECIFIED LOCATION OF PROPOSED PLAT:

APPLICANT/PROJECT MANAGER'S INFORMATION (Primary contact for the project):

Name RME Consulting Engineers (c/o Rabon Metcalf) E-mail rabon@rmengineer.com

Street Address PO Box 9253

City College Station State TX Zip Code 77842

Phone Number (979) 764-0704 Fax Number (979) 764-0704

PROPERTY OWNER'S INFORMATION (All owners must be identified. Please attach an additional sheet for multiple owners):

Name Lewis R. Jr. & Kathryn M. Bell E-mail _____
Street Address 723 Dominik Drive
City College Station State TX Zip Code 77840
Phone Number _____ Fax Number _____

ARCHITECT OR ENGINEER'S INFORMATION:

Name Same As Applicant E-mail _____
Street Address _____
City _____ State _____ Zip Code _____
Phone Number _____ Fax Number _____

Do any deed restrictions or covenants exist for this property? Yes No

Is there a temporary blanket easement on this property? If so, please provide the Volume _____ and Page No. _____

Total Acreage 0.239 Total No. of Lots 1 R-O-W Acreage 0.0

Existing Use Duplex Proposed Use Duplex

Number of Lots By Zoning District 1 / R-2 _____ / _____ / _____

Average Acreage Of Each Residential Lot By Zoning District:
0.239 / R-2 _____ / _____ / _____

Floodplain Acreage 0.0

Is there Special Flood Hazard Area (Zone A or Zone AE on FEMA FIRM panels) on the property? Yes No

This information is necessary to help staff identify the appropriate standards to review the application and will be used to help determine if the application qualifies for vesting to a previous ordinance. Notwithstanding any assertion made, vesting is limited to that which is provided in Chapter 245 of the Texas Local Government Code or other applicable law.

Is this application a continuation of a project that has received prior City platting approval(s) and you are requesting the application be reviewed under previous ordinance as applicable?

Yes
 No

If yes, provide information regarding the first approved application and any related subsequent applications (provide additional sheets if necessary):

Project Name: Not applicable
City Project Number (if known): Not applicable
Date / Timeframe when submitted: Not applicable

A statement addressing any differences between the Final Plat and Preliminary Plan (if applicable):

Not applicable

Requested waiver to subdivision regulations and reason for same (if applicable):

Not applicable

Regarding the waiver request, explain how:

- 1. There are special circumstances or conditions affecting the land involved such that strict application of the subdivision regulations will deprive the applicant of the reasonable use of his land.

Not applicable

- 2. The waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant.

Not applicable

- 3. The granting of the waiver will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, or to the City in administering subdivision regulations.

Not applicable

- 4. The granting of the waiver will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of the Unified Development Ordinance.

Not applicable

Fee in lieu of sidewalk construction is being requested because of the following condition (if applicable):

- 1. An alternative pedestrian way or multi-use path has been or will be provided outside the right-of-way;
- 2. The presence of unique or unusual topographic, vegetative, or other natural conditions exist so that strict adherence to the sidewalk requirements of the UDO is not physically feasible or is not in keeping with the purposes and goals of the UDO or the City's comprehensive Plan;
- 3. A capital improvement project is imminent that will include construction of the required sidewalk. Imminent shall mean the project is funded or projected to commence within twelve (12) months;
- 4. Existing streets constructed to rural section that are not identified on the Thoroughfare Plan with an estate / rural context;
- 5. When a sidewalk is required along a street where a multi-use path is shown on the Bicycle, Pedestrian, and Greenways Master Plan;

- 6. The proposed development is within an older residential subdivision meeting the criteria in Platting and Replatting within Older Residential Subdivisions Section of the UDO; or
- 7. The proposed development contains frontage on a Freeway / Expressway as designated by Map 6.6, Thoroughfare Plan - Functional Classification, in the City's Comprehensive Plan.

Detailed explanation of condition identified above:

Not applicable

NOTE: A waiver to the sidewalk requirements and fee in lieu of sidewalk construction shall not be considered at the same time by the Planning & Zoning Commission.

Requested Oversize Participation Not applicable

<p style="text-align: center;">Total Linear Footage of Proposed Public:</p> <p>_____ Streets</p> <p><u>80</u> _____ Sidewalks</p> <p>_____ Sanitary Sewer Lines</p> <p>_____ Water Lines</p> <p>_____ Channels</p> <p>_____ Storm Sewers</p> <p>_____ Bike Lanes / Paths</p>	<p style="text-align: center;">Parkland Dedication due prior to filing the Final Plat:</p> <p>ACREAGE:</p> <p>_____ No. of acres to be dedicated + \$ _____ development fee</p> <p>_____ No. of acres in floodplain</p> <p>_____ No. of acres in detention</p> <p>_____ No. of acres in greenways</p> <p>OR</p> <p>FEE IN LIEU OF LAND:</p> <p>_____ No. of SF Dwelling Units X \$ _____ = \$ _____</p> <p>_____ (date) Approved by Parks & Recreation Advisory Board</p>
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NOTE: DIGITAL COPY OF PLAT MUST BE SUBMITTED PRIOR TO FILING.

The applicant has prepared this application and certifies that the facts stated herein and exhibits attached hereto are true, correct, and complete. IF THIS APPLICATION IS FILED BY ANYONE OTHER THAN THE OWNER OF THE PROPERTY, this application must be accompanied by a power of attorney statement from the owner. If there is more than one owner, all owners must sign the application or the power of attorney. If the owner is a company, the application must be accompanied by proof of authority for the company's representative to sign the application on its behalf. LIEN HOLDERS identified in the title report are also considered owners and the appropriate signatures must be provided as described above.

[Handwritten Signature]

 Signature and title
Kathryn M. Bell, owner

3/6/12

 Date
3/6/12

CERTIFICATIONS REQUIRED FOR ALL DEVELOPMENT

Owner Certification:

1. No work of any kind may start until a permit is issued.
2. The permit may be revoked if any false statements are made herein.
3. If revoked, all work must cease until permit is re-issued.
4. Development shall not be used or occupied until a Certificate of Occupancy is issued.
5. The permit will expire if no significant work is progressing within 24 months of issuance.
6. Other permits may be required to fulfill local, state, and federal requirements. Owner will obtain or show compliance with all necessary State and Federal Permits prior to construction including NOI and SWPPP.
7. If required, Elevation Certificates will be provided with elevations certified during construction (forms at slab pre-pour) and post construction.
8. Owner hereby gives consent to City representatives to make reasonable inspections required to verify compliance.
9. If, stormwater mitigation is required, including detention ponds proposed as part of this project, it shall be designed and constructed first in the construction sequence of the project.
10. In accordance with Chapter 13 of the Code of Ordinances of the City of College Station, measures shall be taken to insure that all debris from construction, erosion, and sedimentation shall not be deposited in city streets, or existing drainage facilities. All development shall be in accordance with the plans and specifications submitted to and approved by the City Engineer for the above named project. All of the applicable codes and ordinances of the City of College Station shall apply.
11. The information and conclusions contained in the attached plans and supporting documents will comply with the current requirements of the City of College Station, Texas City Code, Chapter 13 and associated BCS Unified Design Guidelines Technical Specifications, and Standard Details. All development has been designed in accordance with all applicable codes and ordinances of the City of College Station and State and Federal Regulations.
12. Release of plans to _____ (name or firm) is authorized for bidding purposes only. I understand that final approval and release of plans and development for construction is contingent on contractor signature on approved Development Permit.
13. I, THE OWNER, AGREE TO AND CERTIFY THAT ALL STATEMENTS HEREIN, AND IN ATTACHMENTS FOR THE DEVELOPMENT PERMIT APPLICATION, ARE, TO THE BEST OF MY KNOWLEDGE, TRUE, AND ACCURATE.

Property Owner(s) _____

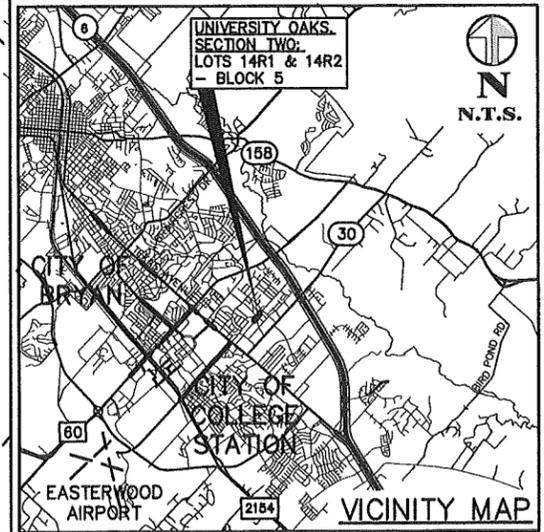
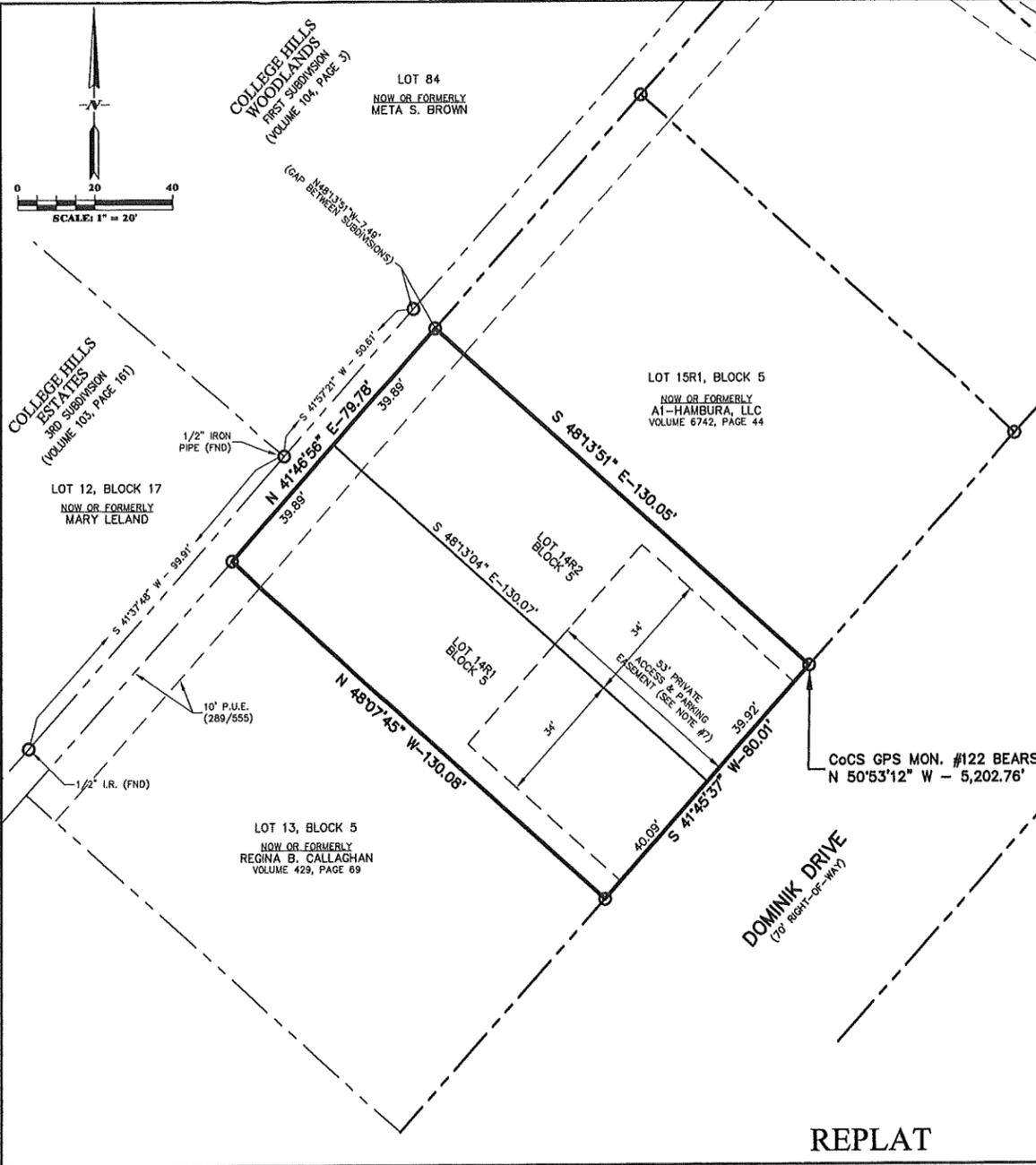
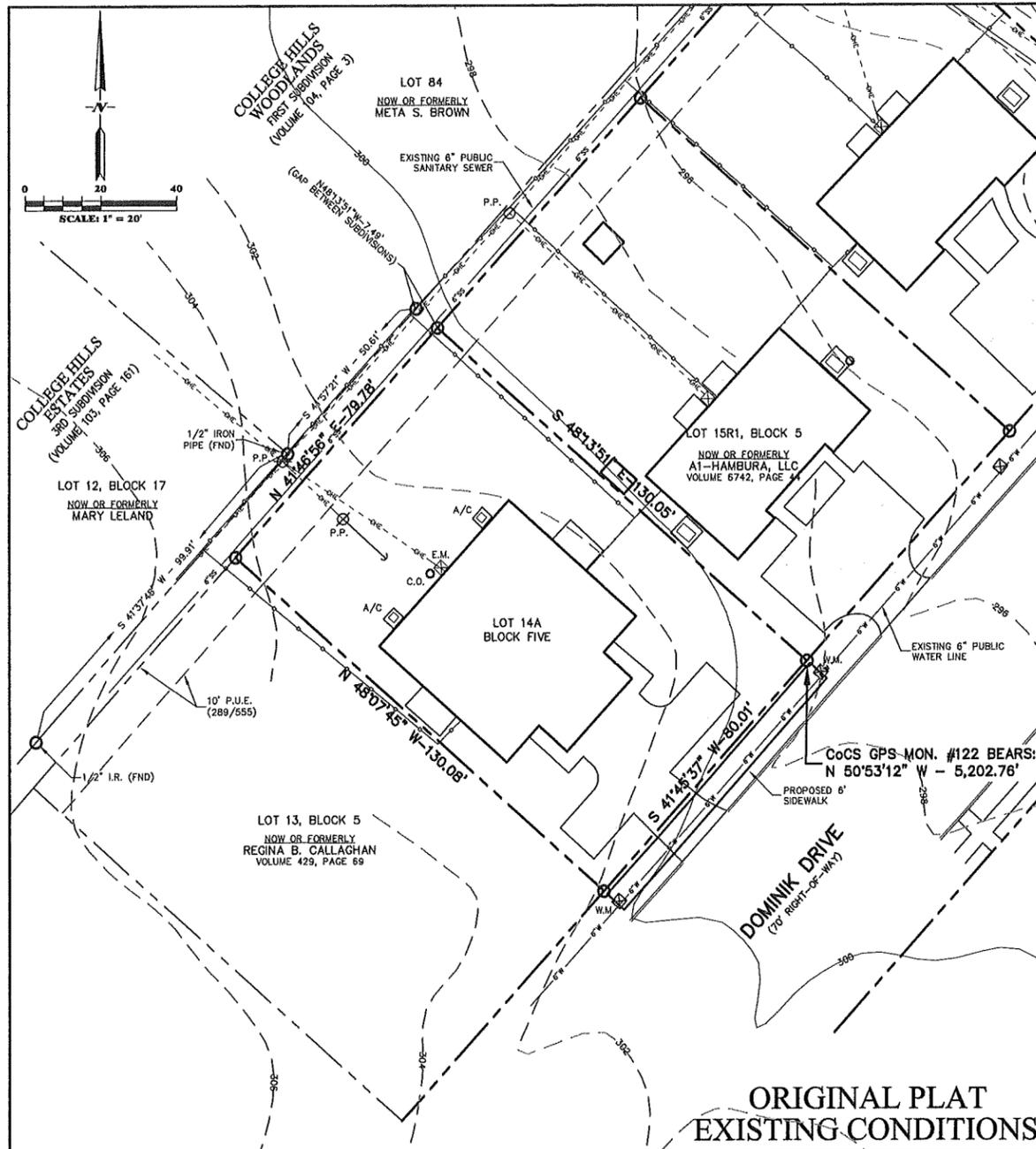
Date _____

Engineer Certification:

1. The project has been designed to ensure that stormwater mitigation, including detention ponds, proposed as part of the project will be constructed first in the construction sequence.
2. I will obtain or can show compliance with all necessary Local, State and Federal Permits prior to construction including NOI and SWPPP. Design will not preclude compliance with TPDES: i.e., projects over 10 acres may require a sedimentation basin.
3. The information and conclusions contained in the attached plans and supporting documents comply with the current requirements of the City of College Station, Texas City Code, Chapter 13 and associated BCS Unified Design Guidelines. All development has been designed in accordance with all applicable codes and ordinances of the City of College Station and State and Federal Regulations.
4. I, THE ENGINEER, AGREE TO AND CERTIFY THAT ALL STATEMENTS HEREIN, AND IN ATTACHMENTS FOR THE DEVELOPMENT PERMIT APPLICATION, ARE, TO THE BEST OF MY KNOWLEDGE, TRUE, AND ACCURATE.

Engineer _____

Date _____



- FINAL PLAT NOTES:**
- (O/D.R.B.C.T.) DENOTES OFFICIAL/DEED RECORDS OF BRAZOS COUNTY, TEXAS.
 - NO 100-YEAR FLOOD PLAN IS CONTAINED ON THIS LOT AS GRAPHICALLY DEPICTED ON F.E.M.A. - FIRM COMMUNITY PANEL NO. 48041G 0144C, JULY 2, 1992 AND AS REVISED TO REFLECT LOWR 05-06-1882P DATED DECEMBER 12, 2008.
 - BASIS OF BEARING:** BEARING SYSTEM SHOWN HEREON IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION (NAD 83).
 - ALL PROPERTY CORNERS ARE MONUMENTED BY 1/2" IRON RODS UNLESS OTHERWISE NOTED.
 - EACH LOT WILL BE REQUIRED TO PROVIDE A MINIMUM OF TWO (2) TREES OF AT LEAST TWO INCHES (2") IN CALIPER OR ONE (1) TREE OF FOUR INCH (4") CALIPER PER ORDINANCE NO. 3222.
 - THIS DOCUMENT WAS PREPARED WITH THE BENEFIT OF A TITLE REPORT PREPARED BY UNIVERSITY TITLE COMPANY, COLLEGE STATION, TX ISSUED OF #113541.
 - THE 5' DEEP x 6' WIDE PRIVATE ACCESS & PARKING EASEMENT IS FOR THE BENEFIT OF LOT 14R1 AND 14R2 SOLELY. MAINTENANCE OF THIS PRIVATE PARKING AND DRIVE SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER(S) OF LOT 14R1 & 14R2. THE PROPERTY OWNER(S) SHALL ALSO MAINTAIN THE REQUIRED PARKING SETBACK (PROPERTY LINE TO NEAREST PORTION OF THE PARKING PAD) AND LANDSCAPE REQUIREMENTS, PER THE LATEST REQUIREMENTS OF THE UDO.
 - THE EXISTING 10' P.U.E., DEDICATED BY VOLUME 372, PAGE 489, SHALL REMAIN IN PLACE.

CERTIFICATE OF SURVEYOR

STATE OF TEXAS
 COUNTY OF BRAZOS

I, **BRAD KERR**, Registered Professional Land Surveyor No. 4502, in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property and that property markers and monuments were placed under my supervision on the ground.

BRAD KERR, RPLS No. 4502

KSC SURVEYED BY: **KERR SURVEYING, LLC**
 409 NORTH TEXAS AVENUE
 BRYAN, TEXAS 77803
 PHONE (979) 268-3195

CERTIFICATE OF OWNERSHIP AND DEDICATION

STATE OF TEXAS
 COUNTY OF BRAZOS

I, **LEWIS R. JR. & KATHRYN M. BELL**, owners and developers of the land shown on this plat, and designated herein as the **LOTS 14R1 & 14R2 - BLOCK 5 - UNIVERSITY OAKS SECTION TWO** Subdivision to the City of College Station, Texas, and whose names are subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, greenways, infrastructure, easements, and public places thereon shown for the purpose and consideration therein expressed. All such dedications shall be in fee simple unless expressly provided otherwise.

Owner: _____
 Owner: _____

STATE OF TEXAS
 COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____ known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purpose and consideration therein stated.

Given under my hand and seal on this _____ day of _____ 20____

Notary Public, _____ County, State of Texas

CERTIFICATE OF CITY ENGINEER

I, _____, City Engineer of the City of College Station, Texas, hereby certify that this Subdivision Plat conforms to the requirements of the Subdivision Regulations of the City of College Station.

City Engineer
 City of College Station

APPROVAL OF PLANNING AND ZONING COMMISSION

I, _____, Chairman of the Planning and Zoning Commission of the City of College Station, hereby certify that the attached plat was duly approved by the Commission on the _____ day of _____ 20____.

Chairman
 ATTEST: _____
 Secretary

CERTIFICATE OF THE COUNTY CLERK

STATE OF TEXAS
 COUNTY OF BRAZOS

I, _____, County Clerk, in and for said county, do hereby certify that this plat together with its certificates of authentication was filed for record in my office the _____ day of _____ 20____ in the Deed Records of Brazos County, Texas, in Volume _____ Page _____.

WITNESS my hand and official Seal, at my office in Bryan, Texas

County Clerk
 Brazos County, Texas

SYMBOL & LINE LEGEND

⊗	POWER POLE
⊗	LIGHT POLE
⊗	GUY WIRE ANCHOR
—	GAS PIPELINE RISER
⊗	WATER VALVE
⊗	WATER METER
⊗	DOUBLE CHECK VALVE
⊗	ELECTRIC VALVE
⊗	BALL VALVE
⊗	ELECTRICAL TRANSFORMER
⊗	GAS METER
⊗	MANHOLE
⊗	CLEANOUT
⊗	FIRE HYDRANT
⊗	TELEPHONE PEDESTAL
⊗	AREA INLET
⊗	JUNCTION BOX
---	BUILDING SETBACK LINE
---	PROPERTY LINE
---	EASEMENT LINE
---	P.U.E. PUBLIC UTILITY EASEMENT

FINAL PLAT
 OF
UNIVERSITY OAKS SECTION TWO
 LOTS 14R1 & 14R2
 BLOCK 5
 BEING A REPLAT OF
 LOT 14A - BLOCK 5
 (VOLUME _____ PAGE _____)
 2 LOTS - TOTAL: 0.239 ACRES
 COLLEGE STATION, BRAZOS COUNTY, TEXAS
 SURVEYED: NOVEMBER, 2011

RME Consulting Engineers

LANDOWNER INFORMATION
 LEWIS R. JR. & KATHRYN M. BELL
 723 DOMINIK DRIVE
 COLLEGE STATION, TX 77840

7607 EASTMARK DR., STE. 252 <77840>
 POST OFFICE BOX 9253
 COLLEGE STATION, TEXAS 77842
 EMAIL: civil@rmengineer.com

OFFICE - (979) 764-0704
 FAX - (979) 764-0704
 TEXAS FIRM REGISTRATION No. F-4695

FILENAME: 0446RP4A | SCALE: 1"=60'
 SUBMITTED DATE: 3/7/12
 REVISIONS: 3/26/12
 DRAWN BY: R.A.M.
 CHECKED BY: BRAD KERR
 FIELD BOOK: N/A | PAGES: N/A
 RME CONSULTING ENGINEERS
 CLIENT NO. PROJECT NO.
 220 - 0446

12.47
 3.28.11
 11:55
 RJK



CITY OF COLLEGE STATION
Planning & Development Services

1101 Texas Avenue, P.O. Box 9960
College Station, Texas 77842
Phone 979.764.3570 / Fax 979.764.3496

MEMORANDUM

DATE: April 19, 2012
TO: Planning and Zoning Commission
FROM: Lauren A. Hovde, Staff Planner
lhovde@cstx.gov
SUBJECT: Northgate Outdoor Dining and Entertainment

As part of the University Drive and College Main pedestrian improvements currently under construction in the Northgate District, the City of College Station entered into negotiations with the Northgate business owners and Northgate District Association during early 2011 to acquire necessary construction easements along the affected rights-of-way. Several business owners were interested in the opportunity to create a sidewalk dining and entertainment opportunity that would include the consumption of alcohol adjacent to their structure to accommodate the pedestrian activity. In response to this request, Staff is proposing four amendments to the Code of Ordinances to offer an outdoor dining and entertainment option. A brief summary of each amendment is provided below. The Planning and Development Services Staff is seeking the Planning and Zoning Commission's recommendation on the Unified Development Ordinance amendment to Section 5.6.B.13 "Outdoor Storage and Display" requires Planning and Zoning Commission action. Staff is recommending approval of the amendment as proposed.

Code Of Ordinances Chapter 12, "Unified Development Ordinance", Section 5.6 "Design Districts", B "Northgate Districts", 13 " Outside Storage and Display Standards":

This ordinance amendment includes the removal of the location limitation of outdoor sales and display for businesses permitted through Code of Ordinance Chapter 4 "Business Regulations" Section 21 "Northgate Outdoor Dining and Entertainment."

Code of Ordinances Chapter 4, "Business Regulations" Section 21 "Northgate Outdoor Dining and Entertainment":

This ordinance creates the opportunity for businesses with frontage along College Main, University Drive, and Patricia Street Promenade to extend specific business operations into the public sidewalks. Business opportunities will be dependent on the time of day, being either Peak or Non-Peak Period. This means that a business adjacent to College Main may be permitted to use the space between its façade and a twenty-six foot (26') wide fire lane during Peak or Non-Peak Periods. Businesses adjacent to University Drive may use the area between their building façade and a ten foot (10') sidewalk during Non-Peak Periods only. Buildings with frontage on the Promenade may use the space between their property line and a minimum thirteen foot (13') clear zone measured between the property line and the edge of the pavilion supports during Non-Peak Periods only. This clear zone is in addition to the remainder of the Promenade Pedestrian area. The space available to businesses is referred to as Permitted Area within the proposed ordinance. The fee associated with the Peak Period permit is \$350.00 plus \$2.00 per square feet of Permitted Area, as defined by the ordinance.

Code of Ordinances Chapter 1, “General Provisions” Section 13 “Alcoholic Beverages”, B. “Possession and Consumption Of Alcoholic Beverages in Northgate Central Business District”:

This ordinance amendment includes the exemption of businesses permitted through Code of Ordinance Chapter 4 “Business Regulations” Section 21 “Northgate Outdoor Dining and Entertainment.” This will allow business operating under this ordinance to serve alcoholic beverages outside of their building but within their Permitted Area.

Code Of Ordinances Chapter 4 “Business Regulations” Section 4 “Carnivals, Circuses, Menageries, Sideshows, Concession, and Special Events”:

This ordinance amendment includes the removal of the limitation on the number of days a Special Event may be operated for businesses permitted through Code of Ordinance Chapter 4 “Business Regulations” Section 21 “Northgate Outdoor Dining and Entertainment.”

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12, “UNIFIED DEVELOPMENT ORDINANCE”, SECTION 5.6 “DESIGN DISTRICTS”, B “NORTHGATE DISTRICTS”, 13 “ OUTSIDE STORAGE AND DISPLAY STANDARDS”, OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That **CHAPTER 12, “UNIFIED DEVELOPMENT ORDINANCE”,** be amended by amending, **SECTION 5.6 “DESIGN DISTRICTS”, B “NORTHGATE DISTRICTS”, 13 “ OUTSIDE STORAGE AND DISPLAY STANDARDS”,** of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit “A”, attached hereto and made a part of this ordinance for all purposes.

PART 2: Should any part of this ordinance be held illegal or invalid for any reason, the holding shall not affect the remaining sections or portion of sections or provisions of this ordinance.

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2012.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:

City Attorney

Exhibit "A"

That **CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE", SECTION 5.6 "DESIGN DISTRICTS", B "NORTHGATE DISTRICTS", 13 " OUTSIDE STORAGE AND DISPLAY STANDARDS"**, of the Code of Ordinances of the City of College Station, Texas, is hereby amended by amending said Section:

13. Outside Storage and Display Standards

The following standards are in lieu of Section 7.11 Outdoor Storage and Display.

- a) Outdoor storage of materials or commodities is prohibited.
- b) Temporary or portable buildings of any kind are prohibited except during construction of site-planned facilities.
- c) Outside sales/outside display areas shall be located within five (5) feet of a required entrance façade and shall only be located in front of the property/business that is selling item(s). A four-foot minimum clear space on sidewalks shall be maintained.
 - 1) **Exception** –Subsection c will not apply if a business is has a valid Permit issued under Code of Ordinance Chapter 4 "Business Regulations" Section 21 "Northgate Outdoor Dining and Entertainment.
- d) All merchandise and/or seasonal items used for outside sales or display shall be moved indoors at the end of business each day.

Section 5.6.B.13. Outside Storage and Display Standards

The following standards are in lieu of Section 7.11 Outdoor Storage and Display.

- a) Outdoor storage of materials or commodities is prohibited.
- b) Temporary or portable buildings of any kind are prohibited except during construction of site-planned facilities.
- c) Outside sales/outside display areas shall be located within five (5) feet of a required entrance façade and shall only be located in front of the property/business that is selling the item(s), with the exception of businesses permitted through Code of Ordinance Chapter 4 “Business Regulations” Section 21 “Northgate Outdoor Dining and Entertainment”; A four-foot minimum clear space on sidewalks shall be maintained.
- d) All merchandise and/or seasonal items used for outside sales or display shall be moved indoors at the end of business each day.