



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

**Planning & Zoning
Commission
June 21, 2012
*City Hall
1101 Texas Avenue,
College Station, Texas***

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



AGENDA
PLANNING & ZONING COMMISSION
WORKSHOP MEETING
JUNE 21, 2012, AT 6:00 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 ~ Minor Plat ~ Tower Point Ph3 L28A B13
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 upcoming sewer line capital projects, including the relationship between upcoming developments and the capacity of the wastewater collection system. **(DC)**
6. Presentation, possible action, and discussion regarding the P&Z Calendar of Upcoming Meetings.
 - Thursday, June 28, 2012 ~ City Council Meeting ~ Council Chambers ~ Workshop 6:00 p.m. and Regular 7:00 p.m.
 - Thursday, July 5, 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: 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.
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 June 21, 2012 at 6:00 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 June, 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 June 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
JUNE 21, 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 4, 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.
 - June 7, 2012 ~ Workshop
 - June 7, 2012 ~ Regular
 - 4.2 Presentation, possible action, and discussion on a Final Plat for Harper's Crossing consisting of two lots on approximately 3.2 acres located at 2849 Barron Road, generally located at the southeast corner of the intersection of Barron Road and William D Fitch Parkway. **Case #12-00500103 (MTH)**

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 regarding a Conditional Use Permit for approximately 4.1 acres of ground-floor multi-family housing within the Wolf Pen Creek District located at 1915 Dartmouth Street, generally located at the intersection of Holleman Drive East and Dartmouth Street. **Case # 12-00500013 (LH) (Note: Final action on this item is scheduled for the July 12, 2012 City Council Meeting - subject to change)**
7. Public hearing, presentation, possible action, and discussion regarding a rezoning from A-O Agricultural-Open to PDD Planned Development District for approximately 7.5 acres located at 4080 State Highway 6 South, generally located south of Secure Self-Storage on the frontage road. **Case # 12-00500084 (LH) (Note: Final action on this item is scheduled for the July 12, 2012 City Council Meeting - subject to change)**
8. Public hearing, presentation, possible action, and discussion regarding a rezoning from A-O Agricultural-Open with OV Corridor Overlay to C-1 General Commercial with OV Corridor Overlay on approximately 1.2 acres located at 950 William D. Fitch Parkway, generally located at the southwest corner of William D. Fitch Parkway and State Highway 6 South. **Case # 12-00500108 (MTH) (Note: Final action on this item is scheduled for the July 12, 2012 City Council Meeting - subject to change)**
9. Public hearing, presentation, possible action, and discussion regarding an amendment to Unified Development Ordinance Section 5.6.B.2.c “NG-3 Residential Northgate” and Section 5.7 “Design District Dimensional Standards” regarding places of worship in Northgate. **Case # 12-00500101 (MTH) (Note: Final action on this item is scheduled for the July 12, 2012 City Council Meeting - subject to change)**
10. Public hearing, presentation, possible action, and discussion regarding an amendment to Chapter 7, Health and Sanitation, of the Code of Ordinances by adding Section 7-13, “Stormwater Protection” and an amendment to Chapter 12, Unified Development Ordinance by renaming Section 7.8 as “Flood Hazard Protection”, adding Section 7.13, “Drainage and Stormwater Management”, and adding Section 10.6, “Specific Enforcement and Penalties for Drainage and Stormwater Management” to regulate discharges into the City stormwater system. **Case # 12-00500115 (AG) (Note: Final action on this item is scheduled for the July 12, 2012 City Council Meeting - subject to change)**
11. 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.
12. 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 June 21, 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 June, 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 June __, 2012, 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>Numerous on-going items and projects.</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. 1/12/12: Council update regarding plan. 2/2/12: P&Z Workshop update regarding plan. 5/16/12: Health & Wellness subcommittee meeting.</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>2/3/12: P&Z BioCorridor Subcommittee meeting. 3/2/12: P&Z BioCorridor Subcommittee meeting. 5/15/12: P&Z BioCorridor Subcommittee meeting. 6/5/12: Presentation at Joint P&Z meeting with Bryan.</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>5/1/12: Special meeting about Area 5 at City Hall. 5/14/12: Neighborhood Resource Team meeting. 5/17/12: Plan update at P&Z Workshop. 7/10/12: Plan Open House in City Hall at 6pm. 7/17/12: 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>5/31/12: Wellborn Resource Team meeting at Wellborn Community Center at 630pm.</p> <p>6/18/12: Wellborn Resource Team meeting at Wellborn Community Center at 630pm.</p> <p>6/19/12: Area meeting at Wellborn Community Center at 630pm.</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>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> <p>6/28/12: Update at Council Workshop.</p> <p>7/5/12: Update at P&Z Workshop.</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>5/9/12: Public meeting at 6 PM at City Hall to introduce draft non-residential district concepts.</p> <p>7/6/12: P&Z Subcommittee meeting at 815am.</p> <p>7/9/12: P&Z Subcommittee meeting at 815 am.</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>2/16/12: 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> <p>5/30/12: Joint Task Force Meeting at 5 PM.</p> <p>6/27/12: 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> <p>7/5/12: Economic Development Master Plan update at P&Z Workshop.</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. 8/2/12: Discussion of Community Development Action Plan at P&Z Workshop. 8/9/12: Community Development Action Plan for Council approval.
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:



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PLANNING & ZONING COMMISSION
REGULAR MEETING
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 - June 7, 2012 ~ Regular
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Regular Agenda

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12. Adjourn.

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

CITY OF COLLEGE STATION, TEXAS

By _____
Sherry Mashburn, City Secretary

By _____
David Neeley, City Manager

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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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MINUTES
PLANNING & ZONING COMMISSION
Workshop Meeting
June 7, 2012, 6:00 p.m.
City Hall Council Chambers
College Station, Texas

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

COMMISSIONERS ABSENT: Jodi Warner

CITY COUNCIL MEMBERS PRESENT: Dave Ruesink

CITY STAFF PRESENT: Bob Cowell, Lance Simms, Molly Hitchcock, Alan Gibbs, Carol Cotter, Jason Schubert, Morgan Hester, Marcelo Arreola, Joe Guerra, Mary Ann Powell, Brittany Caldwell, and Carrie McHugh

1. Call the meeting to order.

Chairman Ashfield called the meeting to order at 6:00 p.m.

2. Discussion of consent and regular agenda items.

There was general discussion amongst the Commission regarding Regular Agenda Item 6.

3. 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 regarding the 2012 P&Z Plan of Work.

4. Presentation, possible action, and discussion regarding amendments to Chapter 7, Health and Sanitation, and Chapter 12, Unified Development Ordinance to adopt storm water ordinances. **(AG)**

City Engineer Gibbs introduced the item and stated that Engineering Program Specialist Arreola would be giving the presentation.

Mr. Arreola gave the presentation regarding storm water ordinances.

There was general discussion amongst the Commission and Staff regarding the ordinances.

5. Presentation, possible action, and discussion regarding an update on the following items:

- A rezoning from C-1 General Commercial to PDD Planned Development District for approximately 0.2 acres located at 1405 University Drive, generally located at the northwest corner of the intersection of University Drive with the former Meadowland Street. The Planning & Zoning Commission heard this item on May 3rd and voted 5-0 to recommend approval. The City Council heard this item on May 24th and voted 6-0 to approve the rezoning.

There was no discussion.

6. Presentation, possible action, and discussion regarding the P&Z Calendar of Upcoming Meetings.

- Thursday, June 14, 2012 ~ City Council Meeting ~ Council Chambers ~ Workshop 3:00 p.m. and Regular 7:00 p.m.
- Thursday, June 21, 2012 ~ P&Z Meeting ~ Council Chambers ~ Workshop 6:00 p.m. and Regular 7:00 p.m.

Chairman Ashfield 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.

Director Cowell gave an update regarding the Joint Task Force on Neighborhood Parking Issues and the Lick Creek Nature Center Task Force.

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.

The meeting was adjourned at 6:55 p.m.

Approved:

Mike Ashfield, Chairman
Planning & Zoning Commission

Attest:

Brittany Caldwell, Admin. Support Specialist
Planning & Development Services

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

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

COMMISSIONERS ABSENT: Jodi Warner

CITY COUNCIL MEMBERS PRESENT: Dave Ruesink

CITY STAFF PRESENT: Bob Cowell, Lance Simms, Molly Hitchcock, Alan Gibbs, Carol Cotter, Jason Schubert, Morgan Hester, Marcelo Arreola, Joe Guerra, Mary Ann Powell, 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 on Absence Requests from meetings.

- Jodi Warner ~ June 5 & 7, 2012

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

- May 17, 2012 ~ Workshop
- May 17, 2012 ~ Regular

4.3 Presentation, possible action, and discussion on a Preliminary Plan for Harper's Crossing consisting of two lots on approximately 3.19 acres located at 2849 Barron Road, generally located at the intersection of Barron Road and William D. Fitch Parkway. **Case # 12-00500103 (MTH)**

Commissioner Benham motioned to approve Consent Agenda Items 4.1 – 4.3. Commissioner Rektorik seconded the motion, motion passed (6-0).

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. Public hearing, presentation, possible action, and discussion regarding a rezoning from C-1 General Commercial to R-4 Multi-Family for approximately 0.7 acres and R-4 Multi-Family to C-1 General Commercial for approximately 0.85 acres for the properties located at 2041 Holleman Drive West and 1451 Harvey Mitchell Parkway South, generally located at the corner of Holleman Drive West and Harvey Mitchell Parkway South. **Case # 12-00500073 (MTH) (Note: Final action on this item is scheduled for the June 28, 2012 City Council Meeting - subject to change)**

Staff Planner Morgan Hester presented the rezoning and recommended approval.

There was general discussion amongst the Commission regarding the rezoning.

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 (6-0).

7. 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.

8. Adjourn.

The meeting was adjourned at 7:08 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
Harper's Crossing
12-00500103**

SCALE: 2 lots on 3.19 acres

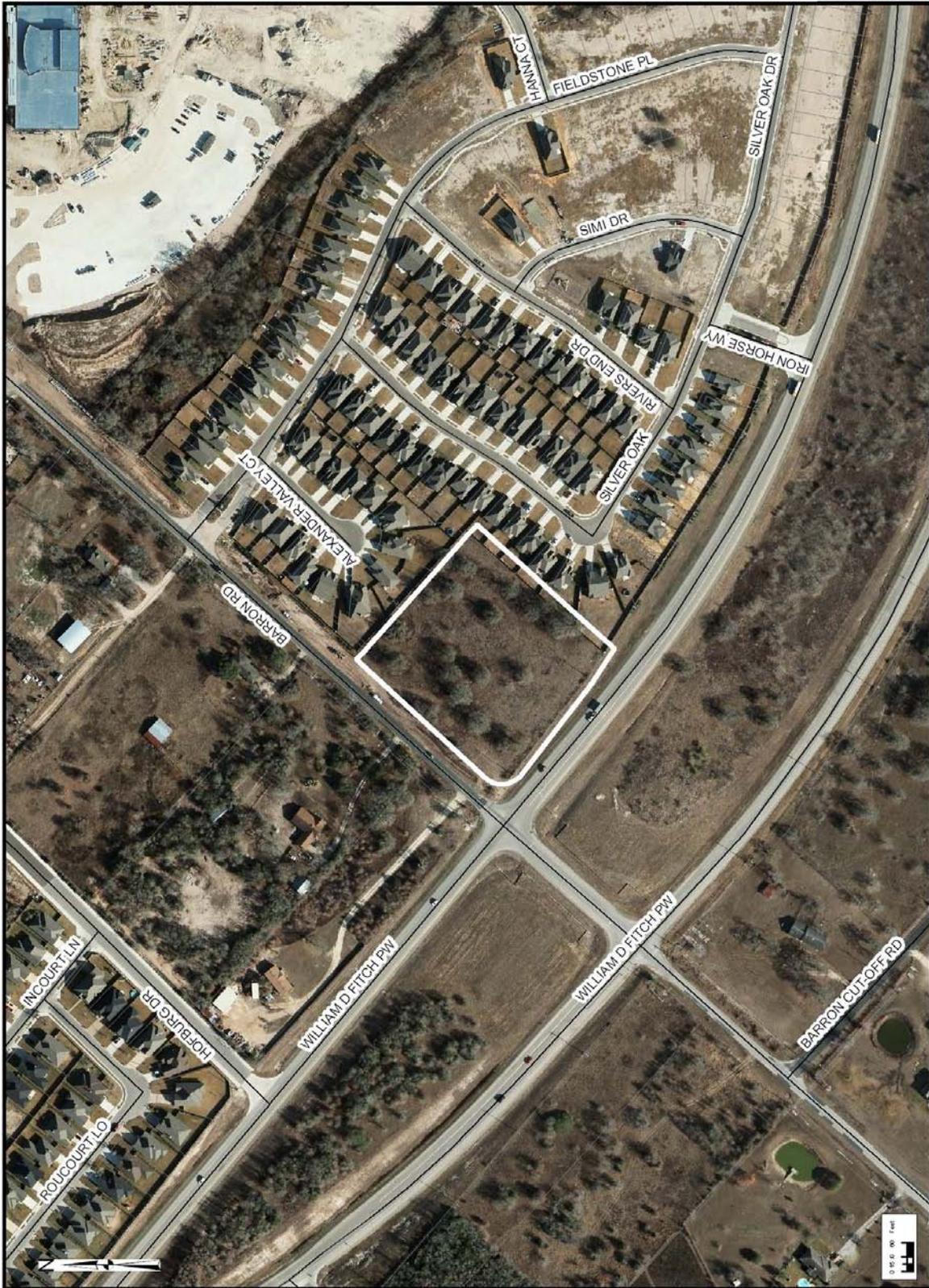
LOCATION: 2849 Barron Rd, located at the southeast corner of Barron Road and William D. Fitch Parkway

ZONING: PDD Planned Development District

APPLICANT: Jesse Durden, CapRock Texas

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

RECOMMENDATION: Staff recommends approval of the Final Plat.



Case: 12-103 FINAL PLAT	HARPER'S CROSSING	DEVELOPMENT REVIEW 
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DEVELOPMENT HISTORY

Annexation:	June 1995
Zoning:	A-O Agriculture Open upon annexation in 1995 C-3 Light Commercial in May 2006 PDD Planned Development District in February 2009 PDD Planned Development District in April 2012 for additional commercial uses and change the concept plan.
Preliminary Plat:	Approved June 2012
Site Development:	Vacant

COMMENTS

Parkland Dedication:	Parkland dedication is not required for non-residential developments.
Greenways:	No greenway dedication is required or proposed.
Pedestrian Connectivity:	A sidewalk is located along Barron Road and a multi-use path is required and will be constructed along William D Fitch Parkway.
Bicycle Connectivity:	A bicycle lane is located along Barron Road and a multi-use path is required and will be constructed along William D Fitch Parkway.
Impact Fees:	The subject tract is located in the Spring Creek Sanitary Sewer Impact Fee Area. The current rate is \$98.39 per LUE (Living Unit Equivalent).

REVIEW CRITERIA

Compliance with Subdivision Regulations: The Final Plat is in compliance with the Subdivision Requirements of the Unified Development Ordinance.

STAFF RECOMMENDATIONS

Staff recommends approval of the Final Plat.

SUPPORTING MATERIALS

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



FOR OFFICE USE ONLY	
CASE NO.:	<u>12.103</u>
DATE SUBMITTED:	<u>5.9.12</u>
TIME:	<u>9:41</u>
STAFF:	<u>JS</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). n/a
- 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 Harper's Crossing

ADDRESS William D. Fitch Parkway (State Highway No. 40)

SPECIFIED LOCATION OF PROPOSED PLAT:

3.19 acres at the east corner of State Highway No. 40 / Barron Road Intersection

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

Name CapRock Texas c/o Jesse Durden, President E-mail jesse.durden@caprocktx.com

Street Address 110 Lincoln Avenue, Ste. 103

City College Station State TX Zip Code 77840

Phone Number 979-307-0321 Fax Number 979-314-7606

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

Name Dunlap Family Trust - Jill Mary Dunlap, Trustee E-mail _____

Street Address 3104 Broadmoor Drive

City Bryan State TX Zip Code 77802

Phone Number 979-774-3550 Fax Number _____

ARCHITECT OR ENGINEER'S INFORMATION:

Name Schultz Engineering, LLC, attn: Joe Schultz E-mail joeschultz84@verizon.net

Street Address P.O. Box 11995

City College Station State TX Zip Code 77842

Phone Number 979-764-3900 Fax Number 9797643910

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 3.19 Total No. of Lots 2 R-O-W Acreage 0

Existing Use Vacant Proposed Use Commercial

Number of Lots By Zoning District 2 / PDD _____ / _____ / _____

Average Acreage Of Each Residential Lot By Zoning District:

n/a / _____ _____ / _____ _____ / _____

Floodplain Acreage None

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: Harper's Crossing Preliminary Plan

City Project Number (if known): #12-00500059

Date / Timeframe when submitted: March 2012

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

None.

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

None.

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.

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

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.

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.

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:

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 None.

<p style="text-align: center;">Total Linear Footage of Proposed Public:</p> <p><u> </u> Streets</p> <p><u> </u> Sidewalks</p> <p><u>267</u> Sanitary Sewer Lines</p> <p><u>56</u> Water Lines</p> <p><u> </u> Channels</p> <p><u> </u> Storm Sewers</p> <p><u>300</u> Bike Lanes / Paths</p>	<p style="text-align: center;">Parkland Dedication due prior to filing the Final Plat:</p> <p>ACREAGE:</p> <p><u> </u> No. of acres to be dedicated + \$ <u> </u> development fee</p> <p><u> </u> No. of acres in floodplain</p> <p><u> </u> No. of acres in detention</p> <p><u> </u> No. of acres in greenways</p> <p>OR</p> <p>FEE IN LIEU OF LAND:</p> <p><u> </u> No. of SF Dwelling Units X \$ <u> </u> = \$ <u> </u></p> <p><u> </u> (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.

Dunlap Family Trust
 Signature and title
Joe Wayne Dunlap

5-2-12
 Date

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.

Doulop Family Trust
Property Owner(s)
Gill Marya Doulop

5-2-12
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

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2. The permit may be revoked if any false statements are made herein.
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Property Owner(s)

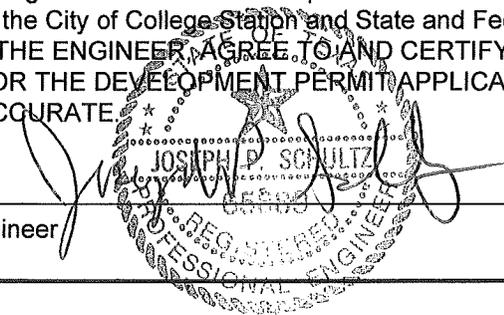
Date

Engineer Certification:

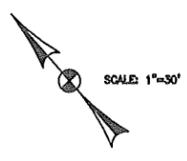
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2. I will obtain or can show compliance with all necessary Local, State and Federal Permits prior to construction including NOI and SWPPP. Design will not preclude compliance with TPDES: i.e., projects over 10 acres may require a sedimentation basin.
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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



5-1-12



SCALE 1"=30'

CURVE TABLE (ACCESS EASEMENTS)

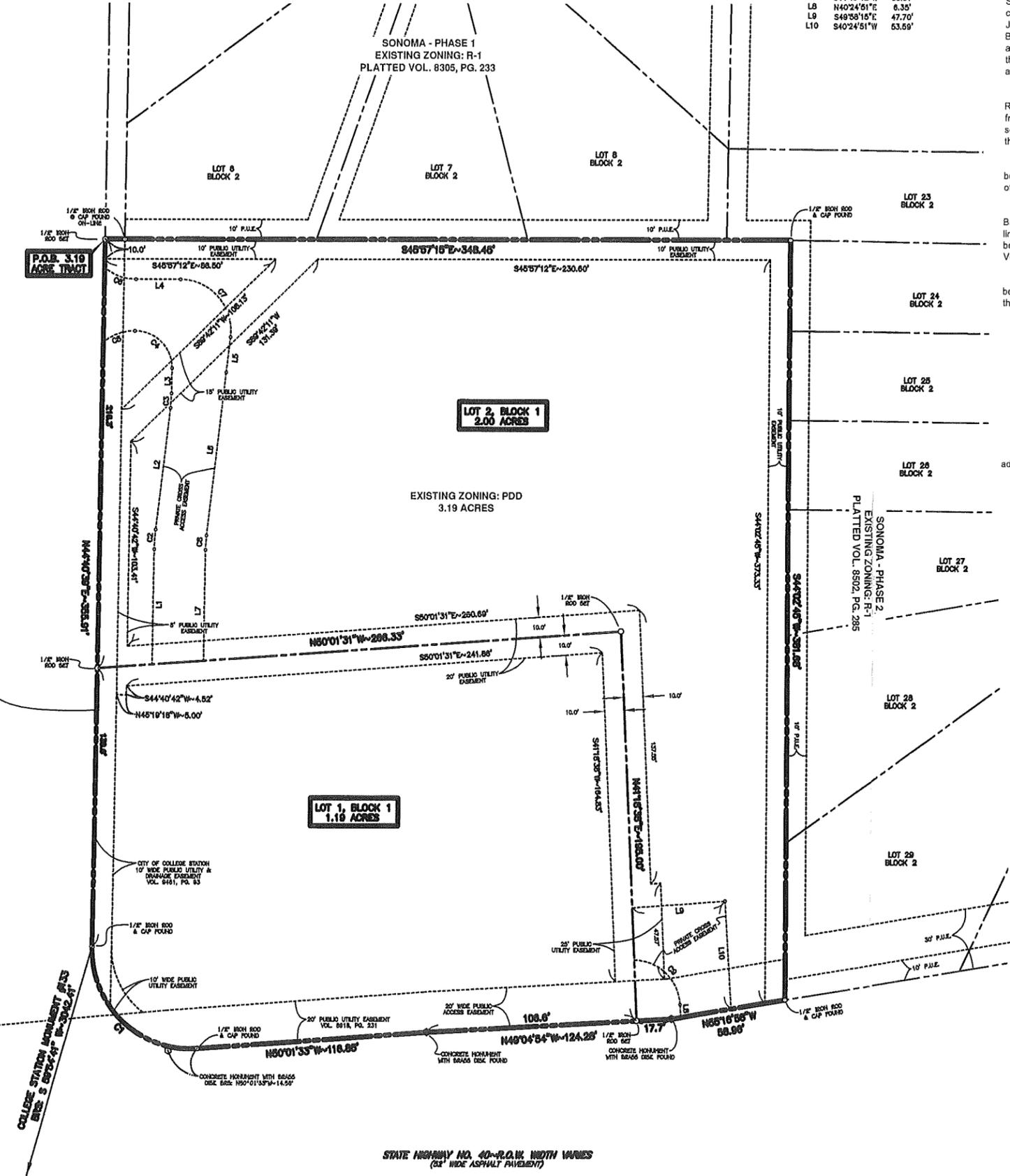
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING
C1	82.64'	50.00'	94°42'12"	N02°40'27"W-73.55'

CURVE TABLE (ACCESS EASEMENTS)

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING
C2	8.99'	97.00'	5°54'08"	N47°37'48"E-9.99'
C3	7.31'	71.00'	5°54'08"	N47°37'48"E-7.31'
C4	29.70'	18.50'	91°59'35"	N01°19'08"W-28.61'
C5	17.25'	24.00'	41°10'35"	N85°20'48"W-18.88'
C6	17.24'	24.00'	41°09'43"	S25°22'21"E-18.87'
C7	43.69'	28.00'	99°16'27"	S02°25'35"W-38.73'
C8	7.31'	71.00'	5°54'08"	S47°37'48"W-7.31'
C9	35.52'	23.50'	86°38'24"	S02°53'21"E-32.24'

LINE TABLE (ACCESS EASEMENTS)

LINE	BEARING	DISTANCE
L1	N44°40'42"E	55.05'
L2	N50°34'50"E	61.84'
L3	N44°40'42"E	12.78'
L4	S45°57'12"E	22.61'
L5	S50°34'50"W	17.89'
L6	S50°34'50"W	82.98'
L7	S44°40'42"W	55.91'
L8	N40°24'51"E	6.35'
L9	S49°33'15"E	47.70'
L10	S40°24'51"W	53.59'



SONOMA - PHASE 1
EXISTING ZONING: R-1
PLATTED VOL. 8305, PG. 233

EXISTING ZONING: PDD
3.19 ACRES

LOT 1, BLOCK 1
1.19 ACRES

LOT 2, BLOCK 1
2.00 ACRES

HARPER'S CROSSING
3.19 Acre Tract
Robert Stevenson Survey, A-54
College Station, Brazos County, Texas

Field notes of a 3.19 acre tract or parcel of land, lying and being situated in the Robert Stevenson Survey, Abstract No. 54, College Station, Brazos County, Texas, and being part of the called 154 acre (net) tract described in the deed from Florence A. Brown to Beverly J. Furrer, Patricia J. Vogel and Thomas L. Brown, Jr., as recorded in Volume 854, Page 57, of the Official Records of Brazos County, Texas, and being also described as 158 acres in the deed from D. Brooks Cofer, Jr. and Don Dillon to Wayne A. Dunlap and Thomas L. Brown as recorded in Volume 283, Page 382, of the Deed Records of Brazos County, Texas, and said 3.19 acre tract being more particularly described as follows:

COMMENCING at the north corner of the beforementioned 158 acre tract in the center of Barron Road (County Road now in College Station - formerly known as Wellborn - Rock Prairie Public Road), from which a crossline fence corner at the intersection of the northeast line of the 158 acre tract with the southeast line of Barron Road bears S 46° 02' 08" E - 26.21 feet, and a crossline fence corner marking the east corner of the 158 acre tract bears S 46° 02' 08" E - 3422.41 feet;

THENCE S 44° 02' 45" W along the northwest line of the beforementioned 158 acre tract, same being along the centerline of the existing pavement (September, 2008), of Barron Road for a distance of 733.33 feet;

THENCE S 45° 57' 15" E through the interior of the beforementioned 158 acre tract, and across Barron Road, for a distance of 51.55 feet to a 5/8" iron rod found in the existing southeast right-of-way line of Barron Road (90' wide right-of-way), for the PLACE OF BEGINNING of this description, same being the northerly west corner of Block 2, Sonoma - Phase 1, according to the plat recorded in Volume 8305, Page 233, of the Official Records of Brazos County, Texas;

THENCE through the interior of the beforementioned 158 acre tract, and along the lines of the beforementioned Sonoma - Phase 1, and Sonoma - Phase 2, as platted in Volume 8502, Page 285, of the Official Records of Brazos County, Texas, as follows:

- S 45° 57' 15" E at a distance of 10.00 feet, pass a 1/2" iron rod found with cap and at a distance of 10.3 feet, a wood fence post corner bears northeast - 0.4 feet, continue on, adjacent to a fence, for a total distance of 348.45 feet to a 1/2" iron rod found at a wood fence post corner, at the north corner of Lot 24, Block 2, Sonoma - Phase 2,
- S 44° 02' 45" W adjacent to a fence, for a distance of 381.68 feet to a 1/2" iron rod found in the northeast right of way line of State Highway No. 40, same being the west corner of Lot 29, Block 2, Sonoma - Phase 2, from which a concrete monument with brass disc found bears S 55° 16' 58" E - 532.93 feet;

THENCE along the northeast right of way line of the beforementioned State Highway No. 40, adjacent to a fence, as follows:

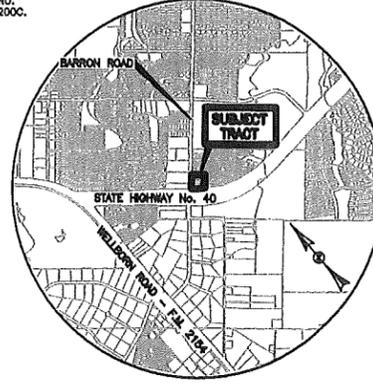
- N 55° 16' 58" W for a distance of 58.96 feet to a concrete monument with brass disc found,
- N 49° 04' 54" W for a distance of 124.28 feet to a concrete monument with a brass disc found,
- N 50° 01' 33" W for a distance of 116.85 feet to a 1/2" iron rod found marking the south corner of a called 661 square foot tract taken for Barron Road right-of-way described in the deed recorded in Volume 9626, Page 258, of the Official Records of Brazos County, Texas, same being the beginning of a transition curve to Barron Road, concave to the east, having a radius of 50.00 feet, from which a concrete monument found bears N 50° 01' 33" W - 14.56 feet;

THENCE along the southeast right-of-way line of Barron Road, as follows:

- Northerly along said transition curve, for an arc length of 82.64 feet to a 1/2" iron rod found at the end of this curve, the chord bears N 02° 40' 27" W - 73.55 feet,
- N 44° 40' 39" E for a distance of 355.91 feet to the PLACE OF BEGINNING, containing 3.19 acres of land, more or less.

NOTES:

- BEARINGS BASED ON DEED CALL BEARINGS OF THE COLLEGE STATION INDEPENDENT SCHOOL DISTRICT - 64.28 ACRE TRACT - VOL. 3804, PG. 243, OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS.
- CURRENT TITLE APPEARS VESTED IN DUNLAP ESTATE BY VIRTUE OF DEED RECORDED IN VOL. 854, PG. 57, OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS.
- THE SUBJECT TRACT DOES NOT LIE WITHIN THE 100 YEAR FLOODPLAIN ACCORDING TO THE F.E.M.A. FLOOD INSURANCE RATE MAP FOR BRAZOS COUNTY, TEXAS AND INCORPORATED AREAS. COMMUNITY NO. 481195, PANEL NO. 0200C, MAP NO. 48041C0200C. EFFECTIVE DATE: JULY 2, 1992.



FINAL PLAT
OF
HARPER'S CROSSING
(2 LOTS, 1 BLOCK)

#2849 BARRON ROAD, COLLEGE STATION
3.19 ACRES

ROBERT STEVENSON SURVEY, A-54
COLLEGE STATION, BRAZOS COUNTY, TEXAS

OWNED BY: DUNLAP FAMILY TRUST
JILL MARY DUNLAP, TRUSTEE
3104 BROADHOOR DRIVE
BRYAN, TX 77802-2100
(979)774-3550

DEVELOPED BY: CAPROCK, TEXAS
JESSE DURDEN, PRESIDENT
110 LINCOLN AVE. SUITE 103
COLLEGE STATION, TX 77840
(979)307-0321

SCALE: 1"=30' APRIL, 2012

PREPARED BY:

KLING ENGINEERING & SURVEYING
4101 TEXAS AV. + P.O. BOX 4234 + BRYAN, TEXAS + PH.979/846-6212

CERTIFICATE OF OWNERSHIP AND DEDICATION

STATE OF TEXAS
COUNTY OF BRAZOS

I, Dunlap Family Trust, owner and developer of the land shown on this plat, and designated herein as the Harper's Crossing Subdivision to the City of College Station, Texas, and whose name is 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.

JILL MARY DUNLAP, TRUSTEE

STATE OF TEXAS
COUNTY OF BRAZOS

Before me, the undersigned authority, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she/they executed the same for the purpose and consideration therein stated.

Given under my hand and seal on this _____ day of _____, 2012.

Notary Public, Brazos County, Texas

CERTIFICATE 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 _____, 2012.

CERTIFICATE OF THE COUNTY CLERK

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 this _____ day of _____, 2012, 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

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

CERTIFICATE OF SURVEYOR AND/OR ENGINEER

STATE OF TEXAS
COUNTY OF BRAZOS

I, S. M. Kling, Registered Public Surveyor, No. 2003, 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.

S. M. Kling, R.P.L.S. No. 2003



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

**CONDITIONAL USE PERMIT
FOR
1915 DARTMOUTH STREET
12-00500013**

REQUEST: Multi-Family Residential on the ground floor in the Wolf Pen Creek District

SCALE: 4.06 acres (Two Phases)

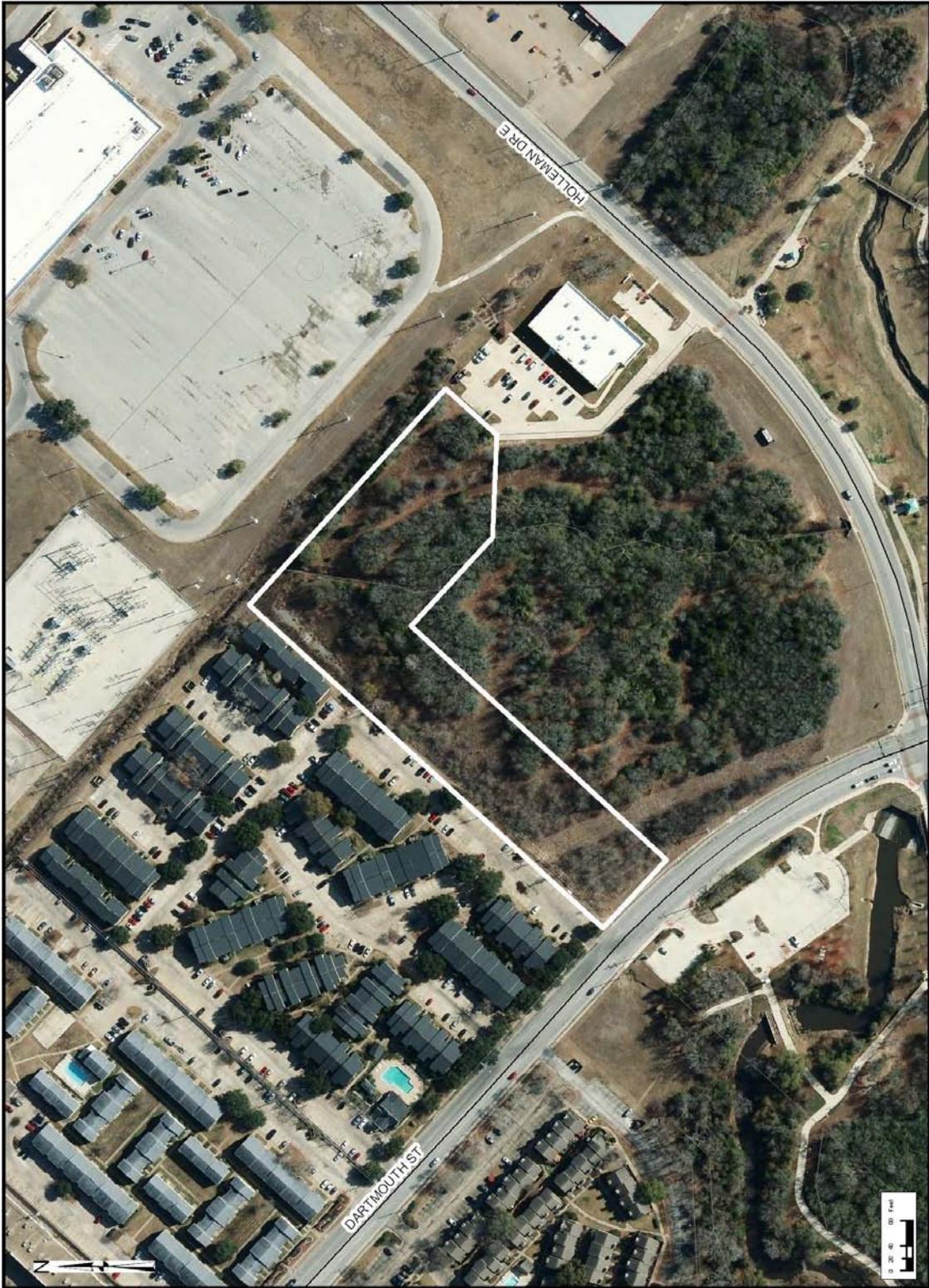
LOCATION: 1915 Dartmouth Street

APPLICANT: Travis Martinek, Clarke and Wyndham

PROJECT MANAGER: Lauren Amelia Hovde, Staff Planner
lhovde@cstx.gov

SUMMARY: Multi-family residential, when not part of a mixed-use development requires a Conditional Use Permit to locate on the ground level within the Wolf Pen Creek District. This property is the rear portion of a larger approximately 14-acre tract at the intersection of Dartmouth Street and Holleman Drive East which will be developed as either commercial or mixed-use if developed in accordance with the current plan and ordinances.

RECOMMENDATION: Staff recommends approval due to the neighboring land uses and location of the proposed development being at the rear portion of the larger tract.



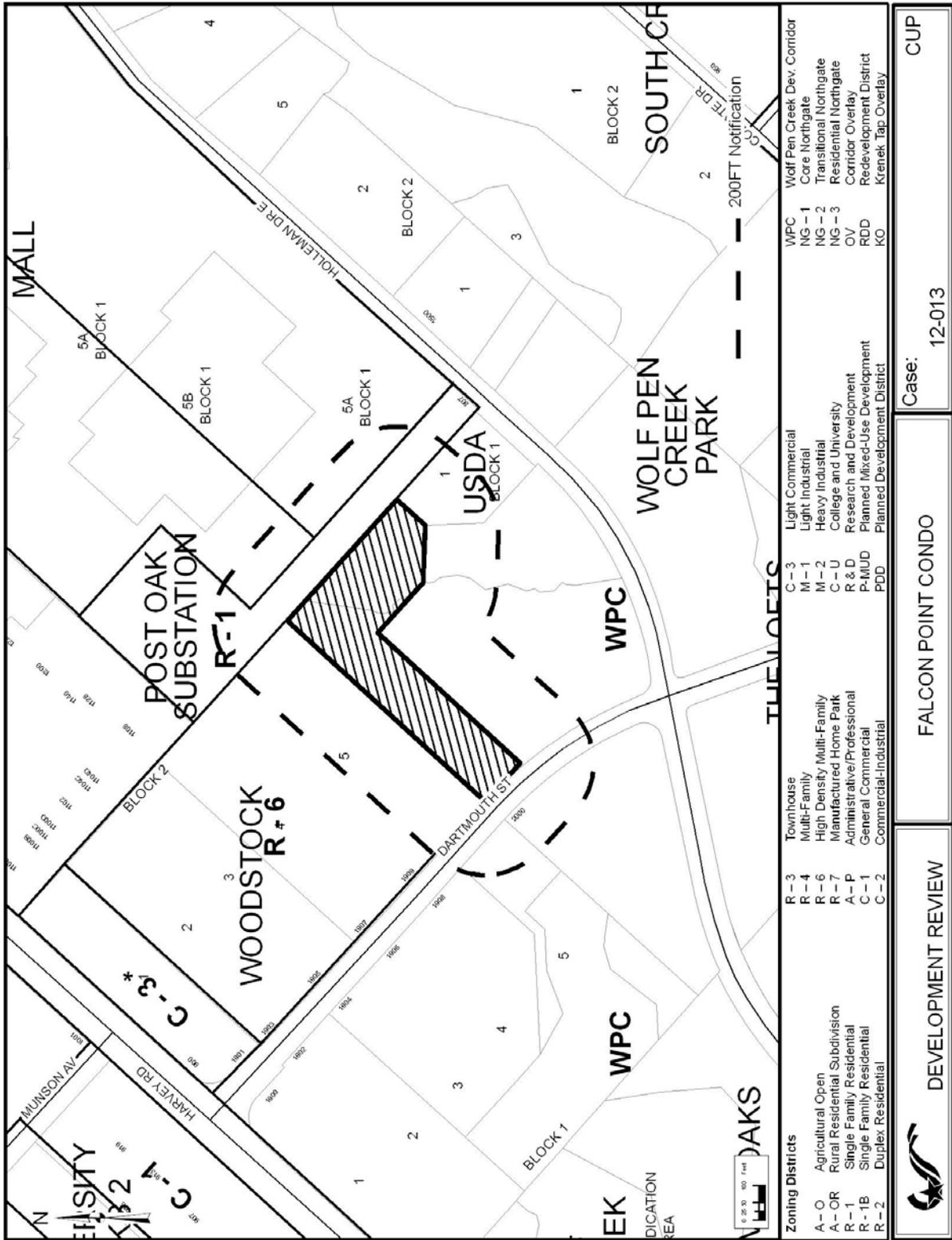
CUP

Case: 12-013

FALCON POINT CONDO

DEVELOPMENT REVIEW





NOTIFICATIONS

Advertised Commission Hearing Date: June 21, 2012
Advertised Council Hearing Dates: July 12, 2012

The following neighborhood organizations that are registered with the City of College Station's Neighborhood Services have received a courtesy letter of notification of this public hearing:

Property owner notices mailed: None
Contacts in support: Seven
Contacts in opposition: None
Inquiry contacts: None

ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North	Urban Mixed-Use	R-6 High-Density Multi-Family	Texas Huntington Apartments
South	Urban Mixed-Use and Natural Areas-Reserved	WPC Wolf Pen Creek District	Vacant property of the same tract and USDA building
East	Urban Mixed-Use and Natural Areas-Reserved	R-1 Single-Family Residential and C-1 General Commercial	Switch station driveway and Post Oak Mall
West	Urban Mixed-Use and Natural Areas-Reserved	WPC Wolf Pen Creek District	Wolf Pen Creek Park

DEVELOPMENT HISTORY

Annexation: February 1971
Zoning: C-1 General Commercial (1984)
Wolf Pen Creek District (1998)
Final Plat: Unplatted
Site development: Vacant

REVIEW CRITERIA

- The proposed use shall meet the purpose and intent of the Unified Development Ordinance (UDO) and meet all minimum standards for this type of use per the UDO.**
The proposed development will be required to meet all standards for multi-family residential in the Wolf Pen Creek (WPC) District upon the platting and site planning of the property. The UDO specifies that the WPC District should encourage the public and private use of Wolf Pen Creek and development corridor as an active and passive recreational area while maintaining an appearance consistent with the Wolf Pen Creek Master Plan. The proposed development does provide this type of encouragement by providing living space for park

users creating the possibility of a lifestyle that incorporates the creek and park facilities into the residents' everyday lives. The Wolf Pen Creek Master Plan encourages mixed-use development as a means of incorporating multi-family residential uses. This mix may be accomplished through future development on the front portion of the larger parent tract. The Unified Development Ordinance specifies in Section 6.2 "Types of Uses" that residential uses are allowed by right when located above retail or commercial. For the subject tract, a Conditional Use Permit is being request to allow residential uses on the ground floor. The proposal is located next to an existing multi-family complex and farthest from the Holleman Drive East and Dartmouth Street intersection on the approximately 14-acre tract. The subject tract is required to proceed through the platting and site planning process prior to development. Being located within the Wolf Pen Creek District, any proposed development must be reviewed and approved by the Design Review Board prior to Site Plan approval.

- 2. The proposed use shall be consistent with the development policies and goals and objectives as embodied in the Comprehensive Plan for development in the City.** The subject tract is shown on the Comprehensive Plan Future Land Use and Character Map as Urban Mixed-Use with a small portion of Natural Areas-Reserved, all of which are currently zoned WPC Wolf Pen Creek District. Urban Mixed-Use allows for multi-family residential development when part of a development that incorporates a commercial component. The subject tract is the rear portion of an approximately 14-acre tract at the intersection of Holleman Drive East and Dartmouth Street. The front portion is currently undeveloped which enables that portion of the property to contribute to the mixed-use requirement established by both the zoning district and land use designation. To comply with the Thoroughfare Plan, right-way-dedication will be assessed along Dartmouth Street and Holleman Drive East when the subject tract is platted.
- 3. The proposed use shall not be detrimental to the health, welfare, or safety of the surrounding neighborhood or its occupants, not be substantially or permanently injurious to neighboring property.** The abutting developments include an apartment complex to the north, an electrical switch station and Post Oak Mall to the east, and an office building to the south. Each of these land uses is compatible with multi-family residential. The proposed use will have no detrimental impact on the health, welfare, or safety of the surrounding properties or occupants.
- 4. The proposed site plan and circulation plan shall be harmonious with the character of the surrounding area.** The proposed plan shows a vehicular connection the southern portion of the property, and also shows the only driveway that will be permitted on the larger parent tract. Upon platting, the development will be required to provide a cross access easement that is parallel to Dartmouth Street that projects to the southern portion of the tract.
- 5. The proposed use shall not negatively impact existing uses in the area or in the City through impacts on public infrastructure such as roads, parking facilities, electrical, or water and sewer systems, or on public services such as police and fire protection, solid waste collection, or the ability of existing infrastructure and services to adequately provide services.** The parent tract of the subject property will be allowed one driveway off Dartmouth Street, which is being presented with this Conditional Use Permit request. Limiting access to the minor arterial will limit points of conflict for vehicular, pedestrian, and bicycle traffic making this portion of Dartmouth Street safer for multi-modal movement. Parking for the use will be accommodated on site, and the proposed

development will not put undo strain on public facilities such as electric, water, sewer, sanitation, police, and fire.

6. **The proposed use shall not negatively impact existing uses in the area or in the City.**
The proposed development will comply with all City ordinances and regulations applicable to the site and proposal.

STAFF RECOMMENDATION

Staff recommends approval due to the neighboring land uses and location of the proposed development being at the rear portion of the larger tract.

SUPPORTING MATERIALS

1. Application
2. Conditional Use Permit Plan (provided in packet)



FOR OFFICE USE ONLY	
CASE NO.:	<u>12-500013</u>
DATE SUBMITTED:	<u>1.17.12</u>
TIME:	<u>8:30</u>
STAFF:	<u>PK</u>

CONDITIONAL USE PERMIT APPLICATION GENERAL

(Check all applicable)

- | | |
|--|--|
| <input type="checkbox"/> Commercial day care in R-4, R-6, or R-7 | <input type="checkbox"/> RV Park in A-O or C-1 |
| <input type="checkbox"/> Drive-in/thru window in WPC | <input type="checkbox"/> Retail Sales and Service - Alcohol in WPC |
| <input checked="" type="checkbox"/> Multifamily in WPC | <input type="checkbox"/> Educational facility, outdoor instruction in A-OR |
| <input type="checkbox"/> Night Club in P-MUD or C-1 | <input type="checkbox"/> Parking as a primary use in A-P |
| <input type="checkbox"/> Hotel in A-O or A-OR | <input type="checkbox"/> Commercial Amusements in C-3 |

MINIMUM SUBMITTAL REQUIREMENTS:

- \$1,165 Conditional Use Permit Fee.
- \$932 Site Plan Application Fee (if applicable).
- \$350 Non-Residential Architectural Standards Building Review Application 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) copies of site plan. For projects in the Wolf Pen Creek District, applicant may provide ten (10) copies of the conceptual site plan. If the site is existing and no alterations are proposed, ten (10) copies of the approved site plan or ten (10) as-builts are required.
- One (1) folded copy of the landscape plan (if applicable).
- One (1) copy of the following for Non-Residential Architectural Standards building review (if applicable):
 - Building elevations to scale for all buildings.
 - List of building materials for all facades and screening.
 - Color samples or list of colors to be used from the approved color palette.
- 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).
- Traffic Impact Analysis or calculations of projected vehicle trips showing that a TIA is not necessary for the proposed request (if applicable).
- The attached Site Plan, Conceptual Site Plan, and Non-Residential Architectural Standards Building Review checklists with all items checked off or a brief explanation as to why they are not checked off (as applicable).

Date of Optional Preapplication or Stormwater Management Conference Not Applicable

NAME OF PROJECT Falcon Point Condos

ADDRESS 2250 Dartmouth Street, College Station, Texas 77840

LEGAL DESCRIPTION (Lot, Block, Subdivision) A ^{4.06}~~2.66~~ AC portion of a 14.62 AC Tract in Morgan Rector League, A-46

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

Name Travis Martinek E-mail travis@clarkewyndham.com

Street Address 3608 East 29th Street, Suite 100

City Bryan State Texas Zip Code 77802

Phone Number (979) 846-4384 229.9877 Fax Number (979) 846-1461

PROPERTY OWNER'S INFORMATION

Name Paul Clarke E-mail pclarke@clarkewyndham.com
Street Address 3608 East 29th Street, Suite 100
City Bryan State Texas Zip Code 77802
Phone Number (979) 846-4384 Fax Number (979) 846-1461

ARCHITECT OR ENGINEER'S INFORMATION:

Name McClure & Browne Engineering E-mail kevinm@mcclurebrowne.com
Street Address 1008 Woodcreek Drive, Suite 103
City College Station State Texas Zip Code 77845
Phone Number (979) 693-3838 Fax Number (979) 693-2554

Present use of property Vacant
Proposed use of property Mix of Uses, including Multi-Family
Current zoning of property Wolf Pen Creek
Number of parking spaces required 119 Spaces Number of parking spaces provided 124 Spaces
Total Acreage 2.66 Acres 4.06 acres Floodplain Acreage 0.00 Acres
Building square feet 54,606 Square Feet

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

FOR MULTI-FAMILY IN WPC:

Number of one bedroom units 24 Units
Total number of two bedroom units 33 Units
Number of two bedroom units with bedrooms > 132 sq. ft. 33
Number of two bedroom units with bedrooms < 132 sq. ft. 0
Total number of three bedroom units 0 Units
Total number of four bedroom units 0 Units
Total number of housing units 57 Units

PARKLAND DEDICATION (residential development will require parkland dedication at the time of building permit)

dwelling units (DU) X \$ per unit = \$ Total
Number of acres in floodplain 0.00 Acres
Number of acres in detention 0.00 Acres
Number of acres in greenways 0.00 Acres
Date approved by the Parks & Recreation Advisory Board

APPLICATION WILL NOT BE CONSIDERED COMPLETE WITHOUT THE FOLLOWING INFORMATION ADDRESSED:

1. Provide a detailed explanation of the proposed use including hours of operation, anticipated traffic, total building capacity, number of employees, number of students, number of children, ages of children, etc., as applicable.

The proposed use for the property is multi-family residential housing. The hours of operation, traffic, and occupancy will be consistent with a 57-unit, 90-bed multi-family complex.

2. Explain how the proposed conditional use will meet the purpose and intent of the Unified Development Ordinance and how the use will meet all of the minimum standards established in the UDO for this type of use including parking, landscaping, and screening of offensive areas (trash, loading areas, transformers, utility connections, etc.).

Although the proposed use requires a conditional use permit within the Wolf Pen Creek District, the proposed project is consistent with most of the existing uses within the immediate area. The project will adhere to all the design standards required for its use type and those required specifically in the Wolf Pen Creek District. This conditional use permit application is not requesting design standard variances or deviations.

3. Explain how the proposed use is consistent with Comprehensive Plan.

The subject tract and its surrounds has a land use designation of Urban Mixed Use. The proposed project is "Phase 1" of a larger development planned for the northwest corner of Holleman and Dartmouth. The larger development will include retail/restaurant, office, and multi-family. This type of development is consistent with the Comprehensive Plan and the Urban Mixed Use designation.

4. Explain how the proposed use is compatible with the surrounding areas.

Multi-Family residential is the predominant use within the immediate area of the proposed project.

5. Explain how the proposed site plan and circulation plan will be harmonious with the character of the surrounding area.

The proposed project has been intentionally sited on a tract of land that will provide separation, screening, and setback from other future, more commercial type uses. The building architecture will be traditional in design and consistent with the architectural styles of the various structures located within the area.

6. Explain how infrastructure impacts will be minimized, including traffic impacts.

The impacts of the proposed project on traffic and other infrastructure will be very limited. Considering the relatively small size of the project and the anticipated randomly distributed traffic activity of the tenants, it is unlikely that any hardships will be placed on the existing streets. The effects of the project on utilities should be consistent with any other allowable use for the property.

7. Explain the effects of the use will have on the environment.

There is always some level of effect on the natural environment when any new development occurs. With that in mind, there is no anticipated greater effects on the environment that would be unique to this proposed project.

IN ADDITION, FOR NIGHT CLUBS, BARS, OR TAVERNS:

8. Approximate the distance to the nearest residential area and indicate the housing type (single family, duplex, multi-family, etc.).

Not Applicable

9. The College Station Codes limit noise levels to 65 d.b.a. from 7:00 A.M. to 10:00 P.M. and to 55 d.b.a. from 10:00 P.M. to 7:00 A.M.. Estimate the noise levels produced from the proposed use as heard from all property lines.

Not Applicable

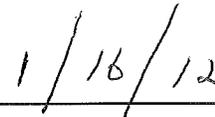
10. Approximate the distance to the nearest church, school, or hospital. These measurements must be taken from front door, along property lines, to front door.

Not Applicable

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.



Signature and title



Date

IN ADDITION, FOR NIGHT CLUBS, BARS, OR TAVERNS:

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Not Applicable

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Signature and title

1/23/12
Date

1301 MUNICIPAL WAY, STE. 250
GRAPEVINE, TX 76051

IN ADDITION, FOR NIGHT CLUBS, BARS, OR TAVERNS:

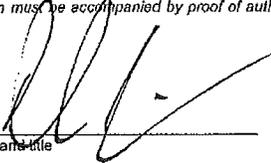
8. Approximate the distance to the nearest residential area and indicate the housing type (single family, duplex, multi-family, etc.).

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10. Approximate the distance to the nearest church, school, or hospital. These measurements must be taken from front door, along property lines, to front door.

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.

Signature and title



Date

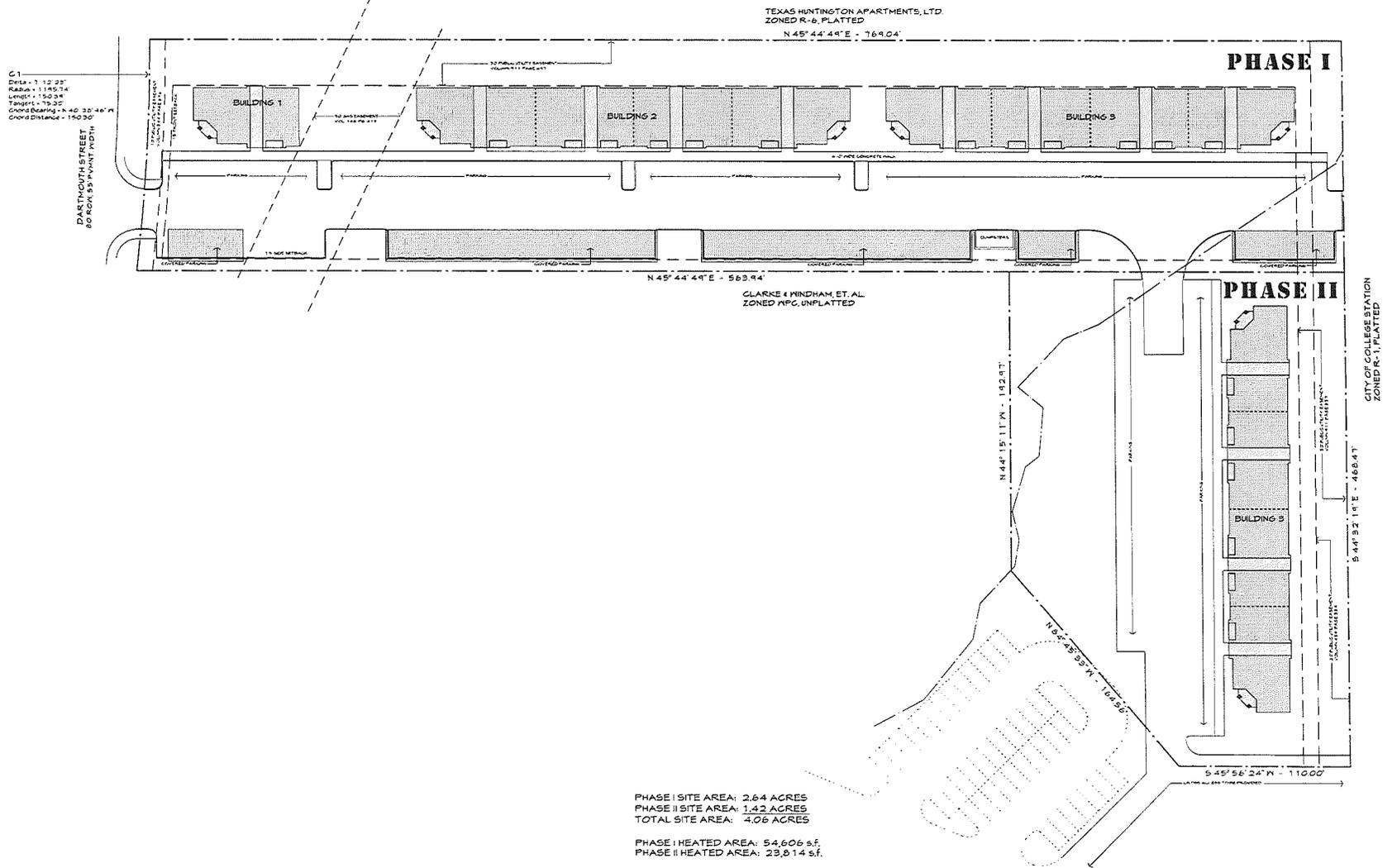
2/20/12

95 CIRCLE AVE.
MILL VALLEY, CA 94941

- 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:

NOTE: A waiver to the sidewalk requirements and fee in lieu of sidewalk construction shall not be considered at the



PHASE I SITE AREA: 2.84 ACRES
 PHASE II SITE AREA: 1.42 ACRES
 TOTAL SITE AREA: 4.06 ACRES

PHASE I HEATED AREA: 54,606 s.f.
 PHASE II HEATED AREA: 23,014 s.f.

PART OF A 14.620 ACRE TRACT
 MORGAN RECTOR LEAGUE, A-46
 COLLEGE STATION, BRAZOS COUNTY, TX

PROPERTY OWNER INFORMATION
 ORGANIZED CAPITAL, LTD.,
 CLARK & WYNDHAM, INC. &
 J.P. INVESTMENTS, J.V.
 3608 EAST 29TH ST, STE. 100
 BRYAN, TEXAS 77802
 979-846-4384

1 SITE PLAN 1"=20'-0"

PRELIMINARY
 THIS PLAN IS NOT COMPLETE
 UNLESS NOTED OTHERWISE
 FOR THE CLIENT'S USE ONLY
 NOT INTENDED FOR PERMIT
 RECORD OR CONSTRUCTION



FALCON POINT CONDOS
 COLLEGE STATION TEXAS
Transition Design Service
 201 W. Villa Maria Road • Bryan, Texas 77801 • (979) 822-7777

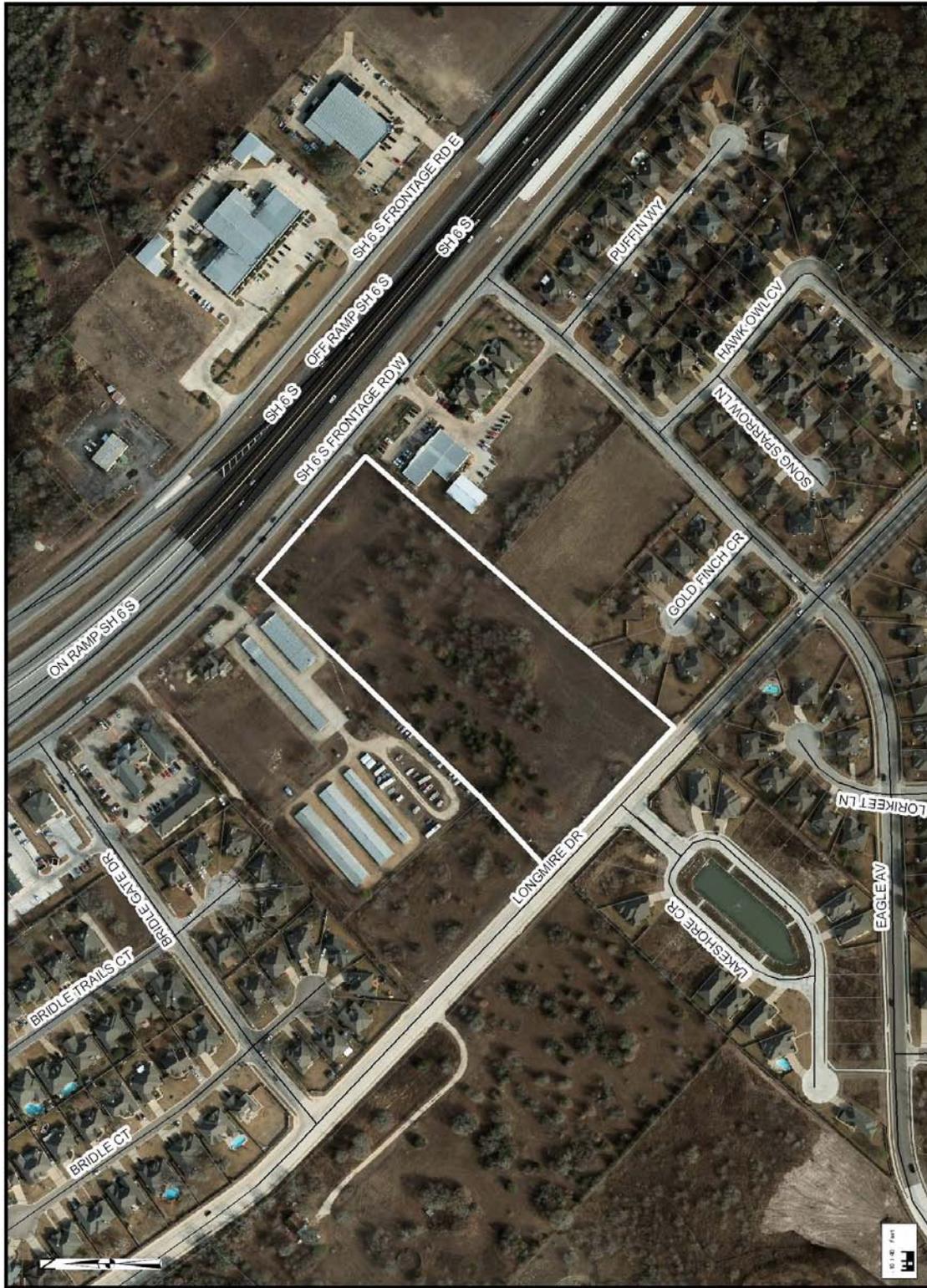
DATE: JUNE 2012
A1



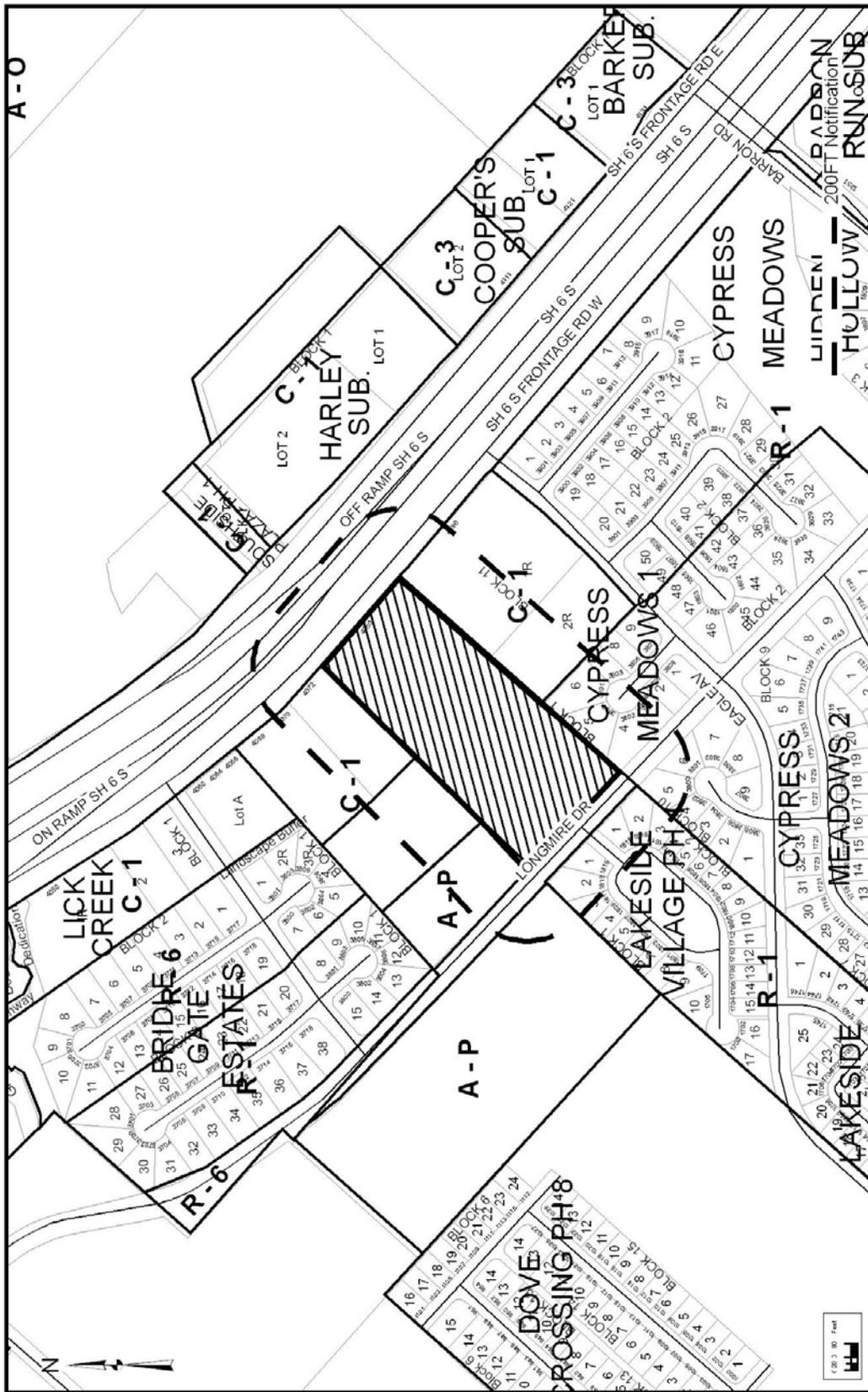
CITY OF COLLEGE STATION
Home of Texas A&M University®

**REZONING REQUEST
FOR
4080 STATE HIGHWAY 6 SOUTH
12-00500084**

- REQUEST:** Rezone from A-O agricultural-Open to PDD Planned Development District
- SCALE:** 7.547 acres (three phases)
- LOCATION:** 4080 State Highway 6 South
- APPLICANT:** Brian Stanton
- PROJECT MANAGER:** Lauren Amelia Hovde, Staff Planner
lhovde@cstx.gov
- REQUEST OVERVIEW:** The request is to rezone 7.547 acres between Secure Care Self Storage and Style Craft Builder's office, located on State Highway 6, from A-O Agricultural-Open to PDD Planned Development District for uses that include those allowed in a C-3 Light Commercial zoning district and a funeral home in Phase 1 of the PDD. The property has frontage on both State Highway 6 and Longmire Drive. Along Longmire Drive, the proposed PDD abuts a single-family development on one side.
- RECOMMENDATION:** Staff recommends approval of the proposed PDD based on its compatibility with the Comprehensive Plan Future Land Use and Character Map and with the surrounding land uses, but only if the meritorious modification requests to not provide a public street, Public Way, or a public sidewalk along the State Highway 6 frontage road be removed from the rezoning and that these facilities be incorporated into the proposed Concept Plan.



 <p>DEVELOPMENT REVIEW</p>	<p>4080 STATE HWY 6 S</p>	<p>Case: 12-084</p> <p>REZONING</p>
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Zoning Districts	WPC	Wolf Pen Creek Dev. Corridor
A-O	NG-1	Care Northgate
A-OR	NG-2	Transitional Northgate
R-1	NG-3	Residential Northgate
R-1B	OV	Corridor Overlay
R-2	RDD	Redevelopment District
	KO	Krenek Tap Overlay

Zoning Districts	Light Commercial
C-3	M-1
	M-2
	M-3
	C-U
	R&D
	P-MUD
	PDD

Zoning Districts	Townhouse
R-3	R-3
R-4	R-4
R-6	R-6
R-7	R-7
A-P	A-P
C-1	C-1
C-2	C-2

Zoning Districts	Multi-Family
R-3	R-3
R-4	R-4
R-6	R-6
R-7	R-7
A-P	A-P
C-1	C-1
C-2	C-2

Zoning Districts	College and University
R-1	R-1
R-2	R-2
R-3	R-3
R-4	R-4
R-5	R-5
R-6	R-6
R-7	R-7
R-8	R-8
R-9	R-9
R-10	R-10
R-11	R-11
R-12	R-12
R-13	R-13
R-14	R-14
R-15	R-15
R-16	R-16
R-17	R-17
R-18	R-18
R-19	R-19
R-20	R-20
R-21	R-21
R-22	R-22
R-23	R-23
R-24	R-24
R-25	R-25
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R-28	R-28
R-29	R-29
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R-31	R-31
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R-34	R-34
R-35	R-35
R-36	R-36
R-37	R-37
R-38	R-38
R-39	R-39
R-40	R-40
R-41	R-41
R-42	R-42
R-43	R-43
R-44	R-44
R-45	R-45
R-46	R-46
R-47	R-47
R-48	R-48
R-49	R-49
R-50	R-50

DEVELOPMENT REVIEW

Case: **4080 STATE HWY 6 S** **12-084**

REZONING

NOTIFICATIONS

Advertised Commission Hearing Date: June 21, 2012
 Advertised Council Hearing Dates: July 12, 2012

The following neighborhood organizations that are registered with the City of College Station's Neighborhood Services have received a courtesy letter of notification of this public hearing:

Springbrook-Cypress Meadow HOA and Lakeside Village (unregistered association)

Property owner notices mailed: 22
 Contacts in support: None
 Contacts in opposition: None
 Inquiry contacts: None

ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North	Suburban Commercial	C-1 General Commercial	Secure Self Storage
South	Suburban Commercial and General Suburban	R-1 Single-Family Residential and C-1 General Commercial	Springbrook-Cypress Meadow Subdivision, Lakeside Village Subdivision and vacant property
East	Suburban Commercial	C-1 General Commercial	Style Craft Building's office
West	Suburban Commercial	C-1 General Commercial and AP Administrative Professional	Secure Self Storage and vacant property

DEVELOPMENT HISTORY

Annexation: October 1983
Zoning: A-O Agricultural-Open upon annexation
Final Plat: Unplatted
Site development: Vacant

REVIEW CRITERIA

- 1. Consistency with the Comprehensive Plan:** The subject tract is designated as Suburban Commercial on the Comprehensive Plan Future Land Use and Character Map. The proposed development is consistent with this designation in addition to the land use designations surrounding the subject tract which include Suburban Commercial and General Suburban. In addition to allowing only neighborhood-compatible land uses in Phase 2 and 3 (closest to Longmire Drive), the architecture will be compatible with that of the surrounding neighborhoods through the use of building materials found in the neighborhood. Specific materials have not been specified with the PDD.
- 2. Compatibility of the proposed request with the present zoning and conforming uses of nearby property and with the character of the neighborhood:** The proposed PDD will enable the development of Neighborhood Commercial and Office type uses, with the

addition of a funeral home in Phase 1 closest to State Highway 6. The funeral home is more intense than typically appropriate for a Suburban Commercial land use designation, but the location and situation of this phase make the land use more suitable. The adjacent land uses are a self-storage complex with outdoor storage facilities and a construction office/design studio for residential construction. Both properties are zoned C-1 General Commercial, which does allow for the use of a funeral home. The portion of the proposed development that abuts residential uses will be restricted in both land use and height to ensure compatibility with the neighborhood.

- 3. Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment:** The proposed land uses permitted through the proposed PDD include those allowed in a C-3 Light Commercial district and A-P Administrative Professional. In addition, Phase 1, located adjacent to State Highway 6, will also include the ability to have a funeral home. This addition does not include the use of a crematorium. Funeral homes are not a neighborhood-oriented land use, but due to its proximity to State Highway 6 and the existing C-1 General Commercial land uses directly north and south, the use is suitable by adding additional architectural features to assist the structure in blending with the nearby residences. Phases 2 and 3 will include office and neighborhood-oriented commercial that will also have a residential-style of architecture. These land uses are suitable adjacent to single-family and are appropriate placed against Longmire Drive (Major Collector).
- 4. Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:** The current A-O Agricultural-Open zoning district is not suitable for the subject tract due the presence of State Highway 6 and Longmire Drive (Major Collector) on its northeast and southwest sides. The activity associated with these thoroughfares makes the land uses applicable to an A-O zoning district less practical. In addition, the subject tract is located between two existing commercial sites, and a vacant property zoned for commercial uses.
- 5. Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:** Agricultural-related uses and single-family residential are not marketable for the subject tract due to its suburban surrounding. A minimum lot size of five acre, required by the A-O zoning district, is not marketable due to the surrounding land uses and zoning districts that directly abut the subject tract.
- 6. Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use:** When the proposed development proceeds through the platting process, right-of-way dedication will be required along Longmire Drive in order for the site to be in compliance with the City of College Station Thoroughfare Plan.

There are existing 8-inch and 24-inch water mains available to serve this property. There are also existing 8-inch sanitary sewer lines which may provide service to the site. Drainage is mainly to the southeast within the Lick Creek Drainage Basin. Access to the site will be available via the State Highway 6 Frontage Road and Longmire Drive. Drainage and other infrastructure required with site development shall be designed and constructed in accordance with the BCS Unified Design Guidelines. Existing infrastructure appears to be adequate for the proposed use.

REVIEW OF CONCEPT PLAN

The applicant has provided the following information related to the purpose and intent of the proposed zoning district:

“The purpose and intent of this development is to rezone the property so development can occur in accordance with the Comprehensive Plan. The development will have a mix of commercial and office uses which will become less intense as the distance from State Highway 6 increases so that there is a transition from the existing and proposed commercial uses along State Highway 6 to the residential neighborhoods along Longmire Drive and Eagle Avenue.”

The proposed Concept Plan includes uses permitted through a C-3 Light Commercial for the Neighborhood Commercial portions (Phase 1 and 2) and A-P Administrative Professional for the Office portion (Phase 3). Crematoriums, fuel sales, and commercial amusements are expressly prohibited. The estimated building plot square footage is 50,000 with individual buildings ranging between 3,000 and 8,000 square feet. Neighborhood Commercial buildings will be a maximum of 35-feet in height and Office buildings will be a maximum height of 30-feet. Roof pitches will have slopes with a minimum of 4:12 and a maximum of 8:12. Flat and shed roofs are expressly prohibited. Eaves shall extend from the building façade a minimum of 12-inches.

Base Zoning and Meritorious Modifications

The applicant is proposing to develop using the C-3 Light Commercial zoning classification standards for the Neighborhood Commercial portions of the requested PDD, and A-P Administrative Professional for Office portions. The PDD is divided into three phases. Phase 1 is shown on the Concept Plan as Neighborhood Commercial (C-3 Light Commercial base zoning). Phase 1 land uses will also include a funeral home. Phase 2 is Neighborhood Commercial/Office (C-3 Light Commercial base zoning). Phase 3 is shown as Office (A-P Administrative Professional base zoning).

At the time of plat and site plan, the project will need to meet all applicable site development standards and platting requirements of the UDO for the C-3 Light Commercial and A-P Administrative Professional zoning classifications, except where meritorious modifications are granted with the PDD zoning. The applicant is requesting the following meritorious modifications:

1. UDO Section 8.2.G.2 “Blocks”

According to subdivision regulations, block lengths over 900 linear feet must be broken along a street that abuts land designated as Suburban Commercial in the Comprehensive Plan Future Land Use and Character Map. Block length is required to be broken by the extension of a public street meeting minor collector standards (applicable in commercial areas). The Subdivision Regulations allow for a more cost-effective technique, being a Public Way, in commercial and multi-family developments. A Public Way is a public access easement of a minimum 40-foot with a street section built to certain public standards.

The applicant is requesting modification of this requirement for both State Highway 6 and Longmire Drive. The applicant is proposing an alternate connection between the rights-of-way only through their private parking lots. The 900-foot block length requirement is in place to ensure public access, to enhance connectivity within suburban

areas and to provide alternative routes of travel through an area. Staff does not believe there to be sufficient merit to justify the modification, as required by the UDO.

2. UDO Section 8.2.E.3 “Street Projections”

When a property is platted that abuts other unplatted tracts, the property is required to project a public street or Public Way to the tracts to enable future vehicular connections. The subject property abuts unplatted tracts on its northern side that are not conducive to a new public connection. Therefore, Staff agrees that merit exists for this modification.

3. UDO Section 8.2.K.3.a “Sidewalk Exceptions”

A sidewalk is required along the State Highway 6 frontage road. Due to the absence of sidewalk on the contiguous block’s street frontage, the applicant is requesting modification from this requirement. The Bicycle, Pedestrian, and Greenways Advisory Board discussed this request during their June 4, 2012 meeting, but did not provide a recommendation. Staff does not believe there to be sufficient merit to justify the modification, as required by the UDO.

4. UDO Section 7.5.D.1-2 “Streetscape Requirements”

Street trees are required to be located within 50 feet of a public right-of-way. On the subject tract, overhead power lines interfere with this requirement causing the applicant to seek the meritorious modification. The request is to increase the allowable distance from the Longmire Drive right-of-way up to 60 feet. Therefore, Staff agrees that merit exists for this modification.

The Unified Development Ordinance provides the following review criteria for PDD Concept Plans:

1. The proposal will constitute an environment of sustained stability and will be in harmony with the character of the surrounding area: The proposed development will consist of structures that are compatible with the surrounding neighborhoods by using materials commonly used within the residential area. Building materials have not been specified with this PDD and each building is required by ordinance to provide architectural relief elements. Buildings within Phase 1 area propose to utilize alternative Suburban Commercial architectural elements that are more commonly found on residential structures. The proposed land uses being neighborhood-oriented, with the exception of a funeral home, will provide a variety of land uses within an easy distance to nearby residential units for vehicle and pedestrian traffic. A sidewalk along State Highway 6 would increase walkability in the area.

2. The proposal is in conformity with the policies, goals, and objectives of the Comprehensive Plan, and any subsequently adopted Plans, and will be consistent with the intent and purpose of this Section: The Concept Plan reflects the policies, goals and objectives of the Comprehensive Plan as it relates to land use and character, connectivity, and neighborhood integrity. The Suburban Commercial designation in the Comprehensive Plan Future Land Use and Character Map is intended for development that is compatible with surrounding residential uses, as proposed with this PDD. Upon the platting of Phases 2 and 3, the subject tract will be required to provide additional right-of-way along Longmire Drive in order to comply with the Thoroughfare Plan. In addition, several components are proposed to promote and protect neighborhood integrity:

- a) Buildings within Phase 1 will have 35-percent masonry (stone, brick, tile, or a concrete product simulating one of these materials) on the primary entrance façade and 20-percent

on other facades visible from a right-of-way. No percentages have been specified for Phases 2 and 3. This is different from Non-Residential Architectural Standards which require 25% on façades facing a right-of-way and 10% on all other facades. The primary entrance façade is not required to face a right-of-way.

- b) All building will be required to meet Non-Residential Architectural Standards that required architectural relief elements on each façade. Phase 1 buildings will utilize alternative architectural relief elements found in the residential area such as (Phases 2 and 3 are not included):
 - Covered front porch
 - Eaves in excess of 18 inches
 - Window canopy
 - Transom windows
 - Decorative façade lighting
 - Chimney or cupolas
- c) The dumpster will be located away from residential uses.
- d) Flat or shed roofs will be prohibited.
- e) Eaves shall extend at least 12 inches from the building façade.
- f) Roof slope shall be between 4:12 and 8:12.
- g) Maximum building height in Phase 1 will be 35 feet and Phase 2 and 3 will be 30 feet.
- h) Foundation landscaping will be provided along 50-percent of the primary entrance facades and within 3 feet of the buildings.

3. The proposal is compatible with existing or permitted uses on abutting sites and will not adversely affect adjacent development: The proposed land use, with the additional compatibility components, is consistent with the level of development occurring in the immediate vicinity. The development abutting State Highway 6 on the northern and southern sides include self storage and office. Development has not occurred on the northern side of the subject tract on the Longmire Drive side, though this area is zoned A-P Administrative Professional and C-1 General Commercial. Neighborhood Commercial and Office uses will be compatible adjacent to the abutting single-family residences and add a variety of land uses in the area which increases the interest and versatility of the area.

4. Every dwelling unit need not front on a public street but shall have access to a public street directly or via a court, walkway, public area, or area owned by a homeowners association: There are no residential uses proposed for this development.

5. The development includes provision of adequate public improvements, including, but not limited to, parks, schools, and other public facilities: The development includes a proposed Access Way, which will be dedicated during the platting process. In addition, right-of-way will be dedicated along Longmire Drive when the applicable phases are platted. Meritorious modifications are being requested to sidewalks along State Highway 6 and street projections. Public sidewalks currently exist along Longmire Drive.

6. The development will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity: The requested modifications associated with block length and sidewalks would cause harm to the public health, safety, welfare, or abutting properties. Among other responsibilities, Subdivision Regulations are in place to ensure that development occurs in a way to maximize efficiency of public infrastructure. The granting of these modifications would be contrary to those efforts.

The dedication of an Access Way, applicable when platted, will provide pedestrian and bicycle accommodations through the subject tract which would also be accommodated through the provision of the required street/Public Way. A vehicular access point may be accommodated on State Highway 6 through the use of a deceleration lane.

7. The development will not adversely affect the safety and convenience of vehicular, bicycle, or pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area: The proposed PDD will negatively affect the current circulation in the vicinity by not contributing to the overall network through the extension of a public street or Public Way, as required by ordinance, which would provide additional route options. The extension of a public street or Public Way is necessary to complete the street network proposed by the College Station Thoroughfare Plan and supported by the Subdivision Regulations. Street connectivity between designated thoroughfares is vital to the future functionality of the proposed and existing thoroughfares.

STAFF RECOMMENDATION

Staff recommends approval of the proposed PDD based on its compatibility with the Comprehensive Plan Future Land Use and Character Map and with the surrounding land uses, but only if the modification requests to not provide a public street, Public Way, or a public sidewalk along the State Highway 6 frontage road be removed from the rezoning and that these facilities be incorporated into the proposed Concept Plan.

SUPPORTING MATERIALS

1. Application
2. Rezoning map (provided in packet)
3. Concept Plan (provided in packet)



FOR OFFICE USE ONLY	
CASE NO.:	_____
DATE SUBMITTED:	_____
TIME:	_____
STAFF:	_____

REVISED

ZONING MAP AMENDMENT (REZONING) APPLICATION PLANNED DISTRICTS

(Check one)

- Planned Development District (PDD) Planned - Mixed Used Development (P-MUD)

MINIMUM SUBMITTAL REQUIREMENTS:

- \$1,165 Rezoning Application Fee.
- 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.
- Traffic Impact Analysis or calculations of projected vehicle trips showing that a TIA is not necessary for the proposed request.
- One (1) copy of a fully dimensioned Rezoning Map on 24"x36" paper showing:
 - a. Land affected;
 - b. Legal description of area of proposed change;
 - c. Present zoning;
 - d. Zoning classification of all abutting land; and
 - e. All public and private rights-of-way and easements bounding and intersecting subject land.
- Written legal description of subject property (metes & bounds or lot & block of subdivision, whichever is applicable).
- A CAD (dxf/dwg) - model space State Plane NAD 83 or GIS (shp) digital file (e-mailed to P&DS_Digital_Submittal@cstx.gov).
- Fourteen (14) copies of the Concept Plan on 24"x36" paper in accordance with Section 3.4.D of the UDO.
- The attached Concept Plan checklist with all items checked off or a brief explanation as to why they are not checked off.

NOTE: If a petition for rezoning is denied by the City Council, another application for rezoning shall not be filed within a period of 180 days from the date of denial, except with permission of the Planning & Zoning Commission.

Date of Optional Preapplication Conference 04/25/12

NAME OF PROJECT 7.547 ACRE WALLER TRACT

ADDRESS 4080 SH 6 SOUTH

LEGAL DESCRIPTION (Lot, Block, Subdivision) 7.547 ACRES WALLER TRACT

GENERAL LOCATION OF PROPERTY IF NOT PLATTED:

EARL RUDDER FRWY SOUTH BOUND FEEDER ROAD BETWEEN BRIDLE GATE DRIVE AND EAGLE AVENUE.

TOTAL ACREAGE 7.547 ACRES

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

Name BRIAN A. STANTON brian.stanton@carriageservices.com E-mail _____
Street Address 3040 POST OAK BLVD
City HOUSTON State TEXAS Zip Code 77056
Phone Number 713.332.8478 Fax Number 713.332.5386

PROPERTY OWNER'S INFORMATION:

Name DAHLIS WALLER E-mail john@clarkisenhour.com
Street Address P.O. BOX 5790
City BRYAN State TEXAS Zip Code 77805
Phone Number 979.776.4350 Fax Number 979.268.6841

OTHER CONTACTS (Please specify type of contact, i.e. project manager, potential buyer, local contact, etc.):

Name JOE SCHULTZ, P.E. E-mail joeschultz84@verizon.net
Street Address 3730 LONGMIRE, SUITE A
City COLLEGE STATION State TEXAS Zip Code 77845
Phone Number 979.764.3900 Fax Number 979.764.3910

This property was conveyed to owner by deed dated April 29, 1974 and recorded in Volume 327, Page 90 of the Brazos County Official Records.

Existing Zoning A-O Proposed Zoning PDD REVISED

Present Use of Property VACANT - AGRICULTURAL

Proposed Use of Property NEIGHBORHOOD COMMERCIAL & OFFICE

Proposed Use(s) of Property for PDD, if applicable:

NEIGHBORHOOD COMMERCIAL & OFFICE

P-MUD uses are prescribed in Section 6.2.C. Use Table of the Unified Development Ordinance.

If P-MUD:

Approximate percentage of residential land uses: _____

Approximate percentage of non-residential land uses: _____

REZONING SUPPORTING INFORMATION

- 1. List the changed or changing conditions in the area or in the City which make this zone change necessary.

THIS RE-ZONING IS BEING REQUESTED DUE TO DEMAND FOR DEVELOPMENT IN THIS AREA AND TO HAVE THE ZONING CONFORM TO THE COMPREHENSIVE LAND USE PLAN.

2. Indicate whether or not this zone change is in accordance with the Comprehensive Plan. If it is not, explain why the Plan is incorrect.

THIS ZONE CHANGE IS IN ACCORDANCE WITH THE COMPREHENSIVE PLAN WHICH SHOWS A SUBURBAN COMMERCIAL LAND USE. THE PROPOSED LAND USES ARE SHOWN ON THE CONCEPT PLAN AND ARE COMPATIBLE WITH THE COMPREHENSIVE PLAN.

3. How will this zone change be compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood?

THE DEVELOPED ADJACENT TRACTS ARE COMMERCIAL DEVELOPMENTS WITH SELF STORAGE OR OFFICE USES AND ARE EACH ZONED C-1, GENERAL COMMERCIAL, THERE IS DEVELOPED R-1 ZONED ADJACENT PROPERTY AND 2 UNDEVELOPED TRACTS WHICH ARE ZONED A-P AND C-1. THE PROPOSED LAND USES WILL BE COMPATIBLE WITH THE ADJACENT USES.

4. Explain the suitability of the property for uses permitted by the rezoning district requested.

THE PROPERTY IS SUITABLE FOR THE LAND USES SHOWN IN THE CONCEPT PLAN SINCE IT IS LOCATED ON THE SH 6 FEEDER ROAD AND LONGMIRE DRIVE. THESE ROADS WILL PROVIDE ADEQUATE ACCESS AND THE SITE HAS EXISTING UTILITIES TO SERVE THE SITE.

5. Explain the suitability of the property for uses permitted by the current zoning district.

THE PROPERTY IS NOT SUITABLE FOR A-O ZONING SINCE A SINGLE RESIDENTIAL LOT IS ONE OF THE FEW USES THAT IS ALLOWED IN THIS DISTRICT AND THAT USE WOULD NOT BE SUITABLE FOR THIS LOCATION AND IS NOT IN COMPLIANCE WITH THE COMPREHENSIVE PLAN.

6. Explain the marketability of the property for uses permitted by the current zoning district.

THERE IS NO MARKETABILITY OF THE PROPERTY FOR THE USE ALLOWED IN THE CURRENT A-O ZONING.

7. List any other reasons to support this zone change.

THIS ZONE CHANGE WILL FACILITATE THE DEVELOPMENT OF ONE OF THE FEW UNDEVELOPED TRACTS ABUTTING SH 6 SOUTH IN THIS VICINITY.

8. State the purpose and intent of the proposed development.

THE PURPOSE AND INTENT OF THIS DEVELOPMENT IS TO RE-ZONE THE PROPERTY SO DEVELOPMENT CAN OCCUR IN ACCORDANCE WITH THE COMPREHENSIVE PLAN. THE DEVELOPMENT WILL HAVE A MIX OF COMMERCIAL AND OFFICE USES WHICH WILL BECOME LESS INTENSE AS THE DISTANCE FROM SH 6 INCREASES SO THAT THERE IS A TRANSITION FROM THE EXISTING AND PROPOSED COMMERCIAL USES ALONG SH6 TO THE RESIDENTIAL NEIGHBORHOODS ALONG LONGMIRE DRIVE AND EAGLE AVENUE.

CONCEPT PLAN SUPPORTING INFORMATION

1. What is the range of future building heights? **REVISED**

THE RANGE OF BUILDING HEIGHTS ARE AS FOLLOWS:

*NEIGHBORHOOD COMMERCIAL/OFFICE AREAS ARE ANTICIPATED TO BE FROM 12' TO 35'.
OFFICE AREAS ARE ANTICIPATED TO BE FROM 12' TO 30'.*

2. Provide a general statement regarding the proposed drainage.

THE STORM WATER DRAINAGE FROM THIS SITE WILL BE TAKEN TO THE LONGMIRE DRIVE STORM SEWER SYSTEM, THE SH 6 RIGHT-OF-WAY OR TO AN EXISTING DRAINAGE PATH ON THE ADJACENT PROPERTY. STORM WATER REQUIREMENTS WILL BE IN ACCORDANCE WITH THE UDO.

3. List the general bulk or dimensional variations sought. **REVISED**

- SEE ATTACHED SHEETS

4. If variations are sought, please provide a list of community benefits and/or innovative design concepts to justify the request. **REVISED**

- SEE ATTACHED SHEETS

5. Explain how the concept plan proposal will constitute and environment of sustained stability and will be in harmony with the character of the surrounding area.

THE CONCEPT PLAN PROMOTES RESPONSIBLE DEVELOPMENT OF A UNDEVELOPED NON-RESIDENTIAL SITE THROUGH ADHERENCE TO THE UDO'S INTENT FOR SETBACKS, LANDSCAPING, BUILDING SIZE, ETC.

6. Explain how the proposal is in conformity with the policies, goals, and objectives of the Comprehensive Plan.

THE PROPOSAL CONFORMS TO THE OBJECTIVES OF THE COMPREHENSIVE PLAN BY CAREFULLY ACCOUNTING FOR THE CHARACTER OF THE SURROUNDING PROPERTIES, THEN PROVIDING AN APPROPRIATE, TRANSITIONAL COMMERCIAL BUFFER TO THE NEARBY RESIDENTIAL AREAS.

7. Explain how the concept plan proposal is compatible with existing or permitted uses on abutting sites and will not adversely affect adjacent development.

THE EXISTING AND PERMITTED USES SURROUNDING THIS TRACT ARE COMMERCIAL WITH THE EXCEPTION OF ONE SINGLE-FAMILY NEIGHBORHOOD. THE LESS INTENSE USE, OFFICE, IS PROPOSED ADJACENT TO THIS NEIGHBORHOOD. IN ADDITION THE DETENTION POND AND BUFFER WILL SEPARATE THESE USES SO THEY CAN BE COMPATIBLE.

8. State how dwelling units shall have access to a public street if they do not front on a public street.

N/A

9. State how the development has provided adequate public improvements, including, but not limited to: parks, schools, and other public facilities.

THE DEVELOPMENT WILL UTILIZE EXISTING WATER AND SEWER LINES, PROVIDE ADEQUATE STORMWATER DETENTION, AND MEET ALL UDO REQUIREMENTS FOR PUBLIC IMPROVEMENTS.

10. Explain how the concept plan proposal will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the vicinity.

THE DEVELOPMENT WILL BE DESIGNED IN ACCORDANCE WITH STANDARD PRACTICES AND WILL MEET ALL UDO REQUIREMENTS REGARDING PUBLIC HEALTH, SAFETY AND WELFARE.

11. Explain how the concept plan proposal will not adversely affect the safety and convenience of vehicular, bicycle, or pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable anticipated in the area considering existing zoning and land uses in the area.

THE VEHICULAR ACCESS DRIVEWAY FROM SH 6 FRONTAGE ROAD FOR THIS PROJECT WILL BE DESIGNED AND LOCATED AS APPROVED BY TXDOT AND WILL MOST LIKELY INCLUDE A RIGHT-TURN DECELERATION LANE. PEDESTRIANS AND BICYCLE ACCESS WILL PRIMARILY BE FROM LONGMIRE DRIVE AS THERE ARE NO FACILITIES ALONG THE SH 6 FEEDER ROAD.

Please note that a "complete site plan" must be submitted to Planning & Development Services for a formal review after the "concept plan" has been approved by the City Council prior to the issuance of a building permit - except for single-family development.

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.

Dale W. Weller

Signature and title

May 4, 2012

Date

3. LIST THE GENERAL BULK OR DIMENSIONAL VARIATIONS SOUGHT.

UDO SECTION 7.5.D 1 & 2-STREETScape REQUIREMENTS. DUE TO THE EXISTING OVERHEAD ELECTRICAL TRANSMISSION LINE AND EASEMENT WHICH PREVENTS THE PLACEMENT OF TREES NEAR THE LONGMIRE DRIVE RIGHT-OF-WAY, IT IS REQUESTED THAT THE REQUIRED STREETScape TREES BE ALLOWED TO BE WITHIN 60' OF THE PROPERTY LINE INSTEAD OF 50'.

UDO SECTION 8.2.E.3.a – WAIVER TO STREET PROJECTIONS. THIS PROJECT WILL NOT PROVIDE STREET PROJECTIONS TO UNPLATTED ADJOINING LOTS.

UDO SECTION 8.2.G.2.b - WAIVER TO BLOCK LENGTH REQUIREMENTS. THIS PROJECT WILL NOT PROVIDE A PUBLIC STREET OR PUBLIC WAY TO BREAK THE BLOCK LENGTH CREATED BY EAGLE AVENUE, LONGMIRE DRIVE, BRIDLE GATE DRIVE AND SH 6 FRONTAGE ROAD.

UDO SECTION 8.2.K.3.a – WAIVER TO SIDEWALK REQUIREMENTS. THIS PROJECT WILL NOT PROVIDE A SIDEWALK ALONG THE FREEWAY SH 6 FRONTAGE ROAD.

4. IF VARIATIONS ARE SOUGHT, PLEASE PROVIDE A LIST OF COMMUNITY BENEFITS AND/OR INNOVATIVE DESIGN CONCEPTS TO JUSTIFY THE REQUEST.

STREETScape WAIVER - THE EXISTING OVERHEAD ELECTRICAL TRANSMISSION LINE IS A PHYSICAL BARRIER WHICH WILL HINDER COMPLIANCE WITH THE UDO STREETScape REQUIREMENTS ALONG LONGMIRE DRIVE.

BLOCK LENGTH & STREET PROJECTION WAIVERS - THE DEVELOPMENT WILL PROVIDE INTERNAL PRIVATE CROSS ACCESS TO ACCOMPLISH SIMILAR CONNECTIVITY THAT THE PUBLIC STREET OR PUBLIC WAY WOULD PROVIDE. SEE ATTACHED JUSTIFICATION FOR MORE EXPLANATION.

SIDEWALK WAIVER – SEE ATTACHED JUSTIFICATION FOR MORE EXPLANATION.

**Justification for the Block Length & Street Projection Waiver Request.
for the Waller Tract PD Re-zoning**

The applicant requests a waiver for the 900' maximum block length requirement for Suburban Commercial Land Use. In order to comply with the UDO, a public street or public way would have to be constructed through this development. The boundary of the block is created by the following roadways, SH 6, Eagle Avenue, Longmire Drive and Bridle Gate Drive. This block is approximately 1,400' in length along the SH 6 frontage.

The justification for the waiver request is that Eagle Avenue and Bridle Gate Drive are Collector Streets which have adequate capacity for the existing and future traffic needs in this area. A public street or public way through this tract would primarily only provide access to the SH 6 Feeder Road or Longmire Drive for traffic generated by this development, not any other significant traffic since the development to the west of Longmire Drive is a small residential development that does not provide connectivity to any adjacent tracts and therefore generates very little traffic. The public street or public way requirement for the proposed commercial development can be similarly met by the development by providing private cross access easements and driveways internal to the development and to the adjacent developments where possible as required by the UDO. The internal driveways can adequately address the traffic concerns for this development and the access driveway for the tract from SH 6 Feeder Road must be approved by TXDOT and may require improvements to the Feeder Road pavement.

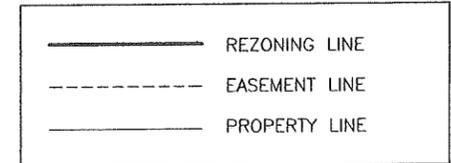
Due to the shape of the tract it would result in the public street or public way being approximately 900' in length, which for a public street would require 20% of the tract be dedicated as public right-of-way while a public way would require approximately 12% of the tract be designated as a public access easement. Either of these requirements would significantly reduce the developable area of the tract.

The applicant believes the construction of a public way would encourage "cut through" traffic and increase the risk and liability of the business owners in the development.

**Justification for the Sidewalk Waiver Request.
for the Waller Tract PD Re-zoning**

The construction of the sidewalk along the frontage road is not necessary since the existing adjacent developments do not have sidewalks to connect to. There are few, if any, sidewalks along the SH 6 Frontage road, within the city limits. Also, the sidewalk will create additional impervious area and reduce the amount of green space along the property frontage.

LEGEND



ZONED A-P
NOT PLATTED
JK Development, L.L.P. PART OF
Called 21.00 AC.
2539/71

ZONED C-1
NOT PLATTED
SECURCARE PROPERTIES
5919/117

N 44°02'44" E 872.74'

CITY OF COLLEGE STATION
10' W. P.U.E. (8250/115)

S 46°52'02" E - 152.81'

7.547 ACRES
EXISTING ZONED A-0
PROPOSED ZONED PDD

LONGMIRE DRIVE
(6044/281)

N 46°37'47" W 396.83'

ROW DEDICATION
8.5'

CITY OF BRYAN
60' W. R.O.W. ESMT. (215/583)

CITY OF COLLEGE STATION &
WELLBORN WATER SUPPLY CORP.
20' W. ESMT. (581/684)

CITY OF COLLEGE STATION
20' W. ELECT. UTILITY ESMT. (633/593)
AND GENERAL TELEPHONE CO.
20' W. ELECT. UTILITY ESMT. (668/307)

S 49°23'21" E - 200.99'

STATE HIGHWAY 6
(805/270)

S 41°13'53" W 883.60'

JERRY BROWN & LAURA BAKER
LOT 4
ZONED R-1

THOMAS & KAITLYN RODGERS
LOT 5
ZONED R-1

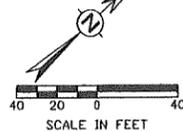
MICHEAL DUFFY & DEBORAH HONTHUMB
LOT 6
ZONED R-1

MAJID & CYNTHIA NOORI
LOT 2R
ZONED C-1

CHARLES RANDAL FRENCH
LOT 1R
ZONED C-1

R-1
SPRINGBROOK - CYPRESS
MEADOW
BLOCK ONE
1597/65

C-1
REPLAT OF SPRINGBROOK
BLOCK ELEVEN CALLED
5.751 ACRES
6654/71
2865/65



NOTES:

1. NORTH ORIENTATION IS BASED ON ROTATING THE SOUTHEAST LINE TO GRID NORTH (NAD83 CORS96) STATE PLANE CENTRAL ZONE.
2. THIS TRACT DOES NOT LIE WITHIN A DESIGNATED 100 YEAR FLOOD PLAIN ACCORDING TO THE F.I.R.M. MAPS, COMMUNITY PANEL NO. 48041C0201-D, EFFECTIVE FEBRUARY 9, 2000.

EASEMENT NOTES:

1. THE CITY OF BRYAN R.O.W. ESMT. IN 98/73 MAY AFFECT THIS TRACT BUT NO ABOVE GROUND EVIDENCE WAS FOUND. (BLANKET EASEMENT - CANNOT BE PLOTTED)
2. THE WELLBORN WATER SUPPLY CORP. 20' W. ESMT. IN 255/587 MAY AFFECT THIS TRACT BUT NO EVIDENCE WAS FOUND. IT WAS POSSIBLY ALONG HIGHWAY 6 BEFORE ADDITIONAL R.O.W. WAS TAKEN. (THE LOCATION OF THIS EASEMENT IS MOST LIKELY WITHIN THE CURRENT SH 6 ROW)
3. THE GENERAL TELEPHONE COMPANY 10' W. ESMT. IN 413/793 MAY AFFECT THIS TRACT BUT NO EVIDENCE WAS FOUND. IT WAS POSSIBLY ALONG HIGHWAY 6 BEFORE ADDITIONAL R.O.W. WAS TAKEN. (THE LOCATION OF THIS EASEMENT IS MOST LIKELY WITHIN THE CURRENT SH 6 ROW)
4. THE CITY OF BRYAN R.O.W. ESMT. IN 489/406 MAY AFFECT THIS TRACT BUT NO ABOVE GROUND EVIDENCE WAS FOUND. (THE LOCATION OF THIS EASEMENT IS MOST LIKELY WITHIN THE CURRENT SH 6 ROW)

ZONING MAP

7.547 ACRES
WALLER TRACT
EXISTING ZONING
A-0 - AGRICULTURAL OPEN
PROPOSED ZONING
PDD - PLANNED DEVELOPMENT DISTRICT

ROBERT STEVENSON LEAGUE, A-54
COLLEGE STATION, BRAZOS COUNTY, TEXAS

APRIL 2012
REV. MAY 2012

SCALE: 1" = 40'

DEVELOPER:

CARRIAGE SERVICES, INC.
3040 POST OAK BLVD. SUITE 300
HOUSTON, TEXAS 77056
(713) 332-8478

OWNER:

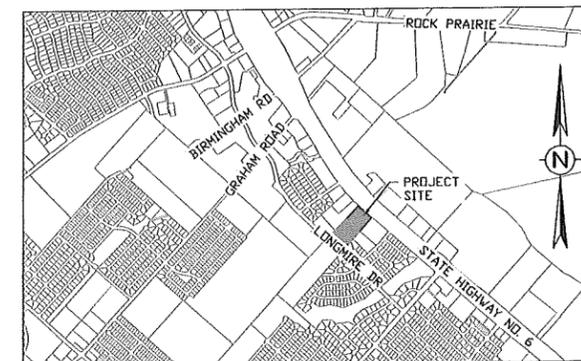
DAHLIS WALLER
P.O. BOX 5790
BRYAN, TX 77805
(979) 776-4350

SURVEYOR:

CURTIS STRONG, RPLS No. 4961
STRONG SURVEYING
1722 BROADWOCK, SUITE 105
BRYAN, TX 77802
(979) 776-9836

ENGINEER:

SCHULTZ ENGINEERING, LLC.
TBPE Firm Reg. No. 12327
3730 Longmire, Suite A
College Station, Texas 77845
P. O. Box 11995
College Station, Texas 77842
979.764.3900

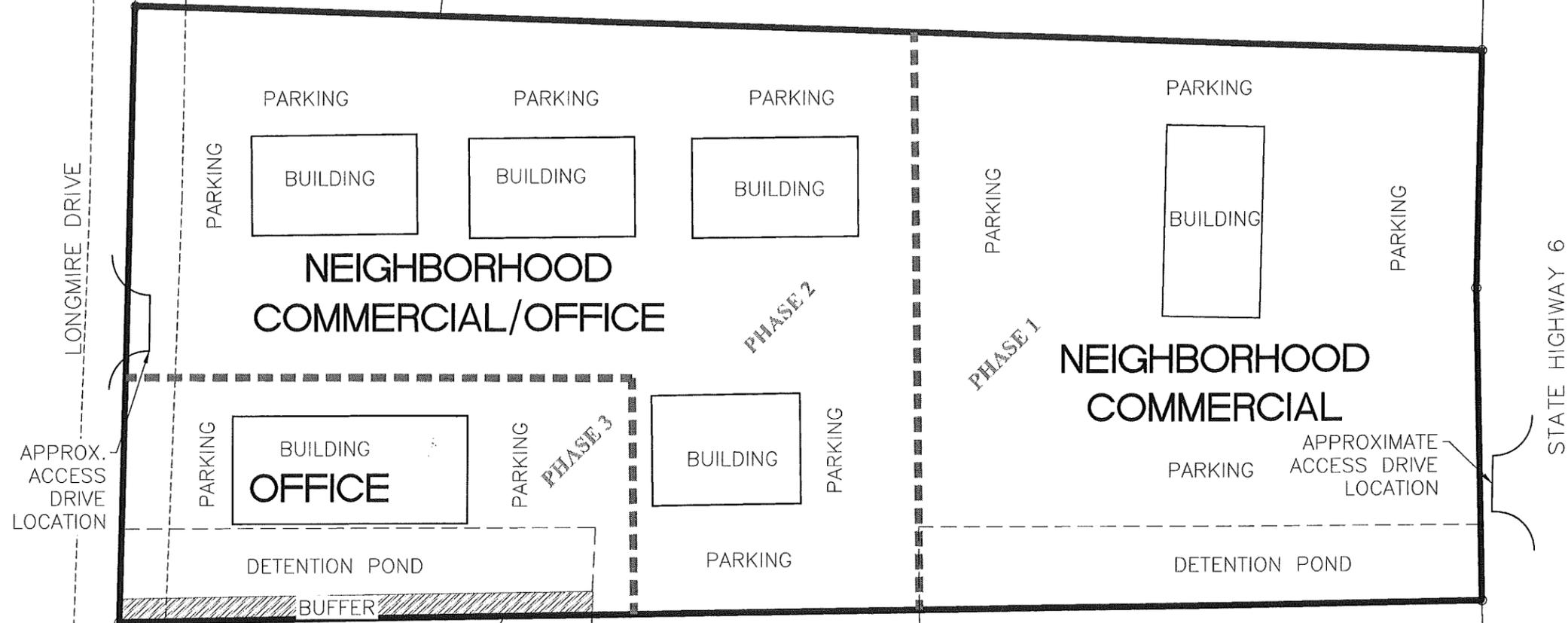
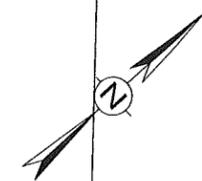


VICINITY MAP

12.84
5.81E
8:40
85

ZONED A-P
NOT PLATTED
JK Development, L.L.P. PART OF
Called 21.00 AC.
2539/71

ZONED C-1
NOT PLATTED
SECURCARE PROPERTIES
5919/117



APPROX.
ACCESS
DRIVE
LOCATION

STATE HIGHWAY 6

LONGMIRE DRIVE

JERRY BROWN & LAURA BAKER LOT 4 ZONED R-1
THOMAS & KAITLYN RODGERS LOT 5 ZONED R-1
MICHEAL DUFFY & DEBORAH HONTHUMB LOT 6 ZONED R-1
MAJID & CYNTHIA NOORI LOT 2R ZONED C-1
CHARLES RANDAL FRENCH LOT 1R ZONED C-1
R-1 SPRINGBROOK - CYPRESS MEADOW BLOCK ONE 1597/65
C-1 REPLAT OF SPRINGBROOK BLOCK ELEVEN CALLED 5.751 ACRES 6654/71 2865/65

DETENTION POND

PARKING

DETENTION POND

BUFFER

OFFICE

NEIGHBORHOOD COMMERCIAL

NEIGHBORHOOD COMMERCIAL/OFFICE

PARKING

PARKING

PARKING

PARKING

PARKING

BUILDING

BUILDING

BUILDING

BUILDING

PARKING

PARKING

PARKING

PARKING

BUILDING

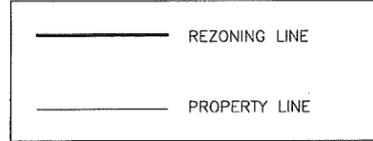
PARKING

PARKING

APPROXIMATE ACCESS DRIVE LOCATION

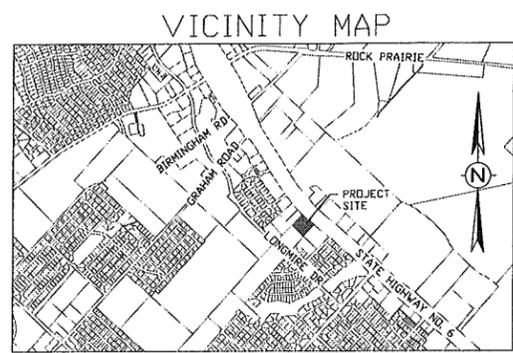
BTU ELECTRIC TRANSMISSION LINE EASEMENT

LEGEND



NOTE:

1. THIS TRACT DOES NOT LIE WITHIN A DESIGNATED 100 YEAR FLOOD PLAIN ACCORDING TO THE F.I.R.M. MAPS, COMMUNITY PANEL NO. 48041C0201-D, EFFECTIVE FEBRUARY 9, 2000.



CONCEPT PLAN

7.547 ACRES
WALLER TRACT
4080 SH 6 SOUTH
ROBERT STEVENSON LEAGUE, A-54
COLLEGE STATION, BRAZOS COUNTY, TEXAS
CURRENT ZONING:
A-O - AGRICULTURAL OPEN
PROPOSED ZONING:
PDD - PLANNED DEVELOPMENT DISTRICT
MAY 2012
REV. MAY 2012

OWNER:
DAHLIS WALLER
P.O. BOX 5790
BRYAN, TX 77805
(979) 776-4350

DEVELOPER:
CARRIAGE SERVICES, INC.
3040 POST OAK BLVD.
SUITE 300
HOUSTON, TEXAS 77056
(713) 332-8478

SURVEYOR:
CURTIS STRONG, RPLS No. 4961
STRONG SURVEYING
1722 BROMMOOR, SUITE 105
BRYAN, TX 77802
(979) 776-9836

ENGINEER:
SCHULTZ ENGINEERING, LLC
T&PE Firm Reg. No. 12327
3750 Longmire, Suite A
College Station, Texas 77845
P. O. Box 11995
College Station, Texas 77842
979.764.3500

SHEET 1 OF 2

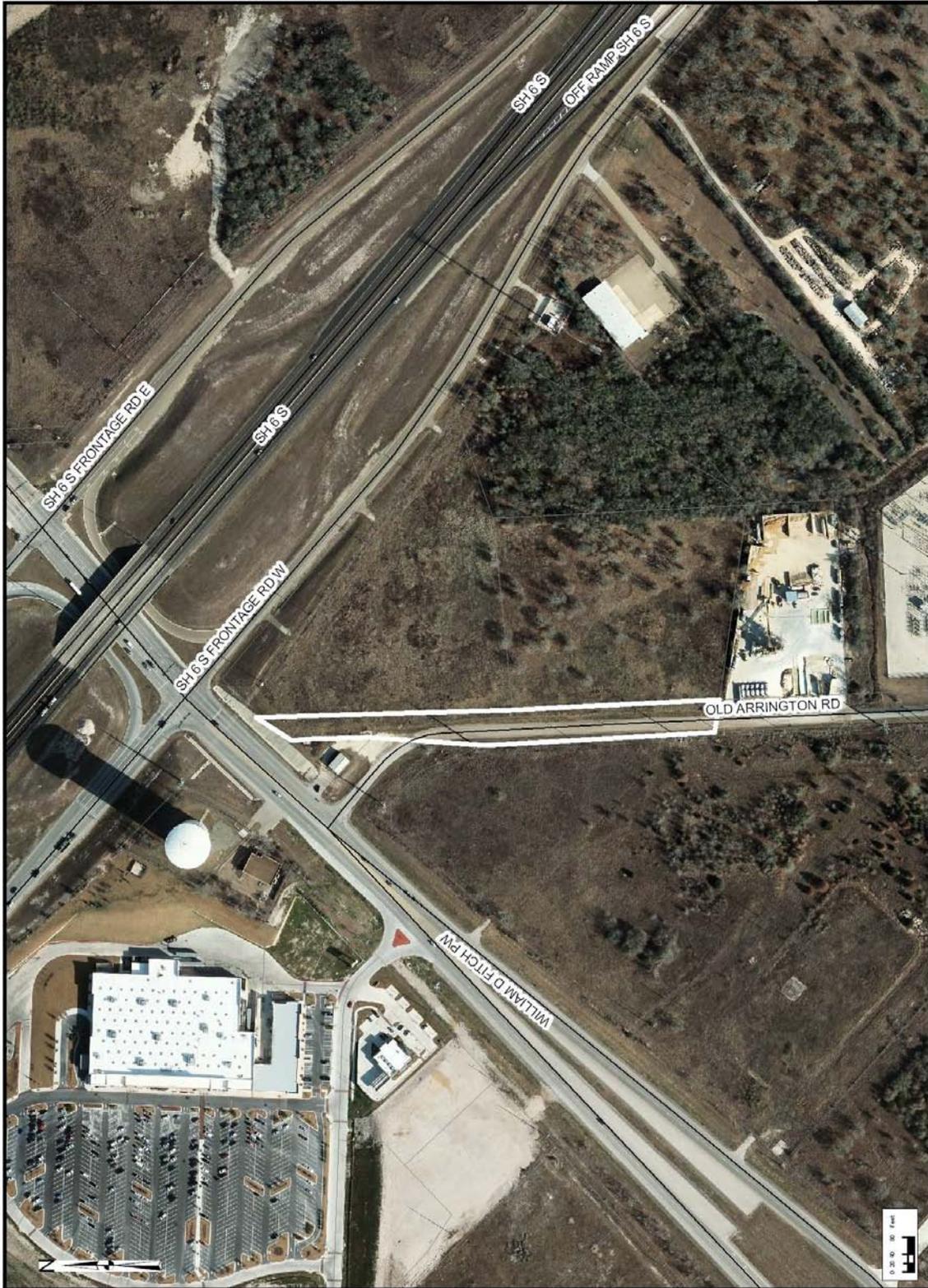
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CITY OF COLLEGE STATION
Home of Texas A&M University®

**REZONING REQUEST
FOR
CAPROCK CROSSING
12-00500108**

- REQUEST:** Approximately 1.2 acres from A-O Agriculture Open with OV Corridor Overlay to C-1 General Commercial with OV Corridor Overlay
- SCALE:** Approximately 1.2 acres
- LOCATION:** 950 William D Fitch Parkway, generally located at the southwest corner of William D Fitch Parkway (State Highway 40) and State Highway 6.
- APPLICANT:** Jesse Durden, CapRock Texas
- PROJECT MANAGER:** Morgan Hester, Staff Planner
mhester@cstx.gov
- REQUEST OVERVIEW:** Old Arrington Road Public Right-of-Way was abandoned by City Council on April 26, 2012 to allow development. This rezoning will allow for a continuous C-1 General Commercial zoning in this area fronting William D Fitch Parkway (State Highway 40).
- RECOMMENDATION:** Staff recommends approval due to the consistency with the Comprehensive Plan Future Land Use and Character Map and with the surrounding existing and planned uses.



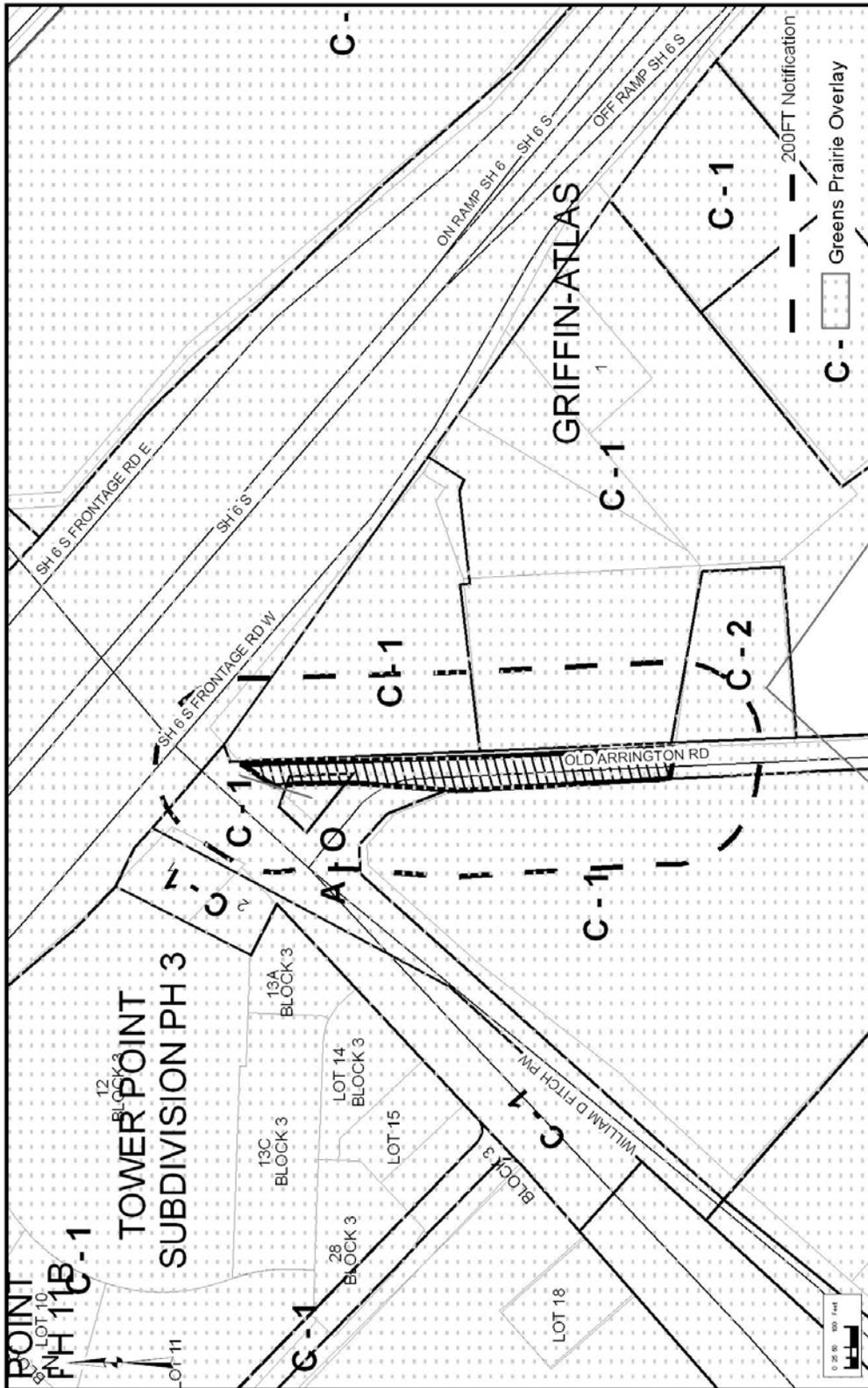
REZONING

Case: 12-108

CAPROCK CROSSING

DEVELOPMENT REVIEW





Zoning Districts	A-O A-OR R-1 R-1B R-2	Agricultural Open Rural Residential Subdivision Single Family Residential Single Family Residential Duplex Residential
	R-3 R-4 R-6 R-7 A-P C-1 C-2	Townhouse Multi-Family High Density Multi-Family Manufactured Home Park Administrative/Professional General Commercial Commercial-Industrial
	C-3 M-1 M-2 C-U R & D P-MUD PDD	Light Commercial Light Industrial Heavy Industrial College and University Research and Development Planned Mixed-Use Development Planned Development District
	WPC NG-1 NG-2 NG-3 OV RDD KO	Wolf Pen Creek Dev. Corridor Core Northgate Transitional Northgate Residential Northgate Corridor Overlay Redevelopment District Krenek Tap Overlay



DEVELOPMENT REVIEW

CAPROCK CROSSING

REZONING

Case: 12-108

NOTIFICATIONS

Advertised Commission Hearing Date: June 21, 2012
Advertised Council Hearing Dates: July 12, 2012

The following neighborhood organizations that are registered with the City of College Station's Neighborhood Services have received a courtesy letter of notification of this public hearing:
None

Property owner notices mailed: Six
Contacts in support: None
Contacts in opposition: None
Inquiry contacts: None

ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North	Urban, Growth Area II	C-1 General Commercial, OV Corridor Overlay	Volunteer Fire Department
South	Urban, Growth Area II	C-1 General Commercial, OV Corridor Overlay, C-2 Commercial-Industrial	Vacant
East	Urban, Growth Area II	C-1 General Commercial, OV Corridor Overlay	Vacant
West (Across Old Arrington Road)	Urban, Growth Area II	C-1 General Commercial, OV Corridor Overlay, A-O Agricultural Open	Vacant

DEVELOPMENT HISTORY

Annexation: October 1983
December 1993

Zoning: C-1 General Commercial upon annexation in December 1983
OV Corridor Overlay in July 2006

Final Plat: The subject property is unplatted.

Site development: The subject tract is developed as a portion of Old Arrington Road that was abandoned by City Council on April 26, 2012.

REVIEW CRITERIA

- 1. Consistency with the Comprehensive Plan:** The subject parcel and surrounding parcels are shown on the Comprehensive Future Land Use and Character Map and Concept Map as Urban in Growth Area II which allows for intense land use activities including general commercial activities. C-1 General Commercial is appropriate for this land use designation.
- 2. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:** The rezoning request to C-1 General Commercial with OV Corridor Overlay is compatible with the existing zoning of the surrounding properties.
- 3. Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment:** The property is located near the intersection of William D Fitch Parkway (State Highway 40) and State Highway 6 making it suitable site for commercial use.
- 4. Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:** Due to the abandonment of this portion of Old Arrington Road, the subject tract remains zoned A-O Agricultural Open which is not beneficial for future development.
- 5. Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:** With the existing zoning of the subject property being A-O Agricultural Open, the property is not marketable as it is surrounded by C-1 General Commercial properties.
- 6. Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use:** There are existing 8-inch and 12-inch water mains available to serve this property. There is also an existing 8-inch sanitary sewer line which may provide service to the site. Existing infrastructure with proposed modifications appear to be adequate for the proposed use. Access to the site will be available via Old Arrington Road from the south, and future Public Ways that will ultimately provide access to William D. Fitch Parkway and Arrington Road. Drainage is mainly to the south within the Alum Creek Drainage Basin. Drainage and any other infrastructure required with site development shall be designed and constructed in accordance with the BCS Unified Design Guidelines. The property is not within FEMA designated floodplain. A portion of the property is located in the Alum Creek Sewer Impact Fee Area (97-02B). Currently, the Impact Fee for this area is \$59.42 per Living Unit Equivalent.

STAFF RECOMMENDATION

Staff recommends approval due to the consistency with the Comprehensive Future Land Use and Character Map and with the surrounding existing and planned uses.

SUPPORTING MATERIALS

1. Application
2. Rezoning map (provided in packet)



FOR OFFICE USE ONLY	
CASE NO.:	<u>12-108</u>
DATE SUBMITTED:	<u>5-10-12</u>
TIME:	<u>10:00</u>
STAFF:	<u>JK</u>

ZONING MAP AMENDMENT (REZONING) APPLICATION GENERAL

MINIMUM SUBMITTAL REQUIREMENTS:

- \$1,165 Rezoning Application Fee.
- 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.
- Traffic Impact Analysis or calculations of projected vehicle trips showing that a TIA is not necessary for the proposed request.
- One (1) copy of a fully dimensioned map on 24" x 36" paper showing:
 - a. Land affected;
 - b. Legal description of area of proposed change;
 - c. Present zoning;
 - d. Zoning classification of all abutting land; and
 - e. All public and private rights-of-way and easements bounding and intersecting subject land.
- Written legal description of subject property (metes & bounds or lot & block of subdivision, whichever is applicable).
- A CAD (dxf/dwg) - model space State Plane NAD 83 or GIS (shp) digital file (e-mailed to P&DS_Digital_Submittal@cstx.gov).

NOTE: If a petition for rezoning is denied by the City Council, another application for rezoning shall not be filed within a period of 180 days from the date of denial, except with permission of the Planning & Zoning Commission.

Date of Optional Preapplication Conference _____

NAME OF PROJECT Caprock Crossing 1.18 Acres

ADDRESS SH 40 & SH 6, College Station

LEGAL DESCRIPTION (Lot, Block, Subdivision) _____

GENERAL LOCATION OF PROPERTY, IF NOT PLATTED:

SW corner of SH 40 & SH 6, College Station, TX 77845

TOTAL ACREAGE 1.18

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

Name CapRock Texas c/o Jesse Durden E-mail jesse.durden@caprocktx.com

Street Address 110 Lincoln Avenue, Ste. 103

City College Station State TX Zip Code 77840

Phone Number 979-307-0321 Fax Number 979-314-7606

PROPERTY OWNER'S INFORMATION:

Name Brazos Texas Land Development, LLC E-mail _____

Street Address P.O. Box 2864

City Bryan State TX Zip Code 77805

Phone Number 979-307-0321 Fax Number 979-314-7606

OTHER CONTACTS (Please specify type of contact, i.e. project manager, potential buyer, local contact, etc.):

Name Schultz Engineering, LLC c/o Joe Schultz, PE E-mail joeschultz84@verizon.net
Street Address 2730 Longmire Drive, Ste. A
City College Station State TX Zip Code 77845
Phone Number 979-764-3900 Fax Number 979-764-3910

This property was conveyed to owner by deed dated _____ and recorded in Volume _____, Page _____ of the Brazos County Official Records.

Existing Zoning A-O Proposed Zoning C-1 with Corridor Overlay

Present Use of Property Vacant land with some infrastructure improvements

Proposed Use of Property General Commercial

REZONING SUPPORTING INFORMATION

1. List the changed or changing conditions in the area or in the City which make this zone change necessary.

This zone change is necessary to help facilitate the development of the tract as part of the new Caprock Crossing subdivision.

2. Indicate whether or not this zone change is in accordance with the Comprehensive Plan. If it is not, explain why the Plan is incorrect.

This zone change is in accordance with the Comprehensive Plan.

3. How will this zone change be compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood?

The proposed zoning is identical to the zoning of the adjacent parcels and will facilitate development of commercial land in an area planned for regional commercial services.

4. Explain the suitability of the property for uses permitted by the rezoning district requested.

The property is suitable for uses permitted by the C1 district because of its location near the intersection of SH 40 and SH 6. The area is being planned and developing as a regional commercial hub.

5. Explain the suitability of the property for uses permitted by the current zoning district.

The property should not remain in the placeholder district A-O because of its location, adjacency to other commercial land, size and shape.

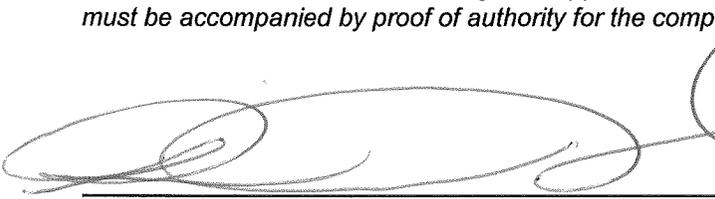
6. Explain the marketability of the property for uses permitted by the current zoning district.

The property is not marketable while in the current A-O zoning district.

7. List any other reasons to support this zone change.

Supporting this zone change will help facilitate the development of Caprock Crossing, a new master-planned commercial subdivision in growing south College Station.

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.



Signature and title

5/16/2012

Date



CITY OF COLLEGE STATION
Planning & Development Services

1101 Texas Avenue, PO Box 9960
College Station, Texas 77842
Phone 979.764.3570 / Fax 979.764.3496

MEMORANDUM

DATE: June 21, 2012
TO: Planning & Zoning Commission Members
FROM: Morgan Hester, Staff Planner
mhester@cstx.gov
SUBJECT: UDO Amendment for Places of Worship in Northgate

Item: Public hearing, presentation, possible action, and discussion regarding an amendment to Unified Development Ordinance Section 5.6.B.2.c "NG-3 Residential Northgate" and Section 5.7 "Design District Dimensional Standards" regarding places of worship in Northgate. **Case #12-00500101 (MTH)**

Item Background: The proposed amendments to the UDO are intended to modify the requirements for NG-3 Residential Northgate to allow for Places of Worship to expand, alter, and renovate their structures as well as construct new structures within the subject zoning without being required to incorporate residential uses into the structure and without being subject to the minimum Floor to Area Ratio (FAR).

Current ordinance requires developments in NG-3 Residential Northgate meet the following (as set in the UDO Section 5.6.B.2.c):

1. Non-residential uses may occupy more than fifty (50) percent of the total square footage of any building(s) or group of buildings developed in a building plot.
2. Any building containing a non-residential use shall have a minimum of one (1) floor wherein on hundred (100) percent of the floor area is occupied by a residential use. Offices and studios maintained within a residence for home occupations may be included within the residential use calculation.
3. The maximum allowable gross floor area per single retail establishment is five thousand (5,000) square feet.

The proposed amendment exempts Places of Worship from these requirements.

In addition, the minimum Floor to Area Ratio (FAR) that has been set for all development in NG-1 Core Northgate (1:1), NG-2 Transitional Northgate (0.75:1), and NG-3

Residential Northgate (1:1) will not be applicable to Places of Worship as proposed with this amendment.

Attachment:

1. Redline of Text Amendment

Article 5. District Purpose Statements and Supplemental Standards

B. Northgate Districts (NG)

2. Additional Use Standards

The permitted and conditional uses outlined in Section 6.2 Types of Uses shall meet the following additional requirements related to the district in which the proposed project is located.

c. NG-3 Residential Northgate

Exemptions: Expansions, additions, and renovations to Places of Worship are exempt from these requirements.

Non-residential uses permitted within NG-3 shall meet each of the following requirements:

- 1)** Non-residential uses may occupy no more than fifty percent (50%) of the total square footage of any building(s) or group of buildings developed in a building plot.
- 2)** Any building containing a non-residential use shall have a minimum of one (1) floor wherein one hundred percent (100%) of the floor area is occupied by a residential use. Offices and studios maintained within a residence for home occupations may be included within the residential use calculation.
- 3)** The maximum allowable gross floor area per single retail establishment is 5,000 square feet.

Article 5. District Purpose Statements and Supplemental Standards

Section 5.7 Design District Dimensional Standards

Article 5. District Purpose Statements and Supplemental Standards

5.7 Design District Dimensional Standards

The following table establishes dimensional standards that shall be applied within the Design Districts, unless otherwise identified in this UDO:

	NG-1	NG-2	NG-3	WPC
Minimum Lot Area	None	None	None	2,400 SF
Minimum Lot Width	None	None	None	24'
Minimum Lot Depth	None	None	None	100'
Minimum Front Setback	None	None	None	25' (H)
Minimum Side Setback	None	None	None	None (A)
Minimum Side Street Setback	None	None	None	15'
Minimum Rear Setback	None	None	None	15'
Minimum Setback from Back of Curb (B)	10'	10'	10'	None
Maximum Setback from Back of Curb (B)	20' (C) (D) (E)	25' (C) (D) (E)	20' (C) (D) (E)	None
Maximum Height	None	None	None	None
Minimum Number of Stories	2 Stories (G)	2 Stories (G)	2 Stores (G)	None
Minimum Floor to Area Ratio (FAR)	1 : 1 (F)(I)	0.75 : 1 (F)(I)	1 : 1 (F)(I)	None

See Notes on following page.

Notes:

- (A) Lot line construction on interior lots is allowed where access to the rear of the building is provided on the site or by dedicated right-of-way or easement.
- (B) Minimum/maximum setback from the back of any curb, including lots with single frontage, lots with double frontage, and corner lots with multiple frontages.
- (C) If the width of any public easement or right-of-way is in excess of the maximum setback, the maximum setback will be measured from the edge of the public easement or right-of-way.
- (D) Maximum setback from back of curb for University Drive is 25 feet, Wellborn is 35 feet and 100 feet for South College.
- (E) When café seating is between the café's building and a right-of-way, the building may be setback a maximum of 35 feet.
- (F) This area calculation shall not include any lot area encumbered by required easements, setbacks, sidewalks, detention, or area dedicated to civic features. The area of a porch or arcade fronting a public street is included in the calculation of lot coverage.
- (G) The 2-story requirement shall not apply to structures existing on or before April 2, 2006.
- (H) Minimum front setback may be reduced to fifteen feet (15') when approved rear access is provided or when side yard or rear yard parking is provided.
- (I) Places of Worship are exempt from the Floor to Area Ratio (FAR) requirement in all NG Districts.



1101 Texas Avenue, PO Box 9960
College Station, Texas 77842
Phone 979.764.3570 / Fax 979.764.3496

MEMORANDUM

DATE: June 21, 2012

TO: The Planning and Zoning Commission

FROM: Alan Gibbs, City Engineer

SUBJECT: **Ordinance Amendments to Regulate Discharges into the City Stormwater System**

Item: Public hearing, presentation, possible action, and discussion regarding an amendment to Chapter 7, Health and Sanitation of the Code of Ordinances, by adding a new Section 13, "Stormwater Protection" to regulate discharges into the City stormwater system; and an amendment to Chapter 12, Unified Development Ordinance (UDO) of the Code of Ordinances by renaming Article 7, General Development Standards, Section 7.8 as "Flood Hazard Protection", adding Section 7.13, "Drainage and Stormwater Management", and adding Section 10.6, "Specific Enforcement and Penalties for Drainage and Stormwater Management" to regulate discharges into the City stormwater system.

Item Background: This subject item proposes an ordinance amendment to Chapter 7, Health and Sanitation and Chapter 12, Unified Development Ordinance as accompanying amendments to regulate discharges into the City stormwater system.

This proposed regulation is to satisfy a state mandate to regulate and enforce discharges into the stormwater system as required under the Texas Commission on Environmental Quality (TCEQ) Texas Pollution Discharge Elimination System (TPDES) program. TCEQ has regulatory authority over discharges of pollutants to Texas surface waters and has issued the TPDES General Permit No. TXR040000 making it effective beginning 2007 for College Station as a Phase II small Municipal Separate Storm Sewer System (MS4). Phase II small MS4s are cities and counties with populations between 1,000 and 100,000.

More specifically, under the general permit the State required MS4s to develop and implement a locally-tailored 5-year plan referred to as a Storm Water Management Program (SWMP). There are 6 areas, or Minimum Control Measures (MCMs), that SWMPs were required to address including: education, public input, illicit discharge

elimination, construction, post-construction, and municipal best management practices. The permit specifically requires regulatory and enforcement provisions be adopted.

The proposed ordinance amendments are proposed to be separated and adopted into the two noted portions, *general provisions* into College Station's Code of Ordinances Chapter 7, Health and Safety, and provisions more specific to *development and construction* into College Station's Code of Ordinances Chapter 12, Unified Development Ordinance.

Draft ordinance language was provided to the development community in April. A Workshop item was presented on this topic on June 7th Planning and Zoning Commission. Both proposed amendments are scheduled for the July 12th City Council Meeting for consideration of adoption.

**CHAPTER 7
HEALTH AND SANITATION**

SECTION 7-13 –STORMWATER PROTECTION

(A) GENERAL.

(1) Purpose

- (a)** The purpose of this ordinance is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges into the municipal stormwater drainage system to the maximum extent practicable as required by federal law. This article establishes methods for controlling the introduction of pollutants into the municipal stormwater drainage system in order to comply with requirements of the Texas Pollutant Discharge Elimination System (TPDES) permit process.
- (b)** The objectives of this ordinance are to:

 - i.** Regulate the contribution of pollutants into the municipal stormwater drainage system by any person or entity;
 - ii.** Prohibit illicit discharges and illegal connections into the municipal stormwater drainage system; and
 - iii.** Prevent nonstormwater discharges, generated as a result of spills, inappropriate dumping or disposal, into the municipal stormwater drainage system.

(2) Compatibility with other regulations.

- (a)** This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this article imposes restriction of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.
- (b)** Any reference to this Section shall also apply to Chapter 12, Article 7, Section 13 of this Code of Ordinances, and both Sections shall be interpreted and enforced in conjunction with each other, where applicable.

(3) Definitions.

In this section:

Accidental discharge means a discharge prohibited by this ordinance that occurs by chance and without planning or thought prior to occurrence.

Administrator means the Director of Planning and Development Services and/or his designee.

Agricultural stormwater runoff means any stormwater runoff from orchards, cultivated crops, pastures, range lands, and other nonpoint source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 CFR. Section 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 CFR. Section 122.24.

CFR means the Code of Federal Regulations.

Clean Water Act (CWA) means The Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92500, as amended Pub. L. 95217, Pub. L. 95576, Pub. L. 6483 and Pub. L. 97117, 33 USC. 1251 et seq.

Contaminated means containing a harmful quantity of any substance.

Contamination means the presence of or entry into a public water supply system, the municipal stormwater drainage system, waters of the state, or waters of the United States of any substance which may be harmful to the public health and/or the quality of the water.

Discharge means any addition or introduction of any unpolluted water, pollutant, stormwater, or any other substance whatsoever into the municipal stormwater drainage system or into waters of the United States. This includes, but is not limited to, household hazardous waste, used motor vehicle fluids, and collected quantities of grass clippings, leaf litter, and animal wastes.

Discharger means any person who causes, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any operator of a construction site or industrial facility.

Environmental Protection Agency (EPA) means the United States Environmental Protection Agency, or any duly authorized official of said agency.

Harmful quantity means the amount of any substance that will cause pollution of waters of the state, the municipal stormwater drainage system, or that will present or may present imminent and substantial danger to the environment or to the health or welfare of persons.

Illicit connections means any man made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

Illicit discharge means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a TPDES permit (other than the TPDES permit for certain discharges from the municipal separate storm sewer), discharges resulting from fire fighting activities, and other allowable nonstormwater discharges.

Municipal separate stormwater system (MS4) permit means a stormwater permit for municipalities to regulate stormwater discharges.

Municipal separate stormwater sewer system means the system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catchbasins, curbs, gutters, ditches, manmade channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage. Also designated as MS4.

Municipal stormwater drainage system operator means the City of College

Station.

Nonpoint source means any source of any discharge of a pollutant that is not a "point source."

Operate means to drive, conduct, work, run, manage, or control a vehicle or machine.

Operator means the party or parties that either individually or taken together meet the following two criteria: 1) They have operational control over the site specifications (including the ability to make modifications in specifications) and 2) they have the day to day operational control of those activities at the site necessary to ensure compliance with SWP3 requirements and any permit conditions.

Point Source means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include agricultural storm water discharges and return flows from irrigated agriculture.

Pollutant includes, but is not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, filter backwash, munitions, chemical wastes, biological materials, toxic materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, soil, cellar dirt, and industrial, municipal, recreational, agricultural waste, paints, varnishes, solvents, oil and automotive fluids, litter, discarded and abandoned objects, floatables, fecal coliform, pathogens, dissolved and particulate metals, pet wastes, and construction debris discharged into water or into the MS4.

Pollution means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water of the state or water of the United States, that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Premises means lots, buildings, and any appurtenances situated thereon.

Private means property or facilities owned by individuals, corporations, and other organizations and not by a City, county, state, or federal government agency.

Public means property or facilities owned by a City, county, state, or federal government or agency thereof.

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the municipal stormwater drainage system, the water of the state, the waters of the United States.

Stormwater means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snow melt.

TCEQ means the Texas Commission on Environmental Quality or successor. MS4 interest is delegated to the TCEQ upon authority of the EPA.

Uncontaminated means not containing a harmful quantity of any substance.

United States Code (USC) is the federal law containing the Clean Water Act.

Vehicle means any form of motorized conveyance that transports people, cargo, or any other objects.

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Surface water in the state includes lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark (MHW) out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems which are authorized by state or federal law, regulations, or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.

Waters of the United States means:

- (a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (b) All interstate waters, including interstate wetlands;
- (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters;
 - i. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - ii. From which fish or shellfish are or could be taken or sold in interstate or foreign commerce; or
 - iii. Which are used or could be used for industrial purposes by industries in interstate commerce;
- (d) All impoundments of waters otherwise defined as waters of the United States under this definition;
- (e) Tributaries of waters identified in this definition;
- (f) The territorial sea; and
- (g) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in this definition; waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water, which neither were originally created in waters of the United States (such as disposal are in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any federal agency, for the purpose

of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with the EPA.

Wetland means an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(B) PROHIBITIONS.

(1) Discharge to municipal stormwater drainage system prohibited.

A person commits an offense if the person discharges or causes to be discharged into the MS4 any release of a harmful quantity of any substance that is not comprised entirely of stormwater.

(2) Exceptions:

- (a)** It is an affirmative defense to prosecution, subject to subparagraph (2) below, that the discharge was composed entirely of one or more of the following:
- i.** A discharge authorized by, and in full compliance with, a TPDES permit (other than the TPDES permit for discharges from the MS4);
 - ii.** A discharge or flow resulting from fire fighting by the fire department;
 - iii.** A discharge or flow from water line flushing or disinfection that contains no harmful quantity of total residual chlorine (TRC) or any other chemical used in line disinfection;
 - iv.** A discharge or flow from normal lawn watering or landscape irrigation;
 - v.** A discharge or flow from a diverted stream flow or natural spring;
 - vi.** A discharge or flow from uncontaminated pumped groundwater or rising groundwater;
 - vii.** Uncontaminated groundwater infiltration (as defined at 40 CFR § 35.2005(20)) to the MS4;
 - viii.** Uncontaminated discharge or flow from a foundation drain, crawl space pump, or footing drain;
 - ix.** A discharge or flow from a potable water source not containing any harmful substance;
 - x.** A discharge or flow from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of pollutant;
 - xi.** A discharge or flow from individual residential car washing;
 - xii.** A discharge or flow from a riparian habitat or wetland;
 - xiii.** A discharge or flow from cold water (or hot water with prior permission of the Administrator) used in street washing or cosmetic cleaning that is not contaminated with any soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance;

- xiv. Drainage from a private residential swimming pool containing no harmful quantities of chlorine or other chemicals; or
- xv. A discharge or flow of uncontaminated stormwater pumped from an excavation.

- (b) No exception to enforcement shall be available under subparagraph (1) if:
 - i. The discharge or flow in question has been determined to be a source of a pollutant or pollutants to the waters of the United States or to the MS4;
 - ii. Notice of such determination has been provided to the discharger; and
 - iii. The discharge has continued after the expiration of the time given in the notice to cease the discharge.

(3) Illicit connections prohibited.

- (a) The construction, connection, use, maintenance or continued existence of any illicit connection to the MS4 is prohibited.
- (b) Connections that were permissible when originally installed but that are now considered illicit must be brought into compliance within a timeframe designated by the Administrator.
- (c) A person violates this ordinance if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.
- (d) Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system.

(C) EMERGENCY SUSPENSION OF SERVICE.

Emergency suspension of utility service and municipal stormwater drainage system access.

- (1) The City may, without prior notice, suspend water service, sanitary sewer service or MS4 discharge access to a person discharging to the MS4, waters of the United States, or publicly owned treatment works when such suspension is necessary to stop an actual or threatened discharge which:
 - (a) Presents or may present imminent and substantial danger to the environment or to the health or welfare of persons; or
 - (b) Presents or may present imminent and substantial danger to the MS4 or waters of the United States.
- (2) When the Administrator determines that City provided water or sanitary sewer service must be suspended pursuant to subsection (1), the Administrator will request the director of water services to do so.
- (3) As soon as is practicable after the suspension of service or MS4 discharge access, the Administrator will notify the violator of the suspension and order the violator to cease the discharge immediately.

- (4) If the violator fails to comply with an order issued under subsection (3), the Administrator may take such actions as the Administrator deems necessary to prevent or minimize harmful discharges to the MS4, waters of the United States, or to persons or wildlife.
- (5) The City will not reinstate suspended services or MS4 access to the violator until:
 - (a) The violator presents proof, satisfactory to the Administrator and director of water services, that the noncomplying discharge has been eliminated and its cause determined and corrected;
 - (b) The violator reimburses the City for all costs the City incurred in suspending and reinstating water service, sanitary sewer connection, and MS4 access; and
 - (c) The violator reimburses the City for all costs of testing, containment, cleanup, abatement, removal and disposal of any substance unlawfully discharged into the MS4 incurred by the City while responding to, abating, and remediating the discharge or threatened discharge.
- (6) A violator whose service or access has been suspended or disconnected may appeal the enforcement action to the City manager's attention, in writing, within ten days of notice of the suspension. The City manager will render a decision within seven days upon written receipt of the petition.
- (7) The remedies provided by this section are in addition to any other remedies set out in this ordinance. Exercise of this remedy is not a bar against, or a prerequisite for, taking other action against a violator.
- (8) A person commits an offense if the person reinstates water service, sanitary sewer service, or MS4 access to premises terminated pursuant to this section, without the prior approval of the Administrator.

(D) NON-EMERGENCY SUSPENSION OF SERVICE.

Non-emergency suspension of utility service and municipal stormwater drainage system access.

- (1) The City may suspend the City provided water supply, sanitary sewer connection, or MS4 access for any person failing to comply with previous notices to cease discharges to the MS4 in violation of this ordinance. Utilities will be subject to suspension if such measures would abate or reduce the discharge.
- (2) The Administrator will notify a violator of the proposed suspension of its water supply, sanitary sewer connection or MS4 access. The violator may petition the Administrator for a reconsideration and hearing before the City Manager.
- (3) The City will not reinstate suspended services or MS4 access to the discharger until:
 - (a) The violator presents proof, satisfactory to the Administrator, that the non-complying discharge has been eliminated and its cause determined and corrected;
 - (b) The violator reimburses the City for all costs the City incurred in suspending and reinstating water service, sanitary sewer connection, and MS4 access; and

- (c) The violator reimburses the City for all costs of testing, containment, cleanup, abatement, removal and disposal of any substance unlawfully discharged into the MS4 incurred by the City while responding to, abating, and remediating the discharge or threatened discharge.
- (4) The remedies provided by this section are in addition to any other remedies set out in this ordinance. Exercise of this remedy is not a bar against, or a prerequisite for, taking other action against a violator.
- (5) A person commits an offense if the person reinstates water service, sanitary sewer service, or MS4 access to premises terminated pursuant to this section, without the prior approval of the Administrator.

(E) CONTROL AND CONTAINMENT REQUIREMENTS.

(1) Spill or release corrective actions, responsibility, and compensation.

- (a) Spills or leaks of polluting substances discharged to, or having the potential to be indirectly transported to, the MS4, shall be contained, controlled, collected, and removed promptly. All affected areas shall be restored to their preexisting condition. Any costs of the containment, control, collection, removal, or restoration incurred by the City will be reimbursed to the City by the person associated with the spill or leak.
- (b) Persons associated with the spill or leak must immediately call 911 to notify emergency personnel of all spills or leaks of polluting substances. Notification does not relieve any person of any costs related to the restoration, loss, damage, or any other responsibility which may be incurred as a result of the spill or leak, nor will the notification relieve any person from other responsibility which may be imposed by state, federal, or other law.
- (c) Any person operating a vehicle that causes or results in an accidental discharge or release to the MS4 is responsible for costs of any testing, containment, cleanup, abatement, removal and disposal of contamination to the extent determined by the Administrator.

(2) Stockpiling, accumulations, and heaps.

- (a) Stockpiles, accumulations, and heaps comprised of soil, sand, mulch, trash, asphalt, aggregate or any other material deemed a pollutant by local, state, or federal regulations, which are located within the City limits and present a real or perceived potential of discharging to the MS4 are subject to control measures to prevent introduction into the MS4.
- (b) The Administrator has the authority to necessitate the use of control measures to mitigate the introduction of pollutants to the MS4. Failure to implement control measures as prescribed by the Administrator will result in enforcement as described in this ordinance.
- (c) Stockpiles, accumulations, and heaps discovered to be discharging pollutants to the MS4 are subject to enforcement as described in this ordinance.

(F) ENFORCEMENT.

(1) Enforcement Responsibility.

The Administrator or his designee has the responsibility for enforcement of the provisions of this ordinance. The duties include not only the issuance of permits as required by this ordinance, but also the responsibility of ensuring that all facilities conform with this subpart and with any other applicable state and federal laws, requirements and regulations of this Code of Ordinances or of the City. The Administrator has the authority to adopt policies and procedures not inconsistent with the terms of this ordinance necessary to implement the provisions of this division.

(2) Violations.

- (a) Violation of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Each violation shall be deemed a separate offense for each and every day during which any violation of any of the provisions of this ordinance is committed or continued. Any person found guilty of violating a provision of this ordinance may be punished as provided for in Section 1-5 of this Code.
- (b) The owner or operator of any facility, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- (c) A violation of this section is also declared a nuisance and may be enforced five thousand (5,000) feet outside the City Limits.

(3) Notice of violations.

If the Administrator determines that there is a violation of this ordinance, notice will be sent to the property owner or operator of record by registered or certified mail, unless deemed an emergency pursuant to Part C of this ordinance. The notice will specify the measures required to come into full compliance with this ordinance and shall specify the time within which the measures must be completed. Failure to comply within the time specified is a violation of this ordinance and subject to additional penalties outlined herein.

(4) Voluntary compliance.

The Administrator has the authority to instruct an operator of a facility that commits any acts prohibited by this ordinance to achieve voluntary compliance as determined by the Administrator. The Administrator will provide a reasonable amount of time, specific to the occurrence, to remedy the violation.

(5) Stop orders.

The Administrator has the authority to issue stop work orders for any facility that commits any acts prohibited by this ordinance.

(6) Appeals, interpretation, and variances.

Where applicable, any appeals, interpretations or variances of the Administrator's designee shall first be to the Administrator, then to a court of competent jurisdiction. Any appeals, interpretations or variances of the Administrator shall be to a court of competent jurisdiction directly.

**CHAPTER 12
UNIFIED DEVELOPMENT ORDINANCE**

ARTICLE 7 – GENERAL DEVELOPMENT STANDARDS

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SECTION 7.8 – FLOOD HAZARD PROTECTION

....

SECTION 7.13 – DRAINAGE AND STORMWATER MANAGEMENT

A. GENERAL.

1. Purpose and intent.

This ordinance establishes methods for controlling the introduction of pollutants into the municipal stormwater drainage system and establishes legal authority for the City to carry out all inspections, surveillance, monitoring and enforcement procedures necessary to ensure compliance with the MS4 permit for industrial and construction activity.

2. Compatibility with other regulations.

- a. This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restriction of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.
- b. Any reference to this section shall also apply to Chapter 7, Section 13 of this Code of Ordinances, and both Sections shall be interpreted and enforced in conjunction with each other, where applicable.

3. Definitions.

In this section:

Best management practices (BMP) means schedules of activities, practices, maintenance procedures, and other management practices to prevent or reduce the pollution of the municipal stormwater drainage system and waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Construction activity or construction activities include clearing, grading, and excavating that are subject to TPDES General Construction Permits. It does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of a ditch, channel, or other similar storm water conveyance. Additionally, it does not include the

routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing rights-of-way, and similar maintenance activities.

Construction site means any construction site required by the Clean Water Act to operate within the limits of a TPDES permit to discharge stormwater associated with construction activity.

Construction site notice (CSN) means a written submission to the MS4 operator from an applicant stating that a small construction activity will be commencing and will operate under the provisions of the TCEQ General Permit TXR150000.

Facility means any facility, industrial facility or construction site, required by the Clean Water Act to have a permit to discharge stormwater associated with industrial or construction activity.

Final Stabilization means that:

- a. All soil disturbing activities at the Site have been completed and either of the two following criteria are met:
 - 1) A uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures; or
 - 2) Equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
- b. When background native vegetation or other appropriate vegetation will cover less than 100 percent of the ground (e.g., arid areas, beaches), the 70 percent coverage criteria is adjusted as follows: if the native vegetation or other appropriate vegetation covers 50 percent of the ground, 70 percent of 50 percent ($0.70 \times 0.50 = 0.35$) would require 35 percent total cover for final stabilization. On a beach with no natural vegetation, no stabilization is required.
- c. For individual lots in residential construction, final stabilization means that either:
 - 1) The homebuilder has completed final stabilization as specified above; or
 - 2) The homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization.
- d. For construction Projects on land used for agricultural purposes (e.g., pipelines across crop or range land, staging areas for highway construction, etc.), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to "Surface Waters of the State," and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria (1) or (2) or (3) above.

Industrial facility means any facility required by the Clean Water Act to have a permit to discharge stormwater associated with industrial activity subject to TPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

Notice of change (NOC) means the notification of changes to SWP3 that is required by the

TPDES Stormwater Permits.

Notice of intent (NOI) means the advance notification that is required by the TPDES Stormwater Permits prior to commencement of work.

Notice of termination (NOT) means the notification that is required by the TPDES Stormwater Permits upon completion of work.

Regulated activity means an activity occurring at an industrial facility or construction site, which qualifies the facility or site to acquire a permit to discharge stormwater under the Clean Water Act.

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the municipal stormwater drainage system, the water of the state, the waters of the United States.

Stormwater discharge associated with industrial activity means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw materials storage areas at an industrial facility. The following categories of facilities are considered to be engaging in "industrial activity":

- a. Facilities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (11) of this definition);
- b. Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373;
- c. Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR § 434.11(1) because the performance bond issued to the facility by the appropriate federal Surface Mining Control and Reclamation Act (SMCRA) authority has been released, or except for areas of noncoal mining operations which have been released from applicable state or federal reclamation requirements after December 17, 1990 and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge stormwater contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations;
- d. Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of the Federal Resource Conservation and Recovery Act (RCRA);
- e. Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under subtitle D of RCRA;
- f. Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;

- g. Steam electric power generating facilities, including coal handling sites;
- h. Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 422125), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance, equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (1)-(7) or (9)-(11) of this definition are associated with industrial activity;
- i. Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the Facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the Clean Water Act;
- j. Construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than one acre of total land area which are not part of a larger common plan of development or sale;
- k. Facilities under Standard Industrial Classifications (SIC Code) 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 422125, (and which are not otherwise included within categories (2)-(10) of this definition);

Stormwater pollution prevention plan (SWP3) means a plan required by a TPDES permit to discharge stormwater associated with industrial activity or construction activity and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges from industrial facilities and construction sites.

Texas Pollutant Discharge Elimination System (TPDES) means the regulatory program delegated to the State of Texas by the EPA pursuant to 33 USC § 1342(b).

TPDES Permit means a permit issued by the TCEQ under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the state, whether the permit is applicable on an individual, group, or general area-wide basis.

B. PROHIBITIONS.

1. Unpermitted discharges prohibited.

It is an offense for an operator or responsible party of a facility to:

- a. Discharge, or cause to be discharged, stormwater associated with industrial or construction site activity without first having obtained a TPDES permit from the TCEQ.
- b. Operate a facility that is discharging stormwater associated with a construction site activity without having submitted a copy of the NOI or construction site notice to the

- City.
- c. Introduce sediment, concrete, asphalt or any other construction debris into the MS4 from a construction activity. The Administrator will provide the operator a reasonable amount of time, to remove any pollutants or debris from the MS4 conveyances.

C. FACILITY INSPECTION FOR STORMWATER DISCHARGES.

1. Applicability for industrial and construction activity.

- a. This section applies to all facilities located within the City limits that have stormwater discharges associated with industrial activity or construction site activity. State regulations require that subject facilities apply for and obtain general permits for industrial facilities (TPDES TXR050000) and construction sites (TXR150000) that have been determined to contribute or have the potential to contribute substantial pollutant loads to the MS4 or waters of the state. The general permits require that the permittee develop, implement, and maintain a stormwater pollution prevention plan (SWP3) and submit a NOI notifying the TCEQ and the MS4 operator (City of College Station).
- b. The MS4 permit issued to the City by the TCEQ mandates the City to "Carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance with permit conditions" (Part III (E)(6)) and to implement a program that shall include "Inspection of construction sites and enforcement of control measure requirements" (Part III (A)(9)(b)). To meet these requirements the City must enter onto the premises of industrial and construction sites to inspect, monitor, and conduct surveillance of requirements mandated by the TCEQ. These requirements include, but are not limited to:
 - 1) Review of the facilities' SWP3 with onsite conditions;
 - 2) Evaluation of BMP to effectively prohibit the discharge of nonstormwater to the MS4;
 - 3) Inspection for illicit connections and illicit discharges;
 - 4) Self inspection compliance; and
 - 5) Compliance with the City's MS4 permit and the facilities subject general permit (TXR150000 or TXR050000).

2. Access to industrial facilities and construction sites.

- a. The intent of facility inspections shall be to determine compliance with the conditions of the City's TPDES permit, any TPDES general permit the facility is currently obligated to for industrial and construction activities, and this ordinance. Facility owners and operators will allow the Administrator ready access to applicable sections of public and private premises for the sole purpose of inspection, surveillance, and monitoring for the presence of illegal discharges to the MS4, illicit connections to the MS4, and assessment of any portions of a regulated facility influenced by stormwater runoff that may adversely affect the MS4 or waters of the United States.
- b. Admittance to the facility shall be requested at a reasonable time during the facilities normal working hours unless it is determined by the Administrator that imminent and

substantial danger exists.

- c. The owner or operator shall make all necessary arrangements to allow access to the Administrator.
- d. If the owner or operator refuses entry after a request to enter and inspect has been made, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.
- e. The Administrator retains the authority to collect samples and photographs from stormwater outfalls or other components of the MS4 as may be deemed appropriate in the administration and enforcement of this ordinance.
- f. The Administrator has the authority to establish on subject facilities devices as are necessary in the opinion of the Administrator to conduct monitoring of the facility's stormwater discharge.
- g. The Administrator or the designated inspector must present appropriate credentials to the facility officials at the time of entry to a facility.

3. Review and modification of stormwater pollution prevention plans.

- a. The Administrator has the authority to request to review any documents or plans (stormwater pollution prevention plan, spill prevention control plans, hazardous material plans, waste management documentation, etc.) from a regulated facility that the Administrator deems may affect stormwater discharges to the MS4.
- b. The Administrator may require an operator of a regulated facility to modify its stormwater pollution prevention plan if the stormwater pollution prevention plan does not comply with the requirements of the facility's TPDES permit to discharge stormwater associated with industrial or construction activity.
- c. The deficiencies in a facility's stormwater pollution prevention plan will be communicated in writing, and the Administrator will provide the operator a reasonable amount of time to make the necessary changes in the stormwater pollution prevention plan.

4. Review and modifications of best management practices.

- a. Any person engaged in activities or operation, or owning facilities or property, which will or may result in pollutants entering the MS4 or waters of the United States, shall implement BMPs to the extent they are technologically achievable to prevent and reduce such pollutants. The owner or operator of a regulated facility shall prove reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or waters of the United States. Practices implemented to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense.
- b. The City does not maintain a list of required or approved BMPs for regulated facilities. The Administrator may request facilities to demonstrate the effectiveness of implemented BMPs. Suggested BMPs and a list of prohibited BMPs will be maintained in the B/CS Drainage Design Guidelines.
- c. The Administrator may require an operator of a regulated facility to modify its BMP if the BMPs do not provide effective protection from accidental discharge of prohibited materials or other wastes from entering into the MS4 or waters of the

United States.

- d. The deficiencies in a facility's BMP will be communicated in writing, and the Administrator will provide the operator a reasonable amount of time to make the necessary changes in the BMPs.

5. Compliance with permit.

- a. A facility shall be operated in strict compliance with the requirements of the TPDES permit to discharge stormwater associated with industrial or construction site activity.
- b. A person commits an offense if the person operates a facility in violation of a requirement of the facility's TPDES permit to discharge stormwater associated with industrial or construction site activity.

D. STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY.

1. Applicability.

This subsection applies to all facilities located within the City limits that have stormwater discharges associated with industrial activity.

2. Industrial and high risk runoff monitoring.

- a. All hazardous waste treatment and storage facilities, active municipal landfills, facilities subject to section 313 of Title III of the Superfund Amendment and Reauthorization Act of 1986 (SARA), and any other industrial discharger the City determines is contributing a substantial pollutant load to the MS4 shall submit self-monitoring data to the City on an annual basis. Submittal date of self-monitoring data is to be determined by the Administrator.
- b. The City's MS4 permit requires that all industrial facilities listed in (1) be subject to site inspections of no less than once per permit term (five years). However, the Administrator has the authority to inspect these industrial facilities as often as deemed necessary to assure permit compliance and safety of the MS4 and waters of the United States.
- c. An unreasonable delay or refusal to submit self-monitoring data to the Administrator is a violation of this ordinance. A person who is the operator of an industrial facility with a TPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the Administrator reasonable access to a facility's self-monitoring data for the purpose of review required by this ordinance.
- d. An industrial facility may submit a "no exposure" certification to the City in lieu of self-monitoring; however, any facility operating under a "no exposure" certification is subject to periodic facility inspections (not less than once per permit term—five years) to verify the facility's "no exposure" exemption.
- e. The City may waive monitoring requirements for industrial facilities determined to be in compliance with the TPDES Multi-Sector General Permit Number TXR050000.
- f. The Administrator has the authority to conduct inspections on any industrial facility subject to the TCEQ's TPDES Multi-Sector General Permit or has been deemed to be, or has potential to be, contributing a substantial pollutant load to the MS4 to

determine compliance and safety of the MS4 and waters of the United States.

E. STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY.

1. Applicability.

This subsection applies to all facilities located within the City limits that have stormwater discharges associated with construction activity.

2. Submission of notice of intent, notice of change, notice of termination or construction site notice to municipal stormwater drainage system operator.

- a. The operator of a construction site required to have a TPDES permit to discharge stormwater associated with construction activity shall submit a copy of the above notices to the Administrator at the same time the operator submits the original notice to the TCEQ.
- b. The operator of a construction site which does not require a NOI is required to submit, per TCEQ's TPDES general permit for construction sites, a construction site notice to the Administrator.
- c. Copies of all notices may be delivered to the Administrator either in person or by mail.

F. ENFORCEMENT.

Any person found guilty of violating a provision of this ordinance may be punished as provided for in Chapter 12, Article 10, Section 6 of this Code of Ordinances.

CHAPTER 12
UNIFIED DEVELOPMENT ORDINANCE

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ARTICLE 10 – ENFORCEMENT

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SECTION 10.6 – SPECIFIC ENFORCEMENT AND PENALTIES FOR DRAINAGE AND STORMWATER MANAGEMENT

A. Enforcement Responsibility.

The Administrator or his designee has the responsibility for enforcement of the provisions of this ordinance. The duties include not only the issuance of permits as required by this ordinance, but also the responsibility of ensuring that all facilities conform with this subpart and with any other applicable state and federal laws, requirements and regulations of this Code of Ordinances or of the City. The Administrator has the authority to adopt policies and procedures not inconsistent with the terms of this ordinance necessary to implement the provisions of this division.

B. Violations.

1. Violation of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Each violation shall be deemed a separate offense for each and every day during which any violation of any of the provisions of this ordinance is committed or continued. Any person found guilty of violating a provision of this ordinance may be punished as provided for in Section 1-5 of this Code.
2. The owner or operator of any facility, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
3. A violation of this section is also declared a nuisance and may be enforced five thousand (5,000) feet outside the City Limits.

C. Notice of violations.

If the Administrator determines that there is a violation of this ordinance, notice will be sent to the property owner or operator of record by registered or certified mail, unless deemed an emergency pursuant to Chapter 7, Section 13, Part C of this Code. The notice will specify the measures required to come into full compliance with this ordinance and shall specify the time within which the measures must be completed. Failure to comply within the time specified is a violation of this ordinance and subject to additional penalties outlined herein.

D. Voluntary compliance.

The Administrator has the authority to instruct an operator of a facility that commits any acts prohibited by this ordinance to achieve voluntary compliance as determined by the

Administrator. The Administrator will provide a reasonable amount of time, specific to the occurrence, to remedy the violation.

E. Stop orders.

The Administrator has the authority to issue stop work orders for any facility that commits any acts prohibited by this ordinance.

F. Appeals, interpretation, and variances.

Where applicable, any appeals, interpretations or variances of the Administrator's designee shall first be to the Administrator, then to a court of competent jurisdiction. Any appeals, interpretations or variances of the Administrator shall be to a court of competent jurisdiction directly. ”