



College Station, TX

Meeting Agenda
Planning and Zoning Commission
1101 Texas Ave, College Station, TX 77840
Internet: <https://zoom.us/j/89710036645>
Phone: 888 475 4499 and Webinar ID: 897 1003 6645

The City Council may or may not attend this meeting.

January 5, 2023

6:00 PM

City Hall Council Chambers

Notice is hereby given that a quorum of the meeting body will be present in the physical location stated above where citizens may also attend in order to view a member(s) participating by videoconference call as allowed by 551.127, Texas Government Code. The City uses a third-party vendor to host the virtual portion of the meeting; if virtual access is unavailable, meeting access and participation will be in-person only.

1. Call to Order, Pledge of Allegiance, Consider Absence Request.

2. Hear Visitors

At this time, the Chairperson will open the floor to visitors wishing to address the Commission on issues not already scheduled on tonight's agenda. The visitor 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.)

3. Consent Agenda

All matters listed under the Consent Agenda, are considered routine by the 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. Since there will not be separate discussion of these items, citizens wishing to address the Commission regarding one or more items on the Consent Agenda may address the Commission at this time as well. If any Commissioner desires to discuss an item on the Consent Agenda it may be moved to the Regular Agenda for further consideration.

3.1. Consideration, discussion, and possible action to approve meeting minutes.

Attachments: 1. December 15 2022

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

5. Regular Agenda

5.1. Presentation, discussion, and possible action regarding waiver requests to the Unified Development Ordinance Section 8.3.G, 'Blocks', Section 8.3.E 'Streets', Section 8.3.L 'Bicycle Facilities', and Section 8.3.I 'Access Easements', and presentation, discussion, and possible action regarding a Preliminary Plan for the Alamo Residences at Double Mountain Road

Subdivision on approximately 17 acres, generally located east of the intersection of Medical Avenue and Midtown Drive. Case #PP2022-000012

Sponsors: Anthony Armstrong

Attachments:

1. Staff Report
2. Waiver Request
3. Applicant's Supporting Information
4. Block Length Waivers Exhibit
5. Road Extension Waivers Exhibit
6. Vicinity Map and Aerial
7. Preliminary Plan

6. Informational Agenda

6.1. Discussion of new development applications submitted to the City.
New Development Link: www.cstx.gov/newdev

6.2. Discussion of Minor / Amending Plats approved by Staff:

- River Road Subdivision Block 1, Lots 1, 2, & 3 ~ Case #FP2022-000015

Sponsors: Jesse Dimeolo

6.3. Presentation and discussion regarding the P&Z Calendar of Upcoming Meetings:

- Thursday, January 12, 2023 ~ City Council Meeting ~ Council Chambers ~ Open Meeting 6:00 p.m. (Liaison - Cornelius)
- Thursday, January 19, 2023 ~ P&Z Meeting ~ Council Chambers ~ 6:00 p.m.
- Thursday, January 26, 2023 ~ City Council Meeting ~ Council Chambers ~ Open Meeting 6:00 p.m. (Liaison - McIlhaney)
- Thursday, February 2, 2023 ~ P&Z Meeting ~ Council Chambers ~ 6:00 p.m.

6.4. Discussion and review regarding the following meetings: Design Review Board and BioCorridor Board.

- None

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.

8. Adjourn.

The Planning and Zoning Commission may adjourn into Executive Session to consider any item listed on the agenda if a matter is raised that is appropriate for Executive Session discussion.

I certify that the above Notice of Meeting was posted on the website and at College Station City Hall, 1101 Texas Avenue, College Station, Texas, on December 23, 2022 at 5:00 p.m.



City Secretary

This building is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need accommodations, auxiliary aids, or services such as interpreters, readers, or large print are asked to contact the City Secretary's Office at (979) 764-3541, TDD at 1-800-735-2989, or email adaassistance@cstx.gov at least two business days prior to the meeting so that appropriate arrangements can be made. If the City does not receive notification at least two business days prior to the meeting, the City will make a reasonable attempt to provide the necessary accommodations.

Penal Code § 30.07. Trespass by License Holder with an Openly Carried Handgun.

"Pursuant to Section 30.07, Penal Code (Trespass by License Holder with an Openly Carried Handgun) A Person Licensed under Subchapter H, Chapter 411, Government Code (Handgun Licensing Law), may not enter this Property with a Handgun that is Carried Openly."

Codigo Penal § 30.07. Traspasar Portando Armas de Mano al Aire Libre con Licencia.

"Conforme a la Seccion 30.07 del codigo penal (traspasar portando armas de mano al aire libre con licencia), personas con licencia bajo del Sub-Capitulo H, Capitulo 411, Codigo de Gobierno (Ley de licencias de arma de mano), no deben entrar a esta propiedad portando arma de mano al aire libre."

**Minutes
Planning and Zoning Commission
Regular Meeting
December 15, 2022**

COMMISSIONERS PRESENT: Acting Chairperson Jason Cornelius, Commissioners Bobby Mirza, Mark Smith, Melissa McIlhaney, and Thomas Jackson

COMMISSIONERS ABSENT: Chairperson Dennis Christiansen

COUNCIL MEMBERS PRESENT: Councilmember Dennis Maloney

CITY STAFF PRESENT: Director of Planning and Development Services Michael Ostrowski, Assistant Director of Planning and Development Services Molly Hitchcock, Transportation Planning Coordinator Jason Schubert, Land Development Review Administrator Anthony Armstrong, Senior Planner Jeff Howell, Staff Planner Robin Macias, Engineer I Lindsey Pressler, Assistant City Attorney II Leslie Whitten, Administrative Support Specialist Kristen Hejny, and Technology Services Specialist Jeremy Halling

1. Call Meeting to Order, Pledge of Allegiance, Consider Absence Request.

Acting Chairperson Cornelius called the meeting to order at 6:00 p.m.

2. **Hear Visitors**

No visitors spoke.

3. **Consent Agenda**

- 3.1 Consideration, discussion, and possible action to approve meeting minutes.

- November 17, 2022

- 3.2 Presentation, discussion, and possible action regarding a Final Plat for Emerald Ridge Estates Phase IIIB being a replat of Emerald Ridge Estates Phase IIIB Block 1, Lot 1 on approximately 2.381 acres of land, generally located at the intersection of Emerald Parkway and Rolling Hill Trail. Case #FP2020-000047

Commissioner McIlhaney motioned to approve the Consent Agenda, Commissioner Jackson seconded the motion, the motion passed 4-0.

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

No items were removed.

5. **Regular Agenda**

- 5.1 Public Hearing, presentation, discussion, and possible action regarding waiver requests to Unified Development Ordinance Section 8.3.H.2, 'Platting and Replatting within Older Residential Subdivisions' and presentation, discussion, and possible action regarding a Final Plat for College Hills Estates, Third Installment, Block 17, Lots 9 (part of), 10 & 11 on approximately 0.922 acres, located at 1305 Walton Drive. Case #FP2022-000029

Staff Planner Macias presented the waiver requests and Final Plat to the Commission recommending denial.

Commissioner Mirza asked how the applicant is planning to develop the site.

Applicant, Kurt Fisher, College Hills Estates, presented to the Commission stating that he is planning to develop two structures as rental properties on the site.

Commissioner Jackson asked the applicant for the reasoning behind his understanding that this property contains two building plots.

Kurt Fisher explained that the prior owner and realtor claimed that there were two buildable plots, along with the original plat from the Brazos County Appraisal District and the Title Company showing two lots.

Commissioner Jackson stated that the focus should be on the plat, the legal document.

Kurt Fisher clarified that this property contains two lots.

Staff Planner Macias stated that staff considers this to be a building plot on two lots and a portion of another lot. Staff Planner Macias also stated that the home was built across property lines and did not meet the setback requirements. Staff Planner Macias also stated that when a new building plot is submitted to staff, it must be replatted to go back to the original lot or a new configuration.

Commissioner Mirza asked if the previous structure sat on two lots.

Staff Planner Macias confirmed that the previous structure, which has been demolished, was constructed on lot 10 and partially on lot 11. Staff Planner Macias also stated that being built across the property line with common ownership makes this one building plot. Staff Planner Macias further stated that the structure did not meet the setback requirements on lots 10 or 11.

Commissioner McIlhaney asked when the applicant closed the sale on this property.

Kurt Fisher confirmed that he closed on the property in January 2022.

Commissioner McIlhaney stated that staff provided the Commission emails dated December 2021, showing that staff informed the applicant of the requirement to replat the property and the requirement in which the lot widths conflict.

Kurt Fisher clarified that he did not know if the lot widths conflicted pre or post replat.

Commissioner McIlhaney reiterated that the applicant was provided information on the requirements to plat or replat the property.

Kurt Fisher stated that his attorney and title company believed the lot width requirements were not applicable because the applicant did not intend to plat or replat the property.

Commissioner McIlhaney clarified that the City had informed the applicant that there would be a replat and asked if the City's Legal Department had reviewed the request.

Assistant City Attorney Whitten stated that the City Attorney's Office believes that the Unified Development Ordinance (UDO) is in compliance with state law.

Acting Chairperson Cornelius opened the public hearing.

Suzanne Droleskey, College Hills Woodlands, spoke in opposition of the replat citing concerns for neighborhood integrity and a violation of the UDO.

Shirley Dupriest, College Park, spoke in opposition of the replat citing concerns for UDO requirements.

Charles Vesperman, College Hills Woodlands, spoke in opposition of the replat citing concerns for a commercialized neighborhood.

Nan Crouse, College Hills, spoke in opposition of the replat citing concerns for rental properties, unaffordable home ownership, and traffic.

Thelma Isenhardt, College Hills Estates, spoke in opposition of the replat citing concerns for rental homes and the adjacent school.

Cynthia Dew, College Hills Estates, spoke in opposition to the replat citing concerns for rental properties.

Susan Fox, College Hills Estates, spoke in opposition to the replat citing concerns for rental properties.

Acting Chairperson Cornelius closed the public hearing.

Commissioner Jackson asked if College Hills has applied for a Restricted Occupancy Overlay (ROO).

Staff Planner Macias stated that a ROO application has not been submitted for this neighborhood.

Commissioner Jackson clarified that in two lots versus one lot, the building plot matters. Commissioner Jackson also spoke on neighborhood preservation, reasonable use of land, and developer profit. Commissioner Jackson also stated that the applicant must work within the City's constraints and regulations, sharing that he would not be in support of the waiver request.

Commissioner McIlhaney motioned to deny the waiver requests.

Commissioner McIlhaney stated that the applicant has missed the mark and must preserve the larger lot, clarifying that the City provided full disclosure and the UDO restricts this development.

Commissioner Mirza spoke in opposition to replatting into two separate building plots.

Acting Chairperson Cornelius stated that the applicant's concerns that he was not made aware of the hardships involved, but that staff made the applicant aware in a timely manner, before the purchase of the property.

Commissioner Jackson seconded the motion, the motion to deny the waiver requests passed 4-0.

Commissioner McIlhaney motioned to deny the plat, Commissioner Mirza second the motion, the motion to deny passed 4-0.

6. **Informational Agenda**

6.1 Discussion of new development applications submitted to the City.

New Development Link: www.cstx.gov/newdev

There was no discussion.

6.2 Discussion of Minor / Amending Plats approved by Staff:

- CreekrIDGE Estates Phase 1, Block 1, Lots 9R, 10R, & 12R ~ Case #FP2021-000031

There was no discussion.

6.3 Presentation and discussion regarding the P&Z Calendar of Upcoming Meetings:

- Thursday, January 5, 2023 ~ P&Z Meeting ~ 6:00 p.m.
- Thursday, January 12, 2023 ~ City Council Meeting ~ Council Chambers ~ Open Meeting 6:00 p.m. (Liaison – Cornelius)
- Thursday, January 19, 2023 ~ P&Z Meeting ~ 6:00 p.m.

- Thursday, January 26, 2023 ~ City Council Meeting ~ Council Chambers ~ Open Meeting 6:00 p.m. (Liaison – McIlhaney)

There was no discussion.

6.4 Presentation and discussion regarding an update on items heard:

- A Rezoning for approximately five acres located at 404 Harvey Mitchell Parkway South from PDD Planned Development District to PDD Planned Development District to amend the Concept Plan. The Planning & Zoning Commission heard this item on November 3, 2022 and voted (7-0) to recommend approval. The City Council heard this item on November 21, 2022 and voted (7-0) to approve the request.
- A Rezoning for approximately two acres located at 2849 Barron Road from PDD Planned Development District to PDD Planned Development District. The Planning & Zoning Commission heard this item on November 17, 2022 and voted (7-0) to recommend approval. The City Council heard this item on December 8, 2022 and voted (7-0) to approve the request.
- A Rezoning for approximately 45 acres located at 700 Scott & White Drive from PDD Planned Development District to PDD Planned Development District to amend the Concept Plan. The Planning & Zoning Commission heard this item on November 17, 2022 and voted (7-0) to recommend approval. The City Council heard this item on December 8, 2022 and voted (7-0) to approve the request.
- A Rezoning for approximately 17 acres located at 400 Double Mountain Road from O Office to MF Multi-Family. The Planning & Zoning Commission heard this item on November 17, 2022 and voted (5-2) to recommend approval. The City Council heard this item on December 8, 2022 and voted (5-2) to approve the request.

There was no discussion.

6.5 Discussion and review regarding the following meetings: Design Review Board, BioCorridor Board.

- None

There was no discussion.

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 adjourned at 7:16 p.m.

Approved:

Jason Cornelius, Acting Chairperson
Planning & Zoning Commission

Attest:

Kristen Hejny, Board Secretary
Planning & Development Services



**Preliminary Plan
for
Alamo Residences at Double Mountain Rd
Subdivision
PP2022-000012**

Scale	One multi-family lot on approximately 17 acres of land
Location	Generally located east of the intersection of Medical Avenue and Midtown Drive
Applicant	Mitchell and Morgan
Project Manager	Jesse Dimeolo, Staff Planner jdimeolo@cstx.gov
Project Overview	This preliminary plan is for a multi-family residential development along two minor collector thoroughfares and one major collector thoroughfare. Waivers are requested for block lengths, streets, bicycle facilities, and access easements. The preliminary plan layout shows Cathedral Pines Drive projected off Medical Avenue but not being continued through the site. Also, on the adjacent Midtown Town Center tract, there is a planned public street projected to the property line that is not being projected through the site. The applicant is asking for waivers to both requirements. If these requirements were met, they would also help break block length along Medical Avenue and Midtown Drive. Rather than project the public streets through, the applicant is proposing a public access easement for a shared used path. Several waivers are requested to amend the access easement requirements found in UDO Section 8.3. In all, seven subdivision regulation waivers are being requested to develop a suburban-style apartment complex in an area planned for urban.
Parkland Dedication	Parkland dedication fees will be paid prior to the issuance of building permits at a rate of \$1,129 per bedroom.
Traffic Impact Analysis	A Traffic Impact Analysis (TIA) which projected impacts on traffic to a full build-out year of 2025 was conducted with the rezoning, based on the impacts of up to 507 units, based on a ratio of 30 units per acre for multi-family zoning. The TIA determined that for the build-out year of 2025, no congestion mitigation measures were warranted. However, the scope of the TIA did not consider long-term demand for additional roadway connectivity to mitigate congestion as the area develops beyond 2025.
Compliant with Comprehensive Plan (including Master Plans) and Unified Development Ordinance	The preliminary plan is compliant with the newly updated Comprehensive Plan Future Land Use and Character Map, but is not compliant with the Medical District Master Plan.

Compliant with Subdivision Regulations	Yes, with the exception of seven waiver requests, the first two related to UDO Section 8.3.G Block Length requirements, the second pair related to UDO Section 8.3.E Streets, and the last three waivers related to UDO Sections 8.3.L and 8.3.I Bicycle Facilities and Access Easements.
Staff Recommendation	Staff recommends denial of the waivers and the Preliminary Plan, as staff has not found that the waivers meet the criteria of review outlined within the UDO that are needed to grant the waivers. <i>Per Section 8.5 of the Unified Development Ordinance (UDO) - No waiver shall be granted unless the Commission finds:</i> <i>1. That there are special circumstances or conditions affecting the land involved such that strict application of the provisions of this chapter will deprive the applicant of the reasonable use of his land;</i> <i>2. That the waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant;</i> <i>3. That 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 this chapter; and</i> <i>4. That 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 this UDO.</i> <i>However, if the Commission believes the request does meet the standards, Staff recommends the following conditions of approval:</i> <i>1. That the shared use path be incorporated into a Public Access Easement.</i> <i>2. That no portion of the shared use path be gated, even temporarily.</i> <i>3. That the shared use path shall have appropriate signage and other amenities, such as entry features and landscaping, to ensure that users of the shared use path know that the shared use path is for public use. Staff shall have final determination if this condition is met.</i> <i>4. That the shared use path within the development shall exemplify qualities of a public path and not be predominately located within parking areas or drive aisles or create unavoidable conflicts with</i>

	<i>users of the development. Staff shall have final determination if this condition is met.</i> <i>5. That the developer be responsible for the improvement of a shared use path along the entire section of Cathedral Pines that properly ties into Medical Avenue. This path shall replace the current sidewalk in this location.</i>
--	---

Supporting Materials

1. Waiver Request
2. Applicants Supporting Information
3. Block Length Waivers Exhibit
4. Road Extension Waivers Exhibit
5. Vicinity Map and Aerial
6. Preliminary Plan

SUBDIVISION WAIVER REQUESTS

The proposed Preliminary Plan is in compliance with the applicable Subdivision Regulations contained in the UDO except for the following waiver requests:

UDO Section 8.3.G.2 'Blocks' (Block Length for General Urban) - Per the requirements of this section, block length should be a maximum of 900 feet for areas designated as General Urban on the Thoroughfare Plan Functional Classification and Context Class Map. As shown in the attached waiver exhibit, the first waiver request is for the block length along Medical Avenue. This distance is approximately 1,169 feet, which exceeds the maximum block length by 269 feet. The second waiver request is for the block length along Midtown Drive. This distance is approximately 1,340 feet from the intersection of Midtown Drive and Medical Avenue to the planned Durham Drive on the adjacent Midtown Preliminary Plan. This exceeds the maximum block length by 440 feet. The applicant is requesting these waivers as their intention is to provide pedestrian connections through the site instead. The applicant states that creating a break in the block lengths would disrupt the plan for a multi-family development at this location.

UDO Section 8.3.E 'Streets' – Per the requirements of this section, when existing and planned streets are located at adjacent or adjoining areas, the platting subdivision shall continue the alignment of the streets through the subject property. The road extensions exhibit shows a possible design option as red dashed lines. Tocode Road is an adjacent planned street in the Midtown Preliminary Plan and Cathedral Pines Drive is an existing street projected off Medical Avenue. The applicant is requesting to neither project Cathedral Pines nor terminate the road stub with an approved turnaround, as required per the UDO. Strict adherence to this requirement would result in the same disturbance upon the planned multi-family development as described in the waiver request to block length. The applicant states the design option shown on the exhibit is not compatible with the site design of the subdivision.

UDO Section 8.3.L 'Bicycle Facilities' – Per the requirements of this section, a multi-use path is required to have a minimum three-foot width graded area on both sides of the path. It is also required to be located inside a minimum 20' public access easement (PAE). Since the applicant is requesting not to construct the abovementioned streets, a multi-use path is being proposed instead to meet the connectivity requirements. Two waivers are being requested to amend the bicycle facilities. The first waiver removes the minimum three-foot buffer on both sides of the path and the second waiver reduces the PAE width from 20' to 15.'

UDO Section 8.3.I.3.b 'Access Easements' – Per the requirements of this section, a public access easement shall be provided for a Public Way, for public sidewalks on private property, and when serving as an Access Way. Fences, gates, parking, or other obstructions that restrict or block access are prohibited. The applicant is requesting that the diagonally hatched section of the path as shown on the Preliminary Plan, be temporarily gated off and not allow access to the public until the adjacent Midtown Reserve is developed.

In accordance with the Subdivision Regulations, when considering a waiver the Planning and Zoning Commission shall make the following findings to approve the waiver:

- 1) **That there are special circumstances or conditions affecting the land involved such that strict application of the provisions of this chapter will deprive the applicant of the reasonable use of his land;**

There are no special circumstances and conditions affecting the land involved that would deprive the applicant of the reasonable use of the land. The land is nearly 17 acres in size, has multiple frontages, and does not have any significant topographical constraints. Rather, it is the proposed multi-family development's design that requires a large, undivided tract of land. The design, not the land, limits the use of the land.

- 2) **That the waivers are necessary for the preservation and enjoyment of a substantial property right of the applicant;**

The applicant has stated that granting the waivers are necessary for the preservation and enjoyment of property rights. They state the following reason(s):

- Waivers 1-4: "Due to the size and shape of the property and that this property does not have frontage on Medical Avenue, this waiver request is necessary for the preservation and enjoyment of the property owner's right to develop this property."

The property is nearly 17 acres in size, has multiple frontages, and does not have any significant topographical constraints. Also, while the property does not directly front on Medical Avenue, the existing stub of Cathedral Pines provides direct access to Medical Avenue and could be extended if the applicant was not requesting the waiver.

- Waiver 5: "The path will be privately maintained, and this waiver will help with the design and aesthetics of the path. The pathway will meander through the property, and it will be important to have flexibility with design to work around trees and topography."

While this may be true, it is difficult to assess without seeing a final site plan layout of the development. A final layout would assist in determining how the path(s) would interact with the site and what constraints would be present. While the applicant has provided a conceptual site plan, it does not provide the level of detail that is needed.

- Waivers 6 and 7: "The reduction of 5 feet is necessary to limit the encumbrances on the private property to allow for adequate room for development of the site. This should not be problematic as the path will be maintained privately. The purpose of the easement is to assure room for the 10-foot multi-use path and for its maintenance. The latter is not necessary for the public since the path will be privately maintained."

While this may be true, it is difficult to assess without seeing a final site plan layout of the development. A final layout would assist in determining how the path(s) would interact with the site and what constraints would be present. While the applicant has provided a conceptual site plan, it does not provide the level of detail that is needed.

In addition to an area for maintenance, the clearance to the sides of the path is standard for safety purposes. They help to keep the path clear of encroachments such as vegetative overgrowth, protect a line of sight, and provide an area for users to go off the path in the event of a conflict.

- 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 this chapter; and**

The granting of these waivers would be detrimental to the public health, safety, or welfare of other properties in the area as this development does not comply with all standards and requirements found in the Unified Development Ordinance. Baylor Scott & White expressed a concern that the Tocode Road street extension may bring vehicular traffic interference with access to their emergency facilities; yet additional connectivity in the area would provide opportunities for greater disbursement of traffic. Such connectivity will likely become of greater importance as the area continues to develop out, beyond just the construction of this apartment complex.

Bicycle facility standards are put in place specifically for the safety of all users on a multi-use path. By removing the three-foot clear zone on both sides of the facility and making the access easement narrower, it heightens the risk to users. Again, without having a final site plan layout showing what site amenities may impede the path creates difficulty in assessing this request.

- 4) That the granting of the waivers will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this chapter.**

These waivers will have a negative effect on the orderly subdivision of other land in the area. The effect can already be seen. The applicant is stating that the owner of the adjacent Midtown development is planning on resubmitting their preliminary plan with additional waiver requests to remove the planned Tocode Road. In Chapter 6 "Integrated Mobility" of the City's Comprehensive Plan, it is written that poor street connectivity can degrade the overall efficiency of the mobility system as trips are funneled to fewer corridors and may cause the need for more substantial improvements. These improvements will then typically become the financial responsibility of the City as they will need to add additional infrastructure to handle the increased traffic that could have been better disbursed if the required street network was installed with this development.

Per Section 8.5 of the Unified Development Ordinance (UDO) - No waiver shall be granted unless the Commission finds:

- 1. That there are special circumstances or conditions affecting the land involved such that strict application of the provisions of this chapter will deprive the applicant of the reasonable use of his land;*
- 2. That the waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant;*
- 3. That 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 this chapter; and*
- 4. That 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 this UDO.*

If the Commission approves any or all of the waivers, the Commission shall incorporate the findings of each waiver into the official minutes of the meetings at which such waiver is granted. Waivers

may be granted only when in harmony with the general purpose and intent of this UDO so that public health, safety, and welfare may be secured and substantial justice done.

Staff has not found that the waivers meet the criteria of review outlined within the UDO that are needed to grant the waivers. However, if the Commission believes the request does meet the standards, Staff recommends the following conditions of approval:

- 1. That the shared use path be incorporated into a Public Access Easement.*
- 2. That no portion of the shared use path be gated, even temporarily.*
- 3. That the shared use path shall have appropriate signage and other amenities, such as entry features and landscaping, to ensure that users of the shared use path know that the shared use path is for public use. Staff shall have final determination if this condition is met.*
- 4. That the shared use path within the development shall exemplify qualities of a public path and not be predominately located within parking areas or drive aisles or create unavoidable conflicts with users of the development. Staff shall have final determination if this condition is met.*
- 5. That the developer be responsible for the improvement of a shared use path along the entire section of Cathedral Pines that properly ties into Medical Avenue. This path shall replace the current sidewalk in this location.*

Preliminary Plan Waiver Request Form 400 Double Mountain

1. Waiver Requested for:

Appendix A. Section 8.3.G.2 Blocks – Block Length (Exceeds 900-FT) – Medical Avenue

Per the requirements of this section, block length should be a maximum of 900 feet for areas designated as General Urban on the Thoroughfare Plan Functional Classification and Context Class Map. As shown in Exhibit A, the distance between roadways on Medical Avenue is 1,169 feet, which exceeds the maximum block length by 269 feet. We are requesting to utilize a shared-use path in lieu of meeting the block length requirement along Medical Avenue and have shown the proposed location of a 15ft public access easement that will contain a 10ft shared-use path through the property at a location required to meet this block length requirement. This path would connect to the existing sidewalk on Cathedral Pines, breaking block length to less than 900 feet as shown in Exhibit A. It is our desire to construct this shared-use path and gate a portion of it for private use ONLY until such time as the Midtown Reserve develops to the common property line and they extend the shared-use path to the south. At that time, the gates will be open for full use by the public.

2. Waiver Requested for:

Appendix A. Section 8.3.G.2 Blocks – Block Length (Exceeds 900-FT) – Midtown Drive

Per the requirements of this section, block length should be a maximum of 900 feet for areas designated as General Urban on the Thoroughfare Plan Functional Classification and Context Class Map. We are requesting to utilize a shared-use path in lieu of meeting the block length requirement along Midtown Drive and have shown on the Preliminary Plan the proposed location of a 15ft public access easement that will contain a 10ft shared-use path through the property at a location required to meet this block length requirement. This shared-use path will also fulfill the need for an Access Way off Midtown Drive. The final location will be determined at Site Plan. This section of the path will remain ungated, allowing pedestrian/bike traffic to “cut the corner” at Medical Avenue and Midtown Drive.

3. Waiver Requested for:

Appendix A. Section 8.3.E.2.b Streets – Existing and planned streets and Public Ways in adjacent or adjoining areas shall be continued in alignment therewith.

We are requesting to not extend Cathedral Pines as an existing street, but to instead use this as an exit-only driveway for the proposed development. Its use as a street for vehicular traffic at this location is not warranted. It provides a “shortcut” route for drivers which then has a tendency to be unsafe.

4. Waiver Requested for:

Appendix A. Section 8.3.E. Streets – Existing and planned streets and Public Ways in adjacent or adjoining areas shall be continued in alignment therewith.

Per the approved Preliminary Plan for the Midtown Reserve Subdivision, Tocode Road is shown to connect to the subject property, indicating that Tocode Road should extend through this property as a vehicular access route.

Regarding waiver requests #1-#4 above, 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.
 - a. *If Tocode Road is ever to be extended through the subject property, it would have to connect to either Midtown Drive, Cathedral Pines Rd or Double Mountain Road. Baylor Scott & White has stated their concerns with traffic from the Midtown Reserve coming through to Medical Avenue. Their reasoning is that they operate a 24/7 emergency department and they are concerned about the vehicular traffic interference Tocode Road could cause with access to their emergency facilities. Pushing Tocode Road through the subject property, whether connecting it to Cathedral Pines or Double Mountain Road, ultimately provides an additional route for traffic to flow onto Medical Avenue. The proposed shared-use paths will meet the connectivity need and allow pedestrian/bike traffic through the development along both Midtown Drive and Medical Avenue.*
 - b. *Midtown Reserve developers strongly oppose Tocode Road and plan on amending their Preliminary Plan to remove the portion that extends to this property and to Durham Drive.*
2. The waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant.
 - a. *We are required to preliminary plan and final plat the subject property in order to develop the land. Due to the size and shape of the property and that this property does not have frontage on Medical Avenue, this waiver request is necessary for the preservation and enjoyment of the property owner's right to develop this property.*
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.
 - a. *The granting of the waiver will not be detrimental to the public as all of the surrounding properties have alternate points of access and the TIA has confirmed that even without Tocode Road and Cathedral Pines, all intersections will operate at an acceptable level of service*
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.
 - a. *All other surrounding properties, aside from the Midtown Reserve, have previously been developed. Midtown Reserve developers also strongly oppose Tocode Road and they have indicated a desire to amend their Preliminary Plan to request the removal of Tocode Road to Durham Drive when they develop the tract adjacent to the subject property. We understand that the Midtown Reserve development would be required to extend the Shared-Use Path as an Access Way or would need a waiver to UDO 8.3.J in order to revise their Preliminary Plan in order to remove Tocode Road.*

- b. *Both adjacent property owners are opposed to Tocode Road going through their properties. This waiver benefits the surrounding properties as well.*
- c. *Baylor Scott & White has indicated their support for the shared-use path that would allow walkability for potential employees who live in the proposed development. The developer of Midtown Reserve has indicated a similar sentiment and that they may possibly allow the continuation.*

5. Waiver Requested for:

Appendix A. Section 8.3.L. Bicycle Facilities – Minimum three-foot width graded area shall be maintained adjacent to both sides of multi-use path

We are requesting that we not strictly adhere to this minimum three-foot graded area in the design of the 10-ft shared-use path.

Regarding the waiver request #5, 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.
 - a. *The multi-use path may have benches and lighting fixtures along the periphery, causing a problem with strict adherence to a 3-foot graded area adjacent to the path.*
2. The waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant.
 - a. *The path will be privately maintained and this waiver will help with the design and aesthetics of the path. The pathway will meander through the property and it will be important to have flexibility with design to work around trees and topography. This is necessary for the preservation and enjoyment of the property.*
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.
 - a. *Granting the waiver will not be detrimental to the public as the space provided between the path and nearby physical features and amenities will be designed to provide a safe design.*
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.
 - a. *Granting the waiver will not affect the surrounding properties as all adjacent parcels are already developed or developing. We have communicated with one property owner that is still developing and they do not have any issues with the variances we are seeking. Additionally, the path will be privately maintained on private property.*

6. Waiver Requested for:

Appendix A. Section 8.3.L. Bicycle Facilities – Multi-use path shall be located inside a minimum twenty (20) foot P.A.E.

We are requesting a 5-foot reduction in the size of the public access easement for the multi-use path. We will provide a 15-foot public access easement in lieu of a 20-foot public access easement.

7. Waiver Requested for:

Appendix A. Section 8.3.I.3.b Access Easements – Fences, gates, parking, or other obstructions that restrict or block access are prohibited.

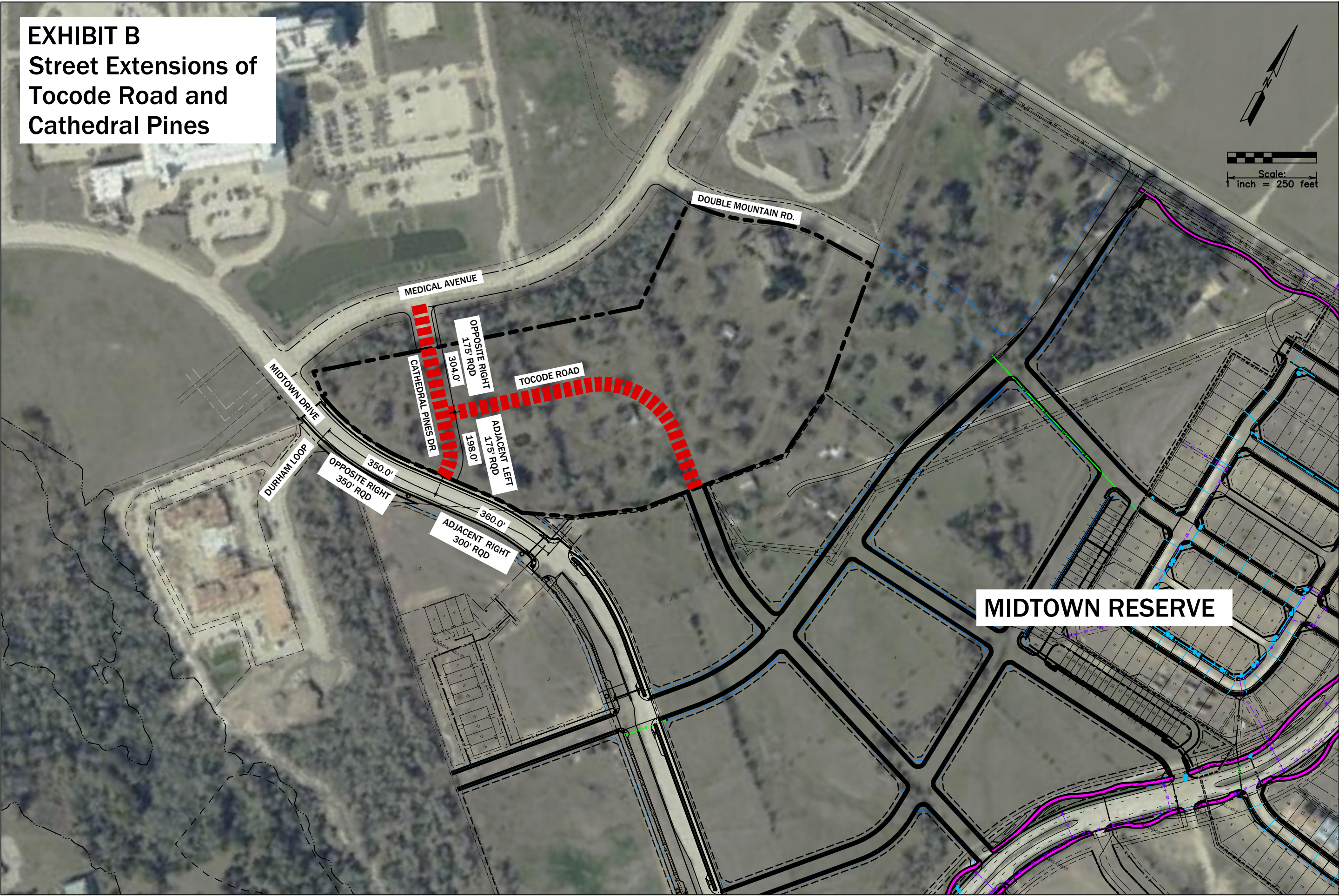
We are requesting to temporarily gate a portion of the Public Access Easement for the shared-use path. Refer to the preliminary plan for the location of the temporarily gated section of the path.

Regarding the waiver requests #6 and #7, 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.
 - a. *It is our desire to locate the 10 ft shared-use path within a 15-foot Public Access Easement that will be maintained privately by the property owner. This 15 feet will allow for adequate space to maintain the 10-foot path without encumbering usable private land. Typically, the reason for a 20' P.A.E. is to allow the city to maintain the pathway, however, since the path will be privately maintained, the wider width is not needed for maintenance.*
 - b. *A portion of the path will only temporarily be gated until the Midtown Reserve picks up where the path leaves off, as to create an access way through the property. Until then, the request to gate the path ensures tenant safety while the adjoining portion of the Midtown Reserve remains undeveloped.*
2. The waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant.
 - a. *The reduction of 5 feet is necessary to limit the encumbrances on the private property to allow for adequate room for development of the site. This should not be problematic as the path will be maintained privately. The purpose of the easement is to assure room for the 10-foot multi-use path and for its maintenance. The latter is not necessary for the public since the path will be privately maintained. This waiver request is necessary for the preservation and enjoyment of the property owner's right to have adequate room to develop this property.*
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.

- a. *The granting of the waiver will not be detrimental to the public as the 15-foot easement will still provide plenty of space for the proper maintenance of this path, since the adjoining property will be owned by the entity maintaining the path.*
 - b. *Allowing the path to be gated with access through the gates given by key or keypad to the residents of the proposed development creates an additional element of safety until the Midtown Reserve is developed. It is our full intent to open this facility up for public use once it is connected to the south.*
- 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.
 - a. *Granting the waiver will not affect the surrounding properties because the path will be privately maintained on private property.*
 - b. *Gating the path until Midtown Reserve develops up to the path does not prevent the orderly subdivision. This gating will only be temporary until the surrounding areas develop and need access to the shared-use path. At that time the gates will be permanently opened or removed.*

EXHIBIT B
Street Extensions of
Tocode Road and
Cathedral Pines



For Interim Review Only
These documents are not
intended for construction,
bidding, or permit purposes.
Prepared by:
Veronica J.B. Morgan, P.E.
No. 77689

NOVEMBER 2022
Designed by: VJBM
Drawn By: TTF
Checked By: VJBM

Revisions

MITCHELL
MM
MORGAN

T.979.260.6963
F.979.260.3564
TX. FIRM # F-1443

3204 EARL RUDDER FWY S
COLLEGE STATION, TX 77845

PLAN & DESIGN SPECIALISTS IN
CIVIL ENGINEERING • HYDRAULICS
HYDROLOGY • UTILITIES • STREETS
SITE PLANS • SUBDIVISIONS

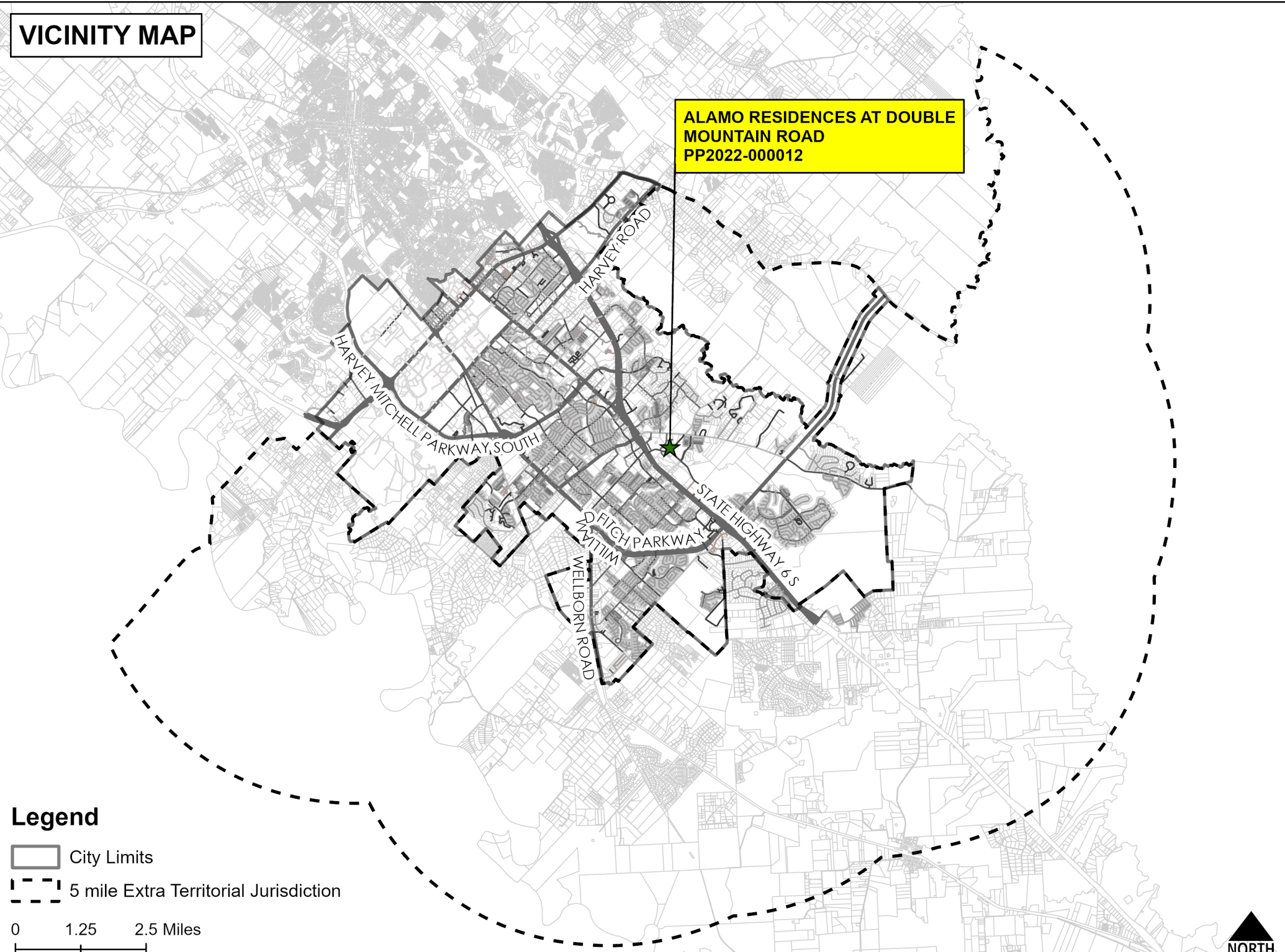
www.mitchellandmorgan.com

EXHIBIT B
VARIANCE REQUEST EXHIBITS

EX B

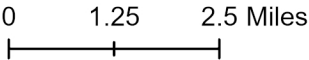
VICINITY MAP

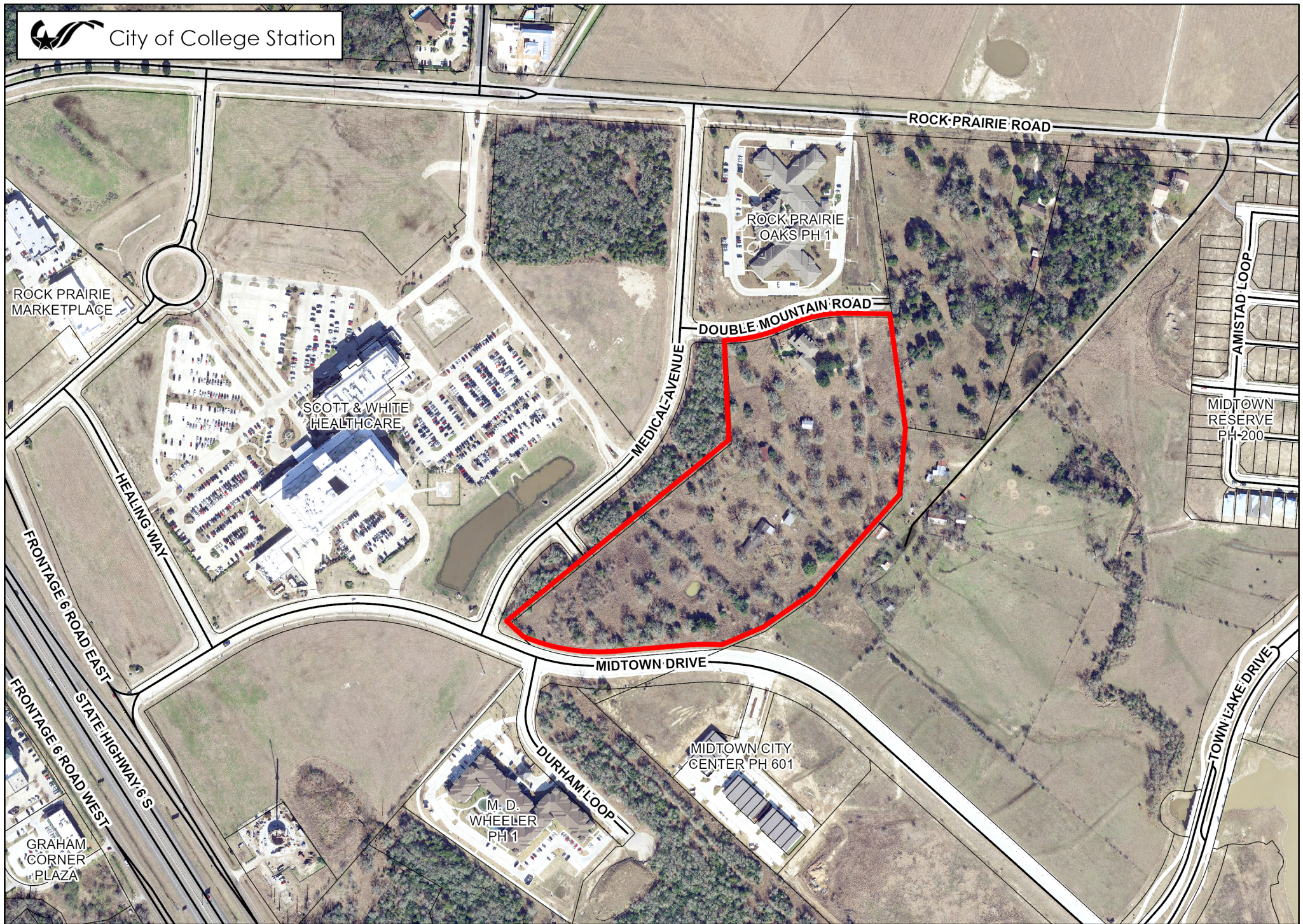
ALAMO RESIDENCES AT DOUBLE
MOUNTAIN ROAD
PP2022-000012



Legend

- City Limits
- 5 mile Extra Territorial Jurisdiction





0 400 800 Feet

ALAMO RESIDENCES AT DOUBLE MOUNTAIN ROAD

Case:
PP2022-000012

PRELIMINARY PLAN

