



College Station, TX

Meeting Agenda Planning and Zoning Commission 1101 Texas Ave, College Station, TX 77840

The City Council may or may not attend the Planning & Zoning Commission Regular Meeting.

May 21, 2020

6:00 PM

City Hall Council Chambers

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

2. Hear Visitors.

Speaker Protocol: An individual who wishes to address the Commission regarding any item on the Regular Agenda, shall register with the Commission Secretary prior to 4 p.m. on the day of the meeting. To register, the individual must provide a name and phone number by calling 979.764.3751 or emailing khejny@cstx.gov prior to 4 p.m. To submit written comments to the Commission, email khejny@cstx.gov and they will be distributed to the Commission. Upon being called to speak, an individual must state their name and city of residence, including the state of residence if the city is located out of state. Speakers are encouraged to identify their College Station neighborhood or geographic location. Each speaker's remarks are limited to three (3) minutes. Any speaker addressing the Council through the use of a translator may speak for six (6) minutes. At the (3) minute mark, the Commission Secretary will announce that the speaker must conclude their remarks.

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 on to approve meeting minutes.

Attachments: 1. May 7 2020

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

5. Informational

5.1. Discussion of new development applications submitted to the City.

New Development Link: www.cstx.gov/newdev

5.2. Discussion of Final Plats approved with a P&Z Commission Certificate of No Action Taken.

- Wellborn Settlement Phase 1, Block 2, Lot 68 ~ Case #FPCO2019-000023
- Pershing Pointe Villas Phase 2A ~ Case #FP2020-000014
- Foxcreek Estates, Block 1, Lots 3R and 4R2 ~ Case #FP2020-000010

Sponsors: Rachel Lazo, Jesse Dimeolo

5.3. Presentation and discussion regarding an update on items heard:

- A Comprehensive Plan Amendment Amending the Economic Development Master Plan. The Planning & Zoning Commission heard this item on May 7, 2020, and voted (6-0) to recommend approval of the update. The City Council heard this item on May 14, 2020, and voted (6-0) to approve the plan update.
- A Comprehensive Plan Amendment amending the Thoroughfare Plan for Thousand Oaks Ranch. The Planning & Zoning Commission heard this item on May 7, 2020, and voted (6-0) to recommend approval. The City Council heard this item on May 14, 2020, and voted (6-0) to approve the request.
- A Rezoning for approximately six acres located at 8822 Burgess Lane from R Rural to PDD Planned Development District. The Planning & Zoning Commission heard this item on May 7, 2020, and voted (6-0) to recommend approval. The City Council heard this item on May 14, 2020, and voted (6-0) to approve the request.
- An Ordinance Amending Chapter 107 "Impact Fees" Collection Rate Policy. The Planning & Zoning Commission heard this item on May 7, 2020, and voted (6-0) to recommend approval. The City Council heard this item on May 14, 2020, the vote to approve the amendment failed (3-3).
- An Ordinance Amending the Impact Fee Credit Policy. The Planning & Zoning Commission heard this item on May 7, 2020, and voted (7-0) to recommend approval. The City Council heard this item on May 14, 2020, and voted (6-0) to approve the request.

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

- Thursday, May 28, 2020 ~ City Council Meeting ~ Virtual Meeting ~ Workshop 5:00 p.m. & Regular 6:00 p.m.
- Thursday, June 4, 2020 ~ P&Z Meeting ~ Virtual Meeting ~ 6:00 p.m.
- Thursday, June 11, 2020 ~ City Council Meeting ~ Virtual Meeting ~ Workshop 5:00 p.m. & Regular 6:00 p.m.
- Thursday, June 18, 2020 ~ P&Z Meeting ~ Virtual Meeting ~ 6:00 p.m.

5.5. Discussion and review regarding the following meetings: Design Review Board, BioCorridor Board, Comprehensive Plan Evaluation Committee

6. Regular Agenda

6.1. Public Hearing, presentation, discussion, and possible action regarding an ordinance amending Appendix A, "Unified Development Ordinance," Section 1.10 "Transitional Provisions," Section 4.1 "Establishment of Districts," Section 5.5 "Retired Districts," Section 7.2.D "Required Yards (Setbacks)," and Section 8.3.H.2 "Platting and Replatting within Older Residential Subdivisions" of the Code of Ordinances of the City of College Station, Texas, regarding the Neighborhood Preservation Overlay zoning district (NPO). Case #ORDA2020-000002. (Final action on this item is scheduled for the June 11, 2020 City Council Meeting- subject to change).

Sponsors: Jade Broadnax

Attachments:

1. Memo
2. Sec. 1.10. Transitional Provisions-Redlines
3. Sec. 4.1. Establishment of Districts-Redlines
4. Sec. 5.5. Retired Districts-Redlines
5. Sec. 7.2. General Provisions-Redlines
6. Sec. 8.3. Reqs. & Standards of Design for Subdivisions w/in the City-Redlines

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 at College Station City Hall, 1101 Texas Avenue, College Station, Texas, on May 15, 2020 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 & ZONING COMMISSION
Regular Meeting
May 7, 2020 6:00 p.m.
Phone: 346 248 7799
Meeting ID: 991 6488 4655
Internet: <https://zoom.us/j/99164884655>

COMMISSIONERS PRESENT: Dennis Christiansen, Jeremy Osborne, Bill Mather, Elizabeth Cunha, Joe Guerra, Bobby Mirza

COMMISSIONERS ABSENT: Paul Gunnels

IFAC MEMBER PRESENT: Jim Jones

CITY STAFF PRESENT: Jennifer Prochazka, Molly Hitchcock, Carol Cotter, Erika Bridges, Anthony Armstrong, Alma Guerra, Jason Schubert, Elizabeth Pedersen, Tiff Raetzel, Jade Broadnax, Alyssa Halle-Schramm, Rachel Lazo, Jesse DiMeolo, Treston Rodriguez, Carla Robinson, Kristen Hejny and Bryan Woods

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

Chairman Christiansen 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.

- March 5, 2020

Commissioner Mather motioned to approve the Consent Agenda. Commissioner Osborne seconded the motion, motion passed (6-0).

Regular Agenda

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

No items were removed from the Consent Agenda.

5. **Informational**

- 5.1 Discussion of new development applications submitted to the City.

New Development Link: www.cstx.gov/newdev

There was no discussion.

5.2 Discussion of Minor and Amending Plats approved by Staff.

- Tower Point Subdivision, Phase 3, Block 3, Lot 23 ~ Case #FPCO2019-000022
- Edelweiss Business Center, Block 1, Lot 9R ~ Case# FPCO2020-000003

There was no discussion.

5.3 Discussion of Final Plats approved with a P&Z Certificate of No Action Taken.

- Indian Lakes Phase 35 ~ Case #FP2017-000036
- Mission Ranch Phase 302 ~ Case #FP2019-000019

There was no discussion.

5.4 Presentation and discussion regarding the 2019 P&Z Plan of Work.

Long Range Planning Administrator Halle-Schramm presented updates on Plan of Work items such as the Neighborhood Conservation Overlay (NCO) Handbook, Economic Development Master Plan, Impact Fee Semi-Annual Report and the 10-Year Comprehensive Plan Evaluation.

There was general discussion regarding the Plan of Work.

5.5 Presentation and discussion regarding an update on items heard.

- An Ordinance Amendment amending Appendix A, “Unified Development Ordinance,” Section 6.5, “Accessory Uses,” and Section 11.2, “Defined Terms,” relating to impervious cover. The Planning and Zoning Commission heard this item on February 20, 2020, and voted (4-3) to recommend approval. The City Council heard this item on March 9, 2020, and voted (4-2) to approve the request.
- An Ordinance Amendment amending Appendix A, “Unified Development Ordinance,” Section 3.3, “Zoning Map Amendment (Rezoning),” Section 7.2.D, “Required Yards (Setbacks),” and Section 8.3.H.2, “Platting and Replatting within Older Residential Subdivisions” regarding the Neighborhood Conservation Overlay (NCO). The Planning and Zoning Commission heard this item on March 5, 2020, and voted (6-1) to recommend approval with a condition that one or two members of the petition committee have to be residents of the subdivision. The City Council heard this item on March 9, 2020, and voted (6-0) to approve the request without the recommended condition.
- A Rezoning for approximately 15 acres generally located at Creek Meadow Boulevard and Victoria Avenue, from PDD Planned Development District to PDD Planned Development District. The Planning and Zoning Commission heard this item on February 20, 2020, and voted (7-0) to recommend approval. The City Council heard this item on March 9, 2020, and voted (6-0) to approve the request.

There was no discussion

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

- Thursday, May 14, 2020 ~ City Council Meeting ~ Council Chambers ~ Workshop 5:00 P.M. & Regular 6:00 P.M. (Liaison – Christiansen)
- Thursday, May 21, 2020 ~ P&Z Meeting ~ Council Chambers ~ 6:00 P.M.
- Thursday, May 28, 2020 ~ City Council Meeting ~ Council Chambers ~ Workshop 5:00 P.M. & Regular 6:00 P.M. (Liaison – Guerra)
- Thursday, June 4, 2020 ~ P&Z Meeting ~ Council Chambers ~ 6:00 P.M.

Assistant City Manager Prochazka clarified that meetings through at least June will likely be conducted via virtual platform.

- 5.7 Discussion and review regarding the following meetings: Design Review Board, BioCorridor Board, Comprehensive Plan Evaluation Committee.

There was general discussion.

6. **Regular Agenda**

Chairman Christiansen called to order the Impact Fee Advisory Committee

- 6.1 Presentation, discussion and possible action on a Semi-Annual Report - System-Wide Impact Fees for Water, Wastewater, and Roadway. (Note: Final action on this item will be considered at the May 28, 2020 City Council Meeting – Subject to change.)

City Engineer Cotter presented the Semi-Annual Report - System-Wide Impact Fees to the Commission recommending approval for presentation to the City Council.

Commissioner Cunha requested clarification on the Roadway, Water and Wastewater service unit charts.

Commissioner Osborne motioned to recommend presentation of the Semi-Annual Report to City Council. Commissioner Mather seconded the motion. The motion passed (6-0) with Commissioner Guerra unavailable for voting.

- 6.2 Presentation, discussion, and possible action regarding an ordinance amending Chapter 107, “Impact Fees,” Article II, “System-Wide Impact Fees,” adding Section 107-74, “Update of Plan and Revision of Fees,” relating to revision of System-Wide Impact Fees, of the Code of Ordinances of the City of College Station, Texas. (Note: Final action on this item will be considered at the May 14, 2020 City Council Meeting – Subject to change.)

City Engineer Cotter presented amendments to Chapter 107 - Update of Plan and Revision of Fees to the Commission recommending approval for presentation to the City Council.

There was no discussion amongst the Commission.

Commissioner Osborne motioned to recommend presentation of the Update of Plan and Revision of Fees to City Council. Commissioner Mirza seconded the motion.

Commissioner Mather requested discussion on the motion reasoning.

City Engineer Cotter clarified that this item provides for the updates every five years, allows for more frequent review to include additional factors, allows for five-year update ahead of the five-year plan and provides for adjustment of the collection rate.

The motion passed (7-0).

- 6.3 Public Hearing, presentation, discussion, and possible action regarding an Ordinance amending Chapter 107, "Impact Fees," Article II, "System-Wide Impact Fees," Section 107-73, "System-Wide Roadway Impact Fees," of the Code of the City of College Station, Texas, to revise the roadway impact fee collection rate. (Note: Final action on this item will be considered at the May 28, 2020 City Council Meeting – Subject to change.)

Extraterritorial Jurisdiction Representative Jones was exempt from voting on this item.

City Engineer Cotter presented amendments to the Roadway Impact Fee Collection Rate to the Commission recommending approval of a revised Collection Rate.

Chairman Christiansen asked for the calculation of the maximum assessable rate.

City Engineer Cotter stated that the rate looks at a ten-year window of Roadway Capital Improvement Projects (CIP) that are attributable to new growth. The cost is then associated with new growth, minus the ad valorem tax, divided by the land use and population projections in each service area.

Commissioner Osborne asked for clarifications on the residential single-family development tables and timing and phasing and grandfathering.

Commissioner Guerra asked if any changes are made, would there be additional CIP projects.

Commissioner Mather asked if there was any change as to when the impact fee is paid on developments.

City Engineer Cotter stated that the fees are assessed at the Final Plat, and paid with the building permit.

Chairman Christiansen opened the Public Hearing.

Veronica Morgan, Mitchell & Morgan Engineers, College Station, addressed the Commission on the Collection Rate in regards to the update and fee calculations and adopting a maximum percentage in each zone, stating that this will discourage development.

Hunter Goodwin, Oldham Goodwin Group, College Station, spoke in opposition of the Collection Rate, citing concerns with revising impact fee collection rates, the inability for all parties to participate in discussion, inaccurate data being used, grandfathering current Preliminary Plans, and ad valorem taxes.

James Murr, Midtown, College Station, spoke in opposition of the Collection Rate citing concerns for timing, outdated studies and requested that Staff grandfather all active Preliminary Plans.

Chairman Christiansen closed the Public Hearing.

Commissioner Osborne expressed his support for impact fees but shared his concerns for the timing of increasing fees, suggesting action on this item be postponed.

Commissioner Cunha expressed her concerns for the urgency of increasing the fees and decision making on virtual platforms. Ms. Cunha expressed her concerns for impacts on affordable housing and would like to table the discussion.

Commissioner Guerra expressed his concerns with adopting a new collection rate at this time, transportation issues, and impacts on the development community. Mr. Guerra also stated that he would like to table the issue.

Commissioner Mather expressed his concerns with adopting a new collection rate at this time and would like to table the item.

Chairman Christiansen expressed his support for the collection rate increase, and stated that future conditions would be better conducive to examining these collection rates.

City Attorney Robinson clarified that that this item should not be tabled, but the Commission should take action to recommend that City Council postpone considering an increase in the Impact Fee Collection Rate.

Chairman Christiansen motioned to recommend City Council postpone action on the Impact Fee Collection Rate increase until 2021. Commissioner Cunha seconded the motion. The motion passed (6-0).

- 6.4 Public Hearing, presentation, discussion and possible action regarding an Impact Fee Credit Policy. (Note: Final action on this item will be considered at the May 14, 2020 City Council Meeting – Subject to change.)

City Engineer Cotter presented the Impact Fee Credit Policy to the Commission recommending approval.

Commissioner Osborne asked for clarification on the process for requesting credit eligibility.

City Engineer Cotter stated that the request must be made before the fees are paid.

Commissioner Cunha suggested changes to the uniformity of the document.

Commissioner Guerra clarified crediting on roadways, transportation, water and wastewater.

Chairman Christiansen opened the Public Hearing.

Veronica Morgan, Mitchell & Morgan Engineers, College Station, addressed the Commission on the two credit agreements.

Hunter Goodwin, Oldham Goodwin Group, College Station, spoke with concerns on credits for roadways. Mr. Goodwin further stated that there are credit eligible items being left out of this policy.

Chairman Christiansen closed the Public Hearing.

Commissioner Mather expressed his support in the credit policy mirroring the impact fee policy, and suggested delaying decision on this item.

Commissioner Guerra requested clarification on an effective date for an adopted credit policy.

Assistant City Manager Prochazka stated that as a policy, this would not have the same ten day waiting period as an ordinance, so effective date would be to the discretion of the City Council. Ms. Prochazka further stated that per the Local Government Code, the City currently issues Roadway Impact Fee Credits, this would be a formal policy adopted by City Council to guide staff on issuing credits.

Commissioner Cunha asked for clarification on whether the policy can be amended after adopted by City Council.

Assistant City Manager Prochazka stated that as this would be City Council's policy, and City Council would have the ability to amend the policy any time they feel appropriate.

Commissioner Osborne asked for information on comments submitted to staff. Mr. Osborne expressed his support for the policy.

Commissioner Osborne motioned to recommend approval of the Impact Fee Credit Policy as drafted. Commissioner Guerra seconded the motion.

IFAC Member Jones expressed his support of the policy.

The motion passed (7-0).

Chairman Christiansen adjourned the Impact Fee Advisory Committee.

- 6.5 Public Hearing, presentation, discussion, and possible action regarding an ordinance amending the College Station Comprehensive Plan by amending the Thoroughfare Plan in the College Station Extraterritorial Jurisdiction by modifying the alignment of a future minor arterial to the northeast between Koppe Bridge Road and Clay Pit Road and by removing a future minor collector between the Meadow Creek Subdivision and Minter Springs Road. Case #CPA2020-000001 (Note: Final action on this item will be considered at the May 14, 2020 City Council Meeting - Subject to change.)

Transportation Planning Coordinator Schubert presented the Comprehensive Plan Amendment to the Commission recommending approval.

Commissioner Cunha asked for the estimated build-out time.

Transportation Planning Coordinator Schubert stated that the build-out can be expected to be completed in two to four decades.

Commissioner Guerra inquired if the Thousand Oaks development is developer owned at this time.

Transportation Planning Coordinator Schubert stated that the developer is currently looking to acquire the land.

Commissioner Mirza asked if the development is recognized within the 100-Year Floodplain.

Transportation Planning Coordinator Schubert stated that Federal Emergency Management Agency (FEMA) has not identified 100-Year Floodplain on the tract, but as part of the development process, the developer has recognized 100-Year water line.

Commissioner Mather asked if the development has recognized Waters of the U.S.

Transportation Planning Coordinator Schubert stated that the development has identified tributaries.

Chairman Christiansen asked if the amount of public money involved differ based on roads selected.

Transportation Planning Coordinator Schubert confirmed that fees will differ, major crossings lying mostly on floodplain will not support drainage crossings.

Commissioner Guerra asked if Brazos County will need to go through a thoroughfare plan amendment.

Transportation Planning Coordinator Schubert stated Brazos County does not have a thoroughfare plan, but can and have adopted the Metropolitan Planning Organization (MPO) plan, however the only roadways on that plan are arterials and highways. Mr. Schubert further stated that the MPO plan will be amended at the MPO level to adjust.

Chairman Christiansen opened the Public Hearing.

Gretchen Riley, Minter Spring Road, College Station, spoke in opposition of the realignment with concerns on decisions made via virtual platform, home proximity to the proposed realignment.

Developer, David Peter, Vice President VWP Development, was available to speak on the realignment and address questions from the Commission.

Ben Fortner, 6439 Johnny Bars Circle, College Station, spoke in support of the realignment.

Chairman Christiansen closed the Public Hearing.

Commissioner Osborne asked of the Riley home.

Transportation Planning Coordinator Schubert stated that the home would need to be acquired by the developer.

Commissioner Mather motioned to recommend approval of the Comprehensive Plan Amendment. Commissioner Osborne seconded the motion. The motion passed (6-0).

- 6.6 Public Hearing, presentation, discussion, and possible action regarding an ordinance amending the College Station Comprehensive Plan by adopting the updated Economic Development Master Plan. Case #CPA2020-000003 (Note: Final Action on this item will be considered at the May 14, 2020 City Council Meeting – Subject to change.)

Economic Development Manager Nettles presented the Economic Development Master Plan update to the Commission recommending approval.

Chairman Christiansen opened the Public Hearing.

No one spoke.

Chairman Christiansen closed the Public Hearing.

Commissioner Osborne motioned to recommend approval of the Economic Development Master Plan update. Commissioner Cunha seconded the motion. The motion passed (6-0).

- 6.7 Public Hearing, presentation, discussion and possible action regarding an ordinance amending Appendix A, “Unified Development Ordinance,” Article 4, “Zoning Districts,” Section 4.2 “Official Zoning Map,” of the Code of Ordinances of the City of College Station, Texas by changing the zoning district boundary from R Rural and PDD Planned Development District to BP Business Park on approximately 6 acres of land located at 8822 & 8850 Burgess Lane. Case #REZ2020-000004 (Note: Final action on this item will be considered at the May 14, 2020 City Council Meeting – Subject to change.)

Senior Planner Lazo presented the Rezoning to the Commission recommending approval.

Chairman Christiansen opened the Public Hearing.

Applicant, Deven Doyen, Schultz Engineering, College Station, was available to address questions from the Commission.

Chairman Christiansen closed the Public Hearing.

Commissioner Guerra motioned to recommend approval of the Rezoning. Commissioner Mirza seconded the motion. The motion passed (6-0).

- 6.8 Public Hearing, presentation, discussion and possible action regarding an ordinance amending Appendix A, “Unified Development Ordinance,” Article 4, “Zoning Districts,” Section 4.2 “Official Zoning Map,” of the Code of Ordinances of the City of College Station, Texas by changing the zoning district boundary from R Rural, O Office, and C-3 Light Commercial to GC General Commercial on approximately 15 acres of land located at 95 North Dowling Road B, 101 North Dowling Road A & B, 103 North Dowling Road, and 107 North Dowling Road. Case #REZ2019-000016 (Note: Final action on this item will be considered at the May 28, 2020 City Council Meeting – Subject to change.)

Senior Planner Lazo presented the Rezoning to the Commission recommending approval.

Chairman Christiansen opened the Public Hearing.

Applicant, Jeff Robertson, McClure & Brown Engineering, College Station, was available to address questions from the Commission.

Chairman Christiansen closed the Public Hearing.

Commissioner Mather motioned to recommend approval of the Rezoning. Commissioner Cunha seconded the motion. The 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.

No items were mentioned.

8. Adjourn

The meeting adjourned at 9:15 p.m.

Approved:

Dennis Christiansen, Chairman
Planning & Zoning Commission

Attest:

Kristen Hejny, Admin Support Specialist
Planning & Development Services



MEMORANDUM

May 21, 2020

TO: Members of the Planning & Zoning Commission

FROM: Jade Broadnax, Staff Planner

SUBJECT: Neighborhood Prevailing Overlay Ordinances

Item:

Public hearing, presentation, discussion, and possible action regarding an ordinance amending Appendix A, "Unified Development Ordinance," Section 1.10 "Transitional Provisions," Section 4.1 "Establishment of Districts," Section 5.5 "Retired Districts," Section 7.2.D "Required Yards (Setbacks)," and Section 8.3.H.2 "Platting and Replatting within Older Residential Subdivisions" of the Code of Ordinances of the City of College Station, Texas, regarding the Neighborhood Preservation Overlay (NPO) zoning district. Case# ORDA2020-000002. (Final action on this item is scheduled for the June 11, 2020 City Council Meeting - subject to change).

Background: City Council approved the Neighborhood Conservation Overlay (NCO) ordinance amendments in March 2020, which removed all references to the Neighborhood Prevailing Overlay (NPO) in an effort to eliminate redundancy. One NPO remains in College Station in the Glenhaven Estates Subdivision Phase I Block 12 Lots 1-21 and Phase III Block 13 Lots 1-12, so the purpose of this amendment is to include the NPO language within the UDO as a retired zoning district.

Supporting Materials:

1. Section 1.10 'Transitional Provisions' Redline
2. Section 4.1 'Establishment of Districts' Redline
3. Section 5.5 'Retired Districts' Redline
4. Section 7.2.D 'Required Yards (Setbacks)' Redline
5. Section 8.3.H.2 'Platting and Replatting within Older Residential Subdivisions' Redline

Sec. 1.10. - Transitional Provisions.

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B. Zoning Districts.

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4. **Retired Districts.**

The following districts are no longer eligible for Zoning Map Amendment requests. Properties with the following designations at the time of this amendment retain all uses, regulations, and requirements associated with these districts.

Retired District	Name	Effective Date
R-1B	Single-Family Residential	September 22, 2013
Retired District	Name	Effective Date
R-4	Multi-Family	December 28, 2014
R-6	High Density Multi-Family	December 28, 2014
C-3	Light Commercial	October 7, 2012
R&D	Research & Development	October 7, 2012
M-1	Light Industrial	October 7, 2012
M-2	Heavy Industrial	October 7, 2012
<u>NPO</u>	<u>Neighborhood Prevailing Overlay</u>	<u>June 21, 2020</u>

Sec. 4.1. - Establishment of Districts.

Residential Zoning Districts	
R	Rural
WE	Wellborn Estate
E	Estate
WRS	Wellborn Restricted Suburban
RS	Restricted Suburban
GS	General Suburban
D	Duplex
T	Townhouse
MF	Multi-Family
MU	Mixed-Use
MHP	Manufactured Home Park
Non-Residential Zoning Districts	
NAP	Natural Areas Protected
O	Office
SC	Suburban Commercial
WC	Wellborn Commercial
GC	General Commercial
CI	Commercial Industrial

BP	Business Park	
BPI	Business Park Industrial	
CU	College and University	
Planned Districts		
P-MUD	Planned Mixed-Use District	
PDD	Planned Development District	
Design Districts		
WPC	Wolf Pen Creek Development Corridor	
Northgate	NG-1	Core Northgate
	NG-2	Transitional Northgate
	NG-3	Residential Northgate
Overlay Districts		
OV	Corridor Overlay	
RDD	Redevelopment District	
NCO	Neighborhood Conservation Overlay	
HP	Historic Preservation Overlay	
Retired Districts		
R-1B	Single-Family Residential	
R-4	Multi-Family	
R-6	High Density Multi-Family	

C-3	Light Commercial
R&D	Research & Development
M-1	Light Industrial
M-2	Heavy Industrial
NPO	Neighborhood Prevailing Overlay

For the purpose of this UDO, portions of the City, as specified on the Official Zoning Map of the City, are hereby divided into the zoning, design, and overlay districts enumerated below. The intensity regulations applicable for such zoning districts are designated in Article 5 and the use regulations are designated in Article 6 of this UDO.

(Ord. No. [2012-3450](#), Pt. 1(Exh. B), 9-27-2012; Ord. No. [2013-3521](#), Pt. 1(Exh. C), 9-12-2013; Ord. No. [2014-3624](#), Pt. 1(Exh. B), 12-18-2014; Ord. No. [2016-3792](#), Pt. 1(Exh. B), 7-28-2016; Ord. No. [2018-4001](#), Pt. 1(Exh. C), 4-12-2018; [Ord. No. 2020-4161](#), § 2(Exh. B), 3-9-2020)

Sec. 5.5. - Retired Districts.

Retired Districts include districts existing prior to the amendment of this UDO. Existing districts will continue to remain in effect but these districts are not available for any new Zoning Map Amendment proposals.

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H. **Neighborhood Prevailing Overlay (NPO).**

This district is designed to provide standards that preserve single-family neighborhoods by imposing neighborhood-specific yard, lot, and open space regulations that reflect the character of the neighborhood. The Neighborhood Prevailing Overlay does not prevent construction of new single-family structures or the renovation, remodel, repair, or expansion of existing single-family structures, but, rather ensures that new single-family structures are compatible with existing single-family structures. The underlying zoning district establishes the permitted uses and shall remain in full force, and the requirements of the overlay district are to be applied in addition to the underlying use and site restrictions.

All single-family and accessory structures within the NPO district are subject to the existing median pattern of development on the subject and opposing blockfaces for the following standards:

1. Minimum Front Setback.

2. Maximum Front Setback.

The maximum front setback, or build-to line, is no more than ten (10) feet back from the minimum front setback.

3. Minimum Side Street Setback.

4. Minimum Lot Size.

Minimum lot size is calculated as the median building plot size of all existing building plots on the subject and opposing blockface.

5. Building Height.

Building height refers to the vertical distance measured from the finished grade, or the base flood elevation where applicable, and the following points:

- a) The average height level between the eaves and ridge line of a gable, hip, or gambrel roof;
- b) The highest point of a mansard roof; or
- c) The highest point of the coping of a flat roof.

6. Maximum Lot Coverage.

Lot coverage is calculated as the median existing lot coverage on all building plots on the subject and opposing blockface. The maximum lot coverage cannot exceed maximum impervious cover allowed in the underlying zoning district. Lot coverage includes all structures and impervious surface on a site, including but not limited to, patios, driveways - gravel or paved, accessory structures, and sidewalks

7. Garage Location and Orientation.

New garages must be placed in relation to the primary residential structure on the lot consistent with the most frequent pattern of placement on the subject and opposing blockface. New garages must also be oriented consistent with the most frequent direction of orientation on the subject and opposing blockface.

8. Tree Preservation.

Any existing tree of eight-inch caliper or greater in good form and condition and reasonably free of damage by insects and/or disease located outside of the buildable area is required to be barricaded and preserved. A barricade detail must be provided on the site plan. Trees must be barricaded one (1) foot per caliper inch measure as a radius. Barricades must be in place prior to any development activity on the property including, but not limited to, grading.

9. Landscape Maintenance.

Any existing canopy and non-canopy trees in good form and condition and reasonably free of damage by insects and/or disease located within the buildable area removed during construction must be replaced on site caliper for caliper, or as determined by the Administrator.

Sec. 7.2. - General Provisions.

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D. Required Yards (Setbacks).

1. Purpose and Intent.

- a. Setbacks are measured from the property line;
- b. On lots with approved rear access, the rear setback shall be measured from the nearest boundary of the access easement or alley;
- c. No structure that is taller than eight (8) feet in height and that has a roof structure that completely or partially blocks the view to the sky shall be located within the required setback area unless specifically allowed herein;
- d. No part of a yard or other open space required in connection with any building, building plot, or use for the purpose of complying with this UDO, shall be included for any other building, building plot, or use as part of a yard or open space; and
- e. Where an existing lot was created by an approved plat prior to July 15, 1970 and the property is designated as Neighborhood Conservation in the Comprehensive Plan Future Land Use and Character Map a new (infill) single-family dwelling unit shall use the adjacent lots to determine the appropriate front yard setback. The new dwelling unit shall be set no closer to the street or farther back from the street than the nearest neighboring units. Areas zoned NPO, Neighborhood Prevailing Overlay District are exempt from this requirement. Setbacks for areas zoned NCO, Neighborhood Conservation Overlay are stated in the specific rezoning ordinance for the area.

Sec. 8.3. - General Requirements and Minimum Standards of Design for Subdivisions within the City Limits.

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H. **Lots.**

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2. **Platting and Replatting within Older Residential Subdivisions.**

- a. This section applies to a subdivision in which any portion of the proposed subdivision meets all of the following criteria:
 - 1) Such portion of the subdivision is currently zoned or developed for single-family detached residential uses as of January 1, 2002 with the exception of NG-1, NG-2, NG-3, NPO, and NCO zoning districts;
 - 2) Such portion of the subdivision is part of a lot or building plot that was located within the City limits when it was created on or prior to July 15, 1970. This also includes lots that may have been vacated or replatted after July 15, 1970 but where the original plat predates July 15, 1970; and,
 - 3) Such portion of the subdivision is designated as Neighborhood Conservation in the Comprehensive Plan Future Land Use and Character Map.
- b. In addition to the other provisions of this UDO, no plat or replat intended to provide for the resubdivision of an existing lot or lots in a residential subdivision which meets the above criteria may be approved unless:
 - 1) The plat does not create an additional lot or building plot; or
 - 2) For a proposed plat which does create an additional lot or lots, the lot(s) must meet or exceed the average width of the lots along the street frontage for all of the lots in the block, including the subject lot(s) and contain at least eight thousand five hundred (8,500) square feet of space for each dwelling unit.

For the purpose of determining the average lot width, a lot shall be defined to include the lot, lots and/or portions of lots that have been combined and used as a residential plot or building plot, as of July 15, 1970. The Administrator may include the lots on the opposing blockface when calculating the average lot width if the lots are similar in character and the Administrator may exclude lots to the rear when said lots are part of another subdivision or dissimilar in character.
- c. It is the applicant's responsibility to provide documentation during the application process regarding the original plat in which the lot was created and/or the configuration and ownership documentation of the properties since July 15, 1970.