



College Station, TX

Meeting Agenda
Planning and Zoning Commission
Internet: <https://zoom.us/j/93604536872>
Phone: *888 475 4499 and Meeting ID: 936 0453 6872

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

November 19, 2020

6:00 PM

City Hall Council Chambers

***The City uses a third-party vendor to help host the meeting and if the call-in number is not functioning access will be through the internet link only.**

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. Informational Agenda

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

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

- Midtown City Center Subdivision, Phase 301 ~ Case #FPMU2020-000002 (Armstrong)
- Castlegate II Subdivision Section 208 ~ Case #FP2020-000041 (Pedersen)

Sponsors:

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

- Monday, November 23, 2020 ~ City Council Meeting ~ Virtual Meeting ~ See Agenda for Meeting Times (Liaison - Christiansen)
- Thursday, December 3, 2020 ~ P&Z Meeting ~ Virtual Meeting ~ 6:00 p.m.
- Thursday, December 10, 2020 ~ City Council Meeting ~ Virtual Meeting ~ See Agenda for Meeting Times (Liaison - Guerra)
- Thursday, December 17, 2020 ~ P&Z Meeting ~ Virtual Meeting ~ 6:00 p.m.

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

4. 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.

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

Attachments: 1. November 5 2020

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

6. Regular Agenda

- 6.1. Presentation, discussion, and possible action regarding a discretionary item in the Unified Development Ordinance Section 8.8, 'Requirements for Park Land Dedication' regarding land dedication of floodplains and a presentation, discussion, and possible action regarding a Preliminary Plan for M.D. Wheeler Phase 2, 3, & 4 on approximately 37 acres, generally located at 4111 State Highway 6 South. Case# PP2020-000013.

Sponsors: Jesse Dimeolo

Attachments: 1. Staff Report
2. Discretionary item
3. Vicinity Map and Aerial
4. Preliminary Plan

- 6.2. 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 boundaries from PDD Planned Development District to SC Suburban Commercial on approximately 4.5 acres of land located at 412 William D. Fitch Parkway. Case #REZ2020-000010 (Note: Final action of this item will be considered at the December 10, 2020 City Council Meeting - Subject to change.)

Sponsors: Jesse Dimeolo

Attachments: 1. Staff Report
2. Vicinity Map, Aerial, and Small Area Map
3. Rezoning Exhibit
4. Background Information
5. Applicants Supporting Information

- 6.3. 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 boundaries from R Rural to WC Wellborn Commercial on approximately 1.8 acres of land located at 14999 FM 2154. Case #REZ2020-000008 (Note: Final action of this item will be considered at the December 10, 2020 City Council Meeting - Subject to change.)

Sponsors: Rachel Lazo

- Attachments:**
1. Staff Report
 2. Background Information
 3. Vicinity Aerial and Small Area Maps
 4. Rezoning Exhibit
 5. Applicant Supporting Information
 6. Rezoning Map

- 6.4. Public Hearing, presentation, discussion, and possible action regarding an ordinance amending Appendix A, "Unified Development Ordinance," Section 11.2, "Defined Terms," of the Code of Ordinances of the City of College Station, Texas, regarding the definitions of "related" and "family". Case #ORDA2020-000004. (Final action on this item is scheduled for the December 10, 2020 City Council Meeting - Subject to change.)

Sponsors: Jade Broadnax

- Attachments:**
1. Memo
 2. Sec._11.2.____Defined_Terms. Redline

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 November 13, 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
November 5, 2020 6:00 p.m.
Webinar ID: 999 7838 8573
Internet: <https://zoom.us/j/99978388573>

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

IFAC MEMBERS PRESENT: Jim Jones

COMMISSIONER ABSENT: Jeremy Osborne

COUNCIL MEMBERS PRESENT: John Nichols

CITY STAFF PRESENT: Jennifer Prochazka, Molly Hitchcock, Carol Cotter, Erika Bridges, Elizabeth Pedersen, Alma Guerra, Debbie Stickles, Alyssa Halle-Schramm, Rachel Lazo, Jason Schubert, Leslie Whitten and Kristen Hejny

1. Call Meeting 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. **Informational Agenda**

- 3.1 Discussion of new development applications submitted to the City

New Development Link: www.cstx.gov/newdev

There was no discussion.

- 3.2 Discussion of Minor / Amending Plats approved by staff:

- Spring Creek Commons Phase 3, Block 1, Lots 9A-1R, 9A-2R, 14 & 13AR ~ Case #FPCO2020-000004 (DiMeolo)
- University Town Center Subdivision Phase 2, Block 1, Lots 1-9 ~ Case #FP2020-000039 (Armstrong)

There was no discussion.

- 3.3 Presentation and discussion regarding an update on items heard:

- An Ordinance Amending Appendix A, “Unified Development Ordinance,” Section 3.2.G “Required Public Notice,” regarding mailed notice for replats. The Planning & Zoning Commission heard this item on September 3, 2020, and voted (6-0) to recommend

approval. The City Council heard this item on October 8, 2020, and voted (6-0) to approve the request.

- A Rezoning for approximately ten acres at 4111 State Highway 6 South from R Rural and G-3 to GC General Commercial. The Planning & Zoning Commission heard this item on September 17, 2020, and voted (5-0) to recommend approval. The City Council heard this item on October 8, 2020 and voted (6-0) to approve the request.

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

- Thursday, November 12, 2020 ~ City Council Meeting ~ Virtual Meeting ~ See Agenda for Meeting Times (Liaison – Mirza)
- Thursday, November 19, 2020 ~ P&Z Meeting ~ Virtual Meeting ~ 6:00 p.m.
- Monday, November 23, 2020 ~ City Council Meeting ~ Virtual Meeting ~ See Agenda for Meeting Times (Liaison – Christiansen)
- Thursday, December 3, 2020 ~ P&Z Meeting ~ Virtual Meeting ~ 6:00 p.m.

There was no discussion.

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

There was no discussion.

Consent Agenda

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

- October 1, 2020

4.2 Presentation, discussion, and possible action regarding a Final Plat for Mission Ranch Phase 402 on approximately 19.2 acres generally located at 3754 Hardin Hills Drive. Case #FP2019-000031

4.3 Presentation, discussion, and possible action regarding a Final Plat for Midtown Reserve Phase 105 on approximately 10.4 acres generally located east of the intersection of Rock Prairie Road and Town Lake Drive. Case #FP2020-000001

4.4 Presentation, discussion, and possible action regarding a Development Plat for New Heights Church on approximately 5.2 acres generally located at 8125 Turkey Creek Road. Case #DVPL2020-000001

Commissioner Mather motioned to approve the Consent Agenda. Commissioner Mirza seconded the motion, motion passed (5-0).

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

No items were removed.

6. **Regular Agenda**

- 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 November 23, 2020 City Council Meeting – Subject to change.)

City Engineer Cotter presented the update to the Commission.

Commissioner Christiansen asked when the consulting contract is complete.

City Engineer Cotter stated that the consulting contract is to finish at the end of 2021.

Commissioner Mather motioned recommend approval of the Semi-Annual Report to be presented to City Council. Commissioner Guerra seconded the motion, the motion passed (6-0).

- 6.2 Public Hearing, presentation, discussion, and possible action regarding an ordinance amending the Comprehensive Plan Future Land Use and Character Map from Wellborn Estate to Wellborn Commercial for approximately 8 acres, generally located at 6620 Victoria Avenue. Case #CPA2020-000004 (Note: Final action on this item will be considered at the November 23, 2020 City Council Meeting – Subject to change.)

Senior Planner Lazo presented the Comprehensive Plan Amendment to the Commission, recommending denial.

Commissioner Cunha asked if stables would still lead to a requirement to rezone to a commercial use.

Senior Planner Lazo stated that anything more intense than stables would require a rezoning.

Commissioner Guerra asked for staff to review the sanitary service issues on the property.

Graduate Engineer II Guerra stated that there is not an existing sanitary sewer line to serve the property, but the applicant is proposing to be on septic.

Commissioner Guerra asked if the permit for septic system had been acquired.

Commissioner Guerra asked in regards to the adjacent easement, and if any of the easement is located on this property.

Graduate Engineer II Guerra stated that the easement is on two different properties, not on this property.

Commissioner Mirza asked if the City is planning to run sewer lines to the property in the future.

Graduate Engineer II Guerra stated that there are plans to extend sewer, but in a long range plan.

Applicant, Veronica Morgan, Mitchell & Morgan Engineers, was available to answer questions from the Commission.

Property Owner, Majid Atique, was available to answer questions from the Commission.

Commissioner Cunha asked if the property owners owning the septic easement attended the neighborhood meeting.

Ms. Morgan confirmed that the property owners attended, but were not willing to release any easement.

Chairman Christiansen opened the public hearing.

No one spoke.

Chairman Christiansen closed the public hearing.

Commissioner Mather expressed concerns that citizens/homeowners did not attend the November 5, 2020 P&Z meeting.

There was general discussion.

Commissioner Guerra motioned to recommend denial of the Comprehensive Plan Amendment. Commissioner Christiansen seconded the motion.

The motion and second were withdrawn.

Commissioner Mather motioned to recommend approval of the Comprehensive Plan Amendment. Commissioner Mirza seconded the motion.

There was general discussion.

The motion passed (3-2) with Chairman Christiansen and Commissioner Guerra voting in opposition.

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 6:50 p.m.

Approved:

Attest:

Dennis Christiansen, Chairman
Planning & Zoning Commission

Kristen Hejny, Admin Support Specialist
Planning & Development Services



**Preliminary Plan
for
MD Wheeler Subdivision Phases 2, 3 & 4
PP2020-000013**

Scale	Four lots on approximately 37 acres of land between State Highway 6 and Midtown Drive.
Location	4111 State Highway 6 South
Applicant	RME Consulting Engineers
Project Manager	Jesse DiMeolo, Staff Planner jdimeolo@cstx.gov
Project Overview	This preliminary plan updates the original preliminary plan approved in May 2019. Realignment of the future thoroughfare Town Lake Drive is shown as well as the agreed upon land swap between the City and property owner. Parkland dedication is also shown on either side of the proposed Town Lake Drive bridge. This will provide connectivity with the adjacent parkland and multi-use path. Since the dedication includes floodplain, it was required to be presented to the Parks and Recreation Advisory Board for recommendation then presented to the Planning and Zoning Commission for approval.
Parkland Dedication	While no parkland dedication is required with the plat, 2.697 acres of undevelopable floodplain is proposed to be dedicated to help continue parkland connectivity in this area. The Parks Board recommends approval of the dedication.
Traffic Impact Analysis	Not required but may be required in the future for site development
Compliant with Comprehensive Plan (including Master Plans) and Unified Development Ordinance	Yes
Compliant with Subdivision Regulations	Yes, with the exception of the discretionary item related to floodplain being proposed for parkland dedication.
Staff Recommendation	Staff recommends approval of the Preliminary Plan of MD Wheeler Subdivision Phases 2,3 and 4. If the discretionary item is denied, the preliminary plan should be approved with the condition that references to parkland dedication be removed.

Supporting Materials

1. Discretionary Item Request
2. Vicinity Map and Aerial
3. Copy of Preliminary Plan

PARKLAND DEDICATION DISCRETIONARY REQUEST

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

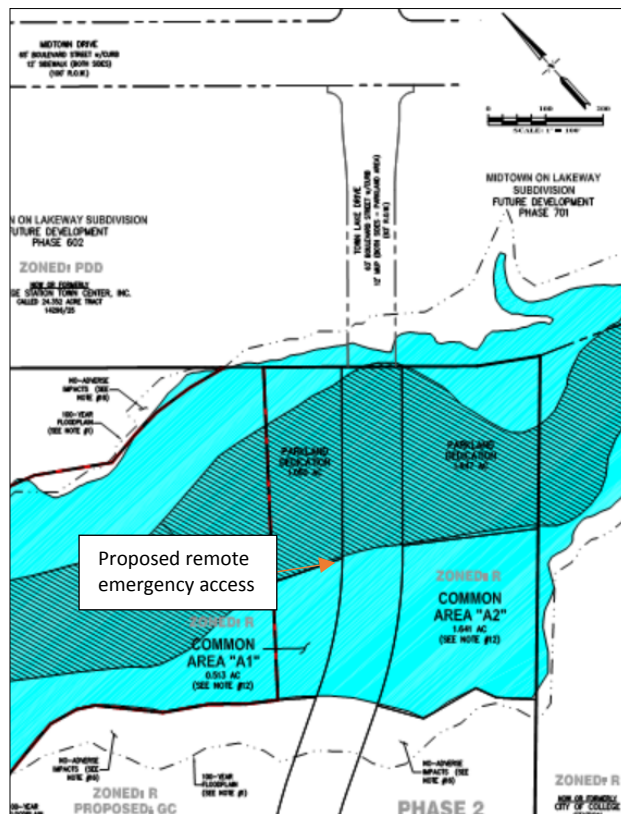
- **UDO Section 12-8.8.C.5.a 'Approval Process for Park Land Dedication'**

Land Dedications equal or exceeding five (5) acres, and Dedications of Floodplains and Greenways:

For any proposed required neighborhood park land dedication equaling or exceeding five (5) acres of land or equaling or exceeding payment of a fee in lieu thereof, for any proposed required community park land dedication equaling or exceeding five (5) acres of land or equaling or exceeding the payment of a fee in lieu thereof, or for any proposed land dedication containing floodplain or greenway, the landowner must:

- 1) Obtain a recommendation from the Parks and Recreation Advisory Board, and
- 2) Obtain approval from the Planning and Zoning Commission pursuant to the Plat Review Section in Article 3 of this UDO.

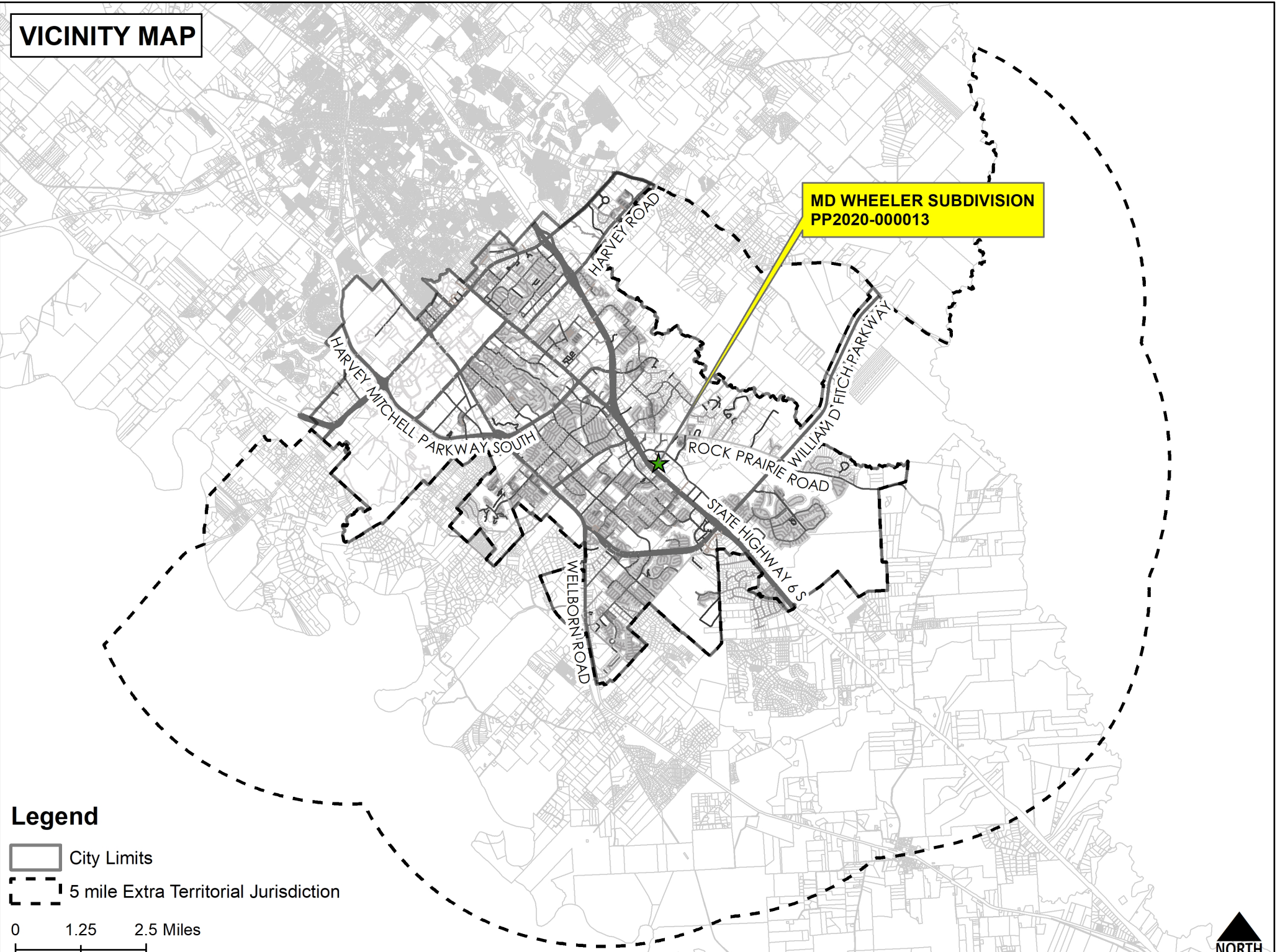
The Planning and Zoning Commission shall consider the recommendation from the Parks and Recreation Advisory Board but may make a decision contrary to its recommendation by majority vote.



The parkland dedication is shown on both sides of the Town Lake Drive thoroughfare. It connects 18 acres of parkland to the west with City property to the east. Part of the multi-use path to the west in phase one of the development is already constructed.

This parkland dedication was presented to the Parks and Recreation Advisory Board on October 13, 2020 and was recommended unanimously 7-0.

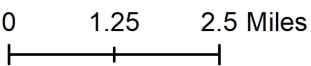
VICINITY MAP



MD WHEELER SUBDIVISION
PP2020-000013

Legend

- City Limits
- 5 mile Extra Territorial Jurisdiction



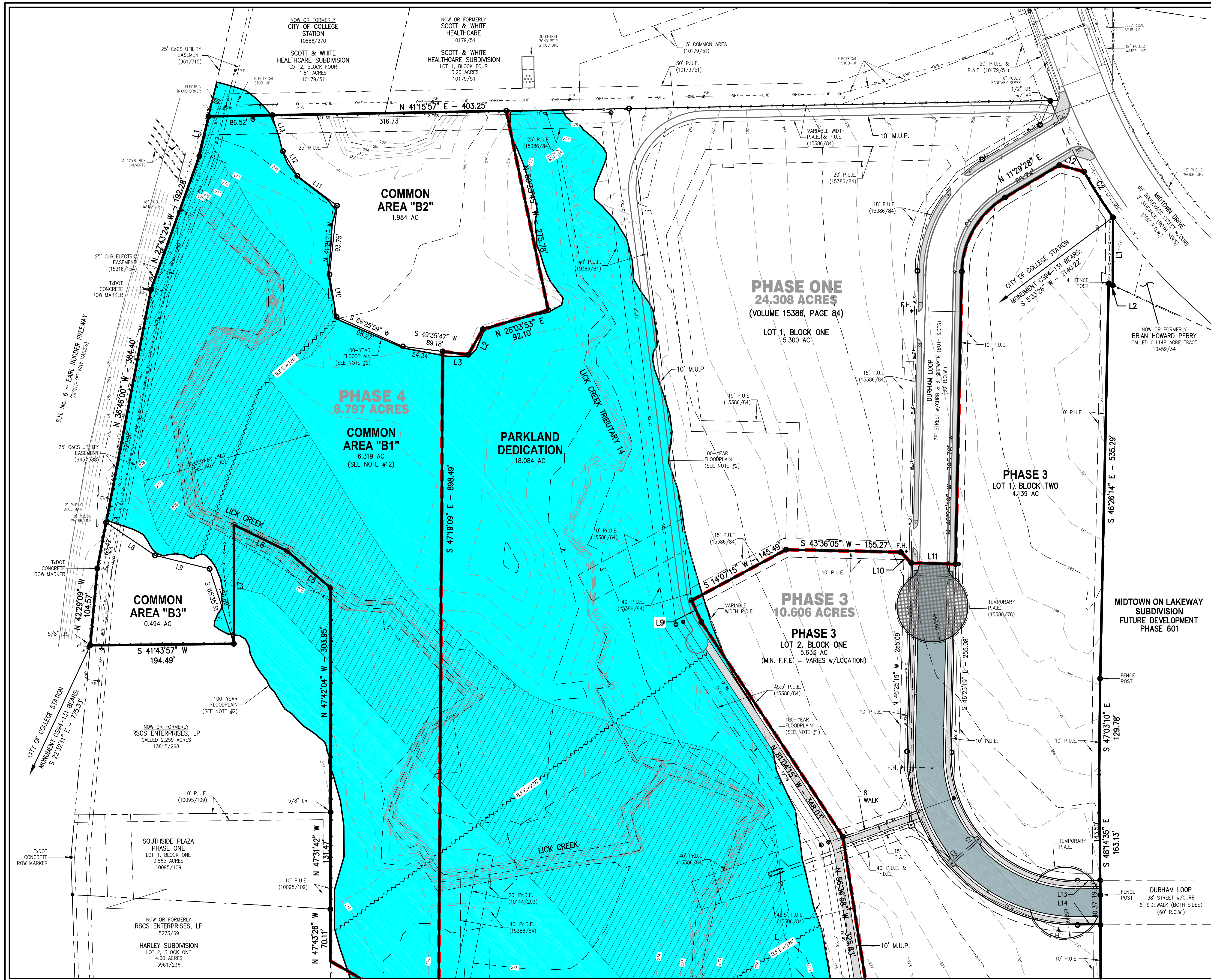


0 500 1,000 Feet

MD WHEELER SUBDIVISION

Case:
PP2020-000013

PRELIMINARY PLAN



HATCH & LINE LEGEND

- INTERNAL DEED/PLAT LINE
- ADJOINER PROPERTY LINE
- PROPOSED PROPERTY LINE
- PROPOSED SUBDIVISION LINE
- PHASE LINE
- EASEMENT LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- P.A.E. PUBLIC ACCESS ESMT.
- P.D.E. PUBLIC DRAINAGE ESMT.
- PR.D.E. PRV. DRAINAGE ESMT.
- PR.A.E. PRV. ACCESS ESMT.

FLOODPLAIN
FLOODWAY

SHEET LAYOUT KEY
N.T.S.

0 60 120
SCALE: 1" = 60'

PHASE 2 - LINE DATA

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 47°25'57" E	91.91'	L8	S 80°02'59" W	63.84'
L2	S 66°46'41" W	6.09'	L9	N 72°02'26" W	32.17'
L3	N 77°54'35" W	69.50'	L10	N 88°36'29" E	20.30'
L4	N 84°15'14" W	72.45'	L11	N 43°34'41" E	60.00'
L5	S 86°11'19" W	55.78'	L12	N 57°37'03" E	34.65'
L6	S 82°04'43" E	61.16'	L13	N 42°04'43" E	30.81'
L7	N 71°14'59" W	52.50'	L14	S 42°04'43" W	30.89'

PHASE 2 - CURVE DATA

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	120.00'	121.29'	57°54'47"	N 172°56' W	116.20'
C2	724.94'	73.15'	5°46'54"	S 80°07'58" E	73.12'
C3	170.00'	271.48'	91°29'58"	N 87°49'42" E	243.54'
C4	230.00'	367.30'	91°29'58"	S 87°49'42" W	329.50'

PHASE 3A - LINE DATA

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 76°44'12" E	51.39'	L8	S 42°14'36" W	76.07'
L2	S 59°49'45" E	33.37'	L9	S 23°09'00" E	34.13'
L3	S 57°44'19" E	78.46'	L10	S 51°49'03" E	66.87'
L4	S 48°38'22" E	68.66'	L11	S 31°49'47" E	84.22'
L5	S 54°29'31" E	54.80'	L12	S 22°50'59" E	39.58'
L6	S 56°54'36" E	108.65'	L13	S 44°53'10" E	69.37'
L7	S 68°42'56" E	2.76'			

PHASE 3A - CURVE DATA

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	822.45'	247.39'	17°14'13"	N 53°01'16" E	246.46'
C2	697.50'	239.55'	19°40'41"	N 51°55'04" E	238.38'
C3	802.50'	275.62'	19°40'41"	N 51°55'04" E	274.26'
C4	697.50'	237.55'	19°30'48"	S 52°00'00" W	236.40'

PHASE 3B - LINE DATA

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N 34°43'06" W	55.12'	L8	N 76°16'11" E	79.84'
L2	S 17°39'04" E	39.85'	L9	N 56°13'40" E	76.20'
L3	S 49°35'47" W	34.84'	L10	N 57°14'18" W	58.00'
L4	N 86°39'41" E	39.83'	L11	S 79°15'35" W	67.27'
L5	S 82°31'06" W	77.21'	L12	N 78°4'51" W	38.65'
L6	S 68°31'50" W	80.11'	L13	N 64°02'51" W	50.81'
L7	S 47°42'59" E	161.19'			

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

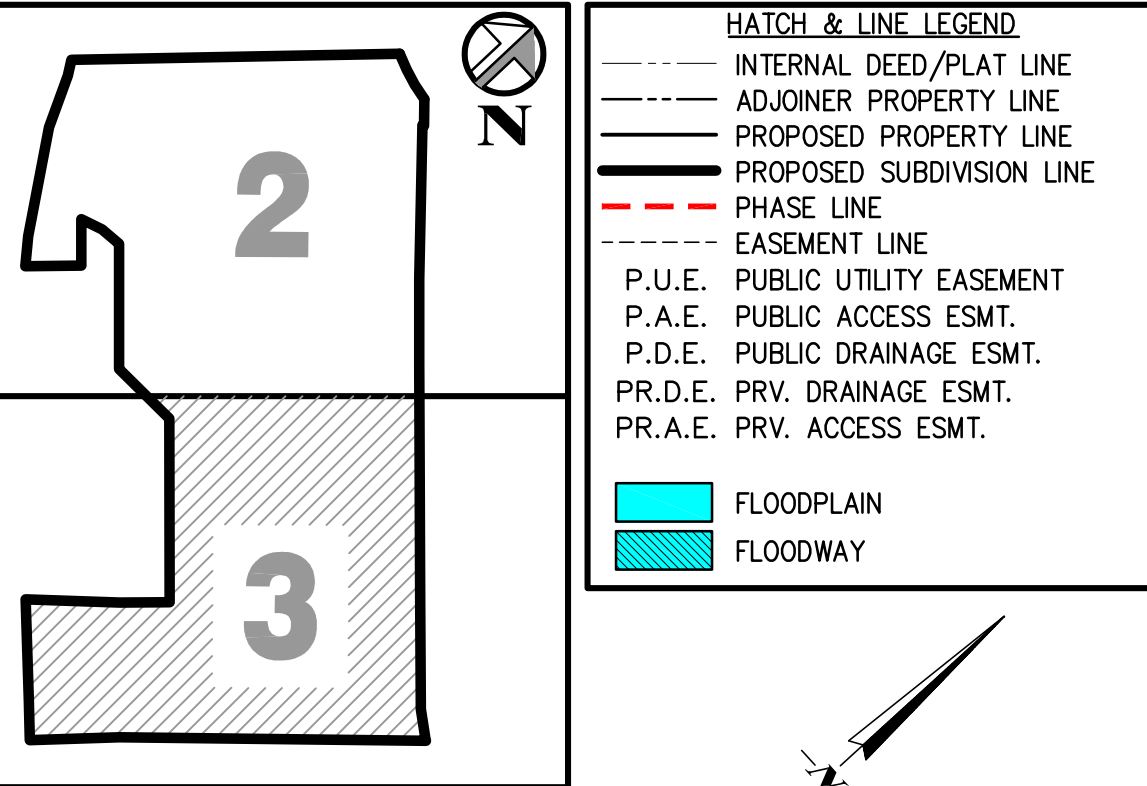
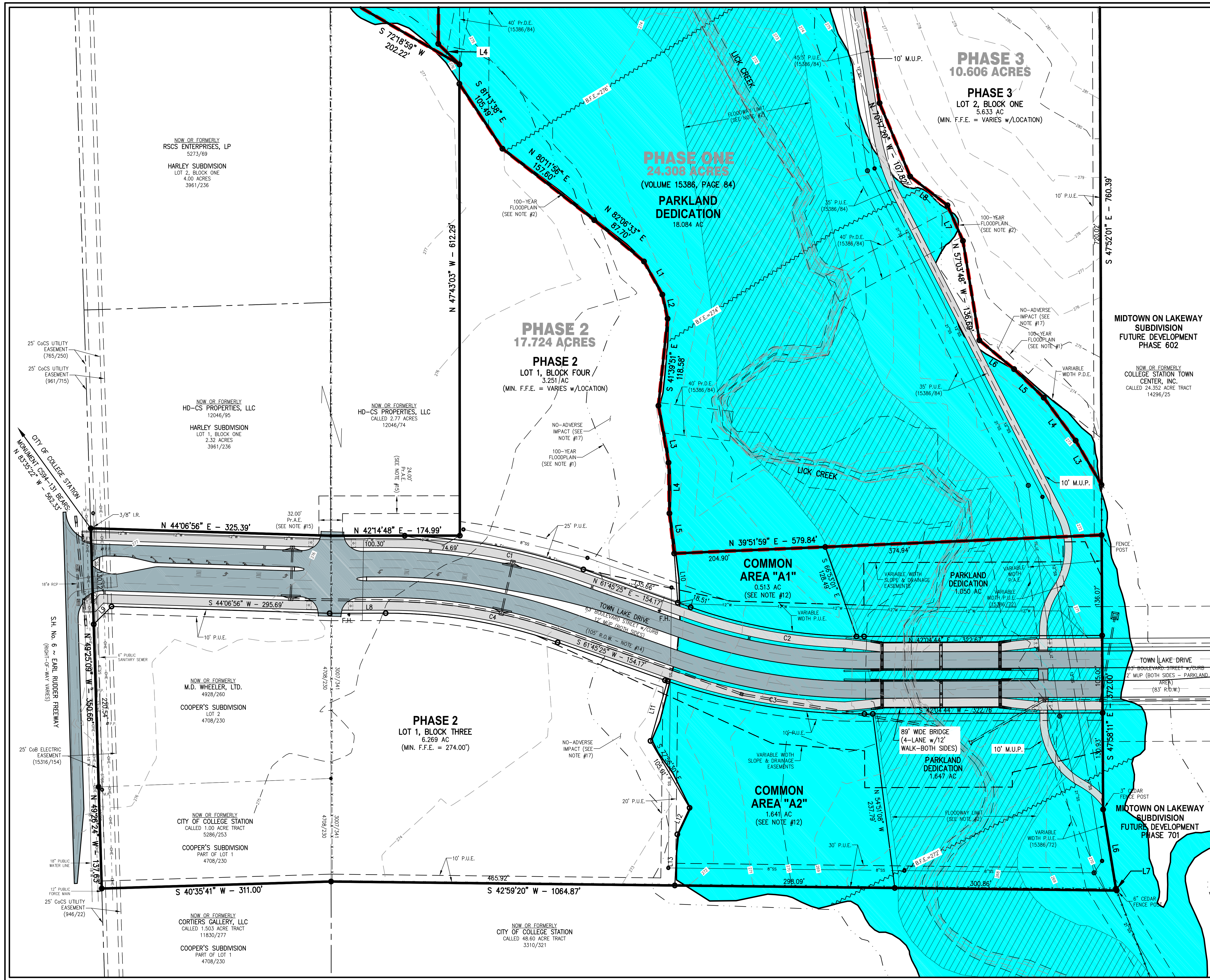
NOT FOR RECORD
PRELIMINARY PLAN

M.D. WHEELER
PHASE 2, 3 & 4
LOT 2, BLOCK ONE & LOT 1, BLOCK TWO
LOT 1, BLOCK THREE & LOT 1, BLOCK FOUR
10.951 AC COMMON AREA - 4.187 AC R.O.W. DEDICATION
PARKLAND DEDICATION - 2.697 AC
4 LOTS - TOTAL: 37.127 ACRES
ROBERT STEVENSON SURVEY, A-54
COLLEGE STATION, BRAZOS COUNTY, TEXAS
SURVEYED: DECEMBER 2018

LANDOWNER INFORMATION

RME Consulting Engineers
POST OFFICE BOX 9253
COLLEGE STATION, TEXAS 77842
EMAIL: civil@rmengineer.com
OFFICE - (979) 764-0704
TEXAS FIRM REGISTRATION No. F-4695

FILENAME: 0727PP2A | SCALE: 1"=60'
SUBMITTED DATE: 8/5/20
REVISIONS: 9/11/20
DRAWN BY: R.A.M. | CHECKED BY: BRAD KERR
FIELD BOOK: N/A | PAGES: N/A
RME CONSULTING ENGINEERS
CLIENT NO. PROJECT NO.
342 - 0727



SHEET LAYOUT KEY
N.T.S.

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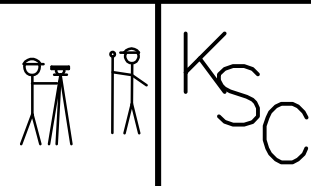
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L6	S 68°31'50" W	80.11'	L13	N 64°02'51" W	50.81'
L7	S 47°42'59" E	161.19'			



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

NOT FOR RECORD
PRELIMINARY PLAN

OF
M.D. WHEELER
PHASE 2, 3 & 4

LOT 2, BLOCK ONE & LOT 1, BLOCK TWO
LOT 1, BLOCK THREE & LOT 1, BLOCK FOUR
10.951 AC COMMON AREA - 4.187 AC R.O.W. DEDICATION
PARKLAND DEDICATION - 2.697 AC
4 LOTS - TOTAL: 37.127 ACRES
ROBERT STEVENSON SURVEY, A-54
COLLEGE STATION, BRAZOS COUNTY, TEXAS
SURVEYED: DECEMBER 2018



POST OFFICE BOX 9253
COLLEGE STATION, TEXAS 77842
EMAIL: civil@rmengineer.com
OFFICE - (979) 764-0704

TEXAS FIRM REGISTRATION No. F-4695

LANDOWNER INFORMATION
M.D. WHEELER, LTD.
414 N. WHITNEY ST.
HOUSTON, TX 77006
OFF: (713) 355-5355

FILENAME: 0727PP2A | SCALE: 1"=60'
SUBMITTED DATE: 8/5/20
REVISIONS: 9/11/20
DRAWN BY: R.A.M. | CHECKED BY: BRAD KERR
FIELD BOOK: N/A | PAGES: N/A

RME CONSULTING ENGINEERS
CLIENT NO. PROJECT NO.

SHEET 3 OF 3

342 - 0727

November 19, 2020
Regular Agenda
Rezoning – Barron Crossing Lot 1, Block 11

To: Planning and Zoning Commission

From: Jesse DiMeolo, Staff Planner

Agenda Caption: 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 boundaries from PDD Planned Development District to SC Suburban Commercial on approximately 4.5 acres of land located at 412 William D Fitch Parkway. Case # REZ2020-000010 (Note: Final action of this item will be considered at December 10, 2020 City Council Meeting - Subject to change.)

Recommendation: Staff recommends approval of the request to rezone from PDD Planned Development District to SC Suburban Commercial.

Summary: The applicant is requesting to rezone approximately 4.5 acres of undeveloped land located between William D Fitch Parkway and WS Phillips Parkway. If approved, the change in the zoning district boundaries from PDD Planned Development District with a SC Suburban Commercial base to SC Suburban Commercial would bring new development opportunities to a vacant piece of land which sits near a major arterial in the city. The current PDD zoning only permits a self-storage facility and by removing this limitation it will open up greater marketability for the site.

REVIEW CRITERIA

- 1. Whether the proposal is consistent with the Comprehensive Plan:** The subject property is currently zoned PDD Planned Development District, and is designated as Restricted Suburban on the Comprehensive Plan Future Land Use and Character Map. Properties with the Comprehensive Plan’s Future Land Use and Character Map designation of Restricted Suburban are intended to allow for moderate levels of development activities. These areas will tend to consist of medium-density single-family residential lots when clustered around open space, or larger lot sizes when not clustered.

The subject lot is also located in Growth Area IV. In general, growth areas are located in greenfields and are intended to allow land use flexibility when coupled with higher design standards. Growth Area IV is intended for less intense suburban activities and cluster development may be utilized when a large portion (15% or more) of the overall area is retained for open space. The proposed development is consistent with the allowable land uses for Growth Area IV and also with surrounding land use designations. Being located along a heavily trafficked road in the area, and being a primary route to reaching the interior of the city, it is appropriate for the zoning at this location to allow for uses geared toward commuter, visitor, and local patrons.

2. Whether the uses permitted by the proposed zoning district will be appropriate in the context of the surrounding area:

Land within a close proximity to the subject property include, but are not limited to restaurants, law offices, financial advisory services, an elementary school, and single-family residences. The proposed rezoning is compatible with the land uses in the area and the intent to compliment the character of suburban single-family neighborhoods within the area.

3. Whether the property to be rezoned is physically suitable for the proposed zoning district:

Due to its frontage on three public roads, the subject property is appropriately placed for SC Suburban Commercial development. Also, no portion of the subject property is located within the 100-year floodplain.

4. Whether there is available water, wastewater, stormwater, and transportation facilities generally suitable and adequate for uses permitted by the proposed zoning district:

Water and sewer service will be provided by the City of College Station. There are existing water and sewer lines along the property's southern boundary. There is adequate capacity of both water and sewer for this development. Drainage and other public infrastructure required with site development shall be designed and constructed in accordance with the BCS Unified Design Guidelines.

The subject property has frontage on three roads, William D. Fitch Parkway, which is designated as a Freeway/Expressway on the City's Thoroughfare Plan, WS Phillips Parkway, which is a 4 lane Minor Arterial and Barron Cut-Off Road, which is a 2 lane Minor Collector. A traffic impact analysis (TIA) was not required for this rezoning request but may be required in the future for site development if the trip generation from the proposed development warrants an analysis.

5. The marketability of the property:

The applicant states that they believe the zoning change will allow for better marketability of the property and a better provision for development opportunities that will meet the intent of the requested zoning. The current PDD zoning ordinance completely limits the marketability by restricting the use and layout of buildings on the property.

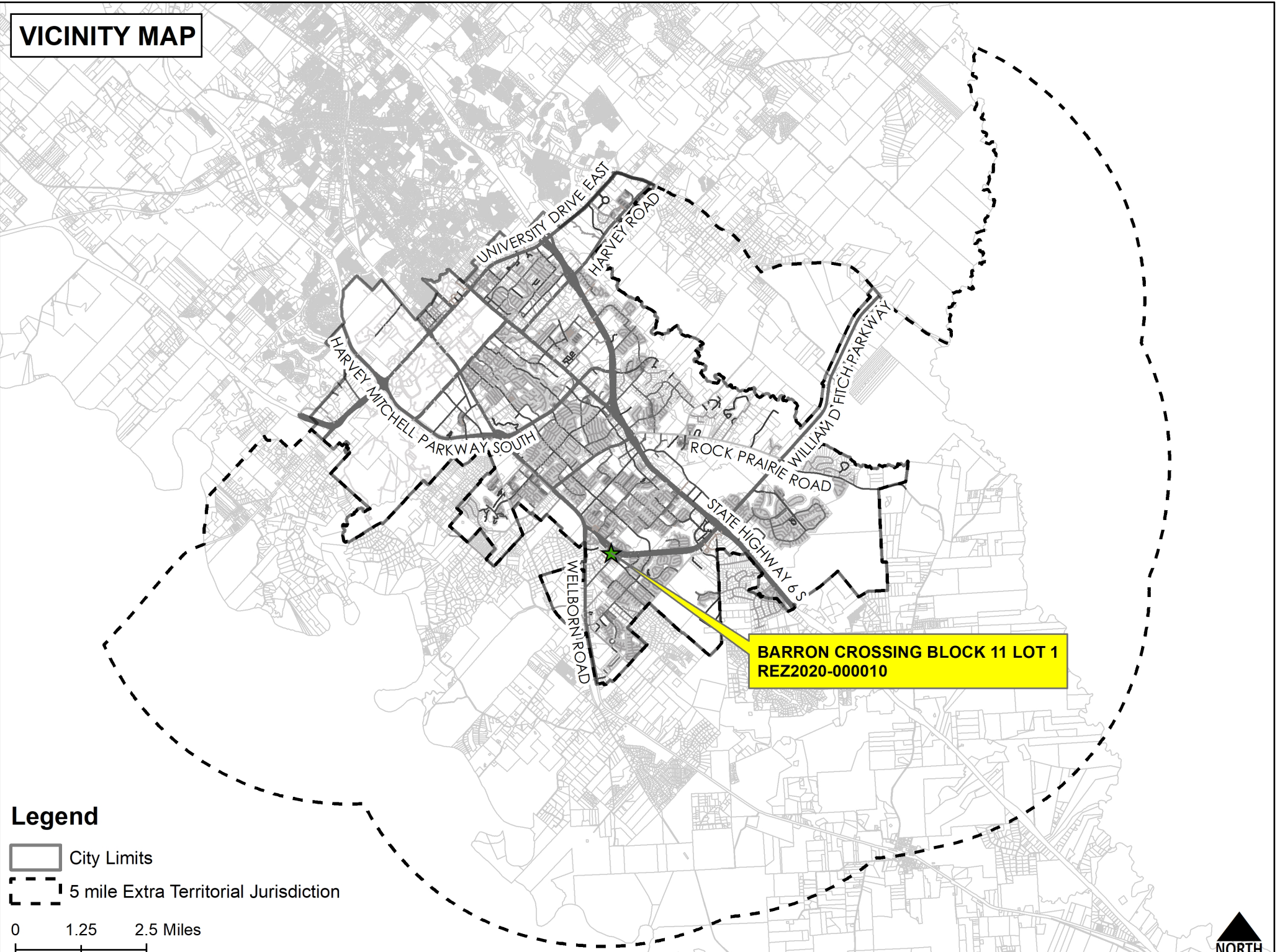
STAFF RECOMMENDATION

Staff recommends approval.

Attachments:

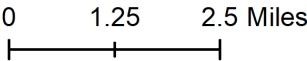
1. Vicinity Map, Aerial, and Small Area Map
2. Rezoning Exhibit
3. Background Information
4. Applicant's Supporting Information

VICINITY MAP

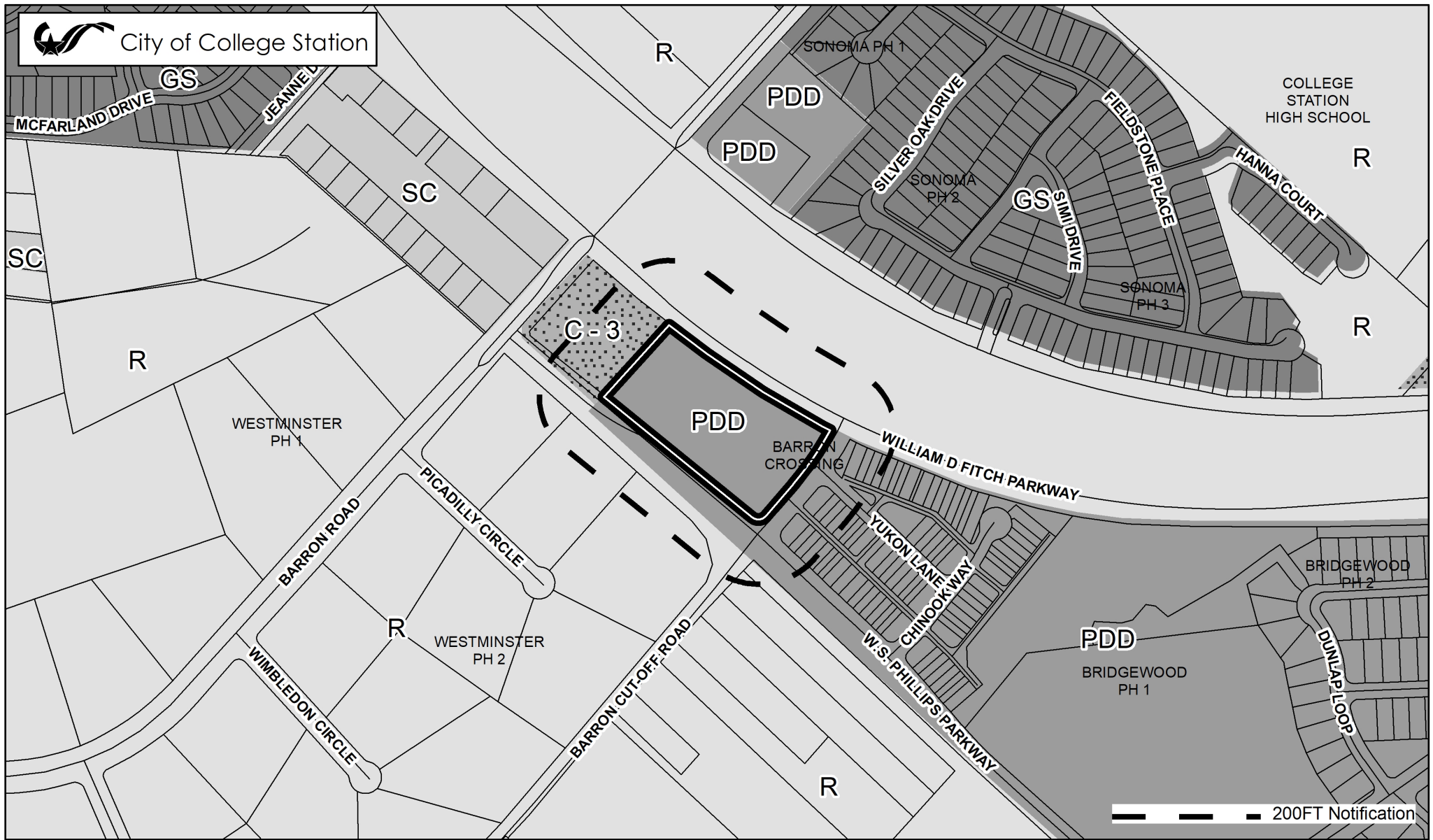


Legend

- City Limits
- 5 mile Extra Territorial Jurisdiction







ZONING DISTRICTS (In Grayscale)

Residential		
R	Rural	MF Multi-Family
WE	Wellborn Estate	MU Mixed-Use
E	Estate	MHP Manufactured Home Pk.
WRS	Wellborn Restricted Suburban	
RS	Restricted Suburban	
GS	General Suburban	
D	Duplex	
T	Townhome	

Non-Residential

NAP	Natural Area Protected
O	Office
SC	Suburban Commercial
WC	Wellborn Commercial
GC	General Commercial
CI	Commercial Industrial
BP	Business Park
BPI	Business Park Industrial
C-U	College and University

Planned Districts

P-MUD	Planned Mixed-Use Dist.
PDD	Planned Develop. Dist.

Design Districts

WPC	Wolf Pen Creek Dev. Cor.
NG-1	Core Northgate
NG-2	Transitional Northgate
NG-3	Residential Northgate

Overlay Districts

OV	Corridor Ovr.
RDD	Redevelopment District
KO	Krenek Tap Ovr.
NPO	Nbrhd. Prevailing Ovr.
NCO	Nbrhd. Conservation Ovr.
HP	Historic Preservation Ovr.

Retired Districts

R-1B	Single Family Residential
R-4	Multi-Family
R-6	High Density Multi-Family
C-3	Light Commercial
RD	Research and Dev.
M-1	Light Industrial
M-2	Heavy Industrial



0 425 850 Feet

BARRON CROSSING BLOCK 11 LOT 1

Case:
REZ2020-000010

REZONING

BACKGROUND INFORMATION

NOTIFICATIONS

Advertised Commission Hearing Date: November 19, 2020
Advertised Council Hearing Date: December 10, 2020

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: 24
Contacts in support: None at the time of this report
Contacts in opposition: None at the time of this report
Inquiry contacts: 0

ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North	Freeway/Expressway	R Rural	William D Fitch Parkway
South	Minor Arterial	R Rural	WS Phillips Parkway
East	Restricted Suburban	PDD Planned Development District	Barron Cut-Off Road
West	Suburban Commercial	C-3 Light Commercial	Undeveloped

DEVELOPMENT HISTORY

Annexation: 1995
Zoning: A-O Agricultural-Open and R-1 Single-Family Residential (1995)
PDD Planned Development District (2013)
Final Plat: Barron Crossing Lot 1, Block 11 (2015)
Site development: Undeveloped

Area Conditions

The current PDD with a base zoning of SC was for a specific Self Storage Facility project that did not move to fruition. It is desired to revert the property to the base SC zoning.

Compatibility

SC zoning is compatible with the immediately adjacent property zoned C-3 and is compatible with the zoning intent to compliment the character of the suburban single-family neighborhoods within the area.

Comprehensive Plan

The Comprehensive plan indicates this area to be restricted suburban. Due to the nature and requirements of the SC Zone, it complies with the Comprehensive Plan.

Rezoning Suitability

SC zoning is the current base zoning for the subject tract. Based on the SC zone requirements, an SC zoning is suitable at this location,

Current Suitability

The Current PDD zoning (Ordinance No. 2015-3724) only permits a Self-Storage facility development.

Property Marketability

Based on the Current PDD Zoning Ordinance No. 2015-3724, marketability is completely limited and restricted to a specific self-storage use and layout of buildings.

Other Reasons

SC zoning will allow for better marketability of the property and a provide for development opportunities that will meet the intent of the requested zone.

November 19, 2020
Regular Agenda
Rezoning – Wellborn Learning Center

To: Planning and Zoning Commission

From: Rachel Lazo, Senior Planner

Agenda Caption: 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 boundaries from R Rural to WC Wellborn Commercial on approximately 1.8 acres of land located at 14999 FM 2154. Case # REZ2020-000008 (Note: Final action of this item will be considered at December 10, 2020 City Council Meeting - Subject to change.)

Recommendation: Staff recommends approval rezoning as requested.

Summary: The applicant has requested a rezoning for approximately 1.8 acres of land from R Rural to WC Wellborn Commercial.

REVIEW CRITERIA

1. Whether the proposal is consistent with the Comprehensive Plan:

The subject area is designated as Wellborn Commercial on the Comprehensive Plan Future Land Use and Character Map, located within the Wellborn Community Neighborhood Plan area. The neighborhood planning process offers the opportunity to develop an in-depth knowledge of an area and develop area specific approaches to implementing the Comprehensive Plan. These studies include various factors including community character, public facilities and services, and detailed existing conditions.

The Wellborn Community was annexed into the City limits in 2011. As a result of that annexation the Wellborn Community Plan was created to help address concerns by residents, land owners, and business owners. The goal of this plan was to work with stakeholders to identify and retain elements of the community that contribute to its rural character, as well as guide future development in the area. One way to implement this goal was to create new land use designations that are unique to the Wellborn Community.

The Wellborn Commercial designation is similar to the Suburban Commercial designation in that it is intended for concentrations of commercial activities that focus primarily on the nearby residents versus the larger community. The Wellborn Community Plan goes further to limit the size of uses and not accommodate for drive-thru services. Specific design elements as described in the Wellborn Community Plan should be incorporated into development to limit the visual impact on the community and enhance the defined character.

The plan also outlines implementation items to carry out the vision of the plan, one of which was to create unique zoning districts that match the new land use descriptions. These new zoning districts were adopted by City Council in 2016, including WC Wellborn Commercial.

This rezoning request from R Rural to WC Wellborn Commercial is in compliance with the Comprehensive Plan and the Wellborn Community Plan.

2. Whether the uses permitted by the proposed zoning district will be appropriate in the context of the surrounding area:

Surrounding uses with the exception of the nearby office building and Wellborn Special Utility District are nonconforming. Nonconforming uses are able to continue in their existing configuration. The Unified Development Ordinance outlines what types of actions taken on a property require the development to come into compliance with today's regulations. These actions include but are not limited to use change, building expansion, or other site related changes.

As development continues to occur in the area, the Wellborn Community Plan calls for WC Wellborn Commercial zoning along Wellborn Road. The proposed rezoning request is compatible with both nonconforming and conforming uses that surround the property.

3. Whether the property to be rezoned is physically suitable for the proposed zoning district:

The subject property is zoned R Rural. Rural uses would not be ideal here due to the size, location, and close proximity of high-classification roads and commercial uses. The size of the tract would allow for one rural, single-family home, which conflicts with the commercial uses projected in the City's Comprehensive Plan, and would not be compatible with the adjacent existing uses. However, the proposed zoning district would allow for limited commercial uses, which would be more appropriate for a tract immediately abutting 3 public streets and a railroad. Due to its proximity FM 2154, the subject property is appropriately placed for WC Wellborn Commercial development.

4. Whether there is available water, wastewater, stormwater, and transportation facilities generally suitable and adequate for uses permitted by the proposed zoning district:

Water service is available to the subject area and provided by Wellborn Special Utility District. There is an adjacent 12-inch sanitary sewer line that may serve the area; however, the applicant is proposing to remain on septic. Drainage and public infrastructure will be addressed with site development and shall be designed and constructed in accordance with the BCS Unified Design Guidelines.

The subject property has frontage to three roadways: FM 2154 (Wellborn Road), Victoria Avenue, and Royder Road. FM 2154 is designated as a future 4-lane Major Arterial, Victoria Avenue as a future 2-lane Major Collector, and this portion of Royder Road is not on the City's Thoroughfare Plan as Royder Road to the south is being realigned to FM 2154. Due to the acreage of the subject property, a traffic impact analysis (TIA) is not required for the rezoning request.

5. The marketability of the property:

R Rural allows for rural residential and agricultural uses. With continuing development in the area, existing commercial developments, and frontage to FM 2154, the property has limited marketability under the current zoning district.

STAFF RECOMMENDATION

Staff recommends approval of the request.

Attachments:

1. Background Information
2. Vicinity, Aerial, and Small Area Maps
3. Rezoning Exhibit
4. Applicant's Supporting Information
5. Rezoning Map

BACKGROUND INFORMATION

NOTIFICATIONS

Advertised Commission Hearing Date: November 19, 2020
Advertised Council Hearing Date: December 10, 2020

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:

Creek Meadows

Property owner notices mailed: 13
Contacts in support: None at the time of this report
Contacts in opposition: None at the time of this report
Inquiry contacts: None at the time of this report

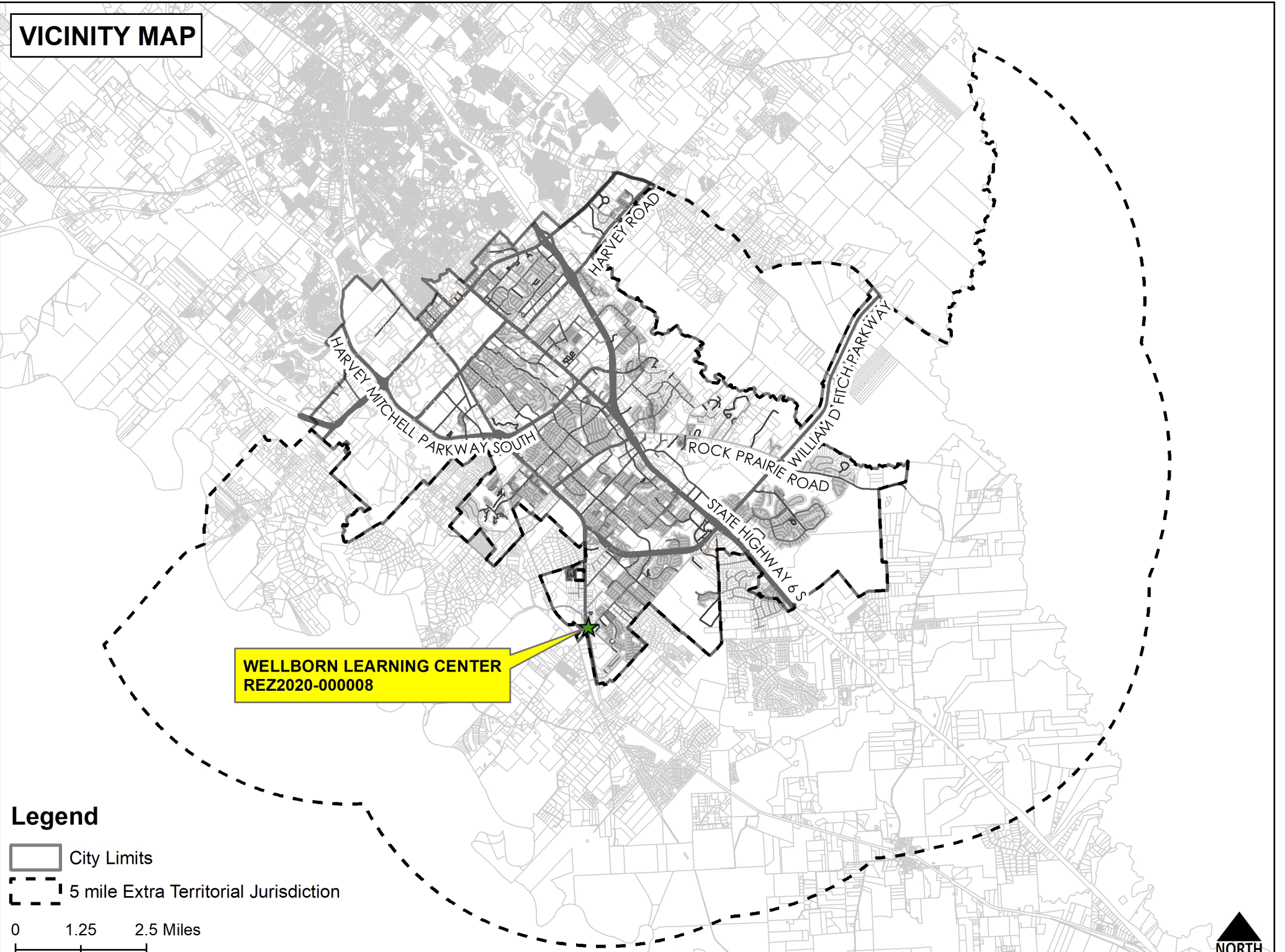
ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North	2 Lane Major Collector	2 Lane Major Collector	Victoria Avenue
South	Wellborn Commercial	R Rural	Restaurant
East	Local Street	Local Street	Royder Road
West	4 Lane Major Arterial	4 Lane Major Arterial	FM 2154

DEVELOPMENT HISTORY

Annexation: 2011
Zoning: R Rural upon annexation (2011)
Final Plat: Unplatted
Site development: Office

VICINITY MAP



WELLBORN LEARNING CENTER
REZ2020-000008

Legend

- City Limits
- 5 mile Extra Territorial Jurisdiction

0 1.25 2.5 Miles





0 425 850 Feet

WELLBORN LEARNING CENTER

Case:
REZ2020-000008

REZONING



ZONING DISTRICTS (In Grayscale)

Residential		
R	Rural	MF Multi-Family
WE	Wellborn Estate	MU Mixed-Use
E	Estate	MHP Manufactured Home Pk.
WRS	Wellborn Restricted Suburban	
RS	Restricted Suburban	
GS	General Suburban	
D	Duplex	
T	Townhome	

Non-Residential

NAP	Natural Area Protected
O	Office
SC	Suburban Commercial
WC	Wellborn Commercial
GC	General Commercial
CI	Commercial Industrial
BP	Business Park
BPI	Business Park Industrial
C-U	College and University

Planned Districts

P-MUD	Planned Mixed-Use Dist.
PDD	Planned Develop. Dist.

Design Districts

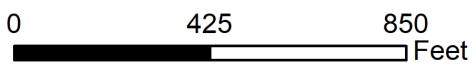
WPC	Wolf Pen Creek Dev. Cor.
NG-1	Core Northgate
NG-2	Transitional Northgate
NG-3	Residential Northgate

Overlay Districts

OV	Corridor Ovr.
RDD	Redevelopment District
KO	Krenak Tap Ovr.
NPO	Nbrhd. Prevailing Ovr.
NCO	Nbrhd. Conservation Ovr.
HP	Historic Preservation Ovr.

Retired Districts

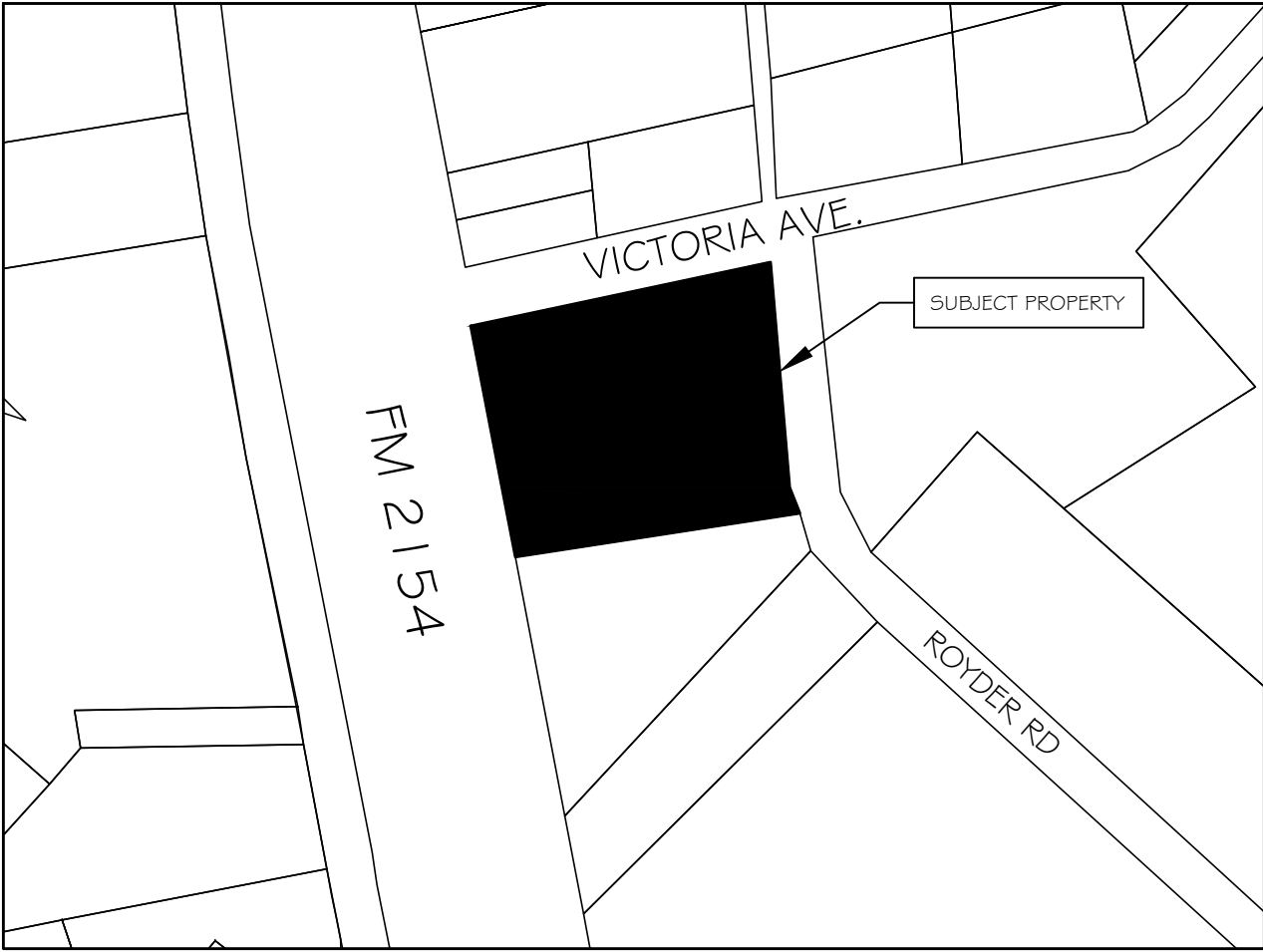
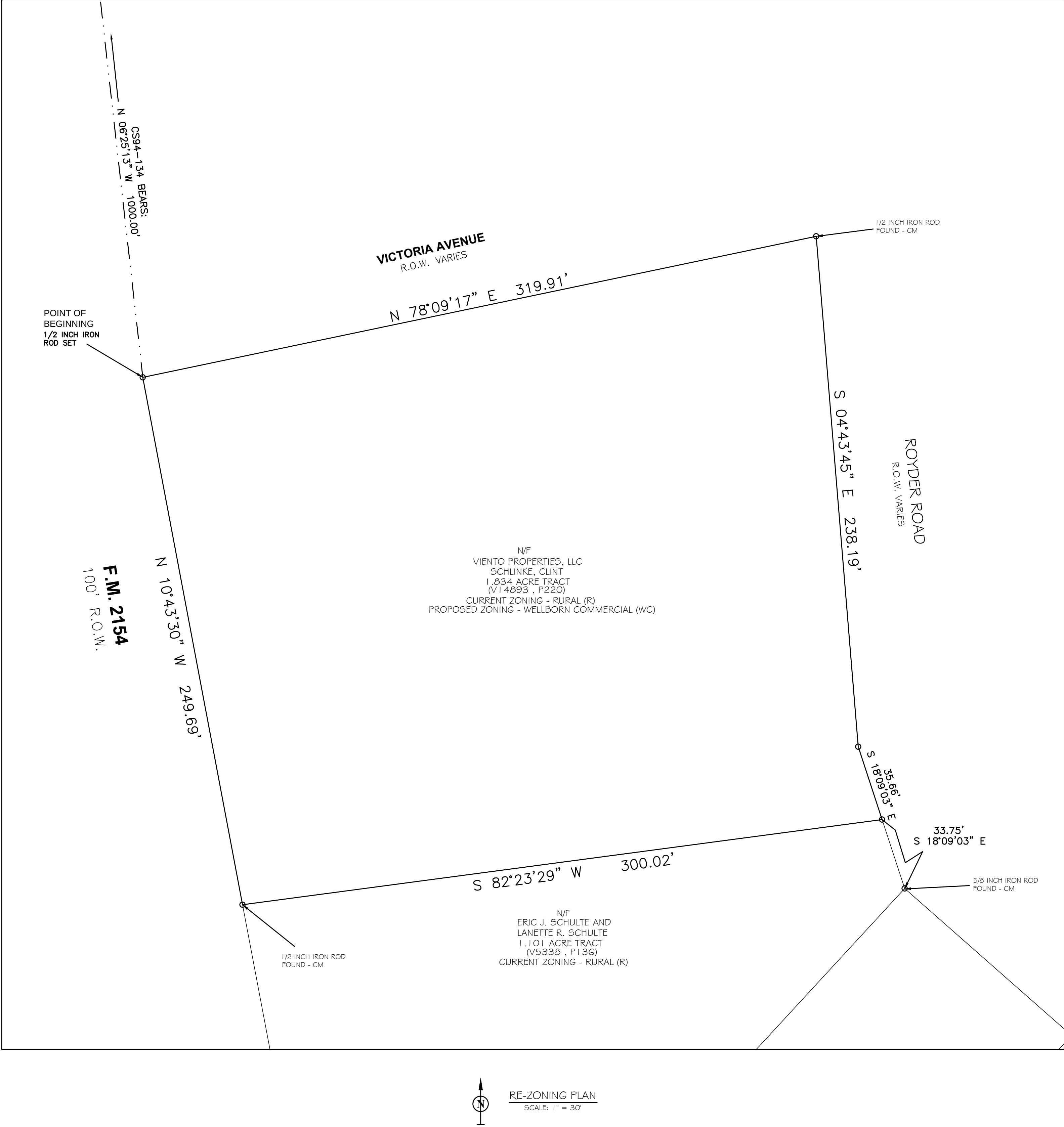
R-1B	Single Family Residential
R-4	Multi-Family
R-6	High Density Multi-Family
C-3	Light Commercial
RD	Research and Dev.
M-1	Light Industrial
M-2	Heavy Industrial



WELLBORN LEARNING CENTER

Case:
REZ2020-000008

REZONING



- GENERAL NOTES:
1. THIS REZONING MAP IS FOR APPLICATION FOR THE REZONING OF 1.4999 FM 2154 FROM RURAL (R) TO WELLBORN COMMERCIAL (WC).
 2. CURRENTLY, THE USE OF THIS SINGLE FAMILY HOME IS A PERSONAL RESIDENCE. THE PROPOSED USE IS FOR A SMALL BUSINESS.
 3. THIS SURVEY DATA AND METES AND BOUNDS DESCRIPTION OF THE SUBJECT PROPERTY SHOWN HEREIN WAS PROVIDED BY KERR SURVEYING, INC.
 4. ANY SITE DEVELOPMENT TO OCCUR TO THIS PROPERTY SHALL MEET THE CITY OF COLLEGE STATION DEVELOPMENT STANDARDS FOR WATER, SANITARY SEWER, STORM SEWER, PARKING AND STREET/PAVEMENT DESIGN.
 5. DUE TO THE SMALL SIZE OF THE SUBJECT TRACT (1.834 ACRES), A TRAFFIC IMPACT ANALYSIS IS NOT REQUIRED. A TRAFFIC GENERATION CHART HAS BEEN PROVIDED BELOW.
 6. ACCORDING TO THE FEMA F.I.R.M. MAPS FOR BRAZOS COUNTY, TEXAS, THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FEMA MAP #48041 C0325E, DATED MAY 16, 2012.

TRAFFIC GENERATION CALCS (I.T.E. PM PEAK HOUR):

WELLBORN COMMERCIAL (CODE 820)	3.75 TRIPS/UNIT/DAY	40 TRIPS/ACRE
PROPERTY = 1.834 ACRES		
3 EXISTING BLDGS = 8,680 SF (MAX. 11,000 SF)		

EXPECTED TRAFFIC: 1.834 AC * 40 = 73.36 x 3.75 = 275 TRIPS PER DAY PEAK HOUR

METES AND BOUNDS DESCRIPTION
OF A
1.834 ACRE TRACT
ANDREW McMAHAN SURVEY, A-167
WELLBORN, BRAZOS COUNTY, TEXAS

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE ANDREW McMAHAN SURVEY, ABSTRACT NO. 167, TOWN OF WELLBORN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING APORTION OF A CALLED 2.36 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO KEREN EDSON RECORDED IN VOLUME 314, PAGE 571 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A CHAIN LINK FENCE CORNER POST FOUND AT THE INTERSECTION OF F.M. 2154 (R.O. W. VARIES) AND GREENS PRAIRE ROAD WEST (R.O.W. VARIES) MARKING THE NORTHWEST CORNER OF SAID 2.36 ACRE TRACT;

THENCE: N 78° 09' 17" E ALONG THE SOUTHEAST LINE OF GREENS PRAIRE ROAD WEST FOR A DISTANCE OF 319.91 FEET TO A 1/2 INCH IRON ROD FOUND AT THE INTERSECTION OF GREENS PRAIRE ROAD WEST AND ROYDER ROAD (R.O.W. VARIES) MARKING THE NORTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;

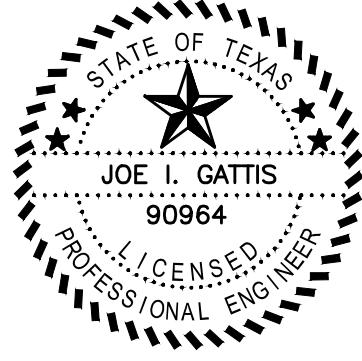
THENCE: S 04° 43' 45" E ALONG THE SOUTHWEST LINE OF ROYDER ROAD FOR A DISTANCE OF 238.19 FEET TO A 10 INCH FENCE POST FOUND;

THENCE: S 18° 09' 03" E FOR A DISTANCE OF 35.66 FEET TO A 5/8 INCH IRON ROD SET MARKING THE SOUTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT AND THE NORTHEAST CORNER OF A 1.101 ACRE TRACT OF LAND DESCRIBED BY A DEED TO ERIC J. SCHULTE AND LANETTE R. SCHULTE RECORDED IN VOLUME 5338, PAGE 136 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. FOR REFERENCE, A 5/8 INCH IRON ROD FOUND BEARS: S 18° 09' 03" E FOR A DISTANCE OF 33.75 FEET;

THENCE: S 82° 23' 29" W ALONG THE NORTHWEST LINE OF SAID SCHULTE TRACT FOR A DISTANCE OF 300.02 FEET TO A 1/2 INCH IRON ROD FOUND ON THE NORTHEAST LINE OF F.M. 2154 MARKING THE SOUTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: N10° 43' 30" W ALONG THE NORTHEAST LINE OF F.M. 2154 FOR A DISTANCE OF 249.69 FEET TO THE POINT OF BEGINNING CONTAINING 1.834 ACRES OF LAND AS SURVEYED ON THE GROUND NOVEMBER, 2007. SEE PLAT PREPARED NOVEMBER, 2007 FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED BY GPS OBSERVATION

10/26/2020



Joe I. Gattis

APPROVED FOR
BIDDING &
CONSTRUCTION

GATTI ENGINEERING
ENGINEERS & CONSULTANTS

FIRM # E-7698
2010 Moses Creek Ct. • College Station, Tx 77845 • (979) 575-8022
INFO@GATTISENGINEERING.COM

14999 FM 2154 (WELLBORN RD.)

1.834 ACRE TRACT
ANDREW McMAHAN SURVEY, A-167
WELLBORN, BRAZOS COUNTY, TX
OCTOBER 26, 2020

REZONING
MAP

REVISIONS

1	

DRAWN BY: JOE G.

DATE: SEPT. 2020

SCALE: NOTED

PROJECT #: GE008012

RZ-1



REZONING APPLICATION SUPPORTING INFORMATION

Name of Project: WELLBORN LEARNING CENTER

Address: 14999 FM 2154

Legal Description: WELLBORN, BLOCK F (PT OF), ACRES 1.834

Total Acreage: 1.834

Applicant:: GATTIS ENGINEERING

Property Owner: VIENTO PROPERTIES LLC

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

EXISTING COMMERCIAL ENTITIES

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

COMP PLAN = WC

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

THIS PROPERTY IS NOT SUITABLE FOR RURAL ANYTHING

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

SUITABLE FOR WC BECAUSE OF FM 2154 AND GREEN PRAIRIE RD FRONTAGE

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

SUITABLE FOR WC BECAUSE OF FM 2154 AND GREEN PRAIRIE RD FRONTAGE

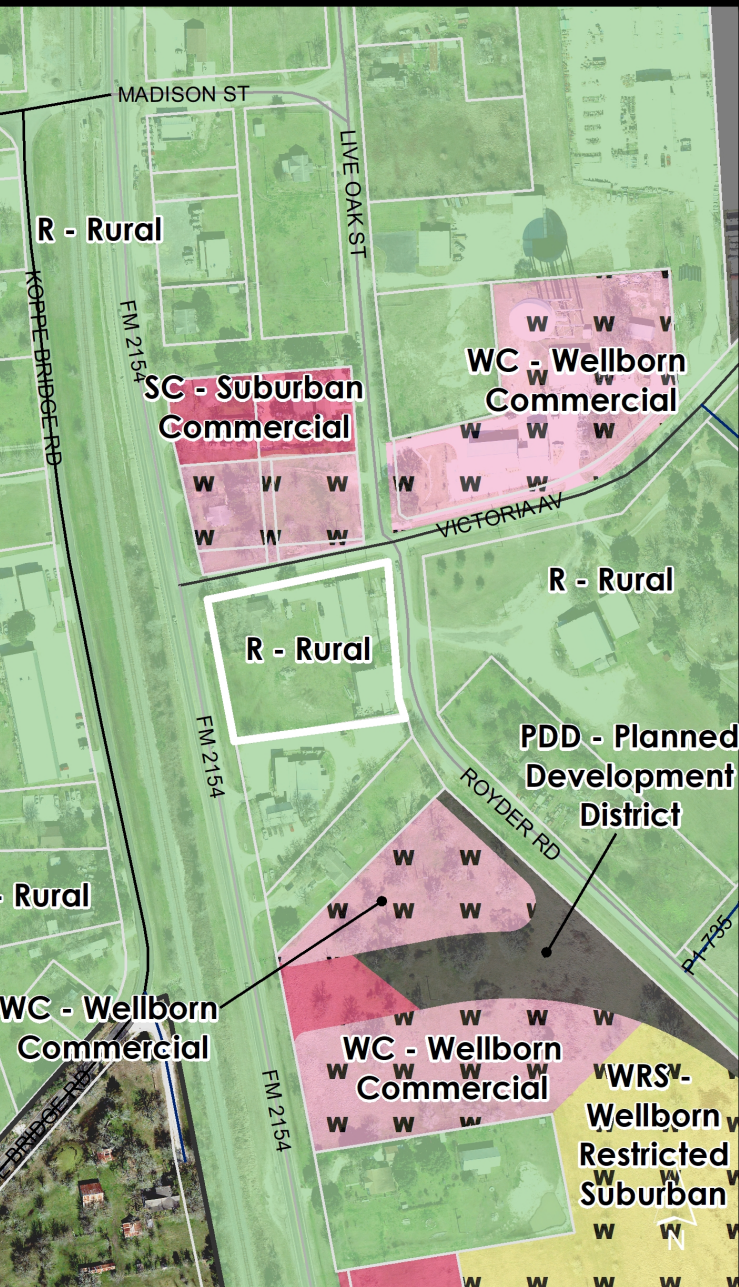
Explain the marketability of the property for uses permitted by the current zoning district.

PROPERTY IS NOT MARKETABLE AS A RURAL ZONING

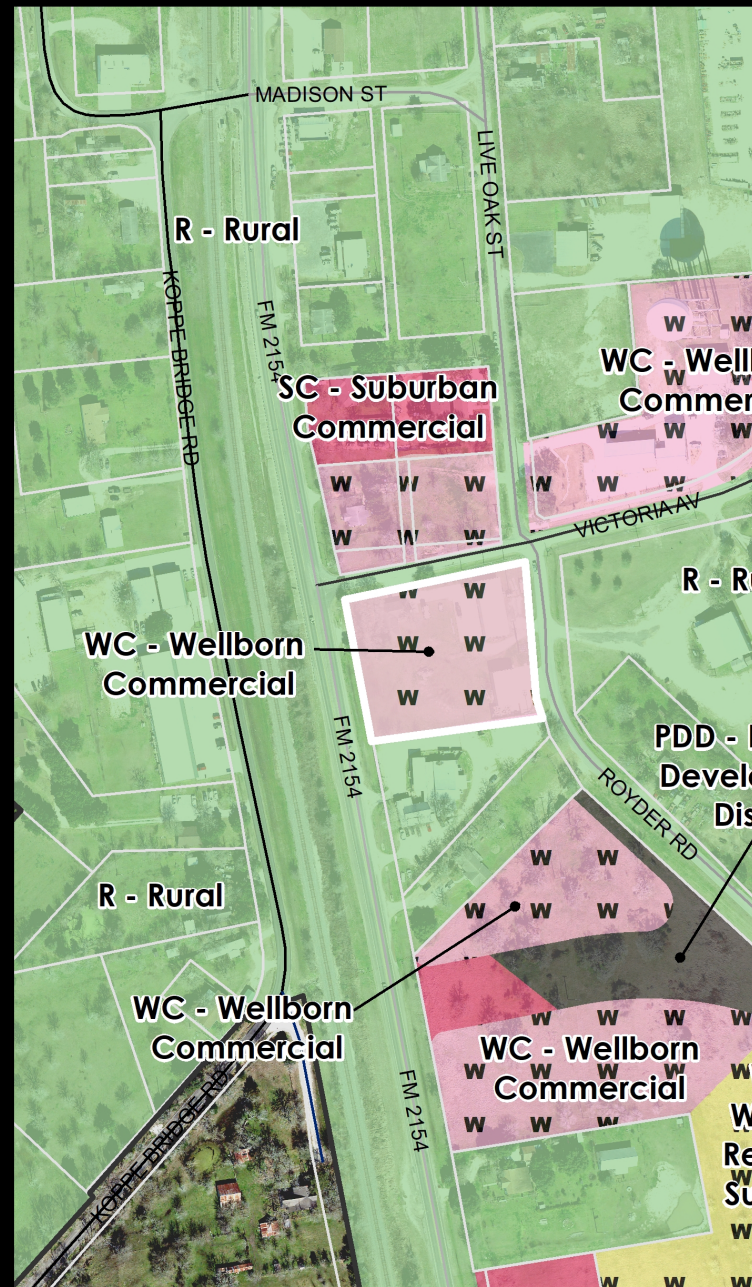
List any other reasons to support this zone change.

SMALL BUSINESSES ARE ALREADY ON THE PROPERTY

EXISTING Zoning



PROPOSED Zoning





MEMORANDUM

November 19, 2020

TO: Members of the Planning & Zoning Commission

FROM: Jade Broadnax AICP Candidate, Staff Planner

SUBJECT: UDO Amendment – “Related” and “Family” Definition Amendment

Item: Public hearing, presentation, discussion, and possible action regarding an ordinance amending Appendix A, “Unified Development Ordinance,” Section 11.2, “Defined Terms,” of the Code of Ordinances of the City of College Station, Texas, regarding the definitions of “related” and “family.” Case# ORDA2020-000004. (Final action on this item is scheduled for the Thursday, December 10, 2020 City Council Meeting, subject to change)

Background: The current definitions of “related” and “family” restrict occupancy of a single dwelling unit to no more than four unrelated persons city wide. Persons are considered unrelated if they are beyond the first or second degree of consanguinity (blood relation) or affinity (marriage.) The purpose of this amendment is to address public concern regarding the restrictive nature of these definitions and modernize the ordinance in accordance with legal precedent.

The proposed Unified Development Ordinance amendment creates a more permissive definition of “family” that removes language referring to degrees of consanguinity and affinity and clarifies specific familial types.

Supporting Material:

1. UDO Section 11.2 Defined Terms Redline

Sec. 11.2. - Defined Terms.

....

Family: A family is ~~one (1) or more~~ any number of persons occupying a single dwelling unit, provided that unless all members are ~~related by~~ (1) related by blood, ~~(2)~~ adoption, ~~(3)~~ guardianship, ~~(4) or~~ marriage, or ~~(5)~~ are part of a group home for disabled persons, or an authorized caretaker, no such family shall contain more than four (4) persons. Guardianship shall include foster children, exchange students, or those in the process of securing legal custody of a person under age 18. Any asserted common law marriage must be subject to an affidavit of record under the family code, or a judicial determination. The term "family" shall not be construed to mean a club, a lodge, or a fraternity/sorority house.

....

~~**Related:** Persons are related when they are within the first or second degree of consanguinity or affinity. Persons are not related by affinity unless lawfully married, and any asserted common law marriage must be subject to an affidavit of record under the family code, or a judicial determination.~~