

MINUTES
Regular Meeting
Planning and Zoning Commission
Thursday, May 19, 2005, at 7:00 p.m.
Administrative Conference Room
College Station City Hall
1101 Texas Avenue
College Station, Texas



CITY OF COLLEGE STATION
Planning & Development Services

COMMISSIONERS PRESENT: Acting Chairman John Nichols, Ken Reynolds, Bill Davis and John Fedora.

COMMISSIONERS ABSENT: Chairman Scott Shafer, Marilyn Hooton and Ben White.

CITY COUNCIL MEMBERS PRESENT: Nancy Berry.

PLANNING & DEVELOPMENT SERVICES STAFF PRESENT: Staff Planner Jennifer Reeves, Senior Planner Trey Fletcher, Director Joey Dunn, Assistant City Engineer Alan Gibbs, Graduate Civil Engineers Carol Cotter and Josh Norton, Transportation Planner Ken Fogle, Assistant Director Lance Simms and Staff Assistant Lisa Lindgren.

OTHER CITY STAFF PRESENT: First Assistant City Attorney Carla Robinson, and Brian Cooke, OTIS.

1. Hear Citizens.

~ None

2. Consent Agenda.

2.1 Discussion and possible action on:

Minutes – May 5, 2005, Workshop Meeting

Minutes – May 5, 2005, Regular Meeting

Commissioner Davis motioned to approve the consent agenda. Commissioner Fedora seconded, the motion passed (4-0).

Regular Agenda.

3. Consideration, discussion and possible action on request(s) for absence from meetings.

~ None

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

~ None

5. Consideration, discussion, and possible action on a Master Plan for Crescent Pointe consisting of 192.64 acres and located between FM 60 and SH 30, across from Linda Lane. **Case #05-80 (MH)**

Mr. Fletcher presented on the Master Plan for Crescent Pointe, stating that the proposed plan was in compliance with the comprehensive plan. Staff recommended approval of the request.

Commissioner Davis had questions for the applicant regarding the detention plan and the access to Veteran's Park. Mr. Fletcher stated that the applicant was showing detention off-site and has been in contact with the property owner, Texas A&M, in order to negotiate off-site detention. If the desired outcome cannot be met, the detention would be required on their own property. The requirement is the same for pedestrian access.

Stuart Kling, 4101 Texas Avenue, Bryan, Texas. Mr. Kling, Engineer, stated that there have been discussions between the developer and Texas A&M regarding both issues stated above. At that point there had not been a resolution. Commissioner Davis asked what would happen if there was not a resolution. Mr. Kling stated the detention would move onto the Crescent Pointe property. Mr. Kling stated that if the pedestrian crossing access, was a key component for the City, then the applicant would like to be able to communicate that to Texas A&M. All Commissioners agreed that they would like to see work progress along the lines of access being gained to the park through Texas A&M.

Commissioner Davis motioned for approval of the Master Plan. Commissioner Davis stated that he would like to add to his motion that the Commission feels that it would be highly desirable for pedestrian access to be gained to the park from Texas A&M. Commissioner Reynolds seconded, the motion passed (4-0).

6. Public hearing, presentation, discussion, and possible action on a Replat for Gateway Subdivision Phase 1, Lots 1AR and 12 of Block 1, consisting of 2 lots on 14.4 acres generally located at University Drive East and Forest Drive. **Case #05-60 (JR)**

Carol Cotter, Graduate Civil Engineer, presented the Replat for Gateway Subdivision, Phase 1. Ms. Cotter stated that the Replat was in compliance with the City's Subdivision Regulations and the Unified Development Ordinance. Staff recommended approval of the Replat as submitted.

Commissioner Davis asked for clarification regarding the traffic flow and development. Ms. Cotter stated that the site plan was currently under review and that staff was reviewing traffic circulation.

Commissioner Fedora motioned to approve the Replat. Commissioner Davis seconded, the motioned passed (4-0).

7. Public hearing, presentation, discussion, and possible action on a Rezoning for 9500 Rock Prairie Road from A-O Agricultural Open to A-OR Rural Residential Subdivision, consisting of approximately 117 acres generally located on Rock Prairie Road just south of Greens Prairie Road. **Case #05-53 (JR)**

Jennifer Reeves, Staff Planner, presented the zoning request for a future phase of this current development. She stated that the subject property is shown on the Land Use Plan as

Single-Family Low Density. The property to the North is floodplain; to the south is Rock Prairie Road which is classified as a major collector on the City's Thoroughfare Plan. To the east the property is shown as Single-Family Low Density and is currently zoned A-O Agricultural Open and undeveloped. To the west are phases 1 through 4 of Williams Creek Subdivision. Phases 1 and 2 are currently under construction. The property is shown as Single-Family Low Density and is recently rezoned to A-OR Rural Residential. Williams Creek has an access off of Greens Prairie Road from a paved rural residential street. According to the street design criteria and the Subdivision Regulations, a rural residential street is designed to handle no more than 1,000 trips per day. If the rezoning is approved the resulting density could produce traffic in excess of the design standards. A paved secondary access to the subdivision would be required to handle the additional traffic. Since the previous rezoning of the adjacent 211 acres from A-O to A-OR of the Williams Creek Subdivision, staff has concerns about the additional traffic impact on Rock Prairie Road. On May 6, 2004, the Commission expressed concerns about Rock Prairie Road and it being an unpaved surface. The secondary access required to handle the additional lots allowed under the proposed A-OR zoning would put additional traffic on the unpaved Rock Prairie Road. Although the zoning request is in compliance with the City's Land Use Plan, Section 3.2 of the Unified Development Ordinance contains review criteria for zoning map amendments. One of the criteria is availability of transportation facilities. At this time staff contends that transportation facilities are not suitable and adequate for this proposed use. Since the time of preparation of the staff report and packets, staff determined that conditioning the rezoning is not appropriate and changed their recommendation to denial. Staff based their recommendation of denial on health, safety and welfare issues regarding the additional traffic that would be added to Williams Creek Drive in the current condition of Rock Prairie Road.

Ken Fogle, Transportation Planner, presented the traffic study. Mr. Fogle discussed with the Commissioners the trips per day ratio and how the estimated trips were calculated. At the time of the preliminary plat there were 120 lots which calculate to approximately 1200 trips per day that would be applied to Williams Creek Drive. If the rezoning is approved that would add an additional 70 lots and that would make it approximately 1800 trips per day, that would be applied to Williams Creek Drive which is double what the street is designed for. Mr. Fogle also stated that when traffic increases to that nature, neighborhood streets are not designed for traffic of that level and it will increase vehicular conflicts and possibly pedestrian conflicts.

Joe Schulz, 3208 Ensbrook. Mr. Schulz stated that according to the Unified Development Ordinance in regards to the different zoning classifications, AOR fits what is proposed in this case and fits the Land Use Plan. Mr. Schulz stated that they are following their plan for the property and spoke in favor of the rezoning.

Mike Gentry, Attorney for Applicant, 1515 Emerald Plaza, College Station, Texas. Mr. Gentry spoke in reference to the issues of Government taking and Government reliability. Mr. Gentry stated that the applicant had a contract to buy the 210-acre tract and the 120-acre tract and came before the Planning and Zoning Commission and presented a Master Development Plan for the property. Mr. Gentry stated that the applicant relied on information received from the Commission and staff and stated that the applicant relied on the expectation plan of the City that there would be a capital improvement plan to pave Rock Prairie Road. Mr. Gentry stated that the applicant met with City staff to review the zoning application and the two basic issues were how to interpret the City's Ordinance and the power of the City to require off-site improvements. He stated that in the Unified Development Ordinance, Section 8-G2, states that no tract lot or parcel shall be sub-divided unless the required internal street system adjoins an existing paved public right-of-way. There has been discussion over the past that this particular requirement is not applicable, that it does not apply to A-OR zoning, and that the belief was that the applicant was attempting to get A-OR zoning in order to avoid the application of the Ordinance. Mr. Gentry stated that it does not matter if it applies to A-OR zoning because the particular

property is in full compliance. Mr. Gentry stated that the internal street system does connect to an adjoining public right-of-way.

Joe Johnson, Developer, 1400 Commercial Avenue, Coleman, Texas. Mr. Johnson spoke in favor of the rezoning and stated that they are still on course for the development and spoke of the improvements made to the property.

Dr. Fred Anderson, 2504 Riverforest, Bryan, Texas. Mr. Anderson asked Commissioners to consider what is fair.

Commissioner Reynolds motioned for the Commissioners to adjourn to executive session. Commissioner Fedora seconded, the motion passed (4-0).

Commissioner Nichols called the executive session to order at 8:03 p.m. Commissioner Reynolds motioned to adjourn the executive session, Commissioner Fedora seconded the motion. Commissioner Nichols adjourned the executive session at 8:23 p.m.

Commissioners returned from executive session.

Commissioner Davis stated that his understanding was that the Master Plan has changed from the original version and asked for clarification. Joey Dunn, Director, reminded the Commission that platting is not on the agenda, but that there have been two of the phases final platted and that the Master Plan has not been changed. Mr. Dunn stated that there are Preliminary Plats for Phases 1, 2, 3 and 4 and two Final Plats for Phases 1 and 2 and the Mater Plan is still the same as it was last year when approved.

Commissioner Reynolds motioned to approve the rezoning from to A-O to A-OR. Commissioner Fedora seconded the motion.

Commissioner Davis stated that the concern for the rezoning was the maximum capacity. Commissioner Davis stated that it was apparent that if the maximum number of lots were put on the reserve tract, that will create a problem. He also stated that he does not believe the paving of Rock Prairie will be an issue, but he was concerned about the length of the subdivision and the limited number of egress points and would like to see good efforts put in for fire, police and safety access.

Commissioner Reynolds stated that he felt when the anticipated entry point was complete, that a substantial number of residents will go to the intersection of Greens Prairie and Rock Prairie and enter from that direction. Commissioner Reynolds encouraged the applicant to continue to work with the City on points of ingress and egress to the development to optimize and make the internal flow as safe and efficient as possible.

Commissioner Fedora stated that he agreed with Commissioner Reynolds. He stated that he feels that at some point Rock Prairie will extend and will be paved and that he felt it would be in the best interest of the developer to have another access point that was not gravel.

Commissioner Nichols stated that he respected the guidance of the earlier Commission but that he also listens closely when staff indicates that there is a significant traffic and safety problem. He stated that he is not convinced that individuals will turn down a gravel road when they can go a little further and go on a paved road and turn onto another paved road and should this be developed to a maximum density then there will be a serious overload on Williams Creek Drive.

The Motion of the rezoning from A-O to A-OR passed (3-0; Approve – Reynolds, Fedora and Davis; Deny – Nichols)

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

Commissioner Davis motioned to adjourn the meeting. Commissioner Fedora seconded the motion, motion passed (4-0).

Approved:

Scott Shafer, Chairman
Planning and Zoning Commission

Attest:

Lisa Lindgren, Staff Assistant
Planning & Development Services