

**MINUTES**  
**Regular Meeting**  
**Planning and Zoning Commission**  
**Thursday, September 15, 2005, at 7:00 p.m.**  
**Council Chambers, College Station City Hall**  
**1101 Texas Avenue**  
**College Station, Texas**

**COMMISSIONERS PRESENT:** Chairman Scott Shafer, Commissioners Ken Reynolds, John Nichols, Bill Davis and Harold Strong.

**COMMISSIONERS ABSENT:** Commissioners Dennis Christiansen and Marsha Sanford.

**CITY COUNCIL MEMBERS PRESENT:** None.

**PLANNING & DEVELOPMENT SERVICES STAFF PRESENT:** Staff Planner Lindsay Boyer, Molly Hitchcock, and Jennifer Reeves, Senior Assistant City Engineer, Alan Gibbs, Graduate Civil Engineers Carol Cotter and Josh Norton, Transportation Planner, Ken Fogle, Director, Joey Dunn, Assistant Director Lance Simms, Planning Intern, Crissy Hartl and Staff Assistant Lisa Lindgren.

**OTHER CITY STAFF PRESENT:** Assistant City Roxanne Nemcik and Action Center Representative Brian Cooke.

The meeting was called to order at 7:05 p.m.

7. Public hearing, presentation, discussion, and possible action on a Rezoning from A-O Agricultural Open to R-1 Single Family for Fojtik (Rez) consisting of approximately 45-acres of the Fojtik tract, generally located off of North Forest Parkway to the north, and just east of Earl Rudder Freeway . **Case #05-139 (JR)**

**Chairman Shafer stated that item 7 and item 8 would be handled in conjunction at this meeting. Chairman Shafer stated that earlier a comment was made earlier about the notion of tabling the item. The reason for this was because the Parks Board had not completed a review of the Master Plan and making any final determinations on what would happen in terms of parkland dedication. Commissioner Shafer stated that the Commission is not able to make a decision on item 8, but that the Commission would like to hear about items 7 and 8 together.**

Jennifer Reeves, Staff Planner, presented the rezoning. Staff recommended approval of the rezoning request from A-0, Agricultural Open to R-1, Single-Family Residential. The zone change to R-1, Single-Family Residential is in compliance with the Land Use Plan and staff recommended approval of the request. Ms. Reeves stated that Commissioners were given a copy of all the e-mails regarding the Fojtik

tract, and there were three or four that were specifically in opposition of the rezone request.

Ken Fogle, Transportation Planner, gave a presentation regarding access in the area. Mr. Fogle stated that Raintree was planned and had always been planned to have multiple access into it. In 1997 the Thoroughfare Plan was amended with the full Comprehensive Plan update, and at that time Appomattox was removed and the extension of Raintree was added back. Mr. Fogle stated that safety and efficiency are two of the main reasons to allow multiple accesses in this area.

Larry Claborn, 8303 Wildwood Circle, College Station, Texas. Mr. Claborn stated that he is in favor of the project with one concern. Mr. Claborn stated that his concern was with the sewer treatment plan and would like for someone to check on it and make sure it can handle the capacity before continuing with any expansion.

Janice McBride, Ella Colvin and Cindy Dillard spoke in opposition to the rezoning, Master Development Plan and Thoroughfare Plan. Concerns seemed to be the Environment Impact and reclaiming the land. Residents also stated that currently the neighborhood is a quiet and safe neighborhood with a low crime rate. Residents stated that they felt if the item was approved it would increase the crime rate in the area due to multiple accesses and it would not be as safe for their children to play in the parks or ride their bikes. Ms. Dillard also handed out a copy of a petition signed by residents against the Thoroughfare Plan and flyers handed out in the neighborhood for this project.

Steve Arden, Developer, 311 Cecelia Loop, College Station, Texas. Mr. Arden gave a short presentation regarding the project and the concerns of the residents. Mr. Arden stated that it was the intent to bring both of the items on the project in front of the Commission at the same time; unfortunately it did not work out that way. Mr. Arden stated that he is asking for the support of the Commission in making a ruling on the rezoning and not wait until the Master Plan comes back to the Commission.

Commissioner Nichols asked if Mr. Arden would address the questions regarding the old oil well pad and the sewer capacity.

Mr. Arden stated that the old oil well pad had been inspected and phase 1 environment study had been completed and the cleanup was supervised by the Railroad Commission and it proves to be clean. Mr. Arden stated that there are a couple of old gas line stubs that remain, but that they will be taken out because they are no longer in use. Mr. Arden stated that he would let Mr. McClure address the sewer issue.

Mike McClure, 9262 Brookwater Circle, College Station, Texas. Mr. McClure stated that he would defer this question to city staff, but that it was his understanding that the capacity was there and if it was a problem with the odor it is an operational issue.

Alan Gibbs, Senior Assistant City Engineer stated that the capacity of the plant is more than adequate for a plant of its size. Mr. Gibbs stated that any complaints are an operational issue.

**Commissioner Davis motioned to table the rezoning until additional information could be obtained and that the Rezoning, Thoroughfare Plan and Mater Plan can be heard at the same time. Commissioner Strong seconded the motion, motion passed (4-1). Commissioners Scott Shafer, Bill Davis, John Nichols and Harold Strong were in favor of the motion. Commissioner Ken Reynolds opposed the motion.**

Steve Arden requested clarification from Roxanne Nemcik, Assistant City Attorney, regarding the legality of tabling the rezoning since it did meet all requirements.

Roxanne Nemcik, Assistant City Attorney, stated that a zoning is discretionary and that the Commission can decide to table the zoning, deny the zoning or grant the zoning. Ms. Nemcik stated that there is nothing that requires the Commission to approve the rezoning, that the Commission can grant, deny or table a rezoning to a future date. The Mater Plan is part of the platting process and that in the Unified Development Ordinance it states that the zoning should be in accordance with the Comprehensive Plan and it will not be allowed to plat unless the zoning is in accordance with the plat.