

MINUTES
Regular Meeting
Planning and Zoning Commission
Thursday, October 6, 2005, at 7:00 p.m.
Council Chambers, College Station City Hall
1101 Texas Avenue
College Station, Texas

COMMISSIONERS PRESENT: Chairman Scott Shafer, John Nichols, Bill Davis, Marsha Sanford, Dennis Christiansen and Harold Strong.

COMMISSIONERS ABSENT: Ken Reynolds.

CITY COUNCIL MEMBERS PRESENT: Ron Gay.

PLANNING & DEVELOPMENT SERVICES STAFF PRESENT: Staff Planner Lindsay Boyer, Molly Hitchcock, Crissy Hartl and Jennifer Reeves, Senior 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: Assistant City Attorney Roxanne Nemcik and Action Center Representative Justine Wolf.

9. Public hearing, presentation, discussion and possible action on a Comprehensive Plan Amendment to amend the Land Use Plan for 450 Earl Rudder Freeway south and vicinity from Floodplain and Streams to Regional Retail. State Highway 6, the College Station City Limits and University Drive East delineate the area for consideration. **Case #05-500164 (TF)**

Trey Fletcher, Senior Planner, presented the item which was for the consideration of an amendment to the comprehensive Land Use Plan. The property owner is requesting to amend the land use plan from Floodplain and Streams to Regional Retail for a portion of the property, and the City of College Station is concurrently requesting to amend the plan in the vicinity where General Commercial zoning is established and commercial development has occurred or is anticipated. The property owner has obtained a fill permit from the City in compliance with the City's drainage ordinance and policies for reclamation. Staff recommended approval of the request as presented, and described as follows:

- Amend the portion of the subject tract as requested located at 450 Earl Rudder Freeway South from Floodplain and Streams to Regional Retail.
- Amend parcels to the south that are zoned C-1, General Commercial from Floodplain and Streams to Regional Retail as shown.

Veronica Morgan, Mitchell & Morgan Engineering, 501 University Drive, College Station, Texas. Ms. Morgan stated that the property has been held for a number of years by a gentleman that has tried to develop the property by selling it to numerous people. The property was filled back in the early 1980's, above what was the existing flood plain. Ms. Morgan also stated that things like the by-pass affect rises in the water surface elevations. She also mentioned that there was a sewer line that cut diagonally across the property some years ago and the property owner had the sewer line re-routed around the perimeter of the property. An easement abandonment process is underway because when the sewer line was re-routed to preserve the center of it for development the existing sewer line was grout filled and abandoned, but the actual abandonment paperwork that goes to the courthouse which releases that easement off the property was never filed for record. At this time that paperwork is underway even though the work was done back in 1982. The property owner has expended some funds with the intent for developing the property or finding someone that would develop the property. Ms. Morgan asked the Commissioners to take a look at their hand outs and view the existing comprehensive plan area. She stated that on the cross hatch pattern the area of the fill can be viewed easily because it is basically barren of vegetation in the aerial photograph. She stated that all the trees surround the plateau of the property, surrounding the outer perimeter. Ms. Morgan stated that they are not asking for a rezoning for any of that outer perimeter that has the mature vegetation on it. She stated that they are asking for the comprehensive plan amendment and rezoning on the area that was barren of vegetation.

Commissioner Bill Davis asked how much fill would have to be added to the site. Ms. Morgan stated that it varies across the property, but it will be anywhere from one to two feet. She stated that part of that fill is not necessarily just to bring it outside the flood plain. But, as Alan Gibbs had mentioned, FEMA's regulations allow for flood fringe development and the City's drainage ordinance currently allows for flood fringe fill. She stated that in FEMA's model ordinance the fringe fill affects a one-foot rise in flood elevations, so all of the buildings need to be elevated at least a foot above the base flood elevation. That is why some of the fill is being brought in, in order to affect the essential one foot rise as well.

Commissioner Nichols stated that the buildings that were built upstream from the area do not have the luxury of raising themselves one foot to deal with the rise that occurred. Ms. Morgan stated that on this particular stretch of stream, they were fortunate enough that her firm were the engineers on a Burton Creek project several years ago. Therefore, they had the hydraulic models of that particular reach of stream so they were able to put in the additional fill and it had no rise affect in the flood plain elevation upstream from the area. Ms. Morgan stated that the area in question what FEMA calls an ineffective flow area because the bridge is so close and because of that the water tends to neck itself down into that bridge, and, because the property is in that ineffective flood area you see no affect in the hydraulic models.

Ms. Morgan mentioned that she has heard the Planning and Zoning Commission and the City Council for a while now talk about flood fringe development, greenways and open space and some of their desires. She stated that there is a very big

disconnect in the City's ordinances, stating that the way the rules are currently set up they are not set up to give the City that. Commissioner Nichols stated that he hoped that if Ms. Morgan had insight to these issues that she would be involved in the discussion of the public hearings regarding the changing of the rules, Chairman Shafer agreed with this comment. Ms. Morgan informed the Commission rezonings are not really connected to the flood plain development and on what is trying to be achieved with open space and greenways. She stated that throughout the City there are properties that are zoned R-1 that are really not appropriate for R-1 and it is because of the history of the property when it was brought in as R-1 development when it was annexed. Ms. Morgan mentioned that these situations occur throughout town that tend to cause problems in the future as people come in to try to develop and the zonings are not appropriate any longer. She also said that there are also difficulties, on this item in that some of the property is being requested for a rezoning from R-1 to C-1 but the remainder is being left as R-1. Initially it came in as A-O because they wanted to show a good faith effort that the land is not being touched in the A-O area. But, the difficulty is that the City's ordinance states that A-O has to be a minimum of five acres. Ms. Morgan stated that the acreage was not five acres so it could not be presented as A-O because of the acreage limit. She also said that she believes there should be a different zoning district so that open space and greenways do not have a size limitation.

Commissioner Davis asked about the significant amount of work that had been done in the previous six to eight months on the underpass where the creek had gone through. He asked why the upgrade initiative occurred and was it because the flow was not sufficient. Alan Gibbs stated that he believed the concern of the Texas Department of Transportation was primarily erosion. Commissioner Davis stated that he found it ironic that if the concern was erosion because of the hydraulics because of the funneling neck affect that it emphasizes the need for flood plain resolution of some kind. He stated that there seemed to be dilemma of a fill situation and the Commission was being asked to do something that he personally found not satisfactory. Commissioner Davis stated that his personal opinion was that this particular comprehensive plan request would be to cut that area out until there was time for more discussion and change the area that is already built up with the Home Depot and the Olive Garden.

Commissioner Marsha Sanford stated that the Gateway Villas was approved and developed in the flood plain. Ms. Morgan asked the Commissioners to look at the cross hatched area on the handout showing a floodplain map amendment for a portion of the Home Depot property, and stated that all of the Home Depot property and some of the Gateway property was also floodplain fringe development. Commissioner Sanford stated that her understanding was that the whole area was floodplain. Ms. Morgan stated that it was not the whole area, but that the back portion was the floodplain area. Commissioner John Nichols asked for the date of the borders that were shown, he wanted to know if that was today's floodplain or was that before the fill was done to raise Gateway Villas. Ms. Morgan stated that the cross hatched area on the photograph was from the City's GIS map and the origin was probably the 1992 time line.

Commissioner Sanford asked if there had been any impact studies completed on the property. Alan Gibbs stated that the floodplain was originally studied and defined in 1979 and became effective in 1980 and, other than minor additions; it has essentially been the same for the past 25 years. He stated that approximately 3 years ago the City of Bryan contracted with Mitchell & Morgan to restudy the entire Burton Creek drainage basin. Through the study, and incorporating some of the work done with Gateway, that study was completed and the elevations that were used to evaluate both the fill on the subject site as well as Gateway in general referenced study that was done. Mr. Gibbs stated that with the updated study and the property being filled, that he is comfortable with this.

Commissioner Davis motioned to recommend to City Council that the Comprehensive Plan Amendment be amended to change the area currently zoned C-1 to reflect Regional Retail. This area includes the access drive back to Home Depot and straight up in front of the Gateway Villas. Commissioner Harold Strong seconded the motion.

Chairman Shafer restated the motion for clarification. He stated that would amend the Comprehensive Plan to include the area currently zoned C-1 and exclude the area requested by the applicant (currently zoned R-1).

The motion passed (4-2). Commissioners Scott Shafer, Dennis Christiansen, Bill Davis and Harold Strong approved the motion. Commissioners Marsha Sanford and John Nichols opposed the motion.