

Table of Contents

Agenda	3
Consent No. 2a - Minutes	
Coversheet revised	6
Jan 12 Workshop	7
Jan 12 Regular	12
Consent No. 2b - Wolf Pen Creek TIRZ Repayment – Brazos County	
Coversheet revised	16
Consent No. 2c - Replacement Parts for Ford Vehicles	
Coversheet revised	17
Consent No. 2d - Annual Price Agreement for Auto and Truck Tires	
Coversheet revised	18
TxMAS Contract Summary	19
Consent No. 2e - Annual Purchase of Auto Parts, Shop Equipment and Services	
Coversheet revised	20
PSA Contract Summary.	21
Consent No. 2f - Adoption of Tax Abatement Guidelines	
Coversheet updated	23
Guidelines.	24
Resolution.	30
Regular No. 1 - Public Hearing and Consideration of Budget Amendment # 1	
Coversheet revised	31
List	32
Ordinance.	35
Regular No. 2 - Public Hearing on Rezoning for 4050 Holleman Drive South	
Coversheet revised	36
Background	39
Photos and Maps	40
P&Z Meeting Minutes	42
Ordinance.	44
Regular No. 3 - Public Hearing on Rezoning for 12900 Old Wellborn Road	
Coversheet revised	50
Background	55
Photos & Maps	56
P&Z Meeting Minutes	58
Ordinance.	60
Regular No. 4 - Public Hearing on the City of College Station Traffic Code Amendment – Parking in Residential Areas	
Coversheet revised	66

Ordinance 67



Mayor

Nancy Berry

Mayor Pro Tem

Dave Ruesink

City Manager

David Neeley

Council members

Blanche Brick

Jess Fields

Karl Mooney

Katy-Marie Lyles

Julie M. Schultz

Agenda
College Station City Council
Regular Meeting
Thursday, January 26, 2012 at 7:00 PM
City Hall Council Chamber, 1101 Texas Avenue
College Station, Texas

1. Pledge of Allegiance, Invocation, Consider absence request.

Presentations and Recognitions:

- ✓ Special recognition to the Parks Department from Texas Public Pool Council for Agency of the Year.

Hear Visitors: A citizen may address the City Council on any item which does not appear on the posted Agenda. Registration forms are available in the lobby and at the desk of the City Secretary. This form should be completed and delivered to the City Secretary by 5:30 pm. Please limit remarks to three minutes. A timer alarm will sound after 2 1/2 minutes to signal thirty seconds remaining to conclude your remarks. The City Council will receive the information, ask staff to look into the matter, or place the issue on a future agenda. Topics of operational concerns shall be directed to the City Manager. Comments should not personally attack other speakers, Council or staff.

Consent Agenda

Individuals who wish to address the City Council on a consent or regular agenda item not posted as a public hearing shall register with the City Secretary prior to the Mayor's reading of the agenda item. Registration forms are available in the lobby and at the desk of the City Secretary. The Mayor will recognize individuals who wish to come forward to speak for or against the item. The speaker will state their name and address for the record and allowed three minutes. A timer will sound at 2 1/2 minutes to signal thirty seconds remaining for remarks.

2. Presentation, possible action and discussion of consent agenda items which consists of ministerial or "housekeeping" items required by law. Items may be removed from the consent agenda by majority vote of the Council.

a. Presentation, possible action, and discussion of minutes for:

- January 12, 2012 Workshop and Regular Council Meeting

b. Presentation, possible action and discussion on authorizing the payment of \$570,783.58 to Brazos County for repayment of unspent funds in TIRZ #1.

c. Presentation, possible action, and discussion on approving an annual blanket purchase order for the purchase of replacement parts and components for City vehicles from Varsity Ford – Lincoln (College Station, TX) for the amount of \$60,000.00.

d. Presentation, possible action, and discussion on approving annual tire purchases from Pilger’s Tire & Auto Center through the State of Texas (TXMAS) Tire Contract in the amount of \$185,000.00.

e. Presentation, possible action, and discussion on approving an annual blanket purchase order for the purchase of auto parts, shop equipment and services from NAPA Auto Parts (College Station, TX) through the Purchasing Solutions Alliance (PSA) contract for the amount of \$110,000.00.

f. Presentation, possible action, and discussion regarding the City’s Tax Abatement Guidelines. *This item will also be presented in the Workshop.*

Regular Agenda

Individuals who wish to address the City Council **on a regular agenda item not posted as a public hearing** shall register with the City Secretary prior to the Mayor’s reading of the agenda item. The Mayor will recognize you to come forward to speak for or against the item. The speaker will state their name and address for the record and allowed three minutes. A timer will sound at 2 1/2 minutes to signal thirty seconds remaining for remarks.

Individuals who wish to address the City Council on an item **posted as a public hearing** shall register with the City Secretary prior to the Mayor’s announcement to open the public hearing. The Mayor will recognize individuals who wish to come forward to speak for or against the item. The speaker will state their name and address for the record and allowed three minutes. A timer alarm will sound at 2 1/2 minutes to signal thirty seconds remaining to conclude remarks. After a public hearing is closed, there shall be no additional public comments. If Council needs additional information from the general public, some limited comments may be allowed at the discretion of the Mayor.

If an individual does not wish to address the City Council, but still wishes to be recorded in the official minutes as being in support or opposition to an agenda item, the individual may complete the registration form provided in the lobby by providing the name, address, and comments about a city related subject. These comments will be referred to the City Council and City Manager.

1. Public Hearing, presentation, possible action, and discussion on an ordinance Budget Amendment #1 amending ordinance number 3371 which will amend the budget for the 2011-2012 Fiscal Year in the amount of \$8,520,217 and presentation, possible action and discussion on four interfund transfers.
2. Public Hearing, presentation, possible action, and discussion regarding a an Ordinance amending Chapter 12, Unified Development Ordinance”, Section 4.2, “Official Zoning Map”, of the Code of Ordinances, more specifically, rezoning from R-3 Townhouse to R-4 Multi-Family Residential for 10.434 acres located at 4050 Holleman Drive South, generally located south of the Las Palomas Subdivision.
3. Public Hearing, presentation, possible action, and discussion regarding an amendment to Chapter 12, “Unified Development Ordinance”, Section 4.2, “Official Zoning Map” of the Code of Ordinances of the City of College Station, Texas by rezoning 2.39 acres located at 12900 Old Wellborn Road, generally located at the intersection with North Graham Road, from A-O Agricultural Open to PDD Planned Development District.

- 4. Public Hearing, presentation, and discussion regarding an ordinance amending Chapter 10, "Traffic Code" Section 6 "Parking, standing, or storing of Recreational Vehicles, trailers, or trucks in residential areas." Section B "Regulations" of the Code of Ordinances.
- 5. Adjourn.

If litigation issues arise to the posted subject matter of this Council Meeting an executive session will be held.

APPROVED:

City Manager

Notice is hereby given that a Regular Meeting of the City Council of the City of College Station, Texas will be held on the Thursday, January 26, 2012 at 7:00 PM at the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda.

Posted this 20th day of January, 2012 at 5:00 p.m.

City Secretary

I, the undersigned, do hereby certify that the above Notice of Meeting of the Governing Body of the City of College Station, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, www.cstx.gov . The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on January 20, 2012 at 5:00 p.m. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

This public notice was removed from the official posting board at the College Station City Hall on the following date and time: _____ by _____.

Dated this ____ day of _____, 2012 By _____

Subscribed and sworn to before me on this the ____ day of _____, 2012.

Notary Public – Brazos County, Texas My commission expires: _____

The building is wheelchair accessible. Handicap parking spaces are available. Any request for sign interpretive service must be made 48 hours before the meeting. To make arrangements call (979) 764-3517 or (TDD) 1-800-735-2989. Agendas may be viewed on www.cstx.gov . Council meetings are broadcast live on Cable Access Channel 19.

January 26, 2012
City Council Consent Agenda Item No. 2a
City Council Minutes

To: David Neeley, City Manager

From: Sherry Mashburn, City Secretary

Agenda Caption: Presentation, possible action, and discussion of minutes for:

- January 12, 2012 Workshop and Regular Council Meeting

Attachments:

- January 12, 2012 Workshop and Regular Council Meeting

MINUTES OF THE CITY COUNCIL WORKSHOP
CITY OF COLLEGE STATION
JANUARY 12, 2012

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor

Council:

Blanche Brick
Jess Fields
Karl Mooney, arrived after roll call
Katy-Marie Lyles
Julie Schultz
Dave Ruesink

City Staff:

David Neeley, City Manager
Kathy Merrill, Deputy City Manager
Frank Simpson, Deputy City Manager
Carla Robinson, City Attorney
Sherry Mashburn, City Secretary
Tanya McNutt, Deputy City Secretary

Call to Order and Announce a Quorum is Present

With a quorum present, the Workshop of the College Station City Council was called to order by Mayor Nancy Berry at 3:13 p.m. on Thursday, January 12, 2012 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

1. Presentation, possible action, and discussion on items listed on the consent agenda.

Item *2i* was pulled for clarification.

2i: David Schmitz explained that we can't always use volunteers in those roles; the contract covers local leagues and tournaments. Tournament play requires real officials, and in other leagues, it can become a safety issue. We do use some volunteers outside the scope of this contract. The cost fluctuates year to year due to the number of leagues and tournaments.

2. Presentation, possible action, and discussion on the scope of the Citizens Charter Review Commission and provide direction regarding the charter provisions to be reviewed.

Sherry Mashburn, City Secretary, reported the Citizens Charter Review Commission had just begun its review of the City Charter last spring when Senate Bill 100 was approved. Due to the immediate need to address the election date, the Commission focused its energies only upon that one issue in order to place a possible amendment to the Charter on the November 2011 ballot. The Commission is ready to complete its review of the Charter, and staff is requesting input from the Council as to when the Council expects to hold the Charter amendment election. The earliest date we can hold the election is November 2012, which will also be a presidential election year. The other dates available are May 2013 and November 2013.

Lynn McIlhaney, chair of the Citizens Charter Review Commission, reported there are major issues that the Commission has not yet addressed; for instance, referendum and recall will take a lot of time, as well as other major issues. Once those have been reviewed, they will have to prepare the ballot language for the Council's consideration. The legal side has already been addressed as far as conflicts with state law. An additional goal of the Commission was to have public hearings during the process. When asked her preference for an election date, she stated that she is more concerned with a shorter time frame than a longer time frame because of the major changes to be reviewed.

MOTION: Upon a motion made by Councilmember Ruesink and a second by Councilmember Schultz the City Council voted seven (7) for and none (0) opposed, to direct the Commission to work toward a November 2012 election date, with Public Hearings at the Council level, and with the proviso that if the Commission determines they cannot meet the timeline, the Council will reconsider the election date. The motion carried unanimously.

3. Presentation, possible action, and discussion regarding the benefits of the Automated Street Light Monitoring System initially installed in 2009.

Timothy Crabb, Assistant Director of Electric Utilities, reported on the Street Light Monitoring System. An initial investigation into street light outages started in 2007, and an RFP was put out by the City in August, 2008. ROAM nodes and new bulbs on all Thoroughfare lighting (2000 units) were installed in April, 2009. An additional 775 nodes using CSU Crews were installed in 2009-2010, and in March 2010 the City installed ROAM nodes and new bulbs in Residential lighting (approx. 2000 units). We have far exceeded any city in Texas with the amount of operational lights. System benefits include a reduction in street light maintenance O&M by about \$60,000/year. There has also been a reduction in power usage by approximately 300,000 kWh/year. Street light calls from customers are now almost nonexistent. CSU is gathering information and has learned that LEDs are seven to ten times more expensive, and we know we lose about ten to twenty lights per major lightning storm. We are the first complete street light monitoring system in Texas, and presentations have been made by CSU to several groups about our system. We have been working with ROAM to "tweak" the system and to solve critical problems. The system has performed as expected, and we are still on track for it to pay for itself in savings in less than five years.

4. Presentation, possible action, and discussion regarding the College Station Utilities (CSU) tree trimming contract and to define services available to our customers for tree removal near power lines. This item is also on the Consent Agenda - Item 2b.

Timothy Crabb, Assistant Director of Electric Utilities, this a new three-year contract with Rios. This contract will include right-of-way trimming for overhead power lines on a three-year cycle; sixteen weeks of “other” work outside maintenance trimming; trimming transmission rights-of-way; an additional eight weeks of “other” work to account for additional tree removal. They are required to have an English-speaking person on site with each tree trimming crew. The Customer Safety Assistance Tree Program assists customers in safely removing trees from areas with overhead power lines by topping trees that need to be removed near overhead power lines, and temporarily removing the overhead service to a home so that the customer can remove a tree. CSU makes sure the program is communicated to customers through the “Featured Content” in the January Utility Bill Insert, blogs and news stories, and social media. They are creating a video showing aspects of the program. Mr. Crabb stated that CSU is committed to maintaining service quality through an aggressive tree trimming program. They are committed to safety, for the system, and for the public.

5. Council Calendar

- **January 16 City Offices Closed – HOLIDAY**
- **January 18 Greenways Tour at City Hall - Main Entrance, 3:00 p.m.**
- **January 19 BCS Chamber of Commerce - Business After Hours at Briarcrest Country Club – 1929 Country Club Drive – Bryan, 5:30 p.m.**
- **January 19 P&Z Workshop/Meeting in Council Chambers at 6:00 p.m.**
- **January 23 IGC Meeting at BVCOG, 12:00 p.m.**
- **January 26 City Council Workshop/Regular Meeting at 3:00 & 7:00 p.m.**

Council reviewed the Council calendar. Staff was requested to attach the Council assignment to the P&Z meeting.

6. Presentation, possible action, and discussion on future agenda items: a Council 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.

Councilmember Fields requested a workshop regarding the ICLEI to review our membership and if it represents the interests of our citizens. Staff was directed to provide some information on this to see if a workshop item is warranted.

Councilmember Mooney requested an item to discuss street widths and on-street parking.

7. Discussion, review and possible action regarding the following meetings: Animal Shelter Board, Arts Council of the Brazos Valley, Audit Committee, Bicycle, Pedestrian, and Greenways Advisory Board, Brazos County Health Dept., Brazos Valley Council of Governments, Brazos Valley Wide Area Communications Task Force, BVSWMA, BWACS, Cemetery Committee, Code Review Committee, Convention & Visitors Bureau,

Design Review Board, Historic Preservation Committee, Interfaith Dialogue Association, Intergovernmental Committee, Joint Relief Funding Review Committee, Landmark Commission, Library Board, Metropolitan Planning Organization, National League of Cities, Outside Agency Funding Review, Parks and Recreation Board, Planning and Zoning Commission, Research Valley Partnership, Regional Transportation Committee for Council of Governments, Signature Event Task Force, Sister City Association, TAMU Student Senate, Texas Municipal League, Transportation Committee, Zoning Board of Adjustments.

Councilmember Ruesink reported on Sister Cities. They will be sponsoring students (ninth and tenth graders) for a visit to Greiswald, Germany.

Mayor Berry reported that the MPO met to discuss priorities. She will be attending the US Conference of Mayors next week.

Councilmember Mooney reported on CVB meeting and the impact to the community from the renovation of Kyle Field.

8. Executive Session

In accordance with the Texas Government Code §551.071-Consultation with Attorney, and §551.072-Deliberation Regarding Real Property, the College Station City Council convened into Executive Session at 5:01 p.m. on Thursday, January 12, 2012 in order to continue discussing matters pertaining to:

A. Consultation with Attorney to seek advice regarding pending or contemplated litigation; to wit:

- City of Bryan's application with TCEQ for water & sewer permits in Westside/Highway 60 area, near Brushy Water Supply Corporation to decertify City of College Station and certify City of Bryan
- Rachel Rahn v. Alma Martinez, The Arkitex Studio, Inc. et al, cause No. 09-000656-CV361
- Chavers et al v. Tyrone Morrow et al, No. 10-20792; Chavers v. Randall Hall et al, Case No. 10 CV-3922
- College Station v. Star Insurance Co., Civil Action No. 4:11-CV-02023
- Woodruff v. College Station, Cause No. 10-000515-CV-272
- Legal issues related to Public Works' employee complaint
- Shirley Maguire and Holly Maguire vs. City of College Station, Cause No. 11-002516-CV-272, in the 272nd District Court of Brazos County, Texas

B. Consultation with Attorney to seek legal advice; to wit:

- Legal issues related to the Borrowed Employee Agreement between College Station and BVSWMA, Inc.

C. Deliberation Regarding Real Property; to wit:

- 204-220 Holleman Dr

- Property located at or near University Drive and Tarrow/East Tarrow Streets in College Station.
- Property located generally southwest of the intersection of Dartmouth Street and Holleman Drive in College Station.

The Executive Session adjourned at 6:58 p.m. on Thursday, January 12, 2012.

No action was required from Executive Session.

9. Adjournment

MOTION: There being no further business, Mayor Berry adjourned the workshop of the College Station City Council at 6:58 p.m. on Thursday, January 12, 2012.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF COLLEGE STATION
JANUARY 12, 2012

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry

Council:

Blanche Brick
Jess Fields
Karl Mooney
Katy-Marie Lyles
Julie Schultz
Dave Ruesink

City Staff:

David Neeley, City Manager
Kathy Merrill, Deputy City Manager
Frank Simpson, Deputy City Manager
Carla Robinson, City Attorney
Sherry Mashburn, City Secretary
Tanya McNutt, Deputy City Secretary

Call to Order and Announce a Quorum is Present

With a quorum present, the Regular Meeting of the College Station City Council was called to order by Mayor Nancy Berry at 7:11 p.m. on Thursday, January 12, 2012 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

1. Pledge of Allegiance, Invocation, consider absence request.

Presentations and Recognitions:

- **Presentation of the Texas Amateur Athletic Federation Silver Member City Award and individual service awards to the Parks and Recreation Department.**

Mayor Berry and the Council recognized Sheila Walker, Recreation Supervisor, and Jana Church, Recreation Supervisor, for their service.

Citizen Comments

There were no Citizen Comments.

CONSENT AGENDA

2a. Presentation, possible action, and discussion of minutes for:

- December 8, 2011 Workshop and Regular Council Meeting
- December 15, 2011 Executive Session and Special Joint Meeting with City of Bryan

2b. Presentation, possible action and discussion regarding Resolution 01-12-12-2b, awarding a three year contract (contract no. 12-055; bid no. 12-022) for Electric System Right-of-way Clearing and Tree Trimming to Rios Tree Services, Inc. in the amount of \$1,294,002.40. This item is also on the Workshop Agenda - Item 4.

2c. Presentation, possible action, and discussion on the renewal for the rental of heavy equipment with Mustang Rental Services of Bryan, TX in the amount of \$75,000 annually.

2d. Presentation, possible action, and discussion regarding approval for the purchase of the equipment and services for upgrade of the Mobile Data Terminal (MDT) System from Moseley Associates for an amount not to exceed \$268,156.95.

2e. Presentation, possible action, and discussion regarding a contract to upgrade the Northgate Street Meter System with IPS Group, Inc. in the amount of an initial one-time cost of \$88,614 and an on-going annual cost of \$20,475.

2f. Presentation, possible action, and discussion on approval of an Amendment to the Enterprise Agreement (EA) for Microsoft software.

2g. Presentation, possible action, and discussion regarding an electric transmission Interconnection Agreement with Bryan Texas Utilities (BTU).

2h. Presentation, possible action, and discussion regarding approval of an electric transmission Interconnection Agreement with Entergy Texas, Inc. (ETI).

2i. Presentation, possible action, and discussion regarding renewal of an Agreement for Services with the Brazos Valley Softball Umpires Association to provide officiating services for City athletic leagues, programs and tournaments (Contract Number 12-093) in an amount not to exceed \$190,000.00 per year.

2j. Presentation, possible action and discussion on a one year lease extension for Gambro Healthcare of Texas (aka DaVita, Inc.) in the Chimney Hill Shopping Center. Effective August 2012, the minimum monthly rent will increase from \$2 1,53 1.61 to \$22,177.09.

Item 2i was pulled for a separate vote, and item 2j was postponed until a later date.

MOTION: Upon a motion made by Councilmember Schultz and a second by Councilmember Mooney, the City Council voted seven (7) for and none (0) opposed, to approve the Consent Agenda, less items 2i and 2j. The motion carried unanimously.

(2i)MOTION: Upon a motion made by Councilmember Lyles and a second by Councilmember Schultz, the City Council voted six (6) for and one (1) opposed, with Councilmember Fields voting against, to renew the Agreement for Services with the Brazos Valley Softball Umpires Association to provide officiating services for City athletic leagues, programs and tournaments (Contract Number 12-093) in an amount not to exceed \$190,000.00 per year. The motion carried.

REGULAR AGENDA

1. Public Hearing, presentation, possible action, and discussion regarding Ordinance 2012-3392 amending Chapter 12, "Unified Development Ordinance", Section 4.2, "Official Zoning Map" of the Code of Ordinances of the City of College Station, Texas by rezoning 17.07 acres located at 1401 Arnold Road, generally located west of the College Station Medical Center and south of the Southwood Community Park, from R-1 Single-Family Residential to PDD Planned Development District.

At approximately 7:28 p.m., Mayor Berry opened the Public Hearing.

Jesse Durden, 110 Lincoln Ave, Ste. 103, owner representative and land developer, spoke in favor of the project. Established development in the adjacent area lends itself to a senior housing development. There are plans for a walking path, and pedestrian connectivity throughout the development to link area development. It will be an amenity for the community as well. They have a written letter of support from The Med.

There being no further comments, the Public Hearing was closed at 8:00 p.m.

MOTION: Upon a motion made by Councilmember Lyles and a second by Councilmember Mooney, the City Council voted six (6) for and none (0) opposed, with Councilmember Schultz having recused herself, to adopt Ordinance 2012-3392, amending Chapter 12, "Unified Development Ordinance", Section 4.2, "Official Zoning Map" of the Code of Ordinances of the City of College Station, Texas by rezoning 17.07 acres located at 1401 Arnold Road, generally located west of the College Station Medical Center and south of the Southwood Community Park, from R-1 Single-Family Residential to PDD Planned Development District, with the meritorious modifications. The motion passed unanimously.

2. Presentation and discussion regarding the College Station Medical District Master Plan.

Bob Cowell, Director of Planning and Development, reported they are refining the elements of the Master Plan and expect to be ready for Public Hearings by spring. They hope to have identified a management structure to the extent that at this same time it can be formalized; e.g. initiate the development of a municipal management district. They also hope to identify the

initial financing mechanism (such as a TIRZ/TIF) so that they can continue to make progress with the major capital improvements and also to “capture” new value as development occurs.

3. Presentation, possible action, and discussion regarding the Council's Strategic Plan (2012), Policy Action Plan of Work, and strategies related to Diverse Growing Economy Strategic Initiative.

Bob Cowell, Director of Planning and Development, reminded Council the plan was adopted in October with the understanding that further work was needed on specific strategies. There were six strategic initiatives, and each strategic initiative has a Council-stated goal with a series of strategies developed to achieve the stated goal.

Tonight he talked about linkage to the Economic Development Master Plan through the initiative “diverse growing economy” and the City’s efforts at diversifying consumer-oriented economy. A key component of the City’s economic development strategy has been to attract outside dollars into the local economy, but it is not the only component (job creation and increased property tax base). The overarching strategy is to attract outside dollars, focusing on events and tourism, regional athletic events, and regional medical. All of these (retailers, events, athletics, and medical) allow us to be “bigger” than we are – for example if we are a regional medical center (i.e., serving a market much larger than our 97,000) then we get both the economic benefits and the facilities and doctors that are generally only available to a larger city.

Staff requests that Council verify this is the general strategy, recognizing there are related components that will still need to be discussed later. There still needs to be more discussion on the use of HOT funds and general funds, as well as recommendations about incentives. What is the City’s role?

Staff will attempt to set up dates for the Council to have a workshop on the Strategic Plan. Council requested a copy of the economic development guidelines.

4. Adjournment.

MOTION: There being no further business, Mayor Berry adjourned the Regular Meeting of the City Council at 9:12 p.m. on Thursday, January 12, 2012.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

**January 26, 2012
Consent Agenda Item No. 2b
Wolf Pen Creek TIRZ Repayment – Brazos County**

To: David Neeley, City Manager

From: Jeff Kersten, Executive Director, Business Services

Agenda Caption: Presentation, possible action and discussion on authorizing the payment of \$570,783.58 to Brazos County for repayment of unspent funds in TIRZ #1.

Recommendation(s): Staff recommends approval of this payment to Brazos County.

Summary: The Wolf Pen Creek TIRZ expired December 31, 2009. At the time the TIRZ expired there were funds of \$2,451,818.49 that were not contractually obligated, and must therefore be returned to the participating entities. The Brazos County portion of these remaining funds is \$570,783.58

Budget & Financial Summary: Funds are available in the Wolf Pen Creek TIF Fund for this repayment. The following is the breakdown of the remaining funds in the TIRZ by entity.

- City of College Station	\$645,991.56
- College Station ISD	\$1,235,043.35
- Brazos County	\$570,783.58
<hr/>	
Total	\$2,451,818.49

Attachments: N/A

**January 26, 2012
Consent Agenda Item No. 2c
Replacement Parts for Ford Vehicles**

To: David Neeley, City Manager

From: Chuck Gilman, P.E., Director of Public Works

Agenda Caption: Presentation, possible action, and discussion on approving an annual blanket purchase order for the purchase of replacement parts and components for City vehicles from Varsity Ford – Lincoln (College Station, TX) for the amount of \$60,000.00.

Relationship to Strategic Goals: Core Services and Infrastructure – Maintain and rehabilitate equipment, facilities, and infrastructure on a strategic schedule.

Recommendation(s): Staff recommends approval of an annual blanket purchase order to purchase replacement parts and components from Varsity Ford – Lincoln on an as-needed basis. Previous annual blanket purchase orders issued to Varsity Ford – Lincoln have not exceeded \$50,000; however it is estimated that \$60,000.00 should be sufficient for the coming year based on the average amount spent on replacement parts and components since January 2011 and the anticipated needs for existing vehicles and new vehicles being added to inventory this fiscal year.

Summary: Varsity Ford – Lincoln is the local sole source provider of Fords parts and services.

Purchases for replacement parts and components for existing Ford Vehicles are exempt from competitive bidding in accordance with *LGC 252.022, General Exemptions, (a) (7) (D)* which states, *“This chapter does not apply to an expenditure for a procurement of items that are available from one source, including captive replacement parts or components for equipment”*.

Budget & Financial Summary: Funds are budgeted and available in the Fleet Maintenance Account.

January 26, 2012
Consent Agenda Item No. 2d
Annual Price Agreement for Auto and Truck Tires

To: David Neeley, City Manager

From: Jeff Kersten, Executive Director Business Services

Agenda Caption: Presentation, possible action, and discussion on approving annual tire purchases from Pilger's Tire & Auto Center through the State of Texas (TXMAS) Tire Contract in the amount of \$185,000.00.

Recommendation(s): Staff recommends approval to purchase auto and truck tires from Pilger's Tire & Auto Center through the Texas Multiple Awards Schedule (TXMAS) Contract (#TXMAS-11-23V070-79). The estimated annual expenditure of \$185,000.00 is based on the average amount spent on auto and truck tires since January 2011 and the anticipated needs for new vehicles being added to inventory this fiscal year. Additionally, all side loader refuse trucks are being replaced with larger bodies which require four (4) additional tires per truck.

Summary: Pilger's Tire & Auto Center is the local (College Station, TX) TXMAS contract dealer for auto and truck tires. TXMAS contracts are developed from contracts that have been competitively bid and awarded by the federal government or any other governmental entity of any state. The contracts offer access to multiple vendors providing commodities and services at the most favored customer prices. Texas Government Code §2155.504, *Use of Schedule by Government Entities*, states that a State agency or local government may purchase goods or services directly from a vendor under a contract listed on a schedule developed under this subchapter. A purchase authorized by this section satisfies any requirement of State law relating to competitive bids or proposals. This agreement is for a one-year term beginning February 1, 2012 through January 31, 2013.

Budget & Financial Summary: Funds are available and budgeted in the Fleet Maintenance fund which is funded by all other departments.

Attachments:

Summary of TXMAS Contract #TXMAS-11-23V070-79



PILGER'S TIRE & AUTO CENTER
Contract [TXMAS-11-23V070-79](#)

Dealer for:

MICHELIN NORTH AMERICA, INC.

[On-Line Catalog/Order Processing](#)

TIRES

Corporate Office:
MICHELIN NORTH
AMERICA, INC.
ONE PARKWAY SOUTH
GREENVILLE SC 29602-
9001
USA

Send PO to:
PILGER'S TIRE & AUTO
CENTER
400 E. UNIVERSITY DRIVE
COLLEGE
STATION TX 77840
USA

Vendor ID: 17418726752

Invoice From:
PILGER'S TIRE & AUTO
CENTER
400 E. UNIVERSITY DRIVE
COLLEGE
STATION TX 77840
USA
Vendor ID:

Delivery: 30 DAYS ARO

FOB Point: DESTINATION

Terms: NET 30 DAYS

Remit To: PILGER'S TIRE & AUTO
CENTER
400 E. UNIVERSITY
DRIVE
COLLEGE
STATION TX 77840
USA

Vendor ID:

Vendor ID: 17418726752

Business
Type: Small

CONTACT: WILLIE HESS
Phone 979-696-1729
WILLIE@PILGERSTIRE.COM

January 26, 2012
Consent Agenda Item No. 2e
Annual Purchase of Auto Parts, Shop Equipment and Services

To: David Neeley, City Manager

From: Jeff Kersten, Executive Director Business Services

Agenda Caption: Presentation, possible action, and discussion on approving an annual blanket purchase order for the purchase of auto parts, shop equipment and services from NAPA Auto Parts (College Station, TX) through the Purchasing Solutions Alliance (PSA) contract for the amount of \$110,000.00.

Recommendation(s): Staff recommends approval of an annual blanket purchase order to purchase various auto parts, shop equipment and related services from NAPA Auto Parts through the Purchasing Solutions Alliance (PSA) contract (#09-102). The estimated annual expenditure of \$110,000.00 is based on the average amount spent on automotive and truck parts since January 2011 and the anticipated needs for new vehicles being added to inventory this fiscal year.

Summary: NAPA Auto Parts is the local (College Station, TX) PSA contract dealer for auto parts, shop equipment and services. PSA is a purchasing cooperative for public agencies. All products and services available for purchase through PSA contracts have been competitively bid and awarded and satisfy any State law requirements relating to competitive bids or proposals. This agreement is for a one-year term beginning January 26, 2012 through January 25, 2013.

Budget & Financial Summary: Purchases of auto parts are made through an inventory account as budgeted and available in the Fleet Maintenance Funds. Charges are made to the various departments for vehicle maintenance based on the average annual cost for each piece of equipment.

Attachments:
Summary of PSA Contract #09-102

Purchasing Solutions Alliance

a purchasing cooperative for public agencies

PSA Contract No. 09-102

Auto Parts, Shop Equipment and Services



Contract Details

Vendor POC:

Genuine Parts Company (d.b.a. NAPA Auto Parts)
 Robert L. Parks, Division Sales Manager
 Phone: (214) 654-1301
 Cell: (210) 317-6534
 Email: Robert_L_Parks@genpt.com

Contract: All inclusive selection of automotive parts and accessories, shop and service equipment, classroom and online training services, and integrated business solutions (on-site supplier owned inventory management).

Contract Term: 03.19.2010 through 03.18.2012. Three – 1 year Extensions Available.

Orders: PSA Members may place orders via phone, fax, email or through the NAPA online ordering system. PSA Members are granted access to this site by contacting the NAPA representative listed above.

Pricing: Discount from NAPA's Nationally Published Electronic Internet Price List. Reference PSA Contract No. 09-102 to the NAPA store/location your entity orders through; NAPA Major Account No. 342 and NAPA Pricing Profile should be set at 9075. [Click here](#) to download the PSA Contract 09-102 pricing discount schedule in pdf format.

Delivery: 1. F.O.B. to customer's destination, full freight allowed. Deliveries within 10 miles of a NAPA facility are made within 1 hour of the time order is received and during normal business hours for in-stock parts. For customers who are more than 10 miles from a NAPA facility but less than 30 miles, receive same day delivery on in-stock parts.

Or

2. F.O.B. to customer's destination, full freight allowed. Deliveries greater than 30 miles are shipped via UPS ground or other Common Carrier. Orders less than \$300 will be charged actual UPS or Common Carrier freight cost.

Or

Quick I



Se

3. Freight costs will be applied to parts/equipment that are not stocked within NAPA local stores and have to be assigned to one of NAPA's distribution centers.

Returns: Any NAPA product that is new and in sellable condition can be returned at anytime without any restocking fees. Items that are used and found to be unsatisfactory to an End User for any reason are returnable during the manufactures warranty period for a free replacement. All purchases will be tracked; therefore, no proof of purchase is required from customer to process a return.

**January 26, 2012
Consent Agenda Item No. 2f
Adoption of Tax Abatement Guidelines**

To: David Neeley, City Manager

From: Randall Heye, Economic Development Analyst

Agenda Caption: Presentation, possible action, and discussion regarding the City's Tax Abatement Guidelines. *This item will also be presented in the Workshop.*

Recommendation(s): Staff recommends adoption of the proposed Tax Abatement Guidelines.

Summary: Pursuant to State law, in order to provide property tax abatements to qualified economic development prospects, a set of guidelines must first be in place and adopted by the governing body. State law then requires the re-adoption of the guidelines at least every two years thereafter in order for the guidelines to remain current. Council last adopted a series of Economic Development Guidelines, including a Tax Abatement component, in January 2008.

These are only guidelines and do not commit the City to provide tax abatements. All tax abatement requests must ultimately be reviewed and approved by the City Council.

Staff anticipates coming back to Council in the fall to discuss and adopt a new set of comprehensive economic development guidelines following the completion of the City's Economic Development Master Plan.

Budget & Financial Summary: These guidelines are meant to provide direction for future economic development property tax abatements and have no negative or immediate financial impact on the City of College Station.

Attachments: Tax Abatement Resolution
Tax Abatement Guidelines and Criteria

GUIDELINES AND CRITERIA GOVERNING PROPERTY TAX ABATEMENT

CITY OF COLLEGE STATION, TEXAS

DEFINITIONS – SECTION 1

- (a) "Abatement" means the full or partial exemption from ad valorem taxes of certain real property and/or tangible personal property in a reinvestment zone designated by the City for economic development purposes.
- (b) "Agreement" means a contractual agreement between a property owner and the City for abatement of taxes.
- (c) "Base year value" means the assessed value of property within the Reinvestment Zone on January 1 preceding the execution of the Agreement plus the agreed upon value of the Eligible Property improvements and tangible personal property made after January 1 but before the execution of the Agreement.
- (d) "City" means the City of College Station, Texas.
- (e) "Eligible Property" means real and tangible personal property for both new facilities and structures, and for the Expansion or Modernization of existing facilities and structures which are reasonably likely as a result of being granted abatement to contribute to the retention or expansion of primary employment or to attract major investment in the reinvestment zone that would be a benefit to the property and that would contribute to the economic development with the City of College Station.
- (f) "Expansion" means that addition of buildings, structures, machinery, equipment, tangible personal property, or payroll for purposes of increasing production capacity.
- (g) "Facility" means property improvements completed or in the process of construction which together comprise an integral whole.
- (h) "Ineligible Property" means land, existing improvements, real property used primarily to provide retail sales or services to the public, real property used for residential purposes, real property with a productive life of less than 10 years, tangible personal property that the Brazos County Appraisal District classifies as inventory or supplies, real or tangible personal property located in the reinvestment zone prior to the effective date of the tax Abatement Agreement, or any other property for which Abatement is not allowed by law.

- (i) "Modernization" means complete or partial demolition of facilities and the complete or partial reconstruction or installation of a facility of similar or expanded production capacity. Modernization may result from the construction, alteration, or installation of buildings, structures, machinery, equipment, pollution control devices, or resource conservation equipment.
- (j) "New Facility" means a property previously undeveloped which is placed into service by means other than or in conjunction with Expansion or Modernization.
- (k) "Office Building" means a new office building, addition to an existing office building or build out of unoccupied space within an existing building.
- (l) "Productive Life" means the number of years a property improvement is expected to be in service in a Facility.
- (m) "Real Property" means land or an improvement or other property classified as such under state law.
- (n) "Reinvestment Zone" means a geographic area which meets the criteria of Section 312.202 of the Texas Tax Code.
- (o) "Tangible Personal Property" means tangible personal property classified as such under state law, but excluding inventory and/or supplies and tangible personal property that was located in the Reinvestment Zone at any time before the period covered by the Agreement with the City.

CRITERIA FOR TAX ABATEMENT – SECTION 2

- (a) Creation of New Value. Abatement may only be granted for the additional value of eligible property improvements made subsequent to and specified in an Abatement Agreement between the City and the property owner, subject to such limitations as the City may require.
- (b) New and Existing Facilities. Abatement may be granted for New Facilities and improvements to existing facilities for purposes of Modernization or Expansion.
- (c) Eligible Property. Abatement may be extended to the value of Eligible Property.
- (d) Ineligible Property. Ineligible Property shall be fully taxable and ineligible for tax Abatement.
- (e) Economic Qualification. In order to be eligible for designation as a Reinvestment Zone and receive tax Abatement, the planned improvement:

- (1) Must be expected to have an increased appraised ad valorem tax value of at least \$1,000,000 based upon the Brazos County Appraisal District's assessment of the Eligible Property.
 - (2) Must be expected to prevent the loss of payroll or retain, increase or create a payroll on a permanent basis in College Station, Texas.
- (f) Standards for Tax Abatement. The following factors among others, should be considered in determining whether to grant Tax Abatement and, if so, the percentage of value to be abated and the duration of the tax Abatement:
- (1) Value of land and existing improvements, if any;
 - (2) Type and value of proposed improvements;
 - (3) Productive life of proposed improvements;
 - (4) Number of existing jobs to be retained by proposed improvements;
 - (5) Number of type of new jobs to be created by proposed improvements;
 - (6) Amount of local payroll to be created;
 - (7) Whether persons residing or projected to reside within the City will have the opportunity to fill the new jobs being created;
 - (8) Amount of local taxes to be generated directly;
 - (9) Amount of property tax base valuation which will be increased during term of Abatement and after Abatement, which shall include a definitive commitment that such valuation shall not, in any case, be less than \$1,000,000;
 - (10) The costs to be incurred by the City to provide facilities or services directly resulting from the new improvements;
 - (11) The amount of ad valorem taxes to be paid to the City during the Abatement period considering (a) the existing values, (b) the percentage of new value abated, (c) the Abatement period, and (d) the value after expiration of the Abatement period.
 - (12) The population growth of the City that occurs directly as a result of new improvements;

- (13)The types of public improvements, if any, to be made by the applicant seeking Abatement;
 - (14)Whether the proposed improvements compete with existing businesses to the detriment of the local economy;
 - (15)The impact on the business opportunities of existing businesses;
 - (16)The attraction of other new businesses to the area;
 - (17)The overall compatibility with the zoning ordinances and comprehensive plan for the area; and/or
 - (18)Whether the project is environmentally compatible with no negative impact on quality of life perceptions.
- (g) Denial of Abatement. Neither a Reinvestment Zone nor Abatement Agreement shall be authorized if it is determined that:
- (1) There would be substantial adverse affect on the provision of government service or tax base;
 - (2) The applicant has insufficient financial capacity;
 - (3) Planned or potential use of the property would constitute a hazard to public safety, health or morals;
 - (4) Violation of other codes or laws;
 - (5) The Agreement was signed after the commencement of construction, alteration or installation of improvements related to the project; or
 - (6) Any other reason deemed appropriate by the City Council.
- (h) Taxability. From the execution of the Abatement to the end of the Agreement period taxes shall be payable as follows:
- (1) The value of Ineligible Property shall be fully taxable; and
 - (2) The Base Year Value of property in the Reinvestment Zone as determined each year shall be fully taxable. The additional value of new Eligible Property shall be fully taxable at the end of the Abatement period.

DESIGNATION OF A REINVESTMENT ZONE – SECTION 3

- (a) The City Council may not approve an ordinance designating a Reinvestment Zone until it has held a public hearing at which interested parties are entitled to speak and present evidence for or against its designation. Notice of the hearing shall be published in a general circulation publication at least seven days prior to the hearing.
- (b) Prior to entering into a tax Abatement Agreement, the City Council may, at its option, hold a public hearing at which interested parties shall be entitled to speak and present written materials for or against the approval of the tax Abatement Agreement.

TAX ABATEMENT AGREEMENT – SECTION 4

- (a) Not later than the seventh day before the date on which the City enters into the Abatement Agreement, the City shall deliver to the presiding officer of the governing body of each other taxing unit in which the property is located a written notice that the City intends to enter into the Agreement. The notice shall include a copy of the prepared Agreement.
- (b) Approval of an Agreement shall be by formal adoption of a resolution and execution of the Agreement with the owner of the Facility. The Agreement shall, but not be limited to the following:
 - (1) Include a list of the kind, number, and location of all proposed improvements to the property;
 - (2) Provide access to and authorize inspection of the property by the City to ensure compliance with the Agreement;
 - (3) Limit the use of the property consistent with the City's development goals;
 - (4) Provide for recapturing property tax revenues that are lost if the owner fails to make the improvements as provided by the Agreement;
 - (5) Include each term that was agreed upon with the property owner;
 - (6) Require the owner to annually certify compliance with the terms of the Agreement to the City; and
 - (7) Allow the City to cancel or modify the Agreement at any time if the property owner fails to comply with the terms of the Agreement.

RECAPTURE – SECTION 5

- (a) In the event that the company or individual (1) allows its ad valorem taxes owed to the City to become delinquent and fails to timely and properly follow the legal procedures for their protest and/or contest; or (2) violates any of the terms and conditions of the Agreement; the Agreement then may be terminated as allowed by law and pursuant to the terms of the Agreement, and all taxes previously abated by virtue of the Agreement may be recaptured and paid within thirty (30) days of termination.

- (b) Should the City determine that the company or individual is in default according to the terms and conditions of its Agreement, the City shall notify the company or individual of such default in writing at the address stated in the Agreement, and if such is not cured within thirty (30) days from the date of such notice, then the Agreement may be terminated.

SUNSET PROVISION – SECTION 6

These Guidelines and Criteria are effective upon the date of their adoption and will remain in force for two years, unless amended by three quarters vote of the City Council, at which time all reinvestment zones and tax Abatement Agreements created pursuant to these provisions will be reviewed to determine whether the goals have been achieved. Based on that review, the Guidelines and Criteria may be modified, renewed, or eliminated.

DISCRETION OF THE CITY – SECTION 7

The adoption of these Guidelines and Criteria by the City does not;

- (a) Limit the discretion of the City Council to decide whether to enter into a specific tax Abatement Agreement;

- (b) Limit the discretion of the City Council to delegate to its staff the authority to recommend whether or not the City Council should consider a request for tax Abatement;

- (c) Create any property, contract, or other legal right in any person to have the City Council consider or grant a specific request for tax Abatement; or

- (d) Limit the ability to deviate from these Guidelines and Criteria for good cause and as may be allowed by law.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF COLLEGE STATION, TEXAS, ESTABLISHING TAX ABATEMENT GUIDELINES AND CRITERIA FOR ECONOMIC DEVELOPMENT PROSPECTS IN THE CITY OF COLLEGE STATION; AND ELECTING TO BE ELIGIBLE TO PARTICIPATE IN TAX ABATEMENT.

WHEREAS, §312.002, Texas Tax Code, requires a taxing unit to adopt a resolution establishing guidelines and criteria governing tax abatement agreements and stating that the taxing unit elects to become eligible to participate in tax abatement; and

WHEREAS, the City Council of the City of College Station has previously expressed its intent to consider Tax Abatements and adopted Tax Abatement Guidelines and Criteria; and,

WHEREAS, the College Station City Council desires to once again adopt Tax Abatement Guidelines and Criteria; and, hereby elects to be eligible to participate in tax abatement, now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF COLLEGE STATION, TEXAS:

PART 1: That the City of College Station, Texas, hereby adopts guidelines and criteria governing tax abatements for economic development prospects as set forth in "Exhibit A" attached hereto and made a part hereof.

PART 2: That the City of College Station, Texas, hereby elects to participate in tax abatement.

PART 3: That this resolution shall be effective immediately from and after its passage.

ADOPTED this _____ day of _____, 2012.

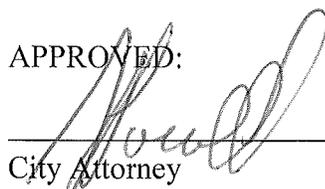
ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:



City Attorney

January 26, 2012
Regular Agenda Item No. 1
Public Hearing and Consideration of Budget Amendment # 1

To: David Neeley, City Manager

From: Jeff Kersten, Executive Director, Business Services

Agenda Caption: Public Hearing, presentation, possible action, and discussion on an ordinance Budget Amendment #1 amending ordinance number 3371 which will amend the budget for the 2011-2012 Fiscal Year in the amount of \$8,520,217 and presentation, possible action and discussion on four interfund transfers.

Recommendation(s): Staff recommends the City Council hold the public hearing on Budget Amendment #1 and approve the budget amendment ordinance and interfund transfers.

Summary: The proposed budget amendment is to increase the appropriations for the items listed below by \$8,520,217. A portion of these appropriations (\$2,696,873) is due to a transfer between funds, which results in a net overall increase in expenditures of \$5,823,344. The charter of the City of College Station provides for the City Council to amend the annual budget in the event there are revenues available to cover increased expenditures and after holding a public hearing on such budget amendment. A number of items have been identified that need to be considered in a budget amendment. Attached is a list of the items in the proposed budget amendment.

Budget & Financial Summary: The City has resources or can reasonably expect resources to cover each of the appropriations in this budget amendment. Appropriations in the amount of \$5,231,168 are for the defeasance of the Convention Center land debt. \$570,784 is included for refunding to Brazos County the County's portion of the remaining ad valorem taxes that were collected in the Wolf Pen Creek TIF. \$2,303,033 is included for FY11 budgeted expenditures that were not able to be completed in FY11. The budgets for these items are being rolled to FY12. The attached list has the complete description of the items included in the proposed budget amendment.

Attachments:

1. Budget Amendment #1 Detail List, Budget transfer detail list
2. Ordinance

FY12 Budget Amendment #1 Detail Listing

The proposed budget amendment is to increase the appropriations for the items listed below by \$8,520,217. A portion of these appropriations (\$2,696,873) is due to transfers between funds for the defeasance of the Convention Center debt; the result of which is a net overall increase in expenditures of \$5,823,344. When budget adjustments or personnel transfers between Departments and/or Funds (interfund transfers) are necessary, Council approval is required. An additional interfund transfer item is included below (item 2). This budget transfer will not increase or decrease the overall budget. Rather, the transfer will shift resources between funds.

1. Northgate Parking Street Meter Upgrade – \$95,209 (Budget Amendment)
In FY11, Council approved a one-time SLA in the amount of \$83,000 for the Northgate Parking Enterprise Fund which was intended to cover replacement and/or upgrade of the existing on-street parking meter infrastructure in the Northgate Entertainment District. After an unsuccessful attempt to bring an executed contract to Council in September 2011, this approved funding reverted back to the fund balance and this project was rebid in October. The most qualified, responsible bidder was IPS Group and a contract for \$88,614 was approved on 1-12-12. In addition to the contract amount, an additional \$6,595 is necessary to cover the cost of additional materials and labor related to the implementation of new meter equipment. Funds for this item are available in the Northgate Parking Enterprise fund balance.
2. Replacement of 2 City Vehicles with Hybrids – \$75,510 (Budget Amendment) & \$58,000 (Interfund Transfer)
The U.S. Department of Energy's (DOE) Energy Efficiency & Conservation Block Grant and a State Energy Conservation Office (SECO) grant provide funding for the increase in cost of upgrading two regular vehicles in the City's fleet to hybrid vehicles. Two regular vehicles that were budgeted for replacement in FY12 have been identified that can be replaced with hybrids. \$7,510 of the DOE Energy Efficiency & Conservation Block Grant has been approved for repurposing from a project that is anticipated to have a surplus. The SECO grant provides \$10,000 in funding for the increase in cost between two regular vehicles and two hybrid vehicles. The total purchase price of the two vehicles is \$75,510. Funds in the amount of \$58,000 were included in the FY12 Equipment Replacement Fund budget for the replacement of the two regular vehicles. As the vehicles will be purchased out of the ARRA Fund, this item approves a \$58,000 transfer from the Equipment Replacement Fund to the ARRA Fund to be used toward the purchase of the vehicles. All Interfund transfers must be approved by Council. The item also approves the appropriation of \$75,510 in the ARRA Fund for the total purchase price of the two hybrid vehicles.
3. Replacement of Wastewater Sludge Truck – \$115,616 (Budget Amendment)
This item is to appropriate budget in the Equipment Replacement Fund for the replacement of the wastewater sludge transport vehicle that was totaled in an accident on September 14, 2011. This vehicle has been in the City's fleet for 10 years and was originally scheduled to be replaced in FY13. The replacement cost of the vehicle is \$160,616. A portion of this cost (\$45,000) will be offset with savings that were realized with the purchase of another wastewater vehicle that was replaced in FY12. This item will appropriate the balance of the budget needed for the purchase of the sludge truck, \$115,616. Funds for this purchase are available in the balance of the Equipment Replacement Fund.
4. Wolf Pen Creek TIF Payments – \$570,784 (Budget Amendment)
The Wolf Pen Creek TIF expired on 12/31/2009. After consultation with outside legal counsel and bond counsel, it was determined that any debt not yet issued or TIF funds not spent or encumbered prior to the termination of the TIF cannot be used to fund projects. On November 10, 2011, City Council rejected

FY12 Budget Amendment #1 Detail Listing

proposals for the construction of a water feature and festival area at Wolf Pen Creek. On November 21, 2011, Council gave direction to refund Brazos County their remaining portion of ad valorem taxes that had been collected. Brazos County will be refunded \$570,783.58. The budget must be rounded to the next whole dollar. This item will appropriate the budget for this payment.

5. Fleet Wash Rack Completion – \$89,272 (Budget Amendment)

The FY11 Approved Budget included an SLA in the amount of \$100,000 for the design and construction of a wash rack at the fleet shop that will improve the efficiency of Streets Maintenance, Drainage Maintenance, Sanitation, and Fleet Maintenance divisions. It was anticipated that the project would be completed in FY11, but, due to delays, it was not. This item will appropriate the remaining budget from the FY11 SLA for this project in the FY12 budget. The original SLA for this project is funded 50% through the General Fund and 50% through the Fleet Maintenance Fund. Funds are available in the balances of both funds for the project. These funds are available in the respective fund balances as they were not spent in FY11. Due to unforeseen issues pertaining to the drainage and runoff from the current wash rack site as well as the future wash rack site, the current total estimate for the project has increased to \$171,625. As a significant portion of this additional cost is related to drainage issues, the additional funding that is necessary to complete the project will come from the Minor Drainage Improvement funds currently budgeted in the Drainage Fund.

6. Convention Center Land Debt Defeasance – \$2,696,873 (Budget Amendment and Interfund Transfers in Hotel Tax and Chimney Hill Funds), \$2,534,295 (Budget Amendment in the Debt Service Fund)

This item will appropriate budget in the Hotel Tax Fund for the defeasance of the debt (Certificates of Obligation) that was issued in FY09 for the purchase of land for a future convention center. On July 25, 2011, Council determined that it no longer intends to construct a convention center on the purchased property. Due to the change in use of the property, remedial action needed be taken to maintain the tax-exempt status of the Certificates of Obligation. On November 21, 2011, Council approved the defeasance of the Certificates of Obligation which removes the federal tax limitations that were placed on the use of the property. The total defeasance is \$2,728,320.40. A portion of the budget needed (\$198,624) will be offset by the budget currently included in the Hotel Tax Fund for the portion of the FY12 service payment that will not occur. This item will appropriate \$2,106,376 to the Hotel Tax Fund for the principal portion of the defeased bonds and will appropriate \$423,320 to the Chimney Hill Fund for the interest portion of the defeased bonds as well as the costs related to the defeasance. These funds will then be transferred to the Debt Service Fund for payment of the bond defeasance. This item will provide approval and establish the budgets for the interfund transfers and will establish the budget a budget of \$2,534,295 in the Debt Service Fund for the payment of the bond defeasance and related costs. The total payment is \$2,728,320.40. A portion of this (\$194,025) will be offset by budget already established in the Debt Service Fund.

In addition, this item will establish a budget of \$167,177 in the Hotel Tax Fund which will be transferred to the Debt Service Fund. For tax purposes, the defeasance calculation was based upon the total amount of bonds issued in 2009. As a result of this calculation method, it was determined that the first two years' payments for the Convention Center debt should have been \$167,177 higher. This interfund transfer will reimburse the Debt Service Fund for this cost. These funds are available in the funds' respective fund balances.

7. Neighborhood Park Land Zone 6 Reimbursement - \$31,168 (Budget Amendment)

FY12 Budget Amendment #1 Detail Listing

On November 21, 2011, Council approved a reimbursement of Neighborhood Park Land Zone 6 fees to the developer of Campus Village, CVCS, LLC. The Planned Development District zoning for the Campus Village development allowed for a dollar-for-dollar credit in lieu of the Neighborhood Park Development Fee for the construction of a public multi-use path. In July 2010, CVCS, LLC paid \$120,668 in Neighborhood Park Development Fees as part of the construction of 194 multi-family units with Phase 1A. The fees were paid since the multi-use path had not yet been constructed. The funds were deposited into the Neighborhood Park Land Zone 6 Fund. The multi-use path was subsequently constructed and accepted and the developer has requested reimbursement of the fees for credit for construction of the multi-use path. The Neighborhood Park Land Zone 6 Fund has a current uncommitted balance of \$159,624. The budget for the reimbursement was not included in the FY12 Approved Budget as it was not known at the time the budget was developed that the reimbursement would be made. \$89,500 budget is available for Park Land Zone 6 expenditures that will be used toward the budget for the reimbursement. This item reflects the balance of the budget needed for the reimbursement.

8. Heritage Programs - \$0 (Departmental and 0.5 FTE transfer)
The Heritage Programs record keeping function is being transferred from the Parks and Recreation Department (PARD) to the City Secretary's Office (CSO). A total of \$28,200 and 0.5 FTE will be transferred from the PARD budget to the CSO's budget. PARD will keep the events portion of Heritage Programs and will keep \$9,595 for this program. There is a net zero impact on General Fund appropriations and full-time equivalents.
9. Increase to Fire Department for Grant – \$3,457 (Budget Amendment)
The Fire Department was awarded the Rolf Jensen Grant (FD1102) in FY2011 in the amount of \$5,000. \$3,457 of the grant was unable to be spent in the FY11 budget and is being requested to be rolled forward into FY12 to complete the grant. This grant provides fire prevention education materials for the Fire Prevention division of the Fire Department. The funds were received in the General Fund and are available in the General Fund Fund balance for this expense.
10. College Station History Book Funding - \$5,000 (Budget Amendment)
The College Station Historic Preservation Committee requests an increase in the amount of \$5,000 to cover the cost of writing the 75th anniversary history book. This increases the total funding for the author to \$10,000. Funds are available in the General Fund Fund balance for this expense.
11. Encumbrance Roll - \$ 2,303,033 (Budget Amendment)
Several expenditures were not completed in FY2011 due to timing issues. These purchases were budgeted and encumbered in FY2011, but were not received until FY2012. The General Fund purchases include \$146,933 in Security System upgrades, irrigation projects, legal services, and grant purchases. Other funds include: \$54,463 for the Medical Corridor Study; \$34,984 for ARRA Grant construction and equipment; \$807,945 for the Dispatch building and electric transmission settlement; \$1,255,201 in Equipment Replacement expenditures; and various other purchases totaling \$3,507. The encumbrance roll increases the budget appropriation in each of the appropriate funds.

ORDINANCE NO. _____

AN ORDINANCE (BUDGET AMENDMENT 1) AMENDING ORDINANCE NUMBER 3371 WHICH WILL AMEND THE BUDGET FOR THE 2011-2012 FISCAL YEAR AND AUTHORIZING AMENDED EXPENDITURES AS THEREIN PROVIDED.

WHEREAS, the City Council of the City of College Station, Texas, approved its Budget Ordinance for the 2011-2012 Fiscal Year on September 22, 2011; and

WHEREAS, the City Council of the City of College Station, Texas, desires to amend the approved Budget Ordinance; and

WHEREAS, this amendment was prepared and presented to the City Council and a public hearing held thereon as prescribed by law and the Charter of the City of College Station, Texas, after notice of said hearing having been first duly given; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

Part 1: That Part 1 of the Budget Ordinance for the 2011-2012 Fiscal Year is amended to read as follows:

"PART 1: That the proposed budget as amended by the City Council of the City of College Station, which is made a part hereof to the same extent as if set forth at length herein, is hereby adopted and approved, a copy of which is on file in the Office of the City Secretary in College Station Texas. Amended appropriations for fiscal year 2011-2012 for the General Fund are \$60,761,911; for the Economic Development Fund are \$782,917; for the ARRA Fund are \$175,494; for the Hotel Tax Fund are \$4,400,202; for the Wolf Pen Creek TIF Fund are \$570,784; for the Chimney Hill Fund are \$548,320; for the Debt Service Fund are \$15,183,297; for the Parkland Dedication Funds are \$1,254,541; for the Northgate Parking Enterprise Fund are \$1,180,984; for the Electric Fund are \$99,044,317; for the Equipment Replacement Fund are \$5,455,643; and for the Fleet Maintenance Fund are \$1,709,149. All other appropriations as originally adopted and amended by the City Council remain in full force and effect."

Part 2: That this ordinance shall become effective immediately after passage and approval.

PASSED and APPROVED this _____ day of _____ 2012.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:



City Attorney

January 26, 2012
Regular Agenda Item No. 2
Rezoning for 4050 Holleman Drive South

To: David Neeley, City Manager

From: Bob Cowell, AICP, CNU-A, Executive Director - Planning & Development Services

Agenda Caption: Public Hearing, presentation, possible action, and discussion regarding an Ordinance amending Chapter 12, Unified Development Ordinance”, Section 4.2, “Official Zoning Map”, of the Code of Ordinances, more specifically, rezoning from R-3 Townhouse to R-4 Multi-Family Residential for 10.434 acres located at 4050 Holleman Drive South, generally located south of the Las Palomas Subdivision.

Relationship to Strategic Initiatives: Financially Sustainable City, Core Services and Infrastructure, Neighborhood Integrity, Diverse Growing Economy, Sustainable City

Recommendation(s): The Planning and Zoning Commission considered this item at their January 5, 2012 meeting and voted 7-0 to recommend approval of the rezoning request.

Staff also recommended approval of the request.

Summary: The Unified Development Ordinance provides the following review criteria for zoning map amendments:

Review Criteria

1. Consistency with the Comprehensive Plan:

The R-4 Multi-Family Residential zoning request is in compliance with the Future Land Use and Character Map that designates this property as Urban. An Urban land use designation is for areas intended for intense development activities such as townhomes, duplexes, and apartments, all of which are allowed in the R-4 zoning district.

Existing surrounding development includes duplex housing and several single-family residential uses. The property immediately north of the subject tract is designated as Urban, and is currently developed as Las Palomas Subdivision, a duplex development.

The recent expansion of Growth Area V, as identified on the Comprehensive Plan Concept Map, will enable commercial activities on the property to the south of the subject tract. The property to the south is designated as Restricted Suburban on the Comprehensive Plan Land Use and Character Map, but the Growth Area V designation expands the uses to include townhouse and suburban commercial activities when part of a larger development. The proposed R-4 zoning on the subject property may be considered as a possible transition between potential commercial activities and the existing residential developments.

In addition, the subject tract is bordered on the east side by Holleman Drive South, designated as a future 4-Lane Major Collector. Within the bounds of the tract is the future extension of Cain Road, a 2-Lane Minor Collector. The intersection of two collectors is an appropriate location for a slight increase in intensity to transition the land uses toward the proposed single-family development to the west.

2. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:

The land use to the east (across Holleman Drive South) and south are single-family houses with an A-O Agricultural-Open zoning. To the north, the Las Palomas duplex subdivision is also zoned A-O Agricultural-Open. This development existed prior to annexation, and does not meeting zoning regulations. The property to the west, zoned R-1 Single-Family Residential, is included in the Master Plan for the Great Oaks Subdivision which is intended to be a medium-density single-family development. Also in the area are duplexes along Cain Road and future townhouses as part of the planned Barracks development. The planned University Oaks development, just north of Las Palomas, is zoned A-O Agricultural-Open, R-1 Single-Family, R-3 Townhouses, and R-4 Multi-Family. In general, the zoning request is compatible with the existing and planned developments in the area.

The proposed R-4 zoning district, which allows townhomes, duplexes, and apartments, will allow a maximum of 20 dwelling units per acre. This will mimic the nearby R-4 zoning in the preliminary platted University Oaks Subdivision, located on the northern side of Las Palomas Subdivision.

If the development occurs on the subject tract as multi-family, a 10-foot planted buffer and a fence will be required along the property line abutting the Great Oaks Subdivision.

3. Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment:

The suitability of the proposed R-4 zoning is tied to the site planning requirements found in the Unified Development Ordinance. Instead of townhomes developing under single-family regulations, apartments will be site-planned using standards that ensure maximum compatibility between land uses. In addition, apartment complexes are typically commonly owned and operated by a single management entity. This is in contrast to townhouses that may be sold and operated separately. In addition, apartment parking is calculated to accommodate multiple renters per units, instead of only two parking spaces required per townhouse.

4. Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:

The current zoning of the property, R-3 Townhomes, is suitable for the subject tract, is in compliance with the Comprehensive Plan, and is compatible with the surrounding zoning. The challenges associated with townhouses that operate as multi-family properties are the lack of site planning, landscaping, and buffer requirements. Townhouses may be constructed without following the same standards required for apartments. Though the density is less in R-3, development standards and requirements are less for the end product than with the R-4 zoning district.

5. Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:

The applicant has implied that due to right-of-way dedication requirements associated with the Thoroughfare Plan and the Subdivision Regulations, the marketability of the property is compromised, increasing the cost per developable acre. Staff recognizes the impact that dedication for Holleman Drive South and the future Cain Road extension has on the subject tract. However, Staff does not believe that the situation is unique to this property, as the

Cain Road extension is a proposed 2-Lane Minor Collector which is required when block length is exceeded within a non-single-family residential subdivision plat.

6. Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use:

The subject tract is located within the Wellborn Water service area. Future platting and development of the tract will have to provide adequate fire flow to support the proposed use. The subject tract is located just south of a 12-inch sanitary sewer main as it crosses Holleman Drive and heads east, this main gravity flows into the Bee Creek Trunk Line. This respective trunk line's sub-basin currently serves many developments along FM2818, from areas east of Wellborn Road, to the Carters Creek Wastewater Treatment Plant. Much of the existing trunk line was constructed in 1973 and was shown to have several surcharging line segments in the 2011 HDR Sanitary Sewer Collection System Master Plan Update. The City is currently in the process of initializing a Capital Improvement Project in anticipation of the ultimate build-out demand anticipated for the subject sewer shed area. The proposed capital project is currently in the design phase. The subject tract is not located within a FEMA regulated Special Flood Hazard Area. Development of the subject tract will be required to mitigate post development flows and follow the BCS Storm Water Design Guidelines. The subject tract takes access to Holleman Drive, a 4-Lane Major Collector – Suburban Context, on the College Station Thoroughfare Plan. Per the City's thoroughfare plan there is a 2-Lane Minor Collector which is proposed along the northern property boundary of this property.

Budget & Financial Summary: N/A

Attachments:

1. Background Information
2. Aerial & Small Area Map (SAM)
3. Draft Planning & Zoning Commission Minutes – December 15, 2011
4. Ordinance

BACKGROUND INFORMATION

NOTIFICATIONS

Advertised Commission Hearing Date: January 5, 2012

Advertised Council Hearing Dates: January 26, 2012

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:

N/A

Property owner notices mailed: 31

Contacts in support: None as of December 22, 2011

Contacts in opposition: Two letters were submitted in opposition. The first letter expresses concern with the mix of land uses and availability of sewer capacity. The second letter, in the form of an email, was in opposition to student housing in the area and possible impact on property value.

Inquiry contacts: 1

ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North	Urban	A-O Agricultural-Open	Las Palomas Subdivision (duplexes)
South	Restricted Suburban and Growth Area V	A-O Agricultural-Open	single-family residential
East	4-Lane Major Collector Urban	 A-O Agricultural-Open	Holleman Drive South single-family residential
West	Restricted Suburban	R-1 Single-Family Residential	Great Oaks Subdivision (vacant)

DEVELOPMENT HISTORY

Annexation: March 2008

Zoning: A-O Agricultural-Open upon annexation
R-3 Townhouse (May 2008)

Final Plat: Unplatted

Site development: The site is currently developed as a duplex complex that consists of 27 units on a single lot.

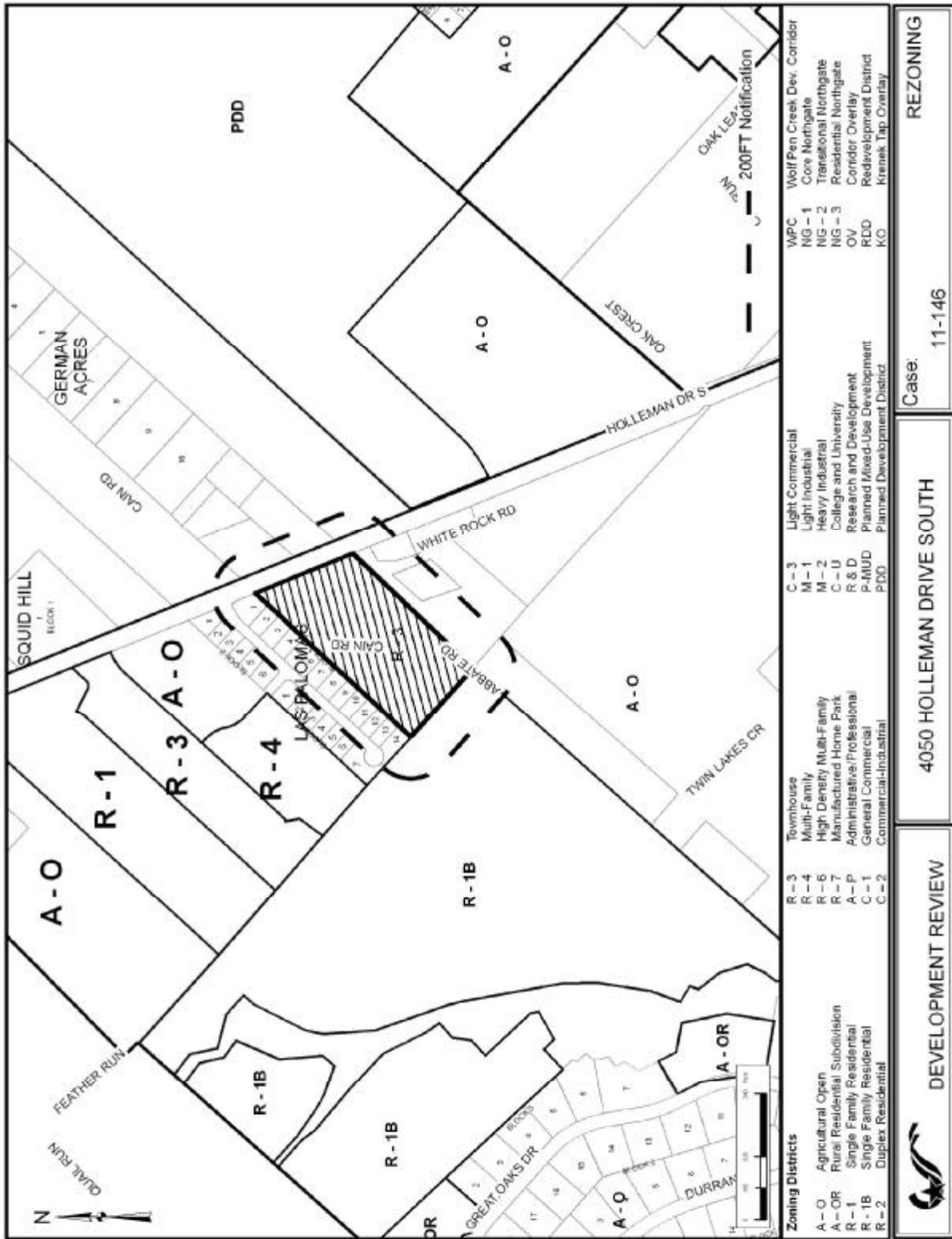


REZONING
Case: 11-146

4050 HOLLEMAN DRIVE SOUTH

DEVELOPMENT REVIEW





REZONING
Case: 11-146

4050 HOLLEMAN DRIVE SOUTH

DEVELOPMENT REVIEW





**DRAFT MINUTES
PLANNING & ZONING COMMISSION
Regular Meeting
January 5, 2012, 7:00 p.m.
City Hall Council Chambers
College Station, Texas**

COMMISSIONERS PRESENT: Chairman Mike Ashfield, Craig Hall, Bo Miles, Jodi Warner, Jim Ross, Jerome Rektorik, and James Benham

COMMISSIONERS ABSENT: None

CITY COUNCIL MEMBERS PRESENT: Julie Schultz

CITY STAFF PRESENT: Bob Cowell, Lance Simms, Alan Gibbs, Jason Schubert, Lauren Hovde, Matt Robinson, Joe Guerra, Josh Norton, Mary Ann Powell, Brittany Caldwell, and Carrie McHugh

1. **Call meeting to order**

Chairman Ashfield called the meeting to order at 7:07 p.m.

Regular Agenda

8. Public hearing, presentation, possible action, and discussion regarding a rezoning from R-3 Townhouse to R-4 Multi-Family Residential for 10.434 acres located at 4050 Holleman Drive South, generally located south of the Las Palomas Subdivision. **Case #11-00500146 (LH) (Note: Final action on this item is scheduled for the January 26, 2012 City Council Meeting - subject to change)**

Staff Planner Hovde presented the rezoning and recommended approval.

There was general discussion amongst the Commission regarding the rezoning.

Greg Jasper, applicant, stated that it was brought to his attention that a density higher than townhomes was needed on this property. He said that this rezoning would allow for an additional 60 units.

Chairman Ashfield opened the public hearing

No one spoke during the public hearing.

Chairman Ashfield closed the public hearing.

There was general discussion amongst the Commission regarding the rezoning.

Commissioner Ross motioned to recommend approval of the rezoning. Commissioner Warner seconded the motion, motion passed (7-0).

10. Adjourn.

The meeting was adjourned at 9:10 p.m.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," SECTION 4.2, "OFFICIAL ZONING MAP," OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES AS DESCRIBED BELOW; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That Chapter 12, "Unified Development Ordinance," Section 4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this 26th day of January, 2012

APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED:

Carla A. Robinson

City Attorney

EXHIBIT "A"

That Chapter 12, "Unified Development Ordinance," Section 4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, is hereby amended as follows:

The following 10.434 acres of property is rezoned from R-3 Townhouse to R-4 Multi-Family Residential, as described Exhibit "B" and shown graphically in Exhibit "C":

EXHIBIT "B"

TRACT 2

**METES AND BOUNDS DESCRIPTION
OF A
10.434 ACRE TRACT
CRAWFORD BURNETT LEAGUE, A-7
BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE CRAWFORD BURNETT LEAGUE, A-7, BRAZOS COUNTY, TEXAS. SAID TRACT BEING THE SAME TRACT OF LAND AS DESCRIBED BY A DEED TO ALBERT P. RIBISI AND ANNE K. RIBISI (TRACT 1), RECORDED IN VOLUME 1169, PAGE 506 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

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

BEGINNING AT A ½ INCH IRON ROD FOUND ON THE SOUTHWEST RIGHT-OF-WAY LINE OF JONES-BUTLER ROAD (100' R.O.W.) MARKING THE EAST CORNER OF LOT 1, BLOCK 1, LAS PALOMAS SUBDIVISION RECORDED IN VOLUME 7367, PAGE 53 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, AND THE NORTH CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: S 22° 10' 35" E ALONG SAID RIGHT-OF-WAY FOR A DISTANCE OF 524.64 FEET TO A 5/8 INCH IRON ROD SET MARKING THE NORTH CORNER OF THE REMAINDER OF A 208.32 ACRE TRACT DESCRIBED BY A DEED TO GRACE STALLONE ABBATE AND CHARLES ANTHONY ABBATE IN VOLUME 2310, PAGE 12 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, AND THE EAST CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: S 42° 57' 42" W ALONG THE NORTHWEST LINE OF SAID ABBATE TRACT FOR A DISTANCE OF 843.90 FEET TO A ½ INCH IRON ROD FOUND ON THE SOUTHWEST LINE OF THE CRAWFORD BURNETT LEAGUE, A-7 AND THE NORTHEAST LINE OF THE JAMES ERWIN SURVEY, A-119, MARKING THE EAST CORNER OF THE REMAINDER OF A 208.523 ACRE TRACT DESCRIBED BY A DEED TO INDIVISIA CORPORATION IN VOLUME 3812, PAGE 320 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, AND THE SOUTH CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: N 48° 09' 11" W ALONG THE SOUTHWEST LINE OF THE CRAWFORD BURNETT LEAGUE, A-7 FOR A DISTANCE OF 472.53 FEET TO A ½ INCH IRON ROD FOUND MARKING THE SOUTH CORNER OF LOT 14, BLOCK 1 OF SAID LAS PALOMAS SUBDIVISION AND THE WEST CORNER OF THIS HEREIN DESCRIBED TRACT;

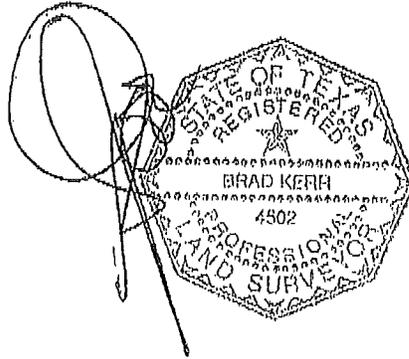
THENCE: N 42° 46' 12" E ALONG THE SOUTHEAST LINE OF SAID LAS PALOMAS

EXHIBIT "B" CONTINUED

TRACT 2

SUBDIVISION FOR A DISTANCE OF 1073.67 FEET TO THE POINT OF BEGINNING CONTAINING 10.434 ACRES OF LAND, MORE OF LESS, AS SURVEYED ON THE GROUND JUNE, 2007 SEE PLAT PREPARED JUNE, 2007, FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.

BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502



C:/DRAWINGS/MAB/07-398A.MAB

**January 26, 2012
Regular Agenda Item No. 3
Rezoning for 12900 Old Wellborn Road**

To: David Neeley, City Manager

From: Bob Cowell, AICP, CNU-A, Executive Director - Planning & Development Services

Agenda Caption: Public Hearing, presentation, possible action, and discussion regarding an amendment to Chapter 12, "Unified Development Ordinance", Section 4.2, "Official Zoning Map" of the Code of Ordinances of the City of College Station, Texas by rezoning 2.39 acres located at 12900 Old Wellborn Road, generally located at the intersection with North Graham Road, from A-O Agricultural Open to PDD Planned Development District.

Relationship to Strategic Initiatives: Financially Sustainable City, Core Services and Infrastructure, Neighborhood Integrity, Diverse Growing Economy, Sustainable City

Recommendation(s): The Planning and Zoning Commission considered this item at their January 5, 2012 meeting and voted 7-0 to recommend approval of the rezoning request with conditions that define the extent of most of the requested meritorious modifications. The conditions the Commissions recommended are: Phase One be required to install curb (wheel) stops at the head of each parking spot, plants be planted in planters where each parking island was supposed to be, and the outdoor sales area be limited to approximately 3,000 square feet, and that Phase Two be required to have a parking ratio of 1:350, the entire outdoor sales area would be screened except for the north-facing side and the outdoor sales area be limited to approximately 10% of the site area. Staff recommended denial of the request due to the extent and open-ended nature of the meritorious modification requests.

Summary: The Unified Development Ordinance provides the following review criteria for zoning map amendments:

BACKGROUND OF PROPOSED REQUEST

The subject property is located in an area designated as Suburban Commercial on the Comprehensive Plan Future Land Use and Character Map. As a standard zoning district that meets the intent of the Suburban Commercial designation has not yet been created, property owners desiring to change the zoning of their property in these areas have been directed to apply for a PDD Planned Development District zoning. This practice has allowed several projects to move forward in the interim helping to achieve the goals of the Comprehensive Plan while continuing to comply with other applicable City standards and requirements.

The subject property has existing improvements from a previous use that the applicant proposes to utilize for the sale of building products and materials similar to the existing adjacent use. The Concept Plan is proposed in two phases with Phase 2 being the anticipated build-out and full redevelopment of the site with a few meritorious modifications. For Phase 1, the applicant proposes to make some adjustments to the existing site to allow use of the property similar to its current state. A number of meritorious modifications are requested as part of Phase 1 to allow new parking rows to be constructed on existing asphalt paving without having to meet current standards for the new parking areas. Staff is

supportive of the proposed use and the eventual build-out of the site as generally proposed in Phase 2, but does not feel the modifications requested as part of Phase 1 are warranted.

REVIEW CRITERIA

- 1. Consistency with the Comprehensive Plan:** The requested zoning is PDD Planned Development District with a base zoning district of C-3 Light Commercial, for a retail sales, warehousing, and fabrication of building products and building supplies. The Comprehensive Plan designates the subject property and properties to the north as Suburban Commercial on the Future Land Use and Character Map. The Suburban Commercial land use designation is generally for concentrations of commercial activities that cater primarily to nearby residents versus the larger community or region. Generally, these areas tend to be small in size and located adjacent to major roads, such as arterials and collectors. The physical design of structures should be compatible in size, roof type and pitch, architecture, and lot coverage with the surrounding single-family residential uses. The adjacent area to the west is designated by the Comprehensive Plan as Business Park which is intended for areas that include office, research, or industrial uses.
- 2. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:** The existing land use adjacent to the north is primarily retail sales and builder supply, including retail lighting, swimming pool, and flooring sales. The adjacent property to the west is currently vacant but was recently rezoned for quasi-industrial uses that include office and self-storage. The proposed PDD will initially utilize the existing structure for retail sales of building products and materials which is compatible in character to the existing and future adjacent uses. Phase 2 expands the retail building and outdoor sales area and adds a building product fabrication and warehousing use on the western part of the property adjacent to the Business Park designated area.
- 3. Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment:** The proposed PDD zoning allows the phased use of the property initially as retail sales of building products and building materials with future expansion to also permit fabrication and warehousing of building products and materials. While the use is more commercial-industrial in nature, the form and aesthetics of the development can be addressed through the PDD to meet the intent of the Suburban Commercial and adjacent Business Park land use designations and fit the surrounding context.
- 4. Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:** Suitability of property for A-O Agricultural Open uses, including the continuation of the property as a commercial garden / greenhouse / landscape maintenance use. The A-O districts is generally a holding district or an interim zoning in areas where properties are developing. While the previous landscaping use is viable, the Comprehensive Plan anticipates the property will develop with more intensive Suburban Commercial uses.
- 5. Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:** Marketability of the property zoned as A-O Agricultural Open. The property was zoned A-O Agricultural Open upon annexation into the City limits in 2002. The previous use on the site was permitted in the A-O district. The property, however, likely has limited marketability with the current A-O Agricultural Open zoning due to the limited amount of commercial uses available in the A-O district.

6. **Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use:** The subject property is located in the Wellborn Special Utility District water service area. Future development of the tract will be required to meet fire flow requirements per the BCS United Water System Design Guidelines. The subject tract is proposed to be served by an on-site sanitary sewer system, which is required to be permitted through the Brazos County Health Department. The subject tract is not located within a FEMA regulated Special Flood Hazard Area. Future development of the tract will be required to meet the BCS United Storm Water Design Guidelines. The subject tract has access to two thoroughfares, per the City's thoroughfare plan: Old Wellborn Road (2 Lane Minor Collector – Suburban Context) and North Graham Road (2 Lane Major Collector).

REVIEW OF CONCEPT PLAN

The applicant has provided the following information related to the purpose and intent of the proposed Planned Development District (PDD):

“The purpose of the development is to provide sales of building supplies and accessories similar to existing adjacent uses. The proposed use fits current and future uses in the area.”

Proposed uses include retail sales, warehousing, and fabrication building products and building materials. The development will utilize C-3 Light Commercial as the base zoning district for development standards. The proposed range of building heights is 24 feet to 36 feet with roof pitches between 2:12 and 4:12.

The Concept Plan shows development of the site in two phases. In Concept Plan Phase 1, the applicant proposes to make some adjustments to the existing site to allow use of the property similar to its current state. Two existing driveways to North Graham Road will be removed and landscaping provided. New parking rows on the existing asphalt paving will be added to serve the proposed use but not meet current development standards.

The Unified Development Ordinance (UDO) allows for existing non-conforming circumstances to be continued but requires that new improvements or modification to existing ones meet current development standards. Because of the change of use and the number of non-conformities related to a site that developed several years ago while located in the County, the applicant proposes several modifications to applicable development standards as described below:

1. **UDO Section 7.2.D. End Islands:** This modification eliminates the requirement of curbed landscape “end” islands at each end of a row of parking spaces. The applicant proposes to create new parking rows without providing a minimum 180-square foot raised, curbed landscape island at the end of each parking row. Based on the information provided in Concept Plan Phase 1, the outline of end islands will be striped on the existing pavement.
2. **UDO Section 7.2.E. Interior Islands:** This modification eliminates the requirement of landscape islands in the interior of parking areas as an additional 180-square foot of island area is required for every 15 parking space provided.

3. **UDO Section 7.2.H. Curbing Required:** This modification eliminates the requirement of curbing around the perimeter of all paved parking areas. The applicant proposes to stripe the parking spaces and drive isles of the parking lot with white striping.
4. **UDO Section 7.11.B.2 Permanent Outdoor Sales Areas:** This modification eliminates the requirement that caps the maximum outdoor sales area to 2,500 square feet or 10% of the total site area, whichever is less. Also, eliminated is the requirement to screen outdoor sales areas with a minimum six-foot screen or wall. Concept Plan Phase 1 proposes an outdoor sales area of approximately 2,904 square feet and the applicant has expressed a desire to not screen the outdoor sales area as required.

Concept Plan Phase 2 includes the development of the remainder of the property as well as redevelopment of Phase 1. The existing driveway to Old Wellborn Road used in Phase 1 will be removed and cross access provided to the existing commercial property to the north. The entire parking lot will be redeveloped in compliance with current standards. The existing structure will be replaced and/or expanded and the outdoor sales area will be expanded to the north. A fabrication building will be added to the west, stormwater detention facilities provided for the new improvements, and the North Graham Road driveway will be moved. The applicant has requested the following modifications for Concept Plan Phase 2:

1. **UDO Section 7.2.I. Number of Off-Street Parking Spaces Required:** This modification eliminates the requirement for off-street parking for the development. The applicant's representative has expressed a desire to meet a parking ratio of 1 parking space per 350 square feet of use, a C-2 Commercial-Industrial zoning district parking standard, instead of 1 parking space per 250 gross square feet of use, the standard C-1 General Commercial and C-3 Light Commercial parking standard.
2. **UDO Section 7.11.B.2 Permanent Outdoor Sales Areas:** This modification eliminates the requirement that caps the maximum outdoor sales area to 2,500 square feet or 10% of the total site area, whichever is less. Also, eliminated is the requirement to screen outdoor sales areas with a minimum six-foot screen or wall.

The applicant has proposed the following as community benefits and/or innovative design concepts to justify the requested modifications:

1. Driveways will be eliminated and access to the site simplified.
2. The existing structure will remain in use until the completion of Phase 2.
3. The existing structure fits the design expectations of the Suburban Commercial land use.
4. Future use of lot in Phase 1 will add jobs to the local economy.
5. Future use of lot in Phase 1 will add tax revenue to the City of College Station.

In evaluating the proposed Concept Plan, staff recognizes there are usually complexities in redeveloping an existing site. Concept Plan Phase 2 depicts the eventual redevelopment and build-out of the site. Staff is supportive of the Phase 2 with some revision to the requested meritorious modifications. Staff would recommend approval of Phase 2 if the proposed modifications were revised as follows:

- Define the waiver to UDO Section 7.2.I. Number of Off-Street Parking Spaces Required to limit the reduction of the required parking ratio from 1:250 to 1:350, recognizing the proposed use has a lower parking demand than typical retail uses; and
- Define the waiver to UDO Section 7.11.B.2 Permanent Outdoor Sales Areas to allow an outdoor sales area of up to 10% of the total site area without the 2,500 square

foot maximum, recognizing the type of material being displayed is larger in scale than that typically displayed in retail areas. Standard screening requirements would still apply.

Concept Plan Phase 1 proposes to use the existing site and structure with some changes. The applicant proposes to create new parking rows that do not meet curbing and landscape island standards. While asphalt pavement exists on the site, the dimensions of the site do not preclude the construction of a parking area that meets current standard. Staff has suggested that the parking provided in Phase 1 be constructed such that it can be continued to serve the use as it expands in Phase 2 and not need to be redeveloped. In addition, the applicant has requested a waiver to eliminate the requirement that addresses the amount of outdoor sales area and the screening associated with it. There has been some discussion with the applicant regarding possible alternatives to the standard requirements though the requested modification has the effect of waiving the requirement in full. Specifically as it relates to Phase 1, staff cannot be supportive of using the PDD zoning process to obtain blanket waivers to standard development requirements in which other developments comply and that are not related to the proposed build-out of the site or physical constraints of the site.

Budget & Financial Summary: N/A

Attachments:

1. Background Information
2. Aerial & Small Area Map (SAM)
3. Draft Planning & Zoning Commission Minutes – January 5, 2012
4. Ordinance

BACKGROUND INFORMATION

NOTIFICATIONS

Advertised Commission Hearing Date: January 5, 2012
 Advertised Council Hearing Dates: January 26, 2012

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:

N/A

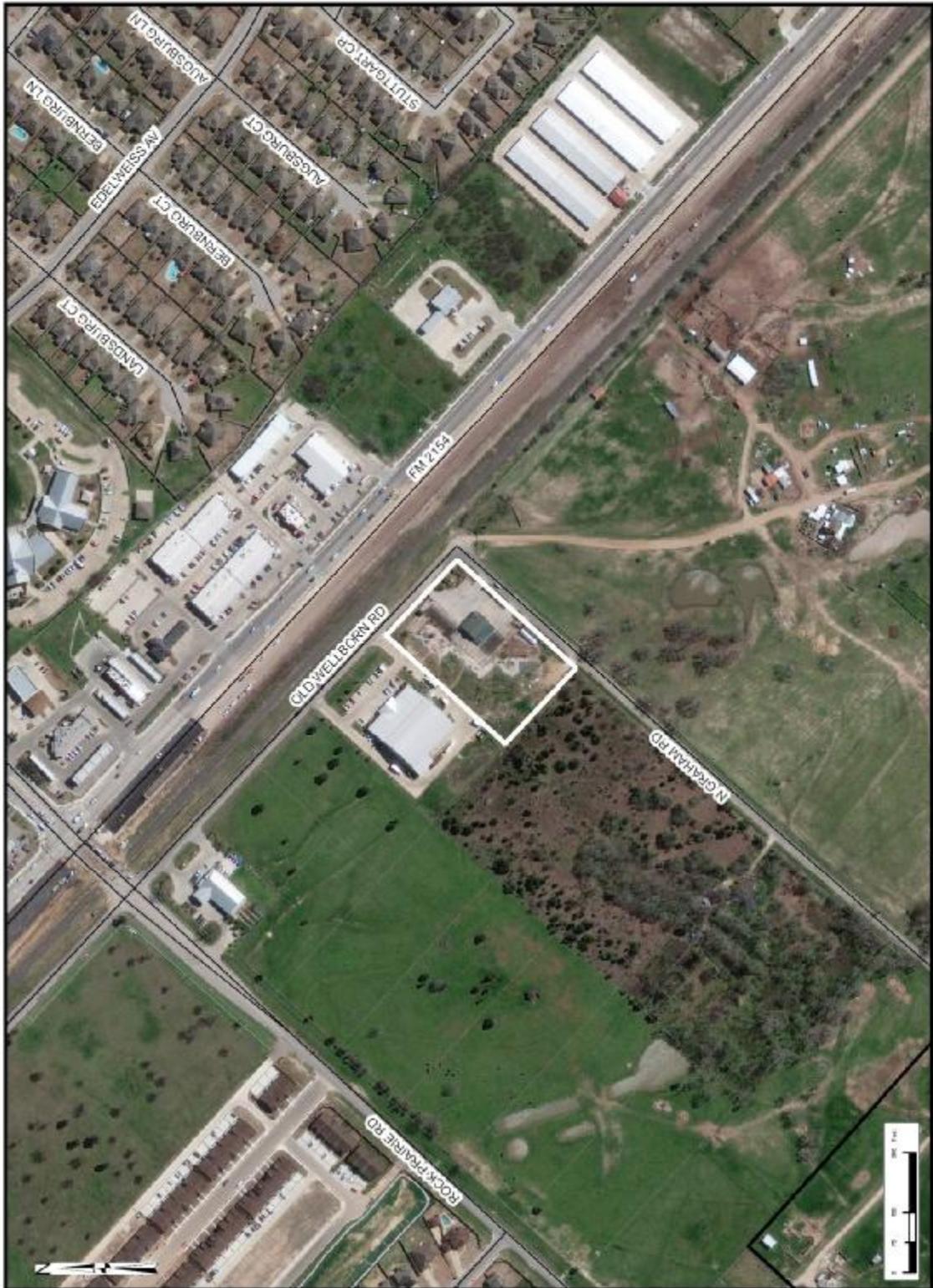
Property owner notices mailed: Three
 Contacts in support: None as of time of staff report.
 Contacts in opposition: None as of time of staff report.
 Inquiry contacts: None as of time of staff report.

ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North	Suburban Commercial	C-2 Commercial Industrial	Retail / commercial sales
South Across North Graham RD (Major Collector)	Business Park	A-O Agricultural Open	agricultural
East Across Old Wellborn Rd (Minor Collector), railroad, and Wellborn Road (Major Arterial)	Suburban Commercial	C-1 General Commercial	commercial shopping center
West	Business Park	PDD Planned Development District	Vacant / undeveloped

DEVELOPMENT HISTORY

Annexation: November 2002 (ETJ in 1974)
Zoning: A-O Agricultural Open upon annexation
Final Plat: Rock Prairie West Business Park (2002)
Site development: The property is currently developed with an approximately 3,000 square foot, single-story, brick building, constructed in 1985 while in the City’s ETJ. There is existing asphalt paving on site though approximately two-thirds of the property is currently undeveloped. The site’s previous use was Heirloom Gardens, a commercial garden / greenhouse / landscape maintenance use.

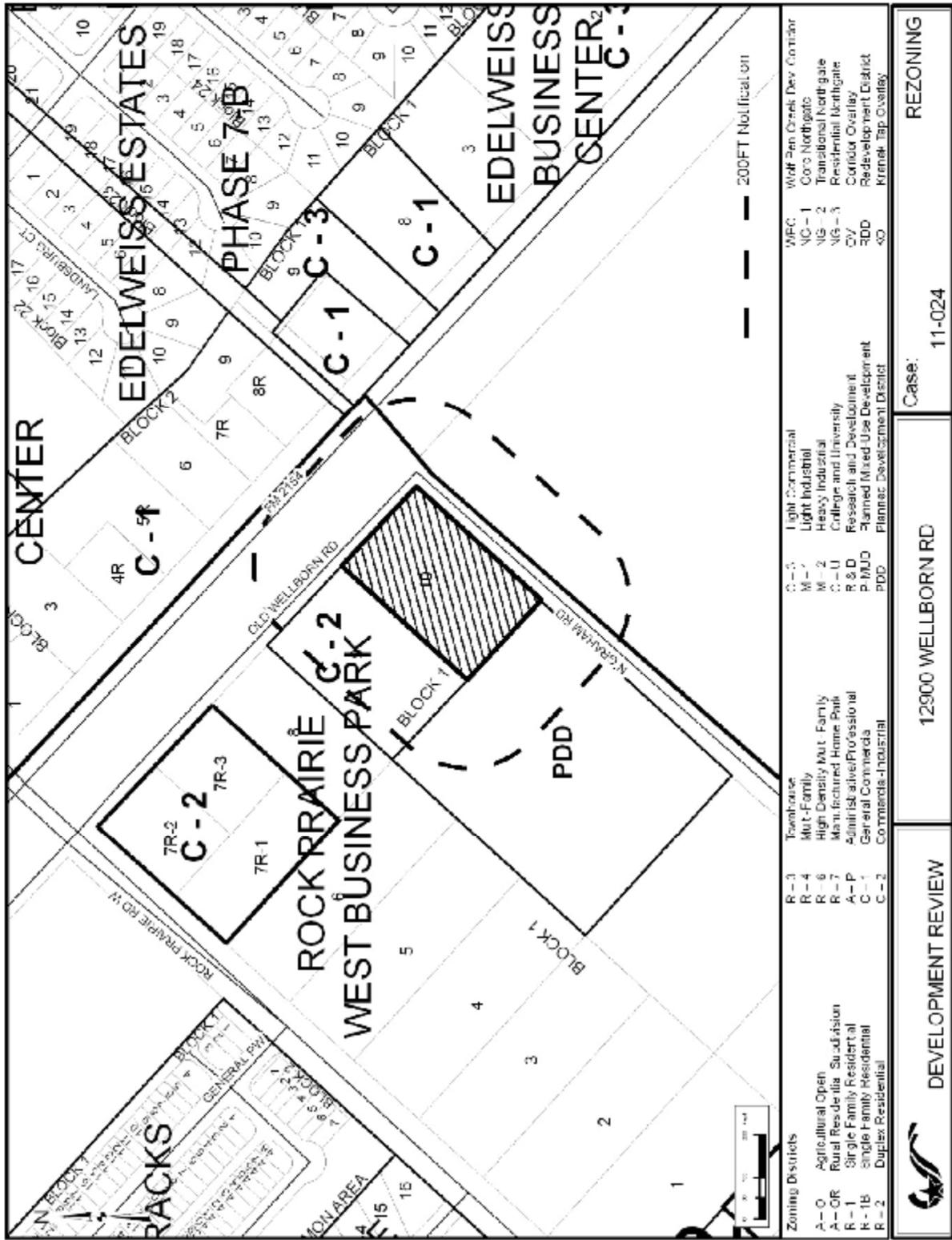


REZONING
Case: 11-024

12900 OLD WELLBORN RD

DEVELOPMENT REVIEW





Zoning Districts	
A-O	Agricultural Open
A-OR	Rural Residential Subdivision
R-1	Single Family Residential
R-1B	Single Family Residential
R-2	Duplex Residential
R-3	Townhouse
R-4	Multi-Family
R-6	High Density Multi-Family
R-7	Manufactured Home Park
A-P	Administrative/Professional
C-1	General Commercial
C-2	Community-Industrial
C-3	Light Commercial
M-1	Light Industrial
M-2	Heavy Industrial
C-U	College and University
R & D	Research and Development
P-MD	Planned Mixed Use Development
PDD	Planned Development District
W-C	Wolf Pen Creek Dev. Corridor
NC-1	Core Northgate
NS-2	Transitional Northgate
NS-3	Residential Northgate
CV	Corridor Overlay
RDD	Redevelopment District
KO	Krennek Tap Overlay

	DEVELOPMENT REVIEW	12900 WELLBORN RD	Case: 11-024	REZONING
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MINUTES
PLANNING & ZONING COMMISSION
Regular Meeting
January 5, 2012, 7:00 p.m.
City Hall Council Chambers
College Station, Texas

COMMISSIONERS PRESENT: Chairman Mike Ashfield, Craig Hall, Bo Miles, Jodi Warner, Jim Ross, Jerome Rektorik, and James Benham

COMMISSIONERS ABSENT: None

CITY COUNCIL MEMBERS PRESENT: Julie Schultz

CITY STAFF PRESENT: Bob Cowell, Lance Simms, Alan Gibbs, Jason Schubert, Lauren Hovde, Matt Robinson, Joe Guerra, Josh Norton, Mary Ann Powell, Brittany Caldwell, and Carrie McHugh

1. **Call meeting to order**

Chairman Ashfield called the meeting to order at 7:07 p.m.

Regular Agenda

7. Public hearing, presentation, possible action, and discussion regarding a rezoning from A-O Agricultural Open to PDD Planned Development District for 2.39 acres located at 12900 Old Wellborn Road, generally located at the intersection with North Graham Road. **Case #11-00500024 (JS) (Note: Final action on this item is scheduled for the January 26, 2012 City Council Meeting - subject to change)**

Principal Planner Schubert presented the rezoning and recommended denial.

There was general discussion amongst the Commission regarding the rezoning.

Mike Gentry, applicant's attorney, reviewed the history of the property and the proposed Planned Development District.

Chuck Moreau, applicant, expressed concern about installing the curb and gutter. He said that it would potentially have to be removed or would be damaged when the parking is reconfigured in Phase Two.

Chairman Ashfield opened the public hearing.

No one spoke during the public hearing.

Chairman Ashfield closed the public hearing.

There was general discussion amongst the Commission and the applicant regarding the meritorious modifications.

Jeremy Peters, Gessner Engineering, stated that creating curb and gutter will cause there to be changes in the drainage, grading, and multiple other pieces. He said that installing curbs and excessive wheel stops will cause the drainage to be rerouted to areas it hasn't been going for the past 20 years. He said that the applicant is actually helping the drainage by removing two culverts.

There was general discussion amongst the Commission regarding the meritorious modifications.

Commissioner Benham motioned to recommend approval of the rezoning and the meritorious modifications with the following conditions. Phase One should be required to install curb (wheel) stops at the head of each parking spot, plants be planted in planters where each parking island was supposed to be, and the outdoor sales area be limited to approximately 3,000 square feet. Phase Two should be required to screen the entire outdoor sales area except for the north-facing side, have a parking ratio of 1:350, and a limit of approximately 10% site area for the outdoor sales area. Commissioner Miles seconded the motion, motion passed (7-0).

10. Adjourn.

The meeting was adjourned at 9:10 p.m.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," SECTION 4.2, "OFFICIAL ZONING MAP," OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES AS DESCRIBED BELOW; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That Chapter 12, "Unified Development Ordinance," Section 4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A" and Exhibit "B", and as shown graphically in Exhibit "C" Exhibit "D" and Exhibit "E", attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this 26th day of January, 2012

APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED:

Carla A Robinson

City Attorney

EXHIBIT "A"

That Chapter 12, "Unified Development Ordinance," Section 4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, is hereby amended as follows:

The following property is rezoned from A-O Agricultural Open to PDD Planned Development District:

Rock Prairie West Business Park Phase 1, Block 1, Lot 10

EXHIBIT "B"**Purpose & Intent**

The purpose of the development is to provide sales of building supplies and accessories similar to existing adjacent uses. The proposed use fits current and future uses in the area.

A two-phase Concept Plan is proposed with the first phase utilizing the existing site with some modifications as shown and the second phase being an expansion and redevelopment of the site.

Permitted Uses

The following uses are permitted retail sales and service, warehousing, and fabrication building products and building materials.

Building Height and Roof Pitch

New buildings will range in height between 24 feet and 36 feet with roof pitches between 2:12 and 4:12

Base Zoning and Meritorious Modifications

The development will adhere to the dimensional standards and requirements of the C-3 Light Commercial district except for the following meritorious modifications based on Concept Plan phase:

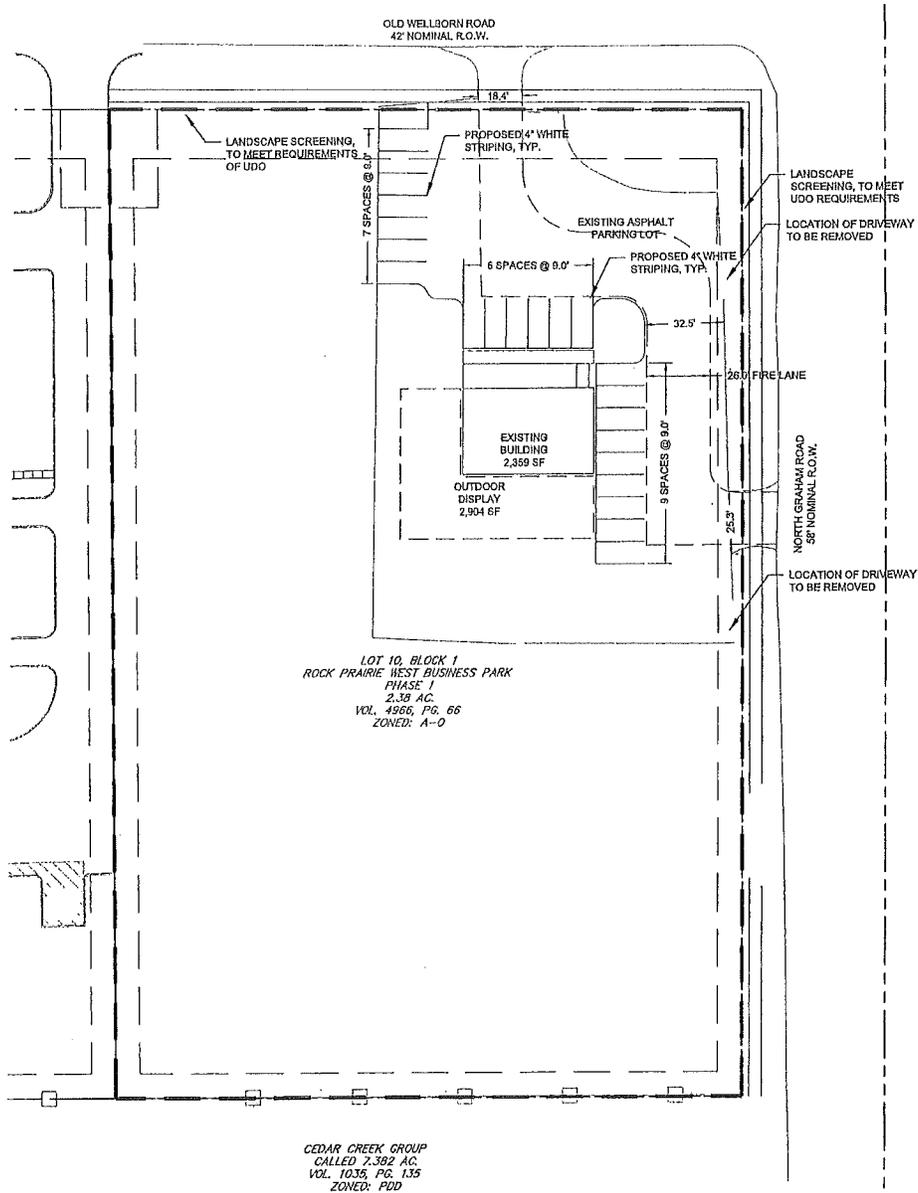
Meritorious Modifications Applicable Only to Phase 1

- **UDO Section 7.2.D. End Islands:** This modification eliminates the requirement for end islands to be raised and curbed. The end islands will meet the minimum area but will be outlined with a painted stripe and have a landscape planter(s) located within the island areas.
- **UDO Section 7.2.E. Interior Islands:** This modification eliminates the interior island requirement.
- **UDO Section 7.2.H. Curbing Required:** This modification eliminates the requirement of curbing around the perimeter of all paved parking areas. Wheel stops will be provided at the head of each parking space.
- **UDO Section 7.11.B.2 Permanent Outdoor Sales Areas:** This modification allows an outdoor sale area of up to approximately 3,000 square feet without any of the required screening.

Meritorious Modifications Applicable Only to Phase 2

- **UDO Section 7.2.I. Number of Off-Street Parking Spaces Required:** This modification reduces the required minimum off-street parking ratio from 1:250 to 1:350, the C-2 Commercial-Industrial zoning district parking standard for retail sales and service.
- **UDO Section 7.11.B.2 Permanent Outdoor Sales Areas:** This modification allows an outdoor sales area of up to approximately 10% of the total site area and requires the standard screening except that no screening is required for the sales area facing the adjacent Lot 9 to the north.

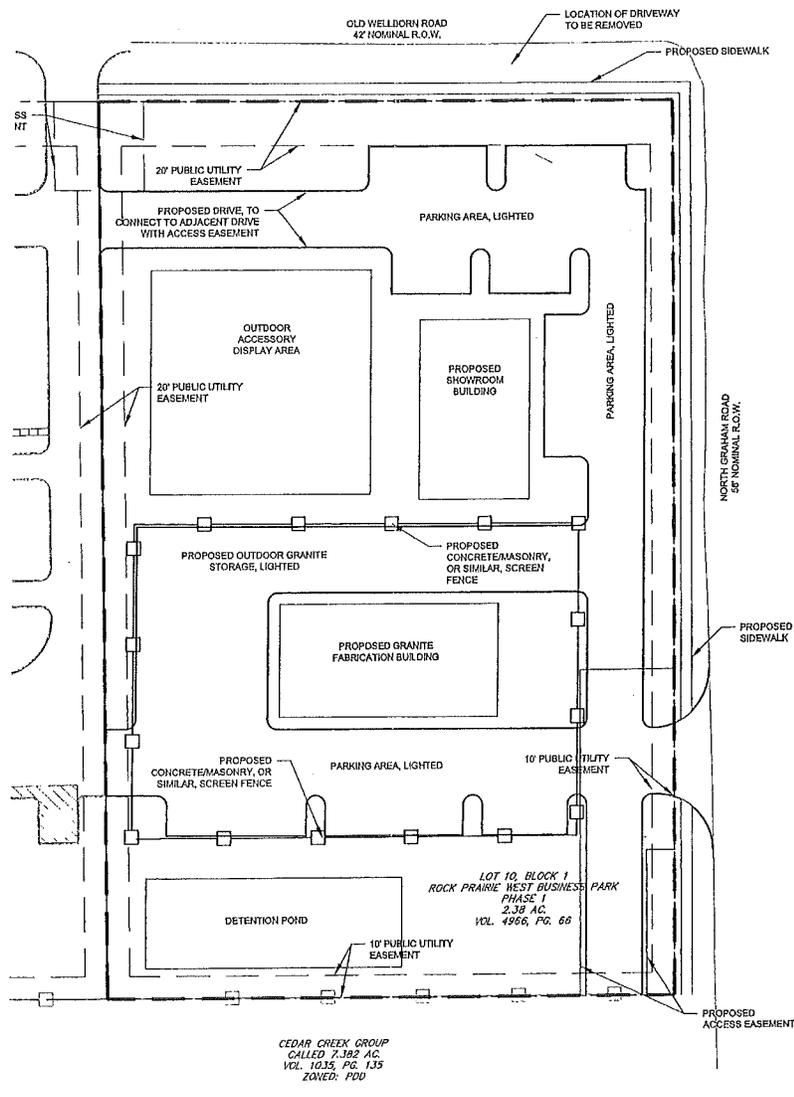
EXHIBIT "C" Concept Plan Phase 1



NOTES:

1. THE SUBJECT SITE IS NOT LOCATED IN THE 100 YR. FLOODPLAIN BASED ON FIRM MAP NUMBER 48041C0182C.
2. PROPOSED USES INCLUDE SALES, WAREHOUSING, AND FABRICATION OF BUILDING PRODUCTS AND BUILDING MATERIALS. THE PROPOSED BASE ZONING DISTRICT IS C-3 (LIGHT COMMERCIAL).
3. EXISTING WATER SERVICE IS TO BE PROVIDED BY WELLBORN S.U.D., AND IS LOCATED ON THE EAST SIDE OF OLD WELLBORN ROAD.
4. SANITARY SEWER SERVICE IS TO BE PROVIDED BY AN EXISTING ONSITE FACILITY.
5. TWO ENTRANCES ON NORTH GRAHAM ROAD TO BE REMOVED.

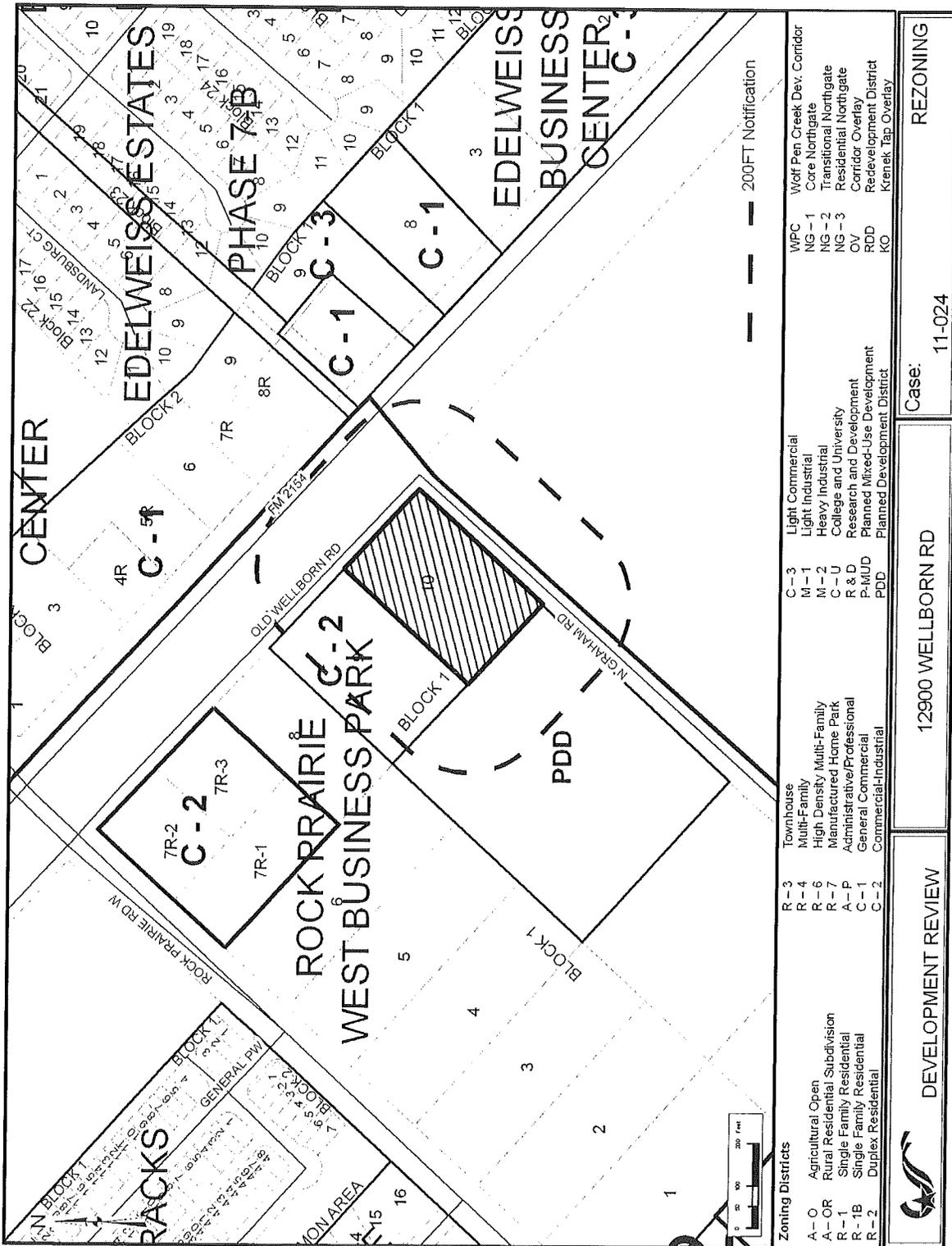
EXHIBIT "D"
Concept Plan Phase 2



NOTES:

1. THE SUBJECT SITE IS NOT LOCATED IN THE 100 YR. FLOODPLAIN BASED ON FIRM MAP NUMBER 48041C0182C.
2. PROPOSED USES INCLUDE SALES, WAREHOUSING, AND FABRICATION OF BUILDING PRODUCTS AND BUILDING MATERIALS. THE PROPOSED BASE ZONING DISTRICT IS C-3 (LIGHT COMMERCIAL).
3. THE PROPOSED SITE WILL MEET ALL APPLICABLE SITE DEVELOPMENT, LANDSCAPING, AND NON-RESIDENTIAL ARCHITECTURAL STANDARDS.
4. THE PROPOSED STRUCTURES WILL BE BETWEEN 24' AND 36' TALL AND HAVE A ROOF PITCH BETWEEN 2:12 AND 4:12.
5. ONSITE DETENTION WILL BE PROVIDED.
6. EXISTING WATER SERVICE IS TO BE PROVIDED BY WELLBORN S.U.D., AND IS LOCATED ON THE EAST SIDE OF OLD WELLBORN ROAD.
7. SANITARY SEWER SERVICE IS TO BE PROVIDED BY AN ONSITE FACILITY.
8. EXISTING DRIVEWAY ON OLD WELLBORN ROAD, TO BE REMOVED.

EXHIBIT "E"



Zoning Districts	A-O A-OR R-1 R-1B R-2	Agricultural Open Rural Residential Subdivision Single Family Residential Single Family Residential Duplex Residential	R-3 R-4 R-6 R-7 A-P C-1 C-2	Townhouse Multi-Family High Density Multi-Family Manufactured Home Park Administrative/Professional General Commercial Commercial-Industrial	C-3 M-1 M-2 C-U R & D P-MUD PDD	Light Commercial Light Industrial Heavy Industrial College and University Research and Development Planned Mixed-Use Development Planned Development District	WPC NG-1 NG-2 NG-3 OV RDD KO	Wolf Pen Creek Dev. Corridor Core Northgate Transitional Northgate Residential Northgate Corridor Overlay Redevelopment District Krenek Tap Overlay
DEVELOPMENT REVIEW		12900 WELLBORN RD		Case: 11-024		REZONING		

January 26, 2012
Regular Agenda Item No. 4
City of College Station Traffic Code Amendment –
Parking in Residential Areas (Recreational Vehicles)

To: David Neeley, City Manager

From: Bob Cowell, AICP, CNU-A, Director of Planning & Development Services

Agenda Caption: Public Hearing, presentation, and discussion regarding an ordinance amending Chapter 10, "Traffic Code" Section 6 "Parking, standing, or storing of Recreational Vehicles, trailers, or trucks in residential areas." Section B "Regulations" of the Code of Ordinances.

Relationship to Strategic Goals: Neighborhood Integrity

Recommendation(s): Staff recommends Council conduct the public hearing and provides staff with further direction regarding the Ordinance.

Summary: At the request of a number of City residents, the City Council tasked staff with amending Chapter 10 "Traffic Code" of the Code of Ordinances, to remove the exception for the parking of recreational vehicles in residential areas, which permits such vehicles to be parked in the front yards of residential properties (on lawns, in driveways, etc).

As defined in Chapter 10, Recreational Vehicles include "any motor vehicle or trailer designed or used as a travel trailer, camper, motor home, tent trailer, boat, boat trailer, camping trailer, or other similar purposes". Currently, Recreational Vehicles are allowed to be parked or stored in the front yards on lawns of all residential property without exception. The only limitation at this time is that they are not permitted to be parked on the street in excess of 72 hours within any 30-day period.

The proposed amendment would prohibit the parking, storing or standing of recreational vehicles on the front yards or lawns, including driveways. Parking of recreational vehicles in residential driveways would be permitted for up to 72 hours within any 30-day period. Recreational vehicles would still be allowed to be stored in the rear yards of residential property provided they were screened from public view. Subdivisions zoned A-O Agricultural Open and A-OR Rural Residential, which include Foxfire, Williams Creek and Bird Pond Estates, would remain exempt from the above requirements, due to their required large lot size.

Following notification of all registered HOA's and Neighborhood Associations a stakeholder meeting was held on January 10th, to gauge feedback on the proposed amendment. There was limited turnout to the meeting. Those in attendance were in favor of the proposed amendment.

Budget & Financial Summary: N/A

Attachments:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10, "TRAFFIC CODE" SECTION 6 "PARKING, STANDING, OR STORING OF RECREATIONAL VEHICLES, TRAILERS OR TRUCKS IN RESIDENTIAL AREAS." SECTION B" "REGULATIONS", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That the Code of Ordinances of the City of College Station, Texas **CHAPTER 10, "TRAFFIC CODE" SECTION 6 "PARKING, STANDING, OR STORING OF RECREATIONAL VEHICLES, TRAILERS OR TRUCKS IN RESIDENTIAL AREAS." SECTION B" "REGULATIONS"**, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2012.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:

City Attorney

EXHIBIT "A"

That **CHAPTER 10, "TRAFFIC CODE" SECTION 6 "PARKING, STANDING, OR STORING OF RECREATIONAL VEHICLES, TRAILERS OR TRUCKS IN RESIDENTIAL AREAS." SECTION B "REGULATIONS"**, of the Code of Ordinances of the City of College Station, Texas be amended and is to read as follows:

B. Regulations

- (1) It shall be unlawful for the owner, occupant or person in charge of property used for residential purposes to permit the parking, standing or storing of trucks, trailers, or truck-tractors as defined herein in residential areas for other than actual supervised loading or unloading of goods and passengers. It shall be unlawful for the owner, occupant or person in charge of property used for residential purposes to permit the parking, standing or storing of trailers, trucks, or truck-tractors in residential yards or lawns, including driveways, for other than actual supervised loading or unloading of goods or passengers.
- (2) It shall be unlawful for the owner, occupant or person in charge of property used for residential purposes to permit the parking, standing or storing of recreational vehicles on residential streets or residential driveways for a period of time in excess of seventy-two (72) hours within any thirty-day period.
- (3) It shall be unlawful for the owner, occupant or person in charge of property used for residential purposes to permit the parking, standing or storing of motor vehicles on yards or lawns excluding driveways, paved parking areas, or areas screened from public view.
- (4) It shall be unlawful for the owner or occupant of a vehicle, other than recreational vehicles, to park or permit the parking, standing or storing of such vehicle in the yards or on lawns of property used for residential purposes. Parking on driveways or paved parking areas or areas screened from public view is permitted.
- (5) It shall be unlawful for the owner, occupant or person in charge of property used for residential purposes to permit the parking, standing or storing of campers, motor homes or recreational vehicles on yards, including driveways. Except, parking of such vehicles are permitted in rear yards provided they are screened from public view.
- (6) It shall be unlawful for the owner or occupant of a camper, motor home or recreational vehicle to park or permit the parking, standing or storing of such vehicle on yards, including driveways, of property used for residential purposes. Except, parking of such vehicles are permitted in rear yards provided they are screened from public view.