



## Legislation Details (With Text)

**File #:** 16-0066      **Version:** 1      **Name:** Phillips Square Rezoning - William D. Fitch Parkway  
**Type:** Rezoning      **Status:** Agenda Ready  
**File created:** 1/28/2016      **In control:** City Council Regular  
**On agenda:** 2/11/2016      **Final action:**

**Title:** Public Hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas by amending the existing PDD Planned Development District and related Concept Plan for approximately 19.74 acres being out of the Robert Stevenson Survey, A-54 Brazos County, Texas, also being part of the 20.4821 acres tract of land owned by Greens Prairie Investors LTD, as recorded in Volume 7366, Page 294 of the Official Records of Brazos County, generally located at 529 William D Fitch Parkway, more generally located at the northeast corner of William D. Fitch Parkway and Victoria Avenue. Case #REZ2015-000030

**Sponsors:** Mark Bombek

**Indexes:**

**Code sections:**

**Attachments:** [Background](#)  
[Aerial and Small Area Map](#)  
[Ordinance](#)

Date	Ver.	Action By	Action	Result
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Public Hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas by amending the existing PDD Planned Development District and related Concept Plan for approximately 19.74 acres being out of the Robert Stevenson Survey, A-54 Brazos County, Texas, also being part of the 20.4821 acres tract of land owned by Greens Prairie Investors LTD, as recorded in Volume 7366, Page 294 of the Official Records of Brazos County, generally located at 529 William D Fitch Parkway, more generally located at the northeast corner of William D. Fitch Parkway and Victoria Avenue. Case #REZ2015-000030

### Relationship to Strategic Goals:

- Good Governance
- Financially Sustainable City
- Neighborhood Integrity
- Diverse Growing Economy
- Improving Mobility

**Recommendation(s):** The Planning and Zoning Commission considered this item on January 21, 2016 and voted 5-0-1 to recommend approval.

Summary: The applicant is requesting to amend the current Planned Development District (PDD) to remove O (Office) from the list of approved uses on the property. The applicant is also requesting to amend the associated Concept Plan to reduce the number of proposed buildings for a General Commercial use and increase the number of Multi-Family structures. The PDD uses a base zoning district of MF Multi-Family and GC General Commercial.

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

## REVIEW CRITERIA

- 1. Consistency with the Comprehensive Plan:** The Comprehensive Plan Future Land Use and Character Map designates the subject property as Urban and Natural Areas Reserved. When the PDD rezoning for the subject property was initially considered in 2010, the property was considered to be within Growth Area II. However, the City Council approved a Comprehensive Plan amendment in October of 2011 to expand Growth Area IV to include the subject property. The text associated with the change to Growth Area IV in 2011 included the following for the subject property:

*Urban Portion - Land on the north side of William D. Fitch Parkway (State Highway 40) near the intersection of Victoria Avenue should be used for intense land use activities including general commercial activities, office uses, townhomes, apartments, and vertical mixed-use. Single-family uses (excluding townhomes) should be prohibited from this area due to issues of incompatibility. No more than 25% of this total area should be used for residential activities exclusive of units incorporated into vertical mixed-use buildings.*

The Comprehensive Plan states that Natural Areas Reserved is for areas that represent a constraint to development that should be preserved for their natural function or open space qualities including areas of floodplain, riparian buffers, and for recreation facilities.

- 2. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:** Much of the property in the immediate vicinity is zoned as R Rural or for single-family residential developments. The proposed PDD includes more intense land uses, which the Comprehensive Plan anticipates with the Urban designation. The Natural Areas Reserved with the adjacent deed restricted wetlands mitigation area both protects a sensitive natural resource and provides a natural buffer between the proposed uses and nearby single-family developments.
- 3. Suitability of the property affected by the amendment for uses permitted by the districts that would be made applicable by the proposed amendment:** As a result of previous Comprehensive Plan Amendments, the property is designated as Urban along with the existing Natural Areas Reserved. The requested PDD includes uses that the Comprehensive Plan anticipates as being suitable for this area over the 20-year Plan horizon, with the exception of portions of the Natural Areas Reserved area of the tract. Floodplain areas in the City already entitled for development by existing zoning can proceed by complying with applicable FEMA and City regulations.
- 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 subject

property is currently zoned as PDD Planned Development District with permitted Commercial, Office, and Multi-Family uses. The current zoning district is suitable for the property given the anticipated land uses and the development pattern of nearby property.

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 property can currently be marketed under the current PDD zoning with permitted Commercial, Office, and Multi-Family uses. However, the applicant has noted that the request to change the ratio of Commercial and Multi-Family and the removal of the Office use will help increase the marketability and development of the property.
6. **Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use:** There are existing 8-inch and 24-inch waterlines along Castle Rock Parkway and William D. Fitch Parkway (State Highway 40), respectively. Sanitary sewer service may be provided via an existing 21-inch sanitary sewer line which crosses the tract. Drainage is generally to the northeast within the Spring Creek drainage basin. All utilities shall be designed in accordance with the BCS Unified Design Guidelines at the time of platting and site development.

In terms of transportation facilities, the proposed development will extend Castle Rock Parkway in compliance with the Thoroughfare Plan and also provide a connection to William D. Fitch Parkway.

### **SUMMARY OF EXISTING PDD AND CONCEPT PLAN (The change with this request is shown in bold)**

The Concept Plan provides an illustration of the general layout of the proposed building and parking areas as well as other site related features. **The request revises the amount of commercial uses and increases the number of proposed multi-family structures.** In proposing a PDD, an applicant may also request variations to the general platting and site development standards provided that those variations are outweighed by demonstrated community benefits of the proposed development. The Unified Development Ordinance provides the following review criteria as the basis for reviewing PDD Concept Plans:

The applicant has provided the following information related to the purpose and intent of the proposed zoning district:

“The proposed development will provide a mix of uses necessary to support the demands for such uses resulting from the single-family residential developments in the vicinity of this development. Also, the multi-family component will provide an alternative to the single-family residential options available in this area. The development is anticipated to have a mix of uses with adequate pedestrian and vehicular accessibility and connectivity.”

The applicant proposes to utilize GC General Commercial, and MF Multi-Family as the base zoning districts, as applicable. The range of future building heights is proposed to be from 15 feet to 55 feet.

At the time of site plan and plat, the project will need to meet all applicable standards required by the Unified Development Ordinance. Through the PDD, the applicant is requesting the following meritorious modifications:

- **Streets and Alleys, Table V, BCS Design Guidelines**  
The applicant is requesting that the right-of-way width for the “Commercial Street” shown on the Concept Plan be 71 feet. Generally an 85-foot right-of-way is required for a collector in an urban context. Design requirements will be in accordance with the UDO and BCS Unified Design Guidelines. The applicant states that reducing the width of the “Commercial Street” right-of-way will provide for an “urban” design look to that portion of the development. Staff recommends that a bike lane that prohibits parking be included on the “Commercial Street” to support the reduction of right-of-way width.
- **Section 5.2 “Residential Dimensional Standards” and Section 5.4 “Non-Residential Dimensional Standards”**  
The applicant is requesting reduction of building setbacks along the “Commercial Street” to 10 feet for all uses. All parking and landscaping requirements are proposed to be in accordance with the UDO. The applicant states that a reduction of building setbacks adjacent to the street will provide for an “urban” design to said portion of the development.
- **Section 7.1.H.2 “Single Family Protection” of the Unified Development Ordinance**  
The applicant is requesting that, although the adjacent City-owned property is zoned R-1 Single-Family Residential, it not be considered as a single-family use for the purpose of limiting height or increasing the setback for multi-family or non-residential buildings adjacent to the City-owned property. The applicant states that the City owned property cannot be developed so there is no need to apply the single-family protection provision.
- **Section 7.6 “Buffer Requirements” of the Unified Development Ordinance**  
The applicant is requesting that there be no buffers required where development is adjacent to the City-owned property. All other buffers are proposed to be in compliance with the UDO. The applicant states that a buffer fence or wall and landscaping would block the view from the development into the riparian area and negate the benefits of the greenbelt area.
- **Section 8.2.A.10 “Blocks” of the Unified Development Ordinance**  
The applicant is requesting to vary from the 800-foot maximum block length requirement. No public streets are proposed to connect to Castle Rock Parkway within this development. The block length along the southern right-of-way of Castle Rock Parkway is 850 feet within this development and 1,310 feet to the first intersecting street in the Castle Rock Subdivision. The block length along the northern right-of-way of Castle Rock Parkway is 760 feet within this development and 1,540 feet to the first intersecting street in the Castle Rock Subdivision. The applicant has proposed a “Private Driveway and Cross Access Easement” through the property that will meet minor collector standards for access and driveway spacing and lane width. This private drive reduces the block length by approximately 200 feet on the north side of Castle Rock Parkway and approximately 300 feet on the south side of Castle Rock Parkway.
- **Section 8.2.A.13 “Sidewalks” of the Unified Development Ordinance**  
The applicant is requesting that, in the section of street where the multi-use path parallels the “Commercial Street,” an additional sidewalk not be required along that side of the street. The applicant states that a sidewalk in this location would be a redundant.

The Unified Development Ordinance provides the following review criteria for PDD Concept Plans:

- 1. The proposal will constitute an environment of sustained stability and will be in harmony with the character of the surrounding area:** The Concept Plan proposes a mix of multi-family, commercial uses, and open space. As designated on the Comprehensive Plan, the subject property is proposed as Urban and Natural Areas Reserved. An environment with a mix of uses potentially allows better opportunities for residents to shop, dine, and work where they live, thus reducing traffic on nearby streets and encouraging a more walkable environment. The property is bounded on two sides by a deed-restricted conservation area owned by the City, which cannot be developed. This allows the proposed uses to be buffered to/from the existing development in the area. The conservation area also provides a focal point for the development of the area. The proposed multi-use path and sidewalks will provide pedestrian and bicycle accessibility throughout the development and to the larger area.
- 2. The proposal is in conformity with the policies, goals, and objectives of the Comprehensive Plan, and any subsequently adopted Plans, and will be consistent with the intent and purpose of this Section:** The proposed Concept Plan is in general conformity with the policies, goals, and objectives of the Comprehensive Plan. The Future Land Use and Character Map designates this area for Urban uses, including multi-family, office, and commercial, which is what is proposed. The Comprehensive Plan also designates a portion of the property for Natural Areas - Reserved. Generally, the policies in the Comprehensive Plan do not support development of FEMA designated floodplain. The property includes approximately 3.26 acres of floodplain designated by FEMA. The Concept Plan is proposing to designate approximately 1.1 acres (0.89 acres of FEMA floodplain) as a “no disturbance” area. This area was determined by using a 75-, 50-, or 25-foot setback from the stream conveyance area, as noted (and shown graphically) on the Concept Plan.
- 3. The proposal is compatible with existing or permitted uses on abutting sites and will not adversely affect adjacent development:** The proposed development is bordered on two sides by a conservation easement owned by the City. The conservation area provides a natural buffer to the nearby single-family in the Castle Rock Subdivision. The Comprehensive Plan anticipates other Urban development in the area to the north and west, as well as preservation of the floodplain in those areas.
- 4. Every dwelling unit need not front on a public street but shall have access to a public street directly or via a court, walkway, public area, or area owned by a homeowners association:** The proposed development includes access to Castle Rock Parkway, William D. Fitch Parkway, a public commercial roadway, a private drive designed to function as a collector, and a future connection to Victoria Avenue. The multi-family units and commercial uses will access these roadways through a network of private drive aisles as depicted on the Concept Plan.
- 5. The development includes provision of adequate public improvements, including, but not limited to, parks, schools, and other public facilities:** The development proposes to construct the multi-use path located within and adjacent to the floodplain and/or roadway on the subject property. This will help facilitate bike and pedestrian transportation in the area.
- 6. The development will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity:** The subject property and surrounding area is designated for Urban uses and Natural Areas. With the exception of the requested meritorious modifications, the proposed development will meet all City requirements.
- 7. The development will not adversely affect the safety and convenience of vehicular, bicycle, or pedestrian circulation in the vicinity, including traffic reasonably expected to be**

**generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area:** As previously reviewed under the original PDD request the proposed phasing of the development is such that no more than 420 vehicle trips maybe generated by the proposed development before the connection to William D. Fitch or Victoria Avenue must be made. The changes proposed under the new PDD request did not trigger the need for a new TIA. The additional 420 trips on Castle Rock Parkway (in addition to the existing 827 trips from the homes in the Castle Rock subdivision) would retain the current Level of Service of "B." The estimated trip generation of Castle Rock Subdivision (at full build out) along Castle Rock Parkway is 2,621 vehicle trips. With the additional maximum trips proposed by the PDD zoning (420 trips before alternate access must be provided) the vehicle trips per day on Castle Rock Parkway would be approximately 3,041, well below the maximum capacity of 5,000 trips. The proposed PDD will also provide alternate vehicular, bicycle, and pedestrian circulation routes that are not currently available in the immediate area.

Budget & Financial Summary: N/A

Attachments:

1. Background Information
2. Aerial & Small Area Map
3. Ordinance

**NOTIFICATIONS**

Advertised Commission Hearing Date: January 21, 2016  
Advertised Council Hearing Dates: February 11, 2016

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:

Castle Rock HOA

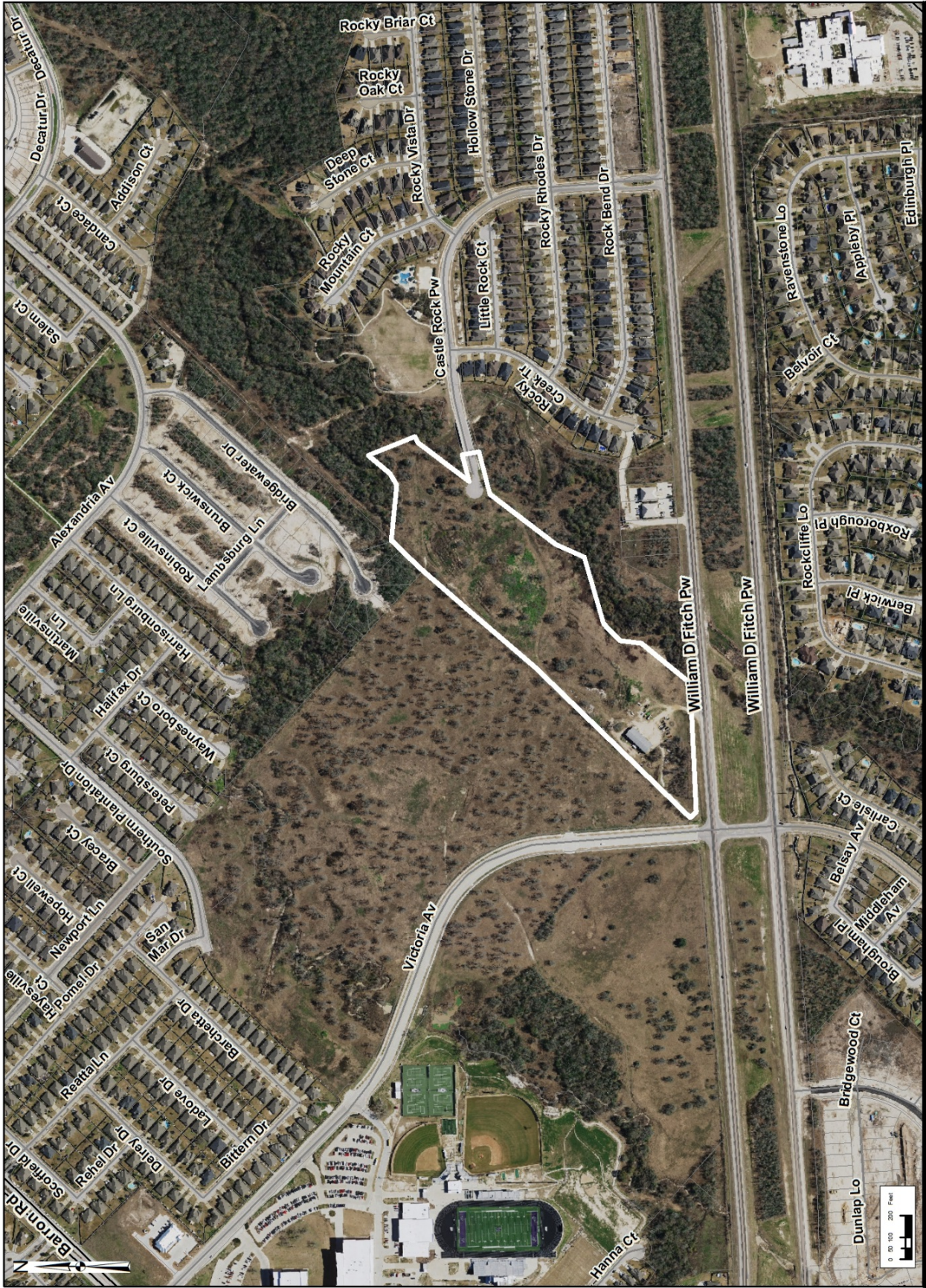
Property owner notices mailed: Five  
Contacts in support: None  
Contacts in opposition: Eighteen  
Inquiry contacts: Two

**ADJACENT LAND USES**

Direction	Comprehensive Plan	Zoning	Land Use
North	Urban and Natural Areas Reserved	R Rural and GS General Suburban	Vacant
South	Thoroughfare – Freeway	R Rural	William D. Fitch Parkway (SH 40)
East	Natural Areas Reserved	GS General Suburban	Deed Restricted Wetlands Mitigation
West	Urban	R Rural	Vacant

**DEVELOPMENT HISTORY**

**Annexation:** 1995  
**Zoning:** A-O Agricultural Open (upon annexation); R-1 Single-Family Residential (2002); PDD Planned Development District (2010)  
**Final Plat:** Not platted  
**Site development:** The subject property was included in a Master Plan of the Crowley Tract in 1999. A landscaping building was constructed on the tract in 2001



REZONING

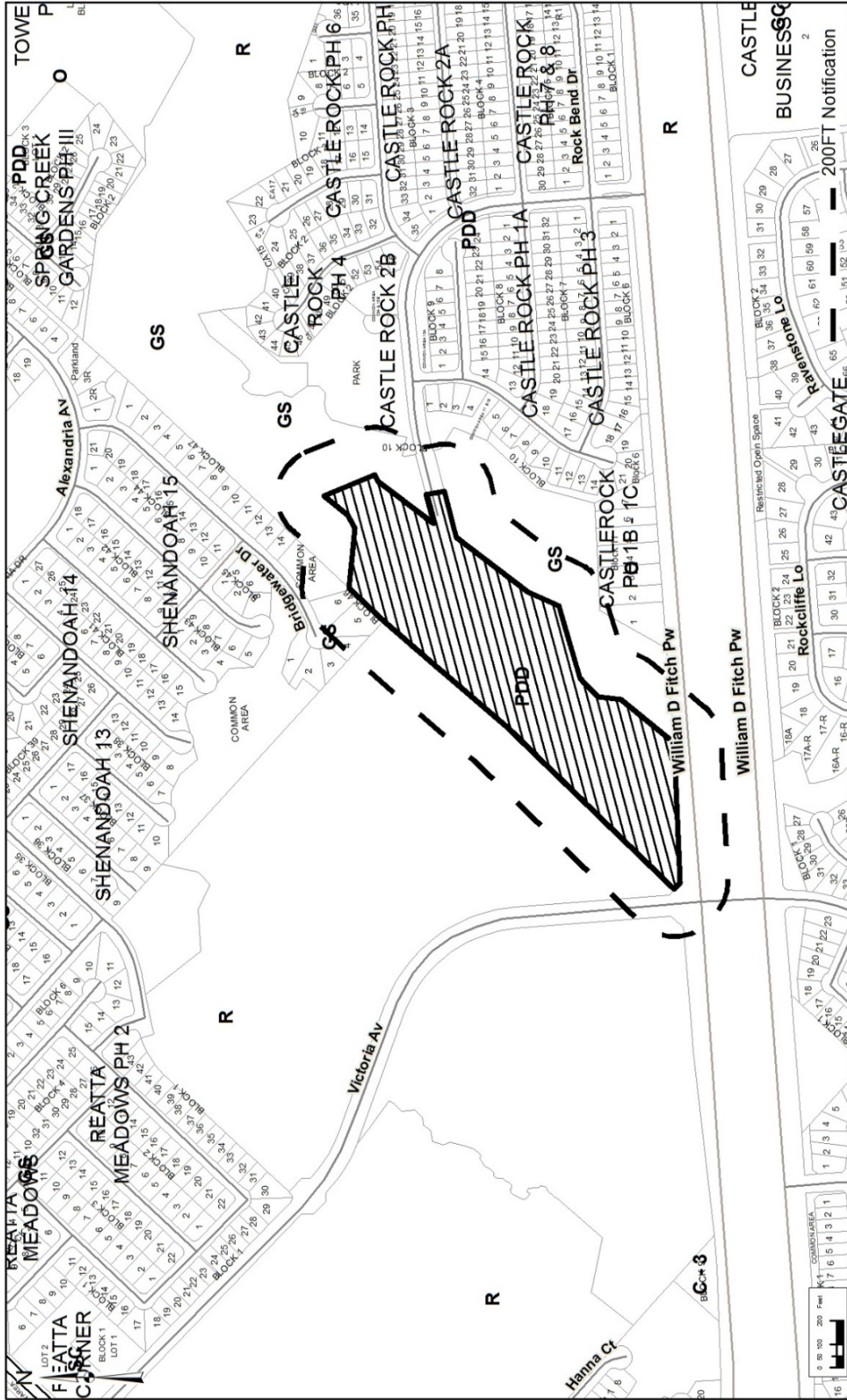
Case: REZ2015-000030

PHILLIPS SQUARE REZONING

DEVELOPMENT REVIEW







**Zoning Districts**

R	Rural	BPI	Business Park Industrial	PDD	Planned Development District
E	Estate	NAP	Natural Areas Protected	WPC	Wolf Pen Creek Dev. Corridor
RS	Restricted Suburban	C-3	Light Commercial	NG-1	Core Northgate
GS	General Suburban	M-1	Light Industrial	NG-2	Transitional Northgate
R-1B	Single Family Residential	M-2	Heavy Industrial	NG-3	Residential Northgate
D	Duplex	C-U	College and University	OV	Corridor Overlay
T	Townhouse	R & D	Research and Development	RDD	Redevelopment District
		P-MUD	Planned Mixed-Use Development	KO	Krenek Tap Overlay

**Case:** REZ2015-000030

**REZONING**



DEVELOPMENT REVIEW

PHILLIPS SQUARE REZONING

Case: REZ2015-000030

REZONING

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," SECTION 12-4.2, "OFFICIAL ZONING MAP," OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY CHANGING THE ZONING DISTRICT BOUNDARIES FROM PDD PLANNED DEVELOPMENT DISTRICT TO PDD PLANNED DEVELOPMENT DISTRICT TO AMEND THE CONCEPT PLAN AND THE PROPOSED USES FOR APPROXIMATELY 19.74 ACRES BEING OUT OF THE ROBERT STEVENSON SURVEY, A-54 BRAZOS COUNTY, TEXAS, ALSO BEING PART OF LAND OWNED BY GREENS PRAIRIE INVESTERS LTD, AS RECORDED IN VOLUME 7366, PAGE 294 OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, GENERALLY LOCATED AT 529 WILLIAM D. FITCH PARKWAY, MORE GENERALLY LOCATED AT THE NORTHEAST CORNER OF WILLIAM D. FITCH PARKWAY AND VICTORIA AVENUE; 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", as shown in Exhibit "C" and Exhibit "D", as further described in Exhibit "E", and as shown graphically in Exhibit "F" 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 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 11th day of February, 2016

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED:

\_\_\_\_\_  
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 PDD Planned Development District to PDD Planned Development District, shown graphically in Exhibit "B", with the restrictions listed in Exhibit "C" and in accordance with the Concept Plan shown in Exhibit "D" and Exhibit "E" and the Concept Plan Notes listed in Exhibit "F":

**METES AND BOUNDS DESCRIPTION  
OF A 19.74 ACRE TRACT  
ROBERT STEVENSON SURVEY, A-54  
BRAZOS COUNTY, TEXAS**

Being a tract of land containing 19.74 acres, out of the Robert Stevenson Survey, A-54, Brazos County, Texas, also being part of the 20.4821 acres tract of land owned by Green Prairie Investors LTD, as recorded in Volume 7366, Page 294 of the Brazos County Official Records (B.C.O.R.), the 19.74 acre tract being more particularly described by metes and bounds as follows, with all control referred to the 1983 Texas State Plane Coordinate System, Lambert Projection, Central Zone:

**BEGINNING** at a 5/8" iron rod found for the west corner of this tract, also being the south corner of the called 153.22 acres tract of land owned by Gary Seaback as recorded in Volume 2957, Page 186 of the B.C.O.R., also being a point along the north right-of-way line of State Highway 40, a variable width right-of-way, said 5/8" iron rod having Texas State Plane Coordinate Value of X= 3572044.93, Y = 10188135.83;

**THENCE** along the common line between this tract and the said called 153.22 acres Seaback tract the following calls and distances:

North 42°49'39" East, a distance of 235.00 feet to a 5/8" iron rod found for an angle point of this tract;

North 42°40'05" East, a distance of 801.11 feet to a 5/8" iron rod found for an angle point of this tract;

North 42°21'39" East, a distance of 459.98 feet to a 5/8" iron rod found for an angle point of this tract;

North 42°37'32" East, a distance of 232.18 feet to a 5/8" iron rod found for an angle point of this tract, also being a point along the southeast boundary line of the said called 153.22 acres Seaback tract;

**THENCE** along the common line between this tract and the said called 153.22 acres Seaback tract, passing the said called 153.22 acres Seaback tract and continuing along the remainder of the called 50 acres tract of land now or formerly owned by Anna Ferguson as recorded in Volume 304, Page 182 of the Brazos County Deed Records (B.C.D.R.), North  $43^{\circ}11'17''$  East, a distance of 212.61 feet to a  $5/8''$  iron rod found for a northwest corner of this tract, also being a point along the southeast boundary line of the said remainder of the called 50 acres Ferguson tract, also being the west corner of the called 60.153 acres tract of land owned by the City of College Station, as recorded in Volume 6974, Page 241 of the B.C.O.R.;

**THENCE** along the common line between this tract and the said called 60.153 acres City of College Station tract the following calls and distances:

South  $84^{\circ}17'08''$  East, a distance of 258.24 feet to a  $5/8''$  iron rod found for a northwest corner of this tract;

North  $61^{\circ}41'00''$  East, a distance of 63.26 feet to a  $5/8''$  iron rod found for a northwest corner of this tract;

North  $39^{\circ}32'28''$  East, a distance of 127.86 feet to a  $5/8''$  iron rod found for the north corner of this tract;

South  $22^{\circ}15'36''$  East, a distance of 231.42 feet to a  $5/8''$  iron rod found for a northeast corner of this tract;

South  $64^{\circ}46'47''$  West, a distance of 30.60 feet to a  $5/8''$  iron rod found for a northeast corner of this tract;

South  $37^{\circ}27'28''$  West, a distance of 297.28 feet to a  $5/8''$  iron rod found for a northeast corner of this tract;

North  $75^{\circ}46'04''$  East, a distance of 104.82 feet to a  $5/8''$  iron rod set for a northeast corner of this tract, also being the a point along the south boundary line of the said called 60.153 acres City of College Station tract;

**THENCE** severing the said 20.4821 acres Greens Prairie Investors tract, South  $09^{\circ}37'02''$  East, a distance of 80.28 feet to a  $5/8''$  iron rod set for the east corner of this tract, also being a point along the north boundary line of the called 10.416 acres tract of land owned by the City of College Station, as recorded in Volume 6974, Page 241 of the B.C.O.R.;

**THENCE** along the common line between this tract and the said called 10.416 acres City of College Station tract the following calls and distances:

South 75°45'41" West, a distance of 199.67 feet to a 5/8" iron rod found for a southeast corner of this tract;

South 37°27'28" West, a distance of 383.68 feet to a 5/8" iron rod found for a southeast corner of this tract;

South 24°08'01" West, a distance of 143.13 feet to a 5/8" iron rod found for a southeast corner of this tract;

South 73°27'09" West, a distance of 317.77 feet to a 5/8" iron rod found for a southeast corner of this tract;

South 47°17'22" West, a distance of 108.60 feet to a 5/8" iron rod found for a southeast corner of this tract;

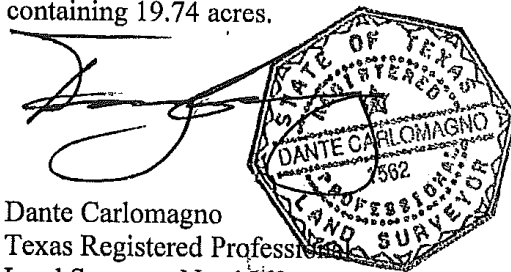
South 05°28'07" West, a distance of 100.09 feet to a 5/8" iron rod found for a southeast corner of this tract;

South 39°39'40" West, a distance of 290.73 feet to a 5/8" iron rod found for the south corner of this tract, also being the west corner of the said called 10.416 acres City of College Station tract, also being a point along the said north right-of-way of State Highway 40;

**THENCE** along the said north right-of-way of State Highway 40 the following calls and distances:

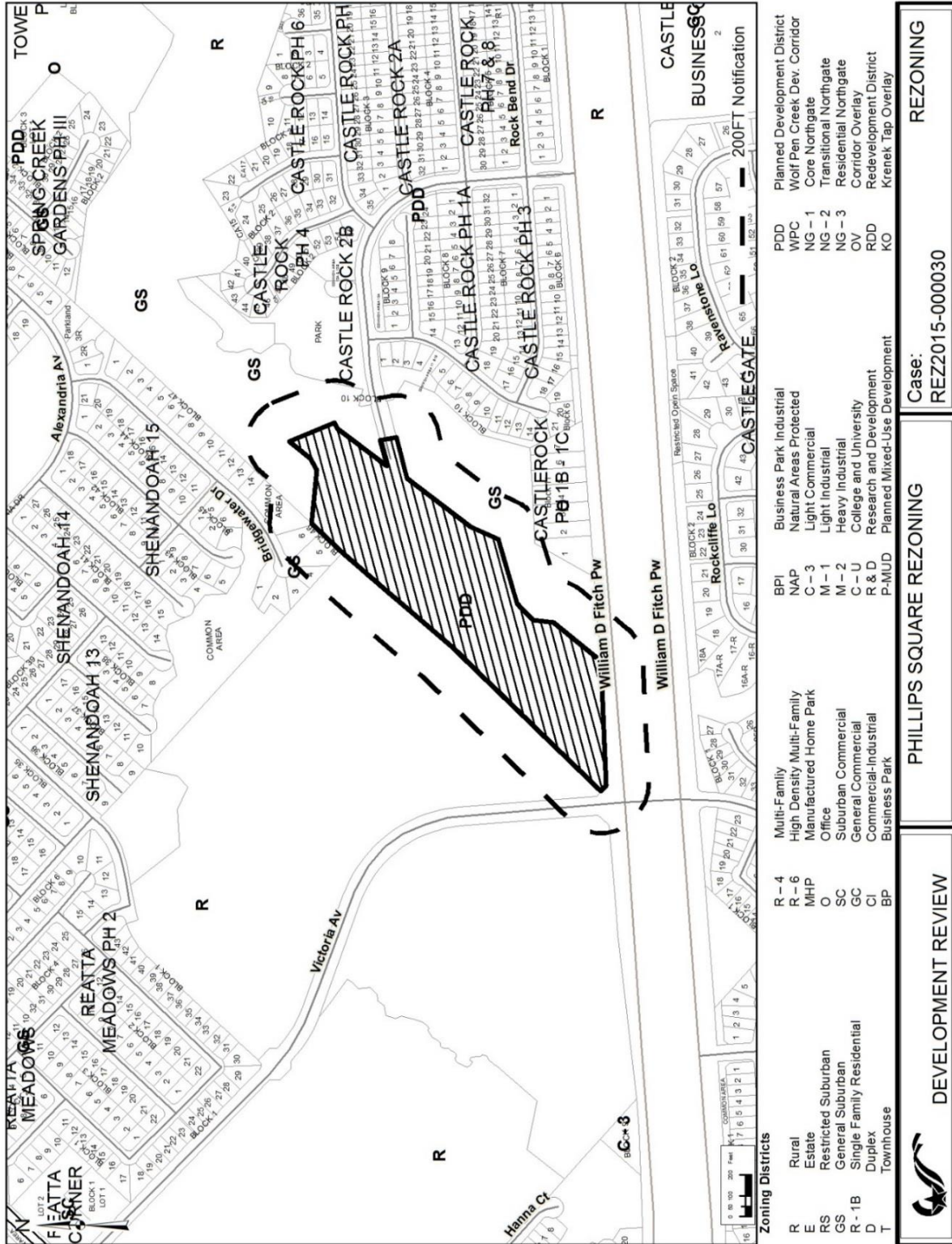
S 85°17'35" W, a distance of 1.07 feet to a concrete monument with a brass cap found for a southwest corner of this tract;

S 86°16'50" W, a distance of 638.99 feet to the **PLACE OF BEGINNING** containing 19.74 acres.



Dante Carlomagno  
Texas Registered Professional  
Land Surveyor No. 1562  
2010-07-07-rezone-19ac.doc  
07/07/2010

**EXHIBIT "B"**



<b>DEVELOPMENT REVIEW</b>	<b>PHILLIPS SQUARE REZONING</b>	<b>REZONING</b>
	Case: REZ2015-000030	

**EXHIBIT “C”****Purpose & Intent:**

“The proposed development will provide a mix of uses necessary to support the demands for such uses resulting from the single-family residential developments in the vicinity of this development. Also, the multi-family component will provide an alternative to the single-family residential options available in this area. The development is anticipated to have a mix of uses with adequate pedestrian and vehicular accessibility and connectivity.”

**Permitted Uses:**

Commercial  
Multi-Family

*GC General Commercial, and MF Multi-Family, are the base, underlying zoning districts, as applicable. At the time of site plan and plat, the project will need to meet all applicable standards required by the Unified Development Ordinance, unless specified below.*

*\*Additional Restrictions/ Requirements are listed in Exhibit “E” – Concept Plan Notes*

**Height:** The range of future building heights is from 15 feet to 55 feet.

**Meritorious Modifications Granted:**

- **Streets and Alleys, Table V, BCS Design Guidelines**  
The right-of-way width for the “Commercial Street” shown on the Concept Plan is 71 feet. Generally an 85-foot right-of-way is required for a collector in an urban context. Design requirements will be in accordance with the UDO and BCS Unified Design Guidelines. A bike lane that prohibits parking is required to be included on the “Commercial Street” to support the reduction of right-of-way width.
- **Section 5.2 “Residential Dimensional Standards” and Section 5.4 “Non-Residential Dimensional Standards”**  
A reduction of building setbacks along the “Commercial Street” to 10 feet for all uses. All parking and landscaping requirements will be in accordance with the UDO.
- **Section 7.1.H.2 “Single Family Protection” of the Unified Development Ordinance**  
Although the adjacent City-owned property is zoned R-1 Single-Family Residential, it is not considered as a single-family use for the purpose of limiting height or increasing the setback for multi-family or non-residential buildings adjacent to the City-owned property.
- **Section 7.6 “Buffer Requirements” of the Unified Development Ordinance**  
There are no buffers required where development is adjacent to the City-owned property. All other buffers are proposed to be in compliance with the UDO.
- **Section 8.2.A.10 “Blocks” of the Unified Development Ordinance**  
Variation from the 800-foot maximum block length requirement. No public streets are proposed to connect to Castle Rock Parkway within this development. The block length along the southern right-of-way of Castle Rock Parkway is 850 feet within this development and 1,310 feet to the

first intersecting street in the Castle Rock Subdivision. The block length along the northern right-of-way of Castle Rock Parkway is 760 feet within this development and 1,540 feet to the first intersecting street in the Castle Rock Subdivision. The Concept Plan includes a “Private Driveway and Cross Access Easement” through the property that will meet minor collector standards for access and driveway spacing and lane width. This private drive reduces the block length by approximately 200 feet on the north side of Castle Rock Parkway and approximately 300 feet on the south side of Castle Rock Parkway.

- **Section 8.2.A.13 “Sidewalks” of the Unified Development Ordinance**

In the section of street where the multi-use path parallels the “Commercial Street,” an additional sidewalk will not be required along that side of the street.

**Traffic / Transportation:**

The proposed phasing of the development is such that no more than 420 vehicle trips may be generated by the proposed development before the connection to William D. Fitch or Victoria Avenue must be made. The additional 420 trips on Castle Rock Parkway (in addition to the existing 827 trips from the homes in the Castle Rock subdivision) would retain the current Level of Service of “B.” The estimated trip generation of Castle Rock Subdivision (at full build out) along Castle Rock Parkway is 2,621 vehicle trips. With the additional maximum trips proposed by the PDD zoning (420 trips before alternate access must be provided) the vehicle trips per day on Castle Rock Parkway would be approximately 3,041, well below the maximum capacity of 5,000 trips. Though additional trips will be generated, the proposed development provides alternate vehicular, bicycle and pedestrian circulation routes as well as additional commercial opportunities that are not currently available in the immediate area.

**Greenways / Floodplain:**

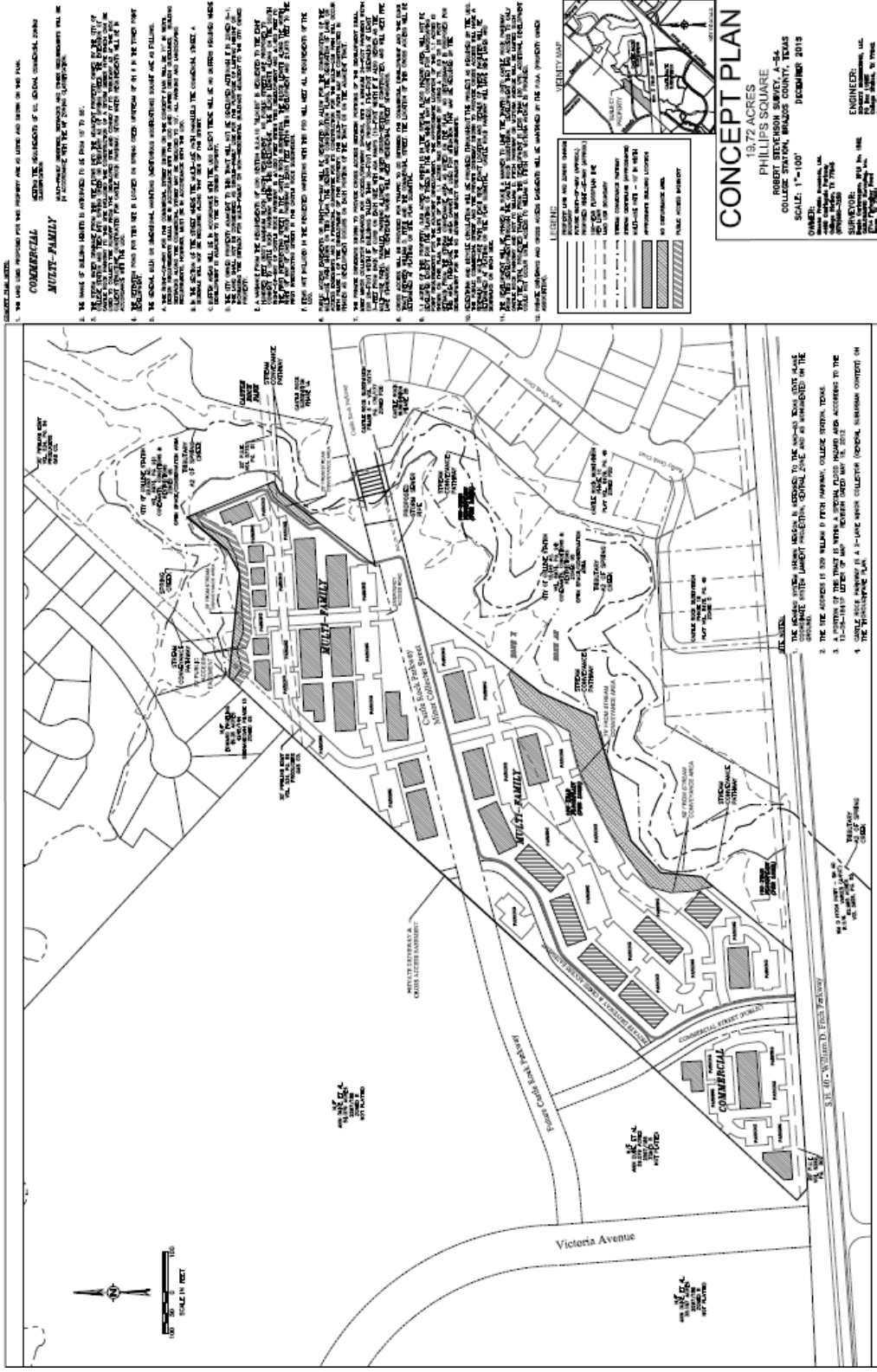
The Concept Plan is proposing to designate approximately 1.1 acres (0.89 acres of FEMA floodplain) as a “no disturbance” area. This area was determined by using a 75-, 50-, or 25-foot setback from the stream conveyance area, as noted (and shown graphically) on the Concept Plan. The project / property is required to comply with the No Adverse Impacts (NAI) ordinance. The more restrictive of the two shall apply.

**Additional Conditions:**

- A bike lane be provided on the “Commercial Street.”
- A right-turn deceleration lane be provided at the intersection of “Commercial Street” and State Highway 40.
- Right-turn lanes be provided at each intersection of the “Private Drive” with the “Commercial Street” and Castle Rock Parkway.



EXHIBIT "D"



**EXHIBIT "E"**



**EXHIBIT "F"****CONCEPT PLAN NOTES:**

1. THE LAND USES PROPOSED FOR THIS PROPERTY ARE AS LISTED AND SHOWN ON THIS PLAN.

**COMMERCIAL**

MEETING THE REQUIREMENTS OF GC, GENERAL COMMERCIAL ZONING CLASSIFICATION

**MULTI-FAMILY**

MULTI-FAMILY DENSITIES, SETBACKS AND OTHER REQUIREMENTS WILL BE IN ACCORDANCE WITH THE MF ZONING CLASSIFICATION.

2. THE RANGE OF BUILDING HEIGHTS IS ANTICIPATED TO BE FROM 15' TO 55'.
3. THE STORM WATER DRAINAGE FROM THIS SITE FLOWS INTO THE ADJACENT PROPERTY OWNED BY THE CITY OF CASTLE ROCK STATION AND THEN INTO SPRING CREEK OR TRIBUTARY A2 OF SPRING CREEK. THE EXTENSION OF CASTLE ROCK PARKWAY TO THIS SITE INCLUDED THE CONSTRUCTION OF A STORM SEWER PIPE WHICH CAN BE USED TO COLLECT THE RUNOFF FROM THE DEVELOPED SITE AND CONVEY IT TO TRIBUTARY A2 AT THE BOX CULVERT STRUCTURE CONSTRUCTED FOR CASTLE ROCK PARKWAY. STORM WATER REQUIREMENTS WILL BE IN ACCORDANCE WITH THE UDO.
4. THE DETENTION POND FOR THIS SITE IS LOCATED ON SPRING CREEK UPSTREAM OF SH 6 IN THE TOWER POINT DEVELOPMENT.
5. THE GENERAL BULK OR DIMENSIONAL VARIATIONS (MERITORIOUS MODIFICATIONS) SOUGHT ARE AS FOLLOWS.
- A. THE RIGHT-OF-WAY FOR THE COMMERCIAL STREET SHOWN ON THE CONCEPT PLAN WILL BE 71' IN WIDTH. DESIGN REQUIREMENTS SHALL BE IN ACCORDANCE WITH THE UDO AND UNIFIED DESIGN GUIDELINES. BUILDING SETBACKS ALONG THE COMMERCIAL STREET MAY BE REDUCED TO 10'. ALL PARKING AND LANDSCAPING REQUIREMENTS, HOWEVER, MUST BE IN ACCORDANCE WITH THE UDO.
- B. IN THE SECTION OF THE STREET WHERE THE MULTI-USE PATH PARALLELS THE COMMERCIAL STREET, A SIDEWALK WILL NOT BE REQUIRED ALONG THAT SIDE OF THE STREET.
- C. BUFFER AREAS WILL BE IN ACCORDANCE WITH THE UDO EXCEPT THERE WILL BE NO BUFFERS REQUIRED WHERE DEVELOPMENT IS ADJACENT TO THE CITY OWNED PROPERTY.
- D. THE CITY OWNED PROPERTY ADJACENT TO THIS TRACT WILL NOT BE DEVELOPED ALTHOUGH IT IS ZONED R-1. THE LAND SHALL NOT BE CONSIDERED AS SINGLE-FAMILY USE FOR THE PURPOSE OF LIMITING HEIGHT OR INCREASING THE SETBACK FOR MULTI-FAMILY OR NON-RESIDENTIAL BUILDINGS ADJACENT TO THE CITY OWNED PROPERTY.
- E. A VARIANCE FROM THE REQUIREMENTS OF UDO SECTION 8.2.A.10 "BLOCKS" IS REQUESTED TO THE EIGHT HUNDRED FEET (800') MAXIMUM BLOCK LENGTH REQUIREMENT. NO PUBLIC STREETS ARE PROPOSED TO CONNECT TO CASTLE ROCK PARKWAY WITHIN THIS DEVELOPMENT. THE BLOCK LENGTH ALONG THE SOUTH RIGHT-OF-WAY OF CASTLE ROCK PARKWAY IS  $\pm 1,020$  FEET WITHIN THIS DEVELOPMENT AND  $\pm 1,483$  FEET TO THE FIRST INTERSECTING STREET IN THE CASTLE ROCK SUBDIVISION. THE BLOCK LENGTH ALONG THE NORTH RIGHT OF WAY OF CASTLE ROCK PARKWAY IS  $\pm 835$  FEET WITHIN THIS DEVELOPMENT AND  $\pm 1,975$  FEET TO THE FIRST INTERSECTING STREET IN THE CASTLE ROCK SUBDIVISION.
- F. ITEMS NOT INCLUDED IN THE REQUESTED VARIATIONS WITH THIS POD WILL MEET ALL REQUIREMENTS OF THE UDO.
6. PUBLIC ACCESS EASEMENTS OR RIGHT-OF-WAY WILL BE DEDICATED TO ALLOW FOR THE CONSTRUCTION OF THE MULTI-USE PATH SHOWN ON THIS PLAN. THE DESIGN AND CONSTRUCTION PLANS, THE DEDICATION OF LAND OR ACCESS EASEMENTS AND A FINANCIAL GUARANTEE FOR ITS CONSTRUCTION FOR THE MULTI-USE PATH WILL OCCUR WITH PHASE 1 OF THE DEVELOPMENT OF THIS PROPERTY. THE MULTI-USE PATH MAY BE CONSTRUCTED IN PHASES AS DEVELOPMENT OCCURS ON EACH PORTION OF THE TRACT OR ON THE ADJACENT TRACT.
7. THE PRIVATE DRIVEWAYS SHOWN TO PROVIDE CROSS ACCESS BETWEEN PORTIONS OF THE DEVELOPMENT SHALL MEET MINOR COLLECTOR STANDARDS FOR ACCESS/DRIVEWAY SPACING, WITH A MINIMUM 24-FOOT PAVEMENT WIDTH (OR 26-FOOT WIDTH IF BUILDINGS TALLER THAN 30-FOOT ARE PROPOSED), FIVE-FOOT SIDEWALKS AT LEAST 3- FEET FROM BACK OF CURB ON EACH SIDE WITH ADA RAMPS (10-FOOT WIDTH IF IT ALSO SERVES AS THE MULTI-USE PATH), PARALLEL PARKING ALLOWED IF WIDER CROSS-SECTION IS CONSTRUCTED, AND WILL MEET FIRE LANE STANDARDS. THE CENTERLINE RADIUS WILL MEET RESIDENTIAL STREET STANDARDS.
8. CROSS ACCESS WILL BE PROVIDED FOR TRAFFIC TO GO BETWEEN THE COMMERCIAL DEVELOPMENT AND THE DUKE TRACT BETWEEN WILLIAM D. FITCH AND THE COMMERCIAL STREET. THE LOCATION OF THIS CROSS ACCESS WILL BE DETERMINED AT PLATTING OR SITE PLAN SUBMITTAL.
9. 1.1 ACRES OF THIS PROPERTY, 0.89 ACRES OF WHICH IS IN THE SPECIAL FLOOD HAZARD AREA, WILL NOT BE DEVELOPED EXCEPT FOR THE PLANTING OF TREES IN THE AREA WHICH MAY BE COUNTED FOR LANDSCAPING POINT REQUIREMENTS FOR THE ADJACENT DEVELOPMENT. THE APPROXIMATE LOCATION OF THIS 1.1 ACRES IS SHOWN ON THIS PLAN. THE LIMITS OF THE 1.1 ACRES WAS DETERMINED BY USING A 75, 50 OR 25 FOOT SETBACK FROM THE STREAM CONVEYANCE AREA AS NOTED ON THE PLAN. NO DISTURBANCE IS PROPOSED FOR THIS AREA. THEREFORE THE AREA CANNOT BE USED FOR MITIGATION THAT MAY BE REQUIRED BY THE DEVELOPMENT FOR THE NO ADVERSE IMPACT ORDINANCE REQUIREMENTS.
10. PEDESTRIAN AND BICYCLE CIRCULATION WILL BE PROVIDED THROUGHOUT THE PROJECT AS REQUIRED BY THE UDO. THE PUBLIC COMMERCIAL STREET AND THE PRIVATE DRIVEWAY SHOWN TO PROVIDE CROSS ACCESS WILL HAVE A SIDEWALK OR MULTI-USE PATH ON EACH SIDE. EXACT LOCATION AND DETAILS OF THESE FACILITIES WILL BE DETERMINED AT PLATTING OR SITE PLAN SUBMITTAL. CASTLE ROCK PARKWAY WILL HAVE BIKE LANES AND SIDEWALKS ON EACH SIDE.
11. THE DEVELOPMENT WILL BE PHASED IN SUCH A MANNER TO LIMIT THE TRAFFIC ONTO CASTLE ROCK PARKWAY FROM THIS DEVELOPMENT THROUGH THE CASTLE ROCK SUBDIVISION. DEVELOPMENT THAT HAS ACCESS TO ONLY CASTLE ROCK PARKWAY AND NOT TO WILLIAM D. FITCH PARKWAY OR VICTORIA AVENUE WILL BE LIMITED SUCH THAT THE TOTAL PROJECTED TRAFFIC FROM THIS DEVELOPMENT IS LESS THAN 420 VPD. ADDITIONAL DEVELOPMENT COULD NOT OCCUR UNTIL ACCESS TO WILLIAM D. FITCH OR VICTORIA AVENUE IS PROVIDED.
12. PRIVATE DRIVEWAYS AND CROSS ACCESS EASEMENTS WILL BE MAINTAINED BY THE P.O.A. (PROPERTY OWNER ASSOCIATION).