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 changing the zoning district boundaries from O Office and GC General Commercial to MF Multi-Family and NAP Natural Areas Protected with the condition that no residential structures be constructed within the 135-foot buffer from the heater-treater equipment on the abutting site containing oil and gas uses for approximately 17.66 acres being Lot 1, Block 5 of the Tower Point Phase 5 subdivision, generally located at 1110 Arrington Road, more generally located south of the intersection of Arrington Road and Decatur Drive.

Sponsors: Laura Walker

Indexes:

Code sections:

Attachments: Aerial and Small Area Map  
Background  
Ordinance

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<th>Date</th>
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<th>Action By</th>
<th>Action</th>
<th>Result</th>
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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 changing the zoning district boundaries from O Office and GC General Commercial to MF Multi-Family and NAP Natural Areas Protected with the condition that no residential structures be constructed within the 135-foot buffer from the heater-treater equipment on the abutting site containing oil and gas uses for approximately 17.66 acres being Lot 1, Block 5 of the Tower Point Phase 5 subdivision, generally located at 1110 Arrington Road, more generally located south of the intersection of Arrington Road and Decatur Drive.

Relationship to Strategic Goals:

- Good Governance
- Financially Sustainable City
- Core Services and Infrastructure
- Diverse Growing Economy

Recommendation(s): The Planning and Zoning Commission considered this item on February 4th and voted to recommend approval with the condition that no residential structures be located within a 135-ft buffer of the existing heater-treater on the abutting property containing oil and gas uses. Staff recommends approval with the condition as well.
Summary:

The applicant is requesting a MF Multi-Family and NAP Natural Areas Protected rezoning to develop this lot into a multi-family complex and greenway trails within the Natural Areas Protected district.

REVIEW CRITERIA

1. **Consistency with the Comprehensive Plan:** The subject area is designated on the Comprehensive Plan Future Land Use and Character Map as Urban, Natural Areas Reserved, General Suburban, and Natural Areas Protected; and a portion of the property is located within Growth Area II. The Comprehensive Plan states the Urban designation is for areas that should have the most intense level of development consisting of vertical mixed use and other aspects of urban character; the Natural Areas Reserved designation is for areas that represent a constraint to development and should be preserved for their natural functions (floodplains, riparian buffers, etc.); the General Suburban designation is for areas with an intense level of high-density single-family residential uses; and the Natural Areas Protected designation is for parks, recreation, or greenways permanently protected from development. Growth Area II states that the urban portion of this area should be used for intense land uses with no more than 25% of the area being used for residential activities. However, there are currently little to no residential uses within the urban portion of Growth Area II.

   The areas designated as Natural Areas Protected on the Comprehensive Plan Future Land Use map were originally designated as such with the intent of planning for the adjacent conservation easement but, since the easement has been defined and dedicated, this land use no longer applies to the entire area. Some portions dedicated for greenway purposes are still upholding their Natural Areas Protected designation through the use of the Natural Areas Protected zoning district at these locations. In addition, the General Suburban designation is a result of designations being assigned on a non-parcel basis, so it no longer applies either. In conclusion, the rezoning request is consistent with the Comprehensive Plan.

2. **Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:** The properties to the north are zoned PDD and contain townhouse residential uses; properties to the east are zoned R Rural and are vacant; Spring Creek is to the south with an R Rural zoning designation; and properties to the west are zoned O Office with an oil and gas use, PDD with a self-storage use, and GS General Suburban with single-family homes. The present zoning of O Office and GC General Commercial are compatible with most of these zoning districts and uses with the exception of the oil and gas use.

   Staff expressed concern regarding the proposed use being located within close vicinity of an active oil site. The applicant’s engineer acknowledged the concern and has applied guidelines from the Department of Housing & Development (HUD) Exchanges’ Acceptable Separation Distances in response to Staff’s concern. A minimum separation distance of 135-ft from the oil field’s heater-treater to any residential building is being proposed. The area will be used for parking and perhaps a maintenance building to help buffer the potential hazard. Additional mitigation discussions from the oil well site will be made with the applicant when the site plan has been submitted for review.

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 property is designated for urban and high-density uses on the Comprehensive Plan Land Use Map, but there are also pre-existing uses surrounding this site that the Future Land Use Map did not anticipate.
Directly west of the subject property is an operating oil well use that the applicant is proposing the condition with the rezoning that no residential buildings be within a 135-ft arc from a heater-treater on site that poses a significant threat (as illustrated in the HUD Allowable Separation Distance Map). Only parking and a maintenance building can be used in this area. There are also single-family homes to the west surrounding the oil and gas use, so the property will be required to provide single-family height protection and a minimum of 10ft buffer with a fence from this use. In addition, the greenway areas will be preserved with NAP Natural Areas Protected zoning.

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 property is also suitable for uses permitted in the O Office and GC General Commercial districts. The O Office zoning is located in between the single-family uses and the GC General Commercial zoning, acting like a buffer between use intensities. However, the existing oil well use poses an issue to developing the site as an office use because similar buffering conditions to the oil well would be required at the site plan stage.

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 is marketable for both commercial/office uses under the current zoning districts as well as multi-family uses allowed by the proposed rezoning.

6. **Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use:** Water Service will be provided by City of College Station via existing 12-inch main along Decatur Drive. The site will have sewer access via an existing 21-inch main running through the tract. The subject property is located in the Spring Creek drainage basin. The site is draining to an existing regional detention pond. The property has frontage on Decatur Dr. & Arrington, both classified as Two-Lane Major Collectors on the Thoroughfare Plan. Since the proposed zoning resulted in fewer trips than the current zoning, a Traffic Impact Analysis (TIA) was not required at this time. A revised TIA will be required with the site plan application. Drainage and other public infrastructure required with the site shall be designed and constructed in accordance with the B/CS Unified Design Guidelines. The existing infrastructure appears to currently possess capacity to adequately serve the proposed use.

Budget & Financial Summary: N/A

Attachments:
1. Area Map
2. Background Information
3. Ordinance
NOTIFICATIONS
Advertised Commission Hearing Date: February 4, 2016
Advertised Council Hearing Date: March 10, 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:

Spring Creek Townhomes HOA

Property owner notices mailed: 27
Contacts in support: None at the time of staff report.
Contacts in opposition: Five at the time of staff report, citing concerns of developing in the greenbelt and flooding hazards.
Inquiry contacts: Two at the time of staff report.

ADJACENT LAND USES

<table>
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<tr>
<th>Direction</th>
<th>Comprehensive Plan</th>
<th>Zoning</th>
<th>Land Use</th>
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<tbody>
<tr>
<td>North (Across Decatur Drive)</td>
<td>Urban</td>
<td>PDD Planned Development District</td>
<td>Townhomes</td>
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<tr>
<td>South</td>
<td>Natural Areas Protected and Natural Areas Reserved</td>
<td>R Rural</td>
<td>Spring Creek Greenway</td>
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<tr>
<td>East (Across Arrington Road)</td>
<td>Urban and Natural Areas Reserved</td>
<td>R Rural and GC General Commercial</td>
<td>Vacant</td>
</tr>
<tr>
<td>West</td>
<td>Estate and Natural Areas Protected</td>
<td>GS General Suburban and PDD Planned Development District</td>
<td>Single-Family homes, storage buildings, and an oil well</td>
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</tbody>
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DEVELOPMENT HISTORY
Annexation: 1983
Zoning: Properties zoned A-O Agricultural Open after Annexation
2001- A-O rezoned to R-4 Residential Attached
2006- R-4 rezoned to A-P Administrative Professional & C-1 General Commercial
2012- A-P Administrative Professional and C-1 General Commercial renamed to O Office and GC General Commercial

Final Plat: The property is platted as Lot 1, Block 5 of the Tower Point Phase 5 Subdivision (2009).
Site Development: Property is currently vacant.
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 FOR APPROXIMATELY 17.66 ACRES FROM OFFICE AND GC GENERAL COMMERCIAL TO MF MULTI-FAMILY AND NAP NATURAL AREAS PROTECTED WITH THE CONDITION THAT NO RESIDENTIAL STRUCTURES BE CONSTRUCTED WITHIN THE 135-FOOT BUFFER FROM SIGNIFICANT HAZARDS ON THE ABUTTING PARCEL CONTAINING OIL AND GAS USES, BEING LOT 1, BLOCK 5 OF THE TOWER POINT PHASE 5 SUBDIVISION, ACCORDING TO THE PLAT RECORDED IN VOLUME 9448, PAGE 274 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, MORE GENERALLY LOCATED SOUTH OF THE INTERSECTION OF ARRINGTON ROAD AND DECATUR DRIVE, PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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


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 10th day of March, 2016.

APPROVED:

_______________________________
MAYOR

ATTEST:

_______________________________
City Secretary

APPROVED:

_______________________________
City Attorney
EXHIBIT “A”

That Chapter 12, “Unified Development Ordinance,” Section 12-4.2, “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 O Office and GC General Commercial to MF Multi-Family and NAP Natural Areas Protected with the condition that no residential structures be constructed within the 135-ft buffer from significant hazards located on the abutting site containing oil and gas uses, as shown graphically in Exhibits “B”, “C”, & “D”:

Approximately 17.66 acres, being Lot 1, Block 5 of the Tower Point Phase 5 Subdivision, according to the plat recorded in Volume 9448, Page 274 of the official public records of Brazos County, Texas.