October 28, 2021 Item No. 9.1. Baker Tract Rezoning

Sponsor: Brandi Tedrick, Staff Planner

Reviewed By CBC: Planning & Zoning Commission

Agenda Caption:Public Hearing, presentation, discussion, and possible action regarding an ordinance amending Appendix A, "Unified Development Ordinance, Article 4, "Zoning Districts," Section 4.2 "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas by changing the zoning district boundary from R Rural to GS General Suburban for approximately 30 acres generally located west of the intersection of W.S. Phillips Parkway and Brewster Drive.

Relationship to Strategic Goals:

Diverse & Growing Economy

Recommendation(s): The Planning and Zoning Commission heard this item at their October 7, 2021 Regular Meeting and voted unanimously to recommend approval. Staff recommends approval of the rezoning.

Summary: This request is to rezone approximately 30 acres of undeveloped land generally located west of the intersection of W.S. Phillips Parkway and Brewster Drive from R Rural to GS General Suburban. The tract was originally zoned A-O Agricultural-Open upon annexation to the City in 1995. This zoning request is in effort to provide additional single-family housing supply to this area of the city.

REZONING REVIEW CRITERIA

1. Whether the proposal is consistent with the Comprehensive Plan:

The subject tract is designated on the Comprehensive Plan Future Land Use and Character Map as General Suburban and on the Concept Map as Growth Area IV. The Comprehensive Plan states that the General Suburban portion within Growth Area IV is suitable for high-density single-family lots, townhomes, and duplexes. The ongoing 10-Year Comprehensive Plan Update reclassifies the subject property as Suburban Residential, which is nearly identical in function and allows medium to high-density single-family lots. The proposed zoning permits single-family detached homes, allowing the property to be developed consistent with the Comprehensive Plan.

2. Whether the uses permitted by the proposed zoning district will be appropriate in the context of the surrounding area:

The existing R Rural zoning allows for a mix of large acreages and large-lot residential developments, which is partially compatible with the development in the surrounding area. Given the property's proximity to Castlegate II and Brewster Pointe properties and its designation of Growth Area IV in the Comprehensive Plan, a rezoning which allows for higher-density single-family lots supports the planned growth in the area. The continuation of high-density single-family is compatible with the adjacent Castlegate II and Brewster Pointe subdivisions.

3. Whether the property to be rezoned is physically suitable for the proposed zoning district: The size and location of the subject property is suitable for residential uses. The site has adequate space to meet the minimal dimensional standards for the GS General Suburban district It is adjacent to other high-density single-family and commercial developments. There is no floodplain on the property. There is an existing gas pipeline crossing and a large pond on site that will remain and will be avoided by residential lots.

4. Whether there is available water, sanitary sewer, storm water, and transportation facilities generally suitable and adequate for uses permitted by the proposed zoning district: Domestic water and fire flow service for this tract will be provided by the City of College Station via extending existing 8" and 12" waterline infrastructure surrounding the property. Wastewater service for this tract will be provided by City as well via a 12" sewer line located along the northwest property line. Detention is required in accordance with the BCS guidelines. Drainage and any other infrastructure required with the site development shall be designed and constructed in accordance with the BCS Unified Design Guidelines.

The tract contains portions of 3 thoroughfares. W.S. Phillips Parkway is along its eastern edge and classified as a future 4-lane Minor Arterial. The extension of Brewster Drive as a proposed 2-lane Minor Collector is along the tract's southern edge and the extension of Etonbury Avenue as a 2-lane Minor Collector is along the western edge. There are two residential streets stubbed to the tract, Tradewind Drive and Bramber Drive, that will be extended with platting. While the acreage amount can require a TIA, a TIA was not required with this rezoning. The applicant provided a conceptual layout of 96 lots as the tract has thoroughfares and other encumbrances such as a significant gas pipeline crossing, a large pond, and detention requirements that limit the developable area. If a Preliminary Plan is submitted in the future with 150 or more lots, a TIA can be required with that application.

5. The marketability of the property:

The applicant has stated there is little marketability for this property under the current zoning due to the development activity in this area.

Budget & Financial Summary: N/A

Attachments:

- 1. Ordinance
- 2. Background Information
- 3. Vicinity, Aerial, and Small Area Map
- 4. Rezoning Map
- 5. Rezoning Exhibit
- 6. Applicant's Supporting Information

ORDINANCE NO.

AN ORDINANCE AMENDING APPENDIX A "UNIFIED DEVELOPMENT ORDINANCE," ARTICLE 4 "ZONING DISTRICTS," SECTION 4.2, "OFFICIAL ZONING MAP" OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY CHANGING THE ZONING DISTRICT BOUNDARIES FROM R RURAL TO GS GENERAL SUBURBAN ON APPROXIMATELY THIRTY ACRES GENERALLY LOCATED WEST OF THE INTERSECTION OF W.S. PHILLIPS PARKWAY AND BREWSTER DRIVE AS DESCRIBED BELOW; 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 1: That Appendix A "Unified Development Ordinance," Article 4 "Zoning Districts," 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" attached hereto and made a part of this Ordinance for all purposes.
- **PART 2:** If any provision of this Ordinance or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or application of this Ordinance or the Code of Ordinances of the City of College Station, Texas, that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Ordinance are severable.
- **PART 3:** That any person, corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity violating any of the provisions of this Ordinance 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) and not more than five hundred dollars (\$500.00) or more than two thousand dollars (\$2,000) for a violation of fire safety, zoning, or public health and sanitation ordinances, other than the dumping of refuse. Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.
- **PART 4:** This Ordinance is a penal ordinance and becomes effective ten (10) days after its date of passage by the City Council, as provided by City of College Station Charter Section 35.

PASSED, ADOPTED, and APPROVED this _	day of	, 20
ATTEST:	APPROVED:	
City Secretary	Mayor	
APPROVED:		

City Attorney

Exhibit A

That Appendix A "Unified Development Ordinance," Article 4 "Zoning Districts," 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 R Rural to GS General Suburban:

METES AND BOUNDS DESCRIPTION OF A 29.826 ACRE TRACT ROBERT STEVENSON LEAGUE, A-54 COLLEGE STATION, BRAZOS COUNTY, TEXAS

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE ROBERT STEVENSON LEAGUE, ABSTRACT NO. 54, COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING ALL OF A CALLED 29.405 ACRE TRACT AS DESCRIBED BY A DEED TO THE AGNES S. BAKER REVOCABLE LIVING TRUST RECORDED IN VOLUME 2488, PAGE 64 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 WITH CAP STAMPED "KERR 4502" FOUND ON THE NORTHEAST LINE OF BREWSTER POINTE SUBDIVISION, PHASE 1, ACCORDING TO THE PLAT RECORDED IN VOLUME 14439, PAGE 147 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, MARKING THE SOUTH CORNER OF A CALLED 9.5 ACRE TRACT AS DESCRIBED BY A DEED TO R. W. ROBINSON RECORDED IN VOLUME 439, PAGE 380 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS, AND THE WEST CORNER OF THIS HEREIN DESCRIBED TRACT (BEARING SYSTEM SHOWN HEREIN IS NAD83 [TEXAS STATE PLANE CENTRAL ZONE GRID NORTH] BASED ON THE PUBLISHED COORDINATES OF THE CITY OF COLLEGE STATION CONTROL MONUMENT CS94-137 [Y:10185974.86; X:3574741.19] AND AS ESTABLISHED BY GPS OBSERVATION, DISTANCES SHOWN HEREIN ARE GRID DISTANCES UNLESS OTHERWISE NOTED, AREAS DESCRIBED HEREIN AS MEASURED ARE CALCULATED FROM GRID DISTANCES, TO DETERMINE SURFACE DISTANCES, NOT SURFACE AREAS, MULTIPLY BY A COMBINED SCALE FACTOR OF 1.00009301916043 [CALCULATED USING GEOID 12B]];

THENCE: N 41° 55' 08" E ALONG THE COMMON LINE OF SAID 29.405 ACRE TRACT AND SAID 9.5 ACRE TRACT FOR A DISTANCE OF 469.32 FEET TO A 10 INCH FENCE CORNER POST FOUND MARKING THE SOUTH CORNER OF A CALLED 10 ACRE TRACT AS DESCRIBED BY A DEED TO JOHN WESLEY LOTT, JR. AND WIFE, ANCIE LEE LOTT RECORDED IN VOLUME 344, PAGE 397 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: N 42° 23' 24" E ALONG THE COMMON LINE OF SAID 29.405 ACRE TRACT AND SAID 10 ACRE TRACT FOR A DISTANCE OF 471.87 FEET TO A 12 INCH FENCE CORNER POST FOUND MARKING THE SOUTH CORNER OF A CALLED 4.392 ACRE TRACT AS DESCRIBED BY A DEED TO BENNY JOHN GALLAWAY AND NANCY MCALPIN GALLAWAY RECORDED IN VOLUME 14180, PAGE 187 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: N 40° 38' 44" E ALONG THE COMMON LINE OF SAID 29.405 ACRE TRACT AND SAID 4.392 ACRE TRACT FOR A DISTANCE OF 230.41 FEET TO A FENCE CORNER POST FOUND MARKING THE SOUTH CORNER OF A CALLED 1.58 ACRE TRACT AS DESCRIBED BY A DEED TO CLIFTON BENFORD RECORDED IN VOLUME 12523, PAGE 4 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: N 41° 18' 46" E ALONG THE COMMON LINE OF SAID 29.405 ACRE TRACT AND SAID 1.58 ACRE TRACT FOR A DISTANCE OF 192.51 FEET TO A FENCE CORNER POST FOUND MARKING THE SOUTH CORNER OF A CALLED 2.00 ACRE TRACT AS DESCRIBED BY A DEED TO TOMMY L. BROWDER RECORDED IN VOLUME 8312, PAGE 106 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: N 41° 15' 15" E ALONG THE COMMON LINE OF SAID 29.405 ACRE TRACT AND SAID 2.00 ACRE TRACT FOR A DISTANCE OF 246.66 FEET TO THE SOUTHWEST LINE OF W. S. PHILLIPS PARKWAY (VARIABLE WIDTH R.O.W.) AND THE NORTH CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: S 48° 12' 30" E ALONG THE SOUTHWEST LINE OF W. S. PHILLIPS PARKWAY FOR A DISTANCE OF 812.44 FEET TO THE EAST CORNER OF THIS HEREIN DESCRIBED TRACT;

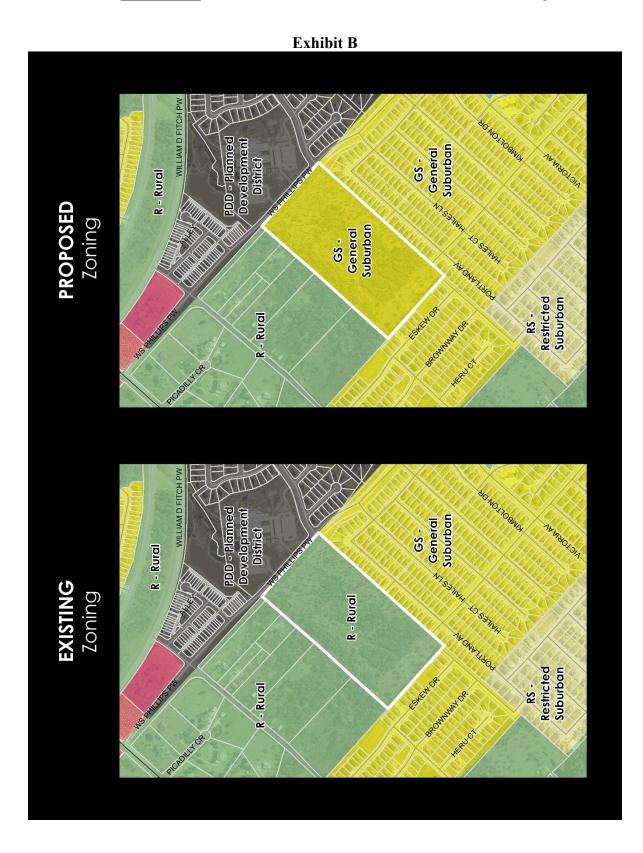
THENCE: S 41° 56' 37" W ALONG THE SOUTHEAST LINE OF SAID 29.405 ACRE TRACT, AT 75.34 FEET PASS A ½ INCH IRON ROD WITH CAP STAMPED "KERR 4502" FOUND MARKING A NORTH CORNER OF CASTLEGATE II SUBDIVISION, PHASE 102 ACCORDING TO THE PLAT RECORDED IN VOLUME 12107, PAGE 123 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, CONTINUE ON ALONG THE COMMON LINE OF SAID 29.405 ACRE TRACT, SAID PHASE 102, AND CASTLEGATE II SUBDIVISION, PHASE 107 ACCORDING TO THE PLAT RECORDED IN VOLUME 13037, PAGE 274 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, FOR A TOTAL DISTANCE OF **1612.46 FEET** TO A ½ INCH IRON ROD WITH CAP STAMPED "KERR 4502" FOUND ON THE SOUTHEAST LINE OF BREWSTER DRIVE MARKING THE SOUTH CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: N 48° 04' 52" W ACROSS THE END OF BREWSTER DRIVE AND ALONG THE COMMON LINE OF SAID 29.405 ACRE TRACT AND BREWSTER POINTE SUBDIVISION, PHASE 1, FOR A DISTANCE OF 805.60 FEET TO THE <u>POINT OF</u> <u>BEGINNING</u> CONTAINING 29.826 ACRES OF LAND (AS MEASURED BY GRID DISTANCES), MORE OR LESS SURVEYED ON THE GROUND.

BRAD KERR REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4502 DATE: 03/11/2021

KERR SURVEYING, LLC | 409 N. TEXAS AVENUE, BRYAN, TEXAS 77803 979-268-3195 | BRAD@KERRSURVEYING.NET | TBPELS FIRM# 10018500





BACKGROUND INFORMATION

NOTIFICATIONS

Advertised Commission Hearing Date:October 7, 2021Advertised Council Hearing Date:October 28, 2021

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:

Castlegate HOA Castlegate II HOA

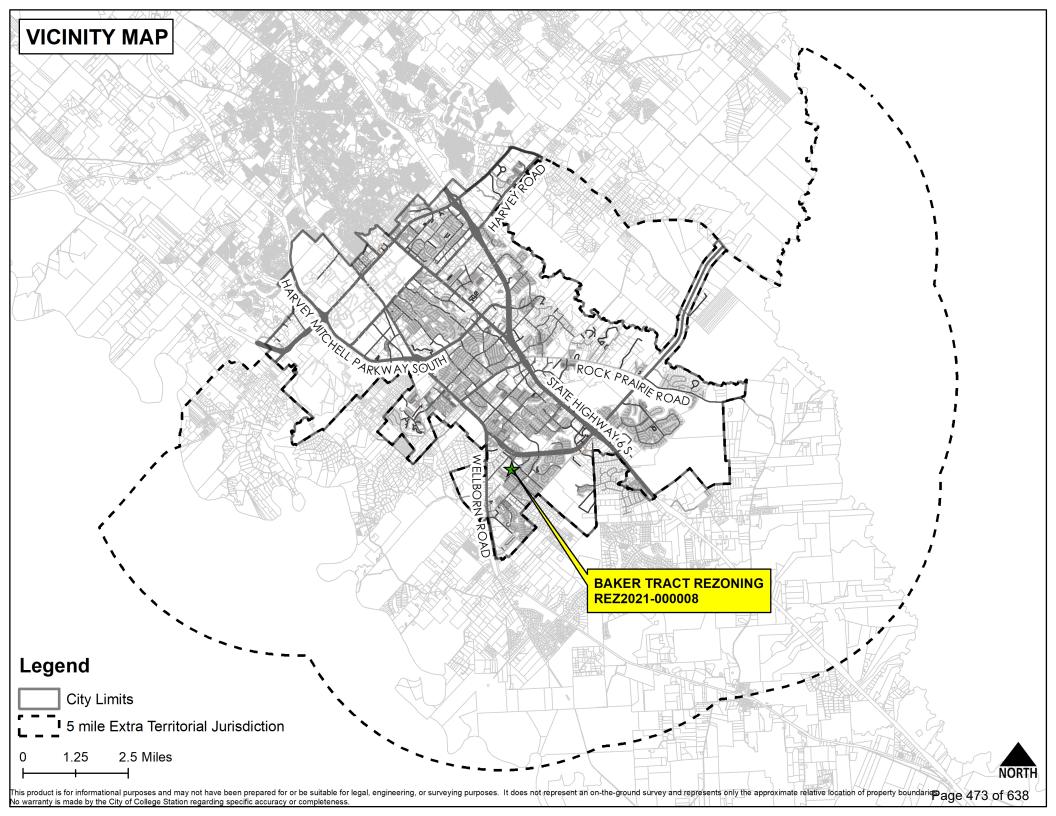
Property owner notices mailed:	89
Contacts in support:	None at the time of this report
Contacts in opposition:	None at the time of this report
Inquiry contacts:	Four at the time of this report

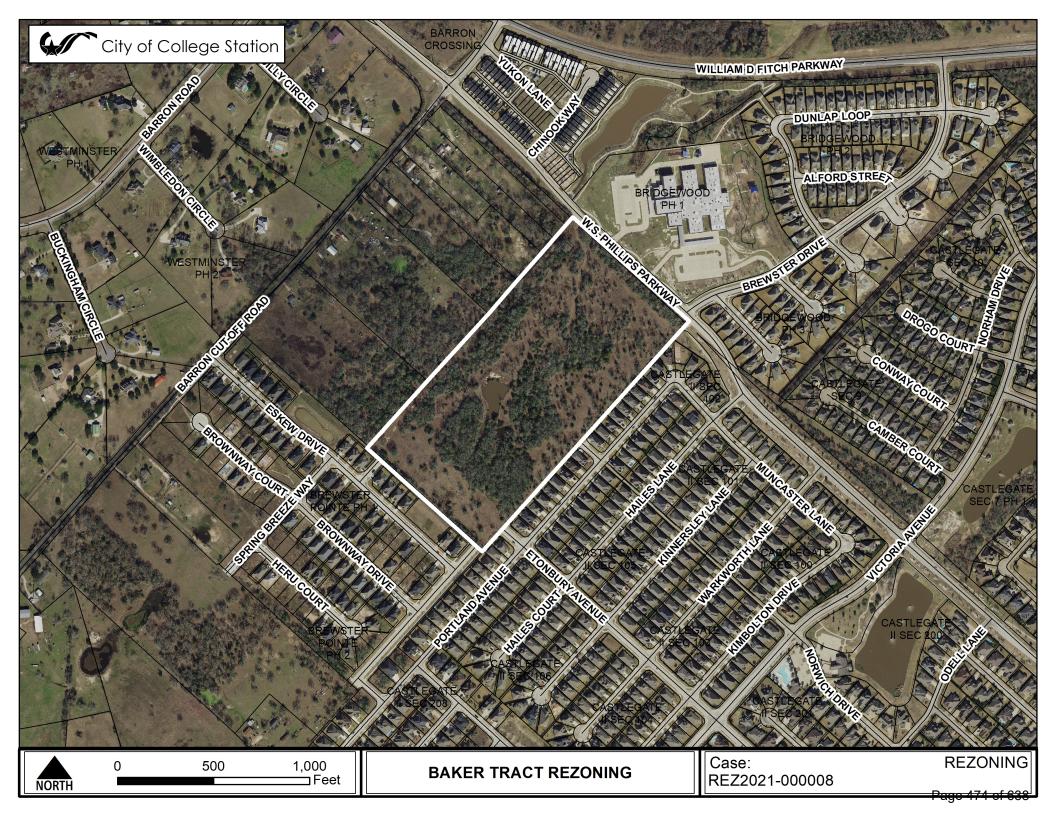
ADJACENT LAND USES

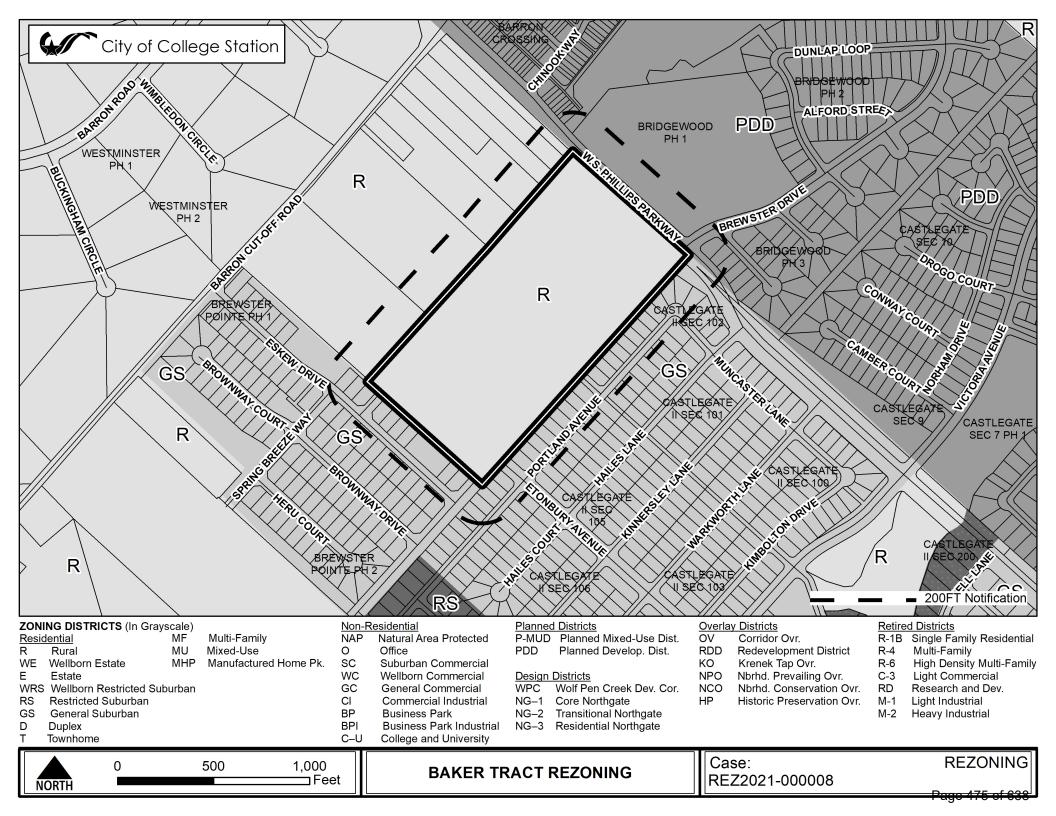
Direction	Comprehensive Plan	Zoning	Land Use
North	Restricted Suburban	PDD Planned Development District	Public Facility (School)
South	Restricted Suburban and General Suburban	GS General Suburban	Single-Family Residential
East	Restricted Suburban	GS General Suburban	Single-Family Residential
West	General Suburban	R Rural	Rural

DEVELOPMENT HISTORY

Annexation:	June 1995
Zoning:	A-O Agricultural Open upon annexation (1995)
	A-O Agricultural Open renamed R Rural (2013)
Final Plat:	Unplatted
Site Development:	Undeveloped





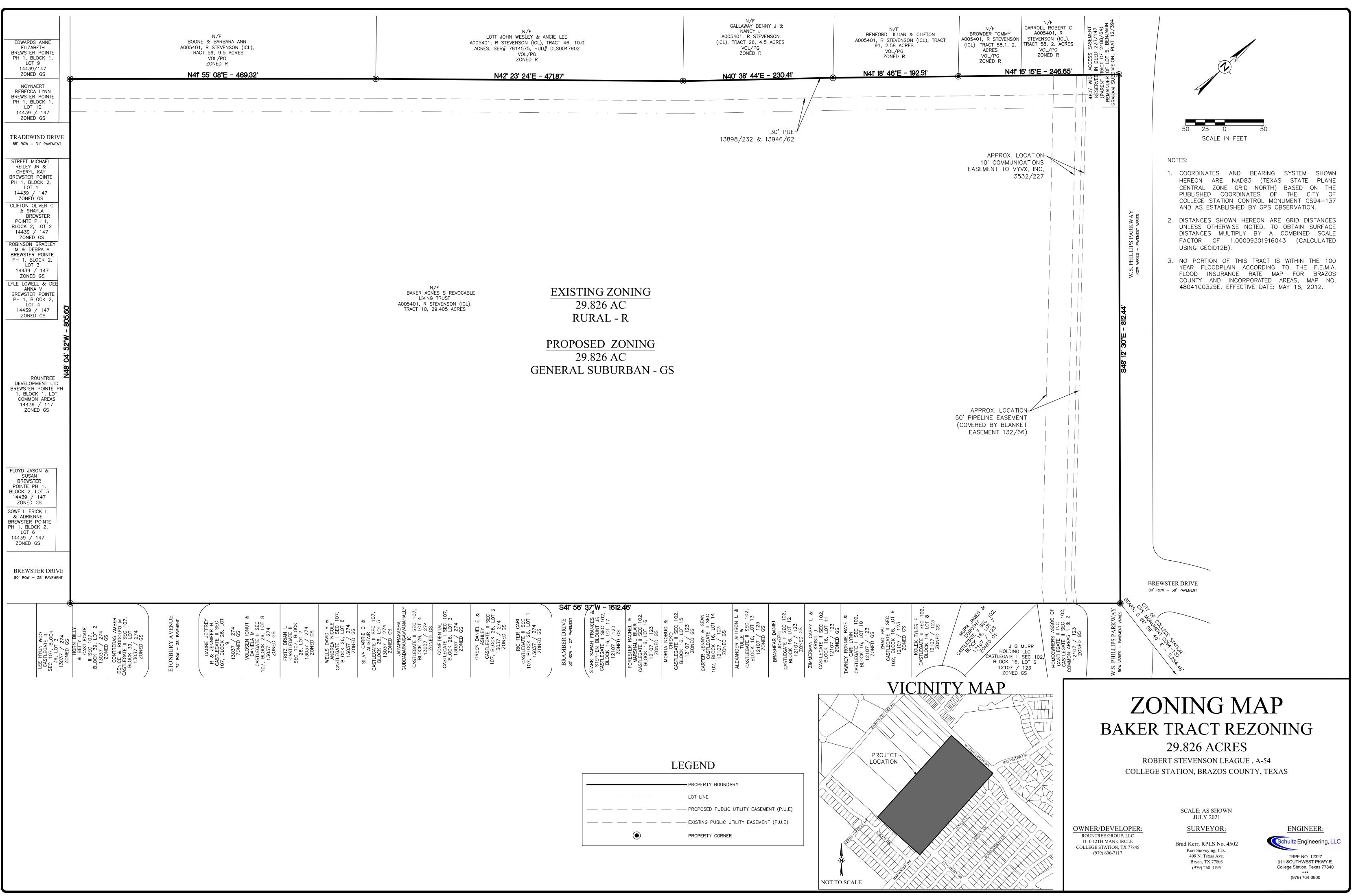


EXISTING Zoning

PROPOSED Zoning







N/F LOTT JOHN WESLEY & ANCIE LEE A005401, R STEVENSON (ICL), TRACT 46, 10.0 ACRES, SER# 7814575, HUD# DLS0047902 VOL/PG ZONED R	N/F GALLAWAY BENNY J & NANCY J A005401, R STEVENSON (ICL), TRACT 26, 4.5 ACRES VOL/PG ZONED R	N/F BENFORD LILLIAN & CLIFTON A005401, R STEVENSON (ICL), TRACT 91, 2.58 ACRES VOL/PG ZONED R
N42° 23' 24"E - 471.87'	N40° 38' 44"E - 230.41'	N4ť 18' 46'E - 192.51'



REZONING APPLICATION SUPPORTING INFORMATION

Name of Project:	BAKER TRACT REZONING
Address:	
Legal Description:	A005401, R STEVENSON (ICL), TRACT 10, 29.405 ACRES
Total Acreage:	29.826
Applicant::	SCHULTZ ENGINEERING LLC
Property Owner:	BAKER AGNES S REVOCABLE LIVING

List the changed or changing conditions in the area or in the City which make this zone change necessary.

The demand for single family residential homes in south College Station

Indicate whether or not this zone change is in accordance with the Comprehensive Plan. If it is not, explain why the Plan is incorrect.

This zone change is in accordance with the Comprehensive Plan.

How will this zone change be compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood?

Large lot rural style residential development of this tract is not in conformance with the Land Use plan and would result in only a few residential lots which is not suitable for comparison to the existing and proposed single family neighborhoods adjacent to this property.

Explain the suitability of the property for uses permitted by the rezoning district requested.

There is a demand for single family residential lots in this area due its proximity to schools and the success of the nearby residential developments. The property has adequate access and availability of utilities.

Explain the suitability of the property for uses permitted by the current zoning district.

There is a demand for single family residential lots in this area due its proximity to schools and the success of the nearby residential developments. The property has adequate access and availability of utilities.

Explain the marketability of the property for uses permitted by the current zoning district.

There is little marketability as a multi-acre rural residential lot subdivision in this location due to the development activity in this area.

List any other reasons to support this zone change.

The development of this property will extend utilities and streets that will help with the development of the adjacent properties.