

September 22, 2022
Item No. 9.2.
North Forest Estates Restricted Occupancy Overlay

Sponsor: Alyssa Halle-Schramm, Planner

Reviewed By CBC: City Council

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 GS General Suburban to GS General Suburban and ROO Restricted Occupancy Overlay on approximately 9.86 acres of land, being 26 lots within North Forest Estates, Block 1 and 2, generally located along Justin Avenue.

Relationship to Strategic Goals:

- Neighborhood Integrity

Recommendation(s): The Planning & Zoning Commission heard this item at their September 1, 2022 meeting and voted 4-2 to recommend approval.

Summary: This request is to rezone approximately 9.86 acres being 26 lots within the North Forest Estates subdivision from GS General Suburban to GS General Suburban and ROO Restricted Occupancy Overlay. This request is to add the ROO, which is a single-family overlay zoning district, to the existing base zoning within the North Forest Estate subdivision boundaries. The ROO overlay is intended to provide subdivision-specific occupancy regulations – not to exceed two unrelated persons per single-family dwelling or accessory living quarter. The Petition Committee, comprised of North Forest Estates homeowners, has met all requirements of the ROO application process. The Petition Committee submitted the application materials including the ROO petition that contained 20 total signatures. City staff were able to verify 19 of the 20 signatures, representing 73.1% of the subdivision in support of the requested ROO.

REZONING REVIEW CRITERIA

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

The subject tract is designated as Suburban Residential on the Comprehensive Plan Future Land Use & Character Map. The surrounding areas to the northeast and southwest are also Suburban Residential. The property to the southeast is designated as Natural & Open Areas and is part of Bee Creek and its floodplain. The property to the northwest across North Forest Parkway is designated Neighborhood Commercial and is developed as the St. Thomas Aquinas Catholic Church. North Forest Parkway is an existing 2-lane minor collector and is shown on the Comprehensive Plan’s Thoroughfare Plan as a future 2-lane major collector.

The Comprehensive Plan discusses single-family overlay zoning districts in both Chapter 3, Strong Neighborhoods and Chapter 9, Collaborative Partnerships. The plan states that, “various single-family overlay zoning districts have been created to help mitigate the issues associated with tear-downs in established neighborhoods. These include the Neighborhood Conservation Overlay, the

Restricted Occupancy Overlay, and the Historic Preservation Overlay.” The plan goes on to state that collaboration between the City and Texas A&M University is vital to proactively address issues caused by the rapid growth of the university and the stressors and potential changes that places on nearby neighborhoods.

Pursuing a single-family overlay zoning is a tool that a neighborhood can choose for itself to help address and mitigate perceived, anticipated, and actual changes within an established single-family neighborhood. While the Neighborhood Conservation and Historic Presentation Overlays address and mitigate changes to physical property characteristics, the intent of a ROO is to address and mitigate issues associated with overoccupancy. As a tool that a neighborhood can pursue for itself to address issues of overoccupancy and preserve neighborhood character, the request is aligned 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 subject property is surrounded by GS General Suburban zoned single-family homes to the northeast in the Emerald Forest subdivision and to the southwest in the North Forest subdivision (which is separate from North Forest Estates). The property to the southeast is zoned GC General Commercial but is part of Bee Creek and its floodplain and, as such, is undevelopable. The property located to the northwest across North Forest Parkway is St. Thomas Aquinas Catholic Church, which is zoned R Rural and GS General Suburban. The single-family uses allowed by the GS General Suburban zoning district will remain and the addition of the ROO overlay solely restricts the number of unrelated persons per single-family dwelling or accessory living quarters to no more than two unrelated persons.

As stated in the Unified Development Ordinance (UDO), “single-family overlay districts create an additional zoning district that is superimposed over the underlying zoning district. Single-family overlay districts are intended to provide additional standards for College Station neighborhoods. These standards promote residential development patterns and are intended to protect and enhance desirable neighborhood characteristics, livability, and harmonious, orderly, and efficient growth and development. The underlying zoning district establishes the permitted uses and standards and shall remain in effect. The requirements of the overlay district are to be applied in addition to the underlying zoning district standards.”

The ROO overlay standard is as follows: “Occupancy of either, a detached single-family dwelling or accessory living quarter, shall not exceed two unrelated persons per single-family dwelling or accessory living quarter. Related persons are specified in Section 11.2 ‘Defined Terms’ in the definition of ‘Family.’ Accessory living quarter requirements are further specified in Section 6.5 ‘Accessory Uses’ within the standards for ‘Living Quarters.’”

UDO Sections 3.3, 4.1, and 5.11 detail the application process and regulations for single-family overlay districts and the ROO Process Handbook serves as a policy guide for residents. The process requires that a subdivision interested in pursuing a ROO form a Petition Committee. That committee is tasked with leading the effort, organizing their neighbors, hosting a neighborhood-led meeting and notifying all neighbors of the meeting via certified mail, collecting the petition signatures, and submitting the completed application and all required materials.

The North Forest Estates Petition Committee was comprised of three members: Fred Boeheim, Mark

Hawthorne, and Rey Sully. The Petition Committee hosted their neighborhood meeting on June 25, 2022, discussed pursuing the ROO for their subdivision, answered questions from their neighbors, and began collecting petition signatures. Property owners from 11 of the 26 lots were in attendance, as were City staff, and an owner from each property signed the petition.

The Petition Committee finished collecting petition signatures and submitted their ROO application in July 2022. City staff verified that the application was complete, and all requirements were met. The submitted ROO Petition contained 20 total signatures. City staff were able to verify 19 of the 20 signatures. The signature that staff were unable to verify was a property held within a trust that required both trustees sign transactions on behalf of the trust, and thus was missing a signature from the second trustee. The Petition Committee was unable to obtain the second signature within the timeframe needed to move forward and asked that the application continue with the 19 confirmed signatures, representing 73.1% of the subdivision in support of the requested ROO.

Staff held a required City-hosted neighborhood meeting for the North Forest Estates ROO request on August 9, 2022. There were five residents in attendance, three from North Forest Estates who signed the petition in support of the ROO, one participating remotely on Zoom who did not provide comment, and one from the nearby North Forest subdivision who was interested in learning about the ROO application and whether it applied to his property, which it does not.

3.) Whether the property to be rezoned is physically suitable for the proposed zoning district:

The ROO overlay zoning does not affect any of the physical characteristics of the underlying GS General Suburban zoning district. The existing subdivision meets the dimensional standards for GS General Suburban zoned properties as set forth in the UDO and is already developed as a single-family residential subdivision.

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:

The existing water, wastewater, stormwater, and transportation infrastructure is adequate to support the needs of this existing development. No additional development and subsequent impacts are anticipated from the addition of the ROO overlay zoning designation.

5.) The marketability of the property:

The single-family uses allowed by the GS General Suburban zoning district will remain and are marketable as single-family residential homes. The ROO overlay only restricts the number of unrelated persons per single-family dwelling or accessory living quarters to no more than two unrelated persons.

Budget & Financial Summary: N/A

Attachments:

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

7. Petition Committee Members
8. Neighborhood Meeting Materials
9. Petition Signatures

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 AFFECTING APPROXIMATELY 9.86 ACRES, BEING 26 LOTS WITHIN THE NORTH FOREST ESTATES SUBDIVISION 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”** 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 22nd day of September, 2022.

ATTEST:

APPROVED:

City Secretary

Mayor

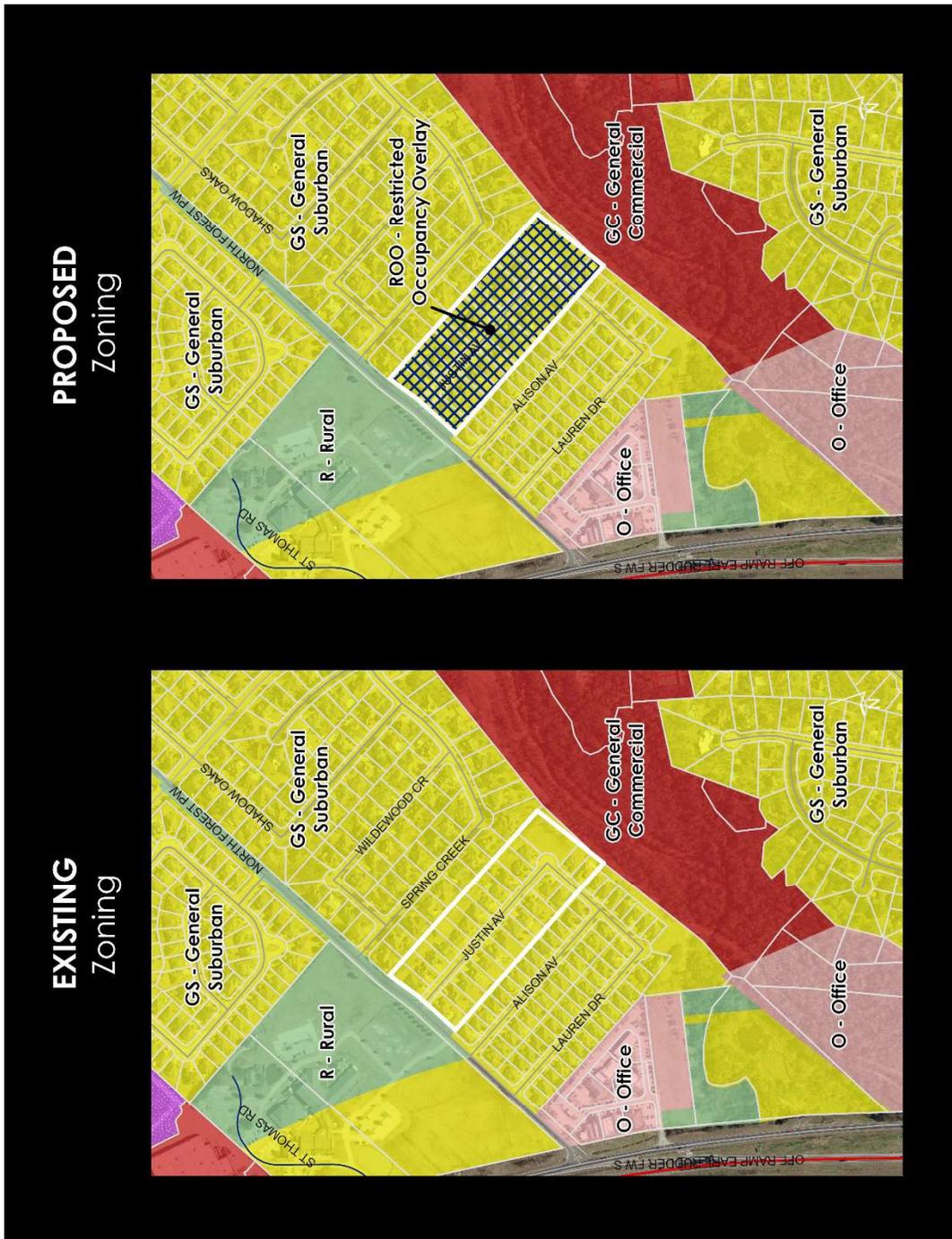
APPROVED:

City Attorney

Exhibit A

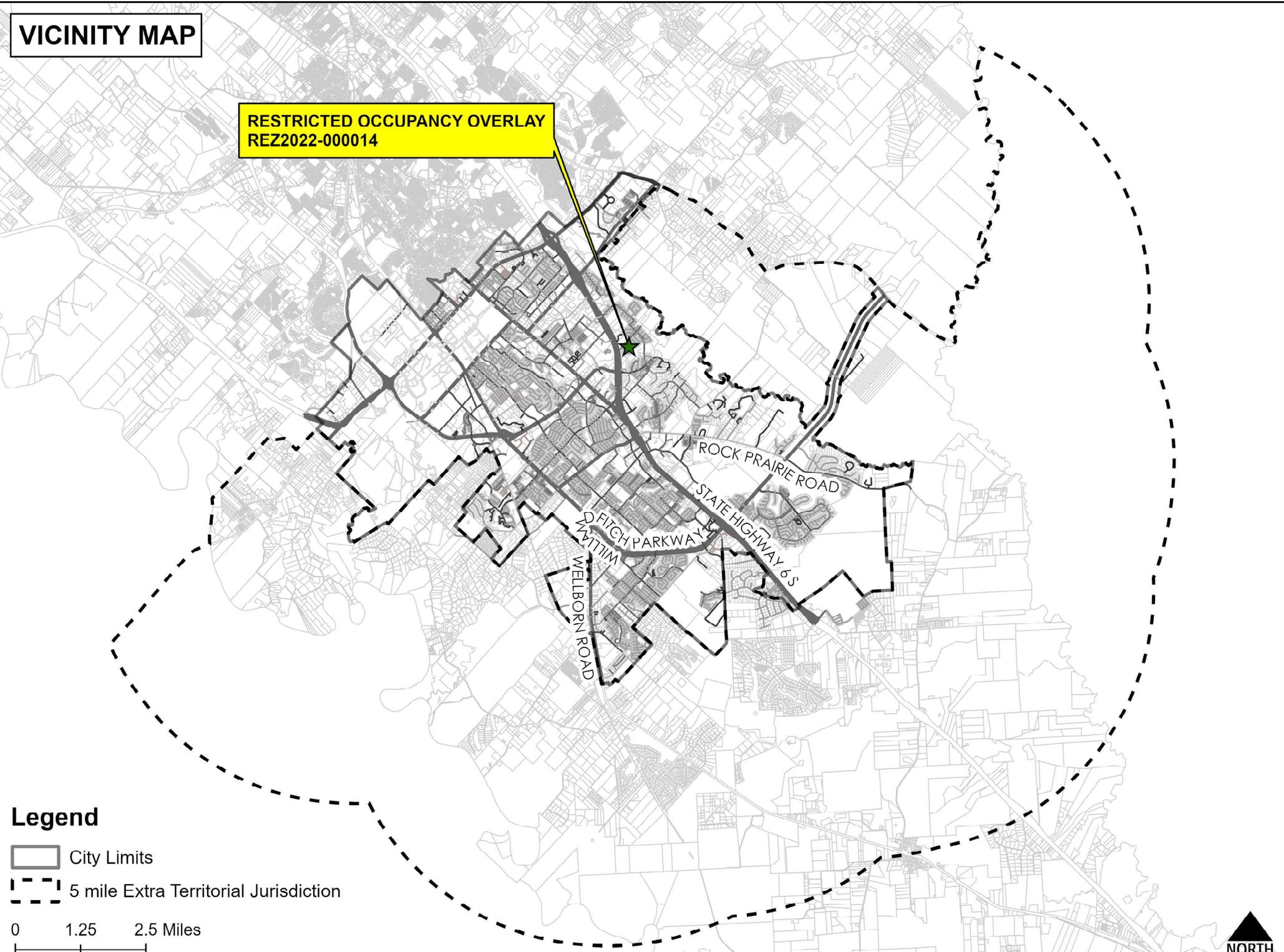
That Appendix A, “Unified Development Ordinance,” Article 4, “Zoning Districts,” Section 4.2, “Official Zoning Map,” of the Code of Ordinances of the City of College Station, Texas, is hereby amended and is to read as follows:

The following property is rezoned to apply a ROO Restricted Occupancy Overlay zoning as provided in Appendix A, “Unified Development Ordinance,” Article 5 “District Purpose Statements and Supplemental Standards”, Section 5.11 “Single-Family Overlay Districts”:



VICINITY MAP

**RESTRICTED OCCUPANCY OVERLAY
REZ2022-000014**

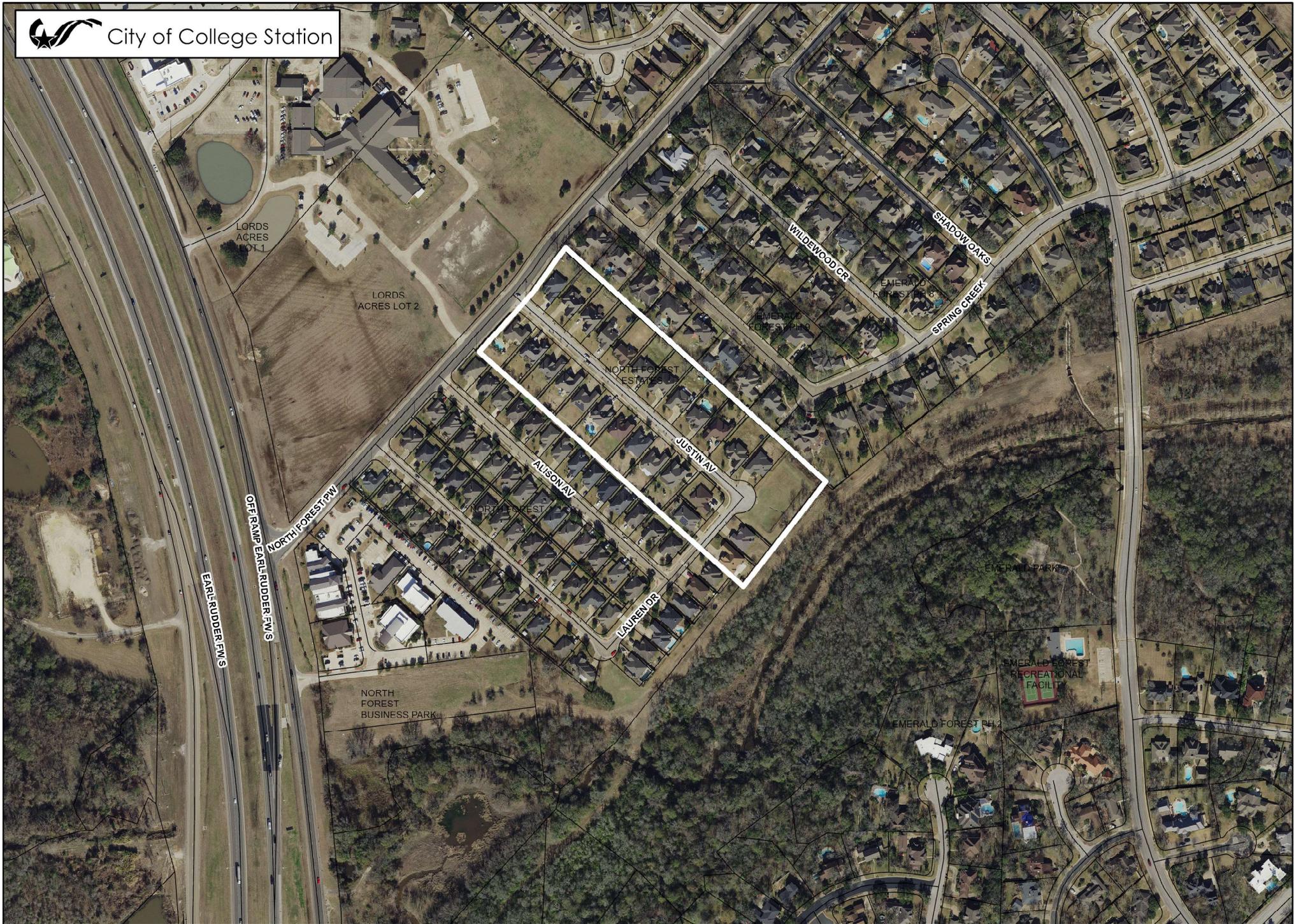


Legend

-  City Limits
-  5 mile Extra Territorial Jurisdiction

0 1.25 2.5 Miles



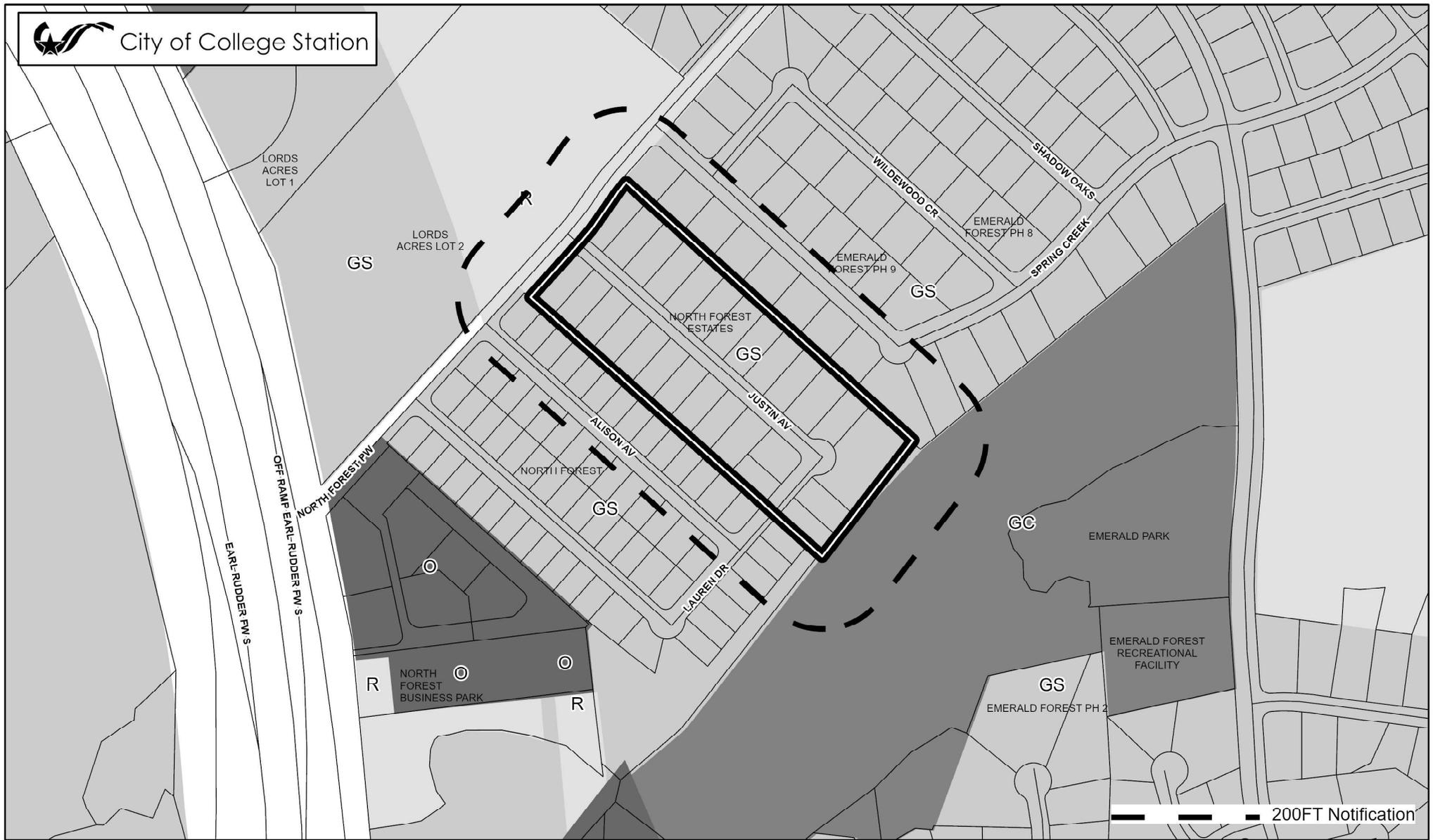


0 370 740 Feet

RESTRICTED OCCUPANCY OVERLAY

Case:
REZ2022-000014

REZONING



200FT Notification

ZONING DISTRICTS (In Grayscale)

Residential	MF Multi-Family
R Rural	MU Mixed-Use
WE Wellborn Estate	MHP Manufactured Home Pk.
E Estate	
WRS Wellborn Restricted Suburban	
RS Restricted Suburban	
GS General Suburban	
D Duplex	
T Townhome	

Non-Residential

NAP Natural Area Protected
O Office
SC Suburban Commercial
WC Wellborn Commercial
GC General Commercial
CI Commercial Industrial
BP Business Park
BPI Business Park Industrial
C-U College and University

Planned Districts

P-MUD Planned Mixed-Use Dist.
PDD Planned Develop. Dist.

Design Districts

WPC Wolf Pen Creek Dev. Cor.
NG-1 Core Northgate
NG-2 Transitional Northgate
NG-3 Residential Northgate

Overlay Districts

OV Corridor Ovr.
RDD Redevelopment District
ROO Restricted Occupancy Ovr.
NPO Nbrhd. Prevailing Ovr.
NCO Nbrhd. Conservation Ovr.
HP Historic Preservation Ovr.

Retired Districts

R-1B Single Family Residential
R-4 Multi-Family
R-6 High Density Multi-Family
C-3 Light Commercial
RD Research and Dev.
M-1 Light Industrial
M-2 Heavy Industrial



RESTRICTED OCCUPANCY OVERLAY

Case: REZ2022-000014
REZONING
Page 672 of 776

BACKGROUND INFORMATION

NOTIFICATIONS

Advertised Commission Hearing Date: September 1, 2022
 Advertised Council Hearing Date: September 22, 2022

Property owner notices mailed: 83

Contacts in support: None at the time of this report
 Contacts in opposition: None at the time of this report
 Inquiry contacts: One at the time of this report

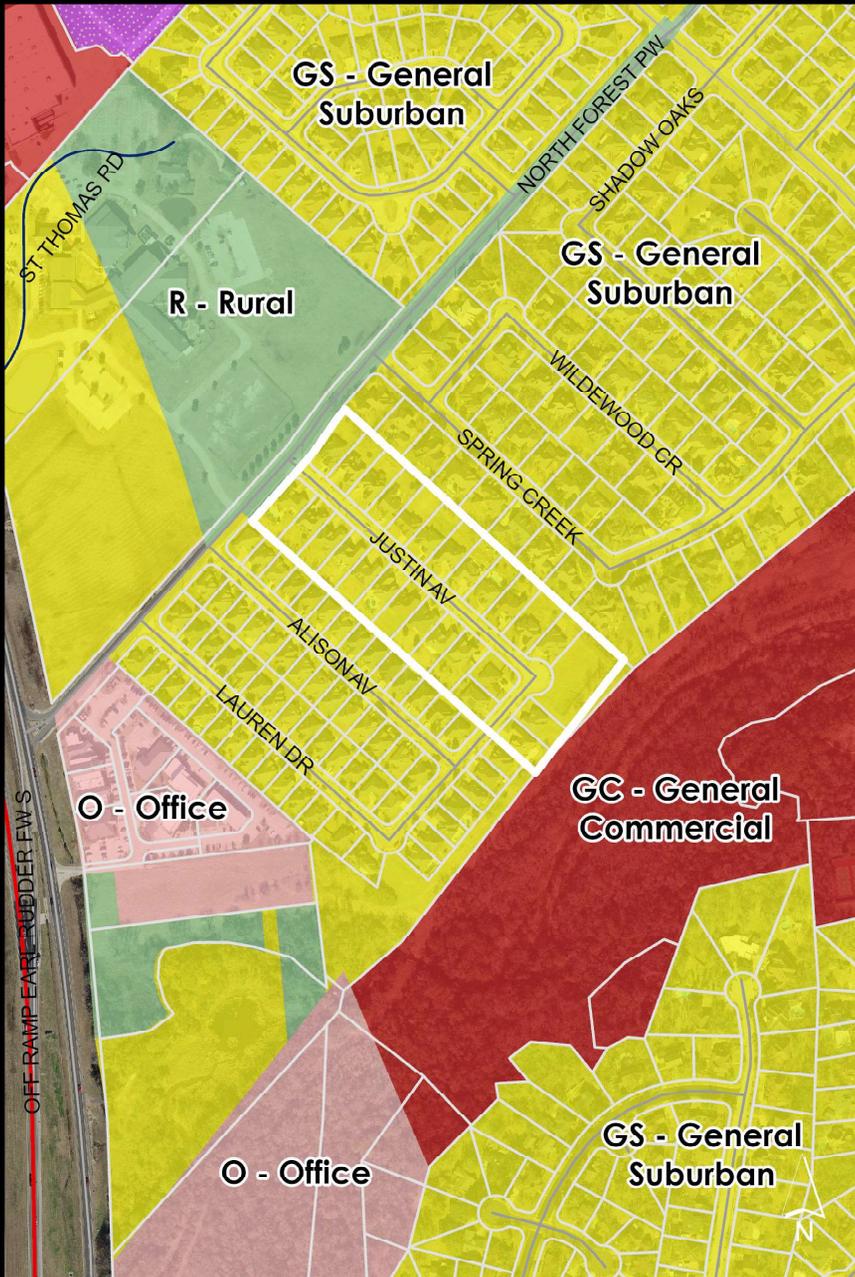
ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North	Suburban Residential	GS General Suburban	Residential
South	Suburban Residential	GS General Suburban	Residential
East	Natural & Open Areas	GC General Commercial	Undeveloped
West	Right-of-Way 2-Lane Major Collector	n/a	North Forest Parkway 2-Lane Minor Collector

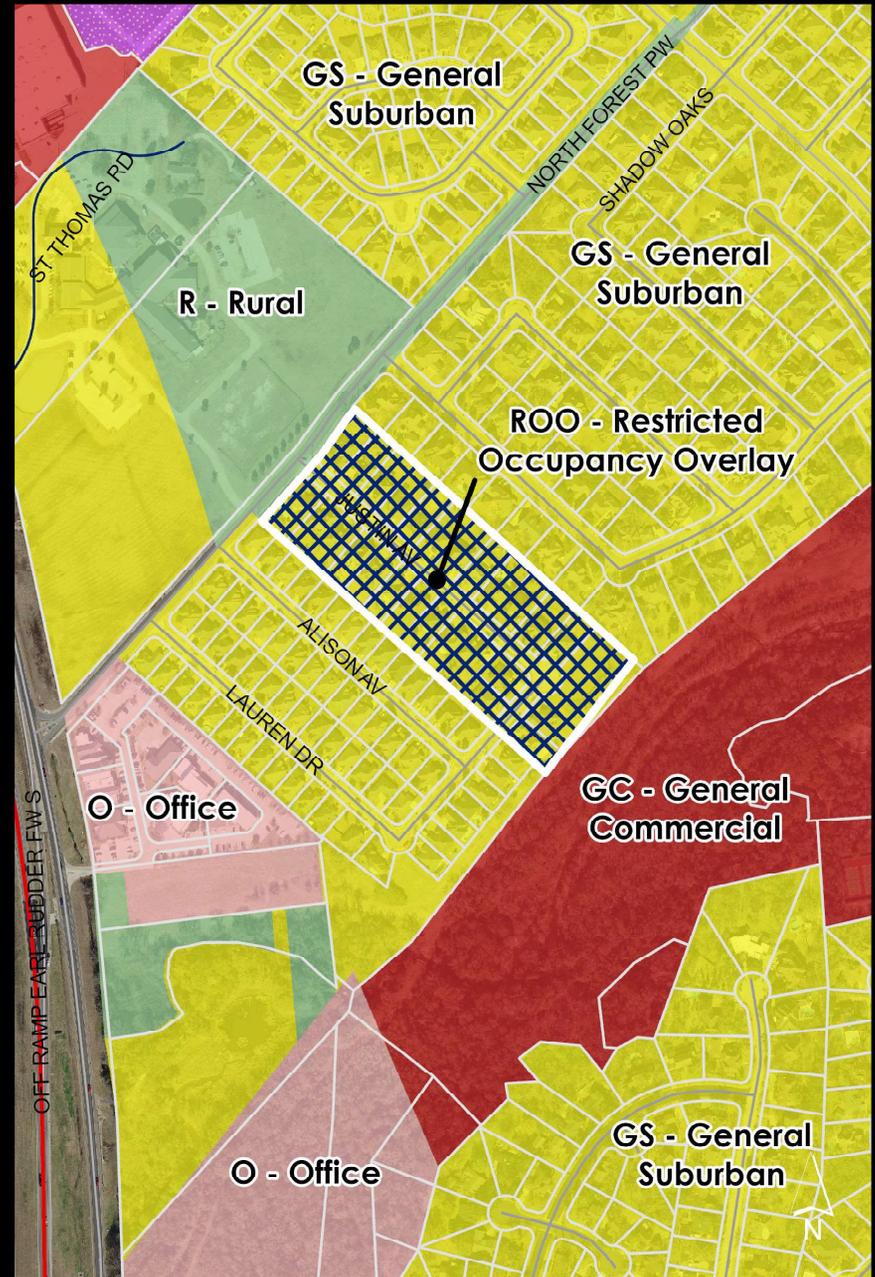
DEVELOPMENT HISTORY

Incorporated: September 1977
Zoning: A-O Agricultural Open (1977)
 R-1 Single-Family Residential (2006)
 R-1 Single-Family Residential renamed to GS General Suburban (2013)
Final Plat: North Forest Estates (2008)
Site Development: Single-Family Residential

EXISTING Zoning



PROPOSED Zoning



H:\Load Projects\2010\1\Reactor Morgan A-46\North-Forest-Subdivision.dwg North Forest Estates\Printing\Preliminary & Final\Print-4/24/2008 8:48:32 AM.CUT

North Forest Estates
North Forest Parkway
10' Wide Right-of-Way Dedication - 0.09 Acres
Morgan Rector Survey, A-46
College Station, Brazos County, Texas

Field notes of a 0.09 acre tract or parcel of land, lying and being situated in the Morgan Rector Survey, Abstract No. 46, College Station, Brazos County, Texas, and being part of the called 9.761 acre (net) tract described in the deed from Elizabeth Matous Swalesh and Stephen M. Swalesh, wife and husband to Whitworth North Forest Dev., LP, as recorded in Volume 7065, Page 186, of the Official Records of Brazos County, Texas, and said 0.09 acre tract being a 10' wide strip for the widening of North Forest Parkway from a 60' wide right-of-way to a 70' wide right-of-way and said 0.09 acre tract being more particularly described as follows:

BEGINNING at the 1/2" iron rod found marking the north corner of Lot 1, Block 4 of the North Forest Subdivision according to the plat recorded in Volume 6005, Page 130, of the Official Records of Brazos County, Texas, same being in the existing southeast right-of-way line of North Forest Parkway (60' wide right-of-way as shown on the plat of Lot's Acres - Lot 2, volume 5/09, Page 186, of the Official Records of Brazos County, Texas), and being the west corner of the 9.761 acre tract;

THENCE along the existing southeast right-of-way line (60' wide) of North Forest Parkway, same being the northwest line of the aforementioned 9.761 acre tract, as follows:

N 42° 24' 23" E for a distance of 210.13 feet to the beginning of a curve, concave to the northwest, having a radius of 430.00 feet.

Northeasterly along said curve, for an arc length of 53.20 feet to the end of this curve, the chord bears N 38° 51' 43" E - 53.17 feet.

N 35° 19' 03" E for a distance of 102.42 feet to the beginning of a curve, concave to the southeast, having a radius of 370.00 feet.

Northeasterly along said curve, for an arc length of 39.35 feet to the north corner of the 9.761 acre tract, at the base of a Z X Z brick column, same being the west corner of Lot 1, Block 14, Emerald Forest, Phase 9, according to the plat recorded in Volume 2075, Page 91, of the Official Records of Brazos County, Texas, the chord bears N 38° 21' 50" E - 39.33 feet.

THENCE S 48° 15' 29" E along the common line between the aforementioned 9.761 acre tract and the aforementioned Emerald Forest, Phase 9, adjacent to a fence, for a distance of 10.00 feet to a 1/2" iron rod set, same being in a curve, concave to the southeast, having a radius of 360.00 feet.

THENCE entirely across the aforementioned 9.761 acre tract and along the proposed southeast right-of-way line of North Forest Parkway (70' wide right-of-way), same being along the northwest line of proposed North Forest Estates, parallel with and 10 feet southeast of the existing southeast right-of-way line of North Forest Parkway, as follows:

Southwesterly along said curve, for an arc length of 38.23 feet to a 1/2" iron rod set at the end of this curve, the chord bears S 38° 21' 34" W - 38.21 feet.

S 35° 19' 03" W for a distance of 102.42 feet to a 1/2" iron rod set at the beginning of a curve, concave to the northwest, having a radius of 440.00 feet.

Southwesterly along this curve for an arc length of 54.44 feet to a cotton spindle set at the end of this curve, the chord bears S 38° 51' 43" W - 54.40 feet.

S 42° 24' 23" W for a distance of 210.01 feet to a 1/2" iron rod set in the southwest line of the 9.761 acre tract, same being in the northeast line of the aforementioned North Forest Subdivision.

THENCE N 48° 15' 29" W along the common line between the aforementioned 9.761 acre tract and the aforementioned North Forest Subdivision for a distance of 10.00 feet to the PLACE OF BEGINNING, containing 0.09 acre of land, more or less.

North Forest Estates
North Forest Parkway
10' Wide Right-of-Way Dedication - 0.09 Acres
Morgan Rector Survey, A-46
College Station, Brazos County, Texas

Field notes of a 9.86 acre tract or parcel of land, lying and being situated in the Morgan Rector Survey, Abstract No. 46, College Station, Brazos County, Texas, and being part of the called 9.761 acre (net) tract described in the deed from Elizabeth Matous Swalesh and Stephen M. Swalesh, wife and husband to Whitworth North Forest Dev., LP, as recorded in Volume 7065, Page 186, of the Official Records of Brazos County, Texas, and said 9.86 acre tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod found marking the common corner between the aforementioned 9.761 acre tract and a 24.935 acre tract described in the deed to Ben A. Matthews and Yvonne D. Moll recorded in Volume 5948, Page 271, of the Official Records of Brazos County, Texas, said 1/2" iron rod being in the southwest line of Lot 3, Block 14, Emerald Forest Phase 9 according to the plat recorded in Volume 2075, Page 91, of the Official Records of Brazos County, Texas, said 1/2" iron rod being located N 48° 15' 29" E - 34.81 feet from the south corner of Lot 3, Block 14;

THENCE S 38° 08' 05" W along the common line between the aforementioned 9.761 acre tract and the 24.935 acre tract for a distance of 404.76 feet to a 5/8" iron rod found marking the common corner between the said 9.761 acre tract and North Forest Subdivision - 21.42 acre, according to the plat recorded in Volume 6005, Page 130, of the Official Records of Brazos County, Texas, said 5/8" iron rod marking the east corner of a 2.434 acre Greenway Dedication area, being part of the North Forest Subdivision;

THENCE N 48° 16' 24" W along the common line between the aforementioned 9.761 acre tract and North Forest Subdivision for a distance of 1073.35 feet to a 1/2" iron rod set in the proposed southeast right-of-way line of North Forest Parkway, from which a 1/2" iron rod found marking the north corner of Lot 1, Block 4, North Forest Subdivision in the existing southeast right-of-way line of North Forest Parkway - 60' wide right-of-way, as shown on the plat of Lot's Acres - Lot 2, recorded in Volume 5/09, Page 186, of the Official Records of Brazos County, Texas, and being the west corner of the said 9.761 acre tract bears N 48° 16' 24" W - 9.2 feet.

THENCE along the proposed southeast right-of-way line of North Forest Parkway - 70' right-of-way as follows:

N 42° 24' 23" E for a distance of 210.01 feet to a 1/2" iron rod set at the beginning of a curve concave to the northwest having a radius of 440.00 feet.

Northeasterly along said curve for an arc distance of 54.44 feet to a 1/2" iron rod set at the end of this curve, the chord bears N 38° 51' 43" E - 54.40 feet.

N 35° 19' 03" E for a distance of 102.42 feet to a 1/2" iron rod set at the beginning of a curve concave to the southeast having a radius of 360.00 feet.

Northeasterly along said curve, for an arc distance of 39.35 feet to a 1/2" iron rod set in the southwest line of Lot 11, Block 14, Emerald Forest Phase 9, the chord bears N 38° 21' 34" W - 38.21 feet, from the west corner of said Lot 11, Block 14 bears N 48° 15' 29" W - 10.00 feet.

THENCE S 48° 15' 29" E along the common line between the aforementioned 9.761 acre tract and Emerald Forest Phase 9, adjacent to a fence, for a distance of 1061.89 feet to the PLACE OF BEGINNING, containing 9.86 acres of land, more or less.

Filed for Record in
BRAZOS COUNTY
On: Jun 09, 2008 at 03:12:29
As a
Plat
Document Number: 01000322
Amount: \$8.00
Receipt Number - 343142
By:
Notary: Kim Green

NOTES:
1. BASIS OF BEARINGS IS THE MONUMENTED SOUTHWEST LINE OF EMERALD FOREST PHASE 9 ACCORDING TO THE PLAT RECORDED IN VOL. 2075, PG. 91 OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS. RECORD BEARING: S 48° 15' 29" W.

2. CURRENT TITLE APPEARS VESTED IN KDCG L.P. BY VIRTUE OF DEED RECORDED IN VOL. 6005, PG. 130 OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS.

3. THE SUBJECT TRACT DOES NOT LIE WITHIN THE 100 YEAR FLOODPLAIN ACCORDING TO THE F.E.M.A. FLOOD INSURANCE RATE MAP FOR BRAZOS COUNTY, TEXAS AND INCORPORATED AREAS. COMMUNITY NO. 480083, PANEL NO. 0183D, MAP NO. 4804100183D, MAP REVISION DATE: FEBRUARY 9, 2000.

4. CURRENT ZONING FOR NORTH FOREST ESTATES - 9.86 ACRES: R-1 (RESIDENTIAL).

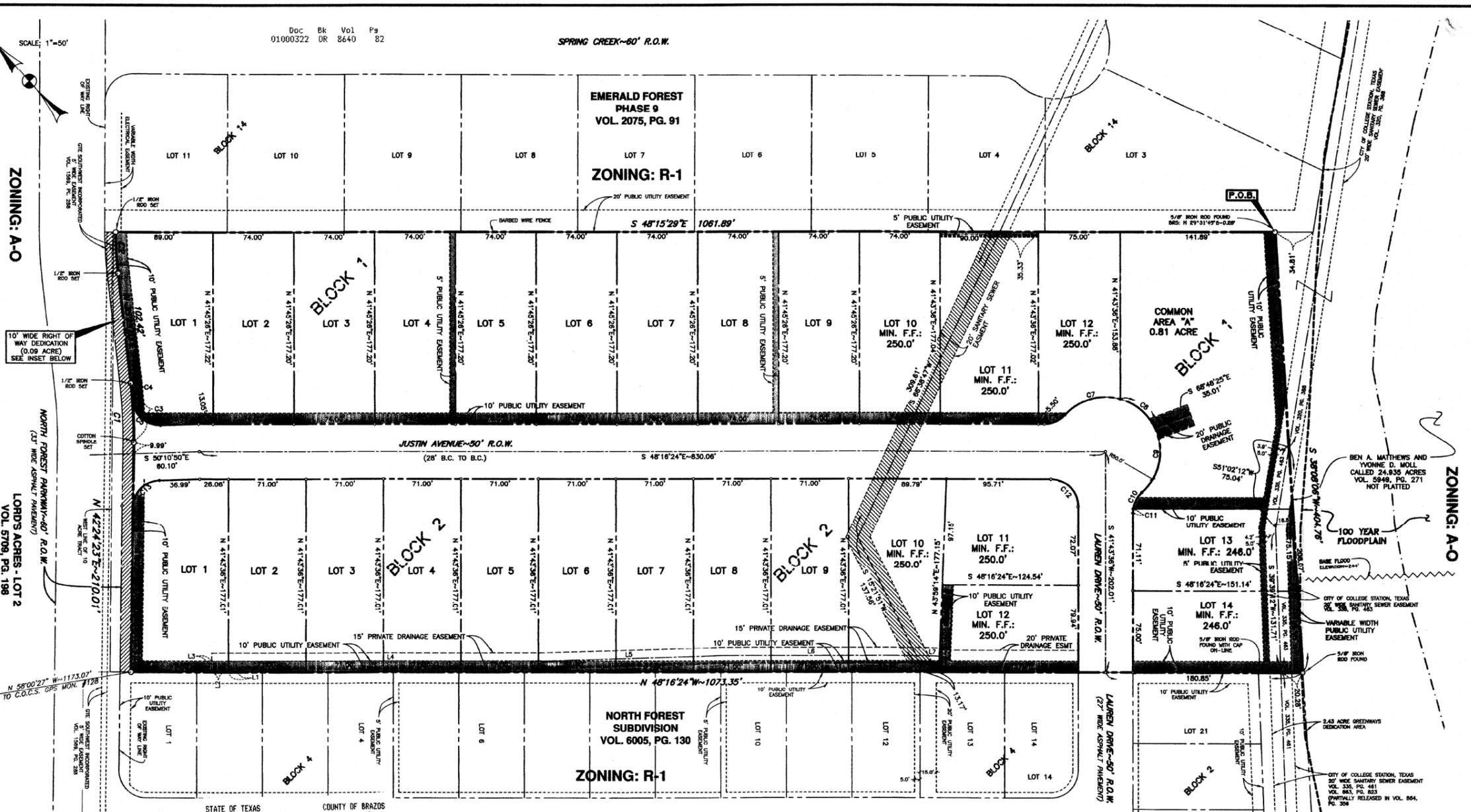
5. BUILDING SETBACKS SHALL BE THE MINIMUM ALLOWABLE BY CURRENT CITY OF COLLEGE STATION ZONING ORDINANCE.

6. COMMON AREA "A" SHALL BE MAINTAINED BY THE NORTH FOREST ESTATES DEVELOPMENT HOA.

7. LOT DRAINAGE
LOTS 1-6, BLOCK 1: GRADED TO DRAIN OVER THE CURB REAR HALF MAY DRAIN TO REAR OF LOT AND MAINTAIN EXISTING DRAINAGE PATTERNS
LOTS 9-12, BLOCK 1: FRONT HALF GRADED TO DRAIN OVER THE CURB REAR HALF GRADED TO DRAIN TO REAR OF LOT TO DRAINAGE SWALE
LOTS 13-14, BLOCK 1: MAINTAIN EXISTING DRAINAGE PATTERNS TO CREEK
LOTS 1-5 & 11, BLOCK 2: FRONT LOT GRADED TO DRAIN OVER THE CURB
LOTS 6-10, BLOCK 2: FRONT HALF GRADED TO DRAIN TO REAR OF LOT TO DRAINAGE SWALE
LOT 12, BLOCK 2: WEST HALF GRADED TO DRAIN TO LOT LINE DRAINAGE SWALE, EAST HALF GRADED TO DRAIN OVER THE CURB

8. THE PURPOSE OF THE PRIVATE DRAINAGE EASEMENT IS TO PROVIDE THE NECESSARY SPACE FOR STORMWATER FLOW AND FOR MAINTAINING DRAINAGE FACILITIES. ANY USES OF SUCH AREAS THAT ARE INCONSISTENT WITH THESE PURPOSES ARE PROHIBITED. EACH PORTION OF THE PRIVATE DRAINAGE EASEMENT IS TO BE MAINTAINED BY THE INDIVIDUAL LOT OWNERS INSURING THAT THE CHANNEL CROSS SECTIONAL AREA REMAINS CLEAR AND OPEN.

9. 1/2" IRON RODS SET AT ALL CORNERS UNLESS OTHERWISE SPECIFIED.



CERTIFICATE OF OWNERSHIP AND DEDICATION
STATE OF TEXAS
COUNTY OF BRAZOS
as stated herein by me.
Jun 09, 2008
We, KDCG L.P., owners and developers of the land shown on this plat, and as authorized agent as the NORTH FOREST ESTATES, Subdivision to the City of College Station, Texas, and whose names are subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, easements, and public places thereon shown for the purpose and consideration therein expressed.

STATE OF TEXAS
COUNTY OF BRAZOS
Before me, the undersigned authority, on this day personally appeared Annel Cachon-Negréte known to me to be the persons whose names is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purpose and consideration therein stated.

Given under my hand and seal on this 30th day of APRIL, 2008.

KEVIN J. PRINSTER
MY COMMISSION EXPIRES
FEBRUARY 13, 2010
Notary Public, Brazos County, Texas

CERTIFICATE OF CITY ENGINEER
I, ANAN GIBBS, City Engineer of the City of College Station, Texas, hereby certify that this Subdivision Plat conforms to the requirements of the Subdivision Regulations of the City of College Station.

ANAN GIBBS
City Engineer
City of College Station

CERTIFICATE OF THE COUNTY CLERK
STATE OF TEXAS
COUNTY OF BRAZOS
HONORABLE KAREN MCQUEEN, COUNTY CLERK
BRAZOS COUNTY
I, Karen McQueen, County Clerk, in and for said county, do hereby certify that this plat together with its certificates of authentication was filed for record in my office the June day of 2008, in the Official Records of Brazos County, Texas, in Volume 6005 Page 130.

WITNESS my hand and official Seal, at my office in Bryan, Texas.

Karen McQueen
County Clerk,
Brazos County, Texas
By Kim Green

APPROVAL OF PLANNING AND ZONING COMMISSION
I, John Nichols, Chairman of the Planning and Zoning Commission of the City of College Station, hereby certify that the attached plat was duly approved by the Commission on the day of July 19, 2008.

ATTEST:
Mitchell Caldwell
City Secretary

CERTIFICATE OF SURVEYOR AND/OR ENGINEER
STATE OF TEXAS
COUNTY OF BRAZOS
I, S. M. Kling, Registered Professional Land Surveyor No. 2003, in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property and that property markers and monuments were placed under my supervision on the ground.

S. M. Kling, R.P.L.S. No. 2003

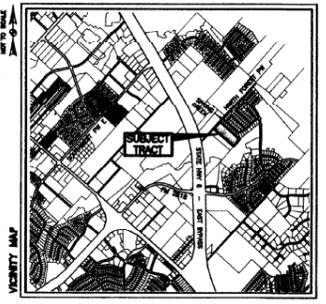
CURVE TABLE:

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING
C1	54.44'	440.00'	705°20'	N 38°51'43"E-54.40'
C2	38.23'	360.00'	605°35'	N 38°21'34"W-38.21'
C3	54.44'	440.00'	705°20'	N 38°51'43"E-54.40'
C4	15.48'	440.00'	2°00'58"	N 36°19'32"E-15.48"
C5	38.19'	25.00'	87°30'51"	N 06°25'24"W-34.58"
C6	21.03'	25.00'	48°11'23"	N 72°22'06"W-20.41'
C7	55.82'	50.00'	63°58'09"	N 64°28'43"W-52.97'
C8	42.89'	50.00'	49°08'51"	N 07°55'13"W-41.59'
C9	106.82'	50.00'	122°41'17"	N 28°42'40"W-87.63'
C10	17.21'	27.88'	35°23'42"	N 71°12'28"W-16.83'
C11	3.92'	9.21'	24°23'53"	N 41°43'36"W-3.89'
C12	39.27'	25.00'	90°00'00"	N 03°16'24"W-35.36"
C13	38.15'	25.00'	87°24'47"	N 86°06'47"E-34.55"

PRIVATE DRAINAGE EASEMENT CENTERLINE TABLE:

LINE	BEARING	DISTANCE
L1	N41°43'36"E	2.50'
L2	N48°16'21"W	15.00'
L3	N41°43'39"E	7.50'
L4	S48°16'21"E	299.00'
L5	S50°00'39"E	166.10'
L6	S48°15'29"E	188.30'
L7	S45°44'31"E	13.10'

FINAL PLAT
OF
NORTH FOREST ESTATES
9.86 ACRE TRACT
MORGAN RECTOR SURVEY, A-46
COLLEGE STATION, BRAZOS COUNTY, TEXAS
OWNED AND DEVELOPED BY:
KDCG L.P.
1861 BRIARCREST DRIVE
BRYAN, TEXAS 77802
(979) 696-4464
SCALE: 1"=50'
OCTOBER, 2006
REVISED: APRIL 23, 2008
PREPARED BY:
KLING ENGINEERING & SURVEYING
4101 TEXAS AV. + P.O. BOX 4234 + BRYAN, TEXAS + PH.979/846-6212





REZONING PDD APPLICATION SUPPORTING INFORMATION

Name of Project: RESTRICTED OCCUPANCY OVERLAY

Address: 8416 JUSTIN AVE

Legal Description: NORTH FOREST ESTATES, BLOCK 2, LOT 9

Total Acreage: 9.86

Applicant: North Forest Estates HOA, Inc

Property Owner: HAWTHORNE MARK ALAN & DEBRA SC

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

North Forest Estates is a plat of 26 properties currently zoned as Suburban Residential. In 2012, the residents of North Forest Estates assumed control of the Homeowners Association (HOA). The HOA is named the North Forest Estates HOA (NFEHOA).

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

The NFEHOA Declaration of Covenants, Conditions and Restrictions (DCCR) has always had a line item limiting the number of unrelated persons in each home to no more than 2. The recently updated DCCR also states in paragraph 4.08 - Renting and Leasing, "No property within North Forest Estates Subdivision, Inc. shall be purchased by any individual or corporation for the express intent of engaging in Short Term Rental or Month To Month Rental activity wherein the homeowner does not reside."

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

The establishment of a ROO for NFEHOA will help mitigate the chance that an individual or corporation will attempt to purchase a property within NFEHOA for investment/income generation. The NFEHOA property owners have voted twice to proceed with the ROO application - once each in 2020 and 2022. Both votes passed with 20 of the 26 properties recently voting unanimously to proceed.

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

As such, the rezoning with regards to a ROO for NFEHOA aligns perfectly regarding intent and effect for the benefit of the City and NFEHOA.

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

As such, the rezoning with regards to a ROO for NFEHOA aligns perfectly regarding intent and effect for the benefit of the City and NFEHOA.

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

The establishment of a ROO for the 26 properties in NFEHOA will help maintain and/or positively affect property values.

List any other reasons to support this zone change.

In addition, the ROO will help maintain relationships between property owners within the NFEHOA because the enforcement of the ROO, and subsequently the DCCR, falls to the Code Enforcement Division. It takes the onus of enforcement from HOA officers and/or members, and, in turn, helps keep the peace in the neighborhood.

Maximum Building Height.

N/A

Proposed Drainage.

N/A

Variations Sought.

N/A

Community Benefits.

N/A

Sustained Stability.

N/A

Conformity.

N/A

Compatibility with use.

N/A

Access to Streets.

N/A

Public Improvements.

N/A

Public Health.

N/A

Safety.

N/A

Excerpts from North Forest Estates Deed Restrictions

3.32 Occupancy Restrictions. No dwelling on any Lot shall be occupied by more than two (2) persons, unless all the persons occupying the dwelling consist of a parent, or parents, and their children.

4.08 Rental and Leasing. A Short-Term Rental (STR) is defined as a rental of less than thirty (30) consecutive days at a time. A Month-to-Month Rental (MTMR) is defined as a rental of more than thirty (30) consecutive days at a time, but less than one (1) year. A Long-Term Rental (LTR) is defined as a rental or lease of at least one (1) year. Renting is defined as a fixed return made by a tenant or occupant of property to the owner for the possession and use thereof. Leasing is defined as entering into a contract by which one conveys real estate for a specified term and for a specified rent.

No property within North Forest Estates Subdivision, Inc. shall be purchased by any individual or corporation for the express intent of engaging in STR or MTMR activity wherein the homeowner does not reside.

North Forest Estates

Restricted Occupancy Overlay (ROO) Petition Committee

Fred Boeheim 8400 Justin Ave

Mark Hawthorne 8416 Justin Ave

Rey Sully 8413 Justin Ave

Alyssa - notifications sent to properties within 200' as well?

Neighborhood Meeting Agenda

SUBDIVISION NAME: North Forest Estates HOA Inc.

DATE: June 25, 2022

Meeting – Introduction and Impact

Introduction (30 minutes)

1. Provide sign-in sheet
2. Present handbook materials
3. Discuss ROO handbook and timeline

Discussion (30 minutes)

4. Present and discuss restricted occupancy impact on residents
5. Determine if neighborhood will proceed with ROO

- aligns our deed restrictions with city ^{zoning} ordinance
- ~~designates~~ identifies our neighborhood as one with a ROO - guides realtors representing individuals or corporations seeking investment properties away from our neighborhood
- Transfers our enforcement away from HOA to the city
- there is a rezoning fee of \$1343 (\$4683 in savings)

Restricted Occupancy Overlay Petition

By signing below, I agree that the Restricted Occupancy Overlay (ROO) ordinance will limit occupancy to no more than two unrelated persons in a detached single-family dwelling or in an accessory living quarters in (insert subdivision name). I understand that related persons are related by blood, adoption, guardianship, marriage, are an authorized caretaker, or members of a group home for disabled persons, as defined in UDO Section 11.2. Defined Terms in the definition of "Family": I understand that at least 50% + 1 of the total number of single-family zoned or developed building plots in the original subdivision are required to submit the ROO application for consideration. I understand that submitting an application does not guarantee ROO approval.

RECEIVED
 City Secretary's Office
 JUL 11 2022

DATE: 6/25/22

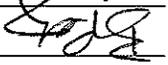
FULL LEGAL SUBDIVISION NAME: North Forest/Estates Inc.

ADDRESS	LEGAL DESCRIPTION	PROPERTY OWNER NAME	SIGNATURE	DATE
8413 JUSTIN AVE	NORTH FOREST ESTATE BLOCK 1, LOT 7	REYNOLD SULLIVAN	<i>Reynold Sullivan</i>	6/25/22
8418 JUSTIN AVE	North Forest East B-2-L-10 B-2-L-11	Yellmann Subramaniam	<i>Yellmann Subramaniam</i>	6/25/22
8420 JUSTIN AVE	North Forest Estate B-2 B-3	Timothy Bruce Skaggs	<i>Timothy Bruce Skaggs</i>	6/25/22
8414 JUSTIN AVE	North Forest Estates 1-2 B-2	Steve Tesch	<i>Steve Tesch</i>	6/25/22
8400 JUSTIN AVE	North Forest Estates 2-1 B-2	Joe & Be Fred's Partners LLC	<i>Joe & Be Fred's Partners LLC</i>	6-25-22
8419 JUSTIN AVE	No Forest Estate, Bk1, Lot 10	Friend Family Trust	<i>Friend Family Trust</i>	6/25/22
8452 LAUREN DRIVE	NO FOREST ESTATE, Bk1, Lot 12	ROSS MARRIED	<i>Ross Married</i>	6/25/22
8411 JUSTIN AVE	NO FOREST ESTATE BLOCK 2	MARILYN KINGMAN	<i>Marilyn Kingman</i>	6/25/22
8416 JUSTIN AVE	North Forest Estate, Lot 2	DORA HENDRY	<i>Dora Hendry</i>	6/25/22
8402 JUSTIN AVE	North Forest Estate, Block 2, Lot 2	Isaiah David Bradford	<i>Isaiah David Bradford</i>	6/25/22
8404 JUSTIN AVE	North Forest Estates, Block 2, Lot 3	Michael Luna	<i>Michael Luna</i>	6/28/22
8407 JUSTIN AVE	NORTH FOREST ESTATES BLOCK 2 LOT 4	JUST COCKRELL	<i>Just Cockrell</i>	6/28/2022
8412 JUSTIN AVE	North Forest Estates Block 2 Lot 7	PATRICK HENRIKX	<i>Patrick Henrikx</i>	6/28/2022
8415 JUSTIN AVE	NORTH FOREST ESTATES BLOCK 2 LOT 8	HAI ALVARADO	<i>Hai Alvarado</i>	6-28-22
8445 LAUREN DRIVE	NORTH FOREST ESTATES BLOCK 2	NICHOLS STRAAT	<i>Nichols Straat</i>	6-28-22
8410 JUSTIN AVE	NORTH FOREST ESTATES LOT 6	LETTI CUDJENKA	<i>Letti Cudjenka</i>	6-28-22
8411 LAUREN PR	NORTH FOREST BLOCK	LOLA TOMMY H. NICHOLS	<i>Lola Tommy H. Nichols</i>	6-29-22
8406 JUSTIN AVE	Block 2 Lot 4 NORTH FOREST ESTATE	Taylor Johnson	<i>Taylor Johnson</i>	6/29-22

Restricted Occupancy Overlay Petition

By signing below, I agree that the Restricted Occupancy Overlay (ROO) ordinance will limit occupancy to no more than two unrelated persons in a detached single-family dwelling or in an accessory living quarters in (insert subdivision name). I understand that related persons are related by blood, adoption, guardianship, marriage, are an authorized caretaker, or members of a group home for disabled persons, as defined in UD0 Section 11.2. Defined Terms in the definition of "Family." I understand that at least 50% + 1 of the total number of single-family zoned or developed building plots in the original subdivision are required to submit the ROO application for consideration. I understand that submitting an application does not guarantee ROO approval.

DATE June 25, 2022
 FULL LEGAL SUBDIVISION NAME: NORTH FOREST ESTATES HOA Inc.

ADDRESS	LEGAL DESCRIPTION	PROPERTY OWNER NAME	SIGNATURE	DATE
19. 8417 DUSTY AVE.	Block 3 North Forest Estate Lot 19	Blake Perry		06/30/2022
20. 8109 JUSTIN AVE.	Block 1 North Forest Estate Lot 5	John Wynn		07/08/2022
21. _____	_____	_____	_____	_____
22. _____	_____	_____	_____	_____
23. _____	_____	_____	_____	_____
24. _____	_____	_____	_____	_____
25. _____	_____	_____	_____	_____
26. _____	_____	_____	_____	_____