

August 8, 2024

Item No. 9.1.

**Sweet Briar Addition, Woodland Acres, and College Hills Woodlands Subdivision ROO -
Restricted Occupancy Overlay**

Sponsor: Gabriel Schrum

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 GS General Suburban to GS General Suburban and ROO Restricted Occupancy Overlay on approximately 117 acres of land, being 147 lots within Sweet Briar Addition, Woodland Acres, and College Hills Woodlands Subdivisions, generally located between Lincoln Drive and Dominik Drive along Ashburn Avenue.

Relationship to Strategic Goals:

Neighborhood Integrity

Recommendation(s): The Planning and Zoning Commission heard this item at their July 18th, 2024 meeting and recommended unanimous approval of the request.

Summary: This request is to rezone approximately 117 acres from GS General Suburban to GS General Suburban and ROO Restricted Occupancy Overlay, being approximately:

- 20.04 acres being 39 lots within Sweet Briar Addition
- 49.90 acres being 83 lots within College Hills Woodlands
- 47 acres being 25 lots within Woodland Acres

This request is to add the ROO, which is a single-family overlay zoning district, to the existing base zoning within these contiguous subdivision boundaries. The ROO is intended to provide subdivision-specific occupancy regulations – not to exceed two unrelated persons per single-family dwelling or accessory living quarter. The Sweet Briar Addition, College Hills Woodlands, and Woodland Acres Petition Committee, comprised of property owners from each original subdivision, has met all requirements of the ROO application process. The Petition Committee submitted the application materials including the ROO petition for each subdivision. When submitting an application with contiguous subdivisions applying jointly within one application, the fifty (50) percent plus one (1) petition signature threshold of property owners in support of the overlay must be met for each of the original subdivisions that apply jointly. City staff were able to verify that each original subdivision has met the petition signature threshold in support of the requested ROO.

REZONING REVIEW CRITERIA

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

The subject areas are designated as Neighborhood Conservation and Natural & Open Areas on the Comprehensive Plan Future Land Use & Character Map. The Natural & Open Areas are tributaries that lead to Bee Creek and the associated floodplain. The surrounding areas to the north are designated as Neighborhood Conservation/Suburban Residential and the properties to the east are

also designated as Neighborhood Conservation. The subject lots are surrounded by Neighborhood Conservation and Institutional/Public to the south at the location of College Hills Elementary School and Neighborhood Conservation to the west. These subject areas are bounded by Lincoln Ave. to the north and Dominik Dr. to the south, which are existing two-lane major collectors and are shown on the Comprehensive Plan's Thoroughfare Plan.

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. 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 NCO Neighborhood Conservation and HP Historic Preservation overlays address and mitigate changes to physical property characteristics, the intent of a ROO is to address and mitigate issues associated with over-occupancy. As a tool that a neighborhood can pursue for itself to address issues of over-occupancy 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 areas are surrounded by GS General Suburban-zoned single-family homes to the east and west. To the north of the area is GS General Suburban. Across Lincoln Ave has a portion zoned PDD - Planned Development District and is currently developed with single-family residential housing or is undeveloped. Land to the south is zoned MH - Middle Housing with duplex developments. The single-family uses allowed by the GS General Suburban zoning district will remain and the addition of the ROO 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 Zoning Map Amendment (Rezoning), 4.1 Establishment of Districts, and 5.11

Single-Family Overlay Districts 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. Contiguous subdivisions can choose to work together and submit a joint application, provided that there is a representative from each original subdivision on the Petition Committee and that each subdivision submits a petition that meets the threshold of fifty (50) percent plus one (1) of signatures in support of the overlay for each subdivision.

The Sweet Briar Addition, Woodland Acres, and College Hills Woodlands Committee was comprised of ten members, with at least one representative from each subdivision: Jennifer Desai (Sweet Briar Addition), Lucy Deckard (Sweet Briar Addition), Nan Crouse (College Hills Woodlands), Sherry Frisk (Woodland Acres), Mary Fran (Sweet Briar Addition), Mark Troy (Sweet Briar Addition), Charles Vesperman (College Hills Woodlands), Joe Patranella (Woodland Acres), Shanubh Desai (Sweet Briar Addition), and Joshua Cabera (Sweet Briar Addition). The Petition Committee hosted their neighborhood meeting on February 28, 2024, discussed pursuing the ROO for their subdivisions, answered questions from their neighbors, and collected petition signatures. There were 38 attendees at the meeting, the majority being property owners and representatives of property owners who were not able to attend the meeting. City staff were present as well. Some property owners signed the petition at the meeting.

The Petition Committee finished collecting petition signatures and submitted their ROO application on April 3, 2024. City staff verified that the application was complete, that all requirements were met, and that the ROO petition for each original subdivision met the signature threshold. The verified petition signatures in support of the ROO are as follows:

- Sweet Briar Addition: 22 of 39 lots in support (56.4%)
- College Hills Woodlands: 65 of 83 lots in support (78%)
- Woodland Acres: 17 of 25 lots in support (68%)

Staff held a required City-hosted neighborhood meeting for this ROO application request on June 17, 2024. There were approximately 20 attendees, with the majority of questions relating to the overall process and the specifics of the legacy clause within the ROO.

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

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

4. Whether there is available water, wastewater, stormwater, 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 these existing developments. No additional development and subsequent impacts are anticipated from the addition of the ROO 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 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. Aerial and Small Area Map
3. Background Information
4. Rezoning Map
5. Future Land Use Map
6. Original Subdivision Plats
7. Applicant's Supporting Information
8. Petition Committee Members
9. Neighborhood Meeting Materials
10. 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 117 ACRES BEING 147 LOTS WITHIN SWEET BRIAR ADDITION, WOOLDAND ACRES, AND COLLEGE HILLS WOODLANDS SUBDIVISIONS 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 8th day of August, 2024.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

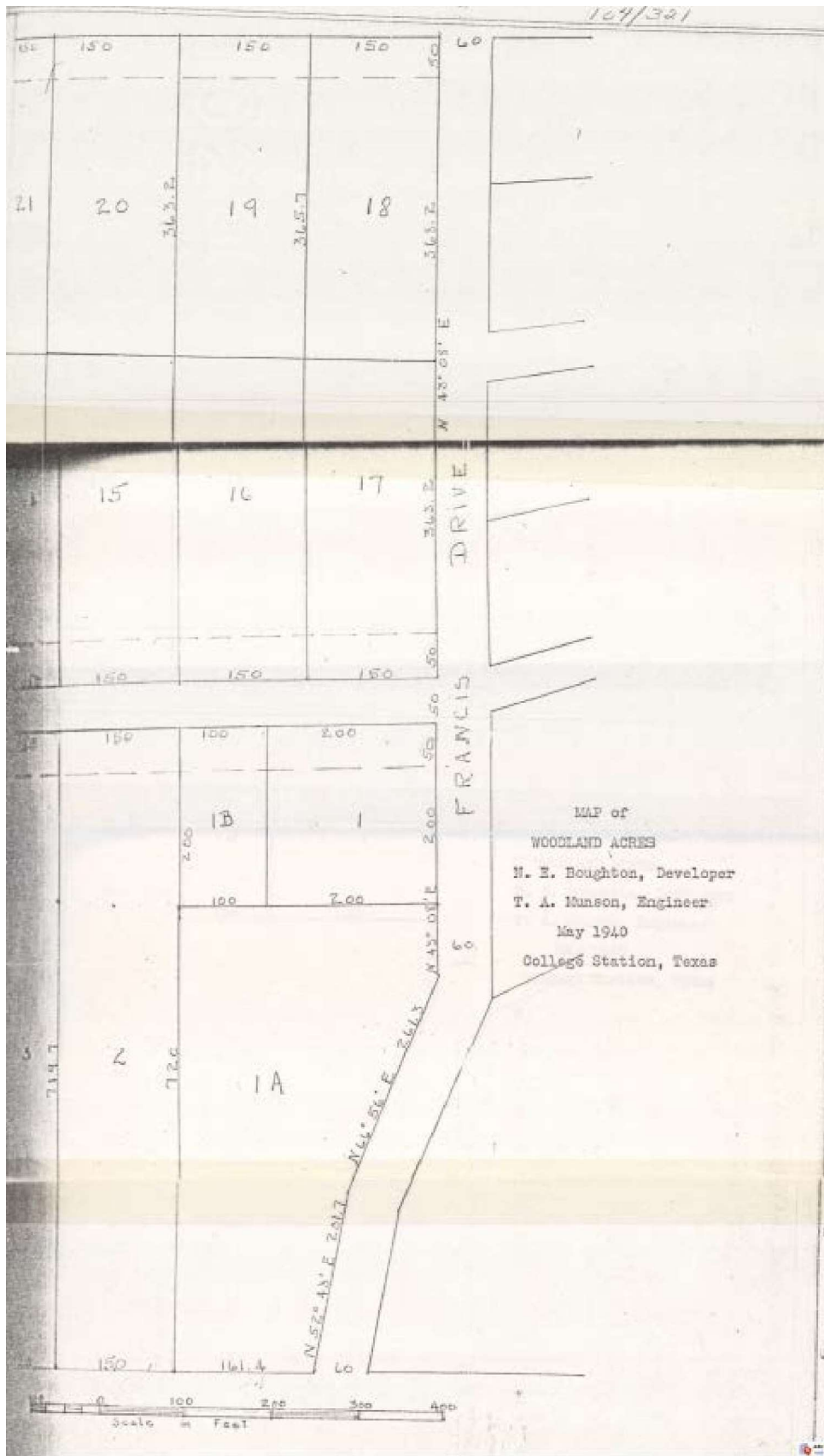
City Attorney

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 properties are 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”:

Approximately 117 acres of land, being 147 lots within Sweet Briar Addition, Woodland Acres, and College Hills Woodlands Subdivisions.





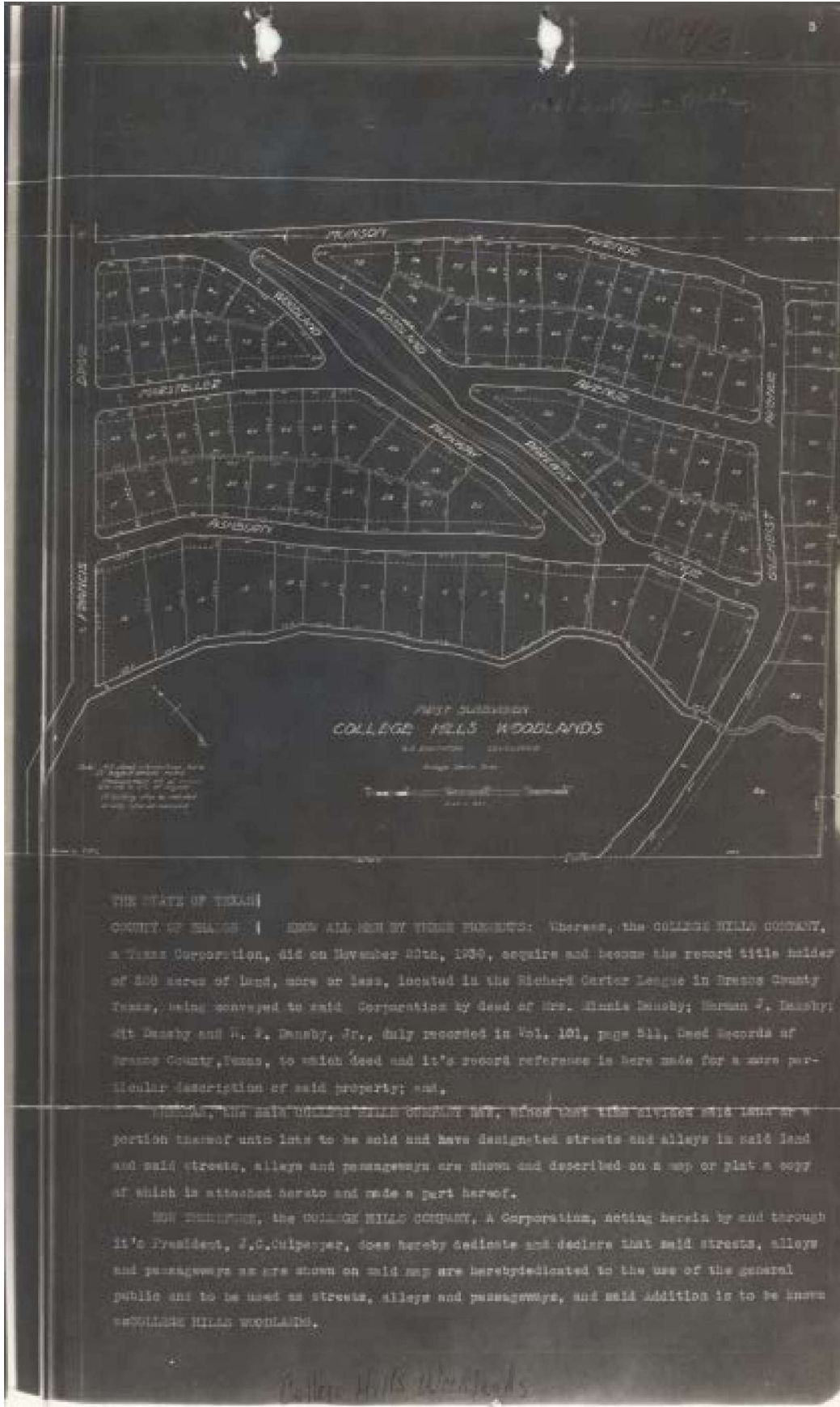
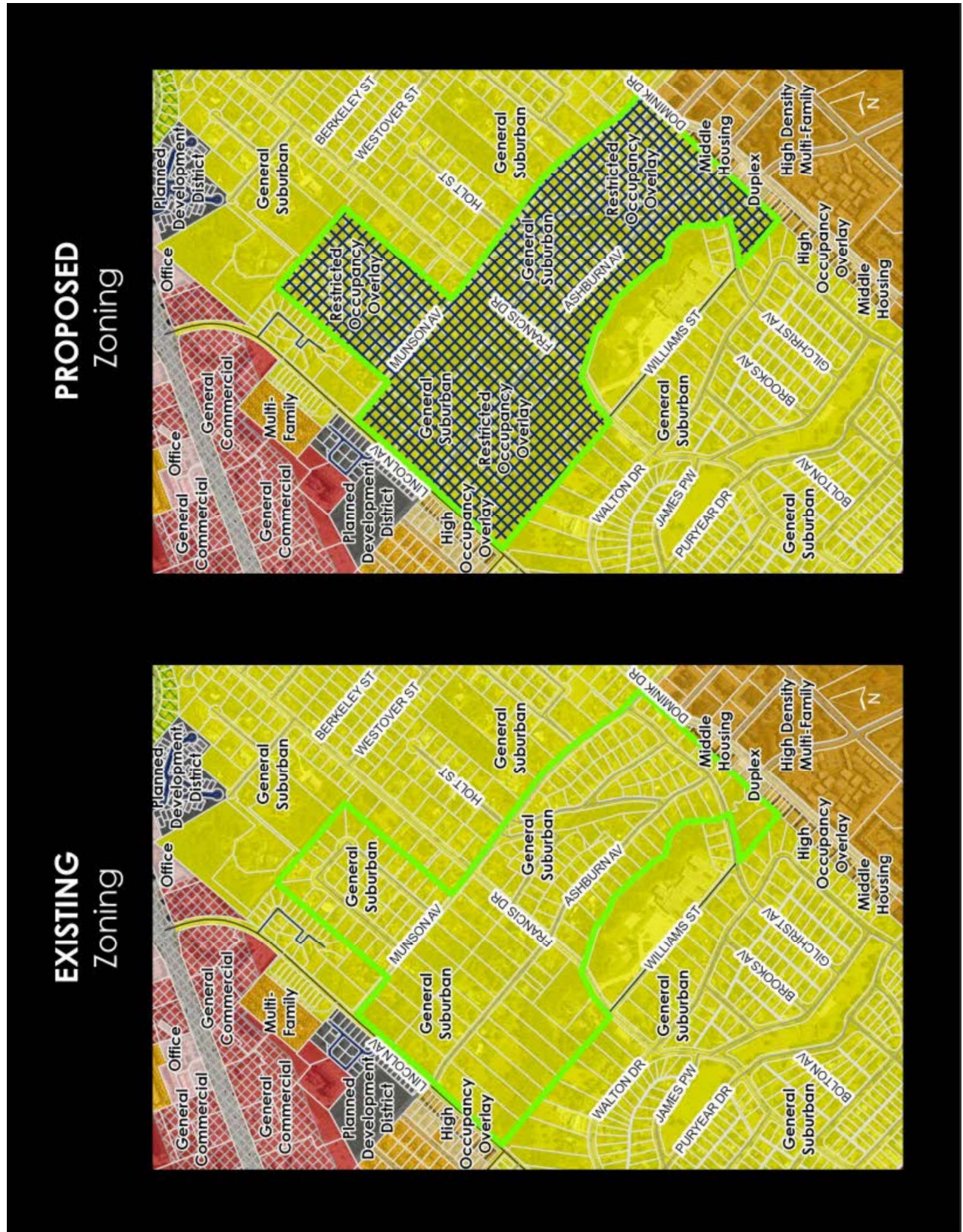
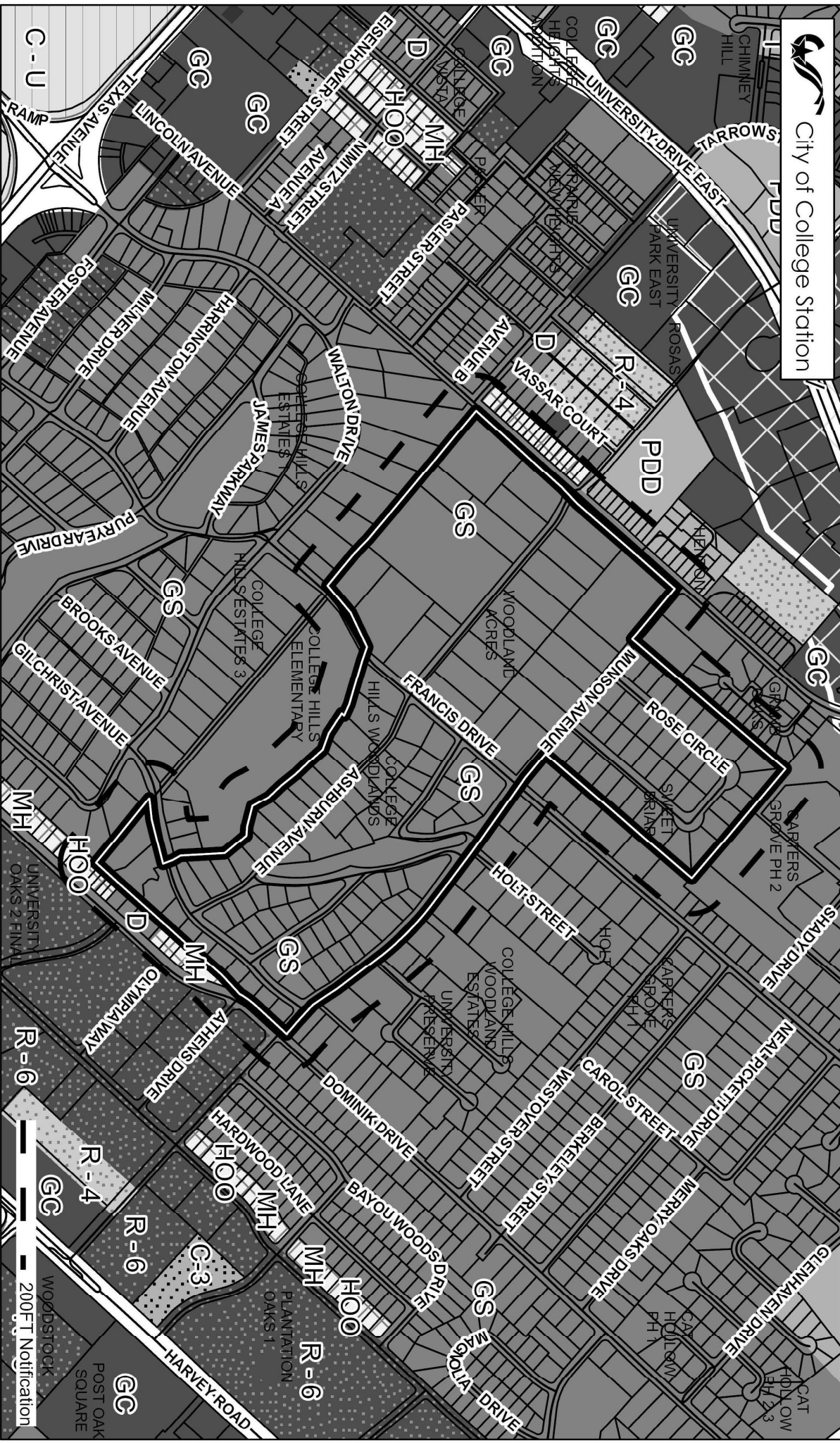


Exhibit B





ZONING DISTRICTS (In Gray-scale)

Residential	MH	Middle Housing	Non-Residential	NAP	Natural Area Protected	Planned Districts	P-MUD	Planned Mixed-Use Dist.	Overlay Districts	OV	Corridor Ovr.	Retired Districts	R-1B	Single Family Residential
R	Rural	MF	Multi-Family	O	Office	PDD	PDD	Planned Develop. Dist.	RDD	Redevelopment District	R-4	Multi-Family	R-4	Multi-Family
WE	Wellborn Estate	MU	Mixed-Use	SC	Suburban Commercial	Design Districts:	WPC	Wolf Pen Creek Dev. Cor.	HOO	High Occupancy Ovr.	R-6	High Density Multi-Family	R-6	High Density Multi-Family
E	Estate	MHP	Manufactured Home Pk.	WC	Wellborn Commercial	WG-1	WG-1	Core Northgate	ROO	Restricted Occupancy Ovr.	C-3	Light Commercial	C-3	Light Commercial
WRS	Wellborn Restricted Suburban			GC	General Commercial	NG-2	NG-2	Transitional Northgate	NPO	Nbrhd. Prevailing Ovr.	RD	Research and Dev.	M-1	Light Industrial
RS	Restricted Suburban			BP	Business Park	NG-3	NG-3	Residential Northgate	NCO	Nbrhd. Conservation Ovr.	HP	Historic Preservation Ovr.	M-2	Heavy Industrial
GS	General Suburban			BPI	Business Park Industrial				C-U	College and University				
D	Duplex			C-U	College and University									
T	Townhome													



SWEET BRIAR, COLLEGE HILLS WOODLANDS, WOODLAND ACRES ROO

Case: REZ2024-000013

REZONING

BACKGROUND INFORMATION

NOTIFICATIONS

Advertised Commission Hearing Date: July 18, 2024

Advertised Council Hearing Date: August 8, 2024

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:

College Woodlands HOA and Sutters Mill HOA

Property owner notices mailed: 380
 Contacts in support: Four at the time of this report
 Contacts in opposition: Two at the time of this report
 Inquiry contacts: Three at the time of this report

ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North	Neighborhood Conservation and Mixed Residential	GS General Suburban; PDD- Planned Development District	Single-Family Residential
South	Mixed Residential	MH Middle Housing	Duplex Residential
East	Neighborhood Conservation	GS General Suburban	Single-Family Residential
West	Neighborhood Conservation; Natural & Open Areas	GS General Suburban	Single-Family Residential; College Hills Elementary School

DEVELOPMENT HISTORY

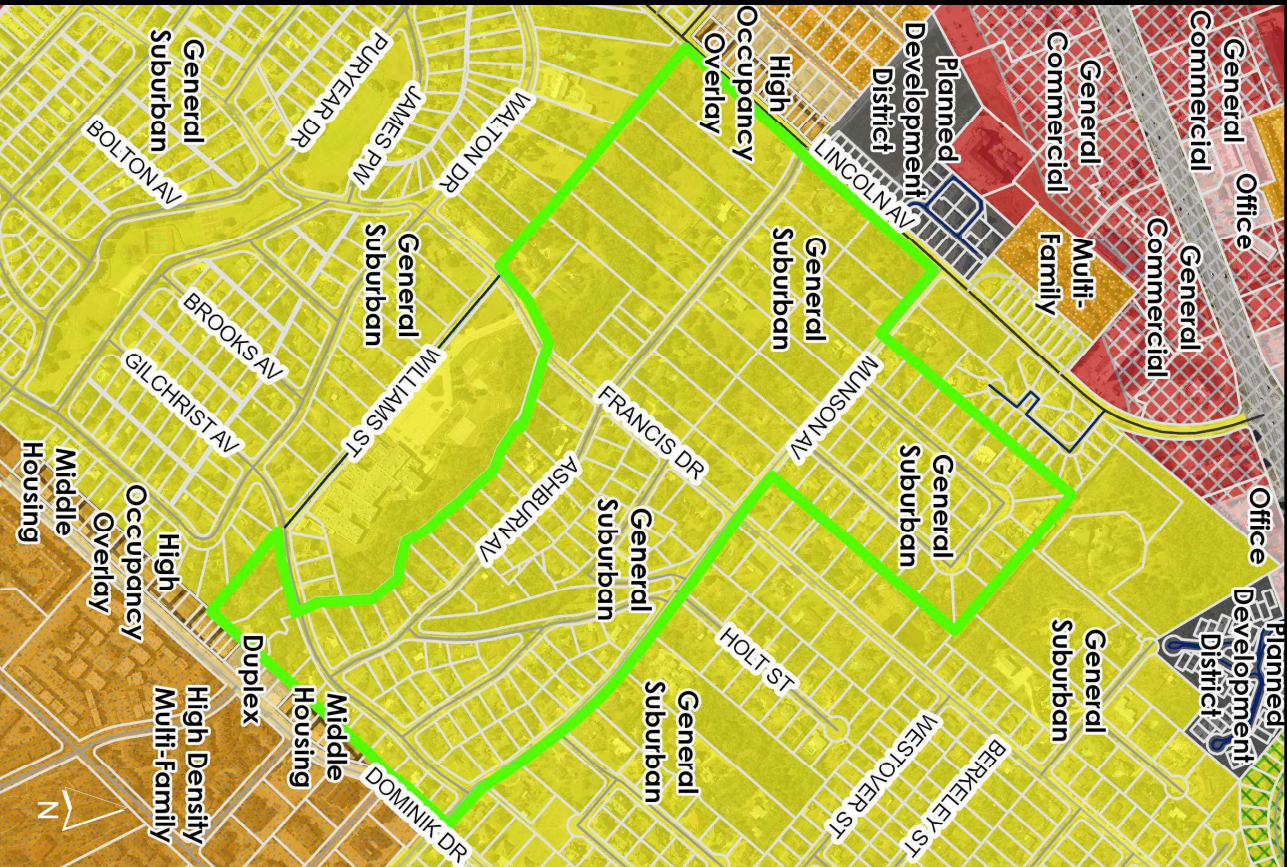
Annexation: January 1956

Zoning: R-1 Single-Family Residential
 R-1 Single-Family Residential renamed to GS General Suburban (2013)

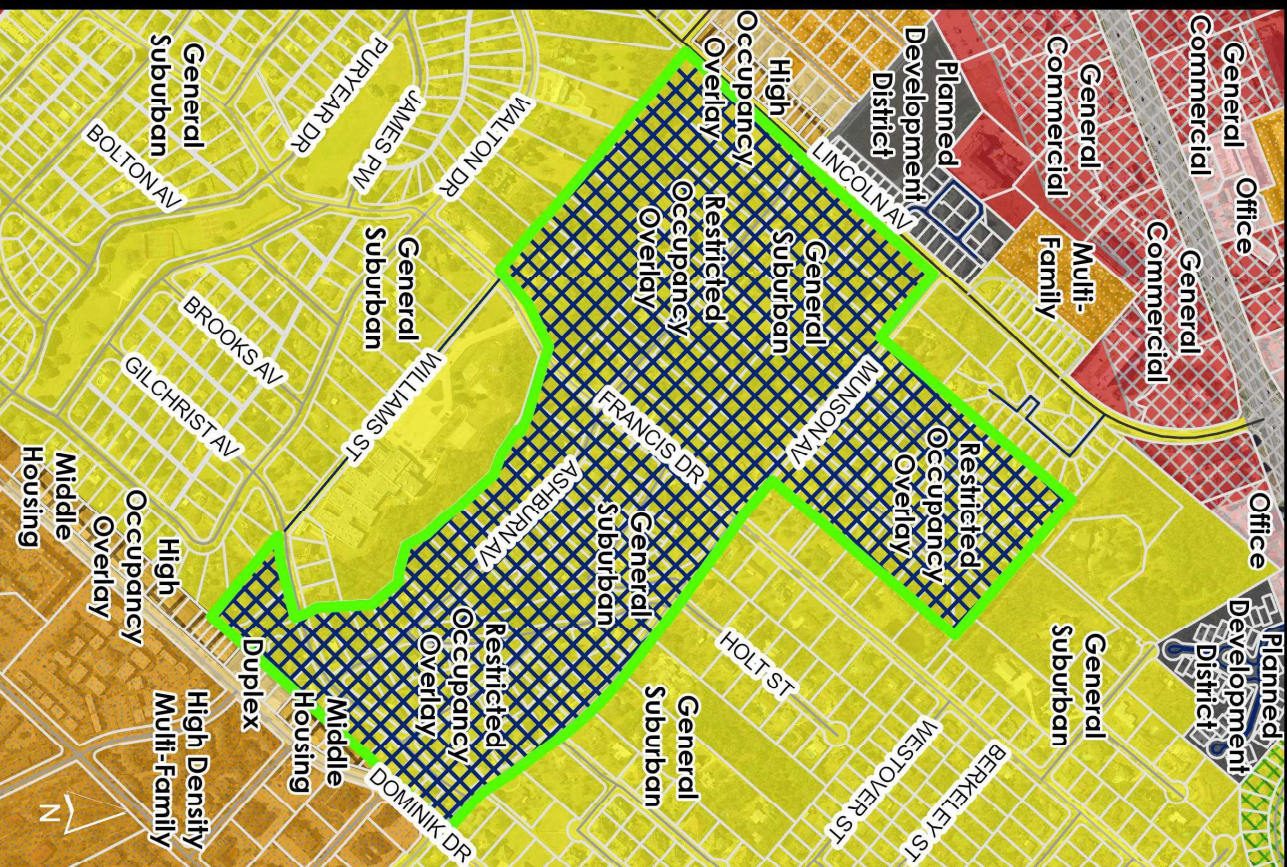
Final Plat: Sweet Briar Addition (1969), College Hills Woodlands (1939), and Woodland Acres (1940)

Site development: Single-Family Residential

EXISTING Zoning

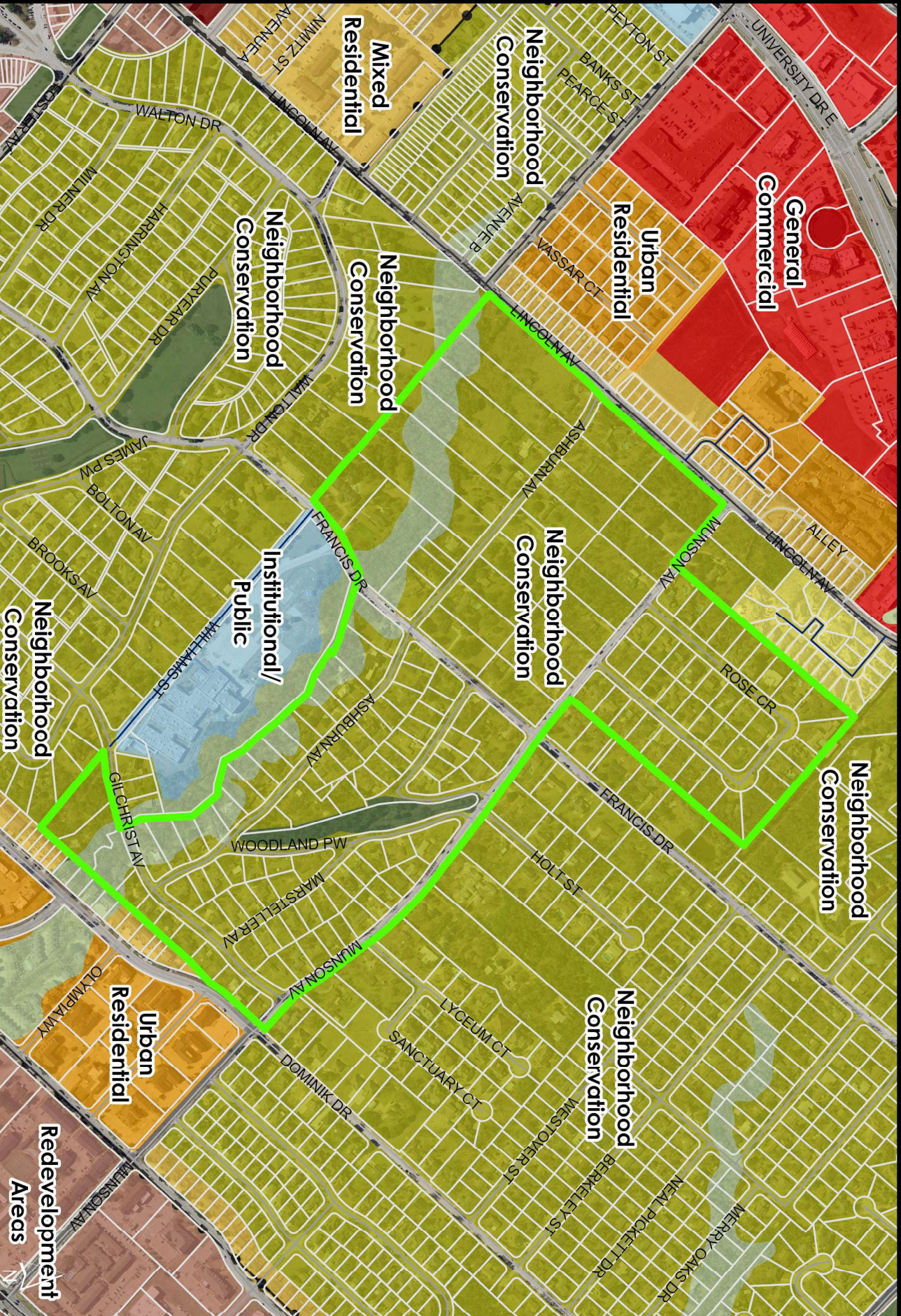


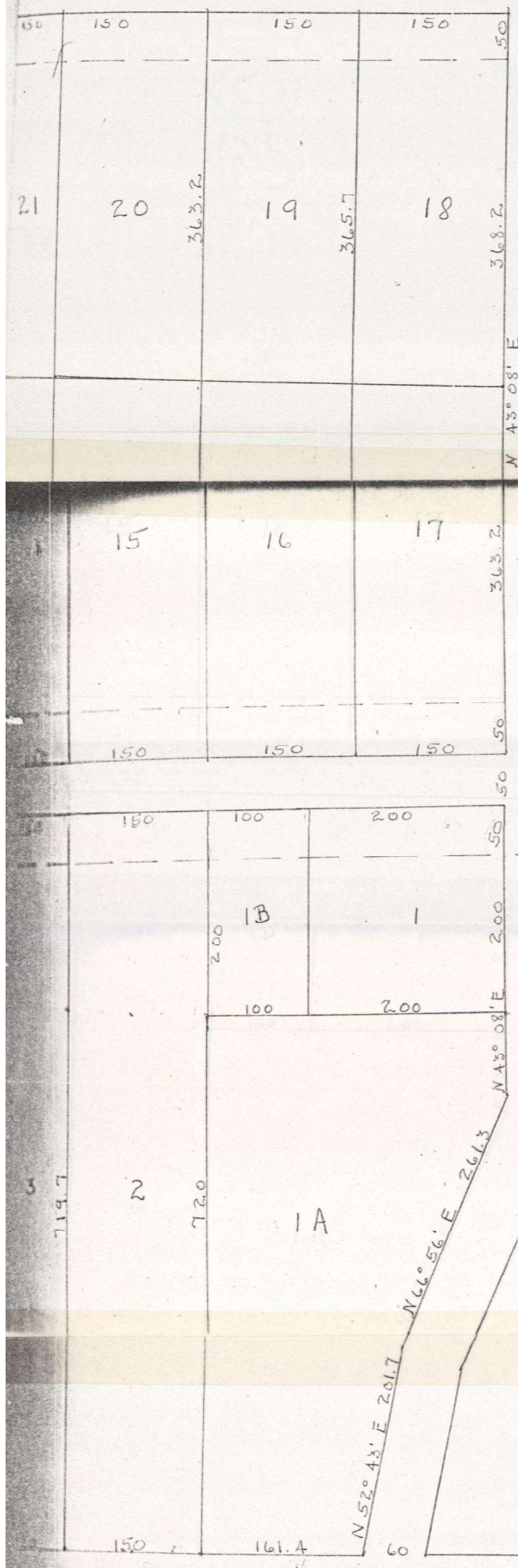
PROPOSED Zoning



EXISTING

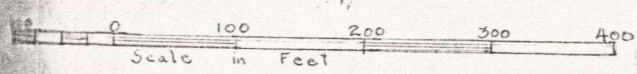
Future Land Use





FRANCIS DRIVE

MAP of
 WOODLAND ACRES
 N. E. Boughton, Developer
 T. A. Munson, Engineer
 May 1940
 College Station, Texas





THE STATE OF TEXAS |

COUNTY OF BRAZOS | KNOW ALL MEN BY THESE PRESENTS: Whereas, the COLLEGE HILLS COMPANY, a Texas Corporation, did on November 20th, 1939, acquire and become the record title holder of 200 acres of land, more or less, located in the Richard Carter League in Brazos County Texas, being conveyed to said Corporation by deed of Mrs. Minnie Dansby; Norman J. Dansby; Mit Dansby and H. P. Dansby, Jr., duly recorded in Vol. 101, page 511, Deed Records of Brazos County, Texas, to which deed and it's record reference is here made for a more particular description of said property; and,

WHEREAS, the said COLLEGE HILLS COMPANY has, since that time divided said land or a portion thereof unto lots to be sold and have designated streets and alleys in said land and said streets, alleys and passageways are shown and described on a map or plat a copy of which is attached hereto and made a part hereof.

NOW THEREFORE, the COLLEGE HILLS COMPANY, A Corporation, acting herein by and through it's President, J.C. Culpepper, does hereby dedicate and declare that said streets, alleys and passageways as are shown on said map are hereby dedicated to the use of the general public and to be used as streets, alleys and passageways, and said Addition is to be known as COLLEGE HILLS WOODLANDS.

College Hills Woodlands



REZONING APPLICATION SUPPORTING INFORMATION

Name of Project: SWEET BRIAR, COLLEGE HILLS WOODLANDS, WOODLAND ACRES ROO (REZ2024-000013)

Address: 1006 ROSE CIR

Legal Description: SWEET BRIAR, BLOCK 1, LOT 20 (LESS 5')

Total Acreage: 0

Applicant::: JENNIFER DESAI

Property Owner: JENNIFER DESAI

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

The ROO will help enable the property owners in the above referenced neighborhoods to ensure they remain great family neighborhoods, whether those families chose to own or rent.

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

These areas are zoned General Suburban on the Comprehensive Plan, which is a zoning where the property owners are allowed to obtain the Residential Occupancy Overlay.

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

SFOD

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

SFOD

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

SFOD

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

SFOD

List any other reasons to support this zone change.

More than the required number of residents signed the petition in support of the ROO.

Sweet Briar/ College Hills Woodlands/ Woodland Acres
ROO Committee Members

Jennifer Desai, Chair- Sweet Briar
1006 Rose Circle
College Station, TX 77840
jendesai66@gmail.com

Nan Crouse, Chair- College Woodlands
1107 Ashburn
College Station, TX 77840
nancourse@gmail.com

Sherry Frisk, Treasurer- Woodland Acres
1004 Ashburn
College Station, TX 77840
hsfrisk@gmail.com

Lucy Deckard, Secretary- Sweet Briar
1004 Rose Circle
College Station, TX 77840
lucydeckard@gmail.com

Other Committee Members:
Mary Fran, Sweet Briar
maryfrantroy@gmail.com

Mark Troy, Sweet Briar
metroy@gmail.com

Charles Vesperman, College Hills Woodlands
charles.versperman@yahoo.com

Joe Patranella, Woodland Acres
joe.patranella@gmail.com

Shanubh Desai, Sweet Briar
shanubh.desai@gmail.com

Joshua Cabrera, Sweet Briar
joshuavcabrera@gmail.com

38 attendees

Meeting Minutes: ROO Neighborhood Meeting 1

1 staff

SUBDIVISION NAME: Sweet Briar (Rose Circle) Subdivision

Date: February 28, 2024

Note: This meeting was also attended by residents of the College Hills Woodlands and Woodland Acres subdivisions.

Location: Larry J. Ringer Library, College Station, TX

Meeting was called to order at 6:05 pm by Jennifer Desai

A. Introduction (Jennifer Desai)

1. **Sign in:** All attendees were encouraged to sign in on the sign-in sheet.
2. **Background:** Jennifer Desai then discussed the background of the ROO, showing maps of the neighborhoods, describing what the ROO would do, how unrelated people are counted, and how enforcement would work.
3. **Discussion of ROO handbook and timeline:** Jennifer also provided a link to the ROO handbook and discussed the timeline.

B. Discussion and Q&A (Led by Charles Vesperman, with help answer some questions from Gabriel Schrum from the City of College Station)

4. **Present and discuss ROO impact on residents:** The discussion was wide-ranging, with a number of potential impacts discussed among attendees:
 - o Would a ROO affect property values? Some expressed concerns that it might reduce property values, but others mentioned that this has not been the case for neighborhoods that have deed restrictions. Some said that it appeared to be a wash, with fewer commercial investors wanting to purchase property in the neighborhood, but more families being interested, and larger, nicer homes being built in protected neighborhoods.
 - o There was a question about consanguinity as a definition of who is related. Gabriel Schrum responded that the city is moving away from that.
 - o Neighborhood character. There was considerable discussion about how a ROO would affect the character of the neighborhood. Some said that their priority was to live in a quiet neighborhood, and they didn't care if their property value went down since they didn't plan to sell anyway. Others were concerned that this is a changing of the rules after they had bought property in the neighborhood as a rental investment, which wasn't fair. It was pointed out that such rental properties would be grandfathered in as long as they were registered with the City as a rent property. Charles Vesperman pointed out that the motivation for the ROO was to keep the neighborhood character as it is, rather than allowing it to be taken over by commercial development, and the ROO is only necessary because of changing conditions in College Station; thus, the ROO is more about keeping the status quo rather than changing the rules. Several attendees agreed with this point and mentioned that they had bought their homes in the neighborhood with the expectation that it would remain mainly a low-density residential neighborhood, not a neighborhood with mostly commercial rental properties.
 - o Some concern was expressed that the ROO is anti-student. Others pointed out that the City of College Station is going through a process to rezone many properties for middle housing, so there will be many areas in the city with high density development that

would accommodate multiplexes for student housing. However, faculty also need places to live, and we still need neighborhoods with lower-density housing appropriate for families. They argued that Sweet Briar, College Hills Woodlands, and Woodland Acres are among the few remaining islands of such housing near the campus, and therefore need to be protected.

- An attendee pointed out that College Hills Woodlands and Woodland Acres already have deed restrictions, and asked how the ROO would be different. Fred DuPriest replied that such deed restrictions don't show up on city maps, so the neighborhood has to work hard to make potential buyers aware of them. In contrast, the ROO will show up on zoning maps, making it more likely that potential buyers will be aware of occupancy restrictions before they buy. In addition, if there is a violation of the deed restrictions, the neighbors must sue. This pits neighbor against neighbor, and is also expensive. An investor with deep pockets can appeal a ruling against them, resulting in a large legal bill (in the past around \$50K) for the neighborhood. For the ROO, the city enforces it in response to neighborhood complaints.
- This inspired questions about whether the city would actually enforce the ROO. Fred DuPriest said that he has worked four years with the city to understand why there have been problems with enforcement, and that, as a result of that process, we will see significant changes, making enforcement easier, less expensive, and easier to report. This is expected to start on June 1, 2024, after Texas A&M has had a chance to educate their students about restricted residency rules.
- Someone mentioned that the City of Bryan has had the equivalent of a ROO for over 25 years, covering 55 neighborhoods, and that has been successful.
- Someone asked if Rose Circle applies for a ROO as a subdivision, or if they need to apply by block (outer circle and inner circle being separate blocks). Charles Vespermann answered that Rose Circle will need to apply as one subdivision.
- There was a question about how accessory living quarters were treated. Gabriel Schrum affirmed that the ROO applies to the entire property as shown in the original plat.

5. Determine if neighborhood will proceed with ROO: The consensus of those who attended the meeting was that Rose Circle (Sweet Briar), College Hills Woodlands and Woodland Acres should proceed with the process.

C. Administrative (Jennifer Desai)

6. **Discussion of the petition committee and invitation to join:** Jennifer Desai discussed who had already volunteered to serve on the petition committee and invited others who are interested in serving on the petition to join.
7. **Finalize petition committee:** The petition committee membership is Jennifer Desai (co-chair), Nan Crouse Mefferd (co-chair), Lucy Deckard (secretary), Sherry Fisk (treasurer), other members: Charles Vespermann, Joe Patranella, Mark and Mary Fran Troy, Shanubh Desai, and Joshua Cabrera. Others are still welcome to join.
8. **Signing of the petition:** Jennifer Desai encouraged everyone in favor of pursuing a ROO to sign the petition for their subdivision. She also encouraged them to give a donation if they are able to help cover the cost of the application.
9. **Path forward:** Jennifer Desai affirmed that we would reach out to those who didn't attend to see if they want to sign the petition. She also encouraged those attending to talk to their

3 neighbors if they hadn't attended the meeting. She emphasized that we have a time limit of 2
4 months get the number of signatures needed and apply for the ROO.

Meeting was adjourned at 6:53 pm.

Attest: Print: ^(Luisa) Lucy Decker Sign: [Signature] . Petition Committee Member (Secretary)