ACTION FORM
BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING:	December 10, 2013	**DATE SUBMITTED:**	November 8, 2013
DEPARTMENT OF ORIGIN:	Development Services	**SUBMITTED BY:**	Randy Haynes

MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
☐ BCD	☒ PUBLIC HEARING	☐ 1ST READING	☐ PUBLIC SAFETY
☐ SPECIAL	☐ CONSENT	☐ 2ND READING	☐ SERVICE
☒ REGULAR	☐ STATUTORY		☒ ECONOMIC DEVELOP.
☐ WORKSHOP	☐ REGULAR		☐ INFRASTRUCTURE
			☒ QUALITY OF LIFE

AGENDA ITEM DESCRIPTION: Consideration of an ordinance to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from Residential District – 5000 (RD-5) to Planned Development District – Housing (PD-H) on 12.82 acres of land out of John Austin League, A-2, located east of the intersection of Thornberry and Bullinger Creek Drives in Bryan, Brazos County, Texas.

SUMMARY STATEMENT: Earlier this year, the City Council approved a rezoning of this same acreage from Agricultural - Open District (A-O) to Residential District – 5000 (case no. RZ13-05). The developer now desires to rezone this property to a PD-H District, to allow development of the property in conformance with the developer's recently designed Austin's Colony Park Connectivity Master Plan.

The applicant proposes to utilize a connectivity master plan for the remaining 195 acres of the Austin's Colony Subdivision, to permit construction of public walkways on only one side of the street within this master planned residential subdivision. Adoption and implementation of the proposal would allow resources normally invested to provide sidewalks along both sides of relatively short street sections to be targeted toward construction of off-site pedestrian facilities intended to enhance connectivity system-wide in existing and future phases of the subdivision. No changes to the range of allowed and potentially allowed land uses within this part of the Austin's Colony Subdivision are proposed with this PD-H District. The same land uses and development standards that generally apply to properties zoned RD-5 District, except for the variations described below, will be applicable within this PD-H District.

As part of the proposal, the developer proposes to dedicate a vacant 8-acre tract situated adjacent to both the Sam Rayburn and Earl Rudder school campuses and the 10-acre Austin's Colony Greenbelt, across from the 28-acre Austin's Colony Park, as parkland. The developer further proposes to construct a 775-foot long and 10-foot wide multi-use path through said 8-acre tract to provide connectivity between existing trails within the Austin's Colony Park and the Sam Rayburn School Park.

STAFF ANALYSIS AND RECOMMENDATION: During its regular meeting on November 7, 2013, the Planning and Zoning Commission, by a vote of 5 to 3, recommended approval of the request, subject to the stipulation that the developer still build sidewalks on both sides of all streets. The developer rejects the Commission's recommendation and asks that the City Council consider the original request.

Staff believes the proposed layout of sidewalks within this proposed PD-H District will provide an adequate transportation network for pedestrians. The dedication of additional parkland to "close the gap" between Sam Rayburn School Park and Austin's Colony Park and the construction of a 10-foot wide multi-use path will produce long term benefits to all phases, those already complete and land yet to be developed, of Austin's Colony, that outweigh those gained by adherence to the sidewalk standards required within future RD-5 zoning districts that will in the future be located on as yet to be developed property.

During its regular meeting on November 19, 2013, the Parks and Recreation Advisory Board unanimously recommended accepting the developer's proposed dedication of parkland, subject to the condition that the developer constructs the proposed 775-foot long and 10-foot wide multi-use path through said 8-acre tract, prior to its dedication as parkland to the City.

OPTIONS (In Suggested Order of Staff Preference):

1. approve the zone change as originally requested by the applicant;
2. deny the requested zone change; or
3. approve the zone change as recommended by the Planning and Zoning Commission.

ATTACHMENTS:

1. location map;
2. draft ordinance with exhibits;
3. minutes from P&Z meeting on November 7, 2013; and
4. staff report to the Planning & Zoning Commission.

FUNDING SOURCE: **N/A**

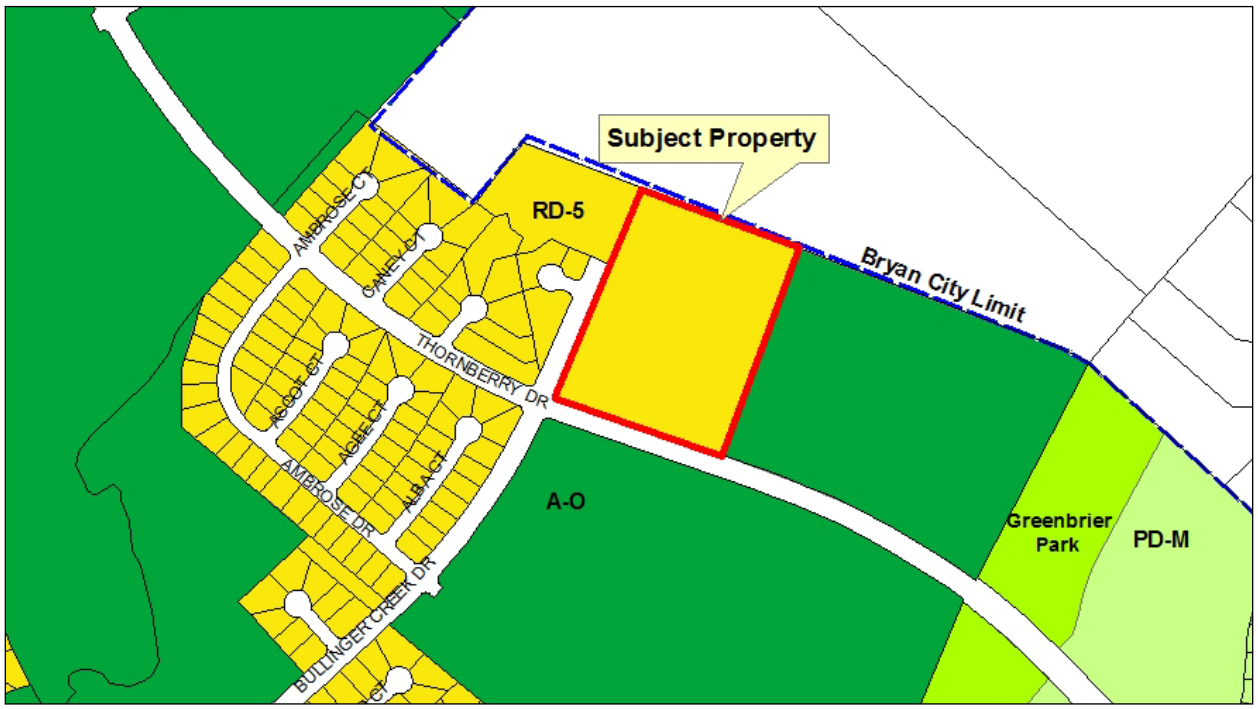
APPROVALS: Kevin Russell, 11-20-13; Joey Dunn, 11-21-13; Hugh R. Walker, 11/24/2013

APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 11/25/2013

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 12/01/2013

Revised 04/2013

LOCATION MAP:



ORDINANCE NO._____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 130, ZONING, OF THE CITY OF BRYAN CODE OF ORDINANCES, CHANGING THE ZONING CLASSIFICATION FROM RESIDENTIAL DISTRICT – 5000 (RD-5) TO PLANNED DEVELOPMENT DISTRICT – HOUSING (PD-H), SUBJECT TO DEVELOPMENT REQUIREMENTS SPECIFIED HEREIN, ON 12.82 ACRES OF LAND OUT OF JOHN AUSTIN LEAGUE, A-2, LOCATED EAST OF THE INTERSECTION OF THORNBERRY AND BULLINGER CREEK DRIVES IN BRYAN, BRAZOS COUNTY, TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH SAID ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bryan has adopted Chapter 130, Zoning, of the City of Bryan Code of Ordinances, as amended, which divides the City of Bryan into various zoning districts; and

WHEREAS, permanent zoning changes made after the date of passage of Chapter 130, as amended, are made by adopting ordinances amending Chapter 130 for each particular permanent zoning change; and

WHEREAS, this requested change to Chapter 130 for changing the zoning classification on 12.82 acres of land out of John Austin League, A-2, located east of the intersection of Thornberry and Bullinger Creek Drives in Bryan, Brazos County, Texas, from Residential District – 5000 (RD-5) to Planned Development District – Housing (PD-H), was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on November 7, 2013;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN:

1.

That Chapter 130, Zoning, of the City of Bryan Code of Ordinances be amended by changing the zoning classification of 12.82 acres of land out of John Austin League, A-2, located east of the intersection of Thornberry and Bullinger Creek Drives in Bryan, Brazos County, Texas, said 12.82 acres of land being described more particularly by metes-and-bounds on attached Exhibit “A”, from Residential District – 5000 (RD-5) to Planned Development District – Housing (PD-H), subject to development requirements specified in attached Exhibit “B” and depicted on attached Exhibit “B-1” and Exhibit “B-2” which are herein fully incorporated by reference for all purposes as if they were set forth in the text of the ordinance.

2.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

3.

Should any section, paragraph, sentences, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, and to this end the provisions of this ordinance are declared to be severable.

4.

The Code of the City of Bryan, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

5.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meetings was given.

6.

This ordinance shall take effect immediately upon its second and final reading and passage.

PRESENTED AND GIVEN first reading the 10th day of December, 2013 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, **PASSED AND APPROVED** on the 14th day of January, 2014 by a vote of ___ yeses and ___ noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST: CITY OF BRYAN:

_____ _____

Mary Lynne Stratta, City Secretary Jason P. Bienski, Mayor

APPROVED AS TO FORM:

_____

Janis K. Hampton, City Attorney

Exhibit "A":
Metes-and-bounds description

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OF LAND LYING AND BEING SITUATED IN THE JOHN AUSTIN LEAGUE, ABSTRACT NO. 2, BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF THE REMAINDER OF A CALLED 333.4 ACRE TRACT AS DESCRIBED BY DEED TO CARRABBA FAMILY LIMITED PARTNERSHIP RECORDED IN VOLUME 5807, PAGE 259 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A ½ INCH IRON ROD FOUND MARKING THE NORTHEAST CORNER OF SAID REMAINDER OF 333.4 ACRE TRACT AND THE SOUTHEAST CORNER OF A CALLED 46.8 ACRE TRACT AS DESCRIBED BY A DEED TO JOHN C. RABORN AND WIFE, NELWYN MARTIN RABORN RECODED IN VOLUME 173, PAGE 3 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: N 67° 05' 47" W ALONG THE COMMON LINE OF SAID REMAINDER OF 333.4 ACRE TRACT AND SAID 46.8 ACRE TRACT FOR A DISTANCE OF 1134.95 FEET TO THE **POINT OF BEGINNING** OF THIS HEREIN DESCRIBED TRACT;

THENCE: S 20° 09' 18" W THROUGH SAID REMAINDER OF 333.4 ACRE TRACT FOR A DISTANCE OF 815.86 FEET TO THE NORTHEAST LINE OF THORNBERRY DRIVE (80' R.O.W.) AND THE EXTENSION THEREOF;

THENCE: N 70° 28' 46" W CONTINUING THROUGH SAID REMAINDER OF 333.4 ACRE TRACT AND ALONG THE NORTHEAST LINE OF THORNBERRY DRIVE FOR A DISTANCE OF 665.22 FEET TO THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 25.00 FEET;

THENCE: ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 92° 13' 30" FOR AN ARC DISTANCE OF 40.24 FEET (CHORD BEARS: N 22° 53' 22" W – 36.04 FEET) TO THE END OF SAID CURVE ON THE SOUTHEAST LINE OF BULLINGER CREEK DRIVE (80' R.O.W.) ACCORDING TO THE PLAT OF AUSTIN'S COLONY, PHASE TWELVE A, RECORDED IN VOLUME 10515, PAGE 193 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS

THENCE: N 23° 13' 23" E ALONG THE SOUTHEAST LINE OF BULLINGER CREEK DRIVE AND THE EXTENSION THEREOF FOR A DISTANCE OF 829.06 FEET TO THE COMMON LINE OF SAID REMAINDER OF 333.4 ACRE TRACT AND SAID 46.8 ACRE TRACT;

THENCE: S 67° 05' 47" E ALONG THE COMMON LINE OF SAID REMAINDER OF 333.4 ACRE TRACT AND SAID 46.8 ACRE TRACT FOR A DISTANCE OF 646.15 FEET TO THE **POINT OF BEGINNING** CONTAINING 12.824 ACRES OF LAND, MORE OR LESS. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.

Exhibit "B":
Development Requirements

SECTION 1: Definitions

In this specific context, the term "permitted" shall mean all uses permitted by right within the zoning classification specified, as well as other uses defined and described in the Zoning Ordinance of the City of Bryan as being permitted with approval of a Conditional Use Permit. Said uses permitted with approval of a Conditional Use Permit shall be subject to development review procedures of the City of Bryan Zoning Ordinance described for Conditional Use Permits.

SECTION 2: Land Use

The continued use of land permitted within in this Planned Development – Housing District (PD-H) shall be limited to uses generally permitted in the Residential District – 5000 (RD-5) zoning district.

SECTION 3: Physical Development

Physical development in this PD-H District shall comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to properties zoned Residential District – 5000 (RD-5).

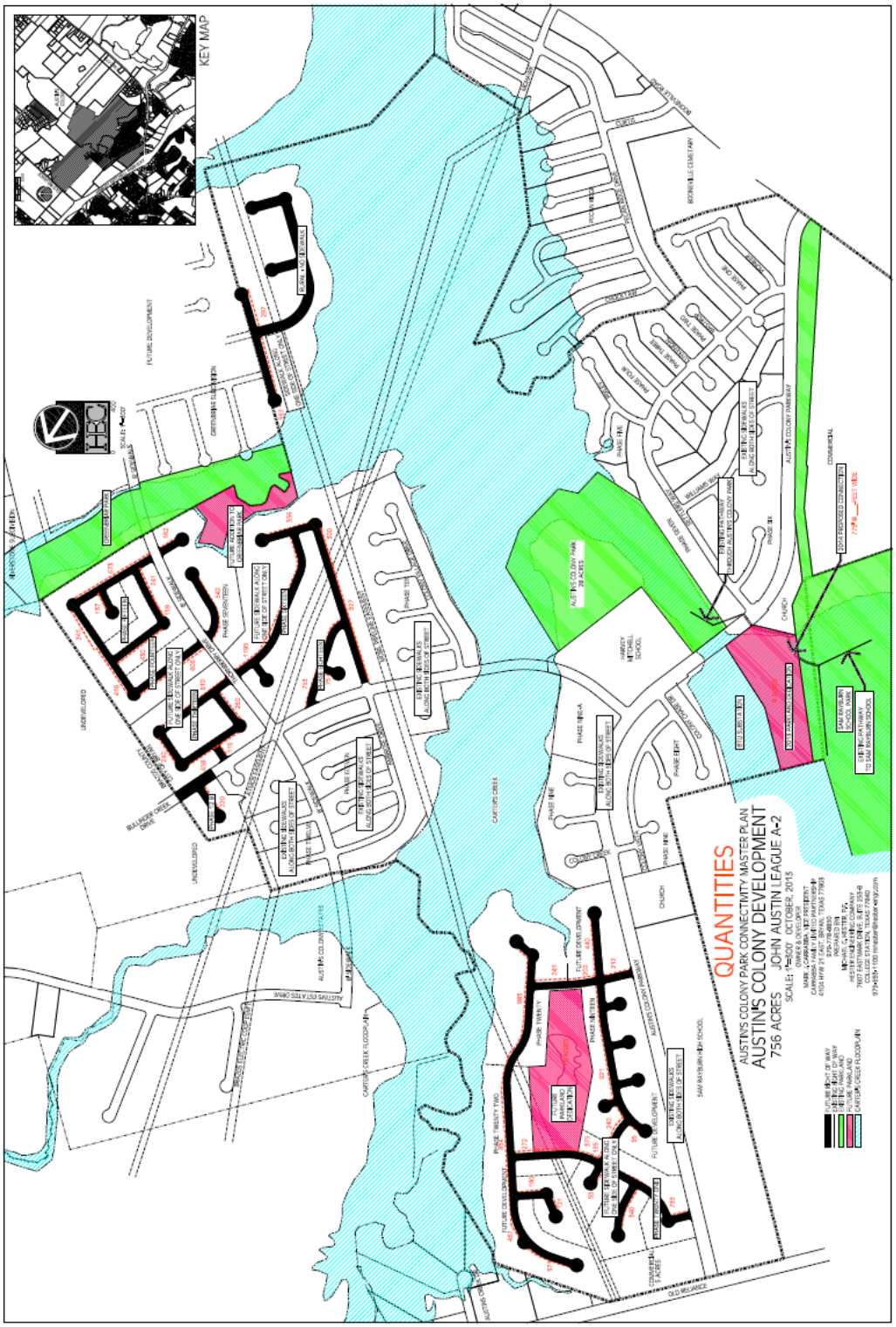
SECTION 4: Subdivision of Land and Parkland Dedication

The subdivision of land in this PD-H District shall be allowed in accordance with Chapter 110, Subdivisions, of the City of Bryan Code of Ordinances, with the following exceptions or additions to ordinary standards:

1. The installation of sidewalks shall be required only in the locations depicted on attached Exhibit "B-1". All sidewalks shall meet the City of Bryan's construction requirements for sidewalks as per the Bryan/College Station Unified Design Guideline Manual, Technical Specifications, and Standard Construction Detail.

2. No subdivision plat shall be recorded for the subject property until a 775-foot long and 10-foot wide multi-use path shown on attached Exhibit "B-2" has been constructed and the 8-acre tract depicted on attached Exhibit "B-2" has been dedicated to the City of Bryan for parkland use.

Exhibit "B-1":
Development Plan


KEY MAP
QUANTITIES
AUSTIN'S COLONY PARK CONNECTIVITY MASTER PLAN
AUSTIN'S COLONY DEVELOPMENT
756 ACRES
JOHN AUSTIN LEAGUE A-2
SCALE: 1"=200' OCTOBER, 2013
OWNER & DEVELOPER
MARK J. CARRUBBA, VICE PRESIDENT
CARRUBBA HOLDINGS, LTD. PARTNERSHIP
4704 HWY 21 EAST, BRYAN, TEXAS 77803
979-823-1234
PREPARED BY
MICHAEL A. HETTER, P.E.
HETTER ENGINEERING COMPANY
7607 EASTMARK DRIVE, SUITE 230-B
COLLEGE STATION, TEXAS 77840
979-693-0761 mhetter@hetterengr.com
FUTURE EFFECT OF WAY
EXISTING RIGHT OF WAY
EXISTING PARKLAND
FUTURE PARKLAND
CARTUMS CREEK FLOODPLAIN
FUTURE DEVELOPMENT
UNDEVELOPED
CARTUMS CREEK
AUSTIN'S COLONY PARKWAY
SAM RAYBURN HIGH SCHOOL
HARVEST MIDDLE SCHOOL
CHURCH
COMMERCIAL
BEDIENTOWN CEMETARY
OLD MILLIGAN
BULLINGER CREEK DRIVE
AUSTIN'S COLONY PARK
EXISTING SIDEWALKS
FUTURE SIDEWALK ALONG
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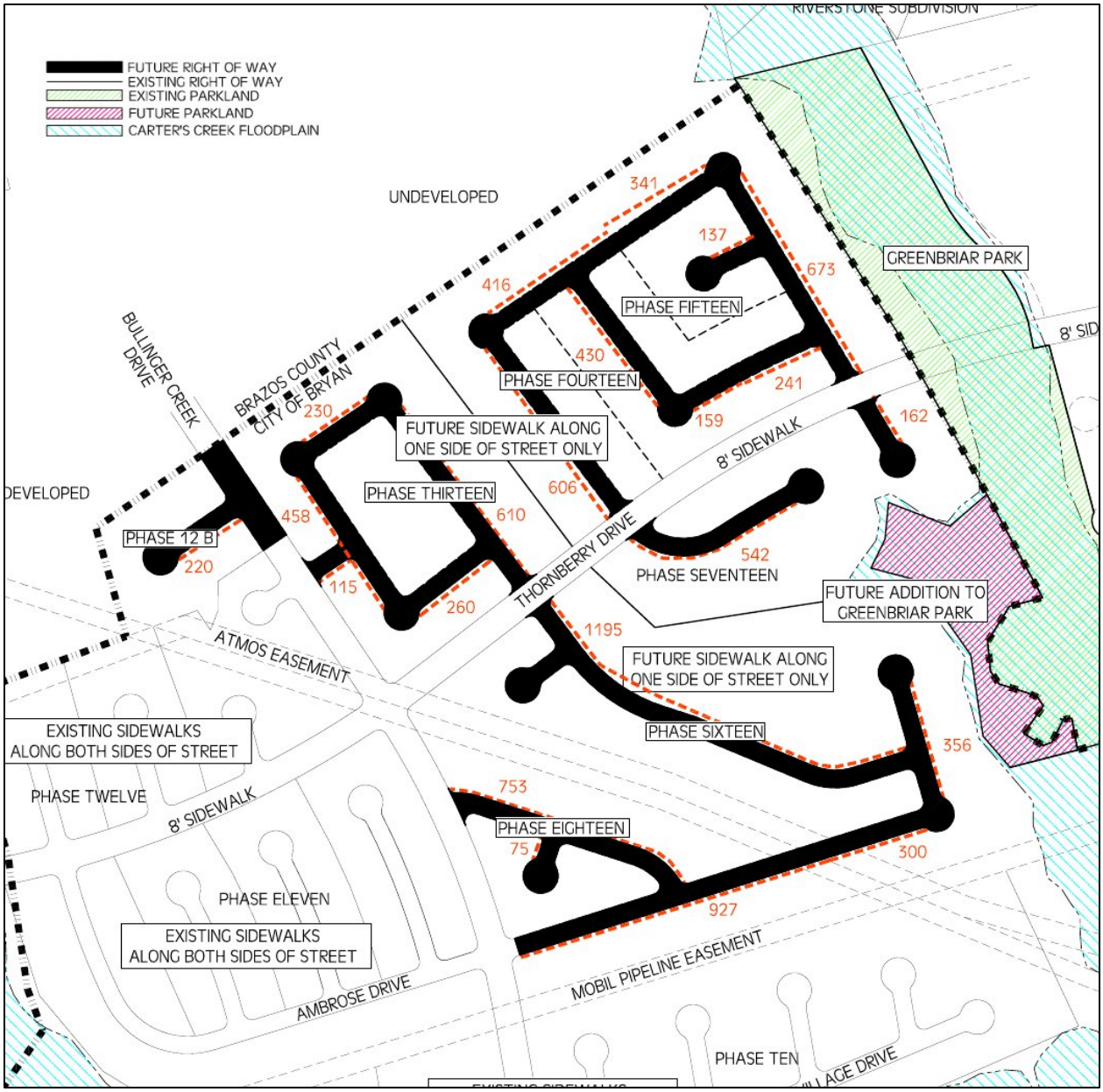
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EXISTING RIGHT OF WAY
EXISTING PARKLAND
FUTURE PARKLAND
CARTER'S CREEK FLOODPLAIN
RIVERSTONE SUBDIVISION
UNDEVELOPED
GREENBRIAR PARK
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CITY OF BRYAN
FUTURE SIDEWALK ALONG ONE SIDE OF STREET ONLY
8' SIDEWALK
THORNBERRY DRIVE
ATMOS EASEMENT
FUTURE ADDITION TO GREENBRIAR PARK
EXISTING SIDEWALKS ALONG BOTH SIDES OF STREET
AMBROSE DRIVE
MOBIL PIPELINE EASEMENT
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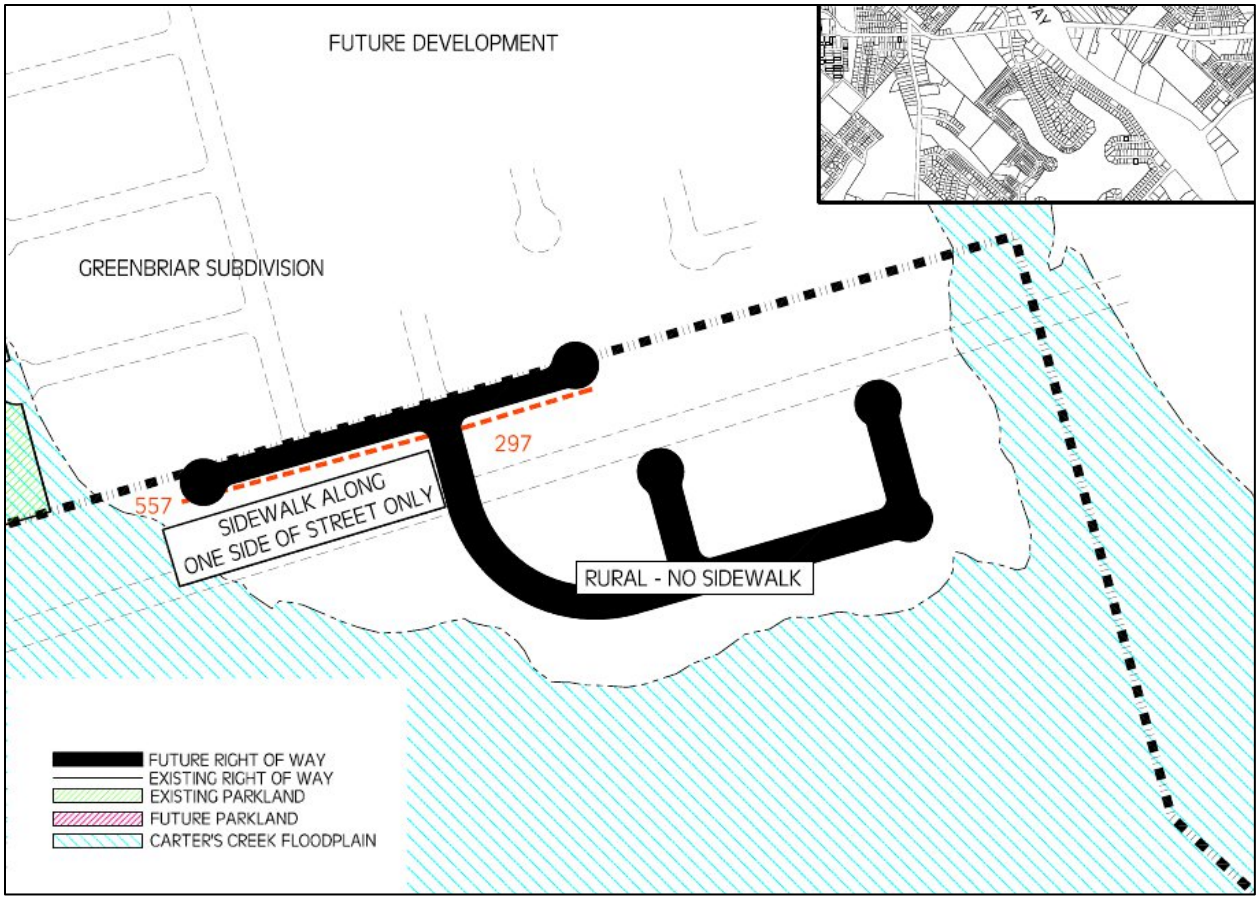
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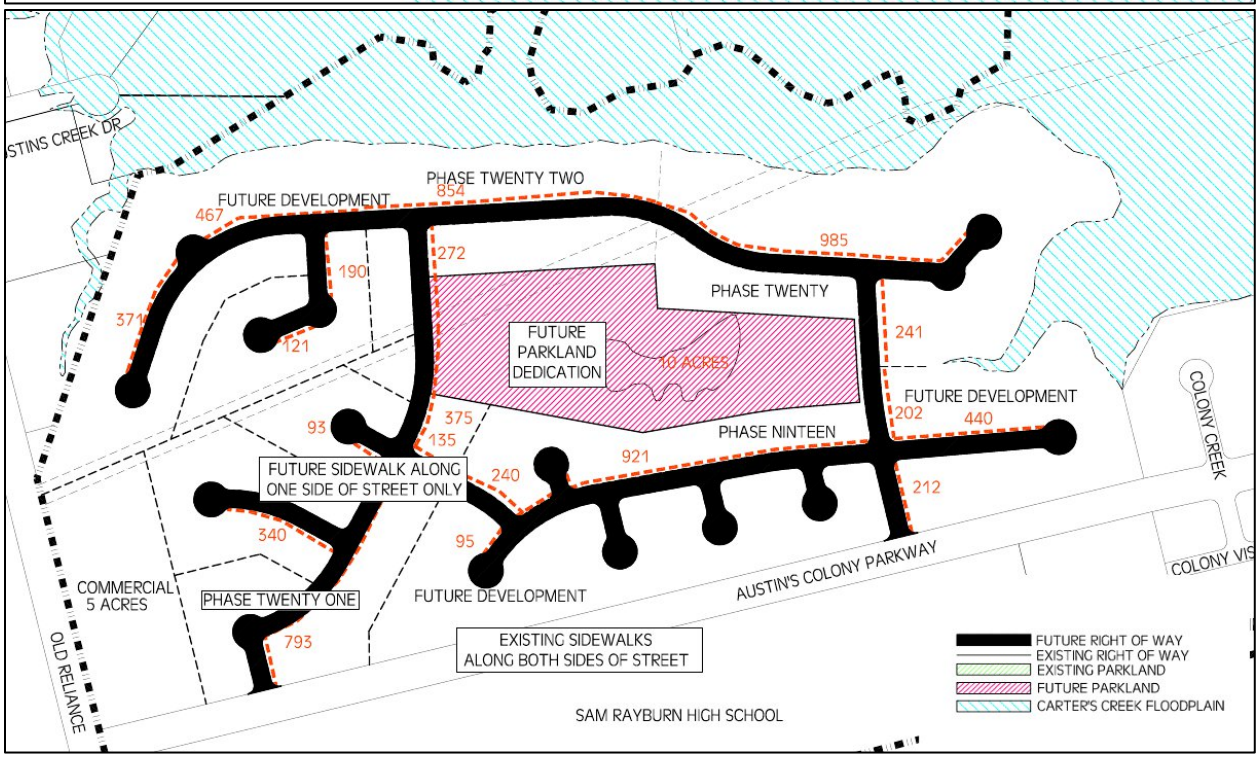
CARTER'S CREEK FLOODPLAIN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COLONY CREEK
93
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COLONY VIS
793
EXISTING SIDEWALKS
ALONG BOTH SIDES OF STREET
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EXISTING RIGHT OF WAY
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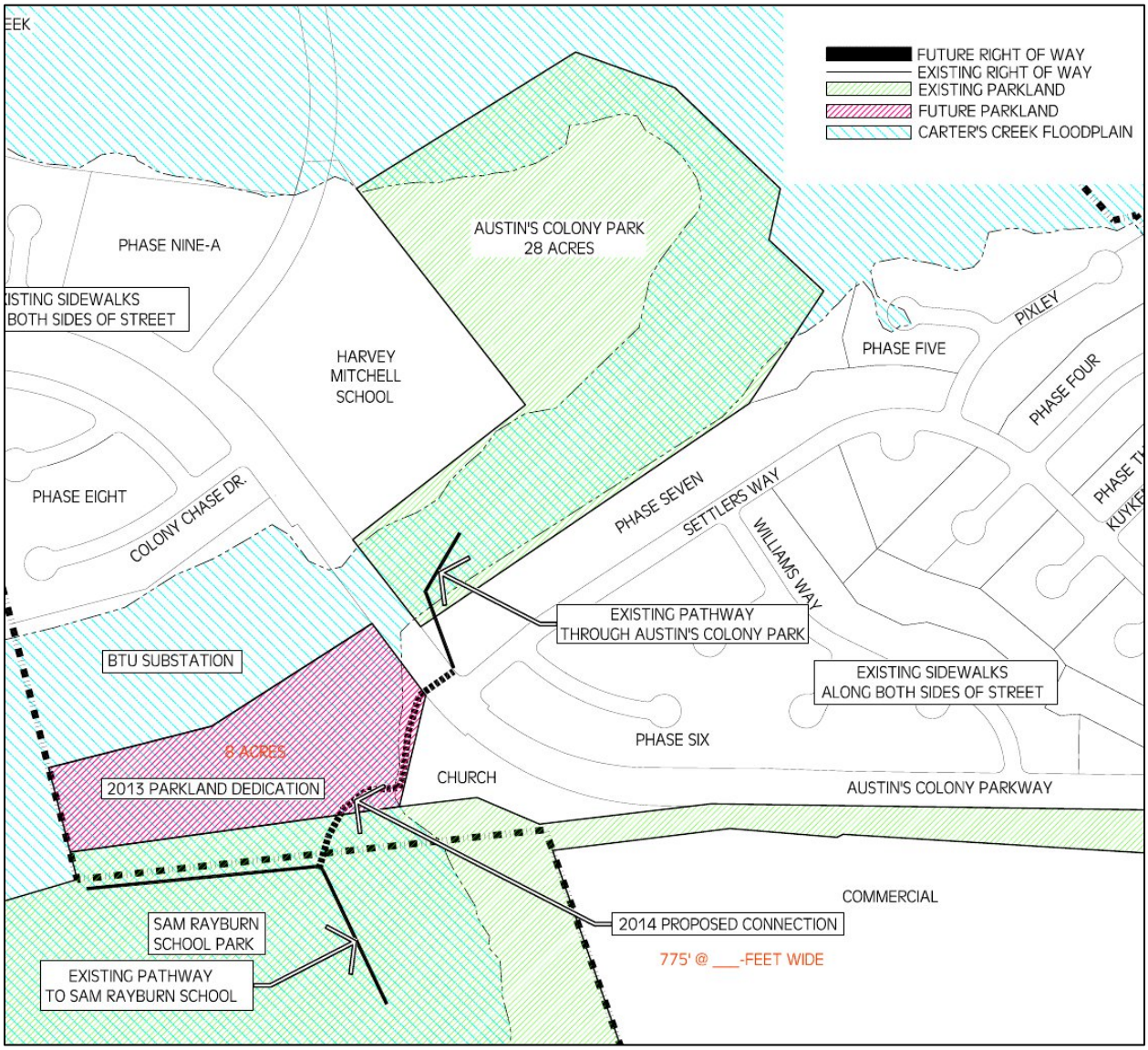
Exhibit "B-2":
Parkland Dedication and Trail Construction



EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES OF NOVEMBER 7, 2013:

7. REQUESTS FOR APPROVAL OF ZONING CHANGES – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission makes recommendation; City Council has final approval).

a. Rezoning RZ13-15: Grant Carrabba
A request to change the zoning classification from Residential District – 5000 (RD-5) to Planned Development District – Housing (PD-H) on 12.82 acres of land out of John Austin League, A-2, located east of the intersection of Thornberry and Bullinger Creek Drives in Bryan, Brazos County, Texas. (R. Haynes)

Mr. Haynes presented the staff report (on file in the Development Services Department). Staff recommends approval of the proposed rezoning.

The public hearing was opened.

Mr. Mike Hester, 7607 Eastmark Drive, College Station, stated that he was the engineer for the project and would be happy to answer any questions.

In response to a question, Mr. Hester stated that the proposed trail would be multimodal and include crossing both floodplain and a creek.

Ms. Peggy Bloomer, 2106 Williams Way, Bryan, Texas, came forward to speak against the request. She stated that sidewalks on both sides of the street are important, and asked the Commission not to make a short-term concession.

Ms. Sharon Anderson, 2304 Cindy Lane, Bryan, Texas, came forward to speak against the request. She stated that she was an advocate for sidewalks on both sides of the street for the flexibility it provided a neighborhood and the safety it provides for residents.

The public hearing was closed.

Commissioner Hickle expressed that he had a question for the applicant.

The public hearing was opened again for the applicant.

In response to a question, Mr. Grant Carrabba, the applicant, stated that he could build sidewalks on both sides of the street, but he wants to connect all parts of the subdivision, schools, and parks in loops for better walking connectivity than sidewalks on both sides.

In response to a question, Mr. Hester stated that they were trying to provide greater connectivity and were proposing parkland as part of the proposal.

The public hearing was closed.

In response to a question, Mr. Haynes stated that other developments, including a nearby one, had approved development plans to allow sidewalks only on one side of the street.

In response to a question, Mr. Haynes stated that planned development zoning would change the development standards for this area.

Commissioner Hickle moved to recommend approval of Rezoning RZ13-15 to the Bryan City Council, with the stipulation that the applicant adhere to the amended City of Bryan subdivision ordinance requiring sidewalks on both sides of the street, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Jones seconded the motion.

Commissioners discussed:

- Whether or not the applicant could or would build both the proposed walkways and sidewalks on both sides of the street
- Support for sidewalks on both sides of the street
- The cost of sidewalks
- Great area of development

The motion passed by a vote of 5 in favor and 3 in opposition. Commissioners Hardeman, Krolczyk, and Gutierrez cast the votes in opposition.

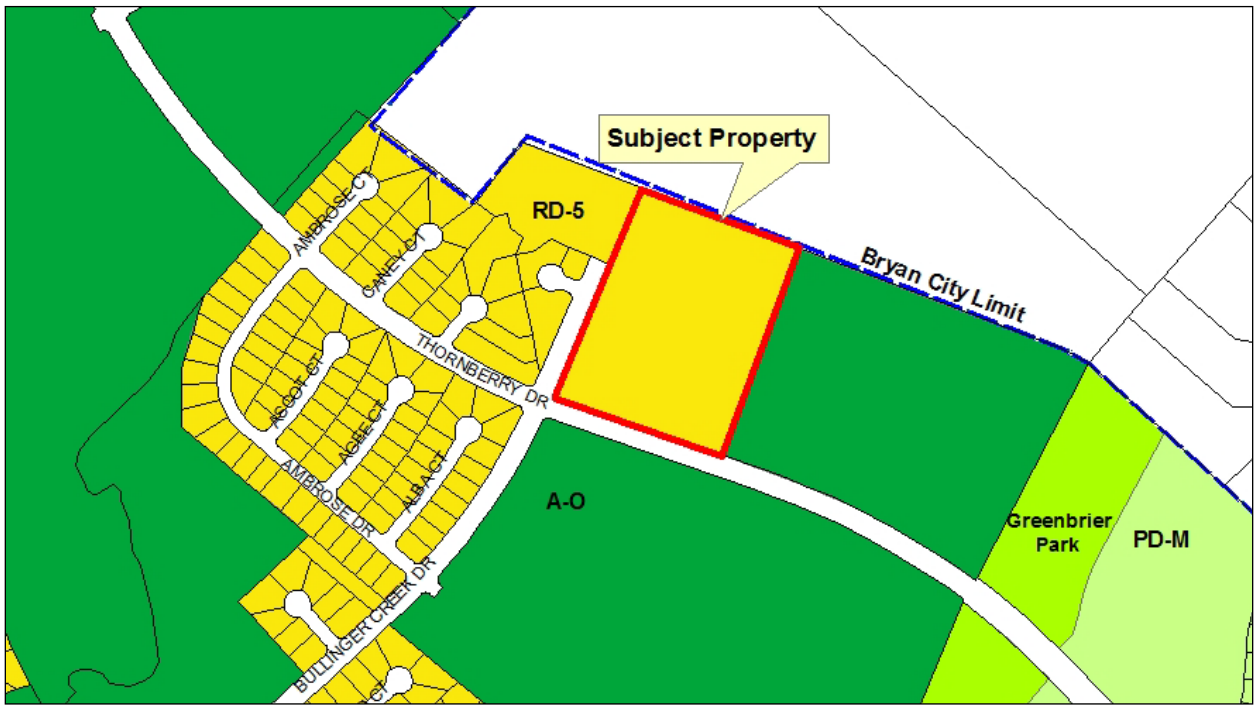
PLANNING AND ZONING COMMISSION
STAFF REPORT

November 7, 2013

Rezoning case no. RZ 13-15: Grant Carrabba

CASE DESCRIPTION:	a request to change the zoning classification from Residential District – 5000 (RD-5) to Planned Development District – Housing (PD-H)
LOCATION:	12.82 acres of land located east of the intersection of Thornberry and Bullinger Creek Drives
LEGAL DESCRIPTION:	12.82 acres of land out of John Austin League A-2
EXISTING LAND USE:	vacant acreage
APPLICANT(S):	Grant Carrabba
STAFF CONTACT:	Randy Haynes, Project Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** this rezoning request.



BACKGROUND:

The applicant/developer, Grant Carrabba, is requesting to change the zoning classification from Residential District – 5000 (RD-5) to Planned Development District – Housing (PD-H) on 12.82 acres of vacant land located east of the intersection of Bullinger Creek and Thornberry Drives. The applicant wishes to develop this land with a residential subdivision, specifically Phase 13 of Austin's Colony Subdivision. A master plan for Austin's Colony proposing a low-density residential development at this location was approved by the Planning and Zoning Commission on April 6, 2006.

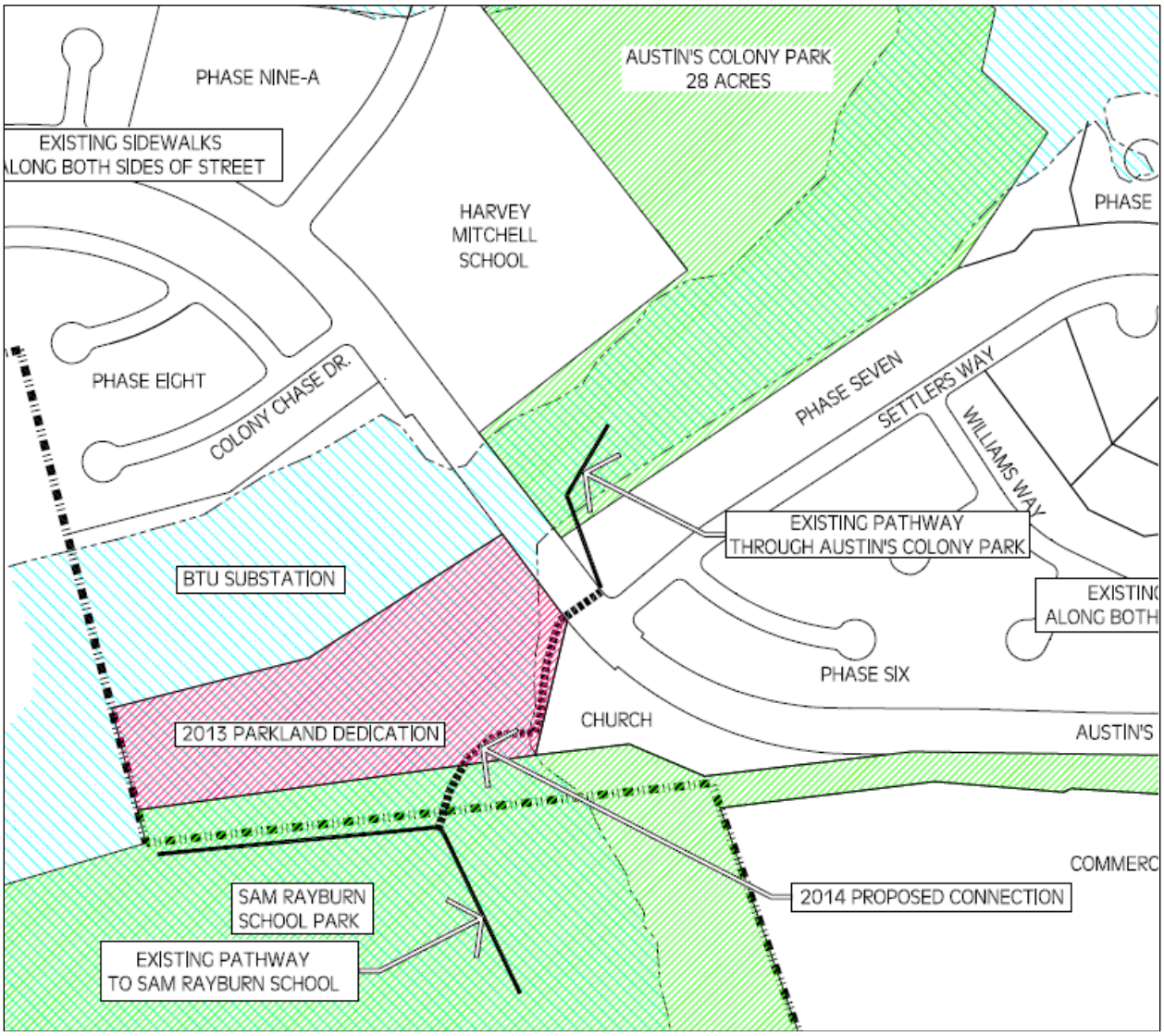
Earlier this year, the City Council approved a rezoning of this same acreage from Agricultural - Open District (A-O) to Residential District – 5000 (case no. RZ13-05). The developer now desires to rezone this property to a PD-H District, to allow development of the property in conformance with the developer's recently designed Austin's Colony Park Connectivity Master Plan, a copy of which is attached to this staff report.

From the beginning of development of Phase 1 in 1993, through Phase 7 in 2001, the Austin's Colony Subdivision was built with sidewalks generally on only one side of streets. In 2000, an amendment to the City of Bryan Subdivision Ordinance mandated that sidewalks be built on both sides of the street in all new or redeveloping subdivisions. Consequently, Phases 8 through 12 have been built in compliance with that requirement.

The applicant proposes to utilize a connectivity master plan for the remaining 195 acres of the Austin's Colony Subdivision, to permit construction of public walkways on only one side of the street within this master planned residential subdivision. Adoption and implementation of the proposal would allow resources normally invested to provide sidewalks along both sides of relatively short street sections to be targeted toward construction of off-site pedestrian facilities intended to enhance connectivity system-wide in existing and future phases of the subdivision. No changes to the range of allowed and potentially allowed land uses within this part of the Austin's Colony Subdivision are proposed with this PD-H District. The same land uses and development standards that generally apply to properties zoned RD-5 District, except for the variations described below, will be applicable within this PD-H District.

Through the developer's dedication of a vacant 8-acre tract as parkland, the immediate effect of the park connectivity master plan will provide the potential for off-roadway pedestrian connectivity within the Austin's Colony Subdivision. That 8-acre tract lies adjacent to both the Sam Rayburn and Earl Rudder school campuses and the 10-acre Austin's Colony Greenbelt. The 8-acre tract is also located directly across Austin's Colony Parkway from the 28-acre Austin's Colony Park.

DETAIL OF 8-ACRE CONNECTING TRACT:



Another feature of the Austin's Colony Park Connectivity Master Plan is the applicant's proposal to construct a 775-foot long, 10-foot wide multi-use path across a portion of 8-acre parkland tract, to provide direct connectivity between existing trails within the Austin's Colony Park and the Sam Rayburn School Park.

At this time, the developer is proposing to only rezone the 12.82 acres of land that are planned to be subdivided into Phase 13 of the Austin's Colony Subdivision to PD-H District, in accordance with the Austin's Colony Park Connectivity Master Plan, which will become part of the ordinance regulating development on this acreage. Rezoning requests for future phases of the Austin's Colony Subdivision will be made when those tracts are proposed to be developed with residential home sites. Those future subdivision phases will then be similarly designed in conformance with the park connectivity master plan.

A Planned Development District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts. While greater flexibility is given to allow special conditions that vary from normal standards, the Planning and Zoning Commission should weigh the benefits of each proposal

against those that would be produced by adhering to the standard development regulations to ensure against misuse of increased flexibility.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted a new Comprehensive Plan in January 2007. The plan includes policy recommendations related to the various physical development aspects of the community. In the section concerning transportation, the Comprehensive Plan states:

> The City of Bryan has great potential to increase bicycle transportation with its sizeable bicycling population and active bicycle advocacy groups. Bicycle routes, lanes and trails have the ability to provide links between residential areas and destinations throughout the city.
>
> **GOAL #1: PROVIDE A SAFE, EFFICIENT AND CONVENIENT MULTI-MODAL TRANSPORTATION SYSTEM**
>
> **Objective C) Encourage utilization of alternative modes of transportation including transit, bicycles and pedestrians.**
>
> ***Action Statement 1:*** **Review and update current ordinances to ensure that new development provide sidewalks and bicycle accommodations with direct connections to residential, schools, commercial, and recreational areas and to transit stops.**

ANALYSIS:

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors.

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned; relationship to general area and the City as a whole.

   The proposed development plan includes no changes to allowed land uses. Staff believes that the proposed arrangement of public park connectivity by multi-use path facilities throughout the Austin's Colony Subdivision will support the orderly urban growth in this part of Bryan and provide an amenity that current and future residents will get to enjoy.

2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area and shall note the findings.

   Staff believes that the proposed layout of sidewalks within this proposed PD-H District will provide an adequate transportation network for pedestrians. Through the dedication of additional parkland to "close the gap" between Sam Rayburn School Park and Austin's Colony Park and the construction of a 10-foot wide multi-use path, staff contends that that the proposed development will ultimately be of greater benefit to the public than would be produced by adherence to conventional standards for sidewalk construction.

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

   The subject property lies in close proximity to a considerable amount vacant land that could potentially be zoned and used for residential development. Staff believes that the change of standards proposed within the development plan, if approved, will not make land classified for similar development in the vicinity and elsewhere in the City unavailable for development.

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

   Staff contends that residential developments are developing at a moderate pace in this general vicinity and elsewhere in the City.

5. How other areas designated for similar development will be, or are unlikely to be affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

   If the proposed PD-H District were approved, staff believes there to be few if any effects on other areas designated for similar developments.

6. Any other factors affecting health, safety, morals, or general welfare.

   Staff is unable to discern any other factors related to this rezoning request that will adversely affect health, safety, morals, or general welfare. Staff contends that the proposed arrangement of pedestrian facilities at this location will support orderly urban development in this part of Bryan.

In addition, the Planning and Zoning Commission shall not approve a planned development if it finds that the proposed planned development does not conform to applicable regulations and standards established by Section 130-125 of the Zoning Ordinance:

1. Is not compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features, within the standards established by this section.

   The proposed PD-H District zoning includes no changes land uses already permitted in the property's current RD-5 zoning classification with respect to building scale, bulk, height, setbacks. The proposed development plan will reduce impervious cover throughout the remaining phases of the Austin's Colony Subdivision thereby reducing future public maintenance responsibilities. Staff believes that the proposed use and development of this property for a single-family residential subdivision phase should have no adverse impacts on nearby properties or the City as a whole.

2. Potentially creates unfavorable effects or impacts on other existing or permitted uses on abutting sites that cannot be mitigated by the provisions of this section.

Staff is unable to identify any potentially adverse effects or impacts on other existing or permitted uses on abutting sites that cannot be mitigated by the provisions of the proposed PD-H District.

3. Adversely affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

   Staff contends that the proposed development will not adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity. The proposed layout of road and pedestrian walkways can reasonably be expected to provide for adequate and safe traffic circulation on the subject property and the Austin's Colony Subdivision in general.

4. Adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

   Staff contends that the proposed development will not adversely affect adjacent properties by inappropriate lighting, or types of signs. Allowable signage in residential districts is purposefully restricted. Signage in this residential subdivision advertising, for example, a home occupation, is limited to a 1 square foot sign mounted to the front of the main building.

5. Fails to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

   Staff contends that the proposed development will reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts, in conformance with applicable city ordinances.

6. Will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, for reasons specifically articulated by the commission.

   Staff is unable to discern any additional detrimental impacts not already identified in this staff report.

RECOMMENDATION:

Staff recommends **approving** the proposed zoning of these 12.82 acres to Planned Development – Housing District (PD-H), as requested.