ACTION FORM
BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING:	January 28, 2014	**DATE SUBMITTED:**	December 20, 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, to change the zoning classification from a combination of Agricultural-Open District (A-O) and Planned Development – Mixed Use District (PD-M) to a Planned Development – Housing District (PD-H) on 186.59 acres of land out of John Austin League, Abstract No. 2 adjoining both sides of Thornberry Drive generally northwest of its intersection with F.M. 1179 in Bryan, Brazos County, Texas.

SUMMARY STATEMENT: Approximately 181+ acres of the subject property was zoned Planned Development – Mixed Use District (PD-M) in July 2009. The balance of the land, approximately 4.7 acres, is currently zoned Agricultural - Open District (A-O). The development plan approved in 2009 created a master-planned, mixed-use development with single-family residential and commercial components. The subject of the current rezoning request involves only the land designated for residential use in the original development plan, and does not include the acreage abutting FM 1179 that remains set aside for commercial use.

The subject property is owned by Carter-Arden Development, LLC and the Carrabba Family Limited Partnership. They desire to subdivide and develop this property into a master-planned single-family residential development and are requesting to rezone the subject property to Planned Development – Housing District (PD-H). Portions of the property have been under development since August 2012. Recently, during the technical design process of Phase 9, it became evident that an alteration of the street layout within the areas under development needs to occur. As part of that change, the addition of 4.7 acres of adjacent property (referred to as Phase 16) is necessary.

The new development plan shows the proposed development of 16 single-family residential subdivision phases, common areas, and land proposed for parkland dedication along Thornberry Drive. The development plan also shows several new local streets, including two street connections to the adjoining Riverstone Subdivision, which is located outside Bryan's city limits and a street connection to as of yet undivided acreage located inside the city limits.

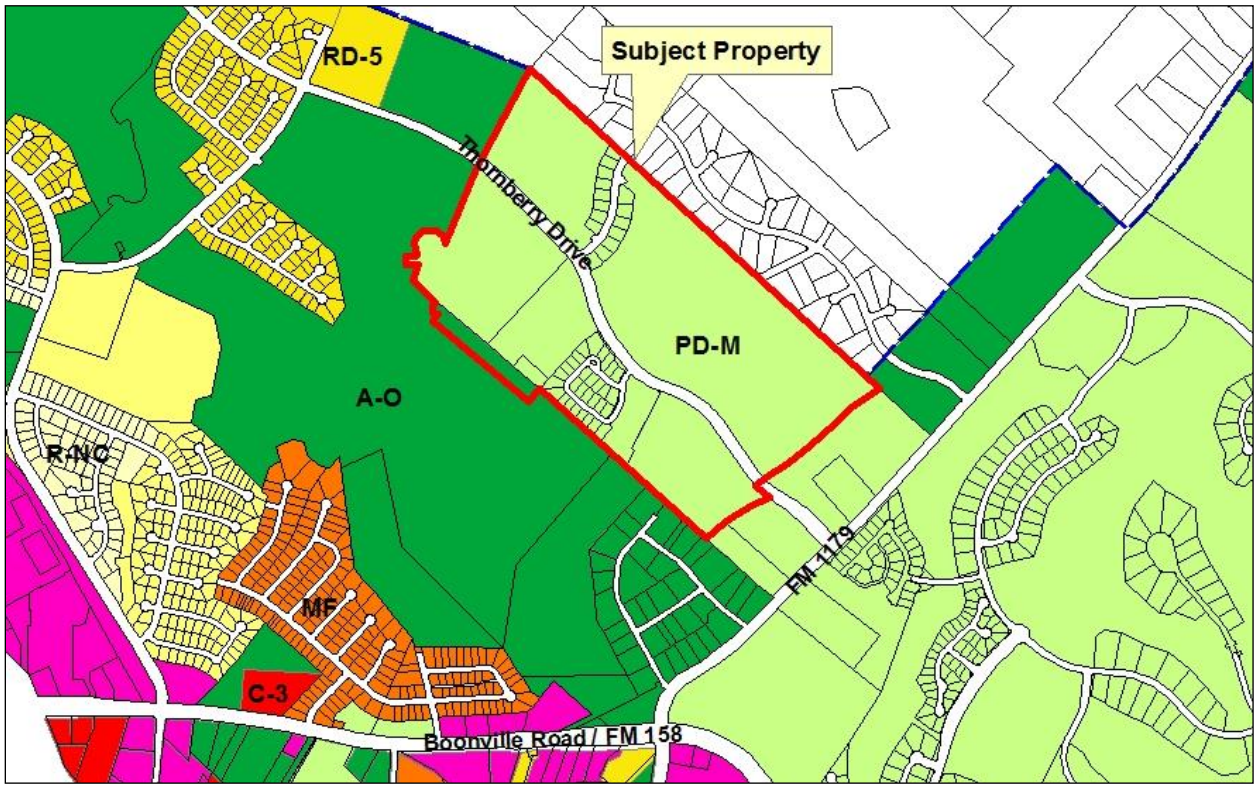
STAFF ANALYSIS AND RECOMMENDATION: Staff believes the proposed PD-H District on these 186+ acres is appropriate at this particular location and is in accordance with land use recommendations of the Comprehensive Plan. The subject property lies in an area considered to be one of the City's higher growth areas due to its proximity to existing development and the City's recent extension of a new collector street through this property. Also, staff believes approval of this master-planned residential development may spur additional development interest in this area. Finally, staff believes the proposed arrangement of land uses at this location will promote orderly urban growth in this part of Bryan.

During a special meeting on December 19, 2013, the Planning and Zoning Commission unanimously recommended approving this rezoning request.

OPTIONS (In Suggested Order of Staff Preference): 1. approve the zone change as recommended by the Planning and Zoning Commission 2. deny the requested zone change
ATTACHMENTS: 1. location map; 2. draft ordinance with exhibits; 3. minutes from special P&Z meeting on December 19, 2013; and 4. staff report to the Planning & Zoning Commission.
FUNDING SOURCE: **N/A**
APPROVALS: Kevin Russell, 1-6-14; Joey Dunn, 1-6-14; Hugh R. Walker, 01/10/2014
APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 01/10/2014
APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 01/16/2014

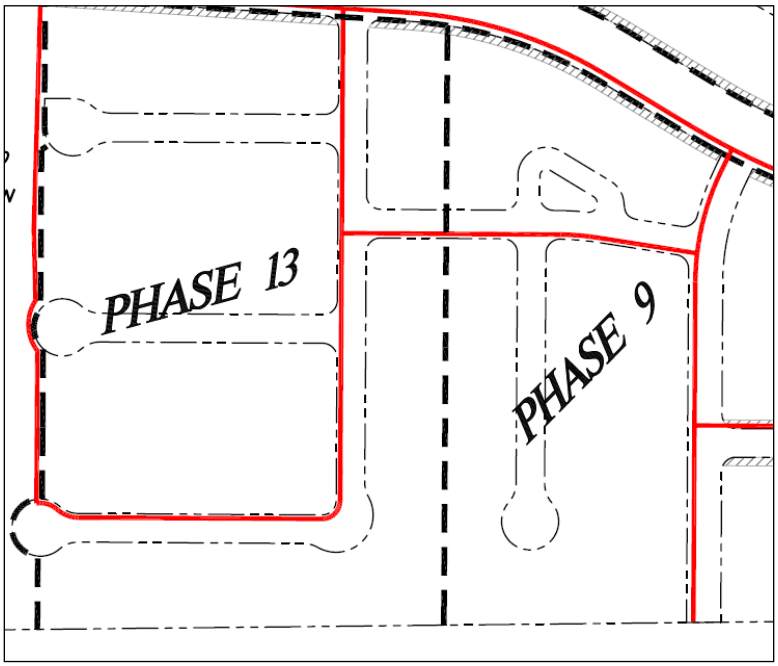
Revised 04/2013

LOCATION MAP:

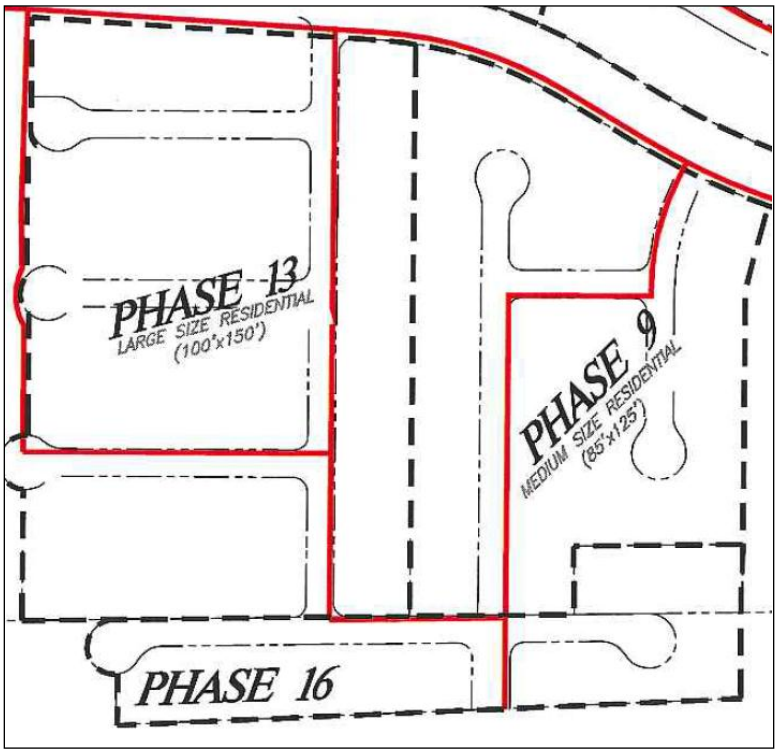


AERIAL PHOTOGRAPH - 2013

CURRENT PHASE 9 STREET AND SIDEWALK LAYOUT



PROPOSED PHASE 9 STREET AND SIDEWALK LAYOUT:



ORDINANCE NO._____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 130, ZONING, OF THE CITY OF BRYAN CODE OF ORDINANCES, TO CHANGE THE ZONING CLASSIFICATION FROM A COMBINATION OF AGRICULTURAL-OPEN DISTRICT (A-O) AND PLANNED DEVELOPMENT – MIXED USE DISTRICT (PD-M) TO A PLANNED DEVELOPMENT – HOUSING DISTRICT (PD-H), SUBJECT TO DEVELOPMENT REQUIREMENTS SPECIFIED HEREIN, ON 186.59 ACRES OF LAND OUT OF JOHN AUSTIN LEAGUE, ABSTRACT NO. 2, ADJOINING BOTH SIDES OF THORNBERRY DRIVE GENERALLY NORTHWEST OF ITS INTERSECTION WITH F.M. 1179 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 to change the zoning classification from a combination of Agricultural-Open District (A-O) and Planned Development – Mixed Use District (PD-M) to a Planned Development – Housing District (PD-H) on 186.59 acres of land out of John Austin League, Abstract No. 2 adjoining both sides of Thornberry Drive generally northwest of its intersection with F.M. 1179 in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during a special meeting on December 19, 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 on 186.59 acres of land out of John Austin League, Abstract No. 2, adjoining both sides of Thornberry Drive generally northwest of its intersection with F.M. 1179 in Bryan, Brazos County, Texas, said 186.59 acres being described more particularly by metes-and-bounds on attached Exhibit “A”, from a combination of Agricultural-Open District (A-O) and Planned Development – Mixed Use District (PD-M) to Planned Development – Housing District (PD-H), subject to development requirements specified in attached Exhibit “B” and depicted on attached Exhibit “C” 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 28th day of January, 2014 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 11th day of February, 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

Being all that certain tract or parcel of land lying and being situated in the JOHN AUSTIN LEAGUE, Abstract No. 2 in Brazos County, Texas and being all of the 103.916 acre tract described in the deed from Anne Richter Carter, Robert Brennan Carter and George Francis Carter, Jr. to Homewood LLC recorded in Volume 8938, Page 97 of the Official Records of Brazos County, Texas (O.R.B.C.), all of the 40.239 acre tract described in the deed from Anne Richter Carter, Robert Brennan Carter and George Francis Carter, Jr. to Carter Arden Development, LLC recorded in Volume 8938, Page 108 (O.R.B.C.), all of the 37.228 acre tract described in the deed from J. Stephen Arden to Carter Arden Development, LLC recorded in Volume 8938, Page 113 (O.R.B.C.) and being a portion of the called 333.4 acre tract described in the deed from Carrabba Interests, et al to Carrabba Family Limited Partnership recorded in Volume 5807, Page 259 (O.R.B.C.) and being more particularly described by metes and bounds as follows:

BEGINNING: at a found 5/8-inch iron rod marking the north corner of the said 103.916 acre tract, the west corner of a called 89.096 acre 1179 Joint Venture I, L.P. tract recorded in Volume 6334, Page 235 (O.R.B.C.) and further described in the boundary line agreement recorded in Volume 7849, Page 6 (O.R.B.C), said iron rod also being in the southwest line of a called 46.8 acre John Raborn tract recorded in Volume 173, Page 3 of the Brazos County Deed Records (B.C.D.R.);

THENCE: S 45° 01' 30" E along the said agreed common boundary line for a distance of 4242.56 feet for corner marking the east corner of the said 103.916 acre Homewood tract, from whence a found 5/8-inch iron rod marking the east corner of the called 176.241 acre Carter tract recorded in Volume 3253, Page 207 (O.R.B.C.) bears S 45° 01' 30" E at a distance of 616.30 feet for reference;

THENCE: along the southeast lines of the said 103.916 acre Homewood tract, the said 40.239 acre Carter Arden tract and the said 37.228 acre Carter Arden tract for the following twelve (12) calls:

1) S 57° 00' 44" W for a distance of 270.28 feet to the Point of Curvature of a curve to the left,
2) 227.56 feet along the arc of said curve having a central angle of 08° 41' 32", a radius of 1500.00 feet, a tangent of 114.00 feet and a long chord bearing S 52° 39' 58" W at a distance of 227.34 feet to the Point of Tangency,
3) S 48° 19' 12" W for a distance of 226.72 feet to the Point of Curvature of a curve to the right,
4) 224.89 feet along the arc of said curve having a central angle of 12° 16' 18", a radius of 1050.00 feet, a tangent of 112.88 feet and a long chord bearing S 54° 27' 21" W at a distance of 224.46 feet to the Point of Tangency,
5) S 60° 35' 29" W for a distance of 194.34 feet to the Point of Curvature of a curve to the left,
6) 138.54 feet along the arc of said curve having a central angle of 08° 21' 19", a radius of 950.00 feet, a tangent of 69.39 feet and a long chord bearing S 56° 24' 50" W at a distance of 138.41 feet to the Point of Compound Curvature,
7) 41.53 feet along the arc of said compound curve having a central angle of 95° 10' 37", a radius of 25.00 feet, a tangent of 27.37 feet and a long chord bearing S 04° 38' 50" W at a distance of 36.92 feet for the Point of Compound Curvature,
8) 89.01 feet along the arc of said compound curve having a central angle of 09° 16' 22", a radius of 550.00 feet, a tangent of 44.60 feet and a long chord bearing S 47° 34' 39" E at a distance of 88.92 feet for the Point of Tangency,
9) S 52° 12' 51" E for a distance of 12.10 feet for corner,
10) S 39° 44' 40" W for a distance of 100.06 feet for corner ,
11) S 60° 45' 22" E for a distance of 444.08 feet to for corner and

12) S 52° 20' 07" W for a distance of 212.71 feet for corner marking the south corner of the said 37.228 acre Carter Arden tract, the west corner of the 3.755 acre Edward B. Carter tract recorded in Volume 8901, Page 249 (O.R.B.C.) and being in the northeast line of Lot 6, Block 1 OAK FOREST ESTATES, FIRST INSTALLMENT as recorded in Volume 208, Page 105 of the Brazos County Deed Records (B.C.D.R.);

THENCE: along the southwest line of the said 37.228 acre tract, the northeast line of said OAK FOREST ESTATES, FIRST INSTALLMENT, the northeast line of OAK FOREST ESTATES, SECOND INSTALLMENT (308/223 [B.C.D.R.]), the northeast line of a called 34.9 acre Michael Davis, Trustee tract (2814/297 [O.R.B.C.]) and the northeast line of the called 333.4 acre Carrabba Family Limited Partnership tract for the following five (5) calls:

1) N 44° 41' 47" W for a distance of 196.28 feet to a found 1/2-inch iron rod for corner,
2) N 45° 42' 16" W for a distance of 259.97 feet to a found 1/2-inch iron rod for corner,
3) N 47° 52' 10" W for a distance of 238.54 feet to a found 1/2-inch iron rod for corner,
4) N 45° 59' 50" W for a distance of 407.16 feet to a found 1/2-inch iron rod for corner, and
5) N 45° 37' 55" W for a distance of 877.31 feet for corner;

THENCE: through the interior of the called 333.4 acre Carrabba tract for the following thirteen (13) calls:

1) S 45° 19' 14" W for a distance of 157.18 feet for corner,
2) N 47° 20' 53" W for a distance of 1178.85 feet for corner,
3) N 42° 34' 38" E for a distance of 93.06 feet for corner, and
4) 158.64 feet in a clockwise direction along the arc of a curve having a central angle of 181° 47' 27", a radius of 50.00 feet, a tangent of 3199.00 feet and a long chord bearing N 43° 28' 22" E at a distance of 99.99 feet for corner in the common line of the called 333.4 acre Carrabba Family Limited Partnership tract and the said 37.228 acre Carter Arden Development, LLC tract;

THENCE: N 45° 37' 55" W along said common line for a distance of 383.69 feet for corner in the centerline of Pin Oak Creek;

THENCE: along the centerline of said Pin Oak Creek and said common line for the following sixteen (16) calls:

1) N 44° 01' 52" E for a distance of 78.98 feet for corner,
2) N 36° 19' 29" W for a distance of 23.94 feet for corner,
3) S 86° 44' 11" W for a distance of 74.24 feet for corner,
4) N 51° 49' 40" W for a distance of 27.22 feet for corner,
5) N 02° 02' 41" E for a distance of 66.00 feet for corner,
6) S 85° 10' 29" E for a distance of 97.52 feet for corner,
7) N 25° 48' 13" E for a distance of 28.85 feet for corner,
8) N 06° 03' 38" W for a distance of 30.67 feet for corner,
9) N 13° 01' 41" W for a distance of 87.42 feet for corner,
10) N 25° 29' 42" E for a distance of 43.87 feet for corner,
11) N 53° 49' 10" E for a distance of 86.33 feet for corner,
12) S 85° 41' 13" E for a distance of 66.42 feet for corner,
13) N 87° 36' 20" E for a distance of 52.59 feet for corner,
14) S 46° 15' 23" E for a distance of 47.79 feet corner,
15) S 37° 38' 14" E for a distance of 37.25 feet corner, and
16) S 63° 05' 22" E for a distance of 15.27 feet for corner;

THENCE: N 27° 40' 23" E continuing along the southeast line of the called 333.4 acre Carrabba tract for a distance of 770.06 feet to a found 5/8-inch iron rod marking the northwest corner of the said 103.916 acre Homewood tract, said iron rod also being at or near the said 37.228 acre Carter Arden tract;

THENCE: N 29° 54' 54" E along the common line of the said 103.916 acre Homewood tract and the said 333.4 acre Carrabba tract for a distance of 920.65 feet to a found 5/8-inch iron rod marking the northeast corner of the said Carrabba tract and the southeast corner of the before-mentioned Raborn tract;

THENCE: N 43° 41' 07" E for a distance of 5.00 feet to the POINT OF BEGINNING and containing 186.597 acres of land, more or less.

Exhibit "B":
Development Standards

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.

In this specific context, the term "family" shall mean any number of individuals living together in a single dwelling unit; provided all such individuals except one shall be related by blood, marriage or adoption within the second degree of relationship. Foster children residing in licensed foster care homes shall not be included in the calculation of the number of unrelated individuals living together in a single dwelling unit. Licensed foster care homes shall comply with any state mandated restrictions on the number of children permitted to reside in the dwelling unit.

In this specific context, the term "detached single-family dwelling" shall mean a detached building having accommodations for and occupied by not more than one family or housekeeping unit, and which occupies a lot or tract of land on which no other dwelling unit (except an accessory dwelling where allowed with prior approval of a Conditional Use Permit from the Planning and Zoning Commission) is situated.

In this specific context, the terms "zero lot line dwelling" and "patio dwelling" shall mean a single-family dwelling unit built on or near one side lot line, with open yards required on all remaining sides, and constructed as a detached unit on an individual lot. Adjoining lots shall not have common zero lot lines.

In this specific context, the term "townhouse dwelling" shall mean one unit of a series of three or more attached single-family dwelling units, separated by vertical lot line walls, with each dwelling unit having private entrances and being located on a separate lot.

SECTION 2: Land Use

1. The continued use of land permitted within this PD-H District shall be limited to the following uses

    a. Uses Permitted By Right:
        1. Accessory structures;
        2. Detached single-family dwellings;
        3. Essential municipal uses;
        4. Home occupations;
        5. Private utilities (no storage yards);
        6. Real estate sales offices during the development of residential subdivisions, but not to exceed three years; and
        7. Temporary structures for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work.

    b. Uses Permitted Only with Prior Approval of a Conditional Use Permit from the Planning and Zoning Commission:
        1. Accessory dwelling unit;

2. Country club or golf course; and
3. Professional offices.

c. In Phases 3, 4, 5, 6, 8 and 10, patio/zero lot line dwellings and townhouse dwellings shall also be allowed by right, subject to prior preliminary plan approval by the City of Bryan's Site Development Review Committee (SDRC) in accordance with the City of Bryan's subdivision regulations. Preliminary plans for any of these subdivision phases shall depict either the proposed zero lot line side if zero lot line/patio homes are proposed or clusters of townhouse structures for proposed townhouse developments. A combination of patio/zero lot line dwellings, townhouse dwellings and/or detached single-family dwellings in the same subdivision phase shall not be allowed.

2. The following additional standards shall apply to development within this PD-H District:

a. No temporary structures, such as recreational vehicles, travel trailers, construction trailers, or mobile homes may be used for on-site dwelling purposes.

b. Open storage is prohibited except for materials for the resident's personal use or consumption, i.e., firewood, gardening materials, etc. behind a fence or landscaping.

c. Modular (industrialized) buildings shall be prohibited.

SECTION 3: Physical Development

1. Physical development on land within 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 – 7000 (RD-7), subject to additions, modifications or exceptions described herein. These development standards and limitations include, but are not limited to, regulations concerning density, building height, building elevations, coverage, parking, access, screening, landscaping, accessory buildings, and signs.

2. The following additional standards or exceptions shall be applicable to the physical development and continued use of land and buildings in this PD-H District:

a. Minimum lots size requirements shall be as follows:
1. Lots intended to be developed with detached single-family dwellings or any other permitted use, except for patio/zero lot line dwellings and townhouse dwellings, shall be a minimum 65 feet wide and 125 feet deep with a minimum lot area of 8,125 square feet.
2. Lots intended to be developed with patio/zero lot line dwellings shall be a minimum 55 feet wide and 120 feet deep with a minimum lot area of 6,600 square feet.
3. Lots intended to be developed with townhouse dwellings shall be a minimum 25 feet wide and 100 feet deep with a minimum lot area of 2,500 square feet.

b. Buildings with metal exteriors shall be prohibited.

c. Where permitted, patio/zero lot line dwellings shall conform to the applicable standards specified in the City of Bryan's Code of Ordinances. The following additional standards for patio/zero lot line home developments:

1. The minimum side yard setback shall be 15 feet on lots siding on alleys. Homes must be constructed at least 15 feet from one side lot line.
2. Restrictions that assure the minimum distance between houses and any required easements must be recorded on the subdivision plats of the applicable lots. Proof of such recordation must be submitted as part of the building permit application.
3. A maintenance easement shall be dedicated within the side yard of each lot intended for development with a patio/zero lot line home, to allow for maintenance or repair of the side wall of a patio/zero lot line home that is built on the zero lot line side of the adjacent lot. The maintenance easement shall be unobstructed, located on the adjacent property abutting the side wall and must be a minimum of seven and one-half (7.5) feet in width. Required maintenance easements shall be shown on the recorded plat.
4. Noncombustible eaves may project a maximum of eighteen (18) inches over the adjacent property line, if a maintenance easement exists on the adjacent property. Gutters shall be required on eaves extending onto the adjacent property. The gutters shall channel water back to the property.
5. Windows or other openings that allow for visibility into the side yard of the adjacent lot are not allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, are allowed. All materials within three feet of the property line shall be fire-rated to meet building code requirements.

d. Where permitted, townhouse dwellings shall conform to the applicable standards specified in the City of Bryan's Code of Ordinances. The following additional standards for townhouse dwellings shall apply:

1. Only one townhouse dwelling shall be allowed on a single lot.
2. A cluster of attached townhouse dwellings shall be referred to as a townhouse structure. The minimum space required between townhouse structures shall be a minimum of 15 feet. A maximum 18-inch eave overhang is allowed within this required separation area.
3. Walls between individual dwelling units in a townhouse structure shall be at least 1-hour rated firewalls, as defined by the City's building code, including adjoining walls and ceilings where a garage or carport is adjacent to or connected with any living area.
4. The number of individual townhouse dwelling units in a townhouse structure shall be no more than 8 units, nor less than 3 units.

e. Detached accessory structures and accessory dwellings shall conform to the applicable standards specified in the City of Bryan's Code of Ordinances. The following additional standards for detached accessory structures and accessory dwellings shall apply:

1. The combined gross floor area of detached accessory structures on a single property shall be no more than 8% of the gross floor area of the main structure.
2. Only one accessory dwelling shall be allowed on a single property.
3. The gross floor area of an accessory dwelling shall be at least 400 square feet but not exceed 5% of the gross floor area of the main structure.
4. Where an accessory dwelling is permitted on a lot, no other detached accessory structures shall be located on that same lot.

SECTION 4: Subdivision of Land

The subdivision of land in this Planned Development 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 within this PD-H District shall be required only in the locations depicted on the development plan attached as Exhibit "C". Sidewalks shall be a minimum 4 feet wide along local streets and a minimum of 8 feet wide along Thornberry Drive and within common areas.

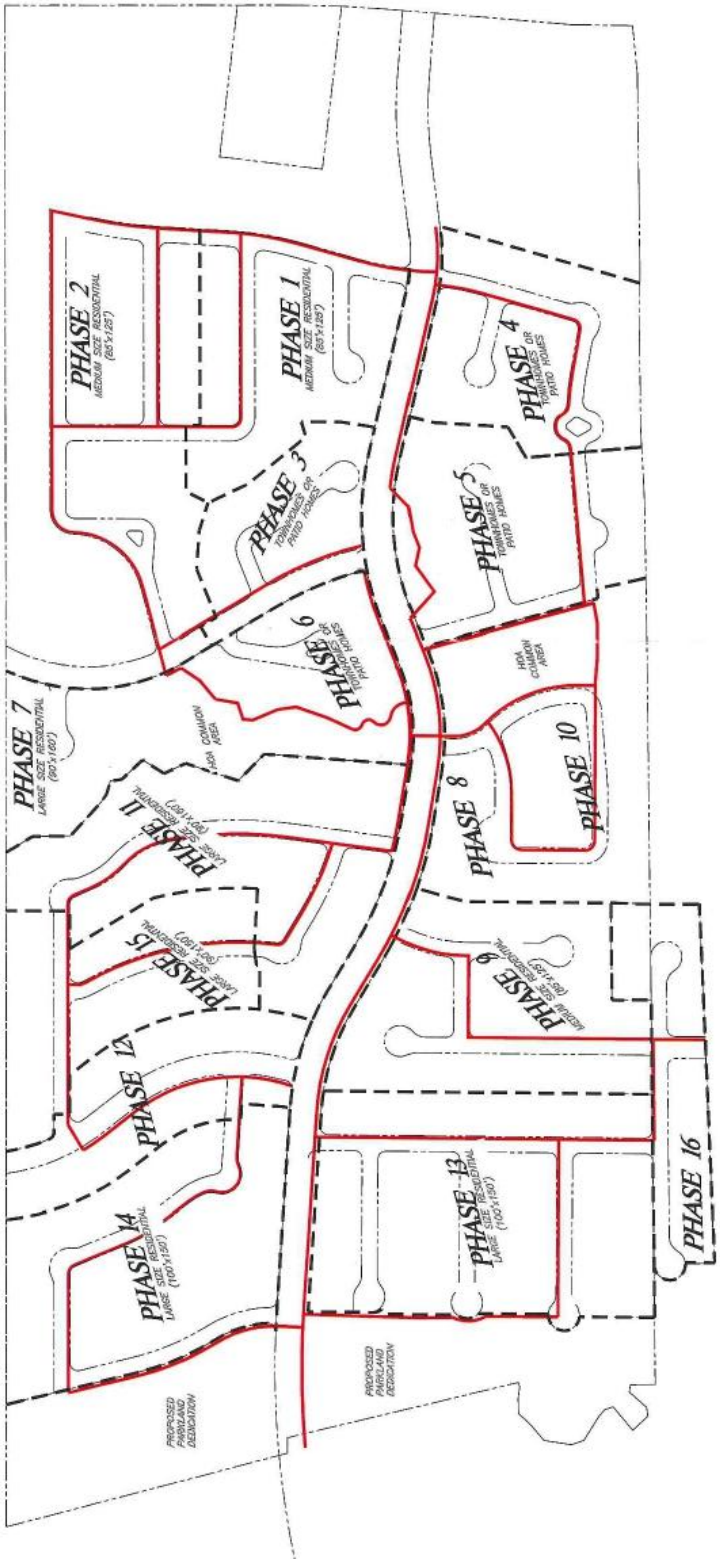
2. The installation of sidewalks in the commercial/nonresidential portion shall be required in accordance with the requirements of the City of Bryan Code of Ordinances that are in effect at the time an application for subdivision plat or site plan approval is made.

3. Articles of incorporation for the Homeowners' Association (HOA) must be submitted with the application for approval of the preliminary plan for the first residential phase that is being developed. The articles of incorporation must provide for the operation, repair and maintenance of all common areas.

4. Required parkland dedication for the development of Phases 1 thru 16 of this PD-H District shall be met through land dedication as shown on the development plan attached as Exhibit "C", subject to approval by the Parks and Recreation Advisory Board. Parkland development fees shall apply as provided for in the City of Bryan's Code of Ordinances.

5. Construction of a collector size road (Thornberry Drive) by the City of Bryan through this PD-H District and the developer's reimbursement to the City for the cost of road construction shall be in accordance with the road development agreement between the City of Bryan, Carter-Arden, LLC and Homewood, LLC executed on July 11, 2008.

Exhibit "C":
Development Plan Drawing / Sidewalk Plan



EXCERPT FROM PLANNING AND ZONING COMMISSION SPECIAL MEETING MINUTES OF DECEMBER 19, 2013:

6. 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 RZ13-18: Greenbrier Subdivision
A request to change the zoning classification from a combination of Agricultural-Open District (A-O) and Planned Development – Mixed Use District (PD-M) to a Planned Development – Housing District (PD-H) on approximately 173 acres of land out of John Austin League, Abstract No. 2 adjoining both sides of Thornberry Drive generally northwest of its intersection with F.M. 1179 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.

In response to a question, Mr. Haynes responded that he had not received feedback on the rezoning.

The public hearing was opened.

Mr. Steve Arden, the applicant, stated that the intention of this request was not to change the nature of the neighborhood, but to reconfigure the design in order to more efficiently use the land.

In response to a question, Mr. Arden stated that he was acquiring the land referred to as phase 16.

In response to a question, Mr. Arden stated that he had been developing land in the area for over 30 years.

In response to a question asking the number of units, home value, and sidewalk requirements for each phase of the 16 phases, Mr. Arden stated that the development had about 400 total lots, with 1/3 being the minimum 2000 square feet, 1/3 being between 2250 and 2500 square feet, and 1/3 being over 2500 square feet. He stated that the development already has sidewalks on one side of the street with connectivity to the grade school and parks within its current Planned Development standards and will continue to have the same standards in the proposed rezoning.

Mr. Jeff Robertson, of McClure and Browne Engineering, came forward to make himself available for questions.

The public hearing was closed.

Commissioner Jones moved to recommend approval of Rezoning case no. RZ 13-18 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Gutierrez seconded the motion. The motion passed unanimously.

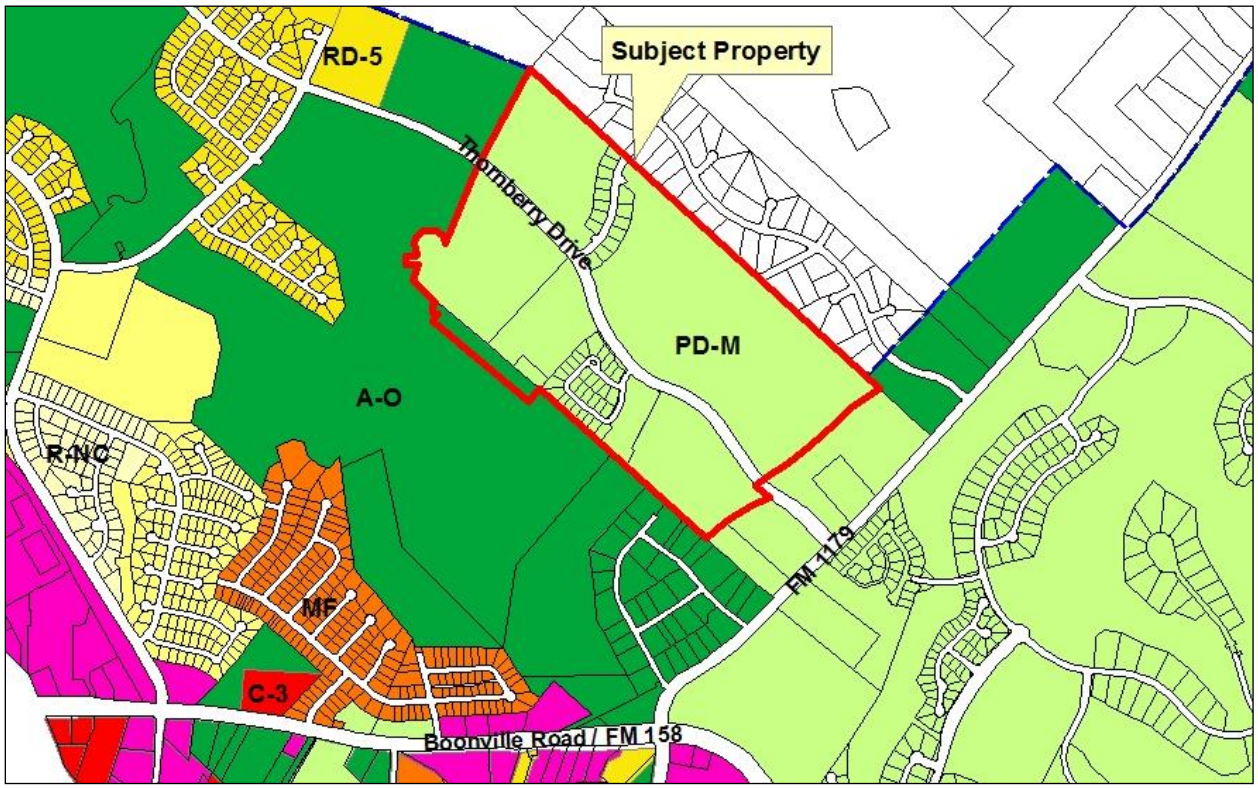
PLANNING AND ZONING COMMISSION
STAFF REPORT

December 19, 2013

Rezoning RZ 13-18: Carter-Arden Development, LLC and Carrabba Family Limited Partnership

CASE DESCRIPTION:	a request to change the zoning classification from a combination of Agricultural-Open District (A-O) and Planned Development – Mixed Use District (PD-M) to a Planned Development – Housing District (PD-H)
LOCATION:	approximately 173 acres of land out of John Austin League, Abstract No. 2 adjoining both sides of Thornberry Drive generally northwest of its intersection with F.M. 1179
APPLICANT(S):	Steve Arden of Carter-Arden Development, LLC and Mark Carrabba of Carrabba Family Limited Partnership
AGENT:	McClure and Browne Engineering/Surveying, Inc.
STAFF CONTACT:	Randy Haynes, Senior Planner

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



AERIAL PHOTOGRAPH - 2013

BACKGROUND:

EXISTING LAND USE:	single-family homes, vacant acreage

SURROUNDING ZONING AND LAND USES:

north	outside city limits	single-family homes, vacant acreage
east	PD	single-family homes, golf course community
south	A-O	single-family homes, private school, vacant acreage
west	A-O	vacant acreage

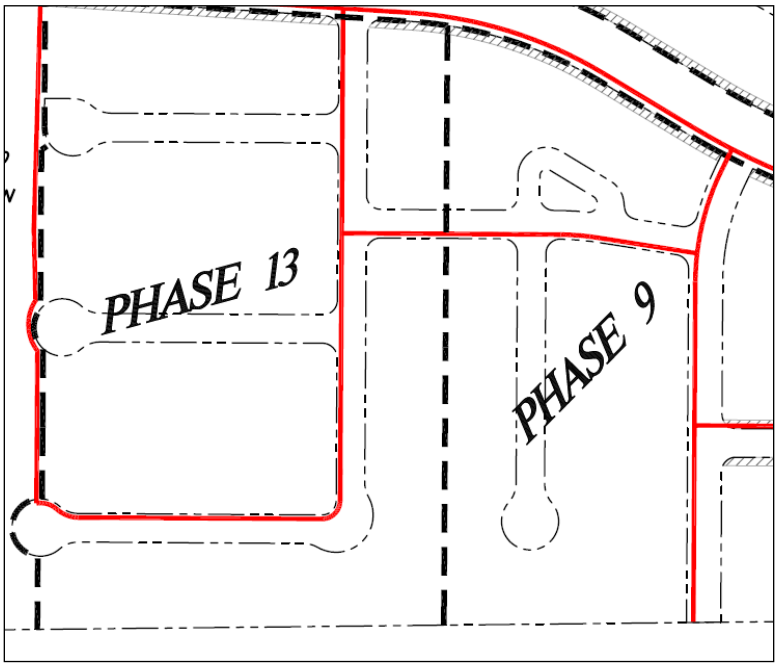
Approximately 168 acres of the subject property was zoned Planned Development, Mixed Use District (PD-M) in July 2009. The balance of the land, approximately 4.7 acres is currently zoned Agricultural - Open District (A-O). The development plan approved in 2009 created a master-planned mixed-use development with single-family residential and commercial components. An excerpt from the meeting minutes from the Commission's June 4, 2009 regular meeting are attached at the end of this staff report. The subject of the current rezoning request involves only the land designated for residential use in the original development plan, and does not include the acreage abutting FM 1179 that remains set aside for commercial use.

The subject property is owned by Carter-Arden Development, LLC and the Carrabba Family Limited Partnership. They desire to subdivide and develop this property into a master-planned mixed-use development with single-family residential components and are requesting to zone all of the subject property Planned Development – Housing District (PD-H). Subdivision of portions of the property has been underway since August 2012. Recently, during the technical design process of Phase 9, it became evident that an alteration of the street layout within the areas under development would need to change slightly. As part of that change, the addition of 4.7 acres of adjacent property would be necessary. (Please refer to the drawing details on page four of this report). The additional 4.7 acres of land, labeled as Phase 16 on the second drawing below, is currently zoned A-O District and belongs to the Carrabba Family Limited Partnership.

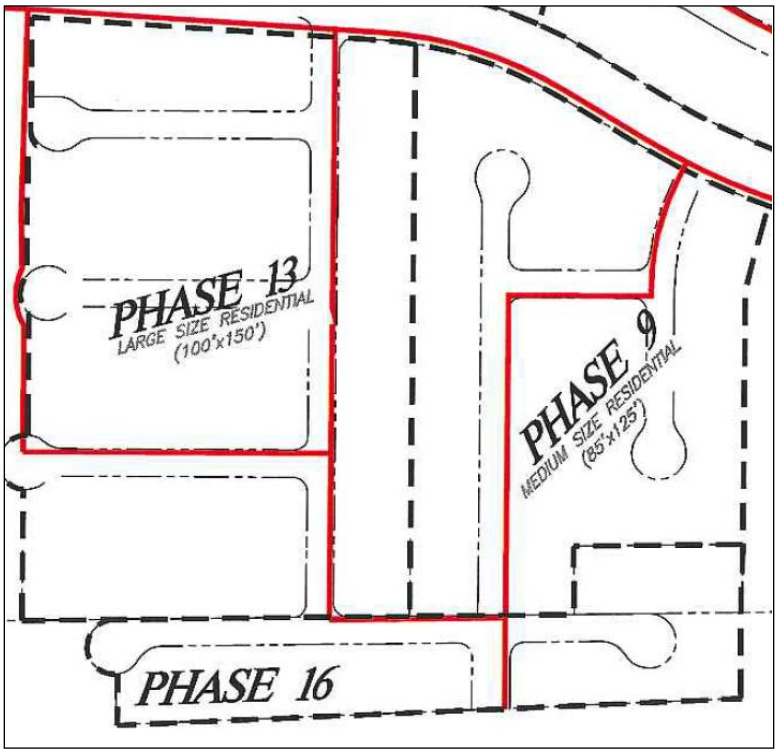
Since the previous street and sidewalk layout were approved with the establishment of the PD-M District for this subdivision, the proposed changes to the development plan require review and approval by the Planning and Zoning Commission and the City Council.

The new development plan shows the proposed development of 16 single-family residential subdivision phases, common areas, and land proposed for parkland dedication along Thornberry Drive. The development plan also shows several new local streets, including two street connections to the adjoining Riverstone Subdivision which is located outside Bryan's city limits and a street connection to as of yet undivided acreage located inside the city limits.

CURRENT PHASE 9 STREET AND SIDEWALK LAYOUT



PROPOSED PHASE 9 STREET AND SIDEWALK LAYOUT:



Proposed development standards:

The property is proposed to be developed no more than 3.86 dwelling units per acre. All 16 proposed subdivision phases are planned to allow development with detached single-family homes. Accessory dwellings, child care - class B, a country club or golf course, and professional offices are proposed to be allowed with prior approval of a conditional use permit. In Phases 3, 4, 5, 6, 8 and 10, patio/zero lot line dwellings and townhouse dwellings are proposed to also be allowed by right, subject to approval of zero lot lines and the arrangement of townhouse clusters by the Site Development Review Committee (SDRC). Development in these six phases is envisioned to be detached single-family homes, patio/zero lot line homes or townhouses. In other words, a combination of these three dwelling types would not be allowed. The following development standards are also proposed:

1. Lots intended to be developed with detached single-family dwellings are proposed to be a minimum 65 feet wide and 125 feet deep with a minimum lot area of 8,125 square feet.
2. Lots intended to be developed with patio/zero lot line dwellings shall be a minimum 55 feet wide and 120 feet deep with a minimum lot area of 6,600 square feet.
3. Lots intended to be developed with townhouse dwellings shall be a minimum 25 feet wide and 100 feet deep with a minimum lot area of 2,500 square feet.
4. Buildings with metal exteriors shall be prohibited.
5. Modular (industrialized) buildings shall be prohibited.
6. Zero lot line/patio home lots shall have minimum 15-foot wide side yards.
7. The combined gross floor area of detached accessory structures on a single property shall be no more that 8% of the gross floor area of the main structure.
8. Only one accessory dwelling shall be allowed on a single property.
9. The gross floor area of an accessory dwelling shall be at least 400 square feet but not exceed 8% of the gross floor area of the main structure.
10. Where an accessory dwelling is permitted on a lot, no other detached accessory structures shall be located on that same lot.
11. The installation of sidewalks in Phases 1 thru 16 and the common areas within this PD-H District shall be required only in the locations depicted on the development plan.
12. Sidewalks shall be a minimum 4 feet wide along local streets and a minimum of 8 feet wide along Thornberry Drive and within common areas.
13. Common areas shown on the development plan will be maintained by a homeowners association.
14. Occupancy of all single-family dwelling units within this development shall be limited to families in which not more than two individuals are unrelated by blood, marriage or adoption.

All of numerical standards proposed for this development either meet or exceed the city's ordinary development standards for residential properties.

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. The Comprehensive Plan states that it is a goal of the City to achieve a balance of land uses within the City by achieving a sustainable mix of land use types in suitable locations, densities and patterns. City-wide land use policies articulated in the Comprehensive Plan suggest that land uses should be located in areas that are: (1.) protected from but accessible to major roadway network, commercial establishments, work

places and entertainment areas; (2.) accessible to collector and arterial streets, but directly accesses local stress; and (3.) not adjacent to major arterials or freeways without adequate buffering and access management.

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.

   Staff believes that the proposed arrangement of residential land uses on these 173 acres is appropriate at this particular location and is in accordance with land use recommendations of the Comprehensive Plan. The subject property lies in an area that is considered to be one of the city's higher growth areas due to its proximity to existing development and the city's recent extension of a new collector street through this property. Staff believes that the proposed development of residential properties on lots less than one acre in size at a density of 3.8 homes per acre is desirable and will help support commercial developments locating here. Staff believes that the proposed arrangement of land uses at this location will promote orderly urban growth in this part of Bryan.

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 streets within this Planned Development District, along with the recent extension of Thornberry Drive will provide for the smooth circulation of traffic in this vicinity. Anticipating development in this part of Bryan, the city extended a 24-inch wide sewer main to the southwestern boundary of this tract within the last 5 years. Any issues regarding utility capacity will be addressed at the time of development.

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 closest vacant land zoned for residential development with lots less than one acre in size is located west, in Austin's Colony. Staff believes that this zone change request, 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. Staff believes that approval of this master-planned mixed-use development may spur additional development interest in this area.

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 single-family homes at this location will create an orderly zoning pattern and allow for a useful and orderly urban development of this property.

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.

   Staff believes that the proposed mixed-use master-planned development will be compatible with existing and anticipated uses surrounding this property and in accordance with the land use recommendations of the Comprehensive Plan. Staff believes that the proposed use and development of this property should have minimal (if any) adverse impacts on nearby properties or the City as a whole and may spur additional development interest in this vicinity.

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.

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

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 believes that the proposed master-planned housing development at this location will neither adversely affect health, safety, morals, or general welfare nor be materially injurious to properties or improvements in the vicinity.

RECOMMENDATION:

Staff recommends **approving** the proposed zoning of these approximately 173 acres to Planned Development – Housing District (PD-H), as requested.

EXCERPT FROM REGULAR P&Z MEETING MINUTES OF JUNE 4, 2009:

10. Rezoning RZ09-11: Carter-Arden Development, LLC et. al. M. Zimmermann

A request to change the zoning classification from Agricultural-Open District (A-O) on land currently within the City limits and to establish zoning on property currently under consideration for owner-requested annexation, to a Planned Development – Mixed Use District (PD-M) on 215.32 acres of land out of John Austin League, Abstract No. 2 adjoining the north side of F.M. 1179 between F.M. 158 (Boonville Road) and Riverstone Drive in Bryan, Brazos County, Texas.

Mr. Zimmermann presented a staff report (on file in the Development Services Department). Staff recommends approval of the request based on the following findings:

- The proposed arrangement of land uses at this location will promote orderly urban growth in this part of Bryan, and will not make land classified for similar development in the vicinity and elsewhere in the City unavailable for development,
- Staff contends that retail developments are developing at a moderate pace in this vicinity and elsewhere in the City.
- The proposed combination of single-family homes and commercial establishments at this location will create an orderly zoning pattern and allow for a useful and orderly urban development of this property.
- The proposed layout of road and pedestrian walkways can reasonably be expected to provide for adequate and safe traffic circulation.

Mr. Zimmermann stated that the 30 acres at the intersection of 1179 and the proposed street known as Thornberry Drive, is to be reserved for retail development. The developer has highlighted uses which they would not like to include under current zoning designations such as commercial parking lots, boat repair sales/rental, nightclubs, moving companies, trailer and truck sales rental, etc. The remaining majority of the property is proposed to be developed for single family residential use. There are common areas that will be maintained by a homeowners association and approximately 16 acres of proposed city park land. In certain development phases, the developer wishes to allow for zero-lot line developments or single family homes, depending on what the market allows for at that time. The side walk plan asks for the development to be allowed to extend four foot wide sidewalks on one side of the street on local streets and eight foot (minimum) sidewalks on one side of the street on common streets such as Thornberry Drive. The developer has also asked that the requirement to build a screening fence as a buffer area between commercial (C-2) zoning and residential be waived. Due to the presence of a thick strip of trees measuring at least 50 feet in width, staff feels this will be enough of a buffer.

Responding to a question from Commissioner Davila, Mr. Zimmermann stated the trail system will be concrete walk-ways throughout the development and in common areas.

Mr. Zimmermann stated the standards used in the residential portion are the standards used in residential district (RD-7) zoning classification with a few modifications.

Responding to a question from Chairperson Clark, Mr. Paul Kaspar, City Engineer, stated that standard design guideline for a sidewalk calls for a 5 foot sidewalk 3 feet off of back of curb.

The public hearing was opened.

Steve Arden, 311 Cecilia Loop College Station and part owner of proposed subdivision, came forward to speak in favor of the request. Mr. Arden gave a presentation discussing the proposed development.

Responding to a question from Commissioner Bond, Mr. Arden stated the minimum size on the proposed development's townhomes will be 2,000 square feet.

Responding to a question from Commissioner Jones, Mr. Arden believes the price range will be between $220,000 and $350,000.

Chairperson Clark wishes homes could be built at a size of less than 2,000 square feet. However, he understands that the developer is contractually obligated by the City not to.

Responding to a question from Chairperson Clark, Mr. Arden stated the sidewalks will extend to 1179 when the area is platted. Additionally, the intersection of Thornberry and 1179 will contain turn lanes but may be too dangerous for pedestrians.

Responding to a question from Commissioner Davila, Mr. Arden stated one of the reasons there will not be walkways on both sides of the streets on some portions is because the expectation is to bring a pedestrian way through the wooded areas of the development. Additionally, because of the layout of street lights on the walkways, it would not be possible to provide lighting on both sides of the streets.

Responding to a question from Commissioner Davila, Mr. Arden stated he will involve the homeowners association from an early stage in development in terms maintenance of the common areas.

Bryan Williamson, 7171 Oak Forest Drive, came forward to speak against the request. His concern was with regard to any fencing that would be placed between phases 4 and 5 which abut portions of Oak Forest Drive, the neighborhood adjacent to the development in question.

Mr. Zimmermann stated if the commercial property adjacent to the homes on Oak Forest Drive were to develop, there would be a 50 foot buffer zone followed by a 6 foot screening fence of masonry or wood. The residential portion which abuts the adjacent homes on Oak Forest Drive would not require a fence. Any fence construction in this location would be constructed through neighbor agreement.

The public hearing was closed.

Commissioner Bond moved to recommend approval of Rezoning RZ 09-11 to the Bryan City Council and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Beckendorf seconded the motion.

Commissioner Bond commended the developer on the phasing of the development. He wishes that some of the homes could the size reduced to 1600 or 1700 square feet. Commissioner Bond feels that this type of growth is correct for this area and hopes to see similar developments in Bryan.

Commissioner Beckendorf agreed with Commissioner Bond.

Commissioner Davila agreed with Commissioners Bond and Beckendorf but does have concerns with the lack of sidewalks on both sides of the street in some portions.

Chairperson Clark spoke to the public concerns stating the buffer zone and fence is all that can be expected in accordance with the City code. Chairperson Clark would be opposed to sidewalks being on one side but does not expect the flow of pedestrians will extend beyond 1179. He does not want to set a precedent for the Commission on granting sidewalk exceptions. He feels that in this case, an exception is justified.

The motion passed with a unanimous vote.