ACTION FORM
BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING:	April 8, 2014	**DATE SUBMITTED:**	March 19, 2014
DEPARTMENT OF ORIGIN:	Development Services	**SUBMITTED BY:**	Martin Zimmermann

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 a combination of Agricultural – Open District (A-O) and Residential District – 5000 (RD-5), to Planned Development – Housing District (PD-H) on 88.56 acres of land out of John Austin League, A-2, adjoining both sides of Thornberry Drive for a distance of approximately 1,700 feet east from its intersection with Bullinger Creek Drive in Bryan, Brazos County Texas**.**

SUMMARY STATEMENT: The applicant/developer, Mr. Grant Carrabba, is requesting to change the zoning classification from a combination of Residential District – 5000 (RD-5) and Agricultural – Open District (A-O) to a Planned Development District – Housing (PD-H) on 88.56 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 Phases 12B through 18 of the 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.

The applicant proposes to utilize a connectivity master plan for all of the 195 acres of the Austin's Colony Subdivision that remain undeveloped, to permit construction of public walkways on only one side of the street within this master planned residential subdivision. At this time, the applicant is proposing to change the zoning on only 88.56 acres out of these 195 acres to PD-H District. 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.

In October 2013, the applicant had requested PD-H zoning for only a portion (12.82 acres – proposed Phase 13 of Austin's Colony Subdivision) of the 88+ acres that is now the subject of this request. During its regular meeting on November 7, 2013, the Planning and Zoning Commission, by a vote of 5 to 3, recommended approval of the earlier request (case no. RZ13-15), subject to the stipulation that the developer still build sidewalks on both sides of all streets. During its meeting on December 10, 2013, the City Council voted to introduce an ordinance (first reading) that would have approved the applicant's original proposal. However, the applicant withdrew that request on January 9, 2014, prior to City Council's second reading of the rezoning ordinance and submitted a new request for these 88+ acres on February 12, 2014.

Adoption and implementation of the request 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 public 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. 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.

STAFF ANALYSIS AND RECOMMENDATION: Staff believes that the proposed PD-H District conforms to the recommendations of the Comprehensive Plan, which encourages multi-modal transportation system than connects residential, school, and commercial areas. Staff contends that 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 (completed and future phases) 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 yet to be developed property. Staff believes single-family residences at this location will promote orderly urban growth in close proximity to existing schools and 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 enjoy.

During its regular meeting on March 6, 2014, the Planning and Zoning Commission **voted unanimously to recommend approval** of the request.

OPTIONS (In Suggested Order of Staff Preference):

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

ATTACHMENTS:

1. location map;
2. draft ordinance with exhibits;
3. minutes from P&Z meeting on March 6, 2014; and
4. staff report to the Planning & Zoning Commission.

FUNDING SOURCE: **N/A**

APPROVALS: Kevin Russell, 3-20-14; Joey Dunn, 3-21-14; Hugh R. Walker, 03/28/2014

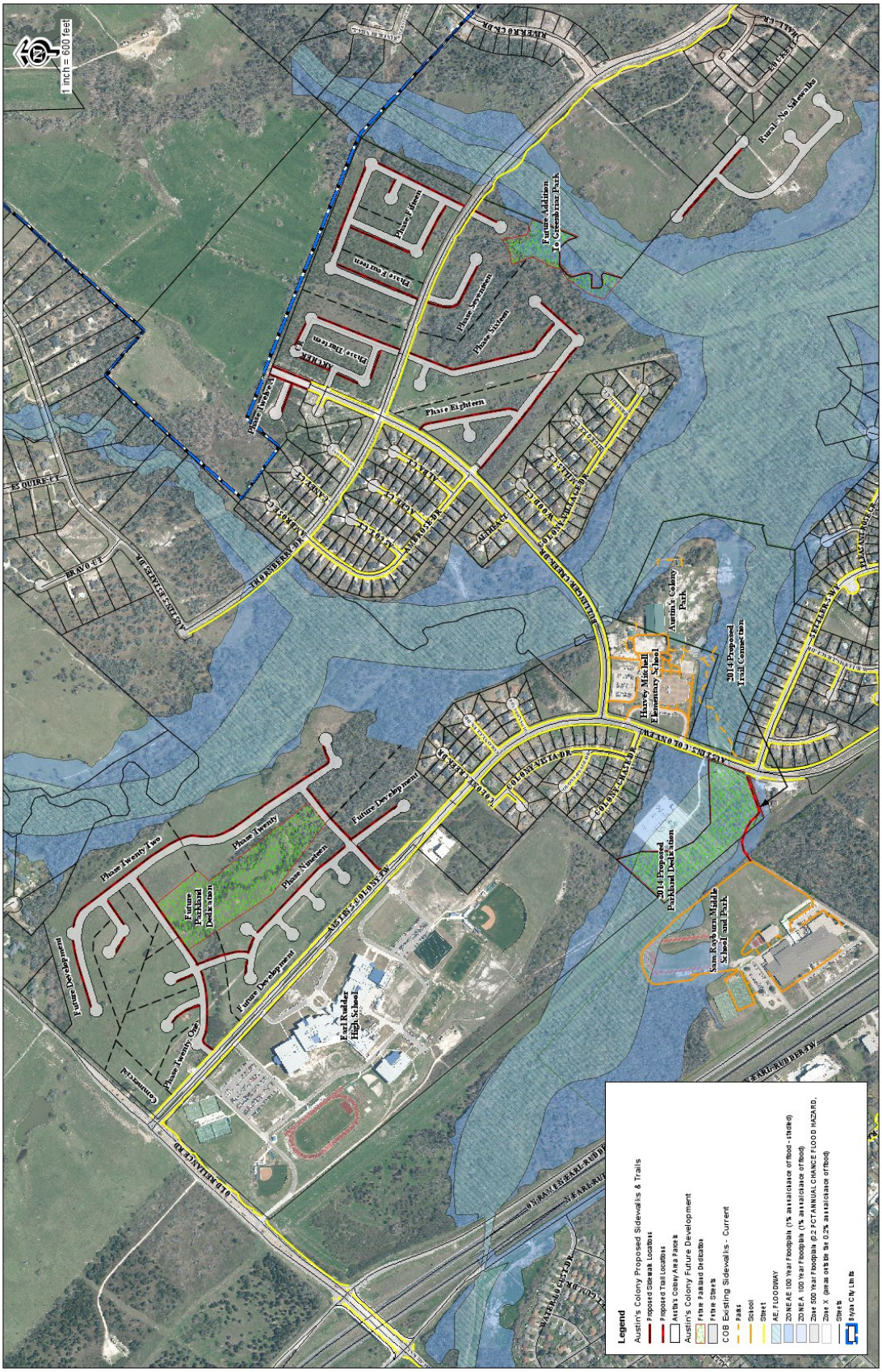
APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 03-30-2014

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 03-31-2014

Revised 04/2013

LOCATION MAP:

VICINITY MAP SHOWING EXISTING SIDEWALKS:



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 A COMBINATION OF RESIDENTIAL DISTRICT – 5000 (RD-5) AND AGRICUTURIAL – OPEN DISTRICT (A-O) TO PLANNED DEVELOPMENT DISTRICT– HOUSING (PD-H), SUBJECT TO DEVELOPMENT REQUIREMENTS SPECIFIED HEREIN, ON 88.56 ACRES OF LAND OUT OF JOHN AUSTIN LEAGUE, A-2, ADJOINING BOTH SIDES OF THORNBERRY DRIVE FOR A DISTANCE OF APPROXIMATELY 1,700 FEET EAST FROM ITS INTERSECTION WITH BULLINGER CREEK DRIVE 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 88.56 acres of land out of John Austin League, A-2, adjoining both sides of Thornberry Drive for a distance of approximately 1,700 feet east from its intersection with Bullinger Creek Drive in Bryan, Brazos County Texas, from a combination of Residential District – 5000 (RD-5) and Agricultural – Open District (A-O) to Planned Development District – Housing (PD-H), was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on March 6, 2014.

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 88.56 acres of land out of John Austin League, A-2, adjoining both sides of Thornberry Drive for a distance of approximately 1,700 feet east from its intersection with Bullinger Creek Drive in Bryan, Brazos County Texas, said 88.56 acres of land being described more particularly by metes-and-bounds on attached Exhibit “A”, from a combination of Residential District – 5000 (RD-5) and Agricultural – Open Distinct (A-O) 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 8th day of April, 2014 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, **PASSED AND APPROVED** on the 22nd day of April, 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 A
37.239 ACRE TRACT
JOHN AUSTIN LEAGUE, A-2
BRYAN, BRAZOS COUNTY, TEXAS

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE JOHN AUSTIN LEAGUE, ABSTRACT NO. 2, BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF A CALLED 333.4 ACRE TRACT OF LAND AS DESCRIBED BY A 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:

BEGINNING AT A 1/2 INCH IRON ROD FOUND MARKING THE COMMON CORNER OF SAID 333.4 ACRE TRACT, A CALLED 46.8 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO JOHN C. RABORN AND WIFE, NELWIN MARTIN RABORN RECORDED IN VOLUME 173, PAGE 3 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS, THE NORTH CORNER OF LOT 18, BLOCK 1, AND THE EAST CORNER OF LOT 17, BLOCK 1, AUSTIN'S COLONY PHASE TWELVE 'A' ACCORDING TO THE PLAT RECORDED IN VOLUME 10515, PAGE 291 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: N 41° 30' 28" E ALONG THE COMMON LINE OF SAID 333.4 ACRE TRACT AND SAID 46.8 ACRE TRACT FOR A DISTANCE OF 325.21 FEET (DEED CALL: N 45° 00' 00" E - 325.00 FEET, 173/3) TO A 15 INCH POST OAK TREE FOUND IN FENCE MARKING THE NORTH CORNER OF SAID 333.4 ACRE TRACT. FOR REFERENCE, CITY OF BRYAN GPS MONUMENT NO. 124 BEARS: N 22° 08' 15" E FOR A DISTANCE OF 1863.56 FEET;

THENCE: S 67° 05' 47" E CONTINUING ALONG SAID COMMON LINE FOR A DISTANCE OF 2225.90 FEET (DEED CALL: S 64° 15' 00" E - 2500.00 FEET, 173/3) TO A 1/2 INCH IRON ROD FOUND ON THE NORTHWEST LINE OF THE REMAINDER OF A CALLED 103.916 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO HOMEWOOD, LLC RECORDED IN VOLUME 8938, PAGE 97 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. SAID IRON ROD FOUND MARKING THE NORTHEAST CORNER OF SAID 333.4 ACRE TRACT AND THE SOUTHEAST CORNER OF SAID 46.8 ACRE TRACT;

THENCE: S 27° 01' 39" W ALONG THE COMMON LINE OF SAID 333.4 ACRE TRACT AND SAID 103.916 ACRE TRACT FOR A DISTANCE OF 893.19 FEET (DEED CALL: S 29° 54' 38" W - 893.19 FEET, 9740/1) TO A 1/2 INCH IRON ROD SET ON THE NORTHEAST LINE OF THORNBERRY DRIVE (80' R.O.W., 9740/1) MARKING THE SOUTH CORNER OF THIS HEREIN DESCRIBED TRACT AND THE BEGINNING OF A COUNTER-CLOCKWISE CURVE HAVING A RADIUS OF 3035.65 FEET;

THENCE: ALONG THE NORTHEAST LINE OF THORNBERRY DRIVE FOR THE FOLLOWING CALLS:

> ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 17° 22' 08" FOR AN ARC DISTANCE OF 920.24 FEET (CHORD BEARS: N 61° 53' 28" W - 916.72 FEET) (DEED CALL CHORD: N 59° 00' 29" W - 916.72 FEET, 9740/1) TO A 1/2 INCH IRON ROD SET MARKING THE END POINT OF SAID CURVE;
>
> N 70° 34' 32" W FOR A DISTANCE OF 702.80 FEET (DEED CALL: N 67° 41' 33" W - 702.80 FEET, 9740/1) TO A 1/2 INCH IRON ROD SET MARKING THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 2960.00 FEET;

ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01° 34' 26" FOR AN ARC DISTANCE OF 81.30 FEET (CHORD BEARS: N 69° 47' 19" W - 81.30 FEET) (DEED CALL CHORD: N 66° 54' 20" W - 81.30 FEET, 9740/1) TO A 1/2 INCH IRON ROD SET MARKING THE END POINT OF SAID CURVE AND THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 25.00 FEET;

THENCE: ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 92° 13' 41" FOR AN ARC DISTANCE OF 40.24 FEET (CHORD BEARS: N 22° 53' 19" W - 36.03 FEET) TO A 1/2 INCH IRON ROD SET ON THE SOUTHEAST LINE OF BULLINGER CREEK DRIVE MARKING THE END POINT OF SAID CURVE;

THENCE: N 23° 13' 23" E ALONG THE SOUTHEAST LINE OF BULLINGER CREEK DRIVE FOR A DISTANCE OF 503.86 FEET (PLAT CALL AND MEASURED, 10515/291) TO A 1/2 INCH IRON ROD SET MARKING THE EAST CORNER OF SAID AUSTIN'S COLONY PHASE TWELVE 'A';

THENCE: ALONG THE NORTHEAST LINE OF SAID AUSTIN'S COLONY PHASE TWELVE 'A' FOR THE FOLLOWING CALLS:

N 67° 05' 47" W FOR A DISTANCE OF 237.71 FEET (PLAT CALL AND MEASURED, 10515/291) TO A 1/2 INCH IRON ROD SET;

S 57° 36' 29" W FOR A DISTANCE OF 85.23 FEET (PLAT CALL AND MEASURED, 10515/291) TO A 1/2 INCH IRON ROD SET;

S 78° 19' 31" W FOR A DISTANCE OF 60.00 FEET (PLAT CALL AND MEASURED, 10515/291) TO A 1/2 INCH IRON ROD FOUND;

N 23° 05' 54" E FOR A DISTANCE OF 68.44 FEET (PLAT CALL AND MEASURED, 10515/291) TO A 1/2 INCH IRON ROD FOUND;

N 53° 06' 12" W FOR A DISTANCE OF 58.99 FEET (PLAT CALL AND MEASURED, 10515/291) TO A 1/2 INCH IRON ROD FOUND;

N 11° 40' 29" W FOR A DISTANCE OF 56.66 FEET (PLAT CALL AND MEASURED, 10515/291) TO A 1/2 INCH IRON ROD FOUND;

S 78° 19' 31" W FOR A DISTANCE OF 50.00 FEET (PLAT CALL AND MEASURED, 10515/291) TO A 1/2 INCH IRON ROD FOUND;

N 53° 06' 40" W FOR A DISTANCE OF 83.24 FEET (PLAT CALL AND MEASURED, 10515/291) TO THE **POINT OF BEGINNING** CONTAINING 37.239 ACRES OF LAND, MORE OR LESS, AS SURVEYED ON THE GROUND JANUARY, 2014. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION. SEE PLAT PREPARED JANUARY, 2014, FOR MORE DESCRIPTIVE INFORMATION.

METES AND BOUNDS DESCRIPTION
OF A
51.322 ACRE TRACT
JOHN AUSTIN LEAGUE, A-2
BRYAN, BRAZOS COUNTY, TEXAS

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE JOHN AUSTIN LEAGUE, ABSTRACT NO. 2, BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF A CALLED 333.4 ACRE TRACT OF LAND AS DESCRIBED BY A 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:

BEGINNING AT A 1/2 INCH IRON ROD SET ON THE SOUTHWEST LINE OF THORNBERRY DRIVE (R.O.W. VARIES). FOR REFERENCE, CITY OF BRYAN GPS MONUMENT NO. 124 BEARS: N 14° 39' 44" W FOR A DISTANCE OF 3576.92 FEET AND A 1/2 INCH IRON ROD FOUND MARKING THE NORTHEAST CORNER OF SAID 333.4 ACRE TRACT BEARS: N 27° 01' 39" E FOR A DISTANCE OF 974.40 FEET (DEED CALL: N 29° 54' 38" E - 974.40 FEET, 9740/1);

THENCE: S 27° 01' 39" W ALONG THE SOUTHWEST LINE OF THORNBERRY DRIVE FOR A DISTANCE OF 20.16 FEET TO A 1/2 INCH IRON ROD SET MARKING THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 2940.35 FEET;

THENCE: ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00° 49' 52" FOR AN ARC DISTANCE OF 42.66 FEET (CHORD BEARS: S 52° 27' 18" E - 42.66 FEET) TO A POINT ON THE COMMON LINE OF SAID 333.4 ACRE TRACT AND THE REMAINDER OF A CALLED 41.031 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO J. STEPHEN ARDEN RECORDED IN VOLUME 8900, PAGE 69 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: S 27° 50' 04" W ALONG SAID COMMON LINE FOR A DISTANCE OF 685.09 FEET TO A POINT IN THE CENTERLINE OF PIN OAK BRANCH. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND BEARS: N 20° 40' 58" E FOR A DISTANCE OF 42.44 FEET;

THENCE: ALONG SAID CENTERLINE FOR THE FOLLOWING CALLS:

N 72° 51' 37" W FOR A DISTANCE OF 32.78 FEET TO A POINT;

N 48° 09' 04" W FOR A DISTANCE OF 47.10 FEET TO A POINT;

N 78° 00' 35" W FOR A DISTANCE OF 72.88 FEET TO A POINT;

N 86° 08' 49" W FOR A DISTANCE OF 54.83 FEET TO A POINT;

S 47° 52' 29" W FOR A DISTANCE OF 105.30 FEET TO A POINT;

S 35° 03' 32" W FOR A DISTANCE OF 30.28 FEET TO A POINT;

S 11° 08' 36" E FOR A DISTANCE OF 69.83 FEET TO A POINT;

S 22° 58' 50" E FOR A DISTANCE OF 45.20 FEET TO A POINT;

S 12° 39' 30" W FOR A DISTANCE OF 28.44 FEET TO A POINT;

S 66° 18' 18" W FOR A DISTANCE OF 19.63 FEET TO A POINT;

N 75° 15' 25" W FOR A DISTANCE OF 45.57 FEET TO A POINT;

S 88° 04' 09" W FOR A DISTANCE OF 43.41 FEET TO A POINT;

S 30° 51' 20" W FOR A DISTANCE OF 15.79 FEET TO A POINT;

S 09° 08' 53" E FOR A DISTANCE OF 54.62 FEET TO A POINT;

S 49° 07' 34" E FOR A DISTANCE OF 25.23 FEET TO A POINT;

N 75° 20' 04" E FOR A DISTANCE OF 80.08 FEET TO A POINT;

S 46° 47' 07" E FOR A DISTANCE OF 30.00 FEET TO A POINT;

S 32° 33' 32" W FOR A DISTANCE OF 58.98 FEET TO A POINT;

S 46° 52' 42" W FOR A DISTANCE OF 31.96 FEET TO A 1/2 INCH IRON ROD FOUND MARKING THE WEST CORNER OF SAID 41.031 ACRE TRACT;

THENCE: S 84° 14' 22" W THROUGH SAID 333.4 ACRE TRACT FOR A DISTANCE OF 525.11 FEET TO A 5/8 INCH IRON ROD FOUND MARKING THE EAST CORNER OF BLOCK 1, AUSTIN'S COLONY PHASE TEN A & B, ACCORDING TO THE PLAT RECORDED IN VOLUME 7912, PAGE 21 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: ALONG THE NORTHEAST LINE OF SAID BLOCK 1 FOR THE FOLLOWING CALLS:

N 11° 43' 46" W FOR A DISTANCE OF 495.06 FEET (PLAT CALL: N 08° 50' 47" W - 495.06 FEET, 7912/21) TO A 5/8 INCH IRON ROD FOUND;

N 50° 43' 36" W FOR A DISTANCE OF 912.84 FEET (PLAT CALL: N 47° 50' 37" W - 912.84 FEET, 7912/21) TO A 5/8 INCH IRON ROD FOUND;

N 50° 27' 27" W FOR A DISTANCE OF 164.29 FEET (PLAT CALL: N 47° 34' 28" W - 164.29 FEET, 7912/21) TO A 5/8 INCH IRON ROD FOUND ON THE SOUTHEAST LINE OF BULLINGER CREEK DRIVE (80' R.O.W.) MARKING THE NORTH CORNER OF SAID BLOCK 1;

THENCE: ALONG THE SOUTHEAST LINE OF BULLINGER CREEK DRIVE FOR THE FOLLOWING CALLS:

N 47° 20' 46" E FOR A DISTANCE OF 16.19 FEET TO A 1/2 INCH IRON ROD SET MARKING THE BEGINNING OF A COUNTER-CLOCKWISE CURVE HAVING A RADIUS OF 2390.37 FEET;

ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03° 30' 56" FOR AN ARC DISTANCE OF 146.67 FEET (CHORD BEARS: N 45° 35' 18" E - 146.65 FEET) TO A 1/2 INCH IRON ROD SET MARKING THE END POINT OF SAID CURVE AND THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 25.00 FEET;

ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 85° 42' 43" FOR AN ARC DISTANCE OF 37.40 FEET (CHORD BEARS: N 86° 41' 11" E - 34.01 FEET) TO A 1/2 INCH IRON ROD SET MARKING THE END POINT OF SAID CURVE;

S 50° 27' 27" E FOR A DISTANCE OF 19.99 FEET TO A 1/2 INCH IRON ROD SET;

N 39° 32' 33" E FOR A DISTANCE OF 50.00 FEET TO A 1/2 INCH IRON ROD SET;

N 50° 27' 27" W FOR A DISTANCE OF 14.58 FEET TO A 1/2 INCH IRON ROD SET MARKING THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 25.00 FEET;

ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 91° 54' 44" FOR AN ARC DISTANCE OF 40.10 FEET (CHORD BEARS: N 04° 30' 05" W - 35.94 FEET) TO A 1/2 INCH IRON ROD SET MARKING THE END POINT OF SAID CURVE AND THE BEGINNING OF A COUNTER-CLOCKWISE CURVE HAVING A RADIUS OF 2390.37 FEET;

ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 16° 19' 07" FOR AN ARC DISTANCE OF 680.81 FEET (CHORD BEARS: N 33° 17' 43" E - 678.51 FEET) TO A 1/2 INCH IRON ROD SET MARKING THE END POINT OF SAID CURVE AND THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 25.00 FEET;

ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 85° 58' 55" FOR AN ARC DISTANCE OF 37.52 FEET (CHORD BEARS: N 68° 07' 37" E - 34.09 FEET) TO A 1/2 INCH IRON ROD SET ON THE SOUTHWEST LINE OF THORNBERRY DRIVE MARKING THE END POINT OF SAID CURVE AND THE BEGINNING OF A COUNTER-CLOCKWISE CURVE HAVING A RADIUS OF 3040.00 FEET;

THENCE: ALONG THE SOUTHWEST LINE OF THORNBERRY DRIVE FOR THE FOLLOWING CALLS:

ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01° 41' 36" FOR AN ARC DISTANCE OF 89.85 FEET (CHORD BEARS: S 69° 43' 44" E - 89.84 FEET) TO A 1/2 INCH IRON ROD SET MARKING THE END POINT OF SAID CURVE;

S 70° 34' 32" E FOR A DISTANCE OF 702.80 FEET (DEED CALL: S 67° 41' 33" E - 702.80 FEET, 9740/1) TO A 1/2 INCH IRON ROD SET MARKING THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 2955.65 FEET;

ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 17° 22' 08" FOR AN ARC DISTANCE OF 895.99 FEET (CHORD BEARS: S 61° 53' 28" E - 892.56 FEET) TO A 1/2 INCH IRON ROD SET MARKING THE END POINT OF SAID CURVE AND THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 2960.35 FEET;

ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00° 16' 00" FOR AN ARC DISTANCE OF 13.78 FEET (CHORD BEARS: S 53° 04' 24" E - 13.78 FEET) TO THE **POINT OF BEGINNING** CONTAINING 51.322 ACRES OF LAND, MORE OR LESS, AS SURVEYED ON THE GROUND JANUARY, 2014. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION. SEE PLAT PREPARED JANUARY, 2014, FOR MORE DESCRIPTIVE INFORMATION.

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).

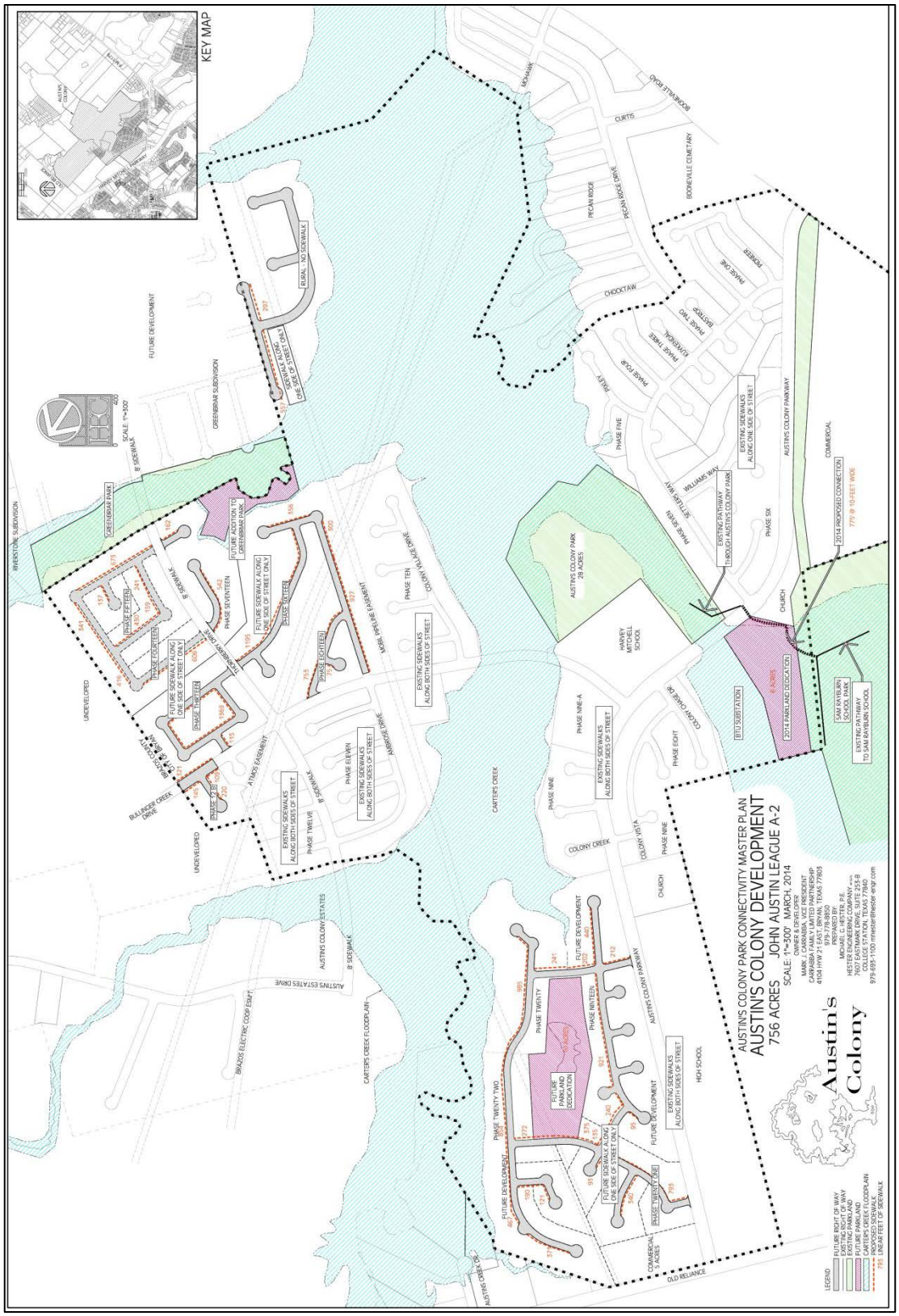
SECTION 4: Subdivision of Land and Parkland Dedication

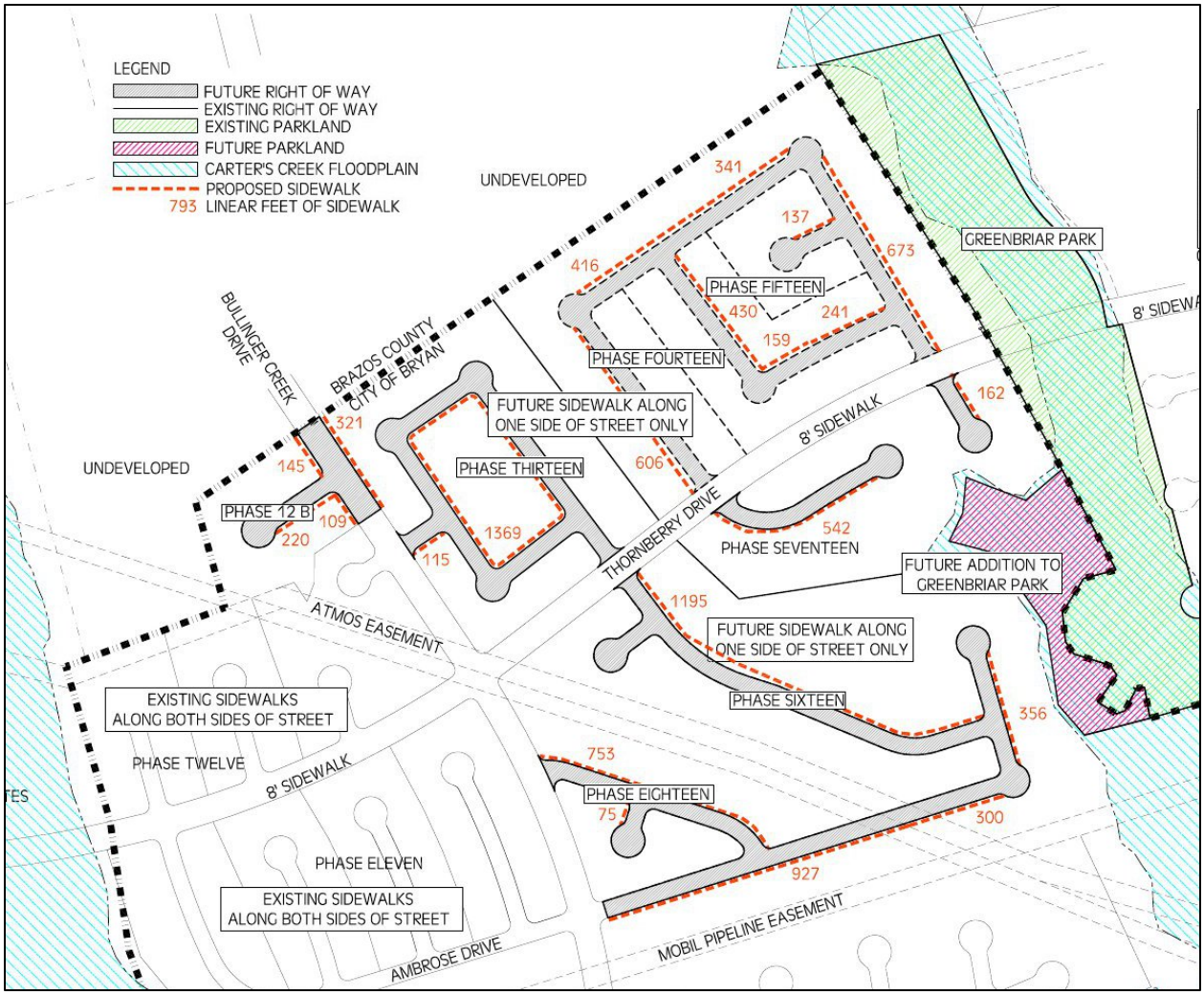
The subdivision of land in this PD-H District shall be allowed in accordance with Chapter 110, Subdivisions, of the City of Bryan Code of Ordinances, with the following exceptions or additions to ordinary standards:

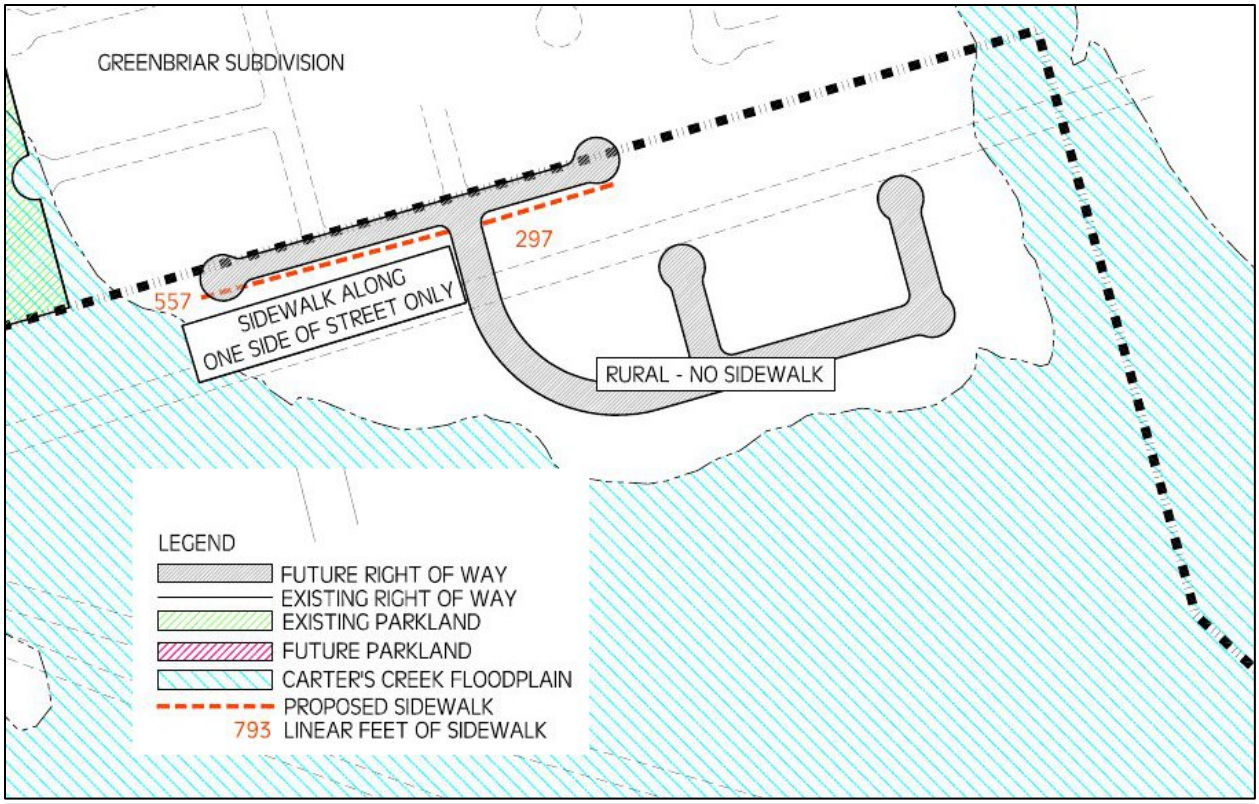
1. The installation of sidewalks shall be required only in the locations depicted on attached Exhibit "B-1". All sidewalks shall meet the City of Bryan's construction requirements for sidewalks as per the Bryan/College Station Unified Design Guideline Manual, Technical Specifications, and Standard Construction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

2. No subdivision plat shall be recorded for any portion of 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




LEGEND
FUTURE RIGHT OF WAY
EXISTING RIGHT OF WAY
EXISTING PARKLAND
FUTURE PARKLAND
CARTER'S CREEK FLOODPLAIN
PROPOSED SIDEWALK
793 LINEAR FEET OF SIDEWALK
UNDEVELOPED
341
137
673
416
GREENBRIAR PARK
PHASE FIFTEEN
430
241
159
PHASE FOURTEEN
BULLINGER CREEK DRIVE
BRAZOS COUNTY
CITY OF BRYAN
FUTURE SIDEWALK ALONG ONE SIDE OF STREET ONLY
162
8' SIDEWALK
321
UNDEVELOPED
145
PHASE THIRTEEN
606
PHASE 12 B
109
220
1369
542
PHASE SEVENTEEN
115
THORNBERRY DRIVE
FUTURE ADDITION TO GREENBRIAR PARK
1195
ATMOS EASEMENT
FUTURE SIDEWALK ALONG ONE SIDE OF STREET ONLY
EXISTING SIDEWALKS ALONG BOTH SIDES OF STREET
PHASE SIXTEEN
356
PHASE TWELVE
753
8' SIDEWALK
PHASE EIGHTEEN
75
300
PHASE ELEVEN
927
EXISTING SIDEWALKS ALONG BOTH SIDES OF STREET
MOBIL PIPELINE EASEMENT
AMBROSE DRIVE


GREENBRIAR SUBDIVISION
297
557
SIDEWALK ALONG
ONE SIDE OF STREET ONLY
RURAL - NO SIDEWALK
LEGEND
FUTURE RIGHT OF WAY
EXISTING RIGHT OF WAY
EXISTING PARKLAND
FUTURE PARKLAND
CARTER'S CREEK FLOODPLAIN
PROPOSED SIDEWALK
793 LINEAR FEET OF SIDEWALK

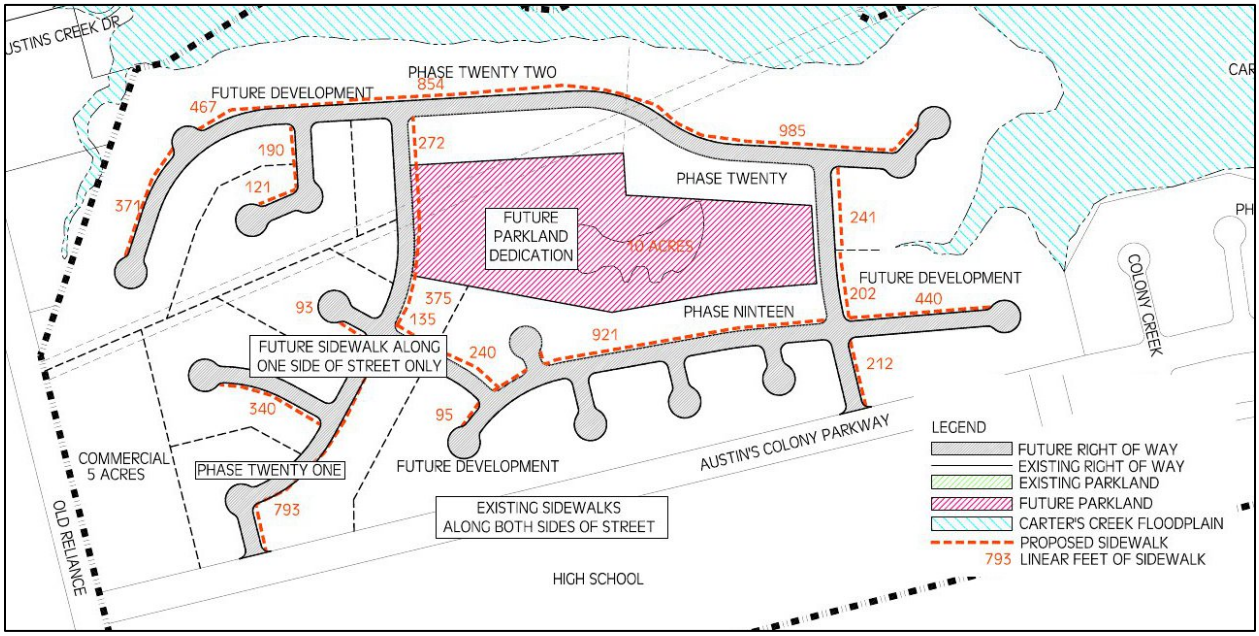
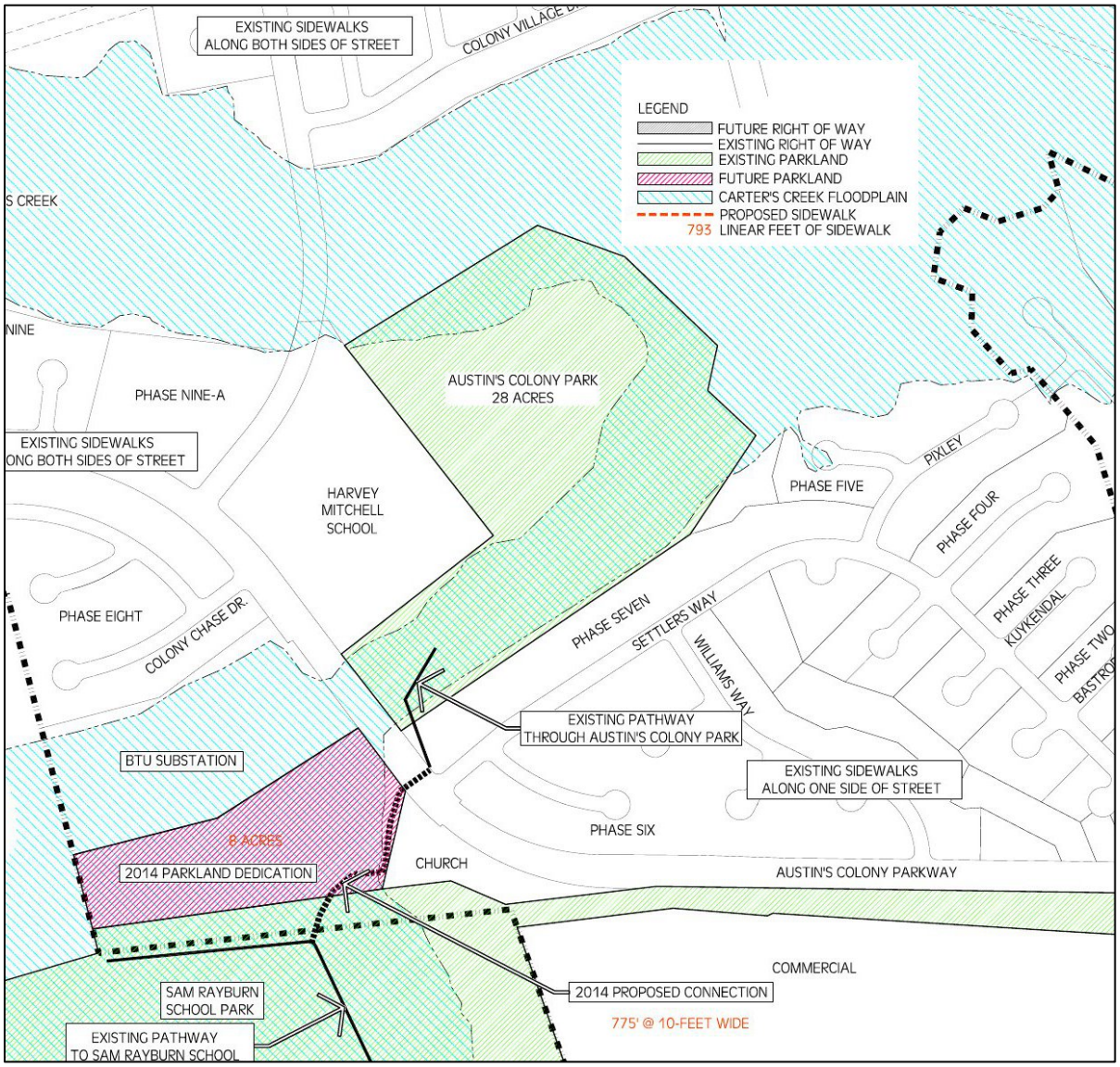

USTINS CREEK DR
PHASE TWENTY TWO
FUTURE DEVELOPMENT
854
467
985
190
272
121
371
PHASE TWENTY
FUTURE
PARKLAND
DEDICATION
10 ACRES
241
FUTURE DEVELOPMENT
202
440
93
375
135
PHASE NINTEEN
921
FUTURE SIDEWALK ALONG
ONE SIDE OF STREET ONLY
240
212
340
95
COMMERCIAL
5 ACRES
PHASE TWENTY ONE
FUTURE DEVELOPMENT
AUSTIN'S COLONY PARKWAY
793
EXISTING SIDEWALKS
ALONG BOTH SIDES OF STREET
OLD RELIANCE
HIGH SCHOOL
COLONY CREEK
LEGEND
FUTURE RIGHT OF WAY
EXISTING RIGHT OF WAY
EXISTING PARKLAND
FUTURE PARKLAND
CARTER'S CREEK FLOODPLAIN
PROPOSED SIDEWALK
793 LINEAR FEET OF SIDEWALK

Exhibit "B-2":
Parkland Dedication and Trail Construction



EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES OF MARCH 6, 2014:

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 RZ14-04: Carrabba Interests**
   *A request to change the zoning classification from a combination of Agricultural – Open District (A-O) and Residential District – 5000 (RD-5), to Planned Development – Housing District (PD-H) on 88.56 acres of land out of John Austin League, A-2, adjoining both sides of Thornberry Drive for a distance of approximately 1,700 feet east from its intersection with Bullinger Creek Drive in Bryan, Brazos County Texas***.** (M. Zimmermann)

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

The public hearing was opened.

Mr. Murphy Hawkin, 2704 Wood Court, Bryan, Texas, came forward to ask for clarification that the proposed zoning would maintain the neighborhood's single-family standards and spacing and if a transcript of the meeting would be written

Mr. Zimmermann responded that the proposed zoning contained the same uses and spacing requirements as the RD-5 zoning district and that the minutes from the meeting would be published.

Ms. Sharon Anderson, 2304 Cindy Lane, Bryan, Texas, came forward to request that both the proposed trail and sidewalks on both sides of the street be built in order to give the neighborhood flexibility and accessibility. She stated that houses with sidewalks were easier to sell and that developers should build sidewalks.

The public hearing was closed.

Commissioner Gutierrez moved to recommend approval of Rezoning RZ14-04 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Hardeman seconded the motion.

Commissioners discussed:

- Developer was providing something in place of the sidewalks
- Developer assumes the risk of buyers not being interested in a neighborhood with sidewalks on one side
- The need to respond with either yes or no to the request

The motion passed unanimously.

PLANNING AND ZONING COMMISSION
STAFF REPORT

March 6, 2014

CITY OF BRYAN

Rezoning case no. RZ 14-04: Carrabba Interests

CASE DESCRIPTION:	a request to change the zoning classification from a combination of Agricultural – Open District (A-O) and Residential District – 5000 (RD-5), to Planned Development – Housing District (PD-H)
LOCATION:	88.56 acres of land adjoining both sides of Thornberry Drive for a distance of approximately 1,700 feet east from its intersection with Bullinger Creek Drive
LEGAL DESCRIPTION:	88.56 acres of land out of John Austin League A-2
EXISTING LAND USE:	vacant acreage
APPLICANT(S):	Grant Carrabba
STAFF CONTACT:	Martin Zimmermann, Planning Administrator

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

BACKGROUND:

The applicant/developer, Mr. Grant Carrabba, is requesting to change the zoning classification from a combination of Residential District – 5000 (RD-5) and Agricultural – Open District (A-O) to a Planned Development District – Housing (PD-H) on 88.56 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 Phases 12B through 18 of the 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.

The applicant proposes to utilize a connectivity master plan (attached) 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.

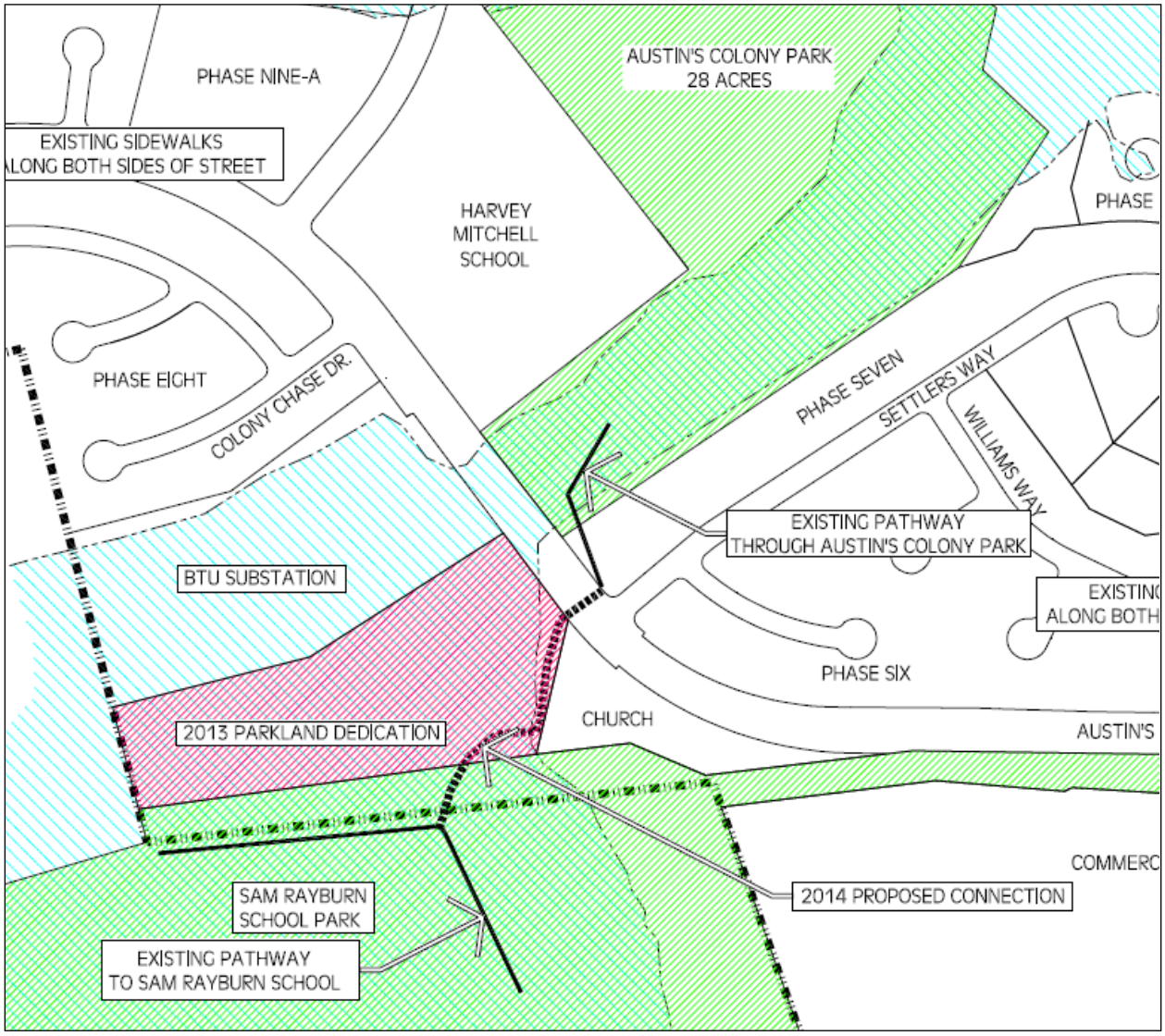
As part of the proposal, the developer proposes to dedicate a vacant 8-acre tract situated adjacent to both the Sam Rayburn and Earl Rudder school campuses and the 10-acre Austin's Colony Greenbelt, across from the 28-acre Austin's Colony Park, as public parkland. The developer further proposes to construct 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. 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.

In October 2013, the applicant had requested PD-H zoning for only a portion (12.82 acres – proposed Phase 13 of Austin's Colony Subdivision) of the 88+ acres that is now the subject of this request. During its regular meeting on November 7, 2013, the Planning and Zoning Commission, by a vote of 5 to 3, recommended approval of the earlier request (case no. RZ13-15), subject to the stipulation that the developer still build sidewalks on both sides of all streets. During its meeting on December 10, 2013, the City Council voted to introduce an ordinance that would have approved the applicant's original proposal. However, the applicant withdrew that request on January 9, 2014 prior to City Council's second reading of the rezoning ordinance and submitted a new request for these 88+ acres on February 12, 2014. Excerpts from P&Z and Council meetings were the previous request was considered are attached to this staff report.

At this time, the developer is proposing to only rezone the 88.56 of the remaining approximately 195 undeveloped acres of land remaining in Austin's Colony. The land that is the subject of this request is planned to be subdivided into Phases 12B to 18 of the Austin's Colony Subdivision. The proposed PD-H District will be developed 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.

DETAIL OF 8-ACRE CONNECTING TRACT:



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:

> Issues relating to transportation needs were identified by the Comprehensive Plan Advisory Committee (CPAC) as well as representatives of the community that were represented on several focus groups as well as citizens who attended several community forums. Among the issues identified requiring attention was:
>
> Creating a bike/pedestrian friendly community. Integrating bikeways and sidewalks into the plan and locating a funding source for these improvements.
>
> 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.

   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.

   Through the developer's dedication of a vacant 8-acre tract as parkland, the immediate effect of the park connectivity master plan would 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, as shown on the attached park connectivity master plan and aerial photograph.

Staff believes with the added connectivity the proposed layout of sidewalks within this proposed PD-H District will provide a transportation network for pedestrians superior to that which would develop under normal development standards. 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.

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 and the construction of a 10-foot wide multi-use path, staff contends that that the proposed development will be of greater and immediate benefit to the public than would be produced by adherence to conventional standards for sidewalk construction, without parkland dedication and connection of existing parks with a pathway.

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 to 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 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:

Based on all of the aforementioned considerations, staff recommends **approving** the proposed zoning of these 88.56 acres to Planned Development – Housing District (PD-H), as requested.

EXCERPT FROM DECEMBER 10, 2013 CITY COUNCIL REGULAR MEETING MINUTES:

5. REZONING REQUEST (RZ13-15)

a. Public Hearing – Rezoning Request (RZ13-15)

Planning Administrator Martin Zimmermann presented information regarding a proposed ordinance to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, 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. It was reported the Planning and Zoning Commission recommended approval of the request, with a stipulation to still require sidewalks along both sides of the streets. Mr. Zimmermann reported the developer asked the Council to consider his request for sidewalks on only one side of the street and a proposal to dedicate additional parkland and construct a 775-foot long multi-use path to connect trails within Austin's Colony Park and the Sam Rayburn School Park, which the Parks and Recreation Advisory Board also endorsed. Ms. Peggy Bloomer, 2006 Williams Way, urged the Council to follow the Planning and Zoning Commission's recommendation to require sidewalks on both sides of the streets for safety purposes. Ms. Sharon Anderson, 2304 Cindy Lane; Ms. Carolyn Buckley, 3908 Bravo Court; and Mr. Rafael Pena, 3420 Sandy Point Road, agreed. Mr. Mark Carrabba, 4045 Austin's Landing, developer of the subdivision, said he would like to connect Austin's Colony Park to Sam Rayburn School's sidewalk system with the proposed pathway, and also stated there were utility issues involved with placing sidewalks on both sides of the streets. The public hearing closed at 6:45 p.m. with no other comments.

b. First Reading of an Ordinance - Rezoning Request (RZ13-15)

Mayor Bienski moved to approve the first reading of 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 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. The motion was seconded by Councilmember Horton. After discussion, the motion carried with five yeses (Mayor Bienski and Councilmembers Madison, Horton, Hughes and Konderla) and two noes (Councilmembers Saenz and Owens).

EXCERPT FROM NOVEMBER 7, 2013 P&Z REGULAR MEETING MINUTES:

5. 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.