# ACTION FORM
# BRYAN CITY COUNCIL

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| **DATE OF COUNCIL MEETING:** | May 13, 2014 | **DATE SUBMITTED:** | April 16, 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 Agricultural – Open District (A-O) to Planned Development – Housing District (PD-H) on 14.05 acres of land out of John Austin Survey, A-2, adjoining both sides of Riverstone Drive north of its intersection with FM 1179 in Bryan, Brazos County, Texas**.**

**SUMMARY STATEMENT:** The applicants/property owners, 1179 Joint Venture 1, LP, have submitted a rezoning request for these 14.05 acres of vacant land (referred to as Phases 3 and 4 of Riverstone Subdivision) at the intersection of FM 1179 and Riverstone Drive. Phases 1 and 2 of Riverstone Subdivision are located on land to the immediate northwest in Brazos County. Lots in Phases 1 and 2 have been developing with single-family homes on 1+ acre lots since 2007.

The applicants/property owners are requesting a zoning change to a Planned Development – Housing District (PD-H) for these 14+ acres. The request, if approved, would provide for the development of this property with up to 44 detached single-family homes and/or zero lot line/patio homes intended for occupancy by no more than two un-related individuals (blood, marriage, or adoption), with a minimum home size of 2,000 square feet, on lots proposed to be at least 5,924 square feet in size. A more detailed description of proposed development standards for this PD-H District can be found in the attached draft ordinance and the staff report to the Planning and Zoning Commission.

During its regular meeting on March 20, 2014, the Planning and Zoning Commission, by a vote of 6 to 1, recommended approval of the request, subject to the condition that:

1. homes on at least 75% of the lots in this subdivision shall have a minimum of 2,200 square feet of floor area; and
2. the fence/wall along both sides of Riverstone Drive shall be 6-feet tall and made entirely of brick.

Prior to the Commission's vote, 13 Bryan and Brazos County residents spoke in opposition to the request, citing development density, a perceived decline in property values, traffic increase, sight distance issues at the Riverstone/FM 1179 intersection, and the belief that the land should be subject to the same 1+ acre lot deed restrictions as the County-portion of Riverstone as reasons for their opposition to the request. Several citizens had also submitted written comments in opposition to the request prior to the Commission's meeting. Those comments were shared with Commissioners prior to the public hearing on the matter and they are also attached to this Council Action Form.

One owner of property, Ms. Erma Jean Sterling Green, submitted a written protest through a representative during the Planning and Zoning Commission meeting on March 20. The City Secretary subsequently verified the petition and it has been determined that Ms. Green owns more than 20 percent of the land area within 200 feet of the

property for which the zoning change has been requested. Therefore, in order for the rezoning request to be approved by the City Council, an affirmative vote of at least three-fourths of all Council members (supermajority vote) is required, in accordance with Texas Local Government Code Section 211.006(d) and Bryan Code of Ordinances Section 130-42(i)(4). A copy of Ms. Green's petition, and a map illustrating properties whose owners submitted comments in opposition are included in this Council Action Form below.

**STAFF ANALYSIS AND RECOMMENDATION**: Staff recommends that the City Council approve the request as it has been recommended by the Planning and Zoning Commission during its meeting on March 20, 2014.

- The proposed PD-H District will provide development opportunities that would add diversity to Bryan's housing stock on these 14 acres, with lots bigger than those in most of Bryan's RD-5 zoning districts.
- The proposed PD-H District will support one stated objective of the City Council's Quality of Life Strategic Initiative, to increase the inventory of mid-range price housing.
- A master-planned, low-density, single-family residential subdivision on the 14-acre subject property is compatible with existing and anticipated land uses in the surrounding area and in accordance with land use recommendations of the Comprehensive Plan; this proposed single-family residential subdivision will be protected from, but have access to the City's commercial, work, and entertainment areas via the major street network, but directly access only local streets, including Riverstone Drive.
- The proposed lot density in this new subdivision is still less than half (3.1 units per acre) of what is commonly considered to be low-density residential development (8 units per acre).
- Required new public sanitary sewer infrastructure that will need to be extended to serve development on the subject property may help spur development activity in the adjacent Greenbriar Subdivision and allow for future development to the east along the FM 1179 corridor.
- Approving the request will promote orderly urban growth in close proximity to the existing Riverstone and Miramont Subdivisions and planned non-residential use in the adjoining Greenbrier Subdivision

As listed above (Summary Statement), several Bryan and Brazos County residents expressed specific concerns with the proposed development.

**OPTIONS (In Suggested Order of Staff Preference)**: (options may require consideration at a future City Council meeting)

1. approve the zone change, as recommended by the Planning and Zoning Commission; or
2. approve the zone change, as originally requested by the applicants/property owners; or
3. approve the zone change request with modifications; or
4. deny the requested zone change.

**ATTACHMENTS**:

1. location map;
2. draft ordinance with exhibits;
3. minutes from P&Z meeting on March 20, 2014;
4. protest received from Ms. Green, dated March 12, 2014;
5. written comments in opposition received regarding this rezoning request;
6. map illustrating properties whose owners submitted written comments in opposition to this request; and
7. staff report to the Planning & Zoning Commission.

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| **FUNDING SOURCE**: **N/A** |
| **APPROVALS**: Kevin Russell, 4-16-14; Joey Dunn, 4-16-14; Hugh R. Walker, 04/22/2014 |
| **APPROVED FOR SUBMITTAL: CITY MANAGER** Kean Register, 5/2/2014 |
| **APPROVED FOR SUBMITTAL: CITY ATTORNEY** Janis K. Hampton, 05/06/2014 |

Revised 04/2013

**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 AGRICUTURIAL – OPEN DISTRICT (A-O) TO PLANNED DEVELOPMENT DISTRICT – HOUSING (PD-H), SUBJECT TO DEVELOPMENT REQUIREMENTS SPECIFIED HEREIN, ON 14.05 ACRES OF LAND OUT OF JOHN AUSTIN SURVEY, A-2, ADJOINING BOTH SIDES OF RIVERSTONE DRIVE NORTH OF ITS INTERSECTION WITH FM 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 for changing the zoning classification on in Bryan, Brazos County Texas, from Agricultural – Open District (A-O) to Planned Development District – Housing (PD-H) on 14.05 acres of land out of John Austin Survey, A-2, adjoining both sides of Riverstone Drive north of its intersection with FM 1179, was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on March 20, 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 14.05 acres of land out of John Austin Survey, A-2, adjoining both sides of Riverstone Drive north of its intersection with FM 1179 in Bryan, Brazos County Texas, said 14.05 acres of land being described more particularly by metes-and-bounds on attached Exhibit “A”, from 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” 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 13th day of May, 2014 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, **PASSED AND APPROVED** on the 27th day of May, 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**

**14.054 ACRE TRACT**
**JOHN AUSTIN LEAGUE, A-2**
**BRYAN, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OF LAND LYING AND BEING SITUATED IN THE JOHN AUSTIN LEAGUE, ABSTRACT NO. 2, BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF THE REMAINDER OF A CALLED 89.096 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO 1179 JOINT VENTURE I, LP RECORDED IN VOLUME 6334, PAGE 235 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS AND A PORTION OF RIVERSTONE DRIVE AS SHOWN ON THE PLAT OF RIVERSTONE SUBDIVISION, PHASE ONE, RECORDED IN VOLUME 8285, PAGE 56 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 ON THE NORTHWEST LINE OF FM 1179 (80' R.O.W.) MARKING THE EAST CORNER OF SAID 89.096 ACRE TRACT AND THE SOUTH CORNER OF A CALLED 23.3 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO ERMA JEAN STERLING GREEN RECORDED IN VOLUME 1774, PAGE 262 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

**THENCE:** S 41° 56' 46" W ALONG THE NORTHWEST LINE OF FM 1179 FOR A DISTANCE OF 277.05 FEET (PLAT CALL: S 44° 47' 44" W - 277.15 FEET, 8285/56) TO A 5/8 INCH IRON ROD FOUND ON THE NORTHEAST LINE OF RIVERSTONE DRIVE;

**THENCE:** S 41° 55' 36" W FOR A DISTANCE OF 120.10 FEET (PLAT CALL: S 44° 47' 44" W - 120.00 FEET, 8285/56) TO A 5/8 INCH IRON ROD FOUND ON THE SOUTHWEST LINE OF RIVERSTONE DRIVE;

**THENCE:** S 41° 56' 25" W CONTINUING ALONG THE NORTHWEST LINE OF FM 1179 FOR A DISTANCE OF 395.48 FEET (PLAT CALL: S 44° 47' 44" W - 395.50 FEET, 8285/56) TO A 5/8 INCH IRON ROD FOUND MARKING THE SOUTH CORNER OF SAID 89.096 ACRE TRACT AND THE EAST CORNER OF A PORTION OF THE REMAINDER OF A CALLED 176.241 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO GEORGE F. CARTER, ET AL, RECORDED IN VOLUME 3253, PAGE 207 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. FOR REFERENCE, CITY OF BRYAN GPS MONUMENT NO. 32 BEARS: S 68° 56' 36" W FOR A DISTANCE OF 6795.73 FEET;

**THENCE:** N 47° 54' 19" W ALONG THE NORTHEAST LINE OF SAID CARTER TRACT, PASS THE EAST CORNER 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, CONTINUE ON FOR A TOTAL DISTANCE OF 777.41 FEET (PLAT CALL: N 45° 01' 30" W - 777.76 FEET, 8285/56) TO A 5/8 INCH IRON ROD FOUND MARKING THE SOUTH CORNER OF LOT 1, BLOCK 1, OF SAID RIVERSTONE SUBDIVISION;

**THENCE:** N 42° 40' 02" E ALONG THE SOUTHEAST LINE OF SAID BLOCK 1 FOR A DISTANCE OF 235.73 FEET (PLAT CALL: N 45° 32' 51" E - 235.73 FEET, 8285/56) TO A 1/2 INCH IRON ROD FOUND ON THE SOUTHWEST LINE OF RIVERSTONE DRIVE (80' R.O.W.) MARKING THE EAST CORNER OF SAID LOT 1;

**THENCE:** N 42° 40' 02" E THROUGH RIVERSTONE DRIVE FOR A DISTANCE OF 70.05 FEET (PLAT CALL: N 45° 32' 51" E - 70.00 FEET, 8285/56) TO A 5/8 INCH IRON ROD FOUND ON THE NORTHEAST LINE OF RIVERSTONE DRIVE MARKING THE SOUTH CORNER OF LOT 50, BLOCK 5;

**THENCE:** N 42° 40' 02" E ALONG THE SOUTHEAST LINE OF SAID BLOCK 5 FOR A DISTANCE OF 486.84 FEET (PLAT CALL: S 45° 32' 51" E - 486.84 FEET, 8285/56) TO A POINT ON THE SOUTHWEST LINE OF SAID 23.3 ACRE TRACT. SAID POINT MARKING THE EAST CORNER OF LOT 49 OF SAID BLOCK 5. FOR REFERENCE, A 5/8 INCH IRON ROD FOUND BEARS: S 47° 54' 33" E FOR A DISTANCE OF 0.49 FEET AND GPS MONUMENT SWG A-53-W BEARS: N 36° 01' 10" W FOR A DISTANCE OF 10633.38 FEET;

**THENCE:** S 47° 54' 33" E ALONG THE SOUTHWEST LINE OF SAID 23.3 ACRE TRACT FOR A DISTANCE OF 767.36 FEET (PLAT CALL: S 45° 01' 44" E - 767.36 FEET, 8285/56) TO THE **POINT OF BEGINNING** CONTAINING 14.054 ACRES OF LAND, MORE OR LESS, AS SURVEYED ON THE GROUND DECEMBER, 2013. SEE PLAT PREPARED DECEMBER, 2013, FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED BY GPS OBSERVATION.

**Exhibit "B":**
**Development Requirements**

## SECTION 1: Definitions

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.

## SECTION 2: Land Use

The continued use of land permitted by right within in this Planned Development – Housing District (PD-H) shall be limited to the following:

1. accessory structures
2. detached single-family dwellings
3. home occupations
4. open space/HOA-maintained common areas/storm water detention areas
5. zero lot line/patio home dwellings

## SECTION 3: Physical Development

1. Physical development on land included 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), subject to additions, modifications or exceptions described herein. These development standards and limitations include, but are not limited to, regulations concerning minimum building setback, lot area, lot depth, density, building height, building elevations, coverage, parking, access, screening, landscaping, accessory buildings, and signs.

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

    a. Minimum lot standards:

1. minimum lot area: 5,924 square feet
2. minimum lot width: 48 feet
3. minimum lot depth: 118 feet

b. Minimum building setback requirements:

1. minimum side building setback:
    a. detached single-family dwellings: 7.5 feet
    b. zero lot line/patio home dwellings: 10 feet
    c. from Riverstone Drive right-of-way: 16 feet
    d. Lot 19 in Phase 3 and Lot 25 in Phase 4: 25 feet from northwestern side property line
    e. lots where side lot line adjoins Riverstone Drive: 16 feet
    f. Lot 12 in Phase 3: 5 feet from northwestern side property line

2. minimum front building setback:
    a. detached single-family dwellings: 20 feet
    b. zero lot line/patio home dwellings: 20 feet
    c. Lot 19 in Phase 3 and Lot 25 in Phase 4: 25 feet
    d. Lots 13 and 18 in Phase 3: 15 feet

3. minimum rear building setback:
    a. detached single-family dwellings: 10 feet
    b. zero lot line/patio home dwellings: 10 feet
    c. lots where rear lot line adjoins Riverstone Drive: 16 feet

c. Minimum home size and construction standards:

1. All homes in this PD-H District shall have at least 2,000 square feet of floor area.
2. Homes on at least 75% of the lots in this PD-H District shall have a minimum of 2,200 square feet of floor area.

3. All homes in this PD-H District shall be constructed of a combination of rock, brick, and stucco.

4. All homes in this PD-H District shall have at least one attached two-car garage.

d. Buffer area requirements:

No development shall be authorized within the buffer areas of this PD-H District shown on attached Exhibit "B-1", except for permitted landscaping, screening, and stormwater detention facilities.

e. Fencing along Riverstone Drive:

Fencing shall be installed along Riverstone Drive in the areas shown on attached Exhibit "B-1", with the following modifications:

1. The fence/wall along both sides of Riverstone Drive shall be 6-feet tall and made entirely of brick.

2. Attached Exhibit "B-1" shall be amended as follows:

   A. Fence detail F3 shall be removed.

   B. The drawing note "100-foot wrought iron fence section (open)" and graphic showing wrought iron fence shall be removed.

   C. Any reference to fence detail F3 on the drawing shall be replaced by a reference to fence detail F2.

f. Common area maintenance:

1. Common areas and the detention basin shown on attached Exhibit "B-1" shall be maintained by a Homeowner's Association (HOA).

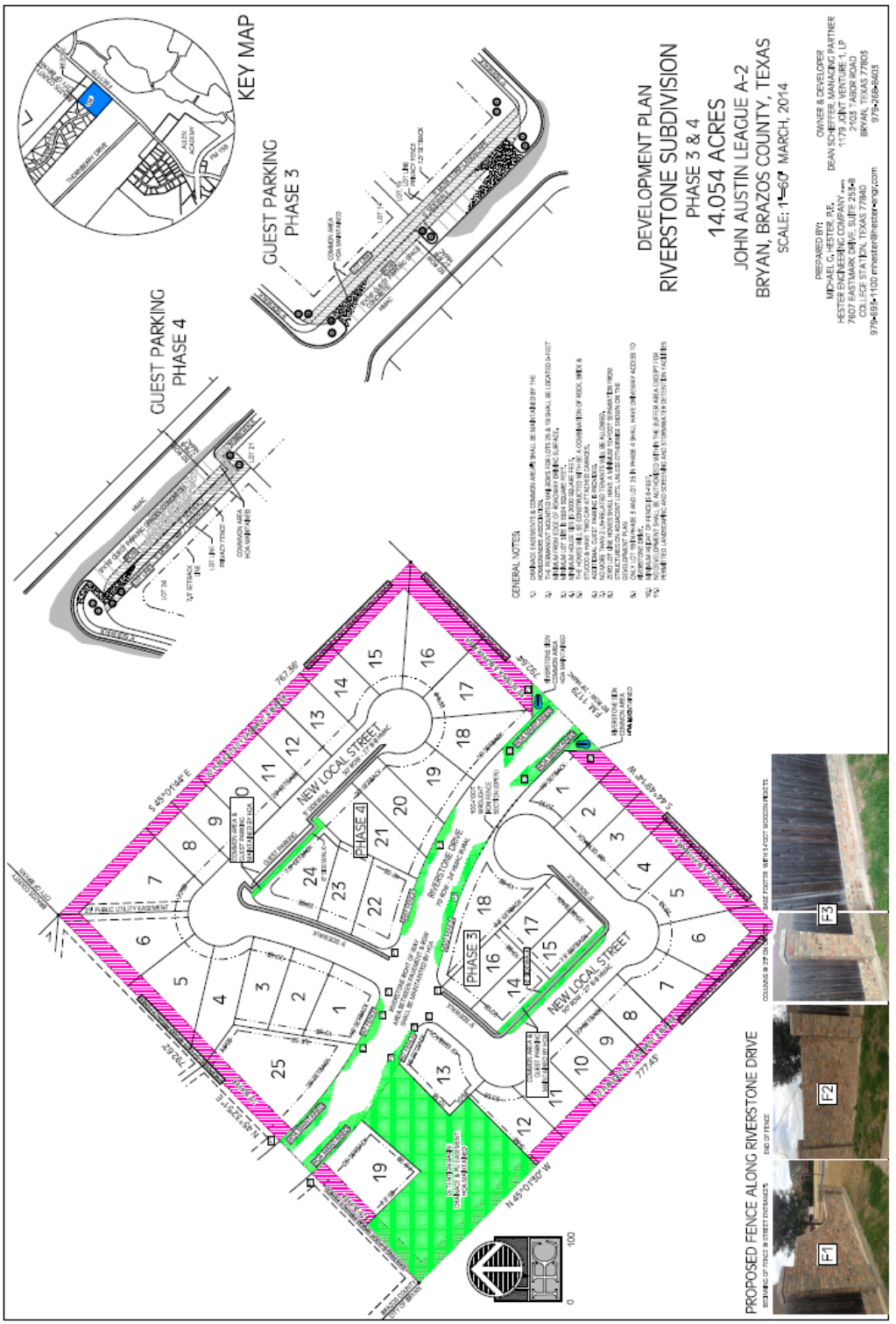
**SECTION 4: Subdivision of Land and Parkland Dedication**

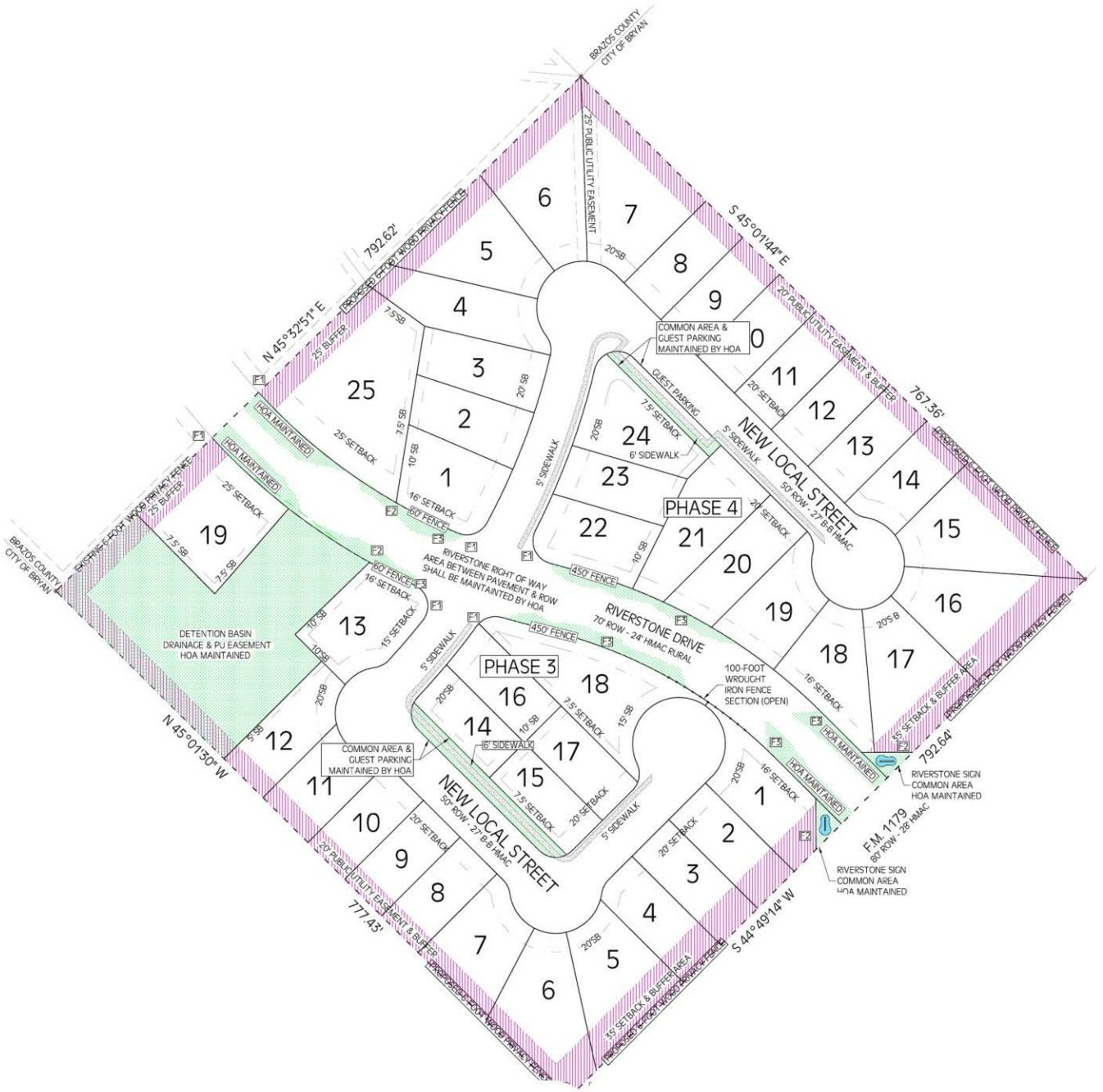
The subdivision of land in this PD-H District shall be allowed in accordance with Chapter 110, Subdivisions, of the City of Bryan Code of Ordinances, with the following exceptions or additions to ordinary standards:

1. The installation of sidewalks shall be required only in the locations depicted on attached Exhibit "B-1". All sidewalks shall meet or exceed 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 legal instrument establishing a Homeowner's Association (HOA) with direct responsibility to operate, repair, and maintain all common areas and the detention basin show on attached Exhibit "B-1" has been reviewed and accepted by the City of Bryan and duly recorded.

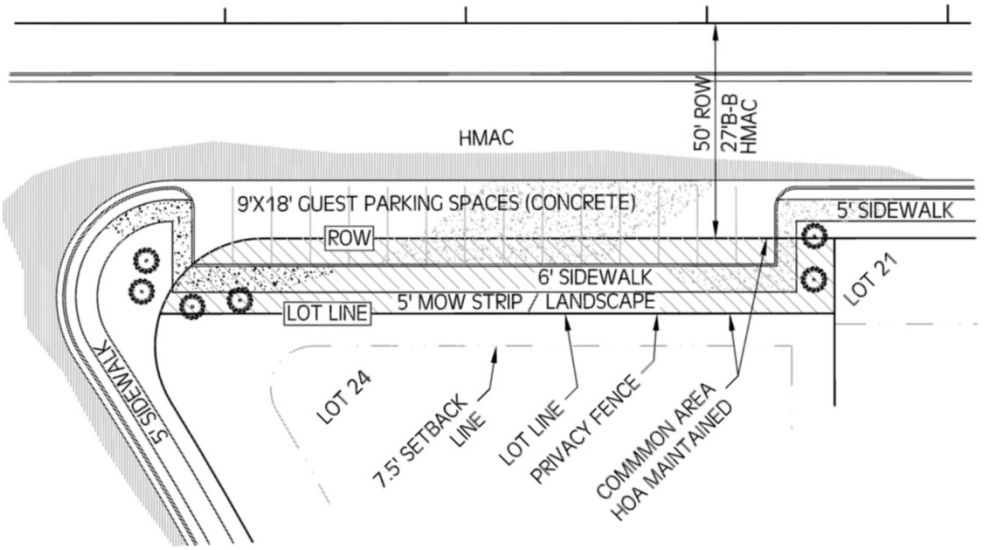
**Exhibit "B-1":**
**Development Plan**



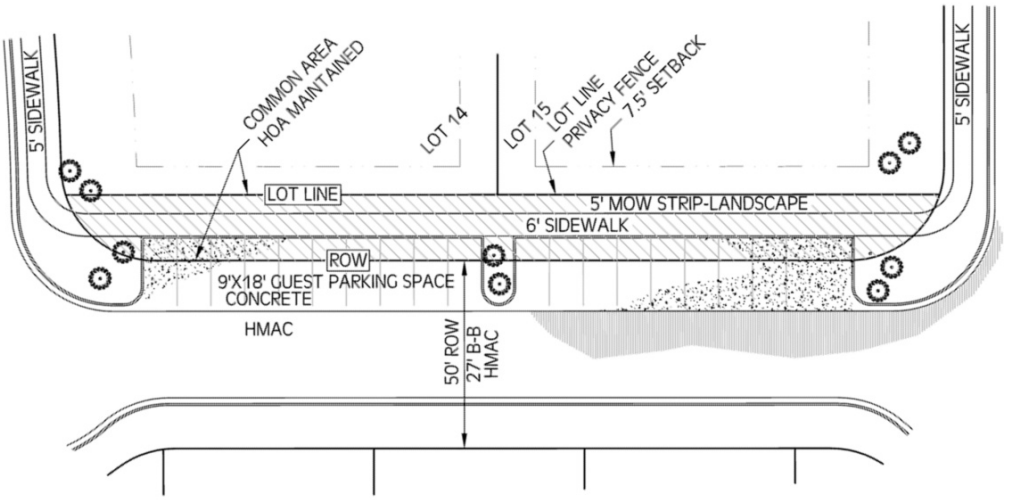


BRAZOS COUNTY
CITY OF BRYAN
25' PUBLIC UTILITY EASEMENT
S 45°01'44" E
792.62'
N 45°32'51" E
767.36'
N 45°01'30" W
792.64'
777.43'
S 44°49'14" W
F.M. 1179
80' ROW - 28' HMAC
NEW LOCAL STREET
50' ROW - 27' B-B HMAC
RIVERSTONE DRIVE
70' ROW - 24' HMAC RURAL
PHASE 3
PHASE 4
COMMON AREA & GUEST PARKING MAINTAINED BY HOA
GUEST PARKING
5' SIDEWALK
6' SIDEWALK
450' FENCE
60' FENCE
HOA MAINTAINED
RIVERSTONE RIGHT OF WAY AREA BETWEEN PAVEMENT & ROW SHALL BE MAINTAINTED BY HOA
DETENTION BASIN DRAINAGE & PU EASEMENT HOA MAINTAINED
100-FOOT WROUGHT IRON FENCE SECTION (OPEN)
RIVERSTONE SIGN COMMON AREA HOA MAINTAINED
20' PUBLIC UTILITY EASEMENT & BUFFER
35' SETBACK & BUFFER AREA
PROPOSED 6-FOOT WOOD PRIVACY FENCE
EXISTING 6-FOOT WOOD PRIVACY FENCE
25' BUFFER
25' SETBACK
16' SETBACK
20' SETBACK
7.5' SETBACK
15' SETBACK
10' SB
20' SB
7.5' SB
5' SB

# GUEST PARKING
# PHASE 4



# GUEST PARKING
# PHASE 3



# PROPOSED FENCE ALONG RIVERSTONE DRIVE

BEGINNING OF FENCE @ STREET ENTRANCE'S

END OF FENCE

COLUMNS @ 25' ON CENTER

BASE FOOTER WITH 5-FOOT WOODEN PICKETS

**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES OF MARCH 20, 2014:**

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

**a. Rezoning RZ14-05: 1179 Joint Venture 1, LP**
*A request to change the zoning classification from Agricultural – Open District (A-O) to Planned Development - Housing District (PD-H) on 14.05 acres of land out of John Austin League, A-2, adjoining both sides of Riverstone Drive, north from its intersection with FM 1179 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.

In response to a question from the Commission, Mr. Zimmermann stated that the City could not set the speed limit on or widen TxDOT roads without TxDOT approval. Mr. Paul Kaspar, City Engineer, added that the City could only request changes and provide funding for projects.

The public hearing was opened.

Mr. Rich Hansen, 7268 Riverstone Drive, Brazos County, Texas, Mr. Robert Holzweiss, 4702 Austin's Estates Drive, Bryan, Texas, Ms. Ellen Hansen, 7268 Riverstone Drive, Brazos County, Texas, Ms. Karen Allen, 4721 River Hollow Court, Brazos County, Texas, Ms. Sharon Anderson, 2304 Cindy Lane, Bryan, Texas, Ms. Sandra Moore, 4700 Riverbend Court, Brazos County, Texas, Mr. Leonard Moore, 4700 Riverbend Court, Brazos County, Texas, Mr. Frank Opitz, 2303 Bristol Street, Bryan, Texas, Ms. Susan Russell, 2303 Bristol Street, Bryan, Texas, Mr. Ray Bomnskie, 4691 River Valley Drive, Brazos County, Texas, Mr. Trey Moore, 6884 Riverstone Drive, Brazos County, Texas, Mr. Joe Allen, 4721 River Hollow Court, Brazos County, Texas; and Ms. Rachel Moore, 6884 Riverstone Drive, Brazos County, Texas, came forward to speak in opposition to the request. Speakers provided the following reasons for their opposition:

- development density
- does not conform to the neighborhood
- a decline in future property values
- major investments have been made in Riverstone properties
- traffic increase
- concern that multi-family development would occur
- sight distance issues at the Riverstone/FM 1179 intersection
- the belief that the land should be subject to the same 1+ acre lot deed restrictions as the County-portion of Riverstone
- the Commission's previous unanimous denial of another rezoning request for this property
- all objections to previous request still apply
- the new request proposes only four less lots than the previous request
- the applicant did not meet with residents to reach a compromise
- unfair that Riverstone be compared to Miramont or Greenbriar
- inadequacy of the proposed fence as a buffer
- chances of TxDOT funding a traffic project on this portion of F.M. 1179 are slim

- still utilize Bryan schools and businesses from county property

Mr. Rich Hansen, 7268 Riverstone Drive, Brazos County, Texas, also submitted several documents to Commissioners which are on file in the Development Services Department.

Mr. Zimmermann clarified that the proposed rezoning would only allow detached and patio single-family homes and not multi-family homes.

Mr. Greg Court, co-applicant, 5029 Wallis Road, Bryan, Texas, came forward to speak in favor of the request. He stated that he built homes in the Riverstone Subdivision and does not believe that this development will cause a decline in property values.

Mr. Mark Carrabba, co-applicant, 4104 Hwy 21East, Bryan, Texas, came forward to speak in favor of the request. In response to questions from the Commission, Mr. Carrabba stated that the facades of the homes would be made of brick and stone, and that he would consider increasing the size of some homes to 2,200 square foot and to install a brick fence/wall along Riverstone Drive.

In response to questions from the Commission, Mr. Mike Hester, 2900 Brothers Blvd, College Station, Texas, project engineer, came forward and stated that at least 5 of the proposed lots would not be large enough to have 2,200 square foot homes.

The public hearing was closed.

**Commissioner Beckendorf moved to recommend approval of Rezoning RZ14-05 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission, subject to the following two changes to the development plan:**

> **(1.) that homes on at least 75% of the lots in this subdivision shall have a minimum of 2,200 square feet of floor area; and**
> **(2.) that the fence/wall along both sides of Riverstone Drive shall be 6-feet tall and made entirely of brick**.

**Chairperson Hickle seconded the motion.**

Commissioners discussed:

- additional cost of the recommended changes but more pleasant appearance
- the importance of community input
- the ability for citizens to speak again at City Council
- the request differed from the previous rezoning request
- the importance of keeping your word
- the quality of the work the Carrabba's have done previously
- doubt that a traffic study would suggest roadway expansion for an additional 44 lots
- demand for this type of home in the market

**The motion passed by a vote of six (6) in favor and one (1) in opposition. Commissioner Gonzalez cast the vote in opposition.**

**PROTEST RECEIVED FROM MS. GREEN DATED MARCH 12, 2014:**

We, the under signed property owners, protest the rezoning from A-O to PD-H District (14.05 acres) of the Riverstone Subdivision-Phases 3-4, case number RZ14-05.

Printed Name ERMA JEAN STERLING GREEN

Signature Erma Jean Sterling Green

Property Address 4773 FM 1179, BRYAN, TX 77808-9686

Legal Description JOHN AUSTIN, BLOCK 19, LOT 24, ACRES 5.1491

THE STATE OF TEXAS :

COUNTY OF BRAZOS :

This instrument was acknowledged before me on this the 12th day of March, 2014 by Erma Jean Sterling Green.

Jamie Quintana
NOTARY PUBLIC in and for
The State of Texas

JAMIE QUINTANA
Notary Public, State of Texas
My Commission Expires
January 25, 2018

RECEIVED
MAR 2014
COUNCIL SERVICES
CITY OF BRYAN

**WRITTEN COMMENTS RECEIVED IN OPPOSITION REGARDING THIS REZONING REQUEST:**

# THE CASE FOR THE PLANNING AND ZONING COMMISSION TO RECOMMEND DENIAL OF REZONING CASE NO. RZ 14-05.

# PREPARED

# FOR

# MARTIN ZIMMERMAN

Department
[illegible] 2014
RECEIVED
submitted by
Mr. Rich Howen
[illegible]

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Rezoning case no. RZ 14-05

- This is a modified RZ 13-21 which was presented to the Planning and Zoning Commission on January 16, 2014. The Commission unanimously recommended denial of that request. Commissioner Hardeman's motion stated in part that "the rezoning is not appropriate for the immediate area of concern".
- The new request to rezone to Planned Development – Housing is also not appropriate for the immediate area of concern therefore I believe the Commission should again recommend denial.
- There are only marginal differences between the original request and request RZ 14-05. The number of lots is reduced to 44 from 48, only 1 entrance and exit to the area in question on the east and west side of Riverstone Drive, a 25ft buffer between the 1 acre lots, and some added fencing.
- The resident's concerns about traffic were not diminished. An additional 440 vehicles per day will be added the current Riverstone Drive and FM-1179 traffic. As an example of the traffic, on February 24 at 7:45am I waited for three cycles of green before I could get through the intersection of FM-1179 and Boonville Road. Add to that the approved Greenbrier development which will have more than 400 homes and you will have big city type traffic problems.
- The new plan worsens the problem of changing the character and appearance of the Riverstone Subdivision.
- There currently are no fences running parallel to Riverstone Drive. The proposed fencing along Riverstone Drive does not match anything currently in, or for that matter, even allowed in the subdivision
- Allowing the proposed plan to go forward will decrease the property values of the remainder of the Riverstone Subdivision. Please remember that the Riverstone Subdivision was sold as 1 acre estate lots. Many people have invested significant money based on the advertised 1 acre lots. I believe most people would not have purchased lots and constructed homes had it been made clear to them that 44 lots were going to be squeezed into the land at the main entrance of the Riverstone Subdivision.
- At best it was an oversight to not ensure the purchasers knew about the plans for the entrance to the subdivision and at worst it was a deliberate omission to facilitate sales of land. Whichever it is the current residents should not have to suffer the consequences of either action.
- The Greenbrier Subdivision, located to the northwest and bordering on the west side of the Riverstone Subdivision, is planned to contain more than 400 homes. Doesn't that fill the need for low density housing in the area? Jamming 44 additional homes into the Riverstone Subdivision seems like over development.
- I have searched Bryan to find a single contiguous residential street that changes from 1 acre lots to an area of lots of about 6,000 sq ft and have not been able to find it. The change will only do harm to the existing subdivision.
- It was a reasonable conclusion that the entrance to the subdivision would be developed in a similar style as the already developed areas.

- I understand that deed restrictions are not enforced by the city. I ask that you, at the very least, consider what that document lead people to believe about their subdivision as you make your decision to recommend denial or approval of RZ 14-05.
- I understand that from an urban planning viewpoint it is OK to go ahead with the developers plan. I hope that you will ask yourself if it is the right and smart thing to do.
- Does the current plan do more harm than good? I say yes.
- Did the advertising and plat map lead people to believe that the entire area would be 1 acre lots? I say yes.
- When all things are considered I believe the current plan does great harm to the character and appearance of the Riverstone Subdivision. It also has the potential to do significant financial harm to the existing residents who have invested large sums of money for their homes.
- All information in this package with the exception of letters submitted by residents other than Rich Hansen was developed and provided by Rich Hansen.

Rich Hansen, 7268 Riverstone Drive, Bryan, TX 77808

Please take the time to look at the documents provided.

**Pages 1-6**—Letters from homeowners.

**Pages 7-8**—Final plats of the Riverstone Subdivision and the Tiffany Park Subdivision. Both were prepared by Hester Engineering Company. Please note that both vicinity maps clearly identify the subdivision with hashed lines. Also note that the Tiffany Park plat clearly marked the planned use of the acreage along FM-158. Why not for the Riverstone Subdivision?

**Pages 9-10**—Enlargement of the vicinity and general notes of the Riverstone Subdivision plat. Notice that the hash marks indicating the Riverstone Subdivision highlight the area all the way to FM-1179. Please see note 2 of the general notes on page 10. That comment also indicates that the Riverstone extends the full length of Riverstone Drive all the way to FM-1179.

**Pages 11-13**—Shows the current state of the entrance to the Riverstone Subdivision.

**Pages 14-16**—Photos of the entrance to the Tiffany Park Subdivision which has fencing similar to what the developers are proposing to compare with attachments 5-7. Does that not change the character of the Riverstone Subdivision?

**Pages 17-18**--Photos of homesites in the Riverstone Subdivision.

March 1, 2014

Planning and Zoning Commission

In regards to the Riverstone Subdivision I urge you to DENY the rezoning of the area. Several months before moving in to the area, we requested information concerning lot sizes and minimum square footage for the area. We received both a plat and declaration of covenants stating square footage no less than 2400 sq. feet and lots were at least 1 acre. Not once were we informed that the Developers were planning to try to rezone the front area to build townhomes. In fact the relator was very happy to sell us on the idea that within the deed restrictions each home built must meet the square footage requirements and that each home would be built on these 1 acre lots. I quote one of the emails sent: "Great new single family, one plus acre lots, just across from Miramont on FM 1179." After several visits to the area and emails back and forth with the company, we saw a pre-built ½ million dollar custom home for sale in Riverstone and decided to buy that. No prudent home investor would spend that amount knowing that just ¼ of a mile up the road the developer planned on building high density townhomes.

Your vote to rezone Riverstone to accommodate high density homes would:

1. Depreciate home values in the area
2. Have a negative affect of residential safety due to increased traffic
3. Decrease quality of living due to the style and density of the housing.

We were sold on the area because of lot size, square footage requirements, and the style of homes that were being built in the area. Home investors in this area have spent too much money to watch their property values decline because a developer wants to make quick money. These lots were sold to us with the knowledge that certain requirements were to be maintained. The developer should be required to follow the same restrictions that the current residents were told and expected to follow. I am opposed to every part of the rezoning proposal for the Riverstone Subdivision. Please do not allow the developers to get away with such changes after we have invested much money into our homes. I urge you to vote no.

Thank you for our consideration,

Naomi Johnson

Naomi Johnson
4713 River Wood Ct.

February 25, 2014

To: Planning and Zoning Commission

RE: RZ14-05. Riverstone Subdivision – Ph. 3 & 4

The Declaration of Covenants, Conditions and Restrictions of Riverstone Subdivision, recorded in Brazos County on October 13, 2007 defines "Lot" in Article One, Section 1.3 as follows:

*"Lot" shall mean and refer to that portion of any of the plots of land shown upon the plat and subdivision map recorded in Volume 8285, Page 56, of the Official Records of Brazos County, Texas. No Lot, including resubdivided lots, shall contain less than one (1.0) acre of land.*

The 14.054 acres that the developer, 1179 Joint Venture 1, LP, wishes to rezone is included in the plat and subdivision map referenced above. Therefore, the developer's rezoning request contradicts the commitment made to Riverstone Subdivision property owners who have purchased the originally platted 1.0+ acre lots.

I know that the Planning and Zoning Commission is not responsible for enforcing the Declaration of Covenants, Conditions and Restrictions. However, I respectfully request that you consider the original commitment made to the Riverstone Subdivision property owners, and do not allow the acreage fronting FM 1179 to be rezoned.

Sincerely,

Joseph C. and Karen P. Allen

4721 River Hollow Ct.

Bryan, TX 77808

To: Members of Planning and Zoning Commission,

When looking for land to build what would be "Our Home" to retire in, we invested a lot of time to find the perfect area! We thought we had found that area when we bought in Riverstone. We bought there for several reasons, one the minimum lot size was 1 acre, which gave ample room between each house...also it gave the effect of living in the country, yet easy access to town.

We bought several years ago with the intent to build at a later time. We started construction on our house in January of this year, had we known the intent of the developers to put 40 Townhomes at the entrance of the subdivision we would not have built here.

The plan that the developers have, will not only increase the traffic through Riverstone it will de-value our properties...properties that each of us have worked hard to have.

Jerry Scamardo

Becky Scamardo

1 March 2014

Dear Sirs:

I would like to register my opposition regarding proposed rezoning of the southern portion of Riverstone Subdivision as delineated by 1179 Joint Venture 1, LP. My resistances to the proposed rezoning are as follows:

Clearly the building restrictions for Riverstone Subdivision were originally implemented to protect property values in Riverstone Subdivision. Regrettably, the proposed rezoning agenda of 1179 Joint Venture 1, LP is an attempt to implement lesser building restrictions and to circumvent the original restrictions.

Constructing numerous single family units at the intersection of Riverstone Drive and FM 1179 will greatly increase traffic flow hazard when exiting or entering Riverstone Drive.

Building a concentration of lesser valued multiple family dwellings would grievously affect current property value for Riverstone Subdivision

It is my firm belief that the principals involved in this rezoning effort have all the appearance of a bait and switch scam.

Respectfully,

Leonard + Sandra Moore

Leonard and Sandra Moore
4700 Riverbend Court
Bryon, Texas
979/777-5070

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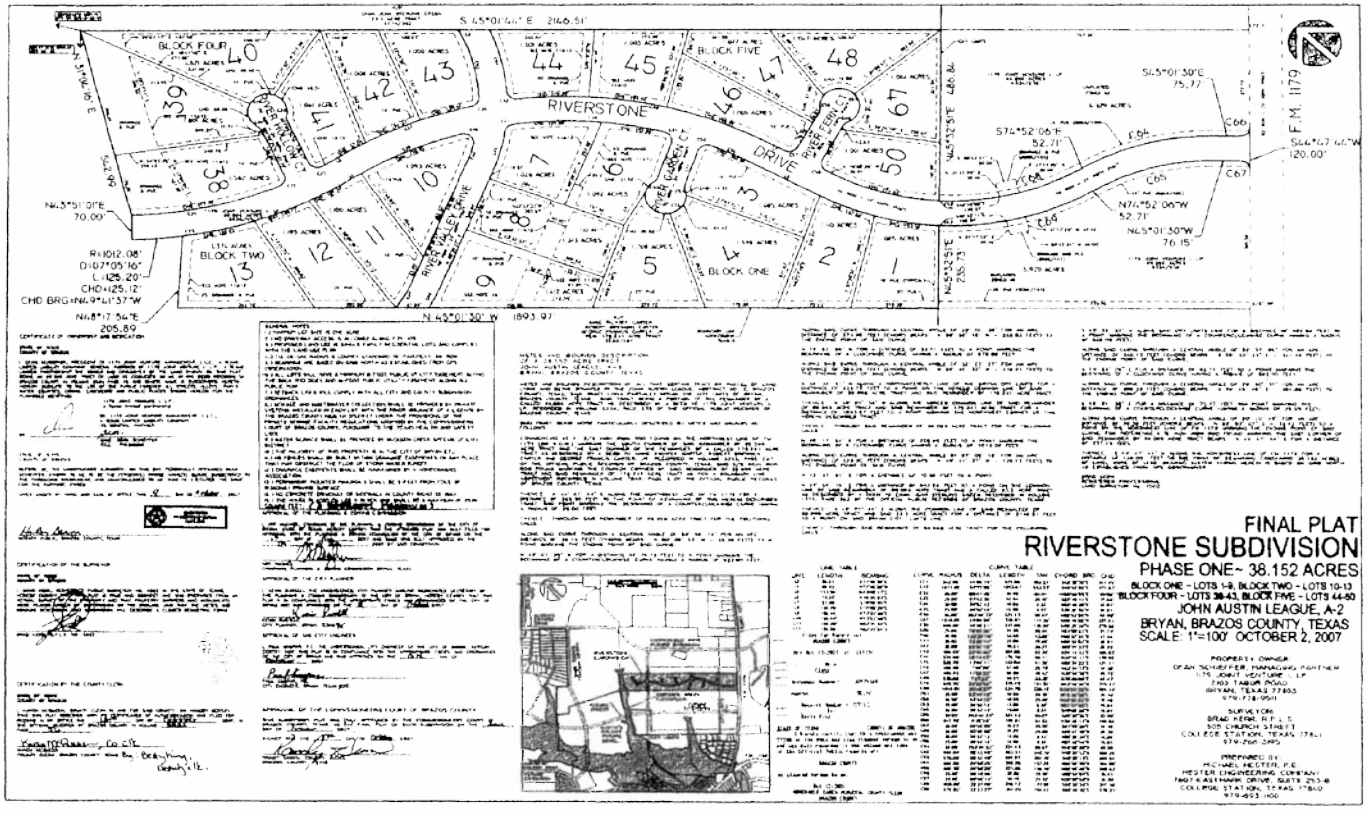


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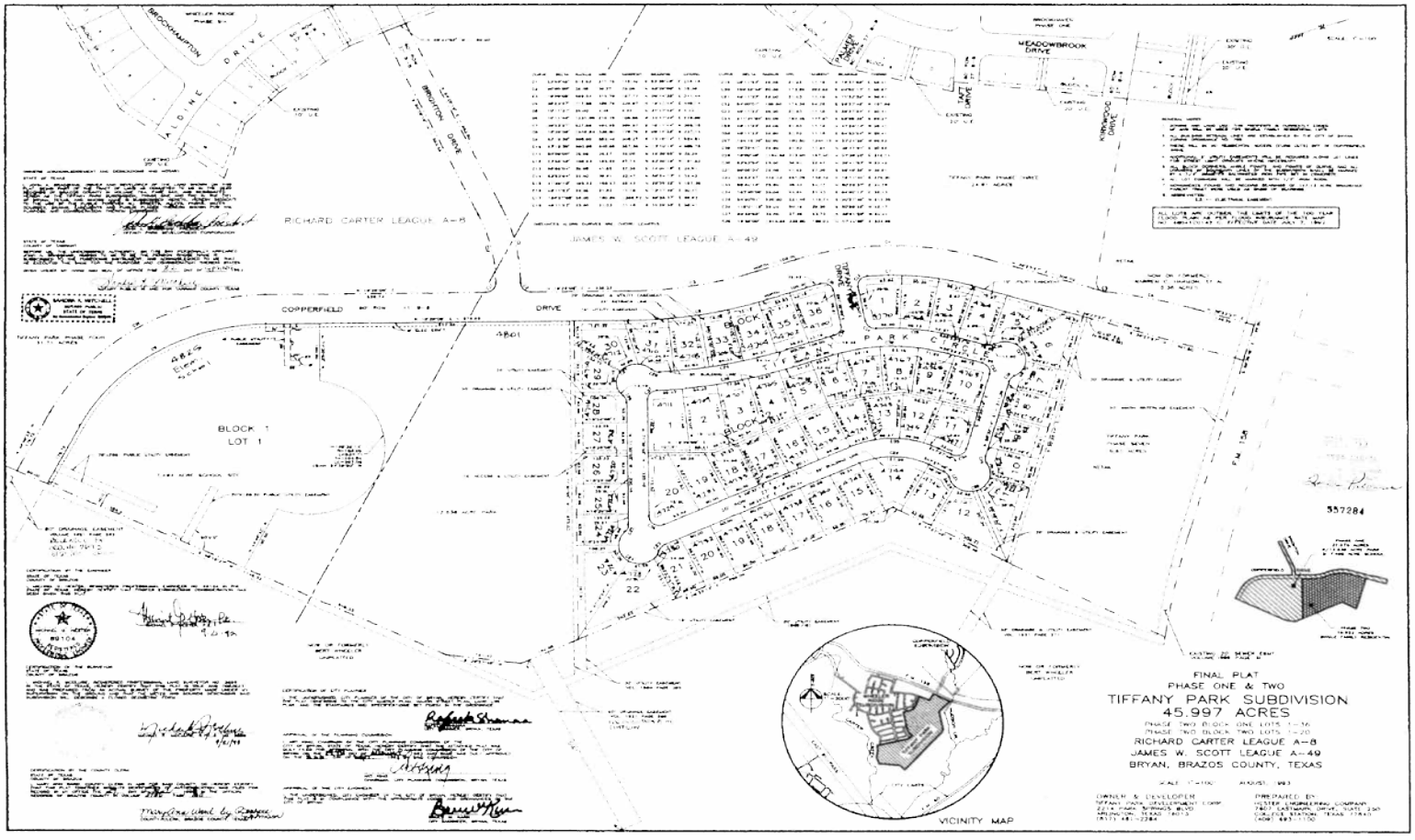

RICHARD CARTER LEAGUE A-8
JAMES W. SCOTT LEAGUE A-49
COPPERFIELD DRIVE
BROCKHAMPTON
ALDINE DRIVE
BRIGHTON DRIVE
MEADOWBROOK DRIVE
KIRKWOOD DRIVE
BLOCK 1
LOT 1
TIFFANY PARK CIRCLE
557284
VICINITY MAP
FINAL PLAT
PHASE ONE & TWO
TIFFANY PARK SUBDIVISION
45.997 ACRES
PHASE TWO BLOCK ONE LOTS 1-36
PHASE TWO BLOCK TWO LOTS 1-20
RICHARD CARTER LEAGUE A-8
JAMES W. SCOTT LEAGUE A-49
BRYAN, BRAZOS COUNTY, TEXAS
OWNER & DEVELOPER
PREPARED BY:


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POINT MARKING THE ENDING POINT OF SAID CURVE;

N 45° 01' 30" W FOR A DISTANCE OF 76.15 FEET TO A POINT MARKING THE BEGINNING OF A COUNTERCLOCKWISE CURVE HAVING A RADIUS OF 522.00 FEET;

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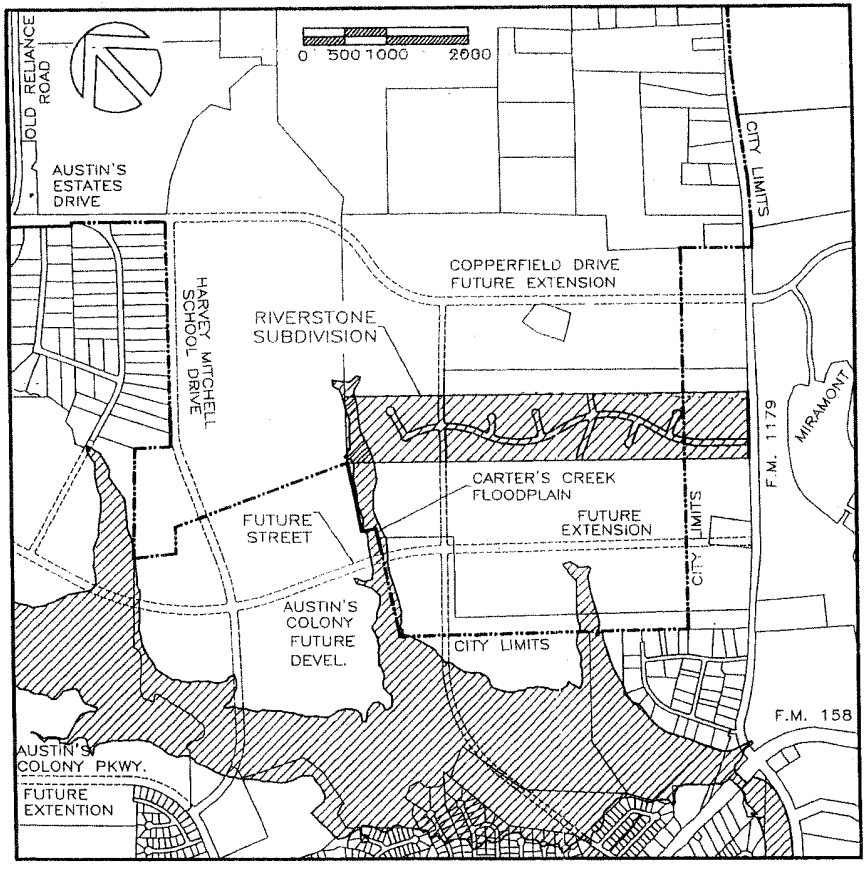



LINE TABLE

| LINE | LENGTH | BEARING |
|---|---|---|
| L3 | 50.01' | S77°45'29"E |
| L4 | 50.01' | N77°45'29"W |
| L5 | 113.54' | N73°40'17"E |
| L6 | 16.37' | N19°54'23"E |
| L7 | 57.88' | S16°08'20"E |
| L8 | 198.79' | S16°08'20"E |
| L9 | 108.44' | N73°51'40"E |
| L10 | 108.44' | N73°51'40"E |
| L11 | 102.38' | N63°31'34"E |
| L12 | 102.38' | N63°31'34"E |

Filed for Record in:
BRAZOS COUNTY

On: Oct 12,2007 at 11:19A

As a
Plats

Document Number: 00979169

Amount 58.00

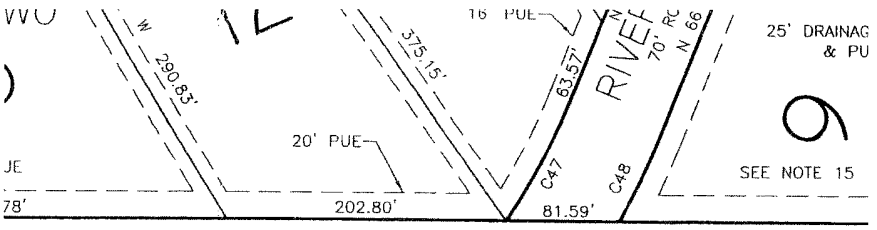
Receipt Number - 327213
By:
Betty King

STATE OF TEXAS COUNTY OF
I hereby certify that this instrum
filed on the date and time stamped hereo
and was duly recorded in the volume and
of the Official Public records of:

BRAZOS COUNTY

as stamped hereon by me.

Oct 12,2007
HONORABLE KAREN MCQUEEN, COUNTY CLE




GENERAL NOTES:

1.) MINIMUM LOT SIZE IS ONE ACRE.

2.) NO DRIVEWAY ACCESS IS ALLOWED ALONG F.M. 1179.

3.) PROPOSED LAND USE IS SINGLE FAMILY RESIDENTIAL LOTS AND COMPLIES WITH THE LAND USE PLAN.

4.) CUL-DE-SAC RADIUS @ COUNTY STANDARD 30' PAVEMENT, 50' ROW

5.) BEARINGS ARE BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.

6.) ALL LOTS WILL HAVE A MINIMUM 10-FOOT PUBLIC UTILITY EASEMENT ALONG THE BACK AND SIDES AND 16-FOOT PUBLIC UTILITY EASEMENT ALONG ALL PUBLIC ROW.

7.) SETBACK LINES WILL COMPLY WITH ALL CITY AND COUNTY SUBDIVISION ORDINANCES.

8.) SEWAGE AND WASTEWATER COLLECTION SHALL BE PROVIDED BY PRIVATE SYSTEMS INSTALLED IN EACH LOT WITH THE PRIOR ISSUANCE OF A LICENSE BY THE BRAZOS COUNTY HEALTH DISTRICT UNDER THE PROVISIONS OF THE PRIVATE SEWAGE FACILITY REGULATIONS ADOPTED BY THE COMMISSIONERS COURT OF BRAZOS COUNTY, PURSUANT TO THE TEXAS HEALTH AND SAFETY CODE.

9.) WATER SERVICE SHALL BE PROVIDED BY WICKSON CREEK SPECIAL UTILITY DISTRICT.

10.) THE MAJORITY OF THIS PROPERTY IS IN THE CITY OF BRYAN ETJ.

11.) NO FENCES SHALL BE BUILT WITHIN DRAINAGE EASEMENTS OR ANY PLACE THAT MAY OBSTRUCT THE FLOW OF STORM WATER RUNOFF.

12.) DRAINAGE EASEMENTS SHALL BE MAINTAINED BY A HOMEOWNERS ASSOCIATION.

13.) PERMANENT MOUNTED MAILBOX'S SHALL BE 5-FEET FROM EDGE OF ROADWAY DRIVING SURFACE.

14.) NO CONCRETE DRIVEWAY OR SIDEWALK IN COUNTY RIGHT OF WAY.

15.) THE HOUSE PLACED ON LOT 9 BLOCK ONE SHALL BE A MAXIMUM OF 2500 SQUARE FEET. (3 BEDROOM MAXIMUM)

APPROVAL OF THE PLANNING & ZONING COMMISSION

I, ART HUGHES, CHAIRMAN OF THE PLANNING & ZONING COMMISSION OF THE CITY OF BRYAN, STATE OF TEXAS, HEREBY CERTIFY THAT THE ATTACHED PLAT WAS DULY FILED FOR APPROVAL WITH THE PLANNING & ZONING COMMISSION OF THE CITY OF BRYAN ON THE 6th DAY OF May, 2007 AND SAME WAS DULY APPROVED ON THE 5th DAY OF July, 2007 BY SAID COMMISSION.

Riverstone

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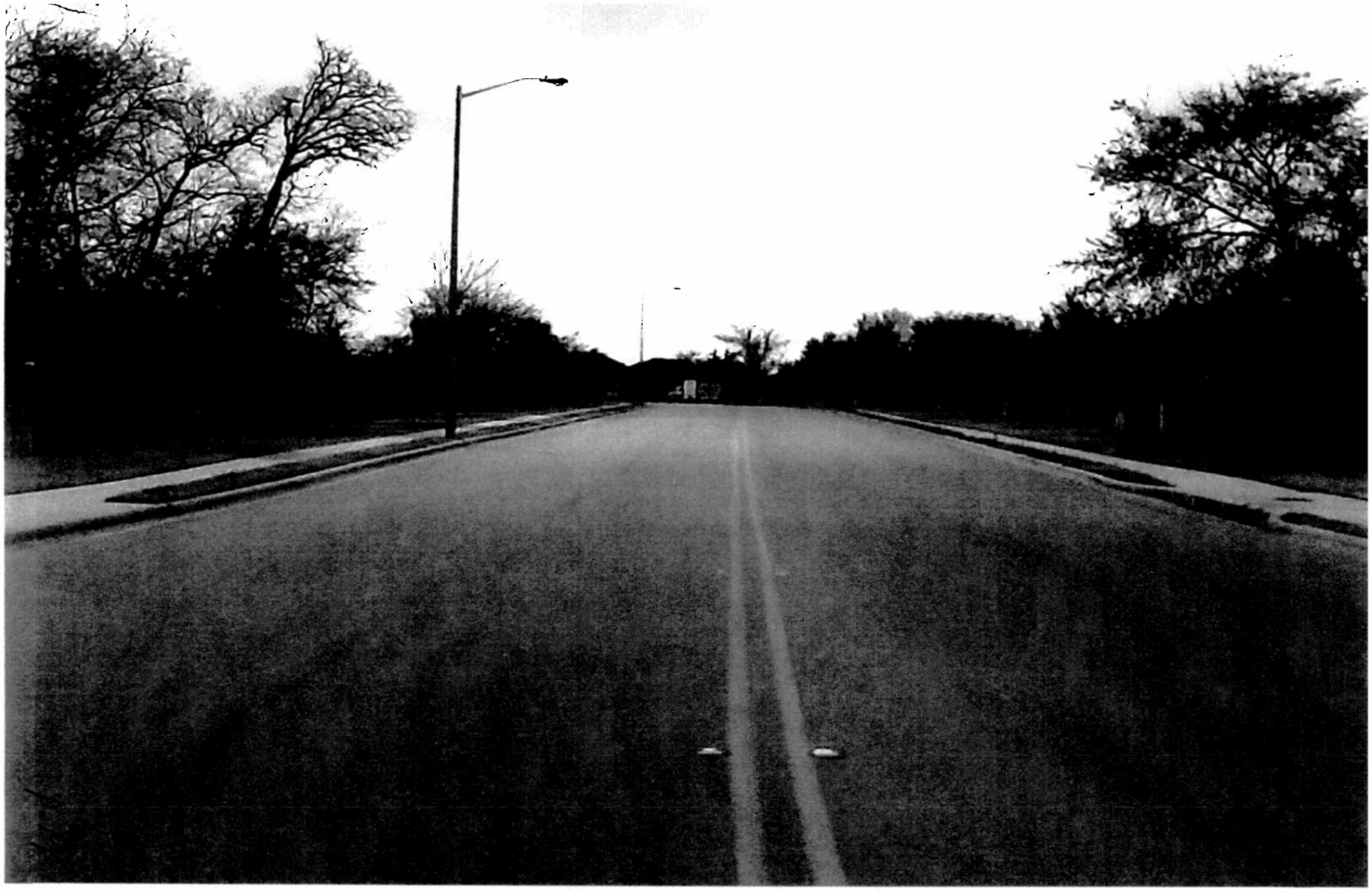

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## Zimmermann, Martin

**From:** Jack Kahn [redacted]
**Sent:** Monday, March 10, 2014 2:31 PM
**To:** Zimmermann, Martin
**Subject:** RE: NOTICE OF PUBLIC HEARING - Rezoning case no. RZ14-05: Riverstone Subdivision
**Attachments:** riverstone sign (2).jpg

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

This is to state our total opposition to the rezoning request RZ14-05. It was our understanding when we purchased our lot 3 years ago, that this subdivision would consist of minimum 1 acre lots. If it is the developer's contention that the south 14 acres is not part of the Riverstone Subdivision, then we feel that there was an intentional attempt to deceive. The attached photograph, taken from FM1179 clearly shows the entrance with the Riverstone marquee and a sign stating that the Riverstone subdivision consists of 1 acre restricted lots. In 1 viewing, one sees the streetsign for Riverstone Dr, the Riverstone stone marquee, and the sign advertising the 1 acre lots. I think most reasonable people would assume that this is where Riverstone begins and hence this area is covered by the "1 acre restricted lots".

I would also like to go on record that in April of 2013, our builder (Dale Robertson) contacted Mark Carraba for approval of my house plans. We had intended to have Austin stone on the front of the house, with hardiplank on the other 3 sides. Mr. Carraba did not approve those plans and we had to upgrade to approx 400 sq ft of stucco instead of the hardiplank. This added about $4000 to the cost of the construction. So it looks like they (as the architectural committee) could impose certain standards on homeowners, but when it is convenient or economically advantageous to them to change the "spirit" of the law, then they do so.

We will be unable to attend the March 20 Planning & Zoning Commission meeting . Please ensure that our comments are read.

Jack and Susy Kahn
4725 River Bend Court
903-517-7171

---

**From:** Zimmermann, Martin [mailto:mzimmermann@bryantx.gov]
**Sent:** Monday, March 10, 2014 1:57 PM
**To:** Zimmermann, Martin
**Subject:** NOTICE OF PUBLIC HEARING - Rezoning case no. RZ14-05: Riverstone Subdivision

Dear Sir or Madam –

You are receiving this email because you previously submitted written comments in opposition to a rezoning case requested by the owners of 14.05 acres of land out of John Austin League, A-2, adjoining both sides of Riverstone Drive, north from its intersection with FM 1179 in Bryan, Brazos County, Texas. During its meeting on January 16, 2014, the Planning and Zoning Commission voted to recommend denying that request for Residential District – 5000 (RD-5) zoning (case no. RZ13-21).

Please be advised that the property owners, Joint Venture 1, LP, have submitted a revised rezoning request for this same property. With this new request (case no. RZ14-05), the property owners are requesting a zoning change to a Planned

Development – Housing (PD-H) District. If this request were approved, it would provide for the development of this property with up to 44 detached single-family homes and/or zero lot line/patio homes intended for occupancy by no more than two un-related individuals (blood, marriage, or adoption), with a minimum home size of 2,000 square feet, on lots proposed to be at least 5,924 square feet in size, in accordance with a proposed development plan.

This new request is now scheduled for consideration by the City of Bryan's Planning and Zoning Commission during its next regular meeting on **Thursday, March 20, 2014 at 6pm**. The meeting will be held in **Council Chambers on the first floor of the Bryan Municipal Office Building, 300 S. Texas Avenue, Bryan, Texas**. The new request will appear on the Commission's agenda as follows:

**Rezoning RZ14-05: 1179 Joint Venture 1, LP**
*A request to change the zoning classification from Agricultural – Open District (A-O) to Planned Development - Housing District (PD-H) on 14.05 acres of land out of John Austin League, A-2, adjoining both sides of Riverstone Drive, north from its intersection with FM 1179 in Bryan, Brazos County, Texas.*

If the Planning and Zoning Commission recommends approving this proposed zoning change, or if the proponent requests forwarding the matter with a negative recommendation from the Planning and Zoning Commission, then Bryan's City Council will conduct its own public hearing before making a final decision on this proposed zoning change at a future date.

You are welcome to attend the above-described public hearing and express your views on this matter of concern during a public hearing. You are also certainly welcome to furnish written comments concerning this request to the Development Services Department, 300 S. Texas Avenue, Bryan, Texas 77803 or email them to mzimmermann@bryantx.gov. Any written comments received **by 4pm on March 20** will also be shared with the Commission members, during their hearing on this matter.

If you have any questions, comments or need additional information regarding this case or these proceedings, please do not hesitate to contact me by phone at (979) 209-5030 or email at mzimmermann@bryantx.gov.

Sincerely,

**Martin Zimmermann, AICP**
Planning Administrator
City of Bryan, Texas
979.209.5030 (phone)
979.209.5035 (fax)
www.bryantx.gov

If you have recently done business with our department, please take a moment to complete our online **Customer Service Survey**.

**********

This e-mail and any files transmitted with it may contain confidential information and is intended solely for use by the individual to whom it is addressed. If you received this e-mail in error, please notify the sender, do not disclose its contents to others and delete it from your system.

**********

FM 1479 4600

## Zimmermann, Martin

**From:** Robert Holzweiss <[redacted]
**Sent:** Wednesday, March 12, 2014 4:35 PM
**To:** Zimmermann, Martin; Robert Holzweiss
**Subject:** P&Z Letter
**Attachments:** P&Z Letter--2014-03-13.docx

Hello Martin,

Per our previous exchange of emails, I ask that you pass along the attached to the chair and/or members of the Planning & Zoning Commission. It is in reference to case number RZ 14-05 which they will take up at their regular meeting on March 20, 2014. I will also attend the meeting.

If they wish to reach out to me for additional information, please feel free to provide my name, email address and contact number 979.575.8164.

Thank you,
Robert Holzweiss

Robert Holzweiss
6500 Riverstone
Bryan, TX 77808

City of Bryan
Planning & Zoning Commission
March 12, 2014

Greetings P&Z Commissioners,

I write you today to register my strong—very strong—opposition to the proposed rezoning and development of the Riverstone Subdivision, Phases 3&4 (**P&Z Case Number RZ-05**). You are scheduled to address this zoning request at your regular meeting on March 20, 2014.

Based on the developers proposal (DEVELOPMENT PLAN RIVERSTONE SUBDIVISION PHASE 3 & 4 14.054 ACRES JOHN AUSTIN LEAGUE A-2); 14.054 acres on both sides of Riverstone Drive for a distance of 770 feet from the Intersection of 1179 will be divided into small parcels that will contain up to twenty-four residential dwellings. This type of high density development is completely incompatible with the general nature of the area (Thornberry Drive to the west, Miramont across the street) and the specific type of large lot/large home development immediately adjacent to the north of the proposed development. As a current homebuilder (at 6500 Riverstone) I can attest that the cost, size and general characteristics (single family with driveway and garage, minimum 2200 sq. ft) of existing homes along Riverstone Drive is far greater than anything contemplated in the proposed development. It is my opinion that placing such a development at the entrance to my neighborhood will negatively impact the value of my home, create a traffic hazard at the intersection of 1179 and Riverstone and potentially create a pedestrian hazard because the proposed development lacks any significant space for children to play and does not include sidewalks along Rivertsone Drive.

Therefore, I ***strongly*** urge you to deny the application to rezone this property from Agricultural Open to Planned Development. Your denial of this request will protect the character of the existing Riverstone neighborhood and the value of the properties therein.

Specifically, I call your attention to the City of Bryan Zoning Ordinance, Chapter 130, Bryan Code or Ordinances (Amended to July 29, 2013), Section 25. PD, Planned Development District.

> Section 130-25(C)(4)(a)
> (4) Development criteria.
> a. Each proposed development shall be reviewed to determine the compatibility of the development with surrounding land uses. Open space buffers shall be required to separate land uses within the planned development from land uses adjacent to the planned development unless it is determined by the planning and zoning commission that no incompatibility exists between the land uses.

***Comment:*** The proposed development is clearly not compatible with surrounding land use on Riverstone Drive. In addition, although *"buffers shall be required to separate land uses within the planned development from land uses adjacent to the planned development."* no buffers other than fencing are contemplated as part of the development plan.

Section 130-25(C)(4)(d)(e)(1-3)

d. The planning and zoning commission or the city council shall not approve a planned development if it finds that the proposed planned development:

e. Does not conform with applicable regulations and standards established by this chapter:

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;
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;
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;

***Comment:*** The proposed development 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"* (Part 1);

and

*"potentially creates unfavorable effects or impacts on other existing or permitted uses on abutting sites that cannot be mitigated"* (Part 2);

and

*"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 considering existing zoning and land uses in the area"* (Part 3);

Therefore, I again call on you to reject the proposed rezoning of land requested by the developer. I would be delighted to discuss this issue with you in greater detail if the need arises.

Cordially,

Robert F. Holzweiss
6500 Riverstone Dr.
Bryan, TX

## Zimmermann, Martin

**From:** Jason Wilbanks [redacted]
**Sent:** Wednesday, March 19, 2014 10:17 PM
**To:** Zimmermann, Martin
**Subject:** Re: NOTICE OF PUBLIC HEARING - Rezoning case no. RZ14-05: Riverstone Subdivision

Thank you for the email. Once again I object to the current proposal. I do not feel like they have compromised enough to satisfy my concerns. The lots and homes are too small and there would be too many of these homes in one area. The walls lining 1179 also need to be masonry with no wood. The wood will fade and not look good very long.

Once again, I feel like the owners of the land have been deceitful in their planning of this for our neighborhood. I would like them to plan a meeting with all home owners in the neighborhood to come up with a viable solution. If this were my land, I would want to maximize the use of it as well. I would hope that I would not turn my back on the customers that supported me to this point.

Sincerely,

Jason Wilbanks

Sent from my iPhone

On Mar 10, 2014, at 1:57 PM, "Zimmermann, Martin" <mzimmermann@bryantx.gov> wrote:

> Dear Sir or Madam –
>
> You are receiving this email because you previously submitted written comments in opposition to a rezoning case requested by the owners of 14.05 acres of land out of John Austin League, A-2, adjoining both sides of Riverstone Drive, north from its intersection with FM 1179 in Bryan, Brazos County, Texas. During its meeting on January 16, 2014, the Planning and Zoning Commission voted to recommend denying that request for Residential District – 5000 (RD-5) zoning (case no. RZ13-21).
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> Please be advised that the property owners, Joint Venture 1, LP, have submitted a revised rezoning request for this same property. With this new request (case no. RZ14-05), the property owners are requesting a zoning change to a Planned Development – Housing (PD-H) District. If this request were approved, it would provide for the development of this property with up to 44 detached single-family homes and/or zero lot line/patio homes intended for occupancy by no more than two un-related individuals (blood, marriage, or adoption), with a minimum home size of 2,000 square feet, on lots proposed to be at least 5,924 square feet in size, in accordance with a proposed development plan.
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>
> **Rezoning RZ14-05: 1179 Joint Venture 1, LP**
> *A request to change the zoning classification from Agricultural – Open District (A-O) to Planned Development - Housing District (PD-H) on 14.05 acres of land out of John Austin League, A-2, adjoining both sides of Riverstone Drive, north from its intersection with FM 1179 in Bryan, Brazos County, Texas.*

If the Planning and Zoning Commission recommends approving this proposed zoning change, or if the proponent requests forwarding the matter with a negative recommendation from the Planning and Zoning Commission, then Bryan's City Council will conduct its own public hearing before making a final decision on this proposed zoning change at a future date.

You are welcome to attend the above-described public hearing and express your views on this matter of concern during a public hearing. You are also certainly welcome to furnish written comments concerning this request to the Development Services Department, 300 S. Texas Avenue, Bryan, Texas 77803 or email them to mzimmermann@bryantx.gov. Any written comments received **by 4pm on March 20** will also be shared with the Commission members, during their hearing on this matter.

If you have any questions, comments or need additional information regarding this case or these proceedings, please do not hesitate to contact me by phone at (979) 209-5030 or email at mzimmermann@bryantx.gov.

Sincerely,

**Martin Zimmermann, AICP**
Planning Administrator
City of Bryan, Texas
979.209.5030 (phone)
979.209.5035 (fax)
www.bryantx.gov

If you have recently done business with our department, please take a moment to complete our online **Customer Service Survey**.

## Zimmermann, Martin

**From:** Moreno, Sandra <[redacted]
**Sent:** Thursday, March 20, 2014 5:31 PM
**To:** Planning Services Web
**Cc:** [redacted]
**Subject:** Opposition to Rezoning case no. RZ 14-05 - Riverstone Subdivision

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

Dear Planning & Zoning Committee,

The rezoning of the entry to Riverstone Subdivision (as discussed in the previous meeting) is still unacceptable. Please see the following reasons below why we are still in opposition to the request by the developer:

1. The increase in traffic congestion with the amount of homes being proposed would be detrimental to the area.
2. The amount of homes is still too many, along with the home size to small, does not fit the area appropriately.
3. Many residences of Riverstone purchased homes with an assumption of quiet country living and increasing property values.
4. This area would take away the appeal of our subdivision; too much congestion from the entrance into Riverstone, as well as the exit.

By adding that many new lots and homes would take away everything that attracted us to the area. In our last discussion, the developer was asked to compromise with the existing residents. We feel this has not been done. Our home values depend on attractiveness of our neighborhood. If we have 40+ homes in the entry of our neighborhood along with 40+ homes behind our neighborhood (Green Briar) it makes for a really unpleasant area. How will this area have peace and tranquility? It appears one of the homes recently sold in Green Briar has student housing; this alone has devastation to our property values. I'm concerned about our future in Riverstone. Everything we invested and bought into seems to be slipping away from us. We had many choices when choosing to build last year and choose Riverstone for its current appeal. If I had known 40+ homes would be in the entry of our subdivision, I might have chosen otherwise.

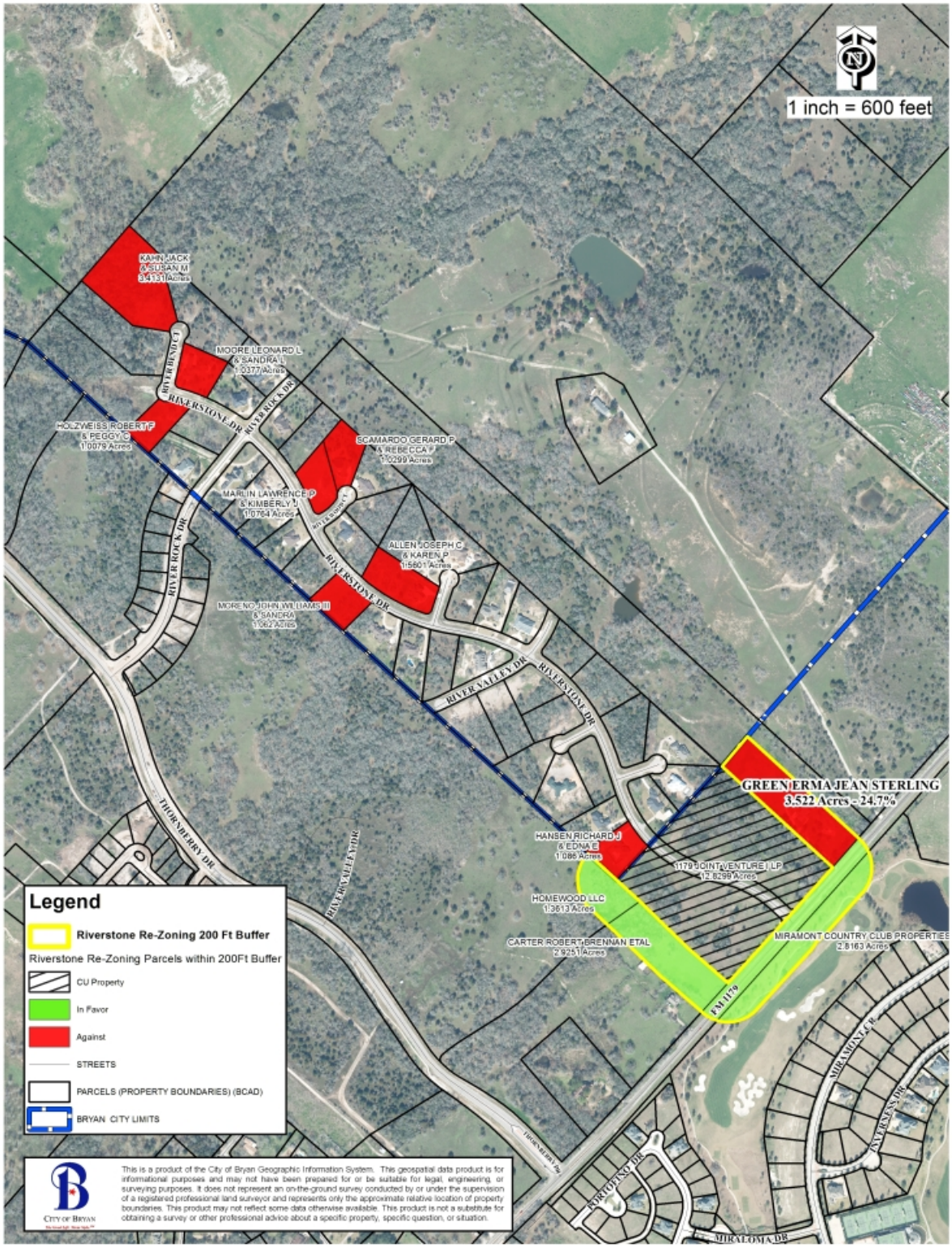
Please give this action lot of thought before moving forward.

Thank you for your time and consideration in this matter.

Sincerely,

**Sandra & John Moreno**
5836 Riverstone Dr.
Bryan, TX 77808

**MAP ILLUSTRATING PROPERTIES WHOSE OWNERS SUBMITTED WRITTEN COMMENTS IN OPPOSITION TO THIS REZONING REQUEST:**



**PLANNING AND ZONING COMMISSION**
STAFF REPORT

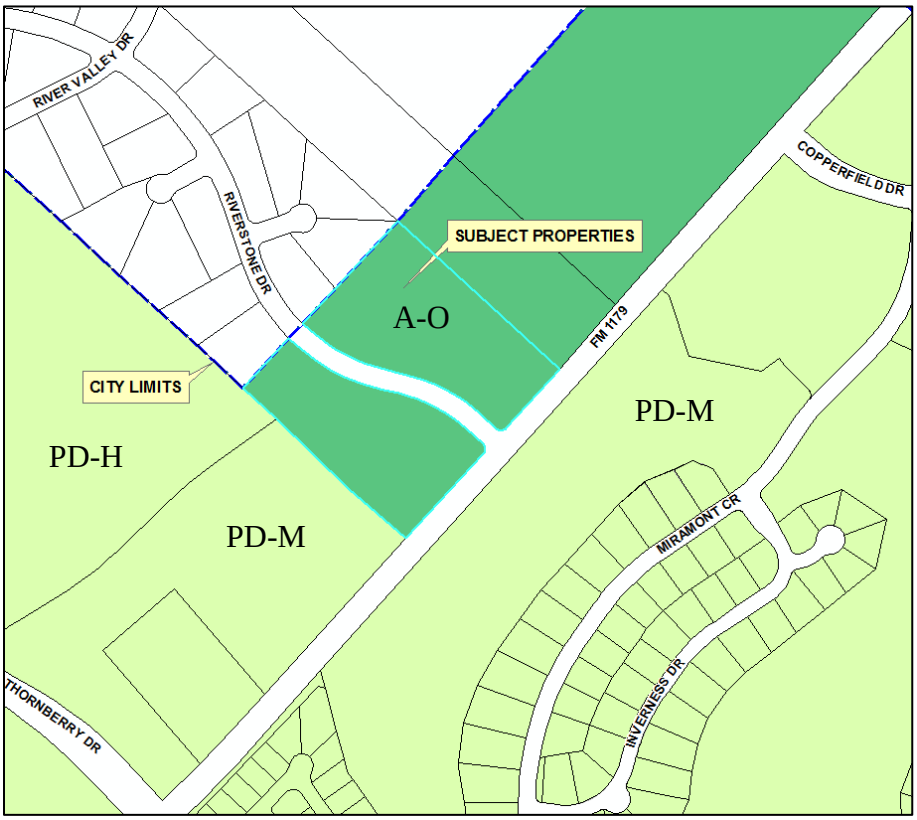
**March 20, 2014**

CITY OF BRYAN

**Rezoning case no. RZ 14-05: 1179 Joint Venture 1, LP**

| | |
|---|---|
| **CASE DESCRIPTION:** | a request to change the zoning classification from Agricultural-Open (A-O) to Planned Development – Housing District (PD-H) |
| **LOCATION:** | 14.05 acres of land adjoining both sides of Riverstone Drive north of its intersection with FM 1179 |
| **LEGAL DESCRIPTION:** | 14.05 acres out of John Austin Survey, A-2 |
| **EXISTING LAND USE:** | vacant land |
| **APPLICANT(S):** | Dean Schieffer of 1179 Joint Venture 1, LP |
| **STAFF CONTACT:** | Martin Zimmermann, Planning Administrator |

**SUMMARY RECOMMENDATION:** Staff recommends **approving** the proposed rezoning.



**AERIAL PHOTOGRAPH (2013):**

**BACKGROUND:**

In December 2013, the applicants/property owners, 1179 Joint Venture 1, LP, submitted a request to rezone 14.05 acres of vacant land adjoining both sides of Riverstone Drive, north from its intersection with FM 1179 from Agricultural – Open District (A-O) to Residential District – 5000 (RD-5). During the public hearing for that case (no. RZ13-21) on January 16, 2014, seven Riverstone Subdivision residents came forward and expressed their opposition to that request. Following the public hearing, the Planning and Zoning Commission voted to recommend denying that request. An excerpt from the January 16, 2014 meeting minutes is attached to this staff report.

The applicants/property owners have submitted a revised rezoning request for these same 14.05 acres of vacant land. With this new request, the property owners are requesting a zoning change to a Planned Development – Housing District (PD-H). If this request were approved, it would provide for the development of this property with up to 44 detached single-family homes and/or zero lot line/patio homes intended for occupancy by no more than two un-related individuals (blood, marriage, or adoption), with a minimum home size of 2,000 square feet, on lots proposed to be at least 5,924 square feet in size, in accordance with the proposed development plan drawing that is attached to this staff report. On March 4, 2014, City staff received written comments in opposition to the current rezoning request from an adjacent property owner which are also attached to this staff report.

Phases 1 and 2 of Riverstone Subdivision are located on land to the immediate northwest of the subject property. Phases 1 and 2 are located outside of Bryan's city limits and have been developing with single-family homes since 2007. Land to the southwest is currently vacant and zoned Planned Development – Mixed Use District (PD-M). A limited range of commercial land uses are permitted here as part of the master-planned Greenbrier development, which the City Council approved in 2009. Land to the immediate northeast, along the north side of FM 1179, is occupied by a single-family residence and is in the same A-O zoning district as the subject property. Land further northeast in the same A-O District has remained undeveloped. Southwest of the subject property, across FM 1179, lies Miramont Subdivision, a master-planned golf course community, zoned Planned Development – Mixed Use District (PD-M).

The A-O zoning classification is intended to provide opportunities for development of low density, detached single-family residences on lots of at least one acre in a suburban or rural setting. This zoning classification is also intended to serve as a holding zone for vacant land areas annexed to the City as well as to protect areas that may be unsuitable for development and to preserve natural open space.

A Planned Development (PD) zoning district is one in which the type and extent of activities allowed there (as well as standards for their development) are tailor-made to meet the particular characteristics of a specific site. PD Districts may successfully be used to guarantee site-specific features which City Council finds necessary for certain developments to be compatible and practical in particular environments.

## PROPOSED PD-H ZONING DEVELOPMENT PLAN:

Land Use, Bulk Regulations, Fencing, and Buffer Areas

The applicants/property owners propose a single-family residential subdivision with up to 44 lots on these 14+ acres. The property is proposed to be developed in two subdivision phases, referred to as Phases 3 and 4 of the Riverstone Subdivision. The only land uses that are proposed to be allowed within this proposed PD-H District are detached single-family dwellings, either in a conventional or patio home/zero lot line arrangement, including associated accessory uses such as home occupations and accessory structures, as well as Homeowner's Association (HOA)-maintained common areas, including an approximately one-acre detention basin. Both single-family dwelling types are proposed to be allowed by right[1] on no more than 44 home sites, as shown on the attached development plan. Occupancy of single-family dwellings on lots in this proposed PD-H District is proposed to be limited to no more than two individuals that are unrelated (by blood, marriage or adoption). Multi-family residential land uses are not proposed to be allowed in this PD-H District.

The following lot standards[2] are proposed within this PD-H District:

1. minimum lot area: 5,924 square feet.
2. minimum lot width: 48 feet.

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[1] In RD-5 District, patio/zero lot line homes require prior approval of a Conditional Use Permit from the Planning and Zoning Commission.

[2] Ordinary standards for conventional detached single-family home lots in RD-5 Districts require minimum 5,000 square foot lots (50' x 100'), 25-foot front building setbacks, and 7.5-foot side and rear building setbacks (Land and Site Development Ordinance, Bryan Code of Ordinances Section 62-161).
Ordinary patio home lot standards require minimum 3,600 square foot lots (36' x 100'), 20-foot front building setbacks, 10-foot side building setbacks, and 20-foot rear building setbacks, with some exceptions (Land and Site Development Ordinance, Bryan Code of Ordinances Section 62-167).

3. minimum lot depth: 118 feet.
4. minimum side building setback: 7.5 feet (conventional detached single-family homes); 10 feet (patio/zero lot line homes); a minimum 16-foot side building setback is proposed on lots along Riverstone Drive; the two lots proposed to front Riverstone Drive (Lot 19 in Phase 3 and Lot 25 in Phase 4) are proposed to observe minimum 25-foot side building setbacks (buffer) from the City limit line.
5. minimum front building setback: 20 feet (most lots); the two lots proposed to front Riverstone Drive (Lot 19 in Phase 3 and Lot 25 in Phase 4) are proposed to be set back a minimum of 25 feet from the front property line; 15-foot front building setbacks are proposed on odd-shaped Lots 13 and 18 in Phase 3.
6. minimum rear building setback: 10 feet (most lots 20+ feet due to proposed buffer areas and public utility easements around the periphery of the site).
7. maximum building height: 35 feet.
8. maximum lot coverage: 75%; staff estimates that the average area available for development on lots in this proposed subdivision is a building footprint of up to 4,400 square feet.

The development plan shows approximately 500 feet of fencing to be installed along Riverstone Drive. Most of this fence is proposed to be 6 feet tall, comprised of a 1-foot tall brick base and 5-foot tall wooden pickets. 6.5-foot tall masonry columns are proposed to be installed every 25 feet, except for a 100-foot long section along the southwest side of Riverstone Drive where a 6-foot tall wrought iron fence is proposed to be installed. An existing 6-foot tall privacy fence exists along the northwestern edge of the proposed subdivision where it adjoins the City limit line (Phase 1 of Riverstone Subdivision). Six-foot tall privacy fencing is also envisioned around the periphery of the subdivision, as home sites are being developed.

The development plan shows 20 to 35-foot wide buffer areas around the periphery of this proposed subdivision. Within these buffer areas, no development shall be allowed except for permitted landscaping, screening, and stormwater detention facilities.

<u>Standards for Single-Family Home Construction</u>

All new homes within this proposed PD-H District are proposed to be required to have a minimum size of 2,000 square feet and be constructed of a combination of rock, brick, and stucco. Homes are furthermore proposed to feature, at least two-car (attached) garages.
Examples of patio homes from another Bryan subdivision that features similar home styles are shown below for illustrative purposes.

Streets, Guest Parking, Sidewalks, and Driveways

The development plan shows two new 50-foot wide local streets (with 27 feet of pavement) that extend from either side of Riverstone Drive and along which most of the lots in this subdivision are proposed to front. Only two lots, Lot 19 in Phase 3 and Lot 25 in Phase 4, are proposed to have driveway access on Riverstone Drive. No driveway access to the proposed lots from FM1179 shall be allowed.

The development is proposed to have 5-foot wide sidewalks on only one side of the two new streets, as indicated on the development plan. 6-foot wide sidewalks are proposed to be located adjacent to two guest off-street parking areas, which are proposed to include 35 off-street parking spaces. These guest parking and adjacent landscaped areas are proposed to be maintained by an HOA.

Common Areas

In addition to the aforementioned guest parking areas, the development plan shows two triangular common areas at the intersection of Riverstone Drive and FM1179, where existing subdivision signs are located. These two areas, as well as the unimproved portions of Riverstone Drive right-of-way between the driving surface and property lines, as well as the approximately 1-acre detention basin are proposed to be maintained by an HOA.

**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. One of the concerns voiced during the development of the plan was the perceived lack of middle-market housing. The Comprehensive Plan states that it is a goal of the City to achieve a balanced and sustainable mix of land uses within the City by planning for a mix of land use types in suitable locations, densities and patterns. Low-density residential land serves to provide housing and living units for a variety of people with a range of incomes and needs. It predominantly consists of detached single family dwellings but may consist of other housing types as long as densities remain low; up to 8 dwelling units per acre. City-wide land use policies articulated in the Comprehensive Plan suggest that single-family residential 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 streets; 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.

   **The subject property is located in an area that is starting to see more development interest as new single-family residential subdivisions continue to grow in the immediate vicinity (e.g., Riverstone Phases 1 and 2, Greenbrier Subdivision and Miramont Subdivision) and along the FM 1179 corridor that leads into eastern Brazos County. Staff believes that a master-planned, low-density, single-family residential subdivision on the 14-acre subject property, as it has been proposed with this request for PD-H zoning, will be compatible with existing and anticipated land uses in the surrounding area and in accordance with land use recommendations of the Comprehensive Plan. This proposed single-family residential subdivision will be protected from, but have access to the City's commercial, work, and entertainment areas via the major street network, but directly access only local streets, including Riverstone Drive.**

   **The proposed PD-H District will provide development opportunities that would add diversity to Bryan's housing stock on these 14 acres, with lots bigger than those in most of Bryan's RD-5 Districts, but with smaller yards and homes that are planned to be at least 2,000 square feet in size. While it is true that lots in the existing portion of the adjacent Riverstone Subdivision in Brazos County are more than an acre in size, the density of the proposed development is still less than half (3.1 units per acre) of what is commonly considered to be low-density residential development (8 units per acre). Even in the Miramont Subdivision just southeast of the subject property across FM 1179, a variety of lot sizes can be found, from lots of less than a quarter acre in size, to lots of around one acre, and lots with substantial acreage.**

   **The combined effect of the proposed development requirements for this PD-H District, which exceed those of Bryan's standard zoning classifications such as the RD-5 District, from patio home lot requirements, to home construction requirements, and HOA-maintained guest parking and common areas, will help this new subdivision to become and remain a stable addition to the Bryan community. Staff believes that single-family residences at this location will promote orderly urban growth in close proximity to the existing Riverstone and Miramont Subdivisions and planned non-residential use in the adjoining Greenbrier Subdivision.**

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.

   **These 14.05 acres lie with within the water certificate of convenience and necessity (CCN) of the Wickson Creek Special Utility District which will have the exclusive right to sell water to lots in this new subdivision. City of Bryan wastewater utilities will be available for this development for point-of-use extension based on applicable utility extension polices and/or ordinances. The applicant's engineer has indicated that in order to extend City of Bryan sewer to the southwest side of the subject property to serve this planned development, 2,800 linear feet of public sewer line will have to be extended through the adjacent Greenbrier development at a projected cost of $221,000 to the developers. 2,300 linear feet of sanitary sewer lines will need to be extended through proposed Phases 3 and 4 to meet the requirements of the Subdivision Ordinance at a**

**cost of an additional estimated $160,000. Staff is not aware of any circumstances that would prevent this property from having access to required utilities. The public sanitary sewer infrastructure that would be constructed for this proposed development may therefore also potentially help spur development activity in the adjacent Greenbriar Subdivision and allow for future development to the east along the FM 1179 corridor.**

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 is located generally west from the subject property in the Greenbrier Subdivision. Staff believes that if a zoning proposal for a single-family residential subdivision were approved for this property, then this would 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 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.

   **Staff believes that if a zoning proposal for a single-family residential subdivision were approved for this property, there would be no need to modify the zoning designation for other areas designated for similar developments.**

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

   **Staff is unable to identify additional factors other than those mentioned above that might affect health, safety, morals, or general welfare if this rezoning were approved.**

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 low-density residential development proposed with this PD-H District 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. If the development plan were approved, the most notable and potentially unfavorable effect from this development on abutting sites would stem from the inevitable increase in automobile traffic in this vicinity, which would be true for any new development at this location. Staff believes that several land uses currently permitted by right on these 14.05 acres under A-O zoning, such as a plant nursery, commercial kennels or stables, a landscaping service with outdoor storage, or veterinary service with outdoor pens and runs, would have the potential to create similar, if not more traffic at this location that the proposed 44 single-family residential home sites.**

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 roads and pedestrian walkways can reasonably be expected to provide for adequate and safe traffic circulation within the proposed subdivision.**

   **Riverstone Drive is classified as local street in Bryan's street network. The 24-foot wide driving surface is situated within a 70-foot wide public right-of-way. FM 1179, a state-maintained roadway that is classified as a super arterial street on Bryan's Thoroughfare Plan, is currently improved with 28 feet of pavement within an 80-foot wide right-of-way at its intersection with Riverstone Drive. Both adjacent roadways can reasonably be expected to handle the additional approximately 430 daily vehicle trips generated by 44 new home sites on the subject property (9.81/day per dwelling).**

   **During the public hearing for a previous rezoning request, nearby property owners voiced concerns about perceived sight distance issues at the Riverstone Drive/FM 1179 intersection. The pictures below were taken at this intersection.**

**looking northeast along FM1179 from Riverstone Drive**

**looking southwest along FM1179 from Riverstone Drive**

**The entrance to Riverstone Drive is located about 50 to 100 feet south of the crest of a hill that FM1179 crosses, yet staff was able to see traffic in both directions when these pictures were taken.**

**There have been two reported crashes at the FM 1179/Riverstone Drive intersection in the past four years. One was on January 18, 2011 and the other one was more recent on December 19, 2013. Neither crash involved anyone leaving the Riverstone Subdivision, but rather, motorists traveling on FM 1179 attempting to turn into Riverstone Drive. In other words, perceived traffic issues at this intersection may not necessarily be sight distance-related, but may better be explained by motorists ignoring posted speed limits. The posted speed limit on this portion of FM 1179 is 60mph.**

**Last year, the Planning and Zoning Commission and City Council considered a proposal for a Planned Development – Housing District for a new 600+ lot subdivision on the west side of Bryan, north of the W. Villa Maria Road (also FM 1179), north of two existing subdivisions with several hundred existing lots. At the request of City staff, the developer of that project retained a traffic engineering firm to perform a traffic signal/turn lane analysis for the intersections of W. Villa Maria Road and Kingsgate Drive and West Villa Maria Road and Autumn Lake Drive. While W. Villa Maria Road in front of those two subdivisions has a slightly wider driving surface if shoulders are included (approx. 40 feet), it is similar to this portion of FM 1179 in that is a two-way state-maintained roadway. The study for that case concluded that neither left nor right turn deceleration lanes were warranted under existing conditions and that approximately 490 additional lots could be developed before traffic signals and or turning lanes may be warranted.**

**In light of these findings, staff believes that it would be highly unlikely that a traffic study commissioned for the intersection of FM 1179 and Riverstone Drive would conclude that any improvements to this intersection are warranted under existing conditions, or with the addition of 44 new home sites as proposed with this PD-H District. This is not to say that improvements may not be desirable at this location in the future, especially if suburban residential development continues along the FM 1179 corridor in eastern Brazos County. Traffic system improvements at this location will likely have to be funded as part of future Capital**

**Improvement Plan projects, in cooperation with the Texas Department of Transportation (TxDOT) as FM 1179 is a state roadway.**

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, would be 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, 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 these considerations, staff recommends approving the requested zone change to Planned Development – Housing District (PD-H) on these 14.05 acres. The proposed PD-H zoning on this property appears to be consistent with the land use recommendations of the Bryan Comprehensive Plan and will help promote orderly urban growth in close proximity to the existing Riverstone and Miramont Subdivisions and planned non-residential use in the adjoining Greenbrier Subdivision.

**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES OF JANUARY 16, 2014:**

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

**b. Rezoning RZ13-21: 1179 Joint Venture 1, LP**
*A request to change the zoning classification from Agricultural – Open District (A-O) to Residential District – 5000 (RD-5) on 14.05 acres of land out of John Austin League, A-2, adjoining both sides of Riverstone Drive, north from its intersection with FM 1179 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. Mr. Zimmermann stated that written comments from seven nearby property owners were received and distributed to the Commissioners during the workshop meeting.

In response to questions from the Commission, Mr. Zimmermann stated that

- RD-5 zoning requires minimum 5,000 square-foot lot sized and that RD-7 District zoning requires minimum 7,000 square-foot lots; and
- the average size of a home on a 5,000 square-foot lot could vary based on number of stories the home has.

The public hearing was opened.

Mr. Richard Hansen, 7268 Riverstone Drive, Brazos County, Texas, came forward to speak in opposition to the request. He distributed his analysis and images of the proposed area (on file in the Development Services Department).

In response to a question from the Commission if TxDOT would put a light at the intersection of Riverstone Drive and FM 1179, Mr. Zimmermann responded that he had no information that there are any plans to alter the intersection at this time.

Mr. Trey Moore, 6884 Riverstone Drive, Brazos County, Texas, came forward to speak in opposition to the request. He stated that the request would change the appearance of the neighborhood, affect property values, and inhibit the lifestyle current neighbors were seeking in the Riverstone Subdivision while increasing congestion and accidents in the area.

Mr. Tribble Carter, 4701 River Rock Drive, Brazos County, Texas, came forward to speak in opposition to the request. He opposed doubling the number of residents in the area; he moved there to be in a less dense area.

Ms. Ellen Hansen, 7268 Riverstone Drive, Brazos County, Texas, came forward to speak in opposition to the request.

Mr. Craig Potts, 4724 Riverwood Drive, Brazos County, Texas, came forward to speak in opposition to the request.

In response to a question, Mr. Zimmermann responded that the City did not enforce private deed restrictions, but that deed restrictions were enforced through the courts.

Mr. Mike Hester, 2900 Brothers Blvd, College Station, Texas, project engineer, came forward to speak in support of the rezoning. He stated that the subdivision plat for the Riverstone Subdivision only includes the road through the property in question, not the land itself.

In response to a question, Mr. Hester stated that there is a 6 or 8 ft. tall wooden fence separating the subject property from the larger lots in the County and that there is no subdivision sign near the entrance to the subdivision other than the signs near FM 1179.

In response to a question, Mr. Hester stated that there are only about 8 lots in the Riverstone Subdivision which have not yet been sold by the original developers.

Mr. Grant Carrabba, 3914 Esquire Court, Bryan, Texas, applicant, came forward to speak in favor of the request.

In response to a question, Mr. Carrabba stated that he had not planned for this land to be vacant, but instead had initially planned commercial uses for this property. To his knowledge, the realtor had this information when lots were sold in the Riverstone Subdivision.

In response to a question, Mr. Hester stated that local streets were designed to handle about 5,000 vehicle trips per day and met both City and TxDOT requirements.

In response to a question, Mr. Zimmermann explained minimum lots size requirements for lots in RD-5, RD-7, MU-1 and A-O zoning districts.

Commissioner Beckendorf asked Ms. Janis Hampton, City Attorney, if the item could be tabled or if the Commission could recommend a zoning other than what the applicant requested. Ms. Hampton advised that the Commission must act on the request that the applicant has made. The Commission could include other recommendations with that action.

In response to a question, Mr. Zimmermann stated that this request does not include patio homes or townhomes. If the property were to be rezoned, the applicant would have to apply for Conditional Use Permit approval from the Commission before patio homes or townhomes could be built. This request is only for the change to RD-5 zoning.

Ms. Rachel Moore, 6884 Riverstone Drive, Brazos County, Texas, came forward to speak in opposition to the request. She stated that the subdivision was advertised as minimum 1 acre lots in phases one and two.

Ms. Sandra Moreno, 6836 Riverstone Drive, Brazos County, Texas, came forward to speak in opposition to the request.

The public hearing was closed.

**Commissioner Beckendorf moved to recommend denial of Rezoning case no. RZ 13-21 to the Bryan City Council suggesting that applicant should compromise and consider rezoning to RD-7 District instead. Commissioner Bienski seconded the motion.**

Commissioners discussed:

- whether the motion could be changed to not include the RD-7 recommendation

**The motion did not pass with 4 votes in favor and 4 votes against it. Commissioners Madison, Beckendorf, Bienski, and Gutierrez voted in favor of the motion. Commissioners Hardeman, Hickle, Krolczyk, and Swearingen voted against the motion.**

**Commissioner Hardeman moved to recommend denial of Rezoning case no. RZ 13-21 to the Bryan City Council as the rezoning is not appropriate for the immediate area of concern. Commissioner Hickle seconded the motion.**

Commissioners discussed:

- that the rezoning is not appropriate for the area
- an increase in traffic congestion
- the appropriateness of 48 lots
- the possibility of RD-7 zoning
- the possibility of a compromise
- the major investment of personal property
- the need for transitions between lot sizes
- the community's strong statement of opposition
- the importance of community input

**The motion passed unanimously.**