

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: May 13, 2014		DATE SUBMITTED: April 17, 2014	
DEPARTMENT OF ORIGIN: Development Services		SUBMITTED BY: Randy Haynes	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input checked="" type="checkbox"/> 2ND READING	<input type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> STATUTORY		<input checked="" type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input checked="" type="checkbox"/> REGULAR		<input type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
AGENDA ITEM DESCRIPTION: Consideration of an ordinance to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, to amend the development plan of a previously-approved Planned Development – Housing District (PD-H) on 186.59 acres of land out of John Austin League, Abstract No. 2 adjoining both sides of Thornberry Drive generally northwest of its intersection with F.M. 1179 in Bryan, Brazos County, Texas.			
SUMMARY STATEMENT: The 187 acre subject property was most-recently rezoned to Planned Development – Housing District (PD-H) in February 2014, to alter the proposed street layout on phases planned on the southwest side of Thornberry Drive and to add 4.7 acres to the development. The original development plan had been approved in 2009 to create a master-planned mixed-use development (Planned Development – Mixed Use District, PD-M) with single-family residential and commercial components, referred to as Greenbrier Subdivision. Subdivision development of several residential portions of the project has been underway since August 2012. The commercial component remains zoned PD-M District. The subject of the current rezoning request involves only the land designated for residential use on the original development plan, and does not include the 35+ acres abutting FM 1179 that remain set aside for commercial use.			
<p>The applicants, Carter-Arden Development, LLC, are now requesting to amend the approved development plan, to alter the street layout for subdivision phases planned on the northeast side of Thornberry Drive. Specifically, the planned extension of River Valley Drive from Thornberry Drive to the adjacent Riverstone Subdivision, if built as currently shown on the development plan, would require a costly crossing of a low area and creek tributary. The proposed new development plan shows River Valley Drive, a local street, still connecting the Greenbrier and Riverstone Subdivisions, but bending toward the northwest to intersect with River Rock Drive, which was constructed as part of one of the first phases of this development. A new cul-de-sac street is proposed to extend northeast from Thornberry Drive to provide access to Phases 1, 2 and 6 of the development. Street and sidewalk connectivity is proposed to be maintained via the existing connection of River Rock Drive to Thornberry Drive.</p>			
<p>Since the previous street and sidewalk layout were approved with the establishment of the PD-H District for this subdivision, the proposed changes to the development plan require review and approval by the Planning and Zoning Commission and the City Council in the form of a rezoning request. The new development plan retains the basic arrangement of the proposed development with 16 single-family residential subdivision phases, common areas, and land previously dedicated as parkland along Thornberry Drive.</p>			
STAFF ANALYSIS AND RECOMMENDATION: During its meeting on April 3, 2014, the Planning and Zoning Commission concurred with staff and <u>unanimously recommended approving</u> this rezoning request.			
<ul style="list-style-type: none"> • The proposed PD-H District on these 186+ acres is appropriate at this particular location and is in accordance with land use recommendations of the Comprehensive Plan. • The changes proposed in the arrangement of streets and sidewalks in this master planned residential subdivision maintain the goal of auto and pedestrian connectivity throughout the future phases of the development and 			

provide for the smooth circulation of traffic in this vicinity.

- Approval of this master-planned residential development may spur additional development interest in this area.
- The proposed arrangement of land uses at this location will promote orderly urban growth in this part of Bryan.

OPTIONS (In Suggested Order of Staff Preference):

1. approve the requested zone change;
2. deny the requested zone change.

ATTACHMENTS:

1. location map;
2. draft ordinance;
3. excerpt from P&Z meeting minutes from April 3, 2014; and
4. staff report to the Planning & Zoning Commission

FUNDING SOURCE: N/A

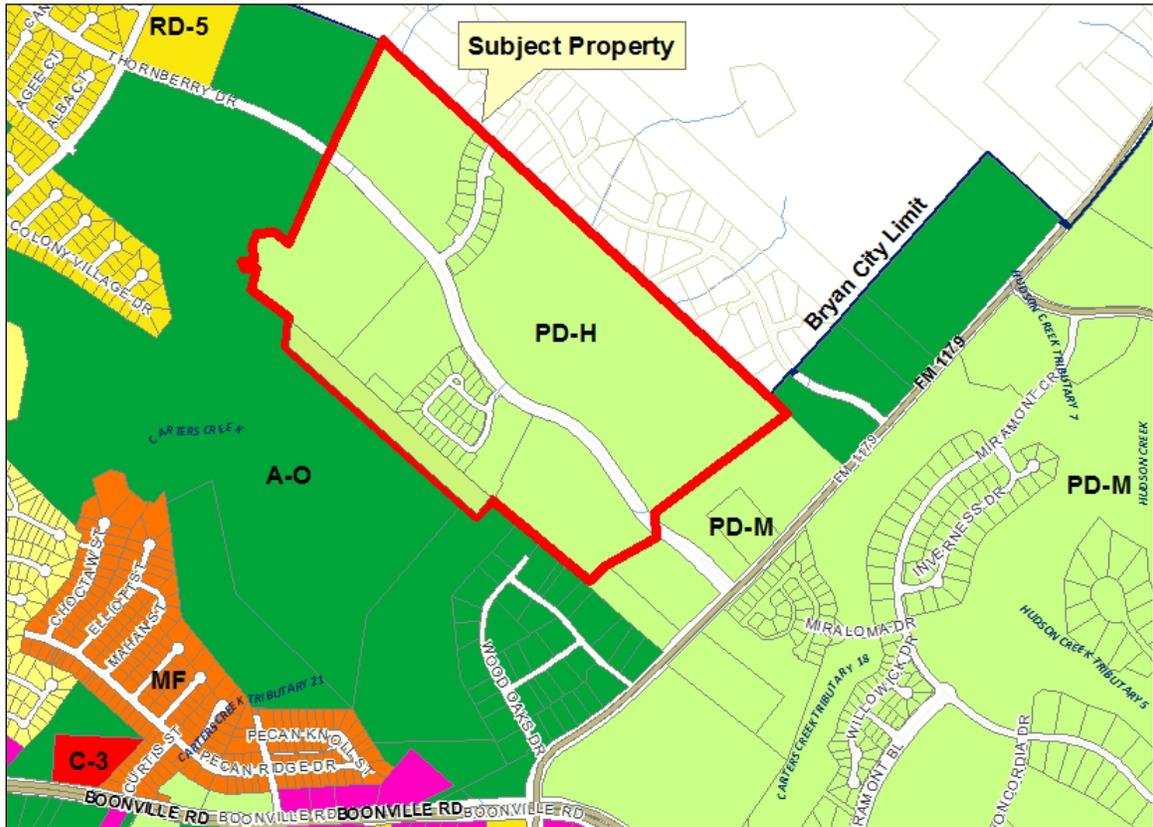
APPROVALS: Kevin Russell, 4-22-14; Joey Dunn, 4-23-14; Hugh R. Walker, 04/25/2014

APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 5/2/2014

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 05/05/2014

Revised 04/2013

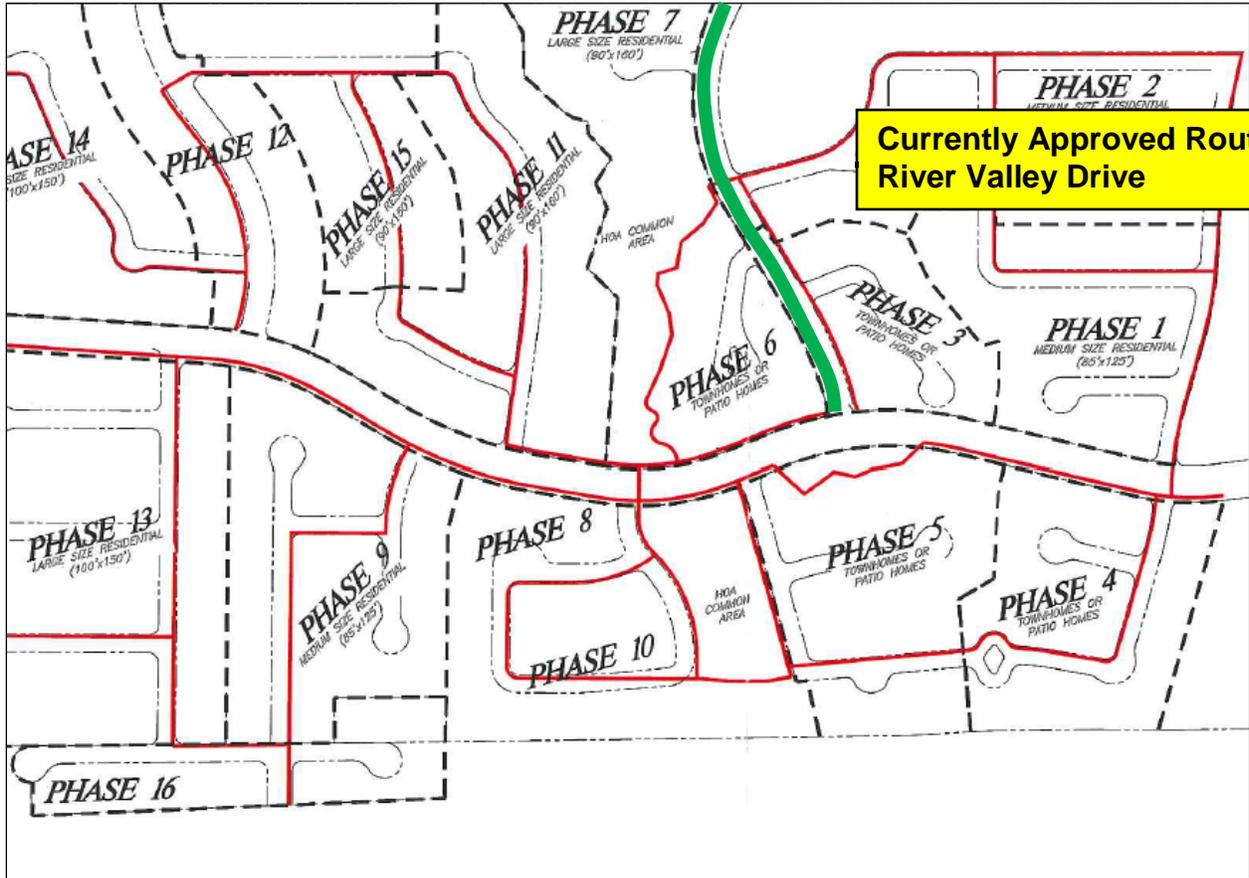
LOCATION MAP:



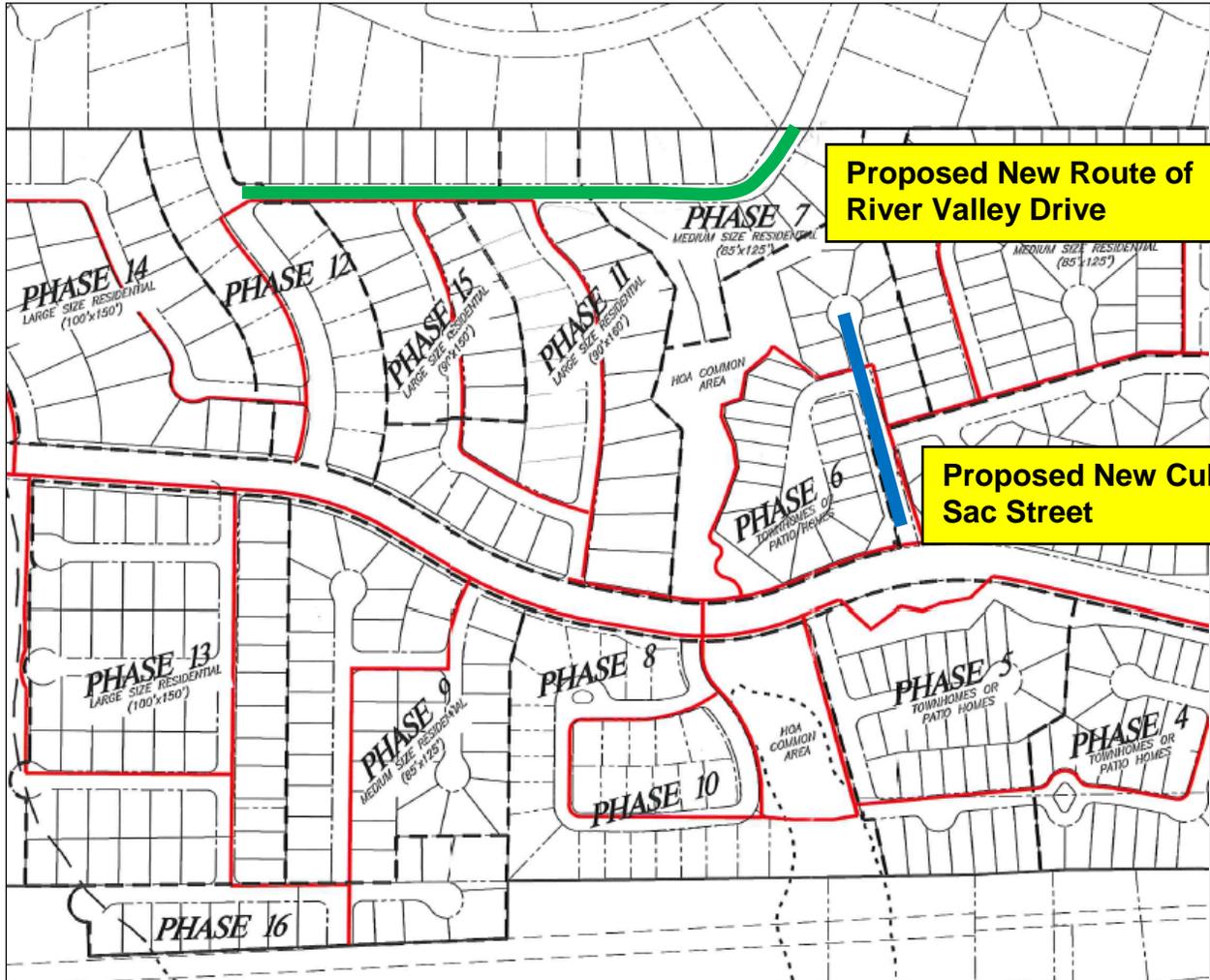
AERIAL PHOTOGRAPH - 2013



DETAIL, CURRENT RIVER VALLEY DRIVE STREET AND SIDEWALK LAYOUT:



DETAIL PROPOSED RIVER VALLEY DRIVE STREET AND SIDEWALK LAYOUT:



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 130, ZONING, OF THE CITY OF BRYAN CODE OF ORDINANCES, BY AMENDING THE DEVELOPMENT PLAN OF A PREVIOUSLY-APPROVED PLANNED DEVELOPMENT – HOUSING DISTRICT (PD-H), SUBJECT TO DEVELOPMENT REQUIREMENTS SPECIFIED HEREIN, ON 186.59 ACRES OF LAND OUT OF JOHN AUSTIN LEAGUE, ABSTRACT NO. 2 ADJOINING BOTH SIDES OF THORNBERRY DRIVE GENERALLY NORTHWEST OF ITS INTERSECTION WITH F.M. 1179 IN BRYAN, BRAZOS COUNTY, TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH SAID ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, this requested change to Chapter 130 to amend the development plan of a previously-approved Planned Development – Housing District (PD-H) on 186.59 acres of land out of John Austin League, Abstract No. 2 adjoining both sides of Thornberry Drive generally northwest of its intersection with F.M. 1179 in Bryan, Brazos County, Texas was recommended for approval by the Bryan Planning and Zoning Commission during a regular meeting on April 3, 2013;

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

1.

That Chapter 130, Zoning, of the City of Bryan Code of Ordinances be amended by amending the development plan of a previously-approved Planned Development – Housing District (PD-H) on 186.59 acres of land out of the John Austin League, Abstract No. 2 adjoining both sides of Thornberry Drive generally northwest of its intersection with F.M. 1179 in Bryan, Brazos County, Texas, said 186.59 acres being described more particularly by metes-and-bounds on attached Exhibit “A”, and subject to development requirements specified in attached Exhibit “B” and depicted on attached Exhibit “C” which are herein fully incorporated by reference for all purposes as if they were set forth in the text of the ordinance.

2.

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

3.

Should any section, paragraph, sentences, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this

ordinance shall not be affected thereby, and to this end the provisions of this ordinance are declared to be severable.

4.

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

5.

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

6.

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

PRESENTED AND GIVEN first reading the 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**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Exhibit “B”:
Development Standards**

SECTION 1: Definitions

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

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

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

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

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

SECTION 2: Land Use

1. The continued use of land permitted within this PD-H District shall be limited to the following uses
 - a. Uses Permitted By Right:
 1. Accessory structures;
 2. Detached single-family dwellings;
 3. Essential municipal uses;
 4. Home occupations;
 5. Private utilities (no storage yards);
 6. Real estate sales offices during the development of residential subdivisions, but not to exceed three years; and
 7. Temporary structures for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work.
 - b. Uses Permitted Only with Prior Approval of a Conditional Use Permit from the Planning and Zoning Commission:
 1. Accessory dwelling unit;

2. Country club or golf course; and
 3. Professional offices.
- c. In Phases 3, 4, 5, 6, 8 and 10, patio/zero lot line dwellings and townhouse dwellings shall also be allowed by right, subject to prior preliminary plan approval by the City of Bryan's Site Development Review Committee (SDRC) in accordance with the City of Bryan's subdivision regulations. Preliminary plans for any of these subdivision phases shall depict either the proposed zero lot line side if zero lot line/patio homes are proposed or clusters of townhouse structures for proposed townhouse developments. A combination of patio/zero lot line dwellings, townhouse dwellings and/or detached single-family dwellings in the same subdivision phase shall not be allowed.
2. The following additional standards shall apply to development within this PD-H District:
- a. No temporary structures, such as recreational vehicles, travel trailers, construction trailers, or mobile homes may be used for on-site dwelling purposes.
 - b. Open storage is prohibited except for materials for the resident's personal use or consumption, i.e., firewood, gardening materials, etc. behind a fence or landscaping.
 - c. Modular (industrialized) buildings shall be prohibited.

SECTION 3: Physical Development

1. Physical development on land within this PD-H District shall comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to properties zoned Residential District – 7000 (RD-7), subject to additions, modifications or exceptions described herein. These development standards and limitations include, but are not limited to, regulations concerning density, building height, building elevations, coverage, parking, access, screening, landscaping, accessory buildings, and signs.
2. The following additional standards or exceptions shall be applicable to the physical development and continued use of land and buildings in this PD-H District:
 - a. Minimum lots size requirements shall be as follows:
 1. Lots intended to be developed with detached single-family dwellings or any other permitted use, except for patio/zero lot line dwellings and townhouse dwellings, shall be a minimum 65 feet wide and 125 feet deep with a minimum lot area of 8,125 square feet.
 2. Lots intended to be developed with patio/zero lot line dwellings shall be a minimum 55 feet wide and 120 feet deep with a minimum lot area of 6,600 square feet.
 3. Lots intended to be developed with townhouse dwellings shall be a minimum 25 feet wide and 100 feet deep with a minimum lot area of 2,500 square feet.
 - b. Buildings with metal exteriors shall be prohibited.
 - c. Where permitted, patio/zero lot line dwellings shall conform to the applicable standards specified in the City of Bryan's Code of Ordinances. The following additional standards for patio/zero lot line home developments:

1. The minimum side yard setback shall be 15 feet on lots siding on alleys. Homes must be constructed at least 15 feet from one side lot line.
 2. Restrictions that assure the minimum distance between houses and any required easements must be recorded on the subdivision plats of the applicable lots. Proof of such recordation must be submitted as part of the building permit application.
 3. A maintenance easement shall be dedicated within the side yard of each lot intended for development with a patio/zero lot line home, to allow for maintenance or repair of the side wall of a patio/zero lot line home that is built on the zero lot line side of the adjacent lot. The maintenance easement shall be unobstructed, located on the adjacent property abutting the side wall and must be a minimum of seven and one-half (7.5) feet in width. Required maintenance easements shall be shown on the recorded plat.
 4. Noncombustible eaves may project a maximum of eighteen (18) inches over the adjacent property line, if a maintenance easement exists on the adjacent property. Gutters shall be required on eaves extending onto the adjacent property. The gutters shall channel water back to the property.
 5. Windows or other openings that allow for visibility into the side yard of the adjacent lot are not allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, are allowed. All materials within three feet of the property line shall be fire-rated to meet building code requirements.
- d. Where permitted, townhouse dwellings shall conform to the applicable standards specified in the City of Bryan's Code of Ordinances. The following additional standards for townhouse dwellings shall apply:
1. Only one townhouse dwelling shall be allowed on a single lot.
 2. A cluster of attached townhouse dwellings shall be referred to as a townhouse structure. The minimum space required between townhouse structures shall be a minimum of 15 feet. A maximum 18-inch eave overhang is allowed within this required separation area.
 3. Walls between individual dwelling units in a townhouse structure shall be at least 1-hour rated firewalls, as defined by the City's building code, including adjoining walls and ceilings where a garage or carport is adjacent to or connected with any living area.
 4. The number of individual townhouse dwelling units in a townhouse structure shall be no more than 8 units, nor less than 3 units.
- e. Detached accessory structures and accessory dwellings shall conform to the applicable standards specified in the City of Bryan's Code of Ordinances. The following additional standards for detached accessory structures and accessory dwellings shall apply:
1. The combined gross floor area of detached accessory structures on a single property shall be no more than 8% of the gross floor area of the main structure.
 2. Only one accessory dwelling shall be allowed on a single property.
 3. The gross floor area of an accessory dwelling shall be at least 400 square feet but not exceed 5% of the gross floor area of the main structure.
 4. Where an accessory dwelling is permitted on a lot, no other detached accessory structures shall be located on that same lot.

SECTION 4: Subdivision of Land

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

1. The installation of sidewalks within this PD-H District shall be required only in the locations depicted on the development plan attached as Exhibit "C". Sidewalks shall be a minimum 4 feet wide along local streets and a minimum of 8 feet wide along Thornberry Drive and within common areas.
2. The installation of sidewalks in the commercial/nonresidential portion shall be required in accordance with the requirements of the City of Bryan Code of Ordinances that are in effect at the time an application for subdivision plat or site plan approval is made.
3. Articles of incorporation for the Homeowners' Association (HOA) must be submitted with the application for approval of the preliminary plan for the first residential phase that is being developed. The articles of incorporation must provide for the operation, repair and maintenance of all common areas.
4. Required parkland dedication for the development of Phases 1 thru 16 of this PD-H District shall be met through land dedication as shown on the development plan attached as Exhibit "C", subject to approval by the Parks and Recreation Advisory Board. Parkland development fees shall apply as provided for in the City of Bryan's Code of Ordinances.
5. Construction of a collector size road (Thornberry Drive) by the City of Bryan through this PD-H District and the developer's reimbursement to the City for the cost of road construction shall be in accordance with the road development agreement between the City of Bryan, Carter-Arden, LLC and Homewood, LLC executed on July 11, 2008.

**EXHIBIT "C":
Development Plan
Drawing / Sidewalk
Plan**

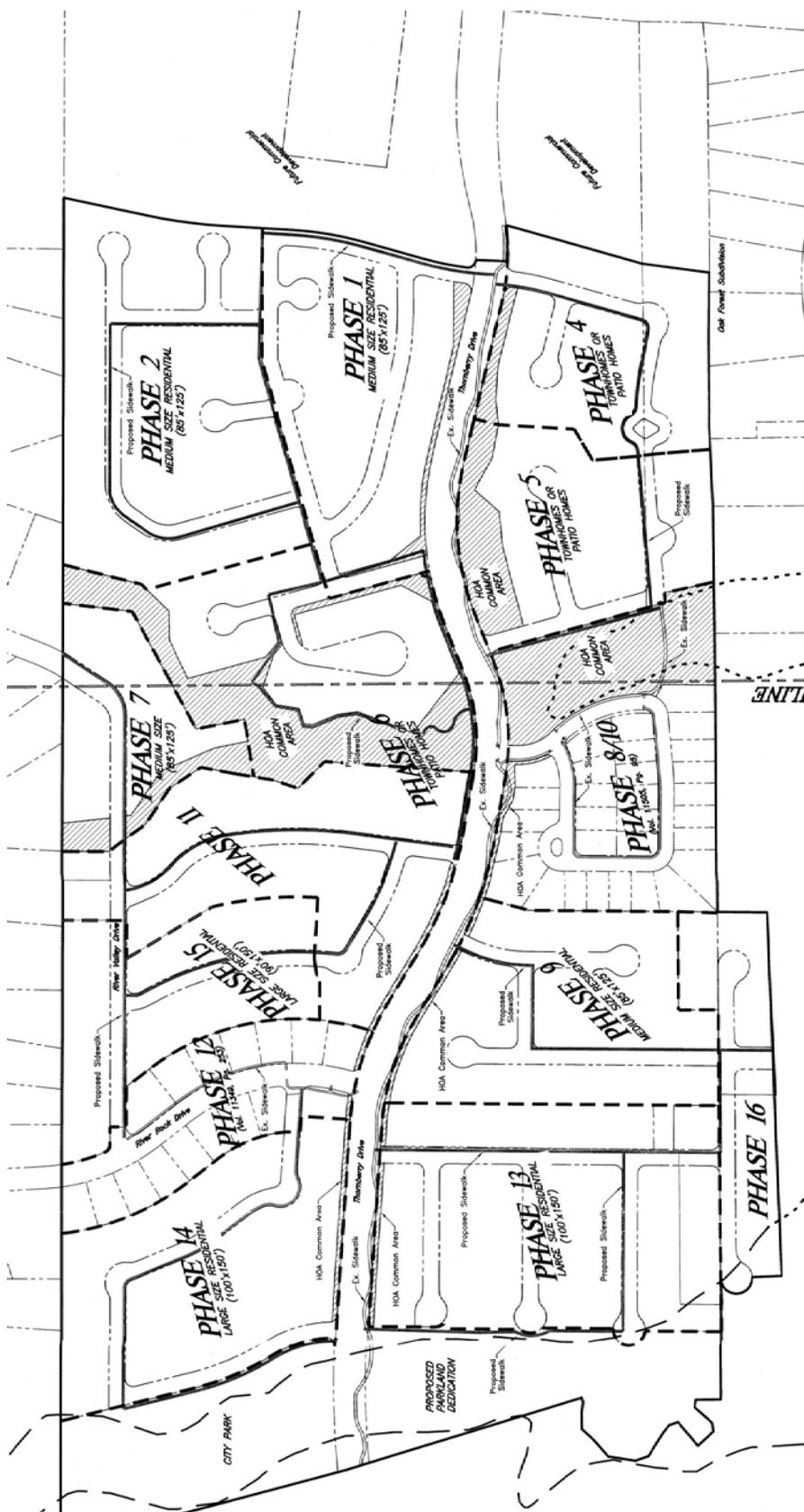


EXHIBIT "C" cont.:
Development Plan Drawing / Sidewalk Plan

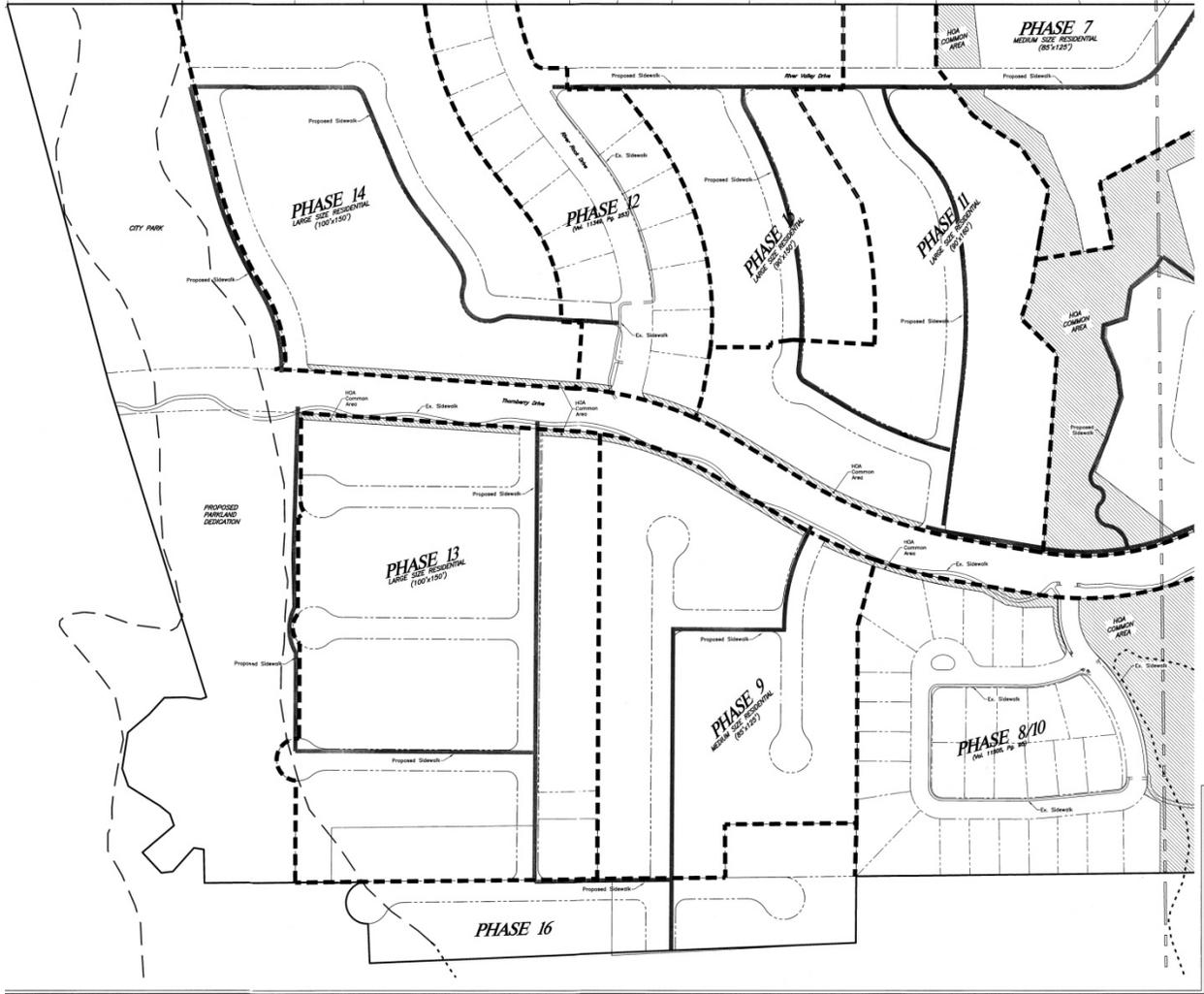


EXHIBIT "C" cont.:
Development Plan Drawing / Sidewalk Plan



**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING
MINUTES OF APRIL 3, 2014:**

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

a. Rezoning RZ14-07: Carter-Arden Development, LLC

A request to amend the development plan of a previously-approved Planned Development – Housing District (PD-H) on 186.59 acres of land out of John Austin League, Abstract No. 2 adjoining both sides of Thornberry Drive generally northwest of its intersection with F.M. 1179 in Bryan, Brazos County, Texas. (R. Haynes)

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

The public hearing was opened.

Mr. Steve Arden, 311 Cecilia Loop, College Station, TX, the applicant, came forward to make himself available for questions.

The public hearing was closed.

Commissioner Beckendorf moved to recommend approval of Rezoning RZ14-07 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Gutierrez seconded the motion.

Commissioners discussed:

- the development looks good.
- they look forward to seeing the development grow.
- appreciation for the good work.

The motion passed unanimously.

PLANNING AND ZONING COMMISSION
STAFF REPORT



April 3, 2014

Rezoning RZ 14-07: Carter-Arden Development, LLC

CASE DESCRIPTION: a request to amend the development plan of a previously-approved Planned Development – Housing District (PD-H)

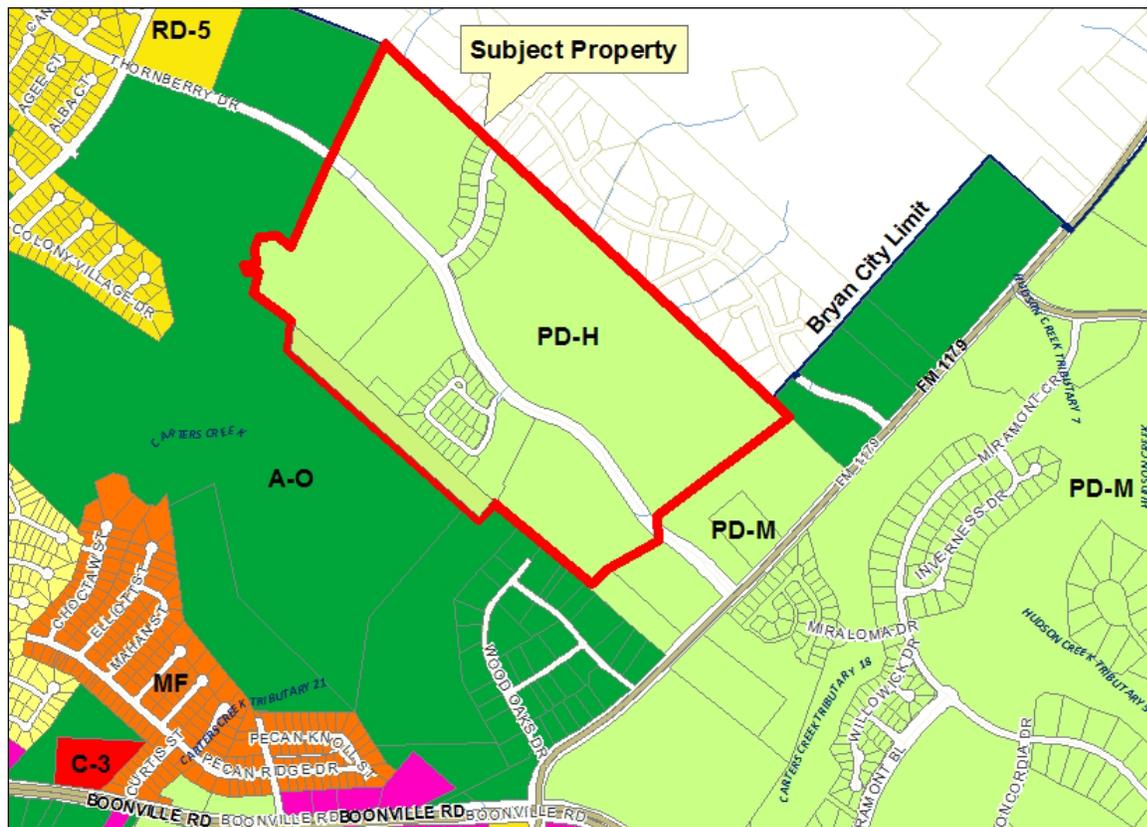
LOCATION: 186.59 acres of land out of John Austin League, Abstract No. 2 adjoining both sides of Thornberry Drive generally northwest of its intersection with F.M. 1179

APPLICANT(S): Steve Arden of Carter-Arden Development, LLC

AGENT: McClure and Browne Engineering/Surveying, Inc.

STAFF CONTACT: Randy Haynes, Senior Planner

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



AERIAL PHOTOGRAPH - 2013



BACKGROUND:

EXISTING LAND USE: single-family homes, vacant acreage

SURROUNDING ZONING AND LAND USES:

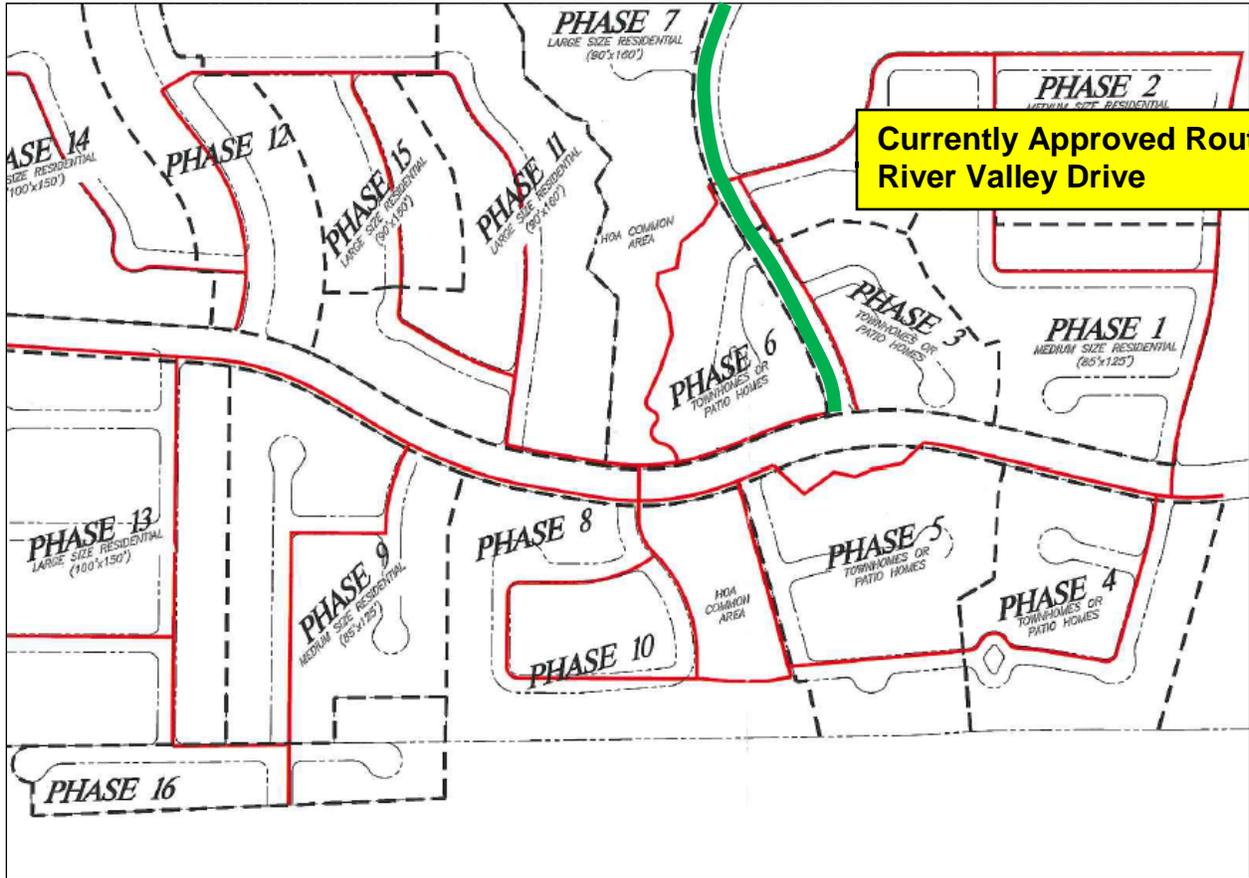
north	outside city limits	single-family homes, vacant acreage
east	PD	single-family homes, golf course community
south	A-O	single-family homes, private school, vacant acreage
west	A-O	vacant acreage

The 187 acre subject property was most-recently rezoned to Planned Development – Housing District (PD-H) in February 2014, to alter the proposed street layout on phases planned on the southwest side of Thornberry Drive and to add 4.7 acres to the development. The original development plan had been approved in 2009 to create a master-planned mixed-use development (Planned Development – Mixed Use District, PD-M) with single-family residential and commercial components, referred to as Greenbrier Subdivision. Subdivision development of several residential portions of the project has been underway since August 2012. The commercial component remains zoned PD-M District. The subject of the current rezoning request involves only the land designated for residential use on the original development plan, and does not include the 35+ acres abutting FM 1179 that remain set aside for commercial use.

The applicants, Carter-Arden Development, LLC, are now requesting to amend the approved development plan, to alter the street layout for subdivision phases planned on the northeast side of Thornberry Drive. Specifically, the planned extension of River Valley Drive from Thornberry Drive to the adjacent Riverstone Subdivision, if built as currently shown on the development plan, would require a costly crossing of a low area and creek tributary. The proposed new development plan shows River Valley Drive, a local street, still connecting the Greenbrier and Riverstone Subdivisions, but bending toward the northwest to intersect with River Rock Drive, which was constructed as part of one of the first phases of this development. A new cul-de-sac street is proposed to extend northeast from Thornberry Drive to provide access to Phases 1, 2 and 6 of the development. Street and sidewalk connectivity is proposed to be maintained via the existing connection of River Rock Drive to Thornberry Drive.

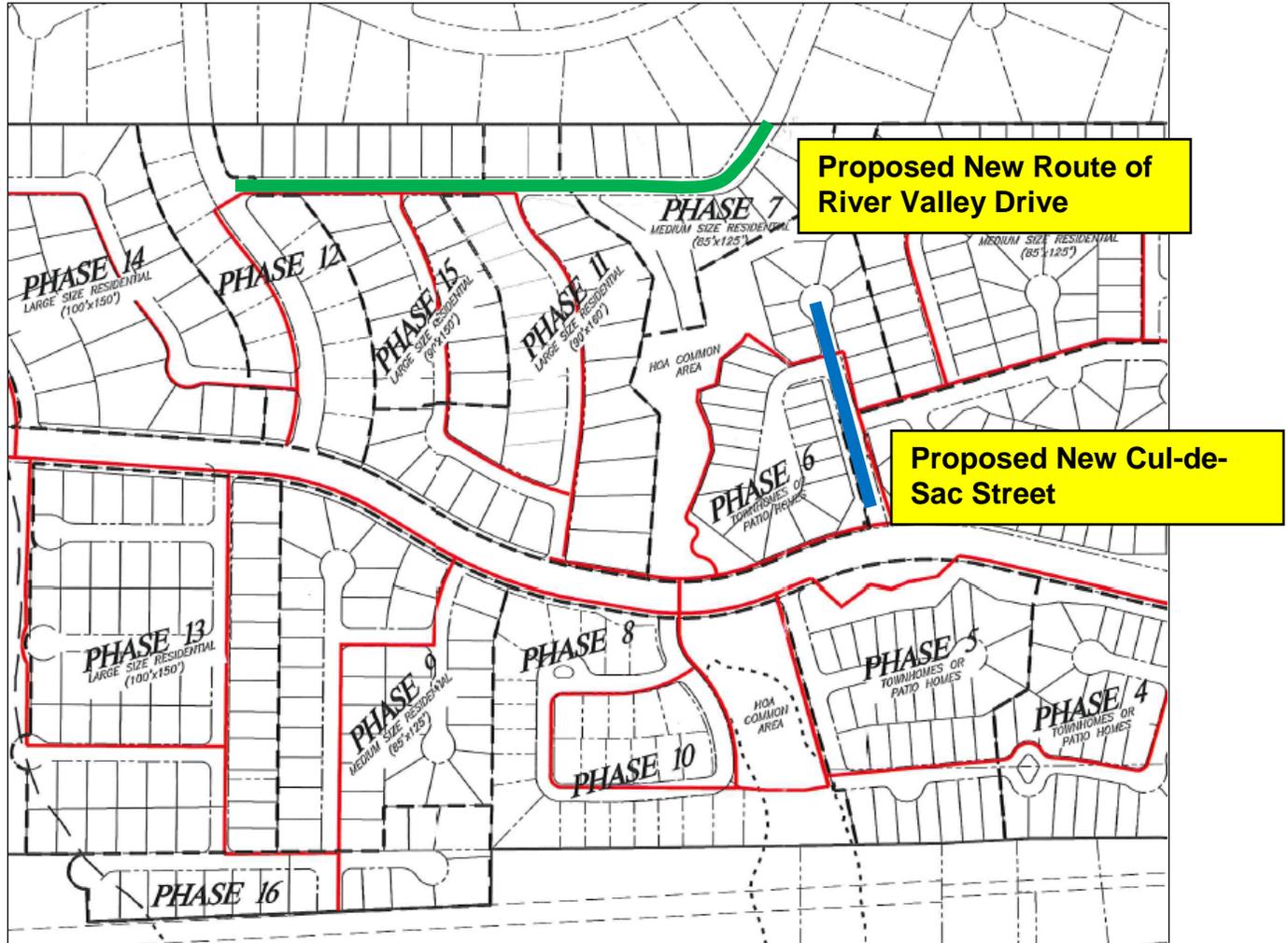
Since the previous street and sidewalk layout were approved with the establishment of the PD-H District for this subdivision, the proposed changes to the development plan require review and approval by the Planning and Zoning Commission and the City Council in the form of a rezoning request. The new development plan retains the basic arrangement of the proposed development with 16 single-family residential subdivision phases, common areas, and land previously dedicated as parkland along Thornberry Drive.

DETAIL, CURRENT RIVER VALLEY DRIVE STREET AND SIDEWALK LAYOUT:



Currently Approved Route of River Valley Drive

DETAIL PROPOSED RIVER VALLEY DRIVE STREET AND SIDEWALK LAYOUT:



Proposed development standards:

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

1. Lots intended to be developed with detached single-family dwellings are proposed to be a minimum 65 feet wide and 125 feet deep with a minimum lot area of 8,125 square feet.
2. Lots intended to be developed with patio/zero lot line dwellings shall be a minimum 55 feet wide and 120 feet deep with a minimum lot area of 6,600 square feet.

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

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

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted a new Comprehensive Plan in January 2007. The plan includes policy recommendations related to the various physical development aspects of the community. The Comprehensive Plan states that it is a goal of the City to achieve a balance of land uses within the City by achieving a sustainable mix of land use types in suitable locations, densities and patterns. City-wide land use policies articulated in the Comprehensive Plan suggest that land uses should be located in areas that are: (1.) protected from but accessible to major roadway network, commercial establishments, work places and entertainment areas; (2.) accessible to collector and arterial streets, but directly accesses local stress; and (3.) not adjacent to major arterials or freeways without adequate buffering and access management.

ANALYSIS:

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

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

Staff believes that the proposed arrangement of residential land uses on these 187 acres is appropriate at this particular location and is in accordance with land use recommendations of the Comprehensive Plan. The subject property lies in an area that is considered to be one of the city's higher growth areas due to its proximity to existing development and the city's recent extension of a new collector street through this property. Staff believes that the proposed

development of residential properties on lots less than one acre in size at a density of 3.8 homes per acre is desirable and will help support commercial developments locating here. Staff believes that the proposed arrangement of land uses at this location will promote orderly urban growth in this part of Bryan. Staff contends that the changes proposed in the arrangement of streets and sidewalks maintain the goal of auto and pedestrian connectivity throughout the future phases of the development.

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

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

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

The closest vacant land zoned for residential development with lots less than one acre in size is located west, in Austin's Colony. Staff believes that this zone change request, if approved, will not make land classified for similar development in the vicinity and elsewhere in the City unavailable for development.

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

Staff contends that residential developments are developing at a moderate pace in this general vicinity and elsewhere in the City. Staff believes that approval of this master-planned mixed-use development may spur additional development interest in this area.

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

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

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

Staff is unable to discern any other factors related to this rezoning request that will adversely affect health, safety, morals, or general welfare. Staff contends that the proposed arrangement of single-family homes at this location will create an orderly zoning pattern and allow for a useful and orderly urban development of this property.

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

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

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

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

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

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

Staff contends that the proposed development will not adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity. The proposed layout of road and pedestrian walkways can reasonably be expected to provide for adequate and safe traffic circulation.

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

Staff contends that the proposed development will not adversely affect traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

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

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

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

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

RECOMMENDATION:

Staff recommends **approving** the proposed amendment to the development plan of this previously-approved Planned Development – Housing District (PD-H), as requested.