

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: July 28, 2015		DATE SUBMITTED: June 24, 2015	
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 amend the development plan of a previously-approved Planned Development – Mixed Use District (PD-M), to define a newly permitted residential land use, and to establish the location within the development such use is proposed to be permitted, on 83 acres of land out of J.W. Scott League generally adjoining the north side of Boonville Road (F.M. 158) between Miramont Boulevard and Copperfield Drive in Bryan, Brazos County, Texas (RZ15-08).			
SUMMARY STATEMENT: In 1984, prior to the adoption of zoning in Bryan, the Planning Commission approved a master plan for a golf community on the eastern edge of Bryan, then known as the Silver Oak Golf Club. When zoning was implemented in 1990, the property was designated as ‘PD-1’ Planned Development – Mixed Use 1 District. However, the Silver Oak project was never built. In 2000, a new owner of the property, TAC Realty, amended the original development plan for a new 527-acre golf community known as Miramont.			
<p>Changing conditions have resulted in the need to amend the previously-approved development plan on a portion the Miramont property to suit pending market demands. Adam Development Properties, LP (formerly TAC Realty), the applicants, are requesting to amend the existing Planned Development – Mixed Use (PD-M) zoning, to define a newly permitted residential land use and to establish the location within the 527-acre development that such residential land use be permitted. The 83-acre portion for which these changes are proposed is illustrated below. The new land use is to be defined as a “twin home”. The new definition appended to the existing development plan will read:</p> <p style="padding-left: 40px;">Twin home shall mean a dwelling comprising two single-family dwelling units on individual, fee-ownership lots, joined vertically by a party wall at the common property line, with each unit having its own front and rear entrances, front and rear yards, and a side yard on one side of the lots.</p> <p>The proposed development plan amendment for these 83 acres is intended to enable the applicant to offer this additional housing choice within the existing Miramont community. A twinhome is still a single family home with the exception that one is not detached from the other and shares a common wall along a property line. The primary difference between a twinhome and a townhome is that twinhomes are constructed in units of two, while townhomes, by definition, are built in minimum groups of three. Likewise, the difference between twinhomes and duplexes is that duplexes are two dwelling units built on the same lot while in the case of twinhomes each dwelling occupies a separate lot.</p>			
STAFF ANALYSIS AND RECOMMENDATION: During its meeting on June 4, 2015, 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 amendment to the existing Planned Development District will allow a new form of residential development within one of Bryan’s most prestigious residential communities. 			

- The proposed amendment to the existing development plan is intended to improve property utilization, facilitate appropriate use of the subject property, strengthen the area economy, and to promote the general welfare of the community.
- The Comprehensive Plan states it is a goal of the City to achieve a balanced and sustainable mix of land uses by planning for a mix of land use types in suitable locations, densities and patterns. A primary goal of the proposed plan is to facilitate efficient and attractive development.

OPTIONS (In Suggested Order of Staff Preference):

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

ATTACHMENTS:

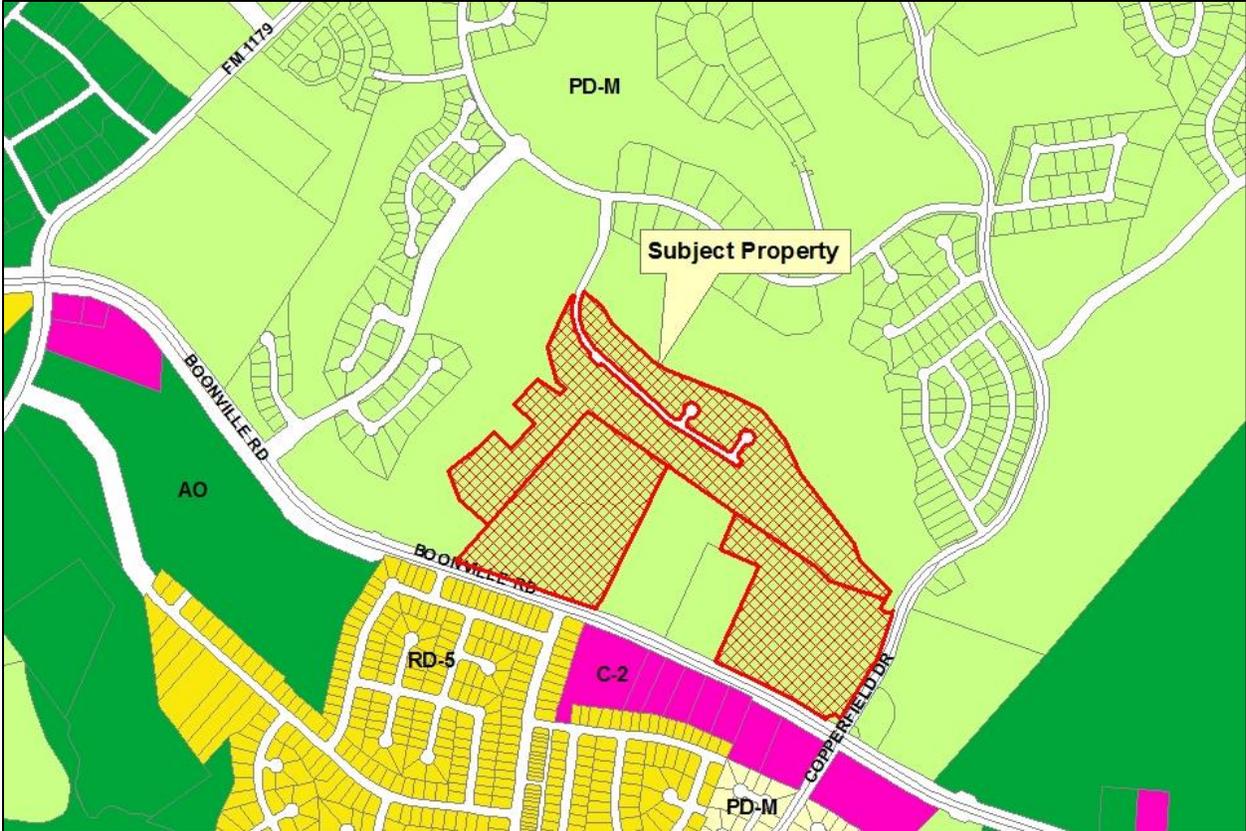
1. location map/aerial photograph;
2. draft ordinance;
3. excerpt from P&Z meeting minutes of June 4, 2015; and
4. staff report to the Planning & Zoning Commission.

FUNDING SOURCE:N/A

APPROVALS: Kevin Russell, 6-25-15; Joey Dunn, 7-2-15; Hugh R. Walker, 07/10/2015

APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 7-10-2015

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 07-13-2015



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 – MIXED USE DISTRICT (PD-M), SUBJECT TO DEVELOPMENT REQUIREMENTS SPECIFIED HEREIN,, ON 82.15 ACRES OF LAND OUT OF J.W. SCOTT LEAGUE GENERALLY ADJOINING THE NORTH SIDE OF BOONVILLE ROAD (F.M. 158) BETWEEN MIRAMONT BOULEVARD AND COPPERFIELD DRIVE IN BRYAN, BRAZOS COUNTY, TEXAS.; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH SAID ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, this requested change to Chapter 130 for 82.15 acres of land out of J.W. Scott League generally adjoining the north side of Boonville Road (F.M. 158) between Miramont Boulevard and Copperfield Drive in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on June 4, 2015;

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

1.

That Chapter 130, Zoning, of the City of Bryan Code of Ordinances be amended by revising the development plan of a previously-approved Planned Development – Mixed Use District (PD-M), to define a newly permitted residential land use, and to establish the location within the development such use is proposed to be permitted, on 82.15 acres of land out of J.W. Scott League generally adjoining the north side of Boonville Road (F.M. 158) between Miramont Boulevard and Copperfield Drive in Bryan, Brazos County, Texas, said 82.15 acres being described more particularly on attached Exhibit “A” and depicted on attached Exhibit “A-1”, subject to development requirements the specified in attached Exhibit “B”, which are herein fully incorporated by reference for all purposes as if they were set forth in the text of the ordinance.

2.

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

3.

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

4.

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

5.

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

6.

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

PRESENTED AND GIVEN first reading the 28th day of July, 2015 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, **PASSED AND APPROVED** on the 4th day of August, 2015 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
Rezoning request case no. RZ15-08: Adam Development Properties, LP**

**FIELD NOTES
82.15 ACRE TRACT**

Being all that certain tract or parcel of land lying and being situated in the J.W. SCOTT SURVEY, A-49 in Bryan, Brazos County, Texas and being all of the 22.46 acre Tract 1 and part of the called 20.52 acre Tract 2 both described in the deed from College Main Apartments, Ltd. to Adam Development Properties, L.P. (Formerly known as TAC Realty, Inc.) recorded in Volume 5266, Page 104 of the Official Records of Brazos County, Texas (O.R.B.C.), part of the 432.09 acre tract described in the deed from Bardan Group, Inc. to Adam Development Properties, L.P. recorded in Volume 3802, Page 240 of the Official Records of Brazos County, Texas (O.R.B.C.), part of the 156.669 acre Tract No. 1 described in the deed from Resolution Trust Corporation to Adam Development Properties, L.P. recorded in Volume 1463, Page 27, and being more particularly described by metes and bounds as follows:

BEGINNING: at the west corner of the said 22.46 acre tract, the south corner of the 48.456 acre Miramont Country Club Properties, L.P. Tract No. 1 recorded in Volume 6015, Page 113 (O.R.B.C.) and the north corner of a 0.793 acre State of Texas right-of-way tract for F.M. No. 158 recorded in Volume 4309, Page 64 (O.R.B.C.) (total right-of-way width varies at this location);

THENCE: N 45° 07' 11" E along the northwest line of the said 22.46 acre tract and the southeast line of the before-said 48.456 acre Miramont Country Club Properties, L.P. Tract 1 for a distance of 322.06 feet for corner;

THENCE: continuing along the southeasterly lines of the said 48.456 acre tract for the following fifteen (15) calls:

- 1) N 44° 52' 49" W for a distance of 248.70 feet for corner,
- 2) N 18° 08' 39" W for a distance of 210.56 feet for corner,
- 3) N 54° 31' 42" E for a distance of 285.97 feet for corner,
- 4) N 45° 07' 11" E for a distance of 115.00 feet for corner,
- 5) S 44° 52' 49" E for a distance of 165.00 feet for corner,
- 6) N 45° 07' 11" E for a distance of 230.94 feet for corner,
- 7) N 44° 52' 49" W for a distance of 180.00 feet for corner,
- 8) N 45° 07' 11" E for a distance of 237.19 feet for corner,
- 9) S 51° 57' 09" E for a distance of 181.38 feet for corner;
- 10) N 45° 07' 11" E for a distance of 55.48 feet for corner;
- 11) N 52° 05' 35" W for a distance of 70.22 feet for corner;
- 12) N 10° 54' 37" W for a distance of 243.24 feet for corner
- 13) N 26° 48' 40" E for a distance of 227.09 feet for corner,
- 14) N 30° 50' 33" E for a distance of 158.84 feet for corner, and
- 15) S 71° 59' 46" E for a distance of 15.38 feet for corner,

THENCE: N 75° 26' 38" E for a distance of 61.16 feet to the most westerly corner of the 47.354 acre Miramont Country Club Properties, L.P. Tract 6 recorded in Volume 6015, Page 113 (O.R.B.C.);

THENCE: along the southerly lines of the said 47.354 acre tract for the following fifteen (15) calls:

- 1) S 48° 45' 31" E for a distance of 151.79 feet for corner,

- 2) S 28° 21' 08" E for a distance of 143.23 feet for corner,
- 3) S 44° 52' 49" E for a distance of 383.57 feet for corner,
- 4) S 58° 05' 11" E for a distance of 102.72 feet for corner,
- 5) S 64° 45' 26" E for a distance of 478.29 feet for corner,
- 6) S 60° 55' 12" E for a distance of 213.94 feet for corner,
- 7) S 34° 58' 06" E for a distance of 180.00 feet for corner,
- 8) S 22° 16' 38" E for a distance of 253.15 feet for corner,
- 9) S 34° 32' 10" E for a distance of 597.50 feet for corner,
- 10) S 14° 58' 17" E for a distance of 107.70 feet for corner, and
- 11) S 41° 31' 03" E for a distance of 296.71 feet for corner,
- 12) S 31° 28' 56" W for a distance of 139.05 feet for corner;
- 13) 26.44 feet in a counter-clockwise direction along the arc of a curve having a central angle of 02° 38' 03", a radius of 575.00 feet, a tangent of 13.22 feet and a long chord bearing S 60° 40' 56" E at a distance of 26.43 feet to the Point of Tangency,
- 14) S 61° 59' 57" E for a distance of 28.24 feet to the Point of Curvature of a curve to the left,
- 15) 40.94 feet along the arc of said curve having a central angle of 93° 49' 47", a radius of 25.00 feet, a tangent of 26.73 feet and a long chord bearing N 71° 05' 09" E at a distance of 36.52 feet for corner in the northwest line of Copperfield Drive (based on a 100-foot width);

THENCE: along the northwest line of said Copperfield Drive for the following four (4) calls:

- 1) 47.25 feet in a counter-clockwise direction along the arc of a curve having a central angle of 03° 11' 07", a radius of 850.00 feet, a tangent of 23.63 feet and a long chord bearing S 22° 34' 42" W at a distance of 47.25 feet to the Point of Tangency,
- 2) S 21° 00' 03" W for a distance of 188.11 feet to a Point of Curvature of a curve to the right,
- 3) 187.50 feet along the arc of said curve having a central angle of 14° 19' 26", a radius of 750.00 feet, a tangent of 94.24 feet and a long chord bearing S 28° 09' 46" W at a distance of 187.01 feet to a for the Point of Tangency, and
- 4) S 35° 19' 29" W for a distance of 393.65 feet to the southeast corner of the said 20.52 acre tract and the east corner of the called 0.1133 acre Copperfield Owner's Association, Inc. tract recorded in Volume 703, Page 113 (O.R.B.C.);

THENCE: along the common lines of the called 20.52 acre and 0.1133 acre tracts for the following three (3) calls:

- 1) N 54° 40' 31" W for a distance of 39.98 feet for corner,
- 2) S 77° 55' 31" W for a distance of 56.26 feet for corner, and
- 3) S 34° 28' 02" W for a distance of 18.10 feet to the northeast corner of the called 0.267 acre State of Texas right-of-way tract for F.M. No. 158 recorded in Volume 4309, Page 64 (O.R.B.C.) (total right-of-way width varies at this location);

THENCE: along the northeast right-of-way line of said F.M. No. 158 and the southwest line of the called 20.52 acre tract for the following five (5) calls:

- 1) N 55° 33' 25" W for a distance of 136.77 feet for corner,
- 2) N 56° 24' 21" W for a distance of 114.11 feet for corner,
- 3) N 58° 42' 10" W for a distance of 200.21 feet for corner,
- 4) N 61° 01' 21" W for a distance of 117.21 feet for corner, and
- 5) N 61° 55' 11" W for a distance of 261.82 feet to the south corner of Lot 1, Block 1, CARRIAGE INN Subdivision as recorded in Volume 4973, Page 97 (O.R.B.C.) and the southwest corner of the called 20.52 acre tract;

THENCE: N 28° 02' 43" E along the southeast line of said Lot 1 and the lower northwest line of the called 20.52 acre tract for a distance of 707.20 feet for corner;

THENCE: N 61° 57' 17" W along the northeast line of said Lot 1 for a distance of 286.01 feet to an angle point in the southeast line of Lot 1, Block 1, BETHEL EVANGELICAL LUTHERAN CHURCH Subdivision as recorded in Volume 9778, Page 104 (O.R.B.C.), said corner also being the northwest corner of the said 20.52 acre tract;

THENCE: along said Lot 1, Block 1, BETHEL EVANGELICAL LUTHERAN CHURCH Subdivision for the following three (3) calls:

- 1) N 27° 12' 09" E for a distance of 265.23 feet for corner,
- 2) N 52° 05' 35" W for a distance of 560.47 feet for corner, and
- 3) S 30° 04' 08" W for a distance of 1078.47 feet to the northeast corner of the before-mentioned 0.793 acre State of Texas F.M. No. 158 right-of-way tract (4309/64);

THENCE: N 62° 27' 24" W along the northeast line of the said F.M. No. 158 right-of-way tract for a distance of 62.51 feet and N 68° 26' 41" W for a distance of 950.86 feet to the POINT OF BEGINNING and containing 82.15 acres of land, more or less.

Exhibit "B":

PD-M DEVELOPMENT PLAN

Development requirements for Planned Development – Mixed Use District (PD-M), hereinafter also referred to as "the District" or "this District ", allowing certain residential uses on 83 acres of land out of J.W. Scott League generally adjoining the north side of Boonville Road (F.M. 158) between Miramont Boulevard and Copperfield Drive in Bryan, Brazos County, Texas

Section 1: General Purpose and Description

This development plan is intended to guide planning of land use and physical development on the subject property. PD-M development plan is envisioned as a tool to help stabilize and improve property utilization, to facilitate appropriate use of the property, ensure protection of surrounding properties from foreseeable negative impacts resulting from permitted uses, to strengthen the area economy and to promote the general welfare of the community.

Section 2: Definitions

Twinhome shall mean a dwelling comprising two single-family dwelling units on individual, fee-ownership lots, joined vertically by a party wall at the common property line, with each unit having its own front and rear entrances, front and rear yards, and a side yard on one side of the lots.

Section 3: Land Use:

The following land uses shall be permitted by right in this PD-M zoning district. Land uses that are not expressly defined in this PD-M District ordinance or in the Bryan Code of Ordinances have their ordinary dictionary meanings, based on the latest edition of Merriam-Webster's Unabridged Dictionary.

- Accessory dwelling unit;
- Accessory structures;
- Country club or golf course;
- Detached dwelling units with no more than four un-related persons;
- Essential municipal uses;
- Patio home (zero lot line dwelling);
- 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;
- Townhouses; and,
- Twinhomes.

Section 5: Subdivision of Land

The subdivision of land in this PD-M District shall be allowed in accordance with Chapter 110 of the Bryan Code of Ordinances.

**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING
MINUTES OF JUNE 4, 2015:**

7. 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 RZ15-08: Adam Development Properties, LP

A request to amend the development plan of a previously-approved Planned Development – Mixed Use District (PD-M), to define a newly permitted residential land use, and to establish the location within the development such use is proposed to be permitted, on 83 acres of land out of J.W. Scott League generally adjoining the north side of Boonville Road (F.M. 158) between Miramont Boulevard and Copperfield Drive in Bryan, Brazos County, Texas (R. Haynes)

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

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Gutierrez moved to recommend approval of Rezoning RZ15-08 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Gonzalez seconded the motion.

Commissioners discussed

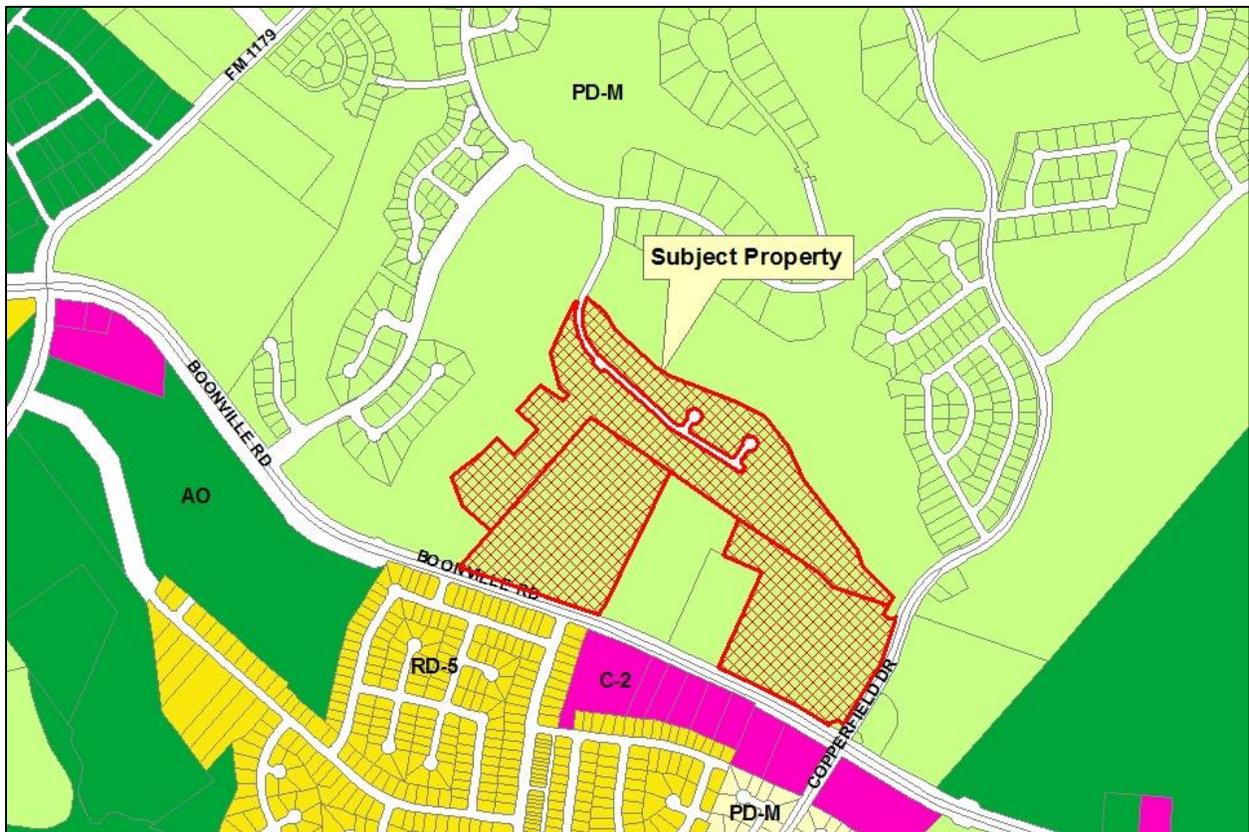
- their pleasure to see additional housing options being made available in Bryan; and
- trust that the Miramont subdivision will be a great place to allow for the proposed land use options.

The motion passed unanimously.

June 4, 2015

Rezoning case no. RZ15-08: Adam Development Properties, LP

- CASE DESCRIPTION:** a request to amend the development plan of a previously-approved Planned Development – Mixed Use District (PD-M), to define a newly permitted residential land use and to establish the location within the development such use is proposed to be permitted
- LOCATION:** 83 acres of land generally adjoining the north side of Boonville Road (F.M. 158) between Miramont Boulevard and Copperfield Drive
- LEGAL DESCRIPTION:** 83 acres of land out of J.W. Scott League, A-49
- EXISTING LAND USE:** vacant land
- APPLICANT(S):** Adam Development Properties, LP
- STAFF CONTACT:** Randy Haynes, Senior Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approving** the proposed rezoning.



AERIAL PHOTOGRAPH (2013):



BACKGROUND:

In 1984, prior to the adoption of zoning in Bryan, the Planning Commission approved a master plan for a golf community on the eastern edge of Bryan, then known as the Silver Oak Golf Club. When zoning was implemented in 1990, the property was designated as 'PD-1' Planned Development – Mixed Use 1 District. However, the Silver Oak project was never built. In 2000, a new owner of the property, TAC Realty, amended the original development plan for a new 527-acre golf community known as Miramont.

Changing conditions have resulted in the need to amend the previously-approved development plan on a portion the Miramont property to suit pending market demands. Adam Development Properties, LP (formerly TAC Realty), the applicants, are requesting to amend the existing Planned Development – Mixed Use (PD-M) zoning, to define a newly permitted residential land use and to establish the location within the 527-acre development that such residential land use be permitted. The 83-acre portion for which these changes are proposed is illustrated below. The new land use is to be defined as a “twin home”. The new definition appended to the existing development plan will read:

Twinhome shall mean a dwelling comprising two single-family dwelling units on individual, fee-ownership lots, joined vertically by a party wall at the common property line, with each unit having its own front and rear entrances, front and rear yards, and a side yard on one side of the lots.

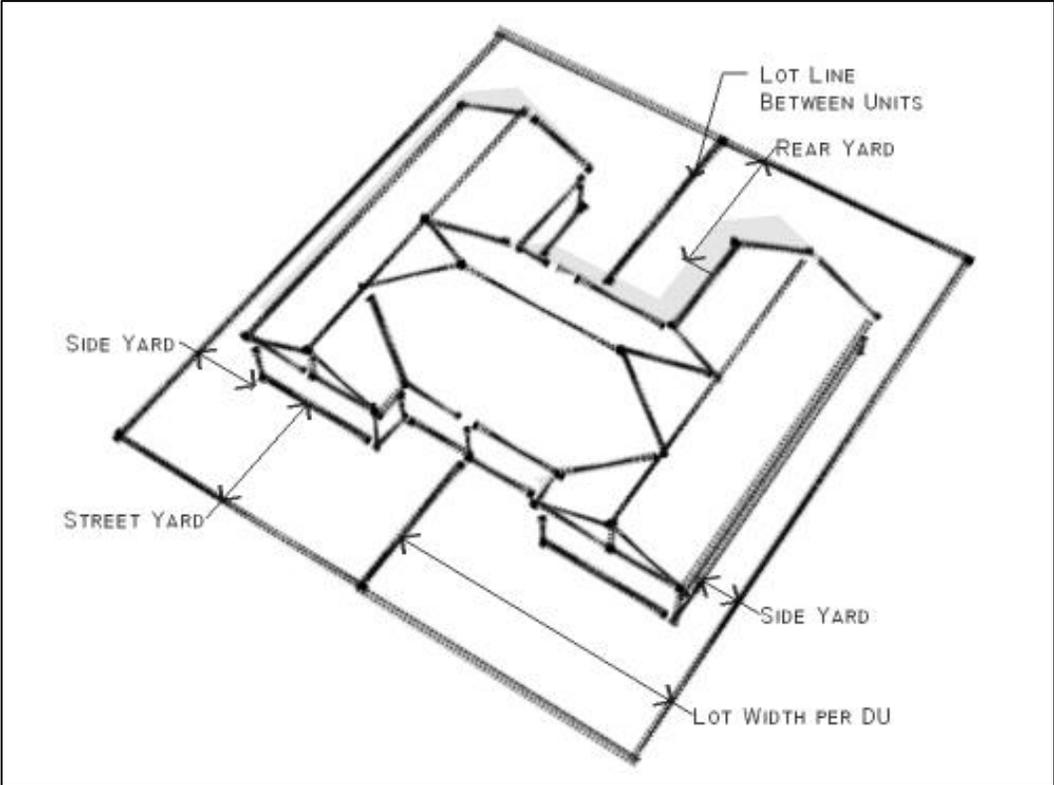
The proposed development plan amendment for these 83 acres is intended enable the applicant to offer this additional housing choice within the existing Miramont community. A twinhome is still a single

family home with the exception that one is not detached from the other and shares a common wall along a property line. The primary difference between a twinhome and a townhome is that twinhomes are constructed in units of two, while townhomes, by definition, are built in minimum groups of three. Likewise, the difference between twinhomes and duplexes is that duplexes are two dwelling units built on the same lot while in the case of twinhomes each dwelling occupies a separate lot.

EXAMPLE OF TWINHOME DEVELOPMENT:

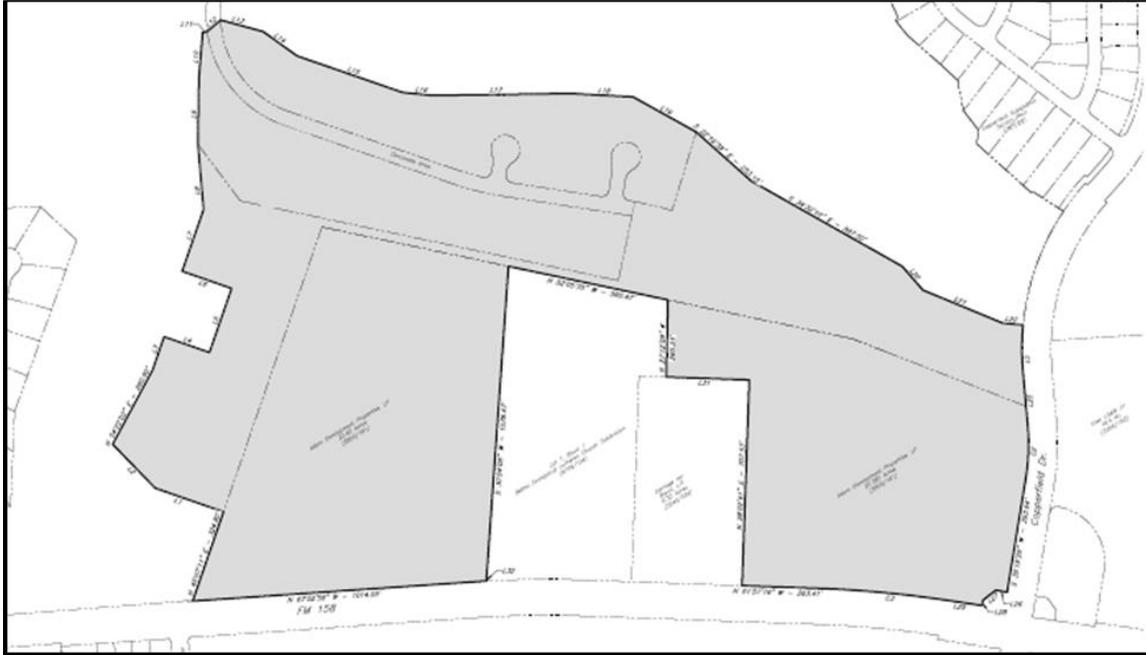


Twin Eagles Country Club, Naples Florida



Twinhome lot and building arrangement

DEVELOPMENT PLAN AMENDMENT, AREA ILLUSTRATION:



DETAIL FROM THE EXISTING MIRAMONT DEVELOPMENT PLAN DRAWING:



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 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. A primary goal of the plan is to facilitate efficient and attractive development, redevelopment and infill. One specific objective named to achieve the goal is to "provide for an efficient development process". To this end the plan calls for reevaluation of the current zoning code to identify inconsistencies and impediments to development.

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 currently vacant subject property lies between existing facilities of the Miramont Country Club golf course to the north and Boonville Road (FM 158) to the south. The 83-acre tract surrounds two non-residential parcels that adjoin the north side of Boonville Road, east from its intersection with Copperfield Drive. Those tracts are currently occupied by a church (Bethel Lutheran Church) and a retirement home (The Carriage Inn). Staff contends that introducing the potential to develop twin homes on the subject property will be appropriate in the immediate area and will serve as an appropriate transition between the existing low-density residential neighborhood north of the subject property and more intense uses along Boonville Road (FM 158). Likewise, the existing church and retirement home uses on the adjacent properties are generally considered to be suitable near residential areas.

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.

The subject property lies near the western edge, but within, Bryan's Certificate of Convenience and Necessity (CCN) zone for providing public water supply and wastewater treatment services. Public infrastructure with capacity to support the proposed residential level of development is available and may be extended as development occurs.

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 available that would suitably accommodate similar development is a 400+-acre tract located adjacent to and east of the subject property. Staff believes that if this zoning proposal for residential development were approved for the subject property, such an approval 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 finds that the proposed new land use is unique in the vicinity of the subject property. Land in the vicinity of the subject property is developing steadily with low density residential uses.

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.

Since the proposed land use is unique, staff believes that if the requested zoning proposal for were approved for this property, there would be no need to modify the zoning designation for other areas since there are no 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 adding the proposed new residential land use definition and permitting such a use within the 83-acre tract defined within this existing Miramont PD-M District will be compatible with existing and anticipated uses surrounding this property and in accordance with the land use recommendations of the Comprehensive Plan. Other than the increased traffic and residential density that can expected of any new development here, 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.

Even though the proposed twin home definition is essentially a hybrid of patio homes and townhouses, which are existing permitted land uses within the Miramont PD-M District, the proposed 83 acres are effectively buffered from other residential uses by the Miramont Golf Course, which is, at its narrowest point, more than 400 feet wide. Staff is unable to identify any potentially adverse effects or impacts on other existing or permitted uses on abutting 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.

Due to the fact that the proposed residential use of the subject property will not increase the dwelling unit density that is already permitted here, staff contends that the proposed development will not adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity beyond that reasonably expected upon development.

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

Traffic control will be addressed at the time of development and will comply with all pertinent design standards. Commercial lighting and signage is not permitted within residential districts and the proposed amendment contains no plan to change that arrangement.

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

As all future development will be in conformance with applicable city ordinances, 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,

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 amendment to the Miramont Planned Development – Mixed Use District (PD-M) for these 83 acres. The proposed residential land use definition, along with the proposed location on this property where the use is proposed to be allowed, appear to be consistent with the land use recommendations of Bryan's Comprehensive Plan and will help promote orderly urban growth in close proximity to the existing low-density residential portions of the Miramont Subdivision.