

## ACTION FORM BRYAN CITY COUNCIL

<b>DATE OF COUNCIL MEETING:</b> July 28, 2015		<b>DATE SUBMITTED:</b> June 24, 2015	
<b>DEPARTMENT OF ORIGIN:</b> Development Services		<b>SUBMITTED BY:</b> Randy Haynes	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>	<b>STRATEGIC INITIATIVE:</b>
<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 type="checkbox"/> REGULAR		<input type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
<p><b>AGENDA ITEM DESCRIPTION:</b> Consideration of an ordinance to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from Residential District – 5000 (RD-5) to Planned Development District – Housing (PD-H), to allow up to 7 townhouse units on 0.23 acres of land located at the northeast corner of West 31st Street and Parker Avenue, currently addressed as 204 – 206 West 31st Street, being parts of Lots 1, 2 and 3 in Block 114 of the Bryan Original Townsite in Bryan, Brazos County, Texas (RZ15-11).</p>			
<p><b>SUMMARY STATEMENT:</b> The applicant is requesting a change to the zoning on the subject property from RD-5 District to PD-H District, to permit the planned construction of 7 townhouse or condominium units in a configuration that would not be normally possible under RD-5 zoning regulations. A design and development plan have been submitted that address existing site constraints in a manner that the applicant contends will allow the property to be utilized as proposed, while remaining true to the guiding values of the Zoning Ordinance and sound planning principles.</p> <p>From a procedural point of view, in order to redevelop the subject property, a chain of events must take place. The proposed development plan is a prerequisite for a future replat of this property into the 7 individual townhome lots. That future replat is contingent upon prior approval, by the City Council, of right-of-way abandonment request along both West 31st Street and Parker Avenue. It is the desire of the applicant that a decision be made on the ultimate land use as described within the proposed development plan prior to consideration of requests to abandon right-of-way or replat land.</p>			
<p><b>STAFF ANALYSIS AND RECOMMENDATION:</b> During its meeting on June 4, 2015, the Planning and Zoning Commission concurred with staff and <u>unanimously recommended approving</u> this rezoning request, <u>subject to</u> the following:</p> <ol style="list-style-type: none"> <li>1. City Council’s prior approval of a request to abandon 20 feet of public street right-of-way for South Parker Avenue and 16.69 feet of public street right-of-way for West 31<sup>st</sup>; and</li> <li>2. Approval and recording of a formal replat by the City of Bryan encompassing all property the applicant owns/or will own after abandonment of the aforementioned public rights-of-way; any such replat shall subdivide the subject property either into one lot for a condominium development, or into 7 townhouse lots in accordance with the approved development plan.</li> </ol> <ul style="list-style-type: none"> <li>• The proposed Planned Development District will allow a new form of residential development sparked by the rebirth of Historic Downtown Bryan as a desirable location for urban residential development.</li> <li>• 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.</li> </ul>			

- 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;
2. draft ordinance;
3. excerpt from P&Z meeting minutes of June 4, 2015; and
4. staff report to the Planning & Zoning Commission.

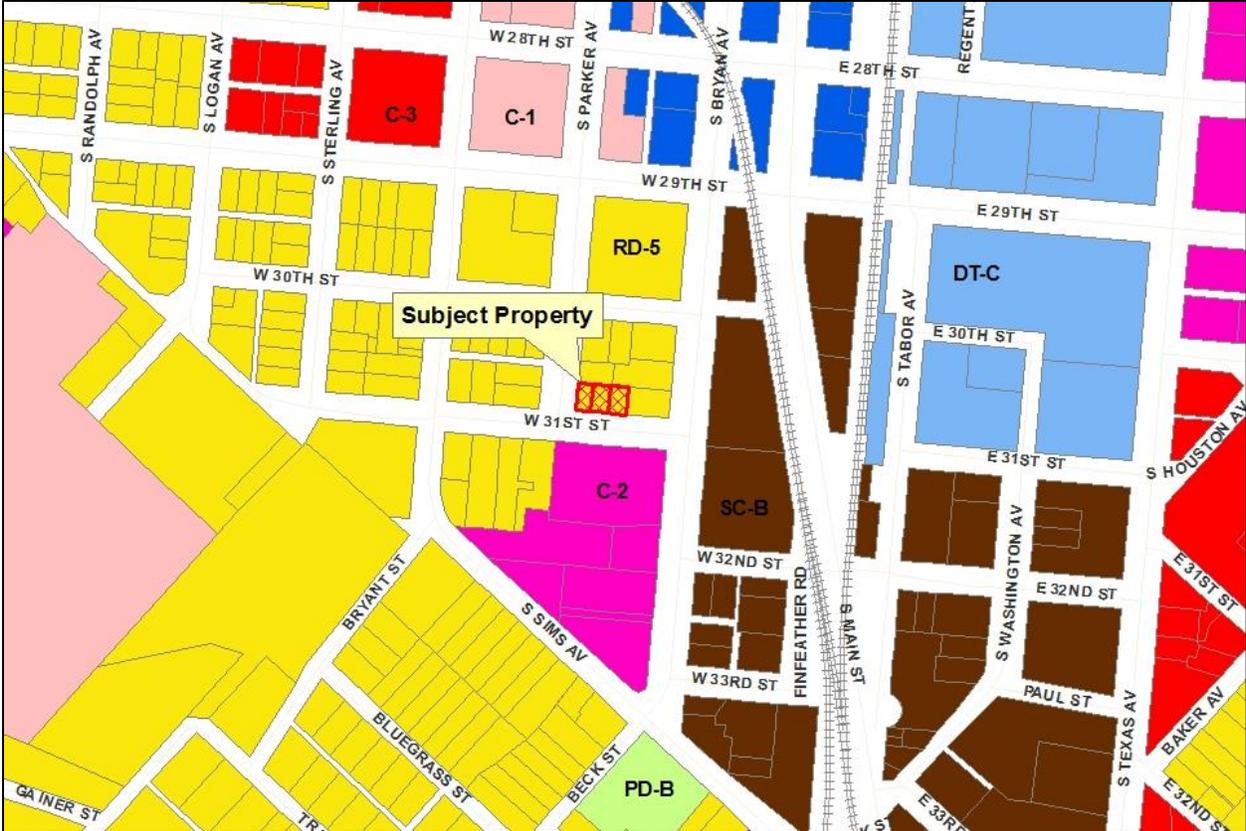
**FUNDING SOURCE:** N/A

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

**APPROVED FOR SUBMITTAL: CITY MANAGER** Kean Register, 7-10-15

**APPROVED FOR SUBMITTAL: CITY ATTORNEY** Janis K. Hampton, 7-13-15

Revised 05/2013



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 130, ZONING, OF THE CITY OF BRYAN CODE OF ORDINANCES, BY CHANGING THE ZONING CLASSIFICATION FROM RESIDENTIAL DISTRICT – 5000 (RD-5) TO PLANNED DEVELOPMENT DISTRICT – HOUSING (PD-H), TO ALLOW UP TO 7 TOWNHOUSE UNITS ON 0.23 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF WEST 31<sup>ST</sup> STREET AND PARKER AVENUE, CURRENTLY ADDRESSED AS 204 – 206 WEST 31<sup>ST</sup> STREET, BEING PARTS OF LOTS 1, 2 AND 3 IN BLOCK 114 OF THE BRYAN ORIGINAL TOWNSITE 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 0.23 acres of land located at the northeast corner of West 31st Street and Parker Avenue, currently addressed as 204 – 206 West 31<sup>st</sup> Street, being parts of Lots 1, 2 and 3 in Block 114 of the Bryan Original Townsite 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 changing the zoning classification from Residential District – 5000 (RD-5) to Planned Development District – Housing (PD-H), to allow up to 7 townhouse units on 0.23 acres of land located at the northeast corner of West 31st Street and Parker Avenue, currently addressed as 204 – 206 West 31st Street, being parts of Lots 1, 2 and 3 in Block 114 of the Bryan Original Townsite in Bryan, Brazos County, Texas; said 0.23 acres being described more particularly on attached Exhibit “A”, 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.

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.

That the change in zoning classification provided for herein shall not be completed until the City Council's prior approval of a request to abandon 20 feet of public street right-of-way for South Parker Avenue and 16.69 feet of public street right-of-way for West 31<sup>st</sup>; and until the City of Bryan has approved and recorded a formal replat encompassing all property which the applicant owns/or will own after abandonment of the aforementioned public rights-of-way; any such replat shall subdivide the subject property either into one lot for a condominium development, or into 7 townhouse lots in accordance with the approved development plan.

7.

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

**PRESENTED AND GIVEN** first reading the 28<sup>th</sup> 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 4<sup>th</sup> 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":**  
**Rezoning request case no. RZ15-11: NN Out Properties, Ltd.**

**METES AND BOUNDS DESCRIPTION**  
**OF A**  
**0.235 ACRE TRACT**  
**BRYAN ORIGINAL TOWNSITE**  
**BRYAN, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OF LAND LYING AND BEING SITUATED IN BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION LOTS 1, 2, AND 3, BLOCK 114, BRYAN ORIGINAL TOWNSITE ACCORDING TO THE PLAT RECORDED IN VOLUME 'H', PAGE 721 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS AND BEING THE SAME ACRE TRACT OF LAND AS DESCRIBED AS TRACTS ONE, TWO, AND THREE BY A DEED TO NN OUT PROPERTIES, LTD. RECORDED IN VOLUME 12571, PAGE 90 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** AT A POINT ON THE NORTH LINE OF W. 31ST STREET AND THE EAST LINE OF S. PARKER AVENUE MARKING THE SOUTHWEST CORNER OF SAID LOT 1;

**THENCE:** N 04° 24' 37" E ALONG THE EAST LINE OF S. PARKER AVENUE AND THE WEST LINE OF SAID LOT 1, AT 0.16 FEET PASS A 3/8 INCH IRON ROD FOUND, CONTINUE ON FOR A TOTAL DISTANCE OF 75.50 FEET (DEED CALL DISTANCE: 76.58 FEET, 12571/90) TO A 3/4 INCH IRON ROD FOUND MARKING THE SOUTHWEST CORNER OF A CALLED 60' x 91' TRACT OF LAND AS DESCRIBED AS A PORTION OF SAID LOTS 1 AND 2 AND THE ADJOINING 20' ALLEY BY A DEED TO JOE GALINDO AND ROSE GALINDO RECORDED IN VOLUME 10212, PAGE 19 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. FOR REFERENCE, A 3/4 INCH IRON ROD FOUND MARKING THE NORTHWEST CORNER OF SAID GALINDO TRACT BEARS: N 04° 49' 58" W FOR A DISTANCE OF 59.97 FEET (DEED CALL: N 08° 30' 00" E - 60.00 FEET, 10212/19), FROM WHICH, A 1/2 INCH IRON ROD FOUND MARKING THE NORTHEAST CORNER OF SAID BLOCK 114 BEARS: N 05° 04' 28" E FOR A DISTANCE OF 114.54 FEET;

**THENCE:** S 85° 04' 00" E ALONG THE SOUTH LINE OF SAID GALINDO TRACT AND THROUGH SAID LOTS 1 AND 2 FOR A DISTANCE OF 91.05 FEET (DEED CALL: S 82° 30' 00" E - 91.00 FEET, 10212/19) TO A 3/4 INCH IRON ROD FOUND MARKING THE SOUTHEAST CORNER OF SAID GALINDO TRACT AND THE SOUTHWEST CORNER OF A CALLED 0.26 ACRE PORTION OF SAID BLOCK 114 AS DESCRIBED BY A DEED TO LORENZO MARQUEZ-MARTINEZ RECORDED IN VOLUME 1227, PAGE 674 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

**THENCE:** S 84° 00' 58" E ALONG THE SOUTH LINE OF SAID 0.26 ACRE TRACT AND THROUGH SAID LOTS 2 AND 3 FOR A DISTANCE OF 44.62 FEET TO A 1 INCH SQUARE IRON ROD FOUND MARKING THE NORTHWEST CORNER OF A CALLED 0.198 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO ANGELICA MARIA PEREZ RECORDED IN VOLUME 7560, PAGE 141 AND 145 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

**THENCE:** S 04° 25' 57" W ALONG THE WEST LINE OF SAID 0.198 ACRE TRACT AND

THROUGH SAID LOT 3 FOR A DISTANCE OF 74.70 FEET (DEED CALL DISTANCE: 74.92 FEET, 12571/90) TO A 3/4 INCH IRON ROD FOUND ON THE NORTH LINE OF W. 31ST STREET MARKING THE SOUTHWEST CORNER OF SAID 0.198 ACRE TRACT. FOR REFERENCE, THE CITY OF BRYAN GPS MONUMENT NO. 35 BEARS: N 70° 35' 26" E FOR A DISTANCE OF 5156.58 FEET;

**THENCE:** N 85° 03' 41" W ALONG THE NORTH LINE W. 31ST STREET FOR A DISTANCE OF 135.62 FEET (DEED CALL DISTANCE: 135.06 FEET, 12571/90) TO THE **POINT OF BEGINNING** CONTAINING 0.235 OF AN ACRE OF LAND (10,223 SQ. FT.), MORE OR LESS, AS SURVEYED ON THE GROUND MAY, 2015. SEE PLAT PREPARED MAY, 2015, FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED BY GPS OBSERVATION.

**EXHIBIT “B”:  
Planned Development – Housing (PD-H) District**

**GENERAL PURPOSE AND DESCRIPTION**

The 31<sup>st</sup> Street Townhome development plan is intended to guide planning of land use and physical development on the subject property. This PD-H 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 residential properties from foreseeable negative impacts resulting from the permitted uses by serving as a land use buffer, to strengthen the area economy, and to promote the general welfare of the community.

**SECTION 1: LAND USES**

The following range of land uses shall be permitted by right in this PD-H District:

- Townhouses;
- Condominiums;
- 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.

**SECTION 2: PHYSICAL DEVELOPMENT**

Physical development in this PD-H District shall comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to townhouse development on properties zoned Residential District-5000 (R5D). The following additional standards shall be applicable:

1. The minimum building setback from property lines adjoining 31<sup>st</sup> Street shall be 12 feet.
2. The minimum building setback from property lines adjoining Parker Street shall be 5 feet.
3. The minimum building setback from the easternmost side property line shall be 5 feet.
4. The minimum building setback from the north (rear) property line shall be 24 feet.
5. Minimum building setbacks shall not be required from interior property lines that are within this PD-H District.
6. For townhomes and condominiums, the minimum required lot width shall be 19 feet and the minimum overall lot area shall be 1,750 square feet.
7. The maximum building height shall be 45 feet.
8. All vehicular access to, and all required off-street parking for, the proposed development shall occur in the rear (north) side of the property and a 24 foot wide private joint access easement shall be provided for such purposes.
9. Required off-street parking shall be provided at one space per bedroom.
10. Covered structures (i.e. – carports) open on three sides (minimum) shall be allowed to extend a maximum of 20 feet from the rear (north) face of the townhouse/condominium unit but not encroach into any private joint access or public utility easements.
11. Landscaping areas along the front, sides, and rear of the property shall be landscaped with at least 15% of the total site area in accordance with landscaping requirements of Bryan Code of Ordinances Chapter 62. Landscaping of parking areas (such parking lot end islands and screening) shall not be required. Landscaping shall incorporate the use of an underground

irrigation system. All landscaping, including trees, shrubs and groundcover, shall be selected from the City of Bryan's approved list.

12. Porches and balconies (covered or uncovered) open on three sides shall be allowed to extend a maximum of 6 feet into the minimum required front building setback.
13. A wooden privacy fence, 6 feet in height minimum, shall be installed along the north and east property lines. No screening shall be required along Parker and 31<sup>st</sup> Streets.
14. A monument sign shall be allowed on the property within the minimum building setback area along Parker Street. The sign shall be a maximum of 6 feet long and a maximum of 4 feet tall measured from the finished ground elevation. Any such sign shall comply with sight distance requirements of the Bryan Code of Ordinances.
15. Should there arise a circumstance where these PD-H development standards are silent, then the same standards that apply to properties in Bryan zoned for townhouse and condominium use in Residential District - 5000 (R5-D) zoning districts shall apply.

### **SECTION 3: SUBDIVISION OF LAND**

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. Subdivision of the property into townhouse lots shall be permitted as per the adopted development plan drawing.



**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).**

**c. Rezoning RZ15-11: NN Out Properties, Ltd.**

*A request to change the zoning classification from Residential District – 5000 (RD-5) to Planned Development District – Housing (PD-H), to allow up to 7 townhouse units on 0.23 acres of land located at the northeast corner of West 31<sup>st</sup> Street and Parker Avenue, currently addressed as 204 – 206 West 31<sup>st</sup> Street, being parts of Lots 1, 2 and 3 in Block 114 of the Bryan Original Townsite 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.

In response to questions, Mr. Haynes responded that no public concern has been voiced over this rezoning request.

The public hearing was opened.

Ms. Katie Neason, 8275 Francis Road, Bryan, Texas, Applicant, made herself available for questions from the Commission.

Ms. Neason clarified that the proposed townhomes will be marketed towards young professionals, professors, and middle aged individuals looking for a “game day house” type of residence or secondary residence.

The public hearing was closed.

**Commissioner Gonzalez moved to recommend approval of Rezoning RZ15-11 to the Bryan City Council, subject to the conditions recommended by staff, and to adopt the written staff report and analysis as the report, findings, and evaluation of this Commission. Commissioner Bienski seconded the motion.**

Commissioners discussed

- their excitement to see development in the downtown area; and
- wished the developers luck on their project.

**The motion passed unanimously.**

PLANNING AND ZONING COMMISSION  
STAFF REPORT



June 4, 2015

**Rezoning case no. RZ 15-11: NN Out Properties, Ltd.**

**CASE DESCRIPTION:** a request to change the zoning classification from Residential District – 5000 (RD-5) to Planned Development – Housing (PD-H)

**LOCATION:** 0.23 acres of land located northeast of the intersection of Parker Avenue and West 31<sup>st</sup> Street

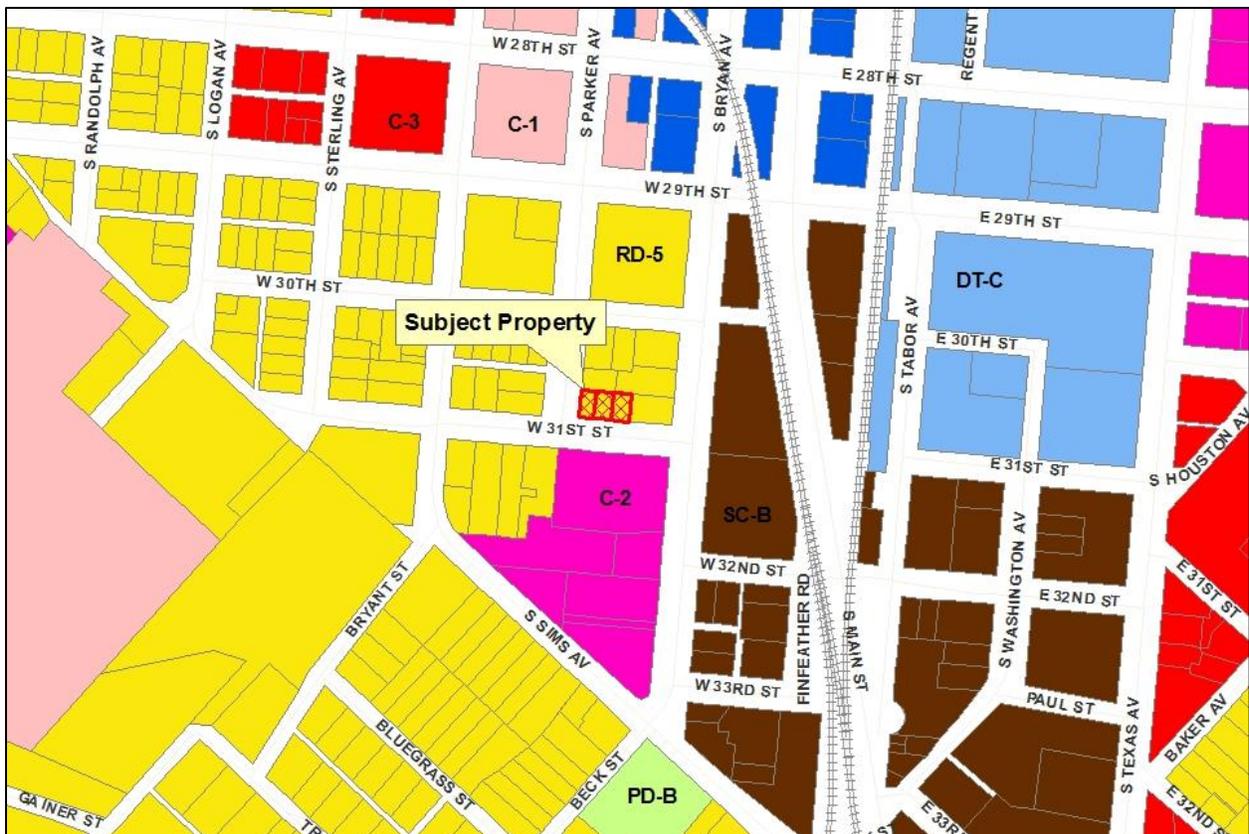
**LEGAL DESCRIPTION:** parts of Lots 1 – 3 in Block 114, Bryan Original Townsite

**EXISTING LAND USE:** single-family residences

**APPLICANT(S):** NN Out Properties Ltd.

**STAFF CONTACT:** Randy Haynes, Senior Planner

**SUMMARY RECOMMENDATION:** Staff recommends **approving** the proposed PD-H District, subject to certain conditions.



**AERIAL PHOTOGRAPH – 2013:**

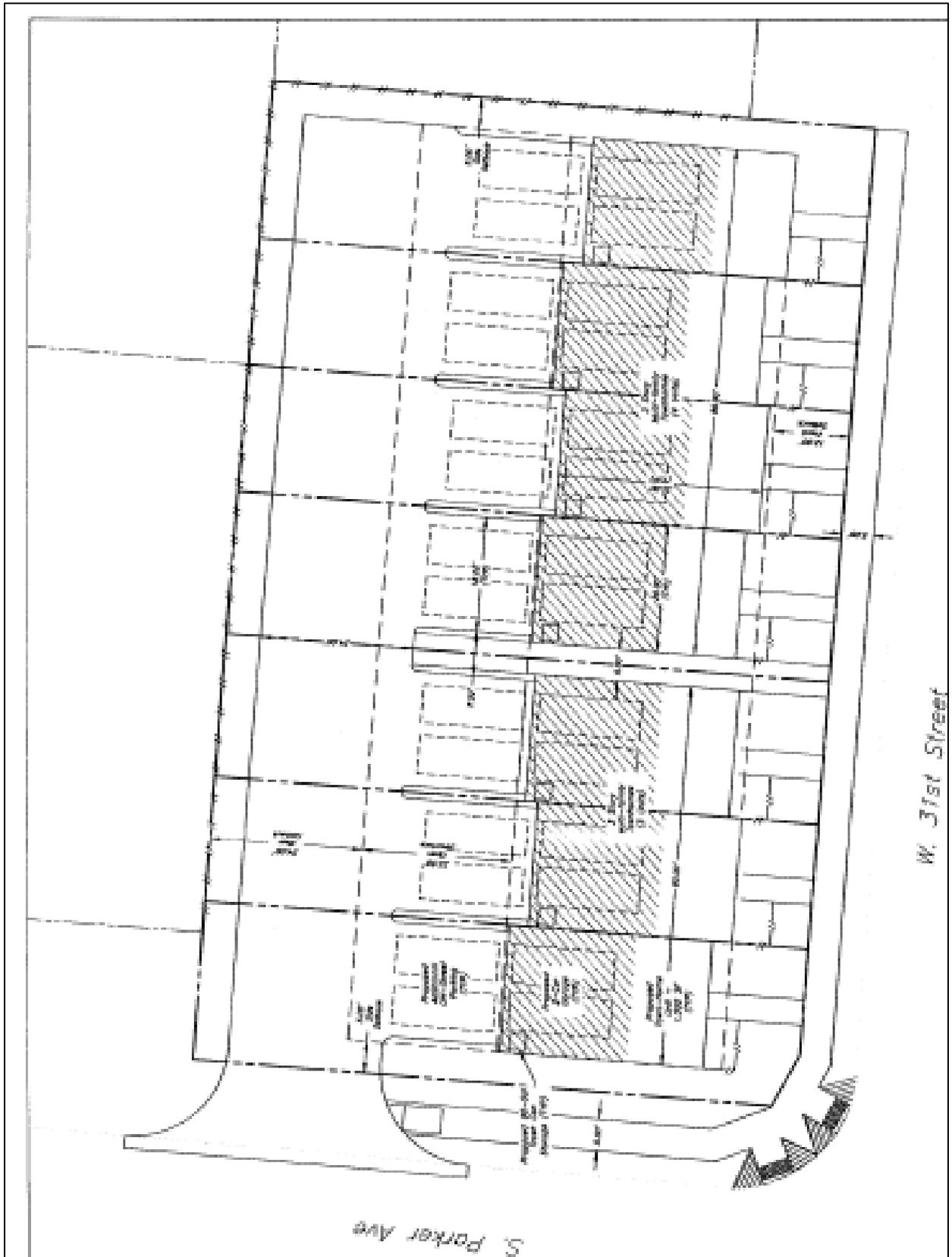


**BACKGROUND:**

The applicant is requesting a change to the zoning on the subject property from RD-5 District to PD-H District, to permit the planned construction of 7 townhouse or condominium units in a configuration that would not be normally possible under RD-5 zoning regulations. A design and development plan have been submitted that address existing site constraints in a manner that the applicant contends will allow the property to be utilized as proposed, while remaining true to the guiding values of the Zoning Ordinance and sound planning principles.

From a procedural point of view, in order to redevelop the subject property, a chain of events must take place. The proposed development plan is a prerequisite for a future replat of this property into the 7 individual townhome lots. That future replat is contingent upon prior approval, by the City Council, of right-of-way abandonment request along both West 31<sup>st</sup> Street and Parker Avenue. It is the desire of the applicant that a decision be made on the ultimate land use as described within the proposed development plan prior to consideration of requests to abandon right-of-way or replat land.

**DETAIL, DEVELOPMENT PLAN DRAWING:**



## **PROPOSED DEVELOPMENT PLAN:**

### **Proposed Planned Development Housing (PD-H) District**

#### **GENERAL PURPOSE AND DESCRIPTION**

The 31<sup>st</sup> Street Townhome development plan is intended to guide planning of land use and physical development on the subject property. This PD-H 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 residential properties from foreseeable negative impacts resulting from the permitted uses by serving as a land use buffer, to strengthen the area economy, and to promote the general welfare of the community.

#### **SECTION 1: LAND USES**

The following range of land uses shall be permitted by right in this PD-H District:

- Townhouses;
- Condominiums;
- 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.

#### **SECTION 2: PHYSICAL DEVELOPMENT**

Physical development in this PD-H District shall comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to townhouse development on properties zoned Residential District-5000 (R5D). The following additional standards shall be applicable:

16. The minimum building setback from property lines adjoining 31<sup>st</sup> Street shall be 12 feet.
17. The minimum building setback from property lines adjoining Parker Street shall be 5 feet.
18. The minimum building setback from the easternmost side property line shall be 5 feet.
19. The minimum building setback from the north (rear) property line shall be 24 feet.
20. Minimum building setbacks shall not be required from interior property lines that are within this PD-H District.
21. For townhomes and condominiums, the minimum required lot width shall be 19 feet and the minimum overall lot area shall be 1,750 square feet.
22. The maximum building height shall be 45 feet.
23. All vehicular access to, and all required off-street parking for, the proposed development shall occur in the rear (north) side of the property and a 24 foot wide private joint access easement shall be provided for such purposes.
24. Required off-street parking shall be provided at one space per bedroom.
25. Covered structures (i.e. – carports) open on three sides (minimum) shall be allowed to extend a maximum of 20 feet from the rear (north) face of the townhouse/condominium unit but not encroach into any private joint access or public utility easements.

26. Landscaping areas along the front, sides, and rear of the property shall be landscaped with at least 15% of the total site area in accordance with landscaping requirements of Bryan Code of Ordinances Chapter 62. Landscaping of parking areas (such parking lot end islands and screening) shall not be required. Landscaping shall incorporate the use of an underground irrigation system. All landscaping, including trees, shrubs and groundcover, shall be selected from the City of Bryan's approved list.
27. Porches and balconies (covered or uncovered) open on three sides shall be allowed to extend a maximum of 6 feet into the minimum required front building setback.
28. A wooden privacy fence, 6 feet in height minimum, shall be installed along the north and east property lines. No screening shall be required along Parker and 31<sup>st</sup> Streets.
29. A monument sign shall be allowed on the property within the minimum building setback area along Parker Street. The sign shall be a maximum of 6 feet long and a maximum of 4 feet tall measured from the finished ground elevation. Any such sign shall comply with sight distance requirements of the Bryan Code of Ordinances.
30. Should there arise a circumstance where these PD-H development standards are silent, then the same standards that apply to properties in Bryan zoned for townhouse and condominium use in Residential District - 5000 (R5-D) zoning districts shall apply.

### **SECTION 3: SUBDIVISION OF LAND**

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. Subdivision of the property into townhouse lots shall be permitted as per the adopted development plan drawing.

EXCERPT FROM ZONING CHANGE REQUEST FORM:

# Rezoning Supplement A



Minimum Requirements:

- Metes and Bounds description of property
- If Planned Development required, then include 15 folded copies and a .pdf of the development site plan

Please list the reasons for this rezoning request:

The property is currently developed with three, small (under 1,000 SF/RA)  
single story residential units that are being used for rental property. These  
older units are in need of upgrades and there is a growing demand for town-  
home style units in the downtown area.

List the changed or changing conditions in the area or City which make this zone change necessary:

The downtown area has seen several developments geared towards young professionals  
that want an urban residence. This type of multi-story townhome development  
is compatible with the downtown district's shops, services, and existing lofts  
and other residential units.

Indicate whether or not this zone change is in accordance with the Future Land Use Plan. If it is not, explain why the Plan is incorrect:

The proposed zoning is in accordance with the Future Land Use Plan and is  
compatible with the existing and proposed developments neighboring this site.

## **RELATION TO BRYAN'S COMPREHENSIVE PLAN:**

The City of Bryan Comprehensive Plan is the framework for the establishment of zoning and other regulatory tools. The current plan includes policies and recommendations related to the various physical aspects of the community. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission shall consider the following when making its recommendation regarding this proposed zoning change:

### **GOAL #2: FACILITATE ORDERLY, EFFICIENT AND ATTRACTIVE DEVELOPMENT, REDEVELOPMENT AND INFILL.**

#### **Objective A: Provide for an efficient development process.**

*Action Statement 1:* Reevaluate the current zoning code to identify inconsistencies and impediments to development.

*Action Statement 2:* Develop specific requirements for contextual infill and redevelopment in existing neighborhoods and commercial areas.

## **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 tracts for this development plan lie on the edge of a residential district north of, and across the street from, a moving and storage warehouse zoned Retail District (C-2). To the east is the recently renovated South Bryan Avenue, beyond which lies land zoned for light commercial use in the South College – Business District (SC-B). In the next block to the north lies the 7+-acre St. Anthony's Catholic Church campus.**

**As proposed, the development plan alters very little with regard to the uses potentially allowed on the subject property. Rather, to achieve higher residential density, the plan put forward alters the configuration of building setbacks, decreases the required lot depth, width and area, and increases the maximum allowed height of buildings.**

**Staff believes that the proposed townhouse/condominium development at this particular location, near two major gateway corridors into Downtown Bryan, and in an area with a considerable amount of light commercial use, will serve as a suitable transition between such commercial uses and the single-family detached neighborhood beyond. Staff contends that such an arrangement will be compatible with existing land uses on surrounding properties and in conformance with the development infill recommendations of the Comprehensive Plan. Staff is comfortable with the proposed limited range of permitted land uses and proposed development standards for these uses at this particular location.**

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 will have access to required utilities. Should the related request for abandonment of portions of adjacent public street rights-of-way for West 31<sup>st</sup> Street and Parker Avenue be approved by the City Council, relocation and/or replacement of both public and private utilities may be required. The expense of relocating utilities will be borne by the developer.**

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.

**Almost all of the vacant land zoned for single-family residential use in Bryan could potentially accommodate townhouse development through the conditional use permit process. Staff believes that this zone change request, if approved, will not make land classified for similar development in the vicinity or 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 residential townhouse development is occurring at an increasing pace in this general vicinity, specifically at E. 24<sup>th</sup> Street and Houston Avenue and also W. 23<sup>rd</sup> Street and Parker Avenue. Although the area has been in a fully-developed state for many years, recent living patterns, market changes and close proximity to the revitalized Downtown Bryan appears to be bringing about increased interest in redevelopment.**

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 no need to modify the zoning designation for other areas designated for similar developments. The proposed development standards of this PD-H District are specifically designed for this site.**

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

**Staff is unable to discern any other factors related to this request that will adversely affect health, safety, morals, or general welfare. Staff contends that the proposed 7-unit townhouse/condominium development at this location will allow for a useful and orderly urban redevelopment 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.

**Staff believes that the proposed townhouse/condominium development will have a positive effect on the surrounding area and will be compatible with existing and anticipated uses surrounding this property. 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.**

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 have not been 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. While new development at this location will slightly increase the volume of auto and pedestrian activity, it is important to note that the subject property is located near a street designed to accommodate significant amounts of both auto and pedestrian traffic; South Bryan Avenue is classified as a minor arterial street on Bryan's Thoroughfare Plan. This principal street can reasonably be expected to be capable of safely absorbing traffic loads typically associated with an additional 7 single-family residential units on this property. In addition, the recent reconstruction of South Bryan Avenue included new pedestrian walkways along both sides of the street, providing access to the southern entrance to downtown, approximately a quarter-mile to the north.**

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

**Commercial lighting and signage is not permitted within residential districts and the proposed amendment contains no plan to alter that arrangement. Staff contends that the proposed development plan 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 townhome 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** this proposed PD-H District, subject to the following:

- 1. City Council's prior approval of a request to abandon 20 feet of public street right-of-way for South Parker Avenue and 16.69 feet of public street right-of-way for West 31<sup>st</sup>; and**
- 2. Approval and recording of a formal replat by the City of Bryan encompassing all property the applicant owns/or will own after abandonment of the aforementioned public rights-of-way; any such replat shall subdivide the subject property either into one lot for a condominium development, or into 7 townhouse lots in accordance with the approved development plan.**