ACTION FORM
BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING:	September 8, 2015	**DATE SUBMITTED:**	August 18, 2015
DEPARTMENT OF ORIGIN:	Development Services	**SUBMITTED BY:**	Randy Haynes

MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
☐ BCD	☒ PUBLIC HEARING	☐ 1ST READING	☐ PUBLIC SAFETY
☐ SPECIAL	☐ CONSENT	☐ 2ND READING	☐ SERVICE
☒ REGULAR	☐ STATUTORY		☒ ECONOMIC DEVELOP.
☐ WORKSHOP	☐ REGULAR		☐ INFRASTRUCTURE
			☒ QUALITY OF LIFE

AGENDA ITEM DESCRIPTION: Consideration of an ordinance to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from a combination of Planned Development District – Mixed Use (PD-M) and Agricultural – Open District (A-O) to Residential District – 5000 (RD-5) on 17.18 acres of land out of Zeno Phillips Survey, A-45, and generally located at the southeastern ends of Imperial Valley and Silkwood Drives in Bryan, Brazos County, Texas (RZ15-06).

SUMMARY STATEMENT: The subject property consists of 17.18 acres of vacant land currently zoned a combination of Planned Development District – Mixed Use (PD-M) and Agricultural – Open District (A-O) and is generally located at the southeastern ends of Imperial Valley and Silkwood Drives. The applicants, Habitat for Humanity, are proposing to rezone the property to the Residential District – 5000 (RD-5) with the intention of developing a new residential subdivision here (referred to as "Hope Subdivision").

The only developed land directly abutting the subject property lies to the northwest and is the site of the Shadowood Subdivision – Phase 3; a residential area containing duplex and patio home-type structures. The 13-acre Shadowood development was platted in 1982 and classified as a Multiple-Family District (MF) when zoning was originally adopted in Bryan in 1989. Other than the Shadowood Subdivision, the land surrounding the subject property remains undeveloped for distances of between 700 feet and 1500 feet.

The RD-5 District is intended to provide opportunities for development of detached dwelling units on lots of not less than 5,000 square feet in size. Other uses, such as religious and educational facilities, and open spaces are also allowed, to maintain a balanced, orderly, convenient, and attractive residential area. Certain uses, such as duplexes, if developed in a compatible manner, may be allowed with prior approval of a Conditional Use Permit by the Planning and Zoning Commission.

STAFF ANALYSIS AND RECOMMENDATION: During its meeting on August 6, 2015, the Planning and Zoning Commission concurred with staff and **unanimously recommended approving** this rezoning request.

- RD-5 zoning will create a more orderly zoning pattern and allow for useful and orderly urban development in this vicinity. The subject property is located adjacent to the southeast of the Shadowood Subdivision that is zoned and developed for multi-family residential use.
- Single-family residences at this location will promote orderly urban growth in close proximity to Jane Long Middle School and Henderson Park, in accordance with the land use recommendations of the Comprehensive Plan.
- While no citizens spoke in opposition to the request during the Commission's public hearing on the matter, objections to this request may include that a new subdivision here may increase traffic in this vicinity, as would any new development at this location.
- In addition, it may be asserted that the proposed RD-5 zoning breaks up a previously approved Planned

Development – Mixed Use (PD-M) District and prevent this land from developing as intended when originally approved in 1998 (Ordinance No. 1141). 8.19 acres of the total 17.18 acre subject property are a part of that 18.43-acre PD-M District. In that PD-M District, the allowed land uses are a mix of residential uses consisting of detached single-family, duplex and fourplex dwellings. The land use allowed in the requested RD-5 District and proposed with Habitat's new Hope Subdivision are essentially the same, if not more restrictive. If the remainder of the PD-M District were to develop as envisioned in 1998, the RD-5 zoning requested for the subject property could be easily integrated without harm to the previously approved plan.

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 August 6, 2015; and
4. staff report to the Planning & Zoning Commission.

FUNDING SOURCE: **N/A**

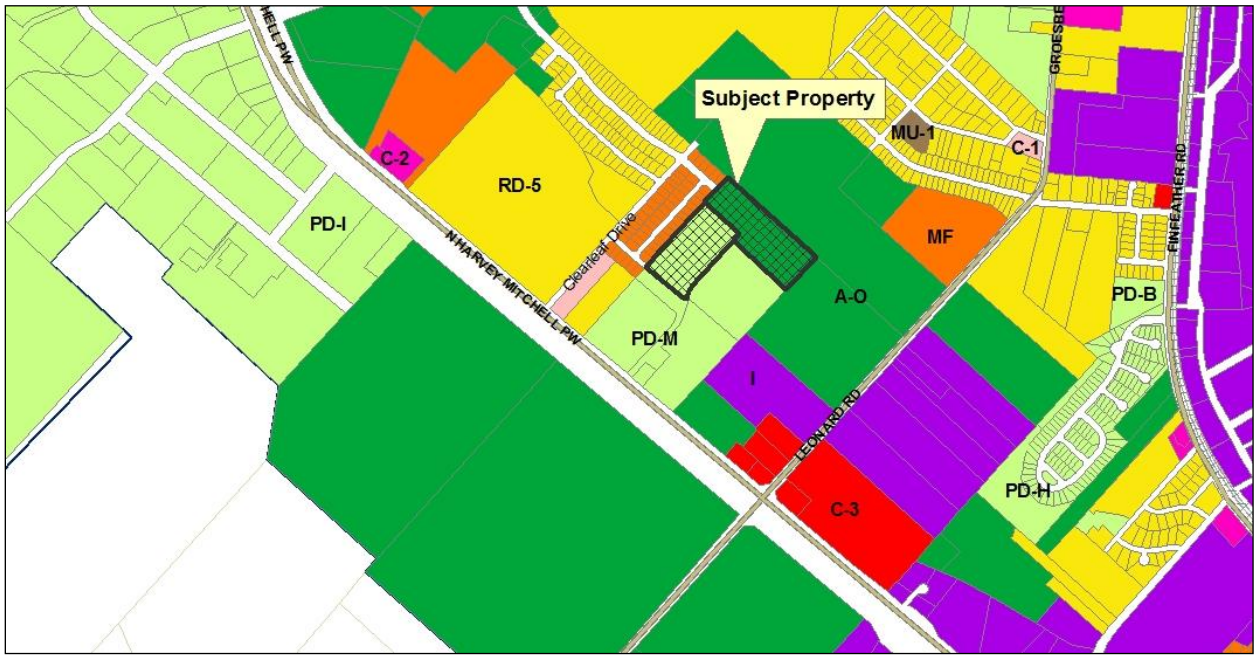
APPROVALS: Kevin Russell, 8-20-15; Joey Dunn, 8-25-15; Hugh R. Walker, 08/27/2015

APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 8/27/2015

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 8/29/2015

Revised 05/2013

LOCATION MAP:



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 A COMBINATION OF PLANNED DEVELOPMENT DISTRICT – MIXED USE (PD-M) AND AGRICULTURAL – OPEN DISTRICT (A-O) TO RESIDENTIAL DISTRICT – 5000 (RD-5) ON 17.18 ACRES OF LAND OUT OF ZENO PHILLIPS SURVEY, A-45, AND GENERALLY LOCATED AT THE SOUTHEASTERN ENDS OF IMPERIAL VALLEY AND SILKWOOD DRIVES 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 17.18 acres of land out of Zeno Phillips Survey, A-45, and generally located at the southeastern ends of Imperial Valley and Silkwood Drives in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on August 6, 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 a combination of Planned Development District – Mixed Use (PD-M) and Agricultural – Open District (A-O) to Residential District – 5000 (RD-5) on 17.18 acres of land out of Zeno Phillips Survey, A-45, and generally located at the southeastern ends of Imperial Valley and Silkwood Drives in Bryan, Brazos County, Texas, said 17.18 acres being more particularly described my metes-and-bounds on attached Exhibit “A”.

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 8th day of September, 2015 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 22nd day of September, 2015 by a vote of ___ yeses and ___ noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

_____
Mary Lynne Stratta, City Secretary

CITY OF BRYAN:

_____
Jason P. Bienski, Mayor

APPROVED AS TO FORM:

_____
Janis K. Hampton, City Attorney

EXHIBIT "A":

B/CS Habitat for Humanity, Inc.
17.18 Acre Tract
Rezoning Request
Zeno Phillips Survey, A-45
Bryan, Brazos County, Texas

Field notes of a 17.18 acre tract or parcel of land, lying and being situated in the Zeno Phillips Survey, Abstract No. 45, Bryan, Brazos County, Texas, and being all of the 9.06 acre tract described in the deed from Joseph D. Barrychuck, et ali, to B/CS Habitat for Humanity, Inc. recorded in Volume 12790, Page 82, of the Official Records of Brazos County, Texas, and all of the 8.12 acre tract described in the deed from Adam Development Properties, LP, to Bryan-College Station Habitat for Humanity, Inc., recorded in Volume 12426, Page 15, of the Official Records of Brazos County, Texas, and said 17.18 acre tract being more particularly described as follows:

BEGINNING at a ½" iron rod and cap found at the common corner between the beforementioned 9.06 acre tract and a 24.14 acre tract described in the deed to Piri Enterprises, Inc., recorded in Volume 2331, Page 41, of the Official Records of Brazos County, Texas, said ½" iron rod and cap also lying in the southwest line of a 57.95 acre Reserve Tract, as shown on the Follett Subdivision, according to the plat recorded in Volume 6327, Page 177, of the Official Records of Brazos County, Texas;

THENCE S 45° 40' 30" W along the common line between the beforementioned 9.06 acre tract, and the beforementioned 24.14 acre tract, for a distance of 395.70 feet to a ½" iron rod and cap found at the common corner between the said 9.06 acre tract and a 10.10 acre tract – Exhibit "A" described in the deed to Linda T. Nguyen, and husband Sanh Trinh, recorded in Volume 5179, Page 120, of the Official Records of Brazos County, Texas;

THENCE N 44° 20' 12" W for a distance of 659.92 feet to a ½" iron rod found marking the common corner between the beforementioned 9.06 acre tract and the beforementioned 10.10 acre tract, and in the southeast line of the beforementioned 8.12 acre tract;

THENCE along the common line of the beforementioned 8.12 acre tract, and the 10.10 acre tract, as follows:

S 45° 39' 48" W	for a distance of 521.42 feet to the beginning of a curve concave to the southeast, having a radius of 300.00 feet, a ½" iron rod found bears S 82° 51' W – 0.4 feet,
Southwesterly along said curve,	for an arc distance of 120.43 feet to the end of this curve, from which a 5/8" iron rod found bears S 86° 08' W – 0.3 feet, the chord bears S 34° 09' 48" W – 119.62 feet,
S 22° 39' 48" W	for a distance of 52.34 feet to the south corner of the beforementioned 8.12 acre tract, same being the centerline intersection of a 60' wide access and utility easement – 1.25 acre – Tract Two described in Volume 12426, Page 15, of the Official Records of Brazos County, Texas, and a 50' wide access easement – Tract Three described in Volume 12426, Page 15, of the Official Records of Brazos County, Texas, a 5/8" iron rod found bears S 70° 41' W – 0.4 feet;

THENCE along the common line between the beforementioned 8.12 acre tract, and the following two tracts, lying to the south and southwest: a proposed 60' wide street – 1.25 acres, described in the deed to Regency Parkway, Inc., recorded in Volume 989, Page 319, of the Official Records of Brazos County, Texas, said 1.25 acre tract also shown on a graphic exhibit in Volume 989, Page 319, of the Official Records of Brazos County, Texas, and a 1.55 acre tract, also shown same graphic exhibit, as follows:

N 67° 20' 12" W	for a distance of 30.00 feet to a ½" iron rod and cap set,
N 47° 58' 03" W	for a distance of 457.12 feet to a ½" iron rod and cap set in the centerline of Imperial Valley Drive – 50' wide right-of-way, as shown on the plat of Shadowood Subdivision, Phase 3, recorded in Volume 558, Page 369, of the Deed Records of Brazos County, Texas, same being the common corner between the said 8.12 acre tract, and the beforementioned Regency Parkway – 1.55 acre tract;

THENCE along the common line between the following two tracts, lying to the southeast, the beforementioned 8.12 acre tract and the beforementioned 9.06 acre tract, and Blocks H and E of the beforementioned Shadowood Subdivision, Phase 3, as follows:

N 45° 38' 27" E	for a distance of 735.34 feet to a ½" iron rod and cap set in Lot 12, Block H, Shadowood Subdivision, Phase 3,
N 45° 44' 18" E	for a distance of 381.14 feet to a ½" iron rod and cap set at the common corner between Lot 1, Block E, Shadowood Subdivision, Phase 3, and the beforementioned 9.06 acre tract, said ½" iron rod and cap also lying in the southwest line of the beforementioned 57.95 acre – Reserve Tract;

THENCE S 44° 41' 12" E along the common line between the beforementioned 9.06 acre tract, and the beforementioned 57.95 acre - Reserve Tract, for a distance of 1099.33 feet to the **PLACE OF BEGINNING**, containing 17.18 acres of land, more or less.

EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES OF AUGUST 6, 2015:

8. 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 RZ15-06: Habitat for Humanity
A request to change the zoning classification from a combination of Planned Development District – Mixed Use (PD-M) and Agricultural – Open District (A-O) to Residential District – 5000 (RD-5), on 17.18 acres of land out of Zeno Phillips Survey, A-45, and generally located at the southeastern ends of Imperial Valley and Silkwood Drives 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.

Mr. Fred Paine, 2912 Broadmoor Drive, Bryan, Texas, spoke on behalf of Civil Engineering Associates in favor of the rezoning request and made himself available for questions.

Mr. Jim Davis, 119 Lake Street, Bryan, Texas, spoke on behalf of Habitat for Humanity in favor of the rezoning request and made himself available for questions.

The public hearing was closed.

Commissioner Madison moved to recommend approval of Rezoning RZ15-06 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 their gratitude for Habitat for Humanity and all citizens in attendance for supporting this great project.

The motion passed with a vote of 4 in favor and 0 in opposition with Commissioner Krolczyk abstained from discussion and voting due to a conflict of interest.

PLANNING AND ZONING COMMISSION
STAFF REPORT

August 6, 2015

CITY OF BRYAN

Rezoning case no. RZ15-06: Habitat for Humanity

CASE DESCRIPTION: a request to change the zoning classification from a combination of Planned Development District – Mixed Use (PD-M) and Agricultural – Open District (A-O) to Residential District – 5000 (RD-5)

LOCATION: 17.18 acres of vacant land currently zoned a combination of Planned Development District – Mixed Use (PD-M) and Agricultural – Open District (A-O) generally located at the southeastern ends of Imperial Valley and Silkwood Drives

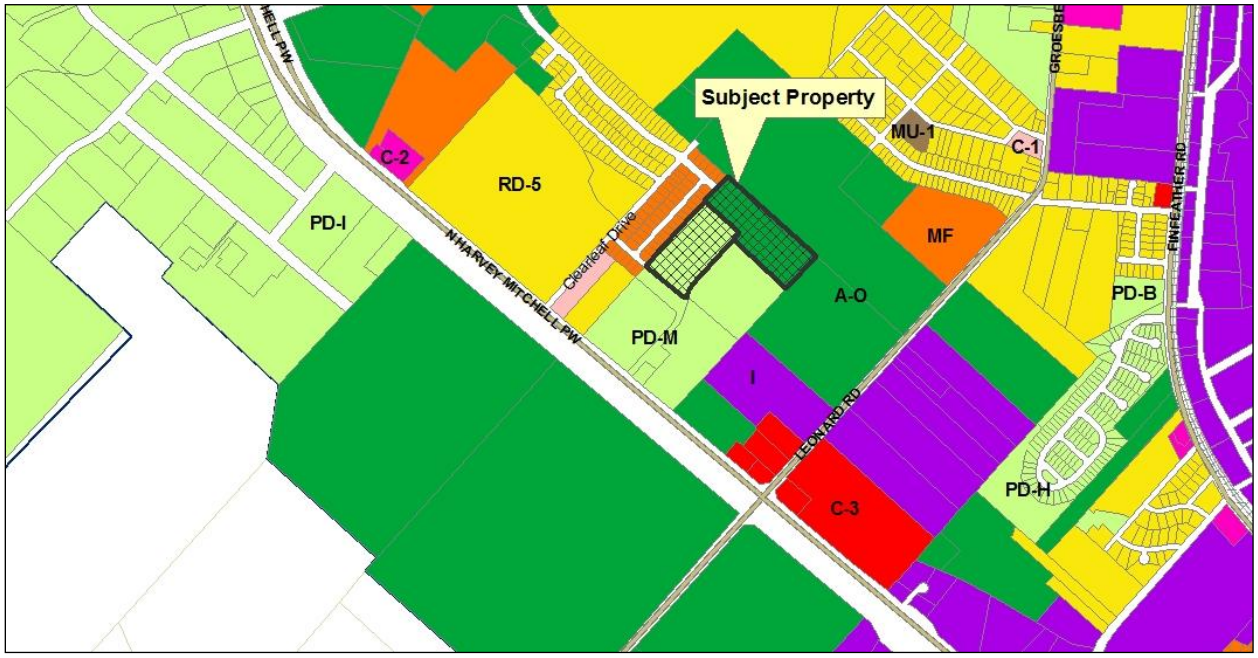
EXISTING LAND USE: vacant land

APPLICANT(S): Bryan / College Station Habitat for Humanity

AGENT: Civil Engineering Consultants – Fred Paine P.E.

STAFF CONTACT: Randy Haynes, Senior Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** RD-5 zoning on all land encompassed within this request.



AERIAL PHOTOGRAPH (2013):

BACKGROUND:

The subject property consists of 17.18 acres of vacant land currently zoned a combination of Planned Development District – Mixed Use (PD-M) and Agricultural – Open District (A-O) and is generally located at the southeastern ends of Imperial Valley and Silkwood Drives. The applicants, Habitat for Humanity, are proposing to rezone the property to the Residential District – 5000 (RD-5) with the intention of developing a new residential subdivision (referred to as "Hope Subdivision").

The only developed land directly abutting the subject property lies to the northwest and is the site of the Shadowood Subdivision – Phase 3; a residential area containing duplex and patio home-type structures. The 13-acre Shadowood development was platted in 1982 and classified as a Multiple-Family District (MF) when zoning was originally adopted in Bryan in 1989. Other than the Shadowood Subdivision, the land surrounding the subject property remains undeveloped for distances of between 700 feet and 1500 feet.

The RD-5 District is intended to provide opportunities for development of detached dwelling units on lots of not less than 5,000 square feet in size. Other uses, such as religious and educational facilities, and open spaces are also allowed, to maintain a balanced, orderly, convenient, and attractive residential area. Certain uses, such as duplexes, if developed in a compatible manner, may be allowed with prior approval of a Conditional Use Permit by the Planning and Zoning Commission.

COMPREHENSIVE PLAN:

The City of Bryan adopted the Comprehensive Plan Update in 2007. The 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 Comprehensive Plan suggests that low density residential should be located in areas that are protected from (but accessible to) the major roadway in close proximity to schools. The Planning and Zoning Commission should also consider the following when making its recommendation regarding this proposed zoning change:

Chapter 5: Land Use

5.5 Use-Specific Land Use Policies

Low Density Residential land serves to provide housing and living units for a variety of people with a range of incomes and needs. It predominantly consists of detached single family dwellings but may consist of other housing types as long as densities remain low; up to 8 dwelling units per acre. These uses should be located in areas that are:

- Protected from but accessible to the major roadway network, commercial establishments, work places and entertainment areas;
- Accessible to collector and arterial streets, but directly access only local streets; and,
- Not adjacent to major arterials and freeways without adequate buffering and access management.

5.6 Goals, Objectives and Action Statements

Goals, objectives and action statements were developed to address land use concerns facing Bryan in the next twenty years.

GOAL #4: PROMOTE QUALITY AFFORDABLE HOUSING DEVELOPMENT.
Objective: Encourage the development of affordable housing tailored to the particular needs of the community.

Action Statement 2: Seek the dispersal and integration of low-income housing through infill and small subdivision 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.

   Staff contends that residential use at this location will generally be compatible with land uses on surrounding properties. RD-5 Zoning will create a more orderly zoning pattern and allow for useful and orderly urban development in this vicinity. The subject property is located adjacent to the southeast of the Shadowood Subdivision that is zoned and developed for multi-family residential use. Staff believes that single-family residences at this location will promote orderly urban growth in close proximity to Jane Long Middle School and Henderson Park, in accordance with the land use recommendations of the Comprehensive Plan.

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 RD-5 zoning on these 17.18 acres is appropriate at this particular location and is in accordance with land use recommendations of the Comprehensive Plan. Staff believes that single-family residences at this location will promote orderly urban growth in close proximity to Jane Long Middle School and Henderson Park. The new subdivision will have close access to the major road network, accessed via Clear Leaf Drive, which is classified as a major collector street on Bryan's Thoroughfare Plan. While neither water nor sanitary sewer infrastructure is currently present on the subject property, connection points lie adjacent and adequate capacity exists to serve the proposed 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.

   Staff finds that there is ample vacant land that could be appropriately classified for similar development in the vicinity and elsewhere in the City. Staff is unable to discern special circumstances that may make such vacant land 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.

   The area surrounding the subject property has been slow to develop over the past twenty years. Staff contends that due to the general demand for residential lots city-wide, there is an increased demand for land zoned for residential development 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 zoning change were approved, staff believes there will be no effects, negative or otherwise, on other areas designated for similar development. The subject property has remained undeveloped since the City adopted zoning in 1989. Staff contends that the proposed change in zoning classification and subsequent development of the subject property could have the effect of increasing property values and demand of the surrounding parcels.

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

   Staff does not believe this proposed development would adversely affect health, safety, morals, or general welfare. Residential development on the subject property is likely to have minimal direct detrimental impacts on adjacent properties.

RECOMMENDATION:

Staff recommends **approving** RD-5 zoning as requested by the applicants.