

## ACTION FORM BRYAN CITY COUNCIL

<b>DATE OF COUNCIL MEETING:</b> October 13, 2015		<b>DATE SUBMITTED:</b> September 22, 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 checked="" type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input 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
<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 Agricultural – Open District (A-O) to Planned Development – Mixed Use District (PD-M), to allow a mixed use development consisting of commercial, residential, and manufactured home land lease community uses on 61.59 acres of vacant land located on the northwest side of the 2300 Block of Leonard Road, 150 feet to 750 feet southwest from its intersection with Jordan Loop, being Lot 1 and the reserve tract of the Follett Subdivision in Bryan, Brazos County, Texas (RZ15-09).			
<b>SUMMARY STATEMENT:</b> The vacant subject property is 61.59 acres in size, currently zoned Agricultural – Open District (A-O) and has recently been acquired by the applicants, Diane and Joshua Lorden. The applicants intend to develop the tract to accommodate three basic uses in three areas the property is proposed to be divided into for land use purposes: <ol style="list-style-type: none"> <li>1. detached single-family (site-built or manufactured) homes on 7,000+ square foot lots (Tract 1, 22.59 acres)</li> <li>2. manufactured home land lease community (Tract 2, 30.29 acres)</li> <li>3. commercial/retail use (Tract 3, 8.64 acres)</li> </ol> <p>The applicants are requesting approval of a rezoning to Planned Development – Mixed Use District (PD-M), to accommodate the proposed mix of land uses on this property. The proposed development plan will allow specific uses in particular locations on the property. In addition, the proposed PD-M District limits land uses that would be permitted at this location were the normal residential and commercial district standards utilized.</p>			
<b>STAFF ANALYSIS AND RECOMMENDATION:</b> During its meeting on September 3, 2015, the Planning and Zoning Commission <b>recommended approving</b> this rezoning request by a split vote of 4 in favor and 3 in opposition. <ul style="list-style-type: none"> <li>• The mixed-use development proposed with this PD-M District appears to be compatible with existing and anticipated uses surrounding this property and in accordance with the land use recommendations of the Comprehensive Plan, which states 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.</li> <li>• In general terms, the community’s experience involving mobile home parks over the past 30 years has been less than positive. There are many factors that have contributed to the common opinion such developments create an environment that, over time, cannot economically sustain themselves, and typically deteriorates into blight. This community experience taken alone would seem to support an argument against the proposed plan.</li> <li>• However, based on the City’s experience over the past 5 years dealing with the result of years of the lack of mobile home regulation enforcement, and given the standards proposed with this development plan for a manufactured home land lease community on the 30+ acre Tract 2 of this development, the experience of the past need not be repeated. Specifically, although disregarded or neglected in previous years, the City now has</li> </ul>			

permitting and inspection processes in place intended to prevent the lack of mobile home park oversight that had prevailed in the community before the adoption of those policies. Also, the standards proposed to regulate the physical development of the 30+ acre Tract 2 will in themselves provide for a more orderly and easier to maintain physical environment, for example, reduced residential density, the existence of adequate, off-driveway parking for residents and separate parking areas for guests, designation of fire lanes creating no-parking areas, pedestrian walkways adjacent to or within 25 feet of all home sites, required on site storage buildings for lawn and other typically outdoor equipment, and increased building separation standards are all intended to provide an altogether more livable and easier to manage community than those developed previously.

- The subject property lies adjacent to, and generally south of, 1,000 acres of land zoned for various types of residential use. Since the greater portion of the subject tract is proposed for residential use, and is separated from Leonard Road, which is classified as a major arterial street on Bryan's Thoroughfare Plan, the proposed zoning change appears to be appropriate at this location. The proposed 8+ acres (Tract 3) that is proposed to be reserved for commercial use along Leonard Road and will not only offer the exposure that most retail trade requires, but could also conceivably be convenient and accessible to the adjacent residential neighborhood.
- A Planning and Zoning Commission subcommittee report on mobile home parks (adopted in 2007) found manufactured home land lease communities represented an important housing choice that should be available to the citizens of Bryan.
- Blinn College announced their intention to develop a new campus on a 95-acre tract south of the intersection of Leonard Road and North Harvey Mitchell Parkway / FM 2818. The new college facility will be located 0.5 miles from the subject property. There is the reasonable expectation there will be an increased demand for residential property of all types in this vicinity as the campus is being developed in the next several years. In order to be prepared for a change in market demand, the proposed PD-M District includes provisions that would potentially allow multi-family residential use on all three tracts, subject to Conditional Use Permit approval from the Planning and Zoning Commission. This provision will allow the developers more flexibility and enable the City to retain a greater measure of land use control than would be available if the property were rezoned to Multiple-Family District (MF).
- Given the selected mix of land uses that would be allowed, by right or with approval of a Conditional Use Permit, the proposed mixed-use development will be appropriate at this particular location.
- The expressed concerns of one of the three Planning and Zoning Commissioners who voted in opposition to the request included the view the proposed land uses were incompatible with current and potential future uses, and the speculation the establishment of the new Blinn campus would create conditions calling for additional multi-family development on the subject property instead. The remaining two Commissioners who voted in opposition to the requested expressed no opinions or findings with regard to their votes at the public hearing.

**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 September 3, 2015; and
4. staff report to the Planning & Zoning Commission.

**FUNDING SOURCE:** N/A

**APPROVALS:** Kevin Russell, 9-24-25; Joey Dunn, 9-28-15; Hugh R. Walker, 09/29/2015

**APPROVED FOR SUBMITTAL: CITY MANAGER**

**APPROVED FOR SUBMITTAL: CITY ATTORNEY**



**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 AGRICULTURAL – OPEN DISTRICT (A-O) TO PLANNED DEVELOPMENT – MIXED USE DISTRICT (PD-M), SUBJECT TO DEVELOPMENT REQUIREMENTS SPECIFIED HEREIN, TO ALLOW A MIXED-USE DEVELOPMENT CONSISTING OF COMMERCIAL, RESIDENTIAL AND MANUFACTURED HOME LAND LEASE COMMUNITY USES ON 61.59 ACRES OF VACANT LAND LOCATED ON THE NORTHWEST SIDE OF THE 2300 BLOCK OF LEONARD ROAD, 150 FEET TO 750 FEET SOUTHWEST FROM ITS INTERSECTION WITH JORDAN LOOP, BEING LOT 1 AND THE RESERVE TRACT OF THE FOLLETT SUBDIVISION 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 61.59 acres of vacant land located on the northwest side of the 2300 Block of Leonard Road, 150 feet to 750 feet southwest from its intersection with Jordan Loop, being Lot 1 and the reserve tract of the Follett Subdivision as recorded in Volume 6327, Page 177 of the Official Records of Brazos County in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on September 3, 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 61.59 acres of vacant land located on the northwest side of the 2300 Block of Leonard Road, 150 feet to 750 feet southwest from its intersection with Jordan Loop, being Lot 1 and the reserve tract of the Follett Subdivision as recorded in Volume 6327, Page 177 of the Official Records of Brazos County in Bryan, Brazos County, Texas, subject to development requirements specified in attached Exhibit “A” 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 13<sup>th</sup> day of October, 2015 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 27<sup>th</sup> day of October, 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:

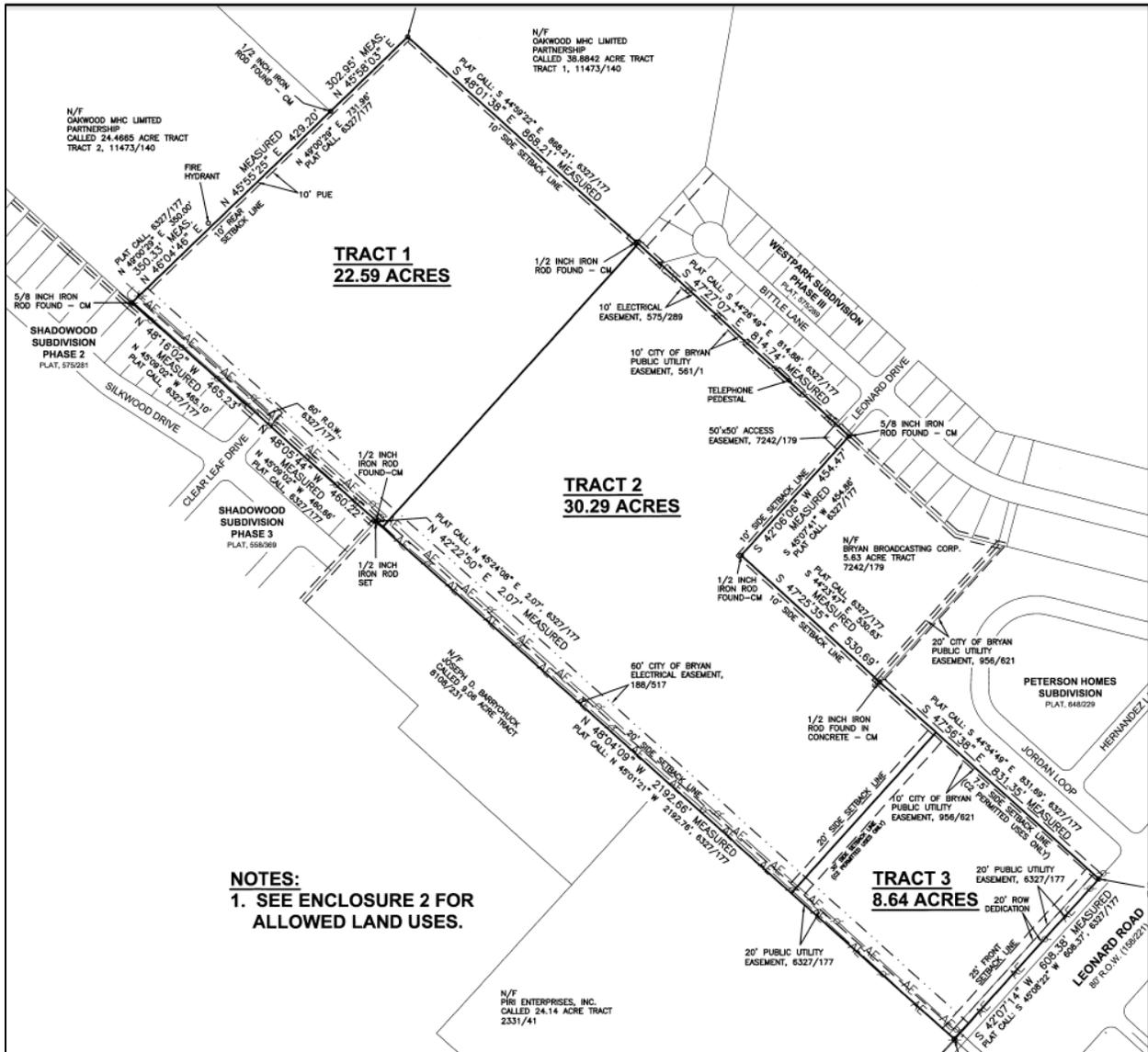
\_\_\_\_\_  
Janis K. Hampton, City Attorney

**EXHIBIT "A":**

**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, office and retail and commercial uses on 61.59 acres of land being Lot 1 and the reserve tract of the Follett Subdivision as recorded in Volume 6327, Page 177 of the Official Records of Brazos County, located adjoining the northwest side of the 2300 block of Leonard Road, 150 to 750 feet southwest of the intersection of Leonard Road and Jordan Loop in Bryan, Brazos County, Texas.

**BOUNDARY EXHIBIT, TRACTS 1-3: (Figure 1)**



## **Section 1: General Purpose and Description**

This development plan is intended to guide planning of land use and physical development on the subject property. This 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**

The following words, terms and phrases shall have the meanings ascribed to them in the Bryan Code of Ordinances, except where the context clearly indicates a different meaning. Words of terms that are not expressly defined within this development plan or the Bryan Code of Ordinances, shall have their ordinary dictionary meaning, based on the latest edition of Merriam-Webster's Unabridged Dictionary.

In this specific context, the term "permitted" shall mean land uses permitted by right on the tract of land specified. Land uses listed as "Conditional Use" shall be subject to the development review procedures of the City of Bryan's Code of Ordinances described for Conditional Use Permits.

*Manufactured home* shall mean a HUD-Code manufactured home or a mobile home and collectively means and refers to both. The term "HUD-Code manufactured home" shall mean a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems of the home. The term does not include a recreational vehicle as that term is defined by 24 CFR 3282.8(g). For use in this chapter, the terms "manufactured home" and "manufactured housing" shall be synonymous with HUD-Code manufactured home.

*Manufactured housing land lease community* shall mean a residential development typified by single ownership of the land with the development, with the landowner retaining the rights of ownership. Home sites within the community are leased to individual homeowners, who retain customary leasehold rights for the placement and occupancy of individual manufactured homes (this definition excludes mobile homes). Any manufactured housing land lease community within this district shall be licensed in accordance with the standards outlined in the Bryan Code of Ordinances.

*Mobile home* shall mean a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the travel mode, is eight body feet or more in width, 40 body feet or more in length, or, when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems of the home. Mobile homes shall be prohibited in this district.

### **Section 3: Land Use**

#### **Tract 1 (22.59 acres):**

##### *Permitted uses:*

- Accessory structures;
- Detached dwelling units with no more than four un-related persons;
- Group home/community home;
- Home occupations;
- Manufactured Homes on Individual Lots;
- Personal Care Homes.

##### *Conditional uses:*

- Boardinghouse (lodging house);
- Child care - Class B
- Common Open Space, Community Center, Recreational Building, and other facilities or amenities, provided they are intended for use by the residents of the multifamily apartment complex;
- Duplex;
- Laundromats (self-service washateria);
- Multiple-family dwelling (apartment building, triplex, four-plex), greater than two dwelling units per structure;
- Nursing home (retirement home);
- Personal Care Homes;
- Townhouses.

#### **Tract 2 (30.29 acres):**

##### *Permitted uses:*

- Manufactured housing land lease communities;
- Home occupations.

##### *Conditional uses:*

- Recreational vehicle (RV) park;
- Multiple-Family dwellings.

#### **Tract 3 (8.64 acres):**

##### *Permitted uses:*

- Automobile service station;
- Automobile repair;
- Banks, savings and loans or credit union offices;
- Child care - Class C;
- Dance studio;
- Fitness center;
- General office use (professional, administrative);
- Laundromats (self-service washateria);
- Medical facilities or clinics;
- Mini-warehouse or self-storage;
- Motel or hotel;

- Package liquor store;
- Portable/small commercial structures--Permanent;
- Portable/small commercial structures--Seasonal;
- Recreational / Community Center;
- Restaurant;
- Retail services (including incidental uses);
- Restaurant;
- Theater – Indoor;
- Veterinary services (no outdoor runs or pens).

*Conditional uses:*

- Accessory structures;
- Common Open Space, Community Center, Recreational Building, and other facilities or amenities, provided they are intended for use by the residents of the multifamily apartment complex;
- Detached dwelling units with no more than four un-related persons;
- Duplex;
- Group home/community home;
- Home occupations;
- Manufactured Homes on Individual Lots;
- Manufactured housing land lease community;
- Multiple-family dwelling (apartment building, triplex, four-plex), greater than two dwelling units per structure;
- Nursing home;
- Personal Care Homes;
- Recreational vehicle (RV) park;
- Townhouses.

**Section 4: Physical Development**

Tract 1 (22.59 acres):

Physical development on Tract 1 shall comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to properties zoned Residential District – 7000 (RD-7), subject to additions, modifications or exceptions described herein.

Public Streets:

1. The minimum public right-of-way width for local streets shall be 31 feet.
2. The minimum pavement width for local streets shall be 22 feet from back-of-curb to back-of-curb.
3. Guest parking shall occur in improved off-street parking common area spaces. On street parking shall not be allowed within Tract 1.

Public Utility Easements:

10-foot wide public utility easements shall be required along both sides of local streets to accommodate underground public infrastructure. Where the sanitary sewer depth is greater than 10 feet, a 15-foot wide public utility easement shall be required.

Public Walkways:

To provide safe pedestrian transportation while limiting impervious cover and allowing a maximum amount of green space, 5-foot wide public walkways shall be installed by the developer adjacent to the back-of-curb and shall provide access along all local streets within 32 feet of each lot. Such public walkways shall be constructed of concrete, and meet all applicable handicap accessibility guidelines.

Residential Density:

The density of residential development shall be no greater than 7 dwelling units per acre.

Tract 2 (30.29 acres):

Physical development on Tract 2 shall comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to properties zoned Multiple-Family District (MF). If tract 2 is developed with a manufactured housing land lease community, any such development shall also comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to manufactured housing land lease communities, subject to additions, modifications or exceptions described herein.

Residential Density:

To provide adequate privacy and to ensure the protection of the health, safety, and general welfare of the public, the density of any manufactured housing land lease community shall be no greater than 7 units per acre.

Building Separation:

To provide adequate privacy and to ensure the protection of the health, safety, and general welfare of the public, separation between manufactured homes shall be a minimum of 20 feet. Separation between manufactured homes shall be measured from the face of each structure. Separation between manufactured homes and accessory structures on the same lot or between accessory structures (i.e., storage buildings, detached carports or garages) on the same lot shall be a minimum of 5 feet, and shall be measured from the face of each structure. Separation between any accessory structure and any manufactured home or accessory structure on an adjacent lot shall be a minimum of 10 feet.

Common Open Areas:

To provide adequate recreational area for the residents of the manufactured housing land lease community, the following standards shall apply:

1. A minimum of 250 square feet per lease lot will be required to be dedicated, improved and maintained for the recreational use of the residents of the community.

2. The area dedicated for common open areas shall not include the yard space of individual lease lots, street rights-of-way, required buffer areas or parking areas.
3. The common open areas required shall be disbursed throughout the community to provide safe and easy access to all residents.
4. No common open area shall be further than 500 feet from 90% of the dwelling units within the community.

#### Screening:

To conserve and protect the privacy and value of the residents and adjacent properties, an opaque screening fence shall be required for the manufactured housing land lease community as each phase within Tract 2 develops.

#### Landscaping:

Landscaping requirements for entry areas, common recreational areas, and buffer areas shall be the same as required for commercial developments in the City. The criteria set forth in all other applicable sections and/or ordinances shall govern the standards for landscaping. In addition to these requirements, the land lease community shall be required to provide and maintain a minimum of 1 canopy tree (at minimum 2-inch caliper size), either existing or new, for each individual lease lot. Such canopy trees shall be provided prior to issuance of a Certificate of Occupancy for a dwelling on each individual lot.

#### Public Walkways:

Public walkways shall be installed by the developer to provide access within 25 feet of each lease lot to all public amenities within the manufactured housing land lease community, including but not limited to, visitor parking, community buildings, common open areas, etc. Public walkways shall be constructed of concrete, and meet all applicable handicap accessibility guidelines.

#### Parking:

The following standards shall apply to parking required for individual lease lots as well as separate spaces designated for visitor parking. No on-street parking shall be allowed within manufactured housing land lease communities.

1. Residential parking. To provide adequate residential parking, each lease lot shall accommodate parking for a minimum of 3 cars by providing a parking pad measuring 27 feet wide by 18 feet long, 6 inches deep. Parking pad dimensions shall be measured from the interior edge of paving or sidewalk.
2. Visitor parking requirements. To provide adequate visitor parking, a minimum of 1 parking space per every 5 lease lots shall be provided in common parking areas.

Storage Buildings:

To provide adequate and safe storage of personal items, one storage building providing a maximum of 64 square feet of storage shall be provided on each lease lot. Storage buildings shall be of uniform and consistent design among all lease lots, and are to be placed on the lot in such a manner to assure adequate separation between structures. No storage of any kind is to be permitted underneath the manufactured home.

Tract 3 (8.64 acres):

Physical development on Tract 3 shall comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to properties zoned Retail District (C-2) subject to additions, modifications or exceptions described herein.

Leonard Road Driveway/Street Access:

One access point shall be allowed from Leonard Road.

Signage:

If Tract 2 is developed with a manufactured housing land lease community, then one freestanding sign advertising such community located may be installed on Tract 3. The presence of such a sign shall, based on the type and size, be deducted from the total signage allowed Tract 3.

**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING  
MINUTES OF SEPTEMBER 3, 2015:**

**9. 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 RZ15-09: Leo 60 L.P.**

*A request to change the zoning classification from Agricultural – Open District (A-O) to Planned Development – Mixed Use District (PD-M), to allow a mixed use development consisting of commercial, residential and manufactured home land lease community uses on 61.59 acres of vacant land located on the northwest side of the 2300 Block of Leonard Road, 150 feet to 750 feet southwest from its intersection with Jordan Loop, being Lot 1 and the reserve tract of the Follett Subdivision in Bryan, Brazos County, Texas. (R. Haynes)*

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

The public hearing was opened.

Ms. Nora Rabe, 2703 Leonard Road, Bryan, Texas, Neighboring Citizen, spoke in opposition to the rezoning request citing her concerns about drainage, infrastructure, streets, and noise.

*Commissioner Madison stepped out of the meeting at 7:03 pm.*

*Commissioner Madison re-entered the meeting at 7:06 pm.*

Mr. Mike Stafford, 3009 Westwood Main Drive, Bryan, Texas, Neighboring Citizen, spoke in opposition to the rezoning request citing his concerns about increased traffic.

Mr. Dwight Rabe, 2703 Leonard Road, Bryan, Texas, spoke in in opposition to the rezoning request citing his concern for drainage in the area, increase in traffic, and general safety. Mr. Rabe also requested that the Commission defer this item to a later agenda to allow for more research to be conducted on this matter.

Mr. Chris Peterson, 3702 Oak Ridge Drive, Bryan, Texas, Attorney, representing the developer, spoke in favor of the rezoning request citing the quality of the proposed manufactured homes and decreased densities. Mr. Peterson also mentioned that issues such as drainage and parkland dedication would be addressed during the platting phase of the development project.

Mr. Stafford returned to the podium to re-emphasize his desire to see this item moved to future agenda to allow for additional research.

Mr. Zimmermann clarified that all the facts such as proposed densities for this rezoning request can be found in the staff report.

The public hearing was closed.

**Commissioner Gutierrez moved to recommend approval of Rezoning RZ15-09 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Madison seconded the motion.**

Commissioners discussed:

- the applicant has property rights to be considered.
- the proposed planned development will ensure high quality.
- the applicant is proposing lower densities than what other zoning classifications would allow by right; and
- the more controversial platting issues will be addressed in due course during the platting phase of development.

Commissioner Hickle stated his belief that the proposed development will not be compatible with current or future uses in this area of town and that he would prefer to see multi-family or retail zoning in the area. Commissioner Hickle also requested that should this rezoning request be denied by the City Council, that the applicant look into developing multi-family or retail on their property.

**The motion passed with a vote of 4 in favor and 3 in opposition, with Commissioners Hickle, Krolczyk, and Swearingen casting their votes in opposition.**

PLANNING AND ZONING COMMISSION  
STAFF REPORT



September 3, 2015

**Rezoning case no. RZ15-09: Leo 60, L.P.**

**CASE DESCRIPTION:** a request to change the zoning classification from Agricultural – Open District (A-O) to Planned Development – Mixed Use District (PD-M) to allow a mixed use development consisting of commercial, residential and manufactured home land lease community uses

**LOCATION:** northwest side of the 2300 Block of Leonard Road between 150 and 750 feet southwest of the intersection of Leonard Road and Jordan Loop

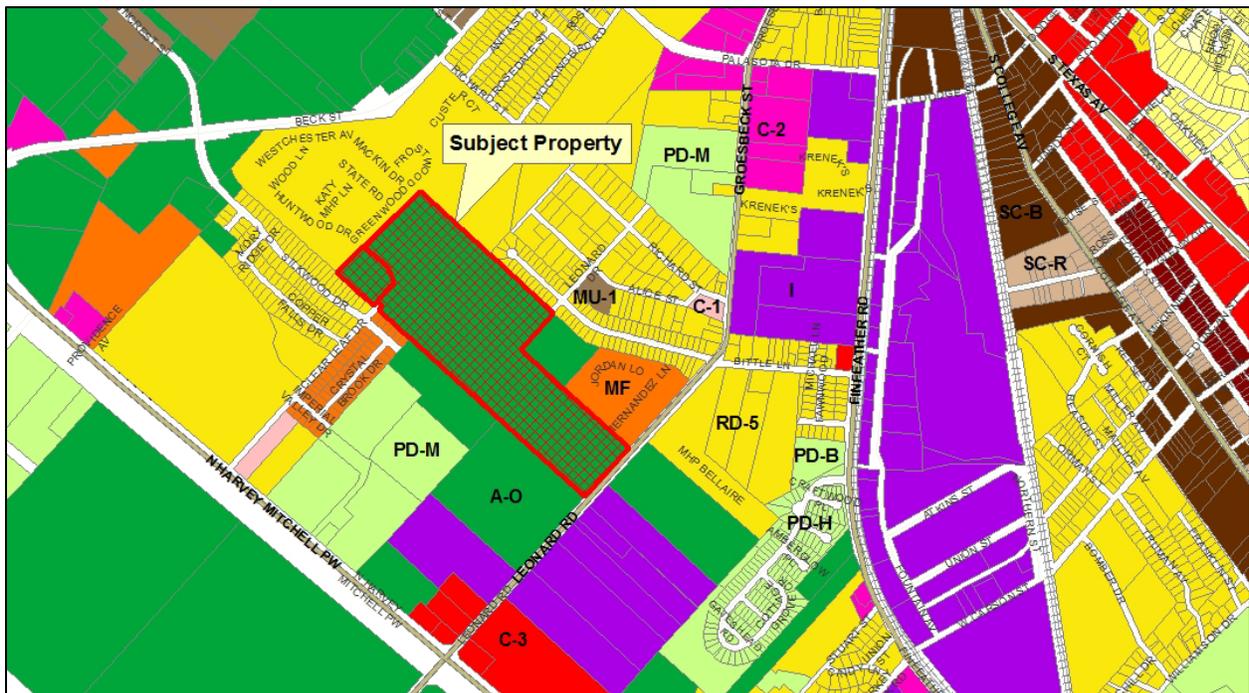
**LEGAL DESCRIPTION:** approximately 61.59 acres of land, being Lot 1 and the reserve tract of the Follett Subdivision

**EXISTING LAND USE:** vacant land

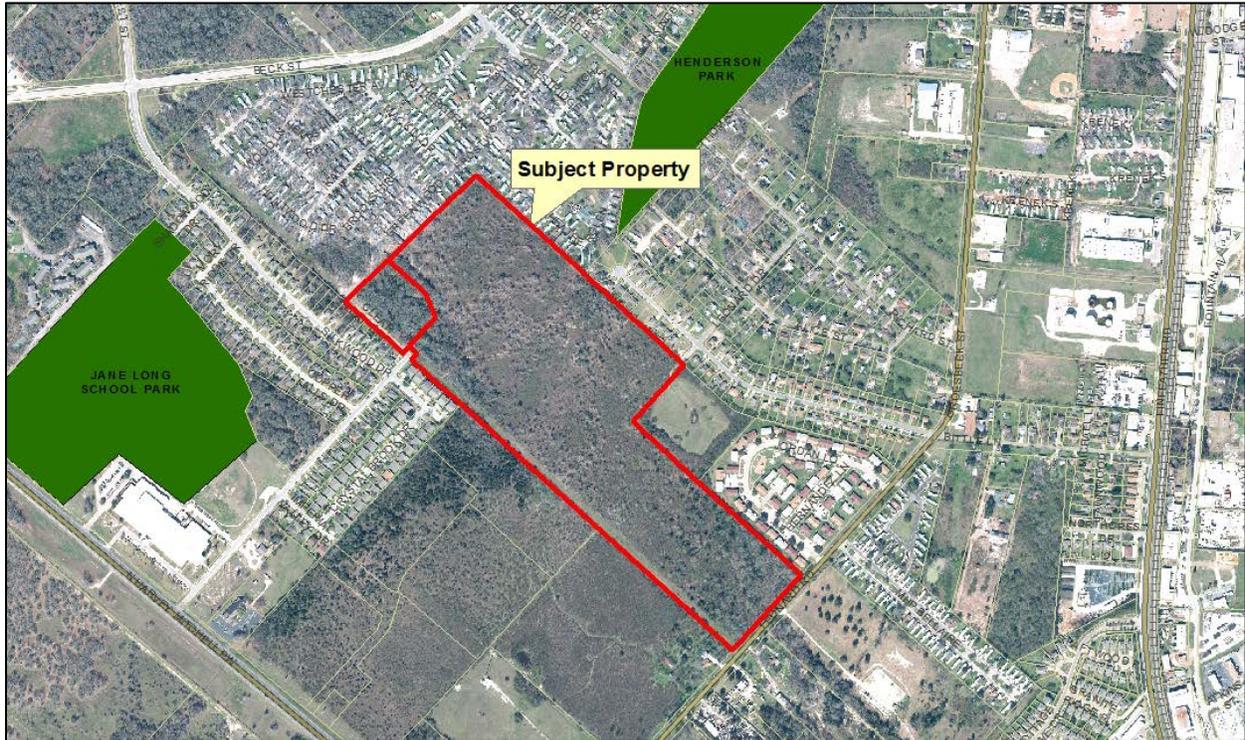
**APPLICANT(S):** Leo 60 L.P., Joshua and Diane Lorden

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

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



## **AERIAL PHOTOGRAPH (2013):**



## **BACKGROUND:**

The vacant subject property is 61.59 acres in size, is currently zoned Agricultural – Open District (A-O) and has recently been acquired by the applicants, Diane and Joshua Lorden. The applicants intend to develop the tract to accommodate three basic uses:

1. detached single-family homes on 7,000+ square foot lots
2. manufactured home land lease community
3. commercial/retail use

The applicants are requesting approval of a rezoning to Planned Development – Mixed Use District (PD-M) to accommodate the proposed mix of land uses on this property. The proposed development plan will allow specific uses in particular locations on the property. In addition, the proposed PD-M District significantly limits land uses that would be permitted at this location.

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

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

The City of Bryan's Comprehensive Plan includes policy recommendations related to the various physical development aspects of the community. Of interest to the Comprehensive Plan Advisory Committee was the concept of Mixed-Use Development. Many comments were made in regard to the growing acceptance of mixed-use development. Because of the growing cost of transportation and land and the general aging of the population, it was proposed that residential and scalable commercial uses, built within the same development or in close proximity, would serve a growing segment of the population.

In addition, policies concerning alternative transportation planning were adopted as part of the Comprehensive Plan. With respect to the pedestrian environment, the objective and action statements that relate to this proposed development plan state:

- Objective C) Encourage utilization of alternative modes of transportation including transit, bicycles and pedestrians.
- Action Statement 1: Review and update current ordinances to ensure that new development provide sidewalks and bicycle accommodations with direct connections to residential, schools, commercial, and recreational areas and to transit stops.
- Action Statement 2: Create a pedestrian and bike friendly community through the use of a Sidewalk/Bikeway Master Plan updated yearly to provide both new and retrofit sidewalk and bike facility links between neighborhoods, schools, parks and major shopping centers.

Finally, 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.

## **ANALYSIS:**

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

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

**The subject property lies adjacent to, and generally south of, 1,000 acres of land zoned for various types of residential use. Since the greater portion of the subject tract is proposed for residential use, and is separated from Leonard Road which is classified as a major arterial street on Bryan's Thoroughfare Plan, staff contends the proposed zoning change would be appropriate at this location. The proposed 8+ acres (Tract 3) that is proposed to be reserved for commercial use along Leonard Road, will not only offer the exposure which most retail trade requires, but could also conceivably be convenient and accessible to the adjacent residential neighborhood. Staff believes that the proposed arrangement of land uses at this location will promote orderly urban growth in this now largely undeveloped area.**

**Subsequent to the applicant's purchase of the subject tract, Blinn College announced their intention to develop a new campus on a 95-acre tract south of the intersection of Leonard Road and North Harvey Mitchell Parkway / FM 2818. The new college facility is located 0.5 miles from the subject property. There is the reasonable expectation that there will be an increased**

demand for residential property of all types in this vicinity as the campus is being developed in the next several years. In order to be prepared for a change in market demand, the applicants are proposing that multi-family residential use potentially be allowed on all three tracts that the property is proposed to be divided into for land use regulation purposes. This provision will allow the developers more flexibility and enable the Planning and Zoning Commission to retain a greater measure of land use control than would be available if the property were rezoned to Multiple-Family District (MF).

Staff is cognizant of the fact that in general terms the community's experience involving mobile home parks over the past 30 years has been less than positive. There are many factors that have contributed to the common opinion that such developments create an environment that, over time, cannot economically sustain itself, and typically deteriorates into blight. Based on staff's experience over the past 5 years dealing with the result of mobile home park neglect, staff is of the opinion that, given the enhanced standards proposed with this development plan for a manufactured home land lease community on the 30+ acre Tract 2 of this development, the experience of the past need not be repeated.

A Planning and Zoning Commission subcommittee report on mobile home parks (adopted in 2007) found that manufactured home land lease communities represented an important housing choice that should be available to the citizens of Bryan. The report states:

*Protecting investments in adjacent properties by governing orderly development and use is important to the entire community. Conversely, given the purpose of this report, it is not the intention of the Planning and Zoning Commission to create an environment in Bryan that will decrease the availability of adequate housing for anyone.*

Given the carefully selected mix of land uses that would be allowed, by right or with approval of a Conditional Use Permit, staff contends that the proposed land uses will be appropriate 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.

There is adequate public infrastructure capacity to support the level of development that is proposed. Such infrastructure will be extended as development occurs. Two BISD elementary schools serve the immediate area of the subject tract and the attendance zones bisect the property, with some students attending Ben Milam Elementary and some Anson Jones Elementary. Both schools are located about 1.5 miles from the subject property. Middle school students living within the boundaries of the subject property will attend Jane Long Middle School which is located less than 0.5 miles to the west.

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.

There are several large tracts of vacant property that could potentially accommodate various densities of residential development located within a mile of the subject property. As in the case of the subject property, much of that land is also currently zoned A-O District. Staff is unaware of special circumstances that would make that land unavailable for development.

**Currently there is no land in Bryan where manufactured home land lease communities are permitted by right. Manufactured home land lease communities are permitted with prior Conditional Use Permit approval from the Planning and Zoning Commission in A-O, MF, MU-1 and MU-2 zoning districts. The closest vacant land zoned A-O District that would potentially permit a manufactured home land lease community abuts the property to the south.**

**In the case of newly developed residential lots (outside of a land lease community) where manufactured housing is permitted by right, there are no opportunities for such development in the immediate vicinity of the subject property. The only location in Bryan where manufactured housing on individual lots is permitted is within the Mixed-Use Residential District (MU-1). Almost exclusively, MU-1 zoning has been applied in older neighborhoods with mixed patterns of development and is considered for use in special and unique circumstances and appropriate in relatively few areas of the City.**

**The closest property zoned for commercial use lies either direction along Leonard Road, 0.25 miles southwest or 0.5 miles northeast. In those areas, all of the nonresidential uses listed as permitted by right within Tract 3 of the proposed development plan are currently permitted by right.**

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

**Staff contends that the specific nature of the land use request for this property and the accompanying development plan make comparison to other development impractical.**

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 project is unique, staff believes that if the requested zoning proposal 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 130-25 of the Zoning Ordinance:

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

**Staff believes that the mixed use development proposed with this 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 that can be expected with any new development, staff believes that the proposed use and**

**development of this property should have minimal (if any) adverse impacts on nearby properties or the City as a whole and may spur additional development interest in this vicinity.**

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

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

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

**Staff contends that the proposed development will not adversely affect adjacent properties by inappropriate lighting, or types of signs. The number, placement, type and size of signage allowed within the proposed development have been intentionally restricted to limit negative impact while still allowing businesses to adequately advertise their presence.**

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

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

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

**Staff is unable to discern any additional detrimental impacts not already identified in this staff report.**

## **RECOMMENDATION:**

Based on all these considerations, staff **recommends approving** the requested PD-M zoning for these 61.59 acres. The proposed development features on this property appear to be consistent with the land use recommendations of the Bryan Comprehensive Plan and will help promote orderly urban growth in close proximity to the existing higher density residential properties, as well as providing the potential to reasonably respond to market pressures that may arise as the result of future area development, specifically the need for alternative housing choices.



## **Section 1: General Purpose and Description**

This development plan is intended to guide planning of land use and physical development on the subject property. This 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**

The following words, terms and phrases shall have the meanings ascribed to them in the Bryan Code of Ordinances, except where the context clearly indicates a different meaning. Words of terms that are not expressly defined within this development plan or the Bryan Code of Ordinances, shall have their ordinary dictionary meaning, based on the latest edition of Merriam-Webster's Unabridged Dictionary.

In this specific context, the term "permitted" shall mean land uses permitted by right on the tract of land specified. Land uses listed as "Conditional Use" shall be subject to the development review procedures of the City of Bryan's Code of Ordinances described for Conditional Use Permits.

*Manufactured home* shall mean a HUD-Code manufactured home or a mobile home and collectively means and refers to both. The term "HUD-Code manufactured home" shall mean a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems of the home. The term does not include a recreational vehicle as that term is defined by 24 CFR 3282.8(g). For use in this chapter, the terms "manufactured home" and "manufactured housing" shall be synonymous with HUD-Code manufactured home.

*Manufactured housing land lease community* shall mean a residential development typified by single ownership of the land with the development, with the landowner retaining the rights of ownership. Home sites within the community are leased to individual homeowners, who retain customary leasehold rights for the placement and occupancy of individual manufactured homes (this definition excludes mobile homes). Any manufactured housing land lease community within this district shall be licensed in accordance with the standards outlined in the Bryan Code of Ordinances.

*Mobile home* shall mean a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the travel mode, is eight body feet or more in width, 40 body feet or more in length, or, when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems of the home. Mobile homes shall be prohibited in this district.

### **Section 3: Land Use**

#### **Tract 1 (22.59 acres):**

##### *Permitted uses:*

- Accessory structures;
- Detached dwelling units with no more than four un-related persons;
- Group home/community home;
- Home occupations;
- Manufactured Homes on Individual Lots;
- Personal Care Homes.

##### *Conditional uses:*

- Boardinghouse (lodging house);
- Child care - Class B
- Common Open Space, Community Center, Recreational Building, and other facilities or amenities, provided they are intended for use by the residents of the multifamily apartment complex;
- Duplex;
- Laundromats (self-service washateria);
- Multiple-family dwelling (apartment building, triplex, four-plex), greater than two dwelling units per structure;
- Nursing home (retirement home);
- Personal Care Homes;
- Townhouses.

#### **Tract 2 (30.29 acres):**

##### *Permitted uses:*

- Manufactured housing land lease communities;
- Home occupations.

##### *Conditional uses:*

- Recreational vehicle (RV) park;
- Multiple-Family dwellings.

#### **Tract 3 (8.64 acres):**

##### *Permitted uses:*

- Automobile service station;
- Automobile repair;
- Banks, savings and loans or credit union offices;
- Child care - Class C;
- Dance studio;
- Fitness center;
- General office use (professional, administrative);
- Laundromats (self-service washateria);
- Medical facilities or clinics;
- Mini-warehouse or self-storage;
- Motel or hotel;

- Package liquor store;
- Portable/small commercial structures--Permanent;
- Portable/small commercial structures--Seasonal;
- Recreational / Community Center;
- Restaurant;
- Retail services (including incidental uses);
- Restaurant;
- Theater – Indoor;
- Veterinary services (no outdoor runs or pens).

*Conditional uses:*

- Accessory structures;
- Common Open Space, Community Center, Recreational Building, and other facilities or amenities, provided they are intended for use by the residents of the multifamily apartment complex;
- Detached dwelling units with no more than four un-related persons;
- Duplex;
- Group home/community home;
- Home occupations;
- Manufactured Homes on Individual Lots;
- Manufactured housing land lease community;
- Multiple-family dwelling (apartment building, triplex, four-plex), greater than two dwelling units per structure;
- Nursing home;
- Personal Care Homes;
- Recreational vehicle (RV) park;
- Townhouses.

**Section 4: Physical Development**

Tract 1 (22.59 acres):

Physical development on Tract 1 shall comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to properties zoned Residential District – 7000 (RD-7), subject to additions, modifications or exceptions described herein.

Public Streets:

4. The minimum public right-of-way width for local streets shall be 31 feet.
5. The minimum pavement width for local streets shall be 22 feet from back-of-curb to back-of-curb.
6. Guest parking shall occur in improved off-street parking common area spaces. On street parking shall not be allowed within Tract 1.

Public Utility Easements:

10-foot wide public utility easements shall be required along both sides of local streets to accommodate underground public infrastructure. Where the sanitary sewer depth is greater than 10 feet, a 15-foot wide public utility easement shall be required.

Public Walkways:

To provide safe pedestrian transportation while limiting impervious cover and allowing a maximum amount of green space, 5-foot wide public walkways shall be installed by the developer adjacent to the back-of-curb and shall provide access along all local streets within 32 feet of each lot. Such public walkways shall be constructed of concrete, and meet all applicable handicap accessibility guidelines.

Residential Density:

The density of residential development shall be no greater than 7 dwelling units per acre.

Tract 2 (30.29 acres):

Physical development on Tract 2 shall comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to properties zoned Multiple-Family District (MF). If tract 2 is developed with a manufactured housing land lease community, any such development shall also comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to manufactured housing land lease communities, subject to additions, modifications or exceptions described herein.

Residential Density:

To provide adequate privacy and to ensure the protection of the health, safety, and general welfare of the public, the density of any manufactured housing land lease community shall be no greater than 7 units per acre.

Building Separation:

To provide adequate privacy and to ensure the protection of the health, safety, and general welfare of the public, separation between manufactured homes shall be a minimum of 20 feet. Separation between manufactured homes shall be measured from the face of each structure. Separation between manufactured homes and accessory structures on the same lot or between accessory structures (i.e., storage buildings, detached carports or garages) on the same lot shall be a minimum of 5 feet, and shall be measured from the face of each structure. Separation between any accessory structure and any manufactured home or accessory structure on an adjacent lot shall be a minimum of 10 feet.

Common Open Areas:

To provide adequate recreational area for the residents of the manufactured housing land lease community, the following standards shall apply:

5. A minimum of 250 square feet per lease lot will be required to be dedicated, improved and maintained for the recreational use of the residents of the community

6. The area dedicated for common open areas shall not include the yard space of individual lease lots, street rights-of-way, required buffer areas or parking areas.
7. The common open areas required shall be disbursed throughout the community to provide safe and easy access to all residents.
8. No common open area shall be further than 500 feet from 90% of the dwelling units within the community.

Screening:

To conserve and protect the privacy and value of the residents and adjacent properties, an opaque screening fence shall be required for the manufactured housing land lease community as each phase within Tract 2 develops.

Landscaping:

Landscaping requirements for entry areas, common recreational areas, and buffer areas shall be the same as required for commercial developments in the City. The criteria set forth in all other applicable sections and/or ordinances shall govern the standards for landscaping. In addition to these requirements, the land lease community shall be required to provide and maintain a minimum of 1 canopy tree (at minimum 2-inch caliper size), either existing or new, for each individual lease lot. Such canopy trees shall be provided prior to issuance of a Certificate of Occupancy for a dwelling on each individual lot.

Public Walkways:

Public walkways shall be installed by the developer to provide access within 25 feet of each lease lot to all public amenities within the manufactured housing land lease community, including but not limited to, visitor parking, community buildings, common open areas, etc. Public walkways shall be constructed of concrete, and meet all applicable handicap accessibility guidelines.

Parking:

The following standards shall apply to parking required for individual lease lots as well as separate spaces designated for visitor parking. No on-street parking shall be allowed within manufactured housing land lease communities.

3. Residential parking. To provide adequate residential parking, each lease lot shall accommodate parking for a minimum of 3 cars by providing a parking pad measuring 27 feet wide by 18 feet long, 6 inches deep. Parking pad dimensions shall be measured from the interior edge of paving or sidewalk.
4. Visitor parking requirements. To provide adequate visitor parking, a minimum of 1 parking space per every 5 lease lots shall be provided in common parking areas.

Storage Buildings:

To provide adequate and safe storage of personal items, one storage building providing a maximum of 64 square feet of storage shall be provided on each lease lot. Storage buildings shall be of uniform and consistent design among all lease lots, and are to be placed on the lot in such a manner to assure adequate separation between structures. No storage of any kind is to be permitted underneath the manufactured home.

Tract 3 (8.64 acres):

Physical development on Tract 3 shall comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to properties zoned Retail District (C-2) subject to additions, modifications or exceptions described herein.

Leonard Road Driveway/Street Access:

One access point shall be allowed from Leonard Road.

Signage:

If Tract 2 is developed with a manufactured housing land lease community, then one freestanding sign advertising such community located may be installed on Tract 3. The presence of such a sign shall, based on the type and size, be deducted from the total signage allowed Tract 3.