

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: June 11, 2013		DATE SUBMITTED: May 22, 2013	
DEPARTMENT OF ORIGIN: Development Services		SUBMITTED BY: Martin Zimmermann	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input checked="" type="checkbox"/> PUBLIC HEARING	<input 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 type="checkbox"/> REGULAR		<input checked="" type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
AGENDA ITEM DESCRIPTION: Consideration of an ordinance to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, to change the zoning classification from Agricultural-Open District (A-O) to Planned Development District – Housing (PD-H) on 166.2 acres of land out of the Zeno Phillips League, Abstract No. 45 and the T. J. Wooten League, Abstract 59 located generally north of the Oak Meadow and Autumn Lake Subdivisions and along the west side of Chick Lane between West Villa Maria Road and Leonard Road in Bryan, Brazos County, Texas.			
SUMMARY STATEMENT: The subject property is approximately 166 acres in size and was annexed to the City of Bryan in April 2012. The property is currently zoned Agricultural-Open (A-O) District and the property owners, WBW Development, LP (WBW), desire to subdivide and develop this property into a master-planned single-family residential community with 613 lots. The development plan for this proposed Planned Development – Housing (PD-H) District shows the proposed development of this acreage in 9 phases as follows: residential lots (133.7 acres), open space/stormwater detention areas (22.9 acres), and parkland (9.6 acres). Land use would be limited to detached single-family homes, except for lots in Phases 6 and 7 where duplexes are proposed to be allowed.			
The development is proposed to generally comply with the same development standards that apply to properties zoned Residential District – 5000 (RD-5), with the following exceptions or modifications:			
<ol style="list-style-type: none"> 1. minimum lot width for 25% of the lots in this development: 45 feet (regularly 50 feet); of the remaining lots, 60% are proposed to be at least 50 feet wide, 10% are proposed to be at least 55 feet wide and 5% are proposed to be at least 70 feet in width. 2. minimum side building setback: 5 feet (regularly 7.5 feet). 3. minimum front building setbacks on lots in proposed Phases 6 and 7: 15 feet (regularly 25 feet) 			
The development plan proposes a network of local streets, which, once fully built-out, will connect all phases of this subdivision with local streets with a 50-foot right-of-way and at least 27 feet of pavement. The development plan furthermore proposes to extend Kingsgate and Autumn Lake Drives with the same right-of-way widths (60 feet) and pavement widths (38 feet) as the already developed street segments in the Oak Meadow and Autumn Lake Subdivisions. The northward extension of Autumn Lake Drive, over what is now called Chick Lane, will require the County’s approval, as there is an approximately 520-foot long section of this roadway that is not located in Bryan’s city limits. The City and County staff have agreed to prepare a Memorandum of Understanding (MOU) that would allow the City of Bryan to maintain this segment between the proposed extension of Autumn Lake and existing Autumn Lake Drive that will be constructed as a curb-and-gutter street but remain within the County (not annexed into Bryan). This MOU will be subject to City Council’s approval (and County Commissioner’s Court approval) at a future meeting.			
WBW also proposes to dedicate 80 feet of right-of-way for the east-to-west major collector street proposed near the			

northern boundary of this property and improve this major collector street with at least 27 feet of pavement at the time of development, rather than the collector-street width of 54 feet of pavement. While not requiring complete major collector street improvements to this new roadway at the time of development may obligate a future City Council to appropriate funds for improving a portion of this street as part of a Capital Improvement Plan project, a 27-foot wide pavement will be adequate to meet the transportation needs of this development at least until such time when the street is extended to the east and/or west to connect with other future developments in the area.

At the request of City staff, the developer retained Alliance Transportation Group, Inc. of Austin, Texas to perform a traffic signal/turn lane analysis for the intersections of West Villa Maria Road and Kingsgate Drive and West Villa Maria Road and Autumn Lake Drive (attached to this Council Action Form as a PDF). The purpose of this analysis was to determine if traffic signals and/or turn lanes would be warranted at these intersections with the development of this new subdivision in the future. The study concluded the following:

1. That neither left nor right turn deceleration lanes need to be constructed for existing conditions.
2. That approximately 80% of the subdivision (i.e., at least Phases 1 – 7) could be developed before the intersection of West Villa Maria Road and Autumn Lake Drive would meet signal warrants. At such time that the signal is installed, the study suggests adding turn lanes.

Neither of these off-site improvements to mitigate traffic-related concerns will be the responsibility of the developer under current City ordinances or policies. Instead, any such traffic system improvements will likely have to be funded as part of future Capital Improvement Plan projects, in cooperation with the Texas Department of Transportation (TxDOT) as West Villa Maria Road (F.M. 1179) is a state roadway.

STAFF ANALYSIS AND RECOMMENDATION: Staff recommends approving the requested PD-H zoning for these 166 acres, subject to the requirement that minimum 7.5-foot building setbacks apply throughout the development. The Fire Department is concerned about reducing side building setbacks to 5 feet as it increases the opportunity to have an extension of fire from one house to the next. The subject property is located in an area that is sparsely developed. Adjacent properties are either vacant or developed with single-family homes on estate-type lots of at least one acre in size. Staff believes that a master-planned, low-density single-family residential subdivision will be compatible with existing and anticipated land uses in the surrounding area and consistent with land use recommendations of the Comprehensive Plan and the Southwest Bryan Highest and Best Use Study.

During its meeting on May 16, 2013, the Planning and Zoning Commission, by a vote of 8-1, recommended approving this rezoning request, allowing minimum 5-foot side building setbacks, and subject to the condition that lots to be developed with duplexes in Phases 6 and 7 shall require Conditional Use Permit approval. The Commission also recommended two changes to the development plan drawing that the applicants have since addressed. The modified development plan drawing is attached as exhibit to the draft ordinance. During the Planning and Zoning Commission's public hearing on this rezoning request, several citizens came forward to voice concerns about increased traffic, reduced building setbacks and the proposed duplex lots.

OPTIONS (In Suggested Order of Staff Preference):

1. approve the zone change, subject to the conditions recommended by the Planning and Zoning Commission;
2. approve the zone change request, with modifications to the development plan and/or development requirements as deemed necessary, which may require consideration at a future City Council meeting; or
3. deny the requested zone change.

ATTACHMENTS:

1. location map;
2. draft ordinance with exhibits;
3. excerpt from May 16, 2013 P&Z meeting minutes;
4. staff report to the Planning & Zoning Commission with attachments
5. attachments to the staff report to the Planning and Zoning Commission include the following
 - a. Development Plan Drawings
 - b. April 30, 2013 SDRC Comments

- c. Traffic Warrant Analysis
- d. Excerpt from Southwest Bryan Study

FUNDING SOURCE: N/A

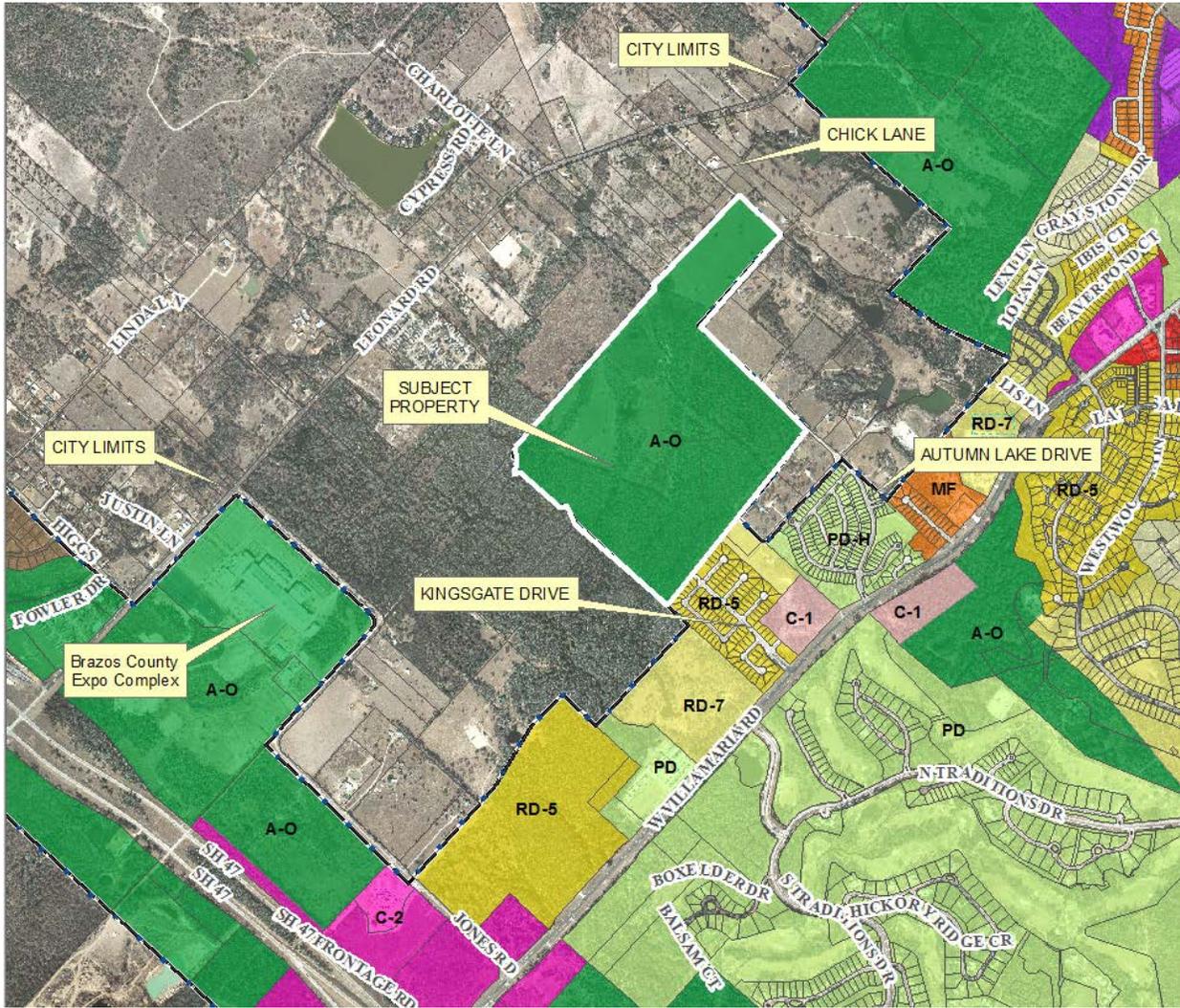
APPROVALS: Joey Dunn, 5-24-13; Hugh R. Walker, 05/29/2013

APPROVED FOR SUBMITTAL: CITY MANAGER

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis Hampton, 6/4/13

Revised 04/2013

LOCATION MAP:



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 130, ZONING, OF THE CITY OF BRYAN CODE OF ORDINANCES, CHANGING THE ZONING CLASSIFICATION FROM AGRICULTURAL-OPEN DISTRICT (A-O) TO PLANNED DEVELOPMENT – HOUSING DISTRICT (PD-H), SUBJECT TO DEVELOPMENT REQUIREMENTS SPECIFIED HEREIN, ON 166.2 ACRES OF LAND OUT OF THE ZENO PHILLIPS LEAGUE, ABSTRACT NO. 45 AND THE T. J. WOOTEN LEAGUE, ABSTRACT 59 LOCATED GENERALLY NORTH OF THE OAK MEADOW AND AUTUMN LAKE SUBDIVISIONS AND ALONG THE WEST SIDE OF CHICK LANE BETWEEN WEST VILLA MARIA ROAD AND LEONARD ROAD IN BRYAN, BRAZOS COUNTY, TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH SAID ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, this requested change to Chapter 130 for 166.2 acres of land out of the Zeno Phillips League, Abstract No. 45 and the T. J. Wooten League, Abstract 59 located generally north of the Oak Meadow and Autumn Lake Subdivisions and along the west side of Chick Lane between West Villa Maria Road and Leonard Road in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on May 16, 2013;

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

1.

That Chapter 130, Zoning, of the City of Bryan Code of Ordinances be amended by changing the zoning classification on 166.2 acres of land out of the Zeno Phillips League, Abstract No. 45 and the T. J. Wooten League, Abstract 59 located generally north of the Oak Meadow and Autumn Lake Subdivisions and along the west side of Chick Lane between West Villa Maria Road and Leonard Road in Bryan, Brazos County, Texas, said 166.2 acres of land being described more particularly on attached Exhibit “A”, from Agricultural-Open District (A-O) to Planned Development – Housing District (PD-H), subject to development requirements specified in attached Exhibit “B” and 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.

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 11th day of June, 2013 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 25th day of June, 2013 by a vote of ___ yeses and ___ noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

**Exhibit "A":
Metes-and-bounds description**

All that certain tract or parcel of land lying and being situated in the ZENO PHILLIPS LEAGUE, ABSTRACT NO. 45 and the T.J. WOOTEN LEAGUE, ABSTRACT NO. 59, Brazos County, Texas, said tract being all of a called 61 acre tract described as First Tract, all of a called 20 acre tract described as Second Tract, all of a called 60 acre tract described as Third Tract and all of a called 1 acre tract described as Fourth Tract by a Deed to J. H. Nash recorded in Volume 107, Page 168 of the Deed Records of Brazos County, Texas and all of a called 25.66 acre tract as described by a Deed to Wm. Nash recorded in Volume 300, Page 827 of the Deed Records of Brazos County, Texas.

Said Tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/4 inch iron rod found in concrete on the Northeast line of a called 53.6 acre tract as described by a Deed to Bryan-College Station Girl Scout Area Council recorded in Volume 177, Page 501 of the Deed Records of Brazos County, Texas, marking the south corner of said 61 acre tract and the west corner of Oak Meadow Subdivision, Phase 3, according to the plat recorded in Volume 7099, Page 243 of the Official Public Records of Brazos County, Texas;

THENCE: N 47° 41' 11" W along the common line of said 61 acre tract and said 53.6 acre tract for a distance of 1091.60 feet to a 3/8 inch iron rod found marking the east corner of a called 11.02 acre tract as described by a Deed to Joseph Daniel Luther recorded in Volume 1554, Page 1 of the Official Public Records of Brazos County, Texas;

THENCE: N 48° 24' 13" W along the northeast line of said 11.02 acre tract for a distance of 314.42 feet to a 5/8 inch iron rod found marking the north corner of said 11.02 acre tract and the east corner of a called 9.89 acre tract as described by a Deed to Girl Scouts-Bluebonnet Girl Scout Council recorded in Volume 7501, Page 1 of the Official Public Records of Brazos County, Texas;

THENCE: along the northeast line of said 9.89 acre tract for the following calls:

N 26° 23' 34" W for a distance of 205.30 feet to a 5/8 inch iron rod found;

S 88° 15' 28" W for a distance of 89.02 feet to a 5/8 inch iron rod found;

N 50° 52' 19" W for a distance of 23.19 feet to a 5/8 inch iron rod found marking the north corner of said 9.89 acre tract and the east corner of a called 10.00 acre tract as described by a Deed to Janice Lynn Coots and Roman N. Luther recorded in Volume 5238, Page 283 of the Official Public Records of Brazos County, Texas;

THENCE: 48° 59' 32" W along the northeast line of said 10.00 acre tract for a distance of 578.27 feet to a 1/2 inch iron rod found marking the north corner of a called 10.00 acre tract as described by a Deed to Jack Edward Welch, Jr. recorded in Volume 4346, Page 328 of the Official Public Records of Brazos County, Texas;

THENCE: S 42° 01' 04" W along the northwest line of said 10.00 acre Welch tract for a distance of 49.78 feet to a point in the centerline of a creek marking the east corner of a called 10.00 acre tract as described by a Deed to Linda Kay Castoria recorded in Volume 3014, Page 174 of the Official Public Records of Brazos County, Texas;

THENCE: along the centerline of said creek, same being the common line of said 61 acre tract and said 10.00 acre Castoria tract, for the following calls:

N 70° 17' 36" W for a distance of 33.26 feet;
N 15° 24' 34" E for a distance of 60.28 feet;
N 14° 32' 40" E for a distance of 63.28 feet;
N 07° 06' 03" W for a distance of 19.37 feet;
N 27° 59' 09" E for a distance of 26.94 feet;
N 34° 25' 35" W for a distance of 19.56 feet;
N 58° 59' 46" W for a distance of 29.35 feet;
N 09° 23' 49" W for a distance of 37.60 feet;
N 19° 30' 37" E for a distance of 58.36 feet;

N 27° 31' 53" W for a distance of 13.83 feet to the south corner of a called 48.46 acre tract as described by a Deed to John M. Heard recorded in Volume 5967, Page 42 of the Official Public Records of Brazos County, Texas.

THENCE: N 41° 25' 13" E along the common line of said 61 acre tract, said 60 acre tract and said 48.46 acre tract, at 20.67 feet pass an 8 inch oak tree found in an old fence line, at 1936.71 feet pass a 4 inch fence post found in said old fence line, continue on for a total distance of 2418.71 feet to a 1/2 inch iron rod set marking the east corner of said 48.46 acre tract, said iron rod set being on the southwest line of said 20 acre Nash Tract;

THENCE: N 47° 54' 36" W along the common line of said 20 acre tract and said 48.46 acre tract for a distance of 44.46 feet to a 1/2 inch iron rod set marking the south corner of a called 6.826 acre tract described as Tract No. 7 by a Deed to Craig Champion recorded in Volume 4608, Page 98 of the Official Public Records of Brazos County, Texas, for reference a 1/2 inch iron rod found on the southerly line of Leonard Road marking the common corner of said 48.46 acre tract and said 6.826 acre tract bears: N 47° 54' 36" W for a distance of 1826.77 feet;

THENCE: N 43° 54' 33" E along the common line of said 20 acre tract and said .826 acre tract, at 157.37 feet pass a 5/8 inch rod found marking the east corner of said 6.826 acre tract and the south corner of another 6.826 acre tract as described by a Deed to Gary Brannon Spiller recorded in Volume 4038, Page 323 of the Official Public Records of Brazos County, Texas, continue on along the common line of said 20 acre tract and said second 6.826 acre tract for a total distance of 914.10 feet to a 5/8 inch iron rod found marking the east corner of another 6.826 acre tract described as Tract No. 3 by said Deed to Craig Champion (4608/98) and the south corner of a called 2.0000 acre tract as described by a Deed to Carthol Glen Greenwade and wife, Gladys Faye Greenwade recorded in Volume 2551, Page 218 of the Official Public Records of Brazos County, Texas;

THENCE: N 43° 59' 00" E along the common line of said 20 acre tract and said 2.0000 acre tract at 472.16 feet pass a 60D nail found in a tree on the southwest line of Chick Lane marking the east corner of said 2.0000 acre tract, continue on across Chick Lane for a total distance of 512.58 feet to the line of Chick Lane and the north corner of said 1 acre tract;

THENCE: S 47° 31' 28" E along the northeast line of Chick Lane, same being the northeast line of said 1 acre tract and said 20 acre tract, for a distance of 644.06 feet to the east corner of said 20 acre tract;

THENCE: S 42° 11' 00" W along the southeast line of said 20 acre tract, at 47.68 feet pass a 6 inch fence corner post found on the northwest line of Chick Lane, continue on along the northwest line of Chick Lane for a total distance of 1398.17 feet to a 1/2" iron rod set marking the south corner of said 20 acre tract, for reference an 8 inch fence corner post found bears: S 42° 11' 00" W for a distance of 47.63 feet;

THENCE: S 46° 29' 24" E across Chick Lane and along the line of said 25.66 acre tract and the northeast line of a called 47 foot wide strip for road purposes as described in said Wm. Nash deed (300/827), at 135.84 feet pass a point in an existing pipe fence, continue on along the northeast line of Chick Lane for a total distance of 1411.84 feet to a 1/2 inch iron rod found marking the west corner of a called 12.356 acre tract as described by a Deed to Joseph Patrick Lynch and wife, Betty Deason Lynch recorded in Volume 511, Page 294 of the Deed Records of Brazos County, Texas;

THENCE: S 48° 43' 57" E continuing along the northeast line of Chick Lane, same being the common line of said 25.66 acre tract and said 12.356 acre tract, for a distance of 298.54 feet to a 4x4 concrete monument found marking the east corner of said 25.66 acre tract;

THENCE: S 34° 58' 20" W across Chick Lane, at 47.29 feet pass a 1/2 inch iron rod set marking the most southerly corner of said 47 foot wide strip for road, continue on along the common line of said 25.66 acre tract and a called 5.88 acre tract as described by a Deed to Donald Wayne Manry recorded in Volume 1119, Page 656 of the Official Public Records of Brazos County, Texas, for a total distance of 632.65 feet to a 3/8 inch iron rod found marking the common corner of said 5.88 acre tract and a called 5.88 acre tract as described by a Deed to Gerald A. Manry recorded in Volume 2289, Page 83 of the Official Public Records of Brazos County, Texas;

THENCE: S 34° 38' 18" W along the common line of said 25.66 acre tract and said second 5.88 acre tract for a distance of 66.07 feet to a petrified wood rock found marking the south corner of said 25.66 acre tract and the east corner of said 60 acre tract;

THENCE: S 39° 40' 58" W along the common line of said 60 acre tract and said second 5.88 acre tract for a distance of 603.96 feet to a 1 inch iron rod found in concrete marking the corner of the remainder of a called 92.491 acre tract described as Exhibit A by a Deed to W. Barton Munro, Trustee, recorded in Volume 2493, Page 21 of the Official Public Records of Brazos County, Texas;

THENCE: S 40° 04' 08" W along the common line of said 60 acre tract and said remainder of 92.491 acre tract for a distance of 241.82 feet to a 1/2 inch iron rod found marking the most northerly corner of a called 5.00 acre tract as described by a Deed to William Harris Edwards and wife, Linda Maria Edwards recorded in Volume 2728, Page 280 of the Official Public Records of Brazos County, Texas;

THENCE: S 40° 03' 53" W along the common line of said 60 acre tract and said 5.00 acre tract for a distance of 76.38 feet to a 1/2 inch iron rod found marking the north corner of Oak Meadow Subdivision, Phase 2, according to the Plat recorded in Volume 4759, Page 19 of the Official Public Records of Brazos County, Texas;

THENCE: S 40° 01' 12" W along the common line of said 60 acre tract and said 61 acre tract and Oak Meadow Subdivision, Phase 2 and Phase 3, for a distance of 967.63 feet to the POINT OF BEGINNING containing **166.20 acres** of land, more or less.

Exhibit “B”:
Development requirements for Planned Development – Housing District (PD-H)

SECTION 1: Land Use

1. The continued use of land within this PD-H District shall be limited to the following:
 - a. detached single-family dwellings
 - b. open space/storm water detention areas
 - c. public parkland
2. In Phases 6 and 7, duplex dwellings shall be potentially allowed, but require prior approval of a Conditional Use Permit in accordance with the procedures for such permits as required by the City of Bryan Code of Ordinances.

SECTION 2: Physical Development

1. Physical development on land included in this PD-H District shall comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to properties zoned Residential District – 5000 (RD-5), subject to additions, modifications or exceptions described herein. These development standards and limitations include, but are not limited to, regulations concerning minimum building setback, lot area, lot depth, density, building height, building elevations, coverage, parking, access, screening, landscaping, accessory buildings, and signs.
2. The following additional standards, modifications or exceptions shall be applicable to the physical development and continued use of land and buildings in this PD-H District:
 - a. Minimum lots width requirements:
 1. The minimum lot width for 25% of the lots in this development shall be 45 feet.
 2. The minimum lot width for 60% of the lots in this development shall be 50 feet.
 3. The minimum lot width for 10% of lots in this development shall be 55 feet.
 4. The minimum lot width for 5% of the lots in this development shall be 70 feet.
 - b. Minimum building setback requirements:
 1. The minimum side building setback adjacent to abutting property shall be 5 feet.
 2. The minimum front building setback on lots in Phases 6 and 7 shall be 15 feet.
 - c. Collector streets:
 1. Autumn Lake and Kingsgate Drives shall have a minimum 60-foot wide public right-of-way.
 2. The east-west major collector street extending between Chick Lane and a tributary to Turkey shall have a minimum 80-foot wide public right-of-way and 27-foot wide pavement at the time of development.

3. Lots shall not have direct access to Autumn Lake Drive.
4. Lots fronting Kingsgate Drive and the east-west major collector street shall have adequate maneuvering space so vehicles will not be allowed to back directly into these streets.
1. A homeowner's association (HOA) shall be established with direct responsibility to, and controlled by, the property owners involved to provide for operation, repair and maintenance of all open space and storm water detention areas.

**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING
MINUTES OF MAY 16, 2013:**

2. Rezoning RZ12-08: WBW Land Investments, LP

M. Zimmermann

A request to change the zoning classification from Agricultural-Open District (A-O) to Planned Development District – Housing (PD-H) on 166.2 acres of land out of the Zeno Phillips League, Abstract No. 45 and the T. J. Wooten League, Abstract 59 located generally north of the Oak Meadow and Autumn Lake Subdivisions and along the west side of Chick Lane between West Villa Maria Road and Leonard Road in Brazos County, Texas.

Mr. Zimmermann presented the staff report (on file in the Development Services Department). Staff recommends approving the request, subject to the requirement that minimum 7.5-foot building setbacks apply throughout the development and three modifications to the development plan drawing.

Fire Chief, Mr. Randy McGregor, and Fire Marshal, Mr. Marc McFeron, came forward to urge the Commission to maintain minimum 7.5-foot side building setbacks throughout this development. Responding to questions from the Commission, Mr. McFeron explained building code requirements for townhouses and single-family homes.

The public hearing was opened.

Mr. Chris Peterson, 3702 Oak Ridge Drive, Bryan, Texas, attorney for the applicants, came forward to speak in favor of the proposed rezoning. Mr. Peterson discussed the history of the development proposal and stated that the developer agrees to staff's recommendation with the exception that 5-foot side building setbacks be allowed throughout the development. He advised that 7.5-foot setbacks would cause a 10% reduction in the number of lots, which may make the project not feasible given the requirements for collector street dedication and improvements on this property. Mr. Peterson clarified that the developer proposes to that duplexes be allowed as of right in Phases 6 and 7 of the development.

Mr. Randy French, 4301 Clipstone Place, College Station, Texas, came forward to speak in favor of the proposed rezoning. Mr. French advised that his company, Stylecraft Builders, Inc. will be building homes in this new subdivision and that he is in favor of the proposed 5-foot side building setbacks. He stated that 5-foot setbacks are used in several major metropolitan areas in the State of Texas such as Houston, Austin, and San Antonio and that several subdivisions in the Bryan-College Station area have been constructed with 5-foot setbacks (Castlegate, Castlerock, Autumn Lake).

Mr. Donnie Manry, 6930 Chick Lane, Bryan, Texas, came forward to speak in opposition to the rezoning proposal, as requested. Mr. Manry voiced concerns about adding 600+ homes in this area. He maintained that many homes in the adjoining subdivision are rentals and that there are often vacancies. Mr. Manry also stated that there may be insufficient right-of-way to extend Autumn Lake Drive as shown on the development plan without acquiring additional land. Mr. Manry stated that he is not opposed to a residential subdivision here, but that he is opposed to smaller lot sizes, reduced setbacks and the proposed duplexes.

Mr. Uldric Zemanek, 5987 Chick Lane, Bryan, Texas, came forward to voice concerns about duplexes and added traffic on Chick Lane/Autumn Lake Drive.

Chairperson Beckendorf announced a recess as 7:20pm.

Chairperson Beckendorf reconvened the meeting at 7:26pm.

Ms. Rene Lawrence, 712 Banks Avenue, Bryan, Texas came forward to speak in favor of reduced building setbacks to increase density, but suggested requiring additional construction standards to help assure fire safety.

Ms. Cali Harper, 2017 Mountain Wind Loop, president of the Autumn Lake Homeowners Association, came forward to voice concerns about increased traffic due to this development. She stated that the HOA does not oppose a new residential subdivision here, but suggests that a paved connection to Chick Lane/Leonard Road be built with the first phases of the development, to provide another entrance/exit to the neighborhood in addition to Autumn Lake Drive. Ms. Harper also stated that the HOA suggests maintaining 7.5-foot setbacks.

Ms. Kathryn Ballard, 1691 Summerwood Loop, Bryan, Texas, president of the Oak Meadow Homeowners Association, came forward to voice concerns about increased traffic, fire department access, and effects of the development on property values. Ms. Ballard also advocated another entrance/exit to the neighborhood and neighborhood amenities.

Mr. Levi Johnson, 2051 Mountain Wind Loop, Bryan, Texas, came forward and asked the Commission to consider requiring a secondary access to the new subdivision to Chick Lane/Leonard Road.

Responding to a question from the Commission, Mr. Zimmermann advised that Chick Lane and Leonard Road north of the proposed development are located in Brazos County and not in the City of Bryan.

Mr. Andrew Harper, 2017 Mountain Wind Loop, Bryan, Texas came forward to voice concerns about the proposed duplex lots.

Mr. Uldric Zemanek, 5987 Chick Lane, Bryan, Texas, came forward to state that the reason that Chick Lane is not paved is because right-of-way for the road was not formally dedicated.

Ms. Sharon Anderson, 2304 Cindy Lane, Bryan, Texas, came forward to voice concerns about adding more traffic to Chick Lane where it extends to Leonard Road.

Ms. Stephanie Manry, 6930 Chick Lane, Bryan, Texas, came forward to suggest not extending Autumn Lake Drive and, instead, to block it off so as to prevent additional traffic in the Autumn Lake Subdivision.

Mr. Daryl Marek, 2708 Barronwood Drive, Bryan, Texas, came forward to voice concerns about increased traffic.

Mr. David Miller, 1718 Summerwood Loop, Bryan, Texas, came forward to voice concerns about street maintenance.

Ms. Catherine Pfent, 2004 Turningleaf Drive, Bryan, Texas, came forward to voice concerns about the proposed duplexes in this new development and increased traffic on Autumn Lake Drive.

Mr. Michael Campbell, 1706 Kingsgate Drive, Bryan, Texas, came forward to voice concerns about increased traffic on Kingsgate Drive and reducing building setbacks for financial reasons.

Mr. Daniel Schwartz, 2011 Snowy Brook Trail, Bryan, Texas, came forward to commend Mr. French for maintaining green spaces in the Autumn Lake Subdivision.

Mr. Garrett Nordyke, project engineer for WBW Development, came forward to explain proposed collector roadway improvements for the development. Responding to questions from the Commission, Mr. Nordyke stated that the developer could set up a Homeowners Association that maintains the duplex lots.

Mr. Dale Wilson, 2708 Barronwood Drive, Bryan, Texas, came forward to question the benefits of the new development to the Oak Meadow Subdivision.

The public hearing was closed.

Commissioner Gonzalez moved to recommend approval of Rezoning case no. RZ12-08 to the Bryan City Council, allowing 5-foot building setbacks to apply throughout the development and with the following modifications to the development plan:

- **That lots to be developed with duplexes in Phases 6 and 7 shall require Conditional Use Permit approval.**
- **That the development plan note concerning lots fronting Kingsgate Drive and the major collector be amended to read as follows: “Lots fronting Kingsgate Drive and the major collector shall have adequate maneuvering space so vehicles will not be allowed to back directly into these streets.”**
- **That the extensions of Autumn Lake and Kingsgate Drives north of the major collector be depicted on the development plan using the same grey “collector street” fill color used for depicting the remainder of these streets.**

and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Hickle seconded the motion.

Commissioners discussed:

- 5-foot building setbacks vs. 7.5-foot building setbacks
- requiring Conditional Use Permit approval for duplex lots
- appropriateness of duplex lots in this development
- modifications to the development proposal from the previous proposal
- benefits of the development for the Bryan community
- Chick Lane improvements outside of the development

The motion passed by a vote of 8 in favor and 1 in opposition. Commissioner Hardeman cast the vote in opposition.

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

May 16, 2013



Rezoning case no. RZ12-08: WBW Land Investments, LP

CASE DESCRIPTION: a request to change the zoning classification from Agricultural-Open District (A-O) to Planned Development District – Housing (PD-H)

LOCATION: 166.2 acres of land out of the Zeno Phillips League, Abstract No. 45 and the T. J. Wooten League, Abstract 59 located generally north of the Oak Meadow and Autumn Lake Subdivisions and along the west side of Chick Lane between West Villa Maria Road and Leonard Road in Bryan, Brazos County, Texas

APPLICANT(S): WBW Land Investments, LP

AGENT(S): Yalgo, LLC

STAFF CONTACT: Martin Zimmermann, Planning Administrator

SUMMARY RECOMMENDATION: Staff recommends **approving** the requested PD-H zoning district, **subject to** the requirement that minimum 7.5-foot building setbacks apply throughout the development and **subject to** some modifications to the development plan drawing, as described on pages 12 and 13 of this staff report.

BACKGROUND:

The subject property is 166.2 acres in size and located just north of the Oak Meadow and Autumn Lake Subdivisions and along the west side of Chick Lane between West Villa Maria Road and Leonard Road. The subject property is owned by WBW Land Investments, LP (WBW). The property was annexed to the City of Bryan at the request of WBW in April 2012. WBW desire to subdivide and develop this property into a master-planned, single-family residential subdivision. They are proposing to establish a Planned Development – Housing District (PD-H) on these 166+ acres.

On March 1, 2012, the Planning and Zoning Commission held a public hearing to consider a similar request for PD-H zoning by the same applicants (case no. RZ11-06). The Commission unanimously voted to deny that request for PD-H zoning and instead recommended to the City Council that the property be zoned Agricultural – Open District (A-O) upon annexation. Following the Commission meeting, WBW withdrew their original request for PD-H zoning.

WBW submitted a new application and development plan for PD-H zoning district on this property for review by the City's Site Development Review Committee (SDRC) on March 15, 2012 (case no. RZ12-03). The SDRC provided comments in response to that submission on March 27, 2012 and to a subsequent revision on April 10, 2012. Several SDRC members still had concerns regarding the proposed PD-H zoning development plan when it was scheduled for consideration by the Planning and Zoning Commission during its meeting on April 19, 2012 at WBW's request. During that meeting, the Commission recommended approval of the rezoning request to the City Council by a vote of 5 to 3, subject to the condition that the portion of the proposed east-west collector between Kingsgate and Autumn Lake Drives is built with 27 feet of pavement by the developer. The item was scheduled for City Council consideration on May 15, 2012. On May 14, 2012, WBW requested that Council's consideration be postponed until the Council's regular meeting on June 12, 2012. On June 11, 2012, WBW withdrew that rezoning request.

WBW submitted the current application and development plan for PD-H zoning (case no. RZ12-08) on June 27, 2012. The SDRC provided comments in response to that application on July 10, 2012 and to subsequent revisions on September 4 and November 20, 2012 as well as April 2 and April 30, 2013. The SDRC's April 30, 2013 comments are attached to this staff report.

A Planned Development (PD) 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. PD 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.

PROPOSED PD-H ZONING DEVELOPMENT PLAN:

WBW proposes the creation of 613 single-family residential lots on these 166+ acres. The property is proposed to be developed in 9 subdivision phases, as shown on the attached development plan. The development plan shows that the development of lots with duplexes shall be allowed in Phases 6 and 7. On lots zoned Residential District – 5000 (RD-5), the development of duplex lots requires prior approval of a Conditional Use Permit from the Planning and Zoning Commission for each lot. The development plan does not specify, but staff assumes that the developers propose to allow duplexes in these two subdivision phases as of right, without prior Conditional Use Permit approval, as part of this PD-H District.

Bulk Regulations

Bulk regulations are the combination of controls (lot size, lot coverage, open space, yards, height and setback) that determine the maximum size and placement of a building on a lot. WBW proposes to adhere to bulk regulations that generally apply to lots zoned Residential District – 5000 (RD-5), with the following exceptions:

1. minimum lot width for 25% of the lots in this development: 45 feet (regularly 50 feet); of the remaining lots, 60% are proposed to be at least 50 feet wide, 10% are proposed to be at least 55 feet wide and 5% are proposed to be at least 70 feet in width.
2. minimum side building setback: 5 feet (regularly 7.5 feet).
3. minimum front building setbacks on lots in proposed Phases 6 and 7: 15 feet (regularly 25 feet)

Staff has no objections to allow 25% of the lots in this 613-lot development to have lot widths of only 45 feet (approximately 154 lots) so long as other minimum bulk regulations (lot size and building setbacks) will help assure that the lots are large enough for reasonable development with single-family homes.

It is noteworthy that reduced lot widths in other Bryan developments have created citizen complaints about a considerable amount of on-street parking and intersection sight distance issues as well as operational issues such as limited access for emergency vehicles. While on-street parking regulations usually resolve most of the operational issues, citizens are, understandably, very passionate about and opposed to giving up their “rights” to park on the street after the neighborhood is already developed.

Staff also has no objections to reducing the minimum front building setbacks of the 71 lots proposed in Phases 6 and 7 (potential duplex lots) to 15 feet. This will allow for a planned flexibility in the design and build out of these two subdivision phases, and allow potential variety of housing types as part of this development, while still maintaining a minimum degree of open space. **Staff recommends, however, that the following note be added to the development plan in consideration of Land and Site Development Ordinance Section 62-169 (Duplex Requirements): “Lots to be developed with duplexes in Phases 6 and 7 of this development shall have a minimum lot width of 70 feet and minimum area of 7,000 square feet.”** Adding this note will help avoid confusion about minimum lot requirements when duplexes are proposed to be built here in the future.

Staff is not inclined to recommend that the side building setbacks in this proposed development be reduced to 5 feet. During the SDRC review process, the City’s Fire Marshal repeatedly stated his concerns about the proposed reduction of minimum building setbacks. Reducing side building setbacks increases the opportunity to have an extension of fire from one house to the next. It is important to note that the International Residential Code which the City of Bryan adopted allows for a reduction of side building setbacks to 5 feet so long as a structure has a sprinkler system, yet Texas State law prevents the City from requiring residential sprinkler systems. **For safety reasons, the Fire Marshal believes that minimum 7.5-foot side building setbacks required by ordinance should not be negotiated.**

Thoroughfare Plan, Collector Streets, Local Streets

The development plan proposes a network of local streets, which, once fully built-out, will connect all phases of this subdivision with local streets with a 50-foot right-of-way and at least 27 feet of pavement. The City’s Thoroughfare Plan envisions three collector-type streets transecting the subject property:

1. a northward extension of Autumn Lake Drive in general alignment with parts of Chick Lane;
2. a northward extension of Kingsgate Drive; and
3. an east-west major collector between Chick Lane and a tributary to Turkey Creek.

The Thoroughfare Plan, which was adopted as part of the City's Comprehensive Plan Update in January 2007, was developed in accordance with conventional thoroughfare planning guidelines. The guidelines suggest that thoroughfares should be spaced as follows: major arterials at 1 mile (5,280 feet), minor arterials/major collectors at ½ mile (2,640 feet), and minor collectors at ¼ mile (1,320 feet). The area proposed to be developed is 166+ acres in size. If one subtracts the "panhandle" area (about 20 acres) to the northeast, which leaves 146 acres, a rectangular-shaped piece of land measuring roughly 2,500 ft x 2,600 ft. Given these land dimensions and the scale of the proposed development, the three collector streets envisioned by the Comprehensive Plan will help establish an adequate roadway system to support the proposed 613 lot residential subdivision.



excerpt from Bryan's Thoroughfare Plan

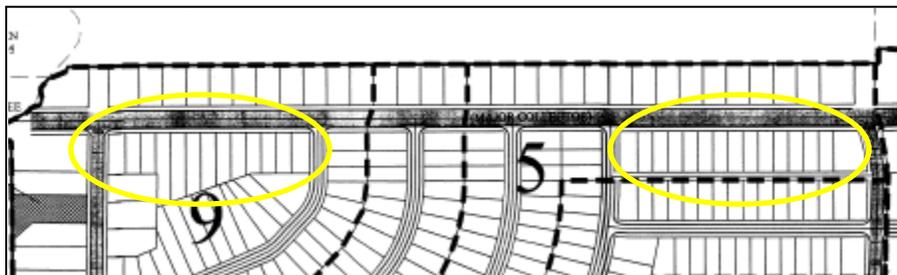
WBW's development plan proposes to extend Kingsgate and Autumn Lake Drives with the same right-of-way widths (60 feet) and pavement widths (38 feet) as the already developed street segments have in the Oak Meadow and Autumn Lake Subdivisions. The proposed Autumn Lake Drive extension would align with parts of Chick Lane, which currently is only a gravel road with less than 50 feet of right-of-way.

While no lots are proposed to take direct access from the Autumn Lake Drive extension, single-family lots are proposed to front the extension of Kingsgate Drive and the new east-west major collector that is proposed to be constructed with Phases 5 thru 9 of the development. This is not ideal from a

transportation planning standpoint because residential homes will be fronting a busy street and multiple driveway accesses can inhibit the flow of traffic on that street. Ideally, collector streets provide a mix of mobility and access: good mobility for motorists on that street and good access to more minor streets (i.e., residential streets). Driveway access on collector streets is purposefully limited so as to not inhibit the flow of traffic.

Access standards included in the Land and Site Development Ordinance (Section 62-296) stipulate that if a single-family dwelling “can only be accessed by an arterial or collector street, then adequate maneuvering space must be provided, as vehicles will not be allowed to back directly into these streets” (Section 62-296(a)(7)). The proposed development plan includes a note that reads “Lots fronting Kingsgate and major collector shall have a driveway so vehicles will not need to back on to Kingsgate or major collector.” **Staff recommends that the development plan note be amended in consideration of Section 62-296(a)(7) to read as follows: “Lots fronting Kingsgate Drive and the major collector shall have adequate maneuvering space so vehicles will not be allowed to back directly into these streets.”**

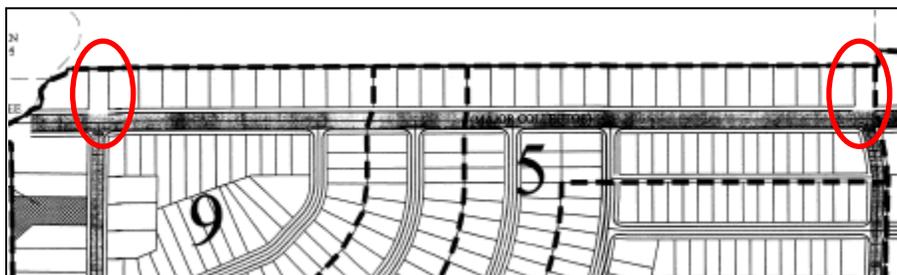
It appears that 13 lots proposed on the south side of Kingsgate Drive in Phase 9 and 14 lots on the south side of Kingsgate Drive in Phase 5 will be too narrow to allow for development with single-family homes and sufficient maneuvering space with driveway access to the major collector.



narrow lots proposed along east-west collector

While the 14 proposed lots in Phase 5 will have alley access, the 13 proposed lots in Phase 9 are not proposed to have alley access. While staff is confident that amending the development plan note as recommended above will help guarantee adequate maneuvering space to each lot, developing these lots with homes and maneuvering space may prove to be challenging in the future.

Staff recommends that the extensions of Autumn Lake and Kingsgate Drives north of the major collector be depicted on the development plan using the same grey “collector street” fill color used for depicting the remainder of these streets to help avoid confusion. These street extensions are currently not colored and could be mistaken for lots.



grey “collector street” fill color recommended

East-West Collector

WBW proposes to dedicate 80 feet of right-of-way for the east-to-west major collector street proposed near the northern boundary of this property and improve this major collector street with at least 27 feet of pavement at the time of development, which is the equivalent of a local residential street section, rather than the collector-street width of 54 feet of pavement. The City's Thoroughfare Plan, adopted by City Council in January of 2007, shows this east-west collector street connection in general alignment with Jones Road to the far west and a portion of what is now Chick Lane to the east.

It is important to note that not requiring complete major collector street improvements to this new roadway at the time of development may obligate a future City Council to appropriate funds for improving a portion of this street as part of a Capital Improvement Plan project. In this particular case, however, staff has no objections to this exception to standards for subdivision design and allow the developer to improve the east-west collector to only local residential street standards. While the Subdivision Ordinance generally requires developers to install all public infrastructure, including streets, "in accordance with the adopted plan and design guideline manual" (Subdivision Ordinance Section 110-59(a)(1)(a)), **staff believes that the proposed 27-foot wide pavement of this roadway will be adequate to meet the transportation needs of this development at least until such time when the street is extended to the east and/or west to connect with other future developments in the area.**

Memorandum of Understanding needed for Autumn Lake Drive extension

The northward extension of Autumn Lake Drive over what is now called Chick Lane will require the County's approval, as there is an approximately 520-foot long section of this roadway that is not located in Bryan's City limits. The City and County staff have agreed to prepare a Memorandum of Understanding (MOU) that would allow the City of Bryan to maintain this segment between the proposed extension of Autumn Lake and existing Autumn Lake Drive that will be constructed as a curb-and-gutter street but remain within the County (not annexed into Bryan). This MOU would be subject to City Council and Commissioner's Court approval.





Chick Lane as seen from the northern terminus of Autumn Lake Drive

Sidewalks

WBW proposes to provide sidewalks on both sides of all public streets as required by subdivision regulations.

Traffic Signal/Turn Lane Analysis

At the request of City staff, the developer retained Alliance Transportation Group, Inc. of Austin, Texas to perform a traffic signal/turn lane analysis for the intersections of West Villa Maria Road and Kingsgate Drive and West Villa Maria Road and Autumn Lake Drive (see attached). The purpose of this analysis was to determine if traffic signals and/or turn lanes would be warranted at these intersections with the development of this new subdivision in the future. The study concluded the following:

3. That neither left nor right turn deceleration lanes need to be constructed for existing conditions.
4. That approximately 80% of the subdivision (i.e., at least Phases 1 – 7) could be developed before the intersection of West Villa Maria Road and Autumn Lake Drive would meet signal warrants. At such time that the signal is installed, the study suggests adding turn lanes.

Neither of these off-site improvements to mitigate traffic-related concerns will be the responsibility of the developer under current City ordinances or policies. Instead, any such traffic system improvements will likely have to be funded as part of future Capital Improvement Plan projects, in cooperation with the Texas Department of Transportation (TxDOT) as West Villa Maria Road (F.M. 1179) is a state roadway.

Parkland and Common Area/Open Space/Detention Pond Maintenance

On February 21, 2012, the City's Parks and Recreation Advisory Board accepted the proposed 9.6-acre parkland area for dedication by the developer, as shown on the development plan. The Board's approval was made subject to the following conditions:

1. that the minimum acreage required by subdivision regulations (1 acre for every 74 lots) be dedicated;
2. that a secondary means of access be provided along the western side of the park, either by means of a drive or a non-motorized path; and
3. that the parkland shall not be used for stormwater detention/retention purposes.

The entire parkland is proposed to be dedicated by separate instrument contemporaneously with the recording of the final plat for Phase 1 of the development. It is important to note that subdivision regulations in addition to parkland dedication also require the payment of parkland development fees. The parkland development fees due for a development with 613 single-family residential lots would be \$219,454 (\$358 per lot).

The development plan also shows the reservation of 22.9 acres of open space and a stormwater detention pond area. The natural vegetation and unbuildable creeks in these open space areas are proposed to be preserved. The City of Bryan requires that a Homeowners Association (HOA) or some other entity be responsible for continued maintenance of common areas, open spaces and private stormwater detention facilities. WBW has indicated that they will create an HOA. The development plan also shows a 30-foot wide access be provided along the western side of the proposed park as requested by the Parks and Recreation Advisory Board.

Water Utilities

Currently this property within the water certificates of convenience and necessity (CCNs) of Bryan and Wellborn Special Utility District (WSUD). A CCN holder has the exclusive right to sell water within its CCN area. WSUD currently has the water CCN along Chick Lane, which includes Phases 1 and 2 of this proposed development. Any development along this road within 200-feet may require WSUD's infrastructure to be upsized. Alternatively, the affected area could be de-certified by WSUD and become part of Bryan's CCN. The Public Works Director has advised that **any expenses incurred due to this process to move all lots into the Bryan CCN will be the responsibility of the developer.**

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted a new Comprehensive Plan in January 2007. The plan includes policy recommendations related to the various physical development aspects of the community. The Comprehensive Plan states that it is a goal of the City to achieve a balanced and sustainable mix of land uses within the City by planning for a mix of land use types in suitable locations, densities and patterns. City-wide land use policies articulated in the Comprehensive Plan suggest that single-family residential land uses should be located in areas that are: (1.) protected from but accessible to major roadway network, commercial establishments, work places and entertainment areas; (2.) accessible to collector and arterial streets, but directly accesses local streets; and (3.) not adjacent to major arterials or freeways without adequate buffering and access management. The issue of housing stock is of major concern in the Comprehensive Plan. Applicable to this case is the view that clustering lower priced housing in one area is detrimental to the healthy growth of the area as a whole. Also noted in the Comprehensive Plan is the fact that there is a lack of middle-market housing available in Bryan and the probability that a lack of new construction of these types of houses will have a negative impact on Bryan I.S.D.

The City of Bryan's Southwest Bryan's Highest and Best Use Study (adopted by Council Resolution No. 3197 on February 24, 2009) envisions low-density residential land use for this property. Included in the report is a comprehensive market study of the area within which the subject property is located (excerpt attached). Based on the findings of their research, the authors have predicted levels of development that

will be supportable for the next 15+ years. According to the data, assuming significantly improved conditions than those that existed at the time of the study in 2009, the market may support only 650 single-family detached residences valued at less than \$250,000 in the study area over the next 15+ years. When considering houses priced at less than \$150,000, the number drops to 255. Further, the report indicates the demand for mid-level and over \$250,000 houses will crowd out the market for starter homes in the area within ten years. This will only occur if adequate long-range planning and implementation of enhanced standards are employed.

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 is located in an area that is sparsely developed. Adjacent properties are either vacant or developed with single-family homes on estate-type lots of at least one acre in size. Staff believes that a master-planned, low-density single-family residential subdivision will be compatible with existing and anticipated land uses in the surrounding area. The proposed variations in lot widths throughout this development and with only 25% (=154 lots) of the lots being 45 feet in width it is more likely that a diverse mix of single-family housing types will be attracted by this subdivision, rather than just lower priced units. Allowing duplexes on up to 71 lots in this 613-lot development by right, as proposed by the developer, will add to the potential for a variety of housing types. A single-family residential subdivision here would therefore be consistent with land use recommendations of the Comprehensive Plan and the Southwest Bryan Highest and Best Use Study.

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.

City of Bryan utilities will be available for this development for point-of-use extension based on applicable utility extension polices and/or ordinances. Staff has not received any feedback from franchised utility companies that any utility services would not be available in this proposed subdivision. WBW have been made aware of the existing utility capacities and the requirement to extend public infrastructure to and through this property in accordance with existing standards. Staff is not aware of any circumstances that would prevent this property from having access to required utilities. However, as mentioned above, WSUD's infrastructure might need to be upsized or the affected area de-certified so that Bryan can provide water to all the lots within this development. WBW has indicated that they are not agreeable to pay for a CCN transfer.

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

The closest vacant land zoned for single-family residential development is located immediately south of the subject property in the Autumn Lake Subdivision. Staff believes that if a zoning

proposal for a single-family residential subdivision were approved for this property, then this would not make land classified for similar development in the vicinity and elsewhere in the City unavailable for development.

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

Staff contends that single-family residential developments are developing at an average pace in this general vicinity and elsewhere in the City.

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.

Staff believes that if a zoning proposal for a single-family residential subdivision were approved for this property, there would be no need to modify the zoning designation for other areas designated for similar developments.

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

Staff is concerned that the reduced building setbacks proposed for this development could increase the risk of conflagration of fire. Staff believes that these safety risks may be prevented if typical 7.5-foot side building setback standards were adhered to.

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

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

While the proposed use and development of this site may be compatible with existing residential land uses on abutting properties, staff remains concerned that the proliferation of reduced setbacks and lot widths will exacerbate operational problems that are already evident in other single-family residential subdivision where similar standards were previously adopted (e.g., in the Symphony Park Subdivision). The impact of the proposed reduced building setbacks on such a large scale will have the cumulative effect of reducing the overall amount of open space on individual lots in the development. By limiting the locations of buildings on a lot, minimum building setback regulations help reduce the danger of conflagration, ensure that there is adequate room for emergency access between and around the properties and provide access to utilities. Building setback requirements also help provide a minimum degree of open space for light and air circulation, landscaping, recreational use, privacy (e.g., distance between neighbors to mitigate noise and odors), and space for maintenance on a home.

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.

If the development plan were approved as now proposed, the most notable and potentially unfavorable effect from this development on abutting sites would stem from the inevitable increase in automobile traffic in this vicinity. However, any new residential development at this

location would have a similar effect making adequate collector street access for the orderly subdivision of this property and adjoining land so important.

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.

As mentioned above, the development plan proposes a network of local streets, which, once fully built-out, will connect all phases of this subdivision with local streets with a 50-foot right-of-way and at least 27 feet of pavement. The development plan also shows the dedication and improvement of collector-type streets transecting the subject property. A traffic study commissioned by the developers at the request of City staff concluded that no immediate off-site transportation system improvements are warranted in conjunction with this proposed subdivision. Staff therefore believes that the proposed development would not more adversely affect vehicular circulation in this vicinity than any other low density residential subdivision built on the subject property.

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. Allowable signage in residential districts is purposefully restricted. Signage in this residential subdivision advertising, for example, a home occupation, would be limited to a 1 square foot sign mounted to the front of the main building.

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. However, as mentioned above, staff is concerned that reducing the side building setbacks to 5 feet throughout the development could facilitate the conflagration of fire and inhibit emergency personnel's access to burning properties. Staff therefore believes that the proposed development does not reasonably protect people or property from fire hazards. Staff recommends that the standard minimum 7.5-foot side building setback also be required in this residential subdivision.

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 of aforementioned considerations, staff recommends that the Planning and Zoning Commission recommend to the City Council to **approve the requested PD-H zoning, subject to the requirement that minimum 7.5-foot building setbacks apply throughout the development** and the following modifications to the development plan drawing:

1. **Add note: “Lots to be developed with duplexes in Phases 6 and 7 of this development shall have a minimum lot width of 70 feet and minimum area of 7,000 square feet.”**
2. **Amend note concerning lots fronting Kingsgate Drive and the major collector: “Lots fronting Kingsgate Drive and the major collector shall have adequate maneuvering space so vehicles will not be allowed to back directly into these streets.”**
3. **Depict the extensions of Autumn Lake and Kingsgate Drives north of the major collector using the same grey “collector street” fill color used for depicting the remainder of these streets.**

ATTACHMENTS:

1. proposed PD-H zoning development plan
2. SDRC comments of April 30, 2013
3. Traffic Signal/Turn Lane Analysis by Alliance Transportation Group, Inc. of Austin, Texas
4. excerpt from the City of Bryan’s Southwest Bryan’s Highest and Best Use Study