

**Meeting Date** (?) 11/10/2015

**Subject Matter** \* (?) Appeal of CU15-13 (7 Oaks Development, Ltd): to allow zero lot line (patio) homes on 1.136 acres of  
This must match rolling agenda entry

**Department of Origin** \* DEVELOPMENT SERVICES

**Submitted By** \* Martin Zimmermann

**Type of Meeting** \*  BCD  Special  Regular

**Classification** \*  Public Hearing  Consent  Statutory  Regular

**Ordinance** \*  None  First Read  Second Read  First & Only Read

**Strategic Initiative** \*  Public Safety  Service  
 Economic Development  Infrastructure  
 Quality of Life

**Agenda Item Description** \* An appeal of the Planning and Zoning Commission's decision to approve a Conditional Use Permit request, to allow zero lot line (patio) homes on property zoned Residential District – 5000 (RD-5), specifically 1.136 acres of land out of the John Austin League, A-2, adjoining the northeast side of a proposed extension of Peterson Way, which is currently under construction, approximately 85 feet to 535 feet southeast from its intersection with Janice Trail (proposed Lots 1 through 9 in Block 1 of Briar Meadows Creek Subdivision – Phase 5), in Bryan, Brazos County, Texas. (CU15-13)

**Summary Statement \***

During the regular meeting on October 15, 2015, the Planning and Zoning Commission unanimously voted to approve a Conditional Use Permit request by 7 Oaks Development, LTD, to allow zero lot line (patio) homes on nine (9) lots on a property zoned Residential District – 5000 (RD-5) being approximately 1.136 acres of land adjoining the northeast side of a proposed extension of Peterson Way, approximately 85 feet to 535 feet southeast from its intersection with Janice Trail. The 9 lots for which the Conditional Use Permit was approved are proposed to be 50 feet in width and 110 feet in depth, as shown on the Final Plat of Briar Meadows Creek Subdivision – Phase 5, which was approved by the Planning and Zoning Commission on April 10, 2015, and is currently under construction.

The nine (9) lots adjoin a public alley right-of-way that was dedicated to the public in 1989 with the recording of Briarcrest West Subdivision – Phase 1. A wooden fence with brick columns extends along the side of the alley where these new lots are proposed. It is important to note that even if a Conditional Use Permit for patio homes were not requested, these nine (9) new lots would be allowed to access the adjacent public alley. Removal of that fence will be coordinated as building permits for new homes are being issued at this location.

As required by the Zoning Ordinance, staff mailed written notifications to 30 owners of property located within 200 feet of the request at least ten (10) days prior to the Planning and Zoning Commission's October 15 public hearing. Staff also mailed a courtesy notification to the Briarcrest West Homeowner's Association. Bryan's Zoning Ordinance Section 130-33(f) allows owners of property located within 200 feet from a property that is subject of a Conditional Use Permit application, to appeal its approval by the Planning and Zoning Commission to the City Council, within ten (10) calendar days of the Commission's decision.

On October 15, 2015, immediately following the decision by the Planning and Zoning Commission, City staff received a letter from Mr. Glen Shinn, President of Briarcrest West Homeowner's Association, seeking to appeal the Commission's decision. Mr. Glen Shinn owns property at 3112 Broadmoor Drive, which is located within 200 feet from the subject property of this Conditional Use Permit request. The appellant's reasons for appeal are listed in his letter, which is attached to this Council Action Form below.

Mr. Shinn, along with five (5) other property owners located within 200-feet of the subject property spoke in opposition to the request during its October 15, 2015, public hearing on the matter. Prior to that meeting, ten (10) individuals had submitted written comments in opposition, and three (3) individuals had called City staff and voiced comments in favor of the request. Copies of all written comments received regarding this request were shared with the Planning and Zoning Commission prior to their October 15, 2015 meeting, and are also attached below.

**Staff Analysis & Recommendation \***

Staff recommends upholding the Planning and Zoning Commission's approval of this Conditional Use Permit, including the approved conditions.

- The proposed residential subdivision at this location can provide a useful transition between the heavily traveled William Joel Bryan/FM158 commercial corridor.
- Approximately 255-plus homes in the vicinity have been issued a Conditional Use Permit for zero lot line (patio) homes similar to the proposed Conditional Use Permit to allow for zero lot line homes.
- Denying the proposed Conditional Use Permit subjects the width of the residential homes to 35-feet, whereas approval increases the buildable area on these lots to a width of 40 feet. Existing homes in the vicinity are larger in size and in a high price range. Allowing the proposed Conditional Use Permit for patio homes will allow for larger homes with a higher price range to be constructed and thus directly matching the price range of existing development in the vicinity.
- A listed action statement in the Bryan Comprehensive Plan is to create a variety of housing options. The property owner stated during the Planning and Zoning Commission's public hearing that homes to be developed on these lots would have price points between \$200,000 and \$300,000, thereby offering a desired development opportunity of higher income residential housing in an area that is accessible to major roadways, commercial establishments, and work places.
- Nine (9) new zero lot line homes at this location will not produce any greater unfavorable impacts than those created by uses permitted by right in the RD-5 zoning district, e.g., nine (9) conventional detached single-family homes. The nine (9) lots have access to the public alleyway even without approval of the Conditional Use Permit.

**Options \***

(In Suggested Order of Staff Preference)

1. uphold the Commission's decision to approve the request
2. uphold the Commission's decision to approve the request with additional conditions for approval the City Council deems necessary to assure that the use meets the criteria set forth in Subsection 130-33(a) of the Zoning Ordinance (may require consideration at a future City Council meeting); or
3. reverse the Planning and Zoning Commission's decision and deny the request.

**Funding Source \***

N/A

**Attachments**

Attachments CAF Appeal of CU15-13 - Briar Meadow Creek -Phase 5 Patio  
Homes\_update.docx

8.93MB

Please detail attachments and note attachments available for viewing in City Secretary's Office:  
(all in one attachment)

1. Location Map, Picture of public alley way adjacent to property
2. Written Comments in Opposition to Conditional Use Permit
3. Excerpt from Planning and Zoning Commission meeting minutes October 15, 2015
4. Staff report to Planning and Zoning Commission

**Dept. Head Signature**

*Kevin Russell*

**Deputy City Manager  
Signature****City Manager Signature****City Attorney Signature**

*Janis K. Hampton*