ACTION FORM
BRYAN CITY COUNCIL

Meeting Date (?) 06/07/2016

Subject Matter* (?) RZ15-28 (Arden): Greenbrier PD amendment
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*

Receive public comment regarding an ordinance of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by amending the development plan of a Planned Development – Housing District (PD-H) on 186.6 acres of land located at the southeast intersection of Bullinger Creek Drive and Thornberry Drive, being Phases 1, 5, 6A, 8, 9, 10, 12, and 15 of the Greenbrier Subdivision and also 117.5 acres of vacant land in the John Austin League, Abstract 2 in Bryan, Brazos County, Texas (case no. RZ25-28).

Summary Statement*

The applicants, Carter-Arden Development, LLC, are requesting to amend the previously-approved development plan for this PD-H District to:

• alter required minimum lot size standards for Phases 4 and 6
• reduce the minimum required side building setback from 7.5 feet to 5 feet in Phases 2, 4, & 6
• establish special construction and use standards related to the proposed reduction of the minimum required side building setback to 5 feet

The current rezoning request involves only the undeveloped land designated for residential use and does not include the 35+ acres abutting FM 1179 that remain set aside for commercial use. The standards regulating the commercial component of the Greenbrier development remain as originally adopted for this development in 2009 and are not part of this request.

In 2013 the suitability of current building setback standards came into question and in response to the possibility that current standards were in need of review, a three-member subcommittee of the Planning and Zoning Commission was appointed to study the issue and report its findings. The subcommittee recommended the following:

• No changes should be made to the currently adopted 7.5-foot side building setback standard;
• An exception made in 2000 to the City's adopted building code granting relief from providing proper fire rated design and materials be removed; and
• Future requests for reduction of side building setbacks clearly address the issue of fire safety and employ specific measures to mitigate against the resulting lack of open space and increased fire danger.

The applicant's request to reduce the minimum required side building setback from 7.5 feet to 5 feet in Phases 2, 4, and 6 and to establish special construction and use standards related to the proposed reduction is offered in response to the findings and recommendations of the Planning and Zoning Commission subcommittee.

The applicant's proposal includes measures to alleviate the potential for increased fire danger that potentially could result from a decrease in building separation. The applicant's proposal effectively eliminates the City's exception made in 2000 to the adopted International Residential Code (IRC),

which grants relief from providing fire rated construction when parts of residential structures are placed closer than 5 feet from a side property line.

Specifically, the applicant proposes that:

• Mechanical equipment such as air conditioning condensers, gas meters, electric meters, etc. will not be allowed within the minimum side building setback. This will ensure improved access for emergency personnel around the side of the building. This proposed requirement is in excess of the standards currently required by Bryan's residential building code.
• The wall adjacent to the 5-foot side setback shall be constructed of masonry construction and shall have a one-hour-rated fire wall. This proposal will result in construction that exceeds the requirements of the City's adopted International Residential Code.
• Roof eaves may project a maximum of 18-inches into the setback, but the applicant's proposed standard, more rigorous than the ordinary Bryan residential building standards, requires that any such projection must be constructed to have a one-hour fire rating.

The aforementioned measures intended to alleviate the potential for increased fire danger have been reviewed and deemed acceptable by the City's Fire Marshal. All proposed changes to the previously-approved development plan for the residential portion of the Greenbrier development are highlighted on the pages below. The standards regulating the commercial component of the Greenbrier development remain as originally adopted for this development in 2009 and are not part of this request.

Originally, the applicant had requested that proposed changes to the development plan with regard to lot size standards apply to all future phases of the Greenbrier Subdivision. During the Planning and Zoning Commission public hearing on May 19, 2016 owners of an adjacent property spoke against the proposed amendment. Subsequent to a discussion between the applicant and members of the Commission, the applicant agreed to only request those changes for two phases (Phase 4 and 6). Once that concession was offered, Commissioners moved to approve the request, as amended. The text of the draft ordinance attached to this CAF reflects the Commission's recommendation.

Staff Analysis & Recommendation *

During its meeting on May 19, 2016, the Planning and Zoning Commission concurred with staff and by unanimous vote recommended approving this rezoning request.

• With the proposed amendments to the development standards for portions of this mixed-use master-planned community, the development will remain compatible with existing and anticipated uses surrounding this property and in accordance with the land use recommendations of the Comprehensive Plan which suggests that residential land uses should be located in areas that are protected from but accessible to major roadway network, commercial establishments, work places and entertainment areas.

• 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.

• The proposed development of residential properties on lots less than one acre in size is desirable and will help support commercial developments anticipated to locate nearby in the future.

• The proposed arrangement of land uses at this location will promote orderly urban growth in this part of Bryan.

• The proposed changes to the required minimum lot size and to reduce the minimum required side building setback from 7.5 feet to 5 feet, and to establish special construction and use standards related to the proposed building setback reduction for parts of the this subdivision are reasonable responses to market changes and will not negatively impact the public interest relative to the overall plan for this master-planned community.

• The aforementioned proposed measures will produce a development pattern superior to what would be possible under the current standards.

Options *

(In Suggested Order of Staff Preference)

1. approve the requested amendments to the development plan;
2. approve the requested amendments to the development plan with modifications, which may require rescheduling the request for consideration on a future City Council meeting agenda;
3. deny the requested amendments to the development plan.

Funding Source *

N/A

Attachments

ATTACHMENTS CAF RZ15-28, Greenbrier.docx 1.9MB

Please detail attachments and note attachments available for viewing in City Secretary's Office:

1. location map
2. draft ordinance
3. excerpt from P&Z meeting minutes of May 19, 2016
4. staff report to the Planning & Zoning Commission

Dept. Head Signature

Lindsey Guindi

Deputy City Manager Signature

Hugh R. Walker

City Manager Signature

City Attorney Signature

Janis K. Hampton