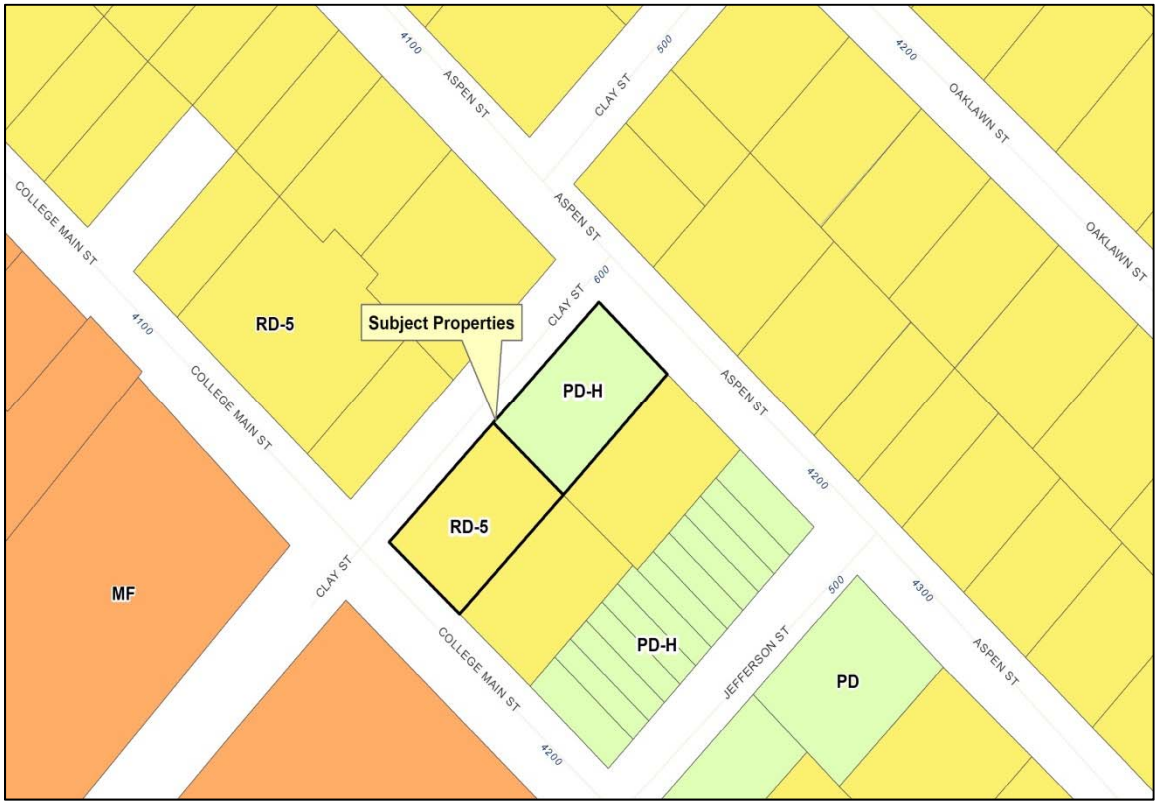
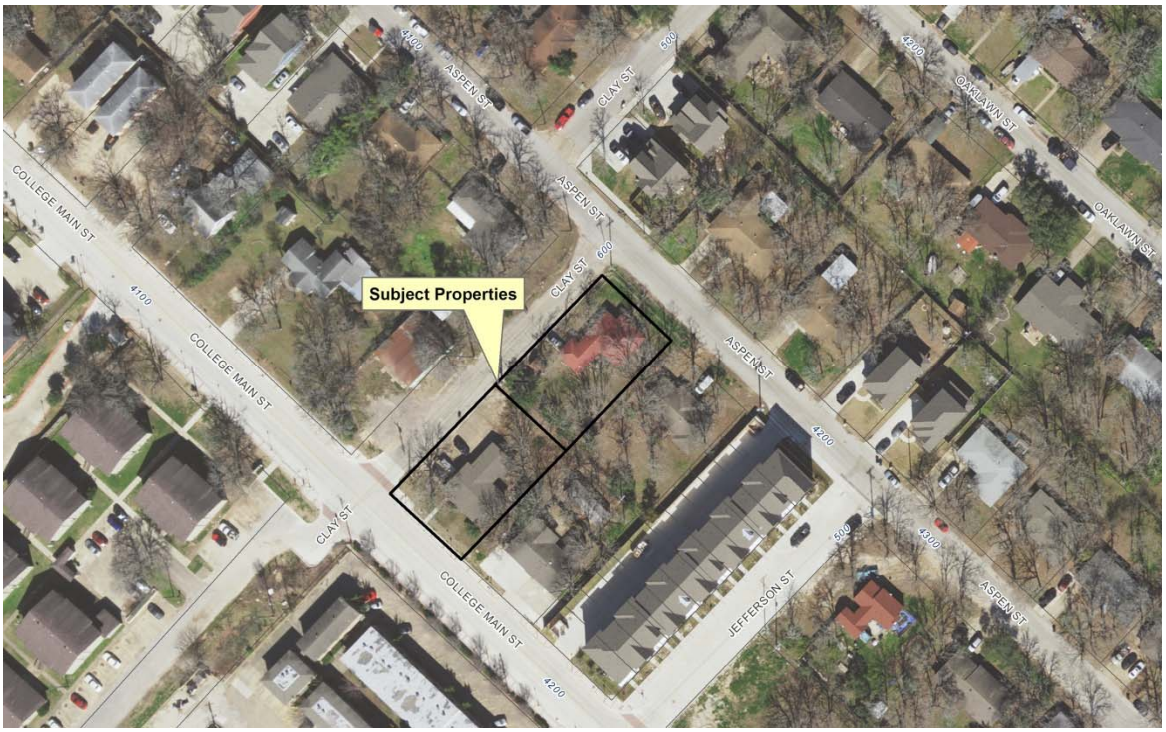
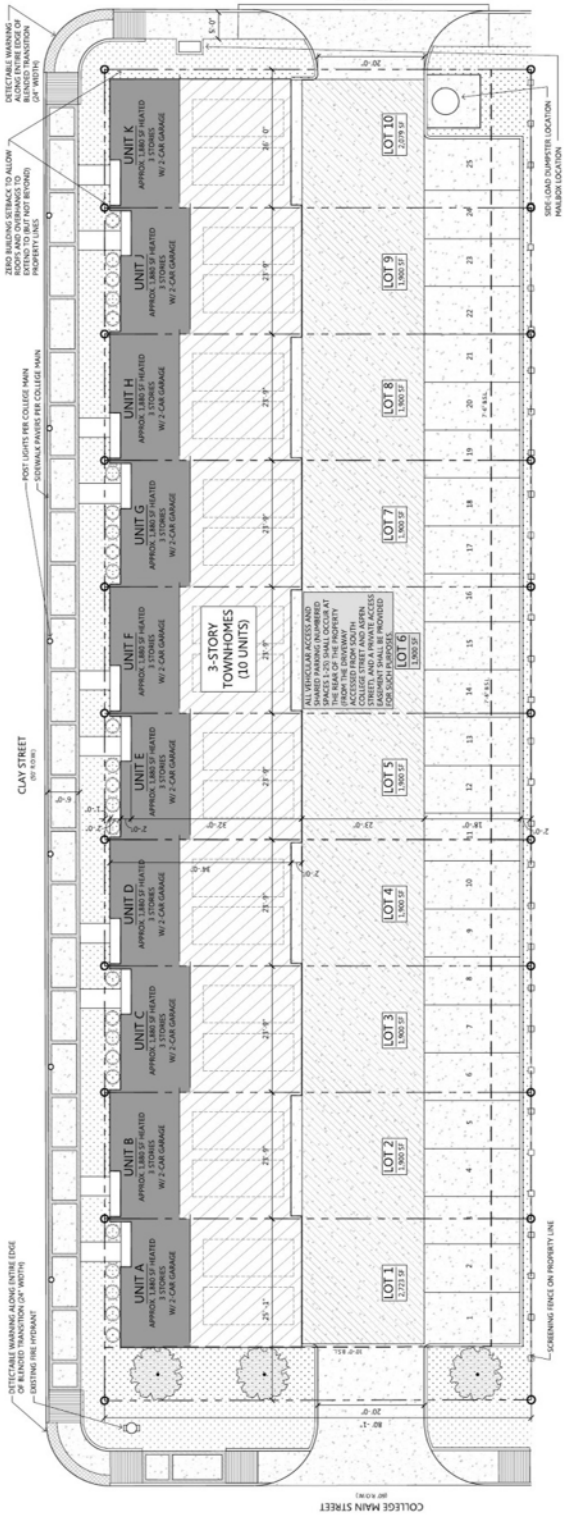
LOCATION MAPS:





PROPOSED DEVELOPMENT PLAN:



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 130, ZONING, OF THE CITY OF BRYAN CODE OF ORDINANCES, BY CHANGING THE ZONING CLASSIFICATION FROM A COMBINATION OF RESIDENTIAL DISTRICT – 5000 (RD-5) AND PLANNED DEVELOPMENT – HOUSING DISTRICT (PD-H) TO PLANNED DEVELOPMENT – HOUSING DISTRICT (PD-H), ON 0.46 ACRES OF LAND ADJOINING THE SOUTH SIDE OF CLAY STREET BETWEEN COLLEGE MAIN AND ASPEN STREETS, BEING LOT 5 AND 30 FEET OF LOT 4 AS WELL AS LOT 10 AND 30 FEET OF LOT 9 IN BLOCK 4 OF HIGHLAND PARK SUBDIVISION – PHASE 1 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 is for 0.46 acres of land adjoining the south side of Clay Street between College Main and Aspen Streets, being Lot 5 and 30 feet of Lot 4 as well as Lot 10 and 30 feet of Lot 9 in Block 4 of Highland Park Subdivision – Phase 1, in Bryan, Brazos County, Texas (case no. RZ16-05) was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on May 5, 2016;

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

1.

That Chapter 130, Zoning, of the City of Bryan Code of Ordinances be amended by changing the zoning classification from a combination of Residential District – 5000 (RD-5) and Planned Development – Housing District (PD-H) to Planned Development – Housing District (PD-H) on for 0.46 acres of land adjoining the south side of Clay Street between College Main and Aspen Streets, being Lot 5 and 30 feet of Lot 4 as well as Lot 10 and 30 feet of Lot 9 in Block 4 of Highland Park Subdivision – Phase 1 in Bryan, Brazos County, Texas, and subject to development requirements specified in attached Exhibit "A" and depicted on attached Exhibit "A-1" 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 7th day of June, 2016 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 12th day of July, 2016 by a vote of ___ yeses and ___ noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

_____
Mary Lynne Stratta, City Secretary

CITY OF BRYAN:

_____
Jason P. Bienski, Mayor

APPROVED AS TO FORM:

_____
Janis K. Hampton, City Attorney

EXHIBIT "A":

Planned Development Housing (PD-H) District

GENERAL PURPOSE AND DESCRIPTION

The Clay Street Townhome development plan is intended to guide and set the standard for planning of land use and physical development on the subject property and future properties in the nearby vicinity of College Main. This PD-H 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 residential properties from foreseeable negative impacts resulting from the permitted uses by serving as a land use buffer, to strengthen the area economy and to promote the general welfare of the community.

SECTION 1: PERMITTED LAND USES

The following range of land uses shall be permitted by right:

- Townhouses;
- Condominiums;
- Temporary structures for uses incidental to construction work on the premises, said buildings shall be removed upon the completion or abandonment of construction work.

SECTION 2: DEVELOPMENT STANDARDS

Physical development in this Planned Development District shall comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to townhouse development on properties zoned Residential District – 5000 (RD-5). The following additional standards shall be applicable:

1. The minimum building setback from property lines adjoining Clay Street shall be 0 feet. (Roofs shall be allowed to extend to, but not beyond, this property line.)
2. The minimum building setback from property lines adjoining Aspen Street shall be 0 feet. (Roofs shall be allowed to extend to, but not beyond, this property line.)
3. The minimum building setback from property lines to adjoining College Main shall be 10 feet. (Roofs shall be allowed to extend to, but not beyond, this property line.)
4. The minimum building setback from rear property line to the Southeast shall be 7.5 feet.
5. Building setbacks shall not be required from interior property lines that are within this Planned Development District.
6. For townhomes and condominiums, the minimum lot width shall be 22'-0".
7. The minimum lot depth shall be 75'-0".
8. The minimum overall area shall be 1,880 square feet.
9. The maximum height of all structures shall not exceed 45'-0".

10. All vehicular access to and all required off-street parking for the proposed development shall occur in the rear of the property and a private access easement shall be provided for such purposes. Required off-street parking shall be calculated and provided at one space per bedroom.
11. Landscaping areas along the front, sides, and rear of the property shall comprise, at minimum, an area equal to 5 percent of the developed area (building site). The property shall not exceed a total of 90 percent impervious lot coverage. Landscaping shall meet all requirements of the Bryan Code of Ordinances "Section 62-429 – Landscape Requirements", except as described above and excluding the requirements outlined in paragraph "B. Parking Areas." Landscaping shall incorporate the use of an underground irrigation system. All landscaping, including trees, shrubs and groundcover, shall be selected from the City of Bryan's approved list.
12. All units to be constructed using no less than 80% masonry on exterior walls and a combination of brick and stone to be used throughout elevations.
13. A wood privacy fence, 6'-0" in height minimum, shall be provided along the Southwest and Southeast property lines adjacent to Residential use. The development will not be screened from Clay Street nor Aspen Street.
14. One monument sign shall be allowed on the property within the building setback along either College Main Street or Aspen Street. The sign shall be a maximum of 6' long and a maximum of 4' tall measured from the finished ground elevation.
15. All units are to be constructed with attached two car garage.
16. Twenty-five parking spaces will be provided along the rear drive.
17. Along the Northwest (Clay Street) property line, post lights and sidewalk pavers shall be provided per College Main, adjusted to coordinate with sidewalk dimensions, site conditions, etc.
18. Should there arise a circumstance where these PH-D development standards are silent then the same standards that apply to properties in Bryan zoned for townhouse and condominium use in Residential District-5000 (RD-5) shall apply.

SECTION 3: SUBDIVISION OF LAND

The subdivision of land in this Planned Development District shall be allowed in accordance with Chapter 110 Subdivisions of the City of Bryan Code of Ordinances Subdivision of the property into townhouse lots shall be permitted as per the adopted development plan drawing.

Exhibit "A-1":

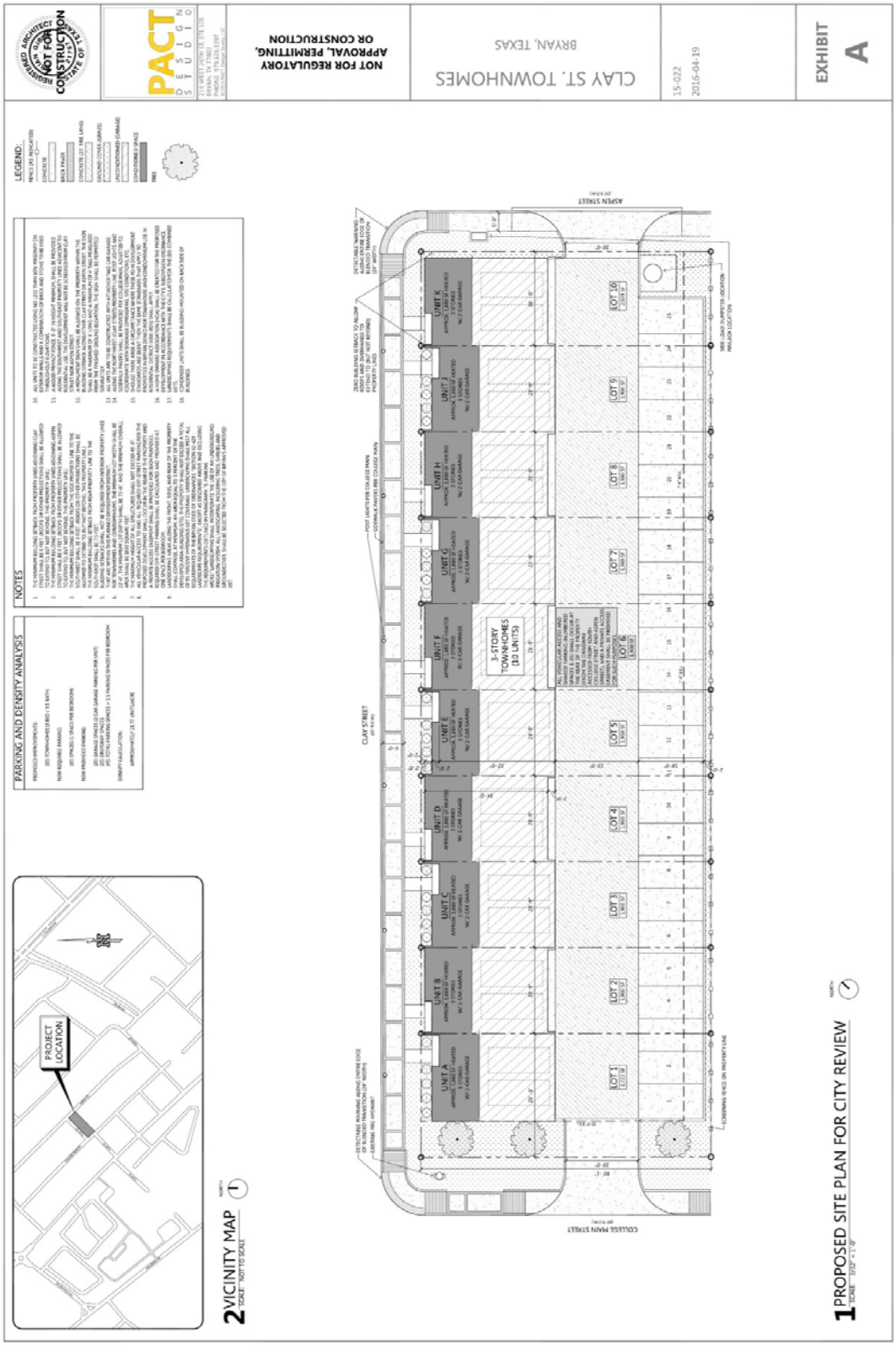
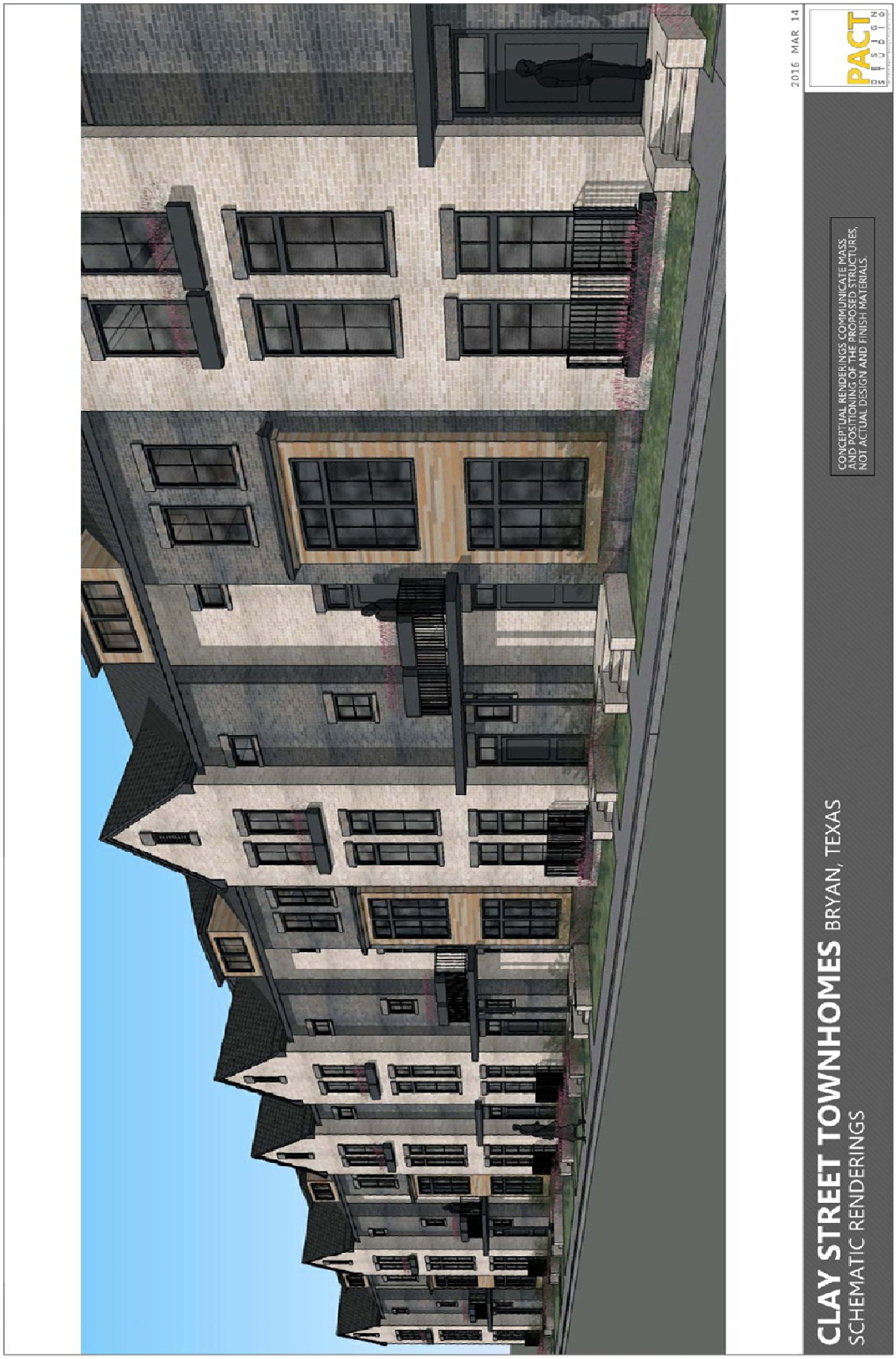


EXHIBIT
A
15-022
2016-04-19
CLAY ST. TOWNHOMES
BRYAN, TEXAS
NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION
PACT DESIGN STUDIO
NOT FOR CONSTRUCTION
LEGEND:
NOTES
PARKING AND DENSITY ANALYSIS
PROJECT LOCATION
2 VICINITY MAP
1 PROPOSED SITE PLAN FOR CITY REVIEW
CLAY STREET
COLLEGE MAIN STREET
ASPEN STREET
3-STORY TOWNHOMES (10 UNITS)
UNIT A
UNIT B
UNIT C
UNIT D
UNIT E
UNIT F
UNIT G
UNIT H
UNIT J
UNIT K
LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
LOT 7
LOT 8
LOT 9
LOT 10

Exhibit "A-1" continued



EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES OF MAY 5, 2016:

8. **REQUESTS FOR APPROVAL OF ZONING CHANGES – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission makes recommendation; City Council has final approval).**

a. **Rezoning RZ16-05: RockWater Investments, LP**
A request to change the zoning classification from a combination of Residential District – 5000 (RD-5) and Planned Development District – Housing (PD-H), to Planned Development District – Housing (PD-H), to allow up to 10 townhouse units on 0.46 acres of land adjoining the south side of Clay Street between College Main and Aspen Streets, being parts of Lots 4 and 9, Lot 5, and Lot 10 in Block 4 of Highland Park Subdivision – Phase 1 in Bryan, Brazos County, Texas. (M. Hilgemeier).

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

The public hearing was opened.

In response to questions, Mr. Hilgemeier stated that:

- There will be a silo dumpster which will alleviate some trash concerns.
- He is not sure if all of the units on Jefferson Street have been sold but it was built by a different developer.
- He had not received any citizen input.

The public hearing was closed.

Commissioner Conlee moved to recommend approval of Rezoning RZ16-05 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 commented that it was nice to see more development in the College Main Street area. They believe this is the right development for this property.

The motion passed unanimously.

PLANNING AND ZONING COMMISSION
STAFF REPORT

May 5, 2016

CITY OF BRYAN

Rezoning case no. RZ16-05: Rockwater Investments, LP

CASE DESCRIPTION: a request to change the zoning classification from a combination of Residential District – 5000 (RD-5) and Planned Development – Housing District (PD-H) to Planned Development – Housing District (PD-H)

LOCATION: 0.46 acres of land adjoining the south side of Clay Street between College Main and Aspen Streets

LEGAL DESCRIPTION: parts of Lots 4 and 9, Lot 5, and Lot 10 in Block 4 of Highland Park Subdivision – Phase 1

EXISTING LAND USE: single-family residential

APPLICANT(S): Jeff Mazzolini and Julian & Jay McMurrey

STAFF CONTACT: Matthew Hilgemeier, AICP, Staff Planner

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

AERIAL PHOTOGRAPH – 2015:

BACKGROUND:

The applicants are requesting a change to the zoning of the subject property from a combination of RD-5 District to PD-H District, to permit the construction of 10 townhouse units in a configuration that would not be normally possible under RD-5 zoning regulations. A design and development plan have been submitted that address existing site constraints in a manner that the applicant contends will allow the property to be utilized as proposed while remaining true to the guiding values of the zoning ordinance and sound planning principles.

A similar request for a portion of the subject property was presented to the Planning and Zoning Commission in December of 2015 (case RZ15-24) for a 5 townhome units. At that time the applicants owned only the property at the south corner of Aspen and Clay Streets. The applicants now also have the adjacent property at the corner of College Main and Clay Streets under contract to purchase subject to approval of this rezoning request.

If approved, this PD-H District will continue the design and layout that was presented with the previous request, with an additional 5 townhome units. If this request were denied, the previously approved PD-H zoning classification would still be valid and the applicants could develop 5 townhome units on that location.

The proposed development plan is a prerequisite for a replat of this property into ten individual townhome lots which will be required to be approved by the Planning and Zoning Commission before building permits can be issued for the proposed development.

PROPOSED DEVELOPMENT PLAN:

General Purpose and Description

The Clay Street Townhome development plan is intended to guide and set the standard for planning of land use and physical development on the subject property and future properties in the nearby vicinity of College Main. This PD-H 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 residential properties from foreseeable negative impacts resulting from the permitted uses by serving as a land use buffer, to strengthen the area economy and to promote the general welfare of the community.

SECTION 1: Permitted Land Uses

The following range of land uses shall be permitted by right:

- Townhouses;
- Condominiums;
- Temporary structures for uses incidental to construction work on the premises, said buildings shall be removed upon the completion or abandonment of construction work.

SECTION 2: Development Standards

Physical development in this Planned Development District shall comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to townhouse development on properties zoned Residential District – 5000 (RD-5). The following additional standards shall be applicable:

1. The minimum building setback from property lines adjoining Clay Street shall be 0 feet. (Roofs shall be allowed to extend to, but not beyond, this property line.)
2. The minimum building setback from property lines adjoining Aspen Street shall be 0 feet. (Roofs shall be allowed to extend to, but not beyond, this property line.)
3. The minimum building setback from property lines to adjoining College Main shall be 10 feet. (Roofs shall be allowed to extend to, but not beyond, this property line.)
4. The minimum building setback from rear property line to the Southeast shall be 7.5 feet.
5. Building setbacks shall not be required from interior property lines that are within this Planned Development District.
6. For townhomes and condominiums, the minimum lot width shall be 22’-0”.
7. The minimum lot depth shall be 75’-0”.
8. The minimum overall area shall be 1,880 square feet.
9. The maximum height of all structures shall not exceed 45’-0”.
10. All vehicular access to and all required off-street parking for the proposed development shall occur in the rear of the property and a private access easement shall be provided for such purposes. Required off-street parking shall be calculated and provided at one space per bedroom.
11. Landscaping areas along the front, sides, and rear of the property shall comprise, at minimum, an area equal to 5 percent of the developed area (building site). The property shall not exceed a total

of 90 percent impervious lot coverage. Landscaping shall meet all requirements of the Bryan Code of Ordinances “Section 62-429 – Landscape Requirements”, except as described above and excluding the requirements outlined in paragraph “B. Parking Areas.” Landscaping shall incorporate the use of an underground irrigation system. All landscaping, including trees, shrubs and groundcover, shall be selected from the City of Bryan’s approved list.

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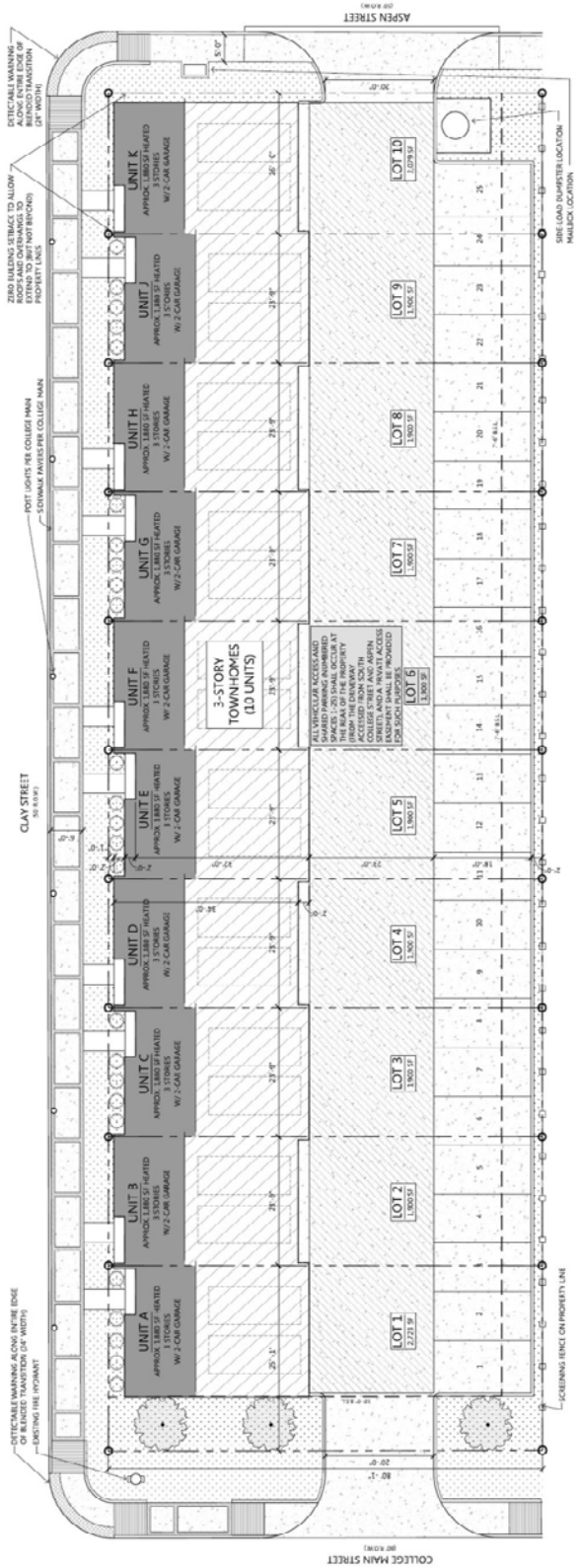
18. Should there arise a circumstance where these PH-D development standards are silent then the same standards that apply to properties in Bryan zoned for townhouse and condominium use in Residential District-5000 (RD-5) shall apply.

PROPOSED DEVELOPMENT PLAN



PROPOSED BUILDING ELEVATIONS

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan Comprehensive Plan is the framework for the establishment of zoning and other regulatory tools. The current plan includes policies and recommendations related to the various physical aspects of the community. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission shall consider the following when making its recommendation regarding this proposed zoning change:

GOAL #2: FACILITATE ORDERLY, EFFICIENT AND ATTRACTIVE DEVELOPMENT, REDEVELOPMENT AND INFILL.

Objective A: Provide for an efficient development process.

- *Action Statement 1:* Reevaluate the current zoning code to identify inconsistencies and impediments to development.

- Sustainable Mix of Land Uses - The Comprehensive Plan specifically refers need to locate land suitable for future residential and commercial uses.

- *Action Statement* 2: Develop specific requirements for contextual infill and redevelopment in existing neighborhoods and commercial areas.

- Infill - Bryan has a large inventory of parcels that were bypassed by development and remain undeveloped to this day. Since these parcels almost always have access to existing utilities, their development saves the cost of extending water and sewer service. Building within the urban core also lessens the number of vehicle trips that burden our thoroughfares. Infill was also seen as a way to revitalize older residential areas and was a topic of discussion at several public input venues.

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 tracts for this development plan lie on the edge of a residential district and a multiple-family residential district along the recently renovated College Main Street. This older residential neighborhood is in a prime location for redevelopment as it is close to Texas A&M University and there has been a recent increase in interest in redevelopment of the immediate area.

   As proposed, the development plan alters very little with regard to the uses potentially allowed on the subject property. This amendment alters the configuration of building setbacks, decreases the lot depth and width, and increases the maximum allowed height of the building while still maintaining distance from adjacent properties.

   Staff believes that the proposed townhouse development at this particular location, along a residential corridor and near several multi-family developments, will generally be compatible with existing land uses on surrounding properties and in conformance with the land use recommendations of the Comprehensive Plan. This proposed development is similar in style and configuration to the Jefferson Street Townhome development that was approved by the Planning and Zoning Commission in 2013 and was completed in 2014 and which is located in the same block as the proposed development.

   As mentioned above, the Planning and Zoning Commission approved a request for a PD-H classification in December of 2015 for 5 townhome units on a portion of the subject property; this request is to extend the same concept onto neighboring property creating 5 additional townhome units. Staff is comfortable with the proposed limited range of permitted land uses and altered building standards at this 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.

   Staff is not aware of any circumstances that would prevent this property from having access to required utilities. With the required replat for the development, the applicants have to provide public water and sewer lines along Clay Street to service each individual townhome. Being that this is not a multiple-family development, a master meter cannot be used to service this development. Due to the subject property's proximity to Texas A&M University, and the existence of pedestrian facilities along College Main Street, it can be reasonably expected that some residents will use these facilities to travel to and from campus.

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.

   Almost all of the vacant land zoned for single-family residential use in Bryan could potentially

accommodate townhouse development through the conditional use process. Staff believes that this zone change request, if approved, will not make land classified for similar development in the vicinity or elsewhere in the City unavailable for development. It is staff's hope that this development will encourage other, similar types of redevelopment in this area, specifically along those lots located along College Main Street.

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.

   Due to the fact that the general area has been largely developed for some time but due to the recent increase in interest to redevelop the area, staff finds that residential development is occurring at a steady pace in this general vicinity. In the last 5 years, there has been an increased demand for single-family style student housing options located in proximity to Texas A&M University and Blinn College. More specifically, there is an increased turnover in single-family neighborhoods within a one-half mile radius of Texas A&M campus from owner-occupied to rental housing.

   This proposed PD-H District may help serve to meet that demand and could reduce some of the pressure on land owners to convert owner-occupied housing in neighborhoods to rental housing, thereby preserving the character and integrity of some of Bryan's older, established neighborhoods. Staff contends that due to the subject property's location in relation to College Main Street, we feel that the proposed development on this block will serve as a transition and possible "barrier" to the established neighborhood located further off of College Main Street.

5. How other areas designated for similar development will be, or are unlikely to be affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

   If the proposed PD-H District were approved, staff believes there to be no need to modify the zoning designation for other areas designated for similar developments. Again, this proposed development aims to meet the demand for student housing options that are not located within established owner-occupied neighborhoods.

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

   Staff is unable to discern any other factors related to this request that will adversely affect health, safety, morals, or general welfare. Staff contends that the proposed townhouse development at this location will allow for a useful and orderly urban development of this property.

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.

   Staff believes that the proposed townhouse development will have a positive effect on the surrounding area and will be compatible with existing uses surrounding this property, specifically the Jefferson Street Townhome 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.

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 have not been mitigated by the provisions of the proposed PD-H 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. While new development at this location will slightly increase the volume of auto and pedestrian activity, it is important to note that the subject property is located near a street designed to accommodate significant amounts of traffic; College Main Street is classified as a major collector street on Bryan's Thoroughfare Plan. This principal street can reasonably be expected to be capable of safely absorbing traffic loads typically associated with single-family residential uses.

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

   Staff contends that the proposed amendment to the existing development plan will not adversely affect traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

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

   Staff finds that the existing City of Bryan site development standards will protect adjacent properties from the negative impacts of erosion, flood or water damage. Staff further finds that the features of the proposed development plan reasonably protect adjacent properties from noise, glare and similar impacts.

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 believes that the proposed townhome development at this location will neither adversely affect health, safety, morals, or general welfare nor be materially injurious to properties or improvements in the vicinity.

RECOMMENDATION:

Staff recommends **approving** this proposed rezoning, as requested.