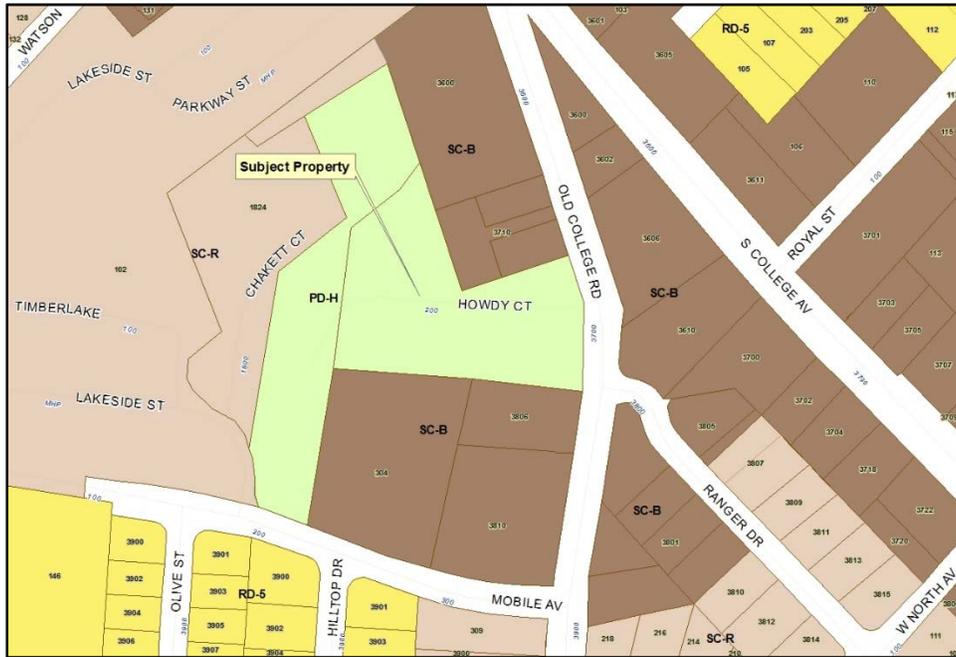


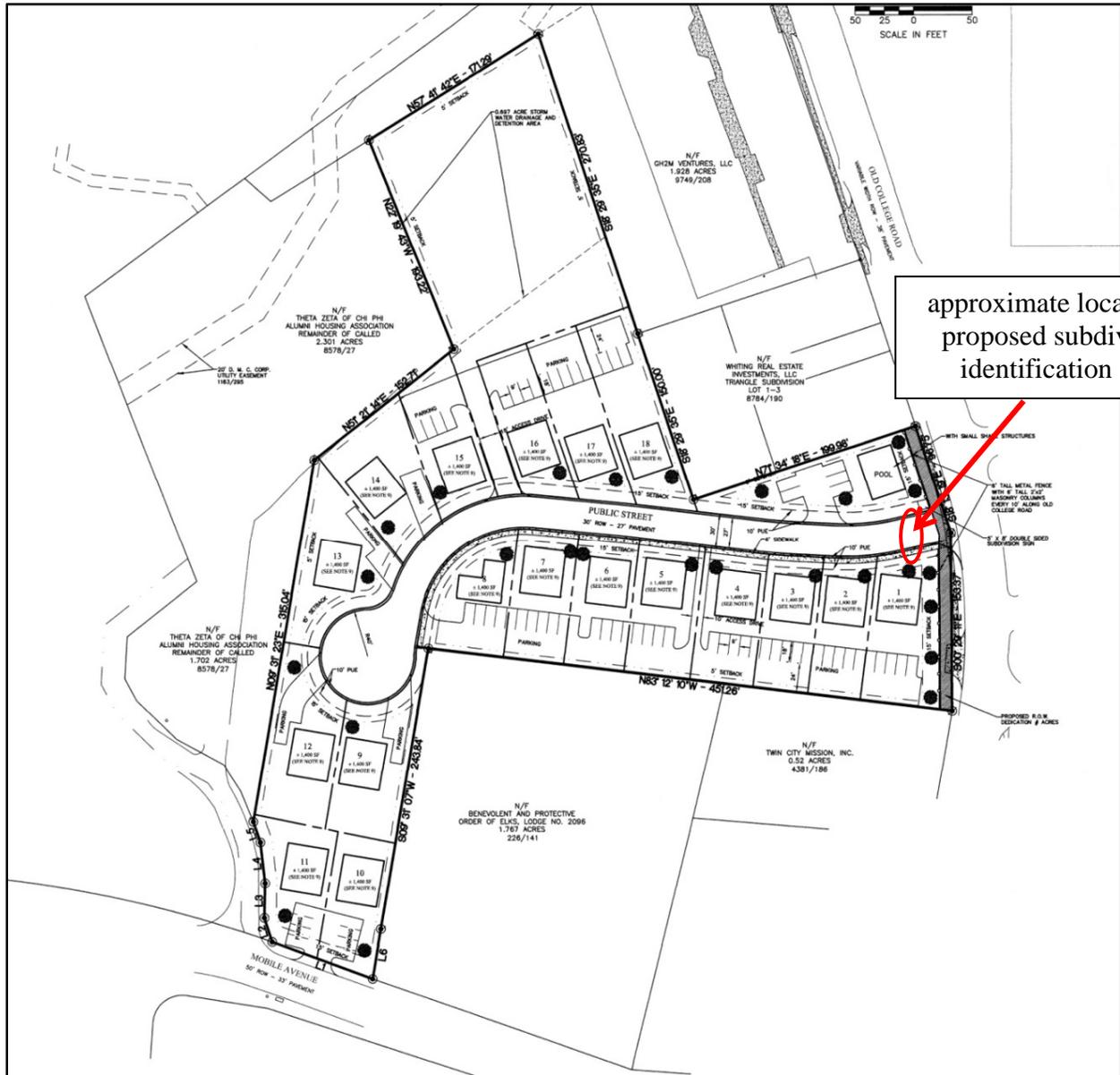
LOCATION MAP:



AERIAL PHOTOGRAPH, 2015:

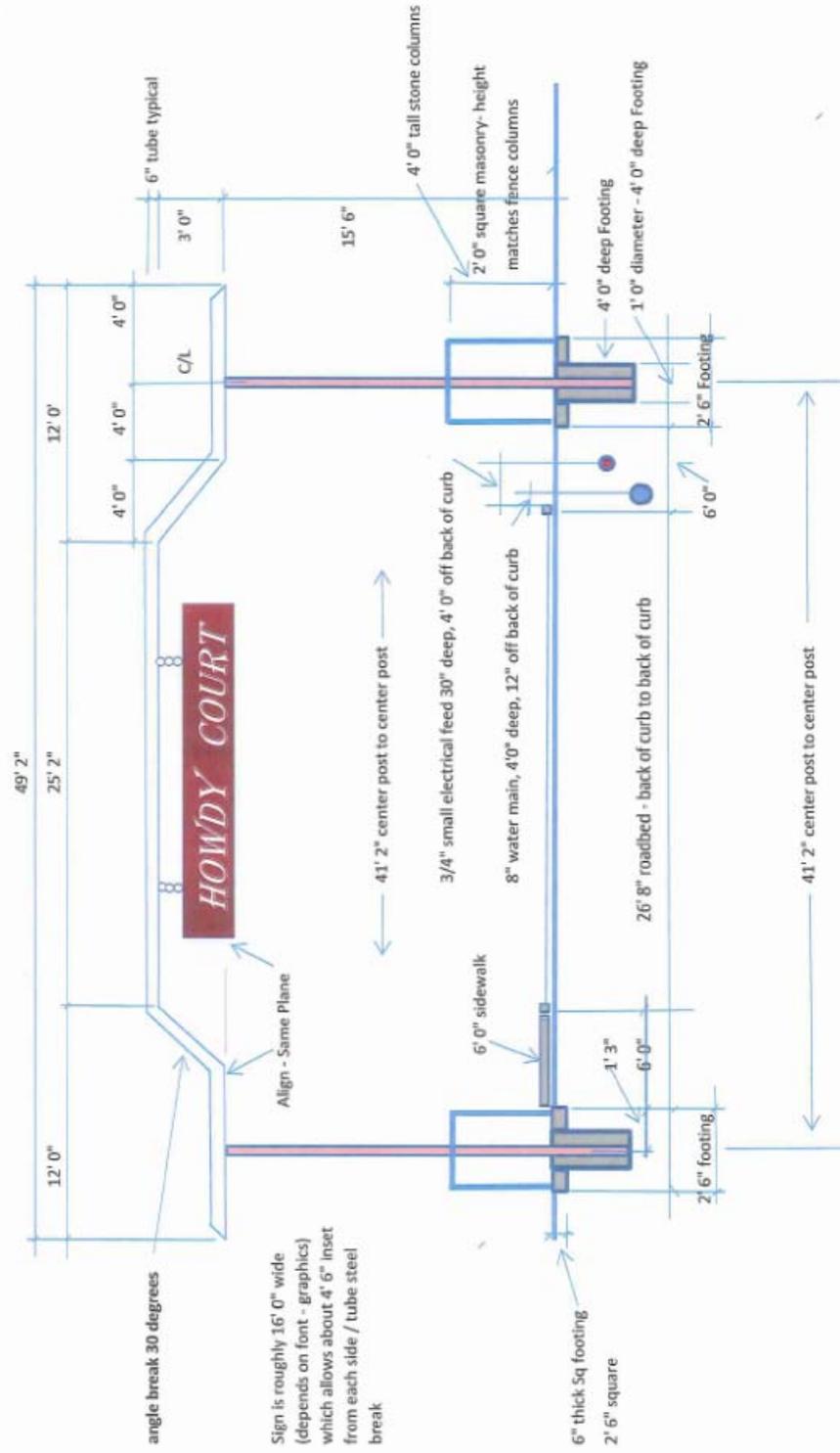


EXCERPT FROM CURRENT PD-H DISTRICT DEVELOPMENT PLAN:



approximate location of proposed subdivision identification sign

HOWDY COURT ENTRANCE SIGN



ORDINANCE NO. _____

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), SPECIFICALLY TO AMEND THE DEVELOPMENT STANDARDS FOR FREESTANDING SUBDIVISION IDENTIFICATION SIGNAGE, ON 4.425 ACRES OF LAND ADJOINING THE WEST SIDE OF OLD COLLEGE ROAD BETWEEN SOUTH COLLEGE AND MOBILE AVENUES, BEING LOTS 2 THROUGH 19 AS WELL AS COMMON AREAS 1 AND 2 IN BLOCK 1 OF NORTH CAMPUS SUBDIVISION IN BRYAN, BRAZOS COUNTY, TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH SAID ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, this requested change to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by amending the development plan of a Planned Development – Housing District (PD-H), specifically to amend the development standards for freestanding subdivision identification signage, on 4.425 acres of land adjoining the west side of Old College Road between South College and Mobile Avenues, being Lots 2 through 19 as well as Common Areas 1 and 2 in Block 1 of North Campus Subdivision in Bryan, Brazos County, Texas, was recommended for approval by the Bryan Planning and Zoning Commission during its regular meeting on October 20, 2016 (case no. RZ16-19);

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 amending the development plan of a Planned Development – Housing District (PD-H), specifically to amend the development standards for freestanding subdivision identification signage, on 4.425 acres of land adjoining the west side of Old College Road between South College and Mobile Avenues, being Lots 2 through 19 as well as Common Areas 1 and 2 in Block 1 of North Campus Subdivision in Bryan, Brazos County, Texas, said 4.425 acres being described more particularly on attached Exhibit “A”, and subject to development requirements specified in attached Exhibit “B” and depicted on attached 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.

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 21st day of November, 2016 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 6th day of December, 2016 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

_____, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

EXHIBIT "A":

**METES AND BOUNDS DESCRIPTION
OF A
4.435 ACRE TRACT
J. E. SCOTT LEAGUE, A-50
BRYAN, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE J. E. SCOTT LEAGUE, A-50, BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING ALL OF A CALLED 2.05 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO BONA FIDE ACQUISITIONS, LLC RECORDED IN VOLUME 12122, PAGE 89 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS AND ALL OF A CALLED 2.375 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO BONA FIDE ACQUISITIONS, LLC RECORDED IN VOLUME 12354, PAGE 201 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND MARKING THE SOUTHWEST CORNER OF SAID 2.05 ACRE TRACT AND THE SOUTHEAST CORNER OF A CALLED 12.95 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO BIG MOOSE, LTD RECORDED IN VOLUME 2604, PAGE 174 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. FOR REFERENCE, THE CITY OF BRYAN GPS MONUMENT NO. 69 BEARS: S 18° 47' 15" W FOR A DISTANCE OF 5370.99 FEET;

THENCE: ALONG THE COMMON LINE OF SAID 2.05 ACRE TRACT AND SAID 12.95 ACRE TRACT FOR THE FOLLOWING CALLS:

N 17° 54' 27" W FOR A DISTANCE OF 21.59 FEET (DEED CALL: N 15° 23' 51" W - 21.59 FEET, 12122/89) TO A 1/2 INCH IRON ROD FOUND;

N 01° 04' 02" E FOR A DISTANCE OF 29.57 FEET (DEED CALL: N 03° 30' 37" E - 29.51 FEET, 12122/89) TO A 1/2 INCH IRON ROD FOUND;

N 06° 33' 05" W FOR A DISTANCE OF 35.30 FEET (DEED CALL: N 04° 03' 37" W - 35.31 FEET, 12122/89) TO A 1/2 INCH IRON ROD FOUND;

N 18° 19' 42" W FOR A DISTANCE OF 18.73 FEET (DEED CALL: N 15° 47' 40" W - 18.78 FEET, 12122/89) TO A 1/2 INCH IRON ROD FOUND MARKING THE WEST CORNER OF SAID 2.05 ACRE TRACT AND THE SOUTH CORNER OF THE REMAINDER OF A CALLED 1.702 ACRE TRACT OF LAND AS DESCRIBED AS TRACT 1 BY A DEED TO THETA ZETA OF CHI PHI ALUMNI HOUSING ASSOCIATION RECORDED IN VOLUME 8578, PAGE 27 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: N 09° 31' 23" E ALONG THE COMMON LINE OF SAID 2.05 ACRE TRACT AND SAID REMAINDER OF CALLED 1.702 ACRE TRACT, PASS THE COMMON LINE OF SAID REMAINDER OF CALLED 1.702 ACRE TRACT AND THE REMAINDER OF A CALLED 2.301 ACRE TRACT OF LAND AS DESCRIBED AS TRACT 2 BY SAID DEED, 8578/27, CONTINUE ON ALONG THE COMMON LINE OF LINE OF SAID 2.05 ACRE TRACT AND SAID REMAINDER OF

CALLED 2.301 ACRE TRACT FOR A TOTAL DISTANCE OF 315.04 FEET (DEED CALL: N 12° 00' 25" E - 315.00 FEET, 12122/89) TO A 1/2 INCH IRON ROD FOUND IN ASPHALT;

THENCE: CONTINUE ALONG SAID COMMON LINE FOR THE FOLLOWING CALLS:

N 51° 21' 14" E FOR A DISTANCE OF 152.71 FEET (DEED CALL: N 53° 50' 42" E - 152.87 FEET, 12122/89) TO A 1/2 INCH IRON ROD FOUND. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND MARKING THE ORIGINAL NORTH CORNER OF SAID 1.702 ACRE TRACT BEARS: S 22° 04' 57" E FOR A DISTANCE OF 19.97 FEET;

N 22° 19' 43" W FOR A DISTANCE OF 193.22 FEET (DEED CALL: N 19° 51' 27" W - 193.20 FEET, 12122/89) TO A 1/2 INCH IRON ROD FOUND ON THE SOUTHWEST LINE OF A CALLED 1.928 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO GH2M VENTURES, LLC RECORDED IN VOLUME 9749, PAGE 208 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. SAID IRON ROD FOUND MARKING THE NORTHWEST CORNER OF SAID 2.05 ACRE TRACT. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND MARKING A NORTHWEST CORNER OF SAID 1.928 ACRE TRACT BEARS: S 57° 36' 59" W FOR A DISTANCE OF 98.88 FEET (TOTAL DEED CALL: S 60° 08' 56" W - 270.15 FEET, 9749/208);

THENCE: N 57° 41' 42" E ALONG THE COMMON LINE OF SAID 1.928 ACRE TRACT AND SAID 2.05 ACRE TRACT FOR A DISTANCE OF 171.29 FEET (DEED CALL: N 60° 08' 56" E - 171.39 FEET, 12122/89) TO A 1/2 INCH IRON ROD FOUND MARKING THE NORTH CORNER OF SAID 2.05 ACRE TRACT;

THENCE: S 18° 29' 35" E CONTINUING ALONG THE COMMON LINE OF SAID 1.928 ACRE TRACT AND SAID 2.05 ACRE TRACT, PASS THE COMMON CORNER OF SAID 2.05 ACRE TRACT AND SAID 2.375 ACRE TRACT, CONTINUE ON ALONG THE COMMON LINE OF SAID 1.928 ACRE TRACT AND SAID 2.375 ACRE TRACT FOR A TOTAL DISTANCE OF 270.83 FEET TO A 1/2 INCH IRON ROD SET MARKING THE SOUTH CORNER OF SAID 1.928 ACRE TRACT AND THE WEST CORNER OF LOT 2, TRIANGLE SUBDIVISION ACCORDING TO THE PLAT RECORDED IN VOLUME 312, PAGE 281 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS. FOR REFERENCE, A CHAIN LINK FENCE POST FOUND BEARS: S 40° 22' 34" W FOR A DISTANCE OF 0.73 FEET AND A COTTON SPINDLE FOUND IN ASPHALT MARKING THE EAST CORNER OF SAID 1.928 ACRE TRACT BEARS: N 71° 34' 13" E FOR A DISTANCE OF 200.02 FEET;

THENCE: S 18° 29' 35" E ALONG THE COMMON LINE OF SAID 2.375 ACRE TRACT AND SAID LOT 2 FOR A DISTANCE OF 150.00 FEET (PLAT CALL: S 15° 53' 34" E - 150.00 FEET, 312/281) TO A 5/8 INCH IRON ROD FOUND MARKING THE SOUTH CORNER OF SAID LOT 2;

THENCE: N 71° 34' 18" E ALONG THE COMMON LINE OF SAID 2.375 ACRE TRACT AND SAID TRIANGLE SUBDIVISION FOR A DISTANCE OF 199.98 FEET (PLAT CALL: N 74° 06' 26" E - 200.00 FEET, 312/281) TO A 5/8 INCH IRON ROD FOUND ON THE SOUTHWEST LINE OF OLD COLLEGE ROAD MARKING THE EAST CORNER OF LOT 3 OF SAID TRIANGLE SUBDIVISION;

THENCE: S 18° 13' 19" E ALONG THE SOUTHWEST LINE OF OLD COLLEGE ROAD FOR A DISTANCE OF 96.75 FEET (DEED CALL: S 15° 39' 41" E - 96.80 FEET, 12354/201) TO A 1/2 INCH IRON ROD FOUND BENT;

THENCE: S 00° 29' 11" E CONTINUING ALONG THE SOUTHWEST LINE OF OLD COLLEGE ROAD FOR A DISTANCE OF 153.37 FEET (DEED CALL: S 20° 03' 25" E - 153.39 FEET, 12354/201)

TO A 3/8 INCH IRON ROD FOUND MARKING THE SOUTHEAST CORNER OF SAID 2.375 ACRE TRACT AND THE EAST CORNER OF A CALLED 0.52 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO TWIN CITY MISSION, INC. RECORDED IN VOLUME 4381, PAGE 186 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: N 83° 12' 10" W ALONG THE SOUTHWEST LINE OF SAID 2.375 ACRE TRACT FOR A DISTANCE OF 451.26 FEET (DEED CALL: N 79° 56' 24" W - 458.14 FEET, 12354/201) TO A 1/2 INCH IRON PIPE FOUND ON THE SOUTHEAST LINE OF SAID 2.05 ACRE TRACT MARKING THE SOUTHWEST CORNER OF SAID 2.375 ACRE TRACT AND THE NORTH CORNER OF A CALLED 1.767 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO THE BENEVOLENT AND PROTECTIVE ORDER OF ELKS, LODGE NO. 2096 RECORDED IN VOLUME 226, PAGE 141 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: S 09° 31' 07" W ALONG THE COMMON LINE OF SAID 2.05 ACRE TRACT AND SAID 1.767 ACRE TRACT FOR A DISTANCE OF 243.84 FEET (DEED CALL: S 12° 00' 25" W - 243.84 FEET, 12122/89) TO A 3/4 INCH IRON PIPE FOUND;

THENCE: S 09° 33' 55" W CONTINUING ALONG SAID COMMON LINE FOR A DISTANCE OF 43.54 FEET (DEED CALL: S 12° 16' 10" W - 43.69 FEET, 12122/89) TO A 1/2 INCH IRON ROD FOUND BENT ON THE NORTHEAST LINE OF MOBILE AVENUE (50' R.O.W.) MARKING THE SOUTHEAST CORNER OF SAID 2.05 ACRE TRACT AND THE SOUTHWEST CORNER OF SAID 1.767 ACRE TRACT. FOR REFERENCE, A 3/8 INCH IRON ROD FOUND BEARS: N 51° 10' 27" W FOR A DISTANCE OF 2.53 FEET;

THENCE: N 69° 38' 38" W ALONG THE NORTHEAST LINE OF MOBILE AVENUE FOR A DISTANCE OF 91.59 FEET (DEED CALL: N 67° 04' 24" W - 91.50 FEET, 12122/89) TO THE **POINT OF BEGINNING** CONTAINING 4.435 ACRES OF LAND, AS SURVEYED ON THE GROUND MARCH, 2015. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.

EXHIBIT “B”:
Planned Development – Housing (PD-H) District

GENERAL PURPOSE AND DESCRIPTION

The North Campus Subdivision is proposed to be a single-family residential development with detached dwelling units for student living. It is intended to have a higher density than a typical single-family development with detached units. In order to achieve the higher density, the reduced setbacks for the South College Zoning Districts will be utilized as well as lots with less than a 50’ width.

SECTION 1: LAND USES

The following range of land uses shall be permitted by right in this PD-H District:

- Single-family detached dwelling units
- Accessory structures (<120 sq. ft.)
- Open space/storm water detention area
- Common area with a minimum of 5 off-street parking spaces and amenities (e.g., private recreational center, swimming pool, game room, or similar facility).

SECTION 2: PHYSICAL DEVELOPMENT

Physical development in this PD-H District shall comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to single-family homes on properties zoned South College – Residential District (SC-R). The following additional standards shall be applicable:

1. Lot Dimension and Building Setbacks
 - a. Minimum lot size = 5,000 square feet
 - b. Minimum lot depth = 30 feet
 - c. Minimum lot width = 45 feet
 - d. Front Building Setback = 15 feet
 - e. Side Building Setback = 5 feet
 - f. Side Street Building Setback = 10 feet
 - g. Rear Building Setback = 5 feet
2. The minimum width for public street right-of-way shall be 30 feet.
3. A 6-foot wide sidewalk shall be provided on only one side of the street as shown on the development plan and shall be located adjacent to the street curb.
4. No on-street parking shall be allowed adjacent to Common Area 1 and Lots 13 through 18.
5. Lots 1 through 8 and 15 through 18 shall have off-street parking to the rear of the detached dwelling units.
6. One 3-inch caliper canopy tree shall be installed in the front yard of each lot prior to the issuance of a Certificate of Occupancy, and a minimum of two such trees shall be installed in Common Area 1 prior to the recording of any final plats for this subdivision.
7. Six 3-inch caliper trees shall be installed along the property line adjacent to Old College Road (not including the two trees required by no. 6 above).
8. A 6-foot high wrought iron fence shall be constructed along the property line along Old College Road with 2-foot by 2-foot wide and 6-foot tall masonry columns spaced at 10-foot intervals.

9. Subdivision Identification Signage

- A. One overhead subdivision identification sign shall be allowed to extend across the 30-foot wide street right-of-way for Howdy Court. The sign is to be located approximately 23 feet west from the subject property's property line adjoining Old College Road. The sign support structure shall be constructed of a steel tube of at least 6 inches in width and be anchored in 4-foot tall and 2-foot wide square masonry columns which are to be located on Lot 2 and Common Area 1 in Block 1 of North Campus Subdivision, and roadway clearance shall exceed Texas Department of Transportation regulations. The sign area shall not exceed 1-foot 4 inches in height and 14 feet in width for a total sign area of 16 square feet. The sign shall not be an animated sign, electronic message center sign or flashing sign. The homeowners association or its successor shall maintain the sign and structural features in good repair. The sign shall be installed in accordance with the specifications illustrated in Exhibit "B-1".
- B. No permit or license for any subdivision identification signage or structural features shall be granted until the owner executes a legal document, on a form approved by the City of Bryan City Attorney, which indemnifies, defends and holds harmless the City, its officers, agents, and employees from any and all claims, losses, damages, causes of action, suits, and liability of every kind, including all expenses of litigation for injury or death of any person, or for damage to any property, arising out of the use of public right-of-way for any such subdivision identification signage.
- C. No permit or license for any subdivision identification signage or structural features shall be granted unless the City is furnished with a certificate of liability insurance set forth in Subsection 9.D. If the insurance policy is not kept in full force and effect, then the subdivision sign must be removed. If the subdivision sign is not removed at that time, then the City of Bryan may cause the subdivision identification sign encroachment into the public right-of-way to be removed at the City's homeowners association's (or its successor) expense. The City shall assess the expenses in equal proportions on, and have a lien against Lots 2 through 19 in Block 1 of North Campus Subdivision. Notice of the lien shall be provided to the owners and filed in the official records of the Brazos County Clerk's office on a form approved by the City of Bryan City Attorney. The City's lien shall be a privileged lien subordinate only to tax liens. Such amount shall bear interest at the rate of ten (10) percent per annum from the date of the City incurs the expense. For any such expenditure and interest and reasonable attorney's fees, suit may be instituted and recovery and foreclosure had by the City. The lien shall be extinguished and a release of lien filed in the official records of Brazos County once the City has been reimbursed for the total lien amount due.
- D. Nothing herein shall inhibit the right of the City to make immediate repair of any condition considered to be of unusual and immediate danger to life or limb. In such instance, the City of Bryan Chief Building Official shall send an invoice for expenses incurred in the repair of such condition to the owners of abutting property. In the event the owner(s) fail(s) or refuse(s) to pay such expense within 30 days after notice of the reasonable charge by the Chief Building Official, the City shall follow the procedure written above to perfect a lien on abutting property.
- E. The insurance policy shall be issued by an insurance company authorized to do business in the state and shall be reviewed by the City of Bryan City Attorney. The policy shall provide in substance that the insurer will defend against all claims and lawsuits which arise and will pay any final judgment of a court of competent jurisdiction against the City, its officers, agents or employees and the insurance shall meet or exceed the following minimum amounts: \$250,000.00 for each person and \$500,000.00 for each single occurrence for bodily injury or

death and \$100,000.00 for each single occurrence for injury to or destruction of property. The minimum amounts of insurance coverage may be increased by the City when it is in the best interest of the public.

The policy of insurance shall name both the sign owner and the City as insurers to the full amount of the policy limits. Such policy shall inure to the benefit of a person in whose favor a judgment may be rendered, but may contain a provision that suit against the insurer may not be brought until the owner has failed to pay the final judgment of a court of competent jurisdiction against him or her.

The policy shall contain a provision that it may not be canceled, revoked or annulled by the insurer without giving the City 10 days' prior written notice. The owner shall not surrender or release such policy without filing in lieu thereof another policy complying with the requirements of this section, or removing the subdivision sign.

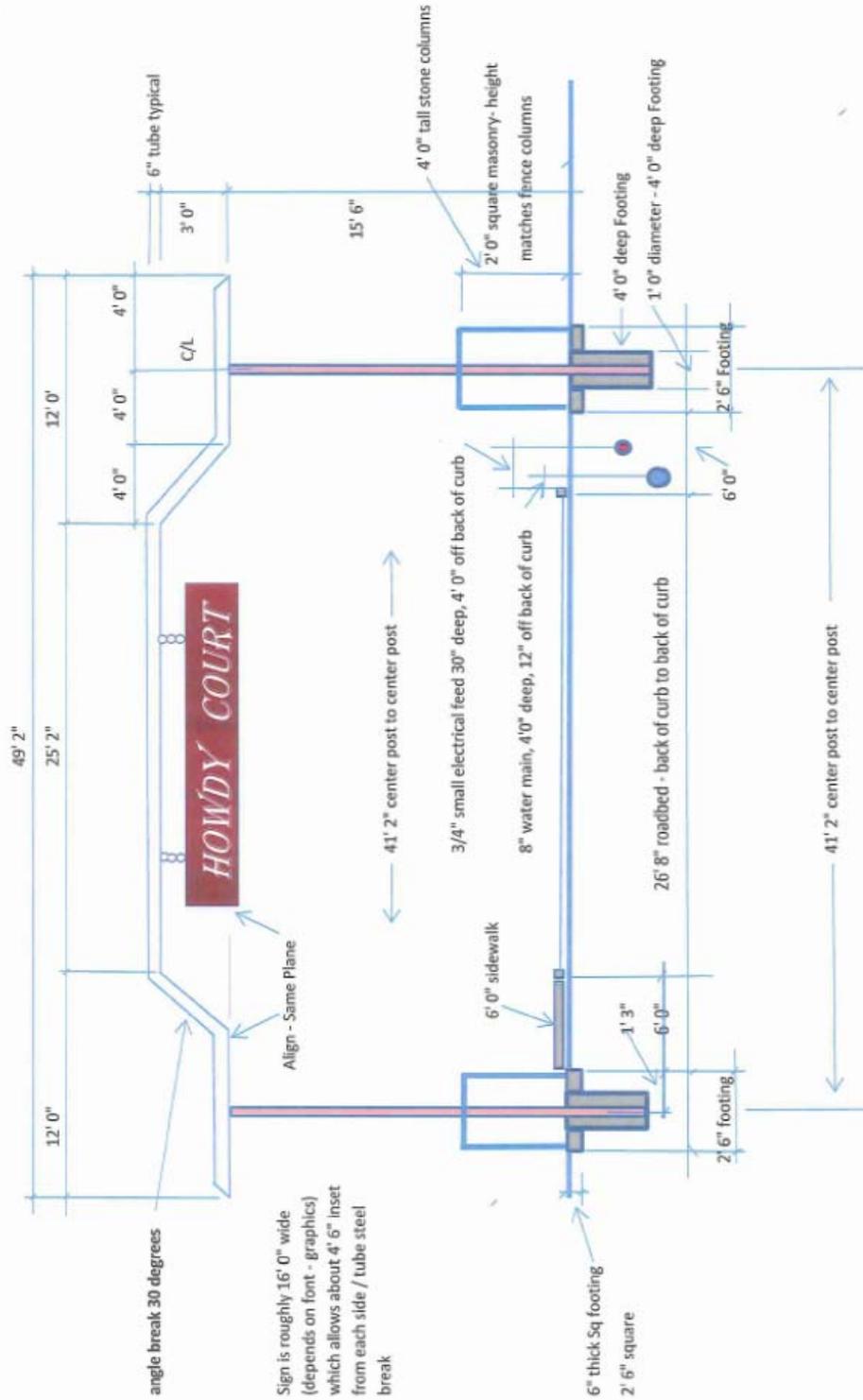
Neither the City nor any officer or employee thereof shall be liable for the financial responsibility of any insurer, or in any manner become liable for any claim, act, or omission, relating to the owner's use of the public right-of-way.

10. The property shall be developed in accordance with the attached development plan.
11. Unless otherwise specified in the approved development plan the minimum requirements for the development shall be those stated in the requirements of the South College – Residential District (SC-R).

SECTION 3: SUBDIVISION OF LAND

The subdivision of land in this PD-H District shall be allowed in accordance with Chapter 110 Subdivisions of the City of Bryan Code of Ordinances. Subdivision of the property into single-family residential lots shall be permitted as per the adopted development plan drawing.

HOWDY COURT ENTRANCE SIGN



**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES
OF OCTOBER 20, 2016:**

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

b. Rezoning RZ16-19: Dalarm, LLC

A request to amend the development plan of a Planned Development – Housing District (PD-H), specifically to amend the development standards for freestanding subdivision identification signage on 4.425 acres of land adjoining the west side of Old College Road between South College and Mobile Avenues, being Lots 2 through 19 as well as Common Areas 1 and 2 in Block 1 of North Campus Subdivision in Bryan, Brazos County, Texas.

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

The public hearing was opened.

Mr. Frank Dale, 4005 Southfork Rd, Southlake, TX, applicant in favor of the request, made himself available for questions.

In response to questions from the Commission, Mr. Dale suggested that the liability for the cost of removing the sign be placed with the homeowners' association.

The public hearing was closed.

Commissioner Gonzalez moved to recommend approval of Rezoning RZ16-19 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of the Commission. Commissioner Krolczyk seconded the motion.

Commissioners commented that the sign will look great and will be unique to this neighborhood, and thanked staff and developers for their work.

The motion passed unanimously.

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

October 20, 2016



Rezoning case no. RZ16-19: Dalarm, LLC

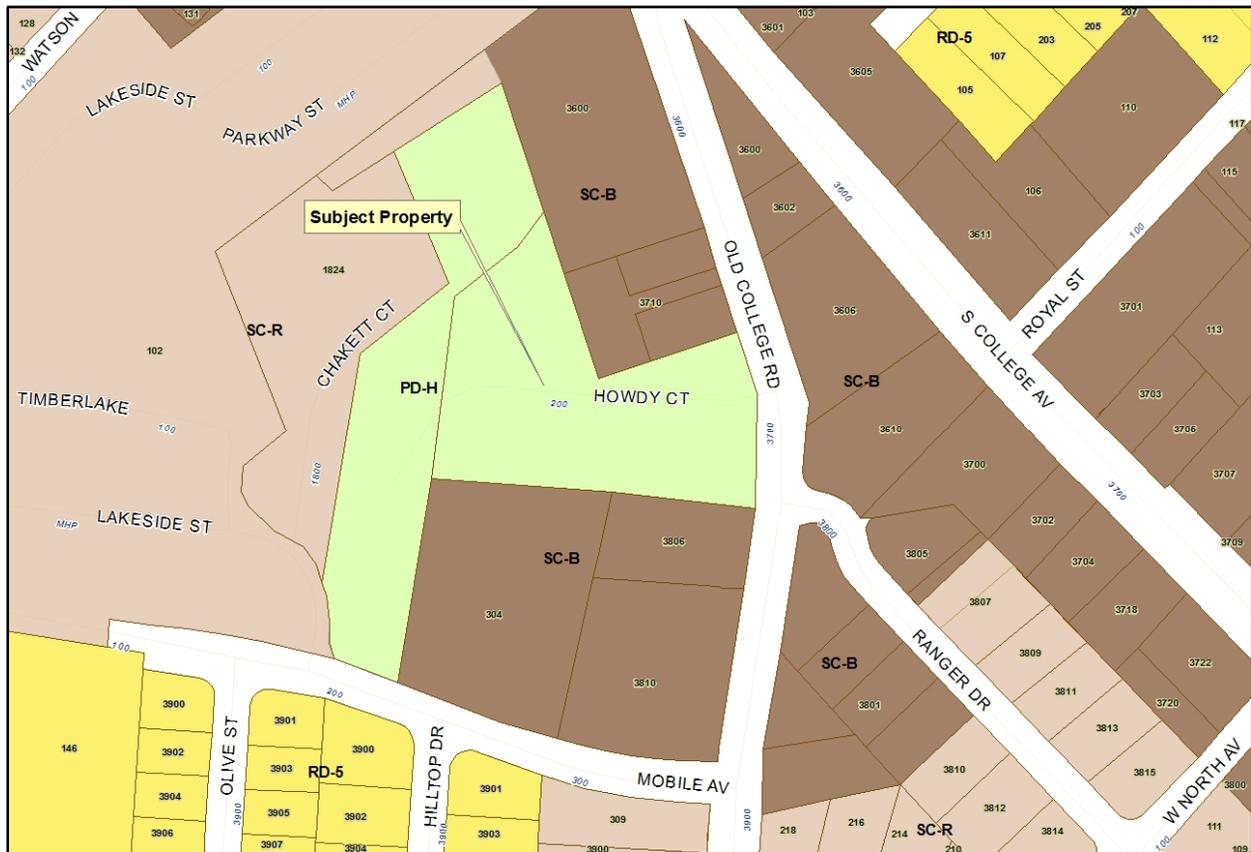
CASE DESCRIPTION: a request to amend the development plan of a Planned Development – Housing District (PD-H), specifically to amend the development standards for freestanding subdivision identification signage

LOCATION: 4.425 acres of land adjoining the west side of Old College Road between South College and Mobile Avenues, being Lots 2 through 19 as well as Common Areas 1 and 2 in Block 1 of North Campus Subdivision

PROPERTY OWNER: Frank Dale of Dalarm, LLC.

STAFF CONTACT: Martin Zimmermann, AICP, Planning Manager

SUMMARY RECOMMENDATION: Staff recommends **approving** this request.



AERIAL IMAGE (2015):



BACKGROUND:

The applicant, Frank Dale on behalf of Dalarm, LLC. owns these 4.425 acres and is developing a new residential subdivision here in accordance with the Planned Development – Housing (PD-H) development plan, which was approved by the City Council on August 4, 2015 (case no. RZ15-05). The PD-H development plan includes the development of 20 lots, 18 of which are proposed to be developed with four-bedroom homes. One lot will be developed with an amenity center and off-street parking and another lot will be utilized for required storm water detention. The final plat for this subdivision was approved by the Planning and Zoning Commission on November 19, 2015 (case no. FP15-20).

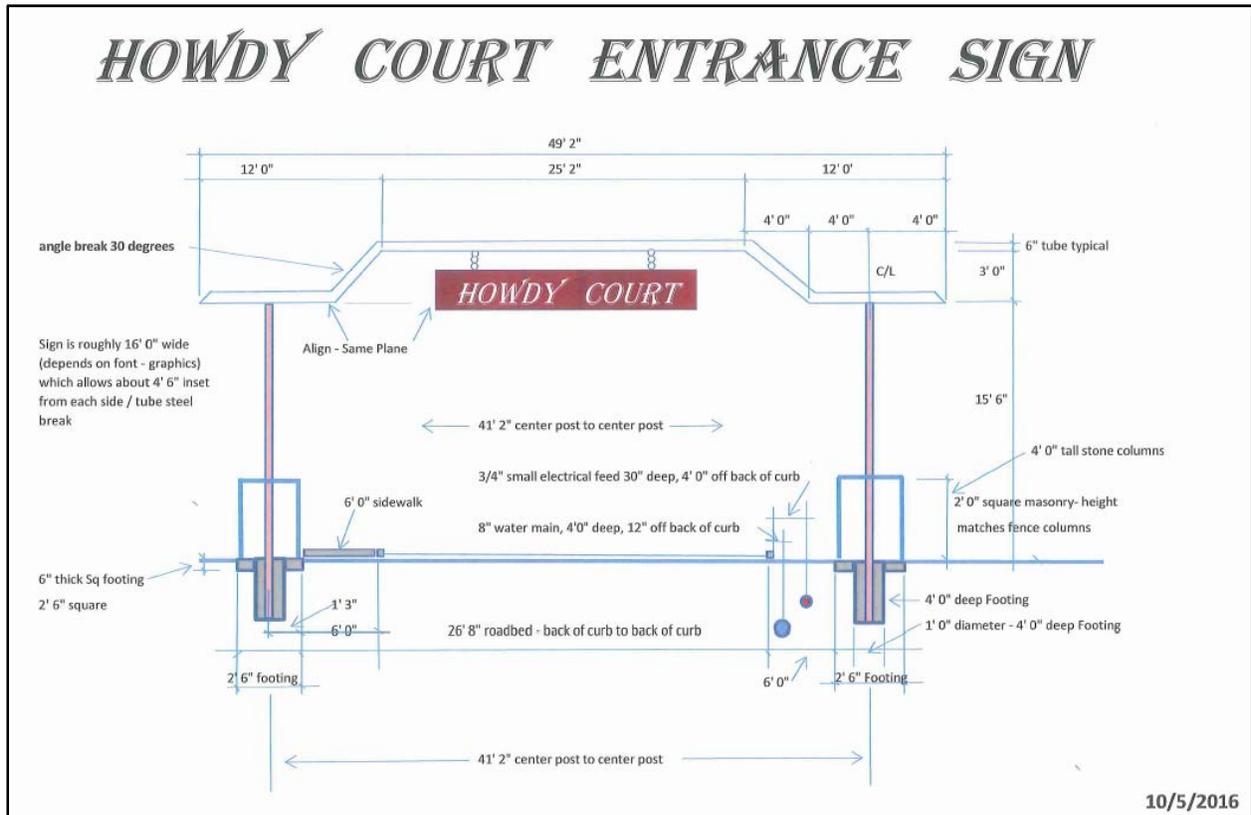
The easternmost portion of the subject property (nearest to Old College Road) is adjoined by properties to the north and south which are zoned South College Business District (SC-B). The property to the north is developed with commercial strip shopping center and properties to the south are currently occupied by a donation drop off location for Twin City Mission, an indoor self-service storage business, and a fraternal organization (Elks Lodge).

The westernmost portion of the subject property is adjoined by property to the west and north that is zoned South College Residential District (SC-R). While a majority of the neighboring property is developed as the Timberlake Mobile Home Park which consists of 114 manufactured home units, a portion (1.95 acres) of this area is currently being used developed as a fraternity house (Chi Phi). South of the subject property, across Mobile Avenue, properties are zoned Residential District – 5,000 and developed with single-family

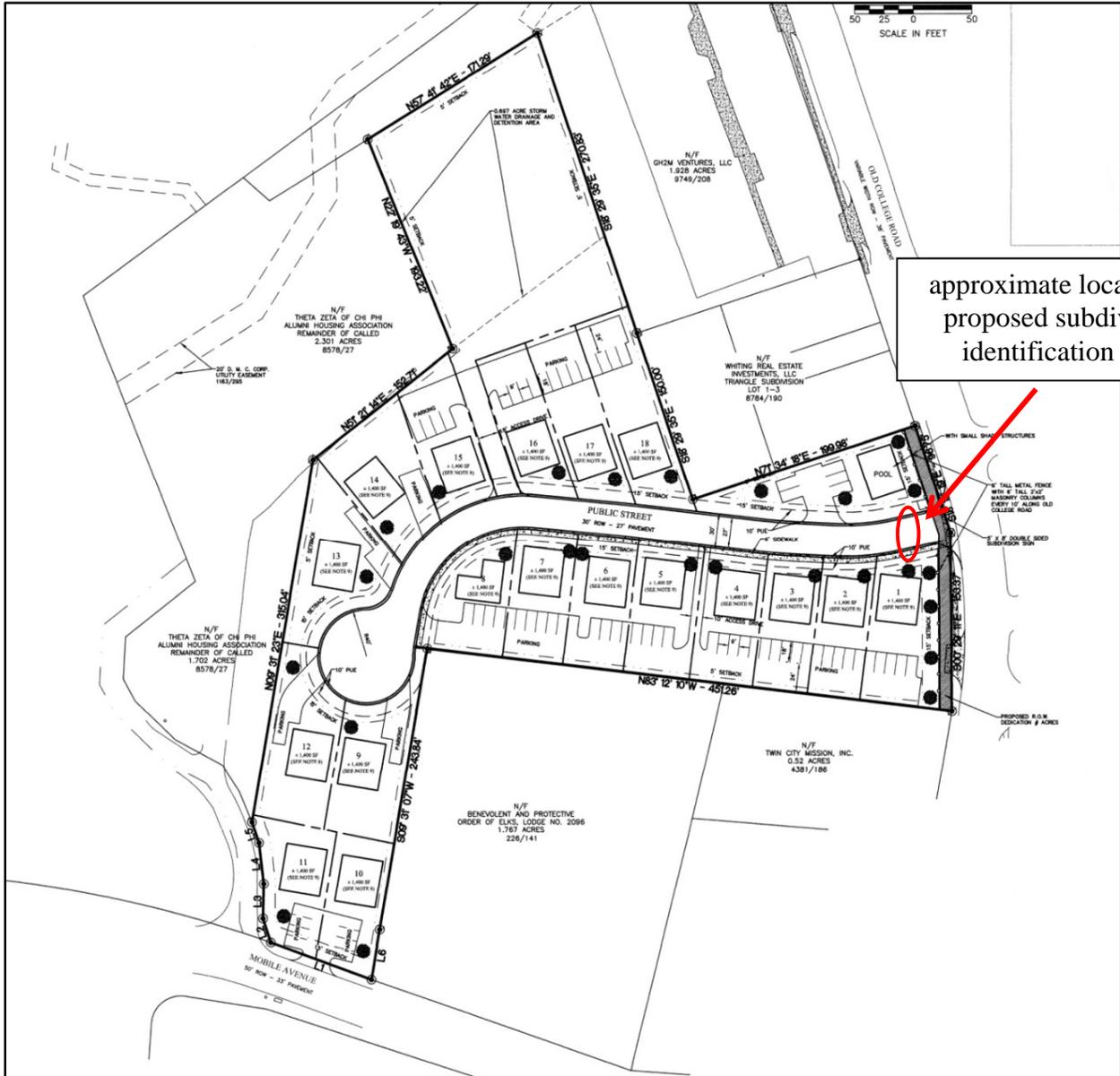
residential homes. East, across Old College Road, properties are zoned SC-B District and developed with restaurant uses (The Chicken Oil Company and J Cody's). A small retail strip shopping center is located southeast across Old College Road from the subject property.

The applicant is requesting to amend the PD-H development plan, to allow a freestanding subdivision identification sign to be installed that extends across the 30-foot wide street right-of-way for Howdy Court that leads into the subdivision. Section 2.9. of the current development plan addresses freestanding subdivision identification signage as follows: "One 5-foot tall by 8-foot wide freestanding subdivision sign shall be allowed near the intersection of the new public street and Old College Road. Any such sign shall comply with sight distance requirements of the Bryan Code of Ordinances."

The new sign is proposed to be located approximately 23 feet west from the subject property's property line adjoining Old College Road. The sign is proposed to have 15'6" of clearance and spans 16 feet wide. The sign support structure will be a steel tube of at least 6 inches in width and be anchored in 4-foot tall and 2-foot wide square masonry columns which are to be located on Lot 2 and Common Area 1 in Block 1 of North Campus Subdivision. The columns will match proposed fence columns that are planned to be installed along the subject property's eastern boundary, along Old College Road. The "Howdy Court" sign is proposed to be 1-foot 4 inches in height and 14 feet in width for a total sign area of 16 square feet.



EXCERPT FROM CURRENT PD-H DISTRICT DEVELOPMENT PLAN:



approximate location of proposed subdivision identification sign

EXISTING CONDITIONS:



ANALYSIS:

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

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

The subject property lies along Old College Road which is identified as a major collector roadway on the City of Bryan's Thoroughfare Plan. The property adjoins single-family residential use in the adjacent Timberlake Mobile Home Park as well as commercial uses developed on adjacent properties along Old College Road. The proposed amendment to the development plan is not proposing any changes to the uses allowed on the property, only to allow a freestanding subdivision identification sign to cross the local street, Howdy Court, that leads into the subdivision. Staff contends that the proposed entrance signage is appropriate in this particular case and can help create a "sense of place" to the 18-lot residential subdivision along this cul-de-sac.

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.

The proposed change is to allow for freestanding subdivision identification signage and does not affect population density, and, therefore, will have no impact on public schools, streets, water supply, sanitary sewers, and other utilities in the area. Actual installation of the sign will require coordination with public water and electric utilities as those are located nearby the proposed sign location.

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.

Staff believes that approving this amendment to the PD-H zoning district at this location should not affect the developability of other properties in this vicinity or elsewhere in the city.

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 is not aware of any other developments in the vicinity where single-family homes are built in a community-style specifically for college students.

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 contends that other areas designated for similar development will be unaffected by the proposed amendment to the development plan. The adjacent parcels along Old College Road that remain zoned for commercial use should ultimately benefit from the increase in residential activity near their businesses.

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

Staff is unable to discern any other factors related to this rezoning request that will adversely affect health, safety, morals, or general welfare.

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.

The proposed amendment only addresses freestanding subdivision identification signage and does not propose any changes to the allowed uses within the PD-H zoning district. Staff believes that the proposed "Howdy Court" entrance sign is compatible with existing and permitted uses on abutting sites.

To the north of the subject property there exist a freestanding billboard sign and a sign advertising the Chicken Oil Company restaurant that is significantly larger than the proposed signage of this request. The applicant is proposing a sign that shall not exceed 1-foot 4 inches in height and 14 feet in width for a total sign area of 16 square feet. Additionally, the proposed

sign's roadway clearance will exceed the Texas Department of Transportation regulations. Staff believes the proposed entrance sign will be compatible with uses on adjacent sites and will not impede access and circulation.

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 contends that the proposed amendment to the development plan will not create unfavorable effects or impacts on existing or permitted uses on abutting sites. Furthermore, the amendment only addresses the type of signage allowed on the property and does not propose any changes to the allowed uses within the PD-H zoning 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 amendments to the development plan will not adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity.

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

Staff finds that the features of the amendment to the development plan reasonably protect adjacent properties from negative impacts from lighting and signage types. The proposed overhead sign will not be animated or have an electronic message board.

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. As part of this amendment, the owner will execute a legal document, which indemnifies, defends and holds harmless the City of Bryan from any and all claims and liability arising out of the use of public right-of-way for the proposed subdivision identification signage. The owner, furthermore, will have to provide liability insurance, which, if not kept in effect, will require the removal of the sign.

RECOMMENDATION:

Based on all of aforementioned considerations, staff recommends **approving** this request.