

Agenda Item Details

Meeting	May 15, 2018 - Bryan City Council Second Regular Meeting
Category	6. Regular Agenda - This agenda consists of items requiring individual consideration by Council.
Subject	C. Appeal of the Planning and Zoning Commission's decision to deny a request for approval of exception from standards of the Subdivision Ordinance (Bryan Code of Ordinances Chapter 110) applicable to properties located in the City's extraterritorial jurisdiction (ETJ) referred to as Planning Exception Case No. PE18-02, to allow the proposed subdivision of 20 acres of vacant land in Bryan's ETJ into 80 new lots of less than 1 acre in size, specifically on 20 acres out of the T. M. Splane Survey, adjoining the northeast side of Old Reliance Road between Vintage Hills Drive and Austin's Crossing in Bryan, Brazos County, Texas.
Type	Action, Information
Preferred Date	May 15, 2018
Absolute Date	May 15, 2018
Fiscal Impact	No
Recommended Action	Motion to deny the request for exception from standards of the Subdivision Ordinance and uphold the decision of the Planning and Zoning Commission to deny a request for approval of exception from standards of the Subdivision Ordinance (Bryan Code of Ordinances Chapter 110) applicable to properties located in the City's extraterritorial jurisdiction (ETJ) referred to as Planning Exception case no. PE18-02, to allow the proposed subdivision of 20 acres of vacant land in Bryan's ETJ into 80 new lots of less than 1 acre in size, specifically on 20 acres out of the T. M. Splane Survey, adjoining the northeast side of Old Reliance Road between Vintage Hills Drive and Austin's Crossing in Bryan, Brazos County, Texas.
Goals	Quality of Life Public Safety

Summary:

On January 23, 2018, the applicant/property owner, Mr. JC Wall, submitted a preliminary plan for a proposed new subdivision ("Vintage Estates") on 20 acres out of the T. M. Splane Survey, adjoining the northeast side of Old Reliance Road between Vintage Hills Drive and Austin's Crossing in Bryan's extraterritorial jurisdiction (ETJ) in Brazos County. The subject property lies between Messina Hof Winery and the Vintage Hills Subdivision, generally south of Coulter Airfield, approximately 100 feet to the northeast of the City limits of Bryan, across Old Reliance Road. The Vintage Hills Subdivision, recorded in January 2004, is a rural residential subdivision with 28 lots that are all over an acre in size. To the northeast of the subject property lies vacant, undeveloped land.

The Vintage Estates Subdivision proposal envisions a subdivision of 80 new lots, intended for single-family residential development. Most of the new lots are proposed to be approximately 8,258 square feet (0.1896 ac.) in size, but all of the proposed lots are planned to be less than 1 acre in size. The lots are proposed to front a new, approximately 2,275-foot long, cul-de-sac street that is planned to extend northeast of Old Reliance Road through the middle of the property.

Subdivisions with more than 30 lots, whether located within City limits or the ETJ, require multiple points of access or the installation of residential fire-protection sprinkler systems. In this particular case, a secondary emergency-only access is proposed through the neighboring Messina Hof Winery located to the south. This access point will only be accessible by emergency vehicles and will be locked with a Knox Box.

Subdivision Ordinance Section 110-59(c), Street Lengths, specifically Section 110-59(c)(3)(a), allows a cul-de-sac to be up to 800 feet in length for subdivisions with lots of less than 1 acre in size. The proposed preliminary plan shows a new cul-de-sac road that is proposed to be approximately 2,275 feet in length. City subdivision regulations also allow cul-de-sac lengths of up to 1,200 feet, but only for subdivisions with lots of at least 1 acre in size. In other words, the proposed cul-de-sac in this particular case is 1,475 linear feet (184%) longer than the maximum length allowed by the Subdivision Ordinance. The applicant is requesting an exception to the maximum cul-de-sac length allowed by subdivision regulations, to allow the 2,275-foot long cul-de-sac in this subdivision.

At the time the applicant submitted the request for exception for consideration by the Planning and Zoning Commission, his intent also was to dedicate a 70-foot wide right-of-way with a street that has 24 feet of pavement with drainage ditches on either side and no sidewalks, which is what is shown on the preliminary plan drawing attached (dated March 29, 2018) to this Council Action Form. Approval of a plan showing such a rural street section for lots less than one acre in size also would have necessitated prior approval of an exception from subdivision street design standards. However, a day before the April 5, 2018, Planning and Zoning Commission meeting, the applicant changed his plans and now proposes dedicating an urban street section with 50 feet of right-of-way and constructing a 27-foot wide street with 5-foot sidewalks on either side. While not reflected on the attached preliminary plan drawing, the applicant's stated intent to build an urban street section with a 27-foot wide road in a 50-foot wide right-of-way with sidewalks meets the Subdivision Ordinance requirement for street design standards in this case, so approval for an exception to that standard is no longer being sought at this time.

The Planning and Zoning Commission considered the applicant's request for an exception to the maximum cul-de-sac length (case no. PE18-02) during its regular meeting on April 5, 2018. The Commission voted to deny the request. On April 6, 2018, City staff received written notice from Mr. Wall stating he wishes to appeal the Commission's denial of the request to the City Council. The appeal was received within 30 days of the Commission decision, within the deadline as required by Subdivision Ordinance Section 110-3.

On April 11, 2018, Mr. Wall submitted a revised preliminary plan for review by the City's Site Development Review Committee. This new plan shows 32 lots fronting a 799-foot long cul-de-sac. Even though a new layout is now in the City's review process, the applicant desires to still pursue his appeal of the Planning and Zoning Commission's decision of April 5, 2018, for the previous proposed lot layout with a 2,275-foot long cul-de-sac.

Staff Analysis and Recommendation:

On April 5, 2018, the Planning and Zoning Commission concurred with staff's recommendation and voted 7-2 to deny the requested exception from the maximum allowed cul-de-sac length for subdivisions with lots of less than one acre in size. Staff recommends denying the request and upholding the Planning and Zoning Commission's denial of this request.

- There do not appear to be any special circumstances or conditions affecting these 20 acres that would warrant the requested exceptions from the City's ETJ subdivision regulations.
- The proposed cul-de-sac is over two and a half times (184%) longer than the maximum cul-de-sac length for lots less than one acre and there are no stub outs proposed to effectively connect this much denser subdivision to adjacent properties to the north and south.
- A subdivision of 80 lots with an average size of 0.19 acres increases the lot density from one lot per acre to approximately five lots per acre. This is an increase of 400% compared to the maximum density generally allowed on a rural residential road in Bryan's ETJ.
- The applicant is proposing to pair driveways together over the culverts, so that the culverts are longer but the openings to each are fewer. There are 400% more driveways in this proposed subdivision design, and 200% more culverts that are all twice as long as would be in a subdivision with lots of one acre or more. The concerns include sediment and vegetation buildup in the ditches, and the crumbling of safety end treatments.
- Approving the requested exception to ETJ subdivision design standards, in this particular case, could set an unwanted precedent and might prevent effective administration of subdivision standards in the future in other new urban subdivisions.

Options:

1. uphold the Commission's decision to deny the request; or
2. reverse the Commission's decision and approve the request.

Attachments:

1. location map and aerial photographs;
2. preliminary plan dated March 29, 2018;
3. appeal email from applicant;
4. excerpt from April 5, 2018 Planning and Zoning Commission regular meeting minutes;
5. staff report to the Planning and Zoning

[Appeal of PE18-02, Subdivision Ordinance.pdf \(2,053 KB\)](#)

Motion & Voting

Motion to deny the request for exception from standards of the Subdivision Ordinance and uphold the decision of the Planning and Zoning Commission to deny a request for approval of exception from standards of the Subdivision Ordinance (Bryan Code of Ordinances Chapter 110) applicable to properties located in the City's extraterritorial jurisdiction (ETJ) referred to as Planning Exception case no. PE18-02, to allow the proposed subdivision of 20 acres of vacant land in Bryan's ETJ into 80 new lots of less than 1 acre in size, specifically on 20 acres out of the T. M. Splane Survey, adjoining the northeast side of Old Reliance Road between Vintage Hills Drive and Austin's Crossing in Bryan, Brazos County, Texas.

Motion by Ben Hardeman, second by Greg Owens.

Final Resolution: Motion Carries

Aye: Andrew Nelson, Ben Hardeman, Buppy Simank, Greg Owens, Mike Southerland, Prentiss Madison

Nay: Reuben Marin