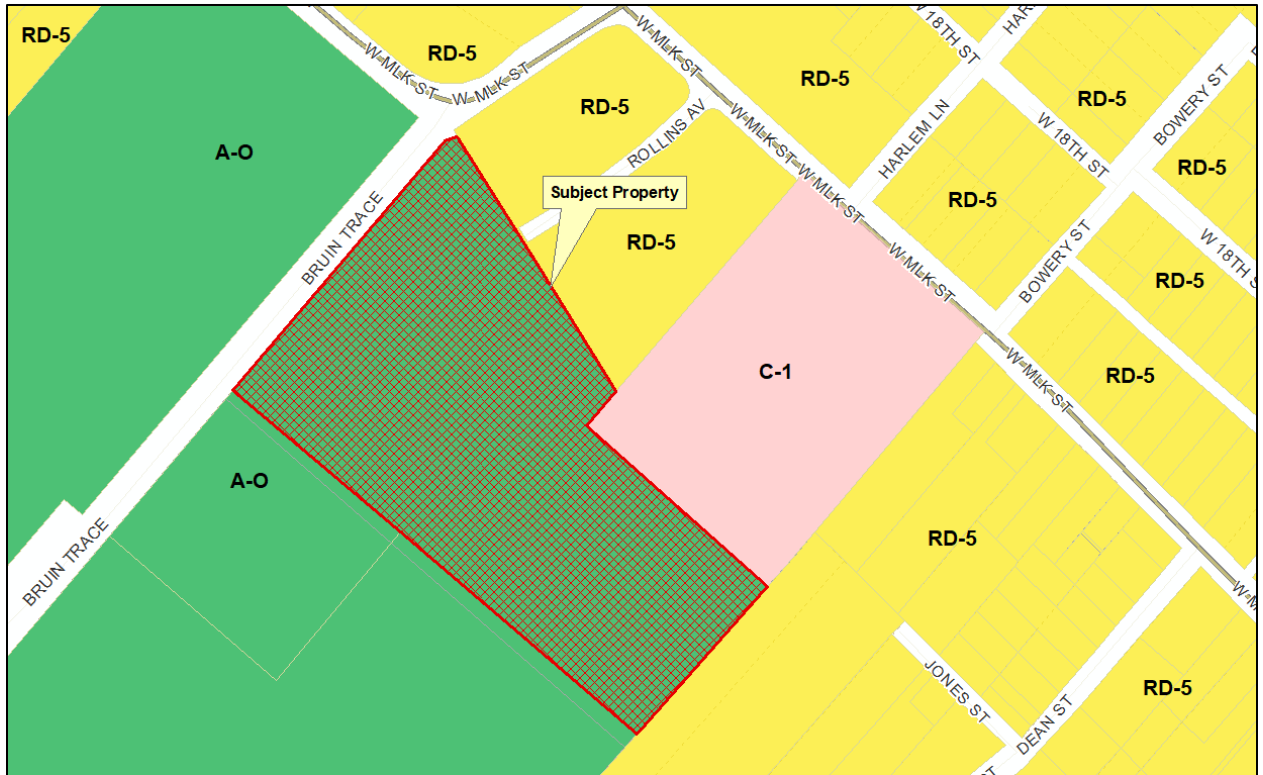


LOCATION MAPS:



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 AGRICULTURAL – OPEN DISTRICT (A-O) TO PLANNED DEVELOPMENT – HOUSING DISTRICT (PD-H), SUBJECT TO DEVELOPMENT REQUIREMENTS SPECIFIED HEREIN, ON 8.85 ACRES OF LAND OUT OF THE STEPHEN F. AUSTIN SURVEY NO. 9 ADJOINING THE SOUTH SIDE OF BRUIN TRACE BETWEEN WEST MARTIN LUTHER KING, JR. AND SAUNDERS STREETS, AND CURRENTLY ADDRESSED AS 1601 WEST MARTIN LUTHER KING, JR. STREET 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 MEETING AT WHICH SAID ORDINANCE IS PASSED IS 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 8.85 acres of land out of the Stephen F. Austin Survey No. 9 adjoining the south side of Bruin Trace between West Martin Luther King, Jr. and Saunders Streets, and currently addressed as 1601 West Martin Luther King, Jr. Street in Bryan, Brazos County, Texas, was considered by the Planning and Zoning Commission during its regular meeting on June 6, 2019 (case no. RZ19-05).

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 Agricultural – Open District (A-O) to Planned Development – Housing District (PD-H) on 8.85 acres of land out of the Stephen F. Austin Survey No. 9 adjoining the south side of Bruin Trace between West Martin Luther King, Jr. and Saunders Streets, and currently addressed as 1601 West Martin Luther King, Jr. Street in Bryan, Brazos County, Texas, and more particularly described on attached Exhibit “A” and “A-1” and subject to development requirements specified in attached Exhibit “B” and depicted on attached Exhibits “B-1” and “B-2” 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 meeting at which this ordinance was passed was 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 meeting was given.

6.

This ordinance shall take effect immediately upon its first and only reading and passage.

PASSED, ADOPTED and APPROVED the 9th day of July 2019, at a regular meeting of the City Council of the City of Bryan, Texas, by a vote of ___ yeses and ___ noes.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Andrew Nelson, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

Exhibit "A":

**METES AND BOUNDS DESCRIPTION
OF A
8.853 ACRE TRACT
S. F. AUSTIN NO. 9 SURVEY, A-62
BRYAN, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE S. F. AUSTIN NO. 9 SURVEY, ABSTRACT NO. 62, BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF A CALLED 14.353 ACRE TRACT AS DESCRIBED BY A DEED TO 318 BRYAN CAPITAL, L.P. RECORDED IN VOLUME 11981, PAGE 1 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

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

BEGINNING AT A 6 INCH FENCE CORNER POST FOUND ON THE SOUTHEAST LINE OF BRUIN TRACE (60' R.O.W.) MARKING THE WEST CORNER OF SAID 14.353 ACRE TRACT AND THE NORTH CORNER OF THE REMAINDER OF A CALLED 25.2 ACRE TRACT AS DESCRIBED BY A DEED TO RAY WILLIE McDADE RECORDED IN VOLUME 3882, PAGE 258 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: N 39° 56' 17" E ALONG THE SOUTHEAST LINE OF BRUIN TRACE FOR A DISTANCE OF 562.21 FEET TO A CROW FOOT FOUND IN CONCRETE MARKING AN ANGLE POINT IN SAID LINE;

THENCE: N 55° 06' 40" E CONTINUING ALONG THE SOUTHEAST LINE OF BRUIN TRACE FOR A DISTANCE OF 18.79 FEET TO AN "X" FOUND IN CONCRETE MARKING THE WEST CORNER OF A CALLED TRACT OF LAND OWNED BY THE FEDERAL HOUSING AUTHORITY PER THE BRAZOS CENTRAL APPRAISAL DISTRICT RECORDS;

THENCE: S 32° 16' 06" E ALONG THE COMMON LINE OF SAID 14.343 ACRE TRACT AND SAID FEDERAL HOUSING AUTHORITY TRACT FOR A DISTANCE OF 511.07 FEET TO AN "X" FOUND IN CONCRETE MARKING AN ANGLE POINT IN SAID LINE;

THENCE: S 43° 26' 56" E CONTINUING ALONG THE COMMON LINE OF SAID 14.353 ACRE TRACT AND SAID FEDERAL HOUSING AUTHORITY TRACT FOR A DISTANCE OF 3.92 FEET TO AN "X" FOUND IN CONCRETE MARKING THE SOUTH CORNER OF SAID HOUSING TRACT;

THENCE: S 40° 37' 48" W THROUGH SAID 14.353 ACRE TRACT FOR A DISTANCE OF 88.22 FEET;

THENCE: S 48° 08' 18" E CONTINUING THROUGH SAID 14.353 ACRE TRACT FOR A DISTANCE OF 416.67 FEET TO THE NORTHWEST LINE OF THE JONES ADDITION ACCORDING TO THE PLAT RECORDED IN VOLUME 110, PAGE 43 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: S 40° 37' 46" W ALONG THE COMMON LINE OF SAID 14.353 ACRE TRACT AND SAID JONES ADDITION FOR A DISTANCE OF 323.71 FEET TO A 1/2 INCH IRON ROD FOUND MARKING THE SOUTH CORNER OF SAID 14.353 ACRE TRACT AND THE EAST CORNER OF SAID REMAINDER OF 25.2 ACRE TRACT (3882/258);

THENCE: N 49° 55' 30" W ALONG THE COMMON LINE OF SAID 14.353 ACRE TRACT AND SAID REMAINDER OF 25.2 ACRE TRACT FOR A DISTANCE OF 906.90 FEET TO THE **POINT OF BEGINNING** CONTAINING 8.853 ACRES OF LAND, AS SURVEYED ON THE GROUND. BEARING SYSTEM SHOWN HEREIN IS NAD83 (TEXAS STATE PLANE CENTRAL ZONE GRID NORTH) AS ESTABLISHED BY GPS OBSERVATION. SEE PLAT PREPARED MAY 2017 FOR MORE DESCRIPTIVE INFORMATION.

BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

\\JOBS\17-241\17-241.docx



Exhibit "A-1":

Survey

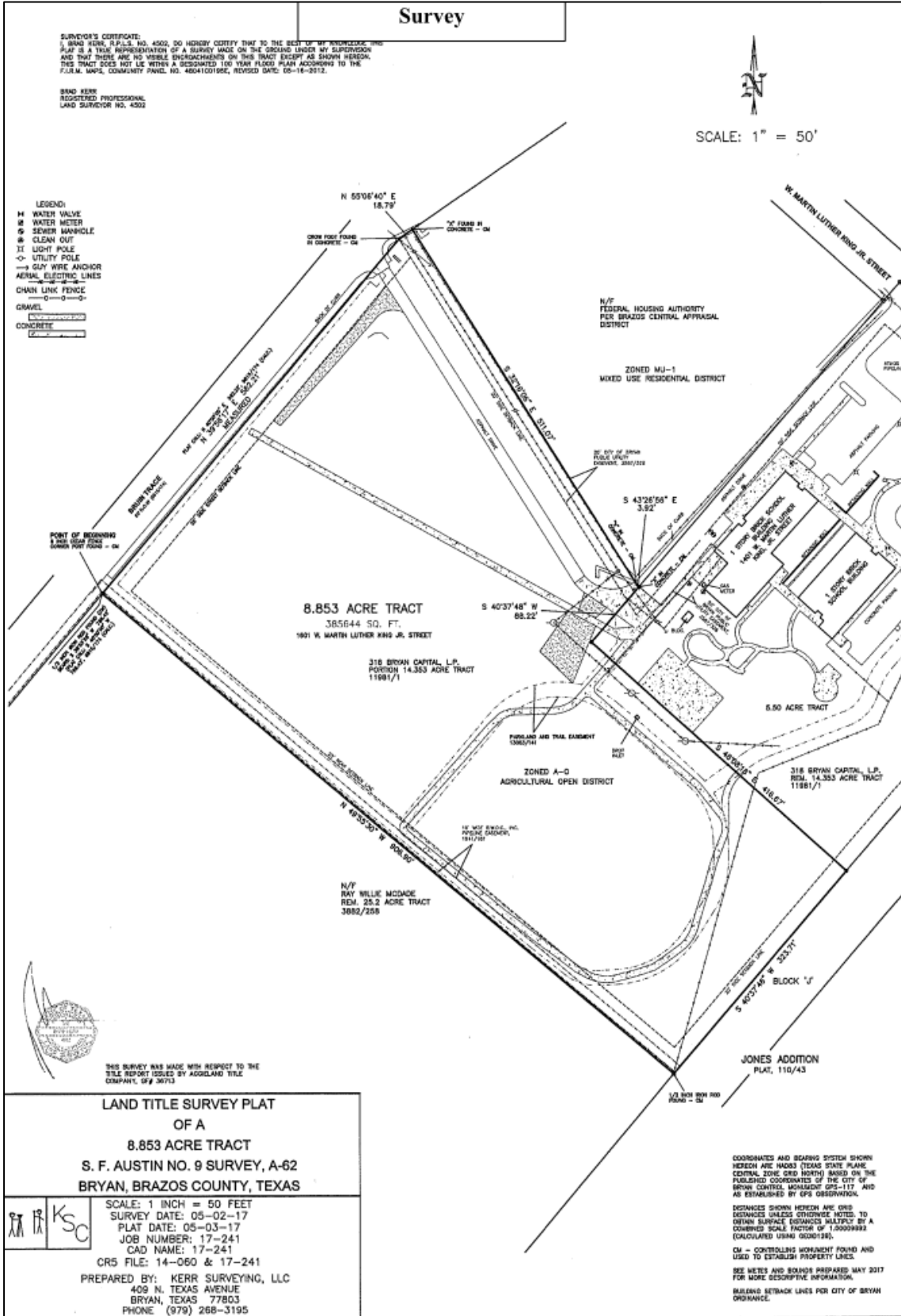
SURVEYOR'S CERTIFICATE:
 I, BRAD KERR, R.P.L.S. NO. 4502, DO HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS IS A TRUE REPRESENTATION OF A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THERE ARE NO VISIBLE ENCUMBRANCES ON THIS TRACT EXCEPT AS SHOWN HEREON. THIS TRACT DOES NOT LIE WITHIN A DESIGNATED 100 YEAR FLOOD PLAIN ACCORDING TO THE F.L.E.M. MAPS, DOCUMENT # FPM-10, REVISED DATE 08-18-2012.

BRAD KERR
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 4502



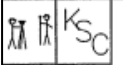
SCALE: 1" = 50'

- LEGEND:
- W WATER VALVE
 - W WATER METER
 - S SEWER MANHOLE
 - C CLEAN OUT
 - L LIGHT POLE
 - U UTILITY POLE
 - A GUY WIRE ANCHOR
 - AERIAL ELECTRIC LINES
 - CHAIN LINK FENCE
 - GRAVEL
 - CONCRETE



THIS SURVEY WAS MADE WITH RESPECT TO THE TITLE REPORT ISSUED BY ADCOLAND TITLE COMPANY, DFF 36713

LAND TITLE SURVEY PLAT
 OF A
 8.853 ACRE TRACT
 S. F. AUSTIN NO. 9 SURVEY, A-62
 BRYAN, BRAZOS COUNTY, TEXAS



SCALE: 1 INCH = 50 FEET
 SURVEY DATE: 05-02-17
 PLAT DATE: 05-03-17
 JOB NUMBER: 17-241
 CAD NAME: 17-241
 CRS FILE: 14-060 & 17-241
 PREPARED BY: KERR SURVEYING, LLC
 409 N. TEXAS AVENUE
 BRYAN, TEXAS 77803
 PHONE: (979) 266-3195

COORDINATES AND BEARING SYSTEM SHOWN HEREON ARE IN THE TEXAS STATE PLANE. CENTRAL ZONE GRS NORTH, BASED ON THE PUBLISHED COORDINATES OF THE CITY OF BRYAN CENTRAL MARKET QPS-117 AND AS ESTABLISHED BY GPS OBSERVATION.
 DISTANCES SHOWN HEREON ARE GRS DISTANCES UNLESS OTHERWISE NOTED. TO OBTAIN SURFACE DISTANCES MULTIPLY BY A CORRECTION FACTOR OF 1.00000002 (CALCULATED USING GRS08AS).
 CM - CONTROLLING MONUMENT FOUND AND USED TO ESTABLISH PROPERTY LINES.
 SEE NOTES AND BOUNDS PREPARED MAY 2017 FOR MORE DESCRIPTIVE INFORMATION.
 BUILDING SETBACK LINES PER CITY OF BRYAN ORDINANCE.

Exhibit “B”:

INTRODUCTION

The modifications listed below are necessary to create the density necessary to have enough single-family residential lots to be able to have homes with a relatively lower sales price. The anticipated size of the homes will be 1,000 to 1,400 square feet and 1 or 2 story. Some of the homes will have a 1 car garage.

MODIFICATIONS TO THE SUBDIVISION AND LAND & SITE DEVELOPMENT ORDINANCES

1. Lot sizes
All lots shall meet the dimensions depicted in Sheet 1 of 5 of the development site plan.
2. Lot setbacks
The following setbacks shall apply to this development:
Front setback - 15'
Side setback - 5'
Side street setback - 15'
Rear setback - 7.5'
3. Public street right-of-way
Public street right of way of 30' width instead of 50'. A 10' PUE will be provided on each side of the right of way. This will provide more green space between the home and the street pavement, or sidewalk that is not in the right of way.
4. Sidewalks
A 6' sidewalk will be provided on only one side of Desire Lane. A 5' wide sidewalk will be provided on one side of Promise Drive with a 6' sidewalk on the other side. This sidewalk will be a continuation of the Ronnie Jackson Memorial trail, as shown on the development site plan. All sidewalks will be attached to the curb to provide more green space. No sidewalks will be provided on Promise Court.
5. Parking
No parking shall be permitted on the interior side of the block, being the southwest side of Desire Lane and the northeast sides of Promise Drive and Promise Court.
Two off street parking spaces will be provided for each unit. Either one parking space in the driveway and a one car garage, or 2 driveway spaces for units without garages.
Each driveway shall be a minimum of 20 feet deep when measured from the edge of the sidewalk (or) property line to the edge of the home. No parking on the sidewalk shall be allowed. Except those located along the curve of the cul-de sac, the driveways shall be built in pairs as shown on the plan.
6. Lots 15 thru 18, Block 1 will have garages located 20' from the right-of-way.
7. No variances, exceptions, or waivers will be granted beyond the approvals given in this Development Site Plan.

JUSTIFICATION FOR MODIFICATIONS

- The proposed common area consists of approximately 2.80 acres and is shown on the development site plan sheet 2 of 4. This includes all areas not utilized for street right-of-way or lots. The HOA will maintain all common area. The alignment of the Ronnie Jackson Memorial Trail is shown on the development site plan. Some of the existing trail will be utilized while other parts of it will be removed and relocated. Some of the concrete trails will be located around

the perimeter of the subdivision in linear common areas. The trail and the sidewalk along Bruin Trace will form a loop for residents to walk. This loop will be approximately 0.5 miles in length. 14 off street parking spaces are provided off of Desire Lane for visitor and overflow parking.

- The homes will have a minimum of 20% unit masonry, stone or brick, on the front façade, and 65% of the total facade will be masonry finish exterior such as fiber cement board.
- An 8 foot high fence will be constructed along the northeast property line.
- Two park benches will be constructed for the residents.
- Each lot will have one 2" caliper tree.

**WAC Table R302.1(1)
Exterior Walls**

Exterior Wall Element		Minimum Fire-Resistance Rating	Minimum Fire Separation Distance
Walls	(Fire-resistance rated)	1-hour tested in accordance with ASTM E 119 or UL 263 with exposure from both sides	< 5 feet
	(Not fire-resistance rated)	0 hours	≥ 5 feet
Projections	(Fire-resistance rated)	1 hour on the underside ^{a, b}	≥ 2 feet to 5 feet
	(Not fire-resistance rated)	0 hours	5 feet
Openings in Walls	Not allowed	N/A	< 3 feet
	25% maximum of wall area <u>per story</u>	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 5 feet
		None required	5 feet

For IS: 1 foot = 304.8 mm. N/A = Not Applicable

- Roof eave fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave if fire blocking is provided from the wall top plate to the underside of the roof sheathing.
- Roof eave fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave provided no gable vent openings are installed.

Exhibit "B-1":

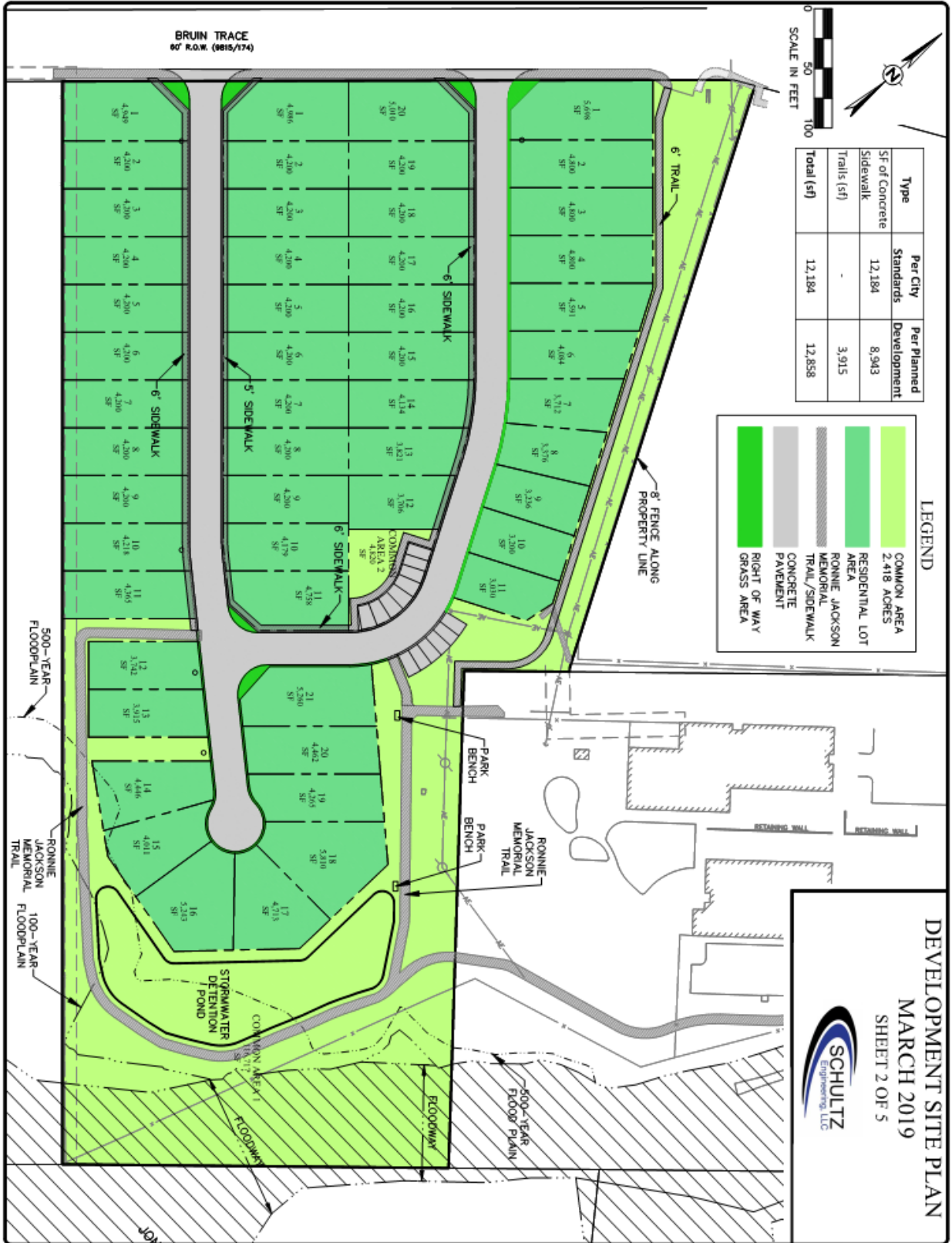
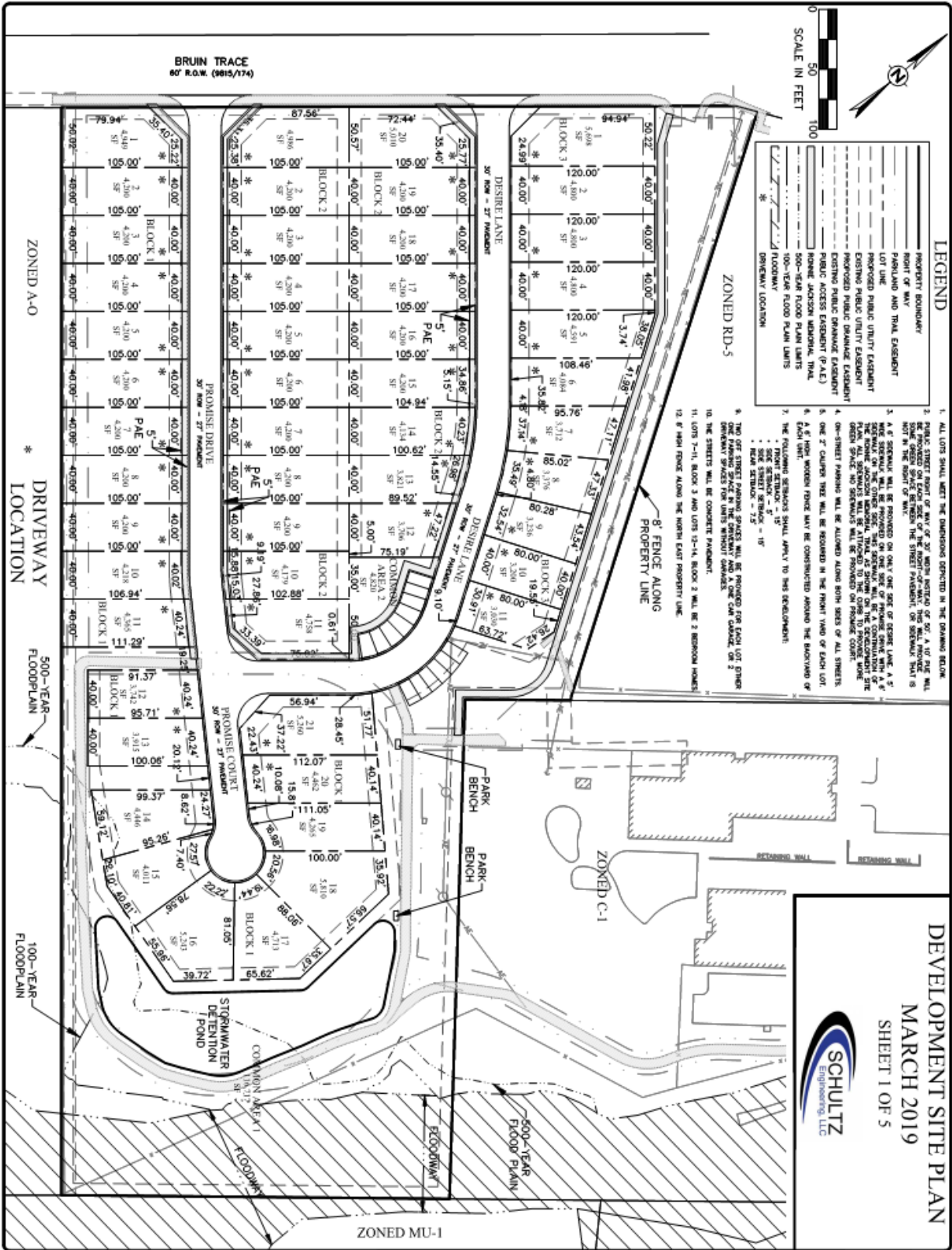


Exhibit "B-2":



LEGEND

PROPERTY BOUNDARY

FRONT OF WAY

PARKING AND TRAIL EASEMENT

LOT LINE

PROPOSED PUBLIC UTILITY EASEMENT

EXISTING PUBLIC UTILITY EASEMENT

PROPOSED PUBLIC DRAINAGE EASEMENT

EXISTING PUBLIC DRAINAGE EASEMENT

PUBLIC ACCESS EASEMENT (PAE)

HOMEWATER EASEMENT

HOMEWATER EASEMENT, TRAIL

100-YEAR FLOOD PLAIN LIMITS

500-YEAR FLOOD PLAIN LIMITS

DRIVEWAY LOCATION

1. ALL LOTS SHALL MEET THE DIMENSIONS SHOWN IN THE DRAWING BEFORE ANY CONSTRUCTION.
2. PUBLIC STREET FRONT OF WAY OF 20' WITH METERS OF 20' A LOT FEE WILL BE REQUIRED FOR ALL LOTS. THE FRONT OF WAY SHALL BE 20' WIDE. THE STREET FRONT SHALL BE 20' WIDE. THE STREET FRONT SHALL BE 20' WIDE. THE STREET FRONT SHALL BE 20' WIDE.
3. A 5' SIDEWALK SHALL BE PROVIDED ON ONE SIDE OF EACH LOT. A 5' SIDEWALK SHALL BE PROVIDED ON ONE SIDE OF EACH LOT. A 5' SIDEWALK SHALL BE PROVIDED ON ONE SIDE OF EACH LOT. A 5' SIDEWALK SHALL BE PROVIDED ON ONE SIDE OF EACH LOT.
4. A 6' HIGH WOODEN FENCE SHALL BE PROVIDED AROUND THE PERIMETER OF EACH LOT.
5. ONE (1) CURB SHALL BE PROVIDED ALONG BOTH SIDES OF ALL STREETS.
6. ONE (1) CURB SHALL BE PROVIDED ALONG BOTH SIDES OF ALL STREETS.
7. THE FOLLOWING SETBACKS SHALL APPLY TO THIS DEVELOPMENT:
 - FRONT SETBACK - 15'
 - REAR SETBACK - 15'
 - SIDE SETBACK - 15'
 - REAR SETBACK - 15'
8. TWO (2) STREET PARKING SPACES WILL BE PROVIDED FOR EACH LOT. OTHER PARKING SPACES SHALL BE PROVIDED FOR THE COMMON AREA. OTHER PARKING SPACES SHALL BE PROVIDED FOR THE COMMON AREA.
9. THE STREETS WILL BE CONCRETE PAVEMENT.
10. THE STREETS WILL BE CONCRETE PAVEMENT.
11. LOTS 1-11, BLOCK 3 AND LOTS 12-14, BLOCK 2 WILL BE 2 BEDROOM HOMES.
12. 8' HIGH FENCE ALONG THE NORTH EAST PROPERTY LINE.

DEVELOPMENT SITE PLAN

MARCH 2019

SHEET 1 OF 5

SCHULTZ
Engineering, LLC

**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES
OF JUNE 6, 2019:**

4. 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 RZ19-05: Greens Prairie Investors, Ltd.

A request to change the zoning classification from Agricultural Open District (A-O) to Planned Development District - Housing (PD-H) on 8.85 acres of land out of the Stephen F. Austin Survey No. 9 adjoining the south side of Bruin Trace between West Martin Luther King, Jr. and Saunders Streets, and currently addressed as 1601 West Martin Luther King, Jr. Street in Bryan, Brazos County, Texas. (L. Hackett)

Ms. Hackett presented the staff report (on file in the Development Services Department). Staff recommends denial of the request.

In response to questions from the Commission, Ms. Hackett and Mr. Zimmermann stated that:

- A traffic study would be needed before signs prohibiting on-street parking could be installed.
- If the maximum allowed number of 3 to 4 bedroom homes were constructed on these lots, there would be a deficit of 30 required off-street parking spaces.
- On-street parking restrictions are not easily enforced and would not be suitable for a new master-planned subdivision, especially due to the lack of off-street parking spots provided.

The public hearing was opened.

Mr. Joe Schultz, Schultz Engineering, agent for the applicant, came forward and stated that:

- This proposal was presented to City Council when the property was dedicated.
- It is not likely that residents of this subdivision would own more than two cars.
- There will be no cut-through traffic in this neighborhood, and 27-ft wide streets are standard in Bryan neighborhoods.
- There are several physical challenges to development of this property, and a sewer easement has already been purchased from a neighboring property owner.

In response to questions from the Commission, Ms. Hackett stated that 27-ft wide pavement is typical for local streets in Bryan, but wider streets are recommended in this situation due to potential density of on-street parking.

Mr. Wallace Phillips, applicant in favor of the request, came forward and stated the following:

- This proposal is intended to provide affordable housing for first-time homebuyers.
- Cars will be able to pass safely, even with on-street parking on both sides of the street.
- Sidewalk requirements are exceeded with the extension of the trail system.
- More than two acres of common area will be maintained by a homeowners association.

In response to questions from the Commission, Mr. Phillips stated that homes will likely range from 1,000 to 1,300-sqft in size, with HardiePlank siding and stone or brick façades.

The public hearing was closed.

Commissioner Beckendorf moved to recommend approval of Rezoning RZ19-05 to the Bryan City Council, with the added condition that all on-street parking be restricted to one side of the street, because this housing development is appropriate for the area, responds to the request of the City Council, and is a unique pilot project that will not set negative precedent. Commissioner Bush seconded the motion.

Commissioners commented that:

- There are unique challenges to development in this location, but affordable housing is needed in Bryan.
- This development would serve as a good case study for exploring smaller lot sizes.
- Restricting parking to one side of the street will address concerns about pavement width.
- The applicant has successfully developed other smaller subdivisions.
- Parking congestion and enforcement of on-street parking restrictions may be an issue.
- This project will be a good first step in encouraging other development in this area.
- This is a unique situation and should not set precedent for relaxed parking requirements.

In response to questions from the Commission, Mr. Joe Schultz stated that:

- It is not expected that residents of this subdivision will own more than two cars.
- Restricting on-street parking is a common response to concerns about street width, and should not adversely affect this development.

Commissioner Gonzalez entered the meeting at 6:40 pm.

The motion passed unanimously.

PLANNING AND ZONING COMMISSION
STAFF REPORT

June 6, 2019



Rezoning case no. RZ19-05: Greens Prairie Investors, LTD.

CASE DESCRIPTION: a request to change the zoning classification from Agricultural-Open District (A-O) to Planned Development– Housing District (PD-H)

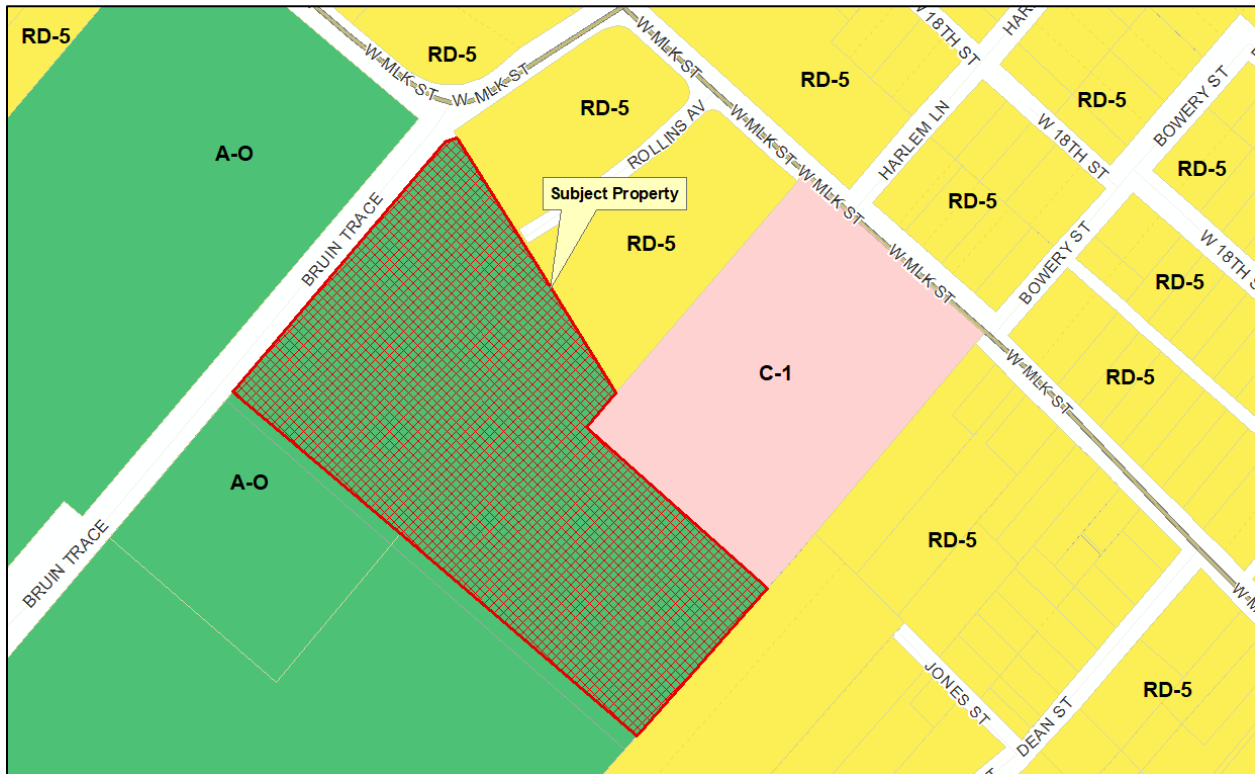
LOCATION: 8.85 acres of land out of the Stephen F. Austin Survey No. 9 adjoining the south side of Bruin Trace between West Martin Luther King, Jr. and Saunders Streets, and currently addressed as 1601 West Martin Luther King, Jr. Street

APPLICANT(S): Wallace Phillips of Greens Prairie Investors, Ltd.

AGENT(S): Schultz Engineering, LLC.

STAFF CONTACT: Lindsay Hackett, Staff Planner

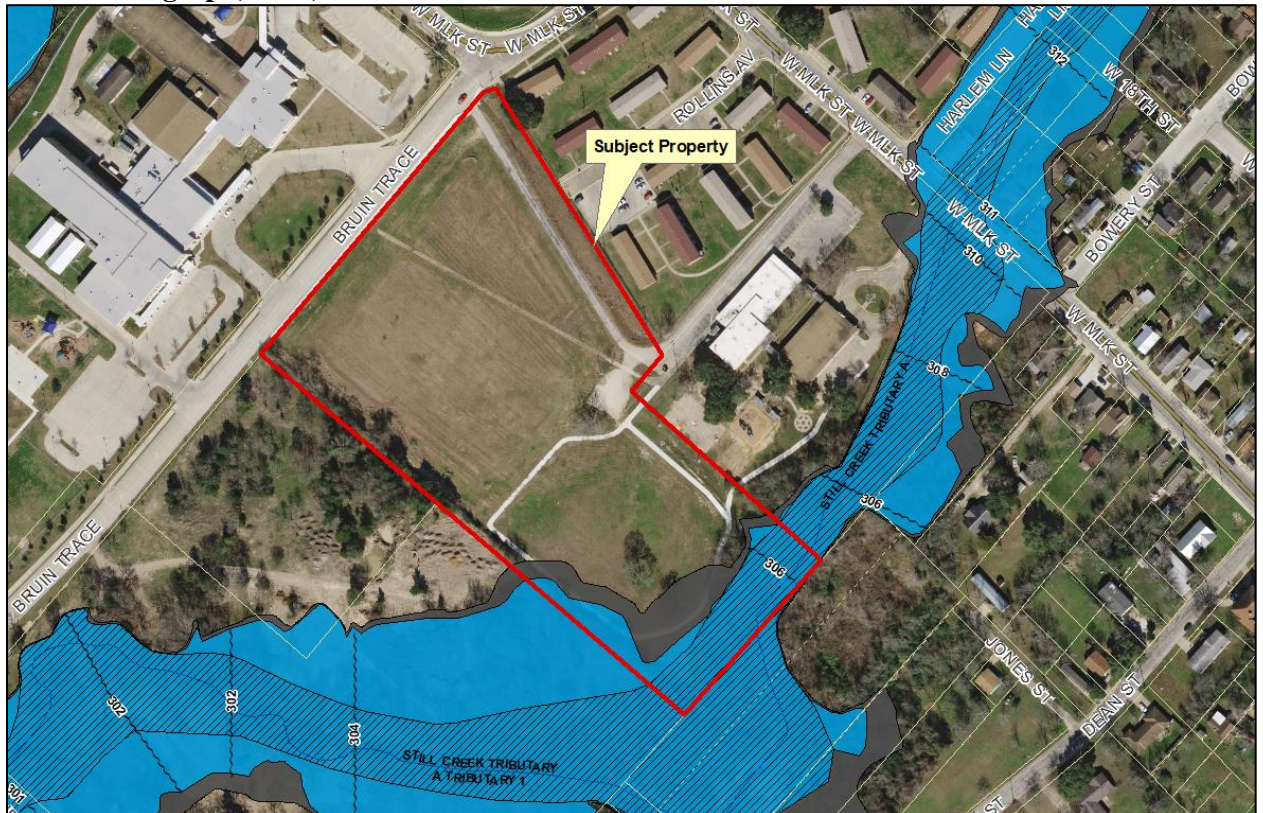
SUMMARY RECOMMENDATION: Staff recommends **denying** the requested PD-H zoning.



Aerial Photograph, 2017:



Aerial Photograph, 2017, with FEMA Flood Hazard Areas:



BACKGROUND:

The subject property is approximately 8.85 acres in size and adjoins the southeast side of Bruin Trace at its intersection with West Martin Luther King, Jr. Street. The property was originally part of the site of Carver Elementary School. In April of 2014, after the school was relocated, BISD then sold the original 15.35 acre parcel of land to a real estate company called RoseRock. RoseRock then separated the subject 8.85 acres and gifted it to the City of Bryan.

On May 29, 2018, the City of Bryan released a Request for Proposal (RFP) seeking a developer who would be able to develop housing “at a more affordable price range”. The applicant, Mr. Wallace Phillips of Greens Prairie Investors LTD, submitted the sole response to this RFP. Upon review of the submission, the Bryan City Council gifted the land to Greens Prairie Investors LTD for eventual development of “affordable housing”. Staff has been in formal discussions with the applicant and his agent via the Site Development Review (SDRC) process since February 2019. The applicants have worked closely with staff to discuss proposed development standards for these 8.85 acres. Many development standard options were recommended by staff that could meet the City standards. These include varying lot size by developing patio homes or townhomes. Varying parking requirements by utilizing an alley or shared rear access. These items were not included in the current development proposal. The Planned Development – Housing (PD-H) District proposal that is now being presented to the Planning and Zoning Commission (P&Z) for a recommendation to the City Council was requested to be brought forward to the P&Z for consideration in its current configuration.

The proposed development plan for a new residential subdivision on these 8.85 acres includes 52 new lots and two new public streets. This proposal also includes 2.42 acres of common area to be maintained by a home owners association, as well as stipulations for a tree to be planted on each property and 20% brick or stone masonry facades. None of the 52 new lots are proposed to meet all the minimum lot sizes or dimensions that are generally required in the City’s standards Residential District - 5000 (RD-5) zoning classification. Twelve of these lots do not meet the minimum 100-foot lot depth requirement, 46 of the lots do not meet the minimum 50-foot lot width requirement, and 47 of the proposed lots do not meet the minimum 5,000-square-foot lot area.

A Planned Development (PD) zoning district is one in which the type and extent of activities allowed there (as well as standards for their development) are tailor-made to meet the particular characteristics of a specific site. A Planned Development District may be used to permit new or innovative concepts in land utilization not permitted under the normal standards required in the Bryan Code of Ordinances. While greater flexibility is given to allow special conditions or restrictions which would not otherwise allow the development to occur, procedures in the Zoning Ordinance are established to ensure against misuse of increased flexibility.

HIGHLIGHTS OF PROPOSED PD-H DISTRICT ZONING:

The proposed PD-H District standards for the Hope Crossing Subdivision are described and depicted below. For a complete list of proposed development features and requirements, please refer to the attachment to this staff report labeled “Exhibit A”.

INTRODUCTION

The modifications listed below are necessary to create the density necessary to have enough single-family residential lots to be able to have homes with a relatively lower sales price. The anticipated size of the homes will be 1,000 to 1,400 square feet and 1 or 2 story. Some of the homes will have a 1 car garage.

MODIFICATIONS TO THE SUBDIVISION AND LAND & SITE DEVELOPMENT ORDINANCES

8. Lot sizes
All lots shall meet the dimensions depicted in Sheet 1 of 5 of the development site plan.
9. Lot setbacks
The following setbacks shall apply to this development:
 - Front setback - 15'
 - Side setback - 5'
 - Side street setback - 15'
 - Rear setback - 7.5'
10. Public street right-of-way
Public street right of way of 30' width instead of 50'. A 10' PUE will be provided on each side of the right of way. This will provide more green space between the home and the street pavement, or sidewalk that is not in the right of way.
11. Sidewalks
A 6' sidewalk will be provided on only one side of Desire Lane. A 5' wide sidewalk will be provided on one side of Promise Drive with a 6' sidewalk on the other side. This sidewalk will be a continuation of the Ronnie Jackson Memorial trail, as shown on the development site plan. All sidewalks will be attached to the curb to provide more green space. No sidewalks will be provided on Promise Court.
12. Parking
On-street parking will be allowed along both sides of all streets.
Two off street parking spaces will be provided for each unit. Either one parking space in the driveway and a one car garage, or 2 driveway spaces for units without garages. Each driveway shall be a minimum of 20 feet deep when measured from the edge of the sidewalk (or) property line to the edge of the home. No parking on the sidewalk shall be allowed. Except those located along the curve of the cul-de sac, the driveways shall be built in pairs as shown on the plan.
13. Lots 15 thru 18, Block 1 will have garages located 20' from the right-of-way.
14. No variances, exceptions, or waivers will be granted beyond the approvals given in this Development Site Plan.

JUSTIFICATION FOR MODIFICATIONS

- The proposed common area consists of approximately 2.80 acres and is shown on the development site plan sheet 2 of 4. This includes all areas not utilized for street right-of-way or lots. The HOA will maintain all common area. The alignment of the Ronnie Jackson Memorial Trail is shown on the development site plan. Some of the existing trail will be utilized while other parts of it will be removed and relocated. Some of the concrete trails will be located around the perimeter of the subdivision in linear common areas. The trail and the sidewalk along Bruin Trace will form a loop for residents to walk. This loop will be approximately 0.5 miles in length. 14 off street parking spaces are provided off of Desire Lane for visitor and overflow parking.

- The homes will have a minimum of 20% unit masonry, stone or brick, on the front façade, and 65% of the total facade will be masonry finish exterior such as fiber cement board.
- An 8 foot high fence will be constructed along the northeast property line.
- Two park benches will be constructed for the residents.
- Each lot will have one 2" caliper tree.

HOPE CROSSING DEVELOPMENT PLAN DRAWING:

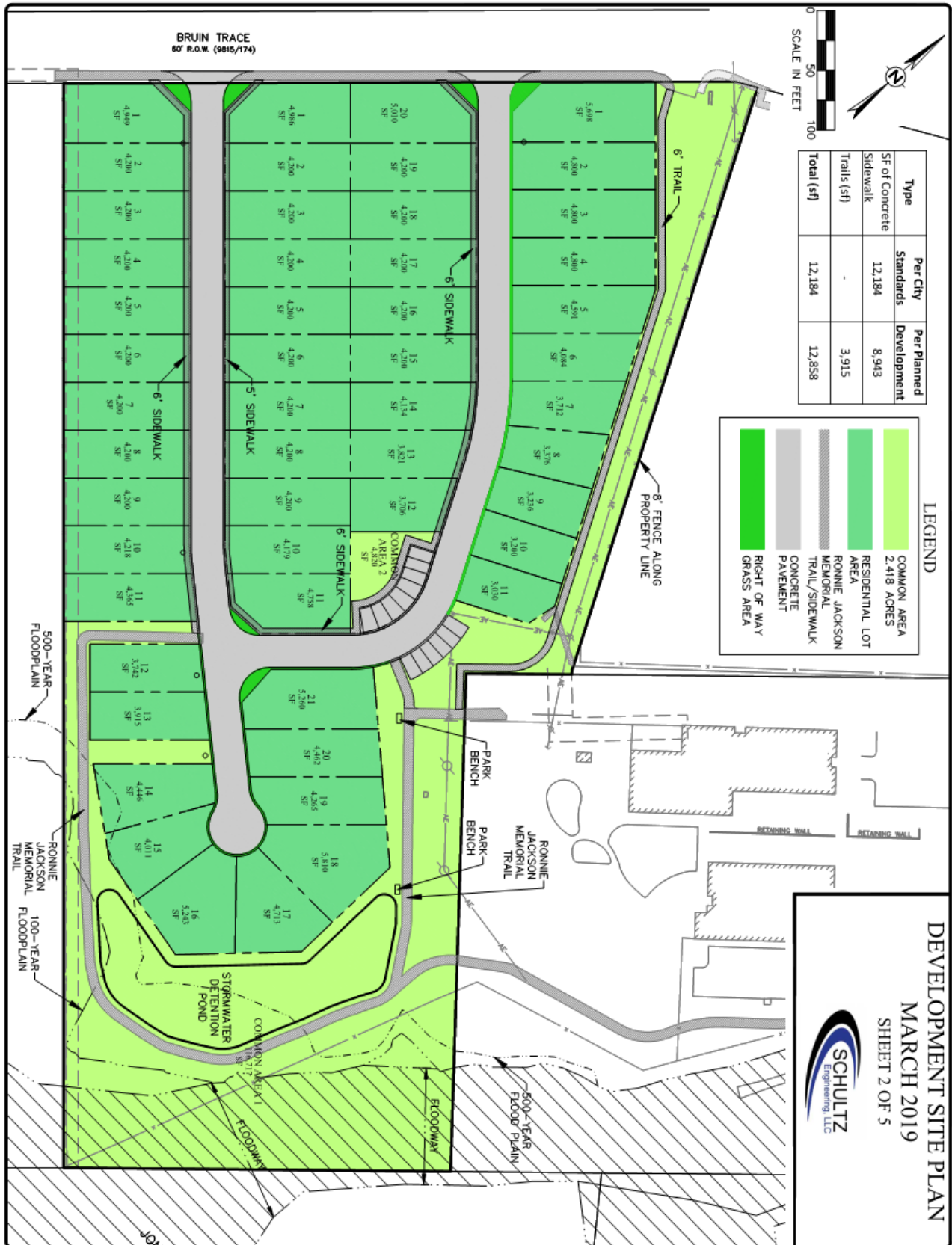
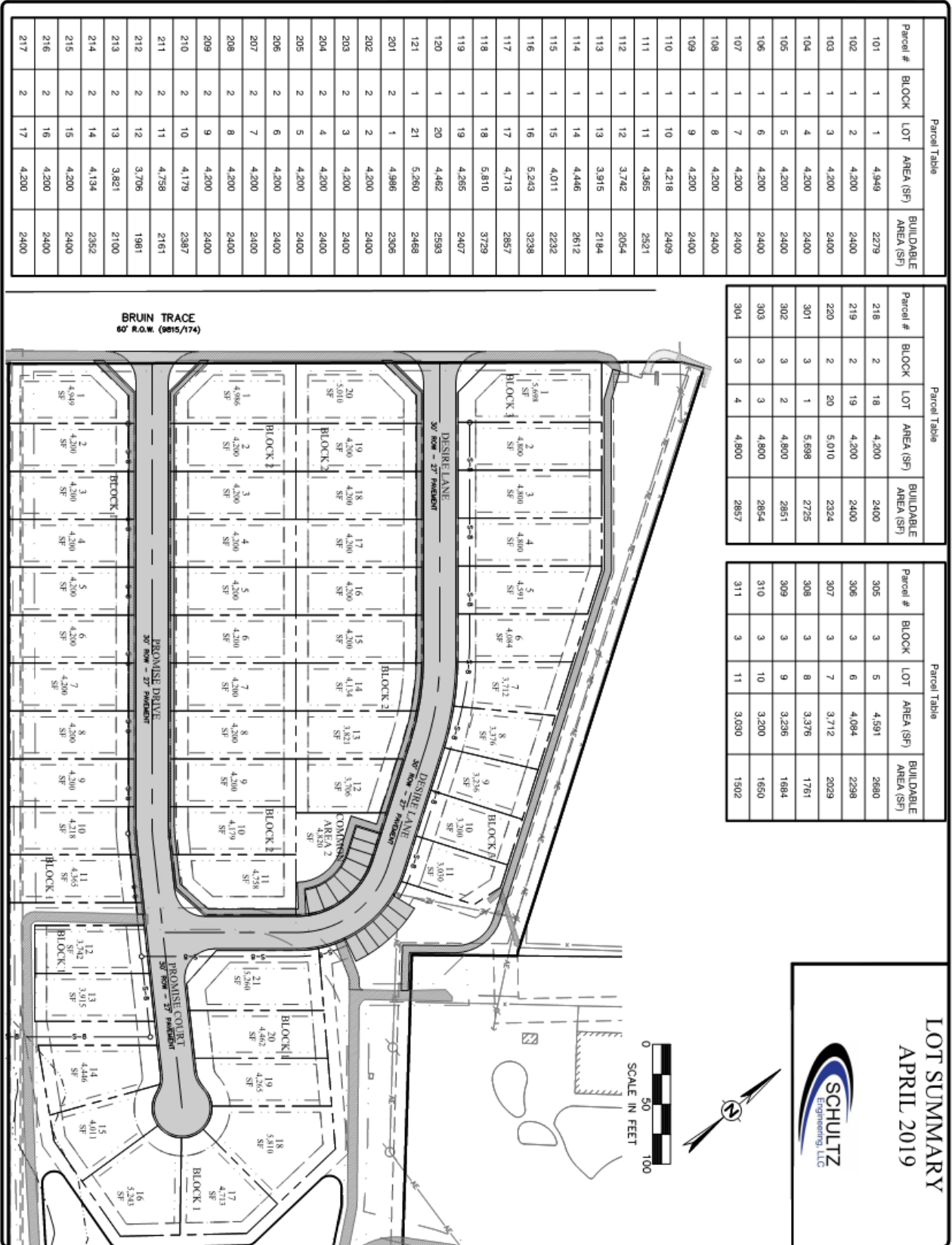


EXHIBIT SHOWING LOT SIZE AND BUILDABLE AREA:



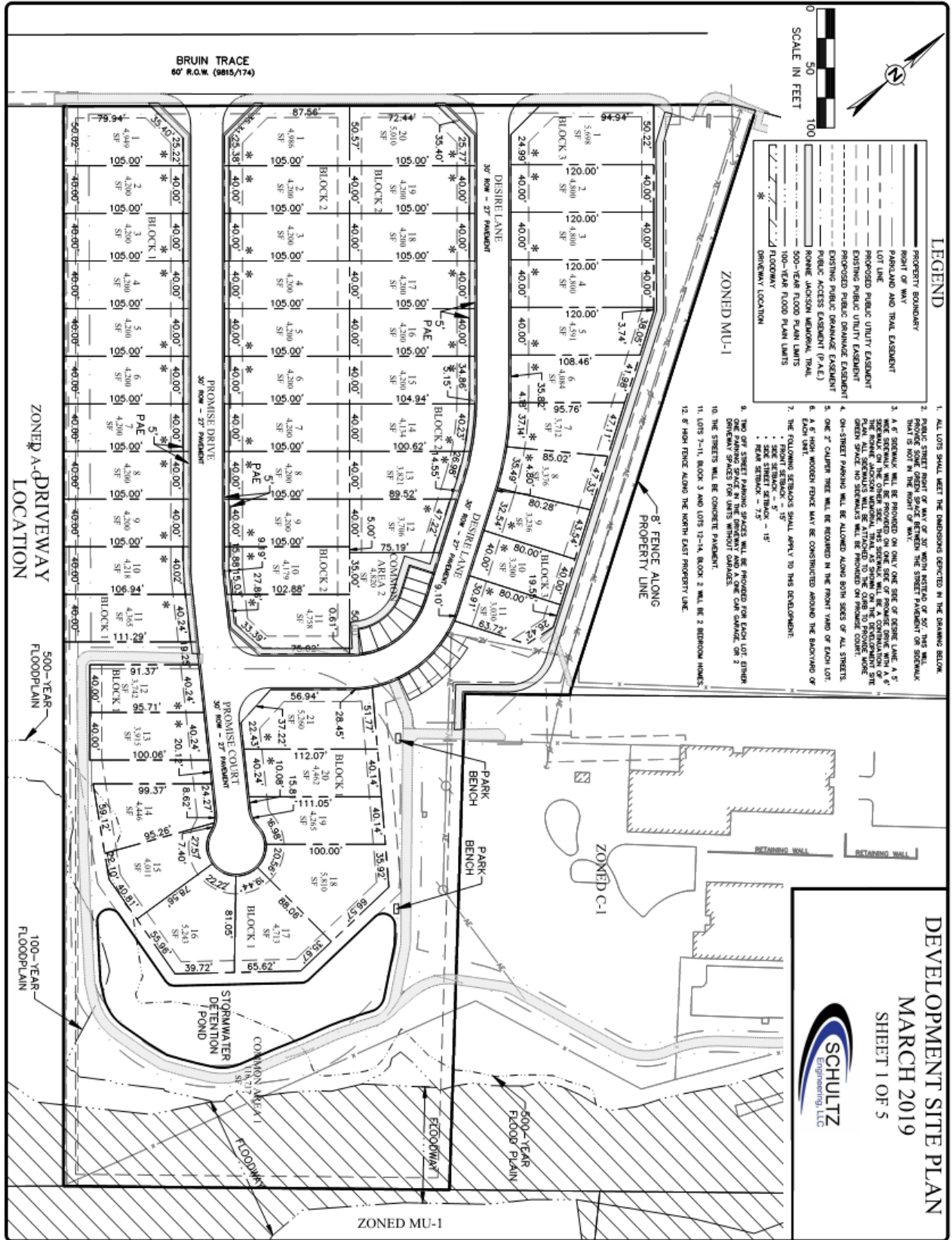
Parcel #	BLOCK	LOT	AREA (SF)	BUILDABLE AREA (SF)
101	1	1	4,949	2,279
102	1	2	4,200	2,400
103	1	3	4,200	2,400
104	1	4	4,200	2,400
105	1	5	4,200	2,400
106	1	6	4,200	2,400
107	1	7	4,200	2,400
108	1	8	4,200	2,400
109	1	9	4,200	2,400
110	1	10	4,218	2,409
111	1	11	4,365	2,521
112	1	12	3,742	2,054
113	1	13	3,915	2,194
114	1	14	4,446	2,612
115	1	15	4,011	2,232
116	1	16	5,243	3,238
117	1	17	4,713	2,857
118	1	18	5,810	3,729
119	1	19	4,285	2,407
120	1	20	4,462	2,593
121	1	21	5,280	2,468
201	2	1	4,946	2,306
202	2	2	4,200	2,400
203	2	3	4,200	2,400
204	2	4	4,200	2,400
205	2	5	4,200	2,400
206	2	6	4,200	2,400
207	2	7	4,200	2,400
208	2	8	4,200	2,400
209	2	9	4,200	2,400
210	2	10	4,179	2,387
211	2	11	4,758	2,161
212	2	12	3,706	1,981
213	2	13	3,821	2,100
214	2	14	4,134	2,352
215	2	15	4,200	2,400
216	2	16	4,200	2,400
217	2	17	4,200	2,400

Parcel #	BLOCK	LOT	AREA (SF)	BUILDABLE AREA (SF)
218	2	18	4,200	2,400
219	2	19	4,200	2,400
220	2	20	5,010	2,324
301	3	1	5,698	2,725
302	3	2	4,800	2,851
303	3	3	4,800	2,854
304	3	4	4,800	2,857

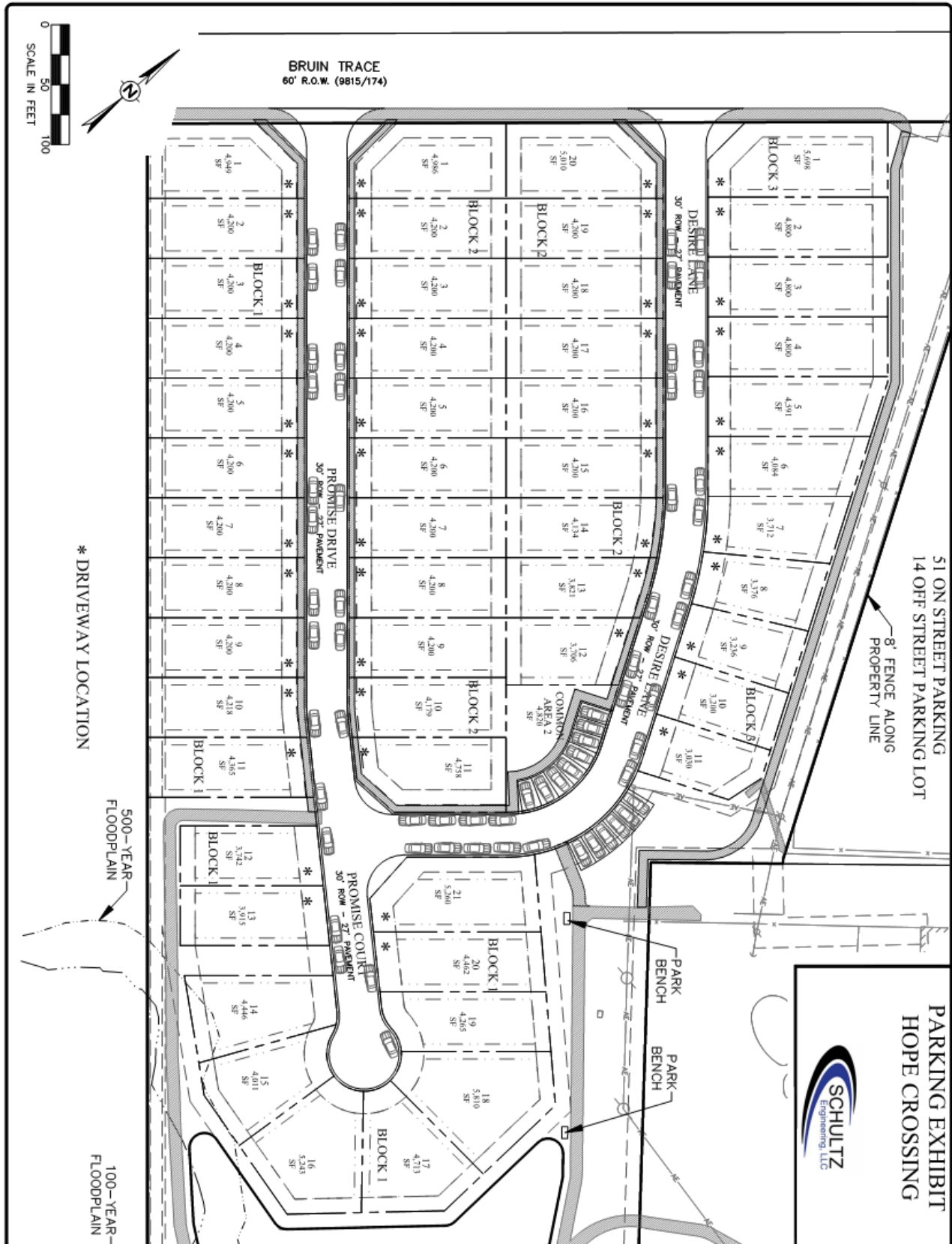
Parcel #	BLOCK	LOT	AREA (SF)	BUILDABLE AREA (SF)
305	3	5	4,591	2,680
306	3	6	4,084	2,298
307	3	7	3,712	2,029
308	3	8	3,376	1,761
309	3	9	3,236	1,684
310	3	10	3,200	1,650
311	3	11	3,030	1,502

LOT SUMMARY
APRIL 2019

PROPOSED LOT SIZES AND DRIVEWAY LOCATIONS (shown by “*”):



EXAMPLE OF ESTIMATED MAXIMUM LEGAL ON-STREET PARKING:



REZONING SUPPLEMENT:

Rezoning Supplement A



Minimum Requirements:

- Metes and Bounds description of property
- If Planned Development required, then include 15 folded copies and a .pdf of the development site plan

Please list the reasons for this rezoning request:

The proposed zoning will create a development that will provide lots and homes that are affordable for the residents. The development will also create property taxes for the City on a tract that has not been providing tax revenue.

List the changed or changing conditions in the area or City which make this zone change necessary:

The demand for affordable single family detached housing is increasing and this location across from the Kemp Elementary School should be desirable for families with young children.

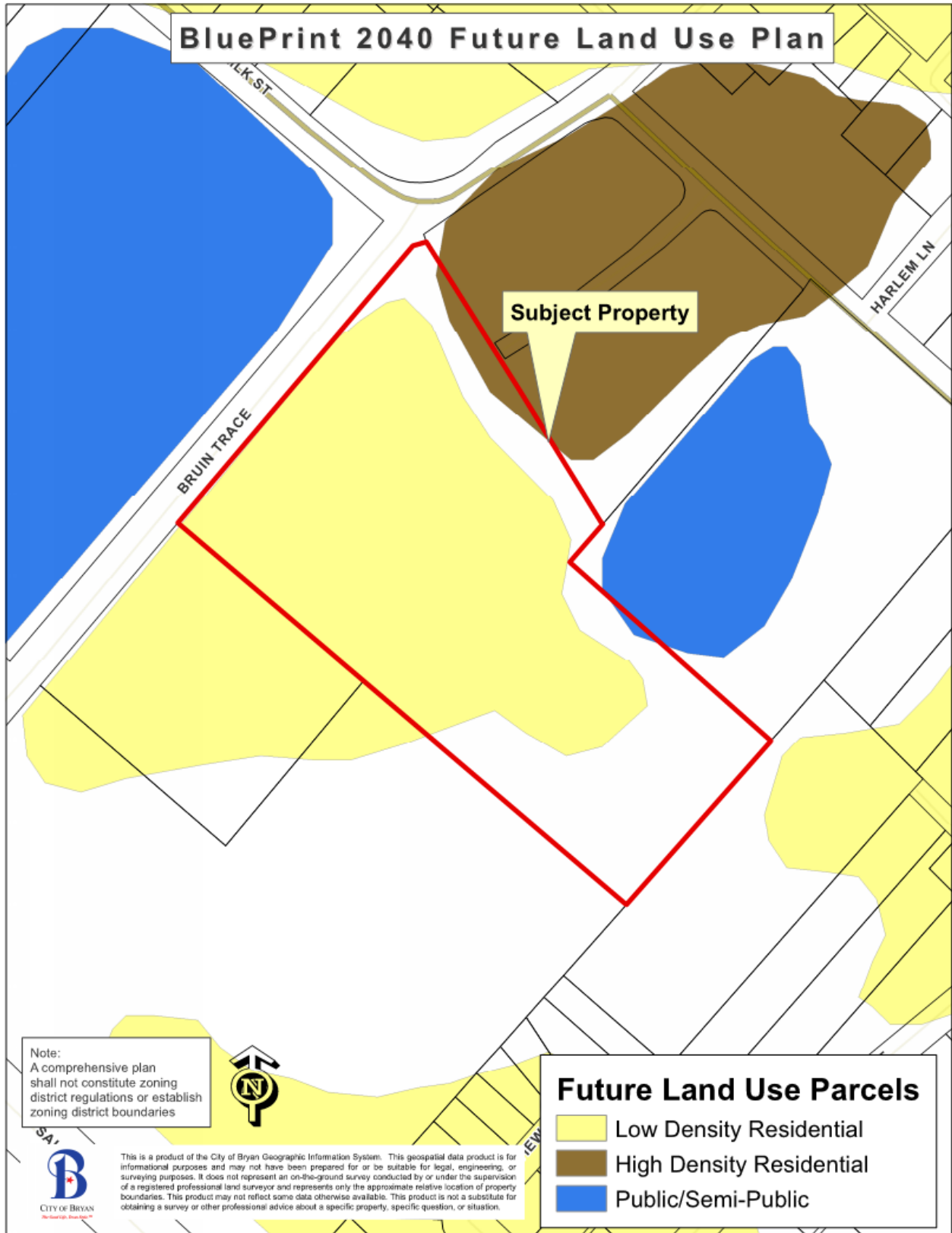
Indicate whether or not this zone change is in accordance with the Future Land Use Plan. If it is not, explain why the Plan is incorrect:

The Future Land Use Plan shows low density residential so this zone change is in accordance with the plan.

List any other reasons to support this zone change:

This development will provide housing and recreation for families with young children.

EXCERPT FROM FUTURE LAND USE PLAN MAP:



RELATION TO BRYAN'S COMPREHENSIVE PLAN, (BLUEPRINT 2040):

Blueprint 2040 serves as the framework for the establishment of zoning and other regulatory tools. The 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 following excerpts from the Comprehensive Plan may be relevant for consideration of this request:

The Future Land Use Plan (as shown on next page) identifies the subject property is located in an area to be reserved for low density residential development. Low density residential is the predominant land use within Bryan. It represents a traditional single-family detached neighborhood and includes housing and living units for people with a range of incomes and needs. Low density residential areas generally range between three and five dwelling units per acre. The following are policies to guide low density areas:

- They should be protected from, but accessible to, the major roadway network, commercial establishments, and industrial areas.
- Subdivisions should be accessible to collector and arterial streets, but directly access only local streets.
- They should not be directly accessible to major arterials and freeways without adequate buffering and access management.

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.

This Planned Development District is proposing 52 lots designed for detached residential development. The applicant is requesting multiple reductions to the standards generally set for residential development in the City of Bryan. These include the following:

- **Only 2 parking spaces required per lot instead of 3 or 4**
- **A reduced front setback to 15 feet instead of 25 feet**
- **A reduction in right-of-way to 30 feet instead of 50 feet**
- **Reduced minimum lot width to 40 feet instead of 50 feet**
- **Sidewalks on one side of the street instead of both sides**
- **Removal and relocation of a portion of the existing Ronnie Jackson Memorial Trail**
- **Varying reduced lot depths, as small as 75 feet, instead of 100 feet**
- **Varying reduced lot areas, as small as, 3,030 square feet**
- **Reduced side setbacks to 5 feet instead of 7.5 feet**

In response to these proposed deviations from ordinary development standards for detached

residential subdivisions, the applicant proposes several additional development standards that are not typically required. These include the following:

- **Instillation of 14 off-street parking spaces**
- **Driveways built in “pairs” to maintain useable on street parking area**
- **65% cement masonry finish on façade (fiber cement board)**
- **20% masonry façade (brick or stone)**
- **Extension of Ronnie Jackson Memorial Trail**
- **Limit size of home on 8 smallest lots to two bedrooms in size**
- **Limiting the location of AC units in setback, per the requirements of the Fire Marshall (included in Exhibit A)**
- **A 2-inch caliper tree planted in the front of each lot**

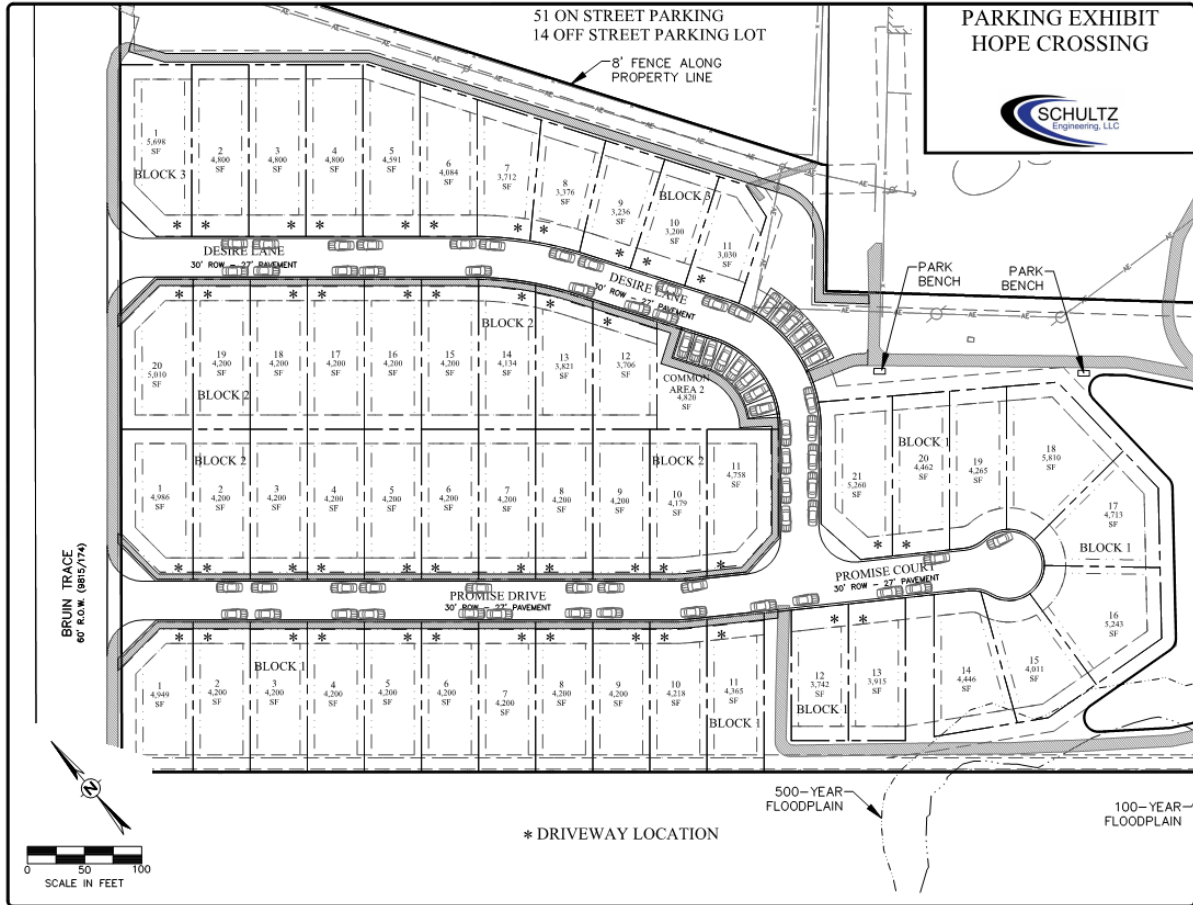
Staff contends that the proposed standards only mitigate some of the issues created by the proposed deviations from ordinary development standards. Therefore, staff believes that the proposed development standards for this PD-H District are not significant enough to compensate for the impact of the requested modifications. A complete list of proposed deviations from ordinary standards and the proposed mitigation technique are itemized below.

<u>Development Proposal</u>	<u>Mitigation Proposal</u>
Only 2 parking spaces per lot	14 off-street parking spaces
	"Paired" driveways

A reduction of off-street parking to only two (2) spaces per lot regardless of the number of bedrooms is difficult to support when there is no guarantee of what home sizes are proposed to be constructed. The applicant proposes to build 2 to 4 bedroom homes depending on the market demand. The applicant has also stated that the cost of developing sufficient parking on these lots would be too significant to allow this project to move forward at a cost that would be supported by the neighborhood’s housing market.

The addition of 14 off-site parking spaces by the entrance to the common area and access to trail system is a beneficial addition, but it does not fully mitigate the 30 remaining parking spaces that would be potentially unaccounted for if 3 or 4 bedroom homes were to be constructed on all allowed lots. The applicant has stated that the new homes in this subdivision will most likely be used by young families that are likely to have children. Staff contends that this may be true but this does not guarantee that these children will not grow up and own vehicles or that the young families in this new subdivision will have visitors that will need to park somewhere.

The argument was also made that on-street parking could be utilized as overflow parking as is allowed elsewhere in Bryan. The applicant was even able to add the requirement that the driveways would be paired together to ensure more availability of on street parking. These driveway locations are shown in the image below with a “*”.



The proposed pavement width in this subdivision is 27 feet. While sufficient to park a few vehicles spaced out over the street, there are serious concerns about relying so heavily on on-street parking for daily use and not just for special occasions, on weekends, etc. When on-street parking is proposed, the minimum street width generally required is 35 feet or greater to still allow vehicles to pass safely through the cars parked on both sides of the street. This is to allow a passing area in the center lane for unobstructed movement of larger vehicles like fire trucks, ambulances, and solid waste vehicles. With a proposed pavement width of only 27 feet, staff is concerned about recreating a substandard off-street and street-clogging on-street parking issue that many citizens in the community have complained about in other Bryan neighborhoods.

<u>Development Proposal</u>	<u>Mitigation Proposal</u>
Reduced front setback to 15'	65% cement façade (20% unit masonry)
Reduction to 30' ROW	none

The addition of masonry on the façade of the building is intended to assist in ensuring that the new homes will have a nicer visual appearance, but does not assist in mitigating the significant loss of area between the home and the edge of the roadway. The combination of reduced right-of-way and reduced front setbacks allow the homes in this new subdivision to be closer to the street than in other Bryan developments. The reduction in off-street parking requirements may cause this neighborhood to experience more than usual demand for on-street parking.

<u>Development Proposal</u>	<u>Mitigation Proposal</u>
Reduced minimum lot width to 40'	none

Reduced lot width allows for more lots in this subdivision than what could be built here if the zoning were, e.g., RD-5 District, which requires a lot width of 50 feet. Staff is concerned that the smaller lots do not allow for sufficient area to develop enough parking without additional standards. Staff would prefer to see a proposal that includes shared parking located to the rear of the homes, or something of similar concept.

<u>Development Proposal</u>	<u>Mitigation Proposal</u>
Sidewalks on one side of street	Trail extended and 8' screening fence proposed
Removal or relocation of trail	Additional 647 sq. ft. of trail. 2 park benches proposed

This part of the development proposal leaves some street frontages without sidewalks. If the purpose of this proposal is to keep the cost down, then altering the standard with more expensive development standards does not appear to be justified. Staff suggests conforming to ordinary development standards rather than build improvements that do not fully mitigate the concerns raised by the proposed alteration of ordinance standards. The total addition pavement does exceed City standards, as shown in the table below, yet Desire Lane is left without a sidewalk on one side of the street, which increases pedestrian risk.

Type	Per City Standards	Per Planned Development
SF of Concrete Sidewalk	12,184	8,943
Trails (sf)	-	3,915
Total (sf)	12,184	12,858

<u>Development Proposal</u>	<u>Mitigation Proposal</u>
Reduced lot depth on 12 lots	2 bedroom homes on 8 smallest lots
Reduced lot width on 46 lots	
Reduced lot area on 47 lots	

In some situations, smaller lots can be acceptable by limiting home size. Staff contends that even a development that balances larger lots with smaller lots could be acceptable with a detailed analysis of the development plan. This request to limit the 8 smallest lots to 2-bedroom homes helps mitigate the issue of placing enough parking on each lot, but does not mitigate the issue of insufficient off-street parking for the other lots. The additional requirement to plant a 2” caliper tree, while not directly related to lot density, can be expected to assist over time with visual appearance and vegetation of the overall neighborhood.

<u>Development Proposal</u>	<u>Mitigation Proposal</u>
Reduced site setbacks to 5’	Inclusion of Fire Marshall’s AC unit location requirements

Staff believes that this part of the development proposal has been fully mitigated by the proposed PD-H District regulations. By locating the AC units in a manner that was specified by the Fire Marshall, the separation requirements become acceptable. This mitigation technique has been used elsewhere in Bryan and has been considered acceptable.

Staff contends that the above described development standard modifications that have been requested, while helpful, are not sufficient to mitigate the quantity of reductions that are proposed to be applied within this PD-H District. While affordable housing is of vital importance in Bryan, staff does not believe that this specific development plan on this property is the proper route to achieve said housing. Staff believes that a master-planned development should meet or exceed the quality of standards seen in the current development ordinances. Staff recognizes the limitations that the current standards may place on the creation of specific housing prices. However, this proposal merely proposes smaller lots while placing no limitations on home sizes and significantly reducing ordinary development standards, including off-street parking. Such a proposal appears to not just be inappropriate at this location, but any other location in Bryan at this time. Staff is concerned about the precedent that would be set if the proposed standards were approved in Bryan without sufficient justification.

- 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 plan is not in conformance with the existing street requirements. As stated above, there is no assurance that the limited off-street parking proposed here can be mitigated. Staff anticipates that the streets may end up with too much on-street parking that could lead to issues for the passage of emergency vehicles in the future. All other proposed utilities appear to be sufficient. Staff is not aware of any circumstances that would prevent these properties from having access to other required utilities.

- 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.

There are no other properties at this time that are zoned for detached residential development with the specific development standards the applicant is proposing. Staff acknowledges that developing this land with housing is appropriate, but does not believe that the property should develop under the substandard development standards that are proposed with this PD-H District.

- 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.

The surrounding residential area is made up of an older housing stock. Staff contends that residential developments in this vicinity has been developing at a slow pace, but the development of housing in general has been at a fast pace elsewhere in the City.

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 believes that standards that propose to allow for smaller lot sizes and more moderately priced housing should be relatively transferrable elsewhere in the City. The precedent that could be set by approving this PD-H District, as requested, would be negative and staff believes it would not work well and would be a detriment to future residents on the subject property in the long-term. Staff expects similar negative effects if the proposed standards for this development were replicated and approved in other new detached residential Bryan subdivisions.

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

Staff contends that this proposal to reduce minimum ordinance standards raises concerns that are not properly mitigated by the suggested additional development standards. A PD-H District proposal here may be more successful if a detailed plan was proposed that guaranteed the exact size and location of each new home and sufficient off-street parking space,

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 use of detached residential housing on the subject property is acceptable. Staff contends that the development standards that are proposed are not sufficient to allow the property to be developed with this use in a desirable manner. The proposed building setbacks are smaller than in surrounding neighborhood, and the likelihood of significantly more on-street parking may overflow onto the surrounding streets causing a negative impact on existing development.

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.

If the development plan were approved as proposed, the most notable and potentially unfavorable effect from this development on abutting sites would stem from the inevitable increase in automobile traffic in this vicinity, and increased on-street parking as mentioned above. Any new residential development at this location would have some effect if developed to the base standards of the ordinance, but staff is concerned about negative impacts of the development plan as requested due to the proposed modifications to ordinary ordinance standards without proper mitigation of the resulting ill effects.

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 is concerned about the safety of vehicle flow on the subject property. If on-street parking fills up on both sides of the streets, then the passable area in most places becomes approximately only 9 feet wide. There are concerns about the ability of fire trucks, ambulances, and solid waste trucks being able to safely maneuver through this proposed subdivision. The additional elimination of sidewalks on one side of these new streets, leaves one side of proposed Desire Lane with no sidewalks. Pedestrians would have to cross a street with a narrow passable area more often, which raises concerns about an increased potential for accidents with passing vehicles.

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

Staff contends that the proposed development will not adversely affect traffic control or adjacent properties by inappropriate location, lighting, or types of signs. All signage is proposed to conform to the standards and limitations of ordinary development standards.

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

Staff contends that the proposed development will reasonably protect persons and property from erosion, flood or water damage, noise, glare, and similar hazards or impacts, in conformance with applicable city ordinances. All proposed housing development will be outside of the FEMA-regulated floodplain located near the southeastern edge of the property.

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.

As stated throughout this report, staff has concerns that this proposed PD-H development plan has not sufficiently addressed. The applicant has made efforts to create a plan that allows for more attainable housing, but appears to be unable to find the balance between affordability and allowance within the City's standards. Staff recognizes the need for all housing types and recommends a continued effort to allow this type of housing in Bryan by creating ordinances that are well thought through and provide the capacity for a range of housing to be developed throughout the City. As mentioned above, staff is particularly concerned with the precedent that could be set by approving this PD-H District. Staff believes that the long-term consequences from the proposed development standards in this case would be detrimental to future residents and similarly detrimental for new residents of other subdivisions where these standards might be replicated in the future if approved in this case.

RECOMMENDATION:

Based on all of the aforementioned considerations, staff recommends that the Planning and Zoning Commission recommend that the City Council **deny** the requested PD-H zoning.

ATTACHMENTS:

Exhibit A: Hope Crossing Development Plan