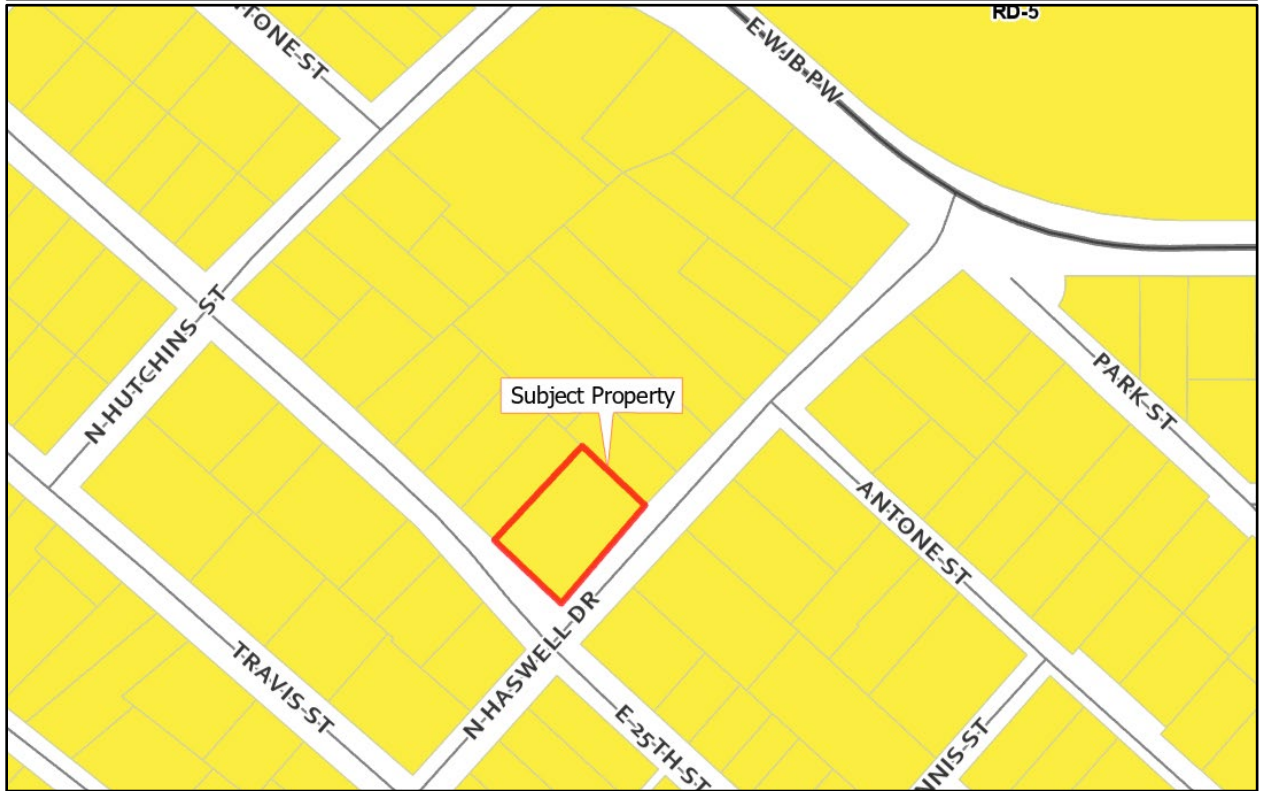


**LOCATION MAP AND AERIAL PHOTOGRAPH, 2023:**



**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 RESIDENTIAL DISTRICT-5000 (RD-5) TO PLANNED DEVELOPMENT - HOUSING DISTRICT (PD-H), ON 0.31 ACRES OF LAND LOCATED AT THE NORTH CORNER OF E. 25TH STREET AND N. HASWELL DRIVE, BEING LOT 5 IN BLOCK 16 OF THE TRAVIS PARK SUBDIVISION EXTENSION, 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 amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from Residential District-5000 (RD-5) to Planned Development - Housing District (PD-H), on 0.31 acres of land located at the north corner of E. 25th Street and N. Haswell Drive, being Lot 5 in Block 16 of the Travis Park Subdivision Extension, in Bryan, Brazos County, Texas, was recommended for denial by the Bryan Planning and Zoning Commission during its regular meeting on August 3, 2023 (case no. RZ23-17).

**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 Residential District-5000 (RD-5) to Planned Development - Housing District (PD-H), on 0.31 acres of land located at the north corner of E. 25th Street and N. Haswell Drive, being Lot 5 in Block 16 of the Travis Park Subdivision Extension, in Bryan, Brazos County, Texas, said 0.31 acres being described more particularly by metes-and-bounds on attached Exhibit "A", and subject to development requirements specified in attached Exhibits "B" and "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 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 12<sup>th</sup> day of September 2023, 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

\_\_\_\_\_  
Bobby Gutierrez, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Thomas A. Leeper, City Attorney



**EXHIBIT "A":**

**FIELD NOTES DESCRIPTION  
OF A  
0.309 ACRE TRACT  
JOHN AUSTIN LEAGUE SURVEY, ABSTRACT 2  
BRYAN, BRAZOS COUNTY, TEXAS**

A FIELD NOTES DESCRIPTION OF 0.309 ACRES IN THE JOHN AUSTIN LEAGUE SURVEY, ABSTRACT 2, IN BRAZOS COUNTY, TEXAS, BEING ALL OF LOTS 9 AND 10, BLOCK 4 OF THE TRAVIS PARK SUBDIVISION EXTENSION, FILED IN VOLUME 80, PAGE 251 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS (DRBCT), BEING DESCRIBED IN A DEED TO TITAN PREMIER INVESTMENTS, LLC., IN VOLUME 18271, PAGE 242 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS (OPRBCT); SAID 0.309 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, at a 1/2 inch iron rod with blue plastic cap stamped 'KERR SURVEYING' found in the northeast right-of-way line of East 25<sup>th</sup> Street (called 50' wide right-of-way per 80/251 DRBCT), same being the west corner of said Lot 9, same also being the west corner of said Titan Premier Investments, LLC., tract, same also being the south corner of Lot 8, Block 4 of said Travis Park Subdivision Extension;

**THENCE**, continuing with the common line of said Lots 8 and 9, **N 43° 40' 10" E**, a distance of **139.64 feet** to a 1/2 inch iron rod with blue plastic cap stamped 'KERR SURVEYING' set for the north common corner of said Lots 8 and 9, same being the north corner of said Titan Premier Investments, LLC., same also being in the southwest line of a called 0.1377 acre tract described to MIGDMG Holdings, LLC., in Volume 18325, Page 186 (OPRBCT), from which a 1/2 inch iron rod with red plastic cap stamped 'McCLURE BROWNE' found bears **N 47° 47' 05" W**, a distance of 18.87 feet, also from which City of Bryan Monument 'GPS-35' bears **N 42° 34' 39" E**, a distance of 977.04 feet;

**THENCE**, with the common line of said Titan Premier Investments LLC., tract and said MIGDMG Holdings, LLC., tract, **S 47° 47' 05" E**, passing the north common corner of said Lots 9 and 10 at a distance of 50.00 feet, continuing on for a total distance of **93.80 feet** to a 1/2 inch iron rod with blue plastic cap stamped 'KERR SURVEYING' found in the northwest right-of-way line of North Haswell Drive (called 40' wide right-of-way, 426/188 DRBCT), same being the east corner of said Lot 10, same also being the east corner of said MIGDMG Holdings, LLC., tract, same also being in the southwest line of said MIGDMG Holdings, LLC., tract, from which an axle found bears **S 47° 47' 05" E**, a distance of 7.83 feet;

**THENCE**, with the southeast line of said Lot 10 and said Titan Premier Investments, LLC., tract, same being the northwest right-of-way line of said North Haswell Drive, **S 41° 07' 05" W**, a distance of **138.17 feet** to a 1/2 inch iron rod with blue plastic cap stamped 'KERR SURVEYING' found at the north intersection of said North Haswell Drive and said East 25<sup>th</sup> Street, being the south corner of said Lot 10, same being the south corner of said Titan Premier Investments, LLC., tract;

**THENCE**, departing said North Haswell Drive, with the northeast right-of-way line of said East 25<sup>th</sup> Street, same being the southwest line of said Titan Premier Investments, LLC., tract and said Lots 10 and 9, **N 48° 36' 55" W**, passing the south common corner of said Lots 10 and 9 at a distance of 50.00 feet, continuing on for a total distance of **100.00 feet** to the **POINT OF BEGINNING**, and containing **0.309 acres of land**, more or less.

**EXHIBIT “B”:**  
**Development Requirements**  
**Planned Development Housing (PD-H) District**  
**25th Street Townhomes**

**GENERAL PURPOSE AND DESCRIPTION**

This Planned Development Housing District (PD-H) is proposed as a means to provide the City and the Developer with an alternative to the standards set forth by the City for their mutual benefit. This PD-H is envisioned as a tool to improve property utilization by facilitating the best uses, to strengthen the area economy, and to promote the general welfare of the community.

**SECTION 1: LAND USES**

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

- Townhouses (being lots 2-5)
- Patio Homes (being lot 1)

**SECTION 2: PHYSICAL DEVELOPMENT**

Physical development in this PD-H District shall generally comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to townhouse and patio home developments on properties zoned Residential District-7000 (RD-7). The following additional standards shall be applicable:

1. The minimum building setback from property lines adjoining North Haswell Drive shall be 10'-0".
2. The minimum building setback from all other property lines shall be 5'-0".
3. Building setbacks shall not be required from interior townhome property lines that are within this planned development.
4. The rear building setback line for lot 1 shall be 1'-6".
5. Townhomes shall have a minimum lot width of 23'-0", minimum lot depth of 93'-0", and minimum overall area of 2,100 square feet.
6. Patio homes shall have a minimum lot width of 98'-0", minimum lot depth of 35'-0", and minimum overall area of 3,400 square feet.
7. The maintenance easement between the patio home and townhomes should be 5'-0".
8. All vehicular access to and all required off-street parking for the proposed townhome development shall occur in the interior or rear of the property and a private access easement shall be provided for such purposes. Required off-street parking shall be calculated and provided at one space per bedroom.
9. Landscaping areas along the front, sides, and rear of the property shall comprise of a minimum 15% of the total site area. Landscaping shall incorporate the use of an underground irrigation system. All landscaping including trees, shrubs, and groundcover, shall be selected from the City of Bryan's approved list.
10. Should there arise a circumstance where these PD-H development standards are silent, then the same standards that apply to properties in Bryan zoned for townhouse and patio home use in Residential District-7000 (RD-7) shall apply.

**SECTION 3: SUBDIVISION OF LAND**

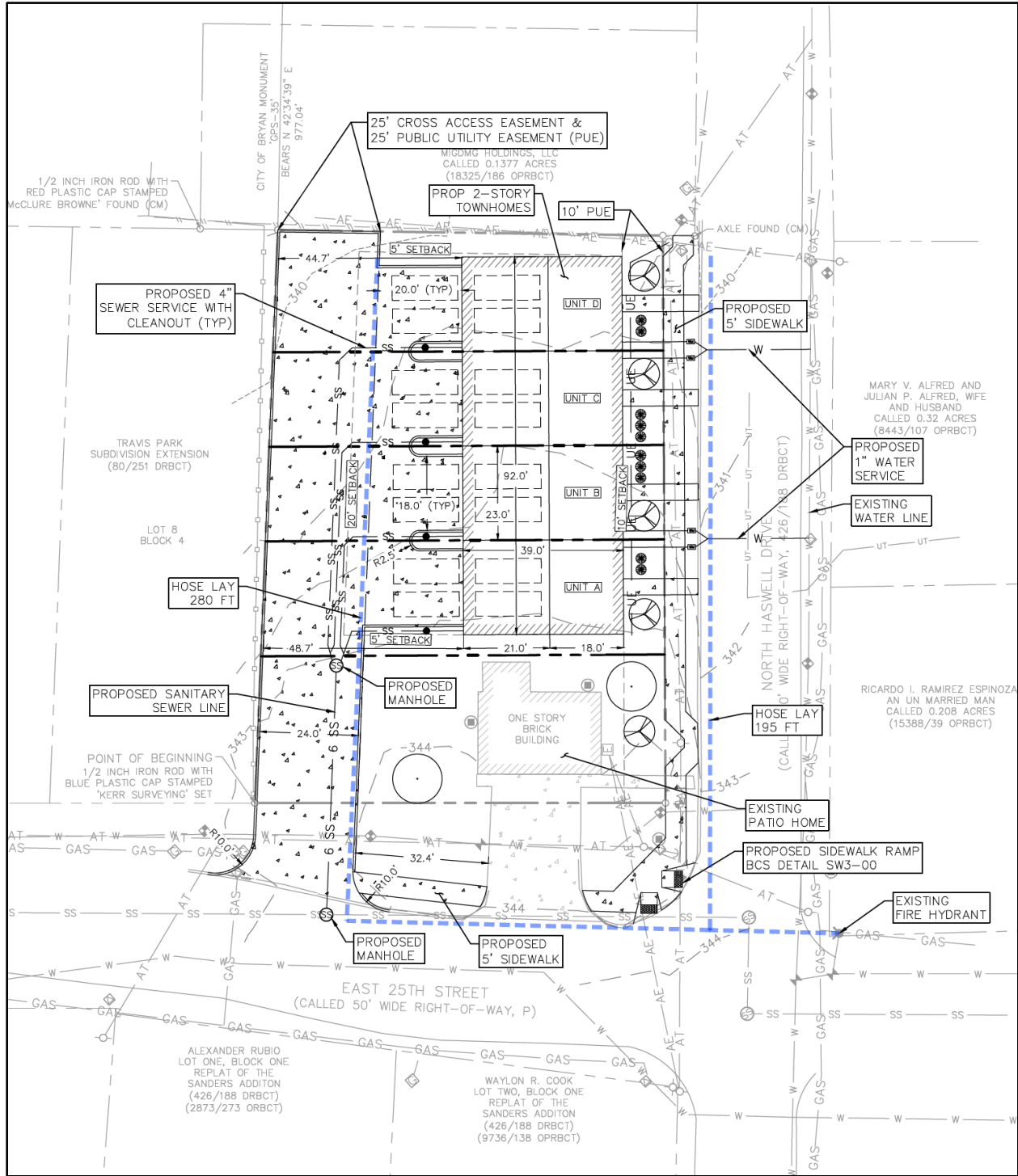
The subdivision of land in this Planned Development District shall be allowed in accordance with Chapter 110 Subdivisions of the City of Bryan Code of Ordinances Subdivision of the property into townhouse and patio home lots shall be permitted as per the adopted development plan drawing.

**SECTION 4: BUILDING DESIGN AND APPEARANCE**

The illustration attached to this ordinance shall serve as the standard to which the design and appearance with which the townhouse buildings shall substantially comply.



**EXHIBIT "B-1":  
Development Plan  
Development Housing (PD-H) District  
25th Street Townhomes**



**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES  
OF AUGUST 3, 2023:**

**4. Request for Approval of Zoning Changes – A Public Hearing will be held for each item (Commission makes recommendation; City Council has final approval).**

**a. Rezoning RZ23-17: Titan Premier Investments**

*A request to change the zoning classification from Residential District-5000 (RD-5) to Planned Development - Housing District (PD-H), on 0.31 acres of land located at the north corner of E. 25th Street and N. Haswell Drive, being Lot 5 in Block 16 of the Travis Park Subdivision Extension, in Bryan, Brazos County, Texas. (M. Cameron)*

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

In response to Commissioners' questions, Mr. Cameron stated that there will be no provision that would prevent parking along North Haswell Drive, consistent with the surrounding areas. Mr. Cameron stated that the right of way width of the street appears to be adequate, approximately 50 feet but the pavement section is less than 27 feet. He also stated that complete access to the buildings will be allowed from North Haswell Drive.

The public hearing was opened.

Ms. Nan Allen, 1103 Antone Street, stated concerns for the problems that could result from the parking and street access situation. She also stated concern that this will set a precedent for others to attempt to build higher-density developments in this established neighborhood.

Mr. Paul Jordan, 4816 Knight Drive, representing the Developer, stated that they have designed to have two parking spaces in the garage of the townhomes, as well as two additional spots behind the garage. This represents a 100% increase over that required of detached residences. In response to Commissioners' questions, he stated that these will be 3-bedroom, 2-bathroom townhomes and sold individually.

The public hearing was closed.

In response to Commissioners' questions, Mr. Cameron stated that within the RD-5 and RD-7 zoning, a Townhome or a Patio Home would potentially be allowed with P&Z approval of a Conditional Use Permit. Mr. Cameron stated that due to the dimensions of the subject tract and other factors, staff recommended that the applicant propose a Planned Development – Housing District. (PD-H) but this property would not meet the lot depth for this.

**Commissioner Valerius moved to recommend approval of RZ23-17, as requested, and to adopt the written staff report and analysis, as the report, findings, and evaluation of this Commission. Commissioner Bush seconded the motion.**

Commissioner Cooper stated concerns for maintaining the integrity of the neighborhood.

Commissioner Watson stated that he does support infill development but this design may be too dense to belong in this neighborhood.



Commissioner Holman stated that many homes along this corridor are older and that this decision may set a precedent for others looking to tear down older homes to build dense developments such as this.

Commissioner Bush stated that he does understand the concerns of the Commission, but he believes that the limited number of units here will not have a large impact on the neighborhood.

Commissioner McBroom Balke stated concerns for the parking issues that will result from this development.

Commissioner Rodriguez agreed with Commissioner Holman's comment.

Chairperson Gonzalez agreed with all of the concerns stated by fellow Commissioners. He believes that they have made areas like Midtown and Downtown where development such as this would fit perfectly, and preserving the integrity of the neighborhood should be a high priority in Bryan.

**The motion failed with a vote of one (1) to eight (8) with Commissioners Gonzalez, Bush, Beckendorf, Rodriguez, Holman, Cooper, McBroom Balke, and Watson in opposition.**

**Commissioner Watson moved to recommend denial of Rezoning RZ23-17 to the Bryan City Council for the following reasons, the detrimental impact on traffic in the area, the impact on the integrity of the neighborhood, the high density of the design, and the infrastructure surrounding the subject property. Commissioner Bush seconded the motion.**

**The motion to recommend denial of RZ23-17 passed with a vote of eight (8) to one (1) with Commissioner Valerius in opposition.**

Mr. Haynes asked Commissioners for possible options given the concerns stated in order to provide guidance to the applicant.

Commissioners responded with protected on-street parking and a decrease in density, but it would still depend on the design.

**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

**August 3, 2023**



**Rezoning case no. RZ23-17, Kevin Kuklis of Titan Premier Investments**

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

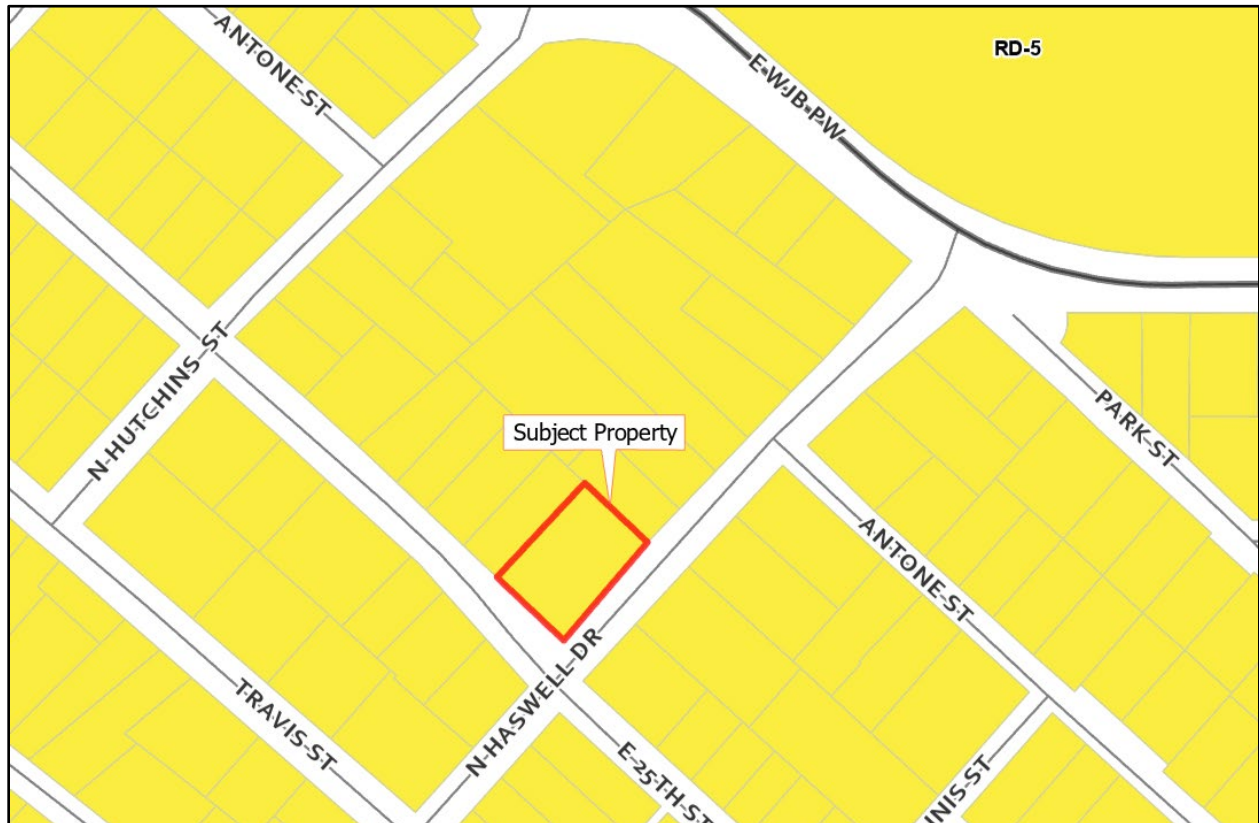
**LOCATION:** 1114 East 25th Street, 0.32 acres of land located at the north corner of East 25th Street and North Haswell Drive, being Lot 9-10 in Block 4 of the Travis Park Subdivision Extension, in Bryan, Brazos County, Texas

**EXISTING LAND USE:** Detached Residential Dwelling Unit

**APPLICANT:** Kevin Kuklis of Titan Premier Investments

**STAFF CONTACT:** Mitchell Cameron, Staff Planner

**RECOMMENDATION:** Staff recommends **approving** the requested zoning change



## 2022 AERIAL PHOTOGRAPH:



### BACKGROUND:

The applicant Kevin Kuklis of Titan Premier Investments, is requesting to change the zoning classification from Residential District – 5000 (RD-5) to Planned Development District – Housing (PD-H) on 0.32 acres of land located at the north corner of East 25th Street and North Haswell Drive, being Lots 9-10 in Block 4 of the Travis Park Subdivision Extension.

This proposed rezoning will allow the construction of four townhomes that will face North Haswell Drive, and allow the use of an existing structure that faces East 25th Street as a patio home. Currently there are two buildings on the property. One structure being a detached dwelling that is in dilapidated condition. The other is a structure which has been adaptively reused from an old corner store to a detached dwelling.

A development plan has been submitted that addresses existing site constraints in a manner that applicant contends will allow the property to be utilized as proposed while remaining true to the guiding values of the zoning ordinance and sound planning principles, while attempting to preserve the neighborhood integrity of the surrounding area.

The development plan depicts division of this property into five individual lots for four proposed townhomes and one patio home. If the planned development zoning is approved, a replat of the property will be required prior to building permits being issued.

## **Proposed Planned Development Housing (PD-H) District 25th Street Townhomes**

### **GENERAL PURPOSE AND DESCRIPTION**

This Planned Development Housing District (PD-H) is proposed as a means to provide the City and the Developer with an alternative to the standards set forth by the City for their mutual benefit. This PD-H is envisioned as a tool to improve property utilization by facilitating the best uses, to strengthen the area economy, and to promote the general welfare of the community.

### **SECTION 1: LAND USES**

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

- Townhouses (being lots 2-5)
- Patio Homes (being lot 1)

### **SECTION 2: PHYSICAL DEVELOPMENT**

Physical development in this PD-H District shall generally comply with development standards and limitations of the City of Bryan Code of Ordinances that generally apply to townhouse and patio home developments on properties zoned Residential District-7000 (RD-7). The following additional standards shall be applicable:

1. The minimum building setback from property lines adjoining North Haswell Drive shall be 10'-0".
2. The minimum building setback from all other property lines shall be 5'-0".
3. Building setbacks shall not be required from interior townhome property lines that are within this planned development.
4. The rear building setback line for lot 1 shall be 1'-6".
5. Townhomes shall have a minimum lot width of 23'-0", minimum lot depth of 93'-0", and minimum overall area of 2,100 square feet.
6. Patio homes shall have a minimum lot width of 98'-0", minimum lot depth of 35'-0", and minimum overall area of 3,400 square feet.
7. The maintenance easement between the patio home and townhomes should be 5'-0".
8. All vehicular access to and all required off-street parking for the proposed townhome development shall occur in the interior or rear of the property and a private access easement shall be provided for such purposes. Required off-street parking shall be calculated and provided at one space per bedroom.
9. Landscaping areas along the front, sides, and rear of the property shall comprise of a minimum 15% of the total site area. Landscaping shall incorporate the use of an underground irrigation system. All landscaping including trees, shrubs, and groundcover, shall be selected from the City of Bryan's approved list.
10. Should there arise a circumstance where these PD-H development standards are silent, then the same standards that apply to properties in Bryan zoned for townhouse and patio home use in Residential District-7000 (RD-7) shall apply.



### **SECTION 3: SUBDIVISION OF LAND**

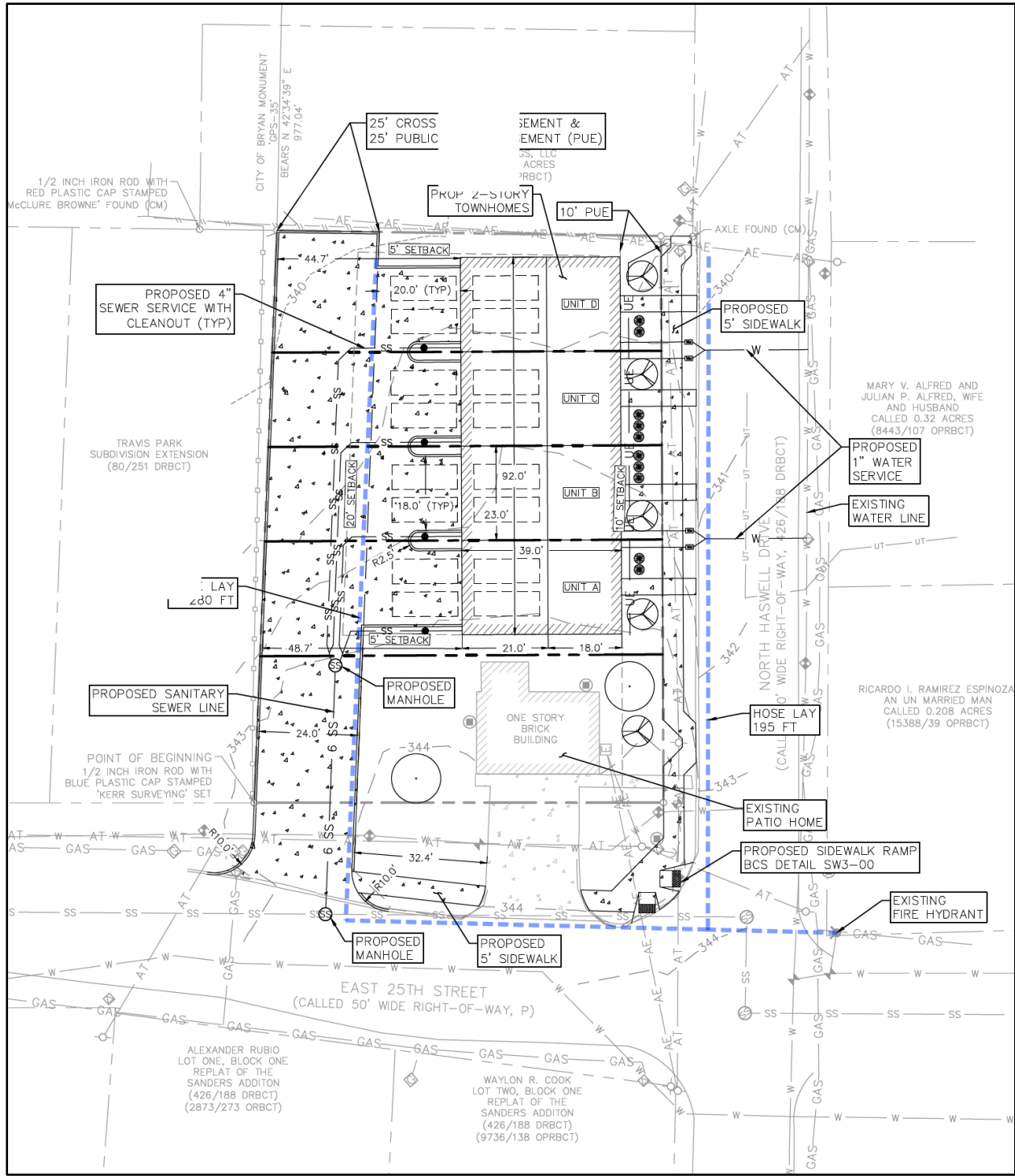
The subdivision of land in this Planned Development District shall be allowed in accordance with Chapter 110 Subdivisions of the City of Bryan Code of Ordinances Subdivision of the property into townhouse and patio home lots shall be permitted as per the adopted development plan drawing.

### **SECTION 4: BUILDING DESIGN AND APPEARANCE**

The illustration attached to this ordinance shall serve as the standard to which the design and appearance with which the townhouse buildings shall substantially comply.







**PROPOSED TOWNHOUSE ELEVATIONS:**



**PROPOSED FENCE:**



**CURRENT CONDITIONS:**







**EXCERPT FROM APPLICANT'S REQUEST FOR REZONING:**

A conditional use permit is being requested to allow a townhome development within a property zoned Residential District - 5000 (RD-5). The property is located at 1114 E 25th St, Bryan, TX 77803. The proposed development will consist of one townhome building with four units. Several nearby lots, including those directly across N Haswell Dr, are zoned RD-5 and consist of duplex homes. Therefore, the addition of a townhome in this area will be appropriate by maintaining a residential density similar to nearby properties.

The proposed townhome development will also increase residential density near Downtown Bryan and provide sustainability of the downtown revitalization efforts by increasing customers that live within close proximity of downtown retail, shops, and services. An increased residential density within walking distance to amenities such as Sue Haswell Park will also benefit the neighborhood by providing a sense of community for both new and existing residents.

Traffic is expected to remain relatively unchanged. The proposed townhomes will front N Haswell Dr and have shared parking in the rear, utilizing the original driveway location for access off E 25th St. By doing so, no new driveways will be placed on Haswell.

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

The City of Bryan Comprehensive Plan is the framework for the establishment of zoning and other regulatory tools. The current plan includes policies and recommendations related to the various physical aspects of the community. These aspects are supported by a set of goals and objectives. The Future Land Use Plan (as shown below) suggests the subject property is located in an area that may be appropriate for townhome uses. According to the land use policies of the Future Land Use Plan and Comprehensive Plan, land to be developed in this area should be infused with a mixture of residential options as well as supportive retail, commercial and office uses.

### Chapter 5: Land Use

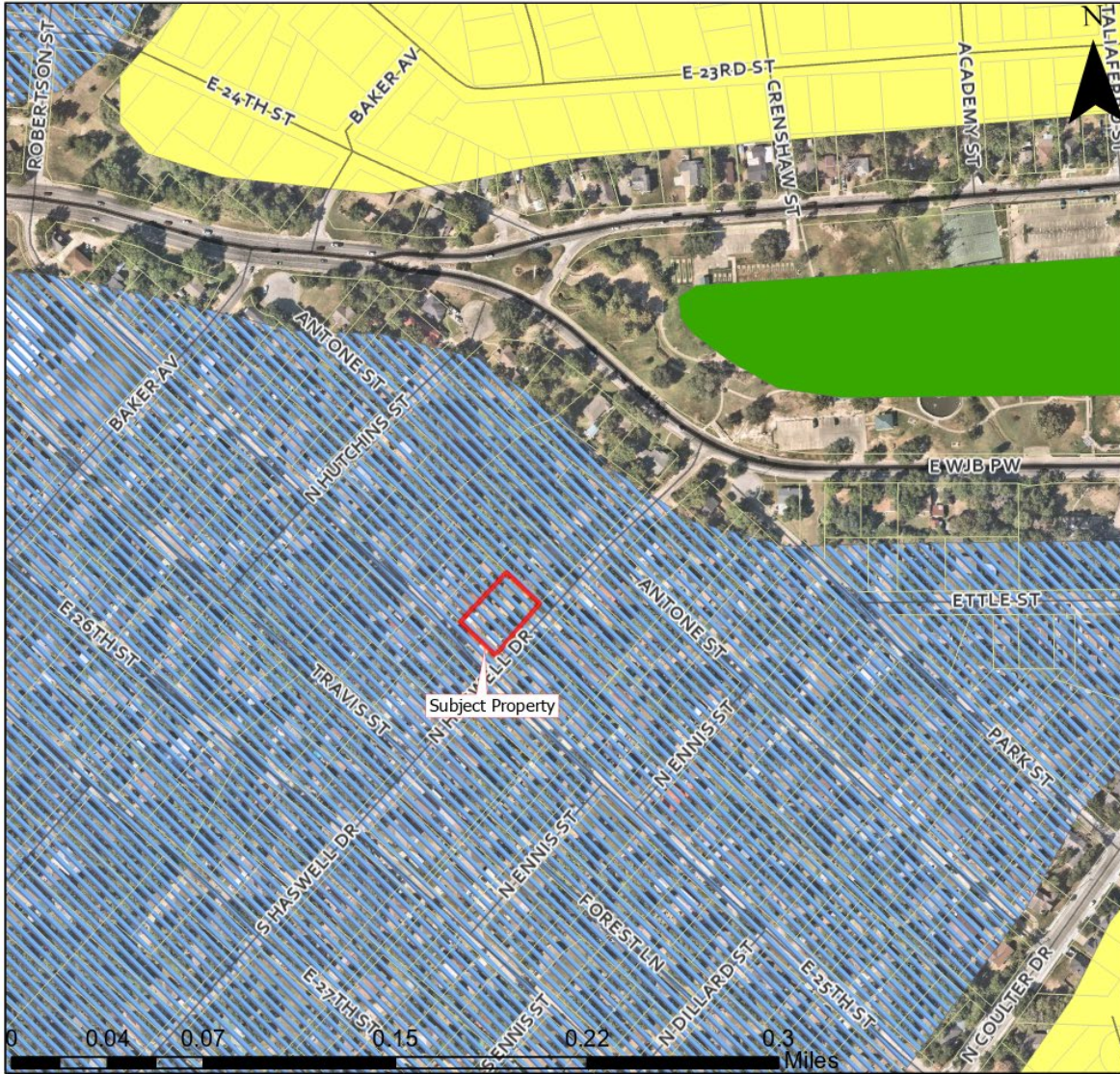
The Central Urban area is adjacent to the downtown core and serves as a transition between the core and existing peripheral low density residential neighborhoods. This area should be infused with a mixture of residential options as well as supportive retail, commercial and office uses. There is a large potential for infill housing development; which should be guided by design principles that complement the existing framework and character of the Downtown core. The following are policies to guide central urban areas:




- The existing pattern in this area should not be altered without a more detailed study of land use change and traffic patterns.
- A new zoning district should be created to allow supporting and complimentary land uses to the Downtown area.
- This area should be a horizontal mixed use district.
- Densities should be less than allowed Downtown.
- Appropriate uses include
  - Live/work units,
  - Single family,
  - Townhomes and multi-family,
  - Small scale retail and office.
- Entertainment and other similar uses should be encouraged Downtown



EXCERPT FROM FUTURE LAND USE PLAN MAP:

# Future Land Use Plan (FLUP)



-  Low Density Residential
-  Central Urban Area
-  Parks and Open Space



This is a product of the City of Bryan Geographic Information System. This geospatial data product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey conducted by or under the supervision of a registered professional land surveyor and represents only the approximate relative location of property boundaries. This product may not reflect some data otherwise available. This product is not a substitute for obtaining a survey or other professional advice about a specific property, specific question, or situation.

## 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.

**Staff finds that the proposed Planned Development District – Housing (PD-H) will be appropriate for the immediate area, general area, and the City as a whole.**

**Staff notes that BluePrint 2040 specifies that this area be infused with a mixture of residential options as well as supportive retail, commercial and office uses. Staff finds that there is a large potential for infill housing development in the area of the subject property. Staff contends that the proposed development plan will help ensure the neighborhood integrity while allowing for infill development.**

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 subject property has adequate access to water lines to provide potable water and fire protection. The subject property has adequate access to sanitary sewer lines. Although the proposed PD-H will be increasing the housing density, leading to an increase of traffic volume in the area. The subject property has easy access a major and minor arterial roadway respectively being East William J Bryan Parkway and East 29<sup>th</sup> Street.**

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances, which may make a substantial part of such vacant land unavailable for development.

**Almost all of the land zoned for detached dwelling use in Bryan could potentially accommodate townhouse development through the conditional use process. Staff believes that this PD-H District development plan request, if approved, is unique in nature, and will not make land classified for similar development in the vicinity or elsewhere in the City unavailable for development.**

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.

**As stated previously, staff believes that this PD-H District development plan request, if approved, is unique in nature and finds that there will be no other land classified for similar development in the vicinity.**

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

**If the proposed PD-H District were approved, staff believes there to be no need to modify the zoning designation for other areas designated for similar developments. The proposed development standards of this PD-H District are specifically designed for this site.**

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

**Staff is unable to discern any other factors related to this request that will adversely affect health, safety, morals, or general welfare that were not already mentioned above. Staff contends that this proposed PD-H District at this location will allow for limited and orderly development on the subject properties.**

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 130-131 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.

**Staff believes that given the adopted goals in BluePrint 2040, the proposed use, townhomes and patio home, in this PD-H District is a compatible land use with the abutting sites. The height of the homes will not exceed that of the normal 2 story home. Trees are to be provided along North Haswell Drive, and a modern horizontal fence is to be provided between surrounding properties for the purpose of screening.**

2. Potentially creates unfavorable effects or impacts on other existing or permitted uses on abutting sites that cannot be mitigated by the provisions of this section.

**Staff is unable to identify any potentially adverse effects or impacts on other existing or permitted uses on abutting sites that cannot be mitigated by the proposed standards within this PD-H District.**

3. Adversely affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

**Staff contends that the proposed land use and development standards within the PD-H District will have an increase of vehicle traffic in the area due to the increase of housing density. This negative affect is easily mitigated due to its relative location near a minor collector and minor arterial roadways.**

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

**Staff contends that the proposed development and use standards will adequately mitigate against harmful effects to adjacent properties of inappropriate lighting, or types of signs.**

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

**Staff contends that the proposed request 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.**

6. Will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, for reasons specifically articulated by the commission.

**Staff is unable to discern any additional detrimental impacts not already identified in this staff report.**

**RECOMMENDATION:**

Based on all the aforementioned considerations, staff recommends that the Planning and Zoning Commission recommend to the City Council to **approve** the requested Planned Development – Housing (PD-H) zoning district on the subject property.