

## Agenda Item Details

Meeting	Dec 12, 2023 - Bryan City Council Second Regular Meeting
Category	4. Public Hearings and First and Only Readings of Ordinances - Open public hearing, hear citizen comments, close public hearing, staff presentation, and consider first and only reading of ordinance.
Subject	A. Rezoning Request Case No. RZ23-20 - Public hearing, presentation and consideration of the first and only reading of 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), on 91.62 acres of vacant land out of the John Austin Survey, Abstract No. 2, located approximately 3,000 feet northeast of the intersection of Old Reliance Road and Austin’s Colony Parkway in Bryan, Brazos County, Texas
Type	Action
Preferred Date	Dec 12, 2023
Absolute Date	Dec 12, 2023
Fiscal Impact	No
Budgeted	No

### Summary:

The property owner and applicant, Mr. J.C. Wall of New American Dream, LTD, is requesting to change the zoning classification on these 91.62 acres of land from Agricultural – Open District (A-O) to Planned Development – Housing District (PD-H) for the development of a new residential subdivision. The applicant’s proposal includes standards to guide development of a variety of lot and dwelling sizes.

The adjacent property located to the northeast is the Siena Subdivision and is zoned Planned Development – Housing District (PD-H). The Austin’s Estates Subdivision is located to the south and is zoned a combination of Residential District – 7000 (RD-7) and A-O District. Property to the southwest is zoned A-O District and remains undeveloped, a portion of which is encumbered with floodway and floodplain.

On April 6, 2023, the Planning and Zoning Commission considered a previous rezoning request on the subject property to change the zoning from A-O District to Residential District – 5000 (RD-5). During that meeting, Commissioners had questions regarding the amount of RD-5 District zoning that had been established in Bryan in the last five years and voiced concerns about having too many of the same development opportunities throughout the city. The Commission voted to postpone further consideration of the request until their regular meeting on May 4, 2023.

On May 4, 2023, the Commission again took up consideration of the previous request, and a motion to deny the request was approved with a vote of five (5) in favor of the motion and four (4) in opposition. Upon the applicant’s timely request, this case was forwarded to the Bryan City Council for consideration, and, after being scheduled several times on the City Council’s agenda, the applicant withdrew the previous rezoning request.

After meeting with staff on July 11, 2023, the applicant submitted a new rezoning application on July 25, 2023, to request rezoning the subject property to a Planned Development – Housing District (PD-H). The City’s Site Development Review Committee (SDRC) reviewed the proposal and provided review comments to the applicant on July 25 and August 8, 2023.

On October 18, 2023, without having addressed all SDRC comments, the applicant requested the proposal be scheduled on the Planning and Zoning Commission’s regular meeting agenda for November 2, 2023. On October 23, 2023, staff received a revised PD-H District document from the applicant’s representative, Ms. Kayla Landeros, Attorney at West Webb Albritton and Gentry. Related exhibits were received the following day.

At the request of the applicant, on October 31, 2023, the Parks and Recreation Advisory Board held a special meeting to consider the applicant’s proposal for providing a 10-foot wide trail with amenities to be maintained by a homeowner’s association. The new trail is proposed within a 20-foot wide common area with an unrestricted public

access easement adjacent to the future Thornberry Drive extension. The request was made to include the trail proposal in the PD-H District development standards, in lieu of providing parkland dedication and development fees as typically required for new residential subdivisions.

Based on the information provided by the applicant thus far, the proposed common area is approximately 1.24 acres in size. Staff estimates the cost of the 10-foot wide trail (without amenities) to be approximately \$41,246 (\$15.40/sf x 2,690 feet of trail). For comparison, ordinary City of Bryan parkland dedication and development fee requirements would require dedication of approximately 5 acres of parkland on the 91-acre property (1 acre/74 lots) and payment of \$190,320 in parkland development fees (366 lots x \$520). This conservative estimate assumes four (4) lots per acre resulting in 366 lots.

Following the public hearing, the Parks and Recreation Advisory Board unanimously recommended approval of the applicant's proposal.

With a recommendation from the Parks and Recreation Advisory Board, the Planning and Zoning Commission considered the applicant's new rezoning request during its regular meeting on November 2, 2023. When the public hearing on this request was opened, the following items remained unaddressed by the applicant:

1. Location of sidewalks
2. Location of trail
3. Clarification of minimum home sizes
4. Clarification of masonry requirements

During the public hearing, the applicant and the applicant's representative provided a presentation to the Planning and Zoning Commission inclusive of additional details and new information not previously shared with staff, attempting to address the above-mentioned items.

During the public hearing, five (5) citizens spoke in opposition to the request, expressing concerns regarding the impact to the environment, lack of detail in the proposal, and the width and traffic of Old Reliance Road and Thornberry Drive. Following the public hearing, the Commission voted to recommend denial of the request by a vote of four (4) in favor and two (2) in opposition.

On November 3, 2023, City staff received electronic communication from the applicant requesting this rezoning request be forwarded to the City Council with a negative recommendation from the Commission, as provided for by Zoning Ordinance Section 130-42(i)(2).

Since the November 2, 2023, Planning and Zoning Commission meeting, staff has received the following items from the applicant:

- Sidewalk exhibit detailing proposed locations of residential sidewalks and connectivity to the planned trail adjacent to Thornberry Drive
- Trail exhibit with proposed detail for connection to the existing trail on Thornberry Drive
- Land use exhibit with acreage totals for each type of proposed lot size
- Revised PD-H District document with clarifications on minimum home sizes and masonry requirements

These additional documents were not previously shared with the Planning and Zoning Commission. They have been incorporated in the draft ordinance attached to this Council Action Form (CAF) and that presents the applicant's complete rezoning request as of the writing of this Council Action Form.

**Analysis and Recommendation:**

On November 2, 2023, the Planning and Zoning Commission considered this rezoning request during its regular meeting, and following the public hearing, the Commission **voted to recommend denial** of the request by a vote of four (4) in favor and two (2) in opposition.

The Planning and Zoning Commission finds:

- There are remaining concerns over the lack of detail and structure within the PD-H District rezoning request
- Inadequate review time of documents submitted to support the applicant's proposal

**Please note:** The draft ordinance attached to this Council Action Form is provided if the City Council is inclined to approve the applicant's request to amend the zoning on this property. To approve the request, City Council must make supportive findings to the criteria listed in Zoning Ordinance Section 130-42(g)(1) through (6), listed below:

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

2. Whether there is availability of water, wastewater, storm water, and transportation facilities generally suitable and adequate for the proposed use.
3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances that may make a substantial part of such vacant land 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.
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.
6. Any other factors that will substantially affect the health, safety, morals, or general welfare.

**Options:**

1. deny the requested zoning change, as recommended by the Planning and Zoning Commission;
2. refer the requested zoning change back to the Planning and Zoning Commission to re-consider the request in light of the additional information received from the applicant after the November 2 Planning and Zoning Commission meeting;
3. deny the requested zoning change with prejudice, as provided for in Zoning Ordinance Section 130-40(i)(2): "If a request has been denied with prejudice, the same or similar request may not be resubmitted to the city for six months from the original date of denial."; or
4. approve the requested zoning change by making supportive findings to the criteria to be considered for such requests per Zoning Ordinance Section 130-42(g)(1) through (6).

**Attachments:**

1. location map and aerial photographs;
2. written notice of appeal from the applicant;
3. draft ordinance with exhibits;
4. excerpt from November 2, 2023, Planning and Zoning Commission regular meeting minutes;
5. staff report to the Planning and Zoning Commission;
6. applicant's presentation to the Planning and Zoning Commission; and
7. applicant's presentation to the Parks and Recreation Advisory Board.

[4A - ORD - RZ23-20, CAF attachments.pdf \(4,364 KB\)](#)

[New American Dream Presentation - Parks and Recreation Advisory Board \(10.31.23\).pdf \(1,551 KB\)](#)

[New American Dream Presentation - Planning and Zoning Commission \(11.2.23\) \(Final\).pdf \(2,744 KB\)](#)