

Agenda Item Details

Meeting	Dec 12, 2023 - Bryan City Council Second Regular Meeting
Category	7. Regular Agenda - This agenda consists of items requiring individual consideration by Council.
Subject	A. Discussion, consideration and hear appeal of the Planning and Zoning Commission's decision to approve a Conditional Use Permit (Case No. CU23-10), to allow construction of detached single-family residential dwellings on property zoned Planned Development – Mixed Use (PD-M), on 24.94 acres of land located generally northeast of the intersection of Pendleton Drive and Boonville Road, being the proposed Oakmont Subdivision – Phase 7, in Bryan, Brazos County, Texas
Type	Action
Preferred Date	Dec 12, 2023
Absolute Date	Dec 12, 2023
Fiscal Impact	No
Budgeted	No

Summary:

The applicants, Adam Development Group, LP, desire to develop these 24.94 acres of land with 100 detached dwellings. The subject property adjoins the east side of Pendleton Drive and is located just south of Oakmont Subdivision - Phase 1B and north of Boonville Road. All surrounding properties are located within the master-planned Oakmont community and are zoned as Planned Development – Mixed Use (PD-M). The subject property was initially zoned PD-M District by the Bryan City Council on October 6, 2016 (Ordinance no. 2184). Subsequent revisions to the development plan were approved by the City Council on December 10, 2019 (Ordinance no. 2391) and on March 9, 2021 (Ordinance no. 2475).

The PD-M District ordinance that governs land use in the Oakmont Subdivision has three Planning Areas designated as: Area I – Detached Single Family Residential, Area II – Blended Single Family Residential, and Area III – Mixed-Use. The subject property is within the boundaries of Planning Area 3 – Mixed Use, which allows for a variety of multi-family residential and commercial land uses by right. Detached dwelling uses are only allowed in this Planning Area with prior approval of a Conditional Use Permit from the Planning and Zoning Commission.

On November 2, 2023, the Planning and Zoning Commission considered the applicants' request for such a Conditional Use Permit (case no. CU23-10). Prior to the meeting, staff had received written comments in opposition to this request from two (2) citizens, Mr. Michael Connor and Mr. Kevin Templin. Their stated concerns are effects of development on the natural landscapes currently on the subject property, as well as traffic control concerns with oncoming development. These comments were provided to the Planning and Zoning Commission prior to their public hearing on the matter.

During the Planning and Zoning Commission public hearing, two (2) citizens came forward to speak in opposition to the request, asking questions about buffers, green spaces, and road access. Following the public hearing, the Commission unanimously voted to approve the request, adopting the staff report as the findings support conformity with the existing Oakmont subdivision and the City's Comprehensive Plan. The Commission's action was made subject to subdivision plat conformance to the preliminary plan and approval of a revised master plan for the subdivision.

On November 7 and 8, 2023, staff received three (3) written notices from owners of property located within 200 feet of the subject property appealing the Commission's approval of this Conditional Use Permit request to the City Council. Staff also received a fourth request to appeal from an owner of property located outside of the 200-foot notification area. That fourth request to appeal, made by Mr. Avinash Bajaj (4108 Hennepin Ct) does not have standing to submit an appeal. The written comments are attached to this Council Action Form.

The three appellant parties of the Planning Commission's decision to approve this request are Mike and Sheila Connor (4201 Kalalau Ct), Tony Ford (4202 Kalalau Ct), and Scott and Christine Tarver (4200 Kalalau Ct). The appeals were received within ten (10) days of the Commission's decision, within the provided deadline for Conditional Use Permit appeals, as provided by Zoning Ordinance Section 130-33(f). Concerns expressed by the appellants include:

- the expectation this area would be dedicated for commercial development, rather than a new phase of detached dwellings;
- the expectation of a buffer located between the initially proposed commercial development and the adjacent properties;
- concerns regarding construction noise and traffic control during development; and
- concerns regarding the impact this phase will have on surrounding property values.

Copies of three appellant parties' written comments are attached to this Council Action Form.

Staff Analysis and Recommendation:

Staff **recommends upholding** the Planning and Zoning Commission's unanimous approval of this Conditional Use Permit, including the approved conditions.

- The subject property is located in an area recommended for low density residential according to the City's Comprehensive Plan (BluePrint 2040) Future Land Use Plan.
- The proposed detached dwellings on the subject tract will be compatible with existing uses nearby and on all abutting sides.
- The proposed detached residential dwellings are appropriate at this particular location in the PD-M District within which it is proposed.
- The proposed detached dwellings are a less intense use than what would be allowed by right at this location, including multi-family residences.
- Approval of this Conditional Use Permit will not create excess burdens to traffic flow in the area, as a Traffic Impact Analysis was performed in 2016 providing improvements to be made by the subdivision build-out year.

Options:

1. uphold the Commission's decision to approve the request, including approved conditions;
2. uphold the Commission's decision to approve the request with additional conditions for approval the City Council deems necessary to assure the use meets the criteria set forth in Subsection 130-33(a) of the Zoning Ordinance (may require consideration at a future City Council meeting); or
3. reverse the Planning and Zoning Commission's decision and deny the request.

Attachments:

1. location map and aerial photographs;
2. excerpt map from the Comprehensive Plan, BluePrint 2040;
3. comment letter from Mr. Connor, dated October 30, 2023;
4. comment letter from Mr. Templin, dated October 30, 2023;
5. map showing property locations of appellants relative to the subject property;
6. appeal letter from Mr.& Mrs. Connor, dated November 7, 2023;
7. letter from Mr. Bajaj, dated November 7, 2023;
8. appeal letter from Mr. Ford, dated November 8, 2023;
9. appeal letter from Mr. & Mrs. Tarver, dated November 8, 2023;
10. excerpt from Planning and Zoning Commission meeting minutes;
11. Oakmont Planned Development Ordinance no. 2475 approved on March 9, 2021; and
12. staff report to the Planning and Zoning Commission.

[CU23-10. Attachment Items.pdf \(2,498 KB\)](#)

[ord. 2475 Oakmont PD.pdf \(13,339 KB\)](#)

[SR CU23-10, Oakmont - Phase 7.pdf \(1,081 KB\)](#)