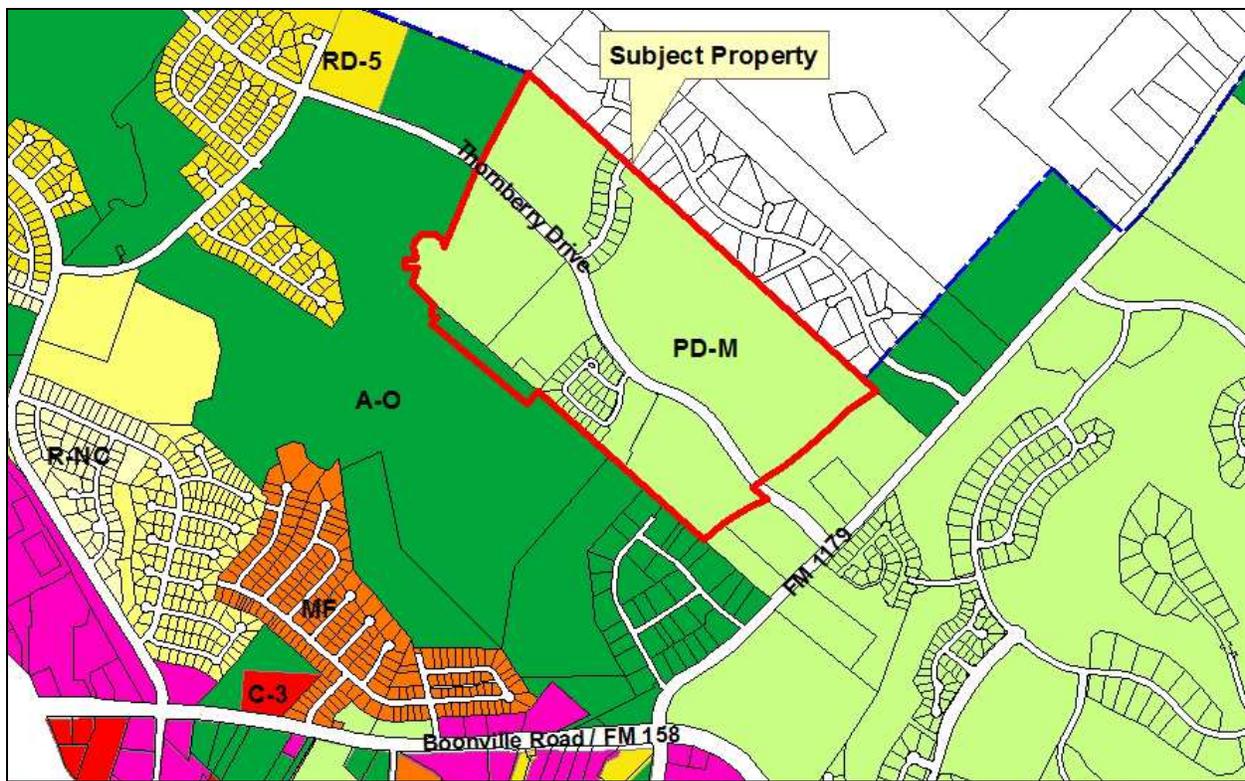


December 19, 2013

Rezoning RZ 13-18: Carter-Arden Development, LLC and Carrabba Family Limited Partnership

- CASE DESCRIPTION:** a request to change the zoning classification from a combination of Agricultural-Open District (A-O) and Planned Development – Mixed Use District (PD-M) to a Planned Development – Housing District (PD-H)
- LOCATION:** approximately 173 acres of land out of John Austin League, Abstract No. 2 adjoining both sides of Thornberry Drive generally northwest of its intersection with F.M. 1179
- APPLICANT(S):** Steve Arden of Carter-Arden Development, LLC and Mark Carrabba of Carrabba Family Limited Partnership
- AGENT:** McClure and Browne Engineering/Surveying, Inc.
- STAFF CONTACT:** Randy Haynes, Senior Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approving** this rezoning request.



AERIAL PHOTOGRAPH - 2013



BACKGROUND:

EXISTING LAND USE: single-family homes, vacant acreage

SURROUNDING ZONING AND LAND USES:

north	outside city limits	single-family homes, vacant acreage
east	PD	single-family homes, golf course community
south	A-O	single-family homes, private school, vacant acreage
west	A-O	vacant acreage

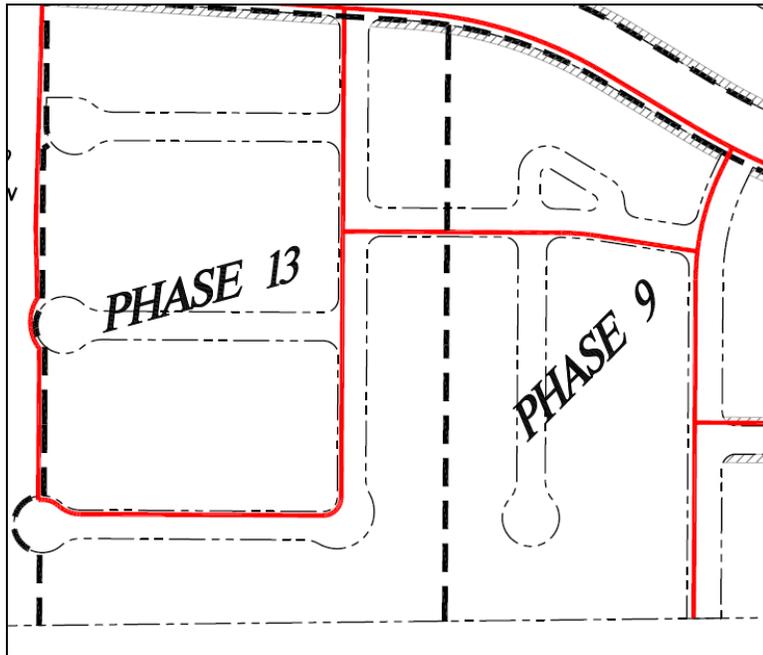
Approximately 168.34 acres of the subject property was zoned Planned Development, Mixed Use District (PD-M) in July 2009. The balance of the land, approximately 4.7 acres is currently zoned Agricultural - Open District (A-O). The development plan approved in 2009 created a master-planned mixed-use development with single-family residential and commercial components. An excerpt from the meeting minutes from the Commission’s June 4, 2009 regular meeting are attached at the end of this staff report. The subject of the current rezoning request involves only the land designated for residential use in the original development plan, and does not include the acreage abutting FM 1179 that remains set aside for commercial use.

The subject property is owned by Carter-Arden Development, LLC and the Carrabba Family Limited Partnership. They desire to subdivide and develop this property into a master-planned mixed-use development with single-family residential components and are requesting to zone all of the subject property Planned Development – Housing District (PD-H). Subdivision of portions of the property has been underway since August 2012. Recently, during the technical design process of Phase 9, it became evident that an alteration of the street layout within the areas under development would need to change slightly. As part of that change, the addition of 4.7 acres of adjacent property would be necessary. (Please refer to the drawing details on page four of this report). The additional 4.7 acres of land, labeled as Phase 16 on the second drawing below, is currently zoned A-O District and belongs to the Carrabba Family Limited Partnership.

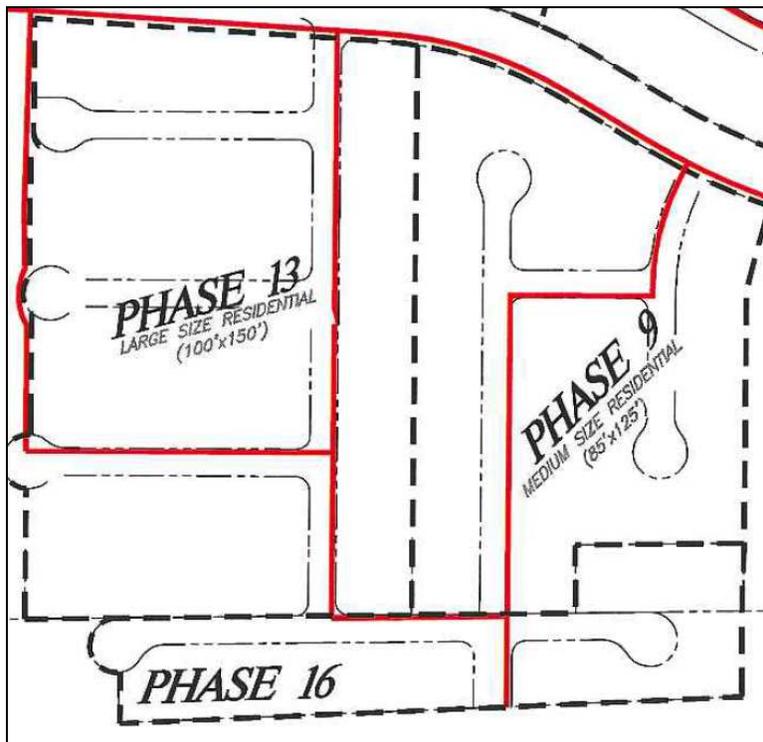
Since the previous street and sidewalk layout were approved with the establishment of the PD-M District for this subdivision, the proposed changes to the development plan require review and approval by the Planning and Zoning Commission and the City Council.

The new development plan shows the proposed development of 16 single-family residential subdivision phases, common areas, and land proposed for parkland dedication along Thornberry Drive. The development plan also shows several new local streets, including two street connections to the adjoining Riverstone Subdivision which is located outside Bryan’s city limits and a street connection to as of yet undivided acreage located inside the city limits.

CURRENT PHASE 9 STREET AND SIDEWALK LAYOUT



PROPOSED PHASE 9 STREET AND SIDEWALK LAYOUT:



Proposed development standards:

The property is proposed to be developed no more than 3.86 dwelling units per acre. All 16 proposed subdivision phases are planned to allow development with detached single-family homes. Accessory dwellings, child care - class B, a country club or golf course, and professional offices are proposed to be allowed with prior approval of a conditional use permit. In Phases 3, 4, 5, 6, 8 and 10, patio/zero lot line dwellings and townhouse dwellings are proposed to also be allowed by right, subject to approval of zero lot lines and the arrangement of townhouse clusters by the Site Development Review Committee (SDRC). Development in these six phases is envisioned to be detached single-family homes, patio/zero lot line homes or townhouses. In other words, a combination of these three dwelling types would not be allowed. The following development standards are also proposed:

1. Lots intended to be developed with detached single-family dwellings are proposed to be a minimum 65 feet wide and 125 feet deep with a minimum lot area of 8,125 square feet.
2. Lots intended to be developed with patio/zero lot line dwellings shall be a minimum 55 feet wide and 120 feet deep with a minimum lot area of 6,600 square feet.
3. Lots intended to be developed with townhouse dwellings shall be a minimum 25 feet wide and 100 feet deep with a minimum lot area of 2,500 square feet.
4. Buildings with metal exteriors shall be prohibited.
5. Modular (industrialized) buildings shall be prohibited.
6. Zero lot line/patio home lots shall have minimum 15-foot wide side yards.
7. The combined gross floor area of detached accessory structures on a single property shall be no more than 8% of the gross floor area of the main structure.
8. Only one accessory dwelling shall be allowed on a single property.
9. The gross floor area of an accessory dwelling shall be at least 400 square feet but not exceed 8% of the gross floor area of the main structure.
10. Where an accessory dwelling is permitted on a lot, no other detached accessory structures shall be located on that same lot.
11. The installation of sidewalks in Phases 1 thru 16 and the common areas within this PD-H District shall be required only in the locations depicted on the development plan.
12. Sidewalks shall be a minimum 4 feet wide along local streets and a minimum of 8 feet wide along Thornberry Drive and within common areas.
13. Common areas shown on the development plan will be maintained by a homeowners association.
14. Occupancy of all single-family dwelling units within this development shall be limited to families in which not more than two individuals are unrelated by blood, marriage or adoption.

All of numerical standards proposed for this development either meet or exceed the city's ordinary development standards for residential properties.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted a new Comprehensive Plan in January 2007. The plan includes policy recommendations related to the various physical development aspects of the community. The Comprehensive Plan states that it is a goal of the City to achieve a balance of land uses within the City by achieving a sustainable mix of land use types in suitable locations, densities and patterns. City-wide land use policies articulated in the Comprehensive Plan suggest that land uses should be located in areas that are: (1.) protected from but accessible to major roadway network, commercial establishments, work

places and entertainment areas; (2.) accessible to collector and arterial streets, but directly accesses local stress; and (3.) not adjacent to major arterials or freeways with out 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.

Staff believes that the proposed arrangement of residential land uses on these 173 acres is appropriate at this particular location and is in accordance with land use recommendations of the Comprehensive Plan. The subject property lies in an area that is considered to be one of the city's higher growth areas due to its proximity to existing development and the city's recent extension of a new collector street through this property. Staff believes that the proposed development of residential properties on lots less than one acre in size at a density of 3.8 homes per acre is desirable and will help support commercial developments locating here. Staff believes that the proposed arrangement of land uses at this location will promote orderly urban growth in this part of Bryan.

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.

Staff believes that the proposed layout of streets within this Planned Development District, along with the recent extension of Thornberry Drive will provide for the smooth circulation of traffic in this vicinity. Anticipating development in this part of Bryan, the city extended a 24-inch wide sewer main to the southwestern boundary of this tract within the last 5 years. Any issues regarding utility capacity will be addressed at the time of development.

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.

The closest vacant land zoned for residential development with lots less than one acre in size is located west, in Austin's Colony. Staff believes that this zone change request, if approved, will not make land classified for similar development in the vicinity and 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.

Staff contends that residential developments are developing at a moderate pace in this general vicinity and elsewhere in the City. Staff believes that approval of this master-planned mixed-use development may spur additional development interest in this area.

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 few if any effects on other areas designated for similar developments.

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

Staff is unable to discern any other factors related to this rezoning request that will adversely affect health, safety, morals, or general welfare. Staff contends that the proposed arrangement of single-family homes at this location will create an orderly zoning pattern and allow for a useful and orderly urban development of this property.

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.

Staff believes that the proposed mixed-use master-planned development will be compatible with existing and anticipated uses surrounding this property and in accordance with the land use recommendations of the Comprehensive Plan. Staff believes that the proposed use and development of this property should have minimal (if any) adverse impacts on nearby properties or the City as a whole and may spur additional development interest in this vicinity.

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 provisions of the proposed 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 development will not adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity. The proposed layout of road and pedestrian walkways can reasonably be expected to provide for adequate and safe traffic circulation.

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.

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, fire, 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 believes that the proposed master-planned housing development at this location will neither adversely affect health, safety, morals, or general welfare nor be materially injurious to properties or improvements in the vicinity.

RECOMMENDATION:

Staff recommends **approving** the proposed zoning of these approximately 173 acres to Planned Development – Housing District (PD-H), as requested.

EXCERPT FROM REGULAR P&Z MEETING MINUTES OF JUNE 4, 2009:

10. Rezoning RZ09-11: Carter-Arden Development, LLC et. al.

M. Zimmermann

A request to change the zoning classification from Agricultural-Open District (A-O) on land currently within the City limits and to establish zoning on property currently under consideration for owner-requested annexation, to a Planned Development – Mixed Use District (PD-M) on 215.32 acres of land out of John Austin League, Abstract No. 2 adjoining the north side of F.M. 1179 between F.M. 158 (Boonville Road) and Riverstone Drive in Bryan, Brazos County, Texas.

Mr. Zimmermann presented a staff report (on file in the Development Services Department). Staff recommends approval of the request based on the following findings:

- The proposed arrangement of land uses at this location will promote orderly urban growth in this part of Bryan, and will not make land classified for similar development in the vicinity and elsewhere in the City unavailable for development,
- Staff contends that retail developments are developing at a moderate pace in this vicinity and elsewhere in the City.
- The proposed combination of single-family homes and commercial establishments at this location will create an orderly zoning pattern and allow for a useful and orderly urban development of this property.
- The proposed layout of road and pedestrian walkways can reasonably be expected to provide for adequate and safe traffic circulation.

Mr. Zimmermann stated that the 30 acres at the intersection of 1179 and the proposed street known as Thornberry Drive, is to be reserved for retail development. The developer has highlighted uses which they would not like to include under current zoning designations such as commercial parking lots, boat repair sales/rental, nightclubs, moving companies, trailer and truck sales rental, etc. The remaining majority of the property is proposed to be developed for single family residential use. There are common areas that will be maintained by a homeowners association and approximately 16 acres of proposed city park land. In certain development phases, the developer wishes to allow for zero-lot line developments or single family homes, depending on what the market allows for at that time. The side walk plan asks for the development to be allowed to extend four foot wide sidewalks on one side of the street on local streets and eight foot (minimum) sidewalks on one side of the street on common streets such as Thornberry Drive. The developer has also asked that the requirement to build a screening fence as a buffer area between commercial (C-2) zoning and residential be waived. Due to the presence of a thick strip of trees measuring at least 50 feet in width, staff feels this will be enough of a buffer.

Responding to a question from Commissioner Davila, Mr. Zimmermann stated the trail system will be concrete walk-ways throughout the development and in common areas.

Mr. Zimmermann stated the standards used in the residential portion are the standards used in residential district (RD-7) zoning classification with a few modifications.

Responding to a question from Chairperson Clark, Mr. Paul Kaspar, City Engineer, stated that standard design guideline for a sidewalk calls for a 5 foot sidewalk 3 feet off of back of curb.

The public hearing was opened.

Steve Arden, 311 Cecilia Loop College Station and part owner of proposed subdivision, came forward to speak in favor of the request. Mr. Arden gave a presentation discussing the proposed development.

Responding to a question from Commissioner Bond, Mr. Arden stated the minimum size on the proposed development's townhomes will be 2,000 square feet.

Responding to a question from Commissioner Jones, Mr. Arden believes the price range will be between \$220,000 and \$350,000.

Chairperson Clark wishes homes could be built at a size of less than 2,000 square feet. However, he understands that the developer is contractually obligated by the City not to.

Responding to a question from Chairperson Clark, Mr. Arden stated the sidewalks will extend to 1179 when the area is platted. Additionally, the intersection of Thornberry and 1179 will contain turn lanes but may be too dangerous for pedestrians.

Responding to a question from Commissioner Davila, Mr. Arden stated one of the reasons there will not be walkways on both sides of the streets on some portions is because the expectation is to bring a pedestrian way through the wooded areas of the development. Additionally, because of the layout of street lights on the walkways, it would not be possible to provide lighting on both sides of the streets.

Responding to a question from Commissioner Davila, Mr. Arden stated he will involve the homeowners association from an early stage in development in terms maintenance of the common areas.

Bryan Williamson, 7171 Oak Forest Drive, came forward to speak against the request. His concern was with regard to any fencing that would be placed between phases 4 and 5 which abut portions of Oak Forest Drive, the neighborhood adjacent to the development in question.

Mr. Zimmermann stated if the commercial property adjacent to the homes on Oak Forest Drive were to develop, there would be a 50 foot buffer zone followed by a 6 foot screening fence of masonry or wood. The residential portion which abuts the adjacent homes on Oak Forest Drive would not require a fence. Any fence construction in this location would be constructed through neighbor agreement.

The public hearing was closed.

Commissioner Bond moved to recommend approval of Rezoning RZ 09-11 to the Bryan City Council and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Beckendorf seconded the motion.

Commissioner Bond commended the developer on the phasing of the development. He wishes that some of the homes could the size reduced to 1600 or 1700 square feet. Commissioner Bond feels that this type of growth is correct for this area and hopes to see similar developments in Bryan.

Commissioner Beckendorf agreed with Commissioner Bond.

Commissioner Davila agreed with Commissioners Bond and Beckendorf but does have concerns with the lack of sidewalks on both sides of the street in some portions.

Chairperson Clark spoke to the public concerns stating the buffer zone and fence is all that can be expected in accordance with the City code. Chairperson Clark would be opposed to sidewalks being on one side but does not expect the flow of pedestrians will extend beyond 1179. He does not want to set a precedent for the Commission on granting sidewalk exceptions. He feels that in this case, an exception is justified.

The motion passed with a unanimous vote.