

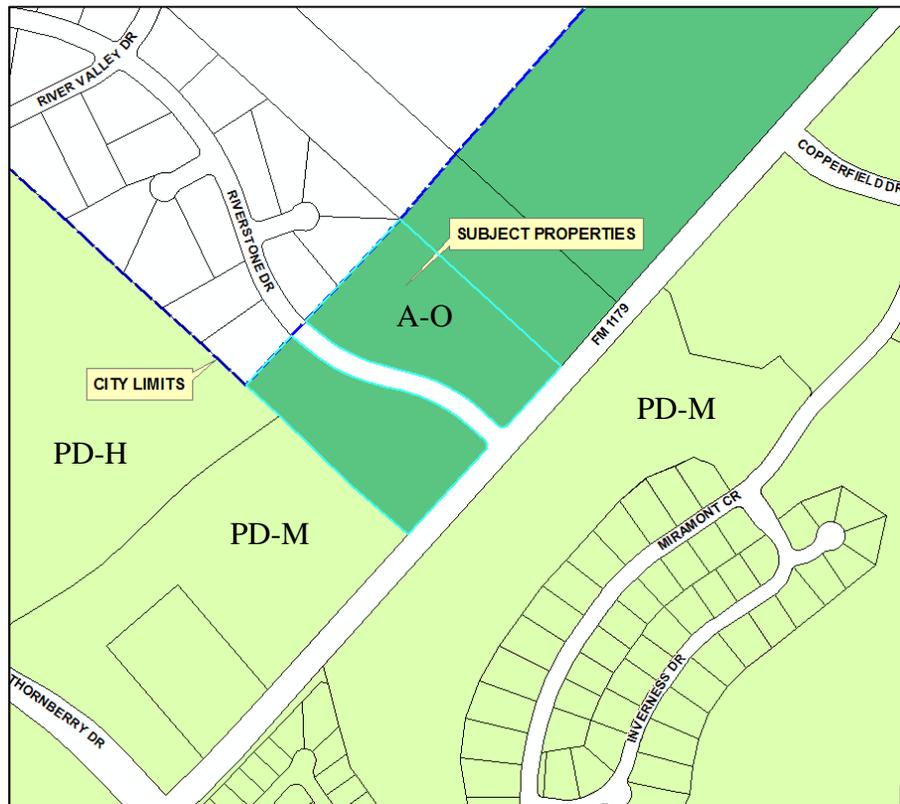
**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

March 20, 2014



**Rezoning case no. RZ 14-05: 1179 Joint Venture 1, LP**

- CASE DESCRIPTION:** a request to change the zoning classification from Agricultural-Open (A-O) to Planned Development – Housing District (PD-H)
- LOCATION:** 14.05 acres of land adjoining both sides of Riverstone Drive north of its intersection with FM 1179
- LEGAL DESCRIPTION:** 14.05 acres out of John Austin Survey, A-2
- EXISTING LAND USE:** vacant land
- APPLICANT(S):** Dean Schieffer of 1179 Joint Venture 1, LP
- STAFF CONTACT:** Martin Zimmermann, Planning Administrator
- SUMMARY RECOMMENDATION:** Staff recommends **approving** the proposed rezoning.



**AERIAL PHOTOGRAPH (2013):**



**BACKGROUND:**

In December 2013, the applicants/property owners, 1179 Joint Venture 1, LP, submitted a request to rezone 14.05 acres of vacant land adjoining both sides of Riverstone Drive, north from its intersection with FM 1179 from Agricultural – Open District (A-O) to Residential District – 5000 (RD-5). During the public hearing for that case (no. RZ13-21) on January 16, 2014, seven Riverstone Subdivision residents came forward and expressed their opposition to that request. Following the public hearing, the Planning and Zoning Commission voted to recommend denying that request. An excerpt from the January 16, 2014 meeting minutes is attached to this staff report.

The applicants/property owners have submitted a revised rezoning request for these same 14.05 acres of vacant land. With this new request, the property owners are requesting a zoning change to a Planned Development – Housing District (PD-H). If this request were approved, it would provide for the development of this property with up to 44 detached single-family homes and/or zero lot line/patio homes intended for occupancy by no more than two un-related individuals (blood, marriage, or adoption), with a minimum home size of 2,000 square feet, on lots proposed to be at least 5,924 square feet in size, in accordance with the proposed development plan drawing that is attached to this staff report. On March 4, 2014, City staff received written comments in opposition to the current rezoning request from an adjacent property owner which are also attached to this staff report.

Phases 1 and 2 of Riverstone Subdivision are located on land to the immediate northwest of the subject property. Phases 1 and 2 are located outside of Bryan’s city limits and have been developing with single-family homes since 2007. Land to the southwest is currently vacant and zoned Planned Development – Mixed Use District (PD-M). A limited range of commercial land uses are permitted here as part of the master-planned Greenbrier development, which the City Council approved in 2009. Land to the immediate northeast, along the north side of FM 1179, is occupied by a single-family residence and is in the same A-O zoning district as the subject property. Land further northeast in the same A-O District has remained undeveloped. Southwest of the subject property, across FM 1179, lies Miramont Subdivision, a master-planned golf course community, zoned Planned Development – Mixed Use District (PD-M).

The A-O zoning classification is intended to provide opportunities for development of low density, detached single-family residences on lots of at least one acre in a suburban or rural setting. This zoning classification is also intended to serve as a holding zone for vacant land areas annexed to the City as well as to protect areas that may be unsuitable for development and to preserve natural open space.

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. PD Districts may successfully be used to guarantee site-specific features which City Council finds necessary for certain developments to be compatible and practical in particular environments.

## **PROPOSED PD-H ZONING DEVELOPMENT PLAN:**

### Land Use, Bulk Regulations, Fencing, and Buffer Areas

The applicants/property owners propose a single-family residential subdivision with up to 44 lots on these 14+ acres. The property is proposed to be developed in two subdivision phases, referred to as Phases 3 and 4 of the Riverstone Subdivision. The only land uses that are proposed to be allowed within this proposed PD-H District are detached single-family dwellings, either in a conventional or patio home/zero lot line arrangement, including associated accessory uses such as home occupations and accessory structures, as well as Homeowner’s Association (HOA)-maintained common areas, including an approximately one-acre detention basin. Both single-family dwelling types are proposed to be allowed by right<sup>1</sup> on no more than 44 home sites, as shown on the attached development plan. Occupancy of single-family dwellings on lots in this proposed PD-H District is proposed to be limited to no more than two individuals that are unrelated (by blood, marriage or adoption). Multi-family residential land uses are not proposed to be allowed in this PD-H District.

The following lot standards<sup>2</sup> are proposed within this PD-H District:

1. minimum lot area: 5,924 square feet.
2. minimum lot width: 48 feet.

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<sup>1</sup> In RD-5 District, patio/zero lot line homes require prior approval of a Conditional Use Permit from the Planning and Zoning Commission.

<sup>2</sup> Ordinary standards for conventional detached single-family home lots in RD-5 Districts require minimum 5,000 square foot lots (50’ x 100’), 25-foot front building setbacks, and 7.5-foot side and rear building setbacks (Land and Site Development Ordinance, Bryan Code of Ordinances Section 62-161). Ordinary patio home lot standards require minimum 3,600 square foot lots (36’ x 100’), 20-foot front building setbacks, 10-foot side building setbacks, and 20-foot rear building setbacks, with some exceptions (Land and Site Development Ordinance, Bryan Code of Ordinances Section 62-167).

3. minimum lot depth: 118 feet.
4. minimum side building setback: 7.5 feet (conventional detached single-family homes); 10 feet (patio/zero lot line homes); a minimum 16-foot side building setback is proposed on lots along Riverstone Drive; the two lots proposed to front Riverstone Drive (Lot 19 in Phase 3 and Lot 25 in Phase 4) are proposed to observe minimum 25-foot side building setbacks (buffer) from the City limit line.
5. minimum front building setback: 20 feet (most lots); the two lots proposed to front Riverstone Drive (Lot 19 in Phase 3 and Lot 25 in Phase 4) are proposed to be set back a minimum of 25 feet from the front property line; 15-foot front building setbacks are proposed on odd-shaped Lots 13 and 18 in Phase 3.
6. minimum rear building setback: 10 feet (most lots 20+ feet due to proposed buffer areas and public utility easements around the periphery of the site).
7. maximum building height: 35 feet.
8. maximum lot coverage: 75%; staff estimates that the average area available for development on lots in this proposed subdivision is a building footprint of up to 4,400 square feet.

The development plan shows approximately 500 feet of fencing to be installed along Riverstone Drive. Most of this fence is proposed to be 6 feet tall, comprised of a 1-foot tall brick base and 5-foot tall wooden pickets. 6.5-foot tall masonry columns are proposed to be installed every 25 feet, except for a 100-foot long section along the southwest side of Riverstone Drive where a 6-foot tall wrought iron fence is proposed to be installed. An existing 6-foot tall privacy fence exists along the northwestern edge of the proposed subdivision where it adjoins the City limit line (Phase 1 of Riverstone Subdivision). Six-foot tall privacy fencing is also envisioned around the periphery of the subdivision, as home sites are being developed.

The development plan shows 20 to 35-foot wide buffer areas around the periphery of this proposed subdivision. Within these buffer areas, no development shall be allowed except for permitted landscaping, screening, and stormwater detention facilities.

#### Standards for Single-Family Home Construction

All new homes within this proposed PD-H District are proposed to be required to have a minimum size of 2,000 square feet and be constructed of a combination of rock, brick, and stucco. Homes are furthermore proposed to feature, at least two-car (attached) garages.

Examples of patio homes from another Bryan subdivision that features similar home styles are shown below for illustrative purposes.





### Streets, Guest Parking, Sidewalks, and Driveways

The development plan shows two new 50-foot wide local streets (with 27 feet of pavement) that extend from either side of Riverstone Drive and along which most of the lots in this subdivision are proposed to front. Only two lots, Lot 19 in Phase 3 and Lot 25 in Phase 4, are proposed to have driveway access on Riverstone Drive. No driveway access to the proposed lots from FM1179 shall be allowed.

The development is proposed to have 5-foot wide sidewalks on only one side of the two new streets, as indicated on the development plan. 6-foot wide sidewalks are proposed to be located adjacent to two guest off-street parking areas, which are proposed to include 35 off-street parking spaces. These guest parking and adjacent landscaped areas are proposed to be maintained by an HOA.

### Common Areas

In addition to the aforementioned guest parking areas, the development plan shows two triangular common areas at the intersection of Riverstone Drive and FM1179, where existing subdivision signs are located. These two areas, as well as the unimproved portions of Riverstone Drive right-of-way between the driving surface and property lines, as well as the approximately 1-acre detention basin are proposed to be maintained by an HOA.

### **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. One of the concerns voiced during the development of the plan was the perceived lack of middle-market housing. The Comprehensive Plan states that it is a goal of the City to achieve a balanced and sustainable mix of land uses within the City by planning for a mix of land use types in suitable locations, densities and patterns. Low-density residential land serves to provide housing and living units for a variety of people with a range of incomes and needs. It predominantly consists of detached single family dwellings but may consist of other housing types as long as densities remain low; up to 8 dwelling units per acre. City-wide land use policies articulated in the Comprehensive Plan suggest that single-family residential 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 streets; and (3.) not adjacent to major arterials or 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.

**The subject property is located in an area that is starting to see more development interest as new single-family residential subdivisions continue to grow in the immediate vicinity (e.g., Riverstone Phases 1 and 2, Greenbrier Subdivision and Miramont Subdivision) and along the FM 1179 corridor that leads into eastern Brazos County. Staff believes that a master-planned, low-density, single-family residential subdivision on the 14-acre subject property, as it has been proposed with this request for PD-H zoning, will be compatible with existing and anticipated land uses in the surrounding area and in accordance with land use recommendations of the Comprehensive Plan. This proposed single-family residential subdivision will be protected from, but have access to the City's commercial, work, and entertainment areas via the major street network, but directly access only local streets, including Riverstone Drive.**

**The proposed PD-H District will provide development opportunities that would add diversity to Bryan's housing stock on these 14 acres, with lots bigger than those in most of Bryan's RD-5 Districts, but with smaller yards and homes that are planned to be at least 2,000 square feet in size. While it is true that lots in the existing portion of the adjacent Riverstone Subdivision in Brazos County are more than an acre in size, the density of the proposed development is still less than half (3.1 units per acre) of what is commonly considered to be low-density residential development (8 units per acre). Even in the Miramont Subdivision just southeast of the subject property across FM 1179, a variety of lot sizes can be found, from lots of less than a quarter acre in size, to lots of around one acre, and lots with substantial acreage.**

**The combined effect of the proposed development requirements for this PD-H District, which exceed those of Bryan's standard zoning classifications such as the RD-5 District, from patio home lot requirements, to home construction requirements, and HOA-maintained guest parking and common areas, will help this new subdivision to become and remain a stable addition to the Bryan community. Staff believes that single-family residences at this location will promote orderly urban growth in close proximity to the existing Riverstone and Miramont Subdivisions and planned non-residential use in the adjoining Greenbrier Subdivision.**

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.

**These 14.05 acres lie within the water certificate of convenience and necessity (CCN) of the Wickson Creek Special Utility District which will have the exclusive right to sell water to lots in this new subdivision. City of Bryan wastewater utilities will be available for this development for point-of-use extension based on applicable utility extension polices and/or ordinances. The applicant's engineer has indicated that in order to extend City of Bryan sewer to the southwest side of the subject property to serve this planned development, 2,800 linear feet of public sewer line will have to be extended through the adjacent Greenbrier development at a projected cost of \$221,000 to the developers. 2,300 linear feet of sanitary sewer lines will need to be extended through proposed Phases 3 and 4 to meet the requirements of the Subdivision Ordinance at a**

**cost of an additional estimated \$160,000. Staff is not aware of any circumstances that would prevent this property from having access to required utilities. The public sanitary sewer infrastructure that would be constructed for this proposed development may therefore also potentially help spur development activity in the adjacent Greenbriar Subdivision and allow for future development to the east along the FM 1179 corridor.**

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 is located generally west from the subject property in the Greenbriar Subdivision. Staff believes that if a zoning proposal for a single-family residential subdivision were approved for this property, then this would 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 vicinity and 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 if a zoning proposal for a single-family residential subdivision were approved for this property, there would be no need to modify the zoning designation for other areas designated for similar developments.**

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

**Staff is unable to identify additional factors other than those mentioned above that might affect health, safety, morals, or general welfare if this rezoning were approved.**

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 low-density residential development proposed with this PD-H District 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. If the development plan were approved, 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, which would be true for any new development at this location. Staff believes that several land uses currently permitted by right on these 14.05 acres under A-O zoning, such as a plant nursery, commercial kennels or stables, a landscaping service with outdoor storage, or veterinary service with outdoor pens and runs, would have the potential to create similar, if not more traffic at this location than the proposed 44 single-family residential home sites.**

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 roads and pedestrian walkways can reasonably be expected to provide for adequate and safe traffic circulation within the proposed subdivision.**

**Riverstone Drive is classified as local street in Bryan's street network. The 24-foot wide driving surface is situated within a 70-foot wide public right-of-way. FM 1179, a state-maintained roadway that is classified as a super arterial street on Bryan's Thoroughfare Plan, is currently improved with 28 feet of pavement within an 80-foot wide right-of-way at its intersection with Riverstone Drive. Both adjacent roadways can reasonably be expected to handle the additional approximately 430 daily vehicle trips generated by 44 new home sites on the subject property (9.81/day per dwelling).**

**During the public hearing for a previous rezoning request, nearby property owners voiced concerns about perceived sight distance issues at the Riverstone Drive/FM 1179 intersection. The pictures below were taken at this intersection.**



**looking northeast along FM1179 from Riverstone Drive**



looking southwest along FM1179 from Riverstone Drive

The entrance to Riverstone Drive is located about 50 to 100 feet south of the crest of a hill that FM1179 crosses, yet staff was able to see traffic in both directions when these pictures were taken.

There have been two reported crashes at the FM 1179/Riverstone Drive intersection in the past four years. One was on January 18, 2011 and the other one was more recent on December 19, 2013. Neither crash involved anyone leaving the Riverstone Subdivision, but rather, motorists traveling on FM 1179 attempting to turn into Riverstone Drive. In other words, perceived traffic issues at this intersection may not necessarily be sight distance-related, but may better be explained by motorists ignoring posted speed limits. The posted speed limit on this portion of FM 1179 is 60mph.

Last year, the Planning and Zoning Commission and City Council considered a proposal for a Planned Development – Housing District for a new 600+ lot subdivision on the west side of Bryan, north of the W. Villa Maria Road (also FM 1179), north of two existing subdivisions with several hundred existing lots. At the request of City staff, the developer of that project retained a traffic engineering firm to perform a traffic signal/turn lane analysis for the intersections of W. Villa Maria Road and Kingsgate Drive and West Villa Maria Road and Autumn Lake Drive. While W. Villa Maria Road in front of those two subdivisions has a slightly wider driving surface if shoulders are included (approx. 40 feet), it is similar to this portion of FM 1179 in that is a two-way state-maintained roadway. The study for that case concluded that neither left nor right turn deceleration lanes were warranted under existing conditions and that approximately 490 additional lots could be developed before traffic signals and or turning lanes may be warranted.

In light of these findings, staff believes that it would be highly unlikely that a traffic study commissioned for the intersection of FM 1179 and Riverstone Drive would conclude that any improvements to this intersection are warranted under existing conditions, or with the addition of 44 new home sites as proposed with this PD-H District. This is not to say that improvements may not be desirable at this location in the future, especially if suburban residential development continues along the FM 1179 corridor in eastern Brazos County. Traffic system improvements at this location will likely have to be funded as part of future Capital

**Improvement Plan projects, in cooperation with the Texas Department of Transportation (TxDOT) as FM 1179 is a state roadway.**

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 adjacent properties by inappropriate lighting, or types of signs. Allowable signage in residential districts is purposefully restricted. Signage in this residential subdivision advertising, for example, a home occupation, would be limited to a 1 square foot sign mounted to the front of the main building.**

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.**

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 these considerations, staff recommends approving the requested zone change to Planned Development – Housing District (PD-H) on these 14.05 acres. The proposed PD-H zoning on this property appears to be consistent with the land use recommendations of the Bryan Comprehensive Plan and will help promote orderly urban growth in close proximity to the existing Riverstone and Miramont Subdivisions and planned non-residential use in the adjoining Greenbrier Subdivision.

#### **ATTACHMENTS:**

1. proposed PD-H zoning development plan
2. excerpt from P&Z minutes from January 16, 2014
3. written comments in opposition to this rezoning request received on March 4, 2014