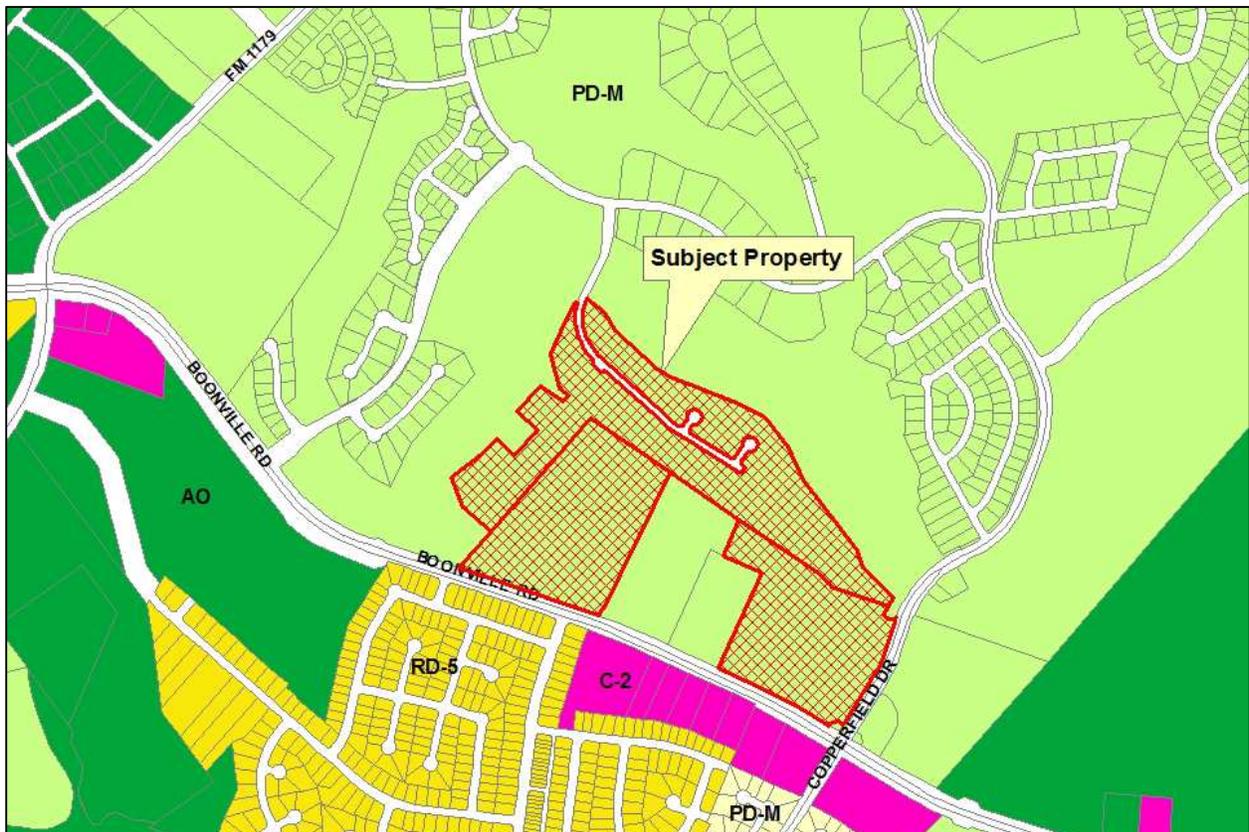


June 4, 2015

Rezoning case no. RZ15-08: Adam Development Properties, LP

- CASE DESCRIPTION:** a request to amend the development plan of a previously-approved Planned Development – Mixed Use District (PD-M), to define a newly permitted residential land use and to establish the location within the development such use is proposed to be permitted
- LOCATION:** 83 acres of land generally adjoining the north side of Boonville Road (F.M. 158) between Miramont Boulevard and Copperfield Drive
- LEGAL DESCRIPTION:** 83 acres of land out of J.W. Scott League, A-49
- EXISTING LAND USE:** vacant land
- APPLICANT(S):** Adam Development Properties, LP
- STAFF CONTACT:** Randy Haynes, Senior Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approving** the proposed rezoning.



AERIAL PHOTOGRAPH (2013):



BACKGROUND:

In 1984, prior to the adoption of zoning in Bryan, the Planning Commission approved a master plan for a golf community on the eastern edge of Bryan, then known as the Silver Oak Golf Club. When zoning was implemented in 1990, the property was designated as ‘PD-1’ Planned Development – Mixed Use 1 District. However, the Silver Oak project was never built. In 2000, a new owner of the property, TAC Realty, amended the original development plan for a new 527-acre golf community known as Miramont.

Changing conditions have resulted in the need to amend the previously-approved development plan on a portion the Miramont property to suit pending market demands. Adam Development Properties, LP (formerly TAC Realty), the applicants, are requesting to amend the existing Planned Development – Mixed Use (PD-M) zoning, to define a newly permitted residential land use and to establish the location within the 527-acre development that such residential land use be permitted. The 83-acre portion for which these changes are proposed is illustrated below. The new land use is to be defined as a “twin home”. The new definition appended to the existing development plan will read:

Twinhome shall mean a dwelling comprising two single-family dwelling units on individual, fee-ownership lots, joined vertically by a party wall at the common property line, with each unit having its own front and rear entrances, front and rear yards, and a side yard on one side of the lots.

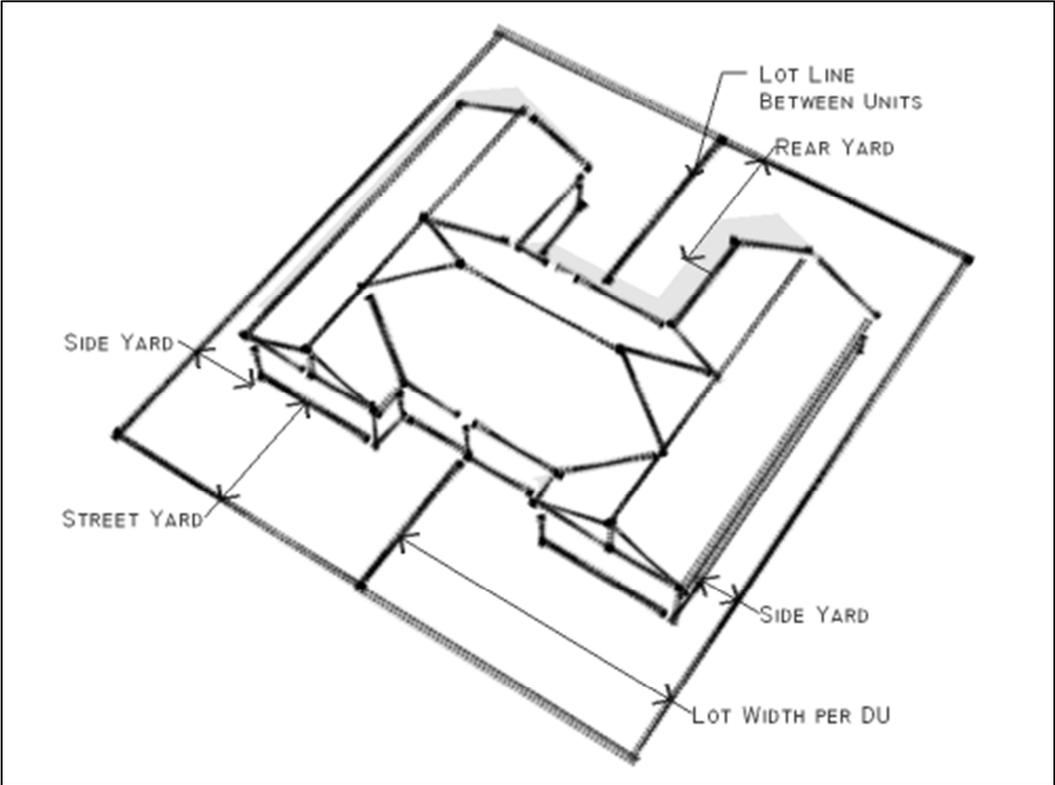
The proposed development plan amendment for these 83 acres is intended enable the applicant to offer this additional housing choice within the existing Miramont community. A twinhome is still a single

family home with the exception that one is not detached from the other and shares a common wall along a property line. The primary difference between a twinhome and a townhome is that twinhomes are constructed in units of two, while townhomes, by definition, are built in minimum groups of three. Likewise, the difference between twinhomes and duplexes is that duplexes are two dwelling units built on the same lot while in the case of twinhomes each dwelling occupies a separate lot.

EXAMPLE OF TWINHOME DEVELOPMENT:

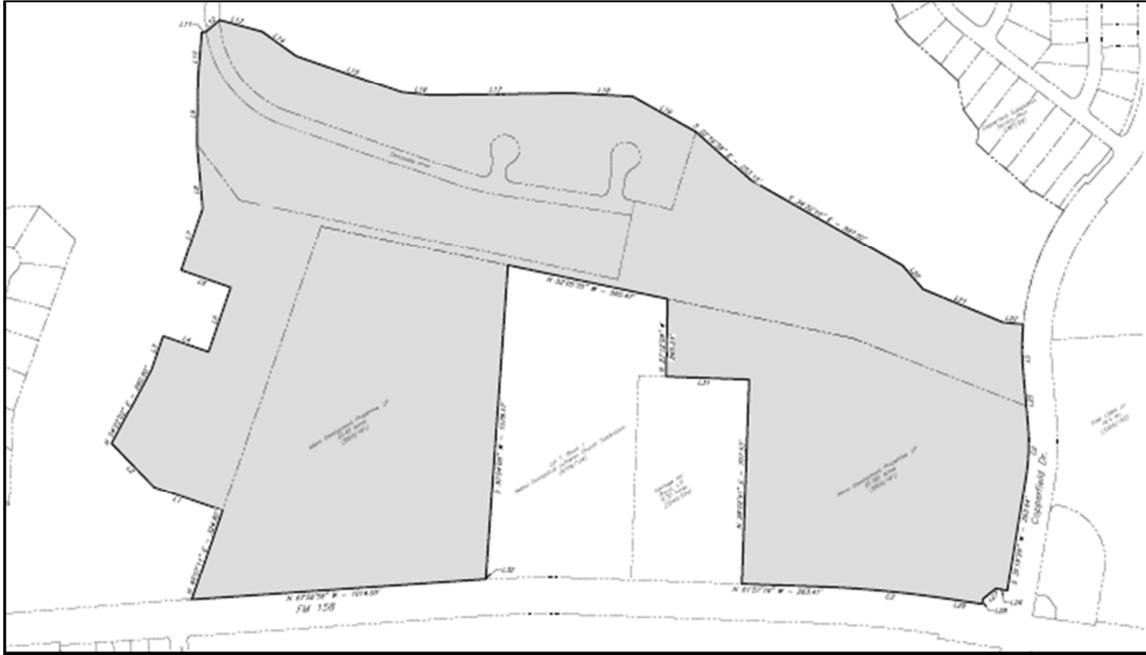


Twin Eagles Country Club, Naples Florida



Twinhome lot and building arrangement

DEVELOPMENT PLAN AMENDMENT, AREA ILLUSTRATION:



DETAIL FROM THE EXISTING MIRAMONT DEVELOPMENT PLAN DRAWING:



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 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. A primary goal of the plan is to facilitate efficient and attractive development, redevelopment and infill. One specific objective named to achieve the goal is to "provide for an efficient development process". To this end the plan calls for reevaluation of the current zoning code to identify inconsistencies and impediments to development.

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 currently vacant subject property lies between existing facilities of the Miramont Country Club golf course to the north and Boonville Road (FM 158) to the south. The 83-acre tract surrounds two non-residential parcels that adjoin the north side of Boonville Road, east from its intersection with Copperfield Drive. Those tracts are currently occupied by a church (Bethel Lutheran Church) and a retirement home (The Carriage Inn). Staff contends that introducing the potential to develop twin homes on the subject property will be appropriate in the immediate area and will serve as an appropriate transition between the existing low-density residential neighborhood north of the subject property and more intense uses along Boonville Road (FM 158). Likewise, the existing church and retirement home uses on the adjacent properties are generally considered to be suitable near residential areas.

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 lies near the western edge, but within, Bryan's Certificate of Convenience and Necessity (CCN) zone for providing public water supply and wastewater treatment services. Public infrastructure with capacity to support the proposed residential level of development is available and may be extended as development occurs.

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 available that would suitably accommodate similar development is a 400+-acre tract located adjacent to and east of the subject property. Staff believes that if this zoning proposal for residential development were approved for the subject property, such an approval 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 finds that the proposed new land use is unique in the vicinity of the subject property. Land in the vicinity of the subject property is developing steadily with low density residential uses.

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.

Since the proposed land use is unique, staff believes that if the requested zoning proposal for were approved for this property, there would be no need to modify the zoning designation for other areas since there are no 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 adding the proposed new residential land use definition and permitting such a use within the 83-acre tract defined within this existing Miramont PD-M District will be compatible with existing and anticipated uses surrounding this property and in accordance with the land use recommendations of the Comprehensive Plan. Other than the increased traffic and residential density that can expected of any new development here, 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.

Even though the proposed twin home definition is essentially a hybrid of patio homes and townhouses, which are existing permitted land uses within the Miramont PD-M District, the proposed 83 acres are effectively buffered from other residential uses by the Miramont Golf Course, which is, at its narrowest point, more than 400 feet wide. Staff is unable to identify any potentially adverse effects or impacts on other existing or permitted uses on abutting 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.

Due to the fact that the proposed residential use of the subject property will not increase the dwelling unit density that is already permitted here, staff contends that the proposed development will not adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity beyond that reasonably expected upon development.

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

Traffic control will be addressed at the time of development and will comply with all pertinent design standards. Commercial lighting and signage is not permitted within residential districts and the proposed amendment contains no plan to change that arrangement.

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

As all future development will be in conformance with applicable city ordinances, 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,

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 amendment to the Miramont Planned Development – Mixed Use District (PD-M) for these 83 acres. The proposed residential land use definition, along with the proposed location on this property where the use is proposed to be allowed, appear to be consistent with the land use recommendations of Bryan's Comprehensive Plan and will help promote orderly urban growth in close proximity to the existing low-density residential portions of the Miramont Subdivision.