

December 17, 2015



Planning Exception case no. PE15-02: Heritage Lakes Estates Subdivision – Phase 2

CASE DESCRIPTION: a request for approval of an exception from the minimum 150-foot lot width standard of the Subdivision Ordinance (Bryan Code of Ordinances Chapter 110) required for lots of one acre or more and located in the City of Bryan’s extraterritorial jurisdiction (ETJ), to allow two proposed new lots with lot widths of less than 150 feet

LOCATION: proposed Lots 41 and 42 in Block 2 of Heritage Lakes Estates Subdivision – Phase 2, on 38.98 acres of land adjoining the north side of Steep Hollow Road and the west side of Elmo Weedon Road in Brazos County, Texas

EXISTING LAND USE: vacant acreage

APPLICANT(S): Don Kyle for Kyle Family Living Trust

AGENT: Joe Schultz of Schultz Engineering, LLC

STAFF CONTACT: Stephanie Doland, Staff Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** the requested exception.

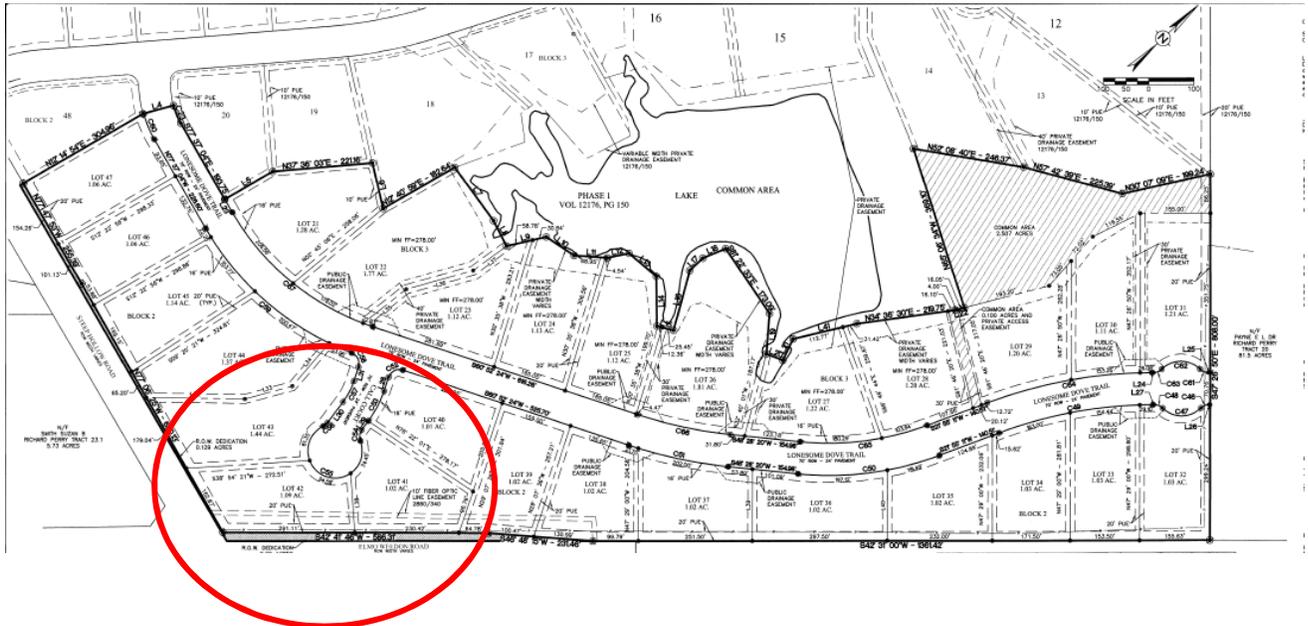


BACKGROUND:

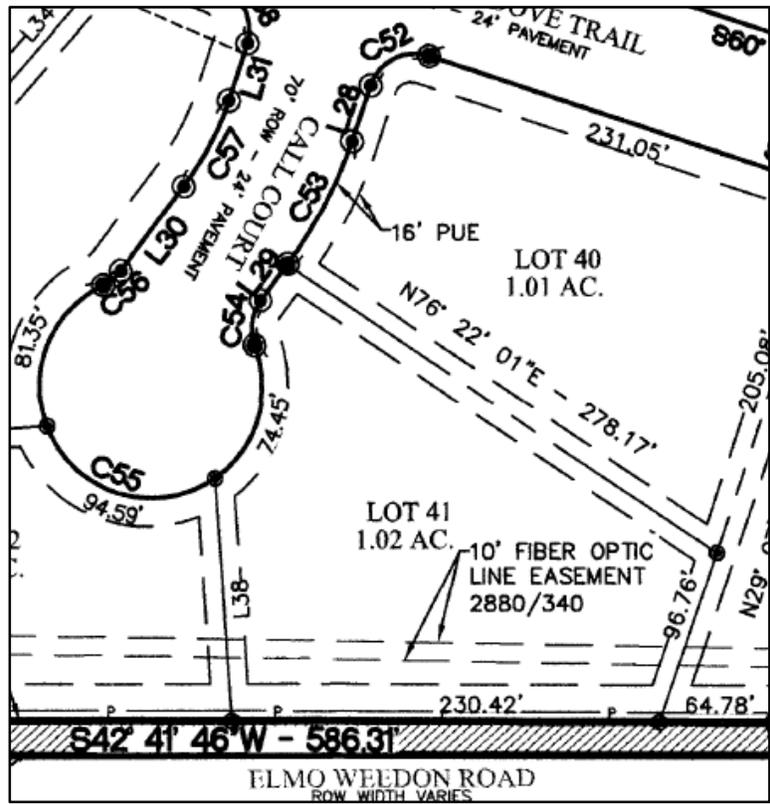
The applicant/property owner is requesting an exception to Article IV, Section 110-79(4)b. of the Subdivision Ordinance (Bryan Code of Ordinances Chapter 110), which requires a minimum lot width of 150 feet for lots of 1 acre or more in the City’s extraterritorial jurisdiction (ETJ). The request was made in order to allow for the subdivision of 38.98 acres of land near the intersection of Steep Hollow and Elmo Weedon Roads into the second phase of a new rural residential subdivision (Heritage Lakes Estates Subdivision).

Bryan’s Subdivision Ordinance defines lot width as “the shortest distance between side lot lines measured at their intersection with the front setback line” (Section 110-4). Two proposed lots in this new subdivision, specifically proposed Lots 41 and 42 in Block 2, are planned to be less than the minimum required 150 feet in width. At the minimum 25-foot front building setback line, these lots are proposed to be only 143 feet and 147 feet wide, respectively.

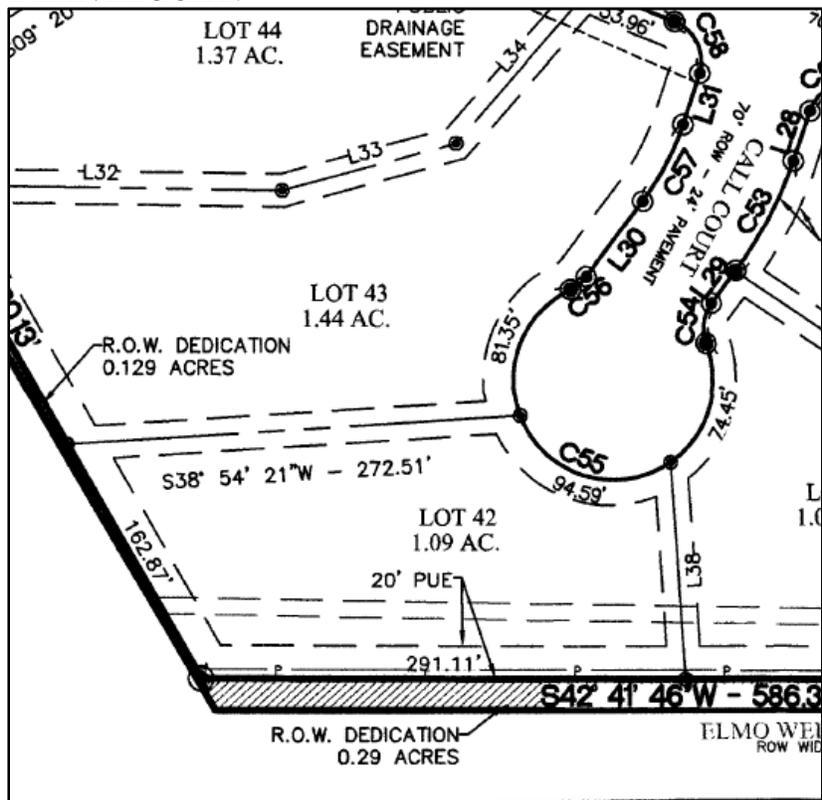
Proposed Final Plat of Heritage Lakes Estates Subdivision – Phase 2:



PROPOSED LOT 41 IN BLOCK 2:



PROPOSED LOT 42 IN BLOCK 2:



ANALYSIS:

The Planning and Zoning Commission may authorize exceptions from standards of the Subdivision Ordinance. The Planning and Zoning Commission may authorize such exceptions when, in its opinion, compliance would not be in the public interest. In granting an exception, the Planning and Zoning Commission shall prescribe only conditions that it deems necessary or desirable in the public interest.

In making its findings, the Planning and Zoning Commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such exception upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity.

No exception shall be granted unless the Planning and Zoning Commission finds:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of the standards would deprive the applicant of the reasonable use of the land.

While the two lots in question are proposed to be between 3 feet and 7 feet narrower than what is minimally required by subdivision regulations, staff believes that, in this circumstance, their substandard lot width may be offset by the lots' proposed extraordinary lot depth of 278+ feet and sizes of 1.02 acres and 1.09 acres, respectively. Lots 41 and 42 will still provide sufficient room for development with new single-family homes and on-site sewage systems.

2. That the exception is necessary for the preservation and enjoyment of the property.

Staff believes that the overall effect of reduced lot widths on 2 of the 47 lots proposed in this subdivision phase will be negligible, if at all noticeable, given the properties' extraordinary lot depth and size in excess of 1 acre. Granting the request will still allow for the development of a rural, low-density residential subdivision at this location.

3. That the granting of the exception will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area.

Staff believes that granting the exception will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area.

4. That the granting of the exception will not have the effect of preventing the orderly subdivision of adjoining land in the vicinity in accordance with the provisions of this Ordinance.

Staff believes granting of the exception will not have the effect of preventing the orderly subdivision of adjoining land in the vicinity in accordance with the provisions of the Subdivision Ordinance.

RECOMMENDATION:

Staff recommends **approving** the requested exception.